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**PROPHET MUHAMMAD**  
*(Peace be upon him)*  
**THE FINAL GUIDE TO HUMANITY**

*Being a short Biographical Compilation  
Of the Life, Mission and Teachings of the  
Holy Prophet Muhammad (peace be upon him)*

**(In Five Volumes)**

**VOLUME - IV**

**By**

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**Section – VI**

**MAALIYAAT**

**(FINANACE)**

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# MAALIYAAT

## (FINANCE)\*

### 1. General:

Problems relating to finance deal with demands and their satisfaction. In this respect question relating to income and expenditure are of primary consideration. In other words, the entire problem revolves round the acquisition and utilization of money, because it is through the medium of money that satisfaction of human demands is usually achieved.

### 2. Socialistic Ideology:

According to the socialistic ideology all developments in the history of mankind have taken, and are still taking, place on account of monetary struggles and conflicts between the individuals on one hand, and the societies on the other, and in this struggle the rich always exploit the poor, although it is really the poor who is responsible for the wealth of any society. In order to stop this exploitation, therefore, the communists, in the garb of staunch advocates of socialism and protectors of the right of the down trodden elements of human society, thought of monopolizing the entire sources of income and wealth of the country and thus bring all the individuals of the state to one common status and evolve a pattern of statecraft in which every individual has perforce to work for the state to get his sustenance from the state and no body is allowed to own any property or have any assets of his own.

But this type of ideology, however attractive it might appear to be, is basically opposed to human nature, and hence it does not solve the problem in its reality, rather it makes it all the more complex and gives rise to conflicts and perpetual discontent.

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1. Taken from my book "Islam – the Religion", pp. 213 – 220.

Firstly, the pattern of so-called economic controls divides the entire society into two major classes: one the state, and the other the individuals and the entire wealth of the country comes under the sole authoritative control of, and is monopolized by, the state which in effect becomes the over-all wealth possessive class of the country correspondingly reducing all other individuals to mere serfs and laborers to work at the command of the state, and which alone acquires the license for existence and survival. Thus the individual's freedom is totally crushed and man is reduced to the state of a mere breathing *microcosm*. Secondly, by taking over itself the responsibility of feeding all the individuals, the state divides the individuals into various groups, apportioning for each group specific items of victuals and the individuals of every group have to content with what the state has fixed for them without having any say in the choice of their socialized diet or any change thereof. Thus the question of personal likes and dislikes and quantum of needs does not arise. Thirdly, although the individuals are made to work in the fields, factories or anywhere else as the state fixes up, yet they do not arise. Thirdly, although the individuals are made to work in the fields, factories or anywhere else as the state fixes up. Yet they do not get any benefit out of their work excepting the usual items of food and clothing fixed by the state relating to their group. Thus there is neither a choice of profession available nor the guarantee of proper return for their labour. Fourthly, in order to keep the individuals under the particular ideology of the state, freedom of vote is practically denied, so that "Vox Populi" may not cause any set back to the pattern of governance by particular clique in power. Thus the ruling class shall always have the power in its hands and only those persons will be allowed to come forward who are selected by the ruling class in the manner they like. Thus the poor peasants and labourers, for whose benefit the revolution of "classless society", as the communists plead for, starts, always remain under the iron hands of the few powerful persons who, after usurping all the powers, properties, wealth and resources of the country, freedom and civic rights of the individuals, control the human beings at large at the flog of military force, and the human society again gets divided into multitudes of classes having more rigid and strict boundary marks which it is not at all easy, rather it is impossible, to break.

But this is not all, with the confiscation of all freedom; all values of life also go away. Since all individuals are reduced to mere *automaton* or slaves, there remains no question of respect, character, morality, mutual help or sympathy. There is also no question of truth or thankfulness because there is no room or choice for free service or assistance to each other. There is no love of parentage, reverence and service to the elders and help to the relatives or friends because one has nothing extra to spend for them. There cannot be sincerity of purpose or interest in any work because one has to do it under coercion without any hope of proper return or appreciation. There is no room for spiritual uplift through belief in God and obedience to his commands. As such the entire life loses its charm and becomes totally barren having no ultimate end in view. To put it in a nutshell, all that an individual possesses in the form of natural gifts of intellect, humanity and physical power as well as all that he owns from the worldly gains, is being taken away from him for a piece of bread only.

### **3. Capitalistic Ideology :**

This in short is the one extreme of pure intellectualistic understanding and settlement of the financial problems of the human society. The other extreme, on the contrary, is to be found in the Capitalistic Ideology portrayed in the “Jewish” mentality of the Europe in the west or the “Banya” tendency of India in the East. Under this system the cream of the milk is always meant to fill the distending belly of the capitalist while the whey or curd – water remains for the poor to sustain to his animal existence. The curse of this system is that although extreme labour is extracted from the poor or working class yet the least is paid to them in return with the result that the rich goes on multiplying the heaps of gold and silver and raising buildings after buildings and the poor is left to suffer even for want of his daily needs. In this class of overburdens the poor with interest thereof to this extent that the poor fellow is not able to clear off even the interest while the principal always remains due throughout his life. In this system,

However, charity to some extent remains a source of help for the poor and he also enjoys the freedom of choice of profession, bargaining for the return of his labour, owning the property, eating and wearing according to his own wishes and means, however small they may be.

#### 4. Islamic Ideology:

In between these two extremes lies the Islamic ideology of administering the finances of the society, and in this respect it is to be kept in mind that the very foundation of the Islamic ideology materially and fundamentally differs from that of either of the above mentioned two extreme views of the intellectualists or the materialists as in essence they are.

The foundation of the Islamic view is the absolute faith in: that Allah is the creator of all. He has created man (*Aale Imran* : 3 ; 6 – 7 ; 11) : has given him hearing, sight, intelligence, affections (*Nehl*, 16 ; 78 ) and feelings (*Sajdah*, 32 ; 9 ) ; has produced gardens with trellises and dates, and tilts with produce of all kinds, and Olives and pomegranates and cattle (*Nahl*, 16 ; 141 – 142 ) ; has created heavens and earth (*R'ad*, 13 ; 12 ) ; has produced vegetables of all kinds, date-palms, gardens of grapes and Olives and pomegranates (*An'aam*, 6 ; 95 – 99 ) ; day and night, sun and moon (*Ambiua*, 21 ; 33) ; milk (*Nahl*, 16 ; 66 ) ; and fruits (*Nahl*, 16 ; 67 ), for the sustenance of the human life on earth.

Since Allah is the creator of all, every thing belongs to him alone. Quran says: to him belong all things in the heavens and on earth (*Nisa*, 4; 126 ). The domain of the heavens and the earth is in his hands (*A'araaf*, 7 ; 158 ). To him belongs all that is in the heavens and the earth and all between them and all beneath the soil (*Taa Haa*, 20 ; 6) and he has power over all things (*Hadeed*, 57 ; 2).

Whatever man, therefore, possesses is given to him by Allah (*Zukhruf*, 43: 32) Allah gives whatever he wishes to any

Body (*Saba*, 34: 36). He gives to some in plenty (*Aale Imran*, 3: 26) and to some in measured quantity (*Saba*, 34: 39). He also increases or decreases the bounties given to anybody according to his own wishes (*Ankaboot*, 39: 62). Men neither brings any thing with him when he is born nor takes away any thing when he dies. He only makes use of whatever he possesses as far as he is alive.

### **5. Foundation of Islamic Financial Set-up:**

Since whatever a man possesses is not his own but some thing given to him by Allah, he is supposed to use it only as Allah commands. This is what Islam enjoins upon, and expects from, every Muslim, and this is really the foundation of the financial set up of the Islamic society, and this foundation differs from that of the communistic as well as the capitalistic system not merely as regards the basic ideology but also as regards the practical aspect of it dealing with the acquisition, ownership and utilization of wealth.

All the systems other than Islam hold that acquisition of wealth is due to the act of man himself. It is he who earns and acquires money. Islam on the contrary pleads that whatever a man possesses is given to him by Allah alone. The act of man is merely a means to it, and that too is not at all a must or a condition precedent to it, on close examination of both these views we find that the Islamic view is correct. If the act of man is alone responsible for acquisition of wealth, then why should anybody remain poor, get less or nothing at all? After all everybody puts in labour and endeavors to get money, but everybody does not get it or at least of the same quantity. One may say that this is due to different nature of professions and engagements. But the difficulty is that even in one and the same profession or engagement all do not get the same quantum of wealth. Further, it does not also depend upon intelligence, because mostly we find that the intellectuals get the least while illiterates earn the most. Then what about the risk, disabled and old persons who do not labour at all but still get their sustenance. Therefore, it is obvious that nether

Neither Labour nor intelligence is responsible for gaining the wealth. They are no doubt the means to it, but never the real cause of it. Then how does man get the wealth? The only correct reply can be that Allah gives it. If not, then from where man gets the means to acquire money? To be more explicit, from where man gets the means to acquire money? To be more explicit, from where minerals come, rains fall, rivers flow, crops grow, cattle born? All these are undoubtedly the raw materials out of which man is able to earn the money. The answer can obviously be that all this has been created by Allah. By creating the raw materials Allah has given the means to earn money. Then, from where intelligence to use the raw materials comes? Naturally, it is also given by Allah. Then why should not one admit outright that it is Allah alone who gives the wealth?

All being a gift of Allah, the ideology that man is the owner of all that he possesses is also basically wrong. This fact is further proved from the birth and death of man. When born, a man comes all alone, having not even a piece of cloth on his body, and when dies, goes away all alone without any assets of this world. But how is it that the owner of any thing cannot take it away with him? The Islamic view, therefore, that all that a man possesses in this world is merely a trust of Allah and not the property owned by man. Is obviously the correct view.

Man being a trustee of all that he possesses can only use it as a trust according to the directions of the owner of the trust; otherwise it will be a breach of trust. Therefore, even as regards the utilization of the wealth, the wishes of a man are totally immaterial. The property being not of his own, a man cannot use it as he wishes. As a trustee he has to hold it, keep a watch over it, and spend it as directed by the owner of the trust, i.e. Allah the Almighty, and since everybody is a trustee of what he possesses he is not allowed to have an evil eye on what others have in their possession otherwise than as permitted by the real owner.

Thus in all of its three aspects the financial set-up of the human society in the Islamic sense is fundamentally different from that of the other systems of the world. Here neither the wealth is

The result of personal craning of a man, nor is it the property of one who possesses it, nor can it be used otherwise than permitted by Allah.

Before concluding, it may also be mentioned, firstly, that, like all other principles of Islam, the principles in respect of finance also are all in total conformity with human nature and the ultimate aim of life as a whole. Thus, while acquisition, possession and utilization of wealth are permitted and checks and restraints have been placed on free dealings with it, the freedom of human mind and soul, his desires and wishes, his emotions and sentiments, his spiritual, moral and physical needs, his rights and privileges, and higher values of life, all have also been fully maintained and safeguarded. Nothing has been crushed, sacrificed or oppressed for other, and at all stages the ultimate end of life and the purpose of life as a whole have been kept in view.

Secondly, the underlying policy of the financial set-up in Islam is twofold: one, that the basic needs of an individual must be fully satisfied, and in this respect there is clear order to enjoy fully well all that one justly and honestly gets from the wordly things, without any interference or interruption from the other individuals of the society : and the other aspect is to avoid hoarding up of wealth, rather create conditions for maintaining its circulation for the general benefit of mankind. For this purpose, principles of “zakaat” (poor-rate), “khiraat and sadaqaat” (charity), “Hiba” (gift), “Wasiyat” (will), “wakf” (trust), “wirasat” (inheritance), and interest-free loans have been laid down. Besides this, for the held of the poor and deserving ones the system of giving “Fitranah” on the Eidul Fiutr, before going to prayer, and performance of “kaffarah” (ransom) through freedom of slaves, payment of money, or supply of food or clothes, has also been laid down by way of penalty for intentional breaking of the “som” (fast), and shortfalls during the state of “Ehram” during the pilgrimage, and other deeds.

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## SYNOPSIS

- A. Zakaat.
- B. Wasiyat.
- C. Wirasat.
- D. Waqf.
- E. Hiba.
- F. Interest – free Loan.
- G. Tijarat.
- H. Wages.
- I. Barren Lands, Water, Free Grants.

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**A**  
**ZAKAAT**  
**(POOR – RATE)**

Chapter – 1 – Assets on which Zakaat is payable

Chapter – 2 – Persons not entitled to Zakaat and Sadaqah

Chapter – 3 – Collectors of Zakaat

Chapter – 4 – Non – payment of Zakaat

Chapter – 5 – Sadaqah- ul – Fitr

Chapter – 6 – Sadaqah (charity) and Niggardliness

Chapter – 7 – Excellence of Sadaqah (charity)

Chapter – 8 – The best of Sadaqah

Chapter – 9 – Sadaqah by a woman from her husband's property

Chapter – 10 – Taking back the sadaqah

## ZAKAAT

Zakaat (poor-rate) is compulsory for every Muslim who is a man of means. It is payable on the assets after one complete year”.

Zakaat is payable on (1) Gold, Silver, Cash currency, (2) Merchandise, (3) Agricultural (including fruits) produce, (4) Cattle, (5) Minerals and Hidden Treasures, in the following ratios:

### (1) Gold, Silver, Cash and Currency:-

- (a) Gold – on 20 Misqaal or 7.5 Tolas, or more, at the rate of 2.5 %
- (b) Silver – on 200 Dirhams or 5 Oqiyahs or 52.5 Tolas, or more, at the rate of 2.5%.
- (c) Cash and Currency - of the value of gold or silver mentioned above – at the rate of 2.5%

### (2) Merchandise:-

Of the value of gold or silver as mentioned above – at the rate of 2.5%

### (3) Agricultural (including fruits) produce:-

- One – tenth when it is through natural resources.
- One- twentieth when it is through personal efforts.

### (4) Cattle:-

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\*For explanation of “one complete year” see hidayah, bahar-e-shariat or any other book of Fiqah.

(a) Camels

5 to 9	1 goat
10 to 14	2 goats
15 to 19	3 goats
20 to 24	4 goats
25 to 35	1 she-camel of one year and if it Is not available then 1 camel of One year
36 to 45	1 she-camel in the 3 <sup>rd</sup> year of its Age.
46 to 60	1 she-camel in the 4 <sup>th</sup> year of its Age.
60 to 75	1 she-camel in the 5 <sup>th</sup> year of its Age.
76 to 90	2 she-camel in the 3 <sup>rd</sup> year of Their ages.
91 to 120	2 she-camel in the 4 <sup>th</sup> year of Their ages.

If the number of camels is more, then on each 40 camels one she-camel of 2 years of age, and for each 50 camels one she-camel of 3 years of age. This is the view of *Shaafe'ee* and *Hambal*, but according to *Abu Hanifa*, even after the number of 120 camels the ratio will be the same as upto 120.

(b) Cows (including buffalows)

30	1 calf of one year
40	1 calf of two year

(c) Goats (including sheep)

40 to 120	1 goat
121 to 200	2 goats
201 to 300	3 goats
301 to 400	4 goats

After 400 one goat on each 100 goats

Note: there is no Zakaat on horses, mules and assess  
Unless they are for the purpose of business.

**(5) Minerals and Hidden Treasures:-**

The condition of one year's custody does not apply to Minerals and Hidden Treasures and as such Zakaat becomes payable as soon as they are dug out.

According to *Abu Hanifa*, Zakaat is payable at the ratio of one-fifth on the actual quantity dug out, while according to *Maalik*, *Shafe'ee* and *Humbal*, it is payable on the ratio of cash and currency.

Zakaat is meant for (1) *Fuqaraa*, (2) *Masakeen* (3) *A'amileen* (4) *Mu'allifatul Quloob*, (5) *Ghaarimeen*, (6) *Fisabeelillah*, and (7) *Ibmus Sabeel*

Zakaat should not be offered to (1) the Holy prophet and his family, (2) parents and children, (3) husband and wife, (4) minors whose fathers are rich, and (5) non-Muslims.

Basic commands for zakaat are contained in the holy Qur'an and the details thereof are provided in the Ahadees of the Holy Prophet.

## ZAKAAT (POOR – RATE)

## QUR'AN

**The Command:** in the holy qura'n the command for zakaat goes side by side with the command for salaah. Quran say, "keep up prayer and pay the poor-rate" (*Baqarah, 2 :110*) "keep up prayer and pay the poor-rate and hold fast to Allah" (*Hajj, 22:78*) "keep up prayer and pay the poor-rate and obey the Messenger so that Mercy may be shown to you" (*Noor, 24:56*) " keep up prayer and pay the poor-rate and obey Allah and his Messenger" (*Mujadalah, 58:13*) and "keep up prayer and pay the poor-rate and offer Allah a goodly (loan)" (*Muzzammil, 73:20*)

Allah says, "Tell My Servants who believe to keep up prayer and spend out of what we have given them, secretly and openly, before the coming of the day in which there is no bartering nor befriending" (*Ibrahim, 14:31*)

**People of the Book:** Regarding the people of the book it is said, "they are enjoined not but to serve Allah being sincere to him in obedience, upright, and keep up prayer and pay the poor-rate and that is the right religion" (*Bayyinmah, 98:5*). There was a covenant with the bani israil to serve none but Allah, do good to parents, and to the near of kens, and to orphans, and the needy, and speak good words to all men, and keep up prayer and pay the poor-rate" (*Baqarah, 2:83*) and Allah had also promised with them that "surely I am with you, if you keep up prayer and pay the poor-rate, and believe in My Messengers and assist them and offer to Allah a goodly load, I will certainly cover your evil deeds and allow you to enter the Gardens wherein rivers flow: (*Maa'idah, 5:12*)

**Previous Prophets:** To Prophets Abraham, Isaac and Jacob, Allah says, was revealed "the doing of good and the keeping up of prayer and the giving of alms" (*Ambia, 21:73*). Prophet Ismail enjoined on his people prayer an alms-giving (*Marya, 19:54-55*). Jesus said to his people, "He (i.e. Allah) has made me blessed wherever I may be,

And his enjoined on me prayer and poor-rate so long as I live” (*Marya, 19:31*) similarly the last prophet Muhammad (peace be upon him) has also been commanded (by Allah) to ask the believers to pay the poor-rate (*Ibrahim, 14:31*) there was also an specific command for the family of the holy prophet to keep up prayer and pay the poor-rate (*Ahzab, 33:33*).

**The Guide Ones:** the guided ones are those who believe in Allah and the last day and keep up prayer and pay the poor-rate and fear none but Allah (*Taubah, 9:18*) the believers were commanded to slay the idolaters with whom immunity from agreement was declared, and to take them captives and besiege them and lie in wait for them in every ambush, unless they repent, and keep prayer and pay the poor-rate (*Taubah, 9:5*). The believers and those who believe and keep up prayer and pay the poor-rate” (*Maa'idah, 5:55*).

**Duty of the Rulers:** Allah helps those who, if established in land, keep up prayer and pay the poor-rate and enjoin Good and forbid Evil (*Hajj, 22:40-41*) Allah says, “O you who believe, spend out of what we have given to you before the Day comes in which there is no bargaining, nor befriending, nor intercession: (*Baqarah, 2:254*).

**The Reward:** Paying of poor-rate is a sign of believers (*Taubah, 9:71*) it is a sign of piety (*Baqarah, 2:2-3*). Mercy is shown to those who pay the poor-rate (*Noor, 24:56*). They are successful (*Mo'minoon, 23:3-4*). They will be in Gardens, honoured (*Ma'arij 70:24-25*). For those in whose wealth there is a due share for the beggars and destitute (*Zaariyaat, 51:19 :Ma'arij, 70:24-25*) ; and those who spend out of that which Allah has given them, openly and secretly (*Red, 13:22*) and those who give food, out of love for Allah, to the poor and the orphans and the captives (*Dahr, 76:8*), seeking only the pleasure of Allah (*Lail, 92:20*) – for them is the drink of cup tempered with camphor – a fountain from which the servants of Allah drink (*Dahr, 76:5-6*). Allah will ward off from them the evil of that day and cause them to meet with

Splendor and happiness and reward them for their steadfastness with a garden and with silk, reclining therein on raised couches they will see therein heat of neither sun nor intense cold (Dahr, 76:11:13). For such a one it is also said that, "he will be soon well-pleased" (Lail, 92:21).

**The Punishment:** there is destruction for those who believe not nor pay the poor-rate (*Haa Meem*, 41:7). Those who do not urge the feeling of the poor are sinful ( *Haaqqah*, 69:34). Allah loves not those who are niggardly and bid people to be niggardly and hide that which Allah has given them out of His Grace: for them is an abasing punishment (*Nisa*, 4:37). Regarding niggardliness it is said, "it is evil for them: they shall have a collar of their niggardliness on their necks on the day of resurrection (*Aale Imran*, 3:179). For those who hoard up gold and silver and spend not in the way of Allah is a painful punishment on the day when it will be heated in the fire of Hell, then their fore-heads and their sides and their backs will be branded with it (*Taubah*, 9:34).

**No fear no grief:** Quran says that for those who keep up prayer, pay the poor-rate and spend by night and day, privately and publicly, for the poor and needy persons, their reward is with their Lord, they will have no fear nor shall they grieve (*Baqarah*, 2:267-277). It is paid back in full by Allah and Allah gives more out of his grace (*Faatir*, 35:30). He increases it in reward (*Saba*, 34:39). There will be mighty reward for it (*Nisa*, 4:162).

**Good things to be given:** Allah says, spend of the good things that you earn and of that which we bring forth for you out from the earth, and aim not at the bad to spend thereof which you would not take it yourselves unless you connive at it (*Baqarah*, 2:267), and spend what you love, because you cannot attain righteousness unless you spend out of what you love (*Aale Imran*, 3:91).

**Meant for:** according to Quran, zakaat is meant for (1) *fuqara* i.e. those who do not have enough for their needs, (2) *masaakeen* i.e. those who have nothing to satisfy the needs of their lives and they depend on charity, (3) *Aamileen* i.e. those who are engaged in the Islamic state to collect the zakaat, (4) *Mu'allifatul Quloob* i.e. the non-Muslims who accept Islam, even though they may be rich, (5) *Fir Riqaab*, i.e. to free the slaves and captives, (6) *Ghaarimeen* i.e. those who are in dept but do not have enough money to repay the debt provided they are not habitual spendthrifts or evil-doers, (7) *Fi Sabeelillah* i.e. for good deeds and particularly for the jihad, and (8) *Ibnus Sabeel* i.e. wayfarers or those who are on journey and do not possess sufficient means to meet their needs even though at home they are rich (*Taubah, 9:60*).

**No reproach:** Quran has declared "Zakaat" as a right of the poor and needy in the wealth of the rich, (*Zaariyaat, 51:19*), and therefore, says, "O you who believe, make not your charity worthless by reproach and injury" (*Baqarah, 2:262*).

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## CHAPTER 1

### ASSETS ON WHICH ZAKAAT IS PAYABLE

**Exempted from Zakaat:** Abu saeed al- khudri has reported that the messenger of Allah has said that, “no zakaat is payable on less than five *Wasaqs* of dates, on less than five *Auqiah* of silver, and on less than five camels. <sup>1</sup> (*Bukhari and Muslim*) (*Mishkat, Kitab-uz-Zakaat, Baabo Maa Yajiboo Feehiz Zakaat*, No. 1702/1)

Abu hurairah has reported that the messenger of Allah has said that, “no zakaat is due from a Muslim on his labe or his horse.” In a version he said, “There is no zakaat on his slave except charity of the Eidul Fitr (breaking of the fast).” (*Bukhari and Muslim*) (*Mishkat, ibid*, 1703/2).

**Ratio of zakaat:** Anas has reported that when Abu bakr sent him to Bahrain, he wrote him this letter: in the Name of Allah, the Compassionate, the Merciful. This is obligatory Zakaat which the commanded him to impose. Whoever of the Muslims is asked for proper amount must give it, but whoever is asked for more than that he must not give it, but whoever is asked for more than that he must not give it? For twenty four camels or less, a sheep is to be given for every five. When they reach twenty-five to thirty five, a she-camel in her second year is to be given. When they reach thirty –six to forty-five, a she-camel in her third year is to be given. When they reach forty-six to sixty, a she-camel in her fifth year is to be given. When they reach seventy-six to ninety, two she-camels in third year are to be given. When they reach ninety-one to one hundred and twenty, two she-camels

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1. At that time only three were the items of wealth possessed by the Arabs, and the man having the best of these mentioned in this Hadees was by thought to be a wealthy man liable to pay the Zakaat, (*Ma'ariful Hadees*, by Maulana Manzoor Ahmed No'mani, Vol. IV, pp. 35-36)

In their fourth years which are ready to be covered by a stallion are to be given. When they exceed one hundred and twenty. A she-camel in her third year is to be given for every forty and a she-camel in her fourth year for every fifty. Whoever has only four camels no zakaat is payable on them unless their owner wishes. But when they reach five, a sheep is payable on them. If anyone whose camels reach the number on which a she-camel in her fifth year is payable does not possess one, but possesses one in her fourth year, that will be accepted from him along with two sheep if he can easily give them, otherwise twenty *Dirhams*. Anyone whose camels reach the number on which a she-camel in her fourth year is payable does not possess one but possesses one in her fifth year, that will be accepted from him, and the collector should give him twenty *Dirhams* or two sheep. If anyone whose camels reach the number on which a she-camel in her fourth year is payable possesses only one in her third year that will be accepted from him will be accepted from him along with two sheep or twenty *Dirhams*. If anyone whose camels reach the number on which a she-camel in her third year is payable possesses one in her fourth year that will be accepted from him and the collector should give him twenty *Dirhams* or two sheep. If anyone whose camels reach the number on which a she-camel in her third year is payable does not possess one but possesses one in her third year that will be accepted from him and the collector should give him twenty *Dirhams* or two sheep. But if he does not possess a she-camel in her second year as is required and possesses a male camel in its third year, that will be accepted from him and nothing extra is to be demanded along with it. As regards the zakaat on sheep which are pasturing, when they number from forty to one hundred and twenty, a sheep is to be given. On over one hundred and twenty up to two hundred two sheep are to be given. On over two hundred up to three hundred three sheep are to be given. If they exceed three hundred, a sheep is to be given for every one hundred. If a man's pasturing animas

Are one less than forty, no zakaat is due on them unless their owner wishes. An old sheep or one with a defect in the eye, or a male goat is not to be brought forth as zakaat unless the collector is willing. Those which are in separate flocks are not to be brought together and those which are in one flock are not to be separated because of the fear of zakaat. And that which belongs to two partners shall be returned to them in equal shares. On silver one fortieth is payable. But if there are only one hundred and ninety Dirhams, nothing is payable unless their owner wishes. (*Bukhari*) (*Mishkat, Ibid, 1704/3*)

**Produce of earth:** ‘Abdullah bin’ Umar has reported that the holy prophet has said that, “one-tenth is payable on what is watered by rain or fountains, or under-ground moisture, and one-twentieth on what is watered by camels.” (*Bukhari*) (*Mishkat, ibid, 1706/4*)

**Buried Treasures:** Abu Hurairah has reported that the messenger of Allah has said that, “the wound caused by an animal is exempted, well is exempted, and mine is exempted but one fifth is payable on buried treasure.” (*Bukhari and Muslim*) (*Mishkat, ibid, 1706/5*)

**Horses, Slaves, Sheep, Cattle,** Ali has reported that the messenger of Allah has said that, “I have exempted horses and slaves.<sup>1</sup> As regards silver, you must pay one *Dirham* for every forty *Dirhams*. But nothing is payable on one hundred and ninety *Dirhams*. When the total reaches two hundred, five *Dirhams* are payable.” (Tirmizi and Abu Dawud). In a version of Abu Dawud from Haris A’ war from Ali, from the Holy prophet, as Zuhair thought, he said, “pay one-fortieth.” A *Dirham* is payable on every forty, but you are not liable for payment till you have a complete two hundred *Dirhams*. When they reach two hundred five *Dirhams* are payable, and that proportion is applicable to larger amounts. Regarding sheep, for every forty sheep up to one Hundred and twenty one sheep is payable.

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1. Provided they are only for conveyance and service, and not for trade or business as it is clear from samuroh bin jundabs’ Hadees NO. 1719/18) (*Ma’ariful Hadees, ibid, Vol. IV, p. 37*).

If there is one more, then up to two hundred two sheep are payable. If there are more, then up to three hundred three sheep are payable, and if there are more than three hundred a sheep is payable for every hundred. But if you possess only thirty-nine, nothing is payable on them. As regards cattle, a male calf of one year is payable for every thirty and a cow in its third year for every forty, but nothing is payable on working animals, (*Mishkat, ibid, 17.7/6*)

Mu'aaz has reported that when the holy prophet sent him to Yemen, he ordered him to take a male or female calf of one year old for every thirty cattle and a cow in its third year for every forty. (*Abu Dawud, Tirmizi, Nasa'ee and Darimi*) (*Mishkat, ibid, 1708/7*)

Grain and Dates: Abu Sa'eed al-khudri has reported that the messenger of Allah has said, "no zakaat is payable on grain or dates till they reach five Wasaqs." (*Nasa'ee*) (*Mishkat, ibid, 1710/09*)

Musa bin talha has reported: I had the letter to Mu'az bin jabal from the holy prophet to the effect that he ordered him to collect zakaat only on wheat, barley, raisins and dates. (*Baghawi, sharhe as-sunnah*) (*Mishkat, ibid, 1711/10*)

Attab bin Usaid has reported that, as regards the zakaat on grapes, the holy prophet said that, "they are to be estimated as dates are estimated, and then zakaat is to be paid after being dried up as zakaat on fresh dates is paid after being dried up." (*Tirmizi and Abu Dawud*) (*Mishkat, ibid, 1712/11*)

Sahl bin Abi Hasmah has reported that the messenger of Allah used to say, "When you estimate, take them leaving one-third; and if you do not leave third, leave one-quarter." (*Tirmizi, Abu Dawud and Nasa'ee*) (*Mishkat, ibid, 1713/12*).

**Estimation of Dates:** Aaisha has reported that the holy prophet used to send Abdullah bin Rawaha to the Jews. To appraise the dates on trees when they were ripe before they were eaten. (Abu Dawud) (Mishkat, ibid, 1714/13)

**Ornaments:** Zainab the wife of Abdullah has reported that the messenger of Allah addressed them saying, “you women must give the alms even if it consists of your ornaments, because you will be the majority of the inhabitants of Hell on the Day of Resurrection.” (Tirmizi) (Mishkat, ibid, 1716/15)

Umme salamah has reported: I used to wear gold ornaments. So I asked: O messenger of Allah, is it a hoarded treasure? He said, “Whatever reaches a quantity on which zakaat is payable is not a hoarded treasure when zakaat is paid.”<sup>1</sup> (Maalik and Abu Dawud) (Mishkat, ibid, 1718/17)

**Merchandise:** Samurah bin Jundub has reported: the messenger of Allah used to order us to deduct the zakaat from what we prepared for trade. (Abu Dawud) (Mishkat, ibid, 1719/18)

**Mines:** Rabi’ah Abdur Rehman has reported from more than one (sources) that the messenger of Allah assigned as a fief to Bilal bin Haris Muzani the mines of Qabaliyah which is in the neighborhood of Fur’<sup>2</sup> and only zakaat is levied on those mines up to the present day.” (Abu Dawud) (Mishkat, ibid, 1720/19)

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1. On the basis of this and the previous Hadees (No. 1717/6), Imam Abu Hanifah is of the view that Zakaat is also payable on ornaments. Imam Maalik, shaafe’ee and Hambal are, however, of the view that zakaat is payable on ornaments if they are for trade or business or hoarding up of the wealth, and not for mere use. But according to some shaaf’ee jurists, and as also noted by Imam Raazi in his “Tafseer-e-kabeer,” the view of Abu Hanifah has strong support of the Ahadees (Ma’ariful Hadees, ibid, Vol. IV, pp. 39-40).

2. Village in the neighborhood of Rabazah, eight stages from Medinah on the way of Mecca: some say four day’s journey. (James Robson)

**Vegetables and Palm-trees:** Ali has reported that the holy prophet has said that, no zakaat is due on green herbs, palm-trees given in usufruct for a year, less than five Wasaqs, working animals, or jbha.” (saqr said to jabha consists of horses, mules and slaves). (*Daara Qutni*) (*Mishkat, ibid, 1721/20*)

**Taking more:** Anas has reported that the messenger of Allah has said that, “The one who collects more zakaat than what is due is like the one who refuses to pay it.” (*Abu Dawud*) (*Mishkat, ibid, 1709/8*)

**Less than ratio:** tawus has reported that a Waqs of cow was brought to Mu’aaz bin Jabal. He said that, “the Holy Prophet did not command me to levy anything on them. (*Daara Qutni and Shaafe’ee*, the latter saying that a *Waqs* is a number less than that on which zakaat is payable) <sup>1</sup> (*Mishkat, ibid, 1722/21*)

**After one complete year:** Ibne Umar has reported that the Messenger of Allah has said that, “He who the property is not liable for zakaat on it till a year passes.” (Tirmizi) (*Mishkat, ibid, 1695/16*)

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1. The word Waqs or Waqas is applied to odd numbers of animals (usually cattle) between one limit of assessment and the next. (James Robson)

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## CHAPTER 2

### PERSONS NOT ENTITLED TO ZAKAAT AND SADAQAH

**The Holy Prophet:** Anas has reported that the Holy prophet passed by a date lying on the way and said that, “were it not that I fear it may be part of Sadaqah I would have it.”<sup>1</sup> (*Bukhari and Muslim*) (*Mishkat, kitab-un-zakaat, Baabo Munn Laa Tahello Lahus Sadaqah, No. 1729/1*)

**Banu Hashim:** Abu Hurairah has reported that Hassan bin Ali took one of the dates of *Sadaqah* and put it in his mouth. The holy prophet said that, “Throw it off”, “throw it off”. He then said, “Do you not know that we do not eat *sadaqah*?” (*Bukhari and Muslim*) (*Mishkat, ibid, 1730/2*)

**Impurities:** Abdul Muttalib bin Rabi’ah has reported that the messenger of Allah has said, “*Sadaqah* are only people’s impurities, and are not lawful for Muhammad or the family of Muhammad.” (*Muslim*) (*Mishkat, ibid, 1731/3*)

**Sadaqah and Gift:** Abu Hurairah has reported that when any food was brought to the messenger of Allah, he used to enquire whether it was a gift<sup>2</sup> or *sadaqah*. If he was informed that it was *sadaqah*,<sup>3</sup> he asked his companions to eat, and did not eat himself, and if he was informed that it was a gift, he used to put in it his hand and eat along with them. (*Bukhari and Muslim*) (*Mishkat, ibid, 1732/4*)

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1. This means that doubtful things should not be made us of (Ma’ariful Hadees, Vol. IV, p. 47).

2. Present or gift is something given out of love, respect, friendship or relationship.

3. *Sadaqah* is something given by way of charity to a poor or needy man thinking him as such in order to help or support him.

Aaisha has reported that there were three commands about barirah. <sup>1</sup> one was that she became free and was given her choice regarding her husband. The messenger of Allah said, “The right of inheritance from an emancipated slave belongs to the one who sets him free.” The messenger of Allah once came in when the pot was boiling with meat in it, and he was presented with some of the bread and condiments which were in the house. He said, “Do I not see a pot containing meat?” it was said, “yes, but that is meat which was given as sadaqah to barirah and you do not eat the sadaqah.” He said, “It is sadaqah for her and a gift to us.” (*Bukhari and Muslim*) (*Mishkat, ibid, 1733/5*)

**Slave of Banu Hashim:** Abu Rafee, <sup>2</sup> has reported that the messenger of Allah sent a man of the Banu Makhzum to collect *sadaqah* (*zakaat*). He said to Abu Raafe’: accompany me so that you may get something of it. He said, “No” until I enquire from the messenger of Allah. He went to the holy prophet and asked him. He said, “The *sadaqah* is not lawful for us, and the freed slaves of a people belong to them.” (*Tirmizi, Abu Dawud and Nasa’ee*) (*Mishkat, ibid, 1737/9*)

*Sadaqah* not lawful for rich and healthy: Abdullah bin Amr has reported that the messenger of Allah has said, “*Sadaqah* is not lawful for a rich man, or to one who is healthy and is sound in limb.” (*Tirmizi, Abu Dawud, and Nasa’ee*). (*Mishkat, ibid, 1738/10*)

**Ubaidullah bin Adi bin khiyaar reported:** two men informed me that they had gone to the holy prophet when he was at the Hajjatul Wadaa. While he was dividing the *sadaqah* and requested him for some of it. He looked them up and down, and

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1. A slave-woman whom Aaisha bought and set free. (James Robson)
  2. He was a freed slave of the Holy Prophet.

Seeing that they were healthy, he said, "If you wish, I shall give you something. But there is no share in it for a rich man or for one who is healthy and able to earn livelihood." (*Abu Dawud and Nasa'ee*) (*Mishkat, ibid*, 1739/11)

**Exception:** Ata bin Yasir has reported in Mursal from that the messenger of Allah has said, "*sadaqah* is not lawful for a rich man, with the exception of five classes (of them): the one who fights in the way of Allah, or the one who collects it, or a debtor, or a man who buys it with his money, or a man who has a poor neighbor who has been given *sadaqah* and he gives it as a gift to the rich man." (*Maalik and Abu Dawud*) (*Mishkat, ibid*, 1740/12)

**Persons entitled:** Ziyaad bin Haris Suda'ee has reported: I came to the Holy Prophet and swore allegiance to him. After narrating a long Tradition he said that a man came to him and said: give me some of the *sadaqah*. The messenger of Allah said to him, "Allah was not pleased with the decision of a Prophet or anyone else about *sadaqah*, till himself gave the command about them, he divided them (i.e. those entitled to them) into eight categories,<sup>1</sup> so if you come within those categories, I shall give you something" (*Abu Dawud*) (*Mishkat, ibid*, 1741/13)

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1. See Quran, Taubah, 9:60.

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## CHAPTER 3

### COLLECTORS OF ZAKAAT

**Collector of zakaat:** Raafe' bin khadeej has reported that the messenger of Allah has said that, "the official who collects *zakaat* in a just manner is like the one who fights in the way of Allah till he comes back to his house." (*Abu Dawud and Tirmizi*) (*Mishkat, Kitabu-uz-zakaat*, No. 1693/14)

**Collector should be pleased:** Jareer bin Abdullah has reported that the messenger of Allah has said that, "When the collector of *zakaat* comes to you, he should be pleased with you when he leaves you." (*Muslim*) (*Mishkat, ibid*, 1684/5)

Jabir bin Ateek has reported that the Messenger of Allah has said that, "There will soon come to you a small band (of *zakaat* collectors) that will not be liked (by you). But when they come to you, welcome them and give them a free hand regarding what they desire. If they are just, they will be rewarded for it: but if they are unjust, they will be held responsible. Please them, because the perfection of your *zakaat* consists in their good pleasure, and let them pray for you." (*Abu Dawud*) (*Mishkat, ibid*, 1690/11)

**Collector should not accept the gift:** Abu Humaid al-saa'idee has reported that the messenger of Allah appointed a man of Azd (tribe) called Ibnul Lutbiuyah to collect the *zakaat*. When he returned, he said, "this is for you, and this was given to me as a gift." Then the Holy Prophet delivered an address. After praising and extolling Allah he said, "to proceed: I appoint men among you to deal with certain matters which Allah has entrusted to me but one of them comes and says, 'this is for you and this is a gift given to me.' Why did he not sit in his father's or his mother's house and see whether it would be given to him or not?" by him in whose hand my soul is, whoever takes any of it will inevitably bring it on the day of resurrection carrying it on his neck, be it a

Camel which rumbles, an ox which bellows, or a sheep which bleats.” Then raising his arm so that we could see the place where the hair grew under his armpits he said, “O Allah, have I preached fully? O Allah, have I preached fully?” (*Bukhari and Muslim*) (*Mishkat, ibid*, 1687/8)

**Collector should not conceal:** Adi bin Ameerah has reported the messenger of Allah has said that, “if I appoint anybody from you to deal with a matter, and he conceals from me a needle and what is more than that, it is dishonesty, and he will (have to) bring it on the day of resurrection.”<sup>1</sup> (*Muslim*) (*Mishkat, ibid*, 1688/9)

**Concealing the assts:** Bashir bin Khasasiyah has reported: we said that the collectors of zakaat go over the score, should we conceal our property to the extent tot which they go over the score. The holy prophet said, “No.” (*Abu Dawud*) (*Mishkat, ibid*, 1692/13)

**A direction:** Amr bin Shuaib has reported from his father (and he) from his grandfather that the Holy Prophet has said that, “there should be no collecting of zakaat from a distance, nor should people who own property remove it far away,<sup>2</sup> and their should not be levied except in their dwellings.” (*Abu Dawud*) (*Mishkat, ibid*, 1694/15)

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1. Quran, Aale Imran, 3:161

2. Because it causes unnecessary trouble in the former case to the payer, and in the latter case to the collector.

CHAPTER

NON-PAYMENT OF ZAKAAT

**The punishment:** Abu Hurairah has reported that the messenger of Allah has said that, “there is no owner of gold or silver <sup>1</sup> who does not pay what is due on it, but that, when the day of resurrection will occur, plates of fire will be made for him: they will be heated in the fire of hell, and his side, forehead and back will be branded with them. Every time they are put back in the fire they will be fifty thousand years, until judgment is pronounced among the people and he sees whether his path is to take him to paradise or to hell.....”(Muslim) (*Mishkat, Kitab-un-zakaat*, No. 1681/2)

Abu Zar has reported that the holy prophet has said that, “if anyone possesses camels, cattle, or sheep, and on them he does not pay what is due(as zakaat), they will be brought as large and fat as can be on the day of resurrection and will trample him with their hoofs and gore him with their horns. As often as the last of them pass him the first of them will be brought back to him until judgment will be pronounced among the people.” (*Bukhari and Muslim*) (*Mishkat, ibid*, 1683/4)

Abu Hurairah has reported that the messenger of Allah has said that, if Allah gives anybody property and he does not pay the zakaat on it, his property will be made to appear to him on the day of resurrecting as a large bald snake <sup>2</sup> with black spots over its eyes. It will be put round his neck on the day of resurrection. It will seize his jaws, and say, ‘I am your property: I am your treasure.’ <sup>3</sup> he then recited, “Let not those who are niggardly think.....”<sup>4</sup> (*Bukhari*) (*Mishkat, ibid*, 1682/3)

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1. As regards camels, sheep etc see the next Hadees No. 1683/4
  2. Bald snake is very old and poisonous.
  3. According to the scholars, this punishment (*Ma’ariful Hadees, ibid*, Vol. iv, pp. 28-30).
  4. Quran, Aale Imran, 3:180

Abu Hurairah has reported that the messenger of Allah has said that, "The treasure of one of you on the day of resurrection will be (like) a large bald snake from which he will flee, but it will go on following him till he will give it his fingers to eat." (*Ahmad*) (*Mishkat, ibid*, 1699/20)

Ibne Masud has reported that the messenger of Allah has said that, "Whoever does not pay the zakaat on his property, Allah will put a large snake on his neck on the day of resurrection." He then recited to them the justification of it from the book of Allah: Let not those who are niggardly with what Allah has given them from his bounty suppose....." <sup>1</sup> (*Trimizi, Nasa'ee, and Ibne Majah*) (*Mishkat, ibid*, 1700/21)

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1.      Quran Aale Imran, 3:180

## CHAPTER 5

### SADAQAH-TUL-FITR (CHARITY OF FILTR)

**Obligatory:** Ibne Umar has reported that the messenger of Allah has made obligatory the charity of *Fitr* a *Saa*<sup>1</sup> of dried dates or a *saa* of Bartley, upon every slave and freeman, male and female, young and old, among the Muslims, and has ordered that it should be paid before the people go out for prayer (of *Eidul Fitr*). (*Bukhari and Muslim*) (*Mishkat, Kitab-uz-zakaat, Baabo sadaqatil Fitr, No 1723/1*)

**Quantity:** Ibne Abbas has reported that he said at the end of Ramazan, "Bring forth the alms of your fast. The messenger of Allah prescribed this as a *saa* of dried dates or barley, or half a *saa* of wheat, payable by every freeman or slave, or female, young or old." (*Abu Dawud and Nasa'ee*) (*Mishkat, ibid, 1725/3*)

Amr bin Shuaib has reported from his father who said that his grandfather informed that the holy prophet sent someone to announce in the lanes of Mecca that, "the charity of Fitr is binding on every Muslim, male or female, freeman or slave, young or old, consisting of two Mudds of wheat or such like, or a *saa* of grain." (*Trimizi*) (*Mishkat, ibid, 1727/5*)

Abdullah bin Salabah or Salabah bin Abdullah bin Abu Suair has reported from his father that the messenger of Allah has said that, "A *saa* of wheat is to be taken from every two, young or old, freeman or slave, male or female. As for your rich one, Allah will purify him: and as for your poor one, Allah will return to him more than what he gave." (*Abu Dawud*) (*Mishkat, ibid, 1728/6*)

**Purpose:** Ibne Abbas has reported that the messenger of Allah prescribed the charity of *Fitr* as a purification of the fasting from empty and obscene talk and as food for the poor. (*Abu Dawud*) (*Mishkat, ibid, 1726/4*)

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1. *Saa* is described as a measure equivalent to four *Mudds*, one *Mud* being the amount a man with average size hands can hold with both hands extended. (James Robson)

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## CHAPTER 6

### SADAQAH (CHARITY) AND NIGGARDLINESS

**The holy Prophet's way:** Abu Hurairah has reported that the Messenger of Allah has said that, "Had I gold even to the extent of Uhud I would not like to keep any of it more than three nights, except what I keep aside to pay a debt."<sup>1</sup> (*Bukhari*) (*Mishkat, kitab-uz-Anfaaqe wa Karaahiyatl Imsaake, No. 1765/1*).

**The Giver and the Miser:** Abu Hurairah has reported that the messenger of Allah has said that, "there is no day in which a servant gets up in the morning but that in it two angels come down. One says, "O Allah, give the one who spends (in your way) recompense for it." And the other says, "O Allah, give the miser destruction." (*Bukhari*) (*Mishkat, ibid, 1767/2*)

**Spend:** Asma has reported that the messenger of Allah has said that, "spend, and do not count less Allah may count for you, and do not hoard up lest Allah may withhold from you, but spend what you can." (*Bukhari*) (*Mishkat, ibid, 1767/3*)

Abu Hurairah has reported that the messenger of Allah has said that, Allah the most high says, "If you spend, O son of Adam, I shall spend on you." (*Bukhari and Muslim*) (*Mishkat, ibid, 1768/4*) The extra: Abu Hurairah reported that the messenger of Allah has said, "O son of Adam, to spend what you have extra is better for you and to withhold it is worse for you, and you are not blamed for having a sufficiency. Give first to those who are dependent on you." (*Muslim*) (*Mishkat, ibid, 1769/5*)

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1. This shows that debt has preference over charity.

Oppression and Niggardliness: Jabir reported that the messenger of Allah has said, “Be careful of oppression, because oppression will produce excessive darkness on the day of resurrection, and be careful of niggardliness. Because niggardliness destroyed your predecessors, inducing them to shed one another’s blood and to treat things prohibited to them as lawful.” (*Muslim*) (*Mishkat, ibid, 1771/7*)

**Greatest losers:** Abu Zar has reported: I came to the holy prophet what he was sitting in the shade of the kabah. When he saw me, he said that, “By the Lord of the kabah, they are the ones who suffer the greatest loss.” I said, “Who are they, my father and my mother being ransom for you?” he said, “Those who have much property, except those who say, ‘take this and this and this,’ before them. Behind them, on their right and on their left: and they are few.” (*Bukhari and Muslim*) (*Mishkat, ibid, 1774/10*)

**In life time:** Abu saeed has reported that the messenger of Allah has said that, “It is better for a man to give a Dirham as sadaqah during his lifetime than to give a hundred at the time of his death.” (*Abu Dawud*) (*Mishkat, ibid, 1776/12*)

**At the time of death:** Abdul Darda, has reported that he messenger of Allah has said that, “the one who gives sadaqah, or frees a slave, at the time of his death is like the one who gives away food after being himself satisfied.” (*Ahmad, Nasa’ee, Daarimi*) (*Mishkat, ibid, 1777/13*)

**Miserliness and bad conduct:** Abu saeed has reported that the messenger of Allah has said that, “there are two habits which do not unite in a believer: miserliness and bad conduct.” (*Trimizi*) (*Mishkat, ibid, 1778/14*)

**Worst things:** Abu Hurairah has reported that the messenger of Allah has said that, “The worst things in a man are extreme niggardliness and extreme cowardice.” (*Abu Dawud*) (*Mishkat, ibid, 1780/16*)

**Give something: Umme Bujaid reported:** I said, O Messenger of Allah, sometimes a poor man waits at my door (and) I feel shamed as I find nothing in my house to put in his hand. He said, “Put something in his hand, and even thought it should be a burnt hoof.”

<sup>1</sup> (*Ahmad, Abu Dawud and Tirmizi*) (*Mishkat, ibid*, 1785/21)

**Worst in rank:** Ibne Abbas has reported that the holy prophet said, should I not tell you about worst man in rank? They said, yes, he said, “The one who is asked for something in the Name of Allah and does not give it in His Name.” (*Ahmad*) (*Mishkat, ibid*, 1787/23).

**Sadaqah averts calamity:** Ali has reported that the messenger of Allah has said that, “Give the sadaqah forthwith, because it stands in the way of calamity.” (*Razeen*) (1793/29)

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1. Quran, Duha, 93:10.

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## CHAPTER 7

### EXCELLENCE OF SADAQAH (CHARITY)

**Sadaqah of lawful property:** Abu Hurairah has reported that the messenger of Allah has said that, “whoever gives a sadaqah the equivalent of a date from something lawfully earned, and Allah accepts only what is lawful, Allah will accept it with his right hand, then foster it for the one who gave it as one of you fosters his colt, till it will become like a mountain.” (*Bukhari and Muslim*) (*Mishkat, kitab-uz-zakaat, baabo fazl-is-sadaqaat*, No. 1794.1).

**Sadaqah does not reduce wealth:** Abu Hurairah has reported that the messenger of Allah has said that, “sadaqah does not reduce property: and Allah increases the honour of him who forgives another: and no one humbles himself for the sake of Allah but Allah exalts him.” (*Muslim*) (*Mishkat, ibid*, 1795/2)

**Earn and give sadaqah:** Abu Musa al-Ashari has reported that the messenger of Allah has said: sadaqah is (due) on every Muslim. They asked: if he had no means? He said: he should work with his hands, gaining benefit for himself thereby, and give *sadaqah*. They asked: if he is unable to do this or does not do it? He said: he should help the one who is in need and sad. They asked: if he does not do that? He said: he should enjoin what is good. They asked: if he does not do that? He said: he should refrain from evil: that is sadaqah for him. (*Bukhari and Muslim*) (*Mishkat, ibid*, 1801/8)

**Sadaqah for joints of fingers and toes:** Abu Hurairah has reported that the messenger of Allah has said, “*sadaqah* is (due) on every joint of man’s fingers and toes every day the sun rises. If one does justice between two men it is *sadaqah*: if one helps a man with his best, loading or lifting his goods on it, it is *sadaqah*: a good word is *sadaqah*: every step one takes towards prayer is *sadaqah*: and if anyone removes anything injurious from the road, it *sadaqah*.” (*Bukhari and Muslim*) (*Mishkat, ibid*, 1802/9)

**Sadaqah for joints of body:** Aaisha has reported that the messenger of Allah has said that, “everyone of the children of Adam has been created with three hundred and sixty joints, so whoever declares the Greatness of Allah, declares that he is the only Allah, glorifies Allah, declares that he is the only Allah, glorifies Allah, asks forgiveness of Allah, removes a stone, a thorn, or a bone from peoples path, enjoins what is good, and forbids what is evil to the number of those three hundred and sixty, walks that day having removed himself from the Hell.” (*Muslim*) (*Mishkat, ibid*, 1803/10)

**Spiritual sadaqah:** Abu Zar has reported that the messenger of Allah has said that, “In every ascription of glory to Allah, every declaration of his greatness, every utterance of praise to him, every declaration that he is the only Allah, in enjoining what is good in forbidding what is evil, and in a man’s sexual intercourse,<sup>1</sup> there is *sadaqah*.” They asked: O messenger of Allah, will a reward be given for satisfying one’s passion?<sup>2</sup> he said, “tell me: if he devotes it to something forbidden, will it not be a sin on his part? Similarly, if he devotes it to something lawful, he will have a reward.” (*Muslim*) (*Mishkat, ibid*, 1804/11)

**Good sadaqah:** Abu Hurairah has reported that the messenger of Allah has said that, “It is a good *sadaqah* to give a milk-camel with abundant milk as a loan and to give an ewe with abundant milk as a loan, which produces a vessel of milk in the morning and another in the evening.” (*Bukhari and Muslim*) (*Mishkat, ibid*, 1805/12)

**Growing of plants:** Anas has reported that the messenger of Allah has said that, “If any Muslim plants something or sows seed from which man, bird, or beast, eats, it is counted as *sadaqah* for him.” (*Bukhari and Muslim*) (*Mishkat, ibid*, 1806/13)

**Averts pangs of death:** Anas has reported that the messenger of Allah has said that, “*Sadaqah* averts the Lord’s anger and averts the pangs of death.” (*Tirmizi*) (*Mishkat, ibid*, 1814/21)

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1. As permitted by the Islamic shariah.  
2. Ibid.

**Acts of kindness:** Jabir has reported that the messenger of Allah has said that, “every act of kindness is *sadaqah*, and kindness includes meeting your brother with a cheerful face and pouring water from your bucket into your brother’s vessel. (*Ahmed and Tirmizi*) (*Mishkat, ibid*, 1815/22)

Abu Zar has reported that the messenger of Allah has said that, “your smiling in your brother’s presence is *sadaqah*, your enjoining what is good is *sadaqah*, your forbidding what is evil is *sadaqah*, your guiding someone who has lost his way is *sadaqah*, your helping a man who has bad eyesight is *sadaqah*, your removing stones, thorns and bones from the road is *sadaqah*, your pouring water from your bucket into your brother’s (vessel) is “*sadaqah*” (*Trimizi*) (*Mishkat, ibid*, 1816/24)

**Digging of well:** Sad bin Ubaidah said: O messenger of Allah, Umme sad has died. What form of *sadaqah* is best? He said: water. He dug a well and declared that it is was for Umme Sad. (*Abu Dawud and Nasa’ee*) (*Mishkat, ibid*, 1817/24)

**Clothing, Feeding and Supply:** Abu Saeed has reported that the messenger of Allah has said that, “If any Muslim gives clothes to a Muslim when he is naked, Allah will clothe him with green garments of paradise. If any Muslim gives food to a Muslim when he is hungry, Allah will feed him with fruits of paradise. And if any Muslim gives water to a Muslim when he is thirsty, Allah will give him the pure wine which is sealed <sup>1</sup> to drink.” (*Abu Dawud and Tirmizi*) (*Mishkat, ibid*, 1818/25).

**Sadaqah besides zakaat:** Fatima daughter of Qais has reported that the messenger of Allah has said that, “there is also (something) due on property besides zakaat.” He then recited, “it is not piety that you should turn your faces to the east and west.....” <sup>2</sup> (*Trimizi, Ibne Majah and Daarimi*) (*Mishkat, ibid*, 1819/26)

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1.        Quran, Taifeef, 83:25.

2.        Quran, Baqarah, 2:177. According to this Hadees, in addition to payment of zakaat, one should also spend by way of charity in general (Ma’ariful Hadees, *ibid*, Vol. IV, p. 62.)

**Refusing Water and Salt:** Buhaisah has reported from her father. He said: O messenger of Allah, what is unlawful to refuse? He said: water. He (again) said: O prophet of Allah, what is the thing which is unlawful to refuse? He said: salt. He (again) said: O prophet of Allah, what is the thing which is unlawful to refuse? He said, "Whether good you do is better for you." (*Abu Dawud*) (*Mishkat, ibid*, 1820/27).

**Cultivating waste land:** Jabir has reported that the messenger of Allah has said that, "Whoever cultivates waste land he will have a reward for it, and whatever any creature eats of it will be a sadaqah for him." (*Nasa'ee and Daarimi*) (*Mishkat, ibid*, 1821/28)

**Lending and showing the way:** Bara has reported that the messenger of Allah has said that, "Whoever lends an animal for milking, or silver coins, or shows someone the way, it is equivalent to his having emancipated a slave." (*Tirmizi*) (*Mishkat, ibid*, 1822/29).

Believer's shade" Marsad bin Abdullah has reported: one of the companions of the messenger of Allah told me that he had heard him say, "The believer's shade on the day of resurrection will be his sadaqah." (*Ahmad*) (*Mishkat, ibid*, 1830/37).

**Reward is manifold:** Abu Umamah has reported that Abu Zar asked the prophet of Allah: what is the reward of *sadaqah*? He said, "many times as much, and more still with Allah." (*Ahmad*) (*Mishkat, ibid*, 1832/39).

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## CHAPTER 8

### THE BEST SADAQAH

**Best sadaqah:** Abu Hurairah and Hakeem bin Hizaam has reported that the messenger of Allah has said that, "The best *sadaqah* is that which suffices, and begin with those (persons) for whom you are responsible." (*Bukhari*) (*Mishkat, kitab-uz-zakaat, Baabo Afazal-is-sadaqat*, No. 1833/1)

**Spending of Family:** Abu Masud has reported that the messenger of Allah has said that, "When anybody spends on his family seeking his reward for it from Allah, it is counted to him as *sadaqah*." (*Bukhari and Muslim*) (*Mishkat, ibid*, 1834/2)

Abu Hurairah reported that the messenger of Allah has said, "Of a *Dinar* you spend in the way of Allah, or a *Dinar* you spend to set free a slave, or a *dinar* you give as *sadaqah* to a poor, or a *Dinar* you spend on your family, the one you spend on your family is of the greatest reward." (*Muslim*) (*Mishkat, ibid*, 1835/3)

**Excellent Spending:** Sauban has reported that the messenger of Allah has said that, "The most excellent *Dinar* a man spends is the one he spends on his family, the one which he spends on his animal in the way of Allah, and the one he spends on his companions in the way of Allah" (*Muslim*) (*Mishkat, ibid*, 1836/4)

**Sadaqah to Husband:** Zainab the wife of Abdullah bin Masud has reported that the messenger of Allah said: O women, give *sadaqah* even though it be from your jewellery. She said: I came to Abdullah and said, "you are a man who does not possess much, and the messenger of Allah has commanded us to give *sadaqah*, so go and ask him: and if giving to you will serve for me, I shall do so, otherwise I shall give it to someone else." He said you better go yourself. So I went and found a woman of the

Ansar at the door of the messenger of Allah who had come for the same purpose as I had. She said: the messenger of Allah was invested with great awe so when Bilal came out to us, we said to him, "go to the messenger of Allah and tell him that there are two women at the door who have come to ask you whether it will serve them to give sadaqah to their husbands and to orphans who are in their charge, but do not tell him who we are." Bilal went in and asked him, and the messenger of Allah asked him: who the women are? He told him that they are the women of the Ansar and Zainab. He asked him: which Zainab? He said: the wife of Abdullah he said, "They will have two rewards, the reward for relationship and the reward for sadaqah. (*Bukhari and Muslim*) (*Mishkat, ibid*, 1838/6)

**Man with little property:** Abu Hurairah asked: O Messenger of Allah, what kind of *sadaqah* is most excellent? He said, "that which a man with little property can afford to give: and begin with those (persons) for whom you are responsible." (*Abu Dawud*) (*Mishkat, ibid*, 1842/10)

**Sadaqah to Relatives:** Suleiman bin Aamir has reported that the messenger of Allah has said that, "*Sadaqah* given to a poor man is one *sadaqah*. But when it is given to a relative, it serve, it serves as a double *sadaqah*, being both *sadaqah* and a connecting link." (*Ahmad, Tirmizi, Nasa'ee Ibne Majah and Daarimi*) (*Mishkat, ibid*, 1843/11)

**Give something:** Umme Bujaid has reported that the messenger of Allah has said that, "Send away the beggar with something, even though it may only be a burnt hoof? (*Maalik, Nasa'ee, Tirmizi and Abu Dawud*) (*Mishkat, ibid*, 1846/14)

**Feeding the hungry:** Anas has reported that the messenger of Allah has said that, "The most excellent sadaqah is that you satisfy a hungry stomach." (*Baihaqi noted it in shu'abul Iman*) (*Mishkat, ibid*, 1850/18)

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## CHAPTER 9

### SADAQAH BY A WOMAN FROM HER HUSBAND'S PROPERTY

**Sadaqah by a wife:** Aaisha has reported that the messenger of Allah has said that, "If a woman gives some of the food in her house, not wasting it, she will have her reward for what she gives and her husband will have his reward for what he earns. Similar (reward) is for a treasurer. In no respect does the one diminish the reward of the other." (*Bukhari and Muslim*) (*Mishkat, kitab-uz-zakaat, Baabo Maa Tunfiqohul Mar'ato Mim Maale Zawijihaa*, No. 1851/1)

**Without permission of husband:** Abu Hurairah has reported that the messenger of Allah has said that, "If a woman spends something from the earnings of her husband without his permission, she has half his reward." (*Bukhari and Muslim*) (*Mishkat, ibid*, 1852/2)

**Abu Umamah reported:** I heard the messenger of Allah say in the course of his sermon in the year of the farewell pilgrimage, "a woman should not give anything away from her husband's house without her husband's permission." It was said: O messenger of Allah, should she not even give away food? He said, "that is the most excellent property we possess." (*Tirmizi*) (*Mishkat, ibid*, 1855/5)

Sad reported that when the messenger of Allah took the oath of allegiance from the woman, a woman of high rank, who seemed to be a woman of muzar, rose and said, "O prophet of Allah, we are dependent on our parents, our sons and our husbands, so with what part of their property can we do what we like?" he said, "fresh food which you eat and give as a gift." (*Abu Dawud*) (*Mishkat, ibid*, 1856/6)

**Sadaqah by a Treasurer:** Abu Musa al-Ashari has reported that the Messenger of Allah has said that, “The faithful Muslim treasurer who gives what he is commanded completely and in full with a good will, and gives it to the one to whom he is commanded to give it, is one of the two <sup>1</sup> who give sadaqah”. (Bukhari and Muslim) (Mishkat, ibid, 1853/3)

**Without permission of the Master:** Umair the freed slave of Abu Lahm reported: my master ordered me to cut some meat in pieces and spread it in the sun to dry. When a poor man came to me, I gave him some of it to eat. My Master came to know of it and beat me. I went to the messenger of Allah and reported the incident to him. He summoned him and asked, “Why did you beat him?” he said, “He gave away my food without my permission.” He said, “The reward will now be to both of you.” In a version he said: I was a slave and I asked the messenger of Allah whether I can give any sadaqah from my master’s property. He said, yes, and the reward will be equally to both of you.” (Muslim) (Mishkat, ibid, 1857/7)

**Sadaqah for the dead:** Aaisha has reported a man said to the holy prophet: my mother has died suddenly, and I think she would have given sadaqah if she had been able to speak. Will she have a reward if I now give sadaqah on her behalf? He said: yes, <sup>2</sup> (Bukhari and Muslim) (Mishkat, ibid, 1854/4)

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1. The two are his master and he himself.

2. This proves that charity for a dead person benefits him. The same applies to other good deeds including recitation of Quran for him (Mazaahir-e-Haq)

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## CHAPTER 10

### TAKING BACK THE SADAQAH

**Umar bin khattaab reported:** I provided a man with a horse to ride in the way of Allah. But as the one who had it did not look after it well, I wanted to buy it and thought that he would sell it a cheap price. I therefore asked the holy prophet. He said, “Do not buy it, and do not take back what you have given as *sadaqah* even if he gives it to you for a *Dirham*, because the one who takes back what he has given as *sadaqah* is like a dog which returns to its vomit.” (*Bukhari and Muslim*) (*Mishkat, kitab-uz-zakaat, Baabo Mann Laa Ya’oodo Fis Sadaqat, No. 1858/1*)

**Return of sadaqah by inheritance:** buraidah has reported: I was sitting with the holy prophet. A woman came to him and said that, “O messenger of Allah, I gave a slave girl as *sadaqah* to my mother who has now died.” He said, “Your reward is sure, and the inheritance has given her back to you.” (*Muslim*) (*Mishkat, ibid, 1859/2*)

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B

WASIYAT

(WILL)

## WASIYAT (WILL)

### QURAN

**The Command:** it is prescribed for you, when death approaches one of you, if he leaves behind wealth, for parents and near relatives, to make a bequest in a kindly manner: it is incumbent upon the dutiful (*Baqarah*, 2:180)

**Change in the Will:** Then whoever changes it after he has heard it; the sin of it is only upon those who change it. Surely Allah is Hearing, Knowing (*Ibid*, 2:181)

But if one fears a wrong or a sinful course on the part of the testator, and effects an agreement between the parties, there is no blame on him. Surely Allah is forgiving. Merciful (*Ibid*, 2:182)

**Will in favour of wife:** And those of you, who die and leave wives behind, should make a bequest in favour of their wives of maintenance for a year without turning (them) out. (*Ibid*, 2:240)

**Witness to the Will:** O you, who believe, call to witness between you, when death draws near to one of you, at the time of making the will, two just persons from among you, or two others from among other than you, if you are traveling in the land and the calamity of death befalls you. You should detain them after the prayer. Then if you doubt (them), they shall both swear by Allah (saying): we will not take for it a price; though there be not a relative nor will we hide the testimony of Allah, for then certainly we shall be sinners (*Maa'idah*, 5:106)

If it be discovered that they are guilty of a sin, two others shall up in their place from among those against whom the first two have been guilty of a sin: so they shall swear by Allah (saying): certainly our testimony is truer than the testimony of those two, and we have not exceeded the limit, for then surely we should be unjust (*Ibid*, 5:107)

Thus it is more probable that they will give true testimony or fear that other oaths will be taken after their oaths. And keep your duty to Allah and hear. And Allah guides not the transgressing people (Ibid, 5:108)

## **HADEES**

**Writing of Will:** Ibne Umar has reported that the messenger of Allah has said that, "it is not (proper) for a muslim who has something to be given as a bequest that he should pass (even) two nights without his will kept written with him." (*Bukhari and Muslim*) (*Mishkat, kitab-uz-Buyoo, Baab-ul-Wasaayaa, No. 2938/1*)

**One – third only:** Sad bin Abi Waqas has reported: I fell ill in the year of the Conquest (of Mecca) and was near to death. The messenger of Allah came to visit me. I said, O messenger of Allah, I have a large property and there is no heir to me except my daughter. Should I will away all my property?" he said, "No." I said two-thirds. He said: No. then a half? I enquired. He said: No. then one-third. He said, "you may will away one-third, and one-third is (also) too much. To leave your heirs free from want is better than to leave them poor and begging from people. You will not spend anything, seeking thereby the pleasure of Allah, but you will be rewarded for it even for the mouthful you give to your wife." (*Bukhari and Muslim*) (*Mishkat, ibid, 2939/2*)

**Will in favour of heirs:** Abu Hurairah has reported: I heard the messenger of Allah say in his sermon in the year of the Farewell Pilgrimage, "Allah has fixed for everyone who has a right what is due to him. So no legacy should be made for an heir." (*Abu Dawud and Ibne Majah*) (*Mishkat, ibid, 2941/4*)

**Causing injury by the Will:** Abu Hurairah has reported that the messenger of Allah has said that, "a man and a woman act in obedience to Allah for sixty years, but then, when they are about to die, they cause injury by their will, so the Fire (of Hell)

Becomes sure for them.” Then Abu Hurairah recited, “After a legacy which you bequeath or a debt, causing no injury.....that will be the mighty success.”<sup>1</sup> (*Ahmed, Tirmizi, Abu Dawud and Ibne Majah*) (*Mishkat, ibid, 2942/5*)

**The infidel gets no blessing:** Amr bin Shuaib has reported from his father who said that his grandfather informed that ‘Alas bin Waail left a will that one hundred slaves should be emancipated on his behalf. His son Hisham emancipated fifty slaves and his son ‘Amr (also) wanted to emancipate the remaining fifty on his behalf, but he said: first I will ask the messenger of Allah. He therefore went to the holy prophet and said, “O messenger of Allah, my father left a will that on hundred slaves should be emancipated on his behalf and Hisham has emancipated fifty on his behalf and fifty remain. Should I emancipate them on his behalf?” the messenger of Allah said, “had he been a Muslim and you had emancipated slaves on his behalf, or given *sadaqah* on his behalf, or performed the pilgrimage on his behalf, that would have reached him.”<sup>2</sup> (*Abu Dawud*) (*Mishkat, ibid, 2944/7*)

**Depriving an heir:** Anas has reported that the messenger of Allah has said, “If anyone cuts off the heritage of his heir, Allah will cut off his heritage of paradise on the day of resurrection.”(*Ibne Majah*). *Baihaqi* also noted it in *Shu’abul Iman* on the authority of Abu Hurairah (*Mishkat, ibid, 2945/8*)

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1. Quran, Nisa, 4:12.

2. This shows that while good deed done on behalf of a deceased Muslim reaches him, it does not reach a deceased non-Muslim.

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C  
WIRASAT  
(INHERITANCE)

## WIRASAT (INHERITANCE)

## QURAN

**Men and Woman both inherit:** for men is share of what the parents and the near relatives leave, and for women a share of what the parents and near relatives leave, whether it be little or much-an appointed share (*Nisa*, 4:7)

**Help of orphans and needy:** And when relatives and the orphans and the needy are present at the (time of) division (of the inheritance), give them out of it, and speak to them kind words (*Ibid*, 4:8)

**Shares of Men and Women:** Allah enjoins you concerning your children: for the male is the equal of the portion of two females: but if there be more than two females, two-thirds of what the deceased leaves is theirs and if there be one, for her is the half. And for his parents, for each of them is the sixth of what he leaves, if he has a child: but if he has no child and (only) his two parents inherit him, for his mother is the third: but if he has brothers, for his mother is the sixth, after (payment of) a bequest he may have bequeathed or a debt. Your parents and your children, you know not which of them is the nearer to you in benefit. This is an ordinance from Allah. Allah is surely ever knowing, wise (*Ibid*, 4; 11)

**Husband and Wife:** and yours is half of what your wives leave if they have no child: but if they have a child, your share is a fourth of what they leave after (payment of) any bequest they may have bequeathed or a debt: and theirs is the fourth of what you leave if you have no child: but if you have a child, their share is the eighth of what you leave after (payment of) a bequest you may have bequeathed or a debt. And if a man or a woman, having no children, leaves property to be inherited and he (or she) has a no brother or sister, then for each of them is the sixth: but if they are brother or sister, but if they are more than that, they shall be sharers in the third after (payment)

Of) a bequest that may have been bequeathed or a debt not injuring (others). This is an ordinance from Allah, and Allah is knowing Forbearing (Ibid, 4:12)

**Limits of Allah:** there are Allah's limits. And whoever obeys Allah and His messenger, he will admit him to Gardens wherein Flow Rivers, to abide in them. And this is the great achievement (Ibid, 4:13)

And whoever disobeys Allah and his messenger and goes beyond his limits, he will make him enter the fire to abide in it, and for him is an abasing punishment (Ibid, 4:14)

And to every one we have appointed heirs of that which parents and near relatives leaves leave. And as to those, with whom your right hands have ratified agreements, give them their due. Surely Allah is ever witness over all things (Ibid, 4:33)

**The Kalaalah:** they ask you for a decision. Say: Allah gives you a decision concerning Kalaalah, i.e. the person who leaves neither parents nor children. If a man dies (and) he has no son and he has a sister, hers is half of what he leaves, and he shall be her heir if she has no son. But if there be two (sisters), they shall have two-thirds of what he leaves. And if there are brethren, men and women, then for the male is the like of the portion of two females. Allah makes clear to you, lest you err. And Allah is knower of all things (Ibid, 4:176).

### Hadees:

**Right of heirs**<sup>1</sup>: Abu Hurairah has reported from the holy prophet who said, "I am nearer to the believers than their own selves. So whoever dies leaving a debt without leaving enough to pay it, I am

1. There are three categories of the heirs viz. (1) the sharers (zul-Faraaz), (2) the Residuaries ('Asabaat) and (3) the Distant Kindred (Zul Arhaam). The shares of the first one are specified by the Holy Quran itself and they are to be satisfied first. The residue, if any, should then be divided among the Residuaries: and if still any thing remains, it is to go to the Distan Kindred.

**Responsible for paying it:** and whoever leaves property, it goes to his heirs.” A version has, “if anyone leaves a debt or children without maintenance, let the matter come to me, because I am his guardian.” Another version has, “if anyone leaves property, it is for his heirs: but if anyone leaves dependants without resources, they come to me.” (Bukhari and Muslim) (Mishkat, kitab-ul-Buyoo’Baab-ul-faraa’iz, No. 2910/1)

**First the shares:** Ibne Abbas has reported that the messenger of Allah has said, “Give (first) the shares to those who are entitled to them,<sup>1</sup> and what remains thereafter is for the nearest<sup>2</sup> male heir.” (Bukhari and Muslim) (Mishkat, ibid, 2911/2)

**Freedman:** Anas has reported that the holy prophet has said, “The freedman of a people belongs to them.”<sup>3</sup> (Bukhari) (Mishkat, ibid, 2913/4)

**Son of Sister:** Anas has reported that the messenger of Allah has said, “The son of the sister of a people belongs to them.”<sup>4</sup> (Bukhari and Muslim) (Mishkat, ibid, 2914/5)

**Muslim and non-Muslim:** Abdullah bin Amr has reported that the messenger of Allah has said, “People of two different religious are not entitled to inherit from one another.” (Abu Dawud) (Mishkat, ibid, 2916/7)

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1. According to Quran, they are known as the Sharere (Zul Farooz)

2. According to this, the nearer among the Residuaries excludes the remoter in inheriting the residue left after satisfaction of the shares of the Shareres mentioned in the Quran.

3. This means that the man freeing a slave will inherit the property left by the slave if he has left no heir (Mazaahir-e-Haq)

4. He falls in the category of Distant Kindred (Zul-Arhaam) and inherits accordingly (Ibid)

**The Grand-mother:** Buraidah reported that the holy prophet fixed one-sixth for the grandmother when there is no mother to inherit. (Abu Dawud) (Mishkat, ibid, 2917/8)

**Infant:** Jabir has reported that the messenger of Allah has said, "When a newly born has raised its voice, prayer is to be offered over it (if it dies) and it is to be treated as an heir." (Ibne Majah and Daarimi) (Mishkat, ibid, 2918/9)

**Brother of the Mother:** Miqdaam has reported that the messenger of Allah has said that, "I am nearer to every believer than his own self. If anyone leaves a debt or a helpless family, its responsibility is on me: but if anyone leaves property, it goes to his heirs. I am the guardian of him who has no guardian, inheriting what (property) is he possesses and freeing him from his liabilities. A maternal uncle is heir of him who has no heir inheriting his property and freeing him from his liabilities." Another version has, "I am the heir of him who has no heir, paying blood-wit for him and inheriting from him: and a maternal uncle is the heir of him who has no heir, paying blood-wit for him and inheriting from him." (Abu Dawud) (Mishkat, ibid, 2920/11)

**Special Inheritance:** Waasilah bin Asqa' has reported that the messenger of Allah has said that, "a woman shall get inheritance from three (persons): one whom she has set free, a foundling, and her child about whom she imprecated." (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 2921/12)

**Illegitimate Child:** Amr bin Shuaib has reported from his father who said that his grandfather informed that the holy prophet has said, if a man commits fornication with a free-woman or a slave-woman, the child is the product of fornication, and neither shall be inheriting nor shall he be inherited." <sup>1</sup> (Tirmizi) (Mishkat, ibid, 2922/13)

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1. The illegitimate child inherits from his or her mother, and the mother inherits from her illegitimate child (Mazaahir-eHaq).

**Freedman of the Holy Prophet:** Aaisha has reported that a freed slave of the messenger of Allah died leaving some property, but leaving no relative or child. The messenger of Allah said, “Give what he has left to a man belonging to his village.”<sup>1</sup> (Abu Dawud and Tirmizi) (Mishkat, ibid, 2923/14)

**If there is none to inherit:** Buraidah has reported that a man of Khuza’ah died. His estate was brought to the holy prophet. He said: search for an heir of his or some relative. They found neither. So the messenger of Allah said, “Give it to the leading man of Khuza’ah.”(Abu Dawud) (Mishkat, ibid, 2924/15)

Loan has preference over Legacy and Real Brothers over Step Brothers: Ali reported: you recite this verse, “After a legacy you bequeath or a debt,”<sup>2</sup> but the messenger of Allah decided that a debt should be discharged before a legacy: and that the sons of the same mother inherit from one another in preference to the sons of one father by different mothers. A man inherits from his brothers who has the same father and mother in preference to his brother who has the same father but a different mother. (Tirmizi and Ibne Majah) (Mishkat, ibid, 2925/16)

**Daughters and Mothers:** Jabir has reported that the wife of Sad bin Rabi, brought to the messenger of Allah her two daughters whose father was Sad bin Rabi, and said, “O messenger of Allah, these are the daughters of Sad bin Rabi. Their father was killed as a martyr when he was with you at the battle of Uhud, their paternal uncle has taken their property leaving them nothing, and they cannot be married unless they have some property.” He said:

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1. The property of deceased freed slave who leaves no heir goes to his master, but the holy prophet did not accept it because a prophet could neither inherit nor was he to be inherited (Mazaahir-e-Haq)

2. Quran, Nisa, 4:12. According to this Tradition, from the assets left by any deceased, first the debt and then the legacy should be satisfied, and then the remaining assets should be divided among the legal heirs (Mazaahir-e-Haq).

Allah will decide regarding the matter. Then the verse about inheritance <sup>1</sup> was revealed. The messenger of Allah sent for their paternal uncle and said, "Give Sad's two daughters two-thirds and their mother one-eighth, and what remains is yours." (Ahmad, Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 2926/17)

Daughter, Granddaughter and Sister: Huzall bin Shurahbeel reported that Abu Musa was asked about a case where there were a daughter, a Son's daughter and sister. He said "the daughter gets half and the sister gets half. Go to Ibne Masud and he will agree with me." When Ibne Masud was asked, and told that Abu Musa had said, he replied, "then I decide concerning the matter as the holy prophet did: the daughter gets half and the son's daughter one sixth, making two-thirds, and what remains goes to the sister." We then went to Abu Musa and when we told him what Ibne Masud had said, he said, "Do not ask me so long as this learned man is among you." (Bukhari) (Mishkat, ibid, 2927/18)

**Grandfather:** Imran bin Husain has reported that a man came to the messenger of Allah and said that, "My son's son has died. What is for me out of his estate?" he said, "you get one-sixth." When he turned away, he called him and said, "You (also) get another one-sixth." When he turned away, he called him and said, "The other one-sixth is an allowance for you." (Ahmed, Tirmizi and Abu Dawud) (Mishkat, ibid, 2928/19)

**Grandmother:** Qabisah bin Zuwaib has reported that a grandmother came to Abu Bakr asking him for her share of an estate. He said to her: there is nothing prescribed for you in the Book of Allah or in the sunnah of the messenger. Return till I ask the people. When he did so, Mughirah bin Shu'bah said: I was present with the messenger of Allah when he gave her one-sixth. Abu Bakr asked: is there anyone else besides you? Muhammad bin

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1. Quran, Nisa, 4:11

Maslamah said the same as Mughirah has said. So Abu Bakr made it apply to her. Another grandmother came to Umar asking him for her share of an estate. He said, "It is one-sixth. If there are two of you it is to be shared between you: but if only one of you is left, she gets it all." (Maalik, Ahmed, Tirmizi Abu Dawud, Daarimi and Ibne Majah) (Mishkat, ibid, 2929/20)

**Wife also gets from Blood:** Zahhaak bin Sufyan has reported that the messenger of Allah wrote to him: give inheritance to the wife of Ashyam Zibabi from the blood-wit of her husband. (Tirmizi and Abu Dawud) (Mishkat, ibid, 2931/22)

**Acceptance of Islam:** Tameem ad-Daari has reported: I asked the messenger of Allah: what is the law for a polytheist who accepts Islam in the hands of a Muslim? He said: he is the nearest to him in life and in death. (Tirmizi, Ibne Majah and Daarimi) (Mishkat, ibid, 2932/23)

**Freedman alone:** Ibne Abbas has reported that a man died leaving no heir but a slave whom he had emancipated. The holy prophet asked: has he got any heir? They said: No, except a slave whom he had emancipated. The holy prophet gave his estate to him. (Abu Dawud, Tirmizi and Ibne Majah) (Mishkat, ibid, 2933/24)

**Distribution made before Islam:** Abdullah bin Umar has reported that the messenger of Allah has said, "What has been divided of inheritance in the Days of ignorance stands upon the division in force then, but whatever is obtained as heritage in Islamic times will follow the division appointed by Islam." (Ibne Majah) (Mishkat, ibid, 2935/26)

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D

WAQF

(TRUST)

## WAQF AND LIFE-GRANTS

### HADEES

#### WAQF (TRUST)

Ibne Umar has reported that ‘Umar got some land in Khaibar. He came to the holy prophet and said that, “O messenger of Allah, I have acquired land in Khaibar. I never acquired before a land more valuable than this. What do you command me to do with it?” he said that, “if you wish, you may make the property a Waqf (an inalienable possession) and give its produce as sadaqah.” So Umar gave it as sadaqah declaring that the property should not be sold, given away, or inherited, and he gave its produce as sadaqah to be spent for the poor ones, for the relatives, for the emancipation of slaves, in the way of Allah, for the travelers and guests. It will be no sin for the one who administers it if he eats something from it in a reasonable manner or gives something to someone else to eat, provided he is not storing up goods (for himself). Ibne Seereen said, “Provided he is not hoarding fro himself.” (Bukhari and Muslim) (Mishkat, kitab-ul-Bayoo, Baab-ul-Ataayaa, No. 2877/1)

**Life – grants:** Abu Hurairah has reported that the Holy prophet has said that, “Life grant of a house is lawful.”<sup>2</sup> (Bukhari and Muslim) (Mishkat, ibid, 2878/2)

Jabir has reported that the holy prophet has said that, “life-grant is part of the inheritance for the heirs.”(Muslim) (Mishkat, ibid, 2879/3)

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1. This tradition is the sanction for creating Waqf(Trust) of any property for the pleasure of Allah. The property so dedicated can neither be sold, nor gifted or inherited, and remains a source of blessing for the dedicator for ever, and he can also reserve for himself a share from its income throughout has life (Mazaahir-e-Haq)

2. As it is also clear from the next two traditions, the life-grant does not revert to the donor on the death of the donor but goes to the heirs of the latter by way of inheritance. This is also the view of large majority of the inherits. (Mazaahir-e-Haq)

Jabir has reported that the holy prophet has said that, "if anybody is given anything as a life-grant for himself and his descendants, it belongs to the one to whom it is given and does not return to the one who gave it because he made a grant which may be inherited." (Bukhari and Muslim) (Mishkat, ibid, 2880/4)

Jabir has reported that the life-grant which the messenger of Allah allowed was only that one should say, "It is for you and your descendants." What he says, "it is yours as long as you live," it returns to its owner. <sup>1</sup> (Bukhari and Muslim) (Mishkat, ibid, 2881/5)

Jabir reported that the holy prophet has said, "Do not make Ruqba <sup>2</sup> nor Umra. <sup>3</sup> whatever is made ruqba or Umra it is for his heirs." (Abu Dawud) (Mishkat, ibid, 2882/6)

Jabir has reported that the holy prophet has said that, "Umra is lawful for those to whom it is given and Ruqba is lawful for those to whom it is given." (Ahmed, Tirmizi and Abu Dawud) (Mishkat, ibid, 2883/7)

Jabir has reported that the messenger of Allah has said that, "without properties to yourselves and do not squander them, because whoever makes a life-grant, it goes to the one to whom it is given-both during his life and after his death, and to his descendants." (Muslim) (Mishkat, ibid, 2884/8)

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1. According to the scholars, this is the view of Jabir himself and therefore it cannot super cede the before mentioned traditions (Ibid).

2. Ruqba is to give a house or land etc. on the condition that if the donor dies first, it will belong to the done, but if the done dies first, then it will revert to the donor (Al-Munjid P. 400)

3. Umra is to give a house or land etc. to anybody for life (Al-Munjid, p. 681)

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E

**HIBAH**

**(GIFT)**

## HIBAH (GIFT)

### HADEES

**Gift of flower:** Abu Hurairah has reported that the messenger of Allah has said that, “Whoever is offered a flower he should not refuse it, because it is light to carry and has a sweet scent.” (Muslim) (Mishkat, kitab-ul-Buyoo, Baab-ul-Ataayaa, No. 2885/1)

**Gift of perfume:** Anas has reported that the holy prophet never refuses perfume. (Bukhari) (Mishkat, ibid, 2886/2)

**Seeking back the gift:** Ibne Abbas has reported that the messenger of Allah has said that, “The one who seeks to take back a gift is like a dog which returns to its vomit. There is no evil example for us.” (Bukhari and Muslim) (Mishkat, ibid, 2887/3)

Abdullah bin Amr has reported that the messenger of Allah has said that, “None of you should take back his gift, except a father (taking it back) from his child.” (Nasa’ee and Ibne Majah) (Mishkat, ibid, 2889/5)

Ibne Umar and Ibne Abbas has reported that the holy prophet has said that, “It is not lawful for a man to give and then take it back, except a father regarding what he gives his child. The parable of one who gives a gift and then takes it back is like a dog which eats and, when it is full, vomits and then returns to its vomit.” (Abu Dawud, Nasa’ee, Ibne Majah, and Tirmizi) (Mishkat, ibid, 2890/6)

**Distinction between children:** Numan bin Bashir has reported that his father took him to the messenger of Allah and said that, “I have given this son of mine a slave.” He asked: have you given all your children like this? He said” No. He said: take him back in another version he said, “Would you like that they should be equal in obedience to you? He said: yes. He said, “Don’t do it, then.”

In a version he said: my father gave me a gift, but Amrah<sup>1</sup> daughter of Rawaha said, "I shall not be satisfied till you make the messenger of Allah witness." So he went to him and said, "I have given my son from Amrah daughter of Rawaha a gift and she has directed me to make you a witness, O messenger of Allah." He asked: have you given the rest of your children like this? He said: No. He said, "Fear Allah and act equally with your children." He said that he then returned and took back his gift. In another version he said, "I shall not be a witness to oppression." (Bukhari and Muslim) (Mishkat, *ibid*, 2888/4)

**Return for gift:** Abu Hurairah has reported that a desert Arab presented a young she-camel to the messenger of Allah. In return for it he gave him six young she-camels. But he was displeased. When the holy prophet heard of it, he praised and extolled Allah and said, "So and so presented me with a young she-camel and I gave him six young she-camels in return for it, but he is displeased. I have decided not to accept a gift except from a Quraishi, an Ansari, a Saqafi, or a Dausi." (Tirmizi, Abu Dawud and Nasa'ee) (Mishkat, *ibid*, 2891/7)

Jabir has reported that the holy prophet has said that, "Whoever is given a gift and has the means he should make a return for it. But if he did not have the means, he should express commendation, because he who has expressed commendation has given thanks, he who conceals the kindness of anybody has been ungrateful, and he who decks himself with what he has not been given is like him who puts on the two clothes of falsehood." (Tirmizi, Abu Dawud and Nasa'ee) (Mishkat, *ibid*, 2892/8)

**Good wishing for Benefactor:** Usamah bin Zaid has reported that the messenger of Allah has said that, "Whoever is done a kindness and has expressed to his benefactor a desire that Allah may give him a good reward, he has fully expressed his commendation." (Tirmizi) (Mishkat, *ibid*, 2893/9)

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1. She was the wife of Bashir bin Sad Ansari and mother of Numan (Istiab, 746) (James Robson)

Gifts remove grudges: Aaisha reported that the holy prophet has said, “Give presents to one another, because a present removes grudges.” (Tirmizi) (Mishkat, ibid, 2896/12)

**Gift of minor things:** Abu Hurairah has reported that the Holy Prophet has said that, “give present to one another because a present removes rancor of the breast, and let a woman never think little, for her neighbor, even the gift of a piece of goat’s trotter.” (Tirmizi) (Mishkat, ibid, 2897/13)

Ibne Umar has reported that the messenger of Allah has said that, “three things should not be refused: Pillow, oil (Duhn) <sup>1</sup> and milk.” (Tirmizi) (Mishkat, ibid, 2898/14)

**Gift of first fruit:** Abu Hurairah has reported: I saw that when the first fruit was presented to the messenger of Allah, he used to put it upon his eyes and upon his lips and then say, “O Allah, as you have shown us the first of it, show us (also) the last of It.” Thereafter he used to give it to those children who were present. (Baihaqi noted it in Ad-Da’awatul kabeer) (Mishkat, ibid, 2901/17)

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1. Duhn is used for oil or grease with which one anoints himself

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F

INTEREST – FREE LOAN

**USURY BANNED****QURAN**

**The initial Command in respect of Usury was:** O you who believe, devour not usury, doubling and re-doubling, and keep your duty to Allah, that you may be successful (Aale Imran, 3:130).

The final commands in respect of usury were, and are, as follows:

Those who swallow usury cannot arise except as he whom the Satan prostrates by (his) touch. This is because they say: trading is only like usury. But Allah has allowed trading and forbidden usury. To whomsoever then the admonition has already passed. And his affair is in the hands of Allah. And whoever returns (to-it)-these are the companions of the Fire: therein they shall abide (Baqarah, 2:275)

Allah will blot our usury, and he cause charity to proper. And Allah loves not any ungrateful sinner (Ibid, 2:276)

Those who believe and do good deeds and keep up prayer and pay the poor-rate their reward is with their Lord, and they have no fear, nor shall they grieve (Ibid, 2:277)

O you, who believe, keep your duty to Allah and relinquish what remains (due) from usury, if you are believers. But if you do (it) not, then be apprised of war from Allah and his messenger: and if you repent, then you shall have your capital. Wrong not, and you shall not be wronged (Ibid, 2:278-279)

And whatever you lay out at usury, so that it may increase in the property of men, it increases not with Allah: and whatever you may give in charity, desiring the pleasure of Allah these will get manifold (Rum, 30:39).

It may be noted the Jews were also prohibited from usury, but, when they did not desist, they were punished (vide Nisa, 4:160-161)

### HADEES:

**The curse:** Jabir has reported that the messenger of Allah has cursed the devourer of usury, its prayer, its scribe, and its two witnesses and said that they are all alike (in sin)<sup>1</sup> (Muslim) (Mishkat, Kitab-ul-Buyoo: Baab-ur-Ribaa, <sup>2</sup> No. 2884/1)

Ali has reported that he heard the messenger of Allah cursing those who take usury, those who pay it, those who record it, and he used to prohibit wailing. (Nasa'ee) (Mishkat, ibid, 2706/23)

**Like articles:** Ubadah bin Saamit has reported that the messenger of Allah has said that, "gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, and salt for salt, <sup>3</sup> like for like, and equal for equal, (should be) in hand to hand transactions.

1. Obviously because they all cooperate in the transaction of usury.

2. Ribaa (Usury) means increase or excess. According to the Islamic Shari'ah, the Arabic word "Ribaa" is wider than the Urdu word "Sood" (interest). The latter simply means the increase or excess taken on monetary loans, but the former also includes the excess on goods sold or exchanged as well as the bargains on credit basis.

Ribaa is of five kinds, viz, (1) Ribaa-e-Qr'z, i.e. taking more than the money advanced by way of loan; (2) Ribaa-e-Rehn, i.e. benefit which the mortgagee receives from the mortgagor or the mortgaged property; (3) Ribaa -e -Shuakat, i.e. one partner getting only the profit and the other getting profit as well as suffering the loss; (4) Ribaa-e-Nisyah, i.e. exchange of goods of same nature on credit basis, e.g., one giving forthwith and the other one giving after sometime - this was also prevalent in the days of ignorance in Arabia; and (5) Ribaa-e-Fazl, i.e. exchange of the goods of same nature forthwith, with difference of weight e.g., one giving one kilo of wheat and the other one giving one and a quarter kilo of wheat. (Mazaahir-e-Haq).

All these kinds of Ribaa are prohibited.

3. According to the scholars, the principle laid down in this tradition applies to all other articles also. For detailed discussion see Mazaahir-e-Haq, or any book of Fiqah.

If these classes differ, and then sell as you wish when it is in hand to hand transaction.” (Muslim) (Mishkat, ibid, 2685/2)

Abu Saeed al-Khudri has reported that the messenger of Allah has said that, “gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, and salt for salt, like for like, (should be) 9n hand to hand transactions. Who-ever has given more or demanded more he has dealt in usury. The receiver and the giver are equally guilty.” (Muslim) (Mishkat, ibid, 2686/3)

**Gold and Silver:** Abu Saeed Al-Khudri has reported that the messenger of Allah has said that, “do not sell gold for gold unless it is like for like, and do not increase something of it upon something: do not sell silver for silver unless it is like for like, and do not increase something of it upon something: and do not sell for ready money something to be given latter.”<sup>1</sup> (Bukhari and Muslim). (Mishkat, ibid, 2687/4)

**Exchange of like articles:** Mamar bin Abdullah has reported I heard the messenger of Allah say” (sell) food for food, like for like.” (Muslim) (Mishkat, ibid, 2688/5)

**Hand to hand:** Umar has reported that the messenger of Allah has said that,  
“gold for gold is usury unless in hand to hand (transaction):  
Silver for silver is usury unless in hand to hand (transaction):  
Wheat for wheat is usury unless in hand to hand (transaction):  
Barley for barley is usury unless in hand to hand (transaction):  
Dates for dates is usury unless in hand to hand (transaction):  
(Bukhari and Muslim) (Mishkat, ibid, 2689/6)

**Like articles of good and bad qualities:** Abu Saeed and Abu Hurairah has reported that the messenger of Allah engaged a man at Khaibar. He brought him dates of a very fine quality. He asked him: are all the dates of Khaibar like this? He said, “By Allah,

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1. Payment should not be made till the goods are actually received.

They are not, O messenger of Allah. We take a Saa, of this kind for two, and two for three.” He said, “Do not do so. Sell the whole for Dirhams, then buys the fine dates for Dirhams.” He said: the same applies to the weight. (Bukhari and Muslim) (Mishkat, ibid, 2690/7)

Abu Saeed has reported that Bilal brought some Barni <sup>1</sup> dates to the holy prophet. The holy prophet asked him: where from you got them? He said, “I had some inferior dates, so I sold two Saa’s of them for one Saa.” He said, “Ah, this is usury in reality. This is usury in reality. Do not do so, but when you intend to buy, sell the dates separately, then buy with what you get from it.” (Bukhari and Muslim) (Mishkat, ibid, 2691/8)

**Two slaves for one:** Jabir has reported that a slave came and took oath of allegiance to the holy prophet to emigrate, but he did not know that he was a slave. His master came to take him back. The holy prophet said to him, “sell him to me”, and he bought him for two black slaves. <sup>2</sup> thereafter he never took oath of allegiance from anybody without asking him whether he was a slave or a free man. (Muslim) (Mishkat, ibid, 2692/9)

**Unknown quantity:** Jabir has reported that the messenger of Allah forbade selling unknown quantity of dates for a fixed quantity of dates. (Muslim) (Mishkat, ibid, 2693/9)

**Business of gold:** Fazzalah bin Ubaid has reported: on the day of Khaibar I purchased a necklace for twelve Dinars. In it there were gold and gems. I made them separate and found that it was worth more than twelve Dinars. I mentioned it to the holy prophet. He said, “It should not be sold till it is separated.” (Muslim) (Mishkat, ibid, 2694/11)

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1. A type of dates of the best quality, sweet and luscious, red tinged with yellow. (James Robson)

2. This shows that the articles which do not fall under the category of “Usury” can be transacted on basis of more or less return. (Mazaahir-e-Haq).

**A forecast relating to usury:** Abu Hurairah has reported that the messenger of Allah has said that, “A time will certainly come to the people when none but devourer of usury will remain. If he does not devour it, its vapor will reach him.” (Ahmed, Abu Dawud, Nasa’ee and Ibne Majah) (Mishkat, ibid, 2695/12)

**Hand to hand dealing of like and unlike article:** Ubaidah bin Saamit has reported that the messenger of Allah has said that, “do not sell gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, or salt for salt, but equal for equal, kind for kind, in hand to hand transactions: but sell gold for silver, silver for gold, wheat for barley, barley for wheat, dates for salt and salt for dates, in hand to hand transactions, as you like.”(Shaafe’ee) (Mishkat, ibid, 2696/13)

**Dry and fresh fruits:** Sad bin Abi Waqas has reported: I heard that the messenger of Allah was asked about buying dry dates for fresh ones. He asked: shall the fresh dates diminish when they became dry? He said: yes. He prohibited from that. (Maalik, Tirmizi, Abu Dawud, Nasa’ee and Ibne Majah) (Mishkat, ibid, 2697/14)

**Sale of meat for animals:** Saeed binul Musayyib has reported in Mursal from that the messenger of Allah prohibited the sale of meat for animals. <sup>1</sup> Saeed said that it is of the Maisir <sup>2</sup> of the days of Ignorance. (Sharhe as-Sunnah, by Baghawi) (Mishkat, ibid, 2698/15)

**Animals for animals:** Samurah bin jundub has reported that the holy prophet prohibited selling animals for animals on credit. (Tirmizi, Abu Dawud, Nasa’ee, Ibne Majah and Daarimi) (Mishkat, ibid, 2699/16)

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1. i.e. meat in exchange for living animals.

2. A sort of gambling played with arrows for pats of a camel.

Abdullah bin Amr binul Aas has reported that the messenger of Allah ordered him to equip an army. When the camels fell short, he ordered him to take the camels of the zakaat. So he took one camel to be replaced by two when the camels of the zakaat came. (Abu Dawud) (Mishkat, ibid, 2700/17)

**Dealing hand to hand and on credit:** Usamah bin Zaid has reported that the holy prophet has said that, "Credit implies usury." In a version he said, "There is no usury in what is hand to hand." (Bukhari and Muslim) (Mishkat, ibid, 2701/18)

**Warning:** Abdullah son of Hanzalah, the one given bath by the angels <sup>1</sup> has reported that the messenger of Allah has said that, "A Dirham of usury which a man knowingly devours is more severe than thirty six acts of adultery." (Ahmad and Daara Qutni). (Mishkat, ibid, 2702/19)

Abu Hurairah has reported that the messenger of Allah has said that, "Usury has seventy parts, the least of which is like a man's marrying his own mother." (Ibne Majah). Baihaqi also noted it in Shu'abul Iman. (Mishkat, ibid, 2703/20)

Ibne Masud has reported that the messenger of Allah has said that, "Usury may increase but in the end it leads to penury." (Ibne Majah and Ahmad). Baihaqi noted it in Shu'abul Iman. 2704/21)

Abu Hurairah has reported that the messenger of Allah has said that, "In the night when I was taken up to the heaven I came across a people whose bellies were like houses wherein there were snakes which could be seen from outside their bellies. I asked: O Gabriel, who are they? He said: they are those who devoured usury." (Ahmad and Ibne Majah) (Mishkat, ibid, 2705/22)

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1. Hanzalah was killed at the battle of Uhud. The martyrs buried without being given the bath. As Hanzalah was thought to be in the state of ceremonial impurity at that time, his family was worried. So the holy prophet told them that he had been washed by the angels, and so in the text he is mentioned as Ghaseelil Malaa'ikah.

**Gift by the borrower:** Anas has reported that the messenger of Allah has said that, “When anybody of you gives a loan, and the borrower sends him a gift or provides an animal for him to ride, he should not ride on it or accept the gift unless it is a practice they followed previously.” (Ibne Majah). Baihaqi also noted it in Shu’abul Iman. (Mishkat, ibid, 2708/25)

Anas has reported that the holy prophet has said that, “when a man gives a loan to another, he should not accept a gift (from him) (Bukhari noted it in his Taa’reekh, as is said in Muntaqa) (Mishkat, ibid, 2709/26)

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G  
TIJARAT  
(BUSINESS)

- Chapter 1 Lawful and Unlawful Earning**
- Chapter 2 Business Dealings**
- Chapter 3 Conditional Bargains**
- Chapter 4 Forbidden Business Transactions**
- Chapter 5 Property attached with the sold property**
- Chapter 6 Payment in Advance and Pledge**
- Chapter 7 Holding the Goods till Price rises**
- Chapter 8 Insolvency and Respite**
- Chapter 9 Partnership and Agency**
- Chapter 10 Misappropriation and Borrowing**
- Chapter 11 Pre-emption**
- Chapter 12 Share in Produce**

## TIJARAT (BUSINESS)

### QURAN

#### NO ILEGAL EARNING

And swallow not up your property among yourselves by false means, nor seek to gain access thereby to the judges, so that you may swallow up part of the property of men wrongfully while you know (Baqarah, 2:188)

O you, who believe, devour not your property among yourselves by illegal methods except that it be trading by Merciful to you. And who does this aggressively and unjustly, we shall soon cast him into the Fire. And this is very easy for Allah (Nisa, 4:29-30)

Quran condemns the Jews for devouring the properties of the people by illegal means vide Nisa, 4:160-161)

#### WIGHT AND MEASURE BE CORRECT

Say (O Prophet): come, I will recite what your Lord has forbidden to you.....and give full measure and weight with equity (An'aam, 6:151-152)

Prophet Shuaib said to his people, "Clear Proof has indeed come to you from your Lord, so give full measure and weight and diminish not to men their things, and make no mischief in the land after its reform. This is better for you, if you are believers" (Aa'raaf, 7:85. also Hud, 11:84-86)

And give full measure when you measure out, and weight with a true balance, this is fair and better in the end (Bani Israil, 17:35)

Give full measure and be not of those who diminish. And weigh with a true balance. And wrong not people of their dues, and act not corruptly in the earth, making mischief (Shu'ara, 26:181-183)

And the heaven – he raised it high, and he set up the measure, that you may not exceed the measure, and keep up the balance with equity, nor fall short in the measure (Rahman, 55:7-9)

Woe to the cheaters, who, when they take the measure (of their dues) from men, take it fully: and when they measure out to others or weigh out for them, they give less than what is due. Do they not think that they will be raised again, to a Mighty Day? – The day when men will stand before the Lord of the worlds (Tatfeef, 83:1-7)

LAWFULL AND UNLAWFULL EARNING

**Best food:** Miqdaam bin Madikarib has reported that the messenger of Allah has said that, "None has eaten a food better than that what he eats out of the earning of his hands. The prophet of Allah David used to eat out of the earning of his hands." <sup>1</sup> (Bukhari) (Mishkat, kitab-ul-Buyoo, <sup>2</sup> Baab-ul-kasab Wa Talab-ul-Halaal, No. 2639/1)

**Lawful and unlawful:** Abu Hurairah has reported that the messenger of Allah has said that Allah is good and accepts not except what is good. And Allah has given the same command to the believers

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1. It is said that he used to prepare iron coats and earn his livelihood through it (Mazaahir-e-Haq)

2. "Buyoo" is plural of "Bai" which means selling and purchasing. It also includes exchange of good by mutual consent.

"Bai" consists of (1) act of selling and purchasing (2) goods, and (3) price the act of selling and purchasing is of four kinds, viz, (1) Naafiz in which the seller haws goods and the purchaser has the price, and both are major and sane, and the sale is by themselves or through agents: (2) Mauqoof in which a man sells the goods of another without his permission, and it becomes valid when the owner of it gives the permission: (3) Faasid which may be invalid for any reason, and (4) Baatil which is totally invalid.

The goods are also of four kinds, viz, (1) Muza'iqah in which on both sides there are goods: (2) Sarf in which there is cash on both sides: (3) Salam in which the price is paid in advance and the goods are delivered at a later stage: (4) Mutlaq in which there is hand to hand sale of the goods for the price in cash.

The price is also of four kinds, viz, (1) Marabahat in which the sale is on profit: (2) Tauliyat in which the sale is without profit: (3) Wadi'at in which the sale is for a price less than its actual cost: and (4) Masawimat in which the sale is on any price mutually settled by the parties without regard to the actual cost in which it was purchased by the seller. (Mazaahir-e-Haq)

As he has gives to the messengers, saying, "O messengers, eat of what is good and act righteously,"<sup>1</sup> and also, "O you believe, eat of the good things which we have provided for you,"<sup>2</sup> then he spoke about a man who undertakes a long journey, who is in a disheveled and dusty state, who stretches out his hands to heaven saying, "my Lord, my Lord," when his food is unlawful, his drink is unlawful and his clothing is unlawful, and that by which he is nourished is unlawful. How such a one can be responded to (Muslim) (Mishkat, ibid, 2640/2)

Abu Hurairah has reported that the messenger of Allah has said that, "A time will come to the people when a man will not care whether what he is getting is coming from a lawful or unlawful source." (Bukhari) (Mishkat, ibid, 2641/3)

**Impure earning:** Raafe bin Khadeej has reported that the messenger of Allah has said that, "The price of a dog is impure, the earning of a prostitute is impure, and the earning of a cupper is impure."<sup>3</sup> (Muslim) (Mishkat, ibid, 2643/5)

**Impure earning forbidden:** Abu Masud al-Ansari has reported that the messenger of Allah prohibited the price of a dog, the hire of a prostitute, and the wages of a soothsayer. (Bukhari and Muslim) (Mishkat, ibid, 2644/6)

Jabir has reported that the messenger of Allah prohibited the price of dog and cat. (Muslim) (Mishkat, ibid, 2648/10)

Abu Hurairah has reported that the messenger of Allah prohibited the price of a dog and the earning of a woman singer. (Sharhe as-Sunnah, by Baghawi) (Mishkat, ibid, 2659/21)

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1. Quran, Mo'minoon, 23:51. 2. Quran, Baqarah, 2:172.

2. the word "Khabeesun" (Impure), according to the scholars, in case of a dog means "Makrooh" (abominable), in case of a prostitute means "Haraam" (abominable for which one is not accountable) (Mazaahir-e-Haq).

Abu Juhaifah has reported that the holy prophet prohibited the price of blood, the price of dog, and the earning of prostitute, and has cursed the one who takes and the one who gives usury, the one who tattoos and the one who gets herself tattooed, and the one who makes the pictures. (Bukhari) (Mishkat, ibid, 2645/7)

**Business of unlawful things:** Jabir has reported that he heard the messenger of Allah say in the year of the Victory when he was in Mecca, “Allah and his messenger have declared unlawful the sale of wine, animals which have died a natural death, swine and of idols.” It was asked: O messenger of Allah, what about the fat of animals which have died a natural death, because it is used for caulking the ships, greasing the skins and making the oil for the lamps? He said: it is unlawful. May Allah curse the Jews! When Allah declared the fat of such animals unlawful, they melted it, sold it, and enjoyed the price of it.” (Bukhari and Muslim) (Mishkat, ibid, 2646/8)

**The Jews:** Umar has reported that the messenger of Allah has said that, “May Allah curse the Jews! Fat was declared unlawful for them, but they melted it and then sold it.” (Bukhari and Muslim) (Mishkat, ibid, 2647/9)

**Wages for cupping:** Anas has reported that Abu Taibah<sup>1</sup> cupped the messenger of Allah and he ordered that a Saa’ of dates be given to him. He also ordered his masters to remit some of his dues. (Bukhari and Muslim) (Mishkat, ibid, 2649/11)

**Unlawful Property:** Abdullah bin Masud has reported that the messenger of Allah has said that, “man acquires unlawful property and gives out of it in charity but it is not accepted from him: he spends out of it but does not receive a blessing: he leaves out of it behind him but it serves as his provision for the Fire. Allah does not obliterate an evil by an evil. But he obliterates an evil by a Good. The impure does not obliterate the impure.” (Ahmed) the same is given in Sharhe as-Sunnah, by Baghawi (Mishkat, ibid, 2651/13)

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1. Abu Taibah was a freed man of the Banu Harisah.

**Eating the Unlawful:** Jabir has reported that the messenger of Allah has said that, “The flesh grown out of unlawful wealth will not enter the paradise. Hell is more fitting for the flesh grown out of unlawful.”<sup>1</sup> (Ahmed, and Daarimi) Baihaqi also noted it in Shu’abul Iman. (Mishkat, ibid, 2652/29)

Abu Bakr has reported that the messenger of Allah has said that, “The body nourished with what is unlawful will not enter the paradise.” (Baihaqi noted it in Shu’abul Iman) (Mishkat, ibid, 2667/29)

**Doubtful things:** Hassan bin Ali has reported: I have retained in my memory from the messenger of Allah “give up what involves you in doubt and adopt what does not involve you in doubt. Truth is peace of mind. And falsehood is doubt. “(Ahmed, Tirmizi and Nasa’ee) (Mishkat, ibid, 2653/15)

**Righteousness and Sin:** Waabisah bin Mabad has reported that the messenger of Allah said that, “O Waabisah, have you come to ask about righteousness and sin?” I said, yes. He joined his fingers, struck my breast with them and said, “Ask yourself for a decision, and ask your heart for a decision (saying it three times). Righteousness is that with which the soul is satisfied and the heart is satisfied and sin is that which creates suspicion in the soul and perplexity in the breast, even though the people give you a decision in its favour.” (Ahmed and Daarimi) (Mishkat, ibid, 2654/16)

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1. On basis of other Quranic verses and Ahadees the scholars are of the view that such person, if he is a believer, will not enter the paradise without first suffering the punishment of Hell, unless he repents and is forgiven by Allah or some righteous servant of Allah intercedes for him (Ma’ariful Hadees, ibid, Vol. VII, p. 78)

The Righteous: Atiyah Sadi has reported that the messenger of Allah has said that, “None can be of the righteous ones until he abandons what is harmless to save himself from what is harmful.” (Tirmizi and Ibne Majah) (Mishkat, ibid, 2656/19)

**Dealers in Wine:** Anas has reported that the messenger of Allah cursed ten persons in connection with wine: the wine-presser, the one who gets it pressed, the one who drinks it, the one who gives it, the one to whom it is given, the one who serves it, the one who sells it, the one who utilizes its price, the one who buys it, and the one for whom it is bought. (Tirmizi and Ibne Majah) (Mishkat, ibid, 2657/19)

**Lawful earning is obligatory:** Abdullah bin Masud has reported that the messenger of Allah has cursed wine, its drinker, its server, its seller, its buyers, its presser, the one for whom it is pressed, the one who gives it and the one to whom it is given.” (Abu Dawud and Ibne Majah) (Mishkat, ibid, 2661/23)

**Lawful earning:** Raafe bin Khadeej has reported: it was asked: O messenger of Allah, what type of earning is the best? He replied, “A man’s earning with his hand and every business transaction which is approved.” (Ahmad) (Mishkat, ibid, 2663/25)

**Giving up means of earning:** Naafe has reported: I used to arrange business expeditions to Syria and to Egypt. Once I arranged a business expedition to Iraq. I went to Aaisha, the mother of the believers, and told her that I had been arranging business expeditions to Syria, but now I have arranged an expedition to Iraq. She said: do not do so, what is the matter with the place with which you had traded. Because I had heard the messenger of Allah,

Say, “when Allah has appointed provision for any of you in particular direction, he should not give it up till it changes for the worse.” (Ahmad and Ibne Majah) (Mishkat, ibid, 2665/27)

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## CHAPTER 2

### BUSINESS DEALINGS

**Gentleness:** Jabir has reported that the messenger of Allah has said that, “May Allah show mercy to a man who is gentle when he sells, and when he buys, and when he makes a claim!” (Bukhari) (Mishkat, kitab-ul-Buyoo: Baab-ul-Musaahilat-e- Fill Mu’aamalat-e, No. 2670/32)

**Swearing:** Abu Qatadah has reported that the messenger of Allah has said that, “avoid much swearing in business dealings: because it gains (market) but then finishers (the blessing)” (Muslim) (Mishkat, ibid, 2672/34)

Abu Hurairah has reported that the messenger of Allah has said that, “Swearing produces market for a commodity but finisher the blessing.” (Bukhari and Muslim) (Mishkat, ibid, 2673/35)

**False Swearing:** Abu Zar has reported that the Holy prophet has said that, “There are three persons to whom Allah will neither speak on the day of resurrection, nor will he look at them, nor will he make them pure. And they will have a painful punishment.” Abu Zar said, “They are losers and disappointed. Who are they, O Messenger of Allah?” he said, “the one who wears a trailing garment, <sup>1</sup> the one who asserts what he gives, and the one who gains market for a commodity by false swearing.” (Muslim) (Mishkat, ibid, 2674/36)

**Truthful and Trustworthy:** Abu saeed has reported that the messenger of Allah has said that, “The truthful and trustworthy merchant will be with the Prophets, the Upright and the Matters.” (Tirmizi, Daarimi and Daara Qutni) (Mishkat, ibid, 2675/37)

**Warning:** Ubaid bin Rifaah has reported from his father who informed that the holy prophet has said that, “Merchants will be raised on the day of resurrection as evildoers, except those who fear Allah, are pious and truthful.” (Tirmizi, Ibne Majah and Daarimi). Baihaqi also noted it in Shu’abul Iman (Mishkat, ibid, 2677/39)

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1. By way of pride. (Mazaahir- Haq)

## CHAPTER 3

### CONDITIONAL BARGAINS

**Option to annual**<sup>1</sup> : Ibne Umar has reported that the messenger of Allah has said that, "Each one of the parties to a business transaction has the option to annual it so long as they have not separated, except in transactions which are made subject to the option of the parties to annual them." (Bukhari and Muslim) (Mishkat, kitab-ul-Buyoo: Baab-ul-Khiyaar, No. 2678/1)

Hakeem bin Hizaam has reported that the messenger of Allah has said that, "both parties to a business transaction have the option to annual it as long as the do not separate. If they speak the truth and make everything clear. They will be blessed in their transaction: but if they conceal anything and tell a lie, the blessing on their transaction will be blotted out." (Bukhari and Muslim) (Mishkat, ibid, 2679/2)

Amr bin Shuaib has reported from his father who said that his grandfather informed that the messenger of Allah has said that, "both parties to a business transaction have the option to annul it so long as they have not separated unless it is a transaction with the opinion to annul it: and it is not lawful for the one to separate from the other because of the fear that he may demand that the bargain be rescinded." (Tirmizi, Abu Dawud and Nasa'ee) (Mishkat, ibid, 2681/4)

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1. The word "Khaibar" used in these Ahadees means choice or option give to either of the parties to honour or not to honour the even after the bargain is complete in all respects within an agreed period of time which according to Abu Hanifah is at the most three days. It is of three kinds, viz,

(1) on finding out some defect in the goods known as "Khiyaar-e-Aib" (2) on seeing the goods when the bargain was made without seeing it known as "khiyaar-e-Rooyat" and (3) to keep some and return the rest of the goods known as "Khiyaar-e-Ta'ayyun".

These three kinds are those on which all agree. But there is also a fourth one known as "Khiyaar-e-Majlis" i.e. option till the meeting ends. While shaaf'ee holds it good, Abu Hanifah does not approve it at all. (Mazaahir-e-Haq)

Abu Hurairah has reported that the messenger of Allah has said that, “the two (i.e. seller and buyer) should not part away except by mutual consent.” (Abu Dawud) (Mishkat, ibid, 2682/5)

Jabir has reported that the messenger of Allah gave option to a desert Arab (to annul the bargain) after the sale (Tirmizi) (Mishkat, ibid, 2683/6)

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## CHAPTER 4

### FORBIDDEN BUSINESS TRANSACTIONS

**Muzabanat:** Ibne Umar has reported that the messenger of Allah prohibited Muzabanat, i.e. to sell the fruit of one's garden, If it be fresh dates fro dried dates, by measure: or if it be fresh grapes for dried grapes by measure: or (Muslim has "and") if it be corn, to sell it for a measure of corn. He prohibited all that (Bukhari and Muslim) a version by both of them says that he prohibited muzabanat, i.e., to sell the fruit on the palm-tree for a fixed measure of dates, the seller saying that if it increases, it will be for me, and if it decreases, it is against me. (Mishkat, kitab-ul Buyoo: Baab-ul-Manhee, Anhaa Minal Buyoo; No. 2711/1)

Mukhabarat, Muhaqalat, Muzabanat: Jabir has reported that the messenger of Allah prohibited Mukhabarah, Muhaqalah and Muzabanah. Muhaqalah is that a man sells sown field for a hundred Faraqs<sup>1</sup> of wheat: Muzabanah is that a man sells fruits of the trees for a hundred Faraqs of dates, and Makhabarah is that a man rents out land for one-third or one-fourth of the produce. (Muslim) (Mishkat, ibid, 2712/2)

Muhaqalat, Muzabanat, Mukhabarat, Muaawamat, Sunya and Araayaa: Jabir reported that the messenger of Allah prohibited Muhaqalah, Muzabanah, Mukhabarah, Mu'aawamah and Sunya,<sup>3</sup> but gave permission for Araayaa<sup>4</sup> (Muslim) (Mishkat, ibid, 2713/3)

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1. Faraq is equal to 16 Ratala or nearly 8 kilos.
  2. Selling a year's harvest before the crop has grown, or selling the fruit on one's palm-tree two or three years ahead. (James Robeson)
  3. An exception the amount of which is not accurately known. (ibid)
  4. Plural of Ariyah. A palm-tree dedicated by its owner to a poor to eat its fruit for a year.

**Ariyah:** Sahl bin Abu Hasmah has reported that the messenger of Allah prohibited the sale of dry dates for dry dates but gave permission for the Ariyah, i.e. the sale on the basis of estimations them when fresh. (Bukhari and Muslim) (Mishkat, ibid, 2714/4)

**Araayaa:** Abu Hurairah has reported that the messenger of Allah gave permission for the sale of Araayaa for a fixed measure of dry dates, provided they were less than five Wasqs, <sup>1</sup> (or five Wasqs in full Dawud bin Husain doubted) (Bukhari and Muslim) (Mishkat, ibid, 2715/5)

**Unripe Fruits:** Abdullah bin Umar has reported that the messenger of Allah prohibited the sale of fruits till they are ripe in good condition, prohibiting it both to the seller as well as the buyer. (Bukhari and Muslim) (Mishkat, ibid, 2761/6)

Anas has reported that the messenger of Allah prohibited the sale of fruits till they are ripe. He was asked: what is meant by ripe? He said: till they become red, and said, “tell me: when Allah keeps back the fruit, why should anybody of you take his brother’s property?” (Bukhari and Muslim) (Mishkat, ibid, 2717/7)

Anas has reported that the messenger of Allah prohibited the sale of grapes till they become black and the sale of grain till it becomes hard. (Tirmizi and Abu Dawud) (Mishkat, ibid, 2738/28)

**Selling fruit years ahead:** Jabir has reported that the messenger of Allah prohibited selling fruit years ahead, and ordered remission of the loss by mishaps. (Muslim) (Mishkat, ibid, 2718/8)

**Fruit destroyed after sale:** Jabir has reported that the messenger of Allah has said that, “If you sell fruit to your brother and it is smitten by blight, it is not lawful for you to take anything from him. Why Should you take your brother’s property without a right?” <sup>1</sup> (Muslim) (Mishkat, ibid, 2719/9)

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1. Wasq is equal to 60 Saa.

**Sale before taking possession:** Ibne Umar has reported: they used to buy grain in the upper part of the market and sell it in the same place. The messenger of Allah prohibited them to sell it there till they remove it (by taking possession) (Abu Dawud) (Mishkat, ibid, 2720/10)

Ibne Umar has reported that the messenger of Allah has said that, "Whoever buys grain he should not sell it till he has received it in full." (Bukhari and Muslim) (Mishkat, ibid, 2721/11)

Hakeem bin Hizaam has reported that the messenger of Allah prohibited me to sell anything which was not in my possession (Tirmizi) in a version by him and by Abu Dawud and Nasa'ee he has said: O messenger of Allah, a man comes to me and wants me to sell him something which is not in my possession. May I buy it for him from the market." He said, "Do not sell what is not in your possession. (Mishkat, ibid, 2743/33)

**Some important instructions:** Abu Hurairah has reported that the messenger of Allah has said that, "do not go forward to meet the caravans for purchase: none of you should buy on the buying of another,<sup>2</sup> nor should you dib against one another: a townsman should not sell for a villager: and do not tie up the udders of camels and goats, because whoever buys them after that has been done has two options after milking them: he may keep them if he likes them: and may return them with one Saa' of dates if he does not like them." (Bukhari and Muslim) (Mishkat, ibid, 2733/13)

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1. For reasons, see Mazaahir-e-Haq or books on Fiqah.
  2. i.e. when the contrast of sale is almost complete.

Abu Hurairah has reported that the messenger of Allah has said that, “Do not go forward to meet the merchant. Whoever does so and buys something from him, when its owner comes to the market, he has the option (to cancel the deal) (Muslim) (Mishkat, ibid, 2724/14)

Ibne Umar has reported that the messenger of Allah has said that, “Do not go forward to meet the merchandise, till it is brought down to the market.” (Bukhari and Muslim) (Mishkat, ibid, 2725/15)

**Bargain over bargain:** Ibne Umar has reported that the messenger of Allah has said that, “None should bargain over the bargain of his brother,<sup>1</sup> nor should one ask a woman in marriage when his brother has asked her,<sup>2</sup> unless he permits him” (Muslim) (Mishkat, ibid, 2726/16)

Abu Hurairah has reported that the messenger of Allah has said that, “None should bargain over the bargain of his brother Muslim.” (Muslim) (Mishkat, ibid, 2727/17)

Townsman and Villager: Jabir has reported that the messenger of Allah has said that, “A townsman should not sell for a villager. Leave the people. Allah provides provision to some from some.” (Muslim) (Mishkat, ibid, 2728/18)

**Mulamasah and Munabazah:** Abu Saeed al-Khudri has reported that the messenger of Allah prohibited two kinds of dressing and two kinds of business dealings. He prohibited Mulamasah and Munabazah in business dealing. Mulamasah means that a man touches another’s garment with his hand, whether at night or by day, without turning it. Munabazah means that a man throws his cloth to another and the other throws his cloth and that is their contract without seeing or mutual consent. One of the two kinds of dressing is wrapping of the Sammaa’ which means that a man puts his cloth over one of his shoulders so that one of his sides remains uncovered: and the other kind is that a man wraps himself up in his garment but when he sits, his private parts remain uncovered. (Bukhari and Muslim) (Mishkat, ibid, 2729/19)

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1. i.e. when the bargain is almost complete.

2. i.e. when the terms of marriage has already been settled. (Mazaahir-e-Haq)

**Hasaat<sup>1</sup> and Gharar<sup>2</sup>:** Abu Hurairah has reported that the messenger of Allah prohibited the bargain by throwing stones, and the sale of unprocessed things. (Muslim) (Mishkat, ibid, 2730/21)

**Habalul Habalah:** Ibne Umar has reported that the messenger of Allah prohibited the transaction called Habalul Habalah, which was a bargain entered into in the days of ignorance, whereby a man used to buy a camel till a she-camel became pregnant and till what was in the womb became pregnant. (Bukhari and Muslim) (Mishkat, ibid, 2731/21)

**Hire for a stallion's covering:** Ibne Umar has reported that the messenger of Allah prohibited (the hire for) a stallion's covering. (Bukhari) (Mishkat, ibid, 2732/22)

Anas has reported that a man of Kilaab asked the holy prophet about the hire of a stallion to cover a female. He prohibited him. He said, "O messenger of Allah, we lend a stallion to cover a female and are given a gift." He gave him permission to accept a gift. (Tirmizi) (Mishkat, ibid, 2742/32)

**She-camel's covering and selling water and land to be killed:** Jabir has reported that the messenger of Allah prohibited hiring a camel to cover a she-camel and selling water and land to be tilled<sup>3</sup> (Muslim) (Mishkat, ibid, 2733/23)

**Sale of Excess Water:** Jabir has reported that the messenger of Allah prohibited the sale of excess water. (Muslim) (Mishkat, ibid, 2734/24)

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1. "Hasaaf" is a type of transaction settled by throwing a stone by the buyer or the seller. In it a man agrees to sell to another all the commodities on which stone thrown by him falls: or in which the seller agrees to sell the buyer the land up to the distance to which he can throw a stone.

2. "Gharar" is a transaction in which there is no guarantee that the seller will deliver the goods for which he has received the price. E.g. selling a runaway slave, or fish which one has not caught, etc.

3. This is really Mukhabarah.

Abu Hurairah has reported that the messenger of Allah has said that, “Excess water should not be sold in order to have the grass which grows from it sold.” (Bukhari and Muslim) (Mishkat, ibid, 2735/25)

**Deception:** Abu Hurairah has reported that the messenger of Allah ahs passed by a heap of grain. He put his hand into it and his fingers felt some dampness. He asked: O owner of the grain, what is this? He said: O messenger of Allah, rain had fallen on it. He said, “Why did you not put the damp part on the top of the grain so that the people could see it? Whoever deceives is not of me.” (Muslim) (Mishkat, ibid, 2736/26)

**Sunya:** Jabir has reported that the messenger of Allah prohibited making and exception <sup>1</sup> unless it is known <sup>2</sup> (Tirmizi) (Mishkat, ibid, 2737/27)

**Sale of Debt:** Ibne Umar has reported that the holy prophet prohibited selling a debt to be paid at a future date for another (debt) (Daara Qutni) (Mishkat, ibid, 2739/29)

**Earnest Money:** Amr bin Shuaib has reported from his father who said that his grandfather informed that the messenger of Allah prohibited the transaction in which earnest money was paid. <sup>3</sup> (Maalik, Abu Dawud and Ibne Majah) (Mishkat, ibid, 2741/31)

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1. This is known as “SUNYA”.

2. In quantity.

3. According to the Hanifah, it will be lawful if the condition is that if the transaction is not completed, the earns money will be returned to the buyer (Mazaahir-e-Haq)

4. Known as “Muztar.”

**Two Bargains in One:** Abu Hurairah has reported that the messenger of Allah prohibited two bargains combined in one. (Maalik, Tirmizi, Abu Dawud and Nasa'ee) (Mishkat, ibid, 2744/34)

Amr bin Shuaib has reported from his father who said that his grandfather informed that the messenger of Allah prohibited two transactions in one bargain. (Sharhe as-Sunnah, by Baghawi) (Mishkat, ibid, 2745/35)

**Loan combined with sale:** Amr bin Shuaib has reported that the messenger of Allah has said that, "Loan combined with sale is not lawful, nor two conditions in respect of one transaction, nor the profit of anything not in one's possession, nor the sale of what is not in your possession." (Tirmizi, Abu Dawud and Nasa'ee) (Mishkat, ibid, 2746/36)

**Change of Coin: Ibne Umar reported:** I used to sell camels at Naqi' <sup>1</sup> for Dinars and take Dirhams for them, and sell (camels) for Dirhams and take Dinars for them. I went to the holy prophet and mentioned it to him. He said, "There is no harm if you take them at the rate of the day so long as you do not separate leaving something still to be settled." (Tirmizi, Abu Dawud, Nasa'ee and Daarimi) (Mishkat, ibid, 2747/37)

**A Transaction:** Al-Adda bin Khalid bin Hauzah brought out a letter (to this effect): this is what Adda bin Khalid bin Hauzah has purchased from Muhammad the messenger of Allah. He has purchased from his a slave, or a slave-girl, having no disease, or wickedness, or anything unlawful, <sup>2</sup> a transaction of a Muslim with a Muslim (Tirmizi) (Mishkat, ibid, 2748/38)

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1. A place near Medinah.
  2. e.g. bad character on the part of the slave, or unlawful enslavement.
  3. A woolen cloth placed on a camel under the pack-saddle.

**Sale by Auction:** Anas has reported that the messenger of Allah offered for sale a saddle-cloth<sup>3</sup> and a cup, saying, “who will buy this saddle-cloth and cup?” A man said: I shall take them for one dirham. The holy prophet said: who will give over one Dirham? A man offered him two Dirhams. He then sold them to him. (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 2749/39)

**Sale of Defective thing:** Waasilah bin Asqa has reported: I heard the messenger of Allah say, “whoever sells a defective thing without disclosing it, he remains under the Wrath of Allah” or, “the angels continue to curse him.” (Ibne Majah) (Mishkat, ibid, 2750/40)

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## CHAPTER 5

### PROPERTY ATTACHED WITH THE SOLD PROPERTY

Sale of Trees after appearance of fruits and of slave having property: Ibne Umar reported that the messenger of Allah has said, "if anybody purchases a palm-tree after the appearance of dates, the fruits are for the seller unless the purchaser makes a condition: and if anyone purchases a slave who possesses property, his property is for the seller unless the purchaser makes a condition." (Muslim) (Mishkat, Kitabu-ul-Buyoo, Babun, No. 2751/1)

**Conditional Sale:** Jabir has reported that he was riding on his camel which had become tired. The holy prophet passed by it and struck it, and it began running so fast as it had never run before. He then said, "Sell it to me for one Uqiya."<sup>1</sup> I sold it to him. But when I came to Medinah, I took the camel to him and he paid me its price in cash. In a version he said, "he gave me its price and returned it to me." (Bukhari and Muslim) (Mishkat, ibid, 2752/2)

**Right of inheritance from the slave:** Aaisha has reported that Bareerah came and said: I have arranged to purchase my freedom for mine Uqiyas, one to be paid annually, so help me. Aaisha said, "if your masters agree that I should pay them all at one time and set you free, then I shall pay and I shall have the right to inherit from you." She went to her masters, but they insisted that the right to inherit from her should be with them. The messenger of Allah said, "Take her and set her free." The messenger of then stood up among the people, praised and glorified Allah, and then said, "to proceed: what is the matter with the people who make conditions which are not in the Book of Allah? Any condition which is not in the Book of Allah is void."

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1. Equivalent to forty Dirhams.

Even if there are a hundred conditions, the Decision of Allah is more binding and the Condition of Allah is more firm. The right of inheritance is for one who sets a person free.” (Bukhari and Muslim) (Mishkat, ibid, 2753/3)

Ibne Umar has reported that the messenger of Allah prohibited the selling or gifting away of the right to inheritance from a manumitted slave. (Bukhari and Muslim) (Mishkat, ibid, 2754/4)

**Profit goes to one who is to bear the loss:** Makhlad bin Khufaaf has reported: I purchased a slave and took his earning afterwards I found a defect in him and brought the dispute regarding him before Umar bin Abdul Aziz. He decided in my favour that I should return him, but against me that I should return what he had earned. I then went to Urwah and informed him. He said: I will go in the evening to him and tell him that I had been informed by Aaisha that the messenger of Allah had given decision in a similar case that the profit goes to the one who bears responsibility.<sup>1</sup> Urwah then went to him, and he gave decision in my favour that I should receive the profit from the one for whom he had given the decision against me. (Sharhe as-Sunnah, by Baghawi) (Mishkat, ibid, 2755/5)

**Dispute between buyer and seller:** Abdullah bin Masud has reported that the messenger of Allah has said, “when two persons who arrange a bargain disagree, the decision rests with the seller, but the buyer has the option (whether to confirm it or not).” (Tirmizi) (Mishkat, ibid, 2756/6)

**Rescinding of Sale:** Abu Hurairah has reported that the messenger of Allah has said that, “Whoever will rescind the sale with a Muslim, Allah will forgive his fault on the day of Resurrection.” (Abu Dawud and Ibne Majah) (Mishkat, ibid, 2757/7)

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1. After the sale the profit that accrues goes to the buyer.

**An incident:** Abu Hurairah has reported that the messenger of Allah has said that, “A man of those people who were before your purchased some lands from another. Then the buyer found in the land he had purchased a jar containing gold. The buyer said to the other: take your gold from me as I had purchased from you only the land and not the gold from you. The seller of the land said: I had sold you the land and what is therein. They brought the matter before another for decision. He asked them: have you both got any children. One of them and: I have a son, and the other said: I have a daughter. He told them to marry the son to the daughter and spend some of the gold on them and give some in charity.”<sup>1</sup> (Bukhari and Muslim) (Mishkat, ibid, 2758/8)

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1. It is said that the man who gave this decision was prophet Dawud. (Mazaahir-e-Haq).

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## CHAPTER 6

### PAYMENT IN ADVANCE AND PLEDGE

**Payment in advance:** Ibne Abbas reported that when the messenger of Allah came to Medinah, they used to pay one, two and three years in advance for the fruits. He said, "Those who pay in advance for anything should do so for a fixed measure and weight for a fixed time." <sup>1</sup> (Bukhari and Muslim) (Mishkat, kitab-ul-Buyoo, Baab-us-Salam War Rehn, No. 2759/1)

**Pledge:** Aaisha has reported that the messenger of Allah purchased some grain from a Jew to be paid at a specified time, and pledged his coat of mail with him. (Bukhari and Muslim) (Mishkat, ibid, 2760/2)

Aaisha has reported that when the messenger of Allah died, his coat of mail was in pledge with a Jew for thirty Saa, of barley, (Bukhari) (Mishkat, ibid, 2761/3)

**Pledged Animal:** Abu Hurairah has reported that the messenger of Allah has said that, "An animal may be ridden for the expenses incurred on it when it is in pledge and the milk of milch camel may be drunk for the expenses incurred on it when in pledge. The expenses are to be incurred on it when in pledge. The expenses are to be incurred by the one who rides and the one who drinks." (Bukhari) (Mishkat, ibid, 2762/4)

**Pledged Article:** Saeed binul Musayyib has reported that the Messenger of Allah has said "pledge does not become lost to its owner (even if he does not redeem it in time). The increase in its value is for him and the loss in (also) upon him." (Shafe'ee noted it in Mursal form, and something similar, or something with a similar meaning with no discrepancy, is noted on the authority of Abu Hurairah with a fully connected Isnaad) (Mishkat, ibid, 2763/5)

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1. This is known as "Salam" for conditions governing this type of sale, see Mazaahir-e-Haq or any book of Fiqah.

**Measurement and Weight:** Ibne Umar has reported that the holy prophet has said that, "Standard measurement is the measurement of the people of Medinah and standard weight is the weight of the people of Mecca." (Abu Dawud and Nasa'ee) (Mishkat, ibid, 2764/6)

Ibne Abbas has reported that the messenger of Allah said to those who measured as well as those who weighed, "You have been entrusted with two matters because of which the previous nations before you were destroyed." (Tirmizi) (Mishkat, ibid, 2765/7)

**Sale before taking possession:** Abu Saeed al-Khudri has reported that the messenger of Allah has said that, "Whoever pays in advance for an article he should not transfer it to anybody else before he takes possession of it." (Abu Dawud and Ibne Majah) (Mishkat, ibid, 2766/8)

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## CHAPTER 7

### HOARDING THE GOODS TILL PRICE RISES

**Hoarder of Goods:** Mamar has reported that the messenger of Allah has said that, "Whoever holds up good till the price rises is a sinner." (Muslim) (Mishkat, kitab-ul-Buyoo, Baab-ul-ihikaar, No. 2767/1)

Umar has reported that the holy prophet has said that, "The one who brings goods (for sale) is given provision, and the one who holds up till the price rises is accursed." (Ibne Majah and Daarimi) (Mishkat, ibid, 2768/2)

**Umar bin Khattab reported:** I heard the messenger of Allah say, "whoever withholds grain from the Muslims waiting for the price to rise, Allah will inflict him with tubercular leprosy and insolvency." (Ibne Majah). Baihaqi also noted it in Shu'abul Iman, and Razeen in his Book (Mishkat, ibid, 2770/4)

Ibne Umar has reported that the messenger of Allah has said that, "Whoever holds up grain for forty days desiring a high price, he is free from Allah and Allah is free from him." (Razeen) (Mishkat, ibid, 2771/5)

**Muaaz reported:** I heard the messenger of Allah say, "bad is the man who holds up the goods. If Allah lowers the prices, he becomes aggrieved: and if he raises them, he becomes happy. (Baihaqi noted it in Shu'abu Iman and Razeen in his Book) (Mishkat, ibid, 2772/6)

Abu Hurairah has reported that the messenger of Allah has said that, "whoever hoards up grain for forty days and then (even if he) gives it in charity it will not be an atonement for him." (Razeen) (Mishkat, ibid, 2773/7)

Fixing of prices by the government: Anas has reported that prices increased in the time of the holy prophet. People said: O messenger of Allah, fix prices for us. The holy prophet said, "Allah is the one who fixes prices, who withholds, gives lavishly and provides, and I hope that when I meet my Lord none of you will have any claim on me (for an injustice) either for blood or for property." (Tirmizi, Abu Dawud, Ibne Majah and Daarimi) (Mishkat, ibid, 2769/3)

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## CHAPTER 8

### INSOLVENCY AND RESPITE

**Right of the creditor:** Abu Hurairah has reported that the messenger of Allah has said that, "If anybody becomes insolvent, and a creditor finds his property with him, he is more entitled to it than anybody else." (Bukhari and Muslim) (Mishkat, kitab-ul-Buyoo, Baab-ul-Iflaas Wal Inzaar, No. 2774/1)

**Retable distribution:** Abu Saeed has reported that in the time of the holy prophet a man suffered loss in respect of fruits which he had purchased. He owed a large debt. The messenger of Allah said to the people: give him charity. People gave him charity, but it was not enough to pay the debt in full. The messenger of Allah said to his creditors, "take what you find, and there is nothing besides that for you." (Muslim) (Mishkat, ibid, 2775/2)

**Remitting the load:** Abu Hurairah that the holy prophet said that there was a man who used to give loans and say to his servant, "when you go to a man who is in hard circumstances, forgive him: perhaps Allah may forgive us." He said that when he met Allah, he forgave him. (Bukhari and Muslim) (Mishkat, ibid, 2776/3)

**Granting respite:** Abu Qatadah has reported that the messenger of Allah has said that, whoever likes that Allah should save him from the anxieties of the day of resurrection, he should grant respite to the one who is in hard circumstances, or forgive his debt." (Muslim) (Mishkat, ibid, 2774/4)

**Abu Qatadah reported:** I heard the messenger of Allah say, "whoever grants a respite to the one who is in hard circumstances or who forgives his debt will be saved by Allah from the anxieties of the day of resurrection." (Muslim) (Mishkat, ibid, 2778/5)

**Abu Yasaar reported:** I heard the messenger of Allah say, “whoever grants respite to the one who is in hard circumstances or forgives his debt. Allah will give him the place under his shadow.” (Muslim) (Mishkat, ibid, 2779/6)

Imran bin Husain has reported that the messenger of Allah has said that, “When anybody has something due to him from another, and he allows time to him (for its repayment), he is credited with charity for every day.” (Ahmad) (Mishkat, ibid, 2801/28)

**Discharging the debt:** Abu Raffe has reported: the messenger of Allah borrowed a young camel. When the camels of zakaat came to him, he ordered me to return the man his young camel. I said: I do not find a camel of seven years better than it. He said, ‘give it to him, because the best person is he who is good in discharging his debt.’ (Muslim) (Mishkat, ibid, 2780/7)

Abu Hurairah has reported that a man demanded payment of a debt from the messenger of Allah and was harsh to him. His companions were vexed. But he said, “Leave him, because one who has a right is entitled to speak. Buy for him a camel and give it to him.” They said: we do not find but one of a better age than that which he is entitled to. He said, “Buy it and give it to him, because the best person among you is he who is the best in discharging his debt.” (Bukhari and Muslim) (Mishkat, ibid, 2781/8)

Abdullah bin Abu Rabiah has reported that the holy prophet borrowed forty thousand (Dirhams) from me. When wealth came to him, he paid it to me saying, “May Allah the most high bless your family and your property! Verily reward for a loan is thanks and repayment.” (Nasa’ee) (Mishkat, ibid, 2800/27)

**Setting the dispute between creditor and debtor:** Kab bin Maalik has reported that in the time of the messenger of Allah he made a demand in the mosque for payment of his debt from Ibne Abu Hadrad. Their voices rose and the messenger of Allah who was in his house, heard them.

He came towards them and removing the curtain of his chamber called Kab bin Maalik by name. He said, “At your service, O messenger of Allah.” He made a gesture with his hand indicating: forgive half the debt. Kab said: I have done, O messenger of Allah. He said (to the other): get up and discharge the debt. (Bukhari and Muslim) (Mishkat, ibid, 2783/10)

**Dying indebted:** Salamah bin Akwa has reported: while we were sitting with the holy prophet a funeral was brought, and the holy prophet was requested to pray over it. He asked: is there any load against him? They said: No. he then prayed over it. Thereafter another funeral was brought. He asked: is there any loan against him? They said: yes. He asked: has he left anything? They said: three Dinars. He then prayed over it, thereafter a third funeral was brought. He asked: is there any loan against him? They said: he owed three Dinars. He asked: has he left any thing? They said: No. he said to them: pray over your friend. Abu Qatadah said, “Pray over him, O messenger of Allah, I am responsible for his debt.” He then prayed over him. (Bukhari) (Mishkat, ibid, 2784/11)

Abu Hurairah has reported that the messenger of Allah has said that, “A believer’s soul remains hanging with his debt till it is paid.” (Shaaf’ee Ahmad, Tirmizi, Ibne Majah and Daarimi) (Mishkat, ibid, 2790/17)

Bara bin Aazib has reported that the messenger of Allah has said that, “The debtor will be confined in his debt and will complain to his Lord of loneliness on the day of resurrection.”(Sharhe as Sunnah by Baghawi) (Mishkat, ibid, 2791/18)

Abu Musa has reported that the holy prophet has said that, “The greatest of sins in the sight of Allah, after the serious sins which Allah has prohibited, which a man can bring into his presence, is that he should die in debt without leaving anything for its payment.” (Ahmed and Abu Dawud) (Mishkat, ibid, 2796/23)

Abu Saeed al-Khudri has reported that a funeral was brought to the holy prophet to pray over it. He asked: did your friend owe anything? They said: yes. He asked: has he left anything to discharge it? They said: No. he said: you pray over your friend. Ali bin Abu Talib said, "I am responsible for his debt, O messenger of Allah." He then went forward and prayed over him. A version has something to the same effect, adding that he said, "may Allah redeem your pledges from Hell as you have redeemed the pledges of your brother Muslim! No Muslim discharges his brother's debt but Allah will redeem his pledges on the day of Resurrection." (Sharhe as-Sunnah, by Baghawi) (Mishkat, ibid, 2794/21)

Abu Hurairah has reported that when (the funeral of) a man who had died in debt was brought to the messenger of Allah, he used to ask whether he had left anything to discharge his debt, if it was said that he had left enough, he used to pray, otherwise say to the Muslims: pray over your friend. When Allah opened the doors of conquest at his hands, he stood up and said, "I am closer to the believers than their won selves. <sup>1</sup> if any of the believers dies leaving a debt; I am responsible to pay it: and if anybody leaves property, it is for his heirs." (Bukhari and Muslim) (Mishkat, ibid, 2788/15)

**Intention to discharge the debt:** Abu Hurairah has reported that the holy prophet has said that, "if anybody takes people's properties, and intends to pay back, Allah will pay back for him: but if any body takes them intending to squander them, Allah will destroy his property." (Bukhari) (Mishkat, ibid, 2785/12)

**Debt is not forgiven even to a martyr:** Abu Qatadah has reported that a man said, "Tell me, O messenger of Allah, if I am killed in the way of Allah showing endurance, will Allah forgive my sins?" he said, "yes." But when the man turned away, he called him and said, "Yes, but not the debt. Gabriel has said thus." (Muslim) (Mishkat, ibid, 2786/13)

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1. Quran, Ahzab, 33:6

Abdullah bin Amr has reported that the messenger of Allah has said that, “All sins except the debt are forgiven to a martyr.” (Muslim) (Mishkat, ibid, 2787/14)

**Hazrat Muaaz bin Jabl:** Abdur Rehman bin kab bin Maalik has reported that Muaaz bin Jabal was a generous young man. He used not to save anything and was always borrowing, so that all his property was involved in debts. He went to the holy prophet and requested him to speak to his creditors, and if they would have remitted (debts) to anyone, they would have (also) remitted (debts) to Muaaz for the sake of the messenger of Allah, but the messenger of Allah sold them his property with the result that Muaaz stood up having nothing. (Saeed noted it in his Sunnah in Mursal form) (Mishkat, ibid, 2792/19)

**Rich one avoiding discharge of debt:** Shareed has reported that the messenger of Allah has said that, “To avoid payment on the part of a rich one makes it lawful to dishonor and punish him.” Ibnul Mubarak said that “dishonor” means that he may be treated harshly and “punish” means that he may be imprisoned for it. (Abu Dawud and Nasa’ee) (Mishkat, ibid, 2793/20)

Abu Hurairah has reported that the messenger of Allah has said that, “Delay (in payment) by a rich a man is injustice. When anyone of you is referred (for payment) to a rich man, he should accept (the reference).” (Bukhari and Muslim) (Mishkat, ibid, 2782/9)

**Dying free from pride, trust and debt:** Sauban has reported that the messenger of Allah has said that, “If anyone dies and he is free from pride, unfaithfulness regarding the trust, and debt, he will enter the paradise.” (Tirmizi, Ibne Majah and Daarimi) (Mishkat, ibid, 2795/22)

Debt has preference over inheritance: Sad bin Atwal said: my brother died leaving three hundred Dinars and minor children. I intended to use them for their maintenance, but the messenger of Allah said to me, "your brother is confined by his debt, so pay it on his behalf." I went and paid his debt. Then returned, and said: O messenger of Allah, I have paid his debt and there remains none but a woman who claims two Dinars but has no proof. He said, "Give to her, because she is speaking truth." (Ahmad) (Mishkat, ibid, 2802/29)

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## CHAPTER 9

### PARTNERSHIP AND AGENCY

**Partnership:** Abu Hurairah has reported that the holy prophet: divide the palm-trees between us and our brethren. <sup>1</sup> but he said, “No.: (it is enough that) we have provision, and that we share the fruit with you.” They said, “We hear and we obey.” (Bukhari) (Mishkat, kitab-0ul-Buyoo, Baab Shirkate Wal Wakaalat, No. 2804/2)

**Agency:** Urwah bin Abdul Jad al-Bariqi has reported that the messenger of Allah gave him a Dinar to purchase a goat for him. He purchased two goats for him. He sold one of them for a Dinar and brought to him a goat and a Dinar. The messenger of Allah invoked a blessing on him in his bargains: and he was such that if he had bought dust, he would have made a profit from it. (Bukhari) (Mishkat, ibid, 2805/3)

**Sign of Agency:** Jabir has reported: I intended to go to Khaibar. So I came to the holy prophet, gave him a salutation, and told him: I intend to go to Khaibar. He said, “when you meet my agent, take fifteen camel loads from him: and if he asks for a sign from you, put your hand on his throat.” <sup>2</sup> (Abu Dawud) (Mishkat, ibid, 2808/6)

**Cheating:** Abu Hurairah has reported that the holy prophet has said that Allah the Great and Glorious says, “I make the third with two partners as long as any of them does not cheat the other: but when he cheats him, I go away from them.” (Abu Dawud) (Mishkat, ibid, 2806/4)

Abu Hurairah has reported that the holy prophet has said that, “Honour the trust of him who entrusts you, but do not cheat him who cheats you.” (Tirmizi, Abu Dawud and Daarimi) (Mishkat, ibid, 2807/5)

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1. i.e. the emigrants from Mecca.

2. This was the sign which the holy prophet had already told to his agent (Mazaahir-e-Haq)

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## CHAPTER 10

### MISAPPROPRIATION AND BORROWING

**Misappropriation:** Saeed bin Zaid has reported that the messenger of Allah has said that, “whoever will take a span of land by oppression, (land to) its extent from seven earths will be tied round his neck on the day of resurrection.” (Bukhari and Muslim) (Mishkat, kitab-ul-buyoo: Baab-ul-Ghasab Wal Aariyat, No. 2811/1)

Saalim has reported from his father that the messenger of Allah said that, “Whoever takes any land unjustly will be sunk down into seven earths deep on the day of resurrection.” (Bukhari) (Mishkat, ibid, 2830/20)

**Ya’la bin Murrah reported:** I heard the messenger of Allah say, “Whoever takes a span of land without any title therein will be made to carry its earth at the resurrection.” (Ahmad) (Mishkat, ibid, 2831/21)

**Ya’la bin Murrah reported:** I heard the messenger of Allah say, “Whoever unjustly takes a span of land Allah the Great and Glorious will make him dig it till he will reach the end of seven earths, and then it will be tied round his neck till judgment will be given between the people on the day of resurrection.” (Ahmad) (Mishkat, ibid, 2832/22)

**Milking other’s animal:** Ibne Umar has reported that the messenger of Allah has said that, “None should milk a man’s animal without his permission. Does any of you like that his store house should be entered, his treasury should be broken, and his food should be taken away? The udders of their animals store up their food for them.” (Muslim) (Mishkat, ibid, 2812/2)

**Milking another’s animal for drinking:** Hassan <sup>1</sup> has reported from Samurah who told that the holy prophet has said that, “when anyone of you come to animals whose owner is among them, he should ask his permission: if not, he should proclaim three times and if anyone answers him he should ask his permission: but if no one answers him, he may draw the milk and drink but should not carry it away.” (Abu Dawud) (Mishkat, ibid, 2825/15)

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**Borrowing:** Qatadah has reported: I hear Anas say that there was an alarm in Medinah. The holy prophet borrowed Abu Talha a horse called Mandoob and rode on it. When he returned, he said, “I did not see anything, and I found that it (the horse) could run (as swiftly) as a great river.” (Bukhari and Muslim) (Mishkat, ibid, 2816/6)

**Borrowed property:** Umayyah bin Safwan has reported from his father who informed that at the battle of Hunain the holy prophet borrowed coats of mail from him and he asked: “are you taking them by force, O Muhammad?” he said, “No, it is a loan with the undertaking of their return.” (Abu Dawud) (Mishkat, ibid, 2827/17)

**Surety:** Abu Umamah has reported: I heard the messenger of Allah say, “borrowed (thing) should be returned. Minaha should be returned, debt should be discharged, and the one who stands surety is responsible.” (Tirmizi and Abu Dawud) (Mishkat, ibid, 2828/18)

**Cultivation of barren land:** Saeed bin Zaid has reported that the holy prophet has said that, “Whoever makes barren land fertile it belongs to him. But no right accrues to one who plants wrongfully in the land which another has brought into cultivation.” (Ahmad, Tirmizi, Daarimi and Maalik) (Mishkat, ibid, 2817/7)

**Taking property of others:** Abu Hurrah ar-Raqaashi has reported from his paternal uncle who informed that the messenger of Allah has said, “you not act oppressively, and a man’s property should not be taken except with his consent.” (Baihaqi noted it in Shu’abul Iman and Daara Qutni in Mujtaba) (Mishkat, ibid, 2818/8)

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1. Things which are lent for some specific purpose.

Saeed bin Yazid has reported from his father who informed that the holy prophet has said that, "None of you should take his brother's staff jestingly with the intention of keeping it. Whoever takes his brother's staff should return it to him." (Tirmizi and Abu Dawud) (Mishkat, ibid, 2820/11)

**Taking ones own property:** Samurah has reported that the holy prophet has said that, "Whoever finds his actual property with someone, he has greater right to it, and the buyer should use the one who made the sale." (Ahmad, Abu Dawud and Nasa'ee) (Mishkat, ibid, 2821/11)

**Return the property of others:** Samurah has reported that the holy prophet said that, "The hand which takes is responsible till it pays." (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 2822/12)

**Animals causing harm to others:** Haraam bin Sad bin Muhayyisah has reported that a she-camel belonging to Bara' bin Aazib entered a garden and caused damage. The messenger of Allah gave decision that owners of gardens are responsible for guarding them during the day, and the damage caused by animals during the night is responsibility of their owners. (Maalik, Abu Dawud and Ibne Majah) (Mishkat, ibid, 2823/13)

Abu Hurairah has reported that the messenger of Allah has said: foot is exempted (i.e. there is no recompense if something is trodden on <sup>1</sup>) and fire is exempted <sup>2</sup> (Abu Dawud) (Mishkat, ibid, 2824/14)

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1. By the animal provided the due care has been taken by its owner (Mazaahir-e-Haq).

2. i.e. there is no recompense if fire lit by anybody burns the property of others provided the one who lights the fire takes all possible measures to ensure that no harm shall be caused by it to others (ibid)

Eating the fruit of another's garden: Ibne Umar has reported that the holy prophet has said, "Whoever enters a garden he may eat, but he should not take anything away in his garment." (Tirmizi and Ibne Majah) (Mishkat, ibid, 2826/16)

Fruit fallen from the tree: Raafe bin Amr al-Ghifari has reported: when I was a boy, I used to throw stones at the palm-trees of the Ansaar. I was brought to the holy prophet. He asked, "O boy, why do you throw stones at the palm-trees?" I said: to get something to eat. He said, "Do not throw stones, but eat anything that falls below them." Then he passed his hand over my head and said, "O Allah fill his belly." (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 2829/19)

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## CHAPTER 11

### PRE-EMPTION

**Joint Properties:** Jabir has reported that the Holy prophet decreed pre-emption (the right to buy neighboring property) in everything which is not divided. But when boundaries are fixed and separate roads are made, there is no pre-emption (Bukhari) (Mishkat, kitab-ul-buyoo, Baab-us-Shuf'ah,<sup>1</sup>, No. 2833/1)

Jabir has reported that the messenger of Allah decreed preemption in everything which is shared, whether a garden, when it had not been divided. It is not lawful to sell it unless information is given to one's partner who may take it or let it go as he wishes. If he sells without informing him, he has the greater right to it. (Muslim) (Mishkat, ibid, 2834/2)

**Neighboring Properties:** Abu Raafe has reported that the messenger of Allah has said that, "The neighbour has a better right by reason of his being near." (Bukhari) (Mishkat, ibid, 2835/3)

Jabir has reported that the messenger of Allah has said that, "The neighbour is more entitled to the right of pre-emption and its exercise should be waited for even if he is absent, when the two properties have the same pathway." (Ahmad, Tirmizi, Abu Dawud, Ibne Majah and Daarimi) (Mishkat, ibid, 2839/7)

**In every thing:** Abbas has reported that the holy prophet said that, "The partner is a pre-emptor, and there is pre-emption in everything." (Tirmizi) (Mishkat, ibid, 2839/8)

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1. "Shufah" is from "Shufah" which means "to join." Legally it means the right of a sharer or neighbour to purchase the joint or neighbouring property when the joint owner or the neighbour sells it. According to Maalik, Shaafe'ee and Hambal this right to a joint owner only but according to Abu Hanifah it is available to a neighbour also (Mazaahir-e-Haq)

**Neighbour's right:** Abu Hurairah has reported that the messenger of Allah has said that, "A neighbour should not prevent his neighbour from taxing a beam in his wall." (Bukhari and Muslim) (Mishkat, ibid, 2836/4)

**Dispute about road:** Abu Hurairah has reported that the messenger of Allah has said that, "When you dispute about a road, its breadth should be kept seven cubits." (Muslim) (Mishkat, ibid, 2837/5)

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## CHAPTER 12

### SHARE IN PRODUCE

**The land of Khaibar:** Abdullah bin Umar has reported that the messenger of Allah gave the Jews of Khaibar the palm-trees and the land of Khaibar on condition that they would labour thereon with their wealth and half of the fruits thereof would be for the messenger of Allah. (Muslim) in Bukhari's version it says that the messenger of Allah gave Khaibar to the Jews to work and cultivate, and for them would be half of what it produced.<sup>1</sup> (Muslim, kitab-ul-buyoo, Baab-ul-Masaaqaat Wal Muzaare'ah, No. 2842/1)

**Share in produce:** Abdullah bin Umar has reported: we used to employ people to till the land against a share of its produce and find no harm in it till Raafe bin Khadeej said that the holy prophet had prohibited it. So we gave it up on that account. (Muslim) (Mishkat, ibid, 2842/2)

**On payment:** Hanzalah bin Qais has reported from Raafe bin Khadeej who said: my two paternal uncles told me that they used to let out land in the time of the holy prophet for what grew by the streamlets, or for something the owner of the land set aside, but the holy prophet prohibited them to do that. I asked Raafe, how is it then if payment is made in Dirhams and Dinars? He said: there is no harm in it. It seemed that what was prohibited was such as people having knowledge of what is permitted and what is prohibited would hold it as prohibited if they looked into it, because of the risk involved. (Bukhari and Muslim) (Mishkat, ibid, 2844/3)

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1. According to Abu Hanifah, this was by way of Khiraaj (tax) because the land of Khaibar was not the property of the holy prophet (Mazaahir-e-Haq).

Produce of a specified portion of the land: Raafe bin Khadeej reported: we possessed huge agricultural land in Medinah. Anybody among us could let out his land and say: this portion is for me and this is for you. But sometimes one portion produced a crop while the other did not. So the holy prophet prohibited it. (Bukhari and Muslim) (Mishkat, ibid, 2845/4)

**Lending the land:** Amr has reported: I said to Tawoos: would that you had given up the practice of employing people on land in return for part of the produce, because people asserted that the holy prophet had prohibited it. He said: O Amr, I just give them something and help them. The most learned of the people, meaning Ibne Abbas, has informed me that the holy prophet did not prohibit it, but said, "It is better for one of you to lend to his brother than to take a fixed sum from him." (Bukhari and Muslim) (Mishkat, ibid, 2846/5)

Jabir has reported that the messenger of Allah has said that, "Whoever has land he should cultivate it, or let it out to his brother. If he refuses, he should retain his land." (Bukhari and Muslim) (Mishkat, ibid, 2337/6)

**Agriculture:** Abu Umamah has reported that he was a ploughshare and some agricultural instruments, and said: I had heard the holy prophet say, "This does not enter the house of any people but Allah causes disgrace to enter it."<sup>1</sup> (Bukhari) (Mishkat, ibid, 2848/7)

**Cultivating another's land without his permission:** Raffe bin Khadeej has reported that the holy prophet has said that, "Whoever cultivates in other person's land without their permission, there is nothing for him of the crop, but he may have what he has spent." (Tirmizi, Abu Dawud) (Mishkat, ibid, 2849/8)

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1. This was to lay emphasis on the point that by engagement in agricultural one should not give up Jihaad otherwise the enemy will over power him (Mazaahir-e-Haq)

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**H**  
**WAGES**

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## WAGES

### HADEES

**For cultivating:** Abdullah bin Mughaffal has reported that saabit bin Zahhaak said that the messenger of Allah prohibited the employing of people on land against a share in the produce and ordered that they should be employed for wages, and said that there is no harm in it. (Muslim) (Mishkat, kitab-ul-Buyoo, Baab ul Ijaarah, No. 2851/1)

**For cupping:** Ibne Abbas has reported that the holy prophet got himself cupped and paid the cupper his wages: and he poured medicine into his nose. (Bukhari and Muslim) (Mishkat, ibid, 2852/2)

**For grazing:** Abu Hurairah has reported that the holy prophet has said that, "Allah has not sent any prophet who did not graze the goats." His companions asked: and you too? He said, "Yes, I used to graze the goats of the people of Mecca for some Qiraats." (Bukhari) (Mishkat, ibid, 2853/3)

**For curing through blowing:** Ibne Abbas has reported that a party of the companions of the holy prophet passed by a watering place. There was a man who had been stung by scorpion or bitten by a snake. One of the inhabitants of the watering-place came to them and asked: is there anyone among you who can apply a charm? At the watering-place there is a man who has been stung by a scorpion or bitten by a snake. One of them went and recited Faatihah-il-kitab in return for some goats, and he was cured. When he brought the goats to his companions, they disapproved of it saying, "You have taken wages for the Book of Allah. They come to Medinah and said, "O messenger of Allah, he has taken wages for the Book of Allah. The messenger of Allah said, "The most worthy thing for which you take wages is the Book of Allah." (Bukhari) (Mishkat, ibid, 2855/5)

Khaarijah bin Salt has reported from his paternal uncle who said: we departed from the Messenger of Allah and came to a tribe of the Arabs who said, "We have been told that you have brought what is good from this man. Have you any medicine, or a charm, because we have a lunatic in chains?" We said: Yes. They brought a lunatic in chains and I recited Faatihah-il-Kitab over him three days morning and evening, collecting my saliva and then spitting it out, and it seemed as if he was set free from a bond. They gave me wages. I said: No. till he asks the holy prophet. He said, enjoy it, because, by my life, some accept it for a false charm, but you have done so for a true charm." (Ahmad and Abu Dawud) (Mishkat, ibid, 2856/6)

**Immediate payment of wages:** Abdullah bin Umar has reported that the messenger of Allah has said that, "Pay the labour his wages before his sweat becomes dry." (Ibne Majah) (Mishkat, ibid, 2857/7)

**For religious education:** Ubadah bin Saamit has reported: I said that, "O messenger of Allah, a man has given me a bow for teaching him the Book and the Quran, and as it is not a property, I will shoot with it in the way of Allah? He said, "if you like to have a necklace of fire put on you, accept it." (Abu Dawud and Ibne Majah) (Mishkat, ibid, 2860/10)

**Non - payment of wages:** Abu Hurairah has reported that the messenger of Allah has said that Allah the most high says, "there are three persons whose adversary I shall be on the day of resurrection: a man who gave a promise in my name and then broke it: a man who sold a free man and enjoyed his price: and a man who hired a servant and took full service from him, but did not pay him his wages." (Bukhari) (Mishkat, ibid, 2854/4)

**Prophet Moses:** Utbah bin Nuzzar has reported: once we were with the messenger of Allah. He recited Taa Seem Meem <sup>1</sup> till he came to the story of Moses and said, "Moses hired himself for eight or ten years in return for preserving his chastity and receiving his food." (Ahmad and Ibne Majah) (Mishkat, ibid, 2859/9)

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1. Quran Chapter, 28 (Verses 26 to 28.)

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I  
BARREN LANDS,  
WATER, FREE GRANTS

## BARREN LANDS, WATER, FREE GRANTS

### HADESS

**Cultivating barren land:** Aisha has reported that the holy prophet has said that, “Whoever develops a land which is not owned by anybody has a better right to it.” (Bukhari) (Mishkat, kitab-ul-Buyoo, Baab Ehyaa-el-Mawaate Was Shirb, No. 2861/1)

**Reservation:** Ibne Abbas has reported that Sab bin Jassaamah said: I heard the messenger of Allah say, “There is no preservation except for Allah and his messenger.” (Bukhari) (Mishkat, ibid, 2862/2)

**A dispute regarding watering:** Urwah <sup>1</sup> has reported that Zubair <sup>2</sup> had a dispute with one of the Ansaar about streamlets in the lava plain, and the holy prophet said, “O Zubair, water your ground, then let the water run to your neighbour.” The Ansaari said, “It is because he is the son of your paternal aunt.” His face changed (colour) and he said, “O Zubair, water your ground, then keep back the water till it returns to the enclosure and then let it run to your neighbour.” The holy prophet gave Zubair his full right by had (previously) given them advice which would have been to the advantage of both of them. (Bukhari and Muslim) (Mishkat, ibid, 2863/3)

**Excess water:** Abu Hurairah has reported that the messenger of Allah has said that, “Do not withhold excess water so as to prevent thereby (growth of) extra herbage.” (Bukhari and Muslim) (Mishkat, ibid, 2864/4)

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1. 'Urwah was a Taaba'ee. He was one of the seven prominent jurists of Međinah at that time. (Mazaahir-e-Haq).

2. He was the father of 'Urwah and husband of Asna the daughter of Hazrat Abu Bakr Siddique. He was son of Safiah binte Abdul Muttalib the paternal aunt of the holy prophet. He was a close companion of the holy prophet and had taken part in all battles with him. He was one of the ten for whom news of paradise was given in this world. (Ibid)

Abu Hurairah has reported that the messenger of Allah has said that, "There are three persons to whom Allah will neither speak nor will he look at them on the day of resurrection: a man who swears falsely about any goods that he has previously received a larger offer than he has now been given: a man who swears a false oath after the afternoon prayer to deprive thereby a Muslim of his property: and a man who withholds excess water. Allah will say: today I am withholding from you're my grace as you withheld excess water which your hands did not produce." (Bukhari and Muslim) (Mishkat, ibid, 2865/5)

**Putting a wall round a land:** Hassan <sup>1</sup> has reported from Samurah that the holy prophet has said, "He who puts a wall <sup>2</sup> round a land <sup>3</sup> is entitled to it." (Abu Dawud) (Mishkat, ibid, 2866/6)

**Free Grants:** Asma daughter of Abu Bakr has reported that the holy prophet assigned some palm-trees to Zubair. (Abu Dawud) (Mishkat, ibid, 2867/7)(

Ibne Umar has reported that the holy prophet assigned to Zubair the land his horse covered at a run. He allowed his horse run till it stopped and then he threw his whip, and said, "Give to him up to the spot his whip has reached." (Abu Dawud) (Mishkat, ibid, 2868/8)

Alqamah bin Waali has reported from his father that the holy prophet assigned him a land in Hazramaut. He said: he sent Muawiyah with me and said: give it to him. (Tirmizi and Daarimi) (Mishkat, ibid, 2869/9)

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1. i.e. Hassan Basri

2. For the purpose of his occupation (Mazaahir-e-Haq).

3. Which is lying barren and is not owned by anybody (ibid)

Abyad bin Hammaal al-Maribin has reported that he came to the messenger of Allah and asked him to assign him the salt pit which was in Marib. <sup>1</sup> he gave it to him. When he turned away, a man <sup>2</sup> said, “O Messenger of Allah, you have assigned him the perennial spring water.” So he took it back from him. He <sup>3</sup> asked about (occupying) the land which has Araak <sup>4</sup> trees. He <sup>5</sup> said: up to which the feet of camels do not reach.” (Tirmizi, Ibne Majah and Daarimi) (Mishkat, ibid, 2870/10)

Water, Herbage, Fire: Ibne Abbas has reported that the messenger of Allah has said that, “All Muslims are partners in three things: water, <sup>6</sup> herbage and fire.” (Abu Dawud and Ibne Majah) (Mishkat, ibid, 2871/11)

**The first occupier:** Asmara bin Mudarris has reported: I came and swore allegiance to the holy prophet. He said, “The one who first occupies a place of water which no Muslim and occupied before, will be its owner.” (Abu Dawud) (Mishkat, ibid, 2872/12)

**Right of the week:** Tawoos has reported in Mursal from that the messenger of Allah has said that, “The one who cultivates a barren land, it belongs to him, and ancient land belongs to Allah and his messenger and then comes to you from me.” (Shaafe’ee). It is said in Sharhe as-Sunnah that the holy prophet assigned to Abdullah bin Masud some houses in Medinah between the dwellings and palm gardens of the Ansaar. When the Banu Abd bin Zuhra said, “Keep away from us the son of Umme Abd,” <sup>7</sup> the messenger of Allah said, “Why did then Allah send me? Allah does not purify the Ummah among whom a weak man is not given his right.” (Mishkat, ibid, 2873/13)

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1. The capital of the Sabeans in Yemen. It was famous for its Dam. (James Robson)

2. His name was Aqra' Ibne Haabis Tamimi (Mazaahir-e-Haq).

3. i.e. Aqra'

4. Thorny trees on which camels feed.

5. i.e. the Holy prophet

6. i.e. rivers, ponds, wells, canals etc.

7. His mother was Umme Abd daughter of Haris bin Zuhra bin Kitaab. (James Robson)

Stream flowing with rain fall only: Amr bin Shuaib has reported from his father who said that his grandfather informed that the messenger of Allah decided regarding the stream Mahzoor<sup>1</sup> that its water should be held back till it reaches the ankles and then it should be allowed to flow down from upper to the lower. (Abu Dawud) (2874/14)

**Annoying others:** Samurah bin Jundub has reported that he had some palm-trees in a garden belonging to a man of Ansaar who had his family with him. Samurah used to enter it, and as the Ansaari was annoyed by this he went and mentioned it to the holy prophet. The holy prophet asked him (i.e. Samurah) to sell it, but he refused. He asked him to take something else in exchange, but he refused. He then said, "Give it to him and you can have such and such," mentioning something with which he tried to please him, but he refused. He then said: you are a nuisance, and said to Ansari: go and cut down him palm-trees. (Abu Dawud) (Mishkat, ibid, 2875/15)

**Water, Salt, Fire:** Aaisha has reported that she asked the messenger of Allah: what is the thing of which refusal is unlawful? He said: water, salt and fire. She said: I asked, "O messenger of Allah, we know about water, but what about salt and fire?" he said, "O little rosy one, the one who give fire is as though he has given in charity all that fire cooks: the one who gives salt is as though he has given in charity all that to which salt gives taste: the one who gives a Muslim water to drink where water is available is as though he has set free a slave: and the one who gives a Muslim water to drink where water is not available is as though he has given him life." (Ibne Majah) (Mishkat, ibid, 2876/16)

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1. Tjal 'Urus quotes Ibnul Aseer as saying this was the Wadi of the Banu Quraizah in Medinah, and adds that water flowed in it only when rain fell. (Ibid)

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**SECTION – VII**

**SIYASIYAAT**

**(POLITICS)**

**Synopsis**

- A. The State**
- B. Duties of the State**

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## SIYASIYAAT

### (POLITICS) \*

#### GENERAL:

Politics deals with the form, formation and purpose of the government of any state or country, there is a large number of theories from the Greek, Roman and Western thinkers regarding the fundamental aspects of State, but when we talk of politics in the Islamic sense we have primarily to look into the holy Quran in order to know what, according to Islam, is the form, formation and purpose of the government and not to take into consideration what others say in this respect except for the purpose of a sort of comparative study or with a view to see the reason and justification of what Allah has laid down for the human guidance in this most important field of human activity i.e., the administration of the State or the country vis-a-vis the postulations of the materialist philosophers relating to it. The justification of what I have said lies basically in the fact that whatever Islam says is on account of its fundamental ideology of the human life in its reality, and whatever others say is almost entirely based on their own understanding of the human life as it materially exists from their own points of view. Thus the one is deeply rooted in reality and the other is based on probability. The former must in all circumstances and at all times prove to be correct and befitting and the latter may or may not be so. The first must result in an overall success, because it is exactly in keeping up with the actual requirement of the human nature, and the second, being nothing more than a mere trial and error mechanism, may or may not result in any success at all, and the so called success, which if it at all achieves, may in fact prove to be nothing more than a mere propaganda or at best timely and ultimately fatal to the fundamental values of life itself.

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1. Taken from my book "Islam the Religion" , pp. 257-269

Out of the three fundamental aspects of government, i.e., form, formation and purpose, it is, I think, the last one, i.e., the purpose, which is of primary importance and the first two, being merely the means of achieving the third one, are not very material or fundamental. I will give my reasons for this view of mine at a later stage in this very article. Here I have to say that the fundamental purpose of the government is well-being of the individuals of the State in its ultimate sense. But before proceeding further with this discussion, let me first say a few words regarding the State and the difference and the relation between the State and the government.

### **1. State and Government:**

State is defined to be a group of individuals settled on some definite part of earth having its own free and self dependant all-powerful administration. According to the various points of view the basic constituents of any State are population, territory, sovereignty and government. There should be population not of mere Bedouins or nomads but of permanently settled persons of a comparatively larger number on some definite part of earth which may be one compact part of land or a combination of several scattered Islands or parts of land, having one common sovereignty and political administration i.e. the government.

Thus the government and State are not one and the same thing. They are different from each other in that former is merely a part of the latter. The other points of difference between the two are that the latter is permanent and lasting while the former is timely and subject to change. The latter comprises the entire population while the former consists of a few from amongst the individuals of the State or from some other foreign power, and is merely one of the various organizations of the State. Finally, the sovereignty vests in the State and not in the government which merely exercise the power conferred on it by the individuals of the State through agreement or election in the democratic system or

Through force and coercion in the monarchy. Government is however a must for every State, because without the government a State cannot exist,

## **2. Development of the State”**

As regards the development of the State, Plato (437-347 B.C), Aristotle (384-322 B.C), Ibne-e-Arabi (1165-1239 A.D), Aquinas (1227-1274 A.D), and Ibne-e-Khuldoon (1332-1406 A.D) are of the view that the basic needs of life forced the individuals to come nearer to each other and unite into a society. This was because no body could himself satisfy any of his basic needs all alone. He had naturally to depend upon the help assistance and co-operation of farmers, iron smiths, carpenters, grinders, cooks, and various other persons.

Then the human instincts of advancement in civilization, conquering the territories by, and fear of attacks from, the enemies compelled men to prepare arms and keep warriors and soldiers, and in order to organize the society and manage its affairs the need to form an administrative unit was also realized which was later on named as government in which all powers of the society were vested.

Thus the basic aim of the State is to satisfy the needs of all individuals and, as Aristotle puts it in his famous book “Politics”, the State comes into the sake of good life.

Marsiglio (1270-1349 A.D) in his book “Defensor Pacis” compares the State with the human body and says that family is the first step towards formation of the State. According to him a State comprises of different groups of individual i.e. farmers, soldiers, priests, merchants, etc. it is a self-dependent organization of which the aim is to maintain peace and make life of individual happy and help the development of their capabilities.

French thinker Jean Bodin (1530-196 A.D) in his book "De-Republica" says that a State is the lawful government of many families and what is common to both of them is a supreme sovereignty, and it is really in the family system that we have the beginning of the ideology of a State. As in the family so in the State, all powers vest in one man whose commands are to be obeyed by all. According to Bodin it is on account of the social instinct that first the families and then the State comes into existence. Just as the head of the family looks after the well-being of the children, the responsibility for the well-being of the society is that of the head of the State.

British philosophers Thomas Hobbes (1588-1679 A.D) and John Locke (1632-1704 A.D), and French thinker Jean Jacques Rousseau (1712-1778 A.D) are of the view that State has come into existence on account of contract between the individuals of the society through which they all transferred their rights to one common sovereignty.

The pre-contract period in the history of mankind, according to Hobbes, was the Natural Age in which each individual was free and it was impossible to safeguard the right of all individuals. To get rid of this situation people entered into agreements between themselves by which they transferred their rights to one single person or a group of persons who could safeguard the rights of all and maintain peace. The one in whose favour this transfer was made became the sovereign of the State which Hobbes calls a "Leviathan," or the Great Giant, in his famous book also named as "Leviathan".

According to Locke, as he says in his book "On Civil Government." In the Natural Age people followed the Natural Law which consisted in the right of freedom, right to live, and right to hold property, but there was no common authority who could determine what the Natural Law was, who could punish violation of the Natural Law, and who could safeguard the life and property of all. Therefore, people thought of establishing a common center and transfer of their rights to it and this was done by a contract.

Byron D. Montisko (1689-1755 A.D) in his book “Spirit of the Laws” says that in the primitive ages- people used to follow the Natural Law. By and by there developed in them an idea that in order to safeguard their lives,

Rousseu in his books “The Discourses” and “On the Origin of Inequality”, says that in the Natural Age people lived independently, happily, healthily, fearlessly as well as freely, hiving simple life or contentment, having less needs of which they were more or less self-dependent. They used to follow the Natural Laws and enjoy the Natural Rights. But with the development of population, contacts between them increased, civilization, art and knowledge developed, and owning of the property came into existence which resulted in disagreements and quarrels. To put it in his own way, “idea of property was the root cause of quarrel. The Natural Age was a paradise because till then the snake of property had not crept into it. By and by the snake of property crept into the natural Age and poisoned the human nature.” Then family came into existence and the discrimination of “mine” and “your” developed and violence in all its conceivable forms raised its ugly head. Some became the ruler and the majority became the under-dogs nicknamed as public. They developed the need to establish an organization which could safeguard the life and property of all the people: and whose commands could be followed by all. Thus through a social contract the State came into existence in which the “General Will” of the people acquired the sovereignty of the State. Thus according to him the “Will” of the people acquired the sovereignty of the State. Thus according to him the “Will” and not the “Force” is the basis of the State.

Carl Marx (1818/-1883 A.D) the famous German thinker and founder of Communism is his famous book “Das Kapital” says that the history of State is in fact a history of group struggle

Which is constantly going on between the capitalists and the labourers, or the free and the slave. According to him man is a financial creature, and due to unjust distribution of wealth, the society is divided into the capitalist and the labour classes which result in the conflict between them and cause group war. Thus to him the basis of State is force supported by the capitalist class, and not the "General Well-being" of the people. It is a tool in the hands of capitalist who encourage tyranny and gain through exploitation.

The ideology of contract in fact exists since the days of Socrates when the sophists were of the view that State comes into existence through contracts by mutual consent. Plato and Aristotle rejected this view and pleaded the existence of basic needs as the reason of forming the State. In the Roman Empire also the Kings used to get power through contracts from their people. The famous Roman thinker Cicero (104-43 B.C) lays the foundation of State on mutual consent. According to him State is a Natural Unity, the purpose of which is general well-being of the people.

Quran also speaks of a contract but that was between Allah and the souls of all human beings made on the day when Adam was created, and whereby the latter agreed to obey the commands of Allah and his messenger (Aa'raaf, 7:172). The last prophet Muhammad (peace be upon him) also laid the foundation of the first Islamic State in Medinah through a contract made with the Jews of Medinah;

In the democratic countries the written or unwritten constitutions are in fact the contracts between the individuals of the State whereby they all agree to the procedure according to which they want to run the administration of their State through the governments formed according to the terms of the constitutions, and wherein the powers, rights and duties are also defined as well as guaranteed. The individual or the individuals who come in power through the procedure laid down by the constitution form the government and run the administration of the State and

The general public follows their commands unless of course there is violation of the constitution itself in which case the people being the final authority have the veto to remove those in power and elect and appoint others in their place.

There is yet another view according to which the State is a creation of God. It is a Natural Organization in which the human beings have to live and in which God rules directly or through his selected Viceroys having divine rights and privileges as well as the authority to rule. This theory is known as Divine Origin Theory which ultimately resulted in raising the king to the Status of a God as in case of Nimrod and Pharaoh or God's viceroy as in case of Popes of the Holy Roman Empire, or Krishna and Rama in India.

Old Testament also speaks of creation of State by God who also appoints the rulers to be obeyed by the general public. Even in the old Greek and Roman Empires the ideology of control by gods and goddesses was there. In India the famous book "Ramayan" speaks of Rama as god or god's viceroy and in the "Mahabharat" Wars also this ideology prevails throughout. In the Christians the idea of Church State makes the Pope higher than the king. The idea of supremacy of the pope got prominence in the 9<sup>th</sup> century A.D. in the days of pope Gregory the Great who was thought to be superior to all the human beings, and even the powers to appoint or dismiss the king vested in him. Thus the idea of "Holy Roman Empire" got prominence. In the 13<sup>th</sup> century A.D. Thomas Aquinas was the great exponent of the theory who pleaded that man can attain perfection through church only and as such the king should be subordinate to the church and should not act against the pope's wishes. During the 13<sup>th</sup> and 14<sup>th</sup> centuries A.D. there were constant conflicts between the church and the State. In due course when Popal hierarchy assumed ruthless tyrannical nature, the people revolted against this legacy and ultimately the king succeeded in getting more and more powers.

### **3. The Islamic view regarding development of State:**

From the various of view which I have quoted above

It is clear that force, Need, Contract or will of God is responsible for establishment of the State. But if we look into the Quranic point of view we find that force, need or contract are merely the aspects of the cause and not the real cause itself of establishment of the State. The real cause consists in the Will of God that underlies the ultimate plan of creation itself and which is deeply rooted in the human nature in the form of the instinct of submission to the will of the superior being i.e., God the Almighty.

Islam believes in the Absolute and exclusive supremacy of Allah who is the creator and sustainer of all (Waqi'ah, 56:58-74) and who also controls all (Nisa, 4:85), and to whom all submit (Aale Imran, 3:82), and serve (Faatiha, 1:4). According to Quran the very purpose of the creation of Adam was to make him the ruler in the land (Baqarah, 2:30). When Adam committed the sin and sought forgiveness (Baqarah, 2:37), Allah asked him to "go forth from this State", and also said that "there will come to you a guidance from Me", then "whoever shall follow my guidance, no fear shall come upon him, nor shall he grieve" (Baqarah, 2:38): and "as to those who disbelieve and reject our message, they are the dwellers of the fire in which they will abide" (Baqarah, 2:39). In this story of Adm's descent to earth, I am of the view, lies what can really be said to be the laying down of the foundation of the State and the State was to be formed to guide and control the affairs of men by men, under the supreme command of the almighty Creator. This is because in its essence the ideology of State consists in the command and its obedience, and command according to Quran is that of Allah alone (Nisa, 4:59). Then from the historical facts also we find that right from Adam the messengers of Allah came from time to time with the commands of Allah for the guidance of the humanity at large, and the very purpose of sending the messengers, as Quran says, was that they should be obeyed by Allah's command (Nisa, 4:64). Quran says: obey Allah and his messenger (An'faal, 8:469), and whoever obeys the messenger of Allah, he indeed obeys Allah (Nisa, 4:80). Thus the idea of State in fact starts from the very

Day the command of Allah started coming to the human beings through his messengers, and whoever resisted, refused or rejected or tempered with the commands of Allah met with an unfortunate end of his own life. Thus the opponents of Prophets Noah (A'araaf, 7:64), Hood (Hashr, 59:7), swaleh (A'araaf, 7:91), Loot (A'araaf, 7:84), Moses (A;araaf, 7:136), and the last Prophet Muhammad (peace be upon him) (Anfaal, 8:7-14), all doomed their tragic end and their tales became the examples of pitiable destruction in the history of mankind.

The messenger of Allah under the commands of Allah also established the Rule of Law, did justice, fought battles, entered into treaties, adopted defensive measures, carried out attacks on enemy and organized the scattered clans of human beings in the form of States. Thus Moses led the Israelites against the strongest Monarch of his time i.e., Pharoah and after his destruction took them to the plain of Sinai and administered their affairs according to the commands of Allah received in the form of Torah which amongst others things also provided for punishing the adulterers, thieves and murderers. Thus through Moses the foundation of a great spiritual as well as temporal State was laid. Quran says, Moses said to the people. "Remember the favour of Allah to you when he raised Prophets amongst you and made you the Rulers (Maa'idah, 5:20).

Then Prophet David was given the kingdom. Quran says, David slew Goliath, and Allah gave him kingdom and wisdom and taught him of what he pleased (Baqarah, 2:251). Allah says, we strengthened his kingdom and we gave him wisdom and a clear judgment (Swaad, 38:20). Thus not only kingdom was given to David but it was also mad strong and powerful, and wisdom to do justice was also given to him by Allah.

Then Prophet Solomon was the heir of David (Naml, 27:16). Quran says, he (i.e. Solomon) turned to Allah and said, my Lord forgive me and grant me a kingdom which is not fit for anyone

After me, surely thou art the Great Giver” (Swaad, 38:35). So Allah made the wind and the devils sub-servant to him (Swaad, 38:36-38), and gave him knowledge (Naml, 27:15), and taught him the speech of birds, and granted all things (Naml, 27:16), and gave him the capacity to pronounce judgment (Ambia, 21:78).

Prophet Joseph also established his regime in Egypt, Chapter XII of the Holy Quran narrates in detail how Joseph was thrown into the well by his own jealous brothers, taken away to, and sold in, Egypt at the hands of Egyptian Minister, namely Aziz, by the merchants, put in jail for several years, and then on account of correct interpretation of king’s dream brought to the king’s court and elevated to the authority over the Treasury of the country. Allah says, thus we gave Joseph power in the land and he had mastery in it wherever he liked (Yusuf, 12:56). When his parents and brothers came to Egypt, he raised his parents to the throne and they all fell prostrated for his sake (Yusuf, 12:100). Joseph then said, “My Lord Thou hast given me of the kingdom and taught me of the interpretation of dreams” (Yusuf, 12:101).

Then we come to the last Prophet Muhammad (Peace be upon him). At the time of his birth, the Arabs were literally passing through the darkest age of their history. They used to remain in constant state of mutual warfare (Aale Imran, 3:102), kept women forcibly as their wives (Baqarah, 2:231), denied inheritance to their wives and children (Nisa, 4:7) devoured the heritage themselves (Fajr, 89:19), took women also as heritage (Nisa, 4:19), married their own widow mothers (Nisa, 4:22), set free animals in honour of idols (An’aam, 6:137), and made sacrifices to the idols (An’aam, 6:137). They were the most superstitious (An’aam, 6:139), and regarded the birth of daughters as a sign of misfortune (Nahl, 16:58-43:17). They used to sacrifice their own children and burry their daughters alive (An’aam, 6:138-16:59=81:8). They disbelieved and ridiculed the idea of resurrection of the dead bodies on the Day of Judgment (Bani Israil, 17:51), and did not believe in the beneficence of God (Ambia, 21:36), and

Were addicted to intoxicants and gambling (Baqarah, 2:219), rape and adultery (Bani Israil, 17:32), as well as usury (Baqarah, 2:275). They neither knew what the government meant nor had any idea of nationhood. They used to live in the form of scattered tribes headed by their chiefs.

When the last Prophet Muhammad (peace be upon him) reached the age of forty years, there came to him the first command of Allah to “read in the name of the Lord who creates man from a clot: and thy Lord is most Generous who taught men by the pen, taught what he knew not” (Alaq, 96:1-5): and thereafter the second command came to “arise and warn and magnify thy Lord” (Muddassir, 74:2-3). The holy prophet then started his mission to call the people to unite under the supreme authority of Allah and in this mission the medium adopted was that of knowledge or in other words rational understanding of the realities of life. Then there is a long history of complete thirteen years of opposition and suffering for the holy prophet and ultimately after arrival at Medinah the holy prophet succeeded in entering into an agreement with Jewish population of Medinah in the following terms:

- (1) Every tribe and class would be free to manage its affairs and settle its disputes according to its own law.
- (2) No party in Medinah, either Muslim or Jewish, would directly negotiate and treaty or agreement at any time with any outside party residing beyond the precincts of Medinah.
- (3) In case of war outside Medinah no Madinite would be compelled to join either of the warring parties.
- (4) In all disputes in Medinah, the holy prophet would be the final arbitrating authority.

Thus the foundation of the first Islamic State was laid. Thereafter the society was organized and administered, battles

Fought and treaties made, disputes settled and arrangements for maintaining peace and order and establishment of the civic life in general were made strictly in accordance with the commands of Allah received from time to time, and during the life-time of the holy prophet a day came when the Islamic State became an unprecedented one in the history of mankind in which nothing but only the law of Allah prevailed.

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**THE STATE**

- 1. THE AMEER**
- 2. THE QAZI**

## FORM, FORMATION AND PURPOSE OF GOVERNMENT

### Form:

According to the non-Muslim scholars, in its form, a government is either monarchy, Aristocracy or Democracy. In Monarchy all powers vest in one man, in Aristocracy it vests in a group of individuals or the ruling party, and in Democracy it vests in the general public, who exercise their powers through their elected representatives. In Monarchy and Aristocracy the power is usurped by the people at large. In the former two forms of government the ruler or the ruling party frames the constitution and passes other laws of the state, but in the latter the constitution is framed by the elected representatives of the people which also defines the powers and duties of the rulers themselves. In the former two, generally, the personal ambitions of the ruler, and in the third one the political manifesto of the elected body, plays the basic role. Thus in any case, may it be Monarchy, Aristocracy or Democracy, the fact is that all powers of the State vest in human beings themselves.

As against these forms of government, the Quranic form of government is Caliphate in which the powers never vest in any human being at all. It vests totally in Allah the Almighty alone. Quran says that, "Allah's is the Kingdom of the heavens and the earth" (Shura, 42:49), and "to him belongs whatever is in the heavens, and whatever is in the earth, and whatever is between them, and whatever is beneath the soil" (Taa Haa, 20:6), and "he ever encompasses" (Nisa, 4:126), and "has power over all things: (Milk, 67:1)

Since Sovereignty vests in Allah, Quran says, "Allah's is the command" (Yusuf, 12:67), and "his command is the best" (Maa'idah, 5:50). According to Quran, Allah has created the man to be a ruler in the land (Baqarah, 2:30). And it is really Allah who

Has given the rule to man. Quran says, "O Allah, owner of the kingdom, you to whom you please, and take away the kingdom from whom you please" (Aale Imran, 3:25). It may, however, be noted that man as a ruler in the land is merely a Vicegerent of Allah (Baqarah, 2:30), and therefore, he has no authority to enforce any law against the commands of Allah and his prophet Muhammad (peace be upon him), and though Quran commands the Muslims in general to obey the "Oolil Amr", i.e., the Caliph, but obedience to him is always subject to obedience to Allah and his worthy prophet. In other words, if the Caliph issues any command in disregard to the commands of Allah and his worthy prophet, there is no obedience to him at all (Bukhari and Muslim, Mishkat, Ahadees No. 3494/5). Abu Bakr, when appointed as the Caliph, said, "Obey when I obey Allah and his messenger, and when I disobey Allah and his messenger, then I have no right of obedience from you". Similarly, on taking over as the caliph, Umar said, "verily my relationship with your wealth is like that of a guardian of an orphan". Likewise, Caliph Ali also said, "Whenever I command you which involve disobedience to Allah, then there is no obedience to anyone, me or any other".

**Formation:**

As regards the formation of the government, Quran says, "believers decide their affairs by counsel among themselves" (Shura, 42:38), and asks the holy prophet Muhammad (peace be upon him) to "consult in important matter" (Aale Imran, 3:158). From these verses it is clear that appointment of the Caliph, or, in others words, formation of the government should be made by the Muslims by mutual counsel. Both these methods are also proved by the appointments of the first four worthy Caliphs of the Holy Prophet.

**Purpose:**

As regards the purpose of the government, the fundamental manifesto of Caliphate, or Islamic Government, as laid down by

The Holy Quran is to, “keep up the prayer, pay the poor-rate, enjoin the good and forbid the Evil” (Hajj, 22:41). Quran also says, “We have sent the messenger with clear signs and “Meezaan” so that you may judge with equity between the people” (Hadeed, 57:25), and, “Were it not for Allah’s repelling some men by others, the earth would have certainly been in disorder” (Baqarah, 2:251)

Taking all these verses together, the basic purpose of government, according to Quran, comes out to be the well-being of the human beings in general – well-being not merely in the mundance or material sense, but also in the spiritual or ultimate sense, and this purpose, according to Quran, is to be achieved through: (1) keeping up of “Salaat” (prayer), and paying of the “Zakaat” (poor-rate), (2) enjoining the good and forbidding the Evil, (3) doing justice and equity, and (4) maintaining law and order. We have already dealt with the first two in the sections dealing with “Salaat”, “Zakaat” and “Akhlaqiyaat”. The last two will be dealt with, along with other topics, under the heading “Duties of the State”, in part “B” of the present Section.

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**1. THE AMEER (RULER)**

**Chapter 1 - The Ameer**

**Chapter 2 - Duties of the Ameer**

## QURAN

**The Kingdom:** Do you not know that Allah's is the Kingdom of the heavens and the earth, and that besides Allah you have no friend or helper (Baqarah, 2:107). Also see Aale Imran, 3:128-129,179: Maa'idah, 5:17,40: Taubah, 9:115: Taa Haa, 20:114: Noor, 24:42: Furqaan, 25:2" Shura, 42:49-50: Zukhruf, 43:48-85: Jaasiyah, 45:26-27: Hadeed, 57:2: Fatha, 48:14: Taghabun, 64:1 Mulk, 67:1-2: Buruj, 85:8-9.

Say : O Allah, owner of the kingdom, you give the kingdom to whom you please: and take away the kingdom from whom you please: and you exalt whom you please and abase whom you please. In y our hand is the good. Surely you are possessor of power over all things (Aale Imran, 3:26).

**Successors in land:** And he it is who has made you successors in the land, and exalted some of you in rank above others, that he may try you by what he has given you. Surely your Lord is quick in requiting (evil), and he is surely the forgiving, the merciful (An'aam, 6:165). Also see Baqarah, 2:30: Ambia, 21:105: Faatir, 35:39: Swaad, 38:26: Noor, 24:55.

O David, surely we have made you a ruler in the land: so judge between the men justly and follow not he desire, lest it (may) lead you astray from the path of Allah. Those who go astray fro the path of Allah, for them is surely a sever punishment because they forget the day of reckoning (Swaad, 38:26)

The purpose: Those (the believes) who, if we establish them in the land, will keep up prayer and pay the poor-rate and enjoin good and forbid Evil. And Allah's is the end of affairs (Hajj, 22:41)

The Final Authority: O you, who believe, obey Allah and obey the messenger and goes in authority from among you: then if

You have quarrel about anything refer it to Allah and his messenger, if you believe in Allah and the Last Day. This is best and more suitable to (achieve) the end (Nisa, 4:59).

The believers: (Believer are) those who respond to their Lord and keep up prayer, and whose affairs are (decided) by counsel among themselves, and (who) spend out of what we have given them (Shura, 42:38)

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## HADEES

### CHAPTER 1

#### THE AMEER (RULER)

**Obedience to the Ameer:** Abu Hurairah has reported that the messenger of Allah has said that, “the one who obeys me obeys Allah and the one who disobeys me disobeys Allah: the one who obeys the Ameer <sup>1</sup> obeys me and he one who disobeys the Ameer disobeys me. The Imam is a shield behind whom fighting is engaged in, and by whom protection is sought. If he enjoins piety and acts justly, there is reward for him for that: but if he commands otherwise, he will on that account be held guilty.” (Bukhari and Muslim) (Mishkat, kitab-ul-Amaarat Wal Qazzaa, No. 3491/1)

Umme Husain has reported that the messenger of Allah has said that, “even if a man having mutilated ear and nose is made your Ameer who leads you in accordance with the Book of Allah listen to him and obey him.” (Muslim) (Mishkat, ibid, 3492/2)

Anas has reported that the messenger of Allah has said that, “Listen and obey, even if a Negro salve with a head like a dry grape <sup>2</sup> is made governor over you.” (Bukhari) (Mishkat, ibid, 3493/3)

No obedience in sin: Ibne Umar has reported that the messenger of Allah has said that, “hearing and obeying are the duties of a Muslim both in what he likes as well as in what he dislikes, as long as he is not ordered to do an act of disobedience (to Allah) in which case he is neither to hear nor obey.” (Bukhari and Muslim) (Mishkat, ibid, 3494/4)

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1. “Ameer” is that Muslim ruler who follows the Islamic Shari’ah and commands the people strictly according to it. He is to look after the State and the people and safeguard their rights in person and property. He is also to establish the institutions of prayer and poor-rate and enjoin the good and forbid the Evil.

2. This refers to the head being small, or the hair being crisp and curly or short.

Ali has reported that the messenger of Allah has said that, "There is no obedience in transgression (of the limits of Allah). Obedience is only in what is good." (Bukhari and Muslim) (Mishkat, ibid, 3495/5)

Nawwaas bin Samaan has reported that the messenger of Allah has said that, "There is no obedience to a creature in disobedience to the Creator." (Sharhe as-Sunnah, by Baghawi) (Mishkat, ibid, 3225/35)

**Oath of Allegiance:** Ubadah bin Saamt has reported: we swore allegiance to the messenger of Allah to hear and obey in time of difficulty as well as in time of ease, in what we like as well as in what we dislike, in giving preference (to anybody) over us, not to snatch an affair from persons deserving it, and to say what is right wherever we may be, not fearing fro the sake of Allah, the slander of a slanderer. Another version has, "not to snatch an affairs from the persons deserving it unless you see clear infidelity in respect of which you have a proof from Allah." (Bukhari and Muslim) (Mishkat, ibid, 3496/6)

**Obedience to the extent of capability:** Ibne Umar has reported: when we swore allegiance to the messenger of Allah to hear and obey, he was saying to us, "In what you are capable of."<sup>1</sup> (Bukhari and Muslim) (Mishkat, ibid, 3497/7)

**Separation from Community:** Ibne Abbas has reported that the messenger of Allah has said that, "Whoever sees in is Ameer what he dislikes he should keep patience. No one separates by even a span from the community and dies the death of those of the days of Ignorance." (Bukhari and Muslim) (Mishkat, ibid, 3498/8)

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1. Also see Quran, Baqarah, 2:285.

**Party Spirit:** Abu Hurairah has reported: I heard the messenger of Allah say, “whoever gives up obedience and separates from the community and then dies, he dies the death of those of the days of ignorance: and whoever fights under a banner of ignorance<sup>1</sup> showing anger in support of party spirit, or inviting people to party spirit, or helping party spirit, and then is killed, he is killed like those of the days of ignorance, and whoever comes out against my Ummah with his sword smiting the pious and the impious, not keeping away from those who are believers or observing covenants which have been made, he is not of me and I am not of him.” (Muslim) (Mishkat, ibid, 3499/9)

**Best and Worst Imams:** Aur bin Maalik Ashja’ee has reported that the messenger of Allah has said that, “the best Imams are those whom you like and who like you, on whom you invoke blessings and who invoke blessings on you: and the worst of your Imams are those whom you dislike and who dislike you, whom you curse and who curse you.” We asked, O Messenger of Allah, in that event should we not depose them? He said, “No. as long as they establish the prayer among you: no, as long as they establish the prayer among you. Behold, if anyone has a governor whom he sees doing anything which is an act of disobedience of Allah, but should not withdraw from obedience.” (Muslim) (Mishkat, ibid, 350/10)

**Just Imam and Tyrannical Imam:** Abu Saeed has reported that the messenger of Allah has said that, “the dearest to Allah and nearest to Him in company on the day of Resurrection will be a just Imam: and the most hateful to Allah on the day of Resurrection, and the one getting the serest punishment (or as another version has, the farthest from him in company) will be a tyrannical Imam.” (Tirmizi) (Mishkat, ibid, 3533/43)

Umar bin Khattab has reported that the messenger of Allah has said that, “the best of the servants of Allah in rank near Allah on the day of Resurrection will be a just and kind Imam: and the worst of men in rank with Allah on the day Resurrection will be a tyrannical and harsh Imam.” (Baihaqi noted it in Shu’abul Imam.) (Mishkat, ibid, 3547/57)

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1. Or pride or error.

Speaking a True Word before a Tyrannical Ruler: Abu Saeed has reported that the messenger of Allah has said that, "The best Jihaad is to speak a True word in the presence of a tyrannical ruler." (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 3534/44)

**Good Minister and Bad Minister:** Aaisha has reported that the messenger of Allah has said that, "When intends the good for a ruler he appoints for him a good minister who reminds him if he forgets and helps him if he remembers. But when He (i.e. Allah) intends otherwise for him, he appoints for him a bad minister who does not remind him if he forgets and does not help him if he remembers." (Abu Dawud and Nasa'ee) (Mishkat, ibid, 3535/45)

**Expression of Disapproval:** Umme Salamah has reported that the messenger of Allah has said that, "There will be Umara<sup>1</sup> over you, some of whom you will like and some of whom you will dislike. He who expresses disapproval is guiltless and he who feels disapproval is safe: but he who is pleased and follows them." They asked, "Should we not fight with them?" he said, "No. as long as they pray: No, as long as they pray." (Muslim) (Mishkat, ibid, 3501/11)

**Rulers having Privileges:** Abdullah bin Masud has reported: the messenger of Allah said to us, "after me you will see (Rulers) having privileges and affairs which you enjoin on us? He said, "Give them what is due to them and ask Allah for what is due to you." (Bukhari and Muslim) (Mishkat, ibid, 3502/12)

Waali bin Hujr has reported that salamah bin Yazid al-Jafi said to the messenger of Allah, "O Prophet of Allah, tell us what you command us to do if rulers arise over us who demand their rights from us but refuse our rights to us?" he said, "listen and obey, because they are responsible for what is on them<sup>1</sup> and you for what is on you." (Muslim) (Mishkat, ibid, 3503/13)

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1. Plural of "Ameer".

**Disobedience of Ameer:** Abdullah bin Umar has reported: I heard the messenger of Allah say, “The one who takes off his hand from allegiance will meet Allah on the day of Resurrection without having any plea, and the one who dies without having taken an oath of allegiance will die the death of the days of ignorance.” (Muslim) (Mishkat, ibid, 3504/14)

**More than one claimants of Caliphate:** Abu Hurairah has reported that the holy prophet has said that, “The Banu Israil was ruled by the Prophets. When one died, another took his place. There will be no Prophet after me, but there will be caliphs, and they will be many.” They asked: what then do you order us? He said, “Fulfill the oath of allegiance to the first and then the first and give them their due. Allah will question them about what he entrusted them with.” (Bukhari and Muslim) (Mishkat, ibid, 3505/15)

Abu Saeed al-Khudri has reported that the messenger of Allah has said that, “When allegiance is taken for two caliphs, kill the last of them. (Muslim) (Mishkat, ibid, 3505/15)

**Arfajah reported:** I heard the messenger of Allah has said that, “When allegiance is taken for two caliphs, kill the last of them. (Muslim) (Mishkat, ibid, 3506/16)

**Causing rift in the Community:** Arfajah has reported: I heard the messenger of Allah say, “Whoever comes to you, when you are united under one man, intending to split you staff or cause division in your community, kill him.” (Muslim) (Mishkat, ibid, 3507/17)

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1. Quran, Noor, 24:54.

Abdullah bin Amr has reported that the messenger of Allah has said that, "Whoever swears allegiance to an Imam, giving him his hand in ratification and sincere agreement in his heart, he must obey off the neck of that other one." (Muslim) (Mishkat, ibid, 3508/18)

Abdur Rehman bin Samurah has reported that the messenger of Allah said to me, "Do not ask for ruler ship. If you are given it after asking, you will be left to (discharge) it (Yourself): but if you are given without asking, you will be helped to (discharge) it." (Bukhari and Muslim) (Mishkat, ibid, 3509/19)

**Seeking the office of Ameer:** Abu Hurairah has reported that the Holy prophet has said that, "You will be eager for the office of Ameer, but it will be a cause of regret on the day of resurrection. It is a good suckler but a bad weaner." (Bukhari) (Mishkat, ibid, 3510/20)

**Abu Zar reported:** I said: O messenger of Allah, you do not make me a governor? He struck me on my shoulder with his hand and said, You are weak, O Abu Zar, and it is a trust which will be a cause of shame and regret on the day of resurrection except for the one who undertakes it as it ought to be undertaken and fulfils his duty in it." In another version he said, to him. "I see that you are weak, O Abu Zar, and I like for you what I like for myself. Do not accept the rule over even two persons and do not become guardian of the property of an orphan." (Muslim) (Mishkat, ibid, 3511/21)

**Abu Musa reported:** I and two sons of my paternal uncle went to the holy prophet and one of them said, "O messenger of Allah, put me in command of some of what Allah has put in your charge," and the other also said the same. He said, "By Allah. I do not put in charge of this work anybody who asks for it, or anybody who is eager for it." In a version he said, "We do not employ in our work one who desires it." (Bukhari and Muslim) (Mishkat, ibid, 3512/22)

**Best of people:** Abu Hurairah has reported that the messenger of Allah has said that, “You will find the best among the people those who have the strongest dislike of this affair (i.e. ruler ship) till they fall into it.” (Bukhari and Muslim) (Mishkat, ibid, 3513/23)

**Each one is responsible for his subordinates:** Abdullah bin Umar has reported that the messenger of Allah has said that, “Beware, each one of you is a shepherd and each one of you will be questioned about his flock. The Imam who is over the people is a shepherd and he will be questioned about his flock: a man is a shepherd in charge of the inhabitants of his household and he will be questioned about his flock: a woman is a shepherdess in charge of her husband’s house and children and she will be questioned about them: and a man’s slave is a shepherd in charge of his master’s property and he will be questioned about it. So each one of you is a shepherd and each of you will be questioned about his flock.” (Bukhari and Muslim) (Mishkat, ibid, 3514/24)

**Dishonest Ruler:** Maqil bin Yasaar has reported: I heard the messenger of Allah say, “There is no governor in charge of the Muslim subjects who dies while acting dishonestly towards them but he is excluded by Allah from paradise.” (Bukhari and Muslim) (Mishkat, ibid, 3516/26)

**Bad Ruler:** Maqil bin Yasaar has reported: I heard the messenger of Allah say, “Whoever is appointed by Allah to take charge of subjects and who does not protect them with good counsel will not smell the fragrance of paradise.” (Bukhari and Muslim) (Mishkat, ibid, 3516/26)

**Worst Ruler:** Aaiz bin Amr has reported: I heard the messenger of Allah say, “The worst shepherds are those who are rude.” (Muslim) (Mishkat, ibid, 3517/27)

**Kind Ruler:** Aaisha has reported that the messenger of Allah has said that, “O Allah, cause distress to him who has any charge over my Ummah and cause them distress, and show kindness to him who has any charge over my Ummah and shows kindness to them.” (Muslim) (Mishkat, ibid, 3518/28)

**Just Ruler:** Abdullah bin Amr bin Aas has reported that the messenger of Allah has said that, "The just ones will be with Allah on the pulpits of Light at the Right hand of the compassionate one, and both his hands are right. They are those who are just in their commands towards their people and what is under their charge." (Muslim) (Mishkat, ibid, 3519/29)

**Foolish Ruler:** Kab bin Ujrah has reported: the messenger of Allah said to me, "I give you under the protection of Allah from the rulership of the foolish." He asked: what is that, O Messenger of Allah? He said, "After me governors will arise whose falsehood will be believed and who will be assisted in their oppression by those who will enter their presence. They are not of me nor have I any concern with them, and they will not be able to come down to me at the Kausar. But these who do not enter their presence, nor they are of me and I am of them, and they will come down to me at the Kausar." (Tirmizi and Nasa'ee) (Mishkat, ibid, 3529/39)

**Dishonest Ruler:** Abu Zar has reported that the messenger of Allah has said that, "How will you deal with Imams after me who will appropriate to themselves the Fai?" he said, "By him who sent you with the truth, I shall put my sword on my shoulder and attack with it till I shall meet you." He said, "Should I not guide you to something better than this? You show patience till you meet me." (Abu Dawud) (Mishkat, ibid, 3538/48)

**Two Hidden Associates of a Ruler:** Abu Saeed has reported that the messenger of Allah has said that, "No prophet was sent by Allah, and no Caliph succeeds another, but he has two hidden associates <sup>1</sup> one commands and urges him to do what is good and the other commands and urges him to do what is evil. The protected one is the one whom Allah protects." (Bukhari) (Mishkat, ibid, 3520/30)

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1. i.e. the angel and the Satan (Mazaahir-e-Haq).

**Five things:** Al-Haris al-Ashari has reported that the messenger of Allah has said that, “I command you five things: to remain with the Jama’at, to listen, to obey, to emigrate, and to fight in the way of Allah. Whoever separates himself from the jama’at even to the extent of a span casts off the tie of Islam from his neck unless he returns, believed belongs to the assemblies of Hell even if he fasts, prays, and asserts that he is a Muslim.” (Ahmad and Tirmizi) (Mishkat, ibid, 3523/33)

**Despising:** Ziyaad bin Kusaib Adawi has reported: I was with Abu Bakrah under Ibne Aamir’s Pulpit when he was delivering sermon and wearing thin garments. Abu Bilal said, “Look at our governor wearing the garments of transgressors.” Abu Bakrah said: keep quit. I have heard the messenger of Allah say, “he who despises a Sultan of Allah on the earth. Allah despises him.” (Tirmizi) (Mishkat, ibid, 3524/34)

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**Ultimate fate of Ruler:** Abu Hurairah has reported that the messenger of Allah has said that, “Even the one who has been ruler over ten persons will be brought on the day of resurrection shackled till justice will loosen his chains or tyranny will bring him to destruction.” (Daarimi) (Mishkat, ibid, 3526/36)

Abu Hurairah has reported that the messenger of Allah has said that, “Woe to the Umanan, woe to the chiefs, woe to the superintendents! On the day of resurrection (such) people will wish (that it would have been better) that their forelocks were tied to the Pleiades, or that they had not been rulers over anything.” (Sharhe as-Sunnah) (Mishkat, ibid, 3557/37)

**Attaching oneself to a Ruler:** Ibne Abbas has reported that the holy prophet has said that, “Whoever lives in the jungle becomes rough, whoever follows the game becomes negligent, and whoever goes to a ruler is put in trial. (Ahmad, Tirmizi and Nasa’ee) (Mishkat, ibid, 3530/40)

**Salivation:** Miqadaam bin Madikarib has reported that the messenger of Allah struck him on his shoulders and said that, “You will attain salvation, O Qudaim, if you die without having been a ruler, an assistant, or a chief.” (Abu Dawud) (Mishkat, ibid, 3531/41)

**Unlawful charging of taxes:** Uqbah bin Aamir has reported that the messenger of Allah has said that, “Saahibo Mksin, i.e. the one who charges unlawful taxes from the people, will not enter the paradise.” (Ahmad, Abu Dawud, and Daarimi) (Mishkat, ibid, 3532/42)

**Imputations against the people:** Abu Umamah has reported that the holy prophet has said that, “Whenever a ruler seeks to make imputations against the people, he corrupts them.” (Abu Dawud) (Mishkat, ibid, 3536/46)

**Muawiyah reported:** I heard the messenger of Allah say, “When you will search for the secrets of the people, you will corrupt them.” (Baihaqi noted it in Shu’abul Iman.) (Mishkat, ibid, 3537/47)

**Three things feared with:** Jabir bin Samurah has reported: I heard the messenger of Allah say, “There are three things which I fear for my Ummah: seeking rain by the stars, oppression by the ruler, and denial of pre-destination.” (Ahmad) (Mishkat, ibid, 3540/50)

**Admonition: Abu Zar reported:** The messenger of Allah said to me for six days, “Comprehend, O Abu Zar, what will be said to you afterwards.” Then when the seventh day came, he said, “I admonish you to fear Allah both secretly and openly: and when you do any wrong, do a good deed: and do not beg anything of anyone, even if your ship falls: and do not accept a trust: and do not judge between two persons.” (Ahmad) (Mishkat, ibid, 3541/51)

Abu Umamah has reported that the holy prophet has said that, “No one will ruler over ten or more persons but he will come to Allah the Great and Glorious on the day of resurrection with his hands chained to his neck and his goodness will set him free or his sin will destroy him. The beginning of it (i.e. rulership) is blame, its middle is regret, and its end is disgrace of the day of resurrection.” (Ahmad) (Mishkat, ibid, 3542/52)

**Shade of Allah:** Ibne Umar has reported that the holy prophet has said that, “The Sultan is the Shade of Allah on the earth under which each one of his servants, who is oppressed, takes shelter. When he is just, there is a reward for him and it is the duty of the common people to be grateful: but when he acts tyrannically, the burden is on him, and it is the duty of the common people to keep patience. (Baihaqi noted it in Shu’abul Iman) (Mishkat, ibid, 3546/56)

**Frightening a Muslim:** Abdullah bin Amr has reported that the messenger of Allah has said that, “Whoever gives his brother a look which frightens him, Allah will frighten him on the day of resurrection.” (Baihaqi noted it in Shu’abul Iman) (Mishkat, ibid, 3548/58)

**Remembrance of Allah:** Abu Darda has reported that the messenger of Allah said that Allah the most high says, “I am Allah, there is no God except myself, I am Master of kings, king of kings, in my hands are the hearts of kings. When men obey me, I turn the hearts of kings to them with mercy and gentleness. But when they disobey me, I turn their hearts against them with displeasure and vengeance. So they inflict grievous punishment upon them. So do not engage yourselves in invoking curses on kings, but engage yourselves in the remembrance of Me and supplication that I may protect you against your kings.” (Abu Nu’aim noted it in Hilyah) (Mishkat, ibid, 3549/59)

**WOMAN AS RULER**

**People will never prosper:** Abu Bakrah has reported that when the news reached the messenger of Allah that the people of Persia had made the daughter of Kisra as their ruler, he said, "The people who make a woman their ruler will never prosper." (Bukhari) (Mishkat, ibid, 3522/32)

**Interior of earth better than its Surface:** Abu Hurairah has reported that the messenger of Allah has said that, "When your rulers are your best ones, your rich men are your generous ones, and your affairs are carried by mutual consolation, the surface of the earth will be better for you than its interior. But when your rulers are your affairs are in the hands of your woman, the interior of the earth will be better for you than its surface." (Tirmizi) (Mishkat, kitab-ur-Riqaaq, Baab Taghayyar-un-Naas) (Mishkat, ibid, 5134/9)

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## CHAPTER 2

### DUTIES OF THE AMEER (RULER)

**Give good news and make things easy:** Abu Musa has reported that whenever the messenger of Allah sent any of his companions for some of his affairs, he said, “Give good news and do not scare (the people): make (things) easy and do not make (them) difficult.” (Bukhari and Muslim) (Mishkat, kitab-ul-Amaarat Wal Qazaa, Baab Maa ‘Alal Wulaate Minat Taiser, No. 3550/1)

Anas has reported that the messenger of Allah has said that, Make (things) easy and do not make (them) difficult: create tranquility and do not scare (the people) (Bukhari and Muslim) (Mishkat, ibid, 3551/2)

Abu Burdah has reported that the holy prophet sent his grandfather Abu Musa and Muaaz to Yemen and said, “make (things) easy and do not make (them) difficult: give good news and do not scare: cooperate (with one another) and do not differ.” (Bukhari and Muslim) (Mishkat, ibid, 3552/3)

**The Treacherous:** Ibne Umar has reported the messenger of Allah has said that: “The treacherous will have a standard set up for him on the day of resurrection, and it will be announced: this is the treachery of so and so, the son of so and so” (Bukhari and Muslim) (Mishkat, ibid, 3553/4)

Anas has reported that the holy prophet has said that, “Every treacherous will have a standard on the day of Resurrection by which he will be recognized.” (Bukhari and Muslim) (Mishkat, ibid, 3554/5)

Abu Saeed has reported that the holy prophet has said that, “Every treacherous will have a standard at his buttock on the day of Resurrection.” Another says, “On the day of Resurrection every treacherous will have a standard which will be raised for him in proportion to his treachery, and no one is more treacherous than the ruler over a people.” (Muslim) (Mishkat, ibid, 3555/6)

**To fulfill the needs of the people:** Amr bin Murrah has reported that he said to Muawiyah: I have heard the messenger of Allah say, "Whoever is put by Allah in authority over any affair of the Muslims and he turns away from them at the time of their need, destitution and poverty, Allah will turn away from him at the time of his need, destitution and poverty." (Muawiyah then appointed a man to deal with the needs of the people. (Abu Dawud and Tirmizi) (Mishkat, ibid, 3556/7)

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## **2. THE QAZI (JUDGE)**

**Chapter 1 - The Qazi**

**Chapter 2 - Remuneration, Gift and Bribe**

**QURAN:**

**Justice:** Surely we have revealed the book (i.e. Quran) to you (O Prophet) with truth so that you may judge between people by means of what Allah has taught you. And be not one pleading the cause of the dishonest (Nisa, 4:105) ; and .....judge between them by what Allah has revealed, and follow not their low desires (turning away) from the truth that has come to you (Maa'idah, 5:48 and 49)

Certainly we sent our messenger with clear arguments, and sent down with them the book and the measure, that men may conduct themselves with equity (Hadeed, 57:25)

And contend not on behalf of those who act unfaithfully to their souls. Surely Allah loves not him who is treacherous, sinful (Nisa, 4:107)

And whoever judges not by what Allah has revealed, those are the disbelievers (Maa'idah, 5:44). Wrongdoers (Ibid, 5:45), and transgressors (Ibid, 5:47)

**Evidence:** And the witnesses must not refuse when they are summoned (for giving the evidence) (Baqarah, 2:282), and let no harm be given to the scribe or the witnesses (Ibid).

O you who believe, be maintainers of justice, bearers of witness for Allah, even though it be against your own souls or (your) parents or near relatives – whether he be rich or poor, Allah has a better right over them both (Nisa, 4:135)

**Bribery:** And swallow not up your property among yourselves by false means, nor seek to gain access thereby to the judges, so that you may swallow up part of the property of men wrongfully while you know (Baqarah, 2:188)

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## HADEES

### CHAPTER 1

#### THE QAAZI <sup>1</sup>

**No judgment in anger:** Abu Bakrah has reported: I heard the messenger of Allah say, "No judge should give a judgment between two persons while he is angry." (Bukhari and Muslim) (Mishkat, kitab-ul-Amaaral Wal Qazaa, Baab-ul-Amale Fil Qazaa'e Wal Khaufe Minho, No. 3559/1)

**Double Reward:** Abdullah bin Amr and Abu Hurairah has reported that the messenger of Allah has said that, "When a judge gives judgment having tried his best to decide correctly, and is right, there are two rewards for him: but when he gives judgment having tried his best to decide correctly, and is wrong, there is one reward for him." (Bukhari and Muslim) (Mishkat, ibid, 3560/2)

**Slaughtered without knife:** Abu Hurairah has reported that the messenger of Allah has said that, "Whoever has been appointed as judge among the people has been slaughtered without knife." (Ahmad, Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 3561/3)

**Seek not the office of the judge:** Anas has reported that the messenger of Allah has said that, "Whoever desires and asks for the office of a judge he is entrusted to himself, but whoever is forced to accept it Allah sends down an angel who directs him aright." (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 3562/4)

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1. "Qazi" is the head of the Islamic Court of Justice. He is the guardian of the human rights relating to person as well as property. He is to decide justly between the people according to the commands in the holy Quran and the Sunnah and is supposed in all circumstances to act sincerely and with total honesty and impartiality.

**Three kinds of judges:** Buraidah has reported that the messenger of Allah has said that, “Judges are (of) three kinds: one (kind of them) will be in the Paradise and two in the Hell. The one who will be in the paradise is a man who knows what is right and decides accordingly: but a man who knows what is right and acts unjustly in his decision will be in the hell, and a man who gives decision for people when he has no knowledge will be in the hell.” (Abu Dawud and Ibne Majah) (Mishkat, ibid, 3563/5)

Abu Hurairah has reported that the messenger of Allah has said that, “Whoever seeks the office of a judge among Muslims till he gets it, and then his justice prevails over his injustice, there is paradise for him: but the man whose injustice prevails over his justice there is hell for him. (Abu Dawud) (Mishkat, ibid, 3564/6)

**Qayaas:** Mu’aaz bin Jabal has reported that when the messenger of Allah sent him to Yemen, he asked him: how will you judge when any dispute comes before you? He said: I will judge in accordance with the Book of Allah. He asked: what will you do if you do not find anything in the Book of Allah? He said: I will act in accordance with the Sunnah of the Messenger of Allah. He asked: what will you do if you do not find anything in Sunnah of the messenger of Allah? He said: I will do my best to form an opinion<sup>1</sup> and spare no pains. The messenger of Allah than tapped him on the breast and said, “Praise be to Allah who has disposed his messenger’s message to something with which the messenger of Allah is pleased! (Tirmizi Abu Dawud and Daarimi) (Mishkat, ibid, 3565/7)

**Both parties to be heard:** Ali has reported: the messenger of Allah sent me to Yemen as Qaazi (judge). I said, O messenger of Allah, are you sending me when I am young and have no knowledge of the duties of Qaazi”? He said, “Allah will guide your heart and keep your tongue firm. When two persons bring a case before you, do not decide in favour of the first till you hear what the other has to say, because it is necessary that you should have a clear idea of the best decision.” He said: thereafter I never had any doubt about a decision. (Tirmizi, Abu Dawud and Ibne Majah) (3566/8)

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1. This is known as “Qayaas” in the Islamic Fiqah.

**Unjust Judge:** Abdullah bin Masud has reported that the messenger of Allah has said that, “There is no judge who pronounces judgment among the people but he will come to the day of resurrection with an angel holding the back of his neck. He <sup>1</sup> will then raise his head to the heaven, <sup>2</sup> and if Allah says: throw him down, he will throw him into an abyss of the depth of forty year’s distance.” (Ahmad and Ibne Majah). Baihaqi also noted it in Shu’abul Iman. (Mishkat, ibid, 2567/9)

**Judge will wish:** Aaisha has reported that the messenger of Allah has said that, “On the day of Resurrection (a moment) will come (even) to a just judge when he will wish he would not have given judgment between two persons even about a single date-palm.” (Ahmad) (Mishkat, ibid, 3568/10)

**Just and Unjust Judge:** Abdullah bin Abu Afa has reported that the messenger of Allah has said that, “Allah is with the judge as long as he is not unjust. But when he is unjust, he departs from him and Satan attaches himself to him.” (Tirmizi and Ibne Majah) (Mishkat, ibid, 3569/11)

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1. i.e. the angel.  
2. Waiting for the Commands of Allah.

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## CHAPTER 2

### REMUNERATION, GIFTS AND BRIDE

**Distributor:** Abu Hurairah has reported that the messenger of Allah has said that, "I nether give you nor without from you. I am a distributor. I put where I am commanded." (Bukhari) (Mishkat, kitab-ul-Amaarat Wal Qazaa, Baab Rizq-il-Wulaate Wa Hadaayahum, No. 3572/1)

**Misappropriation:** Khaulah al-Ansariyah has reported that the messenger of Allah has said that, "There are men who unjustly appropriate for themselves the property of Allah. On the day of resurrection there will be the fire (of Hell) for them." (Bukhari) (Mishkat, ibid, 3573/2)

**Remuneration:** Umar has reported, "I held a post in the time of the messenger of Allah, and he gave me the remuneration for it." (Abu Dawud) (Mishkat, ibid, 3576/5)

**Muaaz reported:** the messenger of Allah sent me to Yemen. When I set off, he sent after me and I was brought back. He then said, "Do you know why I sent for you? Do not take anything without my permission, because it will be breach of trust, and who ever commits a breach of trust will come on the day of resurrection with what he committed breach of trust. For this I have called you. Now go to your task." (Tirmizi) (Mishkat, ibid, 3577/6)

Umar has reported, "I held a post in the time of the messenger of Allah, and he gave me the remuneration for it,"(Abu Dawud) (Mishkat, ibid, 3576/5)

**Taking more than remuneration:** Buraidah has reported that the holy prophet has said that, "Whomsoever we appoint to a post, we provide him with an allowance, what he takes beyond that is breach of trust." (Abu Dawud) (Mishkat, ibid, 3575/4)

**Breach of Trust:** Mustaurid bin Shaddaad has reported: I heard the holy prophet say, "Whoever acts as a governor for us should get a wife: if he has no servant, he should get a servant: and if he has no house, he should get a house." Another version says, "Whoever takes besides that commits breach of trust." (Abu Dawud) (Mishkat, ibid, 3578/7)

Adi bin Ameerah has reported that the messenger of Allah has said that, "O people, whoever of you is put in an administrative post on our behalf and conceals from us a needle or more, he is a treacherous man and he will bring it on the day of resurrection." One of the Ansaar then got up and said, "O messenger of Allah, take back from me my post." He asked: why is that? He said: I have heard you say such and such. He said, "And I say that even now. When we appoint anybody to an office, he must bring what is connected with it, little as well as much. What he is given he should take, but he must refrain from what is kept back from him." (Muslim and Abu Dawud) (Mishkat, ibid, 3579/8)

**Bribery:** Abdullah bin Amr has reported that the messenger of Allah has cursed the one who gives bribes as well as the one who takes bribes. (Abu Dawud and Ibne Majah) (Mishkat, ibid, 3580/9)

**Pure Property:** Amr bin Aas has reported: the messenger of Allah sent (a message) ordering me: come to me with your weapons and clothing. I came to him when he was performing ablution, and he said, "I sent for you, O Amr, to depute you on a matter in which Allah will keep you safe and grant you boot, and I shall give you from the spoil." I said, "O messenger of Allah, my emigration was not for the sake of property, but was only for the sake of Allah and his messenger." His said, "Pure property is good for a pure man." (Sharhe as-sunnah) (Mishkat, ibid, 3581/10)

**Intercessor accepting the gift:** Abu Hurairah has reported that the messenger of Allah has said that, "Whoever intercedes for someone and that one gives him for it a gift which he accepts, he enters a bit gate (i.e. is guilty of serious type) of usury." (Abu Dawud) (Mishkat, ibid, 3582/11)

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**B**

**DUTIES OF THE STATE**

- 1. TA'LEEM**
- 2. ADL**
- 3. LAW AND ORDER**
  - (a) Qisaas**
  - (b) Hudood**
  - (c) Miscellaneous Topics relating to Qisaas and Hudood**
  - (d) Ta'zeer**
- 4. HEALTH**
- 5. INTERNATIONAL RELATIONS**
- 6. DEFENCE**

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**1. TA'LEEM**  
**(EDUCATION)**

## TA'LEEM \*

Education plays the basic role in framing the minds of the people in any respect. Through education one can be molded as a pious or converted as an accomplished rogue. In order to enjoin the good and forbid the evil, education is undoubtedly the most effective medium. From the very beginning children ought to be given education in such a manner that they may imbibe a love for the good and abhor for the evil. It is therefore incumbent that the entire system of education in the Islamic State must have its foundation on the fundamental ideology of the holy Quran and tradition of the holy prophet Muhammad (peace be upon him) which are the main fountain-head of all blessings and the most formidable pillars of moral and spiritual edifice. In fact in order to invite humanity to the path of Islam, Allah has also adopted the mode of education through high worthy Prophet Muhammad (peace be upon him). The very purpose of sending the prophet (Aale Imran, 3:164), as Quran tells us, is to teach the Book and wisdom and purify (Baqarah, 2:151). Quran tells us that Prophet Abraham prayed to God for raising a prophet from his descendants to teach the Book and wisdom and purify the men (Baqarah, 2:129). The divine answer to the prayer of Prophet Abraham was evidently the coming of Prophet Muhammad (peace be upon him). The Book referred to is the holy Quran, wisdom envisages all philosophical, scientific as well as technological learning, and purification consists in the practical aspect of knowledge, because all that one learns must also be acted upon if the blessings are to continue unabated. Thus the three-fold task of the holy Prophet Muhammad (peace be upon him) was to: (i) teach the holy Quran.(ii) arrange for the education, and (iii) put into actual practice all that was being taught. The very first revelation to the holy prophet Muhammad (peace be upon him) was "to read" (Alaq, 96:1) and in the same revelation it was also affirmed that Allah taught knowledge to man through the pen (i.e. writing) (Alaq, 96:4). It is thus clear that "reading" and "writing" which in fact are the basic means to acquire knowledge, are adopted as fundamental means to propagate Islam as well. This is

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\*Taken from my Book "Islam – the Religion," pp. 334-336.

Also confirmed from another command of Allah in which it is said that a party from amongst all group of the believers should come to the holy prophet Muhammad (peace be upon him) to obtain understanding in Religion and then go back to teach the same to others (Taubah, 9:122). Hence education is the most fundamental and basic means of teaching the people what is good and what is bad according to Quran.

This appears to be the reason that the very first thing that Islam has ordained is the utterance of "Azaan" in both the ears of the child immediately after its birth. Thus the first and fore-most thing that is conveyed to the mind of a child through its ears is that Allah is the Greatest, Allah is one, Muhammad (peace be upon him) is his prophet, and then is a call to come for prayer and for success. Thus the very first education that Islam provides for the human beings on entering into the life of this world relates to the greatness and oneness of Allah, prophet hood of Muhammad (peace be upon him), importance of "Salaat", and mode of achieving the success of life. This is the divine Manifesto greatness level, and by telling that Allah is one, the so called exalted position of Godhood of all man-made gods and deities is reduced to naught, by telling him that Muhammad (peace be upon him) is the prophet of Allah, all modes of passing the life, except the one provided by Allah through him, stand rejected. By asking him to come to prayer, all systems of worship other than "Salaat" are superseded. Finally, by telling him to come for success, it is to make clear that success of the life in fact consists in obedience to Allah and his prophet Muhammad (peace be upon him) and not through self-devised extraneous practices.

This is really the divine Manifesto of the Islamic way of life and, therefore, it is necessary that from the very beginning education of the children should also be based on this manifesto. The purpose of education for a Muslim should be to make his faith in Allah, his prophets, his angels, his Books and the day of

Judgment more and more firm, make him the most obedient servant of Allah, create in him the fear of Allah alone, and make him fearless as regards all other powers and authorities, teach him to offer prayer as mandated by Quran and achieve the success of life in the sense it is laid down by Allah himself through the word and of life of his prophet Muhammad (peace be upon him).

Any system of education that does not proceed on this Manifesto is not an Islamic Way of education. It can make a man modern, up-to-date, philosopher, doctor, engineer, politician, scholar, scientist, and technician and so on, but not a Muslim in its true sense.

Islam never discourages the worldly education. It rather encourages it. This fact is amply clear for the Quranic verses as well as the Ahadees of the Holy Prophet Muhammad (peace be upon him) noted in the pages that follow.

It may also be noted that the holy prophet not only made arrangements for educating his companions in the Masjid-un-nabawi at Medinah, but also made the teaching of “reading and writing” to the children as a ransom for release of the captives of Badr. Even generally, by his sayings, the holy prophet laid great emphasis on the acquisition of knowledge. The holy prophet said: seeking after knowledge is an ordinance obligatory upon every Muslim. <sup>1</sup> seeks knowledge even as far as China. <sup>2</sup> seek knowledge from the cradle to the grave. Whoever follows a path in search of knowledge, Allah will guide him into a path leading into Paradise. <sup>3</sup> the learned men are the heirs of the prophets. <sup>4</sup> the angels bow to the seeker after knowledge. <sup>5</sup> what is in the heavens and in the earth intercede for the learned men. <sup>6</sup> the angels offer their wings to the seeker of knowledge. <sup>7</sup> wisdom adds honour to

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1. Ibne Majah Intr. 16”9
  2. Book of Knowledge p. 18 (Ehya-ul-Deen, by Ghazali, Vol. 1, p. 14).
  3. Muslim, al-Zikr-W-al-Dua. II, Ibne Majah, Intro. 17:14.
  4. Ibne Majah, Intro, 17:1: Bukhari, Ilm, 14.
  5. Ibne Majah, Intro, 17:4.
  6. Masabeeh, Vol. I, p. 14:5. Ibne Majah, Intro, 17:4. 20:1.
  7. Ibne Majah, Tirmizi, Mishkat, p. 64. Ehya-ul-Uloom, Ibid, Vol I, p. 14.

The noble and exalts the slave until he attains to the level of kings. <sup>1</sup> the learned man is a trustee of God on earth. <sup>2</sup> the superior rank that the learned man holds in relation to the worshipper is like that superior rank I hold in relation to the least of men. <sup>3</sup> whoever has knowledge but conceals it, will, on the day of resurrection, be bridled with a bit of fire. <sup>4</sup> God was not worshiped with anymore formidable to Satan than a thousand worshippers. <sup>5</sup> The learned believer. <sup>6</sup> between the learned and the worshipper are a hundred degrees each two of which are separated by the extent of a racing horse's run in seventy years. <sup>7</sup> To rise up before daybreak and learn a section of knowledge is better than prostrating yourself in prayer a hundred times. <sup>8</sup>

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1. Book of Knowledge p. 11 (Ehya-ul-Uloom, Ibid, I, p. 14).
  2. Ehya-ul-Uloom, Ibid, I, p. 11.
  3. Masabih, Vol. I, p. 14: Book of Knowledge p. 18 (Ehya-ul-Uloom, ibid, Vol, I, p. 14).
  4. Ibne Majah intro. 24:1
  5. Ibne Majah. Intro. 17:3; Ehya-ul-Uloom, Vol, I p. 14) – Book of Knowledge p. 18
  6. Book of Knowledge p. 18 (Ehya-ul-Uloom, ibid, Vol I p, 14).
  7. Al-Darimi, Sunnan, Intro 32: Ehya-ul-Uloom, ibid, Vol, I p. 14) – Book of knowledge p. 18
  8. Ibne Majah. Intro 16:9.

## QURAN

Read in the Name of your Lord who creates – creates man from a clot. Read and your Lord is Most Generous, who taught by the pen, and taught man what he knew not (Alaq, 96:1-5).

(Say); my Lord increases me in knowledge (Taa Haa, 20:114).

Those who know and those who know not are not equal (Zumar, 39:9).

They have hearts wherewith they understand not, and they have eyes wherewith they see not, and they have ears wherewith they hear not. They are as cattle: nay, they are more astray. These are the heedless ones (Aa’raaf, 7:L179).

Whoever is granted wisdom, he indeed is given a great Good (Baqarah, 2:269).

None will grasp the message (of Allah) but men of understanding (Ibid).

He (i.e. Allah) taught Adam the names of all (things), then presented them to the angels (and then). He said: tell me the names of those if you are right. (They (i.e. the angels) said: Glory to you! We have no knowledge but that you have taught us (Baqarah, 2:31-32).

In the creation of the heavens and the earth, and the alternation of night and day, and the ships that sail through the sea with that which profits men, and the water that Allah sent down from the sky, then gives life therewith to the earth after its death, and spreads in it all (kinds of) animals, and the changing of the winds and the clouds made subservient between heaven and earth, there are surely signs for a people who understand (Baqarah, 2:164: Aale Imran, 3:190: Yunus, 10:6 : Jaasiah, 45:5).

## HADEES

**Knowledge:** Mu'aawiyah has reported that the messenger of Allah has said that, "When Allah intends good for anybody, he instructs him in the religion. I am only a distributor, and Allah gives." (Bukhari and Muslim) (Mishkat, kitab-ul-Ilm, No. 189/3)

Abu Hurairah has reported that that messenger of Allah has said that, "Men are the mines like the mines of gold and silver: the best among them in the (days of ) ignorance are the best among them is Islam when they are versed in the religion." (Muslim) (Mishkat, ibid, 190/4)

Ibne Masud has reported that the messenger of Allah has said that, "None is to be envied but two persons: a man to whom Allah has given wealth and enabled him to spend it on what is right: and a man to whom Allah has given wisdom and he decides according to it and teaches it." (Bukhari and Muslim) (Mishkat, ibid, 191/5).

Abdullah bin Amr has reported that the messenger of Allah has said that, "Knowledge is (of) three (Kinds): a precise verse, or an established Sunnah, or a firm obligatory duty. What is besides it is an extra?" (Abu Dawud and Ibne Majah) (Mishkat, ibid, 22/36)

Abu Hurairah has reported that the messenger of Allah has said that, "learn the thins which have been made obligatory and the Quran, and teach them to the people, because I shall be taken away," (Tirmizi) (Mishkat, ibid, 226-39)

**Acquisition of Knowledge:** Kaseer bin Qais has reported: I was sitting with Abu Darda’ in the mosque of Damascus. A man came to him and said, O Abu Darda’ I have come to you from that town of the messenger of Allah for a Tradition which, I have heard, you relate from the messenger of Allah. I have come for no other purpose.” He <sup>1</sup> said: I had heard the messenger of Allah say, “Whoever walks on a way in search of knowledge, Allah causes him to walk on a way of the ways of paradise, the angels lower their wings for good pleasure of the seeker of knowledge, lower the inhabitants of the heavens and the earth and the fish in the depth of the water seek forgiveness for him. The superiority of the learned man over the devout man is like that of the moon on the night when it is full, over all the stars. The learned are the heirs of the prophets and the prophets leave neither Dinar nor Dirham but they leave only knowledge, and the one who attains it attains an abundant portion.” (Ahmad, Tirmizi, Abu Dawud, Ibne Majah and Daarimi) (Mishkat, ibid, 201/15)

Anas has reported that the messenger of Allah has said that, “He who goes out in search of knowledge is in the way of Allah till he returns.” (Tirmizi and Daarimi) (Mishkat, ibid, 208/22)

Abu Saeed al-Khudri has reported that the messenger of Allah has said that, “A believer is never satisfied with the good he hears till he reaches paradise.” (Tirmizi) (Mishkat, ibid, 210/24)

Hassan <sup>2</sup> has reported in Mursal from that the messenger of Allah has said that, “If death comes to anybody when he is seeking knowledge to revivify Islam with it, there will be the difference of only one degree between him and the prophets in paradise.” (Daarimi) (Mishkat, ibid, 231/1)

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1. i.e., Abu Darda’

2. i.e. Hassan Basri (d. 110 A.H) (Mazaahir-e-Haq).

Waasilah bin Asqa has reported that the messenger of Allah has said that, "The one who seeks knowledge and attains it has two fold of the reward: but if he does not attain it, he has single portion of reward." (Daarimi) (Mishkat, ibid, 235/5)

Aaisha reported: I heard the messenger of Allah say: Allah has revealed to me, "Whoever walks on a path in search of knowledge, I shall make easy for him the path to paradise: and if I deprive anyone of his eyes, I shall guarantee paradise to him in return for them. Superiority in knowledge is better than superiority in worship and the basis of the religion is abstinence." (Baihaqi noted it in Shu'abul Iman) (Mishkat, ibid, 237/7)

**Ibne Masud reported:** the messenger of Allah said to me, "acquire knowledge and teach it to the people, learn the obligatory duties and teach them to the people, learn the Quran and teach it to the people; because I am a man who will be taken away, knowledge will be taken away, dissensions will appear, so that two persons will disagree about an obligatory duty and find none to decide between them." (Daarimi and Daara Qutni) (Mishkat, ibid, 259/29)

**Travel in search of knowledge:** Abu Hurairah has reported that the messenger of Allah has said that, "Whoever removes an anxiety of the anxieties of this world from a believer, Allah will remove an anxiety of the anxieties of the day of Resurrection from him: Whoever makes case for anybody in trouble, Allah will makes ease for him in this world and the next: and whoever conceals the faults of a Muslim, Allah will conceal his faults in this world and the next. Allah helps a man as long as he helps his brother. If anyone pursues a path in search of knowledge, Allah will thereby make easy for him a path to paradise. No company gathers in a house (i.e. mosque) of the house (i.e. mosques) of Allah to recite the Book of Allah and study it together but calmness descends on them, mercy covers them, angels surround them, and Allah mentions them among those who are with him, but he who is mad slow by his actions will not be speeded up by his genealogy." (Muslim) (Mishkat, ibid, 193/7)

**Greedy for knowledge:** Anas bin Maalik has reported that the holy prophet has said that, “Two greedy ones never attain satisfaction: the one who is greedy for knowledge is never satisfied with it, and the one who is greedy for wordly goods is never satisfied with them.” (Baihaqi noted it in Shu’abul-Iman) (Mishkat, ibid, 242/12)

**Knowledge from which no benefit is derived:** Abu Hurairah has reported that the messenger of Allah has said that, “Knowledge from which no benefit is derived is a treasure from which nothing is spent in the way of Allah.” (Ahmad and Daarimi) (Mishkat, ibid, 260/30)

**Knowledge with ulterior motive:** Anas bin Maalik has reported that the messenger of Allah has said that, “Whoever seeks knowledge to vie with it with the learned, or to dispute with the foolish, or to attract men’s attention to himself, Allah will bring him into the Hell.” (Tirmizi) (Mishkat, ibid, 212/26)

**Knowledge for wordly advantage:** Abu Hurairah has reported that the messenger of Allah has said that, “Whoever acquires knowledge of things by which the Good pleasure of Allah is sought, but acquires it only to get some wordly advantage, he will not have the Art, i.e. the odour, of paradise on the day of Resurrection.” (Ahmad, Abu Dawud and Ibne Majah) (213/27)

Ibne Abbas has reported that the messenger of Allah has said that, “Some among my Ummah will become learned in religion, and recite the Quran. They will say: we will go to the chiefs and get some of their worldly goods, and keep safe from them our religion. That cannot be as nothing is gathered from tragscanth trees except the thorns, so nothing is gathered from being near to them except only.....” Muhammad bin Sabban said that he obviously meant “sins.” (Ibne Majah) (Mishkat, ibid, 244/14)

Abu Hurairah has reported that the messenger of Allah has said that, “Seek refuge in Allah from the Jabbil Huzn.” They asked: what is the Jabbil Huzn, O messenger of Allah? He said, “It is a valley in the Hell from which Hell seeks refuge four hundred times Every day.” They asked, O messenger of Allah, who will enter it? He said, “The Quran readers who are ostentations of their deeds.” (Tirmizi) (Mishkat, ibid, 256/26)

Not to put thorny question: Muaawiyah reported that the Holy Prophet prohibited the discussion of thorny questions. (Abu Dawud) (Mishkat, ibid, 225/38)

**Teaching:** Anas has reported that whenever the holy prophet made a statement, he used to repeat it three times so that we could understand it fully well, and that when he met a company and gave them a solution he did it three times (Bukhari) (Mishkat, ibid, 197/11)

Anas bin Maalik has reported that the messenger of Allah asked, "Do you know who is most generous?" they said: Allah and his messenger know best. He said, "Allah is the most generous, then I am the most generous of the descendants of Adam, and the most generous of them after me is the man who acquires knowledge and spreads it. On the day of resurrection he will come as "Ameeran Wahdahu", or he said, "As Ummatan Waahidatan" (Baihaqi noted it in Shu'abul-Iman) (Mishkat, ibid, 241/11)

**Guiding:** Abu Masud Ansari has reported that a man came to the holy prophet and said that, "My camel has become jaded, so give me a mount." He said: I have no mount. A man said: "O messenger of Allah, I can guide him to one who will give him a mount." The messenger of Allah then said, "For him who guides to what is good is a reward equivalent to that of him who does it." (Muslim) (Mishkat, ibid, 198/12)

**Good Counsel:** Abu Saeed al-Khudri has reported that the messenger of Allah has said that, "People will follow you, and men will come to you from all religions of the earth to seek understanding about the religion: so when they come to you, give them good counsel." (Tirmizi) (Mishkat, ibid, 203/17)

**Exhortation:** Shaqeeq has reported that Abdullah bin Masud used to address the people every Thursday. A man said, “I wish, O Abu Abdur Rehman,<sup>1</sup> that you should address (the people) daily.” He said, “my dislike of disgusting you prevents me from it, so I am considerate in my addresses to you as the messenger of Allah was to us for the fear of causing us disgusted.” (Bukhari and Muslim) (Mishkat, ibid, 196/10)

Ikramah reported that Ibne Abbas said, “Address the people once every Friday, but if you object, then twice: and if you want more, then three times, but do not make people disgusted with this Quran. And I should not find you coming to the people when they are talking about their matters, causing interruption to them in their talk by addressing them, and thus wearying them. Keep silent: and when they request you, address them when they want it. Be careful of rhymed prose in supplications and avoid it, because I know that the messenger of Allah and his companions did not do so.” (Bukhari) (Mishkat, ibid, 234/4)

**Propagaton of Hadees:** ibne Masud has reported that the messenger of Allah has said that, “May Allah brighten a man who hears what I say, gets it by heart, retains it, and many a jurist conveys it to one who is more versed than he is. Three are three things on account for the sake of Allah, good counsel to Muslims, and holding fast to their community, because their invitation includes those who are beyond them.” (Shaaf’ee). Baihaqi also noted it in Madkhal, Ahmad, Tirmizi, (Mishkat, ibid, 214/28)

**Ibne Masud reported:** I heard the messenger of Allah saying, “May Allah brighten a man who hears something from me and coveys it to others as he heard it, for many a one to who it is brought retains it better than the one who heard it.” (Tirmizi and Ibne Majah). Daarimi recorded it from Abu Darda’ (Mishkat, ibid, 215/19)

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1. This is Kunyah of Ibne Masud

**Assigning falsehood to the holy prophet:** Abdullah bin Amr has reported that the messenger of Allah has said that, "Pass on from me, even if it is only a verse (of the Quran): and relate traditions from the Banu Israil, because there is no restriction: but let him who deliberately lies against me have his abode in the Hell." (Bukhari) (Mishkat, ibid, 187/1)

Samurah bin Jundub and Mugheerah bin Shubah reported that the messenger of Allah has said, "Whoever relates a Tradition from me thinking that it is false, he is one of the liars." (Muslim) (Mishkat, ibid, 188/2)

Ibne Abbas has reported that the messenger of Allah has said that, "Be on your guard about (reporting) tradition from me, except what you know: because the one who lies about me deliberately will certainly come to his abode in the Hell." (Tirmizi) (Mishkat, ibid, 216/29)

**Concealing the knowledge:** Abu Hurairah has reported that the messenger of Allah has said that, the one who is asked about something which he knows and he conceals it will have a bridle of fire put on him on the day of resurrection." (Ahmad, Abu Dawud and Tirmizi). Ibne Majah recorded it from Anas (Mishkat, ibid, 211/25)

**Forgetfulness and wasting of knowledge:** A'mash has reported that the messenger of Allah has said that, "The calamity which affects knowledge is forgetfulness, and the wasting of it is to convey it to those who are unworthy of it." (Daarimi recorded it in Mursal form) (Mishkat, ibid, 246/16)

**Decision without Knowledge:** Abu Hurairah has reported that the messenger of Allah has said that, "Whoever is given a "Fatwa" (legal decision) without knowledge, the sin of it lies on the one who gave it: and whoever gives advice to his brother, knowing that right guidance is on another direction, he has committed breach of trust to him." (Abu Dawud) (Mishkat, ibid, 224/38)

**Charity, Knowledge and Supplication:** Abu Hurairah has reported that the messenger of Allah has said that, “When a man dies, the reward for his action also come to an end, except that of charity which continues, or knowledge from which benefit continues to be gained, or the good son who supplicates for him.” (Muslim) (Mishkat, ibid, 192/6)

Knowledge, Charity and Fighting in the Way of Allah for the Purpose of Show: Abu Hurairah reported that the messenger of Allah has said, “The first one who will be judged among the people on the day of resurrection will be the man who died as a martyr. He will be brought forward, and Allah will remind him of his favour, and he will acknowledge them. He will ask ‘what action you took on them?’ he will say, “I fought for your cause till I was martyred. Allah will say, ‘you lie. You fought so that people might call you brave, and they have said so.’ Command will then be given about him, and he will be dragged on his face and thrown into the Hell. Then a man who has acquired and taught knowledge and learnt the Quran will be brought forward, and Allah will remind him of his favours and he will acknowledge them. He will ask what action you took on them? He will say, I acquired and taught knowledge and learnt the Quran for your sake. Allah will say, You lie. You acquired knowledge so that people might call you a Quran reader, and they have said so. Command will then be given about him, and he will be dragged on his face and thrown into the hell. Then a man whom Allah has made wealthy and whom he has given all kinds of property will be brought forward, and Allah will remind him of his favours, and he will acknowledge them. He will ask, what action you took on them?” he will say, I have not neglected to spend freely for your sake in all the ways approved by you for this purpose. Allah will say, You lie. You did it so that people might call you generous, and they have did so.’ Command will then be given about him, and he will be dragged on his face and thrown into the hell.” (Muslim) (Mishkat, ibid, 194/8)

**Knowledge and Hypocrite:** Abu Hurairah has reported that the messenger of Allah has said that, “There are two qualities which are not found together in a hypocrite: good character and knowledge of religion.” (Tirmizi) (Mishkat, ibid, 207/21)

**Taking away of Knowledge:** Abdullah bin Amr has reported that the messenger of Allah has said that, “Allah does not take away knowledge by removing it from men, but takes it away by taking away the learned ones, so that when he will leave no learned one, people will make the ignorant ones as leaders. Problems will present to them and others into error.” (Bukhari and Muslim) (Mishkat, ibid, 195/9)

**Abu Darda’ reported:** once we were with the messenger of Allah. He turned his eyes to the sky and said, “This is a time when knowledge will be taken away from men, so that they will have no power by it on anything.” (Tirmizi) (Mishkat, ibid, 227/41)

**The Learned:** Ali has reported that the messenger of Allah has said that, “Good is the man learned in religion who, if people revert to him, benefits them: but who, if they ignore him, benefits (with knowledge) himself.” (Razeen) (Mishkat, ibid, 233/3)

**Learned and Devout:** Hassan <sup>1</sup> has reported in Mursal form that the messenger of Allah was asked about two men who had been among the Banu Israil as to who of them was superior: one of them was a learned man who observed the prescribed prayers, then sat and taught men what is good: and the other one fasted by day and prayed during the night. He said, “The superiority of the learned man who observed the prescribed prayers, then sat and taught men what is good over the devout man who fasted by day and prayed during the night is like my superiority over the ordinary one among you.” (Daarimi) (Mishkat, ibid, 232/2)

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1. i.e. Hassan Basri (d. 110 A.H.) (Mazaahir-e-Haq)

Abu Umamah al-Baahili has reported that two men were mentioned to the messenger of Allah – one of them was learned and the other was devout. The messenger of Allah said: “The superiority of the learned men over the devout man is like mine over an ordinary one among you,” the messenger of Allah further said, “Allah, his angels, the inhabitants of the heavens and the earth, even the ant in its hole and even the fish invoke blessings on him who teaches men what is good.” (Tirmizi) (Daarimi recorded it from Makhul in Mursal form, but did not mention the two men. He said, “The superiority of the learned man over the devout man is like mine over an ordinary one among you.” Then he recited this verse, “Only those of his servants who are learned fear Allah,”<sup>1</sup> then went on with the tradition to the end) (Mishkat, ibid,202/16)

Abdullah bin Amr has reported that the messenger of Allah came to two groups in his mosque and said, “Both of them are engaged in what is good, but one of them is superior to the other, these ones are praying and supplicating Allah who, if he wills, may give them: but, if he wills, may refuse them: and these ones are learning jurisprudence or knowledge and teaching the ignorant, so they are superior: and indeed I have been sent as a teacher.” He then sat down among them. (Daarimi) (Mishkat, ibid, 239/9)

**Jurist and Devout:** Ibne Abbas has reported that the messenger of Allah has said that, “One Faqeeh (jurist) has more power over the Satan than a thousand Aabid (devout) men.” (Tirmizi and Ibne Majah) (205/19)

**Good and bad among the learned:** Ahwas bin Hakeem has reported from his father who said that a man asked the holy prophet about evil. He said, “Do not ask me about evil, but ask me about good,” saying it three times. Then he said, “Behold, the worst of evil are the learned ones who are evil, and the best of good are the learned ones who are good.” (Daarimi) (Mishkat, ibid, 248/18)

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1. Quran, Faatir, 35:28.

**Good and Bad Tradition:** Jareer has reported that one early morning when we were with the messenger of Allah, some people came to him who were scantily clad, wearing striped woolen garments, with swords over their shoulders, most, nay all of them, belonging to Muzar. The face of the messenger of Allah showed signs of anger because of the poverty-stricken state in which he saw them, he went in. then he came out and gave orders to Bilal who uttered the call to prayer and then also the Takbeer to begin the prayer. When the holy prophet had prayed, he delivered an address in which he said, “fear your Lord, O people, who created you from one soul.....Allah watches over you. ‘Fear Allah, and let a soul look to what it has sent forward for the morrow.’<sup>2</sup> let a man give sadaqah (charity) from his Dinars and Dirhams, his clothing, his Saa of wheat and Saa of dates, even if it is only half a date.” Jareer said: one of the Ansar brought a purse which was almost too big for the other till I saw two heaps of food and clothing, with the result that I saw the face of the messenger of Allah glowing as if it were golden. The messenger of Allah then said, “Whoever establishes a good tradition in Islam he will have a reward for it and the equivalent of the rewards of those who act upon it after him, without their being diminished in any respect: and whoever established a bad tradition in Islam will bear the responsibility of it and the responsibility of those who act upon it after him, without theirs being diminished in any respect.”<sup>3</sup> (Muslim) (Mishkat, ibid, 199/13)

Ibne Masud has reported that the messenger of Allah has said that, “No one is murdered unjustly without a portion of its blood being laid on Adam’s first son, because he was the first to introduce murder.” (Bukhari and Muslim) (Mishkat, ibid, 200/14)

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1. Quran, Nisa, 4:1 2. Quran, Hashr, 59:18.

3. This Hadees provides the sanction for Bid ‘at-e-Hasanah. Also see Ahadees No. 150/19 and 160/29 in chapter 4 of Book 1 “the Holy Quran,” in part III, in Volume 1.

**Understanding Quran:** Ziyaad bin Labeed has reported: the holy prophet mentioned a matter, saying, "That will be all the time when knowledge departs." I said, "O messenger of Allah, how can knowledge depart when we recite the Quran and teach it to our children and they will teach it to their children up till the day of resurrection?" he said, "many your mother be bereaved of you," O Ziyaad. I thought you were the most learned man in Medinah. Do not these Jews and Christians read the Torah and the Injeel without knowing anything about what is in it?" (Ahmad and Ibne Majah) (Mishkat, ibid, 258/28)

**Interpretation of Quran:** Ibne Abbas has reported that the messenger of Allah has said that, "Let him who interprets the Quran according to his opinion come to his abode in Hell." A version has, "Let him who interprets the Quran without knowledge come to his abode in Hell." (Tirmizi) (Mishkat, ibid, 217/30)

Jundub has reported that the messenger of Allah has said that, "Whoever interprets the Quran according to his own opinion, even if he is right, he has erred." (Tirmizi) (Mishkat, ibid, 218/31)

Abu Hurairah has reported that the messenger of Allah has said that, "Disputation about the Quran is infidelity." (Ahmad and Abu Dawud) (Mishkat, ibid, 219/32)

Amr bin Shuaib has reported on the authority of his father who was told by his grandfather that the holy prophet heard some people disputing about the Quran and said, "It was but for this reason that your predecessors perished: they set up parts of the Book of Allah against others, while the Book of Allah has been sent down, some parts of it confirming others, so do not use parts to falsify others. Speak about as much of it as you know, and that which you do not know entrust it to one who knows." (Ahmad and Ibne Majah) (Mishkat, ibid, 220/33)

Ibne Masud has reported that the messenger of Allah has said that, "The Quran was sent down in seven modes (of recitation). Every verse in it has its external as well as internal, and every interdiction has a source of reference." (Sharhe-as-sunnah, by Baghawi) (Mishkat, ibid, 221/34)

**The Mujaddid:** Abu Hurairah has reported: of which I know from the messenger of Allah is that he said that, "At the beginning of every century Allah will send one for this Ummah who will renew its religion for it." (Abu Dawud) (Mishkat, ibid, 229/472)

Ibrahim bin Abdur Rehman Uzri has reported that the messenger of Allah has said that, "In every coming century those who are of reliable authorities will preserve this knowledge, reject the changes made by extremists, the plagiarisms of those who make false claims for themselves, and the interpretations of the ignorant." (Baihaqi) (Mishkat, ibid, 230/43)

**To give instructions:** Auf bin Maalik Ashja'ee has reported that the messenger of Allah has said that, "None gives instructions but the ruler, or the ruled one, or the one who is presumptuous" (Abu Dawud) (Mishkat, ibid, 223/33)

**Reward after death:** Abu Hurairah has reported that the messenger of Allah has said that, "of the actions and good deeds for which a believer will continue to receive reward after his death are knowledge which he taught and spread, a good son whom he left behind, or a copy of the Quran of which he left as a legacy, or a mosque which he built, or a house which he built for the travelers, or a stream which he caused to flow, or a sadaqah (charity) which he gave from his property when he was alive and well, for which he will continue to receive reward after his death." (Ibne Majah). Baihaqi also noted it in Shu'abul-Iman. (Mishkat, ibid, 236/6)

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**2. 'ADL  
(JUSTICE)**

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## JUSTICE \*

### 1. Meaning

Justice as defined by Aristotle in his famous book “Republica” means either what is lawful, or what is fair and equal, he accordingly divides justice into distributive and remedial. The first consists in distribution of honour and wealth among the citizens according to the ratio of merit of the particular society in question; while in the second the law looks to the nature of injury, and attempts to restore the equality that existed before the wrong.

Thus justice is based on a twofold ideology in that every body should get what his right is, and that every wrong should be properly remedied. But right as well as remedy both have reference to law, and accordingly justice consists in determination of the rights and remedies as the law provides.

Law, as defined by Salmond in his book “Jurisprudence” means the body of principles recognized and applied by the State in the administration of justice. It is an ordinance of reason for the common good, made by one who has the care of the community, and promulgated. Thus in Monarchy every order issued by the ruler and in Democracy every legislation made by the Parliament as well as every Ordinance or order issued or rule made by the man in authority comes within the domain of law.

Justice no doubt is conformity with law. But law itself may be just or unjust or good or bad. In order to determine whether a law is valid or void, one has to refer back to the authority by or under which it is made, and the ultimate authority, accordingly to the thinkers on Jurisprudence, in this respect, is the Law of Nature. Thomas Aquinas emphasizes that man’s intellect and free will are the closet image of God in the material universe. The Eternal law governs the world through the will of God and

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1. \*Taken from my book “Islam – the Religion”. Pp. 342-346.

According to his wisdom. For the humanity, this Eternal law becomes the Natural Moral Law, the basic rule being: act in conformity with your moral nature. Thus the Positive Law should not be in conflict with the Natural Law; otherwise it will not bind the conscience of the subject. Thus law is reason and not the mere arbitrary whim of the ruler.

## 2. Islamic View

But then what is the Natural Law and what is the ultimate source of it? In its material sense the source of law is the will of the State manifested in Statutes and decisions of the courts of law. In other words, it means that the source of law is Sovereignty, but sovereignty over all entire universes, according to Quran, vests in Allah. Therefore the source of Natural law, which in fact is the Universal law, is Allah the Almighty, and accordingly a law, in order to be a good, valid and just law, must be in conformity with the command of Allah. It is for this reason that Quran says: whoever judges not by what Allah has revealed is a disbeliever (Maa'idah, 5:47), wrongdoer (Maa'idah, 5:45) and transgressor (Maa'idah, 5:47). The very purpose of sending the holy prophet Muhammad (peace be upon him) and the book (i.e., the Holy Quran), says Allah, is that men may conduct themselves with equity (Hadeed, 57:25). Allah says to the holy prophet Muhammad (peace be upon him): surely we have revealed to thee with truth so that thou mayest judge between the people by means of what Allah has taught thee (Nisa, 4:105) and, judge between the people by what Allah has revealed (Maa'idah, 5:48)

Thus justice, according to the Islamic conception, is determination of the rights and remedies according to the Commands of Allah, and not the law of man, unless of course, the latter is. Itself in conformity with the former, and derives its authority from the same.

Next to the command of Allah is the Tradition of the holy prophet Muhammad (peace be upon him). Quran says: whatever the messenger of gives you, accept it, and whatever the

Forbids you, abstain from it (Hashr, 59:7). According to Quran, the very test of faith is that the holy prophet Muhammad (peace be upon him) as their judge of what is dispute between them, and find not any straitens in their hearts regarding that which he decides and submit with full submission (Nisa, 4:65). This is obvious because the holy prophet Muhammad (peace be upon him) does not speak out of his own desire, but whatever he says is a revelation to him from Allah (Najm, 53:3-4).

**Fundamental Principles of Islamic View:**

Thus the first and foremost principle of justice, in the Islamic sense, is that justice should be in strict conformity with the commands of Allah and traditions of His Prophet, which are and must always be regarded as the final authority in all cases including any difference of opinion with regard to the validity of any particular law itself (Nisa, 4:59).

The second fundamental principle of justice in Islam is that there should be no discrimination between a Muslim and a non-Muslim in doing justice to them. Quran says, Allah commands you to make over the trusts to those worthy of them, and that when you judge between the people, judge with justice (Nisa, 4:58) and, judge between people by what Allah has taught thee, and be not one pleading the cause of the dishonest (Nisa, 4:105). The occasion of the revelation of this last verse of the holy Quran was admittedly a dispute between a Jew and a Muslim, Ta'mah Ibne-Ubairaq, who himself stole a coat of mail and caused the Jews of theft. The holy Prophet Muhammad (peace be upon him) notwithstanding open conflict with the Jews behalf of those, who act unfaithfully to their souls: surely Allah loves not him who is treacherous, sinful (Nisa, 4:107). Quran further says: judge between them by what Allah has revealed, and follows not their low desires, turning away from the truth that has come to thee (Maa'idah, 5:58).

There should also be no discrimination to friend and foe or rich and poor, Quran says: O you who believe, be maintainers of justice, become witness for Allah, even though it be against your own selves or your parents or near relatives, whether he be rich or poor: Allah has a better right over them both: so follow not your low desires, lest you should deviate: and if you distort or turn away from truth, surely Allah is ever Aware of what you do (Nisa, 4:135): and, when you speak, be just, though it be against Muhammad (peace be upon him) to say: my Lord enjoins justice (A'araaf, 7:29).

There is also no discrimination between the ruler and the ruled in the Islamic State in its sense. In an Islamic system of judiciary the head of the State or any official of the government, of whatever rank he may be, has no privilege of any sort whatsoever. He can sue as well as be sued, and he cannot claim any immunity from court appearance: and when he appears before the court of law, he stands side by side to his opponent. There are innumerable instances that can be quoted from the period of early Caliphs as well as from the history of Muslim appeared before them and answered the claims made against them by other persons of the State.

The third fundamental principle is that justice is to be done on evidence. If there is no evidence brought before the court in the prescribed manner, no decision can be given on any matter evidence comes before the court, it has no option but to give judgment on it according to law.

## QURAN

Say (O Prophet): my Lord enjoins justice (A'araaf, 7:29). Allah says: certainly we sent Our Messenger with clear Arguments, and sent down with them the book and the measure, that men may conduct themselves with Equity (Hadeed, 57:25) ; and ; Surely, we have revealed the Book (i.e., Quran) to you (O Prophet) with truth, so that you may judge between the people by means of what Allah has taught you: and: be not one pleading them by what Allah has revealed, and follow not their law desires (turning away) from the truth that has come to you (Maa'idah, 5:48): and if you distort or turn away from truth. Surely Allah is ever aware of what you do (Nisa, 4:135). Whoever judges not by what Allah has revealed, those are the disbelievers, wrong-doers, and transgressors (Maa'idah, 5:44, 45 and 47)

**Quran says:** Contend not on behalf of those who act unfaithfully to their souls. Surely Allah loves not him who is treacherous, sinful (Nisa, 4:107).

Witnesses must not refuse when they are summoned (Baqarah, 2:282): and: No harm should be done to the witnesses (Baqarah: 2:282).

O you who believe, be maintainers of justice, bearers of witness for Allah, even though it be against your own selves or (your) parents or near relatives – whether he be rich or poor (Nisa, 4:135); and when you speak, be just though it be (against) a relative (An'aam, 6:153).

Surely Allah commands you to make over the trusts to those worthy of them, and when you judge between the people, judge with justice (Nisa, 4:58).

Swallow not up your property among yourselves by false means, nor seek to gain access thereby to the judges, so that you may swallow up a part of the property of men wrongfully while you know (Baqarah, 2:188 and Nisa, 4:29).

## HADEES

## TRIAL AND EVIDENCE

**Proof is on the Plaintiff and Oath on the Defendant:** Ibne Abbas has reported that the holy prophet has said that, "If the people were given merely according to their demands, people would have claimed the bloods (i.e. lives) and properties of others: but the oath is on the defendant." (Muslim) (Mishkat, kitab-ul-Amaarat Wal Qazaa, Baab-ul-Aqziyate Wash Shahaadaat, No. 3583/1)

Amr bin Shuaib has reported from his father who said that his grandfather informed that the holy prophet has said, "Proof is upon the plaintiff and oath is upon the defendant." (Tirmizi) (Mishkat, ibid, 3594/12)

**Swearing false oath:** Ibne Masud has reported that the messenger of Allah has said that, "Whoever swears a firm oath, acting wrongfully thereby, and appropriates by it the property which belongs to a Muslim. Allah will be angry when he meets him on the day of resurrection." And Allah has sent down the verification of it, viz., "Those who sell for a small price the Covenant of Allah and their own oaths..."<sup>1</sup> (Bukhari and Muslim) (Mishkat, ibid, 3584/2)

Abu Umamah has reported that the messenger of Allah has said that, "Whoever appropriates by his oath the right of a Muslim, Allah makes the Hell necessary for him and deprives him of Paradise." A man asked: O messenger of Allah, even if it is a small thing? He said, "even if it is a stick of an Araak tree." (Muslim) (Mishkat, ibid, 3585/3)

Aaisha bin Qais has reported that a man of Kindah and a man of Hazramaut brought a dispute before the messenger of Allah about a land in Yemen. The Hazrami said, "O messenger of Allah, the father of this man took land forcibly from me, and it

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1. Quran, Aale Imran, 3:77.

Is in his hands.” He asked him: have you got any proof? He said, “No, but I shall require him to swear by Allah that he does not know that it is my land which his father had taken forcibly from me.” The kindi was prepared to take oath. The messenger of Allah said, “Anybody who takes away property by an oath will meet Allah with his hands cut off.” Then kindi said, it is his land.” (Abu Dawud) (Mishkat, ibid, 3601/19)

Abdullah bin Unais has reported that the messenger of Allah has said that, “Among the greatest of major sins are attributing partners to Allah, disobedience to parents, and taking false oath. If anybody swears an oath under compulsion, and introduces into it as much falsehood as a gnat’s wing, a spot will be put in his heart till the day of Resurrection.” (Tirmizi) (Mishkat, ibid, 3602/20)

Jabir has reported that the messenger of Allah has said that, “None swears a false oath near this pulpit of mine, even though it be about a green tooth-stick, but he prepares his place in the hell,” or, “Hell becomes sure for him.” (Maalik, Abu Dawud, and Ibne Majah) (Mishkat, ibid, 3603/21)

Khuraim bin Faatik has reported that (one day) the messenger of Allah finished the Morning Prayer, stood up and said three times, “False evidence has been made equivalent to attributing a partner to Allah.”<sup>1</sup> he then recited, “So avoid the abomination of idols and avoid speaking falsehood, being upright for Allah, nor associating anything with him.”<sup>2</sup> (Abu Dawud and Ibne Majah).  
(Mishkat, ibid, 3604/22)

Amr bin Shuaib has reported from his father who told that his grandfather informed that the holy prophet has said that, “The testimony of a treacherous man or woman. Or of a fornicator or fornicatress, or of one who harbors rancor against his brother, is not allowable and he rejected the testimony of one who is dependent on a family. (Mishkat, ibid, Abu Dawud) 3606/24)

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1.      Attributing partners to Allah is to deny the right of Allah, and giving false evidence is to deny the right of the servant of Allah, and therefore in essence both stand on the same level.

2.      (Quran, Hajj, 22:30-31).

**Direction for the Plaintiff:** Umme Salamah has reported that the messenger of Allah has said that, “I am only a human being and you bring your disputes before me. Some of you may perhaps be more eloquent in their arguments than others, so that I may give judgment in their favour according to what I hear from them. Therefore whatever I decide for anybody who actually belongs to his brother he should not take it, because (in that case) I shall be granting him only a portion of Hell.”(Bukhari and Muslim) (Mishkat, ibid, 3586/4)

**Most quarrelsome:** Aaisha has reported that the messenger of Allah has said that, “The most hateful of men to Allah is the one who is the most quarrelsome.” (Bukhari and Muslim) (Mishkat, ibid, 3587/5)

**One oath and one witness:** Ibne Abbas has reported that the messenger of Allah gave a decision on the basis of one oath and one witness. (Muslim) (Mishkat, ibid, 3588/6)

**Oath of Defendant:** Ibne Abbas has reported that the holy prophet said that to a man whom he had asked to take an oath, “Swear by Allah except home there is no God that you have nothing belonging to the claimant” (Abu Dawud) (3599/17)

**Aaisha bin Qais reported:** I and a Jew shared a land and he denied my right. So I took him to the holy prophet. He asked me: have you any proof? I said: No. he asked the Jew to swear an oath, I said, “O messenger of Allah, he will swear an oath and go with my property.” Then Allah the most high revealed, “Those who sell for a small price the Covenant of Allah and their own oaths.....”<sup>1</sup> (Abu Dawud and Ibne Majah) (Mishkat, ibid, 3600/18)

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1. Quran Aale, Imran, 3:77.

**False Claimants:** Abu Zar has reported that he heard the messenger of Allah say, “Whoever claims what is not his, he is not of us, and let him make his abode in Hell.” (Muslim) (Mishkat, ibid, 3590/8)

**Best Witness:** Zaid bin Khalid has reported that the messenger of Allah has said that, “Should I not inform you of the best of witnesses? He is the one who gives his evidence before he is asked for it.” (Muslim) (Mishkat, ibid, 3591/9)

**Best Generation:** Ibne Masud has reported that the messenger of Allah has said that, “The best of people are my generation. <sup>1</sup> then those <sup>2</sup> who will come after me, then those <sup>3</sup> who will come after them. After that there will be the people of whom the testimony of one will precede his oath and his oath (will precede) his testimony.” (Bukhari and Muslim) (Mishkat, ibid, 3592/10)

**Casting lots for testimony:** Abu Hurairah has reported that the holy prophet suggested oath to a people. They hastened (to do so). He ordered that lots should be cast among them about the oath (to decide) which to them should take it. (Bukhari) (Mishkat, ibid, 3593/11)

**Two Claimants:** Umme Salamah has reported that the holy prophet has said that, two men brought a dispute before him about inheritances, but had no proof beyond their claims. He said, “if I give a decision in favour of one respecting what rightly belongs to his brother, I will be giving him only a portion of he Hell.” Both the men said, “O messenger of Allah, the right of mine may go to my brother.” He said, “No. rather go and divide among yourselves aiming at what is right, then draw lots, and let each of you make it lawful for his companion what actually belongs to him.” In another version he said, “I decide between you by my opinion in matters about which no revelation has come to me.” (Abu Dawud) (Mishkat, ibid, 3595/13)

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1.            The Companions.    2. The Taaba'een    3.            The Taba' Taab'een

Abu Musa al-Ashari has reported that two men claimed a camel in the time of the messenger of Allah, and both of them sent two witnesses. The holy prophet divided it. Between them by half and half. (Abu Dawud) (Mishkat, ibid, 3597/15)

Abu Hurairah has reported that two men disputed about an animal but could not produce any evidence. The holy prophet said, "Cast lots about the oath." (Abu Dawud and Ibne Majah) (Mishkat, ibid, 3598/16)

**The man in Possession:** Jabir bin Abdullah has reported that two men claimed an animal and both of them produced evidence that it was his animal, being the offspring of his animal, the messenger of Allah gave decision that it should go to the one who had it in his possession. (Sharhe as-Sunnah, by Baghawi) (Mishkat, ibid, 3596/14)

**Oath of Villager against Townsman:** Abu Hurairah has reported that the messenger of Allah has said that, "The Testimony of a nomadic Arab against a townsman is not allowable." (Abu Dawud and Ibne Majah) (Mishkat, ibid, 3607/25)

**Keep to Intelligence:** Auf bin Maalik has reported that the holy prophet gave a decision between two men. When the one against whom the decision was given turned away, he said, "Allah is sufficient for us and he is an excellent Guardian."<sup>1</sup> thereupon the holy prophet said, "Allah the most high rebukes for falling short, but keep to intelligence, and when a matter gets the better of you, say: Allah is sufficient for us and he is an Excellent Guardian." (Abu Dawud) (Mishkat, ibid, 3608/26)

**Imprisonment:** Bahz bin Hakeem has reported from his father who said that his grandfather informed that the holy prophet imprisoned a man for slander. (Abu Dawud and Tirmizi) (Mishkat, ibid, 369/27)

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1. Quran, Aale Imran, 3:173.

Presence of both parties: Abdullah bin Zubair reported that the messenger of Allah gave the order that both the disputants should be made to sit in front of the judge. (Ahmad and Abu Dawud) (Mishkat, i9bid, 3610/28)

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### **3. LAW AND ORDER**

- (a) Qisaas**
- (b) Hudood**
- (c) Miscellaneous Topics relating to Qisaas  
and  
Hudood**
- (d) Ta'zeer**

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## LAW AND ORDER \*

### 1. General:

Maintenance of peace, Law and order is one of the fundamental duties of government. Peace means and includes freedom from internal chaos as well as safety from the outside enemy. Thus peace within and peace without is and ought to be the primary concern of every government. In order to maintain peace within the country, safeguard of the rights of all individuals is absolutely necessary. This consists in guaranteeing the political, civil as well as economic liberties of all individuals. The first consists in allowing equal rights of vote, the second in freedom and equality in the eye of law, and the third in equal opportunities to acquire and own property, which also includes the earning of livelihood according to one's own capability.

As regards peace outside the country, it consists in respect for international agreements, contracts, treaties as well as defensive and offensive wars under the circumstances that may warrant.

Under the present topics we will deal in brief with the Quranic principles and Ahadees as regards maintenance of peace, law and order inside the country.

### 2. Peace inside the Country:

As stated above, safeguard of the life and property of all individuals is absolutely necessary for maintaining order inside the country, regarding the safeguard of individuals, property, Quran says that property must go to one to whom it belongs (Nisa, 4:58) and that no body should swallow property of the other by illegal means (Baqarah, 2:188 = Nisa, 4:29). Quran says: for everybody is what he earns (Nisa, 4:32), and eat of the lawful things what Allah has given to you (Maa'idah, 5:88 = Aale Imran, 3:51), and do not look at what Allah has given to others

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\* Part of the article under this heading has been taken from my Book "Islam – the Religion, pp. 360-366.

(Hijr, 15:38). Quran condemns breach of trust (Aale Imran, 3:160). It provides sever and exemplary and exemplary punishment of cutting off the hands of the thief (Maa'idah, 5:38)

As regards the person of the individual, Quran condemns killing of anybody (Maa'idah, 5:352). It says: kill not the soul which Allah has made sacred except in course of justice (An'aam, 6:152). And provides stain or blood-wit if the heirs of the deceased are ready to accept it, as punishment for murder (Baqarah, 2:178). Quran says: whoever kills a believer willfully, his punishment is hell, to abide therein, and Allah's wrath is with him and he has cursed him and prepared for him a grievous chastisement (Nisa, 4:93).

Quran declares fornication or adultery as an obscenity and an evil (Bani Israil, 17:32), and provides the severest and most exemplary punishment of flogging with one hundred stripes for the adulterer as well the adulteresses (Noor, 24:12). Quran also condemns sodomy and declares it as an act exceeding the bounds (A'araaf, 7:80-81). It also prohibits intoxication and gambling (Baqarah, 2:219 = Maa'idah, 5:90).

In fact Islam is the only religion which for and guarantees the safeguard of the person, property and freedom of the individual. In this respect the last sermon of the holy prophet Muhammad (peace be upon him) to his worthy followers is a landmark in the history of "Human Rights", and is in fact the only "Charter of Human Rights" in its true sense which any human being could ever lay down in the entire history of mankind. The holy prophet Muhammad (peace be upon him) said:

"O people, listen carefully to my words for I may not be among you next year, nor ever address you again from this pulpit. O people, just as you regard this month as sacred, so regard the life and property of every Muslim as a Sacred Trust. Return the goods entrusted to you to their original owners. Hurt no one so that no one may hurt you.

Usury is forbidden. Satan has despaired of leading you astray in big things, so beware obeying him in small things. O people, women have rights over you just as you have rights over them. Be good to them.

You may soon have to appear before God and answer for your deeds. So, beware: do not go astray after I am gone. O people, no prophet or apostle will come after me and no new faith will be born.

Listen to me to earnest. Worship your God, say your prayer, fast during the month of Ramazan, and give of your wealth in charity, All Muslims, free or enslaved have the same rights and the same responsibilities. None is higher than the other unless he is higher in virtue.

Feed your slaves as you feed yourselves, clothe them as you cloth yourselves. Do not oppress them or usurp their rights.”

Then the first Caliph Abu Bakr, in his first address to the Nation, said:

“The weak among you shall be strong with me till (Allah Willing) their rights have been vindicated, and the strong among you shall be weak with me till, in the Lords Wills, I have taken what is due from them.”

When the second Caliph Umar took over the charge of the State, he, in his first address to the Nation, declared:

“For those who live peacefully and in good faith, I am all tenderness, but for the oppressors and wrongdoers I shall force them to put one cheek in the dust and press the other check with my foot till they submit to what are right, O people you have some rights on me which you can always claim. One of the rights is that anyone of you

Comes to me with a claim, he should demand to go back with his claim satisfied. Another of your rights is that you can demand that I take nothing unjustly from the revenues of the State or the spoils of the Wars”.

The third Caliph Usman in reply to the charges leveled against him by his opponents, said:

“I have appropriated no property of the Muslims nor have I permitted anyone else to do so. Whatever revenues were collected was spent on public welfare. I receive only 1/5<sup>th</sup> of war booty and even from this share I have taken nothing at all. This money too has been spent by the people according to their own discretion. I take nothing from the Government Treasury even for my personal expenses. I declared as State property only those pastures which I have been considered to before me. I have reserved them for the welfare of all Muslims so that no dispute arises.”

**Lastly, the fourth Caliph Ali said:**

“In whatever I command you if there are obedience to Allah, it is your duty to obey me, whether you like it or dislike it and whenever I command that which involves disobedience to Allah, and then there is no obedience to any one, me or any other. The obedience is only in what is right.”

**Quran says:** that believe decide that affairs by counsel among themselves (Shura, 42:38), and that Allah asked the holy prophet Muhammad (peace be upon him) to consult in importance matters (Aale Imran, 3:159), and to discuss with the non-believers in the best possible manner (Ankaboot, 29:46), and that there is no compulsion in Religion (Baqarah, 2:256). All this in fact is to guarantee the right of vote, freedom of speech as well as freedom of religion for all individuals of the State. Quran frequently speaks of the objections of the non-believers to Islam and also tells the

Holy prophet Muhammad (peace be upon him) what to say in reply to the objections, and the reply that is given is absolutely based on reasoning and rational understanding. At no place it is said that the non-believers should be suppressed by force or not allowed to speak. Similarly, by adopting the method of logical discussions and pleading for the propagation of Islam, Quran granted religious freedom to all and laid emphasis on rational understanding and acceptance of Islam out of one's own free will and consent. It also forbade decri against the other religions (An'aam, 6:P109). This was the reason that people could and did raise any objection, put any question, and personally come to the holy prophet Muhammad (peace be upon him) for reply and satisfaction of their mind and soul. Even the Caliphs maintained this system throughout and tolerated all attacks of their opponents and tried to thwart the same by descent replies. People could dare to ask the Caliph personally as to from where he got an extra piece of cloth for his shirt when he was expected to have only one for it, and the Caliph had to give the answer there and then in the open public.

Quran stands for equality to all citizens before law as well as equality of status and opportunity (Nisa, 4:1, Qasas, 28:4). It vouchsafes for everybody the right of life (Bani Israil, 17:33), property (Baqarah, 2:188), privacy (Noor, 24:27: Hujurat, 49:12), reputation (Hujurat, 49:11: Ehzaab, 33:58), and decision according to law (Nisa, 4:58).

Quran also grants freedom of religion (Baqarah, 2:256: Yunus, 10:99: Anaam, 6:108: Ankaboot, 29:46): freedom of movement (Mulk, 67:15), and freedom of association (Aale Imran, 3:104) to every citizen of the State. It also gives the right to everybody to acquire property through lawful means (Nisa, 51:19).

There is no such thing as "Preventive Detention" in Islam. Imam Khatibi in his "Mo'al-le-mul Sunnan" says that recognizes detention (a) under order of the court, and (b) for purpose of investigation only. There is no other justification for detaining anybody in custody. Thus no one can be imprisoned on false or unproved charges. Caliph Umar says, "in Islam no one can be imprisoned without due course of justice" (Muwatta of Imam Malik). According to a Tradition reported by Abu Dawud, the holy prophet Muhammad (peace be upon him) himself released persons taken into custody for no lawful justification.

Islam also grants right of hearing to everybody before decision in any case. According to a Tradition, the holy prophet Muhammad (peace be upon him) sent Ali to Yemen and gave him the following direction: you are not to take decision unless you have heard the second party in the same way as you has heard the first one.

One of the fundamental modes of safeguarding the rights and liberties of the individuals of the State is justice, Quran says great emphasis on doing justice to all irrespective of colour, caste, religion or place of residence as well as friendship dealt with this subject in a bit detail under the Chapter on Justice.

If, however people do not submit to what is right, become oppressors and transgressors and disturb the peace and tranquility of the public at large and cause harm to the person or property, or rights, liberties and privileges of other individuals of the State, then there should be use of power in order to make them submit to law. Quran says: the only punishment of those who wage war against Allah and his Messenger or strive to make mischief in the land, is that they should be murdered or crucified, or their hands and their feet should be cut off on opposite sides, or they should be imprisoned. This shall be a disgrace for them in this world and in the Hereafter they shall have grievous punishment (Maa'idah, 5:33).

In the following we will deal with the punishment prescribed by Quran and Sunnah in the form of Qisaas, Hudood and Ta'zeer, for the offences of murder, adultery, false charge of adultery, theft, drinking of wine, etc., which are extremely necessary for the maintenance of law and order inside the country.

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**(a) QISAAS**  
**(RETALIATION)**

**Chapter – 1 – Murder and Suicide**

**Chapter – 2 – Blood –wit**

### QATL (MURDER)

“Qatl” is of five kinds, viz, (1) – Qatl-e-Amad i.e. international mater caused by anything by which a man can ordinarily be killed: (2) Qatl Shubhe Amad, i.e. murder resulting on account of injury caused intentionality by anything by which a man cannot ordinarily be killed, (3) Qatl-e-Khata, i.e. murder by mistake, which is either (i) with the intention of killing one but resulting in the killing of another, or (ii) shooting at some particular target but the shot itself going astray and injuring or killing somebody else: (4) Qatl-e-Jaari Mujri, i.e. a man digs a well or places a stone in the land of anybody else without his permission and somebody falls in the well or strikes with the stone and dies.

The Punishment for No. (1) Killing of the accused unless legal heirs of the killed one excuse the killer and or accept the blood-wit: for No. (2) Is Diyat-e-Mughallazah which is payable by the Aaqilah (people of the tribe) of the killer. But in case no death results, then only injury for the injury will be the punishment: for Nos. (3), (4) and (5) is Diyat payable by the Aaqilah.

It may be noted that in the first four kinds of Qatl, the murderer is disentitled to inherit from the property left by the killed one, while in the fifth one he is not so disentitled.

It may also be noted that payment of Diyat, the killer is not to be killed by way of revenge: and if somebody kills him as such, he himself will be liable to be killed by way of punishment. (Mazaahir-e-Haq).

### QISAAS (RETALIATION)

“Qisaas” means “to take life of the murderer” or, in other words, to kill the one who has killed anybody by way of revenge.

This word is actually from “Qasas” or “Qassas” meaning to follow or to chase. Since the heir of a murdered chases the murderer to get him killed by way of revenge therefore to take the life of murdered is known as “Qisaas” another meaning of “Qisaas” is “equality.” Since the murdered is killed by way of revenge, he and the murdered one stand to one another, and therefore creation of this equality by killing of the murdered is known as “Qisaas” (Mazaahir-e-Haq)

### DIYAT (BLOOD-WIT)

“Diyat” means monetary compensation, and is used for the money which is paid by way of compensation for the loss of life, or injury to any part or organ of the human body. It is of two kinds, viz, “Mughallazah” and “Mukhaffafah.”

The “Mughallazah” consists of 100 she-camels having 25 she-camels in the second year of age (known as “Binte Laboon”), 25 she-camels in the fourth year of age (known as “Hiqqah”), and 25 she-camels in the fifth year of age (known as “Jiz’ah”). This is according to Abu Hanifah and Abu Yusuf. According to Shaafe’ee and Imam Muhammad, “Mughallazah” consists of 100 she-camels having 30 she-camels in the fourth year of age, known as “Hiqqah” 30 she-camels in the fifth year of age known as “Jizah”, and forty she-camels in the sixth year of age known as “Musannah” – all should be pregnant. “Mughallazah” is for intention murder.

The “Mukhaffafah” in gold is one thousand Dinars and in silver ten thousand Dirhams: and if in the form of camels, then 20 of “Ibne Makhaad” type, 20 “Binte Makhaad” type, 20 Binte Laboon” type, 20 “Hiqqah” type, and 20 “Jiz’ah” type. “Mukhaffafah” is for other types of murder. (Mazaahir-e-Haq).

## QURAN

O you who believe, retaliation are prescribed for you in the matter of the slain: the free for the free and the slave for the slave, and the female for the female. But if remission is made to one by his (aggrieved) brother, prosecution (for blood-wit) should be according to usage and payment to him in a good manner. This is all alleviation from your Lord and a mercy. Whoever exceeds the limit after this will have a painful punishment (Baqarah, 2:178)

And there is life for you in retaliation. O men of understanding, that you may guard yourselves (Ibid, 2:179)

And we had prescribed to them (i.e. the Bani Israil in it (i.e. the Torah) that life is for life, and eye for eye, and nose for nose, and ear for ear, and tooth for tooth, and for wounds retaliation. But whoever forgoes it, it shall be an expiation for him. And whoever judges not by what Allah has revealed, those are the wrongdoers (Maa'idah, 5:45)

And kill not the soul which Allah has except for a just cause. And whoever is slain unjustly. We indeed have given to his heirs authority – but let him not exceed the limit in slaying surely he will be helped (Bani Israil, 17:33)

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## HADEES

### CHAPTER 1

#### MURDER AND SUICIDE

**Killing of a Muslim:** Abdullah bin Masud has reported that the messenger of Allah has said that, "The blood of a Muslim who testifies that there is no God but Allah and that I am the messenger of Allah is not lawful except for one of the three reasons: a life for a life: and old man who commits unlawful sexual intercourse: and one who turns away from his religion and leaves the Jama'at."(Bukhari and Muslim) (Mishtaq, Kitab-ul-Qisaas, No. 3298/1)

Abdullah bin Amr has reported that the holy prophet has said that, "The passing away of the world is lesser to Allah than the murderer of a Muslim man." Tirmizi and Nasa'ee) (Mishkat, ibid, 3312/15)

Abu saeed and Abu Hurairah has reported that the messenger of Allah has said that, "Even if the inhabitants of heaven and earth share in (shedding) the blood of a believer, Allah will overturn them in the Hell." (Tirmizi) (Mishkat, ibid, 3313/16)

Helping the killing of a Muslim: Abu Hurairah has reported that the messenger of Allah has said that, "Whoever helps in the killing of a believer to the extent of (even uttering) half a word, he will meet Allah with "Despairing the Mercy of Allah written in between his eyes." (Ibne Majah) (Mishkat, ibid, 3330/33)

Killing after acceptance of Islam: Miqdaad bin Aswad has reported that he said that, "O messenger of Allah, if I meet an infidel and we fight together and he strikes one of my hands with his sword and cuts it off, then flies for refuge from me to a tree and says: I have accepted Islam for Allah (or, in another version, when I intend to kill him, he says that there is no God but Allah), should I kill him after he said this? He said, "Do not kill him". He said, "O messenger of Allah, but he cut off one of my hands."

The messenger of Allah said, “Do not kill him, because, if you kill him, he will be in the position in which you were before you killed him, and you will be in the position in which he was before he uttered what he uttered.” (Bukhari and Muslim) (Mishkat, ibid, 3301/4)

**Usamah bin Zaid reported:** the messenger of Allah sent us to some people of Juhainah. I came to one of them and was about to attack him by spear but he said, “There is no God but Allah.” I then attacked him and killed him. I came to the holy prophet and informed him. He said, “Did you kill him when he had testified that there is no God but Allah?” I said, “O messenger of Allah, he did that only to escape death.” He said, “Why did you not split his heart?” (Bukhari and Muslim) (Mishkat, ibid, 3302/5)

**Unlawful Killing:** Ibne Umar has reported that the messenger of Allah has said that, “A believer continues to find ample scope in his religion<sup>1</sup>

As long as does not shed unlawful blood.” (Bukhari) (Mishkat, ibid, 3299/2)

Abu Darda’ has reported that the messenger of Allah has said that, “A believer will continue to hasten to good deeds so long as he does not shed blood unlawfully. When he sheds blood unlawfully, he grows weary.” (Abu Dawud) (Mishkat, ibid, 3316/19)

Abu Darda’ has reported that the messenger of Allah has said that, “Allah may forgive sin, except (of the one) who dies a polytheist, or one who purposely kills a believer.” (Abu Dawud). (Mishkat, ibid, 3317/20)

**First thing to be decided on Resurrection:** Abdullah bin Masud has reported that the messenger of Allah has said that, “The first of what will be decided among the people on the day of Resurrection will be the shedding of blood.” (Bukhari and Muslim) (Mishkat, ibid, 3300/3)

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1. i.e. remains under the Mercy of Allah (Mazaahir-e-Haq).

**Killing of a man who has made a covenant:** Abdullah bin Amr has reported that the messenger of Allah has said that, “Whoever kills a man who has made a covenant <sup>1</sup> he will not receive the odour of Paradise, though its odour can be felt from a distance of forty year’s journey.” (Bukhari) (Mishkat, ibid, 3303/6)

**Suicide:** Abu Hurairah has reported that the messenger of Allah has said that, “Whoever throws down himself from a mountain and kills himself will be throwing down himself in the fire of Hell and will remain in it for ever: whoever sips poison and kills himself will have his poison in his hand and will continue sipping it for ever in the fire of Hell; and whoever kills himself with a piece of iron will have his piece of iron in his hand and will continue stabbing with it in his belly in the fire of Hell for ever.” (Bukhari and Muslim) (Mishkat, ibid, 3304/7)

Abu Hurairah has reported that the messenger of Allah has said that, “Whoever strangles himself will strangle (himself) in the Hell, and whoever thrusts a spear into himself will thrust it (into himself) in the Hell.” (Bukhari) (Mishkat, ibid, 3305/8)

Jundub bin Abdullah has reported that the messenger of Allah has said that, “Among those who were before you there was a man who received a wound. It became un-bearable. He took a knife and cut off his hand with it, but the blood did not cease to flow it he died. Allah the most high said, “My servant has hastened himself to me, so I have made Paradise unlawful for him.” (Bukhari and Muslim) (Mishkat, ibid, 3306/9)

**An incident of Suicide:** Jabir has reported that when the holy prophet migrated to Medinah, Tufail bin Amr ad-Dausi also migrated and along with him a man of his people also migrated. The man was so impatient to bear it that he took some arrow heads and cut off the joints of his fingers with them, and his hands flowed with blood till he died. Then Tufail bin Amr saw him in a dream in a good condition but saw him covering his hands.

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1. i.e. a member of protected communities as well as a non-Muslim with whom a treaty of peace has been made.

So he said to him, “What has your Lord done to you?” he said, “He has forgiven me because of my emigration to his prophet.” He said, “How is it that I see that you have covered your hands?” he said: it has been said to me, “We will not put right what you have spoiled.” Tufail narrated this (dream) to the holy prophet and he said, “O Allah, forgive his hands (also).” (Muslim) (Mishkat, ibid, 3307/10)

**Option of the hers of the killed one:** Abu Shuraih al-Ka’bi has reported that the messenger of Allah said that, “O Khuza’ah, you have killed this man of Huzail, and, by Allah, I will pay his blood-wit. Whoever kills a man hereafter his heirs will have a choice to kill him if they like, or to accept blood-wit if they like.” (Tirmizi and Shafe’ee) (Mishkat, ibid, 3308/11)

**Retaliation:** Anas has reported that a Jew crushed a girl’s head between two stones and she was asked: who has done this to you, so and so, or so and so, until the Jew was named, and she gave a sign with her head. The Jew was brought and when he confessed it, the messenger of Allah gave the order that his head should be crushed with stones. (Bukhari and Muslim) (Mishkat, ibid, 3309/12)

**Blood-wit:** Anas has reported that Rubaiyi’, paternal aunt of Anas bin Maalik, broke the front tooth of a girl of the Ansaar. They came to the Holy prophet and he ordered retaliation to be taken. Then Anas bin nazr, paternal uncle of Anas bin Maalik, said, “No, by Allah, her front tooth will not be broken, O messenger of Allah.” He said, “O Anas, the Ordinance of Allah is retaliation.” The people then agreed to accept the fine, so the messenger of Allah said, “Among the Servants of Allah there are those who, if they adjure Allah, (Allah) certainly fulfils it. (Bukhari and Muslim) (Mishkat, ibid, 3310/13)

**The killed me:** Ibne Abbas has reported that the holy prophet has said that, “On the day of Resurrection the killed me will bring the killer with his forelock and his head in his hand, his own jugular veins dripping blood, and he will say, “My Lord, he killed me’, till he will bring him near the Throne.” (Tirmizi, Nasa’ee and Ibne Majah) (Mishkat, ibid, 3314/17)

**Hazrat Usman:** Abu Umamah bin Sahl bin Hunaif has reported that when ‘Usman bin Affan was besieged, he looked down and said: I adjure you by Allah, are you not aware that the messenger of Allah said, “It is not lawful to kill a man who is a Muslim except for one of three reasons: adultery after marriage, or unbelief after accepting Islam, or wrongfully killing anybody, for which he may be killed?” but Allah, I have not committed adultery before or after the Islam, nor apostatized since I swore allegiance to the messenger of Allah, nor killed anybody whom Allah has made inviolate. So no what account you want to kill me? (Tirmizi, Nasa’ee, Ibne Majah and Daarimi) (Mishkat, ibid, 3315/18)

**Retaliation from the father:** Ibne Abbas has reported that the messenger of Allah said that, “The Hudood (ordained punishment) should not be inflicted in the mosque,<sup>1</sup> and a father<sup>2</sup> is not to be killed for the son.” (Tirmizi and Daarimi) (Mishkat, ibid, 3318/21)

**Retaliation for killing the slave:** Hassan<sup>3</sup> has reported from Samurah that the messenger of Allah has said that, “Whoever kills his slave we will kill him, and whoever maims his slave we will maim him.” (Tirmizi, Abu Dawud, Ibne Majah and Daarimi) (Mishkat, ibid, 3321/24)

**Killer to be handed over to the heirs of the killed one:** Amr bin Shuaib has reported from his father who said that his grandfather informed that the messenger of Allah has said, “Whoever kills a man intentionally he is to be handed over to the relatives of the one who has been killed. If they like, they may kill him: and if they like, they may accept blood-wit, and that is thirty she-camels of your years and thirty she-camels of five years and forty pregnant she-camels, and any compromise they make with him is for them to decide.” (Tirmizi) (Mishkat, ibid, 3322/25)

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1. Obviously because mosques are basically for prayers (Mazaahir-e-Haq).
  2. The same applies to mother, grandmother and grandfather (paternal as well as maternal) (Ibid)
  3. i.e. Hassan Basri

**All Muslims are equal:** Ali has reported that the holy prophet has said that, “The lives of all Muslims are equal: <sup>1</sup> the lowliest of them can give protection, <sup>2</sup> the most distant (Muslim also) has got the right, <sup>3</sup> and they are one band against others. A Muslims should not be killed for an infidel, nor should one who has been given a covenant be killed while his covenant holds good.” (Abu Dawud and Nasa’ee) (Mishkat, ibid, 3323/26)

**Right of legal heirs of the killed one:** Abu Shuraih Khuza’ah has reported: I heard the messenger of Allah say, “If a relative of anybody is killed, or if he suffers Khabal, i.e. a wound, he may choose one of the three things, but if he wants anything more, you must stop him. He may get retaliation, or forgive, or receive the blood-wit. If he accepts one of these and thereafter asks something more, for him is the Hell for ever.” (Daarimi) (Mishkat, ibid, 3324/27)

**Accidental or deliberate murder:** Ta’woos has reported from Ibne Abbas that the messenger of Allah said that, “Whoever is killed through mistake when people are throwing stones, or by beating with whips, or striking with a stick, it is accidental and the compensation for accidental death is due, but whoever tries to prevent it the curse and wrath of Allah will be on him, and nothing optional or obligatory (prayer) will be accepted from him.” (Abu Dawud and Nasa’ee) (Mishkat, ibid, 3325/28)

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1. in respect of retaliation and blood-wit (Mazaahir-e-Haq).
  2. To any non-Muslim (Ibid)
  3. To give protection to a non-Muslim and it should be honoured by the Muslims (Ibid). it may also mean that if a detachment of the army in the battle field is deputed to any particular direction and it returns with booty, it is for that army as a whole and not for that detachment only (Ibid).

**Killing after taking blood wit:** Jabir has reported that the messenger of Allah has said that, "I will not forgive anybody who kills after accepting the blood-wit." (Abu Dawud) (Mishkat, ibid, 3326/29)

**Forgiveness: Abu Darda' reported:** I heard the messenger of Allah say, "There is none who suffers any physical injury and forgives it but Allah raises him in rank, and removes his sin from him." (Tirmizi and Ibne Majah) (Mishkat, ibid, 3327/30)

**The helper should be imprisoned:** Ibne Umar has reported that the holy prophet has said that, "If a man seizes a man and another kills him, the one who seizes him is to be imprisoned." (Daara Qutri) (Mishkat, ibid, 3331/34)

### TAKING THE OATH <sup>1</sup>

Raafe' bin Khadeej and Sahl bin Abu Hasmah has reported that Abdullah bin Sahl and Muhayyisah bin Masud came to Khaibar and when they separated (from each other) amidst the palm-trees, Abdullah bin Sahl was killed, "Abdur Rehman bin Sahl, and Huwayyisah and Muhayyisah, the sons of Masud, came to the holy prophet and spoke about what had happened to their companion. Abdur Rehman who was the youngest spoke first, but the holy prophet said, to him: Kabbir al-Kubr, which was explained by Yahya bin Saeed to mean "let the oldest take charge of speaking." Then he (i.e. the oldest of them) spoke and

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1. If the killer is not known, fifty persons of the locality should be asked to take an oath, each one saying that neither he has killed nor he knows the killer (Abu Hanifah). According to Shaafe'ee first the heirs of the deceased should take the oath that anybody of the locality in which the dead body is found has killed the deceased, and if they refuse to take the oath then the persons of the locality on which there is doubt should take the oath.

In such a case there is no retaliation, but Diyat is payable, even if it is 'Qtl-e-Amad. 'Maalik and Shaafe'ee, however, hold a different view

This type of oath was also extant in the days of ignorance and the holy prophet also maintained it (Mazaahir-e-Haq).

The holy prophet said, “Make your demand regarding your dead man (or he said, your companion) by the oath of fifty of you.” They said, “O messenger of Allah, it is a matter which we did not see.” He said, “The Jews will exonerate themselves by the oaths of fifty of them,” but they said, “O messenger of Allah, they are a people who are infidels.” So the messenger of Allah paid them the blood-wit himself. A version has, “You must swear fifty oaths and make your claim regarding your slain man (or, your companion).” Then the messenger of Allah himself paid his blood-wit consisting of a hundred she-camels. (Bukhari and Muslim) (Mishkat, kitab-ul-Qisaas, Baab-ul-Qasaamah, No. 3375/1)

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## CHAPTER 2

### BLOOD-WIT

**Blood wit:** Abu Bakr bin Muhammad bin Amr bin Hazm has reported from his father who said that his grandfather informed that the messenger of Allah wrote to the people of Yemen, and that there was in his letter (the following): "Whoever kills a believer unjustly will suffer retaliation for what his hand has done unless the relatives of the one who is killed agree (to do otherwise)." And it was also therein that a man may be killed in retaliation or a woman: that the blood-wit for a life is one hundred camels: that those who have gold should pay one thousand Dinars: that for the complete cutting off a nose the blood-wit of one hundred camels should be paid: that full blood-wit should be paid for the teeth, the lips, the testicles, the male organ, the backbone and the eyes: that for one foot half of the blood-wit should be paid, for a wound in the head one-third of the blood-wit, for thrust which penetrates the body one-third of the blood-wit, for a head wound which removes a bone fifteen camels, for each finger and toe ten camels, and for a tooth five camels. (Nasa'ee and Daarimi) (Mishkat, kitab-Qisaas, Baab-ul-Diyaat, No.3337/6)

Amr bin Shuaib has reported from his father who said that his grandfather had informed that the messenger of Allah had given decision that the five camels be paid for every wound which lays bare a bone, and five camels for every tooth. (Abu Dawud, Nasa'ee and Daarimi), (Mishkat, ibid, 3338/7)

**For an infidel:** Amr bin Shuaib has reported from his father who said that his grandfather had informed that the messenger of Allah had delivered a sermon in the year of the victory and said, "O people, there is no confederacy in Islam, and whatever existed in the days of Ignorance, Islam does not but make is stronger. The believers are one band against others; the lowliest of them gives protection as from all, the most distant of them sends back spoil

To them, their expeditions send it back to those who are at home. A believer shall not be killed for an infidel. The blood-wit for an infidel is half of that for a Muslim. There is to be no bringing in of animals to be assessed for Zakaat, neither are they to be removed to their pastures, but the Sadaqaat are to be received only in their dwellings.” And in a version he said, “The blood-wit for one with whom a covenant has been made is half of that for a freeman.” (Abu Dawud) (Mishkat, ibid, 3341/10)

**Right of legal heirs of the killed one:** Amr bin Shuaib has reported from his father who said that his grandfather informed that the messenger of Allah fixed the blood-wit for murder by mistake at the rate of four hundred Dinars or their equivalent in silver for townsmen, and he fixed it according to the price of camels, so when they were dear he increased the amount (to be paid) and when they were cheap he reduced the amount (to be paid). In the time of the messenger of Allah they reached between four hundred and eight hundred Dinars, their equivalent in silver being eight thousand Dirhams. He said that the messenger of Allah gave decision that those who possessed cattle should pay two hundred cows, and those who possessed goat’s two thousands goats. He said that blood-wit was to be treated as something to be inherited by the heirs of the one who was killed, and he gave decision that the blood-wit for a woman should be divided among her paternal relatives, but the killer should not inherit anything. (Abu Dawud and Nasa’ee) (Mishkat, ibid, 3345/14)

**Unintentional Murder:** Abdullah bin Amr has reported that the messenger of Allah has said that, “The blood-wit for unintentional (Murder) is similar to that which resembles intentional (murder), done with a whip or a stick, and is one hundred camels, forty of which should be pregnant.” (Nasa’ee Ibne Majah and Daarimi) (Mishkat, ibid, 3336/5)

**Murder resembling international murder:** Amr bin Shuaib has reported from his father who said that his grandfather informed that the holy prophet has said, “Blood-wit for what resembles intentional murder is to be made as severe as that for intentional murder, but the murderer should not be killed.” (Abu Dawud) (Mishkat, ibid, 3346/15)

**Killing by stone:** Abu Hurairah has reported from two woman of Huzail fought each other. One of them threw a stone at the other and killed her as well as that which was in her womb. The messenger of Allah gave decision that the blood-wit for her unborn child should be a male or female slave of the best quality, and he gave decision that Aaqilah of the woman responsible for the murderer should pay the blood-wit, and he made her sons and those who were with them her heirs. (Bukhari and Muslim) (Mishkat, ibid, 3334/3)

Mughirah bin Shubah has reported that two women were co-wives. One of them threw a stone or a ten-pole at the other and thus caused her abortion. The messenger of Allah gave decision that a male or female slave of the best quality be given as compensation for the abortion, and he ordered it to be paid by the paternal relatives of the woman. (Tirmizi) (Mishkat, ibid, 3335/4)

**Unborn Child:** Abu Hurairah has reported that the messenger of Allah gave decision about the child in the womb of a woman of Banu Lihyaan which fell down dead that a male or female slave of the best quality be given in compensation. Afterwards the woman against whom he had given this decision died, and the messenger of Allah gave decision that her son should be paid by her paternal relatives. (Bukhari and Muslim) (Mishkat, ibid, 3333/2)

Muhammad bin Amr has reported from Abu Salamah who said that Abu Hurairah told that the messenger of Allah gave decision that a male or female slave of the best quality, or a house, or a mule should be given for a miscarriage. <sup>1</sup> (Abu Dawud.) (Mishkat, ibid, 3348/17)

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1. Killing of the child in the womb.

Saeed bin al-Musayyib has reported that the messenger of Allah gave decision that a male or female slave of the best quality should be given for a child which is killed in its mother's womb. The one against whom this decision was given said, "How should I compensate for one who has neither eaten, nor drunk, nor spoken, nor raised his voice?" The Messenger of Allah said, "This man simply belongs to the Kaahins." (Maalik and Nasa'ee) (Mishkat, ibid, 3353/22)

Finger, Thumb, Toe, Tooth: Ibne Abbas has reported that the holy prophet has said that, "This and that are equal," meaning the little finger and the thumb.<sup>1</sup> (Bukhari) (Mishkat, ibid, 3332/1)

Ibne Abbas has reported that the messenger of Allah treated the fingers and toes (of hand and feet) as equal. (Abu Dawud and Tirmizi) (Mishkat, ibid, 3339/8)

Ibne Abbas has reported that the messenger of Allah has said that, "The fingers and toes are equal, the teeth are equal, the front tooth and the molar tooth are equal, this and this are equal." (Abu Dawud) (Mishkat, ibid, 3340/9)

**Wounded Eye:** Amr bin Shuaib said, on his father's authority, that his grandfather informed that the messenger of Allah gave decision that a third of the blood-wit should be given for loss of eyesight when the eye is not removed. (Abu Dawud and Nasa'ee) (Mishkat, ibid, 3347/16)

**Medical Practitioner:** Amr bin Shuaib has reported from his father who said that his grandfather informed that the messenger of Allah has said, "Whoever practices medicine when he is not known as a medical practitioner is to be held responsible (for the blood-wit)." (Abu Dawud) (Mishkat, ibid, 3349/18)

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1. The compensation for each finger or thumb was fixed as one-tenth of the blood-wit, i.e. 10 camels or 1000 Dirhams. Accordingly, for each part of the finger one-third of the one-tenth and for each part of the thumb one-half of the one-tenth will be the blood-wit. (Mazaahir-e-Haq).

**Poor People:** Imran bin Husain has reported that a slave of some poor people cut off the ear of a slave of some rich people. His people came to the holy prophet and said: we are poor. He did not impose any compensation on them. (Abu Dawud and Nasa'ee) (Mishkat, ibid, 3350/19)

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**(b) HUDOOD**  
**(PRESCRIBED PUNISHMENTS)**

## HUDOOD

“Hudood” is plural of “Hadd” meaning “Mamnoo” or prohibited. It is also used for a barrier between two things. According to the Islamic Shari’ah, it means the punishments prescribed by Quran and Sunnah for theft, fornication, adultery, false accusation of fornication or adultery, mischief and drinking of wine. These are known as “Hudood” because they are to prohibit people from the offences, and their fear serves as a barrier between men and offences.

According to the Islamic Shari’ah, punishments are of three kinds, viz, Hudood, Qisaas and Ta’zeer. Hudood are specifically provided by Quran and Sunnah and are known as “Haqqullah” i.e. right of Allah, and none has the authority to make any change in it. Qisaas is also provided by Allah and it is also “Haqqullah” but since in this respect the legal heirs of the deceased are given the right to forgive and or accept blood-wit for it, therefore the jurists call it “Hadd” as well as “Ta’zeer”. Ta’zeer is totally left at the discretion of the state and Qazi and therefore punishments for all others offences can be laid down by them according to the facts and circumstances and nature of the offences committed. (Mazaahir-e-Haq).

Hudood for theft, fornication, false charge of fornication and mischief have been laid down by the Quran and Hudood for adultery and drinking of wine have been provided by the Sunnah.

**QURAN**

**FORNICATION**

The fornicator and the fornicatress, flog each of them (with) a hundred stripes, and let not pity for them detain you from obedience to Allah, if you believe in Allah and the last day, and let a party of believers witness their punishment (Noor, 24:2)

**FALSE CHARGE OF ADULTERY**

And those who accuse free woman and bring not four witnesses, flog them (with) eighty stripes, and never accept their evidence, and these are the transgressors (Noor, Ibid, 4-5)

**THEFT**

And (as for) the man and the woman committing theft, cut off their hands as a punishment for what they have earned, an exemplary punishment from Allah. And Allah is mighty, wise (Maa'idah, 5:38)

**MISCHIEF**

The only punishment of those who wage war against Allah and his messenger, and strive to make mischief in the land, is that they should be killed or crucified, or their hands and their feet should be cut off on opposite sides, or they should be imprisoned. (Maa'idah, 5:33)

**CHAPTER 1****FORNICATION, ADULTERY, SODOMY AND SLANDER <sup>1</sup>**

**Punishment for fornication and adultery:** Abu Hurairah and Zaid bin Khalid has reported that two men brought a dispute before the messenger of Allah. One of them said, "Decide between us in accordance with the Book of Allah." The other one said, "Yes, O Messenger of Allah, and allow me to speak." He said to him: speak. He said, "My son was a hired servant with this man and he committed fornication with his wife. I was told that my son should be stoned to death. I ransomed him with a hundred goats and a slave girl of mine. But when I asked the learned men, they told me that my son should be flogged with hundred lashes and be banished for one year, and that stoning to death applies only to the wife of this man" The messenger of Allah said, "Indeed, by him in whose hand my soul is, I will decide between you in accordance with the Book of Allah. <sup>2</sup> your goats and your slave girl will be returned to you and your son will be flogged with one hundred lashes and be banished for one year. <sup>3</sup> and as for you, O Unais, go to the wife of this man, and if she confesses, <sup>4</sup> stone her to death." She confessed and he stoned her. (Bukhari and Muslim) (Mishkat, ibid, Kitab-ul-Hudood, No. 3398/1)

**Unmarried to be flogged:** Zaid bin Khalid has reported: I heard the messenger of Allah giving the command that an unmarried man <sup>5</sup> guilty of fornication should be flogged with one hundred lashes and be banished for one year. (Bukhari) (Mishkat, ibid, 3399/2)

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1. i.e. false accusation of fornication or adultery
  2. Meaning the Command of Allah. (Mazaahir-e-Haq).
  3. According to Shaafe'ee, banishment for one year was by way of "Hadd" but according to Abu Hanifah, it was by way of "Maslihat" (Mazaahir-e-Haq).
  4. According to Abu Hanifah, confession for "Hadd" should be four times. This is also confirmed by other Traditions. (Ibid)
  5. Major as well as sane. (Mazaahir-e-Haq).

**Married to be stoned:** Ubadah bin Saamit has reported that the holy prophet has said that, "Take from me, and take from me. Allah has appointed a way for them (i.e. men and women).<sup>1</sup> when unmarried man (commits fornication) with unmarried woman, (then) flogging with one hundred lashes and banishment for one year: and when married man (commits adultery) with married woman, (then) flogging with one hundred lashes and stoning to death." (Muslim) (Mishkat, ibid, 3401/4)

Abdullah bin Umar has reported that the Jews came to the messenger of Allah and said that a man and a woman from among them<sup>2</sup> committed adultery. The messenger of Allah asked them: what do you find in the Torah about stoning? They said: we disgrace them and they are flogged with lashes. Abdullah bin Salam said, "You tell a lie: it contains the command for stoning to death." They brought the Torah and spread it out, and one of them put his hand over the verse of stoning and started reading what preceded it and what followed it. Abdullah bin Salam said: lift your hand. When he did so, the verse of stoning was seen in it. They then said, "He has spoken the truth. O Muhammad, the verse of stoning is in it." The holy prophet then issued the order regarding them and they were stoned to death. In a version it says that he said: lift your hand. When he did so, the verse of stoning was clearly in it. The man then said, "It contains the verse of stoning, O Muhammad, but we have been concealing it from one another." He then gave the order regarding them and they were stoned to death. (Bukhari and Muslim) (Mishkat, ibid, 3402/5)

**Confession of adultery:** Abu Hurairah has reported that a man<sup>3</sup> came to the holy prophet when he was in the mosque and addressed him, "O Messenger of Allah, I have committed adultery." The holy prophet turned away from him. The man came round facing him and said, "I have committed adultery," but the holy prophet turned away. Then when he had testified four

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1. Guilty of fornication, or adultery
  2. Bath of them was married (Mazaahir-e-Haq).
  3. i.e. Maa'iz also referred to in Ahadees No. 3404/7, 3405/8, 3408/1, 3409/12, 3410/13, 3424/27, 3460/3.

Times, the holy prophet called him and said, “Are you mad? He said: No. he asked him: are you married? He said: yes. The messenger of Allah said, “Take him away and stone him to death.” Ibne Shihab said; I was informed by one who heard Jabir bin Abdullah say, “Then we stoned him in Medinah. But when the stone hurt him, he ran away, and we caught him up in the Harra and stoned him to death.” (Bukhari and Muslim) (Mishkat, ibid, 3403/6)

Ibne Abbas has reported that when Maa'iz bin Maalik came to the holy prophet (and said, I have committed adultery), he <sup>1</sup> said, “Perhaps you kissed, or touched, or looked.” He said, “No, O messenger of Allah.” He then said, “Did you have sexual intercourse with her?” asking the question in plain words. He said; yes. Then he gave orders that he should be stoned to death. (Bukhari) (Mishkat, ibid, 3404/7)

**Imposition of Hadd finishes the sin:** Buraidah has reported that Maa'az bin Maalik came to the holy prophet and said, “Purify me, O messenger of Allah.” he said, woe to you! Go back, ask the forgiveness of Allah and turn to Him in repentance.” He said that he went back not very far, then came again and said, “Purify me, O messenger of Allah,” and the holy prophet said the same as he had said before. When this went on till a fourth time, the messenger of Allah asked, “From what am I to purify you?” he said: from adultery. The messenger of Allah then asked: is there madness in him? He was told that he was not. He asked: has he drunk wine? A man got up and smelt his breath but felt no smell on wine. He <sup>2</sup> asked him: have you committed adultery. He said: yes. He then gave orders regarding him and he was stoned to death. Two or three days later the messenger of Allah came and said, “Ask forgiveness for Maa'iz bin Maalik. He has reprinted to such an extent that if it were divided among and Ummah, it would be enough for them all.” Then a woman of Ghaamid, a branch of Azd, came to him and said, “Purify me, O messenger of Allah.”

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1. i.e. the Holy Prophet.  
2. i.e. the holy prophet.

Turn in Him in repentance.” She said, “Do you want to send me back as you did to Maa’iz bin Maalik?” she was pregnant as a result of adultery. He asked: are you (pregnant)? She said, yes. He said to her: wait till you deliver what is in your womb. One of the Ansaar become responsible for her till she gave birth to a child, and then went to the Holy Prophet and told him: the woman of Ghaamid has given birth to a child. He said, “In that case we shall not stone her and (so) leave her child as an infant with no one to suckle him.” One of the Ansaar then got up said, “I shall be responsible of his suckling, O prophet of Allah.” He then got her stoned to death. A version says that he told her to go away till she gave birth to a child. Then when she delivered (the child), he told her to go away and suckle him till she had weaned him. When she had weaned him, she brought the boy to him with a piece of bread in his hand said, “I have weaned this one, O prophet of Allah, and he eats food.” He then handed over the boy to one of the Muslims, and issued the command regarding her and when she was put in a hole up to her breast, he ordered the people to stone her. Khalid bin Waleed came with a stone and he threw it at her head, and when the blood spurted on his face he cursed her. The holy prophet said, “Gently, O Khalid. By Him in Whose Hand my soul is, she has repented to such an extent that if one who wrongfully takes maks<sup>1</sup> (extra tax) were to repent to a like extent he would be forgiven.” Then he gave the command regarding her, and prayed over her, and she buried. (Muslim) (Mishkat, ibid, 3405/8)

**Punishment for slave – girl:** Abu Hurairah has reported: I heard the holy prophet say that, “When the slave-girl of any of you commits fornication, and the fornication is established, he should give her the prescribed beating, but not hurl reproaches at her. If she commits fornication again, he should give her the ordained beating, but not hurl reproaches at her. If she commits fornication a third time and the fornication is established, he should sell her, may it be only for a rope of hair.” (Bukhari and Muslim) (Mishkat, ibid, 3406/9)

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1. Maks was money taken from sellers in the market in days of Ignorance. It is also used for something taken by a tax-collector over and above what is due. (James Robson).

**Reselling from confession:** Abu Hurairah has reported that Maa'iz al-Aslami came to the messenger of Allah and said that he had committed adultery. He turned away from him. He then came round to the other side and said that he had committed adultery. He again turned away from him. He came round again and said that he had committed adultery. But when he said it the fourth time, the messenger of Allah gave orders regarding him and he was taken out to the Harra and was stoned. When he felt the effect of the stones, he ran away till he passed a man who had the jawbone of a camel with which he struck him, and the people also struck him till he died. They then mentioned to the messenger of Allah that he had run away when he felt the effect of the stones and the pangs of death. The messenger of Allah said, "Why did you not leave him?" (Tirmizi and Ibne Majah) (Mishkat, ibid, 3408/11)

Yazid bin Nu'aim bin Hazzal has reported from his father: Maa'iz bin Maalik was an orphan under my father's protection. He committed sexual intercourse with a slave-girl belonging to the clan. My father said to him: go and inform the messenger of Allah what you have done, because he may perhaps ask forgiveness for you. His purpose in that was simply a hope that it might be a way of escape for him. He went to him and said, "O messenger of Allah, I have committed adultery, so inflict on me the punishment ordained by Allah." He turned away from him, and he came back and said, "O messenger of Allah, I have committed adultery, so inflict on me the punishment ordained by Allah." When he had said it four times, the messenger of Allah said, "You have said it four times. With whom did you commit it?" he said: with so and so. He asked: did you lie down with her? He said: yes. He asked: did you penetrate into her? He said: yes. He asked: did you commit sexual intercourse with her? He said: yes. He ordered him to be stoned to death and he was taken to the Harrah. But when he felt the effect of the stone and could not bear it, he ran away quickly, but Abdullah bin Unais encountered him when those who had been stoning him could not catch him, threw the bone of a camel's foreleg at him, hit him and Killed him.

Then when he went to the holy prophet and mentioned it to him, he said, "Why did you not leave him alone, because perhaps he might have repented and been forgiven by Allah." (Abu Dawud) (Mishkat, ibid, 3424/27)

**Confession:** Ibne Abbas has reported that the holy prophet asked Maa'iz bin Maalik, 'Is that which has reached me about you true?' he asked: what has reached you about me? He said: it has reached me that you had intercourse with a girl belonging to the family of so and so. He said: yes. He acknowledged it four times. He passed orders for him and he was stoned to death. (Muslim) (Mishkat, ibid, 3409/12)

**Covering the sins of others:** Yazid bin Nu'aim has reported from his father that Maa'iz came to the Holy prophet and confessed (the offence of adultery) four times before him. So he ordered him to be stoned to death, but said to Hazzal, had you covered him with your cloth, it would have been better for you." Ibnul Munkadir said that Hazzal had asked Maa'iz to go to the Holy Prophet and tell him (about the offence). (Abu Dawud) (Mishkat, ibid, 3410/13)

**None can forgive the Hadd:** Amr bin Shuaib has reported from his father that his grandfather, Abdullah bin Amr bin Aas, had informed that the messenger of Allah has said, "Forgive the Hudood (prescribed punishments) (among yourselves, because the Hadd of which I am informed becomes enforceable." (Abu Dawud and Nasa'ee) (Mishkat, ibid, 3411/14)

Aaisha has reported that the holy prophet has said, "Forgive the faults of respectable persons, but not the crimes subject to prescribed punishments." (Abu Dawud) (Mishkat, ibid, 3412/15)

**Benefit of doubt:** Aaisha has reported that the messenger of Allah has said that, "Avoid the infliction of prescribed punishments on Muslims as much as you can: and if there is any way out, let a man go, because an error of the leader in forgiving is better than his error in punishing." (Tirmizi) (Mishkat, ibid, 3413/16)

**Adultery by force:** Waali bin Hujr has reported that a woman went out in the time of the holy prophet for prayer. A man met her, attacked her, and satisfied his lust with her. She shouted but he went away. When a party of the Emigrants passed by, she said, "That man did such and such to me." They caught that man and brought him to the messenger of Allah." But for the man who had done sexual intercourse with her he said, "Stone him to death. "He also said, "He has made such a repentance that if the people of Medinah would have repented as such, it would have been accepted from them." (Tirmizi and Abu Dawud) (Mishkat, ibid, 3415/18)

**Two punishments:** Jabir has reported that a man committed adultery with a woman and the holy prophet gave orders that he should be flogged with the prescribed lashes. But later on he was told that the man was married. So he gave orders and he was stoned to death. (Abu Dawud) (Mishkat, ibid, 3416/19)

Ibne Abbas has reported that a man of Banu Bakr bin Lais came to the holy prophet and confessed four times that he had committed fornication with a woman. So he got him flogged with one hundred lashes. The man was unmarried. He then asked him to produce evidence against the woman, and she said, "By Allah, he has told a lie, O messenger of Allah." He was then inflicted with the Hadd of slander. (Abu Dawud) (Mishkat, ibid, 3421/24)

**Imposition of Hadd on a sick person:** Saeed bin Sad bin Ubadah has reported that Sad bin Ubadah brought to the Holy prophet a man deficient in physique and sick, a member of the clan. He was found doing illicit sexual intercourse with a slave-girl of theirs. The holy prophet said, "Take for him a branch of the palm-tree with a hundred twigs and (with it) beat him once." (Sharhe as-Sunnah) (Mishkat, ibid, 3417/20)

**Punishment for Sodomy**<sup>1</sup>: Ikramah has reported from Ibne Abbas that the messenger of Allah said, "Whomsoever you find doing the deed of the people of Lot, kill the one who does it and the one on whom it is done." (Tirmizi and Ibne Majah) (Mishkat, ibid, 3418/21)

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1. According to Abu Hanifah, the punishment for unnatural offence is by way of "Ta'zeer" and depends upon the discretion of the State. (Mazaahir-e-Haq).

Jabir has reported that the messenger of Allah has said that, "The thing I fear most for my Ummah is the deed of the people of Lot." (Tirmizi and Ibne Majah) (Mishkat, ibid, 3420/23)

Ibne Abbas and Abu Hurairah has reported that the Messenger of Allah has said that, "Accursed is the one who does what the people of Lot did." (Razeen) (Mishkat, ibid, 3426/29)

Ibne Abbas has reported that the messenger of Allah has said that, "Allah the Great and Glorious will not look at a man who has done intercourse with a man or a woman through the anus." (Tirmizi) (Mishkat, ibid, 3427/30)

**Sexual intercourse with an animal:** Ibne Abbas that the messenger of Allah has said that, "Whoever does sexual intercourse with an animal, kill him and kill it with him." <sup>1</sup> Ibne Abbas was asked: what is the fault of the animal? He said, "I did not hear anything about it from the messenger of Allah, but I think he disapproved the eating of its meat and making any use of it when such a thing had been done it." (Tirmizi and Abu Dawud) (Mishkat, ibid, 3419/22)

**Slanderers of Hazrat Aisha were punished:** Aisha has reported: when my vindication was revealed, <sup>2</sup> the holy prophet stood up on the pulpit and mentioned it. Then when he came down from the pulpit, he gave orders for the two men and the woman <sup>3</sup>, and they were inflicted with the Hadd. (Abu Dawud) (Mishkat, ibid, 3422/25)

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1. This punishment is by way "Ta'zeer" and not "Hadd" (see Tradition No. 3428/31)
  2. Quran, Noor, 24:11
  3. The men are said to have been Mistah bin Usasah and Hassan bin Saabit, and the woman Hamnah daughter of Jahsh.

**Adultery and Bribery:** Amr binul Aas has reported: I heard the messenger of Allah say, “adultery does not appear among any people but they are overtaken by famine, and bribery does not appear among any people but they are overtaken by terror.”(Ahmad) (Mishkat, ibid, 3425/28)

**No exception in enforcement of Hadd:** Ubadah bin Saamit has reported that the messenger of Allah has said that, “enforce the “Hudood” (Prescribed punishments) of Allah on those who are near as well as those who are distant, and let no one’s blame hold you up from (the enforcement of the punishments of) Allah.” (Ibne Majah) (Mishkat, ibid, 3429/32)

**Blessing of enforcement of Hadd:** Ibne Umar has reported that the messenger of Allah has said that, “Enforcement of a Punishment of the prescribed punishments of Allah is better than forty night’s rain in the cities of Allah. (Ibne Majah) (Mishkat, ibid, 3430/33)

## CHAPTER 2

### THEFT

**Value of the stolen property:** Aaisha has reported that the holy prophet has said that, "The hand of a thief should not be cut off except for a quarter of a Dinar <sup>1</sup> and upwards." (Bukhari and Muslim) (Mishkat, kitab-ul-Hudood, Baab Qat'is Sarqah, No. 3431/1)

Ibne Umar has reported that the holy prophet cut off the hand of a thief for a shield worth three Dirhams. <sup>2</sup> (Bukhari and Muslim) (Mishkat, ibid, 3432/2)

**The curse:** Abu Hurairah has reported the Holy Prophet has said that, "May Allah curse a thief who steals an egg and his hand is cut of, and steals a rope and his hand is cut of!" (Bukhari and Muslim) (Mishkat, ibid, 3433/3)

**Stealing of fruits:** Raafe bin Khadeej has reported that the holy prophet has said that, "There is no cutting off (the hand) of (stealing) the fruit or the pith of the palm-tree." (Maalik, Tirmizi, Abu Dawud, Nasa'ee, Daarimi and Ibne Majah) (Mishkat, ibid, 3434/4)

Amr bin Shuaib has reported from his father who said that his grandfather, Abdullah bin Amr bin Aas, informed that the messenger of Allah was asked about (the theft of) of the fruit which was hang up. He said, "Whoever steals any of it after it is put it the place where it is dried and it amounts to the value of a shield, his hand is to be cut off." (Abu Dawud and Nasa'ee) (Mishkat, ibid, 3435/5)

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1. i.e. three Dirhams because in those days Dinar was of twelve Dirhams.

2. This was the estimated cost by Ibne Umar himself. According to Abdullah Ibne 'Amr Ibnul Aas and Amr Ibne Shuaib its actual price was ten Dirhams (Mazaahir-e-Haq). Accordingly, Abu Hanifah is of the view that for cutting off the hand the value of the stolen property should be ten Dirhams (or 7.5 Masha of silver ) or more. Shaafe'ee is however of the view that hand can be cut off for anything of the value of three Dirhams or more (Mazaahir-e-Haq).

Mulla Ali Qari and Shaikh Haq Muhaddis of Delhi have discussed at length the Traditions No. 3431/1 and proved the view of Abu Hanifah as correct (Mazaahir-e-Haq).

**Hang up fruit and mountainous animal:** Abdullah bin Abdur Rehman bin Abu Husain al-Makki has reported that the messenger of Allah has said that, “There is no cutting off (the hand) for the fruit which is hung up, or for a mountainous animal: but when the animal is in its fold or the fruit in the place where it is dried, a hand is to be cut off for whatever reaches the value of a shield.” (Maalik) (Mishkat, ibid, 3436/6)

**Plunderer:** Jabir has reported that the messenger of Allah has said that, “Cutting off (the hand) is not for the one who plunders, and the one who does so conspicuously is not of us.” (Abu Dawud) (Mishkat, ibid, 3437/8)

**Treacherous plunderer and snatcher:** Jabir has reported that the holy prophet has said that, “There is no cutting off (the hand) of the one who is treacherous, one who plunders, or one who snatches something.” (Tirmizi, Nasa’ee Ibne Majah and Daarimi) (Mishkat, ibid, 3438/8)

**The cut off hand:** Fazaalah bin Ubaid has reported that a thief was brought to the messenger of Allah, and his hand was cut off. Thereafter he gave orders about it and it was hung up in his neck. (Tirmizi, Abu Dawud, Nasa’ee and Ibne Majah) (Mishkat, ibid, 3442/12)

**Slave committing theft:** Abu Hurairah has reported that the messenger of Allah has said that, “If a slave steals, sell him, even though it is for a Nash.”<sup>1</sup> (Abu Dawud, Nasa’ee and Ibne Majah) (Mishkat, ibid, 3443/13)

**No Exception:** Aaisha has reported that a thief was brought to the messenger of Allah and he cut off (his hand). They said, “We did not think you would go so far as this with him.” He said, “Even if Fatimah had been the one, I would have cut off (her hand)” (Nasa’ee) (Mishkat, ibid, 3444/14)

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1.      Nask is half an Uqiyah or twenty Dirhams. (James Robson)

**Theft of coffin – cloth:** Abu Zar has reported that the messenger of Allah said to me: O Abu Zar, I said: At your service, O Messenger of Allah.” He said, “What will you do when death will smite the people and a house, meaning a grave, will cost as much as a slave?” I said: Allah and his messenger know best. He said, “Show endurance.” Hammad bin Abu Sulaiman said that the hand of one who steals the coffin-cloth should be cut off because he enters the house of a deceased. (Abu Dawud) (Mishkat, ibid, 3446/16)

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TO (C) MISCELLANEOUS TOPICS RELATING  
QISAAS AND HUDOOD

**Chapter – 1 – Offences for which no responsibility is incurred**

**Chapter – 2 – Apostates and Mischief - makers**

**Chapter – 3 – Intercession in Prescribed Punishment**

## CHAPTER 3

### OFFENCES WHICH NO RESPONSIBILITY IS INCURRED

**Exceptions:** Abu Hurairah has reported that the messenger of Allah has said that, “Wound caused by a quadruped is exempted,<sup>1</sup> mine is exempted, well is exempted.<sup>2</sup> (Bukhari and Muslim) (Mishkat, kitab-ul-Qisaas, Baab Ma Laa Yudmano Minal Janaayaat, No. 3354/1)

**Self defense:** Yala bin Umayyah has reported: I fought along with the messenger of Allah in the expedition of the army of distress.<sup>3</sup> I had a servant who fought with a man. One of them bit the other’s hand. The one who was bitten drew away his hand from the mouth of the one who bit him which dislodged his teeth which fell out. He went to the holy prophet, but he imposed no retaliation for his teeth, and said, “Could he be expected to leave his hand in your mouth to be crunched by you like a camel?”<sup>4</sup> (Bukhari and Muslim) (Mishkat, ibid, 3355/2)

**Protection of Property:** Abdullah bin Amr has reported: I heard the messenger of Allah say, “Whoever is killed protecting his property is a martyr.” (Bukhari and Muslim) (Mishkat, ibid, 3356/3)

Abu Hurairah has reported that a man came and said that: O Messenger of Allah, tell me what should I do if a man comes intending to take my property? He said, “Do not give him your property.” He asked: what to do if the man fights with me. He said, “Fight with him.” He asked: tell me what will happen if the man kills me? He said, “You will be a martyr.” He asked: tell me what will happen if I killed the man? He said, “He will go to the Hell.” (Muslim) (Mishkat, ibid, 3357/4)

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1. i.e. no compensation is payable for it.
  2. i.e. no responsibility attaches to anyone, who digs a mine or a well in a place where he is entitled to do so, for injury to anybody who falls in it or to the labourers digging the mine or the well.
  3. This refers to Tabuk expedition in 9 A.H. (James Robson)
  4. This shows that there is no compensation for any injury caused in self defiance

**Looking into other's house:** Abu Hurairah has reported that he heard the messenger of Allah say, "if anybody looks into your house without your permission and you throw a pebble at him and destroy his eye, you will be guilty on no offence." (Bukhari and Muslim) (Mishkat, ibid, 3358/5)

Sahl bin Sad has reported that a man looked through a hole in the door of the messenger of Allah. The messenger of Allah had a spike with which he was scratching his head. He said, "Had I known that you were seeing me, I would have poked it in your eyes. Seeking permission has been ordained only on account of seeing by the eye." (Bukhari and Muslim) (Mishkat, ibid, 3359/6)

Abu Zar has reported that the messenger of Allah has said that, "Whoever removes a curtain and looks into a house before getting permission and sees those within who should not be seen, he commits an offence which it is not lawful for him to commit. If a man confronts him when he looks in and destroys his eye, I will not blame him. And if a man passes by a door which has no curtain and is not shut and looks in, he commits no sin, because the sin pertains only to the people of the house." (Tirmizi) (Mishkat, ibid, 3370/17)

**Throwing pebbles:** Abdullah bin Mughaffal has reported that he saw a man throwing pebbles and said to him: do not do so, because the messenger of Allah had forbidden it, saying, neither a game is caught by it, nor is an enemy injured, but it may break a tooth or damage an eye." (Bukhari and Muslim) (Mishkat, ibid, 3360/7)

**Taking arms:** Abu Musa has reported that the messenger of Allah has said that, "When anyone of you passes by our mosque or by our market having arrows with him, he should grasp their points lest he may cause any injury by them to a Muslim." (Bukhari and Muslim) (Mishkat, ibid, 3361/8)

**Pointing with weapons:** Abu Hurairah has reported that the messenger of Allah has said that, "None of you should point a weapon at his brother, because he does not know that Satan may draw it out while it is in his hand and he may fall into a pit of the Hell." (Bukhari and Muslim) (Mishkat, ibid, 3362/9)

Abu Hurairah has reported that the messenger of Allah has said that, "When anybody points a piece of iron at his brother, the angels curse him till he puts it down. Even if he is his brother, from the same father and mother." (Bukhari and Muslim) (Mishkat, ibid, 3363/10)

Ibne Umar and Abu Hurairah has reported that the holy prophet has said that, "Whoever points a weapon at us is not of us." (Bukhari) (Mishkat, ibid, 3364/11)

Salamah bin Akwa has reported that the messenger of Allah has said that, "Whoever draws a sword against us is not of us." (Muslim) (Mishkat, ibid, 3365/12)

**Avoid the face:** Abu Hurairah has reported that the messenger of Allah has said that, "When anybody of you fights, he must avoid the face, because Allah created Adam in his own image." (Bukhari and Muslim) (Mishkat, ibid, 3369/16)

**Draw sword:** Jabir has reported that the messenger of Allah prohibited the handing over of a drawn sword to anybody. (Tirmizi and Abu Dawud) (Mishkat, ibid, 3371/18)

**Martyr:** Saeed in Zaid has reported that the messenger of Allah has said that, "Whoever is killed in defence of his religion is a martyr, whoever is killed in self-defence is a martyr, whoever is killed in defence of his property is a martyr, and whoever is killed in defence of his family is a martyr," (Tirmizi, Abu Dawud and Nasa'ee) (Mishkat, ibid, 3373/20)

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## CHAPTER 2

### APOSTATES AND MISCHIEF MAKERS

**No punishment with fire:** Abdullah bin Abbas has reported that the messenger of Allah has said that, "Only Allah punishes with fire." (Bukhari) (Mishkat, kitab-ul-Qisaas, Baab Qatl Ahlir Riddah Was Su'aate Bin Fasaad, No. 3378/2)

**The Khawaarij:** Ali has reported: I heard the messenger of Allah say, "In the latter days of people will appear, young and foolish, speaking the finest words men speak, but their faith will not pass their throats. They will go out of the religion as an arrow goes from the quiver. Wherever you meet them kill them, because there will be a reward for killing them on the day of Resurrection to those who kill them." (Bukhari and Muslim) (Mishkat, ibid, 3379/3)

Abu Saeed al-Khudri has reported that the messenger of Allah has said that, "My Ummah will divide two sections <sup>1</sup> from among them whom a seceding party <sup>2</sup> will go out, and the one <sup>3</sup> who will be nearest to the truth will undertake the killing of them." (Muslim) (Mishkat, ibid, 3380/4)

**Killing of a Muslim by a Muslim:** Jareer has reported that the messenger of Allah has said at the Farewell Pilgrimage, "Never revert to infidelity after me, so that you start cutting off one another's necks." (Bukhari and Muslim) (Mishkat, ibid, 3381/5)

Abu Bakrah has reported that the holy prophet has said that, "When two Muslims meet (i.e. fight) and one of them attacks his brother with the arms, they are both on the brink of the Hell. And if one of them kills the other, they will both enter it. In another version on Abu Bakrah's authority he said, "When two Muslims meet (i.e. fight) with their swords, the one who kills and the one who is killed will both go to the Hell." I <sup>1</sup> said: one is the killer but what is wrong with the one who is killed? He said, "He (too) was eager to kill his companions." (Bukhari and Muslim) (Mishkat, ibid, 3382/6)

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1. The parties of Hazrat Ali and Hazrat Muawiyah respectively. (Mazaahir-e-Haq).

2. The Khawaarij (Ibid).

3. He was Hazrat Ali (Ibid)

**Except for three reason:** Aaisha has reported that the messenger of Allah has said that, “The blood of a Muslim who testifies that there is no God but Allah and that Muhammad is the messenger of Allah is not lawful except for one of the three reasons: adultery<sup>2</sup> after marriage, in which case he should be stoned (to death): one who comes forth to fight against Allah and his messenger, in which case he should be killed, or crucified, or made a fugitive, or one who commits murder for which he is to be killed.” (Abu Dawud) (Mishkat, ibid, 3387/11)

**To frighten a Muslim:** Ibne Abu Laila has reported: I was told by companions of Muhammad that, during a journey with the messenger of Allah, while one of them was asleep another went to a rope he had with him and seized him, with the result that he was startled. The messenger of Allah said, “It is not lawful for a Muslim to frighten another.” (Abu Dawud) (Mishkat, ibid, 3388/12)

**Apostates and dacoits:** Anas has reported that some people of ‘Ukl (tribe) came to the holy prophet and accepted Islam. They found Medinah unhealthy. He ordered them to go to the camels of the sadaqah and drink from their urine and their milk. They did so and became well. After-wards they apostatized killed the herdsmen and drove away the camels. He sent (people) in their pursuit. When they were brought, he got their hands and feet cut off and their eyes put out and let them uncauterise till they died. Another version says that nails were driven into their eyes. Yet another version says that he ordered to be heated and got them blinded with them, and then thrown out on the Harra. They begged for water but water was not given to them till they died.<sup>1</sup> (Bukhari and Muslim) (Mishkat, ibid, 3383/7)

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1. i.e. Abu Bakrah.  
2. By one who is free.

**Mutilation:** Imran bin Husain has reported: the messenger of Allah used to urge us to give charity forbid us to mutilate anybody.<sup>2</sup> (Abu Dawud) (Mishkat, ibid, 3384/8)

**Mercy on animal:** Abdur Rehman bin Abdullah has reported from his father: we were on a journey with the messenger of Allah. He had gone to relieve himself. We saw a Hummarah<sup>3</sup> with two young ones. We took the young ones. Thereupon the Hummarah came and began to spread out its wings. When the holy prophet came, he said, "Who has pained this one by the loss of her young ones? Give her young ones back to her." He also was an anthill which we had burned. He asked: who has burned it? We said: we, he said, "It is not for anybody but the Lord of the fire to punish with fire." (Abu Dawud) (Mishkat, ibid, 3385/9)

**Worst of men and animals:** Abu Saeed al-Khudri and Anas bin Maalik has reported that the messenger of Allah has said that, "Disagreement and division will arise among my Ummah. There will be a group who will speak well but do evil. They will recite the Quran but it will not go beyond their throats. They will go away from the religion as an arrow goes through the prey. They will not return till an arrow comes back to its place. They are the worst of men and animals. Good news is for the one who kills them and is killed by them! They summon people to the Book of Allah, but they have no part with us. He who fights with them is nearer to Allah than they." They said: O messenger of Allah, what is their sign? He said: shaving off the head. (Abu Dawud) (Mishkat, ibid, 3386/10)

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1. For detailed comments of these punishments, see Mazaahir-e-Haq, Vol. III, pp. 587-588

2. i.e. to cut off his ear, nose, or any other organ of the body.

3. A small bird like a sparrow, or a lark. (James Robson)

**Killing unaware:** Abu Hurairah has reported that the holy prophet has said that, “Faith prohibits killing unawares. A believer never of kills anybody unawares.” (Abu Dawud) (Mishkat, ibid, 3391/15)

**Killing of a slave:** Jareer has reported that the holy prophet has said that, “When a slave flees away towards polytheism, his blood becomes lawful.” (Abu Dawud) (Mishkat, ibid, 3392/16)

**Reviling the holy prophet:** Ali has reported that a Jewess used to revile the holy prophet and speak evil of him. She was strangled to death by a man. The holy prophet allowed no compensation for his death. (Abu Dawud) (Mishkat, ibid, 3393/17)

**Magician:** Jundub has reported that the messenger of Allah has said that, “The punishment for the magician is a stroke with the sword.” (Tirmizi) (Mishkat, ibid, 3394/18)

**Causing division among the Ummah:** Usamah bin Shareek has reported that the messenger of Allah has said that, “Cut off the neck of the man who goes out to cause division among my Ummah.” (Nasa’ee) (Mishkat, ibid, 3395/19)

## CHAPTER 3

### INTERCESSION IN PRESCRIBED PUNISHMENTS (Mishkat, Kitab-ul-Hudood, Baab-ush-Shafaa'ate Fil Hudood)

**No intercession allowed:** Aaisha has reported that Quraish were worried about a Makhzumi woman <sup>1</sup> who had committed theft. So they said, "Who will speak to the messenger of Allah about her?" they then said, "Who will dare it except Usamah bin Zaid who is dearer to the messenger of Allah?" So Usamah spoke to him and the messenger of Allah said, "Are you interceding regarding a punishment prescribed by Allah?" He then got up and gave a sermon, saying, "What destroyed your predecessors was that when a person of rank among them committed a theft, they left him alone: but when a weak one among them committed a theft, they inflicted the Prescribed Punishment on him. "By Allah, even if Fatimah daughter of Muhammad will steal, I will have her hand cut off." (Bukhari and Muslim) (Mishkat, Kitab-ul-Hudood, Baab-ush-Shafaa'ate Fil Hudood No. 3347/1)

**The Intercessor:** Abdullah bin Umar has reported: I heard the messenger of Allah say, "Whoever's intercession intervenes in a punishment prescribed by Allah, he has opposed Allah: and whoever disputes knowingly about something which is false, he remains in the Wrath of Allah the most high till he desists: and whoever says something against a Muslims which is not in him, he will be made by Allah to dwell in the corrupt fluid flowing from the inhabitants to Hell till he retracts his statement." (Ahmad and Abu Dawud) (Mishkat, ibid, 34478/2)

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1. Her names was Fatimah. She was daughter of Aswad Ibne Abdul Asad. She was daughter of the brother of Hazrat Abu Salamah who belonged to banu Makhzoom tribe of the Quraish. (Mazaahir-e-Haq).

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**(d) TA'ZEER**

**(PUNISHMENTS TO BE LAID DOWN BY THE STATE)**

**Chapter – 1 – Ta'zeer**

**Chapter – 2 – Gambling and Intoxication**

**Chapter – 3 – Wine**

**Chapter – 4 – Punishment for drinking wine**

**Chapter – 5 – Punishment one should not be cursed**

## HADEES

### CHAPTER 1

#### TA'ZEER <sup>1</sup> (FLOGGING)

**Ten lashes:** Abu Burdah bin Niyaar has reported that the holy prophet has said that, "No more than ten lashes should be inflicted, except in a case of the punishments prescribed by Allah." (Bukhari and Muslim) (Mishkat, kitab-ul-Hudood, Baab-ul-Ta'zeer, No. 3463/1)

**Avoid the face:** Abu Hurairah has reported that the holy prophet has said that, "When anybody of you inflicts a beating (by lashes), he should avoid striking the face." (Abu Dawud) (Mishkat, ibid, 3464/2)

**Abuse and Adultery:** Ibne Abbas has reported that the holy prophet has said that, "When a man says to another: O Jew, infect him with twenty lashes: and when he says to anybody: O Mukhannas, <sup>2</sup> inflict him with twenty lashes: and whoever has sexual intercourse with a woman who is within the prohibited degrees, kill him." (Tirmizi) (Mishkat, ibid, 3465/3)

**Breach of trust:** Umar has reported that the messenger of Allah has said that, "When you find a man to have committed breach of trust (about spoil) in the way of Allah, burn his goods and beat him." (Tirmizi and Abu Dawud) (Mishkat, ibid, 3466/4)

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1. "Ta'zeer" is from "Arz" meaning "to Prohibit", "to keep away" or "to rebuke". According to the Islamic Shari'ah, Ta'zeer is that punishment which is less than Hadd and is given for the purpose of warning or training and to keep one way from committing the offence.  
Ta'zeer has not been provided by Quran and Sunnah and is left for the circumstances and nature of the offence.
  2. Mukhannas are sexually unfit men who use to imitate women. Some of them are also singers.

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## CHAPTER 2

### GAMBLING AND INTOXICANTS

**Backgammon:** Buraidah has reported that the holy prophet has said that, "Whoever plays backgammon is as though he has dipped his hand in the flesh and blood of a pig." (Muslim) (Mishkat, ktab-ul-Libaas, Baab-ul-Tasaaweer, No. 4299/12)

Abu Musa al-Ashari has reported that the messenger of Allah has said that, "Whoever plays backgammon disobeys Allah and his messenger." (Ahmad and Abu Dawud) (Mishkat, ibid, 4304/17)

**Pigeon:** Abu Hurairah has reported that the messenger of Allah saw a man following a pigeon and said, "Male Satan is following a female Satan." (Ahmad, Abu Dawud and Ibne Majah) (Mishkat, ibid, 4305/18)

**Gambling Kuba and Intoxicants:** Ibne Abbas has reported that the messenger of Allah has said that, "Allah the Most High has declared wine, Maisir and the Kuba as unlawful." And that, "Every intoxicant is unlawful." The Kuba is said to be the drum. (Baihaqi noted it in Shu'abul Iman) (Mishkat, ibid, 4302/15)

Ibne Umar has reported that the holy prophet Prohibited wine, Maisir, Kuba, and Ghubaira' which is an intoxicating drink mad by Abyssinians from millet, and it is called Sukruka. (Abu Dawud) (Mishkat, ibid, 4303/16)

Singing Instruments, Idols, Crosses, Customs of Ignorance: Abu Umamah reported that the holy prophet has said, "Allah the Almighty has sent me as a Mercy for the worlds and as a Guide for the worlds, and my Lord the Great and Glorious has commanded me to annihilate stringed instruments, wind instruments, idols, crosses, and customs of the days of Ignorance,

and my Lord the great and Glorious has sworn, “By My Might, no servant of mine will drink a mouthful of wine but I will give him a similar quantity of pus to drink: and he will not abandon it through fear of me but I will give him drink from the holy Tanks.” (Ahmad) (Mishkat, kitab-ul-Hudood, Baabo bayaanil Khamre Wa Wa'eede Shaaribiha, No. 3486/24)

## CHAPTER 3

### WINE

**Intoxication:** Aaisha has reported that the messenger of Allah was asked about Bit” which is the Nabeez <sup>1</sup> from honey. He said, “Every drink which intoxicates is prohibited.” (Bukhari and Muslim) (Mishkat, kitab ul Hudood Baabo Bayaanil Khamre Wa Wa’eede Shaaribiha, No. 3470/8)

Umme Salamah has reported that the messenger of Allah prohibited every intoxicant and everything which produces languidness. (Abu Dawud) (Mishkat, ibid, 3482/20)

**The Drunkard:** Ibne Umar has reported that the messenger of Allah has said that, “Every intoxicant is Khamr <sup>2</sup> and every intoxicant is prohibited. Whoever drinks wine in this world and dies when he is addicted to it, and does not repent, will not drink it in the Hereafter.” (Muslim) (Mishkat, ibid, 3471/9)

Jabir has reported that a man came from Yemen and asked the Holy Prophet about a wine made from millet called Mizr which they used to drink in their land. The holy prophet asked: is it intoxicating? He said: Yes. He said, “Every intoxicant is prohibited. Allah has made a covenant regarding those who drink intoxicants to give them Tinat-ul-Khabaal? He said: it is the sweat of the inhabitants of Hell, or the discharge of the inhabitants of Hell. (Muslim) (Mishkat, ibid, 3472/10)

**Nabeez:** Abu Qatadah has reported that the holy prophet prohibited mixing dried dates and unripe dates, maxing dried grapes and dried dates, and mixing green dates and fresh dates, and said: make Nabeez from each separately. (Muslim) (Mishkat, ibid, 3473/11)

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1. Nabeez is a drink which was made from dates, raising, honey, wheat, barley, etc. the ingredients were steeped in water in a vessel, and if the drink was used before fermentation took place it was lawful. (James Robson).

2. Wine

**Winger made from wine:** Anas has reported that the holy prophet was asked whether vinegar could be prepared from wine <sup>1</sup>. He said: No. (Muslim) (Mishkat, ibid, 3474/12)

**Wine as medicine:** Waa'il al-Hazrami has reported that Tariq bin Suwaid asked the holy prophet about wine. He prohibited him. He said: I prepare it for medicine. He said, "It is not a medicine, but a disease." (Muslim) (Mishkat, ibid, 3475/13)

**Even small quantity:** Jabir has reported that the messenger of Allah has said that, "That which causes intoxication in its larger quantity is unlawful (even) in its small quantity also." (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 3477/15)

**Handful:** Aisha has reported that the messenger of Allah has said that, "If a Faraq <sup>2</sup> of anything causes intoxication, a handful of it is also unlawful." (Ahmad, Tirmizi and Abu Dawud) (Mishkat, ibid, 3478/16)

**Wine:** Nu'man bin Bashir has reported that the messenger of Allah has said that, "There is wine from wheat, wine from barley, wine from dried dates, wine from dried grapes, and wine from honey." <sup>3</sup> (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 3479/17)

**Wine should be poured out:** Abu Saeed al-Khudri has reported: with us was wine belonging to an orphan. When Maa'idah <sup>4</sup> was revealed, I asked the messenger of Allah about it, telling him that it belonged to an orphan. He said, "Throw it away." (Tirmizi) (Mishkat, ibid, 3480/18)

Anas has reported from Abu Talha that he said: O prophet of Allah, I have brought <sup>5</sup> wine for orphans who are in my charge. He said, "Throw away the wine and break the wine-jars." (Tirmizi) (Mishkat, ibid, 3481/19)

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1. This is said to have been done by putting or salt in it, or by placing it in the sun. (James Robson)
  2. Faraq is more than 8 kilos. 3. Also see Hadees No. 3468/6
  4. Quran, Chapter, 5
  5. Obviously it was bought before the prohibition.

**Prohibition:** Dailam al-Humairi has reported: I said, “O messenger of Allah, we live in a cold land in which we do heavy work and we make a wine from wheat to get strength from it for our work and so bear the cold of our cities.” He asked; is it intoxicating? He said: yes. He said: avoid it, he said: the people will not abandon it. He said, “If they do not abandon it. Fight with them.” (Abu Dawud) (3483/21)

Abdullah bin Amr has reported that the holy prophet prohibited wine, Maisir, <sup>1</sup> the Kuba <sup>2</sup> and Ghubaira, <sup>3</sup> saying, “Every intoxicant is prohibited.” (Abu Dawud) (3484/22)

Drunkard, disobedient to parents, cuckold: Ibne Umar has reported that the messenger of Allah has said that, “There are three to whom Allah has forbidden paradise: one who is addicted to wine, one who is disobedient of parents, and a cuckold who agrees to his women folk’s adultery.” (Ahmad and Nasa’ee) (3487/25)

Drunkard, Breaker of ties of relationship, Magician: Abu Musa al-Ashari has reported that the holy prophet has said that, “There are three who will not enter the Paradise. The one who is addicted to wine, the one who breaks ties of relationship, and the one who believes in magic.” (Ahmad) (3488/26)

**Drinking of wine and worshipping Idols:** Ibne Abbas has reported that the messenger of Allah has said that, “If anybody is addicted to wine dies, he will meet Allah the Most High like the one who worships the idols.” (Ahmad, Ibne Majah, Baihaqi and Bukhari) (Mishkat, ibid, 3489/27)

**The curse:** Anas has reported that the messenger of Allah cursed ten persons in connection with wine: the wine-presser, the one who gets it pressed, the one who drinks it, the one who gives it, the one to whom it is given, the one who serves it, the one who sells it, the one who utilizes its price, the one who buys it, and the one for whom it is bought (Tirmizi and Ibne Majah). (Mishkat, kitab-ul-Buyoo, Baab-ul-kasab Wa Talab-ul-Halaal) (2656/18)

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1. Game of chance.
  2. Card-playing
  3. A kind of wine prepared by Abyssinians from millet.

Ibne Umar reported that the messenger of Allah has said, "Allah has cursed wine, its drinker, its server, its seller, its buyer, its presser, the one for whom it is pressed, the one who gives it, and the one to whom it is given." (Tirmizi and Ibne Majah). (Mishkat, kitab-ul-Buyoo, Baab-ul-Kasab Wa Talab-ul-Halaal, No. 2657/19)

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## CHAPTER 4

### PUNISHMENT FOR DRINKING WINE

**Punishment:** Anas has reported that the holy prophet gave (the order for) beating with palm branches and sandals for drinking wine and that Abu Bakr (got) flogged with forty lashes. (Bukhari and Muslim) (Mishkat, kitab-ul-Hudood, Baabo Hadd-il-Khamre, No. 3450/1)

**Saib bin Yazid reported:** when any drunkard was brought in the time of the messenger of Allah, during the Caliphate of Abu Bakr and in the beginning of the Caliphate of Umar, we used to beat him with our hands, sandals and cloaks: but at the end of the Caliphate of Umar he inflicted forty stripes: but when people transgressed and became excessively wicked, he inflicted eighty lashes. (Bukhari) (Mishkat, ibid, 3451/2)

**Disgrace:** Abdur Rehman bin Azhar has reported: as if I am still looking at the messenger of Allah when a man who had drunk wine was brought before him and he said: beat him. Some struck him with sandals, some with sticks and some with date branches. Ibne Wahab said that this means green palm fronds. Then the messenger of Allah took some dust from the ground and threw it on his face. (Abu Dawud) (Mishkat, ibid, 3453/4)

**No punishment without proof:** Ibne Abbas has reported that a man drank wine and became intoxicated and was found staggering in the road. He was taken to the messenger of Allah. When he was near him. This was mentioned to the holy prophet. He smiled and said, "Did he do that?" he gave no orders regarding him. (Abu Dawud) (Mishkat, ibid, 3455/6)

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## CHAPTER 5

### THE PUNISHED ONE SHOULD NOT BE CURSEED

**Cursing the Convict:** Umar bin Khattaab has reported that a man whose name was Abdullah and whose Laqab was Himaar used to make the holy prophet laugh. The Holy Prophet had flogged him for drinking wine. He was brought to him one day and he gave orders and got him flogged. One of those present said, "O Allah, curse him. How often he is brought!" He said, "Do not curse him." By Allah, I know that he loves Allah and his messenger." (Bukhari) (Mishkat, kitab-ul-Hudood, Baabo Maa Laa Ud'aa Alal Mahdood, No. 3458/1)

**Disgracing the Convict:** Abu Hurairah has reported that a man who had drunk wine was brought to the holy prophet. He said, "Beat him. Some of us bet him with their hands, some with their sandals and some with their cloths. When the man went away, one of those present said, "May Allah disgraces you!" the holy prophet said, "Do not say like this. Do not help the Satan to get power over him." (Bukhari) (Mishkat, ibid, 3459/2)

Abu Hurairah has reported that Aslami <sup>1</sup> came to the holy prophet and confessed four times that he had committed adultery with a woman, while he all the time turned round and asked: had you sexual intercourse with her? He said, yes. He asked: had you done it so that your organ penetrated hers? He said: yes. He asked: had you done it like a collyrium stick entered in its case and a rope in a well? He said: Yes. He asked: do you know what adultery is? He said: Yes, I have done with her unlawfully what a man may lawfully do with his wife." He then asked: what do you want by what you have said? He said: I want you to purify me. So he gave the orders and he was stoned to death.

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1. i.e. Maa'iz.

Then the prophet of Allah heard two of his companions saying one to another, "Look at this man whose fault was covered by Allah but who could not give up the matter, till he was stoned like a dog." He said nothing to them but walked on for a time till he came to the corpse of an ass with its legs in the air. He then said: where are so and so and so and so? They said: we are present, O messenger of Allah. He said, "Go down and eat from this ass's corpse." They said, "O prophet of Allah, who can eat from this?" he said: "The dishonour you have shown to your brother is more serious than eating from it. By Him in whose to Hand my soul is, he is now in the rivers of Paradise, plunging into them." (Abu Dawud) (Mishkat, ibid, 3460/3)

Punishment by Hadd is ransom for the sin: Khuzaimah bin Saabit reported that the messenger of Allah has said, "If anybody commits a sin and he prescribed Punishment for that sin is inflicted on him, it is an atonement for him." (Sharhe as-Sunnah) (Mishkat, ibid, 3461/4)

**Punishment in the Hereafter:** Ali has reported that the holy prophet has said that, "If anybody commits a sin and is punished in this world, Allah is too just to repeat the punishment to his servant in the Hereafter: and if anybody commits a sin and Allah conceals it and forgives him, then Allah is too generous to go back upon a thing, He has forgiven." (Tirmizi and Ibne Majah) (Mishkat, ibid, 3462/5)

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#### **(4) HEALTH**

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## HEALTH

It is also an important duty of the State to make necessary arrangement for physical health of the people, including the cure of diseases. The holy prophet was also very particular about it.

Under the Command of Allah, the holy prophet established the institution of Salaat (prayer) five times a day, in which, apart from spiritual blessings, there is also a physical exercise, which is beneficial for physical health of the people. As a precondition to Salaat, besides purity and cleanness of the body, cloths and space, performance of ablution (Wuzu) is made obligatory in which also there is washing of the hands, face and feet, wiping of the head, rinsing of the mouth and clearing of nose, and brushing of the teeth by tooth-stick (Miswaak). All these are for promoting good physical health. Then going to the mosque five times a day for the Salaat, particularly before sunrise, is also of great importance for maintaining good physical health, and for the old and retired men, who mostly remain confined in their houses, it is no less than a blessing.

Similarly, the son (fasting) during the month of Ramazaan throughout the day, greatly helps development and maintenance of good physical health, as well as curing, and saving from, many diseases.

The holy prophet also encouraged the sports of riding, shooting, swimming, etc. among the Companions so that they could remain physically fit for facing the enemies in the battlefields.

As regards the cure of diseases, the holy prophet provided most fundamental guidance, theoretically as well as practically, including the knowledge about the nature, quality and effect of many things which are used by the physicians for cure of various diseases. The holy prophet also provided guidance in respect of cupping, spells and cauterizing.

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**ILAAJ – UL – AMRAAZ**  
**(CURE OF DISEASES)**

**Chapter – 1 – Cure of diseases**

**Chapter – 2 – Good and Evil Omens**

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## QURAN

### THE HONEY

Regarding the honey, Quran says: and your Lord revealed to the bee: make hives in the mountains and in the trees, and in what they build. Then eat of all the fruits and walk in the ways of your Lord submissively. There comes forth from their bellies a beverage (i.e. honey) of many hues, in which there is healing for men. Therein is surely a sign for a people who reflect (Nahl, 16:68-69)

### THE HEALING

Prophet Abraham said: and when I am sick, He (i.e. Allah) heals me (Shu'ara, 26:80)

When, after long illness, Prophet Ayub (Job) cried (prayed) to his Lord (i.e. Allah): distress has afflicted me, and you are the most merciful of those who show mercy, so we responded to him and removed the distress he had (Ambia, 21:83-84). It is further said: and remember our servant Ayub (Job), when he cried to his Lord (i.e. Allah): the Satan has afflicted me from where toil and torment, (Allah said:) urge with your foot (the earth from where gushed forth a spring of water, and Allah said to him:) here is a cool washing place and a drink (so he took bath and drank the water and became healthy forthwith) (vide swaad, 38:40-41)

# HADEES

## CHAPTER 1

### CURE OF DISEASES

**There is remedy for every disease:** Abu Hurairah has reported that the messenger of Allah has said that, "Allah has not sent down any disease but has (also) sent down a cure for it." (Bukhari) (Mishkat, kitab-ul-Tibbe <sup>1</sup> War Ruqa <sup>2</sup> No. 4313/1)

Usamah bin Shareek has reported that they said: O messenger of Allah, should we do medical treatment? He said, "Yes, O servants of Allah do medical treatment, because Allah has not created a disease but has (also) created a cure for it, with the exception of one disease, i.e. old age." (Ahmad, Tirmizi and Abu Dawud) (Mishkat, ibid, 4331/19)

**Cure is from Allah:** Jabir has reported that the messenger of Allah has said that, "There is medicine for every disease. So when medicine is applied to any disease, it is cured by the permission of Allah. (Muslim) (Mishkat, ibid, 4314/2)

**Remedy in three things:** Ibne Abbas has reported that the messenger of Allah has said that, "Cure is in three things: the incision of a cupping-glass, a drink of honey, or cauterizing by fire, but I prohibit my Ummah from cauterizing." <sup>3</sup>

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1. "Tibb" means "To cure." It relates to the physical as well as psychic diseases for which the cure is through medicines, surgery and other physical method. In addition, there are also spiritual diseases including magic, evil eye, evil influences, etc, for which the cure is through spiritual methods.

2. "Ruqa" is plural of "Ruqyah" which means magic. For cure of spiritual diseases, use of Quranic Verses, Names of Allah, Supplications of Sunnah are permissible. But words, phrases, ways and means which are against Quran and Sunnah are prohibited (Mazaahir-e-Haq).

3. Also see Hadees No. 4354/42. This forbidding is general and of the nature of "Nehee Tanzihee" which means that in extreme cases wounds may be cauterized. For detailed views of the scholars on this and following tradition, see Mazaahir-e-Haq, Vol. IV, pp. 257 and 258.

**Cauterizing:** Jabir has reported that in the battle of the Confederates <sup>1</sup> Ubayy was struck by an arrow in the median vein of the arm and the messenger of Allah cauterized it. (Muslim) (Mishkat, ibid, 4316/4)

Jabir has reported that Sa'd bin Mu'aaz was struck by an arrow in the median vein of his arm. The holy prophet with his own hand cauterized it with a broad arrow head. It then swelled up and he cauterized it again. (Muslim) (Mishkat, ibid, 4317/5)

Jabir has reported that the messenger of Allah sent a physician to Ubayy bin ka'b who cut one of his veins and cauterized it. (Muslim) (Mishkat, ibid, 4318/6)

**Nigella seed** <sup>2</sup> : Abu Hurairah has reported that he heard the messenger of Allah say, "Habbat-us-Saudaa (Nigella seed) is a cure for every disease except death." Ibne Shihab said that Saam means death and Habbat-us-Saudaa means Shuneez. <sup>3</sup> (Bukhari and Muslim) (Mishkat, ibid, 4319/7)

**Honey:** Abu Saeed al-Khudri has reported that a man came to the Holy prophet and said: my brother is suffering from loose motions. The messenger of Allah said: give him honey to drink. He gave him (honey) to drink. Afterwards he came and said: "I gave him (honey) to drink but it has made his motions more loose." He directed him three times, and when he came a fourth time and he said: give him honey to drink, he said, I gave him (honey) to drink, but it has increased the looseness." The messenger of Allah said, "Allah has spoken the truth and the belly of your brother's is false." He then gave him it (honey) to drink and he recovered." (Bukhari and Muslim) (Mishkat, ibid, 4320/8)

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1. i.e. the battle of the Trench, 5 A.H. This and the subsequent two traditions are the sanction for physical surgery and operation.
  2. Medically it is known as Nigella Sativum. It is useful in all diseases including stomach and chest diseases, asthma, paralysis, jaundice, rheumatism, forgetfulness, giddiness, palpitation, kidney and gall bladder-stones, piles, gums and teeth, citric, skin, insanity, menstruatic, stomach worms, poison of snakes, dogs, etc. (Tibbe Nabawi Aur Jadeed Science, Vol. I, pp. 228 to 236.)
  3. Tajul Urus says this is a Persian word which came to be used by the Arabs. It indicates a seed of a species of Nigella. (James Robson).

Abu Hurairah has reported that the messenger of Allah has said that, "Whoever licks honey three mornings every month. No serious trouble will afflict him." (Ibne Majah) (Baihaqi noted it in Shu'abul Iman). (Mishkat, ibid, 4367/55)

**Cupping and sea costus:** Anas has reported that the messenger of Allah has said that, "The best of what you with are cupping and sea costus."<sup>1</sup> (Bukhari and Muslim) (Mishkat, ibid, 4321/9)

**Indian Aloes Wood:** Umme Qais has reported that the messenger of Allah has said that, "Why do you compress the uvula of your children in this way? Use this Indian aloes wood, because in it is the cure of seven (diseases), one of which is pleurisy. Is to be applied through the nose for a swelling of the uvula and poured into the side of the mouth for pleurisy." (Bukhari and Muslim) (Mishkat, ibid, 4323/11)

**Eever and its cure:** Aaisha and Raa'fe bin Khadeej has reported that the holy prophet has said that, "Fever is from the heat of the Hell, so cool it with water." (Bukhari and Muslim) (Mishkat, ibid, 4324/12)

**Spell:** Anas has reported that the messenger of Allah permitted the use of spell for the evil eye, scorpion sting and small pustules. (Muslim) (Mishkat, ibid, 4325/13)

Aaisha reported: the holy prophet gave direction that we should use the spell against the evil eye. (Bukhari and Muslim) (Mishkat, ibid, 4326/14)

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1. A herbal root which is used in medicine (Mazaahir-e-Haq). Medically it is known as Saussaurea lappa.

Umme Salamah has reported that the holy prophet saw in her house a girl with yellowness in her face and said, “Use a spell for her, because she has been affected by the evil eye.” (Bukhari and Muslim) (Mishkat, ibid, 4327/15)

Jabir has reported that the messenger of Allah prohibited spells. The family of Amr bin Hazm came and said, “O messenger of Allah, we had a spell which we used for scorpion bite, but you have prohibited spells.” They submitted it to him and he said, “I see no harm in it. Whoever of you is able to give benefit to his brother, let him give benefit to him.” (Muslim) (Mishkat, ibid, 4328/16)

Auf bin Maalik Ashja’ee has reported: in the days of Ignorance we used to apply spells. We asked the messenger of Allah: what is your view about it? He said, “Present your spells to me. There is no harm in spells so long as they involve no polytheism.” (Muslim) (4329/17)

**Evil eye:** Ibne Abbas has reported that the holy prophet has said that, “The evil eye is a reality. If anything could have preceded the predestination, the evil eye would have done so. When you are asked to wash, then wash.”<sup>1</sup> (Muslim) (4330/18)

Asma daughter of Umais said, “O messenger of Allah, the children of ja’far are easily susceptible to evil eye. May I use a spell for them?” he said, “Yes, because if anything could get ahead of pre-destination it would be the evil eye.” (Ahmad, Tirmizi and Ibne Majah) (4358/46)

**An incident of evil eye:** Abu Umamah bin Sahl bin Hunaif has reported that Aamir bin Rabi’ah saw Sahl bin Hunaif bathing and said, “By Allah, I have seen no skin like the one I have seen today, not even that of a secluded girl.” Sahl fell down and people went to the messenger of Allah and said to him, “O messenger of Allah, can you do anything for Sahl bin Hunaif? By Allah, he cannot raise his head.”

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1. i.e. wash yourself with water and pour the water used in washing on the person affected by your evil eye (Mazaahir-e-Haq).

He asked: do you suspect (evil eye of) anyone? They said: we suspect Aamir bin Rabi'ah. The messenger of Allah summoned Aamir, and after speaking roughly to him, said, "Why does anybody of you kill his brother? Why did you not invoke a blessing? Take bath for him." Aamir then washed for him his face, hands, elbows, knees and toes, and inside his lower garment, collected the water in a vessel and poured it over him, and he recovered and went away with the people as if he had no trouble (Sharhe as-Sunnah) (Mishkat, ibid, 4360/48)

**Feeding the sick:** Uqbah bin Aamir has reported that the messenger of Allah has said that, "Do not force your sick to eat, because Allah the Most High gives them food and drink." (Tirmizi and Ibne Majah) (Mishkat, ibid, 4332/20)

**Pleurisy:** Zaid bin Arqam has reported that the messenger of Allah directed us to treat pleurisy with sea costus and olive oil. (Tirmizi) (Mishkat, ibid, 47334/22)

Zaid bin Arqam has reported that the holy prophet used to recommend olive oil and Wars <sup>1</sup> for (the treatment of) pleurisy. (Tirmizi) (Mishkat, ibid, 4335/23)

**Sana:** Asma daughter of Umais has reported that the holy prophet asked her: what laxative you take? She said: Shubrum (spurge). <sup>2</sup> He said: it is very hot. She then used Sana as a purgative, and the holy prophet said, "Had anything contained a cure for death it would have been Sana. <sup>3</sup> (Ibne Majah, and Tirmizi) (Mishkat, ibid, 4336/24)

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1. A grass of yellow colour like saffron used for colour as well as medicine (Mazaahir-e-Haq). Medically it is known as Memooylon Tinotura.
  2. A grass which is highly purgative.
  3. Medically it is known as Cassta Angustifolia.

**Unlawful things:** Abu Darda has reported that the messenger of Allah has said that, “Allah has sent down the disease and the cure, and he has created a cure for every disease, so treat yourselves medically, but use nothing unlawful (Abu Dawud) (Mishkat, ibid, 4337/25)

**Impure medicine:** Abu Hurairah has reported that the messenger of Allah prohibited the use of impure medicine. (Ahmad, Abu Dawud, Tirmizi and Ibne Majah) (Mishkat, ibid, 4338/26)

**Headache and pain in legs:** Salma, the maid servant of the holy prophet, has reported that no one complained to the messenger of Allah of headache but he told him to get cupped, or of a pain in his legs but he told him to dye them with Hina <sup>1</sup> (Abu Dawud) (Mishkat, ibid, 4339/27)

**Wound: Salma reported:** the messenger of Allah never had a wound or a bleeding foot but he ordered me to apply Hina on it. (Tirmizi) (Mishkat, ibid, 4340/28)

**Cupping:** Abu Kabsha al-Anmaari has reported that the messenger of Allah used to get himself cupped on the top of his head and between his shoulders, and he used to say, “Whoever takes our any of this blood he will not suffer if he does not take medical treatment for anything.” (Abu Dawud and Ibne Majah) (Mishkat, ibid, 4341/29)

Jabir has reported that the holy prophet got himself cupped on account of a contusion which afflicted him. (Abu Dawud) (Mishkat, ibid, 4342/30)

Ibne Masud has reported: while telling about the night when he was taken up to the heaven the messenger of Allah said: I did not pass by any group of angels but they told me to command my Ummah to have themselves cupped. (Tirmizi and Ibne Majah) (Mishkat, ibid, 4343/31)

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1. Medically it is known as Lawasonia ALBA

Anas has reported that the messenger of Allah used to get himself cupped in the two veins at the sides of the neck and on the shoulder. (Abu Dawud) (Mishkat, ibid, 4345/33)

Ibne Abbas has reported that the holy prophet liked to get himself cupped on the 17<sup>th</sup>, 19<sup>th</sup> and 21<sup>st</sup>. (of the lunar month) (Sharhe as-Sunnah) (Mishkat, ibid, 4346/34)

Abu Hurairah has reported that the messenger of Allah has said, "Whoever gets himself cupped on the 17<sup>th</sup>, 19<sup>th</sup>, and 21<sup>st</sup>, (of the lunar month) it will be a cure for every disease." (Abu Dawud) (Mishkat, ibid, 4347/35)

Kabsha daughter of Abu Bakrah has reported that her father used to forbid his family from getting cupped on Tuesday, and say on the authority of the messenger of Allah that Tuesday is the day of blood in which there is an hour when blood not stops. (Abu Dawud) (Mishkat, ibid, 4348/36)

Zuhri has reported in Mursal from that the messenger of Allah has said that, "Whoever gets himself cupped or smeared with something on Saturday or Wednesday, he should blame none but himself if he gets leprosy." (Sharhe as-Sunnah) (Mishkat, ibid, 4350/38)

Abu Kabsha al-Anmaari has reported that the messenger of Allah had himself cupped on the top of his head because of the poisoned sheep. Ma'mar said: I myself cupped like that in the middle of my head without having (the effect of any) poison and suffered loss of memory to the extent that I was to be corrected (even) in (recitation of) Faatihah-al-Kitab in the prayer. (Razeen) (Mishkat, ibid, 4369/57)

Naafe' has reported that ibne Umar said to him: O Naafe' I am suffering from blood pressure, so call for me a cupper and bring a young man, and bring neither an old man nor a boy. Ibne Umar said: I had heard the messenger of Allah say, "cupping

**Before taking the food is best:** it increases the intelligence, the memory and the memory of one who has a good memory. So whoever wishes cupping should do it on Thursday, doing it in the Name of Allah the most high: and avoid cupping on Friday, Saturday and Sunday. Get yourselves cupped on Monday and Tuesday, and avoid cupping on Wednesday because it is the day when Job was afflicted with disease. Tubercular leprosy and leprosy do not break out but on Wednesday or Wednesday night.” (Ibne Majah) (Mishkat, ibid, 4370/58)

**Frogs:** Abdur Rehman bin Usman has reported that a physician asked the holy prophet about putting frogs in medicine. The holy prophet prohibited him from killing them (Abu Dawud) (Mishkat, ibid, 4344/32)

**Spells, Gharms and Love Spells:** Zainab the wife of Abdullah bin Masud has reported: Abdullah saw a thread in my neck and asked: what is this? I said: this is a thread over which a spell has been recited for me. He took it, cut it up and said, “O you the family of Abdullah, you are free from polytheism. I have heard the messenger of Allah say that spells, charms and love-spells amount to polytheism.” I said, “Why do you say like this? My eye was giving me trouble me I was going to a certain Jew. When he applied a spell to it, it calmed down.” Abdullah said, “That was just the work of Satan who was pricking it with his hand, and when a spell was uttered he desisted. It would suffice if you said, as the messenger of Allah did, ‘remove the harm, O Lord of men, and heal. You are the healer. There is no remedy but yours which leaves no disease behind.’” (Abu Dawud) (Mishkat, ibid, 4351/39)

**Nushra:** Jabir has reported that the holy prophet was asked about a chram for Nushra<sup>1</sup> (one who is possessed). He said, “It pertains to the work of Satan.” (Abu Dawud) (Mishkat, ibid, 4352/40)

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1. Nushra comes from a root meaning to dispute and is said to be used meaning a chrm for one who is possessed because it disperses the trouble (James Robson). It pertains to black magic.

Antidote, Amulet, poetry: Abdullah bin Umar has reported: I heard the messenger of Allah say, "I do not care for what I do, if I drink an antidote, or tie on amulet, or compose poetry." (Abu Dawud) (Mishkat, ibid, 4353/41)

**Cauterizing<sup>1</sup> and spell:** Mughirah bin Shubah has reported that the Holy Prophet has said that, "Whoever cauterizes himself or uses a spell has exempted himself from the trust in Allah." (Ahmad, Tirmizi and Ibne Majah) (Mishkat, ibid, 4354/42)

**Amulet: Isa bin Hamzah reported:** I went to Abdullah bin Ukaim who was suffering from erysipelas and asked: why do you not hang up an amulet? He said, "We seek refuge in Allah from that. The messenger of Allah said that whoever hangs anything on himself he is left to it." (Abu Dawud) (Mishkat, ibid, 4355/43)

**Spell for evil eye and scorpion sting:** Imran bin Husain has reported that the messenger of Allah has said that, "There is no spell except for the evil eye or a scorpion sting." (Ahmad, Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 4356/44)

Anas has reported that the messenger of Allah has said that, "There is no spell except for the evil eye, or a scorpion sting, or bleeding." (Abu Dawud) (Mishkat, ibid, 4357/45)

**Spell for skin eruption:** Shifa<sup>2</sup> daughter of Abdullah has reported: when I was with Hafsa, the messenger of Allah entered and said, "Why do you not teach her the spell for skin eruptions as you taught her writing?" (Abu Dawud) (Mishkat, ibid, 4359/47)

**Seeking Refuge:** Abu Saeed al-Khudri has reported that the messenger of Allah used to seek refuge from the jinn and the evil eye in men till the Mu'awwazataan<sup>1</sup> were revealed, after which he started using them and abandoned everything else. (Tirmizi and Ibne Majah) (Mishkat, ibid, 4361/49)

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1. Also see Hadees No. 4315/3

2. Daughter of Abdullah Ibne Shams who belonged to the Quraysh. Her name was Laila but she was known by her title Shifa (Mazaahir-e-Haq).

**Mugharriboon:** Aaisha has reported: the messenger of Allah asked me, “Are the Mugharriboon seen among you?” she asked: what do they mean? He said, “They said, are those in whom the jinn take part.” (Abu Dawud) (Mishkat, ibid, 4362/50)

**Stomach:** Abu Hurairah has reported that the messenger of Allah has said that, “Stomach is the tank of the body and the veins go down to it. When the stomach is healthy, the veins return healthy. But when it is diseased, they return diseased.” (Baihaqi noted it in Shu’abul Iman) (Mishkat, ibid, 4363/51)

**Stung by scorpion:** Ali has reported: when the messenger of Allah was praying one night, he placed his hand on the ground and was stung by a scorpion. The messenger of Allah struck it with his shoe and killed it. When he finished (the prayer), he said, “May Allah curse the scorpion! It does not leave anybody praying or anybody else, or a prophet or anybody else.” He then called for salt and water, put it in a vessel and began to pour it over his finger where it had stung him and wipe it, seeking refuge in Allah by reciting the Mu’awwazataan. (Baihaqi noted it in Shu’abul Iman). (Mishkat, ibid, 4364/52)

**Hair of the Holy Prophet:** Usman bin Abdullah bin Mauhib has reported: my family men sent to Umme Salamah with a cup of water. Whenever anybody was smitten by the evil eye or anything else, he used to send to her a big cup. She used to take out some hairs of the messenger of Allah, which she kept in a little silver bell. She used to move it about for him in the water and he drank of it. I looked into the little bell and saw some red hairs. (Bukhari) (Mishkat, ibid, 4365/53)

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1. Chapter, 113 and 114 of the Holy Quran.

**Truffles<sup>1</sup> and Ajwa:** Abu Hurairah has reported that some of the Companions of the messenger of Allah asked the messenger of Allah whether truffles are the smallpox of the earth. He said, "Truffles are a kind of manna, and their juice is a cure for the eye. The Ajwa dates are from Paradise, and they are a remedy for poison." Abu Hurairah said: then I took three, five, or seven truffles, pressed them, put their juice in a bottle and applied it as an eye-lotion to a slave-girl of mine who was blear-eyed, and she recovered. (Tirmizi) (Mishkat, ibid, 4366/54)

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1. Medically it is known as *Agaricus Capastris*.

## CHAPTER 2

### GOOD AND EVIL OMENS

**There is no bad omen:** Abu Hurairah has reported: I heard the messenger of Allah say, "there is no bad omen, but the best of it is the good omen." They asked: what is a good omen? He said, "A good word which anybody of you hears." (Bukhari and Muslim) (Mishkat, kitab-ul-Tibb War Ruqa, Baab-ul-Faale Wat Tiyyarah, No. 4372/1)

**Some diseases and evil omen having no reality:** Abu Hurairah has reported that the messenger of Allah has said that, "There is no contagious disease, no evil omen, no Haamah,<sup>1</sup> and no Safar"<sup>2</sup>; but flee from one who has tubercular leprosy as you flee from a lion." (Bukhari) (Mishkat, ibid, 4373/2)

Abu Hurairah has reported that the messenger of Allah has said that, "There is no contagious disease, no Hamma, and no Safar." A desert Arab said, "O messenger of Allah, how is it that when camels are in the sand as if they are deers<sup>3</sup> and a mangy camel comes among them and infects them with mange?" the messenger of Allah said, "Who caused infection the first one?" (Bukhari) (Mishkat, ibid, 4374/3)

Abu Hurairah has reported that the messenger of Allah has said that, "There is no contagious disease, no Haama, no nawa'a<sup>4</sup> and no Safar" (Muslim) (Mishkat, ibid, 4375/4)

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1. This word means an owl, or a night-bird which frequents graves. The pre-Islamic Arabs believed that when vengeance had not been taken for one who had been killed a bird called Haama came forth from the dead and screeched demanding vengeance. (James Robson).

2. The pre-Islamic Arabs used this word as meaning a serpent which bites a man from within when he is hungry and causes the sense of stinging a man feels when hungry. It was also used of a serpent within the belly which was believed to cause a disease more contagious than mange or scab. (Ibid)

3. The companion is used to indicate the cleanness of their skin. (James Robson)

4. Star promising rain.

Jabir has reported: I heard the holy prophet say, "There is no contagious disease, no Safar, and no Ghoul." <sup>1</sup> (Muslim) (Mishkat, ibid, 4376/5)

Sad bin Maalik has reported that the messenger of Allah has said that, "There is no Hamma, no contagious decease and no evil omen. If there could be an evil omen, it could be in a house, and a horse, and a woman." <sup>2</sup> (Abu Dawud) (Mishkat, ibid, 4382/11)

**Leprosy:** Aamir bin Shareed has reported from his father who said the three was a man suffering from tubercular leprosy in the deputation of Saqeef. The holy prophet sent to him a message, "We have taken your oath of allegiance, so return." (Muslim) (Mishkat, ibid, 4377/6)

Jabir has reported that the messenger of Allah caught hold of the hand of a man who was suffering from tubercular leprosy, and, putting it along with his own in the plate, said, "Eat with confidence in Allah and have trust in Him." (Ibne Majah) (Mishkat, ibid, 4381/10)

**Good and not Evil Omens:** Ibne Abbas has reported that the messenger of Allah used to take good omens but not evil ones, and that he liked a good name. (Sharhe as-Sunnah) (Mishkat, ibid, 4378/7)

**Acts of Satan:** Qatan bin Qabisah has reported from his father that the holy prophet said that, "Augury from the flying of birds, practicing pessomancy, <sup>1</sup> and taking evil omens, are acts of Satan." (Abu Dawud) (Mishkat, ibid, 4379/8)

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1. It is derived from the Arabic Ghul, it was used of a creature which was a type of Jinni or devil which was believed to appear to people in various forms and lead them astray in the desert and cause their destruction. (James Robson)
  2. Meaning that it would effect these things.
  3. Throwing stones, drawing lines or knocking of doors at night.

**Evil Omen is Polytheism:** Abdullah bin Masud has reported that the messenger of Allah has said that, “Taking evil omens is polytheism (He said it three times). None of us is affected by it, but Allah removes it by trust in him.” (Tirmizi and Abu Dawud) (Mishkat, *ibid*, 4380/9)

**Good Names:** Anas has reported that when the holy prophet went out for something, he liked to hear, “O Raashid (rightly guided one)! O Najee’ (Successful one)!” (Tirmizi) (Mishkat, *ibid*, 4383/12)

Buraidah has reported that the holy prophet did not take evil omens from anything. When he sent a governor, he used to ask his name. If it pleased him, he was pleased about it and his pleasure was visible in his face: but if he disliked his name, his displeasure was visible in his face. When he entered a village, he used to ask its name. If it pleased him, he was pleased about it and his pleasure was visible in his face; but if he disliked its name, his displeasure was visible in his face. (Abu Dawud) (Mishkat, *ibid*, 4384/13)

**Unblessed House:** Anas has reported that a man said, O messenger of Allah; we were in a house in which we were many in number and our wealth increased. We shifted to a house in which our numbers became less and our wealth diminished.” He said, “Leave it, because it is reprehensible.” (Abu Dawud) (Mishkat, *ibid*, 4385/14)

**Unhealthy Place:** Yahya bin Abdullah bin Baheer has reported: I was informed by one who had heard Farwah bin Musaik that he said, “O messenger of Allah, we have a land called Abyan<sup>1</sup> in which we have our fields and grow our crops, but it is very unhealthy.” He said, “Leave it, because it is destructive to be near the disease.” (Abu Dawud) (Mishkat, *ibid*, 4386/15)

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1. to the east of Aden. Some early writers held it was either a place on the rocks of Aden, or a name for Aden itself. (James Robson)

**Not to be upset by an omen:** Urwah bin Aamir has reported that evil omen was mentioned in the presence of the messenger of Allah, he said; the best of it is the good omen. A Muslim is not upset from anything because of an omen. When anybody of you sees anything he dislikes, he should say, "O Allah, none brings the good but you: and none averts the evil but you: and there is no might or power but in Allah." (Abu Dawud) (Mishkat, ibid, 4387/16)

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(5) **INTERNATIONAL RELATIONS**

## PEACE OUTSIDE THE COUNTRY

As regards peace outside the country, it depends upon the agreements and treaties as well as the war.

**Quran says:** O' you who believe, fulfill obligations (Maa'idah, 5:1): and, fulfill the covenant to Allah when you have made a covenant and break not the oaths after making them (Nahl, 16:91) and, fulfill the promise; surely the promise will be enquired into (Bani Israil, 17: 34); and the successful indeed are the believers who are keepers of their trusts covenants (Mo'minoon, 23:8).

All these verses of the holy Quran lay stress upon respect for the covenants, agreements, leagues, treaties and engagements – religious as ordained by Allah as well as temporal made between the men. Thus Quran lays great emphasis for honoring the treaty, unless of course it is for the purpose of deceit. In that case Quran says: if there is treachery on the part of a people, throw back to them their treaty on terms of equality (Anfaal, 8:58). If they deceive, then surely Allah is sufficient (Anfaal, 8:62)

Even when declaration of immunity was made to those idolaters with whom agreement was made (Taubah, 9:1), an exception was made in favour of those who did not fail in their agreements (Taubah, 9:4). The position in fact was that although the idolatrous tribes of Arabia broke their agreements with the Muslims again and again (Anfaal, 8:56), yet the Muslims were enjoined to accept peace if the disbelievers consented to it, even after repeated violations (Anfaal, 8:61). But this state of affairs could not last long. Isolators repudiated the agreements of a large scale when the Muslims were absent on the Tabook expedition. Therefore, immunity was declared but it was specifically said that agreement with those who fulfilled their part was to continue till completion of their term (Taubah, 9:4).

In case of breach of agreement from the other side, Muslims are also allowed not to respect the agreement. But before taking any action against them intimation of the immunity is necessary. The holy prophet Muhammad (peace be upon him) said that a nation which has agreement unless the agreement expires or is broken (Mishkat).

If, however, there is clear violation of the agreement from the other side, then formal declaration of the immunity is not necessary nor is it obligatory to announce the repudiation of the agreement of treaty as a condition precedent to taking any punitive action against the defaulters. The step is morally as well as strategically justified, and the same is proved by the fact that in case of breach of the treaty of Hudaibiah by the non-believers the Holy Prophet attacked Mecca without any formal declaration in advance.

An agreement made by an Islamic State is binding on all Muslims of the State. But the Muslims residing outside the Islamic State are not bound by it (Anfaal, 8:72). The Holy Prophet said: I cannot be responsible for the help and safety of those Muslims who are residing among the non-believers. In case they need any help, it will be given keeping in view the agreement with the non-believers (Anfaal, 8:37).

When there is clear breach of the agreement from the other side, the war shall become inevitable. Quran says: those with whom you make an agreement, they break their agreement every time, and have kept not their duty so if thou overtake them in war, scatter by them those who are behind them, that they may be mindful (Anfaal, 8:56-57).

**QURAN:**

**Obligations to be fulfilled:** O you, who believe, fulfill the obligations (Maa'idah, 5:1). And fulfill the covenant of Allah, when you have made a covenant, and break not the oaths after making them fast, and you have indeed made Allah your surety, surely Allah knows what you do (Nahl, 16:91). And fulfill the promise; surely the promise will be enquired into (Bani Israil, 17:34)

The Successful: Successful indeed are the believers, "Who are keepers of their trusts and covenants" (Mo'minoon, 23:8).

**In case of treachery:** If you fear treachery on the part of a people, throw back to them (their treaty) on terms of equality, surely Allah loves not he treacherous (Anfaal, 8:58). And if they are inclined to peace, incline you also to it, and trust in Allah surely he is the hearer, the knower (Anfaal, 8:61).

**Breach of agreement:** These with whom you make an agreement, then they break their agreement every time, and they keep not their duty, so if you overtake them in war, scatter by them those who are behind them, that they may be mindful (Anfaal, 8:569-57).

**HADEES:**

**PEACE AND TREATY**

**Treaty of Hudaibiah:** Mishwaar bin Makhramah and Marwan bin Hakam has reported that the holy prophet went out in the year of Hudaibiah with over one thousand of his companions. When he came to Zul Hulaifah, he garlanded and marked the animals for sacrifice, put on the Ehraam for Umrah, and then moved on when he came to the mountain pass by which one descends to Mecca, his riding camel knelt down and the people said, "Stop, Stop! Qaswah has become Jaded."

But the holy prophet said, "Qaswah has not become Jaded, because it is not its characteristic but he who stopped the elephant <sup>1</sup> has stopped her." Then he said, "by him in whose hand my soul is they will not ask me any good thing by which they honour what Allah has made sacred but that I will give them." He then urged her and she leaped up and he turned aside from them till he stopped at the farthest point of Hudaibiah at a pool with little water which the people collected in small quantities and which soon exhausted. Complain of thirst was made to the messenger of Allah. So he drew an arrow fro his quiver and ordered them to put it in it, whereupon, by Allah it kept gushing forth to them with water till they left it. While they were in that condition, Budail bin Warqa' al-Khuza'ee came with some members of Khuza'a and Urwah bin masud joined him. He when ton with the tradition to the point where he said that when suhail bin Amr came, the holy prophet said, "write: this is what Muhammad the messenger of Allah has decided." Suhail said, "By Allah, if we knew that you are the messenger of Allah, we would not have turned you away from the house or fought with you: but write: Muhammad bin Abdullah." The holy prophet said, "By Allah, I am the messenger of Allah even if you do not believe: write Muhammad bin Abdullah." Suhail said, "And that a man will not come to you from us, even if he follows your religion, but that you will send him back to us." Then when he finished drawing up the document, the messenger of Allah said to his companions, "Get up and sacrifice, and then shave." Thereafter some believing woman came and Allah the Most High revealed. "O you who believe, when believing woman come to you as emigrant....."<sup>2</sup> Allah the Most High prohibited them to send them back, but ordered them to return the dower. When the Holy Prophet returned to Medinah, Abu Baseer, a man of Quraish who was a Muslim, came to him and they sent two men to search for him. So he handed him over to the two men. They took him away, and when they reached Zul Hulaifah and alighted to eat some dates which they had, Abu Baseer said to one of them, "By Allah, so and so, I think this sword of yours is very fine: let me see it."

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1. Quran, Chapter 105.

2. Quran, Muntahinah, 60:10.

He let him have it and he struck him till he died, whereupon the other fled from him and when he reached Medinah, went running into the mosque. The holy prophet said, "This man has seen something frightful" he said, "By Allah, my companion has been killed, and I was sure to be killed." Abu Baseer arrived and the holy prophet said, "Woe to his mother, stirrer up of war! Would that he had some kinsfolk!" when he heard that, he perceived that he would send him back to them, so he went out and came to the seashore. Abu Jandal bin Suhail escaped and joined Abu Baseer, and it became the practice that every man of Quraish who went out having accepted Islam joined Abu Baseer, till a company of them collected. By Allah, they did not hear of any caravan which belonged to Quraish going out to Syria but that they chased it, killed the men and seized their goods. So the Quraish sent a message to the holy prophet adjuring him by Allah and the ties of relationship to send instructions to them to stop and agreeing that anyone who came to him would be safe. So the holy prophet sent them instructions. (Bukhari) (Mishkat, kitab-ul-Jihaad, Bab-us-Sulha, No. 3863/1)

**Three conditions:** Bara bin Aazib has reported that the holy prophet made treaty with the polytheists on the day of Hudaibiah over three things: that whoever of the polytheists would come to him, he would return him to them: but whoever of the Muslims would come to them, they would not return him: that he would enter Mecca the next year and stay in it for three days: and that he would enter it only with such weapons as swords and bows in bags. Then Abu Jandal came hobbling in his fetters and he returned him to them. (Bukhari and Muslim) (Mishkat, ibid, 3864/2)

Anas has reported that the Quraish made a treaty with the holy prophet laying down the conditions on the holy prophet: if anybody comes to us from you, we will not return him but if

Anybody comes to you from us, you will return him. They <sup>1</sup> asked: O messenger of Allah, should we write down this? He said, "Yes" Allah will keep away (from his Mercy) anybody who will go from us to them, but Allah will make an escape and a way out for anyone who will come to us from them." (Muslim) (Mishkat, ibid, 3865/3)

**Some other conditions of the Hudaibiah:** Miswaar and Marwaan has reported that they <sup>2</sup> made a treaty to abandon war for ten years during which the people would live in security, and that there should be sincerity between us and that there should be no theft or treachery. (Abu Dawud) (Mishkat, ibid, 3867/5)

**The Holy prophet's writing:** Bara bin Aazib has reported: the messenger of Allah went to perform Umrah in Zul Qadah, but the people of Mecca refused to allow him to enter Mecca till he had made a treaty with them to enter (i.e. in the next year) and stay for three days. Then when on writing the agreement they wrote, "This is what Muhammad the messenger of Allah has agreed," the Meccans said, "We do not acknowledge it, because if we acknowledged that you are the messenger of Allah, we would not have prevented you: but you are Muhammad bin Abdullah." He said, "I am (both) the messenger of Allah and Muhammad bin Abdullah." He then said to Ali bin Abi Talib: delete "Messenger of Allah." He said, "No, By Allah, I will never delete it." Then the messenger of Allah took it, and although he did not write well, he wrote, "this is what Muhammad bin Abdullah has agreed: he will enter Mecca with no weapon except a sword in the scabbard: if any of its people wishes to go with him, he will not take him out: and if any of his companions wished to stay in it, he will not stop him." When he entered (next year) and the appointed period finished, they went to Ali and said: tell your friend to leave us because the appointed period has finished. So the holy prophet went out. (Bukhari and Muslim) (3870/8)

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1. The Companions
  2. i.e. the Quraish of Mecca

**ACTING AGAINST THE COVENANT**

Safwan bin Sulaim has reported from a number of the sons of the companions of the messenger of Allah who said on the authority of their fathers that the messenger of Allah had said, “Whoever oppresses a man with whom a covenant has been made, or curtails any of his rights, or imposes on him more than what he can bear, or takes anything from him without his consent, I shall be his adversary on the day of Resurrection.” (Abu Dawud) (Mishkat, ibid, 3868/6)

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## **6. DEFENCE**

**Chapter – 1 – Jihaad.**

**Chapter – 2 – Equipment for Jihaad**

**Chapter – 3 - Directions**

**Chapter – 4 – Fighting in Jihaad.**

**Chapter – 5 – Spy and Captive of War**

**Chapter – 6 – Protection.**

**Chapter – 7 – Booty of War.**

**Chapter – 8 – The Fai'**

**Chapter – 9 - Jizyah**

## JIHAD

Jihaad means to strive. In the Islamic sense it implies striving for good in the way of Allah and the utmost of it is use of power, the obvious form of which is war against the enemy.

According to the commands contained in the holy Quran and Ahadees of Holy Prophet, war is to end the persecution as well as for the help of poor and weak. Basically it is war against war i.e. against those only who wage the war and therefore it is to continue till the enemy goes on fighting, and in this case also a Muslim is not to be extra-aggressive. In fact war in the Islamic sense is purely defensive, but if need arises, in order to break the strength of the enemy and to force him to desist from oppression, the enemy may also be attacked openly as well as by surprise, in the day light as well as in darkness of the night.

Jihaad is obligatory for every Muslims make who is able to fight when occasion to fight arises for the cause of Allah: and if anybody desists from fighting, he is liable to be punished. The Muslims are therefore commanded to be always ready with their arms and should never be unmindful of their enemy.

In connection with Jihaad, it may also be noted that agreements and treaties with any people have also to be fully honoured unless there is breach of an agreement by the other side of the term of agreement is finished.

As regards the beginning of Jihaad, the fact is that the Holy Prophet Muhammad (peace be upon him) started his Mission through peaceful invitation to the people to understand and accept the truth that Allah is one and all that exists is a creation of Allah and that all should worship none but Allah the almighty. But even this peaceful propagation of Islam met with serious opposition from the none-believers, who did their utmost to suppress it by persecution. But when they found that in spite of

Serious and all-round opposition, Islam was gaining strength in Medinah; they took up to the sword to annihilate it. They perhaps thought that as yet the Muslims were very few in number and they could, therefore, be finished up by sword. They, therefore, took to their arms, as Quran tells us, with this sole objective that they would not seize fighting against the Muslims until they could turn them back from their religion if they could (Baqarah, 2:217). It was in these circumstances that the first command of Allah permitting the Muslims to fight was given which said: permission to fight as given to them upon whom war is made because they are oppressed (hujj, 22:398). Then there came the second command of Allah saying: fight in the way of Allah against those who fight, but be not aggressive: surely Allah loves not the aggressors (Baqarah, 2:190).

From both these verses of the Holy Quran it is clear that permission to fight was given against those who wage war, and even then the Muslims were forbidden to be extra-aggressive. Thus war, in the Quranic sense, means pure defensive war, and this really is fighting in the way of Allah (Aale Imran, 3:166 = Baqarah, 2:190) which is technically known as Jihaad in Islam.

## QURAN

**Agreement to be fulfilled:** Quran says: O you who believe, fulfill the obligations (Maa'idah, 5:1): and fulfill the covenant with Allah when you have made a covenant and break not the oaths after making them fast (Nahl, 16:91): and fulfill the promise, surely the promise will be enquired into (Bani Israel, 17:34); and successful indeed are the believers who are keepers of their trusts and their covenants (Mo'minoon, 23:8).

**Treachery:** If there is treachery on the part of any people, then Quran says: throw back to them their treaty on terms of equality (Anfaal' 8:580. if they deceive, then surely Allah is sufficient (Anfaal, 8:62). There is however an exception in favour of those who do not fail in their agreements (Taubah, 9:4)

**Binding on all Muslims:** An agreement made by the Islamic State is binding on all Muslims residing within the State, but not on those who are residing outside the Islamic State (Anfaal, 8:72). But in case they need any help, it will be given keeping in view the agreement with the other people (Anfaal, 8:73)

**Breach of Agreement:** in case of clear breach of agreement (Anfaal, 8:56-57)

**Permission to fight:** Quran says: permission to fight is given to those upon whom war is made because they are oppressed (Hajj, 22:39); and fight in the way of Allah against those who fight, but be not aggressive; surely Allah loves not the aggressors (Baqarah, 2:190); and kill them wherever you find them, and drive them out from where they drove you out (Baqarah, 2:191); and fight with them until there is no persecution and Religion is only for Allah (Anfaal, 8:39).

**Help of the poor:** Fighting is also for the help of the poor and the weak. Quran says: and what reason have you not to fight in the way of Allah, and of the weak among the men and women and the children, who say, "Our Lord, take us out of this town, whose people are oppressive, and grant us from you a friend, and grant us from you a helper (Nisa, 4:75)

**War to continue:** War is to continue till the opponents go on fighting. Quran says: but if they desist, then there should be no hostility except against the oppressors (Baqarah, 2:193). Fighting is also disallowed at the sacred Mosque until the others fight in it (Baqarah, 2:191). Similarly, fighting in the Sacred Months is also prohibited except by way of reprisal (Baqarah, 2:217)

**Fighting all together:** Quran says: fight the polytheists all together as they fight with you all together (Taubah, 9:36). Allah says: you will find others who desire to be secure from you and secure from their own people. Whenever they are made to return to hostility, they are plunged into it. So if they withdraw not from you, nor offer you peace and restrain their hands, then seize them and kill them wherever you find them: against them we have given you a vellar authority (Nisa, 4:91)

**Fighting ordained:** Quran says: fighting is ordained on you, though it is disliked by you: and it may be that you dislike a thing which is good for you: and it may be that you love a thing which it is bad for you: and Allah knows which you know not (Baqarah, 2:216). Allah asks the holy prophet Muhammad (peace be upon him) to urge the believers to fight (in the way of Allah) (Anfaal, 8:65). Quran says: O you who believe, what excuse have you that when it is said to you: go forth in the way of Allah, you should incline instead of the Hereafter? The provision of the life of this world is little as compared with the hereafter. If you go not forth, he will punish you with a painful punishment, and bring in your place a people other than you, and you can do him no harm (Taubah, 9:38-39).

**Fear of War:** to those who fear war, Quran says: the enjoyment of this world is short, and the hereafter is better for him who keeps his duty (to Allah). And you shall not be wronged a whit, wherever you are death will overtake you, though you are in towers raised high (Nisa, 4:77). And be not weak-hearted in pursuit of the enemy. If you suffer, they too suffer as you suffer, and you hope from Allah what they hope not (Nisa, 4:104)

**No Blame:** There is, however, no blame on the weak, nor on the sick, nor on those who can find nothing to spend, if they are sincere to Allah and His Messenger. There is no way to blame against the doers of Good; Allah is forgiving, Merciful (Taubah, 9:91). Nor there is any blame on those to whom, when they came to you (O prophet) that you should mount them, you did say: I cannot find anything on which to mount you. They went back while their eyes overflowed with tears of grief that they could not find ought to spend (Taubah, 9:92). There is also no blame on the blind, nor on the lame, nor on the sick (Fatha, 48:17).

The blame is, however, only against them who ask permission of thee (O prophet), though they are rich. They have chosen to be with those who remained behind: and Allah had sealed their hearts, so they knew not (Taubah, 9:93). They will make excuse, we shall not believe you: Allah has informed us of matters relating to you. And Allah and His Messenger will now see your actions, then you will be brought back to the Knower of the Unseen and the Seen, then he will inform you of what you did (Taubah, 9:94-96).

**Precautions:** O you who believe, take your precautions, then go forth in detachments or go in a body (Nisa, 4:71). And make ready for them whatever force you can and horses tied at the frontier to frighten thereby the enemy of Allah and your enemy and others besides them whom you know not (Anfaal, 8:60).

**Investigation:** When you go forth to fight in the way of Allah, make investigation, and say not to anyone who offers you

**Salutation:** you are not a believer, seeking the good of this world's life. With Allah there are abundant gains. You too were such before, and then Allah conferred a benefit on you: so make investigation. Surely Allah is ever aware of what you do (Nisa, 4:94).

**Turing the back:** O you, who believe, when you meet those who disbelieve marching for war, turn not your back to them. And whoever turns his back to them on that day-unless maneuvering for battle or turning to join a company-he, indeed, increases it is Wrath of Allah and his refuge is Hell. And an evil destination it is (Anfaal, 8:15).

**Prayer in the battlefield:** And when you (O prophet) are among them (i.e. those fighting for the Cause of Allah) and lead the prayer for them, let a party of them stand up with you and let them take their arms. Then when they have performed their prostration, let them go to the rear, and let another party who have not prayer come forward and pray with you, and let them take their precaution and their arms. Those who disbelieve long that you neglect your arms and your baggage that they may attack you with a sudden united attack. And there is no blame on you, if you are inconvenienced on account of rain or if you are sick, to put away your arms: and take your precaution. Surely Allah has prepared abasing punishment for the disbelievers (Nisa, 4:102).

**Prisoners of War:** When you meet in battle those who disbelieve, smite their necks, then when you have overtaken them, make them prisoners, and afterwards set them free as a favour or for ransom till the war lays down its burdens (weapons). That shall be so. And if Allah pleases, he would certainly exact retribution from them, but that he may try some of you by means of others (Muhammad, 47:4)

**Booty of War:** They ask you (O prophet) about the booty of war. Say: booty of war is for Allah and the messenger. So keep your duty to Allah and set aright your differences, and obey Allah

And his messenger, if you are believers (Anfaal, 8:1). And know that whatever you acquire in war, a fifth of it is for Allah and for the messenger and for the near of kin and the orphans and the needy and the wayfarer, if you believe in Allah and in that which we have revealed to Quran servant, on the day of Discrimination, the day on which the two parties met. And Allah is possessor of power over all things (Anfaal, 8:41).....eat then of the lawful and good (things) which you have acquired in war, and keep your duty to Allah. Surely Allah is forgiving, Merciful (Anfaal, 8:67-69).

**The Fai:** Whatever palm-trees you cut down or leave it standing upon its roots, it is by Allah's permission, and that he may abase the transgressors, And whatever Allah restored to his messenger from them, you did not press forward against it any horse or any riding camel, but Allah gives authority to his messenger against whom he pleases. And Allah is possessor of power over all things. Whatever Allah restored to his messenger from the people of the towns, it is for Allah and for the messenger, and for the near of kin and the orphans and the needy and the wayfarer, so that it be not taken by turns by the rich among you. And whatever the messenger gives you, accept it, and whatever he forbids you, abstain (there from), and keep your duty to Allah. Surely Allah is sever in retribution (Hashr, 59:5-7)

(Besides, it is) for the poor who migrated, who were driven from their houses and from their possessions, seeking the Grace of Allah and his pleasure, and helping Allah and his messenger. These it is that are the truthful. And those who made their abode in the city and in faith before them love those who migrated to them, and find in their hearts no need of what they are given, and prefer (them) before themselves, though poverty may afflict them. And whoever is saved from the niggardliness of his soul, these it is that are the successful. And those who come after them say: Our Lord, forgive us and our brethren who had precedence of us in Faith, and leave no spite in our hearts towards those who believe, our Lord, surely you are Kind, Merciful (Hashr, 59:8-10).

**The People of the Book:** And he drove down those of the people of the Book who backed them from their fortresses and he cast awe into their hearts: some you killed and some you took as captives. And he made you heirs to their land and their dwellings and their property, and to a land which you have not yet trodden. And Allah is ever possessor of power over all things (Ahzab, 33:26-27).

Fight those who believe not in Allah, nor in the Last Day, nor forbid that which Allah and his messenger have forbidden, nor allow the Religion of Truth, out of those who have been given the Book, until they pay the Jizyah (Tax) in acknowledgment of superiority and they are in a state of subjection (Taubah, 9:29)

**The Reward:** Whoever fights in the way of Allah, be he slain or be he victorious, we shall grant him a mighty reward (Nisa, 4:74). Think not of those who are killed in the way of Allah as dead. Nay, they are alive being provided sustenance from their Lord, rejoicing in what Allah has given them out of his grace, and they rejoice for the sake of those who, being left behind, have not yet joined them, that they have no fear, nor shall they grieve (Aale Imran, 3:168-169). Those who are slain in the way of Allah. He will never allow their deeds to perish (Muhammad, 47:4). He will guide them and improve their condition, and make them enter the gardens (of Paradise) which he has made known to them (Muhammad, 47:5-6).

**The victory:** when the help of Allah and victory comes, and you see men entering the Religion of Allah in companies, celebrate the Praise of your Lord and ask His Protection. He is ever Returning (to Mercy) (Nazr, 110:1-3).

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## HADEES

### CHAPTER 1

#### JIIHAAD <sup>1</sup>

**The Jihaad:** Abu Hurairah has reported that the messenger of Allah has said that, “Whoever believes in Allah and his messenger, keeps up the prayer and fast during Ramazan, Allah will surely bring him into Paradise whether he has engaged in Jihaad in the way of Allah or remained in his land in which he was born.” They asked: should we not convey this good news to the people? He said: “In Paradise there are a hundred grades which Allah has prepared for those who engage in Jihaad in the way of Allah. Between each two of which there is a distance like that between heaven and earth. So when you beg of Allah, beg for Firdous, because it is the best and the highest part of Paradise, above it is the Throne of the compassionate one, and from it the rivers of paradise flow.” (Bukhari) (Mishkat, kitab-ul-Jihaad, No. 3611/1)

Abu Hurairah has reported that the messenger of Allah has said that, “Whoever takes part in Jihaad in the way of Allah is like him who fasts and spends the night in prayer, who diligently recites the verse of Allah and does not slacken from fasting and prayer until he who is taking part in Jihaad in the way of Allah returns.” (Bukhari and Muslim) (Mishkat, ibid, 3612/2)

Abu Hurairah has reported that the messenger of Allah has said that, “Allah responds to one who goes out to fight in his way (saying) – nothing led him to go out the faith in me and attestation (to the truth) of my messengers: I will bring him back with the reward or booty he obtains, or bring him into paradise.” (Bukhari and Muslim) (Mishkat, ibid, 2613/3)

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1. Jihaad means to take part in the war against the non-Muslims, through monetary help, intellectual advice, or providing help and co-operation by any other means (Mazaahir-e-Haq).

The Holy Prophet's desire: Abu Hurairah has reported that the messenger of Allah has said that, "By him in Whose Hand my soul is, were it not that there are men among the believers who are not happy to remain behind me when I cannot get mounts for them, I would not remain behind from an army which fight in the way of Allah. By him in Whose Hand my soul is, I wish I could be killed in the way of Allah and brought to life, then be killed and brought to life, then be killed and brought to life, then be killed." (Bukhari and Muslim) (Mishkat, ibid, 3614/4)

**The best deed:** Abdullah bin Hubshi has reported that the holy prophet was asked: which of the deeds is the best? He said, "Standing long in prayer." He was asked: what Sadaqah is the best? He said, "The effort of one who possesses little." He was asked: what Hijrat is the best? He said, "One who gives up what Allah has prohibited." He was asked: what Jihaad is the best? He said, "One who strives against the polytheists with his property and his person." He was asked: what manner of being killed is the most honorable? He said, "One whose blood is shed and whose steed is wounded." (Abu Dawud) (3665/45)

**Sharing in Jihaad:** Sahl bin Sad has reported that the messenger of Allah has said that, "guarding (the frontier) in the way of Allah for a day is better than the world and what is in it." (Bukhari and Muslim) (Mishkat, ibid, 3615/5)

Anas has reported that the messenger of Allah has said that, "A morning or an evening expedition in the way of Allah is better than the world and what is in it. (Bukhari and Muslim) (Mishkat, ibid, 3616/6)

**Sulman Farsi reported:** I heard the messenger of Allah say, "guarding for a day and a night (the frontier) in the way of Allah is better than fasting a month and spending its nights in prayer. <sup>1</sup> If one dies, he will be rewarded for the deeds he was

Doing, he will be his provision, and will be safe from the two who test him (i.e. the two angels in the grave).” (Muslim) (Mishkat, ibid, 3617/7)

Abu Abs has reported that the messenger of Allah has said that, “No man whose feet become dusty in the way of Allah will be touched by Hell.” (Bukhari) (Mishkat, ibid, 3618/8)

Fazaala bin Ubaid has reported that the messenger of Allah has said that, “the deeds of everybody end when he dies, but the one who dies guarding (the frontier) in the way of Allah-his deeds are made to go on increasing for him till the day of Resurrection, and he remains safe from the trial in the grave.” (Tirmizi and Abu Dawud). Daarimi noted it on the authority of Uqbah bin Aamir. (Mishkat, ibid, 3646/36)

Usman has reported that the messenger of Allah has said that, “Guarding (the frontier) a day in the way of Allah is better than a thousand days of what is besides it.” (Tirmizi) (Mishkat, ibid, 3653/43)

**Not sharing in Jihaad:** Abu Umamah has reported that the messenger of Allah has said that, “Whoever does not fight in a Jihaad, or equip a warrior, or look well after a warrior’s family when he is away, will be afflicted by Allah with a sudden calamity before the day of resurrection.” (Abu Dawud) (Mishkat, ibid, 3643/33)

Abu Hurairah has reported that the messenger of Allah has said that, “Whoever meets Allah with no mark of Jihaad, he will meet Allah with a flaw in him.” (Tirmizi and Ibne Majah) (Mishkat, ibid, 3657/47)

**Good news:** Abu Hurairah has reported that the messenger of Allah has said that, “The infidel and the one (i.e. believer) who killed him will never be united in the Hell.” (Muslim) (Mishkat, ibid, 3619/9)

**Best livelihood of life:** Abu Hurairah has reported that the messenger of Allah has said that, “Of the best livelihoods of men is that of a man who holds the reins of his horse in the way of Allah and races on its back. Whenever he hears a terrible shout or a cry for help, he runs towards it seeking the fight and being killed: or of a man with a few sheep on a hill out of these hills or in a valley out of these valleys, who keeps up prayer, pays the Zakaat and worships his Lord till death comes. He is not among men except with the good.” (Muslim) (Mishkat, ibid, 3620/10)

**Helper of a Mujahid:** Zaid bin Khalid has reported that the messenger of Allah has said that, “Whoever equips a fighter in the way of Allah has taken part in the fighting, and whoever looks after a fighter’s family when he is away has taken part in the fighting.” (Bukhari and Muslim) (Mishkat, ibid, 3621/11)

Anas has reported that the messenger of Allah has said that, “Fight with your property, your person property, your person and your tongues against the polytheists.” (Abu Dawud, Nasa’ee and Daarimi) (Mishkat, ibid, 3644/34)

**Reward of the helper:** Abdullah bin Amr has reported that the messenger of Allah has said that, “For the fighter is his reward, and for the one who equips him is his (own) reward as well as that of the fighter.” (Abu Dawud) (Mishkat, ibid, 3664/54)

Ali, Abud Darda’ Abu Hurairah, Abu Umamah, Abdullah bin Umar, Abdullah bin Amr, Jabir bin Abdullah and Imran bin Husain all has reported that the messenger of Allah has said that, “Whoever sends a contribution in the way of Allah and stays in his house will have seven hundred Dirhams for every Dirham he contributes, and whoever fights in person in the way of Allah and (also) contributes for it will have seven hundred thousand Dirhams for every Dirham he contributes.” Then he recited this verse, “And Allah multiplies to whom he will.”<sup>1</sup> (Ibne Majah) (Mishkat, ibid, 3679/69).

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1. Quran, Baqarah, 2:261.

**Wives of the Mujahideen:** Buraidah has reported that the messenger of Allah has said that, “The sanctity of the wives of those who are engaged in Jihaad over those who remain behind is as the sanctity of their mothers. There is none among those who stay at home who is entrusted with the charge of his family by one who is engaged in Jihaad and betrays him, but he will be kept waiting for hi on the day of Resurrection and he will take what he pleases from him good deeds. So what do you think?” (Muslim) (Mishkat, ibid, 3622/12)

**Spending for Jihaad:** Abu Masud Ansari has reported that a man brought a she-camel with a rope through its nose said, “This is in the way of Allah.” The messenger of Allah said, “On the day of Resurrection you will get for it seven hundred she-camels each with a rope through its nose.” (Muslim) (Mishkat, ibid, 3623/13)

Khuraim bin Faatik has reported that the messenger of Allah has said that, “Whoever makes a contribution in the way of Allah seven hundred times as much is recorded to his credit.” (Tirmizi and Nasa’ee) (Mishkat, ibid, 3648/38)

Abu Umamah has reported that the messenger of Allah has said that, “The best Sadaqaat are: a tent in the way of Allah, the gift of a servant in the way of Allah, or providing in the way of Allah a she-camel young enough to be covered by a stallion.” (Tirmizi) (Mishkat, ibid, 3649/39)

**Jihaad will not cease:** Jabir bin Samurah has reported that the messenger of Allah has said that, “This religion will not cease to exist. A group of the Muslims will continue fighting for it till the last Hour comes to pass.” (Muslim) (Mishkat, ibid, 3625/15)

Imran bin Husain has reported that the messenger of Allah has said that, “A party of my Ummah will continue to fight for the right and overcome their opponents till of them kills the Dijjal.”<sup>1</sup> (Abu Dawud) (Mishkat, ibid, 3642/32)

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1. Dijjal will be killed by Jesus Christ.

**The wounded ones:** Abu Hurairah has reported that the messenger of Allah has said that, "None is wounded in the way of Allah, and Allah knows best the one who is wounded in his way, but he will come on the day of resurrection with his wound spouting blood, the colour being that of blood but the fragrance that of musk." (Bukhari and Muslim) (Mishkat, ibid, 3626/16)

**Martyr will wish to return:** Anas has reported that the messenger of Allah has said that, "None who enters paradise will wish to return to the world and have anything in the earth except the martyr. He will wish to return to the world and be killed ten times because of the reward he sees." (Bukhari and Muslim) (Mishkat, ibid, 3627/17)

**Masruq reported:** we asked 'Abdullah bin Masud about this verse, "Do not consider those who have been killed in the way of Allah as dead: nay, they are alive in the presence of their Lord and are being supplied with provision."<sup>1</sup> he said: we had asked the messenger of Allah about that, and he had said, "Their spirits are in the bodies (like those) of green birds. They have lamps hanging from the Throne. They go where they wish in paradise and then return to those lamps. Their Lord looks at of them and asks: do you desire anything? They say: what would we wish when we can go where we like in paradise: he does that with them three times, and when they see that they will not be left without asking something they say: O Lord, we wish you to return our spirits to our bodies so that we may be killed in your way once again. Then when he sees that they require nothing they are left (without further questions)." (Muslim) (Mishkat, ibid, 3628/18)

Abu Rehman bin Abu Umairah has reported that the messenger of Allah has said that, "No soul of a Muslim Allah takes wants to return to you and have the world and what it contains except that of a martyr." Ibne Abu Umairah told that the messenger of Allah said, "That I should be slain in the way of Allah is dearer to me than to have (under me) the nomads and the townsmen." (Nasa'ee) (Mishkat, ibid, 3667/67)

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1. Quran Aale Imran, 3:169

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## CHAPTER 4

### FIGHTING IN JIHAAD

**Strategy:** Kab bin Maalik has reported: when the messenger of Allah intended to go on for battle, he used to keep it secret till that battle i.e. the battle of Tabuk, occurred. The messenger of Allah undertook it in extreme heat, facing a long journey, desert country and an enemy of huge strength. He disclosed to the Muslims (what they were about to do) so that they might get ready the equipment for their expedition, telling them where he was going (Bukhari) (Mishkat, kitab-ul-Jihaad, Baab-ul-Qittale Fil Jihaad, No. 3760/2)

**War is deception:** Jabir has reported that the messenger of Allah has said that, "War is deception." (Bukhari and Muslim) (Mishkat, ibid, 3761/3)

**Women in battle field:** Anas has reported that the messenger of Allah took Umme Sulaim and some women of the Ansaar to the battle (field) that used to supply water and attend to the wounded ones. (Muslim) (Mishkat, ibid, 5763/5)

**Women and children not to be killed:** Abdullah bin Umar has reported that the messenger of Allah prohibited the killing of women and children. (Bukhari and Muslim) (3764/6)

Sab bin Jassaamah has reported that the messenger of Allah was asked about those of the poly theists whose settlements were

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1. It is lawful to use all sort of tricks in war, but contracts and treaties should not be violated.

**Sins are covered up:** Abu Qatadah has reported that the messenger of Allah stood up among them and told them about Jihaad in the way of Allah and Faith in Allah are the most excellent deeds. A man stood up and said, “Tell me, O messenger of Allah, if I am killed in the way of Allah, will my sins be wiped out?” he said, “Yes, if you are killed in the way of Allah while showing patience, seeking your reward from Allah, advancing and not retreating.” Then the messenger of Allah said, “Yes, What did you say?” he said, “Tell me, if I am killed in the way of Allah, will my sins be wiped out?” the messenger of Allah said, “Yes, while you are showing patience, seeking your reward from Allah, advancing and not retreating: except the debt, because Gabriel has told me that.” (Muslim) (Mishkat, ibid, 3629/19)

Abdullah bin Amr bin Aas has reported that the messenger of Allah has said, “Being killed in the way of Allah will wipe out everything except the debt.” (Muslim) (Mishkat, ibid, 3630/20)

**Killer and the killed one:** Abu Hurairah has reported that the messenger of Allah has said that, “Allah the most high rejoices with two men, one of whom kills the other. Both will enter Paradise: one who fights in the way of Allah and is killed, and the killer, after receiving the pardon of Allah, <sup>1</sup> dies as a martyr.” (Bukhari and Muslim) (Mishkat, ibid, 3631/21)

**Wish for martyrdom:** Sahl bin Hunaif has reported that the messenger of Allah has said that, “Whoever prays to Allah for martyrdom with sincerity Allah will bring him to the dwellings of the martyrs, even though he dies on his bed.” (Muslim) (Mishkat, ibid, 3632/22)

**The reward:** Abdullah bin Amr has reported that the messenger of Allah has said that, “There is no party or body of an army who goes out to fight, gains booty and returns safe but that it gets soon <sup>2</sup> its two-third of the reward: and there is no party or body of any army who is wounded <sup>1</sup> or killed <sup>2</sup> but that its reward becomes complete.” <sup>3</sup> (Muslim) (Mishkat, ibid, 3636/26)

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1. By accepting Islam.  
2. i.e. in this very world. (Mazaahir-e-Haq).

Ibne Abbas has reported that the messenger of Allah has said that, "There are two eyes which the Fire (of Hell) will never touch-the eye which weeps from fear of Allah and of the eye which passes the night on guard in the way of Allah. (Tirmizi) (Mishkat, ibid, 3651/41)

Miqdaam bin Madikarib has reported that the messenger of Allah has said that, "There are six good things (rewards) for a martyr with Allah: he is forgiven at the first shedding of his blood, he is shown his abode in Paradise, he is exempted from the punishment in the grave, he is kept safe from the greatest terror, the crown of honour is put upon his head a ruby of which is better than the world and what is in it, he is married to seventy two wives from the virgins with large dark dyes,<sup>5</sup> and he is made intercessor for seventy of his relatives." (Tirmizi and Ibne Majah) (Mishkat, ibid, 3656/46)

Mu'aaz bin Jabal has reported that he heard the messenger of Allah say, "Whoever fights in the way of Allah (even) as long as the time between two milking of a she-camel, paradise becomes sure for him: and whoever is wounded in the way of Allah or suffers a misfortune, it will come on the day of Resurrection as copious as possible, with its colour like Saffron and its odour like musk: and whoever suffers from ulcers while in the way of Allah he will have on him the seal of the martyrs." (Tirmizi, Abu Dawud and Nasa'ee) (Mishkat, ibid, 3647/37)

**Hypocrisy:** Abu Hurairah has reported that the messenger of Allah has said that, "Whoever dies without having fought (in the way of Allah), or having felt it to be his duty will die guilty of a kind of hypocrisy." (Muslim) (Mishkat, ibid, 3637/27)

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1. And returns without booty (ibid).
  2. And therefore gets on booty at all (Ibid)
  3. i.e. it becomes entitled to get the reward in full in the Hereafter (Ibid).
  4. Quran, Ambia, 2:103
  5. Quran, Waacqiah, 56:22.

**Real Mujahid:** Abu Musa has reported that a man came to the holy prophet and said that, ‘one man fights for booty, one for reputation, and one for his position to be seen: which of them is in the way of Allah?’ he said, ‘The one who fights so that the word of Allah may have pre-eminence is in the way of Allah.’ (Bukhari and Muslim) (Mishkat, ibid, 3638/28)

**Excuse:** Anas has reported that the when the messenger of Allah returned from the expedition of Tabuk and came near Medinah, he said, ‘In Medinah there are people who have not ceased to be with you wherever you went and whichever valley you crossed.’ A version has, ‘who have not ceased to share the reward with you.’ They said, O messenger of Allah, and they are still in Medinah? He said, ‘While they are still in Medinah, (because) they were kept back by a valid excuse.’ (Muslim) (Mishkat, ibid, 3639/29)

**Service to parents:** Abdullah bin Amr has reported that a man came to the messenger of Allah and asked his permission to take part in Jihaad. He asked him: are your parents alive? He said: yes. Then exert yourself for them. (Bukhari and Muslim) (Mishkat, ibid, 3640/30)

**Jihaad is better than mockery:** Abu Hurairah has reported that when one of the companions of the messenger of Allah passed by a mountain passes containing a small spring of sweet water, it pleased him most and he said: would that I should have retired from people and stay in this pass. He mentioned it to the messenger of Allah. He said, ‘Do not do it, because the remaining of any of you in the way of Allah is more excellent than seventy year’s (optional) prayer in his house. Do you not like that Allah should forgive you and bring you into paradise? Fight in the way of Allah. Whoever fights in the way of Allah (even) as long as the time between two makings of she-camel paradise is made sure for him.’ (Tirmizi) (Mishkat, ibid, 3652/42)

**First to enter the Paradise:** Abu Hurairah has reported that the messenger of Allah has said that, "I was shown the first three<sup>1</sup> to enter paradise<sup>2</sup>: a martyr, a man who refrains from what is unlawful and begins, and a slave who worships Allah well and wishes the welfare of his masters." (Tirmizi) (Mishkat, ibid, 3654/44)

**The martyr feels no pain:** Abu Hurairah has reported that the messenger of Allah has said that, "The martyr experiences no pain in being killed more than what any of you experiences from a sting." (Tirmizi, Nasa'ee and Daarimi) (Mishkat, ibid, 3658/48)

**Drop of martyr's blood:** Abu Umamah has reported that the holy prophet has said that, "Nothing is dearer to Allah than two drops and two marks: a drop of tears falling due to the fear of Allah and a drop of blood shed in the way of Allah: and as for the two marks, they are a mark received in the way of Allah and a mark caused by (observing) and obligatory duty of the obligatory duties of Allah the most high." (Tirmizi) (Mishkat, ibid, 3659/49)

**Dies or killed in Jihaad:** Abu Maalik Aashari has reported: I heard the messenger of Allah say, "Whoever goes forth in the way of Allah and dies, or is killed, or his horse or camel tramples him to death, or is stung by a poisonous creature, or dies on his bed by any kind of death Allah wishes, is a martyr and will go to paradise." (Abu Dawud) (Mishkat, ibid, 3662/52)

**Return to home:** Abdullah bin Amr has reported that the messenger of Allah has said that, "Returning home (from Jihaad) is like the Jihaad." (Abu Dawud) (Mishkat, ibid, 3663/53)

**Fighting against remuneration:** Abu Ayub has reported that he heard the holy prophet say, "Cities will be conquered at your hands and you will have to raise companies in large armies.

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1. i.e. three groups of men (Mazaahir-e-Haq).

2. After the Prophets because admittedly the prophets will enter the paradise before any other human being (Ibid).

A man will be unwilling to join a company and will escape from his people and search for other people. He will himself to them, who will take him in such an army. Behold, that man is a hireling to the last drop of his blood.” (Abu Dawud) (Mishkat, ibid, 3665/5)

Yala bin Umayyah has reported: the messenger of Allah announced an expedition, and I was a very old man having no servant. I sought for a hireling to serve instead of me. I found a man to whom I offered three Dinars. When booty arrived, I wanted to give him his portion, so I went to the holy prophet and mentioned the matter to him. He said, “I do not find anything for him regarding this expedition of his in this world and the next except the three Dinars which were fixed for him.” (Abu Dawud) (Mishkat, ibid, 3666/56)

**Fighting for wordly gains:** Abu Hurairah has reported that a man said that, “O messenger of Allah, a man wishes to take part in Jihaad in the way of Allah for some wordly gain.” The holy prophet said, “There is no reward for him.” (Abu Dawud) (Mishkat, ibid, 3667/57)

**Real Jihaad:** Muaaz has reported that the messenger of Allah has said that, “Jihaad is of two kinds. The one who seeks the favour of Allah, obeys the commander, gives valuable property, helps his associate and avoids doing mischief will have a reward for all the time (whether) he is asleep or awake: but the one who fights in a boasting spirit, for the sake of show and for of reputation, disobeys the commander and does mischief in the land will not return with the reward.” (Maalik, Abu Dawud and Nasa’ee) (Mishkat, ibid, 3668/58)

**Fighting for fame:** Abdullah bin Amr has reported that he said: O messenger of Allah. Tell me about Jihaad. He said, “If you fight with endurance, O Abdullah bin Amr, seeking (from Allah) your reward, Allah will resurrect you showing endurance and seeking your reward (from him). But if you fight for the purpose of show, seeking (to acquire property) much, Allah will resurrect you

Making a vain show and seeking (to acquire property) much. In whatever state you fight or are killed, O Abdullah bin Amr, Allah will resurrect you in that state.” (Abu Dawud) (Mishkat, ibid, 3669/59)

**Deposing the Commander:** Uqbah bin Maalik has reported that the holy prophet has said that, “When I send a man <sup>1</sup> and he does not enforce my command, are you unable to appoint in his place one who may enforce my command? (Abu Dawud) (3670/60)

**Sincerity:** Ubadah bin Saamit has reported that the messenger of Allah has said that, “Whoever fights in the way of Allah with no intention except to get (only) a tethering rope will have what he intended.” (Nasa’ee) (Mishkat, ibid, 3672/62)

**Rising of high degrees:** Abu Saeed has reported that the messenger of Allah has said that, “Whoever is pleased with Allah as Lord, with Islam as religion and with Muhammad as Messenger, paradise will be sure for him.” Abu Saeed was delighted with this and said, “Repeat it to me, O Messenger of Allah.” So he repeated it, and then said, “There is also something else for which Allah will raise a servant in Paradise a hundred degrees between each two of which there is a distance like that between heaven and earth.” He said: O messenger of Allah, what is it? He said, “Jihaad in the way of Allah: Jihaad in the way of Allah: Jihaad in the way of Allah.” (Muslim) (Mishkat, ibid, 3673/63)

**Under the shade of swords:** Abu Musa has reported that the messenger of Allah has said that, “Doors of Paradise are under the shadow of the swords.” A man with a ragged appearance got up and said: O Abu Musa, have you heard the messenger of Allah say it? He said: yes. Then he returned to his companions, and said, “I salute you.” Then he broke the scabbard of his sword and threw it away. Then he went towards the enemy with his sword and fought with it till he was killed. (Muslim) (Mishkat, ibid, 3674/64)

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1. i.e. appoint him as your Ameer or Commander (Mazaahir-e-Haq).

**Martyrs of Uhud:** Ibne Abbas has reported that the messenger of Allah said to his companions, “When your brethren were killed in the battle of Uhud, Allah put their souls in the bodies (like those) of green birds which go down to the rivers of Paradise, eat its fruits and nestle in lamps of gold under the shade of the Throne. Then when they experienced the sweetness of their food, drink and rest, they asked: who will inform our brethren about us that we are alive in Paradise so that they might not cease to desire paradise or recoil in war. Allah the Most High said: I shall inform them about you. So he revealed: And do not consider those who have been killed in the way of Allah to be dead: nay, they are alive in the Presence of their Lord and are being supplied with provision....”<sup>1</sup> (Abu Dawud) (Mishkat, ibid, 3675/65)

**Ranks of Martyrs:** Fazaalah bin Ubaid has reported: I heard Umar bin Khattab say: I heard the messenger of Allah say, “The martyrs are of four ranks: (1) a believing man whose faith is good, who meets the enemy and is sincere towards Allah till he is killed: he is the one towards whom the people will raise their eyes on the day of Resurrection thus (raising his head till his cap fell off, but I do not know whether he meant Umar’s cap or the Holy Prophet’s cap): (2) a believing man whose faith is good, who meets the enemy and appears as if his skin had been torn by acacia thorns through cowardice, and then is killed by a random arrow: he being in the second rank: (3) a believing man who mingles a good deed with another which is bad, who meets the enemy and is sincere towards Allah till he is killed: he being in the third rank: (4) a believing man who oppressed his soul, who meets the enemy and is sincere towards Allah till he is killed: he being in the forth rank” (Tirmizi) (Mishkat, ibid, 3680/70)

**Kinds of the slain ones in Jihaad:** Utbah bin Abdus Suami that reported that the messenger of Allah has said that, “The slain are of three kinds: (1) a believer who strives with his property and person in the way of Allah and when he meets the enemy fights till he is killed.

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1. Quran, Aale Imran, 3:169.

About him in the holy prophet said: that is the martyr who has stood the test he is in the Tent of Allah under His Throne and is not excelled by the Prophets except in the degree of Prophet hood: (2) a believer who mixes up a good deed with an evil deed, who fights with his person and property in the way of Allah till he is killed when he meets the enemy. About him the holy prophet said that it <sup>1</sup> is a cleansing agent which wipes out his sins and his errors, because the sword wipes out the errors, and he will be admitted by whichever of the doors of Paradise he will wish; (3) a hypocrite who strives with his person and property, and when he meets the enemy fights till he is killed; but he will go to the Hell, because the sword does not wipe out hypocrisy.” (Daarimi) (Mishkat, ibid, 3681/71)

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## CHAPTER 2

### EQUIPMENT FOR JIHAAD

**The Help:** Uqbah bin Aamir has reported: I heard the messenger of Allah say, while he was on the pulpit, “Prepare for them (i.e. the enemies) as much strength as you can. Behold, strength is shooting strength is shooting: strength is shooting.” (Muslim) (Mishkat, kitab-ul-Jihaad, Baabo E’daade Aalat-il-Jihaad, No. 3683/1)

**Preparation:** Uqbah bin Aamir has reported: I heard the messenger of Allah say, “The Romans will be conquered at your hands and Allah will defend you. But none of you should be unmindful of (employing) arrows.”<sup>1</sup> (Muslim) (Mishkat, ibid, 3684/2)

**Giving up archery:** Uqbah bin Aamir has reported: I heard the messenger of Allah say, “Whoever learns archery and then gives it up he is not of us,” or, “he is disobedient.” (Muslim) (Mishkat, ibid, 3685/3)

**Support by the Holy prophet:** Salamah bin Akwa has reported that the messenger of Allah went out to some people of Aslam who were practicing archery in the market. He said, “Shoot, O children of Ishmael, because your ancestor was an archer. I am with the children of so and son” Referring to one of the two parties. They then stopped. He asked: what is the matter? They said, “How can we shoot when you are supporting the children of so and so?” he said, “shoot: I am supporting all of you.” (Bukhari) (Mishkat, ibid, 3684/4)

**Hazrat Abu Talha:** Anas has reported that Abu Talha used to practice archery with the holy prophet with the same shield. Abu Talha was good archer, and when he shot the holy prophet looked over and watched where his arrows hit. (Bukhari) (Mishkat, ibid, 3687/5)

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1. In those days the Byzantines were experts of fighting with arrows.

**The Horses:** Anas has reported that the messenger of Allah has said that, "Blessing rests in the forelocks <sup>1</sup> of the horses." (Bukhari and Muslim) (Mishkat, ibid, 3688/6)

**Jareer bin Abdullah reported:** I saw the messenger of Allah twisting his finger in the forelock of a horse the and saying, "Blessing has been tied down in forelocks of the horses till the day of Resurrection, (i.e.) reward and booty." (Muslim) (Mishkat, ibid, 3689/7)

Abu Hurairah has reported that the messenger of Allah has said that, "Whoever keeps a horse in the way of Allah with faith in Allah and belief in his promise, its food, drink, dung and urine will be in his scale on the day of Resurrection." (Bukhari) (Mishkat, ibid, 3690/8)

Abu Hurairah has reported that the messenger of Allah disliked horses with Shikaal, and Shikaal means a horse having a white mark on its right hind leg and left foreleg or on its right foreleg and left hind leg. (Muslim) (Mishkat, ibid, 3691/9)

**Racing:** Abdullah bin Umar has reported that the messenger of Allah held a race between the horses which had been made lean by training from Hafya <sup>2</sup> to Saniyatul-Wada, a distance of six miles; and he held a race between the horses which had not undergone such training from the Saniya <sup>3</sup> to the mosque of the Banu Zuraiq, a distance of one mile (Bukhari and Muslim) (Mishkat, ibid, 3692/10)

Imran bin Husain has reported that the messenger of Allah has said that, "There should be no shouting or leading another horse at one's side." (Abu Dawud and Nasa'ee). (Mishkat, ibid, 3698/16)

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1. i.e. the horses themselves (Mazaahir-e-Haq).

2. A place few miles off from Medinah (Mazaahir-e-Haq).

3. Saniya is a mountain pass. Saniyatul Wada is a pass overlooking Medinah by which people went on the road to Mecca. (James Robson).

**She-camel of the Holy Prophet:** Anas has reported that the messenger of Allah had a she-camel called Adba which had not been surpassed by any other, but a desert Arab came on a young riding camel of his and it surpassed it. That distressed the Muslims. The messenger of Allah said, “It is the decided affair of Allah that nothing in the world is without his lowering it.” (Bukhari) (Mishkat, ibid, 3693/11)

**Maker of the Weapons:** Uqbah bin Aamir has reported: I heard the messenger of Allah say, “Allah the Most High will cause three persons to enter Paradise for one arrow: the maker having a good motive in making it, the one who shoots it, and the one who hands it over. So shoot and ride, but your shooting is better to me than your riding. Everything with which a man takes amusement himself is vain, except his shooting with his bow, his training of his horse, and his playing with his wife, because they pertain to what is right.” (Tirmizi and Ibne Majah) (Mishkat, ibid, 3694/12)

**Reward:** Abu Najeesh Sulami has reported: I heard the messenger of Allah say, “The one who causes an arrow to hit its mark in the way of Allah will have it count as a rank for him in Paradise, and the one who shoots an arrow in the way of Allah it is equivalent to his setting someone free, and the one who develops grey hair in Islam it will be a light for him on the day of Resurrection.” (Baihaqi noted it in Shu’abul Iman) (Mishkat, ibid, 3695/13)

**Wagers:** Abu Hurairah has reported that the messenger of Allah has said that, “Wagers are not allowed except in shooting arrow, or racing camels or horses.” (Tirmizi, Abu Dawud and Nasa’ee) (Mishkat, ibid, 3696/14)

Abu Hurairah has reported that the messenger of Allah has said that, “Whoever enters a horse whit two there is no good in it if he is certain that it cannot be beaten, but there is no harm if he is not certain that it cannot be beaten (Sharhe as-Sunnah). (Mishkat, ibid, 3697/15)

**Best type of horses:** Abu Qatadah has reported that the holy prophet has said that, “The best of horses is the black one with white forehead and a white spot on its upper lip: next is the horse with white forehead and white legs, except on a right one. If it is not black, then a dark bay horse with these markings.” (Tirmizi and Daarimi) (Mishkat, ibid, 3699/17)

Abu Wahb Jushami has reported that the messenger of Allah has said that, “Keep to a dark bay horse with a white forehead and white legs, or sorrel with a white forehead and white legs, or black with a white forehead and white legs.” (Abu Dawud and Nasa’ee) (Mishkat, ibid, 3700/18)

Ibne Abbas has reported that the messenger of Allah has said that, “The most favoured horses are the sorrel.” (Tirmizi and Abu Dawud) (Mishkat, ibid, 3701/19)

**Forelocks, manes and tails of horses:** Utbah bin Abdis Suslami has reported that he heard the messenger of Allah say, Do not cut the forelocks, manes, or tails, of horses, because their tails keep off the flies, their manes provide them with warmth, and blessing is tied down in their forelocks.” (Abu Dawud) (Mishkat, ibid, 3702/20)

**Directions:** Abu Wahb al-Jushami has reported that the messenger of Allah has said that, “Tie up the horses, rub down their forelocks and their rumps (or he said, their buttocks), and put things on their necks, but do not put bowstrings.” (Abu Dawud and Nasa’ee) (Mishkat, ibid, 3703/21)

**Sword of the Holy Prophet:** Anas has reported the handle of the sword of the messenger of Allah was of silver. (Tirmizi, Abu Dawud, Nasa’ee and Daarimi) (3706/24)

Hood bin Abdullah bin Sad reported from his grandfather Mazida<sup>1</sup> that on the day of the Victory over Mecca the messenger of Allah entered with his sword ornamented with gold and silver. (Tirmizi) (Mishkat, ibid, 3707/25)

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1. i.e on his mother’s side. (James Robson)

**Defensive measures:** Saaib bin Yazid has reported that the holy prophet had two coats of mail on the day of Uhud, which he wore one over the other. (Abu Dawud and Ibne Majah) (Mishkat, ibid, 3708/26)

**Banner of the Holy Prophet:** Ibne Abbas has reported that the banner of the holy prophet was black and his ensign was white. (Tirmizi and Ibne Majah) (Mishkat, ibid, 3709/27)

Jabir has reported that when the holy prophet entered Mecca, his banner was white. (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 3711/29)

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## CHAPTER 3

### DIRECTIONS

**Directions for the Commander:** Sulaiman bin Buraidah reported has from his father that whenever the messenger of Allah appointed a commander over an army or a detachment, he instructed him to fear Allah himself and consider the welfare of the Muslims who were under him. He then used to say, "Fight in the Name of Allah, in the way of Allah, and fight with those who disbelieve in Allah. Fight, be not unfaithful regarding booty, or treacherous, or mutilate anyone, or kill a child. When you meet the polytheists who are your enemy, invite them to three things, and accept whichever of them they are willing to accept, and refrain from them. Then invite them to Islam: if they agree, accept it from them and refrain from them. Then invite them to leave their abodes and shift to the abode of the Emigrants, and tell them that if they do so they will have the same rights and responsibilities as the Emigrants! But if they refuse to shift from them, tell them that they will be like the desert Arab who are Muslims, subject to the Law of Allah which applies to the believers, but will have no spoil or booty unless they strive with the Muslims. If they refuse, demand the Jizyah from them; if they agree, accept it from them and refrain from them. But if they refuse, seek the help of Allah and fight with them. When you besiege a fortress and its people wish you to grant them the protection of Allah and His Prophet, grant them neither but grant them your protection and that of your companions, because it is less serious to break your guarantee of protection and that of your companions than to break that of Allah and His Messenger. If you besiege a fortress and its people offer to capitulate and have the matter referred to the command of Allah, Do not grant this, but let them capitulate and have the matter referred to your command because you do not know whether or not you will hit on the command of Allah regarding them." (Muslim) (Mishkat, kitab-ul-Jihaad, Baab-ul-Kitabe Ilal Kuffare Wa Du'aa-e-him Ilal Islam, No. 3751/4)

Fighting after decline of the sun: Abdullah bin Abu Aufah reported that at one of his battles in which the messenger of Allah met the enemy he waited till the sun declined. Then he stood up among the people and said, "O people, do not desire to meet the enemy, but pray to Allah for wellbeing. When you meet them, show endurance and know that Paradise is under the shadows of the swords." He then said, "O Allah, sender of the Book, Mover of the clouds and Router of the confederates, rout them and give us victory over them." (Bukhari and Muslim) (Mishkat, ibid, 3752/5)

**Numan bin Muqarrin reported:** I took part in a battle along with the messenger of Allah. When he did not fight at the beginning of the day, he waited till the winds blew and the time of prayer came. (Bukhari) (Mishkat, ibid, 3754/7)

**Before sunrise:** Anas has reported: when the Holy Prophet used to fight along with us against a people, he did not fight along with us till the morning. He then used to look at them. If he heard the call to prayer, he refrained from them. But if he did not hear the call to prayer, attacked them. He said: we went out to Khaibar and reached them by night. When the morning came and he heard no call to prayer, he mounted. I mounted behind Abu Talha and my foot was touching the foot of the Prophet of Allah. He said: they came out to us with their large baskets and their spades, and when they saw the Holy Prophet, they said, "Muhammad, by Allah, Muhammad and the army," and went for refuge to the fortress. When the messenger of Allah saw them, he said, "Allah is the Greatest, Allah is the Greatest, Khaibar has fallen. <sup>1</sup> when we alight in the courtyard of a people, it is an evil morning for those who have been warned." <sup>2</sup> (Bukhari and Muslim) (Mishkat, ibid, 3753/6)

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1. or, may Khaibar fall!"

2. Quran Saafaat, 37:177

**Timings:** Qatadah has reported that Numan bin Muqarrin said that: I took part in battle along with the messenger of Allah. When dawn came, he kept waiting till the sun rose and when it rose he fought. Then when midday came, he stopped till the sun passed the meridian. When the sun passed the meridian, he fought till the afternoon. Then, he stopped till he prayed the Asr (afternoon) prayer, and then fought. Qatadah reported that it was said that the winds of victory blew at that time and the believers made supplication for their armies during their prayer. (Tirmizi) (Mishkat, ibid, 3756/9)

**Direction:** Esaam Muzani has reported: the messenger of Allah sent us in a detachment and said, “When you see a mosque or hear a Mu’azzin <sup>1</sup> do not kill anybody.” (Tirmizi and Abu Dawud) (Mishkat, ibid, 3757/10)

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1. The one who makes the call to prayer.

Attacked at night when some of their women and children were smitten. He said: they are of their number. (Bukhari and Muslim) (Mishkat, *ibid*, 3765/7)

**Trees of the enemy:** Ibne Umar has reported that the messenger of Allah cut down the palm-trees of the Banu-Nazeer and burned them. On that Hassan said: the nobles of the Banu Lu'ayy<sup>1</sup> treated lightly a widely dispersed conflagration in Buwairah.<sup>2</sup> concerning that it was revealed, "The palm-trees you cut down or left standing on their roots, it was the permission of Allah."<sup>3</sup> (Bukhari and Muslim) (Mishkat, *ibid*, 3766/8)

**Sudden attack:** Abdullah bin Aun has reported that Naafe' wrote to tell him that Ibne Umar informed him that the Holy Prophet attacked Banu Mustaliq.<sup>4</sup> attacking (them when they were busy) in their cattle at Muraisi'.<sup>5</sup> he killed those who fought and took the women and children as captives. (Bukhari and Muslim) (Mishkat, *ibid*, 3767/9)

**A Command:** Abu Usaid has reported: the holy prophet said to us on the day of (battle) of Badr, when we drew up in line to meet the Quraish and they drew up in line to meet us, "When they come near you, shoot arrows at them." A version has, "When they come near you, shoot at them: but (also) keep aside (some of) your arrows." (Bukhari) (Mishkat, *ibid*, 3769/11)

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1. Meaning the Quraish Companions of the Holy Prophet who had migrated to Medinah. (Mazaahir-e-Haq).
  2. A place where the Jews had their gardens which were burned by the companions. (*Ibid*)
  3. Quran, Hashr, 59:5.
  4. A branch of the Khaza'ab Tribe. (*Ibid*)
  5. A place between Mecca and Medinah. (*Ibid*)

**Signals:** Muhallab has reported that the messenger of Allah had said that, “If the enemy attacks you at night, your signal shall be “Haa Meem”. They will not be helped.”<sup>1</sup> (Tirmizi and Abu Dawud) (Mishkat, ibid, 3770/12)

Samurah bin Jundub has reported that signal of the Muhajir (Emigrants) was” Abdullah” and that of the Ansaar (Helpers) “Abdur Rehman”. (Abu Dawud) (Mishkat, ibid, 3771/13)

**Salamah bin Akwa reported:** we went for battle with Abu Bakr in the time of the Holy Prophet. We attacked the enemy at night and killed them and our signal that night was “Amit: Amit.”<sup>2</sup> (Abu Dawud) (Mishkat, ibid, 3772/14)

**Shouting disliked:** Qais bin Ubadah has reported that the companions of the messenger of Allah disliked shouting while fighting. (Abu Dawud) (Mishkat, ibid, 3773/15)

**Killing and Sparing:** Samurah bin Jundub has reported that the holy Prophet has said that, “Kill the elderly ones of the polytheists, and spare their children. (Tirmizi and Abu Dawud) (3774/16)

**Burning of place:** Urwah has reported: Usamah told me that the messenger of Allah had enjoined him to attack Ubna<sup>3</sup> in the morning and burn (it). (Abu Dawud) (Mishkat, ibid, 3775/17)

**Till enemy comes near:** Abu Usaid has reported that the messenger of Allah said on the Day (battle) of Badr, “When they (i.e. the enemy) come near you, shoot (the arrows) at them: but do not draw your swords till they are close upon you.” (Abu Dawud) (3776/18)

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1. Vide verses 1 and 16 of Chapter 41 (Haa Meem) of Quran
  2. Meaning “put to death”.
  3. A place in Syria.

**Labourer and woman not to be killed:** Ribaah bin Rabi has reported: we were with the messenger of Allah in a battle. He saw some people collected together over something. He sent a man and said: see what those people are collected for. He came back and said: they are round a woman who has been killed. He said, "She was not the fighting one." Khalid bin Waleed was in charge of the van, so he sent a man to tell him not to kill a woman or a labourer. (Abu Dawud) (Mishkat, ibid, 3777/19)

**Directions:** Anas reported that the messenger of Allah has said, "Go in the Name of Allah, having trust in Allah, and adhering to the religion of the messenger of Allah. Do not kill a decrepit old man. Or a small child, or a woman. Do not be dishonest about booty, but collect your spoils, do right and act well, because Allah loves those who do well."<sup>1</sup> (Abu Dawud) (Mishkat, ibid, 3778/20)

**In the Battle of Badr:** Ali has reported: at the Day (battle) of Badr Utbah bin Rabi'ah came forward followed by his son and his brother and cried out, "Who will come to combat?" some young men of the Ansaar came forward. He asked: who are you? They told him (about themselves). He said, "We have no need of you. We want only our cousins (on our father's side)." The messenger of Allah then said, "Get up, O Hamzah; get O Ali get up, O Ubaidah bin Haris." Hamzah went forward to Utbah, I went forward to Shiabah. Ubaidah and Waleed exchanged two blows between themselves and wounded each other severely. Then we attacked Waleed, killed him and carried Ubaidah away. (Ahmad and Abu Dawud) (Mishkat, ibid, 3779/21)

**In the Battle of Ta'if:** Sauban bin Yazid has reported that the Holy Prophet set up the ballista<sup>2</sup> when attacking the people of Ta'if (Tirmizi) (Mishkat, ibid, 3781/23)

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1. Quran, Baqarah, 2:195; Maa'idah, 5:13

2. An instrument of war known as Menjaneeq which shoots out stones.

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## CHAPTER 5

### SPY AND CAPTIV OF WAR

**Spy should be killed:** Salamah bin Akwa has reported: we fought along with the messenger of Allah against Hawazin. While we were taking our food in the forenoon with the messenger of Allah, a man came on a red camel. He made it kneel and began to look around. We were in a weak condition and short of mounts, and some of us were on foot. He went out in a hurry, came to his camel, made it go and it went off quickly with him. I hastened out and catching the camel's nose-rein I made it kneel, then drew my sword and struck the man on his head. I then brought the camels leading it with his saddle and weapon on it. The messenger of Allah and the people met me. He asked: who has killed the man? They said: the son of Akwa'. He said, "For him are all hi goods." (Bukhari and Muslim) (Mishkat, kitab-ul-Jihaad, Baabo Hukm-il-Usaraa'e, No. 3784/3)

**Decision regarding the Jews of Medinah:** Abu Saeed al-Khudri has reported: when banu Quraizah <sup>1</sup> agreed to have their fate decided by Sad bin Muaaz, the messenger of Allah sent for him. He came on an ass. When he came near, the messenger of Allah said, "Rise up (to show respect) to your chief." Then he came and sat down. The messenger of Allah said, "These people have agreed to abide by your decision." He said, "I decide that the fighting men be killed and the women and children be taken into captivity." He then said, "You have given decision regarding them like the decision of a King." A version has, "The Decision of Allah" (Bukhari and Muslim) (Mishkat, ibid, 3785/4)

**The Chief of Yamamah:** Abu Hurairah has reported that the messenger of Allah sent some horsemen to Najid. They brought a man of the Banu Hanifah called Sumamah bin Usaal who was the chief of the people of Yamamah. They tied him with one of the pillar of the mosque.

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1. A tribe of the Jews that was settled at Medinah.

The messenger of Allah came out to him and said, "What is the matter with you, O Sumamah?" he said, "I expect good, O Muhammad. If you kill me, you will kill one whose blood will be avenged<sup>1</sup>; and if you show favour, you will show it to one who is grateful; and if you want wealth, ask and you will be given as much of it as you wish." The messenger of Allah left him till the next day. Then asked him. "What is the matter with you," O Sumamah?" he said, "I am expecting what I told you. If you show favour, you will show it to one who is grateful; if you kill me, you will kill one whose blood will be avenged: and if you want wealth, ask and you will be given as much of it as you wish." The messenger of Allah left him till the following day. Then he asked him, "What is the matter with you." O Sumamah?" he said, "I am expecting what I told you. If you kill show favour, you will show it to one who is grateful; if you kill me, you will kill one whose blood will be avenged; and if you want wealth, ask and you will be given as much of it as you wish." The messenger of Allah then said, "set Sumamah free." He went to some palm trees near the mosque, took bath and then entered the mosque and said, "I testify that there is no God but Allah, and I testify that Muhammad is his servant and his messenger. O Muhammad, by Allah, there was no face on the face of earth more hateful to me than yours, but now your face has become the dearest of all to me. By Allah, there was no town more beautiful to me than yours, but now your town has become the dearest of all to me. Your cavalry arrested me when I was on my way to perform the Umrah, so what do you think I should do? The messenger of Allah gave him good news and ordered him to perform the Umrah. When he came to Mecca, someone asked him: have you become a Sabian? He said, "No, but I have accepted Islam with the messenger of Allah. By Allah, not a grain of wheat will come to you from Yamamah till the messenger of Allah gives permission for it." (Muslim) (Mishkat, ibid, 3786/5)

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1. i.e. his people will claim retaliation.

**Mut'im bin Adi:** Jabir bin Mut'im has reported that the Holy Prophet said about the prisoners taken at Badr, "If Mut'im bin Adi <sup>1</sup> had been alive and spoken to me about these impure captives, <sup>1</sup> I would have set them free for him." (Bukhari) (Mishkat, ibid, 3787/6)

**Enemy intending to attack in Hudaibiah:** Anas has reported that eighty of the Meccans came down armed from the hill of Tan'eem, against the messenger of Allah, intending to attack the Holy Prophet and his companions unaware. He took them captives without fighting and spared them. <sup>2</sup> a version says that he set them free and Allah the Most High sent down, "He it is who averted their hands from you and your hands from them in the valley of Mecca." <sup>3</sup> (Muslim) (Mishkat, ibid, 3788/7)

**Captives of Hunain:** Marwaan and Miswar bin Makhramah has reported that when the deputation of Hawazin <sup>4</sup> came to the messenger of Allah to accept Islam, and requested him to return to them their property and their captives, he stood up (to address them) and said, "Choose one of the two, either the captives or the property." They said: we prefer our captives. The messenger of Allah stood up, and after praising Allah in a fitting manner said, "To proceed: your brethren have come repentant and I think I should return their captives to them, so let those of you who are willing to release the captives act accordingly: but those who wish to hold on to what they have till I give them first from what Allah gives us let them do so." The people said: O messenger of Allah, we are willing to release the captives. The messenger of Allah said, "I cannot distinguish between those of you who have given permission and those who have not given permission, so return till your leaders may tell me about you."

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1. He was head of the Banu Naufal. He agreed to give the Holy prophet protection after his return from Ta'if where he had gone after Abu Talib's death. Mut'im died before the battle of Badr. He did not become a Muslim. (James Robson).
  2. This occurred in the year in which treaty of Hudaibiah was made.
  3. Quran, Fatha, 48:24.
  4. Hawazan was a tribe who accepted Islam after defeat in the battle of Hunain.

They returned and their leaders talked with them. Then they came back to the messenger of Allah and told him that they had agreed and that they had given permission. (Bukhari) (Mishkat, ibid, 3790/9)

**Arrest against arrest:** Imran bin Husain has reported: Saqeef<sup>1</sup> was allies of the Banu Uqail.<sup>2</sup> Saqeef took two companions of the messenger of Allah as prisoners and his companions took prisoner a man of the Banu Uqail, bound him and threw him out on the lava plain. The messenger of Allah passed by him and he called to him, "O Muhammad, O Muhammad, for what have I been taken?" he said, "For the crime of your allies Saqeef." He then left him and passed on. But when he cried, "O Muhammad, O Muhammad," the messenger of Allah took pity on him and returned and asked him; what is the matter with you?" he said; verify I am a Muslim. He said, "If you had said it when you were your own master you would have been completely successful." Then the messenger of Allah ransomed him for the two men Saqeef had taken as prisoners. (Muslim) (Mishkat, ibid, 3791/10)

**Release of Abdul Aas:** Aaisha has reported that when the people of Mecca sent for ransoming their prisoners,<sup>3</sup> Zanib<sup>4</sup> sent some property to ransom Abdul Aas.<sup>5</sup> She also sent therein her necklace which Khadijah had given to her when she was married to Abul Aas. When the messenger of Allah saw it, he felt great tenderness about it and said, "If you think fit that you should free her prisoner for her and return to her what belongs to her it will be better." They said yes. The holy prophet then made an agreement with him that he should let Zainab come to him. So he sent Zaid bin Harisah and a man of the Ansaar, and said, wait in the valley of Yaajij<sup>6</sup> till Zainab comes along and bring her back. (Ahmad and Abu Dawud) (Mishkat, ibid, 3792/11)

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1. Saqeef was a tribe out of Hawazin.
  2. A tribe which was an ally of Saqeef.
  3. After the battle of Badr.
  4. Daughter of the Holy Prophet.
  5. Nephew of Hazrat Khadijah and husband of Hazrat Zainab.
  6. Near Tan'eem.

**Captives of Badr were killed:** Aisha has reported that when the messenger of Allah took as prisoners the people at Badr, he killed Uqbah bin Abu Muait and Nazr bin Haris, but showing pity left Abu Azza al-Jumahi. (Sharhe as-Sunnah by Baqhawi) (Mishkat, ibid, 3793/12)

**Enquiry about Captives:** Atiyah al-Qurazi has reported: I was among the captives of Quriazah. We were brought before the Holy Prophet. They (the companions) examined us. Whoever had begun to grow hair was killed, and whoever had not was not killed. They uncovered my private parts and when they found that the hair had not begun to grow they put me among the captives. (Abu Dawud, Ibne Majah and Daarimi) (Mishkat, ibid, 3796/15)

**Slaves of the enemy who accepted Islam:** Ali has reported that some slaves came to the messenger of Allah, on the day of Hudaibiah, before the treaty was ratified, and their masters wrote to him saying, “By Allah, O Muhammad, they have not come to you out of the desire for your religion, but they have done so only to flee from servitude.” Some people said: O Messenger of Allah, to flee from servitude.” Some people and: O Messenger of Allah, they have spoken the truth, so return them. But the messenger of Allah became angry and said, “I do not think you people of Quraish will cease till Allah sends someone to you who will cut off your heads for this.” He refused to send them back, saying: they are the freed servants of Allah. (Abu Dawud) (Mishkat, ibid, 3797/16)

**No killing after acceptance of Islam:** Ibne Umar has reported: the Holy Prophet send Khalid bin Waleed to the Banu Jazimah and he invited them to Islam. They could not express properly, “We accepted Islam”, and began to say, “Sabaanaa Sabaanaa” i.e. “We have changed our religion, we have changed our religion.” Khalid began to kill them and take them as prisoners, and he handed a prisoner to each one of us. But one day when Khalid ordered each of us to kill his prisoner, I said, “By Allah, I will not kill my prisoner and none of my companions will kill prisoner till we go to the Holy Prophet (and mention it to him).” When we mentioned it to him, he raised his hands and said twice, “O Allah, I am innocent to you of what Khalid has done.” (Bukhari) (Mishkat, ibid, 3798/17)

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## CHAPTER 6

### PROTECTION

**Protection given by Umme Haani:** Umme Haani daughter of Abu Talib Reported: I went to the messenger of Allah in the year of the Conquest and found him taking bath while his daughter Fatimah was screening him with a cloth. I gave Salutation and he asked: who is she? I said: I am Umme Haani daughter of Abu Talib. He said, "Welcome, Umme Haani." When he finished his bathing, he got up and prayed eight Rat'ats <sup>1</sup> wrapped in a cloth. When he was free, I said, "O messenger of Allah, my mother's son Ali has asserted that he is going to kill a man to whom I have given protection, so and so the son of Hubairah." The messenger of Allah said, "We also give protection to him whom you have given it, O Umme Hanri." Umme Hanri said that it was in the forenoon. (Bukhari and Muslim). (Mishkat, kitab-ul-Jihaad Baab-ul-Amaan, No. 3799/1)

**Protection by a Muslim Woman:** Abu Hurairah has reported that the Holy Prophet has said that, "Woman for the people," meaning that she can give protection on behalf of the Muslims. <sup>2</sup> (Tirmizi) (Mishkat, ibid, 3800/2)

**Treachery:** Amr bin Hamiq has reported: I heard the messenger of Allah say, "Whoever grants a man protection and then kills him will be given the banner of treachery on the day of Resurrection." (Sharhe as-Sunnah, by Baqhawi) (Mishkat, ibid, 3801/3)

**Honouring the Covenant:** Sulaim bin Aamir has reported: there was a covenant between Mu'awiyah and the Romans. He <sup>3</sup> was going towards their cities so that when the covenant comes to an end he could attack them. A man came on a horse, or a packhorse, saying, "Allah is the Greatest, Allah is the Greatest;

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1. Of the Duha (Chasht) prayer.
  2. The Muslim community should therefore honour the security given to anybody by a Muslim woman.
  3. i.e. Mu'awiyah.

There should be faithfulness and not treachery.” When they looked, they found that he was Amr bin Abasah. Mu’awiyah said: what is the matter? He said: I have heard the messenger of Allah say, “When one has a covenant with people, he should not loosen or strengthen it till its term expires, or he throws it to them on an equal footing.” He <sup>1</sup> said that Mu’awiyah then returned back with the people. (Tirmizi and Abu Dawud) (3802/4)

**Honouring the Covenant and the Ambassador:** Abu Raafe’ has reported: Quraish sent me to the messenger of Allah. When I saw the messenger of Allah, Islam was cast into my heart, so I said, “O messenger of Allah, by Allah, I shall never return to them.” He said, “I do not break a covenant or detain the ambassadors. So return. If there remains in your heart what is now, come back.” So I went away and then came to the Holy Prophet and accepted Islam. (Abu Dawud) (Mishkat, ibid, 3803/5)

Ibne Masud has reported that Ibne nawwaha and Ibne Usaal, Musailimha’s ambassadors, came to the Holy Prophet. He asked: do you testify that I am the messenger of Allah? They said, “We testify that musailimah <sup>2</sup> is the messenger of Allah.” He said, “I believe in Allah and His Messenger. Had it been my custom to kill an ambassador, I would have killed you.” Killed then came into force. (Ahmad) (Mishkat, ibid, 3806/8)

**Covenants of the days of ignorance:** Amr bin Shuaib has reported from his father who said that his grandfather informed that the messenger of Allah had said in the course of his sermon, “Honour fully the alliances made in the Days of Ignorance, because it, i.e. Islam, does not but makes it stronger, but make no new alliances in Islam.” (Tirmizi) (Mishkat, ibid, 3805/7)

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1. i.e. Sulaim bin Aamir.
  2. The impostor who had claimed prophet-hood during the lifetime of the holy prophet. He is known as “Musailimah the lire.” The two persons who came to the holy prophet were Abdullah Ibne Nawwaha and Ibne Usaal (Mazaahir-e-Haq). Also see Hadees No. 3806/8.
  3. i.e. Ibne Masud



Anas has reported that the messenger of Allah said on the Day, i.e. the day of Hunain, whoever kills an infidel gets what he takes from him.” Abu Talha killed twenty men that day and got what was taken from them. (Daarimi) (Mishkat, ibid, 3824/18)

Auf bin Maalik Ashja’ee and Khalid bin Waleed has reported that the messenger of Allah ordered that the killer should have what is taken from the man he killed, and did not make it subject to distribution into the fifths. (Abu Dawud) (Mishkat, ibid, 3825/19)

Abdullah bin Masud has reported: at the battle of Badr the Messenger of Allah gave me <sup>1</sup> the sword of Abu Jahl. He <sup>2</sup> had killed him. (Abu Dawud) (Mishkat, ibid, 3826/20)

**Distribution of Booty:** Ibne Umar has reported that the messenger of Allah gave three shares for a man and his horse – one for him and two for his horse. (Bukhari and Muslim) (Mishkat, ibid, 3809/3)

**No fixed share for women and slaves:** Yazid bin Hurmuz has reported that Najdat-ul-Haruri <sup>3</sup> wrote to Ibne Abbas asking him: whether a slave and a woman should be given a share when they are present at the distribution of the booty? He said to Yazid: write to him that they are not entitled to a fixed share, but may be given something. A version says that Ibne Abbas wrote to him, “You have written asking me whether the messenger of Allah took women in battle and whether he gave them a share (in the booty). He used to take them in battle. They used to attend to the sick, and they were given something out of the booty. But as for the share, no share was fixed for them.” (Muslim) (Mishkat, ibid, 3814/4)

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1. in excess of the share in the booty
  2. i.e. Abdullah bin Masud.
  3. Najdah was the name of the leader of the Kharijites. Haroor was his village near Kufah.

**More than the common share:** Salamah bin Akwa has reported: the messenger of Allah sent his riding camels with Rabah, the slave of the messenger of Allah, while I was with him. In the morning Abdur Rehman at Fazari attacked the camels of the messenger of Allah. So I went up on a mound and should three times facing Medinah, "A morning raid!" I then went after the people shooting arrows at them and exclaimed the Rajaz, "I am the son of Akwa: today is the day (of the destruction) of the ignoble ones." I kept on shooting at them and killing their animals so that they had to go on foot till there was no riding camel of the messenger of Allah created by Allah which I had not gone ahead of. Then I followed them shooting at them till they threw away more than thirty cloaks and thirty lances to lighten themselves, and threw nothing but I put stones on it to mark it for the messenger of Allah and his companions to notice them. This went on till I saw the horsemen of the messenger of Allah, Abu Qatadah, a horseman of the messenger caught up on Abdur Rehman and killed him, and the messenger of Allah said, "Our best horseman today is Abu Qatadah and our best footman Salamah." He then gave me two shares, one of horseman and one of footman, and after giving me them both he took me up behind him on Azba on our way back to Medinah. (Muslim) (Mishkat, ibid, 3811/5)

Ibne Umar has reported that the messenger of Allah used to give more out of booty to some of the detachments he sent, for themselves in particular, besides (their shares in) (the division made to the whole army. (Bukhari and Muslim) (Mishkat, ibid, 3812/6)

Ibne Umar has reported that the messenger of Allah gave us (booty) in addition to our share of the fifth, and I got a Shaarif, and Shaarif is a very old she-camel. (Bukhari and Muslim) (Mishkat, ibid, 3813/7)

**Special share:** Habib bin Maslamah Fehri has reported: I saw the Holy Prophet giving one – fourth in excess at the beginning and one – third at the return. (Abu Dawud) (Mishkat, ibid, 3829/23)

Habib bin Maslamah Fehri has reported that the messenger of Allah used to give excess of one –fourth share after the one – fifth, and one – third share after the one – fifth when he returned. <sup>1</sup> (Abu Dawud) (Mishkat, ibid, 3830/24)

**Special Grant:** Abu Musa al-Ashari has reported: we arrived (from Abyssinia) just at the moment when the messenger of Allah had conquered Khaibar and he allotted us a share (or he said he gave us from it). He did not give to anyone who was not present at the conquest of Khaibar, giving shares only to those who were present with him, except for those who were in our boat – Jafar <sup>2</sup> and his companions. He gave something along with them. (Abu Dawud) (Mishkat, ibid, 3832/26)

**The one – Fifth:** Abu Hurairah has reported that the messenger of Allah has said that, “Whichever city you come to and settle in, there is your share in it, but whichever city disobeys Allah and his messenger, one –fifth of it goes to Allah and his messenger and remainder is yours.” (Muslim) (Mishkat, ibid, 3816/1)

Amr bin Abasah has reported: the messenger of Allah led us in prayer facing a camel which had been taken in booty. When he had given the Salutation, he took a hair from the camel’s side and said, “I have no right to as much as this of your booty, but only to the one – fifth, and the one – fifth (also) is returned to you.” (Abu Dawud) (Mishkat, ibid, 3847/41)

**Misappropriation in the Booty:** Khaulah Ansariyah has reported: I heard the messenger of Allah say, “People misappropriate the property of Allah. For them there will be the fire (Hell) on the day of resurrection.” (Bukhari) (Mishkat, ibid, 3817/11)

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1. This Hadees is explanation of the previous one. The meaning of both is that the solders coming to the field first and those remaining in the field till the end both used to suffer hardship more than others, and therefore the former were granted one – fourth in excess, and the latter one –third, after the one – fifth.
  2. Reference is made to those Muslims who had migrated from Mecca to Abyssinia and had now returned.

Abu Hurairah has reported: one day the messenger of Allah stood up among us and spoke about dishonesty regarding booty, declaring it and everything connected with it as a serious matter. He then said, "Let me not find any of you coming on the day of Resurrection with a camel rumbling on his neck (and) saying: O Messenger of Allah, help me. I will say: I can do nothing for you as I have given you the message. Let me not find any of you coming on the day of resurrection with a horse whinnying on his neck (and) saying: O messenger of Allah, help me, I will say: I can do nothing for you as I have given you the message. Let me not find any of you coming on the day of resurrection with a soul shouting on his neck (and) saying: O messenger of Allah, help me. I will say: I can do nothing for you coming on the day of resurrection with patches flapping on his neck saying: O messenger of Allah, help me. I will say: I can do nothing for you as I have given you the message. Let me not find any of you coming on the day of resurrection with gold and silver on his neck (and) saying: O Messenger of Allah, help me, I will say: I can do nothing for you as I have given you the message. (Bukhari and Muslim) (Mishkat, ibid, 3818/12)

Abu Hurairah has reported that a man had presented a slave called Mid'am to the messenger of Allah. Once when Mid'am was unsaddling a camel of the messenger of Allah he was struck by a random arrow which killed him. The people said, "Congratulations to him for the paradise." The messenger of Allah said, "Not at all. By Him in Whose Hand my soul is, the cloak he took on the day of Khaibar from the booty which was not included in the shares divided is blazing with fire upon him." When the people heard that, a man brought a sandal-strap, or two sandal-straps, to the Holy Prophet. He said, "A sandal-strap of fire," or, "Two sandal-straps of fire." (Bukhari and Muslim) (Mishkat, ibid, 3819/13)

**No misappropriation of even the meanest article:** Ubadah bin Saamit has reported that the holy prophet used to say, “Hand over (even) threads and needles and avoid dishonesty in respect of booty, because it will be a reproach to those who are guilty of it on the day of Resurrection.” (Daarimi) (Mishkat, ibid, 3845/39)

**The eatables:** Ibne Umar has reported: In our expeditions we used to get honey and grapes and eat them, and not take them (for division as booty). (Bukhari) (Mishkat, ibid, 3821/15)

Abdullah bin Mughaffal has reported: on the day of Khaibar I got a skin of fat. I lifted it and said: I will not give anybody out of it today. I turned round and saw the messenger of Allah smiling at me. (Bukhari and Muslim) (Mishkat, ibid, 3822/16)

**Distribution of Khaibar’s Booty:** Mujamme bin Jaariyah has reported: Khaibar<sup>2</sup> was divided among those who had been at Hudaibiah. The messenger of Allah divided it into eighteen shares. The army was one thousand five hundred of which three hundred were cavalry, and he gave two shares to a horseman and one to a footman. (Abu Dawud) (Mishkat, ibid, 3828/22)

**Delay in bringing the Booty:** Abdullah bin Amr has reported that whenever the messenger of Allah got the booty, he used to order Bilal to make a public announcement. When the people brought their booty, he used to take – one fifth and divide it. One day a man brought a halter of hair after that and said, “O messenger of Allah, this is part of the booty we got.” “He asked: had you heard Bilal making announcement three times? He said: yes. Then he asked: what prevented you from bringing it? He mad some excuse.

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1. This shows that articles of food acquires from the battle field can be eaten by the soldiers on the spot before the booty is divided.
  2. i.e. the booty acquired at Khaibar (Mazaahir-e-Haq).

He said, "You will bring it yourself on the day of Resurrection, I will not accept it from you." (Abu Dawud) (Mishkat, *ibid*, 3834/28)

**Concealing the dishonest:** Samurah bin Jundub has reported that the messenger of Allah used to say, "Whoever conceals the one who has been dishonest in respect of booty is like him." (Abu Dawud) (Mishkat, *ibid*, 3836/30)

**Selling Booty before division:** Abu Saeed reported that the messenger of Allah prohibited the bargaining of booty before it was divided. (Tirmizi) (Mishkat, *ibid*, 3837/31)

Abu Umamah has reported that the holy prophet prohibited the sale of shares before they were divided. (Tirmizi) (Mishkat, *ibid*, 3838/32)

**Improper acquiring of Booty:** Khaulah daughter of Qais has reported: I heard the messenger of Allah say, "This property (i.e. the booty) is fresh and sweet. Whoever gets in a proper way will be given blessing in it, but there are men who improperly acquire such property of Allah and his messenger as their soul's desire. They will have nothing but Hell on the day of Resurrection." (Tirmizi) (Mishkat, *ibid*, 3839/33)

**Use of Booty division:** Ruwaife' bin Saabit has reported that the holy prophet has said that, "Whoever believes in Allah and the last day should not ride on an animal belonging to the Fai (booty) of the Muslims and return it back when he has emaciated it: and whoever believes in Allah and the last day should not wear a cloth belonging to the Fai (booty) of the Muslims and return it back when he has made it threadbare. (Abu Dawud) (Mishkat, *ibid*, 3841/35)

**Usman's share in Badr Booty:** Ibne Umar has reported that the messenger of Allah stood up, i.e. on the day of Badr, and said: Usman has gone in connection with a work of Allah and his messenger <sup>1</sup> and I will take the oath of allegiance on his behalf. The messenger of Allah then allotted him a share (in the booty) and did not give share to anybody else who was absent except him. (Abu Dawud) (Mishkat, ibid, 3852/46)

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1. Usman was sent back by the Holy Prophet from the battlefield to look after his ailing wife Ruqaiyah the daughter of the Holy Prophet.

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## CHAPTER 8

### THE FAI<sup>1</sup>

**For the Messenger of Allah:** Maalik bin Aus bin Hadasaan has reported that Umar bin Khattaab said that Allah particularized his messenger regarding the Fai' which he gave to no other. He then recited, 'What Allah has bestowed on his messenger from them..... Omnipotent.'<sup>2</sup> This was purely for the messenger of Allah who used to give his family their maintenance for one year from this property, then take what remained and deal with it as he deal with the property of Allah. (Bukhari and Muslim) (Mishkat, kitab-ul-Jihaad, Baab-ul-Fai' No. 3876/1)

Maalik bin Aas bin Hadasaan has reported from Umar that the properties of the Banu Nazeer were part of what Allah had bestowed on his messenger from what the Muslims had not ridden on horses or camels to get, so they belonged specially to the messenger of Allah who gave his family maintenance (out of them) for one year, and spent the remaining for weapons and horses as equipment in the way of Allah (Bukhari and Muslim) (Mishkat, ibid, 3877/2)

**Distribution:** Auf bin Maalik has reported: when the Fai came to the messenger of Allah, he divided it that day, giving two shares to a married man and one to a bachelor. I was called and he gave me two shares, because I had a family. Then Ammaar bin Yaasir was called after me and he was given one share. (Abu Dawud) (Mishkat, ibid, 3878/3)

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1. Fai' was the property of the non-Muslims which the Muslims got without actual fighting. Neither one-fifth was taken out of it nor was it divided among the soldiers. It was treated to be the property of all Muslims and the Holy Prophet had full right to dispose it off according to his own discretion (Mazaahir-e-Haq).
  2. Quran, Hashr, 59:6.

**Ibne Umar reported:** I saw that the first thing the messenger of Allah did, immediately on receiving anything, was that he used to give something to those who had been set free. (Abu Dawud) (Mishkat, ibid, 3879/4)

Aaisha has reported that a bag containing beads was brought to the holy prophet. He divided them among free-woman and slave-women. Aaisha said: my father used to divide things between freemen and slaves. (Abu Dawud) (Mishkat, ibid, 3880/5)

Maalik bin Aus bin Hadasaan has reported that one day Umar bin Khattaab mentioned the Fai' saying: I have no more right to this Fai' than you, and none of us has more right to it than another, except that we are on ranks fixed by the Book of Allah the Great Glorious and the division made by his messenger, i.e. a man and his stepping forward (in accepting Islam), a man and his suffering (for the cause of Islam), a man and his family, and a man and his needs. (Abu Dawud) (Mishkat, ibid, 3881/6)

Maalik bin Aus bin Hadasaan has reported that Umar bin Khattab recited, "Alms are for the poor and the needy knowing, Wise,"<sup>1</sup> and said that this verse applies to these persons. He then recited, "Know that one – fifth of whatever booty you acquire goes to Allah and the messenger ..... the traveler,"<sup>2</sup> and said that this verse applies to those persons. He then recited, "What Allah has bestowed on his messenger from the people of the towns... to power."<sup>3</sup> saying that this includes all the Muslims.

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1. Quran, Taubah, 9:60  
2. Quran, Anfaal, 8:41  
3. Quran, Hashr, 59:7 the last word mentioned is the first word of verse 8. It may mean that he recited the whole of verse 8. (James Robson).  
4. Quran, Hashr, 59:10

If I live, a herdsman in the Sarw<sup>1</sup> of Himyar will certainly get his share without his forehead sweating for it. (Sharhe as-Sunnah by Baqhawī) (Mishkat, ibid, 3882/7)

Maalik bin Aus bin Hadasaan has reported that the argument on which Umar relied was that the messenger of Allah had three things exclusively to himself: the Banu Nazeer, Khaibar and Fadak.<sup>2</sup> the Banu Nazeer (property) was kept wholly for his own purposes,<sup>3</sup> Fadak for travelers, and Khaibar was divided by the messenger of Allah into three portions, two for the Muslim and one for his family, and what remained after expenses of his family, he divided it among the poor emigrants. (Abu Dawud) (Mishkat, ibid, 3883/8)

Mughirah (bin Shu'bah) has reported that when Umar bin Abdul Aziz was made Caliph, he gathered the descendants of Marwaan and said: Fadak belonged to the messenger of Allah and he used to spend from it, showing kindness to the poor members of the Banu Hashim from it and supplying from it the cost of marriages for those of them who were widows. Fatimah requested him to give it to her, but he refused. That is how matters stood during the lifetime of the messenger of Allah till he passed away.<sup>4</sup> when Abu Bakr became the Caliph, he administered it as the messenger of Allah had done in his lifetime till he passed his way. Then when Umar bin Khattaab became the Caliph, he administered it as they had done till he passed away. Then Marwaan took it for himself and it afterwards came to Umar bin Abdul Aziz. I am of the view that I have no right to something which the messenger of Allah had refused to Fatimah, so I call you to witness that I have restored it to its former condition: that is, as it was during the time of the messenger of Allah, Abu Bakr and Umar. (Abu Dawud) (Mishkat, ibid, 3884/9)

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1. This word means a hill slope above a valley, not right up on the mountain when associated with Himyar it is said to mean their settlement, (Mu'ajjamul Buldan by Yaqut-ur-Rumi, Vol. III, p. 82). The Himyarites were a famous South Arabian people. (James Robson).
  2. Fadak was near Khaibar. It capitulated without fighting (Ibid)
  3. This included, besides personal needs, the cost of entertaining guests, providing weapons and animals, etc. (Ibid).
  4. i.e. died.

## CHAPTER 9

### JIZYAH <sup>1</sup>

**The Magians: Bajaalah reported:** I was a clerk of Juz' bin Mu'awiyah the paternal uncle of Ahnaf. A year before the death of Umar bin Khattab we received his letter saying: make separation between the married couples among the Magians who are within the prohibited degrees. 'Umar had not taken the Jizyah from the Magians till Abdur Rehman bin Auf testified that the messenger of Allah had taken it from the Magians of Hajar. <sup>2</sup> (Bukhari) (Mishkat, kitab-ul-Jihaad, Baab-ul-Jizah, No. 3856/1)

**The limit:** Mu'aaz has reported that when the messenger of Allah sent him to Yemen, he ordered him to take from every Haalim, i.e. the one who had attained puberty, a Dinar or its equivalent in Mu'afiri <sup>3</sup> cloth of Yemen origin. (Abu Dawud) (Mishkat, ibid, 3857/2)

**The Muslims:** Ibne Abbas has reported that the messenger of Allah has said that, "Two Qiblahs in one land are not right, and there is no Jizyah upon a Muslim." (Ahmad, Tirmizi and Abu Dawud) (Mishkat, ibid, 3858/3)

**Peace upon Jizyah:** Anas has reported that the messenger of Allah sent Khalid bin Waleed to Ukaidir of Duma. <sup>4</sup> they arrested and brought him. He spared his life and made peace with him upon Jizyah. (Abu Dawud) (Mishkat, ibid, 3859/4)

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1. Jizyah is from "Jaza" meaning compensation. It was special tax charged from the non-Muslims of the Islamic State for safeguarding their life, respect and property with their consent and agreement (Mazaahir-e-Haq).
  2. A town near Bahrain
  3. A tribe which was a section of Hamadan and Yemen tribal group. (James Robson).
  4. Duma was a fortress near Tabuk. Ukaidir was a Christian. The incident took place in the year 9 A.H. during the expedition to Tabuk. (ibid)

**The Ushr:** Harb bin Ubaidullah has reported from his mother's father that he had informed on the authority of his father that the message of Allah had said, "Ushr is upon the Jews and Christians, but there is no Ushr upon the Jews and Christians, but there are the Muslims." (Ahmad and Abu Dawud) (Mishkat, ibid, 3860/5)

**Taking by force:** Uqbah bin Aamir has reported: I asked, "O messenger of Allah, we come to the people who do not entertain us, or pay what is due to us from them, and we take nothing from them." He said, "If they make it necessary for you to take it by force, then do so." (Tirmizi) (Mishkat, ibid, 3861/6)

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**Section – VIII**  
**INDIVIDUAL LIFE**

**Synopsis**

- A. Ta'aam (food)**
- B. Libaas (clothing)**
- C. Hair Dressing and Make up**

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**TA'AAM**

**(FOOD)**

**Chapter – 1 – The Food and Manners of Eating**

**Chapter – 2 – Lawful and Unlawful Food**

**Chapter – 3 - Drinks**

**Chapter – 4 – Hospitality**

## QURAN

**Permitted:** O men, eat the lawful and good things from what is in the earth, and follow not the footsteps of the Satan. Surely he is an open enemy to you (Baqarah, 2:168)

O you who believe, eat of the good things that we have provided you with, and give thanks to Allah, if He it is whom you serve (Baqarah, 2:172)

O you believe, fulfill the obligations. The cattle quadrupeds are allowed to you except that which is recited to you, not violating the Prohibitions against hunting when you are in the Ehraam, surely Allah orders what He pleases (Maa'idah, 5:1)

This day (all) good things are made lawful for you. And the food of those who have been given the Book is lawful for you and your food is lawful for them (Maa'idah, 5:5)

And eat of the lawful and good things that Allah has given you, and keep your duty to Allah, in whom you believe (Maa'idah, 5:88)

Eat then of that on which the name of Allah has been mentioned, if you are believer in His messengers. And what reason have you that you should not eat of that, on which the Name of Allah has been mentioned, when He has already made plain to you what he has forbidden to you-except that which you are compelled to (An'aam, 6:118-119)

Eat of its fruits when it bears fruit, and pay the due of it on the day of its reaping, and be not prodigal. Surely he loves not the prodigals (An'aam, 6:41); and eat and drink and be not prodigal. Surely he loves not the prodigals (A'araaf, 7:31)

And of the cattle (He has created) some for burden and some for slaughter. Eat of that which Allah has given you and follow not the footsteps of Satan. Surely he is your open enemy (An'aam, 6:142)

So eat what Allah has given you, lawful and good (things), and give thanks for the Favour of Allah, if he it is you serve (Nahl, 16:114)

Eat of the good things we have provided for you, and be not inordinate in respect thereof, lest My Wrath come upon you: and he, on whom My Wrath comes, he perishes indeed (Taa Haa, 20:81)

O you messengers eat of the good things and do well. Surely I am Knower of what you do (Mo'minoon, 23:51)

**Exceeding Limits;** O you, who believe, forbid not the good things which Allah has made lawful for you and exceed not the limits. Surely Allah loves not those who exceed the limits (Maa'idah, 5:87)

**Say:** see you what Allah has sent down for you of sustenance, then you make (part) lawful. Say: he Allah commanded you or do you forge a lie against Allah? (Yunus, 10:59).

And utter not, for what your tongues describe, the lie: this is lawful and this is unlawful: so that you forge a lie against Allah. Surely those who forge a lie against Allah will not prosper (Nahl, 16:116)

**Kill not the children:** They are losers indeed who kill their children foolishly without knowledge, and forbid that which Allah has provided for them, forging a lie against Allah. They indeed go astray, and are not guided (An'aam, 6:140)

**Forbidden:** He has forbidden you only what dies of itself, and blood, and the flesh of swine, and that on which any (name) other than (that of) Allah has been mentioned. Then anybody who is driven by necessity, not desiring nor exceeding the limit, no sin is upon him. Surely Allah is forgiving, Merciful (Baqarah, 2:173)

Forbidden to you is that which dies of itself, and blood, and flesh of swine, and that on which any name other than that of Allah has been invoked, and the strangled (animal), and that beaten to death, and that killed by a fall, and that killed by goring with the horn, and that which wild beasts have eaten-except what you slaughter, and that which has been sacrificed on stones set up (for idols), and that you seek to divide by arrows-that is transgression... but whoever is compelled by hunger, not inclined willfully to sin, then surely Allah is forgiving, Merciful (Maa'idah, 5:3)

He has forbidden you only what dies of itself and blood and the flesh of swine and what over which any name other than that of Allah has been invoked: but who is driven to it, not desiring not exceeding the limit, then surely Allah is forgiving Merciful (Nahl, 16:115)

And eat not of that on which the Name of Allah has not been mentioned, and that is surely a transgression (An'aam, 6:121)

**Say:** I find not in that which has been revealed to me anything forbidden for an eater to eat thereof, except that it be what dies of itself, or blood poured forth, or flesh of swine – for that surely is unclean – or what is a transgression, other than (the name of) Allah having been mentioned on it. But whoever is driven to necessity, not desiring nor exceeding the limit, then surely the Lord is Forgiving, Merciful (An'aam, 6:145)

On those who believe and do good there is no blame for what they ate (before the revelation of the commands relating to what is forbidden), when they (now) keep their duty and believe and do good deeds, then their duty and believe and do good. And Allah loves the doers of good (Maa'idah, 5:93)

**CHAPTER 1**

**THE FOOD AND MANNERS OF EATING**

**Three manners:** Amr bin Salamah <sup>1</sup> has reported: I was a boy under the care of the messenger of Allah. My hand used to roam at large in the dish. The messenger of Allah said to me, "Mention the Name of Allah, eat with your right hand, and eat from what is before you." (Bukhari and Muslim) (Mishkat, kitab-ul-At'imah, No. 3978/1)

**Mention of Allah:** Huzaifah has reported that the messenger of Allah has said that, "The Satan considers the food lawful for him if the Name of Allah is not mentioned over it." (Muslim) (Mishkat, ibid, 3979/2)

Aisha has reported that the messenger of Allah has said that, "When anybody of you eats and forgets to mention (the name of) Allah over his food, he should say: in the Name of Allah at the beginning and at the end of it." (Tirmizi and Abu Dawud) (Mishkat, ibid, 4018/41)

**Right hand:** Ibne Umar has reported that the messenger of Allah has said that, "When anybody of you eats, he should eat with his right hand; and when he drinks, he should drink with his right hand."<sup>2</sup> (Muslim) (Mishkat, ibid, 3981/4)

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1. Abu Salamah was a cousin brother of the holy prophet being the son of his paternal aunt (Phoopi) and was one of the earliest emigrants. He died in the 3<sup>rd</sup> or 4<sup>th</sup> year of Hijrah and after the holy prophet himself married his widow Hazrat Umme Salamah (Ma'ariful Hadees, Vol. VI, pp. 260-261)

2. Obviously because, as it is said in the next Hadees, to eat and drink with the left hand is an act of the Satan.

Further, left hand is specifically used for cleaning the private parts from the filth, and there-fore on this account also left hand should not be used for eating and drinking. (Ma'ariful Hadees, ibid, Vol. IV)

Ibne Umar has reported that the messenger of Allah has said that, “None of you should eat with his left hand or drink with it, because the Satan eats with his left hand and drinks with it.” (Muslim) (Mishkat, ibid, 3982/5)

Three fingers and lick of fingers: Kab bin Maalik has reported that the messenger of Allah used to eat with three fingers, and lick his hand before washing it. (Muslim) (Mishkat, ibid, 3983/6)

Jabir has reported that the Holy Prophet ordered (the people) to lick their fingers and the dish, and said, “You do not know in what portion blessing lies.” (Muslim) (Mishkat, ibid, 3984/7)

Ibne Abbas has reported that the Holy Prophet has said that, “When anybody of you eats, he should not wash his hand till he licks it, or gives it to somebody else to lick.” (Bukhari and Muslim) (Mishkat, ibid, 3985/8)

**Licking of the Dish:** Nubaisha has reported that the messenger of Allah has said that, “Whoever eats from a dish and then licks it up, the dish says for him: may Allah make you free from the Fire (of Hell) as you have freed me from the Satan.” (Razeen) (Mishkat, ibid, 4056/79)

**Dropped Mouthful:** Jabir has reported: I heard the messenger of Allah say, “The Satan is present with everybody of you in everything he does, even when he takes his food. So if anybody of you drops a mouthful, he should wipe away the dust etc. struck therewith and eat it and leave it not for the Satan; and when he finishes, he should lick his fingers, because he does not know in what part of the food the blessing lies.” (Muslim) (Mishkat, ibid, 3986/9)

Reclining: Abu Juhaifah has reported that the Holy Prophet has said, I do not eat reclining.” (Bukhari) (Mishkat, ibid, 3987/10)

**Speaking ill of Food:** Abu Hurairah has reported that the Holy Prophet never spoke ill of food. If he liked it, he ate it; and if he disliked it, he left it (Bukhari and Muslim) (Mishkat, ibid, 3991/14)

**Believer and non – believer:** Abu Hurairah has reported that a man used to eat much food. He accepted Islam and began to eat little. This was mentioned to the Holy Prophet. He said, “The believer eats in one intestine but the infidel eats in seven.” (Bukhari) (Mishkat, ibid, 3992/15)

**Sharing:** Abu Hurairah has reported that the messenger of Allah has said that, “Two person’s food is enough for three and three person’s is enough for four.” (Bukhari and Muslim) (Mishkat, ibid, 3993/16)

**Talbinah:** Aaisha has reported: I heard the messenger say, “Talbinah”<sup>1</sup> gives rest to the heart of the sick and removes some of his grief.” (Bukhari and Muslim) (Mishkat, ibid, 3995/18)

**Pumpkin:** Anas has reported that a tailor invited the Holy prophet to a meal which he had prepared. I accompanied the Holy Prophet. He presented barley bread and soup containing pumpkin and dried sliced meat. I saw the Holy Prophet seeking the pumpkin in the dish. Since that day I have always like the pumpkin. (Bukhari and Muslim) (Mishkat, ibid, 3996/19)

**Cutting meat by Knife:** Amr bin Umayyah has reported that he saw the Holy Prophet cutting pieces from a shoulder of mutton in his hand. He was called for the prayer, and after putting it down and the knife with which he was cutting it, he stood up and prayed without performing (fresh) ablution. (Bukhari and Muslim) (Mishkat, ibid, 2997/20)

**Sweets and Honey:** Aaisha has reported that the messenger of Allah liked sweets and honey. (Bukhari) (Mishkat, ibid, 3998/21)

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1. A kind of gruel made of flour or bran and milk, sometimes having honey mixed with it. It was a sort of liquid was generally taken at the end of food. It gave relish and helped digestion. (James Robson)

**Vinegar:** Jabir has reported that once the Holy Prophet asked his family for condiments. They said; we have nothing except vinegar. He called for it and as he was eating it, he said, “What a good condiment is the vinegar, what a good condiment is the vinegar.” (Muslim) (Mishkat, ibid, 3999/22)

**Truffles**<sup>1</sup> : Saeed bin Zaid has reported that the Holy Prophet Has said that, “Truffle is a kind of Manna, and its juice is a medicine for the eye.” (Bukhari and Muslim) (Mishkat, ibid, 4000/23)

**Dates and Cucumber:** Abdullah bin Jafar has reported: I saw the messenger of Allah eating fresh dates with cucumber. (Bukhari and Muslim) (Mishkat, ibid, 4001/24)

**Fruit of Araak tree:** Jabir has reported: we were with the Messenger of Allah at Marr’as-Zahran and were plucking the fruit of the Araak tree. He said, “Keep to its back ones, because they are the most pleasant.” He was asked: had you shepherd the goats? He said, “Yes; was there any prophet who did not shepherd them?” (Bukhari and Muslim) (Mishkat, ibid, 4002/25)

**Manner of sitting while eating:** Anas has reported: I saw the Holy Prophet squatting and eating dates. (Muslims) (Mishkat, ibid, 4003/26)

**Two dates at a time:** Ibne Umar has reported that the messenger of Allah forbade anybody eating two dates together before seeking permission from his companions. (Bukhari and Muslim) (Mishkat, ibid, 4004/27)

**The dates:** Aaisha has reported that the Holy Prophet has said that, “The Family having has dates will not be hungry.” In a version he said, “The family which has no dates, O Aaisha, will be hungry.” He said it twice or thrice. (Muslim) (Mishkat, ibid, 4005/28)

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1. Also see Hadees No. 4049/72)

Yusuf bin Abdullah bin Salam has reported: I saw that the holy prophet took a piece of barley bread and put a date on it, and said, "This is the condiment of this," and he ate it. (Abu Dawud) (Mishkat, ibid, 4037/60)

**Ajwa Dates**<sup>1</sup> : Sad has reported: I heard the messenger of Allah say, "Whoever eats in the morning seven Ajwa dates will not suffer harm that day through poison or magic." (Bukhari and Muslim) (Mishkat, ibid, 4006/29)

Aaisha has reported that the messenger of Allah has said that, "There is cure in Ajwa dates of Aaliyah<sup>2</sup> and they are an antidote if taken as first thing in the morning." (Muslim) (Mishkat, ibid, 4007/30)

**Only Dates and Water:** Aaisha has reported that sometimes there came to us a month in which we did not kindle a fire (for cooking). There were only dates and water, or a little meat which was brought. (Bukhari and Muslim) (Mishkat, ibid, 4008/31)

Aaisha has reported that the family of Muhammad did not have the meal of wheat bread on (even) two consecutive days, but had dates on one of them. (Bukhari and Muslim) (Mishkat, ibid, 4009/32)

Aaisha has reported that the Messenger of Allah died while we had no meal of dates and water to our satisfaction. (Bukhari and Muslim) (Mishkat, ibid, 4010/33)

Garlic: Abu Ayub has reported that whenever food was brought to the Holy Prophet, he used to eat some of it and send the remaining to me. One day he sent me a dish from which he had eaten nothing because it contained garlic. I asked him; is it unlawful? He said, "No; but I dislike it because of its odour." He said, "I dislike what you dislike." (Muslim) (Mishkat, ibid, 4012/35)

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1. A good quality of Medina dates also. Also see Hadees No. 4049/42.  
2. Some villages near Quba, a few miles on the east of Medina.

**Garlic and Onion:** Jabir has reported that the Holy Prophet has said that, “Whoever eats garlic or onion <sup>1</sup> should remain away from us.” Or he said, “Should remain away from our mosque, “or, “should sit in his house.” A pot containing green vegetables was brought to the Holy Prophet. He fell an odour in it. He told them to give it to one of his companions to whom he said, “Eat, because I hold intimate converse with one with whom you do not.” (Bukhari and Muslim) (Mishkat, ibid, 4013/36)

**Uncooked Garlic:** Ali has reported that the messenger of Allah prohibited the eating of garlic unless it was cooked. (Tirmizi and Abu Dawud) (Mishkat, ibid, 4044/36)

**Measuring the Food:** Miqdaam bin Madikarib has reported that the Holy Prophet has said that, “Measure your food so that you may be blessed it.” (Bukhari) (Mishkat, ibid, 4014/37)

**Praise of Allah:** Abu Umamah has reported that when the dining sheet <sup>2</sup> was taken off (after the meal), the Holy Prophet used to say, “Praise be to Allah, abundantly and sincerely, having blessing not insufficient, abandoned or ignored, O our Lord,” (Bukhari) (Mishkat, ibid, 4015/38)

Anas has reported that the messenger of Allah has said that, “Allah the Most High is pleased when a man eats something and praises him for it, or drinks something and praises him for it.” (Muslim) (Mishkat, ibid, 4016/39)

**Praise and Thanks:** Abu Saeed Khudri Abu Saeed Khudri has reported that when the Messenger of Allah finished his food, he used to say, “Al-Hamdo Lillahillazi At’amanma Wa Saqaana Wa Ja’alana Mulismeen”. (i.e. praise to Allah who gave us food and drink and made us Muslims). (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 4020/43)

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1. According to the scholars, it means the uncooked garlic or onion.

2. The word “Maa’idah” means the sheet of cloth, leather or of any other material spread on the ground for taking the food on it.

**Washing of Hands and Mouth:** Salman has reported: I read in the Torah that the blessing of food consists in “Wuzu” (ablution) <sup>1</sup> after it. I mentioned it to the Holy prophet. He said, “The blessing of food consists in “Wuzu” (ablution) before it and “Wuzu” (ablution) after it.” (Tirmizi and Abu Dawud) (Mishkat, ibid, 4023/46)

**Eating from the sides:** Ibne Abbas has reported that a dish of Sareed <sup>2</sup> was brought to the Holy Prophet. He said, “Eat from its sides, and not from its middle, because blessing descends in the middle of it.” (Tirmizi, Ibne Majah and Daarimi) (Mishkat, ibid, 4025/48)

**Wiping of Hands:** Abdullah bin Haris bin Jaz’a has reported: some bread and meat was brought to the messenger of Allah while he was in the mosque. He ate and we also ate with him. He then stood up and prayed and we also prayed with him, doing no more than wiping our hands with the pebbles. (Ibne Majah) (Mishkat, ibid, 4027/50)

**Biting off the Meat:** Abu Hurairah has reported that meat was brought to the messenger of Allah. The foreleg, which he liked very much, was offered to him. He took a bite of it. (Tirmizi and Ibne Majah) (Mishkat, ibid, 4028/51)

**Beetroot:** Umme Munzir has reported: the messenger of Allah came to us. Ali was with him. We had some ripening dates hung up. The messenger of Allah began to eat, and Ali was (also) eating with him. The messenger of Allah said to Ali, “Stop, O Ali, because you are convalescing.” I then prepared some beetroot and barley for them and the Holy Prophet said, “Take some of this, O Ali, because it will be more beneficial for you.” (Ahmad, Tirmizi and Ibne Majah) (Mishkat, ibid, 4030/53)

**From the bottom:** Anas has reported that the messenger of Allah liked what was at the bottom (of the dish). (Tirmizi), Baihaqi also noted it in Shu’abul Iman. (Mishkat, ibid, 4031/54)

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1. For definition of “Wuzu” see Hadees No. 4047/70

2. Pieces of bread mixed with soup having (also) pieces of meat in it.

Washing before sleeping: Abu Hurairah reported that the messenger of Allah has said, “Whoever spends the night with grease on his hand which he did not wash, and some trouble comes to him, he should not blame but himself.” (Tirmizi, Abu Dawud and Ibne Majah) (Mishkat, ibid, 4033/56)

**Sareed:** Ibne Abbas has reported that the food the messenger of Allah liked most was Sareed from bread and Sareed made from Hais (Abu Dawud) (Mishkat, ibid, 4034/57)

**Olive oil:** Abu Usaid Ansari has reported that the messenger of Allah has said that, “Eat olive oil and anoint yourselves with it, because it comes from a blessed tree.” (Tirmizi, Ibne Majah and Daarimi) (Mishkat, ibid, 4035/58)

**Non – Muslim Physician:** Sad has reported: once I was ill. The Holy Prophet came to me. He put his hand between my nipples, so that I felt coolness on my heart, and said, “You are suffering from a heart disease, Go to Haris bin Kaladah who belongs to Saaqef, because he practices medicine, and let him take seven of the Ajwa dates of Medinah and pound them together with their stones, and then administer them to you.” (Abu Dawud) (Mishkat, ibid, 41038/61)

**Water melon and Dates:** Aaisha has reported the Holy Prophet used to eat water melon with fresh dates (Tirmizi). Abu Dawud added that he used to say, “The heat of the one is finished by the coolness of the other, and the coolness of the one (is finished) by the heat of the other.” (Mishkat, ibid, 4039/62)

**Old Dates:** Anas has reported that some old dates were brought to the Holy Prophet. He began to examine them and remove the worms from them. (Abu Dawud) (Mishkat, ibid, 4040/63)

**Cheese:** Ibne Umar has reported that a piece of cheese was brought to the Holy Prophet (during the battle) at Tabuk. He called for a knife, mentioned the Name of Allah. Cut it. (Abu Dawud) (Mishkat, ibid, 4041/64)

**Mubaah:** Salman has reported that the messenger of Allah was asked about clarified butter, cheese and wild asses. He said, "Lawful is that which Allah has declared lawful in his Book, unlawful is that which Allah has declared unlawful in His Book, and that for what he has said nothing belongs to the things he has pardoned." (Ibne Majah and Tirmizi) (Mishkat, ibid, 4042/65)

**Butter:** The two Sulami sons <sup>1</sup> of Busr has reported: the messenger of Allah came to us. We offered him butter and dates. He liked butter and dates. (Abu Dawud) (Mishkat, ibid, 4046/69)

**Different kinds of Food:** Ikraash bin Zuwaib has reported: a big dish with a large amount of Sareed and slices of boneless meat was brought to us. I plunged my hand in all directions and the messenger of Allah ate what was in front of him. He seized my right hand with his left and said, "Eat from one place, O Ikraash, because it is all one kind of food." Then a big plate containing various kinds of dates was brought and I began to eat what was in front of me while the hand of the messenger hand went round in the plate. He then said, "Eat where you wish, O Ikraash, because it is not all one kind." Then water was brought to us and the messenger of Allah washed his hands and wiped his face, forearms and head with the moisture on the palms of his hands, and said, "This, O Ikraash, is the "Wuzu" ablution for what has been changed by fire." (Tirmizi) (Mishkat, ibid, 4047/70)

**Hasa'a:** Aaisha has reported that when anyone from the household of the messenger of Allah suffered from fever, he ordered some Hasa'a <sup>2</sup> to be prepared and then ordered her to sip some of it. He used to say, "It gives strength to the sad heart and clears the heart of the sick as anybody of you clears the dirt from her face with water." (Tirmizi) (Mishkat, ibid, 4048/71)

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1. Abdullah and Atiyah (Mazaahir-e-Haq).

2. A kind of soup made of flour, water and either oil or clarified butter.

**Ajwa Dates<sup>1</sup> and Truffles<sup>2</sup>** : Abu Hurairah has reported that the messenger of Allah has said that, “The Ajwa dates come from Paradise and in them there is cure for poison; and the Truffle is a kind of Manna and in its juice there is medicine for the eye.” (Tirmizi) (Mishkat, ibid, 4049/72)

**Over eating:** Aaisha has reported that the messenger of Allah wanted to purchase a slave. He threw some dates in from of him. He ate much. The messenger of Allah said, “Too much eating brings misfortune,” and ordered him to be sent back. (Baihaqi noted it in Shu’abul Iman) (Mishkat, ibid, 4052/75)

**Salt:** Anas bin Maalik has reported that the messenger of Allah has said that, “Your best condiment is salt.” (Ibne Majah) (Mishkat, ibid, 4053/76)

**Take off the shoes:** Anas has reported that the messenger of Allah has said that, “When food is served, take off your shoes, because it gives rest to your feet.” (Daarimi) (Mishkat, ibid, 4054/77)

**Force of Heat:** Asma daughter of Abu Bakr has reported that whenever Sareed was brought to her, she ordered it to be covered until the force of its heat had finished.<sup>3</sup> she used to say: I have heard the messenger of Allah say: it is of greater blessing (Daarimi) (Mishkat, ibid, 4055/78)

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1. Also see Hadees No. 4006/29

2. Also see Hadees No. 4000/23

3. This applies to all other cooked also (Mazaahir-e-Haq); also Ma’ariful Hadees, Vol. VI, p. 263).

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## CHAPTER 2

### LAWFUL AND UNLAWFUL FOOD

**Fanged Beast:** Talon Birds, Asses, Horses, Mules, Hares, Lizards, Fowls, Fish, Rats, Bustards, Animals feeding on filth, Cats, Flies, Ants, Bees, Hoopoes, Sparrow-Hawks)

**Fanged Beast:** Abu Hurairah has reported that the messenger of Allah has said that, "Eating of every fanged of prey is prohibited." (Muslim) (Mishkat, kitab-us-syad Waz Zabba'eh, Baab Maa Yahillo Aklohu Wamaa Yahromo, No. 3924/1)

**Fanged Beast and Talon Bird:** Ibne Abbas has reported that the messenger of Allah prohibited every best of prey having a fang and every bird having a talon. (Muslim) (Mishkat, ibid, 3925/2)

**Domestic Ass:** Abu Sa'labah has reported that the messenger of Allah prohibited the (eating of) flesh of domestic asses. (Bukhari and Muslim) (Mishkat, ibid, 3926/3)

**Horse:** Jabir has reported that on the day of Khaibar the Messenger of Allah prohibited the (eating of) flesh of domestic asses, but permitted the flesh of horse. (Bukhari and Muslim) (Mishkat, ibid, 3927/4)

**Hare:** Anas has reported: we chased a hare at Marr az-Zahran. <sup>1</sup> I caught it and brought it to Abu Talha who cut its throat and sent its haunch and two hind legs to the messenger of Allah. He accepted it. (Bukhari and Muslim) (Mishkat, ibid, 3920/6)

**Lizard:** Ibne Umar has reported that the messenger of Allah has said that, "I neither eat nor prohibited the (eating of) lizard." (Bukhari and Muslim) (Mishkat, ibid, 3930/7)

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1. A valley near Mecca.

**Fowl:** Abu Musa has reported: I saw the messenger of Allah eating fowl. (Bukhari and Muslim) (Mishkat, ibid, 3932/9)

**Locust:** Ibne Aufa has reported: we fought in seven expeditions along with the messenger of Allah and ate the locusts with him. (Bukhari and Muslim) (Mishkat, ibid, 3933/10)

**Dead Fish:** Jabir has reported: I fought along with the army of Khabt <sup>1</sup> of which Abu Ubaidah was placed in command. We became very hungry. The sea cast up a dead fish is like of which we had never seen before. It was called the spermaceti whale. We ate of it for half a month. Abu Ubaidah took one of its bones and a rider could pass through it. When we came back and mentioned the matter to the Holy Prophet, he said, “Eat the provision which Allah brought forth for you, and give us some to eat if you have any.” We sent some of it to the messenger of Allah and he ate it. (Bukhari) (Mishkat, ibid, 3934/11)

**Flies:** Abu Hurairah has reported that the messenger of Allah has said that, “When a fly falls in the pot of anybody of you, he should plunge it all in it and then throw it away, because in one of its wings there is cure and in the other disease.” (Bukhari) (Mishkat, ibid, 3935/12)

**Ants:** Abu Hurairah has reported that the messenger of Allah said that a prophet was stung by ant. So he ordered the hole of the ants to be burned. The Allah the Most High revealed to him, “Because an ant stung you, you have burned a community which glorifies Allah.” (Bukhari and Muslim) (Mishkat, ibid, 3942/19)

**Rat:** Abu Hurairah has reported that the messenger of Allah has said that, “When a rat falls in clarified butter which is solid, throw it (i.e. the rat) and what is around it; but it is liquid, do not go near it.” (Ahmad and Abu Dawud) (Mishkat, ibid, 3943/20)

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1. i.e. the army which had to beat leaves off the trees for food. This expedition took place in 6<sup>th</sup> year of Hijra the before the Treaty of the Hudaibiah (Mazaahir-e-Haq)

**Bustard:** Safinah has reported: I ate with the messenger of Allah the flesh of a bustard. (Abu Dawud) (Mishkat, ibid, 3944/21)

**Animal feeding on filth:** Ibne Umar has reported that the messenger of Allah prohibited eating of the (flesh of) animal which feeds on filth, or drinking its milk. (Tirmizi) (Mishkat, ibid, 3945/22)

**Cat:** Jabir has reported that the Holy Prophet prohibited eating of the (flesh of) cats and the price of them. (Abu Dawud and Tirmizi) (Mishkat, ibid, 3947/24)

Domestic Ass, Mule, Fanged Best, Talon Birds: Jabir reported that on the day (battle) of Khaibar, the messenger of Allah declared domestic asses, the flesh of mules, every beast of prey having fang and every bird having a talon as unlawful. (Tirmizi) (Mishkat, ibid, 3948/25)

Horse, Mule, Ass: Khalid bin Waleed has reported that the messenger of Allah prohibited eating of the flesh of horse, mule and ass. (Abu Dawud and Nasa'ee) (Mishkat, ibid, 3949/26)

**Property of Covenanted (Zimmi) people:** Khalid bin Waleed has reported: I went with the Holy Prophet to fight at the battle of Khaibar and the Jews came and complained that the people were hastening to take their green dates. The messenger of Allah said, "The Property of those who have been a covenant is not lawful except for the dues levied." (Abu Dawud) (Mishkat, ibid, 3950/27)

Fish, Locust, Liver and Spleen: Ibne Umar has reported that the messenger of Allah has said that, "Two dead things and two bloods have been made lawful for us. The two dead things are the fish and the locust and the two bloods are the liver and the spleen." (Ahmad, Ibne Majah and Daara Qutri) (Mishkat, ibid, 3951/28)

## EATING THE DEAD ANIMAL

**Exception:** Fujai ‘al-‘Aamiri has reported that he came to the Holy Prophet and asked: what is lawful of us from that (i.e., animal) which has died a natural death? He asked: what do you eat? They said: Naghtabiq Wa-Nastabih, which was explained to Abu Nu’aim by ‘Uqbah as meaning that they used to drink one cup (of milk) in the morning and one cup in the evening. He said, “That, by my father, is hunger,” and permitted them in such circumstances to eat of what has died a natural death. <sup>1</sup> (Abu Dawud) (Mishkat, kitab-ul-At’imah, Baab Fi Aklil Muztar, No. 4074/1)

Abu Waqib al-laisi has reported that a man said, “O Messenger of Allah, sometimes we are in a land where we are afflicted by hunger. So when can we eat from that (i.e., animal) which has died a natural death?” he said, “When you do not have anything to eat morning or evening or vegetable etc. to eat, you may eat it,” meaning that when you do not find anything to eat in the morning or in the evening, or find any vegetable to eat, that (i.e., animal) which has died a natural death is permissible for you. <sup>2</sup> (Daarimi) (Mishkat, ibid, 4075/2)

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1. This is a case of exception. In case of extreme hunger on account of non-availability of lawful food, to save the life, one can eat even the flesh of an animal which has died a natural death which is otherwise unlawful according to the Islamic Shari’ah.
  2. This is also a case of exception.

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## CHAPTER 3

### DRINKDS

**Drink in three breaths:** Anas has reported that the messenger of Allah used to take three breaths in the course of a drink. (Bukhari and Muslim). (Mishkat, kitab-ul-At'imah, Baab-ul-Ashribah, No. 4076/1).

Ibne Abbas has reported that the messenger of Allah has said that, "Do not drink in one breathe as a camel does, but divide your drink into two or three portions; and mention the Name of Allah when you drink and praise Him when you finish." (Trimizi) (Mishkat, ibid, 4091/16)

**Drinking from the mouth of water skin:** Ibne Abbas has reported that the messenger of Allah prohibited drinking from the mouth of a water-skin <sup>1</sup> (Bukhari and Muslim) (Mishkat, ibid, 4077/2)

Abu Saeed al-Khudri has reported that the messenger of Allah prohibited the Ikhtinaas of water-skin, adding in a version that this means having its head inverted and then drinking from it <sup>2</sup> (Bukhari and Muslim) (Mishkat, ibid, 4078/3)

**Standing:** Anas has reported that the Holy prophet prohibited that a man should drink standing. (Muslim) (Mishkat, ibid, 4079/4)

**Zam Zam Water:** Ibne Abbas has reported: I brought a bucket of Zam Zam water to the Holy Prophet. He drank it standing (Bukhari and Muslim) (Mishkat, ibid, 4081/6)

**Ablution Water:** Ali has reported that he prayed the Zuhr (Noon) prayer, and then held a session to attend to the people's needs in An open square of Kufa till the time of the Asr (afternoon) prayer came.

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1. So that water May not he wasted and also that any insect or dirty thing from inside the water skin may not enter the mouth. The same applies to pipes and hand pumps etc.
  2. Ibid.

Then water was brought to him and he drank and washed his face and hands (the transmitter also mentioning his head and his feet), then he stood up and drank standing what was left. <sup>1</sup> he then said, “Some people dislike drinking while standing, but the Holy Prophet did as I have done.” (Bukhari) (Mishkat, *ibid*, 4082/7)

**Gold and Silver:** Umme Salamah has reported that the messenger of Allah has said that, “Whoever drinks silver vessels, <sup>2</sup> the Fire of Hell will bubble in his belly.” (Bukhari and Muslim). A version by Muslim has, “Whoever eats and drinks from vessels of silver and gold.” (Mishkat, *ibid*, 4084/9)

Huzaifah has reported: I heard the messenger of Allah say, “Do not wear silk or brocade, do not drink in gold and silver vessels, and do not eat in gold and silver dishes, because they are for other in this world, and they will be for you in the Hereafter.” (Bukhari and Muslim) (Mishkat, *ibid*, 4085/10)

**Serve from the right:** Anas has reported that a domestic goat was milked from the messenger of Allah and its milk was mixed with water from a well in Anas’s house. The messenger of Allah was then given a cup and he drank. Abu Bakr was on his left and a desert Arab on his right. Umar said: O messenger of Allah give it to Abu Bakr, but he gave it to the desert Arab who was on his right, saying, “The one who is on the right, then the one who is on his right.” A version has, “Those on the right, then those on their right; so take to right hand side <sup>3</sup> (Bukhari and Muslim) (Mishkat, *ibid*, 4086/11)

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1. Theologians agree that Zam Zam water and the water left after ablution should be drunk standing.
  2. The theologians are unanimous that eating and drinking in vessels of gold and silver is prohibited.
  3. While people are sitting on the right as well as on the left, anything to be given should first be given to those on the right and then to those on the left in spite of the fact that those on the left are of greater importance.

Sahl bin Sad has reported that a cup was brought to the Holy Prophet from which he drank, and on his right was a boy who was the youngest person, while the old men were on his left, he said: O boy, will you permit me to give it to the old men? He said, "I am the one to give anyone preference in a favour from you, O messenger of Allah." So he gave it to him."<sup>1</sup> (Bukhari and Muslim) (Mishkat, ibid, 4087/12)

**No Breathing or Blowing into a Vessel:** Ibne Abbas has reported that the messenger of Allah prohibited breathing or blowing into a vessel. (Abu Dawud and Ibne Majah) (Mishkat, ibid, 4090/15)

**Broken place in a cup:** Abu Saeed al-Khudri has reported that the messenger of Allah prohibited drinking from a broken place in a cup and blowing into a drink. (Abu Dawud) (Mishkat, ibid, 4093/18)

**Cold and Sweet:** Zuhri has reported from Urwah that Aisha said: the drink the messenger of Allah liked most was cold and sweet. (Tirmizi) (Mishkat, ibid, 4095/20)

**Milk is the best food and drink:** Ibne Abbas has reported that the messenger of Allah has said that, "When anybody of you takes food, he should say, O Allah, bless us in it, and give us good nourishment from it; and when he is given milk to drink, he should say, O Allah, bless us in it, and prosper us from it." Because not food or drink satisfies like milk." (Tirmizi and Abu Dawud) (Mishkat, ibid, 4096/21)

## GRAPE AND DATE JUICE

**Preparation of Nabeez:** Aaisha has reported: we used to prepare Nabeez for the messenger of Allah in a skin which was tied at the top and had a mouth.

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1. if, however, on account of any preference, one wishes to give anything first to those on the left, then permission for it should be taken from those on the right; and if they do not give the permission, it should not be given first to those on the left.

We used to prepare Nabeez in the morning which he used to drink evening, and we used to prepare Nabeez in the evening which he used to drink in the morning (Muslim) (Mishkat, kitab-ul-At'imah, Baab-un-Naqee Wan Nabeez, No. 4100/2)

Ibne Abbas has reported that Nabeez was prepare for the messenger of Allah at the begging of the night and he used to drink it in the morning and the night thereafter, and the following day and the night thereafter, and the next day up to the afternoon. If anything remained, he used to give it to the servant to drink, or ordered it to be thrown away. (Muslim) (Mishkat, ibid, 4101/3)

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## CHAPTER 4

### HOSPITALITY

Abu Hurairah has reported that the messenger of Allah has said that, "Whoever believes in Allah and the Last Day should honour his guest; and whoever believes in Allah and the last day should not annoy his neighbour; and whoever believes in Allah and the last day should speak what is good, or keep silent." In a version instead of (speaking of) the neighbour he said, "Whoever believes in Allah and the last day should join ties of relationship." (Bukhari and Muslim) (Mishkat, kitab-ul-At'imah, Baab-uz-Ziyaafah, No. 4057/1)

**Three day's Hospitality:** Abu Shuraih al-Khudri has reported that the messenger of Allah has said that, "Whoever believes in Allah and the last day should honour his guest; and his feast is for one day and one night; and hospitality for three days; and beyond that is Sadaqah. It is not lawful for him (the guest) to stay with him till he puts him in discomfort." (Bukhari and Muslim) (Mishkat, ibid, 4058/2)

**Taking others to a host:** Abu Hurairah has reported that one day (or night) the messenger of Allah went out. By chance, he met Abu Bakr and Umar and asked them: what has brought you out of your houses at this hour? They said: it is hunger. He said, "The same is with me. By Him Whose Hand my soul is, that which has brought you out has also brought me out. Get up." They got up and went with him to a man of the Ansaar, but he was not in his house. When his wife saw him, she said; welcome. The messenger of Allah asked her; meanwhile the Ansaari arrived, and seeing the messenger of Allah and his two companions he said, "Praise be to Allah! No one has more honourable guests today than i." he then went and brought to them a bunch containing ripe, dried and fresh dates, and requesting them to eat some of that he took his knife. The messenger of Allah said to him; do not slaughter an animal which is giving milk.

He slaughtered a sheep for them. They ate of it and the bunch and drank to their satisfaction. When they were satiated, the messenger of Allah said to Abu Bakr and Umar, “By Him in Whose Hand my soul is, you will be questioned about this bounty on the day of resurrection. Hunger brought you out of your houses, then you did not return till this bounty came to you.” (Muslim) (Mishkat, ibid, 4060/4)

**Good for evil:** Abdul Ahwas al-Jushami has reported from his father who said; I asked, “O messenger of Allah, tell me, if I come to a man who does not entertain me or show me hospitality and he afterwards comes to me, should I entertain him to treat him as he treated me? He said, “No. gives him entertainment.” (Tirmizi) (Mishkat, ibid, 4062/6)

**Eating together:** Wahshi bin Harb has reported from his father who said that his grandfather informed that the companions of the messenger of Allah asked, “O messenger of Allah, we eat but are not satisfied.” He said: perhaps you eat separately. They said: yes. He said, “If you get together at your food and mention the Name of Allah, you will be given blessing in it.” (Abu Dawud) (Mishkat, ibid, 4066/10)

Umar bin Khattab has reported that the messenger of Allah has said that, “Eat together and not separately, because blessing is with the company.” (Abu Majah) (Mishkat, ibid, 4071/15)

**Getting up from the feast:** Ibne Umar has reported that the messenger of Allah has said that, When the food-cloth is set down, no one should get up till it is removed, nor should he withdraw his hand even if he has had enough till the people have finished; and if he does, he should beg excuse, because that may embarrass his companion, and he may withdraw his hand although he may be in the need of more food.” (Ibne Majah). Baihaqi also noted it in Shu’abul Iman (Mishkat, ibid, 4068/12)

Jafar bin Muhammad has reported from his father who informed that when the messenger of Allah ate along with people, he was the last to finish eating (Baihaqi noted it in Shu'abul Iman) (Mishkat, ibid, 4069/13)

**Do not combine falsehood with hunger:** Asma' daughter of Yazid has reported; food was brought to the Holy Prophet. He offered to it us; and when we said: we do not want it. He said, "Do not combine falsehood with hunger." (Ibne Majah) (Mishkat, ibid, 4070/14)

**Accompany the guest upto the door:** Abu Hurairah has reported that the messenger of Allah has said that, "It is (a part) of the Sunnah that a man should accompany his guest (to see him off) up to the door of the house." (Ibne Majah) (Mishkat, ibid, 4072/16)

**Feeding others:** Ibne Abbas has reported that the messenger of Allah has said that, "Blessing comes more quickly to the house in which food is served than the knife comes to the camel's hump."<sup>1</sup> (Ibne Majah) (Mishkat, ibid, 4073/17)

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1. It is said that the flesh of the camel's hump is more tasty and therefore it is the first to be cut off while eating the flesh of a camel. (Misxsshit-e-Haq).

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**B**

**LIBAAS**

**(CLOTHING)**

**Chapter – 1 – Clothing**

**Chapter – 2 – Shoes and Socks**

**QURAN:**

O children of Adam, we have indeed sent down to you clothing to cover your shame, and (clothing) for beauty, and clothing that guards against evil-that is the best. This is of the messenger of Allah that they may be mindful (Aa'raaf, 7:26)

O children of Adam, let not the Satan seduce you, as he expelled your parents from the Garden, pulling off from them their clothing that he might show them their shame. He surely see you he has as well as his host-from whence you see them not. Surely we have made the Satans to be the friends of those who believe not (Ibid, 7:27)

O children of Adam, attend to your adoration at every time of prayer, and eat and drink and be not prodigal. Surely he (Allah) loves not the prodigals (Ibid, 7:31)

**Say:** who has forbidden the adornment of Allah which he has brought forth for his servants, and the good provisions? Say: these are for the believers in the life of this world, (and these will be) purely (theirs) on the day of resurrection. Thus do we make the messenger clear for a people who know (Ibid, 7:32)

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## HADEES:

### CHAPTER 1

#### CLOTHING

**Dress of the Holy Prophet:** Anas has reported that the dress the Holy Prophet liked most was “Hibrah” (a striped cloak) (Bukhari and Muslim) (Mishkat, kitab-ul-Libaas, No. 4113/1)

Mughirah bin Shu’bah has reported that the Holy Prophet wore a Roman cloak with narrow sleeves. (Bukhari and Muslim) (Mishkat, ibid, 4115/3)

Abu Burdah has reported: Aaisha brought out to us a patched garment and a coarse trouser and said that the soul of the messenger of Allah was taken when he was wearing these. (Bukhari and Muslim) (Mishkat, ibid, 4116/4)

**Trailing lower garment:** Abu Hurairah has reported that the messenger of Allah has said that, “On the day of resurrection Allah will not look at him who his lower garment out of vanity.” (Bukhari and Muslim) (Mishkat, ibid, 4121/9)

Ibne Umar has reported that the Holy Prophet has said, “Whoever trails his garment arrogantly, Allah will not look at him on the day of resurrection.” (Bukhari and Muslim) (Mishkat, ibid, 4122/10)

Abu Hurairah has reported that the messenger of Allah has said that, “Part of the lower garment going below the ankles in the fire (of Hell).” (Bukhari) (Mishkat, ibid, 4124/12)

Abu Saeed al-Khudri has reported: I heard the messenger of Allah say, “The lower garment of a believer is upto halfway down his legs. He is guilty of no sin if goes halfway between that and the ankles. But that which goes lower than that is in the fire(of Hell) (Saying that three times).

On the day of resurrection Allah will not look at him who trails his lower garment out of vanity.” (Abu Dawud and Ibne Majah) (Mishkat, ibid, 4137/25)

Ibne Umar has reported: I passed by the messenger of Allah while my lower garment was hanging down. He said, “Raise your lower garment, O Abdullah.” I raised it up. He said: raise it more. I raised it up more. I was still trying to make it short. Some one of the people asked: upto what place? He said, “Upto the middle of the two hind legs.” (Muslim) (Mishkat, ibid, 4117/60)

Ibne Umar has reported that the Holy Prophet has said that, “On the day of resurrection Allah will not look at him who trails his garment out of vanity.” Abu Bakr said, “O messenger of Allah, my lower garment hangs down though I keep paying attention to it.” The messenger of Allah said, “You are not one of those who do it out of vanity.” (Bukhari) (Mishkat, ibid, 4172/61)

**Hanging down of garments:** Saalim has reported from his father who told that the Holy Prophet has said, “Hanging down is in the lower garment, shirt and turban. Whoever trails arrogantly anything there from; Allah will not look at him on the day of resurrection.” (Abu Dawud, Nasa’ee and Ibne Majah) (Mishkat, ibid, 4138/26)

**Manner of clothing:** Jabir has reported that the messenger of Allah prohibited that a man should eat with his left hand, or walk with one shoe, or wrap himself completely in one sheet of cloth, or sit in a single cloth with his hands round his knees exposing his private parts. (Muslim) (Mishkat, ibid, 4125/13)

Abu Hurairah has reported that when the messenger of Allah put on a shirt, he used to begin with the right side. (Tirmizi) (Mishkat, ibid, 4136/24)

**Silk:** Umar, Anas, Ibne Zubair and Abu Umamah has reported that the Holy Prophet has said that, “Whoever wears silk in this world will not wear it in the Hereafter” (Bukhari and Muslim) (Mishkat, ibid, 4126/14)

Ibne Umar has reported that the messenger of Allah has said that, "Only the one who has no share in the Hereafter wears silk in this world." (Bukhari and Muslim) (Mishkat, ibid, 4127/15)

Huzaifah has reported: the messenger of Allah prohibited us from eating or drinking from a vessel of silver or gold, or from wearing or sitting upon silk and brocade. (Bukhari and Muslim) (Mishkat, ibid, 4128/16)

Ali has reported that a stripped robe of silk was presented to the messenger of Allah. He sent it to me. I wore it and I saw anger on his face. He said, "I did not sent it to you to wear, but to cut in into Khumur <sup>1</sup> for the women." (Bukhari and Muslim) (Mishkat, ibid, 4129/17)

Umar has reported that the Holy Prophet prohibited wearing silk except to the extent indicated by the messenger of Allah raising his middle and forefinger and joining them. (Bukhari and Muslim) (Mishkat, ibid, 4130/18)

**Mantle of the Holy Prophet:** Asma daughter of Abu Bakr has reported that she brought out a mantle of royal Persian quality with a gore of brocade and hemmed front and back with brocade, and said; this was the mantle of the messenger of Allah which was with Aaisha, which I got when she died. The Holy Prophet used to wear it. Now we wash it for the sick and seek a cure by means of it. (Muslim) (Mishkat, ibid, 4131/19)

**Wearing silk with excuse:** Anas has reported that the messenger of Allah gave permission to Zubair and Abdur Rehman bin Auf to wear silk because of itches which they had. (Bukhari and Muslim) (Mishkat, ibid, 4132/20)

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1. Sheet of cloth to cover the head, neck, shoulders and chest.

**Dyed with saffron:** Abdullah bin Amr binul Aas has reported: the messenger of Allah saw me wearing two clothes dyed with saffron. He said, “These are the clothes worn by infidels. So do not wear them.” A version says that I said: I shall wash them. He said, “No burn them.” (Muslim) (Mishkat, ibid, 4133/21)

**Shirt:** Umme Salamah has reported that the dress which the messenger of Allah liked most was a shirt. (Tirmizi and Abu Dawud) (Mishkat, ibid, 4134/22)

**Sleeve of the shirt:** Asma daughter of Yazid has reported that the sleeves of the shirt of the messenger of Allah were up to the wrist. (Tirmizi and Abu Dawud) (Mishkat, ibid, 4135/23)

**Ladies clothing:** Umme Salamah has reported that when the messenger of Allah spoke about the lower garment, she said: O messenger of Allah, what about a woman? He said: she should let it down a span. She said: in that case she would not be fully covered. He said: she should let it down a cubit, but no more. (Maalik, Abu Dawud, Nasa’ee and Ibne Majah) (Mishkat, ibid, 4139/28)

**Buttons:** Mu’awiyah bin Qurrah has reported from his father who said: I came to the Holy Prophet with a party of Muzainah. They swore allegiance to him, and as his buttons were open. I put my hand inside his shirt and touched the seal (of Prophet Hood) (Abu Dawud) (Mishkat, ibid, 4140/29)

**White clothing:** Samurah has reported that the Holy Prophet has said that, “Wear white clothes, because they are purer and better; and shroud your dead in them.” (Ahmad, Tirmizi, Nasa’ee and Ibne Majah) (Mishkat, ibid, 4141/30)

Abud Darda’ has reported that the messenger of Allah has said that, “The best cloth in which you visit Allah in your graves and in your mosques is white.” (Ibne Majah) (Mishkat, ibid, 4185/74)

**Turban:** Ibne Umar has reported that whenever the messenger of Allah put on a turban, he used to let the end of it hang between his shoulders. (Tirmizi) (Mishkat, ibid, 4142/31)

Abdur Rehman bin Auf has reported: the messenger of Allah put a turban on me and let the ends of it hang in front of me and behind me. (Abu Dawud) (Mishkat, ibid, 4143/32)

Ubadah has reported that the messenger of Allah has said, "Keep to (Putting on) turbans; because they are the signs of the angels, and let (their ends) hang down behind your backs." (Baihaqi noted it in Shu'abul Iman) (Mishkat, ibid, 4174/63)

**Gold and Silk:** Abu Musa al-Ashari has reported that the Holy Prophet has said that, "Gold and silk are permitted to the women among my Ummah but prohibited to the men" (Tirmizi and Nasa'ee) (Mishkat, ibid, 4145/34)

Ali has reported: the messenger of Allah prohibited me from wearing a gold ring, or a Qassi garment, or to use red saddle of silk. (Tirmizi Abu Dawud, Nasa'ee and Ibne Majah) (Mishkat, ibid, 4159/48)

**Supplication on wearing new cloths:** Abu Saeed al-Khudri has reported that whenever the messenger of Allah put on a new garment, he used to speak of it by name, viz, turban, shirt, or cloak, and then say, "O Allah, praise be to you! As you have clothed me with it, I pray to you for its good and the good of that for which it is made, and I seek refuge in you from its evil and the evil of that for which it is made." (Tirmizi and Abu Dawud) (Mishkat, ibid, 4146/35)

Abu Matar has reported that Ali purchased a garment for three Dirhams. When he put it on, he said, "Praise be to Allah who has provided me with fine garments with which I adorn myself among men and cover my nakedness." He then said, "Thus have I heard the messenger of Allah say." (Ahmad) (Mishkat, ibid, 4176/65)

Abu Umamah has reported that Umar bin Khattab put on a new garment and said, “All Praise is for Allah who has clothed me (with something) with which I cover my nakedness and adorn myself in my lifetime.” He then said: I had heard the messenger of Allah say; whoever puts on a new garment and says, “All Praise is for Allah who has clothed me (with something) with which I cover my nakedness and adorn myself in my lifetime,” and then takes the old garment and gives it as sadaqah he will be in the protection of Allah, Guardianship of Allah and Shelter of Allah, both when alive and when dead. (Ahmad, Tirmizi and Ibne Majah) (Mishkat, ibid, 4177/65)

**Clothes of Fame:** Ibne Umar has reported that the messenger of Allah has said that, “Whoever wears clothes of fame in this world will be made by Allah to wear clothes of disgrace on the day of resurrection.” (Ahmad, Abu Dawud and Ibne Majah) (Mishkat, ibid, 4150/39)

**Imitation:** Ibne Umar has reported that the messenger of Allah has said that, “Whoever imitates any people is one of them.” (Ahmad and Abu Dawud) (Mishkat, ibid, 4151/40)

**Garments of Beauty:** Suwaid bin Wahb has reported from one of the sons of the Companions of the messenger of Allah who said his father informed that the messenger of Allah has said, “Whoever gives up wearing garments of beauty when he is able to do so (out of humility, as is stated in a version) will be clothed by Allah will be crowned by Allah with the crown of the kingdom.” (Abu Dawud and Tirmizi) (Mishkat, ibid, 4152/41)

**Signs of Allah’s favour:** Amr bin Shuaib has reported from his father who told that his grandfather had informed that the messenger of Allah has said, “Allah likes the signs of His Favour to be seen on his servant.” (Tirmizi) (Mishkat, ibid, 4153/42)

Abul Ahwas has reported from his father who said: I came to the messenger of Allah wearing a poor garment. He asked me: Have you got any property? I said: yes. He asked: of what kind it is? I said, "Every kind: Allah has given me camels, cattle, sheep, horses and slaves." He said, "When Allah gives you property, let the signs of his favour and Honour to you be seen upon your person." (Ahmad and Nasa'ee) (Mishkat, ibid, 4155/44)

**Cleansing of body and clothes:** Jabir has reported that the messenger of Allah came to us, and saw a disheveled man whose hair was untidy. He said, "Could this man not find something to make his hair lie down?" he saw a man wearing dirty clothes and said, "Could this man not find something to wash his garment with?" (Ahmad and Nasa'ee) (Mishkat, ibid, 4154/43)

**Red Garments:** Abdullah bin Amr has reported: a man wearing two red garments passed by and gave salutation to the Holy Prophet. But he did not respond to his salutation. (Bukhari and Muslim) (Mishkat, Ibid, 415/45)

**Leopard's Skin:** Mu'awiyah has reported that the messenger of Allah has said that, "Do not ride on silk stuff or leopard's skins." (Abu Dawud and Nasa'ee) (Mishkat, ibid, 4160/49)

**Red Saddle:** Bara bin Aazib has reported that the Holy Prophet prohibited red saddle of silk. (Sharhe as-Sunnah) (Mishkat, ibid, 4161/50)

**Green Garment:** Abu Rimsah at-Taimi has reported: I came to the Holy Prophet. He was wearing two green garments. His hairs were turning grey, but the grey hairs were reddish. (Tirmizi) (Mishkat, ibid, 4162/51)

**Stripped garment:** stripped Garment: Anas has reported that when the Holy Prophet was sick, he came out taking support of Usamah. He was wearing a stripped garment with an end over his left shoulder, and led them in the prayer. (Sharhe as-Sunnah by Baghawi) (Mishkat, ibid, 4163/52)

**Reddish Yellow:** Abdullah bin Amr binul Aas has reported: the messenger of Allah saw me wearing a garment dyed in a reddish yellow dye and asked: what is this? Then I knew what he disliked. I went away and burned it. He then asked: what have you done with your garment? I said: I have burned it. He said, “Why did you not give it to any woman of your family to wear, because there is no harm in it for women?” (Abu Dawud) (Mishkat, ibid, 4165/54)

**Red Stripped Sheet:** Hilal bin Aamir has reported from his father who said: I saw the Holy Prophet in Mina delivering sermon on a she-mule and there was a red stripped sheet on him, and Ali was in front of him repeating what he was saying. (Abu Dawud) (Mishkat, ibid, 4166/55)

**Black Sheet:** Aaisha has reported: a black sheet was prepared for the Holy Prophet. He put it on. But when he sweated in it, and noticed the odour of the wool, he threw it away. (Abu Dawud) (Mishkat, ibid, 4167/56)

**Use of thin cloth by women:** Dihya bin Khalifah reported: some pieces of fine Egyptian cloth were brought to the Holy Prophet he gave me one and said, “Divide it into two: cut one of the pieces into a shirt and give the other to your wife for a Khimaar.”<sup>1</sup> when I was leaving, he said, “And order your wife to put underneath a cloth so that it may not expose her.” (Abu Dawud) (Mishkat, ibid, 4169/58)

**Head Covering:** Umme Salamah has reported that the Holy Prophet came to her while she was putting on a head covering. He said, (use) one fold, not two.” (Abu Dawud) (Mishkat, ibid, 4170/59)

**The Satr:** Aaisha has reported that Asma’ daughter of Abu Bakr came to the messenger of Allah wearing thin clothes. He turned away from her and said, “When a woman is young enough to menstruate, O Asma, it is not proper that any of her should be seen except this and this,” pointing to his face and his hands, (Bukhari and Muslim) (4175/64)

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1. Sheet of cloth to cover the head, neck, shoulders and chest.

**Gown of Brocade:** Jabir has reported that one day the messenger of Allah put on a gown of brocade which had been presented to him, but quickly took it off and sent it to ‘Umar. It was said: O Messenger of Allah, why have you taken it off so soon? He said, “Gabriel prohibited it to me.” Umar then came weeping and said, O messenger of Allah, you disliked something and gave it to me. Then what will be the matter with me?” he said, “I did not give it to you to wear it, but I gave to you to sell it.” So he sold it for two thousand Dirhams. (Muslim) (Mishkat, ibid, 4180/70)

**Ornamented Border and Warp:** Ibne Abbas has reported that it was only a garment wholly made of silk which the messenger of Allah prohibited, but there is no harm in the ornamented border and the wrap. (Abu Dawud) (Mishkat, ibid, 4181/70)

**Prodigality and Pride:** Amr bin Shuaib has reported from his father who told that his grandfather informed that the messenger of Allah has said, “Eat, drink, give Sadaqah and wear clothes so long as prodigality and pride are not mixed up with it.” (Ahmad, Nasa’ee and Ibne Majah) (Mishkat, ibid, 4184/73)

## BEEDING

**Bedding of the Holy Prophet:** Aaisha has reported that the bedding on which the messenger of Allah used to sleep consisted of leather filled with palm fiber. (Bukhari and Muslim) (4117/5)

Aaisha has reported that the pillow on which the messenger of Allah used to recline was of leather filled with palm fiber (Muslim) (4118/6)

**Three Beddings:** Jabir has reported that the messenger of Allah said to him, “There is a bedding for a man, a bedding for his wife, and a third for a guest, but a fourth is for the Satan.” (Muslim) (Mishkat, ibid, 4120/8)

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## CHAPTER 3

### SHOES AND SOCKS

**Shoes of the Holy Prophet:** Ibne Umar has reported: I saw the messenger of Allah wearing shoes which had no fur on them. (Bukhari) (Mishkat, kitab-ul-Libaas, Baab-un-Ne'aal, No. 4209/1)

Anas has reported that the shoes of the Holy Prophet had two laces. (Bukhari) (Mishkat, ibid, 4210/2)

Ibne Abbas has reported that the shoes of the Messenger of Allah had two laces whose straps were doubled (Tirmizi) (Mishkat, ibid, 4215/7)

**Shoes:** Jabir has reported: I heard the Holy Prophet say in a battle, "Make it a general practice to wear the shoes, because a man keeps riding as long as he wears the shoes." (Muslim) (Mishkat, ibid, 4211/3)

**Putting on and taking off:** Abu Hurairah has reported that the messenger of Allah has said that, "When anybody of you puts on the shoes, he should begin from the right side: and when he takes them off, he should begin from the left side, so that the right one should be the first to be put on and the last to be taken off." (Bukhari and Muslim) (Mishkat, ibid, 4212/4)

**Wear in both feet:** Abu Hurairah has reported that the messenger of Allah has said that, "None of you should walk in one shoe, but let them both (i.e. feet) be bare or let them both (i.e. feet) be shoed." (Bukhari and Muslim) (Mishkat, ibid, 4213/5)

Jabir has reported that the messenger of Allah has said that, "When the lace of a man's shoe is cut off, he should not walk with one shoe till his lace is repaired: and he should not walk with one sock, or eat with his left hand, or support himself when sitting in one single cloth wrapped round his knees, or wrap himself up completely leaving no opening for the arms." (Muslim) (Mishkat, ibid, 4214/6)

**Putting on the shoes standing:** Jabir has reported that the messenger of Allah prohibited a man's putting on the shoes standing. (Abu Dawud, Tirmizi and Ibne Majah) (Mishkat, ibid, 4216/8)

**Take off shoes while sitting:** Ibne Abbas has reported: it is the Sunnah that when a man sits down, he should take off his shoes and place them at his side. (Abu Dawud) (Mishkat, ibid, 4218/10)

**Gift of Socks:** Ibne Buraidah has reported from his father who told that the Negus presented two plain back socks to the Holy Prophet and he wore them. (Ibne Majah) (Mishkat, ibid, 4219/11)

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C

**HAIR DRESSING AND MAKE UP**

**Chapter – 1 – Hair, Beard, Moustaches and Nails.**

**Chapter – 2 – Signet – Rings.**

**Chapter – 3 – Perfume, Antimony.**

**Chapter – 4 – Men and Women imitating each other.**

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## CHAPTER 1

### HAIR, BEARD, MOUSTACHE AND NAILS (OILING, COMBING, COLOURING, SHAVING, CLIPPING, TATTOOEING, USING FALSE HAIR

**Combing the Head:** Aaisha has reported: I used to comb the head of the messenger of Allah while I was in menstruation. <sup>1</sup> (Bukhari and Muslim) (Mishkat, kitab-ul-Libaas, Baab-ul-Tarajjul, No. 4220/1)

**Ancient Natural Habits:** Abu Hurairah has reported that the messenger of Allah has said that, “Five things are from the ancient natural habits. <sup>2</sup> circumcision, shaving hairs of private parts, clipping the moustache, paring the nails, and shaving the hairs of the armpit.” (Bukhari and Muslim) (Mishkat, ibid, 4221/2)

**Oppose the Polytheists:** Ibne Umar has reported that the messenger of Allah has said that, “Oppose the polytheists: grow the beard and clip the moustache.” A version has, “cut the moustache and grow the beard.” (Bukhari and Muslim) (Mishkat, ibid, 4222/3)

**Shaving within forty days:** Anas has reported: the time appointed for us to clip the moustache, pare the nails, shave the hairs of the armpits and shave the pubes is (that we are) not to leave them for more than forty days. (Muslim) (Mishkat, ibid, 4223/4)

**Dye the Hair:** Abu Hurairah has reported that the messenger of Allah has said that, “The Jews and the Christians do not dye (their beards), so act contrary to them.” (Bukhari and Muslim) (Mishkat, ibid, 4224/5)

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1. This shows that the body of a menstruating woman is not impure. (Mazaahir-e-Haq).
  2. i.e. habits of all Prophets of Allah (Ibid)1

Jabir has reported that Abu Quhafah <sup>1</sup> was brought on the day of the victory over Mecca with his head and beard while like hyssop. The Holy Prophet said, "Change this with something, but avoid blackness." (Muslim) (Mishkat, ibid, 4225/6)

**Qaza prohibited:** Naafe' has reported from Ibne Umar who said: I have heard the Holy Prophet prohibiting Qaza: Naafe' was asked: what is Qaza? He said: it is having part of a boy's head shaved and leaving part unshaved. (Bukhari and Muslim) (Mishkat, ibid, 4227/8)

Ibne Umar has reported that the Holy Prophet saw a boy with part of his head shaved and part left unshaved. He prohibited them from that, and said, "Shave it all or leave it all." (Muslim) (Mishkat, ibid, 4228/9)

**False Hair and Tattooing:** Ibne Umar has reported that the Holy Prophet has said that, "Allah has cursed the woman who dresses herself with false hair and the woman who dresses others with false hair, the woman who tattoos herself and the woman who tattoos others. (Bukhari and Muslim) (Mishkat, ibid, 4231/12)

**The Curse:** Abdullah bin Masud has reported: Allah has cursed the woman who tattoo and the women who get themselves tattooed, the women who pluck out hairs from their faces and who make spaces between their teeth for beauty, and change what Allah has created. A woman came to him and said: I have heard that you have cursed such and such women. He said: what is for me that I should not curse those whom the messenger of Allah has cursed and those who are mentioned in the Book of Allah. She said: I have read it from cover to cover and has not found in it what you have said. He said: if you had read it, you would have found it, and asked: have you not read, "What the messenger gives you accept, and what he prohibits you refrain from?" <sup>2</sup> she said: yes. He said: verily he has prohibited it. (Bukhari and Muslim) (Mishkat, ibid, 4232/13)

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1. Abu Bakr's Father

2. Quran, Hashr, 59:7

Ibne Abbas has reported that the woman who dresses herself with false hair and the woman who dressers others with false hair, the woman who pulls out hair for others people and the woman who depilates herself, the woman who tattooes herself and the woman who tattooes others, when there is no disease, are cursed. (Abu Dawud) (Mishkat, ibid, 4267/48)

**Matted Hair:** Ibne Umar has reported: I saw the messenger of Allah with matted hair. (Bukhari) (Mishkat, ibid, 4234/15)

**Dye of Saffron:** Anas has reported that the Holy Prophet prohibited men to use saffron (for dyeing). (Bukhari and Muslim) (Mishkat, ibid, 4235/16)

**Clipping of Moustache:** Ibne Abbas has reported that the Holy Prophet used to clip or take something off his moustache: and Abraham, the friend of the Compassionate One, (also) used to do the same. (Tirmizi) (Mishkat, ibid, 4238/19)

Zaid bin Arqam has reported that the messenger of Allah has said that, “Whoever does not take something off his moustache is not one of us. (Ahmad, Tirmizi and Nasa’ee) (Mishkat, ibid, 4239/20)

**Setting of Beard:** Amr bin Shuaib has reported from his father who said that his grandfather informed that the Holy Prophet used to take something off the side and the bottom of his beard. (Tirmizi) (Mishkat, ibid, 4240/21)

**Saffron mixed with Perfume:** Ammaar bin Yaasir has reported: I came to my family from a journey with my hands chapped and they anointed me with saffron mixed with perfume. In the morning I went to the Holy Prophet and gave him salutation but instead of responding to it he said, “Go and wash it off. (Abu Dawud) (Mishkat, ibid, 4243/24)

**Oiling and Combing:** Anas has reported that the Messenger of Allah often used to grease his head and comb his beard. He often used to to put a cloth over his head which (due to excess oil) looked like that of an olive oil seller. (Sharhe as-Sunnah) (Mishkat, ibid, 4246/27)

**Hairs of the Holy Prophet:** Umme Haani has reported: once the messenger of Allah came to us in Mecca and he had four plaits of hair (Ahmad, Abu Dawud, Tirmizi and Ibne Majah) (Mishkat, ibid, 4247/28)

**Paring the Hair:** Aaisha has reported: when I parted the Hair of the messenger of Allah, I made the parting from the crown of his head and let his forelock hang between his eyes. (Abu Dawud) (Mishkat, ibid, 4248/29)

**Daily Combing:** Abdullah bin Mughaffal has reported that the messenger of Allah prohibited combing the hair except on every alternate 2<sup>nd</sup> day. (Tirmizi, Abu Dawud and Nasa'ee) (Mishkat, ibid, 4251/32)

**Henna and Katam:** Abu Zar has reported that the messenger of Allah has said that, "The best things with which grey hairs should be changed are Henna and Katam." <sup>2</sup> (Tirmizi, Abu Dawud) (Mishkat, ibid, 4252/33)

**Black Dye:** Ibne Abbas has reported from the Holy Prophet that he said that, in latter there will be people who will use this black dye like the crops of doves. They will not get the fragrance of Paradise." (Abu Dawud and Nasa'ee) (Mishkat, ibid, 4253/34)

**Yellow Dye:** Ibne Umar has reported that the Holy Prophet used to wear tanned leather shoes and dye his beard yellow with Wars and Saffron. And Ibne Umar (also) used to do the same. (Nasa'ee) (Mishkat, ibid, 4254/35)

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1. i.e. maintain properly

2. Leaves of this Satan tree (mimosa Flava). This dye applied with Henna to the hair is said to preserve its original colour. Katam is also said to lighten the colour of the Hair. (James Robson).

Ibne Abbas has reported that a man who had dyed (his hair) with Henna passed by the Holy Prophet. He said, "How fine this is!" then another man who had dyed (his hair) with Henna and Katam passed by. He said, "This is better than that." Then another man who had dyed (his hair) with yellow dye passed by. He said, "This is the best of all that." (Abu Dawud) (Mishkat, ibid, 4255/36)

**Grey Hair:** Amr bin Shuaib has reported from his father who said that his grandfather informed that the messenger of Allah has said, "Do not pluck out grey hairs, because they are the light of a Muslim. Whoever grows a grey hair in Islam Allah records on his behalf a good deed for it, blots out a sin for it, and raises him by a rank for it." (Abu Dawud) (Mishkat, ibid, 4257/38)

Kab bin Murrah has reported that the messenger of Allah has said that, "Whoever grows a grey hair in Islam it will be a light for him on the day of Resurrection. (Tirmizi and Nasa'ee) (Mishkat, ibid, 4258/39)

**Shaving off the Head:** Abdullah bin Jafar has reported: the Holy Prophet gave respite for three days to the family of Jafar. <sup>1</sup> then he came and said, "Do not weep for my brother after today," and then said, "Bring my brother's children to me." When we were brought as if like chickens, he said, "Call for me a barber," and then ordered him to shave our heads. (Abu Dawud and Nasa'ee) (Mishkat, ibid, 4262/43)

**Dyeing Hairs with Henna by Women:** karimah daughter of Humaam has reported that a woman asked 'Aaisha about dyeing (Hairs) with Henna. She said, "There is no harm but I do not like it. My beloved <sup>2</sup> did not like its odour." (Abu Dawud and Nasa'ee) (Mishkat, ibid, 4264/45)

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1. For mourning over the death of Jafar (Mazaahir-e-Haq).  
2. i.e. the Holy Prophet.

**Dyeing hand palms with Henna by Women:** Aaisha has reported that Hind daughter of Utbah <sup>1</sup> said, "O prophet of Allah, and take allegiance from me." He said, "I shall not take allegiance from you until you paint the palms of your hands: because they look like the paws of a beast." (Abu Dawud) (Mishkat, ibid, 4265/46)

Aaisha has reported that a woman hinted from behind a curtain to indicate that she had a letter for the messenger of Allah. The Holy Prophet withdrew his hand and said, "I do not know whether this is a man's hand or a woman's hand." She said: of a woman. He said, "If you were a woman, you would have painted your nails," meaning with Henna. (Abu Dawud and Nasa'ee) (Mishkat, ibid, 4266/47)

**Luxury:** Sauban has reported that whenever the messenger of Allah went out on a journey, the last member of his family he visited was Fatimah and the first he visited on his return was Fatimah. Once when he returned from an expedition, she had hung up a hair cloth, or a curtain, at her door and adorned Hassan and Husain with silver bracelets. When he arrived, he did not enter. Thinking that he had been prevented from entering by what he had seen she tore down the curtain, took off the bracelets from the boys and cut them off. They went weeping to the messenger of Allah. He took them from them and said, "Take this to so and so's family, O Sauban. These are of my household and I dislike their enjoying the luxury in the life of this world. O Sauban, buy for Fatimah a necklace of Asb, and two ivory bracelets." (Ahmad and Abu Dawud) (Mishkat, ibid, 4272/51)

**Dyeing of the Hair by the Holy Prophet:** Saabit has reported that Anas was asked about dyeing (of hair) by the Holy Prophet. He said, "Had I wished to count the hoary hairs which were on his head, I could have done so." He did not dye (his hair). In a version he added that Abu Bakr dyed (his hair) with Henna and Katam, and Umar dyed (it) with Henna alone. (Bukhari and Muslim) (Mishkat, ibid, 4277/58)

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1. She was wife of Abu Sufyan. She accepted Islam on the day of victory over Mecca (Ma'ariful Hadees, Vol. Vi, p. 320)

**Shaving off the Head by Woman:** Ali has reported that the messenger of Allah prohibited that a woman should shaver her head. (Nasa'ee) (Mishkat, ibid, 4284/65)

**Disheveled Hair:** Ata bin Yasir has reported that the messenger of Allah was in the mosque. A man, whose head and beard were disheveled, entered. The messenger of Allah hinted at him with his hand as though he were ordering him to arrange his hair and his beard. He did so and returned. The messenger of Allah said, "Is this not better than that anybody of you should come with his head disheveled, as if he is a Satan?" (Maalik) (Mishkat, ibid, 4285/66)

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## CHAPTER 2

### SIGNET-RINGS.

**Signet – Ring of the Holy Prophet:** Ibne Umar has reported that the Holy Prophet took a signet-ring of gold. <sup>1</sup> a version says that he put it on his hand, and then threw it away. He then took one of silver on which it was engraved. “Muhammad the messenger of Allah.” He said, “None should engrave anything similar to this signet-ring of mine.” When he wore it, he kept its engraved part towards the palm of his hand. (Bukhari and Muslim) (Mishkat, kitab-ul-Libaas, Baab-ul-Khaatam, No. 4186/1)

**Ring having stone:** Anas has reported that the messenger of Allah wore on his right hand a silver signet-ring with an Abyssinian stone. He used to keep its stone towards the palm of his hand. (Bukhari and Muslim) (Mishkat, ibid, 4191/6)

Abdullah bin Jafar has reported that the Holy Prophet used to put on a signet-ring on his right hand. (Ibne Majah) (Mishkat, ibid, 4194/9)

**Seal of the Holy Prophet;** Anas has reported that the Holy Prophet intended to write to the Chosroe, <sup>2</sup> the Caesar <sup>3</sup> and the Negus. He was told that they would not accept any letter without a seal. So the messenger of Allah prepared a seal in the form of a silver ring on which was engraved “Muhammad the messenger of Allah.” (Muslim). A version by Bukhari says that the engraving on the seal was in three lines, “Muhammad” in one line, “Messenger” in another, and “of Allah” in another. (Mishkat, ibid, 4189/4)

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1. This was before the prohibition for wearing the gold for the men (Mazaahir-e-Haq).  
2. Emperor of Persia.  
3. Emperor of Byzantine.

**Gold Ring:** Abdullah bin Abbas has reported that the messenger of Allah saw a gold signet-ring on the hand of a man. He pulled it off and threw it away, and said, “Someone of you is making for a coal from the Fire (of Hell) and putting it on his hand.” When the messenger of Allah departed, someone said to the man, “Take your signet-ring and get some profit from it.” He said, “No, by Allah, I will never take it when the messenger of Allah has thrown it away.” (Muslim) (Mishkat, ibid, 4188/3)

**Copper and Iron:** Buraidah has reported that the Holy Prophet said that to a man who was wearing a signet-ring of yellow copper, “How is it that I feel the smell of idols from you?” he threw it away and came wearing an iron signet-ring. He said, “How is it that I see you wearing the adornment of the inhabitants of the Fire (of Hell)?” he threw it away and asked: O messenger of Allah, what material should I use? He said, “Silver, but do not let it weigh as a Misqal.”<sup>1</sup> (Tirmizi, Abu Dawud and Nasa’ee) (Mishkat, ibid, 4198/13)

**Wearing of Bells:** Ibne Zubair has reported that one of their female slaves took zubair’s daughter to Umar bin Khattab wearing bells on her leg. Umar cut them off and said: I have heard the messenger of Allah say, “There is Satan with each bell.” (Abu Dawud) (Mishkat, ibid, 4200/15)

Bunanah, a slave girl of Abdur Rehman bin Hayyan al-Ansari, has reported that, when she was with Aaisha, a girl wearing tinkling little bells was brought to her. She said: you should not have brought her to me unless you had cut off her little bells, I have heard the messenger of Allah say, “The angels do not enter a house in which there is a bell.” (Abu Dawud) (Mishkat, ibid, 4201/6)

**Wearing of gold with excuse:** Abdur Rehman bin Tarafah has reported that the nose of his grandfather Arfajah bin Asad was cut off all the battle of Kilaab.<sup>2</sup> so he took a silver nose, but it Developed a stench. So the Holy Prophet ordered him to get a Gold nose. (Tirmizi, Abu Dawud and Nasa’ee) (Mishkat, ibid, 4202/17)

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1. It may be of one Misqal (4.5 Maasha) but it is better to have it of less than that (Mazaahir-e-Haq).

2. This was a battle about ten years before the Hijrah in which the tribe of Tameem was engaged.

**Gold Ornaments:** Abu Hurairah has reported that the messenger of Allah has said that, “Whoever likes to put a ring of fire on anybody he loves let him put a gold ring on him; and whoever likes to put a necklace of fire on anybody he loves let him put a gold necklace on him; and whoever likes to put a bracelet of fire on anybody he loves let him put a gold bracelet on him. Keep yourself to (the use of) silver and amuse yourselves with it.” (Abu Dawud) (Mishkat, ibid, 4203/18)

## CHAPTER 3

### PERFUME, ANTIMONY, CUPPING, CLEANLINESS, BATH ROOMS

**Perfume:** Aaisha has reported: I used to perfume the Holy Prophet with the sweetest perfume I could get till I saw the perfume shining on his head and beard. (Bukhari and Muslim) (Mishkat, kitab-ul-Libaas, Baab-ul-Tarajjul, No. 4236/17)

Naafe' has reported that Ibne Umar used to perfume himself with aloes-wood mixed with no other perfume, and also used camphor mixed in with the aloes-wood, and then say that the messenger of Allah had perfumed himself thus. (Muslim) (Mishkat, ibid, 4237/18)

Ya'la bin Murrah has reported that the Holy Prophet saw some Khaluq<sup>1</sup> on him and asked: have you a wife? He said: No. he said, "Wash it, then wash it, then wash it, and do not use it again." (Tirmizi and Nasa'ee) (Mishkat, ibid, 4241/23)

Abu Hurairah has reported that the messenger of Allah has said, "The perfume for men is the one whose odour is apparent but whose odour is hidden, and the perfume for women is the one whose colour is apparent whose odour is hidden. (Tirmizi and Nasa'ee) (Mishkat, ibid, 4244/25)

Anas has reported that the messenger of Allah had Sukka<sup>2</sup> with which he used to perfume himself. (Abu Dawud) (Mishkat, ibid, 4245/26)

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1. Perfume having Saffron mixed with it.
  2. A perfume made from Raamik, a black substance mixed with musk. After an elaborate process of pounding and moistening it was left for a year before being used. Its perfume is said to have improved with age. (Mirqaat al-Mafateeh, by Ali Qari, Vol. IV, p. 463) (James Robson).

Waleed bin Uqbah has reported: when the messenger of Allah conquered Mecca, the people of Mecca began to bring their children and he invoked blessings on them, and rub their heads. I was brought, but as I had been perfumed with Khaluq, he did not touch me because of the Khaluq. (Abu Dawud) (Mishkat, ibid, 4281/62)

**Antimony:** Ibne Abbas has reported that the Holy Prophet has said that, "Apply antimony, because it clears the sight and makes the hair grow." He (also) said that the Holy Prophet had a collyrium-case from which he used to apply collyrium every night in each eye three times. (Tirmizi) (Mishkat, ibid, 4271/52)

**Antimony and Cupping:** Ibne Abbas has reported that the Holy Prophet used to apply antimony three times in each eye before going to sleep. He (also) reported that he said, "The best of what you use as medicines are those sipped at the corners of the mouth, those snuffed up by the nose, cupping, purgatives; and the best thing you apply to your eyes is antimony, because it clears the sight and makes the hair grow; and twenty-first." When the messenger of Allah was taken up to visit the heaven, every group of angels he passed by said, "keep up the practice of cupping." (Tirmizi) (Mishkat, ibid, 4272/53)

**Cleanliness:** Ibnul Musayyib has reported that he heard him (i.e. the Holy Prophet) say: "Verily Allah is pure and likes purity; clean and likes cleanliness; generous and likes generosity; munificent and likes munificence. So make clean (I think he said) your courtyards, and do not imitate the Jews." (Tirmizi) (Mishkat, ibid, 4286/67)

**Bath Rooms:** <sup>1</sup> Aaisha has reported that the Holy Prophet prohibited men and women from entering the baths, but afterwards permitted men to enter them wearing lower garments. (Tirmizi and Abu Dawud) (Mishkat, ibid, 4273/54)

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1. i.e. public bathrooms available in the cities

Abul Maleeh has reported that some women who belonged to Hims came to Aaisha. She asked: where you have come from? They said: from Syria. She said, “Perhaps you come from the place whose women enter the baths.” They said; yes. She said: I have heard the messenger of Allah say, “A woman does not put off her clothes else where than in her husband’s house but that she tears down the veil between her and her Lord.” A version has, “Elsewhere than in her house but that she tears down her veil between her and Allah the Great Glorious.” (Tirmizi and Abu Dawud) (Mishkat, *ibid*, 4274/55)

Abdullah bin Amr has reported that the messenger of Allah has said that, “The land of the foreigners will be conquered for you, and you will see these houses called baths. Men should not enter them without lower garments. Keep women away from them, except those who are sick or in childbed.” (Abu Dawud) (Mishkat, *ibid*, 4275/56)

Jabir has reported that the Holy Prophet has said that, “Whoever believes in Allah and the Last Day should not enter a bath without a lower garment. Whoever believes in Allah and the Last Day should not bring his wife into a bath. And whoever believes in Allah and the Last Day should not sit at a dining cloth (table) where wine is being served.” (Tirmizi and Nasa’ee) (Mishkat, *ibid*, 4276/57)

CHAPTER 6

MEN AND WOMEN IMITATING EACH OTHER

Ibne Abbas has reported that the Holy Prophet cursed the Mukhannas among men and the women who imitated the men, and said, "Put them out of your houses." (Bukhari) (Mishkat, kitab-ul-Libaas, Baab-ul-Tarajjul, No. 4229/10)

Ibne Abbas has reported that the Holy Prophet has said that, "Allah has cursed men who imitate women and women who imitate men." (Bukhari) (Mishkat, ibid, 4230/11)

Abu Hurairah has reported that the messenger of Allah has cursed the man who dresses himself like a woman and the woman who dresses herself like a man. (Abu Dawud) (Mishkat, ibid, 4268/49)

Ibne Abu Mulaikah has reported that when it was said to Aaisha that a woman puts on the shoes,<sup>1</sup> she said that the messenger of Allah has cursed the females who appear as males. (Abu Dawud) (Mishkat, ibid, 4269/50)

Abu Hurairah has reported that a Mukhannas who had dyed his hands and feet with Henna was brought to the messenger of Allah. He asked, "What is the matter with this man?" they said; he dresses like females. He ordered him to be banished to Naqi.<sup>2</sup> They said: O messenger of Allah, should we not kill him? He said, "I have been prohibited from killing those who offer the prayer." (Abu Dawud) (Mishkat, ibid, 4280/61)

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1. Footwear of men.  
2. A place near Medinah.