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## A Linguistic Analysis of the Term ‘the Abandoned Child’: A Semantic and Applied Study

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### ABSTRACT

This study investigates the term *al-manbūdh* (the abandoned child) which is one of the significant linguistic and jurisprudential terms. It is essential for understanding the objectives of Islamic law in preserving life and safeguarding human dignity. The study traces the linguistic roots of the term in Arabic lexicons. The term is associated with meanings such as casting away, abandonment, and exclusion. The study then explores the term’s usage in the Qur’an and Sunnah, identifying the contexts in which it appears and the meanings it conveys. The study further analyzes the jurisprudential concept of *al-manbūdh* across the four major Islamic schools of law. It highlights the differences among jurists. It particularly differentiates between those who equate *al-manbūdh* with a foundling (*laqīṭ*) or the illegitimate child, and other scholars who define *al-manbūdh* as a child abandoned by his family out of fear of shame or poverty. The study concludes that the Ḥanafī definition aligns most closely with the maqāṣid of Islamic law. The study also emphasizes jurisprudential rulings related to *al-manbūdh*, such as the obligation (or recommendation, in the absence of harm) to take in the child, and the necessity of formal testimony upon doing so to protect his lineage. The importance of the study lies in its revival of a rarely examined term in modern Islamic legal scholarship, and its illumination of the term’s humanitarian and social dimensions. This contributes to a more comprehensive understanding of Islamic jurisprudence as it pertains to marginalized members of society.

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## 1. Introduction

All rulings in Islam aim to fulfill the interests of people in their worldly and religious lives<sup>[1-3]</sup>. Islamic law is grounded in its two primary sources: The Qur'an and the Sunnah. However, many of its rulings come in the form of general principles encompassing a wide array of details, making Islam applicable to all times and places. Therefore, it is essential to focus on the legal principles and the details that fall under them<sup>[1-3]</sup>. Since Arabic is the language through which these terms are understood—terms that were established to denote specific meanings—a specialized field has emerged, known as the science of *jurisprudential terminology* ('ilm al-muṣṭalaḥāt al-fiqhiyyah)<sup>[1-3]</sup>. This science did not manifest clearly in the early centuries of Islam due to various factors, such as the proximity of early Muslims to the time of Prophethood and their innate eloquence.

However, with the expansion of the Islamic state, the entry of many non-Arabs into Islam, and the emergence of new societal realities—along with the development of scholarly writing—this field began to flourish. Scholars gave it considerable attention, producing notable works such as *Minhāj al-Ṭālibīn wa-'Umdat al-Muḥīṭīn* by Al-Nawawī<sup>[1]</sup>, *Ṭalabāt al-Ṭullāb* by Al-Nasafī<sup>[3]</sup>, and *al-Miṣbāḥ al-Munīr* by Al-Fayūmī<sup>[4]</sup>. These terms rely on various interpretive frameworks to determine their meaning and legal implications, including linguistic, legal (shar'ī), and customary ('urfī) meanings. Therefore, this is a dynamic field requiring ongoing research, due to its importance in constructing legal rulings. Accordingly, this study aims to investigate one of these jurisprudential terms: *al-manbūdh*.

Allah Almighty commanded children to honor their parents, but He did not command parents to honor their children, for they are naturally inclined to care for, love, and show compassion toward them. However, for parents, or even one of them, to abandon their child is one of the grave sins leading to the Fire of Hell, because abandonment entails the likelihood of death, loss, and destruction. If the abandoned child does not die, then living without lineage causes him psychological and social pain and sorrow that hardly heal as long as he lives. Thus, whoever abandons a small child will

not be absolved of sin, whether the abandonment was out of fear of disgrace, poverty, or many dependents<sup>[4,5]</sup>.

Whoever reflects on the Book of Allah will find that He prohibited killing in general and prohibited the killing of children in particular. Included in this is the killing of a child and his death due to abandonment—casting him into the street or remote places where wild animals may devour him, or he may be killed by cold, heat, disease, or lack of food and drink<sup>[6,7]</sup>.

Islam made no distinction in taking in a foundling based on religion, race, or color, for taking in a foundling is founded on respect for human dignity regardless of any other consideration. The human being is honored and distinguished over all of Allah's creation without regard to religious, racial, or color-based factors<sup>[1-3]</sup>.

The entirety of the texts—from the Noble Qur'an, the Prophetic hadiths, and the reports from the Companions (may Allah be pleased with them), in their statements and actions—indicate the permissibility and even encouragement of taking in and caring for a foundling. However, jurists differed in their interpretation of these texts: some considered it obligatory, others recommended, and some deemed it a communal obligation or an individual duty<sup>[7,8]</sup>.

Jordanian law did not stipulate a specific condition for the finder of a foundling except that the first finder has the right to keep the child. In the case of a dispute between two claimants, the finder is more entitled to keep the foundling than others, and no one may take the child from him by force, not even a judge, unless there is a legitimate reason such as the finder being unfit to care for the child<sup>[1-3]</sup>.

If two people—a Muslim and a non-Muslim—dispute over the foundling, preference is given to the Muslim. If both are equal in religion and merit, the decision is left to the judge. In principle, the law should set out clear and recorded conditions specifying who has the right to custody if the requirements are met, and who is unfit if the conditions are lacking or breached<sup>[8,9]</sup>.

We believe that the conditions set by Islamic jurisprudence are appropriate for anyone wishing to take in a foundling, to ensure he is in safety and care in all circumstances. These conditions are Islam, legal responsibility,

freedom, and maturity. Such conditions are natural and are applied by humanitarian institutions that handle such issues, especially in our Muslim society, for we want this foundling to live with as little suffering as possible<sup>[1-3]</sup>.

The problem addressed in this study lies in shedding light on a jurisprudential term that has not received sufficient attention from scholars and researchers. To the best knowledge of the authors, no study has focused on this term in depth. This study thus seeks to answer the following main question: How is *al-manbūdḥ* defined in Islamic jurisprudence? and what are the legal rulings pertaining to him?

## 2. Methods

The appropriate methodology for this study requires the application of a comprehensive scientific approach that combines three primary methods: the inductive, analytical, and comparative methods. Below is a detailed explanation of each:

### 2.1. The Inductive Method

The inductive method relies on collecting data from primary sources and examining the texts related to the subject of the study. Its importance lies in tracing words derived from the root “n-b-dh” in the Qur’an and Hadith, identifying their occurrences and contextual meanings; investigating the views of classical linguists in dictionaries such as al-*Ṣiḥāḥ*, *Lisān al-‘Arab*, and *Tāj al-‘Arūs* to understand the original meaning of *al-manbūdḥ*; and surveying the opinions of jurists from the four Islamic schools of thought regarding the definition of *al-manbūdḥ*, the conditions for picking him up, and the related rulings<sup>[4-7]</sup>. This method forms the foundation for building a broad base of scientific material that enables the researcher to comprehensively grasp all aspects of the topic.

### 2.2. The Analytical Method

The analytical method involves deconstructing and analyzing texts in terms of both language and content, in order to extract precise meanings and draw conclusions. In this study, it is applied by analyzing the Qur’anic contexts where the verb “*nabadha*” and its derivatives occur, to determine the intended meaning in each instance; analyzing the vocab-

ulary in prophetic traditions where *al-manbūdḥ* appears, and inferring its various meanings from the context; analyzing the definitions of jurists to distinguish between *al-manbūdḥ* and *al-laqīṭ* (the foundling), and explaining the rationale of each view based on jurisprudential principles and linguistic implications; and analyzing the legal evidences used by jurists in ruling the collection of *al-manbūdḥ* as obligatory or recommended, and discussing their reasoning. This method helps achieve a clear scholarly vision and opens the door for logical and jurisprudential reasoning<sup>[8-10]</sup>.

### 2.3. The Comparative Method

The comparative method focuses on comparing various scholarly opinions and schools of thought to highlight their differences and similarities and to weigh between them. The study employs this method by comparing the definitions of *al-manbūdḥ* given by Ḥanafīs, Mālikīs, Shāfi‘īs, and Ḥanbalīs, clarifying points of agreement and disagreement; comparing the legal rulings related to *al-manbūdḥ*, such as the obligation to pick him up, attesting to the act, raising him, his lineage, and more; and comparing the linguistic and jurisprudential meanings of the term, to show the overlap or semantic development between language and jurisprudence. The aim of using this method is to arrive at the strongest and most substantiated opinion—one that harmonizes between preserving human life and fulfilling the objectives of Islamic law<sup>[11-13]</sup>.

By using these three methodologies, the researcher can trace the semantic development of the term from its linguistic root to its jurisprudential concept, analyze the data and texts to derive legal rulings with precision, and compare findings to reach a preferred juridical conclusion grounded in scholarly rigor and aligned with the fundamentals of Sharia. This integrated methodology combines scientific depth, legal precision, and objective comparison, making it the most suitable for this type of study<sup>[14]</sup>.

## 3. Literature Review

The classical juristic writings did not overlook the subject of the “*manbūdḥ*” (the abandoned child), given its connection to fundamental issues of Sharia such as lineage, inheritance, and Islam, among others. However, the early jurists did not address the matter as an independent topic; rather, their discussions appeared within the broader framework

of general jurisprudential works, which covered numerous subjects. This, in turn, may not have given the topic considerable importance, except for those who needed a specific juristic ruling on it. In the Ottoman era, however, the juristic material was compiled and codified in the form of a law, but it was based solely on the Hanafī school of thought<sup>[14]</sup>.

Linguistic studies examined the term “*manbūdh*” by tracing its semantic roots in Arabic. They have focused on the meanings of the verb “*nabadha*” and its derivatives, which revolve around casting away, and discarding. Ibn Fāris was among the earliest linguists to give special attention to this root in his well-known lexicons “*Maqāyīs al-Lughā* and *Mujmal al-Lughā*”<sup>[15]</sup>. He explored the various uses of the word “*nabadh*”. He emphasized that its original meaning involves the act of throwing something away—either physically or metaphorically. He noted that the root encompasses multiple situations, such as discarding material objects. He supported this with various examples that reflect the semantic richness and historical evolution of the term<sup>[15]</sup>.

Al-Zabīdī expanded upon the term. He emphasized its social dimensions and its impact on the structure of ancient Arab society<sup>[16]</sup>. He explained that “*manbūdh*” is not limited to an abstract linguistic meaning but also refers to distressing social cases—such as a child abandoned on the street due to inability to provide care or fear of shame or poverty. Al-Zabīdī interpreted this usage as indicative of a deeply human and social phenomenon, where “*nabdh*” signifies the loss of familial care and social integration, thus requiring both legal and humanitarian protection<sup>[16]</sup>. Accordingly, such linguistic studies helped establish a deeper understanding of “*manbūdh*” not just as a word with abstract meaning, but as a concept that intersects with social reality—one historically addressed through Islamic law and jurisprudence. This lays the foundation for richer interpretations of its applications in religious and legal texts.

In jurisprudence, scholars have given considerable attention to the terms “*manbūdh*” and “*laqīṭ*” (foundling) due to their importance in formulating legal rulings that protect the rights and dignity of children deprived of parental care. Imam al-Nawawī was one of the foremost jurists to delve into these terms in his work *Minhāj al-Ṭālibīn*, where he defined both “*manbūdh*” and “*laqīṭ*” in light of Islamic law and outlined the specific rulings for each. He stressed the obligation to preserve such a child's life and ensure their care. He con-

sidered this a key objective of the Sharī‘ah in safeguarding human life<sup>[1]</sup>. He also discussed the legal and jurisprudential implications of the child's loss of familial rights, arguing that Islamic law came to protect such vulnerable individuals and ensure their dignity and livelihood.

The Hanafī jurist al-Nasafī<sup>[3]</sup>, in *Ṭalabat al-Ṭalabah*, provided precise and detailed definitions of related terms such as “*manbūdh*” and “*laqīṭ*”, highlighting nuanced differences between them regarding legal rulings and causes of abandonment. He emphasized the need to safeguard and care for such children, as they belong to the most marginalized groups in Islamic society<sup>[3]</sup>. He also underscored the importance of distinguishing between cases of abandonment due to fear of shame or poverty and the loss of lineage.

Moreover, Ibn Qudāmah in *al-Mughnī* and Ibn ‘Arafah in *al-Mukhtaṣar al-Fiqhī*—stressed the necessity of picking up abandoned or found children and the importance of documenting such acts to preserve their legal rights and dignity<sup>[17]</sup>. They framed this duty within the broader social responsibility of the Muslim community to protect the vulnerable. Collectively, these studies affirmed the Islamic legal tradition’s concern with preserving the dignity of abandoned children and realizing the Sharī‘ah’s objectives of protecting and guaranteeing the weak’s rights within society.

Recently, Qāsim Al-Ḥanafī emphasized the need to reconsider the term “*manbūdh*”, viewing it not merely as a traditional legal term, but as one intrinsically linked to the rights of orphans and homeless children<sup>[18]</sup>. He stressed the importance of adhering to the Sharī‘ah’s guarantees that protect these children from neglect and marginalization. Al-Ḥanafī argued that Islamic jurisprudence possesses the flexibility needed to encompass modern cases of abandoned and neglected children within the framework of “*manbūdh*”, necessitating an update of legal concepts to become more inclusive and humane<sup>[18]</sup>.

These studies reflect a growing trend toward developing a contemporary jurisprudential understanding that strengthens the rights of weak groups and reinforces the concept of Sharī‘ah as a system that upholds social justice and compassion. In so doing, this moves beyond the restrictive interpretation of traditional legal terminology and calls for expanding the concept of “*manbūdh*” to include all children who need protection, regardless of the reasons for losing their family support.

Despite these efforts in addressing the issue of *al-manbūdh*, comprehensive and systematic studies specifically focusing on the term “*manbūdh*” remain rare—particularly those that combine linguistic analysis with jurisprudential exploration and broad sociological assessment that considers contemporary living conditions. This gap in the literature results in a weak understanding and application of the term negatively impacting the protection of *al-manbūdh* in society.

These studies revealed that the word “*manbūdh*” (abandoned/outcast) in Arabic is commonly used with two meanings in academic research: the foundling (*al-laqīṭ*), which is the prevalent usage in jurisprudence and law, and the socially excluded or marginalized person, which is the common usage in psychology and sociology.

The previous sources almost unanimously agree on the obligation of taking in a foundling, safeguarding his life and dignity, that his maintenance is the responsibility of the public treasury (*Bayt al-Māl*) if no guardian is available, and that lineage is established only through valid evidence or legitimate affiliation—along with jurisprudential details regarding guardianship, inheritance, custody, and upbringing. Experimental research likewise concurs that abandonment quickly threatens basic needs, generates tangible psychological pain, and may lead to compensatory behaviors such as conformity, seeking acceptance, or aggression.

Thus, this study seeks to fill that research. It aims to highlight the significance of the term “*manbūdh*” in preserving human rights and dignity in accordance with the higher objectives of Islamic law. It also seeks to strengthen proper understanding that can guide both religious and social efforts to protect this vulnerable group of children and contribute to building a more comprehensive and just legal and social system.

## 4. Findings and Discussion

When addressing the term “*manbūdh*”, it is essential first to consult Arabic lexicons and dictionaries to understand its linguistic usage.

### 4.1. “*Manbūdh*” in the Arabic Language

#### 4.1.1. Casting Away or Discarding

Ibn Fāris stated: “The root letters n-b-d (ن-ب-د) form a sound root that signifies casting or throwing—either in front

of or behind, or in general<sup>[15]</sup>. Anything that is thrown is *nabdh*. You say: *nabdh-tu al-shay’a* if you threw it from your hand, i.e., discarded or tossed it.” From this root, the term *nabīdh* (fermented drink) was derived, as dates are thrown into containers and water is poured over them. In the phrase, “*wa fī ra’sihi nabdhun min al-shayb*” (“and on his head, a trace of grey hair”), *nabdh* refers to something slight. A *manbūdh* child is one thrown away by his mother, as if discarded due to his weakness and vulnerability. Ibn Fāris also said: “*al-mardhī*” is the rejected. It is said: *ardhaytuhu*, meaning you deemed him lowly. And *al-radhl*: the lowest of everything.”<sup>[15]</sup>. When people take in the *manbūdh*, he becomes a *laqīṭ* (foundling). Ibn Fāris said: “*al-laqīṭ* is the *manbūdh* who is picked up.”<sup>[15]</sup>.

In *Lisān al-Arab*, it is stated: “*manbūdh* is one born of fornication, and he is so called because he is discarded in the street, and his father or mother is unknown.”<sup>[19]</sup>. Ibn Manzūr quotes Abū Maṣṣūr saying: “*Manbūdh* is one thrown into the street by his mother, whether from fornication or marriage. It is not permissible to say he is a child of fornication, as his lineage may still be legally established. Then a Muslim may take him in and assume responsibility for him”<sup>[19]</sup>.

The relationship between the linguistic and the technical meanings becomes clear in that they are similar regarding the concept of the foundling (*al-laqīṭ*), which facilitates understanding the term when used, since it indicates the meaning both linguistically and legally. However, they diverge in the legal definition, particularly in requiring that the abandoned child or foundling be alive; if not alive, the individual would not fall under the designation of “foundling.”

#### 4.1.2. Withdrawal or Separation

The term “*nabdh*” also refers to stepping aside, as in the verse about Maryam (Mary): “*She withdrew from her family to a place in the east.*” (*Qur’an, Maryam: 16*). And Allah says, “*She took a veil (to screen herself) from them, then We sent to her Our Spirit...*” (*Maryam: 17*). In *al-Mu’jam al-Wasīṭ*, it is stated that: “*al-manbūdhūn* are a group shunned by Indian society, despised for their weakness, poverty, and presumed lowly origin according to their belief.”<sup>[20]</sup>. Therefore, the precise meaning of “*manbūdh*” is a child abandoned by his family due to poverty or shame—because of lack, weakness, or social stigma. A child remains *manbūdh* until someone picks him up and raises him; then he is known as a *laqīṭ* or *hamīl*.

## 4.2. “Manbūdh” in Classical Jurisprudential Terminology

Many jurists use “*laqīṭ*” and “*manbūdh*” interchangeably, with “*laqīṭ*” being the more dominant term. They said that “*laqīṭ*” is a newborn cast off by his family out of fear of poverty or escape from accusation. *Al-ṭlah* refers to destitution and need<sup>[21]</sup>. They also said: “The *manbūdh* child, who is the *laqīṭ*, is a small human being found cast on the road, with no known father or mother.”<sup>[22]</sup> Al-Raṣṣāʿī distinguished between *manbūdh* and *laqīṭ* by saying: “The *manbūdh* is one cast away at birth, usually one born out of wedlock, while the *laqīṭ* is one abandoned during hardship and war, not necessarily at birth.” He also quoted Imām Mālik as saying that “the *manbūdh* is none but a child of illicit relations.”<sup>[23]</sup>

The term *ḥamīl* is also used to refer to the *manbūdh*—a child carried and raised by others<sup>[24]</sup>. Thus, what scholars have mentioned in jurisprudential terminology dictionaries aligns with what is found in Arabic linguistic dictionaries.

## 4.3. “Manbūdh” in the Qur’an

The exact term “*manbūdh*” does not explicitly appear in the Qur’an. However, derivatives of the root verb “*nabadha*” appear in ten verses, all implying meanings of casting or discarding as seen in the verses from Quran below:

- Allah said, “*I saw what they did not see. So I took a handful [of dust] from the messenger’s footsteps and threw it away (nabadhthuha), and thus did my soul entice me*” (Tāhā: 96). This means that He cast it into the mouth of the calf<sup>[25]</sup>.
- Allah said, “*And when a messenger from Allah came to them confirming what was with them, a group of those who had been given the Scripture threw (nabadha) the Scripture of Allah behind their backs as if they did not know* (Al-Baqarah: 101). The Jews cast aside the rulings of the Torah in a vivid image of rejection<sup>[25]</sup>.
- Allah said, “*So We cast him (nabadhnāhu) onto the open shore while he was ill*” (Surah Al-Ṣāffāt: 145). This means that Allah threw him into the open<sup>[25]</sup>.
- Allah said, “*So We seized him and his soldiers and threw them into the sea...*” (Al-Qaṣaṣ: 40). This means Allah cast them all into the sea<sup>[25]</sup>.

- Allah said, “*They threw it (the Book of Allah) behind their backs and exchanged it for a small price...*” (Āl ‘Imrān: 187). This means they discarded it and stopped acting upon it<sup>[25]</sup>.
- Allah said, “*Is it not [true] that every time they took a covenant, a group of them threw it away (nabadhahu)?*” (Al-Baqarah: 100). This means they discarded and rejected it<sup>[25]</sup>.
- Allah said, “*If you fear betrayal from a people, throw the treaty back to them (fa-anbidh ilayhim) in a just way*” (Al-Anfāl: 58). This means that he openly and fairly declares the end of the treaty.
- Allah said, “*Had it not been that a blessing from his Lord reached him, he would certainly have been cast onto the open shore while he was blamed* (Al-Qalam: 49). This means that He would have been cast out of the whale condemned<sup>[26]</sup>.
- Allah said, “*No! He will surely be cast into the Crusher (al-ḥuṭamah)*” (Al-Humazah: 4). This means that he will be thrown into the fire<sup>[27]</sup>. (Ibn Kathīr, 8/457–458; Taysīr al-Karīm al-Raḥmān, al-Sa’ dī, 1/934)
- Allah said, “*And mention in the Book [the story of] Mary, when she withdrew (intabadhat) from her family to a place in the east.*” (Maryam: 16). This means that she withdrew and distanced herself<sup>[25]</sup>.

As revealed, the use of “*nabadh*” and its derivatives in these verses consistently conveys meanings of casting away or withdrawal.

## 4.4. “Manbūdh” in the Prophetic Hadith

The term “*manbūdh*” appears in Prophetic ḥadīth with two primary meanings:

### 4.4.1. “Discarded” or “Cast Off”

Ibn ‘Abbās said: Prophet Muhammad said: “*Whoever neglects four consecutive Jumu‘ah prayers without excuse has cast Islam behind his back*” (3/166)<sup>[28]</sup>. Jābir ibn ‘Abdullāh said: The Prophet said: “*Eat what the sea casts out and what dies in it, and leave what floats.*” (8/201)<sup>[29]</sup>.

Regarding the Dajjāl: “*His mother will give birth to him while she is cast in her grave.*” (al-Nihāyah, Ibn al-Athīr, 6/5; Ḥadīth graded weak by al-Albānī, Ḍa‘īf al-Jāmi‘, No. 2999).

#### 4.4.2. Meaning “Secluded in a Distant Place”

Al-Sha‘bī said: “I was told by someone who passed with the Prophet ﷺ by a secluded grave (*qabr manbūdh*), and he led them in prayer at it.” (*al-Bukhārī*, 1/171)<sup>[30]</sup>. If read with *tanwīn* (*qabrin manbūdh*), it means: a grave located away from others. If read in the possessive (*qabr al-manbūdh*), it refers to the *laqīṭ* (abandoned child) (6/5)<sup>[31]</sup>.

#### 4.4.3. Something Minor or Small

Abū Zayd al-Anṣārī said: The Messenger of Allah (peace be upon him) said to me: “Come closer to me.” Then he wiped his hand over my head and beard and said, “O Allah, beautify him and preserve his beauty.” He lived to be over a hundred years old, yet in his head and beard there was no white hair except for a *nabdh* (small trace). His face remained radiant and never wrinkled until he died. (*Musnad Aḥmad*, 34/333; its chain of narration is sound according to the conditions of Muslim)<sup>[32]</sup>. Thus, the term *nabdh* here signifies “a small amount.”

Anas ibn Mālik said: “It is disliked for a man to pluck out the white hair from his head and beard. And the Messenger of Allah (peace be upon him) did not dye his hair. The white was only in his *‘anfaqah* (lower chin), temples, and a *nabdh* in his head.” (4/1821)<sup>[32]</sup>. The explanation of the hadith says: “In his head was a *nabdh* of gray hair,” and “*nabdh* of rain fell on the ground”—meaning a small quantity<sup>[33]</sup>.

#### 4.4.4. “Manbūdh” as a Type of Transaction

Abū Sa‘īd al-Khudrī said: “The Messenger of Allah (peace be upon him) forbade two types of clothing and two types of sales: he forbade *mulāmasah* and *munābadhah* in sales.” (7/147)<sup>[30]</sup>. *Munābadhah* means that a man throws his garment to another and the other does the same, and the sale occurs without inspection or mutual consent (p. 8/134–135)<sup>[18]</sup>.

#### 4.4.5. “Manbūdh” in Islamic Jurisprudence and Related Rulings

Mercy is a noble trait through which society thrives. The elders show mercy to the young, the strong support the weak, and the wealthy console the poor. Mercy is an obligation upon Muslims in all dealings. Allah Almighty says: “And when those who believe in Our verses come to you, say: Peace be upon you. Your Lord has decreed upon Himself

mercy...” [Al-An‘ām: 54]. And He said: “And by the mercy of Allah, you were gentle with them. Had you been harsh and hard-hearted, they would have dispersed from around you.” [Āl ‘Imrān: 159].

The Messenger of Allah (peace be upon him) embodied this mercy, saying: “I and the sponsor of the orphan will be in Paradise like these two,” and he gestured with his index and middle fingers (5/2237, ḥadīth no. 1311)<sup>[30]</sup>. Among the manifestations of mercy in Islamic law is its concern for the weak, including the *manbūdh* (abandoned child), for whom the Shariah guarantees protection and care, as he is an innocent soul with no fault.

#### Differences in Jurists’ Definitions of Manbūdh

##### (1) Ḥanafīs

Ḥanafīs defined *manbūdh* as the discarded one and cited the verse: “So they threw it behind their backs.” [Āl ‘Imrān: 187]. *Manbūdh* is called *laqīṭ* in reference to his end (10/210)<sup>[34]</sup>. He is a child thrown away by his family out of fear of poverty or escape from accusation.

##### (2) Mālikīs

Mālikīs’ definitions vary. Some equated *manbūdh* with *laqīṭ*, while others said *manbūdh* is the one thrown at birth, and *laqīṭ* is the one taken in<sup>[6]</sup>. Imām Mālik said: “We know no *manbūdh* except one born from fornication.” (9/270)<sup>[35]</sup>. Others said: *Manbūdh* is thrown at birth; *laqīṭ* is one thrown afterward. (8/403)<sup>[36]</sup>.

##### (3) Shāfi‘īs

According to Shāfi‘īs, *manbūdh* is a child born of sin and cast away out of shame, or born within wedlock but abandoned due to inability to care for him, or if the mother dies and he is lost (*al-Māwardī*, *al-Ḥāwī al-Kabīr*, 8/34; *al-Rāfi‘ī*, *al-Sharḥ al-Kabīr*, 6/377)<sup>[37]</sup>.

##### (4) Ḥanbalīs

Ḥanbalīs equated *manbūdh* with *laqīṭ*—a child thrown away and unclaimed (2/203)<sup>[17]</sup>. They also defined him as a child of unknown lineage and status, thrown or lost from birth until the age of discernment (4/243)<sup>[38]</sup>.

#### 4.5. Discussion of Definitions

Imām Mālik restricted the *manbūdh* to a child of fornication—this is an imprecise limitation. On the other hand, Shāfi‘īs and Ḥanbalīs considered any lost child as *manbūdh*—which is debatable, as a lost child might have a family

searching for him, while a *manbūdh* is deliberately abandoned. Equating *manbūdh* with *laqīṭ* is problematic—*laqīṭ* is broader: possibly from fornication, poverty, or simply lost. *Manbūdh* specifically refers to intentional abandonment by the family. The preponderant opinion is that scholars favor the Ḥanafī definition which is a child cast off by his family due to poverty or fear of accusation. And Allah knows best.

#### 4.6. Ruling on Taking in the Manbūdh

Jurists unanimously agree that it is obligatory to take in the *manbūdh* if his life is in danger—this is a communal obligation (i.e., *farḍ kifāyah*). If no one else is aware of the child, then it becomes individually obligatory. It is recommended (i.e., *mandūb*) to take him in if he is not at risk of death, such as when found in cities or villages<sup>[39]</sup>. They based their opinion on the following evidence:

1. Allah’s statement: “And cooperate in righteousness and piety” [Al-Mā’idah: 2]. Taking in an abandoned child (*manbūdh*) is considered saving a human being with inherent dignity from destruction, and this falls under cooperation in righteousness<sup>[40]</sup>.
2. Allah’s statement: “And do good so that you may succeed” [Al-Ḥajj: 77]. Allah commanded doing good, and taking in an abandoned child is one of the greatest forms of good<sup>[41]</sup>.
3. Allah’s statement: “The believing men and women are allies of one another” [Al-Tawbah: 71]. A guardian is responsible for preserving and caring for the one under his protection, and the *manbūdh* is most deserving of care and protection<sup>[41]</sup>.
4. Analogy to rescuing a drowning person and feeding the needy: They argued that taking in a *manbūdh* is rescuing a human being from destruction, and thus obligatory—just like it is obligatory to save a drowning person or provide food to someone in dire need<sup>[40]</sup>.

#### 4.7. Testifying (Ishhād) When Taking in an Abandoned Child

Jurists differed on the ruling regarding testifying when taking in a *manbūdh*. Some held that testimony is obligatory<sup>[37]</sup>, to prevent the child from being enslaved<sup>[42]</sup>. Others held that testimony is recommended. Researchers consider the view that testimony is obligatory to be stronger,

as it serves the crucial interest of preserving the child’s lineage and freedom. The argument used by those favoring recommendation—analogy to testifying over found property—is a flawed analogy. Testifying over found property protects wealth, while testifying over taking in an abandoned child protects lineage and personal freedom, and the difference is significant.

### 5. Conclusions, Implications and Recommendations

The study affirmed that the term “*manbūdh*” (the abandoned) is not merely a linguistic expression or a narrowly defined legal term in Islamic jurisprudence, but rather a gateway to a deeper understanding of the higher objectives (*maqāsid*) of Islamic law—especially in safeguarding human life, preserving human dignity, and establishing the principle of mercy toward vulnerable groups. In the context of Islamic law, the *manbūdh* is not to be viewed merely through the lens of lineage, but rather as a dignified human being with the right to life and social integration, regardless of birth circumstances or familial background.

The study highlighted the rich linguistic origins of the term *manbūdh*, showing how it is associated with meanings such as discarding, distancing, and casting away—reflecting a state of exclusion and abandonment of care. It then traced the term’s usage in the Qur’an and the Sunnah, demonstrating how the term and its derivatives appeared in various contexts carrying both metaphorical and literal connotations of rejection, whether of objects or individuals.

On the jurisprudential side, the study explored how different Islamic schools of thought have defined the term *manbūdh*, revealing divergence in the understanding and scope of the term—some considering it synonymous with *laqīṭ* (foundling), others limiting it to a child born of zina (illegitimacy), and some linking it to cases of poverty or accusation. The study concluded that the Ḥanafī opinion—which defines the *manbūdh* as a child abandoned by his parents out of fear of poverty or to escape social stigma—is the most accurate and closest to fulfilling the objectives of justice and mercy in Islamic law and the broader human and social reality.

The importance of this study lies in reviving a term that has received little attention in contemporary Islamic

legal research and uncovering its social and humanitarian dimensions, particularly concerning the rights of abandoned children and ensuring their protection and integration. The study also calls for a re-evaluation of many related legal terms concerning vulnerable groups in society and for expanding research in this area, contributing to a more inclusive and just legal framework that responds to modern needs and reflects the spirit of Islamic law in upholding human dignity.

### 5.1. Implications of the Study

The findings of the study enhance the deep legal understanding of Sharia terminology related to vulnerable groups and lay the foundation for a *maqāṣid*-oriented perspective that links legal texts to social realities. The study underscores the importance of tracing the linguistic meaning of legal terms to understand their contextual and technical dimensions, showing that linguistic grounding is essential for understanding Islamic rulings. It highlights the importance of protecting the rights of children of unknown lineage in Muslim societies and asserts that Islamic law preceded international conventions in ensuring the care of the *manbūdh* and prohibiting discrimination against them. The study's outcomes pave the way for the codification of rulings on taking in the *manbūdh* and granting legal recognition of their rights within personal status laws and institutions responsible for orphan care.

### 5.2. Recommendations

The study recommends expanding research on neglected legal terms that have not received sufficient scholarly attention, as this contributes to reviving Islamic heritage and developing contemporary Islamic jurisprudence. It urges the integration of analytical studies on concepts such as *manbūdh*, *laqīl*, and *yateem* (orphan) into Islamic jurisprudence curricula at universities, linking them to modern social contexts. The study calls upon Islamic legal councils to issue contemporary fatwas that address the realities of children of unknown parentage and guarantee their protection within both a legal and humanitarian framework. It stresses the necessity of mandating official testimony (*ishhād*) when a *manbūdh* is taken in and of formally registering the case with relevant judicial authorities to prevent exploitation or enslavement. The study's findings may be used to develop

national legislation concerning personal status and child welfare in line with the rulings and objectives of Islamic law.

## Author Contributions

Conceptualization, N.M.A.E. and M.A.R.; methodology, N.M.A.E.; software, O.A.A.G.; validation, N.M.A.E., O.A.A.G., and F.M.H.; formal analysis, M.A.R.; investigation, M.A.K.; resources, F.M.H.; data curation, F.M.H.; writing—original draft preparation, M.A.K.; writing—review and editing, M.A.R.; visualization, F.M.H.; supervision, O.A.A.G. and M.A.R.; project administration, F.M.H. All authors have read and agreed to the published version of the manuscript.

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The data that support the findings of this study are available from the corresponding author upon reasonable request.

## Conflicts of Interest

The authors declare that there are no conflicts of interest regarding the publication of this paper.

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