

## **103739 - Regarding the hadeeth about the blind man who killed his slave woman who had borne him a child (umm walad) because she reviled the Prophet (peace and blessings of Allaah be upon him)**

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### **the question**

My question is regarding the two following ahadeeth:

“A blind man had a freed concubine (Umm walad) who used to insult the Prophet (peace and blessings of Allah be upon him) and say bad things about him. He told her not to do that but she did not stop, and he rebuked her but she did not heed him. One night, when she started to say bad things about the Prophet (peace and blessings of Allah be upon him) and insult him, he took a short sword or dagger, put it on her belly and pressed it and killed her. A child fell between her legs, and became covered by blood. The following morning that was mentioned to the Messenger of Allah (peace and blessings of Allah be upon him). He called the people together and said, “I ask by Allah the man who has done this action and I order him by my right over him that he should stand up.” The blind man stood up and said, “O Messenger of Allah, I am the one who did it; she used to insult you and say bad things about you. I forbade her, but she did not stop, and I rebuked her, but she did not give up her habit. I have two sons like pearls from her, and she was kind to me. Last night she began to insult you and say bad things about you. So I took a dagger, put it on her belly and pressed it till I killed her.” Thereupon the Prophet (peace and blessings of Allah be upon him) said: “Bear witness, there is no blood money due for her.”

(Classed as saheeh by al-Albaani in Saheeh Sunan Abi Dawood 4361).

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Thereupon the Prophet (peace and blessings of Allaah be upon him) said: "Bear witness, there is no blood money due for her."

(Classed as saheeh by al-Albaani in Saheeh Sunan An-Nasa'ee, 4081)

I noticed that the first narration includes a sentence that is not in the second narration (A child fell between her legs, became covered by blood). I know the punishment of apostasy, and that it is to be implemented by the sultan or the vice-sultan. What confuses me is the mentioned sentence, as it may mean that the punishment of apostasy applies to foetus as well. Please clarify; is the mentioned sentence authentic from the prophet, peace be upon him? If it is authentic, is it possible that it may mean that the man was blind and he did not know that the concubine was pregnant? And if it is authentic could it mean that the foetus did not die?

I do not mean to bring doubts around Islam; I just want to know the answer so that I can refute who tries to distort Islam. May Allah guide you to what pleases Him!.

## **Detailed answer**

Praise be to Allaah.

Discussion of the incident mentioned in the question involves the following topics:

1 - The ruling on the hadeeth.

This hadeeth was narrated by Abu Dawood (4361), and via him and via another isnaad also by al-

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Daaraqutni (3/112). It was also narrated by al-Nasaa'i in al-Mujtaba (4070) and in al-Sunan al-Kubra (2/304); by Ibn Abi 'Aasim in al-Diyaat (no. 249); by al-Tabaraani in al-Mu'jam al-Kabeer (11/351); by al-Haakim in al-Mustadrak (4/394); and by al-Bayhaqi in al-Sunan al-Kubra (7/60). All of them narrated it via several isnaads from 'Uthmaan al-Shahhaam, from 'Ikrimah, from Ibn 'Abbaas, with variations in wording and length of the reports.

This is a hasan isnaad, and its narrators are thiqaat (trustworthy). Hence the hadeeth was accepted by Abu Dawood and al-Nasaa'i who narrated it but did not comment on it, and it was also narrated by Imam Ahmad. Al-Majd Ibn Taymiyah said: Ahmad quoted it as evidence according to the report of his son 'Abd-Allaah. End quote from Nayl al-Awtaar (7/208). Al-Haakim said: It is saheeh according to the conditions of Muslim although they [al-Bukhaari and Muslim] did not narrate it. It was classed as saheeh by al-Dhahabi in his Talkhees, and by Ibn Hajar in Buloogh al-Maraam (363), where he said: Its narrators are thiqaat. Shaykh al-Albaani said in Irwa' al-Ghaleel (5/91): Its isnaad is saheeh according to the conditions of Muslim. End quote.

It is supported by the report narrated by al-Shi'bi from 'Ali (may Allaah be pleased with him), which says that a Jewish woman used to revile and disparage the Prophet (peace and blessings of Allaah be upon him). A man strangled her until she died, and the Messenger of Allaah (peace and blessings of Allaah be upon him) declared that no recompense was payable for her blood.

Narrated by Abu Dawood in al-Sunan (4362) and via him by al-Bayhaqi in al-Sunan al-Kubra (7/60) and by al-Diya' al-Maqdisi in al-Mukhtaarah (2/169).

Shaykh al-Albaani said in Irwa' al-Ghaleel (1251): Its isnaad is saheeh according to the conditions of the two shaykhs (al-Bukhaari and Muslim), but he classed it as da'eef in Da'eef Abi Dawood because of interruptions.

Perhaps it is most likely that the hadeeth is mursal. Al-Haafiz Ibn Hajar said in Tahdheeb al-Tahdheeb (5/68): al-Daaraqutni said in al-'Ilal: al-Shi'bi did not hear anything from 'Ali except a

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single phrase, and he did not hear anything else.

It is as if what he meant was what al-Bukhaari narrated concerning stoning from him [al-Shi'bi] from 'Ali, when he stoned a woman and said: "I stoned her in accordance with the Sunnah of the Prophet (peace and blessings of Allaah be upon him)." End quote from Ibn Hajar.

But the mursal reports of al-Shi'bi are acceptable according to many scholars. Shaykh al-Islam Ibn Taymiyah said in al-Saarim al-Maslool (p. 65): This hadeeth is jayyid, because al-Shi'bi saw 'Ali and narrated from him the hadeeth of Shuraahah al-Hamdaaniyyah. At the time of 'Ali he was in his twenties, and he was a Kufan. It is proven that he met him, so the hadeeth is muttasil (connected). Moreover, even if it is mursal because it is unlikely that al-Shi'bi heard it from 'Ali, it still may be used as evidence according to scholarly consensus, because in their view the mursal reports of al-Shi'bi are saheeh, and they do not know of any mursal reports from him that are not saheeh. Moreover he is one of the most knowledgeable of people of the hadeeth of 'Ali, and the most knowledgeable about the trustworthy (thiqaat) among 'Ali's companions. End quote.

There is another corroborating report for this story that was narrated by Ibn Sa'd in al-Tabaqaat al-Kubra (4/210), where he says:

Qubaysah ibn 'Uqbah told us: Yoonus ibn Abi Ishaq narrated to us, from Abu Ishaq, that 'Abd-Allaah ibn Ma'qil said: Ibn Umm Maktoom stayed in the house of a Jewish woman in Madeenah, the paternal aunt of an Ansaari man. She was kind to him, but she annoyed him with regard to Allaah and His Messenger, so he took hold of her and hit her and killed her. The matter was referred to the Messenger of Allaah (peace and blessings of Allaah be upon him) and he said: By Allaah, O Messenger of Allaah, she was kind to me, but she annoyed me with regard to Allaah and His Messenger, so I hit her and killed her. The Messenger of Allaah (peace and blessings of Allaah be upon him) said: "May Allaah cast her away. There is no recompense for the shedding of her blood."

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The narrators of this isnaad are thiqaat (trustworthy).

To sum up these reports, the basic story is proven in the saheeh Sunnah, but was there one incident or several?

It seems that it was one incident. Shaykh al-Islam Ibn Taymiyah was inclined towards this view when he said:

This – the fact that it was one incident – is indicated by the words of Imam Ahmad, because it was said to him concerning the report of ‘Abd-Allaah: Are there any ahaadeeth about the execution of the dhimmi if he reviles [the Prophet (peace and blessings of Allaah be upon him)]? He said: Yes, such as the hadeeth about the blind man who killed the woman. He said: He heard her reviling the Prophet (peace and blessings of Allaah be upon him) – and ‘Abd-Allaah narrated these two hadeeth from him.

This is supported by the fact that for there to have been two blind men who were both treated kindly by two women who both repeated slurs against the Prophet (peace and blessings of Allaah be upon him), each one of whom was killed by the blind man acting alone and in both cases the Messenger of Allaah (peace and blessings of Allaah be upon him) adjured the person responsible to come forward, is something very unlikely.

Al-Saarim al-Maslool (p. 72, 73).

But there remains the problem of how to reconcile between the differences which are mentioned in the report about the way in which the Jewish woman was killed – was it by strangling or by stabbing with a sword in her stomach?

Ibn Taymiyah mentioned two possibilities: the possibility that Ibn Umm Maktoom strangled her then stabbed her, and the second possibility, which is that there was a mistake in one of the two reports.

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See: al-Saarim (p. 72).

Secondly:

There is nothing in the report to indicate that there was a foetus in the Jewish woman's womb. The one who understands that from the context is mistaken. As for the words in some versions of the report, "a child fell between her legs, and became covered with blood", this does not indicate that in any way whatsoever, rather it seems that it was one of her two children whom he described as being "like pearls", who came to his mother because he felt sorry for her then got covered with blood. The evidence for that is that the version of the hadeeth that was narrated by al-Tabaraani says "Her two children came between her legs and became covered with blood." In the version narrated by al-Bayhaqi it says: "Her two children fell between her legs covered with blood."

This is also indicated by what it says in Su'aalat al-Aajurri Aba Dawood al-Sijistaani (p. 201):

Abu Dawood said: I heard Mus'ab al-Zubayri say: 'Abd-Allaah ibn Yazeed al-Khatami was not a companion of the Prophet (peace and blessings of Allaah be upon him). He said: He is the one whose mother was killed by the blind man, he is the child who fell between her legs, (the woman) who reviled the Prophet (peace and blessings of Allaah be upon him).

End quote.

So there was no foetus who was killed, and it cannot be the case that sharee'ah would blame the foetus for its mother's crime. Allaah says (interpretation of the meaning): "And no bearer of burdens shall bear another's burden" [Faatir 35:18]. Despite the difference in the various versions of the hadeeth, and the fact that it is sometimes narrated in mursal reports from 'Ikrimah, as it was narrated by Abu 'Ubayd al-Qaasim ibn Salaam in al-Amwaal (no. 416), and some scholars criticized the reports of 'Uthmaan al-Shahhaam because of some munkar reports among them, as Yahya al-Qattaan said: Some you may recognize and some you may find odd, but he is not so good

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in my view, and Abu Ahmad al-Haakim said: He was not strong in their view, and al-Daaraqutni said: he is Basri and subject to further examination, all of which implies that there should be some doubt and hesitation about some of the details mentioned in the story – but nevertheless that does not mean that the basic story of the incident should be rejected. There are other corroborating reports, as mentioned above, which were accepted by earlier and later scholars.

Thirdly:

This story is indicative of the justice with which the Muslims dealt with the people of the Book, which was brought by sharee'ah as a mercy to the worlds. The rights of the Jews who had entered into a treaty with the Muslims were guaranteed and protected, and it was not permissible to transgress against them by annoying them or harming them in any way. Hence when the people found a Jewish woman who had been slain, they were upset and they referred the matter to the Prophet (peace and blessings of Allaah be upon him), who had given them that covenant and promise of safety, and had not taken the jizyah from them. He got angry and adjured the Muslims by Allaah that the one who had done this deed should show himself, so that he might determine his punishment and issue a ruling concerning him. But when he found out that she had broken the covenant time after time, by insulting the Messenger of Allaah (peace and blessings of Allaah be upon him) and reviling him, all her rights were denied, and she deserved the punishment of execution which sharee'ah imposes on everyone who reviles the Prophet (peace and blessings of Allaah be upon him), whether he is a Muslim, a dhimmi or a mu'aahid, because transgressing against the status of the Prophets is disbelief in Allaah Almighty, and it invalidates every sanctity, right and covenant; it is a major betrayal which deserves the most severe punishment.

See: Ahkaam Ahl al-Dhimmah (3/1398); on our website see question no. [22809](#).

With regard to the idea that the hadd punishment for apostasy can only be implemented by the sultan (ruler) or his deputy, Shaykh al-Islam Ibn Taymiyah (may Allaah have mercy on him)

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mentioned this issue and said:

It remains to be said: The hudood punishment can only be carried out by the ruler or his deputy. Then he (may Allaah have mercy on him) said:

1 - The master may carry out the hadd punishment on his slave, based on the evidence that the Prophet (peace and blessings of Allaah be upon him) said: "Carry out the hadd punishments on those whom your right hands possess." [Narrated by Ahmad (736) and others; classed as hasan by al-Arna'oot because of corroborating evidence. Al-Albaani was inclined to the view that these are the words of 'Ali, as stated in al-Irwa' (2325).] And he (peace and blessings of Allaah be upon him) said: "If the slave woman of one of you commits zina, let him carry out the hadd punishment on her." [Narrated by Abu Dawood (4470); there is a similar report in al-Saheehayn.] I do not know of anyone among the fuqaha' of hadeeth who disagreed with the view that he should carry out hadd punishments on her, such as the hadd punishments for zina, slander and drinking; there is no difference of opinion among the Muslims concerning the fact that he may carry out disciplinary punishments (ta'zeer) on him. But they differed as to whether he may carry out punishments of execution or amputation on him, such as executing him for apostasy or for reviling the Prophet (peace and blessings of Allaah be upon him), or cutting off his hand for stealing. Two reports were narrated from Imam Ahmad concerning this. The first says that it is permissible, which is the view narrated from al-Shaafa'i, and the second says that it is not permissible, like one of the two views of the companions of al-Shaafa'i. This is also the view of Maalik. And it was narrated in a saheeh report from Ibn 'Umar that he cut off the hand of a slave of his who stole, and it is narrated in a saheeh report from Hafsaah that she executed a slave woman of hers who admitted to practising witchcraft, and that was based on the opinion of Ibn 'Umar. So the hadeeth is evidence for those who say that it is permissible for the master to carry out the hadd punishment on his slave on the basis of his knowledge, in all cases.

2 - The most that can be said about that is that he is transgressing the position of the ruler, and



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the ruler may pardon the one who carried out a hadd punishment that must be carried out without referring the matter to him.

3 - Although this was a hadd punishment, it also comes under the heading of killing a harbi (a non-Muslim in a state of war against Islam), and it is permissible for anyone to kill a harbi.

4 - Similar things happened at the time of the Messenger of Allaah (peace and blessings of Allaah be upon him), such as the hypocrite who was killed by 'Umar without the permission of the Prophet (peace and blessings of Allaah be upon him), when the hypocrite did not agree with the ruling of the Prophet (peace and blessings of Allaah be upon him). Then Qur'aan was revealed approving 'Umar's action. And there was the daughter of Marwaan who was killed by that man, and the Prophet (peace and blessings of Allaah be upon him) called him the supporter of Allaah and His Messenger. That is because the one whose execution becomes necessary because of his plot to corrupt the religion is not like one who is executed because of his sin of zina and the like. End quote from al-Saarim al-Maslool (285-286).

And Allaah knows best.