

العبيد والخدام في الاسلام

*Slaves and servants
in Islam*

موارد إسلامية مجانية

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

﴿ ضَرَبَ اللَّهُ مَثَلًا عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَىٰ شَيْءٍ وَمِن رِّزْقَانَا مِنَّا رِزْقًا حَسَنًا ﴾ النحل ٧٥

{ Allah has given an example to learn from: a slave under ownership, who has no power to do anything, and someone on whom we have bestowed fine abundance from Ourselves } *Al-nahl* 75

عن عطاء ﴿ يسألونك عن الأنفال ﴾ قال هي ما شذ من المشركين إلى المسلمين بغير قتال من عبد أو أمة أو متاع أو نفل فهو للنبي ﷺ يصنع فيه ما شاء
تفسير الطبري

Regarding { They ask you about the spoils } [Al-anfal 1], 'Ataa said: This is whatever is set apart from the Idolaters [Mushrikeen] for the Muslims without fighting, including slaves, slave girls, goods, or loot; it is for the Prophet (SAW) for him to do with it what He wishes.

Tafsir Al-Tabari

عن عمران بن حصين أن رجلاً أعتق ستة أعبد عند موته ولم يكن له مال غيرهم فبلغ ذلك النبي ﷺ فأقرع بينهم فأعتق إثنين وأرق أربعة
سنن إبي داود كتاب العتق

'Imran ibn Husain related that a certain man freed six slaves when he died, having had no possessions other than them. The Prophet (SAW) got word of this, and he cast lots among them, freeing two and keeping four as slaves.

Sunan Abu Dawud, The book of freeing slaves

رسول الله ﷺ قال العبد إذا نصح سيده وأحسن عبادة ربه
كان له أجره مرتين
صحيح البخاري كتاب العتق

The Messenger of Allah (SAW) said: Any slave, if he is faithful to his master, and does well in worship to his Lord, he will have his reward twice.

Sahih Al-Bukhari, The book of freeing slaves

قال رسول الله ﷺ من أعتق جاريته وتزوجها كان له أجران
سنن ابي داود كتاب النكاح

The Messenger of Allah (SAW) said: Anyone who frees his servant girl and then marries her, he will have double reward.

Sunan Abu Dawud, The book of marital relations

عن القاسم بن محمد قال كان لعائشة غلام وجارية قالت فأردتُ
أن أعتقهما فذكرتُ ذلك لرسول الله ﷺ فقال ابدئي بالغلام

قبل الجارية

سنن النسائي كتاب الطلاق

Al-Qasim ibn Muhammad said: ‘Aishah had a servant boy and a servant girl; she said: “I’ve wanted to set them free.” So I mentioned this to the Messenger of Allah (SAW) and He said: Start with the boy before the girl.

Sunan Al-Nasa’i, The book of divorce

أن رجلاً أعتق غلاماً له عن دبرٍ فاحتاج فأخذه النبي ﷺ فقال
من يشتريه مني فاشتره نعيم بن عبد الله بكذا وكذا فدفعه إليه
صحيح البخاري كتاب البيوع

A certain man willed for a servant boy of his to be set free after his death, but then was in need; so the Prophet (SAW) took him and said: Who will buy him from me? Nu’im ibn Abdullah bought him for such-and-such an amount, and He gave him to him.

Sahih Al-Bukhari, The book of buying and selling

قال النبي ﷺ ليس على المسلم في فرسه وغلّامه صدقةٌ
صحيح البخاري كتاب الزكاة

The Prophet (SAW) said: A Muslim is not obliged to give charity for a horse of his or a servant boy of his.

Sahih Al-Bukhari, The book of zakat

عن النبي ﷺ قال مولى القوم من أنفسهم
صحيح البخاري كتاب الفرائض

The Prophet (SAW) said: The freed slave of people is one of their own.

Sahih Al-Bukhari, The book of religious duties

فمنهم زيد بن حارثة بن شراحيل حب رسول الله ﷺ أعتقه
وزوجه مولاته أم أيمن فولدت له أسامة
ومنهم أسلم وأبو رافع وثوبان وأبو كبشة سليم وشقران وإسمه
صالح ورباح نوبي ويسار نوبي أيضاً وهو قتيل العرنيين ومدعم
وكركرة نوبي أيضاً وكان على ثقله وكان يُمسك راحلته عند القتال
يوم خيبر وفي صحيح البخاري أنه الذي غلّ الشملة ذلك اليوم
فقتل فقال النبي ﷺ إنها لتلتهب عليه ناراً وفي الموطأ أن الذي
غلّها مدعم وكلاهما قتل بخيبر والله أعلم

ومنهم أنجشة الحادي وسفينة بن فروخ وإسمه مهران وسماه رسول الله ﷺ سفينة لأنهم كانوا يحملونه في السفر متاعهم فقال أنت سفينة قال أبو حاتم أعتقه رسول الله ﷺ وقال غيره أعتقته أم سلمة

ومنهم أنسة ويكنى أبا مشرح وأفلح وعبيد وطهمان وهو كيسان وذكوان ومهران ومروان وقيل هذا خلاف في إسم طهمان والله أعلم

ومنهم حنين وسندر وفضالة يمانى ومأبور خصي وواقد وأبو واقد وقسام وأبو عسيب وأبو مريهبة

ومن النساء سلمى أم رافع وميمونة بنت سعد وخضرة ورضوى ورزينة وأم ضميرة وميمونة بنت ابي عسيب ومارية وريحانة زاد المعاد في هدي خير العباد لابن قيم فصل في مواله ﷺ

Among them [His slaves] was Zaid ibn Haritha ibn Sharahil, the beloved of the Messenger of Allah (SAW); He freed him and married him to his slave Umm Ayman, and she bore him Usama.

And among them was Aslam, and Abu Rafi', and Thawban, and Abu Kabsha Sulaim, and Shuqran, whose name was "Salih", and Rabah, a Nubian, and Yasar, also a Nubian, and he was the one killed by the 'Uraynis, and Mid'am, and Kirkira, also a Nubian, and he was the one who was on top of his pack, holding on to his camel during the fighting at Khaybar, and in *Sahih Al-Bukhari* it says that he was the one who had stolen the

cloak from the booty that day and was killed. And the Prophet (SAW) said: Surely hellfire is in flames over him; in the *Muwatta'* it says that the one who stole it was Mid'am, and both of them were killed at Khaybar. But Allah knows best.

And among them was Anjasha Al-Hadi, and Safina ibn Farrukh, whose name was Mahran, but the Messenger of Allah (SAW) named him *Safina* ["boat"] because when they travelled they would load him up with their goods, and so He told him: You are a boat. Abu Hatim said: The Messenger of Allah (SAW) freed him. Others said that Umm Salamah freed him.

And among them was Anasa, who was given the *kunya* Abu Mishrah, and Aflah, and 'Ubaid, and Tahman, that is, Kisan, and Dhakwan, and Mihran, and Marwan; and it is said that this is a disagreement regarding the name of Tahman. But Allah knows best.

And among them was Hunain, and Sandar, and Fadala a Yemeni, and Ma'bur a eunuch, and Waqid, and Abu Waqid, and Qassam, and Abu 'Asib, and Abu Muwayhiba.

And among the women were Salama Umm Rafi', and Maimuna bint Sa'd, and Khadrah, and Radwa, and Razinah, and Umm Damira, and Maimuna bint Abi 'Asib, and Mariya, and Rihanah.

Ibn Qayyim, Zad Al-ma'ad, Section: His (SAW) slaves

أن ذكوان أبا عمرو وكان عبداً لعائشة زوج النبي ﷺ فأعتقه
عن دبرٍ منها كان يقوم يقرأ لها في رمضان
موطأ مالك كتاب الصلاة في رمضان

Dhakwan Abu 'Amr – a slave of 'Aishah the Prophet's (SAW) wife, who she set free upon her death – would get up and recite for her during Ramadan.

Muwatta Malik, The book of prayer in Ramadan

كان ﷺ أحلم الناس وأشجع الناس وأعدل الناس وأعف الناس
لم تمس يده قط يد امرأة لا يملك رقها أو عصمة نكاحها أو
تكون ذات محرم منه
إحياء علوم الدين للغزالي آداب المعيشة وأخلاق النبوة

He (SAW) was the most forbearing of people, and the most determined of people, and the fairest of people, and the most self-restrained of people – his hand absolutely never touched the hand of any woman He did not own as a slave, or who was safeguarded under marital relations, or who was an unmarriageable relative of His.

Al-Ghazali, Ihyaa 'Ulum Al-deen, The book of proper conduct in lifestyle and the morals of the prophethood

﴿ يَا أَيُّهَا النَّبِيُّ إِنَّا أَمْلْنَا لَكَ أَنْزِلَ وَأَجْمَعِ اللَّائِي أُتِيَتْ أَجْمُورُهُنَّ وَمَا
 مَلَكَتْ يَمِينُكَ مِمَّا أَفَاءَ اللَّهُ عَلَيْكَ وَنِسَاءَ عَمَلِكِ وَنِسَاءَ عَمَلِكَ
 وَنِسَاءَ خَالَاتِكَ وَنِسَاءَ خَالَاتِكَ اللَّائِي هَاجَرْنَ مَعَكَ وَإِمرَاءَ مُؤْمِنَةٍ
 إِذَا وَهَبَتْ نَفْسَهَا لِلنَّبِيِّ إِنْ أَرَادَ النَّبِيُّ أَنْ يَسْتَكْفَهَا فَكَانَ مِنَ حُرُومِ
 الْمُؤْمِنِينَ قَدْ عَلِمْنَا مَا فَرَضْنَا عَلَيْهِمْ فِي أَنْزِيلِنَا إِلَيْهِمْ وَمَا مَلَكَتْ أَيْمَانُهُمْ لِكَيْلَا
 يَكُونَ عَلَيْكَ حَرَجٌ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا ﴿٥٠﴾ الاحزاب ٥٠

{ Oh Prophet, indeed we have permitted your wives to you, those to whom you have given their payment and what your right hand has possessed from the booty Allah has given you; and the daughters of your paternal uncles and paternal aunts, the daughters of your maternal uncles and maternal aunts, those women who have emigrated with you; and any believing woman if she gives herself to the Prophet, if the Prophet wishes to seek marital relations from her, especially for you and not for the other believers. We know what we have imposed on them regarding their wives and what their right hands have possessed, so that you feel no uneasiness; and Allah is forgiving, merciful } *Al-Ahzab* 50

وإنه إذا رغب في أمة وجب على سيدها أن يهبها له
إنسان العيون في سيرة الأمين المأمون (السيرة الحلبية) لعلي بن برهان الدين
الخلبي باب نبذة من خصائصه ﷺ

Whenever He desired a slave girl, it was obligatory for her owner to give her to Him.

Al-Halbi, Insan Al-'uyun, Section: synopsis of His (SAW) attributes

وباع رسول الله ﷺ واشترى وكان شراؤه بعد أن أكرمه الله
تعالى برسالته أكثر من بيعه وكذلك بعد الهجرة لا يكاد يُحفظ
عنه البيع إلا في قضايا يسيرة أكثرها لغيره كبيعه القدح والجلس
فيمن يزيد وبيعه يعقوب المدبر غلام أبي مذكور وبيعه عبداً
أسود بعبدين وأما شراؤه فكثير وأجر وإستأجر واستجاره أكثر
من إيجاره وإنما يحفظ عنه أنه أجز نفسه قبل النبوة في رعاية
الغنم وأجز نفسه من خديجة في سفره بمالها إلى الشام
زاد المعاد في هدي خير العباد لابن قيم فصل [في هديه ﷺ في البيع والشراء]

The Messenger of Allah (SAW) sold, and bought; and what He bought – after Allah Most High had honoured him with His message – was more than what He sold. Similarly, after the *hijra*, it is remembered that He hardly ever sold things, except in trivial special instances, most of which were to others, such as when He sold drinking glasses or saddlecloths to those who brought supplies, or when He sold Ya'qub

the *mudabbar* [to be freed upon his master's death], who was the servant boy of Abu Madhkour, or when He sold a black slave for two other slaves. And He bought a lot, and hired, and rented; and what He rented was more than what He hired. It is remembered about him that before the prophethood He hired himself out as regards looking after flocks, and He hired himself out to Khadijah when He traveled with her goods to Sham.

Ibn Qayyim, Zad Al-ma'ad, Section: [His (SAW) guidance on buying and selling]

عن أنس أن رسول الله ﷺ كانت له أمة يطؤها فلم تزل به عائشة وحفصة حتى حرما على نفسه فأنزل الله عز وجل ﴿ يَا أَيُّهَا النَّبِيُّ لِمَ تُحَرِّمُ مَا أَحَلَّ اللَّهُ لَكَ ﴾ إِلَى آخِرِ الْآيَةِ
سنن النسائي كتاب عشرة النساء

Anas related that the Messenger of Allah (SAW) had a slave girl who He would have intercourse with, and 'Aishah and Hafsa did not cease from Him until he forbade Himself to have her; but then Allah Mighty and Sublime sent down { Oh Prophet, why do you forbid what Allah has made permissible to you } until the end of the verse [Al-tahrim 1]

Sunan Al-Nasa'i, The book of intimacy with women

﴿ يا أيها النبي لم تحرم ما أحل الله لك ﴾ من أمتك مارية
 القبطية لما واقعها في بيت حفصة وكانت غائبة فجاءت وشق
 عليه كون ذلك في بيتها وعلى فراشها حين قلت هي حرام علي
 ﴿ تبتغي ﴾ بتحريمها ﴿ مرضات أزواجك ﴾ أي رضاهن
 ﴿ والله غفور رحيم ﴾ غفر لك هذا التحريم

تفسير الجلالين

{ Oh Prophet, why do you forbid what Allah has made permissible to you } : from your slave girl Mariya the Copt – when He had sex with her in Hafsa’s quarters while she was away, and she came back furious with Him that this had happened in her quarters and on her bed – when you said: She is now forbidden to me. { Seeking } : by making her forbidden; { The pleasure of your wives } : that is, their favour; { And Allah is forgiving, merciful } : He has forgiven you for making this prohibition.

Tafsir Al-Jalalain, Al-tahrim 1

تم ولد له ابراهيم بالمدينة من سُرَّيته ماريًا القبطية سنة ثمان من
 الهجرة وبشره به أبو رافع مولاه فوهب له عبداً ومات طفلاً
 قبل الفطيم

زاد المعاد في هدي خير العباد لابن قيم فصل في أولاده ﷺ

Then Ibrahim was born to him in Medina from His concubine Mariya the Copt, in the eighth

year of the *hijra*. And Abu Rafi', his freed slave, gave him the good news, and so He gave him a slave. But he [Ibrahim] died as a child before being weaned.

Ibn Qayyim, Zad Al-ma'ad, Section: His (SAW) children

ثمامة بن عبدالله بن أنس عن جده أنس بن مالك قال كن إماء
عمر رضي الله عنه يخدمنا كاشفات عن شعورهن تضرب ثديهن
السنن الكبرى للبيهقي كتاب الصلاة باب عروة الأمة

Thumama ibn 'Abdullah ibn Anas related from his grandfather Anas ibn Malik, who said: The slave girls of 'Umar (may Allah be pleased with him) used to serve us with their hair showing and falling over their breasts.

Al-Bayhaqi, Al-Sunan Al-Kubra, The book of prayer, Section: Nakedness of slave girls

عن ابن عمر أنه كان إذا أراد أن يشتري الجارية وضع يده على
إليتيها وبين فخذيها وربما كشف عن ساقها
المصنف لابن أبي شيبة كتاب البيوع والاقضية

Ibn 'Umar related that if he wanted to buy a servant girl, he would put his hand on her buttocks and between her thighs, and perhaps would also examine her shanks.

Ibn Abi Shayba, Al-musannaf, The book of sales and legal rulings

عن ابن عمر أنه كان إذا اشترى جارية كشف عن ساقها ووضع
يده بين ثديها وعلى عجزها
السنن الكبرى للبيهقي كتاب البيوع باب الرجل يريد شراء جارية فينظر إلى
ما ليس منها بعروة

Ibn ‘Umar related that whenever he wanted to buy a servant girl, he examined her shanks and put his hand between her breasts and on her backside.

Al-Bayhaqi, Al-sunan Al-Kubra, The book of sales, Section: when a man who wants to buy a servant girl looks at parts of her that are not considered nakedness

عن مجاهد قال مر ابن عمر على قوم يتاعون جارية فلما رأوه وهم يقلبونها أمسكوا عن ذلك فجاءهم ابن عمر فكشف عن ساقها ثم دفع في صدرها وقال اشترؤا قال معمر وأخبرني ابن ابي نجيح عن مجاهد قال وضع ابن عمر يده بين ثديها ثم هزها المصنف لعبد الرزاق كتاب الطلاق باب الرجل يكشف الأمة حين يشتريها
Mujahid said: Ibn ‘Umar passed by some people who were buying a servant girl, turning her this way and that, but when they saw him, they stopped. Ibn ‘Umar went up to them, and examined her shank, then shoved her in the chest, and said: Buy her. Mujahid said: Ibn ‘Umar put his hand between her breasts and jiggled them.

‘Abd Al-Razzaq, the Musannaf, The book of divorce, Section: A man may examine a slave girl when he buys her

عن ابن المسيب أنه قال يحل له أن ينظر إلى كل شيء فيها ما
عدا فرجها

المصنف لعبد الرزاق كتاب الطلاق باب الرجل يكشف الأمة حين يشتريها
Ibn Al-Musayyib said: A man is permitted to
look at any part of her except her vagina.

*'Abd Al-Razzaq, the Musannaf, The book of divorce, Section: A
man may check out a slave girl when he buys her*

عن زيد بن ثابت أنه كان يقول في الرجل يطلق الأمة ثلاثاً ثم
يشتريها انها لا تحل له حتى تنكح زوجاً غيره
موطأ إمام مالك كتاب النكاح

From Zaid ibn Thabit who said regarding the
man who divorces a slave girl three times and
then purchases her: Indeed she is unlawful for
him until she has marital relations with
another man.

Muwatta Malik, The book of marital relations

عام خير ... فأهدى رفاعة بن زيد لرسول الله ﷺ غلاماً أسود
يقال له مدعم
موطأ مالك كتاب الجهاد

In the year of Khaybar ... Rifa'a ibn Zaid gave
the Messenger of Allah (SAW) a black servant
boy called Mid'am.

Muwatta Malik, The book of jihad

عن عمر رضي الله عنه قال جئت فإذا رسول الله ﷺ في مشربة
له وغلّام لرسول الله ﷺ أسود على رأس الدرجة فقلت قل
هذا عمر بن الخطاب فأذن لي
صحيح البخاري كتاب أخبار الآحاد

‘Umar (may Allah be pleased with him) said: I came, and the Messenger of Allah (SAW) was in an upper room of his, and a black slave of the Messenger of Allah (SAW) was at the top of the stairs. I said: “Say that it’s ‘Umar ibn Al-Khattab.” So he gave me permission to enter.

Sahih Al-Bukhari, The book of reports from trustworthy people

عن أنس بن مالك قال كان رسول الله ﷺ في سفرٍ وكان معه
غلام له أسود يقال له أنجشة يحدو فقال له رسول الله ﷺ
ويحك يا أنجشة رويدك بالقوارير
صحيح البخاري كتاب الأدب

From Anas ibn Malik who said: The Messenger of Allah (SAW) was on a journey, and with him was a black servant of his, called Anjasha, driving the camels. And the Messenger of Allah (SAW) said to him: Woe to you, Oh Anjasha, go easy with the glass vessels! [i.e. the women]

Sahih Al-Bukhari, The book of manners

قال رسول الله ﷺ لا تزوجوا النساء لحسنهن فعسى حسنهن أن يرديهن ولا تزوجوهن لأموالهن فعسى أموالهن أن تُطغيهن ولكن تزوجوهن على الدين ولأمة خرماء سوداء ذات دين افضل
سنن ابن ماجه كتاب النكاح

The Messenger of Allah (SAW) said: Don't marry women for their beauty, for perhaps their beauty will destroy them. And don't marry them for their wealth, for perhaps their wealth will cause them to transgress. But marry them for their *deen*; for indeed even a pierced black slave girl, who has *deen*, is better.

Sunan Ibn Majah, The book of marital relations

عن ابي هريرة أن رجلاً أتى النبي ﷺ بجارية سوداء فقال يا رسول الله إن علي رقبة مؤمنة فقال لها أين الله فأشارت إلى السماء بأصبعها فقال لها فمن أنا فأشارت إلى النبي ﷺ وإلى السماء يعني أنت رسول الله فقال أعتقها فإنها مؤمنة
سنن ابي داود كتاب الأيمان والنذور

Abu Huraira related that a certain man brought a black servant girl to the Prophet (SAW), and said: Oh Messenger of Allah, the release of a believing neck [i.e. slave] is due me. So He said to her: Where is Allah? And she pointed to the sky with her finger. Then He said to her:

And who am I? And she pointed to the Prophet (SAW) and to the sky, that is to say: “You are the Messenger of Allah.” And He said: Set her free; she is a believer.

Sunan Abu Dawud, The book of oaths and vows

جاء عبدٌ فبايع رسول الله ﷺ على الهجرة ولا يشعرُ النبي ﷺ أنه عبدٌ فجاء سيده يريدُه فقال النبي ﷺ بعنيه فاشتراه بعبدين أسودين

سنن النسائي كتاب البيوع باب بيع الحيوان بالحيوان

A slave came and pledged to emigrate with the Messenger of Allah (SAW), but the Prophet (SAW) did not realize that he was a slave. Then his master came looking for him, and the Prophet (SAW) said: Sell him to me. And He bought him for two black slaves.

Sunan Al-Nasa'i, The book of transactions, Chapter: Selling animals for animals

عن أنس أن رجلاً من أهل البادية كان اسمه زاهر بن حزام أو حرام قال وكان النبي ﷺ يحبه وكان دميماً فأتاه النبي ﷺ يوماً وهو يبيع متاعه فاحتضنه من خلفه وهو لا يبصر فقال أرسلني من هذا فالتفت فعرف النبي ﷺ فجعل لا يألو ما الزق ظهره

بصدر النبي ﷺ حين عرفه وجعل النبي ﷺ يقول من يشتري
العبد فقال يا رسول الله إذاً والله تجدني كاسداً فقال النبي ﷺ
لكن عند الله لست بكاسد

السنن الكبرى للبيهقي كتاب الشهادات باب المزاح لا ترد به الشهادة

Anas related of a man from the desert people, whose name was Zahir ibn Hizam or Hiram. He said: The Prophet (SAW) loved him; but he was very unpleasant in appearance. And the Prophet (SAW) came to him one day while he was selling his wares, and He embraced him tightly from behind while he was not looking. He said: Let me go, who is this? And he turned around and recognized the Prophet (SAW), and he did not restrain himself from pressing his back against the Prophet's (SAW) chest when he recognized him. Then the Prophet (SAW) came up and said: Who will buy this slave? And he said: Oh now Messenger of Allah, I swear by Allah, you will find me to be unsellable. The Prophet (SAW) said: But in the sight of Allah you are not unsellable.

Al-Bayhaqi, Sunan Al-kubra, The book of declarations, Section: testimony does not answer to jest

﴿ يريد الله أن يخفف عنك و حملوا النساء ضعيفا ﴾ النساء ٢٨

{ Allah wants to lighten it for you; for man was created weak } Al-nisaa 28

عن النبي ﷺ أنه قال لم نر للمتحيين مثل النكاح وهذا هو المعنى الذي أشار إليه سبحانه عقيب إحلال النساء حرائرهن وإمائهن عند الحاجة

زاد المعاد في هدي خير العباد لابن قايّم فصل هديه ﷺ في علاج العشق

The Prophet (SAW) said: We never saw anything like marital relations for two people that love each other. And this is the meaning that the Most High indicated after he made women permissible, both free women and their slave girls, if necessary.

Ibn Qayyim, Zad Al-ma'ad, Section: His (SAW) guidance in treating infatuation

ولأجل فراغ القلب أبيض نكاح الأمة عند خوف العنت مع أن فيه ارقاق الولد وهو نوع إهلاك وهو محرّم على كل من قدر على حرة ولكن ارقاق الولد أهون من إهلاك الدين وليس فيه إلا تنغيص الحياة على الولد مدة وفي إقتحام الفاحشة تفويت الحياة الأخروية التي تُستحقر الأعمار الطويلة بالإضافة إلى يوم من أيامها إحياء علوم الدين للغزالي كتاب آداب النكاح الباب الأول في الترغيب في النكاح والترغيب عنه

In order to clear the heart, marital relations with slave girls was made permissible if distress [*anat*, i.e. adultery] was feared, even though in this the child will become a slave, which is a kind of destruction. This is forbidden to anyone who has the means for a free woman, although causing a child to be a slave is better than the destruction of one's *deen*; in this there is nothing but to grieve the life of the child for a time, whereas by falling into unlawful acts, the hereafter is forfeited.

Al-Ghazali, Ihyaa 'Ulum Al-din, The book of manners in marital relations, Section one: concerning awakening of desire for marital relations and turning away from them

في الزيلعي حيث إستدل على عدم حله بالكف بقوله تعالى
﴿والذين هم لفروجهم حافظون﴾ الآية وقال فلم يبيح
الاستمتاع إلا بهما أي بالزوجة والأمة
رد المختار على الدر المختار لابن عابدين كتاب الصوم باب ما يفسد الصوم وما
لا يفسده

Al-Zayla'i concluded that it is not lawful to do it with one's hand, according to the word of the Most High : { And those who guard their crotches } to the end of the verse; he said: Enjoyment has not been made permissible except with these two, that is, with a wife or a slave girl.

Ibn 'Abidin, Radd Al-muhtar, The book of fasting, Section: what invalidates the fast and what does not invalidate it

يجوز أن يستمني بيد زوجته أو خادمته

رد المحتار على الدر المختار لإبن عابدين كتاب الحدود باب الوطء الذي يوجب الحد والذي لا يوجبه

It is permissible for a man to masturbate with the hand of his wife or female servant.

Ibn 'Abidin, Radd Al-muhtar, The book of legal punishments [hudud], Section: intercourse that necessitates punishment and that which does not necessitate it

روي عن أحمد في رجل خاف أن تنشق مثانته من الشبق أو تنشق أنثياه لحبس الماء في زمن رمضان يستخرج الماء ولم يذكر بأي شيء يستخرجه قال وعندني أنه يستخرجه بما لا يفسد صوم غيره كإستمنائه بيده أو ببدن زوجته أو أمته غير الصائمة فإن كان له أمة طفلة أو صغيرة إستمنى بيدها وكذلك الكافرة ويجوز وطئها فيما دون الفرج بدائع الفوائد لإبن قيم

It was narrated from Ahmad concerning a man who feared that his bladder might burst from sex drive, or that his testicles might burst from retaining the fluid, during the time of Ramadan: should he elicit the fluid to come out? And he made no mention of anything by which to make the fluid come out. He said: According to me he should make it come out in a way that does not annul the fast of anyone else, such as masturbating

using his own hand or using the body of a non-fasting wife or slave girl of his; but if he has a small or child slave girl, he may masturbate using her hand, and the same for an unbelieving woman, and intercourse with her is lawful provided it is not in the vagina.

Ibn Qayyim, Bada'ia Al-fawa'id

سئل أبو الدرداء عن إتيان النساء في أدبارهن فقال هل يفعل ذلك إلا كافر قال روح فشهدت ابن أبي مليكة يسأل عن ذلك فقال قد أردته مع جارية لي البارحة فاعتصم علي فاستعنت بدهن أو بشحم
تفسير الطبري البقرة ٢٢٣

Abu Al-Dardaa was asked about having sex with women in their rears, and he said: Does anyone do that except unbelievers!? Ruh said: I was there when Ibn Abi Malika asked about this, and he said: I wanted to do it yesterday with a servant girl of mine, but it was hard for me, so I made it work with some oil or grease.

Tafsir Al-Tabari, Al-baqara 223

عن أبي سعيد الخدري قال أصبنا نساء من سبي أوطاس لهن أزواج فكرهنا أن نقع عليهن ولهن أزواج فسألنا النبي ﷺ فنزلت ﴿ والمحصنات من النساء إلا ما ملكت أيمانكم ﴾ فاستحللنا فروجهن
تفسير الطبري

From Abu Sa'id Al-Khudri who said: We attained some women from the prisoners at Awtas, and they had husbands, and we were reluctant to have sex with them seeing that they had husbands; so we asked the Prophet (SAW), and this came down: { And women who are married, except what your right hands have possessed } . So then we considered their vaginas permissible.

Tafsir Al-Tabari, Al-nisaa 23-24

قال ابن مسعود فإذا بيعت الأمة ولها زوج فالمشتري أحق بوضعها وكذلك المسبية كل ذلك موجب للفرقة بينها وبين زوجها قالوا وإذا كان كذلك فلا بد أن يكون بيع الأمة طلاقاً لها لأن الفرج محرّم على إثنين في حال واحدة بإجماع من المسلمين قلت وهذا يرده حديث بريرة لأن عائشة رضي الله عنها اشترت بريرة واعتقتها ثم خيرها النبي ﷺ وكانت ذات زوج وفي إجماعهم على أن بريرة قد خُيرت تحت زوجها مغيث بعد أن اشترتها عائشة فأعتقتها لدليل على أن بيع الأمة ليس طلاقاً وعلى ذلك جماعة فقهاء الأمصار من أهل الرأي والحديث وألا طلاق لها إلا الطلاق

تفسير القرطبي النساء ٢٤

Ibn Mas'ud said: Whenever a slave girl is purchased, and she has a husband, the buyer is

more entitled to her vagina [*bud'iha*, i.e. to contract marriage with her], and similarly for female prisoners. All of this is obligatory due to the separation between her and her husband. They say: If this is the case, then selling a slave girl necessarily means her divorce, since a vagina is prohibited to two at the same time, by universal consensus of Muslims. The hadith of Barirah refutes this, since 'Aishah (may Allah be pleased with her) purchased Barirah and set her free, and then the Prophet (SAW) gave her the choice, all while she had a husband. It is agreed by all that Barirah was given the choice while she was with her husband Mugith, after 'Aishah had purchased her and set her free; evidence that buying a slave girl is not divorce. The community of scholars from those who advocate the use of reasoning and hadith rests on this, and that she is not divorced unless she is divorced [i.e. formally].

Tafsir Al-Qurtubi, Al-nisaa 24

أنه عليه الصلاة والسلام قال يبيع الأمة طلاقها

تفسير الرازي النساء ٢٤

He (prayers and peace be upon him) said: Selling a slave gets her divorced.

Tafsir Al-Razi, Al-nisaa 24

عن الحسن في قوله ﴿ والمحصنات من النساء إلا ما ملكت
 أيمنكم ﴾ قال إذا كان لها زوج فبيعها طلاقها
 تفسير ابن كثير

{ And women who are married, except what
 your right hands have possessed } [Al-nisaa 24];
 Al-Hasan said: If she has a husband, buying her
 gets her divorced.

Tafsir Ibn Kathir

عن أنس قال جمع السبي يعني بخيبر فجاء دحية فقال يا رسول
 الله اعطني جارية من السبي قال إذهب فخذ جارية فأخذ
 صفية بنت حيي فجاء رجل إلى النبي ﷺ فقال يا نبي الله
 اعطيت دحية قال يعقوب صفية بنت حيي سيدة قريظة
 والنضير ثم اتفقا ما تصلح إلا لك قال ادعوه بها فلها نظر إليها
 النبي ﷺ قال له خذ جارية من السبي غيرها
 سنن النسائي كتاب الخراج والإمارة والنفى

Anas said: The captives were rounded up – that is,
 at Khaibar – and Dihya came and said: Oh
 Messenger of Allah, give me a servant girl from
 the captives. He said: Go and take a servant girl.
 So he took Safiyyah bint Huyay. Then a man came
 to the Prophet (SAW) and said: Oh Prophet of
 Allah, you gave Safiyyah bint Huyay to Dihya (as
 Ya'qub said), the noble lady of the Quraidha and
 the Nadir, but she is not suitable for anyone
 except you (as says the narration that both agree
 on). He said: Send for him to come with her. And

when the Prophet (SAW) saw her, He said to him:
Take a different servant girl from the captives.

*Sunan Abu Dawud, The book of tribute, positions of authority,
and spoils*

وصفية بنت حبي بن أخطب اليهودي وقعت في سهم دحية
بن خليفة الكلبي فاشتراها رسول الله ﷺ منه بأرؤس اختلفوا
في عددها وأعتقها وتزوجها وذلك سنة سبع
الإستيعاب لابن عبد البر الترجمة النبوية

And Safiyyah bint Huyay ibn Akhtab the Jew. She
fell to the portion that went to Dihya ibn Khalifa
Al-Kalbi, but the Messenger of Allah (SAW)
bought her for a certain number of heads – there
is disagreement as to how many – freed her, and
married her; this was in year seven.

*Ibn 'Abd Al-barr, Al-Isti'ab, Section: Explanation of the
prophethood*

عن أنس أن النبي ﷺ إشتري صفية بسبعة أرؤس قال
عبدالرحمن من دحية الكلبي
سنن ابن ماجه كتاب التجارات باب الحيوان بالحيوان متفاضلاً يداً بيد

Anas related that the Prophet (SAW) bought
Safiyah for seven heads [slaves]. 'Abd Al-Rahman
said: From Dihya Al-Kalbi.

*Sunan Ibn Majah, The book of business transactions, Chapter:
Animals for animals, differentiated, hand in hand*

دلت الآية على أن عتق الأمة لا يكون صداقاً لها لأن الآية تقتضي كون البضع مالاً وما روي أنه عليه السلام أعتق صفية وجعل عتقها صداقها فذاك من خواص الرسول عليه السلام

تفسير الرازي النساء ٢٤

This verse is evidence that freeing a slave does not serve as bride price for her, since the verse implies that a vagina is property. It is narrated that He (peace be upon him) freed Safiyah and made her liberation her bride price; but this was one of the attributes of the Messenger (peace be upon him).

Tafsir Al-Razi, Al-nisaa 24

المعنى فإن خفتم أن لا تعدلوا بين هذه الأعداد كما خفتم ترك العدل فيما فوقها فاكتفوا بزوجة واحدة أو بالملوكة سوى في السهولة واليسر بين الحرة الواحدة وبين الإماء من غير حصر ولعمري إنهن أقل تبعة وأخف مؤنة من المهائر لا عليك أكثرت منهن أو أقللت عدلت بينهن في القسم أو لم تعدل عزلت عنهن أم لم تعزل

تفسير الرازي النساء ٣

The meaning: If you fear that you can not be fair among these numbers, as you might fear forsaking fairness with a greater number, then be satisfied with one wife or with one slave girl; one free woman and several nonexclusive servants are of equal ease and simplicity. Indeed

they are less of a responsibility and require less provision than women with expensive *mahr* [husband's payment to the bride at marriage]; it is of no issue to you whether you have many of them or few, whether you divide the time equally or unequally, and whether you withdraw from them [coitus interruptus] or do not withdraw.

Tafsir Al-Razi, Al-nisaa 3

وأما قوله أباح للرجل أن يستمتع من أمته بملك اليمين بالوطء وغيره ولم يباح للمرأة أن تستمتع من عبدها لا بوطء ولا غيره فهذا أيضاً من كمال هذه الشريعة وحكمتها فإن السيد قاهر لمملوكه حاكم عليه مالك له والزوج قاهر لزوجته حاكم عليها وهي تحت سلطانه وحكمه تشبه الأسير ولهذا مُنع العبد من نكاح سيده للتنافي بين كونه مملوكها وبعلمها وبين كونها سيده وموطوءته إعلام الموقعين عن رب العالمين الإبن قيم الجوزية فصل الحكمة في جواز إستمتاع السيد بأمته دون العبد بسيدته

Regarding someone who says a man is permitted to enjoy a slave girl that is under his right hand, with intercourse and other things, and a woman is not permitted to enjoy her slave, either with intercourse or other things. This too is of the perfection of the law and its wisdom; for indeed a master subdues what he owns, rules over it, and holds it; and a husband subdues his wife, rules

over her, and she is under his authority and direction, similar to a prisoner. For this reason a slave is prohibited from having relations with his mistress due to the mutual incompatibility between his being her property and her husband, and between her being his mistress and the woman he has intercourse with.

Ibn Qayyim, Ilam Al-muwaqqi'in, Section: The wisdom of it being permissible for a master to enjoy his servant girl but not a slave his mistress.

وقوله تعالى ﴿ فَإِنْ طَلَّقَهَا فَلَا تَحِلُّ لَهُ مِنْ بَعْدِ حَتَّى تَنْكِحَ زَوْجاً غَيْرَهُ ﴾ أي أنه إذا طلق الرجل امرأته طليقةً ثالثة بعد ما أرسل عليها الطلاق مرتين فإنها تحرم عليه حتى تنكح زوجاً غيره أي حتى يطأها زوج آخر في نكاح صحيح فلو وطئها واطئ في غير نكاح ولو في ملك اليمين لم تحل للأول لأنه ليس بزواج وهكذا لو تزوجت ولكن لم يدخل بها الزوج لم تحل للأول

تفسير ابن كثير

The word of the Most High { If a man divorces a woman, then she is not lawful to him after that until she has marital relations with a husband other than him } : that is, if a man divorces his woman by a third pronouncement after having conveyed divorce to her by two pronouncements, then she is not lawful to him until she has marital relations with a husband

other than him, that is, until another husband has intercourse with her in a legitimate marriage. If someone has intercourse with her outside of legitimate marital relations, even if she is what the right hand possesses [i.e. a slave], she is not lawful to the first husband, since it did not occur in marriage. If she marries, but the husband does not enter her, she is not lawful for the former husband.

Tafsir Ibn Kathir, Al-baqara 230

في قوله ﴿ والمحصنات من النساء ﴾ قولان احدهما المراد منها ذوات الأزواج وعلى هذا التقدير ففي قوله ﴿ إلا ما ملكت أيمنكم ﴾ وجهان الأول أن المرأة إذا كانت ذات زوج حرمت على غير زوجها إلا إذا صارت ملكاً لإنسان فإنها تحل للمالك الثاني أن المراد بملك اليمين ههنا ملك النكاح والمعنى أن ذوات الأزواج حرام عليكم إلا إذا ملكتموهن بنكاح جديد بعد وقوع البينونة بينهن وبين أزواجهن والمقصود من هذا الكلام الزجر عن الزنا والمنع من وطئهن إلا بنكاح جديد أو بملك يمين إن كانت المرأة مملوكة وعبر عن ذلك بملك اليمين لأن ملك اليمين حاصلٌ في النكاح وفي الملك

تفسير الرازي

Regarding His word { And women who are married } there are two points of view; one of them is that it means those of them who have

husbands. Based on this reckoning, there are then two points of view regarding His word { except what your right hands have possessed } . The first is that a woman, if she has a husband, is forbidden to any man other than her husband, except if she becomes the possession of another man, in which case she is permissible to the owner. The second point of view is that the meaning here of “what the right hand possesses” is the possessing of marital relations [nikah]. The meaning is that women with husbands are forbidden to you, except if you have taken possession of them by new relations after separation has taken place between them and their husbands. The intent of this word is to curb adultery and prevent intercourse with them except through new marital relations, or by taking possession if the woman is a slave. This is expressed by “what the right hand possesses”, since possession by the right hand acquires marital relations and ownership.

Tafsir Al-Razi, Al-nisaa 23-24

عن سعيد بن المسيب أن كان يقول لا تُنكح الأمة على الحرة إلا أن تشاء الحرة فإن طاعت الحرة فلها الثلثان من القسم قال مالك ولا ينبغي لحر أن يتزوج أمةً وهو يجد طولاً لحره ولا يتزوج أمة إذا لم يجد طولاً لحره إلا أن يخشى العنت وذلك أن

الله تبارك وتعالى قال في كتابه ﴿ ومن لم يستطع منكم طويلاً أن
ينكح المحصنات المؤمنات فما ملكت أيمانكم من فتياتكم
المؤمنات ﴾ وقال ﴿ ذلك لمن خشى العنت منكم ﴾ قال مالك
والعنت هو الزنا
موطأ مالك كتاب النكاح

From Sa'id ibn Al-Musayyib who said: Marital relations should not be had with a slave girl over a free woman except if the free woman wishes; if the free woman complies, then she is to have two-thirds of the division of time. Malik said: A free man ought not to marry a slave girl provided he has the means for a free woman; he is not to marry a slave girl if he does not have the means for a free woman, unless he fears distress. This is because Allah Blessed and Most High said in his book { And any of you who does not have the means to enter into marital relations with virtuous believing women, then take the believing girls of yours from what your right hands have possessed } [Al-nisaa 25]. And He said { That is for those of you who fear distress } . (Malik said: "Distress" is adultery.)

Muwatta Malik, The book of marital relations

وسئل مالك عن رجل له نسوة وجواري هل يطؤون جميعاً
 قبل أن يغتسل فقال لا بأس بأن يصيب الرجل جاريتيه قبل
 أن يغتسل فأما النساء الحرائر فيكره أن يصيب الرجل المرأة
 الحرة في يوم الاخرى فأما أن يصيب الجارية ثم يصيب
 الاخرى وهو جنب فلا بأس بذلك
 موطأ الإمام مالك كتاب الطهارة

Malik was asked about a man who had women and servant girls – can he have sex with all of them before he washes himself? And he said: There is no problem with a man coming to two of his servant girls before he washes himself, but as to free women, it is disapproved for a man to come to one free woman on another one's day; however as regards his coming to one servant girl and then to another, being in a state of sexual impurity [*junub*], there is no issue with that.

Muwatta Malik, The book of purity

عن عائشة أن النبي ﷺ دخل عليها فاخبت مولاة لها فقال
 النبي ﷺ حاضت فقالت نعم فشق لها من عمامته فقال
 إختمري بهذا
 سنن ابن ماجه كتاب الطهارة وسنها

'Aishah related that the Prophet (SAW) went in to see her, and a slave girl of hers hid herself.

The Prophet (SAW) said: Has she started menstruating? 'Aishah said: Yes. Then He ripped off some of his turban for her and said: Cover your head with this.

Sunan Ibn Majah, The book of purity and its sunnah

عن محمد بن كعب قال كانت ريحانة مما أفاء الله على رسوله وكانت جميلة وسيمة فلما قتل زوجها وقعت في السبي فخبرها رسول الله ﷺ فاختارت الاسلام فأعتقها وتزوجها وضرب عليها الحجاب فغارت عليه غيرة شديدة فطلقها فشق عليها وأكثرت البكاء فراجعها فكانت عنده حتى ماتت قبل وفاته الإصابة في تمييز الصحابة لإبن حجر العسقلاني كتاب النساء حرف الراء

Muhammad ibn Ka'b said: Raihana was among those who Allah granted as booty to His Messenger, and she was beautiful and delightful. And when He killed her husband she became one of the captives. The Messenger of Allah (SAW) made her choose, and she chose Islam. So He set her free and married her, and made her wear the *hijab*. And she was intensely protective and jealous over him, so He divorced her. This tore her up and she weeped all the more, so He took her back. She was with him until she died, before his passing.

Ibn Hajar Al-'Asqalani, Al-isaba fi Tamyiz Al-Sahaba, The book of women; letter "R"

عن النبي ﷺ قال لا يجلد أحدكم امرأته جلد العبد ثم يجامعها
في آخر اليوم
صحيح البخاري كتاب النكاح

The Prophet (SAW) said: Let none of you whip his woman as a slave is whipped and then have sex with her in the latter part of the day.

Sahih Al-Bukhari, The book of marital relations

وفرض على الأمة والحرّة أن لا يمنعا السيد والزوج الجماع متى
دعاهما ما لم تكن المدعوة حائضاً أو مريضة تتأذى بالجماع أو
صائمة فرض فإن امتنعت لغير عذر فهي ملعونة
المحلى لابن حزم كتاب النكاح

Slave girls and free women are obliged to not refuse sex for the master or the husband when he calls for them, provided the woman who is called is not menstruating, or sick, such that she would be hurt by sex, and provided she is not observing an obligatory fast. If she refuses herself without an excuse, she is cursed.

Ibn Hazm, Al-muhalla, The book of marital relations

جاء رجل إلى عمر بن الخطاب فقال اني كانت لي وليدة وكنت
 أطؤها فعمدت امرأتي إليها فارضعتها فدخلت عليها فقالت
 دونك فقد والله أرضعتها فقال عمر أوجعها واتِ جاريتك فانما
 الرضاعة رضاعة الصغر
 موطأ الإمام مالك كتاب الرضاع

A certain man came to ‘Umar ibn Al-Khattab and said: I had a slave girl and I used to have sex with her, but my wife proceeded to go to her and suckle her. Then I went in to see the girl, but my wife said: Watch out! I swear by Allah I have suckled her. ‘Umar said: Beat her [the wife], and go ahead to your servant girl; for indeed the issue of suckling [i.e. kinship from suckling] only applies to suckling the young.

Muwatta Malik, The book of suckling

عن ابن عباس رضي الله عنهما أن غلاماً أتاه فجعل القوم يقومون
 والغلام جالس فقال له بعض القوم قم يا غلام فقال ابن عباس
 رضي الله عنهما دعوه شيء ما أجلسه فلها خلا قال يا ابن عباس
 إني غلام شاب أجد غلظة شديدة فأذلك ذكري حتى أنزل فقال
 ابن عباس خير من الزنى ونكاح الأمة خير منه
 السنن الكبرى للبيهقي كتاب النكاح باب الاستمءاء

Ibn 'Abbas (may Allah be pleased with them both) related that a boy came to his assembly, and when the people started to get up, the boy

remained seated. Some of the people said to him: Get up, boy! But Ibn 'Abbas (may Allah be pleased with them both) said: Let him be, he can get up if he wants. And when he was alone, he said: Oh Ibn 'Abbas, indeed I am a growing boy, and I get really horny, and so I rub my penis until I discharge. And Ibn 'Abbas said: That's better than adultery, although marital relations with a slave girl would be better.

Al-Bayhaqi, Al-sunan Al-kubra, The book of marital relations

قال عليه السلام النكاح رق فلينظر أحدكم أين يضع كريمته
إحياء علوم الدين للغزالي كتاب آداب النكاح الباب الثاني فيما يراعى حالة
العقد من أحوال المرأة وشروط العقد

He (peace be upon him) said: Marital relations are bondage [*al-nikah riqq*]; so each of you should pay attention to where he puts his daughter.

Al-Ghazali, Ihyaa 'Ulum Al-deen, The book of marital relations; Section two: regarding what concerns the circumstances of the marriage contract as concerns the circumstances of the woman and the conditions of the contract

أن النكاح نوع رق فهي رقيقة له فعليها طاعة الزوج مطلقاً
في كل ما طلب منها في نفسها مما لا معصية فيه
إحياء علوم الدين للغزالي كتاب آداب النكاح الباب الثالث في آداب المعاشرة
وما يجري في دوام النكاح والنظر فيما على الزوج وفيما على الزوجة

Marital relations are a kind of bondage, for a woman is a slave to the man, and absolute obedience to the husband is due of her in all that he asks her of herself, as long as there is no wrongdoing in it.

Al-Ghazali, Ihyaa 'Ulum Al-deen, The book of proper conduct in marital relations, Section three: concerning proper conduct in intimacy, what should be observed for the duration of marital relations, and consideration of the obligations of the husband and the obligations of the wife

وأما ما يجوز من النكاح في العدو فإن النكاح لا تخلو أن تكون
في الأموال أو في النفوس أو في الرقاب أعني الإستعباد والتملك
فأما النكاح التي هي الإستعباد فهي جائزة بطريق الإجماع في
جميع أنواع المشركين أعني ذكراهم وإناثهم وشيوخهم وصبيانهم
صغارهم و كبارهم إلا الرهبان ... وأكثر العلماء على أن الإمام
مخير في الأسارى في خصال منها أن يمين عليهم ومنها أن
يستعبدهم ومنها أن يقتلهم ومنها أن يأخذ منهم الفداء ومنها أن
يضر بهم الجزية

بداية المجتهد ونهاية المقتصد لابن رشد كتاب الجهاد الجملة الأولى في معرفة
أركان الحرب الفصل الثالث في معرفة ما يجوز من النكاح في العدو

Concerning the harm permissible towards the enemy: obviously harm can be towards property, or life, or to liberty [*riqab*, necks], by this I mean enslavement or taking possession. Harm as enslavement is permissible by universal consensus for all types of idolaters [*mushrikun*], by this I mean their males, their females, their elderly, their youth, insignificant or distinguished, except for monks. ... Most of the scholars agree that the leader [*imam*] has the option of several dispositions regarding captives, among them to show favour to them, to take them as slaves, to kill them, to take a ransom from them, or to levy tribute [*jizya*] from them.

Ibn Rushd, Bidaya Al-mujtahid wa Nihaya Al-Muqtasid, The book of jihad, Part one: knowing the elements of war, Section three: knowing what harm is permissible to inflict on the enemy

عن ابي ذر عن النبي ﷺ قيل أي الأعمال خير قال إيمان بالله
وجهاد في سبيله قيل فأى الرقاب أفضل قال أغلاها ثمناً
وأنفسها عند أهلها

الأدب المفرد للبخاري كتاب الرعاية

Abu Dharr related from the Prophet (SAW) that someone asked: What deeds are best? He said: Belief in Allah and *jihad* in His cause. Someone said: And what slaves [“necks”] are best? He said: The most costly and esteemed of them among their people.

Al-Bukhari, Al-adab Al-Mufrad, The book of looking after people

وإذا كانت مصابرة القتال من حقوق الجهاد فهي لازمة حتى يظفر بخصلة من أربع خصال... والخصلة الثانية أن يظفره الله تعالى بهم مع مقامهم على شركهم فُتسبي ذراريتهم وتُغتم أموالهم ويُقتل من لم يحصل في الأسر منهم ويكون في الأسرى مخيراً في إستعمال الأصلح من أربعة أمور أحدها أن يقتلهم صبراً بضرب العنق والثاني أن يسترقهم ويجري عليهم أحكام الرق من بيع أو عتق والثالث أن يفادي بهم على مال أو أسرى والرابع أن يمن عليهم ويعفو عنهم قال الله تعالى ﴿ فَإِذَا لَقِيتُمُ الَّذِينَ كَفَرُوا فَضَرْبِ الرِّقَابِ ﴾ وفيه وجهان أحدهما أنه ضرب رقابهم صبراً بعد القدرة عليهم والثاني أنه قتلهم بالسلاح والتدبير حتى يفضي إلى ضرب رقابهم في المعركة ثم قال ﴿ حَتَّىٰ إِذَا أَثْخَتَّمُوهُم مِّنَ الرِّقَابِ ﴾ يعني بالاثخان الطعن وبشد الوثاق الأسر الأحكام السلطانية لماوردي الباب الرابع في تقليد الإمارة على الجهاد

In that perseverance in fighting is one of the obligations of *jihad*, it is obligatory until one of four dispositions is attained. ... The second disposition is that Allah Most High grants him [the *emir*, military commander] victory over them, but they remain in their idolatry [*shirk*]; so their women and children are taken captive, their wealth is plundered, and those of them who are not taken into captivity are killed. With regard to the captives, he has the choice to carry out the most advantageous of four options: one is to kill them as captives by decapitation [*darb al-'unuq*, striking the neck], the second is to enslave them and to apply the rulings for slaves to them as

regards buying and selling, the third is to ransom them for money or other prisoners, and the fourth is to show kindness to them and pardon them. Allah Most High has said: { Whenever you face those who have disbelieved, strike the necks } [Muhammad 4]. There are two points of view regarding this: one of these is to strike their necks as captives after gaining power over them, and the other is to fight them in organized armed combat until being able to strike their necks in battle. Then He said: { Until you have thoroughly brought them down; and tighten the shackles } , where “brought down” means piercing, and “tightening the shackles” means taking captive.

Al-Mawardi, Ahkam Al-sultaniya, Chapter 4: On appointing a position of authority (an emirate) over jihad

وإن أعتق رجل من الجند جارية من الغنيمة لم يجز عتقه
 إستحساناً وإن استولدها لم يجز ولم يثبت النسب وأخذ منه العقر
 وكانت هي وولدها في الغنيمة
 كتاب السير الصغير للشيباني ٤٤

If one of the soldiers frees a servant girl from among the spoils, his freeing her will not pass juristic discretion [*istihsan*]. If he seeks to have a child by her, this will not pass, the offspring will not be affirmed, and payment will be taken from him [*uqr*, for unlawful relations with a slave girl]. She and her child will remain part of the spoils.

Al-Shaybani, Kitab Al-siyar Al-saghir, item 44

وإن استأمن اليهم مسلم فإشتري جارية تكلمية واستبرأها كان له أن يطأها هناك وأكره لكل مسلم أن يطأ امرأته أو أمته في دار الحرب مخافة أن يكون له هناك نسل

كتاب السير الصغير للشيباني ٦٥

If a Muslim seeks protection from them, and buys a Christian or Jewish servant girl, and observes the required period of abstinence for her [*istibra'*], he may have sex with her there; however I find it aversive for any Muslim to have sex with his woman or his slave girl in war territory [*dar al-harb*; non-Muslim lands], for fear that he might have offspring there.

Al-Shaybani, Kitab Al-siyar Al-saghir, item 65

﴿ فَإِذَا لَقِيتُمُ الَّذِينَ كَفَرُوا فَضَرْبِ الرِّقَابِ حَتَّىٰ إِذَا
أَخَذْتُمُوهُمْ فَاسُدُّوا أَلْوَانَهُمْ فَانزِلُوا بِهِم بِرِجَالِهِم مِّنَ الْجِبَالِ
فَوَرِّدُوهُمْ فِي جحيمِ النَّارِ ۗ﴾ محمد ٤

{ So whenever you face those who have disbelieved, strike the necks until you have thoroughly brought them down; and tighten the shackles. Afterwards either an act of kindness or ransom, until the war puts down its burdens }

Muhammad 4

﴿ فشدوا الوثاق ﴾ الأسارى الذين تأسروهم ثم أنتم بعد
 إنقضاء الحرب وإنفصال المعركة مخيرون في أمرهم إن شئتم
 مننتم عليهم فأطلقتهم أساراهم مجاناً وإن شئتم فاديتوهم بمال
 تأخذونه منهم
 تفسير ابن كثير

{ And tighten the shackles } : the prisoners who
 you have taken captive. Then, after the war has
 ceased and the battle has disengaged, you may
 choose regarding their affair – if you like, you
 may show kindness to them and freely release
 their prisoners, or if you like, you may ransom
 them for a price you take from them.

Tafsir Ibn Kathir

﴿ ما كان لنبي أن يكون له أسرى حتى يثخن في الأرض ﴾
 الأنفال ٦٧

{ It is not for a prophet to take captives until he
 has wreaked havoc on the land } *Al-anfal 67*

عن سعيد بن جبير في قوله ﴿ ما كان لنبي أن يكون له أسرى
 حتى يثخن في الأرض ﴾ قال إذا أسرتوهم فلا تفادوهم حتى
 تثخنوا فيهم القتل
 تفسير الطبري

Sa'id ibn Jubair, regarding His word { It is not
 for a prophet to take captives until he has

wreaked havoc on the land } , said: Whenever you all take them captive, do not ransom them until you have ravaged them by killing.

Tafsir Al-Tabari

عن عبدالله بن مسعود قال لما كان يوم بدر وجيء بالأسارى قال رسول الله ﷺ ما تقولون في هؤلاء الأسارى فذكر في الحديث قصة فقال رسول الله ﷺ لا ينفلتن منهم أحد إلا بفداء أو ضرب عنق قال عبدالله بن مسعود فقلت يا رسول الله إلا سهيل بن بيضاء فإني قد سمعته يذكر الاسلام قال فسكت رسول الله ﷺ قال فما رأيتني في يوم أخوف أن تقع على حجارة من السماء منه في ذلك اليوم قال حتى قال رسول الله ﷺ إلا سهيل بن بيضاء قال ونزل القرآن بقول عمر ﴿ وما كان لني أن يكون له أسرى حتى يُخنن في الأرض ﴾ إلى آخر الآيات
جامع الترمذي كتاب تفسير القرآن

From Abdullah ibn Mas'ud, who said: On the day of Badr, when the captives were brought out, the Messenger of Allah (SAW) said: What do you all say about these captives? So he [Abdullah] related an account. The Messenger of Allah (SAW) said: Let none of them go free without a ransom or a blow to the neck. I said: Oh Messenger of Allah, except Suhail ibn Baydaa, for indeed I heard him mention Islam.

And the Messenger of Allah (SAW) was silent. I have never seen myself on any day more afraid that stones would fall on me from the sky than that day, until the Messenger of Allah (SAW) finally said: Except Suhail ibn Baydaa. And that portion of the Qur'an came down according to what 'Umar said: { It is not for a prophet to take captives until he has wreaked havoc on the land } until the end of the verses.

Sunan Al-Tirmidhi, The book of tafsir

قال ابن إسحاق ووقعت هند بنت عتبة كما حدثني صالح بن كيسان والنسوة اللاتي معها يمثلن بالقتلى من أصحاب رسول الله ﷺ يجدعن الآذان والانف حتى اتخذت هند من آذان الرجال وأنفهم خدماً وقلائد واعطت هند خدماً وقلائدها وقرطتها وحشياً غلام جبير بن مطعم وبقرت عن كبد حمزة فلاكتها فلم تستطع أن تسيغها فلفظتها
السيرة النبوية لابن هشام غزوة أحد أمر هند والمثلة بحمزة رضي الله عنه

Ibn Ishaq said: As Salih ibn Kaisan related to me, Hind bint 'Utba and the women who were with her stopped to mutilate the dead from among the Companions of the Messenger of Allah (SAW), cutting off their ears and their noses. Hind took the men's ears and noses for anklets and necklaces, and Hind gave her anklets and necklaces to Wahshi, the slave of Jubair ibn Mut'im [one of the Companions]. And she

ripped out Hamza's liver and chewed on it but could not swallow it, so she spit it out.

Ibn Hisham, Al-sirah Al-nabawiya, Topic section: The battle of Uhud

قال محمد بن إسماعيل قال رسول الله ﷺ للجعد بن قيس أخي بني سلمة لما أراد الخروج إلى تبوك يا جعد هل لك في جراد بني الأصفر تتخذ منهم سراري ووصفاء قال الجعد قد عرف قومي أنني مغرم بالنساء واني أخشى إن رايت بني الأصفر ألا اصبر عنهم فلا تفتني وأذن لي في القعود وأعينك بمالي فاعرض عنه رسول الله ﷺ وقال قد أذنت لك فنزلت هذه الآية

تفسير القرطبي التوبة ٤٩

Muhammad ibn Ishaq said: The Messenger of Allah (SAW) said to Al-Jadd ibn Qais, the brother of the sons of Salama, when He wanted to go out against Tabuk: Oh Jadd, do you have the grit for the sons of the yellow [i.e. blonde] ones, to get concubines and servants from them? And Jadd said: My people have known that I am passionate about women, and I fear that if I see the yellow ones, that I will not be able to bear with myself over them, so do not put me to hardship, and give me permission to sit it out, and I will support you with my money. The Messenger of Allah (SAW) turned away from him and said: I have given you permission. And the verse came down.

Tafsir Al-Qurtubi, Al-tawba 49

عن أنس قال رأى عمر جارية متقنعة فضربها وقال لا تشبهين
بالحرائر

المصنف لابن ابي شيبة كتاب الصلاة التطوع والامامة

Anas said: 'Umar saw a servant girl who was veiled, so he hit her, and said: Don't look like free women.

Ibn Abi Shayba, Al-musannaf, The book of voluntary prayer and leading prayer

عن أنس بن مالك قال دخلت على عمر بن الخطاب أمة قد
كان يعرفها لبعض المهاجرين أو الأنصار وعليها جلباب متقنعة
به فسألها عتقت قالت لا قال فما بال الجلباب ضعيه عن رأسك
اذا الجلباب على الحرائر من نساء المؤمنين فتلكأت فقام إليها
بالدرة فضربها بها برأسها حتى ألقته عن رأسها
المصنف لابن ابي شيبة كتاب الصلاة التطوع والامامة

Anas ibn Malik said: A certain slave girl came to see 'Umar ibn Al-Khattab, who he knew from some of the Muhajireen or the Ansar, and she had on a *jilbab* that she was veiled with. He asked her: Have you been freed? She said no. He said: So what's with the *jilbab*? Take it off your head; *jilbabs* are for the free women of the Believers. But she hesitated. So he came at her with a whip and struck her on the head until she threw off the *jilbab*.

Ibn Abi Shayba, Al-musannaf, The book of voluntary prayer and leading prayer

قال رسول الله ﷺ أيما عبد تزوج بغير إذن مواليه فهو عاهر
سنن ابي داود كتاب النكاح

The Messenger of Allah (SAW) said: Any slave who gets married without the permission of his masters is a fornicator.

Sunan Abu Dawud, The book of marital relations

عن عكرمة مولى ابن عباس عن ابن عباس في المملوك يقذف
الحر قال يجلد أربعين
المصنف لابن ابي شيبة كتاب الحدود

'Ikrama, the freed slave of Ibn 'Abbas, related from Ibn 'Abbas regarding a slave who slanders a free person; he said: He is to be whipped forty times.

Ibn Abi Shayba, Al-musannaf, The book of legal punishments

كان جرير يحدث عن النبي ﷺ إذا أبق العبد لم تقبل له
صلاة وإن مات مات كافراً وأبق غلام لجرير فأخذه
فضرب عنقه
سنن النسائي كتاب تحريم الدم

Jarir used to relate from the Prophet (SAW): “If a slave runs away, no prayer of his will be accepted, and if he dies, he dies a Disbeliever [Kafir].” Then a slave of Jarir’s ran away, and he caught him and beheaded him.

Sunan Al-Nasa’i, The book of the prohibition of bloodshed

أن رسول الله ﷺ لما قدم المدينة جمع نساء الأنصار في بيت فأرسل إلينا عمر بن الخطاب فقام على البال فسلم علينا فرددنا عليه السلام ثم قال أنا رسول رسول الله ﷺ اليكن وأمرنا بالعيدين أن نُخرج فيهما الحيض والعتق ولا نُمعِّع علينا ونهانا عن إتياع الجنائز
سنن النسائي كتاب النكاح

The Messenger of Allah (SAW), when He got to Medina, gathered the women of the *Ansar* inside a house and sent 'Umar ibn Al-Khattab to us. He stood at the door and saluted us, and we returned the salutation to him. Then he said: I am the messenger of the Messenger of Allah (SAW) to you. And he ordered us, for the two 'eid prayers, to bring out the menstruating women and the ones who had come out of slavery, and that the Friday prayers are not obligatory for us; and he forbade us to follow the funerals.

Sunan Abu Dawud, The book of marital relations

أن عائشة رضي الله عنها دبّرت أمة لها فاشتكت عائشة فسأل بنو أخيها طبيباً من الزط فقال انكم تخبروني عن امرأة مسحورة سحرتها أمة لها فأخبرت عائشة قالت سحرتيني فقالت نعم فقالت ولم لا تنجين أبداً ثم قالت بيعوها من شر العرب ملكة
الأدب المفرد للبخاري كتاب الملكة

'Aishah (may Allah be pleased with her) made one of her slave girls *mudabbarah* [to be set free after her death]. And 'Aishah fell ill, and her

nephews consulted with a doctor from the Zut people. But he said: Truly you all are telling me about a bewitched woman; a slave girl of hers has bewitched her. This was made known to 'Aishah, and she said [to the girl]: You have bewitched me?! She said: Yes. 'Aishah said: And why? She said: You won't ever free me. Then 'Aishah said: Sell her to the worst masters among the Arabs.

Al-Bukhari, Al-adab Al-Mufrad, The book of possession

عن الحسن قال لا تقتل النساء إذا هن إرتددن عن الاسلام
ولكن يدعين إلى الاسلام فإن هن أبين سبين وجعلن إماء
للمسلمين ولا يقتلن

المصنف لابن ابي شيبة كتاب السير ما قالوا في المرتدة عن الاسلام

Al-Hasan said: If women apostatize from Islam they are not to be killed, but they are to be called back to Islam; if they refuse, they are taken captive and made slave girls for the Muslims, but they are not killed.

Ibn Abi Shayba, The Musannaf, The book of campaigns, Section: what is said regarding women who apostatize from Islam

جاء رجل إلى النبي ﷺ صارخاً فقال له رسول الله ﷺ ما لك
قال سيدي رأني أقبل جارية له فحبّ مذاكيري فقال النبي ﷺ
على بالرجل فطلب فلم يقدر عليه فقال رسول الله ﷺ اذهب
فأنت حرّ قال علي من نصرتي يا رسول الله قال يقول رأيت إن
إسترقني مولاي فقال رسول الله ﷺ على كل مؤمن أو مسلم
سنن ابن ماجه كتاب الديات

A certain man came to the Prophet (SAW) screaming, and the Messenger of Allah (SAW) said to him: What's with you?! He said: My master saw me kissing a servant girl of his and cut off my penis! The Prophet (SAW) said: Let me deal with the man. So he was sent for, but could not be found. Then the Messenger of Allah (SAW) said: Go, you are a free man. He said: Who will advocate for me, Oh Messenger of Allah? What do you think if my master takes me back as a slave? The Messenger of Allah (SAW) said: Every believer (Muslim) will advocate.

Sunan Ibn Majah, The book of blood money

إذا زنى أو لاط البالغ العاقل المختار مسلماً كان أو ذمياً أو مرتداً حراً كان أو عبداً وجب عليه الحد فإن كان محصناً رُجم حتى يموت والمحصن من وطئ في القبل في نكاح صحيح وهو حر بالغ عاقل فلو وطئ زوجته في الدبر أو جاريتها في القبل أو في نكاح فاسد أو وطئ زوجته وهو عبد ثم عتق أو صبي أو مجنون ثم أفاق وزنى فليس بمحصن وغير المحصن إن كان حراً جلد مائة جلدة وغُرِّب سنة إلى مسافة القصر وإن كان عبداً جلد خمسين وغرب نصف سنة

عمدة السالك وعدة الناسك لإبن النقيب المصري كتاب الجنایات باب الزنا

Whenever someone of age, of sound mind, and free-willed commits adultery or homosexual activity, whether he is a Muslim or a *dhimmi* or

an apostate, whether he is free or a slave, the legal punishment is incumbent upon him. If he is virtuous [i.e. married], he is to be stoned to death. The virtuous is he who, in a legitimate marriage, has had intercourse in the front part, being free, of age, and of sound mind. If a man has intercourse with his wife in the rear, or with a servant girl in the front, or in an invalid marriage, or if a man, being a slave, has intercourse with his wife and is then freed, or if he is a young boy, or if he is mad but then recovers his sanity and adulterates, then he is not virtuous. The non-virtuous, if he is a free man, is whipped a hundred times and banished for a year to a distance of four mail stages [approximately 80 km]; if he is a slave, he is whipped fifty times and banished for half a year.

Ibn Al-Naqib Al-Misri, 'Umda Al-salik, The book of serious crimes, Section: adultery

رسول الله ﷺ يُسأل عن الأمة تزني ولم تُحصن قال إجلدوها
ثم بيعوها بعد الثالثة أو الرابعة
صحيح البخاري كتاب البيوع

The Messenger of Allah (SAW) was asked about a servant girl who commits adultery, having not been married. He said: Whip her, and then sell her after the third or fourth time.

Sahih Al-Bukhari, The book of sales

they said: We swear by Allah we will not; Allah has brought Islam to us and has forbidden fornication. And they went to the Messenger of Allah (SAW) and complained to Him, so Allah Most High sent down this verse.

Al-Wahidi, Asbab Al-nuzul

أبو الزبير أنه سمع جابر بن عبد الله يقول كنا نبيع سراريننا
وأمهات اولادنا والنبي ﷺ فينا حي لا نرى بذلك بأساً
سنن ابن ماجه كتاب العتق

Abu Al-Zubair heard Jabir ibn Abdullah say: We used to sell our concubines and the mothers of our children while the Prophet (SAW) was still alive among us; we saw no problem with that.

Sunan Ibn Majah, The book of freeing slaves

عن ابي سعيد الخدري قال قال رسول الله ﷺ أدنى أهل الجنة
الذي له ثمانون إلف خادم واثنان وسبعون زوجة وتُصَب له
قُبّة من لؤلؤ وزبرجد وياقوت كما بين الجابية إلى صنعاء
جامع الترمذي كتاب صفة الجنة

From Abu Sa'id Al-Khudri who said: The Messenger of Allah (SAW) said: The least of the people of *Jannah* will have eighty thousand servants and seventy-two wives, and tents of

pearls, peridot, and rubies will be erected for them like the distance between Al-jabiya [in Syria] and San'aa [in Yemen].

Sunan Al-Tirmidhi, The book of the description of Jannah

قال رسول الله ﷺ إن أدنى أهل الجنة منزلة له لسبع درجات وهو على السادسة وفوقه السابعة وإن له لثلاثمائة خادم ويعُدُّ عليه ويراح كل يوم ثلاثمائة صحفة - ولا أعلمه إلا قال من ذهب - في كل صحفة لون ليس في الأخرى وإنه ليلد أوله كما يلد آخره
مسند الإمام أحمد مسند أبي هريرة

The Messenger of Allah (SAW) said: Indeed there are seven echelons for the least-ranking people of *Jannah*, and they are at the sixth, and above them the seventh. And indeed they have three hundred servants, and every morning three hundred platters are displayed before them – and I know only that He said they were of gold – in each platter a different color [flavour] than the other, and the first portion is just as delicious as the last.

Musnad Ahmad, The narrations from Abu Huraira

قال ابن عباس خلقت الحوراء من أصابع رجلها إلى ركبتيها من الزعفران ومن ركبتيها إلى ثديها من المسك الإذفر ومن ثديها إلى عنقها من العنبر الأشهب وعنقها من الكافور الأبيض تلبس سبعون ألف حلة مثل شقائق النعمان إذا أقبلت يتلأأ وجهها ساطعاً كما تتلأأ الشمس لأهل الدنيا وإذا أقبلت ترى كبدها من رقة ثيابها وجلدها في رأسها سبعون ألف ذؤابة من المسك لكل ذؤابة منها وصيفة ترفع ذيلها

عمدة القاري لبدر الدين العيني كتاب الجهاد والسير باب الحور العين وصفتهن
Ibn 'Abbas said: The wide-eyed maidens are created from their toes to their knees of saffron, from their knees to their breasts of the most aromatic musk, and from their breasts to their neck of the grayest amber; and their neck is of white camphor. They wear seventy thousand dresses like crown anemones; when they advance, their face shines brilliantly like the sun shines to the people of this world, and when they advance, their liver can be seen through the delicateness of their garments and their skin. On their heads are seventy thousand forelocks of musk; for each of her forelocks there is a maidservant that lifts up its tail.

Badr Al-deen Al-'aini, 'Umdat Al-qari, The book of jihad and campaigns, Section: the wide-eyed maidens [al-hur al-'ain] and description of them

﴿ يُطَافُ عَلَيْهِمْ بِصِحَافٍ مِنْ ذَهَبٍ وَأَكْوَابٍ وَفِيهَا مَا نَشْتَهُهُ

الْأَنْفُسُ وَتَلَذُّ الْأَعْيُنُ وَأَنْتُمْ فِيهَا خَالِدُونَ ﴾ الزخرف ٧١

{ Platters of gold and goblets will be passed around them, and in them will be whatever the souls desire and in which the eyes delight, and in them you will be eternal } *Al-zukhruf* 71

﴿ وَيَطُوفُ عَلَيْهِمْ زُجْجَارٌ مِنْ أَوْلَادِهِمْ كَأَنَّهُمْ لُؤْلُؤٌ مَكْنُونٌ ﴾ الطور ٢٤

{ And they will have young boys going around to them, like well-guarded pearls } *Al-tur* 24

وقوله ﴿ لهم ﴾ اي ملكهم إعلاماً لهم بقدرتهم على التصرف

فيهم بالأمر والنهي والإستخدام

تفسير الرازي

His word { they will have } : that is, their possession; this is making known to them their power over having them at their disposal by ordering, prohibiting, or using.

Tafsir Al-Razi

﴿ وَيَطُوفُ عَلَيْهِمْ وِلْدَانٌ مُّخْلِذُونَ إِذَا رَأَوْهُمُ حَسِبْتَهُمْ لُؤْلُؤًا
مَّنثُورًا ﴾ الانسان ١٩

{ And perpetually young boys go around to them
– if you saw them you would think they were
scattered pearls } *Al-Insan 19*

أي يطوف على أهل الجنة للخدمة ولدان من ولدان الجنة
... وقوله ﴿ إذا رأيتهم حسبتهم لؤلؤاً منثوراً ﴾ أي إذا رأيتهم
في انتشارهم في قضاء حوائج السادة ...
تفسير ابن كثير

That is, boys from the boys of *Jannah* go around
to serve the people of *Jannah*. ... and His word
{ If you saw them you would think they were
scattered pearls } : that is, if you saw them going
around fulfilling their masters' needs ...

Tafsir Ibn Kathir

