



ANAS. A. G. S. "When a woman performs the five times of prayer, and fasts the month *Ramd'an*, and guards her private parts, and obeys her husband, then tell her to enter paradise by whichever door she likes."

AB'UHURAIRAH. 'A. G. S. "If I were to order men to worship each other; verily I would order a wife to worship her husband." OMM-SALMAH. 'A.

G. S. "Every woman who dies, and her husband is pleased with her, shall enter into paradise." TALAK. 'A. G. S. "When a man calls his

wife for his own wants, she must come, although she be at an oven."

MU'AD'H. 'A. G. S. "No one woman vexes her husband in the world, but the husband's wife in paradise says, vex not thy husband, may God destroy thee! because he is nothing more than a traveller with thee; he will soon come to me in paradise." HACIM-BIN-MUAWIAH* relates from

his father, thus, 'I said, "O messenger of God! what is my duty to my wives?" He said, "that you give them to eat when you eat yourself, and clothe them when you clothe yourself; and do not slap them on the face nor abuse them, nor separate yourself from them in displeasure, except in your own house." LAKIT'-BIN-SABIRAH said, 'I said, "O

messenger of God! I have got a foolish prating wife." He said, "divorce her." I said, "how shall I divorce her? for I have children by her, and am pleased with her company." His highness said, "give her

advice; and if she has goodness in her, she will soon take it, and leave off idle talking; and do not beat your noble wife like your slave girl."

IAS-BIN-ABDULLAH.† A. G. S. "Beat not your wives." Then OMER came to the Prophet and said, "wives have got the upper hand of their husbands from hearing this." Then his highness permitted beating of wives. Then an immense assemblage of women collected round the Prophet's family, and complained of their husbands beating them. And

CHAP. XI.
PART II.

Obedience
and respect
from the
wife to-
wards her
husband
strongly in-
culcated.

Duty of a
husband to-
wards his
wives.

Husbands
forbidden to
beat their
wives.

* One of the *Tābi'in*, surnamed KUSHARI, from KUSHAR-BIN-CAB, one of his ancestors. His father MUAWIAH-BIN-HAIDAH is one of the *Sah'abah*.

† He is generally reckoned among the *Sah'abah*; but according to BUKHARI his having seen the Prophet is doubtful. This is the only tradition received from him.

BOOK XIII.

He is the best *Muslemān* who behaves best to his family.

his highness said, " verily a great number of women are assembled near my family, complaining of their husbands: and those men who beat their wives, do not behave well. He is not of my way who teaches a woman to stray; and who entices a slave from his master." *ĀĀ'YESHAH*.

' A. G. S. " He is of the most perfect *Muslemāns*, whose disposition is most liked by his own family."

AB'UHURAIRAH. ' A. G. S. " That is the most perfect *Muslemān* whose disposition is best; and the best of you is he, who behaves best to his wives." *ĀĀ'YESHAH* said, ' his highness arrived from the expedition of *Tabūc*, and there was a curtain in my house let down, and wind blew and opened the side where my puppets were: and the Prophet said, making a sign to the puppets, " what are these, O *ĀĀ'YESHAH*?" I said, " they are my daughters." And his highness saw, amongst the puppets, the image of a horse with two wings: and said, " what thing is this, which I see amongst the puppets?" I said, " it is a horse." He said, " what thing is that upon him?" I said, " two wings." The Prophet said with astonishment, " this is a wonderful horse that has two wings." I said, " have you not heard that *SULAIM'AN* had horses with wings, which flew?" Then his highness laughed, to such a degree as to shew his grinders.'

Part Third.

*KAIS-BIN-SĀD** said, ' I came to *Hīrah*;† and saw the inhabitants worshipping their chief; and I said, " verily the Prophet of God is worthy

* One of the *Sah'ābah* from *Medīnah*, of the tribe *Khazraj*. He attended the Prophet ten years. He was a man of large stature, and corpulent; eminent for learning, wisdom and courage, which qualities obtained him the command of the Prophet's guard. Under *Ali*, he was governor of *Egypt*; and he never quitted *Ali*'s person, till he was slain. He died at *Medīnah*, A. H. 60.

† A town near *Cūfah*.



The Prophet forbids his followers to worship him.

The Prophet examines into the complaint of a woman against her husband, & acquits the husband.

of being worshipped." Then I came to the Prophet and said, "I saw the people of *Hirah* worshipping the chief of their tribe, and you are most worthy of being worshipped." Then his highness said to me, "tell me that if you should pass by my grave, would you worship it?" I said, "no." And his highness said, "worship not me: if I were to order men to worship each other, verily I would order wives to worship their husbands; because God has ordained duty from woman to man."

^AOMER. A. G. S. "A man will not be interrogated, in the world or futurity, about the thing with which he has beaten his own wife, when it is in duty to the law." ^AAB'U SA'ID KHUDH'RÌ said, 'a woman came to the Prophet when I was by him, and said "my husband, whose name is ^ASAFW'AN, beats me when I am saying my prayers: and makes me break my fast when I am keeping it; and he does not say morning prayers until the sun has risen." ^AAB'U SA'ID says, that ^ASAFW'AN was near the Prophet, when his wife made this complaint; and his highness asked him about what his wife had said. ^ASAFW'AN said, "O messenger of God! her saying that I beat her when she is saying her prayers, is because she repeats two chapters in her prayers, and I forbade her." The Prophet said, "one chapter is sufficient." "And her saying that I make her break her fast when she is keeping it, is for this, that she is always keeping fast, and I am a young man and cannot refrain from connexion." Then the Prophet said, "no wife must keep fast without the permission of her husband." And the woman's saying that "I do not say my prayers till after sun rise," is for this reason, that it is customary with our tribe to remain awake at night, and water our fields; then it is by necessity that I sleep till after sunrise.' His highness said, "O ^ASAFW'AN! perform your prayers when you awake." ^AAA'YESHAH said, 'verily the Prophet was in the middle of a crowd of the refugees and assistants, and a camel came and prostrated itself before him; and his friends said, "O messenger of God! beasts and trees worship you; then it is proper for us to worship

BOOK XII.

If it were proper for one human being to worship another, wives ought to worship their husbands.

Description of the best woman.

you." His highness said, " worship God, and honour your brother; that is, me. If I were to order men to worship one another, verily I would order wives to worship their husbands; and if I were to order women to carry stones from yellow mountains to black, and from black mountains to white, it would be incumbent on them to do it." JABIR.

' A. G. S. " There are three people, not one of whose prayers will be accepted, nor their good works carried upwards; one, a run-away slave, until he returns to his master's service; the second, a woman whose husband is angry with her; the third, an intoxicated person, until he gets sober." AB'UHURAIRAH said, it was said to the Prophet, " what is the best woman?" He said, " that is the best of women who pleases her husband most, when he looks at her, and obeys him when he orders her to do any thing, and is not an enemy to him in his property; and doth not oppose him in her person, or in any thing which he likes." IBN-AB-B'AS. ' A. G. S. " There are four qualities such, that to whomsoever they are given, verily to him hath been given the good of the world, and futurity: one of them, a grateful heart, and a tongue repeating the name of God; and a patient body in calamity; and a woman who does not disobey her husband, in her person or his property."



CHAP. XII.---PART I.

ON KHULÂ OR REPUDIATION OF A WIFE,
WHEN DESIRED BY HERSELF; AND
ON A MAN'S DIVORCING HIS WIFE.

IBN-ÂBBÂS said, ' the wife of THĀBIT-BIN-KAIS* came to the Prophet, and said, " O messenger of God! I am not angry with THĀBIT from his temper or religion; but I am afraid that something may happen to me contrary to *Islām*; on which account I wish to be separated' from him." The Prophet said, " will you give back to THĀBIT the garden which he gave you as your settlement?" She said, " yes." Then the Prophet said to THĀBIT, " take your garden, and divorce her at once."

A woman demanding to be separated from her husband must resign the portion settled on her by him.

ÂBDULLAH-BIN-ÔMER said, ' I divorced my wife when she was menstruous, which ÔMER mentioned to the Prophet, who was angry at it, and said, " IBN-ÔMER must take her back, and take care of her until she be pure, then let her menses come on again, and be pure from it; and then, if he pleases to divorce her let him do so when she is pure, and before

A man must not divorce his wife during her menstrual period.

* One of the *Sahâbah*, of the class of *Ansârs* and of the tribe *Khazraj*. He was at the battle of *Ohud* and all the subsequent ones, and was slain at that of *Yemâmah*, A. H. 12.

BOOK XIII.

The option given by MUH'AMMED to his wives.

The Prophet takes an oath against eating honey;

but is absolved from it by a divine revelation.

having connexion with her;" then this mode of repudiation is as much as has been fixed by God.' AA'YESHAH said, 'the messenger of God gave me a choice, saying, "if you desire the world, I will send you away; but if you wish for God and his Prophet, with God are great rewards for you;" and I chose God and his messenger: but his highness did not reckon this option any thing in the way of divorce.' AA'YESHAH said, 'verily the Prophet would sit near ZAINAB-BINT-JAH'ASH, after she had had her turn; and one day he ate honey near her. Then myself and HAFS'AH agreed that in whosoever house the Prophet came, we should say, "verily I smell in you the smell of the *Magháfir*;* have you eaten of it?" Then the Prophet came to one of us, and she asked him the question agreed upon. Then he replied, "there is no fear: I ate honey with ZAINAB-BINT-JAH'ASH; by God! I will not do it again. I make it unlawful for myself: do not tell this secret to any of my other wives." (AA'YESHAH says, the Prophet said this to please his wives.) Then this revelation came down: "O Prophet! why holdest thou that to be prohibited which God hath allowed thee, seeking to please thy wives?"†

Part Second.

Divorce lawful, but disliked by God.

THAWBÀN. 'A. G. S. "Every woman who asks her husband to be divorced, without cause, the smell of paradise is forbidden to her." IBN-ÔMER. 'A. G. S. "The thing which is lawful, but disliked by God, is divorce." ÂLÌ. 'A. G. S. "There is no divorce before marriage; and there is no setting free till after possession; and it is not right to fast the day and not eat at night; and there is no orphan after puberty; and there is no sucking child after two years and a half: and it is not right to be

* A substance exuding from certain plants, in the manner of gum, resembling honey in taste, but of a fetid smell.

† *Koràn*. Ch. 66. v. 1. SALE, Vol. II. p. 445. note z.



silent all day long." ÔMER-IBN-SHUA'IB relates from his forefathers, ' A. G. S. " It is not right for the sons of ADAM to make vows, in things not their own property; nor in freeing what they do not possess; and there is no divorce for what is not possessed." RUCA'NAH-BIN-ÂBD-YEZID* said, ' I divorced my wife SUHAIMAH, and informed the Prophet of the case, and only gave her one divorce.† Then the Prophet said, " did you only repeat one divorce?" I said, " yes." Then his highness ordered her to return to me. Then I divorced her a second time, in the reign of ÔMER: and a third time in the reign of ÔTHM'AN.' AB'UHURAIRAH. ' A. G. S. " There are three things which, whether done in joke or in earnest, shall be considered as serious and effectual; one, marriage; the second, divorce; the third, taking back." ÂA'YESHAH said, ' I heard the messenger of God say, " there is no divorce, and no emancipating by compulsion: that is, for one man to say to another, free your slave, and divorce your wife." AB'UHURAIRAH. ' A. G. S. " Every divorce is lawful except a madman's." ÂLÌ-IBN-AB'UT'ÂLIB. ' A. G. S. " There are three persons whose actions are not written; one, a person asleep, until he awakes; the second, a boy, till arriving at puberty; the third, a madman till recovering his reason." ÂA'YESHAH. ' A. G. S. " A slave girl is unlawful for a man after his saying to her twice, I put you away; like as a free woman by three divorces: and the period of a slave girl, after being turned away is two menstrual periods, when she may marry another; as that of a free woman is three."

Marriage, divorce and receiving back a divorced wife shall be serious and effectual, even if pronounced in jest.

The divorce of a slave is final on the second repetition; that of a free woman on the third.

Part Third.

MAHMÛD-BIN-LABÏD‡ said, ' the Prophet was informed of a

* One of the 'Sak'abah, of the tribe Koraish.

† A man who divorces his wife, cannot take her back again, if he has said to her three times, " I have divorced you."

‡ He was born in the time of the Prophet, but it is doubtful whether he ever met with him or not; and consequently whether he is to be classed among the 'Sak'abah or the Tab'iin.

man who divorced his wife by three times at once. And he got up in anger and said, " what! do you play with the book of God, while I am amongst you?" till a man stood up and said, " O messenger of God! shall I kill him?" MA'LIC. ' It reached me that a man said to ÂBDULLAH-BIN-ÂBB'AS, " verily I have divorced my wife a hundred times: then what do you order for me?" He said, " that woman is unlawful for you on three divorces; and the other ninety-seven, you have played with the book of God." AB'UHURAIRAH. ' A. G. S. " The wives that disobey their husbands and ask to be separated from them, are hypocrites." MU'AD'H-BIN-JABAL said, ' the Prophet said to me, " O MU'A'DH! God has not created any thing upon the face of the earth, which he loves better than emancipating; nor has he created any thing upon the face of the earth which he dislikes more than divorce."

CHAP. XIII.---PART I.

IN EXPLANATION OF WOMEN HAVING BEEN DIVORCED BY THREE REPETITIONS.

^AĀYESHAH said, 'the wife of ^ARIFA'AH came to the Prophet, and said, "verily I was married to ^ARIFA'AH, and he divorced me by three repetitions; after which I married ABD-UL-RAH'M'AN-BIN-ZUBAIR, and he has nothing but what is like the fringe of a garment."* Then his highness said, "do you wish to return to ^ARIFA'AH?" She said, "yes." The Prophet said, "your return to ^ARIFA'AH is not lawful, until you taste the honey of ABD-UL-RAH'M'AN, and he taste yours."†

When a woman has been divorced three times, the husband cannot take her back, till her marriage with another husband has been consummated.

Part Second.

^AABDULLAH-BIN-MASŪ'UD said, "the Prophet has cursed the second husband who makes the wife lawful for her first husband: and has

* Id est, membrum ejus virile flaccidum est et molle, ad opera venerea ineptum.

† That is, until the second husband has connexion, it is not right to return to the first.

BOOK XIII. cursed the first husband for whom she is thus made lawful."* SULAIM'AN-BIN-YES'AR said, ' I was in company with about ten of the Prophet's companions, and every one of them said, " a man who swears that he will not go near his wife for four months shall be imprisoned until he return to her or divorce her." AB'U-SALMAH said, ' verily SULAIM'AN-BIN-SAKHR, said to his wife, " you are to me as the back of my own mother until after *Ramd'ân*." Then, when half of the month of *Ramd'ân* had passed, SULAIM'AN slept with his wife one night, and mentioned the case to the Prophet, who said, " free a slave." He said, " I have not one." The Prophet said, " fast two months successively." He said, " I am not able." His highness said, " feed six poor people." He said, " I have not victuals for six poor men." Then the messenger of God said, to FERWAH-BIN-ÂMER,† " give to SULAIM'AN fifteen *Sââs* of dates, so that he may feed six poor people." SULAIM'AN-BIN-YES'AR said, that SULAIM'AN-BIN-SAKHR said, ' I was more insatiable of connexion with women than others, on which account I could have no patience.' SULAIM'AN-BIN-YES'AR said, that ' SULAIM'AN-BIN-SAKHR asked the Prophet, " if a man says to his wife you are to me like the back of my mother, and he has connexion with her before making atonement for it; what is to be done?" His highness said, " for him is freeing one slave, fasting two months, or feeding six poor people."

Penalty for infringing an oath of continence.

Part Third.

ACRIMAH said, ' verily a man said to his wife, " you are to me as

* This alludes to the case of a husband, who having three times pronounced the divorce of his wife, repents, and procures another man to marry and cohabit with her, for this express purpose that he may divorce her, and so put it in the power of the first husband to take her back.

† One of the *Sahâbah*.



the back of my own mother," and had connexion with her before making atonement for it, and went to the Prophet and mentioned the matter; who said, "what caused you to do it before making atonement for it?" He said, "O messenger of God! I saw the whiteness of the ornaments round her legs by moonlight, and was not able to govern myself, and had connexion with her." Then his highness laughed, and ordered him not to have connexion with her until after making atonement for it.

CH. XIII.
PART III.

IV. EXPLANATION OF THE FOREGOING.

MU'AWWAZ-BIN-HACAM said, "I came to the Prophet and said, 'O messenger of God! verily my slave girl was driving out my goats, and I went after her, and found one goat deficient, and asked her what had become of it. She said a wolf ate it. Then I was angry with her, and being of the children of Adam, gave her a slap on the face. And it became incumbent upon me to free a slave; then is it right for me to free her or not?' The Prophet said to the slave girl, in order to try her faith, 'What is God?' She said, 'in heaven.' The Prophet said, 'who art thou?' She said, 'you are the messenger of God.' Then the Prophet said, 'free her.'"

The Prophet
proved free-
dom a slave
who had
given proof
of her faith.



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CHAP. XIV.---PART I.

IN EXPLANATION OF THE FOREGOING.

MUAWIAH-BIN-HACAM said, ' I came to the Prophet and said, " O messenger of God ! verily my slave girl was driving out my goats, and I went near her, and found one goat deficient, and asked her what had become of it. She said a wolf ate it. Then I was angry with her, and being of the children of ADAM, gave her a slap on the face. And it became incumbent upon me to free a slave ; then is it right for me to free her or not ? " The Prophet said to the slave girl, in order to try her faith, " where is God ? " She said, " in heaven. " The Prophet said, " who am I ? " She said, " you are the messenger of God. " Then the Prophet said, " free her. "

The Prophet approved freeing a slave who had given proof of her faith.

CHAP. XV.---PART I.

ON LĪ Ā N.*

SAHAL-IBN-SÂD said, ' verily ^ĀUWAIMIR-UL-ĀJLA'NĪ† said, " O messenger of God ! inform me, if a man finds another with his wife, may he put him to death ? and will his relations kill him in retaliation ? or how shall he act ? " The messenger of God said, " verily I have received instructions from above in ordering between you and your wife : bring your wife." ' Then' SAHAL says, ' ^ĀUWAIMIR and his wife were confronted in the *Masjid* ; and myself, with other men, were near the Prophet : and when they had finished, ^ĀUWAIMIR said, " if I keep this wife, I shall be called a liar." Then ^ĀUWAIMIR divorced her thrice : after which the messenger of God said to his companions, " attend, if she brings forth a black child, with very black eyes, large buttocks, and fleshy legs, I shall not suppose but that ^ĀUWAIMIR spoke the truth : but if she produce a red child, I shall suppose ^ĀUWAIMIR lied." Then the woman brought forth a child of the first

The Prophet judged from the appearance of a child, whether it was born in adultery.

* That is, mutual cursing. If a man accuses his wife of adultery, and does not prove it by four witnesses, he is to bear testimony before God that he is the teller of truth, and to say, the fifth time, " if I am a liar, God curse me : " then the wife says four times, " I give testimony before God that my husband lies : " and the fifth time, " may God's anger be upon me if this man be of the tellers of truth ; " after which their separation shall be ordered.

† One of the *Sah'ābah* of the class of *Ans'ārs*.

BOOK XIII.

description, which was called its mother's child.' IBN-ÔMER said, ' verily the Prophet pronounced judgment between a man and woman that had been confronted before him; and he separated them, and gave the child to the mother. And it is related in another tradition, that his highness advised the man, saying, " verily the punishments of the world are easier than those of futurity." Then he called the woman, and admonished her saying, " verily the punishments of the world are easier than those of futurity." IBN-ÔMER said, ' verily the messenger of God said to a man and woman, that had been confronted, " your account is with God; one of you is a liar." Again he said to the man, " this woman is forbidden you for ever." The man said, " O messenger of God! what is the case with respect to the money I settled upon her?" He said, " it is not yours, if you have said true; it is gone in lieu of the use you have had of her; but if you have lied, then it is much farther from you."

When a husband & his wife are separated by *Liân*, he does not get back the money settled on her.

IBN-ÂBB'AS said, " verily HIL'AL-BIN-UMAIYYAH* confronted his wife before the Prophet, and accused her of adultery with SHIRRIC-BIN-SAMH'AA.† The Prophet said to him, " bring witnesses, or take eighty lashes upon your back." Then HIL'AL said, " O messenger of God! when one of us sees a man upon his wife, must he go away to look for witnesses?" The Prophet said, " bring witnesses, or receive eighty lashes upon your back." Then HIL'AL said, " I swear by God, who has sent you on truth, verily I am a teller of truth: and verily God will quickly send down an order which will save my back from being flogged." Then GABRIEL brought a revelation in explanation of *Liân*. Then HIL'AL gave his oath; and the Prophet said, " verily God knows which of you is the liar; then do either of you repent?" Then the woman stood up, and made her oath: and when she came to, " may the anger of God be upon me if I lie," the

The first origin of *Liân*.

* One of the *Sahâbah* of the class of *Anṣârs*. He was one of the three who remained behind when the Prophet marched to *Tabûc*. (See ABULFEDA, p. 123.)

† One of the *Sahâbah*. SAMH'AA is his mother's name.

people present forbade her repeating it, and said, "verily this fifth asseveration is a cause of punishment." IBN-^AABB^AAS says, 'then the woman stopped, so that we imagined she would not repeat it; after which she said, "I will not disgrace my family all my life;" and she finished the fifth asseveration: and his highness ordered a separation, and said, "see the woman, if she brings a child with eyes the colour of antimony, large buttocks, and fleshy legs, it is for SHIRRIC-BIN-SAMH'AA" (because he was of this description.) Then the woman brought forth such a child; and the Prophet said, "verily had not there been an order about it in the book of God, I would have done with the woman what I would have done." AB'UHURAIRAH said, 'SAD-BIN-^AUBA'DAH said to the Prophet, "if I find a man with my wife, shall I not do any thing till I bring four witnesses?" He said, "no." SAD said, "it is not so: I swear by the God who has sent you on truth, verily I should quickly punish him with the sword." The Prophet said to the people, "hear what your chief says; verily he is very jealous, and I am more jealous than he, and God is more jealous than I." MUGHAIRAH said, that SAD-BIN-^AUBA'DAH said, "if I see a man with my wife I shall certainly kill him with a sword;" which the Prophet heard, and said, "are ye astonished at SAD's jealousy? by God! I am more jealous than he, and God is more jealous than I, on account of displeasure. God has declared unlawful, faults external and internal: and God loves apologies; on which account he has sent Prophets, in order that his servants might fear him, and apologize to him; and God is fond of praise, from which he has promised paradise, that his servants might speak in his praise."

CH. XV.
PART I.

The Prophet forbade the punishing of an adulterer with death by the hands of the husband who might catch him in the fact.

AB'UHURAIRAH. 'Verily an *Ārābī* came to the Prophet, and said, "verily my wife is brought to bed of a black child; and I disown it." The Prophet said to him, "have you any camels?" He said, "yes." The Prophet said, "what colour are they?" He said, "they are red."

BOOK XIII.

A child unlike to its parents may derive those features from a more remote ancestor.

A child born of a female slave is to be considered the child of the man to whom the slave belonged.

His highness said, "is there ever a black one amongst them?" He said, "yes." His highness said, "where is the black one from?" The *Ārābī* said, "probably from its progenitors." His highness said, "perhaps this child is also from the like cause;" and told the *Ārābī* not to be displeased with the child. *ĀA'YESHAH* said, '*ĀTABAH-BIN-AB'U-WAKK'AS** said to *SĀD* his brother, "the son of the slave girl of *ZAMĀH* is mine, do you take him." *ĀA'YESHAH* says, 'in the year of the conquest of *Mecca*, *SĀD* took the boy, saying, "this is my brother's son." And *ĀBD-BIN-ZAMĀH* said, "this is my brother." Then *SĀD* and *ĀBD* both went to the Prophet; and *SĀD* said, "O messenger of God! verily my brother *ĀTABAH* said the son of the slave girl of *ZAMĀH* is mine; and *ĀBD-BIN-ZAMĀH* said this my brother, and the son of my father's slave girl, and was born upon his bed." Then the Prophet said, "this boy is your brother, O *ĀBD-BIN-ZAMĀH*, because the child is for the man under whom the slave girl is, and for a fornicator is bad luck and disappointment." Then his highness said to *SAUDAH-BINT-ZAMĀH*, "come not before this child, keep yourself shut up from him, on account of his resemblance to *ĀTABAH*." Then *SAUDAH* never saw him till he died." *ĀA'YESHAH* said, 'one day the Prophet came home in high spirits, and said, "O *ĀA'YESHAH*! verily *MUJAZZIZ MUDLIJ*† came and saw *USĀMAH* and *ZAID* covered over with a cloth, except their feet; and he said verily I know from these feet the relationship of father and son."‡ *SĀD-BIN-AB'U-WAKK'AS* and *AB'U-BACR* said, 'the Prophet said, "the child who calls another his father, knowing him not to be so, for him paradise is forbidden." *AB'U-*

* He was the person who wounded the Prophet, and knocked out some of his teeth, at the battle of *Oh'ud*. It is uncertain when he embraced *Islām*. Some of the later writers reckon him among the *Sah'ābah*, but he is not mentioned as such by any of the ancient historians.

† He possessed eminent skill in physiognomy.

‡ We obtain from this tradition, that *ZAID-BIN-HA'RITHAH* was very handsome, and of a fine complexion, and *USĀMAH*, his son, was black, resembling his mother; and people were saying, "how did such a son come from such a father?" so that when *MUJAZZIZ* said, "these two persons must be father and son," the Prophet was delighted at it. *ABD-UL-HAK*.

HURAIRAH. 'A. G. S. "Turn not from your own fathers, for he who doth so, verily is ungrateful."

CHA. XV.
PART I.

Part Second.

ABUHURAIRAH. 'I heard the Prophet say, when the revelation concerning *Lî'ân* came down, "every woman who brings into a family a person not of it,* there is none of God's mercy for her, nor will he take her into paradise; and every man who denies his own child when knowing it to be so, God will hide his grace from him, and will disgrace him in the presence of his creations in the day of resurrection."

Curses denounced against the woman who brings a spurious child into a family; & a man who disowns a child which he believes to be his own.

IBN-ABB'AS said, 'a man came to the Prophet and said, "verily I have got a wife who refuses nobody that wishes to have connexion with her." The Prophet said, "divorce her." The man said, "I am fond of her, on account of her beauty." His highness said, "then keep her, and prevent her from committing adultery." AMER-IBN-SHUAIB relates, from his forefathers, that 'verily the Prophet ordered (in the right of a child by a slave girl after the death of its father,) that if the child is by a slave girl, the property of the man having connexion with her, then it is to inherit his effects as his other children, if they own it as one of his descendants; but is not to partake in what his legitimate children may have divided previous to acknowledging it as a child of their father, but have its share in what may remain undivided. But a man's illegitimate child shall not be one of his posterity, if he shall have disowned it in his life-time. And if the child be by a slave girl, not the property of its father, it will not inherit any part of his estate, or be his posterity, notwithstanding the

Regarding the share of inheritance allotted to a child born of a slave, who is acknowledged by his relations after his father's death.

* That is, who commits adultery, and brings forth a child from it, and says, "this is my husband's." ABD-UL-HAK.

BOOK XIII.

Jealousy when approved as legitimate, & when condemned.

The same distinction regarding pride.

adulterer should say in his life-time that is my child.' JA'BIR-BIN-^AÂTIC.
' A. G. S. " There is a kind of jealousy, which God likes; and there is another kind which he abominates: then that jealousy which God likes, is the doubtful; such as when the wife or slave girl of a man comes and sits by a stranger; but the jealousy which God abominates, is the suspicious, such as a man's harbouring in his heart a bad opinion of his wife. And verily there are some kinds of pride which God loves, and others which he hates; then the pride which God loves, is when fighting with infidels, and in not accepting of things offered, in charity: but the pride which God hates, is in tyrannizing."

Part Third.

A child born in adultery cannot be claimed by the adulterous father.

Four cases wherein *Li-ân* cannot have place, from difference of religion or condition between husband & wife.

^AAMER-IBN-SH^UAIB relates, from his forefathers, that ' a man stood up, and said, " O messenger of God! verily such a person is my son; because I committed adultery with his mother in the days of my ignorance." The Prophet said, " it is not right to claim a child of adultery in *Islâm*, the doings of ignorance are gone, in which time children of adultery and fornication were claimed. The child is for him under whom its mother is, and for the fornicator is a stone." ^AAMER-IBN-SH^UAIB relates from his forefathers, that ' verily the Prophet said, " there are four kinds of women, between whom and their husbands *Liân* cannot be; a christian woman married to a *Muslemân*, and a Jewish woman to a *Muslemân*, and a free woman to a slave, and a slave girl to a free man." IBN-^AABB'AS said, ' verily the Prophet ordered a man (when a man and his wife were confronted) to put his hand upon their mouths, when they came to the fifth asseveration, because it is a cause of punishment.' ^AAA'YESHAH said, ' verily the Prophet left me one night, which was the night of my turn; and I was jealous, lest he might go to any of



his other wives: and he came, seeing what I was doing, (that is, following him,) and said to me, "what is come to you, O AA'YESHAH! art thou jealous?" I said, "what is for me, if such a one as I am was not jealous of such a one as you are?" Then the messenger of God said, "verily your devil is come to you and instilled into you such imaginations." I said, "O messenger of God! is there a devil with me?" He said, "yes." I said, "and is there a devil with you also, O Prophet?" He said, "yes, but God assists me over him, so that I remain safe from his wickedness."

CHA. XV.
PART III.

The Prophet
reproves
AA'YESHAH
for jealousy.

CHAP. XVI.---PART I.

IN EXPLANATION OF *İDDAT*, OR THE NUMBER OF DAYS A WOMAN COUNTS AFTER BEING DIVORCED.

A woman
not entitled
to subsis-
tence from
her husband
during the
period of
İddat.

ABÜ-SALMAH* relates, from FATIMAH BINT KAIS,† who said,
‘ AB’U-ÂMER-BIN-HAFS‡ divorced me when he was absent, and AB’U-
ÂMER’s agent sent to me a little barley to eat during my *İddat*: and I
was dissatisfied with it: and the agent said, “ by God! you have no
title to any subsistence from me.” Then I came to the Prophet, and
mentioned the circumstance; and he said, “ there is no subsistence for
you: leave your husband’s house and finish your *İddat* in OMM-SHARİC’S.”§
After which the Prophet said “ OMM-SHARİC is a rich woman, virtuous,
generous; many of my kindred go to visit her, and dine with her: then
go to the house of OMM-MACT’UM, because her son is blind; throw off
your fine clothes in the day of *İddat*: then when you are pure, and come

* The son of ABDUL-RAH’MAN-BIN-ÂWF; one of the principal *Tābī’in*, and one of the seven lawyers of *Medīnah*, from whom many traditions are received.

† She was one of the first refugees; that is, of those who fled from persecution into *Ethiopia*. She was of the tribe *Koraish*, a woman eminent for beauty, understanding and virtue.

‡ One of the *Sahābah*, the husband of FATIMAH-BINT-KAIS.

§ One of the *Sahābiyāt*, an opulent woman. Her name was KHAULAH-BINT-HACIM. See Vol. I. p. 579.

out of *Iddat*, inform me, that I may consider about your marriage." FA'TIMAH says, 'when I had completed my *Iddat*, I said to his highness, "MUA'WIAH-BIN AB'U-SUFIAN and AB'U-JAHM* have demanded me in marriage: what is the order?" The Prophet said, "AB'U-JAHM never puts down his stick from his shoulder,† and MUA'WIAH is a poor man; marry USA'MAH-BIN-ZAID." FA'TIMAH says, 'I disliked him.' Again his highness said, "marry USA'MAH." Then I approved of the Prophet's order, and married him; and God prospered it so much that people envied me.' (And in one tradition it is thus related: that FA'TIMAH said, 'my husband divorced me by three repetitions of it; and I went to his highness, and he said, "there is no subsistence for you unless you are pregnant.") AA'YESHAH said, 'verily FA'TIMAH-BINT-KAIS was in an empty house, in which nobody dwelt; and his highness was alarmed at her situation, and ordered her to remove to another house.' (And in another tradition it is related that AA'YESHAH said, 'what is come to FA'TIMAH? Doth she not fear God and his punishments? She told a lie by saying she had no place to stay in, in her husband's house, and no subsistence during the time of her *Iddat*.') SA'ID BIN-AL-MUSAIB said, 'FA'TIMAH was not removed in her *Iddat*, from her own place to another, but on account of her scurrilous and abusive tongue, to her husband's relations and friends.' JABIR said, 'my maternal aunt was divorced by three repetitions of it; and she sat down for her *Iddat*, and wished to go out, and gather the fruit of her date trees; but a man forbade her: then she went to the Prophet, and said, "I am sitting in *Iddat*, and have occasion to come out to gather my fruit; what is the order? May I come out or not?" His highness said, "come out, and gather in your fruits; for verily it is near that you shall discharge your

FA'TIMAH-BINT-KAIS takes the Prophet's advice in the choice of a second husband.

A woman during *Iddat* is not restrained from going abroad on necessary business.

* One of the *Sah'abah*, of the tribe *Koraish*.

† That is, he is a man of a harsh temper, who beats women.

BOOK XIII.

A woman in mourning for her husband must not put Collyrium to her eyes, even if they ache:

nor must she wear coloured clothes, except coloured in grain.

legal alms, if the fruits amount to *Nis'ab*, otherwise you may bestow from them a voluntary benevolence." MISWAR-BIN-MAKHRAMAH said, 'verily SUBAIAH ASLAMIAH* was brought to bed of a child, a few days after her husband's decease; and she came to the Prophet, and asked permission to marry another husband: and the Prophet permitted her; and she married." OMM-SALMAH said, 'a woman came to his highness and said, "O messenger of God! the husband of my daughter is dead; and her eyes ache; may she put collyrium to them?" He said, "no;" after which his highness said, "Iddat is not more than four months and ten days; whereas, in the time of ignorance, it was a complete year."

OMM-HABIBAH and ZAINAB-BINT-JAH'ASH. 'A. G. S. "It is not right for a woman who believes in God and the last day, to sit mourning more than three nights; except for her husband, which is four months and ten days." OMM-ATÍYAH. 'A. G. S. "A woman must not sit in mourning on account of the dead more than three nights; unless for her husband, which is four months and ten days; during which period she must not wear coloured clothes, except those coloured before weaving: and she must not use *Surmah*,† nor perfume herself: but when she becomes pure from the menses, she may use a little *Costus* and *Ungues odorati*."‡

Part Second.

ZAINAB-BINT-CÂB|| said, verily FURIAH-BINT-MALIC§ infomed me, saying, 'I went to the Prophet, to ask him if I should return to my family in the tribe of *Bení Khud'hrah*, because my husband had gone

* One of the *Sah'abiyât*, the wife of SAD-BIN-KHAULAH.

† Antimony applied as an ornament round the eyes.

‡ A little shell, resembling the nail of a finger, which yields a perfume in burning.

|| One of the *Tábíyât*, of the class of *Ans'ars*, of the family of SA'LIM-BIN-AWF.

§ The sister of AB'U-SA'ID-KHUD'HRI, and daughter of MALIC-BIN-SIN'AN.

there to look for some slaves that away, and was killed, either by them or by thieves; and I said, "my husband has not left me in a house of his own, nor have I any subsistence." The Prophet said, "return to your family." Then I returned from the Prophet, and had reached the court of the house, when he called me to him, and said, "stay in your house till the time of your *Iddat* be complete." Then I did so four months and ten days. OMM-SALMAH said, 'his highness came to me when my husband AB'U-SALMAH died, and verily I had rubbed aloes upon my head: and he said, "what is this, O OMM-SALMAH?" I said, "it is nothing but aloes, there is no perfume in it." His highness said, "the rubbing of aloes upon the face increases its colour; then do not rub aloes upon your face except at night, and remove it in the day time; and do not comb your hair with a scented comb, nor with *Hinà** because it colours the hair." I said, "what shall I comb with, O messenger of God?" He said, "wet your comb in the water of boiled *Lotus*† leaves, and then comb your hair, and wet your hair well with the water." OMM-SALMAH. 'A. G. S. "A woman whose husband has died, must not wear a red garment, nor one coloured with red clay, nor gold or silver ornaments, nor colour her face or hands, nor use *Surmah*."

CH. XVI.
PART II.

The period of a widow's *Iddat*, or mourning for her husband, is four months and ten days.

Part Third.

SULAIMÀN-BIN-YESÀR said, 'AH'WAS' died in *Syria*, when his divorced wife was in her third menses, and she was in a perplexing state of uncertainty whether to do *Iddat* on account of the death of her husband for four months and ten days or not: then MUA'WIAH wrote to

* *Lawsonia inermis*, the leaves of which are used to tinge the tips of the fingers and toes, and to dye hair.

† *Sidr*.



CSL

ZAID-IBN-THA'BIT, to ask the case; and ZAID wrote him an answer, saying, that when the woman entered on her third menses, she was free from her husband, and the man became separated from her: I mean the *Iddat* of divorce was completed; the woman cannot be his heir; and if the woman had died, the husband would not have been her heir.' SA'ID-BIN-AL-MUSAIB said, 'OMER-IBN-AL-KHA'TTAB said, "every woman that is divorced, and has had her menses once or twice, and stopped, then verily she must wait nine months, and if she should shew signs of pregnancy, then her *Iddat* ends with the birth of her child; but if she should not appear to be pregnant, she must do *Iddat* three months more, after the nine months; after which she will come out of it."

CHAP. XVI.---PART I.

IN EXPLANATION OF ISTIBRÀ.*

ABÙ-DARDÀA said, ' the Prophet passed by a pregnant woman, and asked, " whose is she?" They said, " the purchased slave girl of such a person." His highness said, " has he connexion with her?" They said, " yes." His highness said, " I have a great mind to curse him for ever: because he has had connexion with her without attending to *Istibrà*: therefore when she brings forth a child, it is possible to be his, or the person's who had connexion with her before. If it is this person's, how can he take the service of the child? because it is not right to take service from one's own child; and if it is the other's, and this person should claim it, then he makes a stranger his heir, and this is not right. Then he deserves to be cursed in both points of view."

Part Second.

ABÙ-SÂÏD-KHUḌHRÌ. ' A. G. S. " Concerning the slave girls taken

* That is, ascertaining the condition of a slave girl newly purchased or given, with respect to her pregnancy or otherwise, by her having the menses, if she is old enough, or by the lapse of a month if not; and in explanation of her being brought to bed.



BOOK XIII.

It is forbidden to enjoy a woman who is pregnant by another; or any woman without observing *Istibrà*.

at the battle of *Autàs*, that a pregnant woman should not be touched till she was brought to bed: nor should one not having arrived at puberty, till after a month." RUWAI'F-BIN-THA'BIT. "A. G. S. after the victory at the battle of *Hunain*: "it is not right, for a man who believes in God and the last day, to give his own water to the field of another; that is, to have connexion with a pregnant woman: and it is not right for a man who believes in God and the last day, to have connexion with a woman without observing *Istibrà*; and it is not right for a man who believes in God and the last day, to sell plundered property until divided."

Part Third.

MÁLIC said, 'it has reached me that his highness ordered the *Istibrà* of slave girls by one menses, for those that have them; and forbade giving water to strangers' fields.' IBN-ÂMER said, 'when a slave girl with the menses is given, sold or freed, she must *Istibrà* herself by one menses; and a virgin is not to *Istibrà*.'



CHAP. XVII.---PART I.

IN EXPLANATION OF SUBSISTENCES, AND
THE DUTY OF SLAVES.

^AĀYESHAH said, ' verily HIND-BINT-^UṬBAH* said, " O messenger of God! verily AB'U-SUFĪ'AN is a miser, and does not give me and my children sufficient to live upon, except what I take without telling him." His highness said, " take what will suffice you and your children." JA'BIR-BIN-SAMURAH. ' A. G. S. " When God gives to any one of you great riches, he must first take care of himself, and give to his family and relations what is more than necessary to supply his own wants." AB'UHURAIRAH. ' A. G. S. " It is incumbent upon the master of slaves to find them in victuals and clothes; and not order them to do what they are not able." AB'UD'HAR-GHAFFA'RĪ. ' A. G. S. " GOD has ordained that your brothers should be your slaves; therefore, him whom God hath ordained to be the slave of his brother, his brother must give him of the food of which he eats himself, and of the clothes with which he clothes

If a man does not supply the necessities of life to his wife & her children, she may take enough for that purpose.

Humanity to slaves inculcated.

* The daughter of ṬBAH-BIN-RABĪ'ĪH, wife of AB'U-SUFĪ'AN. ṬBAH was one of the chiefs of the idolaters of Mecca; and the outrageous conduct of HIND, at the battle of Oh'ud, for which she was proscribed by the Prophet, together with her repentance and pardon, on the day of the conquest of Mecca, are related by ABULFEDA p. 65. 67. 110.

BOOK XIII.

Rewards
promised to
a faithful
and pious
slave.

Whoever
beats his
slave with-
out cause
ought to set
him free.

himself, and not order him to do any thing beyond his power; but if he doth order such a work, he must assist him himself in doing it." ^AÂBDUL-^ALAH-BIN-^AÔMER said, ' my treasurer came to me, and I said to him, " have you given my slaves their subsistence?" He said, " no." I said, " go and give it them; because the Prophet of God has said, it is fault enough for a man to withhold the subsistence of his slaves." ^AAB'UHU-^ARAIRAH. ' A. G. S. " When your slave prepares your dinner, and brings it smoking hot, you must make him sit down with you and partake: then, if the victuals be little, put one or two mouthfuls into his hand." ^AÂB-^ADULLAH-BIN-^AÔMER. ' A. G. S. " When a slave wishes well to his master, and worships God well, for him are double rewards." ^AAB'UHURAIRAH. ' A. G. S. " It is good for a slave who worships God well, and discharges his master's work properly." ^AJARIR. ' A. G. S. " When a slave runs away, no prayer shall be accepted from him." (And in one tradition it is thus, " every slave that runs away, then verily the security of *Islâm* is broken on him." And in one tradition it is thus, " every slave that runs away from his master, verily is an infidel, until he returns.") ^AAB'UHURAIRAH said, ' I heard ^AAB'U'L-KA'SIM* say, " he who abuses his own slave, being pure from such abuse, shall be whipped on the day of resurrection, unless the slave should merit the abuse." ^AIBN-^AÔMER said, ' I heard the Prophet say, " he who beats his slave without fault, or slaps him on the face, his atonement for this is freeing him." ^AABU'-MASU'UD-ANS'ARI said, ' I beat my slave one day, and heard a voice behind me saying, ' O ^AAB'U-MASU'UD! know that verily God has more power over you than you have over this slave." And I saw that the voice proceeded from the Prophet of God; and I said to him, " I set him free for God's pleasure." Then his highness said, " beware! had you not freed him, verily the fire would have burnt you."

* That is, MUHAMMED.

Part Second.

AMER-IBN-SHUAIB relates, from his forefathers, that ' verily a man came to the Prophet, and said, " verily I have money, and my father is in want of it." His highness said, " you and your money are both your father's; verily your children are your purest earnings; eat of your children's earnings." AMER-IBN-SHUAIB relates, from his forefathers, that ' a man came to his majesty and said, " verily I am a poor man, and do not possess any thing: and I have an orphan that I nourish, and he has money." His highness said, " eat of the orphan's money, so long as you do not lavish it away, or take before or more than you want, or accumulate from it." OMM-SALMAH. ' A. G. S. in the illness in which he died, " be constant at prayer, and discharge your duty to your slaves." AB'U-BACR. ' A. G. S. " A man who behaves ill to his slave will not enter into paradise." RA'FI-BIN-MACITH.* ' A. G. S. " Behaving well to slaves is a means of prosperity: and behaving ill to them is a cause of loss." The author of the *Mas'abih* adds, " giving alms prevent sudden death; and doing good is a mean of property in life."

A man is bound to maintain his parents when in want.

A poor man, guardian to a rich orphan, may take of the orphan's property enough to procure himself the necessities of life.

AB'U-SA'ID-KHUD'HRÌ. ' A. G. S. " When any one of you beats his servants, and he asks pardon in the name of God, then withhold yourself from beating him." AB'U-AY'UB said, ' I heard the Prophet say, " whoever is the cause of separation between mother and child, by selling or giving, God will separate from his friends on the day of resurrection." ALI-IBN-AB'U-TALIB said, ' the Prophet gave me two slaves, that were brothers, and I sold one of them; and the Prophet said to me, " O ALI!

A female slave is not to be separated from her child.

* One of the *Sah abah*, of *Hudaibiyah*.

BOOK XIII.

A pious slave not to be beaten.

Servants to be forgiven seventy faults a-day.

Humanity towards the brute creation inculcated.

what is become of the slave?" Then I informed him of having sold him; and his highness said, "take him back, take him back." ^ĀĀLĪ-IBN-AB'U-T'ALĪB said, 'I separated a slave girl and her son, by selling him; and the Prophet forbade it; and I took him back.' JA'BIR. 'A. G. S. "There are three qualities, which being possessed by any one, God will make easy to him the hardness of death, and bring him into paradise: the first, kindness to the decrepid, and affection to father and mother, and doing good to mankind." AB'U-UMĀMAH said, 'verily the messenger of God gave ^ĀĀLĪ a slave, and said, "don't beat him, because I have been forbidden from beating the performer of prayers; and verily I saw this slave saying his prayers." ^ŌŌMER-IBN-AL-KHATT'AB said, 'the Prophet forbade me striking those that said their prayers, and disgracing them.' ^ĀĀBDULLAH-IBN-^ŌŌMER said, 'a man came to the Prophet, and said, "O messenger of God! how many times are we to forgive our servant's faults?" He was silent: again the man asked, but his highness gave no answer: but when the man asked a third time, he said, "forgive your servants seventy times every day." AB'UD'HAR GHĀFFARĪ. 'A. G. S. "Those of your servants who please you, give to eat what you eat yourself; and clothe them as yourself; but those who do not please you, sell them; and punish not God's creatures." SAHAL-BIN-HAND'HĀLĪYAH said, 'the Prophet passed by a camel, the belly of which was drawn up to its back: and his highness said, "fear God, in these dumb quadrupeds, and ride them when they are fit to be rode, and get off them when they are tired."

Part Third.

^ĪIBN-^ĀABBĀS said, 'when these revelations came down, "meddle not with the substance of the orphan, otherwise than for the improving

thereof;”* and “surely they who devour the possessions of orphans unjustly, shall swallow down nothing but fire into their bellies, and shall broil in raging flames;”† all those who had orphans in their care went home, and separated their own food from that of the orphans, and also their water; fearful lest they might be mixed. Then, when the orphans left any of their meat or drink, it was taken care of, for them to eat afterwards, or spoilt. Then this method was unpleasant to the orphans, and they mentioned it the Prophet, then God sent down this revelation. “O MUHAMMED! they will ask thee concerning orphans; answer, to deal righteously with them is best; and if ye mix your things with theirs, verily they are your brethren.”‡ Then they mixed their meat and drink together. AB'U-MU'SA-ASHARI said, ‘his highness cursed him who separated father and son, and brother from brother.’ ABDULLAH-BIN-MASU'UD said, ‘his highness used (when slaves were brought to him,) to give them all to the people of the house; that is, his own family, on account of dislike to separating them.’ AB'UHURAIRAH. ‘A. G. S. “Shall I tell you the very worst amongst you? those who eat alone, and whip their slaves, and give to nobody.” AB'U-BACR. ‘A. G. S. “He will not enter into paradise who behaves ill to his slaves.” The companions said, “O messenger of God! have you not told us, that there will be a great many slaves and orphans in your sects?” He said, “yes; then be kind to them and to your own children, and give them to eat of what you eat yourselves.” They said, “then what will benefit us in the world?” His highness said, “the horse which you tie up for the purpose of fighting in the cause of God will benefit you; and slaves serving you sufficiently: then if the slaves say their prayers, they are as your brothers.”

* Koran. Ch. 6. v. 152. SALE Vol. I. p. 184.

† Koran. Ch. 4. v. 9. SALE Vol. I. p. 94.

‡ Koran. Ch. 2. v. 221. SALE. Vol. I. p. 39.

CHAP. XVIII.---PART I.

IN EXPLANATION OF THE YOUNG ARRIVING AT PUBERTY; AND ON BRINGING THEM UP.

IBN-ÔMER said, 'I was mustered before the Prophet in the year of the battle of *Ohud*, at which time I was fourteen years old; and he rejected me on account of my age: after that I was mustered, in the year of the battle of the ditch, when I was fifteen years old; and his highness permitted me to go, because fifteen years is the boundary of puberty: then ÔMER-BIN-ÂBDULAZİZ said, "this age separates the fighting man from the child." BAR'A-IBN-ÂAZIB said, 'his highness made peace (on the day he arrived at *Hudaibiah*) with the polytheists, on three conditions; one of them was that any polytheist going to the Prophet should be sent back; the second, that any *Muslemân* going to them, should not be sent back by them; the third, that his highness should return and come to *Mecca* the following year, and stay there three days: then, when the next year came, his highness entered *Mecca*, and left it at the expiration of three days; and he had **HAMZAH**'s daughter along with him, and she said, "O uncle! O uncle!" and **ÂLİ** took her by the hand

Young men at fifteen are fit for military service.

to bring her up; then ^AALÌ, ZAID-BIN-H^A RITHAH and JA^AFER-BIN-AB'UT'ALIB disputed which should have her. Then ^AALÌ said, "I took her by the hand first, and she is my uncle's daughter;" and JA^AFER said, "she is my uncle's daughter, and her mother's sister is married to me;" and ZAID-BIN-H^A RITHAH said, "she is the daughter of my brother." Then the Prophet ordered saying, "she is for her mother's sister; and said "a mother's sister is as a mother;" after which he comforted all of them by saying to ALÌ, "you are of me, and I am of you;" and said to JA^AFER, "your temper and person resemble mine," and said to ZAID, "you are my brother and friend in *Islàm*."

The Prophet determines a maternal aunt to be the nearest relation of an orphan.

Part Second.

^AAMER-BIN-SH^UAIB relates, from his forefathers, that 'verily a woman came and said, "O messenger of God! verily my belly was a vessel to this son, and my breasts as a water bag, and my lap his cradle, and his father divorced me, and wishes to take him from me." His highness said, "you are most worthy of him, so long as you do not marry." AB'UHURAIRAH said, 'verily the Prophet gave an option to a boy, of his father or mother.' AB'UHURAIRAH said, 'a woman came to the Prophet, and said, "my husband wants to take away my son; and now he is arrived at that age from which I am benefited." The Prophet said to the boy, "this is your father, and this is your mother, take which you like;" and the boy took hold of his mother's hand, and she took him away.'

A woman divorced has a claim to her children preferable to the father's, as long as she does not marry.

Part Third.

HIL'AL-BIN-US'AMAH* relates, from **AB'U-MAIM'UNAH†**, who said, 'I was sitting with **AB'UHURAIRAH**, and a *Persian* woman came to him, who had a son with her, when her husband divorced her, and they both claimed the boy: and the woman spoke to **AB'UHURAIRAH** in *Persian*, saying, "O **AB'UHURAIRAH**! my husband wants to take away my son." Then **AB'UHURAIRAH** said, "consult an omen, and see which is to have him." Then her husband came and said, "who is it disputes with me about my son?" And **AB'UHURAIRAH** said, "O God! verily I do not order you to consult an omen but on this account, that I was sitting with the Prophet when a woman came to him and said, O messenger of God! verily my husband wants to take away my son; and now verily the boy has benefited me, and given me sweet water: and the Prophet said to both of them consult an omen: and her husband said who is it disputes with me about my son? And the Prophet said to the boy, this is your father, and this is your mother, then take by the hand which you like, and he took hold of his mother's hand."

The Prophet allowed to a son an option to stay with his father or mother when they separated.

* One of the *Tabā'in*, of good authority.

† One of the *Tabā'in*.

CHAP. XIX.---PART I.

IN EXPLANATION OF EMANCIPATING.

ABÙHURAIRAH. ‘A. G. s.’ “He who frees a *Muslemàn* slave, God will redeem from hell fire, member for member, even unto his fore and hind parts.” **AB'UD'HAR-GHAFFARì** said, ‘I asked the Prophet, “what is the best act?” He said, “belief in God and fighting in his cause.” I said, “what slave is the best to emancipate?” He said, “that which is of the highest price, and most liked by his master.” I said, “but if I do not free such a one.” His highness said, “assist him in his work, and work for a slave that is unskilful.” “But if I am not able to do this also?” His highness said, “do ill to no man, because the abandoning of evil-doing is a thing by which you do good to yourself.”

Merit of
emancipa-
ting a *Mus-*
lemàn slave.

Part Second.

BARÀA-IBN-ÂAZIB said, ‘an *Áarâbì* came to the Prophet, and said, “instruct me in a work which will bring me into paradise?” He said, “you have asked a great affair in a few words; free a slave, and assist one in redeeming a bond of slavery.” The *Áarâbì* said, “are not



CSL

BOOK XIII.

Several acts enumerated which have merit sufficient to secure paradise for the performer of them.

both these one?" His highness said, "they are not one: in freeing a slave, there must be property, and the other is in assisting with money: and give for a certain time your milk animals, and do good to your kindred, although they injure you: but if you are not able to do what is mentioned, give the hungry to eat, and the thirsty to drink, and order people to do good, and forbid them from doing that which is bad; but if you are not able to do all this, then hold your tongue except in what is good." ^ÂAMER-BIN-^ÂABASATAH. 'A. G. S. "Whoever builds a *Masjid* for God to be worshipped in, and not for fame, shall have a house built in paradise; and whoever frees a *Muslemán*, shall be redeemed from hell; and whoever fights in the cause of God, asks for knowledge, and makes a pilgrimage, those things will be a light for him on the day of resurrection."

Part Third.

The emancipating of a slave, on the part of one who has committed suicide, will atone for his crime.

^CHARIF* said, 'I came to WATHILAH-BIN-ASKA and said, "tell me a word in which is neither too much nor too little." And he was angry, and said, "verily you read the *Korán* night and day, and you read sometimes too much, and sometimes too little." And I said, "by God! I wished nothing more from you than a tradition which you might have heard from the Prophet." Then WATHILAH said, "I came to the Prophet, to ask him about a friend of mine who had killed himself: and his highness said, emancipate a slave on his part; and God will free from the fire, member for member." SAMURAH-BIN-JUNDUB. 'A. G. S. "The best charity is asking grace for another; by which a slave shall be freed from being killed, punished or from bondage."

* One of the *Tābī'in*, of the fifth class.

CHAP. XX.---PART I.

IN EXPLANATION OF FREEING A SLAVE WHO IS THE JOINT PROPERTY OF TWO PERSONS.

IBN-ÔMER. 'A. G. S. "He who frees his share of a slave, and possesses the price of the slave, and pays his partners the remainder of his purchase, the slave is freed by him; if not, he has freed the part that he has freed." **AB'UHURAIRAH** said, 'verily the Prophet ordered, "he who frees his share of a slave must free him wholly, if he has money; and if he has not, then his partners will take their shares of the slave's price, but not tell him to work more than he is able." **IMR'AN-BIN-HUSAIN** said, 'verily a man freed six slaves at his death; and he had no other property besides; and the Prophet called them, and divided them into three sections, and threw an omen in the middle of them; and then ordered that two of them should be freed, and retained four in slavery; and spoke severely of the man who had set them free.' (And in one tradition it is thus, 'his highness said, "I had a great mind not to perform prayers over his bier:" and in one tradition it is thus, "had I been pre-

The Prophet disapproved a man's emancipating all his slaves at his death, if they were his whole property.

sent before he was buried, he should not have been interred in a *Muslim* burying ground.")

A man is bound to purchase the liberty of his father, if in a state of slavery.

AB'UHURAIRAH. 'A. G. S. "No child makes a return to its father, that does not, when finding its father the slave of any one, buy him and free him." JA'BIR said, 'verily a man of the assistants had said, "this slave is free at my death;" and the man had no other property except this slave, which reached the Prophet, who said, "who is it that will purchase him from me?" And NU'IM-BIN-NUHHA'M* bought the slave for eight hundred *Dirhems*.' (And in one tradition it is thus, 'NU'IM-BIN-ABDULLAH bought him for eight hundred *Dirhems*, and brought the money to the Prophet: and he sent it to the man who had declared the slave free at his death; and said, "make use of them for your maintenance; and if they are more than sufficient, then maintain your family with the overplus; and any excess beyond that purpose is for your relations; and whatever may remain, expend for the poor and needy.") IBN ABB'AS. 'A. G. S. "When a slave girl has a child by her master, she is free at his death."

Part Second.

Concerning the property of a slave who obtains his freedom.

JA'BIR said, 'we used to sell the mothers of children, in the time of the Prophet and of AB'UBACR; and OMER forbade it in his time.' IBN OMER. 'A. G. S. "Whoever frees a slave, and the slave has property, it is for the master; unless the master shall have agreed that it was the slave's at the time of freeing him." AB'U MALIH† relates from his father, that 'verily a man freed his share of a slave; and it was mentioned to the Prophet, who said, "it is fit that he should be wholly

* One of the *Sak'abah*, of the tribe *Adi*.

† One of the *Tub'i'in* of the third class. His name was AA'MIR-BIN-USA'MAH, of the tribe *Had'han*, of *Bas'rah*.

freed;" and ordered it to be done.' SAFÍNAH said, ' I was OMM SALMAH's slave, and she said to me, " I set you free, by this agreement, that you serve the Prophet as long as you live." Then I said, " if you make no agreement with me, I shall not separate from his highness, as long as I live." Then OMM SALMAH freed me, and agreed with me to serve the Prophet.' ÁMER-BIN-SHUAIB relates, from his forefathers, that ' the messenger of God said, " a *Mucátab* is a slave so long as one *Dirhem* remains of his bond." OMM SALMAH. ' A. G. S. " When a *Mucátab* of yours has money to redeem his bond, then you must not allow him to come into your presence afterwards.' ÁMER-BIN-SHUAIB. ' A. G. S. " He who has made a slave on a bond of one hundred *Úkiyahs*, and the slave has paid it all except ten *Úkiyahs*, which he is not able to pay, still he is a slave."

CH. XX.
PART II.

A *Mucátab* continues a slave while any part of his bond is unpaid.

Part Third.

ÁBDUL-RAH'MÂN-BIN-ABÙ ÁMRAH* said, ' my mother wished to free a slave, but delayed doing it till the morning; and she died before the time. Then I said to KA'SIM-BIN-MUH'AMMED,† " will it be of use if I free a slave on the part of my mother?" He said, " SAD-BIN-ÚBA'DAH came to the messenger of God, and said, my mother is dead, will it benefit her if I free a slave on her part? He said yes." YAH'IAH-BIN-SA'ID said, ÁBDUL-RAH'MÂN-BIN-AB'UBACR‡ died a sudden death, and ÁA'YESHAH his sister freed a great many slaves on his part.' ÁBDUL-LAH-BIN-ÓMER. ' A. G. S. " Whoever buys a slave, and does not agree about his property, then no part of it is for the purchaser."

The freeing of slaves on their part benefits the dead.

* One of the *Tābī'in*, of the class of *Ans'ars*. He was judge of *Medīnah*.

† The grandson of AB'UBACR; a man eminent for his learning, and one of the seven great lawyers of *Medīnah*.

‡ One of the *Sah'abah*. He embraced *Islām* in the year of the expedition to *Hudai-biah*. His name in the days of idolatry was ABD-UL-CAB, or according to others ABD-UL-UZZAH. He was the eldest son of AB'UBACR.

CHAP. XXI.---PART I.

IN EXPLANATION OF OATHS.

IBN ÔMER said, ' the Prophet of God used generally to swear in these words, " no, by the turner of hearts!" **IBN ÔMER.** ' A. G. S. " God has forbidden you swearing by your own fathers; he who takes an oath must swear by God, or remain silent." **ÂBDU'L-RAH'M'AN-BIN-SAMURAH.** ' A. G. S. " Swear not by idols, nor by your own fathers." **AB'UHURAI-RAH.** ' A. G. S. " He who swears by **LA'T** and **ÛZZAH** must repent, and say there is no God but God; and he who says to his friend come I will play with you for such a sum, instead of doing so, let him give it to the poor." **THA'BIT-BIN-DĀHĀC.** ' A. G. S. " He who swears by any other religion not *Islām*, and falsifies his oath,* is as that by which he has sworn. And there is no vow to be made by a man in a thing which he does not possess; and he who kills himself with a thing in the world, shall be punished with it on the day of resurrection; and whoever curses a *Muslemān*, is like killing him; and whoever abuses a *Muslemān* by infidelity, is like killing him; and he who makes a false claim in order to

It is unlawful to swear by any being but God.

* That is, suppose a man to say, " if I do so, may I be a Jew, a Christian, or of any religion not *Islām*." Then if he do the act thus sworn against, he is to be held as having renounced *Islām*, and treated accordingly. **ABD-UL-HAK.**

obtain much riches, God will not increase it, but decrease." AB'U MU'-SA. 'A. G. S. "I swear by God, please God, if I swear to do a thing, and it should be better to do another, I would do it, and make atonement for my oath."* AB'DU'L-RAH'M'AN-BIN-SAMURAH. 'A. G. S. "Wish not for sway, because if it be given, and the business resigned to your management, and judgment, without the assistance of God, it will be ruinous; but if it should be given without asking, the favor of God will be your assistance. When you swear to a thing, and see another better than it, then do the best, and make an atonement for your oath." AB'DU'L-RAH'M'AN. 'A. G. S. "That person is the most to be put faith in, who verifies his oath." AA'YESHAH said, "this revelation was sent, "God will not punish you for an inconsiderate word in your oaths."†

CH. XXI.
PART I.

If a man swear to do a thing that is unlawful, he must not keep such an oath, but make atonement for the breach of it.

Part Second.

ABUHURAIRAH. 'A. G. S. "Swear not by your fathers and mothers, nor by idols, nor by God, unless to the truth." IBN-OMER said; "I heard the Prophet say, "whoever swears otherwise than by God, out of respect to that which shall be sworn by, has associated the other with God." BURAIDAH ASLAMÌ. 'A. G. S. "Whoever swears by prayers, by fast or pilgrimage, is not of us." BURAIDAH ASLAMÌ. 'A. G. S. "Whoever says, I turn from *Islàm*, if I do so and so; then if he does it, he is as he said; but if he does not, he will never return safe to *Islàm*; that is, he will be punished." AB'U-SA'ID-KHUD'HRI said, "his highness used to say, when he heightened an oath, "no, by him in whose hand is the

* For example, a person swears that he will not speak to his father, which it is his duty to do; then he must do so, and make an atonement for his oath, (as SADI says, "chagrining the hearts of friends is ignorance, and the atonement for an oath is easy.") ABD-UL-HAK.

† Kor. Chap. 2. v. 226. SALE Vol. I. p. 40. It is a habit with the *Arabians* to say in their conversations, "no, by God," without intending an oath. ABD-UL-HAK.

BOOK XIII.

existence of AB'U-KA'SIM." AB'UHURAIRAH said, when the Prophet swore, he would say, "no, by God! I ask God's grace." IBN-ÔMER. 'A. G. S. "Whoever swears to a thing and says, if it please God; and acts contrary to his oath, then there is no atonement for him to make."

Part Third.

ABÛ-AH'WAS-BIN-MÁLIC* said, 'my father said, "O messenger of God! inform me: I went to the son of my uncle and asked him for money, but he would not give me any. Then he became in want, and came to me, and asked something of me: and verily I swore that I would not give him any thing." Then the Prophet ordered my father to give him, and to make an atonement for his oath.'

A benevolent act may be done notwithstanding an oath to the contrary, making atonement for the oath.

* One of the *Tabi'in*, a follower of ABDULLAH-BIN-MAS'UD; son of MÁLIC-BIN-NAD'LÁH.

CHAP. XXII.---PART I.

IN EXPLANATION OF VOWS.

ABÙHURAIRAH and IBN-ÔMER. 'A. G. S. "Do not make a vow, with the dependence of it's opposing fate; because a vow does not do away fate and predestination; but all it does is extracting something from the wealth of the miser." ÂA'YESHAH. 'A. G. S. "Whoever makes a vow must perform it; and whoever vows that he will disobey God, must not fulfil such a vow." ÎMR'AN-BIN-HÛS'AIN. 'A. G. S. "There is no performance of a vow in sin; for example, vowing that he will drink wine, commit adultery or murder." ÛKBAH-BIN-ÂA'MIR. 'A. G. S. "The atonement for a vow is as that for an oath." IBN-ÂBB'AS said, 'whilst his highness was repeating the *Khut'bah*, he unexpectedly saw a man standing, and asked who he was. They said, "his name is AB'U-ISRA'ÎL; he has vowed to remain standing, and not sit down, or be in the shade, or speak, and to keep fast." Then the Prophet ordered him to speak, and come into the shade, and sit down, and put an end to his fast.' ANAS said, 'verily the Prophet saw an old man going along, leaning upon the shoulders of his two sons; and said, "what is the condition of this man?" They said, "he has vowed to go on foot to the *Câbah*." His highness

One must not fulfil an unlawful vow.

BOOK XIII.

The Prophet disapproved of unprofitable austerities.

said, " verily God does not care about his punishing himself;" and ordered him to ride, on account of his inability to walk.' IBN-^AABB'AS said, ^ASAD-BIN-^AUBA'DAH asked the Prophet's judgment about a vow which his mother had made, and died before performing. Then his highness ordered ^ASAD to perform it, on the part of his mother.' ^ACAB-BIN-MA'LIC. ' I said, " O messenger of God ! the completion of my repentance is to expend all my money in the cause of God and his messenger." And the Prophet said, " preserve some of your money, which will be better for you." I said, " I have preserved my share of the ground at *Khaiber*."

Part Second.

IBN-^AABBAS. ' A. G. S. " Whoever makes a vow, saying a vow is incumbent upon me for God, then its atonement is the same as for an oath: and whoever makes a vow to sin, must give an atonement for it like that for an oath; and whoever makes a vow, and has not the power of performing it, must give an atonement as for an oath; and whoever makes a vow, and is able to perform it, must do so." THA'BIT-BIN-D^AH'AC said, ' a man made a vow, in the time of the Prophet, that he would slay a camel in *Bu'annah*;* and he came to the Prophet and informed him of the matter; who said, " were there in that place any idols of ignorance which were worshipped?" Those present said, " no." His highness said, " was there a festival of the festivals of ignorance?" They said, " no." Then his highness said, " perform your vow; because had that place been the place of worship of the infidels, the performance of the vow would not have been lawful; because there is no performance of disobedience to God; and there is no vow in a thing not the property of the children of ADAM."

Prohibition to offer sacrifices in a place where idols had formerly been worshipped.

* A village near Mecca.

AMER-IBN-SHUAIB relates, from his fathers, that ' a woman said, " O messenger of God! verily, I vowed that I would beat a tabour in your presence." The Prophet said, " perform your vow." (And RAZIN has added this to it, that ' the woman said, " I have vowed to slay a sacrifice in the place in which the people of ignorance slayed theirs." His highness said, " was there an idol of the idols of ignorance, which were worshipped?" The woman said, " no." His highness said, " was there a festival of the festivals of ignorance?" She said, " no." His highness said, " then perform your vow.") AB'U-LUBA'BAH said, ' I said to the Prophet, " verily it is the completion of my repentance to leave my house, in which I sinned, and give in alms the whole of my property." His highness said, " it is sufficient for you to give a third of it in alms." JA'BIR-BIN-ABDULLAH said, ' a man stood up, on the day of the conquest of Mecca, and said, " O messenger of God! I made a vow, and a promise to God, that if he gave you victory over Mecca, I would perform two *Racâts* of prayer in Jerusalem." His highness said, " say your prayers here." The man repeated the same again, and the Prophet said, " perform them here;" and the man repeated the same a third time, and his highness said, " now you won't do as I tell you, go where you please and do what you vowed." IBN-ABB'AS said, ' the sister of UKBAH-BIN-AA'MIR vowed that she would make a pilgrimage on foot, when she was not able to perform it, and the messenger of God said, " verily God is indifferent about the going of your sister on foot: then let her ride, and send a camel or bullock for alms." ABDULLAH-BIN-MALIC said, ' verily UKBAH-BIN-AA'MIR asked the Prophet about the case of his sister, who had vowed to make a pilgrimage, with her feet and head uncovered; and the Prophet said, " order her to ride and cover herself, and fast three days, as an atonement for breaking her vow." SA'ID-BIN-MUSAIB said, ' verily there were two brothers of the assistants, and there was a legacy between them; and one of them asked the other for his share, and he said, " if you ask me again

OH. XXII.
PART II.

The Prophet forbade a man to give all his property in alms.

Atonement for the breach of a vow,

by sacrifice,

or fasting.

BOOK XIV.

An infidel who offers to embrace *Islām* must not be put to death.

Punishment of suicide in a future state.

to death, after repeating this?" His highness said, "no, do not kill him." Then I said, "O messenger of God! verily he has cut off one of my hands." The Prophet again said, "do not kill him; for verily he is as yourself before your killing him, and if you then do it, you will deserve to be put to death." USA'MAH-BIN-ZAID said, 'the Prophet sent me to fight a party of the *Juhainah* tribe; and I opposed one of their men, and went close to him to spear him; and he said, "there is no God but God." Then I speared him and killed him, and went to the Prophet, and told him the circumstance; and he said, "what! did you kill him, when he really uttered the words of *Islām*?" I said, "O messenger of God! he only repeated the words to save himself from being killed." His highness said, "why did you not search the state of his heart; that you might have known whether he spoke to save himself, or purely for truth, and *Islām*?" (And in one tradition it is thus, that the Prophet said, "what answer will you give to those words, when they come at the day of resurrection?" The Prophet repeated these words several times.) AB'DULLAH-BIN-ÔMER. 'A. G. S. "Whoever kills a *Muâhid** will not perceive the smell of paradise; and verily it is perceived at the distance of forty years' journey." AB'UHURAIRAH. 'A. G. S. "Whoever shall throw himself from the top of a mountain and kill himself, is in hell fire, and he will swallow it perpetually; and he who kills himself with iron, his iron will be in his hand, and he will stab his belly with it in hell fire everlastingly." AB'UHURAIRAH. 'A. G. S. "Whoever strangles himself, in this way will he punish himself in hell fire perpetually; and whoever kills himself with a spear, in this way will he punish himself in hell fire for ever." JUNDUB-BIN-ÂBDULLAH. 'A. G. S. "There was a person in the ancient sects who was wounded, and was not able to bear the pain, and

* That is, an infidel, having been permitted by a *Muslemân* to go into the towns of *Islām* and traffick, or to hear the word of God, by the agreement of not being a detriment to any *Muslemân*.



took a knife and cut off his hand, and the blood did not stop till he died. Then God said, " my servant soon destroyed himself, and I forbade him paradise."

JĀ' BIR said, ' verily TUFĀIL-BIN-ĀMER-DAWSĪ* fled to the Prophet, and a man of his tribe along with him, who was sick, and impatient; and he took a knife and he cut the joints of his own fingers, and the blood run till he died. Then TUFĀIL saw the man in his sleep, in a beautiful appearance, with his hands covered, and said to him, " what has your God done to you?" He said, " he pardoned me, on account of my flying to the Prophet." Then TUFĀIL said, " what is the cause of my seeing your hands covered?" He said, " GOD said, I never will put to rights what you destroyed yourself." ANAS said, ' a Jew broke the head of a slave girl between two stones, and she was asked who did it? whether such a one or such a one, mentioning the names of the suspicious persons, till at length the Jew's name was mentioned, who had perpetrated the act: and the girl made a sign to her head, indicative of his having done it. Then the Jew was brought, and confessed it, and the Prophet ordered that his head should be broken with a stone.' ANAS said, RABĪ broke the fore teeth of an assistant's daughter, and the assistant came to his highness, who said, " break RABĪ's teeth also." Then ANAS-BIN-NUDR† said, " by God! RABĪ's teeth shall not be broken, O messenger of God!" And the Prophet said, " O ANAS! this retaliation is agreeable to the book of God." Then the assistant agreed to take money for it; and the Prophet said, " verily there are some such servants of God, that if they swear by God, we will do so and so, he (God) will verify their

A man was pardoned the crime of suicide, on account of his having taken refuge with the Prophet.

The law of retaliation laid down.

* One of the *Sahābah*. He embraced *Islām* at *Mecca*, and afterwards returned to his tribe, and lived among them till the flight of the Prophet to *Medīnah*, when he came to the Prophet, and remained with him till the time of his death. He was slain at the battle of *Yemāmah*, or according to others at that of *Bermūc*.

† The uncle of ANAS-BIN-MĀ'ĪC and brother of RABĪ; one of the most illustrious of the *Sahābah*, slain at the battle of *Ohud*, where he fought with extraordinary valour, and received upwards of eighty wounds.

BOOK XIV.

oaths." AB'U-JUH'AIFAH said, "I asked ^ÀLI, "have you any thing that is not in the *Koràn*?" He said, "I swear by that God who split the grain, and brought forth blades of corn, and created every living animal. I have nothing but what is in the *Koràn*, except the gift of understanding, by which a knowledge of its meaning and signs is obtained, and the rules which are in the *Sah'ifah*."* And I asked, "what is in the *Sah'ifah*?" He said, "the rules of *Diât*,† and for freeing captives; and there is in the *Sah'ifah* that a *Muslemàn* shall not be killed in atonement for an infidel."

Part Second.

Heinous
guilt of kill-
ing a *Mu-
slemàn*.

ABDULLAH-BIN-ÔMER. 'A. G. S. "Verily the decline of the world and its destruction is easier to God, than his killing a *Muslemàn*." AB'U SA'ID and AB'UHURAIRAH. 'A. G. S. "If all the inhabitants of the regions and the earth were partners in spilling the blood of a *Muslemàn*, verily God would cast them head foremost into hell fire." IBN ^ÀBB'AS. 'A. G. S. "The murdered will bring his murderer on the day of resurrection, by the hair of his head, whilst the blood is still running from his veins, and will say, "O my defender! this person killed me," until the murdered will pull along the murderer near to God's imperial throne." AB'U UMA'MAH said, "ÔTHM'AN went upon a high part of his house, the day it was besieged, and said, "I adjure you by God, do you know that the Prophet said, it is not lawful to spill the blood of a *Muslemàn* except for three things; one of them, a *Muslemàn* committing adultery after his marriage, who deserves to be stoned; the second, an apostate; the third, kil-

* This page or book. Some say this was a scroll which he kept in the scabbard of his sword.

† A pecuniary compensation for blood.

ling unjustly? Then, by God, I neither committed adultery in the day of ignorance nor in *Islām*; nor have I been an apostate from the time I professed to the Prophet; nor have I killed a person whom God has forbidden so to do; then for what cause should you kill me?" AB'U DARDA'A. 'A. G. S. "A *Muslemān* is always a swift goer in the road of God, so long as he does not commit murder; therefore, when he kills any body, he cannot go, and becomes tired." AB'U DARDA'A. 'A. G. S. "It is near that God will forgive every fault, except of him who has died an infidel, and an acknowledger of another in partnership with God, and who kills a *Muslemān* intentionally." IBN ABB'AS. 'A. G. S. "Retaliations shall not be made in *Masjids*; because they are only built for prayers; nor shall a father be killed for his son." AB'U-RIMTHAH said, 'I came to the Prophet, along with my father; and his highness said, "who is this along with you?" My father said, "this is my son, be witness." The Prophet said, "beware, neither of you will be taken for the fault of the other, in the world or futurity." AB'U-RIMTHAH says, 'I came with my father to the Prophet, and he saw the thing was upon his back, that is, the seal of prophesy, and he said to the Prophet, "allow me to apply a remedy to that which is upon you, for verily I am a physician?" Then the Prophet said, "you are very obliging, God is the curer." AMER-IBN-SHUAIB relates, from his forefathers, that SURA'KAH said, "I was present with the Prophet; and he was taking retaliation from a son for his father, but not from a father for killing his son." HASAN-BAS'RĪ. 'A. G. S. "He who kills his own slave, I shall kill in retaliation; and he who maims his slave, I will maim him." (And in another tradition it is thus, "he who castrates his slave I will castrate him.")

AMER-BIN-SHUAIB relates, from his forefathers, that 'verily the Prophet said, "he who kills another intentionally, shall be given up to the family of the killed; then if they wish it they may kill him, in retaliation; and if

CHAP. I.
PART II.

All crimes may be forgiven, except infidelity, idolatry & wilful murder.

Fathers not to be punished for the crimes of their children, nor children for those of their fathers.

The murder of a slave shall be punished with death.

BOOK XIV.

It is at the option of the family of a murdered person to take retaliation or the price of blood.

He that has once forgiven, must not afterwards exact retaliation or *Di-āt* for the same crime.

Reward of him who forgives injuries.

they like it may take *Diāt* from him; which is one hundred camels, thirty of four years old, thirty of five years, and forty with young: and he may make his peace with them for less if he can, but *Diāt* is this." ^ĀALĪ. 'A. G. S. " *Muslemāns* are equal in retaliation and *Diāt*. If a *Muslemān* gives protection to an infidel, it is unlawful for all *Muslemāns* to kill him; and all the men of the same army shall partake in the plunder of the enemy; and *Muslemāns* are like one hand to the other, in assisting each other: know, a *Muslemān* shall not be killed in retaliation for an infidel; nor shall a *Muāhid*, during the period for which he has protection."* AB'U-SHURAIH said, ' I heard the Prophet of God say, " whoever is killed or wounded, then his family, if the former, and himself, if but the latter, have an option of one of these three things; (but if he attempts a fourth he must be prevented): he may either take retaliation, or forgive, or take *Diāt*: then if he wishes any other thing besides these three, he surpasses the bounds: for example, if he has forgiven, and afterwards asked for retaliation or *Diāt*, then for him is the fire everlasting." IBN-^ĀABB'AS. 'A. G. S. " Any one who is killed, his murderer and the manner of his death being unknown; or by several persons throwing stones in different directions, or by whipping, or by a walking stick; it is accidental, and its *Diāt* is the *Diāt* for accident. And one that is killed in this way intentionally is a cause of retaliation; and he who prevents retaliation being taken, on him is the curse and anger of God; nor will his divine or *Sunnat* prayers be accepted." JA'BIR. 'A. G. S. " I will not release him, verily I will take retaliation from him who has taken *Diāt* and killed afterwards." AB'U-DARD'AA said, ' I heard the Prophet say, " there is no man who is wounded, and pardons the giver of the wound; but God will exalt his dignity, and diminish his faults."

* That is, if a *Muslemān* should kill such an one, his life becomes forfeited by retaliation. This is the doctrine of AB'U-H'ANĪFAH.

Part Third.

SÂID-IBN-AL-MUSAIB said, ' verily ÔMER-IBN-AL-KHAT'T'AB killed five or seven people, in retaliation for one man, and said, " if the inhabitants of *Sandâ* had assisted them, verily I would have put them all to death." JUNDUB said, ' such a companion informed me that the Prophet said, " the murdered will bring his murderer on the day of resurrection, and will say, ask him, O LORD! why he killed me? And the killer will say, in assistance to such a king." Then JUNDUB said, " abstain from assisting kings." AB'UHURAIRAH. ' A. G. S. He who assists in the killing of a *Muslemân*, by half a word, God will hold up before his eyes a thing in which this is written, " he is without hope of God's favor." IBN-ÔMER. ' A. G. S. " When a man protects a man, and another comes and kills him, he shall be killed; and the man who protected him shall be imprisoned: for example; a man protects a woman, and another man has connexion with her; there is no penalty for the man who protected her: in like manner there is no retaliation for the protector of a man."

CHAP. II.---PART I.

IN EXPLANATION OF KINDS OF *DIĀT*.

Diāt for the death of a woman and of the child in her womb.

IBN-ĀBBĀS. ' A. G. S. " The *diāt* for a little finger and a thumb are equal." AB'UHURAIRAH said, ' two women, married to one man, fought; and one of them struck the other with a stone, which killed her and the child which was in her belly; and his highness ordered that *diāt* for the child was a slave or a slave girl; and ordered the *diāt* for the woman who was killed to be given by the other's nearest relations on the father's side; and the heirs of this *diāt* are her husband and children."

Part Second.

Diāt for manslaughter.

ĀBDULLAH-BIN-ŌMER. ' A. G. S. " Know ye, verily *diāt* for accidental murder, having the appearance of intention, which shall be by whipping, or by beating with a bludgeon, is one hundred camels, forty of them with young." AB'UBACR-BIN-MUH'AMMED* relates, that ' verily the Prophet wrote a letter to the people of *Yemen*, in which was written,

* One of the *Tābī'in*, of the second class. His father MUH'AMMED was the son of AMER-IBN-HAZM; concerning whom see Vol. I. p. 105.

“ whoever kills a *Muslemàn* without fault, shall be killed in retaliation for his act; unless the family of the person killed be satisfied, with *diät* or with pardoning him;” and there was also written in it, “ a man shall be killed in retaliation for a woman; and that for killing a person the *diät* is one hundred camels for those that have them, and for people who possess gold, one thousand *Dinârs*; and for those possessing silver, twelve thousand *Dirhems*. And when the nose of any person shall be cut off by the root, the *diät* is an hundred camels; and also for breaking the whole of any person’s teeth, and also for cutting off a person’s lips; and also for castrating a person, and also for cutting off the penis of another, and for breaking the back bone, so as to destroy and stop the emission of semen; and for cutting off one foot, half *diät*; and for blinding both eyes, complete *diät* (two camels:) and for breaking the skin of the head, a third of a *diät*: and for a wound given in the belly, or within the head, a third of a *diät*: and for a wound breaking the cover of the bone, fifteen camels; and for every finger or toe cut off, ten camels: and the *diät* for every tooth is five camels. (And in one tradition, by *MALIC*, it is thus, that ‘ fifteen camels are *diät* for blinding of one eye, and also for cutting off a hand, and for a foot the same; and for a wound shewing the whiteness of the bone, five camels.) *ÂMER-BIN-SHUAIB* relates, from his forefathers, that ‘ the Prophet ordered five camels for every wound which separated the flesh from the bone, and the same for breaking every tooth.’

Diät for maiming,

and for wounds.

Part Third.

IBN-ÂBBÂS. ‘ A. G. S. “ The fingers of the hands, and toes of the feet, are equal.” *IBN-ÂBBÂS*. ‘ A. G. S. “ Fingers, toes and teeth are equal, although some small and others large; the fore teeth and grinders

BOOK XIV.

It is unlawful to confederate for purposes of oppression.

are equal; the little finger and the next to it are equal." ^AAMER-IBN-SHUAIB relates, from his forefathers, that 'his highness repeated the *Khutbah* in the year of the conquest of *Mecca*; after which he said, "O men! there is no *Hilf** in *Islām*; unless that which is the aid of the oppressed, which is strengthened by *Islām*. *Muslemāns* are as one hand to those that are otherwise; and their armies are partakers in the plunder of the infidel. A *Muslemān* shall not be killed, in retaliation for an infidel; and the *diāt* for an infidel is half that for a *Muslemān*, and it is not lawful for an almoner to halt at a place distant from the house of those who are to give alms, so as to put them to inconvenience, by ordering them to bring their alms to that place: and it is not lawful for those who are to give alms, to be far from their houses, for the purpose of giving the almoner the trouble of going to them, and their alms shall not be taken but at their houses."† [‡]KHISH-BIN-MALIC† relates, from IBN-MAS'UD, that the Prophet ordered, in *diāt* for accidental murder, twenty *Bint-makhād'*, and twenty *Ibn-makhād'*, and twenty *Bint-Labūn*, twenty *Ja-d'hāh*, and twenty *Hikkah*.§ It is related in the *Shareh' Sunnat*, that 'his highness gave *diāt* for a person that was killed, in *Khaiber*, one hundred camels, from the alms camels, and they were all *Ibn Labūn*.' ^AOMER-BIN-SHUAIB relates, from his forefathers, that the price of *diāt* camels, which are a hundred, was eight hundred *dinārs* in the time of the Prophet, or eight thousand *dirhems*; and the *diāt* for the people of the book was half that for *Muslemāns*; and thus were the orders for *diāt* until ^AOMER was made *Khalifah*; when he stood up and repeated the *Khutbah*, and said, "verily animals are very dear:" and he fixed *diāt*, for the possessors of gold, a thousand *dinārs*; and for people possessing silver, twelve thousand

* It was a custom, in the days of ignorance, for people to swear to assist each other in plunder, oppression and murder; and also to assist the oppressed. This engagement was called *Hilf*; and hence a sworn confederate is called *H'alif*.

† See Vol. I. p. 412.

‡ One of the *Tabi'in* of good authority.

§ For the meaning of these terms see Vol. I. p. 415.



dirhems; and for proprietors of bullocks, two hundred; and for masters of the goats, two thousand, and for proprietors of cloth, two hundred pairs of trousers and frocks: and he left the *diät* for an infidel under the protection of *Muslemâns* four thousand *dirhems*.^A AMER-BIN-SHUAIB^A relates, from his forefathers, that 'the Prophet made the price of the *diät* for accidental death as that of the number of camels for it: therefore when camels were dear, the *diät* in money was more; and when the price of camels was cheap, the price of *diät* was cheaper. The price of *diät* in the time of the Prophet arrived at between four hundred and eight hundred *dinârs*; and in silver eight thousand *dirhems*; and his highness said, "the price of *diät* is for the heirs of the person killed; and the killer can inherit nothing." AMER-IBN-SHUAIB.^A A. G. S. "The *diät* for accidental murder, bearing the appearance of design, is like that for intentional murder: the latter is liable to retaliation or *diät*, but the former only to *diät*." AMER-IBN-SHUAIB^A relates from his forefathers, that 'the Prophet ordered (in a wound depriving of sight, but the eye remaining in its place,) a third of a *diät*.' MUHAMMED-BIN-ÖMER said, 'that AB'U-HURAIRAH said, his highness ordered, for a person causing a miscarriage, for *diät*, a slave girl or a slave boy, a horse or a mule.' AMER-IBN-SHUAIB^A relates from his fathers, that 'verily the Prophet said, "whoever practises physic, and is not celebrated or clever, and a patient dies by his applications; then on him is *diät*." IMR'AN-BIN-HUS'AIN said, 'verily a boy, belonging to some poor people, cut off the ear of a boy, the property of rich folks, and the poor people came to the Prophet and said, "verily we are poor people." Then his highness did not order any *diät* for them.'

CHAP. II.
PART III.

The amount of *diät* in money was regulated by the price of camels.

Fine for causing a-bortion.

Diät exacted from a physician from whose ignorance a patient dies.

ALİ said, 'the *diät* of accidental murder, having the appearance of design, is a third of thirty-three *Hikkahs*, thirty-three *Jadhâhs*, thirty-four *Thanîyahs*.* (And in one tradition it is related, that ' *diät* for acciden-

* Camels in their sixth year, to nine; and *Thanîyahs* must be with young.



BOOK XIV.

Diāt for the death of a child in the womb.

tal murder, bearing the appearance of design, is of a hundred of this kind, twenty-five *Hikkahs*, twenty-five *Jadhāhs* and twenty-five *Bin Labān* and twenty-five *Bint Makkād*.*) *SĀ'ID-BIN-AL-MUSAIB* said, "verily the messenger of God ordered, for a child being killed in its mother's belly, *diāt* by a slave boy or girl: and the person who was ordered to give it, said, "how shall I give in atonement for him that has neither eat, drank, spoke or made a noise? We must not give in such case." And the Prophet said, "this person is nothing more than a magician's brother."

the time of the Prophet arrived at between four hundred and eight hundred years; and in silver eight thousand *dirhams*, and his highness said, "the price of *diāt* is for the heirs of the person killed, and the killer can inherit nothing." *ĀMER-IBN-SHUBAIB* said, "The *diāt* for accidental murder, bearing the appearance of design, is like that for intentional murder; the latter is liable to retention or *diāt*, but the former only to *diāt*." *ĀMER-IBN-SHUBAIB* relates from his forefathers, that the Prophet ordered (in a wound depriving of sight, but the eye remaining in its place) a third of a *diāt*. *MUHAMMAD-IBN-SULAYMĀN* said, "that *ĀMER-IBN-SHUBAIB* said, his highness ordered, for a person causing a miscarriage, for *diāt*, a slave girl or a slave boy, a horse or a mule." *ĀMER-IBN-SHUBAIB* relates from his father, that verily the Prophet said, "whenever a physician practices physic, and is not celebrated or clever, and a patient dies by his applications, then on him is *diāt*." *ĀMER-IBN-SHUBAIB* said, "verily a boy, belonging to some poor people, cut off the ear of a boy, the property of rich folks, and the poor people came to the Prophet and said, "verily we are poor people." Then his highness did not order any *diāt* for them."

ĀMER said, "the *diāt* of accidental murder, having the appearance of design, is a third of thirty-three *Hikkahs*, thirty-three *Jadhāhs*, thirty-four *Thamghahs*." (And in one tradition it is related, that "the *diāt* for acci-

* Camels in their sixth year, to nine; and *Thamghahs* must be with young.



CHAP. III.---PART I.

IN EXPLANATION OF FAULTS FOR
WHICH THERE IS NO *DIĀT*.

ABŪHURAIRAH. 'A. G. S. "There is no *diĀt* for harm done by quadrupeds; that is, if the quadruped of any person spoils the property of another, or treads down his corn, there is no *diĀt* to pay: and if a person comes into a mine, or stands on the top of it, and falls down, and is killed, there is no atonement to be made by the master of the mine; and he who digs a pit in his own ground, and another person falls into it and dies, there is no atonement to be made by the owner of the pit." **YALĪ-BIN-UMAIYAH** said, "I fought along with the Prophet in the battle of *Tabūk*: and there was a labourer with me; and he had a quarrel with some person, and one of the two bit the other's hand; and the person bit, drew his hand from the mouth of the biter, and drew out his fore teeth; and the man who had lost his teeth came to the Prophet for his orders; but the Prophet gave no kind of order between them, and said, "did that person put his hand into your mouth, and did you bite it like a male camel?" **ĀBĀDULLAH-BIN-ŌMER.** 'A. G. S. "Whoever is killed near his own property, on account of guarding it, is a martyr." **ABŪHURAIRAH** said,

No *diĀt* for injuries done by brutes, or by inanimate things.

A man who digges a pit in his own ground, and another person falls into it and dies, there is no atonement to be made by the owner of the pit.

BOOK XIV.

A man is justified if he kill another in defence of his property.

man came and said, " O messenger of God! inform me, if a man comes to take my property, what shall I do?" The Prophet said, " do not give it him." The man said, " what am I to do if he tries to kill me?" His highness said, " fight him." The man said, " tell me if he kills me." His highness said, " then you are a martyr." The man said, " what is the case if I kill him?" He said, " he is in hell fire."

AB'UHURAIRAH said, ' I heard the Prophet say, " if a man looks into your house without your permission, then do you throw gravel at him, and blind him; and there is no fault upon you." SAHAL-BIN-SAD-ANSARI said, ' verily a man peeped into a hole of the Prophet's door, when he had nothing near him, but a scratching comb, and the Prophet said, " had I known that you were peeping at me, verily I would have stuck this comb into your eyes;" and permission in coming into another's house, which has been repeated, was to prevent looking into it. ABDULLAH-BIN-MUGHAFFAL said, ' I saw a man throwing pebbles, and I said, " do not throw pebbles, because his highness has forbidden it; you cannot kill birds with them, nor wound your enemies; and there is no use in it: but sometimes they break people's teeth and blind their eyes." AB'U-MU'SA-AASHARI A. G. S. " When any of you pass into the *Masjids* and market places of *Muslemans*, and you have arrows with you; then you must put your hands upon the iron part, for fear of wounding any *Muslemân*." AB'UHURAIRAH A. G. S. " Do not present any weapon at your brother, because the devil might draw it from your hand and wound him, and then you would be an offender." AB'UHURAIRAH A. G. S. " He who presents an iron weapon at his brother, although he be a real brother, verily the angels curse him, till he puts the weapon down." IBN-OMER and AB'UHURAIRAH A. G. S. " He who lifts a warlike weapon over us, is not of us, nor of our ways; and he who conceals the defect of a bargain, is not of us." SALMAH-BIN-ACWA A. G. S. " Whoever draws a sword

A man going into public places with arrows, must cover their points, that he may not hurt people with them.

upon us, is not of us or of our ways." HUSH'AM-BIN-URWAH relates, from his own father, that verily HUSH'AM-BIN-HACIM passed through the country of Syria, by a *Nabat* tribe,* while they were standing in the sun, and had olive oil made hot poured upon their heads: and HUSH'AM asked, "what is this affair, why are these people punished?" It was said, "on account of their tribute which they will not pay." And HUSH'AM said, "I give evidence that verily I heard the Prophet say, verily God will punish those who punish people in the world without fault."

CHAP. III.
PART I.

The practice of enforcing the payment of tribute by corporal punishment reprobated.

AB'UHURAIRAH. 'A. G. S. to me, "it is near, that if your life should be long, you will see a tribe with whips in their hands, like cow's tails, that will close the day in God's anger, and rise in the morning in disobedience to God, and in his anger." (And in one tradition it is, "that they will rise in the morning under God's curse.") AB'UHURAIRAH. 'A. G. S.

"There are two tribes of the people of hell, which I have not seen, nor will I see; a tribe with whips in their hands, like cow's tails, with which they flog people; the second, a concourse of women that wear thin clothes, shewing their bodies, to entice men to them; and inclining towards men in their own hearts, having braided their hair, like the hump upon the back of a *Bukhti* camel, which hangs from fat; they will not enter into paradise, nor perceive its smell, although it is perceived at an amazing distance." AB'UHURAIRAH. 'A. G. S. "When any one of you fights, you must refrain from the face; that is, not strike in the face; because verily God created ADAM from his own likeness."

Cruelty in men, and lasciviousness in women, will be punished in hell.

The human face, created after God's likeness, is not to be aimed at in battle.

Part Third.

ABUDHAR. 'A. G. S. "Whoever lifts up a curtain, and looks into

* That is, the people of the province called *Nabathawa*, of which *Petra* was anciently the capital.



BOOK XIV.

It is forbidden to lift up a curtain and peep in to any person's house.

a house, without leave, and sees the private parts of the people of the house, does a thing which is not lawful for him: then, if another comes to him and blinds him, whilst he is looking into the house, verily I would not be angry with him: and if a man passes by a door which has no curtain upon it, nor shut, and he sees any one of the house, there is no fault upon him; the fault is on the people of the house; why did they not shut the door, and put down the curtain?" JA'BIR said, "the Prophet forbade taking hold of a naked sword." SA'ID-IBN-ZAID. "A. G. S. "Whoever is killed in guarding his religion, is a martyr; and whoever is killed in guarding his property, is also a martyr; and whoever is killed in guarding his family is a martyr; and whoever is killed in his own defence is a martyr." IBN-OMER. "A. G. S. "There are seven doors to hell; one of them is for him who draws a sword upon my sects."

Gravely in men and in civility, in women, will be pleased in hell.

The hunter, face, created after God's likeness, is not to be named after him.

"There are two tribes of the people of hell, which I have not seen, nor will I see: a tribe with wings in their hands, like cow's tails, with which they beat people; the second, a concourse of women that wear thin clothes, showing their bodies to come near to them; and inclining towards men in their own hearts, having braided their hair, like the hump upon the back of a Bactrian camel, which hangs from fat; they will not enter into paradise, nor perceive its smell, although it is perceived at an amazing distance." ABU-BURHAH. "A. G. S. "When any one of you fights, you must refrain from the face; that is not unlike in the face; because verily God created Adam from his own likeness."

Part Fifth

ABU-BURHAH. "A. G. S. "Whoever lifts up a curtain, and looks into the house of the people of the house, of which I have not seen, nor will I see."

did." The people said, "O messenger of God! there are a tribe of infidels; what faith can be put in their oaths?" Then the Prophet gave

(This Chapter has no Second Part.)

CHAP. IV.---PART I.

IN EXPLANATION OF KASAMAT.*

RĀFI-BIN-KHADIJ and **SAHAL-BIN-AB'U HATHMAH** said, "verily **ABDULLAH-BIN-SAHAL†** and **MUH'AIYYIS'AH-BIN-MASU'UD** came to *Khaiber*, and separated when walking among date trees; and **ABDULLAH-BIN-SAHAL** was killed, and **ABDUL-RAH'MAN-BIN-SAHAL**, who was his brother, and **HUWAIYYIS'H** and **MUH'AIYYIS'AH**, two sons of **MASU'UD**, came to the Prophet, and asked about the case of the person killed; and **ABDUL-RAH'MAN** spoke first, who was the youngest of them, and the Prophet said to him, "let the eldest speak first." Then the senior spoke, and the Prophet said, "you will be entitled to *diāt*, or retaliation, when fifty of you swear." The people of the deceased said, "O messenger of God! this is an affair which we did not see, nor do we know who killed him." His highness said, "the *Jews* of *Khaiber* will relieve you from your suspicions, by fifty of them swearing we did not kill him, or know who

* That is, a person is found dead in a place, and the murderer not known; then the family of the killed make fifty oaths, for getting *diāt*; or fifty of the people of the place swear, they did not kill him or know who did.

† One of the *Ansārs*, the nephew of **MUH'AIYYIS'AH**.

The Pro-
phet gave
the price of
blood him-
self, to pre-
vent distur-
bance, in a
case of mur-
der, where
the people
trusting of it
were in-
formed.

BOOK XIV.

did." The people said, " O messenger of God! these are a tribe of infidels; what faith can be put in their oaths?" Then the Prophet gave them *diät* himself, to prevent disturbances.

(This Chapter has no Second Part.)

Part Third.

The Prophet gave the price of blood himself, to prevent disturbance, in a case of murder, where the perpetrators of it were unknown.

RÁFÎ-BIN-KHADÏJ said, ' a man of the assistants was killed at Khaiber; and the people of the deceased went to the Prophet, and mentioned the affair to him; and he said, " have you two witnesses against the killer of your friend?" They said, " O messenger of God! there was not any *Muslemân* there; or any but *Jews*, who are noted for tyranny, and verily dare to commit offences of greater consequence than this, such as killing Prophets and altering the word of God." His highness said, " then make fifty of them swear." But the *Jews* refused doing it or giving *diät*. Then the Prophet gave *diät* himself.'



CHAP. V.--PART I.

**IN EXPLANATION OF KILLING APOSTATES,
AND HIGHWAY MURDERERS.**

ACRIMAH said, 'some apostates were brought to **ÂLÌ**, and he burnt them: and **IBN-ÂBB'AS** heard of it, and said, "had they been brought to me I would not have burnt them; because the Prophet said, punish not with God's punishment, which is burning; but verily I would have put them to death, because the Prophet has said, whoever changes his religion, kill him." **ÂBDULLAH-BIN-ÂBB'AS**. "A. G. S. "Verily it is not proper for any one to punish with fire, but God." **ÂLÌ**. "A. G. S. "It is at hand that a tribe will come, in the latter end of time, young and of little understanding; and they will repeat the *Koràn*, and expound it falsely; and their belief will not pass beyond their throats; that is, will not be approved; they will leave their religion, as an arrow passes through game; then, whenever you meet them, put them to death; then verily there is reward for killing them, to the day of resurrection." **AB'U SA'ID KHUD'HRI**. "A. G. S. "There will be two classes of my sects; one of which will cast off its religion; and those who kill them will do it justly."

Apostates
are to be put
to death; but
not by fire.

BOOK XIV. JA'BIR. ' A. G. S. in the farewell pilgrimage; " do not the work of infidels after me, and do not strike off each other's heads." AB'U BACRAH.

When two *Muslemans* fight without cause, & kill one another, they both go to hell.

' A. G. S. " When two *Muslemans* meet, and one of them lifts a weapon on the other, they are both on the brink of hell; and when one kills the other, they both enter into hell; when they fight without cause." (And in one tradition it is thus, " when two *Muslemans* meet with swords, the killer and the killed are both in hell.") AB'U BACRAH said, ' I said to the Prophet, " if the killer goes to hell, there is cause for it, on account of killing the other; why should the killed enter into fire?" His highness said, " surely the one killed wished to have killed the other; and they are both as murderers." ANAS said, ' some people of the *Ucl* tribe came to the Prophet, and embraced *Islam*, and disliked staying at *Medinah*; because the air disagreed with them, and they got sick, and their colour became yellow, and their bellies swelled. And his highness ordered them to go to where the alms camels were assembled, and drink their urine and milk; and they did so, and got well; after that they became apostates, and turned away from *Islam*, and killed the man that took care of the camels, and took away the camels. Then his highness sent some people after them, and they were brought back, and he ordered their hands and feet to be cut off, like as the orders for highway robbers, and their eyes pulled out, but did not stop the bleeding, so that they died.' (And in one tradition it is thus, ' his highness ordered hot iron to be drawn through their eyes, and then that they should be thrown out upon the stony plain of *Medinah*; and they asked for water, which was not given them: so they died.')

The Prophet punishes with death a tribe who had embraced *Islam* and afterwards apostatised.

Part Second.

IMRAN-BIN-HUSAIN said, ' the Prophet was the cause of my giv-

ing alms to the poor and needy, and he forbade my cutting off ears and noses." *ĀBĀDULLAH M'AN-BIN-ĀBĀDULLAH** relates, from his forefathers, who said, "we were with the Prophet on a journey; and he went away for the purpose of necessary evacuation; and we saw a *Hummarah*† with two young; and we took them; and the *Hummarah* came, and spread her wings. Then the Prophet came, and said, "what person afflicted this *Hummarah* by taking her young? Return them to her." And the Prophet saw some out-houses which we had burnt, and said, "who burned those?" We said, "we did." He said, "verily it is not right for any one to punish with fire except God." *ABŪ SA'ĪD KHUḌHRĪ* said, "the Prophet said, "it is near that there will be differences in my sects, and separation; one tribe will speak well, but not act so; they will read the *Korān*, but it will not pass above their throats; this tribe will quit religion, like an arrow from a bow, and will not return to it till the arrow return to the bow; this tribe will be the worst of men, and beasts; joy be to those that kill them, and joy be to those who are killed by them; they will invite men to the book of God, and the religion of *Islām*, while they have nothing of it, themselves: those who kill them will be worthy of God's mercy." The companions said, "O messenger of God! what signs are they to be known by?" He said, "by their shaving off a great deal of their hairs." *ĀĀ'YESHAH*. A. G. S. "It is not lawful to spill the blood of a *Muslemān*, who bears witness to God, and his messenger, except from one quality of three; one, a *Muslemān* who has married and committed adultery, who shall be stoned; the second, a man who has come out to fight with God and his messenger;‡ then verily such a man shall be killed with a sword, or hanged, or be driven away

The Prophet disapproved the depriving of a bird of its young.

The Prophet disapproved the depriving of a bird of its young.

* One of the *Tabi'in*, son of *ĀBĀDULLAH-BIN-MAS'UD*. He died A. H. 99, in the time of *SULAIM'AN-BIN-ĀBĀDULLAH-MALIC*.

† A small bird with a red head.

‡ This alludes to highway murder.

BOOK XIV.

from place to place; the third is one who kills another, who shall also be killed." IBN-AB'U-LAIL'A* said, the friends of MUH'AMMED related to me, saying, 'we were going with the Prophet at night, and one of our men went to sleep, and some of us went to take a rope which he had, and we took it, and the man was frightened; and the Prophet said, it is not right for a *Muslemàn* to do any thing to frighten another.' JARIR-BIN-ÂBDULLAH said, 'his highness sent an army towards the *Khathâm* tribe of *Yemen*; and some of them sought to save themselves, by prostration; that is, when they saw the army, they prostrated themselves upon the ground, to shew their *Islàm*. Then they were soon killed, as no faith was put in their prostrations. And this news reached the Prophet, who ordered the army to give half a *diât*, and said, "I am offended with every *Muslemàn* who stays amongst polytheists." The companions said, "why so, O messenger of God?" He said, "the houses of *Muslemàns* and infidels must be so far apart, that if a fire be lighted at one, the other should not see it." AB UHURAIRAH. 'A. G. S. "*Islàm* prevents its possessor from sin, and a *Mómin* does not kill any one without investigation." JARIR. 'A. G. S. "When a slave runs away to the house of a polytheist, and any one kills him, it is lawful; and he will make no atonement." ÂLI-IBN-ABU TALIB said, 'verily a *Jewess* abused the Prophet, and back-bit him; and a man strangled her; and the Prophet did not order any atonement to be made by him." JUNDUB. 'A. G. S. "The penalty for a magician is killing him with a sword."

The Prophet ordered half *diât* to be paid for infidels who were killed after begging for quarter.

Part Third.

USÁMAH-BIN-SHARIC. 'A. G. S. "Every man who shall turn

* His name was ABDUL-RAH'MAN. See Vol. I. p. 190, 375.



from obedience to the *Imâm*, and wish to make divisions in my sects, by words of *Islâm*, shall be killed with a sword." SHARÏC-BIN-SHAH'AB said, 'I had a desire to visit one of the Prophet's companions, and ask him the condition of a man who turns from obedience to his *Imâm*, whether his highness ever mentioned it; and I paid a visit to AB'U-BARZAH-ASLAMÎ, and said, "did you ever hear the Prophet mention the condition of a man who disobeys his *Imâm*?" He said, "yes, I heard the messenger of God with both my ears say; and saw such a man with my two eyes; there was some money brought to the Prophet, and he divided it, and gave to those on his right and left, but nothing to those behind him; and a man stood up in the Prophet's rear, with a cut face, and he had a white garment and trowsers on, and said, "O MUH'AMMED! You did not shew equal in the division of this money, by giving to some and not to others. And the Prophet was very angry, and said, "by God! you will not find, after me, a man more just than me." After that he said, "a tribe will come forth in the latter end of time, and this man is of them and of their ways; they will repeat the *Korân*, which will not pass beyond their throats; they will come out from the religion of *Islâm*, like an arrow from a bow; their signs will be much shaving of their hair; and they will continue coming out, till the descent of JESUS CHRIST; and when you meet them, know them to be the worst of the creation." AB'U-GHALIB* says, 'AB'U-UMĀMAH saw some heads fixed, in a road to *Damascus*, and said, "these are dogs of hell; the worst of the killed under the heavens; and those that were killed by them are the best of martyrs." I said, "O AB'U-UMĀMAH! did you hear any thing from the Prophet on this subject?" He said, "if I had not heard it once, twice or seven times, I would not have related it to you."

CHAP. V.
PART III.A man who
disobeys the
Imâm shall
be put to
death.A man who
disobeys his
commander,
and
is put to
death, is
a martyr.

* One of the *Tablîn*. His name and designation at length is HAZAWWAR-AL-BĀHALI-AL-BASRÎ.

Book the Fifteenth.

CHAP. I.—PART I.

IN EXPLANATION OF PUNISHMENTS, FIXED BY GOD AND THE PROPHET.

ABUHURAIRAH and **ZAID-BIN-KHALID** said, 'verily two men quarrelled with each other, and came to the Prophet; and one of them said, "order between us agreeably to the book of God;" and the other man said so likewise; and one of them said, "allow me to speak, and explain the matter." The Prophet said, "tell me the merits of the case." He said, "my son was a workman to this man, and committed adultery with his wife; and people told me that he was to be stoned; but I redeemed him from this man, for one slave girl and a hundred goats; and verily I asked the learned, and they told me to give him a hundred lashes, and turn him out of the town for a year; and they added, stoning is only for the woman." Then the messenger of God said, "I swear by God,

An unmarried person committing adultery, is to be punished with a hundred lashes and banishment.

I will order between you agreeably to the book of God : your slave girl and goats shall be returned to you ; but for your son is one hundred lashes, and turning out of the town for a year." And the Prophet sent UNAIS* to the woman, and said, " if she confesses being guilty of adultery, then stone her." And the woman confessed, and UNAIS stoned her. ZAID-BIN-KHALID said, ' I heard the Prophet order about a man who shall not have married, and shall have committed adultery or fornication, one hundred lashes, and expulsion from the town for a year.' OMER-IBN-AL-KHA'TT'AB said, ' verily God hath sent MUHAMMED in truth, and hath sent a book to him, one of the revelations of which is for stoning ; the Prophet of God stoned, and we have done so after him ; and stoning is established for a man and woman of *Islām*, committing adultery after a correct marriage; when witnesses are produced, or by pregnancy or confession.' UBA'DAH-BIN-SAMIT said, ' his highness repeatedly said, " receive from me the orders for adultery and fornication ; verily God hath ordained for these women a clear way : for a man and woman not married, one hundred lashes, and expulsion from their town one year ; and for a man and woman having been married, one hundred lashes and stoning." ' ABDULLAH-BIN-OMER, says, ' a Jew came to the Prophet, and said, " a man and woman of ours have committed adultery : " and the Prophet said, " what do you meet with in the bible in the matter of stoning ? " The Jew said, " we do not find stoning in the bible, but we disgrace adulterers and whip them." ' ABDULLAH-BIN-SALAM, who was a learned man of the Jews, and had embraced *Islām*, said, " you lie, O Jewish tribe ! verily the order for stoning is in the bible." Then the bible was brought, and opened ; and a Jew put his hand upon the revelation for stoning, and read the one above and below it ; and ABDULLAH said, " lift up your hand ; " and he did so ; and behold the revelation for stoning was produced in the bible ;

But the same crime in a married person is to be punished by stoning to death.

* The son of DUH'AC-ASLAM.

BOOK XV.

The Prophet's unwillingness to hear a confession of adultery.

and the *Jews* said, " ^ĀABDULLAH spoke true, O MUHAMMED! the stoning revelation is in the bible." Then his highness ordered both the man and woman to be stoned, and they were so. ABUHURAIRAH said, ' a man came to the Prophet, when he was in the *Masjid*, called out and said, " O messenger of God! verily I have committed adultery." And the Prophet turned his face from him; and the man came and fronted him, and said, " verily I have committed adultery, O messenger of God." And his highness turned his face to another side; and when the man had confessed it four times, the Prophet called him and said, " are you mad?" He said " no." Then his highness said, " have you committed adultery after a correct marriage?" He said, " yes." The Prophet said, " take him away, and stone him." IBN-SHAH AB* said, ' a person told me, who had heard it from JABIR-BIN-^ĀABDULLAH that he said, we stoned him in *Medīnah*, and when the stones struck him, he ran away, till we found him in the stony plain of *Medīnah*, when we stoned him, till he died." (And in one tradition it is thus: ' the Prophet asked him, " did you commit adultery after connexion with your wife by a correct marriage?" He said, " yes." And his highness ordered him to be stoned, and they stoned him in the *Idgāh* until he died, and the Prophet praised them.') IBN ^ĀABBAS said, ' MA'IZ-BIN-MALIC came to the Prophet, and said, " I have committed adultery." His highness said to him, " perhaps you have kissed, or made a sign with your eyes or eyebrow, or given a look." He said, " no, O messenger of God." His highness said, " had you connexion with her?" He said, " yes." Then his highness ordered him to be stoned." BURAIDAH said, ' MA'IZ-BIN-MALIC came to the Prophet, and said, " O messenger of God! make me pure." The Prophet said, " alas upon thee! return and ask forgiveness of God, and repent to him." Then MA'IZ returned a

* One of the *Tabi'in*, called ZAHRI.

little way, after which he came and said, " O messenger! make me pure." And his highness said as before; and when he repeated it a fourth time, the Prophet said, " of what thing shall I make you pure?" He said, " of adultery." Then the Prophet said, " is he mad?" The people said, " no." The Prophet said, " has he been drinking?" Then a man got up and smelt his mouth; but did not find any smell of liquor. Then the Prophet said, " have you committed adultery?" He said, " yes." Then his highness ordered him to be stoned for it; which was done; and two or three days past without any mention being made of him; after which the Prophet said, " ask forgiveness for MA'IZ, for verily he repented, which repentance being distributed amongst my sects, would pervade them all." After that, a woman of the *Ghāmid* tribe* came to the Prophet, and said, " O messenger of God! make me pure." The Prophet said, " alas upon thee! go away and ask forgiveness of God, and repent." The woman said, " do you wish to send me away as you did MA'IZ the first time? Verily I am with child from adultery." His highness said, " are you so?" Then the Prophet said, " I shall let you alone till the child be born; which is in your belly." Then a man of the assistants attended her, till she was brought to bed; after which, she was brought to the Prophet, and he was told she had been delivered; and his highness said, " I shall not stone her, because if I do, who will give milk to her child?" Then another of the assistants stood up and said, " I will answer for that." Then the Prophet ordered her to be stoned. (And in one tradition it is thus, ' his highness said to the woman, " go away, till you are delivered;" and when she was delivered his highness said, " go away and suckle the child till you wean it." Then when the woman weaned the child, she brought it, with a bit of bread in its hand; and she said, " O Prophet of God! verily I have weaned it, and it eats

The Prophet's sentence on a woman who confessed the crime of adultery.

* A tribe in Yemen.

BOOK XV.

Fornication
to be pu-
nished by
stripes.

bread." Then his highness delivered over the child to a *Musleman*, and ordered a hole to be dug for the woman up to her breast, which was done; when she was put therein and stoned: and at this time KHA'LID-BIN-WALID came, and struck her on the head with a stone, which brought the blood upon himself; and KHA'LID abused her; and the Prophet said "O KHA'LID! do not abuse her; I swear by God, verily the repentance of this woman, if a tithe gatherer was to repent in the like manner, he would be forgiven." After that, his highness ordered prayers to be said for her, which was done, and she was buried.' AB'UHURAIRAH. 'A. G. s. "When a slave girl of any of you commits fornication, and it is clear, then punish her by whipping, and do not stop short at reproof; and if she does it again, whip her again, and do not stop short at reproof; and if she does it a third time, and it be clear, then sell her, if but for a rope of hair." ALI-IBN-AB'UT'ALIB said, 'O men! flog your slaves to the limits by law, whether they be married or not: verily a slave girl of the Prophet's committed fornication, and his highness ordered me to whip her, when it was clear to me that she was in the state of women immediately after being delivered: I was afraid to flog her, lest I should kill her, on account of her weak state; and I mentioned the matter to his highness, and he said, "you did well." (And in one tradition it is related, that 'his highness said, "let her alone, till her blood stops, after which whip her.")')

Part Second.

AB'UHURAIRAH said, 'MA'IZ ASLAMÌ came to the Prophet and said, "verily I have committed adultery." And his highness turned his face from him; and this he did three times; but when MA'IZ repeated it



a fourth time, his highness ordered him to be taken away to the stony plain of *Medinah*, which was done; and he was stoned; but being hurt by the stones, he ran away, till he passed by a man, who had a camel's bone in his hand, with which he struck MA'IZ; and other men beat him, till he died. And the companions mentioned to the Prophet the circumstance of his running away; and his highness said, "why did they not let him alone?" (And in one tradition it is thus, "why did they not let him alone? Perhaps he might have repented of his sin, and God would have accepted it.") IBN ABB'AS said, 'verily the Prophet said to MA'IZ-BIN-MALIC, "is it true which I have heard of you?" MA'IZ said, "what have you heard about me?" His highness said, "verily it has reached me that you have been guilty of adultery with such a slave girl." He said, "yes," and confessed it four times; and the Prophet ordered him to be stoned, which was done.' YEZID-BIN-NUAIM* relates, from his forefathers, who said, "verily MA'IZ came to the Prophet, and confessed to him four times; and his highness ordered him to be stoned, and said to HAZZ'AL,† if you had not disclosed the adultery of MA'IZ it would have been better for you." MUHAMMED-BIN-MUNCADIR says, that 'HAZZ'AL ordered MA'IZ to go to his highness and inform him of the fact.' AMER-BIN-SHUAIB, relates from his forefathers, that 'the Prophet said, "forgive and remit the penalties of the laws amongst yourselves: because whatever is reported to me deserving the punishments prescribed by the laws, verily it is indispensable on me to carry it into execution." AA'YESHAH. 'A. G. S. "Pass over the small faults of the virtuous and righteous, except those meriting punishments prescribed by the laws." AA'YESHAH. 'A. G. S. "Remove offences meriting the limits

The Prophet declares it to be incumbent on himself to execute strictly the punishments denounced by the law.

* One of the *Tābī'in* of *Hijāz*.

† One of the *Sahābah*, of the tribe *Aslam*. The woman with whom MA'IZ committed adultery had been a slave of HAZZ'AL, but was emancipated by him. When her criminal intercourse with MA'IZ came to the knowledge of HAZZ'AL, he advised MA'IZ to make his confession to the Prophet. ABD-UL-HAK.

BOOK XV.

The Prophet condemned a man to be stoned for a rape.

Sodomy to be punished with death.

The same punishment for bestiality.

of the laws from *Muslemàns*, before they reach me, if you can; therefore if there is a road for a *Muslemàn* to get out at, clear it for him; because, the doing wrong of an *Imàm*, in pardoning, is better than his doing so in finishing." WA'IL-BIN-HÚJR said, ' a man ravished a woman, in the time of the Prophet; and he did not order any penalty for her; but the man was punished as the law directs.' WA'IL-BIN-HÚJR said, ' a woman came out to prayer, in the time of the Prophet; and a man met her, and wished to have connexion with her by force, and accomplished it; and the woman called out, and made a noise; and the man went away; and some refugees passed by, and the woman said, " that man did so and so to me." And the refugees laid hold of the man, and brought him before the Prophet; who said to the woman, do you go away; verily God has forgiven you, on account of your displeasure in this matter; and he ordered the man to be stoned; and his highness said, " verily, although this man, behaved ill in the first instance, still, when he approved of being stoned, he was forgiven." JA'BIR said, ' verily a man committed adultery, and his highness ordered him to be whipped; after that it was told the Prophet, that the man had been guilty of adultery after a correct marriage; and the Prophet ordered him to be stoned.' SÂ'ID-IBN-SÂD* said, ' SÂD-BIN-ÛBÂDAH brought a man to the Prophet, who was a dwarf and sick, and had committed adultery with a slave girl, and the Prophet said, " take a branch with one hundred twigs, and strike him once." IBN ÂBBÂS, ' A. G. S. " Whoever finds any one doing the work of the tribe of Lot, kill the doer and the done." (And in one tradition it is said, " stone the uppermost and the undermost.") IBN ÂBBÂS, ' A. G. S. " He who has connexion with a quadruped, kill him, and the quadruped also." It was said to IBN ÂBBÂS, " what is the state of the beast?" He

* The son of SÂD-BIN-ÛBÂDAH. Some authors make him one of the *Sak'âbah*, others of the earliest *Tabî'in*.

said, 'I did not hear any thing from the Prophet, on this point; but do suppose that his highness held it bad that the flesh of such animal should be eaten, or any benefit be derived from it, by selling its skin &c. when such a bad act is done to it.' JA'BIR. 'A. G. S. "I am afraid lest my sects should fall into the acts of the tribe of Lor, and see its punishment." IBN ABB'AS said, 'verily a man of the tribe of BENI BAGR-BIN-LAITH came to the Prophet, and confessed his adultery four times; and the Prophet ordered him a hundred lashes; and his highness asked him to bring witnesses to the woman's adultery; and the woman said, "the man lies in charging me with adultery; I swear by God, O messenger of God! I am innocent of it." And when the man did not produce witnesses, he was whipped the whipping of suspicion; which is eighty lashes.' AA'YESHAH said, 'when a revelation came down, freeing me from suspicion, his highness stood upon the pulpit and repeated the *Khut'bah*, and mentioned it; and when he came out of the pulpit, he ordered for two men of the assistants, and one woman, who had thrown out suspicion on me, to receive eighty lashes each.*

to verify the contents of the book to the

A man accusing a woman of adultery, & being unable to prove it, shall be punished with eighty stripes.

Part Third.

NAFI said, 'verily SAFIYAH-BINT-ABI-UBAID† informed me that one of OMER's slave boys had connexion by force with a slave girl, who was a fifth of plunder; and OMER flogged him, but did not flog the slave girl, on account of her noncompliance.' YEZID-BIN-NUAIM-BIN-HAZ'AL said, 'verily MA'IZ-BIN-MA'LIC was an orphan in my father's protection; and he had connexion with a slave girl freed by HAZ'AL; and my father said to MA'IZ, "come to the Prophet, and inform him what you have done; perhaps he may forgive you." And my father did not wish more by this

Both the slave boy & girl were in an act of adultery, but the girl was not flogged.

* See the narrative of this transaction in ABULFEIDA, p. 82.

† She is one of the *Tābiyāt*, sister to MUKHT'AR-BIN-ABI-UBAID, and wife of ABDUL-LAH-BIN-OMER.

BOOK XV.

History of the confession and execution of Ma'iz.

than that he should ask pardon of the Prophet. Then MA'IZ came to the Prophet, and said, "O messenger of God! verily I have committed adultery; then order for me agreeably to the book of God." And his highness turned from him three times; and when MA'IZ repeated it the fourth time, the Prophet said, "you have now confessed adultery four times; then who did you do it with?" And MA'IZ mentioned the woman's name. His highness said, "did you sleep along side each other?" He said, "yes." His highness said, "did your skins touch?" He said, "yes." The Prophet said, "had you connexion with her?" He said, "yes." Then his highness ordered him to be stoned; and he was brought out upon the stony plain of *Medinah*; and when he felt the pain of the stoning, he shewed want of fortitude, and ran away, and met ABDULLAH-BIN-UNAIS,* who struck him with the bone of a camel, and killed him; after which he came to the Prophet, and mentioned it, and his highness said, "why did they not allow him to get off? Perhaps he would have repented, and God would have had mercy upon him." AMER-BIN-AA'S said, "I heard the Prophet of God say, 'there is no tribe which commits adultery, but is visited with a famine; and there is no tribe practising bribery but are seized with a fear of their enemies.'" IBN-ABB'AS and AB'UHURAIRAH. "A. G. S. "He is cursed who does an act of the tribe of Lot" (And in one tradition it is thus, 'verily ALI-IBN-AB'UTALIB burnt the active and the passive; and AB'U-BACR threw down a wall upon the doer and the sufferer.') IBN-ABE'AS. "A. G. S. "God does not look with an eye of compassion on a man who has preposterous connexion with a man or woman." UBADAH-BIN-SAMI' said, "Execute the limits of the law, upon relations and others; and get not the reproach of any reproach to deter you." IBN-OMER. "A. G. S. "The keeping in force the limits of God's laws, is better than forty nights' rain, in all God's towns."

Both the active & passive in an act of sodomy to be put to death.

* One of the *Sah'abah* of the class of *Ans'ars* of *Medinah*. He was present at *Ohud* and the subsequent battles.



CSL

CHAP. II.---PART I.

IN EXPLANATION OF MAIMING OR

ACCOUNT OF THEFT.

ÁYESHAH. "A. G. s. "The hand of a thief shall not be cut off for stealing less than a fourth of a *Dinâr*." **IBN-ÓMER** said, "the Prophet cut off a thief's hand, for stealing the value of three *Dirhems*. **ABU-HURAIRAH.** "A. G. s. "God curseth a thief, who steals an egg or a rope; and his hand shall be cut off."

The amount of theft which requires the punishment of maiming.

Part Second.

RÁFI-BIN-KHADÌJ. "A. G. s. "There is no cutting the hand for taking fruit, so long as it remains upon the tree: there is no cutting off

* This tradition is adduced, to prove that the punishment of cutting off the hand is awarded to the crime of theft, although the thing stolen be of less value than the fourth of a *Dinâr*, or three *Dirhems*. This doctrine appears harsh to all the *Imâms*; and some of them allege, that by the word *Baid ah*, in this place, is meant, not an egg, but an iron helmet; and that the rope is the cable of a boat, both of which are of more value than the sums above-mentioned. Others, thinking this a far fetched explanation, allege that in the beginning this punishment was inflicted for the smallest thefts, but afterwards restricted to those exceeding the amount



MISHCAT UL-MASABIH

BOOK XV.

Maiming
not to be in-
flicted for
stealing
fruit from
the tree; nor
for cattle
when graz-
ing abroad;

nor for
breach of
trust, or
stealing
from plun-
der before it
be divided.

the hand for stealing date buds." ^ÂAMER-BIN-SH^ÂUAIB relates, from his forefathers, that ' the Prophet was asked about fruit upon the tree, and he said, " whoever steals fruit after it be gathered, to the value of three *Dirhems*, on him is cutting off the hand."* ^ÂABDULLAH-BIN-^ÂABDULRAH-^ÂM'AN BIN-AB^ÂI-H^ÂUSAIN† ' A. G. S. " There is no cutting off the hand for hanging fruit: and there is no maiming for stealing beasts grazing on hills; but if stolen when tied up at night, then there is cutting off; and also for fruits stolen after being gathered in, if either amounts to the value of three *Dirhems*." JA'BIR. ' A. G. S. " There is no maiming for breach of trust, nor for taking from plunder before it is divided, nor for taking any thing in the presence of another, by snatching it up unobserved; and it is in the *Shareh Sunnat*, that verily ^ÂSAFW'AN-BIN-UMAIYAH‡ arrived at *Medinah*, and went to sleep in the *Masjid*, and made a pillow of his garment; and a thief came, and took it away; and ^ÂSAFW'AN seized him, and brought him to the Prophet; and after he confessed the theft, the Prophet ordered his hand to be cut off: then ^ÂSAFW'AN said, " I did not wish, from bringing him into your presence, that you should order his hand to be cut off; and I make him a present of the cloth." Then the Prophet said, " why did you not give it to him before you brought him to me? Now as I have ordered the cutting off his hand, your forgiveness will not do away the sentence." BUSR-BIN-ART'AH§ said, ' I heard the Prophet say, " a

above described. Others are of opinion, that the Prophet, in this place, indicates the practice of some kings, who thus exercised a discipline more severe than that laid down by the divine law. Or, lastly, the object may be to describe the force of habit, which, from pilfering the smallest articles, leads a man on to steal others of magnitude sufficient to subject him to the penalty of maiming. ABD-UL-HAK.

* The object of this tradition is to shew, that there is no cutting off hands for taking fruit from a tree. ABD-UL-HAK.

† One of the *Tabi'in* of *Mecca*, of the tribe *Koraish*, descended from NAWFAL-BIN-ABD-MENAF.

‡ One of the *Sah'abah*, the son of UMAIYAH-BIN-KHALF, who was slain at *Bedr* fighting on the side of the idolaters. ^ÂSAFW'AN embraced *Islam* after the conquest of *Mecca*.

§ One of the minor *Sah'abah*, having been born, according to the best authorities, only two years before the Prophet's death. But those of *Syria* make him older, and alledge that he heard traditions from the Prophet. Accordingly the present one is given on his authority.

hand shall not be cut off for stealing plundered property before it be divided; because the person has also a right therein."

CHAP. II.
PART II.

Amputations of different limbs for repeated acts of theft.

AB'U SALMAH relates, from AB'UHURAIRAH, that ' the Prophet said, regarding the deserts of a thief, " if he steals, cut off his right hand; after which, if he does it, cut off his left foot; and if he steals again, cut off his left hand; and if he steals after that, cut off his right foot." JA'BIR said, ' a thief was brought to his highness, and he said, cut off his hand, which was done; and that a second thief was brought, and his highness said, cut off his hand, and it was done; then a third thief was brought, and his hand was also cut off by the order of his highness; and a fourth was brought, and his hand likewise was cut off by the Prophet's orders. Then a fifth was brought; and he said kill him; and we took him away, and killed him, and threw him into a well, and heaped stones over him.'* NASA'î has related, in the *Shareh Sunnat*, in the matter of a thief, that the Prophet said, " cut off his hand, and then put the stump into hot oil, to stop the bleeding." FAD'ALAH-BIN-ÛBAID† said, ' a thief was brought to his highness, and his hand was cut off and tied to his neck, that others might take example.' AB'UHURAIRAH. ' A. G. S. " When a slave steals, sell him, although but for half an *Ukiyah*."

Part Third.

ĀYESHAH said, ' a thief was brought to his highness, and he

* KHAT'ABî, a learned traditionist, says, " this tradition is abrogated, because I do not know one learned in the religion, that held it right to spill the blood of a thief: or the Prophet may have given such orders, knowing the criminal to be an apostate." ABD-UL-HAK.

† One of the *Sahâbah*, of the class of *Ansârs*, of the family of AMER-BIN-AWF. The first battle in which he was present was that of *Ohud*, but he was in all the subsequent ones. He was one of those who took the oath of allegiance under the tree. He was at the siege of *Khaiber*, after which he removed to *Syria*, and dwelt at *Damascus*; in which city he was entrusted with the administration of justice by MUA'WIAH, when he went out to the battle of *Saffain*, and where he died, A. H. 53.

BOOK XV.

The Prophet's firm determination to punish theft.

ordered his hand to be cut off; and the companions said, "we imagined that you would have had mercy upon him." He said, "verily had it been one of my wives, I most certainly would have ordered her hand to be cut off." IBN ÔMER said, 'a man brought his slave to ÔMER, and said, "cut off his hand, because he has stolen a looking glass belonging to my wife." Then ÔMER said, "there is no cutting off this slave's hand, he is your servant, and has taken your thing." AB'UD'HAR GHAF-FA'RÎ. 'The messenger of God said, to me, "O AB'UD'HAR!" I said, "I am ready to serve thee, and I always assist thy religion, O messenger of God!" His highness said, "when a plague happens, will you run from death, or be patient, at a time when the digging of a grave will be the price of a slave?" I said, "God and his messenger know best; that is, I do not know what my condition will be at that time, whether I shall be patient or run away." The Prophet said, mayest thou be patient, and not run away.' HAMM'AD-BIN-ABÎ-SULAIM'AN* said, 'if a sexton steals a coffin, his hand shall be cut off, because he has come into the house of the dead to steal.'

* One of the *Tabi'in* of *Cûfah*, of respectable authority, learned in the law, liberal and munificent. He died A. H. 120.

CHAP. III.---PART I.

IN EXPLANATION OF INTERCEDING WITH THE IMÂM FOR A REMISSION OF THE LIMITS OF THE LAW.

ÂYESHAH said, ' verily the companions of the *Koraish* were melancholy, on account of a woman who had committed a theft; and they said, " who will speak to the Prophet for her?" They said, " there is nobody can be bold enough to speak to the Prophet, except USA'MAH-BIN-ZAID, who is beloved by him." Then USA'MAH spoke to his highness, who said, in a way of denial, " what! do you intercede in a penalty of God's penalties?" Then his highness stood up, and repeated the *Khutbah*, and said, " God did not ruin those that were before you, but because when great and eminent people committed thefts, they were let off, but when the lower classes did so, they suffered the limits of the law; I swear by God, if one of my wives was to steal, I would most certainly cut off her hand." (And in one tradition it is thus, that ÂYESHAH said, ' there was a woman of the *Makhzûmî* tribe, who used to borrow people's things, and deny it; and the Prophet ordered her hand to be cut off; and

God destroyed the ancient Arab tribes, for letting the crimes of the great pass with impunity.

BOOK XV. her friends came to USA'MAH, to ask him to speak to the Prophet for her redemption, and the Prophet said as in the above tradition.'

Part Second.

He that obstructs the execution of the laws, opposes God.

He that falsely accuses a *Muslimân* will go to hell.

ABDULLAH-BIN-ÔMER said, ' I heard the Prophet say, " who-ever prevents the execution of the laws, verily opposes God; and who-ever fights vainly, knowing it to be so, will always be in the displeasure and anger of God, till he returns from it; and whoever speaks of a *Muslimân's* defects, and vices, which are not in him, God will give a place in hell, in the yellow matter which runs from the people of hell, until he retracts." (And in one tradition it is, " whoever assists in a quarrel, without knowing the true from the false, is always in God's anger until he quits it.") **AB'U UMAIYAH** said, ' verily a thief was brought to the Prophet, who confessed his theft, but nothing was found upon him, and the Prophet said, " I do not suppose that you have stolen." The man said, " I stole, O messenger of God." And the Prophet repeated two or three times that he did not think so; but every time the man confessed it; and his highness at length ordered his hand to be cut off, which was done; and he was afterwards brought to the Prophet, who said, " ask pardon of God, and repent to him." The man said, " I ask pardon of God, and repent to him." The messenger of God said thrice, " O LORD! have mercy upon him."

CHAP. IV.---PART I.

IN EXPLANATION OF THE PENALTY FOR DRINKING LIQUOR.

ANAS said, 'verily the Prophet beat a drinker of liquor, with date branches without leaves upon them, and with shoes, without any fixed number of stripes; and AB'U-BACK, in his time, inflicted forty lashes for it.' (And in one tradition it is thus, 'verily his highness beat the drinker of liquor with date branches and shoes, by forty stripes all together.') SA'YIB-BIN-YEZID said, 'a drinker of liquor was brought, in the time of the Prophet, and in the time of AB'U-BACK's government, and in the beginning of ÔMER's: and we beat them with our fists, our shoes and our clothes; till in the latter part of ÔMER's reign, when a drinker of liquor was punished with forty lashes; and when a man drank to excess, he received eighty lashes.'

Drunken-
ness was pu-
nished by
the Prophet
with stripes.

Part Second.

JÂBIR. 'A. G. S. " Verily whoever drinks liquor, whip him for three

BOOK XV. times; and if he drinks a fourth time, then kill him." JA'BIR says, ' after that, a man, who verily had drunk a fourth time, was brought to his highness; and he beat him, but did not kill him; because the order for killing was in the beginning, but rescinded afterwards.' [^]ABDUL-RAH'M'AN-BIN-AZ'HER* said, ' I think I now see the Prophet; a man was brought before him, who had drunk liquor; and his highness ordered him to be beaten; and some beat him with shoes, and others with sticks, and others with date-branches without leaves; after that, his highness took up some dirt, and threw it into his face.' AB'UHURAIRAH said, " verily a man who had drunk liquor was brought to the Prophet, and he said, " beat him:" and some of us beat him with our hands, and some with our clothes, and others with their shoes: and his highness said, " threaten him;" and the people turned themselves towards him, to threaten him, saying, " do you not reverence God, nor fear him, nor have shame before the Prophet?" And some of them said, " may God disgrace and ruin thee, in the world and futurity." His highness said, " say not so, do not aid the devil over him, but say, O LORD! forgive him; O LORD! have mercy on him; that he may not walk in sin; and if he does, that he may repent." IBN-[^]ABB'AS said, ' a man drank liquor, and was inebriated, and staggered about the road, as drunken people do; and he was carried towards the Prophet; and when he got to [^]ABB'AS's house, he ran away, and went into [^]ABBAS's house, and hugged him; and this circumstance was mentioned to the Prophet, and he laughed and said, " did the man do so?" And the Prophet did not order any punishment for him.'

The Prophet instructed his followers not to curse, but to pray for, offenders.

* One of the 'Sah'abah, of the tribe *Zahr*, the nephew of ABD-UL-RAH'M'AN-BIN-AWF; his father AZ'HER being the son of AWF.

Part Third.

U MAIR-BIN-SA'ID* said, ' I heard ^AALÍ-IBN-AB'UT'A'LÍB say, " when I execute the limits of laws upon any one, and he dies, I do not feel the least sorrow ; because it is by the orders of the law ; except a drinker of liquor ; for verily if he should die from his punishment, I would give *diät* ; on this account, because the Prophet did not fix the penalty for a drinker of liquor." THAUR-BIN-ZAID DAILAMÍ† said, ' ^AÓMER consulted with the companions about fixing the penalties for drinking : and ^AALÍ said to ^AÓMER, " my way is to give a drinker of liquor eighty lashes : because, verily when a man drinks liquor, he becomes drunk, and then talks foolishly, and accuses others of adultery ; and the penalty for falsely accusing of adultery is eighty lashes fixed." Then ^AÓMER inflicted eighty lashes on the drinker of liquor, from what ^AALÍ said ; and the companions agreed to it.'

No fixed punishment prescribed for drinking strong liquors ; therefore, if a man die under that inflicted, it was the opinion of ^AALÍ that *diät* should be paid for him.

* One of the *Tabi'in*, esteemed of respectable authority.

† One of the *Tabi'in* of Syria: he dwelt at *Hems*. He was a pious person, and his authority in tradition is respectable ; but in his life time he was suspected of entertaining the heretical opinions of the *Kadariyah* sect, on which account he was expelled from *Hems*, and his house was burned.

CHAP. V.---PART I.

IN EXPLANATION OF NOT PRONOUNCING CURSES ON THOSE WHO HAVE UNDER- GONE THE PUNISHMENT DIRECTED BY THE LAW.

OMER-IBN-UL-KHATṬĀB said, ' verily a man whose name was ABDULLAH (and called ass on account of his stupidity) used to make the Prophet laugh by his drollery; and the Prophet whipped him for drinking, which he used to do very often; and one day he was brought before the Prophet, who ordered him to be whipped, which was done; and one of the companions of the messenger of God said, " O LORD! curse him, he gets drunk frequently." And the Prophet said, " do not curse him: I swear by God that what I know is, that he loves God and his messenger." AB'UHURAIRAH said, ' a man who verily had been drinking, was brought before his highness, and the Prophet said, " beat him;" and some of us beat him with our hands, some with shoes, and others with clothes. Then when the man went away, some said, " may God disgrace thee." His highness said, " say not so, and aid not the devil over him."

Part Second.

ABUHURAIRAH said, 'MA'IZ-BIN-MA'LIC-ASLAM^A came, and confessed adultery four times, and his highness turned his face from him, every time, and the fifth time said, "had you connexion with the woman?" He said, "yes." The Prophet said, "had you carnal connexion with her, by your members entering her?" He said, "yes, it was so." His highness said "like as the *Mil** into the *Surmah* pot, and like a rope into a well?" He said, "yes." His highness said, "do you know the meaning of *Zinā*?" He said, "yes, I know, having connexion with any woman but one's own wife in an unlawful manner." His highness said, "what do you wish for, by saying you have been guilty of *Zinā*?" He said, "I wish you to purify me of it, and execute the limits of its penalty upon me." Then the Prophet ordered him to be stoned; and heard one of his companions saying to another, "look at this man, whose fault God concealed, but he would not let it remain so himself, but disclosed it, till he was stoned, like a dog." And his highness remained silent, and gave no answer; then walked about for twenty minutes, till he passed by a dead ass, whose legs were thrown high from stiffness; and he said, "where is such an one and such an one?" And two men said, "we are, O messenger of God!" His highness said, "go down, and eat of that." They said, "O Prophet of God! who eats of that? It is not fit to eat; why do you order us to eat it?" His highness said, "the contempt which you just now shewed for MA'IZ is worse than eating of this ass. Verily MA'IZ^A is at this time diving in the rivers of paradise."

The Prophet condemns those who spoke contemptuously of MA'IZ, who had suffered death for a crime disclosed by his own voluntarily confession, and declares him to have obtained paradise.

* A small leaden instrument, like a probe, for applying *Surmah* to the eye.



CSL

BOOK XV.

Punishment of a crime in this world saves the offender from those of eternity.

KHUZAIMAH-BIN-THA'BIT. 'A. G. S. "Whoever has committed a fault, and the limits of its penalty have been executed upon him, they are its coverer and blotter out." ALI-BEN-ABUT'ALIB. 'A. G. S. "Whoever has committed a fault, for which there is a fixed penalty, and it is quickly executed upon him, in the world, he will not be punished in futurity; because God is just, and does not punish his servants twice; and he who commits a fault, for which there is a fixed punishment, and God conceals it, and forgives it, then he will not retract."

Every time, and the fifth time said, "I had you carnal connexion with her, by your members entering hers." He said, "yes, it was so." His highness said, "like as the MW. into the garden pot, and like a rope into a well." He said, "yes." His highness said, "do you know the meaning of Zuhd?" He said, "yes, I know, having connexion with any woman but one's own wife in an unlawful manner." His highness said, "what do you wish for by saying you have been guilty of Zuhd?" He said, "I wish you to purify me of it, and excuse the limits of its penalty upon me." Then the Prophet ordered him to be scourged; and heard one of his companions saying to another, "look at this man, whose fault God concealed, but he would not let it remain so hidden; but he closed it, till he was struck, like a dog." And his highness remained silent, and gave no answer; then walked about for twenty minutes; then he passed by a dead ass, whose legs were thrown high from its sides; and he said, "what is such an one, and such an one?" And two men said, "we are O messengers of God." His highness said, "go down, and cut off that." They said, "O Prophet of God! who cuts off that? It is not fit to cut, why do you order us to cut it?" His highness said, "the comment which you just now showed for Malik is worse than saying this ass. Verily Malik is at this time diving in the river of Paradise."

CHAP. VI.---PART I.

CHAP. VII.---PART I.

IN EXPLANATION OF TĀZĪR.*

ABŪ-BURDAH-BIN-NIĀR† A. G. S. "Beatings shall not exceed ten stripes, except for penalties fixed by God.‡

Part Second.

ABŪHURAIRAH A. G. S. "When any one of you inflicts *Tāzīr* upon another he must refrain from striking in the face." ABŪ-ABB'AS. "A. G. S. "When one man shall say to another, O Jew! then give him twenty stripes; or if one man say to another, O eunuch! then give him twenty stripes; and he who commits adultery with a forbidden woman, then kill him." IBN-ÔMER. "A. G. S. "When you find a man who certainly has stolen in the road of God; that is, has stolen from plunder before divided; then burn his things; because, that is the right of the plunderers."

(This Chapter has no Third Part.)

* That is, beating for faults.

† One of the elder *Sahābah*, of the class of *Anṣārs*. He was present, with seventy persons, at the second inauguration at *Akabah*; also at the battle of *Bedr*, and all the subsequent engagements. He afterwards accompanied *Ali* in all his wars. He died A. H. 45.

‡ From this tradition it is understood that in *Tāzīr* not more than ten stripes should be given, and they have said it is rescinded. Agreeably to ABŪ-H'ANĪFAH, *Tāzīr* in general is thirty-nine stripes; and with ABŪ-YŪSEF seventy-five, and the least three. ABD-UL-HAK.

CHAP. VII.---PART I.

IN EXPLANATION OF LIQUOR AND THE
DENUNCIATION ON ITS DRINKER.

What li-
quors are
forbidden.

ABÜHURAIRAH. A. G. S. Liquor is from those trees, the date and the grape.* IBN-ÔMER said, ÔMER repeated the *Khutbah* on the Prophet's pulpit; and said, "the revelation forbidding liquor came down; and liquor is from five things, from the grape, the date, from wheat, from barley, and from honey: and liquor is that which confuses the senses; that is, liquor is not confined to five things, but from others besides these." ANAS said, "liquor was forbidden when it was forbidden; and we met with but little liquor of the grape before it was forbidden, but the most of our liquor was from the unripe date, and from dry dates. ÂAYESHAH said, "the Prophet was asked about mead; and he said, "the liquor which intoxicates is unlawful; therefore if mead intoxicates, it is unlawful." IBN ÔMER. A. G. S. "Every intoxicator is liquor, and every intoxicator is unlawful; he who drinks liquor in the world and dies, having constantly drank it, without repenting, will not drink liquor in

* And those are particularly specified, because liquor is most common from them; not that the design is that liquor is not from other things besides these.



Punishment
in hell of
those who
drink intox-
icating li-
quors.

futurity." JA'BIR said, ' a man arrived from *Yemen*, and asked his highness about the liquor which the people of *Yemen* drink in their own country; which is made from *Dhurah**, and called *Mizr*. He said, " does it intoxicate?" The man said, " yes." His highness said, " every intoxicator is unlawful; verily God has threatened that whoever drinks an intoxicating thing, he will give him to drink *Tinat-ul-Hubal*." The companions said, " O messenger of God! what is *Tinat-ul-Hubal*?" He said, " the sweat of the people of hell; or the juice, which is pressed out of them." AB'U KUTADAH said, ' his highness forbade mixing dry and green dates, to make a ferment; and has forbidden mixing dry dates and raisins, and mixing green dates and those become of colour; and ordered they should be fermented separately.' ANAS relates, that ' his highness was asked about liquor made vinegar, he said, " it is not lawful." WA'IL said, ' verily TARIK-BIN-SUWAID† asked the Prophet about drinking liquor; and his highness forbade him; and TARIK said, " I will not drink it but as medicine." Then his highness said, " verily liquor is not medicine; but it is a cause of sickness."‡

Part Second.

ABDULLAH-BIN-ÔMER. ' A. G. S. " Whoever drinks liquor, God will not accept his prayer for forty days: then if he repents, God will approve of his repentance; and if he returns to it again, his prayer will not be approved, for forty days; then his repentance will be accepted of to the third time; but in the fourth time, God will not accept of his

* A kind of grain, the *Holcus Durra* of LINNÆUS. FORSK. fl. æg. *Arab.* p. 174.

† One of the *Sah'abah*, of *Hadramut*.

‡ Many of the learned have forbidden the use of liquor, simply as medicine; and some have said, if a skilful physician recommends it as the only remedy, then it is lawful. ABD-UL-HAK.

BOOK XV.

repentance, and will make him drink of the yellow river of the people of hell." JA'BIR. ' A. G. S. " That by which much intoxication is produced, even a little of it is unlawful.' AB'U SA'ID KHUÐ'HRI said, ' I had liquor belonging to orphans, when the use of it was lawful; and when this revelation came down, " O true believers! surely wine and lots, and images, and divining arrows, are an abomination, of the work of SATAN."* I asked the Prophet the orders about it; and his highness said " pour it out." ANAS relates, that AB'U-TALH'AH said, ' O Prophet of God! verily I have brought liquor for orphans; shall I take care of it, or throw it away? His highness said, " pour out the liquor, and break the vessels."

Part Third.

Every thing which intoxicates, or produces lassitude, forbidden.

Strong drink and gaming forbidden.

OMM SALMAH said, ' the Prophet has prohibited every thing intoxicating, and every thing producing lassitude in the body.' DAILAM HIMAIRI† said, ' I said, " O messenger of God! verily I live in a cold country, and work hard; and we make liquor of wheat, and are strengthened by it; and it supports us to bear the winter." The Prophet said, " does it intoxicate?" I said, " yes." He said, " abstain from it." I said, " the people there will not leave it off." His highness said, " if they will not abandon it, fight them." ABDULLAH-BIN-ÔMER said, ' verily the Prophet has prohibited the drinking of liquor and gambling; and has forbidden chess, and has forbidden liquor made from *Dhurah*; and his highness said, " every intoxicating thing is unlawful." ABDULLAH-BIN-ÔMER. ' A. G. S. " A displeaser of his father and mother will not enter into paradise; nor will a gambler, nor one placing obligation on another, nor will the constant drinker of liquor." (And in one tradition it is also,

* Korân. Ch. 5. v. 99. SALE, Vol. I. p. 149.

† One of the *Sah'abah*, reckoned among those of *Egypt*.

that "a bastard will not enter into paradise.") AB'U UMA'MAH. 'A. G. s. "Verily God has sent me as a means of mercy to the creation; and to shew them the road; and he ordered me to do away musical instruments, and ordered me to do away *Mizmár*;* and God ordered me to break idols and the cross; and ordered me to do away the customs and habits of the days of ignorance: and my LORD has sworn, that no one of my servants shall drink one cup of wine, but I will make him drink the like of the yellow water of the people of hell; and no one of my servants shall leave off liquor, from fear of me, but I will give him to drink of the fountains of paradise." IBN ÔMER. 'A. G. s. "His highness said, "there are three persons, to whom God has forbidden paradise; one, a constant drinker of liquor; the second, an offender of his father and mother; the third, a man without shame, who shall disclose adultery in his own family."

AB'U MU'SA ASHARÎ. 'A. G. s. "There are three persons will not enter into paradise; one, a constant drinker of liquor; the second, he who is not affectionate to his relations; the third, one putting faith in magick."

Belief in
magic con-
demned.

IBN-ÂBB'AS. 'A. G. s. "If a constant drinker of liquor dies, he will come before God like an idolater." AB'U-MU'SA-ASHARÎ said, 'I am not afraid to drink liquor, and worship this pillar without God.†

* Musical instruments.

† The allusion is, that drinking liquor, and worshipping idols, are the same.

however
many
may
have
originally
been

Book the Sixteenth.

CHAP. I.--PART I.

ON MAGISTRACY AND RULERS.

Obedience
to rulers en-
joined ;

however
mean they
may have
originally
been,

ABUHURAIRAH. A. G. S. "Whoever obeys me, verily obeys God; and whoever disobeys me, verily disobeys God; and whoever obeys the *Amir* (or king) obeys me: and an *Imàm* is nothing but as a shield to fight behind, by which calamities are avoided; then, if he orders to abstain from that which is forbidden by God, and is just, then verily for him are great rewards; and if the *Imàm* orders a thing forbidden by God, on him are its sins." **OMM-UL-HÛSAIN.*** A. G. S. "If God appoints as your ruler a slave, with ears or nose cut off, and he puts you to death by the orders of God's book, hear his orders with an ear of satisfaction, and submit to his commands." **ANAS.** A. G. S. "If a negro slave is appointed to rule over you, hear him and obey him; if his head should be

* One of the *Sah'abiyât*, the daughter of *Abû Is'hâk*. She accompanied the Prophet in the farewell pilgrimage.



like a dried grape."* IBN-ÔMER. 'A. G. S. "It is indispensable for every *Muslemân* to listen to, and approve the orders of the *Imâm*, whether he likes or dislikes, so long as he is not ordered to sin and act contrary to law; then, when he is ordered to sin, he must neither attend to it nor obey it." ÂLÎ-IBN-AB'UT'A'LÎB. 'A. G. S. "There is no obedience due to sinful commands, nor to any order but what is lawful." ÛBA'DAH-BIN-ŜA'MIT said, 'we professed to the Prophet to obey him, and approve his orders, in difficult and easy matters, in pleasure and displeasure; and not to make disturbances in worldly affairs, and orders of government; and that we would bear patiently favors conferred on others, and that we would speak the truth, and that we would not fear the obloquy of the detractor in matters of religion.' IBN-ÔMER said, 'when we professed to his highness, to obey him, and attend to his orders, he said to us, "obey, as far as in your power." IBN-ÂBB'ÂS. 'A. G. S. "He who shall see a thing in his prince which he dislikes, let him be patient; for verily there is not one who shall separate a body of *Muslemâns* the breadth of a span, and he dies, but he dies like the people of ignorance." AB'UHURAIRAH said, 'I heard the Prophet say, "whoever quits obedience to the *Imâm*, and divides a body of *Muslemâns*, dies like the people in ignorance; and whoever takes a part in an affray, without knowing the true from the false, does not fight to shew his religion, but to aid oppression; and if he is slain, then he dies as the people of ignorance: and that person who shall draw his sword upon my sects, and kill the virtuous and the vicious, and not fear the killing of *Muslemâns*, or those protected by them, is not of me, nor am I of him." ÂWF-BIN-MA'LÎC-AL-ASHJÂ'Î. 'A. G. S. "The best of your *Imâms* are those you love, and those who love you, and those who pray for compassion on you, and you on them; and the worst of *Imâms* are those you hate,

An *Imâm* must be obeyed in all lawful commands; but not in any unlawful.

Nature of the engagement entered into with the Prophet by his followers.

Vengeance denounced against him who causes a schism among *Muslemâns*.

* Some interpret this passage by saying that the heads of negroes in their youth are very small; others allege that the simile is taken from the crisped appearance of their hair, like that of a shriveled grape. ABD-UL-HAK.

BOOK XVI.

Obedience prescribed even to wicked princes.

Commendation of those who have the courage to remonstrate with princes against their unlawful acts.

and those who hate you, and those whom you curse and who curse you." ^AAwf said, "we the companions said, "O messenger of God! when they are our enemies and we theirs, may we not fight with them?" He said, "no, so long as they keep on foot the prayers amongst you;" this he repeated: "Beware! he who shall be constituted your prince, see if he does any thing in disobedience to God; and if he does, hold it in displeasure, but do not withdraw yourselves from his obedience." OMM-SALMAH. 'A. G. S. "There will be *Amirs* over you; some of their actions you will find conformable to law, and some contrary thereto; then any one who shall say to their faces, these acts are contrary to law, verily is pure; and he who has known their actions bad, and not told them so to their faces, has certainly remained secure; and he who has seen a bad act, and obeyed it, is their companion in it." The companions said, "may we not fight them?" His highness said, "no, so long as they perform prayers." WA'IL-BIN-HUJR said, 'SALMAH-BIN-YEZID* asked the Prophet, "O Prophet of God! if we have princes over us, wanting our rights, and withholding our rights from us; then what do you order us?" He said, "you must hear them, and obey their orders: it is on them to be just and good, and on you is obedience and submission." ^AABDULLAH-BIN-^AOMER. 'A. G. S. "He who forsakes obedience to the *Imàm*, will come before God on the day of resurrection without a proof of his faith; and he who dies without having professed to the *Imàm*, dies as the people of ignorance." AB'UHURAIRAH. 'A. G. S. "Prophets were the governors of the children of ISRAEL; when one died, another supplied his place; and verily there is no Prophet after me; and it is near when there will be after me a great many successors (or kings.)" The companions said, "then what do you order us?" The Prophet said, "obey the *Khalifah*, and give him his due; for verily God will ask about the duty of the

* One of the *Sah'abah*, of the *Jôfi* tribe, who dwelt at *Cúfah*.

Whoever sets himself up in opposition to a *Khalifah*, actually reigning, shall be put to death.

The Prophet disapproved of ambitiously seeking after power.

subject." AB'U-SA'ID KHU'DHRI. ' A. G. S. " When two *Khalifahs* have been set up, put the last of them to death, and preserve the other; because the second is a rebel." ARFAJAH.* ' A. G. S. " Whoever wishes to make divisions in my sects, kill with a sword." ABDULLAH-BIN-ÔMER. ' A. G. S. " He who acknowledges an *Imâm*, must obey him as far as in his power; and if another comes, pretending to the government, then kill him." AB'UHURAIRAH. ' A. G. S. " Verily it is near that you will be ambitious of sway; and it is at hand that this sway will be a means of regret at the resurrection; and the possession of it appears pleasant, and its departure unpleasant." ABU'D'HAR said, ' I said, " O messenger of God! will you not make me a governor, that I may dispense orders amongst men? Then his highness struck his hand upon my shoulder, to forbid my desiring to rule; and said, " O ABU'D'HAR! you are weak, and not able to bear the burthens of the world; and verily government is a trust from God, and verily government will be at the day of resurrection a cause of request, unless he who has taken it be worthy of it, and have acted justly and done good." And in one tradition it is thus, that his highness said, " O ABU'D'HAR! verily I like for you what I like for myself; be not an *Amîr* over two persons, and be not guardian to the property of the orphan." AB'U-MUSA said, ' I and two of my uncle's sons came to the Prophet; and one of them said, " O messenger of God! make me chief over some affairs; and the other said the like: and the Prophet said, " verily, by God, I will not make any one a collector who asks it of me." AB'UHURAIRAH. ' A. G. S. " That is the best of men who dislikes power." ABDULLAH-BIN-ÔMER. ' A. G. S. " Beware! you are all guardians; and you will all be asked about your subjects: then the *Imâm* is the guardian of the subject; and he will be asked respecting the subject: and a man is as a shepherd to his own family, and will be asked

* One of the *Sah'abah*; his father's name was ASAD.

BOOK XVI.

Every man will be examined, after death, regarding the things committed to his care in this life.

how they behaved, and his conduct to them; and a wife is a guardian to her husband's house and children; and will be interrogated about them: and a slave is a shepherd to his master's property, and will be asked about it, whether he took good care of it or not." MAKIL-BIN-YES'AR. ' A. G. s. " There is no prince who oppresses the subject and dies, but God forbids paradise to him." MAKIL said, " I heard the Prophet say, " whoever God makes an *Imàm*, and he does not protect the subject, will not find the smell of paradise." AA'YIZ-BIN-AMER.* ' A. G. s. " Verily the very worst of princes are those who oppress the subject." AA'YESHAH. ' A. G. s. " O LORD! he who shall be ruler over my sects, and shall throw them into misery, O God! cast him into misery; and he who shall be chief of my sects, and be kind to them, then be kind to him." ABDULLAH-BIN-AMER-BIN-AA'S. ' A. G. s. " Verily, just princes will be upon splendid pulpits, on the right hand of God; and both his hands are right." AB'U-SA'ID. ' A. G. s. " God never sent any Prophet, nor ever made any *Khalifah*, but had two counsellors with him; one of them directing lawful deeds, and that is an angel, and the other, in sin, and that is the devil; and he is guarded from sin whom God has guarded; I mean the Prophets and some *Khalifahs* also." ANAS said, " KAIS-BIN-SAD stood in waiting near the Prophet, and circulated his highness' orders." AB'U-BACRAH said, " when the Prophet was informed that the people of Persia had made the daughter of CISR'A their queen, he said, " the tribe that constituted a woman its ruler will not find redemption."*

The Prophet condemned female government.

* One of the *Sah'abah*, of noble descent and liberal disposition. He is one of those who swore allegiance to the Prophet under the tree. He dwelt at *Bas rah*.

* From this tradition it is understood that women are not fit to govern. ABD-UL-HAK.



Part Second.

HĀRITH-UL-ASHĀRĪ.* ' A. G. S. " I order you in five things; one, obeying assemblies of *Muslemāns*; another, listening to the words of the learned, and the prince, and approving them; the fourth, flying from the house of infidelity to that of *Islām*; the fifth, fighting with infidels in the road of God. He who dissents from assemblies of *Muslemāns* one span, verily takes off the rope of *Islām* from his own neck, unless he returns and repents; and he who shall call out, like the callings out of the people of ignorance, is of the people of hell, although he says his prayers, keeps fast, and thinks himself a *Muslemān*." ZĪĀD-BIN-CUSAIB† said, " I was with AB'U-BACRAH, under the pulpit of ĀBDULLAH-BIN-ĀĀMIR-BIN-CURĀIZ‡ when he was repeating the *Khut'bah*, and he was dressed in a thin garment; and AB'U-BILL'AL§ said, " look at our ĀMĪR; he dresses himself like the licentious;" and AB'U-BACRAH said, " be silent, I heard his highness say, whoever rebukes God's vicegerent on the earth, God will rebuke him." NAWWĀS-BIN-SAMĀ'AN. ' A. G. S. " It is not lawful to obey a ruler in things which God hath declared sinful." AB'UHURAIRAH. ' A. G. S. " He who is ruler, although but over ten persons, will be brought chained by the neck on the day of resurrection, whether just or tyrannical; until his justice liberate him, or his tyranny ruin him." AB'UHURAIRAH. ' A. G. S. " Alas upon rulers! alas upon *Urafāa*!|| alas upon guardians to orphans

Unanimity
among *Mus-*
lemāns
strongly in-
culcated.

* One of the *Sahābah* of Syria.

† One of the *Tabi'in* of Basrah, of the third descent, esteemed of good authority.

‡ He was one of the descendants of UMAIAH-BIN-ABD-UL-SHEMS-BIN-ABD-MEN'AF. He was born in the time of the Prophet, and was soon after brought into the Prophet's presence, who blew and spit on him and blessed him. He was aged thirteen at the time of MUHAMMAD's death. OTHMĀN appointed him governor of Basrah and Khorasān.

§ One of the *Tabi'in*, the son of SAD, one of the *Sahābah*.

|| Plural of *Arif*, inspectors or censors; persons who make known people and their conduct to the prince.

BOOK XVI.

The reign of ignorant & wicked kings foretold.

Good ministers, who remonstrate with such princes, will be rewarded in paradise.

and their property! verily tribes will wish, at the day of resurrection, when they see their punishments, and say would to God, that they were hung by the hair of the foreheads to the pleiads, and that they were swung about between heaven and earth, that people might see them, their perdition, and sufferings." GHA'LIB-IBN-AL-KUTT'AN* relates, from a man, and he from his grandfather, that ' the Prophet said, " verily an *Arif* (or inspector) is necessary for the people; but he will go to hell on account of his want of justice and truth." CAB-BIN-ÛJRAH said, ' the Prophet said to me, " God defend thee from ignorant kings." I said, " who will they be?" His highness said, " it is near, that such will be after me; and those who will come from their presence, verifying their lies, and aiding them in oppression; and they are not of me, nor I of them, nor will they ever come near me at the fountain of *Carwther*; but those who go to them, and do not say their lies are truth, and do not assist them in oppression, are worthy of me, and I of them; and they will be near me at the fountain of *Carwther*." IBN ÂBB'AS. ' A. G. S. " Those who live in deserts, become hard of heart, and ferocious in temper; and those who are habituated to hunting, are neglectful of their obedience to God; and those who always stay with kings, fall into fear and hope; no servant advances in favor with a tyrannical king, but is removed farther from God." MEKD'AM-BIN-MADIKERIB said, ' verily the messenger of God struck me upon the shoulders, and said, " O KUDAIM!† verily you have found redemption, if you die; not being an *Amir*, or the writer of the *Amir*, nor an informer to an *Amir*." ÛKBAH-BIN-Â'AMIR. ' A. G. S. " He will not enter into paradise, who takes a tenth from the people oppressively." AB'U SÂ'ID KHUD'HRI. ' A. G. S. " Verily the most beloved of men, near God, at the day of resurrection, and those nearest to his court, will be a just king; and the greatest enemy considered by God

* One of the *Tābī'in*; esteemed of good authority.

† The diminutive of MEKDAM; formed by cutting off the servile *m*.

at the day of resurrection, and the furthest from his court, will be a tyrannical king." AB'U SA'ID KHUḌ'HRĪ, ' A. G. S. " The best zeal is that which advises a tyrannical king in things lawful, and dissuades him from things unlawful." Ā'AYESHĀH. ' A. G. S. " When God wishes good to a king, he constitutes for him a minister of good actions, and a speaker of truth: if the king forgets God, his minister reminds him; and if the king remembers God, he assists him, as a means of greater remembrance of him; and when God intends ill to a king, he constitutes for him a minister of bad actions, and a liar: if the king forgets God, he does not remind him of it; and if he remembers God, he does not assist." AB'U UMA' MAH. ' A. G. S. " When a king suspects the people, he spoils them." MUA'WĪAH said, " I heard the Prophet say, " when you seek out for the vices of the people, you spoil them." AB'UD'HAR GHĀFFARĪ. ' A. G. S. " How will your conditions be, with kings, who shall have at their disposal that money which is levied from infidels without fighting; such as tribute and poll tax?" I said, " know, by God, who hath sent you on truth, I will put my sword upon my shoulder, and will fight them with it, till I meet you." His highness said, " shall I not shew you a better way than fighting? Have patience until you meet me."

The greatest blessing which God bestows on a king is a good minister.

Part Third.

Ā'AYESHĀH. ' A. G. S. " Do you know who will arrive first under the shade of God's imperial throne, on the day of resurrection?" The companions said, " God and his messenger know best." His highness said, " they are those, who, when admonished in truth, approve of it; and when any one asks them for truth, they give it, and dispense their orders, amongst the people, as amongst themselves; that is, they wish

BOOK XVI.

for others as for themselves." JA'BIR-BIN-SAMURAH said, ' I heard the Prophet say, " there are three qualities, which I fear for in my sects, that they may do, and fall into punishment; one of them, asking for rain on the moon's entering a particular sign; the second, of what I fear for my sects is the oppression of kings, which they may commit on the people, and they not be able to bear it, and go out of the circle of obedience; the third, denying God's predestination." AB'UD'HAR GHAFFA'RÌ. ' The Prophet said to me, " consider and contemplate what will be said to you six days hence." Then, when it was the seventh day, his highness said what he had promised, which is this, " I advise you to be abstinent in your internal and external actions; and when you do a bad deed, do a good one also; because virtue blots out vice; and ask not any thing of any body, if your stick falls from your hand; and hold not in trust for any body; and do not order or be judge between two people."

Those who are invested with authority will be strictly examined, at the resurrection, regarding their exercise of it.

AB'U-UMA'MAH-BAHALÌ. ' A. G. S. " There is no man, who is ruler over ten people or more, whether just or tyrannical, virtuous or vicious, but will come to God's court, at the day of resurrection, chained by the neck; and his hands tied to his neck; and his virtue will redeem him, or his vice cast him into perdition: the beginning of government is rebuke, and its medium regret; and its end disgrace; and ruin at the resurrection."

MU'AWIAH. ' A. G. S. " O MU'AWIAH! if you are constituted chief, be righteous to God; and abstain from his punishments, and be just."

MU'AWIAH said, I always imagined that I should have the government, on account of the Prophet's hinting it, until I obtained it.' AB'UHURAIRAH.

' A. G. S. " Seek protection with God, from the strife which will be created in the seventieth year of my flight: and from the reign of children."* YAHIA-BIN-HASHIM relates, that the Prophet said, " you will

* The children here alluded to are probably those of MERWAN.



Kings are
the shadows
of God up-
on the earth.

be ordered, agreeably to what you are." IBN-ÔMER. 'A. G. S. " Verily a king is God's shadow upon the earth; and every one oppressed turns to him: then when the king does justice, for him are rewards and gratitude from the subject; but if the king oppress, on him is his sin, and for the oppressed, resignation." ÔMER-IBN-AL-KHAT'T'AB. 'A. G. S. " Verily the best of God's servants, and nearest him in eminence, on the day of resurrection, are just and learned kings; and verily the worst are bad and ignorant kings." ÂBDULLAH-IBN-ÔMER. 'A. G. S. " He who looks at his brother to frighten him, God will frighten on the day of resurrection." AB'U-DARD'AA. 'A. G. S. " Verily God says, I am God; there is no God besides me, I am master of kingdoms and king of kings: the hearts of kings are in my hands: verily when my servants obey, I will turn the hearts of their kings to compassion and affection: and verily when my servants disobey me, I will make the hearts of their kings incline to anger and punishment; and they shall taste from them severe punishments. Then do not employ yourselves in praying for kings; trust in remembering me, and weeping before me, that I may remove the wickedness of your kings."

CHAP. II.---PART I.

IN EXPLANATION OF WHAT IS INCUM-
BENT ON PRINCES IN DOING GOOD
TO THE SUBJECT.

ABŪ-MŪSA said, ' when the Prophet sent some of his companions on business, he would say, " present to men the hope of rewards for obedience to God; and do not frighten them, and make them hopeless of God's compassion: and be easy with them, and do not distress them." AN. S. ' A. G. S. " Be easy to the subject, and do not throw him into diff-
f-; and comfort him, and do not frighten him." AB'U-BURDAH said, ' the Prophet sent my grandfather, and MŪAD'H to Yemen, and said, " be easy, and do not distress the people, but announce to them the good tidings of rewards for obedience; and do not make them despair of God's compassion; and do both of you accord in giving order." IBN-
IMR'AN. ' A. G. S. " A standard will be erected at the day of resurrection, for breakers of agreement; and it will be said of the perfidious wretch, this is he, the breaker of his promise, this is his name, the son of such a one." ANAS. ' A. G. S. " There will be a standard for every breaker of

The Pro-
phet recom-
mended to
those whom
he sent out
as gover-
nors, a gen-
tle conduct,
& that they
should en-
courage the
people.



A distinguishing mark will be set, at the resurrection, on those who have broken their promises.

his agreement at the day of resurrection, by which he will be known." AB'U-SA'ID-KHUD'HRÍ. A. G. S. "There will be a standard behind the back of every breaker of his agreement, on the day of resurrection, as a rebuke to him." (And in one tradition, "there will be a standard for every breaker of his promise, on the day of resurrection, which will be made high, agreeably to his breach of promises.") Know, there is not a more perfidious breaker of his promise than he who breaks his promise with his own king."

Part Second.

AMER-BIN-MURRAH* said, 'I told MUA'WIAH that I heard the Prophet say, "he whom God constitutes chief over the affairs of *Muslemàns*, and he forbids the necessitous from bringing their wants to him; God denies his wants, and does not accept his supplications when he is in need." Then MUA'WIAH appointed a man to represent to him people's wants. And (in one tradition it is thus, "God shuts the doors of the regions, when he asks for any thing.")

Part Third.

ABÜ-UL-SHAMMAKH† relates from the son of his uncle, that he came to MUA'WIAH and said, 'I heard the Prophet say, "he who is constituted chief of any thing, after that shuts his door upon *Muslemàns*, or upon his oppressed; or upon the needy, God will shut the doors of his

* One of the *Sah'ábah*, who embraced *Islâm* at a very early period. He was present at most of the Prophet's battles, and dwelt in *Syria*, where he died in the time of MUAWIAH, or according to others in that of ABD-UL-MALIC.

† One of the *Táblín* of the tribe *Asd*.



CSL

BOOK XVI.

OMER prohibited those whom he sent out as governors from indulging in luxurious habits.

compassion upon him, in the time of his needs, when he shall be most in want." ÔMER-IBN-UL-KHAT'T'AB said, ' when I sent out my collectors, I made an agreement with them that they should not ride Turci horses, nor eat fine flour, nor wear thin and elegant garments, nor shut their doors at the time of people's want; and said, " if you do any of these, verily punishment will come down upon you; and after these stipulations I would take leave of them.'

Part Second.

ÔMER-BIN-MURRAH said, ' I told Mu'awiah that I heard the Prophet say, " he whom God constitutes chief over the affairs of the Muslims, and he forbids the necessaries from bringing their wants to him, God denies his wants, and does not accept his supplications when he is in need." Then Mu'awiah appointed a man to represent to him people's wants. And (in one tradition it is that " God shuts the doors of the region when he asks for any thing.")

Part Third.

ABU-UL-QASIM MA'AMAR relates from the son of his uncle, that he came to Mu'awiah and said, ' I heard the Prophet say, " he who is constituted chief of any thing, after that shuts his door upon the Muslims, or upon the oppressed; or upon the needy, God will shut the doors of his

CHAP. III.---PART I.

IN EXPLANATION OF ACTING IN JUDICIAL MATTERS.

ABÛ-BACRAH said, ' I heard the messenger of God say, " no judge must decide between two persons when he is angry." ' ABDULLAH BIN-ÂMER and AB'UHURAIRAH. ' A. G. S. " When a judge intends to give an order, he must consider well, and order in the way which is just ; then for him are two rewards near God ; and when he has ordered, and shewn his best endeavours, but done wrong, then for him is one reward."

No judge shall pass a decision when he is angry ; nor without due consideration.

Part Second.

ABÛHURAIRAH. ' A. G. S. " He who shall be appointed judge over men, verily is killed without a knife."* ANAS. ' A. G. S. " He who asks to be made judge, will not be assisted : and he who is made judge by compulsion, God sends down to him an angel, who causes his actions and sentences to be just." BURIDAHA. ' A. G. S. " There are three kinds

The office of judge is very difficult, & ought not to be ambitiously sought at

* That is, he who is made judge will always be in trouble. ABD-UL-HAK.

BOOK XVI.

A good and just judge is rewarded in paradise; but he who decides unjustly, whether from ignorance or design, is in hell.

of judges; one of them in paradise, and two in hell fire: then the one which is in paradise, is a man who has understood justice, and ordered agreeably to it; and he who is in hell, is a man who has known justice and injured in awarding; I mean, has, seeing and knowing, given the right of one to another: and a man who has awarded from ignorance, and want of knowledge, is also in the fire." AB'UHURAIRAH. 'A. G. S. "Whoever is anxious to be the judge of *Muslemàns*, and obtains it; then if his justice is greater than his injustice, for him is paradise; but if his injustice is more than his justice, then for him is the fire."

MU'AD'H-BIN-JABAL said, 'verily, when the messenger of God sent me towards *Yemen*, and made me judge there, he said, "how do you order when a trial comes before you?" I said, "I will order by the book of God." His highness said, "but if you should not find a rule for it, in the book of God?" I said, "I will order agreeably to the *Sunnat* of the Prophet of God." His highness said, "but if you should not find an order for it there?" I said, "I will consider maturely, and then will pass sentence." Then the messenger of God struck his hands upon my breast, and said, "praise be to God, who has endued the messenger of the messenger of God, with a thing by which the messenger of God is ruled." ALÌ-IBN-ABU'T'A'LIB. "His highness sent me as judge to *Yemen*, and I said, "O messenger of God! you send me in a judicial capacity, now that I am a youth, and have not knowledge in those matters to award." Then his highness said, "it is near that God will direct your heart, and shew you judicial ways, and fix your tongue in truth and justice." After that, his highness explained the nature of judicial proceedings, and said, "when two men represent their complaints to you, then do not order for the first, till you hear what the other has to say; because from hearing the second, it will shew you clearly how to award." ALÌ says, 'I never had a doubt in a trial after that.'

A judge must hear both parties, before awarding.



Part Third.

^ABDULLAH-BIN-MASUUD. 'A. G. S. "There is no judge, who orders between men, whether just or unjust, but will come to God's court, on the day of resurrection, held by the neck by an angel: and the angel will raise his head up towards the heavens, and wait for God's orders; and if God orders to throw him into hell, the angel will do it, from a height of forty years journey." ^AAA'YESHAH. 'A. G. S. "Verily there will come, upon a just judge, at the day of resurrection, such fear and horror, that he will wish, "would to God I had not ordered between two persons in a trial for one date." ^ABDULLAH-BIN-ABI-AWFI. 'A. G. S. "Verily God's favour is with a judge, so long as he does not injure; then when he injures, he separates from himself the assistance and favour of God, and the devil is always with him." ^ASA'ID-IBN-AL-MUSAIB said, 'verily, a *Muslemàn* and a *Jew* brought a trial before ^AOMER-IBN-AL-KHATTAB: and ^AOMER saw the *Jew's* right, and ordered it for him; then the *Jew* said to ^AOMER, "I swear by God you have awarded justly." Then ^AOMER gave him a pat, and said, "whence did you know, that his order was according to justice?" The *Jew* said, "by God I see in the bible, that a judge who awards justly, has an angel on his right, and another on his left; and they make his actions and words just, and endue him with truth: so long as the judge is just: then when the judge abandons justice, the angels ascend and leave him." IBN-MAWHAB* said, 'verily ^AOTHMAN-BIN-AFFAN said to IBN-^AOMER, "be judge between men." IBN-^AOMER said, "O prince of the faithful! excuse me this work."

Severe examination of judges, at the resurrection, regarding their decisions.

* His name was ABDULLAH; one of the *Talwin* of esteemed veracity, and judge of *Palestine* under OMER-BIN-ABD-UL-AZIZ.

BOOK XVI.

Reluctance of IBN-OMER to undertake the office of judge, and why.

Then ÔTHM'AN said, " why do you dislike being judge ? since verily your father dispensed orders amongst men before his government." IBN-ÔMER said, ' it is on this account, that I dislike it ; for verily I heard the Prophet of God say, " he who shall be judge, and awards agreeably to justice, will neither gain nor lose." Then ÔTHM'AN did not press IBN-ÔMER to accept the office.' (And in one tradition it is thus, ' that IBN-ÔMER said to ÔTHM'AN, " O prince of the faithful ! I will not be a judge between two people, much less over more," and ÔTHM'AN said, " verily your father was a judge:" and IBN-ÔMER said, " verily, when any difficulty presented to him, he would ask the Prophet of God ; and if it was difficult to him, he would ask GABRIEL ; and verily I cannot find any body to ask : and I heard the Prophet of God say, whoever asks God to defend him, may God give him an asylum near himself ; and I heard the Prophet say, whoever says for God's sake defend me, then protect him ; and verily I seek protection with God, from your constituting me judge." Then ÔTHM'AN gave him no further trouble, and said to him, " do not inform the people what has passed between us ; lest others should not accept the office."

CHAP. IV.---PART I.

IN EXPLANATION OF THE CHIEF'S SHARE IN THE BAIT-UL-MÁL.

ABÜHURAIRAH. ' A. G. S. " I do not give you, or refuse you, from myself; I am the divider, and I am ordered how to divide." KHAWLAH ^AÂNS'ARIYAH.* ' A. G. S. " Verily there are men who expend the *Bait-ul-mál* alms, and plunder without the *Imàm's* permission; and take more than they are entitled to: and for them is the fire, at the day of resurrection." AA'YESHAH said, ' when AB'U-BACR was made *Khalifah*, he said, " my tribe knew that my earnings and traffick were sufficient for my family; and now that I am employed on the affairs of *Muslims*, they imagine it is at hand, that the family of AB'U-BACR will eat from the *Bait-ul-mál*, and trade with it."

The Prophet divided the spoils agreeably to the immediate orders of God.

Part Second.

BURIDAHA. ' A. G. S. " Whoever I employed on business, I fixed

* There are two '*Sah'ābiyāt* of this name, both of the class of *Ans'ars*; one the daughter of THAMAR, and the other the daughter of THALABAH and wife of AWS-BIN-UL-SAMIT. The last seems to be here meant.

A governor or collector may take from the *Bait-ul-mál* enough to defray his necessary expenses.

Whatever collector embezzles the smallest article of public property, will be called to a severe account at the resurrection.

his salary; and any thing taken more than that, is fraud." ^AÓMER-IBN-UL-KHAT'T'AB said, ' the Prophet made me a collector, and gave me its salary.' MU'AD'H-BIN-JABAL said, ' his highness sent me to *Yemen*, and when I had set off, he sent a person after me, to bring me back; when the Prophet said, " do you know why I sent a person to call you back? beware, that you take no part of the money without my leave, for it is fraud; and he who is fraudulent will be brought, at the resurrection, with the thing he has stolen. I called you for this: then go and do the business as I ordered you." MUSTAWRID-BIN-SHEDD'AD said, ' I heard the Prophet say, " he whom I have made collector must marry, if he is not married, and it is lawful for him to take, from the *Bait-ul-mál*, enough for a settlement for his wife, for her maintenance and clothes; and if he has no slaves, he must purchase them with the *Bait-ul-mál*; and if he has no house, he must make one with the *Bait-ul-mál*; I mean, that he shall take as much as necessary without being lavish of it." (And, in one tradition it is said, " that person who takes from the *Bait-ul-mál* for other purposes than the aforementioned, commits a fraud.") ADÌ-BIN-ÛMAIRAH.* ' A. G. S. " Beware, O men! he amongst you whom I have deputed on business, that has concealed from me the value of a needle, or less, is a defrauder, and will be brought, at the day of resurrection, with the needle." Then a man stood up, who was the collector of a place, and said, " O messenger of God! take my collectorship from me." His highness said, " on what account do you say this, and object to your appointment?" He said, " I heard you say so and so; that is, you threaten punishment for a trifling thing." His highness said, " I say so, he whom I depute on business must bring its much and its little; then whatever is given him as his wages from it, let him receive it; and withhold himself from what is not."

* One of the *Sah'ábah*, of *Had'ramút*. He dwelt at *Cúfah*, and afterwards removed to *Jesirah*, or *Mesopotamia*, where he died.

ÂBDULLAH-BIN-ÂMER said, ' the Prophet has cursed the taker and the giver of a bribe.' (And in one tradition it is said, that ' he has also cursed the mediator of the taker and giver of the bribe.')

ÂMER-IBN-AL-ÂA's' said, ' the Prophet sent a person to me, to tell me to get ready for a journey, and then to go to him; and I went to his highness, agreeably to his orders; when he was performing *Wad'û*; and he said " O ÂMER! I sent a person to call you, in order to send you to a quarter; may God bring you back safe, and give you much plunder; and I shall separate a part of the money for you." I said, " my flight and embracing *Islâm* was not for wealth, but for the pleasure of God and his messenger." His highness said, " money virtuously obtained is good for virtuous men."

The taker & receiver of a bribe, & the agent between them, are all accursed.

Part Third.

ABÛ UMĀMAH BAHALĪ. ' A. G. S. " He who asks pardon of the king for another, and the person pardoned sends a present to the other, and he accepts it, then verily, that acceptor of the present has come into a great door of the doors of usury."

CHAP. V---PART I.

ON TRIALS AND EVIDENCE.

If the plaintiff in a cause have not witnesses to establish his claim; the defendant may clear himself by his oath.

Hell is the portion of him who defrauds a *Muslemàn* by perjury.

IBN ÂBBÂS. ' A. G. S. " If things were given to people merely from their claims, verily they would lay claim to the blood of men and their properties; and would take them; but there is an oath incumbent on the defendant, if the plaintiff has no witness." (And in one tradition it is said, " a plaintiff must have evidences; and, if he has not, the defendant will take his oath." IBN MASU'UD. ' A. G. S. " He who takes a false oath, to take away the property of a *Muslemàn*, will come before God, on the day of resurrection, when he is angry." AB'U UMA'MAH BAHALÌ. ' A. G. S. " He who shall take the right of a *Muslemàn*, by a false oath, verily God will make hell fire proper for him, and will forbid him paradise." Then a man said to his highness, " although the right so taken should be trifling and contemptible?" He said, " although it should be but a twig of the *Aràc* tree."* OMM SALMAH. ' A. G. S. " I am no more than human; and verily ye quarrel with each other, and come before me; perhaps some of you are more sagacious and eloquent than others; and I order agreeably to what I hear; then he whom I may order to take the right of his brother, must

* A thorny tree, from the twigs and roots of which tooth-brushes are made. GOL.



not take it, if it is not his right; and there is nothing for him but this, that you may say I have set aside a piece of hell fire for him." ^ĀĀ'YE-SHAH. ' A. G. S. " Verily the greatest enemies near God are those that quarrel most." IBN ^ĀABB'AS said, ' his highness ordered a plaintiff, who had but one witness, to make an oath in place of another.' ^ĀALKAMAH-BIN-WA'IL relates from his father, who said, ' a man came from *Hād'ramūt*, and another from the *Cindah* tribe* to the Prophet, and the man from *Hād'ramūt* said, " O messenger of God! this person, who is from *Cindah*, has taken my land by force." Then the man of the *Cindah* tribe said, " this land is mine, and in my possession; this man has not any right in it." Then the Prophet said to the *Hād'rami*, " have you any evidence?" He said, " no." His highness said, " then for you is the other's oath." The *Hād'rami* said, " O messenger of God! verily the man of *Cindah* is a liar, and is not afraid to swear to any thing, whether true or false; and does not abstain from any thing." His highness said, " there is nothing for you from him but his oath." Then the *Cindah* man went to take his oath; and when he had turned his back, the Prophet said, " if he swears in order to take this man's land unjustly, verily he will meet God in displeasure, and with his face turned from him." AB'UD'HAR GHAFFA'RĪ said, ' I heard the Prophet say, " whoever shall claim what does not belong to him, is not of me or my ways; let him make his sitting place in hell fire." ZAID-IBN-KHALĪD. ' A. G. S. " Shall I not inform you the best of witnesses? That is the best of witnesses who gives his evidence and shews the right before he is asked."† IBN MAS'UD. ' A. G. S. " The best of men are my associates; after that, those who are theirs; after that, those who are theirs; after that, a tribe

A plaintiff who had but one witness was ordered to give his own testimony on oath, as a second.

He will be punished in a future state who swears falsely to defraud another.

It is the duty of those who know a fact to come forward with their testimony, though not called on.

* One of the tribes of *Yemen*.

† The precept may be illustrated by this example. A person is witness to the right of the plaintiff, and the plaintiff does not know that he is witness to it, but the other tells him, " I am your witness in this trial." ABD-UL-HAK.

will come which will be ambitious of both evidences and oaths, but will not know which to begin with, for want of caution and religion." AB'U-HURAIRAH said, ' verily the Prophet ordered a tribe to swear, that a plaintiff's claims were false, and they were all ready to do so; then his highness ordered them to cast lots which of them should swear.'

Part Second.

The plaintiff in a cause is to produce witnesses, or the defendant clear himself on oath,

AMER-BIN-SHUAIB relates, from his forefathers, that ' verily the Prophet said, " evidences are for him who is the plaintiff, and an oath for the defendant; that is, if the defendant denies, and the plaintiff calls for an oath to be made by him." OMM-SALMAH relates, in the case of two men who had referred their dispute to his highness in an inheritance; that is, had claimed property, one of them said, " this property is mine, which has come to me by inheritance;" and the other said the same; and neither of them had a witness: then his highness said, " in whose favour soever I may order a thing which is not his right, then I lay apart for him nothing less than a piece of hell fire." And each of the men said, " O messenger of God! I give up my right to him." And the Prophet said, " say not so, but go away and divide it equally; after that, cast lots, which shall take one part and which the other; after which let each acknowledge the right of the other to the portion which he has obtained." JABIR-BIN-ABDULLAH said, ' verily two men claimed one beast, and each of them brought evidences to support the claim, as to the beast's being brought forth in his house; and the Prophet ordered him for the man who had possession.' AB'U-MU'SA-ASHARI said, ' verily, in the time of the Prophet, two men claimed one camel; and each of them sent evidences; and the Prophet divided the camel in two, and sent half to each.' AB'U-HURAIRAH said, ' verily two men disputed about a beast, and neither of

them had an evidence; and his highness said, "cast lots on oath." IBN-^ĀABB'AS said, 'verily the Prophet said, to a man to whom he was administering an oath, "swear by God, besides whom there is no God, that you have nothing belonging to the plaintiff." ASHATH-BIN-KAIS-BIN-MADICARIB* said, 'I was in partnership with a Jew in land; and the Jew denied it; then I carried him before the Prophet, and he said to me, "have you evidences?" I said, "no." His highness said to the Jew, "take your oath." I said, "O messenger of God! what faith is to be placed in a Jew's oath? He will swear falsely, and take the land." His highness said, "swearing is lawful; but he who takes a false oath will have no luck in futurity."

ASHATH-BIN-KAIS said, 'a man of *Hāḍramūt*, and another of the *Cindah* tribe, had a dispute, about land, in *Yemen*, and came to the Prophet: and the man of *Hāḍramūt* said, "O messenger of God! verily the father of this man took my land by force: and it is now in his possession." His highness said, "have you evidences?" He said, "no; but I will make him swear by these words, I swear by God, I do not know that this land belongs to the *Had'rami*, and that my father took it from him by force." Then the *Cindah* man was ready to make oath; and his highness said, "no one takes the property of another by oath, but will meet God with his tongue cut off." Then the *Cindah* man feared God, and said, "the land is his." ABDULLAH-BIN-UNAIS. 'A. G. S. "Verily the greatest of great sins is to put another in partnership with God, and offend father and mother, and to swear falsely to things past; and there is no swearer, who

The Prophet deters a man from taking a false oath.

* One of the *Sah'abah*, of the tribe *Cindah*, of which he was the chief. He came, with a party of deputies from his tribe, to the Prophet, A. H. 10. and professed *Islām*. But when the Prophet died, he and his tribe renounced that faith. He again embraced it, under the reign of ABUBACKR, who gave him his sister in marriage. He accompanied SĀD-BIN-ABĪ-WAKK'AS on the expedition to *Irāk*, and conquered *Kādsūh*, *Madāin*, *Halūlā*, and *Nahāwend*. He accompanied ALI in the battles of the camel and of *Saffain*. He afterwards dwelt at *Cūfah*, where he died A. H. 40; and HASAN the son of ALI prayed over him.

BOOK XVI

Perjury equal in guilt to idolatry.

Descriptions of people whose testimony on oath shall not be received.

swears by God, and a part of his oath be false, even to the value of a gnat's wing, but the oath will be made a black spot in his heart, on the day of resurrection." JABIR. 'A. G. S. "No one swears near my pulpit to a false oath, although it be to a small tooth cleaner, but prepares for himself a sitting place in hell fire." KHURAIM-BIN-FATIC* said, "the Prophet performed morning prayer, and when finished, stood up and said thrice, "false evidence has been made equal to associating another with God." Then his highness said, "abstain from the pollution of worshipping idols, and from lying, while you are inclining from the false to the true, and not putting a partner with God." AA'YESHAH. 'A. G. S. "It is not lawful for a man, or woman, who has been guilty of breach of trust, to give evidence: and the evidence of him is not lawful, who has been whipped for a great crime; and the evidence of those at enmity with each other is not lawful; and the evidence of him who shall say I am a freed man by such a one, when he shall have been freed by another, is unlawful; and the dependant of a man is not lawful evidence for him." AB'UHURAIRAH. 'A. G. S. "The evidence of those living in deserts is not lawful against those living in towns."† AWF-BIN-MALIC said, 'his highness decided a cause between two men, and when the defendant turned his back, he said, "God is sufficient for me and is the best agent." Then the Prophet said, "verily God is not pleased with him who is not attentive to his own affairs: you ought to have been vigilant: then when you are overcome by any matter, say, God is sufficient for me and is the best agent." BAHZ-BIN-HACIM‡ relates, from his forefathers, that 'verily the Prophet confined a man on suspicion.'

* One of the *Sah'abah* of the tribe of *Asad*. He was present with the Prophet at *Hudai-biah*.

† On account of the enmity which subsists between those two classes. ABD-UL-HAK.

‡ One of the *Tabi'in* of *Bas'rah*, of the tribe *Kushair*. His father HACIM was the son of MUA'WIAH-BIN-HAIDAH. The learned are divided in opinion respecting his authority; some esteem it good, but BUKHARI and MUSLIM have not admitted any tradition of his into their works.