

Chapter – 45

Conditions

(شُرَاطُ)

[أن رسول الله صلى الله عليه وسلم قال من باع نخلا قد أبرت فثمرتها للبائع إلا أن يشترط المبتاع، (رواه البخاري)]

[أعطى رسول الله صلى الله عليه وسلم خيبر اليهود أن يعملوها ويزرعوها ولهم شطر ما يخرج منها، (رواه البخاري)]

No.**Hadith**

2531

(On the occasion of Peace Treaty at Hudaibiya), one of the condition stipulated by Suhail bin Amr was; anyone coming to you from our side, even if he was a Muslim, the Prophet should return to them (*the pagans*) and would not interfere between them and that person. The Muslims did not like this condition and got disgusted with it but the Prophet agreed to that condition. Later, he followed the stipulated condition as well and he returned Abu Jandal according to this treaty..

Later, Muslim women also started migrating and when Um Kulthum bint Aqbah migrated, the Noble Prophet refused to return her. It was because, the Prophet had to obey the order of Allah who revealed the following verse:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ اللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ

فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ

{O People who believe! When Muslim women leave the lands of disbelief and migrate towards you, examine them; Allah knows more about their faith; so if you judge the women to be believers, do not send them back to the disbelievers; neither are they lawful for the disbelievers, nor are the disbelievers lawful for them. (60:10)}

No.**Hadith**

Aisha said, "When any of the women fulfilled that condition Allah's Prophet would say to her, 'I have accepted your pledge of allegiance.' He would only say in words but never touched the hand of any women while taking the pledge of allegiance. He never took their pledge of allegiance except by his words only." *Narrated: Miswar bin Makhrama.*

- 2532/2533 When I gave the pledge of allegiance to Allah's Prophet the Prophet stipulated that I gave the pledge of allegiance for offering the prayers perfectly paying the Zakat and giving good advice to every Muslim. *Narrated: Jarir bin 'Abdullah.*
- 2534 Allah's Prophet said, "If someone sells pollinated date-palms, their fruits will be for the seller, unless the buyer stipulates the contrary." *Narrated: 'Abdullah bin Umar.* (See Hadith - 2065).
- 2535 (*Right of Wala goes to that person who manumits the slave*): This is a repeated hadith. See hadith-440, 1404, 2370, and Hadith 2392 to 2396. *Narrated: 'Aisha.*
- 2536 While I was riding a slow and tired camel, the Prophet passed by and beat it and prayed for Allah's Blessings for it. The camel became so fast as it had never been before. The Prophet then said three times to me that, "Sell it to me for one Uqiya (*of gold*)." I sold it to him but requested that I would ride it to my house. When we reached Medina, the Prophet paid the price to me. later he said to me that I will not take your camel. Take it as my gift for you." *Narrated: Jabir.*
(See Hadith - 2228 and Hadith 2308).
- 2537 The Ansar said to the Prophet, "Please divide our date-palms between us and our emigrant brothers." The Prophet said, "No!" and he decided that the emigrants will do the labour (*in gardens*) and Ansar will share the fruits with the emigrants." *Narrated: Abu Hurairah.* (See Hadith -2456).
- 2538 Allah's Prophet gave the land of Khyber to the Jews on the condition that they would work on it and cultivate it and they would get half of its yield. *Narrated: Ibn 'Umer.*
(See Hadith - 2179 and hadith 2236).
- 2539 Allah's Prophet said, "From among all the conditions which you have to fulfil, the conditions which make it legal for you

No.**Hadith**

- to have sexual relations (*the marriage contract*) have the greatest right to be fulfilled." *Narrated: Uqba bin Amir.*
- 2540 Ansar used to rent the land (*for the yield of a specific portion of it*). But sometimes that portion or the rest of the land did not give any yield, so it was forbidden (*by the Prophet*) to follow such a system. However, we were allowed to rent the land for money. *Narrated: Rafi bin Khadij.*
- 2541 The Prophet said:
1. No town-dweller should sell for a Bedouin. And also do not offer a high price for a thing which you do not want to buy, in order to deceive the people.
 2. No Muslim should offer more for a thing already bought by his Muslim brother.
 3. Nor should he demand the hand of a girl already engaged to another Muslim.
 4. A Muslim woman shall not try to bring about the divorce of her sister in order to take that place herself." *Narrated: Abu Hurairah.*
- (See Hadith -2009/2010 and Hadith 2020).
- 2542 (*Punishment to the illegal sex is essential. There is no excuse in it*): This is a repeated hadith. See hadith- 2517. *Narrated: Zaid bin Khalid Juhani.* (See Hadith - 2022/2023, 2165 and Hadith - 2474).
- 2543 (*Manumission of Barira and the right of Wala*): This is a repeated hadith. See hadith- 440,1404, 2370 and Hadith 2392 to 2396.
- Narrated: Jabir bin Abdullah.*
- 2544 (*Noble Prophet's Orders on various subjects*): This is a repeated hadith. See hadith- 2541. *Narrated: Abu Hurairah.*
- (See Hadith - 2009/2010 and Hadith 2020).
- 2545 Allah's Prophet said, Musa is the Prophet of Allah, and then he narrated the whole story about Khizr and Musa.
- As per Quranic words:

قَالَ أَلَمْ أَقُلْ إِنَّكَ لَنْ تَسْتَطِيعَ مَعِيَ صَبْرًا

{He said, Did I not say you that you will never be able to patiently stay with me? (18:72)}

Musa violated the agreement for the first time because of forgetfulness, then Musa promised that if he asked Khizr about anything, the latter would have the right to desert him.

No.**Hadith**

Musa abided by that condition and on the third occasion he intentionally asked Khizr and caused that condition to be applied. The three occasions referred to above are referred to by the following Verses:

قَالَ لَا تُؤَاخِذْنِي بِمَا نَسِيتُ وَلَا تُرْهِقْنِي مِنْ أَمْرِي عَسْرًا

{Call me not to account for forgetting And be not hard upon me. (18.73)}

حَتَّىٰ إِذَا لَقِيَا غُلَامًا فَقَتَلَهُ

{Then they met a boy and Khizr killed him. (18.74)}

فَانطَلَقَا حَتَّىٰ إِذَا أَتَيَا أَهْلَ قَرْيَةٍ اسْتَطْعَمَا أَهْلُهَا فَأَبَوْا أَنْ يُضَيِّقُوهُمَا فَوَجَدَا فِيهَا جِدَارًا يُرِيدُ أَنْ

يَنْقُضَ فَأَقَامَهُ

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

Narrated: Ubai bin Ka'ab.

(See Hadith - 75, 123, and Hadith - 2124).

2546 (*Manumission of Barira and the right of Wala*): This is a repeated hadith. See hadith- 440,1404, 2370 and Hadith 2392 to 2396.

Narrated: Aisha.

2547 When the people of Khyber injured me, Umar got up delivering a sermon saying, "Allah's Prophet made a contract with the Jews concerning their properties, and said to them, 'We allow you in your land as long as Allah allows you. But now Abdullah bin Umar was attacked at night, and his hands and feet were dislocated, and we have no enemies except Jews, the only people whom we suspect. So, I have made up my mind to exile them. When Umar decided to carry out his decision, a man from Abu Haqiq came and objected 'Umar, 'O chief of the believers! will you exile us although Muhammad allowed us to stay at our places, and made a contract with us about our properties. Umar said, "Do you think that I have forgotten the statement of Allah's Prophet, i.e.: What will your condition be when you are expelled from Khyber and your camel will be carrying you night after night?" The Jew replied, "That was joke from Abu-l-Qasim." 'Umar said, "O the enemy of Allah! You are telling a lie." ----

No.**Hadith**

'Umar then drove them out and paid them the price of their properties in the form of fruits, money, camel saddles and ropes, etc." *Narrated: Abdullah bin Umar.*

2548

(It is a long hadith and its gist is):

- Allah's Prophet set out for Umra. When they proceeded for a distance, "Khalid bin Walid (*Khalid was not yet a Muslim*), leading the cavalry of Quraish constituting the front of the army, was at a place called Al-Ghamim. So they took their way on the right." The Prophet went on advancing till he reached the Thaniya's mountains. Here, the she-camel Al-Qaswa' (*the she-camel's name*) of the Prophet sat down. The Prophet then rebuked his she-camel and she got up. The Prophet changed his way till he dismounted at the farthest end of Al-Hudaibiya at a well containing a little water. This water was not sufficient for all, so the Prophet took an arrow out of his arrow-case and ordered them to put it in that well. By Allah, the water started and continued sprouting out till all the people quenched their thirst and returned with satisfaction.
- While they were still in that state, Budail bin Warqa came and said, "I left Ka'ab bin Luai and 'Amir bin Luai and they are not going to allow you to proceed ahead. For this, they even wanted to wage war against you.
- Allah's Prophet said, "We have not come to fight anyone, but to perform the 'Umra. In fact, the war has weakened Quraish and they have suffered great losses, so if they wish, I will conclude a truce with them, during which they should refrain from interfering between me and the people. If I have victory over infidels, Quraish will have the option to embrace Islam as the other people do, if they wish; they will at least get strong enough to fight. But if they do not accept the truce, by Allah in whose Hands

No.**Hadith**

my life is, I will fight with them defending my cause till I get killed.

- Budail Bin Warqa said, "I will inform them of what you have said." So, he set off till he reached Quraish. During discussions, Urwa bin Mas'ud got up and said, "Well, this man (*the Prophet*) has offered you a reasonable proposal, you'd better accept it and allow me to meet him." They said, "You may meet him. Urwa returned to his people and said, "O people! By Allah, I have been to the kings and to Caesar, Khosrau and An-Najashi, yet I have never seen any of them respected by his courtiers as much as Muhammad is respected by his companions. 'I saw the Budn (*animals for sacrifice*) garlanded with colored knotted ropes. I do not think it is advisable to prevent them from visiting the Ka'bah."
- After listening all these debates, Suhail bin Amr reached to the Prophet and said, "It is not possible for us to agree with your demands for this year, however for the next year we may prepare a peace treaty between us." --- So, the Prophet called the clerk and said to him, "Write: *بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ* - By the Name of Allah, the most Beneficent, the most Merciful." And in the end he dictated, "This is the peace treaty which Muhammad, Allah's Prophet, has concluded."--- For both the points they had objected strongly and were not ready to accept them. So, alternatively, the Prophet wrote his name, "Muhammad bin Abdullah."

Narrated: Miswar bin Makhrama and Marwan.

(See Hadith - 2519/2520 and hadith 2521).

{Compiler's Note: Suhail bin Amr had some more points for this treaty so they were included as well. for details see Hadith 2531 of this chapter}

2549

Allah's Prophet mentioned a person who asked an Israeli man to lend him one-thousand Dinars, and the Israeli lent him the sum for a certain fixed period. *Narrated: Abu Hurairah.*

No.**Hadith**

- 2550 In contracts whatever the conditions are written if both parties are agreed then it is all right. However, 'Umer Bin Khattab said that if conditions are conflicting with Quran then they are invalid, no matter they are hundred in numbers.
Narrated: Jabir Bin Abdullah.
- 2551 *(Manumission of Barira and the right of Wala):* This is a repeated hadith. See hadith- 440,1404, 2370 and Hadith 2392 to 2396.
Narrated: Aisha.
- 2552 Whoever imposes condition on himself willingly and without any pressure, then he is supposed to fulfill that condition.
Narrated: Ibn Sirin.
- 2553 Allah's Prophet said, "Allah has ninety-nine (99) names, and whoever knows them will go to Paradise
Narrated: Abu Hurairah.
- 2554 Umar bin Khattab got some land in Khyber and he went to the Prophet to consult him about it saying, "O Allah' Prophet! I got some land in Khyber better than which I have never had. What do you suggest that I do with it?" The Prophet said, "If you like you can give the land as endowment and give its fruits in charity." So Umar gave it in charity as an endowment on the condition that would not be sold nor given to anybody as a present and not to be inherited, but its yield would be given in charity to the poor people, to the Kith and kin, for freeing slaves, for Allah's Cause, to the travellers and guests; and that there would be no harm if the guardian of the endowment ate from it according to his need with good intention, and normal tradition. *Narrated: 'Abdullah Bin 'Umar.*