

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

(المعجم ١٩) - أَبْوَابُ الشَّيْرِ  
عَنْ رَسُولِ اللَّهِ ﷺ (التحفة ١٧)

### Chapter 1. What Has Been Related About Calling (To Islām) Before Fighting

(المعجم ١) - بَابُ مَا جَاءَ فِي الدَّعْوَةِ  
قَبْلَ الْقِتَالِ (التحفة ١)

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

١٥٤٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ أَبِي الْبَخْتَرِيِّ: أَنَّ جَيْشًا مِنْ جِيُوشِ الْمُسْلِمِينَ كَانَ أَمِيرُهُمْ سَلْمَانَ الْفَارِسِيَّ حَاصِرُوا قَصْرًا مِنْ قُصُورِ فَارِسَ، فَقَالُوا: يَا أَبَا عَبْدِ اللَّهِ أَلَا نَنْهَدُ إِلَيْهِمْ، قَالَ: دَعُونِي أَدْعُوهُمْ كَمَا سَمِعْتُ رَسُولَ اللَّهِ ﷺ يُدْعُوهُمْ، فَأَتَاهُمْ سَلْمَانُ فَقَالَ لَهُمْ: إِنَّمَا أَنَا رَجُلٌ مِنْكُمْ فَارِسِيٌّ تَرَوْنَ الْعَرَبَ يُطِيعُونِي، فَإِنْ أَسْلَمْتُمْ فَلَكُمْ مِثْلُ الَّذِي لَنَا، وَعَلَيْكُمْ مِثْلُ الَّذِي عَلَيْنَا، وَإِنْ أَبَيْتُمْ إِلَّا دِيْنَكُمْ تَرَكْنَاكُمْ عَلَيْهِ، وَأَعْطَوْنَا الْجِزْيَةَ عَنْ يَدٍ وَأَنْتُمْ صَاغِرُونَ - قَالَ: وَرَطَنَ إِلَيْهِمْ بِالْفَارِسِيَّةِ وَأَنْتُمْ غَيْرُ مَحْمُودِينَ - وَإِنْ أَبَيْتُمْ نَابِدْنَاكُمْ عَلَى سَوَاءٍ. قَالُوا: مَا نَحْنُ بِالَّذِي تُعْطِي الْجِزْيَةَ وَلَكِنَّا نُقَاتِلُكُمْ. فَقَالُوا: يَا أَبَا عَبْدِ اللَّهِ؛ أَلَا نَنْهَدُ إِلَيْهِمْ؟ قَالَ: لَا، قَالَ: فَعَاهُمْ ثَلَاثَةَ أَيَّامٍ إِلَى مِثْلِ هَذَا نُمُّ قَالَ: انْهَدُوا إِلَيْهِمْ، قَالَ: فَتَهَدْنَا 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.” (*Da‘if*)

[He said:] There are narrations on this topic from An-Nu‘mān bin Muqarrin, Ibn ‘Umar, and Ibn ‘Abbās.

The *Hadīth* of Salmān is a *Ḥasan Hadīth*, we do not know of it except as a narration of ‘Aṭā’ bin As-Sā‘ib.

I heard Muḥammad saying: “Abū Al-Bakḥtarī 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. Aḥmad said: “I do not know of anyone who calls today.” Ash-Shāfi‘ī 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).”

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٤٤٠/٥، ٤٤١ من حديث عطاء بن السائب به والسند منقطع كما بينه المؤلف رحمه الله \* وفي الباب عن بريدة [يأتي: ١٦١٧] والنعمان بن مقرن [لم أجد] وابن عمر [مسلم، ح: ١٧٣٠] وابن عباس [أحمد: ٢٣١/١، ٢٣٦] وعبد بن حميد، ح: ٦٩٧ والدارمي، ح: ٢٤٤٨.

فَفَتَحْنَا ذَلِكَ الْقَصْرَ.

[قَالَ:] وفي البابِ عن بُرَيْدَةَ، والنُّعْمَانِ ابْنِ مَقْرُونٍ، وابنِ عُمَرَ، وابنِ عَبَّاسٍ. وَحَدِيثُ سَلْمَانَ حَدِيثٌ حَسَنٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ عَطَاءِ بْنِ السَّائِبِ.

وَسَمِعْتُ مُحَمَّدًا يَقُولُ: أَبُو الْبَحْتَرِيِّ لَمْ يَدْرِكْ سَلْمَانَ لِأَنَّهُ لَمْ يَدْرِكْ عَلِيًّا، وَسَلْمَانُ مَاتَ قَبْلَ عَلِيٍّ.

وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَعَبَرِهِمْ إِلَى هَذَا، وَرَأَوْا أَنْ يُدْعُوا قَبْلَ الْقِتَالِ، وَهُوَ قَوْلُ إِسْحَاقَ بْنِ إِبْرَاهِيمَ. قَالَ: إِنْ تَقَدَّمَ إِلَيْهِمْ فِي الدَّعْوَةِ فَحَسَنٌ يَكُونُ ذَلِكَ أَهْيَبَ.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا دَعْوَةَ الْيَوْمِ. وَقَالَ أَحْمَدُ: لَا أَعْرِفُ الْيَوْمَ أَحَدًا يُدْعَى. وَقَالَ الشَّافِعِيُّ: لَا يُفَاتَلُ الْعَدُوُّ حَتَّى يُدْعَوْا إِلَّا أَنْ يَعْجَلُوا، عَنْ ذَلِكَ، فَإِنْ لَمْ يَفْعَلْ، فَقَدْ بَلَّغْتَهُمُ الدَّعْوَةَ.

**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 ‘Āṣim 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 الْإِغَارَةِ إِذَا رَأَى مَسْجِدًا وَسَمِعَ أَذَانًا] (التحفة ٢)

١٥٤٩ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى الْعَدَنِيُّ الْمَكِّيُّ - وَيُكْنَى بِأَبِي عَبْدِ اللَّهِ الرَّجُلِ الصَّالِحِ هُوَ ابْنُ أَبِي عَمَرَ - : حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَبْدِ الْمَلِكِ بْنِ نَوْفَلِ بْنِ مُسَاحِقٍ، عَنِ ابْنِ عَصَامِ الْمُرَزِيِّ، عَنْ أَبِيهِ - وَكَانَتْ لَهُ صُحْبَةٌ - قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا بَعَثَ جَيْشًا أَوْ سَرِيَّةً يَقُولُ لَهُمْ: «إِذَا رَأَيْتُمْ مَسْجِدًا أَوْ سَمِعْتُمْ مُؤَذِّنًا فَلَا تَقْتُلُوا أَحَدًا».

هَذَا حَدِيثٌ غَرِيبٌ، وَهُوَ حَدِيثُ ابْنِ عُيَيْنَةَ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الجهاد، باب: في دعاء المشركين، ح: ٢٦٣٥ من حديث سفیان بن عیینة به وحسنه الهشيمي في المجمع: ٦/٢١٠ وللحديث شواهد عند النسائي في الكبرى والطبراني والبيهقي في الدلائل: ٥/١١٥-١١٨ \* ابن عمام 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**

**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

(المعجم ٣) - بَابُ: فِي الْبَيَاتِ وَالْغَارَاتِ (التحفة ٣)

١٥٥٠ - حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُ: حَدَّثَنِي مَالِكُ بْنُ أَنَسٍ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ أَنَّ رَسُولَ اللَّهِ ﷺ حِينَ خَرَجَ إِلَى خَيْبَرَ أَتَاهَا لَيْلًا، وَكَانَ إِذَا جَاءَ قَوْمًا بَلِيلٌ لَمْ يُعَزَّ عَلَيْهِمْ حَتَّى يُصْبِحَ، فَلَمَّا أَصْبَحَ خَرَجَتْ يَهُودُ

baskets, then when they saw him, they said: 'Muḥammad! By Allāh Muḥammad 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.'<sup>[1]</sup> (*Ṣaḥīḥ*)

بِمَسَاجِيهِمْ وَمَكَاتِلِهِمْ، فَلَمَّا رَأَوْهُ قَالُوا: مُحَمَّدٌ، وَافَقَ وَاللهُ مُحَمَّدَ الْخَمِيسِ. فَقَالَ رَسُولُ اللهِ ﷺ: «اللهُ أَكْبَرُ خَرِبَتْ خَيْبَرُ، إِنَّا إِذَا نَزَلْنَا بِسَاحَةِ قَوْمٍ فَسَاءَ صَبَاحُ الْمُنْدَرِينَ».

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 Ḥanīfah 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. (*Ṣaḥīḥ Muslim* v.2, p.84-85 and *Al-Mughnī* v. 13 p. 140-)

**1551.** Abū Ṭalḥah narrated: "When the Prophet ﷺ overtook a people he would stay at the outskirts of their city for three nights." (*Ṣaḥīḥ*)

١٥٥١ - حَدَّثَنَا قُتَيْبَةُ وَمُحَمَّدُ بْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُعَاذُ [بْنُ مُعَاذٍ] عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسِ، عَنْ أَبِي طَلْحَةَ: أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا ظَهَرَ عَلَى قَوْمٍ أَقَامَ بِعَرَصَتِهِمْ ثَلَاثًا.

This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. The (previous) narration of Ḥumaid from Anas is a *Ḥasan Ṣaḥīḥ Ḥadīth*. Some of the people of knowledge permitted the surprise attack during the night. Some of them disliked it. Aḥmad and Ishāq said that there is no harm in attacking the enemy during the night. And the meaning of: "Muḥammad has come with the *Khamīs*" it means the army is with him.

هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَحَدِيثٌ حُمَيْدٍ عَنْ أَنَسِ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَقَدْ رَخَّصَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ فِي الْغَارَةِ بِاللَّيْلِ وَأَنْ يَبْتَئُوا. وَكَرِهَهُ بَعْضُهُمْ. وَقَالَ أَحْمَدُ وَإِسْحَاقُ: لَا بَأْسَ أَنْ يَبْتَئَ الْعَدُوُّ لَيْلًا. وَمَعْنَى قَوْلِهِ وَافَقَ مُحَمَّدَ الْخَمِيسِ: يَعْنِي بِهِ الْجَيْشَ.

تخریج: وأخرجه البخاري، الجهاد والسير، باب من غلب العدو، فأقام على عرستهم ثلاثاً، ح: ٣٠٦٥ من حديث معاذ به.

<sup>[1]</sup> See *As-Saffāt* 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 Naḍir 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.”<sup>[1]</sup> (*Ṣaḥīḥ*)

There is something on this topic from Ibn ‘Abbās. And this *Ḥadīth* is *Ḥasan Ṣaḥīh*.

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.” Aḥmad 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.”

(المعجم ٤) - بَابُ: فِي التَّحْرِيقِ

وَالتَّحْرِيقِ (التحفة ٤)

١٥٥٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ حَرَقَ نَحْلَ بَنِي النَّضِيرِ وَقَطَعَ، وَهِيَ الْبُؤَيْرَةُ، فَأَنْزَلَ اللَّهُ: ﴿مَا قَطَعْتُمْ مِنْ لَيْسَةٍ أَوْ تَرَكُمُوهَا قَائِمَةً عَلَى أُصُولِهَا فَبِإِذْنِ اللَّهِ وَلِتُخَارِبَ الْفَاسِقِينَ﴾ [الحشر: ٥].

وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ. وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَقَدْ ذَهَبَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ إِلَى هَذَا، وَلَمْ يَرَوْا بَأْسًا بِقَطْعِ الْأَشْجَارِ وَتَحْرِيقِ الْحُصُونِ. وَكَرِهَ بَعْضُهُمْ ذَلِكَ، وَهُوَ قَوْلُ الْأَوْزَاعِيِّ. قَالَ الْأَوْزَاعِيُّ: وَنَهَى أَبُو بَكْرٍ الصِّدِّيقُ [يَزِيدًا] أَنْ يَقْطَعَ شَجَرًا مُثْمَرًا أَوْ يُحْرَبَ عَامِرًا وَعَمَلٌ بِذَلِكَ الْمُسْلِمُونَ بَعْدَهُ.

وَقَالَ الشَّافِعِيُّ: لَا بَأْسَ بِالتَّحْرِيقِ فِي أَرْضِ الْعَدُوِّ وَقَطْعِ الْأَشْجَارِ وَالتَّمَارِ. وَقَالَ أَحْمَدُ: وَقَدْ تَكُونُ فِي مَوَاضِعَ لَا يَجْدُونَ مِنْهُ بُدَاً، فَأَمَّا بِالْعَبْثِ فَلَا تُحْرَقُ. وَقَالَ إِسْحَاقُ: التَّحْرِيقُ سُنَّةٌ إِذَا كَانَ أَنْكِي فِيهِمْ.

تخريج: متفق عليه، وأخرجه البخاري، التفسير، باب قوله: ﴿ما قطعتم من لينة﴾،

[1] *Al-Hashr* 59:5.

ح: ٤٨٨٤ ومسلم، ح: ١٧٤٦ عن قتيبة به \* وفي الباب عن ابن عباس [يأتي: ٣٣٠٣].

### Comments:

All Four *A'imma* 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 ‘Eīsā said:] The *Hadīth* of Abū Umāmah is a *Hasan Ṣaḥīḥ 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*,<sup>[1]</sup> 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.”<sup>[2]</sup>

(المعجم ٥) - بَابُ مَا جَاءَ فِي الْغَنِيمَةِ  
(التحفة ٥)

١٥٥٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدِ الْمُحَارِبِيُّ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ عَنْ سُلَيْمَانَ التَّمِيمِيِّ، عَنْ سَيَّارٍ، عَنْ أَبِي أَمَامَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ اللَّهَ فَضَّلَنِي عَلَى الْأَنْبِيَاءِ»، أَوْ قَالَ: «أُمَّتِي عَلَى الْأُمَمِ، وَأَحَلَّ لَنَا الْعَنَائِمَ».

وفي الباب عن عليّ، وأبي ذرّ، وعبد الله بن عمرو، وأبي موسى، وابن عباس.  
[قال أبو عيسى:] حديث أبي أمامة حديث حسن صحيح. وسيار هذا يقال له: سيار مولى بني معاوية، ورؤى عنه سليمان التميمي وعبد الله بن بجير وغير واحد.

حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «فُضِّلْتُ عَلَى الْأَنْبِيَاءِ بِسِتِّ: أُعْطِيتُ جَوَامِعَ الْكَلِمِ، وَنُصِرْتُ بِالرُّعْبِ، وَأُحِلَّتْ لِي الْعَنَائِمُ، وَجُعِلَتْ لِي الْأَرْضُ مَسْجِدًا وَطَهْرًا، وَأُرْسِلْتُ إِلَى الْخَلْقِ كَافَّةً، وَخْتِمَ بِي النَّبِيُّونَ».

[1] Speech that encompasses many meanings.

[2] *Muslim* 1167 also recorded this narration.

This *Hadīth* is *Ḥasan Ṣaḥīḥ*.

هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

**تخریج:** [حسن] وأخرجه أحمد: ۲۴۸/۵ من حديث سليمان التيمي به وللحديث شواهد \* وفي الباب عن علي [البيزار (كشف الأستار): ۱۴۷/۳، ح: ۲۴۴۳] وأبي ذر [أبو داود، ح: ۴۸۹] وعبدالله بن عمرو [أحمد: ۲/۲۲۲] وأبي موسى [أحمد: ۴/۴۱۶] وابن عباس [أحمد: ۱/۲۵۰، ۳۰۱].

### 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 ۶) - بَابُ: فِي سَهْمِ الْخَيْلِ

(التحفة ۶)

**1554.** Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ divided the spoils as two shares for the horse and one share for the man.” (*Ṣaḥīḥ*)

(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 *Hadīth* of Ibn ‘Umar is a *Ḥasan Ṣaḥīḥ Hadīth*. 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-Thawri, Al-Awzā‘ī, Mālik bin Anas, Ibn Al-Mubārak, Ash-Shāfi‘ī, Aḥmad, 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.

۱۵۵۴ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ الصَّمِيِّ وَحُمَيْدُ بْنُ مَسْعَدَةَ قَالَا: حَدَّثَنَا سُلَيْمُ بْنُ أَحْضَرَ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَسَمَ فِي النَّفْلِ لِلْفَرَسِ بِسَهْمَيْنِ وَلِلرَّجُلِ بِسَهْمٍ.

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ ابْنُ مَهْدِيٍّ عَنْ سُلَيْمِ بْنِ أَحْضَرَ نَحْوَهُ.

وَفِي الْبَابِ عَنْ مُجَمِّعِ بْنِ جَارِيَةَ، وَابْنِ عَبَّاسٍ، وَابْنِ أَبِي عَمْرَةَ عَنْ أَبِيهِ. وَهَذَا حَدِيثٌ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، وَالْأَوْزَاعِيِّ، وَمَالِكِ بْنِ أَنَسٍ، وَابْنِ الْمُبَارَكِ، وَالشَّافِعِيِّ، وَأَحْمَدَ، وَإِسْحَاقَ قَالُوا: لِلْفَرَسِ ثَلَاثَةٌ أَشْهُمٍ، سَهْمٌ لَهُ وَسَهْمَانِ لِفَرَسِهِ، وَلِلرَّجُلِ سَهْمٌ.

**تخریج:** وأخرجه مسلم، الجهاد، باب كيفية قسمة الغنيمة بين الحاضرين، ح: ۱۷۶۲ من حديث سليم بن أخضر به \* وفي الباب عن مجمع بن جارية [أبو داود، ح: ۲۷۳۶] وابن عباس [الدارقطني: ۴/۱۰۳، ح: ۴۱۲۸] وابن أبي عمرة عن أبيه [أبو داود، ح: ۲۷۳۴].

**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‘īf*)

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-Zuhrī, from the Prophet ﷺ in *Mursal* form. Hibbān bin ‘Alī Al-‘Anazī reported it from ‘Uqail, from Az-Zuhrī, from ‘Ubaidullāh, from Ibn ‘Abbās, from the Prophet ﷺ, and Al-Laith bin Sa’d reported it from Sa’d, from ‘Uqail, from Az-Zuhrī, from the Prophet ﷺ in *Mursal* form.

**تخریج:** [إسناده ضعيف] وأخرجه أبو داود، الجهاد، باب: في ما يستحب من الجيوش والرفقاء والسرايا، ح: ٢٦١١ من حديث وهب بن جرير به وصححه ابن خزيمة، ح: ٢٥٣٨ وابن حبان، ح: ٦٦٣ والحاكم: ٤٤٣/١، ١٠١/٢ على شرط الشيخين ووافقه الذهبي \* الزهري مدلس وعنن.

**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) - بَابُ مَا جَاءَ فِي السَّرَايَا  
(التحفة ٧)

١٥٥٥ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى الْأَزْدِيُّ  
الْبَصْرِيُّ وَأَبُو عَمَّارٍ وَغَيْرُ وَاحِدٍ قَالُوا: حَدَّثَنَا  
وَهْبُ بْنُ جَرِيرٍ عَنْ أَبِيهِ، عَنْ يُونُسَ بْنِ  
بَزِيدٍ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ  
ابْنِ عُتْبَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ  
اللَّهِ ﷺ: «خَيْرُ الصَّحَابَةِ أَرْبَعَةٌ، وَخَيْرُ  
السَّرَايَا أَرْبَعُمِائَةٍ، وَخَيْرُ الْجُيُوشِ أَرْبَعَةٌ  
آلَافٍ، وَلَا يُغْلَبُ اثْنَا عَشَرَ أَلْفًا مِنْ قَلَةٍ».

هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ لَا يُسْنَدُهُ كَثِيرٌ  
أَحَدٌ غَيْرُ جَرِيرِ بْنِ حَازِمٍ، وَإِنَّمَا رُوِيَ هَذَا  
الْحَدِيثُ عَنِ الزُّهْرِيِّ عَنِ النَّبِيِّ ﷺ مُرْسَلًا.  
وَقَدْ رَوَاهُ جِبَّانُ بْنُ عَلِيٍّ الْعَنْزِيُّ عَنْ عُقَيْلٍ، عَنِ  
الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنِ ابْنِ  
عَبَّاسٍ عَنِ النَّبِيِّ ﷺ. وَرَوَاهُ اللَّيْثُ بْنُ سَعْدٍ  
عَنْ عُقَيْلٍ، عَنِ الزُّهْرِيِّ عَنِ النَّبِيِّ ﷺ مُرْسَلًا.



## Chapter 8. About Who Is Given Spoils Of War (*Al-Fay'*)<sup>[1]</sup>

1556. Yazīd bin Hurmuz narrated that Najdah Al-Ḥarūrī 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." (*Ṣaḥīḥ*)

There is something on this topic from Anas and Umm 'Atīyyah.

This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. 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 الْفَيْءِ

(التحفة ٨)

١٥٥٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ يَزِيدَ بْنِ هُرْمُزٍ: أَنَّ نَجْدَةَ الْحُرُورِيَّ كَتَبَ إِلَى ابْنِ عَبَّاسٍ يَسْأَلُهُ هَلْ كَانَ رَسُولُ اللَّهِ ﷺ يَغْزُو بِالنِّسَاءِ؟ وَهَلْ كَانَ يَضْرِبُ لَهُنَّ بِسَهْمٍ؟ فَكَتَبَ إِلَيْهِ ابْنُ عَبَّاسٍ: كَتَبْتُ إِلَيْكَ تَسْأَلُنِي هَلْ كَانَ رَسُولُ اللَّهِ ﷺ يَغْزُو بِالنِّسَاءِ، وَكَانَ يَغْزُو بِهِنَّ فَيُدَاوِينَ الْمَرْضَى وَيُحْدِثِينَ مِنَ الْعَيْمَةِ، وَأَمَّا يُسْهِمُ: فَلَمْ يَضْرِبْ لَهُنَّ بِسَهْمٍ. وَفِي الْبَابِ عَنْ أَنَسٍ، وَأُمِّ عَطِيَّةَ.

وهذا حديث حسن صحيح، والعمل على هذا عند أكثر أهل العلم وهو قول سفيان الثوري، والشافعي. وقال بعضهم: يسهم للمرأة والصبي وهو قول الأوزاعي.

قال الأوزاعي: وأسهم النبي ﷺ للصبيان بخيبر وأسهمت أئمة المسلمين لكل مولود ولد في أرض الحرب قال الأوزاعي: وأسهم النبي ﷺ للنساء بخيبر، وأخذ بذلك المسلمون بعده، حدثنا بذلك علي بن خشرم: حدثنا عيسى بن يونس عن الأوزاعي بهذا.

ومعنى قوله: ويحدثين من العيمة:

[1] Usually, *Al-Fay'* refers to goods captured without any fight, while *Ghanimah* refers to the spoils of war in general. Here, it is apparent that the author is using *Al-Fay'* to refer to *Ghanimah* as well.

narrated to us by ‘Alī bin Khashram (who said): “‘Eisā bin Yūnus narrated this to us from Al-Awzā‘ī.”

يَقُولُ: يُرْضَخُ لَهُنَّ بِشَيْءٍ مِنَ الْعَيْمَةِ: يُعْطَيْنَ شَيْئًا.

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 ولا يسهم... إلخ، ح: ۱۳۸/۱۸۱۲ من حديث حاتم بن إسماعيل به \* وفي الباب عن أنس [لم أجد] وأم عطية [لعله يشير إلى حديث مسلم، ح: ۱۴۲/۱۸۱۲].

**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?**

(المعجم ۹) - بَابُ: هَلْ يُسْهِمُ لِلْعَبْدِ (التحفة ۹)

**1557.** ‘Umair, the freed slave of Ābil-Laḥm 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 *Ruqyah* that I used to treat the possessed with, so he ordered me leave some of it and keep some of it.” [1] (*Ṣaḥīḥ*)

۱۵۵۷ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ عَنْ مُحَمَّدِ بْنِ زَيْدٍ، عَنْ عُمَيْرِ مَوْلَى أَبِي اللَّحْمِ، قَالَ: شَهِدْتُ خَيْبَرَ مَعَ سَادَتِي فَكَلَّمُوا فِي رَسُولِ اللَّهِ ﷺ وَكَلَّمُوهُ أَنِّي مَمْلُوكٌ. قَالَ: فَأَمَرَنِي فَقُلِدْتُ السَّيْفَ فَإِذَا أَنَا أَجْرُهُ فَأَمَرَ لِي بِشَيْءٍ مِنْ خُرْبِيِّ الْمَتَاعِ، وَعَرَضْتُ عَلَيْهِ رُقِيَّةً كُنْتُ أُرْقِي بِهَا الْمَجَانِينَ، فَأَمَرَنِي بِطَرْحِ بَعْضِهَا وَحَبْسِ بَعْضِهَا.

There is something on this topic from Ibn ‘Abbās.

وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ. وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ أَنْ لَا يُسْهِمَ لِلْمَمْلُوكِ، وَلَكِنْ يُرْضَخُ لَهُ بِشَيْءٍ، وَهُوَ قَوْلُ

This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. This is acted upon according to some of

[1] That is: To discard some of it's words that oppose the Qur'an and Sunnah. See *Tuḥfat Al-Aḥwadhī*.

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, Ah-Shāfi'ī, Aḥmad, and Ishāq.

الثَّوْرِيّ، وَالشَّافِعِيّ، وَأَحْمَدَ، وَإِسْحَاقَ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، الجهاد، باب: في المرأة والعبد يحذيان من الغنيمة، ح: ٢٧٣٠ من حديث بشر بن المفضل به وصححه ابن حبان، ح: ١٦٦٩ والحاكم: ٢/١٣١ والذهبي \* وفي الباب عن ابن عباس [تقدم: 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 *Ruqya* 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 Ḥarrah Al-Wabr<sup>[1]</sup> 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." (*Ṣaḥīḥ*)

The *Ḥadīth* has more dialogue than this. And this is a *Ḥasan Gharīb Ḥadīth*. This is acted upon according to some of the people of knowledge. They say that the people of *Adh-Dhimmah* do not

(المعجم ١٠) - بَابُ: مَا جَاءَ فِي أَهْلِ الدِّمَّةِ يَغْزُونَ مَعَ الْمُسْلِمِينَ هَلْ يُسْهِمُ لَهُمْ (التحفة ١٠)

١٥٥٨ - حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنِ الْفَضِيلِ بْنِ أَبِي عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ نَبَارٍ الْأَسْلَمِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ إِلَى بَدْرٍ حَتَّى إِذَا كَانَ بِحَرَّةِ الْوَبْرِ لَحِقَهُ رَجُلٌ مِنَ الْمُشْرِكِينَ يُدَكِّرُ مِنْهُ جُرْأَةً وَنَجْدَةً، فَقَالَ لَهُ النَّبِيُّ ﷺ: «تُؤْمِنُ بِاللَّهِ وَرَسُولِهِ؟» قَالَ: لَا، قَالَ: «ارْجِعْ فَلَنْ أَسْتَعِينَ بِمُشْرِكٍ».

وفي الحديث كلامٌ أكثرٌ من هذا. هذا حديثٌ حسنٌ غريبٌ. والعملُ على هذا عندَ بعضِ أهلِ العلمِ، قالوا: لا يُسْهِمُ لأهلِ الدِّمَّةِ وإن قاتلوا معَ المسلمين العَدُوَّ.

[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-Zuhrī, 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-Wārith bin Sa'eed narrated to us from 'Urwah bin Thābit, from Az-Zuhrī." [This *Hadīth* is *Hasan Gharīb*].

**تخریج:** وأخرجه مسلم، الإمارة، باب كراهة الاستعانة في الغزو بكافر إلا لحاجة... إلخ، ح: ١٨١٧ من حديث مالك به \* حديث: "أسهم لقوم من اليهود"، سنده ضعيف لإرساله.

#### Comments:

If any disbeliever takes part in the war on his own, he will be given something from the spoils. Imām Aḥmad, Al-Awzā'ī, Az-Zuhrī, and Ishāq support this view. According to Imām Mālik, Abū Ḥanīfah and Ash-Shāfi'ī, a disbeliever will get no share from the spoils of war. (*Tuḥfat Al-Aḥwadhī* v. 2. p.381. and *Al-Mughnī* v. 13 p.97-98.)

**1559.** Abū Mūsā narrated: "I arrived upon the Messenger of Allāh ﷺ at Khaibar along with a group of the Ash'arī tribe. He gave us shares along with those that conquered it." (*Ṣaḥīḥ*)

This *Hadīth* is *Hasan Ṣaḥīḥ Gharīb*. This is acted upon according to some of the people of knowledge. Al-Awzā'ī said: "Whoever meets up with the Muslims before the horses', share is distributed, then he is given a share." [And Buraid's (a narrator) *Kunyah* is Abū Buraidah and he is trustworthy. Sufyān Ath-Thawrī, Ibn 'Uyainah and others report from him].

ورأى بعض أهل العلم أن يسهم لهم إذا شهدوا القتال مع المسلمين. ويروى عن الزهري أن النبي ﷺ أسهم لقوم من اليهود قاتلوا معه، حدثنا بذلك قتيبة بن سعيد: حدثنا عبد الوارث بن سعيد عن عزة بن ثابت، عن الزهري. [هذا حديث حسن غريب].

١٥٥٩ - حدثنا أبو سعيد الأشج: حدثنا حفص بن غياث: حدثنا يزيد بن عبد الله بن أبي بردة عن جده أبي بردة، عن أبي موسى: قال: قدمت على رسول الله ﷺ في نفر من الأشعريين خبير فأشهم لنا مع الذين أقتنحوها. هذا حديث حسن صحيح غريب. والعمل على هذا عند بعض أهل العلم. قال الأوزاعي: من لحق بالمسلمين قبل أن يسهم للخيال أسهم له [ويزيد يكتى أبا يزيد وهو ثقة، وروى عنه سفيان الثوري وابن عيينة وغيرهما].

تخریج: وأخرجه البخاري، المغازي، باب غزوة خيبر، ح: ٤٢٣٣ من حديث بريد 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. (*Tuḥfat Al-Aḥwadhī* 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-Khushanī 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." (*Saḥīḥ*)

This *Ḥadīth* 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-Khushanī 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

الانْتِفَاعِ بِأَنْبِيَةِ الْمُشْرِكِينَ (التحفة ١١)

١٥٦٠ - حَدَّثَنَا زَيْدُ بْنُ أَحْزَمَ الطَّائِيُّ: حَدَّثَنَا أَبُو قُتَيْبَةَ سَلَمٌ بْنُ قُتَيْبَةَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي ثَوْبٍ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي ثَعْلَبَةَ الْحُسَيْنِيِّ قَالَ: سُئِلَ رَسُولُ اللَّهِ ﷺ عَنْ قُدُورِ الْمَجُوسِ. فَقَالَ: «أَنْقُوهَا غَسَلًا وَاطْبَحُوا فِيهَا»، وَنَهَى عَنْ كُلِّ سَبْعٍ [وَأَذَى نَابٍ].

وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ هَذَا الْوَجْهِ عَنْ أَبِي ثَعْلَبَةَ، [وَأَرَوَاهُ أَبُو إِدْرِيسَ الْحَوْلَانِيُّ عَنْ أَبِي ثَعْلَبَةَ، وَأَبُو قِلَابَةَ لَمْ يَسْمَعْ مِنْ أَبِي ثَعْلَبَةَ، إِنَّمَا رَوَاهُ عَنْ أَبِي أَسْمَاءَ، عَنْ أَبِي ثَعْلَبَةَ.

حَدَّثَنَا هَنَادٌ: حَدَّثَنَا ابْنُ الْمُبَارَكِ عَنْ حَيَوَةَ ابْنِ شُرَيْحٍ. قَالَ: سَمِعْتُ رَبِيعَةَ بْنَ بَرِيدَ الدَّمَشَقِيِّ يَقُولُ: أَخْبَرَنِي أَبُو إِدْرِيسَ الْحَوْلَانِيُّ عَائِدُ اللَّهِ بْنِ عُبَيْدِ اللَّهِ. قَالَ: سَمِعْتُ أَبَا ثَعْلَبَةَ الْحُسَيْنِيِّ يَقُولُ: أَتَيْتُ رَسُولَ اللَّهِ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنَّا بَارِضٌ قَوْمٌ أَهْلُ كِتَابٍ نَأْكُلُ فِي آتِنِهِمْ. قَالَ: «إِنَّ وَجَدْتُمْ غَيْرَ آتِنِهِمْ فَلَا تَأْكُلُوا فِيهَا، فَإِنْ لَمْ

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

تَجِدُوا فَاغْسِلُوهَا وَكُلُوا فِيهَا» .

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ .

تخریج: [صحيح] وأخرجه أحمد: ٤/١٩٣ من حديث شعبة به ورواه البخاري، ح: ٥٤٧٨ (ومسلم، ح: ١٩٣٠ عن هناد) من حديث حيوة 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-Ahwadhī* v.2. p. 382 and *Subul As-Salām* v. 1 p.43-44.)

**Chapter 12. Regarding The *Nafl*<sup>[1]</sup>**

(المعجم ١٢) - بَابُ: فِي النَّفْلِ (التحفة ١٢)

1561. 'Ubādah bin Aṣ-Ṣāmiṭ 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." (*Ṣaḥīḥ*)

١٥٦١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ، عَنْ سُلَيْمَانَ بْنِ مُوسَى، عَنْ مَكْحُولٍ، عَنْ أَبِي سَلَامٍ، عَنْ أَبِي أَمَامَةَ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ: أَنَّ النَّبِيَّ ﷺ كَانَ يُنْفِلُ فِي الْبَدَأَةِ الرَّبْعَ، وَفِي الْقُفُولِ الثَّلَاثَ .

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 Ḥadīth*. This *Hadīth* has also been reported from Abū Salām from a man among the Companions of the Prophet ﷺ.

وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ، وَحَبِيبِ بْنِ مَسْلَمَةَ، وَمَعْنِ بْنِ يَزِيدَ، وَابْنِ عُمَرَ وَسَلْمَةَ ابْنِ الْأَكْوَعِ. وَحَدِيثُ عُبَادَةَ حَدِيثٌ حَسَنٌ. وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنْ أَبِي سَلَامٍ؛ عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ .

(Another chain) from Ibn 'Abbās that the Prophet ﷺ took his sword *Dhul-Fiqār* on the Day of Badr, and it is the one that he saw in the dream on the Day of *Uḥud*.

حَدَّثَنَا هَنَادٌ: حَدَّثَنَا ابْنُ أَبِي الزَّنَادِ عَنْ أَبِيهِ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُثْمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ تَنَفَّلَ سَيْفَهُ ذَا الْفَقَارِ يَوْمَ بَدْرٍ وَهُوَ الَّذِي رَأَى فِيهِ الرَّؤْيَا يَوْمَ أُحُدٍ .

This *Hadīth* is *Hasan Gharīb*. We only know of it from this route through the report of Ibn Abī Az-Zinād.

The people of knowledge differ

[1] An additional gift from the spoils of war that is given to particular fighters.

over giving the *Nafl* from the *Khumus*. Mālik bin Anas said: “It has not reached me that the Messenger of Allāh 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 *Imām* during the beginning of the division of the spoils or the end of it.”

Ibn Mañṣūr said: “I said to Aḥmad: ‘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.’”

[Abū ‘Eisā said:] This *Hadīth* is (understood) as Ibn Musayyab said: “The *Nafl* is from the *Khumus*.” Ishāq said as he said.

هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ. إِنَّمَا نَعْرِفُهُ مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ ابْنِ أَبِي الزَّنَادِ. وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي النَّفْلِ مِنَ الْخُمْسِ، فَقَالَ مَالِكُ بْنُ أَنَسٍ: لَمْ يَبْلُغْنِي أَنَّ رَسُولَ اللَّهِ ﷺ نَفَلَ فِي مَعَازِيهِ كُلِّهَا، وَقَدْ بَلَغَنِي أَنَّهُ نَفَلَ فِي بَعْضِهَا وَإِنَّمَا ذَلِكَ عَلَى وَجْهِ الْأَجْتِهَادِ مِنَ الْإِمَامِ فِي أَوَّلِ الْمَغْنَمِ وَآخِرِهِ.

قَالَ ابْنُ مَنْصُورٍ: قُلْتُ لِأَحْمَدَ: إِنَّ النَّبِيَّ ﷺ نَفَلَ إِذَا فَصَلَ بِالرُّبْعِ بَعْدَ الْخُمْسِ، وَإِذَا فَصَلَ بِالثَّلَاثِ بَعْدَ الْخُمْسِ، فَقَالَ: يُخْرَجُ الْخُمْسُ ثُمَّ يُنْفَلُ مِمَّا بَقِيَ وَلَا يُجَاوِزُ هَذَا. [قَالَ أَبُو عِيْسَى:] وَهَذَا الْحَدِيثُ عَلَى مَا قَالَ ابْنُ الْمُسَيَّبِ: النَّفْلُ مِنَ الْخُمْسِ. قَالَ إِسْحَاقُ: كَمَا قَالَ.

**تخریج:** [صحیح] 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: ١٥٦١ب] وحبيب بن مسلمة [أبو داود، ح: ٢٧٤٩، ٢٧٥٠] ومعن بن يزيد [أبو داود، ح: ٢٧٥٣، ٢٧٥٤، وابن عمر [البخاري، ح: ٣١٣٤، ٣١٣٥، ومسلم، ح: ١٧٤٩، ١٧٥٠] وسلمة بن الأكواع [البخاري، ح: ٣٠٥١، ومسلم، ح: ١٧٥٤، ١٧٥٥] \* حديث ابن عباس: رواه ابن ماجه، ح: ٢٨٠٨ من حديث عبدالرحمن 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.

**Chapter 13. What Has Been Related About: Whoever Kills Someone In Battle, Then His Goods Are His**

(المعجم ١٣) - بَابُ مَا جَاءَ فِيْمَنْ قَتَلَ قَتِيلًا فَلَهُ سَلْبُهُ (التحفة ١٣)

**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." (*Ṣaḥīḥ*)

[Abū 'Eisā said:] There is a story with this *Ḥadīth*.

(Another chain) with similar meaning.

There are narrations on this topic from 'Awf bin Mālik, Khālid bin Al-Wālid, Anas, and Samurah.

This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. 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 Aḥmad.

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.

١٥٦٢ - حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُمَرَ بْنِ كَثِيرٍ بْنِ أَفْلَحَ، عَنْ أَبِي مُحَمَّدٍ مَوْلَى أَبِي قَتَادَةَ، عَنْ أَبِي قَتَادَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ قَتَلَ قَتِيلًا لَهُ عَلَيْهِ بَيْنَةٌ فَلَهُ سَلْبُهُ».

[قَالَ أَبُو عِيْسَى: ] وفي الْحَدِيثِ قِصَّةٌ. حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ يَحْيَى بْنِ سَعِيدٍ بِهَذَا الْإِسْنَادِ نَحْوَهُ.

وفي الْبَابِ عَنْ عَوْفِ بْنِ مَالِكٍ، وَخَالِدِ ابْنِ الْوَلِيدِ، وَأَنَسٍ، وَسَمُرَةَ.

وهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو مُحَمَّدٍ هُوَ نَافِعٌ مَوْلَى أَبِي قَتَادَةَ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، وَهُوَ قَوْلُ الْأَوْزَاعِيِّ، وَالشَّافِعِيِّ، وَأَحْمَدَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لِلْإِمَامِ أَنْ يُخْرِجَ مِنَ السَّلْبِ الْخُمْسَ. وَقَالَ الثَّوْرِيُّ: الْقَتْلُ: أَنْ يَقُولَ الْإِمَامُ: مَنْ أَصَابَ شَيْئًا فَهُوَ لَهُ، وَمَنْ قَتَلَ قَتِيلًا فَلَهُ سَلْبُهُ، فَهُوَ جَائِزٌ وَلَيْسَ فِيهِ الْخُمْسُ وَقَالَ إِسْحَاقُ: السَّلْبُ لِلْقَاتِلِ إِلَّا أَنْ يَكُونَ شَيْئًا كَثِيرًا، فَرَأَى الْإِمَامُ أَنْ يُخْرِجَ مِنْهُ الْخُمْسَ كَمَا فَعَلَ عُمَرُ بْنُ الْخَطَّابِ.



**تخريج:** متفق عليه، وأخرجه البخاري، فرض الخمس، باب من لم يخمس الأسلاب، ح: ٣١٤٢ 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] وسمرة [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'ī, Al-Laith, Ash-Shafi'ī, 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

(المعجم ١٤) - بَابُ: فِي كَرَاهِيَةِ بَيْعِ الْمَغَانِمِ حَتَّى تُقَسَّمَ (التحفة ١٤)

**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 *Gharib*.

١٥٦٣ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ جَهْضَمِ بْنِ عَبْدِ اللَّهِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ مُحَمَّدِ بْنِ زَيْدٍ، عَنْ شَهْرِ بْنِ حَوْشَبٍ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ شِرَاءِ الْمَغَانِمِ حَتَّى تُقَسَّم. وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ. قَالَ أَبُو عِيْسَى: [وَهَذَا حَدِيثٌ غَرِيبٌ.]

**تخريج:** [حسن] وأخرجه ابن ماجه، التجارات، باب النهي عن شراء ما في بطون الأنعام ... إلخ، ح: ٢١٩٦ من حديث حاتم به وسنده ضعيف وللحديث شواهد كثيرة عند ابن أبي شيبة: ٤٣٥-٤٣٧ وغيره \* وفي الباب عن أبي هريرة [أحمد: ٤٧٢/٢].

**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

(المعجم ١٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ وَطْءِ الْحَبَالِيِّ مِنَ السَّبَايَا (التحفة ١٥)

**1564.** Umm Ḥabībah bint 'Irbād bin Sāriyah narrated from her father who told her that the

١٥٦٤ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى النَّسَائِيُّ: حَدَّثَنَا أَبُو عَاصِمٍ النَّبِيلُ عَنْ

Messenger of Allāh ﷺ prohibited intercourse with female prisoners, until they deliver what is in their wombs.” (*Hasan*)

[Abū ‘Eīsā said:] There is something on this topic from Ruwaifi‘ bin Thābit, and the *Hadīth* of ‘Irbād is a *Gharib 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: “‘Eīsā bin Yūnus narrated to us from Al-Awzā‘ī.”

تخريج: [حسن] وأخرجه أحمد: ١٢٧/٤ عن أبي عاصم به وتقدم مطولاً: ١٤٧٤ وله شاهد تقدم: ١١٣١ \* وفي الباب عن رويغ بن ثابت [أحمد: ١٠٨/٤، ١٠٩ وأصله عند أبي داود، ح: ٣٦ وتقدم طرفه: 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. Qabiṣah bin Hulb narrated from his father, who said: “I asked the Prophet ﷺ about the food of the Christians. He ﷺ said: ‘Do not

وَهَبِ أَبِي خَالِدٍ قَالَ: حَدَّثَنِي أُمُّ حَبِيَّةَ بِنْتُ عَزْبَاضِ بْنِ سَارِيَةَ أَنَّ أَبَاهَا أَخْبَرَهَا: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى أَنْ تُوْطَأَ السَّبَايَا حَتَّى يَضَعْنَ مَا فِي بُطُونِهِنَّ.

[قَالَ أَبُو عِيسَى:] فِي الْبَابِ عَنْ رُوَيْغِ بْنِ ثَابِتٍ. وَحَدِيثُ عَزْبَاضِ حَدِيثٌ غَرِيبٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ.

وَقَالَ الْأَوْزَاعِيُّ: إِذَا اشْتَرَى الرَّجُلُ الْجَارِيَةَ مِنَ السَّبْيِ وَهِيَ حَامِلٌ، فَقَدْ رُوِيَ عَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَالَ: لَا تُوْطَأُ حَامِلٌ حَتَّى تَضَعَ. قَالَ الْأَوْزَاعِيُّ: وَأَمَّا الْحَرَائِرُ فَقَدْ مَضَتْ السُّنَّةُ فِيهِنَّ بِأَنْ أُمِرْنَ بِالْعِدَّةِ. كُلُّ هَذَا حَدَّثَنِي عَلِيُّ بْنُ خَشْرَمٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنِ الْأَوْزَاعِيِّ.

(المعجم ١٦) - بَابُ مَا جَاءَ فِي طَعَامِ الْمُشْرِكِينَ (التحفة ١٦)

١٥٦٥ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ الطَّبَالِيُّ عَنْ شُعْبَةَ: أَخْبَرَنِي سِمَاكُ ابْنُ حَرْبٍ قَالَ: سَمِعْتُ قَبِيصَةَ بِنْتُ هُلْبٍ

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.

يُحَدِّثُ عَنْ أَبِيهِ قَالَ: سَأَلْتُ النَّبِيَّ ﷺ عَنْ طَعَامِ النَّصَارَى، فَقَالَ: «لَا يَتَخَلَّجَنَّ فِي صَدْرِكَ طَعَامٌ صَارَعَتْ فِيهِ النَّصْرَانِيَّةُ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ. قَالَ مَحْمُودٌ: وَقَالَ عَبْدُ اللَّهِ بْنُ مُوسَى عَنْ إِسْرَائِيلَ، عَنْ سِمَاكٍ، عَنْ قَبِيصَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ مِثْلَهُ. قَالَ مَحْمُودٌ: وَقَالَ وَهْبُ بْنُ جَرِيرٍ عَنْ شُعْبَةَ، عَنْ سِمَاكٍ، عَنْ مُرَيِّ بْنِ قَطْرِيٍّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ عَنِ النَّبِيِّ ﷺ مِثْلَهُ.

وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنَ الرُّخْصَةِ فِي طَعَامِ أَهْلِ الْكِتَابِ.

تخريج: [إسناده حسن] وأخرجه أبو داود، الأئمة، باب كراهية التقدر للطعام، ح: ٣٧٨٤ وابن ماجه، ح: ٢٨٣٠ من حديث سماك به \* حديث عدي بن حاتم: سنده حسن، مري بن قطري تعديله راجح كما في نيل المقصود، 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) - بَابُ: فِي كَرَاهِيَةِ التَّفْرِيقِ بَيْنَ السَّبْيِ (التحفة ١٧)

١٥٦٦ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ [بْنُ عُمَرَ] السَّيِّدَانِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: أَخْبَرَنِي حُجَيْبٌ عَنْ أَبِي عَبْدِ الرَّحْمَنِ الْجُبَلِيِّ، عَنْ أَبِي أَيُّوبَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ فَرَّقَ بَيْنَ وَالِدَةٍ وَوَلَدِهَا فَرَّقَ اللَّهُ بَيْنَهُ وَبَيْنَ أَحَبِّهِ يَوْمَ الْقِيَامَةِ».

[قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ عَلِيٍّ. وَهَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ. 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 ﷺ وَغَيْرِهِمْ كَرَهُوا التَّفْرِيقَ بَيْنَ السَّبْيِ: بَيْنَ الْوَالِدَةِ وَوَلَدِهَا، وَبَيْنَ الْوَلَدِ وَالْوَالِدِ، وَبَيْنَ الْإِخْوَةِ.

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**

(المعجم ١٨) - بَابُ مَا جَاءَ فِي قَتْلِ الْأَسَارَى وَالْفِدَاءِ (التحفة ١٨)

**1567.** ‘Alī narrated that the Messenger of Allāh ﷺ said that Jibrā’īl 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*)

١٥٦٧ - حَدَّثَنَا أَبُو عُبَيْدَةَ بْنُ أَبِي السَّفَرِ - واسمُهُ أَحْمَدُ بْنُ عَبْدِ اللَّهِ الْهَمْدَانِيُّ - وَمَحْمُودُ بْنُ عَمَلَانَ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ الْحَفَرِيُّ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنُ أَبِي زَائِدَةَ عَنْ سُفْيَانَ بْنِ سَعِيدٍ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، عَنْ عُبَيْدَةَ، عَنْ عَلِيٍّ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ جِبْرَائِيلَ هَبَطَ عَلَيْهِ فَقَالَ لَهُ: خَيَّرْهُمْ - يَعْنِي أَصْحَابَكَ - فِي أَسَارَى بَدْرٍ، الْقَتْلَ أَوْ الْفِدَاءَ عَلَى أَنْ يُقْتَلَ مِنْهُمْ قَابِلٌ مِثْلَهُمْ» قَالُوا: الْفِدَاءُ وَيُقْتَلُ مِثًّا.

There are narrations on this topic from Ibn Mas‘ūd, Anas, Abū Barzah, and Jubair bin Mu‘im.

وفي البابِ عَنِ ابْنِ مَسْعُودٍ، وَأَنَسٍ، وَأَبِي بَرْزَةَ، وَجُبَيْرِ بْنِ مُطْعِمٍ. [قَالَ أَبُو عَيْسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ حَدِيثِ الثَّوْرِيِّ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ ابْنِ أَبِي زَائِدَةَ.

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

وَرَوَى أَبُو أُسَامَةَ عَنْ هِشَامٍ، عَنِ ابْنِ سِيرِينَ،

Ibn ‘Awn reported it from Ibn

Sīrīn, from ‘Abidah, from ‘Alī, from the Prophet ﷺ in *Mursal* form.

Abū Dāwud Al-Ḥafri’s (a narrator in this chain) name is ‘Umar bin Sa’d.

تخريج: [إسناده ضعيف] وأخرجه النسائي في الكبرى، ح: ٨٦٦٢ من حديث أبي داود الحفري به \* هشام بن حسان عن \* وفي الباب عن ابن مسعود [يأتي: ١٧١٤، ٣٠٨٤ بغير هذا اللفظ في أسارى بدر] وأنس [أحمد: ٣/٢٤٣ في الفداء بغير هذا اللفظ] وأبي برزة [لم أجد] وجبير بن مطعم [أحمد: ٤/٨٣، ٨٥ 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 Ḥuşain narrated that the Prophet ﷺ ransomed two men from the Muslims with a man from the idolaters. (*Ṣaḥīḥ*)

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

The paternal uncle of Abū Al-Muhallab’s name is ‘Abdur-Raḥmān 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 عَبْدِ، عَنْ عَلِيٍّ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.  
وَرَوَى ابْنُ عَوْنٍ عَنِ ابْنِ سِيرِينَ، عَنْ عَبْدِ، عَنْ عَلِيٍّ عَنِ النَّبِيِّ ﷺ مُرْسَلًا.  
وَأَبُو دَاوُدَ الْحَفْرِيُّ اسْمُهُ عُمَرُ بْنُ سَعْدٍ.

١٥٦٨ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا أُبَيْدُ بْنُ أَبِي قَلَابَةَ، عَنْ عَمِّهِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ النَّبِيَّ ﷺ فَدَى رَجُلَيْنِ مِنَ الْمُسْلِمِينَ بِرَجُلٍ مِنَ الْمُشْرِكِينَ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَعَمُّ أَبِي قَلَابَةَ هُوَ أَبُو الْمُهَلَّبِ وَاسْمُهُ عَبْدُ الرَّحْمَنِ بْنُ عَمْرٍو، وَيُقَالُ: مُعَاوِيَةُ بْنُ عَمْرٍو. وَأَبُو قَلَابَةَ اسْمُهُ عَبْدُ اللَّهِ بْنُ زَيْدِ الْجَرْمِيِّ.

وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنَّ لِلْإِمَامِ أَنْ يَمُنَّ عَلَى مَنْ شَاءَ مِنَ الْأَسَارَى، وَيَقْتُلَ 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.<sup>[1]</sup> it was abrogated by: And kill them wherever you find them."<sup>[2]</sup> 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 Aḥmad: '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: ٨٦٦٤ من حديث سفیان بن عیینة، ومسلم، ح: ٨/١٦٤١ من حديث أيوب به مطولاً ومختصراً \* 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، وَفِيهِ مَنْ شَاءَ، وَاخْتَارَ بَعْضُ أَهْلِ الْعِلْمِ الْقَتْلَ عَلَى الْفِدَاءِ.

وَقَالَ الْأَوْزَاعِيُّ: بَلَّغَنِي أَنَّ هَذِهِ الْآيَةَ مَشْوَخَةٌ. قَوْلُهُ تَعَالَى: ﴿فَلَمَّا مَتَّأَ بَعْدُ وَإِنَّمَا فِدَاءٌ﴾ [محمد: ٤] نَسَخَتْهَا ﴿وَأَقْتُلُوهُمْ حَيْثُ فَتَنُوكُمْ﴾ [البقرة: ١٩١].

حَدَّثَنَا بِذَلِكَ هَنَادٌ: حَدَّثَنَا ابْنُ الْمُبَارَكِ عَنِ الْأَوْزَاعِيِّ.

قَالَ إِسْحَاقُ بْنُ مَنْصُورٍ: قُلْتُ لِأَحْمَدَ: إِذَا أُسِرَ الْأَسِيرُ يُقْتَلُ، أَوْ يُفَادَى أَحَبُّ إِلَيْكَ؟ قَالَ: إِنْ قُدِرُوا أَنْ يُفَادُوا فَلَيْسَ بِهِ بَأْسٌ، وَإِنْ قُتِلَ فَمَا أَعْلَمُ بِهِ بَأْسًا. قَالَ إِسْحَاقُ: الْإِنْحَانُ أَحَبُّ إِلَيَّ إِلَّا أَنْ يَكُونَ مَعْرُوفًا فَطَطْمَعُ بِهِ الْكَثِيرَ.

(المعجم ١٩) - بَابُ مَا جَاءَ فِي النَّهْيِ، عَنْ قَتْلِ النِّسَاءِ وَالصِّبْيَانِ (التحفة ١٩)

١٥٦٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ 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. (*Ṣaḥīḥ*)

There are narrations on this topic from Buraidah and Rabāḥ – and they say he was Riyāḥ – bin Ar-Rabī', Al-Aswad bin Sarī', Ibn 'Abbās, and Aṣ-Ṣa'b bin Jaththāmah.

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

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/ وتقدم: ١٤٠٨] ورباح [أبو داود، ح: ٢٦٦٩ وابن ماجه، ح: ٢٨٤٢] والأسود بن سريع [أحمد: ٣/ ٤٣٥، ٢٤/٤ 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

نافع، عن ابن عمر أخبره: أن امرأةً وُجِدَتْ في بعض معارزي رسول الله ﷺ مقتولةً فأنكر رسول الله ﷺ ذلك، ونهى عن قتل النساء والصبيان

وفي الباب عن بُرَيْدَةَ وَرَبَاحٍ - وَيُقَالُ رِيَاحُ بْنُ الرَّبِيعِ - وَالْأَسْوَدُ بْنُ سَرِيعٍ، وَابْنِ عَبَّاسٍ، وَالصَّعْبُ بْنُ جَثَامَةَ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، كَرَهُوا قَتْلَ النِّسَاءِ وَالْوِلْدَانِ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، وَالشَّافِعِيِّ.

وَرَخَّصَ بَعْضُ أَهْلِ الْعِلْمِ فِي اللَّيَالِ وَقَتْلَ النِّسَاءِ فِيهِمْ وَالْوِلْدَانَ، وَهُوَ قَوْلُ أَحْمَدَ، وَإِسْحَاقَ، وَرَخَّصَا فِي اللَّيَالِ.

١٥٧٠ - حَدَّثَنَا نَضْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: أَخْبَرَنِي الصَّعْبُ بْنُ جَثَامَةَ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّ

of the idolaters.” He said: ‘They are from their fathers.’” (*Ṣaḥīḥ*)

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

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسیر، باب أهل الدار بیوتون فیصاب الولدان والدراري ... إلخ، ح: ۳۰۱۲، ۳۰۱۳، ومسلم، ح: ۱۷۴۵ من حدیث سفیان بن عیینة به.

### Chapter 20. The Prohibition Of Burning With Fire

### (المعجم ۲۰) - بَابُ [النَّهْيِ عَنِ الإِخْرَاقِ بِالنَّارِ] (التحفة ۲۰)

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.’” (*Ṣaḥīḥ*)

There are narrations on this topic from Ibn ‘Abbās and Ḥamzah bin ‘Amr Al-Aslamī.

[Abū ‘Eisā said:] The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to the people of knowledge. In this *Ḥadīth*, Muḥammad bin Ishāq mentioned a man (narrating) between Sulaimān bin Yasār and Abū Hurairah. Others reported this *Ḥadīth* 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.

خَلَيْنَا أَوْ طَلَّتْ مِنْ نِسَاءِ الْمُشْرِكِينَ وَأَوْلَادِهِمْ، قَالَ: «هُمْ مِنْ آبَائِهِمْ».

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسیر، باب أهل الدار بیوتون فیصاب الولدان والدراري ... إلخ، ح: ۳۰۱۲، ۳۰۱۳، ومسلم، ح: ۱۷۴۵ من حدیث سفیان بن عیینة به.

۱۵۷۱ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ

بُكَيْرِ بْنِ عَبْدِ اللَّهِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: بَعَثَنَا رَسُولُ اللَّهِ ﷺ فِي بَعْثٍ، فَقَالَ: «إِنْ وَجَدْتُمْ فَلَانًا وَفَلَانًا لِرَجُلَيْنِ مِنْ قُرَيْشٍ فَأَخْرِقُوهُمَا بِالنَّارِ»، ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ حِينَ أَرَدْنَا الْخُرُوجَ: «إِنِّي كُنْتُ أَمْرُكُمْ أَنْ تَحْرِقُوا فَلَانًا وَفَلَانًا بِالنَّارِ، وَإِنَّ النَّارَ لَا يُعَذِّبُ بِهَا إِلَّا اللَّهُ، فَإِنْ وَجَدْتُمُوهُمَا فَاقْتُلُوهُمَا».

وفي الباب عن ابن عباس، وحمزة بن عمرو الأسلمي.

[قَالَ أَبُو عِيْسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ. وَقَدْ ذَكَرَ مُحَمَّدُ بْنُ إِسْحَاقَ بَيْنَ سُلَيْمَانَ بْنِ يَسَارٍ وَبَيْنَ أَبِي هُرَيْرَةَ رَجُلًا فِي هَذَا الْحَدِيثِ. وَرَوَى غَيْرٌ وَاحِدٍ مِثْلَ رِوَايَةِ اللَّيْثِ. وَحَدِيثُ اللَّيْثِ بْنِ سَعْدٍ أَشْبَهَ وَأَصَحُّ.



**تخریج:** وأخرجه البخاري، الجهاد والسير، باب: لا يعذب بعداب الله، ح: ٣٠١٦ عن قتيبة به \* وفي الباب عن ابن عباس [تقدم: ١٤٥٨] وحزمة 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*<sup>[1]</sup>

(المعجم ٢١) - بَابُ مَا جَاءَ فِي الْعُلُولِ

(التحفة ٢١)

**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.” (*Sahih*)

There are narrations on this topic from Abū Hurairah and Zaid bin Khalid Al-Juhni.

١٥٧٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ ثَوْبَانَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ مَاتَ وَهُوَ بَرِيءٌ مِنْ [ثَلَاثٍ]: الْكِبْرِ وَالْعُلُولِ وَالذَّيْنِ، دَخَلَ الْجَنَّةَ». وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ، وَزَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ.

**تخریج:** [صحیح] وانظر الحديث الآتي \* وفي الباب عن أبي هريرة [البخاري، ح: ٦٧٠٧] ومسلم: ١٨٣/١١٥] وزيد بن خالد الجهني [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,

١٥٧٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَالِمِ 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-Aḥwadhī*, and see *Ḥadūth* no. 1.

then he will enter Paradise.” (*Daʿīf*)

This is how Saʿeed 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 Saʿeed is more correct.

طَلْحَةَ، عَنْ ثُوْبَانَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ فَارَقَ الرُّوحَ الْجَسَدَ وَهُوَ بَرِيءٌ مِنْ ثَلَاثٍ: الْكَنْزِ وَالْعُلُولِ وَالذَّنِينَ دَخَلَ الْجَنَّةَ» هَكَذَا قَالَ سَعِيدٌ: الْكَنْزِ، وَقَالَ أَبُو عَوَانَةَ فِي حَدِيثِهِ: الْكَبِيرِ، وَلَمْ يَذْكُرْ فِيهِ عَنْ مَعْدَانَ. وَرَوَايَةُ سَعِيدٍ أَصَحُّ.

**تخریج:** [إسناده ضعيف] وأخرجه ابن ماجه، الصدقات، باب التشديد في الدين، ح: ٢٤١٢ (نسخة هندية ص ١٧٢) من حديث سعيد بن أبي عروبة به بلفظ آخر (من الكبير، بدل من الكنز) وصرح بالسماع وحديثه صحيح وتابعه وشعبة وغيره وصرحه ابن حبان، ح: ١٦٧٦ والحاكم: ٢٦/٢ على شرط الشيخين ووافقه الذهبي فتادة عنعن في هذا اللفظ "المكنز".

**1574.** Simāk Abū Rūmāil Al-Hanāfi said: “I heard Ibn ‘Abbās saying: “‘Umar bin Al-Khattāb 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.” (*Ṣaḥīḥ*)

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

١٥٧٤ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنَا عِكْرِمَةُ ابْنُ عَمَّارٍ: حَدَّثَنَا سِمَاكُ أَبُو زُمَيْلٍ الْحَنْفِيُّ قَالَ: سَمِعْتُ ابْنَ عَبَّاسٍ يَقُولُ: حَدَّثَنِي عُمَرُ ابْنُ الْخَطَّابِ قَالَ: قِيلَ: يَا رَسُولَ اللَّهِ؛ إِنَّ فُلَانًا قَدِ اسْتَشْهَدَ، قَالَ: «كَلَّا! قَدْ رَأَيْتُهُ فِي النَّارِ بِعِبَاءَةٍ قَدْ غَلَّهَا»، قَالَ: «قُمْ يَا عُمَرُ فَتَنَادِ أَنَّهُ لَا يَدْخُلُ الْجَنَّةَ إِلَّا الْمُؤْمِنُونَ» ثَلَاثًا. [قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ غَرِيبٌ.

**تخریج:** وأخرجه مسلم، الإيمان، باب غلظ الغلول 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 *Anṣār*, who would give water and tend to the wounded.” (*Ṣaḥīḥ*)

[Abū ‘Eisā said:] There is something on this topic from Ar-Rabī‘ bin Mu‘awwidh. This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

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 *Ḥasan Gharīb Ḥadīth*. Thuwair (a narrator in the chain) is Ibn Abī Fākhītah, whose name was Sa‘eed bin ‘Ilāqah, and Thuwair’s Kunyah was Abū Jahm.

تخریج: [إسناده ضعيف] وأخرجه أحمد: ٩٦/١ من حديث إسرائيل به \* ثوير ضعيف رمي بالرفض

(المعجم ٢٢) - بَابُ مَا جَاءَ فِي خُرُوجِ  
النِّسَاءِ فِي الْحَرْبِ (التحفة ٢٢)

١٥٧٥ - حَدَّثَنَا يَشْرُ بْنُ هِلَالٍ الصَّوَّافُ:  
حَدَّثَنَا جَعْفَرُ بْنُ سُلَيْمَانَ الضُّبَيْعِيُّ عَنْ ثَابِتٍ،  
عَنْ أَنَسٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَغْزُو بِأُمَّ  
سَلِيمٍ وَنِسْوَةٍ مَعَهَا مِنَ الْأَنْصَارِ يَسْقِيْنَ الْمَاءَ،  
وَيُدَاوِيْنَ الْجَرْحَى.

[قَالَ أَبُو عِيسَى]: وَفِي الْبَابِ عَنِ الرَّبِيعِ  
بِنْتِ مُعَوَّذٍ. وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

(المعجم ٢٣) - بَابُ مَا جَاءَ فِي قُبُولِ  
هَدَايَا الْمُشْرِكِينَ (التحفة ٢٣)

١٥٧٦ - حَدَّثَنَا عَلِيُّ بْنُ سَعِيدٍ الْكِنْدِيُّ:  
حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ عَنْ إِسْرَائِيلَ،  
عَنْ ثَوَيْرٍ، عَنْ أَبِيهِ، عَنْ عَلِيِّ عَنِ النَّبِيِّ ﷺ:  
أَنَّ كِسْرَى أَهْدَى لَهُ فَقِيلَ، وَأَنَّ الْمُلُوكَ  
أَهْدَوْا إِلَيْهِ فَقِيلَ مِنْهُمْ.

وَفِي الْبَابِ عَنْ جَابِرٍ، وَهَذَا حَدِيثٌ حَسَنٌ  
غَرِيبٌ. وَثَوَيْرٌ هُوَ ابْنُ أَبِي فَاخْتَةَ اسْمُهُ سَعِيدٌ  
ابْنُ عِلَاقَةَ، وَثَوَيْرٌ يُكْنَى أَبَا جَهْمٍ.

(تقريب) \* وفي الباب عن جابر [ابن عدي في الكامل: ٦/٢١١٤] بغير هذا اللفظ وسنده ضعيف جدًا.

### 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

(المعجم ٢٤) - [بَابُ: فِي كِرَاهِيَةِ  
هَدَايَا الْمُشْرِكِينَ] (التحفة ٢٤)

1577. 'Iyād bin Hīmār 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 Ṣaḥīḥ*. 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.

١٥٧٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو دَاوُدَ عَنْ عِمْرَانَ الْقَطَّانِ، عَنْ قَتَادَةَ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ [هُوَ] ابْنِ الشَّخِيرِ، عَنْ عِيَّاصِ بْنِ حِمَارٍ: أَنَّهُ أَهْدَى لِلنَّبِيِّ ﷺ هَدِيَّةً [أَوْ] نَاقَةً، فَقَالَ النَّبِيُّ ﷺ: «أَسْلَمْتَ؟» قَالَ: لَا: قَالَ: «فَإِنِّي نُهِيتُ عَنْ زَيْدِ الْمُشْرِكِينَ».

قَالَ أَبُو عِيْسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَمَعْنَى قَوْلِهِ: «إِنِّي نُهِيتُ عَنْ زَيْدِ الْمُشْرِكِينَ» يَعْنِي هَدَايَاهُمْ.

وَقَدْ رُوِيَ عَنِ النَّبِيِّ ﷺ أَنَّهُ كَانَ يَقْبَلُ مِنَ الْمُشْرِكِينَ هَدَايَاهُمْ، وَذُكِرَ فِي هَذَا الْحَدِيثِ الْكِرَاهِيَةُ، وَاحْتَمَلَ أَنْ يَكُونَ هَذَا بَعْدَ مَا كَانَ يَقْبَلُ مِنْهُمْ ثُمَّ نَهَى عَنْ هَدَايَاهُمْ.

**تخریج:** [حسن] وأخرجه أبو داود، الخراج، باب: في الإمام يقبل هدايا المشركين، ح: ٣٠٥٧ من حديث أبي داود الطيالسي به وهو في مسنده، ح: ١٠٨٣ وصححه ابن خزيمة، وابن الجارود، ح: ١١١٠ وغيرهما وسنده ضعيف وله شواهد عند أحمد: ٤٠٢/٣ وغيره وانظر صحيح البخاري مع الفتح: ٥/٢٣٠ لمعارضته، فالأمر هاهنا للاستحباب والله أعلم.

### Chapter 25. What Has Been Related About The Prostration of Gratitude (*Sajdah Ash-Shukr*)

(المعجم ٢٥) - [بَابُ مَا جَاءَ فِي سَجْدَةِ  
الشُّكْرِ] (التحفة ٢٥)

1578. Abū Bakrah narrated: "The

١٥٧٨ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا

Prophet ﷺ was met by some affair that made him happy, so he prostrated to Allāh.” (*Hasan*)

[Abū ‘Eīsā 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 Abī Bakrah is *Muqārib* (average) in *Hadīth*.]

تخريج: [إسناده حسن] وأخرجه أبو داود، الجهاد، باب: في سجود 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 *Ṣaḥīḥ* 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 Muḥammad and he said: “This *Hadīth* is *Ṣaḥīḥ*. *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*].

أَبُو عَاصِمٍ: حَدَّثَنَا بَكَّارُ بْنُ عَبْدِ الْعَزِيزِ بْنِ أَبِي بَكْرَةَ عَنْ أَبِيهِ، عَنْ أَبِي بَكْرَةَ: أَنَّ النَّبِيَّ ﷺ أَنَاهُ أَمَرَ فَمَسَّرَ بِهِ فَخَرَّ لَهِ سَاجِدًا.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ بَكَّارِ بْنِ عَبْدِ الْعَزِيزِ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ رَأَوْا سَجْدَةَ الشُّكْرِ [وَبَكَّارُ ابْنُ عَبْدِ الْعَزِيزِ بْنِ أَبِي بَكْرَةَ مُقَارِبٌ الْحَدِيثِ].

(المعجم ٢٦) - بَابُ مَا جَاءَ فِي أَمَانِ الْمَرْأَةِ وَالْعَبْدِ (التحفة ٢٦)

١٥٧٩ - حَدَّثَنَا يَحْيَى بْنُ أَكْثَمَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ عَنْ كَثِيرِ بْنِ زَيْدٍ، عَنِ الْوَلِيدِ بْنِ رَبَاحٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ الْمَرْأَةَ لَتَأْخُذَ لِلْقَوْمِ يَعْنِي تُجِيرُ عَلَى الْمُسْلِمِينَ».

وفي البابِ عن أم هانئٍ وهذا حديثٌ حسنٌ غريبٌ [وسألتُ مُحمَّدًا فقال: هذا حديثٌ صحيحٌ وكثيرٌ بنُ زَيْدٍ قد سَمِعَ مِنَ الْوَلِيدِ بْنِ رَبَاحٍ وَالْوَلِيدُ بْنُ رَبَاحٍ سَمِعَ مِنْ أَبِي هُرَيْرَةَ وَهُوَ مُقَارِبُ الْحَدِيثِ].

(Another chain) from Umm Hānī' 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 'Eīsā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*.

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 Aḥmad and Ishāq: 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 'Aqīl bin Abī Ṭālib – they also say that he was the freed slave of Umm Hānī' – and his name was Yazīd.

It has been related from 'Alī bin Abī Ṭālib and 'Abdullāh bin 'Amr that the Prophet ﷺ said: "The covenants of the Muslims are one, it covers the rest of them." [2]

[Abū 'Eīsā 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: ۲/۳۶۵ من حدیث كثير بن زيد به \* وفي الباب عن أم هانئ [يأتي بعده: ۲۷۳۴] \* حدیث أم هانئ، حدیث صحیح ورواه خالد بن الحارث عن ابن أبي

حَدَّثَنَا أَبُو الْوَلِيدِ الدَّمَشَقِيُّ: حَدَّثَنَا الْوَلِيدُ ابْنُ مُسْلِمٍ قَالَ: أَخْبَرَنِي ابْنُ أَبِي ذئْبٍ عَنْ سَعِيدِ الْمُقْبِرِيِّ، عَنْ أَبِي مُرَّةٍ مَوْلَى عَقِيلِ بْنِ أَبِي طَالِبٍ، عَنْ أُمِّ هَانِئٍ أَنَّهَا قَالَتْ: أَجَرْتُ رَجُلَيْنِ مِنْ أَحْمَائِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «قَدْ أَمَّنَّا مَنْ أَمَّنْتَ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، أَجَازُوا أَمَانَ الْمَرْأَةِ، وَهُوَ قَوْلُ أَحْمَدَ، وَإِسْحَاقَ، أَجَازَا أَمَانَ الْمَرْأَةِ وَالْعَبْدِ. وَقَدْ رُوِيَ [مِنْ غَيْرِ وَجْهِ] عَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ أَجَازَ أَمَانَ الْعَبْدِ. وَأَبُو مُرَّةٍ مَوْلَى عَقِيلِ ابْنِ أَبِي طَالِبٍ، وَيُقَالُ لَهُ أَيْضًا مَوْلَى أُمِّ هَانِئٍ، وَاسْمُهُ يَزِيدُ.

[وَقَدْ] رُوِيَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو عَنِ النَّبِيِّ ﷺ قَالَ: «ذِمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ تَسَعَى بِهَا أَدْنَاهُمْ».

[قَالَ أَبُو عِيسَى:] مَعْنَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ أَنَّ مَنْ أَعْطَى الْأَمَانَ مِنَ الْمُسْلِمِينَ فَهُوَ جَائِزٌ عَلَى كُلِّهِمْ.

[1] Part of that version appears in number 2734, and it is authentic.

[2] It is also authentic, and appears in number 2127.

ذنب 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-Mughni* v. 13. p.75-76.)

**Chapter 27. What Has Been Related About Breaking Treaties**

(المعجم ٢٧) - بَابُ مَا جَاءَ فِي الْعَدْرِ  
(التحفة ٢٧)

**1580.** Abū Al-Faiḍ 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 Allāh 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." (*Ṣaḥīh*)

١٥٨٠ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: أَنْبَأَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي أَبُو الْفَيْضِ قَالَ: سَمِعْتُ سُلَيْمَ بْنَ عَامِرٍ يَقُولُ: كَانَ بَيْنَ مُعَاوِيَةَ وَبَيْنَ أَهْلِ الرُّومِ عَهْدٌ، وَكَانَ يَسِيرُ فِي بِلَادِهِمْ، حَتَّى إِذَا انْقَضَى الْعَهْدُ أَغَارَ عَلَيْهِمْ، فَإِذَا رَجُلٌ عَلَى دَابَّةٍ أَوْ عَلَى فَرَسٍ وَهُوَ يَقُولُ: اللَّهُ أَكْبَرُ وَفَاءٌ لَا عَدْرٌ، وَإِذَا هُوَ عَمْرُو بْنُ عَبْسَةَ، فَسَأَلَهُ مُعَاوِيَةُ عَنْ ذَلِكَ، فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ كَانَ بَيْنَهُ وَبَيْنَ قَوْمٍ عَهْدٌ فَلَا يَحِلُّنَّ عَهْدًا وَلَا يَشُدُّنَّهُ حَتَّى يَمْضِيَ أَمْدُهُ أَوْ يَنْبِذَ إِلَيْهِمْ عَلَى سِوَاءٍ» قَالَ: فَرَجَعَ مُعَاوِيَةُ بِالنَّاسِ. *صَحِيحٌ*.

[Abū 'Eīsā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīh*.

**تخريج:** [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 الطيالسي، 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

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." (*Ṣaḥīḥ*)

[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 *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. [I asked Muḥammad about the *Ḥadīth* of Suwaid, from Abū Ishāq, 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 *Ḥadīth* being *Marfū'*".<sup>[1]</sup>

(المعجم ٢٨) - بَابُ مَا جَاءَ أَنَّ لِكُلِّ  
غَادِرٍ لَوَاءً يَوْمَ الْقِيَامَةِ (التحفة ٢٨)

١٥٨١ - حَدَّثَنَا أَحْمَدُ بْنُ مَيْعٍ: حَدَّثَنَا  
إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا صَخْرُ بْنُ  
جُوَيْرِيَةَ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ:  
سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ الْعَادِرَ  
يُنْصَبُ لَهُ لَوَاءٌ يَوْمَ الْقِيَامَةِ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ، وَعَبْدِ اللَّهِ  
ابْنِ مَسْعُودٍ، وَأَبِي سَعِيدِ الْخُدْرِيِّ، وَأَنْسِ.  
[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ  
صَحِيحٌ [وَسَأَلْتُ مُحَمَّدًا عَنْ حَدِيثِ سُؤَيْدٍ،  
عَنْ أَبِي إِسْحَاقَ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ  
عَلِيٍّ عَنِ النَّبِيِّ ﷺ قَالَ: «لِكُلِّ غَادِرٍ لَوَاءٌ»  
فَقَالَ: لَا أَعْرِفُ هَذَا الْحَدِيثَ مَرْفُوعًا].

تخريج: 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 [أشار إليه الترمذي 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 *Ṣaḥīḥ*.



### 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’ādh. 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.” (*Ṣaḥīḥ*)

[He said:] There are narrations on this topic from Abū Sa‘eed and ‘Atīyah Al-Qurazī.

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

تخريج: [إسناده صحيح] وأخرجه أحمد: ٣/٣٥٠ من حديث الليث بن سعد ومسلم، ح: ٢٢٠٨ من حديث أبي الزبير به مختصراً ومطولاً \* وفي الباب عن أبي سعيد [البخاري، ح: ٦٢٦٢ ومسلم، ح: ١٧٦٨] وعطية القرظي [يأتي: ١٥٨٤].

(المعجم ٢٩) - بَابُ مَا جَاءَ فِي التَّرْوَلِ  
عَلَى الْحُكْمِ (التحفة ٢٩)

١٥٨٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ أَنَّهُ قَالَ: رُمِيَ يَوْمَ الْأَحْزَابِ سَعْدُ بْنُ مُعَاذٍ فَقَطَعُوا أَكْحَلَهُ أَوْ أَبْجَلَهُ، فَحَسَمَهُ رَسُولُ اللَّهِ ﷺ بِالنَّارِ فَانْتَفَخَتْ يَدُهُ ففَرَكَهُ، فَزَفَقَهُ الدَّمُ فَحَسَمَهُ أُخْرَى فَانْتَفَخَتْ يَدُهُ، فَلَمَّا رَأَى ذَلِكَ قَالَ: اللَّهُمَّ لَا تُخْرِجْ نَفْسِي حَتَّى تُفَرِّغَ عَيْنِي مِنْ بَنِي قُرَيْظَةَ، فَاسْتَمْسَكَ عِرْقَهُ فَمَا قَطَرَ قَطْرَةً حَتَّى نَزَلُوا عَلَى حُكْمِ سَعْدِ بْنِ مُعَاذٍ، فَأَرْسَلَ إِلَيْهِمْ فَحَكَمَ أَنْ يُقْتَلَ رِجَالُهُمْ وَتُسْتَحْيَى نِسَاؤُهُمْ يَسْتَعِينُ بِهِنَّ الْمُسْلِمُونَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَصَبْتَ حُكْمَ اللَّهِ فِيهِمْ»، وَكَانُوا أَرْبَعِمِائَةٍ، فَلَمَّا فَرَّغَ مِنْ قَتْلِهِمْ انْتَفَقَ عِرْقُهُ فَمَاتَ.

[قَالَ:] [وفي الباب عن أبي سعيد، وعطية القرظي].

[قَالَ أَبُو عِيسَى:] وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

**Comments:**

Banū Quraizah were an ally of the Muslims, but they deceived the Muslims on the occasion of the 'Battle of Aḥzāb' which caused many difficulties for Muslims. Sa'd who was their ally from the time of *Jāhiliyyah* 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." (*Da'if*)

And the *Sharkh* are the boys who did not begin to grow pubic hair.

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

Hajjāj bin Artāh narrated similarly from Qatādah.

١٥٨٣ - حَدَّثَنَا [أَحْمَدُ بْنُ عَبْدِ الرَّحْمَنِ] أَبُو الْوَلِيدِ الدَّمَشْقِيُّ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنْ سَعِيدِ بْنِ بَشِيرٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمُرَةَ بْنِ جُنْدَبٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «اقْتُلُوا شُبُوحَ الْمُشْرِكِينَ وَاسْتَحْيُوا شَرَحَهُمْ» وَالشَّرْحُ: الْغُلْمَانُ الَّذِينَ لَمْ يُنْتَبُوا. [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ.

وَرَوَاهُ حَجَّاجُ بْنُ أَرْطَاةَ عَنْ قَتَادَةَ نَحْوَهُ.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الجهاد، باب: في قتل النساء، ح: ٢٦٧٠ من حديث قتادة به وهو مدلس وعنعن.

**1584.** 'Aṭīyyah Al-Quraẓī 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." (*Ṣaḥīḥ*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*. 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 Aḥmad and Ishāq.

١٥٨٤ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ عَطِيَّةِ الْفَرَزِيِّ قَالَ: عُرِضْنَا عَلَى رَسُولِ اللَّهِ ﷺ يَوْمَ قُرَيْظَةَ فَكَانَ مَنْ أَنْبَتَ قُتِلَ وَمَنْ لَمْ يُنْبِتْ خُلِيَ سَبِيلُهُ، فَكُنْتُ فِيمَنْ لَمْ يُنْبِتْ فَخُلِيَ سَبِيلِي. [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ: أَنَّهُمْ يَرَوْنَ الْإِنْبَاتَ بُلُوغًا إِنْ لَمْ يُعْرِفِ احْتِلَامُهُ وَلَا سِنُّهُ، وَهُوَ قَوْلُ أَحْمَدَ، وَإِسْحَاقَ.

تخريج: [صحيح] وأخرجه ابن ماجه، الحدود، باب من لا يجب عليه الحد، ح: ٢٥٤١ من

حديث وكيع به وصححه ابن الجارود، ح: ١٠٤٥ ورواه أبو داود، ح: ٤٤٠٤ من حديث سفيان الثوري، والنسائي، ح: ٤٩٨٤ من حديث عبد الملك بن عمير به.

### 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

### المعجم (٣٠) - بَابُ مَا جَاءَ فِي الْحَلْفِ (التحفة ٣٠)

**1585.** ‘Amr bin Shu‘aib narrated from his father, from his grandfather, that the Messenger of Allāh ﷺ said during his *Khuṭbah*: “Fulfill the allegiances sworn in *Jāhiliyyah* for it” – meaning Islām – “does not add to them except in gravity. And do not initiate new allegiances in Islām.” (*Hasan*)

١٥٨٥ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا حُسَيْنُ الْمُعَلَّمُ عَنْ عَمْرٍو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ فِي خُطْبَتِهِ: «أَوْفُوا بِحَلْفِ الْجَاهِلِيَّةِ فَإِنَّهُ لَا يَزِيدُهُ - يَعْنِي الْإِسْلَامَ - إِلَّا شِدَّةً، وَلَا تُحْدِثُوا جَلْفًا فِي الْإِسْلَامِ».

[He said:] There are narrations on this topic from ‘Abdur-Raḥmān bin ‘Awfī, Umm Salamah, Jubair bin Muṭ‘im, Abū Huraira, Ibn ‘Abbās, and Qais bin ‘Āṣim.

[قَالَ:] [وفي الباب عن عبد الرحمن بن عوف، وأم سلمة، وجبير بن مطعم، وأبي هريرة، وابن عباس، وقيس بن عاصم].  
[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

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

**تخريج:** [إسناده حسن] وأخرجه أحمد: ٢/٢١٢، ٢١٣ من حديث حسين المعلم به وهذا طرف من الحديث الطويل، رواه أحمد: ٢/١٧٩، ١٨٠، ١٨٢، ١٨٤، ١٨٧، ١٨٩، ١٩١، ١٩٢، ١٩٤، ٢٠٧، ٢١١، ٢١٢ وغيره \* وفي الباب عن عبد الرحمن بن عوف [أحمد: ١/١٩٠، ١٩٣ والبخاري في الأدب المفرد، ح: ٥٦٧ وابن حبان، ح: ٢٠٦٢ والحاكم: ٢/٢١٩، ٢٢٠] وأم سلمة [أبو يعلى: ١٢/٣٣٠، ح: ٦٩٠٢] وجبير بن مطعم [مسلم، ح: ٢٥٣٠] وأبي هريرة [ابن حبان، ح: ٢٠٦٣ والبيهقي: ٦/٣٦٦] وابن عباس وابن حبان، ح: ٢٠٦١ والطبراني في الكبير: ١١/٢٨١، ح: ١١٧٤٠] وقيس بن عاصم [أحمد: ٥/٦١].

### 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 Manādhir 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.” (*Ṣaḥīḥ*)

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

تخریج: [صحيح] ورواه البخاري، ح: ٣١٥٦، ٣١٥٧ من حديث بجاله به انظر الحديث

الآتي.

**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.” (*Ṣaḥīḥ*)

There is more dialogue in the *Ḥadīth* than this. And this *Ḥadīth* is *Hasan Ṣaḥīḥ*.

تخریج: وأخرجه البخاري، الجزية والموادعة، باب الجزية والموادعة مع أهل الذمة والحرب

... إلخ، ح: ٣١٥٦، ٣١٥٧ حديث سفيان بن عيينة به.

**1588.** Mālik narrated from Az-Zuhrī, that Sā’ib bin Yazīd 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.” (*Ḥasan*)

(المعجم ٣١) - بَابُ: فِي أَخْذِ الْجِزْيَةِ  
مِنَ الْمَجُوسِيِّ (التحفة ٣١)

١٥٨٦ - حَدَّثَنَا أَحْمَدُ بْنُ مَيْعٍ: حَدَّثَنَا  
أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْحَجَّاجُ بْنُ أَرْطَاةَ عَنْ  
عَمْرٍو بْنِ دِينَارٍ، عَنْ بَجَالَةَ بْنِ عَبْدِ قَالَ:  
كُنْتُ كَاتِبًا لِعِزِّ بْنِ مُعَاوِيَةَ عَلَى مَنَازِرَ،  
فَجَاءَنَا كِتَابُ عُمَرَ: انظُرْ مَجُوسَ مَنْ قِبَلِكَ  
فَخُذْ مِنْهُمْ الْجِزْيَةَ، فَإِنَّ عَبْدَ الرَّحْمَنِ بْنَ  
عَوْفٍ أَخْبَرَنِي: أَنَّ رَسُولَ اللَّهِ ﷺ أَخَذَ  
الْجِزْيَةَ مِنْ مَجُوسِ هَجَرَ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ.

١٥٨٧ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا  
سُفْيَانُ عَنْ عَمْرٍو بْنِ دِينَارٍ، عَنْ بَجَالَةَ: أَنَّ  
عُمَرَ كَانَ لَا يَأْخُذُ الْجِزْيَةَ مِنَ الْمَجُوسِ حَتَّى  
أَخْبَرَهُ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ: أَنَّ النَّبِيَّ ﷺ  
أَخَذَ الْجِزْيَةَ مِنْ مَجُوسِ هَجَرَ.

وَفِي الْحَدِيثِ كَلَامٌ أَكْثَرُ مِنْ هَذَا.

هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

١٥٨٨ - حَدَّثَنَا الْحُسَيْنُ بْنُ أَبِي كَبْشَةَ  
الْبَصْرِيُّ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ  
مَالِكٍ، عَنْ الزُّهْرِيِّ، عَنْ السَّائِبِ بْنِ يَزِيدَ  
قَالَ: أَخَذَ رَسُولُ اللَّهِ ﷺ الْجِزْيَةَ مِنْ مَجُوسِ  
الْبَحْرَيْنِ وَأَخَذَهَا عُمَرُ مِنْ فَارِسَ وَأَخَذَهَا

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 الزُّهْرِيِّ عَنِ النَّبِيِّ ﷺ.

تخریج: [حسن] وهو في الموطأ: ٢٧٨/١ بقوله: قال الزهري ... إلخ وله شواهد كثيرة منها مرسل سعيد بن المسيب، أخرجه البيهقي: ٩/١٩٠ بإسناد 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***

(المعجم ٣٢) - بَابُ مَا جَاءَ مَا يَحِلُّ مِنْ أَمْوَالِ أَهْلِ الذِّمَّةِ (التحفة ٣٢)

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.'" (*Sahīh*)

١٥٨٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا ابْنُ لَهِيْعَةَ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْحَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّا نَمُرُّ بِقَوْمٍ فَلَا هُمْ يُضَيِّفُونَا، وَلَا هُمْ يُؤَدُّونَ مَا لَنَا عَلَيْهِمْ مِنَ الْحَقِّ، وَلَا نَحْنُ نَأْخُذُ مِنْهُمْ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنْ أَبَوْا إِلَّا أَنْ نَأْخُذُوا كَرَاهًا فَخُذُوا».

[Abū 'Eisā said:] This *Hadīth* is *Hasan*. It has been reported by Al-Laith bin Sa'd from Yazid bin Abi Habīb as well.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ. وَقَدْ رَوَاهُ اللَّيْثُ بْنُ سَعْدٍ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ أَيْضًا.

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

وَأِنَّمَا مَعْنَى هَذَا الْحَدِيثِ أَنَّهُمْ كَانُوا يَخْرُجُونَ فِي الْعَزْوِ فَيَمْرُونَ بِقَوْمٍ وَلَا يَجِدُونَ مِنَ الطَّعَامِ مَا يَسْتَرُونَ بِالْتَمَنِ، فَقَالَ النَّبِيُّ ﷺ: «إِنْ أَبَوْا أَنْ يَبِيعُوا إِلَّا أَنْ نَأْخُذُوا كَرَاهًا فَخُذُوا». هَكَذَا رَوَى فِي بَعْضِ الْحَدِيثِ مُفَسَّرًا.

him, would order similarly.

وَقَدْ رَوَى عَنْ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ كَانَ يَأْمُرُ بِنَحْوِ هَذَا.

**تخریج:** [صحیح] ورواه البخاري، 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**

(المعجم ٣٣) - بَابُ مَا جَاءَ فِي الْهَجْرَةِ  
(التحفة ٣٣)

**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.” (*Ṣaḥīh*)

١٥٩٠ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ الصَّمِيّ: حَدَّثَنَا زِيَادُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا مَنْصُورُ بْنُ الْمُعْتَمِرِ عَنْ مُجَاهِدٍ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ يَوْمَ فَتْحِ مَكَّةَ: «لَا هِجْرَةَ بَعْدَ الْفَتْحِ وَلَكِنْ جِهَادٌ وَنِيَّةٌ، وَإِذَا اسْتُنْفِرْتُمْ فَانْفِرُوا».

[He said:] There are narrations on this topic from Abū Sa‘eed, ‘Abdullāh bin ‘Amr, and ‘Abdullāh bin Ḥubshī.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي سَعِيدٍ، وَعَبْدِ اللَّهِ بْنِ عَمْرٍو، وَعَبْدِ اللَّهِ بْنِ حُبَيْشٍ.

[Abū ‘Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīh*. Sufyān Ath-Thawrī reported it similarly from Maṣṣūr bin Al-Mu’tamir.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَاهُ سُفْيَانُ الثَّوْرِيُّ عَنْ مَنْصُورِ ابْنِ الْمُعْتَمِرِ نَحْوَ هَذَا.

**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: ٢٢/٣] وعبدالله بن عمرو [أحمد: ٢/٢١٥] وعبدالله بن حبشي [أبو داود، ح: ١٣٢٥، ١٤٤٩].

**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-Madinah) but people moved from one place to another place for *Hajj*, *‘Umrah*, *Jihād* and

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**

(المعجم ٣٤) - بَابُ مَا جَاءَ فِي بَيْعَةِ النَّبِيِّ ﷺ (التحفة ٣٤)

**1591.** Yaḥya bin Abī Kathīr 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.<sup>[1]</sup> 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.” (*Ṣaḥīḥ*)

١٥٩١ - حَدَّثَنَا سَعِيدُ بْنُ يَحْيَى بْنِ سَعِيدٍ الْأُمَوِيُّ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ فِي قَوْلِهِ تَعَالَى: ﴿لَقَدْ رَضِيَ اللَّهُ عَنِ الْمُؤْمِنِينَ إِذْ يُبَايِعُونَكَ تَحْتَ الشَّجَرَةِ﴾ [الفتح: ١٨]. قَالَ جَابِرٌ: بَايَعْنَا رَسُولَ اللَّهِ ﷺ عَلَى أَنْ لَا نَفِرَّ وَلَمْ نُبَايِعْهُ عَلَى الْمَوْتِ.

[He said:] There are narrations on this topic from Salamah bin Al-Akwa’, Ibn ‘Umar, ‘Ubādah, and Jarīr bin ‘Abdullāh.

[قَالَ:] وَفِي الْبَابِ عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ، وَابْنِ عَمْرٍو، وَعُبَادَةَ، وَجَرِيرِ بْنِ عَبْدِ اللَّهِ. [قَالَ أَبُو عِيسَى:] وَقَدْ رَوَى هَذَا الْحَدِيثُ عَنْ عِيسَى بْنِ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، قَالَ: قَالَ جَابِرُ بْنُ عَبْدِ اللَّهِ، وَلَمْ يُذَكَّرْ فِيهِ أَبُو سَلَمَةَ.

[Abū ‘Eisā said:] This *Ḥadīth* has been reported from ‘Eisā bin Yūnus, from Al-Awzā’i, from Yaḥya bin Abī Kathīr who said: “Jābir bin ‘Abdullāh said” and he did not mention Abū Salamah in it.

تخريج: [إسناده صحيح] \* وفي الباب عن سلمة ابن الأكوع [يأتي: ١٥٩٢] وابن عمر [يأتي: ١٥٩٣] وعبادة [البخاري، ح: ٧١٩٩ ومسلم، ح: ١٧٠٩] وجرير بن عبدالله [البخاري، ح: ٥٧ ومسلم، ح: ٢٥٦].

**1592.** Yazīd bin Abī ‘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-Ḥudabiyyah?” He said: “For death.” (*Ṣaḥīḥ*)

١٥٩٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ يَزِيدَ بْنِ أَبِي عُبَيْدٍ قَالَ: قُلْتُ لِسَلَمَةَ بْنِ الْأَكْوَعِ: عَلَى أَيِّ شَيْءٍ بَايَعْتُمْ رَسُولَ اللَّهِ ﷺ يَوْمَ الْحُدَيْبِيَّةِ؟ قَالَ: عَلَى الْمَوْتِ.

[1] *Al-Faḥ* 48:18.

This *Hadīth* is *Hasan Ṣaḥīh*.

هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

**تخریج:** متفق عليه، وأخرجه البخاري، المغازي، باب غزوة الحديبية ... الخ، ح: ٤١٦٩ 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.” (*Ṣaḥīh*)

١٥٩٣ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ قَالَ: كُنَّا نُبَايِعُ رَسُولَ اللَّهِ ﷺ عَلَى السَّمْعِ وَالطَّاعَةِ، فَيَقُولُ لَنَا: «فِي مَا اسْتَطَعْتُمْ». [قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

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

**تخریج:** وأخرجه مسلم، الإمارة، باب البيعة على السمع والطاعة فيما استطاع، ح: ١٨٦٧ عن علي بن حجر به.

**Comments:**

The *Sharī‘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.” (*Ṣaḥīh*)

١٥٩٤ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا شَفِيَانُ بْنُ عُيَيْنَةَ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: لَمْ نُبَايِعْ رَسُولَ اللَّهِ ﷺ عَلَى الْمَوْتِ إِنَّمَا بَايَعْنَاهُ عَلَى أَنْ لَا نَفِرَّ. [قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَمَعْنَى كِلَا الْحَدِيثَيْنِ صَحِيحٌ قَدْ بَايَعَهُ قَوْمٌ مِنْ أَصْحَابِهِ عَلَى الْمَوْتِ وَإِنَّمَا قَالُوا: لَا نَزَالَ بَيْنَ يَدَيْكَ مَا لَمْ نَقْتُلْ، وَبَايَعَهُ آخَرُونَ فَقَالُوا: لَا نَفِرُّ.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣaḥīh*, meaning both of the *Aḥādīth* are *Ṣaḥīh*. 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.”

**تخریج:** وأخرجه مسلم، الإمارة، باب استحباب مبايعة الإمام الجيش عند إرادة القتال ... الخ، ح: ٦٨/١٨٥٦ من حديث شفيان 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” (*Ṣaḥīḥ*)

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

تخريج: متفق عليه، وأخرجه البخاري، الشهادات، باب اليمين بعد العصر، ح: ٢٦٧٢ 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.”<sup>[1]</sup> (*Ṣaḥīḥ*)

[He said:] There is something on this topic from Ibn ‘Abbās.

(المعجم ٣٥) - بَابُ [مَا جَاءَ] فِي نَكْثِ  
الْبَيْعَةِ (التحفة ٣٥)

١٥٩٥ - حَدَّثَنَا أَبُو عَمَّارٍ: حَدَّثَنَا وَكَيْعٌ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «ثَلَاثَةٌ لَا يُكَلِّمُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ وَلَا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ: رَجُلٌ بَاعَ إِمَامًا فَإِنْ أَعْطَاهُ وَفَى لَهُ، وَإِنْ لَمْ يُعْطِهِ لَمْ يَفِ لَهُ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ [وَعَلَى ذَلِكَ الْأَمْرُ بِلَا اخْتِلَافٍ].

تخريج: متفق عليه، وأخرجه البخاري، الشهادات، باب اليمين بعد العصر، ح: ٢٦٧٢ ومسلم، ح: ١٠٨ من حديث سليمان الأعمش به.

(المعجم ٣٦) - بَابُ مَا جَاءَ فِي بَيْعَةِ  
الْعَبْدِ (التحفة ٣٦)

١٥٩٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ [بْنُ سَعْدٍ] عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ أَنَّهُ قَالَ: جَاءَ عَبْدٌ فَبَاعَ رَسُولُ اللَّهِ ﷺ عَلَى الْهَجْرَةِ وَلَا يَشْعُرُ النَّبِيُّ ﷺ أَنَّهُ عَبْدٌ، فَجَاءَ سَيِّدُهُ، فَقَالَ النَّبِيُّ ﷺ: «بِعْنِيهِ» فَاشْتَرَاهُ بِعَبْدَيْنِ أَسْوَدَيْنِ وَلَمْ يَبَاعِ أَحَدًا بَعْدَ حَتَّى يَسْأَلَهُ أَعْبُدُ هُوَ.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ جَابِرٍ حَدِيثٌ

[1] This *Ḥadīth* preceded, see no. 1239.

[Abū 'Eisā said:] The *Hadīth* of Jābir is *Hasan Gharīb Ṣaḥīh*, we do not know of it except as a narration of Abū Az-Zubair.

حَسَنٌ غَرِيبٌ صَحِيحٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ أَبِي الزُّبَيْرِ.

تَخْرِيجٌ: وَأَخْرَجَهُ مُسْلِمٌ، الْمَسَاقَاةُ، بَابُ جَوَازِ بَيْعِ الْحَيَوَانَ بِالْحَيَوَانَ، مِنْ جِنْسِهِ، مُتَفَاضِلًا، ح: ١٦٠٢ عَنْ قَتِيْبَةٍ بِهِ \* وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ [لَمْ أَجِدْهُ].

### 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 Ruqaiqah 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.'" (*Saḥīh*)

[He said:] There are narrations on this topic from 'Āishah, from 'Abdullāh bin 'Umar, and Asmā' bint Yazīd.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Ṣaḥīh*, we do not know of it except as a narration of Muḥammad

(المعجم ٣٧) - بَابُ مَا جَاءَ فِي بَيْعَةِ النِّسَاءِ (التحفة ٣٧)

١٥٩٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ ابْنِ الْمُكَدِّرِ سَمِعَ أُمَيْمَةَ بِنْتَ رُقَيْقَةَ تَقُولُ: بَايَعْتُ رَسُولَ اللَّهِ ﷺ فِي نِسْوَةٍ، فَقَالَ لَنَا: «فِيْمَا اسْتَطَعْتُنَّ وَأَطَقْتُنَّ»، قُلْتُ: اللَّهُ وَرَسُولُهُ أَرْحَمُ بِنَا مِنَّا بِأَنْفُسِنَا، فَقُلْتُ: يَا رَسُولَ اللَّهِ بَايَعْنَا، قَالَ سُفْيَانُ: تَعْنِي صَافِحْنَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا قَوْلِي لِمِائَةِ امْرَأَةٍ كَقَوْلِي لِامْرَأَةٍ وَاحِدَةٍ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَائِشَةَ، وَعَبْدِ اللَّهِ ابْنِ عَمْرٍ، وَأَسْمَاءَ بِنْتِ يَزِيدٍ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ مُحَمَّدِ بْنِ الْمُكَدِّرِ.

وَرَوَى سُفْيَانُ الثَّوْرِيُّ، وَمَالِكُ بْنُ أَنَسٍ، وَعَبْدُ اللَّهِ بْنُ عَمْرٍ وَوَاحِدٌ هَذَا الْحَدِيثُ عَنْ مُحَمَّدِ بْنِ الْمُكَدِّرِ نَحْوَهُ. [قَالَ:] وَسَأَلْتُ مُحَمَّدًا 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 Ruqaiqah.” There is another woman named Umaimah who narrated from the Messenger of Allāh ﷺ].

هَذَا الْحَدِيثِ فَقَالَ: لَا أَعْرِفُ لِأُمَيْمَةَ بِنْتِ رُقَيْقَةَ غَيْرَ هَذَا الْحَدِيثِ، وَأُمَيْمَةُ امْرَأَةٌ أُخْرَى لَهَا حَدِيثٌ عَنْ رَسُولِ اللَّهِ 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 تعليقاً ومسلم، ح: ١٨٦٦] وعبدالله بن عمرو [أحمد: ٢/١٩٦] وأسماء بنت يزيد [يأتي: ٣٣٠٧] \* حديث مالك في الموطأ: ٩٨٢/٢ (يحيى).

**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].” (*Ṣaḥīḥ*)

[He said:] There is something on this topic from Ibn ‘Abbās.

[Abū ‘Eisā said:] This *Hadīth* is *Ḥasan Ṣaḥīḥ*. Ath-Thawrī and others reported it from Abū Ishāq.

(المعجم ٣٨) - بَابُ مَا جَاءَ فِي عِدَّةِ أَصْحَابِ بَدْرٍ (التحفة ٣٨)

١٥٩٨ - حَدَّثَنَا وَاصِلُ بْنُ عَبْدِ الْأَعْلَى الْكُوفِيُّ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ عَنْ أَبِي إِسْحَاقَ، عَنِ الْبُرَّاءِ قَالَ: كُنَّا نَتَحَدَّثُ أَنَّ أَصْحَابَ بَدْرٍ يَوْمَ بَدْرٍ كَعِدَّةِ أَصْحَابِ طَالُوتَ ثَلَاثُمِائَةٍ وَثَلَاثَةَ عَشَرَ [رَجُلًا].

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَاهُ الثَّوْرِيُّ وَغَيْرُهُ عَنْ أَبِي إِسْحَاقَ.

**تخریج:** [صحيح] وأخرجه البخاري، المغازي، باب عدة أصحاب بدر، ح: ٣٩٥٧-٣٩٥٩

من حديث أبي إسحاق السبيعي به \* وفي الباب عن ابن عباس [أحمد: ١/٢٤٨].

**Comments:**

Companions of Tālūt means those honest and brave persons who crossed the canal and faced the enemy and stood by Tālūt. 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 *Khumus***

(المعجم ٣٩) - بَابُ مَا جَاءَ فِي

الْخُمْسِ (التحفة ٣٩)

**1599.** Ibn ‘Abbās narrated that the Prophet ﷺ said to a delegation from ‘Abdul-Qais: “I order you to give the *Khumus* from your spoils of war.” (*Sahīh*)

He said: There is a story with this *Hadīth*.

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

(Another chain) with similar narration.

١٥٩٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبَّادُ بْنُ

عَبَّادٍ الْمُهَلَّبِيُّ عَنْ أَبِي جَمْرَةَ، عَنِ ابْنِ

عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ قَالَ لِيُوْفِدَ عَبْدَ الْقَيْسِ:

«أَمْرُكُمْ أَنْ تُؤَدُّوا خُمْسَ مَا غَنِمْتُمْ» قَالَ:

وَفِي الْحَدِيثِ قِصَّةٌ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ.

حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ أَبِي

جَمْرَةَ، عَنِ ابْنِ عَبَّاسٍ نَحْوَهُ.

**تخریج:** متفق عليه، أخرجه البخاري، مواقيت الصلاة، باب قول الله تعالى: ﴿مَنْبِيْنِ اِلَيْهِ وَاتَّقُوْهُ وَاَقِيْمُوا الصَّلَاةَ وَلَا تَكُوْنُوْا مِنَ الْمَشْرِكِيْنَ﴾ 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**

(المعجم ٤٠) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ

النَّهْبِ (التحفة ٤٠)

**1600.** ‘Abāyah bin Rifā‘ah narrated from his father, from his grandfather Rāfi‘ bin *Khadij*, who said: “We were with the Messenger of Allāh ﷺ on a journey, when the hasty people went rushing ahead to

١٦٠٠ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو

الْأَخْوَصِ عَنْ سَعِيدِ بْنِ مَسْرُوقٍ، عَنْ عَبَّائَةَ

ابْنِ رِفَاعَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ رَافِعِ بْنِ

حَدِيحٍ 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.” (*Ṣaḥīḥ*)

[Abū ‘Eisā said:] Sufyān Ath-Thawrī reported it from his father, from ‘Abāyah, from his grandfather Rāfi‘ bin Khadij, 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 Khadij.

He said: There are narrations on this topic from Tha‘labah bin Al-Ḥakam, Anas, Abū Rihānah, Abū Ad-Dardā’, ‘Abdur-Raḥmān bin Samurah, Zaid bin Khālid, Jābir, Abū Hurairah, and Abū Ayyūb.

**تخریج:** متفق عليه، أخرجه البخاري، الذبائح والصيد، باب: إذا أصاب قوم غنيمة فذبح بعضهم غنماً أو إبلًا... إلخ، ح: ٥٥٤٣ من حديث أبي الأحوص ومسلم، ح: ١٩٦٨ من حديث سعيد بن مسروق به \* وفي الباب عن ثعلبة بن الحكم [ابن ماجه، ح: ٣٩٣٨] وأنس [يأتي: ١٦٠١] وأبي ریحانة [أبو داود، ح: ٤٠٤٩] وأبي الدرداء [أحمد: ١٩٥/٥، ٤٥٥/٦] وعبدالرحمن بن سمرة [أبو داود، ح: ٢٧٠٣] وزيد بن خالد [أحمد: ١١٧/٤، ١٩٣/٥] وجابر [ابن ماجه، ح: ٣٩٣٥] وأبي هريرة [البخاري، ح: ٢٤٧٥ ومسلم، ح: ٥٧] وأبي أيوب [الطبراني في الكبير: ١٢٤/٤، 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.” (*Ṣaḥīḥ*)

فَتَقَدَّمَ سَرَعَانُ النَّاسِ فَتَعَجَّلُوا مِنَ الْعَنَائِمِ فَاطْبَحُوا وَرَسُولُ اللَّهِ ﷺ فِي أُخْرَى النَّاسِ، فَمَرَّ بِالْقُدُورِ فَأَمَرَ بِهَا فَأُكْفِئْتُ ثُمَّ قَسَمَ بَيْنَهُمْ فَعَدَلَ بَعِيرًا بِعَشْرِ شِيَاهِ.

[قَالَ أَبُو عِيسَى:] وَرَوَى سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِيهِ، عَنْ عَبَّيَّةَ، عَنْ جَدِّهِ رَافِعِ بْنِ خَدِيجٍ وَوَلَمْ يَذْكُرْ فِيهِ: عَنْ أَبِيهِ.

حَدَّثَنَا بِذَلِكَ مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكَيْعٌ عَنْ سُفْيَانَ وَهَذَا أَصَحُّ. وَعَبَّيَّةُ بْنُ رِفَاعَةَ سَمِعَ مِنْ جَدِّهِ رَافِعِ بْنِ خَدِيجٍ.

قَالَ: وَفِي الْبَابِ عَنْ ثُعْلَبَةَ بْنِ الْحَكَمِ، وَأَنْسِ، وَأَبِي رِيحَانَةَ، وَأَبِي الدَّرْدَاءِ، وَعَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ، وَزَيْدِ بْنِ خَالِدٍ، وَجَابِرٍ، وَأَبِي هُرَيْرَةَ، وَأَبِي أَيُّوبَ

١٦٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنْ ثَابِتٍ، عَنْ أَنَسِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ انْتَهَبَ فَلَيْسَ مِنَّا».

[Abū 'Eisā said:] This *Hadīth* is *Ḥasan Ṣaḥīḥ Gharīb* as a *Hadīth* of Anas.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ غَرِيبٌ مِنْ حَدِيثِ أَنَسٍ.

تخريج: [إسناده صحيح] وأخرجه أبو داود، الجنائز، باب كراهية الذبح عند القبر، ح: ٣٢٢٢ وابن ماجه، ح: ١٨٨٥ والنسائي، ح: ١٨٥٣ من حديث عبد الرزاق به مطولاً ومختصراً، وهو في مصنف عبدالرزاق، 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.” (*Ṣaḥīḥ*)

[He said:] There are narrations on this topic from Ibn 'Umar, Anas, and Abū Baṣrah Al-Ghifārī the Companion of the Prophet ﷺ.

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

(المعجم ٤١) - بَابُ مَا جَاءَ فِي

التَّسْلِيمِ عَلَى أَهْلِ الْكِتَابِ (التحفة ٤١)

١٦٠٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ

ابْنُ مُحَمَّدٍ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَبْدَأُوا الْيَهُودَ وَالنَّصَارَى بِالسَّلَامِ، وَإِذَا لَقِيتُمْ أَحَدَهُمْ فِي الطَّرِيقِ فَاضْطَرُّوهُ إِلَى أَضْيَقِهِ».

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ،

وَأَنَسٍ، وَأَبِي بَصْرَةَ الْغِفَارِيِّ صَاحِبِ النَّبِيِّ ﷺ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ.

وَمَعْنَى هَذَا الْحَدِيثِ: «لَا تَبْدَأُوا الْيَهُودَ

وَالنَّصَارَى». قَالَ بَعْضُ أَهْلِ الْعِلْمِ إِنَّمَا مَعْنَى الْكِرَاهِيَةِ، لِأَنَّهُ يَكُونُ تَعْظِيمًا لَهُمْ، وَإِنَّمَا أَمْرُ الْمُسْلِمُونَ بِتَذْلِيلِهِمْ وَكَذَلِكَ إِذَا لَقِيَ أَحَدَهُمْ فِي الطَّرِيقِ، فَلَا يَتْرُكُ الطَّرِيقَ عَلَيْهِ لِأَنَّ فِيهِ تَعْظِيمًا لَهُمْ.

تخريج: 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 الغفاري [أحمد: ٣٩٨/٦] والبخاري في الأدب المفرد، ح: ١١٠٢ والنسائي 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 give such leeway to non-Muslim rulers for the greater interest of the Muslim community. (*Tuhfat Al-Aḥwadhī* 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).” (*Ṣaḥīḥ*)

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

١٦٠٣ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ الْيَهُودَ إِذَا سَلَّمَ عَلَيْكُمْ أَحَدُهُمْ فَإِنَّمَا يَقُولُ: السَّلَامُ عَلَيْكُمْ، فَقُلْ: عَلَيْكَ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق 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 Ḥāzīm 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) - بَابُ مَا جَاءَ فِي كِرَاهِيَةِ الْمَقَامِ بَيْنَ أَظْهَرِ الْمُشْرِكِينَ (التحفة ٤٢)

١٦٠٤ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ، عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ سَرِيَّةً إِلَى خَثْعَمَ، فَاعْتَصَمَ نَاسٌ بِالسُّجُودِ فَاسْرَعَ فِيهِمُ الْقَتْلُ فَلَبَّغَ ذَلِكَ النَّبِيَّ

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'if*)

ﷺ فَأَمَرَ لَهُمْ بِنِصْفِ الْعَقْلِ وَقَالَ: «أَنَا بَرِيءٌ مِنْ كُلِّ مُسْلِمٍ يُقِيمُ بَيْنَ أَطْهَرِ الْمُشْرِكِينَ»، قَالُوا: يَا رَسُولَ اللَّهِ، وَلِمَ؟ قَالَ: «لَا تَرَأَى نَارَاهُمَا».

**تخریج:** [إسناده ضعيف] وأخرجه أبو داود، الجهاد، باب النهي عن قتل من اعتصم بالسجود، ح: ٢٦٤٥ عن هناد به، أبو معاوية الضرير وإسماعيل بن أبي خالد مدلسان وعنعنا.

### 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 Ḥāzim narrated similar to the narration of Abū Mu'āwiyah (no. 1604) but he did not mention in it: "from Jarīr" in it, and that is more correct. (*Da'if*)

١٦٠٥ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا عَبْدَةُ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ مِثْلَ حَدِيثِ أَبِي مُعَاوِيَةَ، وَلَمْ يَذْكُرْ فِيهِ: عَنْ جَرِيرٍ. وَهَذَا أَصْحُ.

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 Ḥāzim, that the Messenger of Allāh ﷺ sent a military expedition." And they did not mention: "from Jarīr" in it.

وَفِي الْبَابِ عَنْ سَمُرَةَ. [قَالَ أَبُو عِيسَى:] وَأَكْثَرُ أَصْحَابِ إِسْمَاعِيلَ قَالُوا عَنْ إِسْمَاعِيلَ عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ سَرِيَّةً وَلَمْ يَذْكُرُوا فِيهِ عَنْ جَرِيرٍ.

Ḥammād bin Salamah reported similar to the narration of Abū Mu'āwiyah, from Al-Ḥajjāj bin Arṭāh, from Ismā'il bin Abī Ḥālīd, from Qais, from Jarīr.

وَرَوَى حَمَّادُ بْنُ سَلَمَةَ عَنِ الْحَجَّاجِ بْنِ أَرْطَاةَ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ قَيْسِ، عَنْ جَرِيرٍ مِثْلَ حَدِيثِ أَبِي مُعَاوِيَةَ. [قَالَ:] وَسَمِعْتُ مُحَمَّدًا يَقُولُ: الصَّحِيحُ حَدِيثُ قَيْسٍ عَنِ النَّبِيِّ ﷺ مُرْسَلٌ.

[He said:] I heard Muḥammad saying: "What is correct is the narration of Qais from the Prophet

وَرَوَى سَمُرَةُ بْنُ جُنْدَبٍ عَنِ النَّبِيِّ ﷺ



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*)

تخريج: [إسناده ضعيف] مرسل وانظر الحديث السابق \* وفي الباب عن سمرة [أبو داود، ح: 2787] وسنده ضعيف.

### Chapter 43. What Has Been Related About Expelling The Jews And The Christians From The Arabian Peninsula

(المعجم ٤٣) - بَابُ مَا جَاءَ فِي إِخْرَاجِ  
الْيَهُودِ وَالنَّصَارَى مِنْ جَزِيرَةِ الْعَرَبِ  
(التحفة ٤٣)

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.” (*Ṣaḥīḥ*)

١٦٠٦ - حَدَّثَنَا مُوسَى بْنُ عَبْدِ الرَّحْمَنِ  
الْكِنْدِيُّ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ: حَدَّثَنَا  
شُعَيْبَانُ الثَّوْرِيُّ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ،  
عَنْ عُمَرَ بْنِ الْخَطَّابِ: أَنَّ رَسُولَ اللَّهِ ﷺ  
قَالَ: «لَئِنْ عَشْتُ إِنْ شَاءَ اللَّهُ لَأُخْرِجَنَّ الْيَهُودَ  
وَالنَّصَارَى مِنْ جَزِيرَةِ الْعَرَبِ».

تخريج: وأخرجه مسلم، ح: 1767/63 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.’” (*Ṣaḥīḥ*)

١٦٠٧ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ:  
حَدَّثَنَا أَبُو عَاصِمٍ وَعَبْدُ الرَّزَّاقِ قَالَا: حَدَّثَنَا  
ابْنُ جُرَيْجٍ: حَدَّثَنَا أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ  
ابْنَ عَبْدِ اللَّهِ يَقُولُ: أَخْبَرَنِي عُمَرُ بْنُ  
الْخَطَّابِ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ:  
«لَأُخْرِجَنَّ الْيَهُودَ وَالنَّصَارَى مِنْ جَزِيرَةِ  
الْعَرَبِ فَلَا أَتْرُكُ فِيهَا إِلَّا مُسْلِمًا».

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

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ  
صَحِيحٌ.

تخرّيج: وأخرجه مسلم، الجهاد والسير، باب إخراج اليهود والنصارى من جزيرة العرب، ح: ١٧٦٧ من حديث عبدالرزاق 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-Aḥwadhī* v. 2. p. 498.)

### Chapter 44. What Has Been Related About What The Messenger Of Allāh ﷺ Left Behind

(المعجم ٤٤) - بَابُ مَا جَاءَ فِي تَرْكِه  
رَسُولِ اللَّهِ ﷺ (التحفة ٤٤)

1608. Abū Hurairah narrated: “Fāṭimah 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.” (*Ḥasan*)

١٦٠٨ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، 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 بَكْرٍ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا نُورَثُ». وَلَكِنْ أُعْوَلُ مَنْ كَانَ رَسُولُ اللَّهِ ﷺ يَعُوْلُهُ وَأَنْفِقُ عَلَيْهِ مَنْ كَانَ رَسُولُ اللَّهِ ﷺ يَنْفِقُ عَلَيْهِ.

[Abū ‘Eisā said:] There are narrations on this topic from ‘Umar, Ṭalḥah, Az-Zubair, ‘Abdur-Raḥmān bin ‘Awf, Sa’d and ‘Āishah.

[قَالَ أَبُو عِيْسَى:] فِي الْبَابِ عَنْ عُمَرَ، وَطَلْحَةَ، وَالزُّبَيْرِ، وَعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَسَعْدِ، وَعَائِشَةَ.

The *Ḥadīth* of Abū Hurairah is *Ḥasan Gharīb* from this route. It is only reported with a chain by Ḥammād bin Salamah and ‘Abdul-Waḥḥāb bin ‘Aṭā’, from Muḥammad bin ‘Amr, from Abū Salamah, from Abū Hurairah.

وَحَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ، إِنَّمَا أَشَدَّهُ حَمَّادُ بْنُ سَلَمَةَ وَعَبْدُ الْوَهَّابِ بْنُ عَطَاءٍ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ [وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ فَقَالَ: لَا أَعْلَمُ أَحَدًا رَوَاهُ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ إِلَّا حَمَّادُ بْنُ

[I asked Muḥammad about this *Ḥadīth* and he said: “No one is known to have reported it from Muḥammad bin ‘Amr, from Abū

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 *Ḥadīth* has been reported through other routes from Abū Bakr Aṣ-Ṣiddīq, from the Prophet ﷺ.

سَلَمَةَ. وَرَوَى عَبْدُ الْوَهَّابِ بْنُ عَطَاءٍ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ وَعَنْ أَبِي هُرَيْرَةَ نَحْوَ رِوَايَةِ حَمَّادِ بْنِ سَلَمَةَ وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهِ عَنْ أَبِي بَكْرٍ الصِّدِّيقِ عَنِ النَّبِيِّ ﷺ.

**تخریج:** [إسناده حسن] وأخرجه أحمد: ۱۳/۱ من حديث محمد بن عمرو به وهذا الحديث متواتر ورواه الروافض أيضا، انظر أصول الكافي: ۱/۳۲، ۳۳ \* وفي الباب عن عمر [يأتي: ۱۶۰۹] وطلحة [النسائي في الكبرى: ۴/۶۴، ح: ۶۳۰۷] والزبير [يأتي: ۱۶۱۰] وعبد الرحمن بن عوف [يأتي: ۱۶۱۰] وسعد [يأتي: ۱۶۱۰] وعائشة [الترمذي في الشمائل، ح: ۴۰۱، ۴۰۲].

**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.” (*Ḥasan*)

۱۶۰۹ - حَدَّثَنَا بِذَلِكَ عَلِيُّ بْنُ عِيسَى قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عَطَاءٍ: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ فَاطِمَةَ جَاءَتْ أَبَا بَكْرٍ وَعُمَرَ رَضِيَ اللَّهُ عَنْهُمَا تَسْأَلُ مِيرَاثَهَا مِنْ رَسُولِ اللَّهِ ﷺ فَقَالَا: سَمِعْنَا رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنِّي لَا أُورَثُ» قَالَتْ: وَاللَّهِ لَا أُكَلِّمُكُمَا أَبَدًا، فَمَاتَتْ وَلَا تُكَلِّمُهُمَا، قَالَ عَلِيُّ بْنُ عِيسَى: مَعْنَى لَا أُكَلِّمُكُمَا، تَعْنِي: فِي هَذَا الْمِيرَاثِ أَبَدًا، أَنْتُمَا صَادِقَانِ].

‘Alī bin ‘Eisā said: “The meaning of not speaking to you two is: ‘Never again regarding this inheritance, because you two are truthful.”

**تخریج:** [إسناده حسن] وأخرجه أحمد: ۱۳/۱ عن عبد الوهاب 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-Ḥadathān said: "I entered upon 'Umar bin Al-Khaṭṭāb. (Then) 'Uthmān bin 'Affān, Az-Zubair, 'Abdur-Rahmān bin Awf, and Sa'd bin Abī Waqqāṣ 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.'" (*Ṣaḥīḥ*)

[Abū 'Eīsā said:] There is a lengthy story along with the *Ḥadīth*. And this *Ḥadīth* is *Ḥasan Ṣaḥīḥ Gharīb* as a narration of Mālik bin Anas.

تخریج: متفق علیه، أخرجه البخاري، فرض الخمس، باب فرض الخمس، ح: ٣٠٩٤ ومسلم، ح: ٤٩/١٧٥٧ من حديث مالك به.

**Comments:**

There is a long story that has been discussed in this narration; for details see *Fawa'id Ṣaḥīḥ 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 يَشْرُ بْنُ عُمَرَ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنِ ابْنِ شِهَابٍ، عَنْ مَالِكِ بْنِ أَوْسِ بْنِ الْحَدَثَانِ قَالَ: دَخَلْتُ عَلَى عُمَرَ بْنِ الْخَطَّابِ وَدَخَلَ عَلَيْهِ عُمَانُ بْنُ عَفَّانَ وَالزُّبَيْرُ بْنُ الْعَوَّامِ وَعَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ وَسَعْدُ بْنُ أَبِي وَقَّاصٍ، ثُمَّ جَاءَ عَلِيٌّ وَالْعَبَّاسُ يَخْتَصِمَانِ، فَقَالَ عُمَرُ لَهُمْ: أُنشِدْكُمْ بِاللَّهِ الَّذِي بِيَدِهِ تَقْوُمُ السَّمَاءُ وَالْأَرْضُ أَتَعْلَمُونَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا نُورَثُ، مَا تَرَكْنَا صَدَقَةٌ؟» قَالُوا: نَعَمْ، قَالَ عُمَرُ: فَلَمَّا تُوْفِّي رَسُولُ اللَّهِ ﷺ قَالَ أَبُو بَكْرٍ: أَنَا وَلِيُّ رَسُولِ اللَّهِ ﷺ فَجِئْتُ أَنْتَ وَهَذَا إِلَى أَبِي بَكْرٍ تَطْلُبُ أَنْتَ مِيرَاثَكَ مِنْ ابْنِ أُخِيكَ وَيَطْلُبُ هَذَا مِيرَاثَ امْرَأَتِهِ مِنْ أَبِيهَا. فَقَالَ أَبُو بَكْرٍ إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا نُورَثُ مَا تَرَكْنَاهُ صَدَقَةٌ» وَاللَّهُ يَعْلَمُ أَنَّهُ صَادِقٌ بَارٌّ رَاشِدٌ تَابِعٌ لِلْحَقِّ. [قَالَ أَبُو عِيْسَى:] وَفِي الْحَدِيثِ قِصَّةٌ طَوِيلَةٌ.

[و]لهذا حديث حسن صحيح غريب 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**

(المعجم ٤٥) - بَابُ مَا جَاءَ [مَا] قَالَ  
النَّبِيِّ ﷺ يَوْمَ فَتْحِ مَكَّةَ: إِنَّ هَذِهِ لَا  
تُغْرَى بَعْدَ الْيَوْمِ (التحفة ٤٥)

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*)

١٦١١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا  
يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا زَكَرِيَّا بْنُ أَبِي زَائِدَةَ عَنْ  
الشَّعْبِيِّ، عَنِ الْحَارِثِ بْنِ مَالِكِ بْنِ الْبَرَصَاءِ  
قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَوْمَ فَتْحِ مَكَّةَ يَقُولُ: «لَا  
تُغْرَى هَذِهِ بَعْدَ الْيَوْمِ إِلَى يَوْمِ الْقِيَامَةِ».

[Abū 'Eisā said:] There are narrations on this topic from Ibn 'Abbās, Sulaimān bin Şurad, and Muṭī'.

[قَالَ أَبُو عِيسَى:] وفي البابِ عَنِ ابْنِ  
عَبَّاسٍ وَسُلَيْمَانَ بْنِ صُرَدٍ وَمُطِيعٍ.

This *Hadīth* is *Hasan Ṣaḥīḥ*, 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.

[وَلِهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ وَهُوَ حَدِيثُ  
زَكَرِيَّا بْنِ أَبِي زَائِدَةَ عَنِ الشَّعْبِيِّ لَا نَعْرِفُهُ إِلَّا  
مِنْ حَدِيثِهِ.

تخريج: [حسن] وأخرجه أحمد: ٤١٢/٣ عن يحيى بن سعيد القطان به وله شاهد عند أحمد: ٤١٢/٣، ٢١٣/٤ وسنده حسن \* وفي الباب عن ابن عباس [البخاري، ح: ١٣٤٩، مسلم، ح: ١٣٥٣] وسليمان بن صرد [لعله يشير إلى ح: ٤١٠٩، ٤١١٠ من حديث البخاري] ومطيع [مسلم، ح: ١٧٨٢].

**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**

(المعجم ٤٦) - بَابُ مَا جَاءَ فِي السَّاعَةِ  
الَّتِي يُسْتَحَبُّ فِيهَا الْقِتَالُ (التحفة ٤٦)

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.

١٦١٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا  
مُعَاذُ بْنُ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ فَتَادَةَ،  
عَنِ التُّعْمَانِ بْنِ مُقَرَّرٍ قَالَ: غَزَوْتُ مَعَ النَّبِيِّ

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)<sup>[1]</sup> that the wind of victory was raging, and the believers would supplicate for their armies in their *Ṣalāt*." (*Da'if*)

[Abū 'Eisā said:] This *Ḥadīth* 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.

عَلَيْهِ وَسَلَّمَ فَكَانَ إِذَا طَلَعَ الْفَجْرُ أَمْسَكَ حَتَّى تَطْلُعَ الشَّمْسُ فَإِذَا طَلَعَتْ قَاتَلَ، فَإِذَا انْتَصَفَ النَّهَارُ أَمْسَكَ حَتَّى تَزُولَ الشَّمْسُ، فَإِذَا زَالَتْ الشَّمْسُ قَاتَلَ حَتَّى الْعَصْرِ ثُمَّ أَمْسَكَ حَتَّى يُصَلِّيَ الْعَصْرَ ثُمَّ يُقَاتِلُ، قَالَ: وَكَانَ يُقَالُ: عِنْدَ ذَلِكَ تَهْبِجُ رِيَّاحُ النَّصْرِ وَيَدْعُو الْمُؤْمِنُونَ لِحُبُوسِهِمْ فِي صَلَاتِهِمْ.

[قَالَ أَبُو عِيسَى:] وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنِ الثُّعْمَانَ بْنِ مُقَرَّرٍ بِإِسْنَادٍ أَوْصَلَ مِنْ هَذَا، وَقَتَادَةُ لَمْ يُدْرِكِ الثُّعْمَانَ بْنَ مُقَرَّرٍ، مَاتَ الثُّعْمَانُ فِي خِلَافَةِ عُمَرَ.

تخریج: [إسناده ضعيف] قتادة عنن 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 *Ḥadīth* 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." (*Ṣaḥīḥ*)

[Abū 'Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. 'Alqamah bin

١٦١٣ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا عَفَّانُ بْنُ مُسْلِمٍ وَالْحَجَّاجُ بْنُ مِنْهَالٍ قَالَا: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ: حَدَّثَنَا أَبُو عِمْرَانَ الْجَوْنِيُّ عَنْ عُلْقَمَةَ بْنِ عَبْدِ اللَّهِ الْمُزَنِيِّ، عَنْ مَعْقِلِ بْنِ يَسَارٍ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ بَعَثَ الثُّعْمَانَ بْنَ مُقَرَّرٍ إِلَى الْهُرْمُزَانَ، فَذَكَرَ الْحَدِيثَ بِطَوِيلِهِ، فَقَالَ الثُّعْمَانُ بْنُ مُقَرَّرٍ: شَهِدْتُ مَعَ رَسُولِ اللَّهِ ﷺ فَكَانَ إِذَا لَمْ يُقَاتِلْ أَوَّلَ النَّهَارِ انْتَظَرَ حَتَّى تَزُولَ الشَّمْسُ وَتَهَبَّ الرِّيَّاحُ وَيَنْزِلَ النَّصْرُ.

[1] That is during the time after the zenith as indicated in the following *Ḥadīth*.

‘Abdullāh (one of the narrators) is the brother of Bakr bin ‘Abdullāh Al-Muzanī.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَعَلَقَمَةُ بْنُ عَبْدِ اللَّهِ هُوَ أَخُو بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُزَنِيِّ.

**تخريج:** [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: ١١٦/٢ ووافقه الذهبي، وأصله عند البخاري، ح: ٣١٦٠ من حديث النعمان به.

### Chapter 47. What Has Been Related About *At-Tiyarah* (Bad Omens)

(المعجم ٤٧) - بَابُ مَا جَاءَ فِي الطَّيْرَةِ (التحفة ٤٧)

**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).” (*Ṣaḥīḥ*)

١٦١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ عِيسَى بْنِ عَاصِمٍ، عَنْ زُرِّ، عَنْ عَبْدِ اللَّهِ [بْنِ مَسْعُودٍ] قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الطَّيْرَةُ مِنَ الشَّرْكِ، وَمَا مِثْلُهَا [إِلَّا] وَلَكِنَّ اللَّهَ يُذْهِبُهُ بِالتَّوَكُّلِ».

Abū ‘Eisā said: I heard Muḥammad bin Ismā‘il saying: “Sulaimān bin Ḥarb used to say about this *Ḥadīth*: ‘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.’”

قَالَ أَبُو عِيسَى: سَمِعْتُ مُحَمَّدَ بْنَ إِسْمَاعِيلَ يَقُولُ: كَانَ سُلَيْمَانَ بْنَ حَرْبٍ يَقُولُ فِي هَذَا الْحَدِيثِ: «وَمَا مِثْلُهَا وَلَكِنَّ اللَّهَ يُذْهِبُهُ بِالتَّوَكُّلِ».

There are narrations on this topic from Sa‘d, Abū Hurairah, Ḥābis At-Tamīmī, ‘Aishah, and Ibn ‘Umar.

قَالَ سُلَيْمَانَ: هَذَا عِنْدِي قَوْلُ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، وَفِي الْبَابِ عَنْ سَعْدٍ، وَأَبِي هُرَيْرَةَ، وَحَابِسِ التَّمِيمِيِّ، وَعَائِشَةَ، وَابْنَ عُمَرَ، [و]هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ سَلَمَةَ بْنِ كُهَيْلٍ وَرَوَى شُعْبَةُ أَيْضًا عَنْ سَلَمَةَ، هَذَا الْحَدِيثُ.

This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*, we do not know of it except as a narration of Salamah bin Kuhail. *Shu‘bah* also reported this *Ḥadīth* from Salamah.

**تخريج:** [إسناده صحيح] وأخرجه أبو داود، الطب، 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.” (*Ṣaḥīḥ*)

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

١٦١٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ هِشَامِ [الدُّسْتَوَائِيِّ]، عَنْ قَتَادَةَ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا عَدْوَى وَلَا طَيْرَةَ وَأَجِبُ الْفَأْلَ»، قَالُوا: يَا رَسُولَ اللَّهِ، وَمَا الْفَأْلُ؟ قَالَ: «الْكَلِمَةُ الطَّيِّبَةُ». [قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، الطب، باب الفأل، ح: ٥٧٥٦ من حديث هشام ومسلم، 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-Aḥwadhī*.

**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.” (*Ḍa’if*)

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

١٦١٦ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا أَبُو عَامِرٍ الْعَقَدِيُّ عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حُمَيْدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ كَانَ يُعْجِبُهُ إِذَا خَرَجَ لِحَاجَتِهِ أَنْ يَسْمَعَ يَا رَاشِدُ، يَا نَجِيحُ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ.

تخريج: [إسناده ضعيف] وأخرجه الطحاوي في مشكل الآثار: ٢/ ٣٤٤ وأبو نعيم في أخبار أصبهان: ٢٠٦/٢ من حديث محمد بن رافع النيسابوري به \* حميد الطويل مدلس وعنعن.



**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 وَصِيَّةِ النَّبِيِّ ﷺ فِي الْقِتَالِ (التحفة ٤٨)

١٦١٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُفْيَانَ، عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا بَعَثَ أَمِيرًا عَلَى جَيْشٍ أَوْصَاهُ فِي خَاصَّةِ نَفْسِهِ بِتَقْوَى اللَّهِ وَمَنْ مَعَهُ مِنَ الْمُسْلِمِينَ خَيْرًا وَقَالَ: «اغْرُوا بِسْمِ اللَّهِ وَفِي سَبِيلِ اللَّهِ، قَاتِلُوا مَنْ كَفَرَ بِاللَّهِ، وَلَا تَعْلُوا وَلَا تَغْدُرُوا وَلَا تُمَثِّلُوا، وَلَا تَقْتُلُوا وَلِيدًا، فَإِذَا لَقِيتَ عَدُوَّكَ مِنَ الْمُشْرِكِينَ فَادْعُهُمْ إِلَى إِحْدَى ثَلَاثِ خِصَالٍ أَوْ خِلَالٍ أَيَّتُهَا أَجَابُوكَ فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ: وَادْعُهُمْ إِلَى الْإِسْلَامِ وَالتَّحْوِيلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ، وَأَخْبِرْهُمْ أَنَّهُمْ إِنْ فَعَلُوا ذَلِكَ فَإِنَّ لَهُمْ مَا لِلْمُهَاجِرِينَ وَعَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ، وَإِنْ أَبَوْا أَنْ يَتَّحْوِلُوا فَأَخْبِرْهُمْ أَنَّهُمْ يَكُونُونَ كَأَعْرَابِ الْمُسْلِمِينَ يَجْرِي عَلَيْهِمْ مَا يَجْرِي عَلَى الْأَعْرَابِ، لَيْسَ لَهُمْ فِي الْغَنِيمَةِ وَالْفَيْءِ شَيْءٌ إِلَّا أَنْ يُجَاهِدُوا، فَإِنْ أَبَوْا فَاسْتَعِنَ بِاللَّهِ عَلَيْهِمْ وَقَاتِلْهُمْ. وَإِذَا حَاصَرْتَ حِصْنًا فَأَرَادُوكَ أَنْ تَجْعَلَ لَهُمْ ذِمَّةً اللَّهُ وَذِمَّةَ نَبِيِّهِ فَلَا تَجْعَلَ لَهُمْ ذِمَّةً وَلَا ذِمَّةً

be treated the same as the Bedouins are treated. There is no war spoils or *Fay*<sup>[1]</sup> 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." (*Ṣaḥīḥ*)

[Abū 'Eisā said:] There is something on this topic from An-Nu'mān bin Muqarrin, and the *Ḥadīth* of Buraidah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

Muḥammad bin Bash-shāh narrated to us (he said): "Abū Aḥmad 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

نَبِيَّهِ وَاجْعَلْ لَهُمْ ذِمَّتَكَ وَذِمَمَ أَصْحَابِكَ، فَإِنَّكُمْ إِنْ تُخْفِرُوا ذِمَمَكُمْ وَذِمَمَ أَصْحَابِكُمْ خَيْرٌ مِنْ أَنْ تُخْفِرُوا ذِمَّةَ اللَّهِ وَذِمَّةَ رَسُولِهِ، وَإِذَا حَاصَرْتَ أَهْلَ حِصْنٍ فَأَرَادُوا أَنْ تُنْزِلُوهُمْ عَلَى حُكْمِ اللَّهِ فَلَا تُنْزِلُوهُمْ، وَلَكِنْ أَنْزِلْهُمْ عَلَى حُكْمِكَ، فَإِنَّكَ لَا تَدْرِي أَتَصِيبُ حُكْمَ اللَّهِ فِيهِمْ أَمْ لَا» أَوْ نَحْوَ ذَلِكَ.

[قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنِ التُّعْمَانِ بْنِ مُقَرَّرٍ وَحَدِيثُ بُرَيْدَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو أَحْمَدَ عَنْ سُفْيَانَ: حَدَّثَنَا عَلْقَمَةُ بْنُ مَرْثَدٍ نَحْوَهُ بِمَعْنَاهُ وَزَادَ فِيهِ: «فَإِنْ أَبَوْا فَخُذْ مِنْهُمْ الْجِزْيَةَ، فَإِنْ أَبَوْا فَاسْتَعِنَ بِاللَّهِ عَلَيْهِمْ».

[قَالَ أَبُو عِيسَى:] هَكَذَا رَوَاهُ وَكَيْعٌ وَغَيْرٌ وَاحِدٌ عَنْ سُفْيَانَ، وَرَوَى غَيْرُ مُحَمَّدَ بْنَ بَشَّارٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ وَذَكَرَ فِيهِ أَمْرَ الْجِزْيَةِ.

[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 Waki‘ and others from Sufyān. And other than Muḥammad bin Bash-shār reported it from ‘Abdur-Raḥmān bin Maḥdī, and he mentioned the matter of the *Jizyah* in it.

**تخریج:** وأخرجه مسلم، الجهاد، باب تأمير الإمام الأمراء على البعوث ... إلخ، ح: ۱۷۳۱ من حديث عبدالرحمن بن مهدي به \* وفي الباب عن النعمان بن مقرن [تقدم: ۱۶۱۲، ۱۶۱۳].

### 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 *Fiṭrah*.” 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.” (*Ṣaḥīḥ*)

(Another chain) with similar narration.

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

۱۶۱۸ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا عَفَّانُ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ: حَدَّثَنَا ثَابِتٌ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: كَانَ النَّبِيُّ ﷺ لَا يُعِيرُ إِلَّا عِنْدَ صَلَاةِ الْفَجْرِ، فَإِنْ سَمِعَ أَدَانًا أَمْسَكَ وَإِلَّا أَغَارَ، وَاسْتَمَعَ ذَاتَ يَوْمٍ فَسَمِعَ رَجُلًا يَقُولُ: اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ، فَقَالَ: «عَلَى الْفِطْرَةِ» فَقَالَ: أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ. فَقَالَ: «خَرَجْتَ مِنَ النَّارِ».

قَالَ الْحَسَنُ وَحَدَّثَنَا [أَبُو] الْوَلِيدُ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ بِهَذَا الْإِسْنَادِ مِثْلَهُ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

**تخریج:** وأخرجه مسلم، الصلاة، باب الإمساك عن الإغارة على قوم في دارالكفر إذا سمع فيهم الأذان، ح: ۳۸۲ 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.