



Sahih Bukhari English

The Most Authenticated Book of Hadith

Muhammad Ibn Ismail al-Bukhari popularly known as Imam Bukhari, (810-870AD), was a Sunni Islamic scholar. He authored the Hadith collection named *Sahih Bukhari*, a collection which Sunni Muslims regard as the most authentic of all Hadith compilations. Bukhari wrote three works discussing narrators of Hadith with respect to their ability in conveying their material: the "brief compendium of Hadith narrators," "the medium compendium" and the "large compendium". The large compendium is published and well-identified.

The Book of Conditions

Ahadith 21

(2711-2737)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, Most Gracious, Most Merciful

The conditions permissible on embracing Islam, contracts and transactions

Hadith # 2711, 2712

Narrated Marwan and al-Miswar bin Makhrama:

When Suhail bin `Amr agreed to the Treaty (of Hudaibiya), one of the things he stipulated then, was that the Prophet (ﷺ) should return to them (i.e. the pagans) anyone coming to him from their side, even if he was a Muslim; and would not interfere between them and that person. The Muslims did not like this condition and got disgusted with it. Suhail did not agree except with that condition.

So, the Prophet (ﷺ) agreed to that condition and returned Abu Jandal to his father Suhail bin `Amr. Thenceforward the Prophet (ﷺ) returned everyone in that period (of truce) even if he was a Muslim.

During that period some believing women emigrants including Um Kulthum bint `Uqba bin Abu Muait who came to Allah's Messenger (ﷺ) and she was a young lady then. Her relative came to the Prophet (ﷺ) and asked him to return her, but the Prophet (ﷺ) did not return her to them for Allah had revealed the following Verse

regarding women:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ ... لَهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ ۗ

"O you who believe!

When the believing women come to you as emigrants. Examine them, Allah knows best as to their belief, then if you know them for true believers, Send them not back to the unbelievers, (for) they are not lawful (wives) for the disbelievers,

Nor are the unbelievers lawful (husbands) for them (60.10)

Hadith # 2713

Narrated `Urwa:

Aisha told me, "Allah's Messenger (ﷺ) used to examine them according to this Verse:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَأَمْتَحِنُوهُنَّ ۗ ... إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

"O you who believe!

When the believing women come to you, as emigrants test them . . .

for Allah is Oft- Forgiving, Most Merciful." (60.10-12)

Aisha said,

"When any of them agreed to that condition Allah's Apostle would say to her, 'I have accepted your pledge of allegiance.'

He would only say that, but, by Allah he never touched the hand of any women while taking the pledge of allegiance

and he never took their pledge of allegiance except by his words (only).

Hadith # 2714

Narrated Jarir:

When I gave the pledge of allegiance to Allah's Messenger (ﷺ) and he stipulated that I should give good advice to every Muslim.

Hadith # 2715

Narrated Jabir bin `Abdullah:

I gave the pledge of allegiance to Allah's Messenger (ﷺ)

- for offering the prayers perfectly

- paying the Zakat and
- giving good advice to every Muslim.

The sale of pollinated date-palms

Hadith # 2716

Narrated `Abdullah bin `Umar:

Allah's Messenger (ﷺ) said,

"If someone sells pollinated date-palms, their fruits will be for the seller, unless the buyer stipulates the contrary."

The conditions of selling

Hadith # 2717

Narrated `Urwa:

Aisha told me that Barirah came to seek her help in writing for emancipation and at that time she had not paid any part of her price.

`Aisha said to her, "Go to your masters and if they agree that I will pay your price (and free you) on condition that your Wala' will be for me, I will pay the money."

Barirah told her masters about that, but they refused, and said, "If `Aisha wants to do a favor she could, but your Wala will be for us."

Aisha informed Allah's Messenger (ﷺ) of that and he said to her, "Buy and manumit Barirah as the Wala' will go to the manumitted."

Seller can ride the (sold) animal up to a place

Hadith # 2718

Narrated Jabir:

While I was riding a (slow) and tired camel, the Prophet (ﷺ) passed by and beat it and prayed for Allah's Blessings for it. The camel became so fast as it had never been before. The Prophet (ﷺ) then said, "Sell it to me for one Uqiyya (of gold)." I said, "No." He again said, "Sell it to me for one Uqiyya (of gold)." I sold it and stipulated that I should ride it to my house.

When we reached (Medina) I took that camel to the Prophet (ﷺ) and he gave me its

price. I returned home but he sent for me (and when I went to him) he said,
"I will not take your camel. Take your camel as a gift for you."

Conditions in contracts (of share-cropping etc.)

Hadith # 2719

Narrated Abu Huraira:

The Ansar said to the Prophet, "Divide our date-palms between us and our emigrant brothers." The Prophet said, "No."

The Ansar said to the emigrants, "You may do the labor (in our gardens) and we will share the fruits with you."

The emigrants said, "We hear and obey."

Hadith # 2720

Narrated `Abdullah bin `Umar:

Allah's Messenger (ﷺ) gave the land of Khaibar to the Jews on the condition that they would work on it and cultivate it and they would get half of its yield.

The terms and the conditions of Mahr

Hadith # 2721

Narrated `Uqba bin Amir:

Allah's Messenger (ﷺ) said,

"From among all the conditions which you have to fulfill, the conditions which make it legal for you to have sexual relations (i.e. the marriage contract) have the greatest right to be fulfilled."

The conditions in share-cropping

Hadith # 2722

Narrated Rafi` bin Khadij:

We used to work on the fields more than the other Ansar, and we used to rent the land (for the yield of a specific portion of it). But sometimes that portion or the rest of the land did not give any yield, so we were forbidden (by the Prophet (ﷺ)) to follow

such a system, but we were allowed to rent the land for money.

The conditions not permissible in marriage

Hadith # 2723

Narrated Abu Huraira:

The Prophet (ﷺ) said,

- "No town-dweller should sell for a bedouin.
- Do not practice Najsh (i.e. Do not offer a high price to deceive the people).
- No Muslim should offer more for a thing already bought by his Muslim brother,
- nor should he demand the hand of a girl already engaged to another Muslim.
- A Muslim woman shall not try to bring about The divorce of her sister (i.e. another Muslim woman) in order to take her place herself."

Conditions not permissible in legal punishments

Hadith # 2724, 2725

Narrated Abu Huraira and Zaid bin Khalid Al-Juhani:

A bedouin came to Allah's Messenger (ﷺ) and said, "O Allah's apostle! I ask you by Allah to judge My case according to Allah's Laws." His opponent, who was more learned than he, said, "Yes, judge between us according to Allah's Laws, and allow me to speak." Allah's Messenger (ﷺ) said, "Speak."

He (i.e. the bedouin or the other man) said, "My son was working as a laborer for this (man) and he committed illegal sexual intercourse with his wife. The people told me that it was obligatory that my son should be stoned to death, so in lieu of that I ransomed my son by paying one hundred sheep and a slave girl.

Then I asked the religious scholars about it, and they informed me that my son must be lashed one hundred lashes, and be exiled for one year, and the wife of this (man) must be stoned to death."

Allah's Messenger (ﷺ) said,

"By Him in Whose Hands my soul is, I will judge between you according to Allah's Laws. The slave-girl and the sheep are to be returned to you,

your son is to receive a hundred lashes and be exiled for one year.

You, Unais, go to the wife of this (man) and if she confesses her guilt, stone her to

death."

Unais went to that woman next morning and she confessed. Allah's Messenger (ﷺ) ordered that she be stoned to death.

A slave who has a writing for emancipation conditions permissible

Hadith # 2726

Narrated Aiman Al-Makki:

When I visited Aisha she said, "Barirah who had a written contract for her emancipation for a certain amount came to me and said, "O mother of the believers! Buy me and manumit me, as my masters will sell me."

Aisha agreed to it. Barirah said, 'My masters will sell me on the condition that my Wala will go to them.' Aisha said to her, 'Then I am not in need of you.' The Prophet (ﷺ) heard of that or was told about it and so he asked Aisha, 'What is the problem of Barirah?'

He said, 'Buy her and manumit her, no matter what they stipulate.'

Aisha added, 'I bought and manumitted her, though her masters had stipulated that her Wala would be for them.'

The Prophet (ﷺ) said, The Wala is for the liberator, even if the other stipulated a hundred conditions."

Conditions concerning divorce

Hadith # 2727

Narrated Abu Huraira:

Allah's Messenger (ﷺ) forbade

- the meeting of the caravan (of goods) on the way,
- and that a residing person buys for a bedouin,
- and that a woman stipulates the divorce of the wife of the would-be husband,
- and that a man tries to cause the cancellation of a bargain concluded by another.
- He also forbade An-Najsh) and that one withholds the milk in the udder of the animal so that he may deceive people on selling it.

Verbal conditions with the people

Hadith # 2728

Narrated Ubai bin Ka`b:

Allah's Messenger (ﷺ) said, "Moses the Messenger of Allah," and then he narrated the whole story about him. Al-Khadir said to Moses,

أَلَمْ أَقُلْ إِنَّكَ لَنْ تَسْتَطِيعَ مَعِيَ صَبْرًا

"Did not I tell you that you can have no patience with me." (18.72).

Moses then violated the agreement for the first time because of forgetfulness, then Moses promised that if he asked Al-Khadir about anything, the latter would have the right to desert him. Moses abided by that condition and on the third occasion he intentionally asked Al-Khadir and caused that condition to be applied. The three occasions referred to above are referred to by the following Verses:

لَا تُؤَاخِذْنِي بِمَا نَسِيتُ وَلَا تُرْهِقْنِي مِنْ أَمْرِي عُسْرًا

"Call me not to account for forgetting and be not hard upon me." (18.73)

إِذَا لَقِيَ غُلَامًا فَقَتَلَهُ ۖ

"Then they met a boy and Khadir killed him." (18.74)

فَوَجَدَا فِيهَا جِدَارًا يُرِيدُ أَنْ يَنْقُضَ فَأَقَامَهُ ۖ

"Then they found a wall which was on the verge of falling and Khadir set it up straight." (18.77)

Conditions for Wala'

Hadith # 2729

Narrated `Urwa:

Aisha said, "Barirah came to me and said, 'My people (masters) have written the contract for my emancipation for nine Awaq () of gold) to be paid in yearly installments, one Uqiyya per year; so help me.'" Aisha said (to her), "If your masters agree, I will pay them the whole sum provided the Wala' will be for me."

Barirah went to her masters and told them about it, but they refused the offer and she returned from them while Allah's Messenger (ﷺ) was sitting. She said, "I presented the offer to them, but they refused unless the Wala' would be for them."

When the Prophet (ﷺ) heard that and `Aisha told him about It, he said to her, "Buy Barirah and let them stipulate that her Wala' will be for them, as the Wala' is for the

manumitted." `Aisha did so.

After that Allah's Messenger (ﷺ) got up amidst the people, Glorified and Praised Allah and said,

"What is wrong with some people who stipulate things which are not in Allah's Laws? Any condition which is not in Allah's Laws is invalid even if there were a hundred such conditions. Allah's Rules are the most valid and Allah's Conditions are the most solid. The Wala is for the manumitted."

If the landlord stipulates that he would terminate the contract whenever he likes

Hadith # 2730

Narrated Ibn `Umar:

When the people of Khaibar dislocated `Abdullah bin `Umar's hands and feet, `Umar got up delivering a sermon saying,

"No doubt, Allah's Messenger (ﷺ) made a contract with the Jews concerning their properties, and said to them, 'We allow you (to stand in your land) as long as Allah allows you.' Now `Abdullah bin `Umar went to his land and was attacked at night, and his hands and feet were dislocated, and as we have no enemies there except those Jews, they are our enemies and the only people whom we suspect, I have made up my mind to exile them."

When `Umar decided to carry out his decision, a son of Abu Al-Haqiq's came and addressed `Umar, "O chief of the believers, will you exile us although Muhammad allowed us to stay at our places, and made a contract with us about our properties, and accepted the condition of our residence in our land?"

`Umar said, "Do you think that I have forgotten the statement of Allah's Messenger (ﷺ), i.e.: What will your condition be when you are expelled from Khaibar and your camel will be carrying you night after night?"

The Jew replied, "That was joke from Abul-Qasim."

`Umar said, "O the enemy of Allah! You are telling a lie."

`Umar then drove them out and paid them the price of their properties in the form of fruits, money, camel saddles and ropes, etc."

The conditions of Jihad and peace treaties

Hadith # 2731, 2732

Narrated Al-Miswar bin Makhrama and Marwan:

Allah's Messenger (ﷺ) set out at the time of Al-Hudaibiya (treaty), and when they proceeded for a distance, he said, "Khalid bin Al-Walid leading the cavalry of Quraish constituting the front of the army, is at a place called Al-Ghamim, so take the way on the right." By Allah, Khalid did not perceive the arrival of the Muslims till the dust arising from the march of the Muslim army reached him, and then he turned back hurriedly to inform Quraish.

The Prophet (ﷺ) went on advancing till he reached the Thaniya (i.e. a mountainous way) through which one would go to them (i.e. people of Quraish). The she-camel of the Prophet (ﷺ) sat down. The people tried their best to cause the she-camel to get up but in vain, so they said, "Al-Qaswa' (i.e. the she-camel's name) has become stubborn! Al-Qaswa' has become stubborn!" The Prophet (ﷺ) said, "Al-Qaswa' has not become stubborn, for stubbornness is not her habit, but she was stopped by Him Who stopped the elephant."

Then he said, "By the Name of Him in Whose Hands my soul is, if they (i.e. the Quraish infidels) ask me anything which will respect the ordinances of Allah, I will grant it to them." The Prophet (ﷺ) then rebuked the she-camel and she got up. The Prophet (ﷺ) changed his way till he dismounted at the farthest end of Al-Hudaibiya at a pit (i.e. well) containing a little water which the people used in small amounts, and in a short while the people used up all its water and complained to Allah's Messenger (ﷺ); of thirst. The Prophet (ﷺ) took an arrow out of his arrow-case and ordered them to put the arrow in that pit. By Allah, the water started and continued sprouting out till all the people quenched their thirst and returned with satisfaction.

While they were still in that state, Budail bin Warqa-al- Khuza`i came with some persons from his tribe Khuza`a and they were the advisers of Allah's Messenger (ﷺ) who would keep no secret from him and were from the people of Tihama. Budail said, "I left Ka`b bin Luai and 'Amir bin Luai residing at the profuse water of Al-Hudaibiya and they had milch camels (or their women and children) with them, and will wage war against you, and will prevent you from visiting the Ka`ba."

Allah's Messenger (ﷺ) said, "We have not come to fight anyone, but to perform the `Umra. No doubt, the war has weakened Quraish and they have suffered great losses, so if they wish, I will conclude a truce with them, during which they should refrain from interfering between me and the people (i.e. the 'Arab infidels other than Quraish), and if I have victory over those infidels, Quraish will have the option to embrace Islam as the other people do, if they wish; they will at least get strong enough to fight. But if they do not accept the truce, by Allah in Whose Hands my life is, I will fight with them defending my Cause till I get killed, but (I am sure) Allah will definitely make His Cause victorious." Budail said, "I will inform them of what you

have said."

So, he set off till he reached Quraish and said, "We have come from that man (i.e. Muhammad) whom we heard saying something which we will disclose to you if you should like." Some of the fools among Quraish shouted that they were not in need of this information, but the wiser among them said, "Relate what you heard him saying." Budail said, "I heard him saying so-and-so," relating what the Prophet (ﷺ) had told him.

`Urwa bin Mas`ud got up and said, "O people! Aren't you the sons? They said, "Yes."

He added, "Am I not the father?" They said, "Yes."

He said, "Do you mistrust me?" They said, "No."

He said, "Don't you know that I invited the people of `Ukaz for your help, and when they refused I brought my relatives and children and those who obeyed me (to help you)?"

They said, "Yes." He said, "Well, this man (i.e. the Prophet) has offered you a reasonable proposal, you'd better accept it and allow me to meet him." They said, "You may meet him." So, he went to the Prophet (ﷺ) and started talking to him. The Prophet (ﷺ) told him almost the same as he had told Budail. Then `Urwa said, "O Muhammad! Won't you feel any scruple in extirpating your relations? Have you ever heard of anyone amongst the Arabs extirpating his relatives before you? On the other hand, if the reverse should happen, (nobody will aid you, for) by Allah, I do not see (with you) dignified people, but people from various tribes who would run away leaving you alone."

Hearing that, Abu Bakr abused him and said, "Do you say we would run and leave the Prophet (ﷺ) alone?"

`Urwa said, "Who is that man?"

They said, "He is Abu Bakr."

`Urwa said to Abu Bakr, "By Him in Whose Hands my life is, were it not for the favor which you did to me and which I did not compensate, I would retort on you."

`Urwa kept on talking to the Prophet (ﷺ) and seizing the Prophet's beard as he was talking while Al-Mughira bin Shu`ba was standing near the head of the Prophet, holding a sword and wearing a helmet. Whenever `Urwa stretched his hand towards the beard of the Prophet, Al-Mughira would hit his hand with the handle of the sword and say (to `Urwa), "Remove your hand from the beard of Allah's Messenger (ﷺ)." `Urwa raised his head and asked, "Who is that?" The people said, "He is Al-Mughira bin Shu`ba." `Urwa said, "O treacherous! Am I not doing my best to prevent evil consequences of your treachery?"

Before embracing Islam Al-Mughira was in the company of some people. He killed

them and took their property and came (to Medina) to embrace Islam. The Prophet (ﷺ) said (to him, "As regards your Islam, I accept it, but as for the property I do not take anything of it. (As it was taken through treason).

Urwa then started looking at the Companions of the Prophet. By Allah, whenever Allah's Messenger (ﷺ) spat, the spittle would fall in the hand of one of them (i.e. the Prophet's companions) who would rub it on his face and skin; if he ordered them they would carry his orders immediately; if he performed ablution, they would struggle to take the remaining water; and when they spoke to him, they would lower their voices and would not look at his face constantly out of respect.

Urwa returned to his people and said, "O people! By Allah, I have been to the kings and to Caesar, Khosrau and An- Najashi, yet I have never seen any of them respected by his courtiers as much as Muhammad is respected by his companions. By Allah, if he spat, the spittle would fall in the hand of one of them (i.e. the Prophet's companions) who would rub it on his face and skin; if he ordered them, they would carry out his order immediately; if he performed ablution, they would struggle to take the remaining water; and when they spoke, they would lower their voices and would not look at his face constantly out of respect." Urwa added, "No doubt, he has presented to you a good reasonable offer, so please accept it."

A man from the tribe of Bani Kinana said, "Allow me to go to him," and they allowed him, and when he approached the Prophet and his companions, Allah's Messenger (ﷺ) said, "He is so-and-so who belongs to the tribe that respects the Budn (i.e. camels of the sacrifice). So, bring the Budn in front of him." So, the Budn were brought before him and the people received him while they were reciting Talbiya. When he saw that scene, he said, "Glorified be Allah! It is not fair to prevent these people from visiting the Ka`ba." When he returned to his people, he said, 'I saw the Budn garlanded (with colored knotted ropes) and marked (with stabs on their backs). I do not think it is advisable to prevent them from visiting the Ka`ba."

Another person called Mikraz bin Hafs got up and sought their permission to go to Muhammad, and they allowed him, too. When he approached the Muslims, the Prophet (ﷺ) said, "Here is Mikraz and he is a vicious man." Mikraz started talking to the Prophet and as he was talking, Suhail bin `Amr came. When Suhail bin `Amr came, the Prophet (ﷺ) said, "Now the matter has become easy." Suhail said to the Prophet "Please conclude a peace treaty with us."

So, the Prophet (ﷺ) called the clerk and said to him, "Write: By the Name of Allah, the most Beneficent, the most Merciful." Suhail said, "As for 'Beneficent,' by Allah, I do not know what it means. So write: By Your Name O Allah, as you used to write previously." The Muslims said, "By Allah, we will not write except: By the Name of Allah, the most Beneficent, the most Merciful." The Prophet (ﷺ) said, "Write: By Your Name O Allah." Then he dictated, "This is the peace treaty which Muhammad, Allah's Messenger (ﷺ) has concluded." Suhail said, "By Allah, if we knew that you

are Allah's Messenger (ﷺ) we would not prevent you from visiting the Ka`ba, and would not fight with you. So, write: "Muhammad bin `Abdullah." The Prophet (ﷺ) said, "By Allah! I am Apostle of Allah even if you people do not believe me. Write: Muhammad bin `Abdullah."

Az-Zuhri said, "The Prophet (ﷺ) accepted all those things, as he had already said that he would accept everything they would demand if it respects the ordinance of Allah, (i.e. by letting him and his companions perform `Umra.)" The Prophet (ﷺ) said to Suhail, "On the condition that you allow us to visit the House (i.e. Ka`ba) so that we may perform Tawaf around it." Suhail said, "By Allah, we will not (allow you this year) so as not to give chance to the 'Arabs to say that we have yielded to you, but we will allow you next year." So, the Prophet (ﷺ) got that written. Then Suhail said, "We also stipulate that you should return to us whoever comes to you from us, even if he embraced your religion." The Muslims said, "Glorified be Allah! How will such a person be returned to the pagans after he has become a Muslim?"

While they were in this state Abu- Jandal bin Suhail bin `Amr came from the valley of Mecca staggering with his fetters and fell down amongst the Muslims. Suhail said, "O Muhammad! This is the very first term with which we make peace with you, i.e. you shall return Abu Jandal to me." The Prophet (ﷺ) said, "The peace treaty has not been written yet." Suhail said, "I will never allow you to keep him." The Prophet (ﷺ) said, "Yes, do." He said, "I won't do.:" Mikraz said, "We allow you (to keep him)." Abu Jandal said, "O Muslims! Will I be returned to the pagans though I have come as a Muslim? Don't you see how much I have suffered?"

Abu Jandal had been tortured severely for the Cause of Allah. `Umar bin Al-Khattab said, "I went to the Prophet (ﷺ) and said, 'Aren't you truly the Messenger of Allah?' The Prophet (ﷺ) said, 'Yes, indeed.' I said, 'Isn't our Cause just and the cause of the enemy unjust?' He said, 'Yes.' I said, 'Then why should we be humble in our religion?' He said, 'I am Allah's Messenger (ﷺ) and I do not disobey Him, and He will make me victorious.' I said, 'Didn't you tell us that we would go to the Ka`ba and perform Tawaf around it?' He said, 'Yes, but did I tell you that we would visit the Ka`ba this year?' I said, 'No.' He said, 'So you will visit it and perform Tawaf around it?' "

`Umar further said, "I went to Abu Bakr and said, 'O Abu Bakr! Isn't he truly Allah's Prophet?' He replied, 'Yes.' I said, 'Then why should we be humble in our religion?' He said, 'Indeed, he is Allah's Messenger (ﷺ) and he does not disobey his Lord, and He will make him victorious. Adhere to him as, by Allah, he is on the right.' I said, 'Was he not telling us that we would go to the Ka`ba and perform Tawaf around it?' He said, 'Yes, but did he tell you that you would go to the Ka`ba this year?' I said, 'No.' He said, "You will go to Ka`ba and perform Tawaf around it."

Az-Zuhri said, " `Umar said, 'I performed many good deeds as expiation for the

improper questions I asked them.' "

When the writing of the peace treaty was concluded, Allah's Messenger (ﷺ) said to his companions, "Get up and slaughter your sacrifices and get your head shaved." By Allah none of them got up, and the Prophet repeated his order thrice. When none of them got up, he left them and went to Um Salama and told her of the people's attitudes towards him. Um Salama said, "O the Prophet (ﷺ) of Allah! Do you want your order to be carried out? Go out and don't say a word to anybody till you have slaughtered your sacrifice and call your barber to shave your head."

So, the Prophet (ﷺ) went out and did not talk to anyone of them till he did that, i.e. slaughtered the sacrifice and called his barber who shaved his head. Seeing that, the companions of the Prophet (ﷺ) got up, slaughtered their sacrifices, and started shaving the heads of one another, and there was so much rush that there was a danger of killing each other. Then some believing women came (to the Prophet (ﷺ)); and Allah revealed the following Divine Verses:--

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ ... وَلَا تُمْسِكُوا بِعِصَمِ الْكَوَافِرِ

if ye ascertain that they are Believers, then send them not back to the Unbelievers. They are not lawful (wives) for the Unbelievers, nor are the (Unbelievers) lawful (husbands) for them.

But pay the Unbelievers what they have spent (on their dower).

And there will be no blame on you if ye marry them on payment of their dower to them.

But hold not to the guardianship of unbelieving women: (60.10)

`Umar then divorced two wives of his who were infidels. Later on Muawiya bin Abu Sufyan married one of them, and Safwan bin Umaiyah married the other.

When the Prophet (ﷺ) returned to Medina, Abu Basir, a new Muslim convert from Quraish came to him. The Infidels sent in his pursuit two men who said (to the Prophet (ﷺ)), "Abide by the promise you gave us." So, the Prophet (ﷺ) handed him over to them. They took him out (of the City) till they reached Dhul-Hulaifa where they dismounted to eat some dates they had with them. Abu Basir said to one of them, "By Allah, O so-and-so, I see you have a fine sword." The other drew it out (of the scabbard) and said, "By Allah, it is very fine and I have tried it many times." Abu Basir said, "Let me have a look at it." When the other gave it to him, he hit him with it till he died, and his companion ran away till he came to Medina and entered the Mosque running. When Allah's Messenger (ﷺ) saw him he said, "This man appears to have been frightened."

When he reached the Prophet (ﷺ) he said, "My companion has been murdered and I would have been murdered too."

Abu Basir came and said, "O Allah's Messenger (ﷺ), by Allah, Allah has made you fulfill your obligations by your returning me to them (i.e. the Infidels), but Allah has saved me from them." The Prophet (ﷺ) said, "Woe to his mother! what excellent war kindler he would be, should he only have supporters." When Abu Basir heard that he understood that the Prophet (ﷺ) would return him to them again, so he set off till he reached the seashore.

Abu Jandal bin Suhail got himself released from them (i.e. infidels) and joined Abu Basir. So, whenever a man from Quraish embraced Islam he would follow Abu Basir till they formed a strong group. By Allah, whenever they heard about a caravan of Quraish heading towards Sham, they stopped it and attacked and killed them (i.e. infidels) and took their properties. The people of Quraish sent a message to the Prophet (ﷺ) requesting him for the Sake of Allah and Kith and kin to send for (i.e. Abu Basir and his companions) promising that whoever (amongst them) came to the Prophet (ﷺ) would be secure. So the Prophet (ﷺ) sent for them (i.e. Abu Basir's companions) and Allah I revealed the following Divine Verses:

وَهُوَ الَّذِي كَفَّ أَيْدِيَهُمْ عَنْكُمْ وَأَيْدِيَكُمْ عَنْهُمْ ... فِي قُلُوبِهِمُ الْحَمِيَّةَ حَمِيَّةَ الْجَاهِلِيَّةِ

And it is He who has restrained their hands from you and your hand from them in the midst of Mecca,

after that He gave you the victory over them. And Allah sees well all that ye do. They are the ones who denied revelation and hindered you from the Sacred Mosque

and the sacrificial animals, detained from reaching their place of sacrifice.

Had there not been believing men and believing women whom ye did not know that ye were trampling down and on whose account a crime would have accrued to you without (your) knowledge.

(Allah would have allowed you to force your way, but He held back your hands)

that He may admit to His mercy whom He will. If they had been apart,

We should certainly have punished the Unbelievers among them with a grievous punishment.

While the Unbelievers got up in their hearts heat and cant - the heat and cant of Ignorance, (48.24-26)

And their pride and haughtiness was that they did not confess (write in the treaty) that he (i.e. Muhammad) was the Prophet of Allah and refused to write: "In the Name of Allah, the most Beneficent, the Most Merciful," and they (the mushriks) prevented them (the Muslims) from visiting the House (the Ka`bah).

Hadith # 2733

Narrated Az-Zuhri:

`Urwa said, "Aisha told me that Allah's Messenger (ﷺ) used to examine the women emigrants. We have been told also that when Allah revealed the order that the Muslims should return to the pagans what they had spent on their wives who emigrated (after embracing Islam) and that the Muslims should not keep unbelieving women as their wives, `Umar divorced two of his wives, Qariba, the daughter of Abu Umayyah and the daughter of Jarwal Al-Khuza'i. Later on Mu`awiya married Qariba and Abu Jahm married the other."

When the pagans refused to pay what the Muslims had spent on their wives, Allah revealed:

وَإِنْ فَاتَكُمْ شَيْءٌ مِّنْ أَزْوَاجِكُمْ إِلَى الْكُفَّارِ ... أَزْوَاجُهُمْ مِّثْلَ مَا أَنْفَقُوا ۗ

"And if any of your wives have gone from you to the unbelievers and you have an accession (by the coming over of a woman from the other side)

(then pay to those whose wives have gone) the equivalent of what they had spent (on their Mahr)." (60.11)

So, Allah ordered that the Muslim whose wife has gone, should be given, as a compensation of the Mahr he had given to his wife, from the Mahr of the wives of the pagans who had emigrated deserting their husbands.

We do not know any of the women emigrants who deserted Islam after embracing it. We have also been told that Abu Basir bin Asid Ath-Thaqafi came to the Prophet (ﷺ) as a Muslim emigrant during the truce. Al-Akhnas bin Shariq wrote to the Prophet (ﷺ) requesting him to return Abu Basir.

Hadith # 2734

Narrated Abu Huraira:

Allah's Messenger (ﷺ) mentioned a person who asked an Israeli man to lend him one-thousand Dinars, and the Israeli lent him the sum for a certain fixed period.

Mukatab conditions which contradict Allah's Laws

Hadith # 2735

Narrated `Amra:

Aisha said that Barirah came to seek her help in the writing of her emancipation. `Aisha said to her, "If you wish, I will pay your masters (your price) and the wala' will be for me." When Allah's Messenger (ﷺ) came, she told him about it. The Prophet (ﷺ) said to her, "Buy her (i.e. Barirah) and manumit (free) her, for the Wala is for the one who manumits."

Then Allah's Messenger (ﷺ) ascended the pulpit and said,

"What about those people who stipulate conditions which are not in Allah's Laws? Whoever stipulates such conditions as are not in Allah's Laws, then those conditions are invalid even if he stipulated a hundred such conditions."

What kinds of conditions are permissible; and what is exempted from the decision

Hadith # 2736

Narrated Abu Huraira:

Allah's Messenger (ﷺ) said,

Allah has ninety-nine names, i.e. one-hundred minus one, and whoever knows them will go to Paradise."

Conditions in Waqf (i.e., religious endowment)

Hadith # 2737

Narrated Ibn `Umar:

Umar bin Khattab got some land in Khaibar and he went to the Prophet (ﷺ) to consult him about it saying, "O Allah's Messenger (ﷺ) I got some land in Khaibar better than which I have never had, what do you suggest that I do with it?"

The Prophet (ﷺ) said, "If you like you can give the land as endowment and give its fruits in charity." So `Umar gave it in charity as an endowment on the condition that would not be sold nor given to anybody as a present and not to be inherited, but its yield would be given in charity to the poor people, to the Kith and kin, for freeing slaves, for Allah's Cause, to the travelers and guests; and that there would be no harm if the guardian of the endowment ate from it according to his need with good intention, and fed others without storing it for the future."

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