

In the Name of Allah, the Most Compassionate, the Most Merciful



Translation Of Malik's Muwatta



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Please read our [introduction](#) to this collection (listed below by *book*).

1. The Times of Prayer
2. Purity
3. Prayer
4. Forgetfulness in Prayer
5. Jumu'a
6. Prayer in Ramadan
7. Tahajjud
8. Prayer in Congregation
9. Shortening the Prayer
10. The Two 'Ids
11. The Fear Prayer
12. The Eclipse Prayer
13. Asking for Rain
14. The Qibla
15. The Qur'an
16. Burials
17. Zakat
18. Fasting
19. I'tikaf in Ramadan
20. Hajj
21. Jihad
22. Vows and Oaths
23. Sacrificial Animals
24. Slaughtering Animals
25. Game
26. The 'Aqqa
27. Fara'id
28. Marriage
29. Divorce
30. Suckling

31. [Business Transactions](#)
32. [Qirad](#)
33. [Sharecropping](#)
34. [Renting Land](#)
35. [Pre-emption in Property](#)
36. [Judgements](#)
37. [Wills and Testaments](#)
38. [Setting Free and Wala'](#)
39. [The Mukatab](#)
40. [Hudud](#)
41. [The Mudabbar](#)
42. [Drinks](#)
43. [Blood-Money](#)
44. [The Oath of Qasama](#)
45. [Madina](#)
46. [The Decree](#)
47. [Good Character](#)
48. [Dress](#)
49. [The Description of the Prophet, may Allah Bless Him and Grant Him Peace](#)
50. [The Evil Eye](#)
51. [Hair](#)
52. [Visions](#)
53. [Greetings](#)
54. [General Subjects](#)
55. [The Oath of Allegiance](#)
56. [Speech](#)
57. [Jahannam](#)
58. [Sadaqa](#)
59. [Knowledge](#)
60. [The Supplication of the Unjustly Wronged](#)
61. [The Names of the Prophet, may Allah Bless Him and Grant Him Peace](#)

[\[Top\]](#) | [\[Introduction\]](#) | [\[Glossary\]](#) | [\[Other Islamic Sites\]](#) | [\[Email DEED-IIU\]](#)

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The Times of Prayer

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Section: The Times of Prayer

Book 1, Number 1.1.1:

He said, "Yahya ibn Yahya al-Laythi related to me from Malik ibn Anas from Ibn Shihab that one day Umar ibn Abdal-Aziz delayed the prayer. Urwa ibn az-Zubayr came and told him that al-Mughira ibn Shuba had delayed the prayer one day while he was in Kufa and Abu Masud al-Ansari had come to him and said, 'What's this, Mughira? Don't you know that the angel Jibril came down and prayed and the Messenger of Allah, may Allah bless him and grant him peace, prayed.' Then he prayed again, and the Messenger of Allah, may Allah bless him and grant him peace, prayed. Then he prayed again, and the Messenger of Allah, may Allah bless him and grant him peace, prayed. Then he prayed again, and the Messenger of Allah, may Allah bless him and grant him peace, prayed. Then he prayed again, and the Messenger of Allah, may Allah bless him and grant him peace, prayed. Then Jibril said, 'This is what you have been ordered to do.' Umar ibn Abd al-Aziz said, 'Be sure of what you relate, Urwa. Was it definitely Jibril who established the time of the prayer for the Messenger of Allah?' " Urwa said, "That's how it was related to Bashir ibn Abi Masud al-Ansari by his father."

Book 1, Number 1.1.2:

Urwa said that A'isha, the wife of the Prophet, may Allah bless him and grant him peace used to pray asr while the sunlight was pouring into her room, before the sun itself had become visible (i.e. because it was still high in the sky).

Book 1, Number 1.1.3:

Yahya related to me from Malik from Zayd ibn Aslam that Ata ibn Yasar said, "A man came to the Messenger of Allah, may Allah bless him and grant him peace, and asked him about the time of the subh prayer. The Messenger of Allah, may Allah bless him and grant him peace, did not answer him, but in the morning he prayed subh at first light. The following morning he prayed subh when it was much lighter, and then said, 'Where is the man who was asking about the time of the prayer?' The man replied, 'Here I am, Messenger of Allah.' He said, 'The time is between these two.' "

Book 1, Number 1.1.4:

Yahya related to me from Malik from Yahya ibn Said from Amra bint Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, used to pray subh and the women would leave wrapped in their garments and they could not yet be recognised in the darkness."

Book 1, Number 1.1.5:

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar and from Busr ibn Said and from al-Araj-all of whom related it from Abu Hurayra - that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever manages to do a raka o

Purity

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: How to do Wudu

Book 2, Number 2.1.1:

Yahya related to me from Malik from Amr ibn Yahya al-Mazini that his father once asked Abdullah ibn Zayd ibn Asim, who was the grandfather of Amr ibn Yahya al-Mazini and one of the companions of the Messenger of Allah, may Allah bless him and grant him peace, if he could show him how the Messenger of Allah, may Allah bless him and grant him peace, did wudu. Abdullah ibn Zayd ibn Asim agreed to do so and asked for water to do wudu. He poured some out on to his hand and washed each hand twice and then rinsed his mouth and snuffed water up his nose and blew it out three times. Then he washed his face three times and both of his arms up to the elbows twice. He then wiped his head with both hands, taking his hands from his forehead to the nape of his neck and then bringing them back to where he had begun. Then he washed his feet.

Book 2, Number 2.1.2:

Yahya related to me from Malik from Abu'zZinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you do wudu, snuff water into your nose and blow it out, and if you use stones to clean your private parts use an odd number."

Book 2, Number 2.1.3:

Yahya related to me from Ibn Shihab from Abu Idris al-Khawlani from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The person doing wudu should snuff water up his nose and blow it out again."

Book 2, Number 2.1.4:

Yahya said that he heard Malik say that there was no harm in washing the mouth and cleaning the nose with only one handful of water.

Book 2, Number 2.1.5:

Yahya related to me from Malik that he had heard that Abd ar-Rahman ibn Abi Bakr was visiting A'isha, the wife of the Prophet, may Allah bless him and grant him peace, on the day that Sad ibn Abi Waqqas died, and he asked for some water to do wudu. A'isha said to him, "Abd ar-Rahman! Perform your wudu fully, for I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Woe to the heels in the fire.'"

Book 2, Number 2.1.6:

Yahya related to me from Malik from Yahya ibn Muhammad ibn Talha from Uthman ibn Abd ar-Rahman that his father related to him that he had heard that Umar ibn al-Khattab used to wash what was beneath his waist wrapper with water.

Book 2, Number 2.1.7:

Yahya said that Malik was asked what a man should do if, when he did wudu, he forgot and washed his face before he had rinsed his mouth, or washed his forearms before he had washed his face. He said, "If someone washes his face before rinsing his mouth, he should rinse his mouth and not wash his face again. If someone washes his forearms before his face, however, he should wash his forearms again so that he has washed them after his face. This is if he is still near the place (of wudu)."

Book 2, Number 2.1.8:

Yahya said that Malik was asked about what a man should do if he had forgotten to rinse his mouth and nose until he had prayed, and he said, "He does not have to repeat the prayer, but should rinse his mouth and nose if he wishes to do any more prayers after that."

Section: The Wudu of a Man who has been Asleep when he Gets Up to Pray

Book 2, Number 2.2.9:

Yahya related to me from Malik from Abu'zZinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you wake up from sleep to pray, wash your hands before you put them in the wudu water, for you do not know where your hands have spent the night."

Book 2, Number 2.2.10:

Yahya related to me from Malik from Zayd ibn Aslam that Umar ibn al-Khattab said, "If you fall asleep lying down you must do wudu (before you pray) . "

Yahya related to me from Malik from Zayd ibn Aslam that the ayat "You who believe! When you rise for prayer wash your faces, and your arms to the elbows, and wipe over your heads and your feet up to the ankles," refers to rising from bed, meaning sleep.

Yahya said that Malik said, "The situation with us is that one does not have to do wudu for a nose-bleed, or for blood, or for pus issuing from the body. One only has to do wudu for impurities which issue from the genitals or the anus, or for sleep."

Yahya related to me from Malik from Nafithat Ibn Umar used to sleep sitting and then would pray without doing wudu.

Section: What is Pure for Wudu

Book 2, Number 2.3.12:

Yahya related to me from Malik from Safwan ibn Sulaym from Said ibn Salama of the Bani Azraq from al-Mughira ibn Abi Burda of the tribe of Bani Abd ad-Dar that he had heard Abu Hurayra speak about a man who came to the Messenger of Allah, may Allah bless him and grant him peace, and said, "Messenger of Allah! We travel by sea and we do not carry much fresh water with us so if we do wudu with it we go thirsty. Can we do wudu with seawater?" The Messenger of Allah, may Allah bless him and grant him peace, replied, "Its water is pure, and its dead creatures are halal."

Book 2, Number 2.3.13:

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha from Humayda bint Abi Ubayda ibn Farwa that her maternal aunt Kabsha bint Kab ibn Malik, who was the wife of the son of Abu Qatada al-Ansari, told her that once Abu Qatada was visiting her and she poured out some water for him to do wudu with. Just then a cat came to drink from it, so he tilted the vessel towards it to let it drink. Kabsha continued, "He saw me looking at him and said, 'Are you surprised, daughter of my brother?' I said, 'Yes.' He replied that the Messenger of Allah, may Allah bless him and grant him peace, said, cats are not impure. They intermingle with you .'"

Yahya said that Malik said, "There is no harm in that unless one sees impurities on the cat's mouth."

Book 2, Number 2.3.14:

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Ibrahim ibn alHarith at-Taymi from Yahya ibn Abd ar-Rahman ibn Hatib that Umar ibn al-Khattab set out on one occasion with a party of riders, one of whom was Amr ibn al-As. They came to a watering place and Amr ibn al-As asked the man who owned it whether wild beasts drank from it. Umar ibn al-Khattab told the owner of the watering place not to answer, since the people drank after the wild beasts and the wild beasts drank after them.

Book 2, Number 2.3.15:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say that men and their wives used to do wudu together in the time of the Messenger of Allah.

Section: Things which do not break Wudu

Book 2, Number 2.4.16:

Yahya related to me from Malik from Muhammad ibn Umara from Muhammad ibn Ibrahim that the mother of the son of Ibrahim ibn Abd ar-Rahman ibn Awf questioned Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, and said, "I am a woman who wears a long skirt and (sometimes) I walk in dirty places." Umm Salama replied, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'What follows (i.e. clean places) purifies it.'"

Book 2, Number 2.4.17:

Yahya related to me from Malik that he saw Rabia ibn Abd ar-Rahman vomit several times when he was in the mosque and he did not leave, nor did he do wudu before he prayed.

Yahya said that Malik was asked whether a man who vomited food had to do wudu and he said, "He does not have to do wudu, but he should rinse the inside of his mouth and wash his mouth out."

Book 2, Number 2.4.18:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar prepared the body of one of Said ibn Zayd's sons for burial and carried it and then entered the mosque and prayed without doing wudu.

Yahya said that Malik was asked whether it was necessary to do wudu because of regurgitating undigested food and he said, "No, wudu is not necessary, but the mouth should be rinsed."

Section: Discontinuing Doing Wudu on Account of Eating Cooked Food

Book 2, Number 2.5.19:

Yahya related to me from Malik from Zayd Aslam from Ata ibn Yasar from Abdullah Abbas that the Messenger of Allah, may Allah bless him and grant him peace, ate a shoulder of lamb and then prayed without doing wudu.

Book 2, Number 2.5.20:

Yahya related to me from Malik from Yahya ibn Said from Bushayr ibn Yasar, the mawla of the Bani Haritha, that Suwayd ibn anNuman told him that he went with the Messenger of Allah, may Allah bless him and grant him peace, on the expedition to Khaybar. When they reached as Suhba, which was near Khaybar, the Messenger of Allah, may Allah bless him and grant him peace, stopped and prayed asr. He asked for provisions but only parched barley was brought, so he asked for it to be moistened. The Messenger of Allah, may Allah bless him and grant him peace, ate and the people ate with him. Then he got up to do maghrib and rinsed his mouth out and they rinsed out theirs. Then he prayed without doing wudu.

Book 2, Number 2.5.21:

Yahya related to me from Malik that both Muhammad ibn al-Munkadir and Safwan ibn Sulaym transmitted to him from Muhammad ibn Ibrahim ibn al-Harith at-Taymi from Rabia ibn Abdullah ibn al-Hudayr that he had eaten an evening meal with Umar ibn al-Khattab who then prayed without doing wudu.

Book 2, Number 2.5.22:

Yahya related to me from Malik from Damra ibn Said al-Mazini from Aban ibn Uthman that Uthman ibn Affan ate bread and meat, rinsed his mouth out, washed his hands and wiped his face with them, and then prayed without doing wudu.

Book 2, Number 2.5.23:

Yahya related to me from Malik that he had heard that Ali ibn Abi Talib and Abdullah ibn Abbas did not do wudu after eating cooked food.

Book 2, Number 2.5.24:

Yahya related to me from Malik from Yahya ibn Said that he asked Abdullah ibn Amir ibn Rabia whether a man who did wudu for prayer and then ate cooked food had to do wudu again. He said, "I saw my father do that without doing wudu."

Book 2, Number 2.5.25:

Yahya related to me from Malik from Abu Nuaym Wahb ibn Kaysan that he heard Jabir ibn Abdullah al-Ansari saying, "I saw Abu Bakr as-Siddiq eat meat and then pray without doing wudu."

Book 2, Number 2.5.26:

Yahya related to me from Malik from Muhammad ibn al-Munkadir that the Messenger of Allah, may Allah bless him and grant him peace, was invited to eat, and some bread and meat was brought to him. He ate some of it, and then did wudu and prayed. Then more of the same food was brought and he ate some more and then prayed without doing wudu.

Book 2, Number 2.5.27:

It was related to me from Malik from Musa ibn Uqba from Abd ar-Rahman ibn Yazid al-Ansari that when Anas ibn Malik came back from Iraq, Abu Talha and Ubayy ibn Kab visited him. He brought them some cooked food and they ate, and then Anas got up and did wudu. Abu Talha and Ubayy ibn Kab asked, "What's this, Anas? Is it an Iraqi custom?" and Anas said, "I wish I had not done it." (i.e. wudu). Abu Talha and Ubayy ibn Kab both got up and prayed without doing wudu.

Section: On Wudu in General

Book 2, Number 2.6.28:

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, was asked about cleaning after excretion. He replied, "Are any of you unable to find three stones?"

Book 2, Number 2.6.29:

Yahya related to me from Malik from al-Ala ibn Abd ar-Rahman from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, went to the burial grounds and said, "Peace be upon you, home of a people who believe! We shall be among you, Allah willing. I wish that I had seen our brothers!" The people with him said, "Messenger of Allah! Are we not your brothers?" "No," he said, "You are my companions. Our brothers are those who have not yet come. And I will precede them to the Hawd. (The Hawd: the watering place of the Prophet, may Allah bless him and grant him peace, from which he will give to the people of his community on the day of rising.)" They asked him, "Messenger of Allah! How will you recognise those of your community who come after you?"

He said, "Doesn't a man who has horses with white legs and white blazes on their foreheads among totally black horses recognise which ones are his own?" They said, "Of course, Messenger of Allah." He went on, "Even so will they come on the day of rising with white marks on their foreheads, hands and feet from wudu, and I will precede them to the Hawd. Some men will be driven away from the Hawd as if they were straying camels and I shall call out to them, 'Will you not come? Will you not come? Will you not come?' and someone will say, 'They changed things after you,' so I shall say, 'Then away with them, away with them, away with them!'"

Book 2, Number 2.6.30:

Yahya related to me from Malik from Hisham ibn Urwa from his father from Humran, the mawla of Uthman ibn Affan, that Uthman ibn Affan was once sitting on the Maqaid (the benches surrounding the Madina Mosque, or else a stone near Uthman ibn Affan's house where he sat to discuss with people), when the muadhhdhin came and told him that it was time for the asr prayer. He called for water and did wudu. Then he said, "By Allah, I shall tell you something which I would not tell you if it were not in the Book of Allah. I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'If a man does wudu, and makes sure he does it correctly, and then does the prayer, he will be forgiven everything that he does between then and the time when he prays the next prayer.' "

Yahya said that Malik said, "I believe he meant this ayat - 'Establish prayer at the two ends of the day and in some watches of the night. Good actions take away wrong actions. That is a reminder for those who remember.' " (Sura 11 ayat 114).

Book 2, Number 2.6.31:

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar from Abdullah as-Sanabihi that the Messenger of Allah, may Allah bless him and grant him peace, said, "A trusting slave does wudu and as he rinses his mouth the wrong actions leave it. As he cleans his nose the wrong actions leave it. As he washes his face, the wrong actions leave it, even from underneath his eyelashes. As he washes his hands the wrong actions leave them, even from underneath his fingernails. As he wipes his head the wrong actions leave it, even from his ears. And as he washes his feet the wrong actions leave them, even from underneath the toenails of both his feet." He added, "Then his walking to the mosque and his prayer are an extra reward for him."

Book 2, Number 2.6.32:

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A muslim slave (or a trusting slave) does wudu and as he washes his face every wrong action he has seen with his eyes leaves with the water (or the last drop of water). As he washes his hands every wrong action he has done with his hands leaves with the water (or the last drop of water). And as he washes his feet every wrong action his feet have walked to leaves with the water (or the last drop of water) so that he comes away purified of wrong actions."

Book 2, Number 2.6.33:

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik said, "I saw the Messenger of Allah, may Allah bless him and grant him peace, on one occasion when the asr prayer was at hand . Everyone was looking for water for wudu but no-one could find any. Then the Messenger of Allah, may Allah bless him and grant him peace, brought some water in a vessel . He put his hand into the vessel and then he told them all to do wudu from it." Anas added, "I saw water coming out from his fingers. Then all of them to the last man did wudu."

Book 2, Number 2.6.34:

Yahya related to me from Malik from Nuaym ibn Abdullah al-Madani al-Mujmir that he heard Abu Hurayra say, "If someone does wudu and does it correctly and then goes off intending to do the prayer, then he is in prayer as long as he intends to do the prayer. A good action is written for every alternate step he makes and a wrong action is erased for the second. When you hear the iqama do not lengthen your stride, and the one who has the greatest reward is the one whose house is farthest away." They said, "Why, Abu Hurayra?" He replied, "Because of the greater number of steps."

Book 2, Number 2.6.35:

Yahya related to me from Malik from Yahya ibn Said that he heard someone ask Said ibn al-Musayyab about washing off excreta with water. Said said, "That is the way women wash."

Book 2, Number 2.6.36:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If a dog drinks from your vessel, wash it seven times."

Book 2, Number 2.6.37:

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "Try to go straight, although you will not be able to do so. Act, and the best of your actions is the prayer. And only a mumin is constant in his wudu."

Section: Wiping the Head and Ears

Book 2, Number 2.7.38:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used two fingers to take water to his ears.

Book 2, Number 2.7.39:

Yahya related to me from Malik that he had heard that Jabir ibn Abdullah al-Ansari was asked about wiping over a turban. He said, "Not unless you have wiped over your hair with water."

Book 2, Number 2.7.40:

Yahya related to me from Malik from Hisham ibn Urwa that Abu Urwa ibn az-Zubayr used to take off his turban and wipe his head with water.

Book 2, Number 2.7.41:

Yahya related to me from Malik from Nafi that she saw Safiyya bint Abi Ubayd, the wife of Abdullah ibn 'Umar, take off her head-covering and wipe her head with water. Nafi was a child at the time.

Malik was asked about a man who did wudu but forgot to wipe his head until the water had dried. He said, "I consider that he should wipe his head and then repeat the prayer if he has already performed it."

Malik was asked about a man who did wudu but forgot to wipe his head until the water had dried. He said, "I consider that he should wipe his head and then repeat the prayer if he has already performed it."

Section: Wiping over Leather Socks

Book 2, Number 2.8.42:

Yahya related to me from Malik from Ibn Shihab from Abbad ibn Ziyad, a descendant of al-Mughira ibn Shuba from his father from al Mughira ibn Shuba that the Messenger of Allah, may Allah bless him and grant him peace, went to relieve himself during the expedition of Tabuk. Mughira said, "I went with him, taking water. Then the Messenger of Allah, may Allah bless him and grant him peace, came back and I poured out the water for him. He washed his hands and then went to push his hands out of the sleeves of his garment, but could not do so because of their narrowness. So he brought them out from underneath his garment. Then he washed his arms, wiped his head and wiped over his leather socks. The Messenger of Allah, may Allah bless him and grant him peace, returned and Abdar Rahman ibn Awf was leading the people in prayer, and he had already finished one raka with them. The Messenger of Allah, may Allah bless him and grant him peace, prayed the remaining raka with them to everyone's concern. When the Messenger of Allah, may Allah bless him and grant him peace, finished he said, 'You have acted correctly.' "

Book 2, Number 2.8.43:

Yahya related to me from Malik that Nafi and Abdullah ibn Dinar told him that Abdullah ibn Umar arrived at Kufa and went to Sad ibn Abi Waqqas, who was the Amir of Kufa at that time. Abdullah ibn Umar saw him wiping over his leather socks and disapproved of it. So Sad said to him, "Ask your father when you get back." Abdullah returned but forgot to ask Umar about the matter until Sad arrived and said, "Have you asked your father?" and he said, "No."

Abdullah then asked Umar and Umar replied, "If your feet are ritually pure when you put them in the leather socks then you can wipe over the socks." Abdullah said, "What about if we have just come from relieving ourselves?" Umar said, "Yes, even if you have just come from relieving yourself."

Book 2, Number 2.8.44:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar urinated in the market place and then did wudu, washing his face and hands and wiping his head. Then as soon as he had come into the mosque, he was called to pray over a dead person, so he wiped over his leather socks and prayed.

Book 2, Number 2.8.45:

Yahya related to me from Malik that Said ibn Abd ar-Rahman ibn Ruqash said, "I saw Anas ibn Malik come and squat and urinate. Then water was brought and he did wudu. He washed his face, then his arms to the elbows, and then he wiped his head and wiped over his leather socks. Then he came to the mosque and prayed."

Yahya said that Malik was asked whether a man who did wudu for prayer and then put on his leather socks, and then urinated and took them off and put them back on again, should begin wudu afresh.

Malik replied, "He should take off his socks and wash his feet. Only someone who puts on leather socks when his feet are (already) ritually purified by wudu can wipe over them. Someone who puts on leather socks when his feet are not ritually purified by wudu, should not wipe over them."

Yahya said that Malik was asked about a man who did wudu with his leather socks on and forgot to wipe over them until the water was dry and he had prayed, and he said, "He should wipe over his socks and repeat the prayer but not repeat wudu."

Malik was asked about a man who washed his feet and put on his leather socks and then started doing wudu, and he said, "He should take off his socks and do wudu and wash his feet."

Section: How to Wipe over Leather Socks

Book 2, Number 2.9.46:

Yahya related to me from Malik from Hisham ibn Urwa that he saw his father wiping over his leather socks. He said, "When he wiped over his socks he would never do more than wipe the tops and he would not wipe the bottoms."

Book 2, Number 2.9.47:

Yahya related to me that Malik had asked Ibn Shihab how to wipe over leather socks. Ibn Shihab had put one hand under the sock and his other hand above the sock and then passed them over it.

Yahya said that Malik said, "Out of all that I have heard about the matter I like what Ibn Shihab said the most."

Section: Nose-Bleeds

Book 2, Number 2.10.48:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would leave and do wudu if he had a nose-bleed and then return and complete his prayer without saying anything.

Section: How to Wipe over Leather Socks

Book 2, Number 2.11.49:

Yahya related to me from Malik from Nafi that Abdullah ibn Abbas used to have nose-bleeds and would leave to wash off the blood. He would then return and complete his prayer.

Book 2, Number 2.11.50:

Yahya related to me from Malik from Yazid ibn Abdullah Qusayt al-Laythi that he saw Said ibn al-Musayyab having a nose-bleed while praying. He went off to the room of Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, and water was brought to him and he did wudu. He then returned and completed his prayer.

Section: What to Do in the Event of a Nose-Bleed

Book 2, Number 2.12.51:

Yahya related to me that Abd ar-Rahman ibn Harmala al-Aslami said, "I saw Said ibn al-Musayyab with his nose bleeding and blood poured out of it so that his fingers were all red from the blood coming out of his nose, and he prayed without doing wudu."

Book 2, Number 2.12.52:

Yahya related to me from Malik from Abd ar Rahman ibn al-Mujabbar that he saw Salim ibn Abdullah with blood running from his nose so that his fingers were all coloured red. Then he rubbed it and prayed without doing wudu.

Section: What to Do in the Event of Bleeding from a Wound or a Nose-Bleed

Book 2, Number 2.13.53:

Yahya related to me from Hisham ibn Urwa from his father that al-Miswar ibn Makhrama told him that he had visited Umar ibn al Khattab on the night he was stabbed and had woken him up for the subh prayer and Umar had said, "Yes. Whoever stops doing the prayer will get nothing from Islam," and he did the prayer with blood pouring from his wound.

Book 2, Number 2.13.54:

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab was asked, "What do you say about someone who is afflicted by a nose-bleed which does not stop?" Malik said that Yahya ibn Said said that Said ibn al Musayyab said, "I say that he should signal with his head." (i.e. instead of doing sajda or ruku.)

Yahya said that Malik said, "That is what I like most out of what I have heard about the matter."

Section: Wudu on Account of Prostatic Fluid

Book 2, Number 2.14.55:

Yahya related to me from Malik from Abu'n Nadr, the mawla of Abdullah ibn Ubaydullah, from Sulayman ibn Yasar from alMiqdad ibn al-Aswad that Ali ibn Abi Talib told him to ask the Messenger of Allah, may Allah bless him and grant him peace, what a man should do, who, when close to his wife, had a flow of prostatic fluid. Ali explained that the daughter of the Messenger of Allah, may Allah bless him and grant him peace, was living with him then and he was too shy to ask for himself. Al-Miqdad said, "I asked the Messenger of Allah, may Allah bless him and grant him peace, about it, and he said, 'When you find that, wash your genitals with water and do wudu as for prayer.'"

Book 2, Number 2.14.56:

Yahya related to me from Zayd ibn Aslam from his father that Umar ibn al-Khattab said, "I find it dropping from me like small beads. When you find that, wash your penis and do wudu as for prayer."

Book 2, Number 2.14.57:

Yahya related to me from Malik from Zayd ibn Aslam from his father that Jundub, the mawla of Abdullah ibn Ayyash, said, "I asked Abdullah ibn Umar about prostatic fluid and he said, 'When you find it, wash your genitals and do wudu as for prayer.'"

Section: Indulgence in Not Having to do Wudu for

Prostatic Fluid

Book 2, Number 2.15.58:

Yahya related to me from Malik from Yahya ibn Said that he was listening to Said ibn al-Musayyab and a man questioned him saying, "I discover a liquid when I am praying. Should I leave?"

Said ibn al-Musayyab said to him, "Even if it were to flow on my leg I would not leave until I had finished the prayer."

Book 2, Number 2.15.59:

Yahya related to me from Malik that as-Salt ibn Zuyayd said, "I asked Sulayman ibn Yasar about a liquid I discovered. He said, 'Wash what is under your garments with water and forget about it.' "

Section: Wudu on Account of Touching the Genitals

Book 2, Number 2.16.60:

Yahya related to me from Malik that Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazim heard Urwa ibn az-Zubayr saying, "I went to see Marwan ibn al-Hakam and we talked about what you had to do wudu for, and Marwan said, 'You have to do wudu if you touch your penis.' Urwa said, 'I didn't know that.' Marwan ibn al-Hakam said that Busra bint Safwan had told him that she heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'If any of you touches his penis he should do wudu.' "

Book 2, Number 2.16.61:

Yahya related to me from Malik from Ismail ibn Muhammad ibn Sad ibn Abi Waqqas that Musab ibn Sad ibn Abi Waqqas said, "I was holding the Book for Sad ibn Abi Waqqas and I rubbed myself. Sad said, 'Did you touch your penis?' I replied, 'Yes,' and he said, 'Get up and do wudu.' So I got up and did wudu and then returned."

Book 2, Number 2.16.62:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "If you touch your penis you have to do wudu."

Book 2, Number 2.16.63:

Yahya related to me from Malik from Hisham ibn Urwa that his father used to say, "If any of you touches his penis he has to do wudu."

Book 2, Number 2.16.64:

Yahya related from Malik from Ibn Shihab that Salim ibn Abdullah said, "I saw my father Abdullah ibn

Umar, do ghusl and then do wudu. I said to him, 'Father, isn't ghusl enough for you?' He said, 'Of course, but sometimes I touch my penis, so I do wudu.' "

Book 2, Number 2.16.65:

Yahya related to me from Malik from Nafi that Salim ibn 'Abdullah said, "I was with Abdullah ibn Umar on a journey and after the sun had risen I saw him do wudu and then pray. So I said to him, 'This isn't a prayer that you normally do. 'He said, 'After I had done wudu for the subh prayer, I touched my genitals. Then I forgot to do wudu. So I did wudu again and repeated my prayer.' "

Section: Wudu on Account of a Man Kissing His Wife

Book 2, Number 2.17.66:

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that his father Abdullah ibn Umar used to say, "A man's kissing his wife and fondling her with his hands are part of intercourse. Someone who kisses his wife or fondles her with his hand must do wudu."

Book 2, Number 2.17.67:

Yahya related to me from Malik that he had heard that Abdullah ibn Masud used to say, "Wudu is necessary if a man kisses his wife."

Book 2, Number 2.17.68:

Yahya related to me from Malik that Ibn Shihab used to say, "Wudu is necessary if a man kisses his wife." Nafi said that Malik said, "That is what I like most out of what I have heard."

Section: How to do Ghusl for Major Ritual Impurity

Book 2, Number 2.18.69:

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, umm al-muminin, that whenever the Messenger of Allah, may Allah bless him and grant him peace, did ghusl for major ritual impurity, he would begin by washing his hands, and then do wudu as for prayer. He would then put his fingers in the water and rub the roots of his hair with them. Then he would pour as much water as two hands can hold on to his head three times, and over the entire surface of his skin.

Book 2, Number 2.18.70:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr from A'isha, umm al-muminin, that the Messenger of Allah, may Allah bless him and grant him peace, used to do ghusl for major ritual impurity from a vessel which contained a faraq.

Book 2, Number 2.18.71:

Yahya related to me from Malik from Nafi that when Abdullah ibn Umar used to do ghusl for major ritual impurity he would begin by pouring water on his right hand and washing it. Then, in order, he would wash his genitals, rinse his mouth, snuff water in and out of his nose, wash his face and splash his eyes with water. Then he would wash his right arm and then his left, and after that he would wash his head. He would finish by having a complete wash and pouring water all over himself.

Book 2, Number 2.18.72:

Yahya related to me from Malik that he had heard that A'isha was asked about how a woman should do ghusl for major ritual impurity. She said, "She should scoop water over her head with both hands three times and rub the roots of her hair with her hands."

Section: Obligation to Do Ghusl when the Two Circumcised Parts Meet

Book 2, Number 2.19.73:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab that Umar ibn al-Khattab and Uthman ibn Affan and A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to say, "When the circumcised part touches the circumcised part, ghusl is obligatory."

Book 2, Number 2.19.74:

Yahya related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Abdullah that Abu Salama ibn Abdar-Rahman ibn Awf related that he had asked A'isha, the wife of the Prophet, may Allah bless him and grant him peace, what made ghusl obligatory. She said, "Do you know what you are like, Abu Salama? You are like a chick when it hears the cocks crowing and so crows with them. When the circumcised part passes the circumcised part, ghusl is obligatory."

Book 2, Number 2.19.75:

Yahya related to me from Malik from Yahya ibn Said from Said ibn al-Musayyab that Abu Musa al-Ashari came to A'isha, the wife of the Prophet, may Allah bless him and grant him peace, and said to her, "The disagreement of the companions in a matter which I hate to bring before you has distressed me." She said, "What is that? You did not ask your mother about it, so ask me." He said, "A man penetrates his wife, but becomes listless and does not ejaculate." She said, "When the circumcised part passes the circumcised part ghusl is obligatory." Abu Musa added, "I shall never ask anyone about this after you."

Book 2, Number 2.19.76:

Yahya related to me from Malik from Yahya ibn Said from Abdullah ibn Kab, the mawla of Uthman ibn Affan that Mahmud ibn Labid al-Ansari asked Zayd ibn Thabit about a man who penetrated his wife but became listless and did not ejaculate. Zayd ibn Thabit said, "He does ghusl." Mahmud said to him, "Ubayy ibn Kab used not to think that ghusl was necessary," but Zayd ibn Thabit said, "Ubayy ibn Kab drew away from that before he died."

Book 2, Number 2.19.77:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "When the circumcised part passes the circumcised part, ghusl is obligatory."

Section: Wudu of a Person in a State of Major Ritual Impurity (Janaba)

Book 2, Number 2.20.78:

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar related that Umar ibn al-Khattab mentioned to the Messenger of Allah, may Allah bless him and grant him peace, that he would sometimes become junub in the night. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Do wudu and wash your penis, and then sleep."

Book 2, Number 2.20.79:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to say, "If you have intercourse with your wife and then wish to go to sleep before doing ghusl, do not sleep until you have done wudu as for prayer."

Book 2, Number 2.20.80:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar, if he wished to sleep or eat while junub, would wash his face, and his arms to the elbows, and wipe his head. Then he would eat or sleep.

2.20 The Repetition of the Prayer by a Person in a State of Major Ritual Impurity, his Doing Ghusl, when He has Prayed without Remembering it, and his Washing his Garments.

Section: The Repetition of the Prayer by a Person in a State of Major Ritual Impurity, his Doing Ghusl, when He has Prayed without Remembering it, and his Washing his Garments

Book 2, Number 2.21.81:

Yahya related to me from Malik from Ismail ibn Abi Hakim that Ata ibn Yasar told him that the Messenger of Allah, may Allah bless him and grant him peace, said the takbir in one of the prayers and then indicated to them with his hand to stay in place. He left and then returned with traces of water on his skin.

Book 2, Number 2.21.82:

Yahya related to me from Malik from Hisham ibn Urwa that Zuyayd ibn as-Salt said, "I went with Umar ibn al-Khattab to Juruf and he looked down and noticed that he had had a wet dream and had prayed without doing ghusl. He exclaimed, 'By Allah I realise that I have had a wet dream and did not know it and have not done ghusl.' So he did ghusl and washed off whatever he saw on his garment, and sprinkled with water whatever he did not see. Then he gave the adhan or the iqama and prayed in the midmorning."

Book 2, Number 2.21.83:

Yahya related to me from Malik from Ismail ibn Abi Hakim from Sulayman ibn Yasar that Umar ibn al-Khattab went out early in the morning to his land in al-Juruf and found semen on his garment. He said, "I have been tried with wet dreams since I have been entrusted with governing the people." He did ghusl and washed his garment of what he saw of the semen, and then prayed after the sun had risen.

Book 2, Number 2.21.84:

Yahya related to me from Malik from Yahya ibn Said from Sulayman ibn Yasar that Umar ibn al-Khattab led the people in the subh prayer and then went out to his land in Juruf and found semen on his clothes. He said, "Since we have been eating rich meat our veins have become fulsome." He did ghusl, washed the semen from his clothing, and did his prayer again.

Book 2, Number 2.21.85:

Yahya related to me from Malik from Hisham ibn Urwa from his father from Yahya ibn Abd ar-Rahman ibn Ha ib that he had set off for Mumra with Umar ibn al-Khattab in a party of riders, among whom was Amr ibn al-As. Umar ibn al-Khattab dismounted for a rest late at night on a certain road near a certain oasis. Umar had a wet dream when it was almost dawn and there was no water among the riding party. He rode until he came to some water and then he began to wash off what he saw of the semen until it had gone. Amr ibn al-As said to him, "It is morning and there are clothes with us, so allow your garment to be washed." Umar ibn al-Khattab said to him, "I am surprised at you, Amr ibn al-As! Even if you could find clothes, would everybody be able to find them? By Allah, if I were to do it, it would become a sunna. No, I wash what I see, and I sprinkle with water what I do not see."

Malik spoke about a man who found traces of a wet dream on his clothes and did not know when it had occurred and did not remember anything he had seen in his sleep. He said, "Let the intention of his ghusl be from the time when he last slept, and if he has prayed since that last sleep he should repeat it. This is because often a man has a wet dream and sees nothing, and often he sees something but does not have an emission. But, if he finds liquid on his garment he must do ghusl. This is because Umar repeated what he had prayed after the time he had last slept and not what was before it."

Section: Ghusl of a Woman when She Experiences the Same as a Man in Her Sleep

Book 2, Number 2.22.86:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr that Umm Sulayman said to the Messenger of Allah, may Allah bless him and grant him peace, "Should a woman do ghusl when she experiences the same as a man in her sleep?" The Messenger of Allah said to her, "Yes, she should do ghusl." A'isha said to her, "Shame on you! Does a woman see that?" (i.e. a liquid.) The Messenger of Allah, may Allah bless him and grant him peace, said to her, "May your right hand be full of dust. From where does family resemblance come?"

Book 2, Number 2.22.87:

Yahya related to me from Malik from Hisham ibn Urwa from his father from Zaynab bint Abi Salama that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, said, "Umm Salama, the wife of Abu Talha al-Ansari, came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah! Allah is not ashamed of the truth—does a woman have to do ghusl if she has had an erotic dream?' He said, 'Yes, if she sees any liquid.'"

Section: Ghusl for Major Ritual Impurity

Book 2, Number 2.23.88:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "There is no harm in doing ghusl with water that has been used by one's wife as long as she is not menstruating or in a state of major ritual impurity (junub)."

Book 2, Number 2.23.89:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to sweat in a garment while he was junub and then pray with it on.

Book 2, Number 2.23.90:

Yahya related to me from Malik from Nafi that the slave girls of Abdullah ibn Umar used to wash his feet and bring him a mat of palm leaves while they were menstruating.

Malik was asked whether a man who had women and slave girls could have intercourse with all of them before he did ghusl. He said, "There is no harm in a man having intercourse with two of his slave girls before he does ghusl. It is disapproved of, however, to go to a freewoman on another's day. There is no harm in making love first to one slave girl and then to another when one is junub."

Malik was asked about a man who was junub and water was put down for him to do ghusl with. Then he forgot and put his finger into it to find out whether it was hot or cold. Malik said, "If no filth has soiled his fingers, I do not consider that that makes the water impure."

Section: Tayammum

Book 2, Number 2.24.91:

Yahya related to me from Malik from Abd arRahman ibn al-Qasim from his father that A'isha umm al-muminin said, "We went out on a journey with the Messenger of Allah, may Allah bless him and grant him peace, and, when we came to Bayda' or Dhat al-Jaysh, a necklace of mine broke. The Messenger of Allah, may Allah bless him and grant him peace, stopped to look for it and the people stopped with him. There was no water nearby and the people were not carrying any with them, so they came to Abu Bakr as-Siddiq and said, 'Don't you see what A'isha has done? She has made the Messenger of Allah, may Allah bless him and grant him peace, and the people stop when there is no water nearby and they are not carrying any with them.' "

A'isha continued, "Abu Bakr came and the Messenger of Allah, may Allah bless him and grant him peace, had fallen asleep with his head on my thigh. Abu Bakr said, 'You have made the Messenger of Allah, may Allah bless him and grant him peace, and the people stop when there is no water nearby and they are not carrying any with them.' "

She continued, "Abu Bakr remonstrated with me and said whatever Allah willed him to say, and began to poke me in the waist. The only thing that stopped me from moving was that the Messenger of Allah, may Allah bless him and grant him peace, had his head on my thigh. The Messenger of Allah, may Allah bless him and grant him peace, slept until morning found him with no water. Allah, the Blessed and Exalted, sent down the ayat of tayammum and so they did tayammum. Usayd ibn Hudayr said, 'This is not the first baraka from you, O family of Abu Bakr.' "

A'isha added, "We roused the camel I had been on and found the necklace under it."

Malik was asked whether a man who did tayammum for one prayer should do tayammum when the time of the next prayer came or whether the first tayammum was enough. He said, "No, he does tayammum for every prayer, because he has to look for water for every prayer. If he looks for it and does not find it then he does tayammum."

Malik was asked whether a man who did tayammum could lead others in prayer if they were in wudu. He said, "I prefer that someone else should lead them. However, I see no harm in it if he does lead them in prayer."

Yahya said that Malik said that a man who did tayammum because he could not find any water, and then stood and said the takbir and entered into the prayer, and then someone came with some water, did not stop his prayer but completed it with tayammum and did wudu for future prayers.

Yahya said that Malik said, "Whoever rises for prayer and does not find water and so does what Allah has ordered him to do of tayammum has obeyed Allah. Someone who does find water is neither purer than him nor more perfect in prayer, because both have been commanded and each does as Allah has commanded. What Allah has commanded as far as wudu is concerned is for the one who finds water, and tayammum is for the one who does not find water before he enters into the prayer."

Malik said that a man who was in a state of major ritual impurity could do tayammum and read his portion of Qur'an and do voluntary prayers as long as he did not find any water. This applied only to circumstances in which it was allowable to pray with tayammum.

Section: How to do Tayammum

Book 2, Number 2.25.92:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar and he were approaching Juruf. When they got to Mirbad, Abdullah got down and did tayammum with some good earth. He wiped his face, and his arms to the elbows, and then prayed.

Book 2, Number 2.25.93:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to do tayammum up to his elbows.

Malik was asked about how tayammum was done and what parts were covered and he said, "Strike the ground once for the face and once for the arms and wipe them to the elbows."

Section: Tayammum of Someone in a State of Major Ritual Impurity

Book 2, Number 2.26.94:

Yahya related to me from Malik from Abd arRahman ibn Harmala that a man asked Said ibn al-Musayyab about what a man who was junub and had done tayammum should do when he came across water. Said said, "When he comes across water he must do ghusl for what comes after."

Malik said about some one who had a wet dream while he was on a journey and there was only enough water for wudu and he was not thirsty and so he did not need to use it for that, "Let him wash his genitals, and whatever the semen has fallen on, with the water and then he does tayammum with good

earth as Allah has ordered him."

Malik was asked whether a man who was junub and wished to do tayammum but could only find salty earth could do tayammum with that earth, and whether it was disapproved of to pray on salty earth. He said, "There is no harm in praying on salty earth or in using it to do tayammum, because Allah the Blessed and Exalted has said, '...and do tayammum with good earth.' One is purified by tayammum with everything that is earth, whether it is salty or otherwise."

Section: What is Permitted a Man from his Wife when She is Menstruating

Book 2, Number 2.27.95:

Yahya related to me from Malik from Zayd ibn Aslam that a man questioned the Messenger of Allah, may Allah bless him and grant him peace, saying, "What is permitted me from my wife when she is menstruating?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Let her wrap her waist-wrapper round herself tightly, and then what is above that is your concern."

Book 2, Number 2.27.96:

Yahya related to me from Malik from Rabia ibn Abd ar-Rahman that on one occasion A'isha, the wife of the Prophet, may Allah bless him and grant him peace, was sleeping with the Messenger of Allah, may Allah bless him and grant him peace, in one garment, when suddenly she jumped up sharply. The Messenger of Allah, may Allah bless him and grant him peace, said to her, "What's the matter with you? Are you losing blood?", meaning menstruating. She said, "Yes." He said, "Wrap your waist-wrapper tightly about you, and return to your sleeping-place."

Book 2, Number 2.27.97:

Yahya related to me from Malik from Nafi that Ubaydullah ibn Abdullah ibn Umar sent a question to A'isha asking her, "May a man fondle his wife when she is menstruating?" She replied, "Let her wrap her waist-wrapper around her lower part and then he may fondle her if he wishes."

Book 2, Number 2.27.98:

Yahya related to me from Malik that he had heard that Salim ibn Abdullah and Sulayman ibn Yasar were asked whether the husband of a menstruating woman could have sexual intercourse with her when she saw that she was pure but before she had had a ghusl. They said, "No, not until she has had a ghusl."

Section: The Purity of a Menstruating Woman

Book 2, Number 2.28.99:

Yahya related to me from Malik from Alqama ibn Abi Alqama that his mother, the mawla of A'isha, umm al-muminin, said, "Women used to send little boxes to A'isha, umm al-muminin, with a piece of cotton cloth in each one on which was yellowness from menstrual blood, asking her about the prayer. She said to them, 'Do not be hasty until you see a white discharge.' By that she meant purity from menses."

Book 2, Number 2.28.100:

Yahya related to me from Malik from Abdullah ibn Abi Bakr from his paternal aunt from the daughter of Zayd ibn Thabit that she had heard that women used to ask for lamps in the middle of the night to check their purity. She would criticise them for this saying, "Women never used to do this," i.e. in the time of the companions.

Book 2, Number 2.28.101:

Malik was asked whether a woman whose period had finished could do tayammum to purify herself if she could not find water and he said, "Yes, because she is like some one in a state of major ritual impurity, who, if he cannot find water, does tayammum."

Section: Menstruation in General

Book 2, Number 2.29.102:

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said that a pregnant woman who noticed bleeding left off from prayer.

Book 2, Number 2.29.103:

Yahya related to me from Malik that he asked Ibn Shihab about a pregnant woman who noticed bleeding. Ibn Shihab replied, "She refrains from prayer."

Yahya said that Malik said, "That is what is done in our community."

Book 2, Number 2.29.104:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "I used to comb the head of the Messenger of Allah, may Allah bless him and grant him peace, while I was menstruating."

Book 2, Number 2.29.105:

Yahya related to me from Malik from Hisham ibn Urwa from his father from Fatima bint al-Mundhir ibn az-Zubayr that Asma bint Abu Bakr as-Siddiq said, "A woman questioned the Messenger of Allah, may Allah bless him and grant him peace, saying, 'If menstrual blood gets onto our clothes how do you think we should deal with it?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'If menstrual blood gets onto your clothes you should wash them, and sprinkle them with water before you pray in them.'"

Section: Bleeding as if Menstruating

Book 2, Number 2.30.106:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the

Prophet, may Allah bless him and grant him peace, said, "Fatima bint Abu Hubaysh said, 'Messenger of Allah, I never become pure - am I permitted to pray?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'That is a vein, not menstruation. So when your period approaches, leave off from the prayer, and when its grip leaves, wash the blood from yourself and pray.' "

Book 2, Number 2.30.107:

Yahya related to me from Malik from Nafi from Sulayman ibn Yasar from Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, that a certain woman in the time of the Messenger of Allah, may Allah bless him and grant him peace, used to bleed profusely, so Umm Salama consulted the Messenger of Allah, may Allah bless him and grant him peace, for her, and he said, "She should calculate the number of nights and days a month that she used to menstruate before it started happening, and she should leave off from prayer for that much of the month. When she has completed that she should do ghusl, bind her private parts with a cloth, and then pray."

Book 2, Number 2.30.108:

Yahya related to me from Malik from Hisham ibn Urwa from his father from Zaynab bint Abu Salama that she saw Zaynab bint Jahsh, the wife of Abd ar-Rahman ibn Awf, and she used to bleed as if menstruating. She would do ghusl and pray.

Book 2, Number 2.30.109:

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman that al-Qaqa ibn Hakim and Zayd ibn Aslam sent him to Said ibn al-Musayyab to ask how a woman who was bleeding as if menstruating should do ghusl. Said said, "She does a ghusl to cover from the end of one period to the end of the next, and does wudu for every prayer, and if bleeding overtakes her she should bind her private parts."

Book 2, Number 2.30.110:

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "A woman who bleeds as if menstruating only has to do one ghusl, and then after that she does wudu for each prayer."

Yahya said that Malik said, "The position with us is that when a woman who bleeds as if menstruating starts to do the prayer again, her husband can have sexual intercourse with her. Similarly, if a woman who has given birth sees blood after she has reached the fullest extent that bleeding normally restrains women, her husband can have sexual intercourse with her and she is in the same position as a woman who bleeds as if menstruating."

Yahya said that Malik said, "The position with us concerning a woman who bleeds as if menstruating is founded on the hadith of Hisham ibn Urwa from his father, and it is what I prefer the most of what I have heard about the matter."

Section: The Urine of an Infant Boy

Book 2, Number 2.31.111:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "An infant boy was brought to the Messenger of Allah, may Allah bless him and grant him peace, and it urinated on him. The Messenger of Allah, may Allah bless him and grant him peace, called for some water and rubbed over the urine with it."

Book 2, Number 2.31.112:

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Umm Qays ibn Mihsan that she brought a baby boy of hers who was not yet eating food to the Messenger of Allah, may Allah bless him and grant him peace, and he sat it in his arms and it urinated on his garment, so the Messenger of Allah, may Allah bless him and grant him peace, called for some water and sprinkled over it but did not wash it.

Section: Urinating Standing and Otherwise

Book 2, Number 2.32.113:

Yahya related to me from Malik that Yahya ibn Said said, "A Bedouin came into the mosque and uncovered his private parts to urinate. The people called out to him and began to raise their voices but the Messenger of Allah, may Allah bless him and grant him peace, said, 'Let him be. So they let him be and he urinated. Then the Messenger of Allah, may Allah bless him and grant him peace, ordered a bucketful of water to be brought and it was poured on the place."

Book 2, Number 2.32.114:

Yahya related to me from Malik that Abdullah ibn Dinar said, "I saw Abdullah ibn Umar urinating while standing."

Yahya said that Malik was asked if any hadith had come down about washing the private parts of urine and faeces and he said, "I have heard that some of those who have passed away used to wash themselves of faeces. I like to wash my private parts of urine."

Section: The Tooth-stick (Siwak)

Book 2, Number 2.33.115:

Yahya related to me from Malik from Ibn Shihab from Ibn as-Sabbaq that the Messenger of Allah, may Allah bless him and grant him peace, said in a jumua, "Muslims! Allah has made this day a festival day (id) so do ghusl, and it will not harm whoever has perfume to apply some of it, and use a tooth-stick ."

Book 2, Number 2.33.116:

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Were it not that I would be overburdening my community I would have ordered them to use a tooth-stick."

Book 2, Number 2.33.117:

Yahya related to me from Malik from Ibn Shihab from Humayd ibn Abdar-Rahman ibn Awf that Abu Hurayra said, "Were it not that he would be overburdening his community he (the Messenger of Allah, may Allah bless him and grant him peace,) would have ordered them to use a tooth-stick with each wudu."

Prayer

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Section: The Call to Prayer

Book 3, Number 3.1.1:

Yahya related to me from Malik that Yahya ibn Said said, "The Messenger of Allah, may Allah bless him and grant him peace, had wanted to take two pieces of wood to strike them together to gather people for the prayer, and Abdullah ibn Zayd al-Ansari, then of the tribe of Harith ibn al-Khazraj, was shown two pieces of wood in his sleep. He said, 'These are close to what the Messenger of Allah, may Allah bless him and grant him peace, wants.' Then it was said, 'Do you not call to the prayer?', so when he woke up he went to the Messenger of Allah, may Allah bless him and grant him peace, and mentioned the dream to him. The Messenger of Allah, may Allah bless him and grant him peace, ordered the adhan."

Book 3, Number 3.1.2:

Yahya related to me from Malik from Ibn Shihab from Ata ibn Yazid al-Laythi from Abu Said al-Khudri that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you hear the adhan, repeat what the muadhhdin says."

Book 3, Number 3.1.3:

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If people knew what was in the adhan and the first row of the prayer and could only draw lots for it, they would draw lots. And if they knew what was in doing dhuhr early, they would race each other to it. And if they knew what was in isha and subh, they would go to them even if they had to crawl."

Book 3, Number 3.1.4:

Yahya related to me from Malik from al-Ala ibn Abd ar-Rahman ibn Yaqub from his father and Ishaq ibn Abdullah that they informed him that they heard Abu Hurayra say, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'When the iqama is called for prayer, do not come to it running, but come with calmness. Pray what you catch and complete what you miss. You are in prayer as long as your aim is the prayer.' "

Book 3, Number 3.1.5:

Yahya related to me from Malik from Abd arRahman ibn Abdullah ibn Abd ar-Rahman ibn Abu Sasaca al-Ansari, and later al-Mazini, that his father told him that Abu Said al-Khudri had said to him, "I see that you love sheep and the desert. When you are among your sheep or in your desert, call the prayer and raise your voice in the adhan, because I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'No jinn or man or anything within range hears the voice of the muadhhdin except that it

bears witness for him on the day of rising.' "

Book 3, Number 3.1.6:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the call to prayer is made Shaytan retreats, passing wind, so that he will not hear the adhan. When the adhan is completed he comes back, until, when the iqama is said, he retreats again. When the iqama is completed, he comes back, until he comes between a man and his self and says, 'Think of such and such, think of such and such,' which he was not thinking about before, until the man does not know how much he has prayed."

Book 3, Number 3.1.7:

Yahya related to me from Malik from Abu Hazim ibn Dinar that Sahl ibn Sad as-Saidi said, "There are two times when the gates of heaven are opened, and few who make supplication have it returned to them unanswered. They are at the time of the adhan, and in a rank of people fighting in the way of Allah."

Malik was asked whether the adhan on the day of jumua was called before the time had come for the prayer and he said, "It is not called until after the sun has passed the meridian."

Malik was asked about doubling the adhan and the iqama, and at what point people had to stand when the iqama for the prayer was called. He said, "I have heard nothing about the adhan and iqama except what I have seen people do. As for the iqama, it is not doubled. That is what the people of knowledge in our region continue to do. As for people standing up when the iqama for the prayer is called, I have not heard of any definite point at which it is begun, and I consider it rather to be according to people's (individual) capacity, for some people are heavy and some are light, and they are not able to be as one man ."

Malik was asked about a gathering of people who wished to do the prescribed prayer calling the iqama and not the adhan, and he said, "It is enough for them. The adhan is only obligatory in mosques where the prayer is said in congregation."

Malik was asked about the muadhhdhin saying "Peace be upon you" to the imam and calling him to the prayer, and he was asked who was the first person to whom such a greeting was made. He replied, "I have not heard that this greeting occurred in the first community."

Yahya said that Malik was asked whether a muadhhdhin who called the people to prayer and then waited to see if anyone would come and no one did, so he said the iqama and did the prayer by himself and then people came after he had finished, should repeat the prayer with them. Malik said, "He does not repeat the prayer, and whoever comes after he has finished should do the prayer by himself."

Yahya said that Malik was asked about a muadhhdhin who called the adhan for a group of people, did voluntary prayers, and then the group of people wanted to do the prayer with some one else saying the iqama. He said, "There is no harm in that. His iqama or somebody else's are the same."

Yahya said that Malik said, "The subh prayer is still called before dawn. As for the other prayers, we believe that they should only be called after the time has started."

Book 3, Number 3.1.8:

Yahya related to me from Malik that he had heard that the muadhhdhin came to Umar ibn al-Khattab to call him to the subh prayer and found him sleeping, so he said, "Prayer is better than sleep," and Umar ordered him to put that in the adhan for subh .

Book 3, Number 3.1.9:

Yahya related to me from Malik from his paternal uncle Abu Suhayl ibn Malik that his uncle's father said, "I recognise nothing nowadays of what I saw the people (i.e. the companions of the Messenger, may Allah bless him and grant him peace) doing except the call to prayer."

Book 3, Number 3.1.10:

Yahya related to me from Malik that Abdullah ibn Umar heard the iqama while he was in Baqi, so he increased his pace of walking to the mosque.

Section: The Adhan During a Journey and Without Wudu

Book 3, Number 3.2.11:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar called the adhan on a cold and windy night and included the phrase, "Do the prayer in shelter." Then he said, "The Messenger of Allah, may Allah bless him and grant him peace, used to order the muadhhdhin to say, 'Do the prayer in shelter' when it was a cold, rainy night "

Book 3, Number 3.2.12:

Yahya related to me from Malik from Nafi that on a journey Abdullah ibn Umar did no more than the iqama, except for subh, when he called both the adhan and the iqama. Abdullah ibn Umar used to say, "The adhan is for an imam whom people join ."

Book 3, Number 3.2.13:

Yahya related to me from Malik from Hisham ibn Urwa that his father said to him, "When you are on a journey you can, if you wish, call the adhan and the iqama, or, if you wish, the iqama and not the adhan."

Yahya said that he heard Malik say, "There is no harm in a man calling the adhan while riding."

Book 3, Number 3.2.14:

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab used to say, "Whoever prays on waterless, desolate land - an angel prays on his right and an angel prays on his left. When he calls both the adhan and the iqama for the prayer, or calls out the iqama, angels like mountains pray behind him."

Section: The Duration of the Meal before Dawn (Sahur) in Relation to the Adhan

Book 3, Number 3.3.15:

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Bilal calls the adhan whilst it is still night so eat and drink until Ibn Umm Maktum calls the adhan."

Section: The Adhan During a Journey and Without Wudu

Book 3, Number 3.4.16:

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, said, "Bilal calls the adhan in the night, so eat and drink until Ibn Umm Maktum calls the adhan." Ibn Umm Maktum was a blind man who did not call the adhan until someone said to him, "The morning has come. The morning has come."

Section: The Opening of the Prayer

Book 3, Number 3.5.17:

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, used to raise his hands to the level of his shoulders when he began the prayer and when he raised his head from the ruku he raised them in the same way, saying, "Allah hears whoever praises him, our Lord and praise belongs to You." He did not raise them in the sujud.

Book 3, Number 3.5.18:

Yahya related to me from Malik from Ibn Shihab that Ali ibn Husayn ibn Ali ibn Abi Talib said, "The Messenger of Allah, may Allah bless him and grant him peace, used to say, 'Allah is greater' whenever he lowered himself and raised himself, and he continued to pray like that until he met Allah."

Book 3, Number 3.5.19:

Yahya related to me from Malik from Yahya ibn Sa'id from Sulayman ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, used to raise his hands in the prayer.

Book 3, Number 3.5.20:

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abdar-Rahman ibn Awf that Abu Hurayra used to lead them in prayer and would say "Allah is greater" whenever he lowered himself and raised himself. When he had finished he would say, "By Allah, I am the person whose prayer most resembles the prayer of the Messenger of Allah, may Allah bless him and grant him peace."

Book 3, Number 3.5.21:

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Abdullah ibn Umar used to say "Allah is greater" in the prayer whenever he lowered himself and raised himself.

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to raise his hands to the level of his shoulders when he began the prayer and when he raised his head from the ruku he would raise them less than that.

Book 3, Number 3.5.22:

Yahya related to me from Malik from Abu Nuaym Wahb ibn Kaysan that Jabir ibn Abdullah used to teach them the takbir in the prayer. Abu Nuaym said, "He used to tell us to say 'Allah is greater' whenever we lowered or raised ourselves."

Book 3, Number 3.5.23:

Yahya related to me from Malik that Ibn Shihab used to say, "When a man catches the raka he says, 'Allah is greater' once, and that takbir is enough for him."

Malik added, "That is if he intended to begin the prayer by that takbir "

Malik was asked about a man who began with the imam but forgot the opening takbir and the takbir of the ruku until he had done one raka. Then he remembered that he had not said the takbir at the opening nor in the ruku, so he said the takbir in the second raka. He said, "I prefer that he start his prayer again, but if he forgets the opening takbir with the imam and says the takbir in the first ruku, I consider that enough for him if he intends by it the opening takbir."

Malik said, about some one who prayed by himself and forgot the opening takbir, "He begins his prayer afresh ."

Malik said, about an imam who forgot the opening takbir until he had finished his prayer, "I think that he should do the prayer again, and those behind him, even if they have said the takbir."

Section: The Recitation of Qur'an in the Maghrib and Isha Prayers

Book 3, Number 3.6.24:

Yahya related to me from Malik from Ibn Shihab from Muhammad ibn Jubayr ibn Mutim that his father said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, recite at-Tur (Sura 52) in the maghrib prayer."

Book 3, Number 3.6.25:

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Abdullah ibn Abbas that Umm al-Fadl bint al-Harith heard him reciting al Mursalat (sura 77) and she said to him, "My son, you have reminded me by reciting this sura that it was what I last heard the Messenger of Allah, may Allah bless him and grant him peace, recite in the maghrib prayer."

Book 3, Number 3.6.26:

26 Yahya related to me from Malik from Abu Ubayd, the mawla of Sulayman ibn Abd alMalik, from Ubada ibn Nusayy from Qays ibn al Harith that Abu Abdullah as-Sunabihi said, "I arrived in Madina in the khalifate of Abu Bakr as-Siddiq, and I prayed maghrib behind him. He recited the umm al Qur'an and

two suras from the shorter ones of the mufassal in the first two rakas. Then he stood up in the third and I drew so near to him that my clothes were almost touching his clothes. I heard him reciting the umm al-Qur'an and this ayat, 'Our Lord, do not make our hearts go astray after You have guided us, and give us mercy from Your presence. Surely You are the Giver. ' " (Sura 3 ayat 8)

Book 3, Number 3.6.27:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to recite in all four rakas as when he prayed alone - in every raka the umm al-Qur'an and another sura from the Qur'an. Sometimes he would recite two or three suras in one raka in the obligatory prayer. Similarly, he recited the umm al-Qur'an and two suras in the first two rakas of maghrib.

Book 3, Number 3.6.28:

Yahya related to me from Malik from Yahya ibn Said from Adi ibn Thabit al-Ansari that al-Barra ibn Azib said, "I prayed isha with the Messenger of Allah, may Allah bless him and grant him peace, and he recited at-Tin (Sura 95) in it."

Section: Behaviour in the Recitation

Book 3, Number 3.7.29:

Yahya related to me from Malik from Nafi from Ibrahim ibn Abdullah ibn Hunayn from his father from Ali ibn Abi Talib that the Messenger of Allah, may Allah bless him and grant him peace, forbade wearing the qassi (an Egyptian garment, striped with silk), wearing gold rings, and reciting the Qur'an in ruku.

Book 3, Number 3.7.30:

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Ibrahim ibn al Harith at-Taymi from Abu Hazim at-Tammar from al Bayadi that the Messenger of Allah, may Allah bless him and grant him peace, came out to the people while they were praying and their voices were raised in the recitation. He said, "When you pray you are talking confidentially to your Lord. So look to what you confide to Him, and do not say the Qur'an out loud so that others hear it."

Book 3, Number 3.7.31:

Yahya related to me from Malik from Humayd at-Tawil that Anas ibn Malik said, "I stood behind Abu Bakr and Umar and Uthman and none of them used to recite 'In the name of Allah, the Merciful, the Compassionate' when they began the prayer."

Book 3, Number 3.7.32:

Yahya related to me from Malik from his paternal uncle Abu Suhayl ibn Malik that his father said, "We heard the recitation of Umar ibn al-Khattab when we were at the home of Abu Jahmin al-Balat." (Al-Balat was a place in Madina between the mosque and the market.)

Book 3, Number 3.7.33:

Yahya related to me from Malik from Nafi that when Abdullah ibn Umar missed anything of the prayer in which the imam recited out loud, he would stand up when the imam had said the taslim and recite what he owed out loud to himself.

Book 3, Number 3.7.34:

Yahya related to me from Malik that Yazid ibn Ruman said, "I used to pray next to Nafi ibn Jubayr ibn Mutim and he would nudge me to prompt him while we were praying."

Section: The Recitation in the Subh Prayer

Book 3, Number 3.8.35:

Yahya related to me from Malik from Hisham ibn Urwa from his father that Abu Bakr as-Siddiq prayed subh and recited surat al-Baqara in the two rak'as.

Book 3, Number 3.8.36:

Yahya related to me from Malik from Hisham ibn Urwa that his father heard Abdullah ibn Amir ibn Rabia say, "We prayed subh behind Umar ibn al-Khattab and he recited sura Yusuf (Sura 12) and surat al-Hajj (Sura 22) slowly." I (Hisham's father) said, "By Allah, then it must have been his habit to get up at the crack of dawn." He said, "Of course."

Book 3, Number 3.8.37:

Yahya related to me from Malik from Yahya ibn Said and Rabia ibn Abi Abd ar-Rahman from al-Qasim ibn Muhammad that al-Furafisa ibn Umayral-Hanafi said, "I only learnt Sura Yusuf (Sura 12) from the recitation of it by Uthman ibn Affan in the subh prayer because of the great number of times he repeated it to us."

Book 3, Number 3.8.38:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to recite the first ten suras of the mufassal in the subh prayer, and on a journey he would recite the ummal-Qur'an and a sura in every raka.

Section: The Umm al-Qur'an

Book 3, Number 3.9.39:

Yahya related to me from Malik from al-Ala ibn Abd ar-Rahman ibn Yaqub that Abu Said, the mawla of Amir ibn Kuraz told him that the Messenger of Allah, may Allah bless him and grant him peace, called to Ubayy ibn Kab while he was praying. When Ubayy had finished his prayer he joined the Messenger of Allah, may Allah bless him and grant him peace, and the Messenger of Allah put his hand upon his hand, and he was intending to leave by the door of the mosque, so the Messenger of Allah, may Allah bless him and grant him peace, said, "I hope that you will not leave the mosque until you know a sura whose like Allah has not sent down in the Tawrah nor in the Injil nor in the Qur'an." Ubayy said, "I began to slow down my pace in the hope of that. Then I said, 'Messenger of Allah, the sura you promised me!' He said, 'What do you recite when you begin the prayer?' I recited the Fatiha (Sura 1) until I came to the

end of it, and the Messenger of Allah, may Allah bless him and grant him peace, said, 'It is this sura, and it is the "seven oft-repeated" and the Great Qur'an which I was given.' "

Book 3, Number 3.9.40:

Yahya related to me from Malik from Abu Nuaym Wahb ibn Kaysan that he heard Jabir ibn Abdullah say, "Someone who prays a raka without reciting the umm al-Qur'an in it has not done the prayer except behind an imam."

Section: Reciting to Oneself behind the Imam when He does not Recite Aloud

Book 3, Number 3.10.41:

Yahya related to me from Malik from al-Ala ibn Abd ar-Rahman ibn Ya'qub that he heard Abu's-Sa'ib, the mawla of Hisham ibn Zuhra, say he had heard Abu Hurayra say, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Whoever prays a prayer without reciting the umm al-Qur'an in it, his prayer is aborted, it is aborted, it is aborted, incomplete.' So I said, 'Abu Hurayra, sometimes I am behind the imam. He pulled my forearm and said, 'Recite it to yourself, O Persian, for I heard the Messenger of Allah, may Allah bless him and grant him peace, say that Allah the Blessed, the Exalted, said, "I have divided the prayer into two halves between me and my slave. One half of it is for Me and one half of it is for My slave, and My slave has what he asks." ' The Messenger of Allah, may Allah bless him and grant him peace, said, "Recite." The slave says, 'Praise be to Allah, the Lord of the Worlds.' Allah the Blessed, the Exalted, says, 'My slave has praised Me.' The slave says, 'The Merciful, the Compassionate.' Allah says, 'My slave has spoken well of Me.' The slave says, 'Master of the Day of the Deen.' Allah says, 'My slave has glorified Me.' The slave says, 'You alone we worship and You alone we ask for help.' Allah says, 'This ayat is between Me and My slave, and for My slave is what he asks.' The slave says, 'Guide us in the straight Path, the Path of those whom You have blessed, not of those with whom You are angry, nor those who are in error.' Allah says, 'These are for My slaves, and for my slave is what he asks.' "

Book 3, Number 3.10.42:

Yahya related to me from Malik from Hisham ibn Urwa that his father used to recite behind the imam when the imam did not recite aloud.

Book 3, Number 3.10.43:

Yahya related to me from Malik from Yahya ibn Said and from Rabia ibn Abi Abd ar Rahman that al-Qasim ibn Muhammad used to recite behind the imam when the imam did not recite aloud.

Book 3, Number 3.10.44:

Yahya related to me from Malik from Yazid ibn Ruman that Nafi ibn Jubayr ibn Mutim used to recite behind the imam when he did not recite aloud .

Malik said, "That is the most preferable to me of what I have heard about the matter."

Section: Not Reciting behind the Imam when He Recites Aloud

Book 3, Number 3.11.45:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar, when asked if anyone should recite behind an imam, said, "When you pray behind an imam then the recitation of the imam is enough for you and when you pray on your own you must recite." Nafi added, "Abdullah ibn 'Umar used not to recite behind the imam."

Yahya said that he heard Malik say, "The position with us is that aman recites behind the imam when the imam does not recite aloud and he refrains from reciting when the imam recites aloud."

Book 3, Number 3.11.46:

Yahya related to me from Malik from Ibn Shihab from Ibn Ukayma al-Laythi from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, finished a prayer in which he had recited aloud and asked, "Did any of you recite with me just now?" One man said, "Yes, I did, Messenger of Allah." The Messenger of Allah, may Allah bless him and grant him peace, said, "I was saying to myself, 'Why am I distracted from the Qur'an?' " When the people heard the Messenger of Allah, may Allah bless him and grant him peace, say that, they refrained from reciting with the Messenger of Allah, may Allah bless him and grant him peace, when he recited aloud.

Section: Saying 'Amin' behind the Imam

Book 3, Number 3.12.47:

Yahya related to me from Malik from Ibn Shihab that Sa'id ibn al-Musayyab and Abu Salama ibn Abd ar-Rahman told him from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the imam says 'Amin', say 'Amin', for the one whose 'Amin' coincides with the 'Amin' of the angels - his previous wrong actions are forgiven him."

Ibn Shihab said, "The Messenger of Allah, may Allah bless him and grant him peace, used to say 'Aameen' (extending it)."

Book 3, Number 3.12.48:

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr, from Abu Salih as Samman, from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the imam has said, 'not of those with whom You are angry nor of those who are in error,' say 'Amin', for the previous wrong actions of the one whose utterance coincides with that of the angels, are forgiven him."

Book 3, Number 3.12.49:

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When one of you says 'Amin' and the angels in the sky say 'Amin' so that one coincides with the other, his previous wrong actions are forgiven him."

Book 3, Number 3.12.50:

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr, from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the

imam says, 'Allah hears whoever praises Him,' say 'O Allah! Our Lord, praise be to You, 'for the previous wrong actions done by the one whose utterance coincides with that of the angels are forgiven.'

Section: Behaviour in the Sitting in the Prayer

Book 3, Number 3.13.51:

Yahya related to me from Malik from Muslim ibn Abi Maryam that Ali ibn Abd ar-Rahman al-Muawi said, "Abdullah ibn Umar saw me playing with some small pebbles in the prayer. When I finished he forbade me, saying, 'Do as the Messenger of Allah, may Allah bless him and grant him peace, did.' I said, 'What did the Messenger of Allah, may Allah bless him and grant him peace, do?' He said, 'When he sat in the prayer, he placed his right hand on his right thigh and he closed his fist and pointed his index finger, and he placed his left hand on his left thigh. That is what he used to do.' "

Book 3, Number 3.13.52:

Yahya related to me from Malik from Abdullah ibn Dinar that he had seen Abdullah ibn Umar with a man praying at his side. When the man sat in the fourth raka, he put both feet to one side and crossed them. When Abdullah finished, he disapproved of that to him, and the man protested, "But you do the same." Abdullah ibn Umar said, "I am ill."

Book 3, Number 3.13.53:

Yahya related to me from Malik from Sadaqa ibn Yasar that al-Mughira ibn Hakim saw Abdullah ibn Umar sit back from the two sajdahs of the prayer onto the top of his feet. When he had finished, al-Mughira mentioned it to him, and Abdullah ibn Umar explained, "It is not a sunna of the prayer. I do it because I am ill."

Book 3, Number 3.13.54:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that Abdullah ibn Umar told him that he used to see Abdullah ibn Umar cross his legs in the sitting position of the prayer. He said, "So I did the same, and I was young at the time. Abdullah ibn Umar forbade me and said, 'The sunna of the prayer is that you keep your right foot vertical and lay your left foot down.' I said to him, 'But you do the same (as I did).' He said, 'My feet do not support me.' "

Book 3, Number 3.13.55:

Yahya related to me from Malik from Yahya ibn Said that al-Qasim ibn Muhammad showed them how to sit in the tashahhud, and he kept his right foot vertical and laid his left foot down, and sat on his left haunch not on his foot. Then he said, "Abdullah ibn Umar saw me doing this and related to me that his father used to do the same thing."

Section: Tashahhud in the Prayer

Book 3, Number 3.14.56:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr from Abd ar-Rahman ibn Abd al-Qari that he heard Umar ibn al-Khattab say, while he was teaching people the tashahhud from the

mimbar, "Say, Greetings belong to Allah. Pure actions belong to Allah. Good words and prayers belong to Allah. Peace on you, Prophet, and the mercy of Allah and His blessings. Peace be upon us and on the slaves of Allah who are salihun. I testify that there is no god except Allah. And I testify that Muhammad is His slave and His messenger."

'At-tahiyatu lillah, az-zakiyatu lillah, at-tayibatu wa's-salawatu lillah. As-salamu alayka ayyuha'n-nabiyyu wa rahmatu'llahi wa barakatuhu. As-salamu alayna wa ala ibadi'llahi s-salihin. Ash-hadu an la ilaha illa 'llah wa ash-hadu anna Muhammadan abduhu wa rasuluh."

Book 3, Number 3.14.57:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say the tashahhud saying, "In the name of Allah. Greetings belong to Allah. Prayers belong to Allah. Pure actions belong to Allah. Peace be on the Prophet and the mercy of Allah and His blessings. Peace be on us and on the slaves of Allah who are salihun. I testify that there is no god except Allah. I testify that Muhammad is the Messenger of Allah."

"Bismillah, at-tahiyatu lillah, as-salawatu lillah, az-zakiyatu lillah. As-salamu ala'n-nabiyyi wa rahmatullahi wa barakatuhu. As-salamu alayna wa ala ibadi'llahi's-salihin. Shahidtu an la ilaha illallah. Shahidtu anna Muhammadu'r-rasulu'llah."

He used to say this after the first two rakas and he would make supplication with whatever seemed fit to him when the tashahhud was completed. When he sat at the end of the prayer, he did the tashahhud in a similar manner, except that after the tashahhud he made supplication with whatever seemed fit to him. When he had completed the tashahhud and intended to say the taslim, he said, "Peace be on the Prophet and His mercy and blessings. Peace be upon us and on the slaves of Allah who are salihun."

"As-salamu ala'n-nabiyyi wa rahmatu'llahi wa barakatuhu. As-salamu alayna wa ala ibadi'llahi'ssalihin ."

He then said, "Peace be upon you" to his right, and would return the greeting to the imam, and if anyone said "Peace be upon you" from his left he would return the greeting to him.

Book 3, Number 3.14.58:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to say in the tashahhud, "Greetings, good words, prayers, pure actions belong to Allah. I testify that there is no god except Allah, alone without partner, and that Muhammad is His slave and His Messenger. Peace be on you, Prophet, and the mercy of Allah and His blessings. Peace be on us and on the slaves of Allah who are salihun. Peace be upon you."

"At-tahiyatu, at-tayibatu, as-salawatu, az-zakiyatu lillah. Ash-hadu an la ilaha illa'llah, wahdahu la sharika lah wa anna Muhammadan abduhu wa rasuluhu. As-salamu alayka ayyuha-n-nabiyyu wa rahmatu'llahi wa barakatuhu. As-salamu alayna wa ala ibadi'llahi's-salihin. As-salamu alaykum."

Book 3, Number 3.14.59:

Yahya related to me from Malik from Yahya ibn Said al-Ansari that al-Qasim ibn Muhammad ibn Muhammad told him that A'isha, the wife of the prophet, may Allah bless him and grant him peace, used to say in the tashahhud, "Greetings, good words, prayers, pure actions belong to Allah. I testify that there is no god except Allah, alone without partner, and I testify that Muhammad is the slave of Allah and His Messenger. Peace be upon you, Prophet, and the mercy of Allah and His blessings. Peace be upon us and on the slaves of Allah who are salihun . Peace be upon you . "

"At-tahiyatu, at-tayibatu, as-salawatu, az-zakiyatu lillah. Ash-hadu an la ilaha illa'llah, wahdahu la sharika llah wa ash-hadu anna Muhammadan abduhu wa rasuluhu. As-salamu alayka ayyuha-n-nabiyyu wa rahmatu'llahi wa barakatuhu. As-salamu alayna wa ala ibadi'llahi's-salihin. As-salamu alaykum."

Book 3, Number 3.14.60:

Yahya related to me from Malik that he asked Ibn Shihab and Nafi, the mawla of Ibn Umar, whether a man who joined an imam who had already done a raka should say the tashahhud with the imam in the second and fourth rakas, even though these were odd for him? They said, "He should say tashahhud with him."

Malik said, "That is the position with us."

Section: What to Do If One Raises One's Head Before the Imam

Book 3, Number 3.15.61:

Yahya related to me from Malik from Muhammad ibn Amr ibn Alqama from Malik ibn Abdullah as-Sadi that Abu Hurayra said, "The one who raises his head and lowers it before the imam - his forelock is in the hand of a shaytan."

Malik said, concerning someone who forgot and raised his head before the imam in ruku or sujud, "The sunna of that is to return to bowing or prostrating and not to wait for the imam to come up. What he has done is a mistake, because the Messenger of Allah, may Allah bless him and grant him peace, said, 'The imam is appointed to be followed as a leader, so do not oppose him.' Abu Hurayra said, 'The one who raises his head and lowers it before the imam - his forelock is in the hand of a shaytan.' "

Section: What to Do if through Forgetfulness One Says the Taslim after Two Rakas

Book 3, Number 3.16.62:

Yahya related to me from Malik from Ayyub ibn Abi Tamima as-Sakhtayani from Muhammad ibn Sirin from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, finished the prayer after two rakas and Dhu'l-Yadayn said to him, "Has the prayer been shortened or have you forgotten, Messenger of Allah?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Has Dhu'l-Yadayn spoken the truth?" The people said, "Yes," and the Messenger of Allah, may Allah bless him and grant him peace, stood and prayed the other two rakas and then said, "Peace be upon you." Then he said, "Allah is greater" and went into a sadja as long as his usual prostrations or longer. Then he came up and said, "Allah is greater" and went into a sajda as long as his usual prostrations or longer and then came up.

Book 3, Number 3.16.63:

Yahya related to me from Malik from Da'ud ibn al-Husayn that Abu Sufyan, the mawla of Ibn Abi Ahmad, said that he heard Abu Hurayra say, "The Messenger of Allah, may Allah bless him and grant him peace, prayed asr and said the taslim after two rakas. Dhu'l-Yadayn stood up and said, 'Has the prayer been shortened, Messenger of Allah, or have you forgotten?' The Messenger of Allah, may Allah bless him and grant him peace, stood up and completed what remained of the prayer, and then, remaining sitting after saying the taslim, he made two prostrations."

Book 3, Number 3.16.64:

Yahya related to me from Malik from Ibn Shihab that Abu Bakr ibn Sulayman ibn Abi Hathma said, "I have heard that the Messenger of Allah, may Allah bless him and grant him peace, prayed two rakas of one of the two day-ti me prayers, dhuhr or asr, and said the taslim after two rakas. Dhu'sh-Shamalayn said to him, 'Has the prayer been shortened, Messenger of Allah, or have you forgotten?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'The prayer has not been shortened and I have not forgotten.' Dhu'shShamalayn said, 'It was certainly one of those, Messenger of Allah.' The Messenger of Allah, may Allah bless him and grant him peace, approached the people and said, 'Has Dh u'sh-Shamalayn spoken the truth?' They said, 'Yes, Messenger of Allah,' and the Messenger of Allah, may Allah bless him and grant him peace, completed what remained of the prayer, and then said, 'Peace be upon you.' "

Book 3, Number 3.16.65:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab, and from Abu Salama ibn Abd ar-Rahman, the same as that.

Malik said, "Every forgetfulness which decreases from the prayer, prostrations for it come before the greeting, and every forgetfulness which is an addition to the prayer, prostrations for it come after the greeting."

Section: Completing what is Recalled When Uncertain how much has been Prayed

Book 3, Number 3.17.66:

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "If you are uncertain in the prayer and do not know whether you have prayed three or four rakas, then pray a raka and make two prostrations from the sitting position before the taslim. If the raka that you prayed was the fifth, then you make it even by these two sajdas, and if it was the fourth, then the two prostrations spite Shaytan."

Book 3, Number 3.17.67:

Yahya related to me from Malik from Umar ibn Muhammad ibn Zayd from Salim ibn Abdullah that Abdullah ibn Umar used to say, "If you are uncertain in the prayer, estimate what you think you have forgotten of the prayer and repeat it, then do the two sajdas of forgetfulness from the sitting position."

Book 3, Number 3.17.68:

Yahya related to me from Malik from Afif ibn Amr as-Sahmi that Ata ibn Yasar said, "I asked Abdullah ibn Amr ibn al-As and Kab al Ahbar about someone who was uncertain in his prayer, and did not know whether he had prayed three or four rakas. Both of them said, 'He should pray another raka and then do two sajdas from the sitting position.' "

Book 3, Number 3.17.69:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar, when questioned about forgetfulness in the prayer, said, "If you think that you have forgotten part of the prayer, then pray it."

Section: What to Do if One Stands After the

Completion of the Prayer or After Two Rakas

Book 3, Number 3.18.70:

Yahya related to me from Malik from Ibn Shihab from al-Araj that Abdullah ibn Buhayna said, "The Messenger of Allah, may Allah bless him and grant him peace, prayed two rakas with us and then stood without sitting and the people stood with him. When he had finished the prayer and we had seen him say the taslim, he said 'Allah is greater' and did two sajdahs from the sitting position and then said the taslim again."

Book 3, Number 3.18.71:

Yahya related to me from Malik from Yahya ibn Said from Abd ar-Rahman ibn Hurmuz that Abdullah ibn Buhayna said, "The Messenger of Allah, may Allah bless him and grant him peace, prayed dhuhr with us and he stood straight up after two rakas without sitting. When he had finished the prayer, he did two sajdahs and then said the taslim after that."

Malik said, concerning someone who forgot in his prayer and stood up after he had completed four rakas and recited and then went into ruku and then, when he raised his head from ruku, remembered that he had already completed (his prayer), "He returns to a sitting position and does not do any sajdah. If he has already done one sajdah I do not think he should do the other. Then when his prayer is finished he does two sajdahs from the sitting position after saying the taslim."

Section: Looking in the Prayer at What Distracts You from It

Book 3, Number 3.19.72:

Yahya related to me from Malik from Alqama ibn Abi Alqama from his mother that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Abu Jahm ibn Hudhayfa gave the Messenger of Allah, may Allah bless him and grant him peace, a fine striped garment from Syria and he did the prayer in it. When he had finished he said, 'Give this garment back to Abu Jahm. I looked at its stripes in the prayer and they almost distracted me.'"

Book 3, Number 3.19.73:

Malik related to me from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, wore a fine striped garment from Syria, and then gave it to Abu Jahm and took a plain, rough, garment in return. Abu Jahm asked, "Messenger of Allah! Why?" He said, "I looked at its stripes in the prayer."

Book 3, Number 3.19.74:

Malik related to me from Abdullah ibn Abi Bakr that Abu Talha al-Ansari was praying in his garden when a wild pigeon flew in and began to fly to and fro trying to find a way out. The sight was pleasing to him and he let his eyes follow the bird for a time and then he went back to his prayer but could not remember how much he had prayed. He said, "A trial has befallen me in this property of mine." So he came to the Messenger of Allah, may Allah bless him and grant him peace, and mentioned the trial that had happened to him in his garden and said, "Messenger of Allah, it is a sadaqa for Allah, so dispose of it wherever you wish."

Yahya related to me from Malik from Abdullah ibn Abi Bakr that a man from the Ansar was praying in a garden of his in Quff, one of the valleys of Madina, during the date season and the palms' branches were weighed down with fruit on all sides. He looked at them and what he saw of their fruits amazed him. Then he went back to his prayer and he did not know how much he had prayed. He said, "A trial has befallen me in this property of mine." So he went to Uthman ibn Affan, who was the khalifa at the time, and mentioned it to him and said, "It is sadaqa, so give it away in the paths of good." Uthman ibn Affan sold it for fifty thousand and so that property became known as the Fifty.

Forgetfulness in Prayer

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: What to Do if One Forgets in Prayer

Book 4, Number 4.1.1:

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abdar-Rahman ibn Awf from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you stand in prayer, Shaytan comes to you and confuses you until you do not know how much you have prayed. If you find that happening do two sajdahs from the sitting position."

Book 4, Number 4.1.2:

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "I forget or I am made to forget so that I may establish the sunna."

Book 4, Number 4.1.3:

Yahya related to me from Malik that he had heard that a man questioned al-Qasim ibn Muhammad saying, "My imagination works in the prayer, and it happens to me a lot." Al-Qasim ibn Muhammad said, "Go on with your prayer, for it will not go away from you until you go away saying, 'I have not completed my prayer.' "

Jumu'a

Courtesy of ISL Software, makers of the **WinAlim Islamic database**.

Section: Doing Ghusl on the Day of Jumua

Book 5, Number 5.1.1:

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, from Abu Salih as-Sammani from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If someone does ghusl for major ritual impurity on the day of jumua and then goes in the first part of the time, it is as if he had offered up a camel. If he goes in the second part of the time, it is as if he had offered up a cow. If he goes in the third part of the time, it is as if he had offered up a horned ram. If he goes in the fourth part of the time, it is as if he had offered up a hen. If he goes in the fifth part of the time, it is as if he had offered up an egg. And when the imam comes out, the angels settle down listening to the dhikr (remembrance of Allah)."

Book 5, Number 5.1.2:

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi that Abu Hurayra used to say, "Doing ghusl as prescribed for major ritual impurity is incumbent (wajib) on the day of jumua on every male who has reached puberty."

Book 5, Number 5.1.3:

Yahya related to me from Malik from Ibn Shihab that Salim ibn Abdullah said, "One of the companions of the Messenger of Allah, may Allah bless him and grant him peace, came into the mosque on the day of jumua and Umar ibn al-Khattab was already giving the khutba. Umar said, 'What (kind of) time is this (to arrive)?' He said, Amir al-muminin, I returned from the market and heard the call to prayer, so I did no more than do wudu.' Umar said, 'You only did wudu as well? You know that the Messenger of Allah, may Allah bless him and grant him peace, used to tell people to do ghusl.' "

Book 5, Number 5.1.4:

Yahya related to me from Malik from Safwan ibn Sulaym from Ata ibn Yasar from Abu Said al-Khudri that the Messenger of Allah, may Allah bless him and grant him peace, said, "Ghusl on the day of jumua is incumbent on every male who has reached puberty."

Book 5, Number 5.1.5:

Yahya related to me from Malik from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you come to jumua, do ghusl."

Malik said, "It is not enough for someone to do a ghusl on the day of jumua and intend by it the ghusl for

jumua unless he does the ghusl and then sets off. That is because the Messenger of Allah, may Allah bless him and grant him peace, said in the hadith related by Ibn Umar, 'When you come to jumua, do ghusl.'

Malik said, "If someone does ghusl on the day of jumua and intends by it the ghusl of the day of jumua and then sets out, whether early or late, and does something which breaks his wudu, he only has to do wudu and his ghusl remains valid for him."

Section: Paying Attention when the Imam is Giving the Khutba on the Day of Jumua

Book 5, Number 5.2.6:

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Even saying to your companion 'Listen' while the imam is giving the khutba on the day of jumua, is to speak foolishly."

Book 5, Number 5.2.7:

Yahya related to me from Malik from Ibn Shihab that Thalaba ibn Abi Malik al Quradhi informed him that in the time of Umar ibn al Khattab they used to pray on the day of jumua until Umar came out, and when Umar came out and sat on the mimbar and the muadhhdhins called the adhan, they would sit and talk, and then when the muadhhdhins were silent and Umar stood to give the khutba, they would pay attention and no-one would speak .

Ibn Shihab said, "The imam coming out stops prayer and his speaking stops conversation."

Book 5, Number 5.2.8:

Yahya related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Ubaydullah, from Malik ibn Abi Amir that Uthman ibn Affan used to say in khutbas, and he would seldom omit it if he was giving the khutba, "When the imam stands delivering the khutba on the day of jumua, listen and pay attention, for there is the same portion for someone who pays attention but cannot hear as for someone who pays attention and hears. And when the iqama of the prayer is called, straighten your rows and make your shoulders adjacent to each other, because the straightening of the rows is part of the completion of the prayer." Then he would not say the takbir until some men who had been entrusted with straightening the rows came and told him that they were straight. Then he would say the takbir.

Book 5, Number 5.2.9:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar saw two men talking while the imam was giving the khutba on the day of jumua and he threw pebbles at them to tell them to be quiet.

Book 5, Number 5.2.10:

Yahya related to me from Malik that he had heard that a man sneezed on the day of jumua while the imam was giving the khutba, and a man by his side asked Allah to bless him. Said ibn al Musayyab was asked about it and he forbade the man to do what he had done and said, "Don't do it again."

Book 5, Number 5.2.11:

Yahya related to me from Malik that he asked Ibn Shihab about talking in the jumua after the imam had come down from the mimbar but before he had said the takbir. Ibn Shihab said, "There is no harm in that."

Section: Concerning Someone Who Catches a Raka of the Jumua Prayer

Book 5, Number 5.3.12:

Yahya related to me from Malik that Ibn Shihab used to say, "Some one who catches a raka of the jumua prayer should pray another one with it." Ibn Shihab said, "That is the sunna."

Malik said, "I saw the people of knowledge in our city doing that. That is because the Messenger of Allah, may Allah bless him and grant him peace, said, 'Whoever catches a raka of the prayer has caught the prayer.' "

Malik said, concerning some one who was in a crowd on the day of jumua and did the ruku but was not able to go into sajda until the imam had risen or finished his prayer, "If he is able to do the sajda and has already done the ruku then he should do the sajda when th>

Transfer interrupted!

do the sajda until after the imam has finished the prayer, then I prefer that he begins the prayer again and does the four rakas of dhuhr."

Section: Nose Bleeds on the Day of Jumua

Book 5, Number 5.4.13:

Malik said, "Someone who has a nosebleed on the day of jumua while the imam is giving the khutba and he leaves and does not come back until the imam has finished the prayer, should pray four rakas."

Malik said that someone who prayed a raka with the imam on the day of jumua, then had a nosebleed and left and came back and the imam had prayed both rakas, should complete the prayer with another raka as long as he had not spoken.

Malik said, "If some one has a nosebleed, or something happens to him and he has no alternative but to leave, he does not have to ask permission of the imam if he wants to leave on the day of jumua."

Section: Making Haste on the Day of Jumua

Book 5, Number 5.5.14:

Yahya related to me from Malik that he had asked Ibn Shihab about the word of Allah, the Majestic, the Mighty, "O you who accept, when the call is made for the prayer on the day of jumua, make haste to the remembrance of Allah." (Sura 62 ayat 9). Ibn Shihab said, "Umar ibn al-Khattab used to recite, 'When the call is made for the prayer on the day of jumua, go to the remembrance of Allah.' "

Malik said, "Making haste in the Book of Allah is only deed and action. Allah the Blessed, the Exalted, says 'and when he turns away, he acts in the land' (Sura 2 ayat 205), and He, the Exalted, said, 'and as for the one who comes to you acting with fear' (Sura 80 ayat 8), and He said, 'then he turned his back, and acted' (Sura 79 ayat 22), and He said, 'Your deeds are diverse' " (Sura 92 ayat 4). Malik said, "Thus making haste which Allah mentions in His Book is not running on the feet or exertion. It only means deed and actions."

Section: The Imam's Stopping Off in a Town on the Day of Jumua

Book 5, Number 5.6.15:

Malik said, "If the imam stops off on a journey in a town where jumua is obligatory and he gives a khutba and takes the jumua prayer for them, then the people of the town and any other people present do the jumua prayer with him."

Malik said, "If the imam gathers people for prayer while he is travelling in a town where the jumua prayer is not obligatory, then there is no jumua for him, nor for the people of the town, nor for anyone else who joins them for the prayer in congregation, and the people of the town and anyone else who is not travelling should complete the prayer."

Malik added, "A traveller does not have to do jumua "

Section: The Special Time in the Day of Jumua

Book 5, Number 5.7.16:

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, mentioned the day of jumua and said, "There is a time in it when Allah gives to a muslim slave standing in prayer whatever he asks for," and the Messenger of Allah, may Allah bless him and grant him peace, indicated with his hand how small it was.

Book 5, Number 5.7.17:

Yahya related to me from Malik from Yazid ibn Abdullah ibn al-Had from Muhammad ibn Ibrahim ibn al-Harith at-Taymi from Abu Salama ibn Abd ar-Rahman ibn Awf that Abu Hurayra said, "I went out to at-Tur (Mount Sinai) and met Kab al Ahbar and sat with him. He related to me things from the Tawrah and I related to him things from the Messenger of Allah, may Allah bless him and grant him peace. Among the things I related to him was that the Messenger of Allah, may Allah bless him and grant him peace, said, 'The best of days on which the sun rises is the day of jumua. In it Adam was created, and in it he fell from the Garden. In it he was forgiven, and in it he died. In it the Hour occurs, and every moving thing listens from morning till sunset in apprehension of the Hour except jinn and men. In it is a time when Allah gives to a muslim slave standing in prayer whatever he asks for.' Kab said, 'That is one day in every year.' I said, 'No, in every jumua.' Then Kab recited the Tawrah and said, 'The Messenger of Allah has spoken the truth.' "

Abu Hurayra continued, "I met Basra ibn Abi Basra al-Ghiffari and he said, 'Where have you come from?' I said, 'From at-Tur.' He said, 'If I had seen you before you left, you would not have gone. I heard the Messenger of Allah, may Allah bless him and grant him peace, say, "Only make a special journey to three mosques: the mosque of the Haram (Makka), this mosque (Madina), and the mosque of Ilya or the

Bait al-Maqdis (two names of Jerusalem)." " (He was not sure which expression was used.)

Abu Hurayra continued, "Then I met Abdullah ibn Salam and I told him that I had sat with Kabal-Ahbar, and I mentioned what I had related to him about the day of jumua, and told him that Kab had said, 'That is one day in every year.' Abdullah ibn Salam said, 'Kab lied,' and I added, 'Kab then recited the Tawrah and said, 'No, it is in every jumua.'" ' Abdullah ibn Salam said, 'Kab spoke the truth. 'Then Abdullah ibn Salam said, 'I know what time that is.' "

Abu Hurayra continued, "I said to him, 'Let me know it - don't keep it from me.' Abdullah ibn Salam said, 'It is the last period of time in the day of jumua.' "

Abu Hurayra continued, "I said, 'How can it be the last period of time in the day of jumua, when the Messenger of Allah, may Allah bless him and grant him peace, said, "a muslim slave standing in prayer", and that is a time when there is no prayer?' Abdullah ibn Salam replied, 'Didn't the Messenger of Allah, may Allah bless him and grant him peace, say, "Whoever sits waiting for the prayer is in prayer until he prays?" "' "

Abu Hurayra added, "I said, 'Of course.' He said, 'Then it is that.' "

Section: Good Appearance and Not Stepping Over People and Facing the Imam on the Day of Jumua

Book 5, Number 5.8.18:

Yahya related to me from Malik from Yahya ibn Said that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is nothing wrong in wearing two garments which are not work-clothes for jumua."

Book 5, Number 5.8.19:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would never go to jumua without wearing oil and perfume except when it was forbidden (i.e. when he was muhrim).

Book 5, Number 5.8.20:

Yahya related to me from Malik from Nafi from Abdullah ibn Abi Bakr ibn Hazm from whoever related it to him that Abu Hurayra used to say, "It is better for a man to pray on the surface of al Harra (a rocky area in Madina) than for him to wait until the imam stands to give the khutba and then come and step over people's necks."

Malik said, "The sunna with us is that the people face the imam on the day of jumua when he intends to give the khutba, whether they are near the qibla or elsewhere."

Section: The Recitation in the Jumua Prayer, the Sitting, and Missing the Prayer Without a Reason

Book 5, Number 5.9.21:

Yahya related to me from Malik from Damra ibn Said al-Mazini from Ubaydullah ibn Abdullah ibn Utba

ibn Masud that ad-Dahhak ibn Qays asked an-Numan ibn Bashir, "What did the Messenger of Allah, may Allah bless him and grant him peace, use to recite on the day of jumua after suratal-Jumua (Sura 62)?" He said, "He used to recite al-Ghashiya (Sura 88)."

Book 5, Number 5.9.22:

Yahya related to me from Malik that Safwan ibn Sulaym said, "If anyone omits jumua three times without reason or illness, Allah will set a seal on his heart." (Malik said, "I don't know if it was from the Messenger of Allah, may Allah bless him and grant him peace, or not.")

Book 5, Number 5.9.23:

Yahya related to me from Malik from Jafar ibn Muhammad from his father that the Messenger of Allah, may Allah bless him and grant him peace, gave two khutbas on the day of jumua and sat down between them.

Prayer in Ramadan

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Stimulation of the Desire for Prayer in Ramadan

Book 6, Number 6.1.1:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, prayed in the mosque one night and people prayed behind him. Then he prayed the next night and there were more people. Then they gathered on the third or fourth night and the Messenger of Allah, may Allah bless him and grant him peace, did not come out to them. In the morning, he said, "I saw what you were doing and the only thing that prevented me from coming out to you was that I feared that it would become obligatory (fard) for you." This happened in Ramadan.

Book 6, Number 6.1.2:

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abd ar-Rahman ibn Awf from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, used to exhort people to watch the night in prayer in Ramadan but never ordered it definitely. He used to say, "Whoever watches the night in prayer in Ramadan with trust and expectancy, will be forgiven all his previous wrong actions."

Ibn Shihab said, "The Messenger of Allah, may Allah bless him and grant him peace, died while that was still the custom, and it continued to be the custom in the khalifate of Abu Bakr and at the beginning of the khalifate of Umar ibn al-Khattab."

Section: Watching the Night in Prayer

Book 6, Number 6.2.3:

Malik related to me from Ibn Shihab from Urwa ibn az-Zubayr that Abd ar-Rahman ibn Abd al-Qari said, "I went out with Umar ibn al-Khattab in Ramadan to the mosque and the people there were spread out in groups. Some men were praying by themselves, whilst others were praying in small groups. Umar said, 'By Allah! It would be better in my opinion if these people gathered behind one reciter.' So he gathered them behind Ubayy ibn Kab. Then I went out with him another night and the people were praying behind their Qur'an reciter. Umar said, 'How excellent this new way is, but what you miss while you are asleep is better than what you watch in prayer.' He meant the end of the night, and people used to watch the beginning of the night in prayer."

Book 6, Number 6.2.4:

Yahya related to me from Malik from Muhammad ibn Yusuf that as-Sa'ib ibn Yazid said, "Umar ibn al-Khattab ordered Ubayy ibn Kab and Tamim ad-Dari to watch the night in prayer with the people for eleven rakas. The reciter of the Qur'an would recite the Mi'in (a group of medium-sized suras) until we would be leaning on our staffs from having stood so long in prayer. And we would not leave until the approach of dawn."

Book 6, Number 6.2.5:

Yahya related to me from Malik that Yazid ibn Ruman said, "The people used to watch the night in prayer during Ramadan for twenty-three rakas in the time of Umar ibn al-Khattab."

Book 6, Number 6.2.6:

Yahya related to me from Malik from Da'ud ibn al-Husayn that he heard al-Araj say, "I never saw the people in Ramadan, but that they were cursing the disbelievers." He added, "The reciter of Qur'an used to recite surat al-Baqara in eight rakas and if he did it in twelve rakas the people would think that he had made it easy."

Book 6, Number 6.2.7:

Yahya related to me from Malik that Abdullah ibn Abi Bakr said, "I heard my father say, 'We finished praying in Ramadan and the servants hurried with the food, fearing the approach of dawn.'"

Book 6, Number 6.2.8:

Yahya related to me from Malik from Hisham ibn Urwa from his father that Dhakwan Abu Amr (a slave belonging to A'isha, the wife of the Prophet, may Allah bless him and grant him peace, who was freed by her after her death) used to stand in prayer and recite for her in Ramadan.

Tahajjud

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Concerning Prayer in the Night

Book 7, Number 7.1.1:

Yahya related to me from Malik from Muhammad ibn al-Munkadir from Said ibn al-Jubayr that a man who has approval (as a relater of hadith), told him that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "If a man prays in the night and sleep overcomes him during it, Allah writes for him the reward of his prayer, and his sleep is sadaqa for him."

Book 7, Number 7.1.2:

Yahya related to me from Malik from Abu'nNadr, the mawla of Umar ibn 'Ubaydullah, from Abu Salama ibn Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "I was sleeping in front of the Messenger of Allah, may Allah bless him and grant him peace, and my feet were in his qibla. When he prostrated, he nudged me and I pulled up my feet, and when he stood up I spread them out." She added, "There were no lamps in the house at that time."

Book 7, Number 7.1.3:

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, said, "If you are drowsy in prayer, sleep until sleep leaves you, because if you pray while you are drowsy, you do not know whether you may intend to ask for forgiveness but (in fact) ask for harm."

Book 7, Number 7.1.5a:

Yahya related to me from Malik from Ismail from Ibn Abi Hakim that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, heard a woman praying at night. He said, "Who is that?" and someone said to him, "It is al-Hawla bint Tuwayt, she does not sleep in the night." The Messenger of Allah, may Allah bless him and grant him peace, disapproved of that and his disapproval showed in his face. Then he said, "Allah, the Blessed and Exalted, does not become weary, but you become weary. Take on whatever is within your capability."

Book 7, Number 7.1.5b:

Yahya related to me from Malik from Zayd ibn Aslam from his father that Umar ibn al-Khattab used to pray as much as Allah willed in the night until at the end of the night he would wake his family for the prayer. He used to say to them, "The prayer, the prayer." Then he would recite the ayat, "Enjoin prayer on your family and be constant in it. We do not ask you for your provision. We provide for you. And the end result is for taqwa." (Sura 20 ayat 132)

Book 7, Number 7.1.6:

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab used to say, "Sleep is disapproved of before isha and conversation after it."

Book 7, Number 7.1.7:

Yahya related to me from Malik that he had heard that Abdullah ibn Umar used to say, "(Voluntary) prayer in both the day and night is two at a time with a taslim after every raka."

Malik said, "That is the custom among us. "

Section: How the Prophet, may Allah bless him and grant him peace, Prayed the Witr

Book 7, Number 7.2.8:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, used to pray eleven rakas in the night, making them odd by a single one, and when he had finished he lay down on his right side.

Book 7, Number 7.2.9:

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi from Abu Salama ibn Abd ar-Rahman ibn Awf that he asked A'isha, the wife of the Prophet, may Allah bless him and grant him peace, what the prayer of the Messenger of Allah, may Allah bless him and grant him peace, was like during Ramadan. She said, "The Messenger of Allah, may Allah bless him and grant him peace, did not go above eleven rakas in Ramadan or at any other time. He prayed four - do not ask me about their beauty or length. Then he prayed another four - do not ask me about their beauty and length. Then he prayed three."

A'isha continued, "I said, 'Messenger of Allah, are you sleeping before you do the witr?' He said, A'isha, my eyes sleep but my heart does not sleep.' "

Book 7, Number 7.2.10:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, umm al-muminin said, "The Messenger of Allah, may Allah bless him and grant him peace, used to pray thirteen rakas in the night and then would pray two rakas when he heard the adhan for the subh prayer."

Book 7, Number 7.2.11:

Yahya related to me from Malik from Makhrama ibn Sulayman from Kurayb, the mawla of Ibn Abbas, that Abdullah ibn Abbas told him that he had spent a night at the house of Maimuna, the wife of the Prophet, may Allah bless him and grant him peace, who was also Ibn Abbas' mother's sister. Ibn Abbas said, "I lay down with my head on the breadth of the cushion, and the Messenger of Allah, may Allah bless him and grant him peace, and his wife lay down with their heads on its length. The Messenger of

Allah, may Allah bless him and grant him peace, slept, until, halfway through the night or a little before or after it, he awoke and sat up and wiped the sleep away from his face with his hand. Then he recited the last ten ayats of sura Ali Imran (Sura3). Then he got up and went over to a water-skin which was hanging up and did wudu from it, doing his wudu thoroughly, and then he stood in prayer."

Ibn Abbas continued, "I stood up and did the same and then went and stood by his side. The Messenger of Allah, may Allah bless him and grant him peace, put his right hand on my head and took my right ear and tweaked it. He prayed two rakas, then two rakas, then two rakas, then two rakas, then two rakas, then two rakas, and then prayed an odd raka. Then he lay down until the muadhhdhin came to him, and then prayed two quick rakas, and went out and prayed subh ."

Book 7, Number 7.2.12:

Yahya related to me from Malik from Abdullah ibn Abi Bakr from his father that Abdullah ibn Qays ibn Makhrama told him that Zayd ibn Khalid al-Juhani said one night that he was going to observe the prayer of the Messenger of Allah, may Allah bless him and grant him peace. He said, "I rested my head on his threshold. The Messenger of Allah, may Allah bless him and grant him peace, got up and prayed two long, long, long rakas. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed two rakas which were slightly less long than the two before them. Then he prayed an odd raka, making thirteen rakas in all."

Section: The Command to Pray the Witr

Book 7, Number 7.3.13:

Yahya related to me from Malik from Nafi and Abdullah ibn Umar that a man asked the Messenger of Allah, may Allah bless him and grant him peace, about night prayers. The Messenger of Allah, may Allah bless him and grant him peace, said, "Night prayers are two by two, and when you are afraid that dawn is approaching, pray one raka to make what you have prayed odd."

Book 7, Number 7.3.14:

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Yahya ibn Habban from Ibn Muhayriz that a man from the Kinana tribe called al-Mukhdaji heard a man in Syria known as Abu Muhammad saying, "The witr is obligatory (fard)." Al-Mukhdaji said, "I went to Ubada ibn as-Samit and presented myself to him as he was going to the mosque, and told him what Abu Muhammad had said. Ubada said that Abu Muhammad had lied and that he had heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Allah the Majestic and Mighty has written five prayers for mankind, and whoever does them and does not waste anything of them by making light of what is due to them, there is a pact for him with Allah that He will admit him into the Garden. Whoever does not do them, there is no pact for him with Allah. If He wishes, He punishes him, and if He wishes, He admits him into the Garden.' "

Book 7, Number 7.3.15:

Yahya related to me from Malik from Abu Bakr ibn Umar that Said ibn Yasar said, "I was travelling with Abdullah ibn Umar on the road to Makka, and fearing that it was nearly dawn. I dismounted and prayed witr. Abdullah said, 'Is there not a model for you in the Messenger of Allah, may Allah bless him and grant him peace?' I said, 'Of course, by Allah!' He said, 'The Messenger of Allah, may Allah bless him and grant him peace, used to pray witr on his camel.' "

Book 7, Number 7.3.16:

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "Abu Bakr as-Siddiq used to pray witr when he wished to go to bed, and Umar ibn al-Khattab used to pray witr at the end of the night. As for me, I pray witr when I go to bed."

Book 7, Number 7.3.17:

Yahya related to me from Malik that he had heard that a man asked Abdullah ibn Umar whether the witr was obligatory and Abdullah ibn Umar said, "The Messenger of Allah, may Allah bless him and grant him peace, prayed witr, and the muslims prayed witr." The man began repeating his question, and Abdullah ibn Umar kept saying, "The Messenger of Allah, may Allah bless him and grant him peace, prayed witr, and the muslims prayed witr."

Book 7, Number 7.3.18:

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to say, "If someone fears that he will sleep through till the morning, let him pray the witr before he sleeps, and if some one hopes to wake for the last part of the night, let him delay his witr."

Book 7, Number 7.3.19:

Yahya related to me from Malik that Nafi said, "I was with Abdullah ibn Umar in Makka. The sky was clouded over and Abdullah feared that dawn was approaching so he prayed one raka for witr. Then the clouds cleared and he saw that it was still night, so he made his prayers even with one raka. Then he continued to pray two rakas at a time, until when he feared the approach of dawn, he prayed one raka for witr."

Book 7, Number 7.3.20:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say the taslim between the two rakas and the one raka of witr so that he could order something he needed.

Book 7, Number 7.3.213:

Yahya related to me from Malik from Ibn Shihab that Sad ibn Abi Waqqas used to pray witr after isha with one raka.

Malik said, "This is not the situation with us. Rather three is the minimum for witr."

Book 7, Number 7.3.22:

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar used to say, "The maghrib prayer is the witr of the daytime prayers."

Malik said, "If someone prays witr at the beginning of the night, and goes to sleep, and then wakes up and it seems good to him to pray, let him pray, two rakas at a time. That is what I like most of what I have heard."

Book 7, Number 7.3.23:

Yahya related to me from Malik from Abd al Karim ibn Abi'l-Mukhariq al-Basri from Said ibn Jubayr that Abdullah ibn Abbas slept, and when he woke up, he said to his servant, "Go and see what the people have done," (by that time his sight had gone.) The servant went out and returned saying, "The people have left from subh," so Abdullah ibn Abbas got up and prayed witr and then prayed subh.

Book 7, Number 7.3.24:

Yahya related to me from Malik that he had heard that Abdullah ibn Abbas and Ubada ibn as-Samit and al-Qasim ibn Muhammad and Abdullah ibn Amir ibn Rabia had all prayed witr after the break of dawn.

Book 7, Number 7.3.25:

Yahya related to me from Malik from Hisham ibn Urwa from his father that Abdullah ibn Masud said, "I do not mind if the iqama for the subh prayer is called while I am still praying witr."

Book 7, Number 7.3.26:

Yahya related to me from Malik that Yahya ibn Said said, "Ubada ibn as-Samit used to lead the people in prayer. One day he came out for subh and the muadhhdhin began to give the iqama for the subh prayer Ubada silenced him, prayed witr and then led them in subh."

Book 7, Number 7.3.27:

Yahya related to me from Malik that Abd ar-Rahman ibn al-Qasim said, "I heard Abdullah ibn Amir ibn Rabia say, 'I sometimes pray witr while hearing the iqama, or after the break of dawn.' " Abd ar-Rahman was not certain which he said.

Book 7, Number 7.3.28:

Malik related to me that Abd ar-Rahman ibn al-Qasim heard his father al-Qasim ibn Muhammad say, "I have prayed witr after dawn."

Malik said, "Only a person who oversleeps so that he does not do the witr prays it after dawn. No one should intentionally make his witr after dawn."

Section: The Two Rakas of Fajr

Book 7, Number 7.4.29:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Hafsa, the wife of the Prophet, may Allah bless him and grant him peace, told him that the Messenger of Allah, may Allah bless him and grant him peace, used to pray two quick rakas when the muadhhdhin had finished the adhan for the subh prayer, before the iqama was said for the prayer.

Book 7, Number 7.4.30:

Malik related to me from Yahya ibn Said that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, used to pray the two rakas of the dawn (fajr) so quickly that I would say to myself 'Has he recited the umm al-Qur'an or not?' "

Book 7, Number 7.4.31:

Yahya related to me from Malik from Sharik ibn Abdullah ibn Abi Namir that Abu Salama ibn Abd ar-Rahman said, "Some people heard the iqama and started to pray. The Messenger of Allah, may Allah bless him and grant him peace, came out and said, 'Are you doing two prayers at the same time? Are you doing two prayers at the same time?' That was about the subh prayer and the two rakas before subh."

Book 7, Number 7.4.32:

Yahya related to me from Malik that he had heard that Abdullah ibn Umar missed the two rakas of dawn, and then did them after the sun rose.

Book 7, Number 7.4.33:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that al-Qasim ibn Muhammad had done the same as Ibn Umar.

Prayer in Congregation

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: The Superiority of Prayer in Congregation over Prayer Done Alone

Book 8, Number 8.1.1:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Prayer in congregation is better than the prayer of a man by himself by twenty-seven degrees."

Book 8, Number 8.1.2:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Prayer in congregation is better than the prayer of one of you on his own by twenty-five parts."

Book 8, Number 8.1.3:

Yahya related to me from Malik from Abu'zZinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "By Him in whose hand myself is! I had in mind to order firewood to be collected, then to order the prayer to be called, and to appoint a man to lead the people in prayer, and then to come up behind certain men and burn their houses down about them! By Him in whose hand myself is! If one of them knew that he would find a meaty bone or two good legs of meat, he would be present at isha."

Book 8, Number 8.1.4:

Yahya related to me from Malik from Abu'n-Nadr, the mawla of Umar ibn Ubaydullah from Yusr ibn Said that Zayd ibn Thabit said, "The most excellent prayer is your prayer in your house, except for the prescribed prayers."

Section: The Isha and Subh Prayers

Book 8, Number 8.2.5:

Yahya related to me from Malik from Abd ar-Rahman ibn Harmala al-Aslami from Said ibn al-Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, said, "What separates us from the hypocrites is being present at isha and subh. They cannot do it," or words to that effect.

Book 8, Number 8.2.6:

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman from Abu Salih from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If a man who is walking along a road finds a branch of thorns on the road and removes it, Allah thanks him for doing it and forgives him."

He also said, "Martyrs are five: the one killed by a plague, the one killed by a disease of the belly, the one who drowns, the one killed by a collapsing building, and the martyr in the path of Allah."

He also said, "If people knew what there was in the call to prayer and the first row, and they could find no other way except to draw lots for it, they would draw lots for it. And if they knew what there was in doing dhuhr at its time, they would race each other to it. And if they knew what there was in the prayers of isha and maghrib, they would come to them even if they had to crawl ."

Book 8, Number 8.2.7:

Yahya related to me from Malik from Ibn Shihab from Abu Bakr ibn Sulayman ibn Abi Hathma that Umar ibn al-Khattab missed Sulayman ibn Abi Hathma in the subh prayer. In the morning he went to the market, and Sulayman's house was between the market and the Prophet's mosque. He passed ash-Shifa, Sulayman's mother, and said to her, "I did not see Sulayman at subh." She replied, "He spent the night in prayer and his eyes overcame him. Umar said, "I would rather be present at subh than stand the whole night in prayer."

Book 8, Number 8.2.8:

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Ibrahim that Abd ar-Rahman ibn Abi Amra al-Ansari said that Uthman ibn Affan came to the isha prayer and seeing only a few people in the mosque, he lay down at the back of the mosque to wait for the number of people to increase. Ibn Abi Amra went and sat down beside him and Uthman asked him who he was, so he told him. Uthman said, "What have you memorised of the Qur'an?", and he told him. Uthman said, "If someone is present at isha, it is as if he had stood in prayer for half a night, and if some one is present at subh, it is as if he had stood in prayer for a whole night."

Section: Doing the Prayer Again with the Imam

Book 8, Number 8.3.9:

Yahya related to me from Malik from Zayd ibn Aslam from a man of the Bani'd-Dil called Busr ibn Mihjan from his father Mihjan that he was in a gathering with the Messenger of Allah, may Allah bless him and grant him peace, and the call to prayer was made. The Messenger of Allah, may Allah bless him and grant him peace, rose and prayed and then returned. Mihjan remained sitting and did not pray with him. The Messenger of Allah, may Allah bless him and grant him peace, said, "What prevented you from praying with the people? Aren't you a muslim?" He said, "Of course, Messenger of Allah, but I have already prayed with my family." The Messenger of Allah, may Allah bless him and grant him peace, said, "When you come, pray with the people, even if you have prayed already."

Book 8, Number 8.3.10:

Yahya related to me from Malik from Nafi that a man asked Abdullah ibn Umar, "Sometimes I pray in my house, and then catch the prayer with the imam. Should I pray with him?" Abdullah ibn Umar said to him, "Yes," and the man said, "Which of them do I make my prayer?" Abdullah ibn Umar said, "Is that up to you? It is up to Allah. He will decide on whichever of them He wishes."

Book 8, Number 8.3.11:

Yahya related to me from Malik from Yahya ibn Said that a man asked Said ibn al-Musayyab, "I pray in my house, and then I come to the mosque and find the imam praying. Should I pray with him?" Said said, "Yes," and the man said, "Which of them is my prayer?" Said said, "Are you the one to decide that? That is up to Allah."

Book 8, Number 8.3.12:

Yahya related to me from Malik from Afif as-Sahmi that a man from the tribe of Bani Asad asked Abu Ayyub al-Ansari. "Sometimes I pray in my house, and then come to the mosque and find the imam praying. Should I pray with him?" Abu Ayyub said, "Yes, pray with him, for some one who does so has the reward of the group, or the equivalent of the reward of the group."

Book 8, Number 8.3.13:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Someone who prays maghrib or subh and then catches them with the imam should not repeat them."

Malik said, "I do not see any harm in someone who has already prayed in his house praying with the imam, except for maghrib, because if he repeats it, he makes it even."

Section: Praying in a Group of People

Book 8, Number 8.4.14:

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you lead people in the prayer, make it short, because there are among them some people who are weak, ill and old. But when you pray on your own, make it as long as you wish."

Book 8, Number 8.4.15:

Yahya related to me from Malik that Nafi said, "I stood behind Abdullah ibn Umar in one of the prayers when there was no one else with him, and he reached behind with his hand and placed me beside him."

Book 8, Number 8.4.16:

Yahya related to me from Malik from Yahya ibn Said that a man used to lead the people in prayer in al-Aqiq (a place near Madina), and Umar ibn Abd al-Aziz sent a message to him forbidding him to do so.

Malik said, "He only forbade him because his father was not known."

Section: Prayer Behind an Imam when He Prays Sitting

Book 8, Number 8.5.17:

Yahya related to me from Malik from Ibn Shihab from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, fell off his horse when riding, and his right side was scraped, so he did one of the prayers sitting, and we prayed behind him sitting. When he left, he said, "The imam is appointed to be followed. If he prays standing, then pray standing, and when he goes into ruku, go into ruku, and when he rises, rise, and when he says, 'Allah hears whoever praises him,' say, 'Our Lord, praise belongs to You,' and if he prays sitting, then all of you pray sitting."

Book 8, Number 8.5.18:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, prayed while he was ill. He prayed sitting, and some people prayed behind him standing, and he indicated to them to sit down. When he left, he said, 'The imam is only appointed to be followed. When he goes into ruku, go into ruku and when he rises, rise and if he prays sitting, pray sitting.' "

Book 8, Number 8.5.19:

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, came out during his illness, and approached and found Abu Bakr standing, leading the people in prayer. Abu Bakr began to go back, but the Messenger of Allah, may Allah bless him and grant him peace, indicated to him to stay where he was. The Messenger of Allah, may Allah bless him and grant him peace, sat by the side of Abu Bakr, and Abu Bakr prayed following the prayer of the Messenger of Allah, may Allah bless him and grant him peace, who was sitting, and the people prayed following the prayer of Abu Bakr.

Section: The Excellence of the Prayer of Someone Standing over the Prayer of Someone Sitting

Book 8, Number 8.6.20:

Yahya related to me from Malik from Ismail ibn Muhammad ibn Said ibn Abi Waqqas from a mawla of Amr ibn al-As or of Abdullah ibn Amr ibn al-As that the Messenger of Allah, may Allah bless him and grant him peace, said, "The prayer of one of you sitting down is only equal to half the prayer of one of you when he is standing."

Book 8, Number 8.6.21:

Yahya related to me from Malik from Ibn Shihab that Abdullah ibn Amr ibn al As said, "When we arrived at Madina we were struck down by a severe epidemic which debilitated us greatly. The Messenger of Allah, may Allah bless him and grant him peace, came out to the people while they were praying nawafil prayers sitting down. The Messenger of Allah, may Allah bless him and grant him peace, said, 'The prayer of the one sitting is equal to only half the prayer of the one standing.' "

Section: Praying Voluntary Prayers (Nawafil) Sitting

Book 8, Number 8.7.22:

Yahya related to me from Malik from Ibn Shihab from as-Sa'ib ibn Yazid from al Muttalib ibn Abi Wadaa

as-Sahmi that Hafsa, the wife of the Prophet, may Allah bless him and grant him peace, said, "I never saw the Messenger of Allah, may Allah bless him and grant him peace, praying nawafil sitting, until a year before his death, when he began to pray them sitting. He would recite the sura with a measured slowness so that it would seem to be longer than other suras which were actually longer than it."

Book 8, Number 8.7.23:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, told him that she had never seen the Messenger of Allah, may Allah bless him and grant him peace, doing night prayers sitting down until he was getting on in years. He would recite sitting down until when he wanted to go into ruku, he would stand up and recite about thirty or forty ayats and then go into ruku.

Book 8, Number 8.7.24:

Yahya related to me from Malik from Abdullah ibn Yazid al-Madani and from Abu'n Nadr from Abu Salama ibn Abd ar-Rahman from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, used to pray sitting. He would recite sitting, and then, when about thirty or forty ayats of what he was reciting remained, he would stand up and recite standing and then go into ruku and sajda. He would do the same in the second raka.

Book 8, Number 8.7.25:

Yahya related to me from Malik that he had heard that Urwa ibn az-Zubayr and Said ibn al-Musayyab used to pray voluntary prayers sitting.

Section: The Middle Prayer

Book 8, Number 8.8.26:

Yahya related to me from Malik from Zayd ibn Aslam from al-Qaqa ibn Hakim that Abu Yunus, the mawla of A'isha, umm al-muminin said, "A'isha ordered me to write out a Qur'an for her. She said, 'When you reach this ayat, let me know, "Guard the prayers carefully and the middle prayer and stand obedient to Allah." ' When I reached it I told her, and she dictated to me, 'Guard the prayers carefully and the middle prayer and the asr prayer and stand obedient to Allah.' A'isha said, 'I heard it from the Messenger of Allah, may Allah bless him and grant him peace.' "

Book 8, Number 8.8.27:

Yahya related to me from Malik from Zayd ibn Aslam that Amr ibn Rafi said, "I was writing a Qur'an for Hafsa, umm al-muminin, and she said, 'When you reach this ayat, let me know, "Guard the prayers carefully and the middle prayer and stand obedient to Allah." When I reached it I told her and she dictated to me, 'Guard the prayers carefully and the middle prayer and the asr prayer and stand obedient to Allah.' "

Book 8, Number 8.8.28:

Yahya related to me from Malik from Da'ud ibn al-Husayn that Ibn Yaru al-Makhzumi said, "I heard Zayd ibn Thabit say, 'The middle prayer is the prayer of dhuhr.' "

Book 8, Number 8.8.29:

Yahya related to me from Malik that he had heard that Ali ibn Abi Talib and Abdullah ibn Abbas used to say, "The middle prayer is the prayer of subh."

Malik said, "Out of all that I have heard about the matter, I prefer what Ali ibn Abi Talib and Abdullah ibn Abbas said."

Section: Permission to Pray in One Garment

Book 8, Number 8.9.30:

Yahya related to me from Malik from Hisham ibn Urwa from his father that Umar ibn Abi Salama saw the Messenger of Allah, may Allah bless him and grant him peace, praying in one garment in the house of Umm Salama. He was completely covered by it, and had put both ends over his shoulders.

Book 8, Number 8.9.31:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab from Abu Hurayra that some one asked the Messenger of Allah, may Allah bless him and grant him peace about praying in one garment. The Messenger of Allah, may Allah bless him and grant him peace, said, "Do you all have two garments?"

Book 8, Number 8.9.32:

Yahya related to me from Malik from Ibn Shihab that Said ibn al-Musayyab said that Abu Hurayra was asked, "May a man pray in one garment?" He said, "Yes." The man then said to him "Do you do that?" and he replied, "Yes, I pray in one garment while my clothes are on the clothes-rack."

Book 8, Number 8.9.33:

Yahya related to me from Malik that he had heard that Jabir ibn Abdullah used to pray in one garment.

Book 8, Number 8.9.34:

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that Muhammad ibn Amr ibn Hazm used to pray in a single long shirt.

Book 8, Number 8.9.35:

Yahya related to me from Malik that he had heard from Jabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, said, "Let anyone who cannot find two garments pray in one garment and wrap himself in it, and if the garment is short, let him wrap it around his waist."

Malik said, "In my view it is preferable for someone who prays in a single shirt to put a garment or a turban over his shoulders."

Section: Permission for a Woman to Pray in a Shift and Head-Covering

Book 8, Number 8.10.36:

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to pray in a shift and head-covering.

Book 8, Number 8.10.37:

Yahya related to me from Malik from Muhammad ibn Zayd ibn Qunfudh that his mother asked Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, "What clothes can a woman wear in prayer?" She said, "She can pray in a shift that reaches down and covers the top of her feet."

Book 8, Number 8.10.38:

Yahya related to me from Malik from a reliable source from Bukayr ibn Abdullah ibn al-Ashajj from Busr ibn Said that when Ubaydullah ibn al-Aswad al-Khawlani was in the room of Maimuna, the wife of the Prophet, may Allah bless him and grant him peace, she used to pray in a shift and head-covering, without a waist-wraper.

Book 8, Number 8.10.39:

Yahya related to me from Malik from Hisham ibn Urwa from his father that a woman asked him for a decision, saying, "Waist-wrappers are painful to me. Can I pray in a shift and head-covering?" He replied, "Yes, if the shift is long."

The Two 'Ids

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: The Ghusl of the Two Ids, the Call to Prayer for Them, and the Iqama

Book 10, Number 10.1.1:

Yahya related to me from Malik that he had heard more than one of their men of knowledge say, "There has been no call to prayer or iqama for the id al-Fitr or the id al-Adha since the time of the Messenger of Allah, may Allah bless him and grant him peace."

Malik said, "That is the sunna about which there is no disagreement among us."

Book 10, Number 10.1.2:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to do ghusl on the day of Fitr before going to the place of prayer.

Section: The Order to Pray Before the Khutba on the Two Ids

Book 10, Number 10.2.3:

Yahya related to me from Malik from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, used to pray on the day of Fitr and the day of Adha before the khutba.

Book 10, Number 10.2.4:

Yahya related to me from Malik that he had heard that Abu Bakr and Umar used to do that.

Book 10, Number 10.2.5:

Yahya related to me from Malik from Ibn Shihab that Abu Ubayd, the mawla of Ibn Azhar said, "I was present at an id with Umar ibn al-Khattab. He prayed, and then after he had prayed he gave a khutba to the people and said, 'The Messenger of Allah, may Allah bless him and grant him peace, forbade fasting on these two days - the day you break your fast (after Ramadan), and the day you eat from your sacrifice (after Hajj) . ' "

Abu Ubayd continued, "Then I was present at an id with Uthman ibn Affan. He came and prayed, and when he had finished he gave a khutba and said, 'Two ids have been joined together for you on this day of yours. If any of the people of al-Aliyya (the hills outlying Madina) want to wait for the jumua they can do so, and if any of them want to return, I have given them permission.' Abu Ubayd continued, "Then I was present at an id with Ali ibn Abi Talib (at the time when Uthman was being detained). He came and prayed, and then after he had prayed he gave a khutba."

Section: The Order to Eat Before Going Out on the Morning of the Id

Book 10, Number 10.3.6:

Yahya related to me from Malik from Hisham ibn Urwa from his father that he used to eat on the day of the id al-Fitr before going out.

Book 10, Number 10.3.7:

Yahya related to me from Malik from Ibn Shihab that Said al-Musayyab told him that people used to be told to eat on the day of Fitr before setting out. Malik said that he did not consider that people had to do that for Adha.

Section: The Takbir and the Recitation in the Prayer of the Two Ids

Book 10, Number 10.4.8:

Yahya related to me from Malik from Damra ibn Said al-Mazini from Ubaydullah ibn Abdullah ibn Utba ibn Masud that Umar ibn al-Khattab asked Abu Waqid al-Laythi what the Messenger of Allah, may Allah bless him and grant him peace, used to recite in the prayers of Adha and Fitr. He said, "He used to recite Qaf (Sura 50) and al-Inshiqaq (Sura 84)."

Book 10, Number 10.4.9:

Yahya related to me from Malik that Nafi, the mawla of Abdullah ibn Umar said, "I was at Adha and Fitr with Abu Hurayra and he said 'Allah is greater' seven times in the first raka, before the recitation, and five times in the second, before the recitation."

Section: Refraining from Prayer Before and After the Two Id Prayers

Book 10, Number 10.5.10:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar did not pray either before the prayer or after it on the day of Fitr.

Book 10, Number 10.5.11:

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab used to go to the place of prayer after praying subh, and before the sun rose.

Section: Permission to Pray Before and After the Two Id Prayers

Book 10, Number 10.6.12:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that his father used to pray four rakas before he went to the place of prayer.

Book 10, Number 10.6.13:

Yahya related to me from Hisham ibn Urwa that his father used to pray on the day of Fitr before the prayer in the mosque.

10.7 The Coming of the Imam on the Day of the Id and Waiting for the Khutba

Section: The Coming of the Imam on the Day of the Id and Waiting for the Khutba

Book 10, Number 10.7.14:

Yahya related to me that Malik said, "The sunna concerning the time of prayer on the ids of Fitr and Adha - and there is no disagreement amongst us about it - is that the imam leaves his house and as soon as he has reached the place of prayer the prayer falls due."

Yahya said that Malik was asked whether a man who prayed with the imam could leave before the khutba, and he said, "He should not leave until the imam leaves."

The Fear Prayer

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: The Fear Prayer

Book 11, Number 11.1.1:

Yahya related to me from Malik from Yazid ibn Ruman from Salih ibn Khawwat from someone who had prayed (the prayer of fear) with the Messenger of Allah, may Allah bless him and grant him peace, on the day of Dhat ar-Riqa that one group had formed a row with him and one group had formed a row opposite the enemy. He then prayed one raka with the group he was with, and then remained standing while they finished by themselves. They then left and formed a row opposite the enemy, and then the other group came and he prayed the remaining raka of his prayer with them, and then remained sitting while they finished by themselves. Then he said the taslim with them.

Book 11, Number 11.1.2:

Yahya related to me from Malik from Yahya ibn Said from al-Qasim ibn Muhammad from Salih ibn Khawwat that Sahl ibn Abi Hathma related to him that the form of the prayer of fear was that the imam stood with a group of his companions, while another group faced the enemy. The imam prayed one raka with them, including the prostration, and then stood. He remained standing while they completed the remaining raka by themselves. They then said the taslim, left, and formed up opposite the enemy while the imam remained standing. Then the others who had not prayed came forward and said the takbir behind the imam and he prayed one raka with them, including the prostration. He then said the taslim, while they stood up and prayed the remaining raka by themselves. Then they said the taslim.

Book 11, Number 11.1.3:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar, when asked about the fear prayer said, "The imam and a group of people go forward and the imam prays a raka with them, while another group, who have not yet prayed, position themselves between him and the enemy. When those who are with him have prayed a raka they draw back to where those who have not prayed are, and do not say the taslim. Then those who have not prayed come forward and pray a raka with him. Then the imam leaves, as he has now prayed two rakas. Everyone else in the two groups stands and prays a raka by himself after the imam has left. In this way each of the two groups will have prayed two rakas. If the fear is greater than that, then the men pray standing on their feet or mounted, either facing the qibla or otherwise."

Malik said that Nafi said, "I do not believe that Abdullah ibn Umar related it from anyone other than the Messenger of Allah, may Allah bless him and grant him peace."

Book 11, Number 11.1.4:

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "The Messenger of Allah, may Allah bless him and grant him peace, did not pray dhuhr and asr on the day of the Trench until after the sun had set."

Malik said, "The hadith of al-Qasim ibn Muhammad from Salih ibn Khawwat is the one I like most out of what I have heard about the fear prayer."

The Eclipse Prayer

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: How to Pray the Eclipse Prayer

Book 12, Number 12.1.1:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "There was an eclipse of the sun in the time of the Messenger of Allah, may Allah bless him and grant him peace, and the Messenger of Allah, may Allah bless him and grant him peace, led the people in prayer. He stood, and did so for a long time. Then he went into ruku, and made the ruku long. Then he stood again, and did so for a long time, though not as long as the first time. Then he went into ruku, and made the ruku long, though not as long as the first time. Then he rose, and went down into sajda. He then did the same in the second raka, and by the time he had finished the sun had appeared. He then gave a khutba to the people, in which he praised Allah and then said, 'The sun and the moon are two of Allah's signs. They do not eclipse for anyone's death nor for anyone's life. When you see an eclipse, call on Allah and say, "Allah is greater" and give sadaqa.' Then he said, 'O community of Muhammad! By Allah, there is no-one more jealous than Allah of a male or female slave of his who commits adultery. O community of Muhammad! By Allah, if you knew what I knew, you would laugh little and weep much'."

Book 12, Number 12.1.2:

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that Abdullah ibn Abbas said, "There was an eclipse of the sun and the Messenger of Allah, may Allah bless him and grant him peace, prayed, and the people prayed with him. He stood for a long time, nearly as long as (it takes to recite) Surat al-Baqara (Sura 2), and then went into ruku for a long time. Then he rose and stood for a long time, though less than the first time. Then he went into ruku for a long time, though less than the first time. Then he went down into sajda. Then he stood for a long time, though less than the first time. Then he went into ruku for a long time, though less than the first time. Then he rose and stood for a long time, though less than the first time. Then he went into ruku for a long time, though less than the first time. Then he went down into sajda, and by the time he had finished the sun had appeared. Then he said, 'The sun and the moon are two of Allah's signs. They do not eclipse for anyone's death nor for anyone's life. When you see an eclipse, remember Allah.' They said, 'Messenger of Allah, we saw you reach out for something while you were standing here and then we saw you withdraw.' He said, 'I saw the Garden and I reached out for a bunch of grapes from it, and if I had taken it you would have been able to eat from it for as long as this world lasted. Then I saw the Fire - and I have never seen anything more hideous than what I saw today - and I saw that most of its people were women.' They said, 'Why, Messenger of Allah?' He said, 'Because of their ungratefulness (kufr).' Someone said, 'Are they ungrateful to Allah?' He said, 'They are ungrateful to their husbands and they are ungrateful for good behaviour (towards them) . Even if you were to behave well towards one of them for a whole lifetime and then she were to see you do something (that she did not like) she would say that she had never seen anything good from you.' "

Book 12, Number 12.1.3:

Yahya related to me from Malik from Yahya ibn Said from 'Amra bint Abd ar-Rahman from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that a Jewish woman came to beg from her and said, "May Allah give you refuge from the punishment of the grave." So A'isha asked the Messenger of Allah, may Allah bless him and grant him peace, "Are people punished in their graves?", and the Messenger of Allah, may Allah bless him and grant him peace, took refuge in Allah from that.

Then one morning the Messenger of Allah, may Allah bless him and grant him peace, went out on a journey and there was an eclipse of the sun, and he returned in the late morning and passed through his apartments. Then he stood and prayed, and the people stood behind him. He stood for a long time, and then went into ruku for a long time. Then he rose and stood for a long time, though less than the first time, and then went into ruku for a long time, though less than the first time. Then he rose, and went down into sajda. Then he stood for a long time, though less than the time before, and then went into ruku for a long time, though less than the time before. Then he rose and stood for a long time, though less than the time before, and then went into ruku for a long time, though less than the time before. Then he rose, and went down into sajda. When he had finished he said what Allah willed him to say, and then he told them to seek protection for themselves from the punishment of the grave."

Section: About the Eclipse Prayer

Book 12, Number 12.2.4:

Yahya related to me from Malik from Hisham ibn Urwa from Fatima bint al Mundhir that Asma bint Abi Bakr as-Siddiq said, "I went to A'isha, the wife of the Prophet, may Allah bless him and grant him peace, during an eclipse of the sun, and everybody was standing in prayer, and she too was standing praying. I said, 'What is everybody doing?' She pointed towards the sky with her hand and said, 'Glory be to Allah.' I said, 'A sign?' She nodded 'Yes' with her head."

She continued, "I stood until I had almost fainted, and I began to pour water over my head. The Messenger of Allah, may Allah bless him and grant him peace, praised Allah and spoke well of Him, and then said, 'There is nothing which I had previously not seen beforehand that I have not now seen while standing - even the Garden and the Fire. It has been revealed to me that you will be tried in your graves with a trial, like, or near to, the trial of the Dajjal (I do not know which one Asma said). Every one of you will have someone who comes to him and asks him, 'What do you know about this man?' A mumin, or one who has certainty (muqin) (I do not know which one Asma said), will say, 'He is Muhammad, the Messenger of Allah, may Allah bless him and grant him peace, who came to us with clear proofs and guidance, and we answered and believed and followed.' He will then be told, 'Sleep in a good state. We know now that you were a mumin.' A hypocrite, however, or one who has doubts (I do not know which one Asma said), will say, 'I do not know, I heard everybody saying something and I said it.' "

The Qibla

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: The Prohibition against Relieving Oneself Facing the Qibla

Book 14, Number 14.1.1:

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Rafi ibn Ishaq, a mawla of the family of ash-Shifa who was known as the mawla of Abu Talha, heard Abu Ayyub al-Ansari, one of the companions of the Messenger of Allah, may Allah bless him and grant him peace, say, while he was in Egypt, "By Allah! I don't know how to deal with these lavatories." The Messenger of Allah, may Allah bless him and grant him peace, said, "When you go to defecate or urinate, do not expose your genitals towards the qibla, and do not put your back to it."

Book 14, Number 14.1.2:

Yahya related to me from Malik from one of the Ansar that the Messenger of Allah, may Allah bless him and grant him peace, forbade defecating or urinating while facing the qibla.

14.2 Permission to Face the Qibla when Urinating or Defecating

Section: Permission to Face the Qibla when Urinating or Defecating

Book 14, Number 14.2.3:

Yahya related to me from Malik from Yahya ibn Said from Muhammad ibn Yahya ibn Habban from his paternal uncle, Wasi ibn Habban, that Abdullah ibn Umar said, "People say, 'When you sit to relieve yourself, do not face the qibla or the Bayt al-Maqdis.' "

Abdullah continued, "I went upon top of a house of ours and saw the Messenger of Allah, may Allah bless him and grant him peace, (squatting) on two unfired bricks facing the Bayt al-Maqdis, relieving himself."

Ibn Umar added, "Perhaps you are one of those who pray folded on their haunches."

Wasi replied, "I don't know, by Allah!"

Malik said that he meant some one who, when he prostrated, kept his body close to the ground.

Section: The Prohibition against Spitting towards the Qibla

Book 14, Number 14.3.4:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, saw spittle on the wall of the qibla and scraped it off. Then he went up to the people and said, "Do not spit in front of you when you are praying, because Allah, the Blessed and Exalted, is in front of you when you pray."

Book 14, Number 14.3.5:

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Prophet, may Allah bless him and grant him peace, saw spittle, or mucus or phlegm, on the wall of the qibla and scraped it off.

Book 14, Number 14.3.6:

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar said, "On

The Qur'an

Courtesy of [ISL Software](#), makers of the [WinAlim Islamic database](#).

Section: The Order to Be In Wudu (When Touching the Qur'an)

Book 15, Number 15.1.1:

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Hazm that in a letter that the Messenger of Allah, may Allah bless him and grant him peace, sent to Amr ibn Hazm it said that no-one should touch the Qur'an unless he was pure.

Malik said, "No-one should carry the Qur'an by its strap, or on a cushion, unless he is pure. If it were permissible to do so, it would also have been permissible to carry it in its cover. This is not because there is something on the hands of the one who carries it by which the Qur'an will be soiled, but because it is disapproved of for someone to carry the Qur'an without being pure out of respect for the Qur'an, and in order to honour it."

Malik said, "The best thing that I have heard about this is the ayat 'None touch it except the purified.' (Sura 56 ayat 79) It ranks with the ayat in Surat Abasa (Sura 80), where Allah, the Blessed and Exalted, says, 'No, it is a reminder, and whoever wishes will remember it. Upon honoured pages, exalted and purified, by the hands of scribes, noble and obedient.' "

Section: Permission to Recite the Qur'an When Not in Wudu

Book 15, Number 15.2.2:

Yahya related to me from Malik from Ayyub ibn Abi Tamima as-Sakhtayani from Muhammad ibn Sirin that Umar ibn al-Khattab was with some people who were reciting Qur'an. He went to relieve himself and then came back and recited Qur'an. One of the men said to him, "Amir al muminin, are you reciting the Qur'an without being in wudu?" Umar replied, "Who gave you a verdict on this? Was it Musaylima?"

Section: About the Division of the Qur'an into Sections (Hizbs)

Book 15, Number 15.3.3:

Yahya related to me from Malik from Dawud ibn al-Husayn from al-Araj from Abd ar-Rahman ibn Abd al-Qari that Umar ibn al Khattab said, "Whoever misses reading his hizb at night and reads it from when the sun has passed the meridian until the dhuhr prayer has not missed it, or it is as if he has caught it."

Book 15, Number 15.3.4:

Yahya related to me from Malik that Yahya ibn Said said, "Once Muhammad ibn Yahya ibn Habban and I were sitting down, and Muhammad called a man over to him and said to him, 'Tell me what you have heard from your father.' The man replied that his father had told him that he went to

Zayd ibn Thabit and asked him, 'What do you think of reciting the whole Qur'an in seven days?' Zayd said, 'That's good, but I prefer to recite it in two weeks, or ten days. Ask me why that is.' He said, 'I ask you then.' Zayd said, 'So that I can reflect on it and pause in it.' "

Section: About the Qur'an

Book 15, Number 15.4.5:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr that Abd ar-Rahman ibn Abd al-Qari said that he had heard Umar ibn al-Khattab say, "I heard Hisham ibn Hakim ibn Hizam reciting Surat al-Furqan (Sura 25) differently from me, and it was the Messenger of Allah, may Allah bless him and grant him peace, who had recited it to me. I was about to rush up to him but I granted him a respite until he had finished his prayer. Then I grabbed him by his cloak and took him to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah, I heard this man reciting Surat al-Furqan differently from the way you recited it to me.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Let him go.' Then he said, 'Recite, Hisham,' and Hisham recited as I had heard him recite. The Messenger of Allah, may Allah bless him and grant him peace, said, 'It was sent down like that.' Then he said to me, 'Recite' and I recited the sura, and he said, 'It was sent down like that. This Qur'an was sent down in seven (different) ways, so recite from it whatever is easy for you . '

Book 15, Number 15.4.6:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "A man who knows the Qur'an well is like a man who has a hobbled camel. If he takes care of it, he keeps it, and if he lets it go, it gets away."

Book 15, Number 15.4.7:

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that al-Harith ibn Hisham asked the Messenger of Allah, may Allah bless him and grant him peace, "How does the revelation come to you?" and the Messenger of Allah, may Allah bless him and grant him peace, said, "Sometimes it comes to me like the ringing of a bell, and that is the hardest for me, and when it leaves me I remember what it has said. And sometimes the angel appears to me in the likeness of a man and talks to me and I remember what he says."

A'isha added, "I saw it coming down on him on an intensely cold day, and when it had left him his forehead was dripping with sweat."

Book 15, Number 15.4.8:

Yahya related to me from Malik from Hisham ibn Urwa that his father said that Abasa (Sura 80) was sent down about Abdullah ibn Umm Maktum. He came to the Prophet, may Allah bless him and grant him peace, and began to say, "O Muhammad, show me a place near you (where I can sit)," whilst one of the leading men of the idol worshippers was in audience with the Prophet, may Allah bless him and grant him peace. The Prophet, may Allah bless him and grant him peace, began to turn away from him and give his attention to the other man, and he said to him, "Father of so-and-so, do you see any harm in what I am saying?" and he said, "No, by the blood (of our sacrifices) I see no harm in what you are saying." And Abasa - "He frowned and turned away when the blind man came" - was sent down.

Book 15, Number 15.4.9:

Yahya related to me from Malik from Zayd ibn Aslam from his father that the Messenger of Allah,

may Allah bless him and grant him peace, was on one of his journeys, and one night Umar ibn al-Khattab, who was travelling with him, asked him about something, but he did not answer him. He asked him again, but he did not answer him. Then he asked him again, and again he did not answer him. Umar said, "May your mother be bereaved of you, Umar. Three times you have importuned the Messenger of Allah, may Allah bless him and grant him peace, with a question an

Burials

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Section: Washing the Dead

Book 16, Number 16.1.1:

Yahya related to me from Malik from Jafar ibn Muhammad from his father that the Messenger of Allah, may Allah bless him and grant him peace, was washed in a long shirt.

Book 16, Number 16.1.2:

Yahya related to me from Malik from Ayyub ibn Abi Tamima as-Sakhtayani from Muhammad ibn Sirin that Umm Atiyya al-Ansariyya said, "The Messenger of Allah, may Allah bless him and grant him peace, came to us when his daughter died and said, 'Wash her three times, or five, or more than that if you think it necessary, with water and lotus leaves, and at the end put on some camphor, or a little camphor, and when you have finished let me know.' When we finished we told him, and he gave us his waist-wrapper and said, 'Shroud her with this.' "

Book 16, Number 16.1.3:

Yahya related to me from Malik from Abdullah ibn Abi Bakr that Asma bint Umayyash washed Abu Bakr as-Siddiq when he died. Then she went out and asked some of the muhajirun who were there, "I am fasting and this is an extremely cold day. Do I have to do ghusl?" They said, "No."

Book 16, Number 16.1.4:

Yahya related to me from Malik that he had heard people of knowledge say, "When a woman dies and there are no women with her to wash her and no man who has the right by blood ties to take charge of that for her and no husband to take charge of it for her, she should be purified by tayammum, that is, by wiping her face and hands with earth."

Malik said, "When a man dies and there are only women with him, they also should purify him with earth."

Malik said, "There is no particular way with us for washing the dead nor any recognised way to do it. They are just washed and purified."

Section: Shrouding the Dead

Book 16, Number 16.2.5:

Yahya related to me from Malik from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, was shrouded in three pure white cotton garments, none of which was a long shirt or a turban.

Book 16, Number 16.2.6:

Yahya related to me from Malik that Yahya ibn Said said that he had heard that when Abu Bakr as-Siddiq was ill he asked A'isha, "How many shrouds did the Messenger of Allah, may Allah bless him and grant him peace, have?" and she replied, "Three pure white cotton garments." Abu Bakr said, "Take this garment (a garment he was wearing on which red clay or saffron had fallen) and wash it. Then shroud me in it with two other garments." A'isha said, "Why's that?", and Abu Bakr replied, "The living have greater need of the new than the dead. This is only for the body fluids that come out as the body decays."

Book 16, Number 16.2.7:

Yahya related to me from Malik from Ibn Shihab from Humayd ibn Abdar-Rahman ibn Awf that Abdullah ibn Amr ibn al-As said, "A dead man is clothed in a shirt and a waist-wrapper and then wrapped in a third, and if he only has one garment he is shrouded in that."

Section: Walking in Front of the Bier

Book 16, Number 16.3.8:

Yahya related to me from Malik from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, and Abu Bakr and Umar as well as the khalifas up until this time and Abdullah ibn Umar, would walk in front of the bier.

Book 16, Number 16.3.9:

Yahya related to me from Muhammad ibn alMunkadir that Rabia ibn Abdullah ibn alHadir told him that he had seen Umar ibn al-Khattab leading people in front of the bier at the funeral of Zaynab bint Jahsh.

Book 16, Number 16.3.10:

Yahya related to me from Malik that Hisham ibn Urwa said, "I only ever saw my father in front of a funeral procession." He added, "Then he would come to al-Baqi and sit down until the procession passed him."

Book 16, Number 16.3.11:

Yahya related to me from Malik that Ibn Shihab said, "Walking behind the bier is in contradiction to the sunna."

16.4 The Prohibition Against Following the Bier with a Burning Torch

Section: The Prohibition Against Following the Bier with a Burning Torch

Book 16, Number 16.4.12:

Yahya related to me from Malik from Hisham ibn Urwa that Asma bint Abi Bakr said to her family, "Perfume my clothes with incense when I die and then embalm me. Do not put any of the embalming substance on my shroud, and do not follow me with a burning torch."

Book 16, Number 16.4.13:

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi that Abu Hurayra forbade anyone to follow him with a burning torch after his death.

Yahya said, "I heard Malik disapprove of that."

Section: The Takbir Over a Dead Man

Book 16, Number 16.5.14:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, announced the death of an Najashi to everyone on the day that he died, and went out with them to the place of prayer, and then formed them into rows and said "Allah is greater" four times.

Book 16, Number 16.5.15:

Yahya related to me from Malik from Ibn Shihab that Abu Umama ibn Sahl ibn Hunayf told him that once a poor woman fell ill and the Messenger of Allah, may Allah bless him and grant him peace, was told of her illness, and the Messenger of Allah, may Allah bless him and grant him peace, used to visit poor people frequently and ask after them. The Messenger of Allah, may Allah bless him and grant him peace, said, "Let me know if she dies." Her bier was brought out at night-time and they did not

Zakat

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Section: Things on which Zakat must be Paid

Book 17, Number 17.1.1:

Yahya related to me from Malik from Amr ibn Yahya al-Mazini that his father said that he had heard Abu Said al-Khudri say that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is no zakat on less than five camels, there is no zakat on less than five awaq (two hundred dirhams of pure silver) and there is no zakat on less than five awsuq (three hundred sa)."

Book 17, Number 17.1.2:

Yahya related to me from Malik from Muhammad ibn Abdullah ibn Abd arRahman ibn Abi Sasaca al-Ansari from al-Mazini from his father from Abu Said al-Khudri that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is no zakat on less than five awsuq of dates, there is no zakat on less than five awaq of silver and there is no zakat on less than five camels."

Book 17, Number 17.1.3:

Yahya related to me from Malik that he had heard that Umar ibn Abd al-Aziz wrote to his governor in Damascus about zakat saying, "Zakat is paid on the produce of ploughed land, on gold and silver, and on livestock."

Malik said, "Zakat is only paid on three things: the produce of ploughed land, gold and silver, and livestock."

Section: The Zakat on Gold and Silver Coin

Book 17, Number 17.2.4:

Yahya related to me from Malik that Muhammad ibn Uqba, the mawla of az Zubayr, asked al-Qasim ibn Muhammad whether he had to pay any zakat on a large sum given to him by his slave to buy his freedom. Al-Qasim said, "Abu Bakr as-Siddiq did not take zakat from anyone's property until it had been in his possession for a year."

Al-Qasim ibn Muhammad continued, "When Abu Bakr gave men their allowances he would ask them, 'Do you have any property on which zakat is due?' If they said, 'Yes,' he would take the zakat on that property out of their allowances. If they said, 'No,' he would hand over their allowances to them without deducting anything from them."

Book 17, Number 17.2.5:

Yahya related to me from Malik from Urwa ibn Husayn from A'isha bint Qudama that her father said, "When I used to come to Uthman ibn Affan to collect my allowance he would ask me, 'Do you have any property on which zakat is due?' If I said, 'Yes,' he would deduct the zakat on that property from my allowance, and if I said, 'No,' he would pay me my allowance (in full)."

Book 17, Number 17.2.6:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Zakat does not have to be paid on property until a year has elapsed over it."

Book 17, Number 17.2.7:

Yahya related to me from Malik that Ibn Shihab said, "The first person to deduct zakat from allowances was Muawiya ibn Abi Sufyan." (i.e. the deduction being made automatically) .

Malik said, "The agreed sunna with us is that zakat has to be paid on twenty dinars (of gold coin), in the same way as it has to be paid on two hundred dirhams (of silver)."

Malik said, "There is no zakat to pay on (gold) that is clearly less than twenty dinars (in weight) but if it increases so that by the increase the amount reaches a full twenty dinars in weight then zakat has to be paid. Similarly, there is no zakat to pay on (silver) that is clearly less than two hundred dirhams (in weight), but if it increases so that by the increase the amount reaches a full two hundred dirhams in weight then zakat has to be paid. If it passes the full weight then I think there is zakat to pay, whether it be dinars or dirhams." (i.e. the zakat is assessed by the weight and not the number of the coins.)

Malik said, about a man who had one hundred and sixty dirhams by weight, and the exchange rate in his town was eight dirhams to a dinar, that he did not have to pay any zakat. Zakat had only to be paid on twenty dinars of gold or two hundred dirhams.

Malik said, in the case of a man who acquired five dinars from a transaction or in some other way which he then invested in trade, that, as soon as it increased to a zakatable amount and then a year elapsed, he had to pay zakat on it, even if the zakatable amount was reached one day before or one day after the passing of a year. There was then no zakat to pay on it from the day the zakat was taken until a year had elapsed over it.

Malik said, in the similar case of a man who had in his possession ten dinars which he invested in trade and which reached twenty dinars by the time one year had elapsed over them, that he paid zakat on them right then and did not wait until a year had elapsed over them, (counting) from the day when they actually reached the zakatable amount. This was because a year had elapsed over the original dinars and there were now twenty of them in his possession. After that there was no zakat to pay on them from the day the zakat was paid until another year had elapsed over them.

Malik said, "What we are agreed upon (here in Madina) regarding income from hiring out slaves, rent from property, and the sums received when a slave buys his freedom, is that no zakat is due on any of it, whether great or small, from the day the owner takes possession of it until a year has elapsed over it from the day when the owner takes possession of it."

Malik said, in the case of gold and silver which was shared between two co-owners, that zakat was due from any one whose share reached twenty dinars of gold, or two hundred dirhams of silver, and that no zakat was due from anyone whose share fell short of this zakatable amount. If all the shares reached the zakatable amount and the shares were not equally divided, zakat was taken from each man according to the measure of his share. This applied only when the share of each man among them reached the zakatable amount, because the Messenger of Allah, may Allah bless him and grant him peace, had said, "There is no zakat to pay on less than five awa^q of silver."

Malik commented, "This is what I prefer most out of what I have heard about the matter."

Malik said, "When a man has gold and silver dispersed among various people he must add it all up together and then take out the zakat due on the total sum ."

Malik said, "No zakat is due from some one who acquires gold or silver until a year has elapsed over his acquisition from the day it became his."

Section: The Zakat On Mines

Book 17, Number 17.3.8:

Yahya related to me from Malik from Rabia ibn Abd ar-Rahman from more than one source that the Messenger of Allah, may Allah bless him and grant him peace, assigned the mines of al Qabaliyya, which is in the direction of al-Fur, to Bilal ibn Harith al-Mazini, and nothing has been taken from them up to this day except zakat.

Malik said, "In my opinion, and Allah knows best, nothing is taken from what comes out of mines until what comes out of them reaches a value of twenty gold dinars or two hundred silver dirhams. When it reaches that amount there is zakat to pay on it where it is on the spot. Zakat is levied on anything over that, according to how much of it there is as long as there continues to be a supply from the mine. If the vein runs out, and then after a while more becomes obtainable, the new supply is dealt with in the same way as the first, and payment of zakat on it is begun on it as it was begun on the first.

Malik said, "Mines are dealt with like crops, and the same procedure is applied to both. Zakat is deducted from what comes out of a mine on the day it comes out, without waiting for a year, just as a tenth is taken from a crop at the time it is harvested, without waiting for a year to elapse over it."

Section: The Zakat on Buried Treasure (Rikaz)

Book 17, Number 17.4.9:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab and from Abu Salama ibn Abd ar-Rahman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace ,said, "There is a tax of a fifth on buried treasure."

Malik said, "The position which we are agreed upon, and which I have heard the people of knowledge mentioning, is that rikaz refers to treasure which has been found which was buried during the jahiliyya, as long as neither capital is required, nor expense, great labour or inconvenience incurred in recovering it. If capital is required or great labour is incurred, or on one occasion the mark is hit and on another it is missed, then it is not rikaz."

Section: Things on Which there is No Zakat, in the Way of Jewellery, Bits of Gold and Silver, and Amber

Book 17, Number 17.5.10:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, used to look after the orphaned daughters of her brother in her house. They had jewellery (which they wore) and she did not take zakat from this jewellery of theirs.

Book 17, Number 17.5.11:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to adorn his daughters and slave-girls with gold jewellery and he did not take any zakat from their jewellery.

Malik said, "Anyone who has unminted gold or silver, or gold and silver jewellery which is not used for wearing, must pay zakat on it every year. It is weighed and one-fortieth is taken, unless it falls short of twenty dinars of gold or two hundred dirhams of silver, in which case there is no zakat to pay. Zakat is paid only when jewellery is kept for purposes other than wearing. Bits of gold and silver or broken jewellery which the owner intends to mend to wear are in the same position as goods which are worn by their owner - no zakat has to be paid on them by the owner."

Malik said, "There is no zakat (to pay) on pearls, musk or amber."

Section: The Zakat on the Property of Orphans and Trading on their Behalf

Book 17, Number 17.6.12:

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab said, "Trade with the property of orphans and then it will

Fasting

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Section: Sighting the New Moon for Beginning and Ending the Fast of Ramadan

Book 18, Number 18.1.1:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, once mentioned Ramadan and said, "Do not begin the fast until you see the new moon, and do not break the fast (at the end of Ramadan) until you see it. If the new moon is obscured from you, then work out (when it should be)."

Book 18, Number 18.1.2:

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "A month has twenty-nine days in it. Do not start the fast or break it until you see the new moon. If the new moon is obscured from you, then work out (when it should be)."

Book 18, Number 18.1.3:

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili from Abdullah ibn Abbas that the Messenger of Allah, may Allah bless him and grant him peace, once mentioned Ramadan and said, "Do not start the fast or break it until you see the new moon. If the new moon is obscured from you, then complete a full thirty days."

Book 18, Number 18.1.4:

Yahya related to me from Malik that he had heard that once in the time of Uthman ibn Affan the new moon had been seen in the afternoon and Uthman did not break his fast until evening had come and the sun had set.

Yahya said that he had heard Malik say that some one who sees the new moon of Ramadan when he is on his own should start the fast and not break it if he knows that that day is part of Ramadan. He added, "Some one who sees the new moon of Shawwal when he is on his own does not break the fast, because people suspect the reliability of someone among them who breaks the fast. Such people should say, when they sight the new moon, 'We have seen the new moon.' Whoever sees the new moon of Shawwal during the day should not break his fast but should continue fasting for the rest of that day. This is because it is really the new moon of the night that is coming ."

Yahya said that he heard Malik say, "If people are fasting on the day of Fitr thinking that it is still Ramadan and then definite evidence comes to them that the new moon of Ramadan had been seen one day before they began to fast and that they are now into the thirty-first day, then they should break the fast on that day at whatever time the news comes to them. However, they do not pray the id prayer if

they hear the news after the sun has begun to decline."

Section: Making the Intention to Fast Before Dawn

Book 18, Number 18.2.5:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say, "Only some one who makes the intention to fast before dawn (actually) fasts."

Yahya related to me from Malik from Ibn Shihab that A'isha and Hafsa, the wives of the Prophet, may Allah bless him and grant him peace, also said that.

Section: Being Quick to Break the Fast

Book 18, Number 18.3.6:

Yahya related to me from Malik from Abu Hazim ibn Dinar from Sahl ibn Sad as Saidi that the Messenger of Allah, may Allah bless him and grant him peace, said, "People will remain in good as long as they are quick to break the fast."

Book 18, Number 18.3.7:

Yahya related to me from Malik from Abd ar-Rahman ibn Harmala al-Aslami from Said ibn al-Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, said, "People will remain in good as long as they are quick to break the fast."

Book 18, Number 18.3.8:

Yahya related to me from Malik from Ibn Shihab from Humayd ibn Abd ar-Rahman that Umar ibn al-Khattab and Uthman ibn Affan would pray maghrib when they saw the night darkening, before they broke their fast, and that was during Ramadan.

Section: Fasting When Junub in the Morning during Ramadan

Book 18, Number 18.4.9:

Yahya related to me from Malik from Abdullah ibn Abd ar-Rahman ibn Mamar al-Ansari from Abu Yunus, the mawla of A'isha, from A'isha that she overheard a man standing at the door saying to the Messenger of Allah, may Allah bless him and grant him peace, "Messenger of Allah, I get up in the morning junub, in a state of major ritual impurity, and want to fast," and the Messenger of Allah, may Allah bless him and grant him peace, said, "I too get up in the morning junub and want to fast, so I do ghusl and fast." The man said to him, "You are not the same as us. Allah has forgiven you all your wrong actions that have gone before and those that have come after." The Messenger of Allah, may Allah bless him and grant him peace, got angry and said, "By Allah, I hope that I am the most fearful of you with respect to Allah and the most knowledgeable of you in how I have taqwa."

Book 18, Number 18.4.10:

Yahya related to me from Malik from Abd Rabbih ibn Said from Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham from A'isha and Umm Salama, the wives of the Prophet, may Allah bless him and grant him peace, that the Prophet, may Allah bless him and grant him peace, used to get up in the morning junub from intercourse, not a dream, in Ramadan, and then he would fast."

Book 18, Number 18.4.11:

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham that he heard Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham say, "My father and I were with Marwan ibn al Hakam at the time when he was amir of Madina, and someone mentioned to him that Abu Hurayra used to say, 'If someone begins the morning junub, he has broken the fast for that day.' Marwan said, 'I swear to you, Abdar-Rahman, you must go to the two umm al muminin, A'isha and Umm Salama, and ask them about it.'

"Abd ar-Rahman went to visit A'isha and I accompanied him. He greeted her and then said, 'Umm al-muminin, we were with Marwan ibn al Hakam and someone mentioned to him that Abu Hurayra used to say that if some one had begun the morning junub, he had broken the fast for that day.' A'isha said, 'It is not as Abu Hurayra says Abd ar-Rahman. Do you dislike what the Messenger of Allah, may Allah bless him and grant him peace, used to do?', and Abd ar-Rahman said, 'No, by Allah.' A'isha said, 'I bear witness that the Messenger of Allah, may Allah bless him and grant him peace, used to get up in the morning junub from intercourse, not a dream, and would then fast for that day.' "

He continued, "Then we went and visited Umm Salama, and Abd ar-Rahman asked her about the same matter and she said the same as A'isha had said. Then we went off until we came to Marwan ibn al-Hakam Abd ar-Rahman told him what they had both said and Marwan said, 'I swear to you, Abu Muhammad, you must use the mount which is at the door, and go to Abu Hurayra, who is on his land at al Aqiq, and tell him this.' So Abd ar-Rahman rode off, and I went with him, until we came to Abu Hurayra. Abd ar-Rahman talked with him for a while, and then mentioned the matter to him, and Abu Hurayra said, 'I don't know anything about it. I was just told that by someone.'"

Book 18, Number 18.4.12:

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr, from Abu Bakr ibn Abd ar-Rahman that A'isha and Umm Salama, the wives of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, used to get up in the morning junub from intercourse, not a dream, and would then fast."

Section: Permission for a Fasting Man to Kiss

Book 18, Number 18.5.13:

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that a certain man kissed his wife while he was fasting in Ramadan. This made him very anxious, and so he sent his wife to the Prophet, may Allah bless him and grant him peace, to ask him about that for him. She went in and saw Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, and mentioned the matter to her, and Umm Salama told her that the Messenger of Allah, may Allah bless him and grant him peace, used to kiss while he was fasting. So she went back and told her husband that, but it only made him find fault all the more and he said, "We are not like the Messenger of Allah, may Allah bless him and grant him peace. Allah makes permissible for the Messenger of Allah, may Allah bless him and grant him peace, whatever He wishes."

His wife then went back to Umm Salama and found the Messenger of Allah, may Allah bless him and grant him peace, with her. The Messenger of Allah, may Allah bless him and grant him peace, said, "What's the matter with this woman?", and Umm Salama told him. The Messenger of Allah, may Allah bless him and grant him peace, said, "Didn't you tell her that I do that myself?" and she said, "I told her, and she went to her husband and told him, but it only made him find fault all the more and say, 'We are

not like the Messenger of Allah, may Allah bless him and grant him peace. Allah makes permissible for His Messenger, may Allah bless him and grant him peace, whatever He wishes." The Messenger of Allah, may Allah bless him and grant him peace, got angry and said, "By Allah, I am the one with the most taqwa of Allah of you all, and of you all the one who best knows His limits."

Book 18, Number 18.5.14:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, umm al-muminin, may Allah be pleased with her, said, "The Messenger of Allah, may Allah bless him and grant him peace, used to kiss certain of his wives when fasting," and then she laughed.

Book 18, Number 18.5.15:

Yahya related to me from Malik from Yahya ibn Sai

I'tikaf in Ramadan

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Section: Mention of Iltikaf

Book 19, Number 19.1.1:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr from Amra bint Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "When the Messenger of Allah, may Allah bless him and grant him peace, did itikaf he would bring his head near to me and I would comb it. He would only go into the house to relieve himself."

Book 19, Number 19.1.2:

Yahya related to me from Malik from Ibn Shihab from Amra bint Abd ar-Rahman that when A'isha was doing itikaf she would only ask after sick people if she was walking and not if she was standing still.

Malik said, "A person doing itikaf should not carry out obligations of his, nor leave the mosque for them, nor should he help anyone. He should only leave the mosque to relieve himself. If he were able to go out to do things for people, visiting the sick, praying over the dead and following funeral processions would be the things with the most claim on his coming out."

Malik said, "A person doing itikaf is not doing itikaf until he avoids what some one doing itikaf should avoid, namely, visiting the sick, praying over the dead, and entering houses, except to relieve himself."

Book 19, Number 19.1.3:

Yahya related to me from Malik that he had asked Ibn Shihab whether someone doing itikaf could go into a house to relieve himself, and he said, "Yes, there is no harm in that."

Malik said, "The situation that we are all agreed upon here is that there is no disapproval of anyone doing itikaf in a mosque where jumua is held. The only reason I see for disapproving of doing itikaf in a mosque where jumua is not held is that the man doing itikaf would have to leave the mosque where he was doing itikaf in order to go to jumua, or else not go there at all. If, however, he is doing itikaf in a mosque where jumua is not held, and he does not have to go to jumua in any other mosque, then I see no harm in him doing itikaf there, because Allah, the Blessed and Exalted, says, 'While you are doing itikaf in mosques,' and refers to all mosques in general, without specifying any particular kind."

Malik continued, "Accordingly, it is permissible for a man to do itikaf in a mosque where jumua is not held if he does not have to leave it to go to a mosque where jumua is held."

Malik said, "A person doing itikaf should spend the night only in the mosque where he is doing itikaf, except if his tent is in one of the courtyards of the mosque. I have never heard that someone doing itikaf can put up a shelter anywhere except in the mosque itself or in one of the courtyards of the mosque."

Part of what shows that he must spend the night in the mosque is the saying of A'isha, 'When the Messenger of Allah, may Allah bless him and grant him peace, was doing itikaf, he would only go into the house to relieve himself.' Nor should he do itikaf on the roof of the mosque or in the minaret."

Malik said, "The person who is going to do itikaf should enter the place where he wishes to do itikaf before the sun sets on the night when he wishes to begin his itikaf, so that he is ready to begin the itikaf at the beginning of the night when he is going to start his itikaf. A person doing itikaf should be occupied with his itikaf, and not turn his attention to other things which might occupy him, such as trading or whatever. There is no harm, however, if some one doing itikaf tells some one to do something for him regarding his estate, or the affairs of his family, or tells someone to sell some property of his, or something else that does not occupy him directly. There is no harm in him arranging for someone else to do that for him if it is a simple matter."

Malik said, "I have never heard any of the people of knowledge mentioning any modification as far as how to do itikaf is concerned. Itikaf is an act of ibada like the prayer, fasting, the hajj, and such like acts, whether they are obligatory or voluntary. Anyone who begins doing any of these acts should do them according to what has come down in the sunna. He should not start doing anything in them that the muslims have not done, whether it is a modification that he imposes on others, or one that he begins doing himself. The Messenger of Allah, may Allah bless him and grant him peace, practised itikaf, and the muslims know what the sunna of itikaf is."

Malik said, "Itikaf and jiwar are the same, and Itikaf is the same for a village-dweller as it is for a nomad."

Section: Things Without Which Itikaf is Not Possible

Book 19, Number 19.2.4:

Yahya related to me from Malik that he had heard that al-Qasim ibn Muhammad and Nafi, the mawla of Abdullah ibn Umar said, "You cannot do itikaf unless you are fasting, because of what Allah, the Blessed and Exalted, says in His Book, 'And eat and drink until the white thread becomes clear to you from the black thread of dawn, then complete the fast until night-time, and do not have intercourse with them while you are doing itikaf in mosques,' (Sura 2 ayat 187). Allah only mentions itikaf together with fasting."

Malik said, "That is what we go by here."

Section: Leaving Itikaf for the Id

Book 19, Number 19.3.5:

Yahya related to me that Ziyad ibn Abd ar-Rahman said, "Malik related to us from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, that Abu Bakr ibn Abd ar-Rahman was once doing itikaf and he would go out to relieve himself in a closed room under a roofed passage in Khalid ibn Walid's house. Otherwise he did not leave his place of itikaf until he went to pray at the Id with the muslims."

Book 19, Number 19.3.6:

Yahya related to me from Ziyad from Malik that he saw some of the people of knowledge who, when they did itikaf in the last ten days of Ramadan, would not go back to their families until they had attended the Id al-Fitr with everybody.

Ziyad said that Malik said, "I heard this from the people of excellence who have passed away, and it is what I like most out of what I have heard about the matter."

Section: Making Up for the Itikaf (Not Done)

Book 19, Number 19.4.7:

Ziyad related to me from Malik from Ibn Shihab from Amra bint Abd ar-Rahman from A'isha that the Messenger of Allah, may Allah bless him and grant him peace, once wanted to do itikaf, and when he went off to the place where he wanted to do itikaf he found some tents there, which were A'isha's tent, Hafsa's tent, and Zaynab's tent. When he saw them he asked about them and someone told him that they were the tents of A'isha, Hafsa and Zaynab. The Messen>

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grant him peace, said, "Do you think them devout?" Then he left, and did not do itikaf until Shawwal, when he then did it for ten days.

Book 19, Number 19.4.8:

Malik was asked whether someone who went into a mosque to do itikaf for the last ten days of Ramadan and stayed there for a day or two but then became ill and left the mosque, had to do itikaf for the number of days that were left from the ten, or not, and if he did have to do so, then what month should he do it in, and he replied, "He should make up whatever he has to do of the itikaf when he recovers, whether in Ramadan or otherwise. I have heard that the Messenger of Allah, may Allah bless him and grant him peace, once wanted to do itikaf in Ramadan, but then came back without having done so, and then when Ramadan had gone, he did itikaf for ten days in Shawwal.

Some one who does itikaf voluntarily in Ramadan and some one who has to do itikaf are in the same position regarding what is halal for them and what is haram. I have not heard that the Messenger of Allah, may Allah bless him and grant him peace, ever did itikaf other than voluntarily."

Malik said, that if a woman did itikaf and then menstruated during her itikaf, she went back to her house, and, when she was pure again she returned to the mosque, at whatever time it was that she became pure. She then continued her itikaf from where she left off. This was the same situation as with a woman who had to fast two consecutive months, and who menstruated and then became pure. She then continued the fast from where she had left off and did not delay doing so.

Book 19, Number 19.4.9:

Ziyad related to me from Malik from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, used to go to relieve himself in houses.

Malik said, "Someone doing itikaf should not leave for his parents' funeral or for anything else."

Section: Marriage in Itikaf

Book 19, Number 19.5.9a:

Malik said, "There is no harm in someone who is in itikaf entering into a marriage contract as long as there is no physical relationship. A woman in itikaf may also be betrothed as long as there is no physical

relationship. What is haram for someone in itikaf in relation to his womenfolk during the day is haram for him during the night."

Yahya said that Ziyad said that Malik said, "It is not halal for a man to have intercourse with his wife while he is in itikaf, nor for him to take pleasure in her by kissing her, or whatever. However, I have not heard anyone disapproving of a man, or woman, in itikaf getting married as long as there is no physical relationship. Marriage is not disapproved of for someone fasting."

"There is, however, a distinction between the marriage of someone in itikaf and that of someone who is muhrim, in that some one who is muhrim can eat, drink, visit the sick and attend funerals, but cannot put on perfume, whilst a man or woman in itikaf can put on oil and perfume and groom their hair, but cannot attend funerals or pray over the dead or visit the sick. Thus their situations with regard to marriage are different."

"This is the sunna as it has come down to us regarding marriage for those who are muhrim, doing itikaf, or fasting.

Section: Laylat al-Qadr

Book 19, Number 19.6.10:

Yahya related to me from Malik from Yazid ibn Abdullah ibn al-Hadi from Muhammad ibn Ibrahim al-Harith at-Taymi from Abu Salama ibn Abd ar-Rahman that Abu Said al-Khudri said, "The Messenger of Allah, may Allah bless him and grant him peace, used to do itikaf in the middle ten days of Ramadan. One year he was doing itikaf and then, when it came to the night of the twenty-first, which was the night before the morning when he would normally have finished his itikaf, he said, 'Whoever has done i'tikaf with me should continue doing itikaf for the last ten days. I saw a certain night and then I was made to forget it. I saw myself prostrating the following morning in water and clay. Look for it in the last ten days, and look for it on the odd days.' "

Abu Said continued, "The sky poured with rain that night and the mosque had a roof (made of palm fronds) and the mosque was soaked. With my own eyes I saw the Messenger of Allah, may Allah bless him and grant him peace, leave with traces of water and clay on his forehead and nose, in the morning after the night of the twenty-first."

Book 19, Number 19.6.11:

Ziyad related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "Search for Laylat al-Qadr in the last ten days of Ramadan."

Book 19, Number 19.6.12:

Ziyad related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Search for Laylat al-Qadr in the last seven days."

Book 19, Number 19.6.13:

Ziyad related to me from Malik from Abu'n Nadr, the mawla of Umar ibn Ubaydullah, that Abdullah ibn Unays al-Juhani said to the Messenger of Allah, may Allah bless him and grant him peace, "Messenger of Allah, I am a man whose house is a long way away. Tell me one night so that I can stop my journey for it." The Messenger of Allah, may Allah bless him and grant him peace, said, "Stop on the twenty-third night of Ramadan."

Book 19, Number 19.6.14:

Ziyad related to me from Malik from Humayd at-Tawil that 'Anas ibn Malik said, "The Messenger of Allah, may Allah bless him and grant him peace, came out to us in Ramadan and said, 'I was shown a certain night in Ramadan and then two men abused each other and it was taken away. Look for it on the ninth and the seventh and the fifth.' "

Book 19, Number 19.6.15:

Ziyad related to me from Malik from Nafi from Ibn 'Umar that some of the companions of the Messenger of Allah, may Allah bless him and grant him peace, were shown Laylat al-Qadr in their sleep during the last seven days. The Messenger of Allah, may Allah bless him and grant him peace, said, "I see that your visions agree about the last seven days, so whoever is searching for it should do so in the last seven days."

Book 19, Number 19.6.16:

Ziyad related to me from Malik that he had heard a man he trusted of the people of knowledge say, "The Messenger of Allah, may Allah bless him and grant him peace, was shown the lifespans of the people (who had gone) before him, or what Allah willed of that, and it was as if the lives of the people of his community had become too short for them to be able to do as many good actions as others before them had been able to do with their long lives, so Allah gave him Laylat al-Qadr, which is better than a thousand months."

Book 19, Number 19.6.17:

Ziyad related to me from Malik that he had heard that Said ibn al-Musayyab used to say, "Whoever is present at isha on Laylat al-Qadr has taken his portion from it."

Hajj

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Section: The Ghusl to Enter Ihram

Book 20, Number 20.1.1:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father from Asma bint Umays that she gave birth to Muhammad ibn Abi Bakr at al-Bayda. Abu Bakr mentioned this to the Messenger of Allah, may Allah bless him and grant him peace, and he said, "Tell her to do ghusl and then enter ihram."

Book 20, Number 20.1.2:

Yahya related to me from Malik from Yahya ibn Said from Said ibn al-Musayyab that Asma bint Umays gave birth to Muhammad ibn Abi Bakr at Dhu'l-Hulayfa and Abu Bakr told her to do ghusl and then enter ihram.

Book 20, Number 20.1.3:

Yahya related to me from Malik from Nafi' that 'Abdullah ibn Umar used to do ghusl for ihram before he entered ihram, and for entering Makka, and for standing on the afternoon of 'Arafa.

Section: The Ghusl of Someone in Ihram

Book 20, Number 20.2.4:

Yahya related to me from Malik from Zayd ibn Aslam from Ibrahim ibn Abdullah ibn Hunayn from his father Abdullah ibn Hunayn that Abdullah ibn Abbas and al-Miswar ibn Makhrama once had a disagreement at al-Abwa. Abdullah said that some one in ihram could wash his head, and al Miswar ibn Makhrama maintained that some one in ihram could not wash his head.

Abdullah ibn Hunayn continued, "Abdullah ibn Abbas sent me to Abu Ayyub al-Ansari, and I found him doing ghusl between the posts of a well, screened by a garment. I greeted him and hesaid, 'Who is that?' I replied, 'I am 'Abdullah ibn Hunayn. 'Abdullah ibn Abbas sent me to you to ask how the Messenger of Allah, may Allah bless him and grant him peace, used to wash his head when he was in ihram.' "

He continued, "Abu Ayyub put his hand on the garment and pulled it down until I could see his head. He said to the man who was pouring out the water for him, 'Pour,' and he poured some over his head. Then he passed his hands over his head from the front to the back and then to the front again, and then said, 'I saw the Messenger of Allah, may Allah bless him and grant him peace, doing it like this.' "

Book 20, Number 20.2.5:

Malik related to me from Humayd ibn Qays from Ata ibn Abi Rabah that 'Umar ibn al-Khattab once asked Yala ibn Munya, who was pouring out water for him while he was having a ghusl, to pour some on his head. Ya'la said, "Are you trying to make me responsible? I will only pour it out if you tell me to do so." Umar ibn al-Khattab said, "Pour. It will only make (my head) more unkempt."

Book 20, Number 20.2.6:

Malik related to me from Nafi that Abdullah ibn Umar would spend the night between the two trails in the valley of Dhu Tuwa when he was approaching Makka. Then he would pray subh, and after that he would enter Makka by the trail which is at the highest part of Makka. He would never enter Makka, if he was coming for hajj or umra, without doing ghusl beforehand when he was near Makka at Dhu Tuwa, and he would tell whoever was with him to do likewise.

Book 20, Number 20.2.7:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would never wash his head while he was in ihram except if he had to do ghusl because of a wet dream.

Malik said, "I have heard the people of knowledge say that there is no harm in someone who is in ihram rubbing his head with certain kinds of plants after he has stoned the Jamrat al-Aqaba but before he has shaved his head, because once he has finished stoning the Jamrat al-Aqaba it is halal for him to kill lice, to shave his head, to clean himself of body hair, and to wear normal clothes."

Section: Clothes Forbidden to be Worn in Ihram

Book 20, Number 20.3.8:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that a man once asked the Messenger of Allah, may Allah bless him and grant him peace, what clothes someone in ihram could wear, and the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not wear shirts, turbans, trousers, burnouses, or leather socks, except if you cannot find sandals. In that case you can wear leather socks, but cut them off below the ankles. Do not wear any clothes that have been touched by saffron or yellow dye."

Yahya said that Malik was asked about the hadith attributed to the Prophet, may Allah bless him and grant him peace, "Whoever cannot find a waist wrapper should wear trousers," and he said, "I have never heard this, and I do not think that some one who is in ihram can wear trousers, because among the things which the Prophet, may Allah bless him and grant him peace, forbade some one in ihram to wear were trousers, and he did not make any exception for them although he did make an exception for leather socks."

20.4 Wearing Clothes when in Ihram

Section: Wearing Clothes when in Ihram

Book 20, Number 20.4.9:

Yahya related to me from Malik from 'Abdullah ibn Dinar that Abdullah ibn Umar said, "The Messenger of Allah, may Allah bless him and grant him peace, forbade anyone in ihram to wear a garment which

had been dyed with saffron or yellow dye, and said, 'Anyone that cannot find sandals can wear leather socks, but he should cut them off below the ankles.' "

Book 20, Number 20.4.10:

Yahya related to me from Malik from Nafi that he had heard Aslam, the mawla of Umar ibn al-Khattab, telling 'Abdullah ibn Umar that Umar ibn al-Khattab once saw a dyed garment on Talha ibn Ubaydullah while he was in ihram and Umar said, "What is this dyed garment, Talha?", and Talha said, "Amir al-muminin, it is only mud." Umar said, "You and your like are taken by people as imams, and if an ignorant man were to see this garment he would say that Talha ibn Ubaydullah used to wear a dyed robe while he was in ihram. So do not wear any form of dyed clothes."

Book 20, Number 20.4.11:

Yahya related to me from Malik from Hisham ibn Urwa from his father that Asma bint Abi Bakr had worn clothes that were completely dyed with safflower while she was in ihram, though there was not any saffron in them.

Yahya said that Malik was asked if a garment which had been perfumed could be used for ihram if the smell of the perfume had gone, and he said, "Yes, as long as there is no saffron or yellow dye in it."

Book 20, Number 20.4.12:

Yahya related to me from Malik from Nafi that 'Abdullah ibn 'Umar used to disapprove of anybody wearing a belt or girdle while in ihram.

Book 20, Number 20.4.13:

Yahya related to me from Malik from Yahya ibn Sa'id that he heard Said ibn al Musayyab say, about the girdle worn by some one in ihram under his clothes, "There is no harm in it if he ties the ends together as a belt."

Malik said, "This is what I like most out of what I have heard about the matter."

Section: Veiling the Face while in Ihram

Book 20, Number 20.5.13a:

Yahya related to me from Malik from Yahya ibn Said that al-Qasim ibn Muhammad said that al-Furafisa ibn Umayr al-Hanafi saw Uthman ibn Affan at al-Arij, and he was covering his face while in ihram.

Book 20, Number 20.5.13b:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say that a man in ihram should not veil anything above his chin .

Book 20, Number 20.5.14:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar shrouded his son Waqid ibn Abdullah, who had died at al-Juhfa while in ihram, and he veiled his head and face and said, "If we had not been in ihram we would have perfumed him. "

Malik said, "A man can only do things while he is alive. When he is dead, his actions stop."

Book 20, Number 20.5.15:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to say that a woman in ihram should wear neither a veil nor gloves.

Book 20, Number 20.5.16:

Yahya related to me from Malik from Hisham ibn Urwa that Fatima bint al-Mundhir said, "We used to veil our faces when we were in ihram in the company of Asma bint Abi Bakr as-Siddiq."

20.7 Wearing Perfume during Hajj.

Book 20, Number 20.5.17:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "I perfumed the Messenger of Allah, may Allah bless him and grant him peace, for his ihram before he entered ihram, and when he came out of ihram before he did tawaf of the House."

Book 20, Number 20.5.18:

Yahya related to me from Malik from Humayd ibn Qays from Ata ibn Rabah that a bedouin came to the Messenger of Allah, may Allah bless him and grant him peace, when he was at Hunayn, and he was wearing a shirt with traces of yellow on it. He said, "Messenger of Allah, I have entered ihram for umra. What should I do?" The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Take off your shirt and wash off this yellowness and do in umra as you would do on hajj."

Book 20, Number 20.5.19:

Yahya related to me from Malik from Nafi from Aslam, the mawla of Umar ibn al-Khattab, that Umar ibn al-Khattab discovered the smell of perfume while he was at ash-Shajara, and he asked, "Who is this smell of perfume coming from?" Muawiya ibn Abi Sufyan answered, "From me, amir al-muminin." Umar said, "From you? By the life of Allah!" Muawiya explained, "Umm Habiba perfumed me, amir al-muminin." Umar then said, "You must go back and wash it off."

Book 20, Number 20.5.20:

Yahya related to me from Malik from as-Salt ibn Zubayd from more than one of his family that Umar ibn al-Khattab discovered the smell of perfume while he was at ash-Shajara. Kathir ibn as-Salt was at his side, and Umar asked, "Who is this smell of perfume coming from?", and Kathir said, "From me, amir al-muminin. I matted my hair with perfume and I intended not to shave it." Umar said, "Go to a sharaba and rub your head until it is clean," and Kathir did so.

Malik explained, "A sharaba is the ditch at the base of a date-palm."

Book 20, Number 20.5.21:

Yahya related to me from Malik from Yahya ibn Said and 'Abdullah ibn Abi Bakr and Rabia ibn Abi Abd ar-Rahman that al-Walid ibn Abd al-Malik asked Salim ibn Abdullah and Kharija ibn Zayd ibn Thabit if he could use perfume after he had stoned the jamra and shaved his head, but before he had left for the tawafal-ifada. Salim forbade him to do so, but Kharija ibn Zayd ibn Thabit said that he could.

Malik said, "There is no harm in a man oiling himself with an oil which does not have any perfume in it, either before he enters ihram, or before he leaves Mina for the tawaf al-ifada, if he has stoned the jamra."

Yahya said that Malik was asked whether someone in ihram could eat food with saffron in it, and he said, "There is no harm in some one in ihram eating it if it has been cooked. If, however, it has not been cooked he should not eat it."

Section: Where People Should Enter Ihram

Book 20, Number 20.6.22:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "The people of Madina should enter ihram at Dhu'l-Hulayfa, the people of Syria should do so at al-Juhfa, and the people of Najd should do so at Qarn."

Abdullah ibn Umar added, "I have heard that the Messenger of Allah, may Allah bless him and grant him peace, said, 'The people of Yemen should enter ihram at Yalamlam.' "

Book 20, Number 20.6.23:

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar said, "The Messenger of Allah, may Allah bless him and grant him peace, told the people of Madina to enter ihram at Dhu'l-Hulayfa, the people of Syria to do so at al-Juhfa, and the people of Najd to do so at Qarn."

Book 20, Number 20.6.24:

Abdullah ibn Umar said, "I heard these three from the Messenger of Allah, may Allah bless him and grant him peace. I was also told that the Messenger of Allah, may Allah bless him and grant him peace, said, 'The people of Yemen should enter ihram at Yalamlam.' "

Book 20, Number 20.6.25:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar once entered ihram at al-Fur.

Book 20, Number 20.6.26:

Yahya related to me from Malik from a reliable source that Abdullah ibn Umar once entered ihram at Ilya (Jerusalem).

Book 20, Number 20.6.27:

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, once entered ihram at al-Jirrana (near Makka) for an umra.

Section: How to Enter Ihram

Book 20, Number 20.7.28:

Yahya related to me from Malik from Abdullah ibn Umar that the talbiya of the Messenger of Allah, may Allah bless him and grant him peace, was, "I am at Your service, O Allah, I am at Your service. You have no partner. I am at Your service. Praise and blessing belong to You, and the Kingdom. You have no partner."

Labayk, Allahumma labayk, la sharika laka labayk. Inna'l-hamda wa'n-nimata laka wa'l-mulk, la sharika lak.

Malik said that Abdullah ibn Umar used to add, "I am at Your service, I am at Your service. I am at Your service and at Your call. Good is in Your hands, and I am at Your service. Our desire is for You, and our action ."

Labayk, labayk, labayk wa sadayka wa'l-khayr biyadayka labayk wa'r-raghba'u ilayka wa'l-amalu.

Book 20, Number 20.7.29:

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, used to pray two rakas in the mosque at Dhu'l-Hulayfa, and then, when he had got on to his camel and it had stood up, he would begin doing talbiya.

Book 20, Number 20.7.30:

Yahya related to me from Malik from Musa ibn Uqba that Salim ibn Abdullah heard his father say, "Your claim that the Messenger of Allah, may Allah bless him and grant him peace, entered ihram from this desert of yours is not true, because he only entered ihram from the mosque, i.e. the mosque of Dhu'l-Hulayfa."

Book 20, Number 20.7.31:

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi that Ubayd ibn Jurayj once said to Abdullah ibn Umar, "Abu Abd ar-Rahman, I have seen you doing four things which I have never seen any of your companions doing." He said, "What are they, Ibn Jurayj?" and he replied, "I have seen you touching only the two Yamani corners, I have seen you wearing hairless sandals, I have seen you using yellow dye, and, when you were at Makka and everybody had started doing talbiya after seeing the new moon, I saw that you did not do so until the eighth of Dhu'l-Hijja."

Abdullah ibn Umar replied, "As for the corners, I only ever saw the Messenger of Allah, may Allah bless him and grant him peace, touching the two Yamani corners. As for the sandals, I saw the Messenger of Allah, may Allah bless him and grant him peace, wearing hairless sandals and doing wudu in them, and I like wearing them. As for using yellow dye, I saw the Messenger of Allah, may Allah bless him and grant him peace, using it, and I also like to use it for dyeing things with. As for doing talbiya, I never saw the Messenger of Allah, may Allah bless him and grant him peace, begin doing so until he had set out

on the animal he was riding on (i.e. for Mina and Arafah)."

Book 20, Number 20.7.32:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar used to pray in the mosque of Dhu'l-Hulayfa, and then go outside and get on his camel and when his camel had stood up he would begin to do talbiya.

Book 20, Number 20.7.33:

Yahya related to me from Malik that he had heard that Abd al-Malik ibn Marwan had started to do talbiya at the mosque of Dhu'l-Hulayfa, after the animal he was riding on had stood up, and that Aban ibn Uthman had told him to do this.

Section: Raising the Voice in Talbiyya

Book 20, Number 20.8.34:

Yahya related to me from Malik from 'Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from Abd al-Malik ibn Abi Bakr ibn al-Harith ibn Hisham from Khallad ibn as-Sa'ib al-Ansari from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "Jibril came to me and told me to tell my companions, or whoever was with me, to raise their voices when doing talbiya."

Book 20, Number 20.8.35:

Yahya related to me from Malik that he had heard the people of knowledge say, "Women do not have to raise their voices when they are doing talbiya, and a woman should only speak loudly enough to hear herself."

Malik said, "Some one who is in ihram should not raise his voice when doing talbiya if he is in a mosque where there are groups of people. He should only speak loudly enough for himself and those who are near him to be able to hear, except in the Masjid alHaram and the mosque at Mina, where he should raise his voice."

Malik said, "I have heard some of the people of knowledge recommending (people to do) talbiya at the end of every prayer and at every rise on the route."

Section: Doing Hajj on its Own

Book 20, Number 20.9.36:

Yahya related to me from Malik, from Abu'l-Aswad Muhammad ibn Abd ar-Rahman, from Urwa ibn az-Zubayr, that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "We set out with the Messenger of Allah, may Allah bless him and grant him peace, in the year of the farewell hajj, and some of us went into ihram to do umra, some of us went into ihram to do hajj and umra, and some of us went into ihram to do hajj on its own. The Messenger of Allah, may Allah bless him and grant him peace, went into ihram to do hajj on its own. Those who had gone into ihram to do umra came out of ihram (after doing umra). Those who had gone into ihram to do hajj (on its own), or to do both hajj and umra, did not come out of ihram until the day of the sacrifice."

Book 20, Number 20.9.37:

Yahya related to me from Malik, from Abd ar-Rahman ibn al-Qasim, from his father, from A'isha, umm al-muminin, that the Messenger of Allah, may Allah bless him and grant him peace, did hajj on its own.

Book 20, Number 20.9.38:

Yahya related to me from Malik, from Abu'l-Aswad Muhammad ibn 'Abd ar-Rahman, from Urwa ibn az-Zubayr, from A'isha, umm al-muminin, that the Messenger of Allah, may Allah bless him and grant him peace, did hajj on its own.

Book 20, Number 20.9.39:

Yahya related to me from Malik that he had heard the people of knowledge say, "If someone goes into ihram to do hajj on its own, he cannot then go into ihram to do umra."

Malik said, "This is what I have found the people of knowledge in our city doing."

Section: Doing Hajj and Umra Together (Hajj al-Qiran)

Book 20, Number 20.10.40:

Yahya related to me from Malik, from Jafar ibn Muhammad, from his father, that al-Miqdad ibn al-Aswad once went to see Ali ibn Abi Talib as-Suqya, where he was feeding some young camels of his with a mash of meal and leaves, and he said to him, "This man Uthman ibn Affan is telling people that they cannot do hajj and umra together."

Al-Miqdad said, "Ali ibn Abi Talib went off with bits of meal and leaves on his forearms - and I shall never forget the sight of the meal and the leaves on his arms - and went to see Uthman ibn Affan and asked him, 'Are you saying then that people cannot do hajj and umra together?' Uthman replied, 'That is my opinion.' Whereupon Ali got angry and went out saying, 'I am at your service, O Allah, I am at your service for a hajj and an umra together.' "

Malik said, "Our position (here in Madina) is that someone who does hajj and umra together should not remove any of his hair, nor should he come out of ihram in any way until he has sacrificed an animal, if he has one. He should come out of ihram at Mina, on the day of the sacrifice."

Book 20, Number 20.10.41:

Yahya related to me from Malik, from Muhammad ibn Abd ar-Rahman, from Sulayman ibn Yasar, that when the Messenger of Allah, may Allah bless him and grant him peace, set out for hajj in the year of the farewell hajj, some of his companions went into ihram to do hajj on its own, some of them combined hajj and umra, and some went into ihram to do umra on its own. Those who had gone into ihram to do hajj, or hajj and umra together, did not come out of ihram, whilst those who had gone into ihram to do umra (on its own) came out of ihram.

Book 20, Number 20.10.42:

Yahya related to me from Malik that he had heard some of the people of knowledge say, "If someone goes into ihram to do umra and then wants to go into ihram to do hajj as well, he can do so, as long as

he has not done tawaf of the House and s'ay between Safa and Marwa. This is what Abdullah ibn 'Umar did when he said, 'If I am blocked from the House we shall do what we did when we were with the Messenger of Allah, may Allah bless him and grant him peace.' He then turned to his companions and said, 'It is the same either way. I call you to witness that I have decided in favour of hajj and umra together.' "

Malik said, "The companions of the Messenger of Allah, may Allah bless him and grant him peace, went into ihram to do umra in the year of the farewell hajj, and the Messenger of Allah, may Allah bless him and grant him peace, said to them, 'Anyone that has a sacrificial animal with him should go into ihram to do hajj and umra together, and he should not come out of ihram until he has finished both.' "

Section: When to Stop the Talbiya

Book 20, Number 20.11.43:

Yahya related to me from Malik that Muhammad ibn Abi Bakr ath-Thaqafi once asked Anas ibn Malik, while the two of them were going from Mina to Arafa, "What did you use to do on this day when you were with the Messenger of Allah, may Allah bless him and grant him peace?" He said, "Those of us who were saying the talbiya would continue doing so, and no-one disapproved of it, and those of us who were saying 'Allahu akbar' would continue doing so, and no-one disapproved of that either."

Book 20, Number 20.11.44:

Yahya related to me from Malik, from Jafar ibn Muhammad, from his father, that Ali ibn Abi Talib used to say the talbiya while on hajj until after noon on the day of Arafa, when he would stop doing so.

Yahya said that Malik said, "This is what the people of knowledge in our city are still doing."

Book 20, Number 20.11.45:

Yahya related to me from Malik, from Abd ar-Rahman ibn al-Qasim, from his father, that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, would stop saying the talbiya when she arrived at the place of standing (i.e. Arafa) .

Book 20, Number 20.11.46:

Yahya related to me from Malik, from Nafi, that when 'Abdullah ibn Umar was doing hajj he would keep saying the talbiya until he reached the Haram and did tawaf of the House and say between Safa and Marwa. He would then say the talbiya until he left Mina to go to Arafa, at which point he would stop doing so. If he was doing umra he would stop saying the talbiya on entering the Haram.

Book 20, Number 20.11.47:

Yahya related to me from Malik that Ibn Shihab used to say, "Abdullah ibn Umar would never say the talbiya while he was doing tawaf of the House."

Book 20, Number 20.11.48:

Yahya related to me from Malik, from Alqama ibn Abi Alqama, from his mother, that A'isha, umm al-muminin, used to camp on the plain of Arafa at a place called Namira, and then later she changed to

another place called al-Arak.

She said, "A'isha, and those who were with her, would say the talbiya while she was at the place where they were camping, and then, when she had mounted and set out towards the place of standing, she would stop doing so."

She continued, "A'isha used to do umra when she was in Makka after the hajj was over, in the month of Dhu'l-Hijja. Then she stopped doing that, and instead would set out before the new moon of Muharram for al-J uhfa, where she would stay until she saw the new moon, and then, when she had seen the new moon, she would go into ihram to do umra."

Book 20, Number 20.11.49:

Yahya related to me from Malik, from Yahya ibn Said, that Umar ibn Abd alAziz was once going from Mina (to Arafa) on the day of Arafa and heard the takbir being said loudly, so he sent the guard to shout out to the people, "O people, you should be saying the talbiya."

Section: How the People of Makka, and Those Besides Them Living There, Go into Ihram

Book 20, Number 20.12.50:

Yahya related to me from Malik, from Abd ar-Rahman ibn al-Qasim, from his father, that Umar ibn al-Khattab said, "People of Makka, why is it that people arrive dishevelled while you still have oil on your hair? Go into ihram when you see the new moon."

Book 20, Number 20.12.51:

Yahya related to me from Malik, from Hisham ibn Urwa, that Abdullah ibn az-Zubayr stayed in Makka for nine years. He would go into ihram for hajj at the beginning of Dhu'l-Hijja, and Urwa ibn az-Zubayr, who was with him, would do likewise.

Yahya said that Malik said, "The people of Makka and whoever else is living there besides them should go into ihram for hajj if they are in Makka, and anyone that is living in the centre of Makka and is not one of the people of Makka should not leave the Haram."

Yahya said that Malik said, "Someone who goes into ihram for hajj in Makka should delay tawaf of the House and the sa'y between Safa and Marwa until he has come back from Mina, which is what Abdullah ibn Umar used to do."

Malik was asked what the people of Madina, or anybody else, should do about tawaf if they went into ihram in Makka at the beginning of Dhu'l-Hijja, and he said, "They should delay the obligatory tawaf, which is the one they combine with the sa'y between Safa and Marwa, but they can do whatever other tawaf they want to, and they should pray two rakas every time they complete seven tawafs, which is what the companions of the Messenger of Allah, may Allah bless him and grant him peace, did when they had gone into ihram to do hajj. They delayed the tawaf of the House and the sa'y between Safa and Marwa until they had come back from Mina. Abdullah ibn Umar also did this, going into ihram for hajj in Makka at the beginning of Dhu'l-Hijja, and then delaying tawaf of the House and the sa'y between Safa and Marwa until he had come back from Mina."

Malik was asked whether one of the people of Makka could go into ihram to do umra in the centre of Makka, and he said, "No. He should go outside the Haram and go into ihram there."

Section: Situations when Ihram Not Obligatory for Garlanding Sacrificial Animals

Book 20, Number 20.13.52:

Yahya related to me from Malik, from 'Abdullah ibn Abi Bakr ibn Muhammad, that Amra bint 'Abd ar-Rahman told him that Ziyad ibn Abi Sufyan once wrote to A'isha, the wife of the Prophet, may Allah bless him and grant him peace, saying, "'Abdullah ibn Abbas said that whatever was haram for some one doing hajj was also haram for some one who sent a sacrificial animal until the animal was sacrificed. I have sent one, so write and tell me what you say about this, or tell the man in charge of the animal what to do.

Amra said that A'isha said, "It is not as Ibn Abbas has said. I once plaited the garlands for the sacrificial animal of the Messenger of Allah, may Allah bless him and grant him peace, with my own two hands. Then after that the Messenger of Allah, may Allah bless him and grant him peace, himself put the garlands on the animal and then sent it with my father. And there was nothing that Allah had made halal for the Messenger of Allah, may Allah bless him and grant him peace, that was haram for him until such time as the animal had been sacrificed."

Book 20, Number 20.13.53:

Yahya related to me from Malik that Yahya ibn Said said, "I asked Amra bint Abd ar-Rahman if there was anything that was haram for someone who sent a sacrificial animal (to Makka) but did not go there himself, and she told me that she had heard A'isha say, 'It is only some one who goes into ihram for hajj and begins saying the talbiya for whom things are haram.' "

Book 20, Number 20.13.54:

Yahya related to me from Malik, from Yahya ibn Said, from Muhammad ibn Ibrahim ibn al-Harith at-Taymi, that Rabia ibn Abdullah ibn al-Hudayr once saw a man in a state of ihram in Iraq. So he asked people about him and they said, "He has given directions for his sacrificial animal to be garlanded, and it is for that reason that he has put on ihram ."

Rabia said, "I then met Abdullah ibn az-Zubayr and so I mentioned this to him and he said, 'By the Lord of the Kaba, an innovation.' "

Malik was asked about some one who set out with his own sacrificial animal and marked it and garlanded it at Dhu'l-Hulayfa, but did not go into ihram until he had reached al-Juhfa, and he said, "I do not like that, and whoever does so has not acted properly. He should only garland his sacrificial animal, or mark it, when he goes into ihram, unless it is someone who does not intend to do hajj, in which case he sends it off and stays with his family."

Malik was asked if someone who was not in ihram could set out with a sacrificial animal, and he said, "Yes. There is no harm in that."

He was also asked to comment on the different views people had about what became haram for some one who garlanded a sacrificial animal but did not intend to do either hajj or umra, and he said, "What we go by as far as this is concerned is what A'isha, umm al-muminin said, 'The Messenger of Allah, may Allah bless him and grant him peace, sent his sacrificial animal off and did not go there himself, and there was nothing that Allah had made halal for him that was haram for him until the animal had been sacrificed.' "

Section: What a Menstruating Woman Does on Hajj

Book 20, Number 20.14.55:

Yahya related to me from Malik, from Nafi, that Abdullah ibn Umar used to say, "A menstruating woman who wants to go into ihram to do either hajj or umra can do so if she so wishes, but she cannot do tawaf of the House, nor the say between Safa and Marwa. She can participate in all the rituals along with everybody else, except that she cannot do tawaf of the House, nor the say between Safa and Marwa, nor can she come near the mosque until she is pure."

Section: Umra in the Months of Hajj

Book 20, Number 20.15.56:

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, did umra three times: in the year of Hudaibiya, in the year of al-Qadiyya, and in the year of al-Jiirana.

Book 20, Number 20.15.57:

Yahya related to me from Malik from Hisham ibn Urwa, from his father, that the Messenger of Allah, may Allah bless him and grant him peace, only did three umras, one of them in Shawwal, and two in Dhu'l-Qada.

Book 20, Number 20.15.58:

Yahya related to me from Malik, from Abd ar-Rahman ibn Harmala al-Aslami, that somebody asked Said ibn al-Musayyab, "Can I do umra before I do hajj?", and Said said, "Yes, the Messenger of Allah, may Allah bless him and grant him peace, did umra before doing hajj."

Book 20, Number 20.15.59:

Yahya related to me from Malik, from Ibn Shihab, from Said ibn al-Musayyab, that Umar ibn Abi Salama once asked Umar ibn al-Khattab for permission to do umra in Shawwal. He gave him permission, so he did umra and then went back to his family, and he did not do hajj.

Section: When to Stop Saying the Talbiya for Umra

Book 20, Number 20.16.60:

Yahya related to me from Malik, from Hisham ibn 'Urwa, that his father would stop saying the talbiya when he entered the Haram, if he was doing 'umra.

Malik said that someone who went into ihram at at-Tanim should stop saying the talbiya when he saw the House.

Yahya said that Malik was asked where a man from the people of Madina, or elsewhere, who had begun doing umra at one of the mawaqit, should stop saying the talbiya, and he said, "Someone who goes into ihram at one of the mawaqit should stop saying the talbiya when he arrives at the Haram."

Malik added, "I have heard that Abdullah ibn Umar used to do that."

Section: Hajj At-Tamattu

Book 20, Number 20.17.61:

Yahya related to me from Malik, from Ibn Shihab, that Muhammad ibn Abdullah ibn al-Harith ibn Nawfal ibn Abd al-Muttalib told him that he had heard Sad ibn Abi Waqqas and ad-Dahhak ibn Qays discussing tamattu in between umra and hajj. Ad-Dahhak ibn Qays said, "Only someone who is ignorant of what Allah, the Exalted and Glorified, says would do that." Whereupon Sad said, "How wrong is what you have just said, son of my brother!" Ad-Dahhak said, "Umar ibn al-Khattab forbade that," and Sad said, "The Messenger of Allah, may Allah bless him and grant him peace, did it, and we did it with him."

Book 20, Number 20.17.62:

Yahya related to me from Malik, from Sadaqa ibn Yasar, that Abdullah ibn Umar said, "By Allah, I would rather do umra before hajj and sacrifice an animal than do umra after hajj in the month of Dhu'l-Hijja."

Book 20, Number 20.17.63:

Yahya related to me from Malik, from Abdullah ibn Dinar, that Abdullah ibn Umar used to say, "Anyone that does umra in the months of hajj, that is, in Shawwal, Dhu'l-Qada, or in Dhu'l-Hijja before the hajj, and then stays in Makka until the time for hajj, is doing tamattu if he then does hajj. He must sacrifice whatever animal it is easy for him to obtain, and if he cannot find one then he must fast three days during hajj and seven days when he returns."

Malik said, "This is only the case if he stays until the hajj and does hajj in that same year."

Malik said that if someone who was from Makka but had stopped living there and gone to live elsewhere, came back to do umra in the months of the hajj and then stayed in Makka to begin hajj there, he was doing tamattu, and had to offer up a sacrificial animal, or fast if he could not find one. He was not the same as the people of Makka.

Malik was asked whether someone who was not from Makka and entered Makka to do umra in the months of hajj with the intention of staying on to begin his hajj there was doing tamattu or not, and he said, "Yes, he is doing tamattu, and he is not the same as the people of Makka, even if he has the intention of staying there. This is because he has entered Makka, and is not one of its people, and making a sacrifice or fasting is incumbent on anyone who is not from Makka, and, although he intends to stay, he does not know what possibilities might arise later. He is not one of the people of Makka."

Book 20, Number 20.17.64:

Yahya related to me from Malik that Yahya ibn Said used to hear Said ibn al-Musayyab say, "Anyone that does umra in Shawwal, Dhu'l-Qada or Dhu'l-Hijja, and then stays in Makka until it is time for the hajj, is doing tamattu if he then does hajj. He must sacrifice whatever animal it is easy for him to obtain, and if he cannot find one then he must fast three days during hajj and seven days when he returns."

Section: Circumstances in which Tamattu is Not Obligatory

Book 20, Number 20.18.65:

Malik said, "Someone who does umra in Shawwal, Dhu'l-Qada or Dhu'l-Hijja and then goes back to his people, and then returns and does hajj in that same year does not have to sacrifice an animal. Sacrificing an animal is only incumbent on some one who does umra in the months of hajj, and then stays in Makka and then does hajj. A person not from Makka who moves to Makka and establishes his home there and does umra in the months of the hajj and then begins his hajj there is not doing tamattu. He does not have to sacrifice an animal nor does he have to fast. He is in the same position as the people of Makka if he is one of those who are living there."

Malik was asked whether a man from Makka who had gone to live in another town or had been on a journey and then returned to Makka with the intention of staying there, regardless of whether he had a family there or not, and entered it to do umra in the months of the hajj, and then began his hajj there, beginning his umra at the miqat of the Prophet, may Allah bless him and grant him peace, or at a place nearer than that, was doing tamattu or not?

Malik answered, "He does not have to sacrifice an animal or fast as someone who is doing tamattu has to do. This is because Allah, the Blessed and Exalted, says in His Book, 'That is for someone whose family are not present at Masjid al-Haram.'

Section: About Umra in General

Book 20, Number 20.19.66:

Yahya related to me from Malik, from Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, from Abu Salih as-Samman, from Abu Hurayra, that the Messenger of Allah, may Allah bless him and grant him peace, said, "Umra is an expiation for what is between it and the next umra, and the only reward for an accepted hajj is the Garden."

Book 20, Number 20.19.67:

Yahya related to me from Malik that Sumayy, the mawla of Abu Bakr ibn Abd ar-Rahman, heard Abu Bakribn Abd ar-Rahman say, "A woman came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'I had arranged to do hajj, but I was prevented,' and the Messenger of Allah, may Allah bless him and grant him peace, said, 'Do umra in Ramadan, for doing umra in it is like doing hajj.'"

Book 20, Number 20.19.68:

Yahya related to me from Malik, from Nafi, from Abdullah ibn Umar, that Umar ibn al-Khattab said, "Keep your hajj separate from your umra. That way your hajj will be more complete. And your umra will be more complete if you do it outside of the months of the hajj."

Book 20, Number 20.19.69:

Yahya related to me from Malik that he had heard that Uthman ibn Affan would sometimes never get down from the animal he was riding on when he was doing umra, until he had returned .

Malik said, "Umra is a sunna, and we do not know of any muslim who has ever said that it is permissible not to do it."

Malik said, "I do not think that anyone can do more than one umra in any one year."

Malik said that someone doing umra who had sexual intercourse with his wife had to sacrifice an animal

and do a second umra, which he had to begin when he had finished the one that he had spoiled. He should go into ihram at the same place where he went into ihram for the umra which he had spoiled, except if he had entered into ihram at a place further away than his miqat. This was because he only had to go into ihram from his miqat.

Malik said, "Someone who entered Makka to do umra, and does tawaf of the House and say between Safa and Marwa while he is junub, or not in wudu, and afterwards has intercourse with his wife, and then remembers, should do ghusl, or wudu, and then go back and do tawaf around the House and say between Safa and Marwa and do another umra and sacrifice an animal. A woman should do the same if her husband has intercourse with her while she is in ihram. "

Malik said, "As for beginning umra at at-Tanim, (it is not the only alternative). It is permissible if Allah wills for some one to leave the Haram and go into ihram if he wishes, but the best way is for him to go into ihram at the miqat which the Messenger of Allah, may Allah bless him and grant him peace, used (i. e. at-Tanim), or one which is further away."

Section: Marriage in Ihram

Book 20, Number 20.20.70:

Yahya related to me from Malik, from Rabia ibn Abi Abd ar-Rahman, from Sulayman ibn Yasar, that the Messenger of Allah, may Allah bless him and grant him peace, sent Abu Rafi and a man of the Ansar to arrange his marriage to Maymuna bint al-Harith, and the Messenger of Allah, may Allah bless him and grant him peace, was in Madina before he had left for umra.

Book 20, Number 20.20.71:

Yahya related to me from Malik, from Nafi, from Nubayh ibn Wahb, who was from the tribe of Bani Abd ad-Dar, that Umar ibn Ubaydullah sent a message to Aban ibn Uthman (who was amir of the hajj at the time), while both of them were in ihram, saying, "I want to marry Bint Shayba ibn Jubayr to Talha ibn Umar and I want you to be present." Aban told him that he should not do that and said, "I heard Uthman ibn Affan say that the Messenger of Allah, may Allah bless him and grant him peace, said, 'A man in ihram should not marry, or give in marriage, or get betrothed.' "

Book 20, Number 20.20.72:

Yahya related to me from Malik, from Da'ud ibn al-Husayn, that Abu Ghatafan ibn Tarif al-Murri told him that his father Tarif had married a woman while he was in ihram, and Umar ibn al-Khattab had rescinded the marriage.

Book 20, Number 20.20.73:

Yahya related to me from Malik, from Nafi, that Abdullah ibn Umar used to say, "Someone in ihram may neither get married, nor arrange a marriage for himself or others."

Book 20, Number 20.20.74:

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab, Salim ibn Abdullah and Sulayman ibn Yasar were asked about whether someone in ihram could get married, and they said, "Some one in ihram may neither get married nor give some one in marriage."

Malik said that a man who was in ihram could return to his wife if he wanted to, if she was still in her idda

after she had been divorced from him.

Section: Cupping in Ihram

Book 20, Number 20.21.75:

Yahya related to me from Malik, from Yahya ibn Sa'id, from Sulayman ibn Yasar, that the Messenger of Allah, may Allah bless him and grant him peace, was once cupped on the top of his head while he was in ihram, at Lahyay Jamal, which is a place on the road to Makka.

Book 20, Number 20.21.76:

Yahya related to me from Malik, from Nafi, that Abdullah ibn Umar used to say, "Someone in ihram should not be cupped, except when there is no other alternative."

Malik said, "Someone who is in ihram should not be cupped except when it is necessary."

Section: Game that can be Eaten by Someone who is in Ihram

Book 20, Number 20.22.77:

Yahya related to me from Malik, from Abu'n-Nadr, the mawla of 'Umar ibn 'Ubaydullah at-Taymi, from Nafi, the mawla of Abu Qatada al-Ansari, that Abu Qatada was once with the Messenger of Allah, may Allah bless him and grant him peace. When they got to one of the roads to Makka he fell behind with some companions of his who were muhram, while he was not. Then he saw a wild ass, so he got on his mount and asked his companions to give him his whip but they refused. Then he asked them for his spear and they refused to give it to him. So he took hold of it and attacked the ass and killed it. Some of the companions of the Messenger of Allah, may Allah bless him and grant him peace, ate from it, and others refused. When they had caught up with the Messenger of Allah, may Allah bless him and grant him peace, they asked him about it and he said, "It is food that Allah has fed you with."

Book 20, Number 20.22.78:

Yahya related to me from Malik, from Hisham ibn Urwa, from his father, that az-Zubayr ibn al-Awwam used to take dried gazelle meat (safif adh-dhiba) as provisions while he was in ihram.

Malik said, "Safif are dried strips of meat."

Book 20, Number 20.22.79:

Yahya related to me from Malik, from Zayd ibn Aslam, that Ata ibn Yasar had told him, from Abu Qatada, the same hadith about the wild ass as that of Abu'n-Nadr, except that in the hadith of Zayd ibn Aslam the Messenger of Allah, may Allah bless him and grant him peace, said, "Do you still have any of its meat?"

Book 20, Number 20.22.80:

Yahya related to me from Malik that Yahya ibn Said al-Ansari said that Muhammad ibn Ibrahim ibn al-Harith at-Taymi told him from Isa ibn Talha ibn Ubaydullah, from Umayr ibn Salama ad-Damri, from al-Bahzi, that the Messenger of Allah, may Allah bless him and grant him peace, set out once for Makka while in ihram. When they had reached ar-Rawha, they unexpectedly came upon a wounded wild ass. Someone mentioned it to the Messenger of Allah, may Allah bless him and grant him peace, and he said, "Leave it. The man to whom it belongs is about to come." Then al-Bahzi, who was the man, came to the Prophet, may Allah bless him and grant him peace, and said, "Messenger of Allah, do whatever you want with this ass," and the Messenger of Allah, may Allah bless him and grant him peace, told Abu Bakr to divide it up among the company. Then they went on until they came to the well of al-Uthaba, which was between ar-Ruwaytha and al-Arj (between Makka and Madina), where they unexpectedly came upon a gazelle with an arrow in it, lying on its side in some shade. He claimed that the Messenger of Allah, may Allah bless him and grant him peace, told someone to stand by it to make sure no one disturbed it until everyone had passed by.

Book 20, Number 20.22.81:

Yahya related to me from Malik, from Yahya ibn Said, that he heard Said ibn al-Musayyab relating from Abu Hurayra that he was once coming back from Bahrayn, and, when he reached ar-Rabadha, he found a caravan of people from Iraq in ihram, who asked him whether they could eat the meat of some game which they had found with the people of ar-Rabadha, and he told them they could eat it. He said, "Afterwards I had doubts about what I had told them to do, so when I got back to Madina I mentioned the matter to Umar ibn al-Khattab and he said, 'What did you tell them to do?' I said, 'I told them to eat it.' Umar ibn al-Khattab said, threatening me, 'If you had told them to do anything else I would have done something to you.' "

Book 20, Number 20.22.82:

Yahya related to me from Malik, from Ibn Shihab, that Salim ibn Abdullah heard Abu Hurayra relating to Abdullah ibn Umar how a group of three people in ihram had passed him at ar-Rabadha and had asked him for a fatwa about eating game which people who were not in ihram were eating, and he told them that they could eat it. He said, "Then I went to Umar ibn al-Khattab in Madina and asked him about it, and he said, 'What did you say to them?' and I said, 'I told them that they could eat it.' Umar said, 'If you had told them anything else I would have done you an injury.' "

Book 20, Number 20.22.83:

Yahya related to me from Malik, from Zayd ibn Aslam, from Ata ibn Yasar, that Kab al-Ahbar was once coming back from Syria with a group of riders, and at a certain point along the road they found some game-meat and Kab said they could eat it. When they got back to Madina they went to Umar ibn al-Khattab and told him about that, and he said, "Who told you you could do that?", and they said, "Kab." He said, "He was indeed the one I made amir over you until you should return."

Later, when they were on the road to Makka, a swarm of locusts passed them by and Kab told them to catch them and eat them. When they got back to Umar ibn al-Khattab they told him about this, and he said (to Kab), "What made you tell them they could do that?" Kab said, "It is game of the sea." He said, "How do you know?", and Kab said, "Amir al-muminin, by the One in whose hand my self is, it is only the sneeze of a fish which it sneezes twice every year."

Malik was asked whether a muhrim could buy game that he had found on the way. He replied, "Game that is only hunted to be offered to people performing Hajj I disapprove of and forbid, but there is no harm in game that a man has which he does not intend for those in ihram, but which a muhrim finds and buys."

Malik said, about someone who had some game with him that he had hunted or bought at the time when he had entered into ihram, that he did not have to get rid of it, and that there was no harm in him giving it to his family.

Malik said that it was halal for some one in ihram to fish in the sea or in rivers and lakes, etc.

Section: Game that is Not Halal to Eat in Ihram

Book 20, Number 20.23.84:

Yahya related to me from Malik, from Ibn Shihab, from Ubaydullah ibn Abdullah ibn Utba ibn Masud, from Abdullah ibn Abbas, that as-Sab ibn Jaththama al-Laythi once gave a wild ass to the Messenger of Allah, may Allah bless him and grant him peace, while he was at al-Abwa, or Waddan, and the Messenger of Allah, may Allah bless him and grant him peace, gave it back to him. However, when the Messenger of Allah, may Allah bless him and grant him peace, saw the expression on the man's face he said, "We only gave it back to you because we are in ihram."

Book 20, Number 20.23.85:

Yahya related to me from Malik, from Abdullah ibn Abi Bakr, that Abd ar-Rahman ibn Amir ibn Rabia said, "I once saw Uthman ibn Affan in ihram on a hot summer's day at al-Arj, and he had covered his face with a red woollen cloth. Some game-meat was brought to him and he told his companions to eat. They said, 'Will you not eat then?'; and he said, 'I am not in the same position as you. It was hunted for my sake.' "

Book 20, Number 20.23.86:

Yahya related to me from Malik, from Hisham ibn Urwa, from his father, that A'isha, umm al-muminin, said to him, "Son of my sister, it is only for ten nights, so if you get an urge to do something, leave it," by which she meant eating game-meat.

Malik said that if game was hunted for the sake of a man who is in ihram and it was prepared for him and he ate some of it knowing that it had been hunted for his sake, then he had to pay a forfeit for all of the game that had been hunted on his behalf.

Malik was asked about whether someone who was forced to eat carrion while he was in ihram should hunt game and t

Jihad

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Section: Stimulation of Desire for Jihad

Book 21, Number 21.1.1:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said "Someone who does jihad in the way of Allah is like someone who fasts and prays constantly and who does not slacken from his prayer and fasting until he returns."

Book 21, Number 21.1.2:

Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Allah guarantees either the Garden or a safe return to his home with whatever he has obtained of reward or booty, for the one who does jihad in His way, if it is solely jihad and trust in his promise that brings him out of his house."

Book 21, Number 21.1.3:

Yahya related to me from Malik from Zayd ibn Aslam from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Horses are a reward for one man, a protection for another, a burden for another. The one who has them as a reward is the one who dedicates them for use in the way of Allah, and tethers them in a meadow or grassland. Whatever the horse enjoys of the grassland or meadow in the length of its tether are good deeds for him. If it breaks its tether and goes over a hillock or two, its tracks and droppings are good deeds for him. If it crosses a river and drinks from it while he did not mean to allow it to drink it, that counts as good deeds for him, and the horse is a reward for him.

Another man uses his horse to gain self reliance and up-standingness and does not forget Allah's right on their necks and backs (i.e. he does not ill treat or over-work them). Horses are a protection for him .

Another man uses them out of pride to show them off and in hostility to the people of Islam. They are a burden on that man."

The Messenger of Allah, may Allah bless him and grant him peace, was asked about donkeys, and he said, "Nothing has been revealed to me about them except this single all-inclusive ayat, 'Whoever does an atom of good will see it, and whoever does an atom of evil, will see it.' " (Sura 99 Ayats 7,8) .

Book 21, Number 21.1.4:

Yahya related to me from Abdullah ibn Abd ar-Rahman ibn Mamar al-Ansari that Ata ibn Yasar said that the Messenger of Allah, may Allah bless him and grant him peace, said, "Shall I tell you who has the best degree among people? A man who takes the rein of his horse to do jihad in the way of Allah. Shall I

tell you who has the best degree among people after him? A man who lives alone with a few sheep, performs the prayer, pays the zakat, and worships Allah without associating anything with him."

Book 21, Number 21.1.5:

Yahya related to me from Malik that Yahya ibn Said said, "Ubada ibn al-Walid ibn Ubada ibn as-Samit informed me from his father that his grandfather (Ubada) said, 'We made a contract with the Messenger of Allah, may Allah bless him and grant him peace, to hear and obey in ease and hardship, enthusiasm and reluctance, and not to dispute with people in authority and to speak or establish the truth wherever we were without worrying about criticism.'"

Book 21, Number 21.1.6:

Yahya related to me from Malik that Zayd ibn Aslam had said that Ubayda ibn al-Jarrah had written to Umar ibn al-Khattab mentioning to him a great array of Byzantine troops and the anxiety they were causing him. Umar ibn al-Khattab wrote in reply to him, "Whatever hardship befalls a believing slave, Allah will make an opening for him after it, and a hardship will not overcome two eases. Allah the Exalted says in His Book, 'O you who trust, be patient, and vie in patience; be steadfast and fear Allah, perhaps you will profit.' " (Sura 3 ayat 200).

Section: Prohibition against Travelling with the Qur'an in Enemy Territory

Book 21, Number 21.2.7:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said that the Messenger of Allah, may Allah bless him and grant him peace, forbade travelling with a Qur'an in the land of the enemy. Malik commented, "That is out of fear that the enemy will get hold of it."

Section: Prohibition against Killing Women and Children in Military Expeditions

Book 21, Number 21.3.8:

Yahya related to me from Malik from Ibn Shihab that a son of Kab ibn Malik (Malik believed that ibn Shihab said it was Abd ar-Rahman ibn Kab) said, "The Messenger of Allah, may Allah bless him and grant him peace, forbade those who fought ibn Abi Huqayq (a treacherous jew from Madina) to kill women and children. He said that one of the men fighting had said, 'The wife of ibn Abi Huqayq began screaming and I repeatedly raised my sword against her. Then I would remember the prohibition of the Messenger of Allah, may Allah bless him and grant him peace, so I would stop. Had it not been for that, we would have been rid of her.' "

Book 21, Number 21.3.9:

Yahya related to me from Malik from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, saw the corpse of a woman who had been slain in one of the raids, and he disapproved of it and forbade the killing of women and children.

Book 21, Number 21.3.10:

Yahya related to me from Malik from Yahya ibn Said that Abu Bakr as-Siddiq was sending armies to ash-Sham. He went for a walk with Yazid ibn Abi Sufyan who was the commander of one of the battalions. It is claimed that Yazid said to Abu Bakr, "Will you ride or shall I get down?" Abu Bakr said, "I will not ride and you will not get down. I intend these steps of mine to be in the way of Allah."

Then Abu Bakr advised Yazid, "You will find a people who claim to have totally given themselves to Allah. Leave them to what they claim to have given themselves. You will find a people who have shaved the middle of their heads, strike what they have shaved with the sword.

"I advise you ten things: Do not kill women or children or an aged, infirm person. Do not cut down fruit-bearing trees. Do not destroy an inhabited place. Do not slaughter sheep or camels except for food. Do not burn bees and do not scatter them. Do not steal from the booty, and do not be cowardly."

Book 21, Number 21.3.11:

Yahya related to me from Malik that he had heard that Umar ibn Abd al-Aziz wrote to one of his governors, "It has been passed down to us that when the Messenger of Allah, may Allah bless him and grant him peace, sent out a raiding party, he would say to them, 'Make your raids in the name of Allah in the way of Allah. Fight whoever denies Allah. Do not steal from the booty, and do not act treacherously. Do not mutilate and do not kill children.' Say the same to your armies and raiding parties, Allah willing. Peace be upon you."

Section: Fulfilling Safe Conduct

Book 21, Number 21.4.12:

Yahya related to me from Malik from a man of Kufa that Umar ibn al-Khattab wrote to a lieutenant of an army which he had sent out, "I have heard that it is the habit of some of your men to chase an unbeliever till he takes refuge in a high place. Then one man tells him in Persian not to be afraid, and when he comes up to him, he kills him. By He in whose hand my self is, if I knew someone who had done that, I would strike off his head."

Yahya said, I heard Malik say, "This tradition is not unanimously agreed upon, so one does not act on it."

Malik when asked whether safe conduct promised by gesture had the same status as that promised by speech, said, "Yes. I think that one can request an army not to kill someone by gesturing for safe conduct, because as far as I am concerned, gesture has the same status as speech. I have heard that Abdullah ibn Abbas said, 'There is no people who betray a pledge, but that Allah gives their enemies power over them.' "

Section: Giving in the Way of Allah

Book 21, Number 21.5.13:

Yahya related to me from Malik from Nafi that when Abdullah ibn Umar gave something in the way of Allah, he would say to its owner, "When you reach Wadi'l-Qura, (on the outskirts of Madina) then it is your affair."

Book 21, Number 21.5.14:

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab used to say, "When a man is given something to use in a military expedition, and he brings it to the battlefield, it is his."

Malik was asked about a man who pledged himself to go on a military campaign, equipped himself, and when he wanted to go out, one or both of his parents prevented him. He said, "He should not contradict them. Let him put it off for another year. As for the equipment, I think that he should store it until he needs it. If he fears that it will spoil, let him sell it and keep its price so that he can readily buy what is needed for a military expedition. If he is well-to-do, he will find the like of his equipment when he goes out, so let him do what he likes with his equipment."

Section: Booty from War in General

Book 21, Number 21.6.15:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, sent a raiding party which included Abdullah ibn Umar near Najd. They plundered many camels and their portions were twelve or eleven camels each. They divided it up camel by camel.

Book 21, Number 21.6.16:

Yahya related to me from Malik from Yahya ibn Said that he heard Said ibn al-Musayyab say, "When people in military expeditions divided the spoils, they made a camel equal to ten sheep."

Malik said about the paid labourer in military expeditions, "If he is present at the battle and is with the people in the battle and he is a free man, he has his share. If he is not present, he has no share."

Malik summed up, "I think that the booty is only divided among free men who have been present at the battle."

Section: Things on Which the Tax of One Fifth (Khumus) is Not Obligatory

Book 21, Number 21.7.16a:

Malik said about enemy soldiers who were found on the seashore of a Muslim land, and they claimed that they were merchants and that the sea had driven them ashore, while the Muslims were not able to verify any of that except that their ships were damaged, or they were thirsty and had disembarked without the permission of the Muslims, "I think that it is up to the imam to give his opinion about them, and I do not think that the tax of one fifth is taken from them."

Section: What It is Permissible for the Muslims to Eat Before the Spoils are Divided

Book 21, Number 21.8.16b:

Malik said, "I do not see that there is any harm in the Muslims eating whatever food they come across in enemy territory before the spoils are divided."

Malik said, "I think that any camels, cattle and sheep (taken as booty) are considered as food which the Muslims can eat in enemy territory. If they could not be eaten until the people had gathered for the division and the spoils had been distributed among them, that would be harmful for the army. I do not see any objection to eating such things within acceptable limits. I do not think, however, that anyone should store up any of it to take back to his family."

Malik was asked whether it was proper for a man who obtained food in enemy territory and ate some of it and made provision so that there was some of it left over to keep and eat with his family, or to sell before he had come to his country and make use of its price. He said, "If he sells it while he is on a military expedition, I think that he should put its price into the booty of the Muslims. If he takes it back to his country, I see no objection to his eating it and using it if it is a small insignificant thing."

Section: Returning to the Owner What has been Captured by the Enemy Before the Spoils are Divided

Book 21, Number 21.9.17:

Yahya related to me from Malik that it reached him that a slave of Abdullah ibn Umar escaped and one of his horses wandered off, and the idol worshippers seized them. Then the Muslims recaptured them, and they were returned to Abdullah ibn Umar, before the division of the spoils took place.

I heard Malik say about muslim property that had been seized by the enemy, "If it is noticed before the distribution, then it is returned to itsowner. Whatever has already been distributed is not returned to anyone."

Malik, when asked about a man whose young male slave was taken by the idol worshippers and then the Muslims re-captured him, said, "The owner is more entitled to him without having to pay his price or value or having to incur any loss before the distribution takes place. If the distribution has already taken place then I think that the slave belongs to his master for his price if the master wants him back."

Regarding an umm walad of a Muslim man who has been taken by the idol worshippers and then recaptured by the Muslims and allotted in the distribution of spoils and then recognised by her master after the distribution, Malik said, "She is not to be enslaved. I think that the Imam should pay a ransom for her for her master. If he does not do it, then her mast

Vows and Oaths

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Section: Fulfilling Vows to Walk

Book 22, Number 22.1.1:

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Abdullah ibn Abbas that Sad ibn Ubada questioned the Messenger of Allah, may Allah bless him and grant him peace, and said, "My mother died while she still had a vow which she had not fulfilled." The Messenger of Allah, may Allah bless him and grant him peace, said, "Fulfill it for her."

Book 22, Number 22.1.2:

Yahya related to me from Malik from

Abdullah ibn Abi Bakr that his paternal aunt related that her grandmother made a vow to walk to the Quba mosque. She died, and did not fulfill it, so Abdullah ibn Abbas asked her daughter to walk for her.

Yahya said that he had heard Malik say, "No one walks for anyone else."

Book 22, Number 22.1.3:

Yahya related to me from Malik that Abdullah ibn Abi Habiba said, "I said to a man, when I was young, 'A man who only says that he must walk to the House of Allah and does not say that he has vowed to walk, does not have to walk.' A man said, 'Shall I give you this small cucumber?' and he had a small cucumber in his hand and you will say, 'I must walk to the house of Allah?' I said, 'Yes' and I said it, for at that time I was still immature. Then, when I came of age, some one said to me that I had to fulfill my vow. I went and asked Said ibn al-Musayyab about it, and he said to me, 'You must walk.' So I walked."

Malik said, "That is the custom among us."

Section: Making Vows to Walk to the House and Not Succeeding

Book 22, Number 22.2.4:

Yahya related to me from Malik that Urwa ibn Udhayna al-Laythi said, "I went out with my grandmother who had vowed to walk to the House of Allah. When we had gone part of the way, she could not go on. I sent one of her mawlas to question Abdullah ibn Umar and I went with him. He asked Abdullah ibn Umar, and Abdullah ibn Umar said to him, 'Take her and let her ride, and when she has the strength let

her ride back, and start to walk from the place from which she was unable to go on.'~

Yahya said that he had heard Malik say, "I think that she must sacrifice an animal."

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab and Abu Salama ibn Abd ar-Rahman said the same as Abdullah ibn Umar.

Book 22, Number 22.2.5:

Yahya related to me from Malik that Yahya ibn Said said, "I vowed to walk, but I was struck by a pain in the kidney, so I rode until I came to Makka. I questioned Ata ibn Abi Rabah and others, and they said, 'You must sacrifice an animal.' When I came to Madina I questioned the ulama there, and they ordered me to walk again from the place from which I was unable to go on. So I walked."

Yahya said that he had heard Malik say, "What is done among us regarding someone who makes a vow to walk to the House of Allah, and then cannot do it and so rides, is that he must return and walk from the place from which he was unable to go on. If he cannot walk, he should walk what he can and then ride, and he must sacrifice a camel, a cow, or a sheep if that is all that he can find."

Malik, when asked about a man who said to another, "I will carry you to the House of Allah", answered, "If he intended to carry him on his shoulder, by that he meant hardship and exhaustion to himself, and he does not have to do that. Let him walk by foot and make sacrifice. If he did not intend anything, let him do hajj and ride, and take the man on hajj with him. That is because he said, 'I will carry you to the house of Allah.' If the man refuses to do hajj with him, then there is nothing against him, and what is demanded of him is cancelled."

Yahya said that Malik was asked whether it was enough for a man who had made a vow that he would walk to the House of Allah a certain (large) number of times, or who had forbidden himself from talking to his father and brother, if he did not fulfil a certain vow, and he had taken upon himself, by the oath, something which he was incapable of fulfilling in his lifetime, even though he were to try every year, to fulfil only one or a (smaller) number of vows by Allah? Malik said, "The only satisfaction for that that I know is fulfilling what he has obliged himself to do. Let him walk for as long as he is able and draw near Allah the Exalted by what he can of good."

Section: How to Fulfill the Oath of Walking to the Kaba

Book 22, Number 22.3.5a:

Yahya related to me from Malik that what he preferred of what he had heard from the people of knowledge about a man or woman who vowed to walk to the House of Allah, was that they fulfilled the oath when performing umra, by walking until they had done say between Safa and Marwa. When they had done say it was finished. If they vowed to walk in the hajj, they walked until they came to Makka, then they walked until they had finished all the rites.

Malik said, "Walking is only for hajj or umra."

Section: Vows Not Permitted in Disobedience to Allah

Book 22, Number 22.4.6:

Yahya related to me from Malik that Humayd ibn Qays and Thawr ibn Zayd adDili both informed him that the Messenger of Allah, may Allah bless him and grant him peace, (and one of them gave more detail than the other), saw a man standing in the sun. The Messenger asked, "What's wrong with him?" The people said, "He has vowed not to speak or to seek shade from the sun or to sit and to fast." The

Messenger of Allah, may Allah bless him and grant him peace, said, "Go and tell him to speak, seek shade, and sit, but let him complete his fast."

Malik said, "I have not heard that the Messenger of Allah, may Allah bless him and grant him peace, ordered the man in question to do any kaffara. The Messenger of Allah, may Allah bless him and grant him peace, only ordered him to complete that in which there was obedience to Allah and to abandon that in which there was disobedience to Allah."

Book 22, Number 22.4.7:

Yahya related to me from Malik that Yahya ibn Said heard al-Qasim ibn Muhammad say, "A woman came to Abdullah ibn Abbas and said, 'I have vowed to sacrifice my son.' Ibn Abbas said, 'Do not sacrifice your son. Do kaffara for your oath.' An old man with Ibn Abbas said, 'What kaffara is there for this?' Ibn Abbas said, 'Allah the Exalted said, "Those of you who say, regarding their wives. Be as my mother's back' (Sura58 ayat 2) and then He went

Sacrificial Animals

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Section: Animals to Be Avoided as Sacrifices

Book 23, Number 23.1.1:

Yahya related to me from Malik from Amr ibn al-Harith from Ubayd ibn Fayruz from al-Bara ibn Azib that the Messenger of Allah, may Allah bless him and grant him peace, was asked what animals should be avoided as sacrifices. He indicated with his hand and said, "Four." Al-Bara pointed with his hand and said, "My hand is shorter than the hand of the Messenger of Allah, may Allah bless him and grant him peace. A lame animal whose lameness is evident, a one-eyed animal which is clearly one-eyed, an animal which is clearly ill, and an emaciated animal with no fat on it."

Book 23, Number 23.1.2:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would guard against animals and camels which were young or had physical defects as sacrifices.

Malik said, "That is what I like best of what I have heard."

Section: Animals Desirable as Sacrifices

Book 23, Number 23.2.3:

Yahya related to me from Malik from Nafi that one time Abdullah ibn Umar wanted to sacrifice an animal at Madina. Nafi said, "He told me to buy him an excellent horned ram, then to sacrifice it on the Day of Sacrifice in the place where the people prayed." Nafi continued, "I did so and when the ram was sacrificed, it was carried to Abdullah ibn Umar who shaved his head. He was ill, and did not attend the Id with the people." Nafi added, "Abdullah ibn Umar used to say, 'Shaving the head is not obligatory for someone who sacrifices an animal.' Ibn Umar would do so however."

Section: Prohibition against Sacrificing an Animal Before the Imam Departs

Book 23, Number 23.3.4:

Yahya related to me from Malik from Yahya ibn Said from Bushayr ibn Yasar that Abu Burda ibn Niyar sacrificed an animal before the Messenger of Allah, may Allah bless him and grant him peace, sacrificed on the Day of Sacrifice. He asserted that the Messenger of Allah, may Allah bless him and grant him peace, ordered him to sacrifice another animal, and he, Abu Burda, said, "What if I can only find an

animal less than one year old, Messenger of Allah?" He had said, "If you can only find a young animal, then sacrifice it."

Book 23, Number 23.3.5:

Yahya related to me from Malik from Yahya ibn Said from Abbad ibn Tamin that one time Uwaymir ibn Ashqar sacrificed his animal before the prayer on the morning of the Day of Sacrifice, and he mentioned that the Messenger of Allah, may Allah bless him and grant him peace, had ordered him to sacrifice another animal.

Section: Storing Meat from Sacrificial Animals

Book 23, Number 23.4.6:

Yahya related to me from Malik from Abu'z-Zubayr al-Makki from Jabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, forbade that the meat from sacrificial animals be eaten after three days. Then later he said, "Eat, give sadaqa, provide for yourselves and store up."

Book 23, Number 23.4.7:

Yahya related to me from Malik from Abdullah ibn Abi Bakr that Abdullah ibn Waqid said, "The Messenger of Allah, may Allah bless him and grant him peace, forbade eating the meat from sacrificial animals after three days."

Abdullah ibn Abi Bakr said, "I mentioned that to Amra bint Abd ar-Rahman, and she affirmed that he had spoken the truth as she had heard A'isha, the wife of the Prophet, may Allah bless him and grant him peace, say, 'Some people from the desert came at the time of the sacrifice in the time of the Messenger of Allah, may Allah bless him and grant him peace, so the Messenger of Allah, may Allah bless him and grant him peace, said, 'Store up for three days, and give what is left over as sadaqa.'"

She said that afterwards some one said to the Messenger of Allah, may Allah bless him and grant him peace, that people had been accustomed to make use of their sacrificial animals, melting the fat and curing the skins. The Messenger of Allah, may Allah bless him and grant him peace, said, "What about that?" They said, "You have forbidden the meat of sacrificial animals after three days." The Messenger of Allah, may Allah bless him and grant him peace, said, "I only forbade you for the sake of the people who were coming to you. Eat, give sadaqa and store up."

By these people, he meant the poor people who were coming to Madina.

Book 23, Number 23.4.8:

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that Abu Said al-Khudri returned from a journey and his family gave him some meat. He asked whether it was meat from the sacrifice. They replied that it was. Abu Said said, "Didn't the Messenger of Allah, may Allah bless him and grant him peace, forbid that?" They said, "There has been a new command from the Messenger of Allah, may Allah bless him and grant him peace, since you went away." Abu Said went out and made enquiries about it and was told that the Messenger of Allah, may Allah bless him and grant him peace, had said, "I forbade you before to eat meat of the sacrifice after three days, but now eat, give sadaqa and store up. I forbade you before to make nabidh (by soaking raisins or dates in water), but now make nabidh, but remember every intoxicant is haram. I forbade you to visit graves, but now visit them, and do not use bad language."

Section: Sharing Sacrificial Animals and How Many

Share a Cow or Camel

Book 23, Number 23.5.9:

Yahya related to me from Malik from Abu'z-Zubayr al-Makki that Jabir ibn Abdullah said, "We sacrificed with the Messenger of Allah, may Allah bless him and grant him peace, in the year of Hdaybiya, a camel between seven people, and a cow between seven people."

Book 23, Number 23.5.10:

Yahya related to me from Malik from Umara ibn Yasar that Ata ibn Yasar told him that Abu Ayyub al-Ansari had told him, "We used to sacrifice one sheep, and a man sacrificed for himself and his family. Then later on people began to compete with each other and it became boasting."

Malik said, "The best that I have heard about a single camel, cow or sheep, is that a man should sacrifice a camel for himself and his family. He sacrifices a cow or sheep which he owns for his family, and shares with them in it. It is disapproved for a group of people to buy a camel, cow or sheep, to share for the ritual and sacrifices, each man giving a share of its price, and taking a share of its meat. We have heard the tradition that people do not share in the ritual. However, it may be that the people of one household can share."

Book 23, Number 23.5.11:

Yahya related to me from Malik that Ibn Shihab said, "The Messenger of Allah, may Allah bless him and grant him peace, only sacrificed one camel or one cow for himself and his family."

Malik said, "I do not know which of them Ibn Shihab said."

Section: The Sacrificial Animal for the Child in the Womb and Mention of the Days of Sacrifice

Book 23, Number 23.6.12:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "The sacrifice can be done up to two days after the Day of Sacrifice."

Yahya related to me from Malik that he had heard the same from Ali ibn Abi Talib.

Book 23, Number 23.6.13:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar did not sacrifice for the child in the womb.

Malik said, "The sacrifice is sunna, and it is not obligatory. I prefer that anyone who has the price of the animal should not abandon it."

Slaughtering Animals

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Saying the Name of Allah over the Slaughtered Animal

Book 24, Number 24.1.1:

Yahya related to me from Malik from Hisham ibn Urwa that his father said, "The Messenger of Allah, may Allah bless him and grant him peace, was asked, 'Messenger of Allah! Some people from the desert bring us meat, and we do not know whether the name of Allah has been mentioned over it or not.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Mention the name of Allah over it and eat.'"

Malik said, "That was in the beginning of Islam."

Book 24, Number 24.1.2:

Yahya related to me from Malik from Yahya ibn Said that Abdullah ibn Ayyash ibn Abi Rabia al-Makhzumi ordered one of his slaves to slaughter an animal. When he wanted to slaughter it, he said to him, "Mention Allah's name." The slave said to him, "I have mentioned the name!" He said to him, "Mention the name of Allah, bother you!" He said to him, "I have mentioned the name of Allah." Abdullah ibn Ayyash said, "By Allah, I shall never eat it!"

Section: Methods of Slaughter Permitted in Necessity

Book 24, Number 24.2.3:

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that a man from the Ansar of the tribe of Banu Haritha was herding a pregnant she-camel at Uhud. It was about to die, so he slaughtered it with a sharp stake. The Messenger of Allah was asked about that, and he said, "There is no harm in it, eat it."

Book 24, Number 24.2.4:

Yahya related to me from Malik from Nafi from a man of the Ansar from Muadh ibn Sad or Sad ibn Muadh that a slave-girl of Kab ibn Malik was herding some sheep at Sal (a mountain near Madina). One of the sheep was about to die, so she went over to it and slaughtered it with a stone. The Messenger of Allah, may Allah bless him and grant him peace, was asked about that, and he said, "There is no harm in it, so eat it."

Book 24, Number 24.2.5:

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili that Abdullah ibn Abbas was asked about animals slaughtered by the

Christian Arabs. He said, "There is no harm in them," but he recited this ayat, "Whoever takes them as friends is from them." (Sura 5 ayat 54).

Book 24, Number 24.2.6:

Yahya related to me from Malik that Abdullah ibn Abbas used to say, "You can eat anything that has had its jugular vein cut."

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "There is no harm in whatever you slaughter with a cutting edge, as long as you are forced to do it by necessity."

Section: What is Disapproved of in Slaughtering Animals

Book 24, Number 24.3.7:

Yahya related to me from Malik from Yahya ibn Said that Abu Murra, the mawla of Aqil ibn Abi Talib asked Abu Hurayra about a sheep which was slaughtered and then part of it moved. He ordered him to eat it. Then he asked Zayd ibn Thabit about it, and he said, "Does a corpse move?" and he forbade eating its meat.

Malik was asked about a sheep which fell down and injured itself badly and then its master reached it and slaughtered it. Blood flowed from it but it did not move. Malik said, "If he kills it and blood flows from it and its eyes blink, he should eat it."

Section: Slaughtering What is in the Womb of a Slaughtered Animal

Book 24, Number 24.4.8:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "When a she-camel is slaughtered, what is in its womb is included in the slaughter if it is perfectly formed and its hair has begun to grow. If it comes out of its mother's womb, it is slaughtered so that blood flows from its heart."

Book 24, Number 24.4.9:

Yahya related to me from Malik from Yazid ibn Abdullah ibn Qusayt al-Laythi that Said ibn al-Musayyab said, "The slaughter of what is in the womb is included in the slaughter of the mother if it is perfectly formed and its hair has begun to grow."

Game

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Eating Game Killed with Throwing Sticks and by Stones

Book 25, Number 25.1.1:

ahya related to me from Malik that Nafi said, "I was at al-Juruf (near Madina) and threw a stone at two birds, and hit them. One of them died, and Abdullah ibn Umar threw it away, and then went to slaughter the other one with an adze. It died before he could slaughter it, so Abdullah threw that one away as well."

Book 25, Number 25.1.2:

Yahya related to me from Malik that he had heard that al-Qasim ibn Muhammad disapproved of eating game that had been killed with throwing sticks and by clay pellets.

Book 25, Number 25.1.3:

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab disapproved of killing domestic animals that had become wild by any means that game was slain such as arrows and the like.

Malik said, "I do not see any harm in eating game which is pierced by a throwing stick in a vital organ.

Allah, the Blessed, the Exalted! said, 'Oh you who believe! Allah will surely try you with something of the game that your hands and spears attain.' " (Sura 5 ayat 97).

Yahya said, "Any game that man obtains by his hand or by his spear or by any weapon which pierces it and reaches a vital organ, is acceptable as Allah, the Exalted, has said."

Book 25, Number 25.1.4:

Yahya related to me from Malik that he had heard the people of knowledge say that when a man hit game and something else might have contributed to death, like water or an untrained dog, that game was not to be eaten unless it was beyond doubt that it was the arrow of the hunter that had killed it by reaching a vital organ, so that it did not have any life after that.

Book 25, Number 25.1.5:

Yahya said that he heard Malik say that there was no harm in eating game when you did not see it die if you found the mark of your dog on it or your arrow in it as long as it had not remained overnight. If it had remained overnight, then it was disapproved of to eat it.

Section: Game Caught by Trained Dogs

Book 25, Number 25.2.5a:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said about a trained dog, "Eat whatever it catches for you whether it eats from it or not."

Book 25, Number 25.2.6:

Yahya related to me from Malik that he heard Nafi say that Abdullah ibn Umar said, "Whether it eats from it or not."

Book 25, Number 25.2.7:

Yahya related to me from Malik that he had heard that Sad ibn Abi Waqqas had said, when asked about a trained dog killing game, "Eat, even if only one piece of it remains."

Book 25, Number 25.2.8:

Yahya related to me from Malik that he had heard some of the people of knowledge say that when falcons, eagles, and hawks and their like, understood as trained dogs understood, there was no harm in eating what they had killed in the course of hunting, if the name of Allah had been mentioned when they were sent out.

Malik said, "The best of what I have heard about retrieving game from the falcon's talons or from the dog's fangs and then waiting until it dies, is that it is not halal to eat it."

Malik said, "The same applies to anything which could have been slaughtered by the hunter when it was in the talons of the falcon or the fangs of the dog. If the hunter leaves it until the falcon or dog has killed it, it is not halal to eat it either". He continued, "The same thing applies to any game hit by a hunter and caught while still alive, which he neglects to slaughter before it dies."

Malik said, "It is generally agreed among us that it is halal to eat the game that a hunting-dog belonging to magians hunts or kills, if it is sent out by a muslim and the animal is trained. There is no harm in it even if the muslim does not actually slaughter it.

It is the same as a muslim using a magian's knife to slaughter with or using his bow and arrows to shoot and kill with. The game he shot and the animal he slaughters are halal. There is no harm in eating them. If a magian sends out a muslim's hunting dog for game, and it catches it, the game is not to be eaten unless it is slaughtered by a muslim. That is like a magian using a muslim's bow and arrow to hunt game with, or like his using a muslim's knife to slaughter with. It is not halal to eat anything killed like that.

Section: Game of the Sea

Book 25, Number 25.3.9:

Yahya related to me from Malik from Nafi that Abd ar-Rahman ibn Abi Hurayra asked Abdullah ibn Umar about eating what was cast up by the sea and he forbade him to eat it. Then Abdullah turned and asked for a Qur'an, and read, "The game of the sea and its flesh are halal for you." Nafi added, "Abdullah ibn Umar sent me to Abdar-Rahman Ibn Abi Hurayra to say that there was no harm in eating it."

Book 25, Number 25.3.10:

Yahya related to me from Malik from Zayd ibn Aslam that Sad al-Jari, the mawla of Umar ibn al-Khattab asked Abdullah ibn Umar about fish which had killed each other or which had died from severe cold . He said, "There is no harm in eating them." Sad said, 'I then asked Abdullah ibn Amr ibn al As and he said the same."

Book 25, Number 25.3.11:

Yahya related to me from Malik from Abu'z-Zinad from Abu Salama ibn Abd ar-Rahman from Abu Hurayra and Zayd ibn Thabit that they saw no harm in eating what was cast up by the sea.

Book 25, Number 25.3.12:

Yahya related to me from Malik from Abu'z-Zinad from Abu Salama ibn Abd ar-Rahman that some people from al-Jar came to Marwan ibn al-Hakam and asked him about eating what was cast up by the sea. He said, "There is no harm in eating it." Marwan said, "Go to Zayd ibn Thabit and Abu Hurayra and ask them about it, then come to me and tell me what they say." They went to them and asked them, and they both said, "There is no harm in eating it " They returned to Marwan and told him. Marwan said, "I told you."

Malik said that there was no harm in eating fish caught by magians, because the Messenger of Allah, may Allah bless him and grant him peace, said, "In the sea's water is purity, and that which is dead in it is halal. "

Malik said, "If it is eaten when it is dead, there is no harm in who catches it."

Section: Prohibition Against Eating Animals with Fangs

Book 25, Number 25.4.13:

Yahya related to me from Malik from Ibn Shibab from Abu Idris al-Khawlani from Abu Tha-laba al-Khushani that the Messenger of Allah, may Allah bless him and grant him peace, said, "It is haram to eat animals with fangs "

Book 25, Number 25.4.14:

Yahya related to me from Malik from Ismail ibn Abi Hakim from Abiyda ibn Sufyan al-Hadrami from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Eating animals with fangs is haram. "

Malik said, "This is the custom among us."

Section: What is Disapproved of Regarding Eating Riding Animals

Book 25, Number 25.5.15:

Yahya related to me from Malik that the best of what he had heard about horses, mules, and donkeys was that they were not eaten because Allah, the Blessed, the Exalted, said, "And horses, and mules and asses, for you to ride, and as an adornment." (Sura 16 ayat 8) . He said, may He be Blessed and Exalted, "In cattle, some of them you ride, and some of them you eat." (Sura 6 ayat 79). He said, the Blessed, the Exalted, "Mention Allah's name over what He has provided you of cattle, and eat of them and feed the beggar (al-qani) and the suppliant (al-mutarr). (Sura 22 ayat 34).

Malik said "Allah mentioned horses, mules, and donkeys for riding and adornment, and He mentioned cattle for riding and eating."

Malik said, "Al-qani also means the poor."

Section: Using the Skin of Animals Found Dead

Book 25, Number 25.6.16:

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud that Abdullah ibn Abbas said, "The Messenger of Allah, may Allah bless him and grant him peace, passed by a dead sheep which had been given to a mawla of his wife, Maimuna. He said, ' Aren't you going to use its skin?' They said, 'Messenger of Allah, but it is carrion. 'The Messenger of Allah, may Allah bless him and grant him peace, said, 'Only eating it is haram.' "

Book 25, Number 25.6.17:

Malik related to me from Zayd ibn Aslam from Ibn Wala al-Misri from Abdullah ibn Abbas that the Messenger of Allah, may Allah bless him and grant him peace, said, "A skin when it is tanned is pure."

Book 25, Number 25.6.18:

Yahya related to me from Malik from Yazid ibn Abdullah ibn Qusayt from Muhammad ibn Abd ar-Rahman ibn Thawban from his mother that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said that the Messenger of Allah, may Allah bless him and grant him peace, ordered that the skins of carrion be used after they had been tanned.

Section: Eating Carrion when Forced to, out of Necessity

Book 25, Number 25.7.19:

Yahya related to me from Malik that the best of what he had heard about a man who is forced by necessity to eat carrion is that he ate it until he was full and then he took provision from it. If he found something which would enable him to dispense with it, he threw it away.

Malik when asked whether or not a man who had been forced by necessity to eat carrion, should eat it when he also found the fruit, crops or sheep of a people in that place, answered, "If he thinks that the owners of the fruit, crops, or sheep will believe his necessity so that he will not be deemed a thief and have his hand cut off, then I think that he should eat from whatever he finds that which will remove his hunger but he should not carry any of it away. I prefer that he does that than that he eat carrion. If he fears that he will not be believed, and will be deemed a thief for what he has taken, then I think that it is better for him to eat the carrion, and he has leeway to eat carrion in this respect. Even so, I fear that someone who is not forced by necessity to eat carrion might exceed the limits out of a desire to consume other peoples' property, crops or fruit."

Malik said, "That is the best of what I have heard."

The 'Aqiqa

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: About The Aqiqa

Book 26, Number 26.1.1:

Yahya related to me from Zayd ibn Aslam from a man of the Banu Damra that his father said, "The Messenger of Allah, may Allah bless him and grant him peace, was asked about the Aqiqa. He said, 'I do not like disobedience (uquq),' as if he disliked the name. He said, 'If anyone has a child born to him, and wants to sacrifice for his child, then let him do it.' "

Book 26, Number 26.1.2:

Yahya related to me from Malik from Jafar ibn Muhammad that his father said, "Fatima, the daughter of the Messenger of Allah, may Allah bless him and grant him peace, weighed the hair of Hasan, Husayn, Zaynab and Umm Kulthum, and gave away in sadaqa an equivalent weight of silver."

Book 26, Number 26.1.3:

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that Muhammad ibn Ali ibn al-Husayn said, "Fatima, the daughter of the Messenger of Allah, may Allah bless him and grant him peace, weighed the hair of Hasan and Husayn, and gave away in sadaqa the equivalent weight in silver."

Section: Behaviour in the Aqiqa

Book 26, Number 26.2.4:

Yahya related to me from Malik from Nafi that if any of Abdullah ibn Umar's family asked him for an aqiqa, he would give it to them. He gave a sheep as aqiqa for both his male and female children.

Book 26, Number 26.2.5:

Yahya related to me from Malik from Rabia ibn Abi Abd ar-Rahman that Muhammad ibn Ibrahim ibn al-Harith at-Taymi said, "I heard my father say that the aqiqa was desirable, even if it was only a sparrow."

Book 26, Number 26.2.64:

Yahya related to me from Malik that he heard that there had been an aqiqa for Hasan and Husayn, the sons of Ali ibn Abi Talib.

Book 26, Number 26.2.7:

Yahya related to me from Malik from Hisham ibn Urwa that his father, Urwa ibn az-Zubayr made an aqiqa for his male and female children of a sheep each.

Malik said, "What we do about the aqiqa is that if someone makes an aqiqa for his children, he gives a sheep for both male and female. The aqiqa is not obligatory but it is desirable to do it, and people continue to come to us about it. If someone makes an aqiqa for his children, the same rules apply as with all sacrificial animals - one-eyed, emaciated, injured, or sick animals must not be used, and neither the meat or the skin is to be sold. The bones are broken and the family eat the meat and give some of it away as sadaqa. The child is not smeared with any of the blood."

Fara'id

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Section: Inheritance of Descendants

Book 27, Number 27.1.0a:

Yahya related to me from Malik, "The generally agreed upon way of doing things among us and what I have seen the people of knowledge doing in our city about the fixed shares of inheritance of children from the mother or father when one or other of them dies is that if they leave male and female children, the male takes the portion of two females. If there are only females, and there are more than two, they get two thirds of what is left between them. If there is only one, she gets a half. If someone shares with the children, who has a fixed share and there are males among them, the reckoner begins with the ones with fixed shares. What remains after that is divided among the children according to their inheritance.

"When there are no children, grandchildren through sons have the same position as children, so that grandsons are like sons and grand-daughters are like daughters. They inherit as they inherit and they overshadow as they overshadow. If there are both children and grandchildren through sons, and there is a male among the children, then the grandchildren through sons do not share in the inheritance with him.

"If there is no surviving male among the children, and there are two or more daughters, the granddaughters through a son do not share in the inheritance with them unless there is a male who is in the same position as them in relation to the deceased, or further than them. His presence gives access to whatever is left over, if any, to whoever is in his position and whoever is above him of the granddaughters through sons. If something is left over, they divide it among them, and the male takes the portion of two females. If nothing is left over, they have nothing.

"If the only descendant is a daughter, she takes half, and if there are one or more grand-daughters through a son who are in the same position to the deceased, they share a sixth. If there is a male in the same position as the granddaughters through a son in relation to the deceased, they have no share and no sixth .

"If there is a surplus after the allotting of shares to the people with fixed shares, the surplus goes to the male and whoever is in his position and whoever is above him of the female descendants through sons. The male has the share of two females. The one who is more distant in relationship than grandchildren through sons has nothing. If there is no surplus, they have nothing. That is because Allah, the Blessed, the Exalted, said in His Book, 'Allah charges you about your children that the male has the like of the portion of two females. If there are more than two women they have two thirds of what is left. If there is one, she has a half.' (Sura 4 ayat 10)

Section: Inheritance of Husbands from Wives and Wives from Husbands

Book 27, Number 27.2.0b:

Malik said, "The inheritance of a husband from a wife when she leaves no children or grandchildren through sons is a half. If she leaves children or grandchildren through sons, male or female, by her

present or previous husbands, the husband has a quarter after bequests or debts. The inheritance of a wife from a husband who does not leave children or grandchildren through sons is a quarter. If he leaves children or grandchildren through sons, male or female, the wife has an eighth after bequests and debts. That is because Allah, the Blessed, the Exalted! said in His Book, 'You have a half of what your wives leave if they have no children. If they have children, you have a fourth of what they leave after bequests and debts. They have a fourth of what you leave if you have no children. If you have children, they have an eighth after bequests or debts.' " (Sura4ayat 11).

Section: Inheritance of Fathers and Mothers from Children

Book 27, Number 27.3.0c:

Malik said, "The generally agreed on way of doing things among us about which there is no dispute and what I have seen the people of knowledge in our city doing is that when a father inherits from a son or a daughter and the deceased leaves children, or grandchildren through a son, the father has a fixed share of one sixth. If the deceased does leave any children or male grandchildren through a son, the apportioning begins with those with whom the father shares in the fixed shares. They are given their fixed shares. If a sixth or more is left over, the sixth and what is above it is given to the father, and if there is less than a sixth left, the father is given his sixth as a fixed share, (i.e. the other shares are adjusted.)

"The inheritance of a mother from her child, if her son or daughter dies and leaves children or male or female grandchildren through a son, or leaves two or more full or half siblings is a sixth. If the deceased does not leave any children or grandchildren through a son, or two or more siblings, the mother has a whole third except in two cases. One of them is if a man dies and leaves a wife and both parents. The wife has a fourth, the mother a third of what remains, (which is a fourth of the capital). The other is if a wife dies and leaves a husband and both parents. The husband gets half, and the mother a third of what remains, (which is a sixth of the capital). That is because Allah, the Blessed, the Exalted, says in His Book, 'His two parents each have a sixth of what he leaves if he has children. If he does not have children, and his parents inherit from him, his mother has a third. If he has siblings, the mother has a sixth.' (Sura 4 ayat 11). The sunna is that the siblings be two or more."

Section: Inheritance of Maternal Half-Siblings

Book 27, Number 27.4.0d:

Malik said, "The generally agreed upon way of doing things among us is that maternal half-siblings do not inherit anything when there are children or grandchildren through sons, male or female. They do not inherit anything when there is a father or the father's father. They inherit in what is outside of that. If there is only one male or female, they are given a sixth. If there are two, each of them has a sixth. If there are more than that, they share in a third which is divided among them. The male does not have portion of two females. That is because Allah, the Blessed, the Exalted, says in His Book, 'If a man or woman has no direct heir, and he has a brother or sister, by the mother, each of them has a sixth. If there are more than two, they share equally in a third.' " (Sura 4 ayat 12).

Section: Inheritance of Full Siblings

Book 27, Number 27.5.0e:

Malik said, "The generally agreed on way of doing things among us is that full siblings do not inherit anything with sons nor anything with grandsons through a son, nor anything with the father. They do inherit with the daughters and the granddaughters through a son when the deceased does not leave a paternal grandfather. Any property that is left over, they are in it as paternal relations. One begins with the people who are allotted fixed shares. They are given their shares. If there is anything left over after that, it belongs to the full siblings. They divide it between themselves according to the Book of Allah,

whether they are male or female. The male has a portion of two females. If there is nothing left over, they have nothing.

"If the deceased does not leave a father or a paternal grandfather or children or male or female grandchildren through a son, a single full sister gets a half. If there are two or more full sisters, they get two thirds. If there is a brother with them, sisters, whether one or more, do not have a fixed share. One begins with whoever shares in the fixed shares. They are given their shares. Whatever remains after that goes to the full siblings. The male has the portion of two females except in one case, in which the full siblings have nothing. They share in this case the third of the half-siblings by the mother. That case is when a woman dies and leaves a husband, a mother, half-siblings by her mother, and full siblings. The husband has a half. The mother has one sixth. The half-siblings by the mother have a third. Nothing is left after that, so the full siblings share in this case with the half-siblings by the mother in their third. The male has the portion of two females in as much as all of them are siblings of the deceased by the mother. They inherit by the mother. That is because Allah, the Blessed, the Exalted, said in His Book, 'If a man or a woman has no direct heir and he has a brother or a sister, each one of the two gets a sixth. If there are more than that, they share equally in the third.' (Sura 4 ayat 12) . They therefore share in this case because all of them are siblings of the deceased by the mother."

Section: Inheritance of Paternal Half-Siblings

Book 27, Number 27.6.0f:

Malik said, "The generally agreed on way of doing things among us is that when there are no full siblings with them, half-siblings by the father take the position of full siblings. Their males are like the males of the full siblings, and their females are like their females except in the case where the half-siblings by the mother and the full siblings share, because they are not offspring of the mother who joins these."

Malik said, "If there are both full siblings and half-siblings by the father and there is a male among the full siblings none of the half-siblings by the father have any inheritance. If there is one or more females in the full siblings and there is no male with them, the one full sister gets a half, and the half sister by the father gets a sixth, completing the two-thirds. If there is a male with the half-sisters by the father, they have no share. The people of fixed shares are given their shares and if there is something left after that it is divided between the half-siblings by the father. The male has the portion of two females. If there is nothing left over, they get nothing. If the full siblings consist of two or more females, they get two-thirds, and the half-sisters by the father get nothing with them unless there is a half-brother by the father with them. If there is a half-brother by the father with them, the people of fixed shares are given their shares and if there is something left over after that, it is divided between the half-siblings by the father. The male gets the portion of two females. If there is nothing left over, they get nothing. Half-siblings by the mother, full-siblings, and half-siblings by the father, each have a sixth (when they are only one). Two and more share a third. The male has the same portion as the female. They are in the same position in it."

Section: Inheritance of Grandfathers

Book 27, Number 27.7.1:

Yahya related to me from Malik from Yahya ibn Said that he had heard that Muawiya ibn Abi Sufyan wrote to Zayd ibn Thabit asking him about the grandfather. Zayd ibn Thabit wrote to him, "You have written to me asking me about the grandfather. Allah knows best. That is part of what is only determined by the amirs, i.e. the khalifs. I was present with two khalifs before you who gave the grandfather a half with one sibling, and a third with two. If there were more siblings, they did not decrease his third."

Book 27, Number 27.7.2:

Yahya related to me from Malik from Ibn Shihab from Qabisa ibn Dhu'ayba that Umar ibn al-Khattab gave the grandfather "what people give him today."

Book 27, Number 27.7.31:

Yahya related to me from Malik that he had heard that Sulayman ibn Yasar said, "Umar ibn al-Khattab, Uthman ibn Affan, and Zayd ibn Thabit gave the grandfather a third with full siblings". Malik said, "The generally agreed on way of doing things among us and what I have seen the people of knowledge in our city doing is that the paternal grandfather does not inherit anything at all with the father. He is given a sixth as a fixed share with the son and the grandson through a son. Other than that, when the deceased does not leave a mother or a paternal aunt, one begins with whoever has a fixed share, and they are given their shares. If there is a sixth of the property left over, the grandfather is given a sixth as a fixed share."

Malik said, "When someone shares with the grandfather and the full siblings in a specified share, one begins with whoever shares with them of the people of fixed shares. They are given their shares. What is left over after that belongs to the grandfather and the full siblings. Then one sees which is the more favourable of two alternatives for the portion of the grandfather. Either a third is allotted to him and the siblings to divide between them, and he gets a share as if he were one of the siblings, or else he takes a sixth from all the capital. Whichever is the best portion for the grandfather is given to him. What is left after that, goes to the full siblings. The male gets the portion of two females except in one particular case. The division in this case is different from the preceding one. This case is when a woman dies and leaves a husband, mother, full sister and grandfather. The husband gets a half, the mother gets a third, the grandfather gets a sixth, and the full sister gets a half. The sixth of the grandfather and the half of the sister are joined and divided into thirds. The male gets the share of two females. Therefore, the grandfather has two thirds, and the sister has one third."

Malik said, "The inheritance of the half-siblings by the father with the grandfather when there are no full siblings with them, is like the inheritance of the full siblings (in the same situation). The males are the same as their males and the females are the same as their females. When there are both full siblings and half-siblings by the father, the full siblings include in their number the number of half-siblings by the father, to limit the inheritance of the grandfather, i.e., if there was only one full sibling with the grandfather. They would share, after the allotting of the fixed shares, the remainder of the inheritance between them equally. If there were also two half-siblings by the father, their number is added to the division of the sum, which would then be divided four ways. A quarter going to the grandfather and three-quarters going to the full siblings who annex the shares technically allotted to the half-siblings by the father. They do not include the number of half-siblings by the mother, because if there were only half-siblings by the father they would not inherit anything with the grandfather and all the capital would belong to the grandfather, and so the siblings would not get anything after the portion of the grandfather."

"It belongs to the full siblings more than the half-siblings by the father, and the half-siblings by the father do not get anything with them unless the full siblings consist of one sister. If there is one full sister, she includes the grandfather with the half-siblings by her father in the division, however many. Whatever remains for her and these half-siblings by the father goes to her rather than them until she has had her complete share, which is half of the total capital. If there is surplus beyond half of all the capital in what she and the half-siblings by the father acquire it goes to them. The male has the portion of two females. If there is nothing left over, they get nothing."

Section: Inheritance of Grandmothers

Book 27, Number 27.8.4:

Yahya related to me from Malik from Ibn Shihab from Uthman ibn Ishaq ibn Kharasha that Qabisa ibn Dhu'ayb said, "A grandmother came to Abu Bakr as-Siddiq and asked him for her inheritance. Abu Bakr said to her, 'You have nothing in the Book of Allah, and I do not know that you have anything in the sunna of the Messenger of Allah, may Allah bless him and grant him peace. Go away therefore, until I have questioned the people.' (i.e. the Companions). He questioned the people, and al-Mughira ibn Shuba said, 'I was present with the Messenger of Allah, may Allah bless him and grant him peace, when he gave the grandmother a sixth.' Abu Bakr said, 'Was there anybody else with you?' Muhammad ibn Maslama al-Ansari stood up and said the like of what al-Mughira said. Abu Bakr as-Siddiq gave it to her. Then the other grandmother came to Umar ibn al-Khattab and asked him for her inheritance. He said to her, 'You have nothing in the Book of Allah, and what has been decided is only for other than you, and I am not one to add to the fixed shares, other than that sixth. If there are two of you together, it is between you. If either of you is left alone with it, it is hers.'"

Book 27, Number 27.8.5:

Yahya related to me from Malik from Yahya ibn Said that al-Qasim ibn Muhammad said, "Two grandmothers came to Abu Bakr asSiddiq, and he wanted to give the sixth to the one who was from the mother's side, and a man of the Ansar said, 'What? Are you omitting the one from whom he would inherit if she died while he was alive?' Abu Bakr divided the sixth between them.~

Book 27, Number 27.8.6:

Yahya related to me from Malik from Abdu Rabbih ibn Said that Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham only gave a fixed share to two grandmothers (together).

Malik said, "The generally agreed on way of doing things among us in which there is no dispute and which I saw the people of knowledge in our city doing, is that the maternal grandmother does not inherit anything at all with the mother. Outside of that, she is given a sixth as a fixed share. The paternal grandmother does not inherit anything along with the mother or the father. Outside of that she is given a sixth as a fixed share." If both the paternal grandmother and maternal grandmother are alive, and the deceased does not have a father or mother outside of them, Malik said, "I have heard that if the maternal grandmother is the nearest of the two of them, then she has a sixth instead of the paternal grandmother. If the paternal grandmother is nearer, or they are in the same position in relation to the deceased, the sixth is divided equally between them."

Malik said, "None of the female grand-relations except for these two has any inheritance because I have heard that the Messenger of Allah, may Allah bless him and grant him peace, gave the grandmother inheritance, and then Abu Bakr asked about that until someone reliable related from the Messenger of Allah, may Allah bless him and grant him peace, that he had made the grandmother an heir and given a share to her. Another grandmother came to Umar ibn al-Khattab, and he said, 'I am not one to add to fixed shares. If there are two of you together, it is between you. If either of you is left alone with it, it is hers.' " Malik said, "We do not know of anyone who made other than the two grandmothers heirs from the beginning of Islam to this day."

Book 27, Number 27.8.7:

Yahya related to me from Malik from Zayd ibn Aslam that Umar ibn al-Khattab asked the Messenger of Allah, may Allah bless him and grant him peace, about someone who died without parents or offspring, and the Messenger of Allah, may Allah bless him and grant him peace, said to him, "The ayat which was sent down in the summer at the end of the Surat an-Nisa (Sura 4) is enough for you."

Malik said, "The generally agreed on way of doing things among us, in which there is no dispute, and which I saw the people of knowledge in our city doing, is that the person who leaves neither parent or offspring can be of two types. As for the kind described in the ayat which was sent down at the beginning of the Surat an-Nisa in which Allah, the Blessed, the Exalted! said, 'If a man or a woman has no direct heir, but has a brother or a sister by the mother, each of the two has a sixth. If there are more than that, they share equally in a third.' (Sura 4 ayat 12) This heirless one does not have heirs among his mother's siblings since there are no children or parents. As for the other kind described in the ayat which comes at the end of the Surat an-Nisa, Allah, the Blessed, the Exalted, said in it, 'They will ask you for a decision. Say, "Allah gives you a decision about the indirect heirs. If a man perishes having no children, but he has a sister, she shall receive a half of what he leaves, and he is her heir if she has no children. If there are two sisters, they shall receive two-thirds of what he leaves. If there are brothers and sisters, the male shall receive the portion of two females. Allah makes clear to you that you might not go astray. Allah has knowledge of everything" ' " (Sura 4 ayat 176).

Malik said, "If this person without direct heirs (parents) or children has siblings by the father, they inherit with the grandfather from the person without direct heirs. The grandfather inherits with the siblings because he is more entitled to the inheritance than them. That is because he inherits a sixth with the male children of the deceased when the siblings do not inherit anything with the male children of the deceased. How can he not be like one of them when he takes a sixth with the children of the deceased? How can he not take a third with the siblings while the brother's sons take a third with them? The grandfather is the one who overshadows the half-siblings by the mother and keeps them from inheriting. He is more entitled to what they have because they are omitted for his sake. If the grandfather did not take that third, the half-siblings by the mother would take it and would take what does not return to the half-siblings by the father. The half-siblings by the mother are more entitled to that third than the half-siblings by the father while the grandfather is more entitled to that than the half-siblings by the mother."

Section: Paternal Aunts

Book 27, Number 27.9.8:

Yahya related to me from Malik from Muhammad ibn Abi Bakr ibn Muhammad ibn Amribn Hazm that Abdar-Rahman ibn Hanthala az-Zurqi was informed by a mawla of Quraysh, who used to be known as Ibn Mursi, that he was sitting with Umar ibn al-Khattab, and when they had prayed dhuhr, he said, "Yarfa! Bring that letter! (a letter which he had written about the paternal aunt.) We asked about her and asked for information about her." Yarfa brought it to him. He called for a small vessel or a drinking-bowl in which there was water. He erased the letter in it. Then he said, "Had Allah approved of you as an heir, we would have confirmed you. Had Allah approved of you, we would have confirmed you."

Book 27, Number 27.9.9:

Yahya related to me from Malik that Muhammad ibn Abi Bakr ibn Hazm heard his father say many times, "Umar ibn al-Khattab used to say, 'It is a wonder that the paternal aunt is inherited from and does not inherit.'"

Section: Inheritance of Paternal Relations

Book 27, Number 27.10.9a:

Malik said, "The generally agreed on way of doing things among us, in which there is no dispute, and which I saw the people of knowledge in our city doing, about paternal relations is that full brothers are more entitled to inherit than half-brothers by the father and half-brothers by the father are more entitled to inherit than the children of the full brothers. The sons of the full brothers are more entitled to inherit than the sons of the half-brothers by the father. The sons of the half-brothers by the father are more entitled to inherit than the sons of the sons of the full brothers. The sons of the sons of the half-brothers by the father's side are more entitled to inherit than the paternal uncle, the full brother of the father. The paternal uncle, the full brother of the father, is more entitled to inherit than the paternal uncle, the half-brother of the father on the father's side. The paternal uncle, the half-brother of the father on the father's side is more entitled to inherit than the sons of the paternal uncle, the full brother of the father. The son of the paternal uncle on the father's side is more entitled to inherit than the paternal great uncle, the full brother of the paternal grandfather."

Malik said, "Everything about which you are questioned concerning the inheritance of the paternal relations is like this. Trace the genealogy of the deceased and whoever among the paternal relations contends for inheritance. If you find that one of them reaches the deceased by a father and none of them except him reaches him by a father, then make his inheritance to the one who reaches him by the nearest father, rather than the one who reaches him by what is above that. If you find that they all reach him by the same father who joins them, then see who is the nearest of kin. If there is only one half-brother by the father, give him the inheritance rather than more distant paternal relations. If there is a full brother and you find them equally related from a number of fathers or to one particular father so that they all reach the genealogy of the deceased and they are all half-brothers by the father or full brothers, then divide the inheritance equally among them. If the parent of one of them is an uncle (the full-brother of the father of the deceased) and whoever is with him is an uncle (the paternal half brother of the father of the deceased), the inheritance goes to the sons of the full brother of the father rather than the sons of the paternal half-brother of the father. That is because Allah, the Blessed, the Exalted, said, 'Those related by blood are nearer to one another in the Book of Allah, surely Allah has knowledge of everything.'"

Malik said, "The paternal grandfather, is more entitled to inherit than sons of the full-brother, and more entitled than the uncle, the full brother of the father. The son of the father's brother is more entitled to inherit from mawali retainers (freed slaves) than the grandfathers."

Section: People who do Not Inherit

Book 27, Number 27.11.9b:

Malik said, "The generally agreed on way of doing things among us in which there is no dispute and which I saw the people of knowledge in our city doing, is that the child of the half-sibling by the mother, the paternal grandfather, the paternal uncle who is the maternal half-brother of the father, the maternal uncle, the great-grandmother who is the mother of the mother's father, the daughter of the full-brother, the paternal aunt, and the maternal aunt do not inherit anything by their kinship."

Malik said, "The woman who is the furthest relation of the deceased of those who were named in this book, does not inherit anything by her kinship, and women do not inherit anything apart from those that are named in the Qur'an. Allah, the Blessed, the Exalted, mentioned in His Book the inheritance of the mother from her children, the inheritance of the daughters from their father, the inheritance of the wife from her husband, the inheritance of the full sisters, the inheritance of the half-sisters by the father and the inheritance of the half-sisters by the mother. The grandmother is made an heir by the example of the Prophet, may Allah bless him and grant him peace, made about her. A woman inherits from a slave she frees herself because Allah, the Blessed, the Exalted, said in His Book, 'They are your brothers in the deen and your mawali.' "

Section: Inheritance from People of Other Religions

Book 27, Number 27.12.10:

Yahya related to me from Malik from Ibn Shihab from Ali ibn Husayn ibn Ali from Umar ibn Uthman ibn Affan from Usama ibn Zayd that the Messenger of Allah, may Allah bless him and grant him peace, said, "A muslim does not inherit from a kafir."

Book 27, Number 27.12.11:

Yahya related to me from Malik from Ibn Shihab that Ali ibn Husayn ibn Ali ibn Abi Talib told him that Aqil and Talib inherited from Abu Talib, and Ali did not inherit from him. Ali said, "Because of that, we have given up our portion of ash Shab." (A house belonging to Banu Hashim).

Book 27, Number 27.12.12:

Yahya related to me from Malik from Yahya ibn Said from Sulayman ibn Yasar that Muhammad ibn al-Ashath told him that he had a christian or jewish paternal aunt who died. Muhammad ibn al-Ashath mentioned that to Umar ibn al-Khattab and said to him, "Who inherits from her?" Umar ibn al-Khattab said to him, "The people of her deen inherit from her." Then he went to Uthman ibn Affan, and asked him about that. Uthman said to him, "Do you think that I have forgotten what Umar ibn al-Khattab said to you? The people of her deen inherit from her."

Book 27, Number 27.12.13:

Yahya related to me from Malik from Yahya ibn Said from Ismail ibn Abi Hakim that Umar ibn Abd al-Aziz freed a christian who then died. Ismail said, "Umar ibn Abd al-Aziz ordered me to put his property in the bayt al-mal."

Book 27, Number 27.12.14:

Yahya related to me from Malik from a reliable source of his who had heard Said ibn al-Musayyab say, "Umar ibn al-Khattab refused to let anyone inherit from the non-arabs except for one who was born

among the arabs."

Malik said, "If a pregnant woman comes from the land of the enemy and gives birth in arab land so that he is her (an arab) child, he inherits from her if she dies, and

Marriage

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Section: Asking for Someone's Hand in Marriage

Book 28, Number 28.1.1:

Yahya related to me from Malik from Muhammad ibn Yahya ibn Habban from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not ask for a woman in marriage when another muslim has already done so."

Book 28, Number 28.1.2:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not ask for a woman in marriage when another muslim has already done so."

Malik said, "The explanation of the statement of the Messenger of Allah, may Allah bless him and grant him peace, according to what we think - and Allah knows best - is that 'Do not ask for a woman in marriage when another muslim has already done so' means that when a man has asked for a woman in marriage, and she has inclined to him and they have agreed on a bride-price, which she has suggested and with which they are mutually satisfied, it is forbidden for another man to ask for that woman in marriage. It does not mean that when a man has asked for a woman in marriage, and his suit does not agree with her and she does not incline to him that no one else can ask for her in marriage. That is a door to misery for people."

Book 28, Number 28.1.3:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that his father said about the word of Allah, the Blessed, the Exalted, "There is no fault in you about the proposal you offer to women, or hide in yourselves. Allah knows that you will be mindful of them; but do not make troth with them secretly without honourable words," (Sura 2 ayat 235) that it referred to a man saying to a woman while she was still in her idda after the death of her husband, "You are dear to me, and I desire you, and Allah brings provision and blessing to you," and words such as these.

Section: Asking Consent of Virgins and Women Previously Married for their Persons

Book 28, Number 28.2.4:

Malik related to me from Abdullah ibn al-Fadl from Nafi ibn Jubayr ibn Mutim from Abdullah ibn Abbas that the Messenger of Allah, may Allah bless him and grant him peace, said, "A woman who has been previously married is more entitled to her person than her guardian, and a virgin must be asked for her

consent for herself, and her consent is her silence "

Book 28, Number 28.2.5:

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab had said that Umar ibn al-Khattab said, "A woman is only married with the consent of her guardian, someone of her family with sound judgement or the Sultan.

Book 28, Number 28.2.6:

Yahya related to me from Malik that he had heard that al-Qasim ibn Muhammad and Salim ibn Abdullah were marrying off their daughters and they did not consult them.

Malik said, "That is what is done among us about the marriage of virgins."

Malik said, "A virgin has no right to her property until she enters her house and her state (competence, maturity etc.) is known for sure."

Book 28, Number 28.2.7:

Yahya related to me from Malik that he had heard that al-Qasim ibn Muhammad and Salim ibn Abdullah and Sulayman ibn Yasar said about the virgin given by her father in marriage without her permission, "That is binding on her."

Section: The Bride-Price and Unreturnable Gifts

Book 28, Number 28.3.8:

Yahya related to me from Malik from Malik from Abu Hazim ibn Dinar from Sahl ibn Sad as-Saidi that a woman came to the Messenger of Allah, may Allah bless him and grant him peace, and said, "Messenger of Allah! I have given myself to you." She stood for a long time, and then a man got up and said, "Messenger of Allah, marry her to me if you have no need of her." The Messenger of Allah, may Allah bless him and grant him peace, said, "Do you have anything to give her as a bride-price?" He said, "I possess only this lower garment of mine." The Messenger of Allah, may Allah bless him and grant him peace, said, "If you give it to her you will not have a garment to wear so look for something else." He said, "I have nothing else." He said, "Look for something else, even if it is only an iron ring." He looked, and found that he had nothing. The Messenger of Allah, may Allah bless him and grant him peace, said, "Do you know any of the Qur'an?" He said, "Yes. I know such-and-such a sura and such-and-such a sura," which he named. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "I have married her to you for what you know of the Qur'an."

Book 28, Number 28.3.9:

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab had said that Umar ibn al-Khattab said, "If a man marries a woman who is insane, or has leprosy or white leprosy, without being told of her condition by her guardian, and he has sexual relations with her, she keeps her bride-price in its entirety. Her husband has damages against her guardian."

Malik said, "The husband has damages against her guardian when the guardian is her father, brother, or one who is deemed to have knowledge of her condition. If the guardian who gives her in marriage is a nephew, a mawla or a member of her tribe who is not deemed to have knowledge of her condition, there are no damages against him, and the woman returns what she has taken of her bride-price, and the

husband leaves her whatever amount is thought to be fair."

Book 28, Number 28.3.10:

Yahya related to me from Malik from Nafi that the daughter of Ubaydullah ibn Umar whose mother was the daughter of Zayd ibn al-Khattab, married the son of Abdullah ibn Umar. He died and had not yet consummated the marriage or specified her bride-price. Her mother wanted the bride-price, and Abdullah ibn Umar said, "She is not entitled to a bride-price. Had she been entitled to a bride-price, we would not have kept it and we would not do her an injustice." The mother refused to accept that. Zayd ibn Thabit was brought to adjudicate between them and he decided that she had no bride-price, but that she did inherit.

Book 28, Number 28.3.11:

Yahya related to me from Malik that he had heard that Umar ibn Abd al-Aziz during his khalifate, wrote to one of his governors, "Whatever a father, or guardian, who gives someone in marriage, makes a condition in the way of unreturnable gift or of favour, belongs to the woman if she wants it."

Malik spoke about a woman whose father gave her in marriage and made an unreturnable gift a condition of the bride-price which was to be given. He said, "Whatever is given as a condition by which marriage occurs belongs to the woman if she wants it. If the husband parts from her before the marriage is consummated, the husband has half of the unreturnable gift by which the marriage occurred."

Malik said about a man who married off his young son and the son had no wealth at all, that the bride-price was obliged of the father if the young man had no property on the day of marriage. If the young man did have property the bride-price was taken from his property unless the father stipulated that he would pay the bride-price. The marriage was affirmed for the son if he was a minor only if he was under the guardianship of his father.

Malik said that if a man divorced his wife before he had consummated the marriage and she was a virgin, her father returned half of the bride-price to him. That half was permitted to the husband from the father to compensate him for his expenses.

Malik said that that was because Allah, the Blessed, the Exalted, said in His Book, "Unless they (women with whom he had not consummated marriage) make remission or he makes remission to him in whose hand is the knot of marriage." (Sura 2 ayat 237). (He being the father of a virgin daughter or the master of a female slave.)

Malik said, "That is what I have heard about the matter, and that is how things are done among us."

Malik said that a jewish or christian woman who was married to a jew or christian and then became muslim before the marriage had been consummated, did not keep anything from the bride-price.

Malik said, "I do not think that women should be married for less than a quarter of a dinar. That is the lowest amount for which cutting off the hand is obliged ."

Section: Consummating the Marriage

Book 28, Number 28.4.12:

Yahya related to me from Malik from Yahya ibn Said from Said ibn al-Musayyab that 'Umar ibn al-Khattab decided about the woman who was married by a man and the marriage had been consummated, that the bride-price was obligatory.

Book 28, Number 28.4.13:

Yahya related to me from Malik from Ibn Shihab that Zayd ibn Thabit said, "When a man takes his wife to his house and co-habits with her then the bride-price is obliged."

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab said, "When a man comes to his wife in her room, he is believed. When she comes to him in his room, she is believed."

Malik commented, "I think that this refers to sexual intercourse. When he comes in to her in her room and she says, 'He has had intercourse with me' and he says, 'I have not touched her', he is believed. When she comes in to him in his room and he says, 'I have not had intercourse with her' and she says, 'He had intercourse with me', she is believed."

28.5 Wedding Nights of Virgins and Women Previously Married

Section: Wedding Nights of Virgins and Women Previously Married

Book 28, Number 28.5.14:

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from Abd al-Malik ibn Abi Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham al-Makhzumi from his father that when the Messenger of Allah, may Allah bless him and grant him peace, married Umm Salama and then spent the night with her, he said to her, "You are not being humbled in your right. If you wish, I will stay with you for seven nights as I stayed seven nights with the others. If you wish, I will stay with you for three nights, and then visit the others in turn." She said, "Stay three nights."

Book 28, Number 28.5.15:

Yahya related to me from Malik from Humayd at-Tawil that Anas ibn Malik said, "A virgin has seven nights, and a woman who has been previously married has three nights."

Malik affirmed, "That is what is done among us."

Malik added, "If the man has another wife, he divides his time equally between them after the wedding nights. He does not count the wedding nights against the one he has just married."

Section: Stipulations Not Permitted in Marriage

Book 28, Number 28.6.16:

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab was asked about a woman who made a stipulation on her husband not to take her away from her town. Said ibn al-Musayyab said, "He takes her away if he wishes."

Malik said, "The custom among us is that when a man marries a woman, and he makes a condition in the marriage contract that he will not marry after her or take a concubine, it means nothing unless there is an oath of divorce or setting-free attached to it. Then it is obliged and required of him."

Section: Marriage of the Muhallil and its Like

Book 28, Number 28.7.17:

Yahya related to me from Malik from al-Miswar ibn Rifaa al-Quradhi from az-Zubayr ibn Abd ar-Rahman ibn az-Zubayr that Rifaa ibn Simwal divorced his wife, Tamima bint Wahb, in the time of the Messenger of Allah, may Allah bless him and grant him peace, three times. Then she married Abd ar-Rahman ibn az-Zubayr and he turned from her and could not consummate the marriage and so he parted from her. Rifaa wanted to marry her again and it was mentioned to the Messenger of Allah, may Allah bless him and grant him peace, and he forbade him to marry her. He said, "She is not halal for you until she has tasted the sweetness of intercourse."

Book 28, Number 28.7.18:

Yahya related to me from Malik from Yahya ibn Said from al-Qasim ibn Muhammad that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said when asked whether it was permissible for a man to marry again a wife he had divorced irrevocably if she had married another man who divorced her before consummating the marriage, "Not until she has tasted the sweetness of intercourse."

Book 28, Number 28.7.19:

Yahya related to me from Malik that he had heard that when asked whether it was permissible for a man to return to his wife if he had divorced her irrevocably and then another man had married her after him and died before consummating the marriage, al-Qasim ibn Muhammad said, "It is not halal for the first husband to return to her."

Malik said, about the muhallil, that he could not remain in the marriage until he undertook a new marriage. If he had intercourse with her in that marriage, she had her dowry.

Section: Combinations of Women Not to be Married Together

Book 28, Number 28.8.20:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said "One cannot be married to a woman and her paternal aunt, or a woman and her maternal aunt at the same time."

Book 28, Number 28.8.21:

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "It is forbidden to be married to a woman and her paternal or maternal aunt at the same time, and for a man to have intercourse with a female slave who is carrying another man's child."

Section: Prohibition against Marrying Mothers of Wives

Book 28, Number 28.9.22:

Yahya related to me from Malik from Yahya ibn Said that Zayd ibn Thabit asked whether it was halal for a man who married a woman and then separated from her before he had cohabited with her, to marry her mother. Zayd ibn Thabit said, "No. The mother is prohibited unconditionally. There are conditions, however about foster-mothers."

Book 28, Number 28.9.23:

Yahya related to me from Malik from more than one source that when Abdullah ibn Masud was in Kufa, he was asked for an opinion about marrying the mother after marrying the daughter when the marriage with the daughter had not been consummated. He permitted it. When Ibn Masud came to Madina, he asked about it and was told that it was not as he had said, and that this condition referred to foster-mothers. Ibn Masud returned to Kufa, and he had just reached his dwelling when the man who had asked him for the opinion came to visit and he ordered him to separate from his wife.

Malik said that if a man married the mother of a woman who was his wife and he had sexual relations with the mother then his wife was haram for him, and he had to separate from both of them. They were both haram to him forever, if he had had sexual relations with the mother. If he had not had relations with the mother, his wife was not haram for him, and he separated from the mother.

Malik explained further about the man who married a woman, and then married her mother and cohabited with her, "The mother will never be halal for him, and she is not halal for his father or his son, and any daughters of hers are not halal for him and so his wife is haram for him."

Malik said, "Fornication however, does not make any of that haram because Allah, the Blessed, the Exalted, mentioned 'the mothers of your wives,' as one whom marriage made haram, and he didn't mention the making haram by fornication. Every marriage in a halal manner in which a man cohabits with his wife, is a halal marriage. This is what I have heard, and this is how things are done among us."

Section: Marriage to Mothers of Women with Whom One has had Sexual Relations in a Disapproved Manner

Book 28, Number 28.10.23a:

Malik said that a man who had committed fornication with a woman and the hadd-punishment had been applied to him for it, could marry that woman's daughter and his son could marry the woman herself if he wished. That was because he had haram relations with her, and the relations Allah had made haram were from the relations made in a halal manner or in a manner resembling marriage. Allah, the Blessed, the Exalted, said, "Do not marry the women your fathers have married." (Sura 4 ayat 21)

Malik said, "If a man were to marry a woman in her idda-period in a halal marriage and have relations with her, it would be haram for his son to marry the woman. That is because the father married her in a halal manner, and the hadd-punishment would not have been applied to him. Any child who was born to him would be attached to him as the father. Just as it would be haram for the son to marry a woman whom his father had married in her idda-period and had relations with, so the woman's daughter would be haram for the father if he had had sexual relations with her."

Section: What is Not Permitted in Marriage in General

Book 28, Number 28.11.24:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, forbade shighar, which meant one man giving his daughter in marriage to another man on the condition that the other gave his daughter to him in marriage without either of them paying the bride-price.

Book 28, Number 28.11.25:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father from Abd ar-Rahman and Mujamma the sons of Yazid ibn Jariya al-Ansari from Khansa bint Khidam al-Ansariya that her father gave her in marriage and she had been previously married. She disapproved of that, and went to the Messenger of Allah, may Allah bless him and grant him peace, and he revoked the marriage.

Book 28, Number 28.11.26:

Yahya related to me from Malik from Abu'z-Zubayr al-Makki that a case was brought to Umar about a marriage which had only been witnessed by one man and one woman . He said, "This is a secret marriage and I do not permit it. Had I been the first to come upon it, I would have ordered them to be stoned."

Book 28, Number 28.11.27:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab and from Sulayman ibn Yasar that Tulayha al-Asadiya was the wife of Rushayd ath-Thaqafi. He divorced her, and she got married in her idda-period. Umar ibn al-Khattab beat her and her husband with a stick several times, and separated them. Then Umar ibn al-Khattab said, "If a woman marries in her idda-period, and the new husband has not consummated the marriage, then separate them, and when she has completed the idda of her first husband, the other becomes a suitor. If he has consummated the marriage then separate them. Then she must complete her idda from her first husband, and then the idda from the other one, and they are never to be reunited."

Malik added, "Said ibn al-Musayyab said that she had her dowry because he had consummated the marriage."

Malik said, "The practice with us concerning a free woman whose husband dies, is that she does an idda of four months and ten days and she does not marry if she doubts her period until she is free of any doubt or if she fears that she is pregnant."

Section: Marrying Slaves when already Married to Free Women

Book 28, Number 28.12.28:

Yahya related to me from Malik that he had heard that Abdullah ibn Abbas and Abdullah ibn Umar were asked about a man who had a free woman as a wife and then wanted to marry a slave-girl. They disapproved that he should combine the two of them.

Book 28, Number 28.12.29:

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "The slave girl is not married when there is a free woman who is a wife unless the free woman wishes it. If the free woman complies, she has two-thirds of the division of time."

Malik said, "A free man must not marry a slave-girl when he can afford to marry a free-woman, and he should not marry a slave-girl when he cannot afford a free woman unless he fears fornication. That is because Allah, may he be Blessed and Exalted, says in His Book, 'If you are not affluent enough to marry believing women, who are muhsanat, take slave-girls who are believing women that your right hands own.' (Sura 4 ayat 24) He says, 'That is for those of you who fear al-anat.' "

Malik said, "Al-anat is fornication."

Section: A Man's Owning a Slave Whom He has Married and then Divorced

Book 28, Number 28.13.30:

Yahya related to me from Malik from Ibn Shihab from Abu Abd ar-Rahman that Zayd ibn Thabit said that if a man divorced his slave-girl three times and then bought her, she was not halal for him until she had married another husband.

Book 28, Number 28.13.31:

Yahya related to me from Malik that he had heard that Said ibn al-Musayyab and Sulayman ibn Yasar were asked whether, when a man married a slave of his to a slave-girl and the slave divorced her irrevocably, and then her master gave her to the slave, she was then halal for the slave by the possession of the right hand. They said, "No. She is not halal until she has married another husband."

Book 28, Number 28.13.32:

Yahya related to me from Malik that he had asked Ibn Shihab about a man who had a slave-girl as a wife, and then he bought her, and divorced her once. He said, "She is halal for him by the possession of the right hand as long as he does not make his divorce irrevocable. If he irrevocably divorces her, she is not halal for him by the possession of the right hand until she has married another husband."

Malik said that if a man married a female slave and then she had a child by him, and then he bought her, she was not an umm walad for him because of the child born to him while she belonged to another, until she had had a child by him while she was in his possession after he had purchased her.

Malik said, "If he buys her and she is pregnant by him and she then gives birth while she belongs to him, she is his umm walad by that pregnancy, according to what we think, and Allah knows best."

Section: Reprehensibility of Intercourse with Two Sisters or a Mother and Daughter that One Owns

Book 28, Number 28.14.33:

Yahya related to me from Malik from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from his father that Umar ibn al-Khattab was asked about a woman and her daughter who were in the possession of the right hand, and whether one could have intercourse with one of them after the other Umar said, "I dislike both being permitted together." He then forbade that.

Book 28, Number 28.14.34:

Yahya related to me from Malik from Ibn Shihab from Qabisa ibn Dhu'ayb that a man asked Uthman ibn Affan whether one could have intercourse with two sisters who one owned. Uthman said, "One ayat makes them halal, and one ayat makes them haram. As for me, I wouldn't like to do it." The man left him and met one of the companions of the Messenger of Allah, may Allah bless him and grant him peace, and asked him about it, and he said, "Had I any authority and I found someone who had done it, I would punish him as an example."

Ibn Shihab added, "I think that it was Ali ibn Abi Talib."

Book 28, Number 28.14.35:

Yahya related to me from Malik that he had

Divorce

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Section: The 'Irrevocable' Divorce

Book 29, Number 29.1.1:

Yahya related to me from Malik that he had heard that a man said to Abdullah ibn Abbas, "I have divorced my wife by saying I divorce you a hundred times. What do you think my situation is?" Ibn Abbas said to him, "She was divorced from you by three pronouncements, and by the ninety-seven, you have mocked the ayat of Allah."

Book 29, Number 29.1.2:

Yahya related to me from Malik that he had heard that a man came to Abdullah ibn Masud and said, "I have divorced my wife by saying I divorce you eight times." Ibn Masud said to him, "What have people told you?" He replied, "I have been told that I have to part absolutely from her." Ibn Masud said, "They have spoken the truth. A person who divorces as Allah has commanded, Allah makes it clear for him, and a person who obscures himself in error, we make stay by his error. So do not confuse yourselves and pull us into your confusion. It is as they have said."

Book 29, Number 29.1.3:

Yahya related to me from Malik from Yahya ibn Said from Abu Bakr ibn Hazm that Umar ibn Abd al-Aziz had asked him what people said about the 'irrevocable' divorce, and Abu Bakr had replied that Aban ibn Uthman had clarified that it was declared only once. Umar ibn Abd al-Aziz said, "Even if divorce had to be declared a thousand times, the 'irrevocable' would use them all up. A person who says, 'irrevocably' has cast the furthest limit."

Book 29, Number 29.1.4:

Yahya related to me from Malik from Ibn Shihab that Marwan ibn al-Hakam decided that if someone made three pronouncements of divorce, he had divorced his wife irrevocably.

Malik said, "That is what I like best of what I have heard on the subject."

29.2 Divorce by Euphemistic Statements

Book 29, Number 29.1.5:

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab had heard in a letter from Iraq that a man said to his wife, "Your rein is on your withers (i.e. you have free rein)." Umar ibn al-

Khattab wrote to his governor to order the man to come to him at Makka at the time of hajj. While Umar was doing tawaf around the House, a man met him and greeted him. Umar asked him who he was, and he replied that he was the man that he had ordered to be brought to him. Umar said to him, "I ask you by the Lord of this building, what did you mean by your statement, 'Your rein is on your withers.'?" The man replied, "Had you made me swear by other than this place, I would not have told you the truth. I intended separation by that." Umar ibn al- Khattab said, "It is what you intended."

Book 29, Number 29.1.6:

Yahya related to me from Malik that he had heard that Ali ibn Abi Talib used to say that if a man said to his wife, "You are haram for me," it counted as three pronouncements of divorce.

Malik said, "That is the best of what I have heard on the subject."

Book 29, Number 29.1.7:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said that statements like "I cut myself off from you", or "You are abandoned", were considered as three pronouncements of divorce.

Malik said that any strong statements such as these or others were considered as three pronouncements of divorce for a woman whose marriage had been consummated. In the case of a woman whose marriage had not been consummated, the man was asked to make an oath on his deen, as to whether he had intended one or three pronouncements of divorce. If he had intended one pronouncement, he was asked to make an oath by Allah to confirm it, and he became a suitor among other suitors, because a woman whose marriage had been consummated, required three pronouncements of divorce to make her inaccessible for the husband, whilst only one pronouncement was needed to make a woman whose marriage had not been consummated inaccessible.

Malik added, "That is the best of what I have heard about the matter."

Book 29, Number 29.1.8:

Yahya related to me from Malik from Yahya ibn Said from al-Qasim ibn Muhammad that a certain man had taken a slave-girl belonging to somebody else as a wife. He said to her people, "She is your concern," and people considered that to be one pronouncement of divorce.

Book 29, Number 29.1.9:

Yahya related to me from Malik that he heard Ibn Shihab say that if a man said to his wife, "You are free of me, and I am free of you, " it counted as three pronouncements of divorce as if it were an 'irrevocable' divorce.

Malik said that if a man made any strong statement such as these to his wife, it counted as three pronouncements of divorce for a woman whose marriage had been consummated, or it was written as one of three for a woman whose marriage had not been consummated, whichever the man wished. If he said he intended only one divorce he swore to it and he became one of the suitors because, whereas a woman whose marriage had been consummated was made inaccessible by three pronouncements of divorce, the woman whose marriage had not been consummated was made inaccessible by only one pronouncement.

Malik said, "That is the best of what I have heard."

Section: What is Clear about Giving Wives Right of

Divorce

Book 29, Number 29.2.10:

Yahya related to me from Malik that he had heard that a man came to Abdullah ibn Umar, and said, "Abu Abd ar-Rahman! I placed the command of my wife in her hand, and she divorced herself, what do you think?" Abdullah ibn Umar said, "I think that it is as she said." The man said, "Don't do it, Abu Abd ar-Rahman!" Ibn Umar said, "You did it, it has nothing to do with me."

Book 29, Number 29.2.11:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "When a man gives a woman command over herself, then the result is as she decides unless he denies it and says that he only meant to give her one divorce and he swears to it - then he has access to her while she is in her idda."

Section: Circumstances in Which only One Pronouncement of Divorce Permitted in Giving Wives Right of Divorce

Book 29, Number 29.3.12:

Yahya related to me from Malik from Said ibn Sulayman ibn Zayd ibn Thabit that Kharija ibn Zayd ibn Thabit told him that he was sitting with Zayd ibn Thabit when Muhammad ibn Abi Atiq came to him with his eyes brimming with tears. Zayd asked him what the matter was. He said, "I gave my wife command of herself, and she separated from me." Zayd said to him, "What made you do that?" He said, "The Decree." Zayd said, "Return to her if you wish for it is only one pronouncement, and you have access to her."

Book 29, Number 29.3.13:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that a man of Thaqif gave his wife command over herself, and she said, "You are divorced." He was silent. She said, "You are divorced." He said, "May a stone be in your mouth." She said, "You are divorced." He said, "May a stone be in your mouth." They argued and went to Marwan ibn al-Hakam. He took an oath that he had only given her control over one pronouncement, and then she returned to him.

Malik said that Abd ar-Rahman declared that this decision had amazed al-Qasim, who thought it the best that he had heard on the subject.

Malik added, "That is also the best of what I have heard on the subject."

Section: What is Not Clear in Giving Wives Right of Divorce

Book 29, Number 29.4.14:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha, umm al-muminin, proposed to Qurayba bint Abi Umayya on behalf of Abd ar-Rahman ibn Abi Bakr. They married her to him and her people found fault with Abd ar-Rahman and said, "We only gave in marriage because of A'isha." A'isha therefore sent for Abd ar-Rahman and told him about it. He gave Qurayba authority over herself and she chose her husband and so there was no divorce.

Book 29, Number 29.4.15:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, gave Hafsa bint Abd arRahman in marriage to al-Mundhir ibn az-Zubayr while Abd ar-Rahman was away in Syria. When Abd ar-Rahman arrived, he said, "Shall someone like me have this done to him? Am I the kind of man to have something done to him without his consent?" A'isha spoke to al-Mundhir ibn az-Zubayr, and al-Mundhir said, "It is in the hands of Abd ar-Rahman." Abd ar-Rahman said, "I won't oppose something that you have already completed." Hafsa was confirmed with al-Mundhir, and there was no divorce.

Book 29, Number 29.4.16:

Yahya related to me from Malik that he had heard that Abdullah ibn Umar and Abu Hurayra were asked about a man who gave his wife power over herself, and she returned it to him without doing anything with it. They said that there was no divorce. (i.e. The man's giving his wife power over herself was not interpreted as a desire for divorce on his part.)

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "If a man gives his wife authority over herself, and she does not separate from him and remains with him, there is no divorce."

Malik said that a woman whose husband gave her power over herself and they separated while she was unwilling, had no power to revoke the divorce. She only had power over herself as long as they remained together.

Section: Annulment of Marriage by Husband's Vow to Refrain from Intercourse (Ila)

Book 29, Number 29.5.17:

Yahya related to me from Malik from Jafar ibn Muhammad from his father that Ali ibn Abi Talib said, "When a man takes a vow to abstain from intercourse, divorce does not occur immediately. If four months pass, he must declare his intent and either he is divorced or he revokes his vow . "

Malik said, "That is what is done among us."

Book 29, Number 29.5.18:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "When a man makes a vow to abstain from intercourse with his wife and four months have passed he must declare his intent and either he is divorced or he revokes his vow. Divorce does not occur until four months have passed and he continues to abstain."

Yahya related to me from Malik from Ibn Shihab that Said al-Musayyab and Abu Bakr ibn Abd ar-Rahman said about a man who made a vow to abstain from intercourse with his wife, "If four months pass it is a divorce. The husband can go back to his wife as long as she is in her idda."

Book 29, Number 29.5.19:

Yahya related to me from Malik that he had heard that Marwan ibn al-Hakam decided about a man who had made a vow to abstain from intercourse with his wife, that when four months had passed, it was a divorce and he could return to her as long as she was in her idda.

Malik added, "That was also the opinion of Ibn Shihab."

Malik said that if a man made a vow to abstain from intercourse with his wife and at the end of four months he declared his intent to continue to abstain, he was divorced. He could go back to his wife, but if he did not have intercourse with her before the end of her idda, he had no access to her and he could not go back to her unless he had an excuse - illness, imprisonment, or a similar excuse. His return to her maintained her as his wife. If her idda passed and then he married her after that and did not have intercourse with her until four months had passed and he declared his intent to continue to abstain, divorce was applied to him by the first vow. If four months passed, and he had not returned to her, he had no idda against her nor access because he had married her and then divorced her before touching her.

Malik said that a man who made a vow to abstain from intercourse with his wife and continued to abstain after four months and so divorced her, but then returned and did not touch her and four months were completed before her idda was completed, did not have to declare his intent and divorce did not befall him. If he had intercourse with her before the end of her idda, he was entitled to her. If her idda passed before he had intercourse with her, he had no access to her. This is what Malik preferred of what he had heard on the subject.

Malik said that if a man made a vow to abstain from intercourse with his wife and then divorced her, and the four months of the vow were completed before completion of the idda of the divorce, it counted as two pronouncements of divorce. If he declared his intention to continue to abstain and the idda of the divorce finished before the four months the vow of abstention was not a divorce. That was because the four months had passed and she was not his on that day.

Malik said, "If someone makes a vow not to have intercourse with his wife for a day or a month and then waits until more than four months have passed, it is not ila. Ila only applies to someone who vows more than four months. As for the one who vows not to have intercourse with his wife for four months or less than that, I do not think that it is ila because when the term enters into it at which it stops, he comes out of his oath and he does not have to declare his intention."

Malik said, "If someone vows to his wife not to have intercourse with her until her child has been weaned, that is not ila. I have heard that Ali ibn Abi Talib was asked about that and he did not think that it was ila."

Section: The Ila (Vow of Abstention) of Slaves

Book 29, Number 29.6.19a:

Yahya related to me from Malik that he had asked Ibn Shihab about the ila of the slave. He said that it was like the ila of the free man, and it put an obligation on him. The ila of the slave was two months.

Section: Dhihar of Free Men

Book 29, Number 29.7.20:

Yahya related to me from Malik from Said ibn Amr ibn Sulaym az-Zuraqi that he asked al-Qasim ibn Muhammad about a man who made divorce conditional on his marrying a woman i.e. if he married her he would automatically divorce her. Al-Qasim ibn Muhammad said, "If a man marries a woman whom he

has made as his mother's back, i.e. has made haram for him, Umar ibn al-Khattab ordered him not to go near her if he married her until he had done the kaffara for pronouncing dhihar."

Book 29, Number 29.7.21:

Yahya related to me from Malik that he had heard that a man asked al-Qasim ibn Muhammad and Sulayman ibn Yasar about a man who pronounced dhihar from his wife before he had married her. They said, "If he marries her, he must not touch her until he has done the kaffara for pronouncing dhihar."

Book 29, Number 29.7.22:

Yahya related to me from Malik from Hisham ibn Urwa that his father said that a man who pronounced a dhihar from his four wives in one statement, had only to do one kaffara. Yahya related the same as that to me from Malik from Rabia ibn Abi Abd ar-Rahman.

Malik said, "That is what is done among us. Allah, the Exalted said about the kaffara for pronouncing dhihar, 'It is to free a slave before they touch one another. If he does not find the means to do that, then fasting for two consecutive months before they touch one another. If he cannot do that, it is to feed sixty poor people. ' " (Sura 58 ayats 4,5).

Malik said that a man who pronounced dhihar from his wife on various occasions had only to do one kaffara. If he pronounced dhihar, and then did kaffara, and then pronounced dhihar after he had done the kaffara, he had to do kaffara again.

Malik said, "Some one who pronounces dhihar from his wife and then has intercourse with her before he has done kaffara, only has to do one kaffara. He must abstain from her until he does kaffara and ask forgiveness of Allah. That is the best of what I have heard. "

Malik said, "It is the same with dhihar using any prohibited relations of fosterage and ancestry."

Malik said, "Women have no dhihar."

Malik said that he had heard that the commentary on the word of Allah, the Blessed, the Exalted, "Those of you who pronounce the dhihar about their wives, and then retract what they have said," (Sura 56 ayat 3), was that a man pronounced dhihar on his wife and then decided to keep her and have intercourse with her. If he decided on that, he must do kaffara. If he divorced her and did not decide to retract his dhihar of her and to keep her and have intercourse with her, there would be no kaffara incumbent on him.

Malik said, "If he marries her after that, he does not touch her until he has completed the kaffara of pronouncing dhihar."

Malik said that if a man who pronounced dhihar from his slave-girl wanted to have intercourse with her, he had to do the kaffara of the dhihar before he could sleep with her.

Malik said, "There is no ıla in a man's dhihar unless it is evident that he does not intend to retract his dhihar."

Book 29, Number 29.7.23:

Yahya related to me from Malik from Hisham ibn Urwa that he heard a man ask Urwa ibn az-Zubayr about a man who said to his wife, "Any woman I marry along with you as long as you live will be like my mother's back to me." Urwa ibn az-Zubayr said, "The freeing of slaves is enough to release him from that."

Section: Dhihar of Slaves

Book 29, Number 29.8.24:

ahya related to me from Malik that he asked Ibn Shihab about the dhihar of a slave. He said, "It is like the dhihar of a free man."

Malik said, "He meant that the same conditions were applied in both cases."

Malik said, "The dhihar of the slave is incumbent on him, and the fasting of the slave in the dhihar is two months. "

Malik said that there was no ıla for a slave who pronounced a dhihar from his wife. That was because if he were to fast the kaffara for pronouncing a dhihar, the divorce of the ıla would come to him before he had finished the fast.

Section: The Option (of Slave-Girls Married to Slaves when Freed)

Book 29, Number 29.9.25:

Yahya related to me from Malik from Rabia ibn Abd ar-Rahman from al-Qasim ibn Muhammad that A'isha umm al-muminin, said, "There were three sunnas established in connection with Barira: firstly was that when she was set free she was given her choice about her husband, secondly, the Messenger of Allah, may Allah bless him and grant him peace, said about her, 'The right of inheritance belongs to the person who has set a person free,' thirdly, the Messenger of Allah, may Allah bless him and grant him peace, came in and there was a pot with meat on the boil. Bread and condiments were brought to him from the stock of the house. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Didn't I see a pot with meat in it?' They said, 'Yes, Messenger of Allah. That is meat which was given as sadaqa for Barira, and you do not eat sadaqa.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'It is sadaqa for her, and it is a gift for us.' "

Book 29, Number 29.9.26:

ahya related to me from Malik from Nafi that Abdullah ibn Umar said that a female slave who was the wife of a slave and then was set free, had the right of choice as long as he did not have intercourse with her.

Malik said, "If her husband has intercourse with her and she claims that she did not know, she still has the right of choice. If she is suspect and one does not believe her claim of ignorance, then she has no choice after he has had intercourse with her."

Book 29, Number 29.9.27:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr that a mawla of the tribe of Banu Adi called Zabra told him that she had been the wife of a slave when she was a slave-girl. Then she was set free and she sent a message to Hafsa, the wife of the Prophet, may Allah bless him and grant him peace. Hafsa called her and said, "I will tell you something., but I would prefer that you did not act upon it. You have authority over yourself as long as your husband does not have intercourse with you. If he has intercourse with you, you have no authority at all." Therefore she pronounced her divorce from him three times.

Suckling

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Suckling of the Young

Book 30, Number 30.1.1:

Yahya related to me from Malik from Abdullah ibn Abi Bakr from Amra bint Abd ar-Rahman that A'isha, umm al-muminin informed her that the Messenger of Allah, may Allah bless him and grant him peace, was with her and she heard the voice of a man asking permission to enter the room of Hafsa. A'isha said that she had said, "Messenger of Allah! There is a man asking permission to enter your house!" The Messenger of Allah, may Allah bless him and grant him peace, said, "I think it is so-and-so" (referring to a paternal uncle of Hafsa by suckling). A'isha said, "Messenger of Allah! If so-and-so were alive (referring to her paternal uncle by suckling) could he enter where I am?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes. Suckling makes haram as birth makes haram."

Book 30, Number 30.1.2:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, umm al-muminin said, "My paternal uncle by suckling came to me and I refused to give him permission to enter until I had asked the Messenger of Allah, may Allah bless him and grant him peace, about it. The Messenger of Allah, may Allah bless him and grant him peace, came and I asked him about it. He said, 'He is your paternal uncle, so give him permission.' So I said, 'Messenger of Allah! The woman nursed me not the man.' He said, 'He is your paternal uncle, so let him enter.' "

A'isha said, "That was after the veil had been imposed on us."

A'isha added, "What is haram by birth is made haram by suckling."

Book 30, Number 30.1.3:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr that A'isha umm al-muminin told him that Aflah, the brother of Abu'l-Quays came and asked permission to visit her after the veil had been lowered, and he was her paternal uncle by suckling. She said, "I refused to give him permission to enter. When the Messenger of Allah, may Allah bless him and grant him peace, came, I told him about what I had done, and he ordered me to give him permission to enter."

Book 30, Number 30.1.4:

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili that Abdullah ibn Abbas said, "The milk which a child under two years old sucks, even if it is only one suck, makes the foster relatives haram."

Book 30, Number 30.1.5:

Yahya related to me from Malik from Ibn Shihab from Amr ibn ash-Sharid that Abdullah ibn Abbas was asked whether, if a man had two wives, and one of them nursed a slave-boy, and the other had nursed a slave-girl, could the slave-boy marry the slave-girl. He said, "No. The husband is the same."

Book 30, Number 30.1.6:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar said, "There is no kinship by suckling except for a person who is nursed when he is small. There is no kinship by suckling over the age of two years."

Book 30, Number 30.1.7:

Yahya related to me from Malik from Nafi that Salim ibn Abdullah ibn Umar informed him that A'isha umm al-muminin sent him away while he was being nursed to her sister Umm Kulthum bint Abi Bakr as-Siddiq and said, "Suckle him ten times so that he can come in to see me."

Salim said, "Umm Kulthum nursed me three times and then fell ill, so that she only nursed me three times. I could not go in to see A'isha because Umm Kulthum did not finish for me the ten times."

Book 30, Number 30.1.8:

Yahya related to me from Malik from Nafi that Safiyya bint Abi Ubayd told him that Hafsa, umm al-muminin, sent Asim ibn Abdullah ibn Sad to her sister Fatima bint Umar ibn al-Khattab for her to suckle him ten times so that he could come in to see her. She did it, so he used to come in to see her.

Book 30, Number 30.1.9:

Yahya related to me from Malik from Abd ar-Rahman ibn al-Qasim that his father told him that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, admitted those whom her sisters and the daughters of her brother had nursed, and she did not admit those who were nursed by the wives of her brothers.

Book 30, Number 30.1.10:

Yahya related to me from Malik that Ibrahim ibn Uqba asked Said ibn al-Musayyab about suckling. Said said, "All that occurs in the first two years, even if it is only a drop, makes haram. Whatever is after two years, is only food that is eaten."

Ibrahim ibn Uqba said, "Then I asked Urwa ibn az-Zubayr and he told me the same as what Said ibn al-Musayyab said."

Book 30, Number 30.1.11:

Yahya related to me from Malik that Yahya ibn Said said that he heard Said ibn al-Musayyab say, "Suckling is only while the child is in the cradle. If not, it does not cause flesh and blood relations."

Yahya related to me from Malik from Ibn Shihab that he said, "Suckling however little or much, makes haram. Kinship by suckling makes men mahram."

Yahya said that he had heard Malik say, "Suckling, however little or much when it is in the first two years, makes haram. As for what is after the first two years, little or much, it does not make anything haram. It is like food."

Section: Suckling of Older People

Book 30, Number 30.2.12:

Yahya related to me from Malik from Ibn Shihab that he was asked about the suckling of an older person. He said, "Urwa ibn az-Zubayr informed me that Abu Hudhayfa ibn Utba ibn Rabia, one of the companions of the Messenger of Allah, may Allah bless him and grant him peace, who was present at Badr, adopted Salim (who is called Salim, the mawla of Abu Hudhayfa) as the Messenger of Allah, may Allah bless him and grant him peace, adopted Zayd ibn Haritha. He thought of him as his son, and Abu Hudhayfa married him to his brother's sister, Fatima bint al-Walid ibn Utba ibn Rabia, who was at that time among the first emigrants. She was one of the best unmarried women of the Quraysh. When Allah the Exalted sent down in His Book what He sent down about Zayd ibn Haritha, 'Call them after their true fathers. That is more equitable in the sight of Allah. If you do not know who their fathers were then they are your brothers in the deen and your mawali,' (Sura 33 ayat 5) people in this position were traced back to their fathers. When the father was not known, they were traced to their mawla.

"Sahla bint Suhayl who was the wife of Abu Hudhayfa, and one of the tribe of Amr ibn Luayy, came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah! We think of Salim as a son and he comes in to see me while I am uncovered. We only have one room, so what do you think about the situation?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Give him five drinks of your milk and he will be mahram by it.' She then saw him as a foster son. A'isha umm al-muminin took that as a precedent for whatever men she wanted to be able to come to see her. She ordered her sister, Umm Kulthum bint Abi Bakr as-Siddiq and the daughters of her brother to give milk to whichever men she wanted to be able to come in to see her. The rest of the wives of the Prophet, may Allah bless him and grant him peace, refused to let anyone come in to them by such nursing. They said, 'No! By Allah! We think that what the Messenger of Allah, may Allah bless him and grant him peace, ordered Sahla bint Suhayl to do was only an indulgence concerning the nursing of Salim alone. No! By Allah! No one will come in upon us by such nursing!'

"This is what the wives of the Prophet, may Allah bless him and grant him peace, thought about the suckling of an older person."

Book 30, Number 30.2.13:

Yahya related to me from Malik that Abdullah ibn Dinar said, "A man came to Abdullah ibn Umar when I was with him at the place where judgments were given and asked him about the suckling of an older person. Abdullah ibn Umar replied, 'A man came to Umar ibn al-Khattab and said, 'I have a slave-girl and I used to have intercourse with her. My wife went to her and suckled her. When I went to the girl, my wife told me to watch out, because she had suckled her!' Umar told him to beat his wife and to go to his slave-girl because kinship by suckling was only by the suckling of the young.'"

Book 30, Number 30.2.14:

Yahya related to me from Malik from Yahya ibn Said that a man said to Abu Musa al-Ashari, "I drank some milk from my wife's breasts and it went into my stomach." Abu Musa said, "I can only but think that she is haram for you." Abdullah ibn Masud said, "Look at what opinion you are giving the man." Abu Musa said, "Then what do you say?" Abdullah ibn Masud said, "There is only kinship by suckling in the first two years."

Abu Musa said, "Do not ask me about anything while this learned man is among you."

Section: Suckling in General

Book 30, Number 30.3.15:

Yahya related to me from Malik from Abdullah ibn Dinar from Sulayman ibn Yasar and from Urwa ibn az-Zubayr from A'isha umm al-muminin, that the Messenger of Allah, may Allah bless him and grant him peace, said, "What is haram by birth is haram by suckling."

Book 30, Number 30.3.16:

Yahya related to me from Malik that Muhammad ibn Abd ar-Rahman ibn Nawfal said, "Urwa ibn az-Zubayr informed me from A'isha umm al-muminin that Judama bint Wahb al-Asadiyya informed her that she heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'I intended to prohibit ghila but I remembered that the Greeks and Persians do that without it causing any injury to their children.'"

Malik explained, "Ghila is that a man has intercourse with his wife while she is suckling."

Book 30, Number 30.3.17:

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Hazm from Amra bint Abd ar-Rahman that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Amongst what was sent down of the Qur'an was 'ten known sucklings make haram' - then it was abrogated by 'five known sucklings'. When the Messenger of Allah, may Allah bless him and grant him peace, died, it was what is now recited of the Qur'an."

Yahya said that Malik said, "One does not act on this."

Business Transactions

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Non-Returnable Deposits

Book 31, Number 31.1.1:

Yahya related to me from Malik from a reliable source from Amr ibn Shuayb from his father from his father's father that the Messenger of Allah, may Allah bless him and grant him peace, forbade transactions in which nonrefundable deposits were paid.

Malik said, "That is, in our opinion, but Allah knows best, that for instance, a man buys a slave or slave-girl or rents an animal and then says to the person from whom he bought the slave or leased the animal, 'I will give you a dinar or a dirham or whatever on the condition that if I actually take the goods or ride what I have rented from you, then what I have given you already goes towards payment of the goods or hire of the animal. If I do not purchase the goods or hire the animal, then what I have given you is yours without liability on your part.' "

Malik said, "According to the way of doing things with us there is nothing wrong in bartering an arabic speaking merchant slave for abyssinian slaves or any other type that are not his equal in eloquence, trading, shrewdness, and know-how. There is nothing wrong in bartering one slave like this for two or more other slaves with a stated delay in the terms if he is clearly different. If there is no appreciable difference between the slaves, two should not be bartered for one with a stated delay in the terms even if their racial type is different."

Malik said, "There is nothing wrong in selling what has been bought in such a transaction before taking possession of all of it as long as you receive the price for it from some one other than the original owner."

Malik said, "An addition to the price must not be made for a foetus in the womb of its mother when she is sold because that is gharar (an uncertain transaction). It is not known whether the child will be male or female, good-looking or ugly, normal or handicapped, alive or dead. All these things will affect the price."

Malik said that in a transaction where a slave or slave-girl was bought for one hundred dinars with a stated credit period that if the seller regretted the sale there was nothing wrong in him asking the buyer to revoke it for ten dinars which he would pay him immediately or after a period and he would forgo his right to the hundred dinars which he was owed.

Malik said, "However, if the buyer regrets and asks the seller to revoke the sale of a slave or slave-girl in consideration of which he will pay an extra ten dinars immediately or on credit terms, extended beyond the original term, that should not be done. It is disapproved of because it is as if, for instance, the seller is buying the one hundred dinars which is not yet due on a year's credit term before the year expires for a slave-girl and ten dinars to be paid immediately or on credit term longer than the year. This falls into the category of selling gold for gold when delayed terms enter into it."

Malik said that it was not proper for a man to sell a slave-girl to another man for one hundred dinars on credit and then to buy her back for more than the original price or on a credit term longer than the original term for which he sold her. To understand why that was disapproved of in that case, the example of a man who sold a slave-girl on credit and then bought her back on a credit term longer than the original term was looked at. He might have sold her for thirty dinars with a month to pay and then buy her back for sixty dinars with a year or half a year to pay. The outcome would only be that his goods would have returned to him just like they were and the other party would have given him thirty dinars on

a month's credit against sixty dinars on a year or half a year's credit. That was not to be done.

Section: Wealth of Slaves

Book 31, Number 31.2.2:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab said, "If a slave who has wealth is sold, that wealth belongs to the seller unless the buyer stipulates its inclusion."

Malik said, "The generally agreed upon way of doing things among us is that if the buyer stipulates the inclusion of the slave's property whether it be cash, debts, or goods of known or unknown value, then they belong to the buyer, even if the slave possesses more than that for which he was purchased, whether he was bought for cash, as payment for a debt, or in exchange for goods. This is possible because a master is not asked to pay zakat on his slave's property. If a slave has a slave-girl, it is halal for him to have intercourse with her by his right of possession. If a slave is freed or put under contract (kitaba) to purchase his freedom, then his property goes with him. If he becomes bankrupt, his creditors take his property and his master is not liable for any of his debts."

Section: Built-In Liability Agreements

Book 31, Number 31.3.3:

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm that Aban ibn Uthman and Hisham ibn Ismail used to mention in their khutbas built-in liability agreements in the sale of slaves, to cover both a three day period and a similar clause covering a year. Malik explained, "The defects a slave or slave-girl are found to have from the time they are bought until the end of the three days are the responsibility of the seller. The year agreement is to cover insanity, leprosy, and loss of limbs due to disease. After a year, the seller is free from any liability."

Malik said, "An inheritor or someone else who sells a slave or slave-girl without any such built-in guarantee is not responsible for any fault in the slave and there is no liability agreement held against him unless he was aware of a fault and concealed it. If he was aware of a fault, the lack of guarantee does not protect him. The purchase is returned. In our view, built-in liability agreements only apply to the purchase of slaves."

Section: Defects in Slaves

Book 31, Number 31.4.4:

Yahya related to me from Malik from Yahya ibn Said from Salim ibn Abdullah that Abdullah ibn Umar sold one of his slaves for eight hundred dirhams with the stipulation that he was not responsible for defects. The person who bought the slave complained to Abdullah ibn Umar that the slave had a disease which he had not told him about. They argued and went to Uthman ibn Affan for a decision. The man said, "He sold me a slave with a disease which he did not tell me about." Abdullah said, "I sold to him with the stipulation that I was not responsible." Uthman ibn Affan decided that Abdullah ibn Umar should take an oath that he had sold the slave without knowing that he had any disease. Abdullah ibn Umar refused to take the oath, so the slave was returned to him and recovered his health in his possession. Abdullah sold him afterwards for 1500 dirhams.

Malik said, "The generally agreed upon way of doing things among us about a man who buys a female slave and she becomes pregnant, or who buys a slave and then frees him, or if there is any other such matter which has already happened so that he cannot return his purchase, and a clear proof is established that there was a fault in that purchase when it was in the hands of the seller or the fault is admitted by the seller or someone else, is that the slave or slave-girl is assessed for its value with the fault it is found to have had on the day of purchase and the buyer is refunded, from what he paid, the

difference between the price of a slave who is sound and a slave with such a defect.

Malik said, "The generally agreed upon way of doing things among us regarding a man who buys a slave and then finds out that the slave has a defect for which he can be returned and meanwhile another defect has happened to the slave whilst in his possession, is that if the defect which occurred to the slave in his possession has harmed him, like loss of a limb, loss of an eye, or something similar, then he has a choice. If he wants, he can have the price of the slave reduced commensurate with the defect (he bought him with) according to the prices on the day he bought him, or if he likes, he can pay compensation for the defect which the slave has suffered in his possession and return him. The choice is up to him. If the slave dies in his possession, the slave is valued with the defect which he had on the day of his purchase. It is seen what his price would really have been. If the price of the slave on the day of purchase without fault was 100 dinars, and his price on the day of purchase with fault would have been 80 dinars, the price is reduced by the difference. These prices are assessed according to the market value on the day the slave was purchased . "

Malik said, "The generally agreed upon way of doing things among us is that if a man returns a slave girl in whom he has found a defect and he has already had intercourse with her, he must pay what he has reduced of her price if she was a virgin. If she was not a virgin, there is nothing against his having had intercourse with her because he had charge of her."

Malik said, "The generally agreed upon way of doing things among us regarding a person, whether he is an inheritor or not, who sells a slave, slave-girl, or animal without a liability agreement is that he is not responsible for any defect in what he sold unless he knew about the fault and concealed it. If he knew that there was a fault and concealed it, his declaration that he was free of responsibility does not absolve him, and what he sold is returned to him."

Malik spoke about a situation where a slave-girl was bartered for two other slave-girls and then one of the slave-girls was found to have a defect for which she could be returned. He said, "The slave-girl worth two other slave-girls is valued for her price. Then the other two slave-girls are valued, ignoring the defect which the one of them has. Then the price of the slave-girl sold for two slave-girls is divided between them according to their prices so that the proportion of each of them in her price is arrived at - to the higher priced one according to her higher price, and to the other according to her value. Then one looks at the one with the defect, and the buyer is refunded according to the amount her share is affected by the defect, be it little or great. The price of the two slave-girls is based on their market value on the day that they were bought."

Malik spoke about a man who bought a slave and hired him out on a long-term or short-term basis and then found out that the slave had a defect which necessitated his return. He said that if the man returned the slave because of the defect, he kept the hire and revenue. "This is the way in which things are done in our city. That is because, had the man bought a slave who then built a house for him, and the value of the house was many times the price of the slave, and he then found that the slave had a defect for which he could be returned, and he was returned, he would not have to make payment for the work the slave had done for him. Similarly, he would keep any revenue from hiring him out, because he had charge of him. This is the way of doing things among us."

Malik said, "The way of doing things among us when someone buys several slaves in one lot and then finds that one of them has been stolen, or has a defect, is that he looks at the one he finds has been stolen or the one in which he finds a defect. If he is the pick of those slaves, or the most expensive, or it was for his sake that he bought them, or he is the one in whom people see the most excellence, then the whole sale is returned. If the one who is found to be stolen or to have a defect is not the pick of the slaves, and he did not buy them for his sake, and there is no special virtue which people see in him, the one who is found to have a defect or to have been stolen is returned as he is, and the buyer is refunded his portion of the total price."

Section: What is Done about Slave-Girls when Purchased and Conditions Made about Them

Book 31, Number 31.5.5:

Yahya related to me from Malik from Ibn Shihab that Ubaydullah ibn Abdullah ibn Utba ibn Masud told him that Abdullah ibn Masud bought a slave-girl from his wife, Zaynab Ath Thaqafiyya. She made a condition to him, that if he bought her, she could always buy her back for the price that he paid. Abdullah ibn Masud asked Umar ibn al-Khattab about that and Umar ibn al-Khattab said, "Do not go near her

while anyone has a condition concerning her over you."

Book 31, Number 31.5.6:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar would say, "A man should not have intercourse with a slave girl except one whom, if he wished, he could sell, if he wished, he could give away, if he wished, he could keep, if he wished, he could do with her what he wanted ."

Malik said that a man who bought a slave-girl on condition that he did not sell her, give her away, or do something of that nature, was not to have intercourse with her. That was because he was not permitted to sell her or to give her away, so if he did not own that from her, he did not have complete ownership of her because an exception had been made concerning her by the hand of someone else. If that sort of condition entered into it, it was a messy situation, and the sale was not recommended.

Section: Prohibition against Intercourse with Slave-Girls Who Have Husbands

Book 31, Number 31.6.7:

Yahya related to me from Malik from Ibn Shihab that Abdullah ibn Amir gave Uthman ibn Affan a slave-girl who had a husband whom he had purchased at Basra. Uthman said, "I will not go near her until her husband separates from her." Ibn Amir compensated the husband and he separated from her.

Book 31, Number 31.6.8:

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abd ar-Rahman ibn Awf that Abd ar-Rahman ibn Awf bought a slave-girl and found that she had a husband, so he returned her.

Section: Ownership of the Fruit of Trees which have been Sold

Book 31, Number 31.7.9:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "If palm trees are sold after they have been pollinated, the fruit belongs to the seller unless the buyer makes a stipulation about its inclusion."

Section: Prohibition against Selling Fruit until It starts to Ripen

Book 31, Number 31.8.10:

Yahya related to me from Malik from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, forbade selling fruit until it had started to ripen. He forbade the transaction to both buyer and seller.

Book 31, Number 31.8.11:

Yahya related to me from Malik from Humayd at-Tawil from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, forbade selling fruit until it had become mellow. He was asked, "Messenger of Allah! What do you mean by become mellow?" He said, "When it becomes rosy."

The Messenger of Allah, may Allah bless him and grant him peace, added, "Allah may prevent the fruit from maturing, so how can you take payment from your brother for it."

Book 31, Number 31.8.12:

Yahya related to me from Malik from Abu'r-Rijal Muhammad ibn Abd ar-Rahman ibn Haritha from his mother, Amra bint Abd ar-Rahman that the Messenger of Allah, may Allah bless him and grant him peace, forbade selling fruit until it was clear of blight. Malik said, "Selling fruit before it has begun to ripen is an uncertain transaction (gharar) ."

Book 31, Number 31.8.13:

Yahya related to me from Malik from Abu'z-Zinad from Kharija ibn Zayd ibn Thabit that Zayd ibn Thabit did not sell fruit until the Pleiades were visible, at the end of May.

Malik said, "The way of doing things among us about selling melons, cucumbers, water-melons, and carrots is that it is halal to sell them when it is clear that they have begun to ripen. Then the buyer has what grows until the season is over. There is no specific timing laid down for that because the time is well known with people, and it may happen that the crop will be affected by blight and put a premature end to the season. If blight strikes and a third or more of the crop is damaged, an allowance for that is deducted from the price of purchase."

Section: The Sale of Ariyas

Book 31, Number 31.9.14:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar from Zayd ibn Thabit that the Messenger of Allah, may Allah bless him and grant him peace, allowed the holder of an ariya to barter the dates on the palm for the amount of dried dates it was estimated that the palms would produce.

Yahya related to me from Malik from Da'ud ibn al-Husayn from Abu Sufyan, the mawla of Ibn Abi Ahmad, from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, allowed the produce of an ariya to be bartered for an estimation of what the produce would be when the crop was less than five awsuq or equal to five awsuq. Da'ud wasn't sure whether he said five awsuq or less than five.

Malik said, "Ariyas can be sold for an estimation of what amount of dried dates will be produced. The crop is examined and estimated while still on the palm. This is allowed because it comes into the category of delegation of responsibility, handing over rights, and involving a partner. Had it been like a form of sale, no one would have made someone else a partner in the produce until it was ready nor would he have renounced his right to any of it or put someone in charge of it until the buyer had taken possession."

Section: How Crop Damage Affects Sales of Agricultural Produce

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Qirad

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Qirad

Book 32, Number 32.1.1:

Malik related to me from Zayd ibn Aslam that his father said, "Abdullah and Ubaydullah, the sons of Umar ibn al-Khattab went out with the army to Iraq. On the way home, they passed by Abu Musa al-Ashari who was the amir of Basra. He greeted them and made them welcome, and told them that if there was anything he could do to help them, he would do it. Then he said, 'There is some of the property of Allah which I want to send to the amir al-muminin, so I will lend it to you, and you can buy wares from Iraq and sell them in Madina. Then give the principal to the amir al-muminin, and you keep the profit.' They said that they would like to do it, and so he gave them the money and wrote to Umar ibn al-Khattab to take the money from them. When they came to sell they made a profit, and when they paid the principal to Umar he asked, 'Did he lend everyone in the army the like of what he lent you?' They said, 'No.' Umar ibn al-Khattab said, 'He made you the loan, because you are the sons of the amir al-muminin, so pay the principal and the profit.' Abdullah was silent. Ubaydullah said, 'You do not need to do this, amir al-muminin. Had the principal decreased or been destroyed, we would have guaranteed it.' Umar said, 'Pay it.' Abdullah was silent, and Ubaydullah repeated it. A man who was sitting with Umar said, 'Amir al-muminin, better that you make it a qirad.' Umar said, 'I have made it qirad.' Umar then took the principal and half of the profit, and Abdullah and Ubaydullah, the sons of Umar ibn al-Khattab took half of the profit."

Book 32, Number 32.1.2:

Malik related to me from al-Ala ibn Abd ar-Rahman from his father from his father that Uthman ibn Affan gave him some money as qirad to use provided the profit was shared between them.

Section: What Is Permitted in Qirad

Book 32, Number 32.2.3:

Malik said, "The recognised and permitted form of qirad is that a man take capital from an associate to use. He does not guarantee it and in travelling pays out of the capital for food and clothes and what he makes good use of, according to the amount of capital. That is, when he travels to do the work and the capital can support it. If he remains with his people, he does not have expenses or clothing from the capital."

Malik said, "There is no harm in the two parties in a qirad helping each other by way of a favour when it is acceptable to them both."

Malik said, "There is no harm in the investor of the capital buying some of the goods from the agent in the qirad if that is acceptable and without conditions."

Malik spoke about an investor making a qirad loan to a man and his slave, to be used by both. He said,

"That is permitted, and there is no harm in it because the profit is property for his slave, and the profit is not for the master until he takes it from him. It is like the rest of his earnings."

Section: What Is Not Permitted in Qirad

Book 32, Number 32.3.4:

Malik said, "When a man owes money to another man and he asks him to let it stay with him as a qirad, that is disapproved of until the creditor receives his property. Then he can make it a qirad loan or keep it. That is because the debtor may be in a tight situation, and want to delay it to increase it for him."

Malik spoke about an investor who made a qirad loan to a man, and some of the principal was lost before he used it, and then he used it and made a profit. The agent wanted to make the principal the remainder of the money after what was lost from it. Malik said, "His statement is not accepted, and the principal is made up to its original amount from his profit. Then they divide what remains after the principal has been repaid according to the conditions of the qirad."

Malik said, "Qirad loan is only good in gold or silver coin and it is never permitted in any kind of wares or goods or articles."

Malik said, "There are certain transactions which if a long span of time passes after the transaction takes place, its revocation becomes unacceptable. As for usury, there is never anything except its rejection whether it is a little or a lot. What is permitted in other than it is not permitted in it because Allah, the Blessed and the Exalted, said in His Book, 'If you repent, you have your capital back, not wronging and not wronged.' "

32.4 Conditions Permitted in Qirad

Book 32, Number 32.3.5:

Yahya said that Malik spoke about an investor who made a qirad loan and stipulated to the agent that only certain goods should be bought with his money or he forbade certain goods which he named to be bought. He said, "There is no harm in an investor making a condition on an agent in qirad not to buy a certain kind of animal or goods which he specifies. It is disapproved of for an investor to make as a condition on an agent in qirad that he only buy certain goods unless the goods which he orders him to buy are in plentiful supply and do not fail either in winter or summer. There is no harm in that case."

Malik spoke about an investor who loaned qirad money and stipulated that something of the profit should be his alone without the agent sharing in it. He said, "That is not good, even if it is only one dirham unless he stipulates that half the profit is his and half the profit is the agent's or a third or a fourth or whatever. When he names a percentage, whether great or small, everything specified by that is halal. This is the qirad of the muslims."

He said, "It is also not good if the investor stipulates that one dirham or more of the profit is purely his, with out the agent sharing it and then what remains of the profit is to be divided in half between them. That is not the qirad of the Muslims."

Section: Conditions Not Permitted in Qirad

Book 32, Number 32.4.6:

Yahya said that Malik said, "The person who puts up the principal must not stipulate that he has something of the profit alone without the agent sharing in it, nor must the agent stipulate that he has something of the profit alone without the investor sharing. In qirad, there is no sale, no rent, no work, no

advance, and no convenience which one party specifies to himself without the other party sharing unless one party allows it to the other unconditionally as a favour and that is alright to both. Neither of the parties should make a condition over the other which increases him in gold or silver or food over the other party."

He said, "If any of that enters the qirad, it becomes hire, and hire is only good with known and fixed terms. The agent should not stipulate when he takes the principal that he repay or commission anyone with the goods, nor that he take any of them for himself. When there is a profit, and it is time to separate the capital, then they divide the profit according to the terms of the contract. If the principal does not increase or there is a loss, the agent does not have to make up for what he spent on himself or for the loss. That falls to the investor from the principal. Qirad is permitted upon whatever terms the investor and the agent make a mutual agreement, of half the profit, or a third or a fourth or whatever."

Malik said, "It is not permitted for the agent to stipulate that he use the qirad money for a certain number of years and that it not be taken from him during that time."

He said, "It is not good for the investor to stipulate that the qirad money should not be returned for a certain number of years which are specified, because the qirad is not for a term. The investor loans it to an agent to use for him. If it seems proper to either of them to abandon the project and the money is coin, and nothing has been bought with it, it can be abandoned, and the investor takes his money back. If it seems proper to the investor to take the qirad loan back after goods have been purchased with it, he cannot do so until the buyer has sold the goods and they have become money. If it seems proper to the agent to return the loan, and it has been turned to goods he cannot do so until he has sold them. He returns the loan in cash as he took it."

Malik said, "It is not good for the investor to stipulate that the agent pay any zakat due from his portion of the profit in particular, because the investor by stipulating that, stipulates fixed increase for himself from the profit because the portion of zakat he would be liable for by his portion of the profit, is removed from him."

"It is not permitted for the investor to stipulate to the agent to only buy from so-and-so, referring to a specific man. That is not permitted because by doing so he would become his hiring for a wage."

Malik spoke about an investor in qirad who stipulated a guarantee for an amount of money from the agent, "The investor is not permitted to stipulate conditions about his principal other than the conditions on which qirad is based or according to the precedent of the sunna of the Muslims. If the principal is increased by the condition of guarantee, the investor has increased his share of the profit because of the position of the guarantee. But the profit is only to be divided according to what it would have been had the loan been given without the guarantee. If the principal is destroyed, I do not think that the agent has a guarantee held against him because the stipulation of guarantees in qirad is null and void."

Malik spoke about an investor who gave qirad money to a man and the man stipulated that he would only buy palms or animals with it because he sought to eat the dates or the offspring of the animals and he kept them for some time to use for himself. He said, "That is not permitted. It is not the sunna of the Muslims in qirad unless he buys it and then sells it as other goods are sold."

Malik said, "There is no harm in the agent stipulating on the investor a slave to help him provided that the slave stands to gain along with him out of the investment, and when the slave only helps him with the investment, not with anything else."

Section: Qirad In Wares

Book 32, Number 32.5.7:

Yahya said that Malik said, "No one should make a qirad loan except in coin, because the loan must not be in wares, since loaning wares can only be worked in one of two ways: Either the owner of the wares says to the borrower, 'Take these wares and sell them. Buy and sell with the capital realized according to qirad.' The investor stipulates increase for himself from the sale of his goods and what relieves him of expenses in selling it. Or else he says, 'Barter with these goods and sell. When you are through, buy for me the like of my goods which I gave you. If there is increase, it is between you and me.' It may happen that the investor gives the goods to the agent at a time in which they are in demand and expensive, and then the agent returns them while they are cheap and he might have bought them for only a third of the

original price or even less than that. The agent then has a profit of half the amount by which the price of the wares has decreased as his portion of the profit. Or he might take the wares at a time when their price is low, and make use of them until he has a lot of money. Then those wares become expensive and their price rises when he returns them, so he buys them for all that he has so that all his work and concern have been in vain. This is an uncertain transaction and is not good. If, however, that is not known until it has happened, then the wage an agent in qirad would be paid for selling that, is looked at and he is given it for his concern. Then the money is qirad from the day the money became cash and collected as coin and it is returned as a qirad like that."

Section: Hire in Qirad

Book 32, Number 32.6.8:

Yahya said that Malik spoke about a man who made a qirad loan to a man and he bought wares with it and transported them to a commercial centre. It was not profitable to sell them and the agent feared a loss if he sold them, so he hired transport to take them to another city, and he sold them there and made a loss, and the cost of the hire was greater than the principal.

Malik said, "If the agent can pay the cost of the hire from what the capital realized, his way is that. Whatever portion of the hire is not covered by the principal, the agent must pay it. The investor is not answerable for any of it. That is because the investor only ordered him to trade with the principal. The investor is not answerable for other than the principal. Had the investor been liable, it would have been an additional loss to him on top of the principal which he invested. The agent cannot put that on to the investor."

Section: Overstepping in Qirad

Book 32, Number 32.7.9:

Yahya said that Malik spoke about an investor who made a qirad loan to a man, who used it and made a profit. Then the man bought with all the profit a slave-girl and he had intercourse with her and she became pregnant by him, and so the capital decreased. Malik said, "If he has money, the price of the slave-girl is taken from his property, and the capital is restored by it. If there is something left over after the money is paid, it is divided between them according to the first qirad. If he cannot pay it, the slave-girl is sold so that the capital is restored from her price."

Malik spoke about an investor who made a qirad loan to a man, and the agent spent more than the amount of the qirad loan when buying goods with it and paid the increase from his own money. Malik said, "The investor has a choice if the goods are sold for a profit or loss or if they are not sold. If he wishes to take the goods, he takes them and pays the agent back what he put in for them. If the agent refuses, the investor is a partner for his share of the price in increase and decrease according to what the agent paid extra for them from himself."

Malik spoke about an agent who took qirad money from a man and then gave it to another man to use as a qirad without the consent of the investor. He said, "The agent is responsible for the property. If it is decreased, he is responsible for the loss. If there is profit, the investor has his stipulation of the profit, and then the agent has his stipulation of what remains of the money."

Malik spoke about an agent who exceeded and borrowed some of what he had of qirad in money and he bought goods for himself with it. Malik said, "If he has a profit, the profit is divided according to the condition between them in the qirad. If he has a loss, he is responsible for the loss."

Malik said about an investor who paid qirad money to a man, and the agent borrowed some of the cash and bought goods for himself with it, "The investor of the capital has a choice. If he wishes, he shares with him in the goods according to the qirad, and if he wishes, he frees himself of them, and takes all of the principal back from the agent. That is what is done with some one who oversteps."

Section: Expenses Permitted in Qirad

Book 32, Number 32.8.10:

Yahya said that Malik spoke about an investor who made a qirad loan to a man.

He said, "When the investment is large, the travelling expenses of the agent are taken from it. He can use it to eat and clothe himself in an acceptable fashion according to the size of the investment. If it saves him trouble, he can take a wage from some of the capital, if it is large, and he cannot support himself. There are certain jobs which an agent or his like are not responsible for, amongst them are collecting debts, transporting the goods, loading up and so forth. He can hire from the capital someone to do that for him. The agent should not spend from the capital nor clothe himself from it while he resides with his family. It is only permitted for him to have expenses when he travels for the investment. The expenses are taken from the capital. If he is only trading with the property in the city in which he resides, he has no expenses from the capital and no clothing."

Malik spoke about an investor who paid qirad money to a man, and the agent went out with it and with his own capital. He said, "The expenses come from the qirad and from his own capital according to their proportions."

Section: Expenses Not Permitted in Qirad

Book 32, Number 32.9.11:

Yahya said that Malik spoke about an agent who had qirad money with him and he spent from it and clothed himself. He said, "He cannot give away any of it, and neither a beggar nor anyone else is to be given any of it and he does not pay anyone compensation from it. If he meets some people, and they bring out food and he brings out food, I hope that that will be permitted to him if he does not intend to bestow something on them. If he intends that or what is like that without the permission of the investor, he must get the sanction of the investor for it. If he sanctions it, there is no harm. If he refuses to sanction it, he must repay it with like if he has something which is suitable as compensation."

Section: Debts in Qirad

Book 32, Number 32.10.12:

Yahya said that Malik said, "The generally agreed on way of doing things among us about an investor who pays qirad money to an agent to buy goods, and the agent then sells the goods for a price to be paid later, and has a profit in the transaction, then the agent dies before he has received payment, is that if his heirs want to take that money, they have their father's stipulated portion from the profit. That is theirs if they are trustworthy to take the payment. If they dislike to collect it from the debtor and they refer him to the investor, they are not obliged to collect it and there is nothing against them and nothing for them by their surrendering it to the investor. If they do collect it, they have a share of it and expenses like their father had. They are in the position of their father. If they are not trustworthy to do so, they can bring someone reliable and trustworthy to collect the money. If he collects all the capital and all the profit, they are in the position of their father."

Malik spoke about an investor who paid qirad money to a man provided that he used it and was responsible for any delayed payment for which he sold it. He said, "This is obligatory on the agent. If he sells it for delayed payment, he is responsible for it."

Section: Goods in the Qirad

Book 32, Number 32.11.13:

Yahya said that Malik spoke about an investor who gave qirad money to a man, and then the man sought a loan from the investor or the investor borrowed money from the agent, or the investor left goods with the agent to sell for him, or the investor gave the agent dinars to buy goods with. Malik said, "There is no harm if the investor leaves his goods with him knowing that if the agent did not have his money and he had asked a similar thing of him, he would have still done it because of the brotherhood between them or because it would have been no bother to him and that had the agent refused that, he would not have removed his capital from him. Or if the agent had borrowed from the investor or carried his goods for him and he knew that if the investor had not had his capital with him, he would have still done the same for him, and had he refused that to him, he would not have returned his capital to him. If that is true between both of them and it is in the way of a favour between them and it is not a condition in the terms of the qirad, it is permitted and there is no harm in it. If a condition comes into it, or it is feared that the agent is only doing it for the investor in order to safeguard the capital in his possession, or the investor is only doing it because the agent has taken his capital and will not return it to him, that is not permitted in qirad and it is part of what the people of knowledge forbid.' "

Section: Loans in Qirad

Book 32, Number 32.12.14:

Yahya said that Malik spoke about a man who loaned another man money and then the debtor asked him to leave it with him as a qirad. Malik said, "I do not like that unless he takes his money back from him, and then pays it to him as a qirad if he wishes or if he wishes keep it."

Malik spoke about an investor who paid a man qirad money and the man told him that it was collected with him and asked him to write it for him as a loan. He said, "I do not like that unless he takes his money from him and then lends it to him or keeps it as he wishes. That is only out of fear that he has lost some of it, and wants to defer it so that he can make up what has been lost of it. That is disapproved of and is not permitted and it is not good."

Section: Accounting in Qirad

Book 32, Number 32.13.15:

Yahya said that Malik spoke about an investor paying qirad money to an agent who made a profit and then wanted to take his share of the profit and the investor was away. He said, "He should not take any of it unless the investor is present. If he takes something from it, he is responsible for it until it is accounted for in the division of the capital."

Malik said, "It is not permitted for the parties involved in a qirad to account and divide property which is away from them until the capital is present, and the investor is given the principal in full. Then they divide the profit into their agreed portions."

Malik spoke about a man taking qirad money, and buying goods with it while he had a debt. His creditors sought and found him while he was in a city away from the investor, and he had profitable merchandise whose good quality was clear. They wanted him to sell the merchandise for them so that they could take his share of the profit. Malik said, "None of the profit of the qirad is taken until the investor is present. He takes his principal and then the profit is divided mutually between them."

Malik spoke about an investor who put qirad money with an agent and he used it and had a profit. Then the principal was set aside and the profit divided. He took his share and added the share of the investor to his principal in the presence of witnesses he had called. Malik said, "It is not permitted to divide the profit unless the investor is present. If he has taken something here turns it until the investor has received the principal in full. Then what remains is divided into their respective portions."

Malik spoke about an investor who put qirad money with an agent. The agent used it and then came to

the investor and said, "This is your portion of the profit, and I have taken the like of it for myself, and I have retained your principal in full." Malik said, "I do not like that, unless all the capital is present, the principal is there and he knows that it is complete and he receives it. Then they divide the profit between them. He returns the principal to him if he wishes, or he keeps it. The presence of the principal is necessary out of fear that the agent might have lost some of it, and so may want it not to be removed from him and to keep it in his hand."

Section: A General View of Qirad

Book 32, Number 32.14.16:

Yahya said that Malik spoke about an investor who put qirad money with an agent who bought goods with it, and the investor told him to sell them. The agent said that he did not see any way to sell at that time and they quarrelled about it. He said, "One does not look at the statement of either of them. The people of experience and insight concerning such goods are asked about these goods. If they can see anyway of selling them they are sold for them. If they think it is time to wait, they should wait."

Malik spoke about a man who took qirad money from an investor and used it and when the investor asked him for his money, he said that he had it in full. When he held him to his settlement he admitted that "Such-and-such of it was lost with me," and he named an amount of money. "I told you that so that you would leave it with me." Malik said, "He does not benefit by denying it after he had confirmed that he had it all. He is answerable by his confession against himself unless he produces evidence about the loss of that property which confirms his statement. If he does not produce an acceptable reason he is answerable by his confession, and his denial does not avail him."

Malik said, "Similarly, had he said, 'I have had such-and-such a profit from the capital,' and then the owner of the capital asked him to pay him the principal and his profit, and he said that he had not had any profit in it and had said that only so it might be left in his possession, it does not benefit him. He is taken to account for what he affirmed unless he brings acceptable proof of his word, so that the first statement is not binding on him."

Malik spoke about an investor who put qirad money with an agent who made a profit with it. The agent said, "I took the qirad from you provided that I would have two-thirds." The owner of the capital says, "I gave you a qirad provided that you had a third." Malik said, "The word is the word of the agent, and he must take an oath on that if what he says resembles the known practice of qirad or is close to it. If he brings a matter which is unacceptable and people do not make qirads like that, he is not believed, and it is judged to be according to how a qirad like it would normally be."

Malik spoke about a man who gave a man one hundred dinars as a qirad. He bought goods with it and then went to pay the one hundred dinars to the owner of the goods and found that they had been stolen. The investor says, "Sell the goods. If there is anything over, it is mine. If there is a loss, it is against you because you lost it." The agent says, "Rather you must fulfil what the seller is owed. I bought them with your capital which you gave me." Malik said, "The agent is obliged to pay the price to the seller and the investor is told, 'If you wish, pay the hundred dinars to the agent and the goods are between you. The qirad is according to what the first hundred was based on. If you wish, you are free of the goods.' If the hundred dinars are paid to the agent, it is a qirad according to the conditions of the first qirad. If he refuses, the goods belong to the agent and he must pay their price."

Malik spoke about two people in a qirad who settled up and the agent still had some of the goods which he used - threadbare cloth or a waterskin or the like of that. Malik said, "Any of that which is insignificant is of no importance and belongs to the agent. I have not heard anyone give a decision calling for the return of that. Anything which has a price is returned. If it is something which has value like an animal, camel, coarse cloth or the like of that which fetches a price, I think that he should return what he has remaining of such things unless the owner overlooks it."

Sharecropping

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Section: Sharecropping

Book 33, Number 33.1.1:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, said to the jews of Khaybar on the day of the conquest of Khaybar, "I confirm you in it as long as Allah, the Mighty, the Majestic, establishes you in it, provided that the fruits are divided between us and you." Said continued, "The Messenger of Allah, may Allah bless him and grant him peace, used to send Abdullah ibn Rawaha, to assess the division of the fruit crop between him and them, and he would say, 'If you wish, you can buy it back, and if you wish, it is mine.' They would take it."

Book 33, Number 33.1.2:

Malik related to me from Ibn Shihab from Sulayman ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, used to send Abdullah ibn Rawaha to Khaybar, to assess the division of the fruit crop between him and the jews of Khaybar.

The jews collected for Abdullah pieces of their women's jewellery and said to him, "This is yours. Go light on us and don't be exact in the division!"

Abdullah ibn Rawaha said, "O tribe of jews! By Allah! You are among the most hateful to me of Allah's creation, but it does not prompt me to deal unjustly with you. What you have offered as a bribe is forbidden. We will not touch it." They said, "This is what supports the heavens and the earth."

Malik said, "If a share-cropper waters the palms and between them there is some uncultivated land, whatever he cultivates in the uncultivated land is his."

Malik said, "If the owner of the land makes a condition that he will cultivate the uncultivated land for himself, that is not good because the sharecropper does the watering for the owner of the land and so he increases the owner of the land in property (without any return for himself)."

Malik said, "If the owner stipulates that the fruit crop is to be shared between them, there is no harm in that if all the maintenance of the property - seeding, watering and case, etc. - are the concern of the sharecropper.

If the share-cropper stipulates that the seeds are the responsibility of the owner of the property - that is not permitted because he has stipulated an outlay against the owner of the property. Share-cropping is conducted on the basis that all the care and expense is outlayed by the share-cropper, and the owner of the property is not obliged anything. This is the accepted method of share-cropping."

Malik spoke about a spring which was shared between two men, and then the water dried up and one of them wanted to work on the spring and the other said, "I don't have the means to work on it." He said, "Tell the one who wants to work on the spring, 'Work and expend. All the water will be yours. You will have its water until your companion brings you half of what you have spent. If he brings you half of what

you have spent, he can take his share of the water.' The first one is given all the water, because he has spent on it, and if he does not reach anything by his work, the other has not incurred any expense."

Malik said, "It is not good for a share-cropper not to expend anything but his labour and to be hired for a share of the fruit while all the expense and work is incurred by the owner of the garden, because the share-cropper does not know what the exact wage is going to be for his labour, whether it will be little or great."

Malik said, "No-one who lends a qirad or grants a share-cropping contract, should exempt some of the wealth, or some of the trees from his agent, because, by that, the agent becomes his hired man. He says, 'I will grant you a share-crop provided that you work for me on such-and-such a palm - water it and tend it. I will give you a qirad for such-and-such money provided that you work for me with ten dinars. They are not part of the qirad I have given you.' That must not be done and it is not good. This is what is done in our community."

Malik said, "The sunna about what is permitted to an owner of a garden in share-cropping is that he can stipulate to the share-cropper the maintenance of walls, cleaning the spring, sweeping the irrigation canals, pollinating the palms, pruning branches, harvesting the fruit and such things, provided that the share-cropper has a share of the fruit fixed by mutual agreement. However, the owner cannot stipulate the beginning of new work which the agent will start digging a well, raising the source of a well, instigating new planting, or building a cistern whose cost is great. That is as if the owner of the garden said to a certain man, 'Build me a house here or dig me a well or make a spring flow for me or do some work for me for half the fruit of this garden of mine,' before the fruit of the garden is sound and it is halal to sell it. This is the sale of fruit before its good condition is clear. The Messenger of Allah, may Allah bless him and grant him peace, forbade fruit to be sold before its good condition became clear."

Malik said, "If the fruits are good and their good condition is clear and selling them is halal and then the owner asks a man to do one of those jobs for him, specifying the job, for half the fruit of his garden, for example, there is no harm in that. He has hired the man for something recognised and known. The man has seen it and is satisfied with it.

"As for share-cropping, if the garden has no fruit or little or bad fruit, he has only that. The labourer is only hired for a set amount, and hire is only permitted on these terms. Hire is a type of sale. One man buys another man's work from him. It is not good if uncertainty enters into it because the Messenger of Allah, may Allah bless him and grant him peace, forbade uncertain transactions."

Malik said, "The sunna in share-cropping with us is that it can be practised with any kind of fruit tree, palm, vine, olive tree, pomegranate, peach, and soon. It is permitted, and there is no harm in it provided that the owner of the property has a share of the fruit: a half or a third or a quarter or whatever."

Malik said, "Share-cropping is also permitted in any crop which emerges from the earth if it is a crop which is picked, and its owner cannot water, work on it and tend it.

"Share-cropping becomes reprehensible in anything in which share-cropping is normally permitted if the fruit is sound and the good condition is clear and it is halal to sell it. He must share-crop in it the next year. If a man waters fruit whose good condition is clear and it is halal to sell it, and he picks it for the owner, for a share of the crop, it is not sharecropping. It is similar to him being paid in dirhams and dinars. Share-cropping is what is between pruning the palms and when the fruit becomes sound and its sale is halal."

Malik said, "If some one makes a share-cropping contract for fruit trees before the condition becomes clear and its sale is halal, it is share-cropping and is permitted . "

Malik said, "Uncultivated land must not be involved in a share-cropping contract. That is because it is halal for the owner to rent it for dinars and dirhams or the equivalent for an accepted price."

Malik said, "As for a man who gives his uncultivated earth for a third or a fourth of what comes out of it, that is an uncertain transaction because crops may be scant one time and plentiful another time. It may perish completely and the owner of the land will have abandoned a set rent which would have been good for him to rent the land for. He takes an uncertain situation, and does not know whether or not it will be satisfactory. This is disapproved. It is like a man having someone travel for him for a set amount, and then saying, 'Shall I give you a tenth of the profit of the journey as your wage?' This is not halal and must not be done."

Malik summed up, "A man must not hire out himself or his land or his ship unless for a set amount."

Malik said, "A distinction is made between sharecropping in palms and in cultivated land because the owner of the palms cannot sell the fruit until its good condition is clear. The owner of the land can rent it when it is uncultivated with nothing on it."

Malik said, "What is done in our community about palms is that they can also be share-cropped for three and four years, and less or more than that."

Malik said, "That is what I have heard. Any fruit trees like that are in the position of palms. Contracts for several years are permissible for the sharecropper as they are permissible in the palms."

Malik said about the owner, "He does not take anything additional from the share-cropper in the way of gold or silver or crops which increases him. That is not good. The share-cropper also must not take from the owner of the garden anything additional which will increase him of gold, silver, crops or anything. Increase beyond what is stipulated in the contract is not good. It is also not good for the lender of a qirad to be in this position. If such an increase does enter share-cropping or qirad, it becomes by it hire. It is not good when hire enters it. Hire must never occur in a situation which has uncertainty in it."

Malik spoke about a man who gave land to another man in a share-cropping contract in which there were palms, vines, or the like of that of fruit trees and there was also uncultivated land in it. He said, "If the uncultivated land is secondary to the fruit trees, either in importance or in size of land, there is no harm in share-cropping. That is if the palms take up two-thirds of the land or more, and the uncultivated land is a third or less. This is because when the land that the fruit trees take up is secondary to the uncultivated land and the cultivated land in which the palms, vines or the like is a third or less, and the uncultivated land is two-thirds or more, it is permitted to rent the land and share-cropping in it is haram."

"One of the practices of people is to give out sharecropping contracts on property with fruit trees when there is uncultivated land in it, and to rent land while there are fruit trees on it, just as a Qur'an or sword which has some embellishment on it of silver is sold for silver, or a necklace or ring which have stones and gold in them are sold for dinars. These sales continue to be permitted. People buy and sell by them. Nothing described or instituted has come on that which if exceeded, makes it haram, and if fallen below makes it halal. What is done in our community about that is what people practise and permit among themselves. That is, if the gold or silver is secondary to what it is incorporated in, it is permitted to sell it. That is, if the value of the blade, the Qur'an, or the stones is two-thirds or more, and the value of the decoration is one-third or less."

Section: The Condition About Slaves in Sharecropping

Book 33, Number 33.2.3:

Yahya said that Malik said, "The best of what has been heard about a sharecropper stipulating on the owner of the property the inclusion of some slave workers, is that there is no harm in that if they are workers that come with the property. They are like the property. There is no profit in them for the share-cropper except to lighten some of his burden. If they did not come with the property, his toil would be harder. It is like share-cropping land with a spring or land with a watering trough. You will not find anyone who receives the same share for share-cropping two lands which are equal in property and yield, when one property has a constant plentiful spring and the other has a watering trough, because of the lightness of working land with a spring, and the hardship of working land with a watering trough."

Malik added, "That is what is done in our community."

Malik said, "A share-cropper cannot employ workers from the property in other work, and he cannot make that a stipulation with the one who gives him the share-cropping contract. Nor is it permitted to one who share-crops to stipulate on the owner of the property inclusion of slaves for use in the garden who are not in it when he makes the share-cropping contract."

"Nor must the owner of the property stipulate on the one who uses his property for share-cropping that he take any of the slaves of the property and remove him from the property. The share-cropping of property is based on the state which it is currently in."

"If the owner of the property wants to remove one of the slaves of the property, he removes him before the share-cropping, or if he wants to put someone into the property, he does it before the share-cropping. Then he grants the share-cropping contract after that if he wishes. If any of the slaves die or go off or become ill, the owner of the property must replace them."

Renting Land

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Renting Land

Book 34, Number 34.1.1:

Yahya related to me from Malik from Rabia ibn Abd ar-Rahman from Handhala ibn Qays az-Zuraqi from Rafi ibn Khadij that the Messenger of Allah, may Allah bless him and grant him peace, forbade renting out fields.

Handhala said, "I asked Rafi ibn Khadij, about paying in gold and silver, and he said, 'There is no harm in it.' "

Book 34, Number 34.1.2:

Malik related to me that Ibn Shihab said, "I asked Said ibn al-Musayyab about renting land for gold or silver, and he said, 'There is no harm in it.' "

Book 34, Number 34.1.3:

Malik related to me from Ibn Shihab that he asked Salim ibn 'Abdullah ibn Umar about renting out fields. He said, "There is no harm in it for gold or silver." Ibn Shihab said, "I said to him, 'What do you think of the hadith which is mentioned from Rafi ibn Khadij?'" He said, "Rafi has exaggerated. If I had a field, I would rent it out."

Book 34, Number 34.1.41:

Malik related to me that he had heard that Abd ar-Rahman ibn Awf rented land, and he continued to have it in his possession until he died. His son said, "I thought that it was ours because of the length of time which it had remained in his hands, until he mentioned it to us at his death. He ordered us to pay some rent which he owed in gold or silver."

Book 34, Number 34.1.5:

Malik related to me from Hisham ibn Urwa that his father used to rent out his land for gold and silver.

Malik was asked about a man who rented his field for 100 sa of dates or part of its produce of wheat or from other than its produce. He disapproved of that.

Pre-emption in Property

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Cases in which Pre-emption is Possible

Book 35, Number 35.1.1:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab and from Abu Salama ibn Abd ar-Rahman ibn Awf that the Messenger of Allah, may Allah bless him and grant him peace, decreed for partners the right of preemption in property which had not been divided up. When boundaries had been fixed between them, then there was no right of pre-emption.

Malik said, "That is the sunna about which there is no dispute among us."

Book 35, Number 35.1.2:

Malik said that he heard that Said ibn al-Musayyab, when asked about pre-emption and whether there was a sunna in it, said, "Yes. Pre-emption is in houses and land, and it is only between partners."

Book 35, Number 35.1.3:

Malik related to me that he heard the like of that from Sulayman ibn Yasar.

Malik spoke about a man who bought out one of the partners in a shared property, by paying the man with an animal, a slave, a slave-girl, or the equivalent of that in goods. Then another partner decided to exercise his right of pre-emption after that, and he found that the slave or slave-girl had died, and no one knew what her value had been. The buyer claimed, "The value of the slave or slave-girl was 100 dinars." The partner with the right of pre-emption claimed, "The value was 50 dinars."

Malik said, "The buyer takes an oath that the value of what he payed was 100 dinars. Then if the one with the right of pre-emption wishes, he can compensate him, or else he can leave it, unless he can bring a clear proof that the slave or slave-girl's value is less than what the buyer said. If someone gives away his portion of a shared house or land and the recipient repays him for it by cash or goods, the partners can take it by pre-emption if they wish and pay off the recipient the value of what he gave in dinars or dirhams. If someone makes a gift of his portion of a shared house or land, and does not take any remuneration and does not seek to, and a partner wants to take it for its value, he cannot do so as long as the original partner has not been given recompense for it. If there is any recompense, the one with the right of pre-emption can have it for the price of the recompense."

Malik spoke about a man who bought into a piece of shared land for a price on credit, and one of the partners wanted to possess it by right of pre-emption. Malik said, "If it seems likely that the partner can meet the terms, he has right of pre-emption for the same credit terms. If it is feared that he will not be able to meet the terms, but he can bring a wealthy and reliable guarantor of equal standing to the one who bought into the land, he can also take possession."

Malik said, "A person's absence does not sever his right of pre-emption. Even if he is away for a long

time, there is no time limit after which the right of preemption is cut off."

Malik said that if a man left land to a number of his children, then one of them who had a child died and the child of the deceased sold his right in that land, the brother of the seller was more entitled to pre-empt him than his paternal uncles, the partners of his father.

Malik said, "This is what is done in our community."

Malik said, "Pre-emption is shared between partners according to their existing shares. Each of them takes according to his portion. If it is small, he has little. If it is great, it is according to that. That is if they are tenacious and contend with each other about it."

Malik said, "As for a man who buys out the share of one of his partners, and one of the other partners says, 'I will take a portion according to my share,' and the first partner says, 'If you wish to take all the preemption, I will give it up to you. If you wish to leave it, then leave it.' If the first partner gives him the choice and hands it over to him, the second partner can only take all the pre-emption or give it back. If he takes it, he is entitled to it. If not, he has nothing."

Malik spoke about a man who bought land, and developed it by planting trees or digging a well etc., and then someone came, and seeing that he had a right in the land, wanted to take possession of it by pre-emption. Malik said "He has no right of preemption unless he compensates the other for his expenditure. If he gives him the price of what he has developed, he is entitled to pre-emption . If not, he has no right in it."

Malik said that someone who sold off his portion of a shared house or land and then, on learning that some one with a right of pre-emption was to take possession by that right, asked the buyer to revoke the sale, and he did so, did not have the right to do that. The pre-emptor has more right to the property for the price for which he sold it.

In the case of some one who bought along with a section of a shared house or land, an animal and goods (that were not shared), so that when any one demanded his right of pre-emption in the house or land he said, "Take what I have bought altogether, for I bought it altogether," Malik said, "The pre-emptor need only take possession of the house or land. Each thing the man bought is assessed according to its share of the lump sum the man paid. Then the pre-emptor takes possession of his right for a price which is appropriate on that basis. He does not take any animals or goods unless he wants to do that."

Malik said, "If someone sells a section of shared land, and one of those who have the right of preemption surrenders it to the buyer and another refuses to do other than take his pre-emption, the one who refuses to surrender has to take all the preemption, and he cannot take according to his right and leave what remains.

In the case where one of a number of partners in one house sold his share when all his partners were away except for one man, the one present was given the choice of either taking the pre-emption or leaving it, and he said, 'I will take my portion and leave the portions of my partners until they are present. If they take it, that is that. If they leave it, I will take all the pre-emption,' Malik said, 'He can only take it all or leave it. If his partners come, they can take from him or leave it as they wish. If this is offered to him and he does not accept, I think that he has no pre-emption.' "

Section: Cases in Which Pre-Emption Is Not Possible

Book 35, Number 35.2.4:

Yahya said that Malik related from Muhammad ibn Umara from Abu Bakr ibn Hazm that Uthman ibn Affan said, "When boundaries are fixed in land, there is no pre-emption in it. There is no pre-emption in a well or in male palm trees. "

Malik said, "This is what is done in our community."

Malik said, "There is no pre-emption in a road, whether or not it is practical to divide it."

Malik said, "What is done in our community is that there is no pre-emption in the courtyard of a house, whether or not it is practical to divide it."

Malik spoke about a man who bought into a shared property provided that he had the option of withdrawal and the partners of the seller wanted to take what their partner was selling by pre-emption before the buyer had exercised his option. Malik said, "They cannot do that until the buyer has taken possession and the sale is confirmed for him. When the sale is confirmed, they have the right of pre-emption."

Malik spoke about a man who bought land and it remained in his hands for some time. Then a man came and saw that he had a share of the land by inheritance. Malik said, "If the man's right of inheritance is established, he also has a right of preemption. If the land has produced a crop, the crop belongs to the buyer until the day when the right of the other is established, because he has tended what was planted against being destroyed or being carried away by a flood."

Malik continued, "If the time has been long, or the witnesses are dead or the seller has died, or the buyer has died, or they are both alive and the basis of the sale and purchase has been forgotten because of the length of time, pre-emption is discontinued. A man only takes his right by inheritance which has been established for him. If his situation differs from this, because the sale transaction is recent and he sees that the seller has concealed the price in order to sever his right of pre-emption, the value of the land is estimated, and he buys the land for that price by his right of pre-emption. Then the buildings, plants, or structures which are extra to the land are looked at, so he is in the position of some one who bought the land for a known price, and then after that built on it and planted. The owner of pre-emption takes possession after that is included."

Malik said, "Pre-emption is applied to the property of the deceased as it is applied to the property of the living. If the family of the deceased fear to break up the property of the deceased, then they share it and sell it, and they have no pre-emption in it."

Malik said, "There is no pre-emption among us in a slave or a slave-girl or a camel, a cow, sheep, or any animal, nor in clothes or a well which does not have any uncultivated land around it. Pre-emption is in what can be usefully divided, and in land in which boundaries occur. As for what cannot be usefully divided, there is no pre-emption in it."

Malik said, "Some one who buys land in which people who are present have a right of pre-emption, refers them to the Sultan and either they claim their right or the Sultan surrenders it to him. If he were to leave them, and not refer their situation to the Sultan and they knew about his purchase, and then they left it until a long time had passed and then came demanding their pre-emption, I do not think that they would have it."

Judgements

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Stimulation of Desire to Judge Correctly

Book 36, Number 36.1.1:

Yahya related to me from Malik from Hisham ibn Urwa from his father from Zaynab bint Abi Salama from Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, said, "I am but a man to whom you bring your disputes. Perhaps one of you is more eloquent in his proof than the other, so I give judgement according to what I have heard from him. Whatever I decide for him which is part of the right of his brother, he must not take any of it, for I am granting him a portion of the Fire."

Book 36, Number 36.1.2:

Malik related to me from Yahya ibn Said from Said ibn al-Musayyab that Umar ibn al-Khattab had a dispute brought to him between a muslim and a jew. Umar saw that the right belonged to the jew and decided in his favour. The jew said to him, "By Allah! You have judged correctly." So Umar ibn al-Khattab struck him with a whip and said, "How can you be sure." The jew said to him, "We find that there is no judge who judges correctly but that there is an angel on his right side and an angel on his left side who guide him and give him success in the truth as long as he is with the truth. When he leaves the truth, they rise and leave him."

Section: Giving Testimony

Book 36, Number 36.2.3:

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from his father from Abdullah ibn Amr ibn Uthman from Abu Amra al-Ansari from Zayd ibn Khalid al-Juhani that the Messenger of Allah, may Allah bless him and grant him peace, said, "Shall I not tell you who is the best of witnesses? The one who brings his testimony before he is asked for it, or tells his testimony before he is asked for it."

Book 36, Number 36.2.4:

Malik related to me that Rabia ibn Abi Abd ar-Rahman said, "An Iraqi man came before Umar ibn al-Khattab and said, 'I have come to you because of a matter which has no beginning and no end.' Umar said, 'What is it?' The man said, 'False testimony has appeared in our land.' Umar said, 'Is that so?' He said, 'Yes.' Umar said, 'By Allah! A man is not detained in Islam without just witnesses.' "

Malik related to me that Umar ibn al-Khattab said, "The testimony of some one known to bear a grudge or to be unreliable is not accepted."

Section: Judgement on Testimony of Recipients of Hadd-Punishments

Book 36, Number 36.3.4a:

Yahya said from Malik that he heard from Sulayman ibn Yasar and others that when they were asked whether the testimony of a man flogged for a hadd crime was permitted, they said, "Yes, when repentance (tawba) appears from him."

Malik related to me that he heard Ibn Shihab being asked about that and he said the like of what Sulayman ibn Yasar said.

Malik said, "That is what is done in our community. It is by the word of Allah, the Blessed, the Exalted, 'And those who accuse women who are muhsan, and then do not bring four witnesses, flog them with eighty lashes, and do not accept any testimony of theirs ever. They indeed are evil-doers, save those who turn in tawba after that and make amends. Allah is Forgiving, Merciful.' " (Sura 24 ayat 4).

Section: Judgement Based on Oaths with One Witness

Book 36, Number 36.4.5:

Yahya said, "Malik said from Jafar ibn Muhammad from his father that the Messenger of Allah, may Allah bless him and grant him peace, pronounced judgement on the basis of an oath with one witness."

Book 36, Number 36.4.6:

From Malik from Abu'z-Zinad that Umar ibn Abd al-Aziz wrote to Abd al-Hamid ibn Abd ar-Rahman ibn Zayd ibn al-Khattab who was the governor of Kufa, "Pronounce judgement on the basis of an oath with one witness."

Book 36, Number 36.4.7:

Malik related to me that he heard that Abu Salama ibn Abd ar-Rahman and Sulayman ibn Yasar were both asked, "Does one pronounce judgement on the basis of an oath with one witness?" They both said, "Yes."

Malik said, "The precedent of the sunna in judging by an oath with one witness is that if the plaintiff takes an oath with his witness, he is confirmed in his right. If he draws back and refuses to take an oath, the defendant is made to take an oath. If he takes an oath, the claim against him is dropped. If he refuses to take an oath, the claim is confirmed against him."

Malik said, "This procedure pertains to property cases in particular. It does not occur in any of the hadd-punishments, nor in marriage, divorce, freeing slaves, theft or slander. If some one says, 'Freeing slaves comes under property,' he has erred. It is not as he said. Had it been as he said, a slave could take an oath with one witness, if he could find one, that his master had freed him.

"However, when a slave lays claim to a piece of property, he can take an oath with one witness and demand his right as the freeman demands his right."

Malik said, "The sunna with us is that when a slave brings somebody who witnesses that he has been

set free, his master is made to take an oath that he has not freed him, and the slave's claim is dropped."

Malik said, "The sunna about divorce is also like that with us. When a woman brings somebody who witnesses that her husband has divorced her, the husband is made to take an oath that he has not divorced her. If he takes the oath, the divorce does not proceed . "

Malik said, "There is only one sunna of bringing a witness in cases of divorce and freeing a slave. The right to make an oath only belongs to the husband of the woman, and the master of the slave. Freeing is a hadd matter, and the testimony of women is not permitted in it because when a slave is freed, his inviolability is affirmed and the hadd punishments are applied for and against him. If he commits fornication and he is a muhsan, he is stoned. If he kills a slave, he is killed for it. Inheritance is established for him, between him and whoever inherits from him. If somebody disputes this, arguing that if a man frees his slave and then a man comes to demand from the master of the slave payment of a debt, and a man and two women testify to his right, that establishes the right against the master of the slave so that his freeing him is cancelled if he only has the slave as property, inferring by this case that the testimony of women is permitted in cases of setting free. The case is not as he suggests (i.e. it is a case of property not freeing). It is like a man who frees his slave, and then the claimant of a debt comes to the master and takes an oath with one witness, demanding his right. By that, the freeing of the slave would be cancelled. Or else a man comes who has frequent dealings and transactions with the master of the slave. He claims that he is owed money by the master of the slave. Someone says to the master of the slave, 'Take an oath that you don't owe what he claims'. If he draws back and refuses to take an oath, the one making the claim takes an oath and his right against the master of the slave is confirmed. That would cancel the freeing of the slave if it is confirmed that property is owed by the master."

Malik said, "It is the same case with a man who marries a slave-girl and then the master of the slave-girl comes to the man who has married her and claims, 'You and so-and-so have bought my slave-girl from me for such an amount of dinars. The husband of the slave-girl denies that. The master of the slave-girl brings a man and two women and they testify to what he has said. The sale is confirmed and his claim is considered true. So the slave-girl is haram for her husband and they have to separate, even though the testimony of women is not accepted in divorce."

Malik said, "It is also the same case with a man who accuses a free man, so the hadd falls on him. A man and two women come and testify that the one accused is a slave. That would remove the hadd from the accused after it had befallen him, even though the testimony of women is not accepted in accusations involving hadd punishments."

Malik said, "Another similar case in which judgement appears to go against the precedent of the sunna is that two women testify that a child is born alive and so it is necessary for him to inherit if a situation arises where he is entitled to inherit, and the child's property goes to those who inherit from him, if he dies, and it is not necessary that the two women witnesses should be accompanied by a man or an oath even though it may involve vast properties of gold, silver, live-stock, gardens and slaves and other properties. However, had two women testified to one dirham or more or less than that in a property case, their testimony would not affect anything and would not be permitted unless there was a witness or an oath with them."

Malik said, "There are people who say that an oath is not acceptable with only one witness and they argue by the word of Allah the Blessed, the Exalted, and His word is the Truth, 'And call in to witness two witnesses, men; or if the two be not men, then one man and two women, such witnesses as you approve of.' (Sura 2 ayat 282). Such people argue that if he does not bring one man and two women, he has no claim and he is not allowed to take an oath with one witness."

Malik said, "Part of the proof against those who argue this, is to reply to them, 'Do you think that if a man claimed property from a man, the one claimed from would not swear that the claim was false?' If he swears, the claim against him is dropped. If he refuses to take an oath, the claimant is made to take an oath that his claim is true, and his right against his companion is established. There is no dispute about this with any of the people nor in any country. By what does he take this? In what place in the Book of Allah does he find it? So if he confirms this, let him confirm the oath with one witness, even if it is not in the Book of Allah, the Mighty, the Majestic! It is enough that this is the precedent of the sunna. However, man wants to recognise the proper course of action and the location of the proof. In this there is a clarification for what is obscure about that, if Allah ta'ala wills."

Section: Judgement on a Deceased with a Debt against Him and a Debt for Him, and only One Witness

Book 36, Number 36.5.7a:

Yahya said that Malik spoke about a man who died and had a debt owing to him and there was one witness, and some people had a debt against him and they had only one witness, and his heirs refused to take an oath on their rights with their witness. He said, "The creditors take an oath and take their rights. If there is anything left over, the heirs do not take any of it. That is because the oaths were offered to them before and they abandoned them, unless they say, 'We did not know that our companion had extra,' and it is known that they only abandoned the oaths because of that. I think that they should take an oath and take what remains after his debt."

Section: Judgement on Claims

Book 36, Number 36.6.8:

Yahya said, "Malik said about Jamil ibn Abd ar-Rahman al-Muadhhdin that he was present with Umar ibn Abd al-Aziz when he was judging between people. If a man came to him with a claim against a man, he examined whether or not there were frequent transactions and dealings between them. If there were, the defendant could make an oath. If there was nothing of that nature he did not accept an oath from him."

Malik summed up, "What is done in our community is that if some one makes a claim against a man, it is examined. If there are frequent transactions and dealings between them, the defendant is made to take an oath. If he takes an oath, the claim against him is dropped. If the defendant refuses to take an oath, and returns the oath to the claimant, the one claiming his right takes an oath and takes his due."

Section: Judgement on Testimony of Children

Book 36, Number 36.7.9:

Yahya said, "Malik said from Hisham ibn Urwa that Abdullah ibn az-Zubayr gave judgment based on the testimony of children concerning the injuries between them."

Malik said, "The generally agreed on way of doing things in our community is that the testimony of children is permitted concerning injuries between them. It is not accepted about anything else. It is only permitted between them if they testify before they leave the scene of the incident and have been deceived or instructed. If they leave the scene, they have no testimony unless they call just witnesses to witness their testimony before they leave."

Section: Perjury on the Mimbar of the Prophet, may Allah Bless Him and Grant Him Peace

Book 36, Number 36.8.10:

Yahya said, Malik related to us from Hisham ibn Hisham ibn Utba ibn Abi Waqqas from Abdullah ibn Nistas from Jabir ibn Abdullah al-Ansari that the Messenger of Allah, may Allah bless him and grant him peace, said, 'If someone swears a false oath near this mimbar of mine, he will take his seat in the fire.' "

Book 36, Number 36.8.11:

Malik related to me from al-Ala ibn Abd ar-Rahman from Mabad ibn Kab as-Salami from his brother Abdullah ibn Kab ibn Malik al-Ansari from Abu Umama that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever cuts off the right of a muslim man by his oath, Allah forbids him the Garden and obliges the Fire for him." They said, "Even if it is something insignificant, Messenger of Allah?" He said, "Even if it is a tooth-stick, even if it is a tooth-stick," repeating it three times.

Section: Taking Oaths on the Mimbar in General

Book 36, Number 36.9.12:

Yahya said that Malik had said from Da'ud ibn al-Husayn that he heard Abu Ghatafan ibn Tarif al-Muriyi say, "Zayd ibn Thabit al-Ansari and Ibn Muti had a dispute about a house which they shared. They went to Marwan ibn al-Hakam who was the Amir of Madina. Marwan decided that Zayd ibn Thabit must take an oath on the mimbar. Zayd ibn Thabit said, 'I swear to it where I am.' Marwan said, 'No, by Allah! only in the place of sorting out claims (i.e. the mimbar).' Zayd ibn Thabit began to take an oath that his right was true, and he refused to take an oath near the mimbar. Marwan ibn al-Hakam began to wonder at that."

Malik said, "I do not think that anyone should be made to take an oath near the mimbar for less than a fourth of a dinar, and that is three dirhams."

Section: Prohibition against Forfeiting Pledges Given on Security

Book 36, Number 36.10.13:

Yahya said, "Malik related to us from Ibn Shihab from Sa'id ibn al-Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, said, 'The pledge given as security is not forfeited.' "

Malik said, "The explanation of that according to what we think - and Allah knows best - is that a man gives a pledge to somebody in security for something. The pledge is superior to that for which he pawned it. The pledger says to the pawn-broker, 'I will bring you your due, after such-and-such a time. If not, the pledge is yours for what it was pawned for.' "

Malik said, "This transaction is not good and it is not halal. This is what was forbidden. If the owner brings what he pledged it for after the period, it is his. I think that the time condition is void."

Section: Judgement on Pledging Fruit and Animals as Security

Book 36, Number 36.11.13a:

Yahya said, "I heard Malik say that if a man pledges his garden for a stated period and the fruits of that garden are ready before the end of that period, the fruits are not included in the pledge with the real estate, unless it is stipulated by the pledger in his pledge. However, if a man receives a slave-girl as a pledge and she is pregnant or she becomes pregnant after his taking her as a pledge, her child is included with her.

"A distinction is made between the fruit and the child of the slave-girl. The Messenger of Allah, may Allah bless him and grant him peace, said, 'If someone sells a palm which has been pollinated, the fruit belongs to the seller unless the buyer stipulates its inclusion.' The undisputed way of doing things in our

community is that if a man sells a slave-girl or an animal with a foetus in its womb, the foetus belongs to the buyer, whether or not the buyer stipulates it. The palm is not like the animal. Fruit is not like the foetus in its mother's womb. Part of what clarifies that is also that it is the usage of people to have a man pawn the fruit of the palm apart from the palm. No one pawns the foetus in its mother's womb whether of slaves or animals."

Section: Judgement on Pledging Animals as Security

Book 36, Number 36.12.13b:

Yahya said that he had heard Malik say, "The undisputed way of doing things in our community concerning pledges is that in cases where land or a house or an animal are known to have been destroyed whilst in the possession of the broker of the pledge, and the circumstances of the loss are known, the loss is against the pledger. There is no deduction made from what is due to the broker at all. Any pledge which perishes in the possession of the broker and the circumstances of its loss are only known by his word, the loss is against the broker and he is liable for its value. He is asked to describe whatever was destroyed and then he is made to take an oath about that description and what he loaned on security for it. "Then people of discernment evaluate the description. If the pledge was worth more than what the broker loaned, the pledger takes the extra. If the assessed value of the pledge is less than what he loaned, the pledger is made to take an oath as to what the broker loaned and he does not have to pay the extra which the broker loaned above the assessed value of the pledge. If the pledger refuses to take an oath, he has to give the broker the extra above the assessed value of the pledge. If the broker says that he doesn't know the value of the pledge, the pledger is made to take an oath on the description of the pledge and that is his if he brings a matter which is not disapproved of."

Malik said, "All this applies when the broker takes the pledge and does not put it in the hands of another."

Section: Judgement on Pledges between Two Men

Book 36, Number 36.13.13c:

Yahya said that he heard Malik speak about two men who had a pledge between them. One of them undertook to sell his pledge, and the other one had asked him to wait a year for his due. He said, "If it is possible to divide the pledge, and the due of the one who asked him to wait will not be decreased, half the pledge which is between them is sold for him and he is given his due. If it is feared that his right will be decreased, all the pledge is sold, and the one who undertook to sell his pledge is given his due from that. If the one who asked him to wait for his due is pleased in himself, half of the price is paid to the pledger. If not, the pledgee is made to take an oath that he only asked him to wait so that he could transfer my pledge to me in its form.' Then he is given his due immediately."

Yahya said that he heard Malik say about a slave whose master had pledged him and the slave had property of his own, "The property of the slave is not part of the pledge unless the broker stipulates that."

Section: Judgement on Pledges in General

Book 36, Number 36.14.13d:

Yahya said that he heard Malik speak about someone who pledged goods as security for a loan, and they perished with the broker. The one who took out the loan confirmed its specification. They agreed on the amount of the loan, but challenged each other about the value of the pledge, the pledger saying that it had been worth twenty dinars, whilst the broker said that it had been worth only ten, and that the amount loaned on security was twenty dinars. Malik said, "It is said to the one in whose hand the pledge is, 'describe it.' If he describes it he is made to take an oath on it and then the people of experience evaluate that description. If the value is more than what was loaned on security for it, it is said to the broker, 'Return the rest of his due to the pledger.' If the value is less than what was loaned on security

for it, the broker takes the rest of his due from the pledger. If the value is the exact amount of the loan, the pledge is compensated for by the loan."

Yahya said that he heard Malik say, "What is done in our community about two men who have a dispute about an amount of money loaned on the security of a pledge - the pledger claiming that he pledged it for ten dinars and the broker insisting that he took the pledge as security for twenty dinars, and the pledge is clearly in the possession of the broker - is that the broker is made to take an oath when the value of the pledge is fully known. If the value of the pledge is exactly what he swore that he had loaned on security for it, the broker takes the pledge as his right. He is more entitled to take precedence with an oath since he has possession of the pledge. If the owner of the pledge wants to give him the amount which he swore that he was owed, he can take the pledge back. If the pledge is worth less than the twenty dinars he loaned, then it is said to the p

Wills and Testaments

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Command to Write Testaments

Book 37, Number 37.1.1:

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "It is the duty of a muslim man who has something to be given as a bequest not to spend two nights without writing a will about it."

Malik said, "The generally agreed-on way of doing things in our community is that when the testator writes something in health or illness as a bequest, and it has freeing slaves or things other than that in it, he can alter it in any way he chooses, until he is on his deathbed. If he prefers to abandon a bequest or change it, he can do so unless he has made a slave mudabbar (to be freed after his death). If he has made him mudabbar, there is no way to change what he has made mudabbar. He is allowed to change his testament because the Messenger of Allah, may Allah bless him and grant him peace, said, "It is the duty of a muslim man who has something to be given as a bequest not to spend two nights without writing a will about it."

Malik explained, "Had the testator not been able to change his will nor what was mentioned in it about freeing slaves, each testator might withhold making bequests from his property, whether in freeing slaves or other than it. A man gives a bequest in his health and in his travelling." (i.e. he does not wait till his death bed) .

Malik summed up, "The way of doing things in our community about which there is no dispute is that he can change whatever he likes of that except for the mudabbar."

Section: Permissibility of the Bequest of the Child, the Simpleton, the Lunatic and the Idiot

Book 37, Number 37.2.2:

Malik related to me from Abdullah ibn Abi Bakr ibn Hazm that Amr ibn Sulaym az-Zuraqi informed his father that it had been said to Umar ibn al-Khattab, "There is here an adolescent boy who has not yet reached puberty. He is from the Ghassan tribe and his heir is in ash-Sham. He has property. Here he only has the daughter of one of his paternal uncles." Umar ibn al-Khattab instructed, "Let him leave her a bequest." He willed her a property called the well of Jusham.

Malik added, "That property was sold for 30,000 dirhams, and the daughter of the paternal uncle to whom he willed it was the mother of Amr ibn Sulaym az-Zuraqi."

Book 37, Number 37.2.3:

Malik related to me from Yahya ibn Said from Abu Bakr ibn Hazm that a boy from Ghassan was dying in Madina while his heir was in Syria. That was mentioned to Umar ibn al-Khattab. It was said to him, "So-and-so is dying. Shall he make a bequest?" He said, "Let him make a bequest."

Yahya ibn Said said that Abu Bakr had said, "He was a boy of ten or twelve years." Yahya said, "He willed the well of Jusham, and his people sold it for 30,000 dirhams."

Yahya said that he heard Malik say, "The generally agreed-on way of doing things in our community is that a simpleton, an idiot, or a lunatic who recovers at times, can make wills if they have enough of their wits about them to recognise what they will. Someone who has not enough wits to recognise what he wills, and is overcome in his intellect, cannot make a bequest."

Section: Limiting the Bequest to One-Third of the Estate

Book 37, Number 37.3.4:

Malik related to me from Ibn Shihab from Amir ibn Sad ibn Abi Waqqas that his father said, "The Messenger of Allah, may Allah bless him and grant him peace, came to me to treat me for a pain which became hard to bear in the year of the farewell hajj. I said, 'Messenger of Allah, you can see how far the pain has reached me. I have property and only my daughter inherits from me. Shall I give two thirds of my property as sadaqa?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'No.' I said, 'Half?' He said, 'No.' Then the Messenger of Allah, may Allah bless him and grant him peace, said, 'A third, and a third is a lot. Leaving your heirs rich is better than leaving them poor to beg from people. You never spend anything on maintenance desiring the Face of Allah by it, but that you are rewarded for it, even what you appoint for your wife.' Sad said, 'Messenger of Allah, will I be left here in Makka after my companions have departed for Madina?' The Messenger of Allah, may Allah bless him and grant him peace, said, 'If you are left behind, and do sound deeds you will increase your degree and elevation by them. Perhaps you will be left behind so that some people may benefit by you and others may be harmed by you. O Allah! complete their hijra for my companions, and do not turn them back on their heels. The unfortunate one is Said ibn Khawla.' The Messenger of Allah, may Allah bless him and grant him peace, was distressed on his account for he had died at Makka."

Yahya said that he heard Malik speak about a man who willed a third of his property to a man and said as well, "My slave will serve so-and-so (another man) for as long as he lives, then he is free," then that was looked into, and the slave was found to be a third of the property of the deceased. Malik said, "The service of the slave is evaluated. Then the two of them divide it between them. The one who was willed a third takes his third, as a share, and the one who was willed the service of the slave takes what was evaluated for him of the slave's service. Each of them takes, from the service of the slave or from his wage if he has a wage, according to his share. If the one who was given the service of the slave for as long as he lived dies, then the slave is freed."

Yahya said that he heard Malik speak about someone who willed his third and said "So-and-so has such-and-such, and so-and-so has such-and-such," naming some of his property, and his heirs protested that it was more than a third." Malik said, "The heirs then have an option between giving the beneficiaries their full bequests and taking the rest of the property of the deceased, or between dividing among the beneficiaries the third of the property of the deceased and surrendering to them their third. If they wish, their rights in it reach as far as they reach."

Section: Dealing with the Property of the Pregnant Woman, the Sick Person and Someone Present in Battle

Book 37, Number 37.4.4a:

Yahya said that he heard Malik say, "The best of what I have heard about the testament of a pregnant

woman and about what settlements she is permitted in her property is that the pregnant woman is like the sick person. When the illness is light, and one does not fear for the sick person, he does with his property what he likes. If the illness is such that his life is feared for, he can only dispose of a third of his estate."

He said, "It is the same with a woman who is pregnant. The beginning of pregnancy is good news and joy. It is not illness and no fear because Allah the Blessed, the Exalted, said in His Book, 'We gave her good news of Ishaq and after Ishaq, Yaqub.' (Sura II ayat 71). And He said, 'She bore a light burden and passed by with it, but when she became heavy, they called upon Allah, their Lord, "If you give us a good-doing son, we will be among the thankful." '(Sura 7 ayat 189).

"When a pregnant woman becomes heavy, she is only permitted to dispose of a third of her estate. The beginning of this restriction is after six months. Allah, the Blessed, the Exalted, said in His Book, 'Mothers suckle their children for two complete years.' And He said, 'his bearing and weaning are thirty months.' (Sura 2 ayat 233).

"When six months have passed for the pregnant woman from the day she conceived, she is only permitted to dispose of a third of her property."

Yahya said that he heard Malik say, "A man who is advancing in the row for battle, can only dispose of a third of his property. He is in the same position as a pregnant woman or an ill person who is feared for, as long as he is in that situation."

Section: Bequests to Heirs and Right of Possession

Book 37, Number 37.5.4b:

Yahya said that he heard Malik say, "This ayat is abrogated. It is the word of Allah, the Blessed, the Exalted, 'If he leaves goods, the testament is for parents and kinsmen.' What came down about the division of the fixed shares of inheritance in the Book of Allah, the Mighty, the Exalted, abrogated it."

Yahya said that he heard Malik say, "The established sunna with us, in which there is no dispute, is that it is not permitted for a testator to make a bequest (in addition to the fixed share) in favour of an heir, unless the other heirs permit him. If some of them permit him and others refuse, he is allowed to diminish the share of those who have given their permission. Those who refuse take their full share from the inheritance.

Yahya said that he heard Malik speak about an invalid who made a bequest and asked his heirs to give him permission to make a bequest when he was so ill that he only had command of a third of his property, and they gave him permission to leave some of his heirs more than his third. Malik said, "They cannot revoke that. Had they been permitted to do so, every heir would have done that, and then, when the testator died, they would take that for themselves and prevent him from bequeathing his third and what was permitted to him with respect to his property."

Malik said, "If he asks permission of his heirs to grant a bequest to an heir while he is well and they give him permission, that is not binding on them. The heirs can rescind that if they wish. That is because when a man is well, he is entitled to all his property and can do what he wishes with it. If he wishes, he can spend all of it. He can spend it and give sadaqa with it or give it to whomever he likes. His asking permission of his heirs is permitted for the heirs, when they give him permission when authority over all his property is closed off from him and nothing outside of the third is permitted to him, and when they are more entitled to the two-thirds of his property than he is himself. That is when their permission becomes relevant. If he asks one of the heirs to give his inheritance to him when he is dying, and the heir agrees and then the dying man does not dispose of it at all, it is returned to the one who gave it unless the deceased said to him, 'So-and-so - (one of his heirs) - is weak, and I would like you to give him your inheritance.' So he gives it to him. That is permitted when the deceased specified it for him."

Malik said, "When a man gives the dying man free use of his share of the inheritance, and the dying man distributes some of it and some remains, it is returned to the giver, after the man has died."

Setting Free and Wala'

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Section: Freeing a Share Held in a Slave

Book 38, Number 38.1.1:

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "If a man frees his share of a slave and has enough money to cover the full price of the slave justly evaluated for him, he must buy out his partners so that the slave is completely freed. If he doesn't have the money, he partially frees him."

Malik said, "The generally agreed-on way of doing things among us in the case of slave whose master makes a bequest to free part of him - a third, a fourth, a half, or any share after his death, is that only the portion of him is freed that his master has named. This is because the freeing of that portion is only obliged to take place after the death of the master because the master has the option to withdraw the bequest as long as he lives. When the slave is freed from his master, the master is a testator and the testator only has access to free what he can take from his property, being the third of the property he is allowed to bequeath, and the rest of the slave is not free because the man's property has gone out of his hands. How can the rest of the slave which belongs to other people be free when they did not initiate the setting free and did not confirm it and they do not have the wala' established for them? Only the deceased could do that. He was the one who freed him and the one for whom the wala' was confirmed. That is not to be borne by another's property unless he bequeaths within the third of his property what remains of a slave to be freed. That is a request against his partners and inheritors and the partners must not refuse the slave that when it is within the third of the dead man's property because there is no harm in that to the inheritors."

Malik said, "If a man frees a third of his slave while he is critically ill, he must complete the emancipation so all of him is free from him, if it is within the third of his property that he has access to, because he is not treated in the same way as a man who frees a third of a slave after his death, because had the one who freed a third of his slave after his death lived, he could have cancelled it and the slave's being set free would be of no effect. The master who made the freeing of the third of the slave irrevocable in his illness, would still have to free all of him if he lived. If he died, the slave would be set free within the third of the bequest. That is because the command of the deceased is permissible in his third as the command of the healthy is permissible in all his property."

Section: Making Conditions when Freeing a Slave

Book 38, Number 38.2.2:

Malik said, "A master who frees a slave of his and settles his emancipation so that his testimony is permitted, his inviolability complete, and his right to inherit confirmed, cannot impose stipulations on him like what he imposes on a slave about property or service, nor get him to do anything of slavery, because the Messenger of Allah, may Allah bless him and grant him peace, said, "If a man frees his share of a slave and has enough money to cover the full price of the slave justly evaluated for him, he must give his partners their shares so the slave is completely free."

Malik commented, "If he owns the slave completely, it is more proper to free him completely and not mingle any slavery with it."

Section: People who Free Slaves and Own No Other Property

Book 38, Number 38.3.3:

Malik related to me from Yahya ibn Said and somebody else from al-Hasan ibn Abi al-Hasan al-Basri and from Muhammad ibn Sirin that a man in the time of the Messenger of Allah, may Allah bless him and grant him peace, freed six of his slaves while he was dying. The Messenger of Allah, may Allah bless him and grant him peace, drew lots between them and freed a third of those slaves.

Malik added that he had heard that the man did not have any property other than them.

Book 38, Number 38.3.4:

Malik related to me from Rabia ibn Abi Abd ar-Rahman that a man in the time of Aban ibn Uthman's amirate freed all of his slaves and did not have other property than them. Aban ibn Uthman took charge of the slaves and they were divided into three groups. Then he drew lots on the basis that which ever group drew the dead man's arrow would be free. The arrow fell to one of the thirds, and that third was freed.

Section: Judgement on the Property of Slaves when Set Free

Book 38, Number 38.4.5:

Malik related to me that he heard Ibn Shihab say, "The precedent of the sunna is that when a slave is freed, his property follows him."

Malik said, "One thing which makes clear that the property of a slave follows him when he is freed is that when the contract (mukatab) is written for his freedom, his property follows him even if he did not stipulate it. That is because the bond of kitaba is the bond of wala' when it is complete. The property of a slave and a mukatab is not treated in the same way as any children they may have. Their children are only treated in the same way as their own slaves, not in the same way as their property. This is because the sunna, in which there is no dispute, is that when a slave is freed, his property follows him and his children do not follow him, and when a mukatab writes the contract for his freedom, his property follows him and his children do not follow him."

Malik said, "One thing which makes that clear is that when a slave or a mukatab are bankrupt, their property is taken but the mothers of their children and their children are not taken because they are not their property."

Malik said, "Another thing which makes it clear is that when a slave is sold and the person who buys him stipulates the inclusions of his property, his children are not included in his property."

Malik said, "Another thing which makes it clear is that when a slave does injure some one, he and his property are taken, and his children are not taken."

Section: Freeing Slaves who are Umm Walad and a General Chapter on Freeing

Book 38, Number 38.5.6:

Malik related to me from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab said, "If a slave-girl gives birth to a child by her master, he must not sell her, give her away, or bequeath her. He enjoys her and when he dies she is free ."

Book 38, Number 38.5.7:

Malik related to me that he had heard that a slave-girl came to Umar ibn al-Khattab (who had been beaten by her master with a red hot iron) and he set her free.

Malik said, "The generally agreed-on way of doing things among us is that a man is not permitted to be freed while he has a debt against him which exceeds his property. A boy is not allowed to be set free until he has reached puberty. The young person whose affairs are managed cannot set free in his property, even when he reaches puberty, until he manages his property."

Section: Slaves Permitted to be Freed when a Slave must be Freed by Obligation

Book 38, Number 38.6.8:

Malik related to me from Hilal ibn Usama from Ata ibn Yasar that Umar ibn al-Hakam said, "I went to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah, a slave girl of mine was tending my sheep. I came to her and one of the sheep was lost. I asked her about it and she said that a wolf had eaten it, so I became angry and I am one of the children of Adam, so I struck her on the face. As it happens, I have to set a slave free, shall I free her?' The Messenger of Allah, may Allah bless him and grant him peace, questioned her, 'Where is Allah?' She said, 'In heaven.' He said, 'Who am I?' She said, 'You are the Messenger of Allah.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Free her.'"

Book 38, Number 38.6.9:

Malik related to me from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud that one of the Ansar came to the Messenger of Allah, may Allah bless him and grant him peace, with a black slave-girl of his. He said, "Messenger of Allah, I must set a slave free who is a mumina. If you think that she is mumina, I will free her." The Messenger of Allah, may Allah bless him and grant him peace, questioned her, "Do you testify that there is no god but Allah?" She said, "Yes." "Do you testify that Muhammad is the Messenger of Allah?" She said, "Yes." "Are you certain about the rising after death?" She said, "Yes." The Messenger of Allah, may Allah bless him and grant him peace, said, "Free her."

Book 38, Number 38.6.10:

Malik related to me that he had heard that al-Maqburi said that Abu Hurayra was asked whether a man who had to free a slave, could free an illegitimate child to fulfil that obligation. Abu Hurayra said, "Yes. That will give satisfaction for him."

Book 38, Number 38.6.11:

Malik related to me that he had heard that Fadala ibn Ubayd al-Ansari who was one of the companions of the Messenger of Allah, may Allah bless him and grant him peace, was asked whether it was

permissible for a man who had to free a slave to free an illegitimate child. He said, "Yes, That will give satisfaction for him."

Section: Slaves Not Permitted to be Freed when a Slave must be Freed by Obligation

Book 38, Number 38.7.12:

Malik related to me that he had heard that Abdullah ibn Umar was asked whether a slave could be bought on the specific condition that it was to be used to fulfil the obligation of freeing a slave, and he said, "No."

Malik said, "That is the best of what I have heard on the obligation of freeing slaves. Someone who has to set a slave free because of an obligation on him, may not buy one on the condition that he sets it free because if he does that, whatever he buys is not completely a slave because he has reduced its price by the condition he has made of setting it free."

Malik added, "There is no harm, however, in someone buying a person expressly to set him free."

Malik said, "The best of what I have heard on the obligation of freeing slaves is that it is not permitted to free a christian or a jew to fulfil it, and one does not free a mukatab or a mudabbar or an umm walad or a slave to be freed after a certain number of years, or a blind person. There is no harm in freeing a christian, jew, or magian voluntarily, because Allah, the Blessed, the Exalted, said in His Book, 'either as a favour then or by ransom,' (Sura 47 ayat 4) The favour is setting free."

Malik said, "As for obligations of freeing slaves which Allah has mentioned in the Book, one only frees a mumin slave for them."

Malik said, "It is like that in feeding poor people for kaffara. One must only feed muslims and one does not feed anyone outside of the deen of Islam."

Section: Freeing the Living for the Dead

Book 38, Number 38.8.13:

13 Malik related to me from Abd ar-Rahman ibn Abi Amra al-Ansari that his mother had wanted to make a bequest, but she delayed until morning and died. She had intended to set someone free, so Abd ar-Rahman said, 'I said to al-Qasim ibn Muhammad, 'Will it help her if I free a slave for her?' Al-Qasim replied, 'Sad ibn Ubada said to the Messenger of Allah, may Allah bless him and grant him peace, 'My mother died, will it help her if I set a slave free for her?' The Messenger of Allah, may Allah bless him and grant him peace, said "Yes." "'

Book 38, Number 38.8.14:

Malik related to me that Yahya ibn Said said, "Abd ar-Rahman ibn Abi Bakr died in his sleep, and A'isha, the wife of the Prophet, may Allah bless him and grant him peace, set free many slaves for him." Malik said, "This is what I like best of what I have heard on the subject."

Section: The Excellence of Freeing Slaves, Freeing Adulteresses and Illegitimate Children

Book 38, Number 38.9.15:

Malik related to me from Hisham ibn Urwa from his father from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, was asked what was the most excellent kind of slave to free. The Messenger of Allah, May Allah bless him and grant him peace, answered, "The most expensive and the most valuable to his master."

Book 38, Number 38.9.16:

Malik related to me from Nafi that Abdullah ibn Umar freed an illegitimate child and its mother.

Section: The Right of the One who Sets Free to the Wala'

Book 38, Number 38.10.17:

Malik related to me from Hisham ibn Urwa from his father that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "Barira came to me and said, 'I have written myself as mukatab for my people for nine uqiya, one uqiya per year, so help me.' A'isha said, 'If your people agree that I pay it all to them for you, and that if I pay it, your wala' is mine, then I will do it.' Barira went to her masters and told them that and they didn't agree. She came back from her masters while the Messenger of Allah, may Allah bless him and grant him peace, was sitting. She said to A'isha, 'I offered that to them and they refused me unless they had the wala'.' The Messenger of Allah, may Allah bless him and grant him peace, heard that and asked her about it A'isha told him and the Messenger of Allah, may Allah bless him and grant him peace, said, 'Take her and stipulate that the wala' is yours, for the wala' is for the one who sets free.' So A'isha did that and then the Messenger of Allah, may Allah bless him and grant him peace, stood up in front of the people, and praised Allah and gave thanks to Him. Then he said, 'What is wrong 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 invalid even if it is a hundred conditions. The decree of Allah is truer and the conditions of Allah are firmer, and the wala' only belongs to the one who sets free.' "

Book 38, Number 38.10.18:

Malik related to me from Nafi from Abdullah ibn Umar that A'isha umm al-muminin wanted to buy a slave-girl and set her free. Her people said, "We will sell her to you provided that her wala' is ours." She mentioned that to the Messenger of Allah, may Allah bless him and grant him peace, and he said, "Don't let that hinder you, for the wala' only belongs to the one who sets free."

Book 38, Number 38.10.19:

Malik related to me from Yahya ibn Said from Amra bint Abd ar-Rahman that Barira came asking the help of A'isha, umm al-muminin. A'isha said, "If your masters agree that I pay them your price in one lump sum and set you free I will do it." Barira mentioned that to her masters and they said, "No, not unless your wala' is ours." Yahya ibn Said added that Amra bint Abd ar-Rahman claimed that A'isha mentioned that to the Messenger of Allah, may Allah bless him and grant him peace, and the Messenger of Allah, may Allah bless him and grant him peace said, "Buy her and set her free. The wala' only belongs to the one who sets free."

Book 38, Number 38.10.20:

Malik related to me from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, forbade selling or giving away the wala'.

Malik said that it was not permissible for a slave to buy himself from his master on the provision that he could give the wala' to whomever he wished as the wala' was for the one who set him free, and that had a man given permission to his mawla to give the wala' to whomever he wished, that would not have been permitted, because the Messenger of Allah, may Allah bless him and grant him peace, had said, "The wala' is for the one who sets free." The Messenger of Allah, may Allah bless him and grant him peace, forbade selling or giving away the wala'. For if it was permitted to the master to stipulate that for him and to give him permission to give the wala' to whomever he liked, that would be a gift.

Section: Slaves Attracting the Wala' When Set Free

Book 38, Number 38.11.21:

Malik related to me from Rabia ibn Abd ar-Rahman that az-Zubayr ibn al-Awwam bought a slave and set him free. The slave had children by a free woman. When az-Zubayr freed him, he said, "They are my mawali." The man argued, "They are the mawali of their mother. Rather, they are our mawali." They took the dispute to Uthman ibn Affan, and Uthman gave a judgement that az-Zubayr had their wala'.

Malik related to me that he had heard that Said ibn al-Musayyab was asked who had the wala' of the children whom a slave had by a free woman. Said said, "If their father dies and he is a slave who was not set free, their wala' belongs to the mawali of their mother."

Malik said, "That is like the child of a woman who is a mawla who has been divorced by lian; the child is attached to the mawali of his mother and they are his mawali. If he dies, they inherit from him. If he commits a crime, they pay the blood-money for him. If his father acknowledges him, he is given a kinship to him and his wala' goes to the mawali of his father. They are his heirs, they pay his blood-money and his father is punished with the hadd-punishment."

Malik said, "It is like that with a free-born woman divorced by lian. If her husband who curses her by lian does not acknowledge her child, the child is dealt with in the same way except that the rest of his inheritance after the inheritance of his mother and his brothers from his mother goes to all the muslims as long as he was not given kinship to his father. The child of the lian is attached to the patronage of the mawali of his mother until his father acknowledges him because he does not have a lineage or paternal relations. If his lineage is confirmed, it goes to his paternal relations."

Malik said, "The generally agreed-on way of doing things among us about a child of a slave by a free woman, while the father of the slave is free, is that the grandfather (the father of the slave), attracts the wala' of his son's free children by a free woman. They leave their inheritance to him as long as their father is a slave. If the father becomes free, the wala' returns to his mawali. If he dies and he is still a slave, the inheritance and the wala' go to the grandfather. If the slave has two free sons, and one of them dies while the father is still a slave, the grandfather, the father of the father, attracts the wala' and the inheritance."

Malik spoke about a slave-girl who was set free while she was pregnant and her husband was a slave and then her husband became free before she gave birth, or after she gave birth. He said, "The wala' of what is in her womb goes to the person who set the mother free because slavery touched the child before the mother was set free. It is not treated in the same way as a child conceived by its mother after she has been set free because the wala' of such a child, is attracted by the father when he is set free."

Malik said that if a slave asked his master's permission to free a slave of his and his master gave permission, the wala' of the freed slave went to the master of his master, and his wala' did not return to the master who had set him free, even if he were to become free himself."

Section: The Inheritance of the Wala'

Book 38, Number 38.12.22:

Malik related to me from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from Abd al-Malik ibn Abi Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham that his father told him that al-Asi ibn Hisham had died and left three sons, two by one wife and one by another wife. One of the two with the same mother died and left property and mawali. His full brother inherited his property and the wala' of his mawali. Then he also died, and left as heirs his son and his paternal half brother. His son said, "I obtain what my father inherited of property and the wala' of the mawali." His brother said, "It is not like that. You obtain the property. As for the wala' of the mawali, it is not so. Do you think that had it been my first brother who died today, I would not have inherited from him?" They argued and went to Uthman ibn Affan. He gave a judgement that the brother had the wala' of the mawali.

Book 38, Number 38.12.23:

Malik related to me from Abdullah ibn Abi Bakr ibn Hazm that his father told him that he was sitting with Aban ibn Uthman, and an argument was brought to him between some people from the Juhayna tribe and some people from the Banu al-Harith ibn al-Khazraj. A woman of the Juhayna tribe was married to a man from the Banu al-Harith ibn al-Khazraj, called Ibrahim ibn Kulayb. She died and left property and mawali, and her son and husband inherited them from her. Then her son died and his heirs said, "We have the wala' of the mawali. Her son obtained them." Those of the Juhayna said, "It is not like that. They are the mawali of our female associate. When her child died, we have their wala' and we inherit them." Aban ibn Uthman gave a judgement that the people from the Juhayna tribe did indeed have the wala' of the mawali.

Book 38, Number 38.12.24:

Malik related to me that he had heard that Said ibn al-Musayyab spoke about a man who died and left three sons and left mawali whom he had freed. Then two of his sons died and left children. He said, "The third remaining son inherits the mawali. When he dies, his children and the children of his brothers share equally in the wala' of the mawali."

Section: The Inheritance of Slaves Set Free and the Wala' of Jews and Christians Who Set Slaves Free

Book 38, Number 38.13.25:

Malik related to me that he had asked Ibn Shihab about a slave who was released. He said, "He gives his wala' to whomever he likes. If he dies and has not given his wala' to anyone, his inheritance goes to the muslims and his blood-money is paid by them."

Malik said, "The best of what has been heard about a slave who is released is that no one gets his wala', and his inheritance goes to the muslims, and they pay his blood-money."

Malik said that when the slave of a jew or christian became muslim and he was freed before being sold, the wala' of the freed slave went to the muslims. If the jew or christian became muslim afterwards, the wala' did not revert to him. "

He said, "However, if a jew or christian frees a slave from their own deen, and then the freed one becomes muslim before the jew or christian who freed him becomes muslim and then the one who freed him has become muslim, his wala' reverts to him because the wala' was confirmed for him on the day he freed him."

Malik said that the muslim child of a jew or christian inherited the mawali of his jewish or christian father when the freed mawla became muslim before the one who freed him became muslim. If the freed one was already muslim when he was freed, the muslim children of the christian or jew had nothing of the wala' of a muslim slave because the jew and the christian did not have the wala'. The wala' of a muslim slave went to the community of muslims.

The Mukatab

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Section: Judgement on the Mukatab

Book 39, Number 39.1.1:

Malik related to me from Nafi that Abdullah ibn Umar said, "A mukatab is a slave as long as any of his kitaba remains to be paid."

Book 39, Number 39.1.2:

Malik related to me that he had heard that Urwa ibn az-Zubayr and Sulayman ibn Yasar said, "The mukatab is a slave as long as any of his kitaba remains to be paid."

Malik said, "This is my opinion as well."

Malik said, "If a mukatab dies and leaves more property than what remains to be paid of his kitaba and he has children who were born during the time of his kitaba or whose kitaba has been written as well, they inherit any property that remains after the kitaba has been paid."

Book 39, Number 39.1.3:

Malik related to me from Humayd ibn Qays al-Makki that a son of al-Mutawakkil had a mukatab who died at Makka and left (enough to pay) the rest of his kitaba and he owed some debts to people. He also left a daughter. The governor of Makka was not certain about how to judge in the case, so he wrote to Abd al-Malik ibn Marwan to ask him about it. Abd al-Malik wrote to him, "Begin with the debts owed to people, and then pay what remains of his kitaba. Then divide what remains of the property between the daughter and the master."

Malik said, "What is done among us is that the master of a slave does not have to give his slave a kitaba if he asks for it. I have not heard of any of the Imams forcing a man to give a kitaba to his slave. I heard that one of the people of knowledge, when someone asked about that and mentioned that Allah the Blessed, the Exalted, said, 'Give them their kitaba, if you know some good in them' (Sura 24 ayat 33) recited these two ayats, 'When you are free of the state of ihram, then hunt for game.' (Sura 5 ayat 3) 'When the prayer is finished, scatter in the land and seek Allah's favour.' " (Sura 62 ayat 10)

Malik commented, "It is a way of doing things for which Allah, the Mighty, the Majestic, has given permission to people, and it is not obligatory for them." Malik said, "I heard one of the people of knowledge say about the word of Allah, the Blessed, the Exalted, 'Give them of the wealth which Allah has given you,' that it meant that a man give his slave a kitaba and then reduce the end of his kitaba for him by some specific amount."

Malik said, "This is what I have heard from the people of knowledge and what I see people doing here."

Malik said, "I have heard that Abdullah ibn Umar gave one of his slaves his kitaba for 35,000 dirhams, and then reduced the end of his kitaba by 5,000 dirhams."

Malik said, "What is done among us is that when a master gives a mukatab his kitaba, the mukatab's property goes with him but his children do not go with him unless he stipulates that in his kitaba."

Yahya said, "I heard Malik say that if a mukatab whose master had given him a kitaba had a slave-girl who was pregnant by him, and neither he nor his master knew that on the day he was given his kitaba, the child did not follow him because he was not included in the kitaba. He belonged to the master. As for the slave-girl, she belonged to the mukatab because she was his property."

Malik said that if a man and his wife's son (by another husband) inherited a mukatab from the wife and the mukatab died before he had completed his kitaba, they divided his inheritance between them according to the Book of Allah. If the slave paid his kitaba and then died, his inheritance went to the son of the woman, and the husband had nothing of his inheritance.

Malik said that if a mukatab gave his own slave a kitaba, the situation was looked at. If he wanted to do his slave a favour and it was obvious by his making it easy for him, that was not permitted. If he was giving him a kitaba from desire to find money to pay off his own kitaba, that was permitted for him.

Malik said that if a man had intercourse with a mukataba of his and she became pregnant by him, she had an option. If she liked she could be an umm walad. If she wished, she could confirm her kitaba. If she did not conceive, she still had her kitaba.

Malik said, "The generally agreed on way of doing things among us about a slave who is owned by two men is that one of them does not give a kitaba for his share, whether or not his companion gives him permission to do so, unless they both write the kitaba together, because that alone would effect setting him free. If the slave were to fulfil what he had agreed on to free half of himself, and then the one who had given a kitaba for half of him was not obliged to complete his setting free, that would be in opposition to the words of the Messenger of Allah, may Allah bless him and grant him peace. 'If someone frees his share in a slave and has enough money to cover the full price of the slave, justly evaluated for him, he must give his partners their shares, so the slave is completely free . ' "

Malik said, "If he is not aware of that until the mukatab has met the terms or before he has met them the owner who has written him the kitaba returns what he has taken from the mukatab to him, and then he and his partner divide him according to their original shares and the kitaba is invalid. He is the slave of both of them in his original state."

Malik spoke about a mukatab who was owned by two men and one of them granted him a delay in the payment of the right which he was owed, and the other refused to defer it, and so the one who refused to defer the payment exacted his part of the due. Malik said that if the mukatab then died and left property which did not complete his kitaba, "They divide it according to what they are still owed by him. Each of them takes according to his share. If the mukatab leaves more than his kitaba, each of them takes what remains to them of the kitaba, and what remains after that is divided equally between them. If the mukatab is unable to pay his kitaba fully and the one who did not allow him to defer his payment has exacted more than his associate did, the slave is still divided equally between them, and he does not return to his associates the excess of what he has exacted, because he only exacted his right with the permission of his associate. If one of them remits what is owed to him and then his associate exacts part of what he is owed by him and then the mukatab is unable to pay, he belongs to both of them. And the one who has exacted something does not return anything because he only demanded what he was owed. That is like the debt of two men in one writing against one man. One of them grants him time to pay and the other is greedy and exacts his due. Then the debtor goes bankrupt. The one who exacted his due does not have to return any of what he took."

Section: Assuming the Responsibility in Kitaba

Book 39, Number 39.2.4:

Malik said, "The generally agreed on way of doing things among us is that when slaves write their kitaba together in one kitaba, and some are responsible for others, and they are not reduced anything by the death of one of the responsible ones, and then one of them says, 'I can't do it,' and gives up, his companions can use him in whatever work he can do and they help each other with that in their kitaba

until they are freed, if they are freed, or remain slaves if they remain slaves."

Malik said, "The generally agreed on way of doing things among us is that when a master gives a slave his kitaba, it is not permitted for the master to let anyone assume the responsibility for the kitaba of his slave if the slave dies or is incapable. This is not part of the sunna of the muslims. That is because when a man assumes responsibility to the master of a mukatab for what the mukatab owes of his kitaba, and then the master of the mukatab pursues that from the one who assumes the responsibility, he takes his money falsely. It is not as if he is buying the mukatab, so that what he gives is part of the price of something that is his, and neither is the mukatab being freed so that the price established for him buys his inviolability as a free man. If the mukatab is unable to meet the payments he reverts to his master and is his slave. That is because kitaba is not a fixed debt which can be assumed by the master of the mukatab. It is something which, when it is paid by the mukatab, sets him free. If the mukatab dies and has a debt, his master is not one of the creditors for what remains unpaid of the kitaba. The creditors have precedence over the master. If the mukatab cannot meet the payments, and he owes debts to people, he reverts to being a slave owned by his master and the debts to the people are the liability of the mukatab. The creditors do not enter with the master into any share of the price of his person."

Malik said, "When people are written together in one kitaba and there is no kinship between them by which they inherit from each other, and some of them are responsible for others, then none of them are freed before the others until all the kitaba has been paid. If one of them dies and leaves property and it is more than all of what is against them, it pays all that is against them. The excess of the property goes to the master, and none of those who have been written in the kitaba with the deceased have any of the excess. The master's claims are overshadowed by their claims for the portions which remain against them of the kitaba which can be fulfilled from the property of the deceased, because the deceased had assumed their responsibility and they must use his property to pay for their freedom. If the deceased mukatab has a free child not born in kitaba and who was not written in the kitaba, it does not inherit from him because the mukatab was not freed until he died."

Section: Severance in the Kitaba for an Agreed Price

Book 39, Number 39.3.5:

Malik related to me that he heard that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, made a settlement with her mukatab for an agreed amount of gold and silver.

Malik said, "The generally agreed on way of doing things among us in the case of a mukatab who is shared by two partners, is that one of them cannot make a settlement with him for an agreed price according to his portion without the consent of his partner. That is because the slave and his property are owned by both of them, and so one of them is not permitted to take any of the property except with the consent of his partner. If one of them settled with the mukatab and his partner did not, and he took the agreed price, and then the mukatab died while he had property or was unable to pay, the one who settled would not have anything of the mukatab's property and he could not return that for which he made settlement so that his right to the slave's person would return to him. However, when someone settles with a mukatab with the permission of his partner and then the mukatab is unable to pay, it is preferable that the one who broke with him return what he has taken from the mukatab for the severance and he can have back his portion of the mukatab. He can do that. If the mukatab dies and leaves property, the partner who has kept hold of the kitaba is paid in full the amount of the kitaba which remains to him against the mukatab from the mukatab's property. Then what remains of property of the mukatab is between the partner who broke with him and his partner, according to their shares in the mukatab. If one of the partners breaks off with him and the other keeps the kitaba, and the mukatab is unable to pay, it is said to the partner who settled with him, 'If you wish to give your partner half of what you took so the slave is divided between you, then do so. If you refuse, then all of the slave belongs to the one who held on to possession of the slave.' "

Malik spoke about a mukatab who was shared between two men and one of them made a settlement with him with the permission of his partner. Then the one who retained possession of the slave demanded the like of that for which his partner had settled or more than that and the mukatab could not pay it. He said, "The mukatab is shared between them because the man has only demanded what is owed to him. If he demands less than what the one who settled with him took and the mukatab can not manage that, and the one who settled with him prefers to return to his partner half of what he took so the slave is divided in halves between them, he can do that. If he refuses then all of the slave belongs to the one who did not settle with him. If the mukatab dies and leaves property, and the one who settled with him prefers to return to his companion half of what he has taken so the inheritance is divided between them, he can do that. If the one who has kept the kitaba takes the like of what the one who has settled with him took, or more, the inheritance is between them according to their shares in the slave because he is only taking his right."

Malik spoke about a mukatab who was shared between two men and one of them made a settlement with him for half of what was due to him with the permission of his partner, and then the one who retained possession of the slave took less than what his partner settled with him for and the mukatab was unable to pay. He said, "If the one who made a settlement with the slave prefers to return half of what he was awarded to his partner, the slave is divided between them. If he refuses to return it, the one who retained possession has the portion of the share for which his partner made a settlement with the mukatab."

Malik said, "The explanation of that is that the slave is divided in two halves between them. They write him a kitaba together and then one of them makes a settlement with the mukatab for half his due with the permission of his partner. That is a fourth of all the slave. Then the mukatab is unable to continue, so it is said to the one who settled with him, 'If you wish, return to your partner half of what you were awarded and the slave is divided equally between you.' If he refuses, the one who held to the kitaba takes in full the fourth of his partner for which he made settlement with the mukatab. He had half the slave, so that now gives him three-fourths of the slave. The one who broke off has a fourth of the slave because he refused to return the equivalent of the fourth share for which he settled."

Malik spoke about a mukatab whose master made a settlement with him and set him free and what remained of his severance was written against him as debt, then the mukatab died and people had debts against him. He said, "His master does not share with the creditors because of what he is owed from the severance. The creditors begin first."

Malik said, "A mukatab cannot break with his master when he owes debts to people. He would be set free and have nothing because the people who hold the debts are more entitled to his property than his master. That is not permitted for him."

Malik said, "According to the way things are done among us, there is no harm if a man gives a kitaba to his slave and settles with him for gold and reduces what he is owed of the kitaba provided that only the gold is paid immediately. Whoever disapproves of that does so because he puts it in the category of a debt which a man has against another man for a set term. He gives him a reduction and he pays it immediately. This is not like that debt. The breaking of the mukatab with his master is dependent on his giving money to speed up the setting free. Inheritance, testimony and the hudud are obliged for him and the inviolability of being set free is established for him. He is not buying dirhams for dirhams or gold for gold. Rather it is like a man who having said to his slave, 'Bring me such-and-such an amount of dinars and you are free', then reduces that for him, saying, 'If you bring me less than that, you are free.' That is not a fixed debt. Had it been a fixed debt, the master would have shared with the creditors of the mukatab when he died or went bankrupt. His claim on the property of the mukatab would join theirs."

Section: Injuries Caused by Mukatabs

Book 39, Number 39.4.6:

Malik said, "The best of what I have heard about a mukatab who injures a man so that blood-money must be paid, is that if the mukatab can pay the blood-money for the injury with his kitaba, he does so, and it is against his kitaba. If he cannot do that, and he cannot pay his kitaba because he must pay the blood-money of that injury before the kitaba, and he cannot pay the blood-money of that injury, then his master has an option. If he prefers to pay the blood-money of that injury, he does so and keeps his slave and he becomes an owned slave. If he wishes to surrender the slave to the injured, he surrenders him. The master does not have to do more than surrender his slave."

Malik spoke about people who were in a general kitaba and one of them caused an injury which entailed blood-money. He said, "If any of them does an injury involving blood-money, he and those who are with him in the kitaba are asked to pay all the blood-money of that injury. If they pay, they are confirmed in their kitaba. If they do not pay, and they are incapable then their master has an option. If he wishes, he can pay all the blood-money of that injury and all the slaves revert to him. If he wishes, he can surrender the one who did the injury alone and all the others revert to being his slaves since they could not pay the blood-money of the injury which their companion caused."

Malik said, "The way of doing things about which there is no dispute among us, is that when a mukatab is injured in some way which entails blood-money or one of the mukatab's children who is written with him in the kitaba is injured, their blood-money is the blood-money of slaves of their value, and what is appointed to them as their blood-money is paid to the master who has the kitaba and he reckons that for

the mukatab at the end of his kitaba and there is a reduction for the blood-money that the master has taken for the injury."

Malik said, "The explanation of that is say, for example, he has written his kitaba for three thousand dirhams and the blood-money taken by the master for his injury is one thousand dirhams. When the mukatab has paid his master two thousand dirhams he is free. If what remains of his kitaba is one thousand dirhams and the blood-money for his injury is one thousand dirhams, he is free straightaway. If the blood-money of the injury is more than what remains of the kitaba, the master of the mukatab takes what remains of his kitaba and frees him. What remains after the payment of the kitaba belongs to the mukatab. One must not pay the mukatab any of the blood-money of his injury in case he might consume it and use it up. If he could not pay his kitaba completely he would then return to his master one eyed, with a hand cut off, or crippled in body. His master only wrote his kitaba against his property and earnings, and he did not write his kitaba so that he would take the blood-money for what happened to his child or to himself and use it up and consume it. One pays the blood-money of injuries to a mukatab and his children who are born in his kitaba, or their kitaba is written, to the master and he takes it into account for him at the end of his kitaba."

Section: Selling Mukatabs

Book 39, Number 39.5.7:

Malik said, "The best of what is said about a man who buys the mukatab of a man is that if the man wrote the slave's kitaba for dinars or dirhams, he does not sell him unless it is for merchandise which is paid immediately and not deferred, because if it is deferred, it would be a debt for a debt. A debt for a debt is forbidden."

He said, "If the master gives a mukatab his kitaba for certain merchandise of camels, cattle, sheep, or slaves, it is more correct that the buyer buy him for gold, silver, or different goods than the ones his master wrote the kitaba for, and that must be paid immediately, not deferred."

Malik said, "The best of what I have heard about a mukatab when he is sold is that he is more entitled to buy his kitaba than the one who buys him if he can pay his master the price for which he was sold in cash. That is because his buying himself is his freedom, and freedom has priority over what bequests accompany it. If one of those who have written the kitaba for the mukatab sells his portion of him, so that a half, a third, a fourth, or whatever share of the mukatab is sold, the mukatab does not have the right of pre-emption in what is sold of him. That is because it is like the severance of a partner, and a partner can only make a settlement for a partner of the one who is mukatab with the permission of his partners because what is sold of him does not give him complete rights as a free man and his property is barred from him, and by buying part of himself, it is feared that he will become incapable of completing payment because of what he had to spend. That is not like the mukatab buying himself completely unless whoever has some of the kitaba remaining due to him gives him permission. If they give him permission, he is more entitled to what is sold of him."

Malik said, "Selling one of the instalments of a mukatab is not halal. That is because it is an uncertain transaction. If the mukatab cannot pay it, what he owes is nullified. If he dies or goes bankrupt and he owes debts to people, then the person who bought his instalment does not take any of his portion with the creditors. The person who buys one of the instalments of the mukatab is in the position of the master of the mukatab. The master of the mukatab does not have a share with the creditors of the mukatab for what he is owed of the kitaba of his slave. It is also like that with the kharaj, (a set amount deducted daily from the slave against his earnings), which accumulates for a master from the earnings of his slave. The creditors of his slave do not allow him a share for what has accumulated for him from those deductions."

Malik said, "There is no harm in a mukatab paying off his kitaba with coin or merchandise other than the merchandise for which he wrote his kitaba if it is identical with it, on time (for the instalment) or delayed."

Malik said that if a mukatab died and left an umm walad and small children by her or by someone else and they could not work and it was feared that they would be unable to fulfil their kitaba, the umm walad of the father was sold if her price would pay all the kitaba for them, whether or not she was their mother. They were paid for and set free because their father did not forbid her sale if he feared that he would be unable to complete his kitaba. If her price would not pay for them and neither she nor they could work, they all reverted to being slaves of the master.

Malik said, "What is done among us in the case of a person who buys the kitaba of a mukatab, and then the mukatab dies before he has paid his kitaba, is that the person who bought the kitaba inherits from him. If, rather than dying, the mukatab cannot pay, the buyer has his person. If the mukatab pays his kitaba to the person who bought him and he is freed, his wala' goes to the person who wrote the kitaba and the person who bought his kitaba does not have any of it."

Section: The Labour of Mukatabs

Book 39, Number 39.6.8:

Malik related to me that he heard that Urwa ibn az-Zubayr and Sulayman ibn Yasar when asked whether the sons of a man, who had a kitaba written for himself and his children and then died, worked for the kitaba of their father or were slaves, said, "They work for the kitaba of their father and they have no reduction at all for the death of their father."

Malik said, "If they are small and unable to work, one does not wait for them to grow up and they are slaves of their father's master unless the mukatab has left what will pay their instalments for them until they can work. If there is enough to pay for them in what he has left, that is paid for on their behalf and they are left in their condition until they can work, and then if they pay, they are free. If they cannot do it, they are slaves."

Malik spoke about a mukatab who died and left property which was not enough to pay his kitaba, and he also left a child with him in his kitaba and an umm walad, and the umm walad wanted to work for them. He said, "The money is paid to her if she is trustworthy with it and strong enough to work. If she is not strong enough to work and not trustworthy with property, she is not given any of it and she and the children of the mukatab revert to being slaves of the master of the mukatab."

Malik said, "If people are written together in one kitaba and there is no kinship between them, and some of them are incapable and others work until they are all set free, those who worked can claim from those who were unable, the portion of what they paid for them because some of them assumed the responsibility for others."

Section: Freeing a Mukatab if he Pays what he Owes before the End of the Term

Book 39, Number 39.7.9:

Malik related to me that he heard Rabia ibn Abi Abd ar-Rahman and others mention that al-Furafisa ibn Umar al-Hanafi had a mukatab who offered to pay him all of his kitaba that he owed. Al-Furafisa refused to accept it and the mukatab went to Marwan ibn al-Hakam who was the amir of Madina and brought up the matter. Marwan summoned al-Furafisa and told him to accept. He refused. Marwan then ordered that the payment be taken from the mukatab and placed in the treasury. He said to the mukatab "Go, you are free." When al-Furafisa saw that, he took the money.

Malik said, "What is done among us when a mukatab pays all the instalments he owes before their term, is that it is permitted to him. The master cannot refuse him that. That is because payment removes every condition from the mukatab as well as service and travel. The setting free of a man is not complete while he has any remaining slavery, and neither would his inviolability as a free man be complete and his testimony permitted and inheritance obliged and such things in that situation. His master must not make any stipulation of service on him after he has been set free."

Malik said that it was permitted for a mukatab who became extremely ill and wanted to pay his master all his instalments because his heirs who were free would then inherit from him and he had no children with him in his kitaba, to do so, because by that he completed his inviolability as a free man, his testimony was permitted, and his admission of what he owed of debts to people was permitted. His bequest was permitted as well. His master could not refuse him that by saying, "He is escaping from me with his property."

Section: The Inheritance of a Mukatab when he is Set Free

Book 39, Number 39.8.10:

Malik related to me that he had heard that Said ibn al-Musayyab was asked about a mukatab who was shared between two men. One of them freed his portion and then the mukatab died and left a lot of money. Said replied, "The one who kept his kitaba is paid what remains due to him, and then they divide what is left between them both equally."

Malik said, "When a mukatab who fulfils his kitaba and becomes free dies, he is inherited from by the people who wrote his kitaba and their children and paternal relations - whoever is most deserving."

He said, "This is also for whoever is set free when he dies after being set free - his inheritance is for the nearest people to him of children or paternal relations who inherit by means of the wala'."

Malik said, "Brothers, written together in the same kitaba, are in the same position as children to each other when none of them have children written in the kitaba or born in the kitaba. When one of them dies and leaves property, he pays for them all that is against them of their kitaba and sets them free. The money left over after that goes to his children rather than his brothers."

Section: Conditions Concerning Mukatabs

Book 39, Number 39.9.11:

Malik spoke to me about a man who wrote a kitaba for his slave for gold or silver and stipulated against him in his kitaba a journey, service, sacrifice or similar, which he specified by its name, and then the mukatab was able to pay all his instalments before the end of the term.

He said, "If he pays all his instalments and he is set free and his inviolability as a free man is complete, but he still has this condition to fulfil, the condition is examined, and whatever involves his person in it, like service or a journey etc., is removed from him and his master has nothing in it. Whatever there is of sacrifice, clothing, or anything that he must pay, that is in the position of dinars and dirhams, and is valued and he pays it along with his instalments, and he is not free until he has paid that along with his instalments."

Malik said, "The generally agreed-on way of doing things among us about which there is no dispute, is that a mukatab is in the same position as a slave whom his master will free after a service of ten years. If the master who will free him dies before ten years, what remains of his service goes to his heirs and his wala' goes to the one who contracted to free him and to his male children or paternal relations."

Malik spoke about a man who stipulated against his mukatab that he could not travel, marry, or leave his land without his permission, and that if he did so without his permission it was in his power to cancel the kitaba. He said, "If the mukatab does any of these things it is not in the man's power to cancel the kitaba. Let the master put that before the Sultan. The mukatab, however, should not marry, travel, or leave the land of his master without his permission, whether or not he stipulates that. That is because the man may write a kitaba for his slave for 100 dinars and the slave may have 1000 dinars or more than that. He goes off and marries a woman and pays her bride-price which sweeps away his money and then he cannot pay. He reverts to his master as a slave who has no property. Or else he may travel and his instalments fall due while he is away. He cannot do that and kitaba is not to be based on that. That is in the hand of his master. If he wishes, he gives him permission in that. If he wishes, he refuses it."

Section: The Wala' of the Mukatab when he is Set Free

Book 39, Number 39.10.12:

Malik said, "When a mukatab sets his own slaves free, it is only permitted for a mukatab to set his own slaves free with the consent of his master. If his master gives his consent and the mukatab sets his slave free, his wala' goes to the mukatab. If the mukatab then dies before he has been set free himself, the wala' of the freed slave goes to the master of the mukatab. If the freed one dies before the mukatab has been set free, the master of the mukatab inherits from him."

Malik said, "It is like that also when a mukatab gives his slave a kitaba and his mukatab is set free before he is himself. The wala' goes to the master of the mukatab as long as he is not free. If this one who wrote the kitaba is set free, then the wala' of his mukatab who was freed before him reverts to him. If the first mukatab dies before he pays, or he cannot pay his kitaba and he has free children, they do not inherit the wala' of their father's mukatab because the wala' has not been established for their father and he does not have the wala' until he is free."

Malik spoke about a mukatab who was shared between two men and one of them forewent what the mukatab owed him and the other insisted on his due. Then the mukatab died and left property.

Malik said, "The one who did not abandon any of what he was owed, is paid in full. Then the property is divided between them both just as if a slave had died because what the first one did was not setting him free. He only abandoned a debt that was owed to him."

Malik said, "One clarification of that is that when a man dies and leaves a mukatab and he also leaves male and female children and one of the children frees his portion of the mukatab, that does not establish any of the wala' for him. Had it been a true setting free, the wala' would have been established for whichever men and women freed him."

Malik said, "Another clarification of that is that if one of them freed his portion and then the mukatab could not pay, the value of what was left of the mukatab would be altered because of the one who freed his portion. Had it been a true setting-free, his estimated value would have been taken from the property of the one who set free until he had been set completely free as the Messenger of Allah, may Allah bless him and grant him peace, said, 'Whoever frees his share in a slave and has money to cover the full price of the slave, justly evaluated for him, gives his partners their shares. If not, he frees of him what he frees.' " (See Book 37 hadith 1).

He said, "Another clarification of that is that part of the sunna of the muslims in which there is no dispute, is that whoever frees his share of a mukatab, the mukatab is not set fully free using his property. Had he been truly set free, the wala' would have been his alone rather than his partners. Part of what will clarify that also is that part of the sunna of the muslims is that the wala' belongs to whoever writes the contract of kitaba. The women who inherit from the master of the mukatab do not have any of the wala' of the mukatab. If they free any of their share, the wala' belongs to the male children of the master of the mukatab or his male paternal relations."

Section: What is Not Permitted in Freeing a Mukatab

Book 39, Number 39.11.13:

Malik said, "If people are together in one kitaba, their master cannot free one of them without consulting his companions who are with him in the kitaba and obtaining their consent. If they are young, however, their consultation means nothing and it is not permitted to them. That is because a man might work for all the people and he might pay their kitaba for them to complete their freedom. Their master approaches the one who will pay for them and their rescue from slavery is through him. He frees him and so makes those who remain unable to pay. He does it intending benefit and increase for himself. It is not permitted for him to do that to those of them who remain. The Messenger of Allah, may Allah bless him and grant him peace, said, 'There must be no harm nor return of harm.' This is the most severe harm."

Malik said about slaves who wrote a kitaba together that it was permitted for their master to free the old and exhausted of them and the young when neither of them could pay anything, and there was no help

nor strength to be had from any of them in their kitaba.

Book 39, Number 39.11.14:

Malik said about a man who had his slave in a kitaba and then the mukatab died and left his umm walad, and there remained for him some of his kitaba to pay and he left what would pay it, "The umm walad is a slave since the mukatab was not freed until he died and he did not leave children that were set free by his paying what remained, so that the umm walad of their father was freed by their being set free."

Malik said about a mukatab who set free a slave of his or gave sadaqa with some of his property and his master did not know that until he had set the mukatab free, "That has been performed by him and the master does not rescind it. If the master of the mukatab knows before he sets the mukatab free, he can reject that and not permit it. If the mukatab is then freed and it becomes in his power to do so, he does not have to free the slave, nor give the sadaqa unless he does it voluntarily from himself."

Section: Bequests involving Mukatabs

Book 39, Number 39.12.15:

Malik said, The best of what I have heard about a mukatab whose master frees him at death, is that the mukatab is valued according to what he would fetch if he were sold. If that value is less than what remains against him of his kitaba, his freedom is taken from the third that the deceased can bequeath. One does not look at the number of dirhams which remain against him in his kitaba. That is because had he been killed, his killer would not be in debt for other than his value on the day he killed him. Had he been injured, the one who injured him would not be liable for other than the blood-money of the injury on the day of his injury. One does not look at how much he has paid of dinars and dirhams of the contract he has written because he is a slave as long as any of his kitaba remains. If what remains in his kitaba is less than his value, only whatever of his kitaba remains owing from him is taken into account in the third of the property of the deceased. That is because the deceased left him what remains of his kitaba and so it becomes a bequest which the deceased made."

Malik said, "The illustration of that is that if the price of the mukatab is one thousand dirhams, and only one hundred dirhams remain of his kitaba, his master leaves him the one hundred dirhams which complete it for him. It is taken into account in the third of his master and by it he becomes free."

Malik said that if a man wrote his slave a kitaba at his death, the value of the slave was estimated. If there was enough to cover the price of the slave in one third of his property, that was permitted for him.

Malik said, "The illustration of that is that the price of the slave is one thousand dinars. His master writes him a kitaba for two hundred dinars at his death. The third of the property of his master is one thousand dinars, so that is permitted for him. It is only a bequest which he makes from one third of his property. If the master has left bequests to people, and there is no surplus in the third after the value of the mukatab, one begins with the mukatab because the kitaba is setting free, and setting free has priority over bequests. When those bequests are paid from the kitaba of the mukatab, they follow it. The heirs of the testator have a choice. If they want to give the people with bequests all their bequests and the kitaba of the mukatab is theirs, they have that. If they refuse and hand over the mukatab and what he owes to the people with bequests they can do that, because the third commences with the mukatab and because all the bequests which he makes are as one."

If the heirs then say, "What our fellow bequeathed was more than one third of his property and he has taken what was not his," Malik said, "His heirs choose. It is said to them, 'Your companion has made the bequests you know about and if you would like to give them to those who are to receive them according to the deceased's bequests, then do so. If not, hand over to the people with bequests one third of the total property of the deceased.'"

Malik continued, "If the heirs surrender the mukatab to the people with bequests, the people with bequests have what he owes of his kitaba. If the mukatab pays what he owes of his kitaba, they take that in their bequests according to their shares. If the mukatab cannot pay, he is a slave of the people with bequests and does not return to the heirs because they gave him up when they made their choice,

and because when he was surrendered to the people with bequests, they were liable. If he died, they would not have anything against the heirs. If the mukatab dies before he pays his kitaba and he leaves property which is more than what he owes, his property goes to the people with bequests. If the mukatab pays what he owes, he is free and his wala' returns to the paternal relations of the one who wrote the kitaba for him."

Malik spoke about a mukatab who owed his master ten thousand dirhams in his kitaba, and when he died he remitted one thousand dirhams from it. He said, "The mukatab is valued and his value is taken into consideration. If his value is one thousand dirhams and the reduction is a tenth of the kitaba, that portion of the slave's price is one hundred dirhams. It is a tenth of the price. A tenth of the kitaba is therefore reduced for him. That is converted to a tenth of the price in cash. That is as if he had had all of what he owed reduced for him. Had he done that, only the value of the slave - one thousand dirhams - would have been taken into account in the third of the property of the deceased. If that which he had remitted is half of the kitaba, half the price is taken into account in the third of the property of the deceased. If it is more or less than that, it is according to this reckoning."

Malik said, "When a man reduces the kitaba of his mukatab by one thousand dirhams at his death from a kitaba of ten thousand dirhams, and he does not stipulate whether it is from the beginning or the end of his kitaba, each instalment is reduced for him by one tenth."

Malik said, "If a man remits one thousand dirhams from his mukatab at his death from the beginning or end of his kitaba, and the original basis of the kitaba is three thousand dirhams, the mukatab's cash value is estimated. Then that value is divided. That thousand which is from the beginning of the kitaba is converted into its portion of the price according to its proximity to the term and its precedence and then the thousand which follows the first thousand is according to its precedence also until it comes to its end, and every thousand is paid according to its place in advancing and deferring the term because what is deferred of that is less in respect of its price. Then it is placed in the third of the deceased according to whatever of the price befalls that thousand according to the difference in preference of that, whether it is more or less, then it is according to this reckoning."

Malik spoke about a man who willed a man a fourth of a mukatab or freed a fourth, and then the man died and the mukatab died and left a lot of property, more than he owed. He said, "The heirs of the first master and the one who was willed a fourth of the mukatab are given what they are still owed by the mukatab. Then they divide what is left over, and the one willed a fourth has a third of what is left after the kitaba is paid. The heirs of his master gets two-thirds. That is because the mukatab is a slave as long as any of his kitaba remains to be paid. He is inherited from by the possession of his person."

Malik said about a mukatab whose master freed him at death, "If the third of the deceased will not cover him, he is freed from it according to what the third will cover and his kitaba is decreased according to that. If the mukatab owed five thousand dirhams and his value is two thousand dirhams cash, and the third of the deceased is one thousand dirhams, half of him is freed and half of the kitaba has been reduced for him." Malik said about a man who said in his will, "My slave so-and-so is free and write a kitaba for so-and-so", that the setting free had priority over the kitaba.

Hudud

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Section: Judgement on the Mudabbar

Book 40, Number 40.1.1:

Yahya related to me that Malik said, "What is done in our community in the case of a man who makes his slave-girl a mudabbara and she gives birth to children after that, and then the slave-girl dies before the one who gave her a tadbir is that her children are in her position. The conditions which were confirmed for her are confirmed for them. The death of their mother does not harm them. If the one who made her mudabbara dies, they are free if their value is less than one third of his total property."

Malik said, "For every mother by birth as opposed to mother by suckling, her children are in her position. If she is free and she gives birth after she is free, her children are free. If she is a mudabbara or mukataba, or freed after a number of years in service, or part of her is free or pledged or she is an umm walad, each of her children are in the same position as their mother. They are set free when she is set free and they are slaves when she is a slave."

Malik said about the mudabbara given a tadbir while she was pregnant, "Her children are in her position. That is also the position of a man who frees his slave-girl while she is pregnant and does not know that she is pregnant."

Malik said, "The sunna about such women is that their children follow them and are set free by their being set free."

Malik said, "It is the same as if a man had bought a slave-girl while she was pregnant. The slave-girl and what is in her womb belong to the one who bought her whether or not the buyer stipulates that."

Malik continued, "It is not halal for the seller to make an exception about what is in her womb because that is an uncertain transaction. It reduces her price and he does not know if that will reach him or not. That is as if one sold the foetus in the womb of the mother. That is not halal because it is an uncertain transaction ."

Malik said about the mukatab or mudabbar who bought a slave-girl and had intercourse with her and she became pregnant by him and gives birth, "The children of both of them by a slave-girl are in his position. They are set free when he is set free and they are slaves when he is a slave."

Malik said, "When he is set free, the umm walad is part of his property which is surrendered to him when he is set free."

Section: General Section on Tadbir

Book 40, Number 40.2.2:

Malik spoke about a mudabbar who said to his master, "Free me immediately and I will give fifty dinars

which I will have to pay in instalments." His master said, "Yes. You are free and you must pay fifty dinars, and you will pay me ten dinars every year." The slave was satisfied with this. Then the master dies one, two or three days after that. He said, "The freeing is confirmed and the fifty dinars become a debt against him. His testimony is permitted, his inviolability as a free man is confirmed, as are his inheritance and his liability to the full hudud punishments. The death of his master, however, does not reduce the debt for him at all."

Malik said that if a man who made his slave a mudabbar died and he had some property at hand and some absent property, and in the property at hand there was not enough (in the third he was allowed to bequeath) to cover the value of the mudabbar, the mudabbar was kept there together with this property, and his tax (kharaj) was gathered until the master's absent property was clear. Then if a third of what his master left would cover his value, he was freed with his property and what had gathered of his tax. If there was not enough to cover his value in what his master had left, as much of him was freed as the third would allow, and his property was left in his hands.

Section: Bequests involving Tadbir

Book 40, Number 40.3.3:

Malik said, "The generally agreed-on way of doing things in our community is that any setting-free which a man makes in a bequest that he wills in health or illness can be rescinded by him when he likes and changed when he likes as long as it is not a tadbir. There is no way to rescind a tadbir once he has made it.

"As for every child born to him by a slave-girl who he wills to be set free but he does not make mudabbara, her children are not freed with her when she is freed. That is because her master can change his will when he likes and rescind it when he likes, and being set free is not confirmed for her. She is in the position of a slave-girl whose master says, 'If so-and-so remains with me until I die, she is free.' " (i.e. he does not make a definite contract.)

Malik said, "If she fulfils that, that is hers. If he wishes, before that, he can sell her and her child because he has not entered her child into any condition he has made for her.

"The bequest in setting free is different from the tadbir. The precedent of the sunna makes a distinction between them. Had a bequest been in the position of a tadbir, no testator would be able to change his will and what he mentioned in it of setting free. His property would be tied up and he would not be able to use it."

Malik said about a man who made all his slaves mudabbar while he was well and they were his only property, "If he made some of them mudabbar before the others, one begins with the first until the third of his property is reached. (i.e. their value is matched against the third, and those whose value is covered are free.) If he makes the mall mudabbar in his illness, and says in one statement, 'So-and-so is free. So-and-so is free. So-and-so is free if my death occurs in this illness,' or he makes them all mudabbar in one statement, they are matched against the third and one does not begin with any of them before the others. It is a bequest and they have a third of his property divided between them in shares. Then the third of his property frees each of them according to the extent of his share.

"No single one of them is given preference when that all occurs in his illness."

Malik spoke about a master who made his slave a mudabbar and then he died and the only property he had was the mudabbar slave and the slave had property. He said, "A third of the mudabbar is freed and his property remains in his possession."

Malik said about a mudabbar whose master gave him a kitaba and then the master died and did not leave any property other than him, "A third of him is freed and a third of his kitaba is reduced, and he owes two-thirds."

Malik spoke about a man who freed half of his slave while he was ill and made irrevocable his freeing half of him or all of him, and he had made another slave of his mudabbar before that. He said, "One begins with the slave he made mudabbar before the one he freed while he was ill. That is because the man cannot revoke what he has made mudabbar and cannot follow it with a matter which will rescind it.

When this mudabbar is freed, then what remains of the third goes to the one who had half of him freed so as to complete his setting-free entirely in the third of the property of the deceased. If what is left of the third does not cover that, whatever is covered by what is left of the third is freed after the first mudabbar is freed . "

Section: A Master's Intercourse with His Slave-girl when he has Made her Mudabbara

Book 40, Number 40.4.4:

Malik related to me from Nafi that Abdullah ibn Umar made two of his slave-girls mudabbara, and he had intercourse with them while they were mudabbara.

Book 40, Number 40.4.5:

Malik related to me from Yahya ibn Said that Said ibn al-Musayyab used to say, "When a man makes his slave-girl mudabbara, he can have intercourse with her. He cannot sell her or give her away and her children are in the same position as her."

Section: Selling Mudabbars

Book 40, Number 40.5.6:

Malik said, "The generally agreed on way of doing things in our community about a mudabbar is that the owner cannot sell him or change the position in which he has put him. If a debt overtakes the master, his creditors cannot sell the mudabbar as long as the master is alive. If the master dies and has no debts, the mudabbar is included in the third (of the bequest) because he expected his work from him as long as he lived. He cannot serve him all his life, and then he frees him from his heirs out of the main portion of his property when he dies. If the master of the mudabbar dies and has no property other than him, one third of him is freed, and two thirds of him belong to the heirs. If the master of the mudabbar dies and owes a debt which encompasses the mudabbar, he is sold to meet the debt because he can only be freed in the third (which is allowed for bequest) ."

He said, "If the debt only includes half of the slave, half of him is sold for the debt. Then a third of what remains after the debt is freed. "

Malik said, "It is not permitted to sell a mudabbar and it is not permitted for anyone to buy him unless the mudabbar buys himself from his master. He is permitted to do that. Or else some one gives the master of the mudabbar money and his master who made him a mudabbar frees him. That is also permitted for him."

Malik said, "His wala' belongs to his master who made him a mudabbar."

Malik said, "It is not permitted to sell the service of a mudabbar because it is an uncertain transaction since one does not know how long his master will live. That is uncertain and it is not good."

Malik spoke about a slave who was shared between two men, and one of them made his portion mudabbar. He said, "They estimate his value between them. If the one who made him mudabbar buys him, he is all mudabbar. If he does not buy him, his tadbir is revoked unless the one who retains ownership of him wishes to give his partner who made him mudabbar his value. If he gives him to him for his value, that is binding, and he is all mudabbar."

Malik spoke about the christian man who made a christian slave of his mudabbar and then the slave

became muslim. He said, "One separates the master and the slave, and the slave is removed from his christian master and is not sold until his situation becomes clear. If the christian dies and has a debt, his debt is paid from the price of the slave unless he has in his estate what will pay the debt. Then the mudabbar is set free."

Section: Injuries Caused by Mudabbars

Book 40, Number 40.6.7:

Malik related to me that he heard that Umar ibn Abd al-Aziz gave a judgement about the mudabbar who did an injury. He said, "The master must surrender what he owns of him to the injured person. He is made to serve the injured person and recompense (in the form of service) is taken from him as the blood-money of the injury. If he completes that before his master dies, he reverts to his master."

Malik said, "The generally agreed on way of doing things in our community about a mudabbar who does an injury and then his master dies and the master has no property except him is that the third (allowed to be bequeathed) is freed, and then the blood-money for the injury is divided into thirds. A third of the blood-money is against the third of him which was set free, and two-thirds are against the two-thirds which the heirs have. If they wish, they surrender what they have of him to the party with the injury, and if they wish, they give the injured person two-thirds of the blood-money and keep their portion of the slave. That is because that injury is a criminal action by the slave and it is not a debt against the master by which whatever setting free and tadbir the master had done would be abrogated. If there were a debt to people held against the master of the slave, as well as the criminal action of the slave, part of the mudabbar would be sold in proportion to the blood-money of the injury and according to the debt. Then one would begin with the blood-money which was for the criminal action of the slave and it would be paid from the price of the slave. Then the debt of his master would be paid, and then one would look at what remained after that of the slave. His third would be set free, and two-thirds of him would belong to the heirs. That is because the criminal action of the slave is more important than the debt of his master. That is because, if the man dies and leaves a mudabbar slave whose value is one hundred and fifty dinars, and the slave strikes a free man on the head with a blow that lays open the skull, and the blood-money is fifty dinars, and the master of the slave has a debt of fifty dinars, one begins with the fifty dinars which are the blood-money of the head wound, and it is paid from the price of the slave. Then the debt of the master is paid. Then one looks at what remains of the slave, and a third of him is set free and two-thirds of him remain for the heirs. The blood-money is more pressing against his person than the debt of his master. The debt of his master is more pressing than the tadbir which is a bequest from the third of the property of the deceased. None of the tadbir is permitted while the master of the mudabbar has a debt which is not paid. It is a bequest. That is because Allah, the Blessed, the Exalted, said, 'After any bequest that is made or any debt.' " (Sura 4 ayat 10)

Malik said, "If there is enough in the third property that the deceased can bequeath to free all the mudabbar, he is freed and the blood-money due from his criminal action is held as a debt against him which follows him after he is set free even if that blood-money is the full blood-money. It is not a debt on the master."

Malik spoke about a mudabbar who injured a man and his master surrendered him to the injured party, and then the master died and had a debt and did not leave any property other than the mudabbar, and the heirs said, "We surrender the mudabbar to the party," whilst the creditor said, "My debt exceeds that." Malik said that if the creditor's debt did exceed that at all, he was more entitled to it and it was taken from the one who owed the debt, according to what the creditor was owed in excess of the blood-money of the injury. If his debt did not exceed it at all, he did not take the slave.

Malik spoke about a mudabbar who did an injury and had property, and his master refused to ransom him. He said, "The injured party takes the property of the mudabbar for the blood-money of his injury. If there is enough to pay it, the injured party is paid in full for the blood-money of his injury and the mudabbar is returned to his master. If there is not enough to pay it, he takes it from the blood-money and uses the mudabbar for what remains of the blood-money."

Section: Injuries Caused by the Umm Walad

Book 40, Number 40.7.8:

Malik said in the case of an umm walad who injured someone, "The blood-money of that injury is the responsibility of her master from his property, unless the blood-money of the injury is greater than the value of the umm walad. Her master does not have to pay more than her value. That is because when the master of a slave or slave-girl surrenders his slave or slave-girl for an injury which one of them has done, he does not owe any more than that, even if the blood-money is greater. As the master of the umm walad cannot surrender her because of the precedent of the sunna, when he pays her price, it is as if he had surrendered her. He does not have to pay more than that. This is the best of what I have heard about the matter. The master is not obliged to assume responsibility for more than an umm walad's value because of her criminal action."

The Mudabbar

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Section: Stoning

Book 41, Number 41.1.1:

Malik related to me from Nafi that Abdullah ibn Umar said, "The Jews came to the Messenger of Allah, may Allah bless him and grant him peace, and mentioned to him that a man and woman from among them had committed adultery. The Messenger of Allah, may Allah bless him and grant him peace, asked them, 'What do you find in the Torah about stoning?' They said, 'We make their wrong action known and flog them.' Abdullah ibn Salam said, 'You have lied! It has stoning for it, so bring the Torah.' They spread it out and one of them placed his hand over the ayat of stoning. Then he read what was before it and what was after it. Abdullah ibn Salam told him to lift his hand. He lifted his hand and there was the ayat of stoning. They said, 'He has spoken the truth, Muhammad. The ayat of stoning is in it.' So the Messenger of Allah, may Allah bless him and grant him peace, gave the order and they were stoned . "

Abdullah ibn Umar added, "I saw the man leaning over the woman to protect her from the stones."

Malik commented, "By leaning he meant throwing himself over her so that the stones fell on him."

Book 41, Number 41.1.2:

Malik related to me from Yahya ibn Said from Said ibn al-Musayyab that a man from the Aslam tribe came to Abu Bakr as-Siddiq and said to him, "I have committed adultery." Abu Bakr said to him, "Have you mentioned this to anyone else?" He said, "No." Abu Bakr said to him, "Then cover it up with the veil of Allah. Allah accepts tawba from his slaves." His self was still unsettled, so he went to Umar ibn al-Khattab. He told him the same as he had said to Abu Bakr, and Umar told him the same as Abu Bakr had said to him. His self was still not settled so he went to the Messenger of Allah, may Allah bless him and grant him peace, and said to him, "I have committed adultery," insistently. The Messenger of Allah, may Allah bless him and grant him peace, turned away from him three times. Each time the Messenger of Allah, may Allah bless him and grant him peace, turned away from him until it became too much. The Messenger of Allah, may Allah bless him and grant him peace, questioned his family, "Does he have an illness which affects his mind, or is he mad?" They said, "Messenger of Allah, by Allah, he is well." The Messenger of Allah, may Allah bless him and grant him peace, said, "Unmarried or married?" They said, "Married, Messenger of Allah." The Messenger of Allah, may Allah bless him and grant him peace, gave the order and he was stoned.

Book 41, Number 41.1.3:

Malik related to me from Yahya ibn Said that Said ibn al-Musayyab said, "I have heard that the Messenger of Allah, may Allah bless him and grant him peace, said to a man from the Aslam tribe called Hazzal, 'Hazzal, had you veiled him with your cloak, it would have been better for you.' "

Yahya ibn Said said, "I related this hadith in an assembly among whom was Yazid ibn Nuaym ibn Hazzal al-Aslami. Yazid said, 'Hazzal was my grandfather. This hadith is true.' "

Book 41, Number 41.1.4:

Malik related to me that Ibn Shihab informed him that a man confessed that he had committed adultery in the time of the Messenger of Allah, may Allah bless him and grant him peace, and he testified against himself four times, so the Messenger of Allah, may Allah bless him and grant him peace, gave the order and he was stoned.

Ibn Shihab said, "Because of this a man is to be taken for his own confession against himself."

Book 41, Number 41.1.5:

Malik related to me from Yaqub ibn Zayd ibn Talha from his father Zayd ibn Talha that Abdullah ibn Abi Mulaikha informed him that a woman came to the Messenger of Allah, may Allah bless him and grant him peace, and informed him that she had committed adultery and was pregnant. The Messenger of Allah, may Allah bless him and grant him peace, said to her, "Go away until you give birth." When she had given birth, she came to him. The Messenger of Allah, may Allah bless him and grant him peace, said to her, "Go away until you have suckled and weaned the baby." When she had weaned the baby, she came to him. He said, "Go and entrust the baby to someone." She entrusted the baby to someone and then came to him. He gave the order and she was stoned.

Book 41, Number 41.1.6:

Malik related to me from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud that Abu Hurayra and Zayd ibn Khalid al-Juhani informed him that two men brought a dispute to the Messenger of Allah, may Allah bless him and grant him peace. One of them said, "Messenger of Allah! Judge between us by the Book of Allah!" The other said, and he was the wiser of the two, "Yes, Messenger of Allah. Judge between us by the Book of Allah and give me permission to speak." He said, "Speak." He said, "My son was hired by this person and he committed fornication with his wife. He told me that my son deserved stoning, and I ransomed him for one hundred sheep and a slave-girl. Then I asked the people of knowledge and they told me that my son deserved to be flogged with one hundred lashes and exiled for a year, and they informed me that the woman deserved to be stoned." The Messenger of Allah, may Allah bless him and grant him peace, said, "By him in whose Hand myself is, I will judge between you by the Book of Allah. As for your sheep and slave girl, they should be returned to you. Your son should have one hundred lashes and be exiled for a year." He ordered Unays al-Aslami to go to the wife of the other man and to stone her if she confessed. She confessed and he stoned her.

Book 41, Number 41.1.7:

Malik related to me from Suhayl ibn Abi Salih from his father from Abu Hurayra that Sad ibn Ubada said to the Messenger of Allah, may Allah bless him and grant him peace, "What do you think I should do if I were to find a man with my wife? Should I leave him there until I had brought four witnesses?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes."

Book 41, Number 41.1.8:

Malik related to me from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud that Abdullah ibn Abbas said, "I heard Umar ibn al-Khattab say, 'Stoning is in the Book of Allah for those who commit adultery, men or women when they are muhsan and when there is clear proof of pregnancy or a confession.'"

Book 41, Number 41.1.9:

Malik related to me from Yahya ibn Said from Sulayman ibn Yasar from Abu Waqid al-Laythi that a man came to Umar ibn al-Khattab while he was in ash-Sham. He mentioned to him that he had found a man

with his wife Umar sent Abu Waqid al-Laythi to the wife to question her about that. He came to her while there were women around her and mentioned to her what her husband had mentioned to Umar ibn al-Khattab, and informed her that she would not be punished on his word and began to suggest to her by that, that she should retract. She refused to retract and held firm to confession. Umar gave the order and she was stoned.

Book 41, Number 41.1.10:

Malik related to me that Yahya ibn Said heard Said ibn al-Musayyab say, "When Umar ibn al-Khattab came from Mina, he made his camel kneel at al-Abtah, and then he gathered a pile of small stones and cast his cloak over them and dropped to the ground. Then he raised his hands to the sky and said, 'O Allah! I have become old and my strength has weakened. My flock is scattered. Take me to You with nothing missed out and without having neglected anything.' Then he went to Madina and addressed the people. He said, 'People! Sunan have been laid down for you. Obligations have been placed upon you. You have been left with a clear way unless you lead people astray right and left.' He struck one of his hands on the other and then said, 'Take care lest you destroy the ayat of stoning so that one will say, 'We do not find two hadd in the Book of Allah.' The Messenger of Allah, may Allah bless him and grant him peace, stoned, so we have stoned. By He in Whose Hand my self is, had it not been that people would say that Umar ibn al-Khattab has added to the Book of Allah ta-ala, we would have written it, 'The full-grown man and the full-grown woman, stone them absolutely.' We have certainly recited that.'"

Malik said, "Yahya ibn Said said Said ibn al-Musayyab said, 'Dhu'l-Hijja had not passed before Umar was murdered, may Allah have mercy on him.' "

Yahya said that he had heard Malik say, "As for his words 'The full-grown man and the full-grown woman' he meant, 'The man and the woman who have been married, stone them absolutely.' "

Book 41, Number 41.1.11:

Malik related to me that he had heard that Uthman ibn Affan was brought a woman who had given birth after six months and he ordered her to be stoned. Ali ibn Abi Talib said to him, "She does not deserve that. Allah, the Blessed, the Exalted, says in His Book, 'Their carrying and weaning is thirty months,' (Sura 46 ayat 15) and he said, 'Mothers suckle their children for two full years for whoever wishes to complete the suckling.' (Sura 2 ayat 233) Pregnancy can then be six months, so she does not deserve to be stoned." Uthman ibn Affan sent for her and found that she had already been stoned.

Malik related to me that he asked Ibn Shihab about someone who committed sodomy. Ibn Shihab said, "He is to be stoned, whether or not he is muhsan."

Section: Self-Confession of Fornication

Book 41, Number 41.2.12:

Malik related to me from Zayd ibn Aslam that a man confessed to fornication in the time of the Messenger of Allah, may Allah bless him and grant him peace. The Messenger of Allah, may Allah bless him and grant him peace, called for a whip, and he was brought a broken whip. He said, "Above this," and he was brought a new whip whose knots had not been cut yet. He said, "Below this," and he was brought a whip which had been used and made flexible. The Messenger of Allah, may Allah bless him and grant him peace, gave the order and he was flogged. Then he said, "People! The time has come for you to observe the limits of Allah. Whoever has had any of these ugly things befall him should cover them up with the veil of Allah. Whoever reveals to us his wrong action, we perform what is in the Book of Allah against him."

Book 41, Number 41.2.13:

Malik related to me from Nafi that Safiyya bint Abi Ubayd informed him that a man who had had

intercourse with a virgin slave-girl and made her pregnant was brought to Abu Bakr as-Siddiq. He confessed to fornication, and he was not muhsan. Abu Bakr gave the order and he was flogged with the hadd punishment. Then he was banished to Fadak, (thirty miles from Madina).

Malik spoke about a person who confessed to fornication and then retracted it and said, "I didn't do it. I said that for such-and-such a reason," and he mentioned the reason. Malik said, "That is accepted from him and the hadd is not imposed on him. That is because the hadd is what is for Allah, and it is only applied by one of two means, either by a clear proof which establishes guilt or by a confession which is persisted in so that the hadd is imposed. If someone persists in his confession, the hadd is imposed on him."

Malik said, "I have not seen the people of knowledge exiling slaves who have committed adultery."

Section: The Hadd for Fornication

Book 41, Number 41.3.14:

Malik related to me from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Abu Hurayra and Zayd ibn Khalid al-Juhani that the Messenger of Allah, may Allah bless him and grant him peace, was asked about a slave-girl who committed fornication and was not muhsana. He said, "If she commits fornication, then flog her. If she commits fornication again, then flog her, and if she commits fornication again, then sell her, if only for a rope."

Ibn Shihab added, "I don't know whether it was three or four times."

Book 41, Number 41.3.15:

Malik related to me from Nafi that a slave was in charge of the slaves in the khumus and he forced a slave-girl among those slaves against her will and had intercourse with her. Umar ibn al-Khattab had him flogged and banished him, and he did not flog the slave-girl because the slave had forced her.

Book 41, Number 41.3.16:

Malik related to me from Yahya ibn Said that Sulayman ibn Yasar informed him that Abdullah ibn Abbas ibn Abi Rabia al-Makhzumi said, "Umar ibn al-Khattab gave me orders about the slaves of Quraysh and we flogged some of the slave-girls of the muslim lands fifty times each for fornication."

Section: Rape

Book 41, Number 41.4.16a:

Malik said, "The position with us about a woman who is found to be pregnant and has no husband and she says, 'I was forced,' or she says, 'I was married,' is that it is not accepted from her and the hadd is inflicted on her unless she has a clear proof of what she claims about the marriage or that she was forced or she comes bleeding if she was a virgin or she calls out for help so that someone comes to her and she is in that state or what resembles it of the situation in which the violation occurred." He said, "If she does not produce any of those, the hadd is inflicted on her and what she claims of that is not accepted from her."

Malik said, "A raped woman cannot marry until she has restored herself by three menstrual periods."

He said, "If she doubts her periods, she does not marry until she has freed herself of that doubt."

Drinks

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Section: The Hadd for Drinking Wine

Book 42, Number 42.1.1:

Yahya related to me from Malik from Ibn Shihab that as-Sa'ib ibn Yazid informed him that Umar ibn al-Khattab came out to them. He said, "I have found the smell of wine on so-and-so, and he claimed that it was the drink of boiled fruit juice, and I am inquiring about what he has drunk. If it intoxicates, I will flog him." Umar then flogged him with the complete hadd.

Book 42, Number 42.1.2:

Yahya related to me from Malik from Thawr ibn Zayd ad-Dili that Umar ibn al-Khattab asked advice about a man drinking wine. Ali ibn Abi Talib said to him, "We think that you flog him for it with eighty lashes. Because when he drinks, he becomes intoxicated, and when he becomes intoxicated, he talks confusedly, and when he talks confusedly, he lies." (80 lashes is the same amount as for slandering) Umar gave eighty lashes for drinking wine.

Book 42, Number 42.1.3:

Yahya related to me from Malik from Ibn Shihab that he was asked about the hadd of the slave for wine. He said, "I heard that he has half the hadd of a freeman for drinking wine. Umar ibn al-Khattab, Uthman ibn Affan, and Abdullah ibn Umar flogged their slaves with half of the hadd of a freeman when they drank wine."

Book 42, Number 42.1.4:

Yahya related to me from Malik from Yahya ibn Said that he heard Said ibn al-Musayyab say, "There is nothing that Allah does not like to be pardoned as long as it is not a hadd."

Yahya said that Malik said, "The sunna with us is that the hadd is obliged against anyone who drinks something intoxicating whether or not he becomes drunk."

Section: Containers Forbidden for Preparation of Nabidh

Book 42, Number 42.2.5:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, addressed the people in one of his raids. Abdullah ibn Umar said, "I went towards him, but he finished before I reached him. I asked about what he had said. Someone said to me, 'He forbade preparing nabidh in a gourd or in a jug smeared with pitch.'"

Book 42, Number 42.2.6:

Yahya related to me from Malik from al-Ala ibn Abd ar-Rahman ibn Yaqub from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, forbade preparing nabidh in a gourd or in a jug smeared with pitch.

Section: Mixtures of Fruit Disapproved for Making Nabidh

Book 42, Number 42.3.7:

Yahya related to me from Malik from Zayd ibn

Blood-Money

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Section: Mention of Blood-Money

Book 43, Number 43.1.1:

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from his father that in a letter which the Messenger of Allah, may Allah bless him and grant him peace, sent to Amr ibn Hazm about blood-money he wrote that it was one hundred camels for a life, one hundred camels for a nose if completely removed, a third of the blood-money for a wound in the brain, the same as that for a belly wound, fifty for an eye, fifty for a hand, fifty for a foot, ten camels for each finger, and five for teeth, and five for a head wound which laid bare the bone.

Section: Procedure in Blood-Money

Book 43, Number 43.2.2:

Malik related to me that he had heard that Umar ibn al-Khattab estimated the full blood-money for the people of urban areas. For those who had gold, he made it one thousand dinars. and for those who had silver he made it ten thousand dirhams.

Malik said, "The people of gold are the people of ash-Sham and the people of Egypt. The people of silver are the people of Iraq "

Yahya related to me from Malik that he heard that the blood-money was divided into instalments over three or four years.

Malik said, "Three is the most preferable to me of what I have heard on that."

Malik said, "The generally agreed on way of doing things in our community is that camels are not accepted from the people of cities for blood-money nor is gold or silver accepted from the desert people. Silver is not accepted from the people of gold and gold is not accepted from the people of silver."

Section: The Blood-Money for Murder, When Accepted and the Criminal Act of the Insane

Book 43, Number 43.3.2a:

Yahya related to me from Malik that Ibn Shihab said, "The full blood-money for murder when it is accepted is twenty-five yearlings, twenty-five two-year-olds, twenty-five four-year-olds, and twenty-five five-year-olds."

Book 43, Number 43.3.3:

Yahya related to me from Malik from Yahya ibn Said that Marwan ibn al-Hakam wrote to Muawiya ibn Abi Sufyan that a madman was brought to him who had killed a man. Muawiya wrote to him, "Tie him up and do not inflict any retaliation on him. There is no retaliation against a madman."

Malik said about an adult and a child when they murder a man together, "The adult is killed and the child pays half the full blood-money."

Malik said, "It is like that with a freeman and a slave when they murder a slave. The slave is killed and the freeman pays half of his value."

Section: The Blood-Money for Manslaughter

Book 43, Number 43.4.4:

Yahya related to me from Malik from Ibn Shihab from Irak ibn Malik and Sulayman ibn Yasar that a man of the Banu Sad ibn Layth was running a horse and it trod on the finger of a man from the Juhayna tribe. It bled profusely, and he died. Umar ibn al-Khattab said to those against whom the claim was made. "Do you swear by Allah with fifty oaths that he did not die of it?" They refused and stopped themselves from doing it. He said to the others, "Will you take an oath?" They refused, so Umar ibn al-Khattab gave a judgement that the Banu Sad had to pay half the full blood-money.

Malik said, "One does not act on this."

Yahya related to me from Malik that Ibn Shihab, Sulayman ibn Yasar, and Rabia ibn Abi Abd ar-Rahman said, "The blood-money of manslaughter is twenty yearlings, twenty two-year-olds, twenty male two-year-olds, twenty four-year-olds, and twenty five-year-olds."

Malik said, "The generally agreed on way with us is that there is no retaliation against children. Their intention is accidental. The hudud are not obliged for them if they have not yet reached puberty. If a child kills someone it is only accidentally. Had a child and an adult killed a free man accidentally, each of them pays half the full blood-money."

Malik said, "A person who kills someone accidentally pays blood-money with his property and there is no retaliation against him. That money is like anything else from the dead man's property and his debt is paid with it and he is allowed to make a bequest from it. If he has a total property of which the blood-money is a third and then the blood-money is relinquished, that is permitted to him. If all the property he has is his blood-money, he is permitted to relinquish a third of it and to make that a bequest."

Section: The Blood-Money for Accidental Injury

Book 43, Number 43.5.4a:

Malik related to me that the generally agreed on way of doing things amongst the community about an accident is that there is no blood-money until the victim is better. If a man's bone, either a hand, or a foot, or another part of his body, is broken accidentally and it heals and becomes sound and returns to its form, there is no blood-money for it. If the limb is impaired or there is a scar on it, there is blood-money for it according to the extent that it is impaired.

Malik said, "If that part of the body has a specific blood-money mentioned by the Prophet, may Allah bless him and grant him peace, it is according to what the Prophet, may Allah bless him and grant him peace, specified. If it is part of what does not have a specific blood-money for it mentioned by the

Prophet, may Allah bless him and grant him peace, and if there is no previous sunna about it or specific blood-money, one uses ijtiḥad about it."

Malik said, "There is no blood-money for an accidental bodily injury when the wound heals and returns to its form. If there is any scar or mark in that, ijtiḥad is used about it except for the belly-wound. There is a third of the blood-money of a life for it. "

Malik said, "There is no blood-money for the wound which splinters a bone in the body, and it is like the wound to the body which lays bare the bone."

Malik said, "The generally agreed on way of doing things in our community is that when the doctor performs a circumcision and cuts off the glans, he must pay the full blood-money. That is because it is an accident which the tribe is responsible for, and the full blood money is payable for all that in which a doctor errs or exceeds, when it is not intentional."

Section: The Blood-Money of Women

Book 43, Number 43.6.4b:

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyab said, "The blood-money for a woman is the same as for a man up to one third of the blood-money. Her finger is like his finger, her tooth is like his tooth, her injury which lays bare the bone is like his, and her head wound which splinters the bone is like his."

Yahya related to me from Malik that Ibn Shihab and also Urwa ibn az-Zubayr said the same as Said ibn al-Musayyab said about a woman. Her blood-money from a man is the same up to a third of the blood-money of a man. If what she is owed exceeds a third of the blood-money of the man, she is given up to half of the blood-money of a man.

Malik said, "The explanation of that is that she has blood-money for a head wound that lays bare the bone and one that splinters the bone and for what is less than the brain wound and the belly wound and the like of that of those which obliges a third of the blood-money or more. If the amount owed her exceeds that, her blood-money in that is half of the blood-money of a man."

Yahya related to me from Malik that he heard Ibn Shihab say, "The precedent of the sunna when a man injures a woman is that he must pay the blood-money for that injury and there is no retaliation against him."

Malik said, "That is an accidental injury, when a man strikes a woman and hits with a blow what he did not intend, for instance, if he struck her with a whip and cut her eye open and the like of that."

Malik said about a woman who has a husband and children who are not from her paternal relatives or her people, that since he is from another tribe, there is no blood-money against her husband for her criminal action, nor any against her children if they are not from her people, nor any against her maternal brothers when they are not from her paternal relations or her people. These are entitled to her inheritance but only the paternal relations have paid blood-money from since the time of the Messenger of Allah, may Allah bless him and grant him peace. Until today it is like that with the mawla of a woman. The inheritance they leave goes to the children of the woman even if they are not from her tribe, but the blood-money of the criminal act of the mawla is only against her tribe."

Section: The Blood-Money for the Foetus

Book 43, Number 43.7.5:

Yahya related to me from Malik from Ibn Shihab from Abu Salama ibn Abd ar-Rahman ibn Awf from Abu Hurayra that a woman from the Hudhayl tribe threw a stone at a woman from the same tribe, and she

had a miscarriage. The Messenger of Allah, may Allah bless him and grant him peace, gave a judgement that a slave or slave-girl of fair complexion and excellence should be given to her.

Book 43, Number 43.7.6:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab that the Messenger of Allah, may Allah bless him and grant him peace, gave a judgement that the compensation for a foetus killed in its mother's womb was a slave or slave-girl of fair complexion and excellence. The one against whom the judgement was given said, "Why should I pay damages for that which did not drink or eat or speak or make any cry. The like of that is nothing." The Messenger of Allah, may Allah bless him and grant him peace, said, "This is only one of the brothers of the diviners." He disapproved of the rhyming speech of the man's declaration.

Yahya related to me from Malik that Rabia ibn Abi Abd ar-Rahman said, "The slave of fair complexion and excellence is estimated at fifty dinars or six hundred dirhams. The blood-money of a free muslim woman is five hundred dinars or six thousand dirhams."

Malik said, "The blood-money of the foetus of a free woman is a tenth of her blood-money. The tenth is fifty dinars or six hundred dirhams."

Malik said, "I have not heard anyone dispute that there is no slave in compensation for the foetus until it leaves its mother's womb and falls still-born from her womb . "

Malik said, "I heard that if the foetus comes out of its mother's womb alive and then dies, the full blood-money is due for it."

Malik said, "The foetus is not alive unless it cries at birth. If it comes out of its mother's womb and cries out and then dies, the complete blood-money is due for it. We think that the slave-girl's foetus has a tenth of the price of the slave-girl."

Malik said, "When a woman murders a man or woman, and the murderess is pregnant, retaliation is not taken against her until she has given birth. If a woman who is pregnant is killed intentionally or unintentionally, the one who killed her is not obliged to pay anything for her foetus. If she is murdered, then the one who killed her is killed and there is no blood-money for her foetus. If she is killed accidentally, the tribe obliged to pay on behalf of her killer pays her blood-money, and there is no blood-money for the foetus."

Yahya related to me, "Malik was asked about the foetus of the christian or jewish woman which was aborted. He said, 'I think that there is a tenth of the blood-money of the mother for it.' "

Section: Injuries For Which There is Full Blood-Money

Book 43, Number 43.8.6a:

Yahya related to me from Malik from Ibn Shihab that Said ibn al-Musayyab used to say, "The full blood-money is payable for cutting off both lips, but when the lower one only is cut off, two-thirds of the blood-money is due for it."

Yahya related to me from Malik that he asked Ibn Shihab about the one-eyed man who gouged out the eye of a healthy person. Ibn Shihab said, "If the healthy person wants to take retaliation from him, he can have his retaliation. If he prefers, he has blood-money of one thousand dinars, twelve thousand dirhams."

Yahya related to me from Malik that he heard that full blood-money was payable for both of a pair of anything in a man that occurred in pairs, and the tongue had full blood-money. The ears, when their hearing departed, had full blood-money, whether or not they were cut off, and a man's penis had full blood-money and the testicles had full blood-money.

Yahya related to me from Malik that he heard that the breasts of a woman had full blood-money.

Malik said, "The least of that are the eyebrows and a man's breasts."

Malik said, "What is done in our community when a man is injured in his extremities to an extent that obliges payment of more than the amount of his full blood-money, is that it is his right. If his hands, feet, and eyes are all injured, he has three full blood-moneys."

Malik said about the sound eye of a one-eyed man when it is accidentally gouged out, "The full blood-money is payable for it."

Section: The Blood-Money for an Eye whose Sight is Lost

Book 43, Number 43.9.6b:

Yahya related to me from Malik from Yahya ibn Said from Sulayman ibn Yasar that Zayd ibn Thabit used to say, "When the eye remains but the sight is lost, one hundred dinars are payable for it."

Yahya said, "Malik was asked about cutting off the lower lid of the eye and the bone around the eye. He said, 'There is only ijihad in that unless the vision of the eye is impaired. He is entitled to an amount that is compatible to the extent the vision of the eye has been impaired.'"

Yahya said that Malik said, "What is done in our community about removing the bad eye of a one-eyed man when it has already been blinded and still remains there in its place and the paralyzed hand when it is cut off, is that there is only ijihad in that, and there is no prescribed blood-money."

Section: The Blood-Money for Head Wounds

Book 43, Number 43.10.6c:

Yahya related to me from Malik that Yah

The Oath of Qasama

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Beginning With the People Seeking Blood Revenge in the Oath

Book 44, Number 44.1.1:

Yahya related to me from Malik from Abu Layla ibn Abdullah ibn Abd ar-Rahman ibn Sahl from Sahl ibn Abi Hathma that some of the great men of his people informed him that Abdullah ibn Sahl and Muhayyisa went out to Khaybar because extreme poverty had overtaken them. Muhayyisa returned and said that Abdullah ibn Sahl had been killed and thrown in a shallow well or spring. The jews came and he said, "By Allah! You have killed him." They said, "By Allah! We have not killed him!" Then he made for his people and mentioned that to them. Then he, his brother Huwayyisa, who was older than him, and Abd ar-Rahman, set out. Muhayyisa began to speak, as he had been at Khaybar. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "The greater first, the greater first," meaning in age. So Huwayyisa spoke and then Muhayyisa spoke. The Messenger of Allah, may Allah bless him and grant him peace, said, "Either they pay your companion's blood-money or we will declare war against them." The Messenger of Allah, may Allah bless him and grant him peace, wrote that to them and they wrote, "By Allah, we did not kill him!" The Messenger of Allah, may Allah bless him and grant him peace, said to Huwayyisa, Muhayyisa, and Abd ar-Rahman, "Do you swear and claim the blood of your companion?" They said, "No." He said, "Shall the jews swear to you?" They said, "But they are not muslims." The Messenger of Allah, may Allah bless him and grant him peace, gave blood-money from his own property, and sent them one hundred camels to their house.

Sahl added, "A red camel among them kicked me."

Book 44, Number 44.1.2:

Yahya said from Malik from Yahya ibn Said that Bushayr ibn Yasar informed him that Abdullah ibn Sahl al-Ansari and Muhayyisa ibn Masud went out to Khaybar, and they separated on their various businesses and Abdullah ibn Sahl was killed. Muhayyisa, and his brother Huwayyisa and Abd ar-Rahman ibn Sahl went to the Prophet, may Allah bless him and grant him peace, and Abd ar-Rahman began to speak before his brother. The Messenger of Allah, may Allah bless him and grant him peace, said, "The older first, the older first.

Therefore Huwayyisa and then Muhayyisa spoke and mentioned the affair of Abdullah ibn Sahl. The Messenger of Allah, may Allah bless him and grant him peace, said to them, "Do you swear with fifty oaths and claim the blood-money of your companion or the life of the murderer?" They said, "Messenger of Allah, we did not see it and we were not present." The Messenger of Allah, may Allah bless him and grant him peace, said, "Will you acquit the jews for fifty oaths?" They said, "Messenger of Allah, how can we accept the oaths of a people who are kafirun?"

Yahya ibn Said said, "Bushayr ibn Yasar claimed that the Messenger of Allah, may Allah bless him and grant him peace, paid the blood-money from his own property."

Malik said, "The generally agreed on way of doing things in our community and that which I heard from whoever I

Madina

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: The Dua for Madina and Its People

Book 45, Number 45.1.1:

Yahya ibn Yahya related to me from Ishaq ibn Abdullah ibn Abi Talha al-Ansari from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, said, "O Allah! Bless them in their measure, and bless them in their sa and mudd." He meant the people of Madina.

Book 45, Number 45.1.2:

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father that Abu Hurayra said, "When people saw the first fruits of the season, they brought them to the Messenger of Allah, may Allah bless him and grant him peace. The Messenger of Allah, may Allah bless him and grant him peace, took them and said, 'O Allah! Bless us in our fruits. Bless us in our city. Bless us in our sa and bless us in our mudd. O Allah! Ibrahim is Your slave, Your Khalil and Your Prophet. I am Your slave and Your Prophet. He prayed to You for Makka. I pray to You for Madina for the like of what He prayed to You for Makka, and the like of it with it.' Then he called the smallest child he saw and gave him the fruits."

Section: Residing in Madina and Leaving It

Book 45, Number 45.2.3:

Yahya related to me from Malik from Qatan ibn Wahb ibn Umayr ibn al-Ajda that Yuhannas, the mawla of az-Zubayr ibn al-Awwam informed him that he was sitting with Abdullah ibn Umar during the troubles (at the time of al-Hajaj ibn Yusuf) . A female mawla of his came and greeted him. She said, "I want to leave, Abu Abd ar-Rahman. The time is harsh for us." Abdullah ibn Umar said to her, "Sit down, O you with little knowledge, for I have heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'No one will be patient in hunger and hardship in it (Madina) except that I will be a witness or intercede for him on the Day of Rising.' "

Book 45, Number 45.2.4:

Yahya related to me from Malik from Muhammad ibn al-Munkadir from Jabir ibn Abdullah that a Bedouin took an oath of allegiance in Islam with the Messenger of Allah, may Allah bless him and grant him peace. A fever befell the Bedouin at Madina. He came to the Messenger of Allah, and said, "Messenger of Allah, release me from my pledge." The Messenger of Allah, may Allah bless him and grant him peace, refused. Then he came to him again and said, "Release me from my pledge." The Messenger of Allah may Allah bless him and grant him peace, refused. Then he came again and said, "Release me from my pledge." He refused. Then he came again and said, "Release me from my pledge." He refused. The Bedouin left and the Messenger of Allah, may Allah bless him and grant him peace, said, "Madina is like the blacksmith's furnace. It removes the impurities and purifies the good."

Book 45, Number 45.2.5:

Malik related to me that Yahya ibn Said said, "I heard Abu'l-Hubab Said ibn Yasar say that he heard Abu Hurayra say that he heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'I was ordered to a town which will eat up towns. They used to say, 'Yathrib,' but it is Madina. It removes the bad people like the blacksmith's furnace removes impurities from the iron.' "

Book 45, Number 45.2.6:

Malik related to me from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "No one leaves Madina preferring to live elsewhere, but that Allah will give it better than him in place of him ."

Book 45, Number 45.2.7:

Malik related to me from Hisham ibn Urwa from his father from Abdullah ibn az-Zubayr that Sufyan ibn Abi Zuhayr said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Yemen will be conquered and the people will be attracted to it, taking their families and whoever obeys them. Madina would have been better for them, had they but known. Ash-Sham will be conquered and people will be attracted to it, taking their families and whoever obeys them. Madina would have been better for them, had they but known. Iraq will be conquered and people will be attracted to it, taking their families and whoever obeys them. Madina would have been better for them, had they but known.' "

Book 45, Number 45.2.8:

Yahya related to me from Malik from Ibn Hima from his paternal uncle from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Madina will be left in the best way that it is until a dog or wolf enters it and urinates on one of the pillars of the mosque or on the mimbar." They asked, "Messenger of Allah! Who will have the fruit at that time?" He replied, "Animals seeking food, birds and wild beasts."

Book 45, Number 45.2.9:

Malik related to me that he had heard that when Umar ibn Abd al-Aziz left Madina, he turned towards it and wept. Then he said, "O Muzahim! Do you fear that we might be among those that Madina casts off?"

Section: The Making a Haram of Madina

Book 45, Number 45.3.10:

Yahya related to me from Malik from Amr, the mawla of al-Muttalib from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, saw Uhud and said, "This is a mountain which loves us and we love it. O Allah! Ibrahim made Makka Haram, and I will make what is between the two tracts of black stones (in Madina) a Haram."

Book 45, Number 45.3.11:

Malik related to me from Ibn Shihab from Said ibn al-Musayyab that Abu Hurayra said, "Had I seen a

gazelle at Madina, I would have left it to graze and would not have frightened it. The Messenger of Allah, may Allah bless him and grant him peace, said, 'What is between the two tracts of black stones is a Haram.' "

Book 45, Number 45.3.12:

Malik related to me from Yunus ibn Yusuf from Ata ibn Yasar that Abu Ayyub al-Ansari found some boys who had driven a fox into a corner, and he chased them away from it.

Malik said, "I only know that he said, 'Is this done in the Haram of the Messenger of Allah, may Allah bless him and grant him peace?'" "

Book 45, Number 45.3.13:

Yahya related to me from Malik from a man who said, "Zayd ibn Thabit came across me while I was at al-Aswaf (on the outskirts of Madina). I had captured a hawk. He took it from my hands and set it free."

Section: The Epidemic of Madina

Book 45, Number 45.4.14:

Yahya related to me from Malik from Hisham ibn Urwa from his father that A'isha, umm al-muminin said, "When the Messenger of Allah, may Allah bless him and grant him peace, came to Madina, Abu Bakr and Bilal came down with a fever. I visited them and said, 'Father, how are you? Bilal, how are you?'" She continued, "When Abu Bakr's fever worsened he would say, 'Every man is struck down among his people in the morning - death is nearer than the strap of his sandal.'"

When it left Bilal, he raised his voice and said, 'Would that I knew whether I will spend a night at the valley of Makka with the idhkhair herb and jalil herb around me. Will I go one day to the waters of Majinna? Will the mountains of Shama and Tafil appear to me?' "

A'isha continued, "I went to the Messenger of Allah, may Allah bless him and grant him peace, and informed him. He said, 'O Allah! Make us love Madina as much as we love Makka or even more. Make it sound and bless us in our sa and mudd. Remove its fever and put it in al-Juhfa.' "

Book 45, Number 45.4.15:

Malik said that Yahya ibn Said had related to him that A'isha said that Amir ibn Fuhayra had said at the time of the epidemic, "I have seen death before tasting it, the coward's destination is from above him."

Book 45, Number 45.4.16:

Yahya related to me from Malik from Nuaym ibn Abdullah al-Mujmir that Abu Hurayra said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'There are angels at the entries of Madina, and neither plague nor the Dajjal will enter it.' "

Section: The Expulsion of the Jews from Madina

Book 45, Number 45.5.17:

Yahya related to me from Malik from Ismail ibn Abi Hakim that he heard Umar ibn Abd al-Aziz say, "One of the last things that the Messenger of Allah, may Allah bless him and grant him peace, said was, 'May Allah fight the jews and the christians. They took the graves of their Prophets as places of prostration . Two deens shall not co-exist in the land of the Arabs.' "

Book 45, Number 45.5.18:

Yahya related to me from Malik from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, said, "Two deens shall not co-exist in the Arabian Peninsula."

Malik said that Ibn Shihab said, "Umar ibn al-Khattab searched for information about that until he was absolutely convinced that the Messenger of Allah, may Allah bless him and grant him peace, had said, 'Two deens shall not co-exist in the Arabian Peninsula,' and he therefore expelled the jews from Khaybar."

Book 45, Number 45.5.19:

Malik said, "Umar ibn al-Khattab expelled the jews from Najran (a jewish settlement in the Yemen) and Fadak (a jewish settlement thirty miles from Madina). When the jews of Khaybar left, they did not take any fruit or land. The jews of Fadak took half the fruit and half the land, because the Messenger of Allah, may Allah bless him and grant him peace, had made a settlement with them for that. So Umar entrusted to them the value in gold, silver, camels, ropes and saddle bags of half the fruit and half the land, and handed the value over to them and expelled them."

Section: Concerning Madina

Book 45, Number 45.6.20:

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, came in view of Uhud and said, "This is a mountain which loves us and we love it."

Book 45, Number 45.6.21:

Yahya related to me from Malik from Yahya ibn Said from Abd ar-Rahman ibn al-Qasim that Aslam, the mawla of Umar ibn al-Khattab informed him that he had visited Abdullah ibn Ayyash al-Makhzumi. He saw that he had some nabidh with him and he was at that moment on the way to Makka. Aslam said to him, "Umar ibn al-Khattab loves this drink." Abdullah ibn Ayyash therefore carried a great drinking bowl and brought it to Umar ibn al-Khattab and placed it before him. Umar brought it near to him and then raised his head. Umar said, "This drink is good," so he drank some of it and then passed it to a man on his right. When Abdullah turned to go, Umar ibn al-Khattab called him and asked, "Are you the person who says that Makka is better than Madina?" Abdullah said, "I said that it was the Haram of Allah, and His place of security, and His House was in it." Umar said, "I am not saying anything about the House of Allah or His Haram." Then Umar repeated "Are you the person who says that Makka is better than Madina?" He replied, "I said that it was the Haram of Allah and His place of security, and His House was in it." Umar said, "I am not saying anything about the House of Allah and His Haram." Then Abdullah left.

Section: About the Plague

Book 45, Number 45.7.22:

Yahya related to me from Malik from Ibn Shihab from Abd al-Hamid ibn Abd ar-Rahman ibn Zayd ibn al-Khattab from Abdullah ibn Abdullah ibn al-Harith ibn Nawfal from Abdullah ibn Abbas that Umar ibn al-Khattab set out for ash Sham and when he was at Sargh, near Tabuk, the commanders of the army, Abu Ubayda ibn al-Jarrah and his companions, met him and told him that the plague had broken out in ash-Sham. Ibn Abbas said, "Umar ibn al-Khattab said, 'all the first Muhajir unto me.' He assembled them and asked them for advice, informing them that the plague had broken out in ash Sham. They disagreed. Some said, 'You have set out for something, and we do not think that you should leave it.' Others said, 'You have the companions of the Prophet, may Allah bless him and grant him peace, and the rest of the people with you, and we do not think that you should send them towards this plague.' Umar said, 'Leave me.'

Then he said, 'Summon the Ansar to me.' They were summoned and he asked them for advice. They acted as the Muhajirun had and disagreed as they had disagreed. He said, 'Leave me.' "Then he said, 'Summon to me whoever is here of the aged men of Quraysh from the Muhajirun of the conquest.' He summoned them and not one of them differed. They said, 'We think that you should withdraw the people and not send them towards the plague.' Umar called out to the people, 'I am leaving by camel in the morning,' so they set out. Abu Ubayda said, 'Is it flight from the decree of Allah?' Umar said, 'Better that someone other than you had said it, Abu Ubayda. Yes. We flee from the decree of Allah to the decree of Allah. What would you think if these camels had gone down into a valley which had two slopes, one of them fertile, and the other barren. If you pastured in the fertile part, wouldn't you pasture them by the decree of Allah? If you pastured them in the barren part, wouldn't you pasture them by the decree of Allah?'

"Abd ar-Rahman ibn Awf arrived and he had been off doing something and he said, 'I have some knowledge of this. I heard the Messenger of Allah, may Allah bless him and grant him peace, say, "If you hear about it in a land, do not go forward to it. If it comes upon a land and you are in it, then do not depart in flight from it." ' Umar praised Allah and then set off."

Book 45, Number 45.7.23:

Yahya related to me from Malik from Muhammad ibn al-Munkadir and from Salim ibn Abi'n-Nadr, the mawla of Umar ibn Ubaydullah that Amir ibn Sad ibn Abi Waqqas heard his father ask Usama ibn Zayd, "Have you heard anything from the Messenger of Allah, may Allah bless him and grant him peace, about the plague?" Usama said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'The plague is a punishment that was sent down on a party of the Banu Israil or whoever was before them. When you hear of it in a land, do not enter it. If it comes upon a land and you are in it, do not depart in flight from it.' "

Malik said that Abu'n-Nadr said, "That is, do not depart with no other intention but flight."

Book 45, Number 45.7.24:

Yahya related to me from Malik from Ibn Shihab from Abdullah ibn Amir ibn Rabia that Umar ibn al-Khattab went out to ash-Sham. When he came to Sargh, near Tabuk, he heard that the plague had broken out in ash-Sham. Abd ar-Rahman ibn Awf told him that the Messenger of Allah, may Allah bless him and grant him peace, said, "If you hear that a land has a plague in it, do not go forward to it. If it comes upon a land which you are in, do not depart in flight from it." Umar ibn al-Khattab came back from Sargh.

Book 45, Number 45.7.25:

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah that Umar ibn al-Khattab turned people back at Sargh according to the hadith of Abd ar-Rahman ibn Awf.

Book 45, Number 45.7.26:

Yahya related to me that Malik said, "I heard that Umar ibn al-Khattab said, 'A night in Rukba (a valley near Taif,) is more preferable to me than ten nights in ash-Sham.' "

Malik said, "He meant to lengthen and preserve their lives because of the severity of the plague in ash-Sham ."

The Decree

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: The Prohibition against Talking about the Decree

Book 46, Number 46.1.1:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Adam and Musa argued and Adam got the better of Musa. Musa rebuked Adam, 'You are Adam who led people astray and brought them out of the Garden.' Adam said to him, 'You are Musa to whom Allah gave knowledge of everything and whom he chose above people with His message.' He said, 'Yes.' He said, 'Do you then censure me for a matter which was decreed for me before I was created?' "

Book 46, Number 46.1.2:

Yahya related to me from Malik from Zayd ibn Abi Unaysa that Abd al-Hamid ibn Abd ar-Rahman ibn Zayd ibn al-Khattab informed him from Muslim ibn Yasar al-Juhani that Umar ibn al-Khattab was asked about this ayat - "When your Lord took their progeny from the Banu Adam from their backs and made them testify against themselves. 'Am I not your Lord?' They said, 'Yes, we bear witness'

Lest you should say on the Day of Rising, 'We were heedless of that.'" (Sura 7 ayat 172) Umar ibn al-Khattab said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, being asked about it. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Allah, the Blessed, the Exalted, created Adam. Then He stroked his back with His right hand, and progeny issued from it. He said, "I created these for the Garden and they will act with the behaviour of the people of the Garden." Then He stroked his back again and brought forth progeny from him. He said, "I created these for the Fire and they will act with the behaviour of the people of the Fire." 'A man said, 'Messenger of Allah! Then of what value are deeds?' The Messenger of Allah, may Allah bless him and grant him peace, answered, 'When Allah creates a slave for the Garden, he makes him use the behaviour of the people of the Garden, so that he dies on one of the actions of the people of the Garden and by it He brings him into the Garden. When He creates a slave for the Fire, He makes him use the behaviour of the people of the Fire, so that he dies on one of the actions of the people of the Fire, and by it, He brings him into the Fire.' "

Book 46, Number 46.1.3:

Yahya related to me from Malik that he heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "I have left two matters with you. As long as you hold to them, you will not go the wrong way. They are the Book of Allah and the Sunna of His Prophet."

Book 46, Number 46.1.4:

Yahya related to me from Malik from Ziyad ibn Sad from Amr ibn Muslim that Tawus al-Yamani said, "I

found some of the companions of the Messenger of Allah, may Allah bless him and grant him peace, saying 'Everything is by decree.' " Tawus added, "I heard Abdullah ibn Umar say that The Messenger of Allah, may Allah bless him and grant him peace. said, 'Everything is by decree - even incapacity and ability,' (or 'ability and incapacity')."

Book 46, Number 46.1.5:

Malik related to me from Ziyad ibn Sad that Amr ibn Dinar said, "I heard Abdullah ibn az-Zubayr say in a khutba, 'Allah - He is the Guider and the One Who Tempts Away.' "

Book 46, Number 46.1.6:

Yahya related to me from Malik that his paternal uncle, Abu Suhayl ibn Malik said, "I was a prisoner with Umar ibn Abd al-Aziz. He said, 'What do you think about these Qadariyya (fatalists)?' I said, 'My opinion is that one should ask them to turn from wrong action, if they will do so. If not, subject them to the sword.' Umar ibn Abd al-Aziz said, 'That is my opinion.

Malik added, "That is my opinion also."

Section: General Section on the People of the Decree

Book 46, Number 46.2.7:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A woman should not ask for the divorce of her sister to make her plate empty and in order to marry. She has what is decreed for her."

Book 46, Number 46.2.8:

Yahya related to me from Malik from Yazid ibn Ziyad that Muhammad ibn Kab al-Quradhi said, "Muawiya ibn Abi Sufyan said from the mimbar, 'O people! Nothing keeps away what Allah gives and nothing gives what Allah keeps away. The earnestness of the earnest one does not profit him. When Allah desires good for him, he gives him understanding in the deen.' Then Muawiya said, 'I heard these words from the Messenger of Allah, may Allah bless him and grant him peace, on these blocks of wood.' "

Book 46, Number 46.2.9:

Yahya related to me from Malik that he had heard that this was said "Praise be to Allah who created everything as is necessary, who does not hasten anything He defers and determines. Allah is enough for me and sufficient. Allah hears whoever makes dua to him. Allah does not have a goal."

Book 46, Number 46.2.10:

Yahya related to me from Malik that he heard that this was said "No one will die until his provision is completed for him, so behave correctly in your seeking it."

Good Character

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Good Character

Book 47, Number 47.1.1:

Yahya related to me from Malik that Muadh ibn Jabal said, "The last advice the Messenger of Allah, may Allah bless him and grant him peace, gave me when I put my foot in the stirrup was that he said, 'Make your character good for the people, Muadh ibn Jabal!'"

Book 47, Number 47.1.2:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, did not have to choose between two matters, but that he chose the easier of them as long as it was not a wrong action. If it was a wrong action, he was the furthest of people from it. The Messenger of Allah, may Allah bless him and grant him peace, did not take revenge for himself unless the limits of Allah were violated. Then he took revenge for it for Allah."

Book 47, Number 47.1.3:

Yahya related to me from Malik from Ibn Shihab from Ali ibn Husayn ibn Ali ibn Abi Talib that the Messenger of Allah, may Allah bless him and grant him peace, said, "Part of the excellence of a man's Islam is that he leaves what does not concern him."

Book 47, Number 47.1.4:

Yahya related to me from Malik that he had heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, said, "A man asked permission to come in to see the Messenger of Allah, may Allah bless him and grant him peace. I was with him in the house and the Messenger of Allah, may Allah bless him and grant him peace, said, 'He is an evil member of his tribe.' Then the Messenger of Allah, may Allah bless him and grant him peace, gave him permission."

A'isha continued, "It was not long before I heard the Messenger of Allah, may Allah bless him and grant him peace, laughing with him. When the man left, I said, 'Messenger of Allah, you said what you said about him, and then before long you were laughing with him.' The Messenger of Allah, may Allah bless him and grant him peace, replied, 'Among the most evil of people is the one whom people are cautious with because of his evil.'"

Book 47, Number 47.1.5:

Yahya related to me from Malik from his paternal uncle, Abu Suhayl ibn Malik from his father that Kab al-

Ahbar said, "If you want to know what a slave has with his Lord, then look at whatever good praise follows him."

Book 47, Number 47.1.6:

Yahya related to me from Malik that Yahya ibn Said said, "I have heard that by his good character a man can reach the degree of the one who stands in prayer at night and the one who is thirsty from fasting in the heat of the day."

Book 47, Number 47.1.7:

Yahya related to me from Malik that Yahya ibn Said said that he heard Said ibn al-Musayyab say, "Shall I tell you what is better than much prayer and sadaqa?" They said, "Yes." He said, "Mending discord. And beware of hatred - it strips you (of your deen)."

Book 47, Number 47.1.8:

Yahya related to me from Malik that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "I was sent to perfect good character."

Section: Modesty

Book 47, Number 47.2.9:

Yahya related to me from Malik from Salama ibn Safwan ibn Salama az-Zuraqi that Zayd ibn Talha ibn Rukana, who attributed it to the Prophet, may Allah bless him and grant him peace, said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Every deen has an innate character. The character of Islam is modesty.'"

Book 47, Number 47.2.10:

Yahya related to me from Malik from Ibn Shihab from Salim ibn Abdullah from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, passed by a man who was chiding his brother about modesty. The Messenger of Allah, may Allah bless him and grant him peace, said, "Leave him. Modesty is part of iman."

Section: Anger

Book 47, Number 47.3.11:

Malik related to me from Ibn Shihab from Humayd ibn Abd ar-Rahman ibn Awf that a man came to the Messenger of Allah, may Allah bless him and grant him peace, and said, "Messenger of Allah, teach me some words which I can live by. Do not make them too much for me, lest I forget." The Messenger of Allah, may Allah bless him and grant him peace, said, "Do not be angry."

Book 47, Number 47.3.12:

Yahya related to me from Malik from Ibn Shihab from Said ibn al-Musayyab from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A strong person is not the person who throws his adversaries to the ground. A strong person is the person who contains himself when he is angry."

Section: Shunning People

Book 47, Number 47.4.13:

Yahya related to me from Malik from Ibn Shihab from Ata ibn Yazid al-Laythi from Abu Ayyub al-Ansari that the Messenger of Allah, may Allah bless him and grant him peace, said, "It is not halal for a muslim to shun his brother for more than three nights, that is they meet, and this one turns away and that one turns away. The better of the two is the one who says the greeting first."

Book 47, Number 47.4.14:

Yahya related to me from Malik from Ibn Shihab from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not be angry with each other and do not envy each other and do not turn away from each other, and be slaves of Allah, brothers. It is not halal for a muslim to shun his brother for more than three nights."

Book 47, Number 47.4.15:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Beware of suspicion. Suspicion is the most untrue speech. Do not spy and do not eavesdrop. Do not compete with each other and do not envy each other and do not hate each other and do not shun each other. Be slaves of Allah, brothers."

Book 47, Number 47.4.16:

Yahya related to me from Malik from Ata ibn Abi Muslim that Abdullah al-Khurasani said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Shake hands and rancour will disappear. Give presents to each other and love each other and enmity will disappear.' "

Book 47, Number 47.4.17:

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The doors of the Garden are opened on Monday and Thursday. Every muslim slave who does not associate anything with Allah is forgiven except for the man who has enmity between him and his brother. It is said, 'Leave these two until they have made a reconciliation. Leave these two until they have made a reconciliation.' "

Book 47, Number 47.4.18:

Yahya related to me from Malik from Muslim ibn Abi Maryam from Abu Salih as-Samman that Abu Hurayra said, "The actions of people are presented twice each week, on Monday and Thursday. Every trusting slave is forgiven except for a slave who has enmity between him and his brother. It is said, 'Leave these two until they turn in tawba. Leave these two until they turn in tawba.' "

Dress

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Wearing Clothes for Beautification

Book 48, Number 48.1.1:

Yahya related to me from Malik from Zayd ibn Aslam that Jabir ibn Abdullah al-Ansari said, "We went out with the Messenger of Allah, may Allah bless him and grant him peace, in the raid on the Banu Ammar tribe." Jabir said, "I was resting under a tree when the Messenger of Allah, may Allah bless him and grant him peace, came. I said, 'Messenger of Allah; come to the shade.' So the Messenger of Allah, may Allah bless him and grant him peace, sat down, and I stood up and went to a sack of ours. I looked in it for something and found a small cucumber and broke it. Then I brought it to the Messenger of Allah, may Allah bless him and grant him peace. He said, 'From where did you get this?' I said, 'We brought it from Madina, Messenger of Allah.' "

Jabir continued, "We had a friend of ours with us whom we used to equip to go out to guard our mounts. I gave him what was necessary and then he turned about to go to the mounts and he was wearing two threadbare cloaks of his. The Messenger of Allah, may Allah bless him and grant him peace, looked at him and said, 'Does he have two garments other than these?' I said, 'Yes, Messenger of Allah. He has two garments in the bag.' I gave them to him. He said, 'Let him go and put them on.' I let him go to put them on. As he turned to go, the Messenger of Allah, may Allah bless him and grant him peace, exclaimed, 'May Allah strike his neck. Isn't that better for him?' He said (taking him literally), 'Messenger of Allah, in the way of Allah.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'In the way of Allah.'" Jabir added, "The man was killed in the way of Allah."

Book 48, Number 48.1.2:

Yahya related to me from Malik that he heard that Umar ibn al-Khattab said, "I love to look at a Qur'an reader in white garments."

Book 48, Number 48.1.3:

Yahya related to me from Malik from Ayyub ibn Abi Tamim that Ibn Sirin said, "Umar ibn al-Khattab said, 'Allah has been generous to you, so be generous to yourselves. Let a man wear a combination of his garments.' "

Section: Wearing Dyed Garments and Gold

Book 48, Number 48.2.4:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar wore garments dyed with red earth and dyed with saffron.

Yahya said that he heard Malik say, "I disapprove of youths wearing any gold because I heard that the Messenger of Allah, may Allah bless him and grant him peace, forbade wearing gold rings, and I disapprove of it for males old or young."

Yahya said, "I heard Malik say about men wearing wraps dyed with safflower in their houses and courtyards, 'I do not know that any of that is haram but I prefer other garments than that.' "

Section: Wearing Silk

Book 48, Number 48.3.5:

Malik related to me from Hisham ibn Urwa from his father that A'isha the wife of the Prophet, may Allah bless him and grant him peace, dressed Abdullah ibn az-Zubayr in a shawl of silk which A'isha used to wear.

Section: Clothes Disapproved for Women to Wear

Book 48, Number 48.4.6:

Yahya related to me from Malik from Alqama ibn Abi Alqama that his mother said, "Hafsa bint Abd ar-Rahman visited A'isha, the wife of the Prophet, may Allah bless him and grant him peace, and Hafsa was wearing a long thin head scarf A'isha tore it in two and made a wide one for her."

Book 48, Number 48.4.7:

Yahya related to me from Malik from Muslim ibn Abi Maryam from Abu Salih that Abu Hurayra said, "Women who are naked even though they are wearing clothes, go astray and make others go astray, and they will not enter the Garden and they will not find its scent, and its scent is experienced from as far as the distance travelled in five hundred years."

Book 48, Number 48.4.8:

Yahya related to me from Malik from Yahya ibn Said from Ibn Shihab that the Messenger of Allah, may Allah bless him and grant him peace, stood up in the night and looked at the horizon of the sky. He said, "What treasures has the night opened? What trials have occurred? How many are dressed in this world and will be naked on the Day of Rising. Warn the women in their rooms."

Section: A Man Dragging his Garments

Book 48, Number 48.5.9:

Yahya related to me from Malik from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "A person who drags his garment in arrogance will not be looked at by Allah on the Day of Rising."

Book 48, Number 48.5.10:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "On the Day of Rising, Allah the Blessed, the Exalted, will not look at a person who drags his lower garment in arrogance."

Book 48, Number 48.5.11:

Yahya related to me from Malik from Nafi and Abdullah ibn Dinar and Zayd ibn Aslam that all of them informed him from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "On the Day of Rising, Allah will not look at a person who drags his garment in arrogance."

Book 48, Number 48.5.12:

Yahya related to me from Malik from al Ala ibn Abd ar-Rahman that his father said, "I asked Abu Said al-Khudri about the lower garment. He said that he would inform me with knowledge and that he had heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'The lower garment of the mumín should reach to the middle of his calves. There is no harm in what is between that and the ankles. What is lower than that is in the Fire. What is lower than that is in the Fire. On the Day of Rising, Allah will not look at a person who trails his lower garment in arrogance.' "

Section: A Woman Dragging her Garments

Book 48, Number 48.6.13:

Yahya related to me from Malik from Abu Bakr ibn Nafi from his father Nafi, the mawla of Ibn Umar that Safiyya bint Abi Ubayd informed him that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, said that when the lower garment of women was mentioned to the Messenger of Allah, he said, "She lets it down a handspan." Umm Salama said, "If it leaves her uncovered?" He said, "Then the length of a forearm and let her not increase it."

Section: Wearing Sandals

Book 48, Number 48.7.14:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Do not wear one sandal. Wear both of them or go with both feet bare."

Book 48, Number 48.7.15:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you put on sandals, begin with the right foot. When you take them off, begin with the left foot. The right foot is the first to be put in the sandal and the last to be taken out."

Book 48, Number 48.7.16:

Yahya related to me from Malik from his paternal uncle Abu Suhayl ibn Malik from his father that Kab al-Ahbar said to a man who took off his sandals, "Why have you taken off your sandals? Perhaps you have interpreted this ayat, 'Remove your sandals. You are in the pure valley of Tuwa?' (Sura 20 ayat 12) Do

you know what the sandals of Musa were?"

Malik (the father of Abu Suhayl) said, "I do not know what the man answered." Kab said, "They were made from the skin of a dead donkey."

Section: Ways of Dressing

Book 48, Number 48.8.17:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj that Abu Hurayra said, "The Messenger of Allah, may Allah bless him and grant him peace, forbade two sales. Mulamasa, in which a man is obliged to buy whatever he touches without any choice in the matter, and munabadha, in which two men throw their garment to each other without either seeing the other's garment. He also forbade two ways of dressing. One in which a man sits with his legs drawn up to his chest wrapped in one garment that does not cover his genitals, and the other in which a man wraps a single garment over one arm and shoulder restricting them."

Book 48, Number 48.8.18:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that Umar ibn al-Khattab saw a silk robe at the door of the mosque. He said, "Messenger of Allah, would you buy this robe and wear it on jumua and when envoys come to you?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Only a person who has no portion in the next world wears this." Then the Messenger of Allah, may Allah bless him and grant him peace, was brought some robes of the same material and gave Umar ibn al-Khattab one of the robes. Umar said, "Messenger of Allah, do you clothe me in it when you said what you said about the robe of Utarid?" The Messenger of Allah, may Allah bless him and grant him peace, said, "I did not give it to you to wear." Umar gave it to a brother of his in Makka who was still an idolater.

Book 48, Number 48.8.19:

Yahya related to me from Malik that Ishaq ibn Abdullah ibn Abi Talha said, "Anas ibn Malik said, 'I saw Umar ibn al-Khattab when he was the amir of Madina. Three patches were sewn between his shoulders, one patched over the other.' "

The Evil Eye

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Wudu from the Evil Eye

Book 50, Number 50.1.1:

Yahya related to me from Malik that Muhammad ibn Abi Umama ibn Sahl ibn Hunayf heard his father say, "My father, Sahl ibn Hunayf did a ghusl at al-Kharrar. He removed the jubbah he had on while Amir ibn Rabia was watching, and Sahl was a man with beautiful white skin. Amir said to him, 'I have never seen anything like what I have seen today, not even the skin of a virgin.' Sahl fell ill on the spot, and his condition grew worse. Somebody went to the Messenger of Allah, may Allah bless him and grant him peace, and told him that Sahl was ill, and could not go with him. The Messenger of Allah, may Allah bless him and grant him peace, came to him, and Sahl told him what had happened with Amir. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Why does one of you kill his brother? Why did you not say, "May Allah bless you?" (ta baraka-llah) The evil eye is true. Do wudu from it.' Amir did wudu from it and Sahl went with the Messenger of Allah, may Allah bless him and grant him peace, and there was nothing wrong with him."

Book 50, Number 50.1.2:

Malik related to me from Ibn Shihab that Abu Umama ibn Sahl ibn Hunayf said, "Amir ibn Rabia saw Sahl ibn Hunayf doing a ghusl and said, 'I have not seen the like of what I see today, not even the skin of a maiden who has never been out of doors.' Sahl fell to the ground. The Messenger of Allah, may Allah bless him and grant him peace, was approached and it was said, 'Messenger of Allah, can you do anything about Sahl ibn Hunayf? By Allah, he can not raise his head.' He said, 'Do you suspect anyone of it?' They said, 'We suspect Amir ibn Rabia.' "

He continued, "The Messenger of Allah, may Allah bless him and grant him peace, summoned Amir and was furious with him and said, 'Why does one of you kill his brother? Why did you not say, "May Allah bless you?" Do ghusl for it.' Amir washed his face, hands, elbows, knees, the end of his feet, and inside his lower garment in a vessel. Then he poured it over him, and Sahl went off with the people, and there was nothing wrong with him."

Section: Guarding from the Evil Eye

Book 50, Number 50.2.3:

Yahya related to me from Malik that Humayd ibn Qays al-Makki said, "A man came to the Messenger of Allah, may Allah bless him and grant him peace, with the two sons of Jafar ibn Abi Talib. He said to their nursemaid, 'Why do I see them so thin?' Their nursemaid said, 'Messenger of Allah, the evil eye goes quickly to them. Nothing stops us from asking someone to make talismans (using ayats of Qur'an) for them, except that we do not know what of that would agree with you.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Make talismans for them. Had anything been able to precede the decree, the evil eye would precede it.' "

Book 50, Number 50.2.4:

Yahya related to me from Malik from Yahya ibn Said from Sulayman ibn Yasar that Urwa ibn az-Zubayr told him that the Messenger of Allah, may Allah bless him and grant him peace, entered the house of Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace. There was a child weeping in the house, and they told him that it was from the evil eye. Urwa said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Why do you not find someone to make a talisman to protect it from the evil eye?' "

Section: The Reward of the Invalid

Book 50, Number 50.3.5:

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "When the slave is ill, Allah ta'ala sends two angels to him." He said, "They look at what he says to his visitors. If he praises Allah and lauds Him, when they come to him, they take that up to Allah, the Mighty, the Majestic, and He knows best, and He says, 'If I make my slave die, I will make him enter the Garden. If I heal him, I will replace his flesh with better flesh and his blood with better blood and I will efface his evil actions.' "

Book 50, Number 50.3.6:

Yahya related to me from Malik from Yazid ibn Khusayfa that Urwa ibn az-Zubayr said that he heard A'isha, the wife of the Prophet, may Allah bless him and grant him peace, say, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'When a mumín is afflicted by something, even a thorn, it removes (or effaces) his wrong actions.' " Yazid did not know which of them Urwa said.

Book 50, Number 50.3.7:

Yahya related to me from Malik that Muhammad ibn Abdullah ibn Abi Sasaca said that he heard Abu'l-Hubab Said ibn Yasar say that he had heard Abu Hurayra say, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Allah afflicts the one for whom He desires good.' "

Book 50, Number 50.3.8:

Yahya related to me from Malik from Yahya ibn Said that death came to a man in the time of the Messenger of Allah, may Allah bless him and grant him peace. A man said, "He was fortunate," as he had died without being tried by illness. The Messenger of Allah, may Allah bless him and grant him peace, said, "Alas for you, what will let you know that if Allah had tried him with illness, He would have wiped out his wrong actions."

Section: Seeking Refuge and Talismans in Illness

Book 50, Number 50.4.9:

Yahya related to me from Malik from Yazid ibn Khusayfa that Amr ibn Abdullah ibn Kab as-Salami told him that Nafi ibn Jubayr told him that Uthman ibn Abi al-As came to the Messenger of Allah, may Allah bless him and grant him peace. Uthman said that he had a pain which was enough to kill him. The Messenger of Allah, may Allah bless him and grant him peace, said, "Rub it with your right hand seven times and say, 'I take refuge with the might of Allah and His power from the evil of what I feel.' "

Uthman added, "I said that, and Allah removed what I had. I still command my family and others to say it."

Book 50, Number 50.4.10:

Yahya related to me from Malik from Ibn Shihab from Urwa ibn az-Zubayr from A'isha that the Messenger of Allah, may Allah bless him and grant him peace, when he had a complaint, would recite the last three suras of Qur'an, over himself and blow. She said, "When his pain was great, I would recite it over him and wipe him with his right hand hoping for its blessing."

Book 50, Number 50.4.11:

Yahya related to me from Malik from Yahya ibn Said from Amra bint Abd ar-Rahman that Abu Bakr as-Siddiq visited A'isha while she had a complaint and a Jewish woman was writing a talisman for her. Abu Bakr said, "Write it for her from the Book of Allah."

Section: Treating the Invalid

Book 50, Number 50.5.12:

Yahya related to me from Malik from Zayd ibn Aslam that a man received a wound in the time of the Messenger of Allah, may Allah bless him and grant him peace. The blood clotted in the wound and the man called two men from the Banu Ammar tribe. They looked at it and claimed that the Messenger of Allah, may Allah bless him and grant him peace, said to them, "Which of you is the better doctor?" They said, "Is there any good in medicine, Messenger of Allah?" Zayd claimed that the Messenger of Allah, may Allah bless him and grant him peace, said, "The one who sent down the disease sent down the remedy."

Book 50, Number 50.5.13:

Yahya related to me from Malik that Yahya ibn Said said, "I heard that Sad ibn Zurara cauterized himself because of a pain in the throat accompanied by blood and he died."

Book 50, Number 50.5.14:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar cauterized for the palsy and he had a talisman made for a scorpion sting.

Section: Washing with Water for a Fever

Book 50, Number 50.6.15:

Yahya related to me from Malik from Hisham ibn Urwa from Fatima bint al-Mundhir that whenever a woman who had a fever, was brought to Asma bint Abi Bakr, she made dua for her and took water and poured it inside her collar. She said, "The Messenger of Allah, may Allah bless him and grant him peace, ordered us to cool it with water."

Book 50, Number 50.6.16:

Yahya related to me from Malik from Hisham ibn Urwa from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "Fever is from the vehemence of the heat of Jahannam, so cool it with water."

Malik related to me from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Fever is from the vehemence of the heat of Jahannam, so put it out with water."

Section: Visiting the Invalid and the Evil Omen

Book 50, Number 50.7.17:

Yahya related to me from Malik that he had heard from Jabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, said, "When a man visits an invalid, he plunges into mercy to the extent that when he sits with him, it settles in him," or the like of that.

Book 50, Number 50.7.18:

Yahya related to me from Malik that he had heard from Bukayr ibn Abdullah ibn al-Ashajj from Ibn Atiyya that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is no contagion, no hama and no serpent in a hungry belly. However, the possessor of sick livestock must not stop at the same place as the possessor of healthy livestock, but the possessor of healthy livestock may stop wherever he wishes."

They said, "Messenger of Allah, Why is that?" The Messenger of Allah, may Allah bless him and grant him peace, said, "It is harmful."

Hair

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: The Sunna on Hair

Book 51, Number 51.1.1:

Yahya related to me from Malik from Abu Bakr ibn Nafi from his father Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, ordered the moustache to be trimmed and the beard to be left.

Book 51, Number 51.1.2:

Yahya related to me from Malik from Ibn Shihab that Humay ibn Abd ar-Rahman ibn Awf heard Muawiya ibn Abi Sufyan say from the mimbar in the year that he performed the hajj, holding a lock of hair (i.e. a hairpiece) which he took from one of his guards, "People of Madina! Where are your learned men? I heard the Messenger of Allah, may Allah bless him and grant him peace, forbid the like of this, saying, 'The Banu Israil were destroyed when their women started to use this.' "

Book 51, Number 51.1.3:

Yahya related to me from Malik that Ziyad ibn Sad heard Ibn Shihab say, "The Messenger of Allah, may Allah bless him and grant him peace, let his hair hang down his forehead as Allah willed, and afterwards he parted it."

Malik said, "There is no harm in a man's looking at the hair of his son's wife or the hair of his wife's mother."

Book 51, Number 51.1.4:

Yahya related to me from Malik from Nafi that Abdullah ibn Umar disapproved of castration and said, "The completeness of the created form is in the testicles."

Book 51, Number 51.1.5:

Yahya related to me from Malik that Safwan ibn Sulaym heard that the Prophet, may Allah bless him and grant him peace, said, "I and the one who guards the orphan, whether for himself or for someone else, will be like these two in the Garden, when he has taqwa," indicating his middle and index fingers.

Section: Caring for the Hair

Book 51, Number 51.2.6:

Yahya related to me from Malik from Yahya ibn Said that Abu Qatada al-Ansari said to the Messenger of Allah, may Allah bless him and grant him peace, "I have a lot of hair which comes down to my shoulders, shall I comb it?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes, and honour it." Sometimes Abu Qatada oiled it twice in one day because the Messenger of Allah, may Allah bless him and grant him peace, said to him. "Honour it."

Book 51, Number 51.2.7:

Yahya related to me from Malik from Zayd ibn Aslam that Ata ibn Yasar told him that the Messenger of Allah, may Allah bless him and grant him peace, was in the mosque when a man came in with dishevelled hair and beard. The Messenger of Allah, may Allah bless him and grant him peace, motioned with his hand that he should be sent out to groom his hair and beard. The man did so and then returned. The Messenger of Allah, may Allah bless him and grant him peace, said, "Isn't this better than that one of you should come with his head dishevelled, as if he were a shaytan?"

Section: Dyeing the Hair

Book 51, Number 51.3.8:

Yahya related to me from Malik that Yahya ibn Said said that Muhammad ibn Ibrahim at-Taymi had informed him that Abu Salama ibn Abd ar-Rahman said "Abd ar-Rahman ibn al-Aswad ibn Abdal-Yaghuth used to sit with us and he had a white beard and hair. One day he came to us and he had dyed them red, and the people said to him, 'This is better.' He said, 'A'isha the wife of the Prophet, may Allah bless him and grant him peace, sent her slave girl Nukhayla to me yesterday. She swore that my hair would be dyed and she informed me that Abu Bakr as-Siddiq used to dye his hair.' "

Yahya said that he heard Malik say about dyeing the hair black, 'I have not heard anything certain on that, and other colours than that are preferable to me.'

Yahya said, "Not to dye at all is permitted, Allah willing, and there is no constraint on people concerning it."

Yahya said that he had heard Malik say, "There is no clear indication in this hadith that the Messenger of Allah, may Allah bless him and grant him peace, did not dye his hair. Had the Messenger of Allah, may Allah bless him and grant him peace, dyed his hair, A'isha would have sent a message to that effect to Abd ar-Rahman ibn al-Aswad."

Section: Taking Refuge

Book 51, Number 51.4.9:

Yahya related to me from Malik that Yahya ibn Said said that he had heard that Khalid ibn al-Walid said to the Messenger of Allah, may Allah bless him and grant him peace, "I have nightmares." The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Say, 'I seek refuge with the complete words of Allah from His anger and His punishment and the evil of His slaves, and from the evil suggestions of the shayatin and from their being present (at death).'"

Audhu bi kalimati' llahi't-tammami min ghadabihi wa iqabihi wa sharri ibadihi wa min hamazati' sh-shayatin wa an yadhurun.

Book 51, Number 51.4.10:

Yahya related to me from Malik that Yahya ibn Said said, "When the Messenger of Allah, may Allah bless him and grant him peace, was taken on the Night Journey, he saw an evil jinn seeking him with a torch of fire. Whenever the Messenger of Allah, may Allah bless him and grant him peace, turned, he saw him. Jibril said to him, 'Shall I teach you some words to say? When you say them, his torch will be put out and will fall from him.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Yes, indeed.' Jibril said, 'Say, 'I seek refuge with the Noble Face of Allah and with the complete words of Allah which neither the good person nor the corrupt can exceed, from the evil of what descends from the sky and the evil of what ascends in it, and from the evil of what is created in the earth and the evil of what comes out of it, and from the trials of the night and day, and from the visitations of the night and day, except for one that knocks with good, O Merciful!'" "

Audhu bi wajhi'llahi' l-karim wa bi kalimati'llahi't-tammati. Allati la yujawazu hunna barra wa la fajir, min sharri ma yanzil min as-sama, wa sharri ma yaruju fiha, wa sham ma dhara' fi'l-ard, wa sharri ma yakhruju minha, wa min fitani'l-layli wa'n-nahar, wa min tawariqi'l-layli wa'n-nahar illa tariqan yatrqu bikhayr ya Rahman!

Book 51, Number 51.4.11:

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that a man of the Aslam tribe said, "I did not sleep last night." The Messenger of Allah, may Allah bless him and grant him peace, said to him, "For what reason?" He said, "A scorpion bit me." The Messenger of Allah, may Allah bless him and grant him peace, said, "Had you said in the evening, 'I seek refuge with the complete words of Allah from the evil of what He has created, 'it would not have happened."

Audhu bi kalimati'llahi't-tammati min sharri ma khalaq .

Book 51, Number 51.4.12:

Yahya related to me from Malik from Summayy, the mawla of Abu Bakr from al-Qa'qa ibn Hakim that Kab al-Ahbar said, "Had it not been for some words which I said, the jews would have made me into a donkey." Someone asked him what they were. He said, "I seek refuge with the immense Face of Allah - there is nothing greater than it - and with the complete words of Allah which neither the good person nor the corrupt can exceed and with all the most beautiful names of Allah, what I know of them and what I do not know, from the evil of what He has created and originated and multiplied."

Audhu bi wajhi'llahi l-adheem aladhee laysa shay'un adham minh, wa bi kalimati'llahi't-tammati, alatee la yujawizu hunna barra wa la fajir, wa bi asma'llahi'l-husna kulliha ma alamtu minha wa ma lam alam, min sharri ma khalaqa wa bara'a wa dhara'a.

Section: Those who Love Each Other in Allah

Book 51, Number 51.5.13:

Yahya related to me from Malik from Abdullah ibn Abd ar-Rahman ibn Mamar from Abu'l-Hubab Said ibn Yasar that Abu Hurayra said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'Allah, the Blessed, the Exalted, will say on the Day of Rising, "Where are those who loved each other for My majesty? Today I will shade them in My shade on the day when there is no shade except My shade." "

Book 51, Number 51.5.14:

Yahya related to me from Malik from Khubayb ibn Abd ar-Rahman al-Ansari from Hafs ibn Asim that

either Abu Said al-Khudri or Abu Hurayra said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'There are seven whom Allah will shade in His shade on the day on which there is no shade except His shade: a just imam, a youth who grows up worshipping Allah, a man whose heart is attached to the mosque when he leaves it until he returns to it, two men who love each other in Allah and meet for that and part for that, a man who remembers Allah when he is alone and his eyes overflow with tears, a man who refuses the approaches of a noble, beautiful woman, saying "I fear Allah," and a man who gives sadaqa and conceals it so that his left hand does not know what his right hand gives.' "

Book 51, Number 51.5.15:

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "If Allah loves a slave, he says to Jibril, 'I love so-and-so, so love him,' so Jibril loves him and then calls out to the people of heaven, 'Allah loves so-and-so, so love him,' and the people of heaven love him, and then acceptance is placed in the Earth for him." When Allah is angry with a slave, Malik said, "I consider that he says the like of that about His anger."

Yahya related to me from Malik from Abu Hazim ibn Dinar that Abu Idris al-Khawlani said, "I entered the Damascus mosque and there was a young man with a beautiful mouth and white teeth sitting with some people. When they disagreed about something, they referred it to him and proceeded from his statement. I inquired about him, and it was said, 'This is Muadh ibn Jabal.' The next day I went to the noon-prayer, and I found that he had preceded me to the noon prayer and I found him praying."

Abu Idris continued, "I waited for him until he had finished the prayer. Then I came to him from in front of him and greeted him and said, 'By Allah! I love you for Allah!' He said, 'By Allah?' I said, 'By Allah.' He said, 'By Allah?' I said, 'By Allah.' He said, 'By Allah?' I said, 'By Allah.' "

He continued, "He took me by the upper part of my cloak and pulled me to him and said, 'Rejoice! I heard the Messenger of Allah, may Allah bless him and grant him peace, say, "Allah, the Blessed and Exalted, said, 'My love is obliged for those who love each other in Me, and those who sit with each other in Me, and those who visit each other in Me, and those who give to each other generously in Me.' " ' "

Book 51, Number 51.5.16:

Yahya related to me from Malik that he had heard that Abdullah ibn Abbas said, "Equanimity, gentleness, and good behaviour are one twenty-fifth of prophecy."

Visions

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Visions

Book 52, Number 52.1.1:

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha al-Ansari from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, said, "The good dream of a man who is salih is a forty-sixth part of prophecy."

Yahya related the like of that to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra from the Messenger of Allah, may Allah bless him and grant him peace.

Book 52, Number 52.1.2:

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha from Zufar ibn Sasaca from his father from Abu Hurayra that when the Messenger of Allah, may Allah bless him and grant him peace, left the morning prayer, he would say, "Has any of you had a dream last night? All that will remain of prophecy after me will be the true dream."

Book 52, Number 52.1.3:

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "All that will be left of prophecy after me are the mubashshirat." They said, "What are the mubashshirat, Messenger of Allah?" He said, "The true dream which a man who is salih sees - or which is shown to him - is a forty-sixth part of prophecy."

Book 52, Number 52.1.4:

Yahya related to me from Malik from Yahya ibn Said that Abu Salama ibn Abd ar-Rahman said, "I heard Abu Qatada ibn Ribiy say that he heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'The good dream is from Allah, and the bad dream is from shaytan. When you see what you dislike, spit to your left side three times when you wake up, and seek refuge with Allah from its evil. It will not harm you then, Allah willing.'" Abu Salama said, "I would see dreams which weighed on me more heavily than a mountain. When I heard this hadith, I was not concerned about it."

Book 52, Number 52.1.5:

Yahya related to me from Malik from Hisham ibn Urwa that his father said about this ayat, "You have good news in the life of this world and the next world," (Sura 10 ayat 64), that it was the good dream which the man who was salih saw or which was shown to him.

Section: Games of Dice

Book 52, Number 52.2.6:

Yahya related to me from Malik from Musa ibn Maysara from Said ibn Abi Hind from Abu Musa al-Ashari that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever plays games of dice has disobeyed Allah and His Messenger. "

Yahya related to me from Malik from Alqama from his mother that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, heard that the people who lived in a room in her house had some dice. She sent a message to them, "If you do not remove them, I will remove you from my house," and she reproached them for it.

Book 52, Number 52.2.7:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that when he found one of his family playing dice he beat him and destroyed the dice.

Yahya said that he heard Malik say, "There is no good in chess, and he disapproved of it." Yahya said, "I heard him disapprove of playing it and other worthless games. He recited this ayat, 'What is there after the truth except going the wrong way.' " (Sura 10 ayat 32).

Greetings

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Behaviour in the Greeting

Book 53, Number 53.1.1:

Yahya related to me from Malik from Zayd ibn Aslam that the Messenger of Allah, may Allah bless him and grant him peace, said, "The one riding greets the one walking, and when one of a group of people gives a greeting, it is enough for all of them."

Book 53, Number 53.1.2:

Yahya related to me from Malik from Wahb ibn Kaysan that Muhammad ibn Amr ibn Ata said, "I was sitting with Abdullah ibn Abbas when a Yemeni man came in. He said, 'Peace be upon you, and the mercy of Allah and His blessing' (as-salamu alaykum wa rahmatullahi wa barakatuhu), and then he added something more to that. Ibn Abbas said (and at that time his eyesight had gone), 'Who is this?' People said, 'This is a Yemeni who has come to see you,' and they introduced him. Ibn Abbas said, 'The greeting ends with the word blessing.' "

Yahya said that Malik was asked, "Does one greet a woman?" He said, "As for an old woman, I do not disapprove of it. As for a young woman, I do not like it."

Section: Greeting Jews and Christians

Book 53, Number 53.2.3:

Yahya related to me from Malik from Abdullah ibn Dinar that Abdullah ibn Umar said that the Messenger of Allah, may Allah bless him and grant him peace, said, "When a Jew greets you, and says 'Death to you' (as-samu alaykum) say, 'And to you.' "

Yahya said, "Malik was asked whether a person who greeted a Jew or Christian, should apologise for it. He said, 'No.' "

Section: General Section on the Greeting

Book 53, Number 53.3.4:

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha from Abu Murra, the mawla of Aqil ibn Abi Talib from Abu Waqid al-Laythi that the Messenger of Allah, may Allah bless him and grant him peace, was sitting in the mosque with some people when three people came in. Two came toward the

Messenger of Allah, may Allah bless him and grant him peace, and one went away. When the two stopped at the assembly of the Messenger of Allah, may Allah bless him and grant him peace, they gave the greeting. One of them saw a gap in the circle and sat in it. The other sat down behind the circle. The third turned away and left. When the Messenger of Allah, may Allah bless him and grant him peace, finished, he said, "Shall I tell you about three people? One of them sought shelter with Allah, so Allah gave him shelter. The other was shy, so Allah was shy to him. The other turned away, so Allah turned away from him."

Book 53, Number 53.3.5:

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik heard Umar ibn al-Khattab return the greeting of a man who greeted him. Then Umar asked the man, "How are you?" He said, "I praise Allah to you." (Ahmadu ilayka Allah) Umar said, "That is what I wanted from you."

Book 53, Number 53.3.6:

Yahya related to me from Malik from Ishaq ibn Abdullah ibn Abi Talha that at-Tufayl ibn Ubayy ibn Kab told him that he visited Abdullah ibn Umar one morning and went out with him to the market, and when they were out, Abdullah ibn Umar did not pass by anyone selling poor merchandise or selling commodities or a needy person or anyone but that he greeted them.

At-Tufayl said, "I came to Abdullah ibn Umar one day and he asked me to follow him to the market. I said to him, 'What will you do in the market if you will not stop to sell nor seek any goods or barter with them or sit in any of the assemblies or market?' Abdullah ibn Umar said that we should sit down and talk, and then he explained, 'Abu Batni, (lit. father of the belly, at-Tufayl had a prominent stomach), we go out in the morning only for the sake of the greeting. We greet whomever we meet.' "

Book 53, Number 53.3.7:

Yahya related to me from Malik from Yahya ibn Said that a man greeted Abdullah ibn Umar. He said, "Peace be upon you and the mercy of Allah and his barakat, on and on." Abdullah ibn Umar said to him, "And on you, a thousand times," as if he disliked that.

Book 53, Number 53.3.8:

Yahya related to me from Malik that he heard that when one entered an unoccupied house, one should say, "Peace be upon us and on the slaves of Allah, who are salih." (As-salamu alayna wa ala ibadillahi's-saliheen).O

General Subjects

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Asking Permission to Enter

Book 54, Number 54.1.1:

Malik related to me from Safwan ibn Sulaym from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, was questioned by a man who said, "Messenger of Allah, shall I ask permission of my mother to enter?" He said, "Yes." The man said, "I live with her in the house". The Messenger of Allah, may Allah bless him and grant him peace, said "Ask her permission." The man said, "I am her servant." The Messenger of Allah, may Allah bless him and grant him peace, said, "Ask her permission. Do you want to see her naked?" He said, "No." He said, "Then ask her permission."

Book 54, Number 54.1.2:

Malik related to me from a reliable source of his from Bukayr ibn Abdullah ibn al-Ashajj from Basr ibn Said from Abu Said al-Khudri that Abu Musa al-Ashari said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'One asks permission three times. If you are given permission, then enter. If not, go away.'"

Book 54, Number 54.1.3:

Malik related to me from Rabia ibn Abi Abd ar-Rahman from another of the ulama of that time that Abu Musa al-Ashari came and asked permission from Umar ibn al-Khattab to enter. He asked permission three times, and then went away Umar ibn al-Khattab sent after him and said, "What's wrong with you? Why didn't you come in?" Abu Musa said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Ask permission to enter three times. If you are given permission, then enter. If not, go away.'"

Umar said, "Who can confirm this? If you do not bring me someone to confirm it, I will do such-and-such to you."

Abu Musa went out until he came to an assembly in the mosque which was called the Majlis-al-Ansar. He said, "I told Umar ibn al-Khattab that I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Ask permission three times. If you are given permission, then enter. If not, go away.'"

Umar said, 'If you do not bring me someone who can confirm it, I will do such-and-such to you'. If any of you have heard that, let him come with me.' " They said to Abu Said al-Khudri, "Go with him". Abu Said was the youngest of them. He went with him and told Umar ibn al-Khattab about that."

Umar ibn al-Khattab said to Abu Musa, "I did not suspect you, but I feared lest people forge sayings of the Messenger of Allah, may Allah bless him and grant him peace."

Section: Blessing the Person who Sneezes

Book 54, Number 54.2.4:

Malik related to me from Abdullah ibn Abi Bakr from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "If a man sneezes, invoke a blessing on him. Then if he sneezes, invoke a blessing on him. Then if he sneezes, invoke a blessing on him. Then if he sneezes, say, 'You have a cold'." Abdullah ibn Abi Bakr said, "I don't know whether it was after the third or fourth."

Book 54, Number 54.2.5:

Malik related to me from Nafi that when Abdullah ibn Umar sneezed and someone said to him, "May Allah have mercy on you," (Yarhamuka'llah), he said, "May Allah have mercy on us and you, and forgive us and you." (Yarhamuna'llah wa yaghfirlana wa lakum).

Section: Pictures and Images

Book 54, Number 54.3.6:

Malik related to me from Ishaq ibn Abdullah ibn Abi Talha that Rafi ibn Ishaq, the mawla of ash-Shifa informed him that he and Abdullah ibn Abi Talha had gone to visit Abu Said al-Khudri while he was ill. Abu Said said to them, "The Messenger of Allah, may Allah bless him and grant him peace, informed us, 'The angels do not enter a house which contains pictures or images.' " Ishaq was not sure which of them Abu Said said.

Book 54, Number 54.3.7:

Malik related to me from Abu'n-Nasr that Ubaydullah ibn Abdullah ibn Utba ibn Masud went to visit Abu Talha al-Ansari when he was ill. He said, "I found Sahl ibn Hunayf with him. Abu Talha summoned a man and removed a rug which was under him. Sahl ibn Hunayf said to him, 'Why did you remove it?' He said, 'Because there were pictures on it, and the Messenger of Allah, may Allah bless him and grant him peace, said what you know about them.' Sahl replied, 'Didn't the Messenger of Allah, may Allah bless him and grant him peace, say, "except for markings on a garment?"' (A rug was considered a garment). He said, 'Yes, but it is more pleasing to myself.' "

Book 54, Number 54.3.8:

Malik related to me from Nafi from al-Qasim ibn Muhammad from A'isha, the wife of the Prophet, may Allah bless him and grant him peace, that she bought a cushion which had pictures on it. When the Messenger of Allah, may Allah bless him and grant him peace, saw it, he stopped at the door and did not enter. She recognised disapproval on his face and said, "Messenger of Allah, I turn in repentance to Allah and His Messenger. What have I done wrong?" The Messenger of Allah, may Allah bless him and grant him peace, said, "What is the meaning of this cushion?" She said, "I bought it for you to sit and recline on." The Messenger of Allah, may Allah bless him and grant him peace, said, "Those who make such pictures will be punished on the Day of Rising. It will be said to them, 'Bring to life what you have created'. Then he said, 'The angels do not enter a house in which there are pictures.' "

Section: Eating Lizards

Book 54, Number 54.4.9:

Malik related to me from Abd ar-Rahman ibn Abdullah ibn Abd ar-Rahman ibn Abi Sasaca that Sulayman ibn Yasar said, "The Messenger of Allah, may Allah bless him and grant him peace, entered the house of Maimuna bint al-Harith and there was a lizard in which there were eggs to eat. Abdullah ibn Abbas and Khalid ibn al-Walid were with him. He said, 'From where did you get this?' She replied, 'My sister, Huzayla bint al-Harith, gave it to me.' He then told Abdullah ibn Abbas and Khalid to eat. They

said, 'Won't you eat, Messenger of Allah?' He said, 'There are those who visit me from Allah.' Maimuna said, 'Messenger of Allah, shall we give you some milk to drink which we have?' He said, 'Yes.' When he drank, he said, 'From where did you get this?' She said, 'My sister, Huzayla gave it to me.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Do you see your slave-girl whom you asked me for permission to free? Give her to your sister and bring her to your maternal relatives to take care of her. That is better for you.' "

Book 54, Number 54.4.10:

Malik related to me from Ibn Shihab from Abu Umama ibn Sahl ibn Hunayf from Abdullah ibn Abbas that Khalid ibn al-Walid ibn al-Mughira entered the house of Maimuna, the wife of the Prophet, may Allah bless him and grant him peace, with the Messenger of Allah, may Allah bless him and grant him peace, and he was brought a roasted lizard. The Messenger of Allah, may Allah bless him and grant him peace, stretched his hand toward it. One of the women who was in Maimuna's house said, "Tell the Messenger of Allah, may Allah bless him and grant him peace, what he means to eat." Someone said, "It is a lizard, Messenger of Allah." He withdrew his hand. Khalid said, "Is it haram, Messenger of Allah?" He said, "No, but there were none in my people's land, and I find that I dislike them."

Khalid added, "I chewed and ate it while the Messenger of Allah, may Allah bless him and grant him peace, was looking."

Book 54, Number 54.4.11:

Malik related to me from Abdullah ibn Dinar from Abdullah ibn Umar that a man called the Messenger of Allah and said, "Messenger of Allah, what do you think about lizards?" The Messenger of Allah, may Allah bless him and grant him peace, said, "I do not eat them, and I do not forbid them."

Section: Concerning Dogs

Book 54, Number 54.5.12:

Malik related to me from Yazid ibn Khusayfa that as-Sa'ib ibn Yazid informed him that he heard Sufyan ibn Abi Zuhayr who was from the Azd Shanua tribe and among the companions of the Messenger of Allah, may Allah bless him and grant him peace, speaking with some people who were with him at the door of the mosque. He said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'If anyone acquires a dog which he does not use as a sheepdog or for hunting, a qirat will be deducted from the reward of his good deeds each day.' " He was asked, "Did you hear this from the Messenger of Allah, may Allah bless him and grant him peace?" He said, "Yes, by the Lord of this mosque."

Book 54, Number 54.5.13:

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever acquires a dog other than a sheepdog or hunting dog, will have two qirats deducted from the reward of his good actions every day."

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, ordered dogs to be killed.

Section: Concerning Sheep

Book 54, Number 54.6.15:

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The head of kufr is towards the east. Boasting and pride is among people who have horses and camels. The loud-voiced people are the people of tents (the Bedouins). Tranquillity is with the people who have sheep."

Book 54, Number 54.6.16:

Malik related to me from Abd ar-Rahman ibn Abd ar-Rahman ibn Sasaca from his father that Abu Saïd al-Khudri said that the Messenger of Allah, may Allah bless him and grant him peace, said, "It will soon happen that the best property of a muslim will be sheep which he takes to the peaks of the mountains and the valleys, fleeing with his deen from trials."

Book 54, Number 54.6.17:

Malik related to me from Nafi from Ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "No one should milk someone else's cow without his permission. Would any of you like someone to come to his apartment, break into his larder, and take his food? The udders of cows guard their food for their owners, so no one should milk someone else's cow without his permission."

Book 54, Number 54.6.18:

Malik related to me that he had heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "There is no Prophet who has not herded sheep," and someone asked, "You as well, Messenger of Allah?" He said, "Myself as well."

Section: Mice Falling into Clarified Butter, and giving Precedence to Food over the Prayer

Book 54, Number 54.7.19:

Malik related to me from Nafi that one time as Ibn Umar was served his evening meal, he heard the recitation of the Imam while he was in his house and he did not hurry from his food until he had finished what he needed.

Book 54, Number 54.7.20:

Malik related to me from Ibn Shihab from Ubaydullah ibn Abdullah ibn Utba ibn Masud from Abdullah ibn Abbas from Maimuna, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, was asked about a mouse falling into clarified butter. He said, "Remove it and throw away what is around it"

Section: Guarding against Ill Luck

Book 54, Number 54.8.21:

Malik related to me from Abu Hazim ibn Dinar from Sahl ibn Sad as-Saidi that the Messenger of Allah, may Allah bless him and grant him peace, said, "If it exists, it is in a horse, a woman, and a house,"

meaning ill luck.

Book 54, Number 54.8.22:

Malik related to me from Malik from Ibn Shihab from Hamza and Salim the sons of Abdullah ibn Umar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Ill luck is in a house, a woman and a horse."

Book 54, Number 54.8.23:

Malik related to me that Yahya ibn Said said, "A woman came to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah, we moved into a house when our number was great and our wealth was abundant. Now our number has dwindled and the wealth has gone.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Leave it as blameworthy.'"

Section: Names that are Disliked

Book 54, Number 54.9.24:

Malik related to me from Yahya ibn Said that the Messenger of Allah, may Allah bless him and grant him peace, asked about a milk camel about to be milked, "Who milks this camel?" A man stood up. The Messenger of Allah, may Allah bless him and grant him peace, said, "What is your name?" The man said, "Murra (bitterness)." The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Sit down." Then he said, "Who milks this one?" A man stood up and the Messenger of Allah, may Allah bless him and grant him peace, said, "What is your name?" He said, "Harb (war)." The Messenger of Allah, may Allah bless him and grant him peace, said, "Sit down." Then he said, "Who milks this camel?" A man stood up, and the Messenger of Allah, may Allah bless him and grant him peace, said to him, "What is your name?" The man said, "Yaish (he lives)." The Messenger of Allah, may Allah bless him and grant him peace, said to him, "Milk!"

Book 54, Number 54.9.25:

Yahya related to me from Yahya ibn Said that Umar ibn al-Khattab asked a man what his name was. He said, "Jamra (live coal)." "The son of who?" He said, "Ibn Shihab (meteor, flame)." "From whom?" He said, "From al-Huraqa (burning)." "Where do you live?" He said, "At Harrat an-Nar (lava field of the fire)." "At which one of them?" He said, "At Dhata Ladha (one with flames)." Umar said, "Go and look at your family - they have been burned."

Yahya added, "It was as Umar ibn al-Khattab, may Allah be pleased with him, said."

Section: Cupping and the Reward of the Cupper

Book 54, Number 54.10.26:

Malik related to me from Humayd at-Tawil that Anas ibn Malik said, "The Messenger of Allah, may Allah bless him and grant him peace, was cupped. Abu Tayba cupped him, and the Messenger of Allah, may Allah bless him and grant him peace, ordered him to be given a sa of dates and ordered his family to lessen what he paid them for his kitaba or kharaj."

Book 54, Number 54.10.27:

Malik related to me that he heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "If there is a remedy that will reach the disease, then cupping will reach it."

Book 54, Number 54.10.28:

Malik related to me from Ibn Shihab from Ibn Muhayyisa al-Ansari, one of the Banu Haritha, that he asked permission from the Messenger of Allah, may Allah bless him and grant him peace, to give payment for cupping, and he forbade him to do it. He continued to ask and seek his permission until he said, "Feed the ones who drive your water-carrying camels," meaning "your slaves."

Section: Concerning the East

Book 54, Number 54.11.29:

Malik related to me from Abdullah ibn Dinar that Abdullah ibn Umar said, "I saw the Messenger of Allah, may Allah bless him and grant him peace, pointing at the east and saying, 'The cause of dissension is here. The cause of dissension is here, from where the helpers of shaytan arise.' "

Book 54, Number 54.11.30:

Malik related to me that he heard that Umar ibn al-Khattab wanted to go to Iraq, and Kabal-Ahbar said to him, "Do not go there, amir al-muminin. There is nine-tenths of sorcery there and it is the place of the rebellious jinn and the disease which the doctors are unable to cure."

Section: Killing Snakes and what is Said about them

Book 54, Number 54.12.31:

Malik related to me from Nafi from Abu Lubaba that the Messenger of Allah, may Allah bless him and grant him peace, forbade killing snakes which were in the houses.

Book 54, Number 54.12.32:

Malik related to me from Nafi from Sa'iba, the female mawla of A'isha, that the Messenger of Allah, may Allah bless him and grant him peace, forbade killing the snakes which were in the houses except those with two white stripes on their back and the short ones. They made one go blind and caused miscarriages in women.

Book 54, Number 54.12.33:

Malik related to me from Safiyy, the mawla of Ibn Aflah that Abu's-Saib, the mawla of Hisham ibn Zuhra said, "I went to Abu Said al-Khudri and found him praying. I sat to wait for him until he finished the prayer. I heard a movement under a bed in his room, and it was a snake. I stood up to kill it, and Abu Said gestured to me to sit. When he was finished he pointed to a room in the house and said, 'Do you see this room?' I said, 'Yes.' He said, 'There was a young boy in it who had just got married. He went out with the Messenger of Allah, may Allah bless him and grant him peace, to al-Khandaq, (the ditch which

the muslims dug in the 5th year of the Hijra to defend Madina against the Quraysh and their allies).

When he was there, the youth came and asked his permission, saying, "Messenger of Allah. Give me permission to return to my family." The Messenger of Allah, may Allah bless him and grant him peace, gave him permission and said, "Take your weapons with you, for I fear the Banu Quraydha tribe. They may harm you." The youth went to his family and found his wife standing between the two doors. He lifted his spear to stab her as jealousy had been aroused in him. She said, "Don't be hasty until you go in and see what is in your house." He entered and found a snake coiled up on his bed. He transfixed it with his spear and then went out with it and pitched it into the house. The snake stirred on the end of the spear and the youth fell dead. No one knew which of them died first, the snake or the youth. That was mentioned to the Messenger of Allah, may Allah bless him and grant him peace, and he said, "There are jinn in Madina who have become muslim. When you see one of them, call out to it for three days. If it appears after that, then kill it, for it is a shaytan." "

Section: What to Say on Journeys

Book 54, Number 54.13.34:

Malik related to me that he heard that when the Messenger of Allah, may Allah bless him and grant him peace, set foot in the stirrup intending to travel, he would say, "In the name of Allah. O Allah! You are my companion in the journey and the Khalifa of my family. O Allah! Spread out the earth for us and make the journey easy for us. O Allah! I seek refuge with You from the hardship of the journey and from returning to sorrow and a distressing sight regarding property and family."

Malik related to me from a reliable source of his from Yaqub ibn Abdullah al-Ashajj from Bushr ibn Said from Sad ibn Abi Waqqas from Khawla bint Hakim that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever dismounts to rest in a place should say, 'I seek refuge with the complete words of Allah from the evil of what he created,' (audhu bi kalimati-llahi at-tammati min sharri ma khalaqa), and nothing will harm him until he remounts."

Section: Travelling Alone in the case of Men and Women

Book 54, Number 54.14.35:

Malik related to me from Abd ar-Rahman ibn Harmala from Amr ibn Shuayb from his father from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, "One rider is a shaytan. Two riders are two shaytans, and three are a riding-party."

Book 54, Number 54.14.36:

Malik related to me fro

The Oath of Allegiance

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: About the Oath of Allegiance

Book 55, Number 55.1.1:

Malik related to me from Abdullah ibn Dinar that Abdullah ibn Umar said, "When we took an oath of allegiance with him to hear and obey, the Messenger of Allah, may Allah bless him and grant him peace, said to us, 'In what you are able.' "

Book 55, Number 55.1.2:

Malik related to me from Muhammad ibn al-Munkadir that Umayma bint Ruqayqa said, "I went to the Messenger of Allah, may Allah bless him and grant him peace, with the women who took an oath of allegiance with him in Islam. They said, 'Messenger of Allah! We take a pledge with you not to associate anything with Allah, not to steal, not to commit adultery, not to kill our children, nor to produce any lie that we have devised between our hands and feet, and not to disobey you in what is known.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'In what you can do and are able.' "

Umayma continued, "They said, 'Allah and His Messenger are more merciful to us than ourselves. Come, let us give our hands to you, Messenger of Allah!' The Messenger of Allah, may Allah bless him and grant him peace, said, 'I do not shake hands with women. My word to a hundred women is like my word to one woman.' "

Book 55, Number 55.1.3:

Malik related to me from Abdullah ibn Dinar that Abdullah ibn Umar wrote to Abd al-Malik ibn Marwan, making an oath of allegiance. He wrote, "In the name of Allah, the Merciful, the Compassionate. To the slave of Allah, Abd al-Malik, the amir al-muminin, Peace be upon you. I praise Allah to you. There is no god but Him. I acknowledge your right to my hearing and my obedience according to the sunna of Allah and the sunna of His Prophet, in what I am able."

Speech

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Disliked Speech

Book 56, Number 56.1.1:

Malik related to me from Abdullah ibn Dinar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "If a man says to his muslim brother, 'O kafir!' it is true about one of them."

Book 56, Number 56.1.2:

Malik related to me from Suhayl ibn Abu Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you hear a man say, 'The people are ruined,' he himself is the most ruined of them all."

Book 56, Number 56.1.3:

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Let none of you complain about time, for Allah is time."

Book 56, Number 56.1.4:

Malik related to me from Yahya ibn Said that Isa ibn Maryam encountered a pig on the road. He said to it, "Go in peace." Somebody asked, "Do you say this to a pig?" Isa said, "I fear lest I accustom my tongue to evil speech."

Section: The Order to be Mindful in Speech

Book 56, Number 56.2.5:

Malik related to me from Muhammad ibn Amr ibn Alqama from his father from Bilal ibn al-Harith al-Muzani that the Messenger of Allah, may Allah bless him and grant him peace, said, "A man speaks what is pleasing to Allah and he does not suspect that it will have the result that it does, and Allah will write for him His good pleasure for it until the day when he meets Him. And a man speaks what excites the wrath of Allah and he does not suspect that it will have the result that it does, and Allah will write His wrath for him for it until the day when he meets Him."

Book 56, Number 56.2.6:

Malik related to me from Abdullah ibn Dinar that Abu Salih as-Samman informed him that Abu Hurayra said, "Truly a man utters words to which he attaches no importance, and by them he falls into the fire of Jahannam, and truly a man utters words to which he attaches no importance, and by them Allah raises him into the Garden."

Section: Disliked Speech and Speech Without the Mention of Allah

Book 56, Number 56.3.7:

Malik related to me from Zayd ibn Aslam that Abdullah ibn Umar said, "Two men from the east stood up and spoke, and people were amazed at their eloquence. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Some eloquence is sorcery,' or he said, 'Part of eloquence is sorcery.' "

Book 56, Number 56.3.8:

Malik related to me that he heard that Isa ibn Maryam used to say, "Do not speak much without the mention of Allah for you will harden your hearts. A hard heart is far from Allah, but you do not know. Do not look at the wrong actions of people as if you were lords. Look at your wrong actions as if you were slaves. Some people are afflicted by wrong action and some people are protected from it. Be merciful to the people of affliction and praise Allah for His protection."

Book 56, Number 56.3.9:

Malik related to me that he heard that A'isha, the wife of the Prophet, may Allah bless him and grant him peace, sent a message to one of her family after the evening prayer, saying, "Will you not allow the recording angel to rest?"

Section: Backbiting

Book 56, Number 56.4.10:

Malik related to me from al-Walid ibn Abdullah ibn Sayyad that al-Muttalib ibn Abdullah ibn Hantab al-Makhzumi informed him that a man asked the Messenger of Allah, may Allah bless him and grant him peace, "What is backbiting?" The Messenger of Allah, may Allah bless him and grant him peace, said, "It is to mention about a man what he does not want to hear." He said, "Messenger of Allah! Even if it is true?" The Messenger of Allah, may Allah bless him and grant him peace, said, "If you utter something false, then it is slander."

Section: What is Feared from the Tongue

Book 56, Number 56.5.11:

Malik related to me from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever Allah protects from the evil of two things will enter the Garden." A man said, "Messenger of Allah, do not tell us!" The Messenger of Allah, may Allah bless him and grant him peace, was silent. Then the Messenger of Allah, may Allah bless him and grant him

peace, repeated what he had said the first time. The man said to him, "Do not tell us, Messenger of Allah!" The Messenger of Allah, may Allah bless him and grant him peace, was silent. Then the Messenger of Allah, may Allah bless him and grant him peace, said the same thing again. The man said, "Do not tell us, Messenger of Allah!" Then the Messenger of Allah, may Allah bless him and grant him peace, said the same thing again. Then the man began to say what he had said previously and a man at his side silenced him. The Messenger of Allah, may Allah bless him and grant him peace, said, "Whomever Allah protects from the evil of two things will enter the Garden. They are what is between his jaws and what is between his legs, what is between his jaws and what is between his legs, what is between his jaws and what is between his legs."

Book 56, Number 56.5.12:

Malik related to me from Zayd ibn Aslam from his father that Umar ibn al-Khattab came upon Abu Bakr as-Siddiq pulling his tongue. Umar said to him, "Stop, may Allah forgive you!" Abu Bakr replied, "This has brought me to dangerous places."

Section: Two People Conversing to the Exclusion of Another

Book 56, Number 56.6.13:

Malik related to me from Abdullah ibn Dinar saying, "Abdullah ibn Umar and I were at the house of Khalid ibn Uqba who was away at the market. A man came who wanted to speak to Abdullah ibn Umar and I was the only other person present Abdullah ibn Umar called another man so that we were four and said to me and the man whom he had called, 'Go a little way off together, because I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'Two do not converse secretly to the exclusion of another.' "

Book 56, Number 56.6.14:

Malik related to me from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Two must not converse secretly to the exclusion of another person."

Section: Truthfulness and Lying

Book 56, Number 56.7.15:

Malik related to me from Safwan ibn Sulaym that a man asked the Messenger of Allah, may Allah bless him and grant him peace, "Can I lie to my wife, Messenger of Allah?" The Messenger of Allah, may Allah bless him and grant him peace, said, "There is no good in lying." The man said, "Messenger of Allah! Shall I make her a promise and tell her?" The Messenger of Allah, may Allah bless him and grant him peace, said, "It will not be held against you."

Book 56, Number 56.7.16:

Malik related to me that he heard that Abdullah ibn Masud used to say, "You must tell the truth. Truthfulness leads to right action. Right action leads to the Garden. Beware of lying. Lying leads to corruption, and corruption leads to the Fire. Don't you see that it is said, 'He speaks the truth and acts rightly,' and, 'He lies and is corrupt.' "

Book 56, Number 56.7.17:

Malik related to me that he heard that someone said to Luqman, "What has brought you to what we see?" meaning his high rank. Luqman said, "Truthful speech, fulfilling the trust, and leaving what does not concern me."

Book 56, Number 56.7.18:

Malik related to me that he heard that Abdullah ibn Masud used to say, "The slave continues to lie and a black spot grows in his heart until all his heart becomes black. Then he is written, in Allah's sight, among the liars."

Book 56, Number 56.7.19:

Malik related to me that Safwan ibn Sulaym said, "The Messenger of Allah, may Allah bless him and grant him peace, was asked, 'Can the mumin be a coward?' He said, 'Yes.' He was asked, 'Can the mumin be a miser?' He said, 'Yes.' He was asked, 'Can the mumin be a liar?' He said, 'No.' "

Section: Squandering Property and Being Two-faced

Book 56, Number 56.8.20:

Malik related to me from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Allah is pleased with three things from you, and He is angry with three things from you. He is pleased that you worship Him and do not associate anything with Him, and that you take hold of the rope of Allah altogether, and that you give good counsel to the one to whom Allah gives command over you. He is angry with you for gossip, squandering property, and asking too many questions."

Book 56, Number 56.8.21:

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "One of the most evil of people is the two-faced person who shows one face to these people and another face to those people."

Section: Punishing the Many for the Actions of the Few

Book 56, Number 56.9.22:

Malik related to me that he had heard that Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, said, "Messenger of Allah! Shall we be destroyed while there are people who are salih among us?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes, if there is much wickedness."

Book 56, Number 56.9.23:

Malik related to me that Ismail ibn Abi Hakim heard Umar ibn Abd al-Aziz say, "Some say that Allah the Blessed, the Exalted, will not punish the many for the wrong action of the few. However, when the objectionable action is committed openly, then they all deserve to be punished."

Section: About People with Taqwa

Book 56, Number 56.10.24:

Malik related to me from Ishaq ibn Abdullah ibn Abi Talha that Anas ibn Malik said, "I heard Umar ibn al-Khattab, when I was going out with him to visit an orchard, say to himself, and there was a wall between him and me and he was inside the garden, 'Umar ibn al-Khattab, amir al-muminin! Well done! Well done! By Allah, fear Allah or he will punish you.' "

Book 56, Number 56.10.25:

Malik said, "I heard that al-Qasim ibn Muhammad used to say, 'I have seen the people, (i.e. the companions), and they were not impressed by speech.' " Malik said, "He meant that only action and deeds would be looked at, not words."

Section: What to Say when it Thunders

Book 56, Number 56.11.26:

Malik related to me that Amir ibn Abdullah ibn az-Zubayr would stop speaking when he heard thunder and say, "Glory be to Allah whom the thunder glorifies with His praise and the angels from the fear of Him." (Subhana-ala-dhee yusabihu ar-radu bi hamdih wa mala'ikatu min khiyfatih.) Then he would say, "This is a severe warning to the people of the earth."

Section: The Legacy of the Prophet, may Allah Bless Him and Grant Him Peace

Book 56, Number 56.12.27:

Malik related to me from Ibn Shihab from Urwa ibn az-Zubayr from A'isha, umm al-muminin that when the Messenger of Allah, may Allah bless him and grant him peace, died, the wives of the Prophet, may Allah bless him and grant him peace, wanted to send Uthman ibn Affan to Abu Bakr as-Siddiq to ask him about their inheritance from the Messenger of Allah, may Allah bless him and grant him peace. A'isha said to them, "Didn't the Messenger of Allah, may Allah bless him and grant him peace, say, 'No one inherits from us. What we leave is sadaqa.' "

Book 56, Number 56.12.28:

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "My inheritance is not divided up by the dinar. What I leave apart from the maintenance of my wives and provision for my servant is sadaqa."

Jahannam

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Description of Jahannam

Book 57, Number 57.1.1:

Malik related to me from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The fire of the children of Adam which they kindle is a seventieth part of the fire of Jahannam." They said, "Messenger of Allah, this fire is certainly enough." He said, "That fire is sixty-nine times greater."

Book 57, Number 57.1.2:

Malik related to me from his paternal uncle Abu Suhayl ibn Malik from his father that Abu Hurayra said, "Do you think that it is red like this fire of yours? It is blacker than tar."

Sadaqa

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Stimulation of Desire for Sadaqa

Book 58, Number 58.1.1:

Malik related to me from Yahya ibn Said from Abu'l-Hubab Said ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever gives sadaqa from good earning - and Allah only accepts the good - it is as if he placed it in the palm of the Merciful to raise it, as one of you raises his foal or young camel until it is like the mountain "

Book 58, Number 58.1.2:

Malik related to me that Ishaq ibn Abdullah ibn Abi Talha heard Anas ibn Malik say, "Abu Talha had the greatest amount of property in palm-trees among the Ansar in Madina. The dearest of his properties to him was Bayruha which was in front of the mosque. The Messenger of Allah, may Allah bless him and grant him peace, used to go into it and drink from the pleasant water which was in it."

Anas continued, "When this ayat was sent down 'You will not obtain rightness of action until you expend of what you love,' (Sura 2 ayat 176), Abu Talha went to the Messenger of Allah, may Allah bless him and grant him peace, and said, 'Messenger of Allah! Allah, the Blessed, the Exalted, has said, "You will not obtain until you expend of what you love." The property which I love the best is Bayruha. It is sadaqa for Allah. I hope for its good and for it to be stored up with Allah. Place it wherever you wish, Messenger of Allah. ' "

"The Messenger of Allah, may Allah bless him and grant him peace, said, 'Well done! That is property which profits! That is property which profits. I have heard what you have said about it and I think that you should give it to your relatives.' Abu Talha said, 'I will do it, Messenger of Allah!' Abu Talha therefore divided it among his relatives and the children of his paternal uncle."

Book 58, Number 58.1.3:

Malik related to me from Zayd ibn Aslam that the Messenger of Allah, may Allah bless him and grant him peace, said, "Give to a beggar even if he comes on a horse."

Book 58, Number 58.1.4:

Malik related to me from Zayd ibn Aslam from Amr ibn Muadh al-Ashali al-Ansari that his grandmother said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'O trusting women! Let none of you despise giving to her neighbour even if it is only a roasted sheep's trotter.'

Book 58, Number 58.1.5:

Yahya related to me from Malik that he heard that a beggar asked A'isha, the wife of the Prophet, may Allah bless him and grant him peace, for something while she was fasting and there was only a loaf of bread in her house. She said to her female mawla, "Give it to him." The mawla protested, "You will not have anything to break your fast with." A'isha repeated, "Give it to him," so she did so. When evening came, the people of a house or a man who did not usually give to them, gave them a sheep and some food to go with it. A'isha, umm al-muminin, called her mawla and said, "Eat from this. This is better than your loaf of bread."

Book 58, Number 58.1.6:

Yahya related to me that Malik said, "I heard that a beggar asked for food from A'isha, umm al-muminin, while she had some grapes. She told some one to take him one grape. He began to look in amazement. A'isha said, 'Are you amazed? How many atoms' weights do you see in this grape?' " (referring to Sura 99 ayat 7).

Section: Refraining from Asking

Book 58, Number 58.2.7:

Malik related to me from Malik from Ibn Shihab from Ata ibn Yazid al-Laythi from Abu Said al-Khudri that some people of the Ansar asked the Messenger of Allah, may Allah bless him and grant him peace, and he gave to them. Then they asked him again, and he gave to them until he used up what he had. Then he said, "What wealth I have, I will not hoard from you. Whoever has forbearance, Allah will help him. Whoever tries to be independent, Allah will enrich him. Whoever tries to be patient, Allah will give him patience, and no one is given a better or vaster gift than patience."

Book 58, Number 58.2.8:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said from the mimbar when mentioning sadaqa and refraining from asking, "The upper hand is better than the lower hand. The upper hand is the one which expends, and the lower one is the one which asks."

Book 58, Number 58.2.9:

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that the Messenger of Allah, may Allah bless him and grant him peace, sent a gift to Umar ibn al-Khattab, and Umar returned it. The Messenger of Allah, may Allah bless him and grant him peace, said, "Why did you return it?" He said, "Messenger of Allah, didn't you tell us that it is better for us not to take anything from anyone?" The Messenger of Allah, may Allah bless him and grant him peace, said, "That is by asking. Provision which Allah gives you is different from asking." Umar ibn al-Khattab said, "By the One in whose hand my self is, I will not ask anything from anyone, and anything that comes to me without my asking for it, I will accept."

Book 58, Number 58.2.10:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "By Him in whose hand myself is! To take your rope and gather firewood on your back is better for you than that you come to a man to whom Allah has given some of His favour and ask him, so he gives to you or refuses."

Book 58, Number 58.2.11:

Yahya related to me from Malik from Zayd ibn Aslam from Ata ibn Yasar that a man of the Banu Asad said, "My family and I dismounted to rest at Baqi. My family said to me, 'Go to the Messenger of Allah, may Allah bless him and grant him peace, and ask him for something that we can eat,' and they began to mention their need. I went to the Messenger of Allah, may Allah bless him and grant him peace, and found that a man was asking for something, and the Messenger of Allah, may Allah bless him and grant him peace, was saying, 'I do not have anything to give you.' The man turned away from him in anger, saying, 'By my life! You give to whomever you wish.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'He is angry with me because I do not have anything to give him. Whoever asks of you while he has an uqiya or its like, has asked with importunity.' "

The man continued, "I said to myself about a camel that we had, 'It is better than an uqiya.' (Malik explained that an uqiya was forty dirhams.) So I returned and did not ask him for anything, and the Messenger of Allah, may Allah bless him and grant him peace, sent me barley and raisins after that. He gave us from his share until Allah, the Mighty, the Majestic gave us relief."

Book 58, Number 58.2.12:

Yahya related that Malik heard al-Ala ibn Abd ar-Rahman say, "Sadaqa does not decrease property, and Allah only increases a slave in worth for his restraint, and no slave is humble but that Allah raises him."

Malik said, "I do not know whether this hadith goes back to the Prophet, may Allah bless him and grant him peace, or not."

Section: What Is Disliked in Sadaqa

Book 58, Number 58.3.13:

Yahya related to me from Malik that he heard that the Messenger of Allah, may Allah bless him and grant him peace, said, "Sadaqa to the family of Muhammad is not halal. It is only people's impurities."

Book 58, Number 58.3.14:

Yahya related to me from Malik from Abdullah ibn Abi Bakr from his father that the Messenger of Allah, may Allah bless him and grant him peace, gave a man from the Banu Abd al-Ashal charge over some sadaqa. When he came to ask him for some camels from the sadaqa, the Messenger of Allah, may Allah bless him and grant him peace, was so angry that the anger showed in his face. One way in which anger could be recognised in his face was that his eyes became red. Then he said, "This man has asked me for what is not good for me or him. If I refuse it, I hate to refuse. If I give it to him, I will give him what is not good for me or him." The man said, "Messenger of Allah! I will never ask you for any of it!"

Book 58, Number 58.3.15:

Yahya related to me from Malik from Zayd ibn Aslam that his father said, "Abdullah ibn al-Arqam said, 'Show me a riding-camel which the amir al-muminim can give me to use.' I said, 'Yes. One of the sadaqa camels.' Abdullah ibn al-Arqam said, 'Would you want a stout man on a hot day to wash for you what is under his lower garment and its folds, and then give it to you to drink?' I was angry and said, 'May Allah forgive you! Why do you say such things to me?' Abdullah ibn al-Arqam said, 'Sadaqa is the impurities of people which they wash off themselves.' "

Knowledge

Courtesy of ISL Software, makers of the **WinAlim Islamic database**.

Section: Seeking Knowledge

Book 59, Number 59.1.1:

Yahya related to me from Malik that he heard that Luqman al-Hakim made his will and counselled his son, saying, "My son! Sit with the learned men and keep close to them. Allah gives life to the hearts with the light of wisdom as Allah gives life to the dead earth with the abundant rain of the sky."

The Supplication of the Unjustly Wronged

Courtesy of ISL Software, makers of the **WinAlim Islamic database**.

Section: Supplication of the Unjustly Wronged

Book 60, Number 60.1.1:

Yahya related to me from Malik from Zayd ibn Aslam from his father that Umar ibn al-Khattab gave a mawla of his called Hunayy charge over the hima. He said, "Hunayy! Do not harm the people. Fear the supplication of the wronged, for the supplication of the wronged is answered. Let the one with a small herd of camels and the one with a small herd of sheep enter, but be wary of the livestock of Ibn Awf and the livestock of Ibn Affan. If their livestock are destroyed, they will return to palm-trees and agriculture. If the livestock of the one with a small herd of camels and the one with a small herd of sheep are destroyed, he will bring his children to me crying, 'Amir al-muminin! Amir al-Muminin!' Shall I neglect them? Water and pasturage are of less value to me than gold and silver. By Allah, they think that I have wronged them. This is their land and their water. They fought for it in the jahiliyya and became muslims on it in Islam. By He in whose hand my self is! Were it not for the mounts which I give to be ridden in the way of Allah, I would not have turned a span of their land into hima."

The Names of the Prophet, may Allah Bless Him and Grant Him Peace

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: The Names of the Prophet, may Allah Bless Him and Grant Him Peace

Book 61, Number 61.1.1:

Malik related to me from Ibn Shihab from Muhammad ibn Jubayr ibn Mutim that the Prophet, may Allah bless him and grant him peace, said, "I have five names. I am Muhammad. I am Ahmad. I am al-Mahi (the effacer), by whom Allah effaces kufr. I am al-Hashir (the gatherer), before whom people are gathered. I am al-Aqib (the last)."

The Description of the Prophet, may Allah Bless Him and Grant Him Peace

Courtesy of ISL Software, makers of the [WinAlim Islamic database](#).

Section: Description of the Prophet, may Allah Bless Him and Grant Him Peace

Book 49, Number 49.1.1:

Yahya related to me from Malik that Rabia ibn Abi Abd ar-Rahman heard Anas ibn Malik say, "The Messenger of Allah, may Allah bless him and grant him peace, was not excessively tall or short. He was not very pallid nor dark. He did not have curly hair or lank hair. Allah commissioned him at the age of forty. He stayed in Makka ten years and at Madina for ten years and Allah the Mighty, the Majestic made him die when he was sixty. There were not twenty white hairs in his hair or beard, may Allah bless him and grant him peace."

Section: Description of Isa ibn Maryam, Peace be upon Him and the Dajjal

Book 49, Number 49.2.2:

Yahya related to me from Malik from Nafi from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "I dreamt at night that I was at the Kaba, and I saw a dark man like the most handsome of dark men you have ever seen. He had hair reaching to between his ears and his shoulders like the most excellent of such hair that you have seen. He had combed his hair, and water was dripping from it. He was leaning on two men or on the shoulders of two men doing tawaf around Kaba. I asked, 'Who is this?' It was said, 'al-Masih ibn Maryam.' Then we were with a man with wiry hair and blind in his right eye, as if it was a floating grape. I asked 'Who is this?' It was said to me, 'This is al-Masih ad-Dajjal.'"

Section: Sunna of the Fitra

Book 49, Number 49.3.3:

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi from his father that Abu Hurayra said, "There are five things from the fitra: cutting the nails, trimming the moustache, removing the hair from the armpit, shaving the pubic region and circumcision."

Book 49, Number 49.3.4:

Yahya related to me from Malik from Yahya ibn Said that Said ibn al-Musayyub said, "Ibrahim, may Allah bless him and grant him peace, was the first to give hospitality to the guest and the first person to be circumcised and the first person to trim the moustache and the first person to see grey hair. He said, 'O Lord! What is this?' Allah the Blessed, the Exalted, said, 'It is dignity, Ibrahim.' He said, 'Lord, increase me in dignity!' "

Yahya said that he had heard Malik say, "One takes from the moustache until the edge of the lip appears, that is the rim. One does not cut it off completely so that one mutilates oneself."

Section: Prohibition against Eating with the Left Hand

Book 49, Number 49.4.5:

Yahya related to me from Malik from Abu'z-Zubayr from Jabir ibn Abdullah as-Salami that the Messenger of Allah, may Allah bless him and grant him peace, forbade a man to eat with his left hand or walk in one sandal or wrap a single garment around his drawn-up legs exposing his genitals.

Book 49, Number 49.4.6:

Yahya related to me from Malik from Ibn Shihab from Abu Bakr ibn Ubaydullah ibn Abdullah ibn Umar from Abdullah ibn Umar that the Messenger of Allah, may Allah bless him and grant him peace, said, "When you eat, eat with your right hand and drink with your right hand. Shaytan eats with his left hand and drinks with his left hand."

Section: The Very Poor

Book 49, Number 49.5.7:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The very poor are not the people who constantly walk from person to person and are given one or two morsels, and one or two dates." They said, "Who are the very poor, Messenger of Allah?" He said, "People who do not find enough for themselves and other people are not aware of them to give sadaqa to them, and they do not start begging from other people."

Book 49, Number 49.5.8:

Yahya related to me from Malik from Zayd ibn Aslam from Ibn Bujayd (formerly al-Ansari) from his grandmother that the Messenger of Allah, may Allah bless him and grant him peace, said, "Give to the very poor, if only a roasted hoof."

Section: The Intestines of the Kafir

Book 49, Number 49.6.9:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj that Abu Hurayra said, "The Messenger of Allah, may Allah bless him and grant him peace, said, 'The muslim eats in one intestine, and the kafir eats in seven!' "

Book 49, Number 49.6.10:

Yahya related to me from Malik from Suhayl ibn Abi Salih from his father from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, gave hospitality to a kafir guest. The Messenger of Allah, may Allah bless him and grant him peace, ordered a sheep to be brought for him and it was milked. He drank its milk. Then another came, and he drank it. Then another came and he drank it until he had drunk the milk of seven sheep. In the morning he became muslim, and the Messenger of Allah, may Allah bless him and grant him peace, ordered a sheep for him. It was milked and he drank its milk. Then he ordered another for him and he could not finish it. The Messenger of Allah, may Allah bless him and grant him peace, said, "The mumín drinks in one intestine, and the kafir drinks in seven intestines."

Section: Prohibition against Drinking from Silver Vessels and Blowing into Drinks

Book 49, Number 49.7.11:

Yahya related to me from Malik from Nafi from Zayd ibn Abdullah ibn Umar ibn al-Khattab from Abdullah ibn Abd ar-Rahman ibn Abi Bakras-Siddiq from Umm Salama, the wife of the Prophet, may Allah bless him and grant him peace, that the Messenger of Allah, may Allah bless him and grant him peace, said, "A person who drinks from a silver vessel brings the fire of Jahannam into his belly."

Book 49, Number 49.7.12:

Yahya related to me from Malik from Ayyub ibn Habib, the mawla of Sad ibn Abi Waqqas that Abu'l-Muthanna al-Juhani said, "I was with Marwan ibn al-Hakam and Abu Said al-Khudri came to him. Marwan ibn al-Hakam said to him, 'Have you heard that the Messenger of Allah, may Allah bless him and grant him peace, forbade blowing into drinks?' Abu Said said to him, 'Yes.' A man said to him, 'Messenger of Allah, I am not quenched from one breath.' The Messenger of Allah, may Allah bless him and grant him peace, said to him, 'Remove the cup from your mouth and then breathe.' He said, 'Sometimes I see something floating in it?' He said, 'Then pour it out.'"

Section: Drinking while Standing

Book 49, Number 49.8.13:

Yahya related to me from Malik that he had heard that Umar ibn al-Khattab and Ali ibn Abi Talib and Uthman ibn Affan drank while standing.

Book 49, Number 49.8.14:

Yahya related to me from Malik from Ibn Shihab that A'isha, umm al-muminin and Sad ibn Abi Waqqas did not see any harm in a man drinking while standing.

Book 49, Number 49.8.15:

Yahya related to me from Malik that Abu Jafar al-Qari said, "I saw Abdullah ibn Umar drink while standing."

Book 49, Number 49.8.16:

Yahya related to me from Malik from Amir ibn Abdullah ibn az-Zubayr that his father used to drink while standing.

Section: The Sunna about Drinking and Passing to the Right

Book 49, Number 49.9.17:

Yahya related to me from Malik from Ibn Shihab from Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace, was brought some milk which was mixed with well-water. There was a Bedouin at his right side and Abu Bakr as-Siddiq on his left. He drank and then gave it to the Bedouin and said, "The right-hand to the right-hand."

Book 49, Number 49.9.18:

Yahya related to me from Malik from Abu Hazim ibn Dinar from Sahl ibn Sad al-Ansari that the Messenger of Allah, may Allah bless him and grant him peace, was brought a drink and he drank some of it. There was a boy at his right and some old men on his left. He said to the boy, "Will you give me permission to give it to these people?" The boy said, "No, Messenger of Allah, I will not prefer anyone to get my portion from you." He said, "So the Messenger of Allah, may Allah bless him and grant him peace, placed it in his hand."

Section: General Section on Food and Drink

Book 49, Number 49.10.19:

Yahya related to me from Malik that Ishaq ibn Abdullah ibn Abi Talha heard Anas ibn Malik say that Abu Talha had said to Umm Sulaym, "I have just been listening to the Messenger of Allah, may Allah bless him and grant him peace, and his voice was very weak. I recognised hunger in it, so, do you have anything?" She replied, "Yes," and brought out some barley loaves. She took her long head scarf and wrapped up the bread with part of it and put it into my (Anas's) hand and gave me part of it to wear. Then she sent me to the Messenger of Allah, may Allah bless him and grant him peace."

Anas continued, "I took it, and I found the Messenger of Allah, may Allah bless him and grant him peace, sitting in the mosque with some people. I watched them. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Did Abu Talha send you?' I replied, 'Yes.' He said, 'For food?' I said, 'Yes.' The Messenger of Allah, may Allah bless him and grant him peace, said to those with him, 'Let us go.' He set off and I went among them until I came to Abu Talha and told him. Abu Talha said, 'Umm Sulaym! The Messenger of Allah, may Allah bless him and grant him peace, has brought people and we have no food. What shall we give them to eat?' She said, 'Allah and His Messenger know best.' "

Anas continued, "Abu Talha went out and met the Messenger of Allah, may Allah bless him and grant him peace, and the Messenger of Allah, may Allah bless him and grant him peace, approached with Abu Talha until they entered. The Messenger of Allah, may Allah bless him and grant him peace, said, 'Come now, Umm Sulaym, what have you got?' She brought out bread. The Messenger of Allah, may Allah bless him and grant him peace, ordered it to be broken into pieces, and Umm Sulaym squeezed out onto it a container of clarified butter which she had seasoned. Then the Messenger of Allah, may Allah bless him and grant him peace, said whatever Allah wished him to say, and said, 'Will you give permission for ten of them to come in?' He gave them permission, and they ate until they were full and then left. He said, 'Give permission to ten more.' He gave them permission, and they ate until they were full and left. Then he said, 'Give permission to ten more.' He gave them permission and they ate until

they were full and left. Then he said, 'Give permission to ten more.' He gave permission and they ate until they were full and left. There were seventy or eighty men."

Book 49, Number 49.10.20:

Yahya related to me from Malik from Abu'z-Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "The food of two is enough for three, and the food of three is enough for four."

Book 49, Number 49.10.21:

Yahya related to me from Malik from Abu'z-Zubayr al-Makki from Jabir ibn Abdullah that the Messenger of Allah, may Allah bless him and grant him peace, said, "Lock the door, tie the waterskin, turn the vessel over or cover it, and put out the lamp. Shaytan does not open a locked door or untie a tied knot, or uncover a vessel. A mouse may set fire to people's houses about them."

Book 49, Number 49.10.22:

Yahya related to me from Malik from Said ibn Abi Said al-Maqburi from Abu Shurayh al-Kabi that the Messenger of Allah, may Allah bless him and grant him peace, said, "Whoever believes in Allah and the Last Day should speak good or be silent. Whoever believes in Allah and the Last Day should be generous to his neighbour. Whoever believes in Allah and the Last Day, should be generous to his guest. His welcome is for a day and a night, and his hospitality is for three days. Whatever is more than that is sadaqa. It is not halal for a guest to stay with a man until he becomes a burden."

Book 49, Number 49.10.23:

Yahya related to me from Malik from Sumayy, the mawla of Abu Bakr from Abu Salih as-Samman from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "A man was walking on a road when he became very thirsty. He found a well and went into it and drank and came out. There was a dog panting and eating earth out of thirst. The man said, 'This dog has become as thirsty as I was.' He went down into the well and filled his shoe and then held it in his mouth until he climbed out and gave the dog water to drink. Allah thanked him for it and forgave him." They said, "Messenger of Allah, do we have a reward for t