

مصنف ابن أبي شيبة

Musannaf Ibn Abi Shaybah

VOLUME [17]

Author

Imam Ibn Abī Shaybah

Researcher

Sheikh Kamāl Yūsuf al-Ḥūt

Translation Reviewed and Supervised by

Sheikh Abu Sultana

Note

Muṣannaf Ibn Abī Shaybah—formally titled “al-Kitāb al-Muṣannaf fī al-Aḥādīth 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 Ibn 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, Ibn 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 (maqṭū‘). 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 Ibn 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.

[16001] Abū Bakr said: Mu‘tamir narrated to us from Salm ibn Abī al-Dhayyāl who said: ‘Umar ibn ‘Abd al-‘Azīz wrote regarding two orphans: "If they are married off while they are young, they have the option [to accept or reject upon maturity]."

أَبُو بَكْرٍ قَالَ: نَا مُعْتَمِرٌ، عَنْ سَلْمِ بْنِ - 16001 حَدَّثَنَا أَبِي الدِّيَالِ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ فِي الْيَتِيمَيْنِ: إِذَا زُوجَا وَهُمَا صَغِيرَانِ إِنَّهُمَا بِالْخِيَارِ

[16002] Ibn Idrīs reported from Hishām from Al-Ḥasan who said: "She has the option."

ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ - 16002 حَدَّثَنَا الْحَسَنِ، قَالَ: لَهَا الْخِيَارُ

[16003] Al-Ḍaḥḥāk ibn Makhlad reported from Ibn Jurayj from ‘Aṭā’ who said: "She has the option."

الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنِ ابْنِ جُرَيْجٍ، - 16003 حَدَّثَنَا عَنْ عَطَاءٍ، قَالَ: هِيَ بِالْخِيَارِ

[16004] Ibn Mahdī reported from Zam‘ah from Ibn Ṭāwūs from his father who said: "Regarding the two young ones, they have the option when they grow up."

ابْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنِ ابْنِ - 16004 حَدَّثَنَا طَاوُسٍ، عَنْ أَبِيهِ، قَالَ: فِي الصَّغِيرَيْنِ، هُمَا بِالْخِيَارِ إِذَا شَبَا

[16005] ‘Abbād ibn ‘Awwām reported from Sa‘īd from Qatādah regarding the guardian of an orphan girl if he marries her off while she is young. He said: "The marriage is valid, and she has the option."

عَبَادُ بْنُ عَوَّامٍ، عَنْ سَعِيدٍ، عَنِ - 16005 حَدَّثَنَا قَتَادَةَ، فِي وَلِيِّ الْيَتِيمَةِ إِذَا زَوَّجَهَا وَهِيَ صَغِيرَةٌ، قَالَ: النِّكَاحُ جَائِزٌ، وَلَهَا الْخِيَارُ

[16006] ‘Abbād reported from Abū Ḥanīfah from Ḥammād who said: "The marriage is valid, and she has no option."

عَبَّادٌ، عَنْ أَبِي حَنِيفَةَ، عَنْ حَمَّادٍ، - 16006 حَدَّثَنَا قَالَ: النِّكَاحُ جَائِزٌ، وَلَا خِيَارَ لَهَا

[16007] Abū Bakr said: Ibn Idrīs narrated to us from Shu‘bah from Ziyād ibn ‘Ilāqah who said: A man proposed to a noble woman from Banū Layth who was previously married, but her father refused to marry her off. So I wrote to ‘Uthmān, and ‘Uthmān wrote back: "If he is a compatible match, tell her father to marry her off. If her father refuses, then you marry her off."

أَبُو بَكْرٍ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ - 16007 حَدَّثَنَا شُعْبَةُ، عَنْ زِيَادِ بْنِ عِلَاقَةَ، قَالَ: خَطَبَ رَجُلٌ سَيِّدَةً مِنْ بَنِي لَيْثٍ نَيِّبًا، فَأَبَى أَبُوهَا أَنْ يُزَوِّجَهَا، فَكَتَبْتُ إِلَى عُثْمَانَ، فَكَتَبَ عُثْمَانُ: "إِنْ كَانَ كُفُوءًا فَقُولُوا لِأَبِيهَا: أَنْ يُزَوِّجَهَا فَإِنْ أَبَى أَبُوهَا فَزَوِّجُوهَا

[16008] Sahl ibn Yūsuf reported from ‘Amr from Al-Ḥasan who said: "If the guardian and the woman disagree, the authority (Sultan) should look into it. If the guardian is causing harm, he marries her off, otherwise her matter is returned to her guardian."

سَهْلُ بْنُ يُونُسَ، عَنْ عَمْرِو، عَنْ - 16008 حَدَّثَنَا الْحَسَنِ، قَالَ: إِذَا اخْتَلَفَ الْوَلِيُّ وَالْمَرْأَةُ نَظَرَ السُّلْطَانُ، فَإِنْ كَانَ الْوَلِيُّ مُضَارًّا زَوَّجَهَا، وَإِلَّا رُدَّ أَمْرُهَا إِلَى وَلِيِّهَا

[16009] ‘Īsā ibn Yūnus reported from Sulaymān al-Taymī from Abū Ja‘far al-Ashja‘ī that a woman came to Shurayh accompanied by her mother and uncle. The mother wanted a [specific] man, and the uncle wanted another man. Shurayh gave her the choice, and she chose the one her mother chose. Shurayh said to the uncle: "Do you give permission?" He said: "No, by Allah, I do not give permission." He said: "Do you give permission before you have no permission [authority]?" He said: "No, by Allah, I do not give permission." Shurayh said [to the mother]: "Go and marry your

عِيسَى بْنُ يُونُسَ، عَنْ سُلَيْمَانَ - 16009 حَدَّثَنَا
النَّيْمِيُّ، عَنْ أَبِي جَعْفَرٍ الْأَشْجَعِيِّ، أَنَّ امْرَأَةً أَتَتْ
شُرَيْحًا مَعَ امِّهَا وَعَمِّهَا، فَأَرَادَتْ أُمُّ رَجُلًا وَأَرَادَ
الْعَمُّ رَجُلًا، فَخَيَّرَهَا شُرَيْحٌ، فَاخْتَارَتِ الَّذِي اخْتَارَتْ
أُمُّهَا، فَقَالَ شُرَيْحٌ لِلْعَمِّ: تَأْذُنُ؟ قَالَ: لَا، وَاللَّهِ لَا أَذْنُ،
قَالَ: أَتَأْذُنُ قَبْلَ أَنْ لَا يَكُونَ لَكَ إِذْنُ؟ قَالَ: لَا، وَاللَّهِ لَا
أَذْنُ، قَالَ: شُرَيْحٌ: أَذْهَبِي، أَنْكِحِي ابْنَتَكَ مَنْ شِئْتَ

[16010] Abū Bakr said: Ibn ‘Ayyāsh narrated to us from ‘Abd Allāh ibn Dīnār from someone who told him from Al-Ḥasan who said: The Messenger of Allah ﷺ said: "If a man marries off his son while he [the son] is unwilling, it is not a marriage. But if he marries him off while he is young, his marriage is valid."

أَبُو بَكْرٍ قَالَ: نَا ابْنُ عِيَّاشٍ، عَنْ عَبْدِ - 16010 حَدَّثَنَا
اللَّهُ بْنُ دِينَارٍ، عَمَّنْ حَدَّثَهُ، عَنِ الْحَسَنِ، قَالَ: قَالَ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا أَنْكَحَ الرَّجُلُ ابْنَهُ
وَهُوَ كَارِهٌ فَلَيْسَ بِنِكَاحٍ، وَإِذَا زَوَّجَهُ وَهُوَ صَغِيرٌ جَازَ
نِكَاحُهُ

[16011] Muṭarrif reported from Al-Ḥakam from Shurayh who said: "If a man marries off his son or his daughter, the choice is theirs when they grow up."

مُطَرِّفٌ، عَنِ الْحَكَمِ، عَنْ شُرَيْحٍ، - 16011 حَدَّثَنَا
قَالَ: إِذَا زَوَّجَ الرَّجُلُ ابْنَهُ أَوْ ابْنَتَهُ، فَالْخِيَارُ لَهُمَا إِذَا
شَبَا

[16012] ‘Abd Allāh ibn Mubārak reported from Ma‘mar from Al-Zuhri, Al-Ḥasan, and Qatādah that they said: "If the fathers marry off the young ones, their marriage is valid."

عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنِ - 16012 حَدَّثَنَا
الزُّهْرِيُّ، وَالْحَسَنُ، وَقَتَادَةُ، قَالُوا: إِذَا أَنْكَحَ الصَّغَارَ
أَبَاؤُهُمْ جَازَ نِكَاحُهُمْ

[16013] Hushaym reported from Yūnus from Al-Ḥasan who said: "If a man marries off his son while he is young, his marriage is valid upon him, and the dowry is upon the son."

هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، - 16013 حَدَّثَنَا
قَالَ: إِذَا زَوَّجَ الرَّجُلُ ابْنَهُ، وَهُوَ صَغِيرٌ فَتَزْوِجُهُ جَائِزٌ
عَلَيْهِ، وَالصَّدَاقُ عَلَى الْإِبْنِ

[16014] Sharik reported from Jābir from ‘Āmir who said: "No one compels [someone] into marriage except the father."

شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: - 16014 حَدَّثَنَا
لَا يُجْبَرُ عَلَى النِّكَاحِ إِلَّا الْأَبُ

[16015] ‘Ubayd Allāh ibn Mūsā reported from Al-Ḥasan [Ibn Ṣāliḥ?] from Layth from ‘Aṭā’ who said: "If a man marries off his son while he is young, his marriage is valid, and he has no [right of] divorce [until puberty]."

عُبَيْدُ اللَّهِ بْنِ مُوسَى، عَنِ الْحَسَنِ، - 16015 حَدَّثَنَا عَنْ لَيْثٍ، عَنْ عَطَاءٍ، قَالَ: إِذَا أَنْكَحَ الرَّجُلُ ابْنَهُ وَهُوَ صَغِيرٌ فَنِكَاحُهُ جَائِزٌ، وَلَا طَلَاقَ لَهُ

[16016] ‘Abd Allāh ibn Idrīs reported from Muṭarrif from Al-Ḥakam who said: Shurayh said: "If a man marries off his son while he is young, it is binding upon him. If he reaches puberty and divorces, then half the dowry is upon the one who guaranteed it."

عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ مُطَرِّفٍ، - 16016 حَدَّثَنَا عَنِ الْحَكَمِ، قَالَ: قَالَ شُرَيْحٌ: إِذَا أَنْكَحَ الرَّجُلُ ابْنَهُ وَهُوَ صَغِيرٌ جَازَ عَلَيْهِ، فَإِذَا بَلَغَ فَإِنْ طَلَّقَ فَنِصْفُ الْمَهْرِ عَلَى الَّذِي كَفَلَ بِهِ

[16017] Hushaym reported from Yūnus from Al-Ḥasan who said: "The dowry is upon the son."

هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، - 16017 حَدَّثَنَا قَالَ: الصَّدَاقُ عَلَى الْإِبْنِ

[16018] Wakī' reported from Shu'bah who said: I asked Al-Ḥakam and Ḥammād about a man who marries off his son while he is young. Al-Ḥakam said: "Upon the son." And Ḥammād said: "It is upon the father." And Qatādah said: Ibn 'Umar said: "It is upon the one you married off"—meaning the dowry is upon the son.

وَكَيْعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ - 16018 حَدَّثَنَا الْحَكَمُ، وَحَمَّادٌ عَنِ الرَّجُلِ يُزَوِّجُ ابْنَهُ وَهُوَ صَغِيرٌ، قَالَ الْحَكَمُ: عَلَى الْإِبْنِ، وَقَالَ حَمَّادٌ: هُوَ عَلَى الْأَبِ، وَقَالَ قَتَادَةُ: قَالَ ابْنُ عُمَرَ: هُوَ عَلَى الَّذِي أَنْكَحْتُمُوهُ - يَعْنِي الصَّدَاقَ عَلَى الْإِبْنِ -

[16019] Ḥumayd reported from Al-Ḥasan [ibn Salih?] from Mujālid from Al-Sha'bī who said: "It is upon the father."

حُمَيْدٌ، عَنِ الْحَسَنِ، عَنْ مُجَالِدٍ، عَنِ - 16019 حَدَّثَنَا الشَّعْبِيِّ، قَالَ: هُوَ عَلَى الْأَبِ

[16020] Abū Bakr said: Hushaym narrated to us from 'Awf from Anas who said: When he married off one of his daughters or a woman from his family, he would say to her husband: "I marry you [her] based on keeping with kindness or releasing with grace."

أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ عَوْفٍ، - 16020 حَدَّثَنَا عَنْ أَنَسٍ، قَالَ: كَانَ إِذَا زَوَّجَ امْرَأَةً مِنْ بَنَاتِهِ، أَوْ امْرَأَةً مِنْ بَعْضِ أَهْلِهِ قَالَ لِرِزْوَجِهَا: أَرْوِّجُكَ عَلَى إِمْسَاكِ بِمَعْرُوفٍ، أَوْ تَسْرِيحٍ بِإِحْسَانٍ

[16021] Yaḥyā ibn Saʿīd reported from Sufyān from Ḥabīb ibn Abī Thābit that Ibn ʿAbbās used to, when he married [someone] off, stipulate: "{Keeping with kindness or releasing}."

يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ، عَنْ - 16021 حَدَّثَنَا حَبِيبُ بْنُ أَبِي ثَابِتٍ، أَنَّ ابْنَ عَبَّاسٍ، كَانَ "إِذَا زَوَّجَ {الْأَشْرَطَ: {إِلْمَسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحَ

[16022] Ibn ʿUyaynah reported from ʿAmr from Ibn Abī Mulaykah that Ibn ʿUmar used to, when he married [someone] off, say: "I marry you off according to what Allah said: {Keeping with kindness or releasing with grace}."

ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنِ ابْنِ أَبِي - 16022 حَدَّثَنَا مُلَيْكَةَ، أَنَّ ابْنَ عُمَرَ، كَانَ إِذَا أَنْكَحَ، قَالَ: "أُنْكِحُكَ عَلَى {مَا قَالَ اللَّهُ، {إِلْمَسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحَ بِإِحْسَانٍ

[16023] Ibn ʿUyaynah reported from Muḥammad ibn ʿAjlān who said: Sulaymān informed me that he proposed to Ibn ʿUmar for a freedwoman of his, and he said the like of that to him.

ابْنُ عُيَيْنَةَ، عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، - 16023 حَدَّثَنَا قَالَ: أَخْبَرَنِي سُلَيْمَانُ، أَنَّهُ خَطَبَ إِلَى ابْنِ عُمَرَ مَوْلَاةً لَهُ، فَقَالَ لَهُ: مِثْلَ ذَلِكَ

[16024] Hushaym reported from Mughīrah from Ibrāhīm who said: I asked him saying: "Did they used to stipulate at the marriage contract {Keeping with kindness or releasing with grace}?" He said: "That is for them, even if they did not stipulate what our companions used to stipulate."

هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، - 16024 حَدَّثَنَا قَالَ: سَأَلْتُهُ فَقُلْتُ: أَكَانُوا يَشْتَرِطُونَ عِنْدَ عُقْدَةِ النِّكَاحِ {إِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ}؟، قَالَ: "فَقَالَ: ذَلِكَ لَهُمْ، وَإِنْ لَمْ يَشْتَرِطُوا مَا كَانَ أَصْحَابُنَا يَشْتَرِطُونَ

[16025] Ibn Numayr reported from Jarīr from Al-Ḍaḥḥāk regarding {And they have taken from you a solemn covenant} [An-Nisā': 21]. He said: "{Keeping with kindness or releasing with grace}."

أَبْنُ نُمَيْرٍ، عَنْ جَرِيرٍ، عَنْ - 16025 حَدَّثَنَا [21: الضَّحَّاكُ، {وَأَخَذَنَ مِنْكُمْ مِيثَاقًا غَلِيظًا} [النساء]، قَالَ: {إِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ

[16026] Abū Bakr said: 'Īsā ibn Yūnus narrated to us from Al-Awzā'ī from Yaḥyā ibn Abī Kathīr regarding {And they have taken from you a solemn covenant} [An-Nisā': 21]. He said: "{Keeping with kindness or releasing} with grace."

أَبُو بَكْرٍ قَالَ: نَا عِيسَى بْنُ يُونُسَ، - 16026 حَدَّثَنَا عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، {وَأَخَذَنَ مِنْكُمْ}، قَالَ: {إِمْسَاكَ بِمَعْرُوفٍ} [21: مِيثَاقًا غَلِيظًا] [النساء]، أَوْ تَسْرِيحٍ {بِإِحْسَانٍ

[16027] Wakī' reported from Sufyān from Sālim from Mujāhid regarding {And they have taken from you a solemn covenant} [An-Nisā': 21]. He said: "The marriage contract." He said: His saying: "I have married you to..."

وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ سَالِمٍ، عَنْ - 16027 حَدَّثَنَا [21: مُجَاهِدٍ، {وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا} [النساء قَالَ: عُقْدَةُ النِّكَاحِ قَالَ: قَوْلُهُ: قَدْ زَوَّجْتُكَ

[16028] Wakī' reported from Isrā'īl from Jābir from 'Ikrimah and Mujāhid regarding {And they have taken from you a solemn covenant} [An-Nisā': 21]. They said: "You have taken them by the trust of Allah, and made their private parts lawful by the word of Allah."

وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ - 16028 حَدَّثَنَا عِكْرِمَةَ، وَمُجَاهِدٍ، {وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا} قَالَا: أَخَذْتُمُوهُنَّ بِأَمَانَةِ اللَّهِ، وَاسْتَحْلَلْتُمُ [21: [النساء فُرُوجَهُنَّ بِكَلِمَةِ اللَّهِ

[16029] Yahyā ibn Yamān reported from Sufyān from Juhaynah from Ibn 'Abbās regarding {And they have taken from you a solemn covenant} [An-Nisā': 21]. He said: "{Keeping with kindness, or releasing with grace}."

يَحْيَى بْنُ يَمَانَ، عَنْ سُفْيَانَ، عَنْ - 16029 حَدَّثَنَا جُهَيْنَةَ، عَنِ ابْنِ عَبَّاسٍ، {وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا} قَالَ: {إِمْسَاكِكُ بِمَعْرُوفٍ، أَوْ تَسْرِيحُ [21: [النساء {بِإِحْسَانٍ

[16030] Abū Bakr said: Hushaym narrated to us from Manṣūr from Al-Ḥasan who said: He used to see no harm in a man marrying his slave to his slave-girl without dowry or evidence [witnesses].

أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ - 16030 حَدَّثَنَا مَنْصُورٌ، عَنِ الْحَسَنِ، قَالَ: كَانَ لَا يَرَى بَأْسًا أَنْ يُزَوَّجَ الرَّجُلُ عَبْدَهُ أَمْتَهُ بِغَيْرِ مَهْرٍ، وَلَا بَيِّنَةٍ

[16031] ‘Abd al-Raḥmān ibn Muḥammad al-Muḥāribī reported from Layth from ‘Aṭā’ regarding a man marrying his slave to his slave-girl without witnesses. He said: "If he has witnesses, it is more beloved to me, but if he does not, it is valid."

عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ الْمُحَارِبِيُّ، - 16031 حَدَّثَنَا عَنْ لَيْثٍ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يُزَوَّجُ عَبْدَهُ أَمْتَهُ بِغَيْرِ شُهُودٍ، قَالَ: إِنْ يُشْهَدُ أَحَبُّ إِلَيَّ، وَإِنْ لَمْ يَفْعَلْ فَهُوَ جَائِزٌ

[16032] Jarīr reported from Manṣūr from Ibrāhīm who said: "They used to compel slaves into marriage and lock the door upon

جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، - 16032 حَدَّثَنَا قَالَ: كَانُوا يُكْرِهُونَ الْمَمْلُوكِينَ عَلَى النِّكَاحِ، وَيُعْلِقُونَ عَلَيْهِمَا الْبَابَ

[16033] ‘Īsā ibn Yūnus reported from Ibn Jurayj from ‘Aṭā’ from Ibn ‘Abbās who said: "There is no harm in a man marrying his slave-girl to his slave without a dowry."

عِيْسَى بْنُ يُونُسَ، عَنِ ابْنِ جُرَيْجٍ، - 16033 حَدَّثَنَا عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: لَا بَأْسَ أَنْ يُزَوَّجَ الرَّجُلُ أَمْتَهُ عَبْدَهُ بِغَيْرِ مَهْرٍ

[16034] Al-Faḍl ibn Dukayn reported from Abū Fāṭimah who said: I asked Ibn Sīrīn, saying: A man said to his slave: "Here is my slave-girl So-and-so. If you wish, take her for yourself, otherwise sell her and return her price to me." He said: "Clothe her with a garment."

الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ أَبِي فَاطِمَةَ، - 16034 حَدَّثَنَا قَالَ: سَأَلْتُ ابْنَ سِيرِينَ، قَالَ: قُلْتُ: رَجُلٌ، قَالَ لِمَمْلُوكِهِ: دُونَكَ جَارِيَتِي هَذِهِ فَلَانَتْهُ، فَإِنْ أَحْبَبْتَ أَنْ تَتَّخِذَهَا لِنَفْسِكَ، وَإِلَّا فَبِعْهَا وَرُدَّ عَلَيَّ ثَمَنُهَا قَالَ: اكْسُهَا ثَوْبًا

[16035] Abū Bakr said: Ḥātim ibn Ismā'il narrated to us from Ja'far from his father that 'Alī used to say: "A slave does not marry more than two [wives]."

أَبُو بَكْرٍ قَالَ: نَا حَاتِمُ بْنُ إِسْمَاعِيلَ، - 16035 حَدَّثَنَا عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، أَنَّ عَلِيًّا، كَانَ يَقُولُ: لَا يَنْكِحُ الْعَبْدُ فَوْقَ اثْنَتَيْنِ

[16036] Ibn 'Uyaynah reported from Ibn Abī Najīh from Mujāhid regarding the slave. He said: "He marries four." And 'Aṭā' said: "Two."

ابْنُ عُيَيْنَةَ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ - 16036 حَدَّثَنَا مُجَاهِدٍ، فِي الْعَبْدِ، قَالَ: يَتَزَوَّجُ أَرْبَعًا. وَقَالَ عَطَاءٌ: اثْنَتَيْنِ

[16037] Jarīr reported from Al-Shaybānī from Al-Sha'bī who said: "The slave does not marry except two women."

جَرِيرٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، - 16037 حَدَّثَنَا قَالَ: لَا يَتَزَوَّجُ الْمَمْلُوكُ إِلَّا امْرَأَتَيْنِ

[16038] Wakī' reported from Sufyān from Ibn Jurayj from 'Aṭā' who said: "He does not marry except two."

وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، - 16038 حَدَّثَنَا عَنْ عَطَاءٍ، قَالَ: لَا يَتَزَوَّجُ إِلَّا اثْنَتَيْنِ

[16039] Al-Thaqafī reported from Yūnus from Muḥammad regarding the slave man: "It is disliked for him to combine more than two [wives], and it is not mentioned whether they are slave-girls or free women, for his wealth is the wealth of his master."

النَّفَقِيُّ، عَنْ يُونُسَ، عَنْ مُحَمَّدٍ، فِي - 16039 حَدَّثَنَا الرَّجُلِ الْمَمْلُوكِ: يُكْرَهُ لَهُ أَنْ يَجْمَعَ أَكْثَرَ مِنْ اثْنَتَيْنِ، وَلَا يُذَكَّرُ إِمَاءً كُنَّ أَوْ حَرَائِرَ، وَإِنَّمَا مَالُهُ مَالُ مَوْلَاهُ

[16040] Ibn ‘Ulayyah reported from Yūnus from Al-Ḥasan who said: "He marries two."

ابْنُ عُليَّةٍ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، - 16040 حَدَّثَنَا قَالَ: يَتَزَوَّجُ اثْنَتَيْنِ

[16041] Yahyā ibn ‘Abd al-Malik ibn Abī Ghaniyyah reported from his father from Al-Ḥakam who said: "If a man permits his slave regarding a slave-girl he buys to have intercourse with her, it is a marriage from the master, and he should not have intercourse with more than two."

يَحْيَى بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي غَنِيَّةٍ، - 16041 حَدَّثَنَا عَنْ أَبِيهِ، عَنْ الْحَكَمِ، قَالَ: إِذَا أَذِنَ الرَّجُلُ لِعَبْدِهِ فِي الْجَارِيَةِ يَشْتَرِيهَا أَنْ يَطَّأَهَا فَهُوَ نِكَاحٌ مِنَ السَّيِّدِ، وَلَا يَطَّأُ فَوْقَ اثْنَتَيْنِ

[16042] Ibn Abī Zā'idah reported from Ibn 'Awn from Muḥammad who said: 'Umar said: "Who knows what is lawful for a slave regarding women?" A man said: "I do." He said: "How many?" He said: "Two." So he remained silent.

ابْنُ أَبِي زَائِدَةَ، عَنِ ابْنِ عَوْنٍ، عَنْ - 16042 حَدَّثَنَا مُحَمَّدٌ قَالَ: قَالَ عُمَرُ: مَنْ يَعْلَمُ مَا يَحِلُّ لِلْمَمْلُوكِ مِنَ النِّسَاءِ؟ قَالَ رَجُلٌ: أَنَا، قَالَ: كَمْ؟ قَالَ: امْرَأَتَيْنِ، فَسَكَتَ

[16043] Zayd ibn Ḥubāb reported from Ibn Lahī'ah from Khālīd ibn Abī 'Imrān who said: I asked Sālim and Al-Qāsim about the slave, how many can he marry? They said: "Four."

زَيْدُ بْنُ حُبَابٍ، عَنِ ابْنِ لَهْيَعَةَ، عَنْ - 16043 حَدَّثَنَا خَالِدُ بْنُ أَبِي عِمْرَانَ، قَالَ: سَأَلْتُ سَالِمًا، وَالْقَاسِمَ، عَنْ الْعَبْدِ كَمْ يَتَزَوَّجُ؟، فَقَالَا: أَرْبَعًا

[16044] Al-Muḥāribī reported from Layth from Al-Ḥakam who said: The Companions of the Messenger of Allah ﷺ agreed that "A slave does not combine more than two women."

الْمُحَارِبِيُّ، عَنْ لَيْثٍ، عَنْ الْحَكَمِ، - 16044 حَدَّثَنَا قَالَ: أَجْمَعَ أَصْحَابُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى أَنَّ الْمَمْلُوكَ لَا يَجْمَعُ مِنَ النِّسَاءِ فَوْقَ اثْنَتَيْنِ

[16045] Wakī' reported from Sa'īd from Abū Ma'shar from Ibrāhīm who said: "The slave may marry more than two."

وَكَيْعٌ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، - 16045 حَدَّثَنَا عَنْ إِبْرَاهِيمَ، قَالَ: يَتَزَوَّجُ الْمَمْلُوكُ فَوْقَ اثْنَتَيْنِ

[16046] Abū Bakr said: Wakī' narrated to us from Hishām from Al-Ḥasan, and from Mughīrah from Ibrāhīm, both of whom said: "If a slave marries without his master's permission, then the master gives permission, it is valid."

أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ هِشَامٍ، - 16046 حَدَّثَنَا
عَنِ الْحَسَنِ، وَعَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَا: إِذَا تَزَوَّجَ
الْعَبْدُ بِغَيْرِ إِذْنِ مَوْلَاهُ، ثُمَّ أَذِنَ الْمَوْلَى فَهُوَ جَائِزٌ

[16047] Abū Dāwūd reported from Shu'bah from Manṣūr from Al-Ḥasan who said: "If the master validates it, it is valid."

أَبُو دَاوُدَ، عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، - 16047 حَدَّثَنَا
عَنِ الْحَسَنِ، قَالَ: إِذَا أَجَازَهُ الْمَوْلَى فَهُوَ جَائِزٌ

[16048] 'Abdah ibn Sulaymān reported from Sa'īd from Qatādah from Ibn al-Musayyib and Al-Ḥasan regarding the slave who marries without his master's permission. They said: "If his master wishes, he validates the marriage, and if he wishes, he rejects it."

عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ - 16048 حَدَّثَنَا
قَتَادَةَ، عَنْ ابْنِ الْمُسَيَّبِ، وَالْحَسَنِ، فِي الْعَبْدِ يَتَزَوَّجُ
بِغَيْرِ إِذْنِ سَيِّدِهِ، قَالَا: إِنْ شَاءَ أَجَازَ النِّكَاحَ سَيِّدُهُ، وَإِنْ
شَاءَ رَدَّهُ

[16049] Abū Dāwūd reported from Shu'bah from Al-Ḥakam who said: "If the guardian [master] validates it, it is valid." Ḥammād said: "He restarts the marriage."

أَبُو دَاوُدَ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، - 16049 حَدَّثَنَا
قَالَ: إِنْ أَجَازَهُ الْوَلِيُّ جَازَ قَالَ حَمَّادٌ: يَسْتَأْنِفُ النِّكَاحَ

[16050] Hushaym reported from Manṣūr from Al-Ḥasan who said: If a man divorces his wife, then a slave marries her without the permission of his masters and consummates the marriage with her, Al-Ḥasan said: "He is not a husband."

هُشَيْمٌ، عَنْ مَنْصُورٍ، عَنِ الْحَسَنِ، - 16050 حَدَّثَنَا قَالَ: إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ ثُمَّ تَزَوَّجَهَا عَبْدٌ بَعْدَ بَعْثٍ، إِذْنِ مَوَالِيهِ فَدَخَلَ بِهَا، قَالَ الْحَسَنُ: لَيْسَ بِزَوْجٍ

[16051] Hushaym reported from Muḥammad ibn Sālim from Al-Sha'bī like the opinion of Al-Ḥasan. And Al-Ḥakam said: "He is a husband and he has the right to take her back."

هُشَيْمٌ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنِ - 16051 حَدَّثَنَا الشَّعْبِيِّ، مِثْلَ قَوْلِ الْحَسَنِ. وَقَالَ الْحَكَمُ: هُوَ زَوْجٌ وَلَهُ أَنْ يُرَاجِعَهَا

[16052] Hafṣ ibn Ghiyāth told us, from Ibn Jurayj, from 'Aṭā' regarding a woman who is divorced three times and then a slave marries her without the permission of his masters. 'Aṭā' said: "Any marriage that is not a valid marriage, she does not return to her first

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي الْمَرْأَةِ تُطَلَّقُ ثَلَاثًا فَيَتَزَوَّجُهَا عَبْدٌ بَعْدَ بَعْثٍ إِذْنِ مَوَالِيهِ، قَالَ: قَالَ عَطَاءٌ: كُلُّ نِكَاحٍ عَلَى غَيْرِ وَجْهِ نِكَاحٍ فَإِنَّهَا لَا تَرْجِعُ إِلَى زَوْجِهَا الْأَوَّلِ

[16053] Ismā'il ibn 'Ayyāsh told us, from Ibn 'Abd al-'Azīz ibn 'Abd Allāh, from Al-Ḥārith, from Ibrāhīm who said: “She does not return to him because it is not a proper (valid) marriage.”

حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنِ ابْنِ عَبْدِ الْعَزِيزِ بْنِ عَبْدِ اللَّهِ، عَنِ الْحَارِثِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَرْجِعُ إِلَيْهِ لِأَنَّهُ نِكَاحٌ لَيْسَ بِرَشْدَةٍ

[16054] 'Abd al-Ṣamad ibn 'Abd al-Wārith told us, from Jābir, from Ḥammād who said: “It is not lawful for her to return through him (the slave) to her first husband until she is married in a marriage of Muslims that is permissible.”

حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ جَابِرٍ، عَنْ حَمَّادٍ، قَالَ: لَا يَحِلُّ لَهَا أَنْ تَرْجِعَ بِهِ إِلَى زَوْجِهَا الْأَوَّلِ، حَتَّى تُنْكَحَ نِكَاحَ الْمُسْلِمِينَ الَّذِي يَجُوزُ

[16055] 'Affān told us: Sa'īd ibn Zayd told us: Layth told us, from Ṭāwūs who said: “Every marriage that is not according to the Sunnah, the woman does not become lawful for her first husband.”

حَدَّثَنَا عَفَّانُ، قَالَ: نَا سَعِيدُ بْنُ زَيْدٍ، قَالَ: نَا لَيْثٌ، عَنْ طَاوُسٍ، قَالَ: كُلُّ نِكَاحٍ كَانَ بِغَيْرِ سُنَّةٍ، فَإِنَّ الْمَرْأَةَ لَا تَحِلُّ لِزَوْجِهَا الْأَوَّلِ

[16056] Abū Usāmah told us, from Sufyān, from Jābir, from 'Āmir regarding the slave and the eunuch. He said: “He is a husband.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي الْعَبْدِ وَالْخَصِيِّ، قَالَ: هُوَ زَوْجٌ

[16057] Hushaym told us, from Abū Bishr, from Sa‘īd ibn Jubayr regarding a free man marrying a slave woman. He said: “He has only moved slightly away from Zina (adultery),” due to His saying {And that you be patient is better for you} [An-Nisa: 25]. He said: “[Better] than marrying a slave woman.”

حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي بَشْرٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، فِي الْحُرِّ يَتَزَوَّجُ الْأَمَةَ، قَالَ: مَا اِزْلَحَفَ عَنِ الزَّانَا إِلَّا قَلِيلًا قَالَ: عَنْ [25: لِقَوْلِهِ {وَأَنْ تَصْبِرُوا خَيْرٌ لَكُمْ} النِّسَاءِ نِكَاحِ الْأَمَةِ

[16058] Hushaym told us, from Al-‘Awwām, from someone who told him, from Ibn ‘Abbās who said: “The one who marries a slave woman has only moved slightly away from Zina.”

حَدَّثَنَا هُشَيْمٌ، عَنِ الْعَوَّامِ، عَمَّنْ حَدَّثَهُ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: مَا اِزْلَحَفَ نَاكِحُ الْأَمَةِ عَنِ الزَّانَا، إِلَّا قَلِيلًا

[16059] Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan: That he used to dislike marrying a slave woman as long as he was able to marry a free woman, unless he feared hardship (sin).

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَكْرَهُ تَزْوُجَ الْأَمَةِ مَا قَدَرَ عَلَى الْحُرَّةِ إِلَّا أَنْ يَخْشَى الْعَنْتَ

[16060] Ibn ‘Uyaynah told us, from ‘Amr who said: ‘Aṭā’ asked Jābir about marrying a slave woman. He said: “It is not appropriate today.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، قَالَ: سَأَلَ عَطَاءُ جَابِرًا عَنِ النِّكَاحِ مِنَ الْأَمَةِ؟ فَقَالَ: لَا يَصْلُحُ الْيَوْمَ

[16061] ‘Abd al-A‘lā told us, from Burd, from Makḥūl who said: “It is not appropriate for a free man to marry a slave woman unless he does not find the means (wealth).”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، قَالَ: لَا يَصْلَحُ لِلْحُرِّ أَنْ يَتَزَوَّجَ الْأَمَةَ، إِلَّا أَنْ لَا يَجِدَ طَوْلًا

[16062] Mu‘tamir told us, from Abū ‘Ubaydah, from ‘Umārah ibn Ḥassān: That a woman came to Jābir ibn Zayd and said: “A man is asking to marry my slave girl.” He said: “Do not marry her to him.” She said: “But he fears for himself.” He said: “Do not marry her to him.” She said: “But he fears he will commit adultery with her.” He said: “Then marry her to him.”

حَدَّثَنَا مُعْتَمِرٌ، عَنْ أَبِي عُبَيْدَةَ، عَنْ عُمَارَةَ بِنْتِ حَسَّانَ، أَنَّ امْرَأَةً أَتَتْ جَابِرَ بْنَ زَيْدٍ، فَقَالَتْ: إِنَّ رَجُلًا يَخْطُبُ عَلِيَّ أَمْتِي، قَالَ: لَا تُزَوِّجِيهِ، قَالَتْ: فَإِنَّهُ يَخْشَى عَلَيَّ نَفْسِهِ، قَالَ: لَا تُزَوِّجِيهِ قَالَتْ: فَإِنَّهُ يَخْشَى أَنْ يَزْنِيَ بِهَا، قَالَ: فَزَوِّجِيهِ

[16063] ‘Abd Allāh ibn Idrīs told us, from Shu‘bah, from Al-Ḥakam and Ḥammād, who were asked about marrying a slave woman. They said: “[It is] for whoever among you fears hardship (sin).”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، وَحَمَّادٍ، سُئِلَ عَنْ نِكَاحِ الْأَمَةِ؟ فَقَالَا: لِمَنْ خَشِيَ الْعَنَتَ مِنْكُمْ

[16064] Wakī‘ told us, from Sufyān, from Layth, from Mujāhid who said: “Indeed, among what has been expanded for this Ummah is the marriage of a slave woman and a Christian woman.”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: إِنَّهُ مِمَّا تُوَسَّعَ بِهِ عَلَى هَذِهِ الْأُمَّةِ نِكَاحُ الْأَمَةِ وَالنَّصْرَانِيَّةِ

[16065] Ibn Idrīs told us, from Layth ibn Sa‘d, from Sa‘īd ibn al-Musayyib who said: ‘Umar said: “Any slave who marries a free woman has freed half of himself, and any free man who marries a slave woman has enslaved half of himself.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثِ بْنِ سَعْدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: قَالَ عُمَرُ: أَيُّمَا عَبْدٍ نَكَحَ حُرَّةً فَقَدْ أَعْتَقَ نِصْفَهُ، وَأَيُّمَا حُرٍّ نَكَحَ أَمَةً فَقَدْ أَرَقَّ نِصْفَهُ

[16066] Al-Faḍl told us, from Sharīk, from Ḥumayd, from ‘Āmir who said: “Marrying a slave woman is like carrion, blood, and the flesh of swine; it is not lawful except for the one compelled by necessity.”

حَدَّثَنَا الْفَضْلُ، عَنْ شَرِيكِ، عَنْ حُمَيْدٍ، عَنْ عَامِرٍ، قَالَ: نِكَاحُ الْأَمَةِ كَالْمَيْتَةِ وَالدَّمِ وَلَحْمِ الْخَنَزِيرِ، لَا يَحِلُّ إِلَّا لِلْمُضْطَرِّ

[16067] Abū Bakr said: ‘Abd al-Salām ibn Ḥarb told us, from ‘Aṭā’ and Khuṣayf, from Sa‘īd ibn Jubayr, from Ibn ‘Abbās who said: “A free man does not marry from slave women except one.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ عَطَاءٍ، وَخُصَيْفٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا يَتَزَوَّجُ الْحُرُّ مِنَ الْإِمَاءِ إِلَّا وَاحِدَةً

[16068] Ghundar told us, from Shu‘bah, from Abū Hāshim, from Al-Ḥārith who said: “A free man marries four slave women.” And Ḥammād said: “Two.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ أَبِي هَاشِمٍ، عَنِ الْحَارِثِ، قَالَ: يَتَزَوَّجُ الْحُرُّ مِنَ الْإِمَاءِ أَرْبَعَةً وَقَالَ حَمَّادٌ: اثْنَتَيْنِ

[16069] Rawḥ ibn ‘Ubādah told us, from Ibn Abī Dhi‘b, from Al-Zuhri who said: “A free man marries four slave women, and four Christian women, and the slave likewise.”

حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ، عَنِ ابْنِ أَبِي ذُنُبٍ، عَنِ الزُّهْرِيِّ، قَالَ: يَتَزَوَّجُ الْحُرُّ أَرْبَعَ إِمَاءٍ، وَأَرْبَعَ نَصْرَانِيَّاتٍ، وَالْعَبْدُ كَذَلِكَ

[16070] ‘Abd al-A‘lā told us, from Sa‘id, from Qatādah who said: “Allah only permitted one for whoever fears hardship upon himself and does not find the means.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، قَالَ: إِنَّمَا أَحَلَّ اللَّهُ وَاحِدَةً لِمَنْ خَشِيَ الْعَنَتَ عَلَى نَفْسِهِ، وَلَا يَجِدُ طَوْلًا

[16071] Abū Dāwūd al-Ṭayālīsī told us, from Hishām al-Dastuwā‘ī, from a man, from Al-Ḥasan: That the Messenger of Allah ﷺ forbade marrying a slave woman upon a free woman.

حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِيسِيُّ، عَنْ هِشَامِ الدَّسْتَوَائِيِّ، عَنْ رَجُلٍ، عَنِ الْحَسَنِ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى أَنْ يَنْكِحَ الْأَمَةُ عَلَى الْحُرَّةِ

[16072] Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan who said: “He does not marry a slave woman upon a free woman. If he does that, he is not left [to continue].”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: لَا يَنْكِحُ الْأُمَّةَ عَلَى الْحُرَّةِ، فَإِنْ فَعَلَ ذَلِكَ لَمْ يَتْرَكَ

[16073] ‘Abd al-A‘lā told us, from Burd, from Makḥūl who said: “A man does not marry a slave woman upon a free woman, but he marries a free woman upon a slave woman.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، قَالَ: لَا يَنْزَوِجُ الرَّجُلُ الْأُمَّةَ عَلَى الْحُرَّةِ، وَيَنْزَوِجُ الْحُرَّةَ عَلَى الْأُمَّةِ

[16074] Wakī‘ told us, from Ibn Abī Laylā, from Al-Minhāl, from ‘Abbād ibn ‘Abd Allāh, from ‘Alī who said: “A slave woman is not married upon a free woman, or a free woman is not married upon a slave woman.”

حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ أَبِي لَيْلَى، عَنِ الْمِنْهَالِ، عَنْ عَبَّادِ بْنِ عَبْدِ اللَّهِ، عَنْ عَلِيٍّ، قَالَ: لَا تُنْكَحُ الْأُمَةُ عَلَى الْحُرَّةِ، أَوْ لَا تُنْكَحُ الْحُرَّةُ عَلَى الْأُمَةِ

[16075] Wakī‘ told us, from Ismā‘īl, from Al-Sha‘bī, from Masrūq who said: “No one marries a slave woman upon a free woman except a slave.”

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، قَالَ: لَا يَنْكِحُ الْأُمَّةَ عَلَى الْحُرَّةِ إِلَّا الْمَمْلُوكُ

[16076] Wakī‘ told us, from Isrā‘īl, from Jābir, from ‘Āmir, from Masrūq, from ‘Abd Allāh who said: “Except the slave.”

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: إِلَّا الْمَمْلُوكُ

[16077] ‘Abdah told us, from Yaḥyā ibn Sa‘īd, from Ibn al-Musayyib who said: “He marries a free woman upon a slave woman, but he does not marry a slave woman upon a free woman.”

حَدَّثَنَا عَبْدُهُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ ابْنِ الْمُسَيَّبِ، قَالَ: يَتَزَوَّجُ الْحُرَّةُ عَلَى الْأُمَةِ، وَلَا يَتَزَوَّجُ الْأُمَةُ عَلَى الْحُرَّةِ

[16078] Ibn Numayr told us, from ‘Abd Allāh, from ‘Aṭā’ regarding a man marrying a free woman upon a slave woman. He said: “Good.”

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ اللَّهِ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يَنْكِحُ الْحُرَّةَ عَلَى الْأُمَةِ، قَالَ: حَسَنٌ

[16079] Abū Dāwūd al-Ṭayālīsī told us, from Zam‘ah, from Ibn Ṭāwūs who said: I said to my father: “A man married a slave woman upon a free woman, and he claims that she has become forbidden to him?” He said: “They spoke the truth.”

حَدَّثَنَا أَبُو دَاوُدَ الطَّيَالِيسِيُّ، عَنْ زَمْعَةَ، عَنْ ابْنِ طَاوُسٍ، قَالَ: قُلْتُ لِأَبِي: رَجُلٌ نَكَحَ أُمَةً عَلَى حُرَّةٍ، وَإِنَّهُ يَزْعُمُ أَنَّهُ قَدْ حُرِّمَتْ عَلَيْهِ؟ قَالَ: صَدَقُوا

[16080] ‘Abdah told us, from Sa‘īd, from Qatādah, from Ibn al-Musayyib and Al-Ḥasan regarding a man who marries a slave woman upon a free woman. He said: “He is not separated from the slave woman.”

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ ابْنِ الْمُسَيَّبِ، وَالْحَسَنِ، فِي رَجُلٍ يَتَزَوَّجُ الْأُمَةَ عَلَى الْحُرَّةِ قَالَ: لَا يُفَرِّقُ بَيْنَهُ وَبَيْنَ الْأُمَةِ

[16081] Ḥakkām al-Rāzī told us, from Muthannā, from Al-Zuhri regarding a man who married a slave woman upon a free woman. He said: “His back is beaten, and she is taken away from him.”

حَدَّثَنَا حَكَّامُ الرَّازِي، عَنْ مُثَنَّى، عَنِ الزُّهْرِيِّ، فِي رَجُلٍ تَزَوَّجَ أَمَةً عَلَى حُرَّةٍ، قَالَ: يُوجَعُ ظَهْرُهُ، وَتُنَزَّغُ مِنْهُ

[16082] Abū Bakr said: Abū Bakr ibn ‘Ayyāsh told us, from Manṣūr, from Ibrāhīm who said: “If a man marries a free woman upon a slave woman, he is separated from her (the slave woman), unless she has a child from him.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا تَزَوَّجَ الرَّجُلُ الْحُرَّةَ عَلَى الْأَمَةِ فُرِّقَ بَيْنَهُ وَبَيْنَهَا، إِلَّا أَنْ يَكُونَ لَهَا مِنْهُ وَلَدٌ

[16083] Ibn ‘Uyaynah told us, from ‘Amr, from Ibn ‘Abbās who said: “Marrying a free woman upon a slave woman is the divorce of the slave woman.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرٍو، عَنِ ابْنِ عَبَّاسٍ، قَالَ: نِكَاحُ الْحُرَّةِ عَلَى الْأَمَةِ طَلَقُ الْأَمَةِ

[16084] Ibn ‘Uyaynah told us, from Ismā‘īl, from Al-Sha‘bī, from Masrūq, similar to it, except that he said: “She is like carrion, you are compelled to it. So if Allah enriches you [with lawful means], do without it.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، مِثْلَهُ، إِلَّا أَنَّهُ قَالَ: هِيَ كَالْمَيْتَةِ تَضْطَرُّ إِلَيْهَا، فَإِذَا أَغْنَاكَ اللَّهُ عَنْهَا فَاسْتَعْنِ

[16085] Wakī' told us, from Ismā'il, from Al-Sha'bī, from Masrūq who said: "Marrying a free woman upon a slave woman is the divorce of the slave woman."

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، قَالَ: نِكَاحُ الْحُرَّةِ عَلَى الْأَمَةِ طَلَقُ الْأَمَةِ

[16086] 'Abd al-A'lā told us, from Sa'id, from Qatādah, from Jābir ibn Zayd, from Ibn 'Abbās who said: "If he marries a free woman upon a slave woman, it is a divorce for the slave woman."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: إِذَا تَزَوَّجَ الْحُرَّةُ عَلَى الْأَمَةِ، فَهُوَ لِلْمَمْلُوكَةِ طَلَقٌ

[16087] 'Abdah ibn Sulaymān told us, from Sa'id, from Qatādah, from Ibn al-Musayyib and Al-Ḥasan regarding a man who marries a slave woman upon a Jewish or Christian woman. They said: "He is separated from the slave woman."

حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ ابْنِ الْمُسَيَّبِ، وَالْحَسَنِ، فِي الرَّجُلِ يَتَزَوَّجُ الْمَمْلُوكَةَ عَلَى الْيَهُودِيَّةِ، وَالنَّصْرَانِيَّةِ، قَالَا: يُفَرِّقُ بَيْنَهُ، وَبَيْنَ الْمَمْلُوكَةِ

[16088] Ma'n ibn 'Īsā told us, from Ibn Abī Dhi'b, from Al-Zuhri regarding a man who has a Christian wife. He said: "He does not marry a Muslim slave woman"

حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنِ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، فِي الرَّجُلِ يَكُونُ تَحْتَهُ الْمَرْأَةُ النَّصْرَانِيَّةُ، لَا يَتَزَوَّجُ عَلَيْهَا أَمَةٌ مُسْلِمَةٌ

[16089] Abū Bakr said: Yaḥyā ibn Ādam told us: Sharīk told us, from Sālīm, from Saʿīd ibn Jubayr, from Ibn ʿAbbās who said: “He does not marry a Jewish or Christian woman upon a Muslim woman.” Meaning the Muslim man.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَحْيَى بْنُ آدَمَ، قَالَ: نَا شَرِيكٌ، عَنْ سَالِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: لَا يَتَزَوَّجُ الْيَهُودِيَّةَ وَالنَّصْرَانِيَّةَ عَلَى الْمُسْلِمَةِ - يَعْنِي الْمُسْلِمَ -

[16090] Abū Bakr said: Abū Khālīd al-Aḥmar told us, from Ḥajjāj, from Al-Minhāl, from Dharr, from ʿAlī who said: “If he marries a free woman upon a slave woman, he allots one day for this one, and two days for that one.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ حَجَّاجٍ، عَنِ الْمِنْهَالِ، عَنْ ذَرٍّ، عَنْ عَلِيٍّ، قَالَ: إِذَا تَزَوَّجَ الْحُرَّةَ عَلَى الْأَمَةِ، قَسَمَ لِهَذِهِ يَوْمًا، وَلِهَذِهِ يَوْمَيْنِ

[16091] ʿAlī ibn Hāshim told us, from Ibn Abī Laylā, from Al-Minhāl, from Zirr who said: “If he marries a free woman upon a slave woman, he allots one day for the slave woman and two days for the free woman.”

حَدَّثَنَا عَلِيُّ بْنُ هَاشِمٍ، عَنِ ابْنِ أَبِي لَيْلَى، عَنِ الْمِنْهَالِ، عَنْ زَيْرٍ، قَالَ: إِذَا تَزَوَّجَ الْحُرَّةَ عَلَى الْأَمَةِ قَسَمَ لِلْأَمَةِ يَوْمًا، وَلِلْحُرَّةِ يَوْمَيْنِ

[16092] Abū Khālīd al-Aḥmar told us, from Ḥajjāj, from Al-Ḥakam, from Ibrāhīm, the like of it.

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ حَجَّاجٍ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، مِثْلَهُ

[16093] Abū Khālid al-Aḥmar told us, from Yahyā ibn Sa‘īd, from Sa‘īd ibn al-Musayyib who said: “For the free woman, two days and two nights; and for the slave woman, one day and one night.”

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لِلْحُرَّةِ يَوْمَانِ وَلَيْلَتَانِ، وَلِلْأَمَةِ يَوْمٌ وَلَيْلَةٌ

[16094] Asbāṭ ibn Muḥammad told us, from Muṭarrif, from Al-Sha‘bī, from Masrūq who said: “If they are together, he allots for the free woman two-thirds of himself and his wealth.”

حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، قَالَ: إِذَا اجْتَمَعَتَا قَسَمَ لِلْحُرَّةِ الثُّلُثَيْنِ مِنْ نَفْسِهِ وَمَالِهِ

[16095] Sharīk told us, from Jābir, from Abū Ja‘far, and from Firās, from ‘Āmir who said: “He marries a free woman upon a slave woman, and he divides one day and one night [for the slave woman].”

حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ أَبِي جَعْفَرٍ، وَعَنْ فِرَاسٍ، عَنْ عَامِرٍ، قَالَ: يَتَزَوَّجُ الْحُرَّةُ عَلَى الْأَمَةِ، وَيَقْسِمُ يَوْمٌ وَلَيْلَةٌ

[16096] Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan who said: “If a free woman is married upon a slave woman, the free woman is favored. Two nights are allotted for the free woman and one night for the slave woman.”

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: إِذَا نُكِحَتِ الْحُرَّةُ عَلَى الْأَمَةِ فَضَلَّتِ الْحُرَّةُ، يُقْسَمُ لِلْحُرَّةِ لَيْلَتَانِ، وَلِلْأَمَةِ لَيْلَةٌ

[16097] Ibn Idrīs told us, from his father, from Ḥammād, from Ibrāhīm who said: “If he married a slave woman then found means to marry a free woman, if he wishes he keeps her, and divides two nights [for the free] and one night [for the slave].”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَبِيهِ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا نَكَحَ الْأُمَّةَ ثُمَّ وَجَدَ مَا يَنْكِحُ الْحُرَّةَ إِنْ شَاءَ أَمْسَكَهَا وَيَقْسِمُ لَيْلَتَيْنِ وَلَيْلَةً

[16098] Ibn Numayr told us, from ‘Abd al-Malik, from ‘Aṭā’ who said: “He allots two days for the free woman and one day for the slave woman.”

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: يَقْسِمُ لِلْحُرَّةِ يَوْمَيْنِ، وَلِلْأُمَةِ يَوْمًا

[16099] Yaḥyā ibn Ya‘lā al-Taymī told us, from Maṣṣūr, from Ibrāhīm who said: “For the free woman, two days; and for the slave woman, one day.”

حَدَّثَنَا يَحْيَى بْنُ يَعْلَى التَّيْمِيُّ، عَنْ مَنصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لِلْحُرَّةِ يَوْمَانِ، وَلِلْأُمَةِ يَوْمٌ

[16100] Yūnus ibn Muḥammad told us: Sharīk told us, from ‘Aṭā’, from Sa‘īd ibn Jubayr who said: “For the free woman, two days; and for the slave woman, one day.”

حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ، قَالَ: شَرِيكٌ، عَنْ عَطَاءٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: لِلْحُرَّةِ يَوْمَانِ، وَلِلْأُمَةِ يَوْمٌ

[16101] ‘Abdah told us, from Sa‘īd, from Qatādah, from Ibn al-Musayyib and Al-Ḥasan regarding one who marries a Jewish or Christian woman upon a Muslim woman. They said: “He divides between them equally.”

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ ابْنِ الْمُسَيَّبِ، وَالْحَسَنِ، فِيمَنْ يَتَزَوَّجُ الْيَهُودِيَّةَ وَالنَّصْرَانِيَّةَ عَلَى الْمُسْلِمَةِ، قَالَا: يُقْسِمُ بَيْنَهُمَا سَوَاءً

[16102] Ma‘n told us, from Ibn Abī Dhi‘b, from Al-Zuhrī who said: “Their division is equal.”

حَدَّثَنَا مَعْنٌ، عَنْ ابْنِ أَبِي ذُنُبٍ، عَنِ الزُّهْرِيِّ، قَالَ: قُسِمَتْهُمَا سَوَاءً

[16103] Asbāṭ ibn Muḥammad told us, from Muṭarrif, from Al-Sha‘bī regarding a man who marries a Muslim woman and a Jewish or Christian woman. He said: “He treats them equally in division regarding his wealth and himself.”

حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، فِي الرَّجُلِ يَتَزَوَّجُ الْمُسْلِمَةَ وَالْيَهُودِيَّةَ أَوِ النَّصْرَانِيَّةَ، قَالَ: يُسَوِّي بَيْنَهُمَا فِي الْقِسْمَةِ مِنْ مَالِهِ وَنَفْسِهِ

[16104] Abū Khālīd - not Al-Aḥmar - told us, from Sa‘īd who said: I asked Al-Ḥakam and Ḥammād, and they said: “They are equal in division.”

حَدَّثَنَا أَبُو خَالِدٍ، وَلَيْسَ بِالْأَحْمَرِ، عَنْ سَعِيدٍ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَّادًا، فَقَالَا: هُمَا فِي الْقِسْمَةِ سَوَاءً

[16105] Hushaym told us: Yūnus told us, from Al-Ḥasan that he said regarding secret dowry, if he announces more than it: “It is taken according to the secret [amount], and the public [amount] is void.”

حَدَّثَنَا هُشَيْمٌ، قَالَ: نَا يُونُسُ، عَنِ الْحَسَنِ، أَنَّهُ قَالَ: فِي صَدَاقِ السَّرِّ إِذَا أَعْلَنَ أَكْثَرَ مِنْهُ يُؤْخَذُ بِالسَّرِّ وَتَبْطُلُ الْعَلَانِيَةُ

[16106] Hushaym told us, from Khālīd, from Ibn Sīrīn, from Shurayḥ who said: “It is taken according to the secret [agreement], and the public [one] is void.”

حَدَّثَنَا هُشَيْمٌ، عَنْ خَالِدٍ، عَنِ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، قَالَ: يُؤْخَذُ بِالسَّرِّ، وَتَبْطُلُ الْعَلَانِيَةُ

[16107] Mu‘tamir told us, from Ma‘mar, from Al-Zuhri who said: “The matter is according to the secret [agreement].”

حَدَّثَنَا مُعْتَمِرٌ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: الْأَمْرُ عَلَى السَّرِّ

[16108] Ibn ‘Ulayyah told us, from Maṣṣūr who said: I asked Al-Ḥakam ibn ‘Uyaynah about a man who gave a thousand as dowry in secret and announced two thousand. He said: “It is taken according to the secret [amount], because it is the truth, and the public [amount] is void.”

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ مَنصُورٍ، قَالَ: سَأَلْتُ الْحَكَمَ بْنَ عُيَيْنَةَ عَنِ الرَّجُلِ أَصْدَقَ أَلْفًا فِي السَّرِّ، وَأَعْلَنَ أَلْفَيْنِ، قَالَ: يُؤْخَذُ بِالسَّرِّ، لِأَنَّهُ الْحَقُّ، وَتَبْطُلُ الْعَلَانِيَةُ

[16109] Abū Mu‘āwiyah told us, from Ḥajjāj, from Abū ‘Awn, from Shurayḥ who said: “It is taken according to the first (agreement).”

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ أَبِي عَوْنٍ، عَنْ شُرَيْحٍ، قَالَ: يُؤْخَذُ بِالْأَوَّلِ

[16110] Abū Bakr said: Hushaym told us, from Ḥuṣayn, from Al-Sha‘bī who said: “It is taken according to the public [declaration].”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ حُصَيْنٍ، عَنِ الشَّعْبِيِّ، قَالَ: يُؤْخَذُ بِالْعَلَانِيَةِ

[16111] Ibn Mushir and Abū Mu‘āwiyah told us, from Al-Shaybānī, from Al-Sha‘bī who said: “It is taken according to the public [declaration].”

حَدَّثَنَا ابْنُ مُسْهِرٍ، وَأَبُو مُعَاوِيَةَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: يُؤْخَذُ بِالْعَلَانِيَةِ

[16112] Ibn ‘Ulayyah told us, from Manṣūr ibn ‘Abd al-Raḥmān who said: I met Al-Sha‘bī and asked him about that. He said: Shurayḥ said: “Publicity has demolished secrecy.”

حَدَّثَنَا ابْنُ عُليَّةٍ، عَنْ مَنْصُورِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: لَقِيتُ الشَّعْبِيَّ فَسَأَلْتُهُ عَنْ ذَلِكَ، فَقَالَ: قَالَ شُرَيْحٌ: هَدَمَتِ الْعَلَانِيَةُ السِّرَّ

[16113] Wakī‘ told us, from Ḥammād ibn Zayd, from Shu‘bah, from Abū Qilābah who said: “It is taken according to the public [declaration].”

حَدَّثَنَا وَكِيعٌ، عَنْ حَمَّادِ بْنِ زَيْدٍ، عَنْ شُعْبَةَ، عَنْ أَبِي قِلَابَةَ، قَالَ: يُؤْخَذُ بِالْعَلَانِيَةِ

[16114] Jarīr told us, from Mughīrah, from Ibrāhīm, from Al-Sha‘bī who said: “If a slave woman is married to a free man and he buys her, the marriage becomes invalid, and she becomes his slave girl whom he may have intercourse with if he wishes.”

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا كَانَتْ الْأُمَةُ تَحْتَ الْحُرِّ فَاشْتَرَاهَا بَطَلَ النِّكَاحُ، وَتَكُونُ جَارِيَةً لَهُ يَطْوُهَا إِنْ شَاءَ

[16115] Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan regarding a man who loves a slave woman then buys her. He said: “Slavery has removed her marriage knot.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي الرَّجُلِ يُحِبُّ الْأُمَةَ، ثُمَّ يَشْتَرِيهَا، قَالَ: أَذْهَبَ الرِّقُّ عُقْدَتَهَا

[16116] Wakī‘ told us, from Ibn al-Mubārak, from Yahyā ibn Abī Kathīr, from Makḥūl regarding a man who marries a slave woman then buys her. He said: “He has intercourse with her by right of ownership.”

حَدَّثَنَا وَكِيعٌ، عَنِ ابْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مَكْحُولٍ، فِي الرَّجُلِ يَنْزَوِجُ الْأُمَةَ، ثُمَّ يَشْتَرِيهَا، قَالَ: يَطْوُهَا بِالْمِلْكِ

[16117] Mu‘tamir told us, from Layth, from Ṭāwūs who said: “He has intercourse with her by right of ownership.”

حَدَّثَنَا مُعْتَمِرٌ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، قَالَ: يَطْوُهَا بِالْمِلْكِ

[16118] Ḥammād ibn Khālid told us, from Ibn Abī Dhi'b who said: I asked 'Atā' about a man who has a slave woman as a wife then buys her. He said: "She is a slave girl; he does with her what he wishes." He said: And I asked Al-Zuhri, and he said the like of that.

حَدَّثَنَا حَمَّادُ بْنُ خَالِدٍ، عَنِ ابْنِ أَبِي ذُنُبٍ، قَالَ: سَأَلْتُ عَطَاءً، عَنِ الرَّجُلِ تَكُونُ تَحْتَهُ الْأَمَةُ فَيَشْتَرِيهَا، قَالَ: هِيَ أَمَةٌ يَصْنَعُ بِهَا مَا شَاءَ. قَالَ: وَسَأَلْتُ الزُّهْرِيَّ فَقَالَ مِثْلَ ذَلِكَ

[16119] Khālid ibn Ḥayyān told us, from Ja'far ibn Burqān who said: I asked Al-Zuhri about a man who had a slave woman as a wife then bought her. He said: "The purchase demolished the marriage." Ja'far said: And I asked Maymūn ibn Mihrān about that, and he said: "She is lawful to him by virtue of two rights: by virtue of marriage, and by virtue of purchase."

حَدَّثَنَا خَالِدُ بْنُ حَيَّانٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، قَالَ: سَأَلْتُ الزُّهْرِيَّ، عَنْ رَجُلٍ كَانَتْ تَحْتَهُ أَمَةٌ فَاشْتَرَاهَا، قَالَ: هَدَمَ الشِّرَاءُ النِّكَاحَ قَالَ جَعْفَرٌ: وَسَأَلْتُ مَيْمُونُ بْنُ مِهْرَانَ عَنْ ذَلِكَ، قَالَ: يَحِلُّ لَهُ مِنْ قَبْلِ مَلَكَتَيْنِ، مِنْ قَبْلِ التَّزْوِيجِ، وَمِنْ قَبْلِ الشِّرَاءِ

[16120] Yazīd ibn Hārūn told us, from Ḥabīb, from ‘Amr who said: Jābir ibn Zayd was asked about a man who had a slave woman as a wife, divorced her once, then the slave was freed and he bought his wife. What is her status? He said: “If he buys her, she is in the position of a concubine.” And ‘Ikrimah and Al-Ḥasan gave a Fatwa to that effect.

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ عَمْرِو، قَالَ: سَأَلَ جَابِرُ بْنُ زَيْدٍ، عَنْ رَجُلٍ كَانَتْ تَحْتَهُ أَمَةٌ فَطَلَّقَهَا تَطْلِيقَهُ، ثُمَّ أَعْتَقَ الْعَبْدَ فَاشْتَرَى امْرَأَتَهُ مَا مَنَزِلُهَا؟ قَالَ: إِذَا اشْتَرَاهَا فَهِيَ بِمَنْزِلَةِ السَّرِيَّةِ. وَقَدْ أَفْتَى بِذَلِكَ عِكْرِمَةُ وَالْحَسَنُ

[16121] ‘Abbād ibn al-‘Awwām told us, from Yahyā ibn Sa‘īd, from someone who told him, from ‘Uthmān ibn ‘Affān and Zayd ibn Thābit, who said: “She is not lawful for him until she marries a husband other than him.”

حَدَّثَنَا عَبَّادُ بْنُ الْعَوَّامِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَمَّنْ حَدَّثَهُ، عَنْ عُثْمَانَ بْنِ عَفَّانَ، وَزَيْدِ بْنِ ثَابِتٍ، قَالَا: لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

[16122] ‘Abbād ibn al-‘Awwām told us, from Muḥammad ibn Ishāq who said: I read the letter of ‘Umar ibn ‘Abd al-‘Azīz: “Indeed, she is not lawful for him until she marries a husband other than him.”

حَدَّثَنَا عَبَّادُ بْنُ الْعَوَّامِ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، قَالَ: قَرَأْتُ كِتَابَ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: إِنَّهَا لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

[16123] Ibn Fuḍayl told us, from Al-A'mash, from Ibrāhīm, from 'Alqamah who said: "She is not lawful for him until she marries a husband other than him."

حَدَّثَنَا ابْنُ فَضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، قَالَ: لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

[16124] Abū Mu'āwiyah and Ibn Fuḍayl told us, from Al-A'mash, from Abū al-Ḍuḥā, from Masrūq who said: "She is not lawful for him until she marries a husband other than him."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، وَابْنُ فَضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ أَبِي الضُّحَى، عَنْ مَسْرُوقٍ، قَالَ: لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

[16125] Jarīr told us, from Al-Shaybānī, from Abū al-Ḍuḥā, from Al-Sha'bī who said: "She is not lawful for him except from where she was forbidden to him, until she marries a husband other than him and he consummates the marriage with her."

حَدَّثَنَا جَرِيرٌ، عَنِ الشَّيْبَانِيِّ، عَنْ أَبِي الضُّحَى، عَنِ الشَّعْبِيِّ، قَالَ: لَا تَحِلُّ لَهُ إِلَّا مِنْ حَيْثُ حُرِّمَتْ عَلَيْهِ، حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ، وَيَدْخُلَ بِهَا

[16126] Ibn Idrīs told us, from Layth, from Ḥammād, from Ibrāhīm who said: "She is not lawful for him except from where she was forbidden to him."

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَحِلُّ لَهُ إِلَّا مِنْ حَيْثُ حُرِّمَتْ عَلَيْهِ

[16127] ‘Abbād told us, from Sa‘īd, from Abū Ma‘shar, from Ibrāhīm who said: “She is not lawful for him until she marries a husband other than him.”

حَدَّثَنَا عَبَّادٌ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

[16128] Abū Bakr said: ‘Abd al-A‘lā told us, from Ma‘mar, from Al-Zuhri who said: “She is not lawful for him until she marries a husband other than him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

[16129] Ibn Idrīs told us, from Mālik, from Al-Zuhri: That Abū ‘Abd al-Raḥmān asked Zayd ibn Thābit about a slave woman who was married to a man, and he divorced her irrevocably, then he bought her? He said: “She is not lawful for him except from where she was forbidden to him.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ مَالِكٍ، عَنِ الزُّهْرِيِّ، أَنَّ أَبَا عَبْدِ الرَّحْمَنِ سَأَلَ زَيْدَ بْنَ ثَابِتٍ أَنَّ مَمْلُوكَةً كَانَتْ تَحْتَ رَجُلٍ فَطَلَّقَهَا فَبَتَّهَا، ثُمَّ اشْتَرَاهَا؟ قَالَ: لَا تَحِلُّ لَهُ إِلَّا مِنْ حَيْثُ حُرِّمَتْ عَلَيْهِ

[16130] Abū Bakr said: Idrīs told us, from Dāwūd, from Al-Sha‘bī who said: “She is not lawful for him except from where she was forbidden to him.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا إِدْرِيسُ، عَنْ دَاوُدَ، عَنِ الشَّعْبِيِّ، قَالَ: لَا تَحِلُّ لَهُ إِلَّا مِنْ حَيْثُ حُرِّمَتْ عَلَيْهِ

[16131] Yazīd ibn Hārūn told us, from Ḥabīb, from ‘Amr, from Jābir ibn Zayd who said: “She is not lawful for him until she marries a husband other than him.”

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ عَمْرِو، عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: لَا تَحِلُّ لَهُ حَتَّى تُنْكَحَ زَوْجًا غَيْرَهُ

[16132] Ghundar told us, from Shu‘bah, from Al-Ḥakam, from Ibrāhīm who said: I asked ‘Abīdah about that, “and he refused that for me.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: سَأَلْتُ عَنْ ذَلِكَ عَبِيدَةَ فَأَبَى ذَلِكَ عَلَيَّ

[16133] Abū Bakr said: Ibn Idrīs told us, from Layth, from Ṭāwūs who said: “She is what his right hand possesses.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، قَالَ: هِيَ مَا مَلَكَتْ يَمِينُهُ

[16134] ‘Abbād ibn ‘Awwām told us, from Sa‘īd, from Qatādah, from Al-Ḥasan who said: “He has intercourse with her by right of possession.”

حَدَّثَنَا عَبَّادُ بْنُ عَوَّامٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، قَالَ: يَطْوُهَا بِمِلْكِ الْيَمِينِ

[16135] ‘Abd al-A‘lā told us, from Hishām, from Muḥammad, from Ḥumayd ibn ‘Abd al-Raḥmān who said: “A verse made her lawful, and another verse made her unlawful; I neither command you nor forbid you.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: أَحَلَّتْهَا آيَةٌ، وَحَرَمَتْهَا آيَةٌ أُخْرَى، وَلَا أَمْرُكَ وَلَا أَنْهَاكَ

[16136] ‘Abd al-A‘lā told us, from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib who said: “He has the right to have intercourse with her by right of possession. And if he wishes, he can free her and marry her, and she would remain with him based on one [divorce].” Qatādah used to adopt this view.

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لَهُ أَنْ يَغْشَاهَا بِمِلْكِ الْيَمِينِ، وَإِنْ شَاءَ أَعْتَقَهَا وَزَوَّجَهَا، وَكَانَتْ عِنْدَهُ عَلَى وَاحِدَةٍ وَكَانَ قَتَادَةُ يَأْخُذُ بِهِ

[16137] ‘Abd al-A‘lā told us, from Sa‘īd, from Qatādah, from Jābir and Abū Salamah, the like of it.

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جَابِرٍ، وَأَبِي سَلَمَةَ مِثْلَهُ

[16138] ‘Abd al-‘Azīz ibn ‘Abd al-Ṣamad al-‘Ammī told us, from ‘Aṭā’ ibn al-Sā’ib, from Ibrāhīm: That Ibn Mas‘ūd said concerning a man—meaning a slave—who divorced his wife twice while she was a slave, then they were both freed. Ibn Mas‘ūd said: “He does not marry her until she marries a husband other than him.”

حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ الصَّمَدِ الْأُمِّيُّ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ إِبْرَاهِيمَ، أَنَّ ابْنَ مَسْعُودٍ، قَالَ: فِي رَجُلٍ - يَعْنِي عَبْدٌ - طَلَّقَ امْرَأَتَهُ تَطْلِيقَتَيْنِ، وَهِيَ مَمْلُوكَةٌ فَأَعْتَقَهَا، فَقَالَ ابْنُ مَسْعُودٍ: لَا يَنْتَزِجُهَا حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

[16139] ‘Abdah ibn Sulaymān told us, from Sa‘īd, from Qatādah, from Al-Ḥasan and Abū Ma’shar, from Ibrāhīm regarding a slave woman married to a slave who divorces her twice, then they are both freed. They said: “She is not lawful for him until she marries a husband other than him.”

حَدَّثَنَا عَبْدُهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، وَأَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، فِي الْأَمَةِ تَكُونُ تَحْتَ الْعَبْدِ فَيُطَلِّقُهَا تَطْلِيقَتَيْنِ فَيُعْتَقَانِ جَمِيعًا، قَالَ: لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

[16140] ‘Abd al-‘Alā told us, from Dāwūd, from ‘Āmir regarding a slave who divorces a slave woman twice, then they are both freed. He said: “She is not lawful for him until she marries a husband other than him.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ دَاوُدَ، عَنْ عَامِرٍ، فِي الْعَبْدِ يُطَلِّقُ الْأَمَةَ تَطْلِيقَتَيْنِ فَيُعْتَقَانِ جَمِيعًا، قَالَ: لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

[16141] ‘Abdah told us, from Sa‘īd ibn Abī ‘Arūbah, from someone who told him, from Yaḥyā ibn Abī Kathīr, from Abū al-Ḥasan, a freed slave of Banī Nawfal, who said: My wife and I were both slaves, and I divorced her twice. Then we were freed after that, and I wanted to take her back. So I asked Ibn ‘Abbās, and he said: “If you take her back, she remains with you based on one [divorce remaining], and two have passed.” The Messenger of Allah ﷺ ruled on that.

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَمَّنْ حَدَّثَهُ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي الْحَسَنِ، مَوْلَى لِبَنِي نَوْفَلٍ قَالَ: كُنْتُ أَنَا وَامْرَأَتِي، مَمْلُوكَيْنِ فَطَلَّقْتُهَا تَطْلِيقَتَيْنِ، ثُمَّ أُعْتِقْنَا بَعْدَ ذَلِكَ فَأَرَدْتُ مُرَاجَعَتَهَا، فَسَأَلْتُ ابْنَ عَبَّاسٍ فَقَالَ: إِنْ رَاجَعْتُهَا فَهِيَ عِنْدَكَ عَلَى وَاحِدَةٍ، وَمَضَتْ اثْنَتَانِ فَضَى بِذَلِكَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

[16142] Al-Faḍl ibn Dukayn told us: Shaybān told us, from Yaḥyā ibn Abī Kathīr, from ‘Amr ibn Mughīth, from Abū al-Ḥasan, a freed slave of Banī Nawfal, from Ibn ‘Abbās, from the Prophet ﷺ, with the like of it.

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، قَالَ: نَا شَيْبَانَ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عَمْرِو بْنِ مُغَيْثٍ، عَنْ أَبِي الْحَسَنِ، مَوْلَى لِبَنِي نَوْفَلٍ عَنْ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِمِثْلِهِ

[16143] ‘Abd al-Wahhāb ibn ‘Aṭā’ told us, from Sa‘īd, from Qatādah, from Abū Salamah and Jābir ibn ‘Abd Allāh who said: “If she is freed during her waiting period (‘Iddah), he may marry her if he wishes, and she remains with him based on one [divorce remaining].”

حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عَطَاءٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَبِي سَلَمَةَ، وَجَابِرِ بْنِ عَبْدِ اللَّهِ، قَالَا: إِذَا أُعْتِقَتْ فِي عِدَّتِهَا فَإِنَّهُ يَنْزَوُجُهَا، إِنْ شَاءَ وَتَكُونُ عِنْدَهُ عَلَى وَاحِدَةٍ

[16144] Hushaym told us, from Yūnus, from Al-Ḥasan regarding a man who marries a slave woman owned by two men, then buys the share of one of them. He said: “He refrains from her until he buys the share of the other.”

حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي الرَّجُلِ تَزَوَّجَ أَمَةً بَيْنَ رَجُلَيْنِ فَأَشْتَرَى نَصِيبَ أَحَدِهِمَا، قَالَ: يَكْفُ عَنْهَا حَتَّى يَشْتَرِيَ نَصِيبَ الْآخَرِ

[16145] Hushaym told us, from a companion of his, from Ḥammād, from Ibrāhīm, the like of it.

حَدَّثَنَا هُشَيْمٌ، عَنْ صَاحِبٍ، لَهُ عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، مِثْلَهُ

[16146] Hushaym told us, from Maṣṣūr, from Qatādah who said: “His ownership only increased his closeness.”

حَدَّثَنَا هُشَيْمٌ، عَنْ مَنصُورٍ، عَنْ قَتَادَةَ، قَالَ: لَمْ يَزِدْهُ مِلْكُهُ إِلَّا قُرْبًا

[16147] ‘Abd al-A‘lā told us, from Ma‘mar, from Al-Zuhrī that he used to say: “If he buys a share of a woman, he should not approach her until he makes her exclusively

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، أَنَّهُ كَانَ يَقُولُ: إِذَا اشْتَرَى مِنْ امْرَأَةٍ نَصِيبًا، فَلَا يَقْرُبُهَا حَتَّى يَسْتَخْلِصَهَا

[16148] Abū Bakr said: Hushaym ibn Bashīr told us, from ‘Abd al-‘Azīz ibn Ṣuhayb, from Anas: That the Prophet ﷺ made the manumission of Ṣafīyyah her dowry.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: حَدَّثَنَا هُشَيْمُ بْنُ بَشِيرٍ، عَنْ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَعَلَ عِتْقَ صَفِيَّةَ صَدَاقَهَا

[16149] Ḥātim ibn Ismā‘īl told us, from Ja‘far, from his father: ‘Alī freed his Umm Walad and made her manumission her dowry.

حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، حَدَّثَنَا أَبُو بَكْرِ قَالَ: أَعْتَقَ عَلِيٌّ أُمَّ وَلَدِهِ، وَجَعَلَ عِتْقَهَا مَهْرَهَا

[16150] Abū Usāmah told us, from Yahyā ibn Sa‘īd who said: Sa‘īd ibn al-Musayyib said: “Whoever frees his slave girl or his Umm Walad and makes her manumission her dowry, I consider that permissible for him.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: قَالَ سَعِيدُ بْنُ الْمُسَيَّبِ: مَنْ أَعْتَقَ وَلِيدَتَهُ، أَوْ أُمَّ وَلَدِهِ، وَجَعَلَ عِتْقَهَا صَدَاقَهَا رَأَيْتُ ذَلِكَ جَائِزًا لَهُ

[16151] ‘Abd al-A‘lā reported to us from Ma‘mar from Al-Zuhrī that he used to say: "If a man frees his slave girl and makes her freedom her dowry, that is permissible."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، أَنَّهُ كَانَ يَقُولُ: إِذَا أَعْتَقَ الرَّجُلُ أَمَتَهُ وَجَعَلَ عِتْقَهَا صَدَاقَهَا إِنَّ ذَلِكَ جَائِزٌ

[16152] Hushaym reported to us from Mughīrah from Ibrāhīm from Ibn ‘Umar regarding a man who frees a slave girl and makes her freedom her dowry. He said: "He is like one who rides his sacrificial camel."

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، عَنْ ابْنِ عُمَرَ، فِي الرَّجُلِ يَعْتِقُ الْأَمَةَ، وَيَجْعَلُ عِتْقَهَا صَدَاقَهَا، قَالَ: هُوَ كَالرَّائِكِبِ بَدَنَتِهِ

[16153] Wakī‘ reported to us from Sufyān from Abū Ishāq from Abū al-Kanūd from ‘Abd Allāh who said: "The likeness of one who frees his slave girl and marries her is like the man who rides his sacrificial camel."

وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي - 16153 - حَدَّثَنَا إِسْحَاقُ، عَنْ أَبِي الْكَنُودِ، عَنْ عَبْدِ اللَّهِ، قَالَ: مَثَلُ الَّذِي يَعْتِقُ أَمَتَهُ وَيَنْزَوِجُهَا مَثَلُ الرَّجُلِ يَرْكَبُ بَدَنَتَهُ

[16154] Hushaym reported to us from Yūnus from Ibn Sīrīn that he used to say: "If he makes the freedom of his slave girl her dowry, he must give her something along with that."

حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ ابْنِ سِيرِينَ، أَنَّهُ كَانَ يَقُولُ: إِذَا جَعَلَ عِتْقُ أَمَتِهِ صَدَاقَهَا كَانَ يَجِبُ أَنْ يَجْعَلَ لَهَا شَيْئًا مَعَ ذَلِكَ

[16155] ‘Abbād ibn ‘Awwām reported to us from ‘Abd al-Malik from ‘Atā’ regarding a man who said to his slave girl: "I have freed you and married you." He said: "She is free; if she wishes, she marries him, and if she wishes, she does not marry him."

حَدَّثَنَا عَبَادُ بْنُ عَوَّامٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، فِي رَجُلٍ، قَالَ لِأَمَتِهِ: قَدْ أَعْتَقْتُكَ وَتَزَوَّجْتُكَ قَالَ: هِيَ حُرَّةٌ إِنْ شَاءَتْ تَزَوَّجْتُهُ، وَإِنْ شَاءَتْ لَمْ تَزَوَّجْهُ

[16156] Abu Bakr said: ‘Abd al-A‘lā reported to us from Sa‘īd from Qatādah from Anas ibn Mālik and Sa‘īd ibn al-Musayyib that they both said: "If he frees her for the sake of Allah the Almighty, he does not return to her [revoke it], and they saw no harm if he frees her in order to marry her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ، وَسَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُمَا قَالَا: إِذَا أَعْتَقَهَا لِلَّهِ تَعَالَى فَلَا يَعُودُ فِيهَا، وَلَا يَرِيَانِ بَأْسًا أَنْ يَعْتِقَهَا لِيَتَزَوَّجَهَا

[16157] ‘Abd al-A‘lā reported to us from Shu‘bah from Sa‘īd from Al-Nakha‘ī that he disliked it if he freed her for the sake of Allah.

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ شُعْبَةَ، عَنْ سَعِيدٍ، عَنِ النَّخَعِيِّ، أَنَّهُ كَرِهَ إِذَا أَعْتَقَهَا لِلَّهِ

[16158] Wakī‘ reported to us from Sufyān from Manṣūr from Ibrāhīm that he disliked freeing her and then marrying her.

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَرِهَ أَنْ يَعْتِقَهَا، ثُمَّ يَتَزَوَّجَهَا

[16159] Wakī' reported to us from Sufyān from Qatādah from Sa'īd ibn al-Musayyib that he disliked freeing her for the sake of Allah the Almighty and then marrying her.

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ كَرِهَ أَنْ يَعْتَقَهَا لِوَجْهِ اللَّهِ تَعَالَى، ثُمَّ يَنْزَوِجَهَا

[16160] 'Abd al-A'lā reported to us from Sa'īd from Qatādah that Bashīr ibn Ka'b recited this verse: {Walk among its slopes} [Al-Mulk: 15]. He said to his slave girl: "If you know what its slopes are, you are free for the sake of Allah." She said: "Its slopes are its mountains." His face darkened, for he desired his slave girl. He began asking about that. Some commanded him [to fulfill the vow], and some forbade him, until he met Abū al-Dardā' and mentioned it to him. He said: "Leave what makes you doubt for what does not make you doubt, for goodness is in tranquility, and evil is in doubt." So he accepted that.

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، أَنَّ بَشِيرَ بْنَ كَعْبٍ، قَرَأَ هَذِهِ الْآيَةَ: {امْشُوا فِي مَنَاكِبِهَا} فَقَالَ لِحَارِيتِهِ: إِنْ دَرَيْتَ مَا مَنَاكِبُهَا فَأَنْتِ حُرَّةٌ لِوَجْهِ اللَّهِ، قَالَتْ: فَإِنَّ مَنَاكِبَهَا جِبَالُهَا، فَسَفَعَ وَجْهَهُ، وَرَغِبَ فِي حَارِيتِهِ، فَجَعَلَ يَسْأَلُ عَنْ ذَلِكَ؟ فَمِنْهُمْ مَنْ يَأْمُرُهُ، وَمِنْهُمْ مَنْ يَنْهَاهُ، حَتَّى لَقِيَ أَبَا الدَّرْدَاءِ، فَذَكَرَ ذَلِكَ لَهُ فَقَالَ: دَعْ مَا يَرِيْبُكَ إِلَى مَا لَا يَرِيْبُكَ، فَإِنَّ الْخَيْرَ فِي طُمَأْنِينَةٍ، وَإِنَّ الشَّرَّ فِي رَيْبَةٍ فَنَزَلَ ذَلِكَ

[16161] ‘Abd al-A‘lā reported to us from Sa‘īd from Qatādah from Al-Ḥasan and ‘Aṭā’ that they saw no harm in that, even if he freed her for the sake of Allah, and they would say: "It is greater in reward."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، وَعَطَاءٍ، كَانَا لَا يَرَيَانِ بِذَلِكَ بَأْسًا، وَإِنْ أَعْتَقَهَا لِلَّهِ وَيَقُولَانِ: هُوَ أَكْثَرُ لِلْأَجْرِ

[16162] ‘Abd al-A‘lā reported to us from Yūnus from Al-Ḥasan that when asked about a man freeing his slave girl and marrying her, he saw no harm in that, even if he freed her for the sake of Allah.

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ إِذَا سُئِلَ عَنِ الرَّجُلِ يَعْتِقُ جَارِيَتَهُ وَيَنْزَوِجُهَا كَانَ لَا يَرَى بِذَلِكَ بَأْسًا، وَإِنْ أَعْتَقَهَا لِلَّهِ

[16163] ‘Abd Allāh ibn Idrīs reported to us from Al-Ṣalt ibn Bahrām from Shaqīq who said: Ḥudhayfah married a Jewish woman, so ‘Umar wrote to him to let her go. He wrote back: "If she is forbidden, I will let her go." He wrote to him: "I do not claim that she is forbidden, but I fear that you might take up with the prostitutes among them."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنِ الصَّلْتِ بْنِ بَهْرَامَ، عَنْ شَقِيقٍ، قَالَ: تَزَوَّجَ حُدَيْفَةُ يَهُودِيَّةً فَكَتَبَ إِلَيْهِ عُمَرُ أَنْ خَلَّ سَبِيلَهَا، فَكَتَبَ إِلَيْهِ: إِنْ كَانَتْ حَرَامًا خَلِّتُ سَبِيلَهَا فَكَتَبَ إِلَيْهِ: إِنِّي لَا أَرْعُ أَنَّهَا حَرَامٌ، وَلَكِنِّي أَخَافُ أَنْ تَعَاوُوا الْمُؤَمِّسَاتِ مِنْهُنَّ

[16164] Abū Khālid al-Aḥmar reported to us from ‘Abd al-Malik who said: I asked ‘Aṭā’ about marrying Jewish and Christian women. He disliked it and said: "That was when Muslim women were few."

أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ عَبْدِ - 16164 - حَدَّثَنَا الْمَلِكُ، قَالَ: سَأَلْتُ عَطَاءَ عَنْ نِكَاحِ الْيَهُودِيَّاتِ، وَالنَّصْرَانِيَّاتِ، فَكَرِهَهُ فَقَالَ: كَانَ ذَلِكَ وَالْمُسْلِمَاتُ قَلِيلٌ

[16165] Yaḥyā ibn Sa‘īd reported to us from ‘Ubayd Allāh ibn ‘Umar from Nāfi‘ from Ibn ‘Umar that he disliked marrying women of the People of the Book, but saw no harm in their food.

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَّهُ كَانَ يَكْرَهُ نِكَاحَ نِسَاءِ أَهْلِ الْكِتَابِ، وَلَا يَرَى بَطْعَامَهُنَّ بَاسًا

[16166] Wakī‘ ibn al-Jarrāḥ reported to us from Ja‘far ibn Burqān from Maymūn ibn Mihrān from Ibn ‘Umar that he disliked marrying women of the People of the Book, and he recited: {And do not marry polytheistic women until they believe} [Al-Baqarah: 221].

حَدَّثَنَا وَكِيعُ بْنُ الْجَرَّاحِ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، عَنْ مَيْمُونِ بْنِ مِهْرَانَ، عَنْ ابْنِ عُمَرَ، أَنَّهُ كَرِهَ نِكَاحَ نِسَاءِ أَهْلِ الْكِتَابِ، وَقَرَأَ {وَلَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ} [البقرة: 221]

[16167] Abu Bakr said: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنْ هُبَيْرَةَ، عَنْ عَلِيٍّ، قَالَ: تَزَوَّجَ رَجُلٌ مِّنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَهُودِيَّةً from Wakī' reported to us from Sufyān from Abū Ishāq from Hubayrah from 'Alī who said: "A man from the Companions of the Prophet ﷺ married a Jewish woman."

[16168] Wakī' reported to us from حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنْ هُبَيْرَةَ، أَنَّ طَلْحَةَ، تَزَوَّجَ نَصْرَانِيَّةً Sufyān from Abū Ishāq from Hubayrah that Ṭalḥah married a Christian woman.

[16169] Muḥammad ibn Fuḍayl حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: شَهِدْنَا الْقَادِسِيَّةَ مَعَ سَعْدٍ، وَنَحْنُ يَوْمَئِذٍ لَا نَجِدُ سَبِيلًا إِلَى الْمُسْلِمَاتِ، وَتَزَوَّجْنَا الْيَهُودِيَّاتِ وَالنَّصْرَانِيَّاتِ، فَمِمَّا مَنَ طَلَّقَ، وَمِمَّا مَنَ أَمْسَكَ reported to us from Ash'ath from Abū al-Zubayr from Jābir who said: "We witnessed Al-Qādisiyyah with Sa'd, and at that time we had no access to Muslim women, so we married Jewish and Christian women. Some of us divorced, and some of us kept them."

[16170] Ibn Idrīs حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ جَارِ لِحَدِيقَةٍ، عَنْ حُدَيْفَةَ، أَنَّهُ نَكَحَ يَهُودِيَّةً، وَعِنْدَهُ عَرَبِيَّتَانِ reported to us from Shu'bah from Al-Ḥakam from a neighbor of Ḥudhayfah from Ḥudhayfah that he married a Jewish woman while he had two Arab wives.

[16171] Wakī' reported to us from Sufyān from Ḥammād from Sa'īd ibn Jubayr who said: "There is no harm in marrying a Christian

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ حَمَّادٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: لَا بَأْسَ بِنِكَاحِ النَّصْرَانِيَّةِ

[16172] Hushaym reported to us from Muṭarrif from Al-Sha'bī that he saw no harm in marrying among the People of the Book.

حَدَّثَنَا هُشَيْمٌ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِالنِّكَاحِ فِي أَهْلِ الْكِتَابِ

[16173] Abū Khālīd al-Aḥmar reported to us from Ḥajjāj from Al-Ḥakam from Abū 'Iyāḍ who said: "There is no harm in marrying Jewish and Christian women, except those from the people of war."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ حَجَّاجٍ، عَنِ الْحَكَمِ، عَنْ أَبِي إِيَّادٍ، قَالَ: لَا بَأْسَ بِنِكَاحِ الْيَهُودِيَّاتِ، وَالنَّصْرَانِيَّاتِ إِلَّا أَهْلَ الْحَرْبِ

[16174] Abu Bakr said: 'Abdah reported to us from Sa'īd from Qatādah from Ibn al-Musayyib and Al-Ḥasan who said: "There is no harm for a man to marry four from the People of the Book."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدَةُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ ابْنِ الْمُسَيَّبِ، وَالْحَسَنِ، قَالَا: لَا بَأْسَ أَنْ يَتَزَوَّجَ الرَّجُلُ أَرْبَعًا مِنْ أَهْلِ الْكِتَابِ

[16175] Abu Bakr said: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ أَبِي الرَّبِيعِ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، قَالَ: لَا بَأْسَ أَنْ يَجْمَعَ الرَّجُلُ أَرْبَعًا مِنْ أَهْلِ الْكِتَابِ
Wakī' reported to us from Abū al-Rabī' from Ibn Abī Najīḥ from Mujāhid who said: "There is no harm for a man to combine four from the People of the Book."

[16176] Rawḥ ibn 'Ubādah reported رَوْحُ بْنُ عُبَادَةَ، عَنْ ابْنِ أَبِي - - 16176 - - حَدَّثَنَا ذُنُبٍ، عَنِ الزُّهْرِيِّ، قَالَ: يَتَزَوَّجُ الْحُرُّ أَرْبَعَ إِمَاءٍ، وَأَرْبَعَ نَصْرَانِيَّاتٍ، وَالْعَبْدُ كَذَلِكَ
to us from Ibn Abī Dhi'b from Al-Zuhrī who said: "A free man may marry four slave girls and four Christian women, and a slave likewise."

[16177] 'Abbād ibn 'Awwām حَدَّثَنَا عَبَّادُ بْنُ عَوَّامٍ، عَنْ سُفْيَانَ بْنِ حُسَيْنٍ، عَنِ الْحَكَمِ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا يَحِلُّ نِكَاحُ نِسَاءِ أَهْلِ الْكِتَابِ، إِذَا كَانُوا حَرْبًا قَالَ الْحَكَمُ: فَحَدَّثْتُ بِهِ إِبْرَاهِيمَ فَأَعْجَبَهُ ذَلِكَ
'Abbād ibn 'Awwām reported to us from Sufyān ibn Ḥusayn from Al-Ḥakam from Mujāhid from Ibn 'Abbās who said: "It is not lawful to marry women of the People of the Book if they are at war." Al-Ḥakam said: I narrated this to Ibrāhīm and he liked it.

[16178] ‘Abd al-Raḥmān al-Muḥārībī reported to us from Ḥajjāj from Al-Ḥakam from Abū ‘Iyāḍ who said: "The women of the People of the Book are lawful for us except the people of war; their women and their slaughtered animals are forbidden to you."

حَدَّثَنَا عَبْدُ الرَّحْمَنِ الْمُحَارِبِيُّ، عَنْ حَجَّاجٍ، عَنِ الْحَكَمِ، عَنْ أَبِي عِيَّاضٍ، قَالَ: نِسَاءُ أَهْلِ الْكِتَابِ لَنَا حَلَالٌ إِلَّا أَهْلَ الْحَرْبِ فَإِنَّ نِسَاءَهُمْ وَذَبَائِحَهُمْ عَلَيْكُمْ حَرَامٌ

[16179] Al-Faḍl ibn Dukayn reported to us from Ibn Abī ‘Utbaḥ from Al-Ḥakam who said: "Among the People of the Book are those whose marriage and slaughtered animals are not lawful for us: the people of war."

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنِ ابْنِ أَبِي عُتْبَةَ، عَنِ الْحَكَمِ، قَالَ: إِنَّ مِنْ أَهْلِ الْكِتَابِ مَنْ لَا يَجِلُّ لَنَا مُنَاكَحَتُهُ، وَلَا ذَبِيحَتُهُ، أَهْلُ الْحَرْبِ

[16180] Muḥammad ibn Bukayr reported to us from Ibn Jurayj [and another]: Abū Bakr ibn ‘Abd Allāh informed me from Muḥammad ibn ‘Amr al-Fazārī and Yaḥyā ibn ‘Abd al-Raḥmān ibn Hāṭib from ‘Ubayd Allāh ibn ‘Abd Allāh ibn ‘Utbah, and from ‘Amr ibn Sulaym al-Zuraqī from Ibn al-Musayyib, and from Abū al-Naḍr from ‘Urwah ibn al-Zubayr that they said regarding a woman from the People of the Book who enters the land of the Arabs from the land of war with a guarantee of safety: "If she shows inclination to reside in the land of the Arabs, there is no harm for a Muslim to marry her. But if that does not appear except at the time of proposal, she should not be

حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي أَبُو بَكْرٍ بْنُ عَبْدِ اللَّهِ، عَنْ مُحَمَّدِ بْنِ عَمْرِو الْفَزَارِيِّ، وَيَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ حَاطِبٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُنْبَةَ، وَعَنْ عَمْرِو بْنِ سُلَيْمٍ الزُّرَقِيِّ، عَنْ ابْنِ الْمُسَيَّبِ، وَعَنْ أَبِي النَّضْرِ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، أَنَّهُمْ قَالُوا: فِي الْمَرْأَةِ مِنْ أَهْلِ الْكِتَابِ، إِذَا دَخَلَتْ مِنْ أَرْضِ الْحَرْبِ تَدْخُلُ أَرْضَ الْعَرَبِ بِأَمَانٍ، إِنْ أَظْهَرَتْ السُّكُونَ فِي أَرْضِ الْعَرَبِ، فَلَا بَأْسَ أَنْ يَنْكِحَهَا الْمُسْلِمُ، وَإِنْ لَمْ يَظْهَرْ ذَلِكَ إِلَّا عِنْدَ الْخُطْبَةِ لَمْ تُنْكَحْ

[16181] Jarīr reported to us from Mughīrah from Abū Maysarah who said: "The slave girls of the People of the Book are in the same position as their free women."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ أَبِي مَيْسَرَةَ، قَالَ: إِمَاءُ أَهْلِ الْكِتَابِ بِمَنْزِلَةِ حَرَائِرِهِمْ

[16182] Ḥafṣ ibn Ghiyāth reported to us from Ash‘ath from Al-Ḥasan that he said: "Permission was granted to this nation regarding the women of the People of the Book, but permission was not granted regarding the slave girls."

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، أَنَّهُ قَالَ: إِنَّمَا رُخِّصَ لِهَذِهِ الْأُمَّةِ فِي نِسَاءِ أَهْلِ الْكِتَابِ، وَلَمْ يُرَخَّصْ فِي الْإِمَاءِ

[16183] ‘Uthmān reported to us from Thawr from Makḥūl that he disliked marrying the People of the Book.

حَدَّثَنَا عُثْمَانُ، عَنْ ثَوْرٍ، عَنْ مَكْحُولٍ، أَنَّهُ كَرِهَ نِكَاحَ أَهْلِ الْكِتَابِ

[16184] Wakī‘ reported to us from Sufyān from Ibn Abī Najīh from Mujāhid regarding {From your believing slave girls} [An-Nisā’: 25]. He said: "It is not appropriate for a free Muslim man to marry a slave girl from the People of the Book."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ قَالَ: [25: مُجَاهِدٍ، {مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ} [النساء لا يَنْبَغِي لِلْحُرِّ الْمُسْلِمِ أَنْ يَنْكِحَ أَمَةً مِنْ أَهْلِ الْكِتَابِ

[16185] Abu Bakr said: Mu'tamir ibn Sulaymān reported to us from Ibn Suwayd that 'Umar ibn 'Abd al-'Azīz wrote: "If a man consummates the marriage with a woman, both the immediate (prompt) and deferred dowry become due, unless he stipulates regarding the deferred portion."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنِ ابْنِ سُوَيْدٍ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، كَتَبَ: إِذَا دَخَلَ الرَّجُلُ بِالْمَرْأَةِ، فَقَدْ وَجِبَ الْعَاجِلُ فَالْأَجَلُ، إِلَّا أَنْ يَشْتَرِطَ فِي الْأَجَلِ

[16186] Sharīk reported to us from Maṣṣūr from Ibrāhīm regarding a man marrying a woman with payment at ease (Maysarah). He said: "He used to say: Until death or separation."

حَدَّثَنَا شَرِيكٌ، عَنْ مَصْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ إِلَى مَيْسَرَةٍ، قَالَ: "كَانَ يَقُولُ: إِلَى مَوْتٍ أَوْ فِرَاقٍ

[16187] Hushaym reported to us from Yūnus from Al-Ḥasan that he used to say regarding the deferred dowry: "It is due immediately unless it has a known period."

هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، - 16187 - - حَدَّثَنَا أَنَّهُ كَانَ يَقُولُ فِي الْأَجَلِ مِنَ الْمَهْرِ: هُوَ حَالٌ إِلَّا أَنْ تَكُونَ لَهُ مُدَّةٌ مَعْلُومَةٌ

[16188] Ḥafṣ reported to us from Ash‘ath from Ibn Sīrīn from Shurayh who said: A man married a woman with a deferred and immediate dowry payable at ease. She brought him before Shurayh, and he said: "Show us ease, and we will take it for you."

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ، قَالَ: تَزَوَّجَ رَجُلٌ امْرَأَةً بِأَجَلٍ وَعَاجِلٍ إِلَى مَيْسَرَةٍ فَقَدَّمَتْهُ إِلَى شُرَيْحٍ فَقَالَ: دُلْنَا عَلَى مَيْسَرَةٍ نَأْخُذُهَا
لَكَ

[16189] Azhar al-Sammān reported to us from Ibn ‘Awn from Iyās ibn Mu‘āwiyah who said: "If he consummates the marriage with her, she has no claim regarding the deferred portion."

حَدَّثَنَا أَزْهَرُ السَّمَّانُ، عَنِ ابْنِ عَوْنٍ، عَنْ إِيَّاسِ بْنِ مُعَاوِيَةَ، قَالَ: إِذَا دَخَلَ بِهَا فَلَا دَعْوَى لَهَا فِي الْأَجَلِ

[16190] Abū Khālīd al-Aḥmar reported to us from Ash‘ath from Al-Sha‘bī who said: "The immediate and deferred portions are until death or separation."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالَ: الْعَاجِلُ وَالْأَجَلُ إِلَى مَوْتٍ أَوْ فُرْقَةٍ

[16191] Abū Dāwūd reported to us from Ḥammād ibn Salamah who said: I heard Ḥammād say: "It is immediately due; you can take it whenever you wish."

حَدَّثَنَا أَبُو دَاوُدَ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، قَالَ: سَمِعْتُ حَمَّادًا، يَقُولُ: هُوَ حَالٌ تَأْخُذِيهِ إِذَا شِئْتَ

[16192] ‘Abd al-Raḥmān reported to us from Burd from Makḥūl and Al-Zuhri regarding a man who marries a woman and consummates with her, then sees in her madness, leprosy, vitiligo, or obstruction (Afal). They said: "She is returned because of this, and she gets the dowry by which he made her private parts lawful, both immediate and deferred, and his dowry is [reclaimed] from the one who deceived him."

حَدَّثَنَا عَبْدُ الرَّحْمَنِ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، وَالزُّهْرِيِّ، قَالَا فِي رَجُلٍ تَزَوَّجَ امْرَأَةً فَدَخَلَ بِهَا، فَرَأَى فِيهَا جُنُونًا أَوْ جُذَامًا أَوْ بَرَصًا أَوْ عَقْلًا: إِنَّهَا تُرَدُّ مِنْ هَذَا، وَلَهَا الصَّدَاقُ الَّذِي اسْتَحَلَّ بِهِ فَرْجَهَا الْعَاجِلُ وَالْأَجَلُ، وَصَدَاقُهُ عَلَى مَنْ غَرَّهُ

[16193] ‘Abd Allāh reported to us from Sa‘īd from Abū Ma‘shar from Ibrāhīm from ‘Alī that he disliked the slaughtered animals of the Christians of Banū Taghlib and their women, and he used to say: "They are Arabs."

حَدَّثَنَا عَبْدُ اللَّهِ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلِيٍّ، أَنَّهُ كَانَ يَكْرَهُ ذَبَائِحَ نَصَارَى بَنِي تَغْلِبَ وَنِسَاءَهُمْ، وَيَقُولُ: هُمْ مِنَ الْعَرَبِ

[16194] ‘Abdah reported to us from Sa‘īd from Qatādah from Al-Ḥasan that he saw no harm in that, saying: "They adopted a religion, so that is their religion."

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ لَا يَرَى بِذَلِكَ بَأْسًا، وَيَقُولُ: انْتَحَلُوا دِينًا فَذَلِكَ دِينُهُمْ

[16195] Yazīd ibn Hārūn reported to us from Ḥabīb from ‘Amr ibn Ḥazm who said: Jābir ibn Zayd was asked about the Christians of the Arabs: Are their women lawful for Muslims? He said: "They are not of the People of the Book, and their women are not lawful, nor is their food lawful for Muslims."

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ عَمْرِو بْنِ حَزْمٍ، قَالَ: سَأَلَ جَابِرُ بْنُ زَيْدٍ عَنْ نَصَارَى الْعَرَبِ، هَلْ تَحِلُّ نِسَاؤُهُمْ لِلْمُسْلِمِينَ؟ قَالَ: لَيْسُوا مِنْ أَهْلِ الْكِتَابِ، وَلَا تَحِلُّ نِسَاؤُهُمْ، وَلَا طَعَامُهُمْ لِلْمُسْلِمِينَ

[16196] Mu‘tamir reported to us from ‘Imrān ibn Jubayr who said: ‘Ikrimah said regarding {And whoever is an ally to them among you - then indeed, he is [one] of them} [Al-Mā'idah: 51]: "The Arabs, regarding their slaughtered animals and their women."

حَدَّثَنَا مُعْتَمِرٌ، عَنْ عِمْرَانَ بْنِ جُبَيْرٍ، قَالَ: قَالَ عِكْرِمَةُ: قَالَ: [51]: {وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ} [المائدة الْعَرَبُ فِي ذَبَائِحِهِمْ وَفِي نِسَائِهِمْ

[16197] ‘Affān reported to us saying: Hammād ibn Salamah reported to us from ‘Aṭā’ ibn al-Sā’ib from ‘Ikrimah from Ibn ‘Abbās who said: "Eat the slaughtered animals of Banū Tha‘labah and marry their women." For Allah Almighty says: {O you who have believed, do not take the Jews and the Christians as allies. They are [in fact] allies of one another} [Al-Mā'idah: 51]. So even if they were not of them except through alliance, they would be of them.

حَدَّثَنَا عَفَّانُ، قَالَ: نَا حَمَّادُ بْنُ سَلَمَةَ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: كُلُوا ذَبَائِحَ بَنِي ثَعْلَبَةَ، وَتَزَوَّجُوا نِسَاءَهُمْ فَإِنَّ اللَّهَ تَعَالَى يَقُولُ: {يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَى أَوْلِيَاءَ ، فَلَئِمَّ يَكُونُوا} [51: المائدة] ، مِنْهُمْ إِلَّا بِالْوَلَايَةِ لَكَانُوا مِنْهُمْ

[16198] Abū Khālid al-Aḥmar reported to us from Sa‘īd from Abū Ma‘shar from Ibrāhīm from ‘Alī that he disliked the slaughtered animals of Arab Christians and their women.

أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ سَعِيدٍ، - 16198 - - حَدَّثَنَا عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلِيٍّ، أَنَّهُ كَرِهَ ذَبَائِحَ نَصَارَى الْعَرَبِ وَنِسَاءَهُمْ

[16199] Abū Khālid reported to us from Sa‘īd from Abū Ma‘shar from Ibrāhīm that he disliked it.

حَدَّثَنَا أَبُو خَالِدٍ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ أَنَّهُ كَرِهَ

[16200] Abū Khālid al-Aḥmar reported to us from Sa‘īd from Qatādah from Al-Ḥasan who said: "There is no harm in it."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، قَالَ: لَا بَأْسَ بِهِ

[16201] Jarīr reported to us from ‘Abd al-‘Azīz from Mughīrah from Simāk ibn Salamah that Shurayh validated the marriage performed by an executor (Waṣī).

حَدَّثَنَا جَرِيرٌ، عَنْ عَبْدِ الْعَزِيزِ، عَنْ مُغِيرَةَ، عَنْ سِمَاكِ بْنِ سَلَمَةَ، أَنَّ شُرَيْحًا، أَجَازَ نِكَاحَ وَصِيِّ

[16202] Jarīr reported to us from Mughīrah from Al-Ḥārith who said: "The guardian should consult the executor regarding marriage, and the marriage contract belongs to the guardian."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنِ الْحَارِثِ، قَالَ: لِيُشَاوَرَ الْوَلِيُّ الْوَصِيَّ فِي النِّكَاحِ، وَهِيَ عُقْدَةُ النِّكَاحِ الْوَلِيُّ

[16203] Ghundar reported to us from Shu‘bah from Ḥammād regarding an executor marrying off a young orphan girl in his care. He said: "It is permissible."

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ حَمَّادٍ، فِي وَصِيِّ يُزَوِّجُ يَتِيمَةً صَغِيرَةً فِي جُجْرِهِ، قَالَ: جَائِزٌ

[16204] Ghundar reported to us from Ash‘ath from Al-Ḥasan regarding an executor marrying someone off. He said: "It is permissible."

حَدَّثَنَا غُنْدَرٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، فِي الْوَصِيِّ يُزَوِّجُ قَالَ: هُوَ جَائِزٌ

[16205] Ibn Numayr reported to us from Ḥārith from Al-Sha‘bī from Al-Ḥakam and Ḥammād from Ibrāhīm who said: "Whatever the executor does is valid, except for marriage."

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ حَارِثٍ، عَنِ الشَّعْبِيِّ، عَنِ الْحَكَمِ، وَحَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: مَا صَنَعَ الْوَصِيُّ، فَهُوَ جَائِزٌ إِلَّا النِّكَاحَ

[16206] Sahl ibn Yūsuf reported to us from ‘Amr from Al-Ḥasan that he used to give the executor no authority in the matter of marriage unless he had said: "You are the executor for the marriage of my siblings." If he did that, the executor has more right than the guardian; otherwise, the guardian has more right than the executor.

حَدَّثَنَا سَهْلُ بْنُ يُونُسَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، أَنَّهُ كَانَ لَا يَجْعَلُ لِلْوَصِيِّ فِي أَمْرِ النِّكَاحِ شَيْئًا إِلَّا أَنْ يَكُونَ قَدْ قَالَ: أَنْتَ وَصِيٌّ فِي نِكَاحِ إِخْوَانِي، فَإِنْ فَعَلَ فَالْوَصِيُّ أَحَقُّ مِنَ الْوَلِيِّ، وَإِلَّا فَالْوَلِيُّ أَحَقُّ مِنَ الْوَصِيِّ

[16207] Abu Bakr said: Wakī‘ reported to us from Ismā‘īl from Al-Sha‘bī regarding a woman who married a man thinking he was free, but he was found to be a slave. He said: "She is given the choice."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا وَكَيْعٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، فِي الْمَرْأَةِ تَزَوَّجَتْ رَجُلًا عَلَى أَنَّهُ حُرٌّ فَوُجِدَ عَبْدًا، قَالَ: تُخَيَّرُ

[16208] Ghundar reported to us from Ash'ath from Al-Hasan that he was asked about a man who deceived a woman who was misled by a slave, thinking he was free. Ibn Shihāb said: "She is given the choice."

حَدَّثَنَا غُنْدَرٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ دَلَسَ نَفْسَهُ لِمَرْأَةٍ عُرْتُ بِعَبْدٍ، وَكَانَتْ تَحْسِبُهُ حُرًّا قَالَ ابْنُ شِهَابٍ: تُخَيَّرُ

[16209] Yazīd ibn Hārūn reported to us from Ḥabīb from 'Amr who said: Jābir ibn Zayd was asked about a slave who came to a people and told them he was free, so they married him to a free woman. Then they learned afterwards that he was a slave and she was deceived by him. He said: "When she finds out about him, if she wishes, she can stay with him, and if she wishes, she can leave him, and he has no right over her."

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ عَمْرِو، قَالَ: سُئِلَ جَابِرُ بْنُ زَيْدٍ، عَنْ عَبْدِ أْتَى قَوْمًا فَأَخْبَرَهُمْ أَنَّهُ حُرٌّ فَأَنْكَحُوهُ امْرَأَةً حُرَّةً، ثُمَّ عَلِمُوا بَعْدَ ذَلِكَ أَنَّهُ عَبْدٌ عُرْتُ بِهِ، قَالَ: إِذَا عَلِمَتْ بِهِ فَإِنْ شَاءَتْ سَكَنَتْ بِهِ، وَإِنْ شَاءَتْ فَارَقَتْهُ، وَلَا حَقَّ لَهُ عَلَيْهَا

[16210] ‘Alī ibn Mushir reported to us from Ismā‘il ibn Abī Khālid from Al-Sha‘bī who said: "Whatever slave comes to a free woman and she marries him, then learns afterwards that he is a slave, if she wishes, she can stay with him, and if she wishes, she can leave him."

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ الشَّعْبِيِّ، قَالَ: أَيُّمَا عَبْدٍ جَاءَ إِلَى حُرَّةٍ فَزَوَّجَتْهُ فَعَلِمَتْ، بَعْدَ ذَلِكَ، أَنَّهُ مَمْلُوكٌ فَإِنْ شَاءَتْ اسْتَقَرَّتْ عِنْدَهُ، وَإِنْ شَاءَتْ فَارَقَتْهُ

[16211] Wakī‘ ibn Jarrāh reported to us from Ibn Tāwūs from his father who said: "If the son marries [a woman], she is not lawful for the father whether he consummated the marriage or not. And if the father consummates [with a woman], she is not lawful for the son whether he consummated or not."

حَدَّثَنَا وَكَيْعُ بْنُ جَرَّاحٍ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، قَالَ: إِذَا تَزَوَّجَ ابْنٌ، لَمْ تَحِلَّ لِلأَبِ دَخْلُ بِهَا أَوْ لَمْ يَدْخُلْ، وَإِذَا دَخَلَ الأَبُ، لَمْ تَحِلَّ لِلابْنِ دَخْلُ بِهَا أَوْ لَمْ يَدْخُلْ بِهَا

[16212] Hātim ibn Wardān reported to us from Burd from Al-Zuhrī who said: "Whoever possesses the marriage tie of a woman, she becomes forbidden to his son. And whichever of them strips [a woman] and looks at her private parts, it is likewise."

حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ بُرْدٍ، عَنْ الزُّهْرِيِّ، قَالَ: مَنْ مَلَكَ عَقْدَةَ امْرَأَةٍ، فَقَدْ حُرِّمَتْ عَلَى ابْنِهِ، وَأَيُّهُمَا جَرَّدَ فَنَظَرَ إِلَى الْعَوْرَةِ كَذَلِكَ

[16213] ‘Īsā ibn Yūnus reported to us from Makḥūl who said: "Whichever of the two possesses the marriage tie of a woman, she becomes forbidden to the other."

حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ مَكْحُولٍ، قَالَ: أَيُّهُمَا مَلَكَ عُقْدَةَ امْرَأَةٍ، فَقَدْ حُرِّمَتْ عَلَى الْآخَرِ

[16214] Abū Dāwūd reported to us from Abū Ḥurrah from Al-Ḥasan regarding a man who marries a woman and divorces her before consummation; can his father marry her? He disliked it and recited Allah's saying: {And the wives of your sons} [An-Nisā': 23].

حَدَّثَنَا أَبُو دَاوُدَ، عَنْ أَبِي حُرَّةٍ، عَنِ الْحَسَنِ، فِي الرَّجُلِ تَزَوَّجَ امْرَأَةً فَطَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا أَيْتَزَوَّجَهَا أَبُوهُ؟ فَفَكَرَهُ، وَقَالَ اللَّهُ تَعَالَى: {وَحَلَائِلُ أَبْنَائِكُمُ} [النساء 23]

[16215] Mu‘ādh ibn Mu‘ādh reported to us from Ash‘ath from Al-Ḥasan and Muḥammad that they said: "Three verses are general (unrestricted): {And the wives of your sons} [An-Nisā': 23], {And do not marry those [women] whom your fathers married} [An-Nisā': 22], and {Your wives' mothers} [An-Nisā': 23]." Ash‘ath said: "And this fourth one is not general: {And your step-daughters under your guardianship [born] of your wives} [An-Nisā': 23]." Mu‘ādh recited it to the end.

حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، قَالَا: "ثَلَاثُ آيَاتٍ مُنْهَمَاتٌ {وَحَلَائِلُ أَبْنَائِكُمُ} [النساء 23] وَ {أُمَّهَاتُ} [22] وَ {مَا نَكَحَ آبَاؤُكُمْ} [النساء 23] قَالَ: أَشْعَثُ: وَهَذِهِ الرَّابِعَةُ " [23: نِسَائِكُمْ] [النساء] لَيْسَتْ بِمُنْهَمَةٍ {وَرَبَائِبُكُمُ اللَّائِي فِي حُجُورِكُمْ مِنْ فَقَرَأَهَا مُعَاذٌ إِلَى آخِرِهَا. " [23: نِسَائِكُمْ] [النساء]

[16216] Ibn Fuḍayl reported to us from ‘Ubaydah from Ibrāhīm who said: "If a man marries a woman and does not consummate the marriage with her, she is not lawful for his father."

حَدَّثَنَا ابْنُ فَضَيْلٍ، عَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا تَزَوَّجَ الرَّجُلُ الْمَرْأَةَ، فَلَمْ يَدْخُلْ بِهَا لَمْ تَحِلَّ لِأَبِيهِ

[16217] ‘Isā ibn Yūnus reported to us from Al-Awzā’ī from Makḥūl that ‘Umar stripped his slave girl, and one of his sons asked him for her. He said: "She is not lawful for you."

حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنْ مَكْحُولٍ، أَنَّ عُمَرَ جَرَّدَ جَارِيَتَهُ فَسَأَلَهُ إِيَّاهَا بَعْضُ بَنِيهِ فَقَالَ: إِنَّهَا لَا تَحِلُّ لَكَ

[16218] ‘Abd Allāh ibn Mubārak reported to us from Ḥajjāj from Makḥūl that ‘Umar stripped a slave girl of his, and one of his sons asked him for her. He said: "She is not lawful for you."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ حَجَّاجٍ، عَنْ مَكْحُولٍ، أَنَّ عُمَرَ، جَرَّدَ جَارِيَةً لَهُ فَطَلَبَهَا إِلَيْهِ بَعْضُ بَنِيهِ فَقَالَ: إِنَّهَا لَا تَحِلُّ لَكَ

[16219] ‘Abd Allāh ibn Numayr reported to us from Ḥajjāj from ‘Amr ibn Shu‘ayb from his father from his grandfather that he stripped a slave girl of his, then one of his sons asked him for her. He said: "She is not lawful for you."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ حَجَّاجٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّهُ جَرَّدَ جَارِيَةً لَهُ، ثُمَّ سَأَلَهُ إِيَّاهَا بَعْضُ وَلَدِهِ، فَقَالَ: إِنَّهَا لَا تَحِلُّ لَكَ

[16220] Abū Khālid al-Aḥmar reported to us from Sulaymān ibn Ḥibbān from Ibn Saʿīd from Al-Qāsim ibn Muḥammad from ʿAbd Allāh ibn ʿĀmir that when death approached his father, he forbade his sons from having intercourse with a slave girl of his. He said: "We do not know that he had intercourse with her, except that he may have seen something from her that he disliked his son seeing."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ سُلَيْمَانَ بْنِ حَبَّانَ، عَنْ ابْنِ سَعِيدٍ، عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ، أَنَّ أَبَاهُ، جِئَ حَضْرَتُهُ الْوَفَاةُ نَهَى بَنِيهِ عَنْ جَارِيَةٍ لَهُ أَنْ يَطَّأَهَا أَحَدٌ مِنْهُمْ، قَالَ: وَمَا نَعْلَمُهُ وَطَيْئَهَا، إِلَّا أَنْ يَكُونَ أَطْلَعَ مِنْهَا عَلَى أَمْرٍ كَرِهَ أَنْ يَطَّلِعَ وَلَدُهُ مَطَّلَعَهُ

[16221] Abū Khālid al-Aḥmar reported to us from Ḥajjāj from Makḥūl that ʿUmar stripped a slave girl of his and looked at her, then one of his sons asked him for her. He said: "She is not lawful for you."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ حَجَّاجٍ، عَنْ مَكْحُولٍ، أَنَّ عُمَرَ جَرَّدَ جَارِيَةً لَهُ وَنَظَرَ إِلَيْهَا، فَسَأَلَهُ إِيَّاهَا بَعْضُ وَلَدِهِ، فَقَالَ: إِنَّهَا لَا تَحِلُّ لَكَ

[16222] Abū Khālid reported to us from Ḥajjāj from ʿAmr ibn Shuʿayb from his father from his grandfather, similar to this.

أَبُو خَالِدٍ، عَنْ حَجَّاجٍ، عَنْ - 16222 - حَدَّثَنَا عَمْرُو بْنُ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، بِمِثْلِ هَذَا

[16223] Abū Khālid reported to us from Ash‘ath from Al-Ḥakam who said: Masrūq said when death approached him: "I did not have intercourse with this slave girl of mine, but I did that which makes her forbidden for my son to touch or look at."

حَدَّثَنَا أَبُو خَالِدٍ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، قَالَ: قَالَ مَسْرُوقٌ حِينَ حَضَرَتْهُ الْوَفَاةُ: إِنِّي لَمْ أَصِْبْ مِنْ جَارِيَتِي هَذِهِ، إِلَّا مَا يُحَرِّمُهَا عَلَى وَلَدِي الْمَسِّ وَالنَّظَرِ

[16224] Ibn ‘Ulayyah reported to us from Ibn Abī Najīh from Mujāhid who said: "If a man touches the private parts of a slave girl, or his private parts touch hers, or he is intimate with her, that makes her forbidden for his father and his son."

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنِ ابْنِ أَبِي نَجِيحٍ، قَالَ مُجَاهِدٌ: إِذَا مَسَّ الرَّجُلُ فَرْجَ الْأَمَةِ، أَوْ مَسَّ فَرْجَهُ فَرْجَهَا، أَوْ بَاسَرَهَا، فَإِنَّ ذَلِكَ يُحَرِّمُهَا عَلَى أَبِيهِ، وَعَلَى ابْنِهِ

[16225] ‘Abd al-A‘lā reported to us from Yūnus from Al-Ḥasan that he asked about a man who stripped his slave girl: is she lawful for his son or his father? He used to dislike that if he kissed her or stripped her out of desire.

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ سَأَلَ عَنْ رَجُلٍ جَرَّدَ جَارِيَتَهُ، هَلْ تَحِلُّ لِابْنِهِ أَوْ لِأَبِيهِ؟ أَنَّهُ كَانَ يَكْرَهُ ذَلِكَ إِذَا قَبَّلَهَا، أَوْ جَرَّدَهَا لِشَهْوَةٍ

[16226] Al-Thaqafī reported to us from Muthannā from ‘Amr ibn Shu‘ayb from Sālim from Ibn ‘Umar who said: "Any man who strips his slave girl and looks at that part of her, she is not lawful for his son."

حَدَّثَنَا النَّقَّافِيُّ، عَنْ مُتَنَّى، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ، قَالَ: أَيُّمَا رَجُلٍ جَرَّدَ جَارِيَتَهُ فَنَظَرَ مِنْهَا إِلَى ذَلِكَ الْأَمْرِ، فَإِنَّهَا لَا تَحِلُّ لِابْنِهِ

[16227] Jarīr reported to us from Mughīrah from Ibrāhīm that he asked Al-Sha‘bī about it, and he said: "They claimed that a man bought a slave girl, and his wife feared he would take her, so she ordered a young son of hers to lie with her to make her forbidden for her husband."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، أَنَّهُ سَأَلَ عَنْهُ الشَّعْبِيُّ فَقَالَ: قَدْ زَعَمُوا أَنَّ رَجُلًا اشْتَرَى جَارِيَةً، فَخَشِيتِ امْرَأَتُهُ أَنْ يَتَّخِذَهَا فَأَمَرَتْ ابْنًا لَهَا غُلَامًا، أَنْ يَضْطَجِعَ عَلَيْهَا لِيُحَرِّمَهَا عَلَى زَوْجِهَا

[16228] Ḥammād ibn Khālīd reported to us from Ibn Abī Dhi‘b from Al-Zuhrī that he disliked for a man to have intercourse with a woman whom his father had kissed or looked at her private parts.

حَدَّثَنَا حَمَّادُ بْنُ خَالِدٍ، عَنْ ابْنِ أَبِي ذُنُبٍ، عَنِ الزُّهْرِيِّ، كَرِهَ أَنْ يَطَأَ الرَّجُلُ امْرَأَةً قَبَّلَهَا أَبُوهُ، أَوْ نَظَرَ إِلَى مَخَاسِرِهَا

[16229] ‘Īsā ibn Yūnus reported to us from Abū Bakr from Makḥūl who said: "Any man who strips a slave girl, she becomes forbidden for his son and his father."

حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ أَبِي بَكْرٍ، عَنْ مَكْحُولٍ، قَالَ: أَيُّمَا رَجُلٍ جَرَّدَ جَارِيَتَهُ، حَرَّمَ عَلَى ابْنِهِ وَعَلَى أَبِيهِ

[16230] Yazīd ibn Hārūn reported to us from Ḥabīb from ‘Amr ibn Ḥazm who said: Jābir ibn Zayd was asked about a slave girl belonging to an old man who kissed her with his hand or saw her nakedness, then gave her to a son of his. Is it valid for him to have intercourse with her? He said: "No."

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ عَمْرِو بْنِ حَزْمٍ، قَالَ: سَأَلَ جَابِرُ بْنُ زَيْدٍ عَنْ جَارِيَةٍ كَانَتْ لِرَجُلٍ مَسِينٍ قَبْلَهَا بِيَدِهِ، أَوْ أَبْصَرَ عَوْرَتَهَا، ثُمَّ وَهَبَهَا لِابْنٍ لَهُ، أَيَصِحُّ أَنْ يَطَّأَهَا؟ قَالَ: لَا

[16231] Abū Mu‘āwiyah reported to us from Al-Ḥasan ibn ‘Amr from Al-Sha‘bī who said: Masrūq wrote to his family: "Look at my slave girl and do not sell her, for I have not had intercourse with her, but I have done what makes her forbidden for my son to touch or look at."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْحَسَنِ بْنِ عَمْرٍو، عَنِ الشَّعْبِيِّ، قَالَ: كَتَبَ مَسْرُوقٌ إِلَى أَهْلِهِ: انْظُرُوا جَارِيَتِي فَلَا تَبْتَغُوهَا، فَإِنِّي لَمْ أَصِبْ مِنْهَا إِلَّا مَا يُحَرِّمُهَا عَلَيَّ وَلَدِي اللَّمَسَ، وَالنَّظَرَ

[16232] Abu Bakr said: ‘Alī ibn Mushir reported to us from Sa‘īd from Qatādah from Al-Ḥasan from ‘Imrān ibn al-Ḥuṣayn regarding a man who has intercourse with his wife's mother. He said: "His wife becomes forbidden for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ عِمْرَانَ بْنِ الْحُصَيْنِ فِي الرَّجُلِ يَقَعُ عَلَى أُمِّ امْرَأَتِهِ؟ قَالَ: تَحْرُمُ عَلَيْهِ امْرَأَتُهُ

[16233] ‘Alī ibn Mushir reported to us from Sa‘īd from Qatādah from Yaḥyā ibn Ya‘mar from Ibn ‘Abbās who said: "Two forbidden acts that he commits, but that does not make them forbidden for him."

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ يَحْيَى بْنِ يَعْمَرَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: حُرْمَتَانِ أَنْ يَخْطَاهُمَا وَلَا يُحَرِّمُهُمَا ذَلِكَ عَلَيْهِ

[16234] Ḥaṣḥ reported to us from Layth from Ḥammād from Ibrāhīm from ‘Alqamah from ‘Abd Allāh who said: "Allah will not look at a man who looked at the private parts of a woman and her daughter."

حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ، قَالَ: لَا يَنْظُرُ اللَّهُ إِلَى رَجُلٍ نَظَرَ إِلَى فَرْجِ امْرَأَةٍ وَابْنَتِهَا

[16235] Jarīr ibn ‘Abd al-Ḥamīd reported to us from Ḥajjāj from Abū Hānī’ who said: The Messenger of Allah ﷺ said: "Whoever looks at the private parts of a woman, her mother and her daughter are not lawful for him."

جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ - 16235 - حَدَّثَنَا حَجَّاجٌ، عَنْ أَبِي هَانِيٍّ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ نَظَرَ إِلَى فَرْجِ امْرَأَةٍ، لَمْ تَحِلَّ لَهُ أُمُّهَا، وَلَا ابْنَتُهَا

[16236] Jarīr reported to us from Mughīrah from Ibrāhīm and ‘Āmir regarding a man who had intercourse with his wife's daughter. They said: "Both of them are forbidden for him." Ibrāhīm said: "They used to say if a man looks at a woman regarding what is not lawful for him, or touches her with desire, then both of them are forbidden for him."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَامِرٍ، فِي رَجُلٍ وَقَعَ عَلَى ابْنَةِ امْرَأَتِهِ قَالَا: حُرِّمَتْ عَلَيْهِ كِلَاهُمَا وَقَالَ إِبْرَاهِيمُ: وَكَانُوا يَقُولُونَ إِذَا اطَّلَعَ الرَّجُلُ عَلَى الْمَرْأَةِ، عَلَى مَا لَا تَحِلُّ لَهُ، أَوْ لَمَسَهَا لَشَهْوَةٍ، فَقَدْ حُرِّمَتْ عَلَيْهِ جَمِيعًا

[16237] Sharīk reported to us from ‘Abd al-Karīm from ‘Aṭā’ who said: "If a man approaches a woman unlawfully, her daughter becomes forbidden for him, and if he approaches her daughter, her mother becomes forbidden for him."

حَدَّثَنَا شَرِيكٌ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ عَطَاءٍ، قَالَ: إِذَا أَتَى الرَّجُلُ الْمَرْأَةَ حَرَامًا حُرِّمَتْ عَلَيْهِ ابْنَتُهَا، وَإِنْ أَتَى ابْنَتَهَا حُرِّمَتْ عَلَيْهِ أُمُّهَا

[16238] Wakī‘ reported to us from ‘Abd Allāh ibn Musabbih who said: I asked Ibrāhīm about a man who committed adultery with a slave girl and wanted to marry her mother. He said: "He cannot marry her."

حَدَّثَنَا وَكَيْعٌ، عَنْ عَبْدِ اللَّهِ بْنِ مُسَبِّحٍ، قَالَ: سَأَلْتُ إِبْرَاهِيمَ، عَنْ رَجُلٍ فَجَرَ بِأَمَةٍ فَأَرَادَ أَنْ يَتَزَوَّجَ أُمُّهَا، قَالَ: لَا يَتَزَوَّجُهَا

[16239] ‘Ubayd Allāh reported to us from Shu‘bah who said: I asked Al-Ḥakam and Ḥammād about a man who committed adultery with his wife's mother. They said: "I prefer that he separates from her."

حَدَّثَنَا عُبَيْدُ اللَّهِ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَّادًا عَنْ رَجُلٍ زَنَى بِأُمِّ امْرَأَتِهِ، قَالَا: أَحَبُّ أَنْ يَفَارِقَهَا

[16240] Ḥafṣ reported to us from Sa‘īd from Abū Ma’shar from Ibrāhīm who said: "If a man touches a slave girl with desire, he cannot marry her mother nor her daughter."

حَدَّثَنَا حَفْصٌ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا غَمَزَ الرَّجُلُ الْجَارِيَةَ بِشَهْوَةٍ، لَمْ يَتَزَوَّجْ أُمَّهَا، وَلَا ابْنَتَهَا

[16241] Abū Khālīd al-Aḥmar reported to us from ‘Uthmān ibn al-Aswad from Mujāhid and ‘Aṭā’ who said: "If a man commits adultery with a woman, she is lawful for him, but none of her daughters are lawful for him."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ عُثْمَانَ بْنِ الْأَسْوَدِ، عَنْ مُجَاهِدٍ، وَعَطَاءٍ، قَالَا: إِذَا فَجَرَ الرَّجُلُ بِامْرَأَةٍ، فَإِنَّهَا تَحِلُّ لَهُ، وَلَا يَحِلُّ لَهُ شَيْءٌ مِنْ بَنَاتِهَا

[16242] Abū Usāmah reported to us from Hishām from Qatādah who said: Jābir ibn Zayd and Al-Ḥasan disliked for a man to touch his wife – meaning a man who has intercourse with his wife's mother.

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، قَالَ: كَانَ جَابِرُ بْنُ زَيْدٍ، وَالْحَسَنُ يَكْرَهُانِ أَنْ يَمَسَّ الرَّجُلُ امْرَأَتَهُ، يَعْنِي فِي الرَّجُلِ يَقَعُ عَلَى أُمِّ امْرَأَتِهِ

[16243] Ibn ‘Ulayyah reported to us from Yazīd al-Rishk who said: I asked Sa‘īd ibn al-Musayyib about a man who commits adultery with his wife's mother. He said: "As for the mother, she is forbidden, but as for the daughter, she is lawful."

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ يَزِيدَ الرَّشَكِ، قَالَ: سَأَلْتُ سَعِيدَ بْنِ الْمُسَيَّبِ عَنْ رَجُلٍ يَفْجُرُ بِأُمِّ امْرَأَتِهِ، فَقَالَ: أَمَّا الْأُمُّ فَحَرَامٌ، وَأَمَّا الْبِنْتُ فَحَلَالٌ

[16244] Abu Bakr said: Sufyān ibn ‘Uyaynah reported to us from Al-Zuhri from ‘Ubayd Allāh from his father who said: ‘Umar was asked about combining a mother and her daughter from those owned by the right hand (slaves). He said: "I do not like to make both of them forbidden."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ، عَنْ أَبِيهِ، قَالَ: سُئِلَ عُمَرُ، عَنْ جَمْعِ الْأُمِّ وَابْنَتِهَا مِنْ مَلِكِ الْيَمِينِ فَقَالَ: لَا أُحِبُّ أَنْ يُحَرَّمَهُمَا جَمِيعًا

[16245] Abū al-Aḥwaṣ reported to us from Ṭāriq from Qays ibn Abī Ḥāzim who said: I said to Ibn ‘Abbās: "A man has intercourse with a slave girl and her daughter who are both owned by him." He said: "One verse forbade them, and another verse permitted them, but I would not do it."

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ طَارِقٍ، عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ، قَالَ: قُلْتُ لِابْنِ عَبَّاسٍ: الرَّجُلُ يَقَعُ عَلَى الْجَارِيَةِ وَابْنَتِهَا تَكُونَانِ عِنْدَهُ مَمْلُوكَتَيْنِ فَقَالَ: حَرَّمَتْهُمَا آيَةٌ، وَأَحَلَّتْهُمَا آيَةٌ أُخْرَى، وَلَمْ أَكُنْ لِأَفْعَلْهُ

[16246] ‘Abd al-A‘lā ibn ‘Abd al-A‘lā reported to us from Muḥammad ibn Ishāq from Abū al-Zinād from ‘Abd Allāh ibn Yasār al-Aslamī who said: I had a slave girl with whom I had intercourse, and she had a daughter with her. Her daughter reached maturity, so I wanted to ask about her and look at her daughter. She said: "I will not do that until I ask ‘Uthmān ibn ‘Affān." So she asked him about that, and he said: "As for me, I would not have looked at her even once."

حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ أَبِي الزِّنَادِ، عَنْ عَبْدِ اللَّهِ بْنِ يَسَارٍ الْأَسْلَمِيِّ، قَالَ: كَانَتْ عِنْدِي جَارِيَةٌ كُنْتُ أَطْوُهَا، وَكَانَتْ مَعَهَا ابْنَةٌ لَهَا، فَأَدْرَكْتُ ابْنَتَهَا، فَأَرَدْتُ أَنْ أَسْأَلَ عَنْهَا، وَأَنْظُرَ ابْنَتَهَا فَقَالَتْ: لَا أَفْعَلُ ذَلِكَ حَتَّى أَسْأَلَ عُثْمَانَ بْنَ عَفَّانَ فَسَأَلْتُهُ عَنْ ذَلِكَ، فَقَالَ: أَمَّا أَنَا فَلَمْ أَكُنْ لِأَطْلُعَ مِنْهَا مَطْلَعًا وَاحِدًا

[16247] Yahyā ibn Sa‘īd reported to us from Ibn Jurayj from Ibn Abī Mulaykah that Mu‘ādh ibn ‘Abd Allāh ibn Ma‘mar asked ‘Ā’ishah, saying: "I have a slave girl with whom I had intercourse, and she has a daughter who has reached maturity, can I have intercourse with her?" She forbade him. He said: "No, until you say it is Ḥarām (forbidden)." She said: "No one from my family does it, nor anyone who obeys me." And I asked Ibn ‘Umar, and he forbade me from it.

يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ جُرَيْجٍ، - 16247 - - حَدَّثَنَا عَنْ ابْنِ أَبِي مُلَيْكَةَ، أَنَّ مُعَاذَ بْنَ عَبْدِ اللَّهِ بْنِ مَعْمَرٍ سَأَلَ عَائِشَةَ، فَقَالَ: إِنَّ عِنْدِي جَارِيَةً أَصَبْتُ مِنْهَا، وَلَهَا ابْنَةٌ قَدْ أَدْرَكْتُ، فَأَصَبْتُ مِنْهَا، فَهَنَّتْهُ، فَقَالَ: لَا حَتَّى تَقُولِي هِيَ حَرَامٌ، فَقَالَتْ: لَا يَفْعَلُهُ أَحَدٌ مِنْ أَهْلِي، وَلَا مِمَّنْ أَطَاعَنِي. وَسَأَلْتُ ابْنَ عُمَرَ فَتَنَاهَانِي عَنْهُ

[16248] Abū Usāmah reported to us from Mujālid from ‘Āmir who said: A man from Hamdān had a slave girl and her daughter, and he was having intercourse with both of them. ‘Alī was informed of this, so he asked him, and he said: "Yes." ‘Alī said to him: "If one verse makes it lawful for you and another makes it forbidden for you, then the verse of prohibition prevails."

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ مُجَالِدٍ، عَنْ عَامِرٍ، قَالَ: كَانَتْ لِرَجُلٍ مِنْ هَمْدَانَ وَلِيدَةٌ وَابْنَتُهُمَا، فَكَانَ يَقَعُ عَلَيْهِمَا، فَأُخْبِرَ بِذَلِكَ عَلِيٌّ فَسَأَلَهُ قَالَ: نَعَمْ، فَقَالَ لَهُ عَلِيٌّ: إِذَا أَحَلَّتْ عَلَيْكَ آيَةٌ، وَحَرَّمَتْ عَلَيْكَ أُخْرَى، فَإِنَّ أَمْلَكَهُمَا آيَةُ الْحَرَامِ

[16249] Jarīr ibn ‘Abd al-Ḥamīd reported to us from ‘Abd al-‘Azīz ibn Rufay‘ from Ibn Munabbih who said: "In the Torah which Allah revealed to Moses, it says that no man uncovers the private parts of a woman and her daughter except a cursed one. It did not distinguish for us between a free woman and a slave woman."

حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ ابْنِ مُنَبِّهٍ، قَالَ: فِي التَّوْرَةِ الَّتِي أَنْزَلَ اللَّهُ عَلَى مُوسَى أَنَّهُ لَا يَكْشِفُ رَجُلٌ فَرْجَ امْرَأَةٍ وَابْنَتِهَا إِلَّا مَلْعُونٌ مَا فَصَّلَ لَنَا حُرَّةٌ وَلَا مَمْلُوكَةٌ

[16250] ‘Abd al-A‘lā reported to us from Al-Jurayrī from Abū Naḍrah who said: A man came to ‘Umar and said: "I have a slave girl and her daughter, and I admire both of them. Can I have intercourse with both?" He said: "A verse permitted it, and a verse forbade it. As for me, I would not approach this."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنِ الْجُرَيْرِيِّ، عَنْ أَبِي نَضْرَةَ، قَالَ: جَاءَ رَجُلٌ إِلَى عُمَرَ، قَالَ: إِنَّ لِي وَلِيدَةً وَابْنَتَهَا، وَإِنَّهُمَا قَدْ أُعْجِبَانِي أَفَأَطُوهُمَا؟ قَالَ: آيَةٌ أَحَلَّتْ، وَآيَةٌ حَرَّمَتْ، أَمَّا أَنَا فَلَمْ أَكُنْ أَقْرَبْ هَذَا

[16251] Sharīk told us, from Sālim, from Sa‘īd who said: “A man does not combine a woman and her daughter, nor a woman and her sister [in marriage or

حَدَّثَنَا شَرِيكٌ، عَنْ سَالِمٍ، عَنْ سَعِيدٍ، قَالَ: لَا يَجْمَعُ الرَّجُلُ بَيْنَ الْمَرْأَةِ وَابْنَتِهَا، وَلَا بَيْنَ الْمَرْأَةِ وَأُخْتِهَا

[16252] ‘Abd Allāh ibn Mubārak told us, from Mūsā ibn Ayyūb, from his uncle, from ‘Alī who said: I asked him about a man who has two slave girls who are sisters; he had intercourse with one of them, then wanted to have intercourse with the other. He said: “No, until he removes her from his ownership.” I said: “What if he marries her to his slave?” He said: “No, until he removes her from his ownership.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ مُوسَى بْنِ أَيُّوبَ، عَنْ عَمِّهِ، عَنْ عَلِيٍّ، قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ لَهُ أَمَتَانِ، أُخْتَانِ وَطَيَّ إِحْدَاهُمَا، ثُمَّ أَرَادَ أَنْ يَطَّ الْأُخْرَى، قَالَ: لَا حَتَّى يُخْرِجَهَا مِنْ مِلْكِهِ قَالَ: قُلْتُ: فَإِنْ زَوَّجَهَا عَبْدَهُ، قَالَ: لَا حَتَّى يُخْرِجَهَا عَنْ مِلْكِهِ

[16253] ‘Abd Allāh ibn Idrīs and Wakī‘ told us, from Shu‘bah, from Abū ‘Awn, from Abū Ṣāliḥ al-Ḥanafī: That Ibn al-Kawwā’ asked ‘Alī about combining two sisters. He said: “A verse prohibited them, and another made them lawful. I do not do it, nor my family.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، وَوَكَيْعٌ، عَنْ شُعْبَةَ، عَنْ أَبِي عَوْنٍ، عَنْ أَبِي صَالِحٍ الْحَنَفِيِّ، أَنَّ ابْنَ الْكَوَّاءِ سَأَلَ عَلِيًّا عَنِ الْجَمْعِ بَيْنَ الْأُخْتَيْنِ فَقَالَ: حَرَّمَتْهُمَا آيَةٌ، وَأَحَلَّتْهُمَا أُخْرَى، وَلَسْتُ أَفْعَلُ أَنَا وَلَا أَهْلِي

[16254] Wakī‘ told us, from Ibn ‘Awn, from Ibn Sīrīn who said: They angered Ibn Mas‘ūd regarding two slave sisters. He became angry and said: “One of you burdens himself with what his right hand possesses (implying disapproval of combining them).”

حَدَّثَنَا وَكَيْعٌ، عَنِ ابْنِ عَوْنٍ، عَنِ ابْنِ سِيرِينَ، قَالَ: أَغَضَبُوا ابْنَ مَسْعُودٍ فِي الْأُخْتَيْنِ الْمَمْلُوكَتَيْنِ فَغَضِبَ وَقَالَ: حَمَلَ أَحَدُكُمْ مِمَّا مَلَكَتْ يَمِينُهُ

[16255] ‘Abd al-A‘lā told us, from Burd, from Makḥūl regarding a man who has two slave sisters and has intercourse with one of them. He said: “He does not have intercourse with the other until he removes her from his ownership.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ فِي رَجُلٍ يَكُونُ لَهُ الْأَمَتَانِ الْأُخْتَانِ فَيَطَأُ إِحْدَاهُمَا قَالَ: لَا يَطَأُ الْأُخْرَى حَتَّى يُخْرِجَهَا عَنْ مِلْكِهِ

[16256] Muḥammad ibn Fuḍayl told us, from Muṭarrif, from Abū al-Jahm, from Abū al-Akhḍar, from ‘Ammār who said: “Whatever Allah prohibited regarding free women, He has prohibited regarding slave women, except that a man may gather whatever he wishes of slave women (in ownership, not necessarily intercourse with sisters).”

حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ مُطَرِّفٍ، عَنْ أَبِي الْجَهْمِ، عَنْ أَبِي الْأَخْضَرِ، عَنْ عَمَّارٍ، قَالَ: مَا حَرَّمَ اللَّهُ مِنَ الْحَرَائِرِ شَيْئًا، إِلَّا وَقَدْ حَرَّمَهُ مِنَ الْإِمَاءِ، إِلَّا أَنَّ الرَّجُلَ قَدْ يَجْمَعُ مَا شَاءَ مِنَ الْإِمَاءِ

[16257] Khālīd ibn Makhḥad told us, from Mālīk ibn Anas, from Al-Zuhri, from Qabiṣah ibn Dhu’ayb who said: ‘Uthmān ibn ‘Affān was asked about combining two sisters by right of possession. He said: “A verse from the Book of Allah made them lawful, and a verse prohibited them. As for me, I do not like to do that.”

حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنِ الزُّهْرِيِّ، عَنْ قَبِيصَةَ بْنِ ذُوَيْبٍ، قَالَ: سَأَلَ عُثْمَانُ بْنُ عَفَّانَ عَنِ الْأُخْتَيْنِ عَنْ مَلِكِ الْيَمِينِ يَجْمَعُ بَيْنَهُمَا، فَقَالَ: أَحَلَّتْهُمَا آيَةٌ مِنَ كِتَابِ اللَّهِ، وَحَرَّمَتْهَا آيَةٌ، وَأَمَّا أَنَا فَمَا أُحِبُّ أَنْ أَفْعَلَ ذَلِكَ

[16258] Abū Mu‘āwiyah told us, from Ḥajjāj, from Maymūn, from Ibn ‘Umar: That he was asked about a man who has two slave sisters and had intercourse with one of them, can he have intercourse with the other? Ibn ‘Umar said: “He does not have intercourse with the other as long as the one he had intercourse with remains in his ownership.”

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ مَيْمُونٍ، عَنْ ابْنِ
عُمَرَ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ لَهُ أَمَتَانِ أُخْتَانِ، وَقَعَ عَلَى
إِحْدَاهُمَا أَيَقَعُ عَلَى الْأُخْرَى؟ قَالَ: فَقَالَ ابْنُ عُمَرَ: لَا
يَقَعُ عَلَى الْأُخْرَى، مَا دَامَتِ اللَّتَى وَقَعَ عَلَيْهَا فِي مِلْكِهِ

[16259] Abū Bakr ibn ‘Ayyāsh told us, from ‘Abd al-‘Azīz ibn Rufay‘ who said: I asked Ibn al-Ḥanafīyyah about a man who has two slave girls (sisters), can he have intercourse with them? He said: “A verse made them lawful, and a verse prohibited them.” Then I came to Ibn al-Musayyib, and he said like the saying of Muḥammad (Ibn al-Ḥanafīyyah). Then I asked Ibn Munabbih, and he said: “I bear witness that in what Allah revealed to Moses, he is cursed who combines two sisters.” He said: “He did not distinguish for us between two free women or two slave women.” He said: So I returned to Ibn al-Musayyib and informed him, and he said: “Allah is Greatest.”

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَبَّاشٍ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، قَالَ: سَأَلْتُ ابْنَ الْحَنَفِيَّةَ عَنْ رَجُلٍ عِنْدَهُ أَمَتَانِ أَيْطَوُهُمَا؟ فَقَالَ: أَحَلَّتْهُمَا آيَةٌ، وَحَرَّمَتْهُمَا آيَةٌ. ثُمَّ أَتَيْتُ ابْنَ الْمُسَيَّبِ، فَقَالَ: مِثْلُ قَوْلِ مُحَمَّدٍ. ثُمَّ سَأَلْتُ ابْنَ مُنَبِّهِ فَقَالَ: أَشْهَدُ أَنَّهُ فِيمَا أَنْزَلَ اللَّهُ عَلَى مُوسَى أَنَّهُ مَلْعُونٌ مَنْ جَمَعَ بَيْنَ الْأُخْتَيْنِ قَالَ: فَمَا فَصَّلَ لَنَا حُرَّتَيْنِ، وَلَا مَمْلُوكَتَيْنِ، قَالَ: فَرَجَعْتُ إِلَى ابْنِ الْمُسَيَّبِ فَأَخْبَرْتُهُ، فَقَالَ: اللَّهُ أَكْبَرُ

[16260] Wakī‘ told us, from Ibn Mubārak, from Ibn Thawbān, from ‘Ā’ishah: “That she disliked it.”

حَدَّثَنَا وَكَيْعٌ، عَنْ ابْنِ مُبَارَكٍ، عَنْ ابْنِ ثَوْبَانَ، عَنْ عَائِشَةَ، أَنَّهَا كَرِهَتْهُ

[16261] ‘Abd al-A‘lā told us, from Yūnus, from Al-Ḥasan regarding a man who has two slave sisters and had intercourse with one of them, then refrained from her. Can he have intercourse with the other? He said: “He liked that he not have intercourse with her until the one he had intercourse with leaves his ownership.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ فِي رَجُلٍ لَهُ أَمَتَانِ أُخْتَانِ فَعَشِيَ إِحْدَاهُمَا، ثُمَّ أَمْسَكَ عَنْهَا، هَلْ لَهُ أَنْ يَعْشَى الْأُخْرَى؟ قَالَ: كَانَ يُعْجِبُهُ أَنْ لَا يَعْشَاهَا، حَتَّى تَخْرُجَ عَنْهُ هَذِهِ الَّتِي عَشِيَ مِنْ مِلْكِهِ

[16262] Ghundar told us, from Shu‘bah, from Al-Ḥakam and Ḥammād, who said: “If a man has two sisters, let him not approach either of them [if he has had relations with one, until he separates from her? or simultaneously].”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، وَحَمَّادٍ، قَالَا: إِذَا كَانَتْ عِنْدَ الرَّجُلِ أُخْتَانِ، فَلَا يَقْرِبَنَّ وَاحِدَةً مِنْهُمَا

[16263] Asbāṭ ibn Muḥammad told us, from Ash‘ath, from Al-Sha‘bī and Ibn Sīrīn, who said: “What is prohibited in combining free women is prohibited in combining slave women, except for the number.”

حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، وَابْنِ سِيرِينَ، قَالَا: يَحْرُمُ مِنْ جَمْعِ الْإِمَاءِ مَا يَحْرُمُ مِنْ جَمْعِ الْحَرَائِرِ إِلَّا الْعَدَدَ

[16264] Ghundar told us, from Ma‘mar, from Al-Zuhri, from ‘Ubayd Allāh ibn ‘Abd Allāh ibn ‘Utbah who said: A man asked ‘Uthmān about combining two sisters. He said: “A verse made them lawful, and a verse prohibited them. I neither command you nor forbid you.” He met ‘Alī at the door, and he said: “Who did you ask?” He told him. He (‘Alī) said: “But I forbid you. If I had authority over you and you did that, I would punish you.”

حَدَّثَنَا غُنْدَرٌ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُثْمَةَ، قَالَ: سَأَلَ رَجُلٌ عُثْمَانَ، عَنِ الْأُخْتَيْنِ يَجْمَعُ بَيْنَهُمَا، فَقَالَ: أَحَلَّنَهُمَا آيَةٌ، وَحَرَّمَنَّهُمَا آيَةٌ، وَلَا أَمْرُكَ، وَلَا أَنْهَاكَ. فَلَقِيَ عَلِيًّا بِالْبَابِ فَقَالَ: عَمَّنْ سَأَلْتَهُ؟ فَأَخْبَرَهُ فَقَالَ: لِكِنِّي أَنْهَاكَ، وَلَوْ كَانَ لِي عَلَيْكَ سَبِيلٌ، ثُمَّ فَعَلْتُ ذَلِكَ، لَأَوْجَعْتُكَ

[16265] ‘Abd al-A‘lā told us, from Ibn Ishāq, from ‘Āsim ibn ‘Umar, from Qatādah, from Al-Qāsim ibn Muḥammad: That a tribe of the Arabs asked Mu‘āwiyah about two slave sisters owned by a man, can he have intercourse with them? He said: “There is no harm in that.” Al-Nu‘mān ibn Bashīr heard of that and said: “Did you give a Fatwa saying such and such?” He said: “Yes.” He said: “What if a man owned his own sister, would it be permissible for him to have intercourse with her [and the other]?” He said: “By Allah, you have corrected me. Catch up with them and tell them to avoid that, for it is not appropriate for them.” He said: I said: “It is kinship, whether through emancipation or otherwise.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنِ ابْنِ إِسْحَاقَ، عَنْ عَاصِمِ بْنِ عُمَرَ، عَنْ قَتَادَةَ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، أَنَّ حَبِيبًا مِنْ أَحْبِيَاءِ الْعَرَبِ سَأَلُوا مُعَاوِيَةَ عَنْ أُخْتَيْنِ مِمَّا مَلَكَتِ الْيَمِينُ يَكُونَانِ عِنْدَ الرَّجُلِ فَيَطْوُهُمَا قَالَ: لَيْسَ بِذَلِكَ بَأْسٌ فَسَمِعَ بِذَلِكَ النُّعْمَانُ بْنُ بَشِيرٍ فَقَالَ: أَفْتَيْتَ بِكَذَا وَكَذَا قَالَ: نَعَمْ قَالَ: أَرَأَيْتَ لَوْ كَانَتْ عِنْدَ رَجُلٍ أُخْتُهُ مَمْلُوكَةً، كَانَ يَجُوزُ لَهُ أَنْ يَطَأَهُمَا، فَقَالَ: أَمَا وَاللَّهِ إِنَّمَا رَدَدْتَنِي أَدْرِيكَ، فَقُلْ لَهُمْ اجْتَنِبُوا ذَلِكَ فَإِنَّهُ لَا يَنْبَغِي لَهُمْ قَالَ: قُلْتُ: إِنَّمَا هِيَ الرَّحِمُ مِنَ الْعِنَاقَةِ وَغَيْرِهَا

[16266] Abū Bakr said: Ibn ‘Ulayyah told us, from Ibn Abī ‘Arūbah, from Qatādah regarding a man who marries a woman then divorces her before consummation, can he marry her mother? He said: ‘Alī said: “She is in the status of a step-daughter (Rabībah).”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عَلِيَّةَ، عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ فِي الرَّجُلِ يَنْزَوِجُ الْمَرْأَةَ، ثُمَّ يُطَلِّقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا أَيْتَزَوَّجُ أُمَّهَا؟ قَالَ: قَالَ عَلِيٌّ: هِيَ بِمَنْزِلَةِ الرَّبِيبَةِ

[16267] Abū Usāmah told us, from Sa‘īd, from Qatādah, from Khilās, from ‘Alī, the like of it.

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ خِلَاسٍ، عَنْ عَلِيٍّ، مِثْلَهُ

[16268] Ibn ‘Ulayyah told us, from Ibn Abī ‘Arūbah, from Qatādah, from Sa‘īd ibn al-Musayyib, from Zayd ibn Thābit: “That he saw no harm in it if he divorced her, but disliked it if she died while with him.”

حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ زَيْدِ بْنِ ثَابِتٍ أَنَّهُ كَانَ لَا يَرَى بِهِ بَأْسًا إِذَا طَلَّقَهَا، وَيَكْرَهُهَا إِذَا مَاتَتْ عِنْدَهُ

[16269] Ibn ‘Ulayyah told us, from Ibn Jurayj, from Ibn Abī Bakr ibn Ḥafṣ ibn ‘Umar ibn Sa’d, that Muslim ibn ‘Uwaymir ibn al-Ajda‘ from Banī Bakr ibn Kinānah informed him that his father married him to a woman in Ta’if. He said: “I did not consummate the marriage until ‘Umar died leaving her mother, and her mother was wealthy. He said to me: ‘Do you want her mother?’ I said: ‘I wish, but how, when I have married her daughter?’ He said: So I asked Ibn ‘Abbās, and he said: ‘Marry her.’ And I asked Ibn ‘Umar, and he said: ‘Do not marry her.’ So Abū ‘Uwaymir wrote about that to Mu‘āwiyah, informing him in his letter what Ibn ‘Abbās said and what Ibn ‘Umar said. Mu‘āwiyah wrote back to him: ‘I do not make lawful what Allah has forbidden, nor do I forbid what Allah has made lawful. You are on your own, and women are many.’ He said: So he neither forbade me nor gave me permission, and my father turned away from her and did not marry her.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ أَبِي بَكْرٍ بْنِ حَفْصِ بْنِ عُمَرَ بْنِ سَعْدٍ، أَنَّ مُسْلِمَ بْنَ عُوَيْمِرِ بْنِ الْأَجْدَعِ مِنْ بَنِي بَكْرِ بْنِ كِنَانَةَ أَخْبَرَهُ، أَنَّ أَبَاهُ أَنْكَحَهُ امْرَأَةً بِالطَّائِفِ قَالَ: فَلَمْ أَجْمَعْهَا حَتَّى تُوفِّيَ عُمَرُ عَنْ أُمِّهَا، وَأُمُّهَا دَأَتْ مَالًا كَثِيرًا، فَقَالَ لِي: هَلْ لَكَ فِي أُمِّهَا؟ فَقُلْتُ: وَدِدْتُ، وَكَيْفَ وَقَدْ نَكَحْتَ ابْنَتَهَا. قَالَ: فَسَأَلْتُ ابْنَ عَبَّاسٍ فَقَالَ: أَنْكِحْهَا وَسَأَلْتُ ابْنَ عُمَرَ فَقَالَ: لَا تَنْكِحْهَا. قَالَ: فَكَتَبَ أَبُو عُوَيْمِرٍ فِي ذَلِكَ إِلَى مُعَاوِيَةَ، وَأَخْبَرَهُ فِي كِتَابِهِ بِمَا قَالَ ابْنُ عَبَّاسٍ، وَبِمَا قَالَ ابْنُ عُمَرَ، فَكَتَبَ إِلَيْهِ مُعَاوِيَةُ: لَا أُحِلُّ مَا حَرَّمَ اللَّهُ، وَلَا أُحَرِّمُ مَا أَحَلَّ اللَّهُ، وَأَنْتَ وَذَلِكَ وَالنِّسَاءُ كَثِيرٌ قَالَ: فَلَمْ يَنْهَيْهِ وَلَمْ يَأْذَنْ وَأَنْصَرَفَ أَبِي عَنْهَا فَلَمْ يَنْكِحْهَا

[16270] Wakī‘ told us, from Sufyān, from Abū Farwah, from Abū ‘Amr al-Shaybānī, from ‘Abd Allāh ibn Mas‘ūd: That he gave a Fatwa regarding a man who married a woman then divorced her before consummation, or she died while with him. He said: “There is no harm in marrying her mother.” Then he came to Medina and retracted, so he came to them and forbade them, while she had already borne children.

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي فَرْوَةَ، عَنْ أَبِي عَمْرِو الشَّيْبَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، أَنَّهُ أَفْتَى فِي رَجُلٍ تَزَوَّجَ امْرَأَةً فَطَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، أَوْ مَاتَتْ عِنْدَهُ فَقَالَ: لَا بَأْسَ أَنْ يَتَزَوَّجَ أُمَّهَا ثُمَّ أَتَى الْمَدِينَةَ فَرَجَعَ، فَأَتَاهُمُ، فَنَهَاهُمْ، وَقَدْ وَلَدَتْ أَوْلَادًا

[16271] Ibn ‘Ulayyah told us, from Dāwūd, from Al-Sha‘bī, from Masrūq regarding {the mothers of your wives}. He said: “What Allah left general, leave general; and what He clarified, follow.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ دَاوُدَ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ فِي أُمَّهَاتِ نِسَائِكُمْ قَالَ: مَا أَرْسَلَ اللَّهُ فَأَرْسِلُوا وَمَا بَيَّنَّ فَاتَّبِعُوا

[16272] Ibn ‘Ulayyah told us, from Ibn Jurayj, who said: ‘Ikrimah informed me, from Mujāhid, that he said regarding {and the mothers of your wives and your step-daughters under your guardianship} [An-Nisa: 23]: “It is intended by both of them combining them.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي عِكْرِمَةُ، عَنْ مُجَاهِدٍ، أَنَّهُ قَالَ فِي {وَأُمَّهَاتِ نِسَائِكُمْ} أُرِيدُ [23: وَرَبَائِبُكُمُ اللَّاتِي فِي حُجُورِكُمْ] [النساء] بِهِمَا جَمْعُهُمَا

[16273] Ibn ‘Ulayyah told us, from Ibn Jurayj who said: I said to ‘Aṭā’: “A man marries a woman, then he does not see her nor consummate with her until he divorces her. Can he marry her daughter or her mother?” He said: “No, it is general.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءٍ: الرَّجُلُ يَتَزَوَّجُ الْمَرْأَةَ، ثُمَّ لَا يَرَاهَا، وَلَا يُجَامِعُهَا حَتَّى يُطَلِّقَهَا أَيْتَزَوَّجَ ابْنَتَهَا، أَوْ أُمَّهَا؟ قَالَ: لَا هِيَ مُرْسَلَةٌ

[16274] ‘Abd al-‘Alā told us, from Burd, from Makḥūl: “That he used to dislike, if a man possessed the knot [contract] of a woman, that he marry her [mother/daughter?].”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنِ بُرْدٍ، عَنْ مَكْحُولٍ، أَنَّهُ كَانَ يَكْرَهُ إِذَا مَلَكَ الرَّجُلُ عَقْدَ امْرَأَةٍ، أَنْ يَتَزَوَّجَهَا

[16275] ‘Affān told us: Hammām told us, from Qatādah who said: ‘Āṣim ibn Sa‘īd al-Hudhalī informed me, from Sa‘īd ibn al-Musayyib, that Zayd ibn Thābit: “Used to dislike marrying the daughter of a woman whose mother died while with him before he consummated with her.”

حَدَّثَنَا عَفَّانٌ، قَالَ: حَدَّثَنَا هَمَّامٌ، عَنْ قَتَادَةَ، قَالَ: أَخْبَرَنِي عَاصِمُ بْنُ سَعِيدٍ الْهُذَلِيُّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ زَيْدَ بْنَ ثَابِتٍ، كَانَ يَكْرَهُ أَنْ يَتَزَوَّجَ بِنْتَ امْرَأَةٍ مَاتَتْ أُمُّهَا عِنْدَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا

[16276] Ibn ‘Ulayyah said: I said to Ibn Abī Najīh: “A man marries a woman, then divorces her before consummation, can he marry her mother?” He said: I heard ‘Ikrimah “forbidding it,” and ‘Aṭā’.

حَدَّثَنَا ابْنُ عُليَّةَ، قَالَ: قُلْتُ لِابْنِ أَبِي نَجِيحٍ: الرَّجُلُ يَنْزَوِجُ الْمَرْأَةَ، ثُمَّ يُطَلِّقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا أَيْتَزَوَّجَ أُمَّهَا؟ فَقَالَ: سَمِعْتُ عِكْرِمَةَ يَنْهَى عَنْهَا وَعَطَاءٌ

[16277] ‘Alī ibn Mushir told us, from Sa‘īd, from Qatādah, from Al-Ḥasan, from ‘Imrān ibn al-Ḥuṣayn regarding {the mothers of your wives}. He said: “It is absolute (unconditional prohibition).”

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ عِمْرَانَ بْنِ الْحُصَيْنِ فِي أُمَّهَاتِ نِسَائِكُمْ قَالَ: هِيَ مُبْهِمَةٌ

[16278] Abū Dāwūd told us, from Ibn Ṭāwūs, from his father: That he disliked it and said: “It is absolute.”

حَدَّثَنَا أَبُو دَاوُدَ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، أَنَّهُ كَانَ يَكْرَهُهَا وَقَالَ: هِيَ مُبْهِمَةٌ

[16279] ‘Alī ibn Mushir told us, from Sa‘īd, from Qatādah, from ‘Ikrimah, from Ibn ‘Abbās who said: “It is absolute.”

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: هِيَ مُبْهِمَةٌ

[16280] Abū Bakr said: Ibn ‘Ulayyah told us, from Ayyūb, from Nāfi‘ who said: Ibn ‘Umar used to see his slave take a concubine from his own money, and he would not fault him for that.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا ابْنُ عُليَّةَ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، قَالَ: كَانَ ابْنُ عُمَرَ يَرَى عَبْدَهُ يَتَسَرَّى فِي مَالِهِ، فَلَا يَعْيبُ ذَلِكَ عَلَيْهِ

[16281] Ibn ‘Ulayyah told us, from Ayyūb who said: Nāfi‘ wrote to me: “That a slave may take a concubine from his own money, but he may not take one from someone else's money.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ أَيُّوبَ، قَالَ: كَتَبَ إِلَيَّ نَافِعُ أَنَّ الْعَبْدَ يَتَسَرَّى فِي مَالِهِ، وَلَا يَتَسَرَّى فِي مَالِ غَيْرِهِ

[16282] Abū Bakr said: Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan who said: “He saw no harm in a slave taking a concubine with his master's permission.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ عُليَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: كَانَ لَا يَرَى بَأْسًا أَنْ يَتَسَرَّى الْعَبْدُ بِإِذْنِ سَيِّدِهِ

[16283] Wakī‘ told us, from Sufyān, from Sa’d ibn Ibrāhīm, from ‘Umar ibn ‘Abd al-‘Azīz who said: “There is no harm in a slave taking a concubine.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: لَا بَأْسَ أَنْ يَتَسَرَّى الْعَبْدُ

[16284] Wakī‘ told us, from Ḥasan, from Manṣūr, from Ibrāhīm who said: “There is no harm in it.”

حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، أَنَّهُ قَالَ: لَا بَأْسَ بِهِ

[16285] Wakī‘ told us, from Sufyān, from Qays ibn Muslim, from Al-Sha‘bī who said: “There is no harm in it.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: لَا بَأْسَ بِهِ

[16286] Wakī' told us, from Zakariyyā, from Al-Sha'bī who said: "If the master permits his slave to take concubines, let him take whatever he wishes of them."

حَدَّثَنَا وَكِيعٌ، عَنْ زَكَرِيَّا، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا أَدِنَ الْمَوْلَى لِعَبْدِهِ فِي التَّسْرِى، فَلْيَتَّخِذْ مِنْهُنَّ مَا شَاءَ

[16287] Ismā'il ibn 'Ayyāsh told us, from Ibn Jurayj, from 'Aṭā' who said: "We did not see any harm in a slave taking a concubine from his master's property."

حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَمْ نَكُنْ نَرَى بِتَسْرِى الْعَبْدِ فِي مَالِ سَيِّدِهِ بَأْسًا

[16288] 'Abdah told us, from Ismā'il, from 'Aṭā', from Ibn 'Abbās who said: "There is no harm in it."

حَدَّثَنَا عَبْدُ اللَّهِ، عَنْ إِسْمَاعِيلَ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: لَا بَأْسَ بِهِ

[16289] Abū Mu'āwiyah told us, from Ḥajjāj, from Al-'Abbās ibn 'Ubayd Allāh ibn Ma'bad, from Ibn 'Abbās: "That he had a merchant slave, and he would permit him to take concubines, six or seven."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنِ الْعَبَّاسِ بْنِ عَبْدِ اللَّهِ بْنِ مَعْبُدٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّهُ كَانَ لَهُ غُلَامٌ تَاجِرٌ، وَكَانَ يَأْذُنُ لَهُ فَيَتَسَرَّى السِّتَّ وَالسَّبْعَ

[16290] Wakī' told us, from Sufyān, from Salamah ibn Kuhayl, from Al-Ḥakam who said: "He marries and does not take concubines."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنِ الْحَكَمِ، قَالَ: يَنْتَزَوُّجُ وَلَا يَتَسَرَّى

[16291] Ibn ‘Ulayyah told us, from Ibn ‘Awn, from Ibn Sirīn: That he “liked for him to be married.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ ابْنِ عَوْنٍ، عَنِ ابْنِ سِيرِينَ، أَنَّهُ كَانَ يُحِبُّ أَنْ يُزَوَّجَهُ

[16292] Ghundar told us, from Shu‘bah who said: I asked Ḥammād about that. He said: “I have not heard, but Allah says: {Except from their wives or those their right hands possess} [Al-Mu'minun: 6].”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ حَمَّادًا عَنْ ذَلِكَ قَالَ: "لَمْ أَسْمَعْ وَلَكِنَّ اللَّهَ يَقُولُ: {إِلَّا عَلَى أَزْوَاجِهِمْ أَوْ [6: مَا مَلَكَتْ أَيْمَانُهُمْ]} [سورة: المؤمنون، آية رقم

[16293] Ḥafṣ told us, from Ash‘ath, from Al-Ḥakam and Ibn Sirīn: “That they disliked him taking a concubine, even if his master permitted him.”

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، وَابْنِ سِيرِينَ، أَنَّهُمَا كَرِهَا أَنْ يَتَسَرَّى، وَإِنْ أَذِنَ لَهُ مُوَلَاهُ

[16294] ‘Abdah told us, from Ismā‘il, from Ḥammād, from Ibrāhīm: “That he disliked for a slave to take a concubine.”

حَدَّثَنَا عَبْدُهُ، عَنْ إِسْمَاعِيلَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَانَ يَكْرَهُ أَنْ يَتَسَرَّى الْعَبْدُ

[16295] ‘Abd Allāh ibn Idrīs told us, from Yahyā ibn Sa‘īd, from Sa‘īd ibn al-Musayyib, from ‘Umar who said: “Whoever marries a woman who has leprosy, madness, or insanity, and consummates the marriage with her, she is entitled to the dowry for what he made lawful of her private parts, and that is a debt upon her guardian.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عُمَرَ، قَالَ: مَنْ تَزَوَّجَ امْرَأَةً وَبِهَا بَرَصٌ أَوْ جَذَامٌ أَوْ جُنُونٌ، فَدَخَلَ بِهَا، فَلَهَا الصَّدَاقُ بِمَا يَسْتَحِلُّ مِنْ فَرْجِهَا، وَذَلِكَ غَرَمٌ عَلَى وَلِيِّهَا

[16296] Ibn Idrīs told us, from his father, from Al-Ḥakam who said: My father used to say regarding the insane and lerous woman: “If he consummates the marriage, she is his wife. If he does not consummate, they are separated.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَبِيهِ، عَنِ الْحَكَمِ، قَالَ: كَانَ أَبِي يَقُولُ فِي الْمَجْنُونَةِ وَالْبَرَصَاءِ: إِنْ دَخَلَ فِيهَا امْرَأَتُهُ، وَإِنْ لَمْ يَدْخُلْ فَرَّقَ بَيْنَهُمَا

[16297] Ibn ‘Ulayyah told us, from Ayyūb, from ‘Amr ibn Dinār, from Jābir ibn Zayd who said: “Four are not valid in sale or marriage: the leper, the insane, the one with leprosy, and the one with a horn (vaginal obstruction).”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ أَيُّوبَ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: "أَرْبَعٌ لَا يَجُوزُ فِي بَيْعٍ وَلَا نِكَاحٍ: الْبَرَصَاءُ، وَالْمَجْنُونَةُ، وَالْمَجْدُومَةُ، وَذَاتُ الْقَرْنِ

[16298] Ibn ‘Ulayyah told us, from Khālīd: That a man married a woman and consummated the marriage with her, then found a defect in her. He wrote to ‘Umar ibn ‘Abd al-‘Azīz about that. He wrote back to him: “He has completed them upon what is greater than that, so he validated it upon him.”

حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنْ خَالِدٍ، أَنَّ رَجُلًا تَزَوَّجَ امْرَأَةً فَدَخَلَ بِهَا، ثُمَّ وَجَدَ بِهَا عَيْبًا فَكَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فِي ذَلِكَ، فَكَتَبَ لَهُ أَنَّهُ قَدْ أَتَمَّهُمْ عَلَى مَا هُوَ أَعْظَمُ مِنْ ذَلِكَ، فَأَجَازَهَا عَلَيْهِ

[16299] ‘Abd al-‘Alā told us, from Yūnus, from Al-Ḥasan, who was asked about “a man who marries a woman and consummates with her, then a disease appears on her. He used to make her binding upon him.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، سُئِلَ عَنِ الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ فَيَدْخُلُ بِهَا، فَيَظْهَرُ عَلَيْهَا دَاءٌ أَنَّهُ كَانَ يُوجِبُهَا عَلَيْهِ

[16300] Wakī‘ told us, from Sufyān, from ‘Amr ibn Maymūn, from ‘Umar ibn ‘Abd al-‘Azīz who said: “He has nothing but the trust of his in-laws.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَمْرِو بْنِ مَيْمُونٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: لَيْسَ لَهُ إِلَّا أَمَانَةُ أَصْهَارِهِ

[16301] Wakī‘ told us, from Sufyān, from Ḥammād, from Ibrāhīm who said: “A free woman is not returned due to a defect.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: الْحُرَّةُ لَا تُرَدُّ مِنْ عَيْبِ

[16302] Yazīd ibn Hārūn told us, from Ismā'il, from Al-Sha'bī, from Shurayḥ: That he used to compensate the leper woman.

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ أَنَّهُ كَانَ يُعَوِّضُ الْبَرَصَاءَ

[16303] ‘Abd al-‘alā told us, from Burd, from Makhūl and Al-Zuhri regarding a man who marries a woman and consummates with her, then sees madness, leprosy, vitiligo, or a vaginal obstruction in her. They said: “She is returned for this, and she gets the dowry by which he made her private parts lawful, both the immediate and deferred portions, and her dowry is upon the one who deceived him.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرَيْدٍ، عَنْ مَخْضُومٍ، وَالزُّهْرِيِّ، قَالَا فِي رَجُلٍ تَزَوَّجَ امْرَأَةً فَدَخَلَ فَرَأَى بِهَا جُنُونًا أَوْ جَذَامًا أَوْ بَرَصًا أَوْ عَقْلًا: إِنَّهَا تُرَدُّ مِنْ هَذَا، وَلَهَا الصَّدَاقُ الَّذِي اسْتَحَلَّ بِهِ فَرْجَهَا الْعَاجِلُ وَالْأَجِلُ، وَصَدَاقُهَا عَلَى مَنْ غَرَّهُ

[16304] Ibn Fuḍayl told us, from Jamīl, from ‘Abd Allāh ibn Ka’b (or Ka’b ibn ‘Abd Allāh) who said: The Messenger of Allah ﷺ married a woman from Ghifār. When he sat with her as a man sits with a woman, he saw whiteness (leprosy) on her flank. He stood up from her and said: “Adjust your clothes upon yourself and return to your family.”

حَدَّثَنَا ابْنُ فَضَيْلٍ، عَنْ جَمِيلٍ، عَنْ عَبْدِ اللَّهِ بْنِ كَعْبٍ، أَوْ كَعْبِ بْنِ عَبْدِ اللَّهِ، قَالَ: تَزَوَّجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ امْرَأَةً مِنْ غِفَارٍ، فَقَعَدَ مِنْهَا مَقْعَدَ الرَّجُلِ مِنَ الْمَرْأَةِ، فَأَبْصَرَ بِكَشْحِهَا بَرَصًا، فَقَامَ عَنْهَا، فَقَالَ: سَوِّ عَلَىكَ ثِيَابَكَ، وَارْجِعِي إِلَى بَيْتِكَ

[16305] Ḥumayd ibn ‘Abd al-Raḥmān told us, from Zuhayr, from Mughīrah, from Ibrāhīm, from ‘Abd Allāh who said: “A free woman is not returned due to a defect.”

حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ زُهَيْرٍ، عَنْ مُغِيرَةَ،
عَنْ إِبْرَاهِيمَ، عَنْ عَبْدِ اللَّهِ، قَالَ: لَا تُرَدُّ الْحُرَّةُ مِنْ
عَيْبٍ

[16306] ‘Abd al-A‘lā told us, from Ma‘mar, from Al-Zuhrī who said: “If a man marries a woman and the man has a defect she did not know about—insanity, leprosy, or vitiligo—she is given the choice.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ أَنَّهُ قَالَ:
إِذَا تَزَوَّجَ الرَّجُلُ الْمَرْأَةَ وَبِالرَّجُلِ عَيْبٌ لَمْ تَعْلَمْ بِهِ،
جُنُونٌ، أَوْ جَدَامٌ، أَوْ بَرَصٌ خُيِّرَتْ

[16307] Ghundar told us, from Ash‘ath, from Al-Ḥakam regarding a man who marries a woman while having vitiligo. He said: “He did not consider it anything for the man. As for leprosy, if she wishes, she stays with him, and if she wishes, she separates from him.”

حَدَّثَنَا غُنْدَرٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، أَنَّهُ قَالَ فِي
الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ وَبِهِ الْبَرَصُ قَالَ: كَانَ لَا يَرَاهُ مِنَ
الرَّجُلِ شَيْئًا، وَأَمَّا الْجَدَامُ فَإِنْ شَاءَتْ أَقَرَّتْ مَعَهُ، وَإِنْ
شَاءَتْ فَارْقَتْهُ

[16308] Muḥammad ibn Yazīd told us, from Abū al-‘Alā’—who is Ayyūb—from Qatādah regarding a man who married a woman while having insanity or a chronic disease unknown to her. He said: “She has the choice when she finds out.” And Abū Hāshim said: “She is his wife; if he wishes he keeps her, and if he wishes he divorces her.”

حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءِ وَهُوَ أَيُّوبُ، عَنْ قَتَادَةَ فِي رَجُلٍ تَزَوَّجَ امْرَأَةً وَبِهِ جُنُونٌ، أَوْ دَاءٌ عُضَالٌ لَا يُعْلَمُ بِهِ، قَالَ: هِيَ بِالْخِيَارِ إِذَا عَلِمَتْ وَقَالَ أَبُو هَاشِمٍ: هِيَ امْرَأَتُهُ إِنْ شَاءَ أَمْسَكَ، وَإِنْ شَاءَ طَلَّقَ

[16309] Jarīr ibn ‘Abd al-Ḥamīd told us, from Mūsā ibn Abī ‘Ā’ishah who said: I asked Murrah about a man who buys or captures a Magian slave girl, then has intercourse with her before she learns Islam. He said: “It is not appropriate.” And I asked Sa‘īd ibn Jubayr, and he said: “He is no better than her if he does that.”

حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مُوسَى بْنِ أَبِي عَائِشَةَ، قَالَ: سَأَلْتُ مَرَّةً، عَنِ الرَّجُلِ يَشْتَرِي أَوْ يَسْبِي الْجَارِيَةَ الْمَجُوسِيَّةَ، ثُمَّ يَقَعُ عَلَيْهَا قَبْلَ أَنْ يَعْلَمَ الْإِسْلَامَ قَالَ: لَا يَصْلُحُ وَسَأَلْتُ سَعِيدَ بْنَ جُبَيْرٍ فَقَالَ: مَا هُوَ بِأَخَيْرَ مِنْهَا إِذَا فَعَلَ ذَلِكَ

[16310] ‘Abd al-‘Alā’ told us, from Burd, from Makhūl who said: “If she is a Magian slave girl, he does not marry her until she accepts Islam.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرَيْدٍ، عَنْ مَكْحُولٍ، قَالَ: إِذَا كَانَتْ وَلِيدَةً مَجُوسِيَّةً فَإِنَّهُ لَا يَنْكِحُهَا حَتَّى تُسْلِمَ

[16311] ‘Isā ibn Yūnus told us, from Al-Awzā’ī, from Al-Zuhri who said: I heard him say: “Do not approach the Magian woman until she says: ‘There is no god but Allah.’ If she says that, then that is Islam from her.”

حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، قَالَ: سَمِعْتُهُ يَقُولُ: "لَا تَقْرَبِ الْمَجُوسِيَّةَ حَتَّى تَقُولَ: لَا إِلَهَ إِلَّا اللَّهُ، فَإِذَا قَالَتْ ذَلِكَ فَهُوَ مِنْهَا إِسْلَامٌ

[16312] Wakī‘ told us, from Sharīk, from Simāk, from Abū Salamah regarding the Magian woman. He said: “He approaches her when she accepts Islam.”

حَدَّثَنَا وَكَيْعٌ، عَنْ شَرِيكِ، عَنْ سِمَاكِ، عَنْ أَبِي سَلَمَةَ، فِي الْمَجُوسِيَّةِ قَالَ: يَقْرُبُهَا مَتَى تُسْلِمَ

[16313] Ḥātim ibn Wardān told us, from Yūnus, from Al-Ḥasan regarding a Magian woman who is with a man. He said: “He does not have intercourse with her.”

حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي الْمَجُوسِيَّةِ تَكُونُ عِنْدَ الرَّجُلِ، قَالَ: لَا يَطُوقُهَا

[16314] Jarīr told us, from Mughīrah, from Ḥammād, from Ibrāhīm who said: “If Magian women and idolaters are captured, Islam is presented to them. If they accept Islam, they are approached (sexually) and used for service. If they refuse to accept Islam, they are used for service but not approached.”

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا سُيِّتِ الْمَجُوسِيَّةُ وَعَبْدَةُ الْأَوْثَانِ، عُرِضَ عَلَيْهِنَّ الْإِسْلَامُ، فَإِنْ أَسْلَمْنَ وَطِئْنَ وَاسْتُخْدِمْنَ، وَإِنْ أَبَيْنَ أَنْ يُسْلِمْنَ اسْتُخْدِمْنَ وَلَمْ يُوطَأَنَّ

[16315] Al-Thaqafī told us, from Muthannā, from ‘Amr ibn Shu‘ayb, from Sa‘īd ibn al-Musayyib who said: “There is no harm if a man buys a Magian slave girl and frees her [from polytheism/illness?].”

حَدَّثَنَا الثَّقَفِيُّ، عَنْ مُتَنَّى، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لَا بَأْسَ أَنْ يَشْتَرِيَ الرَّجُلُ الْجَارِيَةَ الْمَجُوسِيَّةَ فَيُبْرِأَهَا

[16316] ‘Abd Allāh told us, from Muthannā who said: ‘Atā’, Ṭāwūs, and ‘Amr ibn Dīnār saw no harm in a man taking a Magian woman as a concubine. But Sa‘īd ibn al-Musayyib disliked it.

حَدَّثَنَا عَبْدُ اللَّهِ، عَنْ مُتَنَّى، قَالَ: كَانَ عَطَاءٌ، وَطَاوُسٌ، وَعَمْرُو بْنُ دِينَارٍ لَا يَرَوْنَ بَأْسًا أَنْ يَتَسَرَّى الرَّجُلُ الْمَجُوسِيَّةَ وَكَرِهَهُ سَعِيدُ بْنُ الْمُسَيَّبِ

[16317] Shādhān told us: Sharīk told us, from Abū Ishāq, from Bakr ibn Mā'iz, from Rabī' ibn Khuthaym who said: "If you acquire a polytheist slave girl, do not approach her until she accepts Islam and bathes."

حَدَّثَنَا شَادَّانُ، قَالَ: نَا شَرِيكُ، عَنْ أَبِي إِسْحَاقَ، عَنْ بَكْرِ بْنِ مَاعِزٍ، عَنْ رَبِيعِ بْنِ خُثَيْمٍ، قَالَ: إِذَا أَصَبْتُ الْأُمَّةَ الْمُشْرِكَةَ فَلَا تَأْتِيهَا حَتَّى تُسْلِمَ وَتَغْتَسِلَ

[16318] Jarīr told us, from Mughīrah, from Ḥammād, from Ibrāhīm who said: "If Jewish and Christian women are captured, Islam is presented to them and they are compelled to it. Whether they accept Islam or not, they are approached (sexually) and used for service."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا سُبِّتَتِ الْيَهُودِيَّاتُ وَالنَّصْرَانِيَّاتُ عُرِضَ عَلَيْهِنَ الْإِسْلَامُ، وَجُرْنَ عَلَيْهِ، فَإِنْ أَسْلَمْنَ أَوْ لَمْ يُسْلِمْنَ أُوطِنْنَ وَاسْتُخْدِمْنَ

[16319] 'Abd al-A'lā told us, from Burd, from Makḥūl regarding a man who has a Jewish or Christian slave girl. He said: "He has intercourse with her."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، فِي الرَّجُلِ إِذَا كَانَتْ لَهُ وَلِيدَةٌ يَهُودِيَّةٌ أَوْ نَصْرَانِيَّةٌ فَإِنَّهُ يَطْوُهَا

[16320] Ḥātim ibn Wardān told us, from Yūnus, from Al-Ḥasan who said: “If a man acquires a polytheist slave girl, let him make her acknowledge the testimony ‘There is no god but Allah.’ If she refuses and does not acknowledge, that does not prevent him from having intercourse with her.”

حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: إِذَا أَصَابَ الرَّجُلُ الْجَارِيَةَ الْمُشْرِكَةَ فَلْيُفْرِزْهَا بِشَهَادَةٍ لَا إِلَهَ إِلَّا اللَّهُ، فَإِنْ أَبَتْ وَلَمْ تُقِرَّ، لَمْ يَمْنَعْهُ ذَلِكَ أَنْ يَفْعَ عَلَيْهَا

[16321] ‘Abdah told us, from Sa‘īd, from Qatādah, from Mu‘āwiyah ibn Qurrah who said: ‘Abd Allāh used to dislike a polytheist woman.

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ مُعَاوِيَةَ بْنِ قُرَّةَ، قَالَ: كَانَ عَبْدُ اللَّهِ يُكْرَهُ لَدَيْهِ مُشْرِكَةً

[16322] ‘Abd al-A‘lā told us, from Ma‘mar, from Al-Zuhrī who said: “If he has a slave girl from the People of the Book, he may have intercourse with her if he wishes, and he compels her to bathe.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: إِذَا كَانَتْ لَهُ أَمَةٌ مِنْ أَهْلِ الْكِتَابِ فَلَهُ أَنْ يَغْشَاهَا إِنْ شَاءَ، وَيُكْرِهَهَا عَلَى الْغُسْلِ

[16323] Mu‘tamir told us, from Nājiyah, from Qatādah, from Ibn Mas‘ūd regarding the captured woman: “He does not have intercourse with her until she declares faith and accepts Islam.”

حَدَّثَنَا مُعْتَمِرٌ، عَنْ نَاجِيَّةَ، عَنْ قَتَادَةَ، عَنِ ابْنِ مَسْعُودٍ، فِي الْمَسِيَّةِ لَا يَطُوقُهَا حَتَّى تُؤَلَّ وَتُسَلِّمَ

[16324] Yazīd told us, from Ḥabīb, from ‘Amr ibn Harim who said: Jābir ibn Zayd was asked about a man who buys a slave girl from captivity and has intercourse with her. He said: “No, until he teaches her prayer, bathing after impurities, and shaving pubic hair.”

حَدَّثَنَا يَزِيدُ، عَنْ حَبِيبٍ، عَنْ عَمْرِو بْنِ هَرِمٍ، قَالَ: سُئِلَ جَابِرُ بْنُ زَيْدٍ، عَنِ الرَّجُلِ يَشْتَرِي الْجَارِيَةَ مِنَ السَّبْيِ فَيَقَعُ عَلَيْهَا قَالَ: لَا، حَتَّى يُعَلِّمَهَا الصَّلَاةَ، وَالْغُسْلَ مِنَ الْجَنَابَةِ، وَحَلْقَ الْعَانَةِ

[16325] Wakī‘ told us, from Sufyān, from Qays ibn Muslim, from Al-Ḥasan ibn Muḥammad: That the Prophet ﷺ wrote to the Magians of Hajar offering them Islam. “Whoever accepted Islam, it was accepted from him; and whoever did not accept Islam, Jizyah was imposed upon him, without marrying their women or eating their slaughtered animals.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ الْحَسَنِ بْنِ مُحَمَّدٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَتَبَ إِلَى مَجُوسِ أَهْلِ هَجَرَ يَعْرِضُ عَلَيْهِمُ الْإِسْلَامَ، فَمَنْ أَسْلَمَ قَبْلَ مِنْهُ، وَمَنْ لَمْ يُسْلَمْ ضَرَبَ عَلَيْهِ الْجِزْيَةُ غَيْرَ نَاكِحِي نِسَائِهِمْ، وَلَا أَكْلِي ذَبَائِحِهِمْ

[16326] Hushaym told us, from Al-‘Awwām, who said: Someone who heard Sa‘īd ibn al-Musayyib informed me that he “disliked for a man to seek a child from a slave woman if she was born of adultery.”

حَدَّثَنَا هُشَيْمٌ، عَنِ الْعَوَّامِ، قَالَ: أَخْبَرَنِي مَنْ سَمِعَ، سَعِيدَ بْنِ الْمُسَيَّبِ يَكْرَهُ أَنْ يَطْلُبَ الرَّجُلُ الْوَلَدَ مِنَ الْأَمَةِ إِذَا كَانَتْ وَلَدَ الزَّنا

[16327] Wakī‘ told us, from Ma‘mar, from Abū Ja‘far who said: “He takes the child of adultery as a concubine, but does not seek her child.”

حَدَّثَنَا وَكِيعٌ، عَنْ مَعْمَرٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: يَتَسَرَّى وَلَدَ الزَّانَا، وَلَا يَطْلُبُ وَلَدَهَا

[16328] Wakī‘ told us, from Sufyān, from ‘Uthmān ibn al-Ḥārith, from Abū al-Rawwā‘ who said: I asked Ibn ‘Umar about the child of adultery. He said: “Women are many.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عُثْمَانَ بْنِ الْحَارِثِ، عَنْ أَبِي الرَّوَاعِ، قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنْ وَلَدِ الزَّانَا فَقَالَ: النِّسَاءُ كَثِيرٌ

[16329] Wakī‘ told us, from Sufyān, from Ibrāhīm ibn al-Muhājir, from Ibrāhīm who said: “There is no harm in taking her as a concubine.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ إِبْرَاهِيمَ بْنِ الْمُهَاجِرِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا بَأْسَ أَنْ يَتَسَرَّاهَا

[16330] ‘Abd Allāh ibn Idrīs told us, from Hishām, from Al-Ḥasan regarding a man who has an adulterous slave woman under him. He said: “She is like his property; he has intercourse with her.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ فِي الرَّجُلِ يَكُونُ تَحْتَهُ الْأَمَةُ الزَّانِيَةُ قَالَ: هِيَ كَعَرَضٍ مَالِهِ يَطُوهَا

[16331] Abū Usāmah told us, from Hishām, from Al-Ḥasan who said: “There is no harm if a man buys a child of adultery and takes her as a concubine.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: لَا بَأْسَ أَنْ يَشْتَرِيَ الرَّجُلُ وَلَدَ الزَّانِيَةِ يَتَسَرَّاهَا

[16332] Mu‘tamir told us, from his father, from Yasār, a freed slave of Mu‘āwiyah, who said: A man wanted to marry a daughter of adultery, so he asked a man from the companions of the Messenger of Allah ﷺ about that. He said: “No, marrying her mother is more beloved to me than marrying her.”

حَدَّثَنَا مُعْتَمِرٌ، عَنْ أَبِيهِ، عَنْ يَسَارٍ، مَوْلَى لِمُعَاوِيَةَ قَالَ: أَرَادَ رَجُلٌ أَنْ يَتَزَوَّجَ بِنْتِ زَنِيَةٍ، فَسَأَلَ عَنْ ذَلِكَ رَجُلًا مِنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: لَا، أَنْ أَتَزَوَّجَ أُمِّهَا، أَحَبُّ إِلَيَّ مِنْ أَنْ أَتَزَوَّجَهَا

[16333] Ḥumayd told us, from Ḥasan, from Ash‘ath, from Muḥammad ibn Sīrīn regarding a man taking a child of adultery as a concubine. He said: “What is his sin in what his parents did?”

حَدَّثَنَا حُمَيْدٌ، عَنْ حَسَنِ، عَنْ أَشْعَثَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ فِي الرَّجُلِ يَتَسَرَّى وَلَدَ الزَّانَا قَالَ: وَمَا ذَنْبُهُ فِيْمَا عَمِلَ آبَاؤُهُ

[16334] Al-Faḍl ibn Dukayn told us, from ‘Abd Allāh ibn Ḥabīb who said: I heard Al-Ḥakam say: “If I had a slave girl born of adultery, I would not mind having intercourse with her.”

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ عَبْدِ اللَّهِ بْنِ حَبِيبٍ، قَالَ: سَمِعْتُ الْحَكَمَ يَقُولُ: لَوْ كَانَتْ لِي جَارِيَةٌ وَلَدَ الزَّانَا لَمْ أُبَالِي أَنْ أَطَاهَا

[16335] Ibn ‘Uyaynah told us, from ‘Amr, from Abū Ma‘bad: That Ibn ‘Abbās “had intercourse with a slave girl after denying her child.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ أَبِي مَعْبُدٍ، أَنَّ ابْنَ عَبَّاسٍ وَطِئَ جَارِيَةً بَعْدَمَا أَنْكَرَ وَلَدَهَا

[16336] Ḥafṣ told us, from Layth, from ‘Abd Allāh ibn Abī Lubābah, from Ibn ‘Abbās: “That he saw no harm in a man having intercourse with a slave girl if she committed adultery, considering that to be a protection for her.”

حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي لُبَابَةَ، عَنْ ابْنِ عَبَّاسٍ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يَطَأَ الرَّجُلُ أَمَةً إِذَا فَجَرَتْ، وَيَرَى أَنَّ ذَلِكَ تَحْصِينٌ لَهَا

[16337] Yaḥyā ibn Sa‘īd told us, from ‘Abd Allāh ibn ‘Umar, from Muḥammad ibn Sa‘īd ibn al-Musayyib, from his father: “That he had intercourse with a slave girl of his after she committed adultery.”

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ مُحَمَّدِ بْنِ سَعِيدٍ بْنِ الْمُسَيَّبِ، عَنْ أَبِيهِ، أَنَّهُ وَطِئَ جَارِيَةً لَهُ بَعْدَمَا فَجَرَتْ

[16338] ‘Alī ibn Hāshim told us, from Ibn Abī Laylā, from Al-Sha‘bī regarding a man having intercourse with his slave girl after she committed adultery. He said: “He has the choice; if he wishes he may have intercourse with her, and if he wishes he may refrain.”

حَدَّثَنَا عَلِيُّ بْنُ هَاشِمٍ، عَنْ ابْنِ أَبِي لَيْلَى، عَنِ الشَّعْبِيِّ فِي الرَّجُلِ يَطَأُ أَمَتَهُ وَقَدْ زَنَتْ، قَالَ: هُوَ بِالْخِيَارِ إِنْ شَاءَ وَطِئَهَا، وَإِنْ شَاءَ أَمْسَكَ

[16339] ‘Abdah told us, from Sa‘īd, from Qatādah, from Mu‘āwiyah ibn Qurrah who said: ‘Abd Allāh used to dislike a slave girl who had committed adultery.

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ مُعَاوِيَةَ بْنِ قُرَّةٍ، قَالَ: كَانَ عَبْدُ اللَّهِ يَكْرَهُ أَمَةً قَدْ زَنَتْ

[16340] Al-Faḍl told us, from Mubārak, from Al-Ḥasan who said: I heard him being asked about a man who sees his slave girl committing adultery, can he have intercourse with her? He said: “No, and there is no dislike.”

حَدَّثَنَا الْفَضْلُ، عَنْ مُبَارَكٍ، عَنِ الْحَسَنِ، قَالَ: سَمِعْتُهُ،
وَسُئِلَ عَنِ الرَّجُلِ يَرَى أَمَتَهُ تَفْجُرُ أَيْطُوهَا؟ قَالَ: لَا،
وَلَا كَرَاهِيَّةٌ

[16341] Ḥafṣ told us, from Layth, from Mujāhid, and from Ḥammād, from Ibrāhīm who said: “If a man sees his wife committing adultery, that does not make her unlawful to him.”

حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، وَعَنْ حَمَّادٍ، عَنْ
إِبْرَاهِيمَ، قَالَ: إِذَا رَأَى الرَّجُلُ امْرَأَتَهُ تَفْجُرُ، لَمْ يُحَرِّمَهَا
ذَلِكَ عَلَيْهِ

[16342] Abū Usāmah told us: Jarīr ibn Ḥāzim told us, from Qays ibn Sa’d, from ‘Aṭā’ regarding a man whose wife commits adultery. He said: “That does not make her unlawful to him.”

حَدَّثَنَا أَبُو أُسَامَةَ، قَالَ: نَا جَرِيرُ بْنُ حَازِمٍ، عَنْ قَيْسِ بْنِ
سَعْدٍ، عَنْ عَطَاءٍ فِي الرَّجُلِ تَزْنِي امْرَأَتَهُ قَالَ: لَا
يُحَرِّمُهَا ذَلِكَ عَلَيْهِ

[16343] Abū Dāwūd told us, from Hammād ibn Salamah, from ‘Imrān ibn ‘Abd Allāh, from Sālim: A man said to him: “I saw a man with my wife.” He said: “If you are content, or how can you be content to keep her when you have seen what you have seen? Yet she is not forbidden to you.”

حَدَّثَنَا أَبُو دَاوُدَ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ عِمْرَانَ بْنِ عَبْدِ اللَّهِ، عَنْ سَالِمٍ، قَالَ لَهُ رَجُلٌ: إِنِّي رَأَيْتُ مَعَ امْرَأَتِي رَجُلًا قَالَ: تَطِيبُ نَفْسُكَ، أَوْ كَيْفَ تَطِيبُ نَفْسُكَ أَنْ تُمَسِكَهَا، وَقَدْ رَأَيْتَ مَا رَأَيْتَ، وَلَمْ تَحْرُمْ عَلَيْكَ

[16344] Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan regarding a man who sees indecency from his wife. He said: “He dislikes keeping her.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ فِي الرَّجُلِ يَرَى مِنْ امْرَأَتِهِ فَاحِشَةً، أَنَّهُ يَكْرَهُ أَنْ يُمَسِكَهَا

[16345] Abū Usāmah told us, from ‘Abd al-Raḥmān ibn Yazīd ibn Jābir, from Makhūl who said: “If a man discovers that his wife is committing adultery, it is not lawful for him to keep her. And if he commits adultery, it is not lawful for her to stay with him.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ بْنِ جَابِرٍ، عَنْ مَكْحُولٍ، قَالَ: إِذَا اطَّلَعَ الرَّجُلُ عَلَى امْرَأَتِهِ أَنَّهَا تَفْجُرُ، لَمْ يَحِلَّ لَهُ أَنْ يُمَسِكَهَا، وَإِذَا فَجَرَ هُوَ لَمْ يَحِلَّ لَهَا أَنْ تُقِيمَ مَعَهُ

[16346] ‘Alī ibn Mushir told us, from Al-Shaybānī, from ‘Abd Allāh ibn Shaddād who said: I was sitting with Ibn ‘Abbās at Zamzam when a man came to him and mentioned that he [misunderstood phrase, possibly related to divorce or accusation] his wife, and she claimed she committed adultery. Ibn ‘Abbās said to him: “What a bad thing you have done if you did what she confessed against herself. Keep your wife, and if she did not do it, let her go.”

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ شَدَّادٍ، قَالَ: كُنْتُ جَالِسًا مَعَ ابْنِ عَبَّاسٍ فِي زَمْزَمَ فَأَتَاهُ رَجُلٌ فَذَكَرَ أَنَّهُ يُسْقِطُ امْرَأَتَهُ فَرَعَمَتْ أَنَّهَا فَجَرَتْ، فَقَالَ لَهُ ابْنُ عَبَّاسٍ: فَبَيْسَ مَا صَنَعْتَ إِنْ كُنْتَ فَعَلْتَ مِثْلَ الَّذِي أَقَرَّتْ بِهِ عَلَى نَفْسِهَا، فَأَمْسِكِ امْرَأَتَكَ، وَإِنْ كَانَتْ لَمْ تَفْعَلْ فَخَلِّ سَبِيلَهَا

[16347] ‘Abdah told us, from Sa‘īd, from ‘Adī ibn Thābit, from Nāfi‘, from Ibn ‘Umar who said: “If one of you sees his wife or his Umm Walad committing indecency, he should not approach her.”

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: إِذَا رَأَى أَحَدُكُمْ امْرَأَتَهُ، أَوْ أُمَّ وَلَدِهِ عَلَى فَاحِشَةٍ، فَلَا يَقْرُبَهَا

[16348] Abū Dāwūd told us, from Rabī‘ah, from Salamah ibn Wahrām who said: I was sitting with Ṭāwūs when a man said to him: “I found a man in my sitting place (with my wife).” Ṭāwūs said: “If you are content to keep her after seeing what you saw, then you know best.”

حَدَّثَنَا أَبُو دَاوُدَ، عَنْ رَبِيعَةَ، عَنْ سَلَمَةَ بْنِ وَهْرَامَ، قَالَ: كُنْتُ جَالِسًا عِنْدَ طَاوُسٍ فَقَالَ لَهُ رَجُلٌ: إِنِّي وَجَدْتُ فِي مَجْلِسِي رَجُلًا، فَقَالَ طَاوُسٌ: إِنْ طَابَتْ نَفْسُكَ أَنْ تُمَسِّكَهَا وَقَدْ رَأَيْتُ مَا رَأَيْتُ، فَأَنْتَ أَعْلَمُ

[16349] Yazīd ibn Hārūn told us: Ḥammād ibn Salamah informed us, from ‘Abd al-Karīm, from ‘Abd Allāh ibn ‘Ubayd ibn ‘Umayr, from Ibn ‘Abbās who said: A man came to the Prophet ﷺ and said: “I have a wife who is the most beloved person to me, but she does not repel the hand of a toucher.” He said: “Divorce her.” He said: “I cannot bear to be without her.” He said: “Then enjoy her.”

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَنَا حَمَّادُ بْنُ سَلَمَةَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ عَبْدِ اللَّهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: إِنَّ عِنْدِي امْرَأَةً أَحَبُّ النَّاسِ إِلَيَّ، وَإِنَّهَا لَا تَمْنَعُ يَدَ لَامِسٍ، قَالَ: طَلَّقْهَا قَالَ: لَا أَصْبِرُ عَنْهَا، قَالَ: فَاسْتَمْتِعْ بِهَا

[16350] ‘Abd al-A‘lā told us, from Hishām, from Qays ibn Sa‘d, from ‘Aṭā’, from Ibn ‘Abbās who said: “He violated two prohibitions to commit a prohibition, but his wife did not become forbidden to him.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: جَاوَزَ حُرْمَتَيْنِ إِلَى حُرْمَةٍ، وَلَمْ تَحْرُمْ عَلَيْهِ امْرَأَتُهُ

[16351] ‘Abd al-A‘lā told us, from Ma‘mar, from Al-Zuhrī who said: “If a man commits adultery with his wife's sister, she (his wife) does not become forbidden to him. A Haram action does not prohibit a Halal one.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: إِذَا زَنَى الرَّجُلُ بِأَخْتِ امْرَأَتِهِ فَإِنَّهَا لَا تَحْرُمُ عَلَيْهِ، لَا يُحَرِّمُ حَرَامٌ حَلَالًا

[16352] ‘Abd al-Wahhāb told us, from ‘Uthmān al-Battī, from Ibn Ashwa‘ that he was asked about it and said: “A Haram action does not prohibit a Halal one. I dared to [give this opinion] while Ibrāhīm and Al-Sha‘bī feared it.”

حَدَّثَنَا عَبْدُ الْوَهَّابِ، عَنْ عُثْمَانَ الْبَتِّيِّ، عَنِ ابْنِ أَشْوَعٍ، أَنَّهُ سُئِلَ عَنْهَا فَقَالَ: لَا يُحَرِّمُ الْحَرَامُ الْحَلَالَ، جَسَرْتُ عَلَيْهَا وَهَابَهَا إِبْرَاهِيمُ وَالشَّعْبِيُّ

[16353] ‘Abd al-A‘lā told us, from Hishām, from Al-Ḥasan who said: “His wife has become forbidden to him.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: حُرِّمَتْ عَلَيْهِ امْرَأَتُهُ

[16354] Sa‘īd told us: Qatādah said: “That does not make her forbidden to him, except that he does not have intercourse with his wife until the waiting period (‘Iddah) of the one he committed adultery with has passed.”

حَدَّثَنَا نَاسِعِيْدٌ، قَالَ قَتَادَةُ: لَا يُحَرِّمُهَا ذَلِكَ عَلَيْهِ، غَيْرَ أَنَّهُ لَا يَغْشَى امْرَأَتَهُ حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي زَنَى بِهَا

[16355] ‘Abd al-A‘lā told us, from Sa‘īd, from Qatādah, from Jābir ibn Zayd and Al-Ḥasan that they both said: “His wife has become forbidden to him.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، وَالْحَسَنِ أَنَّهُمَا قَالَا: حُرِّمَتْ عَلَيْهِ امْرَأَتُهُ

[16356] ‘Abd al-A‘lā told us, from Sa‘īd, from a companion of his, from ‘Aṭā’ who said: “That does not make her forbidden to him.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ صَاحِبٍ لَهُ، عَنْ عَطَاءٍ، قَالَ: لَا يُحَرِّمُهَا ذَلِكَ عَلَيْهِ

[16357] ‘Abd al-A‘lā told us, from Sa‘īd that it reached him from Al-Sha‘bī who said: “That does not make her forbidden to him.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، أَنَّهُ بَلَغَهُ عَنِ الشَّعْبِيِّ، قَالَ: لَا يُحَرِّمُهَا ذَلِكَ عَلَيْهِ

[16358] Abū ‘Abd al-Ṣamad al-‘Ammī told us, from Sa‘īd, from Qatādah, from ‘Imrān ibn Ḥuṣayn who said: “His wife has become forbidden to him.”

حَدَّثَنَا أَبُو عَبْدِ الصَّمَدِ الْعَمِّيُّ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ، قَالَ: حُرِّمَتْ عَلَيْهِ امْرَأَتُهُ

[16359] Abū ‘Abd al-Ṣamad al-‘Ammī told us, from Sa‘īd, from Qatādah, from Yaḥyā ibn Ya‘mar, from Ibn ‘Abbās who said: “His wife has not become forbidden to him.”

حَدَّثَنَا أَبُو عَبْدِ الصَّمَدِ الْعَمِّيُّ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ يَحْيَى بْنِ يَعْمَرَ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: لَمْ تَحْرُمْ امْرَأَتُهُ عَلَيْهِ

[16360] Abū Bakr said: ‘Abd al-‘Azīz ibn ‘Abd al-Ṣamad al-‘Ammī told us, from Budayl ibn Maysarah al-‘Uqaylī, from Ibn al-Waḍīn: That a man proposed to a man from the people of Syria to marry his daughter, the daughter of Muhayrah. He married him to her, but another daughter, the daughter of Qatādah, was brought to him (on the wedding night). The man asked her after he consummated the marriage with her: “Whose daughter are you?” She said: “The daughter of so-and-so,” meaning Qatādah. He said: “I only married the daughter of Al-Muhayrah from your mother.” They took the matter to Mu‘āwiyah ibn Abī Sufyān. He said: “A woman for a woman.” And he asked those around him from the people of Syria, and they said: “A woman for a woman.” The man said: “O Mu‘āwiyah, refer it to ‘Alī ibn Abī Ṭālib.” He said: “Go to him.” So they came to ‘Alī. ‘Alī picked up something from the ground and said: “The judgment in this is easier than this. To this one belongs what you gave her for what you made

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ الصَّمَدِ الْعَمِّيُّ، عَنْ بُدَيْلِ بْنِ مَيْسَرَةَ الْعَقِيلِيِّ، عَنْ ابْنِ الْوَضِيِّينَ، أَنَّ رَجُلًا تَزَوَّجَ إِلَى رَجُلٍ مِنْ أَهْلِ الشَّامِ ابْنَةً لَهُ، ابْنَةُ مُهَيَّرَةٍ فَزَوَّجَهُ، وَرَفَّتْ إِلَيْهِ ابْنَةُ أُخْرَى، بِنْتُ قَتَادَةَ فَسَأَلَهَا الرَّجُلُ بَعْدَ مَا دَخَلَ بِهَا: ابْنَةُ مَنْ أَنْتِ؟ قَالَتْ: ابْنَةُ فُلَانَةٍ، يَعْنِي قَتَادَةَ، فَقَالَ: إِنَّمَا تَزَوَّجْتُ إِلَى أُمِّكَ ابْنَةَ الْمُهَيَّرَةِ فَارْتَفَعُوا إِلَى مُعَاوِيَةَ بْنِ أَبِي سُفْيَانَ فَقَالَ: امْرَأَةٌ بِامْرَأَةٍ وَسَأَلَ مَنْ حَوْلَهُ مِنْ أَهْلِ الشَّامِ فَقَالَ: امْرَأَةٌ بِامْرَأَةٍ فَقَالَ الرَّجُلُ: يَا مُعَاوِيَةُ، ارْفَعْهَا إِلَيَّ عَلَيَّ بْنُ أَبِي طَالِبٍ فَقَالَ: اذْهَبُوا إِلَيْهِ فَأَتَوْا عَلِيًّا فَرَفَعَ عَلِيٌّ مِنَ الْأَرْضِ شَيْئًا فَقَالَ: الْقَضَاءُ فِي هَذَا أَيْسَرُ مِنْ هَذَا، لِهَذِهِ مَا سُقَّتْ إِلَيْهَا بِمَا اسْتَحْلَلْتَ مِنْ فَرْجِهَا، فَعَلَى أَبِيهَا أَنْ يُجْزِيَ الْأُخْرَى، بِمَا سُقَّتْ إِلَيْ هَذِهِ، وَلَا تُقَرِّبَهَا حَتَّى تَنْقُضِيَ عِدَّةَ هَذِهِ الْأُخْرَى قَالَ: وَأَحْسَبُ أَنَّه جَلَدَ أَبَاهَا أَوْ أَرَادَ أَنْ يَجْلِدَهُ

[16361] Abū Bakr said: ‘Alī ibn Mushir and Abū Mu‘āwiyah told us, from Ḥajjāj, from ‘Abd al-Malik ibn Mughīrah al-Ṭā’ifī, from ‘Abd al-Raḥmān ibn al-Baylamānī, the freed slave of ‘Umar, who said: The Messenger of Allah ﷺ delivered a sermon and said: “Marry off the single among you.” A man stood up to him and said: “O Messenger of Allah, what are the ties (dowries) between them?” He said: “Whatever their families agree upon.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَلِيُّ بْنُ مُسْهِرٍ، وَأَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ مُغِيرَةَ الطَّائِفِيِّ، عَنْ عَبْدِ الرَّحْمَنِ ابْنِ الْبَيْلَمَانِيِّ، مَوْلَى عُمَرَ قَالَ: خَطَبَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: أَنْكِحُوا الْأَيَامَى مِنْكُمْ، فَقَامَ إِلَيْهِ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ، مَا الْعَلَائِقُ بَيْنَهُمْ؟ قَالَ: بِمَا تَرَاضَى عَلَيْهِ أَهْلُوهُمْ

[16362] Wakī‘ told us, from Ibn Abī Labīd, from his grandfather who said: The Messenger of Allah ﷺ said: “Whoever makes [marriage] lawful with a dirham has indeed made it lawful.” He said: I heard Wakī‘ giving Fatwa with it, saying: “He marries her for a dirham.”

حَدَّثَنَا وَكَيْعٌ، عَنْ ابْنِ أَبِي لَبِيدٍ، عَنْ جَدِّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ اسْتَحَلَ بِدِرْهَمٍ فَقَدْ اسْتَحَلَ قَالَ: وَسَمِعْتُ وَكَيْعًا يُفْتِي بِهِ يَقُولُ: يَنْزَوِجُهَا بِدِرْهَمٍ

[16363] Wakī' told us, from Sufyān, from 'Āsim ibn 'Ubayd Allāh, from 'Abd Allāh ibn 'Āmir ibn Rabī'ah, from his father: That a man married during the time of the Messenger of Allah ﷺ for a pair of sandals, and the Prophet ﷺ validated his marriage.

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَاصِمِ بْنِ عُبَيْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَامِرِ بْنِ رَبِيعَةَ، عَنْ أَبِيهِ، أَنَّ رَجُلًا تَزَوَّجَ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى نَعْلَيْنِ فَأَجَّازَ النَّبِيُّ نِكَاحَهُ

[16364] Abū Bakr told us, from Ḥusayn ibn 'Alī, from Zā'idah, from Abū Ḥāzim, from Sahl ibn Sa'd: That the Prophet ﷺ married a man to a woman on the condition that he teach her a Surah from the Quran.

حَدَّثَنَا أَبُو بَكْرٍ عَنْ حُسَيْنِ بْنِ عَلِيٍّ، عَنْ زَائِدَةَ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ زَوَّجَ رَجُلًا امْرَأَةً عَلَى أَنْ يُعَلِّمَهَا سُورَةً مِنَ الْقُرْآنِ

[16365] Wakī' told us, from Sufyān, from Ismā'il, from his father, from Sa'id ibn al-Musayyib who said: "If she were satisfied with a whip, it would be a dowry."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ إِسْمَاعِيلَ، عَنْ أَبِيهِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لَوْ رَضِيَتْ بِسَوْطٍ كَانَ مَهْرًا

[16366] Abū Mu'āwiyah told us, from Ḥajjāj, from Qatādah, from Anas who said: "'Abd al-Raḥmān ibn 'Awf married for the weight of a date stone of gold, valued at three and a third dirhams."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ، قَالَ: تَزَوَّجَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ عَلَى وَزْنِ نَوَاقِ مِنْ ذَهَبٍ، فُؤِمَتْ ثَلَاثَةُ دَرَاهِمٍ وَثُلُثٌ

[16367] Hafṣ ibn Ghiyāth told us, from ‘Amr, from Al-Ḥasan who said: “Whatever the husband and wife agree upon is a dowry.”

حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ عَمْرِو، عَنْ الْحَسَنِ، قَالَ: مَا تَرَاضَى عَلَيْهِ الزَّوْجُ وَالْمَرْأَةُ مِنْ شَيْءٍ، فَهُوَ مَهْرٌ

[16368] Ibn Numayr told us, from ‘Abd al-Malik, from ‘Atā’ regarding a man marrying for ten dirhams. He said: “The Muslims used to marry for less than that and more.”

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ فِي الرَّجُلِ يَتَزَوَّجُ عَلَى عَشْرَةِ دَرَاهِمٍ قَالَ: قَدْ كَانَ الْمُسْلِمُونَ يَتَزَوَّجُونَ عَلَى أَقَلِّ مِنْ ذَلِكَ وَأَكْثَرَ

[16369] Ibn ‘Ulayyah told us, from Muṣliḥ ibn Muslim who said: I said to Al-Sha‘bī: “A man married a woman for a dirham.” He said: “It is not valid except with a garment or something [substantial].”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ مُصْلِحِ بْنِ مُسْلِمٍ، قَالَ: قُلْتُ لِلشَّعْبِيِّ: رَجُلٌ تَزَوَّجَ امْرَأَةً بِدِرْهَمٍ قَالَ: لَا تَصْلَحُ إِلَّا بِثَوْبٍ أَوْ بِشَيْءٍ

[16370] Mu‘tamir ibn Sulaymān told us, from Ibn ‘Awn who said: I asked Al-Ḥasan: “What is the minimum a man marries upon?” He said: “A date stone of gold, or the weight of a date stone of gold.”

حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ ابْنِ عَوْنٍ، قَالَ: سَأَلْتُ الْحَسَنَ مَا أَذْنَى مَا يَتَزَوَّجُ الرَّجُلُ عَلَيْهِ؟ قَالَ: نَوَاقِثُ مِنْ ذَهَبٍ، أَوْ وَزْنُ نَوَاقِثٍ مِنْ ذَهَبٍ

[16371] Ḥaḥṣ told us, from Ash‘ath and Hishām, from Ibn Sīrīn, from Abū al-‘Ajfā’ al-Aslamī, from ‘Umar who said: “Do not exaggerate in the dowries of women. For if it were an honor in this world or piety before Allah, Muhammad ﷺ would have been the most entitled and worthiest of you to it. He did not marry any of his daughters nor did he marry any of his wives except for twelve Uqiyahs.”

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، وَهَيْثَامَ، عَنِ ابْنِ سِيرِينَ، عَنْ أَبِي الْعَجْفَاءِ الْأَسْلَمِيِّ، عَنْ عُمَرَ، قَالَ: لَا تُغَالُوا فِي مَهْوَرِ النِّسَاءِ، فَإِنَّهَا لَوْ كَانَتْ مَكْرُمَةً فِي الدُّنْيَا، أَوْ تَقْوَى عِنْدَ اللَّهِ، لَكَانَ أَحَقَّكُمْ بِهَا مُحَمَّدًا وَأَوْلَاكُمْ، مَا رَوَّجَ بَنَاتًا مِنْ بَنَاتِهِ، وَلَا تَزَوَّجَ شَيْئًا مِنْ نِسَائِهِ، إِلَّا عَلَى اثْنَتَيْ عَشْرَةَ أُوقِيَّةً

[16372] Yazīd ibn Hārūn told us: Ibn ‘Awn informed us, from Ibn Sīrīn, from Abū al-‘Ajfā’ al-Aslamī who said: ‘Umar said: “Do not exaggerate the dowries of women.” Then he mentioned the like of Ḥaḥṣ's hadith.

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا ابْنُ عَوْنٍ، عَنِ ابْنِ سِيرِينَ، عَنْ أَبِي الْعَجْفَاءِ الْأَسْلَمِيِّ، قَالَ: قَالَ عُمَرُ: لَا تُغَالُوا صَدَاقَ النِّسَاءِ ثُمَّ ذَكَرَ مِثْلَ حَدِيثِ حَفْصٍ

[16373] Muḥammad ibn Fuḍayl told us, from Yaḥyā ibn Sa‘īd who said: Muḥammad ibn Ibrāhīm told me, saying: “The dowry of the Prophet's daughters and the dowry of his wives was five hundred dirhams.”

حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ إِبْرَاهِيمَ، قَالَ: كَانَ صَدَاقُ بَنَاتِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَصَدَاقُ نِسَائِهِ خَمْسَ مِائَةِ دِرْهَمٍ

[16374] Sharīk ibn ‘Abd Allāh told us, from Dāwūd al-Za‘āfirī, from Al-Sha‘bī who said: ‘Alī said: “There is no dowry less than ten dirhams.”

حَدَّثَنَا شَرِيكُ بْنُ عَبْدِ اللَّهِ، عَنْ دَاوُدَ الزَّعَفَرِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: قَالَ عَلِيٌّ: لَا مَهْرَ بِأَقَلِّ مِنْ عَشْرَةِ دِرَاهِمٍ

[16375] Wakī‘ told us, from Abū Dāwūd, from Nāfi‘: That ‘Umar “forbade increasing the dowry of women beyond four hundred.”

حَدَّثَنَا وَكَيْعٌ، عَنْ أَبِي دَاوُدَ، عَنْ نَافِعٍ، أَنَّ عُمَرَ، نَهَى أَنْ يُزَادَ صَدَاقُ النِّسَاءِ عَلَى أَرْبَعِ مِائَةٍ

[16376] Wakī‘ told us, from Shu‘bah, from Al-Ḥakam, from Ibrāhīm: “That he disliked getting married for less than forty.” Al-Ḥakam used to “see no harm in it.”

حَدَّثَنَا وَكَيْعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، أَنَّهُ كَرِهَ أَنْ يُتَزَوَّجَ عَلَى أَقَلِّ مِنْ أَرْبَعِينَ وَكَانَ الْحَكَمُ لَا يَرَى بِهِ بَأْسًا

[16377] Abū Mu‘āwiyah told us, from ‘Abd al-Raḥmān ibn ‘Abd Allāh ibn ‘Umar, from Nāfi‘ who said: “Ibn ‘Umar married Ṣafīyah for four hundred dirhams. She sent word to him that this was not enough for us, so he increased her by two hundred secretly from ‘Umar.”

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، قَالَ: تَزَوَّجَ ابْنُ عُمَرَ صَفِيَّةَ عَلَى أَرْبَعِ مِائَةِ دِرْهَمٍ، فَأَرْسَلَتْ إِلَيْهِ أَنَّ هَذَا لَا يَكْفِينَا، فَرَادَهَا مِائَتَيْنِ سِرًّا مِنْ عُمَرَ

[16378] Abū Bakr told us, from Jarīr ibn ‘Abd al-Ḥamīd, from Yahyā ibn Sa‘īd, from Sa‘īd ibn al-Musayyib who said: “The Sunnah in marriage is twelve and a half Uqiyyahs, which is five hundred dirhams.”

حَدَّثَنَا أَبُو بَكْرٍ عَنْ جَرِيرِ بْنِ عَبْدِ الْحَمِيدِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: السُّنَّةُ فِي النِّكَاحِ اثْنَا عَشَرَ أَوْقِيَّةً وَنِصْفَ، فَذَلِكَ خَمْسُ مِائَةِ دِرْهَمٍ

[16379] Ḥumayd ibn ‘Abd al-Raḥmān told us, from Ḥasan, from Abū Hārūn, from Abū Sa‘īd who said: “There is no sin on a man to marry with little or much of his wealth, if they agree and have witnesses.”

حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ، عَنْ أَبِي هَارُونَ، عَنْ أَبِي سَعِيدٍ، قَالَ: لَيْسَ عَلَى الرَّجُلِ جُنَاحٌ أَنْ يَتَزَوَّجَ بِقَلِيلٍ مِنْ مَالِهِ أَوْ كَثِيرٍ، إِذَا تَرَاضَا وَاشْهَدُوا

[16380] Ibn ‘Uyaynah told us, from Ayyūb, from Mūsā ibn Qisṭ: That Sa‘īd ibn al-Musayyib said: “If he gave her a whip as dowry, she would be lawful to him.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَيُّوبَ، عَنْ مُوسَى بْنِ قَيْسٍ، أَنَّ سَعِيدَ بْنَ الْمُسَيَّبِ، قَالَ: لَوْ أَصَدَّقَهَا سَوْطًا لَحَلَّتْ لَهُ

[16381] Abū Usāmah told us: Mūsā ibn ‘Abd Allāh told me, saying: Ishāq ibn ‘Abd Allāh ibn Abī Ṭalḥah al-Anṣārī told us: That the Messenger of Allah ﷺ “married Sawdah bint Zam‘ah for a house he inherited from one of his wives.”

حَدَّثَنَا أَبُو أُسَامَةَ، قَالَ: حَدَّثَنِي مُوسَى بْنُ عَبْدِ اللَّهِ، قَالَ: نَا إِسْحَاقُ بْنُ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ الْأَنْصَارِيُّ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَزَوَّجَ سَوْدَةَ بِنْتَ زَمْعَةَ عَلَى بَيْتٍ وَرِثَهُ مِنْ بَعْضِ نِسَائِهِ

[16382] Abū Khālid told us, from Al-A‘mash, from Ibrāhīm who said: “They used to dislike that a man marries for a dirham; the dirham is like the dowry of a prostitute.”

حَدَّثَنَا أَبُو خَالِدٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانُوا يَكْرَهُونَ أَنْ يَتَزَوَّجَ الرَّجُلُ عَلَى الدِّرْهَمِ، وَالدِّرْهَمُ، مِثْلُ مَهْرِ الْبَغِيِّ

[16383] Ghundar told us, from Abū Salamah, from Al-Sha‘bī who said: I heard him say: “They used to dislike marrying for less than three Uqiyyahs.”

حَدَّثَنَا غُنْدَرٌ، عَنْ أَبِي سَلَمَةَ، عَنِ الشَّعْبِيِّ، قَالَ: سَمِعْتُهُ يَقُولُ: كَانُوا يَكْرَهُونَ أَنْ يَتَزَوَّجَ عَلَى أَقَلِّ مِنْ ثَلَاثِ أَوَاقٍ

[16384] Yazīd ibn Hārūn told us, from Ḥammād ibn Salamah, from Ibn Sakhbarah, from Al-Qāsim, from ‘Ā’ishah who said: The Messenger of Allah ﷺ said: “The most blessed of women are those whose provision is easiest.”

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنِ ابْنِ سَكْبَرَةَ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَعْظَمُ النِّسَاءِ بَرَكَهً أَيْسَرُهُنَّ مُؤْنَةً

[16385] Yazīd ibn Hārūn told us: Yahyā ibn Sa‘īd informed us, from Muḥammad ibn Ibrāhīm al-Taymī: That Abū Ḥadrad al-Aslamī sought the help of the Messenger of Allah ﷺ regarding the dowry of a woman he married. The Messenger of Allah ﷺ asked him: “How much dowry did you give her?” He said: “Two hundred dirhams.” The Messenger of Allah ﷺ said: “If you were scooping from [the valley of] Buṭhān, you would not have increased [it].”

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ التَّيْمِيِّ، أَنَّ أَبَا حَدْرَدٍ الْأَسْلَمِيَّ، اسْتَعَانَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي مَهْرِ امْرَأَةٍ نَكَحَهَا، فَسَأَلَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: كَمْ أَصَدَقَهَا؟ فَقَالَ: مِائَتِي دِرْهَمٍ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَوْ كُنْتُمْ تَعْرِفُونَ مِنْ بَطْحَانَ مَا زِدْتُمْ

[16386] ‘Abdah told us, from Muḥammad ibn Ishāq, from Abū Ja‘far: “That Negus married the Prophet ﷺ to Umm Ḥabībah for four hundred dinars.”

حَدَّثَنَا عَبْدُهُ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ أَبِي جَعْفَرٍ، أَنَّ النَّجَاشِيَّ زَوَّجَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أُمَّ حَبِيبَةَ عَلَى أَرْبَعِ مِائَةِ دِينَارٍ

[16387] Wakī‘ told us, from Hishām ibn Sa‘d, from ‘Aṭā’ al-Khurāsānī: That ‘Umar “married Umm Kulthūm for forty thousand dirhams.”

حَدَّثَنَا وَكَيْعٌ، عَنْ هِشَامِ بْنِ سَعْدٍ، عَنْ عَطَاءِ الْخُرَاسَانِيِّ، أَنَّ عُمَرَ زَوَّجَ أُمَّ كُلْثُومٍ عَلَى أَرْبَعِينَ أَلْفَ دِرْهَمٍ

[16388] Jarīr ibn ‘Abd al-Ḥamīd told us, from Yazīd, from ‘Abd al-Raḥmān ibn Abī Laylā: That ‘Abd al-Raḥmān ibn ‘Awf “married a woman for thirty thousand.”

حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ يَزِيدَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ تَزَوَّجَ امْرَأَةً عَلَى ثَلَاثِينَ أَلْفًا

[16389] Abū Usāmah told us, from Abū al-‘Umayis, from Al-Mughīrah ibn Ḥakīm who said: “The first to set the dowry at four hundred dinars was ‘Umar ibn ‘Abd al-‘Azīz.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ أَبِي الْعُمَيْسِ، عَنِ الْمُغِيرَةِ بْنِ حَكِيمٍ، قَالَ: أَوَّلُ مَنْ سَنَّ الصَّدَاقَ أَرْبَعَ مِائَةِ دِينَارٍ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ

[16390] Abū Mu‘āwiyah told us, from Hishām, from Ibn Sīrīn, from Ibn ‘Abbās: “That he married Salamah al-Ghulaymiyyah for ten thousand.”

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ هِشَامٍ، عَنِ ابْنِ سِيرِينَ، عَنِ ابْنِ عَبَّاسٍ، أَنَّهُ تَزَوَّجَ سَلَمَةَ الْغُلَيْمِيَّةَ عَلَى عَشْرَةِ أَلْفٍ

[16391] Ibn ‘Ulayyah told us, from Ayyūb, from Nāfi‘: That Ibn ‘Umar used to “marry off a woman from his daughters for ten thousand.”

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، أَنَّ ابْنَ عُمَرَ، كَانَ يُزَوِّجُ الْمَرْأَةَ مِنْ بَنَاتِهِ عَلَى عَشْرَةِ أَلْفٍ

[16392] Abū Usāmah told us, from Mahdī, from Ghaylān, from Muṭarrif: “That he gave a dowry of twenty thousand to a woman he married from Banī ‘Uqayl.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ مَهْدِيٍّ، عَنْ غَيْلَانَ، عَنْ مُطَرِّفٍ، أَنَّهُ أَصْدَقَ امْرَأَةً تَزَوَّجَهَا مِنْ بَنِي عُقَيْلٍ عَشْرِينَ أَلْفًا

[16393] Abū Usāmah told us, from Ash‘ath, from Ibn Sīrīn: That ‘Umar “permitted giving a woman two thousand as dowry,” and ‘Uthmān permitted four thousand.

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ أَشْعَثَ، عَنِ ابْنِ سِيرِينَ، أَنَّ عُمَرَ، رَخَّصَ أَنْ يَصُدَّقَ الْمَرْأَةُ أَلْفَيْنِ وَرَخَّصَ عُثْمَانُ فِي أَرْبَعَةِ أَلْفٍ

[16394] Abū Mu‘āwiyah told us, from Ḥajjāj, from Abū Ishāq, from Kurayb ibn Hishām—who was one of the companions of ‘Abd Allāh—“That he married a woman for four thousand.”

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ كُرَيْبِ بْنِ هِشَامٍ وَكَانَ مِنْ أَصْحَابِ عَبْدِ اللَّهِ أَنَّهُ تَزَوَّجَ امْرَأَةً عَلَى أَرْبَعَةِ أَلْفٍ

[16395] Wakī‘ told us, from Abū Hilāl, from Ibn Sīrīn who said: ‘Amr ibn Ḥurayth proposed to ‘Adī ibn Ḥātim for his daughter. He refused except on his own judgment. So ‘Adī judged according to the Sunnah of the Prophet, four hundred and eighty. ‘Amr sent him ten thousand and said: “Prepare her [with it].”

حَدَّثَنَا وَكَيْعٌ، عَنْ أَبِي هِلَالٍ، عَنِ ابْنِ سِيرِينَ، قَالَ: خَطَبَ عَمْرُو بْنُ حُرَيْثٍ إِلَى عَدِيِّ بْنِ حَاتِمٍ ابْنَتَهُ، فَأَبَى إِلَّا عَلَى حُكْمِهِ، فَحَكَّمَ عَدِيُّ سُنَّةَ النَّبِيِّ ثَمَانِينَ وَأَرْبَعَ مِائَةٍ، فَبَعَثَ إِلَيْهِ عَمْرُو بِعَشْرَةِ أَلْفٍ فَقَالَ: جَهِّزْهَا

[16396] ‘Abd al-A‘lā told us, from Hishām, from Muḥammad: That Al-Ḥasan ibn ‘Alī “married a woman, so he sent her one hundred slave girls, with each slave girl a thousand dirhams.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، أَنَّ الْحَسَنَ بْنَ عَلِيٍّ تَزَوَّجَ امْرَأَةً، فَأَرْسَلَ إِلَيْهَا مِائَةَ جَارِيَةٍ، مَعَ كُلِّ جَارِيَةٍ أَلْفُ دِرْهَمٍ

[16397] Abū Bakr said: Hushaym informed us, from Yūnus, from Al-Ḥasan: That a man married a woman and kept it secret. He used to visit her at her home. A neighbor of hers saw him entering upon her and accused him of [illicit relations] with her. He took the dispute to ‘Umar ibn al-Khaṭṭāb and said: “O Commander of the Faithful, this man was entering upon a young woman, and I do not know him to have married her.” He said to him: “What do you say?” He said: “I married a woman for a small dowry, so I hid that.” He said: “Who witnessed for you?” He said: “I had some of her family witness.” He said: So he averted the punishment from his accuser and said: “Announce this marriage and protect these private parts.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: أَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّ رَجُلًا تَزَوَّجَ امْرَأَةً، فَأَسَرَ ذَلِكَ، فَكَانَ يَخْتَلِفُ إِلَيْهَا فِي مَنْزِلِهَا، فَرَأَاهُ جَارٌ لَهَا يَدْخُلُ عَلَيْهَا، فَقَدَّفَهُ بِهَا، فَخَاصَمَهُ إِلَى عُمَرَ بْنِ الْخَطَّابِ فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ هَذَا كَانَ يَدْخُلُ عَلَى جَارِيَةٍ، وَلَا أَعْلَمُهُ تَزَوَّجَهَا، فَقَالَ لَهُ: مَا تَقُولُ؟ فَقَالَ: تَزَوَّجْتُ امْرَأَةً عَلَى شَيْءٍ دُونَ فَأَخْفَيْتُ ذَلِكَ، قَالَ: فَمَنْ شَهِدَكُمْ؟ قَالَ: أَشْهَدْتُ بَعْضَ أَهْلِهَا، قَالَ: فَدَرَأَ الْحَدَّ عَنْ قَاضِيهِ، وَقَالَ: أَعْلِنُوا هَذَا النِّكَاحَ وَحَصِّنُوا هَذِهِ الْفُرُوجَ

[16398] Abū Usāmah told us, from Ḥammād ibn Zayd, from Hishām who said: My father used to say: “Secret marriage is not valid.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ حَمَّادِ بْنِ زَيْدٍ، عَنْ هِشَامٍ، قَالَ: كَانَ أَبِي يَقُولُ: لَا يَصْلَحُ نِكَاحُ السِّرِّ

[16399] Zayd ibn Ḥubāb told us, from Dāwūd ibn Ḥusayn who said: I heard Nāfi‘, the freed slave of Ibn ‘Umar, saying: “There is no secret marriage in Islam.”

حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ دَاوُدَ بْنِ حُسَيْنٍ، قَالَ: سَمِعْتُ نَافِعًا مَوْلَى ابْنِ عُمَرَ، يَقُولُ: لَيْسَ فِي الْإِسْلَامِ نِكَاحُ السِّرِّ

[16400] Abū Nu‘aym told us, from Sufyān, from Ziyād ibn Fayyād, from ‘Abd Allāh ibn ‘Utbah who said: “The worst marriage is the secret one.”

حَدَّثَنَا أَبُو نُعَيْمٍ، عَنْ سُفْيَانَ، عَنْ زِيَادِ بْنِ فَيَّاضٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، قَالَ: أَشْرُّ النِّكَاحِ السِّرُّ

[16401] Abū Bakr said: Ḥafṣ ibn Ghiyāth told us, from Layth, from ‘Aṭā’ who said: A bride was passed by the Prophet ﷺ, so he said: “If only there were some entertainment with this.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا حَفْصُ بْنُ غِيَاثٍ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، قَالَ: مَرَّ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَعْرُوسٍ فَقَالَ: لَوْ كَانَ مَعَ هَذَا لَهَوٌّ

[16402] Ibn ‘Ulayyah told us, from Ayyūb, from Ibn Sīrīn who said: I was informed that when ‘Umar heard a sound, he would disapprove of it and ask about it. If it was said: “A wedding or circumcision,” he would approve it.

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ أَيُّوبَ، عَنْ ابْنِ سِيرِينَ، قَالَ: نُبِّئْتُ أَنَّ عُمَرَ كَانَ إِذَا اسْتَمَعَ صَوْتًا أَنْكَرَهُ، وَسَأَلَ عَنْهُ، فَإِنْ قِيلَ عُرْسٌ أَوْ خِتَانٌ أَقَرَّهُ

[16403] Wakī‘ told us, from Usāmah ibn Zayd, from a Sheikh from Banī Salimah, from Qatādah that he said to a girl playing the tambourine at a wedding: “Continue, continue (or Play louder/faster).”

حَدَّثَنَا وَكَيْعٌ، عَنْ أُسَامَةَ بْنِ زَيْدٍ، عَنْ شَيْخٍ، مِنْ بَنِي سَلَمَةَ، عَنْ قَتَادَةَ أَنَّهُ قَالَ لِجَارِيَةٍ فِي عُرْسٍ تَضْرِبُ بِالْذُّفِّ: ارْغَفِي ارْغَفِي

[16404] Ismā‘il ibn ‘Ayyāsh told us, from ‘Abd al-‘Azīz ibn ‘Ubayd Allāh, from Muḥammad ibn ‘Amr ibn ‘Aṭā’, from Abū Salamah ibn ‘Abd al-Raḥmān who said: “Indeed, the tambourine was played on the night of your father, and singing took place over the head of ‘Abd al-Raḥmān ibn ‘Awf.”

حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ، عَنْ عَبْدِ الْعَزِيزِ بْنِ عَبْدِ اللَّهِ، عَنْ مُحَمَّدِ بْنِ عَمْرٍو بْنِ عَطَاءٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: لَقَدْ ضَرَبَ لَيْلَةَ أَبِيكَ بِالْذُّفِّ، وَغَنَّى عَلَى رَأْسِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ

[16405] Sharīk told us, from Abū Ishāq, from ‘Āmir ibn Sa’d who said: I entered upon Ibn Mas‘ūd and Qarazah ibn Ka‘b, and they had girls singing. I said: “You do this while you are the companions of the Messenger of Allah ﷺ?” He said: He said: “We were granted a concession for amusement at

حَدَّثَنَا شَرِيكٌ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَامِرِ بْنِ سَعْدٍ، قَالَ: دَخَلْتُ عَلَى ابْنِ مَسْعُودٍ، وَقَرِظَةَ بْنِ كَعْبٍ وَعِنْدَهُمَا جَوَارٍ تُغَنِينَ فَقُلْتُ: أَتَفْعَلُونَ هَذَا وَأَنْتُمْ أَصْحَابُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟، قَالَ: فَقَالَ: إِنَّهُ رُخِّصَ لَنَا فِي اللَّهْوِ عِنْدَ الْعُرْسِ

[16406] Shabābah told us, from Shu‘bah, from Abū Balj, from Muḥammad ibn Ḥātib: “The distinction between the lawful and the unlawful is the sound,” meaning beating the tambourine.

حَدَّثَنَا شَبَابَةُ، عَنْ شُعْبَةَ، عَنْ أَبِي بَلَجٍ، عَنْ مُحَمَّدِ بْنِ حَاطِبٍ: فَصْلٌ مَا بَيْنَ الْحَلَالِ وَالْحَرَامِ الصَّوْتُ، يَعْنِي الضَّرْبَ بِالْذُفِّ

[16407] Ghundar told us, from Shu‘bah who said: I heard Abū Ishāq narrating from ‘Amr ibn Rabī‘ah that he said: I was with Thābit ibn Wadī‘ah and Qarazah ibn Ka‘b at a wedding, and I heard the sound of singing. I said: “Do you not hear?” He said: “We have been granted a concession for singing at weddings and weeping over the dead without wailing.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، قَالَ: سَمِعْتُ أَبَا إِسْحَاقَ، يُحَدِّثُ، عَنْ عَمْرِو بْنِ رَبِيعَةَ، أَنَّهُ قَالَ: كُنْتُ مَعَ ثَابِتِ بْنِ وَدِيعَةَ وَقَرِظَةَ بْنِ كَعْبٍ فِي عُرْسٍ فَسَمِعْتُ صَوْتَ غِنَاءٍ، فَقُلْتُ: أَلَا تَسْمَعَانِ؟ فَقَالَ: إِنَّهُ قَدْ رُخِّصَ لَنَا فِي الْغِنَاءِ عِنْدَ الْعُرْسِ، وَالْبُكَاءِ عَلَى الْمَيِّتِ مِنْ غَيْرِ نِيَاحَةٍ

[16408] Mu‘ādh ibn Mu‘ādh told us: Ibn ‘Awn told us, saying: There was a marriage contract in the family of Muḥammad (Ibn Sirīn). When they finished and Muḥammad returned to his home, he said to them: “Where is your food?” Ibn ‘Awn said: “Meaning the tambourine.”

حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، قَالَ: نَا ابْنُ عَوْنٍ، قَالَ: كَانَ فِي آلِ مُحَمَّدٍ مِلَاكٌ فَلَمَّا أَنْ فَرَّغُوا وَرَجَعَ مُحَمَّدٌ إِلَى مَنْزِلِهِ قَالَ لَهُنَّ: وَأَيُّنَ طَعَامُكُنَّ. قَالَ ابْنُ عَوْنٍ:، يَعْنِي الذُّفَّ،

[16409] Abū Mu‘āwiyah told us, from Al-A‘mash, from Abū Ishāq, from a man who said: Ibn Mas‘ūd entered a wedding where there were wind instruments and amusement. He sat down and did not forbid it.

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ أَبِي إِسْحَاقَ، عَنْ رَجُلٍ، قَالَ: دَخَلَ ابْنُ مَسْعُودٍ عُرْسًا فِيهِ مَزَامِيرٌ وَلَهُمْ فَفَعَدَ وَلَمْ يَنْهَ عَنْهُ

[16410] Sharīk told us, from Jābir, from ‘Ikrimah, from Ibn ‘Abbās: “That he circumcised his sons and invited the players (entertainers), and gave them four dirhams,” or he said: “Three.”

حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ أَنَّهُ خَتَنَ بَنِيهِ فَدَعَا اللَّاعِبِينَ، فَأَعْطَاهُمْ أَرْبَعَةَ دَرَاهِمَ، أَوْ قَالَ: ثَلَاثَةً،

[16411] Ibn Fuḍayl told us, from Al-Ḥasan ibn ‘Ubayd Allāh, from Mu‘ādh al-‘Ammī, from Shurayḥ: That he heard the sound of a tambourine and said: “The angels do not enter a house in which there is a tambourine.”

حَدَّثَنَا ابْنُ فَضَالٍ، عَنِ الْحَسَنِ بْنِ عُبَيْدٍ اللَّهِ، عَنْ مُعَاذِ الْعَمِّيِّ، عَنْ شُرَيْحٍ أَنَّهُ سَمِعَ صَوْتَ دُفٍّ فَقَالَ: الْمَلَائِكَةُ لَا يَدْخُلُونَ بَيْتًا فِيهِ دُفٌّ

[16412] Yaḥyā ibn Sa‘īd and Ibn Maḥdī told us, from Sufyān, from ‘Imrān ibn Salamah who said: Khaythamah said to me: I heard Suwayd saying: “The angels do not enter a house in which there is a tambourine.”

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، وَابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ عُمَرَ بْنِ سَلَمَةَ، قَالَ: قَالَ لِي خَيْثَمَةُ: أَنَا سَمِعْتُ سُوَيْدًا، يَقُولُ: لَا تَدْخُلُ الْمَلَائِكَةُ بَيْتًا فِيهِ دُفٌّ

[16413] Yaḥyā ibn Sa‘īd told us, from Sufyān, from Maṣṣūr, from Ibrāhīm who said: “The companions of ‘Abd Allāh used to encounter slave girls in the alleys with tambourines, and they would tear them (the tambourines).”

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ، عَنْ مَصْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانَ أَصْحَابُ عَبْدِ اللَّهِ يَسْتَقْبِلُونَ الْجَوَارِيَ فِي الْأَزْفَةِ مَعَهُنَّ الدُّفُّ فَيَشُقُّونَهَا

[16414] Abū Bakr said: Abū Bakr ibn ‘Ayyāsh told us, from Mughīrah, from Al-Qāsim: That ‘Abd Allāh ibn Ja‘far “combined the daughter of ‘Alī and his wife,” meaning from another woman.

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ، عَنْ مُغِيرَةَ، عَنِ الْقَاسِمِ، أَنَّ عَبْدَ اللَّهِ بْنَ جَعْفَرٍ جَمَعَ بَيْنَ ابْنَةِ عَلِيٍّ وَامْرَأَتِهِ، يَعْنِي مِنْ غَيْرِهَا

[16415] Ibn ‘Ulayyah told us, from Ayyūb, from ‘Ikrimah ibn Khālid: That ‘Abd Allāh ibn Ṣafwān “married the wife of a man from Thaḳīf and his daughter,” meaning from another woman.

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ أَيُّوبَ، عَنْ عِكْرَمَةَ بْنِ خَالِدٍ، أَنَّ عَبْدَ اللَّهِ بْنَ صَفْوَانَ تَزَوَّجَ امْرَأَةً رَجُلٍ مِنْ ثَقِيفٍ وَابْنَتَهُ، يَعْنِي مِنْ غَيْرِهَا

[16416] Al-Thaqafī told us, from Ibn ‘Ulayyah, from Ayyūb: Muḥammad ibn Sīrīn was asked about that, and he saw no harm in it and said: “I was informed that it was permitted by a man who was in Egypt; he married the Umm Walad of a man and his daughter,” meaning from another woman.

حَدَّثَنَا النَّفَّيُّ، عَنِ ابْنِ عُيَيْيَةَ، عَنْ أَيُّوبَ: سُئِلَ عَنْ ذَلِكَ مُحَمَّدُ بْنُ سِيرِينَ فَلَمْ يَرِ بِهِ بَأْسًا وَقَالَ: نُبَيِّنُ أَنَّ حَلَّهُ رَجُلٌ كَانَ يَكُونُ بِمِصْرٍ تَزَوَّجَ أُمَّ وَلَدِ رَجُلٍ، وَابْنَتَهُ، يَعْنِي مِنْ غَيْرِهَا

[16417] Al-Thaqafī told us, from Ayyūb who said: I was informed about Sa’d ibn Farḥā, a man from the companions of the Prophet ﷺ: “He combined the wife of a man and his daughter from another woman.”

حَدَّثَنَا النَّفَّيُّ، عَنْ أَيُّوبَ، قَالَ: نُبَيِّنُ عَنْ سَعْدِ بْنِ فَارْحَةَ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَمَعَ بَيْنَ امْرَأَةِ رَجُلٍ وَابْنَتِهِ مِنْ غَيْرِهَا

[16418] ‘Abd al-Salām told us, from ‘Āṣim, from Al-Sha‘bī who said: “There is no harm if a man combines the Umm Walad of a man and his daughter,” meaning from another woman.

حَدَّثَنَا عَبْدُ السَّلَامِ، عَنْ عَاصِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: لَا بَأْسَ أَنْ يَجْمَعَ الرَّجُلُ بَيْنَ أُمَّ وَلَدِ رَجُلٍ، وَابْنَتِهِ، يَعْنِي مِنْ غَيْرِهَا

[16419] ‘Abd al-Salām told us, from Layth, from Mujāhid who said: “There is no harm if a man combines the wife of a man and his daughter,” meaning from another woman.

حَدَّثَنَا عَبْدُ السَّلَامِ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: لَا بَأْسَ أَنْ يَجْمَعَ الرَّجُلُ بَيْنَ امْرَأَةِ الرَّجُلِ، وَابْنَتِهِ، يَعْني مِنْ غَيْرِهَا

[16420] Ibn Idrīs told us, from Hishām, from Ibn Sīrīn who said: “There is no harm if a man combines the daughter of a man and her father's wife.” But Al-Ḥasan disliked it.

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: لَا بَأْسَ أَنْ يَجْمَعَ الرَّجُلُ بَيْنَ ابْنَةِ الرَّجُلِ، وَامْرَأَةِ أَبِيهَا وَإِنَّ الْحَسَنَ كَرِهَهُ

[16421] Ibn ‘Ulayyah told us, from Salamah ibn ‘Alqamah who said: Al-Ḥasan was asked about that, and he disliked it. Someone said to him: “O Abū Sa‘īd, do you see anything (kinship) between them?” He said: “I do not see anything between them.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ سَلَمَةَ بْنِ عَلْقَمَةَ، قَالَ: سُئِلَ الْحَسَنُ عَنْ ذَلِكَ، فَكَرِهَهُ، فَقَالَ لَهُ بَعْضُ: يَا أَبَا سَعِيدٍ هَلْ تَرَى بَيْنَهُمَا شَيْئًا؟ فَقَالَ: لَا أَرَى بَيْنَهُمَا شَيْئًا

[16422] Shabābah told us, from Layth, from Sa‘d, from Yazīd ibn Abī Ḥabīb, from Sulaymān ibn Yasār that he used to say: “There is no harm if a man combines a woman and her father's wife.”

حَدَّثَنَا شَبَابَةُ، عَنْ لَيْثٍ، عَنْ سَعْدٍ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ أَنَّهُ كَانَ يَقُولُ: لَا بَأْسَ أَنْ يَجْمَعَ الرَّجُلُ بَيْنَ الْمَرْأَةِ وَبَيْنَ امْرَأَةِ أَبِيهَا

[16423] Mu‘ādh ibn Mu‘ādh told us, from Ibn ‘Awn who said: I asked Muḥammad, and he said: “I do not know of any harm in it.”

حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ، عَنِ ابْنِ عَوْنٍ، قَالَ: سَأَلْتُ مُحَمَّدًا، فَقَالَ: لَا أَعْلَمُ بِهِ بَأْسًا

[16424] Ibn ‘Ulayyah told us, from Ayyūb who said: Al-Ḥasan was asked about a man marrying the wife of a man and his daughter, and he “disliked that,” meaning from another woman.

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ أَيُّوبَ، قَالَ: سُئِلَ الْحَسَنُ عَنِ الرَّجُلِ يَتَزَوَّجُ امْرَأَةَ الرَّجُلِ، وَابْنَتَهُ فَكَرِهَ ذَلِكَ، يَعْنِي مِنْ غَيْرِهَا

[16425] Shabābah told us, from Shu‘bah, from Fuḍayl, from Ibn Sīrīn, from ‘Ikrimah: “That he used to dislike that a man combines a woman and her father's wife.”

حَدَّثَنَا شَبَابَةُ، عَنْ شُعْبَةَ، عَنْ فُضَيْلٍ، عَنِ ابْنِ سِيرِينَ، عَنْ عِكْرِمَةَ أَنَّهُ كَانَ يَكْرَهُ أَنْ يَجْمَعَ الرَّجُلُ بَيْنَ الْمَرْأَةِ، وَبَيْنَ امْرَأَةِ أَبِيهَا

[16426] Abū Bakr said: Mu‘tamir told us, from Muḥammad ibn Tamīm, from Muḥammad ibn ‘Abd al-Raḥmān al-Salmānī, from his father, from Ibn ‘Umar who said: The Prophet of Allah was asked about what is acceptable regarding witnesses in breastfeeding (Raḍā‘ah). He said: “A man and a woman.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا مُعْتَمِرٌ، عَنْ مُحَمَّدِ بْنِ تَمِيمٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ السَّلْمَانِيِّ، عَنْ أَبِيهِ، عَنِ ابْنِ عُمَرَ، قَالَ: سُئِلَ نَبِيُّ اللَّهِ مَا يَجُوزُ فِي الرِّضَاعِ مِنَ الشُّهُودِ؟ قَالَ: رَجُلٌ وَامْرَأَةٌ

[16427] ‘Īsā ibn Yūnus told us, from ‘Umar ibn Sa‘īd ibn Abī Ḥusayn, who said: ‘Abd Allāh ibn Abī Mulaykah told me, saying: ‘Uqbah ibn al-Ḥārith told me, saying: “I married the daughter of Abū Ihāb al-Taymī. On the morning after I possessed her, a freedwoman of the people of Mecca came and said: ‘I breastfed both of you.’ So ‘Uqbah rode to the Prophet ﷺ while he was in Medina and mentioned that to him, saying: ‘I asked the girl's family, and they denied it.’ He said: ‘How [can you keep her] when it has been said?’ So he separated from her, and she married someone else.”

حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ عُمَرَ بْنِ سَعِيدٍ بْنِ أَبِي حُسَيْنٍ، قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ أَبِي مُلَيْكَةَ، قَالَ: حَدَّثَنِي عُقْبَةُ بْنُ الْحَارِثِ، قَالَ: تَزَوَّجْتُ ابْنَةَ أَبِي إِهَابِ التَّيْمِيِّ فَلَمَّا كَانَتْ صَبِيحَةَ مَلَكَهَا، جَاءَتْ مَوْلَاةً لِأَهْلِ مَكَّةَ فَقَالَتْ: إِنِّي أَرْضَعُكُمَا فَرَكِبَ عُقْبَةُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَهُوَ بِالْمَدِينَةِ، فَذَكَرَ ذَلِكَ لَهُ وَقَدْ سَأَلْتُ أَهْلَ النَّجَارِيَةِ فَاذْكُرُوا، فَقَالَ: كَيْفَ وَقَدْ قِيلَ فَفَارَقَهَا وَتَكَحَّتْ غَيْرَهُ

[16428] ‘Abdah told us, from Sa‘īd, from Qatādah, from Jābir ibn Zayd, from Ibn ‘Abbās who said: “If the woman is trustworthy, her testimony regarding breastfeeding is accepted, and her oath is taken.”

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: إِذَا كَانَتْ الْمَرْأَةُ مَرْضِيَّةً، جَارَتْ شَهَادَتُهَا فِي الرِّضَاعَةِ، وَيُؤْخَذُ بِبَيْمِنِهَا

[16429] Ḥafṣ told us, from Ibn Abī Laylā, from ‘Ikrimah ibn Khālīd: That ‘Umar “rejected the testimony of one woman regarding breastfeeding.”

حَدَّثَنَا حَفْصٌ، عَنِ ابْنِ أَبِي لَيْلَى، عَنْ عِكْرِمَةَ بْنِ خَالِدٍ، أَنَّ عُمَرَ رَدَّ شَهَادَةَ امْرَأَةٍ فِي الرِّضَاعِ

[16430] Ḥafṣ told us, from Khilās ibn Ṣāliḥ, from Bakr ibn Qā’id: That a woman came to a man who had married a woman and claimed that she had breastfed both of them. He went to ‘Alī and asked him. He said: “She is your wife; no one makes her forbidden to you. But if you refrain [as a precaution], that is better.” He also asked Ibn ‘Abbās, and he said the like of that.

حَدَّثَنَا حَفْصٌ، عَنْ خِلَاسِ بْنِ صَالِحٍ، عَنْ بَكْرِ بْنِ قَائِدٍ، أَنَّ امْرَأَةً جَاءَتْ إِلَى رَجُلٍ تَزَوَّجَ امْرَأَةً، فَزَعَمَتْ أَنَّهَا قَدْ أَرْضَعَتْهُمَا، فَأَتَى عَلِيًّا فَسَأَلَهُ فَقَالَ: هِيَ امْرَأَتُكَ لَيْسَ أَحَدٌ يُحَرِّمُهَا عَلَيْكَ، وَإِنْ تَنَزَّهْتَ فَهُوَ أَفْضَلُ وَسَأَلَ ابْنَ عَبَّاسٍ فَقَالَ مِثْلَ ذَلِكَ

[16431] Abū Bakr told us, from Ma’n ibn ‘Īsā, from Ibn Abī Dhi’b, from Al-Zuhrī who said: “I was informed that a woman in the time of ‘Uthmān came to a household and said: ‘I breastfed you.’ So he separated them.”

حَدَّثَنَا أَبُو بَكْرٍ عَنْ مَعْنِ بْنِ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: "تُبْنِتُ أَنَّ امْرَأَةً فِي زَمَانِ عُثْمَانَ جَاءَتْ إِلَى أَهْلِ بَيْتٍ، فَقَالَتْ: قَدْ أَرْضَعْتُكُمْ فَفَرَّقَ بَيْنَهُمَا

[16432] Wakī‘ told us, from Sufyān, from Jābir, from ‘Āmir who said: “The judges used to separate a man and his wife based on the testimony of one woman regarding breastfeeding.”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: كَانَتْ الْقُضَاةُ يُفَرِّقُونَ بَيْنَ الرَّجُلِ وَامْرَأَتِهِ بِشَهَادَةِ الْمَرْأَةِ فِي الرِّضَاعِ

[16433] Ma’n ibn ‘Īsā told us, from Ibn Abī Dhi’b, from Al-Zuhri who said: “The testimony of a rational woman is accepted regarding breastfeeding.”

حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذُنُبٍ، عَنْ الزُّهْرِيِّ، قَالَ: شَهَادَةُ الْمَرْأَةِ الْعَاقِلَةِ تَجُوزُ فِي الرِّضَاعَةِ

[16434] Jarīr ibn ‘Abd al-Ḥamīd told us, from Maṣṣūr, from Ṭalḥah, from Khaythamah who said: “The Messenger of Allah ﷺ married a Muslim man who had nothing, and ordered his wife to enter upon him. That man later became one of the nobles of the Muslims.”

حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مَاصُورٍ، عَنْ طَلْحَةَ، عَنْ خَيْثَمَةَ، قَالَ: زَوَّجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلًا مِنَ الْمُسْلِمِينَ لَمْ يَكُنْ لَهُ شَيْءٌ، فَأَمَرَ بِامْرَأَتِهِ أَنْ تَدْخُلَ عَلَيْهِ، فَصَارَ ذَلِكَ الرَّجُلُ بَعْدُ مِنْ أَشْرَافِ الْمُسْلِمِينَ

[16435] Abū Bakr told us, from Abū Mu‘āwiyah, from Ḥajjāj, from Al-Rukayn, from his father who said: “Fulān ibn Harim married Laylā bint al-‘Ajmā’ during the time of ‘Umar, and he consummated the marriage with her without giving her anything of her dowry.”

حَدَّثَنَا أَبُو بَكْرٍ عَنْ أَبِي مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ الرُّكَيْنِ، عَنْ أَبِيهِ، قَالَ: تَزَوَّجَ فُلَانُ بْنُ هَرِمٍ لَيْلَى بِنْتَ الْعَجْمَاءِ فِي زَمَنِ عُمَرَ فَدَخَلَ بِهَا، وَلَمْ يُعْطِهَا شَيْئًا مِنْ صَدَاقِهَا

[16436] Abū Mu‘āwiyah told us, from Ḥajjāj, from Abū Ishāq, from Kurayb ibn Hishām—who was one of the companions of ‘Abd Allāh: That he “married a woman for four thousand, then consummated the marriage with her before giving her anything of her dowry.”

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ كُرَيْبِ بْنِ هِشَامٍ، وَكَانَ مِنْ أَصْحَابِ عَبْدِ اللَّهِ أَنَّهُ زَوَّجَ امْرَأَةً عَلَى أَرْبَعَةِ أَلْفٍ، ثُمَّ دَخَلَ بِهَا قَبْلَ أَنْ يُعْطِيََهَا شَيْئًا مِنْ صَدَاقِهَا

[16437] Wakī‘ told us, from Hishām, from Qatādah, from Sa‘īd ibn al-Musayyib who said: “The people of Medina differed regarding it; some disliked it, and some permitted it. Whichever is done, there is no harm.”

حَدَّثَنَا وَكَيْعٌ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: اخْتَلَفَ فِيهِ أَهْلُ الْمَدِينَةِ فَمِنْهُمْ مَنْ كَرِهَهُ، وَمِنْهُمْ مَنْ رَخَّصَ فِيهِ وَأَيُّ ذَلِكَ فَعِلَ فَلَا بَأْسَ

[16438] ‘Abdah told us, from Ibn Abī ‘Arūbah, from Qatādah, from Sa‘īd ibn al-Musayyib who said: “If she is pleased with him, he saw no harm in that.”

حَدَّثَنَا عَبْدُهُ، عَنْ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: إِذَا كَانَتْ بِهِ رَاضِيَةً لَمْ يَرَ بِذَلِكَ بَأْسًا

[16439] Ḥafṣ told us, from Hishām, from Al-Ḥasan who said: “There is no harm in it.”

حَدَّثَنَا حَفْصٌ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: لَا بَأْسَ بِهِ

[16440] Wakī‘ told us, from ‘Alī ibn al-Mubārak, from Yaḥyā, from ‘Ikrimah: That when ‘Alī wanted to consummate the marriage with Fāṭimah, the Prophet ﷺ said to him: “Present something [as dowry].”

حَدَّثَنَا وَكَيْعٌ، عَنْ عَلِيِّ بْنِ الْمُبَارَكِ، عَنْ يَحْيَى، عَنْ عِكْرِمَةَ، أَنَّ عَلِيًّا، لَمَّا أَرَادَ أَنْ يَبْنِيَ بِفَاطِمَةَ قَالَ لَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: قَدِّمْ شَيْئًا

[16441] Hushaym told us, from Abū Ḥamzah who said: I witnessed Ibn ‘Abbās when a man asked him that he married a woman and found it difficult to pay her dowry. Ibn ‘Abbās said to him: “Could you not find anything but your sandals? Give them to her, then enter upon her.”

حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي حَمْزَةَ، قَالَ: شَهِدْتُ ابْنَ عَبَّاسٍ وَسَأَلَهُ رَجُلٌ أَنَّهُ تَزَوَّجَ امْرَأَةً، فَعَسِرَ عَنْ صَدَاقِهَا، فَقَالَ لَهُ ابْنُ عَبَّاسٍ: أَوْ لَمْ تَجِدْ إِلَّا نَعْلَكَ فَأَعْطِهَا إِيَّاهَا، ثُمَّ ادْخُلْ بِهَا

[16442] Wakī' told us, from Sufyān, from Khuṣayf, from Sa'īd ibn Jubayr who said: "He gives her [something], even if it is a headscarf."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ خُصَيْفٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: يُعْطِيهَا وَلَوْ خِمَارًا

[16443] Ḥafṣ told us, from Hishām, from Ibn Sirīn: That he used to say: "He throws upon her even a garment, then enters upon her."

حَدَّثَنَا حَفْصٌ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: كَانَ يَقُولُ: يُلْقِي عَلَيْهَا وَلَوْ ثَوْبًا، ثُمَّ يَدْخُلُ بِهَا

[16444] Wakī' told us, from Sufyān, from Yūnus, from Al-Ḥasan; and from Manṣūr, from Ibrāhīm: That they both "disliked that he enters upon her without giving her anything of her dowry."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، وَعَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ أَنَّهِمَا كَرِهَا أَنْ يَدْخُلَ بِهَا، وَلَمْ يُعْطِهَا مِنْ صَدَاقِهَا شَيْئًا

[16445] Zayd ibn Ḥubāb told us, from Al-Ḍaḥḥāk ibn 'Uthmān who said: Al-Zuhrī was asked about a man who married a woman and was capable of paying her dowry, can he enter upon her without giving her anything? He said: "The Sunnah has passed that he should not enter upon her until he gives her something."

حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنِ الضَّحَّاكِ بْنِ عُثْمَانَ، قَالَ: سَأَلَ الزُّهْرِيُّ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً وَهُوَ مَلِيٌّ لِمَصْدَاقِهَا أَيْدْخُلُ بِهَا وَلَمْ يُعْطِهَا شَيْئًا؟ قَالَ: مَضَتْ السُّنَّةُ أَنْ لَا يَدْخُلَ بِهَا حَتَّى يُعْطِيَهَا شَيْئًا

[16446] ‘Abdah told us, from Sa‘īd, حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، قَالَ: يُهْدِي شَيْئًا شَيْئًا from Qatādah who said: “He gives something, anything.”

[16447] Hishām ibn al-Ghāz told us, from Nāfi‘, from Ibn ‘Umar who said: “It is not lawful for a Muslim to enter upon a woman (his wife) until he presents something to her, be it little or much.” حَدَّثَنَا هِشَامُ بْنُ الْغَزَارِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: لَا يَحِلُّ لِمُسْلِمٍ أَنْ يَدْخُلَ عَلَى امْرَأَةٍ، حَتَّى يَقْدِمَ عَلَيْهَا بِأَقْلٍ أَوْ أَكْثَرٍ

[16448] Ibn ‘Ulayyah told us, from Ayyūb, from ‘Ikrimah: That the Prophet ﷺ said to ‘Alī: “Give her your Ḥuṭamī armor.” حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لِأَلِيٍّ: أَعْطِهَا دِرْعَكَ الْحُطَمِيَّةِ

[16449] Ibn ‘Uyaynah told us, from Yazīd, from Jābir, from Ismā‘īl ibn ‘Ubayd Allāh, from ‘Abd al-Raḥmān ibn Ghanm, from ‘Umar who said: “She has her condition.” A man said: “Then you divorce her?” ‘Umar said: “Indeed, rights are cut off at the conditions.” حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ يَزِيدَ، عَنْ جَابِرٍ، عَنْ إِسْمَاعِيلَ بْنِ عُبَيْدِ اللَّهِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ غَنْمٍ، عَنْ عُمَرَ، قَالَ: لَهَا شَرْطُهَا قَالَ رَجُلٌ: إِذَنْ تُطَلِّقُهَا؟ فَقَالَ عُمَرُ: إِنَّ مَقَاطِعَ الْحُقُوقِ عِنْدَ الشَّرْطِ

[16450] Wakī‘ told us, from Sa‘īd ibn ‘Abd al-‘Azīz, from Ismā‘īl ibn ‘Ubayd Allāh, from Ibn Ghanm who said: “She has her condition.” حَدَّثَنَا وَكَيْعٌ، عَنْ سَعِيدِ بْنِ عَبْدِ الْعَزِيزِ، عَنْ إِسْمَاعِيلَ بْنِ عُبَيْدِ اللَّهِ، عَنْ ابْنِ غَنْمٍ، قَالَ: لَهَا شَرْطُهَا

[16451] Wakī‘ told us, from ‘Abd al-Hamīd ibn Ja‘far, from Yazīd ibn Abī Ḥabīb, from Abū al-Khayr, from ‘Uqbah ibn ‘Āmir who said: The Messenger of Allah ﷺ said: “Indeed, the conditions most deserving to be fulfilled are those by which you make private parts lawful.”

حَدَّثَنَا وَكِيعٌ، عَنْ عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ أَحَقَّ الشُّرُوطِ أَنْ تُوفَّى بِهِ مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوجَ

[16452] Wakī‘ told us, from Sufyān, from ‘Abd al-Karīm, from Abū ‘Ubaydah: That Mu‘āwiyah asked ‘Amr ibn al-‘Āṣ about them. He said: “She has her condition.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ أَبِي عُبَيْدَةَ، أَنَّ مُعَاوِيَةَ سَأَلَ عَنْهُمَا عَمْرُو بْنُ الْعَاصِ، فَقَالَ: لَهَا شَرْطُهَا

[16453] Ibn ‘Uyaynah reported to us from ‘Amr ibn Abī al-Sha‘thā’ who said: He said: "If he stipulates her house for her, it is part of what makes her private parts lawful [for him]."

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرُو بْنِ أَبِي الشَّعَثَاءِ، قَالَ: قَالَ: إِذَا شَرَطَ لَهَا دَارَهَا، فَهُوَ بِمَا يَسْتَحِلُّ مِنْ فَرْجِهَا

[16454] Ibn ‘Ulayyah reported to us from Abū Ḥayyān who said: Abū al-Zinād narrated to us that a woman disputed with her husband before ‘Umar ibn ‘Abd al-‘Azīz. He had stipulated her house for her when he married her, but he wanted to take her out of it. ‘Umar ruled that she has a house from which he cannot take her out, and he said: "By the One in Whose Hand is the soul of ‘Umar, if you made her private parts lawful with the weight of Uḥud in gold, she would take what is hers by it."

ابْنُ عَلِيَّةَ، عَنْ أَبِي حَيَّانَ، قَالَ: - 16454 - - حَدَّثَنَا
نَا أَبُو الزِّنَادِ، أَنَّ امْرَأَةً خَاصَمَتْ زَوْجَهَا إِلَى عُمَرَ بْنِ
عَبْدِ الْعَزِيزِ قَدْ شَرَطَ لَهَا دَارَهَا حِينَ تَزَوَّجَهَا، فَأَرَادَ أَنْ
يُخْرِجَهَا مِنْهَا فَقَضَى عُمَرُ أَنَّ لَهَا دَارًا لَا يُخْرِجُهَا
مِنْهَا، وَقَالَ: وَالَّذِي نَفْسُ عُمَرَ بِيَدِهِ، لَوْ اسْتَحَلَّتْ
فَرْجَهَا بِزِنَةِ أُحُدٍ ذَهَبًا، لَأَخَذْتُ مَا بِهِ لَهَا

[16455] Wakī‘ reported to us from Sharīk from ‘Āṣim from ‘Īsā ibn Ḥittān from Mujāhid and Sa‘īd ibn Jubayr who said: "He takes her out." Yaḥyā ibn al-Jazzār said: "With what does he make the private parts lawful? With what such and such is her private parts [made lawful]?"

حَدَّثَنَا وَكَيْعٌ، عَنْ شَرِيكِ، عَنْ عَاصِمٍ، عَنْ عِيسَى بْنِ
حِطَّانَ، عَنْ مُجَاهِدٍ، وَسَعِيدِ بْنِ جُبَيْرٍ، قَالَا: يُخْرِجُهَا
قَالَ يَحْيَى بْنُ الْجَزَّارِ: فَبِأَيِّ شَيْءٍ يَسْتَحِلُّ الْفَرْجَ فَبِأَيِّ
كَذَا وَكَذَا فَرْجُهَا؟

[16456] Ibn ‘Ulayyah reported to us from Ya‘lā from Al-Minhāl from ‘Abbād ibn ‘Abd Allāh from ‘Alī regarding the woman for whom her house was stipulated. He said: "Allah's condition comes before her condition."

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ يعلَى، عَنِ الْمِنْهَالِ، عَنْ عَبَّادِ بْنِ عَبْدِ اللَّهِ، عَنْ عَلِيٍّ فِي الَّتِي شَرِطَ لَهَا دَارَهَا قَالَ: شَرِطُ اللَّهِ قَبْلَ شَرِطِهَا

[16457] Ibn Mubārak reported to us from Al-Ḥārith ibn ‘Abd al-Raḥmān ibn Abī Dhubāb from Muslim ibn Yasār from Sa‘īd ibn al-Musayyib regarding a man who marries a woman and stipulates her house for her. He said: "He takes her out if he wishes."

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنِ الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي ذُبَابٍ، عَنْ مُسْلِمِ بْنِ يَسَارٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ وَيَشْتَرِطُ لَهَا دَارَهَا، قَالَ: يُخْرِجُهَا إِنْ شَاءَ

[16458] Abū Khālīd al-Aḥmar reported to us from Ash‘ath from Muḥammad ibn Sīrīn from Shurayh that a woman came and said: He stipulated her house for her. He said: "Allah's condition comes before her condition."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ أَشْعَثَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ شُرَيْحٍ، أَنَّ امْرَأَةً جَاءَتْ فَقَالَتْ: شَرِطَ لَهَا دَارَهَا فَقَالَ: شَرِطُ اللَّهِ قَبْلَ شَرِطِهَا

[16459] Hushaym reported to us from Mughīrah from Ibrāhīm, and from Yūnus from Al-Ḥasan, who both said: "He takes her out if he wishes."

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ يُونُسَ،
عَنِ الْحَسَنِ، قَالَا: يُخْرِجُهَا إِنْ شَاءَ

[16460] Abū Khālīd reported to us from Ibn Sālim from Al-Sha‘bī who said: "He goes with her wherever he wishes, and the condition is void."

حَدَّثَنَا أَبُو خَالِدٍ، عَنِ ابْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ:
يَذْهَبُ بِهَا حَيْثُ شَاءَ، وَالشَّرْطُ بَاطِلٌ

[16461] Mu‘ādh reported to us from Ash‘ath from Muḥammad regarding a man who married a woman and stipulated her house for her. He said: "There is no condition for her."

حَدَّثَنَا مُعَاذٌ، عَنْ أَشْعَثَ، عَنْ مُحَمَّدٍ، فِي رَجُلٍ تَزَوَّجَ
امْرَأَةً وَشَرَطَ لَهَا دَارَهَا، قَالَ: لَا شَرْطَ لَهَا

[16462] Abū Usāmah reported to us from Ḥabīb ibn Ḥariyy who said: I heard Ṭawūs being asked about a man who proposes to a woman and she imposes conditions on him. He said: "The condition is nothing."

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ حَبِيبِ بْنِ حَرِيٍّ، قَالَ: سَمِعْتُ
طَاوُسًا وَسُئِلَ عَنِ الرَّجُلِ يَخْطُبُ الْمَرْأَةَ فَتَشْرُطُ عَلَيْهِ
أَشْيَاءَ، قَالَ: لَيْسَ الشَّرْطُ بِشَيْءٍ

[16463] ‘Īsā ibn Yūnus reported to us from Al-Awzā‘ī that a man married off his daughter for a thousand dinars and stipulated a thousand dinars for himself. ‘Umar ibn ‘Abd al-‘Azīz ruled that the two thousand belonged to the woman, not the father.

حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، أَنَّ رَجُلًا زَوَّجَ ابْنَتَهُ عَلَى أَلْفِ دِينَارٍ، وَشَرَطَ لِنَفْسِهِ أَلْفَ دِينَارٍ، فَقَضَى عُمَرُ بْنُ عَبْدِ الْعَزِيزِ لِلْمَرْأَةِ بِالْفَيْنِ دُونَ الْأَلْفِ

[16464] Ibn ‘Ulayyah reported to us from Ayyūb from ‘Ikrimah who said: "If he is the one being married, then it belongs to him."

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، قَالَ: إِنْ كَانَ هُوَ الَّذِي يُنْكَحُ فَهُوَ لَهُ

[16465] Al-Thaqafī reported to us from Muthannā from ‘Amr ibn Shu‘ayb from ‘Urwah and Sa‘īd who said: "Whatever woman is married for a dowry or a promise to her family before the marriage tie is established, it belongs to her. And whatever is given as a gift to her family, it belongs to them."

حَدَّثَنَا الثَّقَفِيُّ، عَنْ مُثَنَّى، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ عُرْوَةَ، وَسَعِيدٍ، قَالَا: أَيُّمَا امْرَأَةٍ أُنْكَحَتْ عَلَى صَدَاقٍ، أَوْ عِدَّةٍ لِأَهْلِهَا، كَانَ قَبْلَ عِصْمَةِ النِّكَاحِ فَهُوَ لَهَا، وَمَا كَانَ مِنْ جِبَاءٍ لِأَهْلِهَا، فَهُوَ لَهُمْ

[16466] Sharīk reported to us from Aṣma‘ī that Masrūq married off his daughter and stipulated ten thousand upon her husband in addition to the dowry.

حَدَّثَنَا شَرِيكٌ، عَنْ أَصْمَعِيِّ، أَنَّ مَسْرُوقًا، زَوَّجَ ابْنَتَهُ، فَاشْتَرَطَ عَلَى زَوْجِهَا عَشْرَةَ أَلْفٍ سِوَى الْمَهْرِ

[16467] Ibn ‘Ulayyah reported to us from Ayyūb who said: I heard Al-Zuhri say: "Whatever is used to make the private parts lawful belongs to the woman."

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَيُّوبَ، قَالَ: سَمِعْتُ الزُّهْرِيَّ، يَقُولُ: لِلْمَرْأَةِ مَا اسْتُحِلَّ بِهِ فَرْجُهَا

[16468] Abu Bakr said: Reported from Al-Ḍaḥḥāk ibn al-Makhlad from Ibn Jurayj from ‘Aṭā’ who said: "Whatever he stipulated for her brother or father, he has more right to it if she speaks about it."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: عَنِ الضَّحَّاكِ بْنِ الْمَخْلَدِ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: مَا اسْتَرْطَ لِأَخِيهَا، أَوْ أَبِيهَا، فَهُوَ أَحَقُّ بِهِ إِنْ تَكَلَّمَتْ فِيهِ

[16469] Ibn ‘Uyaynah reported to us from Al-Zuhri from Sa‘id ibn al-Musayyib that Rāfi‘ ibn Khadij had the daughter of Muḥammad ibn Maslamah as his wife. He disliked something about her, either old age or something else, and wanted to divorce her. She said: "Do not divorce me, and allocate to me whatever you wish." The Sunnah was established by that, and the verse was revealed: {And if a woman fears from her husband high-handedness or alienation} [Al-Nisā’: 128].

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيَّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رَافِعَ بْنَ خَدِيجٍ كَانَتْ تَحْتَهُ بِنْتُ مُحَمَّدِ بْنِ مَسْلَمَةَ، فَكَرِهَ مِنْ أَمْرِهَا إِمَّا كِبَرًا أَوْ غَيْرَهُ، فَأَرَادَ أَنْ يُطَلِّقَهَا، فَقَالَتْ: لَا تُطَلِّقْنِي وَأَقْسِمُ لِي مَا شِئْتَ فَجَرَّتِ السُّنَّةُ بِذَلِكَ فَنَزَلَتْ: {وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا} [النساء 128]

[16470] ‘Abdah reported to us from Hishām from ‘Ā’ishah regarding the verse {And if a woman fears from her husband high-handedness or alienation} [Al-Nisā’: 128]. She said: "This verse was revealed concerning a woman who is with a man for a long time, and he wants to divorce her. She says: 'Do not divorce me, keep me, and you are absolved from my rights.' So this verse was revealed concerning

حَدَّثَنَا عَبْدُهُ، عَنْ هِشَامٍ، عَنْ عَائِشَةَ {وَإِنْ امْرَأَةٌ خَافَتْ
الْأَيَّةَ [128: مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا]} [النساء
قَالَتْ: "نَزَلَتْ هَذِهِ الْآيَةُ فِي الْمَرْأَةِ تَكُونُ عِنْدَ الرَّجُلِ
فَتَطُولُ صُحْبَتُهَا فَيُرِيدُ أَنْ يُطَلِّقَهَا فَيَقُولُ: لَا تُطَلِّقْنِي
وَأَمْسِكْنِي، وَأَنْتَ فِي حِلٍّ مِنِّي، فَنَزَلَتْ هَذِهِ الْآيَةُ فِيهِمَا

[16471] Ibn Mahdī reported to us from Ḥarb ibn Shaddād from Yaḥyā ibn Abī Kathīr who said: Ibn al-Najāshī, the freed slave of Rāfi‘ ibn Khadij, narrated to us that Rāfi‘ ibn Khadij married a woman over his first wife. He said to his first wife: "If you wish, I will keep you and not allocate [time] to you, and if you wish, I will divorce you." She chose that he keep her and not divorce her.

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَرْبِ بْنِ شَدَّادٍ، عَنْ يَحْيَى بْنِ
أَبِي كَثِيرٍ، قَالَ: نَا ابْنُ النَّجَاشِيِّ، مَوْلَى رَافِعِ بْنِ خَدِيجٍ،
أَنَّ رَافِعَ بْنَ خَدِيجٍ تَزَوَّجَ امْرَأَةً عَلَى امْرَأَتِهِ فَقَالَ
لِامْرَأَتِهِ الْأُولَى: إِنْ شِئْتَ أَنْ أُمْسِكَكَ، وَلَا أَقْسِمُ لَكَ،
وَإِنْ شِئْتَ طَلَّقْتُكَ فَأَخْتَارْتُ أَنْ يُمْسِكَهَا وَلَا يُطَلِّقَهَا

[16472] Ibn Mahdī reported to us from Ḥarb ibn Shaddād from Yahyā ibn Abī Kathīr from Muḥammad ibn Ibrāhīm ibn al-Ḥārith that the daughter of ‘Abd Allāh ibn Ja‘far was married to a man from Quraysh. He gave her the choice between keeping her without allocating time to her or divorcing her. She chose that he keep her and not divorce her.

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَرْبِ بْنِ شَدَّادٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ، أَنَّ بِنْتَ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ كَانَتْ تَحْتَ رَجُلٍ مِنْ قُرَيْشٍ فَخَيَّرَهَا بَيْنَ أَنْ يُمْسِكَهَا وَلَا يَقْسِمُ لَهَا، وَبَيْنَ أَنْ يُطَلِّقَهَا، فَاخْتَارَتْ أَنْ يُمْسِكَهَا، وَلَا يُطَلِّقَهَا

[16473] ‘Abd al-Wahhāb reported to us from Ayyūb from Muḥammad from ‘Abīdah who said: I asked about this verse {And if a woman fears from her husband high-handedness or alienation} [Al-Nisā’: 128]. He said: "It is a man who has a wife whose share has passed, so he makes peace with her regarding her rights for something. Whatever she agrees to is his. If she dislikes it, she has the right for him to be just with her, or satisfy her regarding her rights, or divorce her."

حَدَّثَنَا عَبْدُ الْوَهَّابِ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ، عَنْ عَبِيدَةَ، قَالَ: سَأَلْتُ عَنْ هَذِهِ الْآيَةِ {وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا} قَالَ: هُوَ رَجُلٌ [128: نُسُوزًا أَوْ إِعْرَاضًا] [النساء] تَكُونُ لَهُ الْمَرْأَةُ، قَدْ خَلَا مِنْ سَهْمِهَا، فَيُصَالِحُهَا مِنْ حَقِّهَا عَلَى شَيْءٍ، فَهُوَ لَهُ مَا رَضِيَتْ، فَإِذَا كَرِهَتْ، فَلَهَا أَنْ يَعْدِلَ عَلَيْهَا، أَوْ يُرْضِيَهَا عَنْ حَقِّهَا، أَوْ يُطَلِّقَهَا

[16474] Abū al-Aḥwaṣ reported to us from Simāk from Khālīd ibn ‘Ar‘arah from ‘Alī who said: A man came to him asking for a legal opinion regarding a woman who fears high-handedness or alienation from her husband. He said: "She is the woman who is with a man, and he dislikes her because of her ugliness, poverty, or bad character, and she dislikes separating from him. If she gives up something of her right to him, it is lawful for him, and if she gives up some of her days, there is no harm."

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكِ، عَنْ خَالِدِ بْنِ عَرَعَرَةَ، عَنْ عَلِيٍّ، قَالَ: أَتَاهُ رَجُلٌ يَسْتَفْتِيهِ فِي امْرَأَةٍ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَقَالَ: هِيَ الْمَرْأَةُ تَكُونُ عِنْدَ الرَّجُلِ، فَتَسُوءُ عَيْنَاهُ مِنْ يَمَامِهَا، أَوْ فَقْرِهَا، أَوْ سُوءِ خُلُقِهَا، فَتَكْرَهُ فِرَاقَهُ، فَإِنْ وَضَعَتْ لَهُ مِنْ حَقِّهَا شَيْئًا حَلَّتْ لَهُ، وَإِنْ جَعَلَتْ مِنْ أَيَّامِهَا شَيْئًا فَلَا حَرَجَ

[16475] Ibn Numayr reported to us from Hishām ibn ‘Urwah from his father that Sawdah, when she grew old, gifted her day to ‘Ā’ishah until she met Allah.

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، أَنَّ سَوْدَةَ لَمَّا أَسْنَتْ وَهَبَتْ يَوْمَهَا لِعَائِشَةَ حَتَّى لَقِيَتْ اللَّهَ

[16476] ‘Uqbah ibn Khālīd reported to us from Hishām ibn ‘Urwah from his father from ‘Ā’ishah with the like of it.

حَدَّثَنَا عُقْبَةُ بْنُ خَالِدٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، بِمِثْلِهِ

[16477] Jarīr reported to us from Maṣṣūr from Ibn Abī Razīn regarding the saying of the Almighty: {You may put aside whom you will of them or take to yourself whom you will} [Al-Aḥzāb: 51]. Among those he took to himself were ‘Ā’ishah, Umm Salamah, Zaynab, and Ḥaḥṣah, and he would divide his time and wealth among them equally. Among those he put aside were Sawdah, Juwayriyah, Umm Ḥabībah, Maymūnah, and Ṣafīyah, and he would allocate to them whatever he wished. He had wanted to separate from them, but they said to him: "Allocate to us whatever you wish of yourself, and let us remain as we are."

حَدَّثَنَا جَرِيرٌ، عَنْ مَاصُورٍ، عَنِ ابْنِ أَبِي رَزِينٍ فِي قَوْلِهِ تَعَالَى: {تُرْجَى مَنْ تَشَاءُ مِنْهُمْ وَتُؤْوَى إِلَيْكَ مَنْ وَكَانَ مِنْ أَوَى عَائِشَةَ وَأُمُّ [51: تَشَاءُ] الْأَحْزَابِ سَلَمَةَ وَزَيْنَبُ وَحَفْصَةُ فَكَانَ يُقْسِمُ مِنْ نَفْسِهِ، وَمَالِهِ مِنْهُمْ سِوَاءَ، وَكَانَ مَنْ أَرْجَى سَوْدَةَ وَجُوَيْرِيَةَ وَأُمِّ حَبِيبَةَ وَمَيْمُونَةَ وَصَفِيَّةَ فَكَانَ يَقْسِمُ لَهُنَّ مَا شَاءَ، وَكَانَ أَرَادَ أَنْ يُفَارِقَهُنَّ فَقُلْنَ لَهُ: اقْسِمِ لَنَا مِنْ نَفْسِكَ مَا شِئْتِ، وَدَعْنَا نَكُونُ عَلَى حَالِنَا

[16478] Abu Bakr said: ‘Abd al-Salām reported to us from ‘Aṭā’ ibn al-Sā’ib that a woman owned a value of one-seventh of a dirham from her husband. Maysarah was asked about that, and he said: "She is forbidden to him, and I do not know how she becomes lawful for him." I met Al-Sha‘bī and asked him, and he said: "Meet Abū Bakr ibn Abī Mūsā and ask him," and he was a judge at that time. I went to him and asked him, and he said: "If you cannot do something, leave it for what you can do." I went to Al-Sha‘bī and mentioned that to him, and he laughed and said: "Go to ‘Ubayd Allāh ibn ‘Abd Allāh ibn ‘Utbaḥ." So I went to him and asked him, and he said: "She is forbidden to him." I said: "How does she become lawful for him?" He said: "She gifts, frees, or sells." I returned to Al-Sha‘bī and asked him, and he said: "Return to him and ask him, does she observe waiting period (‘Iddah) from him?" So I went to him and he said: "No, it is only his water." I returned to Al-Sha‘bī and informed him, and he said: "The fatwa matched." Then I

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا عَبْدُ السَّلَامِ، عَنْ عَطَاءِ بْنِ السَّائِبِ، أَنَّ امْرَأَةً مَلَكَتْ مِنْ زَوْجِهَا قِيَمَةً سُبْعِ الدَّرْهِمِ فَسُئِلَ مَيْسَرَةُ عَنْ ذَلِكَ، فَقَالَ: حُرِّمَتْ عَلَيْهِ وَلَا أُدْرِي مِنْ أَيْنَ تَحِلُّ لَهُ؟ فَلَقِيتُ الشَّعْبِيَّ فَسَأَلْتُهُ فَقَالَ: الْقَى أَبَا بَكْرَ بْنَ أَبِي مُوسَى فَاسْأَلْهُ، وَهُوَ يَوْمِئِذٍ قَاضٍ، فَأَتَيْتُهُ فَسَأَلْتُهُ فَقَالَ: إِذَا لَمْ تَسْتَطِعْ شَيْئًا فَدَعُهُ إِلَى مَا تَسْتَطِيعُ فَأَتَيْتُ الشَّعْبِيَّ فَذَكَرْتُ ذَلِكَ لَهُ فَضَحِكَ، وَقَالَ: أَذْهَبَ إِلَى عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُثْبَةَ، فَأَتَيْتُهُ فَسَأَلْتُهُ فَقَالَ: حُرِّمَتْ عَلَيْهِ فَقُلْتُ: مِنْ أَيْنَ تَحِلُّ لَهُ؟ قَالَ: تَهَبُ أَوْ تُعْتِقَ أَوْ تَبِيعَ، فَرَجَعْتُ إِلَى الشَّعْبِيَّ فَسَأَلْتُهُ فَقَالَ: ارْجِعْ إِلَيْهِ فَاسْأَلْهُ أَتَعْتَدُ مِنْهُ؟ فَأَتَيْتُهُ فَقَالَ: لَا، إِنَّمَا هُوَ مَاؤُهُ، فَرَجَعْتُ إِلَى الشَّعْبِيَّ، فَأَخْبَرْتُهُ فَقَالَ: طَابَقَ الْفَتَاوَى فَأَتَيْتُ ابْنَ مُغَفَّلٍ فَسَأَلْتُهُ، فَقَالَ عَبْدُ السَّلَامِ: فَلَمْ أَحْفَظْ مَا قَالَ، فَأَخْبَرَ نِيَّ عَمَّارُ بْنُ زُرَيْقٍ، عَنْ عَطَاءِ بْنِ السَّائِبِ، قَالَ: سَأَلْتُ مَيْسَرَةَ عَنْ امْرَأَةٍ وَرِثْتُ مِنْ زَوْجِهَا شَيْئًا قَالَ: حُرِّمَتْ عَلَيْهِ

[16479] Hushaym reported to us from Mughīrah from Ibrāhīm regarding a woman who owned something from her husband. He said: "She is forbidden to him unless she frees him the moment she owns him."

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي امْرَأَةٍ مَلَكَتْ مِنْ زَوْجِهَا شَيْئًا قَالَ: حُرِّمَتْ عَلَيْهِ إِلَّا أَنْ تُعْتِقَهُ سَاعَةً تَمْلِكُهُ

[16480] Hushaym reported to us from Mughīrah that ‘Ubayd Allāh ibn ‘Abd Allāh ibn ‘Utbah said: Hushaym reported to us from Ḥajjāj from ‘Aṭā’ that he said: "She is forbidden to him, so let him renew her marriage if he wants her."

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، أَنَّ عُبَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، قَالَ: نَا هُشَيْمٌ، عَنْ حَجَّاجٍ، عَنْ عَطَاءٍ، أَنَّهُ قَالَ: حُرِّمَتْ عَلَيْهِ، فَلْيَسْتَأْنِفْ نِكَاحَهَا إِنْ أَرَادَهَا

[16481] Hushaym reported to us from Al-Ḥasan who said: "She is forbidden to him, so let him renew her marriage if he wants her."

حَدَّثَنَا هُشَيْمٌ، عَنِ الْحَسَنِ، قَالَ: حُرِّمَتْ عَلَيْهِ، فَلْيَسْتَأْنِفْ نِكَاحَهَا إِنْ أَرَادَهَا

[16482] Hushaym reported to us from Ḥajjāj who said: And Al-Sha‘bī said the same.

حَدَّثَنَا هُشَيْمٌ، عَنْ حَجَّاجٍ، قَالَ: وَقَالَ ذَلِكَ الشَّعْبِيُّ

[16483] Zayd ibn Ḥubāb reported to us from Ibn Abī Dhi'b from 'Abd Rabbih from Ṭāwūs that he was asked about a woman who acquired a share in her husband and freed him the moment she owned him. He said: "If a door was closed [meaning consummation or privacy occurred], they are separated."

حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنِ ابْنِ أَبِي ذَنْبٍ، عَنْ عَبْدِ رَبِّهِ، عَنْ طَاوُسٍ، أَنَّهُ سُئِلَ عَنْ امْرَأَةٍ وَقَعَ لَهَا فِي زَوْجِهَا شِرْكٌ، فَأَعْتَقَتْهُ سَاعَةً مَلَكَتْهُ، فَقَالَ: لَوْ كَانَ رُدَّ بَابٌ فُرِّقَ بَيْنَهُمَا

[16484] Ḥammād ibn Khālid reported to us from Ibn Abī Dhi'b from Al-Zuhrī who said: "She is forbidden to him."

حَدَّثَنَا حَمَّادُ بْنُ خَالِدٍ، عَنِ ابْنِ أَبِي ذَنْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: حُرِّمَتْ عَلَيْهِ

[16485] Ghundar reported to us from Shu'bah who said: I asked Al-Ḥakam and Ḥammād about a woman inheriting a share from her husband. They said: "She is forbidden to him. If he marries her, she is with him with three divorces remaining; he had no divorce regarding them."

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ وَحَمَّادًا، عَنِ الْمَرْأَةِ تَرِثُ مِنْ زَوْجِهَا سَهْمًا قَالَا: حُرِّمَتْ عَلَيْهِ، فَإِنْ تَزَوَّجَهَا، فَإِنَّهَا عِنْدَهُ عَلَى ثَلَاثِ تَطْلِيقَاتٍ، لَمْ يَكُنْ لَهُ فِيهِمَا طَلَاقٌ

[16486] Abu Bakr reported from Ishāq ibn Manṣūr from Sharīk from ‘Aṭā’ ibn al-Sā’ib from Maysarah from ‘Alī who said: "She is forbidden to him."

حَدَّثَنَا أَبُو بَكْرِ عَنْ إِسْحَاقَ بْنِ مَنْصُورٍ، عَنْ شَرِيكِ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ مَيْسَرَةَ، عَنْ عَلِيٍّ، قَالَ: حُرِّمَتْ عَلَيْهِ

[16487] Al-Thaqafī reported to us from Khālīd from Muḥammad regarding a woman owning her husband. He said: "If she frees him immediately, they remain in their marriage."

حَدَّثَنَا الثَّقَفِيُّ، عَنْ خَالِدٍ، عَنْ مُحَمَّدٍ، فِي الْمَرْأَةِ تَمْلِكُ زَوْجَهَا قَالَ: إِنْ أَعْتَقَتْهُ مَكَانَهَا فَهُمَا عَلَى نِكَاحِهِمَا

[16488] Jarīr reported to us from Mughīrah from Ḥammād from Ibrāhīm who said: "If a slave has a wife, and the slave's master dies, and his wife inherits her share of him, if she frees him immediately, they remain on their first marriage. If she does not free him, she becomes forbidden to him."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا كَانَ لِلْمَمْلُوكِ امْرَأَةٌ، فَمَاتَ مَوْلَى الْمَمْلُوكِ، فَوَرِثَتْ امْرَأَتُهُ نَصِيبَهَا مِنْهُ، فَإِنْ أَعْتَقَتْهُ مَكَانَهَا، فَهُمَا عَلَى نِكَاحِهِمَا الْأَوَّلِ، وَإِنْ لَمْ تُعْتِقْهُ حُرِّمَتْ عَلَيْهِ

[16489] Abū Khālid al-Aḥmar reported to us from Muḥammad ibn Ishāq from Khālid ibn Kathīr from Al-Ḍaḥḥāk from ‘Alī who said: "He is given a year's respite. If he has intercourse, [well and good], otherwise they are separated, and they seek from Allah's bounty," meaning the impotent man.

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ خَالِدِ بْنِ كَثِيرٍ، عَنِ الضَّحَّاكِ، عَنْ عَلِيٍّ، قَالَ: يُؤَجَّلُ سَنَةً، فَإِنْ وَصَلَ وَإِلَّا فُرِّقَ بَيْنَهُمَا فَالْتَمَسَا مِنْ فَضْلِ اللَّهِ، يَعْنِي الْعَنِينَ

[16490] Wakī‘ reported to us from Sufyān from Al-Rukayn from his father, and Ḥuṣayn from Qabīṣah from ‘Abd Allāh that he said: "The impotent man is given a year's respite. If he has intercourse, [well and good], otherwise they are separated."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنِ الرُّكَيْنِ، عَنْ أَبِيهِ، وَحُصَيْنٍ، عَنْ قَبِيصَةَ، عَنْ عَبْدِ اللَّهِ، أَنَّهُ قَالَ: يُؤَجَّلُ الْعَنِينُ سَنَةً فَإِنْ جَامَعَ، وَإِلَّا فُرِّقَ بَيْنَهُمَا

[16491] Wakī‘ reported to us from Sufyān from Al-Rukayn from Abū Ḥanzalah al-Taymī from Al-Mughīrah ibn Shu‘bah that he gave the impotent man a year's respite.

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنِ الرُّكَيْنِ، عَنْ أَبِي حَنْظَلَةَ التَّيْمِيِّ، عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ، أَنَّهُ أَجَلَ الْعَنِينَ سَنَةً

[16492] Ḥafṣ reported to us from Ash'ath from Al-Ḥasan from 'Umar who said: "The impotent man is given a year's respite. If he reaches her [has intercourse], [well and good], otherwise they are separated."

حَدَّثَنَا نَافِعٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، عَنْ عُمَرَ، قَالَ: يُؤَجَّلُ الْعِنِيُّ سَنَةً، فَإِنْ وَصَلَ إِلَيْهَا، وَإِلَّا فُرِّقَ بَيْنَهُمَا

[16493] Hushaym reported to us from Al-Mughīrah from Al-Sha'bī that Al-Ḥārith ibn 'Abd Allāh ibn Abī Rabī'ah gave a man ten months' respite who did not reach his wife.

حَدَّثَنَا هُشَيْمٌ، عَنِ الْمُغِيرَةِ، عَنِ الشَّعْبِيِّ، أَنَّ الْحَارِثَ بْنَ عَبْدِ اللَّهِ بْنِ أَبِي رَبِيعَةَ أَجَلَ رَجُلًا عَشْرَةَ أَشْهُرٍ، لَمْ يَصِلْ إِلَى أَهْلِهِ

[16494] Jarīr reported to us from Manṣūr from Ibrāhīm who said: "If a man does not reach his wife, he is given a respite of seven [months] and ten months [17 months? Or seven or ten months?]."

حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا لَمْ يَصِلِ الرَّجُلُ إِلَى امْرَأَتِهِ أَجَلَ سَبْعًا وَعَشْرَةَ أَشْهُرٍ

[16495] Hushaym reported to us from Yūnus from Al-Ḥasan, and from Mughīrah from Ibrāhīm, both of whom said: "The impotent man is given respite from the day the matter is raised to the ruler." Yūnus said from Al-Ḥasan: "He is given a year's respite." Mughīrah said from Ibrāhīm: "I do not memorize the time, but he is given respite from the day it is raised to the ruler."

حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، وَعَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَا: يُوجَلُّ الْعِنِيُّ مِنْ يَوْمٍ يُرْفَعُ إِلَى السُّلْطَانِ قَالَ يُونُسُ، عَنِ الْحَسَنِ: يُوجَلُّ سَنَةً وَقَالَ مُغِيرَةُ: عَنْ إِبْرَاهِيمَ: لَا أَحْفَظُ الْوَقْتَ، لَكِنَّهُ يُوجَلُّ مِنْ يَوْمٍ يُرْفَعُ إِلَى السُّلْطَانِ

[16496] Sharīk reported to us from Jābir from ‘Āmir that he used to say, like the statement of the Companions of Muḥammad ﷺ: "The impotent man is given a year's respite."

حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ أَنَّهُ كَانَ يَقُولُ: كَقَوْلِ أَصْحَابِ مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يُوجَلُّ الْعِنِيُّ سَنَةً

[16497] Abū Khālīd al-Aḥmar reported to us from ‘Abd al-Malik from ‘Aṭā’ who said: "The impotent man is given a year's respite. If he reaches her, [well and good], otherwise they are separated."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: يُوجَلُّ الْعِنِيُّ سَنَةً فَإِنْ وَصَلَ إِلَيْهَا، وَإِلَّا فُرِّقَ بَيْنَهُمَا

[16498] Wakī‘ reported to us from Hishām from Qatādah from Ibn al-Musayyib who said: "The impotent man and the one who is bewitched away from his wife are given a year's respite."

حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ ابْنِ الْمُسَيَّبِ، قَالَ: يُؤَجَّلُ الْعَنِينُ وَالَّذِي يُؤْخَذُ عَنْ امْرَأَتِهِ سَنَةً

[16499] Abū Khālid reported to us from Ibn Jurayj from ‘Aṭā’ who said: "She counts a year from the day she disputes with him."

حَدَّثَنَا أَبُو خَالِدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: تَسْتَقِيلُ بِهَا مِنْ يَوْمِ تُخَاصِمُهُ سَنَةً

[16500] Ḥaṣṣ reported to us from ‘Amr from Al-Ḥasan who said: "The impotent man is given a year's respite. If he reaches her, [well and good], otherwise they are separated."

حَدَّثَنَا حَفْصٌ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، قَالَ: يُؤَجَّلُ الْعَنِينُ سَنَةً، فَإِنْ وَصَلَ إِلَيْهَا، وَإِلَّا فُرِّقَ بَيْنَهُمَا

[16501] Hushaym told us, from Yahyā ibn Sa‘īd, from some of their sheikhs: That Abū Ḥalīmah Mu‘ādh al-Qārī married the daughter of Jāriyah ibn al-Nu‘mān al-Anṣārī, but he could not consummate the marriage with her. So ‘Umar gave him a respite of one year. Yahyā said: ‘Abd al-Raḥmān al-Anṣārī informed me that when the year passed, they were separated, and he (Jāriyah?) said: “Praise be to Allah Who sufficed Jāriyah with his daughter.”

حَدَّثَنَا هُشَيْمٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بَعْضِ أَشْيَاحِهِمْ، أَنَّ أَبَا حَلِيمَةَ مُعَاذًا الْقَارِيَّ تَزَوَّجَ ابْنَةَ جَارِيَةَ بْنِ النُّعْمَانَ الْأَنْصَارِيِّ فَلَمْ يَصِلْ إِلَيْهَا، فَأَجَّلَهُ عُمَرُ سَنَةً، قَالَ يَحْيَى: فَأَخْبَرَنِي عَبْدُ الرَّحْمَنِ الْأَنْصَارِيُّ أَنَّهُ حَيْثُ حَالَ عَلَيْهِ الْحَوْلُ فُرِّقَ بَيْنَهُمَا، وَقَالَ: الْحَمْدُ لِلَّهِ الَّذِي كَفَّ عَلَى جَارِيَةَ ابْنَتِهِ

[16502] Yazīd ibn Hārūn told us, from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib, from ‘Umar: “That he gave the impotent man (Al-Innīn) a respite of one year.”

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عُمَرَ أَنَّهُ أَجَّلَ الْعِنِينَ سَنَةً

[16503] Hushaym told us, from Ibn Abī Laylā, from Al-Sha‘bī: That ‘Umar ibn al-Khaṭṭāb used to say: “He is given a respite of one year; I only know it to start from the day the matter is raised to the authority.”

حَدَّثَنَا هُشَيْمٌ، عَنْ ابْنِ أَبِي لَيْلَى، عَنِ الشَّعْبِيِّ، أَنَّ عُمَرَ بْنِ الْخَطَّابِ كَانَ يَقُولُ: يُؤَجَّلُ سَنَةً، لَا أَعْلَمُهُ إِلَّا مِنْ يَوْمٍ يُرْفَعُ إِلَى السُّلْطَانِ

[16504] Ibn Mahdī told us, from Sufyān, from Bashīr who said: I was with ‘Abd al-Malik ibn Marwān when an impotent man was brought to him. He was a blind person, so he gave him a respite of one year.

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ بَشِيرٍ، قَالَ: كُنْتُ عِنْدَ عَبْدِ الْمَلِكِ بْنِ مَرْوَانَ فَآتَى بَعِينٍ، فَإِذَا إِنْسَانٌ ضَرِيرٌ، فَأَجَّلَهُ سَنَةً

[16505] Wakī‘ told us, from Sufyān, from Mis‘ar, from Al-Sha‘bī who said: “The impotent man is given a respite of one year. And regarding it, if she is given the choice, if she wishes she stays, and if she wishes she separates from

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مِسْعَرٍ، عَنِ الشَّعْبِيِّ، قَالَ: يُؤَجَّلُ الْعَنِينُ سَنَةً، وَفِيهِ إِذَا خُيِّرَتْ، فَإِنْ شَاءَتْ أَقَامَتْ، وَإِنْ شَاءَتْ فَارْقَتْهُ

[16506] Hushaym told us, from Ibn Sālīm, from Al-Sha‘bī and ‘Ubaydah, from Ibrāhīm, who both said: “She is given the choice at the end of the year. If she wishes she stays, and if she wishes she separates from him.”

حَدَّثَنَا هُشَيْمٌ، عَنْ ابْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، وَعُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، قَالَا: تُخَيَّرُ فِي رَأْسِ الْحَوْلِ، فَإِنْ شَاءَتْ أَقَامَتْ، وَإِنْ شَاءَتْ فَارْقَتْهُ

[16507] Abū Khālid al-Aḥmar told us, from Muḥammad ibn Sālim, from Al-Sha‘bī, from Shurayḥ who said: ‘Umar wrote to me: “Give him a respite of one year. If he is able to [consummate with] her, [fine]; otherwise give her the choice. If she wishes she stays, and if she wishes she separates from him.”

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، قَالَ: كَتَبَ إِلَيَّ عُمَرُ، أَنْ أَجْلُهُ سَنَةً، فَإِنْ اسْتَطَاعَهَا، وَإِلَّا خَيْرَهَا، فَإِنْ شَاءَتْ أَقَامَتْ، وَإِنْ شَاءَتْ فَارْقَتْهُ

[16508] Jarīr told us, from Mughīrah, from Ibrāhīm who said: “The impotent man is given a specified term. If he consummates [the marriage], [fine]; otherwise she is given the choice. If she chooses him, she has no choice after that.”

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُؤَجَّلُ الْعِنِينُ أَجْلاً فَإِنْ وَصَلَ وَإِلَّا خَيْرَتْ، فَإِنْ اخْتَارَتْهُ، فَلَيْسَ لَهَا خِيَارٌ بَعْدَ ذَلِكَ

[16509] Abū Bakr told us, from Yazīd ibn Hārūn, from Ibn Abī ‘Arūbah, from Qatādah, from Sa‘īd ibn al-Musayyib, from ‘Umar: “That he gave the impotent man a respite of one year. If he came to her [consummated], [fine]; otherwise they were separated, and she has the full dowry.”

حَدَّثَنَا أَبُو بَكْرٍ عَنْ يَزِيدَ بْنِ هَارُونَ، عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عُمَرَ، أَنَّهُ أَجَلَ الْعِنِينَ سَنَةً، فَإِنْ أَتَاهَا، وَإِلَّا فُرِّقَ بَيْنَهُمَا، وَلَهَا الصَّدَاقُ كَامِلاً

[16510] Hushaym told us, from Mughīrah, from Al-Sha‘bī, from Shurayḥ: That he used to say regarding the impotent man if he did not consummate with his wife: “Upon him is half the dowry.”

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، عَنْ شُرَيْحٍ، أَنَّهُ كَانَ يَقُولُ فِي الْعَنِينِ إِذَا لَمْ يَصِلْ إِلَى امْرَأَتِهِ: إِنَّ عَلَيْهِ نِصْفَ صَدَاقٍ

[16511] Hushaym told us, from Mughīrah, from Ibrāhīm who said: “Upon him is the [full] dowry.”

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنَّ عَلَيْهِ الصَّدَاقَ

[16512] Abū Khālīd told us, from Ibn Jurayj, from ‘Aṭā’ who said: “For her is the dowry.”

حَدَّثَنَا أَبُو خَالِدٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَهَا الْمَهْرُ

[16513] Abū Khālīd told us, from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib and Al-Ḥasan, who said: “‘Umar gave him a respite of one year. If he consummated, [fine]; otherwise they were separated, and for her is the dowry.”

حَدَّثَنَا أَبُو خَالِدٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَالْحَسَنِ، قَالَا: أَجَلَهُ عُمْرُ سَنَةٍ، فَإِنْ وَصَلَ، وَإِلَّا فُرِّقَ بَيْنَهُمَا، وَلَهَا الصَّدَاقُ

[16514] ‘Abd al-A‘lā told us, from Ma‘mar, from Qatādah, from Sa‘īd ibn al-Musayyib who said: “For her is the dowry.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: لَهَا الصَّدَاقُ

[16515] Ibn Mahdī told us, from Hammād ibn Salamah, from Hishām ibn ‘Urwah, from his father who said: “For her is the dowry.”

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، قَالَ: لَهَا الصَّدَاقُ

[16516] Ibn Mahdī told us, from Zam‘ah, from Ibn Ṭāwūs, from his father who said: “For her is half the dowry.”

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، قَالَ: لَهَا نِصْفُ صَدَاقٍ

[16517] Abū Bakr told us, from Ibn Idrīs, from Hishām, from Al-Ḥasan who said: “If he reaches [consummates with] her once, they are not separated.”

حَدَّثَنَا أَبُو بَكْرِ عَنِ ابْنِ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: إِذَا وَصَلَ إِلَيْهَا مَرَّةً لَمْ يَفْرَقْ بَيْنَهُمَا

[16518] ‘Abd al-‘Alā told us, from Ma‘mar, from Al-Zuhrī who said: “If he is able to [consummate with] her once, she is his wife forever.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: إِذَا قَدَرَ عَلَيْهَا مَرَّةً، فَهِيَ امْرَأَتُهُ أَبَدًا

[16519] ‘Umar told us, from Ibn Jurayj, from ‘Aṭā’ who said: “If he has intercourse with her once, she has no claim (speech) nor dispute.”

حَدَّثَنَا عُمرُ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: إِذَا أَصَابَهَا مَرَّةً، فَلَا كَلَامَ لَهَا وَلَا خُصُومَةَ

[16520] ‘Umar told us, from Ibn Jurayj, from ‘Amr ibn Dīnār who said: “We have always heard that if he has intercourse with her once, she has no claim nor dispute.”

حَدَّثَنَا عُمَرُ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: مَا زِلْنَا نَسْمَعُ أَنَّهُ إِذَا أَصَابَهَا مَرَّةً فَلَا كَلَامَ لَهَا وَلَا خُصُومَةَ

[16521] Muḥammad ibn Yazīd told us, from Abū al-‘Alā’, from Qatādah and Abū Hāshim, who said: “If he marries her, then has intercourse with her once, then is unable to approach her [sexually], she has no choice after that one time.”

حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدٍ، عَنْ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ، وَأَبِي هَاشِمٍ، قَالَا: إِنْ تَزَوَّجَهَا، ثُمَّ وَطِئَهَا مَرَّةً، ثُمَّ لَمْ يَسْتَطِعْ أَنْ يَغْشَاهَا، فَإِنَّهُ لَا خِيَارَ لَهَا، بَعْدَ تِلْكَ الْمَرَّةِ

[16522] Muḥammad ibn Yazīd told us, from ‘Ubaydah, from Ibrāhīm who said: “If he has intercourse with her once, she has no choice.”

حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا وَطِئَهَا مَرَّةً فَلَيْسَ لَهَا خِيَارٌ

[16523] Abū Bakr told us, from Ḥakkām al-Rāzī, from Khalīl ibn Zurārah, from Muṭarrif, from Al-Sha‘bī who said: “Whoever marries [his kin] to a transgressor (Fāsiq) has severed his ties of kinship.”

حَدَّثَنَا أَبُو بَكْرِ عَنْ حَكَّامِ الرَّازِيِّ، عَنْ خَلِيلِ بْنِ زُرَّارَةَ، عَنْ مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، قَالَ: مَنْ زَوَّجَ فَاسِقًا فَقَدْ قَطَعَ رَحِمَهُ

[16524] Abū Bakr said: Ibn Mubārak told us, from Saʿīd, from Qatādah, from Ibn al-Musayyib, Sulaymān ibn Yasār, Al-Ḥasan, and ʿIkrimah, from Ibn ʿAbbās who said: “She has no choice over [if married to] a free man.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا ابْنُ مُبَارَكٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ ابْنِ الْمُسَيَّبِ، وَسُلَيْمِ بْنِ يَسَارٍ، وَالْحَسَنِ، وَعِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا خِيَارَ لَهَا عَلَى الْحُرِّ

[16525] Ibn Mubārak told us, from Ibn Jurayj, from ʿAṭāʾ who said: I said to him: “Does she have a choice over a free man?” He said: “No.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: قُلْتُ لَهُ: لَهَا خِيَارٌ عَلَى الْحُرِّ؟ قَالَ: لَا

[16526] Al-Thaqafī told us, from Ayyūb, from Abū Qilābah who said: “She has no choice regarding the free man, but she has a choice regarding the slave.”

حَدَّثَنَا الثَّقَفِيُّ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، قَالَ: لَيْسَ لَهَا خِيَارٌ مِنَ الْحُرِّ، وَلَهَا خِيَارٌ مِنَ الْعَبْدِ

[16527] Ibn ʿUlayyah told us, from Yūnus, from Al-Ḥasan that he used to say: “There is no choice for the slave woman if she is freed and her husband is a free man.”

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ أَنَّهُ كَانَ يَقُولُ: لَا خِيَارَ لِلْأَمَةِ، إِذَا أُعْتِقَتْ وَزَوْجُهَا حُرٌّ

[16528] Ibn Numayr told us, from Yahyā ibn Sa‘īd, from Nāfi‘: That Ṣafiyyah bint Abī ‘Ubayd had a slave whom she married to a virgin slave girl. She disliked her husband, and [Ṣafiyyah] wanted to free her but feared that if she freed the slave girl, she would separate from her husband. So she freed the slave until his emancipation was established, then she freed the slave girl after that.

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ نَافِعٍ، أَنَّ صَفِيَّةَ بِنْتَ أَبِي عُبَيْدٍ، كَانَ لَهَا عَبْدٌ فَزَوَّجَتْهُ جَارِيَةً بِكَرًا، فَكَانَتْ تَكْرَهُ زَوْجَهَا، وَكَانَتْ تُرِيدُ عِتْقَهَا مَخَافَةَ أَنْ تُعْتِقَ الْوَلِيدَةَ، فَتُفَارِقَ زَوْجَهَا، فَأَعْتَقَتِ الْعَبْدَ حَتَّى إِذَا أُثْبِتَ الْعَتِيقُ، أَعْتَقَتِ الْوَلِيدَةَ بَعْدَ ذَلِكَ

[16529] Ḥaḥṣ told us, from Al-A‘mash, from Ibrāhīm, from Al-Aswad, from ‘Ā’ishah: “That she bought Barīrah and freed her. The Messenger of Allah ﷺ gave her the choice, and she had a free husband.”

حَدَّثَنَا حَفْصٌ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ، أَنَّهَا اشْتَرَتْ بَرِيرَةَ فَأَعْتَقَتْهَا، فَخَيَّرَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَكَانَ لَهَا زَوْجٌ حُرٌّ

[16530] Ibn ‘Uyaynah told us, from Ibn Ṭāwūs, from his father who said: “She is given the choice, even if she is married to a man from Quraysh.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، قَالَ: تُخَيَّرُ، وَإِنْ كَانَتْ تَحْتَ رَجُلٍ مِنْ قُرَيْشٍ

[16531] Ibn Mubāarak told us, from Hishām, from Ibn Sīrīn who said: “She has the choice whether her husband is free or a slave.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: لَهَا الْخِيَارُ حُرًّا كَانَ زَوْجُهَا، أَوْ عَبْدًا

[16532] Ḥafṣ told us, from ‘Āṣim, from Al-Sha‘bī who said: “She is given the choice whether her husband is free or a slave.”

حَدَّثَنَا حَفْصٌ، عَنْ عَاصِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: تُخَيَّرُ حُرًّا كَانَ زَوْجُهَا أَوْ عَبْدًا

[16533] ‘Abd al-Ṣamad ibn ‘Abd al-Wārith told us, from Ḥarb ibn Abī al-‘Āliyah, from Ibn Abī Najīh, from Mujāhid who said: “She has the choice, even if she were under the Commander of the Faithful.”

حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ حَرْبِ بْنِ أَبِي الْعَالِيَةِ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، قَالَ: لَهَا الْخِيَارُ، وَإِنْ كَانَتْ تَحْتَ أَمِيرِ الْمُؤْمِنِينَ

[16534] Ibn Mubāarak told us, from Ibn Jurayj, from Ibn Ṭāwūs, from his father; and from Ibn Jurayj, from Al-Ḥasan ibn Muslim, from Ṭāwūs who said: “She has the choice over the free man and the slave.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، وَعَنِ ابْنِ جُرَيْجٍ، عَنِ الْحَسَنِ بْنِ مُسْلِمٍ، عَنْ طَاوُسٍ، قَالَ: لَهَا الْخِيَارُ عَلَى الْحُرِّ وَالْعَبْدِ

[16535] ‘Alī ibn Mushir told us, from ‘Ubayd Allāh, from Nāfi‘, from Ibn ‘Umar regarding a slave woman married to a slave who is then freed. He said: “She has the choice as long as he has not touched (had intercourse with) her.”

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ فِي الْمَمْلُوكَةِ تَكُونُ تَحْتَ الْعَبْدِ فَتُعْتَقُ، قَالَ: لَهَا الْخِيَارُ مَا لَمْ يَمَسَّهَا

[16536] Ibn Mubārak told us, from Ḥanzalah who said: I heard Ṭāwūs when he was asked about a slave woman who is freed and has a free husband, does she have a choice? He said: “I have no knowledge [about that], but if she is married to a slave, she is given the choice.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ حَنْظَلَةَ، قَالَ: سَمِعْتُ طَاوُسًا، وَسَيْلَ عَنْ الْأَمَةِ تُعْتَقُ وَلَهَا زَوْجٌ حُرٌّ تَخِيرُ؟ قَالَ: لَا عِلْمَ لِي وَلَكِنَّهَا إِذَا كَانَتْ تَحْتَ عَبْدٍ خُيرَتْ

[16537] ‘Abdah told us, from Sa‘īd, from Abū Ma’shar, from Ibrāhīm who said: “She is given the choice whether her husband is free or a slave.”

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: تَخِيرُ حُرًّا كَانَ زَوْجُهَا أَوْ عَبْدًا

[16538] Ibn ‘Ulayyah told us, from Khālīd, from Abū Qilābah, from ‘Umar who said: “If a slave woman is freed, she has the choice as long as her husband has not had intercourse with her.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ، عَنْ عُمَرَ، قَالَ: إِذَا أُعْتِقَتْ الْأَمَةُ فَلَهَا الْخِيَارُ مَا لَمْ يَطَّأَهَا زَوْجُهَا

[16539] ‘Abdah told us, from ‘Ubayd Allāh, from Nāfi‘, from Ibn ‘Umar who said: “If he approaches her [sexually], she has no choice; she has accepted.”

حَدَّثَنَا عَبْدُهُ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: إِذَا قَرَبَهَا فَلَا خِيَارَ لَهَا، قَدْ أَقَرَّتْ

[16540] ‘Abdah told us, from Sa‘īd, from Qatādah: That Ḥaḥṣah, the wife of the Prophet ﷺ, freed a slave girl of hers and said: “If your husband has intercourse with you, you have no choice.”

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، أَنَّ حَفْصَةَ زَوْجَةَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَعْتَقَتْ جَارِيَةً لَهَا فَقَالَتْ: إِنْ وَطِئَكَ زَوْجُكَ فَلَا خِيَارَ لَكَ

[16541] ‘Abdah told us, from Sa‘īd, from Qatādah, from Sulaymān ibn Yasār who said: “If her husband has intercourse with her, she has no choice.”

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، قَالَ: إِذَا غَشِيَهَا زَوْجُهَا، فَلَا خِيَارَ لَهَا

[16542] Ibn ‘Ulayyah told us, from Ayyūb, from Abū Qilābah and Nāfi‘ who said: “She has the choice as long as he has not had intercourse with her.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، وَنَافِعٍ، قَالَا: لَهَا الْخِيَارُ مَا لَمْ يَغْشَاهَا

[16543] ‘Abd al-Salām told us, from Mughīrah, from Ibrāhīm who said: “If the slave woman is freed, she has the choice as long as her husband has not had intercourse with her.”

حَدَّثَنَا عَبْدُ السَّلَامِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أُعْتِقَتِ الْأَمَةُ، فَلَهَا الْخِيَارُ، مَا لَمْ يَطَّأَهَا زَوْجُهَا

[16544] Ibn Mubārak told us, from Ḥammād ibn Salamah who said: “If the slave woman is freed, then he has intercourse with her while she does not know she has the choice, she still has the choice.” He said: It reached me from Al-Ḥasan that he used to say that.

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، قَالَ: إِذَا أُعْتِقَتِ الْأَمَةُ، ثُمَّ وَطِئَهَا، وَهِيَ لَا تَعْلَمُ أَنَّ لَهَا الْخِيَارَ فَلَهَا الْخِيَارُ. قَالَ: وَبَلَغَنِي عَنِ الْحَسَنِ أَنَّهُ كَانَ يَقُولُ ذَلِكَ

[16545] Ibn Mubārak told us, from Ibn Jurayj who said: It reached me from Sa‘īd ibn al-Musayyib that he said: “She has the choice.” And he said: “If I had authority over him, I would have beaten him.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: بَلَغَنِي عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ: لَهَا الْخِيَارُ وَقَالَ: لَوْ كَانَ لِي عَلَيْهِ سُلْطَانٌ لَضَرَبْتُهُ

[16546] Ibn Mubārak told us, from Ibn Jurayj in what was read to him, who said: And Ibn ‘Umar said: “If he has intercourse with her while she does not know, she has the choice when she learns, even if he had intercourse with her a hundred times.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنِ ابْنِ جُرَيْجٍ فِيمَا قَرَأَ عَلَيْهِ قَالَ: وَقَالَ ابْنُ عُمَرَ: إِنْ أَصَابَهَا، وَلَا تَعْلَمُ، فَلَهَا الْخِيَارُ إِذَا عَلِمَتْ، وَلَوْ أَصَابَهَا مِنْهَا مِائَةً مَرَّةً

[16547] Abū Bakr told us, from Ibn al-Mubārak, from Ibn Jurayj who said: I said to ‘Aṭā’: “If a slave woman is freed and he has intercourse with her hastily?” He said: “What a bad thing he did.” I said: “Does she have a choice over a free man?” He said: “No.”

حَدَّثَنَا أَبُو بَكْرِ عَنْ ابْنِ الْمُبَارَكِ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءٍ: إِذَا أُعْتِقَتِ الْأَمَةُ فَأَصَابَهَا مُبَادِرًا؟ قَالَ: بَيْسَ مَا صَنَعَ قَالَ: قُلْتُ: لَهَا خِيَارٌ عَلَى الْحُرِّ؟ قَالَ: لَا

[16548] Wakī‘ told us, from Sa‘īd, from Al-Ḥakam who said: “If he has intercourse with her and she does not know that she has the choice, she has the choice when she

حَدَّثَنَا وَكَيْعٌ، عَنْ سَعِيدٍ عَنِ الْحَكَمِ، قَالَ: إِذَا وَطِنَهَا وَهِيَ لَا تَعْلَمُ أَنَّ لَهَا الْخِيَارَ، فَلَهَا الْخِيَارُ إِذَا عَلِمَتْ

[16549] Ḥafṣ told us, from some of Ḥammād's companions, from Ḥammād, from Ibrāhīm who said: “If he has intercourse with her and she did not know she had the choice, she has the choice when she learns.”

حَدَّثَنَا حَفْصٌ عَنْ بَعْضِ أَصْحَابِ حَمَّادٍ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا وَقَعَ عَلَيْهَا، وَلَمْ تَعْلَمْ أَنَّ لَهَا الْخِيَارَ، فَلَهَا الْخِيَارُ إِذَا عَلِمَتْ

[16550] Ibn Mubārak told us, from Jarīr, from Al-Ḍaḥḥāk who said: “If he has intercourse with her while she knows she has the choice, that is consent from her.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ جَرِيرٍ، عَنِ الضَّحَّاكِ، قَالَ: إِذَا وَطِئَهَا وَهِيَ تَعْلَمُ أَنَّ لَهَا الْخِيَارَ فَذَلِكَ مِنْهَا رِضًى

[16551] Ḥafṣ told us, from ‘Amr, from Al-Ḥasan who said: “If her husband has intercourse with her while she knows she has the choice, she has no choice.”

حَدَّثَنَا حَفْصٌ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، قَالَ: إِذَا وَقَعَ عَلَيْهَا زَوْجُهَا، قَدْ عَلِمَتْ أَنَّ لَهَا الْخِيَارَ، فَلَا خِيَارَ لَهَا

[16552] Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan who said: “If he has intercourse with her before she chooses, she is made to swear that she did not know she had the choice, then she is given the choice if she is married to a slave.”

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: إِذَا غَشِيَهَا قَبْلَ أَنْ تَخْتَارَ اسْتُخْلِِفَ أَنَّهَا لَمْ تَعْلَمْ أَنَّ لَهَا الْخِيَارَ، ثُمَّ خُيِّرَتْ إِذَا كَانَتْ تَحْتَ عَبْدٍ

[16553] Ghundar told us, from Shu‘bah who said: I asked Al-Ḥakam about a man who had a wife, and she was freed, then he had intercourse with her after emancipation, and she said: ‘I did not realize I had a choice.’ He said: “She is made to swear that she did not know she had a choice, then she is given the choice.” And I asked Ḥammād, and he said: “She is his wife and she is not given a choice.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ عَنْ رَجُلٍ كَانَتْ عِنْدَهُ امْرَأَةٌ، فَأُعْتِقْتُ، فَعَشِيَهَا بَعْدَ الْعِتْقِ، فَقَالَتْ: لَمْ أَشْعُرْ أَنَّ لِي خِيَارًا، قَالَ: تُسْتَحْلَفُ أَنَّهَا لَمْ تَعْلَمْ أَنَّ لَهَا الْخِيَارَ، ثُمَّ تُخَيَّرُ. وَسَأَلْتُ حَمَّادًا فَقَالَ: هِيَ امْرَأَتُهُ وَلَا تُخَيَّرُ

[16554] Ghundar told us, from Shu‘bah who said: Al-Haytham informed me, from Ḥammād, that he said: “She is made to swear that she did not know she had the choice.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، قَالَ: أَخْبَرَنِي الْهَيْثَمُ، عَنْ حَمَّادٍ، أَنَّهُ قَالَ: تُسْتَحْلَفُ أَنَّهَا لَمْ تَعْلَمْ أَنَّ لَهَا الْخِيَارَ

[16555] Ibn Mubārak told us, from a man, from Jābir ibn Zayd regarding the Mukātabah (female slave with contract for freedom). He said: “She is given the choice.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ رَجُلٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، فِي الْمُكَاتَبَةِ قَالَ: تُخَيَّرُ

[16556] Ibn Mubārak told us, from Sufyān, from Firās, from ‘Āmir who said: “The Mukātabah is given the choice.”

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ سُفْيَانَ، عَنْ فِرَاسٍ، عَنْ عَامِرٍ،
قَالَ: تُخَيَّرُ الْمُكَاتِبَةُ

[16557] Abū Bakr ibn ‘Ayyāsh told us, from Maṣṣūr and Muḡhīrah, from Ibrāhīm who said: “If there is a woman whose husband helped her with her Kitābah contract, and then she was freed, she has no choice.”

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ مَصْصُورٍ، وَمُغِيرَةَ، عَنْ
إِبْرَاهِيمَ، قَالَ: إِذَا كَانَتْ امْرَأَةٌ أَعَانَهَا زَوْجُهَا عَلَى
مُكَاتِبَتِهَا، ثُمَّ أُعْتُقَتْ فَلَا خِيَارَ لَهَا

[16558] Sharīk told us, from Jābir, from ‘Āmir regarding the Mukātabah who is striving (to pay for freedom) and her husband is with her. He said: “She has the choice, even if he strove with her.”

حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي الْمُكَاتِبَةِ
تَسْعَى وَمَعَهَا زَوْجُهَا، قَالَ: لَهَا الْخِيَارُ، وَإِنْ سَعَى
مَعَهَا

[16559] Hushaym told us, from Yūnus, from Al-Ḥasan; and Maṣṣūr, from Al-Ḥasan and ‘Aṭā’: That they used to “see no harm in marrying Nahāriyyāt (women only available during the day).”

حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، وَمَصْصُورٍ، عَنْ
الْحَسَنِ، وَعَطَاءٍ، أَنَّهُمَا كَانَا لَا يَرَيَانِ بَأْسًا بِتَرْوِيجِ
النَّهَارِيَّاتِ

[16560] Ibn Idrīs told us, from Hishām, from Ibn Sīrīn: That he used to “dislike the marriage of Nahāriyyāt.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ أَنَّهُ كَانَ يَكْرَهُ نِكَاحَ النَّهَارِيَّاتِ

[16561] Ibn Idrīs told us, from Hishām: And Al-Ḥasan used to “see no harm [in it].”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ: وَكَانَ الْحَسَنُ لَا يَرَى بَأْسًا

[16562] Ghundar told us, from Shu‘bah, from Ḥammād: “That he disliked it.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ حَمَّادٍ، أَنَّهُ كَرِهَهُ

[16563] Abū Bakr told us, from Jarīr, from Muṭarrif, from Al-Ḥakam and Ḥammād regarding a man who marries a woman and stipulates for her: ‘What I allot for you of night or day,’ and she accepts it. [They said]: ‘Otherwise this is a corrupt condition.’”

حَدَّثَنَا أَبُو بَكْرِ عَنْ جَرِيرٍ، عَنْ مُطَرِّفٍ، عَنْ الْحَكَمِ، وَحَمَّادٍ فِي رَجُلٍ تَزَوَّجَ امْرَأَةً وَشَرَطَ لَهَا مَا قَسَمْتُ لَكَ مِنْ لَيْلٍ، أَوْ نَهَارٍ، وَرَضِيَتْ بِهِ، وَإِلَّا هَذَا شَرَطٌ فَاسِدٌ

[16564] ‘Abd al-A‘lā told us, from Ma‘mar, from Al-Zuhrī who said: He used to be asked about a man who marries a woman and stipulates that he will not come to her such and such [time], and will not spend on her except a known amount. He said: “The reconciliation which Allah commanded is only after consummation.” And he used to dislike it.

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: كَانَ يُسْأَلُ عَنِ الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ فَيَسْتَرْطِ عَلَيْهَا أَنْ لَا يَأْتِيَهَا كَذَا وَكَذَا، وَلَا يُنْفِقُ عَلَيْهَا إِلَّا شَيْئًا مَعْلُومًا، قَالَ: إِنَّمَا الصُّلْحُ الَّذِي أَمَرَ اللَّهُ بِهِ بَعْدَ الدُّخُولِ، وَكَانَ يَكْرَهُهُ

[16565] Ibn ‘Ulayyah said: Yūnus was asked about conditions in marriage. He said: Al-Ḥasan used to “see no harm in it if it was public.” And Ibn Sirīn used to “dislike it at the beginning, but saw no harm in it after that.”

حَدَّثَنَا ابْنُ عُليَّةَ، قَالَ: سُئِلَ يُونُسُ، عَنِ الشَّرْطِ فِي النِّكَاحِ، فَقَالَ: كَانَ الْحَسَنُ لَا يَرَى بِهِ بَأْسًا إِذَا كَانَتْ عِلَانِيَةً، وَكَانَ ابْنُ سِيرِينَ يَكْرَهُ ابْتِدَاءَهُ، وَلَا يَرَى بِهِ بَأْسًا بَعْدَ ذَلِكَ

[16566] Wakī‘ told us, from Isrā‘īl, from Jābir, from ‘Āmir who said: I asked him about a man who has a wife, then marries another woman and stipulates one day for this one and two days for that one. He said: “There is no harm in it.”

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ يَكُونُ لَهُ امْرَأَةٌ فَيَتَزَوَّجُ الْمَرْأَةَ فَيَسْتَرْطِ لِهَذِهِ يَوْمًا وَلِهَذِهِ يَوْمَيْنِ، قَالَ: لَا بَأْسَ بِهِ

[16567] Abū Bakr told us, from Ismā'il ibn 'Ayyāsh, from Ibn Jurayj, from 'Aṭā', from Ibn 'Abbās regarding a man who married a woman and they stipulated upon him: "If you bring her dowry by such and such [time], [good], otherwise there is no marriage between us." Ibn 'Abbās said: "There is no harm in that."

حَدَّثَنَا أَبُو بَكْرٍ عَنْ إِسْمَاعِيلَ بْنِ عَيَّاشٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، فِي رَجُلٍ تَزَوَّجَ امْرَأَةً فَأَشْتَرَطُوا عَلَيْهِ: إِنْ جِئْتَ بِمَهْرِهَا إِلَى كَذَا وَكَذَا، وَإِلَّا فَلَا نِكَاحَ بَيْنَنَا قَالَ: ابْنُ عَبَّاسٍ: لَا بَأْسَ بِذَلِكَ

[16568] Ibn Mubārak told us, from Ma'mar, from Al-Zuhrī who said: "It is valid, as if he made it an oath." And Al-Ḥasan used to say: "The marriage is valid and the condition is void."

حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: هُوَ جَائِزٌ وَكَأَنَّهُ جَعَلَهُ حَلْفًا وَكَأَنَّ الْحَسَنَ يَقُولُ: قَدْ جَارَ النِّكَاحُ وَبَطَلَ الشَّرْطُ

[16569] Jarīr told us, from Maṣṣūr, from Ibrāhīm who said: "Every condition in marriage, the marriage demolishes it, except divorce."

حَدَّثَنَا جَرِيرٌ، عَنْ مَنصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كُلُّ شَرْطٍ فِي النِّكَاحِ، فَالنِّكَاحُ يَهْدِمُهُ إِلَّا الطَّلَاقَ

[16570] Abū Bakr told us, from Wakī', from Sufyān, from 'Amr ibn Qays, from his grandmother: That her father married a woman giving her servant as a dowry. She disputed with her father before Shurayḥ. He judged the servant for her, and judged the value of the servant for the woman [the wife].

حَدَّثَنَا أَبُو بَكْرٍ عَنْ وَكِيعٍ، عَنْ سُفْيَانَ، عَنْ أَمْرِ بْنِ قَيْسٍ، عَنْ جَدَّتِهِ، أَنَّ أَبَاهَا تَزَوَّجَ امْرَأَةً بِخَادِمٍ لَهَا فَخَاصَمَتْ أَبَاهَا إِلَى شُرَيْحٍ فَقَضَى لَهَا بِخَادِمٍ، وَقَضَى لِلْمَرْأَةِ بِقِيَمَةِ الْخَادِمِ

[16571] Wakī' told us, from Ismā'il, from Al-Sha'bī regarding a man who married a woman on the condition that he frees her father, but he was unable to do so. He said: "He owes the value of the father."

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، فِي رَجُلٍ تَزَوَّجَ امْرَأَةً عَلَى أَنْ يُعْتِقَ أَبَاهَا فَلَمْ يَفْعِدْ عَلَيْهِ، قَالَ: عَلَيْهِ قِيَمَةُ الْأَبِ

[16572] Hushaym told us, from Ismā'il ibn Abī Khālid, from Al-Sha'bī regarding a man who marries a woman on condition that her dowry is the emancipation of her father, but he couldn't afford it. He said: "She gets the value of the father."

حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ فِي الرَّجُلِ يَتَزَوَّجُ امْرَأَةً عَلَى أَنْ صَدَاقُهَا عِتْقُ أَبِيهَا فَلَمْ يَسْغُهُ، قَالَ: لَهَا قِيَمَةُ الْأَبِ

[16573] Jarīr told us, from Mughīrah, from Ḥammād regarding a man who married a woman on condition that he takes her for Hajj, then divorced her before consummation. He said: “She gets half of the minimum amount one performs Hajj with.”

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، فِي رَجُلٍ تَزَوَّجَ امْرَأَةً عَلَى أَنْ يُحِجَّهَا، ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، قَالَ: لَهَا نِصْفُ أَدْنَى مَا يُحِجُّ بِهِ إِنْسَانٌ

[16574] We were told from ‘Abd al-A‘lā, from Ma‘mar, from Al-Zuhri who said: “If a man proposes on behalf of another man and marries him off [to a woman], then the other denies it, her right is established against this one for half the dowry.”

حَدَّثَنَا حَدَّثَنَا عَنْ عَبْدِ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: إِذَا خَطَبَ الرَّجُلُ عَلَى الرَّجُلِ فَزَوَّجَهُ، فَأَنْكَرَ عَلَيْهِ الْآخَرُ، فَحَقُّهَا ثَابِتٌ عَلَى هَذَا نِصْفُ الصَّدَاقِ

[16575] Wakī‘ told us, from Isrā’īl, from Jābir, from ‘Āmir regarding a man who wrote to his father or his master to marry him off, so he married him off, then he came and denied it. Al-Sha‘bī said: “If the husband approves the marriage, it is valid. If he does not approve it, it is nothing, and neither of them owes dowry if he has not consummated the marriage with her.”

حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي رَجُلٍ كَتَبَ إِلَى أَبِيهِ، أَوْ إِلَى مَوْلَاهُ، أَنْ يُزَوِّجَهُ، فَزَوَّجَهُ فَجَاءَ فَأَنْكَرَ عَلَيْهِ، قَالَ الشَّعْبِيُّ: إِنْ أَجَازَ الزَّوْجُ النِّكَاحَ فَهُوَ جَائِزٌ، وَإِنْ لَمْ يُجِزْهُ فَلَيْسَ بِشَيْءٍ، وَلَيْسَ عَلَى وَاحِدٍ مِنْهُمَا صَدَاقٌ، إِنْ لَمْ يَكُنْ دَخَلَ بِهَا

[16576] Al-Ḍaḥḥāk ibn Makhlad told us, from Ibn Jurayj, from ‘Aṭā’ regarding a man who married off his father while he was absent, and the father did not approve. He said: “The dowry is upon the son. And if the father married off the son, and the son did not approve, the dowry is upon the father.”

حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي رَجُلٍ زَوَّجَ أَبَاهُ وَهُوَ غَائِبٌ، وَلَمْ يَرْضَ الْأَبُ، قَالَ: الصَّدَاقُ عَلَى الْإِبْنِ، فَإِنْ زَوَّجَ الْأَبُ الْإِبْنَ، فَلَمْ يَرْضَ الْإِبْنُ، فَالصَّدَاقُ عَلَى الْأَبِ

[16577] Ibn ‘Uyaynah told us, from ‘Amr, from ‘Aṭā’, from Jābir who said: “We used to practice ‘azl (coitus interruptus) while the Quran was being revealed.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ عَطَاءٍ، عَنْ جَابِرٍ، قَالَ: كُنَّا نَعْزِلُ، وَالْقُرْآنُ يَنْزِلُ

[16578] Ibn ‘Uyaynah told us, from Abū al-Zinād, from Khārijah ibn Zayd: That Zayd “used to practice ‘azl with a slave girl of his.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَبِي الزِّنَادِ، عَنْ خَارِجَةَ بْنِ زَيْدٍ، أَنَّ زَيْدًا، كَانَ يَعْزِلُ عَنْ جَارِيَةٍ لَهُ

[16579] Ibn ‘Uyaynah told us, from ‘Amr, from ‘Ikrimah: That Zayd and Sa’d “used to practice ‘azl.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ عِكْرِمَةَ، أَنَّ زَيْدًا وَسَعْدًا كَانَا يَعْزِلَانِ

[16580] Ibn ‘Uyaynah told us, from ‘Amr, from Ismā‘īl al-Shaybānī: That he swore to the wife of Rāfi‘ ibn Khadij, and she informed him that he used to “practice ‘azl, or refrain, due to sores she had, so he would not have to bathe.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ إِسْمَاعِيلَ الشَّيْبَانِيِّ، أَنَّهُ حَلَفَ عَلَى امْرَأَةِ رَافِعِ بْنِ خَدِيجٍ فَأَخْبَرَتْهُ، أَنَّهُ كَانَ يَعْزِلُ، أَوْ يَعْزِلُ، مِنْ قُرُوحٍ بِهَا، كَيْ لَا يَغْتَسِلَ

[16581] Abū Bakr ibn ‘Ayyāsh told us, from Abū Ishāq, from Zā‘idah, from ‘Umar, from Ibn ‘Abbās regarding His saying: {Your women are a tilth for you} [Al-Baqarah: 223]. He said: “Whoever wishes to practice ‘azl may do so, and whoever wishes not to practice ‘azl may not do so.”

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ زَائِدَةَ، عَنْ عُمَرَ، عَنْ ابْنِ عَبَّاسٍ فِي قَوْلِهِ: {نِسَاؤُكُمْ حَرْثٌ} قَالَ: مَنْ شَاءَ أَنْ يَعْزِلَ فَلْيَعْزِلْ، [223: لَكُمْ] [البقرة] وَمَنْ شَاءَ أَنْ لَا يَعْزِلَ فَلَا يَعْزِلْ

[16582] Ibn ‘Ulayyah told us, from Al-Taymī, from Yahyā ibn ‘Abbād: That Khabbāb “used to practice ‘azl with his concubines.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ التَّيْمِيِّ، عَنْ يَحْيَى بْنِ عَبَّادٍ، أَنَّ خَبَّابًا، كَانَ يَعْزِلُ عَنْ سَرَارِيهِ

[16583] Ibn ‘Ulayyah told us, from Yahyā, from Ibn Abī Ishāq, from Abū Sa‘īd—meaning ‘Āmir—: That Sa‘d “used to practice ‘azl.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ يَحْيَى، عَنْ ابْنِ أَبِي إِسْحَاقَ، عَنْ أَبِي سَعِيدٍ يَعْنِي عَامِرًا، أَنَّ سَعْدًا كَانَ يَعْزِلُ

[16584] ‘Abd al-A‘lā told us, from Yūnus, from Al-Ḥasan regarding ‘azl, that the Companions of the Prophet ﷺ differed concerning it. He said: Zayd and Anas ibn Mālīk “used to practice ‘azl.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي الْعَزْلِ اخْتَلَفَ فِيهِ أَصْحَابُ النَّبِيِّ عَلَيْهِ السَّلَامُ، قَالَ: فَكَانَ زَيْدٌ وَأَنَسُ بْنُ مَالِكٍ يَعْزِلَانِ

[16585] Wakī‘ told us, from ‘Alī ibn Mubārak, from Yaḥyā, from Abū Salamah: That Zayd and Sa’d “used to practice ‘azl.”

حَدَّثَنَا وَكِيعٌ، عَنْ عَلِيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ، أَنَّ زَيْدًا، وَسَعْدًا كَانَا يَعْزِلَانِ

[16586] Wakī‘ told us, from Al-Daḥḥāk ibn ‘Uthmān, from Sālīm Abū al-Naḍr, from ‘Abd al-Raḥmān ibn Aflaḥ who said: You married the Umm Walad of Abū Ayyūb, and she informed me that Abū Ayyūb “used to practice ‘azl.” And the Umm Walad of Zayd ibn Thābit informed me that he “used to practice ‘azl with her.” And Sālīm said: From ‘Ā’ishah bint Sa’d, that Sa’d used to “practice ‘azl with the mothers of his children.”

حَدَّثَنَا وَكِيعٌ، عَنِ الضَّحَّاكِ بْنِ عُثْمَانَ، عَنْ سَالِمِ أَبِي النَّضْرِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَفْلَحٍ، قَالَ: نَكَحْتُ أُمَّ وَلَدِ أَبِي أَيُّوبَ، فَأَخْبَرْتَنِي، أَنَّ أَبَا أَيُّوبَ كَانَ يَعْزِلُ، وَأَخْبَرْتَنِي أُمُّ وَلَدِ زَيْدِ بْنِ ثَابِتٍ أَنََّّهُ كَانَ يَعْزِلُ عَنْهَا، وَقَالَ سَالِمٌ: عَنْ عَائِشَةَ ابْنَةِ سَعْدٍ، أَنَّ سَعْدًا كَانَ يَعْزِلُ عَنْ أُمَّهَاتِ أَوْلَادِهِ

[16587] ‘Abdah told us, from Yahyā ibn Sa‘īd, from Sa‘īd ibn al-Musayyib who said: “The Ansar used to see no harm in ‘azl.” And among those who said that were Zayd, Abū Ayyūb, and Ubayy.

حَدَّثَنَا عَبْدُهُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: كَانَتِ الْأَنْصَارُ لَا يَرَوْنَ بَأْسًا بِالْعَزْلِ. وَكَانَ مِمَّنْ يَقُولُ ذَلِكَ زَيْدٌ وَأَبُو أَيُّوبَ، وَأُبَيُّ

[16588] Ghundar told us, from Shu‘bah, from Ḥammād, from Ibrāhīm: That ‘Alqamah and the companions of ‘Abd Allāh “used to practice ‘azl.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، أَنَّ عُلَقَمَةَ، وَأَصْحَابَ عَبْدِ اللَّهِ كَانُوا يَعْزِلُونَ

[16589] Ḥafṣ told us, from Ja‘far, from his father ‘Alī ibn Ḥusayn: That he used to “practice ‘azl and interpret this verse: {And when your Lord took from the children of Adam from their loins their descendants} [Al-A‘raf: 172].”

حَدَّثَنَا حَفْصٌ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ عَلِيِّ بْنِ حُسَيْنٍ، أَنَّهُ كَانَ "يَعْزِلُ وَيَتَأَوَّلُ هَذِهِ الْآيَةَ: {وَإِذْ أَخَذَ رَبُّكَ مِنْ بَنِي آدَمَ مِنْ ظُهُورِهِمْ ذُرِّيَّتَهُمْ} [الأعراف

[16590] Ibn Fuḍayl told us, from Mis‘ar, from Abū ‘Imrān who said: I heard a woman say: Al-Ḥasan ibn ‘Alī “used to practice ‘azl with me.”

حَدَّثَنَا ابْنُ فَضَالٍ، عَنْ مِسْعَرٍ، عَنْ أَبِي إِمْرَانَ، قَالَ: سَمِعْتُ امْرَأَةً تَقُولُ: كَانَ الْحَسَنُ بْنُ عَلِيٍّ يَعْزِلُ عَنِّي

[16591] ‘Abdah told us, from Yahyā ibn Sa‘īd, from Sa‘īd who was asked about ‘azl. He saw no harm in it and said: “It is your tilth; if you wish, leave it thirsty, and if you wish, water it.”

حَدَّثَنَا عَبْدُهُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدٍ سُئِلَ عَنِ الْعَزْلِ، فَلَمْ يَرِ بِهِ بَأْسًا، وَقَالَ: هُوَ حَرْثُكَ إِنْ شِئْتَ أَعْطَشْتَهُ، وَإِنْ شِئْتَ سَقَيْتَهُ

[16592] Yahyā ibn Sa‘īd told us, from Mas‘ūd ibn ‘Alī who said: I said to ‘Ikrimah: “Tell me, can I practice ‘azl with a slave girl of mine?” He said: “It is your tilth; if you wish, leave it thirsty, and if you wish, quench it.”

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ مَسْعُودِ بْنِ عَلِيٍّ، قَالَ: قُلْتُ لِعِكْرِمَةَ: أَخْبِرْنِي أَعَزَلَ عَنْ جَارِيَةٍ لِي، قَالَ: هُوَ حَرْثُكَ فَإِنْ شِئْتَ فَأَعْطَشْتَهُ، وَإِنْ شِئْتَ فَأَرَوْهُ

[16593] Marwān ibn Mu‘āwiyah told us, from Al-Zibriqān al-Sarrāj who said: I asked Ibn Mughaffal about ‘azl. He said: “Someone better than me and you did that:

حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنِ الزَّبْرِقَانَ السَّرَّاجِ، قَالَ: سَأَلْتُ ابْنَ مُغَفَّلٍ عَنِ الْعَزْلِ فَقَالَ: قَدْ فَعَلَ ذَلِكَ مَنْ هُوَ خَيْرٌ مِنِّي وَمِنْكَ سَعْدُ

[16594] Yahyā ibn Sa‘īd told us, from Al-Ḥasan ibn Dhakwān, from Al-Ḥasan, from Jābir who said: “We used to practice ‘azl while the Quran was being revealed, and we were not forbidden.”

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنِ الْحَسَنِ بْنِ ذَكْوَانَ، عَنِ الْحَسَنِ، عَنْ جَابِرٍ، قَالَ: كُنَّا نَعَزِلُ، وَالْقُرْآنُ يَنْزِلُ، فَلَا نُنْهَى

[16595] Muḥammad ibn Bishr told us, from Mis‘ar, from ‘Awn ibn ‘Abd Allāh, from a man, from his father, from a concubine of ‘Umar: “That he used to practice ‘azl.”

حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ، عَنْ مِسْعَرٍ، عَنْ عَوْنِ بْنِ عَبْدِ اللَّهِ، عَنْ رَجُلٍ، عَنْ أَبِيهِ، عَنْ سُرَيْيَةَ لِعُمَرَ أَنَّهُ كَانَ يُعْزِلُ

[16596] Muḥammad ibn Bishr told us, from Mis‘ar, from Al-Walīd ibn Abī Mālik, from Qaza‘ah, from Abū Sa‘īd al-Khudrī who said: “This daughter of mine who is in the curtained area is from ‘azl.”

حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ، عَنْ مِسْعَرٍ، عَنِ الْوَلِيدِ بْنِ أَبِي مَالِكٍ، عَنْ قَزَاعَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، قَالَ: ابْنَتِي هَذِهِ الَّتِي فِي الْخِدْرِ مِنَ الْعَزْلِ

[16597] Abū Mu‘āwiyah told us, from Al-A‘mash, from Sālim, from Jābir who said: A man came to the Prophet ﷺ and said: “I have a servant girl who waters my camel for me, and I practice ‘azl with her, but she became pregnant.” The Messenger of Allah ﷺ said: “Whatever soul Allah decrees to create will come into being.”

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ سَالِمٍ، عَنْ جَابِرٍ، قَالَ: أَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلٌ فَقَالَ: إِنَّ لِي خَادِمًا تَسْقِي عَلَيَّ نَاضِحًا لِي، وَأَنَا أُعْزِلُ عَنْهَا، فَجَاءَتْ بِوَلَدٍ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَا يُقَدِّرُ اللَّهُ مِنْ نَفْسٍ أَنْ يَخْلُقَهَا إِلَّا وَهِيَ كَائِنَةٌ

[16598] Muḥammad ibn Bishr told us, from Mis‘ar, who said: Al-Ḥasan informed me, from Sa’d, from Ibn Abī Mulaykah: That Ibn ‘Abbās was asked about ‘azl, so he called a slave girl of his and said: “I practiced ‘azl with you yesterday.”

حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ، عَنْ مِسْعَرٍ، قَالَ: أَخْبَرَنِي الْحَسَنُ، عَنْ سَعْدٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، أَنَّ ابْنَ عَبَّاسٍ سَأَلَ عَنِ الْعَزْلِ فَدَعَا جَارِيَةً لَهُ، فَقَالَ: عَزَلْتُ عَنْكَ أَمْسَ

[16599] Muḥammad ibn Bishr told us, from Mis‘ar who said: ‘Abd al-Malik ibn ‘Umayr told me, from Muṣ‘ab ibn Sa’d: That Sa’d “used to practice ‘azl with the slave girl if he feared she might become pregnant.”

حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ، عَنْ مِسْعَرٍ، قَالَ: حَدَّثَنِي عَبْدُ الْمَلِكِ بْنُ عُمَيْرٍ، عَنْ مُصْعَبِ بْنِ سَعْدٍ، أَنَّ سَعْدًا، كَانَ يَعْزِلُ عَنِ الْأَمَةِ، إِذَا خَشِيَ أَنْ تَحْمِلَ

[16600] Abū Bakr told us, from Ibn Fuḍayl, from Yaḥyā ibn Sa‘īd, from Sa‘īd ibn al-Musayyib: That Abū Bakr and ‘Umar “used to dislike ‘azl and command people to perform Ghusl for it.”

حَدَّثَنَا أَبُو بَكْرٍ عَنِ ابْنِ فُضَيْلٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ أَبَا بَكْرٍ، وَعُمَرَ، كَانَا يَكْرَهُانِ الْعَزْلَ، وَيَأْمُرَانِ النَّاسَ بِالْغُسْلِ عَنْهُ

[16601] ‘Abdah told us, from Yaḥyā ibn Sa‘īd, from Sa‘īd ibn al-Musayyib: “That some men from the Muhajirin used to dislike ‘azl, among them So-and-so, So-and-so, and ‘Uthmān ibn ‘Affān.”

حَدَّثَنَا عَبْدُهُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ رِجَالًا مِنَ الْمُهَاجِرِينَ كَانُوا يَكْرَهُونَ الْعَزْلَ مِنْهُمْ فُلَانٌ وَفُلَانٌ، وَعُثْمَانُ بْنُ عَفَّانَ

[16602] Abū Bakr ibn ‘Ayyāsh told us, from ‘Āsim, from Zirr, from ‘Alī who said: “‘Azl is the hidden infanticide.”

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ عَاصِمٍ، عَنْ زِرٍّ، عَنْ عَلِيٍّ، قَالَ: الْعَزْلُ الْوَأْدُ الْخَفِيُّ

[16603] Kathīr ibn Hishām told us, from Ja‘far ibn Burqān who said: Maymūn ibn Mihrān told us that Ibn ‘Umar bought a slave girl for one of his sons and said: “Why do I not see her pregnant? Perhaps you practice ‘azl with her. If I knew that, I would beat your back.”

حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، قَالَ: نَا مَيْمُونُ بْنُ مِهْرَانَ، أَنَّ ابْنَ عُمَرَ اشْتَرَى جَارِيَةً لِبَعْضِ بَنِيهِ، فَقَالَ: مَا لِي لَا أَرَاهَا تَحْمِلُ لَعَلَّكَ تَعْزِلُ عَنْهَا، وَلَوْ أَعْلَمُ ذَلِكَ لَأَوْجَعْتُ ظَهْرَكَ

[16604] Ghundar told us, from Shu‘bah, from Yazīd ibn Khumayr, from Sulaym ibn ‘Āmir, from Abū Umāmah regarding ‘azl: “I did not think a Muslim would do it.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ يَزِيدَ بْنِ خُمَيْرٍ، عَنْ سُلَيْمِ بْنِ عَامِرٍ، عَنْ أَبِي أُمَامَةَ فِي الْعَزْلِ: مَا كُنْتُ أَرَى أَنَّ مُسْلِمًا يَفْعَلُهُ

[16605] Ghundar told us, from Shu‘bah, from ‘Abd al-Wāḥid al-Mālikī, from Sālim regarding ‘azl. He said: “It is the hidden infanticide.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ عَبْدِ الْوَاحِدِ الْمَالِكِيِّ، عَنْ سَالِمٍ فِي الْعَزْلِ قَالَ: هِيَ الْمَوءُودَةُ الْخَفِيَّةُ

[16606] Ghundar told us, from Shu‘bah, from Mughīrah, from Ibrāhīm, from Al-Aswad: “That he used to dislike ‘azl.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، أَنَّهُ كَانَ يَكْرَهُ الْعَزْلَ

[16607] Al-Faḍl ibn Dukayn told us, from Musdil ibn ‘Alī ibn Ja‘far ibn Abī Mughīrah, from ‘Abd Allāh ibn Abī al-Hudhayl, from Jarīr who said: A man came to the Prophet ﷺ and said: “O Messenger of Allah, I did not escape from the polytheists except with a female slave, and I practice ‘azl with her, intending to sell her.” The Messenger of Allah ﷺ said: “What was decreed came to her.”

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ مُسْدِلِ بْنِ عَلِيٍّ بْنِ جَعْفَرٍ
 بْنِ أَبِي مُغِيرَةَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي الْهَدَيْلِ، عَنْ
 جَرِيرٍ، قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
 فَقَالَ: يَا رَسُولَ اللَّهِ، مَا خَلَصْتُ إِلَيْكَ مِنَ الْمُشْرِكِينَ إِلَّا
 بِفَتْنَةٍ وَأَنَا أَعْزِلُ عَنْهَا أُرِيدُ بِهَا السُّوقَ، فَقَالَ رَسُولُ
 اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: جَاءَهَا مَا قُدِّرَ

[16608] Ibn Numayr told us, from Muḥammad ibn Ishāq, from Muḥammad ibn Ibrāhīm al-Taymī, from Abū Salamah ibn ‘Abd al-Raḥmān and Abū Umāmah ibn Sahl, both from Abū Sa‘īd al-Khudrī who said: When we captured women from Banū al-Muṣṭaliq, we enjoyed them and practiced ‘azl with them. He said: I had intercourse with a slave girl in the market of Banū Qaynuqā’. A Jewish man passed by me and said: “What is this girl, O Abū Sa‘īd?” I said: “My slave girl, I am selling her.” He said: “Did you have intercourse with her?” I said: “Yes.” He said: “Perhaps you are selling her while she carries a child from you in her womb?” I said: “I used to practice ‘azl with her.” He said: “That is the lesser infanticide.” I came to the Messenger of Allah ﷺ and mentioned that to him. He said: “The Jews lied, the Jews lied.”

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ التَّيْمِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، وَأَبِي أُمَامَةَ بْنِ سَهْلٍ، عَنْهُمَا جَمِيعًا، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، قَالَ: لَمَّا أَصَبْنَا سَبْيَ بَنِي الْمُصْطَلِقِ اسْتَمْتَعْنَا وَعَزَلْنَا عَنْهُمْ، قَالَ: وَقَعْتُ عَلَى جَارِيَةٍ فِي سُوقِ بَنِي قَيْنُقَاعَ فَمَرَّ بِي رَجُلٌ مِنْ يَهُودَ فَقَالَ: مَا هَذِهِ الْجَارِيَةُ يَا أَبَا سَعِيدٍ؟ قُلْتُ: جَارِيَةٌ لِي أَبِيعُهَا، قَالَ: هَلْ كُنْتَ تُصِيبُهَا؟ قَالَ، قُلْتُ: نَعَمْ، قَالَ: فَلَعَلَّكَ تَبِيعُهَا وَفِي بَطْنِهَا مِنْكَ سَخْلَةٌ؟ قَالَ: قُلْتُ: كُنْتُ أَعَزِلُ عَنْهَا، قَالَ: تِلْكَ الْمَوْءُودَةُ الصُّغْرَى، قَالَ: فَجِئْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَذَكَرْتُ ذَلِكَ لَهُ فَقَالَ: كَذَبَتْ يَهُودُ كَذَبَتْ يَهُودُ

[16609] Ibn Numayr told us, from Muḥammad ibn Ishāq, from Muḥammad ibn Yaḥyā ibn Ḥibbān, from ‘Abd Allāh ibn Muḥayrīz who said: Abū Ḍamrah al-Māzinī and I entered, and we found Abū Sa‘īd narrating as Abū Salamah and Abū Umāmah narrated, that the Prophet ﷺ said: “The Jews lied.” And he said at the end of the hadith: “It does not matter if you do not do it, for Allah has decreed what He is creating of His creation until the Day of Resurrection.”

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَبْدِ اللَّهِ بْنِ مُحَيْرِيزٍ، قَالَ: دَخَلْتُ أَنَا وَأَبُو ضَمْرَةَ الْمَازِنِيُّ، فَوَجَدْنَا أَبَا سَعِيدٍ يُحَدِّثُ، كَمَا يُحَدِّثُ أَبُو سَلَمَةَ وَأَبُو أُمَامَةَ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: كَذَبَتْ يَهُودُ وَقَالَ فِي آخِرِ الْحَدِيثِ: وَمَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا، وَقَدْ قَدَّرَ اللَّهُ مَا هُوَ خَالِقٌ مِنْ خَلْقِهِ إِلَى يَوْمِ الْقِيَامَةِ

[16610] Jarīr told us, from Mughīrah, from Ibrāhīm al-Taymī and ‘Amr ibn Murrah, who said: “He practices ‘azl with the slave girl, and asks permission from the free woman.”

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ التَّيْمِيِّ، وَعَمْرُو بْنِ مُرَّةٍ، قَالَا: يَعْرِضُ عَنِ الْأَمَةِ، وَيَسْتَأْذِنُ الْحُرَّةَ

[16611] Jarīr told us, from Manṣūr, from Ibrāhīm, the like of it.

حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، مِثْلَهُ

[16612] Ibn Idrīs told us, from Hishām, from Muḥammad, the like of it.

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، مِثْلَهُ

[16613] Ibn ‘Uyaynah told us, from Ḥumayd al-A‘raj, from Sa‘īd ibn Jubayr who said: “He does not practice ‘azl with a free woman except with her permission.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ حُمَيْدٍ الْأَعْرَجِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: لَا يَعْزِلُ عَنِ الْحُرَّةِ إِلَّا بِإِذْنِهَا

[16614] Ibn Mahdī and Yazīd ibn Hārūn told us, from Hishām al-Dastuwā‘ī, from Yaḥyā ibn Abī Kathīr, from Sawwār al-Kūfī, from ‘Abd Allāh who said: “He asks permission from the free woman, and practices ‘azl with the slave girl.”

حَدَّثَنَا ابْنُ مَهْدِيٍّ، وَيَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامِ الدَّسْتَوَائِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ سَوَّارِ الْكُوفِيِّ، عَنْ عَبْدِ اللَّهِ، قَالَ: يَسْتَأْمِرُ الْحُرَّةَ، وَيَعْزِلُ عَنِ الْأَمَةِ

[16615] Ibn Mahdī told us, from Hammām, from Qatādah, from Jābir ibn Zayd who said: “He does not practice ‘azl with a free woman except with her permission.”

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ هَمَّامٍ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: لَا يَعْزِلُ عَنِ الْحُرَّةِ إِلَّا بِإِذْنِهَا

[16616] Wakī‘ told us, from Ṭalḥah, from ‘Aṭā’, from Ibn ‘Abbās; and from Al-Rabī‘, from Al-Ḥasan; and from Sufyān, from Abū Su‘ād, from Sa‘īd ibn Jubayr; they all said: “He asks permission from the slave girl.”

حَدَّثَنَا وَكِيعٌ، عَنْ طَلْحَةَ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ، وَعَنِ الرَّبِيعِ، عَنِ الْحَسَنِ، وَعَنْ سُفْيَانَ، عَنْ أَبِي سَعَادٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالُوا: يَسْتَأْمِرُ الْأَمَةَ

[16617] Asbāt told us, from ‘Abd al-Malik, from ‘Aṭā’ who was asked about practicing ‘azl with a slave girl. He said: “Yes. As for the free woman, he asks her permission.”

حَدَّثَنَا أَسْبَاطُ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: سُئِلَ
عَنِ الْأَمَةِ يَعْزَلُ عَنْهَا؟ قَالَ: نَعَمْ، وَأَمَّا الْحُرَّةُ
فَيَسْتَأْمُرُهَا

[16618] Ibn Mahdī told us, from Zam‘ah, from Ibn Ṭāwūs, from his father: “That he used to practice ‘azl with a slave girl, and did not say anything regarding the free woman.”

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنْ ابْنِ طَاوُسٍ، عَنْ
أَبِيهِ، أَنَّهُ كَانَ يَعْزَلُ عَنِ الْأَمَةِ، وَلَا يَقُولُ فِي الْحُرَّةِ
شَيْئًا

[16619] Abū Bakr told us, from ‘Abd al-Wahhāb al-Thaqafī, from Ayyūb, from Ibn Sīrīn regarding a man who buys a virgin slave girl. He said: “He should not approach anything near her private parts until he ascertains she is not pregnant (istibrā’).”

حَدَّثَنَا أَبُو بَكْرِ عَنْ عَبْدِ الْوَهَّابِ الثَّقَفِيِّ، عَنْ أَيُّوبَ، عَنْ
ابْنِ سِيرِينَ، فِي الرَّجُلِ يَشْتَرِي الْأَمَةَ الْعَذْرَاءَ قَالَ: لَا
يَقْرِبَنَّ مَا دُونَ رَجْمِهَا حَتَّى يَسْتَبْرِئَهَا

[16620] Ibrāhīm ibn Ṣadaqah told us, from Yūnus, from Al-Ḥasan regarding a man who buys a virgin slave girl. He said: “He ascertains the emptiness of her womb.”

حَدَّثَنَا إِبْرَاهِيمُ بْنُ صَدَقَةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ فِي
رَجُلٍ يَشْتَرِي جَارِيَةً عَذْرَاءَ قَالَ: يَسْتَبْرِئُ رَجْمَهَا

[16621] Wakī' told us, from Rabī', from Al-Ḥasan who said: "He performs istibrā' for her even if she is a virgin." حَدَّثَنَا وَكِيعٌ، عَنْ رَبِيعٍ، عَنِ الْحَسَنِ، قَالَ: يَسْتَبْرِئُهَا وَإِنْ كَانَتْ بَكْرًا

[16622] Wakī' told us, from 'Alī ibn Mubārak, from Yaḥyā ibn Abī Kathīr, from 'Ikrimah, the like of it. حَدَّثَنَا وَكِيعٌ، عَنْ عَلِيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عِكْرِمَةَ، مِثْلَهُ

[16623] Ibn Numayr told us, from 'Abd al-Malik, from 'Atā' regarding a man who bought a virgin slave girl from her parents. He said: "He performs istibrā' for her with two menstrual cycles, and if she does not menstruate, then with forty-five days." حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ فِي رَجُلٍ اشْتَرَى جَارِيَةً بَيْنَ أَبْوَيْهَا عَذْرَاءً، قَالَ: يَسْتَبْرِئُهَا بِحَيْضَتَيْنِ، وَإِنْ لَا تَحِيضُ فَبِحَمْسَةٍ، وَأَرْبَعِينَ يَوْمًا

[16624] 'Abd al-Wahhāb told us, from Yūnus, from Ayyūb, from Ibn 'Umar who said: "If he buys a virgin slave girl, he does not perform istibrā' for her." حَدَّثَنَا عَبْدُ الْوَهَّابِ، عَنْ يُونُسَ، عَنْ أَيُّوبَ، عَنْ ابْنِ عُمَرَ، قَالَ: إِنْ اشْتَرَى أَمَةً عَذْرَاءً فَلَا يَسْتَبْرِئُهَا

[16625] Abū Bakr told us, from ‘Abbād ibn al-‘Awwām, from Muḥammad ibn Ishāq, from Makhūl who said: I said to Al-Zuhri: “Did you not know that ‘Umar when his time came, and Ibn Mas‘ūd in Iraq when his time came, and ‘Uthmān ibn ‘Affān, used to perform istibrā’ for a slave girl with one menstrual cycle? Until Mu‘āwiyah came, who used to say: ‘Two menstrual cycles.’” Al-Zuhri said: “And I add for you ‘Ubādah ibn al-Ṣāmit.”

حَدَّثَنَا أَبُو بَكْرِ عَنْ عَبَّادِ بْنِ الْأَوَّامِ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مَخْوَلٍ، قَالَ: قُلْتُ لِلزُّهْرِيِّ: أَمَا عَلِمْتَ عُمَرَ حِينَ انْقَضَى أَجَلُهُ، وَابْنَ مَسْعُودٍ بِالْعِرَاقِ حِينَ انْقَضَى أَجَلُهُ، وَعُثْمَانَ بْنَ عَفَّانَ، كَانُوا يَسْتَبْرِئُونَ الْأَمَةَ بِحَيْضَةٍ حَتَّى كَانَ مُعَاوِيَةُ فَكَانَ يَقُولُ: حَيْضَتَانِ فَقَالَ الزُّهْرِيُّ: "وَأَنَا أَزِيدُكَ عُبَادَةَ بْنَ الصَّامِتِ

[16626] Wakī‘ told us, from Sufyān, from Firās, from ‘Alqamah, from ‘Abd Allāh who said: “He performs istibrā’ for a slave girl with one menstrual cycle.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ فِرَاسٍ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ، قَالَ: يَسْتَبْرِئُ الْأَمَةَ بِحَيْضَةٍ

[16627] Abū al-Aḥwaṣ told us, from Abū Ishāq, from Ṣilah and Nājiyah, who said: “Any man who performs istibrā’ for a slave girl must not approach her until she menstruates.”

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ صِلَةَ، وَنَاجِيَةَ، قَالَا: أَيُّمَا رَجُلٍ يَسْتَبْرِئُ جَارِيَةً، فَلَا يَقْرُبَهَا حَتَّى تَحِيضَ

[16628] Abū Usāmah told us, from ‘Abd Allāh ibn ‘Umar, from Nāfi‘, from Ibn ‘Umar regarding a slave girl who is sexually active. He said: “If she is sold or freed, let him perform istibrā’ for her with one menstrual cycle.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، فِي الْأَمَةِ الَّتِي تُوطَأُ، قَالَ: إِذَا بَاعَتْ، أَوْ أُعْتِقَتْ فَلْيَسْتَبْرِئْهَا بِحَيْضَةٍ

[16629] Jarīr told us, from Mughīrah, from Ibrāhīm who said: I asked him about a man who bought a slave girl who had a husband. He said: “He ascertains the emptiness of her womb with one menstrual cycle.”

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً لَهَا زَوْجٌ، قَالَ: يَسْتَبْرِئُ رَحِمَهَا بِحَيْضَةٍ

[16630] Ibn Numayr told us, from Hajjāj, from ‘Aṭiyyah, from Ibn ‘Umar who said: “Whoever buys a slave girl must not approach her until he performs istibrā’ with one menstrual cycle.”

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ حَجَّاجٍ، عَنْ عَطِيَّةٍ، عَنْ ابْنِ عُمَرَ، قَالَ: مَنْ اشْتَرَى جَارِيَةً فَلَا يَقْرُبُهَا، حَتَّى يَسْتَبْرِئَ بِحَيْضَةٍ

[16631] Wakī‘ told us, from Ḥasan ibn Ṣāliḥ, from Maṣṣūr, from Ibrāhīm who said: “With one menstrual cycle.”

حَدَّثَنَا وَكَيْعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ مَصْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: بِحَيْضَةٍ

[16632] Wakī‘ told us, from Sharīk, from Abū Ishāq, from Al-Ḥārith, from ‘Alī who said: “Istibrā’ is performed for a slave girl with one menstrual cycle.”

حَدَّثَنَا وَكِيعٌ، عَنْ شَرِيكٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ الْحَارِثِ، عَنْ عَلِيٍّ، قَالَ: تَسْتَبْرِئُ الْأَمَةُ بِحَيْضَةٍ

[16633] Ḥātim told us, from Yazīd, from Makḥūl who said: I bought a slave girl. He said: “He performs istibrā’ for her with one menstrual cycle.”

حَدَّثَنَا حَاتِمٌ، عَنْ يَزِيدَ، عَنْ مَكْحُولٍ، قَالَ: اشْتَرَيْتُ الْأَمَةَ قَالَ: يَسْتَبْرِئُهَا بِحَيْضَةٍ وَاحِدَةٍ

[16634] Ibn ‘Ulayyah told us, from Layth, from ‘Aṭā’ and Ṭāwūs, who said: “He performs istibrā’ for a slave girl with one menstrual cycle.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، وَطَاوُسٍ، قَالَا: يَسْتَبْرِئُ الْأَمَةُ بِحَيْضَةٍ

[16635] Ibn Numayr told us, from Muḥammad ibn Ishāq, from ‘Aṭā’ who said: ‘Umar said: “Whoever buys a slave girl, let him perform istibrā’ for her with one menstrual cycle.”

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَطَاءٍ، قَالَ: قَالَ عُمَرُ: مَنْ اشْتَرَى جَارِيَةً فَلْيَسْتَبْرِئْهَا بِحَيْضَةٍ

[16636] Abū Bakr told us, from Hushaym, from Yūnus, from Al-Ḥasan that he used to say: “If he buys her while she is menstruating, let him perform istibrā’ with another menstrual cycle.”

حَدَّثَنَا أَبُو بَكْرِ عَنْ هُشَيْمٍ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: إِذَا اشْتَرَاهَا وَهِيَ حَائِضٌ فَلْيَسْتَبْرِئْهَا بِحَيْضَةٍ أُخْرَى

[16637] Hushaym told us, from Mughīrah, from Ibrāhīm who said: “If he wishes, he may suffice with this menstrual cycle.”

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنْ شَاءَ اجْتَرَأَ بِهَذِهِ الْحَيْضَةِ

[16638] Hishām told us, from Mughīrah, from Ibrāhīm who said: “If he buys her from a woman, let him perform istibrā’ for her with one menstrual cycle.”

حَدَّثَنَا هِشَامٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ قَالَ: إِذَا اشْتَرَاهَا مِنْ امْرَأَةٍ فَلْيَسْتَبْرِئْهَا بِحَيْضَةٍ

[16639] Wakī’ told us, from Sufyān, from Ibn Jurayj, from ‘Aṭā’ who said: “If he buys her from a woman, he performs istibrā’ for her.”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: إِذَا اشْتَرَاهَا مِنْ امْرَأَةٍ اسْتَبْرِأَهَا

[16640] Ibn ‘Ulayyah told us, from Khālīd, from Abū Qilābah and Ibn Sīrīn regarding a man who buys a slave girl who does not menstruate. They said: “They did not consider that it becomes clear in less than three months.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ، وَابْنِ سِيرِينَ، فِي الرَّجُلِ يَشْتَرِي الْأَمَةَ الَّتِي لَمْ تَحِضْ، قَالَا: كَانَا لَا يَرَيَانِ أَنَّ ذَلِكَ يَتَبَيَّنُ فِي أَقَلِّ مِنْ ثَلَاثِ أَشْهُرٍ

[16641] Ibn ‘Ulayyah told us, from ‘Aṭā’ and Ṭāwūs, who said: “She undergoes istibrā’ with one menstrual cycle, and if she does not menstruate, then three months.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ عَطَاءٍ، وَطَاوُسٍ، قَالَا: تَسْتَبْرِئُ بِحَيْضَةٍ، وَإِنْ كَانَتْ لَا تَحِضُ فَثَلَاثَةُ أَشْهُرٍ

[16642] Wakī‘ told us, from Mis‘ar and Sufyān, from ‘Abd al-Karīm, from Mujāhid who said: “With three months.”

حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، وَسُفْيَانَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ مُجَاهِدٍ، قَالَ: بِثَلَاثَةِ أَشْهُرٍ

[16643] Mu‘tamir told us, from Ma‘mar, from Ṣadaqah ibn Yasār, from ‘Umar ibn ‘Abd al-‘Azīz who said: “Three months for the young servant girl.”

حَدَّثَنَا مُعْتَمِرٌ، عَنْ مَعْمَرٍ، عَنْ صَدَقَةَ بْنِ يَسَارٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: ثَلَاثَةُ أَشْهُرٍ فِي الْوَصِيفَةِ

[16644] Yazīd ibn Hārūn told us, from Ḥumayd, from Abū Qilābah that he used to say regarding the istibrā' of a slave girl who does not menstruate: "Forty-five [days]."

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حُمَيْدٍ، عَنْ أَبِي قِلَابَةَ، أَنَّهُ كَانَ يَقُولُ فِي اسْتِبْرَاءِ الْأَمَةِ الَّتِي لَمْ تَحِضْ: خَمْسَةٌ وَأَرْبَعُونَ

[16645] Wakī' told us, from Shu'bah, from Al-Ḥakam who said: "A month and a half."

حَدَّثَنَا وَكَيْعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، قَالَ: شَهْرٌ وَنِصْفٌ

[16646] Al-Faḍl ibn Dukayn told us, from Al-Nu'mān, from Qatādah and 'Aṭā', who said: "He performs istibrā' for the slave girl who does not menstruate with forty-five

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنِ النُّعْمَانِ، عَنْ قَتَادَةَ، وَعَطَاءٍ، قَالَا: يَسْتَبْرِئُ الْأَمَةَ الَّتِي لَمْ تَحِضْ بِخَمْسَةِ وَأَرْبَعِينَ يَوْمًا

[16647] Al-Muḥāribī told us, from Al-Shaybānī, from Ḥammād who said: "He performs istibrā' for her with forty-five days."

حَدَّثَنَا الْمُحَارِبِيُّ، عَنِ الشَّيْبَانِيِّ، عَنْ حَمَّادٍ، قَالَ: يَسْتَبْرِئُهَا بِخَمْسَةِ وَأَرْبَعِينَ يَوْمًا

[16648] Ibn Numayr told us, from Muḥammad ibn Ishāq, from 'Aṭā' who said: 'Umar said: "If she does not menstruate, then forty days."

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَطَاءٍ، قَالَ: قَالَ عُمَرُ: إِنْ كَانَتْ لَا تَحِضُ فَأَرْبَعُونَ يَوْمًا

[16649] ‘Abdah told us, from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib, from Abū Ma‘shar, from Ibrāhīm who said: “A month and a half.”

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ
الْمُسَيَّبِ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: شَهْرٌ
وَنِصْفٌ

[16650] Abū Bakr told us, from ‘Abdah, from Sa‘īd, from Qatādah, from Ibn al-Musayyib; and from Abū Ma‘shar, from Ibrāhīm, who both said: “He performs istibrā’ for the slave girl with two menstrual cycles if she menstruates.”

حَدَّثَنَا أَبُو بَكْرٍ عَنْ عَبْدِ اللَّهِ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ
ابْنِ الْمُسَيَّبِ، وَعَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَا:
يَسْتَبْرِئُ الْأَمَةَ بِحَيْضَتَيْنِ إِذَا كَانَتْ تَحِيضُ

[16651] Sharīk told us, from ‘Abd al-Malik, from ‘Aṭā’: “I kept a slave girl with me for istibrā’ and she had one period, then a pregnancy appeared in her. So he used to perform istibrā’ with two menstrual cycles.”

حَدَّثَنَا شَرِيكٌ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ: وَضَعْتُ
عِنْدِي أَمَةً تَسْتَبْرِئُ فَحَاضَتْ حَيْضَةً، ثُمَّ ظَهَرَ لَهَا
حَمْلٌ، فَكَانَ يَسْتَبْرِئُهَا بِحَيْضَتَيْنِ

[16652] Ibn ‘Ulayyah told us, from someone who asked Yūnus about a man who buys a slave girl and performs istibrā’ for her, can he engage in kissing and intimate contact? Ibn Sīrīn said: “It is disliked for him to do anything with her that is forbidden with another woman until he performs istibrā’.” It is mentioned from Al-Ḥasan “that he saw no harm in kissing.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ مَنْ سَأَلَ يُونُسَ، عَنِ الرَّجُلِ يَشْتَرِي الْأَمَةَ فَيَسْتَبْرِئُهَا يُصِيبُ مِنْهَا الْقُبْلَةَ، وَالْمُبَاشَرَةَ؟ قَالَ: ابْنُ سِيرِينَ، يُكْرَهُ أَنْ يُصِيبَ مِنْهَا مَا يَحْرُمُ عَلَيْهِ مِنْ غَيْرِهَا، حَتَّى يَسْتَبْرِئَهَا. وَيُذَكَّرُ عَنِ الْحَسَنِ أَنَّهُ كَانَ لَا يَرَى بِالْقُبْلَةِ بَأْسًا

[16653] Wakī’ told us, from ‘Alī ibn al-Mubārak, from Yaḥyā ibn Abī Kathīr, from ‘Ikrimah regarding a man who buys a young slave girl who is smaller than that (i.e., too young for intercourse). He said: “There is no harm in touching her before performing istibrā’ (ascertaining she is not pregnant).”

حَدَّثَنَا وَكِيعٌ، عَنْ عَلِيِّ بْنِ الْمُبَارَكِ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عِكْرِمَةَ، فِي الرَّجُلِ يَشْتَرِي الْجَارِيَةَ الصَّغِيرَةَ وَهِيَ أَصْغَرُ مِنْ ذَلِكَ، قَالَ: لَا بَأْسَ أَنْ يَمَسَّهَا قَبْلَ أَنْ يَسْتَبْرِئَهَا

[16654] Zayd ibn Ḥubāb told us, from Ḥammād ibn Salamah, from Iyās ibn Mu‘āwiyah regarding a man who bought a small slave girl, the likes of whom are not fit for intercourse. He said: “There is no harm for him to have intercourse with her [when she is able], and he does not [need to] perform istibrā’ for her.”

حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ إِيَّاسِ بْنِ مُعَاوِيَةَ، فِي الرَّجُلِ اشْتَرَى جَارِيَةً صَغِيرَةً، لَا يُجَامَعُ مِثْلُهَا؟ قَالَ: لَا بَأْسَ أَنْ يَطَّأَهَا، وَلَا يَسْتَبْرِئُهَا

[16655] ‘Abd al-‘Alā told us, from Sa‘īd, from Qatādah: “That he disliked for him to kiss her until he performs istibrā’ for her.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، أَنَّهُ كَرِهَ أَنْ يُقَبِّلَهَا، حَتَّى يَسْتَبْرِئَهَا

[16656] Zayd ibn Ḥubāb told us, from Ḥammād ibn Salamah, from ‘Alī ibn Zayd, from Ayyūb al-Lakhmī who said: A slave girl fell to Ibn ‘Umar’s lot on the day of Jalūlā’, as if there were a silver pitcher on her neck. He said: “He could not control himself and began kissing her while the people were looking.”

حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ عَلِيِّ بْنِ زَيْدٍ، عَنْ أَيُّوبَ اللَّخْمِيِّ، قَالَ: وَقَعَتْ لِابْنِ عُمَرَ جَارِيَةٌ يَوْمَ جُلُولَاءَ فِي سَهْمِهِ، كَأَنَّ فِي عُنُقِهَا إِبْرِيْقَ فِضَّةٍ، قَالَ: فَمَا مَلَكَ نَفْسَهُ أَنْ جَعَلَ يَقْبِّلُهَا وَالنَّاسُ يَنْظُرُونَ

[16657] Abū Bakr ibn ‘Ayyāsh told us, from Aslam al-Minqarī, from ‘Ubayd Allāh ibn ‘Ubayd ibn ‘Umayr who said: ‘Abd al-Rahmān ibn ‘Awf sold a slave girl of his with whom he used to have intercourse, before performing istibrā’ for her. Pregnancy appeared in her while with the one who bought her. He took the dispute to ‘Umar. ‘Umar said: “Did you used to have intercourse with her?” He said: “Yes.” He said: “And you sold her before performing istibrā’ for her?” He said: “Yes.” He said: “You were not worthy of doing that.” Then he called the physiognomists (Qāfah), and they looked at him and attributed him to him.

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ أَسْلَمَ الْمِنْقَرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ، قَالَ: بَاعَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ جَارِيَةً لَهُ كَانَ يَقَعُ عَلَيْهَا، قَبْلَ أَنْ يَسْتَبْرِئَهَا فَظَهَرَ بِهَا الْحَمْلُ عِنْدَ الَّذِي اشْتَرَاهَا، فَخَاصَمَهُ إِلَى عُمَرَ فَقَالَ عُمَرُ: كُنْتَ تَقَعُ عَلَيْهَا؟ قَالَ: نَعَمْ، قَالَ: فَبِعْتَهَا قَبْلَ أَنْ تَسْتَبْرِئَهَا؟ قَالَ: نَعَمْ، قَالَ: مَا كُنْتَ لِذَلِكَ بِخَلِيقٍ فَدَعَا الْقَافَةَ، فَظَرُّوا إِلَيْهِ فَأَلْحَقُوهُ بِهِ

[16658] Hushaym told us, from Yūnus, from Al-Ḥasan: That he used to say: “A man performs istibrā’ for his slave girl if he sells her with one menstrual cycle, and if he buys her with one menstrual cycle.”

حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ: يَسْتَبْرِئُ الرَّجُلُ أَمَتَهُ إِذَا بَاعَهَا بِحَيْضَةٍ وَإِذَا اشْتَرَاهَا بِحَيْضَةٍ

[16659] Mu‘tamir told us, from Kathīr ibn Yasār, from Ibn Sīrīn who said: “If a man buys a young servant girl who has not reached menstruation, he performs istibrā’ for her for three months. Then if he has intercourse with her and wants to sell her, let him also perform istibrā’ for her for three months.”

حَدَّثَنَا مُعْتَمِرٌ، عَنْ كَثِيرِ بْنِ يَسَارٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: إِذَا اشْتَرَى الرَّجُلُ الْوَصِيفَةَ، فَلَمْ تَبْلُغِ الْحَيْضَ، اسْتَبْرَأَهَا بِثَلَاثَةِ أَشْهُرٍ، فَإِذَا عَشِيَهَا، فَأَرَادَ بَيْعَهَا، فَلْيَسْتَبْرِئْهَا أَيْضًا بِثَلَاثَةِ أَشْهُرٍ

[16660] Yahyā ibn Ādam told us, from Isrā’īl, from Manṣūr, from Ibrāhīm who said: “If he wants to sell her, let him perform istibrā’ for her.”

حَدَّثَنَا يَحْيَى بْنُ آدَمَ، عَنْ إِسْرَائِيلَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَرَادَ أَنْ يَبِيعَهَا، فَلْيَسْتَبْرِئْهَا

[16661] Abu Usāmah reported to us from ‘Abd Allāh from Nāfi‘ from Ibn ‘Umar regarding the slave girl with whom intercourse is had: "If she is sold, gifted, or freed, she must observe Istibrā’ (waiting period) of one menstrual cycle."

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، فِي الْأَمَةِ الَّتِي تُوطَأُ: إِذَا بِيعَتْ أَوْ وَهَبَتْ أَوْ أُعْتِقَتْ فَلْيُسْتَبْرَأْ بِحَيْضَةٍ

[16662] Ibn ‘Uyaynah reported to us from Ibn al-Munkadir who heard Jābir say: The Jews used to say: If a man comes to his wife in her vagina from behind, the child will be cross-eyed. So {Your wives are a place of sowing of seed for you} [Al-Baqarah: 223] was revealed.

حَدَّثَنَا ابْنُ عُيَيْنَةَ عَنْ ابْنِ الْمُنْكَدِرِ سَمِعَ جَابِرًا يَقُولُ: كَانَتْ الْيَهُودُ تَقُولُ: إِذَا أَتَى الرَّجُلُ امْرَأَتَهُ فِي قُبْلِهَا مِنْ دُبْرِهَا كَانَ الْوَلَدُ أَحْوَلَ فَتَنَزَّلَتْ {نِسَاؤُكُمْ حَرْثٌ لَكُمْ} [البقرة: 223]

[16663] Abū Bakr ibn ‘Ayyāsh reported to us from Abū Ishāq from Zā’idah ibn ‘Umayr from Ibn ‘Abbās regarding His saying {Your wives are a place of sowing of seed for you} [Al-Baqarah: 223]. He said: "Whoever wishes to practice coitus interruptus may do so, and whoever wishes not to, may not do so."

حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْشٍ عَنْ أَبِي إِسْحَاقَ عَنْ زَائِدَةَ بْنِ عُمَيْرٍ عَنْ ابْنِ عَبَّاسٍ فِي قَوْلِهِ {نِسَاؤُكُمْ حَرْثٌ لَكُمْ} قَالَ: مَنْ شَاءَ أَنْ يَعْزَلَ فَلْيَعْزَلْ وَمَنْ شَاءَ أَنْ لَا يَعْزَلَ فَلَا يَعْزَلْ [البقرة: 223]

[16664] Al-Thaqafī reported to us from Khālīd from ‘Ikrimah who said: "He may come to her however he wishes, standing or sitting, and in any condition he comes to her, as long as it is not in her anus."

حَدَّثَنَا الثَّقَفِيُّ عَنْ خَالِدٍ عَنْ عِكْرِمَةَ قَالَ: يَأْتِيهَا كَيْفَ شَاءَ قَائِمًا وَقَاعِدًا وَعَلَى كُلِّ حَالٍ يَأْتِيهَا مَا لَمْ يَكُنْ فِي دُبْرِهَا

[16665] Marwān ibn Mu‘āwiyah reported to us from Ismā‘īl from Abū Ṣālih: {Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish} [Al-Baqarah: 223]. He said: "If you wish, come to her while she is lying on her back, if you wish while she is moving, and if you wish while she is kneeling."

حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ عَنْ إِسْمَاعِيلَ عَنْ أَبِي صَالِحٍ:
{نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ} [البقرة
223] قَالَ: إِنْ شِئْتَ فَاتِّهَى مُسْتَلْقِيَةً وَإِنْ شِئْتَ
فَمَتَحَرِّكَةً وَإِنْ شِئْتَ فَبَارِكَةً

[16666] Marwān ibn Mu‘āwiyah reported to us from Al-Zibriqān from Abū Razīn who said: I heard him say regarding {so come to your place of cultivation however you wish} [Al-Baqarah: 223]: "From the state of purity, and do not come to them from the state of menstruation."

حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ عَنِ الزَّبْرِقَانَ عَنْ أَبِي رَزِينَ
قَالَ: سَمِعْتُهُ يَقُولُ {فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ} [البقرة
223] قَالَ: مِنْ قَبْلِ الطُّهْرِ وَلَا تَأْتُوهُمْ مِنْ قَبْلِ
الْحَيْضِ

[16667] Wakī‘ reported to us from Salamah ibn Nubayṭ from Al-Ḍaḥḥāk regarding His saying {Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish} [Al-Baqarah: 223]. He said: "Purity, not menstruation."

حَدَّثَنَا وَكَيْعٌ عَنْ سَلَمَةَ بْنِ نُبَيْطٍ عَنِ الضَّحَّاكِ فِي قَوْلِهِ
{نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ} [البقرة
223] قَالَ: طُهْرٌ غَيْرُ حَيْضٍ

[16668] Al-Muḥāribī reported to us from Layth from Mujāhid regarding His saying: {Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish} [Al-Baqarah: 223]. He said: "Back to belly, however you wish, except in the anus or during menstruation."

حَدَّثَنَا الْمُحَارِبِيُّ عَنْ لَيْثٍ عَنْ مُجَاهِدٍ فِي قَوْلِهِ:
{نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ} [البقرة
223] قَالَ: ظَهْرًا بَبْطُنٍ كَيْفَ شِئْتَ إِلَّا فِي دُبُرٍ أَوْ
مَحِيضٍ

[16669] Qabīṣah reported to us saying: Sufyān informed us from ‘Abd Allāh ibn ‘Uthmān ibn Khuthaym from Ibn Sābiṭ from Ḥafṣah from Umm Salamah who said: When the Muhājirūn came to Medina, they married among the Anṣār. They used to approach women from behind (in the vagina), while the Anṣār did not do that. A woman among them said to her husband: "Until I ask the Messenger of Allah ﷺ." She was shy to ask him, so I asked him. He called her and recited to her: {Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish} [Al-Baqarah: 223], meaning one passage (the vagina).

حَدَّثَنَا قَبِيصَةُ قَالَ أَخْبَرَنَا سُفْيَانُ عَنْ عَبْدِ اللَّهِ بْنِ عُثْمَانَ بْنِ خُثَيْمٍ عَنِ ابْنِ سَابِطٍ عَنْ حَفْصَةَ عَنْ أُمِّ سَلَمَةَ قَالَتْ: "لَمَّا قَدِمَ الْمُهَاجِرُونَ الْمَدِينَةَ تَزَوَّجُوا فِي الْأَنْصَارِ فَكَانُوا يَجْبُونَ وَكَانَتِ الْأَنْصَارُ لَا تَفْعَلُ ذَلِكَ فَقَالَتْ امْرَأَةٌ مِنْهُمْ لِرَوْجِهَا: حَتَّى أَسْأَلَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَاسْتَحْيَيْتُ أَنْ تَسْأَلَهُ فَسَأَلْتُهُ أَنَا فَدَعَاها فَقَرَأَ عَلَيْهَا: {نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ} صِمَامًا وَاجِدًا [البقرة: 223]

[16670] ‘Abbād ibn al-‘Awwām reported to us from Al-Ḥuṣayn from Murrah al-Hamdānī that some Jews came to some Muslims and said: "Do you come to women from behind them?" He said: As if he disliked kneeling. He said: They mentioned that, so this verse was revealed: {Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish} [Al-Baqarah: 223]. So Allah permitted the Muslims to come to women in the vaginas however they wished, from in front of them or from behind them if they wished.

حَدَّثَنَا عَبَادُ بْنُ الْعَوَّامِ عَنِ الْحُصَيْنِ عَنْ مُرَّةِ الْهَمْدَانِيِّ أَنَّ بَعْضَ الْيَهُودِ أَتَى بَعْضَ الْمُسْلِمِينَ قَالُوا: تَأْتُونَ النِّسَاءَ وَرَاءَهُنَّ؟ قَالَ: كَأَنَّهُ كَرِهَ الْإِبْرَاقَ قَالَ: فَذَكَّرُوا ذَلِكَ فَنَزَلَتْ هَذِهِ الْآيَةُ: {نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ فَارْحَضَ اللَّهُ لِلْمُسْلِمِينَ أَنْ [223: أَتَى شِئْنُكُمْ] [البقرة يَأْتُوا النِّسَاءَ فِي الْفُرُوجِ كَيْفَ شَاءُوا مِنْ بَيْنِ أَيْدِيهِمْ وَإِنْ شَاءُوا مِنْ خَلْفِهِمْ

[16671] Muḥammad ibn Fuḍayl reported to us from Ḥuṣayn from Murrah: {so come to your place of cultivation however you wish} [Al-Baqarah: 223]. He said: The Jews used to mock the Muslims regarding their approach to women, so Allah the Blessed and Exalted revealed: {Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish} [Al-Baqarah: 223] into the vaginas however you wish.

حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنْ حُصَيْنٍ عَنْ مُرَّةَ: " {فَأْتُوا
قَالَ: كَانَتْ الْيَهُودُ [223]: حَرَّتْكُمْ أَنْتُمْ شَيْئُكُمْ} [البقرة
يَسْخَرُونَ مِنَ الْمُسْلِمِينَ فِي إِيْتَانِهِمُ النِّسَاءَ فَأَنْزَلَ اللَّهُ
تَبَارَكَ وَتَعَالَى {نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنْتُمْ
فِي الْفُرُوجِ أَنْتُمْ شَيْئُكُمْ [223]: شَيْئُكُمْ} [البقرة

[16672] Muḥammad ibn al-Ḥasan reported to us saying: Sharīk reported to us from ‘Aṭā’ ibn al-Sā’ib from Sa’īd ibn Jubayr regarding His saying {Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish} [Al-Baqarah: 223]. He said: "He comes to her from in front of her and from behind her, as long as it is not in the anus."

حَدَّثَنَا مُحَمَّدُ بْنُ الْحَسَنِ قَالَ نَا شَرِيكَ عَنْ عَطَاءِ بْنِ
السَّائِبِ عَنْ سَعِيدِ بْنِ جُبَيْرٍ فِي قَوْلِهِ تَعَالَى {نِسَاؤُكُمْ
قَالَ: [223]: حَرَّتْ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنْتُمْ شَيْئُكُمْ} [البقرة
يَأْتِيهَا مِنْ بَيْنِ يَدَيْهَا وَمِنْ خَلْفِهَا مَا لَمْ يَكُنْ فِي الدُّبُرِ

[16673] Ibn Fuḍayl reported to us from ‘Īsā ibn Yasār from Sa‘īd ibn al-Musayyib regarding His saying {Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish} [Al-Baqarah: 223]. He said: "If you wish, practice coitus interruptus, and if you wish, do not."

ابْنُ فُضَيْلٍ عَنْ عِيسَى بْنِ يَسَارٍ - 16673 - - حَدَّثَنَا عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ فِي قَوْلِهِ {نِسَاؤُكُمْ حَرْثٌ لَكُمْ قَالَ: إِنْ شِئْتَ [223: فَاتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ} [البقرة فَأَعْرَلُوا وَإِنْ شِئْتَ فَلَا تَعْرَلُوا]

[16674] Wakī‘ reported to us from ‘Alī ibn ‘Alī who said: I heard Al-Ḥasan say: The polytheists spared no effort in making things difficult for the Muslims, saying: "It is not lawful for you to come to women except from one direction." So Allah Almighty revealed: {so come to your place of cultivation however you wish} [Al-Baqarah: 223].

حَدَّثَنَا وَكَيْعٌ عَنْ عَلِيِّ بْنِ عَلِيٍّ قَالَ سَمِعْتُ الْحَسَنَ يَقُولُ: كَانَ الْمُشْرِكُونَ لَا يَأْتُونَ مَا شَدَدُوا عَنْ الْمُسْلِمِينَ وَيَقُولُونَ: لَا يَحِلُّ لَكُمْ أَنْ تَأْتُوا النِّسَاءَ إِلَّا مِنْ وَجْهِ وَاحِدٍ فَأَنْزَلَ اللَّهُ تَعَالَى {فَاتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ} [البقرة: 223]

[16675] Wakī‘ reported to us from Khālīd ibn Rabāḥ from ‘Ikrimah who said: "Through the vagina."

حَدَّثَنَا وَكَيْعٌ عَنْ خَالِدِ بْنِ رَبَاحٍ عَنْ عِكْرِمَةَ قَالَ: مِنْ قِبَلِ الْفَرْجِ

[16676] Wakī' reported to us from Abū Ḥanīfah from Kathīr al-Rammāḥ from Abū Dhirā' who said: I asked Ibn 'Umar about His saying: {so come to your place of cultivation however you wish} [Al-Baqarah: 223]. He said: "If you wish with coitus interruptus, and if you wish without coitus interruptus."

حَدَّثَنَا وَكِيعٌ عَنْ أَبِي حَنِيفَةَ عَنْ كَثِيرِ الرَّمَّاحِ عَنْ أَبِي ذَرَّاعٍ قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنْ قَوْلِهِ: {فَأْتُوا حَرْثَكُمْ} قَالَ: إِنْ شِئْتَ عَزَلًا وَإِنْ [223: أَنْتَى شِئْتُمْ] [البقرة شِئْتَ غَيْرَ عَزَلٍ

[16677] Shabābah reported to us from Warqā' from Ibn Abī Najīḥ from Mujāhid regarding His saying: {so come to your place of cultivation however you wish} [Al-Baqarah: 223]. He said: "Come to women in their vaginas in any manner."

حَدَّثَنَا شَبَابَةُ عَنْ وَرْقَاءَ عَنِ ابْنِ أَبِي نَجِيحٍ عَنْ مُجَاهِدٍ فِي قَوْلِهِ تَعَالَى: {فَأْتُوا حَرْثَكُمْ أَنْتَى شِئْتُمْ} [البقرة قَالَ: أَتُوا النِّسَاءَ فِي أَقْبَالِهِنَّ عَلَى كُلِّ نَحْوٍ [223]

[16678] Ibn 'Ulayyah reported to us from Khālīd from 'Ikrimah: {so come to them from where Allah has ordered you} [Al-Baqarah: 222]. He said: "From where He ordered you to withdraw."

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ خَالِدٍ، عَنْ عِكْرِمَةَ: {فَأْتُوهُنَّ مِنْ} قَالَ: مِنْ حَيْثُ [222: حَيْثُ أَمَرَكُمُ اللَّهُ] [البقرة أَمَرَكُمُ أَنْ تَعَزَّلُوا

[16679] Ibn Idrīs reported to us from his father from Yazīd ibn al-Walīd from Ibrāhīm regarding {so come to them from where Allah has ordered you} [Al-Baqarah: 222]. They said: "In the vaginas."

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَبِيهِ، عَنْ يَزِيدَ بْنِ الْوَلِيدِ، عَنْ
إِبْرَاهِيمَ، {فَأْتُوهُمْ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ} [البقرة
222] قَالُوا: فِي الْفُرُوجِ

[16680] ‘Ubayd Allāh ibn Mūsā reported to us from ‘Uthmān ibn al-Aswad from Mujāhid who said: "From where Allah ordered you to avoid them during menstruation."

حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ عُثْمَانَ بْنِ الْأَسْوَدِ، عَنْ
مُجَاهِدٍ، قَالَ: مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ أَنْ تَعْرِضُوا فِي
الْمَحِيضِ

[16681] Wakī‘ reported to us from Ismā‘īl al-Azraq from Ibn al-Hanafiyyah: {so come to them from where Allah has ordered you} [Al-Baqarah: 222]. He said: "Through marriage, through the lawful means."

حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْمَاعِيلَ الْأَزْرَقِ، عَنْ ابْنِ الْحَنَفِيَّةِ:
قَالَ: [222: {فَأْتُوهُمْ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ} [البقرة
مِنْ قِبَلِ التَّرْوِيجِ، مِنْ قِبَلِ الْحَلَالِ

[16682] Shabābah reported to us from Warqā' from Ibn Abī Najīh from Mujāhid: {so come to them from where Allah has ordered you} [Al-Baqarah: 222]. He said: "They were ordered to avoid women during menstruation, and [then] come to them from where Allah ordered you when they are pure, from where they were forbidden regarding them during their menstruation."

حَدَّثَنَا شَبَابَةُ، عَنْ وَرْقَاءَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ: {فَأْتُوهُمْ مِّنْ حَيْثُ أَمَرَكُمُ اللَّهُ} [البقرة 222]: أَمَرُوا بِاعْتِزَالِ النِّسَاءِ فِي الْمَحِيضِ، وَأَتَوْهُمْ مِّنْ حَيْثُ أَمَرَكُمُ اللَّهُ، إِذَا طَهُرْنَ مِّنْ حَيْثُ نَهَوْا عَنْهُنَّ فِي مَحِيضِهِنَّ

[16683] Wakī' reported to us from Sufyān from Manṣūr from Abū Razīn: {so come to them from where Allah has ordered you} [Al-Baqarah: 222]. He said: "From the state of purity."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ أَبِي رَازِينَ: {فَأْتُوهُمْ مِّنْ حَيْثُ أَمَرَكُمُ اللَّهُ} [البقرة 222]: مِنْ قَبْلِ الطُّهْرِ

[16684] Abu Bakr reported from Ḥusayn ibn 'Alī from Zā'idah from 'Abd al-'Azīz ibn Rufay' from Abū Mulaykah who said: "This verse {And you will never be able to be equal [in feeling] between wives, even if you should strive} [Al-Nisā': 129] was revealed concerning 'Ā'ishah."

حَدَّثَنَا أَبُو بَكْرِ عَنْ حُسَيْنِ بْنِ عَلِيٍّ، عَنْ زَائِدَةَ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ أَبِي مُلَيْكَةَ، قَالَ: "نَزَلَتْ هَذِهِ الْآيَةُ {وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ فِي عَاشِيَةٍ} [النساء 129: حَرَصْتُمْ] فِي النِّسَاءِ

[16685] Ḥafṣ reported to us from Ash‘ath from Muḥammad from ‘Abīdah who said: "[Equality in] love and intercourse."

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ مُحَمَّدٍ، عَنْ عَبِيدَةَ، قَالَ: الْحُبُّ وَالْجِمَاعُ

[16686] Sahl ibn Yūsuf reported to us from ‘Amr ibn al-Ḥasan regarding love {so do not incline completely} [Al-Nisā’: 129]. He said: "In intercourse." {and leave her as if suspended} [Al-Nisā’: 129]. He said: "Neither single nor married."

حَدَّثَنَا سَهْلُ بْنُ يُونُسَ، عَنْ عَمْرِو بْنِ الْحَسَنِ، قَالَ: قَالَ: [129] فِي الْحُبِّ {فَلَا تَمِيلُوا كُلَّ الْمَيْلِ} [النِّسَاءِ] قَالَ: [129] فِي الْعَشْيَانِ {فَتَذَرُوهُمَا كَالْمُعَلَّقَةِ} [النِّسَاءِ] لَا أَيْمٌ وَلَا ذَاتُ زَوْجٍ

[16687] ‘Alī ibn al-Ḥasan ibn Shaqīq reported to us saying: Ḥusayn ibn Wāqid informed us saying: Yazīd al-Naḥwī reported to us from ‘Ikrimah from Ibn ‘Abbās regarding His saying: {and leave her as if suspended} [Al-Nisā’: 129]. He said: "Neither divorced nor having a husband."

حَدَّثَنَا عَلِيُّ بْنُ الْحَسَنِ بْنِ شَقِيقٍ، قَالَ: أَخْبَرَنَا حُسَيْنُ بْنُ وَاقِدٍ، قَالَ: نَا يَزِيدُ النَّحْوِيُّ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ فِي قَوْلِهِ: " {فَتَذَرُوهُمَا كَالْمُعَلَّقَةِ} [النِّسَاءِ] قَالَ: لَا مُطَلَّقَةً، وَلَا ذَاتُ بَعْلٍ [129]

[16688] Jarīr reported to us from Maṣṣūr from Ibrāhīm who said: ‘Umar said: "If they close a door, draw a curtain, or uncover a head covering, the dowry becomes obligatory."

حَدَّثَنَا جَرِيرٌ، عَنْ مَنصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عُمَرُ: إِذَا أَعْلَقُوا بَابًا، وَأَرْخَوْا سِتْرًا، أَوْ كَشَفُوا خِمَارًا، فَقَدْ وَجِبَ الصَّدَاقُ

[16689] Wakī‘ reported to us from Mis‘ar from Ḥammād from Ibrāhīm from ‘Umar with similar wording, adding: "and was secluded with her."

حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، عَنْ عُمَرَ بِمِثْلِهِ زَادَ فِيهِ: وَخَلَا بِهَا

[16690] Abū al-Aḥwaṣ reported to us from Manṣūr from Al-Minhāl ibn ‘Amr from ‘Abbād ibn ‘Abd Allāh who said: ‘Alī said: "If he draws a curtain over his wife and closes a door, the dowry becomes obligatory."

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مَنْصُورٍ، عَنِ الْمِنْهَالِ بْنِ عَمْرٍو، عَنْ عَبَّادِ بْنِ عَبْدِ اللَّهِ، قَالَ: قَالَ عَلِيٌّ: إِذَا أَرَخَى سِتْرًا عَلَى امْرَأَتِهِ، وَأَغْلَقَ بَابًا وَجَبَ الصَّدَاقُ

[16691] Wakī‘ reported to us from Sufyān from Manṣūr from Al-Minhāl ibn ‘Amr from Ḥibbān ibn Marthad from ‘Alī, similar to it.

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنِ الْمِنْهَالِ بْنِ عَمْرٍو، عَنْ حَبَّانَ بْنِ مَرْثَدٍ، عَنْ عَلِيٍّ، مِثْلَهُ

[16692] ‘Abdah reported to us from Sa‘īd from Qatādah from Al-Ḥasan from Al-Aḥnaf that ‘Umar and ‘Alī said: "If he closes a door or draws a curtain, she is entitled to the dowry and must observe the waiting period (‘Iddah)."

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنِ الْأَحْنَفِ، أَنَّ عُمَرَ، وَعَلِيًّا، قَالَا: إِذَا أَغْلَقَ بَابًا، أَوْ أَرَخَى سِتْرًا، فَلَهَا الصَّدَاقُ، وَعَلَيْهَا الْعِدَّةُ

[16693] Wakī' reported to us from Sufyān from Abū al-Zinād from Sulaymān ibn Yasār that a man married a woman and took a siesta with her. Marwān sent to Zayd, who said: "She is entitled to the full dowry." Marwān said: "He is someone who is not accused." Zayd said to him: "If she came with a pregnancy or a child, would you carry out the punishment on her?"

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي الزِّنَادِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ رَجُلًا تَزَوَّجَ امْرَأَةً، فَقَالَ: عِنْدَهَا، فَأَرْسَلَ مَرْوَانَ إِلَى زَيْدٍ فَقَالَ: لَهَا الصَّدَاقُ كَامِلًا فَقَالَ مَرْوَانُ: إِنَّهُ مِمَّنْ لَا يُنْتَهَمُ، فَقَالَ لَهُ زَيْدٌ: لَوْ أَنَّهَا جَاءَتْ بِحَمْلٍ، أَوْ بَوْلَدٍ، أَكُنْتَ تُقِيمُ عَلَيْهَا الْحَدَّ؟

[16694] Ibn Fuḍayl reported to us from Ḥajjāj from Makhūl who said: A group of the Companions of the Prophet ﷺ gathered, and 'Umar and Mu'ādh said: "If he closes the door and draws the curtain, the dowry becomes obligatory."

ابْنُ فُضَيْلٍ، عَنْ حَجَّاجٍ، عَنْ - 16694 - - حَدَّثَنَا مَكْحُولٌ، قَالَ: اجْتَمَعَ نَفَرٌ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ عُمَرُ، وَمُعَاذٌ: إِنَّهُ إِذَا أَغْلَقَ الْبَابَ، وَأَرَخَى السُّتْرَ فَقَدْ وَجَبَ الصَّدَاقُ

[16695] Ibn 'Ulayyah reported to us from 'Awn from Zurārah ibn Awfā who said: I heard him say: "The Rightly Guided Caliphs ruled that whoever closes a door or draws a curtain, the dowry becomes obligatory and the waiting period becomes obligatory."

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ عَوْنٍ، عَنْ زُرَّارَةَ بْنِ أَوْفَى، قَالَ: سَمِعْتُهُ يَقُولُ: قَضَى الْخُلَفَاءُ الْمَهْدِيُّونَ الرَّاشِدُونَ أَنَّهُ مَنْ أَغْلَقَ بَابًا، أَوْ أَرَخَى سِتْرًا، فَقَدْ وَجَبَ الْمَهْرُ، وَوَجَبَتِ الْعِدَّةُ

[16696] Abū Khālid al-Aḥmar reported to us from Yaḥyā ibn Saʿīd from Saʿīd ibn al-Musayyib who said: ‘Umar said: "If the curtains are drawn, the dowry becomes obligatory."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: قَالَ عُمَرُ: إِذَا أُرْخِيتِ السُّتُورُ، فَقَدْ وَجَبَ الصَّدَاقُ

[16697] Wakīʿ reported to us from Mūsā ibn ‘Ubaydah who said: Nāfiʿ ibn Jubayr ibn Muṭʿim narrated to me from a man among the Companions of the Prophet ﷺ who said: "If he draws a curtain or closes a door, the dowry becomes obligatory."

حَدَّثَنَا وَكَيْعٌ، عَنْ مُوسَى بْنِ عُبَيْدَةَ، قَالَ: حَدَّثَنِي نَافِعُ بْنُ جُبَيْرِ بْنِ مُطْعِمٍ، عَنْ رَجُلٍ، مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِذَا أُرْخِيَ سِتْرًا، أَوْ أَغْلَقَ بَابًا، فَقَدْ وَجَبَ الصَّدَاقُ

[16698] Wakīʿ reported to us from Jaʿfar al-Aḥmar from ‘Aṭāʾ ibn al-Sāʾib from Abū al-Bakhtarī from ‘Alī who said: "If he closes a door, draws a curtain, and is secluded with her, she is entitled to the dowry."

حَدَّثَنَا وَكَيْعٌ، عَنْ جَعْفَرِ الْأَحْمَرِ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ أَبِي الْبَخْتَرِيِّ، عَنْ عَلِيٍّ، قَالَ: إِذَا أَغْلَقَ بَابًا، وَأَرْخِيَ سِتْرًا، وَخَلَى بِهَا فَلَهَا الصَّدَاقُ

[16699] Abū Khālid al-Aḥmar reported to us from Abū Sālim from Al-Sha'bī from 'Umar and 'Alī who said: "If he draws a curtain or is secluded, the dowry becomes obligatory, and she must observe the waiting period."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ أَبِي سَالِمٍ، عَنِ الشَّعْبِيِّ، عَنْ عُمَرَ، وَعَلِيٍّ، قَالَا: إِذَا أَرَخَى سِتْرًا، أَوْ خَلَى وَجَبَ الْمَهْرُ، وَعَلَيْهَا الْعِدَّةُ

[16700] 'Abd al-A'lā reported to us from Sa'id from Maṭar from Ḥibbān from Jābir who said: "If he looks at her private parts and then divorces her, she is entitled to the dowry and must observe the waiting period."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ مَطَرٍ، عَنْ حَبَّانٍ، عَنْ جَابِرٍ، قَالَ: إِذَا نَظَرَ إِلَى فَرْجِهَا، ثُمَّ طَلَّقَهَا، فَلَهَا الصَّدَاقُ، وَعَلَيْهَا الْعِدَّةُ

[16701] Abū Khālid reported to us from 'Ubayd Allāh from Nāfi' from Ibn 'Umar who said: "If the doors are closed and the curtains are drawn, the dowry becomes obligatory."

حَدَّثَنَا أَبُو خَالِدٍ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: إِذَا أُجِفَّتِ الْأَبْوَابُ، وَأُرخِيَتِ السُّتُورُ، وَجَبَ الصَّدَاقُ

[16702] Jarīr reported to us from Mughīrah from Ibrāhīm who said: "If he sees from her what is not lawful for anyone else, the dowry becomes obligatory, and she must observe the waiting period."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا اطَّلَعَ مِنْهَا عَلَى مَا لَا يَحِلُّ لِغَيْرِهِ، وَجَبَ الصَّدَاقُ، وَعَلَيْهَا الْعِدَّةُ

[16703] Wakī' reported to us from 'Alī ibn Mubārak from Yaḥyā ibn Abī Kathīr from Muḥammad ibn 'Abd al-Raḥmān ibn Thawbān that a man was secluded with his wife on a road, so 'Umar awarded her the full dowry.

حَدَّثَنَا وَكِيعٌ، عَنْ عَلِيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ ثَوْبَانَ، أَنَّ رَجُلًا اخْتَلَى بِامْرَأَتِهِ فِي طَرِيقٍ فَجَعَلَ لَهَا عَمْرُ الصَّدَاقِ كَامِلًا

[16704] Abu Bakr said: Wakī' reported to us from Ḥasan ibn Šāliḥ from Firās from Al-Sha'bī from Ibn Mas'ūd who said: "She gets half the dowry, even if he sat between her legs."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا وَكِيعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ فِرَاسٍ، عَنِ الشَّعْبِيِّ، عَنِ ابْنِ مَسْعُودٍ، قَالَ: لَهَا نِصْفُ الصَّدَاقِ، وَإِنْ جَلَسَ بَيْنَ رِجْلَيْهَا

[16705] Ibn Fuḍayl reported to us from Layth from Ṭāwūs from Ibn 'Abbās who said: "If he divorces before consummation, she gets half the dowry, even if he has been secluded with her."

حَدَّثَنَا ابْنُ فَضَيْلٍ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: إِذَا طَلَّقَ قَبْلَ أَنْ يَدْخُلَ، فَلَهَا نِصْفُ الصَّدَاقِ، وَإِنْ كَانَ قَدْ خَلَى بِهَا

[16706] Wakī' reported to us from Sufyān from Layth from Ṭāwūs from Ibn 'Abbās who said: "She gets half the dowry."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: لَهَا نِصْفُ الصَّدَاقِ

[16707] Ibn ‘Ulayyah reported to us from Layth from Al-Sha‘bī that a man said to Shurayh: "I married a woman and she stayed with me for eight years, then I divorced her while she was still a virgin." He said: "She gets half the dowry."

ابْنُ عَلِيَّةَ، عَنْ لَيْثٍ، عَنْ - 16707 - حَدَّثَنَا الشَّعْبِيُّ، أَنَّ رَجُلًا قَالَ لِشُرَيْحٍ: إِنِّي تَزَوَّجْتُ امْرَأَةً فَمَكَثَتْ عِنْدِي ثَمَانِ سِنِينَ، ثُمَّ طَلَّقْتُهَا وَهِيَ عَذْرَاءٌ، قَالَ: لَهَا نِصْفُ الصَّدَاقِ

[16708] Wakī‘ reported to us from Zakariyyā from Al-Sha‘bī who said: "She gets half the dowry."

حَدَّثَنَا وَكَيْعٌ، عَنْ زَكَرِيَّا، عَنِ الشَّعْبِيِّ، قَالَ: لَهَا نِصْفُ الصَّدَاقِ

[16709] Abu Bakr reported from Abū Bakr ibn ‘Ayyāsh from Al-Ḥakam from ‘Alī who said: "If she loses her husband, she does not remarry until it is established that he has died."

أَبُو بَكْرٍ عَنْ أَبِي بَكْرٍ بْنِ عَيَّاشٍ، - 16709 - حَدَّثَنَا عَنِ الْحَكَمِ، عَنْ عَلِيٍّ، قَالَ: إِذَا فَقَدَتْ زَوْجَهَا، لَمْ تُزَوَّجْ حَتَّى يَصِلَ أَنْ يَمُوتَ

[16710] ‘Abd al-A‘lā reported to us from Sa‘īd from Ayyūb from Abū Qilābah who said: "She is not to remarry until his death becomes clear to her."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، قَالَ: لَيْسَ لَهَا أَنْ تُزَوَّجَ، حَتَّى تَبَيَّنَ لَهَا مَوْتُهُ

[16711] Jarīr reported to us from Mughīrah from Ibrāhīm regarding a woman who loses her husband or he is taken by the enemy. He said: "She should be patient, for she is his wife. She endures what women endure until her husband comes or news reaches her that he has died."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي امْرَأَةٍ تَفْقَدُ زَوْجَهَا، أَوْ يَأْخُذُهَا الْعَدُوُّ، قَالَ: تَصْبِرُ فَإِنَّمَا هِيَ امْرَأَتُهُ، يُصِيبُهَا مَا أَصَابَ النِّسَاءَ، حَتَّى يَجِيءَ زَوْجُهَا، أَوْ يَبْلُغَهَا أَنَّهُ مَاتَ

[16712] Wakī' reported to us from Sufyān from Jābir from Al-Sha'bī who said: "The wife of the missing person does not remarry until he returns or dies."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنِ الشَّعْبِيِّ، قَالَ: لَا تُزَوِّجُ امْرَأَةُ الْمَفْقُودِ، حَتَّى يَرْجِعَ أَوْ يَمُوتَ

[16713] Yazīd ibn Hārūn reported to us from Ḥabīb from 'Amr ibn Hānī' who said: Jābir ibn Zayd was asked about a woman whose husband has been absent from her for a long time, and she does not know whether he is dead or alive. He said: "She waits until she knows whether he is alive or dead."

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ عَمْرِو بْنِ هَانِيٍّ، قَالَ: سَأَلَ جَابِرُ بْنُ زَيْدٍ، عَنْ امْرَأَةٍ غَابَ زَوْجُهَا عَنْهَا زَمَانًا لَا تَعْلَمُ لَهُ بِمَوْتٍ وَلَا حَيَاةٍ؟ قَالَ: تَرَبَّصْ حَتَّى تَعْلَمَ حَيٌّ هُوَ أَمْ مَيِّتٌ

[16714] Abū Usāmah reported to us from Hishām from Muḥammad who said: "The wife of the missing person is not remarried until certainty of her husband's death comes to her."

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، قَالَ: لَا تُزَوَّجُ امْرَأَةُ الْمَفْقُودِ حَتَّى يَأْتِيَهَا يَقِينُ مَوْتِ زَوْجِهَا

[16715] Sahl ibn Yūsuf reported to us from Shu‘bah from Al-Ḥakam and Ḥammād regarding the wife of the missing person. They said: "She is never remarried until the news comes to her."

حَدَّثَنَا سَهْلُ بْنُ يُونُسَ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، وَحَمَّادٍ، فِي امْرَأَةِ الْمَفْقُودِ قَالَا: لَا تُزَوَّجُ أَبَدًا حَتَّى يَأْتِيَهَا الْخَبَرُ

[16716] Abū Usāmah reported to us from Sa‘īd from Abū Ma‘shar from Ibrāhīm, similar to it.

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، مِثْلَهُ

[16717] ‘Abd al-A‘lā reported to us from Ma‘mar from Al-Zuhrī from Sa‘īd ibn al-Musayyib that ‘Umar ibn al-Khaṭṭāb and ‘Uthmān ibn ‘Affān said regarding the wife of the missing person: "She waits for four years, and observes waiting period (‘Iddah) for four months and ten days."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ، وَعُثْمَانَ بْنَ عَفَّانَ قَالَا فِي امْرَأَةِ الْمَفْقُودِ: تَرَبَّصُ أَرْبَعَ سِنِينَ، وَتَعْتَدُ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا

[16718] Ghundar reported to us from Shu‘bah from Manṣūr who said: Mujāhid narrated to us in the room of Al-Minhāl ibn ‘Amr from Ibn Abī Laylā from ‘Umar ibn al-Khaṭṭāb that he said regarding the wife of the missing person: "She waits for years, then his guardian is called to divorce her, then she observes waiting period (‘Iddah) after that for four months and ten days."

حَدَّثَنَا عُثْمَرُ، عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، قَالَ: حَدَّثَنَا مُجَاهِدٌ، فِي غَرْقَةِ الْمِنْهَالِ بْنِ عَمْرٍو، عَنِ ابْنِ أَبِي لَيْلَى، عَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَالَ فِي امْرَأَةِ الْمَفْقُودِ: تَرَبَّصُ سِنِينَ، ثُمَّ يُدْعَى وَلِيُّهُ فَيُطَلَّقُهَا فَتَعْتَدُ بَعْدَ ذَلِكَ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا

[16719] Abū Khālid reported to us from Dāwūd from Sa‘īd ibn al-Musayyib regarding the one missing between the ranks (in battle). He said: "His wife observes waiting period (‘Iddah) for a year."

أَبُو خَالِدٍ، عَنْ دَاوُدَ، عَنْ سَعِيدٍ - 16719 - - حَدَّثَنَا بْنُ الْمُسَيَّبِ، فِي الْفَقِيدِ بَيْنَ الصَّفَّيْنِ قَالَ: تَعْتَدُ امْرَأَتُهُ سَنَةً

[16720] Ibn ‘Uyaynah reported to us from ‘Amr from Yahyā ibn Ja’dah that a man was abducted by Jinn during the time of ‘Umar. His wife came to ‘Umar, and he ordered her to wait for four years. Then, after four years, he ordered his guardian to divorce her, then he ordered her to observe waiting period (‘Iddah). When her waiting period expired, she remarried. If her husband returned, he was given the choice between his wife and the dowry.

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ يَحْيَى بْنِ جَعْدَةَ، أَنَّ رَجُلًا اسْتَهْوَتْهُ الْجِنُّ عَلَى عَهْدِ عُمَرَ، فَأَتَتْ امْرَأَتُهُ عُمَرَ، فَأَمَرَهَا أَنْ تَرْبِصَ أَرْبَعَ سِنِينَ، ثُمَّ أَمَرَ وَلِيِّهُ بَعْدَ أَرْبَعِ سِنِينَ أَنْ يُطَلِّقَهَا، ثُمَّ أَمَرَهَا أَنْ تَعْتَدَ، فَإِذَا انْقَضَتْ عِدَّتُهَا تَزَوَّجَتْ، فَإِنْ جَاءَ زَوْجُهَا خَيْرَ بَيْنِ امْرَأَتِهِ وَالصَّدَاقِ

[16721] Ḥafṣ reported to us from Dāwūd from Sa‘īd ibn al-Musayyib regarding the one missing between the ranks. He said: "His wife waits for a year."

حَدَّثَنَا حَفْصٌ، عَنْ دَاوُدَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، فِي الْفَقِيدِ بَيْنَ الصَّفَّيْنِ: تَرْبِصُ امْرَأَتُهُ سَنَةً

[16722] ‘Abd al-Wahhāb al-Thaqafī reported to us from Khālīd from Abū Naḍrah from ‘Abd al-Raḥmān ibn Abī Laylā who said: I witnessed ‘Umar giving a missing person whose wife had remarried the choice between her and the dowry he had given her.

حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ، عَنْ خَالِدٍ، عَنْ أَبِي نَضْرَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، قَالَ: شَهِدْتُ عُمَرَ خَيْرَ مَفْقُودًا تَزَوَّجَتْ امْرَأَتُهُ بَيْنَهَا وَبَيْنَ الْمَهْرِ الَّذِي سَاقَهُ إِلَيْهَا

[16723] ‘Abd al-A‘lā reported to us from Ma‘mar from Al-Zuhrī from Sa‘īd ibn al-Musayyib that ‘Umar and ‘Uthmān ibn ‘Affān said: "If her husband returns, he is given the choice between his wife and the first dowry."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّ عُمَرَ، وَعُثْمَانَ بْنَ عَفَّانَ، قَالَا: إِنْ جَاءَ زَوْجُهَا خَيْرَ بَيْنِ امْرَأَتِهِ وَبَيْنَ الصَّدَاقِ الْأَوَّلِ

[16724] Abū Mu‘āwiyah reported to us from Al-Shaybānī from Al-Sha‘bī: ‘Umar was asked about a man who was absent from his wife, and news reached her that he had died, so she remarried. Then the first husband returned. ‘Umar said: "The first husband is given the choice between the dowry and his wife. If he chooses the dowry, he leaves her with the other husband. If he wishes, he chooses his wife." ‘Alī said: "She keeps the dowry for what the other made lawful of her private parts, and they are separated. Then she observes waiting period (‘Iddah) for three menstrual cycles, then she is

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، سُئِلَ عُمَرُ، عَنْ رَجُلٍ غَابَ عَنِ امْرَأَتِهِ فَلَبَعَهَا أَنَّهُ مَاتَ فَتَزَوَّجَتْ، ثُمَّ جَاءَ الزَّوْجُ الْأَوَّلُ، فَقَالَ عُمَرُ: يُخَيَّرُ الزَّوْجُ الْأَوَّلُ بَيْنَ الصَّدَاقِ وَامْرَأَتِهِ، فَإِنْ اخْتَارَ الصَّدَاقَ تَرَكَهَا مَعَ الزَّوْجِ الْآخَرِ، وَإِنْ شَاءَ اخْتَارَ امْرَأَتَهُ وَقَالَ عَلِيٌّ: لَهَا الصَّدَاقُ بِمَا اسْتَحَلَّ الْآخَرُ مِنْ فَرْجِهَا وَيُفَرَّقُ بَيْنَهُ وَبَيْنَهَا، ثُمَّ تَعُدُّ ثَلَاثَ حِيضٍ، ثُمَّ تُرَدُّ عَلَى الْأَوَّلِ

[16725] Jarīr reported to us from ‘Aṭā’ ibn al-Sā’ib who said: A man came to Ibrāhīm and said that he had married a woman whose husband's death had been announced to her, but a letter came from him stating he was alive. Ibrāhīm said: "Separate from her. When he arrives, if he wishes, he chooses what he gave her as dowry, and she remains your wife as she is. If he chooses the woman, when her waiting period from you expires, she is the wife of the first, and she keeps what you gave her as dowry for what you made lawful of her private parts." He asked: "Can I eat with her?" He said: "Yes, but do not enter upon her until you announce yourself."

حَدَّثَنَا جَرِيرٌ، عَنْ عَطَاءِ بْنِ السَّائِبِ، قَالَ: جَاءَ رَجُلٌ إِلَى إِبْرَاهِيمَ فَقَالَ: إِنَّهُ تَزَوَّجَ امْرَأَةً كَانَ نُعِيَ إِلَيْهَا زَوْجُهَا، فَإِنَّهُ جَاءَ كِتَابٌ مِنْهُ أَنَّهُ حَيٌّ، فَقَالَ إِبْرَاهِيمُ: اعْتَزِلْهَا، فَإِذَا قَدِمَ، فَإِنْ شَاءَ اخْتَارَ الَّذِي أَصْدَقَهَا فَكَانَتْ امْرَأَتَكَ عَلَى حَالِهَا، وَإِنْ اخْتَارَ الْمَرْأَةُ فَإِنْ انْقَضَتْ عِدَّتُهَا مِنْكَ فَهِيَ امْرَأَةُ الْأَوَّلِ، وَلَهَا مَا أَصْدَقَهَا بِمَا اسْتَحَلَ مِنْ فَرْجِهَا، قَالَ: أَفَأُكِلُهَا؟ قَالَ: نَعَمْ، وَلَا تَدْخُلْ عَلَيْهَا حَتَّى تُؤَدِّنَهَا

[16726] Ibn Numayr reported to us from Sa'īd from Qatādah from Abū al-Malīḥ from Suhaymah bint 'Umayr al-Shaybāniyyah who said: "My husband's death was announced to me from Qandābil, so I married Al-'Abbās ibn Ṭarīf, the brother of Banū Qays, after him. Then my first husband returned. We went to 'Uthmān while he was besieged. He said: 'How can I judge between you in my current state?' We said: 'We are satisfied with your judgment.' So he gave the husband the choice between the dowry and the woman. When 'Uthmān was killed, we went to 'Alī and related the story to him. He gave the first husband the choice between the dowry and the woman. He chose the dowry, so he took two thousand from me and two thousand from the other."

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَبِي الْمَلِيحِ، عَنْ سَهْمَةَ ابْنَةِ عُمَيْرِ الشَّيْبَانِيَّةِ، قَالَتْ: "لُعِيَ إِلَيَّ زَوْجِي مِنْ قَنْدَابِيلَ فَتَزَوَّجْتُ بَعْدَهُ الْعَبَّاسَ بْنَ طَرِيفٍ أَخَا بَنِي قَيْسٍ، فَقَدِمَ زَوْجِي الْأَوَّلُ فَانْطَلَقْنَا إِلَى عُثْمَانَ وَهُوَ مُحْصُورٌ فَقَالَ: كَيْفَ أَقْضِي بَيْنَكُمْ عَلَى حَالِي هَذِهِ؟ قُلْنَا: قَدْ رَضِينَا بِقَضَائِكَ، فَخَيَّرَ الزَّوْجَ بَيْنَ الصَّدَاقِ، وَبَيْنَ الْمَرْأَةِ، فَلَمَّا أُصِيبَ عُثْمَانُ انْطَلَقْنَا إِلَيَّ، وَقَصَصْنَا عَلَيْهِ الْقِصَّةَ، فَخَيَّرَ الزَّوْجَ الْأَوَّلَ بَيْنَ الصَّدَاقِ، وَبَيْنَ الْمَرْأَةِ، فَاخْتَارَ الصَّدَاقَ، فَأَخَذَ مِنِّي أَلْفَيْنِ وَمِنَ الْآخَرِ أَلْفَيْنِ

[16727] Abu Bakr reported from Ghundar from Shu'bah from Sayyār from Al-Sha'bī who said: "The wife of the missing person belongs to the first [husband]."

حَدَّثَنَا أَبُو بَكْرٍ عَنْ غُنْدَرٍ، عَنْ شُعْبَةَ، عَنْ سَيَّارٍ، عَنِ الشَّعْبِيِّ، قَالَ: امْرَأَةُ الْمَفْقُودِ امْرَأَةُ الْأَوَّلِ

[16728] Abū Usāmah reported to us from ‘Umar ibn Ḥamzah who said: I heard Al-Qāsim ibn Muḥammad say: Ibn al-Zubayr ruled among us regarding a freedwoman of theirs whose husband's death had been announced, so she remarried, then her husband came back. He ruled that her first husband be given the choice: if he wishes, his wife, and if he wishes, his dowry. ‘Umar said: And Al-Qāsim used to say that.

أَبُو أُسَامَةَ، عَنْ عُمَرَ بْنِ حَمْزَةَ، - 16728 - - حَدَّثَنَا قَالَ: سَمِعْتُ الْقَاسِمَ بْنَ مُحَمَّدٍ يَقُولُ: قَضَى فِيْنَا ابْنُ الزُّبَيْرِ فِي مَوْلَاةٍ لَهُمْ كَانَ زَوْجُهَا قَدْ نُعِيَ فَرُوجَتْ، ثُمَّ جَاءَ زَوْجُهَا، فَقَضَى أَنَّ زَوْجَهَا الْأَوَّلَ يُخَيَّرُ إِنْ شَاءَ امْرَأَتُهُ، وَإِنْ شَاءَ صَدَاقُهُ قَالَ عُمَرُ: وَكَانَ الْقَاسِمُ يَقُولُ ذَلِكَ

[16729] ‘Abd al-A‘lā reported to us from Dāwūd from Al-‘Abbās ibn ‘Abd al-Raḥmān that ‘Umar gave the missing person whose wife had remarried the choice. He chose the money, so he made it payable by her newer husband. Ḥumayd said: I entered upon the woman about whom this judgment was made, and she said: "I helped my other husband with a slave girl."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ دَاوُدَ، عَنِ الْعَبَّاسِ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّ عُمَرَ، خَيْرَ الْمَفْقُودِ، وَقَدْ تَزَوَّجَتْ امْرَأَتُهُ، فَاخْتَارَ الْمَالَ، فَجَعَلَهُ عَلَى زَوْجِهَا الْأَخْدَثِ. قَالَ حُمَيْدٌ: فَدَخَلْتُ عَلَى الْمَرْأَةِ الَّتِي قَضَى فِيهَا هَذَا، فَقَالَتْ: فَأَعَنْتُ زَوْجِي الْأَخَرَ بِوَلِيدَةٍ

[16730] Abu Bakr said: Hushaym reported to us from Khālīd from Abū Ma'shar from Ibrāhīm that 'Alī said: "He is not a husband," meaning the master.

أَبُو بَكْرٍ قَالَ: نَا هُشَيْمٌ، عَنْ خَالِدٍ، - 16730 حَدَّثَنَا عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، أَنَّ عَلِيًّا، قَالَ: لَيْسَ بِزَوْجٍ يَعْني السَّيِّدَ

[16731] Hushaym reported to us from Ismā'il ibn Sālim who said: I heard Al-Sha'bī say: "He is not a husband."

هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، قَالَ: - 16731 حَدَّثَنَا سَمِعْتُ الشَّعْبِيَّ يَقُولُ: لَيْسَ بِزَوْجٍ

[16732] Hushaym reported to us from Yūnus from Al-Ḥasan from Zayd who said: "He is a husband if he did not intend Tahlīl (making her lawful for the first husband)."

هُشَيْمٌ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، عَنْ - 16732 حَدَّثَنَا زَيْدٍ، قَالَ: هُوَ زَوْجٌ إِذَا لَمْ يُرِدِ الْإِحْلَالَ

[16733] Hushaym reported to us from Khālīd from Marwān al-Aṣfar from Abū Rāfi' that 'Uthmān ibn 'Affān was asked about that while 'Alī and Zayd ibn Thābit were with him. 'Uthmān and Zayd permitted it and said: "He is a husband." So 'Alī stood up angry, disliking what they said.

هُشَيْمٌ، عَنْ خَالِدٍ، عَنْ مَرْوَانَ - 16733 حَدَّثَنَا الْأَصْفَرِ، عَنْ أَبِي رَافِعٍ، أَنَّ عُثْمَانَ بْنَ عَفَّانَ، سُئِلَ عَنْ ذَلِكَ؟ وَعِنْدَهُ عَلِيٌّ، وَزَيْدُ بْنُ ثَابِتٍ قَالَ: فَرَحَّصَ فِي ذَلِكَ عُثْمَانُ، وَزَيْدٌ قَالَا: هُوَ زَوْجٌ، فَقَامَ عَلِيٌّ مُغَضَّبًا كَارِهًا لِمَا قَالَا

[16734] Yahyā ibn Saʿīd reported to us from Ibn Jurayj from ‘Aṭā’ who said: "He is a husband," meaning the master.

يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ جُرَيْجٍ، - 16734 حَدَّثَنَا عَنْ عَطَاءٍ، قَالَ: هُوَ زَوْجٌ، يَعْنِي السَّيِّدَ

[16735] Ghundar reported to us from Shu‘bah who said: I asked Ḥammād about a man married to a slave girl who divorced her twice, then her master had intercourse with her. Can she return to her husband? He disliked that.

غُنْدَرٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ - 16735 حَدَّثَنَا حَمَّادًا، عَنْ رَجُلٍ تَحْتَهُ أَمَةٌ فَطَلَّقَهَا تَطْلِقَتَيْنِ، ثُمَّ يَغُشَاهَا سَيِّدُهَا، هَلْ تَرْجِعُ إِلَى زَوْجِهَا؟ فَكَرِهَ ذَلِكَ

[16736] Yazīd ibn Hārūn reported to us from Ḥabīb from ‘Amr ibn Harim who said: Jābir ibn Zayd was asked about a man who had a slave wife and divorced her. Then her master took her as a concubine, then left her. Is she lawful for her husband who divorced her? He said: "She is not lawful for him until she marries a husband other than him."

يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ - 16736 حَدَّثَنَا عَمْرٍو بْنِ هَرِمٍ، قَالَ: سُئِلَ جَابِرُ بْنُ زَيْدٍ، عَنْ رَجُلٍ كَانَتْ لَهُ امْرَأَةٌ مَمْلُوكَةٌ فَطَلَّقَهَا، ثُمَّ إِنَّ سَيِّدَهَا تَسَرَّاهَا، ثُمَّ تَرَكَهَا، أَتَحِلُّ لِرِزْوَجِهَا الَّذِي طَلَّقَهَا؟ قَالَ: لَا تَحِلُّ لَهُ، حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ

[16737] ‘Abdah reported to us from Sa’id from Qatādah from Al-Ḥasan from Zayd ibn Thābit and Al-Zubayr ibn al-‘Awwām that they saw no harm if a man divorced his wife who was a slave girl twice, then her master had intercourse with her, not intending thereby deception or Tahlīl, for her to return to her husband seeking marriage.

عَبْدَةُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ - 16737 حَدَّثَنَا الْحَسَنُ، عَنْ زَيْدِ بْنِ ثَابِتٍ، وَالزُّبَيْرِ بْنِ الْعَوَّامِ، كَانَا لَا يَرَيَانِ بَأْسًا إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ وَهِيَ أَمَةٌ تَطْلِقَتَيْنِ، ثُمَّ عَشِيَهَا سَيِّدُهَا، لَا يُرِيدُ بِذَلِكَ مُحَادَعَةً، وَلَا إِحْلَالَ أَنْ تَرْجِعَ إِلَى زَوْجِهَا تَخْطُبُهُ

[16738] ‘Abdah reported to us from Sa’id from Abū Ma’shar regarding the slave girl whose husband divorces her twice, then her master has intercourse with her: "She is not lawful for her husband until she marries a husband other than him."

عَبْدَةُ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، - 16738 حَدَّثَنَا فِي الْأَمَةِ يُطَلِّقُهَا زَوْجَهَا تَطْلِقَتَيْنِ، ثُمَّ يَعْشَاهَا سَيِّدُهَا إِنْهَا لَا تَحِلُّ لِرَجُلٍ لَزَوْجِهَا، حَتَّى تُنْكَحَ زَوْجًا غَيْرَهُ

[16739] Ḥafṣ reported to us from Layth from Ṭawūs who said: "If he divorces her twice, then the master has intercourse with her, he may marry her if he wishes, provided the other completes her waiting period and he becomes a suitor."

حَفْصٌ، عَنْ لَيْثٍ، عَنْ طَاوُسٍ، قَالَ: - 16739 حَدَّثَنَا إِذَا طَلَّقَهَا تَطْلِقَتَيْنِ، ثُمَّ وَطِئَهَا السَّيِّدُ تَزَوَّجَهَا إِنْ شَاءَ، بِأَنْ تَكْمَلَ الْأُخْرَى عِدَّتُهَا وَيَكُونَ خَاطِبًا

[16740] Ḥafṣ reported to us from Ibn Jurayj from ‘Amr ibn Shu‘ayb who said: A man divorced a woman, then married her sister. Ibn ‘Abbās said to Marwān: "Separate them until the waiting period of the one he divorced expires."

حَفْصٌ، عَنِ ابْنِ جُرَيْجٍ، عَنْ - 16740 - حَدَّثَنَا عَمْرُو بْنُ شُعَيْبٍ، قَالَ: طَلَّقَ رَجُلٌ امْرَأَةً، ثُمَّ تَزَوَّجَ أُخْتَهَا، قَالَ ابْنُ عَبَّاسٍ لِمَرْوَانَ: فَرِّقْ بَيْنَهَا وَبَيْنَهُ، حَتَّى تَنْقُضِيَ عِدَّةَ الَّتِي طَلَّقَ

[16741] Jarīr reported to us from Mughīrah from Ḥammād from Ibrāhīm who said: If a man marries a woman, then divorces her, then marries her sister during her waiting period, he said: "Her marriage is forbidden, they are separated, she has no dowry, and no waiting period is upon her."

جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، عَنْ - 16741 - حَدَّثَنَا إِبْرَاهِيمُ، قَالَ: إِذَا نَكَحَ الرَّجُلُ الْمَرْأَةَ، ثُمَّ طَلَّقَهَا، ثُمَّ تَزَوَّجَ أُخْتَهَا فِي عِدَّتِهَا، قَالَ: نِكَاحُهَا حَرَامٌ، وَيُفَرَّقُ بَيْنَهُمَا، وَلَا صَدَاقَ لَهَا، وَلَا عِدَّةَ عَلَيْهَا

[16742] Ibn ‘Ulayyah reported to us from Sufyān from Abū al-Zinād from Sulaymān ibn Yasār from Zayd ibn Thābit that Marwān asked him about it, and he disliked it.

ابْنُ عُلَيَّةٍ، عَنْ سُفْيَانَ، عَنْ أَبِي - 16742 - حَدَّثَنَا الزِّنَادِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ، أَنَّ مَرْوَانَ سَأَلَهُ عَنْهَا؟ فَكَرِهَهَا

[16743] Ibn ‘Uyaynah reported to us from ‘Abd al-Karīm from Sa‘īd ibn al-Musayyib who said: "He does not marry until the waiting period of the one he divorced expires."

ابْنُ عُيَيْنَةَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ - 16743 - حَدَّثَنَا سَعِيدُ بْنُ الْمُسَيَّبِ، قَالَ: لَا يَتَزَوَّجُ حَتَّى تَنْقُضِيَ عِدَّةَ الَّتِي طَلَّقَ

[16744] Ḥafṣ reported to us from Ash'ath from Ibn Sīrīn from 'Abīdah regarding a man who divorced his wife and has four wives. He said: "It is not lawful for him to marry a fifth until the waiting period of the one he divorced expires."

حَفْصٌ، عَنْ أَشْعَثَ، عَنِ ابْنِ - 16744 حَدَّثَنَا سِيرِينَ، عَنْ عُبَيْدَةَ، فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ، وَلَهُ أَرْبَعُ نِسْوَةٍ، قَالَ: لَا يَحِلُّ لَهُ أَنْ يَتَزَوَّجَ الْخَامِسَةَ، حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ

[16745] Abu Bakr reported from 'Ā'idh ibn Ḥabīb from Ḥajjāj from Al-Sha'bī from 'Alī who said: "He does not marry a fifth until the waiting period of the one he divorced expires."

أَبُو بَكْرٍ عَنْ عَائِدِ بْنِ حَبِيبٍ، عَنْ - 16745 حَدَّثَنَا حَجَّاجٌ، عَنِ الشَّعْبِيِّ، عَنْ عَلِيٍّ، قَالَ: لَا يَتَزَوَّجُ خَامِسَةً حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ

[16746] Ibn 'Uyaynah reported to us from Ibn Abī Najīh from Mujāhid who said: Does he not marry until the waiting period of the one he divorced expires? 'Alī said: "If there is no inheritance between them and he has no right to take her back, there is no harm if he marries."

ابْنُ عُيَيْنَةَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ - 16746 حَدَّثَنَا مُجَاهِدٌ، قَالَ: لَا يَتَزَوَّجُ حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ؟، قَالَ عَلِيٌّ: إِذَا لَمْ يَكُنْ بَيْنَهُمَا مِيرَاثٌ، وَلَمْ يَكُنْ عَلَيْهَا رَجْعَةٌ فَلَا بَأْسَ أَنْ يَتَزَوَّجَ

[16747] ‘Abbād ibn ‘Awwām reported to us from ‘Abd al-Malik from ‘Atā’ that he was asked about a man who had four wives and divorced one of them irrevocably (three times). Can he marry a fifth? He said: "No, until the waiting period of the one he divorced expires."

عَبَادُ بْنُ عَوَّامٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ - 16747 حَدَّثَنَا عَطَاءٍ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ كَانَ لَهُ أَرْبَعُ نِسَوَةٍ، فَطَلَّقَ إِحْدَاهُنَّ ثَلَاثًا، أَيَتَزَوَّجُ خَامِسَةً؟ قَالَ: لَا، حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ

[16748] Ibn ‘Ulayyah reported to us from Ibn Abī Najīh from Mujāhid who said: "He does not marry until the waiting period of the one he divorced expires." ‘Atā’ said: "If there is no inheritance between them and he has no right to take her back, there is no harm if he marries."

ابْنُ عُليَّةٍ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ - 16748 حَدَّثَنَا مُجَاهِدٍ، قَالَ: لَا يَتَزَوَّجُ حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ، وَقَالَ عَطَاءٌ: إِذَا لَمْ يَكُنْ بَيْنَهُمَا مِيرَاثٌ، وَلَمْ يَكُنْ لَهُ عَلَيْهَا رَجْعَةٌ فَلَا بَأْسَ أَنْ يَتَزَوَّجَ

[16749] ‘Abd al-‘Alā reported to us from Yūnus from Al-Ḥasan that he used to dislike him marrying until the waiting period of the one he divorced expired.

عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ - 16749 حَدَّثَنَا الْحَسَنُ، أَنَّهُ كَانَ يَكْرَهُ أَنْ يَتَزَوَّجَ، حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ

[16750] Wakī' reported to us from 'Alī ibn Mubārak from Yaḥyā ibn Abī Kathīr from Muḥammad ibn Ibrāhīm al-Taymī that 'Utbah ibn Abī Sufyān had four wives. He divorced one of them irrevocably, then married a fifth during the waiting period of the one he divorced. Marwān asked Ibn 'Abbās, and he said: "No, until the waiting period of the one he divorced expires."

وَكَيْعٌ، عَنْ عَلِيِّ بْنِ مُبَارَكٍ، عَنْ - 16750 حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ التَّيْمِيِّ، أَنَّ عُتْبَةَ بْنَ أَبِي سُفْيَانَ كَانَتْ عِنْدَهُ أَرْبَعُ نِسْوَةٍ، فَطَلَّقَ إِحْدَاهُنَّ فَبَنَّتْهَا ثُمَّ نَكَحَ الْخَامِسَةَ فِي عِدَّةِ الَّتِي طَلَّقَ، فَسَأَلَ مَرْوَانَ ابْنَ عَبَّاسٍ؟ فَقَالَ: لَا، حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ

[16751] Abū Usāmah told us, from Ibn 'Awn, from Abū Ṣādiq who said: "He does not marry a fifth until the waiting period ('Iddah) of the one he divorced has ended."

حَدَّثَنَا أَبُو أُسَامَةَ، عَنِ ابْنِ عَوْنٍ، عَنْ أَبِي صَادِقٍ، قَالَ: لَا يَتَزَوَّجُ خَامِسَةً، حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ

[16752] Jarīr told us, from Mughīrah, from Ibrāhīm who said: "If a man has four wives and divorces one of them, he does not marry a fifth until the waiting period of the one he divorced has ended. If she dies, he may marry on that very day if he wishes."

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا كَانَتْ تَحْتَ الرَّجُلِ أَرْبَعُ نِسْوَةٍ فَطَلَّقَ إِحْدَاهُنَّ، فَلَا يَتَزَوَّجُ خَامِسَةً حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ، فَإِنْ مَاتَتْ فَإِنْ شَاءَ فَلْيَتَزَوَّجْ مِنْ يَوْمِهِ ذَلِكَ

[16753] Ḥammād told us, from Mālik, from Rabī‘ah, from Al-Qāsim and ‘Urwah ibn al-Zubayr who both said regarding the one who has four wives and divorces one of them: “He marries whenever he wishes.”

حَدَّثَنَا حَمَّادٌ، عَنْ مَالِكٍ، عَنْ رَبِيعَةَ، عَنِ الْقَاسِمِ، وَعُروَةَ بْنِ الزُّبَيْرِ أَنَّهُمَا قَالَا: فِي الَّذِي عِنْدَهُ أَرْبَعُ نِسْوَةٍ فَيُطَلِّقُ إِحْدَاهُنَّ: يَتَزَوَّجُ مَتَى شَاءَ

[16754] Ḥafṣ told us, from Ash‘ath, from Al-Ḥakam, from ‘Alī: That he was asked about a man who divorced his wife, and before her waiting period ended, he married her sister. ‘Alī separated them and gave her the dowry for what he made lawful of her private parts. He said: “If he consummated the marriage with her, she gets the full dowry and must observe the full waiting period. They both observe the waiting period from him, each one for three menstrual cycles. If they do not menstruate, then three months.”

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، عَنْ عَلِيٍّ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ، فَلَمْ تَنْقُضِ عِدَّتُهَا حَتَّى تَزَوَّجَ أُخْتَهَا؟ فَفَرَّقَ عَلِيٌّ بَيْنَهُمَا، وَجَعَلَ لَهَا الصَّدَاقَ بِمَا اسْتَحَلَّ مِنْ فَرْجِهَا، وَقَالَ: إِنْ كَانَ دَخَلَ بِهَا فَلَهَا الصَّدَاقُ كَامِلًا وَعَلَيْهَا الْعِدَّةُ كَامِلَةٌ، وَيَعْتَدَانِ مِنْهُ جَمِيعًا كُلُّ وَاحِدَةٍ ثَلَاثَةَ قُرُوءٍ، وَإِنْ كَانَتَا لَا تَحِيضَانِ فَثَلَاثَةُ أَشْهُرٍ

[16755] Wakī‘ told us, from Zakariyyā who said: ‘Āmir was asked about a man who married his wife, then divorced her, then married her sister during her waiting period. He said: “They are

حَدَّثَنَا وَكَيْعٌ، عَنْ زَكَرِيَّا، قَالَ: سُئِلَ عَامِرٌ عَنْ رَجُلٍ نَكَحَ امْرَأَتَهُ، ثُمَّ طَلَّقَهَا، ثُمَّ نَزَّوَجَ أُخْتَهَا فِي عِدَّتِهَا؟ قَالَ: يَفْرَقُ بَيْنَهُمَا

[16756] ‘Abd al-A‘lā told us, from Yūnus, from Al-Ḥasan who said: “He used to dislike, if he had a wife and divorced her three times, to marry her sister until the waiting period of the divorced one ended.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: كَانَ يَكْرَهُ إِذَا كَانَ لَهُ امْرَأَةٌ فَطَلَّقَهَا ثَلَاثًا، كَرِهَ أَنْ يَنْزَوِيَ أُخْتَهَا حَتَّى تَنْقَضِيَ عِدَّةُ الَّتِي طَلَّقَ

[16757] Jarīr told us, from Mughīrah, from Ibrāhīm who said: “He does not marry a woman during the waiting period of her sister from him.”

حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَنْزَوِي الْمَرْأَةَ فِي عِدَّةِ أُخْتِهَا مِنْهُ

[16758] ‘Abd al-A‘lā told us, from Ma‘mar, from Al-Zuhri: “That he used to see no harm if a man divorced his wife three times, to marry her sister during her waiting period.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ ثَلَاثًا، أَنْ يَنْزَوِيَ أُخْتَهَا فِي عِدَّتِهَا

[16759] Ibn Mahdī told us, from Hammād ibn Salamah, from Qatādah, from Al-Ḥasan, Saʿīd ibn al-Musayyib, and Khilās regarding a man who divorced his wife three times while she was pregnant. They said: “There is no harm if he marries her sister during her waiting period.” He said: ‘Ubayd ibn Naḍlah used to dislike it until it was mentioned to Al-Ḥasan, and it seemed he withdrew from it.

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، وَسَعِيدِ بْنِ الْمُسَيَّبِ، وَخِلَاسٍ، فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلَاثًا وَهِيَ حَامِلٌ، قَالُوا: لَا بَأْسَ أَنْ يَتَزَوَّجَ أُخْتَهَا فِي عِدَّتِهَا. قَالَ: وَكَانَ عُبَيْدُ بْنُ نَضْلَةَ يُكْرَهُهُ حَتَّى ذَكَرَ لِلْحَسَنِ فَكَانَهُ نَزَعَ عَنْهُ

[16760] Abū Bakr told us, from Ibn Mubārak, from ʿĀsim, from Al-Shaʿbī, from Jābir ibn ʿAbd Allāh who said: The Messenger of Allah ﷺ said: “A woman is not married upon her paternal aunt nor upon her maternal aunt.”

حَدَّثَنَا أَبُو بَكْرِ عَنْ ابْنِ مُبَارَكٍ، عَنْ عَاصِمٍ، عَنِ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا وَلَا خَالَتِهَا

[16761] Ibn Numayr told us, from Ibn Ishāq, from Yaʿqūb ibn ʿUtbah, from Sulaymān ibn Yasār, from Abū Saʿīd al-Khudrī: That the Prophet ﷺ said: “A woman is not married upon her maternal aunt.”

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنِ ابْنِ إِسْحَاقَ، عَنْ يَعْقُوبَ بْنِ عُثْبَةَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَا تُنْكَحُ الْمَرْأَةُ عَلَى خَالَتِهَا

[16762] Abū Bakr ibn ‘Ayyāsh told us, from Abū Ḥuşayn, from Yahyā, from Masrūq, from ‘Abd Allāh who said: “A woman is not married upon her paternal aunt, nor upon her maternal aunt.”

حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ، عَنْ أَبِي حُصَيْنٍ، عَنْ يَحْيَى، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا، وَلَا عَلَى خَالَتِهَا

[16763] Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan that he said: “A woman is not married upon her paternal aunt, nor upon her maternal aunt.”

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، أَنَّهُ قَالَ: لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا، وَلَا عَلَى خَالَتِهَا

[16764] Ibn Fuḍayl told us, from Dāwūd, from Al-Sha‘bī, from Abū Hurayrah who said: The Messenger of Allah ﷺ said: “A woman is not married upon her paternal aunt, nor upon her maternal aunt. And a paternal aunt, nor a maternal aunt, is married upon her niece. And the younger is not married upon the older, nor the older upon the younger.”

حَدَّثَنَا ابْنُ فَضِيلٍ، عَنْ دَاوُدَ، عَنِ الشَّعْبِيِّ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا، وَلَا عَلَى خَالَتِهَا، وَلَا تُنْكَحُ الْعَمَّةُ، وَلَا الْخَالَةُ عَلَى بِنْتِ أُخْتِهَا، وَلَا تُزَوَّجُ الصُّغْرَى عَلَى الْكُبْرَى، وَلَا الْكُبْرَى عَلَى الصُّغْرَى

[16765] Ibn Fuḍayl told us, from Al-A'mash, from Ibrāhīm who said: The Messenger of Allah ﷺ said: "A woman is not married upon her paternal aunt, nor upon her maternal aunt. And one should not have intercourse with a woman while in her womb is a fetus belonging to another."

حَدَّثَنَا ابْنُ فَضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا، وَلَا عَلَى خَالَتِهَا، وَلَا يَطُأُ الْمَرْأَةَ وَفِي بَطْنِهَا جَنِينٌ لغيرِهِ

[16766] Abū al-Aḥwaṣ told us, from Mughīrah, from Ibrāhīm: "A man does not marry his wife's paternal aunt, nor her maternal aunt. If he divorces her, he does not marry any of them until her waiting period ends."

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ: لَا يَنْزَوِجُ الرَّجُلُ عَمَّةَ امْرَأَتِهِ، وَلَا خَالَتَهَا، فَإِنْ طَلَّقَهَا فَلَا يَنْزَوِجُ وَاحِدَةً مِنْهُنَّ حَتَّى تَنْقَضِيَ عِدَّتُهَا

[16767] Wakī' told us, from Zakariyyā, from Al-Sha'bī who said: I asked about a woman who was married upon her maternal aunt through breastfeeding. He said: "They are separated."

حَدَّثَنَا وَكَيْعٌ، عَنْ زَكَرِيَّا، عَنِ الشَّعْبِيِّ، قَالَ: سَأَلْتُ عَنْ امْرَأَةٍ نَكَحَتْ عَلَى خَالَتِهَا مِنَ الرِّضَاعَةِ قَالَ: يُفَرِّقُ بَيْنَهُمَا

[16768] Ma'n ibn 'Isā told us, from Ibn Abī Dhi'b, from Al-Zuhri who said: "It is not appropriate for a man to combine a woman and her paternal aunt through breastfeeding from what his right hand

حَدَّثَنَا مَعْنُ بْنُ إِيسَى، عَنِ ابْنِ أَبِي ذُنُبٍ، عَنِ الزُّهْرِيِّ، قَالَ: لَا يَنْبَغِي لِلرَّجُلِ أَنْ يَجْمَعَ بَيْنَ امْرَأَةٍ، وَعَمَّتِهَا مِنَ الرِّضَاعَةِ مِمَّا مَلَكَتِ الْيَمِينُ

[16769] Yazīd ibn Hārūn told us, from Ḥusayn al-Mu'allim, from 'Amr ibn Shu'ayb, from his father, from his grandfather: That the Prophet ﷺ said on the day of the conquest of Mecca: "A woman is not married upon her paternal aunt, nor her maternal aunt."

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حُسَيْنِ الْمُعَلِّمِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ يَوْمَ فَتَحَ مَكَّةَ: لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا، وَلَا خَالَتِهَا

[16770] Kathīr ibn Hishām told us, from Ja'far ibn Burqān, from Al-Zuhri, from Sālim, from his father who said: "The Messenger of Allah ﷺ forbade a woman to be married upon her paternal aunt, or upon her maternal aunt."

حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ بْنِ بُرْقَانَ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُزَوَّجَ الْمَرْأَةُ عَلَى عَمَّتِهَا، وَلَا عَلَى خَالَتِهَا

[16771] Abū Usāmah told us, from Ḥusayn al-Mu‘allim, from ‘Amr ibn Shu‘ayb, from his father, from his grandfather: “That a man married a woman upon her maternal aunt, so ‘Umar beat him and separated them.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ حُسَيْنِ الْمُعَلِّمِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ رَجُلًا تَزَوَّجَ امْرَأَةً عَلَى خَالَتِهَا، فَضَرَبَهُ عُمَرُ وَفَرَّقَ بَيْنَهُمَا

[16772] Wakī‘ told us, from Mughaffal, from ‘Aṭā’; and Yazīd ibn Hārūn, from Al-Ḥasan who said: “The Messenger of Allah ﷺ forbade a woman to be married upon her paternal aunt, or upon her maternal aunt.”

حَدَّثَنَا وَكَيْعٌ، عَنْ مَغْفَلٍ، عَنْ عَطَاءٍ، وَيَزِيدُ بْنُ هَارُونَ، عَنِ الْحَسَنِ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُنكَحَ الْمَرْأَةُ عَلَى عَمَّتِهَا، أَوْ عَلَى خَالَتِهَا

[16773] Abū Bakr told us, from Ibn ‘Uyaynah, from Ibn Abī Najīh, from ‘Aṭā’ who said: “It is disliked to combine two female cousins [daughters of a paternal uncle] due to corruption between them.”

حَدَّثَنَا أَبُو بَكْرِ عَنْ ابْنِ عُيَيْنَةَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ عَطَاءٍ، قَالَ: يُكْرَهُ الْجَمْعُ بَيْنَ ابْنَتَيْ الْعَمِّ لِفَسَادِ بَيْنَهُمَا

[16774] Ibn ‘Uyaynah told us, from ‘Amr, that Al-Ḥasan ibn Muḥammad informed him: “That a son of ‘Alī combined two of his female cousins. He said: ‘They were both brought to him in one night.’”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، أَنَّ الْحَسَنَ بْنَ مُحَمَّدٍ، أَخْبَرَهُ "أَنَّ ابْنًا لِعَلِيٍّ جَمَعَ بَيْنَ ابْنَتَيْ عَمِّ لَهُ قَالَ: فَأَدْخَلْنَا عَلَيْهِ فِي لَيْلَةٍ

[16775] Sahl ibn Yūsuf told us, from ‘Amr, from Al-Ḥasan: “That he used to dislike combining relatives for fear of severing ties.”

حَدَّثَنَا سَهْلُ بْنُ يُونُسَ، عَنْ عَمْرِو، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يَكْرَهُ أَنْ يُجْمَعَ بَيْنَ الْقَرَابَةِ مِنْ أَجْلِ الْقَطِيعَةِ

[16776] Yazīd ibn Hārūn told us, from Ḥabīb, from ‘Amr, from Jābir ibn Zayd who said: He was asked: “Is it appropriate for a woman to be married upon her cousin?” He said: “That is severing ties, and severing ties is not appropriate.”

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَبِيبٍ، عَنْ عَمْرِو، عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: سُئِلَ هَلْ يَصْلَحُ لِلْمَرْأَةِ أَنْ تُزَوَّجَ عَلَى ابْنَةِ عَمِّهَا؟ قَالَ: تِلْكَ الْقَطِيعَةُ، وَلَا تَصْلَحُ الْقَطِيعَةُ

[16777] Ibn Numayr told us, from Sufyān: Khālīd al-Fa’fa’ told me, from ‘Isā ibn Ṭalhah who said: “The Messenger of Allah ﷺ forbade marrying a woman upon her relative for fear of severing ties.”

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ سُفْيَانَ، حَدَّثَنِي خَالِدُ الْفَأْفَأُ، عَنْ عِيسَى بْنِ طَلْحَةَ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُنْكَحَ الْمَرْأَةُ عَلَى قَرَابَتِهَا مَخَافَةَ الْقَطِيعَةِ

[16778] Ibn ‘Uyaynah told us, from ‘Abd Allāh ibn Abī Yazīd, from his father: “That Sibā’ ibn Thābit married the daughter of Rabāḥ ibn Wahb. He had a son from another woman, and she had a daughter from another man. The boy committed adultery with the girl, and pregnancy appeared in the girl. They were brought to ‘Umar ibn al-Khaṭṭāb, confessed, so he flogged them, and urged them to be married, but the boy refused.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي يَزِيدَ، عَنْ أَبِيهِ، أَنَّ سِبَاعَ بْنَ ثَابِتٍ، تَزَوَّجَ ابْنَةَ رَبَاحِ بْنِ وَهَبٍ، وَلَهُ ابْنٌ مِنْ غَيْرِهَا، وَلَهَا ابْنَتُهُ مِنْ غَيْرِهِ فَقَجَرَ الْغُلَامُ بِالْجَارِيَةِ، فَظَهَرَ بِالْجَارِيَةِ حَمْلٌ، فَرُفِعَا إِلَى عُمَرَ بْنِ الْخَطَّابِ فَأَعْتَرَفَا فَجَلَدَهُمَا، وَحَرَّضَ أَنْ يُجْمَعَ بَيْنَهُمَا، فَأَبَى الْغُلَامُ

[16779] Khalaf ibn Khalīfah told us, from Abū Hāshim, from Sa‘īd ibn Jubayr, from Ibn ‘Abbās regarding a man and a woman who each committed a Hadd offense with the other, then he wanted to marry her. He said: “There is no harm; its beginning was fornication, and its end is marriage.”

حَدَّثَنَا خَلْفُ بْنُ خَلِيفَةَ، عَنْ أَبِي هَاشِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، فِي رَجُلٍ وَامْرَأَةٍ أَصَابَ كُلُّ وَاحِدٍ مِنْهُمَا مِنَ الْآخَرِ حَدًّا، ثُمَّ أَرَادَ أَنْ يَتَزَوَّجَهَا، قَالَ: لَا بَأْسَ، أَوَّلُهُ سِفَاحٌ، وَآخِرُهُ نِكَاحٌ

[16780] Wakī’ told us, from Ismā‘īl, from Al-Sha‘bī who said: “Its beginning was fornication, and its end is marriage.”

حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، قَالَ: أَوَّلُهُ سِفَاحٌ، وَآخِرُهُ نِكَاحٌ

[16781] Wakī‘ told us, from Ibn Ḥubāb, from Bukayr ibn al-Akhnas, from his father who said: “I recited Ḥā Mīm ‘Ayn Sīn Qāf at night and passed by this verse: {And it is He who accepts repentance from his servants and pardons misdeeds, and He knows what you do} [Ash-Shura: 25]. So I went early to ‘Abd Allāh to ask him about it. A man came to him and asked him about a man who commits adultery with a woman, then marries her? ‘Abd Allāh recited: {And it is He who accepts repentance from his servants and pardons misdeeds} [Ash-Shura: 25].”

حَدَّثَنَا وَكِيعٌ، عَنِ ابْنِ حُبَابٍ، عَنْ بُكَيْرِ بْنِ الْأَخْنَسِ، عَنْ أَبِيهِ، قَالَ: "قَرَأْتُ مِنَ اللَّيْلِ حَمَّ عَسَقٍ فَمَرَرْتُ بِهَذِهِ الْآيَةِ: {وَهُوَ الَّذِي يَقْبَلُ التَّوْبَةَ عَنْ عِبَادِهِ وَيَعْفُو} [الشورى: 25]، عَنِ السَّيِّئَاتِ وَيَعْلَمُ مَا تَفْعَلُونَ} [الشورى: 25]، فَعَدَوْتُ إِلَى عَبْدِ اللَّهِ أَسْأَلُهُ عَنْهَا، فَأَتَاهُ رَجُلٌ فَسَأَلَهُ عَنْ الرَّجُلِ يَفْجُرُ بِالْمَرْأَةِ، ثُمَّ يَتَزَوَّجُهَا؟ فَقَرَأَ عَبْدُ اللَّهِ: {وَهُوَ الَّذِي يَقْبَلُ التَّوْبَةَ عَنْ عِبَادِهِ وَيَعْفُو عَنِ السَّيِّئَاتِ} [الشورى: 25]

[16782] Wakī‘ told us, from Sharīk, from ‘Urwah ibn ‘Abd Allāh ibn Qushayr, from Abū al-Ash‘ath, from Ibn ‘Umar who said: “Its beginning was fornication, and its end is marriage; its beginning was forbidden, and its end is lawful.”

حَدَّثَنَا وَكِيعٌ، عَنْ شَرِيكِ، عَنْ عُرْوَةَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْرٍ، عَنْ أَبِي الْأَشْعَثِ، عَنْ ابْنِ عُمَرَ، قَالَ: أَوَّلُهُ سِفَاحٌ، وَآخِرُهُ نِكَاحٌ، وَأَوَّلُهُ حَرَامٌ، وَآخِرُهُ حَلَالٌ

[16783] Ḥafṣ told us, from Ash‘ath, from Al-Zuhrī: “That a man committed adultery with a woman, and both were virgins. Abū Bakr flogged them and banished them, then married her to him after a year.”

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الزُّهْرِيِّ، أَنَّ رَجُلًا
فَجَرَ بِامْرَأَةٍ، وَهُمَا بَكَرَانِ فَجَلَدَهُمَا أَبُو بَكْرٍ وَنَفَاهُمَا، ثُمَّ
زَوَّجَهَا إِيَّاهُ بَعْدَ الْحَوْلِ

[16784] Wakī‘ told us, from Sufyān, from Qatādah, from Sa‘īd ibn al-Musayyib who said: “There is no harm in him marrying her.”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ
الْمُسَيَّبِ، قَالَ: لَا بَأْسَ أَنْ يَنْتَزَوْجَهَا

[16785] Abū Mu‘āwiyah told us, from Al-A‘mash, from Ibrāhīm, from ‘Alqamah who said: A man asked him about a man who committed adultery with a woman, can he marry her? He said: “Yes,” and recited this verse: {And it is He who accepts repentance from his servants} [Ash-Shura: 25].

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ
عَلْقَمَةَ، قَالَ: سَأَلَهُ رَجُلٌ عَنْ رَجُلٍ فَجَرَ بِامْرَأَةٍ،
أَيَنْتَزَوَّجُهَا؟ قَالَ: نَعَمْ، وَتَلَا هَذِهِ الْآيَةَ: {وَهُوَ الَّذِي يَقْبَلُ
25: التَّوْبَةَ عَنْ عِبَادِهِ} [الشورى]

[16786] Jarīr told us, from Shu‘bah, from Abū Na‘amah who said: Sa‘īd ibn Jubayr was asked while I was listening about a man who committed adultery with a woman, can he marry her? He said: “He is most entitled to her; its beginning was fornication, and its end is marriage. His wealth made her lawful for him.”

حَدَّثَنَا جَرِيرٌ، عَنْ شُعْبَةَ، عَنْ أَبِي نَعَامَةَ، قَالَ: سُئِلَ سَعِيدُ بْنُ جُبَيْرٍ، وَأَنَا أَسْمَعُ عَنْ رَجُلٍ فَجَرَ بِامْرَأَةٍ، أَيَتَزَوَّجُهَا؟ قَالَ: هُوَ أَحَقُّ بِهَا، أَوَّلُهُ سِفَاحٌ، وَآخِرُهُ نِكَاحٌ أَحَلَّهَا لَهُ مَالُهُ

[16787] Ibn ‘Uyaynah told us, from ‘Amr, from Jābir ibn Zayd who said: He was asked about a man who commits adultery with a woman, then marries her. He said: “He is most entitled to her; he corrupted her.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: سُئِلَ عَنْ الرَّجُلِ يَفْجُرُ بِالْمَرْأَةِ، ثُمَّ يَتَزَوَّجُهَا، قَالَ: هُوَ أَحَقُّ بِهَا، هُوَ أَفْسَدَهَا

[16788] Wakī‘ told us, from ‘Umar ibn al-Walīd, from ‘Ikrimah who said: “There is no harm; he is in the position of a man who stole a palm tree, then bought it.”

حَدَّثَنَا وَكَيْعٌ، عَنْ عُمَرَ بْنِ الْوَلِيدِ، عَنْ عِكْرِمَةَ، قَالَ: لَا بَأْسَ، هُوَ بِمَنْزِلَةِ رَجُلٍ سَرَقَ نَخْلَةً، ثُمَّ اشْتَرَاهَا

[16789] Wakī‘ told us, from Sa‘īd ibn Ḥassān who said: I heard Ḥanzalah, from ‘Ikrimah who said: I asked Sālīm about it, and he said: “There is no harm in it.”

حَدَّثَنَا وَكِيعٌ، عَنْ سَعِيدِ بْنِ حَسَّانٍ، قَالَ: سَمِعْتُ حَنْظَلَةَ، عَنْ عِكْرِمَةَ، قَالَ: سَأَلْتُ سَالِمًا عَنْهُ، فَقَالَ: لَا بَأْسَ بِهِ

[16790] ‘Abd al-A‘lā told us, from Sa‘īd, from Qatādah, from Jābir ibn ‘Abd Allāh who said: “If they repent and reform, there is no harm.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، قَالَ: إِذَا تَابَا وَأَصْلَحَا فَلَا بَأْسَ

[16791] ‘Abbād ibn ‘Awwām told us, from Dāwūd, from Yazīd ibn Abī Maṣṣūr (or Ibn Maṣṣūr), from Ṣilah ibn Ashyam who said: “There is no harm. If they are repentant, Allah is more worthy of their repentance. And if they are adulterers, then the wicked is for the wicked.”

حَدَّثَنَا عَبَّادُ بْنُ عَوَّامٍ، عَنْ دَاوُدَ، عَنْ يَزِيدَ بْنِ أَبِي مَنصُورٍ، أَوْ ابْنِ مَنصُورٍ، عَنْ صِلَةَ بْنِ أَشِيمٍ، قَالَ: لَا بَأْسَ إِنْ كَانَا تَائِبِينَ فَاللَّهُ أَوْلَى بِتَوْبَتِهِمَا، وَإِنْ كَانَا زَانِعَيْنِ فَالْخَبِيثُ عَلَى الْخَبِيثِ

[16792] Al-Thaqafī told us, from Yaḥyā ibn Sa‘īd who said: It reached me that ‘Umar ibn ‘Abd al-‘Azīz was asked about a woman who committed a sin, then good was seen from her, can a man marry her? He said to him: “The assumption, as it reached me, is that she is permissible for him.”

حَدَّثَنَا الثَّقَفِيُّ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: بَلَغَنِي، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، سُئِلَ عَنْ امْرَأَةٍ أَصَابَتْ خَطِيئَةً، ثُمَّ رَأَى مِنْهَا خَيْرًا، أَيْنَكُهَا الرَّجُلُ؟ فَقَالَ لَهُ: الظَّنُّ كَمَا بَلَغَنِي، أَيُّ إِنَّهَا لَهُ

[16793] Ibn ‘Uyaynah told us, from ‘Ubayd Allāh ibn Abī Yazīd who said: Ibn ‘Abbās was asked about a man who committed adultery with a woman then wanted to marry her. He said: “Now he has hit upon the lawful.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي يَزِيدٍ، قَالَ: سَأَلَ ابْنُ عَبَّاسٍ، عَنْ رَجُلٍ زَنَى بِامْرَأَةٍ فَأَرَادَ أَنْ يَنْزَوَّجَهَا، قَالَ: الْآنَ أَصَابَ الْحَلَالَ

[16794] Abū Khālid al-Aḥmar told us, from ‘Uthmān ibn al-Aswad, from Mujāhid and ‘Aṭā’, who said: “If a man commits adultery with a woman, she is lawful for him [to marry].”

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ عُثْمَانَ بْنِ الْأَسْوَدِ، عَنْ مُجَاهِدٍ، وَعَطَاءٍ، قَالَا: إِذَا فَجَرَ الرَّجُلُ بِالْمَرْأَةِ، فَإِنَّهَا تَحِلُّ لَهُ

[16795] Muḥammad ibn Bashīr told us, from Sa‘īd, from Qatādah, from Sa‘īd ibn al-Musayyib, Jābir ibn ‘Abd Allāh, and Sa‘īd ibn Jubayr, regarding a man who commits adultery with a woman then marries her. They said: “There is no harm in that if they repent and

حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَجَابِرِ بْنِ عَبْدِ اللَّهِ وَسَعِيدِ بْنِ جُبَيْرٍ، فِي الرَّجُلِ يَفْجُرُ بِالْمَرْأَةِ، ثُمَّ يَنْزَوَّجُهَا قَالُوا: لَا بَأْسَ بِذَلِكَ، إِذَا تَابَا وَأَصْلَحَا

[16796] Muḥammad ibn Bashīr told us, from Saʿīd, from Qatādah, from ʿIkrimah, from Ibn ʿAbbās regarding a man who commits adultery with a woman then marries her. He said: “Its beginning was fornication, and its end is marriage; its beginning was forbidden, and its end is lawful.”

حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، فِي الرَّجُلِ يَفْجُرُ بِالْمَرْأَةِ، ثُمَّ يَنْزَوِجُهَا، قَالَ: أَوَّلُهُ سِفَاحٌ، وَآخِرُهُ نِكَاحٌ، أَوَّلُهُ حَرَامٌ، وَآخِرُهُ حَلَالٌ

[16797] Abū Bakr told us, from Wakīʿ, from ʿAmr ibn Marwān, from ʿAbd al-Raḥmān al-Ṣudāʿī, from ʿAlī who said: A man came to him and said: “I have a cousin whom I desire, and I have attained something from her.” He said: “If it was something internal, meaning intercourse, then no. And if it was something external, meaning kissing, then there is no harm.”

حَدَّثَنَا أَبُو بَكْرِ عَنْ وَكَيْعٍ، عَنْ عَمْرِو بْنِ مَرْوَانَ، عَنْ عَبْدِ الرَّحْمَنِ الصُّدَائِيِّ، عَنْ عَلِيٍّ، قَالَ: جَاءَ إِلَيْهِ رَجُلٌ قَالَ: إِنَّ لِي ابْنَةً عَمَّ أَهْوَاهَا، وَقَدْ كُنْتُ نَلْتُ مِنْهَا، فَقَالَ: إِنْ كَانَ شَيْئًا بَاطِنًا، يَعْنِي الْجِمَاعَ، فَلَا، وَإِنْ كَانَ شَيْئًا ظَاهِرًا، يَعْنِي الْقُبْلَةَ، فَلَا بَأْسَ

[16798] Ghundar told us, from Shuʿbah, from Sālim, from ʿIkrimah, from Ibn Abī al-Jaʿd, from his father, from ʿAbd Allāh who said: “They remain adulterers even now.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ سَالِمٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ أَبِي الْجَعْدِ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ، قَالَ: لَا يَزَالَانِ الْآنَ زَانِئِينَ

[16799] Wakī' told us, from Ismā'il, from Al-Sha'bī who said: 'Ā'ishah said: "They remain adulterers as long as they are together."

حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، قَالَ: قَالَتْ عَائِشَةُ: لَا يَزَالَانِ زَانِيَيْنِ مَا اصْطَلَحَا

[16800] 'Abd al-A'lā told us, from Sa'īd, from Qatādah, from Jābir ibn Zayd that he said: "They are adulterers; let him put the sea between him and her."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ أَنَّهُ قَالَ: هُمَا زَانِيَانِ، لِيَجْعَلَ بَيْنَهُ وَبَيْنَهَا الْبَحْرُ

[16801] Asbāṭ told us, from Muṭarrif, from Abū al-Jahm, from Al-Barā' regarding a man who commits adultery with a woman then marries her. He said: "They remain adulterers forever."

حَدَّثَنَا أَسْبَاطٌ، عَنْ مُطَرِّفٍ، عَنْ أَبِي الْجَهْمِ، عَنِ الْبَرَاءِ، فِي الرَّجُلِ يَفْجُرُ بِالْمَرْأَةِ، ثُمَّ يَنْتَزِعُهَا، قَالَ: لَا يَزَالَانِ زَانِيَيْنِ أَبَدًا

[16802] Abū Bakr told us, from Ḥafṣ, from 'Āṣim, from 'Īsā, from Muslim ibn Sallām, from 'Alī ibn Ṭalq who said: I heard the Messenger of Allah ﷺ saying: "Indeed, Allah is not shy of the truth; do not approach women in their backsides," or he said: "in their anuses."

حَدَّثَنَا أَبُو بَكْرٍ عَنْ حَفْصٍ، عَنْ عَاصِمٍ، عَنْ عِيسَى، عَنْ مُسْلِمِ بْنِ سَلَامٍ، عَنْ عَلِيِّ بْنِ طَلْقٍ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: "إِنَّ اللَّهَ لَا يَسْتَحْيِي مِنَ الْحَقِّ، لَا تَأْتُوا النِّسَاءَ فِي أَعْجَازِهِنَّ، أَوْ قَالَ: فِي أَدْبَارِهِنَّ

[16803] Abū Khālid al-Aḥmar told us, from Al-Ḍaḥḥāk ibn ‘Uthmān, from Makhramah ibn Sulaymān, from Kurayb, from Ibn ‘Abbās who said: The Messenger of Allah ﷺ said: “Allah does not look at a man who comes to a man or a woman in their anus.”

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنِ الضَّحَّاكِ بْنِ عُثْمَانَ، عَنْ مَخْرَمَةَ بْنِ سُلَيْمَانَ، عَنْ كُرَيْبٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَنْظُرُ اللَّهُ إِلَى رَجُلٍ أَتَى رَجُلًا أَوْ امْرَأَةً فِي دُبُرِهَا

[16804] Ḥafṣ told us, from Layth, from ‘Aṭā’ who said: The Messenger of Allah ﷺ forbade approaching women in their backsides and said: “Because Allah is not shy of the truth.”

حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ، قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُؤْتَى النِّسَاءُ فِي أَعْجَازِهِنَّ وَقَالَ: لِأَنَّ اللَّهَ لَا يَسْتَحْيِي مِنَ الْحَقِّ

[16805] ‘Abd al-A‘lā told us, from Sa‘īd, from Qatādah, from Abū Ayyūb, from ‘Abd Allāh ibn ‘Umar who said: “It is the lesser sodomy.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَبِي أَيُّوبَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، قَالَ: هِيَ اللُّوْطِيَّةُ الصُّغْرَى

[16806] ‘Abd al-A‘lā told us, from Sa‘īd, from Qatādah, from ‘Uqbah ibn Wassāj who said: Abū al-Dardā’ said: “Does anyone do that except a disbeliever?”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ عُقْبَةَ بْنِ وَسَاجٍ، قَالَ: قَالَ أَبُو الدَّرْدَاءِ: وَهَلْ يَفْعَلُ ذَلِكَ إِلَّا كَافِرٌ؟

[16807] Ismā'il ibn Ibrāhīm told us, from Abū 'Abd Allāh al-Shaqarī, from Abū al-Qa'qā', from Ibn Mas'ūd who said: "The rectums of women are forbidden to you."

حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَبِي عَبْدِ اللَّهِ الشَّعْرِيِّ، عَنْ أَبِي الْقَعْقَاعِ، عَنِ ابْنِ مَسْعُودٍ، قَالَ: مَحَاشُ النِّسَاءِ عَلَيْكُمْ حَرَامٌ

[16808] Ḥafṣ told us, from Layth, from Mujāhid, from Abū Hurayrah who said: "Whoever commits it among men and women has disbelieved."

حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: مَنْ أَتَاهُ مِنَ الرِّجَالِ وَالنِّسَاءِ فَقَدْ كَفَرَ

[16809] Al-Faḍl ibn Dukayn told us, from Ḥammād ibn Salamah, from Ḥakīm al-Athram, from Abū Tamīm al-Hujaymī, from Abū Hurayrah who said: "Whoever approaches a menstruating woman, or a woman in her anus, has disbelieved in what was revealed to Muhammad."

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ حَكِيمِ الْأَثْرَمِ، عَنْ أَبِي تَمِيمَةَ الْهُجَيْمِيِّ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: مَنْ أَتَى حَائِضًا، أَوْ امْرَأَةً فِي دُبْرِهَا، فَقَدْ كَفَرَ بِمَا أُنْزِلَ عَلَى مُحَمَّدٍ

[16810] Abū Usāmah told us, from Al-Walīd ibn Kathīr who said: ‘Ubayd Allāh ibn ‘Abd Allāh ibn al-Huṣayn al-Khaṭmī told us, from ‘Abd al-Malik ibn Qays al-Khaṭmī, from Harim ibn ‘Abd Allāh who said: I heard Khuzaymah ibn Thābit say: I heard the Messenger of Allah ﷺ say: “Indeed, Allah is not shy of the truth; do not approach women in their anuses.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنِ الْوَلِيدِ بْنِ كَثِيرٍ، قَالَ: نَا عُبَيْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ الْحَصَنِ الْخَطْمِيُّ، عَنْ عَبْدِ الْمَلِكِ بْنِ قَيْسِ الْخَطْمِيِّ، عَنْ هَرِمِ بْنِ عَبْدِ اللَّهِ، قَالَ: سَمِعْتُ خُزَيْمَةَ بْنَ ثَابِتٍ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: إِنَّ اللَّهَ لَا يَسْتَحْيِي مِنَ الْحَقِّ، لَا تَأْتُوا النِّسَاءَ فِي أَدْبَارِهِنَّ

[16811] Aḥmad ibn Ishāq told us, from Wuhayb, from Suhayl ibn Abī Ṣāliḥ, from Al-Hārith ibn Makhḻad, from Abū Hurayrah who said: The Messenger of Allah ﷺ said: “Allah does not look at a man who has intercourse with his wife in her anus.”

حَدَّثَنَا أَحْمَدُ بْنُ إِسْحَاقَ، عَنْ وَهَيْبٍ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنِ الْحَارِثِ بْنِ مَخْلَدٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يَنْظُرُ اللَّهُ إِلَى رَجُلٍ جَامَعَ امْرَأَتَهُ فِي دُبُرِهَا

[16812] Ibn Numayr told us, from Al-Ṣalt ibn Bahrām, from ‘Abd al-Raḥmān ibn Mas‘ūd Abū al-Mu‘tamir (or Abū al-Juwayriyah) who said: ‘Alī called out from the pulpit, saying: “Ask me.” A man said: “Are women approached in their anuses?” He said: “You have sunk low, may Allah lower you! Do you not see that Allah Almighty says: {Do you commit such

حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنِ الصَّلْتِ بْنِ بَهْرَامَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودٍ أَبِي الْمُعْتَمِرِ أَوْ أَبِي الْجَوَيْرِيَّةِ، قَالَ: نَادَى عَلِيٌّ عَلَى الْمُنْبَرِ فَقَالَ: سَلُونِي؟ فَقَالَ رَجُلٌ: أَتُؤْتَى النِّسَاءُ فِي أَدْبَارِهِنَّ؟ فَقَالَ: "سَفَلَتْ سَفَلَ اللَّهِ بِكَ، أَلَمْ تَرَ أَنَّ اللَّهَ تَعَالَى يَقُولُ: {أَتَأْتُونَ الْفَاحِشَةَ} الْآيَةُ " [80]: [الأعراف

[16813] Abū Bakr said: Jarīr told us, from Maṣṣūr, from Ibrāhīm, from Al-Aswad, from ‘Ā’ishah who said: “When one of us was menstruating, the Prophet ﷺ would command her to wear a waistcloth (Izar), then he would embrace her.”

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنِ عَائِشَةَ، قَالَتْ: كَانَتْ إِحْدَانَا إِذَا كَانَتْ حَائِضًا أَمَرَهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تَأْتُرَ بِإِزَارٍ، ثُمَّ يُبَاشِرُهَا

[16814] ‘Alī ibn Mushir told us, from Al-Shaybānī, from ‘Abd al-Raḥmān ibn al-Aswad, from his father, from ‘Ā’ishah who said: “When one of us was menstruating, the Prophet ﷺ would command her to wear her menstruation waistcloth, then he would embrace her. And which of you possesses his desire as the Messenger of Allah ﷺ possessed his desire?”

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَتْ إِحْدَانَا إِذَا كَانَتْ حَائِضًا، أَمَرَهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تَأْتِزَ فِي مَنْزَرٍ حَيْضَتِهَا، ثُمَّ يُبَاشِرُهَا، وَأَيْكُم يَمْلِكُ إِرْبَهُ كَمَا كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَمْلِكُ إِرْبَهُ

[16815] ‘Abbād ibn ‘Awwām and ‘Alī ibn Mushir told us, from Al-Shaybānī, from ‘Abd Allāh ibn Shaddād who said: Maymūnah, the wife of the Prophet ﷺ, informed me about the Prophet with the like of it.

حَدَّثَنَا عَبَادُ بْنُ عَوَّامٍ، وَعَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ شَدَادٍ، قَالَ: أَخْبَرَتْنِي مَيْمُونَةُ، زَوْجُ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ النَّبِيِّ بِنَحْوِ مِنْهُ

[16816] Wakī‘ told us, from Al-Awzā’ī, from ‘Abdah: That Umm Salamah said: I began menstruating while I was with the Messenger of Allah ﷺ in my bed, so I moved away. He said: “Stay where you are; it is sufficient for you to place a garment over yourself.”

حَدَّثَنَا وَكَيْعٌ، عَنِ الْأَوْزَاعِيِّ، عَنْ عَبْدِةَ، أَنَّ أُمَّ سَلَمَةَ قَالَتْ: نَفِسْتُ وَأَنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَعْنِي حِضْتُ، فِي فِرَاشِي فَذَهَبْتُ لِأَتَأَخَّرَ فَقَالَ: مَكَانُكَ، يَكْفِيكَ أَنْ تَجْعَلِي عَلَيْكَ ثَوْبًا

[16817] Ibn ‘Ulayyah told us, from Khālid, from ‘Ikrimah, from Umm Salamah regarding lying with a menstruating woman: “If there is a cloth over her private parts.”

حَدَّثَنَا ابْنُ عُثَيْمٍ، عَنْ خَالِدٍ، عَنْ عِكْرِمَةَ، عَنْ أُمِّ سَلَمَةَ، فِي مُضَاجَعَةِ الْحَائِضِ: إِذَا كَانَ عَلَى فَرْجِهَا خِرْقَةٌ

[16818] ‘Abd al-‘Alā told us, from Burd, from Makhūl, from ‘Alī who said: “What is above the waistcloth.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرَيْدٍ، عَنْ مَكْحُولٍ، عَنْ عَلِيٍّ، قَالَ: مَا فَوْقَ الْإِزَارِ

[16819] Ibn Idrīs told us, from Yazīd ibn Abī Ziyād, from Sa‘īd ibn Jubayr who said: “You have what is above the waistcloth, but do not look at what is beneath it.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ يَزِيدَ بْنِ أَبِي زِيَادٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ يَقُولُ: لَكَ مَا فَوْقَ الْإِزَارِ، وَلَا تَطْلُعْ عَلَى مَا تَحْتَهُ

[16820] Wakī‘ told us, from Al-Awzā‘ī, from Maymūn ibn Mihrān, from ‘Ā’ishah: That she was asked: “What is permitted for a man from his wife when she is menstruating?” She said: “What is above the waistcloth.”

حَدَّثَنَا وَكَيْعٌ، عَنِ الْأَوْزَاعِيِّ، عَنْ مَيْمُونِ بْنِ مِهْرَانَ، عَنْ عَائِشَةَ، أَنَّهَا سُئِلَتْ: مَا لِلرَّجُلِ مِنْ امْرَأَتِهِ وَهِيَ حَائِضٌ؟ قَالَتْ: مَا فَوْقَ الْإِزَارِ

[16821] Ḥaḥṣ told us, from Al-Shaybānī, from Al-Sha‘bī who said: “If she wraps a cloth over her private parts, he may embrace her.”

حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا لَفَّتْ عَلَى فَرْجِهَا خِرْقَةً يُبَاسِرُهَا

[16822] Wakī‘ told us, from Ismā‘īl, from Al-Shaybānī who said: “If the menstruating woman keeps the harm (blood) away from herself, do with her what you wish.”

حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّيْبَانِيِّ، قَالَ: إِذَا كَفَّتِ الْحَائِضَةُ عَنْهَا الْأَذَى، فَاصْنَعِي بِهَا مَا شِئْتَ

[16823] Sharīk told us, from Jābir, from ‘Āmir who said: “He may approach her except where the blood flows.”

حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: يَأْتِيهَا مَا أَحَطَّ الدَّمُ

[16824] Wakī‘ told us, from Mas‘ūd, from Ḥabīb al-Jarmī who said: I asked Abū Qilābah: “What is permitted for a man from his wife when she is menstruating?” He said: “They mention what is above the waistcloth.”

حَدَّثَنَا وَكِيعٌ، عَنْ مَسْعُودٍ، عَنْ حَبِيبِ الْجَرْمِيِّ، قَالَ: سَأَلْتُ أَبَا قِلَابَةَ: مَا لِلرَّجُلِ مِنْ امْرَأَتِهِ وَهِيَ حَائِضٌ؟ قَالَ: يَذْكُرُونَ مَا فَوْقَ الْإِزَارِ

[16825] Wakī‘ told us, from Al-Ṣalt ibn Bahrām, from Ibrāhīm who said: “You have what is above the waistcloth.”

حَدَّثَنَا وَكِيعٌ، عَنِ الصَّلْتِ بْنِ بَهْرَامَ، عَنْ إِبْرَاهِيمَ، قَالَ: لَكَ مَا فَوْقَ الْإِزَارِ

[16826] Wakī‘ reported from Abū Makīn from ‘Ikrimah who said: “Whatever is above the lower garment (Izār).”

حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي مَكِينٍ، عَنْ عِكْرِمَةَ، قَالَ: مَا فَوْقَ الْإِزَارِ

[16827] Ḥātim ibn Ismā'īl reported from 'Abd al-Raḥmān ibn Ḥarmalah that he heard a man asking Sa'īd ibn al-Musayyib: "Can I be intimate with my wife while she is menstruating?" He said: "Place a cloth between yourself and that part of her, then be intimate with her."

حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ، أَنَّهُ سَمِعَ، رَجُلًا يَسْأَلُ سَعِيدَ بْنَ الْمُسَيَّبِ فَقَالَ: أَبَاشِرُ امْرَأَتِي وَهِيَ حَائِضٌ؟ قَالَ: اجْعَلْ بَيْنَكَ وَبَيْنَ ذَلِكَ مِنْهَا ثَوْبًا، ثُمَّ بَاشِرْهَا

[16828] Wakī' reported from Sufyān from Ghaylān from Al-Ḥakam who said: "There is no harm in placing it on the vulva, but he should not insert it."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ غَيْلَانَ، عَنْ الْحَكَمِ، قَالَ: لَا بَأْسَ أَنْ تَضَعَهُ عَلَى الْفَرْجِ، وَلَا تُدْخِلُهُ

[16829] Al-Faḍl ibn Dukayn reported from Abū Hilāl from Shaybah ibn Hishām al-Rāsibī who said: I asked Sālim about a man lying with his wife while she is menstruating. He said: "As for us, the family of 'Umar, we isolate ourselves from them."

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ أَبِي هِلَالٍ، عَنْ شَيْبَةَ بْنِ هِشَامِ الرَّاسِبِيِّ، قَالَ: سَأَلْتُ سَالِمًا، عَنْ الرَّجُلِ يُضَاجِعُ امْرَأَتَهُ وَهِيَ حَائِضٌ؟ فَقَالَ: أَمَّا نَحْنُ آلَ عُمَرَ فَتَنَعَزِلُهُنَّ

[16830] 'Abd al-A'lā reported from Hishām from Al-Ḥasan who said: "Whatever is above the lower garment."

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: مَا فَوْقَ الْإِزَارِ

[16831] Asbāṭ reported from Ash'ath from Ibn Sīrīn from 'Abīdah regarding the menstruating woman: "You may have what is above the lower garment."

حَدَّثَنَا أَصْبَاطُ، عَنْ أَشْعَثَ، عَنِ ابْنِ سِيرِينَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي دَاهٍ، فِي الْحَائِضِ: لَكَ مَا فَوْقَ الْإِزَارِ

[16832] Shabābah reported from Layth ibn Sa'd from Ibn Shihāb from Ḥabīb, the freed slave of 'Urwah, from Nadbah, the freed slave of Maymūnah, from Maymūnah, the wife of the Prophet ﷺ, that the Messenger of Allah ﷺ used to be intimate with one of his wives while she was menstruating if she wore a lower garment reaching halfway down her thighs or to her knees, wrapping herself with it.

حَدَّثَنَا شَبَابَةُ، عَنْ لَيْثِ بْنِ سَعْدٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حَبِيبٍ، مَوْلَى عُرْوَةَ، عَنْ نَدْبَةَ، مَوْلَاةٍ مَيْمُونَةَ، عَنْ مَيْمُونَةَ زَوْجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يُبَاشِرُ الْمَرْأَةَ مِنْ نِسَائِهِ وَهِيَ حَائِضٌ، إِذَا كَانَ عَلَيْهَا إِزَارٌ يَبْلُغُ أَنْصَافَ الْفَخْذَيْنِ أَوْ الرُّكْبَتَيْنِ مُحْتَجِرَةً بِهِ

[16833] Wakī' reported from Al-Rabī' from Al-Ḥasan who said: "There is no harm if she covers her stomach and between her thighs."

حَدَّثَنَا وَكَيْعٌ، عَنِ الرَّبِيعِ، عَنِ الْحَسَنِ، قَالَ: لَا بَأْسَ إِنْ بَلَغَتْ عَلَى بَطْنِهَا، وَبَيْنَ فَخْذَيْهَا

[16834] Abū al-Aḥwaṣ reported from Ṭāriq from ‘Āṣim ibn ‘Amr al-Bajalī who said: Some people from Iraq went out and when they came to ‘Umar, he asked them: "Who are you?" They said: "From the people of Iraq." He said: "Did you come with permission?" They said: "Yes." Then they asked about what is lawful for a man from his wife while she is menstruating. He said: "You have asked me about matters that no one has asked me about since I asked the Messenger of Allah ﷺ." He said: "As for what a man can have from his wife while she is menstruating, he can have what is above the lower garment."

أَبُو الْأَحْوَصِ، عَنْ طَارِقٍ، عَنْ - 16834 - حَدَّثَنَا عَاصِمُ بْنُ عُمَرَ الْبَجَلِيُّ، قَالَ: خَرَجَ نَاسٌ مِنْ أَهْلِ الْعِرَاقِ فَلَمَّا قَدِمُوا عَلَى عُمَرَ، قَالَ لَهُمْ: مَنْ أَنْتُمْ؟ قَالُوا: مِنْ أَهْلِ الْعِرَاقِ، قَالَ: فَبِإِذْنٍ جِئْتُمْ؟ قَالُوا: نَعَمْ، فَسَأَلُوا عَمَّا يَحِلُّ لِلرَّجُلِ مِنْ امْرَأَتِهِ وَهِيَ حَائِضٌ؟ فَقَالَ: سَأَلْتُمُونِي عَنْ خِصَالٍ مَا سَأَلَنِي أَحَدٌ بَعْدَ أَنْ سَأَلْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: أَمَّا مَا لِلرَّجُلِ مِنْ امْرَأَتِهِ، وَهِيَ حَائِضٌ فَلَهُ مَا فَوْقَ الْإِرَارِ

[16835] Jarīr ibn ‘Abd al-Ḥamīd reported from Manṣūr from Mujāhid from Ibn ‘Abbās regarding the verse: {There is no blame upon you for that to which you [indirectly] allude concerning a proposal to women} [Al-Baqarah: 235]. He said: He says: "I desire you," and "I want a woman whose situation is such and such," alluding to her with speech.

جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ - 16835 - حَدَّثَنَا مَنْصُورٌ، عَنْ مُجَاهِدٍ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: يَقُولُ: إِنِّي فِيكَ رَاغِبٌ، وَإِنِّي أُرِيدُ امْرَأَةً أَمْرُهَا كَذَا وَكَذَا وَيُعَرِّضُ لَهَا بِالْقَوْلِ

[16836] Ḥafṣ ibn Ghiyāth reported from Layth from Mujāhid regarding His saying: {There is no blame upon you for that to which you [indirectly] allude concerning a proposal to women} [Al-Baqarah: 235]. He said: He says: "You are beautiful," "You are beneficial," "You are heading for good." But it is disliked to say: "Do not miss me with yourself," or "I am eager for

حَفْصُ بْنُ غِيَاثٍ، عَنْ لَيْثٍ، عَنْ - 16836 حَدَّثَنَا مُجَاهِدٌ، فِي قَوْلِهِ: {وَلَا جُنَاحَ عَلَيْكُمْ فِيْمَا عَرَّضْتُمْ بِهِ قَالَ: يَقُولُ: "إِنَّكَ [235: مِنْ خُطْبَةِ النِّسَاءِ] الْبَقَرَةُ جَمِيْلَةٌ، وَإِنَّكَ لَنَافِعَةٌ، إِنَّكَ إِلَى خَيْرٍ، وَيُكْرَهُ أَنْ يَقُولَ: لَا تَفُوتِنِي بِنَفْسِكَ، وَإِنِّي عَلَيْكَ لَحَرِيصٌ

[16837] Ḥafṣ reported from Layth from Ḥammād from Ibrāhīm that he saw no harm in all of that.

حَفْصٌ، عَنْ لَيْثٍ، عَنْ حَمَّادٍ، عَنْ - 16837 حَدَّثَنَا إِبْرَاهِيْمٌ، أَنَّهُ كَانَ لَا يَرَى بَأْسًا بِذَلِكَ كُلِّهِ

[16838] Ḥafṣ reported from ‘Amr from Al-Ḥasan who said: It was disliked for him to say: "When her ‘iddah (waiting period) expires, I will marry you," but he could say whatever else he wished.

حَفْصٌ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، - 16838 حَدَّثَنَا قَالَ: "كَانَ يُكْرَهُ أَنْ يَقُولَ: إِذَا انْقَضَتْ عِدَّتُهَا أَتَزَوَّجُكَ، وَيَقُولُ: مَا شَاءَ

[16839] Ibn Idrīs reported from Hishām from Al-Ḥasan who said: He says: "I am impressed by you," "I desire you," and "Do not let yourself pass me by."

أَبْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ - 16839 حَدَّثَنَا الْحَسَنِ، قَالَ: يَقُولُ: إِنِّي بِكَ لَمُعْجَبٌ، وَإِنِّي فِيكَ لَرَاغِبٌ، فَلَا تَفُوتِنِي بِنَفْسِكَ

[16840] Ibn Idrīs reported from Layth from Mujāhid who said: He says: "You are indeed beautiful," "You are beneficial," and "You are heading for good."

ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، - 16840 حَدَّثَنَا قَالَ: يَقُولُ: إِنَّكَ لَجَمِيلَةٌ، وَإِنَّكَ لَنَافِعَةٌ، وَإِنَّكَ لِأَلَى خَيْرٍ

[16841] Yazīd ibn Hārūn reported from Yahyā ibn Saʿīd from ʿAbd al-Raḥmān ibn al-Qāsim from his father regarding a woman whose husband dies, and a man wants to propose to her and speak to her. He said: He says: "I am impressed by you," "I desire you," "I am eager for you," and similar things.

يَزِيدُ بْنُ هَارُونَ، عَنْ يَحْيَى بْنِ - 16841 حَدَّثَنَا سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، فِي الْمَرْأَةِ يُتَوَقَّى عَنْهَا زَوْجُهَا، فَيُرِيدُ الرَّجُلُ خُطْبَتَهَا وَكَلَامَهَا؟ قَالَ: يَقُولُ: إِنِّي بِكَ لَمُعْجَبٌ، وَإِنِّي فِيكَ لَرَاغِبٌ، وَإِنِّي عَلَيْكَ لَحَرِيصٌ وَأَشْبَاهَ ذَلِكَ

[16842] Yazīd ibn Hārūn reported from Ibn ʿAwn from Ibn Sirīn from ʿAbīdah regarding His saying: {There is no blame upon you for that to which you [indirectly] allude concerning a proposal to women} [Al-Baqarah: 235]. He said: "He mentions her to her guardian and does not let her know."

يَزِيدُ بْنُ هَارُونَ، عَنْ ابْنِ عَوْنٍ، - 16842 حَدَّثَنَا عَنْ ابْنِ سِيرِينَ، عَنْ عَبِيدَةَ، فِي قَوْلِهِ: {وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خُطْبَةِ النِّسَاءِ} [البقرة: 235] قَالَ: يَذْكُرُهَا إِلَى وَلِيِّهَا وَلَا يَشْعُرُ بِهَا

[16843] Ibn Idrīs reported from Muḥammad ibn ‘Amr from Abū Salamah that the Messenger of Allah ﷺ said to Fāṭimah bint Qays: "Move to Umm Sharīk, and do not let yourself pass us by."

ابْنُ إِدْرِيسَ، عَنْ مُحَمَّدِ بْنِ عَمْرٍو، - 16843 حَدَّثَنَا عَنْ أَبِي سَلَمَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لِفَاطِمَةَ بِنْتِ قَيْسٍ: انْتَقِلِي إِلَى أُمِّ شَرِيكِ، وَلَا تَفُوتِينَا بِنَفْسِكَ

[16844] Wakī‘ reported from Sufyān from Sulaymān from Salamah from Muslim from Sa‘īd ibn Jubayr regarding {unless you say a known [honorable] saying} [Al-Baqarah: 235]. He said: "I desire you, and I hope that Allah will bring you and me together."

وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ سُلَيْمَانَ، عَنْ - 16844 حَدَّثَنَا سَلَمَةَ، عَنْ مُسْلِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، {إِلَّا أَنْ تَقُولُوا قَالَ: إِنِّي فِيكَ لَرَاغِبٌ، [235: قَوْلًا مَعْرُوفًا] [البقرة وَإِنِّي لَأَرْجُو أَنْ يَجْمَعَ اللَّهُ بَيْنَكَ وَبَيْنِي

[16845] Wakī‘ reported from Isrā’īl from Jābir from ‘Āmir who said: He says: "You are indeed beautiful," "You are beneficial," and "If Allah decrees a matter, it will happen."

وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، - 16845 - - حَدَّثَنَا عَنْ عَامِرٍ، قَالَ: يَقُولُ: إِنَّكَ لَجَمِيلَةٌ، وَإِنَّكَ لَنَافِعَةٌ، وَإِنْ قَضَى اللَّهُ أَمْرًا كَانَ

[16846] Jarīr reported from Mughīrah from Ḥammād who said: "There is no harm in promising regarding the allusion to marriage."

جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَّادٍ، قَالَ: - 16846 حَدَّثَنَا لَا بَأْسَ بِالْعَهْدِ بِهِ فِي تَغْرِيصِ النِّكَاحِ

[16847] Muḥammad ibn Bashīr reported to us from Muḥammad ibn ‘Amr from Abū Salamah that the Prophet ﷺ said to Fāṭimah: "Do not let yourself pass us by."

حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ، عَنْ مُحَمَّدِ بْنِ - 16847 حَدَّثَنَا عَمْرٍو، عَنْ أَبِي سَلَمَةَ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لِفَاطِمَةَ: لَا تُفُوتِينَا بِنَفْسِكَ

[16848] Abū al-Aḥwaṣ reported from Manṣūr from Mujāhid from Ibn ‘Abbās regarding {There is no blame upon you for that to which you [indirectly] allude concerning a proposal to women} [Al-Baqarah: 235]. He said: "The man alludes, saying: 'I want to marry,' but he does not declare a proposal to her directly."

أَبُو الْأَحْوَصِ، عَنْ مَنْصُورٍ، عَنْ - 16848 حَدَّثَنَا مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ، {وَلَا جُنَاحَ عَلَيْكُمْ فِيَمَا قَالَ: [235: عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ النِّسَاءِ] [البقرة "يُعَرِّضُ الرَّجُلُ فَيَقُولُ: إِنِّي أُرِيدُ أَنْ أَتَزَوَّجَ، وَلَا يَنْصِبُ لَهَا فِي الْخِطْبَةِ

[16849] Mu'āwiyah ibn Hishām reported from 'Ammār ibn Ruzayq from 'Atā' ibn al-Sā'ib from Sa'īd ibn Jubayr from Ibn 'Abbās regarding His saying: {There is no blame upon you for that to which you [indirectly] allude concerning a proposal to women} [Al-Baqarah: 235]. He said: He says: "I desire you," and "I would love to marry you," so that he lets her know that he wants to marry her without establishing a contract or making a covenant with her.

مُعَاوِيَةُ بْنُ هِشَامٍ، عَنْ عَمَّارِ بْنِ - 16849 حَدَّثَنَا رُزَيْقٍ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، فِي قَوْلِهِ: {وَلَا جُنَاحَ عَلَيْكُمْ فِيَمَا قَالَ: [235: عَرَضْتُمْ بِهِ مِنْ خُطْبَةِ النِّسَاءِ] {البقرة يَقُولُ: إِنِّي فِيكَ لَرَاغِبٌ، وَلَوِدِدْتُ أَنِّي تَزَوَّجْتُكَ حَتَّى يُعْلِمَهَا أَنَّهُ يُرِيدُ تَزْوِيجَهَا مِنْ غَيْرِ أَنْ يُوجِبَ عَقْدَةً، أَوْ يُعَاهِدَهَا عَلَى عَهْدِ

[16850] Abū Khālīd al-Aḥmar reported from Yahyā ibn Sa'īd from 'Abd al-Raḥmān ibn al-Qāsim from his father, who recited this verse: {There is no blame upon you for that to which you [indirectly] allude concerning a proposal to women} [Al-Baqarah: 235]. He said: "He says during the waiting period: 'I am eager for you,' 'I desire you,' and similar things."

أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ - 16850 حَدَّثَنَا سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، قَالَ: تَلَا هَذِهِ الْآيَةَ {وَلَا جُنَاحَ عَلَيْكُمْ فِيَمَا عَرَضْتُمْ بِهِ مِنْ خُطْبَةِ قَالَ: "يَقُولُ فِي الْعِدَّةِ: إِنِّي {النِّسَاءِ} [البقرة عَلَيْكَ لَحْرِيصٌ، وَإِنِّي فِيكَ لَرَاغِبٌ، وَنَحْوَ هَذَا

[16851] Wakī' reported from Isrā'il from Jābir from 'Āmir regarding {There is no blame upon you for that to which you [indirectly] allude concerning a proposal to women} [Al-Baqarah: 235]. He said: He says: "You are indeed beautiful," "You are beneficial," and "If Allah decrees something, it will happen."

وَكَيْعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ - 16851 حَدَّثَنَا عَامِرٌ، {وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ قَالَ: يَقُولُ: إِنَّكَ لَجَمِيلَةٌ، وَإِنَّكَ [النِّسَاءِ: 235] [البقرة لَنَافِعَةٌ، وَإِنْ قَضَى اللَّهُ شَيْئًا كَانَ

[16852] Shabābah reported from Warqā' from Ibn Abī Najīh from Mujāhid regarding {that to which you [indirectly] allude concerning a proposal to women} [Al-Baqarah: 235]. He said: "A man saying to a woman: 'You are indeed beautiful,' 'You are beneficial,' 'You are heading for good.' Let the thought of proposing to her be in his mind, not revealing it to her; all of this is lawful and honorable."

شَبَابَةٌ، عَنْ وَرْقَاءَ، عَنِ ابْنِ أَبِي - 16852 حَدَّثَنَا نَجِيجٌ، عَنْ مُجَاهِدٍ، {فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ قَالَ: "قَوْلُ الرَّجُلِ لِلْمَرْأَةِ: إِنَّكَ [النِّسَاءِ: 235] [البقرة لَجَمِيلَةٌ، وَإِنَّكَ لَنَافِعَةٌ، وَإِنَّكَ لِأَلَى خَيْرٍ، وَلِيَكُنْ ذِكْرُ خِطْبَتِهَا فِي نَفْسِهِ، لَا يُدِيرُ لَهَا، هَذَا كُلُّهُ حِلٌّ مَعْرُوفٌ

[16853] Sharīk reported from Al-Ḥasan ibn 'Ubayd Allāh from Abū al-Duḥā regarding His saying: {unless you say a known [honorable] saying} [Al-Baqarah: 235]. He said: "He says: 'I desire you.'"

شَرِيكٌ، عَنِ الْحَسَنِ بْنِ عُبَيْدِ اللَّهِ، - 16853 حَدَّثَنَا عَنْ أَبِي الضُّحَى، فِي قَوْلِهِ: {إِلَّا أَنْ تَقُولُوا قَوْلًا قَالَ: "يَقُولُ: إِنِّي لَأَسْتَهِيكُ [235: مَعْرُوفًا] [البقرة

[16854] ‘Abd al-A‘lā reported from Dāwūd from ‘Abd Allāh ibn Qays that a servant of Abū Mūsā, who was in charge of his camels, married a slave girl belonging to Banū Ja‘dah and gave her five camels. Abū Mūsā was informed, so he sent to them saying: "Send me my servant and my property." They said: "As for the servant, he is your servant, but as for the property, he has made lawful the private parts of our companion with it." So they disputed before ‘Uthmān ibn ‘Affān. ‘Uthmān ruled in their favor for two-fifths of what he made lawful the private parts of their companion with, and returned three-fifths to

عَبْدُ الْأَعْلَى، عَنْ دَاوُدَ، عَنْ عَبْدِ اللَّهِ - 16854 حَدَّثَنَا
 بَنُ قَيْسٍ، "أَنَّ غُلَامًا لِأَبِي مُوسَى وَكَانَ صَاحِبَ إِبِلِهِ،
 تَزَوَّجَ أَمَةً لِبَنِي جَعْدَةَ، وَسَاقَ إِلَيْهَا خَمْسَ ذَوْدٍ، فَحَدَّثَ
 أَبُو مُوسَى فَأَرْسَلَ إِلَيْهِمْ: أَرْسِلُوا إِلَيَّ غُلَامًا وَمَالِي،
 فَقَالُوا: أَمَّا الْغُلَامُ فَغُلَامُكَ، وَأَمَّا الْمَالُ فَقَدْ اسْتَحَلَّ بِهِ
 فَرَجَ صَاحِبَتِنَا، فَاخْتَصَمُوا إِلَى عُثْمَانَ بْنِ عَفَّانَ،
 فَقَضَى لَهُمْ عُثْمَانُ بِخُمُسِي مَا اسْتَحَلَّ بِهِ فَرَجَ
 صَاحِبَتِهِمْ، وَرَدَّ عَلَى أَبِي مُوسَى ثَلَاثَةَ أَخْمَاسِهِ

[16855] Ibn Fuḍayl reported from Ash'ath from Ibn Sīrīn who said: A slave of Abū Mūsā married during the caliphate of 'Umar for five young she-camels. This was brought to 'Umar, and he assigned two young she-camels to the woman and three to Abū Mūsā, or he gave her three and returned two to Abū Mūsā. He said: "I think he married without his permission."

ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ - 16855 - حَدَّثَنَا
ابْنُ سِيرِينَ، قَالَ: "تَزَوَّجَ عَبْدٌ لِأَبِي مُوسَى فِي إِمْرَةٍ
عُمَرَ عَلَى خَمْسِ فَلَئِصَ، فَرُفِعَ ذَلِكَ إِلَى عُمَرَ، فَجَعَلَ
لِلْمَرْأَةِ فُلُوصَيْنِ، وَلِأَبِي مُوسَى ثَلَاثَ فَلَئِصَ، أَوْ
أَعْطَاهَا ثَلَاثَ فَلَئِصَ، وَرَدَّ عَلَى أَبِي مُوسَى
فُلُوصَيْنِ، قَالَ: أَرَاهُ تَزَوَّجَ بِغَيْرِ إِذْنِهِ

[16856] Wakī' reported from Sufyān from Salamah ibn Tammām from a man from Ibn 'Umar who said: "She has no dowry; she permitted her private parts."

وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ سَلَمَةَ بْنِ - 16856 - حَدَّثَنَا
تَمَّامٌ، عَنْ رَجُلٍ، عَنْ ابْنِ عُمَرَ، قَالَ: لَا صَدَاقَ لَهَا،
هِيَ أَبَاحَتْ فَرْجَهَا

[16857] Wakī' reported from Sufyān from Firās from 'Āmir who said: "He takes from her what she consumed and what she did not consume."

وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ فِرَاسٍ، عَنْ - 16857 - حَدَّثَنَا
عَامِرٌ، قَالَ: يَأْخُذُ مِنْهَا مَا اسْتَهْلَكَتْ، وَمَا لَمْ تَسْتَهْلِكْ

[16858] Wakī‘ told us, from Sufyān, from Mughīrah, from Ibrāhīm who said: “What she has not consumed is taken from her, but as for what she has consumed, [there is] nothing.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُؤْخَذُ مِنْهَا مَا لَمْ تَسْتَهْلِكْ، فَأَمَّا مَا اسْتَهْلَكْتَ فَلَا شَيْءَ

[16859] Wakī‘ told us, from Shu‘bah who said: I asked Al-Ḥakam and Ḥammād about a slave who marries a woman without the permission of his masters. He said: “They are separated, and she has no dowry. Whatever she took is taken back from her.”

حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ وَحَمَّادًا، عَنِ الْعَبْدِ يَتَزَوَّجُ الْمَرْأَةَ بِغَيْرِ إِذْنِ مَوْلِيهِ؟ قَالَ: يُفَرَّقُ بَيْنَهُمَا، وَلَا صَدَاقَ لَهَا، يُؤْخَذُ مِنْهَا مَا أَخَذَتْ

[16860] Ghundar told us, from Ash‘ath, from Al-Ḥasan regarding a slave who marries without his master's permission: “It is not a [valid] marriage, and she gets nothing.”

حَدَّثَنَا غُنْدَرٌ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، فِي مَمْلُوكٍ إِذَا تَزَوَّجَ بِغَيْرِ إِذْنِ سَيِّدِهِ، فَلَيْسَ بِنِكَاحٍ، وَلَيْسَ لَهَا بِشَيْءٍ

[16861] Sahl ibn Yūsuf told us, from ‘Amr, from Al-Ḥasan regarding a slave who married without his master's permission and paid a dowry. He said: “If he consummated the marriage with her, the dowry is hers. If he did not consummate with her, the master takes the dowry.” Ibn Yūsuf told us, from ‘Amr, from Al-Ḥasan regarding a slave who married without his master's permission and paid a dowry. He said: “If he consummated the marriage with her, the dowry is hers. If he did not consummate with her, the master takes the dowry.”

حَدَّثَنَا سَهْلُ بْنُ يُونُسَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، فِي عَبْدٍ تَزَوَّجَ بِغَيْرِ إِذْنِ مَوْلَاهُ، وَسَاقَ صَدَاقًا، قَالَ: إِنْ كَانَ دَخَلَ بِهَا فَلَهَا الصَّدَاقُ، وَإِنْ لَمْ يَدْخُلْ بِهَا أَخَذَ الْمَوْلَى الصَّدَاقَ حَدَّثَنَا ابْنُ يُونُسَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، فِي عَبْدٍ تَزَوَّجَ بِغَيْرِ إِذْنِ مَوْلَاهُ، وَسَاقَ صَدَاقًا، قَالَ: إِنْ كَانَ دَخَلَ بِهَا فَلَهَا الصَّدَاقُ، وَإِنْ لَمْ يَدْخُلْ بِهَا أَخَذَ الْمَوْلَى الصَّدَاقَ

[16862] Wakī‘ told us, from Ḥasan ibn Ṣāliḥ, from ‘Abd Allāh ibn Muḥammad ibn ‘Aqīl, from Jābir who said: I heard the Prophet ﷺ say: “Any slave who marries without the permission of his master is a fornicator.”

حَدَّثَنَا وَكَيْعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَقِيلٍ، عَنْ جَابِرٍ، قَالَ: سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: أَيُّمَا عَبْدٍ تَزَوَّجَ بِغَيْرِ إِذْنِ مَوْلَاهُ فَهُوَ عَاهِرٌ

[16863] Yazīd ibn Hārūn told us: Hammām informed us, from Al-Qāsim ibn ‘Abd al-Wāḥid, from ‘Abd Allāh ibn Muḥammad ibn ‘Aqīl, from Jābir who said: I heard the Messenger of Allah ﷺ say: “Any slave who marries without the permission of his family (masters) is a fornicator.”

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا هَمَّامٌ، عَنِ الْقَاسِمِ بْنِ عَبْدِ الْوَاحِدِ، عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَقِيلٍ، عَنْ جَابِرٍ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: أَيُّمَا عَبْدٍ تَزَوَّجَ بِغَيْرِ إِذْنِ أَهْلِهِ فَهُوَ عَاهِرٌ

[16864] Abū Usāmah told us, from ‘Abd Allāh ibn ‘Umar, from Nāfi‘, from Ibn ‘Umar who said: “The marriage of a slave without his master's permission is adultery, and the one who married him off is punished.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ: نِكَاحُ الْعَبْدِ بِغَيْرِ إِذْنِ سَيِّدِهِ زِنَاءٌ، وَيُعَاقَبُ الَّذِي زَوَّجَهُ

[16865] Yazīd ibn Hārūn told us: Sa‘īd ibn Abī ‘Arūbah informed us, from Ayyūb, from Nāfi‘, from Ibn ‘Umar: “That if his slave married without permission, he would inflict the Hadd punishment on him.”

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، أَنَّهُ كَانَ إِذَا تَزَوَّجَ عَبْدُهُ بِغَيْرِ إِذْنِ صَرَبَهُ الْحَدَّ

[16866] Yazīd ibn Hārūn told us, from Al-Jurayrī who said: I asked Ghunaym ibn Qays: “If a slave marries without his master's permission, is he an adulterer?” He said: “He has disobeyed.” I said: “Is he an adulterer?” He said: “He has disobeyed.”

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنِ الْجُرَيْرِيِّ، قَالَ: سَأَلْتُ غُنَيْمَ بْنَ قَيْسٍ قُلْتُ: الْعَبْدُ يَنْتَزِعُ بِغَيْرِ إِذْنِ سَيِّدِهِ أَزَانٍ هُوَ؟ قَالَ: قَدْ عَصَى، قُلْتُ: أَزَانٍ هُوَ؟ قَالَ: قَدْ عَصَى

[16867] Muḥammad ibn Abī ‘Adī told us, from Ibn ‘Awn, from Muḥammad regarding a slave who marries without his master's permission. He said: “There was something about it, so ask about it.”

حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنِ ابْنِ عَوْنٍ، عَنْ مُحَمَّدٍ، فِي الْعَبْدِ يَنْتَزِعُ بِغَيْرِ إِذْنِ مَوْلَاهُ، قَالَ: قَدْ كَانَ فِيهِ شَيْءٌ فَسَلُّوا عَنْهُ

[16868] Ghundar told us, from ‘Uthmān ibn Ghiyāth who said: “A slave does not marry except with his master's permission.”

حَدَّثَنَا غُنْدَرٌ، عَنْ عُثْمَانَ بْنِ غِيَاثٍ، قَالَ: لَا يَنْتَزِعُ الْعَبْدُ إِلَّا بِإِذْنِ مَوْلَاهُ

[16869] Abū Bakr told us, from Jarīr, from Maṣṣūr, from Al-Sha‘bī regarding His saying: {But do not promise them secretly except for saying a customary saying} [Al-Baqarah: 235]. He said: “He does not take a covenant or pledge from her that she will not marry someone else.”

حَدَّثَنَا أَبُو بَكْرٍ عَنْ جَرِيرٍ، عَنْ مَاصُورٍ، عَنِ الشَّعْبِيِّ، فِي قَوْلِهِ: {وَلَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا} قَالَ: لَا يَأْخُذُ عَلَيْهَا عَهْدًا، وَلَا مِيثَاقًا [البقرة: 235] أَنْ لَا تَتَزَوَّجَ غَيْرَهُ

[16870] Ibn ‘Uyaynah told us, from Ibn Abī Najīh, from Mujāhid regarding His saying: {But do not promise them secretly} [Al-Baqarah: 235]. [He said]: “Proposing to her during her waiting period.”

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، فِي 235: قَوْلِهِ: {وَلَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا} [البقرة]، يَخْطُبُهَا فِي عِدَّتِهَا

[16871] Al-Thaqafī told us, from Khālid, from Muḥammad regarding {But do not promise them secretly} [Al-Baqarah: 235], proposing to her. He said: “He meets the guardian and mentions his desire and keenness.”

حَدَّثَنَا الثَّقَفِيُّ، عَنْ خَالِدٍ، عَنْ مُحَمَّدٍ، قَالَ: {وَلَكِنْ لَا يَخْطُبُهَا، قَالَ: يَلْقَى [235: تُوَاعِدُوهُنَّ سِرًّا} [البقرة]، الْوَلِيِّ فَيَذْكُرُ رَغْبَةً وَجَرِصًا

[16872] Wakī‘ told us, from Sufyān, from Salamah ibn Kuhayl, from Muslim al-Baṭīn, from Sa‘īd who said: “He does not make a contract with her during the waiting period that she will not marry someone else.”

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ مُسْلِمِ الْبَطِينِ، عَنْ سَعِيدٍ، قَالَ: لَا يُقَاضِيهَا بِالْعِدَّةِ أَنْ لَا تَرْوَجَ غَيْرَهُ

[16873] Shabābah told us, from Warqā’, from Ibn Abī Najīh, from Mujāhid regarding {But do not promise them secretly} [Al-Baqarah: 235]: “A man saying to a woman: ‘Do not let yourself slip away from me, for I will marry you,’ this is not lawful.”

حَدَّثَنَا شَبَابَةُ، عَنْ وَرْقَاءَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ وَرْقَاءَ، عَنْ مُجَاهِدٍ، {وَلَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا} [البقرة 235]: قَوْلُ الرَّجُلِ لِلْمَرْأَةِ: لَا تَفُوتِيْنِي بِنَفْسِكَ فَإِنِّي نَاكِحُكَ، هَذَا لَا يَجُزُّ

[16874] Abū Usāmah told us, from ‘Imrān ibn Ḥudayr, from Abū Makhlad and Al-Ḥasan regarding {But do not promise them secretly} [Al-Baqarah: 235]. They said: “Adultery.”

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ عِمْرَانَ بْنِ حُذَيْرٍ، عَنْ أَبِي مَخْلَدٍ، وَالْحَسَنِ، {وَلَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا} [البقرة 235] قَالَا: الزَّنا

[16875] Marwān ibn Mu‘āwiyah told us, from ‘Imrān, from Al-Ḥasan regarding {But do not promise them secretly} [Al-Baqarah: 235]. He said: “Adultery.”

حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ عِمْرَانَ، عَنِ الْحَسَنِ، قَالَ: الزَّنا 235: {وَلَكِنْ لَا تُوَاعِدُوهُنَّ سِرًّا} [البقرة

[16876] Wakī‘ told us, from Sufyān, from Al-Suddī, from Ibrāhīm who said: “Adultery.” حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنِ السُّدِّيِّ، عَنْ إِبْرَاهِيمَ، قَالَ: الزَّنا

[16877] Jarīr told us, from Al-Taymī, from Abū Mijlaz who said: “Adultery.” حَدَّثَنَا جَرِيرٌ، عَنِ التَّيْمِيِّ، عَنْ أَبِي مِجْلَازٍ، قَالَ: الزَّنا

[16878] Abū Bakr said: Zayd ibn al-Ḥubāb told us, from Muḥammad ibn Yaḥyā ibn Ḥibbān, from Al-A‘raj, from Jābir ibn Zayd who said: “Adultery.” حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا زَيْدُ بْنُ الْحُبَابِ، عَنْ مُحَمَّدِ بْنِ هُبَّانٍ، عَنْ يَحْيَى بْنِ حَبَّانَ، عَنِ الْأَعْرَجِ، عَنْ جَابِرِ بْنِ زَيْدٍ، قَالَ: الزَّنا

[16879] Abū Bakr said: Yaḥyā ibn Yamān told us, from Sufyān, from ‘Alqamah ibn Marthad, from Al-Ḍaḥḥāk who said: “He does not make a contract with her that she will not marry someone else.” حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا يَحْيَى بْنُ يَمَانَ، عَنْ سُفْيَانَ، عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنِ الضَّحَّاكِ، قَالَ: لَا يُقَاضِيهَا، أَنْ لَا تَتَزَوَّجَ غَيْرَهُ

[16880] Abū Bakr said: Abū al-Aḥwaṣ told us, from Simāk, from Ḥasan ibn al-Mu‘tamir who said: A man came to ‘Alī having confessed to adultery against himself. ‘Alī said to him: “Were you married (Muḥṣan)?” He said: “Yes.” ‘Alī said: “Then you will be stoned.” He sent him to prison. When it was nightfall, he called for him and related his matter to the people. A man from the people said: “He married a woman but did not consummate the marriage with her.” ‘Alī rejoiced at that, so he flogged him (instead of stoning), separated him and his wife, and gave her half the dowry, as Simāk

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكٍ، عَنْ حَسَنِ بْنِ الْمُعْتَمِرِ، قَالَ: أَتَى عَلِيًّا رَجُلٌ قَدْ أَقْرَأَ عَلَى نَفْسِهِ بِالزَّانَا، فَقَالَ لَهُ: أَحْصَنْتَ؟ قَالَ: نَعَمْ، قَالَ: إِذَا تُرْجِمَ، قَالَ: فَرَفَعَهُ إِلَى السَّجَنِ، فَلَمَّا كَانَ الْعِشَاءُ، دَعَا بِهِ، وَقَصَّ أَمْرَهُ عَلَى النَّاسِ، فَقَالَ رَجُلٌ مِنَ النَّاسِ: إِنَّهُ قَدْ تَزَوَّجَ امْرَأَةً لَمْ يَدْخُلْ بِهَا، فَفَرِحَ بِذَلِكَ عَلِيٌّ، فَضَرَبَهُ الْحَدَّ، وَفَرَّقَ بَيْنَهُ وَبَيْنَ امْرَأَتِهِ، وَأَعْطَاهَا نِصْفَ الصَّدَاقِ فِيمَا يَرَى سِمَاكٌ

[16881] Ibn Idrīs told us, from Ash‘ath, from Abū al-Zubayr, from Jābir; and from Ash‘ath, from Al-Ḥasan: “That if a virgin commits adultery, she is flogged, separated from her husband, and gets nothing.” Then Al-Ḥasan interpreted this verse: {And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality} [An-Nisa: 19].

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَشْعَثَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، وَعَنْ أَشْعَثَ، عَنِ الْحَسَنِ، أَنَّ الْبِكْرَ إِذَا زَنَتْ جُلِدَتْ، وَفُرِّقَ بَيْنَهَا وَبَيْنَ زَوْجِهَا، وَلَيْسَ لَهَا شَيْءٌ، ثُمَّ تَأَوَّلَ الْحَسَنُ هَذِهِ الْآيَةَ: {وَلَا تَعْضُلُوهُمْ لِيَذْهَبُوا بِبَعْضِ مَا آتَيْنَاهُمْ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ} [النساء 19]

[16882] Jarīr told us, from Manṣūr, from Ibrāhīm who said: “They are separated, and she has no dowry.”

حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: يُفَرَّقُ بَيْنَهُمَا، وَلَا صَدَاقَ لَهَا

[16883] Ibn ‘Ulayyah told us, from Yūnus, from Al-Ḥasan regarding a man who marries a woman then commits adultery before consummating the marriage. He said: “They are separated, and she has no dowry. He receives a hundred lashes and exile for a year. And if he commits adultery, they are separated.”

حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ، ثُمَّ يَزْنِي قَبْلَ أَنْ يَدْخُلَ بِهَا، قَالَ: يُفَرَّقُ بَيْنَهُمَا، وَلَا صَدَاقَ لَهَا، وَجُلْدُ مِائَةٍ، وَنَفْيُ سَنَةٍ، وَإِنْ هُوَ زَنَى فُرِّقَ بَيْنَهُمَا

[16884] Jarīr told us, from Al-Shaybānī, from Al-Sha‘bī who said: “She is his wife. The hadd punishment is established on him. If he wishes, he divorces, and if he wishes, he keeps her, just as if he committed adultery (after consummation), his wife would not be taken from him.”

حَدَّثَنَا جَرِيرٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: هِيَ امْرَأَتُهُ يُقَامُ عَلَيْهِ الْحَدُّ، إِنْ شَاءَ طَلَّقَ، وَإِنْ شَاءَ أَمْسَكَ، كَمَا أَنَّهُ لَوْ فَجَرَ لَمْ تُنْزَعْ عَنْهُ امْرَأَتُهُ

[16885] Ghundar told us, from Shu‘bah, from Al-Ḥakam regarding a man who committed adultery before consummating marriage with his wife. It was his opinion that he should not be separated from his wife.

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، فِي رَجُلٍ رَزَى قَبْلَ أَنْ يَدْخُلَ بِامْرَأَتِهِ، فَكَانَ مِنْ رَأْيِهِ، أَنْ لَا يُفَرَّقَ بَيْنَهُ وَبَيْنَ امْرَأَتِهِ

[16886] ‘Abd al-A‘lā told us, from Ma‘mar, from Al-Zuhri regarding a man who married a woman, and one of them committed indecency before consummation. He said: “He is flogged, and they are not separated.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، فِي رَجُلٍ تَزَوَّجَ امْرَأَةً فَأَصَابَ أَحَدُهُمَا فَاجْتَسَهَ قَبْلَ أَنْ يَدْخُلَ بِهَا؟ قَالَ: يُجْلَدُ، وَلَا يُفَرَّقُ بَيْنَهُمَا

[16887] Ibn Abī Laylā told us, from Nāfi‘, from Ṣafīyyah bint Abī ‘Ubayd who said: “A man married a woman, then committed adultery with another before consummating with his wife. Abū Bakr flogged him a hundred lashes and banished him for a year.”

حَدَّثَنَا ابْنُ أَبِي لَيْلَى، عَنْ نَافِعٍ، عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ، قَالَتْ: تَزَوَّجَ رَجُلٌ بِامْرَأَةٍ، ثُمَّ فَجَرَ بِأُخْرَى قَبْلَ أَنْ يَدْخُلَ بِامْرَأَتِهِ فَجَلَدَهُ أَبُو بَكْرٍ مِائَةً، وَنَفَاهُ سَنَةً

[16888] ‘Abd al-‘Alā told us, from Sa‘īd, from Qatādah, from Abū al-Khalīl: Abū ‘Alqamah al-Hāshimī told us that Abū Sa‘īd al-Khudrī told them: “That the Prophet ﷺ sent an expedition on the Day of Ḥunayn. They attacked a tribe of Arabs on the day of Awṭās, defeated them, killed them, and captured women who had husbands. Some of the companions of the Prophet ﷺ felt reluctant to have intercourse with them because of their husbands. So Allah revealed: {And [also prohibited to you are all] married women except those your right hands possess} [An-Nisa: 24], meaning from them, so they became lawful for you.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَبِي الْخَلِيلِ، أَنَّ أَبَا عَلْقَمَةَ الْهَاشِمِيَّ، حَدَّثَنَا أَنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ حَدَّثَهُمْ، "أَنَّ النَّبِيَّ بَعَثَ يَوْمَ حُنَيْنٍ سَرِيَّةً، فَأَصَابُوا حَيًّا مِنَ الْعَرَبِ يَوْمَ أَوْطَاسٍ، فَهَزَمُوهُمْ وَقَتَلُوهُمْ، وَأَصَابُوا لَهُمْ نِسَاءً لَهُنَّ أَزْوَاجٌ، فَكَانَ أَنْاسٌ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَحَرَّجُوا مِنْ غَشْيَانِهِنَّ مِنْ أَجْلِ أَزْوَاجِهِنَّ، فَأَنْزَلَ اللَّهُ: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ} مِنْهُنَّ فَتَحِلُّ لَكُمْ [24]: [النساء]

[16889] Ibn Mahdī told us, from Sufyān, from Hammād, from Ibrāhīm who said: ‘Alī said regarding the saying of Allah Almighty: {And [also prohibited to you are all] married women} [An-Nisa: 24]. He said: “Married women from the polytheists.”

حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عَلِيٌّ فِي قَوْلِهِ تَعَالَى: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ} [النساء: 24] دَوَاتُ الْأَزْوَاجِ مِنَ الْمُشْرِكِينَ

[16890] Al-Thaqafī told us, from Khālīd, from Abū Qilābah, from Ibn Mas‘ūd who said: “Captives who had husbands before they were captured.”

حَدَّثَنَا الثَّقَفِيُّ، عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ، عَنْ ابْنِ مَسْعُودٍ، قَالَ: سَبَايَا كَانَ لَهُنَّ أَزْوَاجٌ، قَبْلَ أَنْ يُسَبِّحْنَ

[16891] Yahyā ibn Sa‘īd told us, from Al-Taymī, from Abū Makhlad, from Anas regarding {And [also prohibited to you are all] married women} [An-Nisa: 24]. He said: “Those with husbands.”

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنِ التَّيْمِيِّ، عَنْ أَبِي مَخْلَدٍ، عَنْ أَنَسٍ: [24: أَنَسٍ: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ} [النساء: 24] دَوَاتُ الْأَزْوَاجِ

[16892] Abū Dāwūd told us, from Rabī‘ah, from Al-Zuhri, from Ibn al-Musayyib who said: “Married women. This refers back to the fact that Allah Almighty has forbidden adultery.”

حَدَّثَنَا أَبُو دَاوُدَ، عَنْ رَبِيعَةَ، عَنِ الزُّهْرِيِّ، عَنْ ابْنِ الْمُسَيَّبِ، قَالَ: دَوَاتُ الْأَزْوَاجِ، يَرْجِعُ ذَلِكَ إِلَى أَنَّ اللَّهَ تَعَالَى حَرَّمَ الزَّنا

[16893] Ibn Idrīs told us, from Ash‘ath and Hishām, from Muḥammad, from ‘Abīdah: {And [also prohibited to you are all] married women} [An-Nisa: 24]. He gestured with his hand like this, indicating four: {Except those your right hands possess} [An-Nisa: 24].

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَشْعَثَ، وَهَشَامٍ، عَنْ مُحَمَّدٍ، [24: عَنْ عَبِيدَةَ: " {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ} [النِّسَاءِ قَالَ بِيَدِهِ هَكَذَا وَأَشَارَ بِالْأَرْبَعِ: {إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ} [النِّسَاءِ]: 24]

[16894] Ibn Idrīs told us, from Al-Ṣalt, from Ibrāhīm who said: “Every woman with a husband is forbidden to you, except what you acquire from captives.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الصَّلْتِ، عَنْ إِبْرَاهِيمَ، قَالَ: كُلُّ ذَاتِ زَوْجٍ عَلَيْكَ حَرَامٌ، إِلَّا مَا أَصَبْتَ مِنَ السَّبَايَا

[16895] Ibn Idrīs told us, from Zakariyyā, from Al-Sha‘bī who said: “It was revealed on the Day of Awṭās.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ زَكَرِيَّا، عَنِ الشَّعْبِيِّ، قَالَ: نَزَلَتْ يَوْمَ أَوْطَاسٍ

[16896] Ibn Mushir told us, from Ash‘ath, from Ḥasan who said: “Every woman with a husband is forbidden to you, except those your right hands possess,” meaning from captives.

حَدَّثَنَا ابْنُ مُسْهِرٍ، عَنْ أَشْعَثَ، عَنْ حَسَنِ، قَالَ: كُلُّ ذَاتِ زَوْجٍ عَلَيْكَ حَرَامٌ، إِلَّا مَا مَلَكَتْ يَمِينُكَ، يَعْنِي مِنَ السَّبَايَا

[16897] Ghundar told us, from Ibn Jurayj, from ‘Aṭā’ who said: “It is adultery.” And Mujāhid said: “It is adultery.” And ‘Ikrimah said: “It is adultery {except those your right hands possess} [An-Nisa: 24].” And Ibn ‘Abbās said: “{except those your right hands possess} [An-Nisa: 24] means a man takes away the slave girl of his slave's wife [sic - likely meaning taking back a slave girl married to his slave].” And others said: “Captives of the enemy are to be had intercourse with, if their husbands are captured [or not].”

حَدَّثَنَا غُنْدَرٌ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: هُوَ الزَّانَا، وَقَالَ مُجَاهِدٌ: هُوَ الزَّانَا، وَقَالَ عِكْرِمَةُ: "هُوَ وَقَالَ ابْنُ " [24: الزَّانَا {إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ} [النِّسَاءِ يَنْزِعُ [24: عَبَّاسٍ: " {إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ} [النِّسَاءِ الرَّجُلُ وَلَيْدَةَ امْرَأَةِ عَبْدِهِ" وَقَالَ غَيْرُهُ: سَبَايَا الْعَدُوِّ يُوطَأْنَ، إِذَا مَا سُبِيَتْ أَرْوَاجُهُنَّ

[16898] Yaḥyā ibn Yamān told us, from Sufyān, from Qays ibn Muslim, from Al-Ḥasan ibn Muḥammad, the like of it.

حَدَّثَنَا يَحْيَى بْنُ يَمَانَ، عَنْ سُفْيَانَ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ، مِثْلَهُ

[16899] Ibn Yamān told us, from Ash‘ath, from Ja‘far, from Sa‘id ibn Jubayr who said: “Four.”

حَدَّثَنَا ابْنُ يَمَانَ، عَنْ أَشْعَثَ، عَنْ جَعْفَرٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: أَرْبَعٌ

[16900] Ibn Yamān told us, from Ibn Jurayj, from Makhūl who said: “Four.”

حَدَّثَنَا ابْنُ يَمَانَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ مَكْحُولٍ، قَالَ: أَرْبَعٌ

[16901] Wakī‘ told us, from Sufyān, from Manṣūr, from Ibrāhīm, from ‘Abd Allāh: {And [also prohibited to you are all] married women except those your right hands possess} [An-Nisa: 24]. He said: “Married women.”

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَبْدِ اللَّهِ: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ قَالَ: ذَوَاتُ الْأَزْوَاجِ [24: أَيَمَانُكُمْ] النِّسَاءِ

[16902] Abū Mu‘āwiyah reported from Al-A‘mash from Ibrāhīm from ‘Abd Allāh regarding the verse: {And [forbidden to you are] married women} [Al-Nisā’: 24]. He said: "Every married woman is forbidden to you, except what your right hands possess (slaves) or what you buy."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَبْدِ اللَّهِ، فِي قَوْلِهِ: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ} [النِّسَاءِ قَالَ: كُلُّ ذَاتِ زَوْجٍ عَلَيْكَ حَرَامٌ، إِلَّا مَا مَلَكَتْ [24] يَمِينُكَ، أَوْ تَشْتَرِيهَا

[16903] ‘Alī ibn Mushir reported from Ash‘ath from Al-Ḥasan who said: "Every married woman is forbidden to you, except what your right hands possess from the captives of war," referring to {And [forbidden to you are] married women} [Al-Nisā’: 24].

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: "كُلُّ ذَاتِ زَوْجٍ عَلَيْكَ حَرَامٌ، إِلَّا مَا مَلَكَتْ يَمِينُكَ مِنَ [24: السَّبَايَا يُرِيدُ] {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ} [النِّسَاءِ

[16904] ‘Ubayd Allāh said: Isrā’īl informed us from ‘Abd al-Karīm from Makḥūl regarding {And [forbidden to you are] married women} [Al-Nisā’: 24]. He said: "Married women."

حَدَّثَنَا عَبْدُ اللَّهِ، قَالَ: أَخْبَرَنَا إِسْرَائِيلُ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ مَكْحُولٍ: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ} قَالَ: ذَوَاتُ الْأَزْوَاجِ [24]: [النساء]

[16905] Wakī‘ reported from Mālik ibn Mighwal from Abū al-Sawdā’ who said: I asked ‘Ikrimah about it, and he said: "I do not know." I asked Al-Sha’bī, and he said: "It refers to every married woman."

حَدَّثَنَا وَكَيْعٌ، عَنْ مَالِكِ بْنِ مِغْوَلٍ، عَنْ أَبِي السَّوْدَاءِ، قَالَ: سَأَلْتُ عِكْرِمَةَ عَنْهَا فَقَالَ: لَا أَدْرِي، وَسَأَلْتُ الشَّعْبِيَّ فَقَالَ: هِيَ كُلُّ ذَاتِ زَوْجٍ

[16906] Mu‘āwiyah ibn Hishām said: Sharīk reported to us from ‘Aṭā’ ibn al-Sā’ib from Sa’īd ibn Jubayr from Ibn ‘Abbās regarding {And [forbidden to you are] married women} [Al-Nisā’: 24]: "All of them, except married women among the captives."

حَدَّثَنَا مُعَاوِيَةُ بْنُ هِشَامٍ، قَالَ: نَاشِرِيكٌ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ: "كُلُّهُنَّ، إِلَّا [24]: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ} [النساء] ذَوَاتِ الْأَزْوَاجِ مِنَ السَّبَايَا

[16907] Ghundar reported from Ibn Jurayj from ‘Aṭā’ regarding His saying: {And [forbidden to you are] married women except those your right hands possess} [Al-Nisā’: 24]. He said: "[It refers to] adultery." Mujāhid said: "It is adultery." Ibn ‘Abbās said: "It is adultery {except those your right hands possess}. A man takes the slave girl who is his slave's wife and has intercourse with her if he wishes." Others said: "The captives of the enemy."

حَدَّثَنَا غُنْدَرٌ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي قَوْلِهِ: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ} قَالَ: الزَّانَا، وَقَالَ مُجَاهِدٌ: هُوَ الزَّانَا، [24]: [النساء] وَقَالَ ابْنُ عَبَّاسٍ: "هُوَ الزَّانَا {إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ} ، يَنْزِعُ الرَّجُلُ وَلِيدَةَ امْرَأَةٍ عَبْدِهِ فَيَطْوُهَا [24]: [النساء] ، إِنْ شَاءَ" ، وَقَالَ غَيْرُهُ: سَبَايَا الْعُدُوِّ

[16908] Muḥammad ibn al-Ḥasan reported from Sharīk from Sālim from Saʿīd regarding His saying: {And [forbidden to you are] married women except those your right hands possess} [Al-Nisā': 24]. He said: It was revealed concerning the women of the people of Ḥunayn. When the Messenger of Allah ﷺ conquered Ḥunayn, the Muslims acquired captives. If a man wanted to have intercourse with a woman among them, she would say: "I have a husband." So they came to the Prophet ﷺ and mentioned that to him. Allah Almighty revealed: {And [forbidden to you are] married women except those your right hands possess}. He said: "The captives who are married women."

حَدَّثَنَا مُحَمَّدُ بْنُ الْحَسَنِ، عَنْ شَرِيكٍ، عَنْ سَالِمٍ، عَنْ سَعِيدٍ، فِي قَوْلِهِ: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ} [النساء 24]: نَزَلَتْ فِي نِسَاءِ أَهْلِ [24: أَيْمَانُكُمْ] {النساء حُنَيْنٍ، لَمَّا افْتَتَحَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حُنَيْنًا، أَصَابَ الْمُسْلِمُونَ السَّبَايَا فَكَانَ الرَّجُلُ، إِذَا أَرَادَ أَنْ يَأْتِيَ الْمَرْأَةَ مِنْهُمْ، قَالَتْ: إِنَّ لِي زَوْجًا فَأَتَوْا النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَذَكَرُوا ذَلِكَ لَهُ فَأَنْزَلَ اللَّهُ تَعَالَى: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ} قَالَ: السَّبَايَا مِنْ ذَوَاتِ الْأَزْوَاجِ [24: النساء

[16909] Shabābah reported from Warqā' from Ibn Abī Najīḥ from Mujāhid: {And [forbidden to you are] married women} [Al-Nisā': 24]. He said: "They are forbidden from adultery."

حَدَّثَنَا شَبَابَةُ، عَنْ وَرْقَاءَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ: [24: مُجَاهِدٍ: {وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ} [النساء نُهَيْنَ عَنِ الزِّنَا

[16910] Abū Usāmah reported from Ṭāriq from Saʿīd ibn al-Musayyib who said: "Let not this verse deceive you: {except those your right hands possess} [Al-Nisā': 24]. It refers only to slave women, not to slaves [men]."

حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ طَارِقٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: "لَا تُغَرِّبْكُمْ هَذِهِ الْآيَةُ {إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ} إِنَّمَا عَلَىٰ بِهِ الْإِمَاءُ، وَلَمْ يَعْزِ بِهِ الْعَبِيدَ [24]: [النساء]

[16911] Abu Bakr reported from Jarīr from Manṣūr from Abū Razīn regarding His saying: {Not lawful to you are women after [this]} [Al-Aḥzāb: 52]. He said: "Those polytheist women who are not lawful for you, except those you captured or what your right hand possesses."

حَدَّثَنَا أَبُو بَكْرٍ عَنْ جَرِيرٍ، عَنْ مَنْصُورٍ، عَنْ أَبِي رَزِينٍ، فِي قَوْلِهِ: {لَا يَحِلُّ لَكَ النِّسَاءُ مِنْ بَعْدِ} قَالَ: مَنْ لَا تَحِلُّ لَكَ مِنَ الْمُشْرِكَاتِ، [52]: [الأحزاب] إِلَّا مَا سَبَيْتَ، أَوْ مَا مَلَكَتْ يَمِينُكَ

[16912] Ibn Idrīs reported from Layth from Mujāhid who said: "Neither a Muslim woman, nor a Christian woman, nor a disbelieving woman [is lawful after this]."

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، قَالَ: مِنْ مُسْلِمَةٍ، وَلَا نَصْرَانِيَّةٍ، وَلَا كَافِرَةٍ

[16913] Wakī‘ reported from Sufyān from Ibn Abī Najīh from Mujāhid regarding {Not lawful to you are women after [this]} [Al-Aḥzāb: 52]. He said: "The women of the nations from the People of the Book."

وَكَيْعٌ، عَنْ سُفْيَانَ، عَنِ ابْنِ أَبِي نَجِيهٍ - 16913 - حَدَّثَنَا نَجِيحٌ، عَنْ مُجَاهِدٍ: {لَا يَحِلُّ لَكَ النِّسَاءُ مِنْ بَعْدِ} قَالَ: نِسَاءُ الْأُمَمِ مِنْ أَهْلِ الْكِتَابِ [52]: [الأحزاب]

[16914] Wakī‘ reported from Sufyān from ‘Alī ibn Khuzaymah who said: I heard Mujāhid say regarding {Not lawful to you are women after [this]} [Al-Aḥzāb: 52]: "After this cause/opportunity."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ عَلِيِّ بْنِ خُزَيْمَةَ، قَالَ: سَمِعْتُ مُجَاهِدًا، يَقُولُ: {لَا يَحِلُّ لَكَ النِّسَاءُ مِنْ بَعْدِ} قَالَ: مِنْ بَعْدِ هَذَا السَّبَبِ [52]: [الأحزاب]

[16915] Ibn Idrīs reported from Dāwūd ibn Abī Hind from Muḥammad ibn Abī Mūsā from Ziyād who said: I said to my father: "If the wives of the Prophet ﷺ had died, would it have been lawful for the Prophet to marry?" He said: "Who would prevent him? Allah made lawful for him a category of women, so he could marry from them whomever he wished." Then he recited this verse: {O Prophet, indeed We have made lawful to you your wives to whom you have given their due compensation...} [Al-Aḥzāb: 50] until he finished the verse.

[16916] Ibn ‘Uyaynah reported from ‘Amr from ‘Aṭā’ from ‘Ā’ishah who said: "The Messenger of Allah ﷺ did not die until Allah made women lawful for him."

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ، عَنْ مُحَمَّدٍ بْنِ أَبِي مُوسَى، عَنْ زِيَادٍ، قَالَ: قُلْتُ لِأَبِي: وَلَوْ هَلَكَ أَزْوَاجُ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَحَلَّ لَهُ أَنْ يَتَزَوَّجَ النَّبِيُّ؟ قَالَ: "وَمَنْ يَمْنَعُهُ؟ أَحَلَّ اللَّهُ لَهُ ضَرْبًا مِنَ النِّسَاءِ، فَكَانَ يَتَزَوَّجُ مِنْهُنَّ مَنْ شَاءَ، ثُمَّ تَلَا هَذِهِ الْآيَةَ: ﴿يَا أَيُّهَا النَّبِيُّ إِنَّا أَحْلَلْنَا لَكَ أَزْوَاجَ اللَّاتِي﴾ [الأحزاب: 50]، حَتَّى خَتَمَ الْآيَةَ،"

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرٍو، عَنْ عَطَاءٍ، عَنْ عَائِشَةَ، قَالَتْ: مَا مَاتَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَتَّى أَحَلَّ اللَّهُ لَهُ النِّسَاءَ

[16917] Abū Mu‘āwiyah reported from Ibn Jurayj from ‘Aṭā’ regarding {nor to exchange them for [other] wives, even if their beauty pleases you} [Al-Aḥzāb: 52]. He said: "Do not exchange them for Jewish women or Christian women."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: {وَلَا أَنْ تَبَدَّلَ بِهِنَّ مِنْ أَزْوَاجٍ وَلَوْ أَعْجَبَكَ حُسْنُهُنَّ} [الأحزاب 52] قَالَ: لَا تَبَدَّلَ بِهِنَّ يَهُودِيَّاتٍ، وَلَا نَصْرَانِيَّاتٍ

[16918] Yahyā ibn ‘Abd al-Malik ibn Abī Ghaniyyah reported from his father from Al-Ḥakam who said: "From the People of the Book, or a Bedouin woman."

حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي غَنِيَّةٍ، عَنْ أَبِيهِ، عَنْ الْحَكَمِ، قَالَ: مِنْ أَهْلِ الْكِتَابِ، أَوْ أَعْرَابِيَّةٍ

[16919] ‘Abd Allāh reported from Isrā’īl from Al-Sarī from ‘Abd Allāh ibn Shaddād regarding His saying: {nor to exchange them for [other] wives} [Al-Aḥzāb: 52]. He said: "This means if he divorced them, it would not be lawful for him to exchange them. The Prophet ﷺ married whomever he wished after it was revealed. It was revealed when he had nine wives, and he married Umm Ḥabībah and Juwayriyah."

حَدَّثَنَا عَبْدُ اللَّهِ، عَنْ إِسْرَائِيلَ، عَنِ السَّرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ شَدَادٍ، فِي قَوْلِهِ: {وَلَا أَنْ تَبَدَّلَ بِهِنَّ مِنْ أَزْوَاجٍ} قَالَ: ذَلِكَ لَوْ طَلَّقَهُنَّ لَمْ يَحِلَّ لَهُ أَنْ [الأحزاب 52] يَسْتَبْدِلَ، وَقَدْ كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَنْكِحُ مَا شَاءَ بَعْدَمَا نَزَلَتْ، وَنَزَلَتْ وَتَحْتَهُ تِسْعُ نِسْوَةٍ، وَتَزَوَّجَ أُمَّ حَبِيبَةَ وَجُوَيْرِيَةَ

[16920] ‘Affān reported from Ḥammād ibn Salamah from ‘Alī ibn Zayd from Al-Ḥasan regarding {nor to exchange them for [other] wives} [Al-Aḥzāb: 52]. He said: "Allah restricted him to his nine wives whom he died leaving behind." ‘Alī said: I informed ‘Alī ibn Ḥusayn of that, and he said: "He had the right to marry."

حَدَّثَنَا عَفَّانُ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ عَلِيِّ بْنِ زَيْدٍ، عَنِ الْحَسَنِ: {وَلَا أَنْ تَبَدَّلَ بِهِمْ مِنْ أَزْوَاجٍ} [الأحزاب 52] قَالَ: فَصَرَّهُ اللَّهُ عَلَى نِسَائِهِ النَّسْعِ اللَّاتِي مَاتَ عَنْهُمْ قَالَ: قَالَ عَلِيٌّ: فَأُخْبِرْتُ بِذَلِكَ عَلِيَّ بْنَ حُسَيْنٍ فَقَالَ: كَانَ لَهُ أَنْ يَتَزَوَّجَ

[16921] Abu Bakr reported from Ibn ‘Uyaynah from Ibn Shubrumah from ‘Ikrimah regarding {The fornicator does not marry except a fornicatress} [Al-Nūr: 3]. He said: "The fornicator does not commit fornication except with a fornicatress."

حَدَّثَنَا أَبُو بَكْرِ عَنْ ابْنِ عُيَيْنَةَ، عَنْ ابْنِ شُبْرُمَةَ، عَنْ لَأ [3]: عِكْرِمَةَ: {الزَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً} [النور] يَزْنِي الزَّانِي إِلَّا بِزَانِيَةٍ

[16922] Abū Khālid al-Aḥmar reported from Yaḥyā ibn Saʿīd from Saʿīd ibn al-Musayyib regarding {The fornicator does not marry except a fornicatress or polytheist} [Al-Nūr: 3]. He said: "It used to be said: It was abrogated by the verse that follows it: {And marry the unmarried among you} [Al-Nūr: 32]." He said: "It used to be said: She is among the unmarried Muslims."

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: {الزَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً} قَالَ: "كَانَ يُقَالُ: نَسَخْنَاهَا الَّتِي بَعْدَهَا". [3]: [النور مِنْكُمْ قَالَ: "وَكَانَ [32]: {وَأَنْكِحُوا الْأَيَامَى} [النور يُقَالُ: إِنَّهَا مِنْ أَيْامَى الْمُسْلِمِينَ

[16923] Ghundar reported from Shuʿbah from Yaʿlā ibn Muslim from Saʿīd ibn Jubayr who said: "He does not commit fornication except with a fornicatress or a polytheist."

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ يَعْلَى بْنِ مُسْلِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: لَا يَزْنِي، إِلَّا زَانِيَةً أَوْ مُشْرِكَةً

[16924] Ghundar reported from Shuʿbah from Ibrāhīm ibn al-Muhājir from Mujāhid who said: I heard him say: "They were prostitutes in the Pre-Islamic period (Jāhiliyyah)."

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ إِبْرَاهِيمَ بْنِ الْمُهَاجِرِ، عَنْ مُجَاهِدٍ، قَالَ سَمِعْتُهُ يَقُولُ: كُنَّ بَعَايَا فِي الْجَاهِلِيَّةِ

[16925] Ghundar reported from Sulaymān from Hishām ibn ‘Urwah from ‘Āṣim ibn al-Mundhir who said: I asked ‘Urwah about His saying: {The fornicator does not marry except a fornicatress or polytheist} [Al-Nūr: 3]. He said: "They were prostitute women in the Jāhiliyyah who had flags by which they were known."

حَدَّثَنَا عُذْرٌ، عَنْ سُلَيْمَانَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ عَاصِمِ بْنِ الْمُنْذِرِ، قَالَ: سَأَلْتُ عُرْوَةَ، عَنْ قَوْلِهِ: قَالَ: [3]: {الزَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً} [النور كُنْ نِسَاءً بَغَايَا فِي الْجَاهِلِيَّةِ، لَهُنَّ رَايَاتٌ يُعْرَفْنَ بِهَا

[16926] Wakī‘ reported from Ismā‘īl who said: "Women who used to rent themselves out in the Jāhiliyyah."

حَدَّثَنَا وَكَيْعٌ، عَنْ إِسْمَاعِيلَ، قَالَ: نِسَاءٌ كُنَّ يَكْرِيْنَ أَنْفُسَهُنَّ فِي الْجَاهِلِيَّةِ

[16927] Wakī‘ reported from Salamah from Al-Daḥḥāk regarding His saying: {The fornicator does not marry except a fornicatress or polytheist, and none marries her except a fornicator or polytheist} [Al-Nūr: 3]. He said: "He does not commit fornication when he does so except with a fornicatress, and she does not commit fornication when she does so except with a fornicator like her."

حَدَّثَنَا وَكَيْعٌ، عَنْ سَلَمَةَ، عَنِ الضَّحَّاكِ، فِي قَوْلِهِ: {الزَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَالزَّانِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ} [النور قَالَ: لَا يَزْنِي [3]: يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ} [النور جِئْنَ يَزْنِي إِلَّا بِزَانِيَةٍ، وَلَا تَزْنِي جِئْنَ تَزْنِي إِلَّا بِزَانٍ مِثْلَهَا

حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ عَلِيِّ بْنِ مُسْلِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، مِثْلَهُ

حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ أَبِي ذُنُبٍ، عَنْ شُعْبَةَ، مَوْلَى ابْنِ عَبَّاسٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: بَغَايَا كُنَّ فِي الْجَاهِلِيَّةِ، يَجْعَلْنَ عَلَى أَبْوَابِهِنَّ رَايَاتٍ كَرَايَاتِ الْبَيَاطِرَةِ، يَأْتِيَهُنَّ النَّاسُ، يُعْرِفْنَ بِذَلِكَ

حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ عَاصِمِ بْنِ
الْمُنْذِرِ، عَنْ عُرْوَةَ، نَحْوَهُ

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَبِيبِ بْنِ أَبِي عَمْرَةَ،
عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: {الزَّانِي لَا
يَعْنِي بِالنِّكَاحِ، [3: يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً]} [النور
يُجَامِعُهَا

[16932] Mu‘āwiyah ibn Hishām reported from Sufyān al-Thawrī who said: I heard Sa‘īd ibn Jubayr say: "There were prostitutes in Mecca before Islam, and men would marry them so they would spend on them what they earned. When Islam came, men from the people of Islam married them, so the Messenger of Allah ﷺ forbade that for them."

حَدَّثَنَا مُعَاوِيَةُ بْنُ هِشَامٍ، عَنْ سُفْيَانَ الثَّوْرِيِّ، قَالَ: سَمِعْتُ سَعِيدَ بْنَ جُبَيْرٍ يَقُولُ: كُنَّ بَغَايَا بِمَكَّةَ قَبْلَ الْإِسْلَامِ، فَكَانَ رِجَالٌ يَتَزَوَّجُونَهُنَّ فَيُنْفِقْنَ عَلَيْهِمْ مَا أَصْبَحْنَ، فَلَمَّا جَاءَ الْإِسْلَامُ تَزَوَّجَهُنَّ رِجَالٌ مِنْ أَهْلِ الْإِسْلَامِ، فَحَرَّمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَلِكَ عَلَيْهِمْ

[16933] ‘Affān reported from Hammād ibn Salamah from Ḥumayd from Ishāq ibn ‘Abd Allāh ibn al-Ḥārith from Ibn ‘Abbās regarding {The fornicator does not marry except a fornicatress or polytheist} [Al-Nūr: 3]. He said: "But Allah sufficed."

حَدَّثَنَا عَفَّانُ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ حُمَيْدٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، عَنْ ابْنِ عَبَّاسٍ: [3]: {الزَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً} [النور وَلَكِنَّ اللَّهَ كَفَى

[16934] Shabābah reported from Warqā' from Ibn Abī Najīh from Mujāhid regarding His saying: {The fornicator does not marry except a fornicatress} [Al-Nūr: 3]. He said: "They were known prostitutes in the Jāhiliyyah. It was said to them: 'This is forbidden,' but they wanted to marry them, so Allah forbade them from marrying them."

حَدَّثَنَا شَبَابَةُ، عَنْ وَرْقَاءَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، فِي قَوْلِهِ: " {الزَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً} بَغَايَا مُتَعَالِمَاتٌ كُنَّ فِي الْجَاهِلِيَّةِ فَقِيلَ لَهُمْ: [3]: [النور هَذَا حَرَامٌ، فَأَرَادُوا نِكَاحَهُنَّ، فَحَرَّمَ اللَّهُ عَلَيْهِمْ نِكَاحَهُنَّ

[16935] Abu Bakr reported from Mu'tamir ibn Sulaymān from 'Āṣim from Al-Sha'bī who said: "The marriage of the fornicator to the fornicatress is lawful." He said: I asked Al-Ḥasan and he said to us: "It does not mean regarding the one who is concealed (not publicly known), but the one who has received the Hadd punishment should only marry one who has received the Hadd punishment."

حَدَّثَنَا أَبُو بَكْرٍ عَنْ مُعْتَمِرِ بْنِ سُلَيْمَانَ، عَنْ عَاصِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: أَحَلَّ نِكَاحُ الزَّانِي الزَّانِيَةَ قَالَ: وَسَأَلْتُ الْحَسَنَ فَقَالَ لَنَا: لَا يَعْنِي فِي الْمُسْتَوْرِ، وَلَكِنْ الْمَحْدُودُ لَا يَنْزَوِّجُ إِلَّا مَحْدُودَةً

[16936] Ibn Idrīs reported from Layth from Ibn Sābiṭ that ‘Alī was brought a man who had received the Hadd punishment who married a woman who had not received the Hadd punishment, so he separated them.

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنِ ابْنِ سَابِطٍ، أَنَّ عَلِيًّا،
أَبَى بِمَحْدُودٍ تَزْوِجَ امْرَأَةً غَيْرَ مُحْدُودَةٍ فَفَرَّقَ بَيْنَهُمَا

[16937] Bakkār ibn ‘Abd Allāh reported from Mūsā ibn ‘Ubaydah from his brother ‘Abd Allāh ibn ‘Ubaydah that a freedwoman of Banū Ḥārithah was lashed for adultery. A man wanted to marry her, so he consulted Abū Hurayrah, who said: "No, unless you have done the same deed as her."

حَدَّثَنَا بَكَّارُ بْنُ عَبْدِ اللَّهِ، عَنْ مُوسَى بْنِ عُبَيْدَةَ، عَنْ
أَخِيهِ عَبْدِ اللَّهِ بْنِ عُبَيْدَةَ، أَنَّ مَوْلَاهُ لِبَنِي حَارِثَةَ جُلِدَتْ
حَدَّ الزَّانَا فَأَرَادَ رَجُلٌ أَنْ يَتَزَوَّجَهَا فَاسْتَشَارَ أَبَا هُرَيْرَةَ،
فَقَالَ: لَا، إِلَّا أَنْ تَكُونَ عَمِلْتُ مِثْلَ عَمَلِهَا

[16938] Ghundar reported from Shu‘bah from Qays ibn Muslim from Ṭāriq ibn Shihāb that a man wanted to marry off his daughter, but she said: "I fear that I might disgrace you, for I have committed prostitution." So he went to ‘Umar who said: "Has she not repented?" He said: "Yes." He said: "Then marry her off."

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ
طَارِقِ بْنِ شِهَابٍ، أَنَّ رَجُلًا أَرَادَ أَنْ يُزَوِّجَ ابْنَتَهُ فَقَالَتْ:
إِنِّي أَخْشَى أَنْ أَفْضَحَكَ، إِنِّي قَدْ بَغَيْتُ، فَأَتَى عُمَرَ
فَقَالَ: أَلَيْسَتْ قَدْ تَابَتْ؟ قَالَ: نَعَمْ، قَالَ: فَزَوِّجَهَا

[16939] Abu Bakr said: Sufyān ibn ‘Uyaynah reported to us from Al-Zuhri from ‘Urwah from ‘Ā’ishah that the wife of Rifā‘ah al-Qurazī came to the Prophet ﷺ and said: "I was with Rifā‘ah al-Qurazī and he divorced me irrevocably. Then I married ‘Abd al-Rahmān ibn al-Zubayr, but he only has something like the fringe of a garment." The Messenger of Allah ﷺ smiled and said: "Do you want to return to Rifā‘ah? No, not until you taste his sweetness and he tastes yours."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، أَنَّ امْرَأَةً رِفَاعَةَ الْقُرَظِيِّ جَاءَتْ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ: إِنِّي كُنْتُ عِنْدَ رِفَاعَةَ الْقُرَظِيِّ فَطَلَّقَنِي، فَبَتَّ طَلَاقِي فَتَزَوَّجْتُ عَبْدَ الرَّحْمَنِ بْنِ الزُّبَيْرِ، وَإِنَّمَا مَعَهُ مِثْلُ هُدْبَةِ الثَّوْبِ، فَتَبَسَّمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَقَالَ: تُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا، حَتَّى تَذُوقِي عُسَيْلَتَهُ، وَيَذُوقَ عُسَيْلَتَكَ

[16940] Ibn Mu‘āwiyah reported from Al-A‘mash from Ibrāhīm from Al-Aswad from ‘Ā’ishah who said: The Messenger of Allah ﷺ was asked about it, and the Messenger of Allah ﷺ said: "No, until he tastes her sweetness and she tastes his sweetness."

حَدَّثَنَا ابْنُ مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: سُئِلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْهُ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا، حَتَّى يَذُوقَ عُسَيْلَتَهَا، وَتَذُوقَ عُسَيْلَتَهُ

[16941] ‘Alī ibn Mushir reported from ‘Ubayd Allāh from Al-Qāsim from ‘Ā’ishah from the Prophet ﷺ similarly.

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ عُبَيْدِ اللَّهِ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَحْوَهُ

[16942] Wakī‘ reported from Sufyān from ‘Alqamah ibn Marthad from Razīn ibn Sulaymān from Ibn ‘Umar who said: The Messenger of Allah ﷺ was asked about a man who divorced his wife three times, and she married another husband who closed the door and lowered the curtain, then divorced her before consummating the marriage. He said: "She is not lawful for him until she marries a husband other than him and tastes his sweetness."

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ رَازِينَ بْنِ سُلَيْمَانَ، عَنْ ابْنِ عُمَرَ، قَالَ: سَأَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلَاثًا، فَتَزَوَّجَتْ زَوْجًا غَيْرَهُ، فَأَغْلَقَ الْبَابَ، وَأَرَخَى السُّتْرَ، ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، قَالَ: لَا تَحِلُّ لَهُ، حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ، وَتَذُوقَ عُسَيْلَتَهُ

[16943] Abu Bakr said: Wakī‘ reported to us from Jābir from ‘Āmir who said: ‘Alī said: "She is not lawful for him until she shakes with him the shaking of a virgin." He said: And ‘Ā’ishah said: "Until the other one tastes her sweetness and she tastes his sweetness."

حَدَّثَنَا أَبُو بَكْرِ قَالَ: نَا وَكِيعٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: قَالَ عَلِيٌّ: لَا تَحِلُّ لَهُ، حَتَّى تَهْزُهَا بِهِ هَزِيرَةُ الْبِكْرِ، قَالَ: وَقَالَتْ عَائِشَةُ: حَتَّى يَذُوقَ الْآخَرَ عُسَيْلَتَهَا، وَتَذُوقَ عُسَيْلَتَهُ

[16944] Ghundar reported from Shu‘bah from Yahyā ibn Yazīd al-Shaybānī from Anas who said: "She is not lawful for the first until the other has intercourse with her and consummates the marriage."

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ يَحْيَى بْنِ يَزِيدَ الشَّيْبَانِيِّ، عَنْ أَنَسٍ، قَالَ: لَا تَحِلُّ لِلأَوَّلِ، حَتَّى يُجَامِعَهَا الْآخَرُ، وَيَدْخُلَ بِهَا

[16945] Wakī' reported from 'Alī ibn Mubārak from Yahyā ibn Abī Kathīr from Abū Yahyā who said: Abū Hurayrah said: "She is not lawful for the first until the other has intercourse with her."

حَدَّثَنَا وَكِيعٌ، عَنْ عَلِيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي يَحْيَى، قَالَ: قَالَ أَبُو هُرَيْرَةَ: لَا تَحِلُّ لِلأَوَّلِ، حَتَّى يُجَامِعَهَا الْآخَرُ

[16946] Al-Faḍl ibn Dukayn reported from Mis'ar from Ḥammād from Ibrāhīm from 'Abd Allāh: "She is not lawful for him until he penetrates her completely," or he said: "until she tastes his sweetness."

حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، عَنْ مِسْعَرٍ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَبْدِ اللَّهِ: "لَا تَحِلُّ لَهُ حَتَّى يَسْتَشِفَّهَا، أَوْ قَالَ: حَتَّى تَذُوقَ عُسَيْلَتَهُ

[16947] 'Alī ibn Mushir reported from 'Abd Allāh from Al-Qāsim from 'Ā'ishah from the Prophet ﷺ similar to the Hadith of Al-A'mash from Ibrāhīm.

حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ عَبْدِ اللَّهِ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِثْلَ حَدِيثِ الْأَعْمَشِ عَنْ إِبْرَاهِيمَ

[16948] Abu Bakr said: Al-Ashyab al-Ḥasan ibn Mūsā reported to us from Shaybān from Yahyā from Abū al-Ḥārith al-Ghifārī from Abū Hurayrah from the Prophet ﷺ: "Until she tastes his sweetness."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نا الْأَشْيَبُ الْحَسَنُ بْنُ مُوسَى، عَنْ شَيْبَانَ، عَنْ يَحْيَى، عَنْ أَبِي الْحَارِثِ الْغِفَارِيِّ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: حَتَّى تَذُوقَ عُسَيْلَتَهُ

[16949] Ibn ‘Uyaynah reported from Mālik from Abū Qilābah from Anas who said: "If a man marries a virgin over his [existing] wife, he stays with her for seven days, and if he marries a previously married woman, he stays with her for three days." Abu Bakr reported that Khālid said: Abū Qilābah said: "If I were to say that he attributed it to the Prophet ﷺ, I would be telling the truth, but he said: 'Such is the Sunnah.'" Khālid said: I narrated this to Ibn Sīrīn, and he said: "You added four [days] to this one and one night to this one."

حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ مَالِكٍ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسٍ، قَالَ: إِذَا تَزَوَّجَ الرَّجُلُ الْبُكَرَ عَلَى امْرَأَتِهِ، أَقَامَ عِنْدَهَا سَبْعًا، وَإِذَا تَزَوَّجَ النِّسْبَ أَقَامَ عِنْدَهَا ثَلَاثًا حَدَّثَنَا أَبُو بَكْرٍ قَالَ خَالِدٌ: قَالَ أَبُو قِلَابَةَ: أَمَا لَوْ قُلْتُ: إِنَّهُ رَفَعَهُ عَنِ النَّبِيِّ صَدَقْتُ، لَكِنَّهُ قَالَ: السُّنَّةُ كَذَلِكَ. قَالَ خَالِدٌ: فَحَدَّثْتُ بِهِ ابْنَ سِيرِينَ، فَقَالَ: زِدْتُمْ هَذِهِ أَرْبَعًا وَهَذِهِ لَيْلَةً

[16950] ‘Abdah reported from Muḥammad ibn Ishāq from Ayyūb from Abū Qilābah that the Prophet ﷺ said: "For the virgin seven days, and for the previously married woman three days."

حَدَّثَنَا عَبْدُهُ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لِلْبُكَرِ سَبْعًا، وَلِلنِّسْبِ ثَلَاثًا

[16951] Ya'lā ibn 'Ubayd reported from Muḥammad ibn Abī Bakr from 'Abd al-Malik ibn Abī Bakr ibn 'Abd al-Raḥmān ibn al-Ḥārith ibn Hishām from his father from Umm Salamah that when the Messenger of Allah ﷺ married Umm Salamah, he stayed with her for three days and said to her: "You are not insignificant to your husband. If you wish, I will stay seven days with you, but if I stay seven days with you, I will stay seven days with my [other] wives."

حَدَّثَنَا يَعْلَى بْنُ عُبَيْدٍ، عَنْ مُحَمَّدِ بْنِ أَبِي بَكْرٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِيهِ، عَنْ أُمِّ سَلَمَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا تَزَوَّجَ أُمَّ سَلَمَةَ أَقَامَ عِنْدَهَا ثَلَاثًا وَقَالَ لَهَا: إِنَّهُ لَيْسَ بِكَ عَلَى أَهْلِكَ هَوَانٌ، إِنْ شِئْتَ سَبَعْتُ لَكَ، وَإِنْ سَبَعْتُ لَكَ سَبَعْتُ لِنِسَائِي

[16952] Wakī' reported from Shu'bah from Al-Ḥakam who said: When the Messenger of Allah ﷺ married Umm Salamah, he stayed with her for three days and said: "If you wish, I will stay seven days with you, and if you wish, I have already stayed seven days for someone else." It was said to Al-Ḥakam: "Who narrated this Hadith to you?" He said: "This Hadith is well known among the people of Hijaz."

حَدَّثَنَا وَكَيْعٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، قَالَ: لَمَّا تَزَوَّجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أُمَّ سَلَمَةَ أَقَامَ عِنْدَهَا ثَلَاثًا، وَقَالَ: إِنْ شِئْتَ سَبَعْتُ لَكَ، وَإِنْ شِئْتَ قَدْ سَبَعْتُ لغيرِكَ. قِيلَ لِلْحَكَمِ: مَنْ حَدَّثَكَ هَذَا الْحَدِيثَ؟ فَقَالَ: هَذَا الْحَدِيثُ عِنْدَ أَهْلِ الْحِجَازِ مَعْرُوفٌ

[16953] ‘Abdah reported from Abū Sa‘īd from Ibrāhīm and Al-Sha‘bī who said: "If he marries a virgin over his [existing] wife, he stays with her for seven days, and if he marries a previously married woman over his [existing] wife, he stays with her for three days."

حَدَّثَنَا عَبْدُهُ، عَنْ أَبِي سَعِيدٍ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، قَالَا: إِذَا تَزَوَّجَ الْبِكْرَ عَلَى امْرَأَتِهِ أَقَامَ عِنْدَهَا سَبْعًا، وَإِذَا تَزَوَّجَ النَّثْبَ عَلَى امْرَأَتِهِ، أَقَامَ عِنْدَهَا ثَلَاثًا

[16954] ‘Abdah reported from Sa‘īd from Qatādah from Al-Ḥasan who said: "He stays with the virgin for three days and then divides his time, and if he marries a previously married woman, he stays for two nights and then divides his time."

حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، قَالَ: يُقِيمُ عِنْدَ الْبِكْرِ ثَلَاثًا، وَيُقَسِّمُ وَإِذَا تَزَوَّجَ النَّثْبَ أَقَامَ لَيْلَتَيْنِ، ثُمَّ يَقْسِمُ

[16955] Abu Bakr said: Ibn Mahdī reported to us from Ḥammād ibn Salamah from Ibrāhīm, based on what reached him, who said: "For the virgin three days, and for the previously married woman two nights."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: نَا ابْنُ مَهْدِيٍّ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ إِبْرَاهِيمَ بَلَّغَهُ قَالَ: الْبِكْرُ ثَلَاثًا، وَالنَّثْبُ لَيْلَتَيْنِ

[16956] Ibn Mahdī reported from Zam‘ah from Salamah ibn Wahrām from ‘Ikrimah who said: "For the virgin seven days, and for the previously married woman three days."

حَدَّثَنَا أَبُو مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنْ سَلَمَةَ بْنِ وَهْرَامَ،
عَنْ عِكْرِمَةَ، قَالَ: لِلْبِكْرِ سَبْعًا، وَلِلنَّكَاحِ ثَلَاثًا

[16957] Abū Qaṭan reported from Shu‘bah from Al-Ḥakam and Ḥammād who said: "They are equal in division of time."

حَدَّثَنَا أَبُو قَطَنٍ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، وَحَمَّادٍ قَالَا:
هُمَا سَوَاءٌ فِي الْقَسَمِ

[16958] ‘Abd al-Wahhāb ibn ‘Aṭā’ reported from Sa‘īd from Qatādah from Al-Ḥasan, Sa‘īd ibn al-Musayyib, and Khilās who said: "If he marries a virgin over his [existing] wife, he stays with her for three days, then divides his time. And if he marries a previously married woman, he stays for two nights, then divides his time."

حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عَطَاءٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ،
عَنِ الْحَسَنِ، وَسَعِيدِ بْنِ الْمُسَيَّبِ، وَخِلَاسٍ قَالُوا: إِذَا
تَزَوَّجَ الْبِكْرَ عَلَى امْرَأَتِهِ أَقَامَ عِنْدَهَا ثَلَاثًا، ثُمَّ يَفْصِمُ،
وَإِذَا تَزَوَّجَ النَّكَاحَ أَقَامَ لَيْلَتَيْنِ، ثُمَّ يَفْصِمُ

[16959] Yazīd reported from Ḥumayd from Anas who said: "It is from the Sunnah [to give] seven days to the virgin and three days to the previously married woman." Ḥumayd said: And Al-Ḥasan said: "Seven days and two nights."

حَدَّثَنَا يَزِيدُ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ، قَالَ: مِنَ السُّنَّةِ لِلْبِكْرِ سَبْعًا، وَلِلنَّكِحِ ثَلَاثًا. قَالَ حُمَيْدٌ: وَقَالَ الْحَسَنُ: سَبْعًا وَلِلنَّكِحِ ثَلَاثًا.

[16960] Wakī‘ reported from Sufyān from Ghaylān ibn Jāmi‘ from ‘Abd al-Malik from Al-Sha‘bī from ‘Umar from ‘Ā’ishah who said: "The husband should not have intercourse with a woman experiencing Istihādah (irregular bleeding)."

حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ غَيْلَانَ بْنِ جَامِعٍ، عَنْ عَبْدِ الْمَلِكِ، عَنِ الشَّعْبِيِّ، عَنْ عُمَرَ، عَنْ عَائِشَةَ، قَالَتْ: الْمُسْتَحَاضَةُ لَا يَأْتِيهَا زَوْجُهَا

[16961] Al-Thaqafī reported from Ayyūb from Muḥammad that he disliked for a man to have intercourse with his wife while she was experiencing Istihādah.

حَدَّثَنَا الثَّقَفِيُّ، عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ، أَنَّهُ كَانَ يَكْرَهُ أَنْ يَأْتِيَ الرَّجُلُ امْرَأَتَهُ وَهِيَ مُسْتَحَاضَةٌ

[16962] Ghundar told us, from Shu‘bah, from Al-Ḥakam who said: "He does not have intercourse with her, and she does not fast."

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، قَالَ: لَا يَغْشَاهَا، وَلَا تَصُومُ

[16963] Ghundar told us, from Shu‘bah, from ‘Abd al-Malik ibn Maysarah who said: Al-Sha‘bī said: “She does not fast, and her husband does not have intercourse with her.”

حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ مَيْسَرَةَ، قَالَ: قَالَ الشَّعْبِيُّ: لَا تَصُومُ، وَلَا يَغْشَاهَا زَوْجُهَا

[16964] Ibn ‘Ulayyah told us, from Ayyūb who said: I said to Sulaymān ibn Yasār: “Does her husband approach her?” He said: “We only say about it what we have heard.”

حَدَّثَنَا ابْنُ عُيَيْثٍ، عَنْ أَيُّوبَ، قَالَ: قُلْتُ لِسُلَيْمَانَ بْنِ يَسَارٍ: يَأْتِيهَا زَوْجُهَا؟ قَالَ: مَا نَقُولُ فِيهِ إِلَّا مَا سَمِعْنَا

[16965] Ḥaḥṣ told us, from Al-Shaybānī, from ‘Ikrimah who said: “The woman with irregular bleeding (Mustahāḍah), her husband may approach her.”

حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنْ عِكْرِمَةَ، قَالَ: الْمُسْتَحَاضَةُ يَأْتِيهَا زَوْجُهَا

[16966] Muḥammad ibn Abī ‘Adī told us, from Ḥumayd, from Bakr ibn ‘Abd Allāh who said: It reached me that Al-Ḥajjāj said: “If she doubts her menstruation, she bathes and prays, but he does not approach her until she becomes pure.” He said: “What a bad thing he said! Prayer has greater sanctity.”

حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ حُمَيْدٍ، عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ، قَالَ: بَلَغَنِي، أَنَّ الْحَجَّاجَ، قَالَ: إِذَا شَكَّتْ فِي الْحَيْضِ اغْتَسَلَتْ وَصَلَّتْ، وَلَا يَقْرُبُهَا حَتَّى تَطْهُرَ، فَقَالَ: "بِئْسَ مَا قَالَ: الصَّلَاةُ أَعْظَمُ حُرْمَةً

[16967] Yazīd ibn Hārūn told us, from Muḥammad ibn Sālim, from Al-Sha'bī, from 'Alī who said: "Her husband may approach her."

حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنْ الشَّعْبِيِّ، قَالَ: يَأْتِيهَا زَوْجُهَا

[16968] Asbāṭ ibn Muḥammad told us, from Ash'ath, from 'Aṭā' who said: "Her husband may approach her."

حَدَّثَنَا أَصْبَاطُ بْنُ مُحَمَّدٍ، عَنْ أَشْعَثٍ، عَنْ عَطَاءٍ، قَالَ: يَأْتِيهَا زَوْجُهَا

[16969] Ḥammād ibn Khālīd told us, from Ibn Abī Dhi'b, from Al-Zuhri who said: "Her husband may have intercourse with her if he wishes."

حَدَّثَنَا حَمَّادُ بْنُ خَالِدٍ، عَنْ ابْنِ أَبِي ذَيْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: يَعْشَاهَا زَوْجُهَا إِنْ شَاءَ

[16970] Ghundar and Shu'bah told us, from Ḥammād regarding the Mustahāḍah: "Her husband may approach her, and she fasts."

حَدَّثَنَا غُنْدَرٌ، وَشُعْبَةُ، عَنْ حَمَّادٍ، "فِي الْمُسْتَحَاضَةِ: يَأْتِيهَا زَوْجُهَا، وَتَصُومُ

[16971] Wakī' told us, from Sālim, from Sa'id ibn Jubayr who said: "He approaches her; prayer has greater sanctity."

حَدَّثَنَا وَكَيْعٌ، عَنْ سَالِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: يَأْتِيهَا الصَّلَاةُ أَعْظَمُ حُرْمَةً

[16972] Ghundar told us, from Sa'īd, from Qatādah, from Ibn al-Musayyib and Al-Ḥasan regarding the Mustahāḍah: "She fasts, prays, performs the rituals, and her husband has intercourse with her."

حَدَّثَنَا غُنْدَرٌ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ ابْنِ الْمُسَيَّبِ، وَالْحَسَنِ، فِي الْمُسْتَحَاضَةِ: تَصُومُ وَتُصَلِّي، وَتَقْضِي الْمَنَاسِكَ، وَيَعْشَاهَا زَوْجُهَا

[16973] Ḥafṣ told us, from Ash'ath, from Al-Ḥakam and Ḥammād, from Ibrāhīm who said: "The Mustahāḍah fasts, prays, and her husband approaches her."

حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، وَحَمَّادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: الْمُسْتَحَاضَةُ تَصُومُ وَتُصَلِّي، وَيَأْتِيهَا زَوْجُهَا

[16974] Wakī' told us, from Ma'mar ibn Mūsā, from Abū Ja'far who said: "The Mustahāḍah fasts, prays, and her husband approaches her."

حَدَّثَنَا وَكَيْعٌ، عَنْ مَعْمَرِ بْنِ مُوسَى، عَنْ أَبِي جَعْفَرٍ، قَالَ: الْمُسْتَحَاضَةُ تَصُومُ وَتُصَلِّي، وَيَأْتِيهَا زَوْجُهَا

[16975] Ibn 'Ulayyah told us, from Ayyūb, from Ibn Sīrīn who said: Shurayḥ said: "It is the husband."

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ أَيُّوبَ، عَنِ ابْنِ سِيرِينَ، قَالَ: قَالَ شُرَيْحٌ: هُوَ الزَّوْجُ

[16976] Ibn 'Ulayyah told us, from Ibn Jurayj, from 'Abd Allāh ibn Abī Mulaykah who said: Sa'īd ibn Jubayr said: "{The one in whose hand is the marriage contract} [Al-Baqarah: 237] is the husband."

حَدَّثَنَا ابْنُ عُليَّةَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي مُلَيْكَةَ، قَالَ: قَالَ سَعِيدُ بْنُ جُبَيْرٍ: " {الَّذِي بِيَدِهِ عَقْدُهُ} النِّكَاحُ هُوَ الزَّوْجُ [237]: [البقرة

[16977] Ibn ‘Ulayyah told us, from Ibn Jurayj, from Mujāhid who said: “{The one in whose hand is the marriage contract} is the husband. {Unless they forgo} [Al-Baqarah: 237] means the woman gives up her half. {Or he forgives in whose hand is the marriage contract} [Al-Baqarah: 237] means the husband completes the dowry fully.”

حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: قَالَ مُجَاهِدٌ: الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ هُوَ الزَّوْجُ. {إِلَّا أَنْ يَغْفُونَ} ثَبَرِي الْمَرْأَةُ شَطَرَهَا. {أَوْ يَغْفُوَ الَّذِي} [البقرة: 237] إِمَامُ الزَّوْجِ [237: بِيَدِهِ عُقْدَةُ النِّكَاحِ] {البقرة: الصَّدَاقُ كُلُّهُ

[16978] Marwān ibn Mu‘āwiyah told us, from Al-A‘mash, from Ibrāhīm, from Shurayḥ; and Juwaybir, from Al-Ḍaḥḥāk, who said: “It is the husband.”

حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْحٍ وَجُوَيْرِ، عَنِ الضَّحَّاكِ، قَالَ: هُوَ الزَّوْجُ

[16979] ‘Abdah told us, from Ibn Abī ‘Arūbah, from Qatādah, from Ibn al-Musayyib regarding {Unless they forgo or he forgives in whose hand is the marriage contract} [Al-Baqarah: 237]. He said: “The one in whose hand is the marriage contract is the husband. If she wishes to forgo, she takes nothing of her dowry, and if he wishes, it is divided between them in halves.”

حَدَّثَنَا عَبْدُهُ، عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ ابْنِ الْمُسَيَّبِ {إِلَّا أَنْ يَغْفُونَ أَوْ يَغْفُوَ الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ قَالَ: الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ} [البقرة: 237] الزَّوْجُ، إِنْ شَاءَتْ أَنْ تَغْفُوَ هِيَ فَلَا تَأْخُذُ مِنْ صَدَاقِهَا شَيْئًا، وَإِنْ شَاءَ فَهُوَ بَيْنَهُمَا نِصْفَيْنِ

[16980] Ibn Idrīs told us, from Muḥammad ibn Ḥarb: That Nāfi‘ ibn Jubayr divorced his wife before consummation, and he completed the dowry for her, saying: “I am more entitled to forgiveness.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ مُحَمَّدِ بْنِ حَرْبٍ، أَنَّ نَافِعَ بْنَ جُبَيْرٍ طَلَّقَ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا، فَأَتَمَّ لَهَا الصَّدَاقَ، قَالَ: أَنَا أَحَقُّ بِالْعَفْوِ

[16981] Zayd ibn Ḥubāb told us, from Aflaḥ, from Sa‘īd who said: I heard Muḥammad ibn Ka‘b saying: “{The one in whose hand is the marriage contract} [Al-Baqarah: 237] is the husband; he gives what he has as forgiveness.”

حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ عَنْ أَفْلَحَ، عَنْ سَعِيدٍ، قَالَ: سَمِعْتُ مُحَمَّدَ بْنَ كَعْبٍ، يَقُولُ: " {الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ} هُوَ الزَّوْجُ، يُعْطِي مَا عِنْدَهُ عَفْوًا [البقرة: 237]

[16982] Al-Thaqafī told us, from ‘Ubayd Allāh, from Nāfi‘ who said: “The one in whose hand is the marriage contract. As for His saying: {Unless they forgo or he forgives in whose hand is the marriage contract} [Al-Baqarah: 237], it refers to the woman whose husband divorces her before consummation. Either she forgoes half for her husband, or her husband forgives and completes the dowry for her.”

حَدَّثَنَا الثَّقَفِيُّ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، قَالَ: "الَّذِي بِيَدِهِ عُقْدَةُ الزَّوَاجِ، وَأَمَّا قَوْلُهُ: {إِلَّا أَنْ يَعْفُوا أَوْ يَعْفُوَ الَّذِي، فَهِيَ الْمَرْأَةُ يُطَلِّقُهَا} [البقرة: 237: بِيَدِهِ عُقْدَةُ النِّكَاحِ] {البقرة: زَوْجَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، فَإِمَّا أَنْ تَعْفُوا عَنِ النِّصْفِ لِزَوْجِهَا، وَإِمَّا أَنْ يَعْفُوَ زَوْجُهَا فَيُكْمِلَ لَهَا الصَّدَاقَ

[16983] Yahyā ibn Sa‘īd told us, from Al-Taymī, from Abū Makhlad, from Shurayḥ who said: “It is the husband.”

حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنِ التَّيْمِيِّ، عَنْ أَبِي مَخْلَدٍ، عَنْ شُرَيْحٍ، قَالَ: هُوَ الزَّوْجُ

[16984] Abū Dāwūd told us, from Zuhayr, from Abū Ishāq, from Al-Sha‘bī who said: “It is the husband.”

حَدَّثَنَا أَبُو دَاوُدَ، عَنْ زُهَيْرٍ، عَنْ أَبِي إِسْحَاقَ، عَنِ الشَّعْبِيِّ، قَالَ: هُوَ الزَّوْجُ

[16985] Abū Khālid told us, from Shu‘bah, from Abū Bishr, from Ṭāwūs and Mujāhid, who said: “{The one in whose hand is the marriage contract} [Al-Baqarah: 237] is the guardian.” Sa‘īd ibn Jubayr said: “It is the husband.” They debated with him until they followed Sa‘īd.

حَدَّثَنَا أَبُو خَالِدٍ، عَنْ شُعْبَةَ، عَنْ أَبِي بَشْرٍ، عَنْ طَاوُسٍ، وَمُجَاهِدٍ، قَالَا: " {الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ} [البقرة: 237] هُوَ الْوَلِيُّ"، وَقَالَ سَعِيدُ بْنُ جُبَيْرٍ: هُوَ الزَّوْجُ، فَكَلَّمَاهُ فِي ذَلِكَ فَمَا بَرَحَا حَتَّى تَابَعَا سَعِيدًا

[16986] Ḥumayd told us, from Al-Ḥasan, from Sālim, from Sa‘īd who said: “It is the husband.”

حَدَّثَنَا حُمَيْدٌ، عَنِ الْحَسَنِ، عَنْ سَالِمٍ، عَنْ سَعِيدٍ قَالَ: هُوَ الزَّوْجُ

[16987] Yaḥyā ibn Ādam told us, from Ḥammād ibn Salamah, from ‘Alī ibn Zayd, from ‘Ammār ibn Abī ‘Ammār, from Ibn ‘Abbās who said: “{The one in whose hand is the marriage contract} [Al-Baqarah: 237] is the husband.”

حَدَّثَنَا يَحْيَى بْنُ آدَمَ، عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ عَلِيِّ بْنِ زَيْدٍ، عَنْ عَمَّارِ بْنِ أَبِي عَمَّارٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: " {الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ} [البقرة 237]: الزَّوْجُ

[16988] Ibn al-Darāwardī told us, from ‘Umar, the freed slave of Ghufrah, that Muḥammad ibn Ka‘b used to say: “{The one in whose hand is the marriage contract} [Al-Baqarah: 237] is the husband.”

حَدَّثَنَا ابْنُ الدَّرَاوَرْدِيِّ، عَنْ عُمَرَ مَوْلَى غُفْرَةَ، أَنَّ مُحَمَّدَ بْنَ كَعْبٍ كَانَ يَقُولُ: " {الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ} [البقرة 237]: الزَّوْجُ

[16989] Ibn ‘Ulayyah and Wakī‘ told us, from Jarīr ibn Ḥāzim, from ‘Isā ibn Ḥāzim, from ‘Alī who said: “The husband.”

حَدَّثَنَا ابْنُ عُليَّةَ، وَوَكَيْعٌ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ عِيسَى بْنِ حَازِمٍ، عَنْ عَلِيٍّ، قَالَ: الزَّوْجُ

[16990] Ibn Idrīs told us, from Al-A‘mash, from Ibrāhīm, from Shurayḥ who said: “It is the husband.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ شُرَيْحٍ، قَالَ: هُوَ الزَّوْجُ

[16991] Abū Mu‘āwiyah told us, from Ḥajjāj, from Al-Ḥakam, from Shurayḥ who said: “It is the husband.”

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنِ الْحَكَمِ، عَنْ شُرَيْحٍ، قَالَ: هُوَ الزَّوْجُ

[16992] Marwān told us, from Juwaybir, from Al-Ḍaḥḥāk who said: **حَدَّثَنَا مَرْوَانُ، عَنْ جُوَيْرٍ، عَنِ الضَّحَّاكِ، قَالَ: هُوَ الزَّوْجُ**
 “It is the husband.”

[16993] Wakī‘ told us, from Sufyān, from Layth, from Mujāhid regarding: {Unless they forgo or he forgives in whose hand is the marriage contract} [Al-Baqarah: 237]. He said: **حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ " {إِلَّا أَنْ يَعْفُوا أَوْ يَغْفُورَ الَّذِي بِيَدِهِ عَقْدَةُ النِّكَاحِ} [البقرة 237] قَالَ: الزَّوْجُ**

[16994] ‘Ubayd Allāh told us, from Isrā’īl, from Khuṣayf, from Sa‘īd ibn Jubayr and Mujāhid, who said: **حَدَّثَنَا عُبَيْدُ اللَّهِ، عَنْ إِسْرَائِيلَ، عَنْ خُصَيْفٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، وَمُجَاهِدٍ، قَالَا: " {الَّذِي بِيَدِهِ عَقْدَةُ} [البقرة 237] النِّكَاحُ الزَّوْجُ**
 “{The one in whose hand is the marriage contract} [Al-Baqarah: 237] is the husband.”

[16995] Sufyān told us, from Layth, from Mujāhid regarding: {Unless they forgo or he forgives in whose hand is the marriage contract} [Al-Baqarah: 237]. [He said]: **حَدَّثَنَا سُفْيَانُ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ " {إِلَّا أَنْ يَعْفُوا أَوْ الزَّوْجُ [237: يَعْفُو الَّذِي بِيَدِهِ عَقْدَةُ النِّكَاحِ} [البقرة 237]**
 “The husband.”

[16996] Ibn ‘Ulayyah told us, from Ibn Jurayj, from ‘Aṭā’ who said: **حَدَّثَنَا ابْنُ عُثَيْمٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: هُوَ الْوَلِيُّ**
 “It is the guardian.”

[16997] Ibn ‘Ulayyah told us, from Abū Rajā’ who said: Al-Ḥasan was asked about {The one in whose hand is the marriage contract} [Al-Baqarah: 237]. He said: “It is the guardian.”

حَدَّثَنَا ابْنُ عُليَّةَ، عَنْ أَبِي رَجَاءٍ قَالَ: سُئِلَ الْحَسَنُ عَنْ
قَالَ: هُوَ [237]: {الَّذِي بِيَدِهِ عَقْدَةُ النِّكَاحِ} [البقرة
الْوَلِيُّ

[16998] Ibn Idrīs told us, from Al-A‘mash, from Ibrāhīm, from ‘Alqamah who said: “It is the guardian.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ
عَلْقَمَةَ، قَالَ: هُوَ الْوَلِيُّ

[16999] ‘Abd al-A‘lā told us, from Ma‘mar, from Al-Zuhri who said: “{The one in whose hand is the marriage contract} [Al-Baqarah: 237] is the father.”

حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: "
النِّكَاحِ الْأَبُ [237]: {الَّذِي بِيَدِهِ عَقْدَةُ} [البقرة

[17000] Ibn Idrīs told us, from Hishām, from Al-Ḥasan who said: “It is the guardian.”

حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: هُوَ
الْوَلِيُّ