

مصنف ابن أبي شيبة

Musannaf Ibn Abi Shaybah

VOLUME [19]

Author

Imam Ibn Abī Shaybah

Researcher

Sheikh Kamāl Yūsuf al-Ḥūt

Translation Reviewed and Supervised by

Sheikh Abu Sultana

Note

Muṣannaf Ibni Abī Shaybah—formally titled “al-Kitāb al-Muṣannaf fī al-Āḥādīth wa al-Āthār”—stands among the greatest monuments of early Islamic scholarship. Compiled by the eminent ḥadīth expert and great Imam Abū Bakr ‘Abdullāh ibn Muḥammad ibn Ibrāhīm ibn ‘Uthmān al-‘Absī, widely known as Ibni Abī Shaybah (159–235 AH), this expansive work preserves the intellectual, legal, devotional, and spiritual heritage of the first centuries of Islam. A teacher of al-Bukhārī, Muslim, and the leading imams of his generation, Ibni Abī Shaybah authored a collection that has served for over a millennium as a foundational reference for jurists, muḥaddithūn, historians, and researchers.

This edition contains 37,943 narrations, spanning Prophetic ḥadīth, Companion reports (mawqūf), and Successor traditions (maqtū'). The work is arranged topically, covering all major areas of Islamic practice—prayer, purification, ethics, commerce, society, governance, jihad, and thousands of detailed jurisprudential issues. Its scope reflects not only the Sunnah of the Prophet ﷺ but also the early legal culture of Kūfa, the opinions of leading Companions, and the interpretive frameworks of the first generations.

Many rare narrations preserved here do not appear in other major collections, making this Muṣannaf an indispensable source for reconstructing early Islamic thought. The edition most widely used today is the seven-volume Maktabat al-Rushd (Riyadh) publication, edited by Sheikh Kamāl Yūsuf al-Ḥūt, based on verified manuscripts and aligned with the printed arrangement. Digital access to the full text is also available at: <https://ketabonline.com/ar/books/6996> For contemporary students and researchers, Muṣannaf Ibni Abī Shaybah offers far more than a repository of narrations.

It grants direct access to the living intellectual world of the 2nd and 3rd Islamic centuries—the debates of jurists, the devotional practices of the righteous, the understandings of the Companions, and the transmission networks that shaped Sunni orthodoxy. Its vast content provides context for the development of fiqh schools, sheds light on doctrinal issues, and helps preserve countless early traditions that might otherwise have been lost. This work before you has been carefully cleaned, structured, and standardized into a modern digital format, enabling readers to navigate all 37,943 reports with ease.

May it serve as a valuable tool for scholars, students, and seekers of sacred knowledge, continuing the legacy of one of Islam's earliest and most prolific hadith masters.

[18001] Abu Bakr told us, he said: 'Abd al-A'la told us, from Hisham, from Al-Hasan, regarding a man who writes a divorce to his wife, then decides to withhold the letter.

He said: "It is nothing as long as he does not speak. But if he sends it to her, she counts the waiting period from the day the letter comes to her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، فِي الرَّجُلِ يَكْتُبُ إِلَى امْرَأَتِهِ بِطَالِقَةِ، ثُمَّ يَبْدُو لَهُ أَنْ يُمْسِكَ الْكِتَابَ، قَالَ: لَيْسَ بِشَيْءٍ مَا لَمْ يَتَكَبَّمْ، وَإِنْ بَعْدَ إِلَيْهَا اعْنَدْتُ مِنْ يَوْمٍ يَأْتِيهَا الْكِتَابُ

[18002] Abu Bakr told us, he said: Ghundar told us, from Shu'bah, from 'Abd al-Khaliq, from Hammad, who said: "If a man writes to his wife: 'If this letter of mine reaches you, then you are divorced,' and the letter does not reach her, then she is not divorced. But if he writes: 'As for what follows (Amma Ba'd), you are divorced,'" Ibn Shubrumah said: "Then she is divorced."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ عَبْدِ الْخَالِقِ، عَنْ حَمَادٍ، قَالَ: "إِذَا كَتَبَ الرَّجُلُ إِلَى امْرَأَتِهِ: إِذَا أَتَاكِ كِتَابِي هَذَا، فَأَنْتِ طَالِقٌ، فَإِنْ لَمْ يَأْتِهَا الْكِتَابُ، فَلَيْسَ بِطَالِقٍ فَإِنْ كَتَبَ: أَمَّا بَعْدُ، فَأَنْتِ طَالِقُ" قَالَ أَبْنَ شُبْرُمَةَ: فَوْيَ طَالِقٌ

[18003] Abu Bakr told us, he said: Hushaym told us, from Mughirah, from Ibrahim; and from Muhammad ibn Salim, from Al-Sha'bi; and from Yunus, from Al-Hasan, regarding the young girl if she is divorced and has not reached puberty. They said: "She counts the waiting period by months. If she menstruates before the months pass, she restarts the waiting period by menstruation. If she menstruates after the months have passed, her waiting period has ended."

[18004] Abu Bakr told us, he said: Abu al-Ahwas told us, from Mughirah, from Ibrahim, regarding a man who marries a young girl and divorces her before she reaches puberty. He said: "She counts a waiting period of three months. If she menstruates before the three months expire, the waiting period of months is demolished, and she restarts the waiting period of menstruation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، وَعَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي الْجَارِيَةِ إِذَا طَلَقَتْ، وَلَمْ تَبْلُغِ الْمَحِيضَ، قَالُوا: تَعْدُ بِالشُّهُورِ، فَإِنْ حَاضَتْ مِنْ قَبْلِ أَنْ تَمْضِيَ الشُّهُورُ، اسْتَأْنَفَتِ الْعِدَّةَ بِالْحَيْضِ، فَإِنْ حَاضَتْ بَعْدَمَا مَضَتِ الشُّهُورُ، فَقَدْ انْقَضَتِ عِدَّهَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَتَرَوَّجُ الْجَارِيَةَ فَيُطْلَقُهَا قَبْلَ أَنْ تَبْلُغِ الْمَحِيضَ، قَالَ: تَعْدُ ثَلَاثَةَ أَشْهُرٍ، فَإِنْ هِيَ حَاضَتْ قَبْلَ أَنْ تُنْقَضِيَ الثَّلَاثَةِ الْأَشْهُرَ، انْهَمَتْ عِدَّهَا الشُّهُورُ، وَاسْتَأْنَفَتِ عِدَّةَ الْحَيْضِ

[18005] Abu Bakr told us, he said: Yazid ibn Harun told us, from Habib, from 'Amr, who said: Jabir ibn Zayd was asked about a young girl who was divorced after her husband had consummated the marriage with her, and she does not menstruate. She counted the waiting period for two months and twenty-five nights, then she menstruated. He said: "She counts three menstrual cycles after that." And Ibn 'Abbas said likewise.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ عَمْرٍو، قَالَ: سُلِّيْلُ جَابِرُ بْنُ زَيْدٍ، عَنْ جَارِيَةٍ طَلَقَتْ بَعْدَمَا دَخَلَ بِهَا رَوْجُهَا، وَهِيَ لَا تَحِيضُ، فَأَعْنَدَتْ شَهْرَيْنِ وَخَمْسَةً وَعِشْرِينَ لَيْلَةً، ثُمَّ إِنَّهَا حَاضَتْ، قَالَ: تَعْنَدُ بَعْدَ ذَلِكَ ثَلَاثَةَ قُرُوءَ وَكَذَلِكَ قَالَ ابْنُ عَبَّاسٍ

[18006] Abu Bakr told us, he said: 'Abd al-A'la told us, from Hisham, from Al-Hasan, who said: "If a man has a wife who has despaired of menstruation (menopause), or a young girl who has not menstruated, then whenever he wishes, he may divorce her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ الْحَسَنِ قَالَ: إِذَا كَانَتْ عِنْدَ الرَّجُلِ الْمَرْأَةُ قَدْ بَيَسَتْ عَنِ الْمَحِيضِ، أَوِ الْجَارِيَةُ الَّتِي لَمْ تَحِضْ فَمَتَّى مَا شاءَ طَلَقَهَا

[18007] Abu Bakr told us, he said: 'Abd al-Rahman ibn Mahdi told us, from Jarir ibn Hazim, from Ayyub, from 'Umar ibn 'Abd al-'Aziz, who said: "He liked for one to divorce the one who does not menstruate at the [appearance of the] crescent moon."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيًّا، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ أَيُوبَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ قَالَ: كَانَ يُعْجِبُهُ أَنْ يُطْلَقَ الَّتِي لَمْ تَحِضْ عِنْدِ الْهَلَالِ

[18008] Abu Bakr told us, he said: 'Abd al-Rahman ibn Mahdi told us, from Sufyan, from Layth, from Al-Sha'bi, who said: "He divorces her at the [appearance of] crescent moons."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيًّا، عَنْ سُفْيَانَ، عَنْ لَيْثٍ، عَنْ الشَّعْبِيِّ قَالَ: يُطْلَقُهَا عِنْدَ الْأَهْلَةِ

[18009] Abu Bakr told us, he said: Muhammad ibn Wasil told us, from 'Ubaydah, from Ibrahim, who said: "If the woman has ceased menstruation, or is a young girl who has not menstruated, and the man wants to divorce, let him divorce at the beginning of the crescent moon, and he should not divorce her [again] until her waiting period expires."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ وَاصِلٍ، عَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا كَانَتِ الْمَرْأَةُ قَدْ فَقَدَتْ مِنَ الْمُحِيطِ، وَالْجَارِيَّةُ الَّتِي لَمْ تَحِضْ، فَأَرَادَ الرَّجُلُ أَنْ يُطْلَقَ فَلْيُطْلَقْ عِنْدَ غُرَّةِ الْهَلَالِ، وَلَا يُطْلَقُ غَيْرَهَا حَتَّى تَقْضِي عِدَّهَا

[18010] Abu Bakr told us, he said: Ibn al-Mubarak told us, from Ma'mar, from Hammad, who said: I asked him about a man who said: "His wife is divorced," while he has four wives. He said: "He places his hand on whichever of them he wishes." Ma'mar said: Al-Hasan used to say that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ الْمُبَارَكِ، عَنْ مَعْمَرٍ، عَنْ حَمَّادٍ قَالَ: سَأَلَنَا اللَّهُ عَنْ رَجُلٍ قَالَ: امْرَأُنَا طَالِقٌ، وَلَهُ أَرْبَعُ نِسْوَةٍ قَالَ: يَضْطَعُ يَدُهُ عَلَى أَيِّهِنَّ شَاءَ، قَالَ مَعْمَرٌ: وَكَانَ الْحَسَنُ يَقُولُ ذَلِكَ

[18011] Abu Bakr told us, he said: Waki' told us, from 'Abd Allah, from Humayd, from Abu Ja'far, that 'Ali drew lots between them.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ عَبْدِ اللَّهِ، عَنْ حُمَيْدٍ، عَنْ أَبِي جَعْفَرٍ، أَنَّ عَلِيًّا، أَفْرَعَ بَيْتَهُنَّ

[18012] Abu Bakr told us, he said: 'Abd al-A'la told us, from Sa'id, from Qatadah, from a man, from Al-Sha'bi, who said: "If he named a specific one, then it is what he named. But if he did not name any of them specifically, the divorce applies to [all of] them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ رَجُلٍ، عَنْ الشَّعْبِيِّ قَالَ: إِنْ كَانَ سَمَّى شَيْئًا فَهُوَ مَا سَمَّى، وَإِنْ لَمْ يَكُنْ سَمَّى مِنْهُنَّ شَيْئًا دَخَلَ عَلَيْهِنَّ الطَّلاقُ

[18013] Abu Bakr told us, he said: 'Abd al-A'la told us, from Sa'id, that a monitor ('Arif) of Banu Sa'd asked Al-Husayn—and the Sultan had appointed him as a deputy—so he said: "It is for you according to what you intended."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدِ، أَنَّ عَرِيفًا لِبْنِي سَعِيدٍ سَأَلَ الْحُسَيْنَ وَكَانَ السُّلْطَانُ اسْتَخْلَفَهُ، فَقَالَ: أَكِ مَا نَوَيْتَ

[18014] Abu Bakr told us, he said: 'Abbad ibn al-'Awwam told us, from 'Umar ibn 'Amir, from Hammad, from Ibrahim, regarding a man who said: "His wife is divorced," while he has three wives. He said: "If he intended a specific one of them, then it is the one he intended. And if he did not intend a specific one of them, let him choose whichever of them he wishes. And likewise for Ila' (oath of abstinence) and Zihar."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عُمَرَ بْنِ عَامِرٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ قَالَ: امْرَأَتُهُ طَالِقٌ، وَلَهُ ثَلَاثٌ نِسْوَةٌ، فَقَالَ: إِنْ كَانَ نَوَى مِنْهُنَّ شَيْئًا، فَهُوَيْ الَّذِي نَوَى، وَإِنْ لَمْ يَكُنْ نَوَى مِنْهُنَّ شَيْئًا فَلِيُخْتَرْ أَيِّهِنَّ شَاءَ، وَكَذَلِكَ الْإِبْلَاءُ وَالظَّهَارُ

[18015] Abu Bakr told us, he said: Rawh ibn 'Ubadah told us, from Muhammad ibn 'Abd al-Rahman al-'Abdi, who said: Abu Ja'far was asked about a man who has four wives; one of them looked out, so he said: "You are divorced irrevocably (Al-Battah)." He entered upon them, and suddenly each one of them was saying: "It is this one," and saying: "This is she," so he did not know her. Abu Ja'far said: "They are all separated from him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا رَوْحُ بْنُ عَبَادَةَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ الْعَبْدِيِّ، قَالَ: سُلِّمَ أَبُو جَعْفَرٍ، عَنْ رَجُلٍ لَهُ أَرْبَعُ نِسْوَةٍ، فَأَطْلَعَتْ مِنْهُنَّ امْرَأً، فَقَالَ: أَنْتَ طَالِقُ الْبَشَّةَ، فَدَخَلَ عَلَيْهِنَّ، وَإِذَا كُلُّ وَاحِدَةٍ مِنْهُنَّ شَقَّوْلُ هِيَ: هَذِهِ، وَتَقُولُ: هَذِهِ هِيَ، فَلَمْ يَعْرِفْهَا، قَالَ أَبُو جَعْفَرٍ: بِنَ مِنْهُ جَمِيعًا

[18016] Abu Bakr told us, he said: Jarir told us, from Mansur, from Ibrahim, who said: Shurayh said: "If he begins with divorce before the marriage is finalized, the divorce occurs, and the manumission [occurs whether] he breaks the oath or does not break it." And Sa'id ibn Jubayr said: "If he does not break the oath, it does not befall her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ شُرَيْحٌ: إِذَا بَدَا بِالْطَّلاقِ قَبْلَ الْمُبُوثَةِ وَقَعَ الطَّلاقُ، وَالْعَنَاقُ حَنِثٌ، أَوْ لَمْ يَحْنَثْ وَقَالَ سَعِيدُ بْنُ جُبَيْرٍ: إِذَا لَمْ يَحْنَثْ، لَمْ يَقْعُ عَلَيْهَا

[18017] Abu Bakr told us, he said: Hushaym told us, from Yunus, from Al-Hasan; and Isma'il ibn Salim, from Al-Sha'bi; they said: "Whether he advances the [condition of] divorce or delays it, it is the same, provided he connects it with his speech."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، وَإِسْمَاعِيلَ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَا: إِذَا قَدِمَ الطَّلاقُ، أَوْ أَخْرَهُ فَهُوَ سَوَاءٌ، إِذَا وَصَلَهُ بِكَلَامِهِ

[18018] Abu Bakr told us, he said: Al-'Abbad ibn al-'Awwam told us, from Sa'id, from Qatadah, from Sa'id ibn al-Musayyib and Al-Hasan, they said: "He has his exception, whether he advanced the divorce or delayed it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا الْعَبَادُ بْنُ الْعَوَامِ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَالْحَسَنِ، قَالَا: لَهُ تُثْبَاهُ قَدَمُ الطَّلاقِ، أَوْ أَخْرَهُ

[18019] Abu Bakr told us, he said: 'Abd al-A'la told us, from Ma'mar, from Al-Zuhri, regarding exception in divorce and manumission. He said: "He has his exception, whether he advanced the divorce or delayed it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الرُّزْهُرِيِّ، فِي الإِسْنَانِ فِي الطَّلاقِ، وَالْعَنْقِ، قَالَ: لَهُ تُثْبَاهُ قَدَمُ الطَّلاقِ، أَوْ أَخْرَهُ

[18020] Abu Bakr told us, he said: Mu'awiyah told us, from Al-A'mash, from Ibrahim, from Shurayh, who said: "If he begins with divorce, it occurs [whether] he breaks the oath or does not break it." And Ibrahim used to say: "And what does Shurayh know?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُعَاوِيَةُ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْحٍ، قَالَ: إِذَا بَدَا بِالطَّلاقِ وَقَعَ حَنْثٌ، أَوْ لَمْ يَحْنَثْ، وَكَانَ يَقُولُ إِبْرَاهِيمُ: وَمَا يَدْرِي شُرَيْحٌ

[18021] Abu Bakr told us, he said: Muhammad ibn Fudayl told us, from Sa'id al-Zubaydi, who said: I came to my wife at night, and she said to me: "You did not come at this hour unless you have a wife other than me." So I said: "Every wife I have is divorced thrice except you." I asked Ibrahim, and he said: "It is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ سَعِيدِ الزُّبَيْدِيِّ، قَالَ: أَتَيْتُ امْرَأَتِي طَرُوقًا فَقَالَتْ لِي: مَا جِئْتَ بِهِذِهِ السَّاعَةِ إِلَّا وَلَكَ امْرَأَةٌ غَيْرِي، فَقُلْتُ: كُلُّ امْرَأَةٍ لِي فَوْيَ طَالِقٌ ثَلَاثَةَ غَيْرَكَ، فَسَأَلْتُ إِبْرَاهِيمَ فَقَالَ: لَيْسَ بِشَيْءٍ

[18022] Abu Bakr told us, he said: Sharik told us, from Al-A'mash, from Ibrahim, that he did not consider exception (saying 'if Allah wills') valid in divorce.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَرِيكٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَانَ لَا يَرَى الإِسْتِثنَاءَ فِي الطَّلاقِ

[18023] Abu Bakr told us, he said: Isma'il ibn 'Ulayyah told us, from Layth, from 'Ata', Tawus, Mujahid, Al-Nakha'i, and Al-Zuhri, they said: "If a man says to his wife: 'You are divorced if I do not do such and such, if Allah wills,' then he has his exception [valid]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِسْمَاعِيلُ ابْنُ عُلَيْهِ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، وَطَاؤِسٍ، وَمُجَاهِدٍ، وَالنَّخْعَنِيِّ، وَالزُّهْرِيِّ، قَالُوا: "إِذَا قَالَ الرَّجُلُ لِإِمْرَأَتِهِ: أَنْتِ طَالِقٌ، إِنْ لَمْ أَفْعُلْ كَذَّا وَكَذَّا، إِنْ شَاءَ اللَّهُ فَلَهُ ثُنْيَةٌ"

[18024] Abu Bakr told us, he said: Ghundar told us, from Shu'bah, from Al-Haytham, from Hammad, regarding a man who said to his wife: "You are divorced if Allah wills." He said: "He has his exception." And Al-Hakam said the like.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ الْهَمَيْمِ، عَنْ حَمَادٍ، فِي الرَّجُلِ قَالَ لِإِمْرَأَتِهِ: أَنْتِ طَالِقٌ إِنْ شَاءَ اللَّهُ قَالَ: "لَهُ ثُنْيَةٌ، وَقَالَ الْحَكَمُ: مِثْلُهُ

[18025] Abu Bakr told us, he said: 'Abd al-Rahman ibn Mahdi told us, from Hammad ibn Salamah, from Qatadah and Iyas ibn Mu'awiyah, regarding a man who said to his wife: "She is divorced if Allah wills." They said: "She is gone from him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحْمَنَ بْنُ مَهْدِيٍّ، عَنْ حَمَادَ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، وَإِيَّاسَ بْنِ مُعَاوِيَةَ، فِي رَجُلٍ قَالَ لِإِمْرَأَتِهِ: هِيَ طَالِقٌ إِنْ شَاءَ اللَّهُ قَالَ: ذَهَبَتْ مِنْهُ

[18026] Abu Bakr told us, he said: 'Abdah ibn Sulayman told us, from Sa'id, from Qatadah, from Al-Hasan, who said: "If he says to his wife: 'She is divorced if Allah wills,' then she is divorced, and his exception is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ قَالَ: إِذَا قَالَ لِإِمْرَأِهِ: هِيَ طَالِقٌ إِنْ شَاءَ اللَّهُ، فَوَيْ طَالِقٌ، وَلَيْسَ اسْتِنْثَاوُهُ بِشَيْءٍ

[18027] Abu Bakr told us, he said: Hushaym told us, from 'Abd Allah ibn Talhah al-Khuza'i, from Ibn Abi Yazid al-Madini, from Ibn 'Abbas, who said: "There is no divorce for a coerced person nor for an oppressed one."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ عَبْدِ اللَّهِ بْنِ طَلْحَةَ الْخَزَاعِيِّ، عَنْ ابْنِ أَبِي يَزِيدِ الْمَدِينِيِّ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَيْسَ لِمُكْرَهٍ، وَلَا لِمُضْطَهَدٍ طَالِقٌ

[18028] Abu Bakr told us, he said: Yazid ibn Harun and Waki' told us, from Hammad ibn Salamah, from Humayd, from Al-Hasan, from 'Ali, that he did not consider the divorce of a coerced person to be anything.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، وَوَكِيعٌ، عَنْ حَمَادَ بْنِ سَلَمَةَ، عَنْ حُمَيْدٍ، عَنْ الْحَسَنِ، عَنْ عَلَيٍّ، أَنَّهُ كَانَ لَا يَرَى طَلاقَ الْمُكْرَهِ شَيْئًا

[18029] Abu Bakr told us, he said: Abu Mu'awiyah told us, from 'Abd Allah ibn 'Amr and Al-Zubayr, who said: "They both did not consider the divorce of a coerced person to be anything."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو، وَالْزُّبَيْرِ، قَالَ: كَانَا لَا يَرَيَا طَلاقَ الْمُكْرَهِ شَيْئًا

[18030] Abu Bakr told us, he said: Waki' told us, from Al-Awza'i, from a man, from 'Umar ibn al-Khattab, that he did not consider it anything.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنِ الْأَوْزَاعِيِّ، عَنْ رَجُلٍ، عَنْ عُمَرَ بْنِ الْخَطَّابِ، أَنَّهُ لَمْ يَرَهُ شَيْئًا

[18031] Abu Bakr told us, he said: Yahya ibn Bishr told us, from Zayd ibn Rufay', from 'Umar ibn 'Abd al-'Aziz, who said: "There is no divorce and no manumission upon a coerced person."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَحْيَى بْنُ بِشْرٍ، عَنْ زَيْدِ بْنِ رُفَيْعٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ قَالَ: لَا طَلاقَ، وَلَا عَنَاقَ عَلَى مُكْرَهٍ

[18032] Abu Bakr told us, he said: Hushaym told us, from Mansur and Yunus, from Al-Hasan, that he did not consider the divorce of a coerced person to be anything.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ مَنْصُورٍ، وَيُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ لَا يَرَى طَلاقَ الْمُكْرَهِ شَيْئًا

[18033] Abu Bakr told us, he said: Hushaym told us, from 'Abd al-Malik, from 'Ata', that he did not consider it anything. 'Abd al-Malik said in his Hadith: 'Ata' said: "Polytheism (Shirk) is greater than divorce [and forced polytheism is pardoned]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، أَنَّهُ كَانَ لَا يَرَاهُ شَيْئًا، قَالَ عَبْدُ الْمَلِكِ فِي حَدِيثِهِ: قَالَ عَطَاءُ الشَّرْكُ أَعْظَمُ مِنَ الطَّلاقِ

[18034] Abu Bakr told us, he said: Waki' told us, from Al-Awza'i, who said: I asked 'Ata' about the divorce of a coerced person, and he said: "It is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنِ الْأَوْزَاعِيِّ، قَالَ:
سَأَلْتُ عَطَاءً، عَنْ طَلاقِ الْمُكْرَهِ، فَقَالَ: لَيْسَ بِشَيْءٍ

[18035] Abu Bakr told us, he said: Abu Mu'awiyah told us, from Juwaybir, from Al-Dahhak, who said: "He did not consider the divorce of a coerced person to be anything, but [considered] his manumission valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ جُوَيْبِرٍ، عَنِ
الضَّحَّاكِ قَالَ: كَانَ لَا يَرَى طَلاقَ الْمُكْرَهِ شَيْئًا، وَعَنَّاقَهُ
جَائِزًا

[18036] Abu Bakr told us, he said: Ibn Idris told us, from Hisham, from Al-Hasan, who said: The Messenger of Allah ﷺ said: "Indeed Allah has overlooked for you three things: Mistake, forgetfulness, and what you are coerced to do."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ
الْحَسَنِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ
اللَّهَ أَجَوَّزَ لَكُمْ عَنْ ثَلَاثٍ، الْخَطَا، وَالنَّسْيَانُ، وَمَا
أَكْرَهْتُمْ عَلَيْهِ

[18037] Abu Bakr told us, he said: Abu Usamah told us, he said: Shu'bah told us, from Muhammad ibn 'Abd al-Rahman, that one of the governors beat a man until he divorced his wife. He said: So they wrote regarding it to 'Umar ibn 'Abd al-'Aziz, and he said: "He did not validate that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو أَسَامَةَ، قَالَ أَنَا شُعْبَهُ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ عَامِلًا مِنَ الْعَمَالِ ضَرَبَ رَجُلًا حَتَّى طَلَقَ امْرَأَهُ، قَالَ: فَكَتَبَ فِيهِ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: فَلَمْ يُجِزْ ذَلِكَ

[18038] Abu Bakr told us, he said: 'Abd Allah ibn Numayr told us, from Muhammad ibn Ishaq, from Thawr, from 'Abd Allah ibn Abi Salih, from Safiyyah bint Shaybah, from 'A'ishah, who said: The Messenger of Allah ﷺ said: "There is no divorce and no manumission in [a state of] Ighlaq (extreme anger or coercion)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ ثَوْرٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي صَالِحٍ، عَنْ صَفِيَّةَ بْنَتِ شَيْبَيْهَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا طَلَاقَ، وَلَا عَطَاقَ فِي إِغْلَاقٍ

[18039] Abu Bakr told us, he said: Hushaym told us, from Sayyar, who said: I said to Al-Sha'bi: "They claim that you do not consider the divorce of a coerced person to be anything." He said: "They lie against me."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ سَيَّارٍ، قَالَ: قُلْتُ لِلشَّعَبِيِّ: إِنَّهُمْ يَرْعُمُونَ أَنَّكَ لَا تَرَى طَلَاقَ الْمُكْرَهِ شَيْئًا قَالَ: إِنَّهُمْ يَكْذِبُونَ عَلَيَّ

[18040] Abu Bakr told us, he said: Hushaym told us, from Al-Mughirah, from Ibrahim, who said: "The divorce of a coerced person is valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنِ الْمُغِيرَةِ، عَنْ إِبْرَاهِيمَ، قَالَ: طَلاقُ الْمُكْرَهِ جَائِزٌ

[18041] Abu Bakr told us, he said: Hisham told us, from Al-A'mash, from Ibrahim, who said: "It is valid; it is merely something with which he ransomed himself."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هِشَامٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: هُوَ جَائِزٌ، إِنَّمَا هُوَ شَيْءٌ افْتَدَى بِهِ نَفْسَهُ

[18042] Abu Bakr told us, he said: Yazid ibn Harun told us, from Hammad ibn Salamah, from 'Ali ibn Zayd, from Sa'id ibn al-Musayyib, that he used to validate the divorce of a coerced person.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ عَلَيِّ بْنِ زَيْدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَانَ يُجِيزُ طلاقَ الْمُكْرَهِ

[18043] Abu Bakr told us, he said: 'Abd Allah ibn al-Mubarak told us, from a man whom he named, from Ibn Sirin, from Shurayh, who said: "The divorce of a coerced person is valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ، عَنْ رَجُلٍ، قَدْ سَمَاهُ عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ قَالَ: طَلاقُ الْمُكْرَهِ جَائِزٌ

[18044] Abu Bakr told us, he said: Husayn ibn Muhammad told us, from Jarir ibn Hazim, from Ayyub, from Abu Qilabah, who said: "The divorce of a coerced person is valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حُسَيْنُ بْنُ مُحَمَّدٍ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ أَيُوبَ، عَنْ أَبِي قِلَابَةَ قَالَ: طَلاقُ الْمُكَرَّهِ جَائِزٌ

[18045] Abu Bakr told us, he said: Hafs ibn Ghiyath told us, from Layth, from Hammad, from Ibrahim, who said: "Even if a sword were placed on his parting (head) and he divorced, I would validate his divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ لَيْثٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ قَالَ: لَوْ وُضِعَ السَّيْفُ عَلَى مَفْرُقِهِ، ثُمَّ طَلَقَ لَأَجْرَتْ طَلاقَهُ

[18046] Abu Bakr told us, he said: Ibn Idris told us, from Husayn, from Al-Sha'bi, regarding a man coerced into a matter of manumission or divorce. He said: "If the Sultan coerces him, it is valid; but if thieves coerce him, it is not valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ حُصَيْنٍ، عَنْ الشَّعْبِيِّ، فِي الرَّجُلِ يُكْرَهُ عَلَى أَمْرٍ مِنْ أَمْرِ الْعَنَاقِ، أَوِ الطَّلاقِ، قَالَ: إِذَا أَكْرَهَهُ السُّلْطَانُ جَازَ، وَإِذَا أَكْرَهَهُ اللُّصُوصُ لَمْ يَجُزْ

[18047] Abu Bakr told us, he said: Hushaym told us, from Yunus, from Al-Hasan, regarding a man who has two wives; he forbade one of them from going out. The one who was not forbidden went out, and he thought she was the one he had forbidden to go out, so he said: "So-and-so who went out, you are divorced." He said: "The one he intended and meant is divorced."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ،
فِي رَجْلٍ لَهُ امْرَأَتَانِ نَهَى إِحْدَاهُمَا عَنِ الْخُرُوجِ،
فَخَرَجَتِ اللَّهِي لَمْ تُنْهَى، فَطَّلَقَ أَنَّهَا اللَّهِي نَهَاهَا أَنْ تَخْرُجَ،
فَقَالَ: فُلَانَهُ خَرَجْتُ أَنْتِ طَالِقٌ قَالَ: طَلَقُ اللَّهِي أَرَادَ
وَنَوَى

[18048] Abu Bakr told us, he said: Hushaym told us, from Mughirah, from Ibrahim, who said: "They are both divorced. The one he intended is divorced by his naming of her, and this one [is divorced] by his saying to her: 'You are divorced.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ،
قَالَ: "طَلَقَانِ جَمِيعًا، طَلَقُ اللَّهِي أَرَادَ بِسَمْيَتِهِ إِيَاهَا،
وَطَلَقَ هَذِهِ بِقَوْلِهِ إِلَهَا: أَنْتِ طَالِقٌ

[18049] Abu Bakr told us, he said: 'Abd al-A'la told us, from Ma'mar, from Al-Zuhri, that he said regarding a man who said to his wife: "If you go out, you are divorced." Then a woman borrowed her clothes and wore them, and her husband saw her when she went out the door, so he said: "You have done it, so you are divorced." He said: "His divorce befalls his wife."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الرُّهْرِيِّ، أَنَّهُ قَالَ: فِي رَجُلٍ قَالَ لِإِمْرَأَتِهِ: إِنْ خَرَجْتِ فَأَنْتِ طَالِقٌ، فَاسْتَعَارَتِ امْرَأَةٌ ثِيَابَهَا فَلَبِسَتْهَا، فَأَبْصَرَهَا زَوْجُهَا حِينَ خَرَجَتْ مِنَ الْبَابِ، فَقَالَ: فَدْ فَعَلْتِ فَأَنْتِ طَالِقٌ، قَالَ: يَقْعُ طَلَاقُهُ عَلَى امْرَأَتِهِ

[18050] Abu Bakr told us, he said: 'Umar told us, from Ibn Jurayj, from 'Ata', who said: I heard him say: "If a man swore regarding his wife that she should not go out, then another wife of his went out, and it was said to him: 'This is your wife,' so he thought she was the other one and divorced her." 'Ata' said: "It is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عُمَرُ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: سَمِعْتُهُ يَقُولُ: "إِنْ حَلَفَ رَجُلٌ عَلَى امْرَأَتِهِ أَنَّهَا لَا تَخْرُجُ فَخَرَجَتِ امْرَأَةٌ لَهُ أُخْرَى فَقِيلَ لَهُ: هَذِهِ امْرَأَتُكَ فَخَسِبَهَا الْأُخْرَى فَطَلَّقَهَا قَالَ عَطَاءُ: لَيْسَ بِشَيْءٍ

[18051] Abu Bakr told us, he said: Muhammad ibn Yazid told us, from Abu al-A'la, from Qatadah, regarding a man who had two wives, and one of them went out.

He said: "Who is this?" It was said: "So-and-so." He said: "She is divorced." But it was the one who was not named. He said: "The divorce has fallen upon both of

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ، فِي رَجُلٍ كَانَتْ لَهُ امْرَأَتَانِ فَخَرَجَتْ إِحْدَاهُمَا قَالَ: مَنْ هَذِهِ؟ قَبِيلٌ: فُلَانَةُ، قَالَ: إِنَّهَا طَالِقٌ، وَكَانَتِ الْآتِيَ لَمْ تُسَمِّ، قَالَ: قَدْ وَقَعَ الطَّلَاقُ عَلَيْهِمَا جَمِيعًا

[18052] Abu Bakr told us, he said: Sharik told us, from Jabir, from 'Amir, regarding a man who had two wives or two female slaves; he called one of them and said: "You are divorced," but the other one answered him. He said: "The one he named is divorced. And if it was regarding his slave, it is the same."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَرِيكُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي رَجُلٍ كَانَتْ لَهُ امْرَأَتَانِ أَوْ مَمْلُوكَتَانِ، فَدَعَا إِحْدَاهُمَا، فَقَالَ: أَنْتِ طَالِقٌ فَلَاجَابَتُهُ الْأُخْرَى، قَالَ: ثُلَّاقُ الَّتِي سَمَّى، وَإِنْ كَانَ لِعَبْدِهِ فَمِثْلُ ذَلِكَ

[18053] Abu Bakr told us, he said: Muhammad ibn Abi 'Adi told us, from Ash'ath, from Al-Hasan, regarding a man who said to his wife: "Join your family." He said: "[It depends on] his intention."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، فِي رَجُلٍ قَالَ لِامْرَأَتِهِ: الْحَقِيقَ يَأْهُلُكَ قَالَ: نِيَّتُهُ

[18054] Abu Bakr told us, he said: Sharik told us, from Jabir, from 'Amir, regarding a man who says to his wife: "Join your family." He said: "It is nothing unless he intends divorce in anger."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَرِيكُ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي الرَّجُلِ يَقُولُ لِإِمْرَأَتِهِ: الْحَقِيقِي بِأَهْلِكِ، قَالَ: لَيْسَ بِشَيْءٍ إِلَّا أَنْ يَتْبُوِي طَلاقًا فِي غَضَبٍ

[18055] Abu Bakr told us, he said: Abu Dawud al-Tayalisi told us, from Hisham, from Qatadah, from 'Ikrimah, who said: "If he says: 'Join your family,' he said: 'This is one [divorce].'" And Qatadah said: "I do not count this as anything."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو دَاؤُدَ الطَّيَالِسِيُّ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ عَكْرَمَةَ، قَالَ: "إِذَا قَالَ: الْحَقِيقِي بِأَهْلِكِ قَالَ: هَذِهِ وَاحِدَةٌ"، وَقَالَ قَتَادَةُ: وَمَا أَعْدُ هَذَا شَيْئًا

[18056] Abu Bakr told us, he said: 'Abd Allah ibn Idris told us, from Shu'bah, who said: I asked Al-Hakam and Hammad about a man who said to his wife: "Go out, join your family," intending divorce. They said: "It is one [divorce], and he has the right to take her back."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا، عَنْ رَجُلٍ قَالَ لِإِمْرَأَتِهِ: اخْرُجِي الْحَقِيقِي بِأَهْلِكِ يَتْبُوِي الطَّلاقَ، قَالَا: هِيَ وَاحِدَةٌ، وَهُوَ أَحَقُّ بِرَجْعَتِهَا

[18057] Abu Bakr told us, he said: Jarir ibn 'Abd al-Hamid told us, from Mughirah, from Al-Harith al-'Ukli, regarding a man having four wives, and he said to them: "Between you are three divorces." He said: "Each one of them is irrevocably divorced with three divorces." And [regarding] a man who issues half a divorce, he said: "It is a complete divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ الْعُكْلِيِّ، فِي رَجُلٍ لَهُ أَرْبَعُ نِسْوَةً، فَقَالَ لَهُنَّ: بَيْنُكُنَّ تَلَاثٌ تَطْلِيقَاتٍ قَالَ: بَانَتْ كُلُّ وَاحِدَةٍ مِنْهُنَّ بِتَلَاثٍ تَطْلِيقَاتٍ وَالرَّجُلُ يُطْلَقُ نِصْفَ تَطْلِيقَةً قَالَ: هِيَ تَطْلِيقَةٌ تَامَّةٌ

[18058] Abu Bakr told us, he said: Hushaym told us, from Mansur, from Al-Hasan, regarding a man who had four wives, and he said to them: "Between you is one divorce." He said: "For each one is a divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ مَنْصُورٍ، عَنِ الْحَسَنِ، فِي رَجُلٍ كَانَ لَهُ أَرْبَعُ نِسْوَةٍ، فَقَالَ لَهُنَّ: بَيْنُكُنَّ تَطْلِيقَةً، قَالَ: إِكْلُّ وَاحِدَةٍ تَطْلِيقَةً

[18059] Abu Bakr told us, he said: Abu 'Isam Rawwad ibn Jarrah told us, from Al-Awza'i, who said: 'Umar ibn 'Abd al-'Aziz was asked: "A man divorces his wife with half a divorce." He said: "It is a divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو عِصَامِ رَوَادِ بْنِ جَرَاحٍ، عَنِ الْأَوْزَاعِيِّ، قَالَ: قِيلَ لِعُمَرَ بْنِ عَبْدِ الْعَزِيزِ: الرَّجُلُ يُطْلَقُ امْرَأَهُ نِصْفَ تَطْلِيقَةً، قَالَ: هِيَ تَطْلِيقَةً

[18060] Abu Bakr told us, he said: Ibn Mahdi told us, from Hammad ibn Salamah, from Hammad and Qatadah, regarding a man who had four wives, and he said to them: "Between you is a divorce." He said: "Upon each one of them is a divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حَمَادٍ، وَقَنَادَةَ، فِي رَجُلٍ كُنَّ لَهُ أَرْبَعٌ نِسْوَةٌ، فَقَالَ لَهُنَّ: بَيْنُكُمْ تَطْلِيقَةٌ قَالَ: عَلَى كُلِّ وَاحِدَةٍ مِنْهُنَّ تَطْلِيقَةٌ

[18061] Abu Bakr told us, he said: Waki' told us, from Sufyan, from a man, from Al-Sha'bi, who said: "If he says: 'You are divorced by half or a third of a divorce,' it is a divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ رَجُلٍ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا قَالَ: أَنْتَ طَالِقٌ نِصْفًا، أَوْ ثُلُثًا تَطْلِيقَةٌ فَهِيَ تَطْلِيقَةٌ

[18062] Abu Bakr told us, he said: 'Ali ibn Mushir and 'Abdah ibn Sulayman told us, from Sa'id, from Qatadah, from Zurarah ibn Awfa, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "Indeed Allah has overlooked for my Ummah what their souls whisper to them, as long as they do not speak of it or act upon it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، وَعَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنْ زُرَارَةَ بْنِ أُوفَى، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ اللَّهَ تَجَاوِزَ لِأَمْتَى عَمَّا حَدَّثْتُ بِهِ أَنفُسَهَا مَا لَمْ تَكُلْ بِهِ أَوْ تَعْمَلْ بِهِ

[18063] Abu Bakr told us, he said: Hafs ibn Ghiyath told us, from Ibn Abi 'Arubah, from Qatadah, from Ibn Sirin and Al-Hasan, that they both said: "Self-talk regarding divorce is nothing." And Ibn Sirin said: "If he had not asked, it would have been more beloved to me."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ ابْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ ابْنِ سِيرِينَ، وَالْحَسَنِ، أَنَّهُمَا قَالَا: حَدِيثُ النَّفْسِ بِالْطَّلاقِ لَيْسَ بِشَيْءٍ وَقَالَ ابْنُ سِيرِينَ: لَوْلَمْ يَسْأَلْ كَانَ أَحَبَّ إِلَيَّ

[18064] Abu Bakr told us, he said: 'Abd al-Rahman ibn Mahdi told us, from Jarir ibn Hazim, from Isma'il ibn Adam, who said: I asked Muhammad ibn Sirin about a man who talks to himself about divorce. He said: "Self-talk is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيًّا، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ إِسْمَاعِيلِ بْنِ آدَمَ، قَالَ: سَأَلْتُ مُحَمَّدَ بْنَ سِيرِينَ، عَنِ الرَّجُلِ يُحَدِّثُ نَفْسَهُ بِالْطَّلاقِ، قَالَ: لَيْسَ حَدِيثُ النَّفْسِ بِشَيْءٍ

[18065] Abu Bakr told us, he said: Hafs told us, from 'Abd al-Malik, from Sa'id ibn Jubayr, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ، عَنْ عَبْدِ الْمَلِكِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، مِثْلُهُ

[18066] Abu Bakr told us, he said: Waki' told us, from Sufyan, from Ibn Jurayj, from 'Amr ibn Dinar, from Jabir ibn Zayd; and from Sufyan, from Ibn Jurayj, from 'Ata', they both said: "It is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبْنَ جُرَيْجٍ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، وَعَنْ سُفْيَانَ، عَنْ أَبْنَ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَا: لَيْسَ بِشَيْءٍ

[18067] Abu Bakr told us, he said: 'Umar told us, from Ibn Jurayj, from 'Ata'; and from 'Amr, from Jabir ibn Zayd, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عُمَرُ، عَنْ ابْنِ جُرَيْجِ، عَنْ عَطَاءٍ، وَعَنْ عَمْرِو، عَنْ جَابِرِ بْنِ زَيْدٍ، بِأَنَّهُ

[18068] Abu Bakr told us, he said: Waki' told us, from Isra'il, from Jabir, from 'Amir, who said: "If his soul whispers about divorce or manumission, it is nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: إِذَا حَدَّثَتْ نَفْسُهُ بِالظَّلَاقِ أَوِ الْأَعْنَاقِ فَلَيْسَ بِشَيْءٍ

[18069] Abu Bakr told us, he said: Jarir ibn 'Abd al-Hamid told us, from Mughirah, from Ibrahim, who said: "If a man places the matter of his wife in the hand of another, then whatever he pronounces of divorce, it is one irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا جَعَلَ الرَّجُلُ أَمْرَأَتِهِ بِيَدِ غَيْرِهِ، فَمَا طَلَقَ مِنْ شَيْءٍ فَهُوَ وَاحِدَةٌ بِائِنَةً،

[18070] Abu Bakr told us, he said: 'Abd al-A'la told us, from Yunus, from Al-Hasan, regarding a man who places the matter of his wife in the hand of a man. He said: "It is as he said."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ الْحَسَنِ، فِي الرَّجُلِ يَجْعَلُ أَمْرَأَتِهِ بِيَدِ رَجُلٍ، قَالَ: هُوَ كَمَا قَالَ

[18071] Abu Bakr told us, he said: Ibn Numayr told us, from 'Abd al-Malik, from 'Ata', regarding a man who says to a man: "Go and divorce so-and-so for me." He said: "It is permissible; if he divorces, it is valid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: انْطَلِقْ فَطَلَقْ عَنِي فُلَانَةً، قَالَ: هُوَ جَائِزٌ، إِنْ طَلَقَ جَازَ

[18072] Abu Bakr told us, he said: Ibn Dukayn told us, from Zakariyya, who said: 'Amir was asked about a man who placed the matter of his wife in the hand of another man, so the man divorced her three times. He said: "It is one [divorce]; he only placed her matter in his hand once."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ دُكَيْنٍ، عَنْ زَكَرِيَّا، قَالَ: سُئِلَ عَامِرٌ عَنْ رَجُلٍ جَعَلَ أَمْرَ امْرَأَتِهِ بِيَدِ رَجُلٍ آخَرَ، فَطَلَقَهَا الرَّجُلُ ثَلَاثَةً، فَقَالَ: هِيَ وَاحِدَةٌ، إِنَّمَا جَعَلَ أَمْرَهَا بِيَدِهِ مَرَّةً وَاحِدَةً

[18073] Abu Bakr told us, he said: Ghundar told us, from Shu'bah, from Hammad, who said: "If a man places the matter of his wife in the hand of a man and he divorces, it is one irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ قَالَ: إِذَا جَعَلَ الرَّجُلُ أَمْرَ امْرَأَتِهِ بِيَدِ رَجُلٍ فَطَلَقَ فَهُوَ وَاحِدَةٌ بَائِثَةٌ

[18074] Abu Bakr told us, he said: Kathir ibn Hisham told us, from Ja'far ibn Burqan, who said: I heard Ma'mar mentioning from Al-Zuhri, regarding a man who places the divorce of his wife in her hand, or her brother's, or her father's, or anyone's hand. [He said]: "The statement is what he says: If he divorces her once, it is once; if he divorces her twice, it is twice; and if he divorces three times, it is three."

[18075] Abu Bakr told us, he said: Abu Mu'awiyah told us, from Al-A'mash, from Ibrahim, from Masruq, who said: A man came to 'Umar and said: "I placed the matter of my wife in her hand, and she divorced herself three times." 'Umar said to 'Abd Allah: "What do you say?" 'Abd Allah said: "I see it as one [divorce], and he has more right to her." 'Umar said: "And I also see that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، قَالَ: سَمِعْتُ مَعْمَراً، يَذْكُرُ عَنِ الرُّهْرِيِّ، فِي الرَّجُلِ يَجْعَلُ طَلاقَ امْرَأَتِهِ بِيَدِهَا، أَوْ أَخِيهَا، أَوْ أَبِيهَا، أَوْ بِيَدِ أَحَدٍ، فَالْقَوْلُ مَا قَالَ: إِنْ طَلَقَهَا وَاحِدَةً فَوَاحِدَةً، وَإِنْ طَلَقَهَا ثَنَيْنِ فَثَنَيْنِ، وَإِنْ طَلَقَهَا ثَلَاثَةً فَثَلَاثَةً

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ مَسْرُوقٍ، قَالَ: جَاءَ رَجُلٌ إِلَى عُمَرَ فَقَالَ: إِنِّي جَعَلْتُ أَمْرَ امْرَأَتِي بِيَدِهَا فَطَلَقْتُ نَفْسَهَا ثَلَاثَةً، فَقَالَ عُمَرُ لِعَبْدِ اللَّهِ: مَا تَقُولُ؟ فَقَالَ عَبْدُ اللَّهِ: أَرَاهَا وَاحِدَةً وَهُوَ أَمْلَكُ بِهَا، فَقَالَ عُمَرُ: وَأَنَا أَيْضًا أَرَى ذَلِكَ

[18076] Abu Bakr told us, he said: Hafs ibn Ghiyath told us, from Ja'far, from his father, from Aban ibn 'Uthman, from Zayd ibn Thabit, that he said regarding a man who said to his wife: "If you cross the threshold of this door, your matter is in your hand." So she crossed and divorced herself many times. Zayd said: "It is one [divorce]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ أَبَانَ بْنِ عُثْمَانَ، عَنْ رَيْدِ بْنِ ثَابِتٍ أَنَّهُ قَالَ: "فِي رَجُلٍ قَالَ لِإِمْرَأَتِهِ: إِنْ جُزْتِ عَنْتَهُ هَذَا الْبَابِ فَأَمْرُكِ بِيَدِكِ، فَجَازَتْ، فَطَلَقَتْ نَفْسَهَا طَلَاقًا كَثِيرًا"، قَالَ رَيْدٌ: هِيَ وَاحِدَةٌ

[18077] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Ayyub, from Ghaylan ibn Jarir, from Abu al-Halal al-'Ataki, that he came as a delegation to 'Uthman and said: I said: "A man placed the matter of his wife in her hand." He said: "Then her matter is in her hand."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ غَيْلَانَ بْنَ جَرِيرٍ، عَنْ أَبِي الْحَالِ الْعَتَكِيِّ، أَنَّهُ وَقَدْ إِلَى عُثْمَانَ قَالَ: قُلْتُ: رَجُلٌ جَعَلَ أَمْرَ امْرَأَتِهِ بِيَدِهَا قَالَ: فَأَمْرُهَا بِيَدِهَا

[18078] Abu Bakr told us, he said: Waki' told us, from Abu Talhah, from Shaddad, from Ghaylan ibn Jarir, from Abu al-Halal, who said: I asked 'Uthman about a man who placed the matter of his wife in her hand. He said: "The judgment is what she decided."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ أَبِي طَلْحَةَ، عَنْ شَدَّادٍ، عَنْ غَيْلَانَ بْنَ جَرِيرٍ، عَنْ أَبِي الْحَالِ، قَالَ: سَأَلْتُ عُثْمَانَ عَنْ رَجُلٍ جَعَلَ أَمْرَ امْرَأَتِهِ بِيَدِهَا، قَالَ: الْقَضَاءُ مَا قَضَتْ

[18079] Abu Bakr told us, he said: Ibn Abi Za'idah and 'Ali ibn Hashim [told us], from Ibn Abi Layla, from Al-Hakam, from Miqsam, from Ibn 'Abbas, who said: "The judgment is what she decided."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ أَبِي زَانِدَةَ، وَعَلَيُّ بْنُ هَاشِمٍ، عَنِ ابْنِ أَبِي لَيْلَى، عَنِ الْحَكَمِ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: الْفَضَاءُ مَا قَضَتْ

[18080] Abu Bakr told us, he said: 'Abd al-A'la told us, from Sa'id, from Qatadah, from Fadalah ibn 'Ubayd; and from Qatadah, from 'Abd Rabbih, from Abu 'Iyad: "The judgment is what she decided."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ فَضَالَةَ بْنِ عُبَيْدٍ، وَعَنْ قَتَادَةَ، عَنْ عَبْدِ رَبَّى، عَنْ أَبِي عِيَاضٍ، الْفَضَاءُ مَا قَضَتْ

[18081] Abu Bakr told us, he said: Waki' told us, from Hisham, from Qatadah, from Ibn al-Musayyib, who said: "The judgment is what she decided."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ ابْنِ الْمُسَيْبَ، قَالَ: الْفَضَاءُ مَا قَضَتْ

[18082] Abu Bakr told us, he said: Hamid ibn 'Abd al-Rahman told us, from Hasan, from Mujalid, from Al-Sha'bi, regarding a man who places the matter of his wife in her hand. He said: "The judgment is what she decided."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنٍ، عَنْ مُجَالِدٍ، عَنْ الشَّعْبِيِّ، فِي رَجُلٍ جَعَلَ أَمْرَأَتِهِ بِيَدِهَا، قَالَ: الْفَضَاءُ مَا قَضَتْ

[18083] Abu Bakr told us, he said: Yahya ibn Sa'id told us, from 'Abd Allah, from Nafi', from Ibn 'Umar, regarding a man who places the matter of his wife in her hand. He said: "The judgment is what she decided."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ،
عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، فِي الرَّجُلِ يَجْعَلُ أَمْرَ امْرَأَتِهِ
بِيَدِهَا، قَالَ: الْفَضَاءُ مَا قَضَتْ

[18084] Abu Bakr told us, he said: 'Abd al-Wahhab al-Thaqafi told us, from Burd, from Makhul and Al-Zuhri, who said: "The judgment is what she decided."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْوَهَابِ التَّقَفِيُّ، عَنْ بُرْدِ،
عَنْ مَكْحُولٍ، وَالزُّهْرِيِّ، قَالَا: الْفَضَاءُ مَا قَضَتْ

[18085] Abu Bakr told us, he said: Ghundar told us, from Shu'bah, who said: I asked Al-Hakam: [If] she said: "I have divorced myself three times." He said: "She is separated from him by three," meaning if he placed her matter in her hand.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، قَالَ: قُلْتُ
لِلْحَكَمَ: قَالَ: قَدْ طَلَقْتُ نَفْسِي ثَلَاثًا، قَالَ: "قَدْ بَانَتْ مِنْهُ
بِثَلَاثٍ" يَعْنِي إِذَا جَعَلَ أَمْرَهَا بِيَدِهَا

[18086] Abu Bakr told us, he said: Ibn 'Uyaynah told us, from Mansur, from Ibrahim, from 'Alqamah, from 'Abd Allah, that a man placed the matter of his wife in her hand, and she divorced herself three times. He said: "It is one." Then he met 'Umar, and he said: "What an excellent opinion you held."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ، أَنَّ رَجُلًا جَعَلَ أَمْرًا مَرْأَتِهِ بِيَدِهَا، فَطَلَقَتْ نَفْسَهَا ثَلَاثًا، قَالَ: هِيَ وَاحِدَةٌ، ثُمَّ لَقِيَ عُمَرَ فَقَالَ: نَعَمْ مَا رَأَيْتَ

[18087] Abu Bakr told us, he said: Ibn 'Adi told us, from Bishr, who told us at that time, that 'Umar ibn 'Abd al-'Aziz wrote regarding a man from Banu Tamim who placed the matter of his wife in her hand. He said: "If she returns the matter to him, it is nothing. And if she divorces herself, it is one [divorce], and he has more right to her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عَدِيٍّ، عَنْ بِشْرٍ، حَدَّثَنَا إِذْ ذَاكَ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَتَبَ فِي رَجُلٍ مِنْ بَنِي ثَمِيمٍ جَعَلَ أَمْرًا مَرْأَتِهِ بِيَدِهَا، قَالَ: "إِنْ رَدَتِ الْأَمْرَ عَلَيْهِ فَلَا شَيْءٌ، وَإِنْ طَلَقَتْ نَفْسَهَا فَهِيَ وَاحِدَةٌ، وَهُوَ أَحَقُّ بِهَا،

[18088] Abu Bakr told us, he said: Jarir ibn 'Abd al-Hamid told us, from Mansur, from Ibn 'Abbas, regarding a man who said to his wife: "Your matter is in your hand," and she said: "You are divorced three times." Ibn 'Abbas said: "Allah made her miss her goal (lit. 'mistake her star'). If she had said: 'I am divorced three times,' it would have been as she said."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مَنْصُورٍ، عَنْ ابْنِ عَبَّاسٍ، فِي رَجُلٍ قَالَ لِامْرَأَتِهِ: أَمْرُكِ بِيَدِكِ، فَقَالَتْ: أَنْتَ طَالِقُ ثَلَاثًا، فَقَالَ ابْنُ عَبَّاسٍ: "خَطَا اللَّهُ نَوْاهَا، لَوْ قَالَتْ: أَنَا طَالِقُ ثَلَاثًا لَكَانَ كَمَا قَالَتْ

[18089] Abu Bakr told us, he said: Jarir told us, from Mansur, who said: I mentioned that to Ibrahim, and he said: "It is the same; it is one [divorce], and he has more right to her, whether she said: 'I divorced you,' or 'I divorced myself.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ، عَنْ مَنْصُورٍ، قَالَ: ذَكَرْتُهُ لِإِبْرَاهِيمَ فَقَالَ: "سَوَاءٌ هِيَ وَاحِدَةٌ، وَهُوَ أَمْلَكٌ بِهَا، إِنْ قَالَتْ: طَلَقْتُكَ، أَوْ طَلَقْتُ نَفْسِي

[18090] Abu Bakr told us, he said: Ibn 'Uyaynah told us, from 'Amr, from 'Ata', from Ibn 'Abbas, who said: "Allah made her miss her goal."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرٍو، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: "خَطَا اللَّهُ نَوْاهَا

[18091] Abu Bakr told us, he said: 'Abd Allah ibn Numayr told us, from Al-A'mash, from Habib, from Sa'id ibn Jubayr, from Ibn 'Abbas, regarding a man who placed the matter of his wife in her hand, and she said: "You are divorced three times." He said: "Allah made her miss her goal."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ نُعَيْرٍ، عَنِ الْأَعْمَشِ،
عَنْ حَبِيبٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، فِي
رَجُلٍ جَعَلَ أَمْرَ امْرَأَتِهِ بِيَدِهَا، فَقَالَتْ: أَنْتَ طَالِقٌ تَلَاقِيَّاً،
قَالَ: خَطَا اللَّهُ نَوَّاهَا

[18092] Abu Bakr told us, he said: Muhammad ibn Bishr al-'Abdi told us, he said: Zakariyya ibn Abi Za'idah told us, he said: Mansur told us, Ibrahim told me, from 'Alqamah, who said: I was with 'Abd Allah ibn Mas'ud when a man came to him and said: "O Abu 'Abd al-Rahman, there was some [trouble] between me and my family as occurs among people. She said: 'If the matter in your hand were in my hand, you would know what I would do.' So I said to her: 'It is in your hand.' She said: 'Then I have divorced you three times.'" 'Abd Allah said: "It is one divorce, and you have more right to her." He said: I mentioned that to 'Umar, and he said: "If you had said otherwise, I would have thought you were

حَدَّنَا أَبُو بَكْرٍ قَالَ: نَا مُحَمَّدُ بْنُ بِشْرِ الْعَبْدِيُّ، قَالَ: نَا زَكَرِيَّاً بْنُ أَبِي زَائِدَةَ، قَالَ: نَا مَنْصُورٌ، حَدَّنَا إِبْرَاهِيمُ، عَنْ عَفْقَمَةَ قَالَ: كُنْتُ عِنْدَ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ فَأَتَاهُ رَجُلٌ فَقَالَ: يَا أَبَا عَبْدِ الرَّحْمَنِ، إِنَّهُ كَانَ بَيْنِ وَبَيْنِ أَهْلِي بَعْضُ مَا يَكُونُ بَيْنَ النَّاسِ، وَإِنَّهَا قَالَتْ: لَوْ كَانَ مَا يِبْدِكَ مِنَ الْأَمْرِ يِبْدِي لَعِلْمَتَ مَا أَصْنَعُ؟ فَقَالَ لَهَا: هِيَ يِبْدِكِ، قَالَتْ: فَإِنِّي قَدْ طَلَقْتُكِ ثَلَاثًا، قَالَ عَبْدُ اللَّهِ: هِيَ تَطْلِيقَةٌ وَاحِدَةٌ، وَأَنْتَ أَحَقُّ بِهَا قَالَ: فَذَكَرْتُ ذَلِكَ لِعُمَرَ فَقَالَ: لَوْ قُلْتُ غَيْرَ ذَلِكَ لَرَأَيْتُ أَنَّكَ لَمْ تُصِبْ

[18093] Abu Bakr told us, he said: Hafs ibn Ghiyath told us, from Al-Shaybani, from Al-Sha'bi, who said: 'Abd Allah said: "If a man gives his wife the choice (Khiyar) and she chooses herself, it is one irrevocable divorce. And if she chooses her husband, it is nothing." 'Ali said: "If she chooses herself, it is one irrevocable divorce. And if she chooses her husband, it is one [revocable divorce] and he has more right to her."

[18094] Abu Bakr told us, he said: 'Ali ibn Mushir told us, from Isma'il, from Al-Sha'bi, from Masruq, who said: "I do not care if I gave my wife the choice once, or a hundred times, or a thousand times, after she chooses me. I went to 'A'ishah and asked her about that. She said: 'The Messenger of Allah ﷺ gave us the choice and we chose him; was it a divorce?'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: قَالَ عَبْدُ اللَّهِ: إِذَا حَيَرَ الرَّجُلُ امْرَأَتَهُ فَاحْتَارَتْ نَفْسَهَا فَوَاحِدَةً بِائِنَّهُ، وَإِنْ اخْتَارَتْ رَوْجَهَا فَلَا شَيْءٌ، قَالَ عَلِيُّ: إِنْ اخْتَارَتْ نَفْسَهَا فَوَاحِدَةً بِائِنَّهُ، وَإِنْ اخْتَارَتْ رَوْجَهَا فَوَاحِدَةً وَهُوَ أَمْلَكُ بِهَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ قَالَ: مَا أَبْلَى خَيْرُتُ امْرَأَتِي وَاحِدَةً، أَوْ مَائَةً، أَوْ أَلْفًا بَعْدَ أَنْ تَخْتَارَنِي، وَلَقَدْ أَشْيَثُ عَائِشَةَ، فَسَأَلْتُهَا عَنْ ذَلِكِ؟ فَقَالَتْ: قَدْ خَيَرَتَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَاخْتَرْنَاهُ أَفَكَانَ طَلَاقًا؟

[18095] Abu Bakr told us, he said: 'Abd Allah ibn Mubarak told us, from Yahya ibn Bishr, who said: I heard 'Ikrimah narrating that Abu al-Darda' was asked while in Syria about a man who gave his wife the choice, and she chose her husband. He said: "It is nothing." He said: Ibn 'Abbas used to give this fatwa, and Aban ibn 'Uthman judged by it in Medina.

[18096] Abu Bakr told us, he said: 'Abd Allah ibn Idris told us, from Musa ibn Muslim, from Mujahid, who said: 'Ali said: "If a man removes the matter of his wife from his neck (gives her the choice), it is one [divorce], even if she chooses him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ يَحْيَى
بْنِ بِشْرٍ، قَالَ: سَمِعْتُ عَكْرَمَةَ، يُحَدِّثُ أَنَّ أَبَا الدَّرْدَاءِ،
أُتِيَ وَهُوَ بِالشَّامِ فِي رَجْلٍ خَيْرٍ امْرَأَتُهُ فَلَاحْتَارَتْ
رَوْجَهَا، قَالَ: لَيْسَ بِشَيْءٍ قَالَ: وَكَانَ أَبْنُ عَبَّاسٍ يُقْتَلُ
بِذَلِكَ، وَقَضَى بِهِ أَبْنُ بْنُ عُثْمَانَ بِالْمَدِينَةِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ مُوسَى
بْنِ مُسْلِمٍ، عَنْ مُجَاهِدٍ، قَالَ: قَالَ عَلِيٌّ: إِذَا خَلَعَ الرَّجُلُ
أَمْرَ امْرَأَتِهِ مِنْ عُنْقِهِ فَهُوَ وَاحِدٌ، وَإِنْ اخْتَارَتْهُ

[18097] Abu Bakr told us, he said: Waki' told us, from Jarir ibn Hazim and 'Isa ibn 'Asim, from Zadhan, who said: We were sitting with 'Ali, and he was asked about the choice (Al-Khiyar). He said: "The Commander of the Faithful 'Umar asked me about it, and I said: 'If she chooses herself, it is one irrevocable divorce. And if she chooses her husband, it is one divorce, and he has more right to her.' He said: 'It is not as you said. If she chooses herself, it is one irrevocable divorce. And if she chooses her husband, it is nothing, and he has more right to her.' So I found no escape from following the Commander of the Faithful. But when I was given authority and was entrusted with [rulings on] marriage, I returned to what I knew." It was said to him: "Your opinion while united (with Umar) is more beloved to us than your opinion in division." 'Ali laughed and said: "He (Umar) sent to Zayd ibn Thabit and asked him, and he said: 'If she chooses herself, it is three. And if she chooses her husband, it is one irrevocable

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبِيعُ، عَنْ جَرِيرِ بْنِ حَازِمٍ،
وَعَنْ عَيْسَى بْنِ عَاصِمٍ، عَنْ زَادَةَ، قَالَ: كُلُّا جُلُوسًا
عِنْدَ عَلِيٍّ فَسُئِلَ عَنِ الْخِيَارِ؟ فَقَالَ: "سَأَلْنِي عَنْهَا أَمِيرُ
الْمُؤْمِنِينَ عُمَرُ فَقُلْتُ: إِنَّ اخْتَارَتْ نَفْسَهَا فَوَاحِدَةً بَائِثَةً،
وَإِنْ اخْتَارَتْ رَوْجَهَا فَوَاحِدَةً، وَهُوَ أَحَقُّ بِهَا"، فَقَالَ:
لَيْسَ كَمَا قُلْتُ: إِنَّ اخْتَارَتْ نَفْسَهَا فَوَاحِدَةً، وَإِنْ
اخْتَارَتْ رَوْجَهَا فَلَا شَيْءٌ، وَهُوَ أَحَقُّ بِهَا فَلَمْ أَجِدْ بُدَّا
مِنْ مُتَابِعَةِ أَمِيرِ الْمُؤْمِنِينَ، فَلَمَّا وُلِيَتْ وَأَتَيْتُ فِي
الْفُرُوجِ رَجَعْتُ إِلَى مَا كُنْتُ أَعْرِفُ فَقِيلَ لِي: رَأَيْكُمَا
فِي الْجَمَاعَةِ أَحَبُّ إِلَيْنَا مِنْ رَأِيكِ فِي الْفُرُوقَةِ، فَضَحَّى
عَلِيٌّ، فَقَالَ: أَمَّا إِنَّهُ أَرْسَلَ إِلَيَّ زَيْدَ بْنَ ثَابِتَ فَسَأَلَهُ
فَقَالَ: إِنَّ اخْتَارَتْ نَفْسَهَا فَثَلَاثَةً، وَإِنْ اخْتَارَتْ رَوْجَهَا
فَوَاحِدَةً بَائِثَةً

[18098] Abu Bakr told us, he said: 'Abbad ibn al-'Awwam told us, from 'Abd al-Malik, from 'Ata', regarding a man who says to his wife: "Choose." [He said]: "If she chooses herself, it is one divorce. And if she chooses her husband, it is nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عَبْدِ الْمَالِكِ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يَقُولُ لِإِمْرَأِهِ: اخْتَارْتُ نَفْسَهَا فَوَاحِدَةً، وَإِنْ اخْتَارْتُ زَوْجَهَا فَلَا شَيْءٌ

[18099] Abu Bakr told us, he said: Hafs told us, from Ash'ath, from Al-Hakam, from Ibn Abi Layla, from Zayd ibn Thabit, who said: "If she chooses herself, it is three. And if she chooses her husband, it is one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، عَنْ أَبْنِ أَبِي لَيْلَى، عَنْ رَبِيدِ بْنِ ثَابِتٍ قَالَ: إِنْ اخْتَارْتُ نَفْسَهَا قَيْلَاثٌ، وَإِنْ اخْتَارْتُ زَوْجَهَا فَوَاحِدَةً

[18100] Abu Bakr told us, he said: Ibn Numayr told us, from Sufyan, from Abu al-Zinad, from Kharijah ibn Zayd and Aban ibn 'Uthman, from Zayd ibn Thabit, who said: "If she chooses herself, it is one divorce, and he has more right to her. And if she chooses her husband, it is nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ نُمَيْرٍ، عَنْ سُفْيَانَ، عَنْ أَبِي الرِّزَنَادِ، عَنْ خَارِجَةَ بْنِ رَبِيدٍ، وَأَبَانَ بْنِ عُثْمَانَ، عَنْ رَبِيدِ بْنِ ثَابِتٍ قَالَ: إِنْ اخْتَارْتُ نَفْسَهَا فَوَاحِدَةً، وَهُوَ أَمْلَكٌ بِهَا، وَإِنْ اخْتَارْتُ زَوْجَهَا فَلَا شَيْءٌ

[18101] Abu Bakr told us, he said: Abu Mu'awiyah told us, from Al-A'mash, from Muslim, from Masruq, from 'A'ishah, who said: "The Messenger of Allah ﷺ gave us the choice, so we chose him, and he did not count it against us as anything."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: حَيَّرَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَاحْتَرَنَا فَلَمْ يَعْدَهَا عَلَيْنَا شَيْئًا

[18102] Abu Bakr told us, he said: 'Abd Allah ibn Numayr told us, from Isma'il ibn Abi Khalid, from Abu Ishaq, who said: I asked Abu Ja'far about a man who gives his wife the choice, and she chooses her husband. He said: "It is nothing." I said: "What if she chooses herself?" He said: "[It is] one divorce, and he has more right to take her back."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَالِدٍ، عَنْ أَبِي إِسْحَاقَ، قَالَ: سَأَلْتُ أَبَا جَعْفَرٍ عَنْ رَجُلٍ يُخِيِّرُ امْرَأَتَهُ فَتَحْتَارُ رَوْجَهَا، قَالَ: لَيْسَ بِشَيْءٍ قُلْتُ: فَإِنْ اخْتَارَتْ نَفْسَهَا، قَالَ: ثَطْلِيقٌ، وَهُوَ أَحَقُّ بِرَجْعَتِهَا

[18103] Abu Bakr told us, he said: 'Abdah ibn Sulayman told us, from Yahya ibn Sa'id, from Sa'id ibn al-Musayyib, regarding a man who gave his wife the choice, so she returned that to him and did not decide anything in it. [He implied it meant nothing happened].

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، فِي رَجُلٍ خَيَّرَ امْرَأَتَهُ فَرَدَّتْ ذَلِكَ إِلَيْهِ، وَلَمْ تَعْضِ فِيهِ شَيْئًا

[18104] Abu Bakr told us, he said: Waki' told us, from Sufyan, from Layth, from Tawus, from Ibn 'Abbas, that he used to say regarding the choice (Khiyar) the like of the statement of 'Umar and 'Abd Allah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ لَيْثٍ،
عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَّاسٍ، أَنَّهُ كَانَ يَقُولُ فِي الْخِيَارِ
مِثْلُ قَوْلِ عُمَرَ وَعَبْدِ اللَّهِ

[18105] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghayāth narrated to us, from Al-A'mash, from Ibrāhīm, from 'Umar and 'Abd Allāh, who both said: 'Your matter is in your hand' and 'Choose' are the same (in ruling).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غَيَاثٍ، عَنِ الْأَعْمَشِ،
عَنْ إِبْرَاهِيمَ، عَنْ عُمَرَ، وَعَبْدِ اللَّهِ، أَنَّهُمَا قَالَا: أَمْرُكِ
بِيَدِكِ، وَاحْتَارِي سَوَاءً

[18106] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Dāwūd, from Al-Sha'bī, from Masrūq, who said regarding their saying: 'Your matter is in your hand' and 'Choose' are the same.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ، عَنْ دَاؤِدَ، عَنِ الشَّعْبِيِّ،
عَنْ مَسْرُوقٍ، "قَالَ فِي قَوْلِهِمْ: أَمْرُكِ بِيَدِكِ، وَاحْتَارِي
سَوَاءً"

[18107] Abū Bakr narrated to us, saying: Wakī' narrated to us, from Sufyān, from Ibni Abī Laylā, from 'Alī, 'Abd Allāh, and Zayd, who all said: 'Your matter is in your hand' and 'Choose' are the same.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي
لَيْلَى، عَنْ عَلَيِّ، وَعَبْدِ اللَّهِ، وَزَيْدٍ، قَالُوا: أَمْرُكِ بِيَدِكِ،
وَاحْتَارِي سَوَاءً

[18108] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Maṇṣūr, from Ibrāhīm, and from Bayān, from Al-Sha‘bī, who both said: 'Your matter is in your hand' and 'Choose' are the same.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، وَعَنْ بَيَانٍ، عَنِ الشَّعْبِيِّ، قَالَا: أَمْرُكِ
بِيَدِكِ، وَاخْتَارِي سَوَاءً

[18109] Abū Bakr narrated to us, saying: 'Abd al-A'lā narrated to us, from Hishām, that it reached him that 'Umar ibn 'Abd al-'Azīz made 'Your matter is in your hand' and 'Choose' the same.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، أَنَّهُ بَلَغَهُ
أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، جَعَلَ أَمْرَكِ
بِيَدِكِ وَاخْتَارِي سَوَاءً

[18110] Abū Bakr narrated to us, saying: Sufyān ibn 'Uyaynah narrated to us, from Jābir ibn Zayd, who said: If a man gives his wife the choice, then it is whatever she says in her gathering (before she leaves), but if they separate (part ways), then it is nothing.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ جَابِرِ بْنِ
رَيْدٍ، قَالَ: "إِذَا خَيَرَ الرَّجُلُ امْرَأَتَهُ فَهُوَ مَا قَالَتْ: فِي
مَجْلِسِهَا فَإِنْ تَفَرَّقَا فَلَا شَيْءٌ"

[18111] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ayyāsh narrated to us, from Al-Muthannā, from ‘Amr ibn Shu‘ayb, from his father, from his grandfather, that ‘Umar ibn al-Khaṭṭāb and ‘Uthmān ibn ‘Affān said: Whatever man entrusts his wife's affair to her and gives her the choice, and they separate from that gathering without her doing anything, her affair returns to her husband.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنِ الْمُئْنَى، عَنْ عَمْرٍو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَعُنْمَانَ بْنَ عَفَانَ قَالَا: إِيمَّا رَجُلٌ مَلِكٌ أَمْ رَأْتَهُ أَمْرَهَا، وَخَيْرَهَا فَأَفْتَرَقَا مِنْ ذَلِكَ الْمَجْلِسِ، فَلَمْ تُحِدْ فِيهِ شَيْئًا فَأَمْرُهَا إِلَى زَوْجِهَا

[18112] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Ḥajjāj, from Ibni Abī Najīḥ, from Mujāhid, who said: ‘Abd Allāh said: If a man places his wife's affair in the hand of a man (or perhaps misprint for 'her hand' or referring to an agent), and he stands up before she decides anything about it, she has no authority.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مُعاوِيَةَ، عَنْ حَاجَاجٍ، عَنْ ابْنِ أَبِي نَجِيْحٍ، عَنْ مُجَاهِدٍ، قَالَ: قَالَ عَبْدُ اللَّهِ: إِذَا جَعَلَ الرَّجُلُ أَمْرَ امْرَاتِهِ بِيدِ رَجُلٍ، فَقَامَ قَبْلَ أَنْ تَقْضِيَ فِي ذَلِكَ شَيْئًا فَلَا أَمْرَ لَهَا

[18113] Abū Bakr narrated to us, saying: Muḥammad ibn Fuḍayl narrated to us, from Ash‘ath, from Abū al-Zubayr, from Jābir, who said: If a man gives his wife the choice, and she does not choose in that gathering of hers, she has no choice (later).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ أَشْعَثَ،
عَنْ أَبِي الرُّبَّيْرِ، عَنْ جَابِرٍ، قَالَ: إِذَا خَيَرَ الرَّجُلُ
أَمْرَأَهُ، فَلَمْ تَخْرُجْ فِي مَجْلِسِهَا ذَلِكَ فَلَا خِيَارٌ لَهَا

[18114] Abū Bakr narrated to us, saying: Ibn ‘Ayyāsh narrated to us, from Mughīrah, from Ibrāhīm, who said: If a man gives his wife the choice, if she chooses (then it is done); otherwise, she does not have the right to choose whenever she wants.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ، عَنْ
إِبْرَاهِيمَ قَالَ: إِذَا خَيَرَ الرَّجُلُ امْرَأَهُ فَإِنْ اخْتَارَتْ، وَإِلَّا
فَلَيْسَ لَهَا أَنْ تَخْتَارَ كُلَّمَا شَاءَتْ

[18115] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Ibñ Abī Najīḥ, from Mujāhid, who said: If she stands up from her gathering (without choosing), then it is nothing.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي
نَجِيْحٍ، عَنْ مُجَاهِدٍ قَالَ: إِذَا قَامَتْ مِنْ مَجْلِسِهَا فَلَا شَيْءٌ

[18116] Abū Bakr narrated to us, saying: Yahyā ibn Bishr narrated to us, from Ibn Jurayj, ‘Aṭā’, and ‘Amr ibn Dīnār, who said: If they separate regarding delegation (tamlīk) and giving choice (takhyīr), she has no choice.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ بِشْرٍ، عَنْ ابْنِ جُرَيْجٍ، وَعَطَاءً، وَعَمْرٍو بْنِ دِينَارٍ، قَالُوا: إِذَا افْتَرَقَا فِي الْمَلِيكِ، وَالْتَّخْيِيرِ فَلَا خِيَارٌ لَهَا

[18117] Abū Bakr narrated to us, saying: Abū Khālid narrated to us, from Ḥajjāj, from ‘Amr ibn Shu‘ayb, from his father, from his grandfather ‘Abd Allāh ibn ‘Amr, regarding a man who gives his wife the choice. He said: She has it as long as she is in her gathering.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدٍ، عَنْ حَاجَاجٍ، عَنْ عَمْرٍو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ عَمْرٍو، فِي رَجُلٍ يُخَيِّرُ امْرَأَتَهُ قَالَ: لَهَا مَا دَامَتْ فِي مَجْلِسِهَا

[18118] Abū Bakr narrated to us, saying: ‘Abd al-Salām ibn Ḥarb narrated to us, from Layth, from ‘Aṭā’, Tāwūs, and Mujāhid, regarding a man who gives his wife the choice. They said: If she stands up from her gathering before choosing, she has no choice.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ لَيْثٍ، عَنْ عَطَاءً، وَطَاؤِسٍ، وَمُجَاهِدٍ، فِي الرَّجُلِ يُخَيِّرُ امْرَأَتَهُ قَالُوا: إِنْ قَامَتْ مِنْ مَجْلِسِهَا قَبْلَ أَنْ تَخْتَارَ فَلَا خِيَارٌ لَهَا

[18119] Abū Bakr narrated to us, saying: Muḥammad ibn Bishr narrated to us, saying: Ismā‘il ibn Abī Khālid narrated to us, from ‘Āmir, who said: If a man gives his wife the choice, and she does not choose in that gathering, she has no choice in that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ نَا إِسْمَاعِيلُ
بْنُ أَبِي خَالِدٍ، عَنْ عَامِرٍ، قَالَ: إِذَا حَيَّرَ الرَّجُلُ امْرَأَتَهُ،
فَلَمْ تَخْتَرْ فِي ذَلِكَ الْمَجْلِسِ فَلَيْسَ لَهَا فِي ذَلِكَ الْخِيَارُ

[18120] Abū Bakr narrated to us, saying: Jarīr ibn ‘Abd al-Ḥamīd narrated to us, from Maṇṣūr, from Al-Ḥakam, from ‘Alī, regarding a man who placed his wife's affair in her hand. He said: It is hers until she speaks. Or he placed his wife's affair in the hand of a man. He said: It is in his hand until he speaks.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ
مَنْصُورٍ، عَنِ الْحَكَمِ، عَنْ عَلَيٍّ، فِي رَجُلٍ جَعَلَ امْرَأَتِهِ
بِيَدِهَا قَالَ: هُوَ لَهَا حَتَّى تَكَلَّمَ، أَوْ جَعَلَ امْرَأَتِهِ
بِيَدِ رَجُلٍ قَالَ: هُوَ بِيَدِهِ حَتَّى يَتَكَلَّمُ

[18121] Abū Bakr narrated to us, saying: Abū Dāwūd al-Ṭayālīsī narrated to us, from Ḥammād ibn Salamah, from Ḥumayd, from Al-Hasan ibn Muslim, that a man placed his wife's affair in her hand. She stood up and did not decide anything. The matter was raised to Ibn al-Zubayr. He said: Upon what did you stand up? She said: Upon the condition that I do not return to him. So he separated her from him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو دَاؤِدَ الطَّيَالِسِيُّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حُمَيْدٍ، عَنْ الْحَسَنِ بْنِ مُسْلِمٍ، أَنَّ رَجُلًا جَعَلَ أَمْرًا مِنْهُ ابْنَتِهِ بِيَدِهَا، فَقَامَتْ وَلَمْ تَفْضِ شَيْئًا، فَرُفِعَ إِلَى ابْنِ الزُّبَيْرِ، فَقَالَ: عَلَى مَا قُمْتُ؟ قَالَتْ: عَلَى أَنْ لَا أَرْجِعَ إِلَيْهِ، فَأَبَانَهَا مِنْهُ

[18122] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Zakariyyā, from Al-Sha'bī, regarding a man who gives his wife the choice. He said: He has the right to retract as long as she has not spoken.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ زَكَرِيَا، عَنْ الشَّعْبِيِّ، فِي رَجُلٍ خَيَّرَ امْرَأَهُ، قَالَ: لَهُ أَنْ يَرْجِعَ مَا لَمْ تَتَكَلَّمْ

[18123] Abū Bakr narrated to us, saying: ‘Umar narrated to us, from Ibn Jurayj, from ‘Amr ibn Dīnār, from Jābir ibn Zayd, who said: He has that (right to retract).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عُمَرُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: لَهُ ذَلِكَ

[18124] Abū Bakr narrated to us, saying: ‘Umar narrated to us, from Ibn Jurayj, from ‘Aṭā’, regarding a man who gives his wife the choice or places her affair in her hand, then retracts that before she says anything. He said: He has that right.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عُمَرُ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي رَجُلٍ يُخَيِّرُ امْرَأَتَهُ، أَوْ يَجْعَلُ امْرَأَهَا بِيَدِهَا، ثُمَّ يَرْدُدُ ذَلِكَ مِنْ قَبْلِ، أَنْ تَقُولُ: شَيْئًا قَالَ: لَهُ ذَلِكُ

[18125] Abū Bakr narrated to us, saying: Abū Dāwūd narrated to us, from Jarīr ibn Ḥāzim, from Ibn Abī Najīḥ, from Mujāhid, who said: Ibn Mas‘ūd said: If a man gives his wife the choice, and she stands up from her gathering, she has no authority. And if he retracts it before she chooses, it is nothing.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو دَاؤِدَ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنِ ابْنِ أَبِي تَحِيَّةٍ، عَنْ مُجَاهِدٍ، قَالَ: قَالَ ابْنُ مَسْعُودٍ: إِذَا خَيَّرَ الرَّجُلُ امْرَأَتَهُ، فَقَامَتْ مِنْ مَجْلِسِهَا، فَلَا أَمْرٌ لَهَا، فَإِنْ ارْتَجَعَ فِيهَا قَبْلَ أَنْ تَخْتَارَ فَلَا شَيْءٌ

[18126] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Jābir, from ‘Āmir, from Masrūq, from ‘Abd Allāh, who said: If he gives her the choice three times and she chooses herself once, it is three (divorces).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ قَالَ: إِذَا خَيَّرَهَا ثَلَاثًا فَاخْتَارَتْ نَفْسَهَا مَرَّةً فَهِيَ ثَلَاثٌ

[18127] Abū Bakr narrated to us, saying: Abū al-Āḥwāṣ narrated to us, from Mughīrah, from Al-Sha'bī, regarding a man who gave his wife the choice three times, and she chose herself once. He said: She is irrevocably separated from him with three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ، فِي رَجْلٍ حَيْرَ امْرَأَتَهُ ثَلَاثَ مَرَاتٍ، فَاخْتَارَتْ نَفْسَهَا مَرَّةً وَاحِدَةً، قَالَ: بَانَتْ مِنْهُ ثَلَاثٌ

[18128] Abū Bakr narrated to us, saying: 'Abd Allāh ibn Numayr narrated to us, from Ismā'īl ibn Abī Khālid, from Al-Sha'bī, who said: He was asked about a man who said to his wife: 'Choose yourself,' and she remained silent. Then he said: 'Choose,' and she remained silent. Then he said: 'Choose,' and she chose herself at the third. He said: He separated her from him, making it three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ اللَّهِ بْنُ ثَمَيرٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ الشَّعْبِيِّ، قَالَ: سُئِلَ عَنْ رَجْلٍ قَالَ لِإِمْرَأَتِهِ: اخْتَارِي نَفْسَكِ فَسَكَّتْ، ثُمَّ قَالَ: اخْتَارِي، فَسَكَّتْ ثُمَّ قَالَ: اخْتَارِي، فَاخْتَارَتْ نَفْسَهَا عِنْدَ الثَّالِثَةِ، فَأَبَانَهَا مِنْهُ، فَجَعَلَهَا ثَلَاثَةَ

[18129] Abū Bakr narrated to us, saying: I was told from Jarīr, from Mughīrah, from Ḥammād, from Ibrāhīm, who said: If he gives her the choice three times and she chooses once, it is three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثْتُ عَنْ جَرِيرٍ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا حَيَرَهَا ثَلَاثًا فَاخْتَارَتْ مَرَّةً فَهِيَ ثَلَاثٌ

[18130] Abū Bakr narrated to us, saying: Ḥumayd ibn ‘Abd al-Rahmān narrated to us, from Zuhayr, from Jābir, from ‘Āmir, from Masrūq, from ‘Abd Allāh, who said: Her silence is acceptance of the husband if he gives her the choice and she remains silent.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ رُهْبَرٍ، عَنْ جَابِرٍ، عَنْ عَامِرٍ عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ قَالَ: سُكُونُهَا رِضَى بِالرَّزْوَجِ إِذَا خَيَرَ هَا فَسَكَنَتْ

[18131] Abū Bakr narrated to us, saying: Ḥumayd narrated to us, from Ḥasan, from Mughīrah, from Ibrāhīm, who said: Her silence is acceptance of the husband.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حُمَيْدُ، عَنْ حَسَنٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: سُكُونُهَا رِضَى بِالرَّزْوَجِ

[18132] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Jarīr ibn Ḥāzim narrated to us, from Al-Zubayr, from ‘Abd Allāh ibn ‘Alī ibn Yazīd ibn Rukānah, from his father, from his grandfather, that he divorced his wife irrevocably (al-battah). He came to the Prophet ﷺ and asked him. He said: What did you intend by it? He said: One. He said: By Allah, did you intend only one by it? He said: By Allah, I intended only one by it. He said: So it was returned to him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، قَالَ نَا جَرِيرُ بْنُ حَازِمٍ، عَنِ الرُّبَيْبِرِ، عَنْ عَبْدِ اللَّهِ بْنِ عَلَيِّ بْنِ يَزِيدَ بْنِ رُكَانَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّهُ طَلَقَ امْرَأَةَ الْبَتَّةَ، فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَسَأَلَهُ؟ فَقَالَ: مَا أَرْدَتَ بِهَا؟ فَقَالَ: وَاحِدَةً قَالَ: اللَّهُ مَا أَرْدَتَ بِهَا إِلَّا وَاحِدَةً؟، قَالَ: اللَّهُ مَا أَرْدَتُ بِهَا إِلَّا وَاحِدَةً قَالَ: فَرَدَّ عَلَيْهِ

[18133] Abū Bakr narrated to us, saying: Ibn Fuḍayl narrated to us, from ‘Aṭā’ ibn al-Sā’ib, from Al-Hasan, from ‘Alī, who said: It is three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنِ الْحَسَنِ، عَنْ عَلَيِّ، قَالَ: هِيَ تَلَاثٌ

[18134] Abū Bakr narrated to us, saying: ‘Abdah narrated to us, from ‘Ubayd Allāh, from Nāfi‘, from Ibn ‘Umar, regarding ‘al-battah’ (irrevocable divorce), that it is three divorces.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَهُ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، فِي الْبَنَةِ تَلَاثٌ تَطْلِيقَاتٍ

[18135] Abū Bakr narrated to us, saying: Ibn Fuḍayl narrated to us, from Al-A‘mash, from Ibrāhīm, from ‘Umar and ‘Abd Allāh, who both said: It is one divorce, and he has more right to her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عُمَرَ، وَعَبْدِ اللَّهِ، قَالَا: تَطْلِيقَةٌ وَهُوَ أَمْلَكٌ بِهَا

[18136] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from ‘Amr, from Muḥammad ibn ‘Abbād, from Al-Muṭṭalib ibn Ḥanṭab, from ‘Umar, that he made ‘al-battah’ one divorce, and her husband has more right to her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرُو، عَنْ مُحَمَّدِ بْنِ عَبَادٍ، عَنِ الْمُطَّلِبِ بْنِ حَنْطَبٍ، عَنْ عُمَرَ، أَنَّهُ جَعَلَ الْبَنَةَ تَطْلِيقَةً، وَرَزَّجُهَا أَمْلَكٌ بِهَا

[18137] Abū Bakr narrated to us, saying: Sufyān ibn ‘Uyaynah narrated to us, from ‘Amr, from ‘Abd Allāh ibn Abī Salamah, from Sulaymān ibn Yasār, from Ibn Abī Khālid, from Al-Sha'bī, from ‘Abd Allāh ibn Shaddād, from ‘Umar, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي سَلَمَةَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبْنِ أَبِي حَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ شَدَّادٍ، عَنْ عُمَرَ، مِثْلُهُ

[18138] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb al-Thaqafī narrated to us, from Khālid, from Ḥumayd ibn Hilāl, from ‘Umar, regarding a man's saying to his wife: 'You are divorced irrevocably (al-battah).' He said: It is one irrevocable divorce. ‘Alī said: It is three. Shurayh said: We make him responsible for his innovation.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْوَهَابِ التَّقَفِيُّ، عَنْ خَالِدٍ، عَنْ حُمَيْدِ بْنِ هِلَالٍ، عَنْ عُمَرَ، فِي قَوْلِ الرَّجُلِ لِأَمْرِ أَتِهِ: أَنْتِ طَالِقُ الْبَنَةِ، إِنَّهَا وَاحِدَةٌ بَائِنٌ وَقَالَ عَلَيْهِ هِيَ ثَلَاثٌ، وَقَالَ شُرَيْحٌ: نُوقِفُهُ عَلَى بِدْعَتِهِ

[18139] Abū Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Al-Shaybānī, from Al-Sha'bī, who said: ‘Abd Allāh ibn Shaddād testified from ‘Urwah ibn Mughīrah that ‘Umar made it one divorce and he has more right to her. And Al-Wars ibn ‘Adī testified regarding ‘Ali that he made it three. And Shurayḥ said: His intention.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: شَهَدَ عَبْدُ اللَّهِ بْنُ شَدَّادٍ، عَنْ عُرْوَةَ بْنِ مُغِيرَةَ، أَنَّ عُمَرَ جَعَلَهَا وَاحِدَةً وَهُوَ أَحَقُّ بِهَا، وَأَنَّ الْوَرْسَ بْنَ عَدِيِّ شَوَّدَ عَلَى عَلِيٍّ أَنَّهُ جَعَلَهَا ثَلَاثَةً، وَأَنَّ شُرَيْحًا قَالَ: نِيَّتُهُ

[18140] Abū Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Dāwūd, from Al-Sha'bī, who said: When 'Urwah sent to Shurayh, he gave an excuse. So he insisted that he must speak. He said: Allah has established Sunan, and people have innovated, and they have deliberately mixed their innovations with the Sunan. So if any of that reaches you, distinguish the Sunan and implement them properly, and attribute the innovations to their people. As for 'divorced,' it is known. As for 'al-battah' (irrevocably), it is an innovation. We hold him accountable for his innovation; if he wishes, he can retreat, and if he wishes, he can proceed.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ ذَاوْدَ، عَنِ الشَّعِيْرِيِّ، قَالَ: لَمَّا أَرْسَلَ عُرْوَةً إِلَى شُرَبَيْحٍ اعْتَلَ عَلَيْهِ، فَعَرَمَ عَلَيْهِ لِيَقُولَنَّ: فَقَالَ: إِنَّ اللَّهَ سَنَ سُنُّنًا، وَإِنَّ النَّاسَ قَدِ ابْتَدَعُوا، وَإِنَّهُمْ عَمِدُوا إِلَى بِدَعِهِمْ، فَخَلَطُوهَا بِالسُّنْنَ، فَإِذَا اتَّهَى إِلَيْكِ مِنْ ذَلِكَ شَيْءٌ، فَمِيزُوا السُّنْنَ، فَأَمْضُوهَا عَلَى وَجْهِهِمَا، وَالْحَفُوا الْبِدَعَ بِأَهْلِهَا، أَمَّا طَالِقٌ فَعَرْوَفَةُ، وَأَمَّا الْبَتَّةُ فَبِدْعَةُ نُوقْفَةٌ عَلَى بِدْعَتِهِ، فَإِنْ شَاءَ ثَأْرَ، وَإِنْ شَاءَ تَقَدَّمَ

[18141] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, from Nāfi‘, that Ibn ‘Umar brought a wet nurse's husband to ‘Āsim ibn ‘Umar and Ibn al-Zubayr. He said: This wet nurse's husband divorced his wife irrevocably (al-battah) before consummating the marriage. Do you have any knowledge about this? Or do you find any concession for him? They said: No, but we left Ibn ‘Abbās and Abū Hurayrah with ‘A’ishah. Go to them and ask them, then return to us and inform us. So he went to them and asked them. Abū Hurayrah said to him: She is not lawful for him until she marries another husband. Ibn ‘Abbās said: It is irrevocable. And he mentioned that ‘A’ishah agreed with them.

[18142] Abū Bakr narrated to us, saying: Sharīk narrated to us, from Sālim, from Sa‘īd, regarding 'al-battah': If he intended one, it is one; and if he intended three, it is three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيْهِ، عَنْ أَيُوبَ، عَنْ نَافِعٍ، أَنَّ ابْنَ عُمَرَ جَاءَ بِظِبْرِي إِلَى عَاصِمَ بْنِ عُمَرَ، وَابْنِ الْزَّبِيرِ، فَقَالَ: إِنَّ ظِبْرِي هَذَا، طَلَقَ امْرَأَتَهُ الْبَنْتَ، فَبَلَّ أَنْ يَدْخُلَ بِهَا، فَهَلْ عِنْدَكُمَا بِنْلَكَ عِلْمٌ؟ أَوْ هَلْ تَجْدَانَ لَهُ رُخْصَةً؟ فَقَالَا: لَا، وَلَكِنَّا تَرَكْنَا ابْنَ عَبَّاسَ، وَابْنَ هُرَيْرَةَ، عِنْدَ عَائِشَةَ فَأَتَيْتُهُمْ فَسَأَلَهُمْ، ثُمَّ أَرْجَعْتُ إِلَيْنَا فَلَخِيرْنَا، فَأَتَاهُمْ فَسَأَلَهُمْ، فَقَالَ لَهُ أَبُو هُرَيْرَةَ: لَا تَحْلِلْ لَهُ حَتَّى تَنْكِحْ زَوْجًا غَيْرَهُ، وَقَالَ ابْنُ عَبَّاسٍ: بَتَّ، وَدَكَرَ مِنْ عَائِشَةَ مُتَابَعَةً لَهُمَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا شَرِيكُ، عَنْ سَالِيمٍ، عَنْ سَعِيدٍ، فِي الْبَنْتَ: إِنْ نَوَى وَاحِدَةً فَوَاحِدَةٌ، وَإِنْ نَوَى ثَلَاثَ فَثَلَاثٌ

[18143] Abū Bakr narrated to us, saying: Jarīr ibn ‘Abd al-Ḥamīd narrated to us, from Maṇṣūr, from Ibrāhīm, who said: If he intended divorce, the least of his intention in that is one irrevocable divorce; if he wishes and she wishes, he marries her. And if he intended three, then it is three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنْ تَوَى طَلَاقًا، فَأَذْنَى مَا يَكُونُ مِنْ نِيَّتِهِ فِي ذَلِكَ وَاحِدَةً بَائِنٌ إِنْ شَاءَ، وَشَاءَتْ ثَرَوْجَهَا، وَإِنْ تَوَى تَلَانًا قَلَّا

[18144] Abū Bakr narrated to us, saying: Abū al-Āḥwāṣ narrated to us, from Muḡīrah, from Ibrāhīm, who said: He is asked about his intention.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُسْأَلُ عَنْ نِيَّتِهِ

[18145] Abū Bakr narrated to us, saying: Ḥātim ibn Wārdān narrated to us, from Burd, from Makhūl, who said: It is three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ بُرْدِ، عَنْ مَكْحُولٍ، قَالَ: هِيَ ثَلَاثٌ

[18146] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ayyāsh narrated to us, from ‘Ubayd Allāh ibn ‘Ubayd, from Makhūl and Al-Zuhrī, who both said: Three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عَيْبِدٍ اللَّهِ بْنِ عَيْبِدٍ، عَنْ مَكْحُولٍ، وَالزُّهْرِيِّ، قَالَا: ثَلَاثٌ

[18147] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Yahyā ibn Sa‘īd, who said: Abū Bakr said: ‘Umar ibn ‘Abd al-‘Azīz asked me about ‘al-battah’. I said to him: Abān ibn ‘Uthmān used to say: It is one. ‘Umar said: If divorce were a thousand, ‘al-battah’ would not leave anything of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو حَالِدٍ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ أَبُو بَكْرٌ: سَأَلْنِي عُمَرُ بْنُ عَبْدِ الْعَزِيزِ عَنِ الْبَتَّةِ، فَقُلْتُ لَهُ: إِنَّ أَبَانَ بْنَ عُثْمَانَ كَانَ يَقُولُ: هِيَ وَاحِدَةٌ فَقَالَ عُمَرُ: لَوْ كَانَ الطَّلاقُ الْفَآءُ مَا أَبْقَتِ الْبَتَّةَ مِنْهُ شَيْئًا

[18148] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ayyāsh narrated to us, from Yahyā ibn Sa‘īd, from Abū Bakr ibn Muḥammad ibn ‘Amr ibn Ḥazm, who said: ‘Umar ibn ‘Abd al-‘Azīz said: O Abū Bakr, what do people say about ‘al-battah’? I said to him: Abān ibn ‘Uthmān used to make it one. ‘Umar said: If divorce were a thousand, ‘al-battah’ would not leave anything of it. Whoever says ‘al-battah’ has aimed for the utmost limit.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرِ بْنِ مُحَمَّدٍ بْنِ عَمْرُو بْنِ حَزْمٍ، قَالَ: قَالَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: يَا أَبَا بَكْرٍ، الْبَتَّةَ مَا يَقُولُ النَّاسُ فِيهَا؟ فَقُلْتُ لَهُ: كَانَ أَبَانُ بْنُ عُثْمَانَ يَجْعَلُهَا وَاحِدَةً، فَقَالَ عُمَرُ: لَوْ كَانَ الطَّلاقُ الْفَآءُ، مَا أَبْقَتِ الْبَتَّةَ مِنْهُ شَيْئًا، مَنْ قَالَ الْبَتَّةَ فَقَدْ رَمَى بِالْغَایِةِ الْفُصُوْى

[18149] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Sa’id, from Qatādah, that Zayd ibn Thābit used to say: ‘Al-battah’ is three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَاتِدَةَ، أَنَّ زَيْدَ بْنَ ثَابِتَ، كَانَ يَقُولُ: فِي الْبَتَّةِ تَلَاثٌ

[18150] Abū Bakr narrated to us, saying: Muḥammad ibn Fuḍayl narrated to us, from Al-A’mash, from Ibrāhīm, from ‘Umar and ‘Abd Allāh, who both said regarding ‘al-khaliyyah’ (the released one): It is one divorce, and he has more right to take her back.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عُمَرَ، وَعَبْدِ اللَّهِ قَالَا فِي الْخَلِيلَةِ: تَطْلِيقَةٌ وَهُوَ أَمْلَكٌ بِرَجْعَتِهَا

[18151] Abū Bakr narrated to us, saying: Sharīk narrated to us, from Jābir, from Kūrdūs, from his father ‘Abd Allāh, regarding ‘al-khaliyyah’. He said: His intention.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَرِيكُ، عَنْ جَابِرٍ، عَنْ كُرْدُوسٍ، عَنْ أَبِيهِ عَبْدِ اللَّهِ، فِي الْخَلِيلَةِ قَالَ: نِيَّتُهُ

[18152] Abū Bakr narrated to us, saying: Ibn Fuḍayl narrated to us, from ‘Aṭā’ ibn al-Sā’ib, from Al-Hasan, from ‘Alī, who said: It is three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ الْحَسَنِ، عَنْ عَلَيِّ قَالَ: هِيَ تَلَاثٌ

[18153] Abū Bakr narrated to us, saying: ‘Abd al-Ṣamad ibn ‘Abd al-Wārith narrated to us, from Wuhayb, from Ibn Ṭāwūs, from his father, who said: ‘Al-khaliyyah’ depends on what he intended.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ وُهَيْبٍ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: الْخَلِيلَةُ مَا نَوَى

[18154] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mānsūr, from Ibrāhīm, regarding ‘al-khaliyyah’. (He said): If he intended divorce, the least of it is one irrevocable divorce; if he wishes and she wishes, he marries her. And if he intended three, then it is three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي الْخَلِيلَةِ: إِنْ نَوَى طَلَاقًا فَأَذْنَى مَا يَكُونُ طَلِيقَةً بِائِنُ، إِنْ شَاءَ وَشَاءَتْ تَرْوِجَهَا، وَإِنْ نَوَى ثَلَاثًا قَنَلَاتٌ

[18155] Abū Bakr narrated to us, saying: Muḥammad ibn Fuḍayl narrated to us, from Al-A‘mash, from Ibrāhīm, from ‘Umar and ‘Abd Allāh, regarding ‘al-bariyyah’ (the absolved one). They said: It is one divorce, and he has more right to her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عُمَرَ، وَعَبْدِ اللَّهِ، فِي الْبَرِّيَّةِ قَالَا: طَلِيقَةُ، وَهُوَ أَمْلَكُ بِهَا

[18156] Abū Bakr narrated to us, saying: Ibnu Fuḍayl narrated to us, from ‘Atā’ ibn al-Sā’ib, from Al-Hasan, from ‘Alī, who said: It is three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنِ الْحَسَنِ، عَنْ عَلَيِّ، قَالَ: هِيَ تَلَاثٌ

[18157] Abū Bakr narrated to us, saying: Hushaym ibn Bashīr narrated to us, from Maṇṣūr, from Al-Hasan, who said: It is three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمُ بْنُ بَشِيرٍ، عَنْ مَنْصُورٍ، عَنِ الْحَسَنِ، قَالَ: هِيَ تَلَاثٌ

[18158] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Ibn Abī Khālid, from Al-Sha'bī, who used to say: It is one.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمُ، عَنْ ابْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ، قَالَ: كَانَ يَقُولُ: هِيَ وَاحِدَةٌ

[18159] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Mughīrah, from Ḥammād, from Ibrāhīm, who said: If he intended one, it is one; if he intended two, it is two; and if he intended three, it is three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمُ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ قَالَ: إِنْ نَوَى وَاحِدَةً فَوَاحِدَةٌ، وَإِنْ نَوَى شَتَّىْنَ فَشَتَّىْنٌ، وَإِنْ نَوَى ثَلَاثًا فَثَلَاثٌ

[18160] Abū Bakr narrated to us, saying: Ḥātim ibn Wardān narrated to us, from Burd, from Makhūl, regarding 'al-bariyyah'. He said: It is three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، فِي الْبَرِيَّةِ قَالَ: هِيَ تَلَاثٌ

[18161] Abū Bakr narrated to us, saying: ‘Abd al-Ṣamad ibn ‘Abd al-Wārith narrated to us, from Wuhayb, from Ibn Ṭāwūs, from his father, regarding ‘al-bariyyah’. He said: It depends on what he intended.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ وُهَيْبٍ، عَنْ ابْنِ طَاؤُسٍ، عَنْ أَبِيهِ، فِي الْبَرِيَّةِ قَالَ: مَا تَوَى

[18162] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Abū al-Minhāl al-Ṭā’ī, who said: I asked Al-Sha'bī about a man who said to his wife: 'I am absolved of you.' He said: His intention.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ أَبِي الْمِنْهَالِ الطَّائِيِّ، قَالَ: سَأَلْتُ الشَّعْبِيَّ، عَنْ رَجُلٍ قَالَ لِإِمْرَأَتِهِ: بَرِئْتُ مِنْكِ قَالَ: نَيّْرَهُ

[18163] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Ḥabīb, from ‘Amr, who said: Jābir ibn Zayd was asked about a man whose wife persisted in asking him for divorce. He said: 'Go, for I am absolved of you, and you are absolved of me,' but he did not intend divorce at that time. He said: If he did not intend divorce, it is not divorce. And if he intended divorce, it is one, and he has the right to take her back during her waiting period.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ عَمْرٍو قَالَ: سُئِلَ جَابِرُ بْنُ زَيْدٍ، عَنْ رَجُلٍ لَزِمَثَهُ امْرَأَتُهُ تَسْأَلُهُ الطَّلاقَ، فَقَالَ: اذْهَبِي فَلَنَا مِنْكِ بَرِيءٌ، وَأَنْتِ مَنِي بَرِيئَةً، وَلَا يَنْوِي الطَّلاقَ حِينَذِ قَالَ: إِنْ لَمْ يَكُنْ تَوَى الطَّلاقَ فَلَيْسَ الطَّلاقُ، وَإِنْ كَانَ تَوَى الطَّلاقَ فَهِيَ وَاحِدَةٌ، وَلَهُ أَنْ يُرَاجِعَهَا فِي عِدَّتِهَا

[18164] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Maṇṣūr, from Ibrāhīm, who said regarding 'al-bariyyah': If he intended divorce, the least of his intention in that is one irrevocable divorce; if she wishes and he wishes, he marries her. And if he intended three, then it is three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: فِي الْبَرِيَّةِ: إِنْ تَوَى الطَّلاقَ، فَأَذْنَى مَا يَكُونُ مِنْ نِسَيْهِ فِي ذَلِكَ وَاحِدَةً بَائِنَةً، إِنْ شَاءَتْ وَشَاءَ تَرْوِجَهَا، وَإِنْ تَوَى تَلَانِيَةً فَقَلَّا

[18165] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from 'Ubayd Allāh, from Nāfi', from Ibn 'Umar, who said: It is three, so she is not lawful for him until she marries another husband.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو أَسَامَةَ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: هِيَ تَلَانِيَةٌ فَلَا تَحِلُّ لَهُ حَتَّى تَنكِحَ زَوْجًا غَيْرَهُ

[18166] Abū Bakr narrated to us, saying: 'Abd al-A'lā narrated to us, from Sa'īd, from Qatādah, from Zayd ibn Thābit, that he used to say: 'Al-bariyyah' is three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ رَبِيدِ بْنِ ثَابِتٍ، أَنَّهُ كَانَ يَقُولُ: الْبَرِيَّةُ تَلَانِيَةٌ

[18167] Abū Bakr narrated to us, saying: Muḥammad ibn Fuḍayl narrated to us, from Al-A'mash, from Ibrāhīm, from 'Umar and 'Abd Allāh, regarding 'al-bā'in' (irrevocable). (They said): It is one divorce, and he has more right to take her back.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عُمَرَ، وَعَبْدِ اللَّهِ، فِي الْبَائِنِ: ثَطْلِيقٌ، وَهُوَ أَمْلَأُ بِرْجُعَتِهَا

[18168] Abū Bakr narrated to us, saying: Ibn Fuḍayl narrated to us, from 'Atā' ibn al-Sā'ib, from Al-Hasan ibn 'Alī, who said: It is three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ الْحَسَنِ بْنِ عَلَيْهِ، قَالَ: هِيَ ثَلَاثٌ

[18169] Abū Bakr narrated to us, saying: Ḥātim ibn Wardān narrated to us, from Burd, from Makhūl, regarding 'al-bā'in'. He said: It is three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، فِي الْبَائِنِ قَالَ: هِيَ ثَلَاثٌ

[18170] Abū Bakr narrated to us, saying: 'Abd al-Ṣamad ibn 'Abd al-Wārith narrated to us, from Wuhayb, from Ibn Ṭāwūs, from his father, regarding 'al-bā'in'. (He said): It depends on what he intended.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ وُهَيْبٍ، عَنْ ابْنِ طَاؤُسٍ، عَنْ أَبِيهِ، فِي الْبَائِنِ: مَا نَوَى

[18171] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from Ma‘mar, from Al-Zuhrī: Regarding 'al-bā'inah', it is three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ مَعْمِرٍ، عَنْ الرُّهْبَرِيِّ، فِي الْبَائِثَةِ تَلَاثٌ

[18172] Abū Bakr narrated to us, saying: ‘Abd Allāh ibn Nāfi‘ narrated to us, from Ibn ‘Umar, who said: 'Al-bā'in' is three; she is not lawful for him until she marries another husband.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ ثَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: الْبَائِثَةُ تَلَاثٌ، لَا تَحِلُّ لَهُ حَتَّى تُنكِحَ زَوْجًا غَيْرَهُ

[18173] Abū Bakr narrated to us, saying: ‘Abd al-A‘lā narrated to us, from Sa‘īd, from Qatādah, that Zayd ibn Thābit used to say regarding 'al-bā'inah': Three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ عَنْ قَتَادَةَ، أَنَّ رَيْدَ بْنَ ثَابِتٍ، كَانَ يَقُولُ فِي الْبَائِثَةِ: تَلَاثٌ

[18174] Abū Bakr narrated to us, saying: Muḥammad ibn Fuḍayl narrated to us, from Al-A‘mash, from Al-Minhāl ibn ‘Amr, from Nu‘aym ibn Dajājah, regarding a man who divorced his wife two times, then said: You are 'ḥaraj' (forbidden/sinful) to me. ‘Umar said: It is not the lightest of them.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنِ الْأَعْمَشِ، عَنِ الْمِنْهَالِ بْنِ عَمْرِو، عَنْ نُعَيْنَ بْنِ دَجَاجَةَ، فِي رَجُلٍ طَلَقَ امْرَأَتَهُ تَطْلِيقَتِينِ، ثُمَّ قَالَ: أَنْتَ عَلَيَّ حَرَاجٌ فَقَالَ عُمَرُ: مَا هِيَ بِأَهْوَنِهِنَّ

[18175] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Sa‘īd, from Qatādah, from Khilās and Abū Ḥassān, that ‘Alī used to say: Three. Qatādah said: And that was the opinion of Al-Hasan which he gave as a fatwa.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ خِلَاسٍ، وَأَبِي حَسَانَ، أَنَّ عَلِيًّا، كَانَ يَقُولُ: ثَلَاثٌ، قَالَ فَتَادَةُ: وَكَانَ ذَلِكَ رَأْيُ الْحَسَنِ يُقْتَلُ بِهِ

[18176] Abū Bakr narrated to us, saying: Ibn ‘Ulāyyah narrated to us, from Al-Zuhri, regarding the divorce of 'al-ḥaraj' (saying: you are forbidden/sinful to me): It is three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ الرُّهْبَرِيِّ، فِي طَلَاقِ الْحَرَاجِ ثَلَاثٌ

[18177] Abū Bakr narrated to us, saying: ‘Abd al-Ṣamad ibn ‘Abd al-Wārith narrated to us, from Wuhayb, from Ibn Ṭāwūs, from his father: Regarding the divorce of 'al-ḥaraj', it depends on what he intended.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ وُهَيْبٍ، عَنْ ابْنِ طَاؤُسٍ، عَنْ أَبِيهِ، فِي طَلَاقِ الْحَرَاجِ مَا نَوَى

[18178] Abū Bakr narrated to us, saying: Abū Dāwūd al-Ṭayālisī narrated to us, from Hishām, from Qatādah, that ‘Alī said regarding the divorce of 'al-ḥaraj': Three. He said: And so said Al-Hasan.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو ذَاوِدَ الطَّيَالِسِيُّ، عَنْ هِشَامٍ، عَنْ فَتَادَةَ، أَنَّ عَلِيًّا قَالَ: فِي طَلَاقِ الْحَرَاجِ ثَلَاثًا قَالَ: وَكَذَلِكَ قَالَ الْحَسَنُ

[18179] Abū Bakr narrated to us, saying: Hātim ibn Ismā‘il narrated to us, from Ja‘far, from his father, from ‘Alī, who said: If a man says to his wife: 'You are haram (forbidden) to me,' it is three (divorces).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ عَلَيِّ قَالَ: "إِذَا قَالَ الرَّجُلُ لِامْرَأَتِهِ: أَنْتِ عَلَيَّ حَرَامٌ فَهِيَ تَلَاثٌ

[18180] Abū Bakr narrated to us, saying: Ibn Fuḍayl narrated to us, from ‘Atā’ ibn al-Sā’ib, from Al-Hasan, from ‘Alī, who said: Three.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ الْحَسَنِ، عَنْ عَلَيِّ، قَالَ: ثَلَاثٌ

[18181] Abū Bakr narrated to us, saying: Sharīk narrated to us, from Mukhawwal, from ‘Āmir, from ‘Abd Allāh, who said: 'Al-ḥarām' (saying 'You are forbidden to me'): if he intended divorce, it is one, and he has more right to take her back. And if he did not intend divorce, it is an oath he must expiate.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَرِيكُ، عَنْ مُخَوَّلٍ، عَنْ عَامِرٍ، عَنْ عَبْدِ اللَّهِ قَالَ: الْحَرَامُ إِنْ نَوَى طَلاقًا فَهِيَ وَاحِدَةٌ، وَهُوَ أَمْلَكُ بِرَجْعَتِهَا، وَإِنْ لَمْ يَنْوِ طَلاقًا فَهِيَ يَمِينٌ يُكَفِّرُ هَا

[18182] Abū Bakr narrated to us, saying: Yazīd narrated to us, from Mukhawwal, from Abū Ja‘far, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ، عَنْ مُخَوَّلٍ، عَنْ أَبِي جَعْفَرٍ، مِثْلُهَا

[18183] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghiyāth narrated to us, from Ash‘ath, from Al-Ḥakam, from Ibrāhīm, from ‘Abd Allāh, regarding 'al-ḥarām': If he intended an oath, it is an oath; and if he intended divorce, it is what he intended.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنْ عَبْدِ اللَّهِ، فِي الْحَرَامِ: إِنْ تَوَى يَمِينًا فَيَمِينٌ، وَإِنْ تَوَى طَلَاقًا فَمَا تَوَى

[18184] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, from ‘Abd al-Khāliq, from Hammād, who said: 'Al-ḥarām' is one irrevocable divorce.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ عَبْدِ الْخَالِقِ، عَنْ حَمَادٍ، قَالَ: الْحَرَامُ بَائِثٌ وَاحِدٌ

[18185] Abū Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Al-A‘mash, from Ibrāhīm, who said: If a man says to his wife: 'She is forbidden to me,' intending divorce, the least of it is one irrevocable divorce.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: "إِذَا قَالَ الرَّجُلُ لِمَرْأَتِهِ: هِيَ عَلَيْهِ حَرَامٌ، يَنْتُوي الطَّلاقَ، فَأَذْنَى مَا يَكُونُ شَطْلِيقَةً بَائِثًّا"

[18186] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Maṇṣūr, from Ibrāhīm, who said: If he intended divorce, the least of his intention in that is one irrevocable divorce; if he wishes and she wishes, he marries her. And if he intended three, then it is three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنْ تَوَى طَلَاقًا فَأَنْتَ مَا يَكُونُ نِسْلَةُ فِي ذَلِكَ بَائِثَةٌ وَاحِدَةٌ إِنْ شَاءَ وَشَاءَتْ تَزَوَّجَهَا، وَإِنْ تَوَى ثَلَاثًا فَلَاتْ

[18187] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb narrated to us, from Sa‘īd, from Muṭarrif, from Ḥumayd ibn Hilāl, from Sa‘d ibn Hishām, that Zayd ibn Thābit said: It is three (divorces), so she is not lawful for him until she marries another husband.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْوَهَابِ، عَنْ سَعِيدٍ، عَنْ مُطَرْفٍ، عَنْ حُمَيْدِ بْنِ هِلَالٍ، عَنْ سَعْدِ بْنِ هِشَامٍ، أَنَّ رَيْدَ بْنَ ثَابِتٍ، قَالَ: هِيَ ثَلَاثٌ لَا تَحِلُّ لَهُ حَتَّى تَنكِحَ زَوْجًا غَيْرَهُ

[18188] Abū Bakr narrated to us, saying: ‘Abd al-A‘lā narrated to us, from Sa‘īd, from Qatādah, from Zayd ibn Thābit, that he used to say regarding 'al-ḥarām': Three.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ رَيْدِ بْنِ ثَابِتٍ، أَنَّهُ كَانَ يَقُولُ: "فِي الْحَرَامِ: ثَلَاثٌ

[18189] Abū Bakr narrated to us, saying: ‘Abd Allāh ibn Mubārak narrated to us, from Khālid, from ‘Ikrimah, from ‘Umar, who said: 'Al-ḥarām' is an oath.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ خَالِدٍ، عَنْ عِكْرَمَةَ، عَنْ عُمَرَ قَالَ: الْحَرَامُ يَمِينٌ

[18190] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, from ‘Ikrimah, from ‘Umar, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهِ، عَنْ أَبِيهِ، عَنْ عِكْرِمَةَ، عَنْ عُمَرَ، مِنْهُ

[18191] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Sa‘īd, from Maṭar, from ‘Atā’, from ‘A’ishah, who said: An oath.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ مَطْرٍ، عَنْ عَطَاءٍ، عَنْ عَائِشَةَ، قَالَتْ: يَمِينٌ

[18192] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Sa‘īd, from Qatādah, from ‘Ikrimah, from Ibn ‘Abbās, that they said: 'Al-ḥarām' is an oath.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، أَنَّهُمْ قَالُوا: الْحَرَامُ يَمِينٌ

[18193] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Sa‘īd, from Maṭar, from Abū Salamah, who said: I do not care whether I forbade her or a scabbard (meaning it is just an oath).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ مَطْرٍ، عَنْ أَبِي سَلَمَةَ قَالَ: مَا أُبَالِي إِبَاهَا حَرَمْتُ أَوْ قِرَابًا

[18194] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Sa‘īd, from Qatādah, from ‘Atā’ and Ṭāwūs, who both said: An oath.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ عَطَاءٍ، وَطَاؤُسٍ، قَالَا: يَمِينٌ

[18195] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, from Abū Qilābah, who said: Iyās said: Three. And others said: Expiation for an oath. And I see upon him the expiation of Zihār.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيْهِ، عَنْ أَيُوبَ، عَنْ أَبِي قِلَابَةَ، قَالَ إِيَّاسٌ: "تَلَاثٌ وَقَالَ أَخْرُونَ: كُفَّارَةُ يَمِينٍ، وَأَنَا أَرَى عَلَيْهِ كُفَّارَةً الظَّهَارِ

[18196] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghayāth narrated to us, from Yaḥyā ibn Sa‘īd, from Sa‘īd, and from Ḥajjāj, from Abū Ja‘far, who both said: 'Al-ḥarām' is an oath.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدٍ، وَعَنْ حَاجَاجٍ، عَنْ أَبِي جَعْفَرٍ قَالَا: الْحَرَامُ يَمِينٌ

[18197] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from ‘Alī ibn Mubārak, from Yaḥyā ibn Abī Kathīr, who said: Someone I do not suspect narrated to me, from Sa‘īd ibn Jubayr, from Ibn ‘Abbās, who said: 'Al-ḥarām' is an oath; Allah has ordained for you the dissolution of your oaths.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ عَلَيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، قَالَ: حَدَّثَنِي مَنْ لَا أَلَّهُ مِنْهُ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ ابْنِ عَيَّاسٍ قَالَ: الْحَرَامُ يَمِينٌ، فَدَرَضَ اللَّهُ أَكْمَنَ تَحْلَةً أَيْمَانَكُمْ

[18198] Abū Bakr narrated to us, saying: Al-Thaqafī narrated to us, from Burd, from Makhūl and Sulaymān ibn Yasār, who both said: 'Al-ḥarām' is an oath.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا الثَّقَافِيُّ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، وَسَلَيْمَانَ بْنَ يَسَارٍ، قَالَا: الْحَرَامُ يَمِينٌ

[18199] Abū Bakr narrated to us, saying: ‘Alī ibn Mushir narrated to us, from Ismā‘il, from Al-Sha‘bī, from Masrūq, who said: I do not care whether I forbade her or I forbade a bowl of Tharid.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ قَالَ: مَا أَبَالِي حَرَمْتُهَا، أَوْ حَرَمْتُ جَفَنَةً مِنْ تَرِيدٍ

[18200] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Juwaybir, from Al-Daḥḥāk, that Abū Bakr, ‘Umar, and Ibn Mas‘ūd said: Whoever says to his wife: 'She is forbidden to me,' she is not forbidden to him, and he owes expiation for an oath.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ جُوَيْبِرٍ، عَنِ الصَّحَّاكِ، أَنَّ أَبَا بَكْرٍ، وَعُمَرَ، وَابْنَ مَسْعُودٍ قَالُوا: "مَنْ قَالَ لِامْرَأَتِهِ: هِيَ عَلَيَّ حَرَامٌ فَلَيْسَتْ عَلَيْهِ بِحَرَامٍ، وَعَلَيْهِ كُفَّارَةٌ يَمِينٌ

[18201] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Ismā‘il, from Al-Sha‘bī, who said: If a man says to his wife: 'You are forbidden to me,' it is nothing.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، قَالَ: "إِذَا قَالَ الرَّجُلُ لِامْرَأَتِهِ: أَنْتِ عَلَيَّ حَرَامٌ فَلَيْسَ بِشَيْءٍ

[18202] Abū Bakr narrated to us, saying: Ya'lā ibn Ismā'īl narrated to us, who said: 'Āmir said: People claimed that 'Alī used to consider her forbidden to him until she married another husband. By Allah, 'Alī never said that, nor am I more knowledgeable about it than the one who said it. Rather, he said: 'I am not making her lawful nor making her unlawful for him; if he wishes, let him proceed, and if he wishes, let him refrain.'

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَعْلَى بْنُ إِسْمَاعِيلَ، قَالَ: قَالَ عَامِرٌ: رَأَيْتُ أَنَّاساً أَنَّ عَلِيًّا كَانَ يَجْعَلُهَا عَلَيْهِ حَرَاماً حَتَّى تَنْكِحَ رَوْجَاهُ غَيْرَهُ، وَاللَّهُ مَا قَالَهَا عَلَيْهِ قَطُّ، وَلَا أَنَا أَعْلَمُ بِهَا مِنَ الْأَذِي قَالَهَا؟ إِنَّمَا قَالَ: مَا أَنَا بِمُحْلِهَا، وَلَا بِمُحَرَّرِهَا عَلَيْهِ، إِنْ شَاءَ فَلْيَتَقْرَمْ، وَإِنْ شَاءَ فَلْيَتَأْخُرْ

[18203] Abū Bakr narrated to us, saying: 'Abd al-Salām ibn Ḥarb narrated to us, from Khuṣayf, from Sa'īd ibn Jubayr, regarding a man who says to his wife: 'You are forbidden to me.' He said: He frees a slave. And if he says that to four (wives), then (he frees) four slaves.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ حُصَيْفٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، فِي الرَّجُلِ يَقُولُ لِإِمْرَأَتِهِ: أَنْتِ عَلَيَّ حَرَامٌ قَالَ: "يُعْتَقُ رَقَبَةً، وَإِنْ قَالَ ذَلِكَ: لِأَرْبَعٍ فَأَرْبَعَ رِقَابًِ"

[18204] Abū Bakr narrated to us, saying: Ibn ‘Ayyāsh narrated to us, from Mughīrah, from Ibrāhīm, regarding a man who said: 'Everything lawful to me is forbidden.' He said: If not for his wife (being included), I would have ordered him to expiate his oath.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عَيَّاشِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي رَجْلٍ قَالَ: كُلُّ حِلٍّ عَلَيَّ فَهُوَ حَرَامٌ، قَالَ: لَوْلَا امْرَأَتُهُ لَأَمْرَأَتُهُ أَنْ يُكَفَّرَ يَمِينَهُ

[18205] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from ‘Umar ibn Dharr, who said: I asked Al-Sha‘bī about a man who said: 'Everything lawful to me is forbidden.' He said: It does not necessitate divorce, nor does it forbid what is lawful; he should expiate his oath.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ عُمَرَ بْنِ دَرْرٍ، قَالَ: سَأَلْتُ الشَّعْبِيَّ عَنْ رَجْلٍ قَالَ: كُلُّ حِلٍّ عَلَيَّ حَرَامٌ، قَالَ: لَا يُوجِبُ طَلَاقًا، وَلَا يُحرِّمُ حَلَالًا، يُكَفَّرُ يَمِينَهُ

[18206] Abū Bakr narrated to us, saying: Abū Khālid al-Aḥmar narrated to us, from Ḥajjāj, from Hammād, from Ibrāhīm, who said: If he says: 'Everything lawful to me is forbidden,' if he intended divorce, it is one divorce and he has the right to take her back. If he did not intend divorce, it is an oath he must expiate.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرِ، عَنْ حَاجَاجٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا قَالَ: كُلُّ حِلٍّ عَلَيَّ حَرَامٌ، إِنْ تَوَى طَلَاقًا فَهِيَ تَطْلِيقٌ، وَهُوَ أَمْكَنُ بِهَا، وَإِنْ لَمْ يَنْتُو طَلَاقًا فَهِيَ يَمِينٌ يُكَفَّرُ هَا

[18207] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Ḥajjāj, from Abū Ja‘far, who said: If he says: 'Everything lawful to me is forbidden,' he feeds ten poor people.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرِ، عَنْ حَاجَاجٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: "إِذَا قَالَ: كُلُّ حِلٍّ عَلَيَّ حَرَامٌ أَطْعَمَ عَشْرَةً مَسَاكِينَ

[18208] Abū Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Mahdi narrated to us, from Hishām al-Dastuwā’ī, from Qatādah, from Al-Hasan and Jābir ibn Zayd, who both said: 'Everything lawful to me is forbidden' requires expiation for an oath.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ هِشَامِ الدَّسْتُوْاَيِّ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، وَجَابِرِ بْنِ زَيْدٍ، قَالَا: كُلُّ حِلٍّ عَلَيَّ حَرَامٌ فَكَفَارَةً يَمِينٌ

[18209] Abū Bakr narrated to us, saying: Ḥumayd ibn ‘Abd al-Rahmān narrated to us, from Ḥasan ibn Ṣalih, from Jābir, from ‘Alī, regarding a man who says to his wife: 'Everything lawful to me is forbidden.' He said: His wife becomes unlawful for him, and she is not lawful for him until she marries another husband, and he expiates his oath from his wealth.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ جَابِرٍ، عَنْ عَلَيٍّ، فِي الرَّجُلِ يَقُولُ لِامْرَأَتِهِ: كُلُّ حِلٍّ عَلَيَّ فَهُوَ حَرَامٌ، قَالَ: تَحْرُمُ عَلَيْهِ امْرَأَتُهُ، وَلَا تَحْلُّ لَهُ حَتَّى تُنكِحَ رَوْجًا غَيْرَهُ، وَيُكَفَّرَ يَمِينُهُ مِنْ مَالِهِ

[18210] Abū Bakr narrated to us, saying: Jarīr ibn ‘Abd al-Ḥamīd narrated to us, from Maṇṣūr, from Al-Sha‘bī, from Maṣrūq, from ‘Abd Allāh, regarding a man who gifts his wife to her family. He said: If her family accepts her, it is one divorce, and he has the right to take her back. But if they do not accept her, it is nothing.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مَنْصُورٍ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ، فِي الرَّجُلِ يَهَبُ امْرَأَتَهُ لِأَهْلِهَا، قَالَ: إِنْ قَبَلَهَا أَهْلُهَا فَتَطْلِيقَةٌ، يَمْلِكُ رَجْعَتَهَا، وَإِنْ لَمْ يَقْبِلُهَا فَلَا شَيْءٌ

[18211] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Maṇṣūr, from Ibrāhīm, who said: If they accept her, it is one divorce, and he possesses the right to take her back.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنْ قَبَلُوهَا فَتَطْلِيقَةٌ يَمْلِكُ رَجْعَتَهَا

[18212] Abū Bakr narrated to us, saying: Sharīk narrated to us, from Abū Ḥuṣayn, from Yaḥyā ibn Waththāb—some of our companions said it is from Maṣrūq—from ‘Abd Allāh, who said: If a man says to his wife: 'Succeed in your affair,' or 'Choose,' or 'I have gifted you to your family,' it is one divorce.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا شَرِيكُ، عَنْ أَبِي حُصَيْنٍ، عَنْ يَحْيَى بْنِ وَثَابِ، قَالَ بَعْضُ أَصْحَابِنَا، هُوَ عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ قَالَ: "إِذَا قَالَ الرَّجُلُ لِامْرَأَتِهِ: اسْتَفْلِحِي بِأَمْرِكِ، أَوْ اخْتَارِي، أَوْ قَدْ وَهَبْتِكِ لِأَهْلِكِ فَهِيَ تَطْلِيقَةٌ"

[18213] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Yazīd ibn Ibrāhīm, from Al-Ḥasan, from a man among the companions of the Prophet ﷺ, who said: If they accept her, it is one irrevocable divorce. If they do not accept her, it is one divorce, and he has more right to take her back.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ يَزِيدِ بْنِ إِبْرَاهِيمَ، عَنِ الْحَسَنِ، عَنْ رَجُلٍ، مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِنْ قَبَلُوهَا فَوَاحِدَةً بَائِنَةً، وَإِنْ لَمْ يَقْبَلُوهَا فَوَاحِدَةً، وَهُوَ أَحَقُّ بِرَجْعَتِهَا

[18214] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Sa‘īd, from Qatādah, from Al-Ḥasan, from Zayd ibn Thābit, who said: If he gifts her to her family and they accept her, it is three (divorces); she is not lawful for him until she marries another husband. If they reject her, it is one, and he has more right to her. And Al-Ḥasan used to hold this view.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنِ الْحَسَنِ، عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: إِذَا وَهَبَهَا لِأَهْلِهَا فَقَبَلُوهَا، فَتَلَاثٌ لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ، وَإِنْ رَدُّوهَا فَوَاحِدَةً، وَهُوَ أَحَقُّ بِهَا وَبِهِ كَانَ يُلْخُدُ الْحَسَنُ

[18215] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from ‘Abd al-Karīm, from ‘Aṭā’ regarding a man who married a woman then gifted her to her family. ‘Aṭā’ said: If they accept her, it is one irrevocable divorce. If they reject her, it is nothing.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفِيَّاَنَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ عَطَاءٍ فِي الرَّجُلِ تَزَوَّجَ امْرَأَةً، ثُمَّ وَهَبَهَا لِأَهْلِهَا، قَالَ عَطَاءُ: إِنْ قَبُلُوهَا فَهُوَ تَطْلِيقَةُ بَائِنَةٍ، وَإِنْ رَدُّوهَا فَلَا شَيْءٌ

[18216] Abū Bakr narrated to us, saying: Yūnus ibn Muḥammad narrated to us, from ‘Abd al-Wāhid ibn Ziyād, from Layth, from Tāwūs regarding the woman gifted to her family: It is one divorce, and he has more right to take her back.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يُونُسُ بْنُ مُحَمَّدٍ، عَنْ عَبْدِ الْوَاحِدِ بْنِ زِيَادٍ، عَنْ لَيْثٍ، عَنْ طَاؤُسٍ، فِي الَّتِي ثُوَّبَ لِأَهْلِهَا تَطْلِيقَةً، وَهُوَ أَحَقُّ بِرَجْعَتِهَا

[18217] Abū Bakr narrated to us, saying: Sufyān narrated to us, from Muṭarrif, from Al-Ḥakam, from Yaḥyā ibn al-Jazzār, from ‘Alī regarding the woman gifted to her family: If they accept her, it is one irrevocable divorce. If they reject her, it is one (revocable divorce), and he has more right to her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سُفِيَّاَنُ، عَنْ مُطَرِّفٍ، عَنْ الْحَكَمِ، عَنْ يَحْيَى بْنِ الْجَزَّارِ، عَنْ عَلِيٍّ، فِي الْمَوْهُوبَةِ لِأَهْلِهَا، إِنْ قَبُلُوهَا فَتَطْلِيقَةُ بَائِنَةٍ، وَإِنْ رَدُّوهَا فَهُوَ وَاحِدَةٌ وَهُوَ أَحَقُّ بِهَا

[18218] Abū Bakr narrated to us, saying: ‘Abd al-Salām ibn Ḥarb narrated to us, from Muṭarrif, from Al-Ḥakam, from Yaḥyā ibn al-Jazzār, from ‘Alī, similar to it. He said:

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ مُطَرِّفٍ، عَنِ الْحَكَمِ، عَنْ يَحْيَى بْنِ الْجَزَّارِ، عَنْ عَلَيٍّ، بِيَحْوِي مِنْهُ قَالَ:

[18219] Waki‘ narrated to us: If he gifts her to her family and does not intend divorce by that, it is nothing, whether they accept her or reject her. If he intends divorce, it is whatever divorce he intended, whether they accept her or reject her.

حَدَّثَنَا نَا وَكِيعٌ إِذَا وَهَبَهَا لِأَهْلِهَا، وَهُوَ لَا يُرِيدُ بِذَلِكَ الطَّلاقَ فَلَيْسَ بِشَيْءٍ قَبِلُوهَا أَوْ رَدُّوهَا، وَإِنْ تَوَى طَلاقًا فَهُوَ مَا تَوَى مِنَ الطَّلاقِ قَبِيلُوهَا أَوْ رَدُّوهَا

[18220] Abū Bakr narrated to us, saying: Marwān ibn Mu‘awiyah narrated to us, from Ḥumayd al-Tawīl, from Al-Ḥasan, who said: A woman said to her husband: 'May Allah relieve me of you.' Ḥumayd said: Or something similar. He said: Yes, then yes. He came to ‘Umar ibn al-Khaṭṭāb and mentioned that to him. ‘Umar said: Do you want me to bear it for you? She is yours, she is yours (meaning she is still your wife).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ حُمَيْدِ الطَّوِيلِ، عَنِ الْحَسَنِ قَالَ: قَالَتِ امْرَأَةٌ لِزَوْجِهَا: أَرَاحَنِي اللَّهُ مِنْكِ، قَالَ حُمَيْدٌ: أَوْ نَحْوًا مِنْ هَذَا، قَالَ: فَقَالَ: نَعَمْ، فَنَعَمْ، قَالَ: فَأَتَى عُمَرَ بْنَ الْخَطَّابِ فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ عُمَرُ: ثَرِيدُ أَنْ أَحْمَلَهَا عَنْكَ؟ هِيَ بِكَ، هِيَ بِكَ

[18221] Abū Bakr narrated to us, saying: Ḥumayd ibn ‘Abd al-Rahmān narrated to us, from ‘Alī ibn ‘Umar ibn Ḥusayn, from Ja‘far, from his father, from ‘Alī, regarding a man who divorced his wife 'a camel's load.' He said: She is not lawful for him until she marries another husband.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ عَلَىٰ بْنِ عُمَرَ بْنِ حُسَيْنٍ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ عَلَىٰ، فِي رَجُلٍ طَلَقَ امْرَأَتَهُ حِمْلَ بَعِيرٍ، قَالَ: لَا تَحْلُّ لَهُ حَتَّىٰ تَنكِحَ زَوْجًا غَيْرَهُ

[18222] Abū Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Ash‘ath, from Al-Ḥasan, from Usayd ibn ‘Arfajah, from ‘Ā’ishah, regarding a man who divorced his wife 'one like a thousand.' She said: She is not lawful for him until she marries another husband.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، عَنْ أَسَيْدِ بْنِ عَرْفَاجَةَ، عَنْ عَائِشَةَ، فِي رَجُلٍ طَلَقَ امْرَأَتَهُ وَاحِدَةً كَالْأَلْفِ، قَالَ: لَا تَحْلُّ لَهُ حَتَّىٰ تَنكِحَ زَوْجًا غَيْرَهُ

[18223] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Mughīrah, from Ibrāhīm, regarding a man who divorces his wife three times then denies it. He said: It is more beloved to me that she takes him to the ruler. If he swears (he didn't divorce her), then it is more beloved to me that she redeems herself (Khul') from him if he swears.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يُطْلَقُ امْرَأَةٌ ثَلَاثَةَ لَمْ يَجْعَدُهَا، قَالَ: أَحَبُّ إِلَيَّ أَنْ تُرَافَعَ إِلَى السُّلْطَانِ، فَإِنْ حَافَ فَأَحَبُّ إِلَيَّ أَنْ تَفْتَدِي مِنْهُ إِذَا حَافَ

[18224] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, who said: If she is truthful, then ransom is lawful for her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنْ كَانَتْ صَادِقَةً فَقَدْ حَلَّ لَهَا الْفِدْيَةُ

[18225] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Yūnus, from Al-Hasan, who said: She presents him to the ruler and makes him swear.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: تُقَدِّمُهُ إِلَى السُّلْطَانِ فَتَسْتَحْلِفُهُ

[18226] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Sulaymān al-Taymī, regarding a woman who claims her husband divorced her three times but has no evidence. He said: He used to order her to stay with him, but she should not let him approach her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ سُلَيْمَانَ التَّمِيِّ، فِي الْمَرْأَةِ نَدَعِي أَنَّ رَوْجَهَا طَلَقَهَا تَلَاقًا، وَلَيْسَ لَهَا بَيِّنَةٌ، قَالَ: كَانَ يَأْمُرُهَا أَنْ تَقْرَ عِنْدَهُ وَلَا تَقْرُ

[18227] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Dāwūd, from Jābir ibn Zayd, who said: They are two adulterers as long as they are together.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ دَاؤِدَ، عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: هُمَا زَانِيَانِ مَا يَجْمِعُنَ

[18228] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Sufyān, from Ibrāhīm ibn Muḥājir, who said: Ibn ‘Umar had a female captive. Her husband used to whisper divorce to her. She said to Ibn ‘Umar: Something happens from him in secret. So he made him swear and left him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ قَالَ: كَانَتْ لِابْنِ عُمَرَ سَبِيلٌ، فَكَانَ رَوْجُهَا يُسَارُهَا بِالْطَّلاقِ، فَقَالَتْ: لِابْنِ عُمَرَ: إِنَّهُ يَكُونُ مِنْهُ الشَّيْءُ فِي السَّرِّ فَأَخْلَفَهُ وَتَرَكَهُ

[18229] Abū Dāwūd narrated to us, saying: ‘Abd al-Rahmān ibn Mahdī narrated to us, from Al-Hudhayl ibn Bilāl, from a sheikh named Abū ‘Amr, who said: I was sitting with Ibn ‘Abbās when a woman came to him and said that her husband divorces her in secret and denies it in public. He said: He must swear four testimonies by Allah that he did not divorce, and the fifth that the curse of Allah be upon him if he did.

حَدَّثَنَا أَبُو دَاؤِدَ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنِ الْهُدَيْلِ بْنِ بِلَالٍ، عَنْ شَيْخٍ يُكَنِّي أَبَا عَمْرِو قَالَ: كُنْتُ جَالِسًا عِنْدَ ابْنِ عَبَّاسٍ فَأَتَتْهُ امْرَأَةٌ، فَقَالَتْ: إِنَّ زَوْجَهَا يُطْلَقُهَا فِي السُّرِّ، وَيَجْحَدُ فِي الْعَلَانِيَّةِ، فَقَالَ: عَلَيْهِ أَنْ يَحْلِفَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ مَا طَلَقَ، وَالْخَامِسَةَ أَنْ لَغْنَةَ اللَّهِ عَلَيْهِ إِنْ كَانَ فَعَلَ

[18230] Abū Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Mahdī narrated to us, from Al-Ḥakam ibn ‘Aṭiyyah, who said: I heard Muḥammad ibn Sīrīn being asked about a man who divorces his wife three times then denies it. He said: She should flee from him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنِ الْحَكَمِ بْنِ عَطِيَّةَ، قَالَ: سَمِعْتُ مُحَمَّدًا بْنَ سِيرِينَ، وَسُئِلَ عَنِ الرَّجُلِ يُطْلَقُ امْرَأَتَهُ ثَلَاثَةً، ثُمَّ يَجْحَدُهَا، قَالَ: تَهْرُبُ مِنْهَا

[18231] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma’mar, from Al-Zuhrī, who said: She makes him swear after prayer. If he swears, she is returned to him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ قَالَ: سُنْحَلْفَةُ دُبْرَ الصَّلَاةِ، فَإِنْ حَلَفَ رُدَّتْ عَلَيْهِ

[18232] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, from Ḥammād, who said: I asked him about a man who divorced his wife three times, and she has no evidence. He said: She redeems herself with her wealth. I said: What if he refuses? He said: She flees from him and does not stay with him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ
قَالَ: سَأَلَنِي عَنْ رَجُلٍ طَافَ امْرَأَتُه تَلَانًا، وَلَيْسَ لَهَا
بَيْنَهُ، قَالَ: ثَفَدَيْ بِمَالِهَا قَالَ: فُلْتُ: فَإِنْ أَبَى؟ قَالَ:
تَهْرُبُ مِنْهُ، وَلَا تَقْارُبُ

[18233] Abū Bakr narrated to us, saying: Mu‘ādh ibn Mu‘ādh narrated to us, from Sawwār ibn Muḥammad, who said: He used to order such a woman to flee.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُعَاذُ بْنُ مُعاذٍ، عَنْ سَوَّارِ بْنِ
مُحَمَّدٍ قَالَ: كَانَ يَأْمُرُ مِنْ هَذِهِ أَنْ تَهْرُبَ

[18234] Abū Bakr narrated to us, saying: Muḥammad ibn Marwān narrated to us, from ‘Umārah, who said: Jābir ibn Zayd was asked about a man who mistakenly pronounced divorce upon his wife. He said: There is no mistake upon a believer.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُحَمَّدُ بْنُ مَرْوَانَ، عَنْ عُمَارَةَ
قَالَ: سُنْلَ حَابِرُ بْنُ زَيْدٍ عَنْ رَجُلٍ غَلَطَ بِطَلاقِ امْرَأَتِهِ،
فَقَالَ: لَيْسَ عَلَى الْمُؤْمِنِ غَلَطٌ

[18235] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Isrā’il, from Jābir, from ‘Āmir and Al-Ḥakam, regarding a man who wanted to say something but made a mistake and divorced. Al-Sha‘bī said: It is nothing. Al-Ḥakam said: It is binding upon him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرِ،
عَنْ عَامِرٍ، وَالْحَكَمِ، فِي رَجُلٍ أَرَادَ أَنْ يَتَكَلَّمَ بِشَيْءٍ
فَغَلَطَ، فَطَلَقَ فَقَالَ الشَّعْبِيُّ: لَيْسَ بِشَيْءٍ وَقَالَ الْحَكَمُ:
يَلْزَمُهُ

[18236] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Al-A‘mash, from Ibrāhīm, who said: If a man divorces his wife with one irrevocable divorce, his divorce applies to her as long as she is in the waiting period.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنِ الْأَعْمَشِ،
عَنْ إِبْرَاهِيمَ قَالَ: إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ وَاحِدَةً بَائِنًا،
وَقَعَ عَلَيْهِ طَلاقُهُ مَا كَانَتْ فِي الْعِدَّةِ

[18237] Abū Bakr narrated to us, saying: ‘Alī ibn Mushir narrated to us, from Qatādah, from Ibn al-Musayyib, regarding a man who divorces his wife with an irrevocable divorce, then follows it with another divorce during her waiting period. He said: His divorce applies to her as long as she is in the waiting period.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ قَتَادَةَ، عَنْ
ابْنِ الْمُسَيْبِ، فِي الرَّجُلِ يُطَلَّقُ امْرَأَتُهُ طَلَاقًا بَائِنًا، ثُمَّ
يُثْبِتُهَا بِطَلاقٍ فِي عِدَّتِهَا، قَالَ: يُلْحَقُهَا طَلاقُهُ مَا كَانَتْ
فِي الْعِدَّةِ

[18238] Abū Bakr narrated to us, saying: Abū ‘Iṣām Rawwād ibn al-Jarrāḥ narrated to us, from Al-Awzā‘ī, from Al-Zuhrī, and from Makhūl and ‘Atā’, regarding a man who divorces his wife with one irrevocable divorce, then divorces her during her waiting period. They said: The divorce applies to her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو عِصَامٍ رَوَادُ بْنُ الْجَرَاحِ،
عَنِ الْأَوْزَاعِيِّ، عَنِ الرُّهْبَرِيِّ، وَعَنْ مَكْحُولٍ، وَعَطَاءً،
فِي الرَّجُلِ يُطْلَقُ امْرَأَةٌ تَطْلِيقَةً بَانِثَةً، ثُمَّ يُطْلَقُهَا فِي
عِدَّتِهَا قَالًا: يَقْعُ عَلَيْهَا الطَّلاقُ

[18239] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghayyāth narrated to us, from Ismā‘il, from Al-Sha‘bī, from Shurayh, who said: The divorce applies to the divorced woman during the waiting period.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غَيَاثٍ، عَنْ إِسْمَاعِيلَ،
عَنِ الشَّعْنَىِّ، عَنْ شُرَيْحٍ قَالَ: يَلْزَمُ الْمُطْلَقَةَ الطَّلاقُ فِي
الْعِدَّةِ

[18240] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Sha‘bī, from Shurayh, and Ḥammād, from Ibrāhīm, who both said: Divorce applies to her during her waiting period.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ، عَنْ أَشْعَثَ، عَنِ
الشَّعْنَىِّ، عَنْ شُرَيْحٍ، وَحَمَّادٍ، عَنْ إِبْرَاهِيمَ قَالَا: يَلْزَمُهَا
الطَّلاقُ فِي عِدَّتِهَا

[18241] Abū Bakr narrated to us, saying: Ḥātim ibn Ismā‘il narrated to us, from Ja‘far, from his father, who said: ‘Alī said: Divorce and waiting period are according to the women.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ قَالَ: قَالَ عَلِيًّا: الطَّلاقُ وَالْعِدَةُ بِالنِّسَاءِ

[18242] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Sha‘bī, from ‘Abd Allāh, who said: The Sunnah regarding the woman is in divorce or the waiting period.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ قَالَ: السُّنَّةُ بِالْمَرْأَةِ فِي الطَّلاقِ أَوِ الْعِدَةِ

[18243] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Al-A‘mash, from Ibrāhīm, who said: Divorce and waiting period are according to the women.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: الطَّلاقُ وَالْعِدَةُ بِالنِّسَاءِ

[18244] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, from Al-Ḥasan and Muḥammad, who both said: The waiting period and divorce are according to the women.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عَلَيَّةَ، عَنْ أَيُوبَ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، أَنَّهُمَا قَالَا: الْعِدَةُ وَالطَّلاقُ بِالنِّسَاءِ

[18245] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ulayyah narrated to us, from Ayyūb, who said: I was informed from Ibn ‘Abbās similar to that.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِسْمَاعِيلُ ابْنُ عُلَيَّهِ، عَنْ أَيُوبِ،
قَالَ: تُبَيَّثُ عَنْ ابْنِ عَبَّاسٍ، يَمِنْ دَلِكَ

[18246] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, from Nāfi‘, who said: The slave woman becomes irrevocably separated from a free man and a slave with two divorces.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهِ، عَنْ أَيُوبَ، عَنْ نَافِعٍ
قَالَ: تَبَيَّنَ الْأُمَّةُ مِنَ الْحُرُّ، وَالْعَبْدِ يَتَطْلُبُقَيْنِ

[18247] Abū Bakr narrated to us, saying: Zayd ibn al-Ḥubāb narrated to us, from Sayf, from Mujāhid, who said: If a slave woman is married to a free man, her divorce is two (times) and her waiting period is two menstrual cycles. If a free woman is married to a slave, her divorce is three (times) and her waiting period is three menstrual cycles.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا زَيْدُ بْنُ الْحُبَابِ، عَنْ سَيْفٍ، عَنْ
مُجَاهِدٍ قَالَ: إِذَا كَانَتِ الْأُمَّةُ تَحْتَ الْحُرُّ فَطَلَاقُهَا ثَنَانُ،
وَعِدَّتْهَا حَيْضَتَانَ، وَإِذَا كَانَتِ الْحُرَّةُ تَحْتَ الْعَبْدِ
فَطَلَاقُهَا ثَلَاثٌ، وَعِدَّتْهَا ثَلَاثُ حِيَضٍ

[18248] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ulayyah narrated to us, from Ayyūb, from Sulaymān ibn Yasār, that Nufay‘, a mukātab (slave seeking freedom) of Umm Salamah, divorced his wife, who was free, two times. They were eager to return her to him, but ‘Uthmān and Zayd refused.

Sulaymān said: Does anyone say other than this? When I arrived in Medina, I wrote to Abū Qilābah. He wrote to me that someone whose narration I trust told me that Zayd ibn Thābit and Qabīshah ibn Dhu’ayb said: If her husband is free and she is a slave, his divorce is the divorce of a free man, and her waiting period is the waiting period of a slave. If her husband is a slave and she is free, his divorce is the divorce of a slave, and her waiting period is the waiting period of a free woman.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ، عَنْ أَئْوَبَ،
عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ نُقَيْعًا مُكَاتِبًا لِأَمْ سَلَمَةَ طَلاقَ
إِمْرَأَتِهِ، وَهِيَ حُرَّةُ تَطْلِيقَتِينِ، فَحَرَصُوا عَلَىْ أَنْ
يَرْدُو هَا عَلَيْهِ وَأَبَى عُثْمَانُ وَزَيْدٌ قَالَ: سُلَيْمَانُ: وَيَقُولُ
أَحَدُ غَيْرِ هَذَا، فَلَمَّا قَدِمْتُ الْمَدِينَةَ، كَتَبْتُ إِلَىْ أَبِي
قِلَابَةَ، فَكَتَبَ إِلَيَّ أَنَّهُ حَدَّثَنِي مِنْ أَطْمَئِنُ إِلَىْ حَدِيثِهِ، أَنَّ
زَيْدَ بْنَ ثَابِتٍ، وَقَبِيْصَةَ بْنِ دُؤَيْبٍ قَالَا: إِذَا كَانَ زَوْجُهَا
حُرًّا وَهِيَ أَمْمَةُ فَطَلَاقُهُ طَلاقُ حُرٍّ، وَعِدَّتْهَا عِدَّةُ أُمَّةٍ،
وَإِنْ كَانَ زَوْجُهَا عَبْدًا وَهِيَ حُرَّةُ فَطَلَاقُهُ طَلاقُ عَبْدٍ
وَعِدَّتْهَا عِدَّةُ حُرَّةٍ مُعْنَدَةٍ

[18249] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, who said: ‘Abd Allāh narrated to me, from Sulaymān ibn Yasār, who said: Divorce is according to the men, and the waiting period is according to the women.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّهِ، عَنْ أَيُوبَ قَالَ:
حَدَّثَنِي عَبْدُ اللَّهِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ قَالَ: الطَّلاقُ
بِالرِّجَالِ وَالْعِدَّةُ بِالنِّسَاءِ

[18250] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, from ‘Ikrimah, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّهِ، عَنْ أَيُوبَ، عَنْ
عِكْرِمَةَ، مِثْلُهُ

[18251] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Hishām, from Qatādah, from ‘Ikrimah, from Ibn ‘Abbās; and from Al-Sha‘bī, from Makhūl; and Sufyān, from someone who heard Ibrāhīm and Al-Sha‘bī, all said: Divorce is according to the men, and the waiting period is according to the women.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبْعُ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ
عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، وَالشَّعْبِيِّ، عَنْ مَكْحُولٍ،
وَسُفْيَانَ، عَمَّنْ، سَمِعَ إِبْرَاهِيمَ، وَالشَّعْبِيَّ قَالُوا: الطَّلاقُ
بِالرِّجَالِ وَالْعِدَّةُ بِالنِّسَاءِ

[18252] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Hishām, from Yaḥyā ibn Abī Kathīr, from Abū Salamah, who said: Nufay‘ narrated to us that he was a slave and married to a free woman. He divorced her twice. He asked ‘Uthmān and Zayd, and they said: Her divorce is the divorce of a slave, and her waiting period is the waiting period of a free woman.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ قَالَ: نَا نُفَيْعٌ، أَنَّهُ كَانَ مَمْلُوكًا، وَتَحْتَهُ حُرَّةٌ، فَطَلَّقَهَا تِطْلِيقَتَيْنِ، فَسَأَلَ عُثْمَانَ وَزَيْدًا فَقَالَا: طَلَّقَهَا طَلَاقٌ عَبْدٌ، وَعِدَّتْهَا عِدَّةً حُرَّةٍ

[18253] Abū Bakr narrated to us, saying: ‘Alī ibn Mushir narrated to us, from ‘Abd Allāh, from Nāfi‘, from Ibn ‘Umar, who said: If a free woman is married to a slave, she becomes irrevocably divorced with two divorces, and her waiting period is three menstrual cycles. If a slave woman is married to a free man, she becomes irrevocably divorced with three, and her waiting period is two menstrual

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَالَ: إِذَا كَانَتِ الْحُرَّةُ تَحْتَ الْعَبْدِ، فَقَدْ بَانَتْ بِتَطْلِيقَتَيْنِ، وَعِدَّتْهَا ثَلَاثٌ حِيْضُونٌ، وَإِذَا كَانَتِ الْأَمْمَةُ تَحْتَ الْحُرَّةِ فَقَدْ بَانَتْ مِنْهُ بِنَلَاثٍ، وَعِدَّتْهَا حِيْضُونَ

[18254] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Yaḥyā ibn Sa‘īd, from Ibn al-Musayyib, who said: Divorce is for men, and the waiting period is for women.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيْهِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ ابْنِ الْمُسَيَّبِ قَالَ: الطَّلاقُ لِلرِّجَالِ، وَالْعِدَّةُ لِلنِّسَاءِ

[18255] Abū Bakr narrated to us, saying: Abū Mu‘awiyah and Abū Usāmah narrated to us, from Al-A‘mash, who said: ‘Abd Allāh said: The sale of a slave woman is her divorce.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، وَأَبُو أَسَامَةَ، عَنْ الْأَعْمَشِ قَالَ: قَالَ عَبْدُ اللَّهِ: بَيْعُ الْأَمْمَةِ طَلاقُهَا

[18256] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Ash‘ath, from Al-Ḥasan, and from Sa‘īd, from Qatādah, from Al-Ḥasan, from his father, who said: The sale of a slave woman is her divorce.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو أَسَامَةَ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، وَعَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ أَبِيهِ، قَالَ: بَيْعُ الْأَمْمَةِ طَلاقُهَا

[18257] Abū Bakr narrated to us, saying: ‘Abdah narrated to us, from Ibn Abī ‘Arūbah, from Qatādah, from Al-Ḥasan, who said: Whichever of them is sold, that is a divorce for her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَهُ، عَنْ ابْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ قَالَ: أَيُّهُمَا بَيْعٌ فَذَلِكَ لَهَا طَلاقٌ

[18258] Abū Bakr narrated to us, saying: ‘Abdah narrated to us, from Sa‘īd, from Ya‘lā ibn Ḥakīm, from ‘Ikrimah, who said: Whichever of them is sold, that is a divorce for her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ، عَنْ سَعِيدٍ، عَنْ يَعْلَى بْنِ حَكِيمٍ، عَنْ عِكْرِمَةَ قَالَ: أَيُّهُمَا بَيْعٌ فَذَلِكَ لَهَا طَلاقٌ

[18259] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Layth, from Al-Ḥakam, from ‘Abd Allāh, who said: He places her (divorce) in the sale of whichever of them it was.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ لَيْثٍ، عَنْ الْحَكَمِ، عَنْ عَبْدِ اللَّهِ قَالَ: يَضَعُهَا فِي بَيْعٍ أَيُّهُمَا كَانَ

[18260] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from ‘Awf, from Al-Ḥasan, who said: Selling him is her divorce.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ عَوْفٍ، عَنْ الْحَسَنِ قَالَ: يَبْيَعُهُ طَلاقُهَا

[18261] Abū Bakr narrated to us, saying: Ya‘lā narrated to us, from Ismā‘il, who said: I asked ‘Āmir about a man who bought a slave girl who had a husband. Can he have intercourse with her? He said: If he has intercourse with her, no one will fault that. He said: And if he refrains, it is better for him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَعْلَى، عَنْ إِسْمَاعِيلَ، قَالَ: سَأَلْتُ عَامِرًا عَنْ رَجُلٍ اشْتَرَى وَلِيَدَةً، وَلَهَا زَوْجٌ أَيْقُنُ عَلَيْهَا؟ قَالَ: إِنْ وَقَعَ عَلَيْهَا لَمْ يَعْبُرْ ذَلِكَ أَحَدٌ قَالَ: وَإِنْ يَتَنَزَّهَ خَيْرٌ لَهُ

[18262] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from Ibñ Abī Najīḥ, from Mujāhid, who said: If a slave girl is sold, gifted, inherited, or freed, it is a separation.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ ابْنِ أَبِي تَجْبِحٍ،
عَنْ مُجَاهِدٍ قَالَ: إِذَا بِيعَتِ الْأُمَّةُ، أَوْ هُبِتْ، أَوْ وُرِئَتْ،
أَوْ أُعْتَقَتْ فَهُوَ فِرَاقٌ

[18263] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from Al-Zuhri, from Abū Salamah, that ‘Abd al-Rahmān ibn ‘Awf bought a slave girl from ‘Āsim ibn ‘Adī. He was informed that she had a husband, so he returned her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنِ الرُّهْبَرِيِّ، عَنْ
أَبِي سَلَمَةَ، أَنَّ عَبْدَ الرَّحْمَنَ بْنَ عَوْفٍ اسْتَرَى جَارِيَةً
مِنْ عَاصِمٍ بْنِ عَدِيٍّ فَأَخْبَرَ أَنَّ لَهَا زَوْجًا، فَرَدَّهَا

[18264] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Yaḥyā ibn Sa‘īd, from Sulaymān ibn Yasār, that ‘Āsim ibn ‘Adī gifted a slave girl to ‘Abd al-Rahmān ibn ‘Awf. When he approached her, she informed him that she had a husband, so he returned her to him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ يَحْيَى بْنِ
سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، "أَنَّ عَاصِمَ بْنَ عَدِيٍّ
وَهُبَ لِعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ جَارِيَةً، فَلَمَّا دَنَّا مِنْهَا
أَخْبَرَتْهُ أَنَّ لَهَا زَوْجًا، فَرَدَّهَا عَلَيْهِ

[18265] Abū Bakr narrated to us, saying: Sharīk narrated to us, from ‘Ubayd Allāh ibn Sa‘d, from Ibn Yasār, from ‘Umar, who said: Buy her marriage bond (buḍ‘).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَرِيكٌ، عَنْ عُبَيْدِ اللَّهِ بْنِ سَعْدٍ، عَنْ ابْنِ يَسَارٍ، عَنْ عُمَرَ قَالَ: اشْتَرِ بُضْعَهَا

[18266] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Ḥajjāj, from Abū Ishāq, from Muṣ‘ab ibn Sa‘d, that Sa‘d bought a slave girl who had a husband. He did not approach her until he bought her marriage bond from her husband for five hundred.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدِ الْأَحْمَرِ، عَنْ حَاجَجِ، عَنْ أَبِي إِسْحَاقَ، عَنْ مُصْعَبِ بْنِ سَعْدٍ، أَنَّ سَعْدًا، اشْتَرَى جَارِيَةً لَهَا رَوْجٌ، فَلَمْ يَقْرَبْهَا، حَتَّى اشْتَرَى بُضْعَهَا مِنْ زَوْجِهَا بِخَمْسِيَّةٍ

[18267] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Yūnus ibn Abī Ishāq narrated to us, from his father, from Muṣ‘ab ibn Sa‘d, that Sa‘d married a slave girl of his to a slave of his. Then he desired her. He said: So he gave his slave a right (payment) to divorce her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، قَالَ: نَا يُونُسُ بْنُ أَبِي إِسْحَاقَ، عَنْ أَبِيهِ، عَنْ مُصْعَبِ بْنِ سَعْدٍ، "أَنَّ سَعْدًا، رَوْجَ جَارِيَةً لَهُ مَمْلُوكًا لَهُ، فَبَيَّنَهَا نَفْسُهُ، قَالَ: فَجَعَلَ لِغَلَامِهِ حَقًّا عَلَى أَنْ يُطْلَقَهَا

[18268] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from ‘Ubayd Allāh ibn ‘Umar, from Nāfi‘, that a man gifted a slave girl to ‘Uthmān. When he undressed her, she said: I have a husband. So he returned her to her master and said: You gifted me a slave girl who has a husband.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، أَنَّ رَجُلًا أَهْدَى إِلَى عُثْمَانَ جَارِيَةً، فَلَمَّا جَرَّدَهَا قَالَتْ: إِنِّي زَوْجٌ، فَرَدَّهَا إِلَى مَوْلَاهَا وَقَالَ: أَهْدَيْتَ لِي جَارِيَةً لَهَا زَوْجٌ

[18269] Abū Bakr narrated to us, saying: ‘Alī ibn Hāshim narrated to us, from Ibñ Abī Laylā, from Al-Sha‘bī, who said: A man from Hamdān gifted a slave girl to ‘Alī. When she came to him, ‘Alī asked her: Are you free or occupied (married)? She said: Occupied, O Commander of the Faithful. He said: So he stayed away from her and sent for her husband, buying her marriage bond from him for four hundred and twenty.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَلَيُّ بْنُ هَاشِمٍ، عَنْ ابْنِ أَبِي لَيْلَى، عَنِ الشَّعْبِيِّ، قَالَ: أَهْدَى رَجُلٌ مِنْ هَمْدَانَ لِعَلِيٍّ جَارِيَةً، فَلَمَّا أَتَتْهُ سَأَلَهَا عَلِيُّ: أَفَأَرْغَهُ أُمَّ مَشْغُولَةٌ؟ فَقَالَتْ: مَشْغُولَةٌ يَا أَمِيرَ الْمُؤْمِنِينَ، قَالَ: فَاعْتَزِّلْهَا، وَأَرْسَلَ إِلَى زَوْجِهَا، فَاشْتَرَى بُضْعَهَا مِنْهُ بِعِشْرِينَ وَأَرْبَعِمِائَةٍ

[18270] Abū Bakr narrated to us, saying: ‘Abd al-Salām ibn Ḥarb narrated to us, from Muḥammad ibn Iṣhāq, from Nāfi‘, from Ibn ‘Umar, who said: The slave has more right to his wife wherever he finds her, unless he has divorced her irrevocably.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ مُحَمَّدِ
بْنِ إِسْحَاقَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: الْعَبْدُ أَحَقُّ
بِإِمْرَأَتِهِ أَيْنَمَا وَجَدَهَا، إِلَّا أَنْ يَكُونَ طَلَقَهَا طَلَاقًا بَائِنًا

[18271] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ulayyah narrated to us, from Ayyūb, from Ibn Sīrīn, who said: I was informed that ‘Abd al-Rahmān saw a woman and she pleased him. He asked about her, and they said: This is a slave girl of so-and-so. So he bought her for four thousand. Then he found she had a husband. He offered him one hundred dirhams to divorce her, but he refused. He increased it, but he refused, until it reached five hundred, but he refused. So he returned her to him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ، عَنْ أَيُوبَ،
عَنْ ابْنِ سِيرِينَ، قَالَ: تُبَيَّثُ "أَنَّ عَبْدَ الرَّحْمَنَ، رَأَى
امْرَأَةً فَأَعْجَبَهُ، فَسَأَلَ عَنْهَا؟ قَالُوا: هَذِهِ أَمَّةُ لِفُلَانِ،
فَأَشْتَرَهَا بِأَرْبَعَةِ آلَافٍ، وَإِذَا لَهَا زَوْجٌ، فَأَعْطَاهُ مِائَةَ
دِرْهَمٍ عَلَى أَنْ يُطْلَقَهَا، فَأَبَى فَرَادَهُ، فَأَبَى حَتَّى بَلَغَ
خَمْسِمِائَةً، فَأَبَى فَرَادَهَا عَلَيْهِ

[18272] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Mis‘ar, from Ma‘bad ibn Khālid or from Ibn Ḥuṣayn, that Abū Mas‘ūd disliked having intercourse with her while she had a husband.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِبْعٌ، عَنْ مِسْعَرٍ، عَنْ مَعْبِدِ بْنِ حَالِدٍ، أَوْ عَنْ ابْنِ حُصَيْنٍ، أَنَّ أَبَا مَسْعُودِ، كَرَهَ أَنْ يَطَّاهَا، وَلَهَا زَوْجٌ

[18273] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Mis‘ar, from a man, from Shurayḥ, who said: I dislike having intercourse with a woman such that if I found a man with her, I would not apply the prescribed punishment (Hadd) upon him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِبْعٌ، عَنْ رَجُلٍ، عَنْ شُرَيْحٍ قَالَ: إِنِّي لَا كَرَهُ أَنْ أَطْأَ فَرْجَ امْرَأَةً، لَوْ وَجَدْتُ مَعَهَا رَجُلًا، لَمْ أُقْمِ عَلَيْهِ الْحَدَّ

[18274] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Sufyān and ‘Alī ibn Ṣalīḥ narrated to us, from Qays ibn Wahb al-Hamdānī, from Abū Salamah ibn ‘Abd al-Rahmān, from ‘Abd al-Rahmān ibn ‘Awf, that he disliked having intercourse with her while she had a husband. ‘Alī ibn Ṣalīḥ added: ‘Abd al-Rahmān ibn ‘Awf said: Two husbands are not appropriate in Islam.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سُفْيَانُ، وَعَلَيُّ بْنُ صَالِحٍ، عَنْ قَيْسِ بْنِ وَهْبِ الْهَمَذَانِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّهُ كَرَهَ أَنْ يَطَّاهَا، وَلَهَا زَوْجٌ، وَرَادَ فِيهِ عَلَيُّ بْنُ صَالِحٍ، وَقَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ: لَا يَصْلُحُ زَوْجَانٌ فِي الإِسْلَامِ

[18275] Abū Bakr narrated to us, saying: Ibn Numayr narrated to us, from ‘Abd al-Malik ibn Abī Sulaymān, from Anas ibn Sīrīn, from Ibn ‘Umar, that ‘Abd al-Rahmān ibn ‘Awf bought a slave girl who had a husband. He returned her and said: You deceived me then.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَالِكِ بْنِ أَبِي سُلَيْمَانَ، عَنْ أَنَسِ بْنِ سِيرِينَ، عَنْ ابْنِ عُمَرَ، "أَنَّ عَبْدَ الرَّحْمَنَ بْنَ عَوْفٍ اشْتَرَى جَارِيَةً لَهَا زَوْجٌ فَرَدَّهَا وَقَالَ: دَلَّسْتَ لِي إِذْنَ

[18276] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from ‘Abd al-Rahmān ibn Yazīd al-Makkī, from Sālim, Al-Qāsim, and ‘Ubayd Allāh ibn ‘Abd Allāh ibn ‘Umar, who said: ‘Umar said: Divorce is only in the hand of the one for whom the private part is lawful.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ الْمَكِّيِّ، عَنْ سَالِمٍ، وَالْقَاسِمِ، وَعُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، قَالُوا: قَالَ عُمَرُ: إِنَّمَا الطَّلاقُ بِيَدِ مَنْ يَحْلِلُ لَهُ الْفَرْجُ

[18277] Abū Bakr narrated to us, saying: ‘Abd Allāh ibn Mubārak narrated to us, from Sa‘īd ibn Abī ‘Arūbah, who said: I heard Sa‘īd ibn Jubayr being asked by a man: I married my slave to my slave girl, then I wanted to separate them. He said: You do not have that right.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ قَالَ: سَمِعْتُ سَعِيدَ بْنَ جُبَيْرَ، سَلَّةَ رَجُلًا فَقَالَ: أَنْكَحْتُ عَبْدِي أَمْتِي، ثُمَّ أَرَدْتُ أَنْ أُفَرِّقَ بَيْنَهُمَا؟ قَالَ: لَيْسَ لَكَ ذَلِكَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا أَذِنَ السَّيِّدُ بِالنِّكَاحِ فَالْطَّلاقُ بِيَدِ الْعَبْدِ

[18278] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Al-A‘mash, from Ibrāhīm, who said: If the master permits the marriage, divorce is in the hand of the slave.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ حُصَيْنِ، عَنْ الشَّعْبِيِّ قَالَ: إِذَا تَزَوَّجَ بِإِذْنِ سَيِّدِهِ، فَالْطَّلاقُ بِيَدِ الْعَبْدِ

[18279] Abū Bakr narrated to us, saying: Ibn Fuḍayl narrated to us, from Ḥuṣayn, from Al-Sha‘bī, who said: If he marries with his master's permission, divorce is in the hand of the slave.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا الْفَضْلُ بْنُ دُكَيْنِ، عَنْ مُبَارَكِ بْنِ فَضَالَةَ، عَنْ إِبْرَاهِيمَ بْنِ أَبِي إِسْمَاعِيلَ، عَنْ عَلَيِّ، وَعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَحُدَيْفَةَ، فِي الْعَبْدِ يَتَزَوَّجُ بِإِذْنِ مَوَالِيهِ فَالْطَّلاقُ بِيَدِ الْعَبْدِ

[18280] Abū Bakr narrated to us, saying: Al-Faḍl ibn Dukayn narrated to us, from Mubārak ibn Faḍālah, from Ibrāhīm ibn Abī Ismā‘il, from ‘Alī, ‘Abd al-Rahmān ibn ‘Awf, and Hudhayfah, regarding the slave who marries with the permission of his masters: Divorce is in the hand of the slave.

[18281] Abū Bakr narrated to us, saying: Mu'tamir narrated to us, from Layth, from 'Aṭā', Ṭāwūs, and Mujāhid, who said: If the slave woman belongs to someone else, or she is with him, and he has permitted him to marry her, then divorce is in the hand of the slave.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُعْتَمِرُ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، وَطَاؤِسٍ، وَمُجَاهِدٍ قَالُوا: إِذَا كَانَتِ الْمَمْلُوكَةُ لِغَيْرِهِ، أَوْ كَانَتْ عِنْدَهُ، وَقَدْ أَذِنَ لَهُ أَنْ يَتَزَوَّجَهَا فَالظَّلَاقُ بِيَدِ الْمَمْلُوكِ

[18282] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Hishām ibn 'Urwah, who said: I said to my father: A man marries his slave to his slave girl; is it right for him to take her away from him without his consent? He said: What he did is evil.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو أُسَامَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ قَالَ: قُلْتُ لِأَبِي: الرَّجُلُ يُنْكِحُ مَمْلُوكَةً مَمْلُوكَتَهُ، هَلْ يَصْلُحُ لَهُ أَنْ يَنْزِعَهَا مِنْهُ بِغَيْرِ طَيِّبٍ نَفْسٍ مِنْهُ؟ قَالَ: بِئْسَ مَا صَنَعَ

[18283] Abū Bakr narrated to us, saying: Ibn 'Ulayyah narrated to us, from Yūnus, from Al-Ḥasan, that he used to say: If the slave marries with his master's permission, divorce is in the hand of the slave; if he wishes, he divorces, and if he wishes, he retains.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: إِذَا نَكَحَ الْعَبْدُ بِإِذْنِ سَيِّدِهِ، فَإِنَّ الظَّلَاقَ بِيَدِ الْعَبْدِ، إِنْ شَاءَ طَلَقَ، وَإِنْ شَاءَ أَمْسَكَ

[18284] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, who said: I said to Sa‘īd ibn Jubayr: Jābir ibn Zayd used to say: If the master marries him off, divorce is in his hand. He said: Jābir ibn Zayd lied.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيْهَا، عَنْ أَيُوبَ، قَالَ: قُلْتُ لِسَعِيدَ بْنَ جُبَيْرٍ: إِنَّ جَابِرَ بْنَ زَيْدٍ كَانَ يَقُولُ: إِذَا زَوَّجَ السَّيِّدُ فَإِنَّ الطَّلاقَ بِيَدِهِ قَالَ: كَذَبَ جَابِرُ بْنَ زَيْدٍ

[18285] Abū Usāmah narrated to us, from Ib n ‘Aw n, from Muḥammad, who said: Divorce is in the hand of the one who possesses the marriage bond (bud‘).

حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ قَالَ: الطَّلاقُ بِيَدِ مَنْ يَمْلِكُ الْبُصْنُ

[18286] Abū Bakr narrated to us, saying: Ḥātim ibn Wardān narrated to us, from Burd, from Makhūl, who said: If the slave marries with the permission of his master, his divorce is in the hand of the slave; his master has no right to divorce on his behalf.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ قَالَ: إِذَا تَزَوَّجَ الْعَبْدُ بِإِذْنِ مَوْلَاهُ فَطَلاقُهُ بِيَدِ الْعَبْدِ، لَيْسَ لِسَيِّدِهِ أَنْ يُطْلَقَ عَنْهُ

[18287] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma’mar, from Al-Zuhrī, who said: If a man marries off his slave or permits him to marry, then divorce is in the hand of the slave.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ قَالَ: إِذَا زَوَّجَ الرَّجُلُ عَبْدَهُ أَوْ أَذِنَ لَهُ فِي التَّرْوِيجِ، فَإِنَّ الطَّلاقَ بِيَدِ الْعَبْدِ

[18288] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Juwaybir, from Al-Ḍahhāk, who said: Whoever marries his slave to a slave girl as the dowry of his daughter, it is not right for him to take her away from him, nor is her private part lawful for him until he dies.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو أَسَامَةَ، عَنْ جُوبِيرِ، عَنِ
الضَّحَّاكِ قَالَ: مَنْ زَوَّجَ عَبْدَةً أُمَّةً بِمَهْرِ بِنْتِهِ، لَا يَصْلُحُ
لَهُ أَنْ يَنْزِعَهَا مِنْهُ، وَلَا يَحِلُّ لَهُ فَرْجُهَا حَتَّى يَمُوتُ

[18289] Abū Bakr narrated to us, saying: ‘Abīdah ibn Ḥumayd narrated to us, from ‘Ubayd Allāh, from Nāfi‘, from Ibn ‘Umar, who said: If the master permits his slave to marry, divorce is in the hand of the slave.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبِيدَةُ بْنُ حُمَيْدٍ، عَنْ عَبِيدِ اللَّهِ،
عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: إِذَا أَذِنَ السَّيِّدُ لِعَبْدِهِ أَنْ
يَتَرَوَّجَ، فَالطَّلاقُ بِيَدِ الْعَبْدِ

[18290] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb narrated to us, from Sa‘īd, from Qatādah, from Anas ibn Mālik, Ibn ‘Abbās, and Jābir ibn ‘Abd Allāh, that they said: Divorce is in the hand of the slave.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْوَهَابِ، عَنْ سَعِيدِ، عَنْ
قَتَادَةَ، عَنْ أَنَّسِ بْنِ مَالِكٍ، وَابْنِ عَبَّاسٍ، وَجَابِرِ بْنِ عَبْدِ
اللَّهِ أَنَّهُمْ قَالُوا: الطَّلاقُ بِيَدِ الْعَبْدِ

[18291] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Yāḥyā ibn Sa‘īd, from Sa‘īd ibn al-Musayyib, who said: If you marry your slave to your slave girl, then you sell him, you have no right to prevent him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: إِذَا زَوَّجْتَ عَبْدَكَ أَمْلَكَ، ثُمَّ بَعْثَهُ فَلَيْسَ لَكَ أَنْ تَمْنَعَهُ

[18292] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib and Al-Ḥasan, who both said: If the slave marries with his master's permission, divorce is in the hand of the slave.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، وَالْحَسَنِ، قَالَا: إِذَا تَرَوَّجَ الْعَبْدُ بِإِذْنِ سَيِّدِهِ فَالْطَّلاقُ بِيَدِ الْعَبْدِ

[18293] Abū Bakr narrated to us, saying: Ibn Fuḍayl narrated to us, from Ḥuṣayn, from ‘Āmir, who said: If the slave marries without his master's permission, divorce is in the hand of his master.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ حُصَيْنٍ، عَنْ عَامِرٍ قَالَ: إِذَا تَرَوَّجَ الْعَبْدُ بِغَيْرِ إِذْنِ سَيِّدِهِ، فَالْطَّلاقُ بِيَدِ سَيِّدِهِ

[18294] Abū Bakr narrated to us, saying: Yahyā ibn Ādām narrated to us, saying: Isrā’īl narrated to us, from Manṣūr, from Ibrāhīm, regarding the slave who marries without his master's permission. He said: If the master wishes, he invalidates that, and if he wishes, he remains silent.

[18295] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Ismā‘īl ibn Abī Khālid, from Al-Sha‘bī, who said: If the slave marries without his master's permission, divorce is in the hand of the master. If he marries with his permission, divorce is in the hand

[18296] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Al-‘Umarī narrated to us, from Nāfi‘, from Ibn ‘Umar, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ آدَمَ، قَالَ: نَا إِسْرَائِيلُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي الْعَبْدِ تَزَوَّجُ بِعَيْرٍ إِذْنَ سَيِّدِهِ قَالَ: إِنْ شَاءَ السَّيِّدُ أَبْطَلَ ذَلِكَ، وَإِنْ شَاءَ سَكَتَ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعُ، عَنْ إِسْمَاعِيلَ بْنَ أَبِي خَالِدٍ، عَنْ الشَّعْبِيِّ قَالَ: إِذَا تَزَوَّجَ الْعَبْدُ بِعَيْرٍ إِذْنَ سَيِّدِهِ فَالْطَّلاقُ بِيَدِ السَّيِّدِ، وَإِذَا تَزَوَّجَ بِإِذْنِهِ فَالْطَّلاقُ بِيَدِ الْعَبْدِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعُ، قَالَ: نَا الْعُمَرِيُّ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ، مِثْلُهُ

[18297] Abū ‘Abd al-Rahmān Baqī ibn Makhlad narrated to us, saying: Abū Bakr ‘Abd Allāh ibn Muḥammad ibn Abī Shaybah narrated to us, saying: ‘Abbād ibn al-‘Awwām narrated to us, from Khālid, from ‘Ikrimah, from Ibn ‘Abbās, who said: If a Christian woman accepts Islam before her husband, she has more right to herself.

حَدَّثَنَا أَبُو عَبْدِ الرَّحْمَنِ بْنُ مُحَمَّدٍ قَالَ: نَّا أَبُو بَكْرٍ عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنُ أَبِي شَيْبَةَ قَالَ نَا عَبَادُ بْنُ الْعَوَامَ، عَنْ حَالِدٍ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: إِذَا أَسْلَمَتِ النَّصْرَانِيَّةَ قَبْلَ زَوْجِهَا فَهِيَ أَمْلَأُ بِنَفْسِهَا

[18298] Abū Bakr narrated to us, saying: Mu’tamir ibn Sulaymān narrated to us, from his father, that Al-Ḥasan and ‘Umar ibn ‘Abd al-‘Azīz said regarding a Christian woman who accepts Islam while married to her husband: Islam has removed her from him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ، أَنَّ الْحَسَنَ، وَعُمَرَ بْنَ عَبْدِ الْعَزِيزِ قَالَا: فِي النَّصْرَانِيَّةِ سُلْطَنٌ تَحْتَ زَوْجِهَا، فَالا: إِلْسَلَمٌ أَخْرَجَهَا مِنْهُ

[18299] Abū Bakr narrated to us, saying: ‘Abbād ibn al-‘Awwām narrated to us, from Ḥajjāj, from ‘Atā’, regarding a Christian woman who accepts Islam while married to her husband. He said: They are separated.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبَادُ بْنُ الْعَوَامَ، عَنْ حَاجَاجٍ، عَنْ عَطَاءٍ، فِي النَّصْرَانِيَّةِ سُلْطَنٌ تَحْتَ زَوْجِهَا، قَالَ: يُفَرَّقُ بَيْنَهُمَا

[18300] Abū Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Muḥammad al-Muḥāribī narrated to us, from Layth, from ‘Aṭā’, Ṭāwūs, and Mujāhid, regarding a Christian man married to a Christian woman, and she accepts Islam. They said: If he accepts Islam with her, she is his wife; if he does not accept Islam, they are separated.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ الْمُحَارِبِيُّ، عَنْ لَيْثٍ، عَنْ عَطَاءً، وَطَاؤِسٍ، وَمُجَاهِدٍ، فِي نَصْرَانِيٍّ ثَكُونُ تَحْتَهُ نَصْرَانِيَّةً، فَسُلِّمَ، قَالُوا: إِنْ أَسْلَمَ مَعَهَا فَهِيَ امْرَأَتُهُ، وَإِنْ لَمْ يُسْلِمْ فَفَرَقَ بَيْنَهُمَا

[18301] Abu Bakr told us, he said: 'Ali ibn Mushir told us, from Al-Shaybani, from Al-Saffah ibn Matar, from Dawud ibn Kurdus, who said: There was a man from Banu Taghlib called 'Abbad ibn al-Nu'man ibn Zur'ah. He had a wife from Banu Tamim. 'Abbad was a Christian, so his wife accepted Islam, but he refused to accept Islam. 'Umar separated them.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنِ السَّفَّاحِ بْنِ مَطْرٍ، عَنْ دَاؤَدَ بْنِ كُرْدُوسٍ قَالَ: كَانَ رَجُلٌ مِنْ بَنِي تَغْلِبَ يُعْلَمُ لَهُ: عَبَادُ بْنُ النُّعْمَانَ بْنِ زُرْعَةَ، كَانَتْ عِنْدَهُ الْمَرْأَةُ مِنْ بَنِي تَمِيمٍ، وَكَانَ عَبَادُ نَصْرَانِيًّا، فَأَسْلَمَتِ امْرَأَتُهُ، وَأَبَى أَنْ يُسْلِمَ، فَفَرَقَ عُمَرُ بَيْنَهُمَا

[18302] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Yunus, from Al-Hasan, who said: "If a woman accepts Islam before her husband, the marriage between them is severed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ قَالَ: إِذَا أَسْلَمَتِ الْمَرْأَةُ قَبْلَ زَوْجِهَا، انْقَطَعَ مَا بَيْنَهُمَا مِنَ النِّكَاحِ

[18303] Abu Bakr told us, he said: 'Abbad ibn al-'Awwam told us, from Al-Shaybani, from Yazid ibn 'Alqamah, that a man from Banu Taghibib called 'Abbad ibn al-Nu'man had a wife from Banu Tamim. She accepted Islam, so 'Umar called him and said: "Either you accept Islam, or I will take her away from you." He refused to accept Islam, so 'Umar took her away from him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبَادُ بْنُ الْعَوَامِ، عَنِ الشَّيْبَانِيِّ،
عَنْ يَزِيدَ بْنِ عَلْقَمَةَ، أَنَّ رَجُلًا مِنْ بَنِي تَغْلِبَ، يُقَالُ لَهُ:
عَبَادُ بْنُ النُّعْمَانِ، فَكَانَ تَحْتَهُ امْرَأَةً مِنْ بَنِي ثَمِيمٍ
فَأَسْلَمْتُ، فَدَعَاهُ عُمَرُ قَالَ: إِمَّا أَنْ تُسْلِمَ، وَإِمَّا أَنْ
أُنْزِلَ عَهَا مِنْكَ فَأَبَى أَنْ يُسْلِمَ، فَنَزَّلَ عَهَا مِنْهُ عُمَرُ

[18304] Abu Bakr told us, he said: Muhammad ibn Fudayl told us, from Mutarrif, from Al-Hakam, regarding the Jew and the Christian whose wife accepts Islam while with him: "They are separated."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ مُطَرِّفٍ،
عَنِ الْحَكَمِ، فِي الْيَهُودِيِّ وَالنَّصَارَانِيِّ تُسْلِمُ امْرَأَةٌ
عِنْدَهُ، يُفَرَّقُ بَيْنَهُمَا

[18305] Abu Bakr told us, he said: Ghundar told us, from Shu'bah, from Ibn Shubrumah, from 'Amr ibn Murrah, who said: I asked Sa'id ibn Jubayr about a Christian man and his Christian wife, then she accepted Islam. He said: "They are separated."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ ابْنِ
شُبْرُمَةَ، عَنْ عَمْرُو بْنِ مُرَّةَ قَالَ: سَأَلْتُ سَعِيدَ بْنَ جُبَيْرٍ
عَنْ رَجُلٍ نَصَارَانِيِّ وَامْرَأَتِهِ نَصَارَانِيَّةً فَأَسْلَمَتْ، قَالَ:
فُرِّقَ

[18306] Abu Bakr told us, he said: Waki' told us, from Sufyan, from Salim, from Sa'id, who said: "They are separated."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ سَالِمٍ،
عَنْ سَعِيدٍ قَالَ: يُفَرَّقُ بَيْنَهُمَا

[18307] Abu Bakr told us, he said: Muhammad ibn Fudayl told us, from Mutarrif, from 'Amir, from 'Ali, who said: "If a Christian woman, the wife of a Jew or a Christian, accepts Islam, he has more right to her vulva (sexual intimacy) because he has a covenant."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ مُطَرِّفٍ،
عَنْ عَامِرٍ، عَنْ عَلَيِّ قَالَ: إِذَا أَسْلَمَتِ النَّصْرَانِيَّةُ امْرَأَهُ
الْيَهُودِيَّ، أَوِ النَّصْرَانِيُّ كَانَ أَحَقَّ بِبُضْعِهَا لِأَنَّ لَهُ عَهْدًا

[18308] Abu Bakr told us, he said: Waki' told us, from Hisham and Shu'bah, from Qatadah, from Sa'id ibn al-Musayyib, from 'Ali, who said: "He has more right to her as long as they are in the abode of emigration (Dar al-Hijrah)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ هِشَامٍ، وَشُعْبَةَ، عَنْ
قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عَلَيِّ قَالَ: هُوَ أَحَقُّ
بِهَا مَا دَامَا فِي دَارِ الْهِجْرَةِ

[18309] Abu Bakr told us, he said: Waki' told us, from Yazid, from Ibn Sirin, from 'Abd Allah ibn Yazid al-Khatmi, that 'Umar wrote: "They should be given the choice."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ يَزِيدَ، عَنْ ابْنِ
سِيرِينَ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ الْخِطْمَيِّ، أَنَّ عُمَرَ
كَتَبَ يُخَيْرُنَّ

[18310] Abu Bakr told us, he said: حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعُ، عَنْ إِسْمَاعِيلَ، عَنْ الشَّعْبِيِّ قَالَ: هُوَ أَحَقُّ بِهَا مَا كَانَتْ فِي الْمِصْرِ
Waki' told us, from Isma'il, from Al-Sha'bi, who said: "He has more right to her as long as she is in the city."

[18311] Abu Bakr told us, he said: حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعُ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: يُقْرَأُ عَلَى نِكَاحِهِما
Waki' told us, from Sufyan, from Mughirah, from Ibrahim, who said: "They are confirmed in their marriage."

[18312] Abu Bakr told us, he said: حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعُ، عَنْ شُعْبَةَ، عَنْ الْحَكْمِ، أَنَّ هَانِيَ بْنَ قَبِيصَةَ الشَّيْبَانِيَّ وَكَانَ نَصْرَانِيًّا، كَانَ عِنْدَهُ أَرْبَعُ نِسْوَةٍ فَأَسْلَمْنَ، فَكَتَبَ عُمَرُ بْنُ الْخَطَّابِ أَنْ يُقْرَرْنَ عِنْدَهُ
Waki' told us, from Shu'bah, from Al-Hakam, that Hani' ibn Qabisah al-Shaybani was a Christian and had four wives who accepted Islam. So 'Umar ibn al-Khattab wrote that they remain with him.

[18313] Abu Bakr told us, he said: حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّ نَصْرَانِيَّةَ أَسْلَمْتُ تَحْتَ نَصْرَانِيًّا، فَأَرَادُوا أَنْ يَنْزِعُوهَا مِنْهُ، فَرَحُلُوا إِلَى عُمَرَ فَخَيَّرَهَا
Ibn 'Ulayyah told us, from Yunus, from Al-Hasan, that a Christian woman accepted Islam while married to a Christian, and they wanted to take her away from him. So they traveled to 'Umar, and he gave her the choice.

[18314] Abu Bakr told us, he said: Mu'tamir ibn Sulayman told us, from his father, that Al-Hasan and 'Umar ibn 'Abd al-'Aziz said: "It is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ، أَنَّ الْحَسَنَ، وَعُمَرَ بْنَ عَبْدِ الْعَزِيزِ قَالَا: تَطْلِيقَةٌ بَائِثَةٌ

[18315] Abu Bakr told us, he said: 'Abdah ibn Sulayman told us, from Sa'id, from Qatadah, from Al-Hasan, who said: "If a man and his wife are polytheists, and she accepts Islam but he refuses to accept Islam, she is separated from him with one divorce." And 'Ikrimah said the like.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنِ الْحَسَنِ قَالَ: إِذَا كَانَ الرَّجُلُ وَامْرَأَتُهُ مُشْرِكَيْنِ، فَأَسْلَمَتْ وَأَبَى أَنْ يُسْلِمَ، بَانَتْ مِنْهُ بِوَاحِدَةٍ وَقَالَ عِكْرَمَةُ: مِثْلُ ذَلِكَ

[18316] Abu Bakr told us, he said: Ma'n ibn 'Isa told us, from Ibn Abi Dhi'b, from Al-Zuhri, who said: "The separation by the Imam is a divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ قَالَ: تَفْرِيقُ الْإِمَامِ تَطْلِيقَةٌ

[18317] Abu Bakr told us, he said: 'Abd al-Salam ibn Harb told us, from Ishaq ibn 'Abd Allah ibn Abi Farwah, from Al-Zuhri, that the wife of 'Ikrimah ibn Abi Jahl accepted Islam before him, then he accepted Islam while she was in her waiting period, so she was returned to him. And that was during the time of the Prophet ﷺ.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي فَرْوَةَ، عَنِ الزُّهْرِيِّ، أَنَّ امْرَأَةً عِكْرَمَةَ بْنِ أَبِي جَهْلٍ أَسْلَمْتُ قَبْلَهُ، ثُمَّ أَسْلَمَ وَهِيَ فِي الْعِدَّةِ، فَرُدِّتْ إِلَيْهِ، وَذَلِكَ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

[18318] Abu Bakr told us, he said: 'Abdah ibn Sulayman told us, from Sa'id, from Qatadah, from Mujahid, who said: "If he accepts Islam while she is in her waiting period, she is his wife."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ مُجَاهِدٍ قَالَ: إِذَا أَسْلَمَ وَهِيَ فِي عِدَّتِهَا فَهِيَ امْرَأَتُهُ

[18319] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Ibn Abi Najih, from 'Ata', who said: "If he accepts Islam while she is in the waiting period, he has more right to her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ عَطَاءٍ قَالَ: إِنْ أَسْلَمَ وَهِيَ فِي الْعِدَّةِ فَهُوَ أَحَقُّ بِهَا

[18320] Abu Bakr told us, he said: 'Ubayd Allah told us, from Sufyan, from 'Amr ibn Maymun, from 'Umar ibn 'Abd al-Aziz, who said: "He has more right to her as long as she is in the waiting period."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عُبَيْدُ اللَّهِ، عَنْ سُفْيَانَ، عَنْ عَمْرُو بْنِ مَيْمُونٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ قَالَ: هُوَ أَحَقُّ بِهَا مَا ذَامَتْ فِي الْعِدَّةِ

[18321] Abu Bakr told us, he said: 'Abbad ibn al-'Awwam told us, from Hajjaj, from 'Ata', who said: "If he accepts Islam while she is in the waiting period, she is his wife."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَاجَّ، عَنْ عَطَاءٍ قَالَ: إِذَا أَسْلَمَ وَهِيَ فِي الْعِدَّةِ فَهِيَ امْرَأَتُهُ

[18322] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Yunus, who said: 'Umar ibn 'Abd al-Aziz told us, saying: "If the husband accepts Islam after his wife, he gives her the choice as long as she is in the waiting period," or he said: "He has more right to her as long as she is in the waiting period."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، قَالَ: نَا عُمَرُ بْنُ عَبْدِ الْعَزِيزِ قَالَ: "إِذَا أَسْلَمَ الرَّوْجُ بَعْدَ امْرَأَتِهِ خَيْرَهَا مَا ذَامَتْ فِي الْعِدَّةِ، أَوْ قَالَ: هُوَ أَحَقُّ بِهَا مَا ذَامَتْ فِي الْعِدَّةِ

[18323] Abu Bakr told us, he said: Mu'tamir ibn Sulayman told us, from Ma'mar, from Al-Zuhri, who said: "Any Jew or Christian who accepts Islam, then his wife accepts Islam, they remain in their marriage unless a ruler has separated them."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ مَعْمَرِ،
عَنِ الرُّهْرِيِّ قَالَ: أَيُّمَا يَهُودِيٌّ أَوْ نَصْرَانِيٌّ أَسْلَمَ، ثُمَّ
أَسْلَمَتِ امْرَأَتُهُ فَهُمَا عَلَى نِكَاحِهِمَا إِلَّا أَنْ يَكُونَ فَرَقَ
بَيْنَهُمَا سُلْطَانٌ

[18324] Abu Bakr told us, he said: 'Abbad ibn al-'Awwam told us, from Sa'id, from Qatadah, from Sa'id ibn al-Musayyib and Al-Hasan, that they said: "There is no time limit in Zihar, and Ila' (oath of abstinence) does not enter into it, even if it lasts long."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبَادُ بْنُ الْعَوَامِ، عَنْ سَعِيدٍ، عَنْ
قَنَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَالْحَسَنِ، أَنَّهُمَا قَالَا: لَيْسَ فِي الظَّهَارِ وَقْتٌ، وَلَا يَدْخُلُ فِيهِ إِبْلَاءٌ، وَإِنْ
تَطَوَّلَ ذَلِكَ

[18325] Abu Bakr told us, he said: 'Abbad told us, from Sa'id, from Abu Ma'shar, from Ibrahim, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبَادُ، عَنْ سَعِيدٍ، عَنْ أَبِي
مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، مِثْلُهُ

[18326] Abu Bakr told us, he said: Jarir told us, from Mughirah, from Ibrahim, regarding a man who performs Zihar from his wife and does not set a time limit. He said: "His wife is not separated from him, even if he does not have intercourse with her as long as he is delaying the expiation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يُظَاهِرُ مِنْ امْرَأَتِهِ وَلَا يُوَقِّتُ أَجَلًا، قَالَ: لَا تَبِينُ مِنْهُ امْرَأَةً، وَإِنْ لَمْ يَقْعُ عَلَيْهَا مَا دَامَ يَتَلوَمُ فِي الْكَفَارَةِ

[18327] Abu Bakr told us, he said: Hushaym told us, from Mughirah, from Ibrahim, who said: "There is no time limit in Zihar."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: لَيْسَ فِي الظَّهَارِ وَقْتٌ

[18328] Abu Bakr told us, he said: Hushaym told us, from Yunus, from Al-Hasan, who said: "There is no time limit in Zihar."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ قَالَ: لَيْسَ فِي الظَّهَارِ وَقْتٌ

[18329] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Layth, from Tawus, who said: "There is no time limit in Zihar."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ لَيْثٍ، عَنْ طَوْوسٍ قَالَ: لَيْسَ فِي الظَّهَارِ وَقْتٌ

[18330] Abu Bakr told us, he said: Hushaym told us, from Dawud, from Al-Sha'bi, regarding a man who said to his wife: "If I approach her for a year, she is to me like my mother's back." Al-Sha'bi said: "Ila' does not enter into Zihar."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ دَاؤِدَ، عَنْ الشَّعْبِيِّ
فِي رَجْلٍ قَالَ لِامْرَأَتِهِ: إِنْ قَرَبْتُهَا سَنَةً فَهِيَ عَلَيْهِ كَظَهَرٌ
أُمِّهِ، قَالَ: فَقَالَ الشَّعْبِيُّ: لَا يَدْخُلُ الْإِيَلَاءُ فِي الظِّهَارِ

[18331] Abu Bakr told us, he said: Sahl ibn Yusuf told us, from Shu'bah, from Al-Hakam and Hammad, who said: "If a man says to his wife: 'She is to me like my mother's back for four months,' and four months pass, it is Ila'. And if he says: 'She is to me like my mother's back,' and leaves her for a year, it is not Ila'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سَهْلُ بْنُ يُوسُفَ، عَنْ شُعْبَةَ، عَنْ
الْحَكَمِ، وَحَمَادٍ قَالَا: إِذَا قَالَ الرَّجُلُ لِامْرَأَتِهِ: هِيَ عَلَيْهِ
كَظَهَرٌ أُمِّهِ أَرْبَعَةَ أَسْهُرٌ، فَمَضَتْ أَرْبَعَةَ أَسْهُرٌ فَهُوَ
إِيَلَاءٌ وَإِذَا قَالَ: هِيَ عَلَيَّ كَظَهَرٌ أُمِّيُّ، فَتَرَكَهَا سَنَةً
فَلَيْسَ إِيَلَاءً

[18332] Abu Bakr told us, he said: Hafs ibn Ghiyath told us, from Ibn Jurayj, from Ibrahim, from a man, from 'Ali, who said: "Ila' does not enter into Zihar, nor Zihar into Ila'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ ابْنِ
جُرَيْجٍ، عَنْ إِبْرَاهِيمَ، عَنْ رَجُلٍ، عَنْ عَلَيٍّ قَالَ: لَا
يَدْخُلُ الْإِيَلَاءُ فِي الظِّهَارِ، وَلَا ظِهَارٌ فِي الْإِيَلَاءِ

[18333] Abu Bakr told us, he said: Hushaym told us, from Mughirah, from Ibrahim, who said: "There is no time limit in Zihar unless he says: 'If I approach you.' If he says that and leaves her for four months, she is separated from him by Ila'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: "لَيْسَ فِي الظَّهَارِ وَقْتٌ إِلَّا أَنْ يَقُولَ: إِنْ قَرَبْتُكِ، فَإِنْ قَالَ: فَتَرَكَهَا أَرْبَعَةُ أَشْهُرٍ بَأَنْتِ مِنْهُ بِالْأَيْلَاءِ

[18334] Abu Bakr told us, he said: Abu Khalid al-Ahmar told us, from Ibn Salim, from Al-Sha'bi, who said: "If a man says to his wife: 'You are to me like my mother's back if I approach you,' if he approaches her, Zihar occurs. And if he leaves her for four months, she is separated from him by Ila'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدَ الْأَحْمَرَ، عَنْ ابْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ قَالَ: "إِذَا قَالَ الرَّجُلُ لِإِمْرَأَتِهِ: أَنْتِ عَلَيَّ كَظَهَرٍ أُمِّي، إِنْ قَرَبْتُكِ، فَإِنْ قَرَبَهَا وَقَعَ الظَّهَارُ، وَإِنْ تَرَكَهَا أَرْبَعَةُ أَشْهُرٍ بَأَنْتِ مِنْهُ بِالْأَيْلَاءِ

[18335] Abu Bakr told us, he said: Yahya ibn Sa'id told us, from 'Amr, from Al-Hasan, who said: "It is Ila'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَمْرِو، عَنِ الْحَسَنِ قَالَ: هُوَ إِيلَاءُ

[18336] Abu Bakr told us, he said: Yahya ibn Sa'id told us, from Ibn Jurayj, from 'Ata', regarding a man who said to his wife: "If I approach you, you are to me like my mother's back," and he left her for four months. He said: "It is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي الرَّجُلِ قَالَ لِإِمْرَأَتِهِ: إِنْ قَرَبْتُكِ فَأَنْتِ عَلَيَّ كَظَهَرٍ أُمِّي فَتَرَكَهَا أَرْبَعَةُ أَشْهُرٍ قَالَ: لَيْسَ بِشَيْءٍ

[18337] Abu Bakr told us, he said: 'Abd al-Rahim ibn Sulayman told us, from Sa'id, from Qatadah, from Al-Hasan; and from Abu Ma'shar, from Ibrahim, who said: "If a man says to his wife: 'If I approach you, you are to me like my mother's back,' if he approaches her within four months, it is Zihar, and he has set a time for it. And if he does not approach her until four months pass, it is Il'a', and she is separated from him by one [divorce]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، وَعَنْ أَبِي مَعْشِرٍ، عَنْ إِبْرَاهِيمَ قَالَا: "إِذَا قَالَ الرَّجُلُ لِإِمْرَأَتِهِ: إِنْ قَرِبْتِكِ فَأَنْتِ عَلَيَّ كَظْهَرٌ أُمِّيٌّ، فَإِنْ قَرَبَهَا فِي أَرْبَعَةِ أَشْهُرٍ فَهُوَ ظِهَارٌ، وَقَدْ وَقَتْ عَلَيْهِ، وَإِنْ لَمْ يَقْرَبْهَا حَتَّى تَمْضِي أَرْبَعَةُ أَشْهُرٍ فَهُوَ إِيلَاءٌ، وَقَدْ بَانَتْ مِنْهُ بِوَاحِدَةٍ

[18338] Abu Bakr told us, he said: Shababah told us, he said: Shu'bah told us, from Al-Hakam and Hammad, who said: I asked them about a man who said to his wife: "If I approach you for a year, you are to me like my mother's back." They said: "If four months pass, it is a divorce." And Abu Bakr follows this.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا شَبَابَةُ، قَالَ نَا شُعْبَةُ، عَنْ الْحَكَمِ، وَحَمَادٍ قَالَا: سَأَلْتُهُمَا عَنْ رَجُلٍ قَالَ لِإِمْرَأَتِهِ: إِنْ قَرِبْتِكِ سَنَةً فَأَنْتِ عَلَيَّ كَظْهَرٌ أُمِّيٌّ قَالَا: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهُوَ تَطْلِيقَةٌ وَبِهِ يَأْخُذُ أَبُو بَكْرٍ

[18339] Abu Bakr told us, he said: Abu al-Ahwas told us, from Mughirah, from Ibrahim, who said: "Khul' is an irrevocable divorce, and Il'a' and Mubara'ah are likewise."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: الْخُلُعُ تَطْلِيقَةٌ بَائِنٌ، وَالْإِيلَاءُ، وَالْمُبَارَأَةُ كَذَلِكَ

[18340] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Ibn Jurayj, who said: 'Ata' said: "Every divorce whose marriage was proper, if they separate in that marriage, even if he does not utter divorce, it is one [divorce]. Mubara'ah is one [divorce] by ransom."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهُ، عَنْ ابْنِ جُرَيْجٍ قَالَ: قَالَ عَطَاءً: كُلُّ طَلاقٍ كَانَ نِكَاحٌ مُسْتَقِيمًا إِذَا تَفَرَّقَا فِي ذَلِكَ النِّكَاحِ، وَإِنْ لَمْ يَكُلُّمْ بِالْطَّلاقِ فَهُوَ وَاحِدٌ، الْمُبَارَأَةُ وَاحِدَةٌ بِالْفِدَاءِ

[18341] Abu Bakr told us, he said: Kathir ibn Hisham told us, from Ja'far, who said: I said to 'Abd al-Karim: "It reached me that Al-Zuhri used to say: 'Mubara'ah is the severest divorce.'" He said: "We do not see it, if he took something from her by which she ransomed herself, except as the status of Khul'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرٍ، قَالَ: قُلْتُ لِعَبْدِ الْكَرِيمِ: بَلَغَنِي أَنَّ الزُّهْرِيَّ كَانَ يَقُولُ: الْمُبَارَأَةُ أَشَدُ الطَّلاقِ قَالَ: مَا نَرَاهُ إِذَا أَخَذَ مِنْهَا شَيْئًا افْتَدَتْ بِهِ إِلَّا بِمَنْزِلَةِ الْخُلُّ

[18342] Abu Bakr told us, he said: 'Abbad ibn al-'Awwam told us, from 'Amr ibn 'Amir, from Qatadah, from Sa'id ibn al-Musayyib and Al-Hasan, who said: "Every separation is a divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عَمْرُو بْنِ عَامِرٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَالْحَسَنِ قَالَا: كُلُّ فُرْقَةٍ نَطْلِيقَةٌ

[18343] Abu Bakr told us, he said: 'Abd al-Salam ibn Harb told us, from Mughirah, from Ibrahim, who said: "Every separation that comes from the man is a divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: كُلُّ فُرْقَةٍ كَانَ مِنْ قَبْلِ الرَّجُلِ فَهِيَ طَلاقٌ

[18344] Abu Bakr told us, he said: Muhammad ibn Yazid told us, from Abu al-A'la, from Qatadah, who said: "Every separation is a divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ قَالَ: كُلُّ فُرْقَةٍ فَهِيَ شَطْلِيقَةٌ

[18345] Abu Bakr told us, he said: Zayd ibn Hubab told us, from Sufyan, from Ibn Jurayj, from 'Ata', who said: "Every separation is a divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا زَيْدُ بْنُ حُبَابٍ، عَنْ سُفِيَّانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ قَالَ: كُلُّ فُرْقَةٍ فَهِيَ شَطْلِيقَةٌ

[18346] Abu Bakr told us, he said: Waki' told us, from Sa'id, from Abu Ma'shar, from Ibrahim, who said: "Every separation is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ قَالَ: كُلُّ فُرْقَةٍ فَهِيَ نَطْلِيقَةٌ بَائِنٌ

[18347] Abu Bakr told us, he said: Zayd ibn al-Hubab told us, from Sufyan, from Layth, from Tawus, who said: "Every separation is a divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا زَيْدُ بْنُ الْحُبَابٍ، عَنْ سُفِيَّانَ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ قَالَ: كُلُّ فُرْقَةٍ طَلاقٌ

[18348] Abu Bakr told us, he said: Sharik told us, from Mughirah, from Ibrahim; and from Layth, from Tawus; and from Muhammad ibn Salim, from 'Amir, who said: "If a slave girl is married to a free man, and she is freed and chooses herself, it is a separation without divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا شَرِيكٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ لَيْثٍ، عَنْ طَاؤُسٍ، وَعَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنْ عَامِرٍ قَالُوا: إِذَا كَانَتِ الْأُمَّةُ تَحْتَ الْحُرُّ، فَأَعْنَقْتُ، فَأَخْتَارَتْ فَكَانَ فُرْقَةً بِغَيْرِ طَلاقٍ

[18349] Abu Bakr told us, he said: Hushaym told us, from Mughirah, from Ibrahim, who said: "If she is freed and given the choice, and she chooses herself, it is a separation without divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا أَعْنَقْتُ فَخِيرَتْ، فَأَخْتَارَتْ نَفْسَهَا، فَهِيَ فُرْقَةٌ بِغَيْرِ طَلاقٍ

[18350] Abu Bakr told us, he said: Hushaym told us, from Yunus, from Al-Hasan, who said: "It is a divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ قَالَ: هِيَ تَطْلِيقَةٌ

[18351] Abu Bakr told us, he said: 'Abd al-A'la told us, from Hisham, from Muhammad, who said: "If she chooses herself, it is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ قَالَ: إِذَا اخْتَارَتْ نَفْسَهَا فَهِيَ تَطْلِيقَةٌ بَائِنٌ

[18352] Abu Bakr told us, he said: Abu Bakr ibn 'Ayyash told us, from Mughirah, from Ibrahim, regarding a man who says to his wife: "If you wish, you are divorced." He said: "If she wishes, she is divorced; and if she does not wish, it is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ،
عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَقُولُ لِإِمْرَأَتِهِ: إِنْ شِئْتِ فَأَنْتِ
طَالِقٌ قَالَ: إِنْ شَاءَتْ فَهِيَ طَالِقٌ، وَإِنْ لَمْ شَأْنَا فَلَا شَيْءٌ

[18353] Abu Bakr told us, he said: Waki' told us, from Hammad ibn Zayd, from Hafs ibn Sulayman, from Hasan, regarding a man who said to his wife: "You are divorced if you wish," and she said: "I wish." He said: "She is divorced, and he has more right to take her back. And if he said: 'If I wish, I will divorce you,' and she said: 'I wish,' he said: If he wishes, he does not divorce her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ حَمَادِ بْنِ زَيْدٍ، عَنْ
حَفْصٍ بْنِ سُلَيْمَانَ، عَنْ حَسَنٍ، "فِي رَجُلٍ قَالَ لِإِمْرَأَتِهِ:
أَنْتِ طَالِقٌ إِنْ شِئْتِ، فَقَالَتْ: فَقَدْ شِئْتُ فَقَالَ: هِيَ
طَالِقٌ، وَهُوَ أَحَقُّ بِالرَّجْعَةِ، وَإِذَا قَالَ: إِنْ شِئْتُ طَلَقْتُكِ،
فَقَالَتْ: قَدْ شِئْتُ، قَالَ: إِنْ شَاءَ لَمْ يُطْلَقْهَا

[18354] Abu Bakr told us, he said: Waki' told us, from Ibrahim ibn Maymun, the client of the family of Samurah, from 'Urwah ibn Qa'id, that a man said to his wife: "If you do such-and-such, you are not my wife." She did it, so she went with him to 'Abd al-Rahman ibn Abi Layla, who said: "[It is] whatever he intended." She also went with him to Abu 'Ubayd Allah al-Hudhali, who said: "[It is] whatever he intended." Sa'id ibn Jubayr said: "It is nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ إِبْرَاهِيمَ بْنِ مَيْمُونٍ،
مَوْلَى آلِ سَمْرَةَ، عَنْ عُرْوَةَ بْنِ قَائِدٍ، أَنَّ رَجُلًا قَالَ
لِإِمْرَأَتِهِ: إِنْ فَعَلْتِ كَذَّا وَكَذَّا، فَلَسْتِ لِي بِإِمْرَأَةٍ، فَفَعَلَتْ،
فَأَنْطَلَقْتُ مَعَهُ إِلَى عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، فَقَالَ: مَا
نَوَى، وَأَنْتُ مَعَهُ أَبَا عُبَيْدِ اللَّهِ الْهُدَّلَى فَقَالَ: مَا نَوَى،
وَقَالَ سَعِيدُ بْنُ جُبَيرٍ: لَيْسَ بِشَيْءٍ

[18355] Abu Bakr told us, he said: Ghundar told us, from Hisham al-Dastuwai, from Qatadah, who said: I said to Sa'id ibn al-Musayyib: "Al-Hajjaj narrates from his father that he said regarding a man who said to his wife: 'You are not my wife,' he said: '[It is] a divorce.'" Sa'id said: "How far [from correct]!"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا غُنْدَرٌ، عَنْ هِشَامِ الدَّسْتُوَائِيِّ،
عَنْ قَتَادَةَ قَالَ: قُلْتُ لِسَعِيدِ بْنِ الْمُسَيَّبٍ إِنَّ الْحَاجَاجَ
يُحَدِّثُ عَنْ أَبِيهِ أَنَّهُ قَالَ: فِي رَجُلٍ قَالَ لِإِمْرَأَتِهِ: لَسْتِ
لِي بِإِمْرَأَةٍ "فَقَالَ: تَطْلِيقَةٌ فَقَالَ سَعِيدٌ: مَا أَبْعَدَ

[18356] Abu Bakr told us, he said: Jarir told us, from Mughirah, from Ibrahim: Jabir was asked about a man who said to his wife: "You are not my wife," repeatedly while angry. Ibrahim said: "I do not think he reached this extent unless he intends divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، سُئِلَ جَابِرٌ عَنْ رَجُلٍ قَالَ لِإِمْرَأَهُ: مَا أَنْتِ لِي بِإِمْرَأَهٖ مِرَارًا وَهُوَ غَضْبَانٌ، قَالَ إِبْرَاهِيمُ: مَا أَرَاهُ بَلَغَ هَذَا الْحَدَّ، إِلَّا وَهُوَ يُرِيدُ الطَّلاقَ

[18357] Abu Bakr told us, he said: 'Abd al-A'la told us, from Ma'mar, from Al-Zuhri, that he said regarding a man who said to his wife: "You are not my wife." He said: "[It is] whatever he intended."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، أَنَّهُ قَالَ: فِي رَجُلٍ قَالَ لِإِمْرَأَهُ: لَسْتُ لِي بِإِمْرَأَهٖ قَالَ: مَا نَوَى

[18358] Abu Bakr told us, he said: Muhammad ibn Sawa' told us, from Sa'id, from Matar, from Al-Hasan and from 'Ata', regarding a man who said to his wife: "You are not my wife." He said: "It is a lie; it is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ سَوَاءً، عَنْ سَعِيدٍ، عَنْ مَطْرِ، عَنْ الْحَسَنِ، وَعَنْ عَطَاءً، فِي رَجُلٍ قَالَ لِإِمْرَأَهُ: لَسْتُ لِي بِإِمْرَأَهٖ قَالَ: كَذِبَةٌ لَيْسَ بِشَيْءٍ

[18359] Abu Bakr told us, he said: Muhammad ibn Sawa' told us, from Sa'id, from Qatadah, who said: "If he confronts her with divorce and intends divorce, it is one [divorce]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ سَوَاءً، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ قَالَ: إِذَا وَاجَهَهَا بِطَلاقٍ، وَأَرَادَ الطَّلاقَ فَهُوَ وَاحِدٌ

[18360] Abu Bakr told us, he said: Abu Mu'awiyah told us, from Al-A'mash, that he was asked about a man who was asked: "Do you have a wife?" while he had a wife, and he said: "No." He said: "It is a lie he told."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ قَبْلَ لَهُ: أَلَّا إِمْرَأٌ؟ وَلَهُ امْرَأٌ قَالَ: لَا، فَقَالَ: كِذَبَةٌ كَذَبَهَا

[18361] Abu Bakr told us, he said: Ibn Abi Za'idah told us, from Sa'id, from Qatadah, from Al-Hasan, from 'Umar, that he said: "It is a lie," regarding a man who has a wife and is asked: "Do you have a wife?" and he says: "No."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ قَالَ: عَنْ عُمَرَ، أَنَّهُ قَالَ: "كِذَبَةٌ، فِي الرَّجُلِ لَهُ امْرَأٌ فَسُئِلَ، أَلَّا إِمْرَأٌ؟ فَيَقُولُ: لَا"

[18362] Abu Bakr told us, he said: Ghundar told us, from Shu'bah, from Al-Hakam, who said: "It is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ قَالَ: لَيْسَ بِشَيْءٍ

[18363] Abu Bakr told us, he said: Ghundar told us, from Ash'ath, from Al-Hasan, who said: "He is a liar."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا غُنْدَرُ، عَنْ أَشْعَاثَ، عَنِ الْحَسَنِ قَالَ: هُوَ كَاذِبٌ

[18364] Abu Bakr told us, he said: Abu al-Ahwas told us, from Mughirah, from Ibrahim, regarding a man who is asked: "Have you divorced your wife?" and he had not done so, but said: "Yes." He said: "Divorce befalls her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ يُقَالُ لَهُ: طَلَقْتَ امْرَأَكَ؟ وَلَمْ يَكُنْ فَعَلَ، فَقَالَ: نَعَمْ، فَقَالَ: يَقْعُ عَلَيْهَا الطَّلاقُ

[18365] Abu Bakr told us, he said: Abu Dawud told us, from Abu Hurrah, from Al-Hasan, regarding a man who was asked: "Have you divorced your wife?" and he had not divorced her, but said: "Yes." Al-Hasan said: "She is divorced."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو دَاؤِدَ، عَنْ أَبِي حُرَّةَ، عَنْ الْحَسَنِ، فِي رَجُلٍ قَبْلَ لَهُ: طَلَقْتَ امْرَأَكَ؟ وَلَمْ يَكُنْ طَلَقَهَا فَقَالَ: نَعَمْ، فَقَالَ الْحَسَنُ: فَقَدْ طَلَقْتَ

[18366] Abu Bakr told us, he said: Waki' told us, from Isra'il, from Jabir, from 'Amir, regarding a man who is asked: "Have you divorced?" and he had not divorced, but says: "Yes." He said: "[It is] a lie."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعُ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي الرَّجُلِ يُقَالُ لَهُ: طَلَقْتَ؟ وَلَمْ يَكُنْ طَلَقَ، فَيَقُولُ: نَعَمْ فَقَالَ: كَذَبَةٌ

[18367] Abu Bakr told us, he said: Hisham told us, from Ibn Shubrumah, from Al-Sha'bi, who said: "Intention applies to what is hidden, but as for what is apparent, there is no intention in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هِشَامٌ، عَنْ ابْنِ شُبْرُمَةَ، عَنْ الشَّعْبِيِّ قَالَ: النِّيَّةُ فِيمَا حَفِيَ، فَأَمَّا فِيمَا ظَهَرَ فَلَا نِيَّةَ فِيهِ

[18368] Abu Bakr told us, he said: Muhammad ibn 'Atik told us, from Khalid ibn Dinar, from Al-Hasan, regarding a man who divorced his wife once intending three. He said: "It is one."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ عَتِيقٍ، عَنْ خَالِدِ بْنِ دِينَارٍ، عَنْ الْحَسَنِ، فِي رَجُلٍ طَلَقَ امْرَأَتَهُ وَاحِدَةً يَتُوِّي
تَلَانًا قَالَ: هِيَ وَاحِدَةٌ

[18369] Abu Bakr told us, he said: Hamid ibn 'Abd al-Rahman told us, from Ja'far al-Ahmar, from Mutarrif, from Al-Hakam, who said: "It is one."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ جَعْفَرِ الْأَحْمَرِ، عَنْ مُطَرَّفٍ، عَنْ الْحَكَمِ قَالَ: هِيَ وَاحِدَةٌ

[18370] Abu Bakr told us, he said: Hafs told us, from Layth, from Al-Hakam, who said: "It is one."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ الْحَكَمِ
قَالَ: هِيَ وَاحِدَةٌ

[18371] Abu Bakr told us, he said: Hafs told us, from Layth, from Al-Hakam, regarding a man who said to his wife: "You are divorced," and gestured with his hand three times. He said: They asked him about that, and he said: "It is one."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ الْحَكَمِ،
فِي رَجُلٍ قَالَ لِإِمْرَأَتِهِ: أَنْتِ طَالِقٌ، وَأَشَارَ بِيَدِهِ تَلَانًا،
قَالَ: فَسَأْلُوكُمْ عَنْ ذَلِكَ؟ فَقَالُوا: هِيَ وَاحِدَةٌ

[18372] Abu Bakr told us, he said: Jarir told us, from Bayan, who said: Al-Sha'bi was asked about the chapters of divorce. Al-Sha'bi said: "A man was once asked: 'Did you divorce your wife?' He said: So he gestured with his hand with four fingers and did not speak, so he separated from his wife."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ بَيَانٍ، قَالَ: سُئِلَ الشَّعْبِيُّ عَنْ أَبْوَابِ الطَّلاقِ، فَقَالَ الشَّعْبِيُّ: "سُئِلَ رَجُلٌ مَرَّةً: أَطَلَقَتْ امْرَأَتُكَ؟ قَالَ: فَأَوْمَأَ بِيَهِ بِأَرْبَعِ أَصَابِعٍ، وَلَمْ يَتَكَلَّمْ فَفَارَقَ امْرَأَتَهُ

[18373] Abu Bakr told us, he said: Ibn Mubarak told us, from Ma'mar, from Qatadah, from Sa'id ibn al-Musayyib, who said: "Li'an is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: الْلَّغْانُ تَطْلِيقَةٌ بَائِتَةٌ

[18374] Abu Bakr told us, he said: Ibn Numayr told us, from Abu Hanifah, from Ibrahim, who said: "Li'an is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ ثُمَيْرٍ، عَنْ أَبِي حَنِيفَةَ، عَنْ إِبْرَاهِيمَ قَالَ: الْلَّغْانُ تَطْلِيقَةٌ بَائِتَةٌ

[18375] Abu Bakr told us, he said: Hisham told us, from Mughirah, who said: I said to Ibrahim: "Is the one who performs Li'an worse than the one who divorces three times?" He said: "Yes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هِشَامٌ، عَنْ مُغِيرَةَ، قَالَ: فُلْتُ لِإِبْرَاهِيمَ: الْمُلَاقِعُ أَشَدُ مِنَ الَّذِي يُطْلِقُ تَلَاقًا؟ فَقَالَ: نَعَمْ

[18376] Abu Bakr told us, he said: Hushaym told us, from Isma'il, from Al-Sha'bi, who said: "Mutual cursing (Mula'anah) is more severe than stoning."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ قَالَ: الْمُلَائِعَةُ أَشَدُّ مِنَ الرَّجْمِ

[18377] Abu Bakr told us, he said: Sufyan ibn 'Uyaynah told us, from Al-Zuhri, from 'Ubayd Allah, Sulayman ibn Yasar, and Humayd ibn 'Abd al-Rahman: We heard Abu Hurayrah saying: I asked 'Umar about a man from the people of Bahrain who divorced his wife once or twice, so she married [another], then her husband divorced her, then the first one married her [again]. On how many [divorces] is she with him? He said: "She is on what remains of the divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ، وَسُلَيْمَانَ بْنِ يَسَارٍ، وَحُمَيْدَ بْنِ عَبْدِ الرَّحْمَنِ: سَمِعْنَا أَبَا هُرَيْرَةَ يَقُولُ: سَأَلْتُ عُمَرَ عَنْ رَجُلٍ مِنْ أَهْلِ الْبَخْرَىْنِ طَلَقَ امْرَأَتَهُ تَطْلِيقَةً أَوْ تَطْلِيقَتَيْنِ، فَتَرَوَجَتْ، ثُمَّ إِنَّ زَوْجَهَا طَلَقَهَا، ثُمَّ إِنَّ الْأَوَّلَ تَرَوَجَهَا، عَلَى كُمْ هِيَ عِنْدَهُ؟ قَالَ: هِيَ عَلَى مَا بَقَى مِنَ الطَّلاقِ

[18378] Abu Bakr told us, he said: Hafs told us, from Ash'ath and Hajjaj, from Al-Hakam, from 'Abd al-Rahman ibn Abi Layla, from Abu Layla, who said: "She returns to him with what remains of the divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ أَشْعَثَ، وَهَاجَاجَ، عَنِ الْحَكَمِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، عَنْ أَبِي لَيْلَى قَالَ: تَرْجُعُ إِلَيْهِ بِمَا بَقَى مِنَ الطَّلاقِ

[18379] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Dawud, from Al-Sha'bi, that Ziyad asked 'Imran ibn Husayn and Shurayh about a man who divorces his wife once or twice, and she becomes separated, then a man marries her and divorces her or dies leaving her, then the first one marries her. On how many [divorces] is she with him? 'Imran said: "On what remains of the divorce." And Shurayh said: "A new marriage and a new divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ ذَوْدَ، عَنِ الشَّعَيْفِيِّ، أَنَّ زِيَادًا، سَأَلَ عِمْرَانَ بْنَ حُصَيْنٍ، وَشُرَيْحًا، عَنِ الرَّجُلِ يُطْلِقُ امْرَأَةً تَطْلِيقَةً أَوْ تَطْلِيقَتَيْنِ فَتَبَيَّنَ، فَيَنْزَوُ جَهَارَجُلٌ، فَيُطْلِقُهَا أَوْ يَمُوتُ عَنْهَا، فَيَنْزَوُ جَهَارَ الأَوَّلِ، عَلَى كُمْ تَكُونُ عِنْدَهُ؟ فَقَالَ عِمْرَانُ: عَلَى مَا بَقَى مِنَ الطَّلاقِ وَقَالَ شُرَيْحٌ: نِكَاحٌ جَدِيدٌ وَطَلاقٌ جَدِيدٌ

[18380] Abu Bakr told us, he said: Hafs ibn Ghiyath told us, from Hajjaj, from 'Amr ibn Shu'ayb, who said: 'Umar, Ubayy, Abu al-Darda', and Mu'adh used to say: "She returns to him on what remains."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غَيَاثٍ، عَنْ حَاجَاجِ، عَنْ عَمْرُو بْنِ شُعَيْبٍ، قَالَ: كَانَ عُمَرُ، وَأَبِي، وَأَبُو الدَّرْدَاءِ، وَمُعَاذٌ يَقُولُونَ: تَرْجِعُ إِلَيْهِ عَلَى مَا بَقَى

[18381] Abu Bakr told us, he said: Waki' and 'Ali ibn Hashim told us, from Ibn Abi Layla, from Mazidah ibn Jabir, from his father, from 'Ali, who said: "Nothing demolishes the marriage except three [divorces]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، وَعَلَيُّ بْنُ هَاشِمٍ، عَنْ ابْنِ أَبِي لَيْلَى، عَنْ مَازِيدَةَ بْنِ جَابِرٍ، عَنْ أَبِيهِ، عَنْ عَلَيٌّ قَالَ: لَا يَهْمُمُ الزَّوْاجُ إِلَّا الْمَلَكُ

[18382] Abu Bakr told us, he said: Ghundar told us, from Shu'bah, from Al-Hakam, from Mazidah ibn Jabir, from his father, from 'Ali, who said: "On what remains."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، عَنْ مَزِيْدَةَ بْنِ جَابِرٍ، عَنْ أَبِيهِ، عَنْ عَلَيِّ قَالَ: عَلَى مَا بَقَى

[18383] Abu Bakr told us, he said: Abu Khalid al-Ahmar told us, from Hajjaj, from 'Amr ibn Shu'ayb, who said: 'Umar, Mu'adh, Zayd, Ubayy, and 'Abd Allah ibn 'Umar judged that she is on what remains of the divorce.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدِ الْأَحْمَرِ، عَنْ حَاجَاجِ، عَنْ عَمْرُو بْنِ شُعَيْبٍ، قَالَ: قُضَى عُمَرُ، وَمُعَاذُ، وَزَيْدُ، وَأَبِي، وَعَبْدُ اللَّهِ بْنُ عُمَرَ أَنَّهَا عَلَى مَا بَقَى مِنَ الطَّلاقِ

[18384] Abu Bakr told us, he said: Abu Khalid al-Ahmar told us, from Yahya ibn Sa'id, from Sa'id, from Abu Hurayrah, from 'Umar, who said: "On what remains of the divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدِ الْأَحْمَرِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ، عَنْ عُمَرَ قَالَ: عَلَى مَا بَقَى مِنَ الطَّلاقِ

[18385] Abu Bakr told us, he said: Waki' told us, Isma'il told us, from Al-Sha'bi, from Ibn 'Umar, who said: "She is with him on a new divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، نَا إِسْمَاعِيلُ، عَنْ الشَّعْبِيِّ، عَنْ ابْنِ عُمَرَ قَالَ: هِيَ عِنْدُهُ عَلَى طَلاقٍ مُسْتَقْبَلٍ

[18386] Abu Bakr told us, he said: Waki' told us, from Shu'bah and Sufyan, from Hammad, from Sa'id ibn Jubayr, from Ibn 'Abbas and Ibn 'Umar, who said: "She is with him on a new divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، وَسُفْيَانُ، عَنْ حَمَادٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، وَابْنِ عُمَرَ فَالاً: هِيَ عِنْدُهُ عَلَى طَلاقٍ جَدِيدٍ

[18387] Abu Bakr told us, he said: Waki' told us, from Shu'bah, from Al-Hakam, from Ibrahim, who said: "She is with him on three [divorces]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ قَالَ: هِيَ عِنْدُهُ عَلَى ثَلَاثٍ

[18388] Abu Bakr told us, he said: Waki' told us, from Al-A'mash, from Ibrahim, who said: The companions of 'Abd Allah used to say: "It destroys the three, but it does not destroy the one and the two," meaning one divorce.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: "كَانَ أَصْحَابُ عَبْدِ اللَّهِ يَقُولُونَ: يَهْدِمُ الْثَلَاثَ، وَلَا يَهْدِمُ الْوَاحِدَةَ وَالثَّنَيْنَ، يَعْنِي طَلَاقًا وَاحِدًا

[18389] Abu Bakr told us, he said: Abu Mu'awiyah told us, from Al-A'mash, from Ibrahim, who said: "The companions of 'Abd Allah used to say: 'It destroys the three, but it does not destroy the one and the two.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: "كَانَ أَصْحَابُ عَبْدِ اللَّهِ يَقُولُونَ: يَهْدِمُ الْثَلَاثَ، وَلَا يَهْدِمُ الْوَاحِدَةَ وَالثَّنَيْنَ

[18390] Abu Bakr told us, he said: Hafs told us, from Hajjaj, from Talhah, from Ibrahim, that the companions of 'Abd Allah used to say: "It destroys the one and the two just as it destroys the three, except 'Ubaydah, for he said: 'She is on what remains.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ طَلْحَةَ،
عَنْ إِبْرَاهِيمَ، "أَنَّ أَصْحَابَ عَبْدِ اللَّهِ كَانُوا يَقُولُونَ:
يَهْدِمُ الْوَاحِدَةَ وَالثَّنَيْنِ كَمَا يَهْدِمُ التَّلَاثَ إِلَّا عُبَيْدَةَ، فَإِنَّهُ
قَالَ: هِيَ كَمَا بَقِيَ

[18391] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Dawud, from Al-Sha'bi, from Shurayh, who said: "On a new divorce and on a new marriage."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ ذَوْدَ، عَنْ
الشَّعْبِيِّ، عَنْ شُرَيْحٍ قَالَ: عَلَى طَلاقِ جَدِيدٍ، وَعَلَى
نِكَاحٍ جَدِيدٍ

[18392] Abu Bakr told us, he said: Kathir ibn Hisham told us, from Ja'far, from Maymun, who said: "She is with him on a new divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرٍ، عَنْ
مَيْمُونٍ قَالَ: هِيَ عِنْدَهُ عَلَى طَلاقِ جَدِيدٍ

[18393] Abu Bakr told us, he said: Yazid ibn Harun told us, from Ibn 'Awn, from Raja', from Qabisah, who said: I said: "A man divorced his wife twice, and she became separated from him, then became lawful, so she married a husband who consummated the marriage with her, then he died or divorced her, so she returned to the first one. On how many is she with him?" He said: "On what remains of the divorce." He said: I said: "So he divorced her again, and she became separated from him, then she married a husband who consummated the marriage with her, then he died or divorced her, so she returned to her first husband. On how many is she with him?" He said: "She is on what remains." I said: "So he divorced her again, then she became lawful and married a husband, then he consummated the marriage with her, then he died, so she returned to her first husband. On how many is she with him?" He said: "She is on

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَاهِيَّذُ بْنُ هَارُونَ، عَنْ ابْنِ عَوْنِ،
عَنْ رَجَاءٍ، عَنْ قَبِيْصَةَ قُلْتُ: رَجُلٌ طَافَ امْرَأَتَهُ
طَلِيقَتِينَ فَبَانَتْ مِنْهُ، فَخَلَّتْ، فَتَزَوَّجَتْ زَوْجًا، فَدَخَلَ
بِهَا، ثُمَّ مَاتَ عَنْهَا، أَوْ طَلَقَهَا، فَرَجَعَتْ إِلَى الْأَوَّلِ عَلَى
كُمْ هِيَ عِنْدَهُ؟ قَالَ: عَلَى مَا بَقَى مِنَ الطَّلاقِ قَالَ: قُلْتُ:
فَطَلَقَهَا أُخْرَى، فَبَانَتْ مِنْهُ، فَتَزَوَّجَتْ زَوْجًا فَدَخَلَ بِهَا،
ثُمَّ مَاتَ عَنْهَا، أَوْ طَلَقَهَا، فَرَجَعَتْ إِلَى زَوْجَهَا الْأَوَّلِ
عَلَى كُمْ هِيَ عِنْدَهُ؟ قَالَ: هِيَ عَلَى مَا بَقَى قُلْتُ: فَطَلَقَهَا
أُخْرَى، فَخَلَّتْ فَتَزَوَّجَتْ زَوْجًا، ثُمَّ دَخَلَ بِهَا، ثُمَّ مَاتَ
عَنْهَا، فَرَجَعَتْ إِلَى زَوْجَهَا الْأَوَّلِ، عَلَى كُمْ هِيَ عِنْدَهُ؟
قَالَ: هِيَ عَلَى ثَلَاثٍ

[18394] Abu Bakr told us, he said: Jarir told us, from Mughirah, from Ibrahim, who said: "If he has consummated the marriage with her, she is with him on three divorces. And if he has not consummated the marriage with her, she is with him on the remainder of the divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ
قَالَ: إِنْ دَخَلَ بِهَا فَإِنَّهَا عِنْدَهُ عَلَى تَلَاثٍ تَطْلِيقَاتٍ، وَإِنْ
لَمْ يُدْخُلْ بِهَا فَإِنَّهَا عِنْدَهُ عَلَى بَقِيَّةِ الطَّلاقِ

[18395] Abu Bakr told us, he said: 'Abd al-A'la told us, from Sa'id, from Qatadah, who said: "It occurs upon her at every purification once, then he withdraws until she becomes pure. If her pregnancy becomes evident, she is separated."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ
قَتَادَةَ قَالَ: يَقْعُ عَلَيْهَا عِنْدَ كُلِّ طُهُورٍ مَرَّةً، ثُمَّ يُمْسِكُ حَتَّى
تَطْهُرَ، فَإِذَا اسْتَبَانَ حَمْلُهَا بَانَتْ

[18396] Abu Bakr told us, he said: Mu'adh ibn Mu'adh told us, from Ash'ath, from Al-Hasan, that he said regarding a man who said to his wife: "If you become pregnant, you are divorced." He said: "He has intercourse with her, then when she becomes pure from menstruation, he withdraws from her until the like of that." And Ibn Sirin said: "He has intercourse with her until she becomes pregnant."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُعَاذُ بْنُ مُعاذٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، أَنَّهُ قَالَ: فِي رَجُلٍ قَالَ لِإِمْرَأَتِهِ: إِذَا حَمَلْتِ فَأَنْتِ طَالِقٌ، قَالَ: يَعْشَاهَا فَإِذَا تَطَهَّرْتِ مِنِ الْحَيْضِ، ثُمَّ يُمْسِكُ عَنْهَا إِلَى مِثْلِ ذَلِكَ وَقَالَ ابْنُ سِيرِينَ: يَعْشَاهَا حَتَّى تَحْمِلُ

[18397] Abu Bakr told us, he said: 'Abd al-A'la told us, from Sa'id, from Qatadah, from Al-Hasan, 'Ikrimah, and the letter of 'Umar ibn 'Abd al-'Aziz, that they said: "If one of them precedes the other in [accepting] Islam, he has no way to her except through a proposal."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، وَعِكْرِمَةَ، وَكِتَابِ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ أَنَّهُمْ قَالُوا: إِذَا سَبَقَ أَحَدُهُمَا صَاحِبَهُ بِالْإِسْلَامِ، فَلَا سَبِيلَ لَهُ عَلَيْهَا إِلَّا بِخُطْبَةٍ

[18398] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Yunus, from Al-Hasan, regarding two Magians: "If they both accept Islam, they remain in their marriage. And if one of them accepts Islam before the other, the marriage between them is severed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّهُ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي الْمَجُوسِيَّنِ، إِذَا أَسْلَمَا فَهُمَا عَلَى نِكَاحِهِمَا، وَإِنْ أَسْلَمَ أَحَدُهُمَا قَبْلَ صَاحِبِهِ انْقَطَعَ مَا بَيْنَهُمَا مِنَ النِّكَاحِ

[18399] Abu Bakr told us, he said: Abu Bakr ibn 'Ayyash told us, from Hisham, and from Al-Hasan, similar to it, except that he said: "She is separated from him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ، عَنْ هِشَامٍ، وَعَنِ الْحَسَنِ، مِثْلُهُ إِلَّا أَنَّهُ قَالَ: بَأْتُ مِنْهُ

[18400] Abu Bakr told us, he said: Ibn Fudayl told us, from 'Abd al-Malik, from 'Ata', regarding a man and a woman who are polytheists and accept Islam. He said: "Their marriage is confirmed. But if one of them accepts Islam before the other, what is between them is severed." He means by that the Magians and polytheists other than the People of the Book.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، فِي الرَّجُلِ وَالْمَرْأَةِ يَكُونان مُشْرِكَيْنَ فَيُسْلِمَا، قَالَ: يَبْتَسِطُ نِكَاحُهُمَا، فَإِنْ أَسْلَمَ أَحَدُهُمَا قَبْلَ الْآخَرِ انْقَطَعَ مَا بَيْنَهُمَا يَعْنِي بِذَلِكِ الْمَجُوسَ وَالْمُشْرِكَيْنَ غَيْرَ أَهْلِ الْكِتَابِ

[18401] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Maṇṣūr, from Al-Ḥakam, regarding two Majūs (Zoroastrians): “If one of them accepts Islam before the other, they are separated.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنِ الْحَكَمِ، فِي الْمَجُوسِيَّينَ: إِذَا أَسْلَمَ أَحَدُهُمَا قَبْلَ صَاحِبِهِ فُرِّقَ بَيْنَهُمَا

[18402] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Yūnus, from Al-Ḥasan, from Abū al-Dardā’, who said: “Three things are not to be played with: marriage, manumission, and divorce.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، عَنْ أَبِي الدَّرْدَاءِ قَالَ: ثَلَاثٌ لَا يُلْعَبُ بِهِنَّ النِّكَاحُ، وَالْعِنْقُ، وَالطَّلاقُ

[18403] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Ḥajjāj, from Sulaymān ibn Suḥaym, from Sa‘īd ibn al-Musayyib, from ‘Umar, who said: “Four things are binding in every situation: manumission, divorce, marriage, and vows.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مُعاوِيَةَ، عَنْ حَاجَاجٍ، عَنْ سُلَيْمَانَ بْنِ سُحَيْمٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عُمَرَ قَالَ: أَرْبَعٌ جَائِزٌ فِي كُلِّ حَالٍ الْعِنْقُ، وَالطَّلاقُ، وَالنِّكَاحُ، وَالنَّذْرُ

[18404] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Abū Kibrān, from Al-Ḍahḥāk, who said: I heard him say: “Three things are not to be played with: divorce, marriage, and vows.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكَيْعٌ، عَنْ أَبِي كِبْرَانَ، عَنِ الضَّحَّاكِ قَالَ: سَمِعْتُهُ يَقُولُ: ثَلَاثٌ لَا يُلْعَبُ بِهِنَّ الطَّلاقُ، وَالنِّكَاحُ، وَالنَّذْرُ

[18405] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ayyāsh narrated to us, from ‘Amr ibn Muhājir, who said: ‘Abd al-Malik ibn Marwān, Sulaymān, ‘Umar ibn ‘Abd al-‘Azīz, and Yazīd ibn ‘Abd al-Malik wrote: “Whatever you pardon the foolish regarding anything, do not pardon them regarding divorce and manumission.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عَمْرُو بْنِ مُهَاجِرٍ، قَالَ: كَتَبَ عَبْدُ الْمَلِكِ بْنُ مَرْوَانَ، وَسُلَيْمَانُ، وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ، وَيَزِيدُ بْنُ عَبْدِ الْمَلِكِ: مَهْمَا أَفْلَمُ السُّفَهَاءَ عَنْ شَيْءٍ فَلَا تُقْلِوْهُمُ الطَّلاقُ، وَالْعَنَاقُ

[18406] Abū Bakr narrated to us, saying: ‘Isā ibn Yūnus narrated to us, from ‘Amr, from Al-Ḥasan, who said: In the time of ignorance, a man would divorce and then take it back, saying: “I was playing,” and would free a slave and then take it back, saying: “I was playing.” Then Allah revealed: {And do not take the verses of Allah in jest} [Al-Baqarah: 231]. The Messenger of Allah ﷺ said: “Whoever divorces, frees, marries off, or marries, and then says: ‘I was playing,’ it is binding.”

[18407] Abū Bakr narrated to us, saying: Marwān ibn Mu‘āwiya narrated to us, from ‘Abd al-‘Azīz ibn ‘Umar ibn ‘Abd al-‘Azīz, from Sulaymān ibn Ḥabīb al-Muḥāribī, who said: ‘Umar ibn ‘Abd al-‘Azīz wrote to me: “Whatever you pardon the foolish regarding their oaths, do not pardon them regarding manumission and divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عِيسَى بْنُ يُونُسَ، عَنْ عَمْرُو، عَنِ الْحَسَنِ، قَالَ: كَانَ الرَّجُلُ فِي الْجَاهِلِيَّةِ يُطْلَقُ ثُمَّ يَرْجِعُ، يَقُولُ: كُنْتُ لِأَعِبًا، وَيُعْتَقُ، ثُمَّ يَرْجِعُ يَقُولُ: كُنْتُ لِأَعِبًا، فَأَنْزَلَ اللَّهُ " {وَلَا تَنْخُذُوا آيَاتِ اللَّهِ هُرُوا}، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " مَنْ طَلَقَ، أَوْ حَرَرَ، أَوْ نَكَحَ، أَوْ نَكَحَ فَقَالَ: إِنِّي كُنْتُ لِأَعِبًا فَهُوَ جَائِزٌ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ عَبْدِ الْعَزِيزِ بْنِ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، عَنْ سُلَيْمَانَ بْنِ حَبِيبٍ الْمُحَارِبِيِّ قَالَ: كَتَبَ إِلَيَّ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ مَهْمَا أَفْلَتَ السُّفَهَاءَ عَنْ أَيْمَانِهِمْ، فَلَا تُقْلِبُهُمُ الْعَنَاقَ وَالْطَّلاقَ

[18408] Abū Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Muṭarrif, from Al-Sha‘bī, regarding a man who says to his wife: “Bahishtum” (Persian for “I have let go”). He said: “It is one divorce.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ مُطَرِّفٍ، عَنْ الشَّعَيْيِّ، فِي رَجُلٍ يَقُولُ لِامْرَأَتِهِ: بِهِشْتَمْ، قَالَ: تَطْلِيقٌ

[18409] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, who said: “The divorce of a non-Arab in his language is valid.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: طَلاقُ الْعَجَمِيِّ بِلِسَانِهِ جَائِزٌ

[18410] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Abū Shihāb, from Jabalah ibn Da‘laj, from Sa‘īd ibn Jubayr, who said: “If a man divorces in Persian, he said: It is binding on her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ أَبِي شَهَابٍ، عَنْ جَبَلَةَ بْنِ دَعْلَجِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: إِذَا طَلَقَ الرَّجُلُ بِالْفَارِسِيَّةِ قَالَ: يُلْزَمُهَا

[18411] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Rabī‘, from Al-Ḥasan, regarding a man who says to his wife: “Bahishtum.” He said: “Divorce is binding on him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ رَبِيعٍ، عَنْ الْحَسَنِ، فِي رَجُلٍ يَقُولُ لِامْرَأَتِهِ: بِهِشْتَمْ قَالَ: يُلْزَمُهُ الطَّلاقُ

[18412] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Abū Ḥuṣayn, from Ibrāhīm, regarding a man who says to his wife: “Bahishtum, Bahishtum, Bahishtum.” He said: “He has said it with his tongue; she is gone from him.”

[18413] Abū Bakr narrated to us, saying: Mu‘tamir ibn Sulaymān narrated to us, from his father, from Abū Qilābah and Ibn Sīrīn, who both said: “Khul‘ (divorce at the instance of the wife) is not lawful unless a man is found on her belly, because Allah says: {unless they commit a clear immorality} [Al-Nisa: 19].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفِيَّانَ، عَنْ أَبِي حُصَيْنٍ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَقُولُ لِأَمْرَأَتِهِ: بِهِشْتَمْ، بِهِشْتَمْ، قَالَ: قَدْ قَالَهَا بِلِسَانِهِ، ذَهَبَتْ مِنْهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ، عَنْ أَبِي قِلَابَةَ، وَابْنِ سِيرِينَ قَالَا: "لَا يَحِلُّ الْخُلُعُ حَتَّى يُوجَدَ رَجُلٌ عَلَى بَطْنِهَا، لِأَنَّ اللَّهَ يَقُولُ: {إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبَيِّنَةٍ}

[18414] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from his father, who said: “It is not lawful for him to take a ransom from his wife unless she disobeys him or does not fulfill an oath for him. If she does that and something comes from her side, the ransom is lawful for him. If he refuses to accept the ransom from her and she refuses to obey him, they send two arbiters, one from his family and one from her family.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ، عَنْ مُغِيرَةَ، عَنْ أَبِيهِ،
قَالَ: لَا يَحِلُّ لَهُ أَنْ يَأْخُذَ فِدْيَةً مِنْ امْرَأَتِهِ أَنْ لَا تُطِيعَهُ،
وَلَا تَبَرَّ لَهُ قَسْمًا، فَإِنْ فَعَلْتُ ذَلِكَ فَكَانَ مِنْ قِبْلَهَا شَيْءٌ
حَلَّتْ لَهُ الْفِدْيَةُ، فَإِنْ أَبَى أَنْ يَقْبِلَ مِنْهَا الْفِدْيَةَ، وَأَبْتَأَنْ
تُطِيعَهُ بَعْدَ حَكْمَتِنِ حَكَمًا مِنْ أَهْلِهِ، وَحَكَمًا مِنْ أَهْلَهَا

[18415] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Ismā‘il, from Al-Sha‘bī, who said: “If a woman hates her husband, let him take (ransom) from her and leave her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبِيعُ، عَنْ إِسْمَاعِيلَ، عَنْ
الشَّعْبِيِّ قَالَ: إِذَا كَرِهَتِ الْمَرْأَةُ زَوْجَهَا فَلْيَأْخُذْ مِنْهَا
وَلْيَنْدَعْهَا

[18416] Abū Bakr narrated to us, saying: Ḥammād ibn Salamah narrated to us, from Marwān al-Asfar, from Humayd ibn ‘Abd al-Raḥmān al-Ḥimyarī, who said: “Khul‘ becomes lawful for you if she says: ‘I will not wash myself from Janaabah for you, I will not fulfill an oath for you, and I will not obey a command for you.’”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَمَادُ بْنُ سَلَمَةَ، عَنْ مَرْوَانَ الْأَصْفَرِ، عَنْ حُمَيْدَ بْنِ عَبْدِ الرَّحْمَنِ الْجِمِيرِيِّ، قَالَ: "يَطِيبُ لَكَ الْخُلُعُ إِذَا قَالَتْ: لَا أَغْسِلُ لَكَ مِنَ الْجَنَابَةِ، وَلَا أَبْرُ لَكَ فَسَمًا، وَلَا أُطِيعُ لَكَ أَمْرًا

[18417] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Isrā’il, from Jābir, from ‘Abd Allāh ibn Yaḥyā, from ‘Alī, who said: “Khul‘ becomes lawful for a man if she says: ‘I will not wash myself from Janaabah, I will not obey a command for you, I will not fulfill an oath for you, and I will not honor myself.’”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَحْيَى، عَنْ عَلَيِّ، قَالَ: "يَطِيبُ لِلرَّجُلِ الْخُلُعُ إِذَا قَالَتْ: لَا أَغْسِلُ مِنَ الْجَنَابَةِ، وَلَا أُطِيعُ لَكَ أَمْرًا، وَلَا أَبْرُ لَكَ فَسَمًا، وَلَا أَكْرُمُ نَفْسًا

[18418] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from ‘Alī ibn Badhīmah, from Miqsam, who said: “If she disobeys you or harms you.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَلَيِّ بْنِ بَدِيمَةَ، عَنْ مَقْسِمٍ قَالَ: إِذَا عَصَنْتُكَ أَوْ آذَنْتُكَ

[18419] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Al-Ḥasan, regarding His saying: {there is no blame} [Al-Baqarah: 229], he said: “That is in Khul‘ if she says: ‘I will not wash myself from Janaabah for you.’”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنِ الْحَسَنِ، فِي قَوْلِهِ:
{لَا جُنَاحَ}، قَالَ: ”ذَلِكَ فِي الْخُلُعِ إِذَا قَالَتْ: لَا أَغْشِنُ
لَكَ مِنَ الْجَنَابَةِ“

[18420] Abū Bakr narrated to us, saying: Ibn Fuḍayl narrated to us, from Muṭarrif, from Khālid al-Sijistānī, from Al-Dahhāk, regarding His saying: {that you may take [back] part of what you have given them unless they commit a clear immorality} [Al-Nisa: 19]. He said: “If she does that, it is lawful for him to take from her.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ مُطَرِّفٍ، عَنْ
خَالِدِ السِّجِسْتَانِيِّ، عَنِ الضَّحَّاكِ، فِي قَوْلِهِ تَعَالَى:
”إِنَّهُبُوا بِعَصْمٍ مَا آتَيْمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاجِحَةٍ
مُبَيِّنَةٍ“ قَالَ: إِذَا فَعَلْتَ ذَلِكَ حَلَّ لَهُ أَنْ يَأْخُذَ مِنْهَا

[18421] Abū Bakr narrated to us, saying: Ibn Abī ‘Utbah narrated to us, from ‘Abd al-Malik, from ‘Aṭā, regarding a man who performs Khul‘ with a woman. He said: “If that comes from her side, there is no harm.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ أَبِي عُثْبَةَ، عَنْ عَبْدِ الْمَلِكِ،
عَنْ عَطَاءٍ، فِي الرَّجُلِ يَخْلُعُ الْمَرْأَةَ قَالَ: إِذَا أَتَى ذَلِكَ
مِنْ قِبَلِهَا فَلَا بَأْسَ

[18422] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ibn Jurayj, from ‘Amr ibn Dīnār, who said: Jābir ibn Zayd said: “If the disobedience is from her side, her ransom is lawful for him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهُ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: قَالَ جَابِرُ بْنُ زَيْدٍ: إِذَا كَانَ النُّسُورُ مِنْ قِبْلِهَا حَلَ لَهُ فِدَاؤُهَا

[18423] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ibn Jurayj, from Hishām ibn ‘Urwah, who used to say: “Ransom is not lawful for him until the corruption is from her side.” He did not say: “It is not lawful for him until she says: ‘I will not fulfill an oath for you, and I will not wash myself from Janaabah.’”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهُ، عَنِ ابْنِ جُرَيْجٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، كَانَ يَقُولُ: "لَا يَحِلُّ لَهُ الْفِدَاءُ، حَتَّىٰ يَكُونَ الْفَسَادُ مِنْ قِبْلِهَا، وَلَمْ يَكُنْ يَقُولُ: لَا تَحِلُّ لَهُ حَتَّىٰ يَقُولَ: لَا أَبْرُ لَكَ فَسَمًا، وَلَا أَغْتَسِلُ مِنْ جَنَابَةٍ"

[18424] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ibn Jurayj, who said: Tāwūs used to say: “Ransom is lawful for him based on what Allah said: {unless they fear that they will not keep [within] the limits of Allah} [Al-Baqarah: 229]. He did not say the foolish statement ‘until she says: I will not wash myself from Janaabah for you.’ But he used to say: {unless they fear that they will not keep [within] the limits of Allah} regarding what is obligatory for each of them towards the other in companionship and association.”

[18425] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, who said: I asked Al-Hakam about a woman saying to her husband: “I will not wash myself from Janaabah for you, I will not fulfill an oath for you, and I will not obey a command for you.” He said: “It is nothing; he keeps her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنِ ابْنِ جُرَيْجِ،
قَالَ: كَانَ طَاؤُسٌ يَقُولُ: “يَحِلُّ لِهِ الْفِدَاءُ، بِمَا قَالَ اللَّهُ:
{إِلَّا أَن يَخَافَا أَلَا يُقِيمَا حُدُودَ اللَّهِ}، وَلَمْ يَكُنْ يَقُولُ قَوْلَ
السُّفَهَاءِ حَتَّى تَقُولَ: لَا أَغْتَسِلُ لَكَ مِنْ جَنَابَةِ، وَلِكَهُ
كَانَ يَقُولُ: {إِلَّا أَن يَخَافَا أَلَا يُقِيمَا حُدُودَ اللَّهِ} فِيمَا
أَفْتَرَضَ لِكُلِّ وَاحِدٍ مِنْهُمَا، عَلَى صَاحِبِهِ فِي الْعِشْرَةِ
وَالصُّبْحَةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةِ قَالَ: سَأَلْتُ
الْحَكَمَ، عَنْ قَوْلِ الْمَرْأَةِ لِزَوْجِهَا: لَا أَغْتَسِلُ لَكَ مِنْ
جَنَابَةِ، وَلَا أَبْرُ لَكَ قَسْمًا، وَلَا أُطِيعُ لَكَ أَمْرًا قَالَ: لَيْسَ
بِشَيْءٍ، يُمْسِكُهَا

[18426] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Muḥammad ibn Ishāq, who said: Al-Qāsim ibn Muḥammad was asked about {unless they fear that they will not keep [within] the limits of Allah}. He said: “What is obligatory upon them in companionship and association.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهُ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ،
قَالَ: سُلِّلَ الْقَالِسُمُ بْنُ مُحَمَّدٍ: {إِلَّا أَنْ يَخَافَا أَلَا يُقِيمَا
حُدُودَ اللَّهِ} قَالَ: مَا افْتَرَضَ عَلَيْهِمَا فِي الْعِشْرَةِ
وَالصِّحْبَةِ

[18427] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, from Kathīr, the freed slave of Ibn Samurah, that ‘Umar was brought a disobedient woman, so he said to her husband: “Perform Khul‘ with her.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهُ، عَنْ أَيُّوبَ، عَنْ كَثِيرِ،
مَوْلَى ابْنِ سَمُرَّةَ، أَنَّ عُمَرَ، أُتْتَى بِامْرَأَةٍ نَّاسِيَّةٍ، فَقَالَ
لِزَوْجِهَا: اخْلُعْهَا

[18428] Abū Bakr narrated to us, saying: ‘Isā ibn Yūnus narrated to us, from Al-Awzā‘ī, from Al-Zuhrī, ‘Aṭā’, and ‘Amr ibn Shu‘ayb, who said: “Khul‘ is not lawful except from a disobedient wife.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عِيسَى بْنُ يُونُسَ، عَنْ
الْأُوزَاعِيِّ، عَنِ الزُّهْرِيِّ، وَعَطَاءِ، وَعَمْرُو بْنِ شُعْبِينِ
قَالُوا: لَا يَحِلُّ الْخُلُعُ إِلَّا مِنْ نَّاسِيَّةٍ

[18429] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Hishām ibn ‘Urwah, from his father, from Jumhān, that a woman performed Khul‘ from her husband. ‘Uthmān considered it one divorce, and he did not specify (how many).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ جُمْهَانَ، أَنَّ امْرَأَةً اخْتَلَعَتْ مِنْ زَوْجِهَا بِخُلُعِهَا فَجَعَلَهُ عُثْمَانُ تَطْلِيقَةً وَمَا سَمِّيَ

[18430] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Hishām ibn ‘Urwah, from his father, who said: Jumhān al-Aslāmī performed Khul‘ with a woman, then he regretted it, and she regretted it. They came to ‘Uthmān and mentioned it to him. He said: ‘Uthmān said: “It is one divorce unless she specified something, then it is what she specified.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مَعَاوِيَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ قَالَ: خَلَعَ جُمْهَانُ الْأَسْلَمِيُّ امْرَأَةً، ثُمَّ نَدِمَتْ، فَأَتَوْا عُثْمَانَ، فَذَكَرُوا ذَلِكَ لَهُ، قَالَ: فَقَالَ عُثْمَانُ: هِيَ تَطْلِيقَةٌ إِلَّا أَنْ تَكُونَ سَمَّتْ شَيْئًا فَهُوَ مَا سَمَّتْ

[18431] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Hishām, from his father, from Jumhān, from ‘Uthmān, who said: “Khul‘ is one irrevocable divorce.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصٌ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ جُمْهَانَ، عَنْ عُثْمَانَ قَالَ: الْخُلُعُ تَطْلِيقَةٌ بَانِيَةٌ

[18432] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from ‘Uthmān, who said: “My father used to consider Khul‘ as one irrevocable divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ عُثْمَانَ قَالَ:
كَانَ أَبِي يَجْعَلُ الْخُلُعَ تَطْلِيقَةً بَائِنَةً

[18433] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Ibrāhīm ibn Zayd, from Dāwūd ibn Abī ‘Āsim, from Sa‘īd ibn al-Musayyib, that the Prophet ﷺ made Khul‘ one divorce.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعُ، عَنْ إِبْرَاهِيمَ بْنِ زَيْدٍ، عَنْ
دَاؤِدَ بْنِ أَبِي عَاصِمٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، أَنَّ النَّبِيَّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَعَلَ الْخُلُعَ تَطْلِيقَةً

[18434] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from ‘Alī ibn al-Mubārak, from Yahyā ibn Abī Salamah, who said: “Khul‘ is one irrevocable divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعُ، عَنْ عَلَيِّ بْنِ مُبَارَكٍ، عَنْ
يَحْيَى بْنِ أَبِي سَلَمَةَ قَالَ: الْخُلُعُ تَطْلِيقَةً بَائِنَةً

[18435] Abū Bakr narrated to us, saying: Wakī‘, Ibn ‘Uyaynah, and ‘Alī ibn Hāshim narrated to us, from Ibn Abī Laylā, from Ṭalḥah, from Ibrāhīm, from ‘Abd Allāh, who said: “There is no irrevocable divorce except in ransom or ʻIlā’ (oath of abstention).” Except that ‘Alī ibn Hāshim said: From ‘Alqamah, from ‘Abd Allāh.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعُ، وَابْنُ عُيَيْنَةَ، وَعَلَيُّ بْنُ
هَاشِمٍ، عَنْ ابْنِ أَبِي لَيْلَى، عَنْ طَلْحَةَ، عَنْ إِبْرَاهِيمَ، عَنْ
عَبْدِ اللَّهِ قَالَ: لَا تَكُونُ تَطْلِيقَةً بَائِنَةً إِلَّا فِي فِتْنَةٍ، أَوْ
إِبْلَاءٍ إِلَّا أَنَّ عَلَيَّ بْنَ هَاشِمَ قَالَ: عَنْ عَلْقَمَةَ، عَنْ عَبْدِ
اللَّهِ

[18436] Abū Bakr narrated to us, saying: Sharīk narrated to us, from Mughīrah, from Ibrāhīm; and Jābir from ‘Āmir; and ‘Atā’ from Sa‘īd ibn Jubayr, who both said: “Khul‘ is one irrevocable divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَرِيكٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَجَابِرٌ، عَنْ عَامِرٍ، وَعَطَاءً، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَا: الْخُلُعُ تَطْلِيقَةٌ بَائِنَةٌ

[18437] Abū Bakr narrated to us, saying: Abū al-Āḥwāṣ narrated to us, from Mughīrah, from Ibrāhīm, who said: “Khul‘ is one irrevocable divorce, and Īlā’ and Mubāra’ah are likewise.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: الْخُلُعُ تَطْلِيقَةٌ بَائِنَةٌ وَالْإِلَاءُ، وَالْمُبَارَأَةُ كَذَلِكَ

[18438] Abū Bakr narrated to us, saying: Abū al-Āḥwāṣ narrated to us, from Mughīrah, from ‘Abbād, from Sa‘īd, from Qatādah, from Al-Ḥasan and Sa‘īd ibn al-Musayyib; and Yūnus from Al-Ḥasan, regarding a man who performs Khul‘ with his wife. They said: “His taking the money is one irrevocable divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ عَبَادٍ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ الْحَسَنِ، وَسَعِيدِ بْنِ الْمُسَيْبِ، وَيُونُسَ، عَنْ الْحَسَنِ، فِي الرَّجُلِ يَخْلُعُ امْرَأَةً قَالَا: أَخْذُهُ الْمَالُ تَطْلِيقَةٌ بَائِنَةٌ

[18439] Abū Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Mūsā ibn Muslim, from Mujāhid, who said: ‘Alī said: “If a man removes the affair of his wife from his neck (performs Khul’), it is one (divorce), even if she chooses him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ مُوسَى بْنِ مُسْلِمٍ، عَنْ مُجَاهِدٍ قَالَ: قَالَ عَلِيُّ: إِذَا خَلَعَ الرَّجُلُ أَمْرَ امْرَأَتِهِ مِنْ عُنْقِهِ فَهِيَ وَاحِدَةٌ، وَإِنْ اخْتَارَتْهُ

[18440] Abū Bakr narrated to us, saying: Al-Ḥasan ibn Mūsā narrated to us, from Shaybān, from Yaḥyā, who said: Qabīṣah ibn Dhu’ayb said: “Khul’ is one divorce; if she wishes, she can marry him with a new dowry.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا الْحَسَنُ بْنُ مُوسَى، عَنْ شَيْبَانَ، عَنْ يَحْيَى قَالَ: قَالَ قَبِيْصَةُ بْنُ دُؤَيْبٍ: الْخُلُعُ تَطْلِيقٌ، إِنْ شَاءَتْ تَرَوَجَهُ بِسَدَاقٍ جَدِيدٍ

[18441] Abū Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Muṭarrif, from Al-Sha’bī, who said: “Every Khul’ for which a ransom is taken is divorce, and it is one irrevocable divorce.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ مُطَرْفٍ، عَنْ الشَّعْبِيِّ قَالَ: كُلُّ خُلُعٍ أَخْدَ عَلَيْهِ فِدَاءً فَهُوَ طَلاقٌ، وَهُوَ تَطْلِيقٌ بِائِنَةٌ

[18442] Abū Khālid narrated to us, from Ash‘ath, from Al-Sha’bī, from Shurayḥ, who said: “Every Khul’ is one irrevocable divorce.”

حَدَّثَنَا أَبُو خَالِدٍ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، عَنْ شُرَيْبٍ قَالَ: كُلُّ خُلُعٍ تَطْلِيقٌ بِائِنَةٌ

[18443] Abū Bakr narrated to us, saying: Yahyā ibn Sa‘īd narrated to us, from Ibn Jurayj, from ‘Atā’, who said: “Khul‘ is one irrevocable divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ جُرَيْجٍ،
عَنْ عَطَاءٍ قَالَ: الْخُلُعُ تَطْلِيقَةٌ بَائِثَةٌ

[18444] Abū Bakr narrated to us, saying: ‘Abd al-A‘lā narrated to us, from Ma‘mar, from Al-Zuhri, who said: “It is one irrevocable divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ
الزُّهْرِيِّ قَالَ: هُوَ تَطْلِيقَةٌ بَائِثَةٌ

[18445] Abū Bakr narrated to us, saying: ‘Umar ibn Hārūn narrated to us, from ‘Amr ibn Maymūn, who said: In the reading of Ubayy: “Khul‘ is one irrevocable divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عُمَرُ بْنُ هَارُونَ، عَنْ عَمْرُو بْنِ
مَيْمُونٍ قَالَ: فِي قِرَاءَةِ أُبَيِّ، الْخُلُعُ تَطْلِيقَةٌ بَائِثَةٌ

[18446] Abū Bakr narrated to us, saying: Al-Thaqafī narrated to us, from Burd, from Makḥūl, who said: “Every woman who redeems herself has more right to herself; she does not return to her husband unless she wishes.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا الثَّقَافِيُّ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ
قَالَ: كُلُّ مُفْتَدِيَةٍ أَحَقُّ بِنَفْسِهَا، لَا تَرْجِعُ إِلَى زَوْجِهَا إِلَّا
أَنْ شَاءَ

[18447] Abū Bakr narrated to us, saying: Muḥammad ibn Yazīd narrated to us, from Sa‘īd ibn ‘Abd al-‘Azīz, from Makhūl, who said: “Khul‘ is one divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ سَعِيدِ بْنِ عَبْدِ الْعَزِيزِ، عَنْ مَكْحُولٍ قَالَ: الْخُلُعُ تَطْلِيقَةٌ

[18448] Ḥafṣ narrated to us, from Yaḥyā ibn Sa‘īd, that ‘Uthmān ibn ‘Affān made Khul‘ one irrevocable divorce.

حَدَّثَنَا حَفْصُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، أَنَّ عُثْمَانَ بْنَ عَفَانَ، جَعَلَ الْخُلُعَ تَطْلِيقَةً بَائِتَهُ

[18449] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma‘mar, from Yaḥyā, from Abū Salamah, that he used to say: “Khul‘ is one irrevocable divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ يَحْيَى، عَنْ أَبِي سَالَمَةَ، أَنَّهُ كَانَ يَقُولُ: الْخُلُعُ تَطْلِيقَةٌ بَائِتَهُ

[18450] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Yūnus, from Al-Hasan, who said: “Khul‘ is one irrevocable divorce, and whatever divorce she stipulated against him is hers.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ الْحَسَنِ قَالَ: الْخُلُعُ تَطْلِيقَةٌ بَائِتَهُ، وَمَا اشْتَرَطَتْ عَلَيْهِ مِنَ الطَّلاقِ فَهُوَ لَهَا

[18451] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from ‘Amr, from Ṭāwūs, from Ibn ‘Abbās, who said: “It is only separation and annulment, not divorce. Allah mentioned divorce at the beginning of the verse and at its end, and Khul‘ in between, so it is not divorce {Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment} [Al-Baqarah: 229].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: “إِنَّمَا هُوَ فُرْقَةٌ وَفَسْخٌ، لَيْسَ بِطَلَاقٍ، ذَكَرَ اللَّهُ الطَّلَاقَ فِي أَوَّلِ الْأَيْةِ وَفِي آخِرِهَا، وَالْخُلُعُ بَيْنَ ذَلِكَ فَلَيْسَ بِطَلَاقٍ {الْطَّلَاقُ مَرَّتَانِ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيفٌ بِإِحْسَانٍ}

[18452] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Sa‘īd ibn Abī ‘Arūbah, from Qatādah, from Sa‘īd ibn al-Musayyib; and from Abū Ma‘shar, from Ibrāhīm, who both said: “The waiting period of a woman who performs Khul‘ is the same as the waiting period of a divorced woman.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، وَعَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَا: عِدَّةُ الْمُحْتَاجَةِ، عِدَّةُ الْمُطْلَقَةِ

[18453] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Hishām ibn ‘Urwah, who said: My father used to say: “She waits for three menstrual cycles, and he is more entitled to propose to her during the waiting period.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ قَالَ: كَانَ أَبِيهِ يَقُولُ: تَعْدُ ثَلَاثَ حِينَضٍ، وَهُوَ أَوْلَى بِخُطْبَتِهَا فِي الْعِدَّةِ

[18454] Abū Bakr narrated to us, saying: Jarīr and Hushaym narrated to us, from Mughīrah, from Ibrāhīm, who said: “Every separation that occurs between a man and a woman, her waiting period is the waiting period of a divorced woman.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، وَهُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: كُلُّ فُرْقَةٍ كَانَتْ بَيْنَ الرَّجُلِ وَالْمَرْأَةِ، فَعِدَّتْهَا عِدَّةُ الْمُطَفَّةِ

[18455] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Yūnus, from Al-Ḥasan, that he used to say it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ

[18456] Abū Bakr narrated to us, saying: Waki‘ and Hishām narrated to us, from Mālik ibn Mighwal, from Al-Sha‘bī, who said: “Her waiting period is three menstrual periods (Qurū’).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، وَهِشَامٌ، عَنْ مَالِكِ بْنِ مَعْوِيلٍ، عَنِ الشَّعَبِيِّ قَالَ: عِدَّهَا ثَلَاثَةُ قُرُوءٍ

[18457] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Isrā’il, from ‘Abd al-A’lā, from Ibn al-Hanafiyah, from ‘Alī, who said: “The waiting period of a woman who performs Khul‘ is the same as the waiting period of a divorced woman.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِبْعُ، عَنْ إِسْرَائِيلَ، عَنْ عَبْدِ الْأَعْلَى، عَنْ ابْنِ الْحَنَفِيَّةِ، عَنْ عَلَيٍّ قَالَ: عَدَّةُ الْمُخْتَلِعَةِ، عَدَّةُ الْمُطْلَقَةِ

[18458] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Hishām, from Qatādah, from Sa‘id, Abū ‘Iyād, and Khilās, who said: “The waiting period of a woman who performs Khul‘ is the same as the waiting period of a divorced woman.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ مَهْدِيٍّ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدٍ، وَأَبِي عِيَاضٍ، وَخَلَاسٍ قَالُوا: عَدَّةُ الْمُخْتَلِعَةِ، عَدَّةُ الْمُطْلَقَةِ

[18459] Abū Bakr narrated to us, saying: Shabābah narrated to us, from Mālik ibn Anas, from Al-Zuhri, from Sa‘id ibn al-Musayyib, Sulaymān ibn Yasār, and others, that they used to say: “The waiting period of a woman who performs Khul‘ is the same as the waiting period of a divorced woman, three menstrual periods.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَبَابَةُ، عَنْ مَالِكِ بْنِ أَنَّسٍ، عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَسُلَيْمَانَ بْنَ يَسَارَ، وَغَيْرِهِمَا أَنَّهُمْ كَانُوا يَقُولُونَ: عَدَّةُ الْمُخْتَلِعَةِ، عَدَّةُ الْمُطْلَقَةِ ثَلَاثَةُ قُرُوءٍ

[18460] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Ḥajjāj, from Nāfi‘, from Ibn ‘Umar, from ‘Uthmān, that he said: “The waiting period of a woman who performs Khul‘ is one menstrual period.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ حَاجَجِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنْ عُثْمَانَ أَنَّهُ قَالَ: عِدَّةُ الْمُخْتَلِعَةِ حَيْضَنَةٌ

[18461] Abū Bakr narrated to us, saying: ‘Abdah narrated to us, from ‘Ubayd Allāh ibn ‘Umar, from Nāfi‘, from Ibn ‘Umar, who said: “The waiting period of a woman who performs Khul‘ is one menstrual period.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: عِدَّةُ الْمُخْتَلِعَةِ حَيْضَنَةٌ

[18462] Abū Bakr narrated to us, saying: Yahyā ibn Sa‘īd narrated to us, from ‘Ubayd Allāh ibn ‘Umar, from Nāfi‘, from Ibn ‘Umar, that Al-Rubayyi‘ performed Khul‘ from her husband. Her uncle came to ‘Uthmān, who said: “She waits for one menstrual period.” Ibn ‘Umar used to say: “She waits for three menstrual periods,” until ‘Uthmān said this. He then gave Fatwas according to it, saying: “He is better than us and more knowledgeable than us.”

[18463] Abū Bakr narrated to us, saying: Muḥammad ibn Sawā‘ narrated to us, from Ibn Abī ‘Arūbah, from Abū al-Tufayl, from Sa‘īd ibn Ḥamal, from ‘Ikrimah, who said: “The waiting period of a woman who performs Khul‘ is one menstrual period, as decreed by the Messenger of Allah ﷺ regarding Jamīlah bint al-Salūl.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ
بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَّ الرُّبِيعَ احْتَلَعَتْ
مِنْ رَوْجَهَا، فَأَتَى عَمُّهَا عُثْمَانَ، فَقَالَ: تَعْذِذْ بِحَيْضَةِ
وَكَانَ ابْنُ عُمَرَ يَقُولُ: تَعْذِذْ تَلَاثَ حِيَضٍ حَتَّىٰ قَالَ هَذَا
عُثْمَانُ، فَكَانَ يُفْتَنُ بِهِ وَيَقُولُ: حَيْرُنَا وَأَعْلَمُنَا

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ سَوَاءٍ، عَنْ ابْنِ أَبِي
عَرْوَةَ، عَنْ أَبِي الطَّفَلَيْنَ، عَنْ سَعِيدِ بْنِ حَمَلٍ، عَنْ
عِكْرِمَةَ قَالَ: عِدَّةُ الْمُخْتَلِعَةِ حَيْضَةٌ قَضَاهَا رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي جَمِيلَةِ بِنْتِ السُّلَولِ

[18464] Abū Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Muḥammad al-Muḥāribī narrated to us, from Layth, from Ṭāwūs, from Ibn ‘Abbās, who said: “Her waiting period is one menstrual period.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ
الْمُحَارِبِيُّ، عَنْ لَيْثٍ، عَنْ طَلْوُسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ:
عِدَّهَا حَيْضَةٌ

[18465] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Muḥammad ibn ‘Abd al-Rahmān, freed slave of Al Ṭalhah, from Sulaymān ibn Yasār, that Al-Rubayyi‘ performed Khul‘ and was ordered to wait one menstrual period.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مُحَمَّدِ بْنِ
عَبْدِ الرَّحْمَنِ، مَوْلَى الْطَّلْحَةِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ،
أَنَّ الرُّبَيْعَ اخْتَلَعَتْ فَأُمِرَتْ بِحَيْضَةٍ

[18466] Abū Bakr narrated to us, saying: Abū Bakr ibn ‘Ayyāsh narrated to us, from Muṭarrif, from Al-Sha‘bī, who said: “The woman in waiting period waits in her husband’s house because if he wishes, he can take her back.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ مُطَرِّفٍ،
عَنِ الشَّعْبِيِّ قَالَ: الْمُعْتَدَدُ تَعْنَدُ فِي بَيْتِ رَوْجِهَا لِأَنَّهُ إِنْ
شَاءَ رَاجَعَهَا

[18467] Abū Bakr narrated to us, saying: Al-Thaqafī narrated to us, from ‘Abd Allāh, from Nāfi‘, from Ib n ‘Umār, that Al-Rubayyi‘ performed Khul‘ from her husband. Mu‘awwidh came to ‘Uthmān and asked him. He said: “Should she move?” He said: “Yes, she moves.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا الْقَفِيُّ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَ الرُّبَيْعَ اخْتَلَعَتْ مِنْ رُوْجَهَا فَأَتَى مُعَوْذَ عُثْمَانَ فَسَأَلَهُ؟ فَقَالَ: تَنْتَقِلُ؟ قَالَ: نَعَمْ، تَنْتَقِلُ

[18468] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Shu‘bah, from Al-Ḥakam, from Khaythamah, who said: Bashīr ibn Marwān was brought a case of Khul‘ between a man and a woman, but he did not approve it. ‘Abd Allāh ibn Shihāb al-Khawlānī said to him: I witnessed ‘Umar ibn al-Khaṭṭāb being brought a case of Khul‘ between a man and his wife, and he approved it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكْمَ، عَنْ خَيْثَمَةَ قَالَ: أُتِيَ بِشَيْرٍ بْنِ مَرْوَانَ فِي خُلُعٍ كَانَ بَيْنَ رَجُلٍ وَامْرَأَةٍ، فَلَمْ يُجِزْهُ، فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ شَهَابٍ الْخُولَائِيُّ: شَهِدْتُ عُمَرَ بْنَ الْخَطَّابِ أُتِيَ فِي خُلُعٍ كَانَ بَيْنَ رَجُلٍ وَامْرَأَةٍ فَلَجَازَهُ

[18469] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Shu‘bah, from Al-Ḥakam, from Al-Sha‘bī, that Shurayh approved a Khul‘ without (referring to) the ruler.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكْمَ، عَنِ الشَّعْبِيِّ، أَنَ شُرَيْحًا، أَجَازَ خُلْعًا دُونَ السُّلْطَانِ

[18470] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, from Nāfi‘, from Al-Rubayyi‘ bint Mu‘awwidh ibn ‘Afrā’, that her uncle performed Khul‘ for her from her husband—who used to drink wine—without (consulting) ‘Uthmān, and ‘Uthmān approved that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنِ الرُّبِيعِ بْنِ مُعَوْذِ ابْنِ عَفْرَاءَ، أَنَّ عَمَّهَا حَلَعَهَا مِنْ رَوْجِهَا، وَكَانَ يَشْرَبُ الْخَمْرَ دُونَ عُثْمَانَ، فَأَجَازَ ذَلِكَ عُثْمَانَ

[18471] Abū Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Hishām, from Ibn Sīrīn, who said: “Khul‘ is valid without the ruler.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ قَالَ: الْخُلُغُ جَائِزٌ دُونَ السُّلْطَانِ

[18472] Abū Bakr narrated to us, saying: ‘Abd al-A‘lā narrated to us, from Ma‘mar, from Al-Zuhrī, that he said: “Khul‘ is valid without the ruler.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، أَنَّهُ قَالَ: الْخُلُغُ جَائِزٌ دُونَ السُّلْطَانِ

[18473] Abū Bakr narrated to us, saying: Al-Thaqafī narrated to us, from Yaḥyā ibn Sa‘īd, whom he heard saying: “They used to perform Khul‘ among us without the ruler, and if it was raised to the ruler, he approved it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا الثَّقَافِيُّ، عَنْ يَحْيَى بْنِ سَعِيدٍ، سَمِعَهُ يَقُولُ: كَانُوا يَخْتَلِعُونَ عِنْدَنَا دُونَ السُّلْطَانِ، فَإِذَا رُفِعَ إِلَى السُّلْطَانِ أَجَازَهُ

[18474] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Yūnus, from Al-Ḥasan, who said: “It is with the ruler.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ قَالَ: هُوَ عِنْدُ السُّلْطَانِ

[18475] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb al-Thaqafī narrated to us, from Ayyūb, from Sa‘īd ibn al-Musayyib, regarding the woman who performs Khul’. He said: “If she is disobedient, the ruler orders him to perform Khul’.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْوَهَابِ التَّقَفِيُّ، عَنْ أَيُوبَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، فِي الْمُخْتَلِعَةِ قَالَ: إِنْ كَانَتْ نَاسِزَةً أَمْرَةُ السُّلْطَانِ أَنْ يَخْلُعَ

[18476] Abū Bakr narrated to us, saying: Wakī‘ ibn al-Jarrāḥ narrated to us, from ‘Alī ibn al-Mubārak, from Yahyā ibn Abī Kathīr, who said: ‘Imrān ibn Ḥuṣayn and Ibn Mas‘ūd used to say regarding the woman who redeems herself from her husband: “Divorce applies to her as long as she is in her waiting period.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعُ بْنُ الْجَرَاحَ، عَنْ عَلَيِّ بْنِ الْمُبَارَكِ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، قَالَ: كَانَ عِمْرَانُ بْنُ حُصَيْنٍ، وَأَبْنُ مَسْعُودٍ يَقُولَا نَفْتَدِي مِنْ زَوْجِهَا لَهَا طَلاقٌ مَا كَانَتْ فِي عِدَّتِهَا

[18477] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Abū Faḍālah, from ‘Alī ibn Abī Ṭālib, and from Ibn ‘Awn, from Al-A‘war, from Abū al-Dardā’, who both said: “Divorce applies to the woman who performs Khul‘ as long as she is in the waiting period.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ أَبِي فَضَالَةَ، عَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ، وَعَنْ أَبْنِ عَوْنَى، عَنْ الْأَعْوَرِ، عَنْ أَبِي الدَّرْدَاءِ قَالَا: لِلْمُخْتَلِعَةِ طَلاقٌ مَا دَامَتْ فِي الْعِدَّةِ

[18478] Abū Bakr narrated to us, saying: ‘Abd Allāh ibn Mubārak narrated to us, from Al-Ḥasan ibn Yaḥyā, from Al-Ḍahhāk, who said: Ibn Mas‘ūd and Ibn ‘Abbās differed regarding a man who performs Khul‘ with his wife then divorces her. One of them said: “His divorce is nothing.” The other said: “As long as she is in the waiting period, divorce applies to her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنِ الْحَسَنِ بْنِ يَحْيَى، عَنِ الضَّحَّاكِ، قَالَ: اخْتَافَ أَبْنُ مَسْعُودٍ، وَأَبْنُ عَبَّاسٍ فِي الرَّجُلِ يَخْلُعُ امْرَأَتَهُ، ثُمَّ يُطْلَقُهَا، قَالَ أَحَدُهُمَا: الْيُسْ طَلاقُهُ بِشَيْءٍ، وَقَالَ الْأُخْرُ: مَا دَامَتْ فِي الْعِدَّةِ فَإِنَّ الطَّلاقَ يُلْحَقُهَا

[18479] Abū Bakr narrated to us, saying: Ibn Mubārak narrated to us, from Ma‘mar, from Qatādah, from Sa‘id, who said: “Divorce applies to her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدٍ قَالَ: يُلْحَقُهَا الطَّلاقُ

[18480] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Hishām, from Qatādah, from Sa‘īd ibn al-Musayyib, who said: “Divorce applies to her as long as she is in the waiting period.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: يَجْرِي عَلَيْهَا الطَّلاقُ مَا كَانَتْ فِي الْعِدَّةِ

[18481] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, regarding a man who performs Khul‘ with his wife then divorces her. He said: “His taking the money is one divorce, and his pronouncing divorce is (another) divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَخْلُعُ امْرَأَةً ثُمَّ يُطْلَقُهَا قَالَ: أَخْدُهُ الْمَالُ ثَطْلِيقَةُ، وَكَلَمَهُ بِالْطَّلاقِ ثَطْلِيقَةُ

[18482] Abū Bakr narrated to us, saying: ‘Abd al-A’lā ibn ‘Abd al-A’lā narrated to us, from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib and Khilās, who both said: “Divorce applies to her as long as she is in the waiting period.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، وَخِلَاسٍ قَالَا: يُلْحِقُهَا الطَّلاقُ مَا كَانَتْ فِي الْعِدَّةِ

[18483] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma’mar, from Al-Zuhri, who said: “Khul’ is one irrevocable divorce, and whatever divorce follows it applies to her as long as she is in the waiting period.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الرَّهْرِيِّ قَالَ: الْخُلُعُ تَطْلِيقَةٌ بَائِنٌ، وَمَا أَتَبَعَ مِنَ الطَّلاقِ فَإِنَّهُ يَلْحُقُهَا مَا كَانَتْ فِي الْعِدَّةِ

[18484] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Isrā’il, from Jābir, from Al-Sha’bī, from Masrūq, regarding a man who performs Khul’ with his wife then divorces her. He said: “That makes him further from her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنِ الشَّعِيِّ، عَنْ مَسْرُوقٍ، فِي الرَّجُلِ يَخْلُعُ امْرَأَتَهُ ثُمَّ يُطْلَقُهَا قَالَ: ذَلِكَ أَبْعَدُ لَهُ مِنْهَا

[18485] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghayyāth narrated to us, from Ismā’il, from Al-Sha’bī, from Shurayḥ, who said: “Divorce applies to the divorced woman in the waiting period.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غَيَاثٍ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعِيِّ، عَنْ شُرَيْحٍ قَالَ: يَلْزَمُ الْمُطَلَّقَةَ الطَّلاقُ فِي الْعِدَّةِ

[18486] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Sufyān, from Manṣūr and Mughīrah, from Ibrāhīm; and from Bayān, from Al-Sha‘bī, regarding a woman who mutually separates (Mubāra’ah) from her husband and he divorces her. They both said: “It applies to her as long as she is in her waiting period.” Sufyān said: “We consider that it applies.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو أَسَامَةَ، عَنْ سُفِيَّانَ، عَنْ مَنْصُورٍ، وَمُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ بَيَانٍ، عَنْ الشَّعْبِيِّ، فِي الْمَرْأَةِ تُبَارِى زَوْجَهَا فَيُطْلَقُهَا، قَالَا: يَقْعُدُ عَلَيْهَا مَا كَانَتْ فِي عِنْدِهَا قَالَ سُفِيَّانُ: تَرَى أَنَّهُ يَقْعُدُ

[18487] Abū Bakr narrated to us, saying: ‘Isā ibn Yūnus narrated to us, from Al-Awzā‘ī, from ‘Aṭā’, regarding the woman who performs Khul‘. He said: “Divorce applies to her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عِيسَى بْنُ يُونُسَ، عَنْ الْأَوْزَاعِيِّ، عَنْ عَطَاءٍ، فِي الْمُخْلَعَةِ قَالَ: يَلْحَقُهَا الطَّلاقُ

[18488] Abū Bakr narrated to us, saying: Ibn al-Mubārak narrated to us, from Ibn Jurayj, from ‘Aṭā’, from Ibn ‘Abbās and Ibn al-Zubayr, who both said: “It is nothing.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ الْمُبَارَكِ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، وَابْنِ الرُّبَيْرِ، أَنَّهُمَا قَالَا: لَيْسَ بِشَيْءٍ

[18489] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Manṣūr, from ‘Amr ibn Harim, from Jābir ibn Zayd, that he used to say: “His divorce of her does not apply to her as long as she is in an irrevocable waiting period from him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ مَنْصُورٍ، عَنْ عَمْرٍ وَبْنِ هَرِيمٍ، عَنْ جَابِرٍ بْنِ زَيْدٍ، أَنَّهُ كَانَ يَقُولُ: لَا يَلْحَقُهَا طَلَاقُهُ إِيَّاهَا مَا كَانَتْ فِي عِدَّةٍ مِنْهُ بَائِثَةً

[18490] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Yūnus and Manṣūr, from Al-Hasan; and Ḥajjāj from ‘Aṭā’, regarding the woman who performs Khul‘: “Her husband's divorce does not apply to her as long as she is in an irrevocable waiting period from him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ يُونُسَ، وَمَنْصُورٍ، عَنْ الْحَسَنِ، وَحَاجَاجٍ، عَنْ عَطَاءٍ، فِي الْمُخْلَعَةِ: لَا يَقُعُ عَلَيْهَا طَلَاقُ زَوْجِهَا مَا كَانَتْ فِي عِدَّةٍ مِنْهُ بَائِثَةً

[18491] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Hasan, from Layth, from Tāwūs, who said: “Divorce does not apply to her as long as she is in the waiting period.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ حَسَنٍ، عَنْ لَيْثٍ، عَنْ طَاؤُسٍ قَالَ: لَا يَقُعُ عَلَيْهَا الطَّلَاقُ مَا كَانَتْ فِي الْعِدَّةِ

[18492] Abū Bakr narrated to us, saying: Ḥumayd ibn ‘Abd al-Rahmān narrated to us, from Al-Ḥasan, from Layth, from Al-Sha‘bī and Ṭāwūs, who both said: “If he performs Khul‘ then divorces, his divorce does not apply.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ الْحَسَنِ، عَنْ لَيْثٍ، عَنْ الشَّعْبِيِّ، وَطَلْوُسٍ قَالَا: إِذَا خَلَعَ ثُمَّ طَلَقَ لَمْ يَعُنْ طَلَاقُهُ

[18493] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Sa‘īd, from Maṭar, from ‘Ikrimah, that divorce does not apply to the woman who performs Khul‘ during her waiting period.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ مَطْرٍ، عَنْ عِكْرِمَةَ، أَنَّ الْمُخْتَلِعَةَ لَا يَلْحَظُهَا الطَّلَاقُ فِي عِدَّتِهَا

[18494] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from ‘Alī ibn Mubārak, from Yahyā ibn Abī Kathīr, from Abū Umāmah and Ibn Thawbān, who both said: “If he divorces her in his gathering, it is binding on him; otherwise, no.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ عَلَيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي أُمَامَةَ، وَابْنِ ثَوْبَانَ قَالَا: إِنَّ طَلَقَهَا فِي مَجْلِسِهِ لِزَمَةٍ وَإِلَّا

[18495] Abū Bakr narrated to us, saying: Yahyā ibn Zakariyyā ibn Abī Zā'īdah narrated to us, from Shu'bah, from Al-Ḥakam, from Ibrāhīm, who said: “For the woman who performs Khul‘ is housing and maintenance.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ زَكَرِيَّا بْنُ أَبِي زَائِدَةَ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ قَالَ: لِلْمُخْتَالَةِ السُّكْنَى وَالنَّفَقَةِ

[18496] Abū Bakr narrated to us, saying: Humayd ibn ‘Abd al-Rahmān narrated to us, from Ḥusayn, from Muṭarrif, from Al-Sha'bī, who said: “For the woman who performs Khul‘ is housing and maintenance, because if she wished to marry her husband during his waiting period, she could marry him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حُسَيْنٍ، عَنْ مُطَرْفٍ، عَنْ الشَّعْبِيِّ قَالَ: لِلْمُخْتَالَةِ السُّكْنَى وَالنَّفَقَةِ، لِأَنَّهَا لَوْ شَاءَتْ تَرْوَجَتْ رَوْجَهَا فِي عِدَّتِهِ تَرْوَجَهُ

[18497] Abū Bakr narrated to us, saying: Wakī‘ and ‘Abdah narrated to us, from Ismā‘il, from Ibrāhīm al-Baṣrī, from Al-Sha'bī, who was asked about the woman who performs Khul‘, does she have maintenance? He said: “How can he spend on her when he is taking from her?”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعُ، وَعَبْدَةُ، عَنْ إِسْمَاعِيلَ، عَنْ إِبْرَاهِيمَ الْبَصْرِيِّ، عَنْ الشَّعْبِيِّ، سُئِلَ عَنِ الْمُخْتَالَةِ، لَهَا نَفَقَةٌ؟ فَقَالَ: كَيْفَ يُنْفَقُ عَلَيْهَا وَهُوَ يَأْخُذُ مِنْهَا؟

[18498] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Yūnus, from Al-Ḥasan, that he used to say: “There is no housing or maintenance for the woman who performs Khul’ or the one divorced three times.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهُ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: لَيْسَ لِالْمُخْتَلِعَةِ، وَلَا الْمُطْلَقَةِ ثَلَاثًا سُكْنَى، وَلَا نَفَقَةً

[18499] Abū Bakr narrated to us, saying: Muḥammad ibn Ziyād narrated to us, from Abū al-‘Alā’, from Qatādah, who said: “There is no maintenance for the woman who performs Khul’ or Mubāra’ah.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ زَيَّادٍ، عَنْ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ قَالَ: لَيْسَ لِالْمُخْتَلِعَةِ وَالْمُبَارِأَةِ نَفَقَةً

[18500] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ibn Jurayj, from ‘Aṭā’, who said: “For the woman given authority (to divorce) and the one who performs Khul’, there is Mut‘ah (a gift).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ قَالَ: لِلْمُمْلَكَةِ وَالْمُخْتَلِعَةِ مُتْعَاهٌ

[18501] Abu Bakr told us, he said: 'Abd al-Razzaq told us, from Ma'mar, from Al-Zuhri, who said: "The woman who seeks Khul' (divorce at her instance) is entitled to Mut'ah (a consolatory gift)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّزَاقِ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ قَالَ: لِلْمُخْتَلِعَةِ مُتْعَاهٌ

[18502] Abu Bakr told us, he said: Ibn Fudayl told us, from Mutarrif, from Al-Sha'bi, who said: "The woman who seeks Khul' is not entitled to Mut'ah. How can he give her Mut'ah when he is taking [compensation] from her?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ فُضِيلٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ قَالَ: لَيْسَ لِلْمُخْتَلِعَةِ مُتَّهِمَةً، كَيْفَ يُمَتَّهِمُهَا وَهُوَ يَأْخُذُ مِنْهَا؟

[18503] Abu Bakr told us, he said: 'Abd al-Wahhab told us, from Ibn Abi 'Arubah, from Qatadah, who said: "Every divorced woman is entitled to Mut'ah except the woman who seeks Khul'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْوَهَابِ، عَنِ ابْنِ أَبِي عَرْوَبَةَ، عَنْ قَتَادَةَ قَالَ: لِكُلِّ مُطْلَقَةٍ مَتَّاعٌ إِلَّا الْمُخْتَلِعَةُ

[18504] Abu Bakr told us, he said: Al-Fadl ibn Dukayn told us, from Sharik, from Layth, from Tawus, who said: "The woman who seeks Khul' is not entitled to Mut'ah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا الْفَضْلُ بْنُ دُكَينِ، عَنْ شَرِيكٍ، عَنْ أَبِي ثِيرَةَ، عَنْ طَاؤُسٍ قَالَ: لَيْسَ لِلْمُخْتَلِعَةِ مُتَّهِمَةً

[18505] Abu Bakr told us, he said: Marwan ibn Mu'awiyah told us, from Jubayr ibn Mihran al-Tamimi, who said: I asked 'Abd Allah ibn Abi Awfa about a woman who sought Khul' from her husband with the remainder of the dowry she was owed by him; can they reconcile? He said: "Yes, if he did not mention divorce in it, with a new dowry." He said: And I asked Mahan, and he said: "Yes, even if it is [something small like] water."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ جُبَيْرِ بْنِ مَهْرَانَ التَّمِيميِّ قَالَ: سَأَلْتُ عَبْدَ اللَّهِ بْنَ أَبِي أُوفَى عَنِ امْرَأَةٍ اخْتَلَعَتْ مِنْ رَوْجِهَا بِبَقِيَّةِ مَهْرٍ كَانَ لَهَا عَلَيْهِ، فَهَلْ لَهُمَا أَنْ يَتَرَاجَعَا؟ قَالَ: نَعَمْ، إِنْ لَمْ يَكُنْ ذَكَرَ فِيهَا طَلَاقًا بِمَهْرٍ جَدِيدٍ قَالَ: وَسَأَلْتُ مَاهَانَ، فَقَالَ: نَعَمْ، وَلَوْ يَكُونُ مِنَ الْمَاءِ

[18506] Abu Bakr told us, he said: Jarir told us, from Mughirah, from 'Amir and Ibrahim, who both said: "If a man divorces his wife once in exchange for compensation, he does not have the right to take her back (Raja'ah), and he is [like any other] suitor among the suitors."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ عَامِرٍ، وَعَنْ إِبْرَاهِيمَ قَالَا: إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ وَاحِدَةً عَلَى جُعْلٍ فَلَا يَمْلِكُ الرَّجْعَةَ، وَهُوَ خَاطِبٌ مِنَ الْخَاطَابِ

[18507] Abu Bakr told us, he said: Abu Mu'awiyah told us, from Hisham, who said: My father used to say that her husband should not propose to her during the waiting period ('Iddah).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ هِشَامٍ قَالَ: كَانَ أَبِي يَقُولُ لِصَاحِبِهَا أَنْ لَا يَخْطُبَهَا فِي الْعِدَّةِ

[18508] Abu Bakr told us, he said: 'Abdah told us, from Sa'id, from Abu Ma'shar, from Ibrahim, who said: "If he divorces her via Khul' and then they regret it while she is in her waiting period, she does not return to him except with a proposal."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا خَلَعَهَا ثُمَّ نَدَمَ، وَهِيَ فِي عِدَّتِهَا لَمْ تَرْجِعْ إِلَيْهِ إِلَّا بِخُطْبَةٍ

[18509] Abu Bakr told us, he said: Al-Dahhak ibn Makhlad told us, from Ibn Abi Dhi'b, from Al-Zuhri, who said: "He should not marry her for less than what he took from her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا الصَّحَّافُ بْنُ مَخْلَدٍ، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الْزُّهْرِيِّ قَالَ: لَا يَتَرَوَّجُهَا بِأَقْلَى مِمَّا أَخْدَى مِنْهَا

[18510] Abu Bakr told us, he said: Kathir ibn Hisham told us, from Ja'far ibn Burqan, who said: I heard Maymun ibn Mihran saying regarding Khul': If her husband accepts the ransom from her and then proposes to her afterwards, he said: "He marries her and specifies a new dowry for her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، قَالَ: سَمِعْتُ مَيْمُونَ بْنَ مَهْرَانَ يَقُولُ فِي الْخُلُعِ: إِذَا قَبِلَ مِنْهَا رَوْجُهَا الْفِدْيَةَ ثُمَّ حَطَبَهَا بَعْدَ ذَلِكَ قَالَ: يَتَرَوَّجُهَا وَيُسَمِّي لَهَا مَهْرًا جَدِيدًا

[18511] Abu Bakr told us, he said: Ibrahim ibn Sadaqah told us, from Yunus, from Al-Hasan, regarding the woman seeking Khul' if her husband wants to take her back. He said: "He proposes to her with a new dowry."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِبْرَاهِيمُ بْنُ صَدَقَةً، عَنْ يُونُسَ،
عَنِ الْحَسَنِ، فِي الْمُخْتَلِعَةِ إِذَا أَرَادَ زَوْجُهَا مُرَاجَعَتَهَا
قَالَ: يَخْطُبُهَا بِمَهْرٍ جَدِيدٍ

[18512] Abu Bakr told us, he said: Hafs told us, from Ibn Jurayj, from 'Ata', that a woman came to the Prophet complaining about her husband. He said: "Will you return to him what you took from him?" She said: "Yes, and I will increase it." He said: "As for increase, no."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ
عَطَاءٍ، أَنَّ امْرَأَةً أَتَتِ النَّبِيَّ تَشْكُو زَوْجَهَا، قَالَ: ثُرُدِينَ
عَلَيْهِ مَا أَخْدَتِ مِنْهُ؟ قَالَتْ: نَعَمْ، وَأَزِيدُهُ، قَالَ: أَمَّا
زِيادةً فَلَا

[18513] Abu Bakr told us, he said: Hafs told us, from Layth, from Al-Hakam, from 'Ali, who said: "He should not take from her more than what he gave her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ لَيْثٍ، عَنِ الْحَكَمِ،
عَنْ عَلَيِّ قَالَ: لَا يَأْخُذُ مِنْهَا أَكْثَرَ مِمَّا أَعْطَاهَا،

[18514] Abu Bakr told us, he said: Idris told us, from Layth, from Al-Hakam, from 'Ali, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِدْرِيسُ، عَنْ لَيْثٍ، عَنِ الْحَكَمِ،
عَنْ عَلَيِّ، مِثْلُهُ

[18515] Abu Bakr told us, he said: 'Abd al-Razzaq told us, from Ma'mar, from Ibn Tawus, from his father, who said: "It is not lawful for him to take from her more than what he gave her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّزَاقَ، عَنْ مَعْمَرِ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: لَا يَحِلُّ لَهُ أَنْ يَأْخُذَ مِنْهَا أَكْثَرَ مِمَّا أَعْطَاهَا

[18516] Abu Bakr told us, he said: Ibn Mubarak told us, from Yahya ibn Bishr, from 'Ikrimah, who said: "He should not take from her more than what he gave her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ مُبَارَكٍ، عَنْ يَحْيَى بْنِ بِشْرٍ، عَنْ عَكْرِمَةَ قَالَ: لَا يَأْخُذَ مِنْهَا أَكْثَرَ مِمَّا أَعْطَاهَا

[18517] Abu Bakr told us, he said: Muhammad ibn Yazid told us, from Sufyan ibn Husayn, from Al-Zuhri and Al-Hasan, who said: "He should not take from her more than what he gave her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ سُعْيَانَ بْنَ حُسَيْنٍ، عَنْ الزُّهْرِيِّ، وَالْحَسَنِ، قَالَا: لَا يَأْخُذَ مِنْهَا أَكْثَرَ مِمَّا أَعْطَاهَا

[18518] Abu Bakr told us, he said: 'Isa ibn Yunus told us, from Al-Awza'i, from Al-Zuhri, 'Ata', and 'Amr ibn Shu'ayb, who said: "He should not take from her except what her husband gave her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عِيسَى بْنُ يُونُسَ، عَنْ الْأَوْزَاعِيِّ، عَنْ الزُّهْرِيِّ، وَعَطَاءِ، وَعَمْرُو بْنِ شَعِيبٍ، قَالُوا: لَا يَأْخُذَ مِنْهَا إِلَّا مَا أَعْطَاهَا زَوْجُهَا

[18519] Abu Bakr told us, he said: Waki' told us, from Sufyan, from Abu Husayn, from Al-Sha'bi, that he disliked taking from her more than what he gave her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبْعُ، عَنْ سُفْيَانَ، عَنْ أَبِي حُسَيْنٍ، عَنِ السَّعْدِيِّ، أَنَّهُ كَرِهَ أَنْ يَأْخُذَ مِنْهَا أَكْثَرَ مِمَّا أَعْطَاهَا

[18520] Abu Bakr told us, he said: Waki' told us, from Sufyan, from 'Abd al-Karim, from Sa'id ibn al-Musayyib, that he disliked taking more than what he gave her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبْعُ، عَنْ سُفْيَانَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، أَنَّهُ كَرِهَ أَنْ يَأْخُذَ أَكْثَرَ مِمَّا أَعْطَاهَا

[18521] Abu Bakr told us, he said: Waki' told us, from Shu'bah, who said: I asked Al-Hakam and Hammad, and they disliked taking from her more than what he gave her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبْعُ، عَنْ شُعْبَةَ قَالَ: سَأَلْتُ الْحَكَمَ، وَهَمَادًا فَكَرِهَا أَنْ يَأْخُذَ مِنْهَا أَكْثَرَ مِمَّا أَعْطَاهَا

[18522] Abu Bakr told us, he said: 'Umar ibn Ayyub told us, from Ja'far ibn Burqan, from Maymun, who said: "Whoever grants his wife Khul' and takes from her more than what he gave her has not released her with kindness."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عُمَرُ بْنُ أَيُوبَ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، عَنْ مَيْمُونَ قَالَ: مَنْ خَلَعَ امْرَأَنِ، وَأَخْذَ مِنْهَا أَكْثَرَ مِمَّا أَعْطَاهَا فَلَمْ يُسَرِّحْ بِإِحْسَانِ

[18523] Abu Bakr told us, he said: Waki' told us, from Abu Hanifah, from 'Ammar ibn 'Imran al-Hamdani, from his father, from 'Ali, that he disliked taking from her more than what he gave her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ أَبِي حَنِيفَةَ، عَنْ عَمَّارِ بْنِ عَمْرَانَ الْهَمْدَانِيِّ، عَنْ أَبِيهِ، عَنْ عَلَيِّ، أَنَّهُ كَرِهَ أَنْ يَأْخُذَ مِنْهَا أَكْثَرَ مِمَّا أَعْطَاهَا

[18524] Abu Bakr told us, he said: Yazid ibn Harun told us, from Humayd, from Raja' ibn Haywah, that he asked him what Al-Hasan used to say about the woman seeking Khul'. He said: "He used to dislike taking from her more than what he gave her." Raja' said: Qabisah ibn Dhu'ayb said: "Read the verse that follows: {But if you fear that they will not keep [within] the limits of Allah, then there is no blame upon either of them concerning that by which she ransoms herself} [Al-Baqarah: 229]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ حُمَيْدٍ، عَنْ رَجَاءِ بْنِ حَيْوَةَ، أَنَّهُ سَأَلَ كَيْفَ كَانَ الْحَسَنُ يَقُولُ فِي الْمُحْتَلِعَةِ؟ فَقَالَ: إِنَّهُ كَانَ يَكْرِهُ أَنْ يَأْخُذَ مِنْهَا فَوْقَ مَا أَعْطَاهَا فَقَالَ رَجَاءُ: قَالَ قَبِيسَةُ بْنُ دُؤَيْبٍ: "إِنَّ الْآيَةَ يُقْيِيمَا حُدُودَ [229]: الَّتِي بَعْدُهَا: {فَإِنْ خَفْتُمُ الْأَمْرَ} [البقرة] اللَّهُ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ

[18525] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Ayyub, from Kathir, the client of Ibn Samurah, that a rebellious wife was brought to 'Umar. He ordered her to be put in a house full of manure, so she stayed there for three [days].

Then he called her and said: "How did you find it?" She said: "I have not found rest since I have been with him except for these nights you imprisoned me." He said: "Divorce her via Khul' even [if it means taking] from her earring."

[18526] Abu Bakr told us, he said: 'Affan ibn Muslim told us, he said: Hammam told us, he said: Matar told us, from Thabit, from 'Abd Allah ibn Rabah, that 'Umar said: "Divorce her via Khul' for everything including her hair tie."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ أَئِبُوبَ، عَنْ كَثِيرٍ،
مَوْلَى ابْنِ سَمْرَةَ، أَنَّ عُمَرَ، أُتِيَ بِامْرَأَةٍ نَّاشرِزَ، فَأَمْرَرَ بِهَا
إِلَى بَيْتِ كَثِيرِ الزَّبْلِ، فَمَكَثَتْ فِيهِ ثَلَاثَةَ، فَدَعَاهَا، قَالَ:
كَيْفَ وَجَدْتِ؟ قَالَتْ: مَا وَجَدْتُ رَاحَةً مُذْكُونَ عِنْدَهُ
إِلَّا هَذِهِ الْأَيَالِيَّ الَّتِي حِسْنَهَا، قَالَ: اخْلُعْهَا وَلُوْ مِنْ
قُرْطَهَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَفَانَ بْنُ مُسْلِمٍ قَالَ: نَا هَمَّامٌ،
قَالَ نَا مَطْرُ، عَنْ ثَابِتٍ، عَنْ عَبْدِ اللَّهِ بْنِ رَبَاحٍ، أَنَّ
عُمَرَ قَالَ: اخْلُعْهَا بِمَا دُونَ عِقَاصِهَا

[18527] Abu Bakr told us, he said: 'Ali ibn Mushir told us, from 'Abd Allah, from Nafi', that a freed slave woman of Safiyyah bint Abi 'Ubayd sought Khul' from her husband with everything she owned, even seeking Khul' with some of her clothes. That reached Ibn 'Umar, and he did not disapprove of it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ عَبْدِ اللَّهِ،
عَنْ نَافِعٍ، أَنَّ مَوْلَةَ لِصَفِيفَةَ بِنْتِ أُبَيِّ عُبَيْدِ اخْتَلَعَتْ مِنْ
زَوْجِهَا بِكُلِّ شَيْءٍ لَهَا، حَتَّى اخْتَلَعَتْ بِبَعْضِ ثِيَابِهَا،
فَبَلَغَ ذَلِكَ ابْنُ عُمَرَ فَلَمْ يُنْكِرْهَا

[18528] Abu Bakr told us, he said: Abu Khalid told us, from Hajjaj, from 'Amr, from Ibn 'Abbas, who said: "She seeks Khul' even with her hair tie."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدٍ، عَنْ حَاجَاجٍ، عَنْ
عَمْرٍو، عَنْ ابْنِ عَبَّاسٍ قَالَ: تَخْلُعُ حَتَّى بِعَاقِصِهَا،

[18529] He said: Abu Khalid told us, from Hajjaj, from Ibn Abi Najih, from Mujahid, similar to it.

حَدَّثَنَا قَالَ نَا أَبُو خَالِدٍ، عَنْ حَاجَاجٍ، عَنْ ابْنِ أَبِي نَجِيحٍ،
عَنْ مُجَاهِدٍ، مِثْلُهُ

[18530] Abu Bakr told us, he said: 'Ali ibn Hashim told us, from Juwaybir, from Al-Dahhak, who said: "There is no harm in a woman seeking Khul' from her husband, even if it is more than what he gave her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلَيُّ بْنُ هَاشِمٍ، عَنْ جُوَيْبِرٍ، عَنْ
الضَّحَّاكِ قَالَ: لَا بَأْسَ أَنْ تَخْلُعَ الْمَرْأَةُ مِنْ زَوْجِهَا،
وَإِنْ كَانَ أَكْثَرَ مِمَّا أَعْطَاهَا

[18531] Abu Bakr told us, he said: Mu'tamir told us, from Mansur, from Ibrahim, regarding a man whose wife was irrevocably separated from him by Khul' or Ila', then he married her, then divorced her before consummating the marriage. He said: "She is entitled to the full dowry."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُعْتَمِرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ بَانَتْ مِنْهُ امْرَأَةٌ بِخُلْعٍ، أَوْ إِبْلَاءً فَتَرَوْجَهَا، فَطَلَّفَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، قَالَ: لَهَا الصَّدَاقُ كَامِلاً

[18532] Abu Bakr told us, he said: Yahya ibn Zakariyya ibn Abi Za'idah told us, from Isma'il, from Ash'ath, from Al-Sha'bi, regarding a man who divorces his wife with an irrevocable divorce, then marries her during her waiting period, then divorces her before consummating the marriage. He said: "She is entitled to the dowry, and she must observe a new waiting period."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ زَكَرِيَّا بْنُ أَبِي زَائِدَةَ، عَنْ إِسْمَاعِيلَ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، فِي الرَّجُلِ يُطْلَقُ امْرَأَةٌ تَطْلِيقَةً بَائِنَةً، ثُمَّ يَتَرَوْجُهَا فِي عِدَّتِهَا، ثُمَّ يُطَلَّفُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، قَالَ: لَهَا الصَّدَاقُ، وَعَلَيْهَا عِدَّةً مُسْتَقْبَلَةً

[18533] Abu Bakr told us, he said: Ibn Abi Za'idah told us, from Sufyan, from Mansur, from Ibrahim, the like of it. He said: "And he has more right to take her back."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، مِثْلُهُ قَالَ: وَهُوَ أَمْلَكُ بِرَجْعَتِهَا

[18534] Abu Bakr told us, he said: Waki' told us, from Shu'bah, from Al-Hakam, from Ibrahim: "She is entitled to the full dowry, and she must observe the full waiting period."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ،
عَنْ إِبْرَاهِيمَ، لَهَا الصَّدَاقُ كَامِلًا، وَعَلَيْهَا الْعِدَّةُ كَامِلَةٌ

[18535] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Dawud ibn Abi Hind, from Al-Sha'bi, regarding a woman who is irrevocably separated from her husband by one or two divorces, then he marries her, then divorces her before consummating the marriage. He said: "She is entitled to half the dowry."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ دَاؤَدَ بْنِ أَبِي هِنْدٍ،
عَنْ الشَّعْبِيِّ، فِي الْمَرْأَةِ تَبَيَّنَ مِنْ رَوْجِهَا بِتَطْلِيقِهِ أَوْ
تَطْلِيقَتَيْنِ، ثُمَّ يَتَرَوَّجُهَا، ثُمَّ يُطْلَقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا
قَالَ: لَهَا نِصْفُ الصَّدَاقِ

[18536] Abu Bakr told us, he said: 'Abd al-A'la told us, from Yunus, from Al-Hasan, who was asked about a man who made Ila' from his wife, so she became irrevocably separated from him, then he married her during her waiting period, then divorced her before consummating the marriage. He said: "Half the dowry, and there is no waiting period for her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ
الْحَسَنِ، سُئِلَ عَنْ رَجُلٍ أَلَى مِنْ امْرَأَتِهِ قَبْلَتْ مِنْهُ، ثُمَّ
تَرَوَّجَهَا فِي عِدَّتِهَا، ثُمَّ طَلَقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ:
نِصْفُ الصَّدَاقِ، وَلَيْسَ عَلَيْهَا عِدَّةٌ

[18537] Abu Bakr told us, he said: 'Abdah ibn Sulayman and Muhammad ibn Sawa' told us, from Ibn Abi 'Arubah, from Qatadah, from 'Ikrimah and Al-Hasan, who said: "If he divorces her via Khul', then marries her during her waiting period, then divorces her before consummation, she is entitled to half the dowry, and she completes what remains of her waiting period."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، وَمُحَمَّدُ بْنُ سَوَاءٍ، عَنِ ابْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ عَكْرَمَةَ، وَالْحَسَنِ قَالَا: إِذَا خَلَعَهَا، ثُمَّ تَزَوَّجَهَا فِي عِدَّتِهَا، ثُمَّ طَلَقَهَا قَبْلَ أَنْ يَدْخُلَ فَلَهَا نِصْفُ الصَّدَاقِ، وَتُكْمِلُ مَا بَقِيَ عَلَيْهَا مِنَ الْعِدَّةِ

[18538] Abu Bakr told us, he said: Kathir ibn Hisham told us, from Ja'far, from Maymun, regarding the woman who seeks Khul', if her husband accepts the ransom, then proposes to her afterwards. He said: "He marries her and specifies a dowry for her. If he divorces her before consummating the marriage, she is entitled to half the dowry." Ja'far said: Someone other than Maymun used to say: "She is entitled to the full dowry."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرٍ، عَنْ مَيْمُونٍ، فِي الْمُخْتَلِعَةِ إِذَا قَبْلَ زِوْجَهَا الْفِتْيَةِ، ثُمَّ خَطَبَهَا بَعْدَ ذَلِكَ قَالَ: يَتَرَوَّجُهَا وَيُسَمِّي لَهَا صَدَاقًا فَإِنْ طَلَقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا فَلَهَا نِصْفُ الصَّدَاقِ قَالَ جَعْفَرٌ: وَكَانَ غَيْرُ مَيْمُونٍ يَقُولُ: لَهَا الصَّدَاقُ كَامِلاً

[18539] Abu Bakr told us, he said: Hushaym told us, from Mughirah, from Al-Harith al-'Ukli, that he said: "If a woman seeks Khul' from her husband while he is sick, and then he dies during the waiting period, she has no inheritance."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ
الْعَكْلِيِّ، أَنَّهُ قَالَ: إِذَا اخْتَلَعَتِ الْمَرْأَةُ مِنْ زَوْجِهَا وَهُوَ
مَرِيضٌ، ثُمَّ مَاتَ فِي الْعِدَّةِ فَلَا مِيرَاثٌ لَهَا

[18540] Abu Bakr told us, he said: Hushaym told us, from Muhammad ibn Salim, from Al-Sha'bi, the like of that.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ مُحَمَّدِ بْنِ سَالِيمٍ، عَنِ
الشَّعْبِيِّ مِثْلَ ذَلِكَ

[18541] Abu Bakr told us, he said: Zayd ibn al-Hubab told us, from Ibn Lahi'ah, from Ja'far, who said: Ibn 'Abbas used to say: "If four months pass, she possesses her own affair." And Ibn 'Umar used to say that.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا زَيْدُ بْنُ الْحُبَابِ، عَنِ ابْنِ لَهِيَعَةَ،
عَنْ جَعْفَرٍ قَالَ: كَانَ ابْنُ عَبَّاسٍ يَقُولُ: إِذَا مَضَتْ
أَرْبَعَةُ أَشْهُرٍ مَلَكَتْ أَمْرَهَا وَكَانَ ابْنُ عُمَرَ يَقُولُ ذَلِكَ

[18542] Abu Bakr told us, he said: Ibn Mubarak told us, from Ma'mar, from 'Ata' al-Kurasani, from Abu Salamah, that 'Uthman ibn 'Affan and Zayd ibn Thabit said regarding Il'a: "If four months pass, it is a divorce, and she possesses her own affair."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ
عَطَاءِ الْخُرَاسَانِيِّ، عَنْ أَبِي سَلَمَةَ، أَنَّ عُثْمَانَ بْنَ
عَفَّانَ، وَزَيْدَ بْنَ ثَابِتٍ قَالَا: فِي الإِبْلَاءِ: إِذَا مَضَتْ
أَرْبَعَةُ أَشْهُرٍ فَهُوَ نَطْلِيقٌ، وَهِيَ أَمْلَكَ بِنَفْسِهَا

[18543] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Ayyub, from Abu Qilabah, that Al-Nu'man ibn Bashir made Ila' from his wife. Ibn Mas'ud said: "If four months pass, she is irrevocably separated from him by one divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ أَبِيهِ، عَنْ أَبِي قِلَابَةَ، أَنَّ النَّعْمَانَ بْنَ بَشِيرٍ أَلَى مِنْ امْرَأِتِهِ، فَقَالَ ابْنُ مَسْعُودٍ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَقَدْ بَانَتْ مِنْهُ بِتَطْلِيقَةٍ

[18544] Abu Bakr told us, he said: Jarir told us, from Mughirah, from Ibrahim, from 'Abd Allah, who said: "If he makes Ila' and four months pass, she is irrevocably separated from him by one divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، عَنْ عَبْدِ اللَّهِ قَالَ: إِذَا أَلَى فَمَضَتْ أَرْبَعَةُ أَشْهُرٍ فَقَدْ بَانَتْ مِنْهُ بِتَطْلِيقَةٍ

[18545] Abu Bakr told us, he said: Abu Mu'awiyah told us, from Al-A'mash, from Habib, from Sa'id ibn Jubayr, from Ibn 'Umar and Ibn 'Abbas, who said: "If he makes Ila' and does not return until the four months pass, it is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ حَبِيبٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عُمَرَ، وَابْنِ عَبَّاسٍ قَالَ: إِذَا أَلَى فَلَمْ يَفْرُطْ حَتَّى تَمْضِي الْأَرْبَعَةُ الْأَشْهُرُ فَهِيَ تَطْلِيقَةٌ بِإِئْنَةٍ

[18546] Abu Bakr told us, he said: Ibn Fudayl told us, from Al-A'mash, from Habib, who said: I asked Sa'id, the governor of Mecca, about Ila'. He said: Ibn 'Abbas used to say: "If four months pass, she possesses her own affair." And Ibn 'Umar used to say that.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ حَبِيبٍ قَالَ: سَأَلْتُ سَعِيدًا أَمِيرَ مَكَّةَ، عَنِ الْأَيَّلَاءِ، قَالَ: كَانَ ابْنُ عَبَّاسٍ يَقُولُ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ مَلَكَتْ أَمْرَهَا وَكَانَ ابْنُ عُمَرَ يَقُولُ ذَلِكَ

[18547] Abu Bakr told us, he said: Waki' told us, from Shu'bah, from Al-Hakam, from Miqsam, from Ibn 'Abbas, who said: "The resolution of divorce is the expiration of the four months, and the return is intercourse."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ مِقْسِمٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: عَزِيمَةُ الطَّلاقِ اقْبَلَةُ الْأَرْبَعَةِ الْأَشْهُرِ، وَالْفَيْءُ الْجَمَاعُ

[18548] Abu Bakr told us, he said: Hafs and Yazid ibn Harun told us, from Sa'id, from Qatadah, from Al-Hasan, from 'Ali, who said: "If four months pass, it is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، وَيَزِيدُ بْنُ هَارُونَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ عَلَىٰ قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ تَطْلِيقَةُ بَائِثَةٍ

[18549] Abu Bakr told us, he said: 'Abd al-A'la told us, from Ma'mar, from Al-Zuhri, from Qabisah, who said: "If four months pass, it is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَىِ، عَنْ مَعْمَرٍ، عَنِ الرُّهْبَرِيِّ، عَنْ قَبِيسَةَ قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ تَطْلِيقَةُ بَائِثَةٍ

[18550] Abu Bakr told us, he said: Hafs told us, from Hajjaj, from Al-Hakam, from Miqsam, from Ibn 'Abbas, and from Ibn al-Hanafiyyah, who said: "If four months pass, it is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ حَاجَاجِ، عَنْ الْحَكَمِ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ، وَعَنْ ابْنِ الْحَنَافِيَّةِ قَالَا: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ تَطْلِيقَةٌ بَائِنَةٌ

[18551] Abu Bakr told us, he said: Waki' told us, from Isma'il ibn Abi Khalid, from Ibrahim, who said: "If four months pass, it is an irrevocable divorce, and she possesses her own affair."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ إِسْمَاعِيلِ بْنِ أَبِي خَالِدٍ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ تَطْلِيقَةٌ بَائِنَةٌ، وَهِيَ أَمْلَكُ بِنَفْسِهَا

[18552] Abu Bakr told us, he said: Abu Usamah told us, from Mujalid, from Al-Sha'bi, from Masruq, who said: "If four months pass in Ila', it is an irrevocable divorce." I informed Shurayh of Masruq's statement, and he agreed with it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو أُسَامَةَ، عَنْ مُجَالِدٍ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فِي الْأَيَّلَاءِ كَانَتْ تَطْلِيقَةٌ بَائِنَةٌ فَأَخْبَرْتُ شُرَيْحًا بِقَوْلِ مَسْرُوقٍ فَقَالَ بِهِ

[18553] Abu Bakr told us, he said: Waki' told us, from Yazid ibn Ibrahim, from Al-Hasan and Ibn Sirin, who said: "If four months pass, it is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ يَزِيدَ بْنِ إِبْرَاهِيمَ، عَنْ الْحَسَنِ، وَابْنِ سِيرِينَ قَالَا: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ تَطْلِيقَةٌ بَائِنَةٌ

[18554] Abu Bakr told us, he said: Waki' told us, from Isma'il ibn Abi Khalid, from Ibrahim, who said: "If four months pass, it is an irrevocable divorce, and she possesses her own affair."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَالِدٍ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ تَطْلِيقَةٌ بَائِثَةٌ، وَهِيَ أَمْلَأُ بِنَفْسِهَا

[18555] Abu Bakr told us, he said: Ibn Idris told us, from Malik ibn Anas, from Al-Zuhri, from Sa'id ibn al-Musayyib and Abu Bakr ibn 'Abd al-Rahman ibn al-Harith ibn Hisham, who said: "If four months pass in Ila', it is a divorce, and he has more right to take her back."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَأَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْخَارِثِ بْنِ هِشَامٍ قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فِي الْإِبْلَاءِ فَهِيَ تَطْلِيقَةٌ، وَهُوَ أَحَقُّ بِرَجْعَتِهَا

[18556] Abu Bakr told us, he said: Ibn Mahdi told us, from Sufyan, from Isma'il ibn Umayyah, from Makhul, who said: "If four months pass, it is one [divorce], and she possesses herself."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ إِسْمَاعِيلَ بْنِ أَمَيَّةَ، عَنْ مَكْحُولٍ قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ وَاحِدَةٌ، وَهِيَ أَمْلَأُ بِهَا

[18557] Abu Bakr told us, he said: Ibn 'Uyaynah told us, from Mansur, from Ibrahim, from 'Alqamah, who said: Ibn Anas made Ila' from his wife, so she remained for six months. While he was sitting in the gathering, he remembered, so he went to Ibn Mas'ud who said: "Inform her that she possesses her own affair." So he went to her and informed her. She said: "Then go to your family." And he gave her a pound (ratl) as dowry.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَاهُ بْنُ عُيَيْنَةَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ قَالَ: أَلَى بْنُ أَنَّاسٍ: مِنْ امْرَأَتِهِ، فَلَيْسَتْ سِنَّةً أَشْهُرٍ، فَبَيْنَمَا هُوَ جَالِسٌ فِي الْمَجْلِسِ، إِذْ ذَكَرَ، فَأَتَى أَبْنُ مَسْعُودٍ فَقَالَ: أَعْلَمُهَا أَنَّهَا قَذَ مَلْكُ اُمْرَهَا، فَأَتَاهَا فَأَخْبَرَهَا، فَقَالَتْ: فَأَبْيَ أَهْلَكَ، وَأَصْدَقَهَا رَطْلًا

[18558] Abu Bakr told us, he said: Abu Dawud told us, from Jarir, who said: I read in the book of Abu Qilabah with Ayyub: I asked Abu Salamat and Salim about Ila'. They said: "If four months pass, it is a divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَاهُ بْنُ ذَوْدَ، عَنْ جَرِيرٍ، قَالَ: قَرَأْتُ فِي كِتَابِ أَبِي قَلَبَةَ، عِنْدَ أَيُوبَ: سَأَلْتُ أَبَا سَلَمَةَ، وَسَالَّمًا عَنِ الْإِيَلَاءِ فَقَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ تَطْلِيقَةٌ

[18559] Abu Bakr told us, he said: Abu Dawud told us, from Jarir ibn Hazim, from Qays ibn Sa'd, from 'Ata', who said: "If four months pass, it is an irrevocable divorce. Her husband may propose to her during her waiting period, but no one else may propose to her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو دَاؤِدَ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ عَطَاءٍ قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ تَطْلِيقٌ بِأَئِنَّهُ، وَيَخْطُبُهَا زَوْجُهَا فِي عِدَّتِهَا، وَلَا يَخْطُبُهَا غَيْرُهَا

[18560] Abu Bakr told us, he said: Ibn 'Uyaynah told us, from Al-Shaybani, from 'Amr ibn Salamah ibn Harb, that 'Ali used to make him stop after the four [months] until a return or divorce became clear.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنِ الشَّيْبَانِيِّ، عَنْ عَمْرِو بْنِ سَلَمَةَ بْنِ حَرْبٍ، أَنَّ عَلَيَا كَانَ يُوقَفُهُ بَعْدَ الْأَرْبَعَةِ حَتَّى تَبَيَّنَ رَجْعَةً أَوْ طَلاقً

[18561] Abu Bakr told us, he said: Waki' told us, from Sufyan, from Al-Shaybani, from Bukayr ibn al-Akhnas, from Mujahid, from 'Abd al-Rahman ibn Abi Layla, that 'Ali made him stop.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنِ الشَّيْبَانِيِّ، عَنْ بُكَيْرِ بْنِ الْأَخْنَسِ، عَنْ مُجَاهِدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، أَنَّ عَلَيَا، أُوقَفَهُ

[18562] Abu Bakr told us, he said: Ibn Idris told us, from Layth, from Mujahid, from Marwan, from 'Ali: "He is made to stop at the four [months] until divorce or return becomes clear."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ أَبِي ثِنَةَ، عَنْ مُجَاهِدٍ، عَنْ مَرْوَانَ، عَنْ عَلَيِّ يُوقَفُ عِنْدَ الْأَرْبَعَةِ حَتَّى تَبَيَّنَ طَلاقٌ أَوْ رَجْعَةٌ

[18563] Abu Bakr told us, he said: Sharik told us, from Layth, from Mujahid, from 'Ali, who said: "As for me, I would make him stop after the four [months], so either he returns or he divorces." Marwan said: "If I were in authority, I would do as he does."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَرِيكُ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، عَنْ عَلِيٍّ قَالَ: أَمَّا أَنَا فَكُنْتُ أُوقَفُهُ بَعْدَ الْأَرْبَعَةِ، فَإِمَّا أَنْ يَفِيَءَ، وَإِمَّا أَنْ يُطْلَقَ وَقَالَ مَرْوَانُ: وَلَوْ وُلِّيَتِ الْفَعْلُ مِثْلًا مَا يَفْعَلُ

[18564] Abu Bakr told us, he said: Ibn 'Ulayyah and Waki' told us, from Mis'ar, from Habib ibn Abi Thabit, from Tawus, from 'Uthman, that he used to say according to the saying of the people of Medina: "He is made to stop."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيْهَا، وَوَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ طَلَوْسٍ، عَنْ عُثْمَانَ، أَنَّهُ كَانَ يَقُولُ يَقُولُ أَهْلُ الْمَدِينَةِ: يُوقَفُ

[18565] Abu Bakr told us, he said: Ibn 'Uyaynah told us, from Yahya ibn Sa'id, from Sulayman ibn Yasar, from some ten and odd Companions of the Prophet ﷺ, they said: "He is made to stop."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، "عَنْ بَضْعَةِ عَشَرَ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالُوا: يُوقَفُ

[18566] Abu Bakr told us, he said: Ibn 'Uyaynah told us, from Ayyub, from Sa'id ibn Jubayr, who said: I asked Ibn 'Umar about Ila'. He said: "The rulers judge regarding that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ أَيُوبَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنِ الْإِيْلَاءِ فَقَالَ: الْأَمْرَاءُ يَقْضُونَ فِي ذَلِكَ

[18567] Abu Bakr told us, he said: Ibn 'Uyaynah told us, from Ibn Abi Najih, from Mujahid, and from Ibn Tawus, from his father: They said: "In Ila', he is made to stop."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ ابْنِ أَبِي تَجْبِيجٍ، عَنْ مُجَاهِدٍ، وَعَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ: قَالُوا: فِي الْإِبْلَاءِ يُوقَفُ

[18568] Abu Bakr told us, he said: 'Abd al-Wahhab al-Thaqafi told us, from Dawud, from 'Umar ibn 'Abd al-'Aziz, regarding the one who makes Ila': "He is made to stop."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْوَهَابِ الثَّقَفِيُّ، عَنْ دَاؤِدَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، فِي الْمُولَى: يُوقَفُ

[18569] Abu Bakr told us, he said: 'Abd Allah ibn Idris told us, from 'Ubayd Allah, from Nafi', from Ibn 'Umar, who said: "It is not lawful for him to do except what Allah commanded him: either he returns, or he decides [divorce]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: لَا يَحِلُّ لَهُ أَنْ يَفْعَلَ إِلَّا مَا أَمْرَهُ اللَّهُ، إِمَّا أَنْ يَقْيِيَءَ، وَإِمَّا أَنْ يَعْزِمَ

[18570] Abu Bakr told us, he said: Waki' told us, from Hasan ibn Furat, from Ibn Abi Mulaykah, who said: I heard 'A'ishah saying: "The one who makes Ila' is made to stop."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ عَنْ حَسَنِ بْنِ فُرَاتٍ، عَنْ ابْنِ أَبِي مُلَيْكَةَ قَالَ: سَمِعْتُ عَائِشَةَ تَقُولُ: يُوقَفُ الْمُولَى

[18571] Abu Bakr told us, he said: Jarir told us, from Mughirah, from Al-Sha'bi, who said: "If a man makes Ila' from his wife, he is made to stop before four months pass and it is said to him: 'Fear Allah, either return, or divorce a known divorce.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ
قَالَ: إِذَا آتَى الرَّجُلُ مِنْ امْرَأَتِهِ، وُقِفَ قَبْلَ أَنْ تَمْضِيَ
أَرْبَعَةُ أَشْهُرٍ فَيَقَالُ لَهُ: اتَّقِ اللَّهَ، فَإِمَّا أَنْ يَرْجِعَ، وَإِمَّا أَنْ
يُطْلَقَ طَلَاقًا يُعْرَفُ

[18572] Abu Bakr told us, he said: Jarir told us, from Mansur, from Ibrahim, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ
إِبْرَاهِيمَ، بِنِحْوَهُ

[18573] Abu Bakr told us, he said: Waki' told us, from Al-A'mash, from Ibrahim, who said: "The one who makes Ila' is made to stop at the expiration of the four [months]. If he returns, she is his wife. And if he does not return, it is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنِ الْأَعْمَشِ، عَنْ
إِبْرَاهِيمَ قَالَ: يُوقَفُ الْمُولِي عِنْدِ انْقِضَاءِ الْأَرْبَعَةِ، فَإِنْ
فَاءَ فَهُوَ امْرَأَتُهُ، وَإِنْ لَمْ يَفِي فَهُوَ نَطْلِيقٌ بِأَنَّهُ

[18574] Abu Bakr told us, he said: Ibn Fudayl told us, from Dawud, from Sa'id ibn al-Musayyib, who said: "If four months pass, either he returns, or he divorces."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ دَاؤِدَ، عَنْ سَعِيدِ
بْنِ الْمُسَيْبَ قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَإِمَّا أَنْ يَرْجِعَ،
وَإِمَّا أَنْ يُطْلَقَ

[18575] Abu Bakr told us, he said: Waki' told us, from Matar, from Muhammad ibn Ka'b, who said: "Ila' is nothing, he is made to stop."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ مَطْرِ، عَنْ مُحَمَّدِ بْنِ كَعْبٍ قَالَ: الْإِبْلَاءُ لَيْسَ بِشَيْءٍ، يُوقَفُ

[18576] Abu Bakr told us, he said: 'Abd Allah ibn Numayr told us, from Hanzalah, who said: I heard Al-Qasim ibn Muhammad being asked about Ila'. He said: "He is made to stop." It was said to the one asking him: "Was she divorced?" He said: "But the Imam calls him, then either he returns or he separates."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ ثَمَيرٍ، عَنْ حَنْظَلَةَ قَالَ: سَمِعْتُ الْقَاسِمَ بْنَ مُحَمَّدَ، وَسُئِلَ عَنِ الْإِبْلَاءِ قَالَ: يُوقَفُ فَيَقَالُ لِلَّذِي يَسْأَلُهُ: هَلْ طَفَقْتُ؟ قَالَ: وَلَكِنْ يَدْعُو الْإِمَامَ، فَإِمَّا أَنْ يَفِيَءَ، وَإِمَّا أَنْ يُفَارِقَ

[18577] Abu Bakr told us, he said: Waki' told us, from 'Imran ibn Hudayr, from Abu Makhlad, that he did not consider there to be divorce in Ila'.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ عِمْرَانَ بْنِ حُدَيْرٍ، عَنْ أَبِي مَخْلَدٍ، أَنَّهُ كَانَ لَا يَجْعَلُ فِي الْإِبْلَاءِ طَلَاقًا

[18578] Abu Bakr told us, he said: Ibn 'Uyaynah told us, from 'Amr, who said: I asked Sa'id ibn al-Musayyib about Ila'. He said: "It is nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عَيْنَةَ، عَنْ عَمْرِو قَالَ: سَأَلْتُ سَعِيدَ بْنَ الْمُسَيْبِ، عَنِ الْإِبْلَاءِ فَقَالَ: لَيْسَ بِشَيْءٍ

[18579] Abu Bakr told us, he said: 'Ubayd Allah ibn Musa told us, from Aban al-'Attar, from Qatadah, from Sa'id ibn al-Musayyib, from Abu al-Darda', who said: "Ila' is a sin, and it does not forbid his wife to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ أَبْنَاءِ
الْعَطَّارِ، عَنْ قَنَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ أَبِي
الدَّرْدَاءِ قَالَ: الْإِلَيْأَءُ مَعْصِيَةٌ، وَلَا يُحرِّمُ عَلَيْهِ امْرَأَةٌ

[18580] Abu Bakr told us, he said: Abu Dawud told us, from Jarir ibn Hazim, who said: I read in the book of Abu Qilabah with Ayyub: I asked 'Urwah ibn al-Zubayr and Sa'id ibn al-Musayyib. They said: "[It is] a sin and not a divorce."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو ذَوْدَةَ، عَنْ جَرِيرِ بْنِ حَازِمٍ،
قَالَ: قَرَأْتُ فِي كِتَابِ أَبِي قِلَابَةَ عِنْدَ أَيُوبَ: سَأَلْتُ
عُرْوَةَ بْنَ الْزُّبَيْرِ، وَسَعِيدَ بْنَ الْمُسَيْبِ قَالَا: مَعْصِيَةٌ
وَلَيْسَ بِطَلاقٍ

[18581] Abu Bakr told us, he said: Hafs told us, from Hajjaj, from Al-Hakam, from Miqsam, from Ibn 'Abbas, and from Salim, from Ibn al-Hanafiyyah, who said: "If four months pass in Ila', it is an irrevocable divorce, and she must observe a waiting period of three menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ، عَنْ حَجَاجِ، عَنْ الْحَكَمِ،
عَنْ مِقْسَمٍ، عَنْ أَبْنَ عَبَّاسٍ، وَعَنْ سَالِمٍ، عَنْ أَبْنَ
الْحَنَافِيَةِ قَالَا: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فِي الْإِلَيْأَءِ فَهِيَ
تَطْلِيقٌ بَائِثَةً، وَعَلَيْهَا أَنْ تَعْتَدَ ثَلَاثَةَ قُرُونٍ

[18582] Abu Bakr told us, he said: 'Abd al-Salam told us, from 'Ali ibn Badhimah, from Abu 'Ubaydah, from Masruq, from 'Abd Allah, who said: "If four months pass, it is an irrevocable divorce, and she counts three menstrual cycles after that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ السَّلَامِ، عَنْ عَلَيِّ بْنِ بَذِيْمَةَ، عَنْ أَبِي عَبْدِهِ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ تَطْلِيقَةُ بَائِنٍ، وَتَعْدُ بَعْدَ ذَلِكَ ثَلَاثَ حِيَضٍ

[18583] Abu Bakr told us, he said: 'Abd al-A'la told us, from Hisham, from Al-Hasan and Muhammad, who said: "She observes the waiting period of a divorced woman after four months."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَمُحَمَّدٍ قَالَا: تَعْدُ بَعْدَ أَرْبَعَةِ أَشْهُرٍ عَدَّةَ الْمُطَافَقَةِ

[18584] Abu Bakr told us, he said: Ghundar told us, from Shu'bah, from Al-Hakam and Hammad, who said: "If a man makes Ila' from his wife and four months pass, she observes a waiting period of three months after that if she does not menstruate."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، وَحَمَادٍ قَالَا: إِذَا أَلَى الرَّجُلُ مِنْ امْرَأَتِهِ، فَمَضَتْ أَرْبَعَةُ أَشْهُرٍ، فَإِنَّهَا تَعْدُ بَعْدَ ذَلِكَ ثَلَاثَةَ أَشْهُرٍ. إِذَا كَانَتْ لَا تَحِيلُ

[18585] Abu Bakr told us, he said: Al-Thaqafi told us, from Burd, from Makhul, who said: "If a man makes Ila' from his wife and four months pass, it is a divorce and she starts the waiting period."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا التَّقْفِيُّ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ
قَالَ: إِذَا آتَى الرَّجُلُ مِنْ امْرَأَتِهِ، فَمَضَتْ أَرْبَعَةُ أَشْهُرٍ،
فَهِيَ تَطْلِيقَةٌ وَتَسْتَقْبِلُ الْعِدَّةَ

[18586] Abu Bakr told us, he said: Sufyan ibn 'Uyaynah told us, from 'Amr, from Jabir ibn Zayd, who said: "There is no waiting period for her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ عَمْرِو،
عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: لَيْسَ عَلَيْهَا عِدَّةٌ

[18587] Abu Bakr told us, he said: Ya'la ibn 'Uyaynah told us, from 'Abd al-Malik, from 'Ata', regarding a man who made Ila' from his wife until four months passed. How does she observe the waiting period? He said: "She observes a waiting period of three menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَعْلَى بْنُ عُيَيْنَةَ، عَنْ عَبْدِ الْمَالِكِ،
عَنْ عَطَاءٍ، فِي الرَّجُلِ الَّذِي مِنْ امْرَأَتِهِ حَتَّى مَضَتْ
أَرْبَعَةُ أَشْهُرٍ كَيْفَ تَعْتَدُ؟ قَالَ: تَعْتَدُ ثَلَاثَةَ قُرُونٍ

[18588] Abu Bakr told us, he said: 'Ali ibn Mushir told us, from Sa'id, from 'Amir al-Ahwal, from 'Ata', from Ibn 'Abbas, who said: "If he makes Ila' from his wife for a month, two months, or three, not reaching the limit, it is not Ila'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ
عَامِرٍ الْأَحْوَلِ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: إِذَا
آتَى مِنْ امْرَأَتِهِ شَهْرًا أَوْ شَهْرَيْنَ أَوْ ثَلَاثَةَ مَا يَتْلُغُ الْحَدَّ
فَلَيْسَ بِإِيمَلٍ

[18589] Abu Bakr told us, he said: Hafs told us, from 'Abd al-Malik, from 'Ata', who said: "If he swears for less than four [months], it is not Ila'."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصٌ، عَنْ عَبْدِ الْمَالِكِ، عَنْ حَطَاءٍ قَالَ: إِذَا حَلَفَ عَلَى دُونِ الْأَرْبَعَةِ فَلَيْسَ بِإِلَاءِ

[18590] Abu Bakr told us, he said: Zayd ibn al-Hubab told us, from Sufyan, from Jabir, from Al-Sha'bi, regarding a man who swore not to approach his wife for three months, then left her until four months passed. He said: "He is not one who makes Ila'."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا زَيْدُ بْنُ الْحُبَابِ، عَنْ سُفيَانَ، عَنْ جَابِرٍ، عَنْ الشَّعْبِيِّ، فِي رَجْلٍ حَلَفَ أَنْ لَا يَقْرَبَ امْرَأَتَهُ تَلَائِةً أَشْهُرٍ، فَتَرَكَهَا حَتَّى مَضَتْ أَرْبَعَةُ أَشْهُرٍ، قَالَ: لَا يَكُونُ مُولِيَاً

[18591] Abu Bakr told us, he said: Ibn Idris told us, from Layth, from Wabarah, from 'Abd Allah, that a man made Ila' from his wife for a month, so 'Abd Allah applied it to him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ أَبِي هُرَيْرَةَ، عَنْ عَبْدِ اللَّهِ، أَنَّ رَجُلًا آلَى مِنْ امْرَأَتِهِ شَهْرًا فَأَوْقَعَهُ عَلَيْهِ عَبْدُ اللَّهِ

[18592] Abu Bakr told us, he said: 'Abd al-A'la told us, from Hisham, from Al-Hasan and Muhammad, who said: "If a man makes Ila' from his wife for a month, then leaves her until four months pass, it is an irrevocable divorce."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَمُحَمَّدٍ قَالَا: إِذَا آتَى الرَّجُلُ مِنْ امْرَأَتِهِ شَهْرًا، ثُمَّ تَرَكَهَا حَتَّى تَمْضِيَ أَرْبَعَةُ أَشْهُرٍ، إِنَّهَا تَطْلِيقَةٌ بِائِنَةٍ

[18593] Abu Bakr told us, he said: Jarir told us, from Mughirah, from Hammad, who said: "If a man says to his wife: 'By Allah, I will not approach you today,' then leaves her for four months, it is Ila'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ قَالَ: إِذَا قَالَ الرَّجُلُ لِإِمْرَأَتِهِ: وَاللَّهِ لَا أَفْرُبُكُ الْيَوْمَ، فَتَرَكَهَا أَرْبَعَةً أَشْهُرٍ فَهُوَ إِيلَاءٌ

[18594] Abu Bakr told us, he said: Waki' told us, from Sufyan, from Mughirah, from Ibrahim, who said: "If he swears for less than four [months], he is one who makes Ila'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا حَلَفَ عَلَى دُونِ أَرْبَعَةٍ فَهُوَ مُولِّ

[18595] Abu Bakr told us, he said: Zayd ibn al-Hubab told us, from Hammad ibn Salamah, from Hajjaj, from Al-Hakam, regarding a man who swears not to approach his wife for a month. He said: "He is one who makes Ila'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا زَيْدُ بْنُ الْحُبَابِ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حَجَاجٍ، عَنْ الْحَكَمِ، فِي الرَّجُلِ يَحْلِفُ أَنْ لَا يَقْرَبَ امْرَأَتَهُ شَهْرًا، قَالَ: هُوَ مُولِّ

[18596] Abu Bakr told us, he said: Jarir told us, from Mansur, from Ibrahim, from Abu al-Sha'tha', who said: A man from the tribe made Ila', then his wife gave birth. He said: I asked 'Alqamah, Al-Aswad, and Masruq, and they said: "If he returns with his tongue, he has returned."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ أَبِي الشَّعْنَاءِ قَالَ: إِلَى رَجُلٍ مِنَ الْحَيِّ، فَقَنِسَتِ امْرَأَتُهُ، قَالَ: فَسَأَلْتُ عَلْقَمَةً وَالْأَسْوَادَ وَمَسْرُوقًا فَقَالُوا: إِذَا فَاءَ بِلِسَانِهِ فَقَدْ فَاءَ

[18597] Abu Bakr told us, he said: Jarir told us, from Mansur, from a man, from Ibrahim, who said: "If a man makes Ila' from his wife, and illness, preoccupation, or an excuse from him or her prevents him from having intercourse with her, and he calls witnesses to his return, that suffices him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ رَجُلٍ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا إِلَى الرَّجُلِ مِنْ امْرَأَتِهِ، فَمَنَعَهُ مِنْ جِمَاعِهَا مَرَضٌ، أَوْ شُغْلٌ، أَوْ عُذْرٌ مِنْهُ، أَوْ مِنْهَا، وَأَشْهَدَ عَلَى فَيْئِهِ أَجْرَأَهُ ذَلِكَ

[18598] Abu Bakr told us, he said: Waki' told us, from Sufyan, from Ayyub, from Abu Qilabah, who said: "If he takes her back with his tongue, it is a revocation (Raja'ah)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَيُوبَ، عَنْ أَبِي قَلَابَةَ قَالَ: إِذَا رَاجَعَ بِلِسَانِهِ فَهُوَ رَجْعَةٌ

[18599] Abu Bakr told us, he said: Ma'n ibn 'Isa told us, from Ibn Abi Dhi'b, from Al-Zuhri, who said regarding the one who makes Ila': "If he is sick, or traveling, or she is menstruating, he calls witnesses to his return."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الرُّهْبَرِيِّ قَالَ فِي الْمُؤْلِي: إِذَا كَانَ مَرِيضًا أَوْ كَانَ مُسَافِرًا أَوْ كَانَتْ حَائِضًا أَشْهَدَ عَلَى فَتْيَةِ

[18600] Abu Bakr told us, he said: 'Abd al-Wahhab told us, from Sa'id, from Qatadah, from Al-Hasan and 'Ikrimah, who said: "If he has an excuse for which he is excused, and he calls witnesses that he has returned, that is [valid] for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْوَهَابِ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، وَعَكْرَمَةَ قَالَا: إِذَا كَانَ لَهُ عُذْرٌ يُعْذَرُ بِهِ، فَأَشْهَدَ لَهُ أَنَّهُ قَدْ فَاءَ فَذَلِكَ لَهُ

[18601] Abū Bakr narrated to us, saying: 'Abdah narrated to us, from Ibn Abī 'Arūbah, from Qatādah, from Al-Hasan, who said: If a man swears not to approach his wife (Ilā'), and he calls witnesses that he has returned (to her), that is valid for him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَهُ، عَنْ ابْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ قَالَ: إِذَا آتَى الرَّجُلُ مِنْ امْرَأَتِهِ، فَأَشْهَدَ أَنَّهُ قَدْ فَاءَ فَذَلِكَ لَهُ

[18602] Abū Bakr narrated to us, saying: Muḥammad ibn Fuḍayl narrated to us, from Muṭarrif, from Al-Sha'bī, from Ibn ‘Abbās, who said: Return (Fay') is intercourse.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، عَنْ ابْنِ عَبَّاسٍ قَالَ: الْفَيْءُ الْجِمَاعُ

[18603] Abū Bakr narrated to us, saying: Wakī' narrated to us, from Shu'bah, from Al-Ḥakam, from Miqsam, from Ibn ‘Abbās, who said: The determination of divorce is the passing of four months, and return is intercourse.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ مِقْسِمٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: عَزِيمَةُ الطَّلاقِ افْتِصَاءُ أَرْبَعَةِ أَشْهُرٍ، وَالْفَيْءُ الْجِمَاعُ

[18604] Abū Bakr narrated to us, saying: Jarīr ibn ‘Abd al-Ḥamīd narrated to us, from Maṇṣūr, from Al-Sha'bī and Al-Ḥakam, who both said: Return is intercourse.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مَنْصُورٍ، عَنِ الشَّعْبِيِّ، وَالْحَكَمَ قَالَا: الْفَيْءُ الْجِمَاعُ

[18605] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ismā'il, who said: There is no return except intercourse.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ، عَنْ إِسْمَاعِيلَ قَالَ: لَا فَيْءٌ إِلَّا الْجِمَاعُ

[18606] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Al-A'mash, from Ibrāhīm, who said: There is no return except intercourse.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: لَا فِيءُ إِلَّا جِمَاعٌ

[18607] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ismā'īl, from Al-Sha'bī, who said: Return is intercourse.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ قَالَ: الْفَيْءُ الْجِمَاعُ

[18608] Abū Bakr narrated to us, saying: Wakī' narrated to us, from Sufyān, from 'Alī ibn Badhīmah, from Sa'īd ibn Jubayr, who said: Return is intercourse.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَلَيِّ بْنِ بَذِيْمَةَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: الْفَيْءُ الْجِمَاعُ

[18609] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Muḥammad ibn Sālim, from Al-Sha'bī, from 'Alī, Ibn Mas'ūd, and Ibn 'Abbās, who said: Return is intercourse. Ibn Mas'ūd said: If he has an ailment such as old age, sickness, or imprisonment preventing him from intercourse, then his return is that he returns with his heart and tongue.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، عَنْ عَلَيِّ، وَابْنِ مَسْعُودٍ، وَابْنِ عَبَّاسٍ قَالُوا: الْفَيْءُ الْجِمَاعُ وَقَالَ ابْنُ مَسْعُودٍ: فَإِنْ كَانَ بِهِ عَلَّةٌ مِنْ كِبِيرٍ أَوْ مَرْضٍ أَوْ حَبْسٍ يَحُولُ بَيْنَهُ وَبَيْنَهُ الْجِمَاعَ، فَإِنَّ فَيْاءً أَنْ يَقِيءَ بِقَلْبِهِ وَلِسَانِهِ

[18610] Abū Bakr narrated to us, saying: ‘Abd al-Salām narrated to us, from Khuṣayf, from Sa‘īd ibn Jubayr, that he asked him about a man who swore not to approach his wife (Īlā').

He said: He may have whatever a man has from his wife except intercourse. If four months pass before he has intercourse with her, she is irrevocably divorced.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ السَّلَامُ، عَنْ حُصَيْفٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، أَنَّهُ سَأَلَهُ عَنْ رَجُلٍ آتَى مِنْ امْرَأَتِهِ، فَقَالَ: يَنْالُ مِنْهَا مَا يَنْالُ الرَّجُلُ مِنْ امْرَأَتِهِ، إِلَّا أَنْ يُجَامِعَهَا، فَإِنْ مَضَتْ أَرْبَعَةُ أَشْهُرٍ قَبْلَ أَنْ يُجَامِعَهَا فَهُوَ طَالِقٌ بَانِي

[18611] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Ḥuṣayn, from Al-Sha‘bī, from Masrūq, who said:

Return is intercourse.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حُصَيْفٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ قَالَ: الْفَيْءُ الْجِمَاعُ

[18612] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ulayyah narrated to us, from Yūnus, from Al-Ḥasan, that he used to say regarding Īlā' from a slave girl: If two months pass and her husband does not return, Īlā' has occurred.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ فِي الْإِيَلَاءِ مِنَ الْأُمَّةِ: إِذَا مَضَى شَهْرَانِ، وَلَمْ يَفِي رَوْجُهَا فَقَدْ وَقَعَ الْإِيَلَاءُ

[18613] Abū Bakr narrated to us, saying: ‘Abd al-Salām ibn Ḥarb narrated to us, from Mughīrah, from Ibrāhīm, regarding one who swears not to approach a slave girl. He said: Her Ḥlā’ is two months.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِيهِنَّ الَّذِي مِنْ أُمَّةِ قَالَ: إِيلَّا وَهَا شَهْرَانِ

[18614] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Ḥakam, from Ibrāhīm, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، مِثْلُهُ

[18615] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Juwaybir, from Al-Ḍahḥāk, regarding a free man who swears not to approach a slave girl or divorces her: Her waiting period is half the waiting period of a free woman.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ جُوَيْبِرِ، عَنِ الضَّحَّاكِ، فِي الْحُرُّ إِذَا الَّذِي مِنَ الْأَمَّةِ، أَوْ طَلَقَ، فَعِدْتُهَا نِصْفُ عِدَّةِ الْحُرَّةِ

[18616] Abū Bakr narrated to us, saying: Shabābah narrated to us, saying: Shu‘bah narrated to us, saying: I asked Al-Ḥakam about one who swears not to approach a slave girl. He said: Ibrāhīm said: Her waiting period is two months. I asked Ḥammād, and he said similar to that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا شَبَابَةُ قَالَ نَا شُعْبَةُ، قَالَ: سَأَلْتُ الْحَكَمَ عَمَّنْ يُولِي مِنَ الْأَمْمَةِ فَقَالَ: قَالَ إِبْرَاهِيمُ: عَذَّنَهَا شَهْرَانِ وَسَأَلْتُ حَمَادًا فَقَالَ: مِثْلُ ذَلِكَ

[18617] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Mughīrah, from Ibrāhīm, who said: If he swears Īlā' then divorces, or divorces then swears Īlā', divorce annuls Īlā'.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا أَلَى، ثُمَّ طَلَقَ، أَوْ طَلَقَ، ثُمَّ أَلَى هَدَمَ الطَّلاقَ الْأَيْلَاءَ

[18618] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Mughīrah, from Al-Sha‘bī, who said: They are like two racehorses; whichever comes first, I take it, and if they happen together, I take it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ قَالَ: هُمَا كَفَرَسَيْ رِهَانٍ، أَيُّهُمَا سَبَقَ أَخْدُثَ بِهِ، وَإِنْ وَقَعَا جَمِيعًا أَخْدُثَ بِهِ

[18619] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Yūnus, from Al-Ḥasan, that he used to say the same as Al-Sha‘bī.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ مِثْلَ قَوْلِ الشَّعْبِيِّ

[18620] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Ismā‘īl, from Al-Sha‘bī, regarding a man who swears Īlā‘ regarding his wife then divorces her: If four months pass before she menstruates three times, she becomes irrevocably divorced.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، عَنْ الشَّعْبِيِّ، "فِي الرَّجُلِ يُولِي مِنْ امْرَأَتِهِ ثُمَّ يُطْلَقُ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ قَبْلَ أَنْ تَحِيضَ تَلَاثَ حِينَصٍ فَقَدْ بَانَتْ

[18621] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Hammād, from Ibrāhīm, who said: Divorce annuls Īlā‘.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ قَالَ: يَهْدِمُ الطَّلاقُ الْإِبْلَاءُ

[18622] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Al-A‘mash, from Ibrāhīm, who said: Divorce annuls Īlā‘.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعاوِيَةَ، عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: يَهْدِمُ الطَّلاقُ الْإِبْلَاءُ

[18623] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Hajjāj, from Al-Sha‘bī, from ‘Abd Allāh, who said: Divorce annuls Īlā‘. And ‘Alī said: They are like two racehorses.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَاجَاجَ، عَنْ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ قَالَ: يَهْدِمُ الطَّلاقُ الْإِبْلَاءُ وَقَالَ عَلَيْهِ: هُمَا كَفَرَسَيْ رَهَانٍ

[18624] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghayāth narrated to us, from ‘Abd Allāh ibn ‘Amr ibn Murrah, from ‘Amr ibn Murrah, from Abū ‘Ubayd, from ‘Abd Allāh, who said: Īlā' is in satisfaction and anger.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ مُرَّةَ، عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ أَبِي عُبَيْدٍ، عَنْ عَبْدِ اللَّهِ قَالَ: الْإِيَلَاءُ فِي الرِّضَا وَالْغَضَبِ

[18625] Abū Bakr narrated to us, saying: Abū al-Āḥwāṣ narrated to us, from Simāk ibn Ḥarb, from ‘Amīrah, from Umm ‘Atiyyah, who said: Jubayr said to his wife: Breastfeed my brother's son with your son. She said: I cannot breastfeed two. He swore not to approach her until she weaned him. When they weaned him, he passed by the assembly with him. The people said: How well you have nourished him! Jubayr said: I swore not to approach her until she weaned him. The people said: This is Īlā'. ‘Alī said to him: If you did that out of anger, your wife is not lawful for you; otherwise, she is your wife.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ عَمِيرَةَ، عَنْ أُمِّ عَطِيَّةَ قَالَتْ: قَالَ جُبَيْرُ لِإِمْرَأَتِهِ: أَرْضِعِي ابْنَ أَخِي مَعَ ابْنِكَ، فَقَالَتْ: مَا أَسْتَطِيعُ أَنْ أَرْضِعَ اثْنَيْنِ، قَالَ: فَحَافَ أَنْ لَا يَقْرَبَهَا حَتَّى تَفْطِمَهُ، قَالَ: فَلَمَّا فَطَمُوا مَرَّ بِهِ عَلَى الْمَجْلِسِ، فَقَالَ الْقَوْمُ: حَسْنٌ مَا عَذُونُتُمُوهُ قَالَ: فَقَالَ جُبَيْرُ: إِنِّي حَلَفْتُ أَنْ لَا أَقْرَبَهَا حَتَّى تَفْطِمَهُ، قَالَ: فَقَالَ الْقَوْمُ: هَذَا إِبْلَاءٌ، فَقَالَ لَهُ عَلِيُّ: إِنْ كُنْتَ فَعَلْتَ ذَلِكَ غَصْبًا فَلَا تَحِلُّ لَكَ امْرَأَتُكَ، وَإِلَّا فَهُيَ امْرَأَتُكَ

[18626] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Layth, from Zubayd, from someone who told him, from ‘Alī, who said: Īlā' is only in anger.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ رُبَيْدٍ،
عَمَّنْ حَدَّثَهُ، عَنْ عَلِيٍّ قَالَ: إِنَّمَا الْإِيلَاءُ فِي الْغَضَبِ

[18627] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Al-Qa‘qā‘ ibn Yazid, who said: I asked Al-Ḥasan about Īlā'. He said: Īlā' is only what is in anger. He said: I asked Ibn Sīrīn, and he said: I do not know what this is, and he recited the verse of Īlā'.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ الْفَعْقَاعِ بْنِ يَزِيدَ،
قَالَ: سَأَلْتُ الْحَسَنَ عَنِ الْإِيلَاءِ فَقَالَ: إِنَّمَا الْإِيلَاءُ مَا
كَانَ فِي الْغَضَبِ قَالَ: وَسَأَلْتُ ابْنَ سِيرِينَ فَقَالَ: مَا
أَدْرِي مَا هَذَا؟ وَتَلَّ آيَةُ الْإِيلَاءِ

[18628] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Mughīrah, from Muṭarrif, from Al-Sha‘bī, regarding a man who swore not to approach his wife until she weaned her child. He said: If four months pass, Īlā' has begun.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ مُعِيرَةَ، عَنْ مُطَرْفِ،
عَنِ الشَّعْبِيِّ، فِي رَجُلٍ حَلَفَ لَا يَقْرَبُ امْرَأَةً حَتَّى
تَفْطِيمَ صَبَيْهَا قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَقَدْ تَحَلَّ
الْإِيلَاءُ

[18629] Abū Bakr narrated to us, saying: ‘Umar ibn Hārūn narrated to us, from Ismā‘il ibn ‘Abd al-Malik, from Sa‘id ibn Jubayr, who said: Īlā' is the same in satisfaction and anger.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عُمَرُ بْنُ هَارُونَ، عَنْ إِسْمَاعِيلِ
بْنِ عَبْدِ الْمَلِكِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: الْإِيلَاءُ فِي
الرِّضَى، وَالْغَضَبِ سَوَاءُ

[18630] Abū Bakr narrated to us, saying: ‘Alī ibn Mushir narrated to us, from Sa‘īd, from Qatādah, from Jābir ibn Zayd, from Ibn ‘Abbās, who said: There is no Īlā' except with an oath.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: لَا إِيمَانَ إِلَّا بِحَلْفٍ

[18631] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ibn Jurayj, from ‘Atā’, who said: Īlā' does not occur except with an oath regarding intercourse.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءَ قَالَ: الْإِيمَانُ لَا يَكُونُ إِلَّا بِحَلْفٍ عَلَى الْجَمَاعَ

[18632] Abū Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Mahdī narrated to us, from Abū Ḫurrah, who said: I asked Al-Ḥasan about a man who abandoned his wife for seven months. He said: He has prolonged the abandonment. I said: Does Īlā' apply to him? He said: Did he swear? I said: No. He said: There is no Īlā' unless he swears.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيًّا، عَنْ أَبِي حُرَيْرَةَ قَالَ: سَأَلْتُ الْحَسَنَ عَنْ رَجُلٍ هَاجَرَ أَمْرَأَتَهُ سَبْعَةَ أَشْهُرٍ قَالَ: فَذُ أَطَالَ الْهَجْرَانَ، قُلْتُ: يَذْخُلُ عَلَيْهِ الْإِيمَانُ؟ قَالَ: حَلْفٌ؟ قُلْتُ: لَا، قَالَ: لَا إِيمَانَ إِلَّا أَنْ يَحْلِفَ

[18633] Abū Mu‘awiyah narrated to us, from Al-A‘mash, from Ibrāhīm, who said: Every oath that prevents intercourse until four months pass is Īlā'.

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: كُلُّ يَمِينٍ مَنْعَتْ جَمَاعَةَ حَتَّى تَمْضِيَ أَرْبَعَةُ أَشْهُرٍ فَهِيَ إِيمَانٌ

[18634] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Ḥabīb, from ‘Amr ibn Harim, who said: Jābir ibn Zayd was asked about a man who abandoned his wife and four months passed. He said: She is not forbidden to him unless he swore by Allah not to touch her or reconcile with her. If he swore to that and did not take her back until four months passed, she is irrevocably divorced from him, and that is the Oath (Ilā').

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ،
عَنْ عَمْرٍو بْنِ هَرَمٍ قَالَ: سُلَيْمَانُ جَابِرُ بْنُ زَيْدٍ، عَنْ رَجُلٍ
هَجَرَ امْرَأَتَهُ فَمَضَتْ أَرْبَعَةُ أَشْهُرٍ، قَالَ: لَا تَحْرُمُ عَلَيْهِ
إِلَّا أَنْ يَكُونَ أَقْسَمَ بِاللَّهِ لَا يَمْسُهَا، وَلَا يُصَالِحُهَا، فَإِنْ
أَقْسَمَ عَلَى ذَلِكَ وَلَمْ يُرَاجِعْ حَتَّى تَمْضِيَ أَرْبَعَةُ أَشْهُرٍ
فَقَدْ بَأْتَ مِنْهُ وَهِيَ الْأَلِيمَةُ

[18635] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Hishām, from Qatādah, who said: There is no Ilā' unless he swears.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ مَهْدِيٍّ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ
قَالَ: لَا إِيلَاءَ إِلَّا أَنْ يَحْلِفَ

[18636] Abū Bakr narrated to us, saying: Wakī' narrated to us, saying: Sufyān narrated to us, from ‘Abd Allāh ibn Abī al-Safar, from Al-Sha‘bī, who said: Every oath that prevents intercourse is Ilā'.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ قَالَ نَا سُفْيَانُ، عَنْ عَبْدِ اللَّهِ
بْنِ أَبِي السَّفَرِ، عَنِ الشَّعْبِيِّ قَالَ: كُلُّ يَمِينٍ مَنْعَثٌ
جَمَاعًا فَهِيَ إِيلَاءٌ

[18637] Abū Bakr narrated to us, saying: Waki‘ narrated to us, saying: Sufyān narrated to us, from Maṇṣūr and Muḡīrah, from Ibrāhīm, who said: Every oath that prevents intercourse is Ḥlā’.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ قَالَ نَا سُفْيَانُ، عَنْ مَنْصُورٍ، وَمُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: كُلُّ يَمِينٍ مَنْعَتْ جِمَاعًا فَهِيَ إِبْلَاءُ

[18638] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Yūnus, from Al-Ḥasan, who said: When the waiting period of Ḥlā’ expires, he does not count it as anything.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ الْحَسَنِ قَالَ: إِذَا انْقَضَتْ عِدَّةُ الْإِبْلَاءِ فَإِنَّهُ لَا يُعْدُدُ شَيْئًا

[18639] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Muḡīrah, from Ibrāhīm, who said: If a man says to his wife while she is in her waiting period from Ḥlā’ or divorce: 'She is divorced,' that is valid upon her. But if he says: 'You are divorced' after her waiting period has expired, it is nothing; he is divorcing what he does not possess.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: "إِذَا قَالَ الرَّجُلُ لِإِمْرَأَتِهِ وَهِيَ شَعْدُ مِنْهُ فِي الْإِبْلَاءِ أَوْ طَلاقِ: هِيَ طَالِقٌ، فَإِنَّ ذَلِكَ جَائِزٌ عَلَيْهَا فَإِذَا قَالَ: أَنْتِ طَالِقٌ بَعْدَمَا انْقَضَتْ عِدَّهَا فَلَيْسَ بِشَيْءٍ، يُطْلَقُ مَا لَا يَمْلِكُ

[18640] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Yūnus, from Al-Ḥasan, who was asked about the Ḥlā’ of a slave from a free woman. He said: Waiting for four months.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، سُئِلَ عَنْ إِيَلَاءِ الْعَبْدِ عَنِ الْحُرَّةِ، فَقَالَ: تَرْبُصُ أَرْبَعَةً أَشْهُرٍ

[18641] Abū Bakr narrated to us, saying: Abū ‘Iṣām narrated to us, from Al-Awzā‘ī, from Al-Zuhrī, who said: The Ḥlā’ of a slave is half of the Ḥlā’ of a free man.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو عِصَامٍ، عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ قَالَ: إِيَلَاءُ الْعَبْدِ عَلَى النَّصْفِ مِنْ إِيَلَاءِ الْحُرَّ

[18642] Abū Bakr narrated to us, saying: ‘Abd al-Salām ibn Ḥarb narrated to us, from ‘Alī ibn Badhīmah, from Abū ‘Ubaydah, from Masrūq, from ‘Abd Allāh, who said: No one else proposes to her during her waiting period. When her waiting period expires, he and other people are equal.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ عَلَيِّ بْنِ بَذِيمَةَ، عَنْ أَبِي عُبَيْدَةَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ قَالَ: لَا يَخْطُبُهَا فِي عِنْدِهَا غَيْرُهُ، فَإِذَا انْقَضَتْ عِنْدِهَا كَانَ هُوَ وَالنَّاسُ سَوَاءً

[18643] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Hishām, from Al-Ḥasan, who said: He proposes to her during her waiting period, but no one else proposes to her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ قَالَ: يَخْطُبُهَا هُوَ فِي عِنْدِهَا، وَلَا يَخْطُبُهَا غَيْرُهُ

[18644] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Ibn ‘Awn, from Muḥammad, who said: They used to say or talk about Īlā': If four months pass, it is one irrevocable divorce, and he may propose to her during her waiting period if he wishes. Ibn ‘Awn said: I said to Muḥammad that ‘Āmir says: He proposes to her during her waiting period, and no one else proposes to her. He said: ‘Āmir spoke the truth.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو أَسَامَةَ، عَنِ ابْنِ عَوْنِ، عَنْ مُحَمَّدٍ قَالَ: كَانُوا يَقُولُونَ أَوْ يَتَحَدَّثُونَ فِي الْأَيْلَاءِ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ تَطْلِيقَةُ بَائِنَةٍ، وَيَخْطُبُهَا فِي عِدَّتِهَا إِنْ شَاءَ، قَالَ ابْنُ عَوْنِ: فَقُلْتُ لِمُحَمَّدٍ إِنَّ عَامِرًا يَقُولُ: يَخْطُبُهَا فِي عِدَّتِهَا، وَلَا يَخْطُبُهَا غَيْرُهُ قَالَ: صَدَقَ عَامِرٌ

[18645] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, from Mughīrah, that he heard Al-Sha‘bī narrating that he heard Masrūq say: If four months pass, it is one irrevocable divorce, and her husband proposes to her during her waiting period, but no one else proposes to her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ مُغِيرَةَ، أَنَّهُ سَمِعَ الشَّعْبِيَّ، يُحَدِّثُ، أَنَّهُ سَمِعَ مَسْرُوقًا قَالَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ فَهِيَ وَاحِدَةُ بَائِنَةٍ، وَيَخْطُبُهَا زَوْجُهَا فِي عِدَّتِهَا، وَلَا يَخْطُبُهَا غَيْرُهُ

[18646] Abū Bakr narrated to us, saying: Ya'lā ibn 'Ubayd narrated to us, from 'Abd al-Malik, from 'Atā', who said: She does not observe a waiting period from her husband if he wants to marry her, but she observes a waiting period of three menstrual periods from other people.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَعْلَى بْنُ عُبَيْدٍ، عَنْ عَبْدِ الْمَالِكِ،
عَنْ عَطَاءٍ قَالَ: لَا تَعْتَدُ مِنْ زَوْجِهَا إِذَا أَرَادَ أَنْ
يَتَرَوَّجَهَا، وَلَكِنْ تَعْتَدُ مِنَ النَّاسِ ثَلَاثَةَ قُرُونٍ

[18647] Abū Bakr narrated to us, saying: Ismā'īl ibn 'Ulayyah narrated to us, from Yūnus, from Al-Hasan, that he used to say: The woman divorced three times while pregnant, and the woman whose husband swore Īlā' while she is pregnant, have maintenance.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ بْنُ عُلَيْهِ، عَنْ يُوسُفَ،
عَنِ الْخَسَنِ، أَنَّهُ كَانَ يَقُولُ: لِلْمُطَافَقَةِ ثَلَاثًا وَهِيَ حَامِلٌ،
وَلِلْمُؤْلَى عَنْهَا وَهِيَ حَامِلُ النَّفَقَةِ

[18648] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Hishām al-Dastuwā’ī, from Ḥammād, from Ibrāhīm, who said: The woman divorced three times, the woman whose husband swore Īlā’, the woman who performed Khul’, and the woman involved in Li‘ān, if they are pregnant, they have maintenance, unless that is conditioned against the woman who performed Khul’.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ هِشَامِ الدَّسْتُوَائِيِّ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ قَالَ: الْمُطْلَقَةُ تَلَانًا، وَالْمُوْلَى عَنْهَا، وَالْمُخْتَلِعَةُ، وَالْمُلَأْعَنَةُ، وَهُنَّ حَوَامِلٌ لِهُنَّ النَّفَقَةُ إِلَّا أَنْ يُشْرِطَ ذَلِكَ عَلَى الْمُخْتَلِعَةِ

[18649] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma‘mar, from Al-Zuhrī, regarding a man who married a woman, and her family treated him harshly, so he swore not to consummate the marriage with her. Al-Zuhrī said: There is no īlā’ except after consummation.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، فِي رَجُلٍ تَرَوَّجَ امْرَأَةً فَعَاسَرَهُ أَهْلُهَا، فَحَافَ أَنْ لَا يَنْزِي بِهَا، قَالَ الزُّهْرِيُّ: لَا إِيلَاءَ إِلَّا بَعْدَ دُخُولِ

[18650] Abū Bakr narrated to us, saying: Abū ‘Āsim narrated to us, from Ibn Jurayj, from ‘Atā’, who said: If he swears Īlā’ from her before consummating the marriage, it is not Īlā’. I said: Even if he was capable of having intercourse with her? He said: Even if he was capable of having intercourse with her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو عَاصِمٍ، عَنْ أَبْنِ جُرَيْجٍ، عَنْ عَطَاءٍ قَالَ: إِذَا أَلَى مِنْهَا قَبْلَ أَنْ يَدْخُلَ بِهَا فَلَيْسَ بِإِيمَانٍ قُلْتُ: وَإِنْ كَانَ عَلَى جِمَاعِهَا قَادِرًا؟ قَالَ: وَإِنْ كَانَ عَلَى جِمَاعِهَا قَادِرًا

[18651] Abū Bakr narrated to us, saying: Muḥammad ibn Yazīd narrated to us, from Abū al-‘Alā’, from Hāshim, regarding a man who said to his wife: By Allah, I will not consummate marriage with my wife in this house, then he left her until four months passed. He said: It is Īlā’. Ḥammād said: It is not Īlā’.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءِ، عَنْ هَاشِمٍ، فِي الرَّجُلِ قَالَ لِأَمْرَأِهِ: وَاللَّهِ لَا أَبْنِي بِأَمْرِ أَتِيَ فِي هَذَا الْبَيْتِ، ثُمَّ تَرَكَهَا حَتَّى مَضَتْ أَرْبَعَةُ أَشْهُرٍ، قَالَ: هُوَ إِيمَانٌ وَقَالَ حَمَّادٌ: لَيْسَ بِإِيمَانٍ

[18652] Abū Bakr narrated to us, saying: Ismā‘il narrated to us, from Ibrāhīm, from his father, from Mujāhid, that Ibn al-Zubayr married a woman, and they asked him to increase the dowry. He swore not to increase it for them and not to consummate the marriage with her until they were the ones to ask him for that. He said: So he left her for years, then they asked him, and he consummated the marriage with her, and he did not consider it Īlā'. Wakī' said: And it is the saying of Sufyān, and that is what we say.

[18653] Abū Bakr narrated to us, saying: Ḥafs ibn Ghayāth and Muḥammad ibn Fuḍayl narrated to us, from Al-Āmash, from Ibrāhīm, from Al-Aswad, from ‘Umar, who said: The word of a woman is not given preference in the religion of Allah. The woman divorced three times has the right to housing and maintenance. Ibn Fuḍayl added: And ‘Āishah said: There is no good for her in mentioning this.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ، عَنْ إِبْرَاهِيمَ، عَنْ أَبِيهِ، عَنْ مُجَاهِدٍ، أَنَّ ابْنَ الزُّبَيْرِ تَرَوَّجَ امْرَأَةً، فَاسْتَنْزَأُوهُ فِي الْمَهْرِ، فَخَلَفَ أَنْ لَا يَزِيدَهُمْ وَلَا يَدْخُلُ بِهَا حَتَّى يَكُونُوا هُمُ الَّذِينَ يَطْلُبُونَ ذَلِكَ مِنْهُ، قَالَ: فَتَرَكُهَا سِنِينَ، ثُمَّ طَلَبُوا إِلَيْهِ، فَدَخَلَ بِهَا فَلَمْ يَرَهَا إِلَّا قَالَ وَكِيعٌ: وَهُوَ قَوْلُ سُفِيَّانَ، وَكَلَّكَ تَقُولُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، وَمُحَمَّدُ بْنُ فُضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عُمَرَ قَالَ: لَا يُخَيِّرُ قَوْلُ الْمَرْأَةِ فِي دِينِ اللَّهِ، الْمُطَّلَّقَةُ شَلَّاتٌ لَهَا السُّكُنَى وَالنَّفَقَةُ زَادَ ابْنُ فُضَيْلٍ: وَقَالَتْ عَائِشَةُ: مَا لَهَا فِي أَنْ تَذَكَّرَ هَذَا خَيْرٌ

[18654] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Al-A‘mash, from Ibrāhīm, from ‘Umar and ‘Abd Allāh, who both said: She has the right to housing and maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عُمَرَ، وَعَبْدِ اللَّهِ، قَالَا: لَهَا السُّكْنَى وَالنَّفَقَةُ

[18655] Abū Bakr narrated to us, saying: Fuḍayl ibn ‘Iyād narrated to us, from Sulaymān, from Ibrāhīm, who said: She has the right to housing and maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا فُضَيْلُ بْنُ عِيَاضٍ، عَنْ سُلَيْمَانَ، عَنْ إِبْرَاهِيمَ قَالَ: لَهَا السُّكْنَى وَالنَّفَقَةُ

[18656] Abū Bakr narrated to us, saying: Ḥumayd narrated to us, from Ḥasan ibn Ṣalih, from Al-Suddī, from Ibrāhīm, from Al-Sha‘bī, who said: She has the right to housing and maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حُمَيْدًا، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ السُّدَّيِّ، عَنْ إِبْرَاهِيمَ، عَنِ الشَّعْبَيِّ قَالَ: لَهَا السُّكْنَى وَالنَّفَقَةُ

[18657] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Ibn Jurayj, from Abū al-Zubayr, from Jābir, who said: The divorced woman has maintenance as long as she is not forbidden. If she becomes forbidden, she has a provision according to what is reasonable.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا غُنْدَرُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الرُّبَّيْرِ، عَنْ جَابِرٍ قَالَ: لِلْمُطَافَةِ النَّفَقَةُ مَا لَمْ تَحْرُمْ، فَإِذَا حُرِّمَتْ فَلَهَا مَنَاعٌ بِالْمَعْرُوفِ

[18658] Abū Bakr narrated to us, saying: Asbāt ibn Muḥammad narrated to us, from Ash‘ath, from Al-Ḥasan, ‘Aṭā’, and Al-Sha‘bī, who said regarding the woman divorced three times: She has housing but no maintenance.

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: نَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَعَطَاءِ، وَالشَّعْبِيِّ، قَالُوا فِي الْمُطَافِقَةِ تَلَانًا: لَهَا السُّكْنَى وَلَا نَفَقَةَ

[18659] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, who said: I mentioned the hadith of Fāṭimah bint Qays to Ibrāhīm. Ibrāhīm said: ‘Umar said: We will not leave the Book of Allah and the Sunnah of His Messenger for the saying of a woman; we do not know if she remembered or forgot. And ‘Umar used to grant her housing and maintenance.

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، قَالَ: نَكَرْتُ لِإِبْرَاهِيمَ حَدِيثَ فَاطِمَةَ بِنْتِ قَيْسٍ، فَقَالَ إِبْرَاهِيمُ: قَالَ عُمَرُ: لَا نَذَعُ كِتَابَ اللَّهِ وَسُنْنَةَ رَسُولِهِ لِقَوْلِ امْرَأَةٍ لَا نَدْرِي حَفِظَتْ أَوْ نَسِيَتْ، وَكَانَ عُمَرُ يَجْعَلُ لَهَا السُّكْنَى وَالنَّفَقَةَ

[18660] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Yaḥyā ibn Sa‘īd, who said: I asked Sa‘īd ibn al-Musayyib about a man who divorces his wife while she is in a rented house; who pays the rent? He said: Her husband. He said: What if her husband does not have it? He said: Then upon her. He said: What if she does not have it? He said: Then upon the Emir.

[18661] Abū Bakr narrated to us, saying: Shabābah narrated to us, saying: Shu‘bah narrated to us, from Al-Ḥakam, from Ibrāhīm, from Shurayḥ, who said: The woman divorced three times has the right to housing and maintenance.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: سَأَلْتُ سَعِيدَ بْنَ الْمُسَيْبِ، عَنْ رَجُلٍ يُطْلَقُ امْرَأَهُ، وَهِيَ بِنِيَّتٍ بِكَرَاءٍ، عَلَى مَنِ الْكِرَاءُ؟ قَالَ: عَلَى زَوْجِهَا، قَالَ: فَإِنْ لَمْ يَكُنْ عِنْدَ زَوْجِهَا؟ قَالَ: فَعَلَيْهَا، قَالَ: فَإِنْ لَمْ يَكُنْ عِنْدَهَا؟ قَالَ: فَعَلَى الْأَمِيرِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا شَبَابَةُ، عَنْ شُعْبَةِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْبٍ قَالَ: الْمُطْلَقَةُ ثَلَاثًا لَهَا السُّكْنَى وَالنَّفَقَةُ

[18662] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Sufyān narrated to us, from Salamah ibn Kuhayl, from Ibrāhīm, who said: ‘Umar ibn al-Khaṭṭāb said: We will not leave the Book of our Lord and the Sunnah of our Prophet for the saying of a woman. The woman divorced three times has the right to housing and maintenance.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبِيعُ، قَالَ: نَا سُفْيَانُ، عَنْ سَلَمَةَ
بْنِ كَهْيَلٍ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: لَا
نَدْعُ كِتَابَ رَبِّنَا، وَسُنْنَةَ نَبِيِّنَا لِقَوْلِ الْمَرْأَةِ، الْمُطَلَّقَةِ ثَلَاثَةَ
لَهَا السُّكْنَى وَالنَّفَقَةُ

[18663] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Ja‘far ibn Burqān narrated to us, from Maymūn ibn Mihrān, who said: ‘Umar said: We will not leave the Book of our Lord and the Sunnah of our Prophet for the saying of a woman.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبِيعُ، قَالَ: نَا جَعْفَرُ بْنُ بُرْقَانَ،
عَنْ مَيْمُونِ بْنِ مِهْرَانَ، قَالَ: قَالَ عُمَرُ: لَا نَدْعُ كِتَابَ
رَبِّنَا، وَسُنْنَةَ نَبِيِّنَا لِقَوْلِ امْرَأَةٍ

[18664] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Al-Mas‘ūdī, from Al-Ḥakam, that Shurayḥ said: The woman divorced three times has the right to housing and maintenance.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبِيعُ، عَنْ الْمَسْعُودِيِّ، عَنْ
الْحَكَمِ، أَنَّ شُرَيْحًا قَالَ: الْمُطَلَّقَةُ ثَلَاثَةَ لَهَا السُّكْنَى
وَالنَّفَقَةُ

[18665] Abū Bakr narrated to us, saying: Shu'bah narrated to us, from Al-Ḥakam and Ḥammād, from Ibrāhīm, who said: The woman divorced three times has the right to housing and maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شُعْبَةُ، عَنِ الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ قَالَ: الْمُطْلَقَةُ ثَلَاثًا لَهَا السُّكْنَى وَالنَّفَقَةُ

[18666] Abū Bakr narrated to us, saying: Sufyān narrated to us, from Abū Bakr ibn Abī al-Jahm ibn Ṣukhayr al-‘Adawī, who said: I heard Fāṭimah bint Qays saying that her husband divorced her three times, and the Messenger of Allah ﷺ did not grant her housing or maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سُفْيَانُ، عَنْ أَبِي بَكْرٍ بْنِ أَبِي الْجَهْمِ بْنِ صُحَيْرِ الْعَدَوِيِّ، قَالَ: سَمِعْتُ فَاطِمَةَ بِنْتَ قَيْسٍ تَقُولُ: إِنَّ رَوْجَهَا طَلَقَهَا ثَلَاثًا، فَلَمْ يَجْعَلْ لَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سُكْنَى وَلَا نَفَقَةً

[18667] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Al-Sha'bī, who said: Fāṭimah bint Qays said: My husband divorced me during the time of the Messenger of Allah ﷺ three times. The Messenger of Allah ﷺ said: You have no housing and no maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، قَالَ: قَالَتْ فَاطِمَةَ بِنْتُ قَيْسٍ: طَلَقَنِي رَوْجِي عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ثَلَاثًا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا سُكْنَى لِكِ وَلَا نَفَقَةً

[18668] Abū Bakr narrated to us, saying: Fuḍayl ibn ‘Iyād narrated to us, from Maṇṣūr, from Ibrāhīm, who said: The one who divorces three times is not compelled to provide maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا فُضِيلُ بْنُ عِيَاضٍ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: الْمُطْلَقُ ثَلَاثًا لَا يُجْبَرُ عَلَى النَّفَقَةِ

[18669] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, from ‘Ikrimah and Al-Hasan, who said: I heard them both say: The woman divorced three times and the widow have no housing and no maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ عَكْرَمَةَ، وَالْحَسَنَ، قَالَ: سَمِعْتُهُمَا يَقُولَانِ: الْمُطْلَقُ ثَلَاثًا، وَالْمُنَوَّفَى عَنْهَا لَيْسَ لَهُمَا سُكْنَى، وَلَا نَفَقَةَ

[18670] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Sa‘īd, from Ya‘lā ibn Ḥakīm, from Nāfi‘, from Ibn ‘Umar, who said: She has no maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ سَعِيدٍ، عَنْ يَعْلَى بْنِ حَكِيمٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: لَا نَفَقَةَ لَهَا

[18671] Abū Bakr narrated to us, saying: Ḥātim ibn Ismā‘il narrated to us, from Hishām ibn ‘Urwah, from his father, who said: I asked him about a man who divorces his wife irrevocably, does she have maintenance? He said: She has no maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ يُطْلَقُ امْرَأَتُهُ الْبَتَّةَ لَهَا مِنْ نَفَقَةِ؟ قَالَ: لَا نَفَقَةَ لَهَا

[18672] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Isrā’īl, from Abū Iṣhāq, from Abū al-Aḥwāṣ, from ‘Abd Allāh, who said: Let him not divorce her while she is pregnant, lest Allah make him regret, and he spend on her during her pregnancy and breastfeeding until she weans him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِبْعُ، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي الْأَخْوَصِ، عَنْ عَبْدِ اللَّهِ قَالَ: لَا يُطْلَقُهَا وَهِيَ حَامِلٌ، فَيَنْدَمِهُ اللَّهُ، فَيُنْفِقَ عَلَيْهَا فِي حَمْلِهَا وَرَضَاعِهَا حَتَّى تَفْطِمَهُ

[18673] Abū Bakr narrated to us, saying: Ibn ‘Ulāyyah narrated to us, from Yūnus, from Al-Ḥasan, that he used to say: If a man divorces his wife three times while she is pregnant, she has maintenance from him, whether she is free or a slave.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: إِذَا طَلَقَ الرَّجُلُ امْرَأَةً ثَلَاثَةً وَهِيَ حَامِلٌ، فَلَهَا عَلَيْهِ النَّفَقَةُ حُرَّةً كَانَتْ أَوْ أَمَّةً

[18674] Abū Bakr narrated to us, saying: Ḥātim narrated to us, from Hishām, from his father, regarding a man who divorces his wife irrevocably. He said: She has no maintenance unless she is pregnant, then he spends on her until she delivers her child.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَاتِمٌ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، فِي الرَّجُلِ يُطْلَقُ امْرَأَةُ الْبَيْتَ، قَالَ: لَا نَفَقَةَ لَهَا إِلَّا أَنْ تَكُونَ حُلْبَى، فَيُنْفِقَ عَلَيْهَا حَتَّى تَضَعَ حَمْلَهَا

[18675] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Hishām, from Ḥammād, from Ibrāhīm, who said: The woman divorced three times, the woman whose husband swore Īlā', the woman who performed Khul', and the woman involved in Li‘ān, if they are pregnant, they have maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ هِشَامٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ قَالَ: الْمُطَلَّقَةُ تَلَانًا، وَالْمُؤْلَى عَنْهَا، وَالْمُخْتَلِعَةُ، وَالْمُلَاعِنَةُ وَهُنَّ حَوَامِلٌ لِهُنَّ النَّفَقَةُ

[18676] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from ‘Āsim, from Al-Sha'bī, from Yūnus, from Ibn Sīrīn, who said: Every pregnant woman has maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ عَاصِمٍ، عَنْ الشَّعْبِيِّ، عَنْ يُونُسَ، عَنْ ابْنِ سِيرِينَ، قَالَ: لِكُلِّ حَامِلٍ نَفَقَةً

[18677] Abū Bakr narrated to us, saying: Humayd ibn ‘Abd al-Rahmān narrated to us, from Zakariyyā, who said: ‘Āmir was asked about a woman whose husband divorces her while she is pregnant, does he spend on her? He said: Yes, if he is free.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ زَكَرِيَّا، قَالَ: سُئِلَ عَامِرٌ عَنِ الْمَرْأَةِ يُطْلَقُهَا زَوْجُهَا وَهِيَ حَامِلٌ، أَيْنُوقُ عَلَيْهَا؟ قَالَ: نَعَمْ، إِذَا كَانَ حُرًّا

[18678] Abū Bakr narrated to us, saying: Ibn Abī ‘Utbah narrated to us, from Juwaybir, from Al-Ḍahḥāk: {then spend on them until they give birth} [Al-Talaq: 6]. He said: If he divorces her while she is pregnant, he spends on her until she gives birth.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ أَبِي عُتْبَةَ، عَنْ جُوَيْبِرٍ، عَنِ الضَّحَّاكِ: {فَإِنْفَقُوا عَلَيْهِنَّ حَتَّى يَضْعَنَ حَمْلَهُنَّ} قَالَ: إِذَا طَلَّقَهَا وَهِيَ حَامِلٌ يُنْفَقُ عَلَيْهَا حَتَّى تَضَعَ

[18679] Abū Bakr narrated to us, saying: ‘Abd Allāh ibn Mubārak narrated to us, from Sa‘īd, from Qatādah, that Abū al-Āliyah and Shurayḥ both said regarding the pregnant woman who performs Khul‘: She has maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، أَنَّ أَبَا الْعَالِيَّةَ، وَشُرَيْحًا، قَالَا فِي الْمُخْتَلَعَةِ الْحَامِلِ: لَهَا النَّفَقَةُ

[18680] Abū Bakr narrated to us, saying: Ibn Mubārak narrated to us, from Sa‘īd, from Abū Ma’shar, from Ibrāhīm, who said: She has maintenance, unless he stipulates otherwise.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ مُبَارَكٍ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ قَالَ: لَهَا النَّفَقَةُ، إِلَّا أَنْ يَسْتَرِطَ

[18681] Abū Bakr narrated to us, saying: Ibn Mubārak narrated to us, from Ibn Jurayj, from ‘Atā’, who said: She has maintenance unless he stipulates against her. He said: Ibn Ṭāwūs said from his father: She has maintenance. And ‘Amr ibn Dīnār said: She has maintenance; he is only spending on his child.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ مُبَارَكٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ قَالَ: لَهَا النَّفَقَةُ إِلَّا أَنْ يَسْتَرْطَ عَلَيْهَا قَالَ: وَقَالَ ابْنُ طَاؤِسٍ عَنْ أَبِيهِ: لَهَا النَّفَقَةُ، وَقَالَ عَمْرُو بْنُ دِينَارٍ: لَهَا النَّفَقَةُ، إِنَّمَا يُنْفَقُ عَلَى وَلَدِهِ

[18682] Abū Bakr narrated to us, saying: Abū Dāwūd narrated to us, from Ḥammād ibn Salamah, from Yaḥyā ibn al-Qāsim regarding the pregnant woman who performs Khul’: She must have maintenance.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو دَاؤِدَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ يَحْيَى بْنِ الْقَاسِمِ فِي الْمُخْتَلِعَةِ الْحَامِلِ: لَا بُدَّ لَهَا مِنَ النَّفَقَةِ

[18683] Abū Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Mahdī narrated to us, from Sufyān, from Ḥammād, who said: She has maintenance.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيًّا، عَنْ سُفْيَانَ، عَنْ حَمَادٍ قَالَ: لَهَا النَّفَقَةُ

[18684] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma’mar, from Al-Zuhrī, who said: He used to grant her maintenance if she was pregnant.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: كَانَ يَجْعَلُ لَهَا النَّفَقَةَ إِذَا كَانَتْ حَامِلًا

[18685] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ulayyah narrated to us, from ‘Āmir, from Al-Sha‘bī; and from Yūnus, from Ibn Sīrīn, who both said: Every pregnant woman has maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِسْمَاعِيلُ ابْنُ عُلَيْهِ، عَنْ عَامِرٍ، عَنِ الشَّعْبِيِّ، وَعَنْ يُونُسَ، عَنِ ابْنِ سِيرِينَ قَالَا: لِكُلِّ حَامِلٍ نَفْقَةً

[18686] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb narrated to us, from Sa‘īd, from ‘Āsim, from Al-Sha‘bī, that he said regarding the pregnant woman who performs Khul‘: She has maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْوَهَابِ، عَنْ سَعِيدٍ، عَنِ عَاصِمٍ، عَنِ الشَّعْبِيِّ، أَنَّهُ قَالَ فِي الْمُخْتَلِعَةِ الْحَامِلِ: لَهَا النَّفْقَةُ

[18687] Abū Bakr narrated to us, saying: ‘Abd Allāh ibn Mubārak narrated to us, from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib, Al-Ḥasan, and Jābir ibn ‘Abd Allāh, who said: She has no maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، وَالْحَسَنِ، وَجَابِرِ بْنِ عَبْدِ اللَّهِ قَالُوا: لَا نَفْقَةَ لَهَا

[18688] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Yūnus, from Al-Ḥasan, regarding a free woman married to a slave and a slave woman married to a free man, who are divorced while pregnant. He said: They have maintenance.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ "فِي الْحُرَّةِ تَحْتَ الْعَبْدِ، وَالْأَمْمَةِ تَحْتَ الْحُرَّةِ يُطْلَقُانَ وَهُمَا حَامِلَانِ، لَهُمَا النَّفَقَةُ"

[18689] Abū Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Muḥammad al-Muḥāribī narrated to us, from Al-Shaybānī, from Al-Sha‘bī, regarding a slave who divorces his wife while she is pregnant. He said: He must provide maintenance until she gives birth.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ الْمُحَارِبِيُّ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبَانِيِّ فِي الْعَبْدِ يُطْلَقُ امْرَأَتُهُ وَهِيَ حَامِلٌ، قَالَ: عَلَيْهِ النَّفَقَةُ حَتَّى تَضَعَ

[18690] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ash‘ath, from Al-Ḥakam, who said: If a slave divorces his wife while she is pregnant, he spends on her until she gives birth. Once she gives birth, he does not spend on her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، قَالَ: إِذَا طَلَقَ الْعَبْدُ امْرَأَتُهُ وَهِيَ حَامِلٌ أَنْفَقَ عَلَيْهَا حَتَّى تَضَعَ، فَإِذَا وَضَعَتْ لَمْ يُنْفِقْ عَلَيْهَا

[18691] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma’mar, from Al-Zuhri, who said: If a free man has a slave woman under him and divorces her, he must provide maintenance until she gives birth, but he does not owe the cost of breastfeeding.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الرُّهْرِيِّ قَالَ: الْحُرُّ إِذَا كَانَتْ تَحْنَةً الْأَمْمَةُ فَطَلَقَهَا، فَإِنَّ عَلَيْهِ النَّفَقَةَ حَتَّى تَضَعَّ، وَلَيْسَ عَلَيْهِ أَجْرُ الرَّضَاعِ

[18692] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Al-Zubayr ibn ‘Adī, from Zayd ibn al-Ḥārith, from Shurayḥ, that a man divorced without stipulating a dowry and without consummating the marriage. Shurayḥ compelled him to give Mut‘ah (a gift).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ الرُّبَّيْرِ بْنِ عَدِيٍّ، عَنْ زَيْدِ بْنِ الْحَارِثِ، عَنْ شُرَيْحٍ، أَنَّ رَجُلًا طَلَقَ وَلَمْ يَفْرُضْ، وَلَمْ يَدْخُلْ، فَجَبَرَهُ شُرَيْحٌ عَلَى الْمُتَّعَةِ

[18693] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghiyāth narrated to us, from Ḥajjāj, from someone who told him, from Ibn Mughaffal, who said: Only the one who divorces without stipulating a dowry and without entering (consummating) is compelled to give Mut‘ah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ حَاجَاجٍ، عَمَّنْ حَدَّثَهُ، عَنْ ابْنِ مُغَافِلٍ قَالَ: إِنَّمَا يُجْبَرُ عَلَى الْمُتَّعَةِ مَنْ طَلَقَ، فَلَمْ يَفْرُضْ وَلَمْ يَدْخُلْ

[18694] Abū Bakr narrated to us, saying: Ḥumayd narrated to us, from Ḥasan, from Muṭarrif, from Al-Sha'bī, who said: If a man divorces his wife without stipulating a dowry for her and without entering upon her, he is compelled to give her Mut‘ah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حُمَيْدٌ، عَنْ حَسَنٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ قَالَ: إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ، وَلَمْ يَفْرُضْ لَهَا، وَلَمْ يَدْخُلْ بِهَا جُبْرًا عَلَى أَنْ يُمْتَنَعَهَا

[18695] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, from Al-Hajjāj, from Al-Hakam, from Ibrāhīm, who said: Only the one who divorces without stipulating a dowry and without entering is compelled to give Mut‘ah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنِ الْحَجَّاجِ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ قَالَ: إِنَّمَا يُجْبِرُ عَلَى الْمُنْتَعَةِ مَنْ طَلَقَ، وَلَمْ يَفْرُضْ وَلَمْ يَدْخُلْ

[18696] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Hammād, who said: He gives her Mut‘ah equivalent to half the dowry of her peers.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَمَادٍ قَالَ: يُمْتَنَعُهَا بِمِثْلِ نِصْفِ مَهْرِ مِثْلِهَا

[18697] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from ‘Amr, from ‘Atā’, from Ibn ‘Abbās, who said: If a man divorces his wife before entering upon her and before stipulating a dowry for her, she has nothing except Mut‘ah.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ عَطَاءَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا، وَقَبْلَ أَنْ يَفْرُضَ لَهَا، فَلَيْسَ لَهَا إِلَّا الْمَنَاعُ

[18698] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Yūnus, from Al-Ḥasan, regarding one who divorces without stipulating a dowry before entering. He said: She has Mut‘ah. And Ibni Sīrīn said: She has something along with Mut‘ah.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِيمَنْ طَلَقَ، وَلَمْ يَفْرُضْ قَبْلَ أَنْ يَدْخُلَ، قَالَ: لَهَا الْمُنْعَةُ وَقَالَ ابْنُ سِيرِينَ: لَهَا مَعَ الْمُنْعَةِ شَيْءٌ

[18699] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from ‘Ubayd Allāh, from Nāfi‘, from Ibni ‘Umar, who said: Every divorced woman has Mut‘ah except the one who was divorced before consummation (and had a named dowry); for her is half the dowry.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: لِكُلِّ مُطْلَقَةٍ مُنْعَةٌ إِلَّا الَّتِي طَلَقْتُ قَبْلَ أَنْ يَدْخُلَ بِهَا، فَإِنَّ لَهَا نِصْفَ الصَّدَاقِ

[18700] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Yūnus, from Al-Ḥasan, who said: Every divorced woman has Mut‘ah, whether he entered upon her or not, whether he stipulated a dowry for her or not.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: لِكُلِّ مُطْلَقَةٍ مَتَاعٌ دَخَلَ بِهَا أَوْ لَمْ يَدْخُلْ، فَرَضَ لَهَا أَوْ لَمْ يَفْرُضْ لَهَا

[18701] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Abū Ja‘far al-Rāzī, from Abū al-‘Āliyah, who said: Every divorced woman has Mut‘ah.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ أَبِي جَعْفَرِ الرَّازِيِّ، عَنْ أَبِي الْعَالِيَّةِ قَالَ: لِكُلِّ مُطْلَقَةٍ مَتَاعٌ

[18702] Abū Bakr narrated to us, saying: ‘Abd al-Razzāq narrated to us, from Ma‘mar, from Al-Zuhri, who said: Every divorced woman has Mut‘ah.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الرَّزَاقِ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: لِكُلِّ مُطْلَقَةٍ مَتَاعٌ

[18703] Abu Bakr told us, he said: Yazid told us, from Ibn Abi 'Arubah, from Qatadah, who said: I said to Sa'id ibn al-Musayyib: "Al-Hasan and Abu al-'Aliyah grant the Mut'ah (consolatory gift) to the divorced woman who has been consummated with and the one who has not been consummated with." Sa'id said: "It was [mandated] for her in Surat Al-Ahzab, but when Surat Al-Baqarah was revealed, half of the dowry was assigned to the one for whom a dowry was specified [if divorced before consummation], and she has no Mut'ah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ، عَنْ ابْنِ أَبِي عَرْوَةَ، عَنْ فَتَادَةَ، قَالَ: فَلْتُ لِسَعِيدِ بْنِ الْمُسَيَّبِ: إِنَّ الْحَسَنَ، وَأَبَا الْعَالِيَةَ يَجْعَلُنِ لِلْمُطَلَّقَةِ الَّتِي يُنْخَلُ بِهَا الْمَنَاعَ، وَالَّتِي لَمْ يُنْخَلُ بِهَا الْمَنَاعَ، فَقَالَ سَعِيدٌ: إِنَّمَا كَانَ لَهَا فِي سُورَةِ الْأَحْزَابِ، فَلَمَّا نَزَّلَتْ سُورَةُ الْبَقَرَةِ جُعِلَ لِلَّذِي فُرِضَ لَهَا نِصْفُ الصَّدَاقِ، وَلَا مُنْعَةً لَهَا

[18704] Abu Bakr told us, he said: Waki' told us, from Ibn Abi Layla, from Nafi', from Ibn 'Umar, who said: "Every divorced woman is entitled to Mut'ah, except the one who was divorced and a dowry was specified for her [before consummation]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ ابْنِ أَبِي لَيْلَى، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: لِكُلِّ مُطَلَّقَةٍ مَنَاعٌ إِلَّا الَّتِي طَلَقْتُ، وَقَدْ فَرِضَ لَهَا

[18705] Abu Bakr told us, he said: Isma'il ibn 'Ulayyah told us, from Ibn Abi Najih, from 'Ata', who said: A man was asked about divorcing his wife after specifying a dowry but before consummating the marriage; does she have Mut'ah? He said: 'Ata' used to say: "She has no Mut'ah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِسْمَاعِيلُ ابْنُ عُلَيَّهُ، عَنْ ابْنِ أَبِي حَيْحَ، عَنْ عَطَاءٍ، قَالَ: سُئِلَ الرَّجُلُ يُطْلَقُ امْرَأَةً وَقَدْ فَرَضَ قَبْلَ أَنْ يَدْخُلَ بِهَا، لَهَا مَتَاعٌ؟ قَالَ: كَانَ عَطَاءُ يَقُولُ: لَا مَتَاعٌ لَهَا

[18706] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Ayyub, from Nafi', who said: "If a man divorces a woman after specifying a dowry for her [before consummation], she is entitled to half the dowry, and she has no Mut'ah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهُ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ قَالَ: إِذَا طَلَقَ الرَّجُلُ الْمَرْأَةَ وَقَدْ فَرَضَ لَهَا، فَلَهَا نِصْفُ الصَّدَاقِ، وَلَا مَتَاعٌ لَهَا

[18707] Abu Bakr told us, he said: Waki' told us, from Shu'bah, from Al-Mas'udi, from Al-Hakam, from Ibrahim, from Shurayh, who said: "Indeed, in the half [dowry] there is a Mut'ah for her," meaning the one who has not been consummated with.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْمَسْعُودِيِّ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنْ شُرِيكِحِ قَالَ: إِنَّ لَهَا فِي النِّصْفِ لِمَتَاعًا يَعْنِي الَّتِي لَمْ يُدْخُلْ بِهَا

[18708] Abu Bakr told us, he said: Sufyan ibn 'Uyaynah told us, from 'Amr, from Salih ibn Ibrahim, that 'Abd al-Rahman ibn 'Awf gave his wife whom he divorced a black slave girl as Mut'ah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سُفِيَّاً بْنُ عُيَيْنَةَ، عَنْ عَمْرِو،
عَنْ صَالِحٍ بْنِ إِبْرَاهِيمَ، أَنَّ عَبْدَ الرَّحْمَنَ بْنَ عَوْفٍ مَتَّعَ
امْرَأَتَهُ الَّتِي طَلَقَ جَارِيَةً سَوْدَاءً

[18709] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Yunus, that it reached him that Anas ibn Malik gave his wife three hundred [dirhams/dinars] as Mut'ah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيْهَا، عَنْ يُونُسَ، أَنَّهُ بَلَغَهُ
أَنَّ أَنَسَ بْنَ مَالِكٍ مَتَّعَ امْرَأَتَهُ ثَلَاثَ مِائَةً

[18710] Abu Bakr told us, he said: Abu Usamah told us, from Abu al-'Umays, from Al-Hasan ibn Sa'd, from his father, that Al-Hasan ibn 'Ali gave his wife ten thousand as Mut'ah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو أَسَامَةَ، عَنْ أَبِي الْعُمَيْسِ،
عَنْ الْحَسَنِ بْنِ سَعْدٍ، عَنْ أَبِيهِ، أَنَّ الْحَسَنَ بْنَ عَلَيِّ مَتَّعَ
امْرَأَتَهُ بِعَشَرَةِ آلَافِ

[18711] Abu Bakr told us, he said: Yahya ibn Sa'id told us, from Ibn 'Ajlan, from Iyas, from Abu Makhlad, who said: I asked Ibn 'Umar about Mut'ah. He said: "Counting so and so, counting so and so, until he counted thirty."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ
عَجْلَانَ، عَنْ إِيَاسٍ، عَنْ أَبِي مَخْلُدٍ قَالَ: سَأَلْتُ ابْنَ
عُمَرَ عَنِ الْمُتَّعَةِ، قَالَ: عَدَ كَذَا عَدَ كَذَا حَتَّى عَدَ ثَلَاثِينَ

[18712] Abu Bakr told us, he said: 'Ali ibn Mushir told us, from Dawud, from Al-Sha'bi, from Shurayh, that he divorced his wife and gave her three hundred as Mut'ah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ دَاؤِدَ، عَنْ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، أَنَّهُ طَلَقَ امْرَأَتَهُ فَمَنَعَهَا بِئْلَاتٍ مِائَةً

[18713] Abu Bakr told us, he said: Jarir told us, from Mansur, from Ibrahim, from Al-Aswad, that he divorced his wife and gave her three hundred as Mut'ah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، "أَنَّهُ طَلَقَ امْرَأَتَهُ، فَمَنَعَهَا بِئْلَاتٍ مِائَةً"

[18714] Abu Bakr told us, he said: Al-Fadl ibn Dukayn told us, from Al-'Umari, from Nafi', from Ibn 'Umar, that he gave a slave girl as Mut'ah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا الْفَضْلُ بْنُ دُكَينَ، عَنِ الْعُمَرِيِّ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَّهُ مَתَّعَ بِوَلِيدَةً

[18715] Abu Bakr told us, he said: Waki' told us, from Sufyan, from Isma'il ibn 'Ulayyah, from Ibn 'Abbas, who said: "The highest Mut'ah is a servant, then below that is clothing, then below that is provision."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ إِسْمَاعِيلِ ابْنِ عُلَيَّةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: أَرْفَعُ الْمُتَّعَةِ الْخَالِمُ، ثُمَّ دُونَ ذَلِكَ الْكِسْوَةُ، ثُمَّ دُونَ ذَلِكَ النَّفَقَةُ

[18716] Abu Bakr told us, he said: Abu Mu'awiyah told us, from Hajjaj, from 'Amr ibn Shu'ayb, from Sa'id ibn al-Musayyib, who said: "The lowest Mut'ah is a garment, and the highest is a servant."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ حَاجَ، عَنْ عَمْرُو بْنِ شَعِيبٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: أَوْضَعُ الْمُتَّعَةِ التَّوْبُ، وَأَرْفَعُهَا الْخَادِمُ

[18717] Abu Bakr told us, he said: Abu Mu'awiyah told us, from Hajjaj, from 'Ata', who said: "The middle Mut'ah is a chemise, a headcover, and a wrap."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ حَاجَ، عَنْ عَطَاءٍ قَالَ: "مِنْ أَوْسَطِ الْمُتَّعَةِ: الدُّرْغُ وَالْخِمَارُ وَالْمِلْحَفَةُ"

[18718] Abu Bakr told us, he said: 'Abd al-A'la told us, from Al-Sha'bi, regarding the Mut'ah of the divorced woman: "Her clothes in her house: the chemise, the headcover, the wrap, and the outer garment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ الشَّعْبِيِّ، "فِي مَتَاعِ الْمُطْلَقَةِ: ثِيَابُهَا فِي بَيْتِهَا، الدُّرْغُ وَالْخِمَارُ، وَالْمِلْحَفَةُ وَالْجِلْبَابُ"

[18719] Abu Bakr told us, he said: 'Abd al-A'la told us, from Yunus, from Al-Hasan, who said: "People used to give Mut'ah. Some of them would give a servant, some would give two hundred, some would give a chemise, a headcover, and a wrap, and some would give provision."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: كَانَ النَّاسُ يُمْتَعِنُونَ، فَمِنْهُمْ مَنْ يُمْتَنَعُ بِالْخَادِمِ، وَمِنْهُمْ مَنْ كَانَ يُعْطِي الْمِائَتَيْنِ، وَمِنْهُمْ مَنْ كَانَ يُعْطِي الدُّرْغَ وَالْخِمَارَ وَالْمِلْحَفَةَ، وَمِنْهُمْ مَنْ كَانَ يُعْطِي النَّفَقَةَ

[18720] Abu Bakr told us, he said: Abu 'Abd al-Rahman al-Muqrī' told us, from Sa'id ibn Abi Ayyub, who said: 'Aqil told me, from Ibn Shihab, who said: "The highest is a servant, then clothing, then provision."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو عَبْدِ الرَّحْمَنِ الْمُقْرِيُّ، عَنْ سَعِيدِ بْنِ أَبِي أَيُوبَ، قَالَ: حَدَّثَنِي عَقِيلٌ، عَنْ أَبْنِ شِهَابٍ قَالَ: أَعْلَاهُ الْخَادِمُ، ثُمَّ الْكِسْوَةُ، ثُمَّ التَّفَقْهُ

[18721] Abu Bakr told us, he said: Muhammad ibn Abi 'Adi told us, from Yunus, from Al-Hasan, who said: "The woman with irregular bleeding (Mustahadah) counts her waiting period by menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: الْمُسْتَحَادَةُ تَعْدُ بِالْأَقْرَاءِ

[18722] Abu Bakr told us, he said: 'Abbad ibn al-'Awwam told us, from Rawh ibn al-Qasim, from 'Amr ibn Dinar, who said: Tawus said: "She counts the waiting period by months."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبَادُ بْنُ الْعَوَامِ، عَنْ رَوْحِ بْنِ الْفَاسِمِ، عَنْ عَمْرِو بْنِ دِينَارٍ، قَالَ طَاؤُسٌ: تَعْدُ بِالشُّهُورِ

[18723] Abu Bakr told us, he said: 'Abbad ibn al-'Awwam told us, from Sa'id, from Abu Raja', from Al-Hakam and 'Ata', who said: "The woman with irregular bleeding counts her waiting period by menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبَادُ بْنُ الْعَوَامِ، عَنْ سَعِيدٍ، عَنْ أَبِي رَجَاءٍ، عَنْ الْحَكَمِ، وَعَطَاءٍ، أَنَّهُمَا قَالَا: الْمُسْتَحَادَةُ تَعْدُ بِالْأَقْرَاءِ

[18724] Abu Bakr told us, he said: 'Abd al-Salam ibn Harb told us, from Matar, from 'Ata', Al-Hakam, and Al-Hasan, regarding the woman with irregular bleeding. They said: "She counts the waiting period by the days of her menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ السَّلَامَ بْنُ حَرْبٍ، عَنْ مَطْرِ، عَنْ عَطَاءٍ، وَالْحَكَمِ، وَالْحَسَنِ، فِي الْمُسْتَحَاضَةِ قَالُوا: تَعْدُ بِأَيَّامِ أَفْرَائِهَا

[18725] Abu Bakr told us, he said: 'Abd al-A'la told us, from Ma'mar, from Al-Zuhri, who said: "She counts the waiting period by menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: تَعْدُ بِالْأَقْرَاءِ

[18726] Abu Bakr told us, he said: Muhammad ibn Muyassar told us, from Ibrahim ibn Tahman, from Mughirah, from Ibrahim, who said: "The woman with irregular bleeding counts her waiting period by menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُحَمَّدُ بْنُ مُيَسَّرٍ، عَنْ إِبْرَاهِيمَ بْنِ طَهْمَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: الْمُسْتَحَاضَةُ تَعْدُ بِالْأَقْرَاءِ

[18727] Abu Bakr told us, he said: Jarir ibn 'Abd al-Hamid told us, from Mughirah, from Hammad, who said: "If a man divorces a woman with irregular bleeding, and she menstruates the third time the minimum she used to menstruate, her husband has no right to take her back. She does not perform Ghusl nor pray until more time passes than she used to menstruate."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، قَالَ: إِذَا طَلَقَ الرَّجُلُ الْمُسْتَحَاضَةَ، فَحَاضَتِ التَّالِيَّةُ أَدْنَى مَا كَانَتْ تَحِيطُ، فَلَا يَمْلِكُ رَوْجُهَا الرَّجْعَةَ، وَلَا تَغْسِلُ وَلَا تُصَلِّي حَتَّى يَأْتِي عَلَيْهَا أَكْثَرُ مِمَّا كَانَتْ تَحِيطُ

[18728] Abu Bakr told us, he said: Hammad ibn Khalid told us, from Malik, from Al-Zuhri, from Sa'id ibn al-Musayyib, who said: "The waiting period of the woman with irregular bleeding is one year."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَمَادُ بْنُ خَالِدٍ، عَنْ مَالِكٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ قَالَ: عِدَّةُ الْمُسْتَحَاضَةِ

سَنَةٌ

[18729] Abu Bakr told us, he said: 'Abd al-A'la told us, from Sa'id, from Qatadah, from 'Ikrimah, that his opinion regarding the woman with irregular bleeding, and the one whose menstruation is not regular—menstruating twice a month or once every few months—is that her waiting period is three months. He said: And that was Qatadah's opinion.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنْ عِكْرَمَةَ أَنَّ مِنْ رَأْيِهِ: "الْمُسْتَحَاضَةُ، وَالَّتِي لَا تُسْقِيْمُ لَهَا حَيْضَةٌ تَحِيطُ فِي الشَّهْرِ مَرَّتَيْنِ، وَفِي الْأَشْهُرِ مَرَّةً عَدَّنَاهَا تَلَانَةً أَشْهُرٍ" قَالَ: فَكَانَ قَنَادَةُ ذَلِكَ رَأْيُهُ

[18730] Abu Bakr told us, he said: 'Abdah ibn Sulayman told us, from Sa'id, from Ja'far ibn Abi Wahshiyah, from 'Amr ibn Harim, from Jabir ibn Zayd, who said: Ibn 'Abbas and Ibn 'Umar discussed the wife of a missing person. They both said: "She waits for four years, then her husband's guardian divorces her, then she waits for four months and ten days." Then they discussed maintenance. Ibn 'Umar said: "She is entitled to maintenance from his wealth because she kept herself for his sake." Ibn 'Abbas said: "It is not so, otherwise she would harm the heirs. Rather, she takes against him from his wealth; if he arrives, that is for her against him from his wealth, otherwise she gets nothing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ جَعْفَرِ بْنِ أَبِي وَحْشِيَّةَ، عَنْ عَمْرِو بْنِ هَرِيمَ، عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: تَذَاكِرَ ابْنُ عَبَّاسٍ وَابْنُ عُمَرَ امْرَأَةً الْمَفْقُودِ، فَقَالَا جَمِيعًا: تَرَبَصُ أَرْبَعَ سِنِينَ، ثُمَّ يُطَافُهَا وَلِيُّ رَوْجِهَا، ثُمَّ تَرَبَصُ أَرْبَعَةَ أَسْهُرٍ وَعَشْرًا. ثُمَّ تَذَاكِرَا النَّفَقَةَ، فَقَالَ ابْنُ عُمَرَ: لَهَا النَّفَقَةُ فِي مَالِهِ لِحَبِسِهَا نُفْسَهَا فِي سَبِيلِهِ، فَقَالَ ابْنُ عَبَّاسٍ: لَيْسَ كَذَلِكَ، إِذَا تُجْحِفُ بِالْوَرَثَةِ، وَلَكِنَّهَا تَأْخُذُ عَلَيْهِ فِي مَالِهِ، فَإِنْ قَدَّمَ فَذَلِكَ لَهَا عَلَيْهِ فِي مَالِهِ، وَإِلَّا فَلَا شَيْءَ لَهَا

[18731] Abu Bakr told us, he said: 'Abd Allah ibn Idris told us, from Hisham, from Qays ibn Sa'd, from Bukayr ibn 'Abd Allah ibn al-Ashajj, from Sulayman ibn Yasar, from Zayd ibn Thabit, who said: "If a woman in post-natal bleeding is divorced, she does not count that blood [as part of the waiting period]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ بُكَيْرٍ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشْجَجِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ زَيْدِ بْنِ تَابِتٍ قَالَ: إِذَا طَافَتِ النُّفَسَاءُ لَا تَعْتَدُ بِذَلِكَ الدَّمَ

[18732] Abu Bakr told us, he said: Ghundar told us, from Ash'ath, from Al-Hasan, who said: He was asked about the woman in post-natal bleeding, does she count the post-natal bleeding [as waiting period]? He said: "She does not count her post-natal bleeding."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا غُنْدَرٌ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ قَالَ: سُئِلَ عَنِ الْمَرْأَةِ النُّفَسَاءِ، هَلْ تَعْتَدُ بِالنَّفَاسِ؟ قَالَ: لَا تَعْتَدُ بِنَفَاسِهَا

[18733] Abu Bakr told us, he said: Waki' told us, from Sufyan, from Ibn Jurayj, from 'Ata', who said: "If she is divorced while in post-natal bleeding, she does not count her post-natal bleeding."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ قَالَ: إِذَا طَافَتْ وَهِيَ نُفَسَاءٌ، لَمْ تَعْتَدْ بِنَفَاسِهَا

[18734] Abu Bakr told us, he said: Waki' told us, he said: Jarir ibn Hazim told us, from Qays ibn Sa'd, from Bukayr ibn 'Abd Allah ibn al-Ashajj, from Sulayman ibn Yasar, from Zayd ibn Thabit, who said: "If a man divorces his wife while she is in post-natal bleeding, she does not count her post-natal blood in her waiting period."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ حَازِمٍ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ بُكَيْرٍ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشْجَحِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ وَهِيَ نُفَسَاءٌ، لَمْ تَعْدَ بِدَمِ نِفَاسِهَا فِي عِدَّتِهَا

[18735] Abu Bakr told us, he said: Jarir ibn 'Abd al-Hamid told us, from Mughirah, from Al-Harith, who said: "The woman with irregular bleeding realizes she is Mustahadah when her bleeding exceeds the maximum period women remain pure."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مُغِيرَةَ، عَنْ الْحَارِثِ قَالَ: شَسْتَبِينُ الْمُسْتَحَاضَةُ أَنَّهَا مُسْتَحَاضَةٌ إِذَا جَاوَزَتْ حَيْضَنَهَا آخِرَ مَا تَطْهُرُ فِيهِ النِّسَاءُ

[18736] Abu Bakr told us, he said: Jarir told us, from Mutarrif, from Al-Hakam, who said: "If a menstrual cycle overtakes another menstrual cycle, then she is Mustahadah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٍ، عَنْ مُطَرِّفٍ، عَنْ الْحَكَمِ، قَالَ: إِذَا أَدْرَكَ قُرْءَ قُرْءًا فَهِيَ مُسْتَحَاضَةٌ

[18737] Abu Bakr told us, he said: Ya'la ibn 'Ubayd told us, from Yahya ibn Sa'id, from 'Urwah, from 'A'ishah, who said: "The Quru' (menstrual cycles) are the periods of purity."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَعْلَى بْنُ عُبَيْدٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: إِنَّمَا الْأَقْرَاءُ الْأَطْهَارُ

[18738] Abu Bakr told us, he said: Abu Khalid al-Ahmar told us, from Malik ibn Anas, who said: Al-Qasim and Salim used to say: "The Quru' are the periods of purity."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدِ الْأَحْمَرِ، عَنْ مَالِكِ بْنِ أَنَسٍ، قَالَ: كَانَ الْقَاسِمُ، وَسَالِمٌ يَقُولُانِ: الْأَقْرَاءُ الْأَطْهَارُ

[18739] Abu Bakr told us, he said: Ibn 'Uyaynah told us, from Juwaybir, from Al-Dahhak, who said: "The Quru' are the menstruations."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ جُوبِيرٍ، عَنْ الضَّحَّاكِ، قَالَ: الْأَقْرَاءُ الْحِيَضُ

[18740] Abu Bakr told us, he said: Hafs told us, from Al-A'mash, from Ibrahim, who said: "The waiting period of the Umm al-Walad (mother of a child) is three menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ، عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: عِدَّةُ أُمِّ الْوَلَادِ ثَلَاثٌ حِيَضٌ

[18741] Abu Bakr told us, he said: Hafs told us, from Ash'ath, from Ibn Sirin, who said: "Three menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَ: ثَلَاثٌ حِيَضٌ

[18742] Abu Bakr told us, he said: Hafs told us, from Hajjaj and Ash'ath, from Al-Hakam, from 'Ali, who said: "Three menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُنَّ، عَنْ حَجَّاجٍ، وَأَشْعَثُ
عَنِ الْحَكَمِ، عَنْ عَلَيِّ قَالَ: ثَلَاثٌ حِيَضٌ

[18743] Abu Bakr told us, he said: Hafs told us, from Hajjaj, from 'Amir, from 'Ali, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُنَّ، عَنْ حَجَّاجٍ، عَنْ عَامِرٍ،
عَنْ عَلَيِّ، مِثْلُهُ

[18744] Abu Bakr told us, he said: Abu Khalid told us, from Hajjaj, from Al-Sha'bi, from Al-Harith, from 'Ali and 'Abd Allah, who said: "Three menstrual cycles if he dies leaving her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدٍ، عَنْ حَجَّاجٍ، عَنْ
الشَّعْبِيِّ، عَنْ الْحَارِثِ، عَنْ عَلَيِّ، وَعَبْدَ اللَّهِ قَالَا: ثَلَاثٌ
حِيَضٌ إِذَا مَاتَ عَنْهَا

[18745] Abu Bakr told us, he said: Waki' told us, from Sufyan, from Ibn Jurayj, from 'Ata', who said: "Three Quru' (menstrual cycles)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ
جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: ثَلَاثَةُ قُرُوءٍ

[18746] Abu Bakr told us, he said: 'Abd al-A'la told us, from Sa'id, from Matar, from Raja' ibn Haywah, from Qabisah, from 'Amr ibn al-'As, that he said: "Do not confuse the Sunnah of our Prophet for us; her waiting period is the waiting period of the one whose husband has died."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ
مَطْرِ، عَنْ رَجَاءِ بْنِ حَيْوَةَ، عَنْ قَبِيْصَةَ، عَنْ عَمْرُو بْنِ
الْعَاصِ، أَنَّهُ قَالَ: لَا تُلِسُّوا عَلَيْنَا سُنْنَةَ نَبِيِّنَا، عِدَّهَا عِدَّةُ
الْمُتَوَفِّيِّ عَنْهَا زُوْجُهَا

[18747] Abu Bakr told us, he said: 'Abd al-A'la told us, from Sa'id, from Qatadah, from Fadalah ibn 'Ubaydah, from 'Abd Rabbih, from Abu 'Iyad, that he said: "Her waiting period if her husband dies leaving her is the waiting period of a free woman."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ فَضَالَةَ بْنِ عُبَيْدَةَ، عَنْ عَبْدِ رَبَّهِ، عَنْ أَبِي عِيَاضٍ أَنَّهُ قَالَ: عِدَّهَا إِذَا تُؤْفَى عَنْهَا زَوْجُهَا عِدَّةُ الْحُرَّةِ

[18748] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Dawud, from Sa'id ibn al-Musayyib, who said: "The waiting period of the Umm al-Walad if her husband dies leaving her is four months and ten days."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ دَاؤَدَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ قَالَ: عِدَّةُ أُمِّ الْوَلَدِ إِذَا تُؤْفَى عَنْهَا زَوْجُهَا أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا

[18749] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Humayd, from Al-Hasan and Sa'id ibn Jubayr, that they both said: "The Umm al-Walad, if her master dies leaving her, [her waiting period is] four months and ten days."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ حُمَيْدٍ، عَنِ الْحَسَنِ، وَسَعِيدِ بْنِ جُبَيْرٍ، أَنَّهُمَا قَالَا: أُمُّ الْوَلَدِ إِذَا تُؤْفَى عَنْهَا سَيِّدُهَا أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا

[18750] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Ayyub, who said: I asked Al-Zuhri about the waiting period of the Umm al-Walad if her master dies leaving her. He said: "The Sunnah." He said: "The Sunnah?" He said: "The Sunnah is Barirah; she was freed, so she observed the waiting period of a free woman."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيْهِ، عَنْ أَيُوبَ، قَالَ:
سَأَلْتُ الرُّهْرِيَّ، عَنْ عِدَّةِ أُمِّ الْوَلَدِ إِذَا ثُوِّفَيَ عَنْهَا
سَيِّدُهَا، فَقَالَ: السَّنَةُ، قَالَ: السَّنَةُ؟ قَالَ: السَّنَةُ بَرِيرَةٌ
أَعْتَقْتُ، فَاعْتَدَتْ عِدَّةَ الْحُرَّةِ

[18751] Abu Bakr told us, he said: Waki' told us, from Hisham, from Qatadah, from Sa'id ibn al-Musayyib, who said: "The waiting period of the Umm al-Walad is four months and ten days."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ
سَعِيدِ بْنِ الْمُسَيَّبٍ قَالَ: عِدَّةُ أُمِّ الْوَلَدِ أَرْبَعَةُ أَشْهُرٍ
وَعَشْرًا

[18752] Abu Bakr told us, he said: Yazid ibn Harun told us, from Ibn Abi Dhi'b, from Al-Zuhri, from 'Umar ibn 'Abd al-'Aziz and Sa'id ibn al-Musayyib, the like of that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ ابْنِ أَبِي
ذِئْبٍ، عَنْ الرُّهْرِيَّ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، وَسَعِيدِ
بْنِ الْمُسَيَّبٍ، مِثْلُ ذَلِكَ،

[18753] Abu Bakr told us, he said: Yazid told us, from Sa'id, from Qatadah, from Khilas, from 'Ali, the like of that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ
خِلَاسٍ، عَنْ عَلَيٍّ، مِثْلُ ذَلِكَ

[18754] Abu Bakr told us, he said: Hafs ibn Ghiyath and Ibn 'Ulayyah told us, from Dawud, from Al-Sha'bi, from Ibn 'Umar, who said: "Her waiting period is one menstrual cycle."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، وَابْنُ عُلَيَّهِ،
عَنْ دَاؤَدَ، عَنْ الشَّعْبِيِّ، عَنْ ابْنِ عُمَرَ قَالَ: عَذَّثَهَا
حَيْضَنَةٌ

[18755] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Khalid, from Abu Qilabah, who said: "The waiting period of the Umm al-Walad if her master dies leaving her is one menstrual cycle."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهِ، عَنْ خَالِدٍ، عَنْ أَبِي
قِلَابَةَ قَالَ: عِدَّهُ أُمُّ الْوَلَادِ إِذَا تُوْفِيَ سَيِّدُهَا حَيْضَنَةٌ

[18756] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Yunus, from Al-Hasan, that he used to say: "Her waiting period is one menstrual cycle if her master dies leaving her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهِ، عَنْ يُونُسَ، عَنْ
الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: عَذَّثَهَا حَيْضَنَةٌ إِذَا تُوْفِيَ عَنْهَا
سَيِّدُهَا

[18757] Abu Bakr told us, he said: Yazid ibn Harun told us, from Ibn Salim, from Al-Sha'bi, from Zayd, who said: "Her waiting period is one menstrual cycle."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ ابْنِ سَالِمٍ،
عَنْ الشَّعْبِيِّ، عَنْ زَيْدٍ قَالَ: عَذَّثَهَا حَيْضَنَةٌ

[18758] Abu Bakr told us, he said: 'Abd al-Wahhab told us, from Juwaybir, from Al-Dahhak, who said: "Her waiting period is one menstrual cycle."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْوَهَابِ، عَنْ جُوَيْبِرٍ، عَنْ الصَّحَّاْكِ، قَالَ: عِدَّهَا حِيْضَةً

[18759] Abu Bakr told us, he said: Hafs told us, from Isma'il, from Al-Sha'bi, who said: "Her waiting period is one menstrual cycle. Why do you not give her inheritance if you make it three menstrual cycles?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ، عَنْ إِسْمَاعِيلَ، عَنْ الشَّعْبِيِّ قَالَ: عِدَّهَا حِيْضَةً، فَلِمَ لَا تُورَثُهَا إِذَا حَعْلَمُهَا ثَلَاثَ حِيْضَ

[18760] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Layth, from 'Ata' and Tawus, who said: "The waiting period of the Umm al-Walad and the concubine, if her master dies leaving her, is two months and five nights."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيْهَ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، وَطَاؤِسٍ، قَالَا: عِدَّةُ أُمِّ الْوَلَادِ وَالسُّرِّيَّةِ إِذَا تُوْفِيَ عَنْهَا سِيَّدُهَا شَهْرَانِ وَخَمْسُ لَيَالٍ

[18761] Abu Bakr told us, he said: Al-Thaqafi told us, from Yahya ibn Sa'id, who said: I heard Al-Qasim, when it was mentioned to him that 'Abd al-Malik ibn Marwan separated men from their wives who were Ummahat Awlad (mothers of children), who had been married after one or two menstrual cycles, until they observed a waiting period of four months and ten days. He said: "Glory be to Allah! Allah says in His Book: {And those who die among you and leave wives} [Al-Baqarah: 234]. They are not wives to them."

[18762] Abu Bakr told us, he said: 'Isa ibn Yunus told us, from Al-Awza'i, from Yahya ibn Abi Kathir, that 'Amr ibn al-'As ordered an Umm al-Walad who was freed to observe a waiting period of three menstrual cycles. He wrote to 'Umar, who wrote approving his opinion.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا التَّقَفِيُّ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: سَمِعْتُ الْقَاسِمَ، وَذُكِرَ لَهُ أَنَّ عَبْدَ الْمَلِكَ بْنَ مَرْوَانَ فَرَقَ بَيْنَ رِجَالٍ وَنِسَاءِهِمْ كُلَّ أُمَّهَاتٍ أَوْ لَادِ، نُكْحَنَ بَعْدَ حَيْضَةٍ أَوْ حَيْضَتَيْنِ حَتَّى يَعْتَدِنَ أَرْبَعَةً أَشْهُرٍ وَعَشْرًا، فَقَالَ: "سُبْحَانَ اللَّهِ يَقُولُ اللَّهُ فِي كِتَابِهِ: {وَالَّذِينَ مَا هُنَّ [234]: يُتَوَفَّونَ مِنْكُمْ وَيَدْرُونَ أَرْوَاجًا} [البقرة] لَهُمْ بِأَرْوَاجٍ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عِيسَى بْنُ يُوئِسَ، عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، أَنَّ عَمْرَو بْنَ الْعَاصِ أَمَرَ أُمَّ وَلَدٍ أَعْتَقْتُ أَنْ تَعْدَ ثَلَاثَ حِيلَنَ، وَكَتَبَ إِلَى عُمَرَ، فَكَتَبَ بِحُسْنِ رَأْيِهِ

[18763] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Yunus, from Al-Hasan, that he used to say: "If he frees her, her waiting period is three menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهِ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: إِذَا أَعْتَقَهَا، فَعِدَّهَا ثَلَاثٌ حِيَضٌ

[18764] Abu Bakr told us, he said: Waki' told us, from Shu'bah, from Al-Hakam, from Ibrahim, who said: "If he frees her or dies leaving her, her waiting period is three menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا أَعْتَقَهَا أَوْ مَاتَ عَنْهَا فَعِدَّهَا ثَلَاثٌ حِيَضٌ

[18765] Abu Bakr told us, he said: Hatim ibn Wardan told us, from Burd, from Makhul, who said: "If a man frees his Umm al-Walad, she observes a waiting period of two menstrual cycles." And Al-Zuhri said: "Three Quru' (menstrual cycles)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، قَالَ: إِذَا أَعْتَقَ الرَّجُلُ أُمًّا وَلَدِيهِ اغْتَدَّ بِحَيْضَتَيْنِ وَقَالَ الزُّهْرِيُّ: ثَلَاثَةُ قُرُوءٍ

[18766] Abu Bakr told us, he said: Yazid ibn Harun told us, from Habib, from 'Amr, who said: Jabir ibn Zayd was asked about a man who frees his concubine while he is healthy. She observes a waiting period of three Quru' if she menstruates. If she does not menstruate, her waiting period is three months if someone else marries her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ عَمْرٍو، قَالَ: سُلَيْلٌ جَابِرُ بْنُ زَيْدٍ، عَنِ الرَّجُلِ إِذَا أَعْنَقَ سُرِّيَّتَهُ وَهُوَ صَحِيحٌ اعْتَدَتْ تَلَائِةً قُرُوعٍ إِنْ كَانَتْ تَحِيطُ، فَإِنْ لَمْ تَكُنْ تَحِيطُ، فَعِدَّتْهَا تَلَائِةً أَشْهُرٍ إِنْ تَزَوَّجَهَا غَيْرُهُ

[18767] Abu Bakr told us, he said: 'Abdah ibn Sulayman told us, from 'Ubayd Allah, from Nafi', from Ibn 'Umar, that he used to say: "Her waiting period is one menstrual cycle if he frees her or dies leaving her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ: عِدَّهَا حَيْضَةً إِذَا أَعْنَقَهَا أَوْ مَاتَ عَنْهَا

[18768] Abu Bakr told us, he said: 'Ali ibn Mushir told us, from Al-Shaybani, from Habib al-Mu'allim, from Al-Hasan, from 'Ali: "The waiting period of the female slave is two menstrual cycles. If she does not menstruate, it is a month and a half."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلَيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ حَبِيبِ الْمُعَلِّمِ، عَنِ الْحَسَنِ، عَنْ عَلَيِّ: عِدَّةُ الْأُمَّةِ حَيْضَتَانَ، فَإِنْ لَمْ تَكُنْ تَحِيطُ قَسْهُرُ وَنِصْفُ

[18769] Abu Bakr told us, he said: 'Ali ibn Mushir told us, from Sa'id, from Qatadah, from Sa'id ibn al-Musayyib, who said: "The waiting period of the female slave is two menstrual cycles. If she does not menstruate, it is a month and a half."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبَ قَالَ: عِدَّةُ الْأُمَّةِ حَيْضَتَانَ، فَإِنْ لَمْ تَكُنْ تَحِيطُ فَشْهُرُ وَنِصْفُ

[18770] Abu Bakr told us, he said: 'Ali ibn Mushir told us, from Sa'id, from Abu Ma'shar, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، مِثْلُهُ

[18771] Abu Bakr told us, he said: Waki' told us, from Dawud ibn Qays, who said: I asked Salim ibn 'Abd Allah about the waiting period of the female slave. He said: "Two menstrual cycles. If she does not menstruate, it is a month and a half."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ دَاؤِدِ بْنِ قَيْسٍ، قَالَ: سَأَلْتُ سَالِمَ بْنَ عَبْدِ اللَّهِ عَنْ عِدَّةِ الْأُمَّةِ، فَقَالَ: حَيْضَتَانَ، فَإِنْ لَمْ تَكُنْ تَحِيطُ فَشْهُرُ وَنِصْفُ

[18772] Abu Bakr told us, he said: Waki' told us, from Al-A'mash, from Ibrahim, who said: "The waiting period of the female slave is two menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: عِدَّةُ الْأُمَّةِ حَيْضَتَانَ

[18773] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Yunus, from Al-Hasan, who said: "If she menstruates, it is two menstrual cycles. If she does not menstruate, it is a month and a half."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّهِ، عَنْ يُونُسَ، عَنْ الْحَسَنِ قَالَ: إِنْ كَانَتْ تَحِيضُ فَحَيْضَتَانِ، وَإِنْ كَانَتْ لَا تَحِيضُ فَشَهْرٌ وَّنِصْفٌ

[18774] Abu Bakr told us, he said: 'Abdah ibn Sulayman told us, from Sa'id, from Matar, from 'Ata', from Ibn 'Umar, who said: "The waiting period of the female slave is two menstrual cycles if she menstruates. If she does not menstruate, it is a month and a half."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ مَطْرِ، عَنْ عَطَاءٍ، عَنْ ابْنِ عُمَرَ قَالَ: عِدَّةُ الْأَمَةِ حَيْضَتَانِ، إِنْ كَانَتْ تَحِيضُ، فَإِنْ لَمْ تَكُنْ تَحِيضُ فَشَهْرٌ وَّنِصْفٌ

[18775] Abu Bakr told us, he said: Ibn 'Uyaynah told us, from 'Amr ibn Aws, who said: A man from Thaqif told me, saying: I heard 'Umar ibn al-Khattab say: "If I could make the waiting period of the female slave a menstrual cycle and a half, I would have done so." A man said to him: "If you made it a month and a half [it would correspond].". So he remained silent.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو بْنِ أَوْسٍ، يَقُولُ: أَخْبَرَنِي رَجُلٌ، مِنْ تَقِيفٍ يَقُولُ: سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ يَقُولُ: لَوْ اسْتَطَعْتُ أَنْ أَجْعَلَ عِدَّةَ الْأَمَةِ حَيْضَةً وَّنِصْفًا لَفَعَلْتُ، فَقَالَ لَهُ رَجُلٌ: لَوْ جَاعَلْتَهَا شَهْرًا وَّنِصْفًا، فَسَكَتَ

[18776] Abu Bakr told us, he said: 'Abd al-A'la told us, from Ma'mar, from Al-Zuhri, who said: "The waiting period of the female slave is two menstrual cycles. If she does not menstruate, it is two months."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الرُّهْرِيِّ، قَالَ: عِدَّةُ الْأَمْمَةِ حَيْضَتَانٍ، فَإِنْ لَمْ تَكُنْ حَيْضُ فَسْهَرَانِ

[18777] Abu Bakr told us, he said: Yazid ibn Harun told us, from Juwaybir, from Al-Dahhak, regarding the female slave who has not menstruated but has reached puberty: "Her waiting period is forty-five days. If she menstruates, her waiting period is one menstrual cycle."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ جُوَيْرِ، عَنِ الضَّحَّاكِ فِي الْأَمْمَةِ الَّتِي لَمْ تَحِضْ وَقَدْ رَاهَقَتْ: عِدَّهَا خَمْسَةٌ وَأَرْبَعُونَ يَوْمًا، فَإِنْ كَانَتْ حَيْضُ فَعِدَّهَا حَيْضَةً

[18778] Abu Bakr told us, he said: Abu Sa'id told us, from Ibn Jurayj, from 'Ata', regarding the waiting period of the female slave. He said: "If she menstruates, it is two menstrual cycles. If she does not menstruate, her waiting period is forty-five days."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو سَعِيدٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي عِدَّةِ الْأَمْمَةِ قَالَ: إِنْ كَانَتْ حَيْضُ فَحَيْضَتَانٍ، وَإِنْ لَمْ تَكُنْ حَيْضُ فَعِدَّهَا خَمْسَةٌ وَأَرْبَعُونَ يَوْمًا

[18779] Abu Bakr told us, he said:
Asbat ibn Muhammad told us, from
Ash'ath, from Al-Sha'bi, who said:
"The waiting period of the female
slave is like half the waiting period
of the free woman."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ أَشْعَثَ،
عَنِ الشَّعْبِيِّ قَالَ: عِدَّةُ الْأَمْمَةِ مِثْلُ نِصْفِ عِدَّةِ الْحُرَّةِ

[18780] Abu Bakr told us, he said:
Abu Usamah told us, from 'Ubayd
Allah, from Nafi', from Ibn 'Umar,
regarding the female slave who is
had intercourse with: If she is sold,
gifted, or freed, she should be
absolved (Istibra') by one menstrual
cycle.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو أَسَامَةَ، عَنْ عُبَيْدِ اللَّهِ، عَنْ
نَافِعٍ، عَنْ ابْنِ عُمَرَ، فِي الْأَمْمَةِ الَّتِي تُوْطَأُ: إِذَا بَيَعْتُ أَوْ
وُهِبْتُ أَوْ أُعْتِقْتُ فَلْعُسْتِبْرًا بِحِينَةٍ

[18781] Abu Bakr told us, he said:
'Abd Allah ibn Idris told us, from his
father, from Hammad, from
Ibrahim, regarding the female slave
if she is freed. He said: "Her waiting
period is three menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ أَبِيهِ،
عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي الْأَمْمَةِ إِذَا أُعْتِقْتُ، قَالَ:
عِدَّهَا ثَلَاثٌ حِينَضٍ

[18782] Abu Bakr told us, he said:
Yazid ibn Harun told us, from
Hajjaj, from Al-Hakam, from 'Ali,
regarding the female slave if she is
freed. He said: "She observes a
waiting period of three Quru'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَجَاجٍ،
عَنِ الْحَكَمِ، عَنْ عَلَيِّ، فِي الْأَمْمَةِ إِذَا أُعْتِقْتُ، قَالَ: تَعْدُ
ثَلَاثَةَ قُرُوءٍ

[18783] Abu Bakr told us, he said: Hatim ibn Wardan told us, from Burd, from Makhul, who said: "If the female slave is freed, she observes a waiting period of two menstrual cycles." And Al-Zuhri said: "Three Quru'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، قَالَ: الْأَمْمَةُ إِذَا أُعْتِقَتِ اعْتَدَتْ بِحَيْضَتَيْنِ، وَقَالَ الرُّهْرِيُّ: ثَلَاثَةُ قُرُوءٍ

[18784] Abu Bakr told us, he said: 'Umar told us, from Ibn Jurayj, from 'Ata', who said: "She observes a waiting period of three menstrual cycles."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عُمَرُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ قَالَ: تَعْدُ ثَلَاثَ حِيَضٍ

[18785] Abu Bakr told us, he said: Jarir told us, from Mansur, from Ibrahim, regarding a female slave who was divorced twice and her freedom did not reach her before [her waiting period] expired. He said: "She observes the waiting period of a female slave."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي الْأَمْمَةِ طَلَقْتُ تَطْلِيقَتِينَ لَمْ يُدْرِكْهَا عَنَاقَةً قَبْلَ أَنْ تَنْقُضِيَ، قَالَ: تَعْدُ عَدَّةَ الْأَمْمَةِ

[18786] Abu Bakr told us, he said: Jarir told us, from Mughirah, from Ibrahim, who said: "If she is divorced once, then her freedom reaches her before her waiting period expires, she observes the waiting period of a free woman. If she is divorced twice, then her freedom reaches her, she observes the waiting period of a female slave since she has been irrevocably separated from him. And the one whose husband has died is likewise."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا طَلَقْتُ تَطْلِيقَةً، ثُمَّ أَدْرَكَهَا عَنَافَةً قَبْلَ أَنْ تَنْفَضِيَ عَنَّهَا اعْتَدْتُ عِدَّةَ الْحُرَّةِ، وَإِذَا طَلَقْتُ تَطْلِيقَتَيْنِ، ثُمَّ أَدْرَكَهَا عَنَافَةً اعْتَدْتُ عِدَّةَ الْأَمَةِ لِمَا بَانَتْ مِنْهُ، وَالْمُتَوَفِّيَ عَنْهَا زَوْجُهَا كَذَلِكَ

[18787] Abu Bakr told us, he said: Ibn 'Ulayyah told us, from Yunus, from Al-Hasan, that he said: "If a man divorces his wife while she is a female slave once, then she is freed during the waiting period, her waiting period is that of a free woman. If he divorces her twice then she is freed, he said: He cannot marry her until she marries another husband, and her waiting period is that of a female slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ قَالَ: "إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ وَهِيَ أَمَةٌ تَطْلِيقَةً، ثُمَّ أَعْتِقْتُ فِي الْعِدَّةِ فَعَنَّهَا عِدَّةُ حُرَّةٍ، وَإِذَا طَلَقَهَا تَطْلِيقَتَيْنِ ثُمَّ أَعْتِقْتُ، قَالَ: لَا يَتَرَوَّجُهَا حَتَّى تَنْتَرِجَ زَوْجًا غَيْرَهُ، وَعَنَّهَا عِدَّةُ الْأَمَةِ"

[18788] Abu Bakr told us, he said: 'Abd al-Rahman ibn Mahdi told us, from Hammad ibn Zayd, from 'Ali ibn al-Hakam, from Al-Dahhak, regarding the female slave if she is divorced twice, then freed during her waiting period. He said: "She observes a waiting period of two menstrual cycles." And if she is divorced once and freed during her waiting period, he said: "She observes a waiting period of three menstrual cycles, and her husband has more right to her."

[18789] Abu Bakr told us, he said: 'Abd al-A'la told us, from Sa'id, from Qatadah, from Sa'id ibn al-Musayyib, that he said: "Her waiting period is the waiting period of a free

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيًّا، عَنْ حَمَادِ بْنِ رَيْدٍ، عَنْ عَلَيِّ بْنِ الْحَكَمِ، عَنْ الضَّحَّاكِ، فِي الْأَمَةِ إِذَا طَلَقْتُ تَطْلِيقَتِينِ، ثُمَّ أَعْنَقْتُ فِي عِدَّتِهَا قَالَ: تَعْدُ حَيْضَتَيْنِ وَإِنْ طَلَقْتُ وَاحِدَةً فَأَعْنَقْتُ فِي عِدَّتِهَا، قَالَ: تَعْدُ ثَلَاثَ حِيلَضٍ وَزَوْجُهَا أَحَقُّ بِهَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ: عِدَّتُهَا عِدَّةُ الْحُرَّةِ

[18790] Abu Bakr told us, he said: 'Abd Allah ibn Numayr told us, he said: Isma'il ibn Abi Khalid told us, from 'Amir, who said: "If the female slave is divorced twice, then freed at that point, her waiting period is the waiting period of a female slave. And if she is divorced once, then freed at that point, her waiting period is the waiting period of a free woman."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، قَالَ: نَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ، عَنْ عَامِرٍ قَالَ: إِذَا طَلَقَتِ الْأُمَّةُ طَلْبِيقَتْنَ، ثُمَّ أُعْتَقْتُ عِنْدَ ذَلِكَ فَعِدَّتْهَا عِدَّةُ الْأُمَّةِ، وَإِذَا طَلَقْتُ وَاحِدَةً ثُمَّ أُعْتَقْتُ عِنْدَ ذَلِكَ فَعِدَّتْهَا عِدَّةُ الْحُرَّةِ

[18791] Abu Bakr told us, he said: Jarir ibn 'Abd al-Hamid told us, from Mughirah, from Ibrahim, regarding a woman whose husband died, then she was freed. He said: "She continues with the waiting period of a female slave, and she has nothing but the waiting period of a female slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي امْرَأَةِ مَاتَ عَنْهَا زَوْجُهَا، ثُمَّ أُعْتَقْتُ، قَالَ: تَمْضِي عَلَى عِدَّةِ الْأُمَّةِ، وَلَيْسَ لَهَا إِلَّا عِدَّةُ الْأُمَّةِ

[18792] Abu Bakr told us, he said: 'Umar ibn Zur'ah told us, from Ibn Salim, from Al-Sha'bi, that he used to say: "If her husband dies leaving her while she is a slave, and freedom reaches her while she is in her waiting period, four months and ten days are allocated [to her]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عُمَرُ بْنُ زُرْعَةَ، عَنِ ابْنِ سَالِمٍ،
عَنِ الشَّعْبِيِّ أَنَّهُ كَانَ يَقُولُ: إِذَا تُؤْفَى عَنْهَا زَوْجُهَا وَهِيَ
مَمْلُوكَةً، فَأَذْرَكَهَا الْعِتْقُ، وَهِيَ فِي عِدَّتِهَا قُسْمٌ أَرْبَعَةُ
أَشْهُرٍ وَعَشْرًا

[18793] Abu Bakr told us, he said: Isma'il ibn 'Ulayyah told us, from Salih ibn Muslim, who said: I said to Al-Sha'bi: A man divorced his wife, then another came and married her [during 'Iddah]? He said: 'Umar said: "They are separated, and she completes her first waiting period, and she starts a new waiting period from this one. The dowry is placed in the public treasury (Bayt al-Mal), and the second one can never marry her, and the first one becomes a suitor." And 'Ali said: "She is separated from her husband, and she completes her first waiting period, and she observes a new waiting period from this one. The dowry is given to her for what he made lawful of her private part, and both of them become suitors."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ ابْنُ عُلَيَّهُ، عَنْ صَالِحِ
بْنِ مُسْلِمٍ، قَالَ: فَلْتُ لِلشَّعْبِيِّ: رَجُلٌ طَلَقَ امْرَأَةً، فَجَاءَ
آخَرُ فَتَرَوَجَهَا؟ قَالَ: قَالَ عُمَرُ: يُفَرَّقُ بَيْنَهُمَا وَتُكْمَلُ
عِدَّتُهَا الْأُولَى، وَتَسْتَأْنِفُ مِنْ هَذَا عِدَّةً جَدِيدَةً، وَيُجْعَلُ
الصَّدَاقُ فِي بَيْتِ الْمَالِ، وَلَا يَتَرَوَجُهَا التَّانِي أَبَدًا،
وَيَصِيرُ الْأَوَّلُ حَاطِبًا وَقَالَ عَلِيُّ: يُفَرَّقُ بَيْنَهُمَا وَبَيْنَ
رَوْجَهَا، وَتُكْمَلُ عِدَّتُهَا الْأُولَى، وَتَعْدُ مِنْ هَذَا عِدَّةً
جَدِيدَةً، وَيُجْعَلُ لَهَا الصَّدَاقُ بِمَا اسْتَحَلَّ مِنْ فَرْجَهَا،
وَيَصِيرَ أَنْ كُلَّهُمَا حَاطِبِينَ

[18794] Abu Bakr told us, he said: 'Abdah ibn Sulayman told us, from Isma'il ibn Abi Khalid, from Ibrahim and Al-Sha'bi, regarding a woman who married during her waiting period. Al-Sha'bi said: "She starts three Quru', and completes what remains of the first one." Ibrahim said: "She completes what remains of the first one and starts three Quru'."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ إِسْمَاعِيلَ
بْنِ أَبِي حَالِدٍ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، فِي امْرَأَةٍ
تَرَوَّجَتْ فِي عِدَّتِهَا، قَالَ الشَّعْبِيُّ: تَسْتَأْنِفُ ثَلَاثَةَ قُرُوءَ،
وَتُكْمِلُ مَا بَقِيَ عَلَيْهَا مِنَ الْأَوَّلِ، وَقَالَ إِبْرَاهِيمُ: تُكْمِلُ
مَا بَقِيَ مِنَ الْأَوَّلِ وَتَسْتَأْنِفُ ثَلَاثَةَ قُرُوءَ

[18795] Abu Bakr told us, he said: Yahya ibn 'Abd al-Malik ibn Abi Ghaniyyah told us, from his father, from Al-Hakam, who said: "They are separated, and she completes her waiting period from the first one, and she observes the waiting period from the wealth of the other. She receives the dowry for what he made lawful of her private part. When her waiting period expires, she may marry him or someone else if she wishes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ عَبْدِ الْمَالِكِ بْنِ أَبِي
غَنِيَّةَ، عَنْ أَبِيهِ، عَنِ الْحَكَمِ قَالَ: يُفَرَّقُ بَيْنَهُمَا، وَتُكْمِلُ
عِدَّتَهَا مِنَ الْأَوَّلِ، وَتَعْنَدُ مِنْ مَالِ الْآخَرِ، وَيَكُونُ لَهَا
المَهْرُ بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا، فَإِذَا انْقَضَتْ عِدَّهَا
فَلَا تَرَوْجُهُ أَوْ غَيْرَهُ إِنْ شَاءَتْ

[18796] Abu Bakr told us, he said: Ibn Numayr told us, from Hajjaj, from Qatadah, from Khilas, from 'Ali, regarding a man who marries a female slave who has a child from someone else, and [the child] dies. He said: "He should not approach her until what is in her womb becomes clear to him, or she menstruates one cycle."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ نُمَيْرٍ، عَنْ حَاجَاجٍ، عَنْ فَنَادِهَ، عَنْ خِلَاسٍ، عَنْ عَلَيٍّ، فِي الرَّجُلِ يَتَرَوَّجُ الْأَمَةَ وَلَهَا وَلْدٌ مِنْ غَيْرِهِ، فَيَمُوتُ، قَالَ: لَا يَقْرَبُهَا حَتَّى يَتَبَيَّنَ لَهُ مَا فِي بَطْنِهَا، أَوْ تَحِيطَ حَيْضَهُ

[18797] Abu Bakr told us, he said: Yahya ibn Zakariyya told us, from Muhammad ibn Muslim, from Ibrahim ibn Maysarah, from 'Umar, who said: "He should not approach her until he sees whether she is pregnant or not."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَحْيَى بْنُ زَكَرِيَّاً، عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ، عَنْ إِبْرَاهِيمَ بْنِ مَيْسَرَةَ، عَنْ عُمَرَ قَالَ: لَا يَقْرَبُهَا حَتَّى يَنْظُرْ أَنَّهَا حُلْبَى أَوْ لَا

[18798] Abu Bakr told us, he said: Ibn 'Ayyash told us, from Al-Shaybani, from Hassan ibn al-Mukhariq, that Al-Hasan ibn 'Ali said: "He should not approach her until she observes the waiting period," or he said: "until she menstruates."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عَيَّاشٍ، عَنْ الشَّيْبَانِيِّ، عَنْ حَسَانِ بْنِ الْمُخَارِقِ، أَنَّ الْحَسَنَ بْنَ عَلَيٍّ قَالَ: لَا يَقْرَبُهَا حَتَّى تَعَدَّ، أَوْ قَالَ: حَتَّى تَحِيطَ

[18799] Abu Bakr told us, he said: Ibn Idris told us, from Ash'ath, from Al-Sha'bi, that Al-Hasan ibn 'Ali prayed over a funeral, and said to the husband, while the woman had a child from someone else: "You have no right to claim a share that is not yours."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، أَنَّ الْحَسَنَ بْنَ عَلَيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَنَازَةً، فَقَالَ لِلزَّوْجِ وَلِلْمَرْأَةِ وَلَدٌ مِّنْ غَيْرِهِ: لَيْسَ لَكُمْ أَنْ تَسْتَأْخِفُوهُمْ بِهِمْ لِمَا هُمْ يَرْعَى لَكُمْ سَهْمًا لَيْسَ لَكُمْ

[18800] Abu Bakr told us, he said: Ibn Idris told us, from Al-A'mash, from Ibrahim and 'Umarah, who said: "He should not approach her until it becomes clear whether there is pregnancy or not."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ وَعُمَارَةَ، قَالَا: لَا يَقْرُبُهَا حَتَّى يَتَبَيَّنَ حَمْلُهُ لَا

[18801] Abu Bakr told us, he said: Ibn Abi Za'idah told us, from Al-A'mash, from Ibrahim, who said: "He should not approach her until she menstruates one cycle."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَقْرُبُهَا حَتَّى تَحِضُّ حِيْضَةً

[18802] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Sa‘īd, from Qatādah, from Sa‘īd and Al-Hasan, who both said: “Umar ibn al-Khaṭṭāb gave the impotent man a year's respite. If he could have intercourse with her, well and good; otherwise, he separated them, and she had to observe the waiting period ('iddah).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ سَعِيدٍ، وَالْحَسَنِ قَالَا: أَجَلٌ عُمْرُ بْنِ الْخَطَّابِ الْعَيْنَيْنِ سَنَةً، فَإِنْ اسْتَطَاعَهَا وَإِلَّا فَرَقَ بَيْنَهُمَا، وَعَلَيْهَا الْعِدَّةُ

[18803] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Ibn Jurayj, from ‘Atā’, who said: “If the year passes, she observes the waiting period of a divorced woman after the year, even if he does not divorce

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ قَالَ: إِذَا مَضَتِ السَّنَةُ اعْتَدَتْ بَعْدَ السَّنَةِ عِدَّةَ الْمُطْلَقَةِ، وَإِنْ لَمْ يُطْلَقْهَا

[18804] Abū Bakr narrated to us, saying: ‘Abd al-Ālā narrated to us, from Yūnus, from Al-Hasan, regarding the wife of an impotent man, he said: “She must observe the waiting period when they are separated.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ الْحَسَنِ، فِي امْرَأَةِ الْعَيْنَيْنِ، قَالَ: عَلَيْهَا الْعِدَّةُ إِذَا فُرِّقَ بَيْنَهُمَا

[18805] Abū Bakr narrated to us, saying: Aswad ibn ‘Āmir narrated to us, saying: Ḥammād ibn Salamah narrated to us, from Hishām, from ‘Urwah, from his father, who said: “She must observe the waiting period.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَسْوَدُ بْنُ عَامِرٍ، قَالَ: نَا حَمَادُ بْنُ سَلَمَةَ، عَنْ هِشَامٍ، عَنْ عُرْوَةَ، عَنْ أَبِيهِ، قَالَ: عَلَيْهَا الْعِدَّةُ

[18806] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Mūsā ibn Abī Kathīr ibn al-Šabbāh, who said: I said to Sa‘id ibn al-Musayyib: “How long is the waiting period for his wife?”—meaning the apostate. He said: “Three menstrual cycles.” I said: “What if he is killed?” He said: “Then four months and ten days.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مُوسَى بْنِ أَبِي كَثِيرٍ بْنِ الصَّبَّاحِ، قَالَ: فَلْتُ لِسَعِيدِ بْنِ الْمُسَيْبَ: كَمْ تَعْدُ امْرَأَةً؟، يَعْنِي الْمُرْتَدَ، قَالَ: ثَلَاثَةَ قُرُوءٍ، فُلْتُ: فَإِنْ قُتِلَ؟ قَالَ: فَأَرْبَعَةَ أَشْهُرٍ وَعَشْرًا

[18807] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Ash‘ath, from Al-Sha‘bī and Al-Ḥakam, regarding a Muslim man who apostatizes from Islam and joins the enemy land. They said: “She observes a waiting period of three menstrual cycles if she menstruates; if she does not menstruate, then three months; and if she is pregnant, until she delivers her child. Then she may marry if she wishes. If he returns and repents before her waiting period expires, they remain in their marriage.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ أَسْعَثَ، عَنِ الشَّعْبِيِّ، وَالْحَكَمِ، قَالَا: فِي الرَّجُلِ الْمُسْلِمِ يَرْتَدُ عَنِ الْإِسْلَامِ، وَيَلْحَقُ بِأَرْضِ الْعَدُوِّ، قَالَا: تَعْذُّ لِلَّهِ أَنْ قُرُوءِ إِنْ كَانَتْ تَحِيطُ، وَإِنْ كَانَتْ لَا تَحِيطُ ثَلَاثَةَ أَشْهُرٍ، وَإِنْ كَانَتْ حَامِلاً فَتَضَعُ حَطْلَهَا ثُمَّ تَرْوَجُ إِنْ شَاءَتْ، وَإِنْ هُوَ رَاجِعٌ فَتَابَ قَبْلَ أَنْ تَنْفَضِيَ عَذْنَاهَا يُبَتَّانَ عَلَى نِكَاحِهِمَا

[18808] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm ibn Sulaymān narrated to us, from Ismā‘il, from Al-Hasan, who said: “If a man apostatizes from Islam, his wife becomes irrevocably separated from him with one divorce. He has no way back to her if he returns, and she observes the waiting period of a divorced woman.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ إِسْمَاعِيلَ، عَنِ الْحَسَنِ قَالَ: إِذَا ارْتَدَ الرَّجُلُ عَنِ الْإِسْلَامِ، فَقَدْ بَانَتْ مِنْهُ امْرَأَةٌ بِنَطْلِيقَةٍ بِأَيْنَةٍ، فَلَيْسَ عَلَيْهَا سَبِيلٌ إِنْ رَجَعَ وَتَعْذُّ عَدَّةَ الْمُطْلَقَةِ

[18809] Abū Bakr narrated to us, saying: ‘Abd al-Rahīm narrated to us, from Ismā‘il, from Abū Ma‘shar, from Ibrāhīm, who said: “He has more right to her as long as she is in the waiting period. If he returns while she is in her waiting period, she is his wife.” Abū Ma‘shar said: ‘Umar ibn ‘Abd al-‘Azīz wrote this to ‘Abd al-Ḥamīd ibn ‘Abd al-Rahmān regarding the apostate.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحِيمِ، عَنْ إِسْمَاعِيلَ، عَنْ أَبِي مَعْشِرٍ، عَنْ إِبْرَاهِيمَ قَالَ: هُوَ بِهَا أَحَقُّ مَا دَامَتْ فِي الْعِدَّةِ، إِنْ رَجَعَ وَهِيَ فِي عِدَّتِهَا فَهِيَ امْرَأَهُ، قَالَ أَبُو مَعْشِرٍ: فَكَتَبَ بِذَلِكَ عُمُرُ بْنُ عَبْدِ الْعَزِيزِ إِلَى عَبْدِ الْحَمِيدِ بْنِ عَبْدِ الرَّحْمَنِ فِي الْمُرْتَدِ

[18810] Abū Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Mahdī narrated to us, from Ziyād, from ‘Abd al-Rahmān, who said: I asked Al-Sha‘bī about a dhimmi woman who was divorced and accepted Islam during her waiting period. He said: “If she accepts Islam during her waiting period, she is obligated to observe what Muslim women observe.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ زِيَادٍ، عَنْ عَبْدِ الرَّحْمَنِ قَالَ: سَأَلْتُ الشَّعْبِيَّ، عَنْ امْرَأَهٖ ذِيَّمَيَّةٍ طُفِّقَتْ، فَأَسْلَمَتْ فِي عِدَّتِهَا، قَالَ: إِذَا أَسْلَمَتْ فِي عِدَّتِهَا لَزِمَّهَا مَا لَزِمَّ الْمُسْلِمَاتِ

[18811] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Abū Ḥurrah, who said: Al-Ḥasan was asked about a Christian woman and a Christian man, where she accepts Islam; are they separated? He said: “Yes.” He was asked: “Does she have a waiting period?” He said: “Yes, she has a waiting period of three menstrual cycles or three months.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ مَهْدِيٍّ، عَنْ أَبِي حُرَّةَ، قَالَ:
سُئِلَ الْحَسَنُ، عَنْ نَصْرَانِيَّ وَنَصْرَانِيِّ، فَأَسْلَمَتْ يُفَرَّقُ
بَيْنَهُمَا؟ قَالَ: نَعَمْ، قَالَ: عَلَيْهَا عَدَّةٌ؟ قَالَ: نَعَمْ، عَلَيْهَا
عَدَّةٌ تَلَاثٌ حِيَضٌ أَوْ تَلَاثَةَ أَشْهُرٍ

[18812] Abū Bakr narrated to us, saying: Asbāṭ ibn Muḥammad narrated to us, from ‘Abd al-Malik, who said: ‘Atā’ was asked about a woman whose husband dies while she is a Christian, then she accepts Islam; how long does she wait? He said: “Four months and ten days.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ عَبْدِ الْمَلِكِ
قَالَ: سُئِلَ عَطَاءً عَنِ الْمَرْأَةِ يَمُوتُ زَوْجُهَا وَهِيَ
نَصْرَانِيَّةُ، ثُمَّ تُسْلِمُ كَمْ تَعْتَدُ؟ قَالَ: أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا

[18813] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ulayyah narrated to us, from Yūnus, from Al-Hasan, that he used to say: “The divorce of a Jewish or Christian woman is like the divorce of a Muslim woman, and their waiting period is like the waiting period of a free Muslim woman.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: طَلاقُ الْيَهُودِيَّةِ وَالنَّصْرَانِيَّةِ طَلاقُ الْمُسْلِمَةِ، وَعِدَّتُهُمَا عِدَّةُ الْحُرَّةِ الْمُسْلِمَةِ

[18814] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib and Al-Hasan, regarding a man who marries a Jewish or Christian woman in addition to a Muslim woman. He said: “He divides equally between them, and her divorce is the divorce of a free woman, and her waiting period is likewise.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَالْحَسَنِ، فِيمَنْ تَرَوْجُ أَيَّهُودِيَّةً أَوْ النَّصْرَانِيَّةَ عَلَى الْمُسْلِمَةِ، قَالَ: يَسْأَمُ بَيْنَهُمَا سَوَاءً، وَطَلَاقُهَا طَلاقُ حُرَّةٍ، وَعِدَّتُهَا كَذَلِكَ

[18815] Abū Bakr narrated to us, saying: ‘Abd Allāh ibn Numayr narrated to us, from ‘Ubaydah, from Ibrāhīm, who said: “The divorce of a Jewish or Christian woman is the divorce of a free woman, their waiting period is the waiting period of a free woman, and he divides for them as he divides for a free woman.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ عُبَيْدَةَ،
عَنْ إِبْرَاهِيمَ قَالَ: طَلَاقُ الْيَهُودِيَّةِ وَالنَّصْرَانِيَّةِ طَلَاقُ
الْحُرَّةِ، وَعِدَّتُهُمَا عِدَّةُ الْحُرَّةِ، وَيَقْسُمُ لَهُمَا كَمَا يَقْسُمُ
لِلْحُرَّةِ

[18816] Abū Bakr narrated to us, saying: Ma‘n ibn ‘Isā narrated to us, from Ibn Abī Dhi’b, from Al-Zuhri, who said: “The waiting period of a Christian woman is like the waiting period of a Muslim woman, and their division is equal.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي
ذِئْبٍ، عَنِ الزُّهْرِيِّ قَالَ: عِدَّةُ النَّصْرَانِيَّةِ مِثْلُ عِدَّةِ
الْمُسْلِمَةِ، وَقِسْمُهُمَا سَوَاءٌ

[18817] Abū Bakr narrated to us, saying: Asbāṭ ibn Muḥammad narrated to us, from Muṭarrif, from ‘Āmir, regarding a man who marries a Muslim woman and a Jewish or Christian woman. He said: “He treats them equally in division of his wealth and himself.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ مُطَرِّفٍ،
عَنْ عَامِرٍ، فِي الرَّجُلِ يَتَزَوَّجُ الْمُسْلِمَةَ وَالْيَهُودِيَّةَ أَوِ
النَّصْرَانِيَّةَ، قَالَ: يُسَوِّي بَيْنَهُمَا فِي الْقَسْمِ مِنْ مَالِهِ
وَنَفْسِهِ

[18818] Abū Bakr narrated to us, saying: Shabābah narrated to us, from Shu‘bah, who said: I asked Al-Ḥakam and Ḥammād about a man who marries a Christian woman. They said: “Their division is equal.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَبَابَةُ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكْمَ، وَحَمَادًا، عَنِ الرَّجُلِ يَتَرَوَّجُ النَّصْرَانِيَّةَ، فَقَالَا: قِسْمَتُهُمَا سَوَاءٌ

[18819] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghayyāth narrated to us, from Layth, from Abū ‘Amr al-‘Abdī, from ‘Alī, who said: “If she delivers a child and another remains in her womb, he has more right to her as long as she has not delivered the other.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ لَيْثٍ، عَنْ أَبِي عَمْرٍو الْعَبْدِيِّ، عَنْ عَلَيٍّ قَالَ: إِذَا وَضَعَتْ وَلَدًا، وَبَقَى فِي بَطْنِهَا وَلَدًا، فَهُوَ أَحَقُّ بِهَا مَا لَمْ تُنْصَعِّ الْأُخْرَ

[18820] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghayyāth narrated to us, from Ibn Jurayj, from ‘Atā’ ibn Maysarah, from Ibn ‘Abbās, who said: “If she delivers a child and another remains in her womb, he has more right to take her back as long as she has not delivered the other.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءِ بْنِ مَيْسَرَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: إِذَا وَضَعَتْ وَلَدًا، وَبَقَى فِي بَطْنِهَا وَلَدًا، فَهُوَ أَحَقُّ بِرَجْعَتِهَا مَا لَمْ تُنْصَعِّ الْأُخْرَ

[18821] Abū Bakr narrated to us, saying: Ḥafṣ narrated to us, from Ibn Jurayj, from ‘Atā’, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءِ، مِثْلُهُ

[18822] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Sa‘īd ibn Abī ‘Arūbah, from Qatādah, from Sa‘īd ibn al-Musayyib, ‘Aṭā’, and Sulaymān ibn Yasār, regarding a man who divorces his wife once, and she delivers a child while another remains in her womb, and her husband takes her back in between. They said: “If he wishes, he can take her back until she delivers the other one.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، وَعَطَاءً، وَسُلَيْمَانَ بْنِ يَسَارٍ فِي الرَّجُلِ يُطْلَقُ امْرَأَةٌ ثَطْلِيقَةً، فَتَضَعُّ وَلَدًا، وَفِي بَطْنِهَا آخَرُ، فَرَاجَعَهَا زَوْجُهَا فِيمَا بَيْنَ ذَلِكَ، قَالُوا: إِنْ شَاءَ رَاجَعَهَا حَتَّى تَضَعَّ الْآخَرَ مِنْهَا

[18823] Abū Bakr narrated to us, saying: Abū Dāwūd al-Tayālisī narrated to us, from Hishām, from Hammād, from Ibrāhīm, regarding a man who divorces his wife while she has two children in her womb. He said: “He has more right to take her back as long as she has not delivered the other,” and he recited: {And for those who are pregnant, their term is until they give birth} [Al-Talaq: 4].

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو ذَاؤْدَ الطَّيَالِسِيُّ، عَنْ هِشَامٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ طَلَقَ امْرَأَةً وَفِي بَطْنِهَا وَلَدَانِ، قَالَ: "هُوَ أَحَقُّ بِرَجْعَتِهَا مَا لَمْ تَضَعِّ الأُخْرَ، وَتَلَّا: {وَأُولَاتُ الْأَحْمَالِ أَجْلَهُنَّ أَنْ يَضَعْنَ حَلْلَهُنَّ}

[18824] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib, Sulaymān ibn Yasār, and ‘Atā’ ibn Abī Rabāḥ, who said: “He has more right to her as long as she has not delivered the other.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، وَسُلَيْمَانَ بْنِ يَسَارٍ، وَعَطَاءً بْنِ أَبِي رَبَاحٍ، قَالُوا: هُوَ أَحَقُّ بِهَا مَا لَمْ تَضَعِ الْأُخْرَ

[18825] Abū Bakr narrated to us, saying: Ibn Abī Zā’idah narrated to us, from Zakariyyā, from ‘Āmir, who said: “They used to say: Even if it was one child and a part of it came out, he possesses the right to take her back as long as it has not all come out.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنْ زَكَرِيَّاَ، عَنْ عَامِرٍ قَالَ: كَانُوا يَقُولُونَ: لَوْ كَانَ وَلَدٌ وَاحِدٌ خَرَجَ مِنْهُ طَافِقٌ يَمْلِكُ الرَّجْعَةَ مَا لَمْ يَخْرُجْ كُلُّهُ

[18826] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, saying: Ibn Ḥanẓalah narrated to us, from Al-Sha’bī, who said: “He has more right to her as long as she has not delivered the other.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، قَالَ: نَا ابْنُ حَنْظَلَةَ، عَنْ الشَّعْبِيِّ، قَالَ: هُوَ أَحَقُّ بِهَا مَا لَمْ تَضَعِ الْأُخْرَ

[18827] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ulayyah narrated to us, from Yūnus, from Al-Hasan, who said: “If a man dies or divorces his wife while she is pregnant, and she delivers a child while another remains in her womb, her waiting period has expired with the first.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ قَالَ: إِذَا تُوْفِيَ الرَّجُلُ، أَوْ طَلَقَ امْرَأَتَهُ وَهِيَ حَامِلٌ، فَوَضَعَتْ وَلَدًا، وَبَقَى فِي بَطْنِهَا آخَرُ، فَقَدِ اُنْقَضَتْ عِدَّهَا بِالْأَوَّلِ

[18828] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Ash‘ath, from Al-Hakam, from Ibrāhīm, who said: “If she delivers one of them, she is irrevocably separated from him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مُعاوِيَةَ، عَنْ أَشْعَثَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا وَضَعَتْ أَحَدَهُمَا فَقَدْ بَانَتْ مِنْهُ

[18829] Abū Bakr narrated to us, saying: ‘Abd al-A‘lā narrated to us, from Sa‘id, from Qatādah, from ‘Ikrimah, who said: “If she delivers the first, she is irrevocably separated.” He said: It was said to him: Can she marry? He said: “No.” Qatādah said: “The opponent of the slave.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنْ عِكْرِمَةَ قَالَ: إِذَا وَضَعَتِ الْأَوَّلَ فَقَدْ بَانَتْ، قَالَ: قَيْلَ لَهُ: تُزَوِّجُ؟ قَالَ: لَا، قَالَ قَنَادَةُ: حَصْنُ الْعَبْدِ

[18830] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, who said: “The divorced woman observes her waiting period in her husband's house, and she does not apply kohl for adornment.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ
قَالَ: تَعْدُ الْمُطَافِفَةَ فِي بَيْتِ زَوْجِهَا، وَلَا تَنْحِلُّ بِكُحْلٍ
زِينَةً

[18831] Abū Bakr narrated to us, saying: Ibn Abī Zā'īdah narrated to us, from Al-A'mash, from Ibrāhīm, from Masrūq, who said: A man came to 'Abd Allāh and said: “I divorced my wife three times, and she wants to leave.” He said: “Restrain her.” He said: “She cannot be restrained.” He said: “Then shackle her.” He said: “She has brothers with thick necks (strong/powerful).” He said: “Seek help from the Emir.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ أَبِي زَائِدَةَ، عَنِ الْأَعْمَشِ،
عَنْ إِبْرَاهِيمَ، عَنْ مَسْرُوقٍ قَالَ: حَاءَ رَجُلٌ إِلَى عَبْدِ اللَّهِ
فَقَالَ: إِنِّي طَلَقْتُ امْرَأَتِي ثَلَاثًا، وَإِنَّهَا تُرِيدُ أَنْ تَخْرُجَ،
قَالَ: احْسِنْهَا قَالَ: لَا تُحْبِسُ، قَالَ: فَقَيْدُهَا، قَالَ: إِنَّ لَهَا
إِخْوَةً غَلِيلَةً رِقَابُهُمْ، قَالَ: اسْتَعِدِ الْأَمِيرَ

[18832] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Hishām ibn 'Urwah, from his father, who said: “The divorced woman visits but does not stay overnight.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ
أَبِيهِ قَالَ: الْمُطَافِفَةُ تَرُورُ وَلَا تَبِيتُ

[18833] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Sa‘īd ibn Abī ‘Arūbah, from Qatādah, from Sa‘īd ibn al-Musayyib, who said: “The woman divorced three times does not leave her husband's house, and she does not touch perfume except at the time of purification with costus (Qust) and fingernail shells (Azfār).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَبَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: الْمُطْلَقَةُ ثَلَاثًا لَا تَخْرُجُ مِنْ بَيْتِ زَوْجِهَا، وَلَا تَمْسُ طَبِيَّا إِلَّا عِنْدَ الطَّهْرِ مِنْ قُسْطٍ وَأَظْفَارٍ

[18834] Abū Bakr narrated to us, saying: Yahyā ibn Muḥammad al-Qurashī narrated to us, from Ibn ‘Ajlān, from ‘Abd al-Rahmān ibn Naḍlah, who said: I divorced a cousin of mine three times irrevocably. I came to Sa‘īd ibn al-Musayyib to ask him. He said: “She observes the waiting period in her husband's house where she was divorced.” And I asked Al-Qāsim, Sālim, Abū Bakr ibn ‘Abd al-Rahmān ibn al-Ḥārith, Khārijah ibn Zayd, and Sulaymān ibn Yasār; all of them said the same as Sa‘īd's statement.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَحْيَى بْنُ مُحَمَّدٍ الْقُرَشِيُّ، عَنْ أَبْنِ عَجْلَانَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ نَضْلَةَ قَالَ: طَافَتْ بِنْتُ عَمٍّ لِي ثَلَاثًا الْبَتَّةَ، فَأَتَيْتُ سَعِيدَ بْنَ الْمُسَيْبَ أَسْنَلَهُ، قَالَ: تَعْدُ فِي بَيْتِ زَوْجِهَا حَيْثُ طَافَتْ، وَسَأَلْتُ الْقَاسِمَ، وَسَالِمًا، وَأَبَا بَكْرٍ بْنَ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ، وَخَارِجَةَ بْنَ زَيْدٍ، وَسُلَيْمَانَ بْنَ يَسَارٍ كُلُّهُمْ يَقُولُ مِثْلَ قَوْلِ سَعِيدٍ

[18835] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma’mar, from Al-Zuhri, regarding the woman divorced three times and the widow: “They both observe the waiting period in their husbands' houses and observe mourning.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الرُّهْرِيِّ فِي الْمُطَافَةِ تَلَانًا، وَالْمُتَوَفِّى عَنْهَا رَوْجُهَا: تَعْدَانِ فِي بَيْتِ رَوْجِيهِمَا وَتَحْدَانِ

[18836] Abū Bakr narrated to us, saying: ‘Alī ibn Mushir narrated to us, from Yaḥyā ibn Sa‘īd, from Al-Qāsim, that Yaḥyā ibn Sa‘īd ibn al-Āṣ divorced his wife, the daughter of ‘Abd al-Rahmān ibn al-Hakam. She went to her family. ‘A’ishah sent to Marwān: “Fear Allah and return the woman to her house.” Marwān said: “‘Abd al-Rahmān overcame me.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنِ الْقَاسِمِ، أَنَّ يَحْيَى بْنَ سَعِيدٍ بْنَ الْعَاصِ طَلاقَ امْرَأَتَهُ بِنْتَ عَبْدِ الرَّحْمَنِ بْنِ الْحَكَمِ، فَانْطَلَقَتْ إِلَى أَهْلِهَا، فَأَرْسَلَتْ عَائِشَةً إِلَى مَرْوَانَ: أَتَقِ اللَّهَ، وَرُزْدَ الْمَرْأَةِ إِلَى بَيْتِهَا، فَقَالَ مَرْوَانُ: إِنَّ عَبْدَ الرَّحْمَنِ غَلَبَنِي

[18837] Abū Bakr narrated to us, saying: ‘Abdah narrated to us, from ‘Abd Allāh, from Nāfi‘, from Ibn ‘Umar, who said: “The irrevocably divorced woman and the widow do not stay overnight except in her house until her waiting period ends.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَهُ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: لَا تَبِيَتُ الْمُبْتَوَى، وَلَا الْمُتَوَفِّى عَنْهَا رَوْجُهَا إِلَّا فِي بَيْتِهَا، حَتَّى تَنْقَضِي عِدَّهَا

[18838] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Yahyā ibn Sa‘īd, who said: A woman was divorced in Medina. The scholars of Medina were asked, and they said: She stays in her house. Sa‘īd was asked, and he said: “She stays.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ قَالَ: طَلَقْتِ امْرَأَةً بِالْمَدِينَةِ، فَسُئِلَ فُقَهَاءُ أَهْلِ الْمَدِينَةِ، فَقَالُوا: تَمْكُثُ فِي بَيْتِهَا، فَسُئِلَ سَعِيدٌ: فَقَالَ: تَمْكُثُ

[18839] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghayāth narrated to us, from Hishām ibn ‘Urwah, from his father, who said: Fāṭimah bint Qays said: “O Messenger of Allah, I fear being intruded upon.” He said: So he ordered her to move.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غَيَاثٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، قَالَ: قَالَتْ فَاطِمَةُ بْنُتْ قَيْسٍ: يَا رَسُولَ اللَّهِ، إِنِّي أَخَافُ أَنْ يُقْتَحَمَ عَلَيَّ، قَالَ: فَأَمْرَهَا أَنْ تَحَوَّلَ

[18840] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Al-Ḥasan, regarding the woman divorced three times: “She may observe the waiting period in other than her house if she wishes.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنِ الْحَسَنِ، فِي الْمُطْلَقَةِ ثَلَاثَةَ: تَعْدُ فِي غَيْرِ بَيْتِهَا إِنْ شَاءَتْ

[18841] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb al-Thaqafī narrated to us, from Ḥabīb, who said: I asked ‘Atā’, and he said: “She observes the waiting period wherever she wishes.” Al-Ḥasan also said the same.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْوَهَابِ التَّقَفِيُّ، عَنْ حَبِيبٍ قَالَ: سَأَلْتُ عَطَاءً فَقَالَ: تَعْنَدُ حَيْثُ شَاءْتُ، وَقَالَهُ الْحَسَنُ أَيْضًا

[18842] Abū Bakr narrated to us, saying: Muḥammad ibn Bishr narrated to us, saying: Abū Salamah narrated to us, from Fāṭimah bint Qays, who said: I wrote this from her mouth as a letter. She said: I was with a man from Banū Makhzūm, and he divorced me irrevocably. The Messenger of Allah ﷺ said to me: “Move to Ibn Umm Maktūm, for he is a blind man; if you put something down, he will not see anything.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: نَا أَبُو سَلَمَةَ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَ: كَتَبْتُ ذَلِكَ مِنْ فِيهَا كِتَابًا، قَالَتْ: كُنْتُ عِنْدَ رَجُلٍ مِنْ بَنِي مَخْرُومٍ، فَطَلَقَنِي الْبَنْتَ، فَقَالَ لِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: انْتَظِي إِلَى ابْنِ أُمِّ مَكْتُومٍ، فَإِنَّهُ رَجُلٌ قَدْ ذَهَبَ بَصَرُهُ، فَإِنْ وَضَعْتِ شَيْئًا لَمْ يَرَ شَيْئًا

[18843] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghayyāth narrated to us, from Hishām, from Al-Ḥasan, that the Prophet ﷺ ordered Barīrah to observe the waiting period of a free woman.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَمَرَ بَرِيرَةَ أَنْ تَعْنَدَ عِدَّةَ الْحُرَّةَ

[18844] Abū Bakr narrated to us, saying: Hushaym narrated to us, from Khālid, from Abū Ma‘shar, from Ibrāhīm, that Barīrah observed the waiting period of a free woman.

[18845] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ulayyah narrated to us, from Ayyūb, from Al-Zuhrī, who said: “Barīrah was freed, so she observed the waiting period of a free woman.”

[18846] Abū Bakr narrated to us, saying: Jarīr ibn ‘Abd al-Ḥamīd narrated to us, from Mughīrah, from Ibrāhīm, who was asked about a woman who was divorced while living in a rented house. He said: “If he does well to pay the rent, she stays in her house until her waiting period expires.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ خَالِدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، أَنَّ بَرِيرَةَ اعْتَدَتْ عِدَّةَ الْحُرَّةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ أَئُوبَ، عَنِ الزُّهْرِيِّ قَالَ: بَرِيرَةُ أَعْتَقَتْ، فَاعْتَدَتْ عِدَّةَ الْحُرَّةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، سُلَيْلٌ عَنْ امْرَأَةِ طَلَقَتْ وَهِيَ سَاكِنَةٌ فِي بَيْتٍ بِكِرَاءِ، فَقَالَ: إِنْ أَحْسَنَ أَنْ يُعْطِي أَجْرًا، وَتَنْكِثَ فِي بَيْتِهَا حَتَّى تَنْفَضِي عِدَّهَا

[18847] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb al-Thaqafī narrated to us, from Yaḥyā ibn Sa‘īd, who said: Ibn al-Musayyib was asked about a woman who was divorced while in a rented house; who pays the rent? He said: “Upon her husband.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: سُئِلَ ابْنُ الْمُسَيْبِ، عَنْ امْرَأَةٍ طُلِقَتْ وَهِيَ فِي بَيْتٍ بِكِرَاءٍ عَلَى مَنِ الْكِرَاءُ؟ قَالَ: عَلَى زَوْجِهَا

[18848] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Ḥabīb ibn Abī Thābit, from Sa‘īd ibn al-Musayyib; and from Sufyān, from Maṇṣūr, from Mujaḥid, from Sa‘īd ibn al-Musayyib, that ‘Umar turned back women pilgrims or those performing ‘Umrah who went out during their waiting period.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، وَعَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، أَنَّ عُمَرَ رَدَّ نِسْوَةً حَاجَاتٍ أَوْ مُعْتَمِرَاتٍ خَرَجْنَ فِي عَدِّنَهُنَّ

[18849] Abū Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Ibn Jurayj, from Ḥumayd al-A‘raj, that ‘Umar and ‘Uthmān turned back women pilgrims and those performing ‘Umrah until they observed their waiting period in their houses.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ ابْنِ جُرَيْجَ، عَنْ حُمَيْدِ الْأَعْرَجِ، أَنَّ عُمَرَ وَعُثْمَانَ رَدَّا نِسْوَةً حَوَاجَ وَمُعْتَمِرَاتٍ حَتَّى اعْتَدْنَ فِي بُيُوتِهِنَّ

[18850] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Ḥammād, from Ibrāhīm, that Ibn Mas‘ūd turned back women pilgrims and those performing ‘Umrah who went out during their waiting period.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِبْعُ، عَنْ سُفْيَانَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، أَنَّ ابْنَ مَسْعُودٍ رَدَ نِسْوَةً حَاجَاتٍ وَمُعْتَمِرَاتٍ حَرْجَنَ فِي عِدَّتِهِنَّ

[18851] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Abū al-Miqdām, from Sa‘īd ibn al-Musayyib, who said: “The widow and the divorced woman do not perform Hajj or ‘Umrah, nor do they wear dyed garments (Mujassad).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِبْعُ، عَنْ سُفْيَانَ، عَنْ أَبِي الْمِقْدَامَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: الْمُتَوَفَّى عَنْهَا وَالْمُطَلَّقَةُ لَا تَحْجُّ وَلَا تَعْمَرُ، وَلَا تَلْبِسُ مُجَسَّدًا

[18852] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from ‘Alī ibn Mubārak, from Yaḥyā ibn Abī Kathīr, that Ibn ‘Umar scolded a woman performing Hajj during her waiting period.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِبْعُ، عَنْ عَلَيٍّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، أَنَّ ابْنَ عُمَرَ زَجَ امْرَأَةً تَحْجُّ فِي عِدَّتِهَا

[18853] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Ash‘ath, from Abū al-Zubayr, from Jābir, who said: “Umar ibn al-Khaṭṭāb turned back women from Dhū al-Hulayfah who were pilgrims, whose husbands were killed at some of those

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ أَشْعَثَ،
عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرٍ قَالَ: رَدَّ عُمَرُ بْنُ الْحَطَابِ
نِسْوَةً مِنْ ذِي الْحُلَيْفَةِ حَاجَاتٍ قُتِلَ أَزْوَاجُهُنَّ فِي بَعْضِ
تِلْكَ الْمِيَاهِ

[18854] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Mālik ibn Anas, from Ḥumayd ibn Qays, from ‘Amr ibn Shu‘ayb, from Sa‘id ibn al-Musayyib, who said: “Umar turned back women whose husbands had died from Al-Baydā’, preventing them from Hajj.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ مَالِكِ بْنِ
أَسَسِ، عَنْ حُمَيْدِ بْنِ قَيْسٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ
سَعِيدِ بْنِ الْمُسَيَّبِ قَالَ: رَدَّ عُمَرُ نِسْوَةً الْمُتَوَفِّيَ عَنْهُنَّ
أَزْوَاجُهُنَّ مِنَ الْبَيْدَاءِ، فَمَنَعُهُنَّ مِنَ الْحَجَّ

[18855] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Usāmah, from Al-Qāsim, and from Jarīr ibn Ḥāzim, from ‘Aṭā’, that ‘Āishah took Umm Kulthūm on Hajj during her waiting period.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ أَسَامَةَ، عَنْ الْقَاسِيمِ،
وَعَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ عَطَاءٍ، أَنَّ عَائِشَةَ أَحْجَتْ أُمَّ
كُلُّوْمٍ فِي عِدَّهَا

[18856] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from Ḥajjāj, from ‘Atā’, from Ibn ‘Abbās, that he saw no harm in women divorced three times and widows performing Hajj during their waiting periods.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ حَاجَاجٍ، عَنْ عَطَاءَ، عَنْ ابْنِ عَبَّاسٍ، أَنَّهُ كَانَ لَا يَرَى بِأَسْأَلَ الْمُطَلَّقَاتِ ثَلَاثًا، وَالْمُتَوَفِّيَ عَنْهُنَّ أَرْوَاحُهُنَّ أَنْ يَحْجُجْنَ فِي عِدَّتِهِنَّ

[18857] Abū Bakr narrated to us, saying: Al-Thaqafī narrated to us, from Ḥabīb al-Mu‘allim, who said: I asked ‘Atā’ about the woman divorced three times and the widow: Can they perform Hajj during their waiting period? He said: “Yes.” Ḥabīb said: And Al-Hasan used to say the same.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا التَّقَفِيُّ، عَنْ حَبِيبِ الْمُعَلَّمِ، قَالَ: سَأَلْتُ عَطَاءً، عَنْ الْمُطَلَّقَةِ ثَلَاثًا، وَالْمُتَوَفِّيَ عَنْهَا: ثَحْجَانٌ عَنْهُمَا فِي عِدَّتِهِمَا؟ قَالَ: نَعَمْ، وَقَالَ حَبِيبٌ: وَكَانَ الْحَسَنُ يَقُولُ مِثْلَ ذَلِكَ

[18858] Abū Bakr narrated to us, saying: Abū Khālid al-Āḥmar narrated to us, from Sa'd ibn Ishāq, from Zaynab bint Ka'b ibn 'Ujrah—who was married to Abū Sa'īd al-Khudrī—that his sister Furay'ah bint Mālik said: My husband went out in search of some slaves of his. He caught up with them at Ṭaraf al-Qadūm, and they killed him. The news of my husband's death came while I was in a house of the Anṣār, far from my family's houses. I came to the Prophet ﷺ and said: O Messenger of Allah, the news of my husband's death came to me while I am in a house, and my brothers' house is far from my family's house. He did not leave any wealth to be spent on me, nor did I inherit any wealth, nor does he own a house. If you see fit to permit me to join my family's house or my brothers' house, it would be dearer to me and better for my affairs. He said: “Do so if you wish.” She said: I left with my eyes cooled by what Allah decreed on the tongue of His Messenger. When I was in the mosque or in part of the chamber, he called me and

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ سَعْدِ بْنِ إِسْحَاقَ، عَنْ زَيْنَبِ بْنِتِ كَعْبٍ بْنِ عُجْرَةَ، وَكَانَتْ تَحْتَ أَبِي سَعِيدِ الْخُدْرِيِّ، أَنَّ أَخْتَهُ فُرَيْعَةً ابْنَةَ مَالِكٍ قَالَتْ: حَرَّجَ رَوْجِي فِي طَلَبِ أَعْلَاجٍ لَهُ، فَادْرَكَهُمْ بِطَرْفِ الْقَدْوَمِ، فَقَتَلُوهُ، فَجَاءَ نَعْيُ رَوْجِي وَأَنَا فِي دَارٍ مِنْ دُورِ الْأَنْصَارِ، شَاسِعَةً عَنْ دُورِ أَهْلِيِّ، فَأَشَيَّثُ النَّيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّهُ أَنَايِ نَعْيُ رَوْجِي وَأَنَا فِي دَارٍ، وَدَارٌ إِخْرَاتِي شَاسِعَةً عَنْ دَارِ أَهْلِيِّ، وَلَمْ يَدْعُ مَالًا يُنْفَقُ عَلَيَّ، وَلَا مَالٌ وَرِثْتُهُ، وَلَا دَارٌ يَمْلِكُهَا، فَإِنْ رَأَيْتَ أَنْ تَأْذِنَ، فَلَلْحَقَ دَارُ أَهْلِيِّ أَوْ دَارُ إِخْرَاتِيِّ، فَإِنَّهُ أَحَبُّ إِلَيَّ، وَاجْمَعُ إِلَيَّ بَعْضُ أَمْرِيِّ، قَالَ: فَأَفْعَلِي إِنْ شِئْتُ، قَالَتْ: فَخَرَجْتُ فَرِيزَةً عَيْنِ لِمَا قَضَى اللَّهُ عَلَى لِسَانِ رَسُولِهِ، حَتَّى إِذَا كُنْتُ فِي الْمَسْجِدِ أَوْ فِي بَعْضِ الْحُجْرَةِ دَعَانِي، فَسَأَلَ: كَيْفَ رَعَمْتِ؟ قَالَتْ: فَقَصَصْتُ عَلَيْهِ الْقِصَّةَ، قَالَ: امْكُثِي فِي بَيْتِكَ الَّذِي كَانَ فِيهِ رَوْجُكَ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلُهُ، قَالَتْ: فَأَعْنَدَتُ فِيهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا

[18859] Abū Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from Maṇṣūr, from Ibrāhīm, from ‘Alqamah, that husbands of some women from Hamdān were killed. ‘Abd Allāh said: “They may gather during the day, but they must spend the night in their houses.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، أَنَّ نِسْوَةً مِنْ هَمْدَانَ قُتِلَتْ عَنْهُنَّ أَزْوَاجُهُنَّ، فَقَالَ عَبْدُ اللَّهِ: يَجْمَعْنَ بِالنَّهَارِ، وَيَبْتَلَنَ فِي بُيُوتِهِنَّ

[18860] Abū Bakr narrated to us, saying: Abū al-Āḥwāṣ narrated to us, from Maṇṣūr, from Ibrāhīm, who said: Husbands of some women from Hamdān died. They wanted to gather in the house of one of them to observe the waiting period. They sent to Ibn Mas‘ūd to ask him. He said: “Every woman observes waiting in her own house.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو الْأَحْوَاصِ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ قَالَ: ثُوْفِيَ عَنْ نِسْوَةٍ مِنْ هَمْدَانَ أَزْوَاجُهُنَّ، فَأَرَدْنَ أَنْ يَجْمَعْنَ فِي بَيْتِ امْرَأَةٍ مِنْهُمْ يَعْتَدِنَ، فَأَرْسَلَنَ إِلَى ابْنِ مَسْعُودٍ يَسْأَلُنَهُ، قَالَ: تَعْتَدُ كُلُّ امْرَأَةٍ فِي بَيْتِهَا

[18861] Abū Bakr narrated to us, saying: Ibn ‘Ulayyah narrated to us, from Ayyūb, from Yūsuf ibn Māhak, from his mother Musaykah, that a woman visited her family while in her waiting period and went into labor with them. ‘Uthmān sent for me after he had prayed ‘Ishā’ and laid down. I said: So-and-so visited her family while in her waiting period, and she is in labor; what do you command me? He said: “He ordered that she be carried to her house in that condition.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ أَبِيهِ يُوسُفَ بْنِ مَاهَكَ، عَنْ أُمِّهِ مُسَيْكَةَ، أَنَّ امْرَأَةً زَارَتْ أَهْلَهَا وَهِيَ فِي عِدَّةٍ، فَتَمَخَّضَتْ عِنْدَهُنَّ، فَبَعَثَ إِلَيْهِمْ أَهْلَهَا وَهِيَ فِي عِدَّةٍ، وَأَخَذَ مَضْجَعَهُ، فَقُلْتُ: إِنَّ فُلَانَةَ زَارَتْ أَهْلَهَا وَهِيَ فِي عِدَّتِهَا، وَهِيَ تَمَخَّضُ فَمَا تَأْمُرُنِي؟ قَالَ: فَأَمْرَرْ بِهَا أَنْ تُحْمَلَ إِلَى بَيْتِهَا فِي تِلْكَ الْحَالِ

[18862] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from ‘Alī ibn Mubārak, from Yahyā ibn Abī Kathīr, from Ibn Thawbān, that a woman whose husband died was in need. She asked ‘Umar if she could go to her family. He permitted her to go to her family during the day.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعُ، عَنْ عَلَيِّ بْنِ مُبَارَكٍ، عَنْ بَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ ابْنِ ثَوْبَانَ، أَنَّ امْرَأَةً ثُوْفَى عَنْهَا رَوْجُها، وَبِهَا فَاقَةٌ، فَسَأَلَتْ عُمَرَ أَنْ تَأْتِي أَهْلَهَا؟ فَرَأَخَصَ لَهَا أَنْ تَأْتِي أَهْلَهَا بِيَاضَ يَوْمِهَا

[18863] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from ‘Alī ibn Mubārak, from Yaḥyā ibn Abī Kathīr, from Muḥammad ibn ‘Abd al-Rahmān, that a woman from the Anṣār whose husband died asked Zayd ibn Thābit. He did not permit her except during the day and night (for necessary needs).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ عَلَيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ امْرَأَةً مِنَ الْأَنْصَارِ تُؤْفَى عَنْهَا زَوْجُهَا، فَسَأَلَتْ رَبِيعَ بْنَ ثَابِتٍ فَلَمْ يُرَخِّضْ لَهَا إِلَّا فِي بَيَاضٍ يَوْمَهَا وَلَيْلَتِهَا

[18864] Abū Bakr narrated to us, saying: Jarīr narrated to us, from Maṇṣūr, from Ibrāhīm, who said: A woman was observing waiting period for her deceased husband. Her father fell ill, so she sent to Umm Salamah asking if she could go to nurse him. She said: “Provided you are in your house at both ends of the day.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ قَالَ: كَانَتِ امْرَأَةً تَعْدُ مِنْ زَوْجِهَا تُؤْفَى عَنْهَا، فَاسْتَكَى أَبُوهَا، فَأَرْسَلَتْ إِلَيْهِ أُمُّ سَلَامَةَ تَسْأَلُهَا: ثَأْتِي أَبَاهَا ثُمَّ رُضِّه؟ فَقَالَتْ: إِذَا كُنْتُ أَحَدَ طَرَفَيِ النَّهَارِ فِي بَيْتِكَ

[18865] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Ismā‘il, who said: I heard Ibrāhīm say: “The widow does not spend the night in other than her house.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، قَالَ: سَمِعْتُ إِبْرَاهِيمَ يَقُولُ: الْمُتَوَفَّى عَنْهَا زَوْجُهَا لَا تَبِيتُ فِي غَيْرِ بَيْتِهَا

[18866] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Usāmah ibn Zayd, from Nāfi‘, that a woman's husband died, and she observed waiting in her house for a day (incorrectly or missed a day somewhere else?), so Ibn ‘Umar ordered her to make it up.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ أَسَامَةَ بْنِ زَيْدٍ، عَنْ نَافِعٍ، أَنَّ امْرَأَةً تُؤْفَى زَوْجُهَا، فَاعْتَدَتْ فِي بَيْتِهَا يَوْمًا، فَأَمَرَهَا أَبْنُ عُمَرَ أَنْ تَقْضِيَهُ

[18867] Abū Bakr narrated to us, saying: Abū Usāmah narrated to us, from Hishām ibn ‘Urwah, who said: I asked my father about the widow; does she move? He said: “No, unless her family moves, then she moves with them.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو أَسَامَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ قَالَ: سَأَلْتُ أَبِي عَنِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا، أَتَتْنَقِلُ؟ قَالَ: لَا، إِلَّا أَنْ يَتَنَقِلَ أَهْلُهَا، فَتَتَنَقِلُ مَعَهُمْ

[18868] Abū Bakr narrated to us, saying: Ibnu Fuḍayl narrated to us, from Khuṣayf, who said: I asked Sa‘īd ibn al-Musayyib about the widow; does she leave her house? He said: “No.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبْنُ فُضَيْلٍ، عَنْ حُصَيْفٍ قَالَ: سَأَلْتُ سَعِيدَ بْنَ الْمُسَيْبَ عَنِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا تَخْرُجُ مِنْ بَيْتِهَا؟ قَالَ: لَا

[18869] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, from Al-Ḥakam, who said: ‘Umar and ‘Abd Allāh used to say: “She does not move.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، قَالَ: كَانَ عُمَرُ وَعَبْدُ اللَّهِ يَقُولَانِ: لَا تَنْتَقِلُ

[18870] Abū Bakr narrated to us, saying: ‘Abdah narrated to us, from Ismā‘īl, from Al-Sha‘bī, who said: The companions of ‘Abd Allāh used to say: “She does not leave until she completes her term in her husband's house.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَهُ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ قَالَ: "كَانَ أَصْحَابُ عَبْدِ اللَّهِ يَقُولُونَ: لَا تَخْرُجُ حَتَّى تُؤْفَى أَجَلَهَا فِي بَيْتِ زَوْجِهَا

[18871] Abū Bakr narrated to us, saying: Abū Khālid al-Aḥmar narrated to us, from Yaḥyā ibn Sa‘īd, from Sa‘īd ibn al-Musayyib, that a woman from the Anṣār's husband died, and her father fell ill. She asked permission from ‘Umar, but he did not permit her except to stay in her house.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو خَالِدِ الْأَحْمَرِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، أَنَّ امْرَأَةً مِنَ الْأَنْصَارِ تُؤْفَى عَنْهَا زَوْجُهَا، وَأَنَّ أَبَاهَا اسْتَكَى، وَاسْتَأْذَنَتْ عُمَرَ فَلَمْ يُرَخِّصْ لَهَا إِلَّا فِي بَيْتِهَا

[18872] Abū Bakr narrated to us, saying: Abū Khālid al-Aḥmar narrated to us, from Muḥammad ibn ‘Ajlān, from ‘Awf ibn Abī Jamīlah, who said: A friend of mine died and left a wife in Qubā’. His wife came and said: “Ask Ibn ‘Umar if I can go out to manage his affairs?” So I went to Ibn ‘Umar, and he said: “She goes out during the day but does not stay overnight.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو خَالِدِ الْأَحْمَرِ، عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنْ عَوْفِ بْنِ أَبِي جَمِيلَةَ، قَالَ: تُؤْفَى صَدِيقٌ لِي وَتَرَكَ زَوْجًا لَهُ بِقُبَّاءِ، فَجَاءَتِ امْرَأَتُهُ، فَقَالَتْ: سَلِّي وَتَرَكَ زَوْجًا لَهُ بِقُبَّاءِ، فَجَاءَتِ امْرَأَتُهُ، فَقَالَتْ: سَلِّي ابْنَ عُمَرَ، أَخْرُجْ فَاقْوُمْ عَلَيْهِ؟ فَأَتَيْتُ ابْنَ عُمَرَ فَقَالَ: تَخْرُجُ بِالنَّهَارِ، وَلَا تَبِيتُ بِاللَّيْلِ

[18873] Abū Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, saying: Ibn ‘Awn narrated to us, from Anas, from Ibñ Sīrīn, that a daughter of ‘Abd Allāh's husband died. She came to them and wanted to spend the night with them, but ‘Abd Allāh ibn ‘Umar prevented her and said: “Return to your house and spend the night there.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَنَا ابْنُ عَوْنِ، عَنْ أَنَّسٍ، عَنْ ابْنِ سِيرِينَ، أَنَّ ابْنَةَ لِعَبْدِ اللَّهِ تُوفِيَ رَوْجُهَا، فَأَتَتْهُمْ، فَأَرَادُتْ أُنْ تَبِيتَ عِنْدَهُمْ، فَمَنَعَهَا عَبْدُ اللَّهِ بْنُ عُمَرَ وَقَالَ: ارْجِعِي إِلَى بَيْتِكَ، فَبَيْتِي فِيهِ

[18874] Abū Bakr narrated to us, saying: Jarīr ibn ‘Abd al-Ḥamīd narrated to us, from Mansūr, from Al-Ḥakam, who said: “‘Alī moved Umm Kulthūm when ‘Umar was killed, and ‘A’ishah moved her sister when Talḥah was killed.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مَنْصُورٍ، عَنْ الْحَكَمِ قَالَ: نَقَلَ عَلَيِّ أُمَّ كُلُّوْمٍ حَيْثُ قُتِلَ عُمَرُ، وَنَقَلَتْ عَائِشَةُ أُخْتَهَا حِينَ قُتِلَ طَلْحَةُ

[18875] Abū Bakr narrated to us, saying: Ibñ ‘Uyaynah narrated to us, from ‘Amr, from ‘Atā’ and Abū al-Sha‘thā’, regarding the widow, they both said: “She goes out.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ عَطَاءٍ، وَأَبِي الشَّعْنَاءِ فِي الْمُتَوَفِّي عَنْهَا، قَالَا: تَخْرُجُ

[18876] Abū Bakr narrated to us, saying: Muḥammad ibn Muyassar narrated to us, from Ibn Jurayj, from ‘Atā’, from Ibn ‘Abbās; and from Abū al-Zubayr, from Jābir, who both said: “The widow observes the waiting period wherever she

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ مُيَسَّرٍ، عَنِ ابْنِ جُرَيْجٍ،
عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، وَعَنْ أَبِي الرُّبَيْرِ، عَنْ
جَابِرٍ قَالَا: تَعْتَدُ الْمَنَوْفَى عَنْهَا زَوْجُهَا حَيْثُ شَاءَتْ

[18877] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Ismā‘īl, from Al-Sha‘bī, who said: “‘Alī used to make the widow travel (move).”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ إِسْمَاعِيلَ،
عَنِ الشَّعْبِيِّ قَالَ: كَانَ عَلَيْهِ يُرَحِّلُ الْمُتَوَفَّى عَنْهَا
زَوْجُهَا

[18878] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Firās, from Al-Sha‘bī, that ‘Alī moved Umm Kulthūm after seven (days/nights).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفِينَ، عَنْ فِرَاسٍ،
عَنِ الشَّعْبِيِّ، أَنَّ عَلَيْهَا نَقَّ أُمَّ كُلُّثُومَ بَعْدَ سَبْعَ

[18879] Abū Bakr narrated to us, saying: Yahyā ibn Sa‘īd narrated to us, from Sufyān, from Mughīrah, from Ibrāhīm, regarding a man who divorced his wife, and she menstruated once or twice, then married during her waiting period, and her waiting period expired with her (new) husband. He said: “She is irrevocably separated from him with one divorce.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ طَلَقَ امْرَأَتَهُ، فَحَاضَتْ حَيْضَةً أَوْ حَيْضَتَيْنِ، وَتَزَوَّجَتْ فِي عِدَّتِهَا، فَانْفَضَّتْ عِدَّتُهَا عِنْدَ زَوْجِهَا، فَقَالَ: بَانَتْ مِنْهُ بِتَطْلِيقَةٍ

[18880] Abū Bakr narrated to us, saying: ‘Abd al-A’lā said: Sa‘īd was asked about a man who married a woman during her waiting period, then realized he married her during her waiting period, and her waiting period had expired with him; does her first husband have the right to take her back? He narrated to us from ‘Alī ibn al-Hakam, from Muḥammad ibn Yazīd, from Sa‘īd ibn Jubayr, that he said: “They are separated, and he has no right to take her back because her waiting period has expired with this one.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى قَالَ: سُعِيدٌ، عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فِي عِدَّتِهَا، ثُمَّ عَلِمَ أَنَّهُ تَزَوَّجَهَا فِي عِدَّتِهَا، وَقَدِ انْفَضَّتْ عِدَّتُهَا عِنْدَهُ، هَلْ لِزَوْجِهَا الْأَوَّلِ عَلَيْهَا رَجْعَةٌ، فَحَدَّثَنَا عَنْ عَلَيِّ بْنِ الْحَكَمِ، عَنْ مُحَمَّدِ بْنِ يَزِيدٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ أَنَّهُ قَالَ: يُفَرَّقُ بَيْنَهُمَا، وَلَا رَجْعَةَ لَهُ عَلَيْهَا لِأَنَّ عِدَّتَهَا قَدِ انْفَضَّتْ عِنْدَهَا

[18881] Abū Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Sa’id, from Qatādah, that he said: “Her husband has more right to her, but he does not approach her until her waiting period expires.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، أَنَّهُ قَالَ: رَوْجُهَا أَحَقُّ بِهَا، وَلَا يَقْرُبُهَا حَتَّى تَقْضِيَ عِدَّهَا

[18882] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Sufyān, from Mughīrah, from Ibrāhīm, regarding a man who divorced his wife once or twice, and she menstruated twice with him, then a man married her and she menstruated twice with him. He said: “She is irrevocably separated from the first, and it is not counted for the one after him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ طَلَقَ امْرَأَتَهُ تَطْلِيقَةً أَوْ تَطْلِيقَتَينِ، فَحَاضَتْ عِنْدَهُ حَيْضَتَيْنِ، ثُمَّ رَوَجَهَا رَجُلٌ فَحَاضَتْ عِنْدَهُ حَيْضَتَيْنِ، قَالَ: بَأَنْتُ مِنَ الْأَوَّلِ، وَلَا تُحْسَبْ بِهِ لِمَنْ بَعْدَهُ

[18883] Abū Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Sufyān, from Ma’mar, from Al-Zuhri, who said: “It is counted.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ قَالَ: تُحْسَبْ بِهِ

[18884] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ulayyah narrated to us, from Yūnus, from Al-Ḥakam, who said: “If her husband dies—meaning the slave woman—she waits for two months and five nights.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِسْمَاعِيلُ بْنُ عُلَيْهِ، عَنْ يُونُسَ، عَنِ الْحَكَمِ قَالَ: إِنْ تُؤْفَى عَنْهَا رَوْجُهَا، يَعْنِي الْأَمْةَ، اعْتَدْتُ شَهْرَيْنِ وَخَمْسَ لَيَالٍِ

[18885] Abū Bakr narrated to us, saying: ‘Abdah ibn Sulaymān narrated to us, from Sa‘īd, from Abū Ma‘shar, from Ibrāhīm, who said: “The waiting period of a slave woman when her husband dies is half the waiting period of a free woman, two months and five days.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ قَالَ: عِدَّةُ الْأَمْةِ إِذَا مَاتَ عَنْهَا رَوْجُهَا نِصْفُ عِدَّةِ الْحُرَّةِ، شَهْرَانِ وَخَمْسَةُ أَيَّامٍ

[18886] Abū Bakr narrated to us, saying: ‘Ubayd Allāh ibn Mūsā narrated to us, from Shaybān, from Firās, from Al-Sha‘bī, regarding a slave woman whose free husband died. He said: “Her waiting period is two months and five days.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ شَيْبَانَ، عَنْ فِرَاسٍ، عَنِ الشَّعْبِيِّ، فِي مَمْلُوكَةٍ تُؤْفَى عَنْهَا رَوْجُهَا حُرًّا، فَعِدَّتُهَا شَهْرَانِ وَخَمْسَةُ أَيَّامٍ

[18887] Abū Bakr narrated to us, saying: Shabābah narrated to us, from Layth ibn Sa‘d, from Bukayr, from Ibn al-Musayyib and Ibn Qusayt, regarding a slave woman whose free husband dies. They said: “Her waiting period is two months and five days.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَبَابَةُ، عَنْ لَيْثِ بْنِ سَعْدٍ، عَنْ بُكَيْرٍ، عَنْ ابْنِ الْمُسَيَّبِ، وَابْنِ قُسَيْطٍ فِي الْأَمْمَةِ إِذَا ثُوِّفَتْ عَنْهَا زَوْجُهَا حُرًّا، فَعِدَّنَاهَا شَهْرَانِ وَخَمْسَةُ أَيَّامٍ

[18888] Abū Bakr narrated to us, saying: Shabābah narrated to us, from Layth ibn Sa‘d, from Bukayr, from Ibn al-Musayyib and Ibn Qusayt, regarding a slave woman whose husband dies. They said: “She waits for two months and five days.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا شَبَابَةُ، عَنْ لَيْثِ بْنِ سَعْدٍ، عَنْ بُكَيْرٍ، عَنْ ابْنِ الْمُسَيَّبِ، وَابْنِ قُسَيْطٍ، فِي الْأَمْمَةِ إِذَا تُوْفِيَ عَنْهَا زَوْجُهَا اعْتَدَتْ شَهْرَيْنِ وَخَمْسَةُ أَيَّامٍ

[18889] Abū Bakr narrated to us, saying: Hātim ibn Wardān narrated to us, from Burd, from Makhūl, regarding a slave woman whose husband dies. He said: “She observes the waiting period of a free woman.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ فِي الْأَمْمَةِ إِذَا مَاتَ عَنْهَا زَوْجُهَا اعْتَدَتْ عَدَّةَ الْحُرَّةِ

[18890] Abū Bakr narrated to us, saying: Sufyān ibn ‘Uyaynah narrated to us, from Al-Zuhrī, from Sulaymān ibn Yasār, that Mu‘āwiyah asked Zayd ibn Thābit. He said: “When she enters the third menstruation, she is absolved from him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سُفِيَّاً بْنُ عَيْنَةَ، عَنِ الْزُّهْرِيِّ،
عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ مَعَاوِيَةَ سَأَلَ زَيْدَ بْنَ ثَابِتٍ
قَالَ: إِذَا طَعَنْتُ فِي الْحِيْضَةِ التَّالِثَةِ، فَقَدْ بَرِئْتُ مِنْهُ

[18891] Abū Bakr narrated to us, saying: Jarīr ibn ‘Abd al-Ḥamīd narrated to us, from Mughīrah, from Mūsā ibn Shaddād, from ‘Umar ibn Thābit, who said: Zayd ibn Thābit used to say: “If she menstruates the third time before her husband takes her back, he does not possess the right of

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ
مُغِيرَةَ، عَنْ مُوسَى بْنِ شَدَّادٍ، عَنْ عُمَرَ بْنِ ثَابِتٍ قَالَ:
كَانَ زَيْدُ بْنُ ثَابِتٍ يَقُولُ: إِذَا حَاضَتِ الْحِيْضَةِ التَّالِثَةِ
قَبْلَ أَنْ يُرَاجِعَهَا زَوْجُهَا، فَلَا يَمْلِكُ الرَّجْعَةَ

[18892] Abū Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Ash‘ath, from Al-Zuhrī, from Abū Bakr ibn ‘Abd al-Rahmān, that ‘Ā’ishah and Zayd used to say: “If she enters the third blood (menstruation), he has no right of return over her.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ أَشْعَثَ، عَنِ
الْزُّهْرِيِّ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ عَائِشَةَ،
وَزَيْدًا كَانَا يَقُولُانِ: إِذَا دَخَلَتْ فِي الدَّمِ التَّالِثِ، فَلَيْسَ لَهُ
عَلَيْهَا الرَّجْعَةُ

[18893] Abū Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from ‘Abd Allāh ibn ‘Umar, from Nāfi‘, from Ibn ‘Umar and Zayd ibn Thābit, who both said: “If she menstruates the third time, she is irrevocably separated.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، وَزَيْدِ بْنِ ثَابِتٍ أَنَّهُمَا قَالَا: إِذَا حَاضَتِ الْأَنْثَى، فَقَدْ بَانَتْ

[18894] Abū Bakr narrated to us, saying: ‘Abd al-Wahhāb al-Thaqafī narrated to us, from Yaḥyā ibn Sa‘īd, from Abān ibn ‘Uthmān and Sālim ibn ‘Abd Allāh, who both said: “If she enters the third menstruation, she is irrevocably separated.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْوَهَابِ الثَّقَفِيُّ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبَانَ بْنِ عُثْمَانَ، وَسَالِمَ بْنِ عَبْدِ اللَّهِ قَالَا: إِذَا دَخَلْتِ فِي الْحَيْضَةِ الْأَنْثَى، فَقَدْ بَانَتْ

[18895] Abū Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Abū al-Zinād, from Sulaymān ibn Yasār, from Zayd ibn Thābit, who said: “If she enters the third menstruation, she is irrevocably separated from him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي الرِّنَادِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: إِذَا دَخَلْتِ فِي الْحَيْضَةِ الْأَنْثَى، فَقَدْ بَانَتْ مِنْهُ

[18896] Abū Bakr narrated to us, saying: Ḥafṣ ibn Ghiyāth narrated to us, from Al-A'mash, from Ibrāhīm, from 'Amr and 'Abd Allāh, who both said: "Whoever divorces his wife has more right to take her back as long as she has not bathed from her third menstruation."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الْأَعْمَشِ،
عَنْ إِبْرَاهِيمَ، عَنْ عَمْرٍو، وَعَبْدِ اللَّهِ أَنَّهُمَا قَالَا: مَنْ
طَلَقَ امْرَأَةً فَهُوَ أَحَقُّ بِرَجْعَتِهَا مَا لَمْ تَغْسِلْ مِنْ
حَيْضَتِهَا التَّالِثَةِ

[18897] Abū Bakr narrated to us, saying: Ghundar narrated to us, from Shu'bah, from Al-Ḥakam, from Ibrāhīm, from Al-Aswad, from 'Umar and 'Abd Allāh, who both said: "He has more right to her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ،
عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عُمَرَ، وَعَبْدِ اللَّهِ قَالَا:
هُوَ أَحَقُّ بِهَا

[18898] Abū Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from Maṇṣūr, from Ibrāhīm, from 'Alqamah, from 'Umar and 'Abd Allāh, who both said: "He has more right to her until she bathes from the third menstruation."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ مَنْصُورٍ، عَنْ
إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عُمَرَ، وَعَبْدِ اللَّهِ قَالَا: هُوَ
أَحَقُّ بِهَا حَتَّى تَغْسِلَ مِنْ الْحَيْضَةِ التَّالِثَةِ

[18899] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ayyāsh narrated to us, from ‘Abd Allāh al-Kalā‘ī, from Makhūl, that Abū Bakr, ‘Umar, ‘Alī, Ibn Mas‘ūd, Abū al-Dardā’, ‘Ubādah ibn al-Šāmit, and ‘Abd Allāh ibn Qays al-Ash‘arī used to say regarding a man who divorces his wife once or twice: “He has more right to her as long as she has not bathed from her third menstruation; he inherits from her and she inherits from him as long as she is in the waiting period.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عَبْدِ اللَّهِ الْكَلَاعِيِّ، عَنْ مَكْحُولٍ، أَنَّ أَبَا بَكْرًا، وَعُمَرَ، وَعَلِيًّا، وَابْنَ مَسْعُودٍ، وَأَبَا الدَّرْدَاءِ، وَعُبَادَةَ بْنَ الصَّامِيتَ، وَعَبْدَ اللَّهِ بْنَ قَيْسِ الْأَشْعَرِيِّ، كَانُوا يَقُولُونَ فِي الرَّجُلِ يُطْلَقُ امْرَأَةٌ تَطْلِيقَةً أَوْ تَطْلِيقَتَيْنِ: إِنَّهُ أَحَقُّ بِهَا مَا لَمْ تَعْسِلْ مِنْ حَيْضَتِهَا التَّالِثَةَ، يَرِثُهَا وَتَرِثُهُ مَا دَامَتْ فِي الْعَدَةِ

[18900] Abū Bakr narrated to us, saying: Ismā‘il ibn ‘Ayyāsh narrated to us, from ‘Ubayd Allāh ibn ‘Ubayd, from Makhūl, who said: Ibn ‘Umar said: “If he enters upon her in the bath before she pours water over herself, he has more right to her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُبَيْدٍ، عَنْ مَكْحُولٍ قَالَ: قَالَ أَبْنُ عُمَرَ: إِنْ دَخَلَ عَلَيْهَا الْمُعْتَسَلَ قَبْلَ أَنْ تُفِيضَ عَلَيْهَا الْمَاءَ فَهُوَ أَحَقُّ بِهَا

[18901] Abū Bakr told us, he said: Sufyān ibn ‘Uyaynah told us, from Al-Zuhrahī, from Sa‘īd ibn al-Musayyib, from ‘Alī, who said: “He has more right to her [to take her back] until she performs Ghusl from the third menstruation.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبَ، عَنْ عَلَيِّ قَالَ: هُوَ أَحَقُّ بِهَا حَتَّى تَعْسِلَ مِنَ الْحَيْضَةِ التَّالِثَةِ

[18902] Abū Bakr told us, he said: Yahyā ibn Sa‘īd told us, from Ibn ‘Ajlān, from Makhūl, from Sa‘īd ibn al-Musayyib, who said: “If a man enters upon his wife while she is bathing [after the waiting period] and says: ‘I have taken you back,’ and she says: ‘You lied, you lied,’ and pours water on her head, he has more right to her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ عَجْلَانَ، عَنْ مَكْحُولٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: “إِنَّ رَجُلًا دَخَلَ عَلَى امْرَأَتِهِ وَهِيَ تَغْشِيْلُ، فَقَالَ: قَدْ رَاجَعْتُكِ فَقَالَتْ: كَذَبْتَ كَذَبْتَ، وَصَبَّتِ الْمَاءَ عَلَى رَأْسِهَا كَانَ أَحَقَّ بِهَا

[18903] Abū Bakr told us, he said: ‘Abbād ibn al-‘Awwām told us, from Juwaybir, from Al-Ḍahhāk ibn Muzāḥīm, that a woman married a young man, and he divorced her once or twice. He came to her while she was bathing from the third menstruation and said: “O so-and-so, I have taken you back.” She said: “You lied, you have no right to do that.” They raised the matter to the ruler ‘Umar ibn al-Khaṭṭāb, and ‘Abd Allāh ibn Mas‘ūd was with him. ‘Umar said: “What do you think, O Abū ‘Abd al-Rahmān?” He said: “I adjure you by Allah, did you slap him with water?” She said: “I did not.” He said: “Take her hand.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبَادُ بْنُ الْعَوَامِ، عَنْ جُوَيْرِ، عَنِ الضَّحَّاكِ بْنِ مُزَاحِمٍ، أَنَّ امْرَأَةً تَرَوَّجَتْ شَابًا، فَطَلَّقَهَا تَطْلِيقَةً، أَوْ تَطْلِيقَتَيْنِ. قَالَ: فَأَتَاهَا وَهِيَ تَغْشِيْلٌ مِنَ الْحَيْضَةِ التَّالِلَةِ، فَقَالَ: يَا فُلَانَةُ، إِنِّي قَدْ رَاجَعْتُكِ، فَقَالَتْ: كَذَبْتَ، لَيْسَ ذَلِكَ إِلَيْكَ. فَارْتَعَوْا إِلَى السُّلْطَانِ عُمَرَ بْنِ الْخَطَّابِ وَعِنْدَهُ عَبْدُ اللَّهِ بْنُ مَسْعُودٍ، فَقَالَ عُمَرُ: مَا تَرَى يَا أَبَا عَبْدِ الرَّحْمَنِ؟ قَالَ: فَقَالَ: أَنْشُدُكِ بِاللَّهِ، هَلْ كُنْتِ لَطَعْنَتِهِ بِالْمَاءِ؟ قَالَتْ: مَا فَحَلْتُ. قَالَ: فَقَالَ: حُذْ بِيَدِهَا

[18904] Abū Bakr told us, he said: Waki‘ told us, from Ismā‘il ibn Abī Khālid, from Al-Ḥakam, that Abū Kanaf divorced his wife and did not inform her, then he called witnesses for taking her back. ‘Umar said to him: “If you reach her before she marries, then you have more right to her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَالِدٍ، عَنِ الْحَكَمِ، أَنَّ أَبَا كَنْفَ طَلَقَ امْرَأَتَهُ، وَلَمْ يُعْلَمْ بِهَا، فَأَشْهَدَ عَلَى رَجْعَتِهَا، قَالَ: فَقَالَ لَهُ عُمَرُ: إِنْ أَدْرَكْتَهَا قَبْلَ أَنْ تَنْزَوَّجَ، فَأَنْتَ أَحَقُّ بِهَا

[18905] Abū Bakr told us, he said: Waki‘ told us, from Shu‘bah, from Al-Ḥakam, who said: ‘Alī said: “If he divorces her and then calls witnesses for taking her back, she is his wife whether he informed her or did not inform her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ قَالَ: قَالَ عَلِيًّا: إِذَا طَلَّقَهَا ثُمَّ أَشْهَدَ عَلَى رَجْعَتِهَا، فَهِيَ امْرَأَةٌ أَعْلَمَهَا أَوْ لَمْ يُعْلَمْ بِهَا

[18906] Abū Bakr told us, he said: Muḥammad ibn Fuḍayl told us, from Al-Sha'bī, from ‘Umayr ibn Yazīd, who said: I was sitting with Shurayḥ when a man came disputing with a woman. She said: “He divorced me and did not inform me of taking me back until my waiting period expired, and I married, and my husband consummated the marriage with me.” Shurayḥ said: “Did you not inform her of the return just as you informed her of the divorce?” So he did not return her to him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنِ الشَّعْبِيِّ،
عَنْ عُمَيْرِ بْنِ يَزِيدٍ قَالَ: كُنْتُ قَاعِدًا عِنْدَ شَرِيفٍ، فَجَاءَ
رَجُلٌ يُخَاصِّمُ امْرَأَةً، فَقَالَتْ: طَلَقْنِي وَلَمْ يُعْلَمْنِي
الرَّجْعَةَ حَتَّى مَضَتْ عَدَتِي، وَتَزَوَّجْتُ، وَدَخَلْتِي
رَوْجِي، فَقَالَ شَرِيفٌ: أَلَا أَعْلَمُهَا الرَّجْعَةَ كَمَا أَعْلَمُهَا
الطَّلاق؟ فَلَمْ يَرُدَّهَا عَلَيْهِ

[18907] Abū Bakr told us, he said: Ḥafṣ told us, from Ibn Jurayj, from ‘Amr, from Jābir ibn Zayd, who said: “If he divorces her and does not inform her of taking her back until the waiting period expires, and she marries and the second husband consummates the marriage with her, then he (the first husband) has nothing.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصٌ، عَنِ ابْنِ جُرَيْجٍ، عَنْ
عَمْرِو، عَنْ جَابِرِ بْنِ زَيْدٍ قَالَ: إِذَا طَلَقَهَا ثُمَّ لَمْ يُخْبِرْهَا
بِالرَّجْعَةِ حَتَّى تَنْقَضِي الْعِدَةُ، فَتَزَوَّجْتُ فَدَخَلْتِي
الزَّوْجِ الثَّانِي، فَلَا شَيْءَ لَهُ

[18908] Abū Bakr told us, he said: Ibn Numayr told us, from ‘Abd al-Malik, from ‘Atā’, regarding a man who divorced his wife, then took her back but concealed the return from her until her waiting period expired. He said: “If he reaches her before she marries, he has more right to her; otherwise, he has wasted [his right].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، فِي رَجْلٍ طَلَقَ امْرَأَتَهُ، ثُمَّ رَاجَعَهَا، فَكَتَمَهَا الرَّجْعَةَ حَتَّى انْفَضَّتِ عِدَّهَا، قَالَ: إِنْ أَدْرَكَهَا قَبْلَ أَنْ تَنْزَوَ حَفْرًا أَحَقُّ بِهَا، وَإِلَّا فَهُوَ ضَيْعَةٌ

[18909] Abū Bakr told us, he said: ‘Abdah told us, from Sa‘īd, from Abū Ma‘shar, from Ibrāhīm, that Abū Kanaf divorced his wife, then traveled and took her back. He wrote to her about that and called witnesses to it, but the letter did not reach her until the waiting period expired, and the woman married. So he rode to ‘Umar and narrated the story to him. He said: “You have more right to her as long as he has not consummated the marriage with her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَةُ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، أَنَّ أَبَا كَنْفِ طَلَقَ امْرَأَتَهُ، ثُمَّ سَافَرَ وَرَاجَعَهَا، وَكَتَبَ إِلَيْهَا بِذَلِكَ، وَأَشْهَدَ عَلَى ذَلِكَ، فَلَمْ يَلْعُمْهَا الْكِتَابُ حَتَّى انْفَضَّتِ الْعِدَّةُ، فَنَزَوَ حَفْرَتِ الْمَرْأَةُ، فَرَكِبَ إِلَى عُمَرَ فَقَصَّ عَلَيْهِ الْقِصَّةَ، فَقَالَ: أَنْتَ أَحَقُّ بِهَا مَا لَمْ يَدْخُلْ بِهَا

[18910] Abū Bakr told us, he said: ‘Abdah told us, from Sa‘īd, from ‘Umar ibn ‘Āmir, from Ḥammād, from Ibrāhīm, that ‘Alī used to say: “He has more right to her whether the marriage was consummated or not.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ، عَنْ سَعِيدٍ، عَنْ عُمَرَ بْنِ عَامِرٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، أَنَّ عَلِيًّا كَانَ يَقُولُ: هُوَ أَحَقُّ بِهَا دُخُلَ بِهَا أَوْ لَمْ يُدْخُلْ

[18911] Abū Bakr told us, he said: ‘Abdah told us, from Sa‘īd, from ‘Umar, from Ḥammād, from Ibrāhīm, that he held that view.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ، عَنْ سَعِيدٍ، عَنْ عُمَرَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَانَ يَرَى ذَلِكَ

[18912] Abū Bakr told us, he said: Muḥammad ibn Bishr told us, he said: Ismā‘īl told us, he said: I heard Al-Ḥakam ibn ‘Utaybah mentioning from Abū Kanaf that he divorced his wife, then took her back but did not inform her of the return, so she married. He rode regarding that to ‘Umar, who said: “Go back. If you find that her husband whom she married has not come to her, she is your wife.” So he went back and did not find her [with the second husband yet], she came to her husband, so he took her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: نَا إِسْمَاعِيلُ، قَالَ: سَمِعْتُ الْحَكَمَ بْنَ عُثْيَةَ، يَذْكُرُ عَنْ أَبِي كَنْفٍ أَنَّهُ طَافَ امْرَأَتُهُ، ثُمَّ رَاجَعَهَا، وَلَمْ يُعْلَمْنَهَا الرَّجْعَةُ، فَتَرَوَّجَثُ، فَرَكِبَ فِي ذَلِكَ إِلَى عُمَرَ فَقَالَ: ارْجِعْ، إِنَّ وَجَنْتَهَا لَمْ يَأْتِهَا زَوْجُهَا الَّذِي نَكَحَتْ فَهِيَ امْرَأُكَ، فَرَجَعَ فَلَمْ يَجِدْهَا أَئْتُ زَوْجَهَا، فَقَبَضَهَا

[18913] Abū Bakr told us, he said: Hammād ibn Khālid told us, from Ibn Abī Dhi'b, from Al-Zuhrī, from Sa'īd ibn al-Musayyib, regarding a man who divorced his wife, then sent word to her about taking her back, but the return did not reach her until she married. He said: "She is separated from him. But if the return reached her before she married, she is his wife."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَمَّادُ بْنُ خَالِدٍ، عَنِ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، فِي رَجُلٍ طَلَقَ امْرَأَةً، ثُمَّ بَعَثَ إِلَيْهَا بِالرَّجْعَةِ، فَلَمْ تَأْتِهَا الرَّجْعَةُ حَتَّى تَرَوَجَتْ، قَالَ: بَانَتْ مِنْهُ، وَإِنْ أَذْرَكْتَهَا الرَّجْعَةَ قَبْلَ أَنْ تَرَوَجَ فَهِيَ امْرَأَتُهُ

[18914] Abū Bakr told us, he said: Wakī‘ told us, from Sufyān, from Ibn Jurayj, from ‘Umar, from Jābir ibn Zayd, who said: "If he takes her back within himself [without witnesses or informing her], it is nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عُمَرَ، عَنْ جَابِرِ بْنِ زَيْدٍ قَالَ: إِذَا رَاجَعَ فِي نَفْسِهِ فَلَيْسَ بِشَيْءٍ

[18915] Abū Bakr told us, he said: Ismā‘il ibn ‘Ulayyah told us, from Ayyūb, who said: I asked Sa‘īd ibn Jubayr, Mujaħid, and ‘Atā’ about the widow whose husband died; from which day does she count her waiting period? They said: “From the day he dies.” He said: And I heard ‘Ikrimah, Nāfi‘, and Muħammad ibn Sirīn saying: “Her waiting period is from the day he dies.” And Ṭalq ibn Ḥabīb said: “From the day he dies.”

[18916] Abū Bakr told us, he said: Ibn ‘Ulayyah told us, from Ayyūb, from ‘Amr ibn Dīnār, from Jābir ibn Zayd, thinking it is from Ibn ‘Abbās, who said: “From the day he dies.”

[18917] Abū Bakr told us, he said: Abū Mu‘āwiyah told us, from ‘Ubayd Allāh, from Nāfi‘, from Ibn ‘Umar, who said: “Her waiting period is from the day he divorces her, and from the day he dies

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ ابْنُ عُلَيَّهِ، عَنْ أَيُّوبَ،
قَالَ: سَأَلْتُ سَعِيدَ بْنَ جُبَيْرٍ، وَمُجَاهِدًا، وَعَطَاءً، عَنْ
الْمُتَوَفِّى عَنْهَا رُوْجُهَا، مِنْ أَيِّ يَوْمٍ تَعْتَدُ؟ فَقَالُوا: مِنْ
يَوْمِ يَمُوتُ قَالَ: وَسَمِعْتُ عِكْرِمَةَ، وَنَافِعًا، وَمُحَمَّدَ بْنَ
سِيرِينَ يَقُولُونَ: "عِدَّهَا يَوْمٌ يَمُوتُ: وَقَالَ طَلْقُ بْنُ
حَبِيبٍ: مِنْ يَوْمِ يَمُوتُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّهِ، عَنْ أَيُّوبَ، عَنْ عَمْرُو
بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، يَحْسِبُهُ عَنْ ابْنِ عَبَّاسٍ
قَالَ: مِنْ يَوْمِ يَمُوتُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ عُبَيْدِ اللَّهِ، عَنْ
نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: عِدَّهَا مِنْ يَوْمٍ طَلَقَهَا، وَمِنْ
يَوْمِ يَمُوتُ عَنْهَا

[18918] Abū Bakr told us, he said: Hushaym told us, from Abū Qilābah, Ibn Sīrīn, and Abū al-Āliyah, who said: “The waiting period is from the day he dies, and from the day he divorces. So whoever consumes anything from the inheritance, it is from his share.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ أَبِي قِلَابَةَ، وَابْنِ سِيرِينَ، وَأَبِي الْعَالِيَةِ قَالُوا: الْعِدَّةُ مِنْ يَوْمِ يَمُوتُ، وَمِنْ يَوْمِ طَلاقٍ، فَمَنْ أَكَلَ مِنَ الْمِيرَاثِ شَيْئًا فَهُوَ مِنْ نَصِيبِهِ

[18919] Abū Bakr told us, he said: Ibn Fuḍayl told us, from Ḥuṣayn, from Ibn Sīrīn, who said: “The woman observes the waiting period from her husband while he is absent from the day he dies or from the day he divorces.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ فُضَيْلٍ، عَنْ حُصَيْنٍ، عَنْ ابْنِ سِيرِينَ قَالَ: تَعْدُّ الْمَرْأَةُ مِنْ زَوْجِهَا وَهُوَ غَائِبٌ مِنْ يَوْمِ يَمُوتُ، أَوْ مِنْ يَوْمِ يُطْلَقُ

[18920] Abū Bakr told us, he said: Mu‘tamir ibn Sulaymān told us, from Burd, from Makḥūl and Al-Zuhri, who both said: “The woman observes the waiting period from the day he died or divorced.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، وَالزُّهْرِيِّ، فَالا: تَعْدُّ الْمَرْأَةُ مِنْ يَوْمِ مَاتَ، أَوْ طَلاقَ

[18921] Abū Bakr told us, he said: حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ
Jarir told us, from Mughīrah, from قَالَ: تَقْعُ الْعِدَّةُ مِنْ يَوْمِ يَمُوتُ، وَيَوْمٍ يَتَكَلَّمُ بِالظَّاقِ
Ibrāhīm, who said: “The waiting
period commences from the day he
dies, and the day he pronounces the
divorce.”

[18922] Abū Bakr told us, he said: حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ الْحَكَمِ، عَنْ عَبْدِ
Ibn ‘Ulayyah told us, from Al- اللهٰ قَالَ: مِنْ يَوْمِ يَمُوتُ
Ḥakam, from ‘Abd Allāh, who said:
“From the day he dies.”

[18923] Abū Bakr told us, he said: حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، عَنْ
Wakī‘ told us, from Ismā‘il, from الشَّعْبِيِّ قَالَ: تَعْدُّ مِنْ يَوْمٍ ثُوْفِيٍ عَنْهَا زَوْجُهَا
Sha‘bī, who said: “She observes the
waiting period from the day her
husband died leaving her.”

[18924] Abū Bakr told us, he said: حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ أَبِي الْأَشْهَبِ، قَالَ:
Wakī‘ told us, from Abū al-Ashhab,
who said: Jābir ibn Zayd said: “From
the day he dies or divorces.” قال جَابِرُ بْنُ زَيْدٍ: مِنْ يَوْمٍ يَمُوتُ أَوْ يُطْلَقُ

[18925] Abū Bakr told us, he said: Waki‘ and Yahyā ibn Ādām told us, from Sharīk, from Abū Ishāq, from ‘Abd al-Rahmān ibn Zayd, from ‘Abd Allāh, who said: “The waiting period is from the day he dies or divorces.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبْيُعُ، وَيَحْيَى بْنُ آدَمَ، عَنْ شَرِيكٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ زَيْدٍ، عَنْ عَبْدِ اللَّهِ قَالَ: الْعِدَّةُ مِنْ يَوْمِ يَمُوتُ أَوْ يُطْلَقُ

[18926] Abū Bakr told us, he said: Waki‘ told us, he said: Ḥumayd ibn ‘Abd al-Rahmān told us, from Ḥasan, from Abū Ishāq, from ‘Abd al-Rahmān ibn Zayd, he stopped it at him (didn’t raise it to the Companion), who said: “The waiting period is from the day he dies or divorces.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبْيُعُ، قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ زَيْدٍ، أَوْفَقَهُ قَالَ: الْعِدَّةُ مِنْ يَوْمِ يَمُوتُ وَيُطْلَقُ

[18927] Abū Bakr told us, he said: Ismā‘il ibn ‘Ulayyah told us, from Layth, from Al-Ḥakam, that ‘Alī said: “From the day the news reaches her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ لَيْثٍ، عَنْ الْحَكَمِ، أَنَّ عَلَيًّا قَالَ: مِنْ يَوْمِ يَأْتِيهَا الْخَبْرُ

[18928] Abū Bakr told us, he said: Waki‘ told us, from Isrā’il, from Abū Ishāq, from Al-Ḥārith, from ‘Alī, who said: “From the day the news reaches her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبْيُعُ، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنْ الْحَارِثِ، عَنْ عَلَيًّا قَالَ: مِنْ يَوْمِ يَأْتِيهَا الْخَبْرُ

[18929] Abū Bakr told us, he said: Waki‘ told us, from Abū al-Ashhab, from Al-Ḥasan, who said: “She observes the waiting period from the day the news reaches her.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ أَبِي الْأَشْهَبِ، عَنِ الْحَسَنِ قَالَ: تَعَدُّ مِنْ يَوْمٍ يَأْتِيهَا الْخَبْرُ

[18930] Abū Bakr told us, he said: Ibn ‘Ulayyah told us, from Ayyūb, from Qatādah, from Al-Ḥasan and Khilās, regarding a man who divorces his wife while he is absent from her. They both said: “She observes the waiting period from the day the news reaches her.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، وَخِلَاسٍ، فِي الرَّجُلِ يُطْلَقُ امْرَأَتُهُ وَهُوَ غَائِبٌ عَنْهَا، قَالَا: تَعَدُّ مِنْ يَوْمٍ يَأْتِيهَا الْخَبْرُ

[18931] Abū Bakr told us, he said: Ibn ‘Ulayyah told us, from Ayyūb, from Abū Qilābah, who said: “If witnesses testify to divorce or death, then her waiting period is from that day.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ أَبِي قِلَابَةَ قَالَ: إِذَا شَهَدَتِ الشَّهُودُ عَلَى طَلاقٍ أَوْ مَوْتٍ فَيَدْعُنَّهَا مِنْ ذَلِكَ الْيَوْمِ

[18932] Abū Bakr told us, he said: Ibn ‘Ulayyah told us, from Dāwūd, from Abū al-Furāt, from Muḥammad ibn Zayd, from Sa‘īd ibn al-Musayyib, who said: “The widow whose husband died while absent observes the waiting period from the day he died if witnesses testify to that.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ ذَاوِدَ، عَنْ أَبِي الْفُرَاتِ، عَنْ مُحَمَّدِ بْنِ رَيْدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: الْمُتَوَفَّى عَنْهَا رَوْجُهَا إِذَا كَانَ غَائِبًا تَعْتَدُ مِنْ يَوْمِ ثُوفَّى إِذَا شَهَدَتْ عَلَى ذَلِكَ الشُّهُودُ

[18933] Abū Bakr told us, he said: Kathīr ibn Hishām told us, from Ja‘far ibn Burqān, who said: I heard Al-Ḥakam say: I heard Sa‘īd ibn Jubayr regarding the widow whose husband died while absent, from when does she observe the waiting period? He said: “From the day her husband died, she observes the waiting period if the evidence is established. And if she is divorced, it is the same.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانِ، قَالَ: سَمِعْتُ الْحَكَمَ، يَقُولُ: سَمِعْتُ سَعِيدَ بْنَ جُبَيْرٍ، عَنْ الْمُتَوَفَّى عَنْهَا رَوْجُهَا وَهُوَ غَائِبٌ مِنْ أَيْنَ تَعْتَدُ؟ قَالَ: مِنْ يَوْمِ مَاتَ رَوْجُهَا، تَعْتَدُ إِذَا قَامَتِ الْبَيْنَةُ، وَإِذَا طَلَقَتْ مِثْلُ ذَلِكَ

[18934] Abū Bakr told us, he said: ‘Abd al-A’lā told us, from Sa’id, from Ayyūb, from Nāfi‘, from Ibn ‘Umar, who said: “She observes the waiting period from the day he died or divorced if the evidence is established.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: تَعْدُ مِنْ يَوْمِ مَاتَ أَوْ طَلَقَ إِذَا قَامَتِ الْبَيْنَةُ

[18935] Abū Bakr told us, he said: ‘Abd al-A’lā told us, from Sa’id, from Qatādah, from Sa’id ibn al-Musayyib and Sulaymān ibn Yasār, who both said: “She observes the waiting period from the day he died or divorced if the evidence is established.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ قَتَادَةً، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، وَسُلَيْمَانَ بْنِ يَسَارٍ، أَنَّهُمَا قَالَا: تَعْدُ مِنْ يَوْمِ مَاتَ أَوْ طَلَقَ إِذَا قَامَتِ الْبَيْنَةُ

[18936] Abū Bakr told us, he said: ‘Abd al-A’lā told us, from Sa’id, from Abū Ma’shar, from Ibrāhīm, who said: “She observes the waiting period from the day he died or divorced if the evidence is established.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ قَالَ: تَعْدُ مِنْ يَوْمِ مَاتَ أَوْ طَلَقَ إِذَا قَامَتِ الْبَيْنَةُ

[18937] Abū Bakr told us, he said: Abū Usāmah told us, from Hishām, from Muḥammad, who said: “The woman observes the waiting period from the day he died or divorced if the evidence is established.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ قَالَ: تَعْدَ الْمَرْأَةُ مِنْ يَوْمِ مَاتَ أَوْ طَلَقَ إِذَا قَامَتِ الْبَيْنَةُ

[18938] Abū Bakr told us, he said: Abū Khālid al-Aḥmar told us, from Dāwūd, from Sa‘īd ibn al-Musayyib and Al-Sha‘bī, who both said: “If the evidence is established, the waiting period is from the day he dies. If it is not established, then it is from the day the news reaches her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو خَالِدِ الْأَحْمَرَ، عَنْ دَاؤَدَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، وَالشَّعْبِيِّ قَالَا: إِذَا قَامَتِ الْبَيْنَةُ، فَالْعِدَةُ مِنْ يَوْمِ يَمُوتُ، وَإِنْ لَمْ تَقْعُمْ فَيَوْمَ يَأْتِيهَا الْخَبْرُ

[18939] Abū Bakr told us, he said: Al-Thaqafī told us, from Burd, from Makhūl, regarding a man who divorces or dies while he is absent. He said: “If fair evidence is established, she observes the waiting period from the day he dies. Otherwise, from the day the news reaches her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا الثَّقَافِيُّ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، فِي الرَّجُلِ يُطَلِّقُ أَوْ يَمُوتُ وَهُوَ غَائِبٌ، قَالَ: إِنْ قَامَتِ الْبَيْنَةُ عَادِلَةً، إِذَا اعْتَدَتْ مِنْ يَوْمِ يَمُوتُ، وَإِلَّا فَمِنْ يَوْمٍ يَأْتِيهَا الْخَبْرُ

[18940] Abū Bakr told us, he said: Al-Thaqafī told us, from Ayyūb, from ‘Amr, from a man, from Jābir ibn Zayd, who said: “If witnesses testify, then it is from the day he died,” meaning regarding the waiting period.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا الْقَفِيفُ، عَنْ أَيُوبَ، عَنْ عَمْرِو،
عَنْ رَجُلٍ، عَنْ جَابِرِ بْنِ زَيْدٍ قَالَ: إِذَا شَهَدَتِ الشَّهُودُ
فَمِنْ يَوْمِ مَاتَ، يَعْنِي فِي الْعِدَّةِ،

[18941] Abū Bakr told us, he said: Wakī‘ told us, from Sufyān, from Jābir, from ‘Āmir, who said: “The escape of a slave is not a divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ،
عَنْ عَامِرٍ قَالَ: إِبَاقُ الْعَبْدِ لَيْسَ بِطَلاقٍ

[18942] Abū Bakr told us, he said: ‘Abd al-A‘lā told us, from Sa‘īd, from Qatādah, who said: “That is not a divorce for him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ
قَتَادَةَ قَالَ: لَيْسَ ذَلِكَ لَهُ بِطَلاقٍ

[18943] Abū Bakr told us, he said: ‘Abd al-A‘lā told us, from ‘Awf, from Al-Hasan, who said: “His escape is her divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ عَوْفٍ، عَنْ
الْحَسَنِ قَالَ: إِبَاقُهُ طَلَاقُهَا

[18944] Abū Bakr told us, he said: ‘Abd al-A’lā told us, from Hishām, from Hawshab, from Al-Ḥasan, who was asked about an escaped slave who has a wife. He said: “If he comes before the waiting period expires, she is his wife. If he comes after the waiting period has expired, she is separated from him with one divorce.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ حَوْشَبٍ، عَنِ الْحَسَنِ، سُئِلَ عَنْ عَبْدِ الْأَيْقِ، وَلَهُ امْرَأَةٌ، فَقَالَ: إِنْ جَاءَ قَبْلَ أَنْ تَنْفَضِيَ الْعِدَّةُ فَهِيَ امْرَأَتُهُ، وَإِنْ جَاءَ بَعْدَمَا انْفَضَتِ الْعِدَّةُ فَقَدْ بَانَتْ مِنْهُ بِطْلِيقَةٍ

[18945] Abū Bakr told us, he said: Wakī‘ told us, from Ibn Abī Laylā, from Nāfi‘, from Ibn ‘Umar, that if he divorced with a revocable divorce, he would not enter until he asked for permission. Al-Sha‘bī said: “Our companions used to say: He should tap with his shoes [to announce his presence].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنِ ابْنِ أَبِي لَيْلَى، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّهُ كَانَ إِذَا طَلَقَ طَلَاقًا يَمْلِكُ الرَّجْعَةَ لَمْ يَدْخُلْ حَتَّى يَسْتَأْذِنَ. وَقَالَ الشَّعْبِيُّ: "كَانَ أَصْحَابُنَا يَقُولُونَ: يَحْقِقُ بِطْلِيقَهُ"

[18946] Abū Bakr told us, he said: ‘Abdah ibn Sulaymān told us, from ‘Ubayd Allāh, from Nāfi‘, from Ibn ‘Umar, that he divorced his wife once or twice, and he used to ask permission to enter upon her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُهُ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّهُ طَلَقَ امْرَأَتَهُ بِطْلِيقَهُ، أَوْ طَلَيْقَيْنِ، فَكَانَ يَسْتَأْذِنُ عَلَيْهَا

[18947] Abū Bakr told us, he said: Jarir told us, from Mughīrah, from Ibrāhīm, who said: “The divorced woman observes the waiting period in her husband's house. She should not apply kohl for adornment, he should not enter upon her except with permission, and he should not be with her in her house.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ
قَالَ: تَعْدُ الْمُطَافِقَةَ فِي بَيْتِ زَوْجِهَا، وَلَا تَنْخِلُ بِكُحْلٍ
زِينَةً، وَلَا يَدْخُلَ عَلَيْهَا إِلَّا بِإِذْنٍ، وَلَا يَكُونُ مَعَهَا فِي
بَيْتِهَا

[18948] Abū Bakr told us, he said: Ismā‘il ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan, that he used to say: “If he enters upon her, let him ask permission and clear his throat, and he should not approach her by entering.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ، عَنْ يُوسُفَ،
عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: إِذَا دَخَلَ عَلَيْهَا فَلْيَسْتَأْذِنْ
وَلْيَتَحَنَّحْ، وَلَا يَقْرِبُهَا بِدُخُولِ

[18949] Abū Bakr told us, he said: ‘Abd al-A’lā told us, from Ma’mar, from Al-Zuhri, from Sa‘id ibn al-Musayyib, who said: “If he divorces her once, he asks permission to enter upon her.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ
الرُّهْبَرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ قَالَ: إِذَا طَلَّقَهَا تَطْلِيقَةً،
فَإِنَّهُ يَسْتَأْذِنُ عَلَيْهَا

[18950] Abū Bakr told us, he said: Waki‘ told us, from Sufyān, from Mughīrah, from Ibrāhīm; and from Jābir, from Mujāhid, who both said: “He announces his presence by clearing his throat.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفِيَّانَ، عَنْ مُغِيرَةَ،
عَنْ إِبْرَاهِيمَ، وَعَنْ جَابِرٍ، عَنْ مُجَاهِدٍ قَالَا: يُشَعِّرُ
بِاللَّهُخْنُ

[18951] Abū Bakr told us, he said: Waki‘ told us, from Rabī‘, from Al-Hasan; and from Ṭalḥah, from ‘Atā’, who said: “He announces his presence to her by clearing his throat.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ رَبِيعٍ، عَنْ الْحَسَنِ،
وَعَنْ طَلْحَةَ، عَنْ عَطَاءٍ قَالَ: يُشَعِّرُهَا بِاللَّهُخْنُ

[18952] Abū Bakr told us, he said: ‘Abd al-Ṣamad ibn ‘Abd al-Wārith told us, from Hishām, from Qatādah, who was asked about a man who divorced his wife once, should he ask permission to enter upon her? He said: “He makes a sound and clears his throat.” And Ibn ‘Abbās said: “It is not proper for him to see her hair.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ،
عَنْ هِشَامٍ، عَنْ قَتَادَةَ، سُئِلَ عَنْ رَجُلٍ طَلَقَ امْرَأَتَهُ
تَطْلِيقَةً يَسْتَأْذِنُ عَلَيْهَا؟ قَالَ: يُصَوَّرُ وَيَتَخَنَّعُ وَقَالَ ابْنُ
عَبَّاسٍ: لَا يَصْلُحُ أَنْ يَرَى شَعْرَهَا

[18953] Abū Bakr told us, he said: ‘Abdah ibn Sulaymān told us, from ‘Ubayd Allāh ibn ‘Umar, from Nāfi’, from Ibn ‘Umar, that he used to say: “If a man divorces his wife once or twice, she should not leave her house except with his permission.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَّهُ كَانَ يَقُولُ: إِذَا طَلَقَ الرَّجُلُ امْرَأَتُهُ تَطْلِيقَةً أَوْ تَطْلِيقَتْ لَمْ تَخْرُجْ مِنْ بَيْتِهَا إِلَّا بِإِذْنِهِ

[18954] Abū Bakr told us, he said: Yahyā ibn ‘Abd al-Malik ibn Abī Ghaniyyah told us, from Juwaybir, from Al-Dāḥhāk, regarding His saying: {Do not turn them out of their [husbands'] houses, nor should they [themselves] leave} [Al-Talaq: 1]. He said: “She does not leave her house as long as he has the right to take her back.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي غَنِيَّةَ، عَنْ جُوَيْبِرٍ، عَنِ الصَّحَّاحِ، فِي قَوْلِهِ: {لَا ۝ تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجُنَّ} [الطلاق] قَالَ: لَا تَخْرُجْ مِنْ بَيْتِهَا مَا كَانَ لَهُ عَلَيْهَا رَجْعَةٌ

[18955] Abū Bakr told us, he said: Muḥammad ibn Fuḍayl told us, from Mughīrah, from Ibrāhīm, regarding a man who divorces his wife with a revocable divorce. He said: “She applies kohl, wears safflower-dyed clothes, adorns herself for him, but does not take off her clothes.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يُطْلَقُ امْرَأَتُهُ طَلَاقًا يَمْلِكُ الرَّجْعَةَ، قَالَ: تَكْتَحِلُ، وَتَلْبِسُ الْمَعْصَرَ، وَتَشَوَّفُ لَهُ، وَلَا تَضَعُ ثِيَابَهَا

[18956] Abū Bakr told us, he said: Abū Mu‘āwiyah told us, from Al-A‘mash, from Ibrāhīm, who said: “If a man divorces his wife with a revocable divorce, she adorns herself for him, presents herself to him, and covers herself.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ تَطْلِيقَةً يَمْلِكُ الرَّجْعَةَ تَرْيَتْ لَهُ، وَتَعَرَّضَتْ لَهُ، وَاسْتَرَتْ

[18957] Abū Bakr told us, he said: Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan, who said: “If a man divorces his wife once or twice, she adorns herself and beautifies herself for him without removing her headcover in his presence.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ قَالَ: إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ تَطْلِيقَةً أَوْ تَطْلِيقَتَيْنِ، فَإِنَّهَا تَرْبَيْنُ، وَتَشَوَّفُ لَهُ مِنْ غَيْرِ أَنْ تَضَعَ خَمَارَهَا عِنْدَهُ

[18958] Abū Bakr told us, he said: ‘Abd al-A’lā told us, from Ma’mar, from Al-Zuhrahī, from Sa‘īd, who said: “If a man divorces his wife once, he asks permission to enter upon her, and she wears whatever clothes and jewelry she wishes. If they only have one house, they should place a curtain between them, and he greets her when he enters.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ قَالَ: إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ تَطْلِيقَةً، فَإِنَّهُ يَسْتَأْذِنُ عَلَيْهَا، وَتَأْبِسُ مَا شَاءَتْ مِنَ الْبَيْابَ وَالْحُلْيَ، فَإِنْ لَمْ يَكُنْ لَهُمَا إِلَّا بَيْتٌ وَاحِدٌ، فَلْيَجْعَلَا بَيْنَهُمَا سِرِّاً، وَيُسْتَأْذِنَا إِذَا دَخَلَ

[18959] Abū Bakr told us, he said: ‘Abd al-Razzāq told us, from Ma‘mar, from Al-Zuhri and Qatādah, regarding a man who divorces his wife once or twice. They both said: “She adorns herself for him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الرَّزَاقِ، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، وَقَتَادَةَ، قَالَا: فِي الرَّجُلِ يُطْلَقُ امْرَأَهُ تَطْلِيقَهُ أَوْ تَطْلِيقَتِينِ قَالَا: تَشَوَّفُ لَهُ

[18960] Abū Bakr told us, he said: ‘Abd al-Ṣamad ibn ‘Abd al-Wārith told us, from Hishām, from Qatādah, who said: ‘Alī said: “She adorns herself for him.” And Ibn ‘Abbās said: “It is not lawful for him to see her hair.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ قَالَ: قَالَ عَلِيُّ: تَشَوَّفُ لَهُ، وَقَالَ أَبْنُ عَبَّاسٍ: لَا يَجِدُ لَهُ أَنْ يَرَى شَعْرَهَا

[18961] Abū Bakr told us, he said: Wakī‘ told us, from Ṭalḥah, who said: “She adorns herself for him and puts on [attire] for him if he divorced her once.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ طَلْحَةَ قَالَ: تَزَيَّنَ لَهُ وَتَضَعُ لَهُ إِذَا طَلَقَهَا تَطْلِيقَهُ

[18962] Abū Bakr told us, he said: ‘Abd al-Wahhāb al-Thaqafī told us, from Ayyūb, who said: ‘Atā’ al-Khurāsānī wrote to me that he asked Sa‘īd ibn al-Musayyib and the jurists of Medina—he said: and I think he said: Sulaymān ibn Yasār—about the divorced woman and the widow. They said: “They both observe mourning (Ihdād) and abandon kohl, dyeing, perfume, and combing.”

[18963] Abū Bakr told us, he said: Wakī‘ told us, from Sufyān, from ‘Abd al-‘Azīz, from Sa‘īd ibn al-Musayyib, who said: “The woman divorced three times and the widow are equal regarding adornment.”

[18964] Abū Bakr told us, he said: Jarir told us, from Mughīrah, from Ibrāhīm, who said: “The woman divorced three times does not apply kohl for adornment.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْوَهَابِ النَّقَفِيُّ، عَنْ أَيُوبَ
قَالَ: كَتَبَ إِلَيَّ عَطَاءُ الْخُرَاسَانِيُّ أَنَّهُ سَأَلَ سَعِيدَ بْنَ
الْمُسَيَّبَ، وَفُقَهَاءَ أَهْلِ الْمَدِينَةِ قَالَ: وَأَحْسِبُهُ قَالَ:
سُلَيْمَانَ بْنَ يَسَارٍ، عَنْ الْمُطَلَّقَةِ وَالْمُتَوَافِي عَنْهَا زَوْجَهَا،
فَقَالُوا: تَحِدَّانِ وَتَثْرِكَانِ الْكَحْلَ وَالنَّخْضِبَ وَالنَّطِيبَ
وَالنَّمْسُطَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفيَانَ، عَنْ عَبْدِ
الْعَزِيزِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ قَالَ: الْمُطَلَّقَةُ ثَلَاثًا،
وَالْمُتَوَافِي عَنْهَا سَوَاءٌ فِي الزِّيَّةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ
قَالَ: الْمُطَلَّقَةُ ثَلَاثًا لَا تَكْتُلُ بِكُحْلٍ زِينَةً

[18965] Abū Bakr told us, he said: Abū Dāwūd told us, from Ḥammād ibn Salamah, from Ayyūb, from Muḥammad ibn Sīrīn, who said: “The woman divorced three times and the widow do not apply kohl nor dye.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو دَاؤِدَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ أَيُوبَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ قَالَ: الْمُطَلَّقَةُ ثَلَاثًا وَالْمُتَوَفَّى عَنْهَا لَا تَكْتَحِلُ، وَلَا تَخْضِبَانِ

[18966] Abū Bakr told us, he said: Ghundar told us, from Shu’bah, from Al-Ḥakam, regarding the woman divorced three times: “She does not apply kohl nor adorn herself,” and this is stricter according to him than the widow.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، فِي الْمُطَلَّقَةِ ثَلَاثًا: “لَا تَكْتَحِلُ، وَلَا تَزَرَّئِنَ وَهُوَ أَشَدُّ عِنْدَهُ مِنَ الْمُتَوَفَّى عَنْهَا

[18967] Abū Bakr told us, he said: Ibn Mubārak told us, from Ma’mar, from ‘Aṭā’ al-Khurāsānī, from Sa’id ibn al-Musayyib, who said: “The woman divorced three times and the widow are equal regarding adornment.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ عَطَاءِ الْخُرَاسَانِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: الْمُطَلَّقَةُ ثَلَاثًا وَالْمُتَوَفَّى عَنْهَا سَوَاءٌ فِي الزِّينَةِ

[18968] Abū Bakr told us, he said: Sufyān ibn ‘Uyaynah told us, from ‘Āsim, from Ḥafṣah bint Sīrīn, from Umm ‘Atīyyah, that she said: “She does not apply kohl, nor dye, nor wear dyed clothes except a garment of ‘Asb (yarn-dyed fabric), nor use perfume except when she bathes after menstruation, using a small amount of Costus or sweet hoof.” She says this regarding the widow.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا سُفِيَّانُ بْنُ عُيَيْنَةَ، عَنْ عَاصِمٍ، عَنْ حَفْصَةَ ابْنَةِ سِيرِينَ، عَنْ أُمِّ عَطِيَّةَ، أَنَّهَا قَالَتْ: لَا تَكْحِلُ، وَلَا تَخْتَضِبُ، وَلَا تَلْبِسُ تُوْبًا مَصْبُوْغًا إِلَّا تُوْبَ عَصْبٍ، وَلَا تَطَيِّبُ إِلَّا عِنْدَ غُسلِهَا مِنْ حَيْضَتِهَا بِنَبَّدَةٍ مِنْ قُسْنِطٍ أَوْ أَطْفَارٍ، تَقُولُ فِي الْمُتَوَفِّى عَنْهَا

[18969] Abū Bakr told us, he said: Yaḥyā ibn Sa‘īd told us, from Ibn Jurayj, from ‘Aṭā’, from Ibn ‘Abbās, who said: “He used to forbid the widow from perfume and adornment.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ حُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: كَانَ يَنْهَا الْمُتَوَفِّى عَنْهَا عَنِ الْطَّيِّبِ وَالزَّيْنَةِ

[18970] Abū Bakr told us, he said: Ibn ‘Uyaynah told us, from Ayyūb ibn Mūsā, from Nāfi‘, who said: “Ṣafiyah suffered from an eye ailment when Ibn ‘Umar died, so she used to apply aloes in it.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ عُيَيْنَةَ، عَنْ أَيُوبَ بْنِ مُوسَى، عَنْ نَافِعٍ قَالَ: اشْتَكَتْ صَفِيَّةُ عَيْنَهَا لَمَّا تُوْفِيَ ابْنُ عُمَرَ، فَكَانَتْ تَقْطُرُ فِيهَا الصَّبَرَ

[18971] Abū Bakr told us, he said: Ḥumayd ibn ‘Abd al-Rahmān told us, from Ḥasan ibn Shāliḥ, from ‘Āsim, from Lāhiq ibn Ḥumayd, from Ibnu ‘Umar, who said: “The widow leaves kohl, perfume, jewelry, and dyed clothes.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ عَاصِمٍ، عَنْ لَاجِقِ بْنِ حُمَيْدٍ، عَنْ ابْنِ عُمَرَ قَالَ: تَنْرُكُ الْمَتَوَفَّى عَنْهَا الْكُحْلُ وَالْطَّيْبُ وَالْأَحْلَى وَالْمُصَبَّغَةُ

[18972] Abū Bakr told us, he said: Ḥumayd ibn ‘Abd al-Rahmān told us, from Ḥasan ibn Shāliḥ, from ‘Āsim, from Anas, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ عَاصِمٍ، عَنْ أَنَّاسٍ، مِثْلُهُ

[18973] Abū Bakr told us, he said: Ibn Numayr told us, from ‘Abd Allāh, from Nāfi‘, from Ibnu ‘Umar, who said: “The widow does not apply kohl, nor dye, nor wear any garment except a garment of ‘Asb, and she does not leave her house [to stay overnight elsewhere], but she may visit during the day.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: الْمَتَوَفَّى عَنْهَا زَوْجُهَا لَا تَكْتَحِلُ، وَلَا تَخْضِبُ، وَلَا تَلْبَسُ ثَوْبًا إِلَّا تَوْبَ عَصْبٍ، وَلَا تَبْيَسْ عَنْ بَيْتِهَا وَلَكِنْ تَرُوْرُ بِالنَّهَارِ

[18974] Abū Bakr told us, he said: ‘Abdah ibn Sulaymān told us, from Sa‘īd, from Qatādah, that Asmā’ bint ‘Uthmān’s husband died, and her eye became inflamed. She sent to ‘Āishah asking her, and she forbade her from applying antimony (Ithmid), even if her eye burst.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، أَنَّ أَسْمَاءَ بِنْتَ عُثْمَانَ تُوْفَى رَوْجُهَا، فَرَمَدَتْ عَيْنُهَا، فَبَعَثَتْ إِلَى عَائِشَةَ تَسْأَلُهَا، فَقَهَّنَهَا أَنْ تَكْتَحِلَ بِالِّإِثْمِدِ، وَإِنْ افْضَحَتْ عَيْنَكِ

[18975] Abū Bakr told us, he said: Hafṣ told us, from Layth, from Mujāhid, who said: A woman asked and said: “I am a perfumer woman, and my husband has died.” He forbade her and said: “Do not apply kohl except out of necessity.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ قَالَ: سَأَلْتُ امْرَأَةً فَقَالَتْ: إِنِّي امْرَأَةٌ عَطَارَةٌ وَإِنْ زَوْجِي فَدَّ مَاتَ، فَنَهَا هَا، وَقَالَ: لَا تَكْتَحِلِي إِلَّا مِنْ ضَرُورَةٍ

[18976] Abū Bakr told us, he said: Wakī‘ told us, from Sufyān, from Budayl ibn Maysarah, from Al-Ḥasan ibn Muslim ibn Yannāq, from Ṣafiyyah bint Shaybah, who said: “The widow does not wear jewelry during her waiting period.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ بُدَيْلِ بْنِ مَيْسَرَةَ، عَنْ الْحَسَنِ بْنِ مُسْلِمٍ بْنِ يَنَاقٍ، عَنْ صَفِيَّةَ ابْنَةِ شَيْبَةَ قَالَتْ: لَا تَلْبَسُ الْمُتَوَفَّى عَنْهَا فِي عِدَّتِهَا حُلْيَا

[18977] Abū Bakr told us, he said: Waki‘ told us, from Sufyān, from Ḥabīb, from ‘Aṭā’, from Ibnu ‘Abbās; and from Abū al-Zubayr, from Jābir, who both said: “She has no maintenance; she is supported from her share [of inheritance].”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُعْيَانَ، عَنْ حَبِيبٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، وَعَنْ أَبِي الرُّبَّيرِ، عَنْ جَابِرٍ قَالَا: لَا نَفْقَةَ لَهَا، يُنْفَقُ عَلَيْهَا مِنْ نَصِيبِهَا

[18978] Abū Bakr told us, he said: ‘Abdah ibn Sulaymān told us, from Sa‘id, from Qatādah, from Sa‘id ibn al-Musayyib, Jābir ibn ‘Abd Allāh, and Al-Ḥasan, who said: They used to say: “She has no maintenance; the inheritance suffices her.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدَهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَجَابِرِ بْنِ عَبْدِ اللَّهِ، وَالْحَسَنِ قَالَ: "كَانُوا يَقُولُونَ: لَيْسَ لَهَا نَفْقَةً، حَسْبُهَا الْمِيرَاثُ"

[18979] Abū Bakr told us, he said: Hushaym told us, from Ḥajjāj, from ‘Aṭā’, who said: “From her share.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ حَاجَاجٍ، عَنْ عَطَاءٍ قَالَ: مِنْ نَصِيبِهَا

[18980] Abū Bakr told us, he said: Waki‘ told us, from Ḥajjāj, from ‘Aṭā’, who said: “From her share.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ حَاجَاجٍ، عَنْ عَطَاءٍ قَالَ: مِنْ نَصِيبِهَا

[18981] Abū Bakr told us, he said: Wakī‘ told us, from Ja‘far, from Al-Zuhrī, who said: Qabīshah ibn Dhu‘ayb said: “If you spent on her from other than her share, you would be spending on her from the share of what is in her womb.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ جَعْفَرٍ، عَنْ الزُّهْرِيِّ
قَالَ: قَالَ قَبِيسَةُ بْنُ دُؤَيْبٍ: لَوْ أَنْفَقْتَ عَلَيْهَا مِنْ غَيْرِ
نَصِيبِهَا أَنْفَقْتَ عَلَيْهَا مِنْ نَصِيبِ الَّذِي فِي بَطْنِهَا

[18982] Abū Bakr told us, he said: Hushaym told us, Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan, who said: “She is supported from her share.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، نَا بْنُ عُلَيْهَا، عَنْ يُونُسَ،
عَنِ الْحَسَنِ قَالَ: يُنْفَقُ عَلَيْهَا مِنْ نَصِيبِهَا

[18983] Abū Bakr told us, he said: Ibn Mahdī told us, from Shu‘bah, from ‘Amr ibn Dīnār, that Ibn ‘Abbās said: “The pregnant widow has no maintenance, and Ibn al-Zubayr ruled so among us.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ مَهْدِيٍّ، عَنْ شُعْبَةَ، عَنْ
عَمْرِو بْنِ دِينَارٍ، أَنَّ ابْنَ عَبَّاسٍ قَالَ: الْمُتَوَفَّى عَنْهَا
وَهِيَ حَامِلٌ لَا نَفْقَةَ لَهَا، وَقَضَى بِهِ فِينَا ابْنُ الْزُّبَيْرِ

[18984] Abū Bakr told us, he said: Wakī‘ told us, from Shu‘bah, from Al-Ḥakam, who said: “She is supported from her share.” And I heard Wakī‘ saying: Sufyān used to say: “She is supported from her share.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ
قَالَ: يُنْفَقُ عَلَيْهَا مِنْ نَصِيبِهَا وَسَمِعْتُ وَكِيعًا، يَقُولُ:
كَانَ سُفِيَانُ يَقُولُ: يُنْفَقُ عَلَيْهَا مِنْ نَصِيبِهَا

[18985] Abū Bakr told us, he said: Al-Thaqafī told us, from Burd, from Ma k h ū l , w h o s a i d : “ H e r maintenance is from her share.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا الثَّقَافِيُّ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ
قَالَ: نَفَقَهَا مِنْ نَصِيبِهَا

[18986] Abū Bakr told us, he said: Abū Khālid al-Aḥmar told us, from Ash‘ath, from Al-Sha‘bī, from ‘Alī, ‘Abd Allāh, and Shurayḥ, who said: “She is supported from the entire wealth.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ أَسْعَثٍ،
عَنِ الشَّعْبِيِّ، عَنْ عَلَيِّ، وَعَبْدِ اللَّهِ، وَشُرَيْحٍ قَالُوا: يُنْفَقُ
عَلَيْهَا مِنْ جَمِيعِ الْمَالِ

[18987] Abū Bakr told us, he said: Hushaym told us, from Sufyān ibn Husayn, from Al-Zuhri, from Sālim, from Ibn ‘Umar, who said: “She is supported from the entire wealth.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ سُعْيَانَ بْنَ حُسَيْنٍ،
عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ قَالَ: يُنْفَقُ
عَلَيْهَا مِنْ جَمِيعِ الْمَالِ

[18988] Abū Bakr told us, he said: Wakī‘ told us, from Shu‘bah, from Al-Hakam, from Shurayḥ, who said: “She is supported from the entire wealth.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ،
عَنْ شُرَيْحٍ قَالَ: يُنْفَقُ عَلَيْهَا مِنْ جَمِيعِ الْمَالِ

[18989] Abū Bakr told us, he said: Ibn Idrīs told us, from Zakariyyā, from Ibnu Ashwa‘, who said: Shurayḥ and the judges of Kufa used to say: “She is supported from the entire wealth.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ زَكَرِيَّا، عَنْ ابْنِ أَشْوَعَ قَالَ: كَانَ شُرَيْحٌ، وَقُضَّاءُ الْكُوفَةِ يَقُولُونَ: يُنْفَقُ عَلَيْهَا مِنْ جَمِيعِ الْمَالِ

[18990] Abū Bakr told us, he said: Waki‘ told us, from Sufyān, from Maṇṣūr, from Ibrāhīm, who said: Our companions used to say: “If the wealth belongs to him, she is supported from the entire wealth.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ قَالَ: "كَانَ أَصْحَابُنَا يَقُولُونَ: إِنْ كَانَ الْمَالُ لَهُ أُنْفَقَ عَلَيْهَا مِنْ جَمِيعِ الْمَالِ

[18991] Abū Bakr told us, he said: Yazīd ibn Hārūn told us, from Ḥajjāj, from Al-Ḥakam, from Ibrāhīm, who said: The companions of ‘Abd Allāh used to say regarding the widow: “If the wealth is plentiful, her maintenance is from the child's share, and if the wealth is small, [it is] from the entire wealth.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَاجَاجٍ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ قَالَ: "كَانَ أَصْحَابُ عَبْدِ اللَّهِ يَقُولُونَ فِي الْمُتَوَفِّي عَنْهَا زَوْجُهَا: إِنْ كَانَ الْمَالُ كَثِيرًا فَنَفَقَهَا مِنْ نَصِيبِ الْغَلَامِ، وَإِنْ كَانَ الْمَالُ قَلِيلًا، مِنْ جَمِيعِ الْمَالِ

[18992] Abū Bakr told us, he said: Waki‘ told us, from Shu‘bah, from Qatādah; and Ḥammād, from Mughīrah, from Ibrāhīm: “The widow is supported from the entire wealth.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِبِيعُ، عَنْ شُعْبَةَ، عَنْ قَتَادَةَ، وَحَمَادَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ: الْمُتَوَفَّى عَنْهَا يُنْفَقُ عَلَيْهَا مِنْ جَمِيعِ الْمَالِ

[18993] Abū Bakr told us, he said: Ismā‘il ibn ‘Ulayyah told us, from Yūnus, from Ibn Sīrīn, who said: He used to see that every pregnant woman has maintenance. He said: Ya‘lā ibn Khālid died leaving an Umm al-Walad, and he saw maintenance for her, but disliked spending without the judge's [order]. So he sent to ‘Abd al-Malik ibn Ya‘lā, who prevented her. And he said: Al-Ḥasan used to say: “She is supported. If she gives birth to him alive, her maintenance is from her child's share, and if she gives birth to him dead, that is cancelled.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ أَبْنِ سِيرِينَ قَالَ: كَانَ يَرَى لِكُلِّ حَامِلٍ نَفَقَةً، قَالَ: ثُوْفِيٌ عَنْ أُمٍّ وَلَدٍ يَعْلَمُ بْنُ خَالِدٍ، فَكَانَ يَرَى لَهَا النَّفَقَةَ، فَكَرِهَ أَنْ يُنْفَقَ دُونَ الْفَاضِيِّ، فَأَرْسَلَ إِلَى عَبْدِ الْمَلِكِ بْنِ يَعْلَمِي، فَمَنَعَهَا وَقَالَ: كَانَ الْحَسَنُ يَقُولُ: يُنْفَقُ عَلَيْهَا، فَإِنْ وَلَدَتْهُ حَيًا فَنَفَقَتْهَا مِنْ تَصِيبِ وَلَدِهَا، وَإِنْ وَلَدَتْهُ مَيِّتًا أَلْغَى ذَلِكَ

[18994] Abū Bakr told us, he said: ‘Abd al-Wahhāb al-Thaqafī told us, from Burd, from Makḥūl, who said: “If she is an Umm al-Walad and her master dies leaving her, her maintenance is from the share of what is in her womb.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا عَبْدُ الْوَهَابِ التَّقَفِيُّ، عَنْ بُرْدِ
عَنْ مَكْحُولٍ قَالَ: إِذَا كَانَتْ اُمُّ وَلَدٍ فَتُؤْفَى عَنْهَا سَيْدُهَا
فَفَقَطَتْهَا مِنْ نَصِيبِ الَّذِي فِي بَطْنِهَا

[18995] Abū Bakr told us, he said: Ḥafṣ ibn Ghayyāth told us, from Ash‘ath, from Ibn Sīrīn, who said: ‘Abd Allāh said: “The waiting period of the divorced woman is by menstruation, even if it is long.” Ḥafṣ said: He mentioned a year or more.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا حَفْصُ بْنُ غَيَاثٍ، عَنْ أَشْعَثَ،
عَنْ ابْنِ سِيرِينَ قَالَ: قَالَ عَبْدُ اللَّهِ: عِدَّةُ الْمُطَلَّقَةِ
بِالْحَيْضِ وَإِنْ طَالَتْ، قَالَ حَفْصٌ: فَذَكَرَ السَّنَةَ وَأَكْثَرَ

[18996] Abū Bakr told us, he said: Hushaym told us, from Dāwūd, from Al-Sha‘bī; and from ‘Ubaydah, from Ibrāhīm, that they both said: “She counts the waiting period by menstruation.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا هُشَيْمٌ، عَنْ دَاؤِدَ، عَنِ الشَّعْبَيِّ،
وَعَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، أَنَّهُمَا قَالَا: تَعْدُ بِالْحَيْضِ

[18997] Abū Bakr told us, he said: Abū Mu‘āwiyah told us, from Yahyā ibn Sa‘īd, from Sa‘īd ibn al-Musayyib, who said: ‘Umar said: “If a woman is divorced and menstruates once or twice, then her menstruation stops, she waits for three months for menstruation, then waits nine months for pregnancy, then she becomes lawful for men.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: قَالَ عُمَرُ: إِذَا طَلَقَتِ الْمَرْأَةُ فَحَاضَتْ حَيْضَةً أَوْ حَيْضَتَيْنِ، ثُمَّ رَفَعَتْهَا حَيْضَتُهَا اعْتَدَتْ لِلْمَحِيضِ تَلَاثَةً أَشْهُرٍ، ثُمَّ اعْتَدَتْ لِلْحَمْلِ تِسْعَةَ أَشْهُرٍ، ثُمَّ حَلَّتْ لِلرِّجَالِ

[18998] Abū Bakr told us, he said: Abū Usāmah told us, from ‘Abd al-Ḥamīd ibn Ja‘far, from Yazīd ibn Abī Ḥabīb, who said: Al-Zuhrī wrote to me that a man divorced his wife while she was breastfeeding a son of his. She remained for seven or eight months without menstruating. It was said to him: “If you die, she will inherit from you.” He said: “Carry me to ‘Uthman.” So they carried him. ‘Uthman sent to ‘Alī and Zayd and asked them. They said: “We do not see that she should inherit from him.” He said: “Why?” They said: “Because she is not among those who have despaired of menstruation, nor those who menstruate; rather, breastfeeding prevents her from menstruation.” So the man took his son. When she lost him (stopped breastfeeding), she menstruated once, then menstruated another time in the second month, then he died before she menstruated the third time, so she inherited from him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو أَسَامَةَ، عَنْ عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ قَالَ: كَتَبَ إِلَيَ الرَّهْبَرِيِّ أَنَّ رَجُلًا طَلقَ امْرَأَةً وَهِيَ تُرْضِعُ ابْنَاهُ، فَمَكَثَتْ سَبْعَةَ أَشْهُرٍ، أَوْ ثَمَانِيَّةَ أَشْهُرٍ، لَا تَحِيضُ، فَقَبِيلَ لَهُ: إِنْ مِثْ وَرِئَتْكَ، فَقَالَ: أَحْمَلُونِي إِلَى عُثْمَانَ، فَحَمَلُوهُ فَأَرْسَلَ عُثْمَانٌ إِلَى عَلَيِّ، وَزَيْدٍ، فَسَأَلُوهُمَا فَقَالَا: لَا تَرَى أَنَّ ثَرَّةَ، فَقَالَ: وَلِمَ؟ فَقَالَا: لِأَنَّهَا لَيْسَتْ مِنَ الْأَنْوَارِ يَئِسَّنْ مِنَ الْمَحِيضِ، وَلَا الْأَنْوَارِ يَحِضُّنَ، وَإِنَّمَا يَمْنَعُهَا مِنَ الْمَحِيضِ الرَّضَاعُ فَلَمَّا خَلَّ الرَّجُلُ ابْنَهُ، فَلَمَّا فَقَدَتْهُ حَاضَتْ حَيْضَةً، ثُمَّ حَاضَتْ فِي الشَّهْرِ الثَّالِثِي حَيْضَةً أُخْرَى، ثُمَّ مَاتَ قَبْلَ أَنْ تَحِيضَ الْثَالِثَةُ، فَوَرَثَتْهُ

[18999] Abū Bakr told us, he said: Ibn ‘Ulayyah told us, from Ayyūb, from Nāfi‘, from Sulaymān ibn Yasār, that Al-Ahwāṣ, a man from the people of Sham, divorced his wife once or twice, and he died while she was in the third menstruation of blood. That was raised to Mu‘āwiyah, so he asked Faḍālah ibn ‘Ubayd and whoever was there from the Companions of the Prophet (peace be upon him) about it, but no knowledge was found with them regarding it. So he sent a rider regarding it to Zayd ibn Thābit, who said: “She does not inherit from him, and if she died, he would not inherit from her.” He said: Ibn ‘Umar held that view.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُلَيْهِ، عَنْ أَيُوبَ، عَنْ نَافِعٍ،
عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ الْأَخْوَصَ رَجُلًا مِنْ أَهْلِ
الشَّامِ، طَلَقَ امْرَأَتَهُ تَطْلِيقَةً أَوْ تَطْلِيقَتِينِ، فَمَاتَ وَهِيَ
فِي الْحِينَةِ التَّالِيَّةِ مِنَ الدَّمِ، فَرُفِعَ ذَلِكُ إِلَى مُعَاوِيَةَ
فَسَأَلَ عَنْهَا فَضَالَةُ بْنُ عَبْدِِ وَمَنْ هُنَاكَ مِنْ أَصْحَابِ
النَّبِيِّ عَلَيْهِ السَّلَامُ، فَلَمْ يُوجَدْ عِنْدُهُمْ فِيهَا عِلْمٌ، فَبَعَثَ
بِهَا رَاكِبًا إِلَى زَيْدِ بْنِ ثَابِتٍ، فَقَالَ: لَا تَرِثُهُ، وَإِنْ مَاتَ
لَمْ يَرِثُهَا. قَالَ: كَانَ ابْنُ عُمَرَ يَرَى ذَلِكَ

[19000] Abū Bakr told us, he said: Abū Mu‘āwiyah told us, from Ibrāhīm, from ‘Alqamah, that he divorced his wife once or twice. She menstruated once or twice in sixteen months, then did not menstruate the third time until she died. He came to ‘Abd Allāh and mentioned that to him. ‘Abd Allāh said: “Allah withheld her inheritance for you,” and he inherited from her.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو مُعَاوِيَةَ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، أَنَّهُ طَلَقَ امْرَأَتَهُ تَطْلِيقَةً أَوْ تَطْلِيقَتَيْنِ، فَحَاضَتْ حَيْضَةً أَوْ حَيْضَتَيْنِ فِي سِتَّةِ عَشَرَ شَهْرًا، ثُمَّ لَمْ تَحِضْ التَّالِيَّةَ حَتَّى مَاتَتْ، فَأَتَى عَبْدَ اللَّهِ، فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ عَبْدُ اللَّهِ: حَسْنَ اللَّهُ عَلَيْكَ مِيرَاثَهَا وَوَرِثَةَ مِنْهَا