

English Translation of

# Sunan An-Nasâ'i

English  
Translation of

# Sunan An-Nasâ'i

Compiled by:

Imâm Hâfiż Abû Abdur Rahmân  
Ahmad bin Shu'aib bin 'Ali An-Nasâ'i

Volume 4

From Hadith no. 3087 to 3970

Ahâdiث edited & referenced by:

Hâfiż Abû Tâhir Zubair 'Ali Za'i

Translated by:

Nâsiruddin al-Khattâb (Canada)

Final review by:

Abû Khaliyl (USA)



English Translation of

# Sunan An-Nasâ'i

Volume 4

Compiled by:

Imâm Hâfiz Abû Abdur Rahmân  
Ahmad bin Shu'aib bin 'Ali  
An-Nasâ'i

*Ahâdîth edited & referenced by:*

Hâfiz Abu Tâhir Zubair 'Alî Za'î

Translated by:

Nâsiruddin al-Khattâb (Canada)

Edited by:

Hudâ Khattâb (Canada)

Final review by:

Abû Khaliyl (USA)



**DARUSSALAM**

GLOBAL LEADER IN ISLAMIC BOOKS

Riyadh • Jeddah • Al-Khobar • Sharjah  
Lahore • London • Houston • New York



*In the Name of Allâh,  
the Most Gracious, the Most Merciful*

كلام الله

Kalamullah.Com

© Maktaba Dar-us-Salam, 2007

King Fahd National Library Catalog-in-Publication Data

**An-Nasai, Ahmad bin `Ali**

An-Nasai / Ahmad bin `Ali - An-Nasai-Riyadh-2007

509 p, 14x21 cm

**ISBN: 978-9960-58-760-8 (set)**

**978-9960-58-764-6 (Vol.-4)**

1-Al-Hadith- Six books    2- Hadith                      3-Title

237.3 dc

1428/7415

**Legal Deposit no.1428/4679**

**ISBN: 978-9960-58-760-8 (set)**

**978-9960-58-764-6 (Vol.-4)**



# Contents

## 25. The Book Of *Jihâd*

Chapter 1.	The Obligation Of <i>Jihâd</i> .....	15
Chapter 2.	Stern Warning Against Forsaking <i>Jihâd</i> .....	22
Chapter 3.	Concession Allowing A Person Not To Join A Campaign.....	23
Chapter 4.	The Superiority Of The <i>Mujâhidîn</i> Over Those Who Do Not Go Out To Fight .....	24
Chapter 5.	Concession Allowing The One Who Has Two Parents To Stay Behind .....	26
Chapter 6.	Concession Allowing One Who Has A Mother To Stay Behind .....	27
Chapter 7.	The Virtue Of The One Who Strives In The Cause Of Allâh With Himself And His Wealth .....	27
Chapter 8.	The Virtue Of The One Who Strives In The Cause Of Allâh On His Feet .....	28
Chapter 9.	The Reward Of The One Whose Feet Become Dusty In The Cause Of Allâh .....	32
Chapter 10.	The Reward Of Eyes That Stay Awake At Night In The Cause Of Allâh, The Mighty and Sublime .....	32
Chapter 11.	The Virtue Of Going Out Before Noon In The Cause Of Allâh, The Mighty and Sublime.....	33
Chapter 12.	The Virtue Of Going Out After Noon In The Cause Of Allâh, The Mighty And Sublime.....	33
Chapter 13.	The Warriors Are The Guests Of Allâh, Most High.....	34
Chapter 14.	What Allâh, The Mighty And Sublime, Guarantees To One Who Strives In His Cause .....	35
Chapter 15.	The Reward Of The Raiding Party That Fails To Achieve Its Goal .....	36
Chapter 16.	The Parable Of <i>Mujâhid</i> (Who Strives In the Cause of Allâh, The Mighty And Sublime).....	37
Chapter 17.	What Is Equal To <i>Jihâd</i> In The Cause Of Allâh, The Mighty And Sublime?.....	38
Chapter 18.	The Status Of <i>Mujâhid</i> (Who Strives In The Cause Of Allâh, The Mighty And Sublime).....	39
Chapter 19.	What Reward Is There For The One Who Accepts Islam, Emigrates And Strives For <i>Jihâd</i> ? .....	41
Chapter 20.	The Virtue Of The One Who Spends On A Pair (Of Things) In The Cause Of Allâh, The Mighty And Sublime.....	42
Chapter 21.	Whoever Fights So That The Word Of Allâh Will Be Supreme .....	43
Chapter 22.	The One Who Fights So That It Will Be Said That So-And-So Was Brave .....	44
Chapter 23.	One Who Fights In The Cause Of Allâh, Intending Only To Get An <i>Iqâl</i> .....	45
Chapter 24.	The One Who Fights Seeking Reward And Fame.....	46

Chapter 25.	The Reward Of The One Who Fights In The Cause Of Allâh For The Length Of Time Between Two Milkings Of A She-Camel .....	47
Chapter 26.	The Reward Of The One Who Shoots An Arrow In The Cause Of Allâh, The Mighty And Sublime .....	48
Chapter 27.	The One Who Is Wounded In The Cause Of Allâh, The Mighty And Sublime .....	51
Chapter 28.	What Is To Be Said By The One Who Is Stabbed By The Enemy ...	51
Chapter 29.	The One Who Fights In The Cause Of Allâh And His Sword Recoils Upon Him And Kills Him .....	53
Chapter 30.	Wishing To Be Killed In The Cause Of Allâh.....	54
Chapter 31.	The Reward Of The One Who Was Killed In The Cause Of Allâh .	56
Chapter 32.	The One Who Fights In The Cause Of Allâh But Owes A Debt....	56
Chapter 33.	Hoping To Die In The Cause Of Allâh.....	59
Chapter 34.	What The People Of Paradise Wish For.....	59
Chapter 35.	What The Martyr Feels Of Pain .....	60
Chapter 36.	Asking For Martyrdom.....	60
Chapter 37.	Meeting In Paradise Of One Who Killed And The One Who Was Killed In The Cause Of Allâh.....	62
Chapter 38.	Explanation Of That.....	62
Chapter 39.	The Virtue Of <i>Ar-Ribâṭ</i> (Guarding The Frontier) .....	63
Chapter 40.	The Virtue Of <i>Jihâd</i> By Sea .....	65
Chapter 41.	Invading India.....	67
Chapter 42.	Fighting The Turks And The Ethiopians .....	68
Chapter 43.	Seeking The Support Of Allâh By The Supplications Of The Weak.	71
Chapter 44.	The Virtue Of The One Who Equips A Warrior .....	72
Chapter 45.	The Virtue Of Spending In The Cause Of Allâh .....	75
Chapter 46.	The Virtue Of Charity In The Cause Of Allâh.....	77
Chapter 47.	The Sanctity Of The Wives Of The <i>Mujâhidîn</i> .....	78
Chapter 48.	The One Who Betrays A Warrior With His Wife .....	78

## 26. The Book of Marriage

Chapter 1.	Mentioning The Command Of The Messenger Of Allâh ﷺ Concerning Marriage, His Wives And What Allâh, The Mighty And Sublime, Permitted To His Prophet When It Is Forbidden To Other People, Because Of His Virtue And High Status.....	82
Chapter 2.	What Allâh Enjoined Upon His Prophet ﷺ And Forbade To Other People In Order To Bring Him Closer To Him.....	85
Chapter 3.	Encouragement To Marry .....	87
Chapter 4.	Prohibition Of Celibacy .....	90
Chapter 5.	Allâh Will Help The One Who Marries, Seeking To Keep Himself Chaste.....	92
Chapter 6.	Marrying Virgins.....	93
Chapter 7.	A Woman Marrying Someone Who Is Similar In Age To Her.....	94
Chapter 8.	A Freed Slave Marrying An 'Arab Woman .....	94
Chapter 9.	Nobility .....	98
Chapter 10.	For What Should A Woman Be Married? .....	98
Chapter 11.	It Is Disliked To Marry One Who Is Infertile .....	99
Chapter 12.	Marrying An Adulteress .....	100

Chapter 13.	The Prohibition Of Marrying Adulteresses.....	102
Chapter 14.	Which Woman Is Best?.....	102
Chapter 15.	The Righteous Woman .....	103
Chapter 16.	The Jealous Woman .....	103
Chapter 17.	It Is Permissible To Look Before Marriage .....	104
Chapter 18.	Getting Married In <u>Shawwâl</u> .....	104
Chapter 19.	Proposal Of Marriage .....	105
Chapter 20.	Prohibition Of Proposing Marriage To A Woman When Someone Else Has Already Proposed To Her .....	106
Chapter 21.	Proposing Marriage When The Other Suitor Gives Up The Idea Or Gives Permission .....	108
Chapter 22.	If A Woman Consults A Man Concerning The One Who Has Proposed Marriage To Her, Should He Tell Her Of What He Knows? .....	110
Chapter 23.	If A Man Consults Another Man About A Woman, Should He Tell Him What He Knows? .....	111
Chapter 24.	A Man Offering His Daughter In Marriage To Someone Whom He Likes.....	112
Chapter 25.	A Woman Offering Herself In Marriage To One Whom She Likes..	113
Chapter 26.	A Woman Praying <i>Istikhârah</i> If She Receives A Proposal Of Marriage.....	114
Chapter 27.	How To do <i>Istikhârah</i> .....	115
Chapter 28.	A Son Conducting The Marriage For His Mother .....	117
Chapter 29.	A Man Marrying Off His Young Daughter .....	118
Chapter 30.	A Man Marrying Off His Grown Up Daughter .....	119
Chapter 31.	Asking A Virgin For Permission With Regard To Marriage .....	120
Chapter 32.	Father Seeking The Consent Of A Virgin With Regard To Marriage.....	122
Chapter 33.	Seeking The Consent Of A Previously Married Woman With Regard To Marriage.....	122
Chapter 34.	The Permission Of A Virgin .....	123
Chapter 35.	Father Marrying Off A Previously Married Woman When She Is Unwilling .....	124
Chapter 36.	Father Marrying Off A Virgin When She Is Unwilling.....	124
Chapter 37.	The Concession Allowing A <i>Muhrim</i> To Marry .....	125
Chapter 38.	Prohibition Of Marriage For The <i>Muhrim</i> .....	126
Chapter 39.	What Is Recommended To Say On The Occasion Of Marriage .....	127
Chapter 40.	What Is Disliked In The <i>Khutbah</i> .....	129
Chapter 41.	The Words By Which The Marriage Tie Is Completed .....	129
Chapter 42.	Conditions In Marriage .....	130
Chapter 43.	The Type Of Marriage After Which, A Thrice-Divorced Woman May Return To Her First Husband .....	131
Chapter 44.	A Stepdaughter Who Is In One's Care Is Forbidden For Marriage..	131
Chapter 45.	The Prohibition Of Being Married To Both A Mother And Daughter .....	132
Chapter 46.	The Prohibition Of Being Married To Two Sisters.....	133
Chapter 47.	Being Married To A Woman And Her Paternal Aunt At The Same Time .....	134

Chapter 48.	The Prohibition Of Being Married To A Woman And Her Maternal Aunt At The Same Time .....	137
Chapter 49.	What Becomes Unlawful As A Result Of Breast-Feeding.....	138
Chapter 50.	The Daughter Of One's Brother Through Breast-feeding Is Forbidden For Marriage .....	140
Chapter 51.	The Amount Of Breast-Feeding That Makes Marriage Prohibited... .	141
Chapter 52.	The Breast Milk Belongs To The Husband .....	144
Chapter 53.	Breast-Feeding An Adult .....	147
Chapter 54.	<i>Al-Ghilah</i> (Intercourse With A Breast-Feeding Woman) .....	150
Chapter 55.	Coitus Interruptus.....	151
Chapter 56.	Rights And Status Of The Breast-Feeding Mother.....	152
Chapter 57.	Testimony With Regard To Breast-Feeding.....	153
Chapter 58.	Marrying Those Whom One's Father Married .....	153
Chapter 59.	Meaning Of The Saying Of Allâh, The Mighty And Sublime: "Also (Forbidden Are) Women Already Married, Except Those (Slaves) Whom Your Right Hands Possess." .....	155
Chapter 60.	<i>Ash-Shîghâr</i> .....	155
Chapter 61.	Explanation Of <i>Ash-Shîghâr</i> .....	157
Chapter 62.	Marriage For <i>Sûrahs</i> Of The Qur'ân.....	157
Chapter 63.	Marriage For Islam .....	159
Chapter 64.	Marriage For Manumission .....	160
Chapter 65.	A Man Manumitting His Slave Woman, Then Marrying Her.....	161
Chapter 66.	Fairness In Giving Dowries .....	162
Chapter 67.	Marriage For A <i>Nawâh</i> Of Gold (Five <i>Dîrham</i> s) .....	166
Chapter 68.	Permission To Get Married Without A Dowry.....	167
Chapter 69.	A Woman Giving Herself In Marriage To A Man With No Dowry..	171
Chapter 70.	Allowing Intimacy .....	171
Chapter 71.	The Prohibition Of <i>Mut'âh</i> (Temporary Marriage) .....	174
Chapter 72.	Announcing The Wedding By Singing And Beating The <i>Duff</i> .....	177
Chapter 73.	How To Congratulate A Man When He Gets Married .....	178
Chapter 74.	The Supplication Of The One Who Did Not Attend The Wedding .	178
Chapter 75.	Concession Allowing Yellow Perfume At The Time Of Marriage....	179
Chapter 76.	A Gift Given Before Consummation Of The Marriage .....	180
Chapter 77.	Consummating The Marriage In <i>Shawwâl</i> .....	181
Chapter 78.	Consummation Of Marriage With A Girl Of Nine.....	181
Chapter 79.	Consummation Of Marriage While Travelling.....	182
Chapter 80.	Entertainment And Singing At Weddings .....	186
Chapter 81.	A Man Fitting Out His Daughter (For Marriage) .....	186
Chapter 82.	Beds .....	187
Chapter 83.	<i>Anmât</i> .....	187
Chapter 84.	Giving A Gift To The One Who Has Got Married .....	188

### 36. The Book of The Kind Treatment Of Women

Chapter 1.	Love Of Women.....	191
Chapter 2.	A Man Being Inclined To Favor One Of His Wives Over Another..	192
Chapter 3.	When A Man Loves One Of His Wives More Than Another .....	193
Chapter 4.	Jealousy.....	202

## 27. The Book Of Divorce

Chapter 1.	Divorce At The Time When Allâh Has Stated That Women May Be Divorced .....	210
Chapter 2.	The <i>Sunnah</i> Divorce.....	213
Chapter 3.	What Should Be Done If The Husband Issues A Divorce When The Wife Is Menstruating .....	214
Chapter 4.	Divorce Without The <i>Iddah</i> .....	215
Chapter 5.	Divorce Without The <i>Iddah</i> And What Is Counted As A Divorce ..	216
Chapter 6.	Three Simultaneous Divorces And A Stern Warning Against That ..	217
Chapter 7.	Concession Allowing That.....	217
Chapter 8.	Three Separate Divorces Before Consummation Of The Marriage ..	221
Chapter 9.	The Divorce Of A Woman Who Married A Man, But He Did Not Consummate The Marriage With Her.....	222
Chapter 10.	The Irrevocable Divorce .....	223
Chapter 11.	It Is Up To You .....	223
Chapter 12.	Making A Thrice-Divorced Woman Lawful (To Return To Her First Husband) And The Marriage That Makes This Lawful .....	224
Chapter 13.	Making A Thrice-Divorced Woman Lawful (To Return To Her First Husband), And The Stern Warning Concerning That .....	227
Chapter 14.	A Man Divorcing His Wife Face To Face.....	228
Chapter 15.	A Man Sending Word To His Wife That She Is Divorced .....	228
Chapter 16.	Meaning Of The Saying Of Allâh, The Mighty And Sublime: “O Prophet! Why Do You Forbid (For Yourself) That Which Allâh Has Allowed To You.”.....	229
Chapter 17.	Another Explanation Of The Meaning Of This Verse.....	230
Chapter 18.	“Go to your family” Does Not Necessarily Mean Divorce.....	231
Chapter 19.	Divorce Of A Slave .....	234
Chapter 20.	When Does The Divorce Of A Boy Count? .....	236
Chapter 21.	The Husband Whose Divorce Is Not Valid .....	237
Chapter 22.	The One Who Utters A Divorce To Himself (Without Uttering The Words Loudly) .....	238
Chapter 23.	Divorce With A Clear Gesture .....	239
Chapter 24.	Speaking When One Means What The Words Appear To Mean....	239
Chapter 25.	Saying Something, And Intending Something Other Than The Apparent Meaning, Carries No Weight .....	240
Chapter 26.	Setting A Time Limit For Making A Choice .....	241
Chapter 27.	When A Woman Is Given The Choice And Chooses Her Husband ..	243
Chapter 28.	Choosing Which Of The Two Married Slaves To Free First.....	244
Chapter 29.	Giving A Slave Woman The Choice .....	244
Chapter 30.	Giving The Choice To A Slave Woman Who Is Set Free And Whose Husband Is A Free Man .....	246
Chapter 31.	Giving The Choice To A Slave Woman Who Has Been Set Free And Whose Husband Is Still A Slave.....	247
Chapter 32.	The Oath Of Abstinence .....	251
Chapter 33.	<i>Az-Zihâr</i> .....	252
Chapter 34.	What Was Narrated Concerning <i>Khul'</i> .....	255
Chapter 35.	The Beginning Of <i>Al-Li'ân</i> (The Curse) .....	258
Chapter 36.	<i>Li'ân</i> Because Of Pregnancy .....	259

Chapter 37.	<i>Li'ân</i> Because Of The Man Accusing His Wife (Of Adultery) With A Specific Person.....	260
Chapter 38.	How <i>Li'ân</i> Is Carried Out .....	261
Chapter 39.	The <i>Imâm</i> Saying: "O Allâh, Make It Clear To Me" .....	263
Chapter 40.	The Command To Place The Hand Over The Mouth Of The Two Who Are Engaging In <i>Li'ân</i> When They Utter The Fifth Oath.....	265
Chapter 41.	The <i>Imâm</i> Exhorting The Man And Woman At The Time Of <i>Li'ân</i> .....	265
Chapter 42.	Separating The Two Who Engage In <i>Li'ân</i> .....	267
Chapter 43.	Asking The Two Who Engaged In <i>Li'ân</i> To Repent After <i>Li'ân</i> ....	267
Chapter 44.	Can The Two Who Have Engaged In The Procedure Of <i>Li'ân</i> Stay Together? .....	268
Chapter 45.	Denying The Child Through <i>Li'ân</i> , And Attributing Him To His Mother.....	269
Chapter 46.	If A Man Hints An Accusation About His Wife, And Wanted To Disown The Child .....	269
Chapter 47.	Stern Warning Against Disowning One's Child .....	271
Chapter 48.	Attributing The Child To The Bed If The Owner Of The Bed Does Not Disown Him .....	272
Chapter 49.	The Bed Of The Slave Woman .....	275
Chapter 50.	Drawing Lots For A Child If Several Men Dispute Over Him .....	276
Chapter 51.	Detecting Family Likenesses.....	278
Chapter 52.	When One Parent Becomes Muslim, And The Child Is Given The Choice.....	279
Chapter 53.	The 'Iddah Of A Woman Separated By <i>Khul'</i> .....	280
Chapter 54.	Exceptions To The 'Iddah Of Divorced Women .....	282
Chapter 55.	The 'Iddah Of A Woman Whose Husband Dies.....	283
Chapter 56.	The 'Iddah Of A Pregnant Woman Whose Husband Dies .....	286
Chapter 57.	The 'Iddah Of A Woman Whose Husband Dies Before Consummating The Marriage.....	298
Chapter 58.	Mourning.....	298
Chapter 59.	Mourning Is Waived For A <i>Kitâbî</i> Widow .....	299
Chapter 60.	The Woman Whose Husband Has Died Staying In Her House Until It Becomes Permissible For Her To Remarry.....	300
Chapter 61.	Concession Allowing A Woman Whose Husband Has Died To Observe Her 'Iddah Wherever She Wants.....	301
Chapter 62.	The 'Iddah Of A Woman Whose Husband Has Died, Starts From The Day The News Reached Her .....	302
Chapter 63.	Putting On Adornment Is For The Grieving Muslim Women, Not For Jewish Or Christian Women .....	302
Chapter 64.	What Dyed Clothes Should Be Avoided By The Woman In Mourning.....	304
Chapter 65.	A Woman In Mourning Dyeing Her Hair .....	306
Chapter 66.	Concession Allowing A Woman In Mourning To Comb Her Hair With Lotus Leaves .....	306
Chapter 67.	Prohibition Of Kohl For A Woman In Mourning .....	307
Chapter 68.	<i>Qust</i> And <i>Azfar</i> For The Woman In Mourning.....	309
Chapter 69.	Abrogation Of Maintenance And Residence For The Widow, Which Are Replaced By The Share Of Inheritance That Is Allotted To Her .....	310

Chapter 70.	Concession Allowing An Irrevocably-Divorced Woman To Leave Her House During Her <i>Iddah</i> .....	311
Chapter 71.	Widow Going Out During The Day.....	314
Chapter 72.	Maintenance Of An Irrevocably-Divorced Woman.....	315
Chapter 73.	Maintenance Of A Pregnant Woman Who Has Been Irrevocably Divorced.....	315
Chapter 74.	Periods.....	317
Chapter 75.	Abrogation Of The Permission To Take Back One's Wife After The Three Divorces.....	317
Chapter 76.	Taking The Wife Back .....	318

## 28. The Book Of Horses, Races And Shooting

Chapter 1.	"Goodness Is Tied To The Forelocks Of Horses Until The Day Of Judgment".....	322
Chapter 2.	Love Of Horses.....	325
Chapter 3.	Desirable Physical Qualities In Horses.....	325
Chapter 4.	<i>Shikâl</i> Horses.....	326
Chapter 5.	Seeing Horses As An Omen.....	327
Chapter 6.	The Blessing Of Horses.....	328
Chapter 7.	Twisting The Forelocks Of Horses .....	328
Chapter 8.	A Man Training His Horse .....	330
Chapter 9.	The Supplication Of The Horse .....	331
Chapter 10.	Stern Warning Against Mating A Donkey With A Horse .....	332
Chapter 11.	The Feed Of Horses.....	333
Chapter 12.	Finish Line Of A Race For Horses That Have Not Been Made Lean .....	334
Chapter 13.	Making Horses Lean For Racing .....	334
Chapter 14.	Awards (For Victory In Competition).....	335
Chapter 15.	<i>Jalab</i> (Bringing) .....	337
Chapter 16.	<i>Janab</i> (Avoidance).....	337
Chapter 17.	Two Shares For The Horse .....	338

## 29. The Book Of Endowments (*Al-Ihbâs*)

Chapter 1.	(What The Messenger Of Allâh ﷺ Left Behind When He Died)....	339
Chapter 2.	Endowments: How The Endowment Is To Be Recorded, And Mentioning The Differences Reported From Ibn 'Awn In The Narration Of Ibn 'Umar .....	340
Chapter 3.	Endowment Benefiting Everyone .....	344
Chapter 4.	An Endowment ( <i>Waqf</i> ) For <i>Masjids</i> .....	345

## 30. The Book Of Wills

Chapter 1.	It is Disliked To Delay Making A Will.....	352
Chapter 2.	Did The Prophet ﷺ Make A Will? .....	356
Chapter 3.	Bequeathing One-Third.....	358
Chapter 4.	Paying Off Debts Before Distributing Inheritance And Mentioning The Difference In The Wordings Of The Reporters Of The Narration .....	363

Chapter 5.	Invalidating Bequests To Heirs.....	366
Chapter 6.	When One Exhorts His Closest Kinsmen.....	367
Chapter 7.	If A Person Dies Unexpectedly, Is It Recommended For His Family To Give Charity On His Behalf .....	370
Chapter 8.	The Virtue Of Charity Given On Behalf Of The Deceased.....	371
Chapter 9.	Mentioning The Different Reports From Sufyān .....	374
Chapter 10.	The Prohibition Of Guardianship Over An Orphan's Property.....	377
Chapter 11.	What The Guardian Is Entitled To Of An Orphan's Property If He Takes Care Of It .....	377
Chapter 12.	Avoiding Consuming The Orphan's Property.....	379

### **31. The Book Of Presents (*An-Nihâl*)**

Chapter 1.	Different Versions Of The Report Of Nu'mân Bin Bashîr Concerning Presents .....	381
------------	---	-----

### **32. The Book Of Gifts (*Al-Hibâh*)**

Chapter 1.	A Gift Given To Everyone .....	389
Chapter 2.	A Father Taking Back That Which He Gave To His Son, And Mentioning The Varying Reports Of The Narrators For The Report On That .....	391
Chapter 3.	Mentioning The Different Reports From 'Abdullâh Bin 'Abbâs About It .....	393
Chapter 4.	Mentioning The Different Reports From Tâwûs About The One Who Takes Back His Gift .....	396

### **33. The Book Of *Ar-Ruqba***

Chapter 1.	Mentioning The Different Reports From Ibn Abî Najîh Concerning The Narration Of Zâid Bin Thâbit .....	398
Chapter 2.	Mentioning The Differences Reported From Abû Az-Zubair .....	399

### **34. The Book Of *Umra* (Lifelong Gift)**

Chapter 1.	" <i>Umra</i> (A Gift Given For Life) Belongs To The Heir" .....	403
Chapter 2.	Mentioning The Different Versions Of The Report Of Jâbir Concerning ' <i>Umra</i> .....	405
Chapter 3.	Mentioning The Different Reports From Az-Zuhri About It.....	409
Chapter 4.	Mentioning The Different Reports Narrated From Abû Salâmah By Yahya Bin Abî Kathîr And Muhammâd Bin 'Amr .....	412
Chapter 5.	A Woman Giving A Gift Without Her Husband's Permission.....	415

### **35. The Book Of Oaths And Vows**

Chapter 1.	(The Oath Of The Prophet ﷺ) .....	418
Chapter 2.	Swearing By The Controller Of The Hearts .....	418
Chapter 3.	Swearing By The Glory ( <i>Izzah</i> ) Of Allâh.....	419
Chapter 4.	The Stern Warning Against Swearing By Anything Other Than Allâh.....	420
Chapter 5.	Swearing By One's Forefathers.....	421
Chapter 6.	Swearing By One's Mother.....	422

Chapter 7.	Swearing By A Religion Other Than Islam .....	422
Chapter 8.	Swearing That One Has Nothing To Do With Islam .....	423
Chapter 9.	Swearing By The Ka'bah.....	424
Chapter 10.	Swearing By False Gods ( <i>Al-Tawâ'ihît</i> ) .....	424
Chapter 11.	Swearing By Al-Lât .....	425
Chapter 12.	Swearing By Al-Lât And Al-'Uzza.....	425
Chapter 13.	Fulfillment Of An Oath (When One Is Adjured To Do Something) .....	427
Chapter 14.	One Who Swears An Oath And Then Sees That Something Else Is Better.....	427
Chapter 15.	Expiation Before Breaking An Oath.....	428
Chapter 16.	Expiation After Breaking An Oath.....	430
Chapter 17.	Oaths Concerning That Which One Does Not Possess.....	432
Chapter 18.	Whoever Swears An Oath And Says: "If Allâh Wills" .....	433
Chapter 19.	Intention In Oaths .....	433
Chapter 20.	Forbidding That Which Allâh, The Mighty And Sublime, Has Permitted.....	434
Chapter 21.	If A Person Swears Not To Eat Any Condiment With Bread, Then He Eats Bread And Vinegar.....	435
Chapter 22.	Swearing Oaths And Lying When One Does Not Believe In What He Is Swearing About.....	435
Chapter 23.	Idle Talk And Lies.....	436
Chapter 24.	The Prohibition Against Vows .....	437
Chapter 25.	A Vow Does Not Bring Anything Forward Nor Put It Back.....	438
Chapter 26.	A Vow Is A Means Of Taking Wealth From The Miserly.....	438
Chapter 27.	Vows To Do Acts Of Worship .....	439
Chapter 28.	Vows To Commit Sin.....	439
Chapter 29.	Fulfilling Vows .....	440
Chapter 30.	Vows Which Are Not Meant For The Face Of Allâh .....	441
Chapter 31.	A Vow Concerning Something That One Does Not Own .....	442
Chapter 32.	Whoever Vows To Walk To The House of Allâh .....	442
Chapter 33.	If A Woman Vows To Walk Barefoot And Bareheaded.....	443
Chapter 34.	Whoever Vows To Fast Then Dies Before Fasting.....	444
		444
Chapter 35.	If A Person Dies With A Vow Unfulfilled .....	444
Chapter 36.	If A Person Makes A Vow Then Becomes Muslim Before Fulfilling It .....	445
Chapter 37.	Giving Away One's Wealth Because Of A Vow.....	447
Chapter 38.	Is Land Included If A Person Vows To Give Up Wealth? .....	449
Chapter 39.	Saying: "If Allâh Wills" .....	450
Chapter 40.	If A Man Swears An Oath And Someone Says To Him, "If Allâh Wills," Does That Count For Him?.....	451
Chapter 41.	Expiation For Vows.....	451
Chapter 42.	What Is The Requirement Upon One Who Made A Vow That Something Would Be Obligatory For Him, Then He Is Unable To Do It? .....	458
Chapter 43.	The Exception (Saying: "If Allâh Wills").....	459

**The Book Of Agriculture**

Chapter 44.	The Third Of The Conditions, In It Is Sharecropping ( <i>Muzâra'ah</i> ) And Contracting .....	461
Chapter 45.	Mentioning The Differing <i>Hadîths</i> Regarding The Prohibition Of Leasing Out Land In Return For One-Third, Or One Quarter Of The Harvest, And The Different Wordings Reported By The Narrators .....	463
Chapter 46.	Mentioning The Different Wordings With Regard To Sharecropping .....	494
Chapter	The ' <i>Anân</i> ' Partnership Between Three Persons.....	499
Chapter	A Proxy Partnership Between Four Persons According To Those Who Permit It.....	500
Chapter 47.	Labor Partnership ( <i>Abdâن</i> ).....	502
Chapter	Partners Dissolving A Partnership.....	503
Chapter	Separation Of The Married Couple.....	504
Chapter 48.	Contract Of Manumission .....	506
Chapter 49.	<i>Tudbîr</i> (Leaving Instructions That One's Slave Be Freed After One's Death) .....	507
Chapter 50.	Manumission .....	508



*In the Name of Allâh, the Most Beneficent, the Most Merciful*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## ٢٥. The Book Of Jihâd - كتاب الجهاد

(التحفة ٧)

### Chapter 1. The Obligation Of Jihâd

**3087.** It was narrated that Ibn ‘Abbâs said: “When the Prophet ﷺ was expelled from Makkah, Abû Bakr said to him: ‘They have driven out their Prophet, verily to Allâh we belong and to Him we return. They are surely doomed.’ Then it was revealed: ‘Permission to fight (against disbelievers) is given to those (believers) who are fought against, because they have been wronged; and surely, Allâh is able to give them (believers) victory.’<sup>[١]</sup> Then I knew that there would be fighting.” Ibn ‘Abbâs said: “This is the first Verse that was revealed concerning fighting.” (*Sahîh*)

(المعجم ١) - بَابُ وُجُوبِ الْجِهَادِ  
(التحفة ١)

٣٠٨٧ - أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ أَبْنُ سَلَامَ قَالَ: حَدَّثَنَا إِسْحَاقُ الْأَزْرَقُ قَالَ: حَدَّثَنَا سُفِيَّانُ عَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ أَبْنِ عَبَّاسٍ قَالَ: لَمَّا أَخْرَجَ اللَّهُ تَعَالَى مِنْ مَكَّةَ قَالَ أَبُو بَكْرٍ: أَخْرَجُوا نَيْمَهُمْ إِنَّ اللَّهَ وَإِنَا إِلَيْهِ رَاجِعُونَ لَيَهْلِكُنَّ فَنَرَكُتُ: (إِذَا دَلَّ لِلَّهِ يُقْتَلُوكُ يَأْتُهُمْ طَلْبُكُمْ وَلَئِنْ أَللَّهُ عَلَى نَصْرِهِ لَقَدِيرٌ) [الحج: ٣٩]. فَعَرَفْتُ أَنَّهُ سَيَكُونُ قِتَالٌ، قَالَ أَبْنُ عَبَّاسٍ: فَهِيَ أَوَّلُ آيَةٍ نَرَكَتُ فِي الْقِتَالِ.

تخریج: [صحيح] أخرجه الترمذی، تفسیر القرآن، باب: ومن سورة الحج، ح: ٣٧١ من حدیث إسحاق بن يوسف الأزرق به، وهو في الكبیر، ح: ٤٢٩٢، وصححه ابن حبان، ح: ١٦٨٧، والحاکم: ٢/٣٩٠، ٦٦، ٢٤٦، \* سفيان هو الثوری، وتابعه شعبة (المستدرک للحاکم: ٣/٨٧)، وصححه على شرط الشیخین)، وقیس بن الریبع أيضًا: ٢٤٦/٢.

<sup>[١]</sup> *Al-Hajj* 22:39.

**Comments:**

*Jihâd* or striving in the cause of Allâh is an obligation from among the obligations of Islam. But there are various levels and categories of it. The author has made an effort to mention many of them.

**3088.** It was narrated from Ibn 'Abbâs that 'Abdur-Rahmân bin 'Awf and some his companions came to the Prophet ﷺ in Makkah and said: "O Messenger of Allâh! We were respected when we were idolators and when we believed, we were humiliated." He said: "I have been commanded to pardon, so do not fight." Then, when Allâh caused us to move to Al-Madînah, He commanded us to fight, but they refrained. Then Allâh, the Mighty and Sublime, revealed: Have you not seen those who were told to hold back their hands (from fighting) and perform *As-Salâh*?<sup>[1]</sup> (*Sahîh*)

- ٣٠٨٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَلَيِّ بْنِ الْحَسَنِ بْنِ شَقِيقٍ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا الْحُسَيْنُ بْنُ وَاقِدٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ وَأَصْحَابَهُ لَهُ أَتَوْا النَّبِيَّ ﷺ يَسْأَلُهُ فَقَالُوا: يَا رَسُولَ اللَّهِ! إِنَّا كُنَّا فِي عَزَّ وَجَلَّ مُشْرِكِينَ فَلَمَّا آتَيْنَا صِرَاطَنَا أَدْلَهُ فَقَالَ: «إِنِّي أَمْرَתُ بِالْعُفْوِ فَلَا تُقْتَلُوا». فَلَمَّا حَوَّلَنَا اللَّهُ إِلَى الْمَدِينَةِ أَمْرَتَنَا بِالْقِتَالِ فَكَثُرُوا فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ: «أَلَا تَرَى إِلَى الَّذِينَ قِيلَ لَهُمْ كُفُوا أَلَيْكُمْ وَأَقْبِلُوا أَصْلَهُ» (النساء: ٧٧).

تخریج: [إسناده صحيح] أخرجه الطبری في تفسیره: ١٠٨/٥ عن محمد بن علي بن الحسن به، وهو في الکبری، ح: ٤٢٩٣، ٤٢٩٤، وصححه الحاکم: ٢/٦٦، ٣٠٧، ووافقه الذهبي.

**Comments**

Had the Muslims been permitted to resist or to retaliate in response at that time, the newly born movement of Islam and its priceless personages might have been exterminated. Instead, by commanding them to remain patient and forgiving, their power of endurance was enhanced to its immense height. Thus they became capable of enduring the hardships of the upcoming battles, and their moral training too, reached the pinnacle of its perfection.

**3089.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'I have been sent with concise speech and I have been supported with fear. While I was sleeping, the keys to the treasures of the Earth were brought to me and placed in my hands.'" Abû Hurairah

- ٣٠٨٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا مُعْنِيُّرٌ قَالَ: سَمِعْتُ مَعْمَراً عَنْ الزُّهْرِيِّ قَالَ: قُلْتُ: عَنْ سَعِيدٍ؟ قَالَ: نَعَمْ عَنْ أَبِي هُرَيْرَةَ؛ حَوَّلَ أَخْبَرَنَا أَحْمَدُ بْنُ عَمْرِو ابْنِ السَّرْحَ وَالْحَارِثَ بْنِ مِسْكِينٍ قِرَاءَةً عَلَيْهِ

[1] *An-Nisâ'* 4:77.

said: "The Messenger of Allâh ﷺ has gone and you are acquiring them." (*Sahîh*)

وَأَنَا أَشْمَعُ - وَاللَّفْظُ لِأَحْمَدَ - قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ يُونُسَ، عَنْ ابْنِ شَهَابٍ، عَنْ ابْنِ الْمُسَيْبَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «بَعْثُ بِجَوَامِعِ الْكَلِمِ وَنُصْرَثُ بِالرُّغْبِ، وَبَيْتَنَا أَنَا نَائِمٌ أُتِيتُ بِمَقَاتِيحِ خَزَائِنِ الْأَرْضِ فُوْضِعْتُ فِي يَدِي» قَالَ أَبُو هُرَيْرَةَ: فَذَهَبَ رَسُولُ اللَّهِ ﷺ وَأَشْمَعَ تَشْتِلُونَهَا.

تخریج: أخرجه مسلم، المساجد، باب المساجد ومواضع الصلاة، ح: ٦/٥٢٣ عن أحمد بن عمرو بن السرح به، وهو في الكبير، ح: ٤٢٩٤، ٤٢٩٥.

### Comments

'Placed in my hand' is an allusion to the conquests which came to pass in the near future, and the incredible treasures that fell into the hands of the Muslims. Abû Hurairah رضي الله عنه also, allude to the same thing. Since these conquests were made by means of *Jihâd*, it is appropriate to bring this narration under this chapter.

**3090.** It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say a similar *Hadîth* (*Sahîh*)

٣٠٩٠ - أَخْبَرَنَا هَارُونُ بْنُ سَعِيدٍ عَنْ حَالِدٍ بْنِ يَزَارٍ قَالَ: أَخْبَرَنِي الْقَاسِمُ بْنُ مَبْرُورٍ عَنْ يُونُسَ، عَنْ ابْنِ شَهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ تَحْوَهُ.

تخریج: [صحيح] وهو في الكبير، ح: ٤٢٩٦، وانظر الحديث الآتي.

**3091.** It was narrated from Sa'eed bin Al-Musayyab and Salamah bin 'Abdur-Rahmân that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'I have been sent with concise speech, and I have been supported with fear. While I was sleeping, the keys to the treasures of the Earth were brought to me and placed in my hands.' Abû Hurairah said: The Messenger of

٣٠٩١ - أَخْبَرَنَا كَثِيرُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّدَنَا مُحَمَّدُ بْنُ حَرْبٍ عَنْ الرُّبِيْدِيِّ، عَنْ الرُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبَ وَأَبِي سَلَمَةَ ابْنِ عَبْدِ الرَّحْمَنِ أَنَّ أَبَا هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «بَعْثُ بِجَوَامِعِ الْكَلِمِ وَنُصْرَثُ بِالرُّغْبِ وَبَيْتَنَا أَنَا نَائِمٌ أُتِيتُ بِمَقَاتِيحِ خَزَائِنِ الْأَرْضِ فُوْضِعْتُ فِي يَدِي» قَالَ أَبُو

Allâh ﷺ has gone and you are acquiring them.” (*Sahîh*)

هُرِيرَةَ: فَقَدْ ذَهَبَ رَسُولُ اللَّهِ ﷺ وَأَنْتُمْ تَسْتَهْلُكُونَهَا.

تخریج: أخرجه مسلم من حديث محمد بن حرب به، انظر الحديث المتقدم: ٣٠٨٩، وهو في الكبرى، ح: ٤٢٩٧.

**3092.** Sa'eed bin Al-Musayyab narrated that Abû Hurairah told him that the Messenger of Allâh ﷺ said: “I have been commanded to fight the people until they say *Lâ ilâha illallâh* (there is none worthy of worship except Allâh). Whoever says *Lâ ilâha illallâh*, his life and his property are safe from me, except by its right (in cases where Islamic laws apply), and his reckoning will be with Allâh.” (*Sahîh*)

تخریج: أخرجه البخاري، الجهاد والسير، باب دعاء النبي ﷺ إلى الإسلام والنبوة ... إلخ، ح: ٢٩٤٦، ومسلم، الإيمان، باب الأمر بقتال الناس حتى يقولوا لا إله إلا الله محمد رسول الله .... إلخ، ح: ٢١ من حديث ابن شهاب به، أخرجه مسلم من حديث عبد الله بن وهب به، وهو في الكبرى، ح: ٤٢٩٨.

## Comments

‘Except by its’: Means any legal punishment or retribution required by law.

**3093.** It was narrated that Abû Hurairah said: “When the Messenger of Allâh ﷺ died and Abû Bakr was appointed as the *Khalifah*, and some of the ‘Arabs disbelieved, ‘Umar said: ‘O Abû Bakr! How can you fight the people when the Messenger of Allâh ﷺ said: I have been commanded to fight the people until they say *Lâ ilâha illallâh* (there is none worthy of worship except Allâh). Whoever says *Lâ ilâha illallâh*, his life and his property are safe from me, except for its right, and his reckoning will

٣٠٩٢ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى وَالْحَارِثُ بْنُ مُسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ عَنِ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيْبَ أَنَّ أَبَا هُرِيرَةَ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أُمِرْتُ أَنْ أَفْاتِلَ النَّاسَ حَتَّى يَقُولُوا لَا إِلَهَ إِلَّا اللَّهُ فَمَنْ قَالَ لَا إِلَهَ إِلَّا اللَّهُ عَصَمَ مِنِي مَالَهُ وَنَفْسَهُ إِلَّا بِحَقِّهِ وَجِسَابَهُ عَلَى اللَّهِ».

٣٠٩٣ - أَخْبَرَنَا كَثِيرُ بْنُ عَبْدِ اللَّهِ عَنْ مُحَمَّدِ ابْنِ حَرْبٍ، عَنِ الزَّبِيدِيِّ، عَنِ الزَّهْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي هُرِيرَةَ قَالَ: لَمَّا تُؤْنِي رَسُولُ اللَّهِ ﷺ وَاسْتَخْلَفَ أَبُو بَكْرًا وَكَفَرَ مَنْ كَفَرَ مِنَ الْعَرَبِ قَالَ عُمَرُ: يَا أَبَا بَكْرٍ! كَيْفَ تُقْتَلُ النَّاسَ وَقَدْ قَالَ رَسُولُ اللَّهِ ﷺ: «أُمِرْتُ أَنْ أَفْاتِلَ النَّاسَ حَتَّى يَقُولُوا لَا إِلَهَ إِلَّا اللَّهُ فَمَنْ قَالَ: لَا إِلَهَ إِلَّا اللَّهُ عَصَمَ مِنِي نَفْسَهُ وَمَالَهُ إِلَّا بِحَقِّهِ وَجِسَابَهُ عَلَى اللَّهِ؟» قَالَ أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ: وَاللَّهِ! لَا يَقْتَلُ

be with Allâh?’ Abû Bakr, may Allâh be pleased with him, said: ‘By Allâh, I will surely fight those who separate prayer and *Zakâh*, for *Zakâh* is what is due on wealth. By Allâh, if they withhold from me a small she-goat that they used to give to the Messenger of Allâh ﷺ I will fight them for withholding it.’ (‘Umar said) ‘By Allâh, when I realized that Allâh, the Mighty and Sublime, had opened the chest of Abû Bakr to fighting, then I knew that it was the truth.’” (*Sahîh*)

مَنْ فَرَقَ بَيْنَ الصَّلَاةِ وَالزَّكَاةِ فَإِنَّ الزَّكَاةَ حَقُّ الْمَالِ، وَاللَّهُ أَعْلَمُ بِمَنْفَعِنِي عَنَّا كَانُوا يُؤْدِونَهَا إِلَى رَسُولِ اللَّهِ ﷺ لِقَاتَلُوكُمْ عَلَى مَنْعِهَا، فَوَاللَّهِ مَا هُوَ إِلَّا أَنْ رَأَيْتُ اللَّهَ عَزَّ وَجَلَّ قَدْ شَرَحَ صَدْرَ أَبِي بَكْرٍ لِلْقَتَالِ وَعَرَفَتُ أَنَّهُ الْحَقُّ.

نَخْرِيج: [صَحِيحٌ] نَقْدَمُ، ح: ٤٢٩٩، وَهُوَ فِي الْكِبِيرِ، ح: ٢٤٤٥.

### Comments

This narration and its elucidation have preceded. (See *Hadîth* 2445)

What he meant to state was that I am not at all prepared to allow any reduction or change to take place in the matter of the payment of *Zakâh*.

**3094.** It was narrated from ‘Ubaidullâh bin ‘Abdullâh bin ‘Utbah bin Mas’ûd that Abû Hurairah said: “When the Messenger of Allâh ﷺ died and Abû Bakr (was appointed *Khalifah*) after him, and some of the ‘Arabs disbelieved, ‘Umar, may Allâh be pleased with him, said: ‘O Abû Bakr, how can you fight the people when the Messenger of Allâh ﷺ said: I have been commanded to fight the people until they say *Lâ ilâha illallâh* (there is none worthy of worship except Allâh). Whoever says *Lâ ilâha illallâh*, his life and his property are safe from me, except for its right, and his reckoning will be with Allâh?’” Abû Bakr, may Allâh be pleased with him, said: “I will surely fight those who separate prayer and

٣٠٩٤ - أَخْبَرَنَا أَخْمَدُ بْنُ مُحَمَّدٍ بْنِ مُغِيْرَةَ قَالَ: حَدَّثَنَا عُثْمَانُ بْنُ سَعِيدٍ عَنْ شُعَيْبٍ، عَنِ الرُّهْبَرِيِّ قَالَ: حَدَّثَنَا عَبْيَدُ اللَّهِ حَوْلَهُ وَأَخْبَرَنَا كَثِيرُ بْنُ عَبْيَدٍ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنْ شُعَيْبٍ قَالَ: حَدَّثَنِي الرُّهْبَرِيُّ عَنْ عَبْيَدِ اللَّهِ بْنِ عَبْيَدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَشْعُورٍ أَنَّ أَبَا هُرَيْرَةَ قَالَ: لَمَّا تُوْفِيَ رَسُولُ اللَّهِ ﷺ وَكَانَ أَبُو بَكْرٍ بَعْدَهُ وَكَفَرَ مَنْ كَفَرَ مِنَ الْعَرَبِ قَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ: يَا أَبَا بَكْرٍ! كَيْفَ تُقَاتِلُ النَّاسَ وَقَدْ قَالَ رَسُولُ اللَّهِ ﷺ: «أَمْرُتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا لَا إِلَهَ إِلَّا اللَّهُ إِلَّا أَنْفُسُهُمْ» قَالَ لَا إِلَهَ إِلَّا اللَّهُ فَقَدْ عَصَمَ مِنِّي مَا لَهُ وَنَفْسَهُ إِلَّا يَحْكُمُ وَحْسَابَهُ عَلَى اللَّهِ». قَالَ أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ: لَا أُقَاتِلَ مَنْ فَرَقَ بَيْنَ الصَّلَاةِ

Zakâh, for Zakâh is what is due on wealth. By Allâh, if they withhold from me a small she-goat that they used to give to the Messenger of Allâh ﷺ I will fight them for withholding it.' ('Umar said) 'By Allâh, when I realized that Allâh, the Mighty and Sublime, had opened the chest of Abû Bakr to fighting, then I knew that it was the truth.'" The wording is that of Ahmâd. (*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٢٤٤٥، وهو في الكبّری، ح: ٤٣٠٠.

**3095.** It was narrated that Abû Hurairah said: "When Abû Bakr mobilized to fight them, 'Umar said: 'O Abû Bakr, how can you fight the people when the Messenger of Allâh ﷺ said: "I have been commanded to fight the people until they say *Lâ ilâha illallâh* (there is none worthy of worship except Allâh). Whoever says *Lâ ilâha illallâh*, his life and his property are safe from me, except for its right, and his reckoning will be with Allâh?'" Abû Bakr, may Allâh be pleased with him, said: 'By Allâh, I will surely fight those who separate prayer and Zakâh, for Zakâh is what is due on wealth. By Allâh, if they withhold from me a small she-goat that they used to give to the Messenger of Allâh ﷺ I will fight them for withholding it.' ('Umar said) 'By Allâh, when I realized that Allâh, the Most High, had opened the chest of Abû Bakr to fighting them, then I knew that it was the truth.'" (*Sahîh*)

والزَّكَاةِ فَإِنَّ الرِّكَاةَ حُقُّ الْمَالِ، وَاللَّهُ أَلَوْ  
مَتَعُونِي عَنَّا كَانُوا يُؤْدِونَهَا إِلَى رَسُولِ اللَّهِ  
ﷺ لِقَاتَلُهُمْ عَلَى مَنْعِهَا قَالَ عُمَرُ: فَوَاللَّهِ! مَا  
هُوَ إِلَّا أَنْ رَأَيْتُ أَنَّ اللَّهَ عَزَّ وَجَلَ شَرَحَ صَدْرَ  
أَبِي بَكْرٍ لِلْقِتَالِ فَعَرَفْتُ أَنَّهُ الْحَقُّ، وَاللَّفْظُ  
لِأَحَمَدَ.

٣٠٩٥ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ:  
حَدَّثَنَا مُؤْمِنُ بْنُ الْفَضْلِ قَالَ: حَدَّثَنَا الْوَلِيدُ  
قَالَ: حَدَّثَنِي شَعِيبُ بْنُ أَبِي حَمْزَةَ وَشَعِيبَ  
ابْنِ عَيْنَةَ وَذَكَرَ آخَرَ عَنِ الزَّهْرِيِّ، عَنْ سَعِيدِ  
ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: لَمَّا جَمَعَ  
أَبُو بَكْرٍ لِلْقِتَالِهِمْ فَقَالَ عُمَرُ: يَا أَبَا بَكْرٍ! كَيْفَ  
تُقَاتِلُ النَّاسَ وَقَدْ قَالَ رَسُولُ اللَّهِ ﷺ:  
«أَمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَشْكُوا لَا إِلَهَ  
إِلَّا اللَّهُ فَإِذَا قَالُوهَا عَصَمُوا مِنِّي وَمَا عُهِمُ  
وَأَمْرَاهُمْ إِلَّا يَسْعَهُمَا؟» قَالَ أَبُو بَكْرٍ رَضِيَ اللَّهُ  
عَنْهُ: لَا قَاتِلَنَّ مَنْ فَرَقَ بَيْنَ الصَّلَاةِ وَالزَّكَاةِ،  
وَاللَّهُ أَلَوْ مَتَعُونِي عَنَّا كَانُوا يُؤْدِونَهَا إِلَى  
رَسُولِ اللَّهِ ﷺ لِقَاتَلُهُمْ عَلَى مَنْعِهَا. قَالَ عُمَرُ  
رَضِيَ اللَّهُ عَنْهُ: فَوَاللَّهِ! مَا هُوَ إِلَّا أَنْ رَأَيْتُ  
أَنَّ اللَّهَ تَعَالَى قَدْ شَرَحَ صَدْرَ أَبِي بَكْرٍ لِلْقِتَالِهِمْ  
فَعَرَفْتُ أَنَّهُ الْحَقُّ.

تخریج: [صحيح] تقدم، ح: ٢٤٤٥، وهو في الكبير، ح: ٤٣٠١.

**3096.** It was narrated that Anas bin Mâlik said: "When the Messenger of Allâh ﷺ died, some of the 'Arabs apostatized. 'Umar said: 'O Abû Bakr, how can you fight the 'Arabs? Abû Bakr ﷺ said: 'The Messenger of Allâh ﷺ said: I have been commanded to fight the people until they testify that *Lâ ilâha illâl-lâh* (there is none worthy of worship except Allâh) and that I am the Messenger of Allâh, and establish prayer and pay *Zakâh*?' By Allâh, if they withhold from me a small she-goat that they used to give to the Messenger of Allâh ﷺ I will fight them for withholding it.' ('Umar said) 'By Allâh, when I realized that (Abû) Bakr was confident about this idea, then I knew that this was the truth.'" (*Sahîh*)

Abû 'Abdur-Rahmân (An-Nasâ'i) said: 'Imrân Al-Qatî'ân is not strong in *Hadîth*, and this narration is a mistake. The one that is before it is the correct narration of Az-Zuhri, from 'Ubaidullâh bin 'Abdullâh bin 'Utbah, from Abû Hurairah.

تخریج: [صحيح] وهو في الكبير، ح: ٤٣٠٢، وللحديث طرق عن أنس، انظر، ح: ٣٩٧١، ٣٩٧٢، ٥٠٠٦ وغيرها.

## Comments

'Apostatized': Apostates are of many kinds, but here the conflict is concerning those who refused to pay *Zakâh*, who maintained that the *Zakâh* was to be paid specifically to the Messenger of Allâh ﷺ, and that no one else could levy it.

**3097.** Abû Hurairah narrated that the Messenger of Allâh ﷺ said: "I have been commanded to fight the

٣٠٩٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ شَارِقَ قَالَ: حَدَّثَنَا عَمْرُو بْنُ عَاصِمَ قَالَ: حَدَّثَنَا عِمْرَانُ أَبُو الْعَوَامِ الْقَطَانُ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ الرَّهْبَرِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: لَمَّا تُوْقِيَ رَسُولُ اللَّهِ ﷺ ارْتَدَتِ الْعَرَبُ، قَالَ عُمَرُ: يَا أَبَا بَكْرٍ! كَيْفَ تُقَاتِلُ الْعَرَبَ؟ فَقَالَ أَبُو بَكْرٍ: رَضِيَ اللَّهُ عَنْهُ: إِنَّمَا قَالَ رَسُولُ اللَّهِ ﷺ: «أَمْرَثْتُ أَنْ أَقْاتِلَ النَّاسَ حَتَّى يَشْهُدُوا أَنَّ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّيْ رَسُولُ اللَّهِ وَيَقِيمُوا الصَّلَاةَ وَيُؤْتُوا الزَّكَاةَ» وَاللَّهُ! لَوْ مَتَعْوَنِي عَنَاقًا مِمَّا كَانُوا يُعْطُونَ رَسُولُ اللَّهِ ﷺ لَقَاتَتْهُمْ عَلَيْهِ، قَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ: فَلَمَّا رَأَيْتُ رَأْيِي [أَبِي] بَكْرٍ قَدْ سُرَّحَ عَلِمْتُ أَنَّهُ الْحَقُّ.

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: عِمْرَانُ الْقَطَانُ لَيْسَ بِالْقَوِيِّ فِي الْحَدِيثِ وَهَذَا الْحَدِيثُ خَطَأً، وَالَّذِي قَبْلَهُ الصَّوَابُ حَدِيثُ الرَّهْبَرِيِّ عَنْ عَبْيَدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عَتَّبَةَ، عَنْ أَبِي هُرَيْرَةَ.

٣٠٩٧ - أَخْبَرَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنِ الْمُغَيْرَةَ قَالَ: حَدَّثَنَا عُثْمَانُ عَنْ شُعَيْبٍ، عَنْ

people until they say *Lâ ilâha illallâh* (there is none worthy of worship except Allâh). Whoever says it, his life and his property are safe from me, except for its right, and his reckoning will be with Allâh.” (*Sahîh*)

الزُّهْرِيٌّ: حَوَّلَنَا عَمْرُو بْنُ عُثْمَانَ بْنَ سَعِيدٍ  
ابْنِ تَكْبِيرٍ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا شُعْبَيْ  
عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَبِّبَ  
أَنَّ أَبَا هُرَيْرَةَ أَخْبَرَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:  
أَمْرَتُ أَنْ أُفَاتِلَ النَّاسَ حَتَّى يَقُولُوا لَا إِلَهَ إِلَّا  
اللَّهُ فَمَنْ قَاتَلَهَا فَقَدْ عَصَمَ مِنِي نَفْسَهُ وَمَالَهُ إِلَّا  
بِحَقِّهِ وَجِسْتَابُهُ عَلَى اللَّهِ».

تخریج: أخرجه البخاري، الجهاد، باب دعاء النبي ﷺ إلى الإسلام والنبوة ... الخ، ح: ٢٩٤٦ من حديث شعيب به، وهو في الكبرى، ح: ٤٣٠٣.

**3098.** It was narrated from Anas that the Prophet ﷺ said: “Strive against the idolators with your wealth, your hands and your tongues.”<sup>[1]</sup> (*Da’if*)

٣٠٩٨ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ  
وَمُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَا:  
حَدَّثَنَا يَزِيدُ قَالَ: أَخْبَرَنَا حَمَادُ بْنُ سَلَمَةَ:  
حَدَّثَنِي حُمَيْدٌ عَنْ أَنَسٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:  
«جَاهِدُوا الْمُشْرِكِينَ بِأَمْوَالِكُمْ وَأَيْدِيكُمْ  
وَأَلْسِنَتِكُمْ».

تخریج: [إسناده ضعيف] أخرجه أبو داود، الجهاد، باب كراهة ترك الغزو، ح: ٢٥٠٤ من حديث حماد بن سلمة به، وهو في الكبرى، ح: ٤٣٠٤، وصححه ابن حبان، ح: ١٦١٨، والنورى في رياض الصالحين، والحاكم: ٨١/٢ على شرط مسلم، ووافقه الذهبي \* حميد الطويل عنون تقدم، ح: ٧٢٩، وللحديث شواهد معنوية.

(المعجم ٢) - التَّشْدِيدُ فِي تَرْكِ الْجِهَادِ  
(الصفحة ٢)

**3099.** It was narrated from Abû Hurairah that the Prophet ﷺ said: “Whoever dies without having fought or having thought of fighting, he dies on one of the branches of hypocrisy.” (*Sahîh*)

٣٠٩٩ - أَخْبَرَنَا عَبْدُهُ بْنُ عَبْدِ الرَّحْمَنِ  
قَالَ: حَدَّثَنَا سَلَمَةُ بْنُ سُلَيْمَانَ قَالَ: أَخْبَرَنَا  
ابْنُ الْمُبَارَكِ قَالَ: حَدَّثَنَا وُهَيْبٌ - يَعْنِي ابْنَ  
الْوَزْدَ - قَالَ: أَخْبَرَنِي عُمَرُ بْنُ مُحَمَّدٍ بْنِ

[1] Its chain has defects while its meaning is supported by other chains.

الْمُنْكَدِرُ عَنْ سُمَّيٍّ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ مَاتَ وَلَمْ يَعْزُزْ وَلَمْ يُحَدِّثْ نَفْسَهُ بِغَرْوٍ مَاتَ عَلَى شَعْبَةِ نِقَاقٍ».

تخریج: أخرجه مسلم، الإمارة، باب ذم من مات ولم يعزز، ولم يحدث نفسه بالغزو، ح ١٩١٠ من حديث عبدالله بن المبارك به، وهو في الكبير، ح: ٤٣٥٥.

### (المعجم ٣) - الرُّخْصَةُ فِي التَّخْلُفِ عَنِ السَّرِّيَّةِ (التحفة ٣)

٣١٠٠ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنُ الْوَزِيرِ بْنِ سُعِيمَانَ عَنِ ابْنِ عُثْنَيْرٍ، عَنْ الْلَّيْثِ، عَنْ ابْنِ الْمُسَافِرِ، عَنْ ابْنِ شَهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ وَسَعِيدِ بْنِ الْمُسَيَّبِ أَنَّ أَبَا هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «وَالَّذِي تَفَسِّي بِيَدِهِ! لَوْلَا أَنَّ رِجَالًا مِنَ الْمُؤْمِنِينَ لَا تَطْبِقُ أَنفُسُهُمْ أَنْ يَتَخَلَّفُوا عَنِي وَلَا أَجِدُ مَا أَحِمِلُهُمْ عَلَيْهِ مَا تَخَلَّفُتْ عَنْ سَرِّيَّةِ تَعَزُّزٍ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ وَالَّذِي تَفَسِّي بِيَدِهِ! لَوَدَدْتُ أَنِّي أُقْتَلُ فِي سَبِيلِ اللَّهِ ثُمَّ أُخْتَارَ ثُمَّ أُقْتَلَ ثُمَّ أُخْتَارَ ثُمَّ أُقْتَلَ». **أُقْتَلَ ثُمَّ أُخْتَارَ ثُمَّ أُقْتَلَ.**

تخریج: أخرجه البخاري، التمني، باب ماجاء في التمني ومن تمنى الشهادة، ح: ٧٢٢٦ من حديث الليث بن سعد به، وهو في الكبير، ح: ٤٣٠٦.

### Comments

1. The benefit of longing for martyrdom is that he would gain the recompense, whether he dies in bed. Thus, Allâh, Most High, would bestow on him the rank of the martyr.
2. We learn that it is not essential for everyone to go forth to the battlefield. One should essentially pay proper regard to the means and necessities.

(المعجم ٤) - فَضْلُ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ (التحفة ٤)

### Chapter 4. The Superiority Of The Mujâhidîn Over Those Who Do Not Go Out To Fight

**3101.** It was narrated that Sahl bin Sa'd said: "I saw Marwân bin Al-Hakam sitting and I came and sat with him. He told us that Zaid bin Thâbit told him, that the following was revealed to Allâh's Messenger ﷺ: (Not equal are those of the believers who sit (at home) and those who strive hard and fight in the cause of Allâh), then Ibn Umm Maktûm came when he was dictating it to me (Zaid), and said: 'O Messenger of Allâh! If I were able to go for Jihâd I would go out for Jihâd.' Then Allâh, the Mighty and Sublime, revealed to him – while his thigh was against mine, and became so heavy that I thought my thigh would break, until (the revelation) stopped – : 'Except those who are disabled (by injury or are blind or lame).'"<sup>[1]</sup> (Sahîh)

Abû 'Abdur-Râhmân (An-Nasâ'i) said: This 'Abdur-Râhmân bin Ishâq is tolerable, while 'Abdur-Râhmân bin Ishâq, from whom reports 'Alî bin Mushir, Abû Mu'âwiyah, and 'Abdul-Wâhid bin Ziyâd from An-Nu'mân bin Sa'd – he is not trustworthy.

٣١٠١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنُ كَرِيمَعَ قَالَ: حَدَّثَنَا شِرْرٌ - يَعْنِي ابْنَ الْمُقَضِي - قَالَ: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ إِشْحَاقَ عَنِ الزُّهْرِيِّ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: رَأَيْتُ مَرْوَانَ بْنَ الْحَكَمَ جَالِسًا فَجِئْتُهُ حَتَّى جَلَسْتُ إِلَيْهِ فَحَدَّثَنَا أَنَّ زَيْدَ بْنَ ثَابِتَ حَدَّهُ: أَنَّ رَسُولَ اللَّهِ ﷺ أَنْزَلَ عَلَيْهِ (لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ) فَجَاءَ ابْنُ أُمِّ مَكْتُومَ وَهُوَ يُمْلِهَا عَلَيَّ فَقَالَ: يَا رَسُولَ اللَّهِ! لَوْ أَسْتَطِعُ الْجِهَادَ لَجَاهَدْتُ فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ وَفِخَذَهُ عَلَى فَخِذِي فَنَقْلَتْ عَلَيَّ حَتَّى ظَنَّتُ أَنَّ سَرَّضَ فَخِذِي ثُمَّ سُرِّي عَنِهِ «غَيْرُ أُولَئِكَ الظَّرَرِ» [النساء: ٩٥].

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: عَبْدُ الرَّحْمَنِ بْنُ إِشْحَاقَ هَذَا لَيْسَ بِهِ بَاسٌ، وَعَبْدُ الرَّحْمَنِ بْنُ إِشْحَاقَ يَرَوِي عَنْهُ عَلَيَّ بْنَ مُسْهِرٍ وَأَبُو مَعَاوِيَةَ وَعَبْدُ الْوَاحِدِ بْنُ زِيَادٍ عَنِ النَّعْمَانِ بْنِ سَعْدٍ لَيْسَ بِهِ بَاسٌ.

تخریج: أخرجه البخاري، الجهاد والسير، باب قول الله عزوجل: ﴿لَا يُسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولَئِكَ الظَّرَرِ...﴾ إلخ، ح: ٢٨٣٢، ح: ٤٣٠٧.

### Comments

Ibn Maktûm was blind. A blind man is called 'Maktûm' in Arabic. There is a

<sup>[1]</sup> An-Nisâ' 4:95.

disagreement concerning his real name. The majority of researchers have shown it to be Abdullah. Some have stated 'Umar also. And Allâh knows best!

**3102.** It was narrated that Ibn Shihâb said: "Sahl bin Sa'd said: 'I saw Marwân sitting in the *Masjid* so I went and sat beside him, and he told us that Zaid bin Thâbit had told him, that the Messenger of Allâh ﷺ dictated to him the words: [Not equal are those of the believers who sit (at home) and those who strive hard and fight in the cause of Allâh]. Then Ibn Umm Maktûm came to him while he was dictating it to me (Zaid) and said: 'O Messenger of Allâh! If I were able to go for *Jihâd* I would go out for *Jihâd*.' But he was a blind man. Then Allâh revealed to His Messenger ﷺ – while his thigh was against my thigh, and (it became so heavy that) I thought my thigh would break, then it was lifted from him, and Allâh, the Mighty and Sublime, revealed: 'Except those who are disabled (by injury or are blind or lame).'"<sup>[1]</sup> (Sahîh)

تخریج: أخرجه البخاري من حديث ابراهيم بن سعد به (انظر الحديث السابق)، وهو في الكباري، ح: ٤٣٠٨ \* صالح هو ابن كيسان.

**3103.** It was narrated from Al-Barâ' that the Prophet ﷺ said: "Bring me a shoulder blade of a camel, or a tablet, and write: Not equal are those of the believers who sit (at home)." <sup>[2]</sup> 'Amr bin

٣١٠٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ قَالَ: حَدَّثَنِي أَبِي عَنْ صَالِحٍ، عَنْ أَبِنِ شِهَابٍ قَالَ: حَدَّثَنِي سَهْلُ بْنُ سَعْدٍ قَالَ: رَأَيْتُ مَرْوَانَ جَائِلًا فِي الْمَسْجِدِ فَأَقْبَلَتْ حَتَّى جَلَسَتْ إِلَى جَنْبِهِ فَأَخْبَرَنَا أَنَّ زَيْدَ بْنَ ثَابِتَ أَخْبَرَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ أَمْلَى عَلَيْهِ (لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ) قَالَ: فَجَاءَهُ أَبُنْ أُمٍّ مَكْتُشُومٍ وَهُوَ يُمْلِهَا عَلَيَّ فَقَالَ: يَا رَسُولَ اللَّهِ! لَوْ أَسْتَطَعَ الْجِهَادَ لَجَاهَذْتُ وَكَانَ رَجُلًا أَغْمَى، فَأَنْزَلَ اللَّهُ عَلَى رَسُولِهِ ﷺ وَفَخَذَهُ عَلَى فَخِذِي حَتَّى هَمَّتْ تَرْضُ فَجَذَبَنِي ثُمَّ سُرَيَ عَنْهُ فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ «عَيْرُ أُولَى الصَّرَرِ»

. [النساء: ٩٥].

٣١٠٣ - أَخْبَرَنَا نَصْرُ بْنُ عَلَيٍّ قَالَ: حَدَّثَنَا [مُعْتَمِرٌ] عَنْ أَبِيهِ، عَنْ أَبِي إِسْحَاقِ، عَنِ الْبَرَاءِ: أَنَّ النَّبِيَّ ﷺ، ثُمَّ ذَكَرَ كَلِمَةً مَعْنَاكُها قَالَ: «اَشْوُنِي بِالْكَتْفِ وَاللَّفْحِ فَكَتَبَ

<sup>[1]</sup> An-Nisâ' 4:95.

<sup>[2]</sup> An-Nisâ' 4:95.

Umm Maktûm was behind him and he said: "Is there a concession for me?" Then the following was revealed: "Except those who are disabled (by injury or are blind or lame)."<sup>[1]</sup> (*Sahîh*)

تخریج: [صحيح] أخرجه الترمذی، الجهاد، باب ماجاء في أهل العذر في القعود، ح: ۱۶۷۰ عن نصر بن علي الجھوپسی به، وقال: "حسن صحيح"، وهو في الکبری، ح: ۴۳۱۰، وأخرجه البخاری، ح: ۲۸۳۱، ۴۹۹۰، ۴۵۹۴، ۴۵۹۳، ۱۸۹۸، ومسلم، ح: ۱۴۱/۱۸۹۸ من حدیث أبي إسحاق به، وصرح بالسماع \* المعتمر هو ابن سلیمان التیمی.

**3104.** It was narrated that Al-Barâ' said: "When the following was revealed: 'Not equal are those of the believers who sit (at home)',"<sup>[2]</sup> Ibn Umm Maktûm, who was blind, came and said: 'O Messenger of Allâh, what about me? I am blind.' He said: 'He did not leave before the following was revealed: Except those who are disabled (by injury or are blind or lame).'"<sup>[3]</sup> (*Sahîh*)

تخریج: [صحيح] وهو في الکبری، ح: ۴۳۰۹ \* أبو بکر بن عیاش تابعه الثوری وشعبة وغيرهما، انظر الحدیث السابق.

## Chapter 5. Concession Allowing The One Who Has Two Parents To Stay Behind

**3105.** It was narrated that 'Abdullâh bin 'Amr said: "A man came to the Messenger of Allâh ﷺ and asked him for permission to go for *Jihâd*. He said: 'Are your parents alive?' He said: 'Yes.' He said: 'Then strive for their sake.'" (*Sahîh*)

﴿لَا يَسْتَأْنِي الْقَعِيدُونَ مِنَ الْمُؤْمِنِينَ﴾ [النساء: ۹۵] وَعَمْرُو بْنُ أُمَّ مَكْتُومٍ خَلَفَهُ فَقَالَ: هَلْ - يَعْنِي - لَيْ رُخْصَةٌ؟ فَزَرَّأَتْ ﴿عَيْدَ أُولَى الْضَّرَرِ﴾.

تخریج: [صحيح] أخرجه الترمذی، الجهاد، باب ماجاء في أهل العذر في القعود، ح: ۳۱۰۴ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَيْبَدٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ قَالَ: لَمَّا تَرَأَتْ ﴿لَا يَسْتَأْنِي الْقَعِيدُونَ مِنَ الْمُؤْمِنِينَ﴾ جَاءَ أَبُنُ أُمَّ مَكْتُومٍ وَكَانَ أَعْمَى، فَقَالَ: يَا رَسُولَ اللَّهِ! فَكَيْفَ فِي وَآنَا أَعْمَى؟ قَالَ: فَمَا بَرَحَ حَتَّى تَرَأَتْ ﴿عَيْدَ أُولَى الْضَّرَرِ﴾.] [النساء: ۹۵].

(المعجم ۵) - الرُّخْصَةُ فِي التَّخَلُّفِ لِمَنْ لَهُ وَالِدَانِ (التحفة ۵)

تخریج: [صحيح] أخرجه الترمذی، الجهاد، باب ماجاء في أهل العذر في القعود، ح: ۳۱۰۵ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُنَّى عَنْ يَحْيَى بْنِ سَعْيَدٍ عَنْ سُقْيَانَ وَشَعْبَةَ قَالَا: حَدَّثَنَا حَبِيبُ بْنُ أَبِي ثَابِتٍ عَنْ أَبِي الْعَبَّاسِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو قَالَ: جَاءَ رَجُلٌ إِلَيَّ رَسُولُ اللَّهِ ﷺ يَسْأَلُنِي فِي الْجِهَادِ فَقَالَ:

[۱] *An-Nisâ'* 4:95.

[۲] *An-Nisâ'* 4:95.

[۳] *An-Nisâ'* 4:95.

«أَحَيْ وَالدَّاكِ؟» قَالَ: نَعَمْ قَالَ: «فَبِيهِمَا فَجَاهُدْ».

تخریج: أخرجه البخاري، الأدب، باب: لا يجاهد إلا بإذن الأبوين، ح: ٥٩٧٢ من حديث يحيى بن سعيد، ومسلم، البر والصلة، باب بر الوالدين وأيهما أحق به، ح: ٢٥٤٩ عن محمد بن المثنى من حديث يحيى القطان به، وهو في الكبرى، ح: ٤٣١١.

### Comments

1. If one's staying at home is necessary, for instance, to look after one's parents, etc., then one should not proceed for *Jihâd*.
2. Then strive... means the fulfillment of the household obligations is more important for him than going for *Jihâd*. Therefore, even for fulfilling these obligations, he would be given the recompense of *Jihâd*.

### Chapter 6. Concession Allowing One Who Has A Mother To Stay Behind

**3106.** It was narrated from Mu'âwiya bin Jâhimah As-Sulamî, that Jâhimah came to the Prophet ﷺ and said: "O Messenger of Allâh! I want to go out and fight (in *Jihâd*) and I have come to ask your advice." He said: "Do you have a mother?" He said: "Yes." He said: "Then stay with her, for Paradise is beneath her feet." (*Sahîh*)

(المعجم ٦) - الرُّخْصَةُ فِي التَّخَلِّفِ لِمَنْ لَهُ وَالِدَةٌ (التحفة ٦)

٣١٠٦ - أَخْبَرَنَا عَبْدُ الْوَهَابِ بْنُ عَبْدِ الْحَكَمِ الْوَرَاقُ قَالَ: حَدَّثَنَا حَجَاجٌ عَنْ أَبْنِ جُرَيْحٍ قَالَ: أَخْبَرَنِي مُحَمَّدُ بْنُ طَلْحَةَ - وَهُوَ أَبْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ - عَنْ أَبِيهِ طَلْحَةَ، عَنْ مُعَاوِيَةَ بْنِ جَاجِمَةَ السُّلَيْمِيِّ أَنَّ جَاهَمَةَ جَاءَ إِلَيْهِ النَّبِيِّ ﷺ قَالَ: يَا رَسُولَ اللَّهِ! أَرَدْتُ أَنْ أَغْرُوَ وَقَدْ جِئْتُ أَشْتَشِيرُكَ فَقَالَ: «هَلْ لَكَ مِنْ أُمًّ؟» قَالَ: نَعَمْ قَالَ: «فَالْأَنْزُلْهَا فَإِنَّ الْجَنَّةَ تَحْتَ رِجْلِهَا».

تخریج: [إسناده صحيح] أخرجه ابن ماجه، الجهاد، باب الرجل يغزو وله أبوان، ح: ٢٧٨١ من حديث حجاج بن محمد به، وهو في الكبرى، ح: ٤٣١٢.

### Comments

'Paradise is beneath her feet': Meaning by serving her, you will gain Paradise.

### Chapter 7. The Virtue Of The One Who Strives In The Cause Of Allâh With Himself And His Wealth

**3107.** It was narrated from Abû

(المعجم ٧) - فَضْلُ مَنْ يُجَاهِدُ فِي سَبِيلِ اللَّهِ إِنْفَسِهِ وَمَالِهِ (التحفة ٧)

٣١٠٧ - أَخْبَرَنَا كَثِيرُ بْنُ عُيَيْدٍ: حَدَّثَنَا

Sa'eed Al-Khudrî that a man came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh! Which of the people is best?" He said: "One who strives with himself and his wealth in the cause of Allâh." He said: "Then who, O Messenger of Allâh?" He said: "Then a believer (isolating himself) in one of the mountain passes, who fears Allâh and spares the people his evil." (*Sahîh*)

تخریج: أخرجه مسلم، الإمارة، باب فضل الجهاد والرباط، ح: ١٨٨٨ من حديث محمد بن الولید الزبیدی به، وهو في الکبری، ح: ٤٣١٣، وعلقه البخاري، ح: ٦٤٩٤ من حديث الزبیدی به، وأخرجه البخاري، الجهاد، باب: أفضل الناس مؤمن مجاهد بنفسه وماله في سبيل الله، ح: ٢٧٨٦ من حديث الزهری به.

### Comments

'In the cause of Allâh' means with the pure intention of gaining the good pleasure of Allâh. Dissimulation, acquiring fame, or worldly gain will not acquire the promised reward.

### Chapter 8. The Virtue Of The One Who Strives In The Cause Of Allâh On His Feet

**3108.** It was narrated that Abû Sa'eed Al-Khudrî said: "In the year of Tabûk, the Messenger of Allâh ﷺ addressed the people, while leaning against his mount. He said: 'Shall I not tell you of the best of the people and the worst of the people? Among the best of the people is a man who strives in the cause of Allâh on the back of his horse, or on the back of his camel, or on his own two feet, until death comes to him. And among the worst of the people, is an immoral man (*Fâjir*) who reads the Book of Allâh but he does not refrain from doing anything bad because of it.'" (*Hasan*)

بقیة عن الزبیدی، عن الرُّهْرِی، عن عطاء  
ابن زید، عن أبي سعید الخدیری: أَنَّ رَجُلًا  
أَتَى رَسُولَ اللَّهِ ﷺ قَالَ: يَا رَسُولَ اللَّهِ! أَئِ  
النَّاسُ أَفْضَلُ؟ قَالَ: «مَنْ جَاهَدَ بِنَفْسِهِ وَمَالِهِ  
فِي سَبِيلِ اللَّهِ» قَالَ: ثُمَّ مَنْ يَا رَسُولَ اللَّهِ!  
قَالَ: ثُمَّ مُؤْمِنٌ فِي شَعْبَ مِنَ الشَّعَابِ يَتَقَبَّلُ  
اللَّهُ وَيَدْعُ النَّاسَ مِنْ شَرِّهِ.

(المعجم ٨) - فَضْلٌ مَنْ عَمِلَ فِي سَبِيلِ  
اللَّهِ عَلَى قَدَمِهِ (التحفة ٨)

٣١٠٨ - أَخْبَرَنَا قَتْبِيَّةُ قَالَ: حَدَّثَنَا المَيْثَ  
عَنْ زَيْدِ بْنِ أَبِي حَيْبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ  
أَبِي الْحَطَابِ، عَنْ أَبِي سَعِيدِ الْخُدُرِيِّ قَالَ:  
كَانَ رَسُولُ اللَّهِ ﷺ عَامَ تَبُوكَ يَحْطُبُ النَّاسَ  
وَهُوَ مُسِيدٌ ظَهْرَهُ إِلَى رَاجِلِهِ قَالَ: أَلَا  
أَخْبِرُكُمْ بِخَيْرِ النَّاسِ وَشَرِّ النَّاسِ؟ إِنَّ مَنْ خَيْرَ  
النَّاسِ رَجُلًا عَمِلَ فِي سَبِيلِ اللَّهِ عَلَى ظَهِيرَهِ  
فَرَسِيهِ أَوْ عَلَى ظَهِيرَهِ أَوْ عَلَى قَدَمِهِ حَتَّى  
يَأْتِيَهُ الْمَوْتُ، وَإِنَّ مِنْ شَرِّ النَّاسِ رَجُلًا  
فَاجِرًا يَقْرَأُ كِتَابَ اللَّهِ لَا يَرْعَوْيِ إِلَى شَيْءٍ  
مِنْهُ.

تخریج: [حسن] أخرجه أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا جَعْفَرُ بْنُ عَوْنَى قَالَ: حَدَّثَنَا مسْعُرٌ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عِيسَى بْنِ طَلْحَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: «لَا يَكُنْ أَحَدٌ مِنْ خَشْيَةِ اللَّهِ فَتَطَعَّمُهُ النَّارُ حَتَّى يُرَدَّ إِلَيْهِ الْبَنُونَ فِي الصَّرْعِ وَلَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللَّهِ وَدُخَانٌ جَهَنَّمَ فِي مَنْهَرِي مُشْلِمٍ أَبْدًا».

**3109.** It was narrated that Abû Hurairah said: "No man who weeps for fear of Allâh will be touched by the Fire until the milk goes back into the udders. And the dust (of *Jihâd*) in the cause of Allâh, and the smoke of Hell, will never be combined in the nostrils of a Muslim." (*Sahîh*)

تخریج: [إسناده صحيح] أخرجه البیهیقی في شعب الإيمان: ٤٩٠، ح: ٨٠١ من حديث جعفر بن عون به موقوفاً، وهو في الكبیر، ح: ٤٣١٥؛ وأخرجه ابن ماجه، ح: ٢٧٧٤ وغيره من حديث مسمر بن كدام به مرفوعاً، وصححه ابن حبان، ح: ١٥٩٨، والطريقان صحيحان، وللحديث شواهد كثيرة.

### Comments

'Until the milk returns to the udders': This is impossible, rationally as well as customarily. The purpose is to posit that the one who weeps out of the fear of Allâh, his entering Hell is impossible.

**3110.** It was narrated from Abû Hurairah that the Prophet ﷺ said: "No man will enter the Fire who weeps for fear of Allâh, Most High, until the milk goes back into the udders. And the dust (of *Jihâd*) in the cause of Allâh, and the smoke of Hell will never be combined." (*Sahîh*)

٣١١٠ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيرِيَّ عَنْ أَبْنِ الْمُبَارَكِ، عَنِ الْمَسْعُودِيِّ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عِيسَى بْنِ طَلْحَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ ﷺ قَالَ: «لَا يَلْجُؤُ النَّارَ رَجُلٌ بَكَى مِنْ خَشْيَةِ اللَّهِ تَعَالَى حَتَّى يَعُودَ إِلَيْهِ الْبَنُونَ فِي الصَّرْعِ، وَلَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللَّهِ وَدُخَانٌ جَهَنَّمَ نَارِ جَهَنَّمَ».

تخریج: [صحيح] أخرجه الترمذی، فضائل الجہاد، باب ماجاء في فضل الغبار في سبیل الله، ح: ١٦٣٣ عن هناد به، وهو في الكبیر، ح: ٤٣١٦؛ وانظر الحديث السابق \* ابن المبارك تابعه جعفر بن عون عند الحاکم، وهو من روی عن المسعودی قبل اختلاطه.

**3111.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Two will never be

٣١١١ - أَخْبَرَنَا عِيسَى بْنُ حَمَادَ قَالَ: حَدَّثَنَا الْيَثُورُ عَنْ أَبْنِ عَجْلَانَ، عَنْ شَهْبَلِ بْنِ

gathered together in the Fire: A Muslim who killed a disbeliever then tried his best and did not deviate. And two will never be gathered together in the lungs of a believer: Dust in the cause of Allâh, and the odor of Hell. And two will never be gathered in the heart of a slave: Faith and envy.” (Hasan)

تخریج: [حسن] أخرجه أحمد: ٣٤٠ من حديث لیث بن سعد به، وهو في الكبرى، ح: ٤٣١٧، وصححه ابن حبان، ح: ١٥٩٧، والحاکم على شرط مسلم: ٧٢/٢، وواقه الذهبي \* ابن عجلان عنن، وللحديث شواهد كثيرة عند مسلم، ح: ١٣١/١٨٩١ وغيره.

**3112.** It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘The dust in the cause of Allâh and the smoke of Hell will never be combined in the lungs of a slave, and stinginess and faith can never be combined in a slave’s heart.’” (Hasan)

أبی صالح، عن أبيه، عن أبي هريرة أنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَجْتَمِعُانِ فِي النَّارِ مُسْلِمٌ قَتَلَ كَافِرًا ثُمَّ سَدَّ وَقَارَبَ، وَلَا يَجْتَمِعُانِ فِي جَوْفِ مُؤْمِنٍ: غُبَّارٌ فِي سَبِيلِ اللَّهِ وَقَبْحٌ جَهَنَّمَ، وَلَا يَجْتَمِعُانِ فِي قَلْبِ عَبْدٍ: إِيمَانٌ وَالْحَسْدُ». عَبْدٌ: إِيمَانٌ وَالْحَسْدُ».

٣١١٢ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ شَهْيَلٍ، عَنْ صَفْوَانَ بْنِ أَبِي يَرِيدَ، عَنِ الْقَعْقَاعَ بْنِ الْلَّجَلَاجَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَجْتَمِعُ غُبَّارٌ فِي سَبِيلِ اللَّهِ وَدُخَانُ جَهَنَّمَ فِي جَوْفِ عَبْدٍ أَبْدًا وَلَا يَجْتَمِعُ الشُّرُّ وَإِيمَانٌ فِي قَلْبِ عَبْدٍ أَبْدًا».

تخریج: [حسن] أخرجه الحاکم: ٧٢/٢ من حديث جریر بن عبدالحمید به، وهو في الكبرى، ح: ٤٣١٨، وانظر الحديث السابق.

**3113.** It was narrated from Abû Hurairah that the Prophet ﷺ said: “The dust in the cause of Allâh and the smoke of Hell will never be combined in a man’s face, and stinginess and faith can never be combined in a slave’s heart.” (Hasan)

٣١١٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدَى قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ شَهْيَلٍ بْنِ أَبِي صالحِ، عَنْ صَفْوَانَ بْنِ سَلَمَةَ، عَنْ خَالِدِ بْنِ الْلَّجَلَاجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَجْتَمِعُ غُبَّارٌ فِي سَبِيلِ اللَّهِ وَدُخَانُ جَهَنَّمَ فِي وَجْهِ رَجُلٍ أَبْدًا وَلَا يَجْتَمِعُ الشُّرُّ وَإِيمَانٌ فِي قَلْبِ عَبْدٍ أَبْدًا».

تخریج: [حسن] انظر الحدیثین السابقین، وهو في الكبرى، ح: ٤٣١٩ .

**3114.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'The dust in the cause of Allâh and the smoke of Hell will never be combined in a slave's lungs, and stinginess and faith can never be combined in a slave's heart.'" (*Hasan*)

٣١١٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَامِرٍ قَالَ: حَدَّثَنَا مَتْصُورٌ بْنُ سَلَمَةَ قَالَ: أَخْبَرَنَا الْيَثْرَى ابْنُ سَعْدٍ عَنْ ابْنِ الْهَادِ، عَنْ شَهْيَلِ بْنِ أَبِي صَالِحٍ، عَنْ صَفْوَانَ بْنِ أَبِي يَزِيدَ، عَنْ الْقَعْلَاعِ بْنِ الْلَّجَلَاجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللَّهِ وَدُخَانُ جَهَنَّمَ فِي جَوْفِ عَبْدٍ وَلَا يَجْتَمِعُ الشُّحُّ وَالإِيمَانُ فِي جَوْفِ عَبْدٍ».

تخریج: [حسن] تقدم، ح: ٣١١٢، ح: ٤٣٢٠، وهو في الكبیری، ح: ٤٣٢٠.

**3115.** It was narrated from Abû Hurairah that the Prophet ﷺ said: "The dust in the cause of Allâh, the Mighty and Sublime, and the smoke of Hell will never be combined in the nostrils of a Muslim." (*Hasan*)

٣١١٥ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْيِّ قَالَ: حَدَّثَنَا عَرْعَرَةُ بْنُ الْبَرِنْدِ وَابْنُ أَبِي عَدْرَى قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرُو عَنْ صَفْوَانَ بْنِ أَبِي يَزِيدَ، عَنْ حُصَيْنِ بْنِ الْلَّجَلَاجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ وَدُخَانُ جَهَنَّمَ فِي مَنْخَرِيِّ مُسْلِمٍ أَبْدًا».

تخریج: [حسن] تقدم، ح: ٣١١٢، وهو في الكبیری، ح: ٤٣٢١.

**3116.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'The dust in the cause of Allâh and the smoke of Hell will never be combined in the nostrils of a Muslim, and stinginess and faith will never be combined in a Muslim man's heart.'" (*Hasan*)

٣١١٦ - أَخْبَرَنِي شُعِيبُ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ صَفْوَانَ بْنِ أَبِي تَرِيدَ، عَنْ حُصَيْنِ بْنِ الْلَّجَلَاجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللَّهِ وَدُخَانُ جَهَنَّمَ فِي مَنْخَرِيِّ مُسْلِمٍ، وَلَا يَجْتَمِعُ شُحٌّ وَإِيمَانٌ فِي قَلْبِ رَجُلٍ مُسْلِمٍ».

تخریج: [حسن] تقدم، ح: ٣١١٢، وهو في الكبیری، ح: ٤٣٢٢.

**3117.** It was narrated from Abû Al-'Alâ' bin Al-Lajlâj that he heard

٣١١٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ

Abû Hurairah say: "Allâh will never combine the dust in the cause of Allâh, the Mighty and Sublime, and the smoke of Hell, in the lungs of a Muslim man, and Allâh will never combine faith in Allâh, and stinginess in the heart of a Muslim man." (*Hasan*)

عبد الحكم عن شعيب، عن الليث، عن عبيد الله بن أبي جعفر، عن صفوان بن أبي يزيد، عن أبي العلاء بن المجلح أن الله سمع أبا هريرة يقول: لا يجمع الله عز وجل غبارا في سبيل الله ودخان جهنم في جوف امرئ مسلم، ولا يجمع الله في قلب امرئ مسلم الإيمان بالله والشّح جميعا.

تخریج: [حسن] تقدم، ح: ٣١١٢، وهو في الكبير، ح: ٤٣٢٣.

### Chapter 9. The Reward Of The One Whose Feet Become Dusty In The Cause Of Allâh

**3118.** Yazid bin Abî Mariam said: "Abâyah bin Râfi' met me when I was walking to Friday prayers, and he said: 'Rejoice, for these steps you are taking are in the cause of Allâh. I heard Abû 'Abs say: The Messenger of Allâh ﷺ said: Anyone whose feet become dusty in the cause of Allâh, he will be forbidden to the Fire.'" (*Sahîh*)

(المعجم ٩) - ثواب من اعبرت قدماه في سبيل الله (التحفة ٩)

٣١١٨ - أخبرنا الحسين بن حرث قال: حدثنا الوليد بن مسلم قال: حدثنا يزيد بن أبي مريم قال: لحقني عباده بن رافع وآنا ماشي إلى الجمعة فقال: أبشر، فإن خطاك هذه في سبيل الله، سوأته أبا عبي يقول: قال رسول الله ﷺ: «من اعبرت قدماه في سبيل الله فهو حرام على النار».

تخریج: أخرجه البخاري، الجمعة، باب المشي إلى الجمعة، ح: ٩٠٧ من حديث الوليد بن مسلم به، وهو في الكبير، ح: ٤٣٢٤.

### Comments

In this narration, the phrase 'in the way of Allâh' has been used in its general sense; every good deed or work. Lexically, it is absolutely correct, but the customary meaning happens to be more reliable. And the customary meaning of the Qur'ân and the *Hadîth* of the expression 'in the way of Allâh' uses it in the sense of *Jihâd*.

### Chapter 10. The Reward Of Eyes That Stay Awake At Night In The Cause Of Allâh, The Mighty and Sublime

**3119.** Abû 'Alî At-Tujîbî (said) that he heard Abû Raihânah say:

(المعجم ١٠) - ثواب عين سهرت في سبيل الله عز وجل (التحفة ١٠)

٣١١٩ - أخبرنا عصمة بن الفضلي قال:

"I heard the Messenger of Allâh ﷺ say: 'The eye that stays awake in the cause of Allâh will be forbidden to the Fire.'" (Hasan)

حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ شَرَيْعَةِ قَالَ: سَمِعْتُ مُحَمَّدًا بْنَ شُمَيْرَ الرُّثَيْبِيَّ يَقُولُ: سَمِعْتُ أَبَا عَلَيِّ التَّسْجِيَّ أَنَّهُ سَمِعَ أَبَا رَيْحَانَةَ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «حُرِّمَ عَلَى النَّارِ عَيْنٌ سَهِرَتْ فِي سَبِيلِ اللَّهِ».

تخریج: [إسناده حسن] أخرجه أحمد: ١٣٤ / ٤، عن زيد بن حباب به، وهو في الكبرى، ح: ٤٣٢٥، وصححه الحاكم: ٨٣ / ٢، وللحديث شواهد عند الترمذى، ح: ١٦٣٩ وغيره \* أبو علي هو عمرو بن مالك الهمданى.

## Chapter 11. The Virtue Of Going Out Before Noon In The Cause Of Allâh, The Mighty and Sublime

**3120.** It was narrated that Sahl bin Sa'd said: "The Messenger of Allâh ﷺ said: 'Going out before noon or after noon, in the cause of Allâh, the Mighty and Sublime, is better than this world and everything in it.'" (Sahîh)

تخریج: أخرجه البخاري، الجهاد، باب الغدوة والروحة في سبیل الله، وocab قوس أحدكم في الجنة، ح: ٢٧٩٤، ومسلم، الإمارة، باب فضل الغدوة والروحة في سبیل الله، ح: ١٨٨١. من حديث سفيان الثورى به، وهو في الكبرى، ح: ٤٣٢٦.

### Comments

Because the recompense of going for *Jihâd* is something 'abiding', and everything of this world is 'ephemeral' or short-lived. Where does the 'ephemeral' stand in comparison to the 'abiding' or everlasting?

## Chapter 12. The Virtue Of Going Out After Noon In The Cause Of Allâh, The Mighty And Sublime

**3121.** It was narrated from Abû 'Abdur-Râhmân Al-Hubulî that he heard Abû Ayyûb Al-Anṣârî say: "The Messenger of Allâh ﷺ said: 'Going out before noon and after

(المعجم ١١) - فَضْلُ عَدْوَةٍ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ (التحفة ١١)

٣١٢٠ - أَخْبَرَنَا عَبْدَةُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا حُسَيْنُ بْنُ عَلَيِّ عَنْ رَائِدَةَ، عَنْ سُفْيَانَ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: رَسُولُ اللَّهِ ﷺ: «الْعَدْوَةُ وَالرُّوحَةُ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ أَفْضَلُ مِنَ الدُّنْيَا وَمَا فِيهَا».

تخریج: أخرجه البخاري، الجهاد، باب الغدوة والروحة في سبیل الله، وocab قوس أحدكم في الجنة، ح: ٢٧٩٤، ومسلم، الإمارة، باب فضل الغدوة والروحة في سبیل الله، ح: ١٨٨١. من حديث سفيان الثورى به، وهو في الكبرى، ح: ٤٣٢٦.

(المعجم ١٢) - فَضْلُ الرُّوحَةِ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ (التحفة ١٢)

٣١٢١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ زَيْدَ: حَدَّثَنَا أَبِي: حَدَّثَنَا سَعِيدُ بْنُ أَبِي أَئْوَبَ: حَدَّثَنِي شُرَحْبِيلُ بْنُ شَرِيكَ الْمَعَافِرِيُّ

noon, in the cause of Allâh, is better than everything on which the sun rises and sets.”” (*Sahîh*)

عَنْ أَبِي عَبْدِ الرَّحْمَنِ الْحُبْلَيِّ أَنَّهُ سَمِعَ أَبَا إِيُوبَ الْأَنْصَارِيَّ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «غَدْوَةٌ فِي سَبِيلِ اللَّهِ أَوْ رَوْحَةٌ خَيْرٌ مِمَّا طَلَقْتُ عَلَيْهِ الشَّسْنُ وَغَرَبَتْ».

تخریج: أخرجه مسلم، الإمارة، باب فضل الغدوة والروحة في سبيل الله، ح: ١٨٨٣ من حديث أبي عبد الرحمن عبد الله بن يزيد المقرئ به، وهو في الكبرى، ح: ٤٣٢٧.

**3122.** It was narrated from Abû Hurairah that the Prophet ﷺ said: “There are three, all of whom have a promise of help from Allâh: ‘The *Mujâhid* who strives in the cause of Allâh, the Mighty and Sublime; the man who gets married, seeking to keep himself chaste; and the slave who has a contract of manumission and wants to buy his freedom.’” (*Hasan*)

عَنْ أَخْبَرْنَا مُحَمَّدَ بْنَ عَبْدِ اللَّهِ بْنِ يَزِيدَ عَنْ أَبِيهِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكَ عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنْ سَعِيدِ الْمَقْبَرِيِّ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «تَلَاقَتْ كُلُّهُمْ حَقًّا عَلَى اللَّهِ عَزَّ وَجَلَّ: عَوْنَةُ الْمُجَاهِدِ فِي سَبِيلِ اللَّهِ، وَالنَّاكِحُ الَّذِي يُرِيدُ الْعَفَافَ، وَالْمُكَاتَبُ الَّذِي يُرِيدُ الْأَدَاءَ».

تخریج: [إسناده حسن] أخرجه الترمذی، فضائل الجهاد، باب ماجاء في المجاهد والناتح والكاتب وعون الله إياهم، ح: ١٦٥٥، وابن ماجه، العنق، باب المكاتب، ح: ٢٥١٨ من حديث محمد بن عجلان به، وصح بالسماع عند أحمد: ٤٣٧/٢، ٤٣٨، وهو في الكبرى، ح: ٤٣٢٨، وقال الترمذی: “حسن”.

### Comments

‘A promise of help from Allâh’: And this is the grace of Allâh. If Allâh wills not to help someone, no one can raise an objection against Him.

### Chapter 13. The Warriors Are The Guests Of Allâh, Most High

**3123** Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘The guests of Allâh, the Mighty and Sublime, are three: The warrior, the pilgrim performing *Hajj*, and the pilgrim performing *Umrah*.’” (*Sahîh*)

(المعجم ١٣) - **بَابُ:** الْغُرَّاءُ وَفُدُّ اللَّهِ  
تَعَالَى (التحفة ١٣)

عَنْ أَبِي هُبَيْرَةَ عَنْ مَحْرَمَةَ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ سَهْلَ بْنَ أَبِي صَالِحٍ قَالَ: سَمِعْتُ أَبِي سَهْلَ بْنَ إِبْرَاهِيمَ قَالَ: سَمِعْتُ أَبِي سَهْلَ بْنَ إِبْرَاهِيمَ: «وَفُدُّ اللَّهِ [عَزَّ وَجَلَّ] ثَلَاثَةٌ: الْغَازِيُّ، وَالْمَحَاجِّ، وَالْمُعْتَوِّرُ».

تخریج: [إسناده صحيح] تقدم، ح: ٢٦٢٧، وهو في الكبرى، ح: ٤٣٢٩.

### Comments

Since all these three go purely for the sake of Allâh, spending their own wealth, and enduring the hardships of the long journey, they are called the guests of Allâh.

### Chapter 14. What Allâh, The Mighty And Sublime, Guarantees To One Who Strives In His Cause

**3124.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Allâh, the Mighty and Sublime, has guaranteed to the one who strives in His cause, only going out for *Jihâd* in His cause, and believing in His Word, that He will admit him to Paradise, or bring him back to his home from which he emerged, with whatever he has earned of reward, or spoils of war."

(*Sahîh*)

(المعجم ١٤) - **بَابُ مَا تَكَفَّلَ اللَّهُ عَزَّ وَجَلَّ لِمَنْ جَاهَدَ فِي سَبِيلِهِ** (التحفة ١٤)

٣١٢٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ ابْنُ مِسْكِينٍ قَرَأَهُ عَلَيْهِ وَأَنَا أَشْمَعُ عَنْ بْنِ الْقَافِيسِمِ [فَالَّذِي حَدَّثَنِي مَالِكٌ عَنْ أَبِي الزَّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «تَكَفَّلَ اللَّهُ عَزَّ وَجَلَّ» لِمَنْ جَاهَدَ فِي سَبِيلِهِ لَا يُخْرِجُهُ إِلَّا الْجِهَادُ فِي سَبِيلِهِ وَتَصْدِيقُ كَلِمَتِهِ بِأَنَّ يُدْخِلَهُ الْجَنَّةَ أَوْ يُرْدَهُ إِلَى مَسْكِنِهِ الَّذِي خَرَجَ مِنْهُ مَعَ مَا نَالَ مِنْ أَجْرٍ أَوْ غَيْرِهِ».

تخریج: آخرجه البخاري، فرض الخامس، باب قول النبي ﷺ "أحلت لكم الغنائم"، ح: ٣١٢٣ من حديث مالك به، وهو في الكبرى، ح: ٤٣٣٠، والموطأ (يعني): ٤٤٤، ٤٤٣ / ٢.

### Comments

'Reward or spoils (*Ajrin Aw Ghanimatin*)' means he will definitely receive one of the two things. It could be both, because of the recompense he shall gain in every condition.

**3125.** Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'Allâh has guaranteed: 'For the one who goes out in the cause of Allâh, and nothing makes him do that except faith in Me, and *Jihâd* in My cause – that He will admit him to Paradise whether he is killed or he dies, or He will return him to his home from which he departed with whatever he has earned of reward

٣١٢٥ - أَخْبَرَنَا قَتَمِيَّةَ قَالَ: حَدَّثَنَا الْلَّيْثُ عَنْ سَعِيدٍ، عَنْ عَطَاءِ بْنِ مِيَانَةِ مَوْلَى ابْنِ أَبِي دُبَابٍ، سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «اَنْتَدَبَ اللَّهُ لِمَنْ يَخْرُجُ فِي سَبِيلِ اللَّهِ لَا يُخْرِجُهُ إِلَّا إِلِيمَانُهُ بِي وَالْجِهَادُ فِي سَبِيلِهِ أَنَّهُ صَامِنٌ حَتَّى أُدْخِلَهُ الْجَنَّةَ بِأَيِّهِمَا كَانَ، إِمَّا يُقْتَلُ أَوْ وَفَاءً أَوْ أُرْدَهُ إِلَى

or spoils of war.”” (*Hasan*)

مَشْكِنِيَ الَّذِي خَرَجَ مِنْهُ نَالَ مَا نَالَ مِنْ أَجْرٍ  
أَوْ غَنِيمَةً».

تخریج: [إسناده حسن] أخرجه أحمد: ٤٩٤ من حديث الليث بن سعد به، وهو في الكبیر، ح: ٤٣٢١، وأخرجه ابن منهہ في كتاب الإيمان: ١/٣٩٧ ح: ٢٣٨ من حديث قبية بن سعید به # سعید هو ابن أبي سعید المقبری.

**3126.** Abû Hurairah said: “I heard the Messenger of Allâh ﷺ say: ‘The parable of *Mujâhid* (who strives in the cause of Allâh) – and Allâh knows best who strives in the cause of Allâh – is that of one who fasts and prays *Qiyâm* (continually). Allâh has promised *Mujâhid* (who strives in His cause), that He will either cause him to die and admit him to Paradise, or, He will bring him back safely with whatever he has earned of reward or spoils of war.’” (*Sahîh*)

تخریج: أخرجه البخاري، الجهاد، باب أفضل الناس مومن مجاهد بنفسه وما له في سبيل الله، ح: ٢٧٨٧ من حديث شعيب بن أبي حمزة به، وهو في الكبیر، ح: ٤٣٣٢.

### Comments

Allâh knows best because the intention is, and Allâh, Most High, sees the heart. Only the one who goes for *Jihâd* for the sake of Allâh, Most High, shall gain the promised reward. If he struggles for other motives, such *Jihâd* could potentially become the means of going to the Hellfire instead of Paradise.

### Chapter 15. The Reward Of The Raiding Party That Fails To Achieve Its Goal

(المعجم ١٥) - بَابُ ثَوَابِ السَّرِيَّةِ الَّتِي  
تَخْفِقُ (التحفة ١٥)

**3127.** ‘Abdullâh bin ‘Amr said: “I heard the Messenger of Allâh ﷺ say: ‘There is no raiding party that goes out in the cause of Allâh and acquires some spoils of war, but they have been given two-thirds of their reward in this world instead of in the Hereafter, and there

٣١٢٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ  
بَرِيدَ: حَدَّثَنَا أَبِي: حَدَّثَنَا حَيْوَةُ وَذَكَرَ آخَرَ  
فَالا: حَدَّثَنَا أَبُو هَانِئِ الْخُوَلَانيُّ أَنَّهُ سَمِعَ  
أَبَا عَبْدِ الرَّحْمَنِ الْجُبَلَيَّ يَقُولُ: سَمِعْتُ عَبْدَ  
اللَّهِ بْنَ عَمِّرُو يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ  
يَقُولُ: «مَا مِنْ غَارِيَّةٍ تَغْزُو فِي سَبِيلِ اللَّهِ

remains one-third (in the Hereafter). And if they do not acquire any spoils of war, then all of their reward (will come in the Hereafter).”” (*Sahîh*)

فَيُصِيبُونَ غَنِيمَةً إِلَّا تَعْجَلُوا ثُلُثَيْ أَجْرِهِمْ مِنَ الْآخِرَةِ وَيَبْقَى لَهُمُ الثُّلُثُ فَإِنْ لَمْ يُصِيبُوا غَنِيمَةً تَمَّ لَهُمْ أَجْرُهُمْ”.

تخریج: أخرجه مسلم، الإمارة، باب بيان قدر ثواب من غزا فغنم ومن لم يغنم، ح: ١٩٠٦ من حديث عبدالله بن يزيد المقرئ به، وهو في الكبرى، ح: ٤٣٣٣.

### Comments

We learn that the achiever of the spoils deserves the recompense, even if his intention has not been to gain the spoils. Only such shall receive the full recompense, in the Hereafter alone, who does not receive any worldly gain.

**3128.** It was narrated from Ibn ‘Umar, from the Prophet ﷺ, of what he related from his Lord, the Mighty and Sublime: “Any of My slaves who goes out as a *Mujâhid* striving in the cause of Allâh, seeking My pleasure, I guarantee that I will bring him back with whatever he has earned as reward or spoils of war, and if I take his (soul) I will forgive him and have mercy on him.” (*Sahîh*)

٣١٢٨ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يَعْقُوبَ : حَدَّثَنَا حَجَاجٌ : حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ يُوسُنَ، عَنِ الْحَسَنِ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ فِيمَا يَحْكِيهِ عَنْ رَبِّهِ عَزَّ وَجَلَّ قَالَ: «أَيُّمَا عَبْدٌ مِنْ عِبَادِي خَرَجَ مُجَاهِدًا فِي سَبِيلِ اللَّهِ أَبْيَاعَ مَرْضَاتِي ضَمَنْتُ لَهُ أَنْ أَرْجِعَهُ بِمَا أَصَابَ مِنْ أَجْرٍ أَوْ غَنِيمَةٍ وَإِنْ قَبْضَتَهُ غَرَّتْ لَهُ وَرَحْمَتُهُ».

تخریج: [صحيح] أخرجه أحمد: ١١٧ من حديث حماد بن سلمة به، وهو في الكبرى، ح: ٤٣٣٤، وله شواهد كثيرة، منها الحديث السابق: ٣١٢٦.

### Comments

‘From His Lord, the Mighty and Sublime’: Such a narration is called a *Hadîth Qudsi* or Sacred *Hadîth*, in which it is related that Allâh, Most High, has been explicitly stated this or that.

## Chapter 16. The Parable Of A *Mujâhid* (Who Strives In the Cause of Allâh, The Mighty And Sublime)

**3129.** It was narrated that Abû Hurairah said: “I heard the Messenger of Allâh ﷺ say: ‘The parable of a *Mujâhid* who strives in the cause of Allâh – and Allâh knows best who in His cause – is

(المعجم ١٦) - مَثَلُ الْمُجَاهِدِ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ (التحفة ١٦)

٣١٢٩ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِّيِّ عَنْ ابْنِ الْمُبَارَكِ، عَنْ مَعْمِرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَثَلُ الْمُجَاهِدِ فِي سَبِيلِ

that of one who fasts, prays *Qiyâm*, focuses with proper humility, bows and prostrates.”” (*Sahîh*)

**تَعْرِيْج:** [صحيح] أخرجه ابن أبي عاصم في كتاب الجهاد: ١٨٢/١، ح: ٢٩ من حديث ابن المبارك به، وهو في كتاب الجهاد له، ح: ١١، والسنن الكنكري للنسائي، ح: ٤٣٣٥، وانظر الحديث المتقدم، ح: ٣١٢٦، وهذا طرف منه.

### Chapter 17. What Is Equal To Jihâd In The Cause Of Allâh, The Mighty And Sublime ?

**3130.** Abû Hurairah said: “A man came to the Messenger of Allâh ﷺ and said: ‘Tell me of an action that is equal to *Jihâd*.’ He said: ‘I cannot. When the *Mujâhid* goes out, can you enter the *Masjid* and stand in prayer and never rest, and fast and never break your fast?’ He said: ‘Who can do that?’” (*Sahîh*)

الله، وَاللَّهُ أَعْلَمُ بِمَنْ يُجَاهِدُ فِي سَبِيلِهِ كَمَّا لَيْسَ الصَّائِمُ الْقَائِمُ الْخَاشِعُ الرَّاجِعُ السَّاجِدُ.

**تَعْرِيْج:** [صحيح] أخرجه ابن أبي عاصم في كتاب الجهاد: ١٨٢/١، ح: ٢٩ من حديث ابن المبارك به، وهو في كتاب الجهاد له، ح: ١١، والسنن الكنكري للنسائي، ح: ٤٣٣٥، وانظر الحديث المتقدم، ح: ٣١٢٦، وهذا طرف منه.

(المعجم ١٧) - مَا يَعْدِلُ الْجِهَادَ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ١٧)

- ٣١٣٠ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا عَفَانُ قَالَ: حَدَّثَنَا هَمَّامٌ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ جُحَادَةَ قَالَ: حَدَّثَنِي أَبُو حُصَيْنٍ أَنَّ دَكْوَانَ حَدَّثَهُ أَنَّ أَبَا هُرَيْرَةَ حَدَّثَهُ قَالَ: بَجَاءَ رَجُلٌ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: ذُلْنِي عَلَى عَمَلٍ يَعْدِلُ الْجِهَادَ قَالَ: «لَا أَجِدُهُ: هَلْ تَسْتَطِعُ إِذَا خَرَجَ الْمُجَاهِدُ تَذَلَّلُ مَسْجِداً فَتَقُومُ لَا تَقْتُرُ وَتَصُومُ لَا تُفْطِرُ» قَالَ: مَنْ يَسْتَطِعُ ذَلِكَ؟ .

**تَعْرِيْج:** أخرجه البخاري، الجهاد، باب فضل الجهاد والسير . . . إلخ، ح: ٢٧٨٥ من حديث همام به، وهو في الكنكري، ح: ٤٣٣٦.

**3131.** It was narrated from Abû Dharr that he asked the Prophet of Allâh ﷺ which deed was best. He said: “Belief in Allâh and *Jihâd* in the cause of Allâh, the Mighty and Sublime.” (*Sahîh*)

- ٣١٣١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ عَبْدِ الْحَكَمِ عَنْ شَعِيبٍ، عَنْ الْيَتِّي، عَنْ عَبْدِ اللهِ بْنِ أَبِي جَعْفَرٍ قَالَ: أَخْبَرَنِي عُرْوَةُ عَنْ أَبِي مُرَاقِحٍ، عَنْ أَبِي ذَرٍ: أَنَّهُ سَأَلَ نَبِيَّ اللهِ ﷺ أَيُّ الْعَمَلِ خَيْرٌ؟ قَالَ: «إِيمَانٌ بِاللهِ وَجِهَادٌ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ».

**تَعْرِيْج:** أخرجه البخاري، العتق، باب أي الرقاب أفضل؟، ح: ٢٥١٨، ومسلم، الإيمان، باب بيان كون الإيمان بالله تعالى أفضل الأعمال، ح: ٨٤ من حديث عروة به، وهو في الكنكري، ح: ٤٣٣٧ .

**3132.** It was narrated that Abū Hurairah said: “A man asked the Messenger of Allāh ﷺ which deed is best. He said: ‘Faith in Allāh.’ He said: ‘Then what?’ He said: ‘Jihād in the cause of Allāh.’ He said: ‘Then what?’ He said: ‘Hajjūn Mabrūr.’”<sup>[1]</sup> (Sahīh)

٣١٣٢ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقَ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ الرُّهْبَرِيِّ، عَنْ أَنْبِيَاءِ الْمُسِيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَأَلَ رَجُلٌ رَسُولَ اللَّهِ ﷺ أَيُّ الْأَعْمَالِ أَفْضَلُ؟ قَالَ: «إِيمَانٌ بِاللَّهِ» قَالَ: ثُمَّ مَاذَا؟ قَالَ: «الْجِهَادُ فِي سَبِيلِ اللَّهِ» قَالَ: ثُمَّ مَاذَا؟ قَالَ: «حَجَّ مَبْرُورٌ».

تخریج: [صحیح] تقدم، ح: ٢٦٢٥، وهو في الكبری، ح: ٤٣٨.

### Chapter 18. The Status Of A Mujāhid (Who Strives In The Cause Of Allāh, The Mighty And Sublime)

**3133.** It was narrated from Abū Sa‘eed Al-Khudrī that the Messenger of Allāh ﷺ said: “O Abū Sa‘eed! Whoever is content with Allāh as Lord, Islam as his religion and Muḥammad as Prophet, then he is guaranteed Paradise.” Abū Sa‘eed found this amazing and said: “Say it to me again, O Messenger of Allāh.” So he did that, then the Messenger of Allāh ﷺ said: “And there is something else by means of which a person may be raised one hundred degrees in Paradise, each of which is like that which is between the Heaven and the Earth.” He said: “What is it, O Messenger of Allāh?” He said: “Jihād in the cause of Allāh, Jihād in the cause of Allāh.” (Sahīh)

(المعجم ١٨) - درجة المُجَاهِدِ في سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ١٨)

٣١٣٣ - قَالَ الْحَارِثُ بْنُ مُسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ عَنِ ابْنِ وَهْبٍ قَالَ: حَدَّثَنِي أَبُو هَانِجَيْرٍ عَنْ أَبِي عَبْدِ الرَّحْمَنِ الْحُبْلَيِّ، عَنْ أَبِي سَعِيدِ الْخُدْرَيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّمَا سَعِيدًا مَنْ رَضِيَ بِاللَّهِ رَبِّهِ وَبِالإِسْلَامِ دِينًا وَبِمُحَمَّدٍ نَبِيًّا وَجَبَتْ لَهُ الْجَنَّةُ» قَالَ: فَعَجِبَ لَهَا أَبُو سَعِيدٍ قَالَ: أَعِدْهَا عَلَيَّ يَا رَسُولَ اللهِ! فَفَعَلَ ثُمَّ قَالَ رَسُولُ اللهِ ﷺ: «وَأُخْرَى يُرْفَعُ بِهَا الْعَبْدُ مِائَةَ دَرَجَةً فِي الْجَنَّةِ مَا بَيْنَ كُلَّ دَرَجَتَيْنِ كَمَا بَيْنَ السَّمَاءِ وَالْأَرْضِ» قَالَ: وَمَا هِيَ يَا رَسُولَ اللهِ؟ قَالَ: «الْجِهَادُ فِي سَبِيلِ اللهِ، الْجِهَادُ فِي سَبِيلِ اللهِ».

[1] Hajj, that is accepted, or free of sin. See No. 2625.

تخریج: أخرجه مسلم، الإمارة، باب بيان ما أعد الله تعالى للمجاهد في الجنة من الدرجات، ح: ١٨٨٤ من حديث ابن وهب به، وهو في الكبرى، ح: ٤٣٣٩.

### Comments

'Found this amazing' because for an apparently easy or effortless thing, the promise of the Paradise has been given, although in actuality it is a difficult task. This is because the knowledge or proof of contentment would emerge from actions. And to furnish evidence from action is itself a hard task.

**3134.** It was narrated that Abû Ad-Dardâ' said: "The Messenger of Allâh ﷺ said: 'Whoever establishes Salâh, pays Zakâh, and dies not associating anything with Allâh, he has a right from Allâh the Mighty and Sublime, that He will forgive him, whether he emigrated, or died in his birthplace.' We said: 'O Messenger of Allâh! Shall we not tell the people about it so that they may rejoice?' He said: 'In Paradise there are one hundred levels, (the distance) between each two of which is like (the distance) between the Heaven and the Earth; Allâh has prepared them for the Mujâhidîn who strive in His cause. Were it not that it would be too difficult for the believers and I cannot find mounts for them – and they do not like to stay behind if I go out (on a campaign) – I would not have stayed behind from any expedition. I wish that I could be killed then brought back to life, then killed again.'" (Hasan)

٣١٣٤ - أَخْبَرَنَا هَارُونُ بْنُ مُحَمَّدٍ بْنِ بَكَارِ بْنِ يَلَائِي قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَيْسَى بْنِ الْقَاسِمِ بْنِ شَمْيَعٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ وَاقِدٍ قَالَ: حَدَّثَنِي بُشَّرُ بْنُ عَبْدِ اللَّهِ عَنْ أَبِيهِ إِدْرِيسِ الْخَوَلَانِيِّ، عَنْ أَبِيهِ الدَّرْدَاءِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَقَامَ الصَّلَاةَ وَآتَى الزَّكَاةَ وَمَاتَ لَا يُشْرِكُ بِاللَّهِ شَيْئًا كَانَ حَقًّا عَلَى اللَّهِ عَزَّ وَجَلَّ أَنْ يَغْفِرَ لَهُ هَاجِرَ أَوْ مَاتَ فِي مَوْلِيْهِ» فَقُلْنَا: يَا رَسُولَ اللَّهِ! أَلَا تُخْبِرُ بِهَا النَّاسَ فَيَسْتَبِّشُوا بِهَا؟ فَقَالَ: «إِنَّ لِلْجَنَّةِ مَاةَ دَرَجَةٍ بَيْنَ كُلِّ دَرَجَتَيْنِ كَمَا بَيْنَ السَّمَاءِ وَالْأَرْضِ أَعْدَهَا اللَّهُ لِلْمُجَاهِدِينَ فِي سَيِّلِهِ، وَلَوْلَا أَنْ أَشْقَى عَلَى الْمُؤْمِنِينَ وَلَا أَجِدُ مَا أَحِيلُهُمْ عَلَيْهِ وَلَا تَطِيبُ أَنفُسُهُمْ أَنْ يَتَحَلَّفُوا بَعْدِي مَا قَدَّثُ خَلْفَ سَرِيرَةٍ وَلَوْدَدْتُ أَنِّي أُقْتَلَ ثُمَّ أُحْيَا ثُمَّ أُقْتَلُ». .

تخریج: [إسناده حسن] أخرجه الطبراني في مسنده الشاميين: ٢٠٩، ٢٠٨، ٢٠٧، ح: ١٢٠٠ من حديث هارون به، وهو في الكبرى، ح: ٤٣٤٠.

## Chapter 19. What Reward Is There For The One Who Accepts Islam, Emigrates And Strives For Jihâd ?

3135. It was narrated from 'Amr bin Mâlik Al-Janbî that he heard Faḍâlîh bin 'Ubâid say: "I heard the Messenger of Allâh ﷺ say: 'I am a *Zâ'im* – and the *Zâ'im* is the guarantor – for the one who believes in me and accepts Islam, and emigrates: A house on the outskirts of Paradise and a house in the middle of Paradise. And I am a guarantor, for the one who believes in me and accepts Islam, and strives in the cause of Allâh: A house on the outskirts of Paradise and a house in the middle of Paradise and a house in the highest chambers of Paradise. Whoever does that and seeks goodness wherever it is, and avoids evil wherever it is, may die wherever he wants to die.'" (*Hasan*)

(المعجم ١٩) - مَا لِمَنْ أَسْلَمَ وَهَاجَرَ  
وَجَاهَدَ (التحفة ١٩)

٣١٣٥ - قال الحارث بن مشكين قراءةً  
عليه وأنا أسمع عن ابن وهب قال: أخبرني  
أبو هانيء عن عمرو بن مالك الجني أنه  
سمع فضالاً بن عبيدا يقول: سمعت رسول  
الله ﷺ يقول: «أنا زعيم - والزعيم  
الحomial - لمن آمن بي وأسلم وهاجر بيت  
في ربض الجنة وبيت في وسط الجنة، وأنا  
زعيم لمن آمن بي وأسلم وهاجر في سبيل  
الله بيت في ربض الجنة وبيت في وسط  
الجنة وبيت في أعلى عرف الجنة من فعل  
ذلك فلم يدع للخير مطلباً ولا من الشر  
مهرباً يموت حيث شاء أن يموت».

تخریج: [إسناده حسن] أخرجه سعيد بن منصور في سنته: ٢٢٠٤، ح: ٢٣٠٤ عن عبد الله بن وهب به، وهو في الكبير، ح: ٤٣٤١، وصححه ابن حبان (الإحسان)، ح: ٤٦٠٠، والحاكم على شرط مسلم: ٧١، ٦٠، ٢/٧١، ووافقه الذهبي.

3136. It was narrated that Sabrah bin Abî Fâkih said: "I heard the Messenger of Allâh ﷺ say: 'The Shaitân sits in the paths of the son of Âdam. He sits waiting for him, in the path to Islam, and he says: Will you accept Islam, and leave your religion, and the religion of your forefathers? But he disobeys him and accepts Islam. Then he sits waiting for him, on the path to emigration, and he says: Will you

٣١٣٦ - أخبرنا إبراهيم بن يعقوب قال:  
حدّثنا أبو النضر هاشم بن القاسم قال:  
حدّثنا أبو عقيل عبد الله بن عقيل قال:  
حدّثنا موسى بن المسيب عن سالم بن أبي  
الحعبد، عن سيرة بن أبي فاكه قال: سمعت  
رسول الله ﷺ يقول: «إن الشيطان قعد لأنين  
آدم ياطرقه فقعد له بطريق الإسلام ف قال:

emigrate and leave behind your land and sky? The one who emigrates is like a horse tethered to a peg. But he disobeys him and emigrates. Then he sits, waiting for him, on the path to *Jihâd*, and he says: Will you fight in *Jihâd* when it will cost you your life and your wealth? You will fight and be killed, and your wife will remarry, and your wealth will be divided. But he disobeys him and fights in *Jihâd*.' The Messenger of Allâh ﷺ said: 'Whoever does that, then he has a right from Allâh, the Mighty and Sublime, that He will admit him to Paradise. Whoever is killed, he has a right from Allâh, the Mighty and Sublime, that He will admit him to Paradise. If he is drowned, he has a right from Allâh that He will admit him to Paradise, or whoever is thrown by his mount and his neck is broken, he has a right from Allâh, that He will admit him to Paradise.'''' (*Hasan*)

تخریج: [إسناده حسن] أخرجه أحمد: ٤٨٣ / ٣ عن أبي النضر به، وهو في الكبيرى، ح: ٤٣٤٢، وصححه ابن حبان، ح: ١٦٠١، والعرaci في تخریج الاحیاء، وحسن الحافظ في الإصابة .

### Comments

'A tethered horse', this is the utterance of the devil or *Shaitân*; it means one's being away from one's homeland is like being fettered and imprisoned. As a tethered horse cannot walk around freely, in the same way, an emigrant also becomes a captive in his own home, or a homebound captive.

### Chapter 20. The Virtue Of The One Who Spends On A Pair (Of Things) In The Cause Of Allâh, The Mighty And Sublime

**3137.** Abû Hurairah used to narrate that the Messenger of Allâh ﷺ said: "Whoever spends on a pair (of things) in the cause of

سُلِّمْ وَتَدَرُّ دِينَكَ وَدِينَ آبَائِكَ وَآبَاءِ أَبِيكَ فَعَصَاهُ فَأَسْلَمَ، ثُمَّ قَعَدَ لَهُ بِطَرِيقِ الْهَجْرَةِ فَقَالَ: هُنَاجِرُ وَتَدَعُ أَرْضَكَ وَسَمَاءَكَ وَإِنَّمَا مَثُلُ الْمُهَاجِرِ كَمَثَلِ الْفَرَسِ فِي الطُّولِ فَعَصَاهُ فَهَاجَرَ، ثُمَّ قَعَدَ لَهُ بِطَرِيقِ الْجِهَادِ فَقَالَ: تُجَاهِدُ فَهُوَ جَهُدُ النَّاسِ وَالْمَالِ فَتَقَاتِلُ فَتُقْتَلُ فَتُنَكِّحُ الْمَرْأَةُ وَيَقْسِمُ الْمَالُ فَعَصَاهُ فَجَاهَهُ فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَمَنْ فَعَلَ ذَلِكَ كَانَ حَقًا عَلَى اللَّهِ عَزَّ وَجَلَّ أَنْ يُدْخِلَهُ الْجَنَّةَ، وَمَنْ قُتِلَ كَانَ حَقًا عَلَى اللَّهِ عَزَّ وَجَلَّ أَنْ يُدْخِلَهُ الْجَنَّةَ، وَإِنْ عَرَقَ كَانَ حَقًا عَلَى اللَّهِ أَنْ يُدْخِلَهُ الْجَنَّةَ أَوْ وَقَصَّتْهُ ذَبَّتْهُ كَانَ حَقًا عَلَى اللَّهِ أَنْ يُدْخِلَهُ الْجَنَّةَ» .

(المعجم ٢٠) - بَابُ فَضْلِ مَنْ أَنْفَقَ زُوْجِينِ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ (الصفحة ٢٠)

٣١٣٧ - أَخْبَرَنَا عَيْدُ اللَّهِ بْنُ سَعْدٍ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَمِّي قَالَ: حَدَّثَنَا أَبِي

Allâh, he will be called in Paradise: 'O slave of Allâh, here is prosperity.' Whoever is one of those who pray, he will be called from the gate of Paradise. Whoever is one of those who participated in *Jihâd*, he will be called from the gate of Paradise. Whoever is one of those who gave charity, he will be called from the gate of Paradise. Whoever is one of those who fasts, he will be called from the gate of Ar-Rayyân.' Abû Bakr Aṣ-Siddîq said: "O Messenger of Allâh! No distress, or need will befall the one who is called from those gates. Will there be anyone who will be called from all these gates?" The Messenger of Allâh ﷺ said: "Yes, and I hope that you will be one of them." (*Sahîh*)

عَنْ صَالِحٍ عَنْ ابْنِ شَهَابٍ أَنَّ حُمَيْدَ بْنَ عَبْدِ الرَّحْمَنِ أَخْبَرَهُ أَنَّ أَبَا هُرَيْرَةَ كَانَ يُحَدِّثُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ أَتَقَرَّ زَوْجَيْنِ فِي سَبِيلِ اللَّهِ نُودِيَ فِي الْجَنَّةِ يَا عَبْدَ اللَّهِ! هَذَا خَيْرٌ، فَمَنْ كَانَ مِنْ أَهْلِ الصَّلَاةِ دُعِيَ مِنْ بَابِ الصَّلَاةِ، وَمَنْ كَانَ مِنْ دُعِيَ مِنْ بَابِ الْجِهَادِ، وَمَنْ كَانَ مِنْ أَهْلِ الصَّدَقَةِ دُعِيَ مِنْ بَابِ الصَّدَقَةِ، وَمَنْ كَانَ مِنْ أَهْلِ الصَّيَامِ دُعِيَ مِنْ بَابِ الرَّيَّانِ» فَقَالَ أَبُو بَكْرٍ: يَا نَبِيَّ اللَّهِ! مَا عَلَى الَّذِي يُدْعَى مِنْ تِلْكَ الْأَبْوَابِ كُلُّهَا مِنْ ضُرُورَةٍ هَلْ يُدْعَى أَحَدٌ مِنْ تِلْكَ الْأَبْوَابِ كُلُّهَا؟ قَالَ: «عَمَّ، وَأَرْجُو أَنْ تَكُونُ مِنْهُمْ».

تخریج: [صحیح] تقدم، ح: ٢٤٠، و هو في الکبری، ح: ٤٣٤٣.

## Chapter 21. Whoever Fights So That The Word Of Allâh Will Be Supreme

**3138.** Abû Mûsa Al-Ash'arî said: "A Bedouin came to the Messenger of Allâh ﷺ and said: 'A man fights for fame, or he fights for the spoils of war, or he fights to show off. Who is the one who is fighting in the cause of Allâh?' He said: 'The one who fights so that the word of Allâh will be supreme is the one who is fighting in the cause of Allâh, the Mighty and Sublime.'" (*Sahîh*)

(المعجم ٢١) - مَنْ قَاتَلَ لِتَكُونَ كَلِمَةُ اللَّهِ هِيَ الْعُلْيَا (التحفة ٢١)

٣١٣٨ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْحُودٍ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شَعْبَةُ أَنَّ عُمَرَ وَبْنَ مُرَّةَ أَخْبَرَهُمْ قَالَ: سَمِعْتُ أَبَا وَائِلَ قَالَ: حَدَّثَنَا أَبُو مُوسَى الْأَشْعَرِيُّ قَالَ: جَاءَ أَعْرَابِيًّا إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: الرَّجُلُ يُقَاتَلُ لِيُذْكَرَ، وَيُقَاتَلُ لِيُغَنَّمَ، وَيُقَاتَلُ لِيُرَى مَكَانُهُ، فَمَنْ فِي سَبِيلِ اللَّهِ؟ قَالَ: «مَنْ قَاتَلَ لِتَكُونَ كَلِمَةُ اللَّهِ هِيَ الْعُلْيَا فَهُوَ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ».

تخریج: أخرجه البخاري، الجهاد، باب من قاتل لتكون كلمة الله هي العليا، ح: ٢٨١٠، ومسلم، الإمامية، باب من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله، ح: ١٩٤٣ من حديث شعبة به، وهو في الكبرى، ح: ٤٣٤٤.

## Comments

The Word of Allâh signifies Allâh's Message and the Religion.

### Chapter 22. The One Who Fights So That It Will Be Said That So-And-So Was Brave

**3139.** It was narrated from Abû Hurairah, that one of the people of Ash-Shâm said to him: "O Shaikh, tell me of a Hadîth that you heard from the Messenger of Allâh ﷺ." (He said: "Yes; I heard the Messenger of Allâh ﷺ) say: 'The first of people for whom judgment will be passed on the Day of Resurrection are three. A man who was martyred. He will be brought and Allâh will remind him of His blessings and he will acknowledge them. He will say: What did you do with them? He will say: I fought for Your sake until I was martyred. He will say: You are lying. You fought so that it would be said that so-and-so is brave, and it was said. Then He will order that he be dragged on his face and thrown into the Fire. And (the second will be) a man who acquired knowledge and taught others, and read Qur'ân. He will be brought, and Allâh will remind him of His blessings, and he will acknowledge them. He will say: What did you do with them? He will say: I acquired knowledge and taught others, and read the Qur'ân for Your sake. He will say: You are lying. You acquired knowledge so

(المعجم ٢٢) - مَنْ قَاتَلَ لِيُقَاتَلَ فَلَانْ جَرِيءٌ (التحفة ٢٢)

٣١٣٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا حَالِدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجَ قَالَ: حَدَّثَنَا يُوسُفُ بْنُ يُوشَّافَ عَنْ سَعِيمَانَ بْنِ يَسَارٍ قَالَ: تَفَرَّقَ النَّاسُ عَنْ أَيِّ هُرَيْرَةَ قَالَ لَهُ تَائِلٌ مِنْ أَهْلِ الشَّامِ: أَيُّهَا الشَّيْخُ! حَدَّثْنِي حَدِيثًا سَوْمَعْتُهُ مِنْ رَسُولِ اللَّهِ ﷺ [قَالَ: نَعَمْ سَوْمَعْتُ رَسُولَ اللَّهِ ﷺ] يَقُولُ: «أَوَّلُ النَّاسِ يُقْضَى لَهُمْ يَوْمُ الْقِيَامَةِ ثَلَاثَةٌ: رَجُلٌ اسْتُشْهِدَ فَأَتَيْتَهُ بِهِ فَعَرَفَهُ بِعَمَّهُ فَعَرَفَهَا قَالَ: فَإِنَّمَا عَمِلْتَ فِيهَا؟ قَالَ: قَاتَلْتُ فِيكَ حَتَّى اسْتُشْهِدَتْ قَالَ: كَذَبْتَ، وَلَكِنَّكَ قَاتَلْتَ لِيُقَاتَلَ فَلَانْ جَرِيءٌ قَدْ قَيلَ ثُمَّ أَمِرَ بِهِ فَسُجِّبَ عَلَى وَجْهِهِ حَتَّى أُقْتَلَ فِي النَّارِ، وَرَجُلٌ تَعْلَمُ الْعِلْمَ وَعَلَمَهُ وَقَرَا الْقُرْآنَ فَأَتَيْتَهُ بِهِ فَعَرَفَهُ بِعَمَّهُ فَعَرَفَهَا قَالَ: فَمَا عَمِلْتَ فِيهَا؟ قَالَ: كَذَبْتَ وَعَلَمْتُهُ وَقَرَأْتُ فِيكَ الْقُرْآنَ قَالَ: قَاتَلْتَ لِيُقَاتَلَ فَلَانْ وَلَكِنَّكَ تَعْلَمْتَ الْعِلْمَ لِيُقَاتَلَ عَالِمٌ وَقَرَأْتَ الْقُرْآنَ لِيُقَاتَلَ قَارِئٌ قَدْ قَيلَ ثُمَّ أَمِرَ بِهِ فَسُجِّبَ عَلَى وَجْهِهِ حَتَّى أُقْتَلَ فِي النَّارِ، وَرَجُلٌ وَسَعَ اللَّهَ عَلَيْهِ وَأَعْطَاهُ مِنْ أَصْنَافِ الْمَالِ كُلُّهُ فَأَتَيْتَهُ بِهِ فَعَرَفَهُ بِعَمَّهُ فَعَرَفَهَا قَالَ:

that it would be said that you were a scholar; and you read Qur'ân, so that it would be said that you were a reciter, and it was said. Then He will order that he be dragged on his face and thrown into the Fire. And (the third will be) a man whom Allâh made rich and gave him all kinds of wealth. He will be brought and Allâh will remind him of His blessings, and he will acknowledge them. He will say: What did you do with them? He will say: I did not leave any way that You like wealth to be spent – Abû 'Abdur-Râhmân (An-Nasâ'i) said: I did not understand "what You like" as I wanted to<sup>[1]</sup> – "but I spent it." He will say: "You are lying. You spent it so that it would be said that he was generous, and it was said." Then He will order that he be dragged on his face and thrown into the Fire." (Sahîh)

تخریج: أخرجه مسلم، الإمارة، باب من قاتل للرباء والسمعة استحق النار، ح: ۱۹۰۵ من حديث خالد بن الحارث به، وهو في الكبير، ح: ۴۳۴۵.

### Comments

The significance is that actions might have been extremely good; but if the intention is not right, such actions would then become the means of punishment rather than reward.

### Chapter 23. The One Who Fights In The Cause Of Allâh, Intending Only To Get An 'Iqâl'<sup>[2]</sup>

**3140.** It was narrated from Yahya

مَا عَمِلْتَ فِيهَا؟ قَالَ: مَا تَرَكْتُ مِنْ سَبِيلٍ تُحِبُّ.

- قَالَ أَبُو عَبْدِ الرَّحْمَنِ: وَلَمْ أَفْهَمْ تُحِبُّ  
- كَمَا أَرَدْتُ «أَنْ يُفْقَدَ فِيهَا إِلَّا أَنْفَقَتُ فِيهَا  
لَكَ قَالَ: كَذَبْتَ وَلَكِنْ لِيَقَالُ إِنَّهُ جَوَادٌ فَقَدْ  
قِيلَ ثُمَّ أُمِرَ بِهِ فَسُحِبَ عَلَى وَجْهِهِ فَأُلْقِيَ فِي  
النَّارِ.

(المعجم (۲۳) - مَنْ غَرَّا فِي سَبِيلِ اللَّهِ  
وَلَمْ يَتُوْ مِنْ غُرَّاتِهِ إِلَّا عِقَالًا (التحفة (۲۳)

٣١٤٠ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ قَالَ:

<sup>[1]</sup> That is, he did not hear or understand what came after it as well as he wanted to, but it was similar to what follows regarding the spending. Similar was stated by Shaikh 'Abdur-Râhmân Al-punjâñî in his notes on the text, according to Al-Funjâñî in his commentary *At-Ta'iqât As-Salafiyyah* (2:51).

<sup>[2]</sup> *Al-Iqâl*: The rope by which the camel's fore-leg is fettered. (As-Sindi). Some of them will say that it is symbol of wealth in general.

bin Al-Walîd bin ‘Ubâdah bin As-Şâmit that his grandfather said: “The Messenger of Allâh ﷺ said: ‘Whoever fights in the cause of Allâh intending only to get an *Iqâl*, he will have what he intended.’” (*Hasan*)

حدَّثَنَا عَبْدُ الرَّحْمَنِ قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ جَبَّائَةَ بْنِ عَطِيَّةَ، عَنْ يَحْيَى بْنِ الْوَلِيدِ بْنِ عَبَادَةَ بْنِ الصَّامِتِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ عَزَّرَ فِي سَبِيلِ اللَّهِ وَلَمْ يَتَنَعَّلْ إِلَّا عِقَالًا فَلَهُ مَا نَوَى».

تخریج: [إسناده حسن] أخرجه أحمدر: ٣٢٠ / ٥ عن عبد الرحمن بن مهدي به، وهو في الكبیر، ح: ٤٣٤٦، وصححه ابن حبان، ح: ١٦٠٥، والحاکم: ١٠٩ / ٢، والذهبی، وله شواهد عند أبي داود، ح: ٢٥٢٧ وغيره.

**3141.** It was narrated from ‘Ubâdah bin As-Şâmit that the Messenger of Allâh ﷺ said: “Whoever fights seeking only an *Iqâl*, then he will have what he intended.” (*Hasan*)

٣١٤١ - أَخْبَرَنِي هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ قَالَ: أَخْبَرَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ جَبَّائَةَ بْنِ عَطِيَّةَ، عَنْ يَحْيَى بْنِ الْوَلِيدِ، عَنْ عَبَادَةَ بْنِ الصَّامِتِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ عَزَّرَ وَهُوَ لَا يُرِيدُ إِلَّا عِقَالًا فَلَهُ مَا نَوَى».

تخریج: [حسن] انظر الحديث السابق، وأخرجه أحمدر: ٣١٥ / ٥ عن يزيد به، وهو في الكبیر، ح: ٤٣٤٧.

### Comments

‘What intended’ means he shall not gain the recompense in the Hereafter, because he never intended it. So far as the worldly goods and chattels remain, he might acquire them. He might probably not get them also.

### Chapter 24. The One Who Fights Seeking Reward And Fame

**3142.** It was narrated that Abû ‘Umâmah Al-Bâhilî said: “A man came to the Prophet ﷺ and said: ‘What do you think of a man who fights seeking reward and fame – what will he have?’ The Messenger of Allâh ﷺ said: ‘He will not have anything.’ He repeated it three times, and the Prophet ﷺ said to him: ‘He will not have anything.’

(المعجم ٢٤) - مَنْ عَزَّرَ يَلْتَمِسُ الْأَجْرَ وَالذِّكْرَ (التحفة ٢٤)

٣١٤٢ - أَخْبَرَنَا عَيْسَى بْنُ هَلَالٍ الْحَمْصِيُّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا مُعاوِيَةَ بْنُ سَلَامَ عَنْ عِكْرَمَةَ بْنِ عَمَّارٍ، عَنْ شَدَّادٍ أَبِي عَمَّارٍ، عَنْ أَبِي أَمَامَةَ الْأَبَاهِلِيِّ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: أَرَأَيْتَ رَجُلاً غَرَّا يَلْتَمِسُ الْأَجْرَ

Then he said: ‘Allâh does not accept any deed, except that which is purely for Him, and seeking His Face.’” (*Hasan*)

وَالذُّكْرُ مَا لَهُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا شَيْءَ لَهُ» فَأَعْدَاهَا ثَلَاثَ مَرَاتٍ يَقُولُ لَهُ رَسُولُ اللَّهِ ﷺ: «لَا شَيْءَ لَهُ» ثُمَّ قَالَ: «إِنَّ اللَّهَ لَا يَقْبِلُ مِنَ الْعَمَلِ إِلَّا مَا كَانَ لَهُ خَالِصًا وَابْتُغِيهِ وَجْهُهُ». .

تخریج: [إسناده حسن] وهو في الكبیر، ح: ٤٣٤٨، وحسنه العراقي في تخریج الاحیاء.

## Chapter 25. The Reward Of The One Who Fights In The Cause Of Allâh For The Length Of Time Between Two Milkings Of A She-Camel

**3143.** Mu‘âdh bin Jabal said that he heard the Prophet ﷺ say: “Whoever fights in the cause of Allâh, the Mighty and Sublime, for the length of time between two milkings of a she-camel, Paradise is guaranteed for him. Whoever asks Allâh to be killed (in *Jihâd*) sincerely, from his heart, then dies or is killed, he will have the reward of a martyr. Whoever is wounded or injured in the cause of Allâh, it will come on the Day of Resurrection bleeding the most it ever bled, but its color will be like saffron, and its fragrance will be like musk. Whoever is wounded in the cause of Allâh, upon him is the seal of the martyrs.” (*Sahîh*)

(المعجم ٢٥) - ثَوَابُ مَنْ قَاتَلَ فِي سَبِيلِ اللَّهِ فَوَاقَ نَاقَةً (التحفة ٢٥)

٣١٤٣ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ قَالَ: سَمِعْتُ حَجَّاجًا: أَخْبَرَنَا ابْنُ جُرِيجَ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ مُوسَى قَالَ: حَدَّثَنَا مَالِكُ ابْنُ يُحَمَّارَ أَنَّ مَعَادَ بْنَ جَبَلٍ حَدَّثَهُمْ اللَّهُ عَزَّ وَجَلَّ مِنْ رَجُلٍ مُسْلِمٍ فَوَاقَ نَاقَةً وَجَبَتْ لَهُ الْجَنَّةُ، وَمَنْ سَأَلَ اللَّهَ الْقُتْلَ مِنْ عِنْدِ نَفْسِهِ صَادِقًا ثُمَّ مَاتَ أَوْ قُتِلَ فَلَهُ أَجْرٌ شَهِيدٌ، وَمَنْ حُرِّحَ حُرْحًا فِي سَبِيلِ اللَّهِ أَوْ نُكِبَ نُكْبَةً فَإِنَّهَا تَحِيُّهُ يَوْمَ الْقِيَامَةِ كَأَغْزَرِ مَا كَانَتْ لَوْنُهَا كَالْعَفَرَانِ وَرِيحُهَا كَالْمُسْكِ، وَمَنْ حُرِّحَ حُرْحًا فِي سَبِيلِ اللَّهِ فَعَلَيْهِ طَاعُ الشَّهَدَاءِ .

تخریج: [إسناده صحيح] أخرجه الترمذی، فضائل الجهاد، باب ماجاء فيمن يكلم في سبيل الله، ح: ١٦٥٧، ح: ١٦٥٤ من حديث ابن جريج به، وقال: ”حسن صحيح“، وهو في الكبیر، ح: ٤٣٤٩.

## Comments

A she-camel's udders are small and hard. After milking her a little bit, one gets tired. The flow of milk also stops temporarily. After a little rest or pause, the supply of milk returns and the milk gets collected again in her udders, and

one starts to milk once again. Thus this task is accomplished after many pauses and rests. A rest or pause between two milkings is called *Fuwâq* in Arabic. This rest lasts for a few minutes, not more. Allâh, Most High, does not look at the time and the quantity. Allâh, Most High, sees the intention and the condition of the heart. It forms the very basis of the recompense too.

## Chapter 26. The Reward Of The One Who Shoots An Arrow In The Cause Of Allâh, The Mighty And Sublime

**3144.** It was narrated from Shurahbil bin As-Simt that he said to ‘Amr bin ‘Abasah: “O ‘Amr! Tell us a *Hadîth* that you heard from the Messenger of Allâh ﷺ.” He said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever develops one gray hair in the cause of Allâh, Most High, it will be light for him on the Day of Resurrection. Whoever shoots an arrow in the cause of Allâh, Most High, whether it reaches the enemy or not, it will be as if he freed a slave. Whoever frees a believing slave, it will be a ransom for him from the Fire, limb by limb.’” (*Sahîh*)

تخریج: [صحیح] أخرجه أبو داود، العنق، باب أبي الرقاب أفضل، ح: ۳۹۶۶ من حديث بقیة به، وهو في الکربلی، ح: ۴۳۵۰، وللحديث شواهد كثيرة جداً.

**3145.** It was narrated that Abû Najîh As-Sulamî said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever shoots an arrow in the cause of Allâh and it hits the target, it will raise him one level in Paradise.’ That day I shot sixteen arrows that hit their targets.” He said: “And I heard the Messenger of Allâh ﷺ say: ‘Whoever shoots an arrow in the cause of Allâh, it is

(المعجم ۲۶) - تَوَابُ مِنْ رَمَى سَهْمٍ  
في سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ۲۶)

٣١٤٤ - أَخْبَرَنَا عَمْرُو بْنُ عَثْمَانَ بْنَ سَعِيدِ بْنِ كَشِيرٍ قَالَ: حَدَّثَنَا يَعْيَيْهُ عَنْ صَفْوَانَ [قال]: حَدَّثَنِي سَلَيْمَ بْنُ عَامِرٍ عَنْ شُرْخِيلَ ابْنِ السُّمْطَرِ أَنَّهُ قَالَ لِعَمْرُو بْنِ عَبْسَةَ: يَا عَمْرُو! حَدَّثَنَا حَبِيبًا سَمِعْتَهُ مِنْ رَسُولِ اللهِ ﷺ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: مَنْ شَابَ شَيْئًا فِي سَبِيلِ اللهِ تَعَالَى كَانَتْ لَهُ نُورًا يَوْمَ الْقِيَامَةِ، وَمَنْ رَمَى سَهْمًا فِي سَبِيلِ اللهِ تَعَالَى بَأَغْرَى الْعَدُوِّ أَفَ لَمْ يَلْعَنْ كَانَ لَهُ كَعْنَقٌ رَقِيقَةٌ، وَمَنْ أَعْقَنَ رَبَّهُ مُؤْمِنَةً كَانَتْ لَهُ فِدَاءَهُ مِنَ النَّارِ عُصْوًا يَعْضُوِّ.

٣١٤٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى : حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا هِشَامٌ قَالَ: حَدَّثَنَا قَتَادَهُ عَنْ سَالِمٍ بْنِ أَبِي الْجَعْدِ، عَنْ مَعْدَانَ ابْنِ أَبِي طَلْحَهَ، عَنْ أَبِي تَجِيِّنِ السُّلَمِيِّ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: مَنْ بَلَغَ سَهْمَهُ فِي سَبِيلِ اللهِ فَهُوَ لَهُ دَرَجَةٌ فِي الْجَنَّةِ . فَبَلَغْتُ يَوْمَيْدَ سِتَّةَ عَشَرَ سَهْمًا قَالَ: وَسَمِعْتُ

equal to the reward of freeing a slave.”” (*Sahîh*)

رسول الله ﷺ يقول: «مَنْ رَمَى بِسَهْمٍ فِي سَبِيلِ اللهِ فَهُوَ عَذْلٌ مُحَرَّرٌ».

تخریج: [إسناده صحيح] أخرجه أبو داود، العنق، باب أبي الرقاب أفضـل، ح: ٣٩٦٥ من حديث هشام الدستوائي به، وهو في الكبير، ح: ٤٣٥١، وصححة الترمذـي، ح: ١٦٣٨، وابن حبان، ح: ١٤٧٨، والحاكم، ح: ٢٠٥/٣، والذهبـي، وحسـنة البغوي \* أبو نجـح هو عمزو بن عبـسة، وقتـادة صـرـح بالسماع عند ابن المبارـك في الجهـاد، ح: ٢١٩، والـبيـهـي: ١٦١/٩. وغيرـهما.

**3146.** It was narrated that Shurâhbîl bin As-Simt said to Ka'b bin Murrah: “O Ka'b! Tell us a *Hadîth* from the Messenger of Allâh ﷺ and be careful.” He said: “I heard him say: ‘Whoever develops one gray hair in Islam, in the cause of Allâh, it will be light for him on the Day of Resurrection.’” He said to him: “Tell us about the Prophet ﷺ and be careful.” He said: “I heard him say: ‘Shoot, and whoever hits the enemy with an arrow, Allâh will raise him one degree in status thereby.’” Ibn An-Nâhhâm said: ‘O Messenger of Allâh, what is a degree?’ He said: ‘It is not like the doorstep of your mother,<sup>[1]</sup> rather (the distance) between two degrees is (that of) a hundred years.’” (*Da'if*)

٣١٤٦ - أخـبرـنا مـحـمـدـ بـنـ الـعـلـاءـ قـالـ: حـدـثـنـا أـبـوـ مـعـاوـيـةـ قـالـ: حـدـثـنـا الـأـغـمـشـ عـنـ عـمـرـوـ بـنـ مـرـةـ، عـنـ سـالـيـمـ بـنـ أـبـيـ الـجـعـدـ، عـنـ شـرـحـبـيلـ بـنـ السـمـطـ، قـالـ لـكـفـيـ بـنـ مـرـةـ: يـاـ كـعـبـ! حـدـثـنـا عـنـ رـسـوـلـ اللهـ ﷺ وـاحـدـزـ قـالـ: سـيـعـتـهـ يـقـوـلـ: «مـنـ شـابـ شـيـئـةـ فـيـ إـلـاـسـلـامـ فـيـ سـيـلـ اللهـ كـانـتـ لـهـ نـورـاـ يـوـمـ الـقـيـامـةـ». قـالـ لـهـ: حـدـثـنـا عـنـ النـبـيـ ﷺ وـاحـدـزـ قـالـ: سـيـعـتـهـ يـقـوـلـ: «اـرـمـوـا مـنـ بـلـغـ الـعـدـوـ يـسـهـمـ رـفـعـةـ اللهـ بـهـ ذـرـجـةـ» قـالـ أـبـنـ النـحـامـ: يـاـ رـسـوـلـ اللهـ! وـمـاـ الـدـرـجـةـ؟ قـالـ: «أـمـاـ أـنـهـاـ لـيـسـتـ بـعـيـةـ أـمـكـ وـلـكـنـ مـاـ بـيـنـ الدـرـجـاتـ مـائـةـ عـامـ».

تخریج: [إسناده ضعيف] أخرجه ابن ماجـه، العنق، بـابـ العـنقـ، ح: ٢٥٢٢ عن محمدـ بنـ العـلـاءـ بـهـ، وـهـوـ فـيـ الـكـبـرـيـ، ح: ٤٣٥٢، وـقـالـ أـبـوـ دـاـودـ، ح: ٣٩٦٧ "سـالـيـمـ لـمـ يـسـمـعـ مـنـ شـرـحـبـيلـ، مـاتـ شـرـحـبـيلـ بـصـفـينـ"، ولـهـ حـدـيـثـ شـواـهـدـ عـنـ مـسـلـمـ، ح: ١٥٠٩، وـالـحـمـيدـيـ، ح: ٧٦٧ وـغـيرـهـماـ.

**3147.** It was narrated that Shurâhbîl bin As-Simt said: “I said: ‘O ‘Amr bin ‘Abasah! Tell us a *Hadîth* that you heard from the Messenger of Allâh ﷺ without

٣١٤٧ - أخـبرـنا مـحـمـدـ بـنـ عـبـدـ الـأـعـلـىـ قـالـ: حـدـثـنـا الـمـعـتـمـرـ قـالـ: سـمـعـتـ خـالـدـاـ - يـعـنيـ أـبـنـ زـيـدـ - أـبـاـ عـبـدـ الرـحـمـنـ السـامـيـ

<sup>[1]</sup> As explained after it; the degree of distance is greater than such a degree in this world.

forgetting or omitting anything.' He said: 'I heard the Messenger of Allâh ﷺ say: Whoever shoots an arrow in the cause of Allâh, and it reaches the enemy, whether it misses or hits, it will be as if he freed a slave. Whoever frees a believing slave, that will be a ransom for him, limb by limb, from the Fire of Hell. Whoever develops a grey hair in the cause of Allâh, it will be light for him on the Day of Resurrection.' (Sahîh)

يُحَدِّثُ عَنْ شُرَحِيلَ بْنِ السُّمْطَطِ، عَنْ عَمْرُو بْنِ عَبْسَةَ! ابْنِ عَبْسَةَ قَالَ: قُلْتُ يَا عَمْرُو بْنَ عَبْسَةَ! حَدَّثْنَا حَدِيثًا سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ ﷺ لَيْسَ فِيهِ نِسْيَانٌ وَلَا تَنْقُضُنَّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ رَمَى بِسَهْمٍ فِي سَبِيلِ اللَّهِ فَبَلَغَ الْعُدُوَّ أَخْطَأً أَوْ أَصَابَ كَانَ لَهُ كَعْدَلٌ رَقَبَةٌ، وَمَنْ أَعْقَنَ رَقَبَةً مُشْلِمَةً كَانَ فِدَاءً كُلُّ عُضُوٍّ مِنْهُ عُضُواً وَمَنْ مِنْ نَارِ جَهَنَّمَ، وَمَنْ شَابَ شَيْئاً فِي سَبِيلِ اللَّهِ كَانَتْ لَهُ نُورًا يَوْمَ الْقِيَامَةِ».

تَحْرِيْج: [صَحِّيْح] أَخْرَجَهُ أَبُو دَاوُدُ، بَابُ أَيِ الرَّقَابِ أَفْضَلُ؟، ح: ٣٩٦٦ مِنْ حَدِيثِ شَرْحِيلِ بْنِهِ، وَهُوَ فِي الْكِبْرَى؛ ح: ٤٣٥٣، وَانْظُرُ الْحَدِيثَ السَّابِقَ وَالذِّيْنَ قَبْلَهُ.

**3148.** It was narrated from ‘Uqbah bin ‘Âmir that the Prophet ﷺ said: “Allâh, the Mighty and Sublime, will admit three people into Paradise for one arrow: The one who makes it, intending it to be used for a good cause, the one who shoots it, and the one who passes it to him.” (Hasan)

٣١٤٨ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ عَنِ الْوَلِيدِ، عَنِ ابْنِ جَابِرٍ، عَنْ أَبِي سَلَامٍ الْأَشْوَدِ، عَنْ حَالِدِ بْنِ زَيْدٍ، عَنْ عُقْبَةَ ابْنِ عَامِرٍ عَنِ التَّبَّيِّنِ ﷺ قَالَ: «إِنَّ اللَّهَ عَزَّ وَجَلَّ يُدْخِلُ ثَلَاثَةً نَّفَرَ الْجَنَّةَ بِالسَّهْمِ الْوَاحِدِ: صَائِرَةً يَحْتَسِبُ فِي صَنْعِيهِ الْخَيْرِ وَالرَّأْمِيِّ بِهِ، وَمُنْبَلِّهً».

تَحْرِيْج: [أَسْنَادُهُ حَسْنٌ] أَخْرَجَهُ أَبُو دَاوُدُ، بَابُ الْجَهَادِ، بَابُ: فِي الرَّمِيِّ، ح: ٢٥١٣ مِنْ حَدِيثِ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ بْنِ جَابِرٍ بْنِهِ، وَهُوَ فِي الْكِبْرَى، ح: ٤٣٥٤، وَصَحَّحَهُ الْحَاكِمُ: ٩٥/٣، وَالذَّهَبِيُّ \* خَالِدُ بْنُ زَيْدٍ وَثَقَهُ ابْنُ حَبَّانَ، وَالْحَاكِمُ وَغَيْرُهُمَا.

## Comments

'The one who passes it': The Arabic term used is 'Munabil'. It might also include the one who supplies arrows from his own wealth, or the one who retrieves arrows, to be reused.

## Chapter 27. The One Who Is Wounded In The Cause Of Allâh, The Mighty And Sublime

**3149.** It was narrated from Abû Hurairah that the Prophet ﷺ said: “No one is wounded in the cause of Allâh – and Allâh knows best who is wounded in His cause – but he will come on the Day of Resurrection with his wounds bleeding the color of blood, but with the fragrance of musk.” (*Sahîh*)

تخریج: أخرجه مسلم، الإمارة، باب فضل الجهاد والخروج في سبیل الله، ح: ١٨٧٦، من حديث سفيان بن عيينة، والبخاري، الجهاد والسير، باب من يخرج في سبیل الله عزوجل: ٢٨٠٣ من حديث أبي الزناد به، وهو في الكبرى، ح: ٤٣٥٥.

**3150.** It was narrated that ‘Abdullâh bin Thâ’labah said: “The Messenger of Allâh ﷺ said: ‘Wrap them up with their blood, for there is no wound incurred in the cause of Allâh, but he will come on the Day of Resurrection bleeding with the color of blood, but its fragrance will be that of musk.’” (*Sahîh*)

تخریج: [إسناده صحيح] تقدم، ح: ٢٠٠٤، وهو في الكبرى، ح: ٤٣٥٦.

## Chapter 28. What Is To Be Said By The One Who Is Stabbed By The Enemy

**3151.** It was narrated that Jâbir bin ‘Abdullâh said: “On the day of Uhud, the people ran away, and the Messenger of Allâh ﷺ was in one position among twelve men of the Anṣâr, one of whom was Talhah bin ‘Ubaidullâh. He said: ‘Who will face the people?’ Talhah

(المعجم ٢٧) - بَابُ مَنْ كُلِّمَ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ (التحفة ٢٧)

**٣١٤٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ:**  
حَدَّثَنَا سُفِيَّانُ عَنْ أَبِي الزَّنَادِ، عَنِ الْأَعْرَجِ،  
عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يُكَلِّمُ  
أَحَدٌ فِي سَبِيلِ اللَّهِ - وَاللَّهُ أَعْلَمُ بِمَنْ يُكَلِّمُ  
فِي سَبِيلِهِ - إِلَّا جَاءَ يَوْمَ الْقِيَامَةِ وَجُرْحُهُ  
يَتَعَبُّ دَمًا اللَّوْنُ لَوْنُ دَمٍ وَالرِّيحُ رِيحُ  
الْمِسْكِ».

**٣١٥٠ - أَخْبَرَنَا هَنَدُ بْنُ السَّرِيِّ عَنْ ابْنِ  
الْمُبَارَكِ، عَنْ مَعْمِرٍ، عَنِ الرَّهْرِيِّ، عَنْ عَبْدِ  
اللَّهِ بْنِ تَعْلِيَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
«زَمْلُوْهُمْ بِدِمَائِهِمْ، فَإِنَّهُ لَيْسَ كُلُّ مُكَلِّمٍ فِي  
اللَّهِ إِلَّا أَتَى يَوْمَ الْقِيَامَةِ جُرْحُهُ يَكْتُمُ لَوْنَهُ لَوْنُ  
دَمٍ وَرِيحُهُ رِيحُ الْمِسْكِ».**

تخریج: (إسناده صحيح) تقدم، ح: ٢٨٠٤، ما يقتضي معناه  
(المعجم ٢٨) - مَا يَقُولُ مَنْ يَطْعَنُ  
الْعَدُوَّ (التحفة ٢٨)

**٣١٥١ - أَخْبَرَنَا عَمْرُو بْنُ سَوَادٍ قَالَ:**  
أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يَحْيَى بْنُ  
أَبْيَوبَ وَذَكَرَ آخَرَ قَبْلَهُ عَنْ عُمَارَةَ بْنِ غَرَيْرَةَ،  
عَنْ أَبِي الرَّئِيْسِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ:  
لَمَّا كَانَ يَوْمُ أُحْدِي وَوَلَّ النَّاسُ كَانَ رَسُولُ

said: 'I will.' The Messenger of Allâh ﷺ said: 'Stay where you are.' One of the Anṣâr said: 'I will, O Messenger of Allâh ﷺ.' He said: 'You (go ahead).' So he fought until he was killed. Then he turned and saw the idolators. He said: 'Who will face the people?' Ṭalḥah said: 'I will.' The Messenger of Allâh ﷺ said: 'Stay where you are.' One of the Anṣâr said: 'I will, O Messenger of Allâh ﷺ.' He said: 'You (go ahead).' So he fought until he was killed. This carried on, and each man of the Anṣâr went out to face them and fought like the one before him, and was killed, until only the Messenger of Allâh ﷺ and Ṭalḥah bin ‘Ubaidullâh were left. The Messenger of Allâh ﷺ said: 'Who will face the people?' Ṭalḥah said: 'I will.' So Ṭalḥah fought like the eleven before him, until his hand was struck, and his fingers were cut off, and he exclaimed in pain. The Messenger of Allâh ﷺ said: 'If you had said *Bismillâh* (in the Name of Allâh), the angels would have lifted you up with the people looking on.' Then Allâh drove back the idolaters." (*Hasan*)

اللّهُ عَزَّلَهُ فِي نَاحِيَةٍ فِي اثْنَيْ عَشَرَ رَجُلًا مِنَ الْأَنْصَارِ وَفِيهِمْ طَلْحَةُ بْنُ عَبْدِ اللّهِ فَادْرَكَهُمُ الْمُشْرِكُونَ، فَالْتَّفَتَ رَسُولُ اللّهِ صَلَّى اللّهُ عَلَيْهِ وَسَلَّدَهُ فَقَالَ: «مَنْ لِلْقَوْمِ؟» فَقَالَ طَلْحَةُ: أَنَا، قَالَ رَسُولُ اللّهِ صَلَّى اللّهُ عَلَيْهِ وَسَلَّدَهُ: «كَمَا أَنْتَ»، فَقَالَ رَجُلٌ مِنَ الْأَنْصَارِ: أَنَا يَا رَسُولَ اللّهِ! فَقَالَ: «أَنْتَ»، فَقَاتَلَ حَتَّى قُتِلَ ثُمَّ اتَّهَمَهُ الْمُشْرِكُونَ، فَقَالَ: «مَنْ لِلْقَوْمِ؟» فَقَالَ طَلْحَةُ: أَنَا، قَالَ: «كَمَا أَنْتَ»، فَقَالَ رَجُلٌ مِنَ الْأَنْصَارِ: أَنَا، فَقَالَ: «أَنْتَ». فَقَاتَلَ حَتَّى قُتِلَ، ثُمَّ لَمْ يَرِدْ يَقُولُ ذَلِكَ وَيَخْرُجْ إِلَيْهِمْ رَجُلٌ مِنَ الْأَنْصَارِ فَيَقَاتِلُ فَتَالَ مَنْ قَبْلَهُ حَتَّى يُقْتَلَ حَتَّى يَقِنَ رَسُولُ اللّهِ صَلَّى اللّهُ عَلَيْهِ وَسَلَّدَهُ بْنُ عَبْدِ اللّهِ، فَقَالَ رَسُولُ اللّهِ صَلَّى اللّهُ عَلَيْهِ وَسَلَّدَهُ: «مَنْ لِلْقَوْمِ؟» فَقَالَ طَلْحَةُ: أَنَا، فَقَاتَلَ طَلْحَةُ فَتَالَ الْأَحَدَ عَشَرَ حَتَّى ضُرِبَتِ يَدُهُ فَقَطَعَتْ أَصَابِعُهُ، فَقَالَ: حَسْنٌ، فَقَالَ رَسُولُ اللّهِ صَلَّى اللّهُ عَلَيْهِ وَسَلَّدَهُ: «لَوْ قُلْتَ بِسْمِ اللّهِ لَرَفَعْتَ الْمَلَائِكَةَ وَالْأَنْسَابَ يَنْظُرُونَ»، ثُمَّ رَدَ اللّهُ الْمُشْرِكِينَ.

تخریج: [حسن] أخرجه البهتی في دلائل النبوة: ٣/٢٣٦، ٢٣٧ من حديث يحيى بن أبيوب به، وهو في الكبرى، ح: ٤٣٥٧، وللمحدث شواهد كثيرة، انظر مجمع الزوائد: ٩/١٤٩ وغيره \* أبوالزبير عنعن.

### Comments

'Twelve Helpers': This incident is related to a particular period of time; otherwise quite a number of Emigrants also had remained steadfast. They were, nevertheless, showing their feats of bravery in other regions of Uhud. Coincidentally, Allâh's Messenger ﷺ happened to be present among a group of the Helpers. They were eleven Helpers in all. Counting Talhah (the Emigrant), the number was said to reach twelve.

## Chapter 29. The One Who Fights In The Cause Of Allâh And His Sword Recoils Upon Him And Kills Him

3152. Salamah bin Al-Akwa' said: "On the day of Khaibar, my brother fought fiercely alongside the Messenger of Allâh ﷺ, then his sword recoiled upon him and killed him. The Companions of the Messenger of Allâh ﷺ, complaining about that, said: 'A man has died by his own weapon.'" Salamah said: "The Messenger of Allâh ﷺ returned from Khaibar and I said: 'O Messenger of Allâh, do you permit me to recite some lines of *Rajaz* verse to you?' The Messenger of Allâh ﷺ gave him permission but 'Umar bin Al-Khattâb, may Allâh be pleased with him, said: 'Think what you are saying.'" "I said:

'By Allâh, if Allâh had not guided us we would not have been guided  
We would not have given in charity nor prayed'

The Messenger of Allâh ﷺ said: 'You have spoken the truth.'

(I continued:)

'Send down tranquillity upon us,  
And make us steadfast when we meet the enemy.

For the idolators have transgressed against us.'

When I completed my *Rajaz* verse, the Messenger of Allâh ﷺ said: 'Who said that?' I said: 'My brother.' The Messenger of Allâh ﷺ said: 'May Allâh have mercy on him.' I said: 'O Messenger of Allâh, some

(المعجم ٢٩) - بَابُ مِنْ قَاتَلَ فِي سَبِيلِ  
اللَّهِ فَارْتَدَ عَلَيْهِ سَيْفُهُ فَقَتَلَهُ (الصفحة ٢٩)

٣١٥٢ - أَخْبَرَنَا عَمْرُو بْنُ سَوَادٍ قَالَ:  
أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنْ  
ابْنِ شَهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ وَعَبْدُ  
اللَّهِ ابْنًا كَعْبٍ بْنِ مَالِكٍ أَنَّ سَلَمَةً بْنَ الْأَكْعَرِ  
قَالَ: لَمَّا كَانَ يَوْمُ خَيْرٍ قَاتَلَ أَخِيهِ قَتَالًا  
شَدِيدًا مَعَ رَسُولِ اللَّهِ ﷺ فَارْتَدَ عَلَيْهِ سَيْفُهُ  
فَقَتَلَهُ، فَقَالَ أَصْحَابُ رَسُولِ اللَّهِ ﷺ فِي ذَلِكَ  
وَشَكُوا فِيهِ: رَجُلٌ مَاتَ بِسَلَاحِهِ، قَالَ  
سَلَمَةُ: فَقَعَلَ رَسُولُ اللَّهِ ﷺ مِنْ خَيْرٍ فَقُلْتُ:  
يَا رَسُولَ اللَّهِ! أَتَأْذُنُ لِي أَنْ أَرْتَجِزَ بِكَ؟ فَأَذِنَ  
لَهُ رَسُولُ اللَّهِ ﷺ، فَقَالَ عَمْرُو بْنُ الْحَطَابِ  
رَضِيَ اللَّهُ عَنْهُ: أَعْلَمُ مَا تَقُولُ فَقُلْتُ:

وَاللَّهُ لَوْلَا اللَّهُ مَا افْتَدَنَا  
وَلَا تَصْدَقْنَا وَلَا صَلَبَنَا  
فَقَالَ رَسُولُ اللَّهِ ﷺ: «صَدَقْتَ».

فَأَنْزَلْنَاهُ سَكِينَةً عَلَيْنَا  
وَئَبَّتِ الْأَقْدَامَ إِنْ لَآفَينَا  
وَالْمُشْرِكُونَ قَدْ بَغَوْا عَلَيْنَا

فَلَمَّا قَضَيْتُ رَجَزِي قَالَ رَسُولُ اللَّهِ ﷺ:  
«مَنْ قَالَ هَذَا؟» قُلْتُ: أَخِيهِ، قَالَ رَسُولُ اللَّهِ  
ﷺ: «بِرَحْمَةِ اللَّهِ» فَقُلْتُ: يَا رَسُولَ اللَّهِ!  
وَاللَّهُ إِنَّ نَاسًا لَيَهَا بُونَ الصَّلَاةِ عَلَيْهِ يَقُولُونَ  
رَجُلٌ مَاتَ بِسَلَاحِهِ فَقَالَ رَسُولُ اللَّهِ ﷺ:  
«مَاتَ جَاهِدًا مُجَاهِدًا». قَالَ ابْنُ شَهَابٍ: ثُمَّ

people are afraid to offer the (funeral) prayer for him, and they are saying that he is a man who died by his own weapon.' The Messenger of Allâh ﷺ said: 'He died striving as a *Mujâhid*.' Ibn Shihâb said: "Then I asked a son of Salamah bin Al-Akwa', and he narrated a similar report to me from his father, except that he said: 'When I said: Some people are afraid to offer the (funeral) prayer for him, the Messenger of Allâh ﷺ said: They lied. He died striving as a *Mujâhid*, and he will have a twofold reward, and he gestured with two of his fingers.'" (*Sahîh*)

تخریج: أخرجه مسلم، الجهاد، باب غزوة خيبر، ح: ١٢٤ / ١٨٠٢ من حديث ابن وهب به، ولم يذكر عبدالله بن كعب، وهو في الكبير، ح: ٤٣٥٨.

### Comments

The one whose intention is to combat the unbelievers, and he gets killed in the battle, whether at the hands of the enemy, or due to the mistake of his companions, or due to his own mistake by his own hands, he shall be considered a martyr.

### Chapter 30. Wishing To Be Killed In The Cause Of Allâh

**3153.** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Were it not that it would be too difficult for my *Ummah*, I would not have stayed behind from any expedition. But they could not find mounts, and I could not find any mounts for them, and it would be too hard for them to stay behind when I went out. And I wish that I could be killed in the cause of Allâh, then brought back to life, then killed, then brought back to life, then killed," three times. (*Sahîh*)

سَأَلْتُ ابْنَ إِسْلَمَةَ بْنِ الْأَكْوَعِ فَحَدَّثَنِي عَنْ أَيْهِ  
يَشْأَلُ ذَلِكَ، عَيْرَ أَنَّهُ قَالَ: جِئْنَ قُلْتُ: إِنَّ نَاسًا  
لَيَهَا بُونَ الصَّلَاةَ عَلَيْهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ:  
«كَذَّبُوا مَاتَ جَاهِدًا مُجَاهِدًا فَلَهُ أَجْرُهُ مَرَّتَيْنِ  
وَأَشَارَ يَمْضِبَعَيْهِ».

(المعجم ٣٠) - **بَابُ تَمَنِي القُتْلِ فِي سَبِيلِ اللهِ تَعَالَى** (التحفة ٣٠)

٣١٥٣ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ سَعِيدٍ قَالَ:  
حَدَّثَنَا يَحْيَى - يَعْنِي ابْنَ سَعِيدِ الْقَطَانَ - عَنْ  
يَحْيَى - يَعْنِي ابْنَ سَعِيدِ الْأَنْصَارِيِّ - قَالَ:  
حَدَّثَنَا دَعْوَانُ أَبُو صَالِحٍ عَنْ أَبِي هُرَيْرَةَ عَنْ  
السَّيِّدِ عليه السلام قَالَ: «لَوْلَا أَنَّ أَشَقَّ عَلَى أُمَّتِي لَمْ  
أَتَخَلَّفَ عَنْ سَرِيرَةٍ وَلَكِنْ لَا يَجِدُونَ حَمُولَةً وَلَا  
أَجِدُ مَا أَحْمِلُهُمْ عَلَيْهِ وَشُقُّ عَلَيْهِمْ أَنْ يَتَحَلَّفُوا  
عَنِّي وَلَوْرَدَتْ أَنِّي قُتِلْتُ فِي سَبِيلِ اللهِ ثُمَّ  
أُحْيَيْتُ، ثُمَّ قُتِلْتُ ثُمَّ أُحْيَيْتُ، ثُمَّ قُتِلْتُ» ثَلَاثَةٌ.

تخریج: أخرجه البخاري، الجهاد، باب المعاشر والحملان في السبيل، ح: ٢٩٧٢ من حديث يحيى القطان، ومسلم، الإمارة، باب فضل الجهاد والخروج في سبل الله، ح: ١٠٦ / ١٨٧٦ من حديث يحيى الأنصاري به، وهو في الكبیر، ح: ٤٣٥٩.

### Comments

(See *Hadîth* 3100)

**3154.** It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'By the One in Whose hand is my soul, were it not that some men among the believers would not like to stay behind when I went out (to fight), and I could not find any mounts for them, I would not have stayed behind from any campaign that fought in the cause of Allâh. By the One in Whose hand is my soul, I wish that I could be killed in the cause of Allâh, then brought back to life, then killed, then be brought back to life, then killed.'" (*Sahîh*)

٣١٥٤ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ قَالَ: حَدَّثَنَا أَبِي عَنْ شَعِيبٍ، عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبَ عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «وَالَّذِي نَفْسِي بِيَدِهِ! لَوْلَا أَنَّ رِجَالًا مِنَ الْمُؤْمِنِينَ لَا تَطِيبُ أَنفُسُهُمْ يَأْنَ يَتَخَلَّفُوا عَنِي وَلَا أَجِدُ مَا أَحْوَلُهُمْ عَلَيْهِ مَا تَخَلَّفُ عَنْ سَرِيرَةٍ تَغْرُرُ فِي سَبِيلِ اللَّهِ، وَالَّذِي نَفْسِي بِيَدِهِ! لَوْدَدْتُ أَنِّي أُقْتَلُ فِي سَبِيلِ اللَّهِ ثُمَّ أُحْيَا ثُمَّ أُقْتَلُ، ثُمَّ أُحْيَا ثُمَّ أُقْتَلُ». .

تخریج: أخرجه البخاري، الجهاد، باب تمني الشهادة، ح: ٢٧٩٧ من حديث شعيب به، وهو في الكبیر، ح: ٤٣٦٠.

**3155.** It was narrated from Ibn Abî 'Amîrah that the Messenger of Allâh ﷺ said: "There is no Muslim soul among the people that is taken by its Lord and wishes it could come back to you, even if it had this world and everything in it, except the martyr." Ibn Abî 'Amîrah said: "The Messenger of Allâh ﷺ said: 'If I were to be killed in the cause of Allâh, that would be dearer to me than if all the people of the deserts and the cities were to be mine.'"<sup>[1]</sup> (*Sahîh*)

٣١٥٥ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنْ بَعْحِيرٍ بْنِ سَعِيدٍ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ جَيْبِرٍ بْنِ نُفَيْرٍ، عَنْ أَبْنِ أَبِي عَمِيرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَا مِنَ النَّاسِ مِنْ نَفْسٍ مُسْلِمَةٍ يَقْضِيَهَا رَبُّهَا تُحِبُّ أَنْ تَرْجِعَ إِلَيْكُمْ وَأَنَّ لَهَا الدُّنْيَا وَمَا فِيهَا غَيْرُ الشَّهِيدِ». قَالَ أَبْنُ أَبِي عَمِيرَةَ: قَالَ رَسُولُ اللَّهِ ﷺ: «وَلَا أَنْ أُقْتَلُ فِي سَبِيلِ اللَّهِ أَحَبُّ إِلَيَّ مِنْ أَنْ يَكُونَ لِي أَهْلُ الْوَبَرِ وَالْمَدَرِ». .

[1] Meaning: If they were all my slaves and I set them free.

تخریج: [صحیح] أخرجه أحمد: ۲۱۶ / ۴ من حديث بقية بن الوليد به، وصرح بالسماع  
عنه، وهو في الكبیر، ح: ۴۳۶۱، وله شاهد يأتي، ح: ۳۱۶۲.

### Comments

The Muslim will be happy and joyful before Allâh, Most High, whereas a disbelieving hypocrite would implore that he returned so that he could make amends for his sins. But his request will not be granted.

### Chapter 31. The Reward Of The One Who Was Killed In The Cause Of Allâh

**3156.** It was narrated that ‘Amr said: “I heard Jâbir say: ‘A man said on the day of Uhud: If I am killed in the cause of Allâh, where do you think I will be? He said: In Paradise. He threw down some dates that were in his hand and fought until he was killed.’” (Sahîh)

تخریج: أخرجه البخاري، المغازي، باب غزوة أحد، ح: ۴۰۴۶، ومسلم، الإمارة، باب ثبوت الجنة للشهيد، ح: ۱۸۹۹ من حديث سفيان بن عيينة به، وهو في الكبیر، ح: ۴۳۶۲.

(المعجم (۳۱) - ثواب من قتل في سبيل الله عز وجل (التحفة (۳۱)

٣١٥٦ - أخبرنا محمد بن مصوّر قال: حدثنا سفيان عن عمرو قال: سمعت جابرًا يقول: قال رجل يوم أحد: أرأيت إن قُتلت في سبيل الله فائتانا؟ قال: (في الجنة)، فالذي تمررت في يدي ثم قاتل حتى قُتلت.

### Chapter 32. The One Who Fights In The Cause Of Allâh But Owes A Debt

**3157.** It was narrated that Abû Hurairah said: “A man came to the Prophet ﷺ while he was delivering a *Khutbah* from the *Minbar*, and he said: ‘If I fight in the cause of Allâh with patience and seeking reward, facing the enemy and not running away, do you think that Allâh will forgive my sins?’ He said: ‘Yes.’ Then he fell silent for a while. Then he said: ‘Where is the one who was asking just now?’ The man said: ‘Here I am.’ He said: ‘What did you say?’ He said: ‘I said: If I fight in the cause of Allâh with patience and seeking reward,

(المعجم (۳۲) - من قاتل في سبيل الله تعالى وعليه دين (التحفة (۳۲)

٣١٥٧ - أخبرنا محمد بن بشار قال: حدثنا أبو عاصم قال: حدثنا محمد بن عجلان عن سعيد المبّري، عن أبي هريرة قال: جاء رجل إلى النبي ﷺ وهو يخطب على المبّري فقال: أرأيت إن قاتلت في سبيل الله صابرًا محتسباً مفلاً غير مذنب، أيكفر الله عني سيناتي؟ قال: (نعم) ثم سكت ساعة قال: أين السائل آنفنا؟ فقال الرجل: فها أنا ذا، قال: (ما قلت؟) قال: أرأيت إن قلت في سبيل الله صابرًا محتسباً مفلاً غير

facing the enemy and not running away, do you think that Allâh will forgive my sins?" He said: 'Yes, except for debt. Jibrîl told me that just now.'" (*Sahîh*)

مُذَبِّرٌ، أَيْكَفَرُ اللَّهُ عَنِّي سَيَقَاتِي؟ قَالَ: «نَعَمْ إِلَّا الدِّينَ سَارَنِي بِهِ جِبْرِيلُ آتَنَا».

**تخریج:** [صحيح] أخرجه ابن أبي عاصم في الجهاد: ١٢ من حديث ابن عجلان به، وتابعه عباد بن إسحاق، وأبو صخر حميد بن زياد، وأبومعاشر عن سعيد المقبري عن أبي هريرة به، والرواية الآتية هي الراجحة عند الدارقطني، وأبي حاتم الرازى وغيرهما، والحديث في الكبرى، ح: ٤٣٦٣، وله شواهد كثيرة جداً.

### Comments

We learn that when even the most meritorious deeds of the rank of martyrdom cannot become the reason or the cause of the forgiveness of the obligations that a man owes to mankind (*Huqooq Al-Tbâd*); then how could other righteous deeds obliterate man's obligations to humankind?

**3158.** It was narrated from 'Abdullâh bin Abî Qatâdah that his father said: "A man came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, if I am killed in the cause of Allâh with patience and seeking reward, facing the enemy and not running away, do you think that Allâh will forgive my sins?' The Messenger of Allâh ﷺ said: 'Yes.' When the man turned away, the Messenger of Allâh ﷺ called him back and said: 'What did you say?' He repeated his question, and the Messenger of Allâh ﷺ said: 'Yes, except debt. Jibrîl told me.'" (*Sahîh*)

٣١٥٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مَسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ، عَنْ أَبْنِ الْفَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ يَحْيَى أَبْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَتَادَةَ، عَنْ أَبِيهِ قَالَ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ إِنْ قُتِلْتُ فِي سَبِيلِ اللَّهِ صَابِرًا مُحْسِبًا مُفْلِلًا غَيْرَ مُذَبِّرٍ، أَيْكَفَرُ اللَّهُ عَنِّي خَطَايَايَ؟ قَالَ رَسُولُ اللَّهِ ﷺ: «نَعَمْ»، فَلَمَّا وَلَى الرَّجُلُ نَادَاهُ رَسُولُ اللَّهِ ﷺ - أَوْ أَمَرَ بِهِ فَنَوَّدَيْ لَهُ - فَقَالَ رَسُولُ اللَّهِ ﷺ: «كَيْفَ قُلْتَ؟» فَأَعْوَدَ عَلَيْهِ قَوْلَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «نَعَمْ إِلَّا الدِّينَ، كَذَلِكَ قَالَ لِي جِبْرِيلُ عَلَيْهِ السَّلَامُ».

**تخریج:** أخرجه سليمان بن عبد الله، الإماراة، باب من قتل في سبيل الله كفرت خطایاه إلا الدين، ح: ١٨٨٥ من حديث يحيى بن سعيد الأنصاري به، وهو في الموطأ (يحيى): ٤٦١/٢، والكبرى، ح: ٤٣٦٤.

**3159.** It was narrated from 'Abdullâh bin Abî Qatâdah that he heard Abû Qatâdah narrate from the Messenger of Allâh ﷺ, that he stood up among them and said that *Jihâd* in the cause of Allâh and belief in Allâh are the best of deeds. Then a man stood up and said: "O Messenger of Allâh, if I am killed in the cause of Allâh, will Allâh forgive my sins?" The Messenger of Allâh ﷺ said: "Yes, if you are killed in the cause of Allâh, and you are patient and seek reward, and you are facing the enemy, not running away – except for debt. Jibrîl (peace be upon him) told me that." (*Sahîh*)

تخریج: أخرجه مسلم، ح: ١٨٨٥ / ١١٧ عن قتيبة به، (انظر الحديث السابق) وهو في الكبّری، ح: ٤٣٦٥.

**3160.** It was narrated from 'Abdullâh bin Abî Qatâdah that his father said: "A man came to the Prophet ﷺ when he was on the *Minbar* and said: 'O Messenger of Allâh, do you think that if I wield this sword of mine in the cause of Allâh, with patience and seeking reward, facing the enemy, and not running away, will Allâh forgive my sins?' He said: 'Yes.' When he turned away, he called him back and said: 'Jibrîl says: unless you are in debt.'" (*Sahîh*)

تخریج: أخرجه مسلم، ح: ١٨٨٥ / ١١٨ من حديث محمد بن قيس به، (انظر الحديثين السابقين) وهو في الكبّری، ح: ٤٣٦٦ \* سفيان هو ابن عيّنة وعمرو هو ابن دينار.

**٣١٥٩ - أخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا الْلَّيْثُ**  
**عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي**  
**قَتَادَةَ، عَنْ أَبِي قَتَادَةَ أَنَّهُ سَمِعَهُ يُحَدِّثُ عَنْ**  
**رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَامَ فِيهِمْ فَذَكَرَ لَهُمْ أَنَّ**  
**الْجِهَادَ فِي سَبِيلِ اللَّهِ وَإِلَيْهِ أَفْضَلُ**  
**الْأَعْمَالِ، قَوَّامَ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ!**  
**أَرَأَيْتَ إِنْ قُتِلَتْ فِي سَبِيلِ اللَّهِ أَيْكَفَرُ اللَّهُ عَنِي**  
**خَطَايَايَ؟ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «نَعَمْ إِنْ**  
**قُتِلْتَ فِي سَبِيلِ اللَّهِ وَأَنْتَ صَابِرٌ مُحْتَسِبٌ**  
**مُقْبِلٌ عَيْرٌ مُدْبِرٌ إِلَّا الدِّينَ، فَإِنَّ جِبْرِيلَ [عَلَيْهِ**  
**السَّلَامَ] قَالَ لِي ذَلِكَ».**

**٣١٦٠ - أخْبَرَنَا عَبْدُ الْجَبَّارِ بْنُ الْعَلَاءِ**  
**قَالَ: حَدَّثَنَا سُفِيَّانُ عَنْ عَمْرُو، سَمِعَ مُحَمَّدَ**  
**ابْنَ قَيْسِ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَتَادَةَ، عَنْ**  
**أَبِيهِ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ**  
**الْمُبْتَرُ فَقَالَ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ إِنْ ضَرَبْتَ**  
**سَبَقِيَ هَذَا فِي سَبِيلِ اللَّهِ صَابِرًا مُحْتَسِبًا مُقْبِلًا**  
**عَيْرٌ مُدْبِرٌ حَتَّى أُقْتَلَ، أَيْكَفَرُ اللَّهُ عَنِي**  
**خَطَايَايَ؟ فَقَالَ: «نَعَمْ»، فَلَمَّا أَدْبَرَ دَغَاهُ**  
**فَقَالَ: «هَذَا جِبْرِيلٌ يَقُولُ إِلَّا أَنْ يَكُونَ عَلَيْكَ**  
**دِينُ».**

### Chapter 33. Hoping To Die In The Cause Of Allâh

**3161.** It was narrated from Kathîr bin Murrah that 'Ubâdah bin As-Şâmit told them that the Messenger of Allâh ﷺ said: "There is no soul on Earth that dies, and is in a good position before Allâh, that would like to come back to you, even if it had all this world, except the one who is killed (in the cause of Allâh); he wishes that he could come back and be killed again." (*Hasan*)

تخریج: [إسناده حسن] أخرجه أحمد: ٣١٨، ٣٢٢، ٥/٤٠٦٧، ح. وهو في الكبّریٰ، ح.

### Chapter 34. What The People Of Paradise Wish For

**3162.** It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'A man from among the people of Paradise will be brought and Allâh, the Mighty and Sublime, will say: 'O son of Âdam, how do you find your place (in Paradise)?'" He would say: "O Lord, it is the best place." He will say: "Ask and wish (for whatever you want)." He would say: "I ask You to send me back to the world so that I may be killed in Your cause ten times" – because of what he sees of the virtue of martyrdom.)" (*Sahîh*)

تخریج: [إسناده صحيح] أخرجه أحمد: ١٣١، ٢٠٧، ٢٣٩، ٣/٤٦٨، ح. وهو في الكبّریٰ، ح.

(المعجم (٣٣) - مَا يَتَمَنَّى فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ (التحفة (٣٣)

٣١٦١ - أَخْبَرَنَا هَارُونُ بْنُ مُحَمَّدٍ بْنِ بَكَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَيْسَى - وَهُوَ ابْنُ الْقَاسِمِ بْنِ سَمِيعٍ - قَالَ: حَدَّثَنَا زَيْدُ ابْنُ وَاقِدٍ عَنْ كَثِيرِ بْنِ مُرَّةَ، أَنَّ عُبَادَةَ بْنَ الصَّابِيْتَ حَدَّثَهُمْ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَا عَلَى الْأَرْضِ مِنْ نَفْسٍ تَمُوتُ وَلَهَا عِنْدَ اللَّهِ خَيْرٌ تُحِبُّ أَنْ تَرْجِعَ إِلَيْكُمْ وَلَهَا الدُّنْيَا إِلَّا الْقَتْلُ، فَإِنَّهُ يُحِبُّ أَنْ يَرْجِعَ فَيُقْتَلَ مَرَّةً أُخْرَى».

(المعجم (٣٤) - مَا يَتَمَنَّى أَهْلُ الْجَنَّةِ (التحفة (٣٤)

٣١٦٢ - أَخْبَرَنَا أَبُو بَكْرٍ بْنُ نَافِعٍ قَالَ: حَدَّثَنَا بَهْرٌ قَالَ: حَدَّثَنَا حَمَادٌ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يُؤْتَى بِالرَّجُلِ مِنْ أَهْلِ الْجَنَّةِ فَيَقُولُ اللَّهُ عَزَّ وَجَلَّ: يَا ابْنَ آدَمَ كَيْفَ وَجَدْتَ مَنْزِلَكَ؟ فَيَقُولُ: أَيْ رَبِّ! خَيْرٌ مَتَّزِلٌ، فَيَقُولُ: سَلْ وَتَمَّ، فَيَقُولُ: أَشَأْلُكَ أَنْ تَرْدَنِي إِلَى الدُّنْيَا فَأُقْتَلَ فِي بِالشَّهَادَةِ».

تخریج: [إسناده صحيح] أخرجه أحمد: ١٣١، ٢٠٧، ٢٣٩، ٣/٤٦٨، ح. وهو في الكبّریٰ، ح.

## Chapter 35. What The Martyr Feels Of Pain

**3163.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “The martyr does not feel the pain of being killed, except as any one of you feels a pinch.” (*Dâ’if*)

(المعجم ٣٥) - مَا يَحْدُثُ الشَّهِيدُ مِنْ

الْأَلَمِ (التحفة ٣٥)

٣١٦٣ - أَخْبَرَنَا عِمْرَانُ بْنُ يَرِيدَ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ مُحَمَّدٍ بْنِ عَجْلَانَ، عَنْ الْفَعَّاقِعَ بْنِ حَكِيمٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الشَّهِيدُ لَا يَحْدُثُ مَسَّ الْقُتْلِ إِلَّا كَمَا يَحْدُثُ الْقُرْصَةُ يَفْرُصُهَا».

تخریج: [إسناده ضعیف] والحديث حسن لغيره أخرجه الترمذی، فضائل الجهاد، باب ما جاء في فضل المرابط، ح: ١٦٦٨، وابن ماجه، ح: ٢٨٠٢ من حديث ابن عجلان به، وهو في الكبیری، ح: ٤٣٦٩، وقال الترمذی: "حسن غريب صحيح" \* ابن عجلان عنون، ول الحديث شاهد ضعیف عند الطبرانی في الأوسط: ١٩٨، ٢٨٢.

### Comments

The pleasure of martyrdom and the intensity of Faith is stronger than any pain for the martyr.

## Chapter 36. Asking For Martyrdom

**3164.** Sahl bin Abî Umâmah bin Sahl bin Hunâif narrated from his father, from his grandfather, that the Messenger of Allâh ﷺ said: “Whoever asks Allâh, the Mighty and Sublime, sincerely for martyrdom, Allâh will cause him to reach the status of the martyrs even if he dies in his bed.” (*Sahîh*)

(المعجم ٣٦) - مَسَأْلَةُ الشَّهَادَةِ (التحفة ٣٦)

٣١٦٤ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَغْرَى قَالَ: حَدَّثَنَا أَبْنُ وَهْبٍ قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ شُرِيعٍ، أَنَّ سَهْلَ بْنَ أَبِي أَمَامَةَ أَبْنَ سَهْلٍ بْنِ حُنَيْفٍ حَدَّثَهُ عَنْ أَبِيهِ عَنْ جَدِّهِ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ سَأَلَ اللَّهَ عَزَّ وَجَلَّ الشَّهَادَةَ بِصِدْقٍ بَلَغَهُ اللَّهُ مَنَازِلَ الشُّهَدَاءِ وَإِنْ مَاتَ عَلَى فِرَاشِهِ».

تخریج: أخرجه مسلم، الإمارة، باب استحباب طلب الشهادة في سبيل الله تعالى، ح: ١٩٠٩ من حديث ابن وهب به، وهو في الكبیری، ح: ٤٣٧٠.

### Comments

- ‘Sincerely’: Not for just boastful showing off or eloquence, as is the common customary practice.
- ‘Whoever asks’: This is not supplicating for death, but it is a supplication for

an excellent death, whenever it might come. And this is desirable or commendable.

**3165.** It was narrated from 'Uqbah bin 'Amir that the Messenger of Allâh ﷺ said: "There are five things, whoever dies of any of them is a martyr. The one who is killed in the cause of Allâh is a martyr; the one who drowns in the cause of Allâh is a martyr; the one who dies of an abdominal complaint in the cause of Allâh is a martyr; the one who dies of the plague in the cause of Allâh is a martyr; and the woman who dies in childbirth in the cause of Allâh is a martyr." (*Sahîh*)

٣١٦٥ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا أَبْنُ وَهْبٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ شُرَيْحٍ عَنْ عَبْدِ اللَّهِ بْنِ ثَعَبَةَ الْحَضْرَمِيِّ، أَنَّهُ سَمِعَ أَبْنَ حُجَّرَةَ يُخْبِرُ عَنْ عُقَبَةَ بْنِ عَامِرٍ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «خَمْسٌ مَّنْ قُبِضَ فِي شَيْءٍ مِّنْهُنَّ كَفُورٌ شَهِيدٌ: الْمَقْتُولُ فِي سَبِيلِ اللَّهِ شَهِيدٌ، وَالْغَرِيقُ فِي سَبِيلِ اللَّهِ شَهِيدٌ، وَالْمَبْطُونُ فِي سَبِيلِ اللَّهِ شَهِيدٌ، وَالْمَطْعُونُ فِي سَبِيلِ اللَّهِ شَهِيدٌ، وَالنَّفَسَاءُ فِي سَبِيلِ اللَّهِ شَهِيدٌ».

تخریج: [صحيح] وهو في الكبیر، ح: ٤٢٧١، وله شاهد تقدم، ح: ٢٠٥٦، وأشار المنذري: ٣٣٤ / ٢ إلى أنه حسن \* عبدالله بن ثعلبة لم يوثقه غير ابن حبان.

### Comments

In this narration, for every martyr, the condition of being 'in the cause of Allâh' has been laid down, while in other narrations such a condition does not exist.

**3166.** It was narrated from Al-'Irbaq bin Sâriyah that the Messenger of Allâh ﷺ said: "The martyrs and those who died in their beds referred a dispute to our Lord concerning those who died of the plague. The martyrs said: 'Our brothers were killed as we were killed.' And those who died in their beds said: 'Our brothers died on their beds as we died.' Our Lord said: 'Look at their wounds; if their wounds are like the wounds of those who were killed then they are of them and belong with them.' And their wounds were like their (the martyrs') wounds." (*Hasan*)

٣١٦٦ - أَخْبَرَنَا عُمَرُ بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا يَقِيَّةَ قَالَ: حَدَّثَنَا بَحْرَيْرُ عَنْ خَالِدٍ، عَنْ أَبْنِ أَبِي بَلَالٍ، عَنْ الْعَرْبَاضِ بْنِ سَارِيَةَ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «يَخْتَصُّ الشَّهَدَاءُ وَالْمُتَوَفِّونَ عَلَى فُرُشَهُمْ إِلَى رَبِّنَا فِي الَّذِينَ يُتَوَفَّونَ مِنَ الطَّاغُوتِ فَيَقُولُ الشَّهَدَاءُ: إِخْرَانَا قُتِلْنَا كَمَا قُتِلْنَا، وَيَقُولُ الْمُتَوَفِّونَ عَلَى فُرُشَهُمْ: إِخْرَانَا مَاتُوا عَلَى فُرُشَهُمْ كَمَا مُتُّنَا، فَيَقُولُ رَبِّنَا: انظُرُوا إِلَى جَرَاحِهِمْ فَإِنْ أَشْبَهَ جَرَاحُهُمْ جَرَاحَ الْمَقْتُولِينَ، فَإِنَّهُمْ مِنْهُمْ، وَمَعَهُمْ، فَإِذَا جَرَاحُهُمْ قَدْ أَشْبَهَ جَرَاحَهُمْ».

**تخریج:** [حسن] آخرجه الطبراني في الكبير: ١٨/١٨، ح ٢٥٠، من حديث بقية به، وتابعه إسماعيل بن عياش (أحمد: ٤/١٢٩، ١٢٨)، وهو في الكبير، ح: ٤٣٧٢، والحديث السابق شاهد معنوي له \* بحير هو ابن سعد، وخالد هو ابن معدان، وعبدالرحمن بن أبي هلال وثقة ابن حبان، وحسن له الترمذى فهو حسن الحديث (نها المقصود، ح: ٥٠٥٧).

## Comments

What is outwardly apparent is that this dispute will take place before entering the Paradise, in front of the Lord of the worlds. The basis of this dispute will not be with any grudge or envy, rather the martyrs would wish that the rank of those who had died of plague will be elevated, and they should remain with us. On the other hand, those who had met their death upon their beds would desire that if they (who had died of plague) are getting the rank of the martyrs, we should also be given it, because they equal us in death.

## **Chapter 37. Meeting In Paradise Of The One Who Killed And The One Who Was Killed In The Cause Of Allâh**

**3167.** It was narrated from Abû Hurairah that the Prophet ﷺ said: “Allâh, the Mighty and Sublime, likes it when there are two men, one of whom killed the other, then they both enter Paradise.” And another time he said: “He laughs at two men, one of whom killed the other, then they both entered Paradise.” (*Sahîh*)

**تخریج:** أخرجه مسلم، الإمارة، باب بيان الرجلين يقتل أحدهما الآخر، يدخلان الجنة، ح: ١٨٩٠ من حديث سفيان بن عيينة، والبخاري، الجهاد والسير، باب الكافر يقتل المسلم ثم يسلم فيسدد بعد ويقتل، ح: ٢٨٦٦ من حديث أبي الزناد به، وهو في الكبرى، ح: ٤٣٧٣.

## **Chapter 38. Explanation Of That**

**3168** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Allâh laughs at two men, one of whom killed the other but they both entered Paradise. The first one fought in the cause of Allâh and was killed, then Allâh

(المعجم ٣٧) - اجتماع القاتل والمقتول  
في سبيل الله في الجنة (التحفة ٣٧)

٣١٦٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُقِيَّانُ عَنْ أَبِي الرَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ الْيَهُودِ قَالَ: إِنَّ اللَّهَ عَزَّ وَجَلَّ يَعْجِبُ مِنْ رَجُلٍ يَقْتُلُ أَحَدَهُمَا صَاحِبَهُ، وَقَالَ مَرْءَةٌ أُخْرَى: «لَيَضْسُكَ مِنْ رَجُلٍ يَقْتُلُ أَحَدَهُمَا صَاحِبَهُ ثُمَّ يَدْخُلُنِ الْجَنَّةَ».

٣٦٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ  
وَالْحَارِثُ بْنُ مَشْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ  
عَنْ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكُ عَنْ أَبِي  
الزَّنَادِ، عَنِ الْأَعْتَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ  
رَسُولَ اللَّهِ ﷺ قَالَ: «إِذْسَحِكَ اللَّهُ إِلَى

accepted the repentance of the one who killed him, and he fought and was martyred.” (*Sahîh*)

رَجُلَيْنِ يَقْتُلُ أَحَدُهُمَا الْآخَرَ كِلَاهُمَا يَدْخُلُ  
الْجَنَّةَ يُقاتِلُ هَذَا فِي سَبِيلِ اللَّهِ فَقُتِلَ، ثُمَّ  
يُتُوبُ اللَّهُ عَلَى الْقَاتِلِ فَيُقاتِلُ فَيُسْتَشَهِدُ».

تخریج: أخرجه البخاري، الجهاد، باب الكافر يقتل المسلم ثم يسلم فيسدد بعد ويقتل، ح: ٢٨٢٦ من حديث مالك به، وهو في الكبرى، ح: ٤٣٧٤، والموطأ (یحيی) ٤٦٠/٢: .

### Comments

In the narrations above, there is mention of astonishment, laughter, and becoming glad. Therefore, the usage of these words for Allâh, Most High, is undoubtedly correct. Whatever it might signify; as the matters concerning the Self of Allâh, Most High, and His Attributes is beyond our understanding.

### Chapter 39. The Virtue Of *Ar-Ribâṭ* (Guarding The Frontier)

(المعجم ٣٩) - فَضْلُ الرِّبَاطِ (التحفة ٣٩)

**3169.** It was narrated from Salmân Al-Khair that the Messenger of Allâh ﷺ said: “Whoever guards *Ribâṭ* (the frontier) for one day and one night, will be given a reward like that for fasting and praying *Qiyâm* for a month, and whoever dies at *Ribâṭ* (guarding the frontier) will be rewarded, and he will be given provision, and he will be kept safe from *Al-Fattân*.<sup>[1]</sup>”<sup>[1]</sup> (*Sahîh*)

٣١٦٩ - قَالَ الْحَارِثُ بْنُ مَسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ عَنِ ابْنِ وَهْبٍ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ شُرَيْحٍ عَنْ عَبْدِ الْكَرِيمِ بْنِ الْحَارِثِ، عَنْ أَبِي عُبَيْدَةَ بْنِ عُقْبَةَ، عَنْ شُرَحْبِيلَ بْنِ السَّمْطِ، عَنْ سَلْمَانَ الْخَيْرِ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «مَنْ رَابَطَ يَوْمًا وَلَيْلَةً فِي سَبِيلِ اللَّهِ كَانَ لَهُ كَأَجْرٍ صِيَامٌ شَهْرٌ وَقِيَامٌ، وَمَنْ مَاتَ مُرَايِطًا أُخْرِيَ لَهُ مِثْلُ ذَلِكَ مِنَ الْأَجْرِ، وَأُخْرِيَ عَلَيْهِ الرُّزْقُ، وَأَمِنَ مِنَ الْفَتَّانِ».

تخریج: أخرجه مسلم، الإمارة، باب فضل الرباط في سبيل الله عزوجل، ح: ١٩١٣ من حديث ابن وهب به، وهو في الكبرى، ح: ٤٣٧٥: .

### Comments

Acquiring training to fight, making ready for combat, and to remain well-equipped and prepared to counter the enemy, also constitute *Jihâd*.

<sup>[1]</sup> According to As-Sindî, the preferred pronunciation is *Al-Fattân*, plural of *Fâtan* referring to Al-Munkar and An-Nakîr, while *Al-Fattân* would refer to *Ash-Shaitân* or the like, among the punishment of the grave, or, the angels of chastisement.

**3170.** It was narrated that Salmân said: "I heard the Messenger of Allâh ﷺ say: 'Whoever guards *Ribât* (the frontier) in the cause of Allâh for one day and one night, he will have (a reward) like that of fasting and praying *Qiyâm* for a month. If he dies he will continue to receive reward for what he did, and he will be kept safe from *Al-Fattâن*, and he will be given provision.'" (*Sahîh*)

تخریج: أخرجه مسلم، ح: ١٦٣ من حديث الليث بن سعد به، (انظر الحديث السابق)  
وهو في الكبرى، ح: ٤٣٧٦.

### Comments

'Provision:' Means as Allâh said: "Nay, they are alive, with their Lord, and they have provision." (*Al-Imrân* 3:169) And the Prophet ﷺ explained: "Their souls are in the crops of green birds which have lamps hanging from the throne, and they rom freely wherever they want in the Paradise..." (*Muslim* no. 4885)

**3171.** It was narrated from Zuhrah bin Ma'bad: "Abû Shâlih, the freed slave of 'Uthmân, said: 'I heard 'Uthmân bin 'Affân say: I heard the Messenger of Allâh ﷺ say: *Ribât* (guarding the frontier) for one day in the cause of Allâh is better in rank than a thousand days spent within the residence.'" (*Sahîh*)

تخریج: [إسناده صحيح] أخرجه الترمذى، فضائل الجهاد، باب ماجاء في فضل المرابط، ح: ١٦٦٧ من حديث الليث بن سعد به، وقال: "حسن صحيح غريب"، وهو في الكبرى، ح: ٤٣٧٧، وصححه ابن حبان، والحاكم ٢/٦٨، ١٤٣، ٦٨، والذهبي، وانظر الحديث الآتى.

**3172.** It was narrated that Abû Shâlih, the freed slave of 'Uthmân, said: "Uthmân bin 'Affân said: 'I heard the Messenger of Allâh ﷺ say: A day in the cause of Allâh is better than a thousand days doing

٣١٧٠ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا الْيَثِّيلُ قَالَ: حَدَّثَنِي أَيُوبُ بْنُ مُوسَى عَنْ مَكْحُولٍ، عَنْ شَرَحِيلَ بْنِ السُّمْطِ، عَنْ سَلْمَانَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ رَابَطَ فِي سَبِيلِ اللَّهِ يَوْمًا وَلَيْلَةً كَانَتْ لَهُ كَعْصِيَامَ شَهْرٍ وَقَيْاتِمَ، فَإِنْ مَاتَ بَجَرَى عَلَيْهِ عَمَلُهُ الَّذِي كَانَ يَعْمَلُ، وَأَمِنَ الْفَتَانَ، وَأَجْرَى عَلَيْهِ رِزْقَهُ».

٣١٧١ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا الْيَثِّيلُ عَنْ زُهْرَةَ بْنِ مَعْبِدٍ قَالَ: حَدَّثَنِي أَبُو صَالِحَ مَوْلَى عُثْمَانَ قَالَ: سَمِعْتُ عُثْمَانَ بْنَ عَفَانَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «رِبَاطُ يَوْمٍ فِي سَبِيلِ اللَّهِ خَيْرٌ مِنْ أَلْفِ يَوْمٍ فِيمَا سِواهُ مِنَ الْمَنَازِلِ».

٣١٧٢ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَ: حَدَّثَنَا ابْنُ الْمُبَارِكِ قَالَ: حَدَّثَنَا أَبُو مَعْنَى قَالَ: حَدَّثَنَا زُهْرَةَ بْنِ مَعْبِدٍ عَنْ أَبِي صَالِحِ مَوْلَى

anything else.”” (*Sahîh*)

عُثْمَانَ قَالَ: قَالَ عُثْمَانُ بْنُ عَفَّانَ رَضِيَ اللَّهُ عَنْهُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «يَوْمٌ فِي سَبِيلِ اللَّهِ خَيْرٌ مِنْ أَلْفٍ يَوْمٌ فِيمَا سِوَاءً».

نخريج: [صحيح] انظر الحديث السابق، وهو في الكبّرى، ح: ٤٣٧٨، وكتاب الجهاد لعبدالله بن المبارك، ح: ٧٢، وصححه ابن حبان، ح: ١٥٩٢ \* أبو معن هو محمد بن معن الأنصاري، أبو صالح اسمه بركان.

### Comments

There is nothing astonishing about it. Worship during *Lailatul Qadr* is also more excellent than that of a thousand months, and this is supremely great favor of Allâh.

## Chapter 40. The Virtue Of Jihâd By Sea

**3173.** It was narrated that Anas bin Mâlik said: “When the Messenger of Allâh ﷺ went to Qubâ’ he used to come to Umm Harâm bint Milhân and she would feed him. Umm Harâm was married to ‘Ubâdah bin As-Şâmit. The Messenger of Allâh ﷺ entered upon her and she fed him and checked his head for lice. The Messenger of Allâh ﷺ fell asleep, then he woke up smiling. She said: ‘What is making you smile, O Messenger of Allâh?’ He said: ‘Some people of my *Ummah* were shown to me, fighting in the cause of Allâh and riding across the sea like kings on thrones.’ I said: ‘O Messenger of Allâh, pray to Allâh to make me one of them.’ So the Messenger of Allâh ﷺ prayed for her, then he slept again.”” (One of the narrators) Al-Ḥârith, said (in his narration): “He slept then he woke up smiling. I said to him: ‘What is making you smile, O Messenger of Allâh?’ He said: ‘Some people of my

## (المعجم ٤٠) - فَضْلُ الْجِهَادِ فِي الْبَحْرِ (التحفة ٤٠)

٣١٧٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا ذَهَبَ إِلَى قِبَاءَ يَدْخُلُ عَلَى أُمِّ حَرَامٍ بِنْتِ مِلْحَانَ فَتَطْعَمُهُ، وَكَانَتْ أُمُّ حَرَامٍ بِنْتُ مِلْحَانَ تَحْتَ عَبَادَةَ بْنِ الصَّاصِمِ، فَدَخَلَ عَلَيْهَا رَسُولُ اللَّهِ ﷺ يَوْمًا فَأَطْعَمَهُ وَجَلَّسَتْ تَقْلِي رَأْسَهُ فَنَامَ رَسُولُ اللَّهِ ﷺ، ثُمَّ اسْتَيقَطَ وَهُوَ يَضْحَكُ قَالَتْ: فَقُلْتُ: مَا يُضْحِكُكَ يَا رَسُولَ اللَّهِ؟ قَالَ: «تَنَسَّ منْ أَمْتَيْتِي عُرِضُوا عَلَيَّ غُرَّاءً فِي سَبِيلِ اللَّهِ يَرَكُونَ شَيْجَ هَذَا الْبَحْرِ مُلُوكَ عَلَى الْأَسْرَةِ».

شَكَّ إِسْحَاقُ، - فَقُلْتُ: يَا رَسُولَ اللَّهِ اذْعُ اللَّهَ أَنْ يَجْعَلَنِي مِنْهُمْ فَدَعَا لَهَا رَسُولُ اللَّهِ ﷺ ثُمَّ نَامَ، وَقَالَ الْحَارِثُ: فَنَامَ ثُمَّ اسْتَيقَطَ

*Ummah* were shown to me, fighting in the cause of Allâh and riding across the sea like kings on thrones,' as he had said the first time. I said: 'O Messenger of Allâh, pray to Allâh to make me one of them.' He said: 'You will be one of the first.' And she traveled by sea at the time of Mu'âwiyah, then she fell from her mount when she came out of the sea and died." (*Sahîh*)

فَصَحِّحَكَ فَقُلْتُ لَهُ: مَا يُضْحِكُكَ يَا رَسُولَ اللَّهِ؟ قَالَ: «نَاسٌ مِنْ أُمَّتِي عَرِضُوا عَلَيَّ غَزَّةً في سَيِّلِ اللَّهِ مُلُوكٍ عَلَى الْأَسِرَةِ - أَوْ مُثُلَ الْمُلُوكِ عَلَى الْأَسِرَةِ» - كَمَا قَالَ فِي الْأُولَى فَقُلْتُ: يَا رَسُولَ اللَّهِ إِذْ أَعُنْ يَجْعَلُنِي مِنْهُمْ قَالَ: «أَنْتِ مِنَ الْأَوْلَى» فَرَجَبَتِ الْبَحْرُ فِي زَمَانِ مُعاوِيَةَ فَضَرِقْتُ عَنْ دَائِنَتِهَا حِينَ خَرَجْتُ مِنَ الْبَحْرِ فَهَلَكْتُ.

تخریج: أخرجه البخاري، الجهاد، باب الدعاء بالجهاد والشهادة للرجال والنساء، ح: ۲۷۸۹، ۲۷۸۸، ومسلم، الإمارة، باب فضل الغزو في البحر، ح: ۱۹۱۲ من حديث مالك به، وهو في الكبرى، ح: ۴۳۷۹، ۴۶۴، والموطأ (يحيى): ۴۶۵، ۴۶۴/۲.

### Comments

1. Umm Harâm bint Milhân ﷺ was the Prophet's ﷺ unmarriageable kin (a *Mahram*), related to his mother's side of the family. The Prophet's ﷺ visiting her frequently, sleeping at her house, her searching his sacred head for lice, etc., all are understood by the relationship. Otherwise, Allâh's Messenger ﷺ did not visit other houses of the Helpers in such a way.
2. Allâh's Messenger ﷺ never had lice in his blessed head. He kept himself clean and tidy. He always remained fragrant and sweet-smelling. Her attempting to find lice in his head is linked to the customary common habit.

**3174.** It was narrated from Anas bin Mâlik that Umm Ḥarâm bint Milhân said: "The Messenger of Allâh ﷺ came to us and took a nap in our house, then he woke up smiling. I said: 'O Messenger of Allâh, may my father and mother be ransomed for you, what has made you smile?' He said: 'I saw some people of my *Ummah* riding on the sea like kings on thrones.' I said: 'Pray to Allâh to make me one of them.' He said: 'You will be one of them.' Then he slept again, and woke up smiling. I asked him and he said the same thing. I said:

٣١٧٤ - أَخْبَرَنَا يَحْيَى بْنُ حَيْبٍ بْنُ عَرَبِيٍّ قَالَ: حَدَّثَنَا حَمَادٌ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدٍ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنْ أَنَسِ بْنِ مَالِكٍ، عَنْ أُمِّ حَرَامٍ بِنْتِ مِلْخَانَ قَالَتْ: أَتَانَا رَسُولُ اللَّهِ ﷺ وَقَالَ عِنْدَنَا فَأَسْتَقْظَأُ وَهُوَ يَضْحِكُ، فَقُلْتُ: يَا رَسُولَ اللَّهِ! يَأْبِي وَأَمِّي مَا يُضْحِكُكَ؟ قَالَ: «رَأَيْتُ قَوْمًا مِنْ أُمَّتِي يَرْكَبُونَ هَذَا الْبَحْرَ كَالْمُلُوكَ عَلَى الْأَسِرَةِ» قُلْتُ: إِذْ أَعُنْ يَجْعَلُنِي مِنْهُمْ قَالَ: «فَإِنَّكَ مِنْهُمْ» ثُمَّ نَامَ ثُمَّ أَسْتَقْظَأُ وَهُوَ يَضْحِكُ، فَسَأَلْتُهُ فَقَالَ - يَعْنِي مِثْلَ مَقَالِي -

'Pray to Allâh to make me one of them.' He said: 'You will be one of the first.' Then 'Ubâdah bin As-Sâmit married her, and he traveled by sea, and she traveled with him, but when she came ashore a mule was brought to her and she mounted it, and it threw her off and broke her neck." (*Sahîh*)

فَلِتُّ: اذْعُ اللَّهَ أَنْ يَجْعَلَنِي مِنْهُمْ قَالَ: «أَنْتِ مِنَ الْأَوَّلِينَ» فَتَرَوْجَهَا عَبَادَةُ بْنُ الصَّامتِ، فَرَكِبَ الْبَحْرَ وَرَكِبَتْ مَعَهُ، فَلَمَّا خَرَجْتُ فُدِمْتُ لَهَا بَعْلَةً فَرَكِبَتْهَا، فَصَرَعَتْهَا، فَانْدَثَتْ عَنْقُهَا.

تخریج: أخرجه البخاري، الجهاد، باب رکوب البحر، ح ٢٨٩٤، ٢٨٩٥، ١٩١٢، (انظر الحديث السابق) من حديث حماد بن زيد به، وهو في الكبير، ح ٤٣٨١.

## Chapter 41. Invading India

**3175.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ promised us that we would invade India. If I live to see that, I will sacrifice myself and my wealth. If I am killed, I will be one of the best of the martyrs, and if I come back, I will be Abû Hurairah Al-Muharrar."<sup>[1]</sup> (*Da'if*)

(المعجم ٤١) - غَزْوَةُ الْهِنْدِ (التحفة ٤١)

٣١٧٥ - أَخْبَرَنَا أَحْمَدُ بْنُ عُثْمَانَ بْنَ حَكِيمٍ قَالَ: حَدَّثَنَا زَكَرِيَّاً بْنُ عَدْيٍ قَالَ: حَدَّثَنَا عَبْيَدُ اللَّهِ بْنُ عَمْرُو عَنْ زَيْدِ بْنِ أَبِي أَنْسِيَّةَ، عَنْ سَيَّارٍ ح ٦٠٣: وَأَخْبَرَنَا هُشَيْمٌ عَنْ سَيَّارٍ عَنْ جَبَرِ بْنِ عَبِيَّةَ وَقَالَ عَبْيَدُ اللَّهِ: عَنْ جَبَرِيْرٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: وَعَدَنَا رَسُولُ اللَّهِ ﷺ غَزْوَةَ الْهِنْدِ فَإِنْ أَذْرَكُهَا أُنْفِقَ فِيهَا نَفْسِي وَمَالِي فَإِنْ أُفْتَلَ كُنْتُ مِنْ أَفْضَلِ الشَّهِيدَاتِ وَإِنْ أَرْجِعَ فَأَنَا أَبُو هُرَيْرَةَ الْمُحَرَّرُ.

تخریج: [إسناده ضعيف] أخرجه أحمدرد ٢٢٨، ٢٢٩ عن هشيم به، وهو في الكبير، ح ٤٣٨٢: \* جبر بن عبيدة لم يوثقه غير ابن حبان، وقال النهيبي: "بخبر منكر، لا يعرف من ذا؟".

## Comments

The Muslims mounted an attack on India (lit. Hindustân), in the year 44H, during the Caliphate of Mu'awiyah رضي الله عنه. Later, the expedition of Muhammad bin Qâsim, which took place during the Caliphate of Walid bin Abdul Malik is well-known.

**3176.** It was narrated that Abû Hurairah said: "The Messenger of

٣١٧٦ - حَدَّثَنِي مُحَمَّدُ بْنُ إِشْمَاعِيلَ بْنَ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: أَخْبَرَنَا هُشَيْمٌ

[1] *Al-Muharrar*: The one freed (from the Fire).

Allâh ﷺ promised that we would invade India. If I live to see that I will sacrifice myself and my wealth. If I am killed, I will be one of the best of the martyrs, and if I come back, I will be Abû Hurairah Al-Muharrar.” (*Dâ’if*)

قال: حَدَّثَنَا سَيَّارٌ أَبُو الْحَكَمِ عَنْ جَبْرِيلٍ عَسِيَّةً، عَنْ أَبِي هُرَيْرَةَ قَالَ: وَعَدَنَا رَسُولُ اللَّهِ عَزَّوَجْلَهُ عَزَّلَهُ غَرْوَةُ الْهَنْدِ فَإِنْ أَذْرَكْتُهَا أُنْفِقْ فِيهَا نَفْسِي وَمَالِي وَإِنْ قَتَلْتُ كُنْتُ أَفْضَلَ الشَّهِيدَاءِ فَإِنْ رَجَعْتُ فَأَنَا أَبُو هُرَيْرَةَ الْمُخْرَرُ.

تخریج: [إسناده ضعیف] انظر الحديث السابق، وهو في الكبرى، ح: ٤٣٨٣.

**3177.** It was narrated that Thawbân, the freed slave of the Messenger of Allâh ﷺ, said: “The Messenger of Allâh ﷺ said: ‘There are two groups of my *Ummah* whom Allâh will free from the Fire: The group that invades India, and the group that will be with ‘Isa bin Maryam, peace be upon him.’” (*Hasan*)

٣١٧٧ - أَخْبَرَنِي مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّجِيمِ قَالَ: حَدَّثَنَا أَسْدُ بْنُ مُوسَى قَالَ: حَدَّثَنَا يَقِيَّةُ قَالَ: حَدَّثَنِي أَبُو بَكْرِ الرَّبِيعِيُّ عَنْ أَخِيهِ مُحَمَّدِ بْنِ الْوَلِيدِ، عَنْ لَقْمَانَ بْنِ عَامِرٍ، عَنْ عَبْدِ الْأَغْلَى بْنِ عَدَى الْبَهْرَانِيِّ، عَنْ ثُوبَانَ مَوْلَى رَسُولِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ عَزَّلَهُ: (عِصَابَتَايِّا مِنْ أُمَّتِي حَرَرَهُمَا اللَّهُ مِنَ النَّارِ عِصَابَةٌ تَعْزُزُ الْهَنْدَ وَعِصَابَةٌ تَكُونُ مَعَ عِيسَى ابْنِ مَرْيَمَ عَلَيْهِمَا السَّلَامُ).

تخریج: [حسن] أخرجه أحمد: ٢٧٨ / ٥ من حديث بقية به، وهو في الكبرى، ح: ٤٣٨٤ \* أبو بكر الربيعي مجھول الحال (تقریب)، تابعه عبدالله بن سالم: “ثقة” عند أحمد، وتابعهما الجراح ابن مليح عند السخاري في التاريخ الكبير: ٦/٧٢، وابن عدي في الكامل: ٢/٥٨٣ من طريقين قویین عنه.

## Chapter 42. Fighting The Turks And The Ethiopians

**3178.** It was narrated from Abû Sukainah, a man from among the *Muharrarîn*,<sup>[1]</sup> that a man among the Companions of the Prophet ﷺ said: “When the Prophet ﷺ

(المعجم ٤٢) - غَرْوَةُ التُّرْكِ وَالْجَبَشَةِ (التحفة ٤٢)

٣١٧٨ - أَخْبَرَنَا عِيسَى بْنُ يُونُسَ قَالَ: حَدَّثَنَا ضَمْرَةً عَنْ أَبِي زُرْعَةَ السَّيَّانِيِّ، عَنْ أَبِي سَكِينَةَ رَجُلٍ مِنَ الْمُخْرَرِيْنَ، عَنْ رَجِلٍ

[١] *Al-Muharrarîn*: Those who were freed from the Fire.

commanded them to dig the trench (*Al-Khandaq*), there was a rock in their way preventing them from digging. The Messenger of Allâh ﷺ stood, picked up a pickaxe, put his *Ridâ'* (upper garment) at the edge of the ditch and said: 'And the Word of your Lord has been fulfilled in truth and in justice. None can change His Words. And He is the All-Hearer, the All-Knower.'<sup>[1]</sup> One-third of the rock broke off while Salmân Al-Fârisî was standing there watching, and there was a flash of light when the Messenger of Allâh ﷺ struck (the rock). Then he struck it again and said: 'And the Word of your Lord has been fulfilled in truth and in justice. None can change His Words. And He is the All-Hearer, the All-Knower.' And another third of the rock broke off and there was another flash of light, which Salmân saw. Then he struck (the rock) a third time and said: 'And the Word of your Lord has been fulfilled in truth and in justice. None can change His Words. And He is the All-Hearer, the All-Knower.' The last third fell, and the Messenger of Allâh ﷺ came out, picked up his *Ridâ'* and sat down. Salmân said: 'O Messenger of Allâh, Each time you struck the rock there was a flash of light.' The Messenger of Allâh ﷺ said to him: 'O Salmân, did you see that?' He said: 'Yes, by the One Who sent you with the truth, O Messenger of

من أصحاب النبي ﷺ قال: لما أمر النبي ﷺ بحفر الخندق عرّض لهم صخرة حالت بينهم وبين الحفر فقام رسول الله ﷺ وأخذ المعمول ووضع رداءه تاجية الخندق وقال: «وَتَمَّتْ كِلْمَتُ رَبِّكَ صِدْقًا وَعَدْلًا لَا مُبْدِلَ لِكَلْمَنْتِهِ وَهُوَ السَّمِيعُ الْعَلِيمُ» [الأنعام: ١١٥]. فندر ثُلُثُ الحجر وسالمان الفارسي قائم ينظر فبرق مع ضربة رسول الله ﷺ برق، ثم ضرب الثانية وقال: «وَتَمَّتْ كِلْمَتُ رَبِّكَ صِدْقًا وَعَدْلًا لَا مُبْدِلَ لِكَلْمَنْتِهِ وَهُوَ السَّمِيعُ الْعَلِيمُ». فندر الثُلُثُ الآخر فبرقت برق فرأها سالمان، ثم ضرب الثالثة وقال: «وَتَمَّتْ كِلْمَتُ رَبِّكَ صِدْقًا وَعَدْلًا لَا مُبْدِلَ لِكَلْمَنْتِهِ وَهُوَ السَّمِيعُ الْعَلِيمُ». فندر الثُلُثُ الباقى وخرج رسول الله ﷺ فأخذ رداءه وجلس، قال سالمان: يا رسول الله! رأيتك حين ضربت ما تصرّب ضربة إلا كانت معها برق، قال [له] رسول الله ﷺ: «يا سالمان! رأيتك ذلك؟» فقال: إيه والذى يعنى بالحق يا رسول الله! قال: «فإلي حين ضربت الضربة الأولى رفعت لي مدائين كشرى وما حواها ومدائين كثيرة حتى رأيتك بعيبي». قال له من حضره من أصحابه: يا رسول الله! ادع الله أن يفتح علينا ويعنّنا ديارهم، ويحرّب بأيدينا بلاهم، فدعوا رسول الله ﷺ

[1] *An-An'âm* 6:115.

Allâh.' He said: 'When I struck the first blow, the cities of Kisra and their environs were shown to me, and many other cities, and I saw them with my own eyes.' Those of his Companions who were present said: 'O Messenger of Allâh, pray to Allâh to grant us victory and to give us their lands as spoils of war, and to destroy their lands at our hands.' So the Messenger of Allâh ﷺ prayed for that. (Then he said:) 'Then I struck the second blow and the cities of Caesar and their environs were shown to me, and I saw them with my own eyes.' They said: 'O Messenger of Allâh, pray to Allâh to grant us victory and to give us their lands as spoils of war, and to destroy their lands at our hands.' So the Messenger of Allâh ﷺ prayed for that. (Then he said:) 'Then I struck the third blow and the cities of Ethiopia were shown to me, and the villages around them, and I saw them with my own eyes.' But the Messenger of Allâh ﷺ said at that point: 'Leave the Ethiopians alone so long as they leave you alone, and leave the Turks alone so long as they leave you alone.'" (*Hasan*)

يُذِلَّكَ، ثُمَّ ضَرَبَتِ الْفَرِسْيَةُ الثَّانِيَةُ فَرَفِعَتْ لِي مَدَائِنُ قَيْصَرَ وَمَا حَوْلَهَا حَتَّى رَأَيْتُهَا يُعَيْنَيْ». قَالُوا: يَا رَسُولَ اللَّهِ! ادْعُ اللَّهَ أَنْ يَفْتَحَ عَلَيْنَا وَيُعْنِمَنَا دِيَارَهُمْ، وَيُخْرِبَ بِأَيْدِيهِنَا بِلَادَهُمْ، فَدَعَا رَسُولُ اللَّهِ ﷺ بِذِلِّكَ، ثُمَّ ضَرَبَتِ الْفَرِسْيَةُ الثَّالِثَةُ فَرَفِعَتْ لِي مَدَائِنُ الْجَبَسَةِ وَمَا حَوْلَهَا مِنَ الْقَرَى حَتَّى رَأَيْتُهَا يُعَيْنَيْ». قَالَ رَسُولُ اللَّهِ ﷺ عِنْدَ ذَلِكَ: «دَعُوا الْجَبَسَةَ مَا وَدَعُوكُمْ وَأَنْزَكُوا النَّزَكَ مَا تَرَكُوكُمْ».

تخریج: [إسناده حسن] أخرجه أبو داود، الملاحم، باب: في النهي عن تهییج الترك والجيشة، ح: ٤٣٠٢ من حديث ضمرة بن ربيعة به، وهو في الكبرى، ح: ٤٣٨٥ \* أبو زرعة هو يحيى بن أبي عمرو، وأبو سكينة مختلف في صحبته فحديثه لا ينزل عن درجة الحسن، وللحديث شاهد حسن، انظر نيل المقصود، ح: ٤٣٠٩ يسر الله لنا طبعه.

### Comments

1. 'A Companion or one Companion': it appears that Companion is Salmân only.
2. The import of reciting the above-mentioned Verse of the Qur'ân during all the three blows which the Prophet ﷺ struck is that the victory of Islam is the absolutely definite decision of Allâh, Most High, which would surely come to pass. No one would be able to alter it.

**3179.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “The Hour will not begin until the Muslims fight the Turks, a people with faces like hammered shields who wear clothes made of hair and shoes made of hair.” (*Sahîh*)

٣١٧٩ - أَخْبَرَنَا قُتْبَيْةُ قَالَ: حَدَّثَنَا يَعْقُوبُ عَنْ سَهْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَقُومُ السَّاعَةُ حَتَّى يُقَاتِلَ الْمُسْلِمُونَ التُّرْكَ قَوْمًا، وُجُوهُهُمْ كَالْمَجَانَ الْمُطَرَّقَةِ، يَلْبِسُونَ الشَّعْرَ، وَيَمْشُونَ فِي الشَّعْرِ».

تخریج: أخرج مسلم، الفتن، باب: لا تقوم الساعة حتى يمر الرجل بغير الرجل ... إلخ، ح: ٢٩١٢ عن قتيبة به، وهو في الكبرى، ح: ٤٣٨٦.

### Comments

1. ‘Their faces’ means they would be insolently stern and thick, as if hide is mounted over iron.
2. Since the Turks are the habitants of cold regions, they need to wear furred clothes and shoes.

### Chapter 43. Seeking The Support Of Allâh By The Supplications Of The Weak

**3180.** It was narrated from Muṣ'ab bin Sa'd, from his father, that he thought he was better than other Companions of the Prophet ﷺ. The Prophet of Allâh ﷺ said: “Rather, Allâh supports this *Ummah* because of its weak ones, because of their supplication, their *Salâh*, and their sincerity.” (*Sahîh*)

(المعجم (٤٣) - الاستئناف بالضعف  
(التحفة (٤٣)

٣١٨٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِدْرِيسَ قَالَ: حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ بْنُ غَيَاثٍ عَنْ أَبِيهِ، عَنْ مُسْعِرٍ، عَنْ طَلْحَةَ بْنِ مُصْرِفٍ، عَنْ مُضْعِبِ بْنِ سَعْدٍ، عَنْ أَبِيهِ: أَنَّهُ ظَنَّ أَنَّ لَهُ فَضْلًا عَلَى مَنْ مُؤْتَهُ مِنْ أَصْحَابِ التَّبَّيِّنَ ﷺ فَقَالَ نَبِيُّ اللَّهِ ﷺ: «إِنَّمَا يَنْصُرُ اللَّهُ هُذِهِ الْأُمَّةُ بِضَعْفِهَا يَدْعُوْهُمْ وَصَالِيْهِمْ وَإِخْلَاصِهِمْ».

تخریج: أخرج البخاري، الجهاد، باب من استعان بالضعفاء والصالحين في الحرب، ح: ٢٨٩٦ من حديث طلحة به، وهو في الكبرى، ح: ٤٣٨٧.

### Comments

‘Superiority or precedence (over others)’ because he belonged to the group of early Muslims. He used to call himself one-third Islam (the third part of Islam) that means numerically he had been the third to become a Muslim.

**3181.** It was narrated from Jubair bin Nufair Al-Hadramî that he heard Abû Ad-Dardâ' say: “I heard the Messenger of Allâh ﷺ say:

٣١٨١ - أَخْبَرَنَا يَحْيَى بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا عُمَرُ بْنُ عَبْدِ الْواحِدِ قَالَ: حَدَّثَنَا ابْنُ جَابِرٍ قَالَ: حَدَّثَنِي زَيْدُ بْنُ أَرْطَاءَ الْفَزَارِيُّ

'Bring me the weak, for you only receive provision and Divine support by virtue of your weak ones.'" (*Sahîh*)

عَنْ جُبِيرٍ بْنِ ثَفِيرِ الْحَاضِرِيِّ، أَنَّهُ سَمِعَ أَبَا الدَّرْدَاءِ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «ابْنُونِي الْضَّعِيفَ فَإِنْكُمْ إِنَّمَا تُرْزَقُونَ وَتُنْصَرُونَ بِضَعْفِكُمْ».

تخریج: [إسناده صحيح] أخرجه أبو داود، الجهاد، باب: في الانتصار برذل الخيل والضفة، ح: ٢٥٩٤ من حديث عبد الرحمن بن يزيد بن جابر به، وهو في الكبرى، ح: ٤٣٨٨، وقال الترمذى، ح: ١٧٠٢ "حسن صحيح"، وصححه ابن حبان، ح: ١٦٢٠، والحاکم: ١٤٥/٢.

### Comments

Allâh, Most High, wishes to provide subsistence to those weak and feeble folks and desires to do well to them. But since they are dependent on you in some ways, Allâh, Most High, gives you also subsistence in order to provide subsistence to them. And He succours you in order to do good to them.

### Chapter 44. The Virtue Of The One Who Equips A Warrior

(المعجم (٤٤) - فَضْلُ مَنْ جَهَّزَ غَازِيًّا  
(التحفة (٤٤)

**3182.** It was narrated from Zaid bin Khâlid that the Messenger of Allâh ﷺ said: "Whoever equips a warrior in the cause of Allâh has fought, and whoever looks after his family in his absence has fought." (*Sahîh*)

٣١٨٢ - أَخْبَرَنَا شَلِيمَانُ بْنُ ذَاوِدَةَ وَالْحَارِثُ بْنُ مِشْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ، عَنْ بْنِ وَهْبٍ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ بُكَيْرٍ ابْنِ الْأَشْجَحِ، عَنْ شُرِّيْبِ بْنِ سَعِيدٍ، عَنْ زَيْدِ بْنِ خَالِدٍ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «مَنْ جَهَّزَ غَازِيًّا فِي سَبِيلِ اللَّهِ فَقَدْ غَزا، وَمَنْ خَلَقَهُ فِي أَهْلِهِ بِخَيْرٍ فَقَدْ غَزا».

تخریج: أخرجه مسلم، الإماراة، باب فضل إعانت الغازي في سبل الله بمركوب وغيره . . . إلخ، ح: ١٨٩٥ من حديث ابن وهب، والبخاري، الجهاد، باب فضل من جهز غازيا أو خلفه بخير، ح: ٢٨٤٣ من حديث بسر به، وهو في الكبرى، ح: ٤٣٨٩ .

### Comments

While some people join the armed forces, and curb the enemy, the rest of the population contributes from wages and salaries for weapons and other necessities. In this way, the whole community fulfills the obligatory duty of *Jihâd*. And all are rightfully entitled for the reward or recompense.

**3183.** It was narrated that Zaid bin Khâlid Al-Juhâni said: “The Messenger of Allâh ﷺ said: ‘Whoever equips a warrior has fought, and whoever looks after his family in his absence has fought.’”<sup>(Sahîh)</sup>

٣١٨٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُتَّهِّنِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ قَالَ: حَدَّثَنَا حَرْبُ بْنُ شَدَادٍ عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ بُشَّرِ بْنِ سَعِيدٍ، عَنْ زَيْدِ بْنِ خَالِدِ الْجَهْنَمِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ جَهَّزَ غَازِيًّا فَقَدْ غَزا، وَمَنْ خَلَفَ غَازِيًّا فِي أَهْلِهِ بِخَيْرٍ فَقَدْ غَزا».

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٤٣٩٠، وأخرجه البخاري، ح: ٢٨٤٣ من حديث يحيى بن أبي كثیر به.

**3184.** It was narrated that Al-Ahnaf bin Qais said: “We set out as pilgrims and came to Al-Madînah intending to perform *Hajj*. While we were in our camping place unloading our mounts, someone came to us and said: ‘The people have gathered in the *Masjid* and there is panic.’ So we set out and found the people gathered around a group in the middle of the *Masjid*, among whom were ‘Alî, Zubayr, Talhah and Sa‘d bin Abî Waqqâs. While we were like that, ‘Uthmân, may Allâh be pleased with him, came, wearing a yellow cloak with which he had covered his head. He said: ‘Is Talhah here? Is Az-Zubair here? Is Sa‘d here?’ They said: ‘Yes.’ He said: ‘I adjure you by the One beside Whom there is none worthy of worship, didn’t the Messenger of Allâh ﷺ say: Whoever buys the *Mirbad*<sup>[1]</sup> of Banu so-and-so, Allâh will forgive him, and I bought it for

٣١٨٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ قَالَ: سَمِعْتُ حُصَيْنَ بْنَ عَبْدِ الرَّحْمَنِ يُخَدِّثُ عَنْ عُمَرِ بْنِ جَاؤَانَ، عَنْ الْأَحْنَفِ بْنِ قَيْسٍ قَالَ: حَرَجْنَا حُجَّاجًا فَقَدِيمُنَا الْمَدِينَةُ وَتَحْنُنُ تُرِيدُ التَّحْجَجَ، فَبَيْتُنَا نَحْنُ فِي مَازِلْنَا نَقْصُرُ رِحَالَنَا إِذْ أَتَانَا آتٍ فَقَالَ: إِنَّ النَّاسَ قَدْ اجْتَمَعُوا فِي الْمَسْجِدِ وَفَرَغُوا، فَانْطَلَقْنَا فَإِذَا النَّاسُ مُجْتَمِعُونَ عَلَى نَقْرَ في وَسْطِ الْمَسْجِدِ وَفِيهِمْ عَلَيِّ وَزَبِيرٌ وَطَلْحَةٌ وَسَعْدٌ بْنُ أَبِي وَقَاصٍ، فَإِنَّا كَذَلِكَ إِذْ جَاءَ ثُمَّانُ رَضِيَ اللَّهُ عَنْهُ عَلَيْهِ مُلَائِكَةً صَفْرَاءً قَدْ قَطَعَ بِهَا رَأْسَهُ، فَقَالَ: أَهُنَا طَلْحَةُ؟ أَهُنَا الزَّبِيرُ؟ أَهُنَا سَعْدٌ؟ قَالُوا: نَعَمْ فَقَالَ: إِنِّي أَنْشُدُكُمْ بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ! أَتَعْلَمُونَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ يَتَابَعُ مِرْبَدَ بَنِي فُلَانٍ غَفَرَ اللَّهُ لَهُ». فَابْتَعَثْتُمُ عِشْرِينَ أَلْفًا أَوْ بِخَمْسَةٍ

<sup>[1]</sup> *Mirbad*: A place for drying dates.

twenty or twenty-five thousand, then I came to the Messenger of Allâh ﷺ and told him, and he said: Add it to our *Masjid* and the reward for it will be yours?' They said: 'By Allâh, yes.' He said: 'I adjure you by the One beside Whom there is none worthy of worship, didn't the Messenger of Allâh ﷺ say: Whoever buys the well of Rûmah, Allâh will forgive him, so I bought it for such and such an amount, then I came to the Messenger of Allâh ﷺ and told him, and he said: Give it to provide water for the Muslims, and the reward for it will be yours?' They said: 'By Allâh, yes.' He said: 'I adjure you by the One beside Whom there is none worthy of worship, didn't the Messenger of Allâh ﷺ say: Whoever equips these (men) – meaning the army of Al-'Usrah (Tabûk) – Allâh will forgive him, so I equipped them until they were not lacking even a rope or a bridle?' They said: 'By Allâh, yes.' He said: 'O Allâh, bear witness, O Allâh, bear witness, O Allâh, bear witness.'" (*Hasan*)

وَعَشْرِينَ أَلْفًا فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَأَخْبَرْتُهُ قَالَ: «إِجْعَلْهُ فِي مَسْجِلَنَا وَأَجْرُهُ لَكَ». قَالُوا: اللَّهُمَّ نَعَمْ، قَالَ: أَنْشُدُكُمْ بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ أَتَعْلَمُونَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ ابْتَاعَ بِئْرَ رُومَةَ غَفَرَ اللَّهُ لَهُ». فَأَبْتَعْتُهَا بِكَذَا وَكَذَا فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ قَالَ: قَدْ أَبْتَعْتُهَا بِكَذَا وَكَذَا قَالَ: «إِجْعَلْهَا سِقَايَةً لِلْمُسْلِمِينَ وَأَجْرُهَا لَكَ». قَالُوا: اللَّهُمَّ نَعَمْ، قَالَ: أَنْشُدُكُمْ بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ أَتَعْلَمُونَ أَنَّ رَسُولَ اللَّهِ ﷺ نَظَرَ فِي وُجُوهِ الْقَوْمِ قَالَ: «مَنْ يُجْهَزُ هُولَاءَ غَفَرَ اللَّهُ لَهُ». - يَعْنِي جَيْشَ الْعُسْرَةِ - فَجَهَرُوكُمْ حَتَّى لَمْ يَقْدُوا عِقَالًا وَلَا خَطَامًا قَالُوا: اللَّهُمَّ نَعَمْ، قَالَ: اللَّهُمَّ اشْهُدْ! اللَّهُمَّ اشْهُدْ! اللَّهُمَّ اشْهُدْ!

تخریج: [إسناده حسن] أخرجه ابن أبي شيبة: ١٢/٣٩، ٤٠ عن ابن إدريس به، وهو في الكبرى، ح: ٤٣٩١، وصححه ابن خزيمة: ٤/١١٩، ١٢٠، ٢٤٨٧، وابن حبان، ح: ٢٢٠٠، وللحديث شواهد كثيرة \* عمرو بن جاوان وثقة ابن خزيمة، وابن حبان فحدیثه لا ينزل عن درجة الحسن.

### Comments

This incident occurred to the period of the Caliphate of 'Uthmân ﷺ, and in the final year of his life, when the rebels and corrupted people had ganged up in order to dismember the Caliphate, and had thronged around the city of Al-Madinah. Based on false allegations, they had demanded 'Uthmân's abdication and his resignation. They had threatened him with assassination if he did not comply. However, a few days after *Hajj* and, before the return of the pilgrims.

## Chapter 45. The Virtue Of Spending In The Cause Of Allâh

**3185.** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever spends on a pair (of things) in the cause of Allâh will be called in Paradise: 'O slave of Allâh, here is prosperity.' Whoever is one of the people of *Salâh*, he will be called from the gate of Paradise. Whoever is one of the people of *Jihâd*, he will be called from the gate of Paradise. Whoever is one of the people of charity, he will be called from the gate of Paradise. Whoever is one of the people who fast, he will be called from the gate of *Ar-Rayyân*." Abû Bakr, may Allâh be pleased with him, said: "O Messenger of Allâh, no distress or need will befall the one who is called from those gates. Will there be anyone who will be called from all these gates?" The Messenger of Allâh ﷺ said: "Yes, and I hope that you will be one of them." (*Sahîh*)

### Comments

This narration has preceded, see No. 2240.

**3186.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever spends on a pair (of things) in the cause of Allâh, the gatekeepers of Paradise will call him from the gates of Paradise (saying): O So-and-so, come and enter!' Abû Bakr said:

(المعجم ٤٥) - فَضْلُ النَّفَقَةِ فِي سَبِيلِ  
اللَّهِ تَعَالَى (التحفة ٤٥)

٣١٨٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ  
وَالْحَارِثُ ابْنُ مُسْكِينٍ قِوَاعِدَةُ عَلَيْهِ وَأَنَا أَشْفَعُ،  
عَنْ بْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ ابْنِ  
شَهَابٍ، عَنْ حُمَيْدٍ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ  
أَيِّي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَنْفَقَ  
رَوْجَيْنَ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ نُودِيَ فِي  
الْجَنَّةِ: يَا عَبْدَ اللَّهِ! هَذَا خَيْرٌ، فَمَنْ كَانَ مِنْ  
أَهْلِ الصَّلَاةِ دُعِيَ مِنْ بَابِ الصَّلَاةِ، وَمَنْ  
كَانَ مِنْ أَهْلِ الْجِهَادِ دُعِيَ مِنْ بَابِ الْجِهَادِ،  
وَمَنْ كَانَ مِنْ أَهْلِ الصَّدَقَةِ دُعِيَ مِنْ بَابِ  
الصَّدَقَةِ، وَمَنْ كَانَ مِنْ أَهْلِ الصَّيَامِ دُعِيَ مِنْ  
بَابِ الرِّيَاضِ» فَقَالَ أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ:  
هَلْ عَلَى مَنْ دُعِيَ مِنْ هَذِهِ الْأَبْوَابِ مِنْ  
ضُرُورَةٍ فَهُنَّ يُدْعَى أَحَدٌ مِنْ هَذِهِ الْأَبْوَابِ  
كُلُّهَا؟ قَالَ: «أَنَّمَّا وَأَرْجُو أَنْ تَكُونَ مِنْهُمْ».

تخریج: [صحیح] نقدم، ح: ٢٢٤٠، وهو في الكبير، ح: ٤٣٩٢.

٣١٨٦ - أَخْبَرَنَا عَمْرُو بْنُ عُمَانَ قَالَ:  
حَدَّثَنَا بَقِيَّةُ عَنِ الْأَوْزَاعِيِّ قَالَ: حَدَّثَنِي يَحْيَى  
عَنْ مُحَمَّدٍ بْنِ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا أَبُو سَلَمَةَ  
عَنْ أَيِّي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
«مَنْ أَنْفَقَ رَوْجَيْنَ فِي سَبِيلِ اللَّهِ دَعَاهُ خَزَنَةُ

'O Messenger of Allâh, such a person will never perish or be miserable.' The Messenger of Allâh ﷺ said: 'I hope that you will be one of them.'" (*Sahîh*)

الْجَنَّةُ مِنْ أَبْوَابِ الْجَنَّةِ: يَا فُلَانُ! هَلْمَ  
فَادْخُلْ» فَقَالَ أَبُو بَكْرٍ: يَا رَسُولَ اللَّهِ ذَاكَ  
الَّذِي لَا تَوَى عَلَيْهِ فَقَالَ رَسُولُ اللَّهِ ﷺ:  
إِنِّي لَأَرْجُو أَنْ تَكُونُ مِنْهُمْ».

تخریج: أخرجه البخاري، الجهاد والسير، باب فضل النفقة في سیل الله، ح: ٢٨٤١؛ ومسلم، الرکوة، باب من جمع الصدقة وأعمال البر، ح: ٨٦/١٠٢٧؛ من حديث أبي سلمة به، وهو في الكبرى، ح: ٤٣٩٣ \* يعني هو ابن أبي كثیر كما استظهر المزي في تحفة الأشراف.

**3187.** It was narrated that Sha'sha'ah bin Mu'awiyah said: "I met Abû Dharr and said: 'Tell me a *Hadîth*.' He said. Yes, the Messenger of Allâh ﷺ said: There is no Muslim worshipper who spends from each type of his wealth on a pair (of things) in the cause of Allâh, but the keepers of Paradise will welcome him, all of them calling him to what they have (of reward).' I said: "How is that?" He said: "If it is camels, he gives two, and if it is cows, he gives two.'" (*Sahîh*)

تخریج: [صحیح] تقدم طرفه، ح: ١٨٧٥، وهو في الكبرى، ح: ٤٣٩٤، وصححه ابن حبان، ح: ١٦٤٩، ١٦٥٢.

**3188.** It was narrated that Khuraim bin Fâtik said: "The Messenger of Allâh ﷺ said: 'Whoever spends in the cause of Allâh, it will be recorded for him seven hundred fold.'" (*Sahîh*)

أَخْبَرَنَا إِشْمَاعِيلُ بْنُ مَسْعُودٍ  
قَالَ: حَدَّثَنَا يَشْرُبُ بْنُ الْمُقْضَلِ عَنْ يُونُسَ، عَنْ  
الْحَسَنِ، عَنْ سَعْدَةَ بْنِ مَعَاوِيَةَ قَالَ: لَقِيَتُ  
أَبَا ذَرَ قَالَ: قُلْتُ: حَدَّثْتِي، قَالَ: نَعَمْ، قَالَ  
رَسُولُ اللَّهِ ﷺ: «مَا مِنْ عَبْدٍ مُسْلِمٍ يُنْفِقُ مِنْ  
كُلِّ مَالِهِ رُوْجَيْنَ فِي سَبِيلِ اللَّهِ إِلَّا اسْتَقْبَلَهُ  
حَجَّةُ الْجَنَّةِ كُلُّهُمْ يَدْعُوهُ إِلَى مَا عِنْدَهُ» قُلْتُ:  
وَكَيْفَ ذَلِكَ؟ قَالَ: «إِنْ كَانَتْ إِيمَانُ  
فَجَرِيَّتْ وَإِنْ كَانَتْ بَقْرَأً فَبَقْرَيَّتْ».

أَخْبَرَنَا أَبُو بَكْرٍ بْنُ أَبِي النَّضِيرِ  
قَالَ: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ  
الْأَشْجَعِيُّ عَنْ سُفْيَانَ الثُّورِيِّ، عَنْ الرُّبَيْبِ  
الْفَزَارِيِّ، عَنْ أَبِيهِ، عَنْ يَسِيرِ بْنِ عَوْيَلَةَ، عَنْ  
خُرَيْمِ بْنِ فَاتِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
مَنْ أَنْفَقَ نَفَقَةً فِي سَبِيلِ اللَّهِ كُتُبَتْ لَهُ  
يُسَبِّعُ مَا تَرَكَ ضِعْفِيًّا».

تخریج: [صحیح] أخرجه ابن أبي عاصم في الجهاد: ٧٢ عن أبي بكر بن أبي النضر به، وهو في الكبرى، ح: ٤٣٩٥، وقال الترمذی، ح: ١٦٢٥ "حسن".

## Comments

A tenfold recompense for any righteous deed is certain. In excess of it is in accordance with the sincerity of each individual concerned. There are some unadulterated sincere bondsmen who gain seven-hundredfold recompense.

### Chapter 46. The Virtue Of Charity In The Cause Of Allâh

**3189.** It was narrated from Abû Mas'ûd that a man gave a bridled camel in charity in the cause of Allâh. The Messenger of Allâh ﷺ said: "On the Day of Resurrection seven hundred bridled camels will come to you." (*Sahîh*)

(المعجم ٤٦) - فَضْلُ الصَّدَقَةِ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ (التحفة ٤٦)

٣١٨٩ - أَخْبَرَنَا يَثْرُبُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ شَلِيمَانَ قَالَ: سَمِعْتُ أَبَا عَمْرُو الشَّيْبَانِيَّ عَنْ أَبِي مَسْعُودٍ: أَنَّ رَجُلًا تَصَدَّقَ بِنَاقَةً مَخْطُومَةً فِي سَبِيلِ اللَّهِ فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَيَأْتِنَّ يَوْمَ الْقِيَامَةِ بِسَبْعِ مِائَةِ نَاقَةٍ مَخْطُومَةً».

تخریج: أخرجه مسلم، الإمام، باب فضل الصدقة في سبيل الله تعالى وتضعيفها، ح ١٨٩٢ عن بشر بن خالد به، وهو في الكبير، ح ٤٣٩٦.

**3190.** It was narrated from Mu'âdh bin Jabal that the Messenger of Allâh ﷺ said: "Campaigns are of two types. As for the one who seek the Face of Allâh, obeys the *imâm*, spends what is precious to him, is easy-going with his companion and avoids mischief, when he is asleep and when he is awake, it will all bring reward. But as for the one who fights to show off, and he disobeys the *imâm* and does mischief in the land, he will not come back the same as when he left."<sup>[1]</sup> (*Sahîh*)

٣١٩٠ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنْ بَحْرِيِّ، عَنْ خَالِدٍ، عَنْ أَبِي بَحْرِيَّةَ، عَنْ مُعاذِ بْنِ جَبَلٍ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «الغَزوُ غَرْوَانٌ، فَأَمَّا مَنْ ابْتَغَى وَجْهَ اللَّهِ وَأَطَاعَ الْإِتَّامَ وَأَنْفَقَ الْكَرِيمَةَ وَيَاسِرَ الشَّرِيكَ وَاجْتَبَ القَسَادَ كَانَ ثَوْمَهُ وَبَهْهَ أَجْرًا كُلُّهُ، وَأَمَّا مَنْ غَرَّ رِيَاءً وَسُمْعَةً وَعَصَى الْإِتَّامَ وَأَفْسَدَ فِي الْأَرْضِ فَإِنَّهُ لَا يَرْجِعُ بِالْكَفَافِ».

تخریج: [صحيح] أخرجه أبو داود، الجهاد، باب: فيمن يغزو ويتمس الدنيا، ح ٢٥١٥ من حديث بقية به، وهو في الكبير، ح ٤٣٩٧، وصححه الحاكم على شرط مسلم: ٨٥٢، ووافقه الذهبي # بحري هو ابن سعد، وخالد هو ابن معdan، بقية هو ابن الوليد روايته عن بحري صحيحة لأنها من كتابه، ول الحديث شاهد ضعيف عند أبي القاسم إسماعيل بن قاسم الحلبي.

<sup>[1]</sup> It will not simply be the case that he comes back with no good deeds to his credit, rather he will have a number of evil deeds on his record.

## Comments

Fighting for ostentation and fame would become the cause of punishment instead of recompense. Hence, he would be in the loss compared to his former condition, because the wrong he would have done would exceed the good.

### Chapter 47. The Sanctity Of The Wives Of The Mujâhidîn

**3191.** It was narrated from Sulaimân bin Buraidah that his father said: "The Messenger of Allâh ﷺ said: 'The sanctity of the wives of the *Mujâhidîn* to those who stay behind is like the sanctity of their mothers. There is no man who takes on the responsibility of looking after the wife of one of the *Mujâhidîn* and betrays him with her but he (the betrayer) will be made to stand before him on the Day of Resurrection and he will take whatever he wants of his (good) deeds. So what do you think?'" (*Sahîh*)

تخریج: أخرجه مسلم، الإمارة، باب حرمة نساء المجاهدين، وإثام من خانهم فيهن، ح: ١٨٩٧ من حديث وكيع به، وهو في الكبرى، ح: ٤٣٩٨.

### Chapter 48. The One Who Betrays A Warrior With His Wife

**3192.** It was narrated from Sulaimân bin Buraidah, from his father, that the Messenger of Allâh ﷺ said: "The sanctity of the wives of the *Mujâhidîn* to those who stay behind is like the sanctity of their mothers. If he takes on the responsibility of looking after his wife then betrays him, it will be said to him on the Day of Resurrection: 'This one betrayed you with your wife, so take

(المعجم ٤٧) - حُرْمَةُ نِسَاءِ الْمُجَاهِدِينَ  
(التحفة ٤٧)

٣١٩١ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثَ  
وَمَحْمُودُ بْنُ عَيْلَانَ - وَاللَّفْظُ لِحُسَيْنٍ - قَالَ:  
حَدَّثَنَا وَكِيعٌ عَنْ شَعِيْبَانَ، عَنْ عَلْقَمَةَ بْنِ مَرْئَى،  
عَنْ سَلِيمَانَ بْنِ بُرِيَّةَ، عَنْ أَبِيهِ قَالَ: قَالَ  
رَسُولُ اللَّهِ ﷺ: «حُرْمَةُ نِسَاءِ الْمُجَاهِدِينَ عَلَى  
الْقَاعِدِينَ كَحُرْمَةِ أُمَّهَاتِهِمْ، وَمَا مِنْ رَجُلٍ  
يَخْلُفُ فِي امْرَأَةِ رَجُلٍ مِنَ الْمُجَاهِدِينَ فَيَحُوْنَهُ  
فِيهَا إِلَّا وُقْتَ لَهُ يَوْمُ الْقِيَامَةِ فَأَخْذَ مِنْ عَمَلِهِ مَا  
شَاءَ، فَمَا طَنَّكُمْ».

(المعجم ٤٨) - مَنْ خَانَ عَزِيزًا فِي أَهْلِهِ  
(التحفة ٤٨)

٣١٩٢ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ:  
حَدَّثَنَا حَرَمِيُّ بْنُ عُمَارَةَ قَالَ: حَدَّثَنَا شَعِيْبَةَ  
عَنْ عَلْقَمَةَ بْنِ مَرْئَى، عَنْ سَلِيمَانَ بْنِ بُرِيَّةَ،  
عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «حُرْمَةُ  
نِسَاءِ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ كَحُرْمَةِ  
أُمَّهَاتِهِمْ، وَإِذَا خَلَفَهُ فِي أَهْلِهِ فَخَانَهُ قَبْلَ لَهُ  
يَوْمُ الْقِيَامَةِ: هَذَا خَانَكَ فِي أَهْلِكَ فَخُذْ مِنْ  
حَسَنَاتِهِ مَا شِئْتَ، فَمَا طَنَّكُمْ؟!».

whatever you want of his good deeds.' So what do you think?"

(Sahîh)

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٤٢٩٩.

**3193.** It was narrated from Ibn Buraidah, from his father, that the Messenger of Allâh ﷺ said: "The sanctity of the wives of the *Mujâhidîn* to those who stay behind is like the sanctity of their mothers. There is no man among those who stay behind who takes on the responsibility of looking after the wife of one of the *Mujâhidîn* (and betrays him) but he (the betrayer) will be made to stand before him on the Day of Resurrection and it will be said: 'O So-and-so, this is so-and-so, take whatever you want from his good deeds.'" Then the Prophet ﷺ turned to his Companions and said: "What do you think: Will he leave him any of his good deeds?" (Sahîh)

تخریج: [صحيح] انظر الحديثين السابقين، وهو في الكبرى، ح: ٤٤٠٠.

**3194.** It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'Strive in *Jihâd* with your hands, your tongues and your wealth.'"<sup>[1]</sup> (Da'if)

٣١٩٣ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنِ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا سُفِيَّانُ قَالَ: حَدَّثَنَا فَعْنُوبُ كُوفَّيٍّ عَنْ عَلْقَمَةَ بْنِ مَرْئَى، عَنْ ابْنِ بُرْيَدَةَ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْحُرْمَةُ نِسَاءُ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ فِي الْحُرْمَةِ كَامِهَاتِهِمْ، وَمَا مِنْ رَجُلٍ مِنَ الْقَاعِدِينَ يَحْلُفُ رَجُلًا مِنَ الْمُجَاهِدِينَ فِي أَهْلِهِ إِلَّا نُصِيبَ لَهُ يَوْمَ الْقِيَامَةِ فَيَقُولُ: يَا فُلَانُ! هَذَا فُلَانٌ خُذْ مِنْ حَسَنَاتِهِ مَا شِئْتَ». ثُمَّ التَّفَتَ النَّبِيُّ ﷺ إِلَى أَصْحَابِهِ فَقَالَ: «مَا ظَنَّكُمْ تُرْوَنَ يَرْدَعُ لَهُ مِنْ حَسَنَاتِهِ شَيْئًا!؟».

٣١٩٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ قَالَ: حَدَّثَنَا حَمَادَ بْنَ سَلَمَةَ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «جَاهُدُوا بِأَيْدِيكُمْ وَأَلْسِنَتُكُمْ وَأَمْوَالِكُمْ».

تخریج: [إسناده ضعيف] تقدم، ح: ٣٠٩٨.

## Comments

This and the upcoming narrations are apparently not related to the previous chapter. They rather fall under the category of miscellaneous or diversified (*Al-Mutafariqât*), which have some or the other relationship with the concept

<sup>[1]</sup> See No. 3098.

of *Jihâd*. *Jihâd* with hands is fighting; *Jihâd* with the tongue is conveying the message; *Jihâd* with wealth is to financially assist the fighters.

**3195.** It was narrated from 'Abdullâh (may Allâh be pleased with him) that the Messenger of Allâh ﷺ commanded that snakes be killed and he said: "Whoever fears their vengeance is not one of us." (*Da'if*)

٣١٩٥ - أَخْبَرَنَا أَبُو مُحَمَّدٍ مُوسَى بْنُ مُحَمَّدٍ - هُوَ الشَّامِيُّ - قَالَ: حَدَّثَنَا مَيْمُونُ ابْنُ الْأَصْبَحَ قَالَ: حَدَّثَنَا يَرِيدُ بْنُ هَارُونَ قَالَ: حَدَّثَنَا شَرِيكٌ عَنْ أَبِي إِسْحَاقَ، عَنْ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ [رَضِيَ اللَّهُ عَنْهُ] عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ أَمَرَ بِقُتْلِ الْحَيَّاتِ وَقَالَ: «مَنْ خَافَ ثَارُهُنَّ فَلَيُئْسِنْ بِهَا».

تخریج: [إسناده ضعیف] أخرجه أبو داود، الأدب، باب: في قتل الحیات، ح: ٥٤٩ من حديث شریک القاضی به، وعنون کشیخه حديث أبي داود، ح: ٥٢٤٨، ٥٢٥٢ یغنى عنه.

**3196.** It was narrated from 'Abdullâh bin 'Abdullâh bin Jabr, from his father, that the Messenger of Allâh ﷺ visited Jabr (when he was sick). When he entered he heard the women crying and saying: "We thought that your death would come when fighting in the cause of Allâh." He said: "You think that martyrdom only comes when one is killed in the cause of Allâh. In that case your martyrs would be few. Being killed in the cause of Allâh is martyrdom, dying of an abdominal complaint is martyrdom, being burned to death is martyrdom, drowning is martyrdom, being crushed beneath a falling wall is martyrdom, dying of pleurisy is martyrdom, and the woman who dies along with her fetus is a martyr." A man said: "Are you weeping when the Messenger of Allâh ﷺ is sitting

٣١٩٦ - أَخْبَرَنَا أَحْمَدُ بْنُ شَلَيْمَانَ قَالَ: حَدَّثَنَا جَعْفَرُ بْنُ عَوْنَى عَنْ أَبِي عُمَيْسٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ جَبْرٍ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ ﷺ عَادَ جَبْرًا فَلَمَّا دَخَلَ سَيْرَ النِّسَاءِ يَبْكِيَنَّ وَيَقُلْنَّ: «كُنَّا نَحْسِبُ وَفَاتَكَ قَتْلًا فِي سَيْلِ اللَّهِ»، فَقَالَ: «وَمَا تَعْدُونَ الشَّهَادَةَ إِلَّا مَنْ قُتِلَ فِي سَيْلِ اللَّهِ، إِنَّ شَهَادَةَ كُمْ إِذَا لَقِيلٌ، الْقُتْلُ فِي سَيْلِ اللَّهِ شَهَادَةُ، وَالْبَطْنُ شَهَادَةُ، وَالْحَرْقُ شَهَادَةُ، وَالْغَرْقُ شَهَادَةُ، وَالْمَعْمُومُ - يَعْنِي الْهَدَمَ - شَهَادَةُ، وَالْمَحْجُوبُ شَهَادَةُ، وَالْمَرْأَةُ تَمُوتُ بِجُمِيعِ شَهِيدَةٍ» قَالَ رَجُلٌ: «أَتَبَكِينَ وَرَسُولُ اللَّهِ ﷺ قَاعِدًا؟» قَالَ: «دَعْهُنَّ إِذَا وَجَبَ فَلَا تَبَكِينَ عَلَيْهِ بَاكِيَةً».

here?” He said: “Let them be, but if he dies no one should weep for him.” (*Sahîh*)

تخریج: [إسناده صحيح] تقدم، ح: ١٨٤٧.

### Comments:

The Prophet’s ﷺ saying, ‘let them weep’ is the evidence that wailing loudly over the dead is forbidden; there is no harm in crying, because crying or weeping is out of sympathy or compassion. It does not constitute wailing. And wailing is forbidden, not absolute weeping.

**3197.** It was narrated from Jabr that he entered with the Messenger of Allâh ﷺ upon someone who was dying, and the women were weeping. Jabr said: “Are you weeping when the Messenger of Allâh ﷺ is sitting here?” He said: “Let them weep so long as he is among them, but if he dies no one should weep for him.” (*Sahîh*)

٣١٩٧ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا دَاؤُدُّ - يَعْنِي الطَّائِئِ - عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ جَبَرٍ، أَنَّهُ دَخَلَ مَعَ رَسُولِ اللَّهِ ﷺ عَلَى مَيِّتٍ فَبَكَى النِّسَاءُ فَقَالَ جَبَرٌ: أَتَبَكِينَ مَا دَامَ رَسُولُ اللَّهِ ﷺ جَالِسًا؟ قَالَ: «دَعْهُنَّ يَبْكِينَ مَا دَامَ يَبْكِهِنَّ، فَإِذَا وَجَبَ فَلَا يَبْكِينَ بِاِبْكَيْةٍ».

تخریج: [إسناده صحيح] تقدم، ح: ١٨٤٧.

## 26. The Book Of Marriage

(المعجم ٢٦) - كتاب النكاح  
(التحفة ٨)

### Chapter 1. Mentioning The Command Of The Messenger Of Allâh ﷺ Concerning Marriage, His Wives And What Allâh, The Mighty And Sublime, Permitted To His Prophet When It Is Forbidden To Other People, Because Of His Virtue And High Status

**3198.** It was narrated that ‘Atâ’ said: “We attended the funeral of Maimûnah, the wife of the Prophet ﷺ, with Ibn ‘Abbâs in Sarif. Ibn ‘Abbâs said: ‘This is Maimûnah; when you lift up her bier, do not rock it nor shake it. The Messenger of Allâh ﷺ had nine wives and he used to give a share of his time to eight of them and not to one.’” (*Sahîh*)

(المعجم ١) - ذُكْرُ أَمْرِ رَسُولِ اللَّهِ ﷺ فِي النِّكَاحِ وَأَزْوَاجِهِ وَمَا أَبَاحَ اللَّهُ عَزَّ وَجَلَّ لِنَبِيِّهِ ﷺ وَحَظَرَهُ عَلَى حَلْقِهِ رِزَادَةً فِي كَرَامَتِهِ وَتَبَّيَّنَهَا لِفَضْلِيَّتِهِ (التحفة ١)

٣١٩٨ - أَخْبَرَنَا أَبُو دَاوُدُ شَيْعَمَانُ بْنُ سَيْفٍ قَالَ: حَدَّثَنَا جَعْفُرُ بْنُ عَوْنَى قَالَ: أَخْبَرَنَا أَبْنُ عَبَّاسٍ جَنَازَةً مَيْمُونَةَ رَوِيَ النَّبِيُّ ﷺ مَعَ أَبْنِ عَبَّاسٍ جَنَازَةً مَيْمُونَةَ رَوِيَ النَّبِيُّ ﷺ بِسِرْفَ، فَقَالَ أَبْنُ عَبَّاسٍ: هَذِهِ مَيْمُونَةُ إِذَا رَفَعْتُمْ جَنَازَتَهَا فَلَا تُتَغْرِّبُوهَا وَلَا تُتَلَّزِّلُوهَا فَإِنَّ رَسُولَ اللَّهِ ﷺ كَانَ مَعَهُ تِسْعَ نِسَوةً فَكَانَ يَقْسِمُ لِثَمَانِ وَوَاحِدَةٍ لَمْ يَكُنْ يَقْسِمُ لَهَا.

تخریج: أخرجه البخاري، النكاح، باب كثرة النساء، ح: ٥٠٦٧، ومسلم، الرضاع، باب جواز هبتها نوبتها لضرتها، ح: ١٤٦٥ من حديث ابن جريج به، وهو في الكبير، ح: ٥٣٠٤.

### Comments:

Maymûnah’s marriage, bridal escort to the Prophet’s ﷺ household, and death; all these events took place in Sarf. She was laid to rest in the same tent from where she was escorted to live with the Prophet ﷺ. Maimûnah was the sister of Ibn ‘Abbâs mother.

**3199.** It was narrated that Ibn ‘Abbâs said: “When the Messenger of Allâh ﷺ died he had nine wives; he used to be intimate with all of them except one, who had given her day and night to ‘Âishah.” (*Sahîh*)

٣١٩٩ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا أَبْنُ أَبِي مَرْيَمَ قَالَ: أَخْبَرَنَا سُفْيَانُ قَالَ: حَدَّثَنِي عَمْرُو بْنُ دِيبَارٍ عَنْ عَطَاءٍ، عَنِ أَبْنِ عَبَّاسٍ قَالَ: ثُوُقَيْ رَسُولُ اللَّهِ

وَعِنْهُ تَسْعُ نِسَوةٍ يُصِيبُهُنَّ إِلَّا سَوْدَةَ فَإِنَّهَا  
وَهَبَتْ يَوْمَهَا وَلَيَالِيهَا لِعَائِشَةَ .

تخریج: [إسناده صحيح] وهو في الكبرى، ح: ٥٣٠٧.

### Comments:

If someone relinquishes one's right out of free will, then there is nothing wrong in it. Her passion had declined. She, therefore, sacrificed her turn and gifted it to 'Aishah ﷺ, who had been the only virgin wife among all the other wives of the Prophet ﷺ.

**3200.** Anas narrated that the Prophet ﷺ used to go around to his wives in a single night, and at that time he had nine wives. (Sahîh)

٣٢٠٠ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ عَنْ  
يَزِيدَ - وَهُوَ ابْنُ زُرْبَعٍ - قَالَ: حَدَّثَنَا سَعِيدُ  
عَنْ قَتَادَةَ، أَنَّ أَنَّسًا حَدَّثَهُمْ: أَنَّ النَّبِيَّ ﷺ  
كَانَ يَطْوُفُ عَلَى نِسَائِهِ فِي اللَّيْلَةِ الْوَاحِدَةِ وَلَهُ  
يُوَمِّدُ تَسْعُ نِسَوةً .

تخریج: أخرجه البخاري، الغسل، باب: الجنب يخرج ويمشي في السوق وغيره، ح: ٢٨٤  
من حديث يزيد بن زريع به، وهو في الكبرى، ح: ٥٣٠٥.

### Comments:

There is a disagreement whether the Messenger of Allâh ﷺ was obliged to apportion his time among his wives or not. But it is unanimously agreed upon that he used to apportion his time and visit all his wives by turns or in rotation.

**3201.** It was narrated that 'Aishah said: "I used to feel jealous of those (women) who offered themselves (in marriage) to the Prophet ﷺ and I said: 'Would a free woman offer herself?' Then Allâh, the Mighty and Sublime, revealed: 'You can postpone whom you will of them, and you may receive whom you will.'<sup>[1]</sup> I said: 'By Allâh, I see that your Lord is quick to respond to your wishes.'" (Sahîh)

٣٢٠١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ  
الْمُبَارِكِ الْمُحَرَّمِيَّ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ عَنْ  
هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ:  
كُنْتُ أَغَارِّ عَلَى الَّاتِي وَهَبْنَ أَنْفُسَهُنَّ لِلنَّبِيِّ  
ﷺ فَأَقُولُ: أَتَهُبُ الْحُرَّةَ نَفْسَهَا!؟ فَأَنْزَلَ اللَّهُ  
عَزَّ وَجَلَّ: «تَرْجِي مَنْ شَاءَ مِنْهُنَّ وَقُوَّتِ إِلَيْكَ مَنْ  
شَاءَ» [الأحزاب: ٥١]. قُلْتُ: وَاللَّهِ! مَا  
أَرَى رَبَّكَ إِلَّا يُسَارِعُ لَكَ فِي هَوَاكَ.

تخریج: أخرجه البخاري، التفسير، باب قوله: «ترجي من تشاء منهن ...» إلخ، ح: ٤٧٨٨، ومسلم، الرضاع، باب جواز هبتها نوبتها لضرتها، ح: ١٤٦٤ من حديث أبيأسامة به، وهو في الكبرى، ح: ٥٣٠٦.

<sup>[1]</sup> Al-Alzâb 33:51.

### Comments:

Allâh, Most High, had made it permissible for the Prophet ﷺ, that if any believing emigrant woman offers herself to Allâh's Messenger ﷺ to contract marriage, he could marry her without her guardians; because in the first place, the guardians of the Emigrant women were disbelievers. Their guardianship, therefore, stood annulled. Secondly, in the event of the absence of genealogical guardians, he was their legal guardian on account of him being the ruler. Therefore, in the event of a woman's offering herself, the Prophet's ﷺ marriage with her fulfilled all the prerequisites or conditions. But Allâh's Messenger ﷺ did not take any such woman in marriage, who had offered herself on her own, so that no idle good-for-nothing person could make any accusation, although it was lawful for the Prophet ﷺ according to the rule of the Divine law; from every dimension, legal as well as moral.

**3202.** It was narrated that Sahl bin Sa'd said: "I was among the people when a woman said: 'I offer myself (in marriage) to you, O Messenger of Allâh, see what you think of me.' A man stood up and said: 'Marry me to her.' He said: 'Go and find (something), even if it is an iron ring.' So he went, but he could not find anything, not even an iron ring. So the Messenger of Allâh ﷺ said: 'Do you have (memorized) any *Sûrâhs* of the Qur'ân?' He said: 'Yes.' So he married him to her on the basis of what he knew of *Sûrâhs* of the Qur'ân." (*Sahîh*)

٣٢٠٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ يَزِيدَ الْمُقْرِيُّ، قَالَ: حَدَّثَنَا سُفِيَّانُ، قَالَ: أَنَا حَدَّثَنَا أَبُو حَازِمٍ عَنْ سَهْلٍ بْنِ سَعْدٍ، قَالَ: أَنَا فِي الْقَوْمِ إِذْ قَالَتِ امْرَأَةٌ: إِنِّي قَدْ وَهَبْتُ نَفْسِي لَكَ يَا رَسُولَ اللَّهِ! فَرَأَيْكَ، فَقَامَ رَجُلٌ فَقَالَ: رَوْجِنِيهَا، فَقَالَ: «إِذْهَبْ فَاطْلُبْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ» فَذَهَبَ فَلَمْ يَجِدْ شَيْئًا وَلَا خَاتَمًا مِنْ حَدِيدٍ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَمَعَكَ مِنْ سُورَ الْقُرْآنِ شَيْئًا؟» قَالَ: نَعَمْ قَالَ: فَرَوَّجَهُ بِمَا مَعَهُ مِنْ سُورَ الْقُرْآنِ.

تخریب: أخرجه البخاري، النكاح، باب التزویج على القرآن وبغير صداق، ح ٥١٤٩،  
ومسلم، النكاح، باب الصداق وجواز كونه تعلم قرآن وخاتم حديد وغير ذلك ... إلخ،  
ح ٧٧/١٤٢٥ من حدیث سفيان بن عبیة به، وهو في الكبیر، ح ٥٣٠٨.

### Comments:

This woman was also destitute. She had no guardians. That is why Allâh's Messenger ﷺ gave her in marriage, becoming her guardian, in his capacity as the ruler. It transpires from this narration that if someone possessed no amount of money to be given as dower (*Mahr*), the marriage could be contracted in substitution of education. This is because education also consists of wages or remuneration, and remuneration constitutes wealth. Therefore, there is nothing wrong in it.

## Chapter 2. What Allâh Enjoined Upon His Prophet ﷺ And Forbade To Other People In Order To Bring Him Closer To Him

**3203.** It was narrated from ‘Aishah, the wife of the Prophet ﷺ, that the Messenger of Allâh ﷺ came to her when Allâh commanded him to give his wives the choice. ‘Aishah said: “The Messenger of Allâh ﷺ started with me and said: ‘I am going to tell you something, but you do not have to rush until you consult your parents.’” She said: “He knew that my parents would not tell me to leave him.” Then the Messenger of Allâh ﷺ said: ‘O Prophet! Say to your wives: If you desire the life of this world, and its glitter, then come! I will make a provision for you and set you free in a handsome manner.’<sup>[1]</sup> “I said: ‘Do I need to consult my parents about this? I choose Allâh and His Messenger, and the abode of the Hereafter.’” (*Sahîh*)

(المعجم ٢) - مَا افْتَرَضَ اللَّهُ عَزَّ وَجَلَّ عَلَى رَسُولِهِ عَلَيْهِ السَّلَامُ وَحَرَمَهُ عَلَى حَلْقِهِ لِيُزِيدَهُ إِنْ شَاءَ اللَّهُ قُرْبَةً إِلَيْهِ (التحفة ٢)

٣٢٠٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ التَّسِيَّابُورِيِّ قَالَ: حَدَّثَنَا مُحَمَّدُ أَبْنُ مُوسَى بْنِ أَعْمَانَ قَالَ: حَدَّثَنَا أَبِي عَنْ مَعْمِرٍ، عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنَا أَبُو سَلَمَةَ أَبْنُ عَبْدِ الرَّحْمَنِ عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ: أَنَّهَا أَخْبَرَتْهُ أَنَّ رَسُولَ اللَّهِ ﷺ جَاءَهَا حِينَ أَمْرَةِ اللَّهِ أَنْ يُخِيرَ أَزْوَاجَهُ فَأَلَّتْ عَائِشَةُ: فَبَدَا بِي رَسُولُ اللَّهِ ﷺ فَقَالَ: «إِنِّي ذَاكِرُ لَكُ أَمْرًا فَلَا عَلَيْكَ أَنْ لَا تُعْجِلِي حَتَّى تَسْتَأْمِرِي أَبْوَيَاكِ» قَالَتْ: وَقَدْ عِلِمَ أَنَّ أَبَوَيِّ لَا يَأْمُرُانِي بِغَرَافِهِ ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «بَيْتَهَا الْتِي قُلْ لِأَزْوَاجِكَ إِنْ كُشِّ شَرِدَكَ الْحَيَاةَ الَّتِي وَزَيَّنَهَا فَنَعَالِئْكَ أَمْتَعْكَ» [الأحزاب: ٢٨] قُلْتُ: فِي هَذَا أَسْتَأْمِرُ أَبَوَيِّ! فَلَمَّا أَرِيدُ اللَّهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ .

تخریج: أخرجه البخاري، التفسیر، باب قوله: «إِيَّاهَا النَّبِيِّ قُلْ لِأَزْوَاجِكَ إِنْ كُنْتَ تَرْدِنَ الْحَيَاةَ الدُّنْيَا ...» الخ، ح: ٤٧٨٥، ومسلم، الطلاق، باب بيان أن تخيره امرأته لا يكون طلاقا إلا بالنية، ح: ١٤٧٥ من حديث الزهرى به، وهو في الكبرى، ح: ٥٣١٢.

### Comments:

An-Nasâ’i has reckoned this as specific to the Messenger of Allâh ﷺ, because it is obligatory upon us to provide our wives with food, drink, and clothing in every condition. Therefore, we cannot tell our wives to go hungry with us, otherwise they will be divorced. Within the household of the Prophet ﷺ, only women characterized by the Prophetic temperament are appropriate, so that Allâh’s Messenger ﷺ might not encounter any inconvenience.

<sup>[1]</sup> Al-Ahzâb 33:28.

**3204.** It was narrated that ‘Aishah, may Allâh be pleased with her, said: “The Messenger of Allâh ﷺ gave his wives the choice (of staying with him) was it divorce?” (*Sahîh*)

٤ - أَخْبَرَنَا يُشْرُبُ بْنُ خَالِدِ الْعَسْكَرِيُّ قَالَ: حَدَّثَنَا عُذْلَرُ قَالَ: حَدَّثَنَا شَعْبَةُ عَنْ شَيْمَانَ قَالَ: سَمِعْتُ أَبَا الضُّحَى عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قَدْ خَيَرَ رَسُولُ اللَّهِ ﷺ نِسَاءً أَوْ كَانَ طَلاقًا.

تخریج: أخرجه البخاري، الطلاق، باب من خير أزواجه وقول الله تعالى: ”قل لأزواجك إن كنتن ... الخ“، ح: ٥٢٦٢، ومسلم، ح: ٢٨/١٤٧٧ (انظر الحديث السابق) من حديث سليمان الأعمش به، وهو في الكبير، ح: ٥٣١٣.

### Comments:

Some advocate that if a husband (in the situation mentioned above) offers a choice of divorce to his wife, then the divorce would take place; under all circumstances, even if she chooses to remain in her husband's house. ‘Aishah ﷺ negated this notion that when the wife gives precedence to her husband: where does the question of divorce arise?

**3205.** It was narrated that ‘Aishah said: “The Messenger of Allâh ﷺ gave us the choice, and we chose him, so there was no divorce.” (*Sahîh*)

٥ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ عَنْ سَفِيَّانَ، عَنْ إِسْمَاعِيلَ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: خَيَرَنَا رَسُولُ اللَّهِ ﷺ فَاخْتَرْنَاهُ فَلَمْ يَكُنْ طَلاقًا.

تخریج: أخرجه مسلم، ح: ٢٧/١٤٧٧ من حديث عبد الرحمن بن مهدي، والبخاري، ح: ٥٢٦٣ (انظر الحديث السابق) من حديث إسماعيل بن أبي خالد به، وهو في الكبير، ح: ٥٣١٠.

**3206.** It was narrated that ‘Atâ’ said: “‘Aishah said: ‘The Messenger of Allâh ﷺ did not die until women had been made lawful to him.’”<sup>[1]</sup> (*Sahîh*)

٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ عَنْ شَيْيَانَ قَالَ: حَفِظْنَاهُ مِنْ عَمْرُو عَنْ عَطَاءٍ قَالَ: قَالَتْ عَائِشَةُ: مَا مَاتَ رَسُولُ اللَّهِ ﷺ حَتَّى أُحِلَّ لَهُ النِّسَاءُ.

تخریج: [صحيح] أخرجه الترمذی، تفسیر القرآن، باب: ومن سورة الأحزاب، ح: ٣٢١٦ من حديث سفيان بن عیة به، وقال: ”حسن صحيح“ وهو في الكبير، ح: ٥٣١١.

[1] See *Al-Ahzâb* 33:50.

**Comments:**

When the pure wives of the Prophet ﷺ were proved absolutely successful in the above-mentioned test of volition, Allâh's Messenger ﷺ was prohibited from divorcing any of his wives, or taking any other wife in addition of them; 'with a view to underscore their esteemed rank.' But since the objective was not to impose any restriction upon the Prophet ﷺ, the objective was rather to highlight the sublimity of the pure wives of the Prophet ﷺ, after a little while, it was made clear that there is no restriction upon the Prophet ﷺ concerning the matter of marriage and divorce. You may retain whomever you wish, divorce whomever you want, and take in marriage whomever you desire. But Allâh's Messenger ﷺ did not make use of this choice. He ﷺ rather retained all his current wives and held them in high esteem.

**3207.** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ did not die until Allâh permitted him to marry whatever women he wanted." (*Sahîh*)

٣٢٠٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكَ قَالَ: حَدَّثَنَا أَبُو هِشَامٍ - وَهُوَ الْمُغَيْرَةُ بْنُ سَلَمَةَ الْمَخْزُومِيُّ - قَالَ: حَدَّثَنَا وُهَيْبٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ عَطَاءٍ، عَنْ عُبَيْدِ بْنِ عُمَيْرٍ، عَنْ عَائِشَةَ قَالَتْ: مَا ثُوَفَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَتَّى أَخْلَلَ اللَّهُ لَهُ أَنْ يَتَزَوَّجَ مِنَ النِّسَاءِ مَا شَاءَ.

تخریج: [إسناده صحيح] أخرجه أحمده: ١٨٠ من حديث وهب بن خالد به، وهو في الكبیری، ح: ٥٣١٤.

**Chapter 3. Encouragement To Marry**

**3208.** It was narrated that 'Alqamah said: "I was with Ibn Mas'ûd while he was with 'Uthmân, may Allâh be pleased with him, and 'Uthmân said: 'The Messenger of Allâh ﷺ came out to some *Fityah* (young men) —Abû 'Abdur-Râhmân said, 'I did not understand (the word) *Fityah* as I would want' — and said: 'Whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity, and whoever cannot, then fasting will

٣٢٠٨ - أَخْبَرَنَا عَمْرُو بْنُ زُرَارَةَ قَالَ: حَدَّثَنَا إِشْمَاعِيلُ قَالَ: حَدَّثَنَا يُونُسُ عَنْ أَبِي مَعْشِرٍ، عَنْ أَبْرَاهِيمَ، عَنْ عَلْقَمَةَ قَالَ: كُنْتُ مَعَ ابْنِ مَسْعُودٍ وَهُوَ عِنْدُ عُثْمَانَ رَضِيَ اللَّهُ عَنْهُ، فَقَالَ عُثْمَانُ: خَرَجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَعْنِي فِتْيَةً - قَالَ أَبُو عَبْدِ الرَّحْمَنِ: فَلَمْ أَفْهَمْ فِتْيَةً كَمَا أَرَدْتُ، فَقَالَ: «مَنْ كَانَ مِنْكُمْ ذَا طَوْلٍ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغَضُّ لِلْبَصَرِ وَأَحَصَّ لِلْفَرْجِ وَمَنْ لَا فَالصُّومُ لَهُ وِجَاءُ».

be a restraint (*Wijâ*) for him.””  
(*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٢٢٤٥، وهو في الكبير، ح: ٥٣١٥.

### Comments:

See No. 3345.

**3209.** It was narrated from ‘Alqamah, that ‘Uthmân said to Ibn Mas‘ûd: “Shall I arrange for you to marry a young girl?” ‘Abdullâh called ‘Alqamah and he told the people that the Prophet ﷺ said: “Whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity. And whoever cannot afford it, then let him fast, for it will be restraint for him.” (*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٢٢٤٢، وهو في الكبير، ح: ٥٣١٨.

### Comments:

In this narration the ability to marry denotes financial capability, and not the bodily strength; otherwise, what is the use of fasting in the latter situation?

**3210.** It was narrated from ‘Alqamah and Al-Aswad that ‘Abdullâh said: “The Messenger of Allâh ﷺ said to us: ‘Whoever among you can afford it, let him get married, and whoever cannot then he should fast, for it will be a restraint (*Wijâ*) for him.’” (*Sahîh*)

Abû ‘Abdur-Rahmân said: (The mention of) Al-Aswad in this *Hadîth* is not preserved.

٣٢٠٩ - أَخْبَرَنَا يَشْرُبُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شَعْبَةَ، عَنْ سُلَيْمَانَ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ: أَنَّ عُثْمَانَ قَالَ لِابْنِ مَسْعُودٍ: هَلْ لَكَ فِي فِتَّةٍ أُرْوَجُوكَهَا؟ فَدَعَا عَبْدُ اللَّهِ عَلْقَمَةَ فَحَدَّثَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ اسْتَطَاعَ الْبَأْةَ فَلْيَتَرْوَجْ فَإِنَّهُ أَغْضَى لِلْبَصَرِ وَأَحْسَنَ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَلْيَصُمْ فَإِنَّهُ لَهُ وِجَاءٌ».

تخریج: [صحيح] تقدم، ح: ٢٢٤٢، وهو في الكبير، ح: ٥٣١٨.

٣٢١٠ - أَخْبَرَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمْدَانِيُّ الْكُوفِيُّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ أَبْنُ مُحَمَّدٍ الْمُحَارِبِيِّ عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ وَالْأَسْوَدِ، عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ لَنَا رَسُولُ اللَّهِ ﷺ: «مَنْ اسْتَطَاعَ مِنْكُمُ الْبَأْةَ فَلْيَتَرْوَجْ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وِجَاءٌ». قَالَ أَبُو عَبْدِ الرَّحْمَنِ: الْأَسْوَدُ فِي هَذَا الْحَدِيبَيْثِ لَيْسَ بِمَحْفُوظٍ.

تخریج: [صحيح] تقدم، ح: ٢٢٤٢، وهو في الكبير، ح: ٥٣١٧.

**3211.** It was narrated that

٣٢١١ - أَخْبَرَنَا مُحَمَّدُ بْنُ مُنْصُورٍ قَالَ:

'Abdullâh said: "The Messenger of Allâh ﷺ said to us: 'O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity, and whoever cannot then he should fast, for it will be a restraint (*Wijâ*) for him.'" (*Sahîh*)

حدَّثَنَا سُعْيَانُ عَنِ الأَعْمَشِ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ، عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ لَنَا رَسُولُ اللَّهِ ﷺ: «يَا مَعْشَرَ الشَّبَابِ! مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَخَفَّفْ فَإِنَّ أَغْضُنُ لِلْبَصَرِ وَأَحْسَنُ لِلْفَرْجِ، وَمَنْ لَا فَلَيَصُمُ فَإِنَّ الصَّوْمَ لَهُ وِجَاءٌ». .

تخریج: [صحیح] تقدم، ح: ٢٢٤١، وهو في الكبرى، ح: ٥٣١٩.

**3212.** It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ said to us: 'O young men, whoever among you can afford it, let him get married,'" and he quoted the same *Hadîth*. (*Sahîh*)

٣٢١٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا أَبُو مَعَاوِيَةَ عَنِ الأَعْمَشِ، عَنْ عُمَارَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ، عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ لَنَا رَسُولُ اللَّهِ ﷺ: «يَا مَعْشَرَ الشَّبَابِ! مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَرَوْجْ» وَسَاقَ الْحَدِيثَ.

تخریج: [صحیح] تقدم، ح: ٢٢٤١، وهو في الكبرى، ح: ٥٣٢٠.

**3213.** It was narrated that 'Alqamah said: "I was walking with 'Abdullâh in Mina and he was met by 'Uthmân who stood with him and spoke with him. He said: 'O Abû 'Abdur-Rahmân! Shall I not marry you to a young girl? Perhaps she will remind you of when you were younger?' 'Abdullâh said: 'As you say that (it reminds me that) the Messenger of Allâh ﷺ said to us: O young men, whoever among you can afford it, let him get married.'" (*Sahîh*)

٣٢١٣ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا أَبُو مَعَاوِيَةَ عَنِ الأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ قَالَ: كُنْتُ أَمْشِي مَعَ عَبْدِ اللَّهِ يَمْنَى فَلَقِيَهُ عُثْمَانُ فَقَامَ مَعَهُ يُحَدِّثُهُ فَقَالَ: يَا أَبَا عَبْدِ الرَّحْمَنِ! أَلَا أَرْجُوكَ جَارِيَةً شَابَةً؟ فَلَعَلَّهَا أَنْ تَذَكَّرَكَ بَعْضَ مَا مَضَى مِنْكَ، فَقَالَ عَبْدُ اللَّهِ: أَمَا لَئِنْ قُلْتَ ذَاكَ لَقَدْ قَالَ لَنَا رَسُولُ اللَّهِ ﷺ: «يَا مَعْشَرَ الشَّبَابِ! مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَرَوْجْ».

تخریج: [صحیح] تقدم، ح: ٢٢٤٢، وهو في الكبرى، ح: ٥٣١٦.

## Chapter 4. Prohibition Of Celibacy

**3214.** It was narrated that Sa'd bin Abî Waqqâs said: "The Messenger of Allâh ﷺ forbade 'Uthmân to be celibate. If he had given him permission we would have castrated ourselves." (*Sahîh*)

تخریج: أخرجه مسلم، النکاح، باب استحباب النکاح، لمن تاقت نفسه إلیه ووجد مؤنة . . .  
الخ، ح: ١٤٠٢ من حديث ابن المبارك، والبخاري، النکاح، باب ما يكره من التبتل والخصاء،  
ح: ٥٠٧٣، ٥٠٧٤ من حديث الزهرى به، وهو في الكبير، ح: ٥٢٢٣ .

### Comments:

'Uthman bin Ma'zûn was young. He had been extremely devoted to worship. He sought the permission of the Prophet ﷺ to remain preoccupied with worship all the time, and not get involved in the tumult of womenfolk, but Allâh's Messenger ﷺ did not grant him permission.

**3215.** It was narrated from 'Aishah that the Messenger of Allâh ﷺ forbade celibacy. (*Sahîh*)

٣٢١٥ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، عَنْ سَعْدِ بْنِ هِشَامٍ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ نَهَى عَنِ التَّبْتُلِ.

تخریج: [صحيح] أخرجه أحمد: ١٢٥، ٢٥٢، ٢٥٧، ٢٥٨ من حديث أشعث بن عبد الملك به، وهو في الكبير، ح: ٥٣٢٢، وللحديث شواهد كثيرة، منها الحديث السابق.

**3216.** It was narrated from Samurah bin Jundab that the Prophet ﷺ forbade celibacy. (*Sahîh*)

Abû 'Abdur-Râhîmân said: Qatâdah is more reliable and better preserves narrations than Ash'ath but the *Hadîth* of Ash'ath (here) appears to be the correct one. Allâh, Most High, knows best.

٣٢١٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا مَعَاذُ بْنُ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمْرَةَ بْنِ جُنْدُبٍ عَنِ النَّبِيِّ ﷺ: أَنَّهُ نَهَى عَنِ التَّبْتُلِ . . . قَالَ أَبُو عَبْدِ الرَّحْمَنِ: قَتَادَةُ أَئْتَ وَأَحْفَظَ مِنْ أَشْعَثَ، وَحَدِيثُ أَشْعَثَ أَشْبَهُ بِالصَّوَابِ . . . وَاللَّهُ تَعَالَى أَعْلَمُ.

(المعجم ٤) - بَابُ النَّهْيِ عَنِ التَّبْتُلِ  
(التحفة ٤)

٣٢١٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَيْدَ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ عَنْ مَعْمَرٍ، عَنِ الرَّوْهَرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ سَعْدِ بْنِ أَبِي وَقَاصٍ قَالَ: لَقَدْ رَدَ رَسُولُ اللَّهِ ﷺ عَلَى عُثْمَانَ التَّبْتُلَ، وَلَوْ أَدْنَ لَهُ لَا حُصِّنَتَا.

تخریج: [صحيح] أخرجه الترمذی، النکاح، باب ماجاء فی النکاح عن التبیل، ح: ۱۰۸۲ من إسحاق به، وقال: "حسن غریب"، وهو فی الکبری، ح: ۵۳۲۱، وانظر الحديث السابق.

**3217.** It was narrated from Abû Salamah that Abû Hurairah said: "I said: 'O Messenger of Allâh, I am a young man and I fear hardship for myself, but I cannot afford to marry; should I castrate myself?'" The Prophet ﷺ turned away from him until he said it three times. Then the Prophet ﷺ said: "O Abû Hurairah, the pen is dried concerning what you are going to face, so (it is up to you whether) you castrate yourself or not."<sup>[۱]</sup> (*Sahîh*)

Abû 'Abdur-Rahmân (An-Nasâ'î) said: Al-Awzâ'î did not hear this narration from Az-Zuhri, and this *Hadîth* is *Sahîh*, Yûnus reported it from Az-Zuhri.

تخریج: [صحيح] وهو فی الکبری، ح: ۵۳۲۳ \* حديث یونس بن یزید عن الزہری: أخرجه البخاری، النکاح، باب ما یکرہ من التبیل والخصاء، ح: ۵۰۷۶.

### Comments:

The gist of the Prophet's ﷺ statement is: Allâh, Most High, has the foreknowledge of your upcoming actions. Hence, what good will the forbidden act of castration do to you? It is, therefore, better that you should supplicate to Allâh to grant you abundance or plentifullness, and do every effort to keep away from sinning.

**3218.** It was narrated from Sa'd bin Hishâm that he came to the Mother of the Believers, 'Âishah. He said: "I want to ask you about celibacy, what do you think about it?" She said: "Do not do that; have you not heard that Allâh, the Mighty and Sublime, says: 'And indeed We sent Messengers before

٣٢١٧ - أَخْبَرَنَا يَحْيَى بْنُ مُوسَى قَالَ: حَدَّثَنَا أَنَّسُ بْنُ عِيَاضٍ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ: أَنَّ أَبَا هُرَيْرَةَ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! أَنِي رَجُلٌ شَابٌ قَدْ خَشِيتُ عَلَى نَفْسِي الْعَنَتَ، وَلَا أَجِدُ طَوْلًا أَتَرْوَجُ السَّيَّاءَ، أَفَأَخْتَصِي؟ فَأَعْرَضَ عَنْهُ النَّبِيُّ ﷺ، حَتَّى قَالَ تَلَاقَ، فَقَالَ النَّبِيُّ ﷺ: «يَا أَبَا هُرَيْرَةَ! جَفَّ الْقَلْمَنْ بِمَا أَنْتَ لَاقِ، فَاخْتَصِ عَلَى ذَلِكَ أَوْ دَعْ». قَالَ أَبُو عَبْدِ الرَّحْمَنِ: الْأَوْزَاعِيُّ لَمْ يَسْمَعْ هَذَا الْحَدِيثَ مِنْ الزُّهْرِيِّ، وَهَذَا حَدِيثٌ صَحِيحٌ قَدْ رَوَاهُ يُونُسُ عَنِ الزُّهْرِيِّ.

تخریج: [صحيح] وهو فی الکبری، النکاح، باب ماجاء فی النکاح عن التبیل، ح: ۱۰۸۲ من إسحاق به، وقال: "حسن غریب"، وهو فی الکبری، ح: ۵۳۲۱، وانظر الحديث السابق.

٣٢١٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْخَلْثَجِيُّ قَالَ: حَدَّثَنَا أَبُو سَعِيدٍ مَؤْلَى بْنِ هَاتِشِمْ قَالَ: حَدَّثَنَا حُصَيْنُ بْنُ تَافِعِ الْمَازِينِ قَالَ: حَدَّثَنِي الْحَسَنُ عَنْ سَعْدِ بْنِ هَشَامٍ: أَنَّهُ دَخَلَ عَلَى أُمِّ الْمُؤْمِنِينَ عَائِشَةَ، قَالَ: قُلْتُ: إِنِّي أُرِيدُ أَنْ أَسْأَلَكِ عَنِ التَّبِيلِ فَمَا

<sup>[۱]</sup> This is a rebuke for thinking of using impermissible means to solve the problem.

you, and made for them wives and offspring.<sup>[1]</sup> So do not be celibate.”” (*Sahîh*)

تَرِينَ فِيهِ؟ قَالَتْ: فَلَا تَفْعِلْ، أَمَا سَمِعْتَ اللَّهَ عَزَّ وَجَلَّ يَقُولُ: «وَلَئِنْ أَرْسَلْنَا رَسُولًا مِنْ قَبْلِكُمْ وَجَحَدُوكُمْ لَهُمْ أَزْوَاجًا وَذِرَّةً» [الرعد: ٣٨] فَلَا تَبْتَلْ.

تخریج: [صحیح] تقدم، ح: ٣٢١٥، وهو في الكبیر، ح: ٥٣٢٥.

### Comments:

‘Yet, marriage is the *Sunnah* of the prophets. And whoever dislikes my exemplary way or *Sunnah* is not of me’ (the upcoming *Hadîth*). To abandon the agreed upon way of the Prophet ﷺ is an evident misguidance, and severing ties with the Prophets ﷺ.

**3219.** It was narrated from Anas that there was a group of the Companions of the Prophet ﷺ, one of whom said: “I will not marry women.” Another said: “I will not eat meat.” Another said: “I will not sleep on a bed.” Another said: “I will fast and not break my fast.” News of that reached the Messenger of Allâh ﷺ and he praised Allâh then said: “What is the matter with people who say such and such? But I pray and I sleep, I fast and I break my fast, and I marry women. Whoever turns away from my *Sunnah* is not of me.”” (*Sahîh*)

٣٢١٩ - أَخْبَرَنَا إِشْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَفَانُ قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ ثَابِتٍ، عَنْ أَنَسٍ: أَنَّ نَفَرًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ قَالَ بَعْضُهُمْ: لَا أَتَرْوَجُ النِّسَاءَ، وَقَالَ بَعْضُهُمْ: لَا أَتَأْتَمُ عَلَى فِرَاشٍ، وَقَالَ بَعْضُهُمْ: أَصُومُ فَلَا أُفْطِرُ، فَبَلَغَ ذَلِكَ رَسُولُ اللَّهِ ﷺ فَحَمَدَ اللَّهَ وَأَتَسَّى عَلَيْهِ ثُمَّ قَالَ: «مَا بَأْلَ أَقْوَامٍ يَقُولُونَ كَذَا وَكَذَا؟ لِكِنِّي أَصْلِي وَأَتَأْمُ، وَأَصُومُ وَأُفْطِرُ، وَأَتَرْوَجُ النِّسَاءَ، فَمَنْ رَغَبَ عَنْ شُتَّى فَلَيْسَ مِنِّي».

تخریج: أخرجه مسلم، النکاح، باب استحباب النکاح لمن تاقت نفسه إليه ووجد مؤنة ...  
الخ، ح: ١٤٠١ من حديث حماد بن سلمة به، وهو في الكبیر، ح: ٥٣٢٤.

### Comments:

The concluding words of the *Hadîth* are in the form of admonition. In other words, such a person has no relation with me.

## Chapter 5. Allâh Will Help The One Who Marries, Seeking To Keep Himself Chaste

**3220.** It was narrated from Abû

(المعجم ٥) - بَابُ مَعْوِنَةِ اللَّهِ النَّاكِحِ  
الَّذِي يُرِيدُ الْعِفَافَ (التحفة ٥)  
٣٢٢٠ - أَخْبَرَنَا قَيْمَةً قَالَ: حَدَّثَنَا الَّذِي

[1] *Ar-Ra'd* 13:38.

Hurairah that the Messenger of Allâh ﷺ said: "There are three who are promised the help of Allâh: The *Mukâtab*<sup>[1]</sup> who wants to buy his freedom, the one who gets married seeking to keep himself chaste, and the *Mujâhid* who fights in the cause of Allâh."

(*Hasan*)

تخریج: [إسناده حسن] تقدم، ح: ٣١٢٢، وهو في الکبری، ح: ٥٣٢٦.

### Comments:

This narration has preceded in the Book of *Hajj* (No. 3122). There, along with these three, there is mention of one who performs the *Hajj* and *'Umrah*.

### Chapter 6. Marrying Virgins

**3221.** It was narrated that Jâbir said: "I got married then I came to the Prophet ﷺ and he said: 'Have you got married, O Jâbir?' I said: 'Yes.' He said: 'To a virgin or to a previously married woman?' I said: 'To a previously-married woman.' He said: 'Why not a virgin, so you could play with her and she could play with you?'" (*Sahîh*)

تخریج: أخرجه البخاري، النفقات، باب عون المرأة زوجها في ولده، ح: ٥٣٦٧، ومسلم، ح: ٥٦/١٤٦٦ من حديث حماد بن زيد به، وهو في الرضاع، باب استحباب نكاح البكر، ح: ٣٢٢١ \* عمرو هو ابن دينار.

### Comments:

A virgin offers her heartfelt instinctively sincere love; whereas a widow happens to have one home already. She would continue to compare and contrast between these two. She would not be able to express her sincerity to such an extent. Besides, there is a greater hope of children from a virgin.

**3222.** It was narrated that Jâbir said: "The Messenger of Allâh ﷺ met me and said: 'O Jâbir, have you got married to a woman since I last saw you?' I said: 'Yes, O Messenger of Allâh ﷺ.' He said:

عَنْ مُحَمَّدِ بْنِ عَجَلَانَ، عَنْ سَعِيدِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «ثَلَاثَةٌ حَقٌّ عَلَى اللَّهِ عَزَّ وَجَلَّ عَوْنَاهُمْ: الْمُكَاتَبُ الَّذِي يُرِيدُ الْأَدَاءَ، وَالنَّاكُحُ الَّذِي يُرِيدُ الْعَفَافَ، وَالْمُجَاهِدُ فِي سَبِيلِ اللَّهِ».

(المعجم ٦) - نِكَاحُ الْأَبْكَارِ (التحفة ٦)

٣٢٢١ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا حَمَادٌ عَنْ عَمْرُو، عَنْ جَابِرٍ قَالَ: تَزَوَّجْتُ فَائِتَتِيَ الْبَيِّنَ ﷺ قَالَ: «أَتَنَزَّهْتَ يَا جَابِرُ؟» قُلْتُ: نَعَمْ، قَالَ: «بِكُرًا أَمْ ثَيَّبًا؟» قُلْتُ: ثَيَّبًا، قَالَ: «فَهَلَا بِكُرًا تُلَأِبُّهَا وَتُلَأِبُّكُ؟» .

[1] The slave who has made a contract of manumission.

"To a virgin or to a previously married woman?" I said: "To a previously-married woman." He said: "Why not a virgin, so she could play with you??" (Sahih)

امرأةً بعدي؟» قُلْتُ: نَعَمْ يَا رَسُولَ اللَّهِ! قَالَ: «يُكْرَأ أُمًّا إِيمَانًا؟» قُلْتُ: أَيْمَانًا، قَالَ: فَهَلَّا يُكْرَأ تَلَاعِبُك؟».

تخریج: أخرجه البخاري، الوکالة، باب: إذا وكل رجل رجلاً أن يعطي شيئاً ولم يبين ... الخ، ح: ٢٣٠٩ من حديث ابن جریح به مطولاً، وهو في الكبری، ح: ٥٣٢٨، وله طريق آخر عند مسلم، ح: ٧١٥ بعد، ح: ١٤٦٦، الرضاع، باب استحباب نکاح ذات الدين.

### Comments:

See No. 3228.

## Chapter 7. A Woman Marrying Someone Who Is Similar In Age To Her

**3223.** It was narrated from 'Abdullâh bin Buraidah that his father said: "Abû Bakr and 'Umar, may Allâh be pleased with them, proposed marriage to Fâtimah but the Messenger of Allâh ﷺ said: 'She is young.' Then 'Alî proposed marriage to her and he married her to him." (Sahîh)

تخریج: [إسناده صحيح] أخرجه ابن حبان في صحيحه، ح: ٢٢٤ من حديث الحسين بن حرثت به، وهو في الكبری، ح: ٥٣٢٩، وصححه الحاکم على شرط الشیخین: ٢/١٦٧، ١٦٨، وافقه الذهبي، وإنما هو على شرط مسلم فقط.

### Comments:

Abû Bakr and 'Umar ﷺ had sent the proposal of marriage with Fatimah ﷺ in order to acquire the honor of being a son-in-law of the Prophet ﷺ.

## Chapter 8. A Freed Slave Marrying An 'Arab Woman

**3224.** It was narrated from 'Ubaidullâh bin 'Abdullâh bin 'Utbah that during the reign of Marwân, 'Abdullâh bin 'Amr bin 'Uthmân, who was a young man, issued a final divorce to the

(المعجم ٧) - تَزَوْجُ الْمَرْأَةَ مِثْلَهَا فِي  
السِّنِّ (التحفة ٧)

٣٢٢٣ - أَخْبَرَنَا الْحُسَينُ بْنُ حُرَيْثَ قَالَ: حَدَّثَنَا الْقَضْلُ بْنُ مُوسَى عَنِ الْحُسَينِ بْنِ وَاقِدٍ، عَنْ عَبْدِ اللَّهِ بْنِ بُرِيَّدَةَ، عَنْ أَبِيهِ قَالَ: حَطَبَ أَبُو بَكْرٍ وَعُمَرُ رَضِيَ اللَّهُ عَنْهُمَا فَاطَّمَهُ فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّهَا صَغِيرَةٌ». فَخَطَبَهَا عَلَيْهِ فَرَوَّجَهَا مِنْهُ.

(المعجم ٨) - تَزَوْجُ الْمُؤْلَى الْعَرَبِيَّةَ  
التحفة ٨

٣٢٢٤ - أَخْبَرَنَا كَثِيرُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ عَنِ الرَّبِيعِيِّ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عَتْبَةَ: أَنَّ عَبْدَ اللَّهِ بْنَ عَمْرُو بْنَ عُثْمَانَ طَلَّقَ وَهُوَ

daughter of Sa'eed bin Zaid, whose mother was Bint Qais. Her maternal aunt, Fâtimah bint Qais, sent word to her telling her to move from the house of 'Abdullâh bin 'Amr. Marwân heard of that and he sent word to the daughter of Sa'eed, telling her to go back to her home, and asking her why she had moved from her home before her *Iddah* was over? She sent word to him telling him that her maternal aunt had told her to do that. Fâtimah bint Qais said that she had been married to Abû 'Amr bin Hafṣ, and when the Messenger of Allâh ﷺ appointed 'Alî bin Abî Tâlib as governor of Yemen, he went out with him and sent word to her that she was divorced with the third *Talâq*. He told Al-Hârith bin Hishâm and 'Ayyâsh bin Abî Raî'ah to spend on her. She sent word to Al-Hârith and 'Ayyâsh asking them what her husband had told them to spend on her, and they said: 'By Allâh, she has no right to any maintenance from us, unless she is pregnant, and she cannot come into our home without our permission.' She said that she came to the Messenger of Allâh ﷺ and told him about that, and he stated that they were correct. Fâtimah said: 'Where should I move to, O Messenger of Allâh?' He said: 'Move to the home of Ibn Umm Maktûm, the blind man whom Allâh, the Mighty and Sublime, named in His Book.' Fâtimah said: 'So I observed my *Iddah* there. He was a man who

غَلَامٌ شَابٌ فِي إِمَارَةِ مَرْوَانَ بْنِ سَعِيدٍ بْنِ زَيْدٍ - وَأُمُّهَا بِنْتُ قَيْسٍ - الْبَتَّةَ، فَأَرْسَلَتْ إِلَيْهَا حَالَتُهَا فَاطِمَةُ بِنْتُ قَيْسٍ تَأْمُرُهَا بِالْأَنْتِقَالِ مِنْ بَيْتِ عَبْدِ اللَّهِ بْنِ عَمْرِو، وَسَمِعَ بِذَلِكَ مَرْوَانُ فَأَرْسَلَ إِلَيْهَا سَعِيدٌ فَأَمَرَهَا أَنْ تَرْجِعَ إِلَى مَشْكِنَتِهَا، وَسَأَلَهَا مَا حَمَلَهَا عَلَى الْأَنْتِقَالِ مِنْ قَبْلِ أَنْ تَعْتَدَ فِي مَشْكِنَتِهَا حَتَّى تَنْقُضِي عِدَّتُهَا؟ فَأَرْسَلَتْ إِلَيْهِ تُخْبِرُهُ أَنَّ حَالَتُهَا أَمْرَتُهَا بِذَلِكَ، فَرَعَمَتْ فَاطِمَةُ بِنْتُ قَيْسٍ أَنَّهَا كَانَتْ تَحْتَ أَبِيهِ عَمْرِو بْنِ حَفْصٍ، فَلَمَّا أَمَرَ رَسُولُ اللَّهِ ﷺ عَلَيْهِ السَّلَامُ بِطَالِبٍ عَلَى الْأَيْمَنِ خَرَجَ مَعَهُ وَأَرْسَلَ إِلَيْهَا بِتَطْلِيقَةٍ هِيَ بِقِيَّةً طَلَاقُهَا، وَأَمَرَ لَهَا الْحَارِثُ بْنُ هِشَامَ وَعَيَّاشَ ابْنَ أَبِيهِ رَبِيعَةَ بِنْ قَاتِلَهَا، فَأَرْسَلَتْ رَعْمَتْ إِلَى الْحَارِثَ وَعَيَّاشَ شَنَالُهُمَا الَّذِي أَمَرَ لَهَا يَوْمَ رُؤْجُوها، فَقَالَا: وَاللَّهِ! مَا لَهَا عِنْدَنَا نَفْقَةٌ إِلَّا أَنْ تَكُونَ حَامِلاً، وَمَا لَهَا أَنْ تَكُونَ فِي مَشْكِنَتِنَا إِلَّا بِإِذْنِنَا، فَرَعَمَتْ أَنَّهَا أَتَتْ رَسُولَ اللَّهِ ﷺ فَذَكَرَتْ ذَلِكَ لَهُ فَصَدَّقَهُمَا، قَالَتْ فَاطِمَةُ: فَأَيْنَ أَنْقُلُ يَا رَسُولَ اللَّهِ؟ قَالَ: «اَنْتَقِلِي عِنْدَ ابْنِ أَمِّ مَكْتُومِ الْأَعْمَى الَّذِي سَمَّاهُ اللَّهُ عَزَّ وَجَلَّ فِي كِتَابِهِ». قَالَتْ فَاطِمَةُ: فَاعْتَدَدْتُ عِنْدَهُ وَكَانَ رَجُلًا قَدْ ذَهَبَ بَصَرُهُ، فَكُنْتُ أَضْعُفُ تَبَابِي عِنْدَهُ، حَتَّى أَنْكَحَهَا رَسُولُ اللَّهِ ﷺ أَسَامَةُ بْنُ زَيْدٍ، فَانْكَرَ ذَلِكَ عَلَيْهَا مَرْوَانُ وَقَالَ: لَمْ أَشْمَعْ هَذَا الْحَدِيثَ مِنْ أَحَدٍ قَبْلَكَ، وَسَأَخُذُ بِالْقُضِيَّةِ الَّتِي وَجَدْنَا

الناسَ عَلَيْهَا. مُختَصِّرٌ.

has lost his sight, so I used to take off my garments in his house, until the Messenger of Allâh ﷺ married me to Usâmah bin Zaid.' Marwan criticized her for that and said: 'I have never heard this *Hadîth* from anyone before you. I will continue to follow the ruling that the people have been following.' (*Sahîh*)

**تخریج:** أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ٤١٤٨٠ من حديث الزهرى به، وهو في الكبرى، ح: ٥٣٣٢.

### Comments:

'Final divorce': The third divorce is absolute because following it, one cannot take one's wife back.

**3225.** It was narrated from 'Âishah that Abû Hudhaifah bin 'Utbah bin Rabî'ah bin 'Abd Shams – who was one of those who had been present at Badr with the Messenger of Allâh ﷺ – adopted Sâlim and married him to his brother's daughter, Hind bint Al-Walîd bin 'Utbah bin Rabî'ah bin 'Abd Shams, and he was a freed slave of an Anṣârî woman – as the Messenger of Allâh ﷺ had adopted Zaid. During the *Jâhilîyyah*, if a man adopted someone, the people would call him his son, and he would inherit from his legacy, until Allâh, the Mighty and Sublime, revealed about that: 'Call them by (the names of) their fathers, that is more just with Allâh. But if you know not their fathers' (names, call them) your brothers in Faith and *Mawâlikûm* (your freed slaves).'<sup>[1]</sup> Then if a person's father's name

٣٢٢٥ - أَخْبَرَنَا عَمْرَانُ بْنُ بَكَارٍ بْنُ رَاشِدٍ قَالَ: حَدَّثَنَا أَبُو الْيَمَانَ قَالَ: أَخْبَرَنَا شَعِيبٌ عَنِ الرَّهْرَيِّ قَالَ: أَخْبَرَنِي عُرُوهَةُ بْنُ الْزَّيْرِ عَنْ عَائِشَةَ: أَنَّ أَبَا حُذَيْفَةَ بْنَ عُبَيْدَةَ بْنَ رَبِيعَةَ بْنَ عَبْدِ شَمْسٍ - وَكَانَ مِنْ شَهِيدَ بَدْرًا مَعَ رَسُولِ اللَّهِ ﷺ - تَبَّأْتَ سَالِمًا وَأَنْكَحْتَ ابْنَةَ أَخِيهِ هِنْدَ بْنَتَ الْوَلِيدِ بْنِ عُبَيْدَةَ بْنِ عَبْدِ شَمْسٍ - وَهُوَ مَؤْتَمِرٌ لِامْرَأَةِ بْنِ الْأَنْصَارِ - كَمَا تَبَّأْتَ رَسُولُ اللَّهِ ﷺ زَيْدًا، وَكَانَ مِنْ تَبَّأْتَ رَجُلًا فِي الْجَاهِلِيَّةِ دَعَاهُ النَّاسُ ابْنَهُ فَوَرَثَتْ مِنْ مِيرَاثِهِ حَتَّى أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ فِي ذَلِكَ: «أَدْعُوكُمْ لِأَبَاءِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ إِنَّمَا لَمْ تَعْلَمُوا مَاءِبَاءِهِمْ فَإِخْرُوكُمْ فِي الَّذِينَ وَمَوْلَكُمْ» [الأحزاب: ٥] فَمَنْ لَمْ يُعْلَمْ لَهُ أَبًّا كَانَ مَؤْتَمِرٌ وَأَخْرَى فِي الدِّينِ. مُختَصِّرٌ.

<sup>[1]</sup> *Al-Ahzâb* 33:5.

was not known, he would be their freed slave and brother in faith.  
(*Sahih*)

تخریج: أخرجه البخاري، النکاح، باب الأکفاء فی الدین، ح: ۵۰۸۸ عن أبي الیمان به، وهو فی الکبری، ح: ۵۳۳۱، ۵۳۳۳.

**3226.** It was narrated from 'Aishah the wife of the Prophet ﷺ, and Umm Salamah the wife of the Prophet ﷺ that Abû Hudhaifah bin 'Utbah bin Rabî'ah bin Abd Shams – who was one of those who had been present at Badr with the Messenger of Allâh ﷺ – adopted Sâlim – who was the freed slave of an Anṣârî woman – as the Messenger of Allâh ﷺ had adopted Zaid bin Hârithah. Abû Hudhaifah bin 'Utbah married Sâlim to his brother's daughter Hind bint Al-Wâlid bin 'Utbah bin Rabî'ah. Hind bint Al-Wâlid bin 'Utbah was one of the first *Muhâjir* women, and at that time she was one of the best single women of the Quraish. When Allâh, the Mighty and Sublime, revealed the following concerning Zaid bin Hârithah: 'Call them by (the names of) their fathers, that is more just with Allâh. But if you know not their fathers' (names, call them) your brothers in Faith and *Mawâlikûm* (your freed slaves).'<sup>[1]</sup> each of them went back to being called after his father, and if a person's father was unknown, he was named after his former masters. (*Sahih*)

٣٢٢٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ نَضِيرٍ قَالَ: حَدَّثَنَا أَيُوبُ بْنُ سُلَيْمَانَ بْنِ يَلَالِ قَالَ: حَدَّثَنِي أَبُو بَكْرٍ بْنُ أَبِي أُوْسٍ عَنْ سُلَيْمَانَ ابْنِ يَلَالِ قَالَ: قَالَ يَعْقِبُ - يَعْنِي ابْنَ سَعِيدٍ - وَأَخْبَرَنِي ابْنُ شَهَابٍ قَالَ: حَدَّثَنِي عُرْوَةُ ابْنُ الزُّبِيرِ وَابْنُ عَبْدِ اللَّهِ بْنِ رَبِيعَةَ عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ وَأُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ ﷺ: أَنَّ أَبَا حُذَيْفَةَ بْنَ عُتْبَةَ بْنِ رَبِيعَةَ بْنِ عَبْدِ شَمْسٍ - وَكَانَ مِمَّنْ شَهَدَ بَنْدَرًا مَعَ رَسُولِ اللَّهِ ﷺ - تَبَّئَ سَالِمًا - وَهُوَ مَوْلَى لَامْرَأَ مِنَ الْأَنْصَارِ كَمَا تَبَّئَ رَسُولُ اللَّهِ ﷺ زَيْدَ بْنَ حَارِثَةَ - وَأَنَّكَحَ أَبُو حُذَيْفَةَ بْنَ عُتْبَةَ بْنِ رَبِيعَةَ بِشَتَّى أَخِيهِ هِنْدَ بْنَتُ الْوَلِيدِ بْنِ عُتْبَةَ بْنِ رَبِيعَةَ وَكَانَتْ هِنْدَ بْنَتُ الْوَلِيدِ بْنِ عُتْبَةَ مِنَ الْمُهَاجِرَاتِ الْأُوَلَى وَهِيَ يَوْمَئِذٍ مِنْ أَفْضَلِ أَيَامِيْ قُرْئِيشٍ فَلَمَّا أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ فِي زَيْدَ بْنِ حَارِثَةَ: ﴿أَدْعُوهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِنْ أَنَّهُمْ رُدُّوا إِلَى أَحَدٍ يَتَّسِعُ مِنْ أُولَئِكَ إِلَيْهِ، فَإِنْ لَمْ يَكُنْ يُعَلَّمُ أَبُوهُ رُدَّ إِلَى مَوَالِيهِ.﴾

تخریج: [إسناده صحيح] أخرجه أبو داود، النکاح، باب من حرم به، ح: ۲۰۶۱ من حدیث

[1] *Al-Ahzâb* 33:5.

ابن شهاب الزهرى به، وهو في الكتابى، ح: ٥٣٤، وأصله في صحيح البخارى، ح: ٤٠٠٠، ٤٠٨٨ من حديث الزهرى عن عروة عن عائشة به \* شيخ الزهرى هو الحارث بن عبد الله بن أبي ربيعة المخزومي فيما نظرنا، والله أعلم.

## Chapter 9. Nobility

**3227.** It was narrated from Ibn Buraidah that his father said: “The Messenger of Allâh ﷺ said: ‘The nobility of the people of this world, that which they (always) go to, is wealth.’”<sup>[1]</sup> (*Sahîh*)

(المعجم ٩) - الحَسْبُ (التحفة ٩)

٣٢٢٧ - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا أَبُو تُمَيْلَةَ عَنْ حُسَيْنِ بْنِ وَاقِدٍ، عَنْ أَبْنَ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ أَحْسَابَ أَهْلِ الدُّنْيَا الَّذِي يَذْهَبُونَ إِلَيْهِ الْمَالُ.

تخریج: [إسناده صحيح] أخرجه أحمد: ٥/٣٥٣، ٢٦١، وحسين بن واقد به، وهو في الكتابى، ح: ٥٣٥، ١٢٣٤، ١٢٣٣، والحاكم: ٢/١٦٣، ووافقه الذهبي.

## Chapter 10. For What Should A Woman Be Married?

**3228.** It was narrated from Jâbir that he married a woman at the time of the Messenger of Allâh ﷺ, and the Prophet ﷺ met him and said: ‘Have you got married, O Jâbir? He said: ‘Yes.’ He said: ‘A virgin or a previously-married woman?’ I said: ‘A previously married woman.’ He said: ‘Why not a virgin who would play with you?’ I said: ‘O Messenger of Allâh, I have sisters, and I did not want her to come between them and I.’ He said: ‘That’s better then. A woman may be married for her religious commitment, her wealth or her beauty. You should choose the one who is religiously committed, may

(المعجم ١٠) - عَلَى مَا تُنكِحُ الْمَرْأَةُ (التحفة ١٠)

٣٢٢٨ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ عَبْدِ الْمُلْكِ، عَنْ عَطَاءً، عَنْ جَابِرٍ: أَنَّهُ تَرَوَّجَ امْرَأَةً عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَلَقَّيْهُ النَّبِيُّ ﷺ فَقَالَ: «أَتَرَوَّجْتَ يَا جَابِرُ؟» قَالَ: قُلْتُ: نَعَمْ قَالَ: «بِكُرَّا أُمْ شَيْئًا؟» قَالَ: قُلْتُ: بَلْ شَيْئًا قَالَ: «فَهَلَّا بِكُرَّا تُلَأِعِبُكَ؟» قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! كُنْ لِي أَحْوَاتٌ فَخَشِيَتْ أَنْ تَدْخُلَ بَيْتِي وَبَيْتِهِنَّ قَالَ: «فَذَاكَ إِذَا إِنَّ الْمَرْأَةَ تُنكِحُ عَلَى دِينِهَا وَمَالِهَا وَجَمَالِهَا فَعَلَيْكَ بِذَاتِ الدِّينِ تَرَبَّتْ يَدَاكَ».

[1] They say that the meaning is that nobility is usually judged based upon wealth and treatment of it, where as honor is based upon *Taqwa*.

your hands be rubbed with dust  
(may you prosper).”” (*Sahîh*)

تخریج: أخرجه مسلم، الرضاع، باب استحباب نكاح ذات الدين، ح: ١٤٦٦(٥٤)(٧١٥) من  
حدیث عبدالملک بن أبي سلیمان به، وهو في الكبری، ح: ٥٣٣٦.

### Comments:

“May your hands become dusty (*Taribat Yadâk*)”: Primarily this phrase is uttered to admonish, but it is sometimes spoken to express affection and compassion also. (According to the Arabic lexicographers, to say that a person's hands became dirty, means “he became rich,” as though he became possessor of wealth equal to the dust of the earth (*Turâb*)).

## Chapter 11. It Is Disliked To Marry One Who Is Infertile

**3229.** It was narrated that Ma'qil bin Yasâr said: “A man came to the Messenger of Allâh ﷺ and said: 'I have found a woman who is from a good family and of good status, but she does not bear children, should I marry her?' He told him not to. Then he came to him a second time and he told him not to (marry her). Then he came to him a third time and he told him not to (marry her), then he said: 'Marry the one who is fertile and loving, for I will boast of your great numbers.'” (*Hasan*)

تخریج: [إسناده حسن] أخرجه أبو داود، النكاح، باب النهي عن تزويج من لم يلد من النساء، ح: ٢٠٥٠ من حدیث یزید بن هارون به، وهو في الكبری، ح: ٥٣٤٢، وصححه ابن حبان، ح: ١٢٢٩، ١٢٣٠، والحاکم: ٢/١٦٢، ووافقه الذهبي، وللحديث شواهد كثيرة.

(المعجم ١١) - كراہیة تزويج العقیم  
(التحفة ١١)

٣٢٢٩ - أخیرنَا عَبْدُ الرَّحْمَنِ بْنُ خَالِدٍ  
قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ قَالَ: أَخِيرنَا  
الْمُسْتَلِمُ بْنُ سَعِيْدٍ عَنْ مَنْصُورٍ بْنِ زَادَانَ، عَنْ  
مُعاوِيَةَ بْنِ فُرَّةَ، عَنْ مَعْقِلٍ بْنِ يَسَارٍ قَالَ:  
جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: إِنِّي  
أَصْبَحْتُ امْرَأَةً ذَاتَ حَسْبٍ وَمَنْصِبٍ إِلَّا أَنَّهَا لَا  
تَلِدُ أَفَأَتَرْوَجُهَا؟ فَنَهَا، ثُمَّ أَتَاهَا الثَّانِيَةَ فَنَهَا،  
ثُمَّ أَتَاهَا الثَّالِثَةَ فَنَهَا، فَقَالَ: «تَزَوَّجُوا الْوُلُودَ  
الْوَدُودَ فَإِنِّي مُكَاثِرٌ بِكُمْ».

### Comments:

‘But she does not bear children’: Certain things become popular. There is no need to investigate. May be a woman does not get her monthly period, or she might have previously married, and she had no children.

## Chapter 12. Marrying An Adulteress

**3230.** It was narrated from 'Amr bin Shu'aib, from his father, from his grandfather, that Marthad bin Abî Marthad Al-Ghanawî – a strong man who used to take the prisoners from Makkah to Al-Madînah – said: "I arranged with a man to bring him (from Makkah to Al-Madînah). There was a prostitute in Makkah who was called 'Anâq, and she was his friend. She came out and saw my shadow on the wall, and said: 'Who is this? Marthad? Welcome, O Marthad, come tonight and stay at our place.' I said: 'O 'Anâq, the Messenger of Allâh ﷺ has forbidden adultery.' She said: 'O people of the tents, this porcupine is the one who is taking your prisoners from Makkah to Al-Madînah!' I headed toward (the mountain of) Al-Khandamah, and eight men came after me. They came and stood over my head, and they urinated, and their urine reached me, but Allâh caused them not to see me. Then I went to my companion (the prisoner) and brought him to Al-Arâk, where I undid his fetters. Then I came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, shall I marry 'Anâq?' He remained silent and did not answer me, then the following was revealed: 'And the adulteress – fornicator, none marries her except an adulterer — fornicator or an idolater.'<sup>[1]</sup> He

(المعجم ١٢) - تَزْوِيجُ الزَّانِيَةِ (التحفة ١٢)  
 ٣٢٣٠ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ مُحَمَّدٍ الشَّمِيُّ  
 قَالَ: حَدَّثَنَا يَحْيَى - هُوَ ابْنُ سَعِيدٍ - عَنْ  
 عَيْدِ اللَّهِ بْنِ الْأَخْنَسِ، عَنْ عُمَرِ بْنِ شَعِيبٍ،  
 عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ مَرْئَةَ بْنَ أَبِي مَرْئَى  
 الْغَنَوِيَّ - وَكَانَ رَجُلًا شَدِيدًا وَكَانَ يَحْمُلُ  
 الْأَسَارَى مِنْ مَكَّةَ إِلَى الْمَدِينَةِ - قَالَ:  
 فَدَعَوْتُ رَجُلًا لِأَخْمِلَهُ، وَكَانَ يَمْكَهُ بَغْيَ  
 يَقْاتُلُ لَهَا عَنَاقًّا، وَكَانَتْ صَدِيقَتُهُ، خَرَجَتْ  
 فَرَأَتْ سَوَادِيَ فِي ظِلِّ الْحَائِطِ قَالَتْ: مَنْ  
 هَذَا؟ مَرْئَةٌ مَرْحَبَاً وَأَهْلًا يَا مَرْئَةً! انْطَلَقَ  
 الْلَّيْلَةَ فَبَتَ عَنْدَنَا فِي الرَّاحِلِ، قُلْتُ: يَا  
 عَنَاقُ! إِنَّ رَسُولَ اللَّهِ ﷺ حَرَمَ الزَّانِيَةَ، قَالَتْ:  
 يَا أَهْلَ الْخِيَامِ! هَذَا الدُّلُلُ [هَذَا] الَّذِي  
 يَحْمُلُ أَسْرَاءَكُمْ مِنْ مَكَّةَ إِلَى الْمَدِينَةِ،  
 فَسَلَكْتُ الْحَدِيمَةَ، فَطَلَّبَنِي ثَمَانِيَةُ فَجَاؤُوا  
 حَتَّى قَامُوا عَلَى رَأْسِي فَبَالُوا [فَطَارَ] بَوْلَهُمْ  
 عَلَيَّ وَأَعْمَاهُمُ اللَّهُ عَنِّي، فَجِئْتُ إِلَى صَاحِبِي  
 فَحَمَلْتُهُ، فَلَمَّا اتَّهَيْتُ بِهِ إِلَى الْأَرَاكِ فَكَثُرَتْ  
 عَنْهُ كَبَّلَهُ، فَجِئْتُ إِلَى رَسُولِ اللَّهِ ﷺ فَقُلْتُ:  
 يَا رَسُولَ اللَّهِ! أَنْجِعْ عَنَاقَ؟ فَسَكَّتَ عَنِّي  
 فَنَزَّلَتْ «وَالْآنِيَةُ لَا يَنْكِمُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ»  
 [النور: ٣] فَدَعَانِي فَقَرَأَهَا عَلَيَّ وَقَالَ: «لَا  
 تَنْكِحُهَا».

[1] *An-Nûr* 24:3.

called me and recited them to me and said: ‘Do not marry her.’”  
*(Hasan)*

تخریج: [إسناده حسن] أخرجه أبو داود، النکاح، باب فی قوله تعالى: ﴿الزاني لا ينكح إلا زانية﴾، ح: ۲۰۵۱ عن إبراهيم التميمي به، وهو في الكبير، ح: ۵۳۳۸، وقال الترمذی، ح: ۳۱۷۷: حسن غریب، وصححه الحاکم: ۲/۱۶۶، ووافقته الذہبی.

### Comments:

‘Strong man’: He lived by theft and robbery during the period of ignorance or *Jâhilîyyah*. Allâh’s Messenger ﷺ assigned him the task of retrieving Muslim captives, in view of his vocation. May Allâh be well-pleased with him.

**3231.** It was narrated from Ibn ‘Abbâs that a man came to the Messenger of Allâh ﷺ and said: “I have a wife who is one of the most beloved of the people to me, but she does not object if anyone touches her.” He said: “Divorce her.” He said: “I cannot do without her.” He said: “Then stay with her as much as you need to.” (*Sahîh*)

Abû ‘Abdur-Râhmân (An-Nasâ’î) said: This *Hadîth* is not reliable. ‘Abdul-Karîm is not that strong (a narrator) and Hârûn bin Rîâb is more reliable than him, and he narrated it in *Mursal* form. Hârûn is trustworthy, and his narration is more worthy of being considered correct than ‘Abdul-Karîm’s narration.

٣٢٣١ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: حَدَّثَنَا حَمَادُ ابْنُ سَلَمَةَ وَغَيْرُهُ عَنْ هَارُونَ بْنِ رِئَابٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ وَعَبْدِ الْكَرِيمِ، عَنْ عَبْدِ اللَّهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ، عَنْ ابْنِ عَبَاسٍ، - عَبْدُ الْكَرِيمِ يَرْفَعُهُ إِلَى ابْنِ عَبَاسٍ وَهَارُونُ لَمْ يَرْفَعْهُ - قَالَا: جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: إِنَّ عَنِي امْرَأً هِيَ مِنْ أَحَبِّ النَّاسِ إِلَيَّ وَهِيَ لَا تَمْنَعُ يَدَ لَامِسٍ، قَالَ: «طَلَقْهَا» قَالَ: لَا أَصِيرُ عَنْهَا، قَالَ: أَسْتَمْتَعُ بِهَا».

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: هَذَا الْحَدِيثُ لَيْسَ بِثَابِتٍ، وَعَبْدُ الْكَرِيمِ لَيْسَ بِالْقَوِيِّ، وَهَارُونُ ابْنُ رِئَابٍ أَثْبَتَ مِنْهُ وَقَدْ أَرْسَلَ الْحَدِيثَ، وَهَارُونُ ثَقِيقٌ وَحَدِيثُهُ أَوَّلٌ بِالصَّوَابِ مِنْ حَدِيثِ عَبْدِ الْكَرِيمِ.

تخریج: [صحیح] وهو في الكبير، ح: ۵۳۴۰، وللحديث شاهد سیاتی، ح: ۳۴۹۴، وانظر هناك شرح الحديث.

## Chapter 13. The Prohibition Of Marrying Adulteresses

**3232.** It was narrated from Abû Hurairah that the Prophet ﷺ said: “Women are married for four things: Their wealth, their nobility, their beauty and their religious commitment. Choose the one who is religiously-committed, may your hands be rubbed with dust.” (*Sahîh*)

تخریج: أخرجه مسلم، الرضاع، باب استحباب نكاح ذات الدين، ح: ٥٣/١٤٦٦ عن عبیدالله بن سعید، والبخاري، النکاح، باب الأکفاء في الدين، ح: ٥٠٩٠ من حديث يحيى القطان به، وهو في الكبرى، ح: ٥٣٣٧.

### Comments:

In this narration, there is no explicit mention of contracting marriage with adulterers/adulteresses. But the conclusion of the Prophet ﷺ stating: “Go for the one with religious disposition (*bi Dhâtid dîn*)” is very much the same, that an adulteress should not be taken in marriage, because she does not possess a religious disposition.

## Chapter 14. Which Woman Is Best?

**3233.** It was narrated that Abû Hurairah said: “It was said to the Messenger of Allâh ﷺ: ‘Which woman is best?’ He said: ‘The one makes him happy when he looks at her, obeys him when he commands her, and she does not go against his wishes with regard to herself nor her wealth.’” (*Hasan*)

تخریج: [إسناده حسن] أخرجه أحمد: ٤٣٢/٢ من حديث محمد بن عجلان به، وصرح بالسماع، وهو في الكبرى، ح: ٥٣٤٣.

### Comments:

Social relations cannot remain in harmony without the harmonious concord between husband and wife. If both of them are of equal status, the chances of accord are bleak.

(المعجم ١٣) - بَابُ كَرَاهِيَّةِ تَزْوِيجِ الزَّنَّا (التحفة ١٣)

٣٢٣٢ - أَخْبَرَنَا عَبِيدُ اللَّهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا يَحْيَى عَنْ عَبِيدِ اللَّهِ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ الْبَيْهِيِّنِ قَالَ: «تُنكحُ النِّسَاءُ لِأَرْزَقَهُ لِمَالِهَا وَلِحَسَنِهَا وَلِجَمَالِهَا وَلِبَيْنِهَا، فَاطْفَرْ بِذَاتِ الدِّينِ تَرِبَّتْ بِذَاكَ».

(المعجم ١٤) - أَئِ النِّسَاءُ خَيْرٌ (التحفة ١٤)

٣٢٣٣ - أَخْبَرَنَا قَتْبِيَّةُ قَالَ: حَدَّثَنَا الْيَثْرَى عَنْ ابْنِ عَجْلَانَ، عَنْ سَعِيدِ الْمُقْبَرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قِيلَ لِرَسُولِ اللَّهِ ﷺ: أَئِ النِّسَاءُ خَيْرٌ؟ قَالَ: «الَّتِي تَسْرُّهُ إِذَا نَظَرَ، وَتُطْبِعُهُ إِذَا أَمَرَ، وَلَا تُخَالِفُهُ فِي نَفْسِهَا وَمَالِهَا بِمَا يَكْرُهُ».

## Chapter 15. The Righteous Woman

**3234.** It was narrated from 'Abdullâh bin 'Amr bin Al-'Âş that the Messenger of Allâh ﷺ said: "This world is all temporary conveniences, and the best temporary convenience of this world is a righteous woman." (*Sahîh*)

## (المعجم ١٥) - المرأة الصالحة

(التحفة ١٥)

٣٢٣٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ يَزِيدَ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا حَيْوَةُ - وَذَكَرَ آخَرَ - أَخْبَرَنَا شَرَحْبِيلُ بْنُ شَرِيكٍ، أَنَّهُ سَمِعَ عَبْدَ الرَّحْمَنِ الْحُبَيْبِيَّ يُحَدِّثُ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو بْنِ الْعَاصِ، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: إِنَّ الدُّنْيَا كُلُّهَا مَتَاعٌ وَخَيْرٌ مَتَاعُ الدُّنْيَا أَنْدَانَةُ الْمَرْءَةِ الصَّالِحَةِ.

تخریج: أخرجه مسلم، الرضاع، باب خير متاع الدنيا المرأة الصالحة، ح: ١٤٦٩ من حديث عبدالله بن يزيد المقرئ به، وهو في الكبري، ح: ٥٣٤٤.

### Comments:

Of the property of the world, the best thing is a virtuous woman, because the husband has constant relations with his wife. If she is virtuous, life would pass in peace, security, and tranquility. If she is not virtuous, then a perpetual dispute would ensue, distress would prevail, and life would become full of discord.

## Chapter 16. The Jealous Woman

**3235.** It was narrated from Anas that they said: "O Messenger of Allâh, why don't you marry a woman from the Anṣâr?" He said: "They are very jealous." (*Sahîh*)

## (المعجم ١٦) - المرأة الغيرة

(التحفة ١٦)

٣٢٣٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا النَّضْرُ قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ، عَنْ أَنَسِ: قَالُوا: يَا رَسُولَ اللَّهِ! أَلَا تَتَرَوَّجُ مِنْ نِسَاءِ الْأَنْصَارِ؟ قَالَ: إِنَّ فِيهِمْ لَغْيَةً شَدِيدَةً.

تخریج: [إسناده صحيح] ورواه ابن أبي حاتم من حديث حماد بن سلمة وغيره به، وأعلمه بعلة غير قادحة \* إسحاق بن عبد الله هو ابن أبي طلحة.

### Comments:

The Helpers (Anṣâr) were the people of calm temperament. This is why their womenfolk were domineering upon them. They feared them. Thus, a sort of sharpness had developed in the temperament of the womenfolk of the Helpers. Allâh's Messenger ﷺ had already had wives previously. The fiery-tempered women generally find it hard to bear themselves with their co-wives

and husband; rather they turn into a potential headache. Allâh's Messenger ﷺ did not contact marriage with any woman of the Helpers.

### Chapter 17. It Is Permissible To Look Before Marriage

**3236.** It was narrated that Abû Hurairah said: "A man proposed marriage to a woman from among the Ansâr and the Messenger of Allâh ﷺ said to him: 'Have you seen her?' He said: 'No.' So he told him to look at her." (*Sahîh*)

(المعجم ١٧) - إِيَّاهُ النَّظَرِ قَبْلَ التَّزْوِيجِ (التحفة ١٧)

٣٢٣٦ - أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا مَرْوَانُ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ كَيْسَانَ - عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: خَطَبَ رَجُلٌ امْرَأَةً مِنَ الْأَنْصَارِ فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «هَلْ نَظَرْتَ إِلَيْهَا؟» قَالَ: لَا، فَأَمْرَأَةٌ أَنْ يَنْظُرَ إِلَيْهَا.

تخریج: أخرجه مسلم، النکاح، باب ندب النظر إلى وجه المرأة وكيفها لمن يريد تزوجها، ح: ٥٤٤٥ / ١٤٢٤ من حديث مروان بن معاوية الفزاری به، وهو في الكبیری، ح: ٥٣٤٦ .

#### Comments:

Casting epicurean glances at women is forbidden. Needfully doing so is not prohibited. Marriage is a significant essentiality. Besides, it is a companionship of the whole life. It, therefore, is appropriate to see her in order to avoid any probable future unpleasantness. It does not, however, mean that one should go into her house making demands.

**3237.** It was narrated that Al-Mughîrah bin Shu'bah said: "I proposed marriage to a woman during the time of the Messenger of Allâh ﷺ, and the Prophet ﷺ said: 'Have you seen her?' I said: 'No.' He said: 'Look at her, for that is more likely to create love between you.'" (*Sahîh*)

٣٢٣٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْعَزِيزِ بْنِ أَبِي رِزْمَةَ قَالَ: حَدَّثَنَا حَفْصُونَ بْنُ عَيَّاثَ قَالَ: حَدَّثَنَا عَاصِمٌ عَنْ بَكْرٍ بْنِ عَبْدِ اللَّهِ الْمَزَنِيِّ، عَنِ الْمُغَيْرَةِ بْنِ شَعْبَةَ قَالَ: خَطَبْتُ امْرَأَةً عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَقَالَ النَّبِيُّ ﷺ: «أَنْظَرْتَ إِلَيْهَا؟» قُلْتُ: لَا، قَالَ: «فَإِنْظُرْ إِلَيْهَا فَإِنَّهُ أَجَدْرُ أَنْ يُؤْدَمَ بِتَكْمِيلَةِ إِلَيْهَا».

تخریج: [إسناده صحيح] أخرجه الترمذی، النکاح، باب ماجاء في النظر إلى المخطوبة، ح: ١٠٨٧ من حديث عاصم بن سليمان الأحول به، وقال: "حسن"، وصححه البوصيري، وابن ماجه، ح: ١٨٦٦، وهو في الكبیری، ح: ٥٣٤٦ .

### Chapter 18. Getting Married In Shawwâl

**3238.** It was narrated from

(المعجم ١٨) - التَّزْوِيجُ فِي شَوَّالٍ (التحفة ١٨)

٣٢٣٨ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ قَالَ:

'Urwah, that 'Aishah said: "The Messenger of Allâh ﷺ married me in Shawwâl and my marriage was consummated in Shawwâl." - 'Aishah liked for her women's marriages to be consummated in Shawwâl – "and which of his wives was more beloved to him than me?" (*Sahîh*)

حدَثَنَا يَحْيَى بْنُ سُعْدٍ قَالَ: حَدَّثَنِي إِسْمَاعِيلُ بْنُ أُمِّيَّةَ عَنْ عَبْدِ اللَّهِ بْنِ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجْنِي رَسُولُ اللَّهِ ﷺ فِي شَوَّالٍ، وَأَذْخَلْتُ عَلَيْهِ فِي شَوَّالٍ، - وَكَانَتْ عَائِشَةُ تُحِبُّ أَنْ تُدْخِلَ نِسَاءَهَا فِي شَوَّالٍ - فَأَيُّ نِسَاءٍ كَانَتْ أَحْظَى عِنْدَهُ مِنِّي .

تخریج: أخرجه مسلم، النکاح، باب استحباب التزوج والتزویج في شوال واستحباب الدخول فيه، ح: ١٤٢٣ من حديث سفيان الثوری به، .

### Comments:

The literal meaning of the term *Shawwâl* is a bit ignominious. The Arabs, therefore, regarded this month ill-fated during the period of ignorance. Hence, why they used to regard the making of marriage contracts in this month as an evil omen, as some people nowadays do not consider marriage contracts permissible in the month of Muharram, which, according to them, is the month of mourning. But Islam does not entertain such superstitions.

## Chapter 19. Proposal Of Marriage

(المعجم ١٩) - الخطبة في النكاح  
(التحفة ١٩)

**3239.** 'Âmir bin Shurâhbîl Ash-Shâ'bî narrated that he heard Fâtîmah bint Qais – who was one of the first *Muhâjir* women – say: 'Abdur-Rahmân bin 'Awf proposed marriage to me, along with others of the Companions of Muhammad ﷺ. And the Messenger of Allâh ﷺ proposed that I marry his freed slave, Usâmah bin Zaid. I was told that the Messenger of Allâh ﷺ had said: 'Whoever loves me, let him love Usâmah.' When the Messenger of Allâh ﷺ spoke to me I said: 'My affairs are in your hands; marry me to whomever you wish.' He said: 'Go to Umm Sharîk.' Umm Sharîk was a rich Anṣârî woman who used to spend a great deal in the cause of Allâh,

٣٢٣٩ - أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ أَبْنُ سَلَامَ قَالَ: حَدَّثَنِي عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ قَالَ: سَمِعْتُ أَبِي قَالَ: حَدَّثَنَا حُسْنِيُّ الْمُعْلَمُ قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ بُرِيَّةَ قَالَ: حَدَّثَنِي عَامِرٌ بْنُ شَرَاجِيلِ الشَّعْبِيِّ أَنَّهُ سَمِعَ فَاطِمَةَ بِنْتَ قَيْسٍ - وَكَانَتْ مِنَ الْمُهَاجِرَاتِ الْأُولَى - [قَالَتْ]: خَطَبَنِي عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ فِي نَفْرٍ مِنْ أَصْحَابِ مُحَمَّدٍ ﷺ، وَخَطَبَنِي رَسُولُ اللَّهِ ﷺ عَلَى مَوْلَاهُ أَسَامَةَ بْنَ زَيْدٍ، وَقَدْ كُنْتُ حُدْثَأً أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ أَحَبَّنِي فَلْيَحِبْ أَسَامَةً» فَلَمَّا كَلَّمَنِي رَسُولُ اللَّهِ ﷺ قُلْتُ: أَمْرِي بِيَدِكَ فَأَنْكِحْنِي مَنْ شِئْتَ، فَقَالَ: «إِنْطَلِقِي إِلَى أُمِّ شَرِيكَ» -

and she always had a lot of guests. I said: 'I will do that.' He said: 'Do not do that, for Umm Sharîk has a lot of guests, and I would not like your *Khimâr* to fall off, or your shins to become uncovered, and the people see something of you that you do not want them to see. Rather go to your cousin (son of your paternal uncle) 'Abdullâh bin 'Amr bin Umm Maktûm, who is a man of Banu Fîhr.' So I went to him." This is an abridged form of it. (*Sahîh*)

**تخریج:** أخرجه مسلم، الفتن، باب قصة الجسasse، ح: ١١٩ / ٢٩٤٢ عن عبدالصمد به مطولاً، وهو في الكبير، ح: ٥٣٥٣.

#### Comments:

To propose a marriage is not something blameworthy, nor should one get annoyed at it. How could one achieve something without one's asking? However, the proposal ought to be made to the woman's guardian.

### Chapter 20. Prohibition Of Proposing Marriage To A Woman When Someone Else Has Already Proposed To Her

**3240.** It was narrated from Ibn 'Umar that the Prophet ﷺ said: "None of you should propose marriage to a woman when someone else has already proposed to her." (*Sahîh*)

**تخریج:** أخرجه مسلم، النكاح، باب تحريم الخطبة على خطبة أخيه حتى يأذن أو يترك، ح: ١٤١٢ عن قتيبة به، وهو في الكبير، ح: ٥٣٥٤، وأخرجه البخاري، ح: ٥٤٢ من حديث نافع به.

#### Comments:

Proposal over proposal (making a proposal while that of another person is still being weighed) is repugnant to sincerity; it also reveals or unmasks jealousy and selfishness. But, if a proposal is turned down then there is no harm in it.

**3241.** It was narrated that Abû Hurairah said: "The Messenger of

وأم شرîك امرأة غنّية من الأنصار عظيمة النّقة في سبيل الله عز وجل ينزل علىها الضيقان - . فقلت: سأفعل قال: «لا تغعلي، فإنّ أم شرîك كثيرة الضيقان، فإنّي أكره أن يسقط عنك خمارك أو ينكشف الثوب عن ساقيك فيرى القوم متوكّل منك عذباً تكرهين، ولكن اتقلي إلى ابن عمك عبد الله بن عمرو بن أم مكتوم، وهو رجل من بيتي فهو». فانقلت إليه. محضر.

(المعجم ٢٠) - **النهي أن يخطب الرجل على خطبة أخيه (التحفة ٢٠)**

- **٣٢٤٠ - أخبرنا قتيبة قال: حدثنا الليث عن ثافع، عن ابن عمر عن النبي ﷺ قال: لا يخطب أحدكم على خطبة بعضِ .**

**٣٢٤١ - أخبرنا محمد بن منصور وسعيد ابن عبد الرحمن قالا: حدثنا سفيان عن**

Allâh ﷺ said: ‘Do not artificially inflate prices, a resident should not sell for a Bedouin, a man should not offer more for something that has already been bought by his brother, no one should propose marriage to a woman when someone else has already proposed to her, and no woman should try to bring about the divorce of her sister, in order to deprive her of the blessings that she has.’’’ (*Sahîh*)

الرُّهْرِيُّ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: - وَقَالَ مُحَمَّدٌ: عَنِ النَّبِيِّ ﷺ: - (لَا تَنَاجِشُوا، وَلَا يَبِيعُ حَاضِرٌ لِتَادٍ، وَلَا يَبِيعُ الرَّجُلُ عَلَى بَيْعِ أَخِيهِ، وَلَا يَخْطُبُ عَلَى خَطْبَةِ أَخِيهِ، وَلَا تَسْأَلِ الْمَرْأَةَ طَلاقَ أُخْتَهَا لِتَكْتَفِي مَا فِي إِنَاثِهَا).

**تخریج:** أخرجه البخاري، البيوع، باب: لا يبيع على بيع أخيه ولا يسوم ... إلخ، ح: ٢٤٤٠، ومسلم، النكاح، باب تحريم الخطبة على خطبة أخيه حتى يأذن أو يترك، ح: ١٤١٣ من حديث سفيان بن عيينة به.

**3242.** It was narrated from Abû Hurairah that the Prophet ﷺ said: “None of you should propose marriage to a woman when someone else has already proposed to her.” (*Sahîh*)

٣٢٤٢ - أَخْبَرَنِي هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مَعْنُ قَالَ: حَدَّثَنَا مَالِكٌ؛ حَوْلَ الْحَارِثِ بْنِ مَسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ مُحَمَّدٍ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: (لَا يَخْطُبُ أَحَدُكُمْ عَلَى خَطْبَةِ أَخِيهِ).

**تخریج:** [إسناده صحيح] أخرجه أحمد: ٤٦٢ / ٢ من حديث مالك به، وهو في الموطأ (يعنى): ٥٢٣ / ٢، والكبري، النكاح، باب: لا يخطب على خطبة أخيه حتى ... إلخ، ح: ٥١٤٣ من حديث جعفر بن ربيعة عن الأعرج به مطولاً.

**3243.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “None of you should propose marriage to a woman when someone else has already proposed to her, unless he marries (and he gives up the idea), or gives him permission.” (*Sahîh*)

٣٢٤٣ - أَخْبَرَنِي يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شَهَابٍ قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبٍ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: (لَا يَخْطُبُ أَحَدُكُمْ عَلَى خَطْبَةِ أَخِيهِ حَتَّى يَنْكِحَ أَوْ يَرُكَ).

تخریج: أخرجه مسلم، ح: ١٤١٣ من حديث ابن وهب به، انظر الحديث الآتي برقم: ٤٥٠٦.

### Comments:

'Unless he marries': This signifies the other person should wait and watch. If the negotiations succeed and the marriage contract takes place, it is well and good. If the proposal aborts, then the other person may make the proposal.

**3244.** It was narrated from Abû Hurairah that the Prophet ﷺ said: "None of you should propose marriage to a woman when someone else has already proposed to her." (*Sahîh*)

تخریج: أخرجه مسلم، النکاح، باب تحریم الجمع بین المرأة وعمتها أو خالتها فی النکاح، ح: ٣٨/١٤٠٨ من حديث هشام بن حسان به مطولاً، ويأتي طرف، ح: ٣٢٩٧ \* محمد هو ابن سيرين.

### Chapter 21. Proposing Marriage When The Other Suitor Gives Up The Idea Or Gives Permission

**3245.** 'Abdullâh bin 'Amr used to say: "The Messenger of Allâh ﷺ forbade offering more for something that has already been bought by his brother, or for a man to propose marriage to a woman when someone else had already proposed to her, unless the previous suitor gave up the idea or gave him permission." (*Sahîh*)

تخریج: أخرجه البخاري، النکاح، باب: لا يخطب على خطبة أخيه حتى ينكح أو يدع، ح: ٥١٤٢ من حديث ابن جریح به.

### Comments:

If someone is negotiating a deal, it is not lawful for someone else to begin negotiations. The deal might have already been concluded.

**3246.** It was narrated from Muhammâd bin 'Abdur-Râhmân bin Thawbân that they asked Fâtimah bint Qais about her story

٣٢٤٤ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا غَنْدَرٌ  
عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ  
النَّبِيِّ ﷺ قَالَ: «لَا يَخْطُبُ أَحَدُكُمْ عَلَى  
خَطْبَةِ أَخِيهِ».

(المعجم ٢١) - خَطْبَةُ الرَّجُلِ إِذَا تَرَكَ  
الْخَاطِبُ أَوْ أَذِنَ لَهُ (التحفة ٢١)

٣٢٤٥ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ الْحَسَنِ قَالَ:  
حَدَّثَنَا الْحَجَاجُ بْنُ مُحَمَّدٍ قَالَ أَبْنُ  
جُرَيْجٍ: سَمِعْتُ نَافِعًا يَحْدُثُ: أَنَّ عَبْدَ اللَّهِ بْنَ  
عُمَرَ كَانَ يَقُولُ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ يَسْتَعِي  
بَعْضُكُمْ عَلَى بَيْعِ بَعْضٍ، وَلَا يَخْطُبُ الرَّجُلُ  
عَلَى خَطْبَةِ الرَّجُلِ حَتَّى يَتَرَكَ الْخَاطِبُ قَبْلَهُ  
أَوْ يَأْذِنَ لَهُ الْخَاطِبُ.

٣٢٤٦ - أَخْبَرَنِي حَاجِبُ بْنُ سُلَيْمانَ  
قَالَ: حَدَّثَنَا حَجَاجٌ قَالَ: حَدَّثَنَا أَبْنُ أَبِي  
ذِئْبٍ عَنِ الزُّهْرِيِّ وَزَرِيْدَ بْنِ عَبْدَ اللَّهِ بْنِ

and she said: "My husband divorced me three times, and he used to provide me with food that was not good." She said: "By Allâh, if I were entitled to maintenance and accommodation I would demand them and I would not accept this." The deputy said: "You are not entitled to accommodation or maintenance." She said: "I came to the Prophet ﷺ and told him about that, and he said: You are not entitled to accommodation nor maintenance; observe your *Iddah* in the house of so-and-so." She said: 'His Companions used to go to her. Then he said: 'Observe your *Iddah* in the house of Ibn Umm Maktûm, who is blind, and when your *Iddah* is over, let me know.'" She said: "When my *Iddah* was over, I let him know. The Messenger of Allâh ﷺ said: 'Who has proposed marriage to you?' I said: 'Mu'âwiyah and another man from the Quraish.' He said: 'As for Mu'âwiyah, he is a boy among the Quraish and does not have anything, and as for the other he is a bad man with no goodness in him. Rather you should marry Usâmah bin Zâid.'" She said: "I did not like the idea." But he said that to her three times so she married him. (*Sahîh*)

**تخریج:** أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ٤٠ / ١٤٨٠ من حديث الزهري عن أبي سلمة به، وهو في الكبرى، ح: ٥٣٥١.

**Comments:**

(Similar preceded earlier, see Nos. 3224, 3239)

فُسِيْطٌ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ وَعَنْ الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ مُحَمَّدٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ ثَوْبَانَ: أَنَّهُمَا سَأَلَا فَاطِمَةَ بْنَتَ قَيْسٍ عَنْ أَمْرِهِا، فَقَالَتْ: طَلَقْنِي رَوْجِي ثَلَاثَةً فَكَانَ يَرْزُقُنِي طَعَاماً فِيهِ شَيْءٌ، فَقَلَّتْ: وَاللَّهِ! لَيْسَ كَانَتْ لِي النَّفَقَةُ وَالسُّكْنَى لَا طَلَبَبَهَا وَلَا أَقْبَلَ هَذَا، فَقَالَ الْوَكِيلُ: لَيْسَ لَكِ سُكْنَى وَلَا نَفَقَةٌ فَأَقْبَلَ هَذَا، فَقَالَتْ: فَأَتَيْتُ النَّبِيَّ ﷺ فَذَكَرَتْ ذَلِكَ لَهُ، فَقَالَ: «لَيْسَ لَكِ سُكْنَى وَلَا نَفَقَةٌ فَأَعْتَدْتِي عِنْدَ فُلَانَةً» قَالَتْ: وَكَانَ يَأْتِيهَا أَصْحَابُهُ، ثُمَّ قَالَ: «أَعْتَدْتِي عِنْدَ ابْنِ أَمِّ مَكْتُومٍ فَإِنَّهُ أَغْمَى فَإِذَا حَلَّتْ فَأَذْنِينِي» قَالَتْ: فَلَمَّا حَلَّتْ آذْنَتْهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَمَنْ خَطَبَكِ؟» فَقَلَّتْ: مُعَاوِيَةُ وَرَجُلٌ آخَرُ مِنْ قُرَيْشٍ، فَقَالَ النَّبِيُّ ﷺ: «أَمَا مُعَاوِيَةُ فَإِنَّهُ غُلَامٌ مِنْ غُلَمَانِ قُرَيْشٍ لَا شَيْءٌ لَهُ، وَأَمَا الْآخَرُ فَإِنَّهُ صَاحِبٌ شَرٌّ لَا خَيْرٌ فِيهِ، وَلَكِنْ أَنْكِحْهُ أُسَامَةً [بْنَ زَيْدٍ]» قَالَتْ: فَكَرِهْتُهُ، فَقَالَ لَهَا ذَلِكَ ثَلَاثَ مَرَاتٍ فَنَكَحْتُهُ.

In the preceding narrations, proposal over a proposal was forbidden. In this narration, Allâh's Messenger ﷺ made the proposal of marriage with Usama over the proposals of Mu'awiyah and Jahm. In actuality, she had gone to the Prophet ﷺ to consult him. Allâh's Messenger ﷺ counseled her sincerely. As a matter of fact, her marriage with Usamah proved full of blessings.

## Chapter 22. If A Woman Consults A Man Concerning The One Who Has Proposed Marriage To Her, Should He Tell Her Of What He Knows?

**3247.** It was narrated from Fâtimah bint Qais that Abû 'Amr bin Hafṣ issued a final divorce to her while he was absent. His deputy sent some barley to her but she did not like it. He said: "By Allâh, you have no rights over us." She went to the Messenger of Allâh ﷺ and told him about that, and he said: "You have no right to maintenance." He told her to observe her *Iddah* in the house of Umm Sharîk, then he said: "She is a woman whose house is frequented by my Companions. Observe your *Iddah* in the house of Ibn Umm Maktûm, for he is a blind man and you can take off your garment. And when your *Iddah* is over, let me know." She said: "When my *Iddah* was over I told him that Mu'awiyah bin Abî Sufyân and Abû Jahm had proposed marriage to me. The Messenger of Allâh ﷺ said: 'As for Abû Jahm, his stick never leaves his shoulder,<sup>[1]</sup> and as for

(المعجم ٢٢) - بَابٌ : إِذَا اسْتَشَارَتِ  
المرأةُ رَجُلًا فِيمَنْ يَخْطُبُهَا هُلْ يُخْبِرُهَا  
بِمَا يَعْلَمُ (التحفة ٢٢)

٣٢٤٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ  
وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ  
- وَاللَّفْظُ لِمُحَمَّدٍ - عَنْ ابْنِ الْفَاسِمِ، عَنْ  
مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ بَرِيدَ، عَنْ أَبِي سَلَمَةَ  
ابْنِ عَبْدِ الرَّحْمَنِ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ : أَنَّ  
أَبَا عَمْرُو بْنَ حَفْصٍ طَلَقَهَا الْبَتَّةُ وَهُوَ غَائبٌ ،  
فَأَرْسَلَ إِلَيْهَا وَكِيلًا يُشَعِّيرُ فَسْخَطَتُهُ ، فَقَالَ :  
وَاللَّهِ مَا لَكَ عَلَيْنَا مِنْ شَيْءٍ ، فَجَاءَتْ رَسُولَ  
الله ﷺ فَذَكَرَتْ ذَلِكَ لَهُ ، فَقَالَ : «إِنَّ لَكَ  
نَفْقَةً» فَأَمَرَهَا أَنْ تَعْتَدَ فِي بَيْتِ أُمٍّ شَرِيكٍ ثُمَّ  
قَالَ : «زِلْكَ امْرَأَةٌ يَغْشَاهَا أَصْحَابِي وَاغْتَدَى  
عِنْدَ ابْنِ أُمٍّ مَكْتُومٍ فَإِنَّهُ رَجُلٌ أَعْمَى تَضَعِينَ  
ثِيَابَكِ ، فَإِذَا حَلَّتْ فَآذِنِي» قَالَتْ : فَلَمَّا  
حَلَّتْ ذَكْرَتْ لَهُ أَنَّ مُعَاوِيَةَ بْنَ أَبِي سُفْيَانَ  
وَأَبَا جَهْمٍ خَطَّابَيِ ، فَقَالَ رَسُولُ الله ﷺ :  
«أَمَّا أَبُو جَهْمٍ فَلَا يَضُعُ عَصَاهُ عَنْ عَاتِقِهِ ،  
وَأَمَّا مُعَاوِيَةُ فَصَعْلُوكُ لَا مَالَ لَهُ ، وَلَكِنْ

<sup>[1]</sup> This has been interpreted by the scholars as meaning that he traveled a great deal, or that he habitually beat his wives; a third suggestion, that he was a man of high sexual energy, is regarded as being farfetched.

Mu'âwiyyah he is a poor man who has no wealth. Rather you should marry Usâmah bin Zaid.' I did not like the idea, then he said: 'Marry Usâmah bin Zaid.' So I married him and Allâh created a lot of good in him, and others felt jealous of my good fortune." (*Sahîh*)

تخریج: [صحيح] انظر الحديث السابق، وهو في الموطأ (بخاری) ٥٨١، ٥٨٠ / ٢: ٢ . والکبریٰ، ح: ٥٣٥٢ .

### Comments:

In the event of someone's seeking counsel, one may describe good and bad characteristics of the person concerned. This does not fall under slander or backbiting.

### Chapter 23. If A Man Consults Another Man About A Woman, Should He Tell Him What He Knows?

**3248.** It was narrated that Abû Hurairah said: "A man of the Anṣâr came to the Messenger of Allâh ﷺ and said: 'I have married a woman.' He said: 'Did you look at her? For there is something in the eyes of the Anṣâr.'" (*Sahîh*)

Abû 'Abdur-Râhmân (An-Nâsâ'i) said: I found this *Hadîth* in another place, from Yazîd bin Kaisân, that Jâbir bin 'Abdullâh narrated it, and what is correct is Abû Hurairah.

تخریج: أخرجه مسلم، النكاح، باب ندب النظر إلى وجه المرأة وكيفها لمن يريد تزوجها، ح: ١٤٢٤ من حديث يزيد بن كيسان به، وهو في الكبرىٰ، ح: ٥٣٤٩، ٥٣٤٨ .

**3249.** It was narrated from Abû Hurairah that a man wanted to marry a woman and the Prophet ﷺ said: "Look at her, for there is

انكحجي أَسَامَةَ بْنَ زَيْدٍ» فَكَرِهَتْهُ ثُمَّ قَالَ: «انكحجي أَسَامَةَ بْنَ زَيْدٍ» فَكَحْتَهُ فَجَعَلَ اللَّهُ عَزَّ وَجَلَّ فِيهِ خَيْرًا وَاعْتَبَطْتُ بِهِ .

(المعجم ٢٣) - إِذَا اسْتَشَارَ رَجُلٌ رَجُلًا  
فِي الْمَرْأَةِ هَلْ يُخْبِرُهُ بِمَا يَعْلَمُ  
(التحفة ٢٣)

٣٢٤٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ آدَمَ قَالَ:  
حَدَّثَنَا عَلَيُّ بْنُ هَاشِمٍ بْنُ الْبَرِيدِ عَنْ يَزِيدَ بْنِ  
كَيْسَانَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ:  
جَاءَ رَجُلٌ مِنَ الْأَنْصَارِ إِلَيَّ رَسُولُ اللَّهِ  
فَقَالَ: إِنِّي تَرَوْجُتُ امْرَأَةً، فَقَالَ النَّبِيُّ ﷺ:  
«أَلَا نَظَرْتَ إِلَيْهَا؟ فَإِنَّ فِي أَعْيُنِ الْأَنْصَارِ  
شَيْئًا» .

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: وَجَدْتُ هَذَا الْحَدِيثَ  
فِي مَوْضِعٍ آخَرَ عَنْ يَزِيدَ بْنِ كَيْسَانَ أَنَّ جَابِرَ بْنَ  
عَبْدِ اللَّهِ حَدَّثَ، وَالصَّوَابُ أَبُو هُرَيْرَةَ .

تخریج: أخرجه مسلم، النكاح، باب ندب النظر إلى وجه المرأة وكيفها لمن يريد تزوجها، ح: ١٤٢٤ من حديث يزيد بن كيسان به، وهو في الكبرىٰ، ح: ٥٣٤٩، ٥٣٤٨ .

٣٢٤٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ  
يَزِيدَ قَالَ: حَدَّثَنَا شُفْيَانُ عَنْ يَزِيدَ بْنِ كَيْسَانَ،

something in the eyes of the Anṣâr.” (*Sahîh*)

عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَجُلًا أَرَادَ أَنْ يَتَرَوَّجَ امْرَأَةً فَقَالَ النَّبِيُّ ﷺ: «اُنْظُرْ إِلَيْهَا، فَإِنَّ فِي أَعْيُنِ الْأَنْصَارِ شَيْئًا».

تخریج : [صحیح] انظر الحديث السابق، وهو في الكبیری، ح ۵۳۴۷.

## Chapter 24. A Man Offering His Daughter In Marriage To Someone Whom He Likes

**3250.** It was narrated that ‘Umar said: “Hafṣah bint ‘Umar became single when (her husband) Khunais – meaning bin Hudhâfah – (died). He was one of the Companions of the Prophet ﷺ who had been present at Badr, and he died in Al-Madînah. I met ‘Uthmân bin ‘Affân and offered Hafṣah in marriage to him. I said: ‘If you wish, I will marry you to Hafṣah.’ He said: ‘I will think about it.’ A few days passed, then I met him and he said: ‘I do not want to get married at the moment.’” ‘Umar said: “Then I met Abû Bakr As-Ṣiddîq, may Allâh be pleased with him, and said: ‘If you wish, I will marry Hafṣah to you.’ He did not give me any answer, and I felt more upset with him than I had with ‘Uthmân, may Allâh be pleased with him. Several days passed, then the Messenger of Allâh ﷺ proposed marriage to her, and I married her to him. Abû Bakr met me and said: ‘Perhaps you felt upset with me when you offered Hafṣah in marriage to me and I did not give you any answer?’

## (المعجم ۲۴) - بَابُ عَرْضِ الرَّجُلِ ابنَتَهُ عَلَى مَنْ يَرْضَى (الصفحة ۲۴)

٣٢٥٠ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِيْرَاهِيمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَاقَ قَالَ: أَخْبَرَنَا مَعْمُرٌ عَنِ الْأَذْهَرِيِّ، عَنْ سَالِمٍ، عَنْ أَبْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: تَأَيَّثَتْ حَفْصَةُ بْنُتُّ عُمَرَ مِنْ خُنَيْسِ - يَعْنِي أَبْنَ حُذَافَةَ - وَكَانَ مِنْ أَصْحَابِ النَّبِيِّ ﷺ مِنْ شَهَدَ بَدْرًا، فَتَوْفَى بِالْمَدِينَةِ، فَلَقِيَتْ عُثْمَانَ بْنَ عَفَانَ فَعَرَضَتْ عَلَيْهِ حَفْصَةُ قَلْتُ: إِنْ شِئْتَ أَنْكَحْتُكَ حَفْصَةَ، فَقَالَ: سَأَنْظُرُ فِي ذَلِكَ فَلَبِثْتُ لَيَالِي فَلَقِيَتْهُ فَقَالَ: مَا أُرِيدُ أَنْ أَتَرَوَّجَ يَوْمِي هَذَا، قَالَ عُمَرُ: فَلَقِيَتْ أَبَا بَكْرٍ الصَّدِيقَ رَضِيَ اللَّهُ عَنْهُ فَقَلْتُ: إِنْ شِئْتَ أَنْكَحْتُكَ حَفْصَةَ فَلَمْ يَرْجِعْ إِلَيَّ شَيْئًا، فَكَنْتُ عَلَيْهِ أُوجَدَ مِنِّي عَلَى عُثْمَانَ رَضِيَ اللَّهُ عَنْهُ فَلَبِثْتُ لَيَالِي، فَخَطَبَهَا إِلَيَّ رَسُولُ اللَّهِ ﷺ فَأَنْكَحْتُهَا إِيَّاهُ، فَلَقِيَتْ أَبَا بَكْرٍ فَقَالَ: لَعْلَكَ وَجَدْتَ عَلَيَّ حِينَ عَرَضْتَ عَلَيَّ حَفْصَةَ فَلَمْ أَرْجِعْ إِلَيْكَ شَيْئًا، قُلْتُ: نَعَمْ، قَالَ: فَإِنَّهُ لَمْ يَمْنَعْنِي حِينَ عَرَضْتَ عَلَيَّ أَنْ أَرْجِعَ إِلَيْكَ شَيْئًا إِلَّا أَنَّمِي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَذْكُرُهَا، وَلَمْ أَكُنْ لَأُفْشِيَ سِرَّ رَسُولِ اللَّهِ ﷺ، وَلَوْ

I said: ‘Yes.’ He said: ‘Nothing prevented me from giving you an answer when you made the offer to me except the fact that I had heard the Messenger of Allâh ﷺ speak of her, and I did not want to disclose the secret of the Messenger of Allâh ﷺ; if he had left her, then I would have married her.’” (*Sahîh*)

ترَكَهَا نَكْحُنَّهَا .

**تخریج:** أخرجه البخاري، النكاح، باب من قال: لا نکاح إلا بولي ... الخ، ح: ٥١٢٩ (المغازى، باب: ١٢، ح: ٤٠٠٥) من حديث معمراً به، وهو في الكبير، ح: ٥٣٦٣ \* إسحاق هو ابن راهويه.

#### Comments:

Allâh's Messenger's ﷺ secret: in the event of responding, there was chance of letting out the secret. On the other hand, Allâh's Messenger ﷺ had not made any definite decision. He might possibly have changed his mind. In this situation, revelation of the secret could have become the cause of bad feelings between the two groups. Abû Bakr ؓ, therefore, chose to remain silent. May Allâh be pleased with him and he with Him.

#### Chapter 25. A Woman Offering Herself In Marriage To One Whom She Likes

**3251.** Thâbit Al-Bunâni said: “I was with Anas bin Mâlik and a daughter of his was with him. He said: ‘A woman came to the Messenger of Allâh ﷺ and offered herself in marriage to him. She said: O Messenger of Allâh, do you want to marry me?’” (*Sahîh*)

(المعجم ٢٥) - بَابُ عَرْضِ الْمَرْأَةِ  
نَفْسَهَا عَلَىٰ مَنْ تَرَضَىٰ (التحفة ٢٥)

٣٢٥١ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُئَذِّنِ قَالَ:  
حَدَّثَنِي مَرْحُومُ بْنُ عَبْدِ الْعَزِيزِ الْعَطَّارُ أَبُو عَبْدِ  
الصَّمِيدِ قَالَ: سَمِعْتُ ثَابِتَ الْبُنَانِيَّ يَقُولُ:  
كُنْتُ عِنْدَ أَنَسِ بْنِ مَالِكٍ وَعِنْدَهُ ابْنَةُ لَهُ فَقَالَ:  
جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ ﷺ فَعَرَضَتْ  
عَلَيْهِ نَفْسَهَا فَقَالَتْ: يَا رَسُولَ اللَّهِ! أَلَكَ فِي  
حَاجَةٍ .

**تخریج:** أخرجه البخاري، النكاح، باب عرض المرأة نفسها على الرجل الصالح، ح: ٥١٢٠ من حديث مرحوم به، وهو في الكبير، ح: ٥٣٦١ .

#### Comments:

Earlier it has preceded that during the period of emigration (from Makkah to Al-Madinah), some women had no parental or original guardians. Therefore, they were compelled to talk about their marriage themselves. In such conditions, there is nothing blameworthy or objectionable.

**3252.** It was narrated from Anas that a woman offered herself in marriage to the Prophet ﷺ. The daughter of Anas laughed and said: "How little was her modesty." Anas said: "She was better than you; she offered herself in marriage to the Prophet ﷺ." (*Sahîh*)

٣٢٥٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مَرْحُومٌ قَالَ: حَدَّثَنَا ثَابِتُ عَنْ أَنَسِي: أَنَّ امْرَأَةً عَرَضَتْ نَفْسَهَا عَلَى النَّبِيِّ ﷺ، فَصَحَّحَكَتِ ابْنَةُ أَنَسٍ فَقَالَتْ: مَا كَانَ أَقْلَى حَيَاءَهَا! فَقَالَ أَنَسٌ: هِيَ خَيْرٌ مِنْكَ عَرَضَتْ نَفْسَهَا عَلَى النَّبِيِّ ﷺ.

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبير، ح: ٥٣٦٢.

#### Comments:

The daughter of Anas ﷺ had, perhaps, not reflected upon the aforementioned *Hadîth* (3251). Otherwise, making proposal for one's own marriage is not immodesty, especially with the Messenger of Allâh ﷺ; who was her legal and lawful guardian in accordance with the rule of the Divine law.

#### Chapter 26. A Woman Doing *Istikhârah* If She Receives A Proposal Of Marriage

(المعجم ٢٦) - صَلَّةُ الْمَرْأَةِ إِذَا حَطَبَتْ وَاسْتَخَارَتْهَا رَبِّهَا (التحفة ٢٦)

**3253.** It was narrated that Anas said: "When the 'Iddah of Zainab was over, the Messenger of Allâh ﷺ said to Zaid: 'Propose marriage to her on my behalf.' Zaid went and said: O Zainab, rejoice, for the Messenger of Allâh ﷺ has sent me to you to propose marriage on his behalf.'" She said: 'I will not do anything until I consult my Lord.' She went to her prayer place and Qur'ân was revealed, then the Messenger of Allâh ﷺ came and entered upon her without any formalities." (*Sahîh*)

٣٢٥٣ - أَخْبَرَنَا سُوَيْدُ بْنُ نَصِيرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ قَالَ: حَدَّثَنَا شَيْمَانُ بْنُ الْمُغَيْرَةِ عَنْ ثَابِتٍ، عَنْ أَنَسِي قَالَ: لَمَّا انْقَضَتْ عِدَّةُ زَيْنَبَ قَالَ رَسُولُ اللَّهِ ﷺ لِزَيْنَدَ: «اذْكُرْهَا عَلَيَّ» قَالَ زَيْنَدُ: فَانْتَلَقَتْ فَقُلْتُ: يَا زَيْنَبُ! أَبْشِرِي أَرْسَلَنِي إِلَيْكَ رَسُولُ اللَّهِ ﷺ يَذْكُرُكِي، فَقَالَتْ: مَا أَنَا بِصَانِعَةٍ شَيْئًا حَتَّى أَسْتَأْمِرَ رَبِّي، فَقَامَتْ إِلَى مَسْجِدِهَا وَنَزَلَ الْقُرْآنُ وَجَاءَ رَسُولُ اللَّهِ ﷺ - يَعْنِي - فَدَخَلَ بِعَيْرِ أَمْرِي.

تخریج: آخرجه مسلم، النکاح، باب زواج زینب بنت جحش ونزع الحجاب وإثبات وليمة العرس، ح: ١٤٢٨ من حديث سليمان بن المغيرة به \* عبدالله هو ابن المبارك.

#### Comments:

Zainab had already been married to Zaid bin Harithah, but it turned out to be discordant or disharmonious. Ultimately, it reached the point of divorce.

Zaid was the Prophet's adopted son. Earlier, a Command had descended that an adopted son in reality is not a son. Allâh, Most High, Willed to promulgate this Command practically. Hence, Allâh, Most High, commanded the Messenger of Allâh to take Zainab in marriage if Zaid divorces her, so that it might become practically evident that an adopted son is not one's son in actuality.

**3254.** Anas bin Mâlik said: Zainab bint Jahsh used to boast to the other wives of the Prophet and say: "Allâh married me to him from above the Heavens." And the Verse of *Hijâb* was revealed concerning her. (*Sahîh*)

٣٢٥٤ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى الصُّوفِيُّ قَالَ: حَدَّثَنَا أَبُو تَعْيِمٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ طَهْمَانَ أَبُو بَكْرٍ: سَمِعْتُ أَنَسَ بْنَ مَالِكٍ يَقُولُ: كَانَتْ رَبِيعَ بْنَتْ جَحْشٍ تَغْهِرُ عَلَى يَسَاءِ النَّبِيِّ ﷺ تَقُولُ: إِنَّ اللَّهَ عَزَّ وَجَلَّ أَنْكَحَنِي مِنَ السَّمَاءِ، وَفِيهَا نَزَّلَتْ آيَةُ الْحِجَابِ.

تخریج: أخرجه البخاري، التوحید، باب: "وكان عرشه على الماء ... إلخ"، ح ٧٤٢١ من حديث عيسى بن طهمان به، .

### Comments:

The apparent wording of the Noble Qur'ân "Zawwajnâkahâ" corroborates that her marriage was not solemnized on the Earth. Rather, by these words of Allâh, Most High, the rite of marriage came to be concluded.

## Chapter 27. How To Do *Istikhârah*

(المعجم ٢٧) - كَيْفَ الْإِسْتِخَارَةُ  
(التحفة ٢٧)

**3255.** It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh used to teach his Companions to perform *Istikhârah* in all matters, just as he used to teach them *Sûrahîs* from the Qur'ân. He said: 'If any one of you is deliberating about a decision he has to make, then let him pray two *Rak'ahs* of non-obligatory prayer, then say: *Allâhumma innî astakhîruka bi 'ilmika wa astaqdiruka bi qudratika wa as'aluka min fadlika, fa innaka taqdiru wa lâ aqdir, wa ta'lamu wa lâ a'lâm*, wa

٣٢٥٥ - أَخْبَرَنَا فَضِيلَةُ قَائِمَةُ قَالَ: حَدَّثَنَا أَبْنُ أَبِي الْمَوَالِ عَنْ مُحَمَّدِ بْنِ الْمُنْكَرِ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُعَلِّمُنَا الْإِسْتِخَارَةَ فِي الْأُمُورِ كُلُّهَا كَمَا يُعَلِّمُنَا الشُّورَةَ مِنَ الْقُرْآنِ، يَقُولُ: "إِذَا هَمَّ أَحَدُكُمْ بِالْأُمْرِ فَلْيَرْكعْ رَكْعَتَيْنِ مِنْ غَيْرِ الْفَرِيضَةِ ثُمَّ يَقُولُ: اللَّهُمَّ إِنِّي أَسْتَخِيرُكَ بِعِلْمِكَ، وَأَسْتَعِينُكَ بِقُدْرَاتِكَ، وَأَسْأَلُكَ مِنْ فَضْلِكَ الْعَظِيمِ، فَإِنَّكَ تَقْدِيرُ وَلَا أَقْبِرُ، وَتَعْلَمُ وَلَا

*anta 'allâm al-ghuyûb. Allâhumma  
in kunta ta'lamu anna hâdhal-amra  
khayrun lî fî dînî wa ma'âshî wa  
'âqibati amrî (or: fî 'âjil amrî wa  
âjilihi) faqdurhu lî wa yassirhu lî  
thumma bârik lî fihi. Allâhumma,  
wa in kunta ta'lamu annahu sharrun  
lî fî dînî wa ma'âshî wa 'âqibati amrî  
(or: fî 'âjili amrî wa âjilihi) fasrifhu  
'annî wasrifnî 'anhu waqdur lî al-  
khayr haythu kâna, thumma radînî  
bihi (O Allâh, I seek Your  
guidance (in making a choice) by  
virtue of Your knowledge, and I  
seek ability by virtue of Your  
power, and I ask You of Your  
great bounty. You have power, I  
have none. And You know, I know  
not. You are the Knower of hidden  
things. O Allâh, if in Your  
knowledge, this matter (then it  
should be mentioned by name) is  
good for me in my religion, my  
livelihood and my affairs (or: both  
in this world and in the Hereafter),  
then ordain it for me, make it easy  
for me, and bless it for me. And if  
in Your knowledge it is bad for me  
and for my religion, my livelihood  
and my affairs (or: for me both in  
this world and the next), then turn  
it away from me and turn me away  
from it, and ordain for me the  
good wherever it may be and make  
me pleased with it)." (Sahîh)*

أعلم، وأنت علام الغيوب، اللهم! إن كنت  
تعلّم أنَّ هذا الأمر خيرٌ لي في ديني وَمَعَاشِي  
وَعَاقِبةٍ أمرٍ - أوْ قال: في عاجلٍ أمرٍ،  
وَآجِله - فَاقْدُرْهُ لي، وَسِرْهُ لي، ثُمَّ بارِكْ لي  
فيه، وإنْ كُنْتَ تعلّم أنَّ هذا الأمر شرٌّ لي في  
دينِي وَمَعَاشِي وَعَاقِبةٍ أمرٍ - أوْ قال: في  
عاجلٍ أمرٍ وَآجِله - فَاصْرِفْهُ عَنِّي وَاصْرِفْني  
عنهُ، وَاقْدُرْهُ لي الْخَيْرَ حَيْثُ كَانَ، ثُمَّ أَرْضِنِي  
به، قال: وَسِمِّي حاجتَه».

### Comments:

*Istikhârah* means to supplicate Allâh, Most High, for good, and this is done in matter whose goodness or evil is not certain or which contains wavering or hesitation. Therefore, the *Istikhârah* cannot be done in any obligatory, *Sunnah*, or prohibited act. This is because the goodness of an obligatory duty,

تخریج: أخرجه البخاري، التهجد، باب ماجاء في الطوع مثی مثلی، ح: ١١٦٢ عن قتيبة به  
\* ابن أبي الموارد اسمه عبد الرحمن.

or a *Sunnah* and the evil of a forbidden act, is explicitly clear, from the beginning.

### Chapter 28. A Son Conducting The Marriage For His Mother

**3256.** It was narrated from Umm Salamah, that when her *Iddah* had ended, Abû Bakr sent word to her proposing marriage to her, but she did not marry him. Then the Messenger of Allâh ﷺ sent ‘Umar bin Al-Khattâb with a proposal of marriage. She said: “Tell the Messenger of Allâh ﷺ that I am a jealous woman and that I have sons, and none of my guardians are present.” He went to the Messenger of Allâh ﷺ and told him that. He said: “Go back to her and tell her: As for your saying that you are a jealous woman, I will pray to Allâh for you to take away your jealousy. As for your saying that you have sons, your sons will be taken care of. And as for your saying that none of your guardians are present, none of your guardians, present or absent, would object to that.” She said to her son: “O ‘Umar, get up and perform the marriage to the Messenger of Allâh ﷺ, so he performed the marriage.”

An abridged form. (*Hasan*)

**تخریج:** [إسناده حسن] أخرجه أحمد: ٦/٢٩٥، ٣١٧ عن يزيد بن هارون به، \* ابن عمر بن أبي سلمة اسمه سعيد كما قال الحاكم، والذهبى، وقال بعض العلماء: محمد، وذكره ابن حبان في الثقات: ٤/١٦، ١٧، ٣٦٣، ووثقه الحاكم: ٤/١٨، والذهبى، قوله شاهد في صحيح مسلم، ح: ٩١٨ وغيره.

### Comments:

- ‘When her *Iddah* had ended’: This woman of lofty rank was married to Abû Salamah, who was a Companion of the Prophet ﷺ, and had participated in the Battle of Badr. When he died, she became a widow.

(المعجم ٢٨) - إِنْكَاحُ الابْنِ أُمَّةً  
(٢٨) (التحفة)

٣٢٥٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ عَنْ حَمَادَ بْنِ سَلَمَةَ، عَنْ ثَابِتِ الْبَنَانِيِّ: حَدَّثَنِي ابْنُ عُمَرَ بْنِ أَبِي سَلَمَةَ عَنْ أَبِيهِ، عَنْ أُمِّ سَلَمَةَ: لَمَّا انْقَضَتِ عِدَّتُهَا بَعَثَ إِلَيْهَا أَبُو بَكْرٍ يَخْطُبُهَا عَلَيْهِ فَلَمْ تَرْوَجْهُ، فَبَعَثَ إِلَيْهَا رَسُولُ اللَّهِ ﷺ عَمَرَ بْنَ الْخَطَّابَ يَخْطُبُهَا عَلَيْهِ فَقَالَتْ: أَخْبِرْ رَسُولَ اللَّهِ ﷺ أَنِّي امْرَأَةٌ غَيْرِي، وَأَنِّي امْرَأَةٌ مُضِيَّةٌ، وَلَيْسَ أَحَدٌ مِنْ أُولَئِنَّى شَاهِدٌ، فَأَتَى رَسُولُ اللَّهِ ﷺ فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ: «اْرْجِعْ إِلَيْهَا فَقُلْ لَهَا: أَمَّا قَوْلُكِ إِنِّي امْرَأَةٌ غَيْرِي فَسَأَدْعُو اللَّهَ لَكَ فِي ذَهْبٍ غَيْرَكَ، وَأَمَّا قَوْلُكِ إِنِّي امْرَأَةٌ مُضِيَّةٌ فَسَتُكْفِيَنِي صَبِيَّاتِكَ، وَأَمَّا قَوْلُكِ أَنْ لَيْسَ أَحَدٌ مِنْ أُولَئِنَّى شَاهِدٌ فَلَيَسَ أَحَدٌ مِنْ أُولَئِنَّى شَاهِدٌ وَلَا غَائِبٌ يَكْرَهُ ذَلِكَ» فَقَالَتْ لِإِبْرَاهِيمَ: يَا عُمَرُ! قُمْ فَرَوِّجْ رَسُولَ اللَّهِ ﷺ فَرَوْجَهُ. مُخْتَصِّرٌ.

2. "O 'Umar! get up and perform the marriage": 'Umar was the son of Umm Salamah.

### Chapter 29. A Man Marrying Off His Young Daughter

(المعجم ٢٩) - إِنْكَاحُ الرَّجُلِ ابْنَتَهُ  
الصَّغِيرَةِ (التحفة ٢٩)

**3257.** It was narrated from 'Aishah that the Messenger of Allâh ﷺ married her when she was six years old, and consummated the marriage with her when she was nine. (*Sahîh*)

٣٢٥٧ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ:  
أَخْبَرَنَا أَبُو مُعَاوِيَةَ قَالَ: حَدَّثَنَا هَشَامُ بْنُ عُرْوَةَ  
عَنْ أُبَيِّ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ تَرَوَّجَهَا  
وَهِيَ بِنْتُ سِتٍّ، وَبَيْنَ يَدَيْهِ وَهِيَ بِنْتُ تِسْعَ.

تخریج: أخرج البخاري، مناقب الأنصار، باب تزويج النبي ﷺ عائشة وقدومها المدينة وبناه بها، ح: ٣٨٩٤ وغيره، ومسلم، النكاح، باب جواز تزويج الأب البكر الصغيرة، ح: ١٤٢٢، من حديث هشام بن عبد الرحمن بن أبي زيد المدنى عن شام به، وهو في الكبير، ح: ٥٣٦٦، ورواه عبد الرحمن بن أبي زيد المدنى عن

شام به، (أحمد: ٦/ ١١٨).

#### Comments:

There is absolutely no difference of opinion concerning contracting marriage of one's non-adult or minor daughter. The disagreement, however, exists in the matter whether the daughter has the right to retain the marriage or not, when she reaches puberty. But the girl has the right to dissolve her marriage when she attains puberty, if the marriage contract was made effective by a guardian other than her father. There is consensus over it.

**3258.** It was narrated that 'Aishah said: "The Messenger of Allâh ﷺ married me when I was seven years old, and he consummated the marriage with me when I was nine." (*Sahîh*)

٣٢٥٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ النَّضْرِ بْنُ  
مُسَاوِرٍ قَالَ: حَدَّثَنَا جَعْفُرُ بْنُ سُلَيْمَانَ عَنْ  
هَشَامِ بْنِ عُرْوَةَ، عَنْ أُبَيِّ، عَنْ عَائِشَةَ قَالَتْ:  
تَرَوَّجَنِي رَسُولُ اللَّهِ لِسَبْعِ سِنِينَ، وَدَخَلَ  
عَلَيَّ لِتَسْبِعِ سِنِينَ.

تخریج: [صحيح] من حديث هشام به (انظر الحديث السابق)، وهو في الكبير، ح: ٥٣٦٧.

#### Comments:

There is no conflict between six and seven. She had attained the age of six years. The seventh year had commenced.

**3259.** It was narrated that Abû 'Ubaidah said: "Aishah said: 'The Messenger of Allâh ﷺ married me when I was nine and I lived with him for nine years.'" (*Sahîh*)

٣٢٥٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا عَبْرُ  
عَنْ مُطَرِّفٍ، عَنْ أُبَيِّ إِسْحَاقَ، عَنْ أُبَيِّ عَيْدَةَ  
قَالَ: قَالَتْ عَائِشَةُ: تَرَوَّجَنِي رَسُولُ اللَّهِ  
لِتَسْبِعِ سِنِينَ، وَصَحَّبَتْهُ تِسْعَانِ.

تخریج: [صحيح] وهو في الكبير، ح: ٥٣٦٩ \* أبو إسحاق عنون، وللحديث شواهد كثيرة، منها الحديث الآتي.

### Comments:

Her bridal escort took place in the second year of *Hijrah* and the Prophet ﷺ lived in Al-Madinah for ten years. Then he passed away. In this narration; "Married me when I was nine" means "I began living with him when I was nine."

**3260.** It was narrated from 'Aishah that the Messenger of Allâh ﷺ married her when she was nine and he died when she was eighteen years old. (*Sahîh*)

٣٢٦٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ وَأَحْمَدُ  
ابْنُ حَرْبٍ قَالَا: حَدَّثَنَا أَبُو مَعاوِيَةَ عَنْ  
الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ الْأَشْوَدِ، عَنْ  
عَائِشَةَ: تَزَوَّجَهَا رَسُولُ اللَّهِ ﷺ وَهِيَ بِنْتُ  
تِسْعٍ، وَمَاتَ عَنْهَا وَهِيَ بِنْتُ ثَمَانِيَّ عَشْرَةَ.

تخریج: أخرجه مسلم، النکاح، باب جواز تزویج الأب البكر الصغیرة، ح: ١٤٢٢ من  
حدیث أبي معاویة الضریر به، وهو في الكبير، ح: ٥٣٦٨.

### Comments:

Some individuals, who ostensibly claim to be researchers, deny the aforementioned narrations concerning the age of 'Aishah ﷺ. These narrations are, however, authentic. It is the statement of 'Aishah ﷺ herself, which her various pupils have transmitted from her. A great majority of her pupils cannot make the same mistake.

## Chapter 30. A Man Marrying Off His Grown Up Daughter

**3261.** 'Umar bin Al-Khaṭṭâb, may Allâh be pleased with him, narrated: "Hafṣah bint 'Umar became single when (her husband) Khunais bin Hudhâfah As-Sâhmi (died). He was one of the Companions of the Prophet ﷺ, and he died in Al-Madînah." 'Umar said: "I went to 'Uthmân bin 'Affân and offered Hafṣah in marriage to him. I said: 'If you wish, I will marry you to Hafṣah bint 'Umar.' He said: 'I will think about it.' A few days passed, then I met him and he said: 'It seems that

### (المعجم (٣٠) - إِنْكَاحُ الرَّجُلِ ابْنَتَهُ الْكِبِيرَةِ (التحفة (٣٠)

٣٢٦١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ  
الْمُبَارَكِ قَالَ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ  
سَعْدٍ قَالَ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ، عَنْ أَبِي  
شِهَابٍ قَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ أَنَّهُ  
سَمِعَ عَبْدَ اللَّهِ بْنَ عُمَرَ يُحَدِّثُ أَنَّ عُمَرَ بْنَ  
الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ حَدَّثَنَا قَالَ: - يَعْنِي  
- تَأَيَّمْتُ حَفْصَةَ بِنْتَ عُمَرَ مِنْ حُكْمِيَّسَ بْنِ  
حُدَّافَةَ السَّهْمِيِّ - وَكَانَ مِنْ أَصْحَابِ رَسُولِ  
اللَّهِ ﷺ فَتَوَفَّى بِالْمَدِينَةِ - قَالَ عُمَرُ: فَأَتَيْتُ  
عُثْمَانَ بْنَ عَفَانَ فَعَرَضْتُ عَلَيْهِ حَفْصَةَ بِنْتَ

I do not want to get married at the moment.”” ‘Umar said: “Then I met Abû Bakr Aş-Siddîq, may Allâh be pleased with him, and said: ‘If you wish, I will marry Hafshah bint ‘Umar to you.’ Abû Bakr remained silent, and did not give me any answer, and I felt more upset with him than I had with ‘Uthmân. Several days passed, then the Messenger of Allâh ﷺ proposed marriage to her and I married her to him. Abû Bakr met me and said: ‘Perhaps you felt upset with me when you offered Hafshah in marriage to me, and I did not give you any answer?’ I said: ‘Yes.’ He said: ‘Nothing prevented me from giving you an answer when you made the offer to me, except the fact that I had heard the Messenger of Allâh ﷺ speak of her, and I did not want to disclose the secret of the Messenger of Allâh ﷺ. If he had left her, then I would have married her.”” (*Sahîh*) . ٥٣٦٤، وهو في الكبير، ح: ٣٢٥٠

#### Comments:

We learn from this narration that the marriage of a widow would also be contracted by her guardian. She would not do it herself.

#### Chapter 31. Asking A Virgin For Permission With Regard To Marriage

**3262.** It was narrated from Ibn ‘Abbâs that the Messenger of Allâh ﷺ said: “A previously married woman has more right to decide about herself (with regard to marriage) than her guardian, and a virgin should be asked for permission with regard to marriage,

عمر، قال: قلت إن شئت أنكتحنك حفصة، قال: سأنتظر في أمري، فلبيث ليالي، ثم لقيسي فقال: قد يدا لي أن لا أتزوج يومي هذا، قال عمر: فلقيث أبا بكر الصديق رضي الله عنه قلت: إن شئت زوجتك حفصة بنت عمر، فصمت أبو بكر فلم يرجع إلى شينا، فكثث عليه أوجاد مني على عثمان، فلبيث ليالي ثم خطبها رسول الله ﷺ فانكتحتها إياه، فلقيسي أبو بكر فقال: لعلك وجدت على حين عرضاً على حفصة فلم أرجع إليك شينا قال عمر: قلت: نعم، قال: فإنه لم يمْعِنني أن أرجع إليك شيئاً فيما عرضاً على إلا أبي قد كثت عليّت أن رسول الله ﷺ قد ذكرها، ولم أكن لأفشي رسول الله ﷺ، ولو تركها رسول الله ﷺ قيلتها.

تخریج: [صحیح] تقدم، ح: ٣٢٥٠، وهو في الكبير، ح: ٥٣٦٤.

(المعجم (٣١) - استئذن الْبَكْرِ فِي  
نَفْسِهَا (التحفة (٣١)

٣٢٦٢ - أَخْبَرَنَا قُتْبَيْهُ قَالَ: حَدَّثَنَا مَالِكُ  
عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ، عَنْ نَافِعِ بْنِ جُعْدَةِ  
ابْنِ مُطْعَمٍ، عَنْ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ  
قَالَ: «الْأَئِمَّةُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيَّهَا، وَالْبَكْرُ  
تُسْتَأذَنُ فِي نَفْسِهَا، وَإِذْنُهَا صُمَاطُهَا».

and her permission is her silence.”

(*Sahîh*)

تخریج: أخرجه مسلم، النکاح، باب استئذان الشیب فی النکاح بالنطق والبکر بالسکوت، ح: ١٤٢١ عن قتیة به، وهو فی الموطأ (یحیی): ٥٢٤، ٥٢٥، ٦٧١: ٢/٥٢٤، والکبری، ح: ٥٣٧١.

### Comments:

Though the consent of the guardian is a prerequisite for the woman, the consent of the woman herself is equally essential.

**3263.** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: “A previously married woman has more right to decide about herself (with regard to marriage) than her guardian, and an orphan girl should be consulted, and her permission is her silence.” (*Sahîh*)

٣٢٦٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَيْلَانَ قَالَ: حَدَّثَنَا أَبُو دَاؤِدُ قَالَ: حَدَّثَنَا شَعْبَةُ عَنْ مَالِكِ ابْنِ أَقْتَشِي قَالَ: سَمِعْتُهُ مِنْهُ بَعْدَ مَوْتِ نَافِعٍ يَسِنْتَهُ وَلَهُ يَوْمَيْلٌ حَلْقَةٌ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ ابْنُ الْفَضْلِ عَنْ نَافِعٍ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «الْأَئِمَّةُ أَحَقُّ بِنَفْسِهَا مِنْ وَالْيَهَا، وَالْيَسِيْمَةُ تُشَتَّمُ، وَإِذْنُهَا صَمَّاتُهَا».

تخریج: [صحيح] انظر الحديث السابق، وهو فی الكبری، ح: ٥٣٧٢.

**3264.** It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ said: “A previously married woman has more right (to decide) about herself (with regard to marriage) than her guardian, and an orphan girl should be consulted with regard to marriage, and her permission is her silence.” (*Sahîh*)

٣٢٦٤ - أَخْبَرَنِي أَحْمَدُ بْنُ سَعِيدِ الرَّبَاطِيِّ قَالَ: حَدَّثَنَا يَعْقُوبُ قَالَ: حَدَّثَنِي أَبِي عَنْ ابْنِ إِسْحَاقَ قَالَ: حَدَّثَنِي صَالِحُ بْنُ كَيْسَانَ عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ بْنِ عَبَّاسٍ بْنِ رَبِيعَةَ، عَنْ نَافِعٍ بْنِ جُبَيْرٍ بْنِ مُطْعَمٍ، عَنْ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْأَئِمَّةُ أَوْلَى بِأَمْرِهَا، وَالْيَسِيْمَةُ تُشَتَّمُ فِي نَفْسِهَا، وَإِذْنُهَا صَمَّاتُهَا».

تخریج: [صحيح] انظر الحديثين السابقين، وهو فی الكبری، ح: ٥٣٧٣.

**3265.** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: “The guardian has no right (to force) the previously married woman (into a marriage). And an orphan girl should be consulted, and her silence is her approval.” (*Sahîh*)

٣٢٦٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقِ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنْ صَالِحِ بْنِ كَيْسَانَ، عَنْ نَافِعٍ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَيْسَ لِلْوَالِيٍّ مَعَ التَّبِّعِ أَمْرٌ، وَالْيَسِيْمَةُ تُشَتَّمُ فَصَمَّهَا إِقْرَارُهَا».

تخریج: [صحیح] تقدم، ح: ٣٢٦٢، وهو في الكبير، ح: ٥٣٧٤، وأخرجه أبو داود، ح: ٢١٠٠ من حديث عبدالرازاق به.

### Comments:

'The guardian has no right': The wording of this report explicitly corroborates the requisite of the guardian. The guardian, however, has no right to create any obstacle. He should rather give precedence to the opinion of the woman.

### Chapter 32. Father Seeking The Consent Of A Virgin With Regard To Marriage

**3266.** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "A previously married woman has more right (to decide) about herself (with regard to marriage), and a virgin should be consulted by her father, and her permission is her silence." (*Sahîh*)

(المعجم ٣٢) - استئمَارُ الْأَبِ الْبَكْرَ فِي نَفْسِهَا (التحفة ٣٢)

٣٢٦٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَصْوِرٍ قَالَ: حَدَّثَنَا سُفِينَانُ عَنْ زَيَادِ بْنِ سَعْدٍ، عَنْ عَبْدِ اللَّهِ أَبْنِ الْفَضْلِ، عَنْ نَافِعِ بْنِ جُبَيْرٍ، عَنْ أَبْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «الَّذِيْبُ أَحَقُّ بِنَفْسِهَا، وَالْبَكْرُ يَسْأَمِرُهَا أَبُوهَا، وَإِذْنُهَا صَمَانُهَا».

تخریج: [صحیح] تقدم، ح: ٣٢٦٢، وهو في الكبير، ح: ٥٣٧٥، وأخرجه مسلم، ح: ٦٧ من حديث سفيان بن عيينة به نحوه.

### Chapter 33. Seeking The Consent Of A Previously Married Woman With Regard To Marriage

**3267.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A previously married woman should not be married until her permission has been sought, and a virgin should not be married until her consent is sought." They said: "O Messenger of Allâh ﷺ, how does she give permission?" He said: "Her permission is if she keeps silent." (*Sahîh*)

(المعجم ٣٣) - استئمَارُ الشَّيْبِ فِي نَفْسِهَا (التحفة ٣٣)

٣٢٦٧ - أَخْبَرَنَا يَحْيَى بْنُ دُرْشَتَ قَالَ: حَدَّثَنَا أَبُو إِسْمَاعِيلَ قَالَ: حَدَّثَنَا يَحْيَى أَنَّ أَبَا سَلَمَةَ حَدَّثَهُ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تُنْكِحُ الشَّيْبَ حَتَّى تُشَأْذَنَ، وَلَا تُنْكِحُ الْبَكْرَ حَتَّى تُسْأَمِرَ» قَالُوا: يَا رَسُولَ اللَّهِ! كَيْفَ إِذْنُهَا؟ قَالَ: «إِذْنُهَا أَنْ تَسْكُتَ».

تخریج: [إسناده صحيح] وهو في الكبير، ح: ٥٣٧٨، وهو متفق عليه كما سيأتي، ح: ٣٢٦٩.

## Chapter 34. The Permission Of A Virgin

**3268.** It was narrated from ‘Aishah that the Prophet ﷺ said: “Seek the permission of women with regard to marriage.” It was said: “What if a virgin is too shy and remains silent?” He said: “That is her permission.” (*Sahih*)

(المعجم (٣٤) - إذن البكر (التحفة

٣٢٦٨) - أَخْبَرَنَا إِسْحَاقُ بْنُ مَتْصُورٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ ابْنِ جُرَيْجَ قَالَ: سَمِعْتُ ابْنَ أَبِي مُلَكَّةَ يَحْدُثُ عَنْ ذَكْوَانَ أَبِي عَمْرِو عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «إِذْنَمُرُوا النِّسَاءَ فِي أَبْصَارِهِنَّ» قَالَ: إِنَّ الْبَكْرَ تَسْتَحْيِي وَتَسْكُنُ، قَالَ: هُوَ إِذْنُهَا».

تخریج: أخرجه البخاري، العیل، باب: في النکاح، ح: ٦٩٧١، ومسلم، النکاح، باب استدان الشیب فی النکاح بالنطق والبکر بالسکوت، ح: ١٤٢٠ من حدیث ابن جریح به، وهو فی الکبری، ح: ٥٣٧٦.

### Comments:

Since Islam is an instinctively natural religion, the rights of women have been given due consideration in it. It prohibits a woman's marriage without her consent. Islam gave women these rights at a time when, previously, women were considered like pet animals; rather they were tied, untied, and sold like animals.

**3269.** Abû Hurairah narrated that the Messenger of Allâh ﷺ said: “A previously married woman should not be married until her consent has been sought, and a virgin should not be married until her permission has been sought.” They said: “O Messenger of Allâh, what is her permission?” He said: “If she remains silent.” (*Sahîh*)

٣٢٦٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى  
قَالَ: حَدَّثَنَا خَالِدٌ - وَهُوَ ابْنُ الْحَارِثِ -  
قَالَ: حَدَّثَنَا هِشَامٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ  
قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ قَالَ:  
حَدَّثَنِي أَبُو هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
«لَا تُنكِحُ الْأُنْثَيَ حَتَّى شُتَّانَرَ، وَلَا تُنكِحُ  
الْبَكْرَ حَتَّى شُتَّانَدَ» قَالُوا: يَا رَسُولَ اللَّهِ!  
كَيْفَ إِذْنُهَا؟ قَالَ: «أَنْ تَسْكُنَ».

تخریج: أخرجه مسلم، ح: ١٤١٩ (انظر الحديث السابق) من حدیث خالد بن الحارث، والبخاري، النکاح، باب: لا ينكح الأب وغيره البکر والثیب إلا برضاهما، ح: ٥١٣٦ من حدیث هشام الدستوائي به، وهو فی الکبری، ح: ٥٣٧٧ .

### Chapter 35. Father Marrying Off A Previously Married Woman When She Is Unwilling

**3270.** It was narrated from Khansâ' bint Khidhâm that her father married her off when she had been previously married, and she was unwilling. She went to the Messenger of Allâh ﷺ and he annulled the marriage. (*Sahîh*)

(المعجم ٣٥) - الشَّيْبُ يُزَوِّجُهَا أَبُوهَا  
وَهِيَ كَارِهَةٌ (التحفة ٣٥)

٣٢٧٠ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ:  
حَدَّثَنَا مَعْنُ قَالَ: حَدَّثَنَا مَالِكٌ عَنْ عَبْدِ الرَّحْمَنِ  
ابْنِ الْقَاسِمِ: وَأَخْبَرَنَا مُحَمَّدُ بْنُ سَلَيْمَةَ قَالَ:  
حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ الْقَاسِمِ عَنْ مَالِكٍ قَالَ:  
حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ الْقَاسِمِ عَنْ أَيْيَهِ، عَنْ  
عَبْدِ الرَّحْمَنِ وَمُجَمِّعِ ابْنِي يَزِيدَ بْنِ جَارِيَةَ  
الْأَنْسَارِيِّ، عَنْ خَسَّاءَ بْنِ حِذَامَ: أَنَّ أَبَاهَا  
زَوْجَهَا وَهِيَ تَبَرَّأُ فَكَرِهَتْ ذَلِكَ، فَأَتَتْ رَسُولَ  
اللَّهِ ﷺ فَرَدَ زَكَّاَهُ.

تخریج: أخرجه البخاري، النكاح، باب: إذا زوج الرجل ابنته وهي كارهة فنکاحه مردود، ح: ٥١٣٨، ٥١٣٩ من حديث مالك به، وهو في الموطأ (يعنى): والكبرى، ح: ٥٣٨٠ .

### Comments:

It was astonishing in that period of time, that a marriage by a father was annulled because a girl did not like it.

### Chapter 36. Father Marrying Off A Virgin When She Is Unwilling

**3271.** It was narrated from 'Aishah: "A girl came to her and said: 'My father married me to his brother's son so that he might raise his own status thereby, and I was unwilling.' She said: 'Sit here until the Prophet ﷺ comes.' Then the Messenger of Allâh ﷺ came, and I told him (what she had said). He sent word to her father, calling him, and he left the matter up to her. She said: 'O Messenger of Allâh, I accept what my father did, but I wanted to know whether

(المعجم ٣٦) - الْبَكْرُ يُزَوِّجُهَا أَبُوهَا  
وَهِيَ كَارِهَةٌ (التحفة ٣٦)

٣٢٧١ - أَخْبَرَنَا زَيْدُ بْنُ أَيُوبَ قَالَ:  
حَدَّثَنَا عَلَيُّ بْنُ غُرَابِرَ قَالَ: حَدَّثَنَا كَهْمَسُ  
ابْنُ الْحَسَنِ عَنْ عَبْدِ اللَّهِ بْنِ بُرِيدَةَ، عَنْ  
عَائِشَةَ: أَنَّ فَتَاهَ دَخَلَتْ عَلَيْهَا فَقَالَتْ: إِنَّ أَبِي  
رَوْحَنِي أَنَّ أَخِيهِ لِرَفَعَ بِي حَبِيبَتِهِ وَأَنَّ  
كَارِهَةً، فَقَالَتْ: أَجْلِسِي حَتَّى يَأْتِيَ النَّبِيُّ  
ﷺ، فَجَاءَ رَسُولُ اللَّهِ ﷺ فَأَخْبَرَهُ فَأَرْسَلَ  
إِلَيْهَا فَدَعَاهُ، فَجَعَلَ الْأَمْرَ إِلَيْهَا فَقَالَتْ:  
يَا رَسُولَ اللَّهِ! قَدْ أَجْزَيْتُ مَا صَنَعْتِي، وَلَكِنْ

women have any say in the matter.”” (*Sahîh*)

أرَدْتُ أَنْ أَعْلَمَ الْلِّسَائِ مِنَ الْأَمْرِ شَيْءٌ.

تخریج: [إسناده صحيح] أخرجه أحمد: ١٣٦/٦ من طريق آخر عن كهمس به، وهو في الكبّری، ح: ٥٣٩٠.

### Comments:

1. This narration clearly indicates that a father may not commit the marriage of a virgin without her consent. If he does so and the girl is not prepared, the marriage may be annulled.
2. ‘I accept what my father did.’ This demonstrates that the girl was prudent and virtuous.

**3272.** It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘An orphan girl should be consulted with regard to marriage, and if she remains silent, that is her permission. If she refuses then she is not to be forced.’” (*Hasan*)

٣٢٧٢ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرُو قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تُشَأْمِرُ الْبَيْتَةَ فِي نَفْسِهَا، فَإِنْ سَكَتَتْ فَهُوَ إِذْنُهَا، فَإِنْ أَبَتْ فَلَا جَوَازَ عَلَيْهَا».

تخریج: [إسناده حسن] أخرجه أبو داود، النکاح، باب: في الاستيمار، ح: ٢٠٩٣، والترمذی، النکاح، باب ماجاء في إكراه البتیمة على التزويج، ح: ١١٠٩ من حديث محمد بن عمرو به، وهو في الكبّری، ح: ٥٣٨١، وقال الترمذی: ”حسن“، وصححه ابن حبان، ح: ١٢٤٠، ١٢٣٩.

### Chapter 37. The Concession Allowing A *Muhrim* To Marry

**3273** It was narrated that Ibn ‘Abbâs said: “The Messenger of Allâh ﷺ married Maimûnah bint Al-Hârith when he was a *Muhrim*. According to the *Hadîth* of Ya’la (one of the narrators): “In Sarif.” (*Sahîh*)

(المعجم (٣٧) - الرُّحْصَةُ فِي نِكَاحِ  
الْمُحْرِمِ (التحفة (٣٧)

٣٢٧٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْ عَنْ مُحَمَّدِ بْنِ سَوَاءَ قَالَ: حَدَّثَنَا سَعِيدُ عَنْ قَنَادَةَ وَيَعْلَى بْنِ حَكِيمٍ، عَنْ عَكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: تَرَوَّجَ رَسُولُ اللَّهِ ﷺ مَيْمُونَةَ بِنْتَ الْحَارِثِ وَهُوَ مُحْرِمٌ. وَفِي حَدِيثِ يَعْلَى:

تخریج: [صحيح] أخرجه أحمد: ٣٣٦/١ من حديث سعيد بن أبي عروبة به، وتتابعه عبد الوهاب، والحديث في الكبّری، ح: ٥٤١٠، وهو متواتر عن ابن عباس رضي الله عنهما.

**3274.** It was narrated from Abû Ash-Shâ‘thâ' that Ibn ‘Abbâs told him: "The Prophet ﷺ married Maimûnah when he was a *Muhrim*." (*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٢٨٤١، ٢٨٤٠، وهو في الكبرى، ح: ٥٤٠٧، وأخرجه البخاري، ح: ٥١١٤ من حديث سفيان بن عيينة به.

**3275.** It was narrated from Ibn ‘Abbâs that the Prophet ﷺ married Maimûnah when he was a *Muhrim*, and she appointed Al-‘Abbâs in charge of her marriage, and he married her to him. (*Sahîh*)

٣٢٧٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُعِيَّانُ عَنْ عَمْرُو، عَنْ أَبِي الشَّعْنَاءِ: أَنَّ ابْنَ عَبَّاسٍ أَخْبَرَهُ: أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ.

تخریج: [صحيح] تقدم، ح: ٢٨٤١، ٢٨٤٠، وهو في الكبرى، ح: ٥٤٠٧، وأخرجه البخاري، ح: ٥١١٤ من حديث سفيان بن عيينة به.

٣٢٧٥ - أَخْبَرَنَا عُمَّانُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ الْمَحَاجَاجِ قَالَ: حَدَّثَنَا وَهَبْيَتْ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ نَكَحَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ، جَعَلَتْ أَمْرَهَا إِلَى الْعَبَّاسِ فَأَنْكَحَهَا إِلَيْهَا.

تخریج: [إسناده صحيح] وهو في الكبرى، ح: ٥٣٩٣، وللحديث طرق كثيرة جداً.

**3276.** It was narrated from Ibn ‘Abbâs that the Messenger of Allâh ﷺ married Maimûnah when he was a *Muhrim*. (*Sahîh*)

٣٢٧٦ - أَخْبَرَنَا أَحْمَدُ بْنُ نَصِيرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ - وَهُوَ ابْنُ مُوسَى - عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ.

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٥٤٠٦، والصواب أنه صلى الله عليه وسلم تزوجها وهو حلال والمراد بالمحرم . داخل الحرم . لا أنه كان محراً بإحرام . الحج.

### Comments:

See Nos. 2840, 2845.

### Chapter 38. Prohibition Of Marriage For The *Muhrim*

**3277.** ‘Uthmân bin ‘Affân, may Allâh be pleased with him, said: "The Messenger of Allâh ﷺ said: 'The *Muhrim* should not get married, or arrange a marriage for someone else, or propose marriage.'" (*Sahîh*)

(المعجم ٣٨) - النَّهْيُ عَنِ نِكَاحِ الْمُحْرِمِ  
(التحفة ٣٨)

٣٢٧٧ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مَعْنُ قَالَ: حَدَّثَنَا مَالِكُ وَالْحَارِثُ بْنُ مِشْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ عَنْ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ نَافِعٍ، عَنْ نُبَيْهِ بْنِ

وَهُبٌ : أَنَّ أَبِانَ بْنَ عُثْمَانَ قَالَ : سَمِعْتُ عُثْمَانَ بْنَ عَفَانَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ : قَالَ رَسُولُ اللَّهِ ﷺ : «لَا يَنْكِحُ الْمُحْرِمُ وَلَا يُنكِحُ وَلَا يَخْطُبُ». .

تخریج : [صحیح] تقدم ، ح: ٢٨٤٥ ، وهو في الكبرى ، ح: ٥٤١٣ .

**3278.** ‘Uthmân bin ‘Affâñ, may Allâh be pleased with him, narrated that the Prophet ﷺ said: “The Muhrim should not get married, arrange a marriage for someone else, nor propose marriage.” (*Sahîh*)

٣٢٧٨ - حَدَّثَنَا أَبُو الْأَشْعَثُ قَالَ : حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زُرَيْعٍ - قَالَ : حَدَّثَنَا سَعِيدُ عَنْ مَطْرِ وَيَعْلَى بْنِ حَكِيمٍ، عَنْ نُبَيْهِ بْنِ وَهُبٍ، عَنْ أَبِانَ بْنِ عُثْمَانَ : أَنَّ عُثْمَانَ بْنَ عَفَانَ رَضِيَ اللَّهُ عَنْهُ حَدَّثَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ : «لَا يَنْكِحُ الْمُحْرِمُ وَلَا يُنكِحُ وَلَا يَخْطُبُ». .

تخریج : [صحیح] تقدم ، ح: ٢٨٤٥ ، وهو في الكبرى ، ح: ٥٤١٤ .

### Chapter 39. What Is Recommended To Say On The Occasion Of Marriage

**3279.** It was narrated that ‘Abdullâh said: “The Messenger of Allâh ﷺ taught us the *Tashâhhud* for *Salâh* and the *Tashâhhud* upon *Al-Hâjâh*.<sup>[1]</sup> He said: ‘The *Tashâhhud* upon the occasion of marriage is: *Alhamdu lillâhi nastâ’inahu wa nastaghfiruhu, wa na’ûdhu billâhi min shurûr anfusinâ, man yahdi Illâhu falâ muâdilla lahu wa man yudâlil Illâhu falâ hâdiya lahu, wa ashhadu an lâ ilâha illâllâh, wa ashhadu anna Muhammada ‘abduhu wa rasûluhu*

(المعجم ٣٩) - مَا يُسْتَحْبِطُ مِنَ الْكَلَامِ عِنْدَ النَّكَاحِ (التحفة ٣٩)

٣٢٧٩ - أَخْبَرَنَا قَتِيْبَةُ قَالَ : حَدَّثَنَا عَبْرَةُ عَنِ الْأَعْمَشِ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي الْأَخْوَصِ، عَنْ عَبْدِ اللَّهِ قَالَ : عَلِمْنَا رَسُولَ اللَّهِ ﷺ التَّشَهُّدَ فِي الصَّلَاةِ وَالْتَّشَهُّدُ فِي الْحَاجَةِ، قَالَ : «الْتَّشَهُّدُ فِي الْحَاجَةِ : أَنَّ الْحَمْدَ لِلَّهِ نَسْتَعِينُهُ وَنَسْتَغْفِرُهُ وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنفُسِنَا، مَنْ يَهْدِي اللَّهُ فَلَا مُضِلٌّ لَهُ، وَمَنْ يُضِلِّ اللَّهُ فَلَا هَادِي لَهُ، وَأَشْهُدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَشْهُدُ أَنَّ مُحَمَّداً عَبْدُهُ وَرَسُولُهُ،

[1] This refers to occasions of marriage, during trade agreements, at the commencement of speeches, among others.

(Praise be to Allâh, we seek His help and His forgiveness. We seek refuge with Allâh from the evil of our own souls. Whomsoever Allâh guides will never be led astray, and whomsoever Allâh leaves astray, no one can guide. I bear witness that there is none worthy of worship but Allâh, and I bear witness that Muhammâd is His slave and Messenger).’ Then he recited three Verses.” (*Da’if*)

وَيَقُولُ ثَلَاثَ آيَاتٍ .

**تخریج:** [إسناده ضعیف] أخرجه أبو داود، النکاح، باب: فی خطبة النکاح، ح: ۲۱۸: من حديث أبي إسحاق به، وعنون (وانظر، ح: ۹۶)، وصححه الترمذی، ح: ۱۱۰۵ وغیره، وله طريق آخر مقطوع.

**3280.** It was narrated from Ibn ‘Abbâs that a man spoke to the Prophet ﷺ about something and the Prophet ﷺ said: “*Innal-hamda lillâhi nahmaduhu wa nasta’înahu, man yahdih Illâhu falâ muâdilla lahu wa man yuâdil Illâhu falâ hâdiya lahu, wa ashhadu an lâ ilâha illallâhu (wâhdahu lâsharîka lahu) wa ashhadu anna Muhammâdan ‘abduhu wa rasûluhu. Ammâ ba’d*” (Praise be to Allâh, we seek His help. Whomsoever Allâh guides will never be led astray, and whomsoever Allâh leaves astray, no one can guide. I bear witness that there is none worthy of worship but Allâh (alone with no partners) and I bear witness that Muhammâd is His slave and Messenger. To proceed).” (*Sahîh*)

٣٢٨٠ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورَ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عِيسَى قَالَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنُ أَبِي زَائِدَةَ عَنْ دَاؤُدَّ، عَنْ عَمْرُو بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبْنِ عَبَّاسٍ: أَنَّ رَجُلًا كَلَمَ النَّبِيَّ ﷺ فِي شَيْءٍ فَقَالَ النَّبِيُّ ﷺ: إِنَّ الْحَمْدَ لِلَّهِ تَحْمِدُهُ وَسَتَعْنِيهُ، مَنْ يَهْدِهِ اللَّهُ فَلَا مُضِلٌّ لَهُ، وَمَنْ يُضَلِّلِ اللَّهُ فَلَا هَادِي لَهُ، وَأَشْهَدُ أَنَّ لَا إِلَهَ إِلَّا اللَّهُ [وَحْدَهُ لَا شَرِيكَ لَهُ] وَأَشْهَدُ أَنَّ مُحَمَّداً عَبْدُهُ وَرَسُولُهُ، أَمَا بَعْدُ» .

**تخریج:** أخرجه مسلم، الجمعة، باب تخفيف الصلوة والخطبة، ح: ۸۶۸: من حديث داود بن أبي هند به.

## Chapter 40. What Is Disliked In The *Khutbah*

**3281.** It was narrated that 'Adiyy bin Hâtim said: "Two men recited a *Tashahhud* before the Prophet ﷺ and one of them said: 'Whoever obeys Allâh and His Messenger has been guided aright and whoever disobeys them has gone astray.' The Messenger of Allâh ﷺ said: 'What a bad speaker you are!'" (*Sahîh*)

\* تخریج: أخرجه مسلم، ح: ٨٧٠، (انظر الحديث السابق) من حديث سفيان الثوري به عبد الرحمن هو ابن مهدي، وعبد العزيز هو ابن رفيع.

### Comments:

"What a bad speaker you are:" The Prophet's ﷺ rebuke was because the man mentioned Allâh, Most High, and His Messenger ﷺ in one pronoun (*Ya'sihimâ*), "disobeys", which creates the notion that Allâh and His Messenger ﷺ are equivalent in rank, while there is absolutely no comparison between the Creator and the created. As for the Messenger ﷺ saying "them" in reference to himself and Allâh, this can only be said by him. This is because in such cases he is not saying 'us' but speaking about himself in the third person. And this is not the case if others say "them" regarding Allâh and His Messenger ﷺ.

## Chapter 41. The Words By Which The Marriage Tie Is Completed

**3282.** Sahl bin Sa'd said: "I was among the people with the Prophet ﷺ when a woman stood up and said: 'O Messenger of Allâh, she has offered herself in marriage to you, so see what you think of her.' He remained silent and the Prophet ﷺ did not give any answer. Then she stood up (again) and said: 'O Messenger of Allâh, she has offered herself in marriage to you, so see what you think of

(المعجم ٤٠) - مَا يُكْرَهُ مِنَ الْخُطْبَةِ

(التحفة ٤٠)

٣٢٨١ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَبْدِ الْعَزِيزِ، عَنْ تَمِيمِ بْنِ طَرْفَةَ، عَنْ عَدِيِّ ابْنِ حَاتِمٍ قَالَ: تَشَهَّدَ رَجُلًا عِنْدَ النَّبِيِّ ﷺ فَقَالَ أَخْدُهُمَا: مَنْ يُطِعِ اللَّهَ وَرَسُولَهُ فَقَدْ رَشَدَ، وَمَنْ يَعْصِيهِمَا فَقَدْ غَوَى، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا الْخُطْبَةَ أَنْتَ».

تخریج: أخرجه مسلم، ح: ٨٧٠، (انظر الحديث السابق) من حديث سفيان الثوري به عبد الرحمن هو ابن مهدي، وعبد العزيز هو ابن رفيع.

(المعجم ٤١) - بَابُ الْكَلَامِ الَّذِي يَعْقِدُ بِهِ النِّكَاحَ (التحفة ٤١)

٣٢٨٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ عَنْ سُفْيَانَ قَالَ: سَوَمَتْ أُبَا حَازِمٍ يَقُولُ: سَوَمَتْ سَهْلَ بْنَ سَعْدٍ يَقُولُ: إِنِّي لِفِي الْقَوْمِ عِنْدَ النَّبِيِّ ﷺ فَقَامَتْ امْرَأَةٌ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّهَا قَدْ وَهَبَتْ نَفْسَهَا لَكَ فَرَأَ فِيهَا رَأْيِكَ، فَسَكَّ قَلْمَنْ يُجْبِهَا النَّبِيُّ ﷺ يُشَيِّعُهَا، ثُمَّ قَامَتْ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّهَا قَدْ وَهَبَتْ نَفْسَهَا لَكَ فَرَأَ فِيهَا رَأْيِكَ، فَقَامَ رَجُلٌ

her.' A man stood up and said: 'Marry her to me, O Messenger of Allâh!' He said: 'Do you have anything?' He said: 'No.' He said: 'Go and look, even if it is just an iron ring.' So he went and looked then he came and said: 'I could not find anything, not even an iron ring.' He said: 'Have you memorized anything of the Qur'ân?' He said: 'Yes, *Sûrah* such-and-such and *Sûrah* such-and-such.' He said: 'I marry you to her on the basis of what you have memorized of the Qur'ân.'" (*Sahîh*)

## Chapter 42. Conditions In Marriage

**3283.** It was narrated from 'Utbah bin 'Âmir that the Messenger of Allâh ﷺ said: "The conditions that are most deserving of fulfillment, are those by means of which the private parts become allowed to you." (*Sahîh*)

فَقَالَ: زَوْجِنِيهَا يَا رَسُولَ اللّٰهِ! قَالَ: هَلْ مَعَكَ شَيْءٌ؟ قَالَ: لَا، قَالَ: فَادْهَبْ فَاطَّلِبْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ فَذَهَبْ فَطَلَبَ ثُمَّ جَاءَ فَقَالَ: لَمْ أَجِدْ شَيْئًا وَلَا خَاتَمًا مِنْ حَدِيدٍ، قَالَ: «هَلْ مَعَكَ مِنَ الْقُرْآنَ شَيْءٌ؟» قَالَ: نَعَمْ مَعِي سُورَةً كَذَا وَسُورَةً كَذَا، قَالَ: [قَدْ] أَنْكَحْتُكُهَا عَلَى مَا مَعَكَ مِنَ الْقُرْآنِ».

تخریج: [صحیح] تقدم، ح: ٣٢٠٢.  
(المعجم (٤٢) - الشروط في النكاح)  
(التحفة (٤٢)

٣٢٨٣ - أَخْبَرَنَا عِيسَى بْنُ حَمَادٍ قَالَ: أَخْبَرَنَا الْيَثْرَى عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ، عَنْ رَسُولِ اللّٰهِ قَالَ: إِنَّ أَحَقَ الشُّرُوطِ أَنْ يُؤْفَى بِهِ مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوحَ».

تخریج: أخرجه البخاري، الشروط، باب الشروط في المهر عند عقدة النكاح، ح: ٢٧٢١ من حديث الليث بن سعد، ومسلم، النكاح، باب الوفاء بالشروط في النكاح، ح: ١٤١٨ من حديث يزيد بن أبي حبيب به.

### Comments:

From the outward wording, it is understood that the conditions stipulated at the time of contracting a marriage must be fulfilled.

**3284.** It was narrated from 'Utbah bin 'Âmir that the Messenger of Allâh ﷺ said: "The conditions that are most deserving of fulfillment are those by means of which the private parts become permitted to you." (*Sahîh*)

٣٢٨٤ - أَخْبَرَنَا عَبْدُ اللّٰهِ بْنُ مُحَمَّدٍ بْنِ تَوْبِيمْ قَالَ: سَمِعْتُ حَاجَاجًا يَقُولُ: قَالَ أَبْنُ جُرَيْجَ: أَخْبَرَنِي سَعِيدُ بْنُ أَبِي أُبُوبَ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ: أَنَّ أَبَا الْخَيْرِ حَدَّثَهُ عَنْ عُقْبَةَ بْنِ عَامِرٍ، عَنِ النَّبِيِّ ﷺ قَالَ: إِنَّ أَحَقَ الشُّرُوطِ أَنْ يُؤْفَى

بِهِ مَا اسْتَحْلَلْتُم بِهِ الْفُرُوجَ .

تخریج: [صحیح] انظر الحديث السابق.

(المعجم ٤٣) - النكاح الذي تحل به المطلقة ثلاثة لمطلقتها (التحفة ٤٣)

### Chapter 43. The Type Of Marriage After Which A Thrice-Divorced Woman May Return To Her First Husband

**3285.** It was narrated that ‘Âishah said: “The wife of Rifâ‘ah came to the Messenger of Allâh ﷺ and said: ‘Rifâ‘ah divorced me and made it irrevocable. Then I married ‘Abdur-Rahmân bin Az-Zubair, and what he has is like the fringe of a garment.’ The Messenger of Allâh ﷺ smiled and said: ‘Do you want to go back to Rifâ‘ah? No, not until he (‘Abdur-Rahmân) tastes your sweetness and you taste his sweetness.’” (*Sahîh*)

٣٢٨٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا سُفِيَّانُ عَنِ الرُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتِ امْرَأَةً رِفَاعَةً إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: إِنَّ رِفَاعَةَ طَلَقَنِي فَأَبْتَطَ طَلَاقِي، وَإِنِّي تَرَوَجْتُ بَعْدَ رَبِّ الْرَّحْمَنِ بْنَ الرَّزِيرِ وَمَا مَعَهُ إِلَّا مِثْلُ هُدْبَيَّةِ التَّوْبِ، فَضَرَحَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «عَلَّكِ تُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا، حَتَّى يَذُوقَ عُسَيْلَاتِكِ وَتَذُوقَيْ عُسَيْلَتَهُ».

تخریج: أخرجه البخاري، الشهادات، باب شهادة المختبئ، ح: ٢٦٣٩، ومسلم، النكاح، باب: لا تحل المطلقة ثلاثة لمطلقتها حتى تنكح زوجا غيره ويظاهرها ... إلخ، ح: ١٤٣٣ من حديث سفيان بن عيينة به.

### Comments:

‘Like the fringe of a garment’: This alludes to the lack of his virility.

### Chapter 44. A Stepdaughter Who Is In One’s Care Is Forbidden For Marriage

**3286.** ‘Urwah narrated that Zainab bint Abî Salâmah – whose mother was Umm Salâmah, the wife of the Prophet ﷺ – told him that Umm Hâbibah bint Abî Sufyâñ told her that she said: “O Messenger of Allâh, marry my sister, the daughter of Abû Sufyâñ.” She said: “The Messenger of Allâh ﷺ said: ‘Would you like that?’ I said: ‘Yes;

(المعجم ٤٤) - تحريرِ الرَّبِيعَةِ الَّتِي فِي حِجْرِهِ (التحفة ٤٤)

٣٢٨٦ - أَخْبَرَنَا عِمْرَانُ بْنُ بَكَارَ قَالَ: حَدَّثَنَا أَبُو الْيَمَانِ قَالَ: حَدَّثَنَا شَعِيبٌ قَالَ: أَخْبَرَنِي الرُّهْرِيُّ قَالَ: أَخْبَرَنِي عُرْوَةُ أَنَّ زَيْبَ بِنْتَ أَبِي سَلَمَةَ - وَأَمْهَا أُمُّ سَلَمَةَ زَوْجَ النَّبِيِّ ﷺ - أَخْبَرَتْهُ أَنَّ أُمَّ حَبِيبَةَ بِنْتَ أَبِي سُفِيَّانَ أَخْبَرَتْهَا: أَنَّهَا قَالَتْ: يَا رَسُولَ اللَّهِ! أَنْكِنْ

I do not have you all to myself and I would like to share this goodness with my sister.' The Prophet ﷺ said: 'Your sister is not permissible for me (to marry).' I said: 'By Allâh, O Messenger of Allâh ﷺ, we have been saying that you want to marry Durrah bint Abî Salamah.' He said: 'The daughter of Umm Salamah?' I said: 'Yes.' He said: 'By Allâh, even if she were not my stepdaughter who is in my care, she would not be permissible for me (to marry), because she is the daughter of my brother through breast-feeding. Thuwaibah breastfed Abû Salamah and I. So do not offer your daughters or sisters to me in marriage.'" (*Sahîh*)

أَخْتِي بِنْتُ أَبِي سُفْيَانَ قَالَتْ: فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَوَ تُحِبِّينَ ذُلِّكَ؟» قَلَّتْ: نَعَمْ، لَسْتُ لَكَ بِمُخْلِّيَّةٍ، وَأَحَبُّ مَنْ يُشَرِّكُنِي فِي خَيْرِ أَخْتِي، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ أَخْتَكَ لَا تَحِلُّ لِي» قَلَّتْ: وَاللَّهِ يَا رَسُولَ اللَّهِ إِنَّا لَنَسْخَدْنَا أَنَّكَ تُرِيدُ أَنْ تَنْكِحَ دَرَّةً بِنْتَ أَبِي سَلَمَةَ، فَقَالَ: «بِنْتُ أَمْ سَلَمَةَ؟» قَلَّتْ: نَعَمْ، فَقَالَ: «وَاللَّهِ! لَوْلَا أَنَّهَا رَبِيعَيَ فِي حِجْرِي مَا حَلَّتْ لِي، إِنَّهَا لَابْنَةُ أَخِي مِنَ الرَّضَاعَةِ أَرْضَعَنِي وَأَبَا سَلَمَةَ ثُوْمَيْهُ، فَلَا تَعْرِضْنَ عَلَيَّ بَنَاتِكُنَّ وَلَا أَخْوَاتِكُنَّ».

**تخریج:** أخرجه البخاري، النكاح، باب: «وأمها لكم الالاتي أرضعنكم»، ح: ٥١٠١ عن أبي اليمان حکم بن نافع به، ومسلم، الرضاع، باب تحريم الريبة وأخت المرأة، ح: ١٦/١٤٤٩ من حديث الزهرى به، وهو في الكبرى، ح: ٥٤١٧.

## Chapter 45. The Prohibition Of Being Married To Both A Mother And Daughter

**3287.** It was narrated from Zainab bint Abî Salamah that Umm Habîbah, the wife of the Prophet ﷺ said: "O Messenger of Allâh, marry the daughter of my father" – meaning her sister. The Messenger of Allâh ﷺ said: "Would you like that?" She said: "Yes; I do not have you all to myself, and I would like to share this goodness with my sister." The Prophet ﷺ said: "That is not permissible for me." Umm Habîbah said: "O Messenger of

(المعجم ٤٥) - تحريم الجمع بين الأم والبنت (الصفحة ٤٥)

٣٢٨٧ - أَخْبَرَنَا وَهْبُ بْنُ يَتَّابِعَنْ قَالَ: حَدَّثَنَا أَبْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُوْسُفُ عَنْ أَبْنِ شَهَابٍ أَنَّ عُرْوَةَ بْنَ الرَّبِيعِ حَدَّثَهُ عَنْ زَيْنَبِ بِنْتِ أَبِي سَلَمَةَ: أَنَّ أَمَ حَبِيبَةَ زَوْجَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ: يَا رَسُولَ اللَّهِ! أَنْكِحْ بِنْتَ أَبِي - تَعْنِي أَخْتَهَا -، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «وَتُحِبِّينَ ذُلِّكَ؟» قَالَتْ: نَعَمْ، لَسْتُ لَكَ بِمُخْلِّيَّةٍ، وَأَحَبُّ مَنْ يُشَرِّكُنِي فِي خَيْرِ أَخْتِي، فَقَالَ

Allâh ﷺ, by Allâh, we have been saying that you want to marry Durrah bint Abî Salamah.” He said: “The daughter of Umm Salamah?” I said: “Yes.” He said: “By Allâh, even if she were not my stepdaughter who is in my care, she would not be permissible for me (to marry), because she is the daughter of my brother through breast-feeding. Thuwaibah breast-fed Abû Salamah and I. So do not offer your daughters or sisters to me in marriage.” (*Sahîh*)

رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «إِنَّ ذَلِكَ لَا يَجِدُ» قَالَتْ أُمُّ حَبِيبَةَ : يَا رَسُولَ اللَّهِ وَاللَّهُ لَقَدْ تَحَدَّثَنَا أَنَّكَ تَنْكِحُ شَرِّهَ بِنْتَ أُبَيِّ سَلَمَةَ ، فَقَالَ : «بِنْتُ أُمَّ سَلَمَةَ؟» قَالَتْ أُمُّ حَبِيبَةَ : نَعَمْ ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «فَوَاللَّهِ لَوْ أَنَّهَا لَمْ تَكُنْ رَبِيعَتِي فِي حِجْرِي مَا حَلَّتْ ، إِنَّهَا لَابْنَةُ أَخِي مِنَ الرَّضَاعَةِ أَزْصَعَنِي وَأَبَا سَلَمَةَ ثُوبَيْهُ ، فَلَا تَعْرِضْنَ عَلَيَّ بَنَاتِكُنَّ وَلَا أَخْوَاتِكُنَّ» .

تخریج: [صحیح] انظر الحديث السابق، وهو في الکبری، ح: ٥٤١٥.

### Comments:

The purpose of the chapter is to demonstrate that it is forbidden to marry one's wife's daughter. It transpires from the outward phrasing of the chapter that it is forbidden to unite them both in marriage. Even if the wife dies, marriage with her daughter is forbidden. Likewise, contracting marriage with the wife's mother is not permissible in any circumstance, whether the wife is alive or dead.

**3288.** It was narrated from 'Irâk bin Mâlik that Zainab bint Abî Salamah told him, that Umm Habîbah said to the Messenger of Allâh ﷺ: “We have been saying that you want to marry Durrah bint Abî Salamah.” The Messenger of Allâh ﷺ said: “As a co-wife to Umm Salamah? Even if I were not married to Umm Salamah, she would not be permissible to me, for her father is my brother through breast-feeding.” (*Sahîh*)

تخریج: [صحیح] انظر الحدیثین السابقین، وهو في الکبری، ح: ٥٤١٩ .

### Chapter 46. The Prohibition Of Being Married To Two Sisters

**3289.** It was narrated from Umm Habîbah that she said: “O Messenger

٣٢٨٨ - أَخْبَرَنَا قُبَيْبَةُ قَالَ : حَدَّثَنَا الْمَلِيُّثُ عَنْ يَزِيدَ بْنِ أُبَيِّ حَبِيبٍ ، عَنْ عِزَّا بْنِ مَالِكٍ : أَنَّ رَبِيعَتَ بِنْتَ أُبَيِّ سَلَمَةَ أَخْبَرَتْهُ : أَنَّ أُمَّ حَبِيبَةَ قَالَتْ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : إِنَّا قَدْ تَحَدَّثَنَا أَنَّكَ نَاكِحٌ دُرَّةَ بِنْتَ أُبَيِّ سَلَمَةَ ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «أَعْلَمُ أُمَّ سَلَمَةً؟ لَوْ أَنِّي لَمْ أَنْكِحْ أُمَّ سَلَمَةَ مَا حَلَّتْ لِي ، إِنَّ أَبَاهَا أَخِي مِنَ الرَّضَاعَةِ» .

(المعجم (٤٦) - تحرير الجمجم بين الأخرين (٤٦) (التحفة

٣٢٨٩ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنْ

of Allâh, what do you think of my sister?" He said: "What for?" She said: "For marriage." He said: "Would you like that?" She said: "Yes; I do not have you all to myself, and I would like to share this goodness with my sister." He said: "She is not permissible for me (to marry)." She said: "But I heard that you want to marry Durrah, the daughter of Umm Salamah." He said: "The daughter of Abû Salamah?" She said: "Yes." He said: "By Allâh, even if she were not my stepdaughter she would not be permissible for me (to marry), because she is the daughter of my brother through breast-feeding. Do not offer your daughters and sisters to me in marriage." (*Sahîh*)

تخریج: [صحیح] تقدم، ح: ٣٢٨٦، وهو في الکبری، ح: ٥٤١٨.

### Comments:

It is forbidden to contract marriage with two sisters simultaneously, although one after the divorce of the other is permitted. That means, if one of them dies or is divorced, then it is permitted to marry the other sister.

### Chapter 47. Being Married To A Woman And Her Paternal Aunt At The Same Time

**3290.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: '(A man should not be married to) a woman and her paternal aunt nor to a woman and her maternal aunt at the same time.'" (*Sahîh*)

تخریج: أخرجه البخاري، النکاح، باب: لا تنكح المرأة على عمتها، ح: ٥١٠٩، ومسلم، النکاح، باب تحريم الجمع بين المرأة وعمتها أو خالتها في النکاح، ح: ١٤٠٨ من حديث مالك به، وهو في الموطأ (بھی): ٥٣٢/٢، والکبری، ح: ٥٤٢٠.

### Comments:

A niece (brother's daughter), paternal aunt, niece (sister's daughter), and

عبدة، عن هشام، عن أبيه، عن زينب بنت أبي سلمة، عن أم حبيبة أنها قالت: يا رسول الله! هل لك في اختي؟ قال: «فاصنعن ماذا؟» قالت: تزوجها، قال: «فإن ذلك أحب إليك؟» قالت: نعم، لست لك بمخلية، وأحب من يشركني في خبر اختي، قال: «إنه لا تجعل لي» قالت: فإنه قد بلغني أنك تخطب درة بنت أم سلمة، قال: «بنت أبي سلمة؟» قالت: نعم، قال: «والله! لو لم تكون رسبيتي ما حللت لي، إنها لابنة أخي من الرضاعة، فلا تعرضن علي بناتك ولا أخواتك». .

(المعجم (٤٧) - الجمع بين المرأة وعمتها (التحفة (٤٧)

- أخبرنا هارون بن عبد الله قال: حدثنا معن قال: حدثنا مالك عن أبي الرناد، عن الأعرج، عن أبي هريرة قال: قال رسول الله ﷺ: «لا يجمع بين المرأة وعمتها ولا بين المرأة وخالتها».

تخریج: أخرجه البخاري، النکاح، باب: لا تنكح المرأة على عمتها، ح: ٥١٠٩، ومسلم، النکاح، باب تحريم الجمع بين المرأة وعمتها أو خالتها في النکاح، ح: ١٤٠٨ من حديث مالك به، وهو في الموطأ (بھی): ٥٣٢/٢، والکبری، ح: ٥٤٢٠.

maternal aunt are very close relations. It is unlawful to turn such close relations into co-wives, while these relations demand utmost love, affection, and sincerity.

**3291.** Qabīṣah bin Dhu'aib said that he heard Abū Hurairah say: "The Messenger of Allāh forbade (being married to) a woman and her paternal aunt or to a woman and her maternal aunt at the same time." (*Sahīh*)

٣٢٩١ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَعْقُوبَ بْنُ عَبْدِ الْوَهَابِ بْنِ يَحْيَى بْنِ عَبَادَ بْنِ عَبْدِ اللهِ ابْنِ الرَّبِيعَ بْنِ الْعَوَامِ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ فُلَيْحٍ عَنْ يُونُسَ: قَالَ ابْنُ شَهَابٍ: أَخْبَرَنِي قَيْصَرَةُ بْنُ ذُؤْبَيْبٍ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: نَهَى رَسُولُ اللهِ ﷺ أَنْ يُجْمَعَ بَيْنَ الْمَرْأَةِ وَعَمْتِهَا وَالْمَرْأَةِ وَخَالِتِهَا.

تخریج: أخرجه البخاري، النکاح، باب: لا تنكح المرأة على عمتها، ح: ٥١١٠، ومسلم، النکاح، باب تحريم الجمع بين المرأة وعمتها أو خالتها في النکاح، ح: ١٤٠٨ من حديث يونس ابن يزيد به، وهو في الكبرى، ح: ٥٤٢١:

**3292.** It was narrated from Abū Hurairah that the Messenger of Allāh forbade being married to a woman and her paternal aunt or maternal aunt at the same time. (*Sahīh*)

٣٢٩٢ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا ابْنُ أَبِي مَرْيَمَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَئْيُوبَ أَنَّ جَعْفَرَ بْنَ رَبِيعَةَ حَدَّثَهُ عَنْ عِرَاكَ بْنِ مَالِكٍ وَعَبْدِ الرَّحْمَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ نَهَى أَنْ تُنْكَحِ الْمَرْأَةُ عَلَى عَمْتِهَا أَوْ خَالِتِهَا.

تخریج: أخرجه مسلم، ح: ٣٤/١٤٠٨ (انظر الحديث السابق) من حديث عراك به، وهو في الكبرى، ح: ٥٤٢٢:

**3293.** It was narrated from Abū Hurairah that the Messenger of Allāh forbade being married to four kinds of women at the same time: a woman and her paternal aunt or a woman and her maternal aunt. (*Sahīh*)

٣٢٩٣ - أَخْبَرَنَا قَتْبِيَةُ قَالَ: حَدَّثَنَا الْلَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ عِرَاكَ بْنِ مَالِكٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ أَرْبَعِ نِسَوةٍ يُجْمَعُ بَيْنَهُنَّ: الْمَرْأَةِ وَعَمْتِهَا، وَالْمَرْأَةِ وَخَالِتِهَا.

تخریج: أخرجه مسلم، ح: ٣٤/١٤٠٨ من حديث الليث بن سعد به، (انظر الحديث السابق) وهو في الكبرى، ح: ٥٤٢٣:

**Comments:**  
‘Four women’: The outward wording could cause a grave misunderstanding, because contracting marriage with two of them simultaneously is forbidden.

The detail has preceded earlier. But because it has two forms, they are jointly called four.

**3294.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt." (*Sahîh*)

٣٢٩٤ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا الْلَّيْثُ قَالَ: أَخْبَرَنِي أَبْيُوبُ بْنُ مُوسَى عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشْجَحِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَبْدِ الْمُكْلِكِ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ، عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «لَا تُنْكِحُ الْمَرْأَةَ عَلَى عَمْتِهَا وَلَا عَلَى خَالِتِهَا».

تخریج: [إسناده صحيح] وهو في الكبير، ح: ٥٤٢٨.

**3295.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade taking a woman as a co-wife to her paternal aunt or her maternal aunt." (*Sahîh*)

٣٢٩٥ - أَخْبَرَنَا مُجَاهِدُ بْنُ مُوسَى قَالَ: حَدَّثَنَا أَبْنُ عَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ تُنْكِحَ الْمَرْأَةَ عَلَى عَمْتِهَا أَوْ عَلَى خَالِتِهَا.

تخریج: أخرجه مسلم، ح: ٤٠/١٤٠٨ من حديث عمرو بن دينار به، انظر الحديث المقدم: ٣٢٩١.

**3296.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt." (*Sahîh*)

٣٢٩٦ - أَخْبَرَنَا يَحْيَى بْنُ دُرْسَتَ قَالَ: حَدَّثَنَا أَبُو إِسْمَاعِيلَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ أَنَّ أَبَا سَلَمَةَ حَدَّثَهُ عَنْ أَبِي هُرَيْرَةَ، عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «لَا تُنْكِحُ الْمَرْأَةَ عَلَى عَمْتِهَا وَلَا عَلَى خَالِتِهَا».

تخریج: أخرجه مسلم، ح: ٣٧/١٤٠٨ من حديث يحيى بن أبي كثیر به، (انظر الحديث السابق) وهو في الكبير، ح: ٥٤٢٤ \* أبو إسماعيل هو إبراهيم بن عبد الملك القناد.

## Chapter 48. The Prohibition Of Being Married To A Woman And Her Maternal Aunt At The Same Time

**3297.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt." (*Sahîh*)

تخریج : [إسناده صحيح] وهو في الكبرى ، ح: ٣٤٤ \* هشام هو ابن حسان ، ومحمد هو ابن سيرين ، ويحيى هو القطان .

**3298.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade taking a woman as a co-wife to her paternal aunt or her maternal aunt." (*Sahîh*)

تخریج : [إسناده صحيح] أخرجه أبو داود ، النكاح ، باب ما يكره أن يجمع بينهن من النساء ، ح: ٢٠٦٥ من حديث داود بن أبي هند به ، وعلقه البخاري ، النكاح ، باب: "لا تنكح المرأة على عمتها" ، ح: ٥١٨ .

### Comments:

It is forbidden to contract marriage with a paternal aunt and her niece (brother's daughter) simultaneously; irrespective of the fact whether the paternal aunt was first committed to marriage or the niece (brother's daughter). The ruling concerning the maternal aunt and her niece (sister's daughter) is the same.

**3299.** ‘Âsim said: "I read a book to Ash-Shâ'bî in which it was narrated from Jâbir that the Prophet ﷺ said: 'A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt.' He said: 'I heard that from Jâbir.'" (*Sahîh*)

(المعجم ٤٨) - تحرير الجمجم بين المرأة وحالتها (التحفة ٤٨)

٣٢٩٧ - أخبارنا عبيد الله بن سعيد قال: حذتنا يحيى قال: حذتنا هشام قال: حذتنا محمد عن أبي هريرة، عن النبي ﷺ قال: لا تنكح المرأة على عمتها ولا على حالتها .

٣٢٩٨ - أخبارنا إسحاق بن إبراهيم قال: أخبارنا المعمتم عن داود بن أبي هند، عن الشعبي، عن أبي هريرة قال: نهى رسول الله ﷺ أن تنكح المرأة على عمتها والعممة على بنت أخيها .

٣٢٩٩ - أخبارنا محمد بن عبد الأعلى قال: حذتنا خالد قال: حذتنا شعبة قال: أخبارني عاصم قال: فرأيت على الشعبي كتابا فيه عن جابر، عن النبي ﷺ قال: لا تنكح المرأة على عمتها ولا على حالتها قال: سمعت هذا من جابر .

تخریج: [صحيح] انظر الحديث الآتي.

**3300.** Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ forbade taking a woman as a co-wife to her paternal aunt or maternal aunt.” (*Sahîh*)

٣٣٠٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ أَدَمَ عَنْ ابْنِ الْمُبَارَكِ، عَنْ عَاصِمٍ، عَنْ الشَّعْبِيِّ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ تُنكِحَ الْمَرْأَةَ عَلَى عَمِّهَا وَخَالِتِهَا.

تخریج: أخرجه البخاري، ح: ٥١٠٨ (انظر الحديث المتقدم برقم: ٣٢٩٨) من حديث ابن المبارك به.

**3301.** It was narrated that Jâbir said: “The Messenger of Allâh ﷺ forbade taking a woman as a co-wife to her paternal aunt or maternal aunt.” (*Sahîh*)

٣٣٠١ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ الْحَسَنِ قَالَ: حَدَّثَنَا حَجَاجٌ عَنْ ابْنِ جُرْبِيجَ، عَنْ أَبِي الزَّبِيرِ، عَنْ جَابِرٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ تُنكِحَ الْمَرْأَةَ عَلَى عَمِّهَا أَوْ عَلَى خَالِتِهَا.

تخریج: [صحيح] وهو في الكبير، ح: ٥٤٣٤، وللحديث طرق كثيرة، منها الحديث السابق.

#### Chapter 49. What Becomes Unlawful As A Result Of Breast-feeding

**3302.** It was narrated from ‘Âishah that the Prophet ﷺ said: “What becomes unlawful (for marriage) through birth becomes unlawful through breast-feeding.” (*Sahîh*)

(المعجم (٤٩) - مَا يَحْرُمُ مِنَ الرَّضَاعِ (التحفة (٤٩)

٣٣٠٢ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَوَّلَنَا مَالِكٌ قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ دِينَارٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنِ التَّبَّيِّنِ ﷺ قَالَ: «مَا حَرَمَتْهُ الْوِلَادَةُ حَرَمَهُ الرَّضَاعُ».

تخریج: [إسناده صحيح] أخرجه الترمذی، الرضاع، باب ماجاء يحرم من الرضاع ما يحرم من النسب، ح: ١١٤٧ من حديث يحيى القطان به، وقال: “حسن صحيح”， وهو في الموطأ (يحيى): ٦٠٧/٢، وصححه ابن حبان وغيره.

#### Comments:

The same categories of relatives who are unlawful for one to marry because of one's relation to them are also unlawful to one by foster relationship (through having been breastfed by a particular wet-nurse in infancy). But it

should, however, be kept clearly in mind that those categories of relatives would be unlawful only to the child who has been breast-fed; they would not be unlawful to his other kinship relations. For instance, it is unlawful for the one breastfed in infancy to marry his foster mother and sister, but to marry them is not unlawful to his other brothers. In other words, the whole household of the foster-mother is unlawful to the child who has been breastfed, but the household of the breastfed child are not unlawful to his foster-mother and the other relatives of her household.

**3303.** It was narrated from 'Aishah that her paternal uncle through breast-feeding, whose name was Aflah, asked permission to meet her, and she observed *Hijab* before him. The Messenger of Allâh ﷺ was told about that and he said: "Do not observe *Hijab* before him, for what becomes unlawful (for marriage) through breast-feeding is that which become unlawful through lineage." (*Sahîh*)

تَحْرِيُّجُ أَخْرَجَهُ مُسْلِمٌ، الرَّضَاعُ، بَابُ تَحْرِيُّمِ الرَّضَاعِ مِنْ مَاءِ الْفَحْلِ، ح: ٩/١٤٤٥ عَنْ قَتِيْبَةَ ابْنِ سَعِيدٍ بْنِ عَوْدَةَ، وَالْبَخَارِيِّ، الشَّهَادَاتِ، بَابُ الشَّهَادَةِ عَلَى الْأَنْسَابِ وَالرَّضَاعِ الْمُسْتَفِضِ وَالْمَوْتِ الْقَدِيمِ، ح: ٢٦٤٤ مِنْ حَدِيثِ عَرَافَةِ بْنِ عَرَافَةِ.

#### Comments:

'Aishah ﷺ was under the impression that the establishment of relationship to one who suckles and the one who is suckled is reasonable, but how could it extend to other relatives of her household? Allâh's Messenger ﷺ explained that in the milk of a woman, there is a share of her husband also. Therefore, the woman's husband and his relatives also stand in relationship to that male or female child who is suckled.

**3304.** It was narrated from 'Aishah that the Prophet ﷺ said: "What becomes unlawful (for marriage) through breast-feeding is that which becomes unlawful through lineage." (*Sahîh*)

تَحْرِيُّجُ أَخْرَجَهُ مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا يَحْيَى عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ، عَنْ الْيَمِيِّ قَالَ: «يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ».

تَحْرِيُّجُ أَخْرَجَهُ الْبَخَارِيُّ، الشَّهَادَاتِ، بَابُ الشَّهَادَةِ عَلَى الْأَنْسَابِ وَالرَّضَاعِ ... إلخ، ح: ٢٦٤٦، وَمُسْلِمٌ، الرَّضَاعُ، بَابُ يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ، ح: ١٤٤٤ مِنْ حَدِيثِ مَالِكٍ بْنِ عَوْدَةَ، وَهُوَ فِي الْمَوْطَأِ (يَحْيَى) ٦٠١/٢، وَالْكَبْرِيِّ، ح: ٥٤٣٥.

**3305.** It was narrated that 'Amrah said: "I heard 'Aishah say: The Messenger of Allâh ﷺ said: 'What becomes unlawful (for marriage) through breast-feeding is that which becomes unlawful through birth.'" (*Sahîh*)

٣٣٠٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَيْنَيْدٍ قَالَ: حَدَثَنَا عَلَيُّ بْنُ هَاشِمٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، عَنْ عَمْرَةَ قَالَتْ: سَمِعْتُ عَائِشَةَ تَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ الْوِلَادَةِ». تَحْرِيق: [صحيح] وهو في الكبّري، ح: ٥٤٣٦.

### Chapter 50. The Daughter Of One's Brother Through Breast-feeding Is Forbidden For Marriage

**3306.** It was narrated that 'Alî, may Allâh be pleased with him, said: "I said: 'O Messenger of Allâh, why do you choose wives from among Quraish and not from among us?' He said: 'Do you have anyone in mind?' I said: 'Yes, the daughter of Hamzah.' The Messenger of Allâh ﷺ said: 'She is not permissible for me (to marry); she is the daughter of my brother through breast-feeding.'" (*Sahîh*)

(المعجم ٥٠) - تَحْرِيمُ بِنْتِ الْأَخِ مِنَ الرَّضَاعَةِ (التحفة ٥٠)

٣٣٠٦ - أَخْبَرَنَا فَتَادُ بْنُ السَّرِيِّ عَنْ أَبِي مُعاوِيَةَ، عَنْ الْأَعْمَشِ، عَنْ سَعِيدِ بْنِ عَيْنَيْدٍ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ السَّلَمِيِّ، عَنْ عَلَيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! مَا لَكَ تَنَوُّقُ فِي قُرَيْشٍ وَتَدْعَنَا؟ قَالَ: «وَعِنْنَاكَ أَحَدٌ؟» قُلْتُ: نَعَمْ! بِنْتُ حَمْزَةَ، قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّهَا لَا تَجِلُّ لِي إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ». تَحْرِيق: أخرجه مسلم، الرضاع، باب تحريم ابنة الأخ من الرضاعة، ح: ١٤٤٦ من حديث أبي معاوية الضرير به، وهو في الكبّري، ح: ٥٤٤٦.

تَحْرِيق: أخرجه مسلم، الرضاع، باب تحريم ابنة الأخ من الرضاعة، ح: ١٤٤٦ من حديث أبي معاوية الضرير به، وهو في الكبّري، ح: ٥٤٤٦.

**3307.** It was narrated that Ibn 'Abbâs said: "Mention was made to the Messenger of Allâh ﷺ of the daughter of Hamzah (as a potential wife). He said: 'She is the daughter of my brother through breast-feeding.'" (One of the narrators) Shu'bah said: "Qatâdah heard this from Jâbir bin Zaid." (*Sahîh*)

٣٣٠٧ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ مُحَمَّدٍ قَالَ: حَدَثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ شُعبَةَ، عَنْ فَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: ذُكِرَ لِرَسُولِ اللَّهِ ﷺ بِنْتُ حَمْزَةَ قَالَ: «إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ». قَالَ شُعبَةُ هَذَا سَمِعْتُ فَتَادَةَ مِنْ جَابِرِ بْنِ زَيْدٍ.

تَحْرِيق: أخرجه البخاري، النكاح، باب: «وَأَمْهَاتُكُمُ الالاتِي أَرْضَعْنَكُم»، ح: ٥١٠٠، ومسلم،

الرضاع، باب تحريم ابنة الأخ من الرضاعة، ح: ١٣/١٤٤٧ من حديث يحيى بن سعيد القطان به، وهو في الكبرى، ح: ٥٤٤٥.

**3308.** It was narrated from Ibn ‘Abbâs that the daughter of Hamzah was suggested to Messenger of Allâh ﷺ (as a potential wife). He said: “She is the daughter of my brother through breast-feeding, and what becomes unlawful (for marriage) through breast-feeding is the same as that which becomes unlawful through lineage.” (*Sahîh*)

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٥٤٤٧، وأخرجه مسلم، ح: ١٣/١٤٤٧ من حديث سعيد بن أبي عروبة به.

#### Comments:

The daughter of Hamza ﷺ was the Prophet’s ﷺ sister from the side of his uncle, by reason of genealogy; the Prophet’s ﷺ marriage to her was lawful. This is why Ali ﷺ proposed her marriage with the Prophet ﷺ. But she was the Prophet’s ﷺ foster niece also. This was because Thawbiyah had suckled the Messenger of Allâh ﷺ and Hamza. Hence, Hamza was the Prophet’s ﷺ brother by reason of fosterage.

#### Chapter 51. The Amount Of Breast-feeding That Makes Marriage Prohibited

**3309.** It was narrated that ‘Âishah said: “One of the things that Allâh, the Mighty and Sublime, revealed” – (one of the narrators) Al-Hârith said (in his narration): “One of the things that were revealed in the Qur’ân” – “was that ten known breast-feedings make marriage prohibited, then that was abrogated and changed to five known breast-feedings. Then the Messenger of Allâh ﷺ passed away when this was something that was still being recited in the Qur’ân.” (*Sahîh*)

٣٣٠٨ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ الصَّبَّاحِ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءَ قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ أَبْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ أَرِيدَ عَلَى بَشْتِ حَمَّزَةَ قَالَ: إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ، وَإِنَّهُ يَحْرُمُ مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ النَّسَبِ.

(المعجم ٥١) - الْقَدْرُ الَّذِي يُحَرِّمُ مِنَ الرَّضَاعَةِ (التحفة ٥١)

٣٣٠٩ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مَالِكُ وَالْحَارِثُ بْنُ مُسْكِينٍ قَوَاعِدَةُ عَلَيْهِ وَأَنَا أَشْمَعُ عَنِ ابْنِ الْفَاقِيمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ قَالَثُ: كَانَ فِيمَا أُنْزِلَ اللَّهُ عَزَّ وَجَلَّ - وَقَالَ الْحَارِثُ: فِيمَا أُنْزِلَ مِنَ الْقُرْآنِ - عَشْرُ رَضَعَاتٍ مَعْلُومَاتٍ يُحَرِّمُنَّ، ثُمَّ نُسْخَنَ يُخْمَسُ مَعْلُومَاتٍ، فَتُؤْتَى رَسُولُ اللَّهِ ﷺ وَهِيَ مِمَّا يُهْرَأُ مِنَ الْقُرْآنِ.

تخریج: أخرجه مسلم، الرضاع، باب التحریر بخمس رضعات، ح: ١٤٥٢ من حديث مالک به، وهو في الکبری، ح: ٥٤٤٨، والموطأ (بھی)، ٦٠٨/٢.

**3310.** It was narrated from Umm Faḍl that the Prophet of Allāh ﷺ was asked about breast-feeding and said: “Suckling (*Al-Imlājah*) once or twice does not make (marriage) prohibited.” And (one of the narrators) Qatādah said (in his narration): “Suckling (*Al-Maṣṣah*) once or twice does not make (marriage) prohibited.” (*Sahīh*)

٣٣١٠ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ الصَّبَّاحِ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءَ قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ وَأَئْيُوبَ، عَنْ صَالِحٍ أَبْنِ الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ نَوْفَلٍ، عَنْ أُمِّ الْفَضْلِ: أَنَّ نَبِيَّ اللَّهِ ﷺ سَوْلَ عَنِ الرَّضَاعِ قَالَ: «لَا تُحَرِّمُ الْإِمْلَاجَةَ وَلَا الْإِمْلَاجَتَانِ». وَقَالَ قَتَادَةُ: «الْمَصْنَعُ وَالْمَصْنَانِ».

تخریج: أخرجه مسلم، الرضاع، باب: في المصنعة والمصننان، ح: ٢٠/١٤٥١ من حديث سعيد ابن أبي عروبة عن قتادة به، وهو في الکبری، ح: ٥٤٥٤.

### Comments:

This narration is authentic, that one or two suckles do not make a prohibition, until the infant suckles a few more times. In view of the previous narration, it would mean at the most five sucklings so that all the narrations could be acted upon.

**3311.** It was narrated from ‘Abdullāh bin Az-Zubair that the Prophet ﷺ said: “Suckling once or twice does not make (marriage) prohibited.” (*Sahīh*)

٣٣١١ - أَخْبَرَنَا شَعِيبُ بْنُ يُوسُفَ عَنْ يَحْيَى، عَنْ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ عَبْدِ اللَّهِ بْنِ الرُّبِّيرِ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُحَرِّمُ الْمَصْنَعُ وَالْمَصْنَانِ».

تخریج: [إسناده صحيح] أخرجه أحمد: ٤/٤ عن يحيى القطان به، وهو في الکبری، ح: ٥٤٥٦، وصححه ابن حبان، ح: ١٢٥١.

**3312.** It was narrated that ‘Āishah said: “The Messenger of Allāh ﷺ said: “Suckling once or twice does not make (marriage) prohibited.”” (*Sahīh*)

٣٣١٢ - أَخْبَرَنَا زِيَادُ بْنُ أَئْيُوبَ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ عَنْ أَئْيُوبَ، عَنِ ابْنِ أَبِي مُلِيْكَةَ، عَنْ عَبْدِ اللَّهِ بْنِ الرُّبِّيرِ، عَنْ عَائِشَةَ قَاتَلَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تُحَرِّمُ الْمَصْنَعُ وَالْمَصْنَانِ».

تخریج: أخرجه مسلم، الرضاع، باب: في المصنعة والمصننان، ح: ١٤٥٠ من حديث إسماعيل ابن إبراهيم وهو ابن علية به، وهو في الکبری، ح: ٥٤٥١.

## Comments:

Various wordings have occurred in the reports: *Massah*, *Imlâjah*, *Khatifah*, etc. The import of all these expressions is identical. That means to take the breast into the mouth once, and to continue to suckle until the breast is removed from the infant's mouth. In the same way, the breast milk is considered of no consequence.

**3313.** Sa'eed narrated from Qatâdah: "We wrote to Ibrâhîm bin Yazîd An-Nakha'i asking him about breast-feeding. He wrote back saying that Shurâiħ had narrated that 'Alî and Ibn Mas'ûd used to say: 'A little or a lot of breast-feeding makes marriage prohibited.'" In his book, it said that Abû Ash-Shâ'thâ' Al-Muhâribî narrated that 'Âishah had told him that the Prophet of Allâh ﷺ used to say: "Suckling (*Al-Khatifah*) once or twice does not make (marriage) prohibited." (*Sahîh*)

٣٣١٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ زَيْنِعٍ قَالَ: حَدَّثَنَا يَزِيدُ - يَعْنِي ابْنَ زَيْنِعٍ - قَالَ: حَدَّثَنَا سَعِيْدٌ عَنْ قَاتَادَةَ قَالَ: كَتَبْنَا إِلَى إِبْرَاهِيمَ بْنِ يَزِيدِ التَّخَعِيِّ شَأْلَهُ عَنِ الرَّضَاعَ فَكَتَبَ أَنَّ شُرَيْحًا حَدَّثَنَا: أَنَّ عَلَيْاً وَائِنَّ مَشْعُودًا كَانَا يَقُولَا: يُحَرِّمُ مِنَ الرَّضَاعَ قَلِيلُهُ وَكَثِيرُهُ. وَكَانَ فِي كِتَابِهِ أَنَّ أَبَا الشَّعْنَاءِ الْمُحَارِبِيَّ حَدَّثَنَا، أَنَّ عَائِشَةَ حَدَّثَتْهُ، أَنَّ نَبِيَّ اللَّهِ ﷺ كَانَ يَقُولُ: لَا تُحَرِّمُ الْخَطْفَةَ وَالْحَطْفَاتِانِ.

تخریج: [صحيح] أخرجه البیهقی: ٤٥٨ / ٧ من حديث سعيد بن أبي عروبة به، وتابعه حجاج عند ابن أبي شيبة: ٢٨٦ / ٤ مختصر، والحديث في الكبر، ح: ٥٤٦٢ \* قاتادة كان أعمى، وللحديث شواهد.

**3314.** It was narrated that Masrûq said: "Âishah said: 'The Messenger of Allâh ﷺ entered upon me and there was a man sitting with me. He got upset about that, and I saw the anger in his face.' I said: 'O Messenger of Allâh, he is my brother through breast-feeding.' He said: 'Be careful who you count as your brothers' – or: 'be careful who you count as your brothers through breast-feeding' – "for the breast-feeding (which makes marriage prohibited) is from hunger." (*Sahîh*)

٣٣١٤ - أَخْبَرَنَا هَنَادُ بْنُ السَّرِّيِّ فِي حَدِيثِهِ عَنْ أَبِي الْأَخْوَصِ، عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْنَاءِ، عَنْ أَبِيهِ عَنْ مَسْرُوقٍ قَالَ: قَالَتْ عَائِشَةُ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ وَعِنْدِي رَجُلٌ قَاعِدٌ فَأَشْتَدَّ ذُلْكَ عَلَيْهِ وَرَأَيْتُ الْغَضَبَ فِي وَجْهِهِ، فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنَّهُ أَخِي مِنَ الرَّضَاعَةِ، فَقَالَ: «إِنْظُرْنَ مَا إِخْوَانُكُنَّ» - وَمَرَّةً أُخْرَى - «إِنْظُرْنَ مَنْ إِخْوَانُكُنَّ مِنَ الرَّضَاعَةِ؛ فَإِنَّ الرَّضَاعَةَ مِنَ الْمَجَاجِعَةِ».

تخریج: أخرجه مسلم، الرضاع، باب: إنما الرضاع من الماجاعة، ح: ١٤٥٥ عن هناد،

والبخاري، الشهادات، باب الشهادة على الأنساب والرضاع المستفيض والموت القديم، ح: ٢٦٤٧، ح ٥١٠٢: من حديث أشعث به، وهو في الكبير، ح: ٥٤٦٣.

### Comments:

The relationship established by breast-feeding takes place in that period of time when the infant solely depends on milk, and its whole subsistence consists of milk only. If it eats any other thing, it is very little. His primary genuine food ought to be milk. And this is valid until the child is two years old.

## Chapter 52. The Breast Milk Belongs To The Husband

**3315.** It was narrated from ‘Amrah that ‘Aishah told her that the Messenger of Allâh ﷺ was with her, and she heard a man asking permission to enter Hafṣah’s house. ‘Aishah said: “I said: ‘O Messenger of Allâh ﷺ, there is a man asking permission to enter your house.’ The Messenger of Allâh ﷺ said: ‘I think it is so-and-so the paternal uncle of Hafṣah through breast-feeding.’ ‘Aishah said: ‘If so-and-so (her own paternal uncle through breast-feeding) were alive, would he be allowed to enter upon me?’ The Messenger of Allâh ﷺ said: ‘What becomes unlawful (for marriage) through breast-feeding is that which becomes unlawful through birth.’” (*Sahih*)

تخریج: أخرجه البخاري، ح: ٢٦٤٦، انظر الحديث السابق، ومسلم، الرضاع، باب: يحرم من الرضاعة ما يحرم من الولادة، ح: ١٤٤٤ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٦٠١، والبخاري، ح: ٥٤٧٠.

### Comments:

‘Aishah ﷺ was under the impression that consequent to breast-feeding or fosterage, the infant’s relationship is established to the woman, because it has suckled from her. But it does not have any relation with the woman’s husband, because the infant has no connection with him. The woman, nonetheless, lactates as a result of a man’s intercourse with her and her pregnancy with his child. Therefore, the relationship of the breast-fed infant would be established with both the woman and her husband. And this is the

(المعجم ٥٢) - لَبَنُ الْفَحْلِ (التحفة ٥٢)

٣٣١٥ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مَعْنُ قَالَ: حَدَّثَنَا مَالِكُ عَنْ عَبْدِ اللَّهِ ابْنِ أَبِي بَكْرٍ، عَنْ عُمَرَةَ، أَنَّ عَائِشَةَ أَخْبَرَتْهَا: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ عِنْدَهَا، وَأَنَّهَا سَمِعَتْ رَجُلًا يَسْتَأْذِنُ فِي بَيْتِ حَفْصَةَ، قَالَتْ عَائِشَةُ فَقَلَّتْ: يَا رَسُولَ اللَّهِ هَذَا رَجُلٌ يَسْتَأْذِنُ فِي بَيْتِكَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: أَرَاهُ فَلَمَّا لَعِمَ حَفْصَةَ مِنَ الرَّضَاعَةِ قَالَتْ عَائِشَةُ: فَقَلَّتْ: لَوْ كَانَ فَلَانُ حَيًّا لِعَمَّهَا مِنَ الرَّضَاعَةِ دَخَلَ عَلَيَّ، فَقَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ الرَّضَاعَةَ تُحْرِمُ مَا يُحْرِمُ مِنَ الْوِلَادَةِ.

intent of the name of the chapter; that the milk is a result of the father.

**3316.** It was narrated from 'Urwah that 'Aishah told him: "My paternal uncle through breast-feeding, Abû Al-Jâ'd, came to me, and I sent him away. – He (one of the narrators) said: "Hishâm said: 'He was Abû Al-Qu'aîs.' – "Then the Messenger of Allâh ﷺ came, and I told him. The Messenger of Allâh ﷺ said: 'Give him permission (to enter).'" (*Sahîh*)

٣٣١٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ قَالَ: أَخْبَرَنَا ابْنُ جُرَيْجَ  
قَالَ: أَخْبَرَنَا عَطَاءً عَنْ عُرْوَةَ، أَنَّ عَائِشَةَ  
أَخْبَرَتْهُ قَالَتْ: جَاءَ عَمِّي أَبُو الْجَعْدِ مِنَ  
الرَّضَاعَةِ فَرَدَّتْهُ، قَالَ: وَقَالَ هِشَامٌ: هُوَ أَبُو  
الْقَعْدَيْنِ، فَجَاءَ رَسُولُ اللَّهِ ﷺ فَأَخْبَرَهُ، فَقَالَ  
رَسُولُ اللَّهِ ﷺ: «إِذْنِي لَهُ». (اثْنَيْنِ لَهُ).

تخریج: آخر حجه مسلم، الرضاع، باب تحريم الرضاعة من ماء الفحل، ح: ٨/١٤٤٥ من  
حدیث عبدالرزاق به \* عطاء هو ابن أبي رياح.

### Comments:

A foster uncle could be of two kinds: the real brother of the foster father, or the foster brother of the real father. Marriage is forbidden with both of them.

**3317.** It was narrated from 'Aishah that the brother of Abû Al-Qu'aîs asked permission to enter upon 'Aishah after the Verse of *Hijâb* had been revealed, and she refused to let him in. Mention of that was made to the Prophet ﷺ and he said: "Let him in, for he is your paternal uncle." She said: "The woman breast-fed me, not the man." He said: "He is your paternal uncle, so let him visit you." (*Sahîh*)

٣٣١٧ - أَخْبَرَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ  
الصَّمِيدِ بْنِ عَبْدِ الْوَارِثِ قَالَ: حَدَّثَنِي أَبِي عَنْ  
أَيُوبَ، عَنْ وَهْبِ بْنِ كَبِيسَانَ، عَنْ عُرْوَةَ،  
عَنْ عَائِشَةَ: أَنَّ أَخَا أَبِي الْقَعْدَيْنِ اسْتَأْذَنَ عَلَى  
عَائِشَةَ بَعْدَ آيَةِ الْحِجَابِ فَأَبَثَ أَنْ تَأْذِنَ لَهُ،  
فَذَكَرَ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «إِنَّمَا لَهُ  
عَمَلُكِ» فَقَلَّتْ: إِنَّمَا أَرْضَعْتِي الْمَرْأَةُ وَلَمْ  
يُرْضِعْنِي الرَّجُلُ، فَقَالَ: «إِنَّهُ عَمَلُكِ فَلْيَرْجِعْ  
عَلَيْكِ». (اثْنَيْنِ لَهُ).

تخریج: [إسناده صحيح] وهو في الكبير، ح: ٥٤٧١، انظر الحديث السابق، ح: ٣٣٠٣.\*  
جده عبد الوارث بن سعيد.

**3318.** It was narrated that 'Aishah said: "Aflâh, the brother of Abû Al-Qu'aîs, who was my paternal uncle through breast-feeding, used to ask permission to enter upon me, and I refused to let him in

٣٣١٨ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ:  
أَخْبَرَنَا مَعْنُ قَالَ: حَدَّثَنَا مَالِكُ عَنْ ابْنِ  
شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ  
أَلْحَانُ أَخُو أَبِي الْقَعْدَيْنِ يَسْتَأْذِنُ عَلَيَّ وَهُوَ

until the Messenger of Allâh ﷺ came, and I told him about that. He said: "Let him in, for he is your paternal uncle." 'Aishah said: "That was after the (Verse of) *Hijâb* had been revealed." (*Sahîh*)

**تخریج:** أخرجه البخاري، النكاح، باب لب الفحل، ح: ٥١٠٣، ومسلم، الرضاع، باب تحریم الرضاعة من ماء الفحل، ح: ١٤٤٥ من حديث مالك به، وهو في الموطأ (يعینی): ٦٠٢/٢، والکبری، ح: ٥٤٧٢.

### Comments:

Marriage is forbidden with one's uncle. Therefore, there is no observation of *Hijâb* from him. He may go to the house of his niece, but after obtaining permission, because no one may enter anyone's house without first obtaining permission. Only the husband could enter his own house without permission.

**3319.** It was narrated that 'Aishah said: "My paternal uncle Aflah asked permission to enter upon me after the (Verse of) *Hijâb* had been revealed, but I did not let him in. The Prophet ﷺ came to me and I asked him (about that) and he said: 'Let him in, for he is your paternal uncle.' I said: 'O Messenger of Allâh, the woman breast-fed me, not the man.' He said: 'Let him in, may your hands be rubbed with dust, for he is your uncle.'" (*Sahîh*)

**تخریج:** أخرجه مسلم، ح: ٤/١٤٤٥ (انظر الحديث السابق) من حديث سفيان بن عيينة عن الزهرى به، وهو في الكبرى، ح: ٥٤٦٨.

**3320.** It was narrated that 'Aishah said: "Aflah, the brother of Abû Al-Qu'ais, came and asked permission to enter, and I said: 'I will not let him in until I seek the permission of the Prophet of Allâh.' When the Prophet of Allâh came, I said to him: 'Aflah, the brother of Abû Al-Qu'ais, came and asked permission to enter, but I refused to let him in.' He said:

عُمِّي مِن الرَّضَاعَةِ فَأَيْثُرَ أَنْ آذَنَ لَهُ، حَتَّى جَاءَ رَسُولُ اللَّهِ ﷺ فَأَخْبَرَهُ فَقَالَ: «إِذْنِي لَهُ فَإِنَّهُ عَمِّي» قَالَتْ عَائِشَةُ: وَذَلِكَ بَعْدَ أَنْ نَزَلَ الْحِجَابُ.

**تخریج:** أخرجه البخاري، النكاح، باب لب الفحل، ح: ٥١٠٣، من حديث مالك به، وهو في الموطأ (يعینی): ٦٠٢/٢، والکبری، ح: ٥٤٧٢.

٣٣١٩ - أَخْبَرَنَا عَبْدُ الْجَبَارِ بْنُ الْعَلَاءِ عَنْ سُفِيَّانَ، عَنِ الزُّهْرِيِّ وَهِشَامِ بْنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: أَشْتَادَنَ عَلَيَّ عُمِّي أَفْلَحَ بَعْدَ مَا نَزَلَ الْحِجَابُ فَلَمْ آذَنْ لَهُ، فَأَتَانِي النَّبِيُّ ﷺ فَسَأَلَهُ فَقَالَ: «إِذْنِي لَهُ فَإِنَّهُ عَمِّي» قُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّمَا أَرْضَعْتَنِي الْمَرْأَةُ وَلَمْ يُرْضِعْنِي الرَّجُلُ، قَالَ: «إِذْنِي لَهُ تَرِبَّتْ يَمِينِكَ فَإِنَّهُ عَمِّي».

٣٣٢٠ - أَخْبَرَنَا الرَّبِيعُ بْنُ شَلَيمَانَ بْنِ ذَاوَدَ قَالَ: حَدَّثَنَا أَبُو الْأَسْوَدِ وَإِسْحَاقُ بْنُ بَكْرٍ قَالَا: حَدَّثَنَا بَكْرُ بْنُ مُضْرَبٍ عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، عَنْ عَرَالِكَ بْنِ مَالِكٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَ أَفْلَحُ أَخُو أَبِي الْقَعْدَيْنِ يَشْتَأْذِنُ فَقُلْتُ: لَا آذَنْ لَهُ حَتَّى أَشْتَادَنَ نَبِيَّ اللَّهِ ﷺ، فَلَمَّا جَاءَ نَبِيُّ اللَّهِ ﷺ قُلْتُ لَهُ: جَاءَ

'Let him in, for he is your paternal uncle.' I said: 'The wife of Abû Al-Qu'aïs breast-fed me; the man did not breast-feed me.' He said: 'Let him in, for he is your paternal uncle.'" (*Sahîh*)

أَفْلَحُ أخْوَى أَبِي الْقَعْدَى يَسْتَأْذِنُ فَأَيْتُ أَنْ آذَنَ لَهُ، فَقَالَ: «إِنَّنِي لَهُ فَائِهٌ عَمْكٌ» قَلَّتْ: إِنَّا أَرْضَعْتِي امْرَأَةً أَبِي الْقَعْدَى وَلَمْ يُرْضِعْنِي الرَّجُلُ قَالَ: «إِنَّنِي لَهُ فَائِهٌ عَمْكٌ».

تخریج: [صحيح] تقدم، ح: ٣٣٠٣، وهو في الكبير، ح: ٥٤٧٣.

### Chapter 53. Breast-feeding An Adult

**3321.** Zainab bint Abî Salamah said: "I heard 'Âishah, the wife of the Prophet ﷺ say: 'Sahlah bint Suhail came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, I see (displeasure) in the face of Abû Hudhaifah when Sâlim enters upon me.' The Messenger of Allâh ﷺ said: 'Breast-feed him.' She said: 'He has a beard.' He said: 'Breast-feed him, and that will take away (the displeasure) in the face of Abû Hudhaifah.' She said: 'By Allâh, I never saw that on the face of Abû Hudhaifah after that.'" (*Sahîh*)

### (المعجم ٥٣) - بَابُ رَضَاعِ الْكَبِيرِ (التحفة ٥٣)

٣٣٢١ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي مَحْرَمَةُ ابْنِ بَكِيرٍ عَنْ أَبِيهِ قَالَ: سَمِعْتُ حُمَيْدَ بْنَ نَافِعَ يَقُولُ: سَمِعْتُ رَبِيعَ بْنَ أَبِي سَلَمَةَ قَوْلُ: سَمِعْتُ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ قَوْلُ: جَاءَتْ سَهْلَةُ بْنُتْ شَهْلَلَةَ إِلَى رَسُولِ اللَّهِ ﷺ قَفَّالْتُ: يَا رَسُولَ اللَّهِ! إِنِّي لَأَرَى فِي وَجْهِ أَبِي حُدَيْفَةَ مِنْ دُخُولِ سَالِمٍ عَلَيَّ، قَالَ رَسُولُ اللَّهِ ﷺ: «أَرْضِعِيهِ» قَلَّتْ: إِنَّهُ لَدُو لِحْيَةٌ قَفَالْتُ: «أَرْضِعِيهِ يَذْهَبُ مَا فِي وَجْهِ أَبِي حُدَيْفَةَ» قَالَتْ: وَاللَّهِ! مَا عَرَفْتُهُ فِي وَجْهِ أَبِي حُدَيْفَةَ بَعْدُ.

تخریج: أخرجه مسلم، الرضاع، باب رضاعة الكبير، ح: ٣٠ / ١٤٥٣ من حديث ابن وهب به، وهو في الكبير، ح: ٥٤٧٩ \* بكير هو ابن عبدالله بن الأشج.

#### Comments:

Abû Hudhaifah ﷺ had adopted Sâlim (son). He dwelt in the house like sons and used to frequent the house. When the command that an adopted son does not become a son in the real sense of the word, or the rulings of son are applied to him descended, observing *Hijâb* around him became obligatory. That is why the afore-mentioned situation materialized.

**3322.** It was narrated that 'Âishah said: 'Sahlah bint Suhail came to the Messenger of Allâh ﷺ and said: 'I

٣٣٢٢ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنَ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ:

see (displeasure) in the face of Abû Hudhaifah when Sâlim enters upon me.' The Messenger of Allâh ﷺ said: 'Breast-feed him.' She said: 'How can I breast-feed him when he is a grown man?' He said: 'Don't I know that he is a grown man?' Then she came after that and said: 'By the One Who sent you with the truth as a Prophet, I have never seen anything I dislike on the face of Abû Hudhaifah after that.'" (*Sahîh*)

سَوْعَنَا مِنْ عَبْدِ الرَّحْمَنِ - وَهُوَ ابْنُ الْقَاسِمِ  
- عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتْ سَهْلَةَ  
سَهْلَةَ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: إِنِّي  
أَرَى فِي وَجْهِ أَبِي حُذَيْفَةَ مِنْ دُخُولِ سَالِمٍ  
عَلَيَّ، قَالَ: «فَأَرْضَعِيهِ» قَالَتْ: وَكَيْفَ  
أَرْضَعَهُ وَهُوَ رَجُلٌ كَبِيرٌ؟ قَالَ: «إِلَّا شُتُّ أَغْلَمُ  
أَنَّهُ رَجُلٌ كَبِيرٌ» ثُمَّ جَاءَتْ بَعْدَ ذَلِكَ  
وَالَّذِي بَعْنَكَ بِالْحَقِّ يَسِّيَا! مَا رَأَيْتَ فِي وَجْهِ  
أَبِي حُذَيْفَةَ بَعْدَ شَيْئًا أَكْرَهْهُ.

تخریج: أخرجه مسلم، ح: ٢٦/١٤٥٣ من حديث سفيان بن عيينة به، انظر الحديث السابق.

**3323.** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ commanded the wife of Abû Hudhaifah to breast-feed Sâlim, the freed slave of Abû Hudhaifah, so that the protective jealousy of Abû Hudhaifah would be dispelled. She breast-fed him when he was a man." (One of the narrators) Rabi'ah said: "That was a concession granted to Sâlim." (*Sahîh*)

٣٣٢٣ - أَخْبَرَنَا أَخْمَدُ بْنُ يَحْيَى بْنُ  
الْوَزِيرِ قَالَ: سَوْعَنَتْ ابْنَ وَهْبٍ قَالَ: أَخْبَرَنِي  
سَلِيمَانُ عَنْ يَحْيَى وَرَبِيعَةَ، عَنْ الْقَاسِمِ، عَنْ  
عَائِشَةَ قَالَتْ: أَمْرَ اللَّهِ بِهِ أَمْرَأَ أَبِي حُذَيْفَةَ  
أَنْ تُرْضِعَ سَالِمًا مَوْلَى أَبِي حُذَيْفَةَ حَتَّى  
تَذَهَّبَ غَيْرَهُ أَبِي حُذَيْفَةَ، فَأَرْضَعَهُ وَهُوَ  
رَجُلٌ، قَالَ رَبِيعَةُ: فَكَانَتْ رُحْصَةً لِسَالِمِ.

تخریج: [إسناده صحيح] وانظر الحديث السابق والآتي \* سليمان هو ابن بلال، ويحيى هو ابن سعيد الأنصاري، وربيعة هو ابن أبي عبد الرحمن الرأي.

#### Comments:

It could be stated that at the present time also, if non-Muslims embrace Islam and if they encounter this problem, they also may benefit from this dispensation, provided it solves the problem, as the problem of Abû Hudhaifah was solved.

**3324.** It was narrated that 'Âishah said: "Sahlah came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, Sâlim enters upon us and he understands what men understand, and knows what

٣٣٢٤ - أَخْبَرَنَا حُمَيْدُ بْنُ مَسْعَدَةَ عَنْ  
سَفِيَانَ - وَهُوَ ابْنُ حَبِيبٍ - عَنْ ابْنِ جُرَيْجٍ،  
عَنْ ابْنِ أَبِي مُلَيْكَةَ، عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ،  
عَنْ عَائِشَةَ قَالَتْ: جَاءَتْ سَهْلَةَ إِلَى رَسُولِ

men know.' He said: 'Breast-feed him, and you will become unlawful to him thereby.' (Ibn Abi Mulaikah, one of the narrators said:) For a year I did not narrate this, then I met Al-Qâsim and he said: 'Narrate it and do not worry about it.'" (*Sahîh*)

\* تخریج: أخرجه مسلم، ح: ٢٨/١٤٥٣ كم

عبدالله بن عبید الله بن أبي مليكة.

### Comments:

See No. 3321.

**3325.** It was narrated from 'Âishah that Sâlim, the freed slave of Abû Hudhaifah was with Abû Hudhaifah and his family in their house. The daughter of Suhail came to the Prophet ﷺ and said: "Sâlim has reached the age of manhood, and understands what men understand. He enters upon us, and I think that Abû Hudhaifah is not happy about that." The Prophet ﷺ said: "Breast-feed him, and you will become unlawful to him." So she breast-fed him, and the displeasure of Abû Hudhaifah disappeared. She came back to him and said: "I breast-fed him and the displeasure of Abû Hudhaifah has disappeared." (*Sahîh*)

تخریج: أخرجه مسلم، ح: ٢٧/١٤٥٣ من حديث عبد الوهاب القمي به، انظر الحديث السابق.

**3326.** It was narrated that 'Urwah said: "The rest of the wives of the Prophet ﷺ refused for anyone to enter upon them on the basis of that type of breast-feeding, meaning breast-feeding of an adult. They said to 'Âishah: 'By Allâh, we think that what the Messenger of

الله ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّ سَالِمًا يَدْخُلُ عَلَيْنَا وَقَدْ عَقَلَ مَا يَعْقُلُ الرِّجَالُ وَعَلِمَ مَا يَعْلَمُ الرِّجَالُ، قَالَ: «أَرْضِعِيهِ تَحْرُمِي عَلَيْهِ بِذَلِكَ». فَمَكَثَ حَوْلًا لَا أَحَدُثُ بِهِ وَلَفِيتُ الْقَاسِمَ فَقَالَ: حَدَّثَتِ بِهِ وَلَا تَهَابِهُ.

**٣٣٢٥ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ عَنْ عَبْدِ الْوَهَابِ** قَالَ: حَدَّثَنَا أَيُوبُ عَنْ ابْنِ أَيِّي مُلِيقَةَ، عَنْ الْقَاسِمِ، عَنْ عَائِشَةَ: أَنَّ سَالِمًا مَوْلَى أَيِّي حُدَيْفَةَ كَانَ مَعَ أَيِّي حُدَيْفَةَ وَأَهْلِهِ فِي بَيْتِهِمْ، فَأَتَتْ بِنْتُ شَهَيْلٍ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنَّ سَالِمًا قَدْ بَلَغَ مَا يَتَلَقَّعُ الرِّجَالُ وَعَقَلَ مَا عَقَلُوهُ وَإِنَّهُ يَدْخُلُ عَلَيْنَا، وَلَنِي أَظُنُّ فِي نَفْسِ أَيِّي حُدَيْفَةَ مِنْ ذَلِكَ شَيْئًا، فَقَالَ النَّبِيُّ ﷺ: «أَرْضِعِيهِ تَحْرُمِي عَلَيْهِ» فَأَرْضَعَتْ فَدَهَبَ الَّذِي فِي نَفْسِ أَيِّي حُدَيْفَةَ، فَرَجَعَتْ إِلَيْهِ فَقُلْتُ: إِنِّي قَدْ أَرْضَعْتُهُ فَدَهَبَ الَّذِي فِي نَفْسِ أَيِّي حُدَيْفَةَ.

تخریج: أخرجه مسلم، ح: ٢٧/١٤٥٣ من حديث عبد الوهاب القمي به، انظر الحديث السابق.

**٣٣٢٦ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى** قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ وَمَالِكٌ عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ قَالَ: أَبَيِ سَائِرِ أَزْوَاجِ النَّبِيِّ ﷺ أَنْ يَدْخُلَ عَلَيْهِنَّ بِتِلْكَ الرَّضْعَةِ أَحَدٌ مِنَ النَّاسِ بُرِيدٌ رِضَاعَةُ الْكَبِيرِ،

Allâh ﷺ told Sahlah bint Suhail to do was a concession which was granted by the Messenger of Allâh ﷺ only with regard to breast-feeding Sâlim. By Allâh, no one will enter upon us, nor see us on the basis of this type of breast-feeding.”” (*Sahîh*)

تخریج: [إسناده صحيح] أخرجه أبو داود، النکاح، باب من حرم به، ح: ٢٠٦١ من حديث يونس بن يزيد عن ابن شهاب الزهرى به مطولاً، وهو في الموطأ (يعنى): ٢٠٥/٢، ٦٠٦، ٦٠٥، ٥٤٧٧، وأخرجه البخاري، ح: ٥٠٨٨ وغيره من حديث الزهرى به، وله طريق أخرى عند مسلم وغيره.

**3327.** Zainab bint Abû Salamah narrated that her mother Umm Salamah, the wife of the Prophet ﷺ, used to say: “The rest of the wives of the Prophet ﷺ refused for anyone to enter upon them on the basis of that type of breast-feeding, meaning breast-feeding of an adult. They said to ‘Aishah: ‘By Allâh, we think that this is a concession which the Messenger of Allâh ﷺ granted only to Sâlim. No one will enter upon us, nor see us on the basis of this type of breast-feeding.’” (*Sahîh*)

تخریج: أخرجه مسلم، الرضاع، باب رضاعة الكبير، ح: ١٤٥٤ عن عبد الملك به، وهو في الكبير، ح: ٥٤٧٨.

### Comments:

This conception and inference of the wives of the Prophet ﷺ is absolutely correct. ‘Aishah ؓ used to hold this view. (For further details, see *Hadîth* 3323).

### Chapter 54. *Al-Ghîlah* (Intercourse With A Breast-feeding Woman)

**3328.** It was narrated from ‘Aishah that Judâmah bint Wahb told her that the Messenger of Allâh ﷺ

وَقُلْنَا: لِعَائِشَةَ وَاللَّهُ! مَا نُرِيَ الَّذِي أَمَرَ رَسُولَ اللَّهِ ﷺ سَهْلَةَ بْنَتْ سَهْلَيْنَ إِلَّا رُخْصَةَ فِي رَضَاعَةِ سَالِمٍ وَحْدَهُ مِنْ رَسُولِ اللَّهِ ﷺ، وَاللَّهُ! لَا يَدْخُلُ عَلَيْنَا أَحَدٌ بِهِنْدِ الرَّضَاعَةِ وَلَا يَرَانَا.

**٣٣٢٧** - أَخْبَرَنَا عَبْدُ الْكَلِيلِ بْنُ شَعْبَيْنِ أَبْنِ الْلَّيْثِ قَالَ: أَخْبَرَنِي أَبِي عَنْ جَدِّي قَالَ: حَدَّثَنِي عَيْنَى عَيْنَى عَنْ أَبْنِ شَهَابٍ: أَخْبَرَنِي أَبُو عَيْنَى بْنُ عَبْدِ اللَّهِ بْنِ زَمْعَةَ، أَنَّ أُمَّةَ رَبِّنَبَ بَنْتَ أَبِي سَلَمَةَ أَخْبَرَتْهُ، أَنَّ أُمَّهَا أُمُّ سَلَمَةَ زَوْجَ السَّيِّدِ ﷺ كَانَتْ تَقُولُ: أَبِي سَائِرِ أَرْوَاحِ النَّبِيِّ ﷺ أَنْ يُدْخَلَ عَلَيْهِنَّ بِتْلُكَ الرَّضَاعَةِ، وَقُلْنَا لِعَائِشَةَ: وَاللَّهُ! مَا نُرِيَ هَذِهِ إِلَّا رُخْصَةَ رَحْصَهَا رَسُولُ اللَّهِ ﷺ خَاصَّةً لِسَالِمٍ، فَلَا يَدْخُلُ عَلَيْنَا أَحَدٌ بِهِنْدِ الرَّضَاعَةِ وَلَا يَرَانَا.

المعجم (٥٤) - العِيلَةُ (التحفة ٥٤)

**٣٣٢٨** - أَخْبَرَنَا عَيْنَى اللَّهِ وَإِسْحَاقُ بْنُ مَنْصُورٍ عَنْ عَبْدِ الرَّحْمَنِ عَنْ مَالِكٍ عَنْ أَبِي

said: "I was thinking of forbidding Ghîlah until I remembered that it is done by the Persians and Romans" – (one of the narrators) Ishâq said: "(They) do that – and it does not harm their children." (Sahîh)

الأَسْوَدُ عَنْ عُرْوَةَ عَنْ عَائِشَةَ أَنَّ جُدَامَةَ بْنَ وَهْبٍ حَدَّثَهَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَقَدْ هَمَمْتُ أَنْ أَنْهَى عَنِ الْغِيلَةِ حَتَّى ذَكَرْتُ أَنَّ فَارِسَ وَالرُّومَ يَضْطَعُهُ». - وَقَالَ إِسْحَاقُ: «يَصْنَعُونَهُ - فَلَا يَضُرُّ أَوْلَادَهُمْ».

تخریج: أخرجه مسلم، النکاح، باب جواز الغيلة وهي وطء المرضع وكراهة العزل، ح: ١٤٤٢ من حديث مالک به، وهو في الموطأ (یحیی): ٦٠٧، ٦٠٨، والکبری، ح: ٥٤٨٥.

## Chapter 55. Coitus Interruptus

(المعجم (٥٥) - بَابُ العَزْلِ (التحفة (٥٥)

**3329.** It was narrated from 'Abdur-Rahmân bin Bishr bin Mas'ûd, who attributed the *Hadîth* to Abû Sa'eed Al-Khudrî, that mention of that (coitus interruptus) was made to the Messenger of Allâh ﷺ and he said: "Why do you do that?" We said: "A man may have a wife, and he has intercourse with her, but he does not want her to get pregnant, or he may have a concubine, and he has intercourse with her, but he does not want her to get pregnant." He said: "It does not make any difference if you do that, for it is the matter of *Al-Qadar*." (Sahîh)

٣٣٢٩ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ وَحُمَيْدُ بْنُ مَسْعَدَةَ قَالَا: حَدَّثَنَا يَرِيدُ بْنُ زُرْيَعَ قَالَ: حَدَّثَنَا ابْنُ عَوْنَى عَنْ مُحَمَّدِ بْنِ سَبِّيْرِينَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَسْرِيْرِ بْنِ مَسْعُودٍ، وَرَدَّ الْحَدِيثَ حَتَّى رَدَّهُ إِلَى أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: ذُكِرَ ذَلِكَ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «وَمَا ذَاكُمْ قُلْنَا: الرَّجُلُ تَكُونُ لَهُ الْمُرَأَةُ فَيَصِيبُهَا وَيَنْكِرُهُ الْحَمْلُ، وَتَكُونُ لَهُ الْأُمَّةُ فَيَصِيبُهَا وَيَنْكِرُهُ أَنْ تَحْمِلَ مِنْهُ»، قَالَ: «لَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا فَإِنَّمَا هُوَ الْقَدْرُ».

تخریج: أخرجه مسلم، النکاح، باب حكم العزل، ح: ١٤٣٨ من حديث عبدالله بن عون به، وهو في الكبری، ح: ٥٤٨٦.

### Comments:

1. *Al-Azl* or coitus interruptus means that a man has intercourse with his wife or slave-woman, but does not allow emission of semen; he ejaculates outside. The objective is to prevent pregnancy.
2. Permissibility or impermissibility of the coitus interruptus depends upon one's intention. If the intention is good, for instance, so the infant's (nursing) health is not injured, or the woman's health does not permit pregnancy, then coitus interruptus is permissible. But if the intention is bad as in concerns for providing for the children, etc., then coitus interruptus is not permissible.

**3330.** It was narrated from Abû Sa'eed Az-Zuraqî that a man asked the Messenger of Allâh ﷺ about coitus interruptus and said: "My wife is breast-feeding and I do not want her to get pregnant." The Prophet ﷺ said: "What has been decreed in the womb will come to be." (*Hasan*)

٣٣٣٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ عَنْ مُحَمَّدٍ قَالَ: حَدَّثَنَا شَعْبَةُ عَنْ أَبِي القَبْصَيْ قَالَ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ مَرْءَةَ الزُّرْقَيِّ عَنْ أَبِي سَعِيدِ الْزُّرْقَيِّ: أَنَّ رَجُلًا سَأَلَ رَسُولَ اللَّهِ ﷺ عَنِ الْعَرْزِ فَقَالَ: إِنَّ امْرَأَيَ تُرْضِعُ وَأَنَا أَكُرُّ أَنْ تَحْمِلَ، فَقَالَ الشَّيْبَيُّ رَضِيَ اللَّهُ عَنْهُ: إِنَّ مَا قَدْ قُدِّرَ فِي الرَّحْمِ سَيَكُونُ".

تخریج: [إسناده حسن] أخرجه أحمده: ٤٥٠ / ٣ عن محمد وهو ابن جعفر غندر به، وهو في الكبرى، ح: ٥٤٨٧ \* أبو القبص الشامي اسمه موسى بن أيوب وهو الحمصي.

#### Comments:

In spite of it, Allâh's Messenger ﷺ did not forbid coitus interruptus, because like other means, this is also a means to prevent pregnancy, which could be made use of. Though, the ultimate verdict lies in the hands of Allâh, Most High.

### Chapter 56. Rights And Status Of The Breast-feeding Mother

**3331.** It was narrated from Hajjâj bin Hajjâj that his father said: "I said: 'O Messenger of Allâh, how can I pay back the dues of the one who breast-fed me?' He said: 'By giving a male or female slave.'" (*Hasan*)

(المعجم ٥٦) - حُقُّ الرَّضَاعِ وَحُرْمَتَهُ  
(التحفة ٥٦)

٣٣٣١ - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَحْيَى عَنْ هِشَامٍ قَالَ: وَحَدَّثَنِي أَبِي عَنْ حَبَّاجَيْ بْنَ حَبَّاجَ، عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! مَا يُدْهِبُ عَنِي مَدْمَةَ الرَّضَاعِ؟ قَالَ: «غُرَّةً عَبْدُ أُوْ أَمَّةٍ».

تخریج: [إسناده حسن] أخرجه أبو داود، النکاح، باب: في الرضاع عند الفصال، ح: ٢٠٦٤، والترمذی، الرضاع، باب ما يذهب مدممة الرضاع، ح: ١١٥٣ من حديث هشام بن عروة به، وهو في الكبرى، ح: ٥٤٨٢، وقال الترمذی: "حسن صحيح"، وصححه ابن حبان، وله شواهد كثيرة، (مجموع الروايات: ٢٦٢ / ٤ وغيره).

#### Comments:

The right of the real mother can never be fulfilled. That will be fulfilled by Allâh Himself. However, for the woman whom one has suckled, if a slave or a slave woman is given to her to serve her, this would fulfill her right.

## Chapter 57. Testimony With Regard To Breast-feeding

**3332.** It was narrated that ‘Uqbah bin Al-Hârith said: I married a woman, then a black woman came to us and said: I breast-fed you both. I went to the Prophet ﷺ and said: I married so and so and a black woman came to me and said: I breast-fed you both. He turned away from me so I came to him from the other side and said: She is lying. He said: “How can you be intimate with your wife when she says that she breast-fed you both? Leave her (divorce her).” (*Sahîh*)

(المعجم ٥٧) - الشهادة في الرضاع

(التحفة ٥٧)

٣٣٣٢ - أَخْبَرَنَا عَلَيُّ بْنُ حُجَّيْرٍ قَالَ: أَخْبَرَنَا إِسْمَاعِيلُ عَنْ أَيُوبَ، عَنْ أَبِي أَبِي مُلِيْكَةَ قَالَ: حَدَّثَنِي عُيَيْدُ بْنُ أَبِي مَرِيَمَ عَنْ عَفْيَةَ بْنِ الْحَارِثِ قَالَ: وَقَدْ سَمِعْتُ مِنْ عُقْبَةَ وَلَكِنِّي لِحَدِيثِ عُيَيْدٍ أَحْفَطُ، قَالَ: تَرَوَجْتُ امْرَأَةً فَجَاءَتْنَا امْرَأَةٌ سَوْدَاءُ فَقَالَتْ: إِنِّي قَدْ أَرْضَعْتُكُمَا، فَأَتَيْتُ النَّبِيَّ ﷺ فَأَخْبَرْتُهُ فَقُلْتُ: إِنِّي تَرَوَجْتُ فُلَانَةً بْنَتْ فُلَانَيْنَ فَجَاءَتْنِي امْرَأَةٌ سَوْدَاءُ فَقَالَتْ: إِنِّي قَدْ أَرْضَعْتُكُمَا، فَأَغَرَّضَ عَنِّي فَأَتَيْتُهُ مِنْ قِبَلِ وَجْهِهِ فَقُلْتُ: إِنَّهَا كَادِيَّةٌ، قَالَ: «وَكَيْفَ يَهَا وَقَدْ زَعَمْتُ أَنَّهَا قَدْ أَرْضَعْتُكُمَا؟ دَعْهَا عَنْكَ».

تخریج: أخرجه البخاري، النکاح، باب شهادة المرضعة، ح: ١٠٤ من حديث إسماعيل ابن عليه به، وهو في الكبير، ح: ٤٨٤.

### Comments:

‘Leave her’: because fosterage is a concealed matter. To find witnesses for it is not possible. It is specifically so when the breast-feeding woman is a slave-woman. This is because the slave women usually frequent houses. If they observe any child crying, they readily set about suckling it. Apparently, witnesses are not expected on such occasions. Therefore, seeking witnesses upon fosterage is futile. Rather, the claim of a nursing woman would be substantiated by swearing an oath.

## Chapter 58. Marrying Those Whom One's Father Married

**3333.** It was narrated that Al-Barâ’ said: “I met my maternal uncle who was carrying a flag (for an expedition) and I said: ‘Where are you going?’ He said: ‘The Messenger of Allâh ﷺ is sending

(المعجم ٥٨) - نِكَاحُ مَا نَكَحَ الْآبَاءُ

(التحفة ٥٨)

٣٣٣٣ - أَخْبَرَنَا أَحْمَدُ بْنُ عُثْمَانَ بْنَ حَكِيمٍ قَالَ: حَدَّثَنَا أَبُو ثَعِيْبٍ قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ صَالِحٍ عَنِ الشَّدِيْقِ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنِ الْبَرَاءِ قَالَ: لَقِيَتْ خَالِيَ وَمَعَهُ

me to a man who has married his father's wife after he died, to strike his neck or kill him.”” (*Sahih*)

الرَّأْيُهُ قَلَّتْ : أَيْنَ تُرِيدُ؟ قَالَ : أَرْسَلَنِي رَسُولُ اللَّهِ وَإِلَى رَجُلٍ تَرَوَّجَ امْرَأَةً أَبِيهِ مِنْ بَعْدِهِ أَنْ أَضْرِبَ عُنْقَهُ أَوْ أَقْتَلَهُ .

**تخريج :** [إسناده صحيح] أخرجه الترمذى، الأحكام، باب: فيمن تزوج امرأة أبيه، ح: ١٣٦٢ من حديث عدى به، وقال: ”حسن غريب“، وصححه ابن الجارود، ح: ٦٨١، وله طرق عند أبي داود، ح: ٤٤٥٦، وابن حبان، ح: ١٥١٦، والترمذى، والحاكم: ١٩١/٢ وغيرهم، وانظر الحديث الآتى.

### Comments:

’No one can marry one’s own mother’: This means the wife of one’s father (stepmother). One might think she is not one’s (real) mother, so one could marry her. That is why Allâh’s Messenger ﷺ unequivocally negated it. The Command: “And do not marry the women whom your fathers married” (*An-Nisa*: 22) is applicable to one’s paternal as well as maternal grandparents. This is because according to the custom prevalent in the society, they equal fathers. ’Strike his neck’: Whether he had intercourse with her or not. This punishment is for the unlawful marriage.

**3334.** It was narrated from Yazîd bin Al-Barâ’ that his father said: “I met my maternal uncle who was carrying a flag (for an expedition) and I said: ‘Where are you going?’ He said: ‘The Messenger of Allâh ﷺ is sending me to a man who has married his father’s wife, and he has commanded me to strike his neck (kill him) and seize his wealth.’” (*Sahîh*)

٣٣٣٤ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ : حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ قَالَ : حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَمْرِو عَنْ زَيْدٍ ، عَنْ عَدِيِّ بْنِ ثَابِتٍ ، عَنْ يَزِيدَ بْنِ الْبَرَاءِ ، عَنْ أَبِيهِ قَالَ : أَصَبَّتُ عَمِيْ وَمَعْنَاهُ رَأْيَهُ قَلَّتْ : أَيْنَ تُرِيدُ؟ قَالَ : بَعْثَنِي رَسُولُ اللَّهِ وَإِلَى رَجُلٍ نَكَحَ امْرَأَةً أَبِيهِ فَأَمَرَنِي أَنْ أَضْرِبَ عُنْقَهُ وَآخُذَ مَالَهُ .

**تخريج :** [إسناده صحيح] أخرجه أبو داود، الحدود، باب: في الرجل يزني بحرمه، ح: ٤٤٥٧ من حديث عبد الله بن عمرو به، وهو في الكبير، ح: ٥٤٨٩، وانظر الحديث السابق \* زيد هو ابن أبي أنسة.

### Comments:

1. ’A flag’ means the banner of Allâh’s Messenger ﷺ, which served as a sign that he had really been sent by the Messenger of Allâh ﷺ.
2. ’Seize his wealth’: Committing marriage with the wife of one’s father warrants capital punishment, and that his property shall be seized.

## Chapter 59. Meaning Of The Saying Of Allâh, The Mighty And Sublime: “Also (Forbidden Are) Women Already Married, Except Those (Slaves) Whom Your Right Hands Possess.”<sup>[1]</sup>

3335. It was narrated from Abû Sa'eed Al-Khudrî that the Prophet of Allâh ﷺ sent an army to Awâtâs. They met the enemy, fought them, and prevailed over them. They acquired female prisoners who had husbands among the idolaters. The Muslims felt reluctant to be intimate with them. Then Allâh, the Mighty and Sublime revealed: “Also (forbidden are) women already married, except those (slaves) whom your right hands possess,<sup>[2]</sup> meaning, this is permissible for you once they have completed their *Iddah*. (*Sahîh*)

تخریج: أخرجه مسلم، الرضاع، باب جواز وطء المسيبة بعد الاستبراء ... الخ، ح: ١٤٥٦ من حديث يزيد بن زريع به، وهو في الكبير، ح: ٥٤٩٢ \* سعيد هو ابن أبي عروبة، وتابعه شعبة عند مسلم .

### Comments:

- ‘The Muslims felt reluctant’ because they were married, and their husbands were alive.
- ‘Completed their *Iddah*’: And this waiting period is one menstrual cycle. If the menses start, sexual intercourse would be permitted when it ends. But if the menses stop coming, it would be indicative of pregnancy. Until the childbirth, sexual intercourse is not permitted, nor marriage.

## Chapter 60. *Ash-Shighâr*<sup>[3]</sup>

3336. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade *Ash-Shighâr*. (*Sahîh*)

(المعجم ٥٩) - تأویل قول الله عزوجل : «والمختنکت من النساء إلا ما ملکت آئینکنکم» [النساء: ٢٤] [التحفة ٥٩]

٣٣٣٥ - أخبرنا محمد بن عبد الأعلى قال: حدثنا يزيد بن زريع قال: حدثنا سعيد عن قتادة، عن أبي الخليل، عن أبي علقمة الهاشمي، عن أبي سعيد الخدري: أنَّ نبِيَ الله ﷺ بَعَثَ جِيشًا إِلَى أَوْطَاسٍ فَلَقُوا عَدُوًا فَقَاتَلُوهُمْ وَظَهَرُوا عَلَيْهِمْ فَأَصَابُوهُمْ سَبَايَا لَهُنَّ أَرْوَاحٌ فِي الْمُشْرِكِينَ فَكَانَ الْمُسْلِمُونَ تَحْرِجُوْا مِنْ غَسْبَاهُنَّ، فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ : «والمختنکت من النساء إلا ما ملکت آئینکنکم» [النساء: ٢٤] أي هذَا لَكُمْ حَلَالٌ إِذَا افْتَضَتِ عِدَّهُنَّ .

(المعجم ٦٠) - باب الشغار (التحفة ٦٠)

٣٣٣٦ - أخبرنا عبيد الله بن سعيد قال: حدثنا يحيى عن عبيد الله قال: أخبرني نافع

[1] *An-Nisâ' 4:24.*

[2] *An-Nisâ' 4:24.*

[3] It is explained in the following chapter.

عَنْ أَبْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ نَهَىٰ عَنِ  
الشَّغَارِ.

**تخریج:** آخرجه البخاري، العigel، باب الحيلة في النكاح، ح: ٦٩٦٠، ومسلم، النكاح، باب تحریم نکاح الشغار ويطلانه، ح: ٥٨/١٤١٥ عن عبید الله بن سعید به، وهو في الكبرى، ح: ٥٤٩٤ \* يحيى هو القطان.

### Comments:

*Ash-Shigâr* is one of the many forms of marriage that prevailed during the time of ignorance. For details, see below

**3337.** It was narrated from 'Imrân bin Hushayn that the Messenger of Allâh ﷺ said: "There is no 'bringing', no 'avoidance'<sup>[1]</sup> and no *Shighâr* in Islam, and whoever robs, he is not one of us." (*Sahîh*)

٣٣٣٧ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ قَالَ:  
حَدَّثَنَا يَشْرُبُرْ قَالَ: حَدَّثَنَا حُمَيْدُ عَنِ الْحَسَنِ،  
عَنْ عِمْرَانَ أَبْنِ حُصَيْنٍ: أَنَّ رَسُولَ اللَّهِ نَهَىٰ  
قَالَ: «لَا جَلْبَ وَلَا جَبَّ وَلَا شِغَارَ فِي  
الإِسْلَامِ، وَمَنْ اتَّهَبَ نَهَيَةً فَأَيْسَرَ مِنَّا».

**تخریج:** [صحیح] آخرجه ابن ماجه، الفتن، باب النبي عن النهبة، ح: ٣٩٣٧ عن حمید بن مساعدة به، وهو في الكبرى، ح: ١١٢٣ "حسن صحيح" \* بشر هو ابن المفضل، وحمید هو الطويل، وللحديث شواهد، انظر، ح: ١٨٥٣ .

**3338.** It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'There is no 'bringing', no 'avoidance' and no *Shighâr* in Islam, and whoever robs, he is not one of us.'" (*Sahîh*)

Abû 'Abdur-Râhmân said: This is a grave error and what is correct is the narration of *Bishr*.

٣٣٣٨ - أَخْبَرَنَا عَلَيُّ بْنُ مُحَمَّدٍ بْنُ عَلَيٍّ  
قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ عَنِ الْفَزَارِيِّ، عَنْ  
حُمَيْدٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ نَهَىٰ  
«لَا جَلْبَ وَلَا جَبَّ وَلَا شِغَارَ فِي الإِسْلَامِ».  
قَالَ أَبُو عَبْدِ الرَّحْمَنِ: هَذَا خَطَأً فَاجْهَشْ  
وَالصَّوَابُ حَدِيثُ يَشْرُبُرْ.

**تخریج:** [صحیح] وهو في الكبرى، ح: ٥٤٩٦، والحديث السابق شاهد له \* محمد بن كثير هو المصيصي، الفزاری هو إبراهیم بن محمد بن الحارث، وعلی بن محمد هو ابن أبي المضاء.

[1] Bringing (*Jalab*) and avoidance (*Janab*): meaning, the *Zakâh* collector should not stop in one place and demand that the people bring their goods and livestock to him to assess them and determine how much is due. Conversely, the people should not go to remote areas away from where they are expected to be, so that the *Zakâh* collector has to travel far and face undue hardship in doing his job.

## Chapter 61. Explanation Of *Ash-Shighâr*

**3339.** It was narrated from Ibn 'Umar that the Messenger of Allâh forbade *Ash-Shighâr*. *Ash-Shighâr* means when a man marries his daughter to another man, on the condition that that man marries his daughter to him, and no dowry is exchanged between them. (*Sahîh*)

(المعجم ٦١) - **تَفْسِيرُ الشَّغَارِ** (التحفة ٦١)

٣٣٣٩ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مَعْنُ قَالَ: حَدَّثَنَا مَالِكُ عَنْ نَافِعٍ؛ حَدَّثَنَا مَسْكِينٌ قَرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنْ ابْنِ الْقَاسِمِ: قَالَ مَالِكُ: حَدَّثَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ نَهَى عَنِ الشَّغَارِ، وَالشَّغَارُ: أَنْ يُرْوِجَ الرَّجُلُ الرَّجُلَ ابْنَتَهُ عَلَى أَنْ يُرْوِجَهُ ابْنَتَهُ وَلَيْسَ بِيَهُمَا صَدَاقٌ.

تخریج: أخرجه البخاري، النکاح، باب الشغار، ح: ٥١١٢، ومسلم، النکاح، باب تحریم نکاح الشغار وبطلانه، ح: ١٤١٥ من حديث مالک به، وهو في الموطأ (يحيى): ٥٣٥ / ٢، والکبری، ح: ٥٤٩٧.

**3340.** It was narrated that Abû Hurairah said: "The Messenger of Allâh forbade *Ash-Shighâr*." (One of the narrators) 'Ubaidullâh said: "*Ash-Shighâr* means when a man gives his daughter in marriage on condition that (the other man) gives him his sister in marriage." (*Sahîh*)

٣٣٤٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ وَعَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ بْنِ سَلَامٍ قَالَا: حَدَّثَنَا إِسْحَاقُ الْأَزْرَقُ عَنْ عُبَيْدِ اللَّهِ، عَنْ أَبِي الرَّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ نَهَى عَنِ الشَّغَارِ. قَالَ عُبَيْدُ اللَّهِ: وَالشَّغَارُ: كَانَ يُرْوِجُ الرَّجُلُ ابْنَتَهُ عَلَى أَنْ يُرْوِجَهُ أُخْتَهُ.

تخریج: أخرجه مسلم، ح: ١٤١٦ (انظر الحديث السابق) من حديث عبیدالله بن عمر به، وهو في الكبری، ح: ٥٤٩٨.

### Comments:

'Sister': This is just to illustrate the point. It might be the condition of the marriage of any, whether it be daughter or sister, brother's daughter, or sister's daughter. It makes no difference whatsoever.

## Chapter 62. Marriage For *Sûrahs* Of The Qur'an

**3341.** It was narrated from Sahl bin Sa'd that a woman came to the Messenger of Allâh and said: "O Messenger of Allâh, I have

(المعجم ٦٢) - **بَابُ التَّزْوِيجِ عَلَى سُورَٰ مِنَ الْقُرْآنِ** (التحفة ٦٢)

٣٣٤١ - أَخْبَرَنَا فَتِيَّةُ قَالَ: حَدَّثَنَا يَعْقُوبُ عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ: أَنَّ امْرَأَةً جَاءَتْ رَسُولَ اللَّهِ فَقَالَتْ: يَا رَسُولَ اللَّهِ!

come to offer myself to you (in marriage).” The Messenger of Allâh ﷺ looked her up and down then lowered his head. When the woman saw that he was not saying anything about her, she sat down. A man among his Companions stood up and said: “O Messenger of Allâh, if you do not want to marry her, then marry me to her.” He said: “Do you have anything.” He said: “No, by Allâh, I do not have anything.” He said: “Look, even if it is only an iron ring.” He went, then he came back and said: “No, by Allâh, O Messenger of Allâh, not even an iron ring, but this is my *Izâr* (lower garment)” – Sahl said: “He did not have a *Ridâ'* (upper garment)” – “she can have half of it.” The Messenger of Allâh ﷺ said: “What could she do with your *Izâr*? If you wear it, she will not have any of it, and if she wears it, you will not have any of it.” The man sat down for a long time, then he got up, and the Messenger of Allâh ﷺ saw him leaving, so he ordered that he be called back. When he came, he said: “What do you know of the Qur’ân?” He said: “I know *Sûrah* such-and-such, and *Sûrah* such-and-such,” and listed them. He said: “Can you recite them by heart?” He said: “Yes.” He said: “Then I marry you to her on the basis of what you know of the Qur’ân.” (*Sahîh*)

**تخریج:** أخرجه البخاري، فضائل القرآن، باب القراءة عن ظهر القلب، ح: ٥٠٣٠، ومسلم، النكاح، باب الصداق وجواز كونه تعلم قرآن وخاتم حديد وغير ذلك ... إلخ، ح: ١٤٢٥ عن قتيبة به، وهو في الكبير، ح: ٥٥٠٥ \* يعقوب هو ابن عبد الرحمن القاري.

جِئْتُ لِأَهْبَتْ نَفْسِي لَكَ، فَنَظَرَ إِلَيْهَا رَسُولُ اللَّهِ ﷺ فَصَعَّدَ النَّظَرَ إِلَيْهَا وَصَوْبَةً ثُمَّ طَأْطَأَ رَأْسَهُ، فَلَمَّا رَأَتِ الْمَرْأَةَ أَنَّهُ لَمْ يَقْضِ فِيهَا شَيْئًا جَلَسَتْ، فَقَامَ رَجُلٌ مِّنْ أَصْحَابِهِ فَقَالَ: أَيْ رَسُولُ اللَّهِ! إِنْ لَمْ يَكُنْ لَكَ بِهَا حَاجَةٌ فَرَوْجُنْيَاهَا، قَالَ: «هَلْ عِنْدَكَ مِنْ شَيْءٍ؟» قَالَ: لَا وَاللَّهِ! مَا وَجَدْتُ شَيْئًا، فَقَالَ: «انْظُرْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ» فَلَدَبَ ثُمَّ رَجَعَ قَالَ: لَا وَاللَّهِ! يَا رَسُولَ اللَّهِ! لَا وَلَا خَاتَمًا مِنْ حَدِيدٍ وَلَكِنْ هَذَا إِذْارِي، - قَالَ سَهْلُ: مَا لَهُ رِدَاءً - فَلَهَا نِصْفُهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَا تَصْنَعُ بِإِذْارِكَ إِنْ لَيْسَتْ لَمْ يَكُنْ عَلَيْهَا مِنْهُ شَيْءٌ وَإِنْ لَيْسَتْ لَمْ يَكُنْ عَلَيْكَ مِنْهُ شَيْءٌ» فَجَلَسَ الرَّجُلُ حَتَّى طَالَ مَجْلِسُهُ ثُمَّ قَامَ، فَرَأَهُ رَسُولُ اللَّهِ ﷺ مُؤْلِيَا فَأَمَرَ بِهِ فَدُعِيَ، فَلَمَّا جَاءَ قَالَ: «مَاذَا مَعَكَ مِنَ الْقُرْآنِ؟» قَالَ: مَعِي سُورَةُ كَذَا وَسُورَةُ كَذَا عَدَّهَا، فَقَالَ: «هَلْ تَنْزَهُنَّ عَنْ ظَهَرِ قَلْبِ؟» قَالَ: نَعَمْ، قَالَ: «مَلَكْتُكُهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ».

### Chapter 63. Marriage For Islam

**3342.** It was narrated that Anas said: “Abū Ṭalḥah married Umm Sulaim and the dowry between them was Islam. Umm Sulaim became Muslim before Abū Ṭalḥah, and he proposed to her but she said: ‘I have become Muslim; if you become Muslim I will marry you.’ So he became Muslim, and that was the dowry between them.” (Sahih)

تخریج: [إسناده صحيح] أخرجه ابن سعد: ٤٢٦ / ٨ من حديث محمد بن موسى الفطري به، وهو في الكبرى، ح: ٥٥٠٣.

#### Comments:

It transpires from this *Hadīth* that there was no other dower, except for Abū Ṭalḥah’s Islam. The upcoming narrations further elucidate it. Therefore, any gain or benefit could become a dower; it could either be religious or worldly, as there is mention of the teaching of the Glorious Qur’ān in the previous narration.

**3343.** It was narrated that Anas said: “Abū Ṭalḥah proposed marriage to Umm Sulaim and she said: ‘By Allāh, a man like you is not to be rejected, O Abū Ṭalḥah, but you are a disbeliever and I am a Muslim, and it is not permissible for me to marry you. If you become Muslim, that will be my dowry, and I will not ask you for anything else.’ So he became Muslim and that was her dowry.” (one of the narrators) Thābit said: “I have never heard of a woman whose dowry was more precious than Umm Sulaim (whose dowry was) Islam. And he consummated the marriage with her, and she bore him a child.” (Hasan)

تخریج: [إسناده حسن] وهو في الكبرى، ح: ٥٥٠٤.

### (المعجم ٦٣) - التزويج على الإسلام

(التحفة ٦٣)

٣٣٤٢ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا مُحَمَّدُ

ابْنُ مُوسَى عَنْ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِي قَالَ: تَزَوَّجَ أَبُو طَلْحَةَ أُمَّ شَائِمٍ فَكَانَ صَدَاقٌ مَا يَبْيَهُمَا إِلَّا سُلَيْمَانٌ فَقَالَ أَبُو طَلْحَةَ أَشْلَمْتُ أُمَّ شَائِمٍ قَبْلَ أَبِي طَلْحَةَ فَخَطَبَهَا فَقَالَتْ: إِنِّي قَدْ أَشْلَمْتُ، فَإِنْ أَشْلَمْتَ نَكْحَنْكَ، فَأَشْلَمْ فَكَانَ صَدَاقٌ مَا يَبْيَهُمَا.

تخریج: [إسناده صحيح] أخرجه ابن سعد: ٤٢٦ / ٨ وهو في الكبرى، ح: ٥٥٠٣.

٣٣٤٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ الصَّفِيرِ بْنِ

مُسَاوِرٍ قَالَ: أَخْبَرَنَا جَعْفُرُ بْنُ سُلَيْمَانَ عَنْ ثَابِتٍ، عَنْ أَنَسِي قَالَ: خَطَبَ أَبُو طَلْحَةَ أُمَّ شَائِمٍ فَقَالَتْ: وَاللَّهِ! مَا مِثْلُكَ يَا أَبَا طَلْحَةَ! يَرِدُ، وَلَكِنَّكَ رَجُلٌ كَافِرٌ وَأَنَا امْرَأَةٌ مُسْلِمَةٌ، وَلَا يَحْلُ لِي أَنْ أَتَزَوَّجَكَ، فَإِنْ شُلِّمْ فَذَاكَ مَهْرِيٍّ وَلَا أَشْأَلَكَ غَيْرَهُ، فَأَشْلَمْ فَكَانَ ذَلِكَ مَهْرُهُكَا، قَالَ ثَابِتٌ: فَمَا سَمِعْتُ بِإِمْرَأَةٍ قَطُّ كَانَتْ أَكْرَمَ مَهْرًا مِنْ أُمَّ شَائِمٍ إِلَّا سُلَيْمَانَ، فَدَخَلَ بِهَا فَوَلَدَتْ لَهُ.

**Comments:**

This *Hadîth* clearly indicates that there was no dower except Islam. So to say, if the woman consents, such religious gain or benefit could also become a dower. Wealth is not essential.

**Chapter 64. Marriage For Manumission**

(المعجم ٦٤) - التَّزْوِيجُ عَلَى الْعَتْقِ

(التحفة ٦٤)

**3344.** It was narrated from Anas that the Messenger of Allâh ﷺ manumitted Ṣafiyah and made that her dowry. (*Sahîh*)

٣٣٤٤ - أَخْبَرَنَا قَيْمِيَةُ قَالَ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ فَتَادَةَ وَعَبْدِ الْعَزِيزِ - يَعْنِي ابْنَ صَهْبَيْبَ -، عَنْ أَنَسِ بْنِ مَالِكٍ؛ حَوَّلَ أَخْبَرَنَا قَيْمِيَةُ قَالَ: حَدَّثَنَا حَمَادٌ عَنْ ثَابِتٍ وَشَعِيبٍ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ أَعْنَقَ صَفِيفَةَ وَجَعَلَهُ صَدَاقَهَا.

تخریج: أخرجه مسلم، النکاح، باب فضيلة إعتاقه أمهه ثم يتزوجها، ح ٨٥ / ١٣٦٥ عن قيبة، والبخاري، صلوة الخوف، باب التكير والغلو بالصبح والصلوة عند الإغارة وال الحرب، ح ٩٤٧: من حديث عبد العزيز، والبخاري، ح ٥٠٨٦، ومسلم عن قيبة به، بالسند الثاني، وهو في الكبيرى، ح ٥٤٩٩ \* حماد هو ابن زيد، وشعيب هو ابن الحجاج.

**Comments:**

The Hanafites, etc., do not consider this method adequate. They consider the afore-mentioned incident specifically affiliated to the Prophet ﷺ. The noble Companions, however, did not particularise it.

**3345.** It was narrated from Anas that the Messenger of Allâh ﷺ manumitted Ṣafiyah and made her freedom her dowry. (*Sahîh*)

This is the wording of Muḥammad (one of the narrators).

٣٣٤٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ قَالَ: حَدَّثَنَا سُفِيَّانُ؛ حَوَّلَ أَخْبَرَنَا عُمَرُو بْنُ مُنْصُورٍ قَالَ: حَدَّثَنَا أَبُو نَعِيمٍ قَالَ: حَدَّثَنَا سُفِيَّانُ عَنْ يُونُسَ، عَنْ ابْنِ الْحَبَّابِ، عَنْ أَنَسٍ: أَعْنَقَ رَسُولُ اللَّهِ ﷺ صَفِيفَةَ وَجَعَلَ عَنْقَهَا مَهْرَهَا. وَاللَّفْظُ لِمُحَمَّدٍ.

تخریج: أخرجه مسلم، ح ٨٥ / ١٣٦٥ عن محمد بن رافع به (انظر الحديث السابق)، وهو في الكبيرى، ح ٥٠٠٠ \* سفيان هو الثوري، ويونس هو ابن عبيد.

## Chapter 65. A Man Manumitting His Slave Woman, Then Marrying Her

**3346.** It was narrated that Abû Mûsa said: "The Messenger of Allâh ﷺ said: 'There are three who will be given a twofold reward: A man who has a slave woman whom he disciplines and disciplines her well, and teaches and teaches her well, then he manumits her and marries her; a slave who fulfills his duty toward Allâh and toward his masters; and a believer from among the People of the Book.'" (*Sahîh*)

تخریج: أخرجه البخاري، العلم، باب تعليم الرجل أمهه وأهله، ح: ٩٧، ومسلم، الإيمان، باب وجوب الإيمان برسالة نبينا محمد ﷺ إلى جميع الناس ونسخ الملل بملته، ح: ١٥٤، ٢٤١ / ٥٠٢ \* عامر هو الشعبي، وابن أبي زائدة هو يحيى.

### Comments:

1. 'Twofold reward': This is because they have performed a twofold righteous deed: emancipation and marriage.
2. 'Marry her': means with her consent. Thereupon, whether he pays her the dower, or an agreement is finally reached between them, then the emancipation would be considered the dower.

**3347.** It was narrated that Abû Mûsa said: "The Messenger of Allâh ﷺ said: 'Whoever manumits his female slave, then marries her, he will have two rewards.'" (*Sahîh*)

٣٣٤٧ - أَخْبَرَنَا هَنَدُ بْنُ السَّرِيِّ عَنْ أَبِي زَيْدٍ عَبْرَنْ بْنِ الْفَاقِسِ، عَنْ مُطَرْفٍ، عَنْ عَامِرٍ، عَنْ أَبِي بُرَدَةَ، عَنْ أَبِي مُوسَى قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَعْقَقَ جَارِيَتَهُ ثُمَّ تَزَوَّجَهَا فَلَهُ أَجْرًا».

تخریج: أخرجه البخاري، العنق، باب فضل من أدب جاريته وعلّمها، ح: ٢٥٤٤، ومسلم، النكاح، باب فضيلة إعتاقه أمهه ثم يتزوجها، ح: ١٥٤ / ٨٦ من حديث مطرف بن طريف به، وهو في الكبرى، ح: ٥٥٠١.

### Comments:

- This is because commitment of marriage after the emancipation is also a favor. Moreover, it is the charity of the two spouses or the couple.

(المعجم ٦٥) - عَنْ الرَّجُلِ جَارِيَتَهُ ثُمَّ يَتَزَوَّجُهَا (التحفة ٦٥)

٣٣٤٦ - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ قَالَ: حَدَّثَنِي صَالِحُ بْنُ صَالِحٍ عَنْ عَامِرٍ، عَنْ أَبِي بُرَدَةَ بْنِ أَبِي مُوسَى، عَنْ أَبِي مُوسَى قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «ثَلَاثَةٌ يُؤْتَوْنَ أَجْرَهُمْ مَرْتَبَتِهِنَّ: رَجُلٌ كَانَتْ لَهُ أُمَّةٌ فَأَدَّبَهَا فَأَخْسَنَ أَدَبَهَا وَعَلَّمَهَا فَأَخْسَنَ تَعْلِيمَهَا ثُمَّ أَعْقَبَهَا وَتَزَوَّجَهَا، وَعَبْدٌ يُؤْتَدِي حَقَّ اللَّهِ وَحْقَ مَوَالِيهِ، وَمُؤْمِنٌ أَهْلِ الْكِتَابِ».

تخریج: أخرجه البخاري، العلم، باب تعليم الرجل أمهه وأهله، ح: ٩٧، ومسلم، الإيمان، باب وجوب الإيمان برسالة نبينا محمد ﷺ إلى جميع الناس ونسخ الملل بملته، ح: ١٥٤، ٢٤١ / ٥٠٢ \* عامر هو الشعبي، وابن أبي زائدة هو يحيى.

## Chapter 66. Fairness In Giving Dowries

**3348.** 'Urwah bin Az-Zubair narrated that he asked 'Aishah about the saying of Allâh, the Mighty and Sublime: "And if you fear that you shall not be able to deal justly with the orphan girls then marry (other) women of your choice."<sup>[1]</sup> She said: "O son of my sister, this refers to a female orphan who is in the care of her guardian, and her wealth is joined to his, and he is attracted to her wealth and her beauty. So her guardian wants to marry her without being fair with regard to her dowry, and without giving her what someone else would give her. So they were forbidden to marry them unless they were fair to them and gave them the highest possible dowry that is customarily given, and they were commanded to marry other women of their choice." 'Urwah said: "'Aishah said: 'Then later on, Allâh, the Mighty and Sublime, revealed concerning them: 'They ask your legal instruction concerning women, say: Allâh instructs you about them, and about what is recited unto you in the Book concerning the orphan girls whom you give not the prescribed portions and yet whom you desire to marry.'<sup>[2]</sup> 'Aishah said: 'What Allâh, Most High, mentioned here that is recited in the Book is the first Verse in which it says: And if you

(المعجم ٦٦) - القسط في الأصدقة  
(التحفة ٦٦)

٣٣٤٨ - أَخْبَرَنَا يُوْسُفُ بْنُ عَبْدِ الْأَعْلَى  
وَسَلِيمَانُ بْنُ دَاؤِدَ عَنْ ابْنِ وَهْبٍ: أَخْبَرَنِي  
يُوْسُفُ عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ  
الرَّبِّيرِ: أَنَّهُ سَأَلَ عَائِشَةَ عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ  
﴿وَإِنْ خَفَقْتُمُ الْأَنْقَسْطُوا فِي الْيَمَنِ فَإِنَّكُمْ مَا طَابَ  
لَكُمْ وَنِنَّ الْيَسَاءَ﴾ [النساء: ٣] قَالَتْ: يَا ابْنَ  
أَخْتِي! هِيَ التِّسِّيمَةُ تَكُونُ فِي حَجْرٍ وَلِيَهَا  
فَتَشَارِكُهُ فِي مَالِهِ فَيَعْجِبُهُ مَالُهَا وَجَمَالُهَا فَيُرِيدُ  
وَلِيَهَا أَنْ يَتَرَوَّجَهَا بِعِيرٍ أَنْ يُقْسِطَ فِي صَدَاقِهَا  
فَيَعْطِيهَا مِثْلَ مَا يُعْطِيهَا غَيْرُهُ، فَتَهْوَى أَنْ  
يَتَكَحُّوْهُنَّ إِلَّا أَنْ يُقْسِطُوا لَهُنَّ وَيَلْعَبُوْهُنَّ  
أَغْلَى سُتُّهُنَّ مِنَ الصَّدَاقِ، فَأَمْرُرُوْهُ أَنْ يَتَكَحُّوْهَا  
مَا طَابَ لَهُمْ مِنَ النِّسَاءِ سِرَاهُنَّ، قَالَ عُرْوَةُ:  
قَالَتْ عَائِشَةُ: ثُمَّ إِنَّ النَّاسَ اسْتَفْتَوْهُ رَسُولُ  
اللَّهِ ﷺ بَعْدُ فِيهِنَّ فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ  
﴿وَسَتَفْتَوْهُكُمْ فِي الْيَسَاءَ قُلِّ اللَّهُ يَعْلَمُ فِيهِنَّ﴾  
إِلَى قَوْلِهِ: «وَرَغْبُونَ أَنْ تَكَحُّوْهُنَّ» [النساء:  
١٢٧] قَالَتْ عَائِشَةُ: وَالذِّي ذَكَرَ اللَّهُ تَعَالَى  
أَنَّهُ يَتَلَى فِي الْكِتَابِ الْآيَةُ الْأُولَى الَّتِي فِيهَا  
﴿وَإِنْ خَفَقْتُمُ الْأَنْقَسْطُوا فِي الْيَمَنِ فَإِنَّكُمْ مَا طَابَ  
لَكُمْ وَنِنَّ الْيَسَاءَ﴾ قَالَتْ عَائِشَةُ: وَقَوْلُ اللَّهِ فِي  
الْآيَةِ الْأُخْرَى «وَرَغْبُونَ أَنْ تَكَحُّوْهُنَّ» رَغْبَةً  
أَحَدُكُمْ عَنْ بَيْتِمَتِهِ الَّتِي تَكُونُ فِي حِجْرِهِ حِينَ

[1] An-Nisâ' 4:3.

[2] An-Nisâ' 4:127.

fear that you shall not be able to deal justly with orphan girls then marry (other) women of your choice.’<sup>[1]</sup> ‘Aishah said: ‘What is referred to in the other Verse – and yet whom you desire to marry<sup>[2]</sup> – is the desire of one of you not to marry orphan girl who is under his care if she is lacking in wealth and beauty. So they were forbidden to marry those orphan women to whose wealth they were attracted unless they were fair, because of their desire not to marry (those who were lacking in wealth and beauty).’’’ (Sahîh)

تَكُونُ قَلِيلَةُ الْأَنَاءِ وَالْجَمَالِ، فَهُوَا أَنْ يَنْكِحُوا مَا رَغَبُوا فِي مَالِهَا [مِنْ] يَتَامَى النِّسَاءِ إِلَّا بِالْفَقْسَطِ مِنْ أَجْلِ رَغْبَتِهِمْ عَنْهُنَّ.

تخریج: أخرجه مسلم، التفسیر، ح: ٦/٣٠١٨ من حديث ابن وهب، والبخاري، الشرکة، باب شرکة اليتيم وأهل الميراث، ح: ٢٤٩٤ من حديث يونس بن يزيد به، وهو في الكبرى، ح: ٥٥١٤.

### Comments:

We learn the dower of women ought to be such that it does not take advantage of their social status.

**3349.** It was narrated that Abû Salamah said: “I asked ‘Âishah about that and she said: ‘The Messenger of Allâh ﷺ got married (and married his daughters) for twelve *Uqiyah* and a *Nashsh*” which is five hundred *Dirhams*. (Sahîh)

٣٣٤٩ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ قَالَ: سَأَلْتُ عَائِشَةَ عَنْ ذَلِكَ فَقَالَتْ: فَعَلَ رَسُولُ اللَّهِ ﷺ عَلَى الْأَنْتَيْ عَشْرَةَ أُوقِيَّةً وَتَسْعَ وَذَلِكَ خَمْسِيَّةُ دِرْهَمٍ.

تخریج: أخرجه مسلم، النکاح، باب الصداق وجواز كونه تعلیم قرآن وخاتم حديد وغير ذلك ... إلخ، ح: ١٤٢٦ عن إسحاق بن راهويه به، وهو في الكبرى، ح: ٥٥١٣.

**3350.** It was narrated that Abû Hurairah said: “The dowry, when the Messenger of Allâh ﷺ was among us, was ten *Awâq*.” (Sahîh)

٣٣٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكَ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْرِيَّ قَالَ: حَدَّثَنَا دَاؤُدُّ بْنُ قَيْسٍ عَنْ مُوسَى بْنِ

[1] An-Nisâ’ 4:3.

[2] An-Nisâ’ 4:127.

بَسْارٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ الصَّدَاقُ إِذْ  
كَانَ فِينَا رَسُولُ اللَّهِ ﷺ عَشْرَةً أَوْ أَقِيرْبَى.

تخریج: [إسناده صحيح] أخرجه أحمـد: ٣٦٧ من حديث داود به، وهو في الكبير، ح: ٥٥١٠، وصححه ابن حبان، ح: ١٢٦٠ من حديث ابن مهدي، والحاكم: ١٧٥ / ٢، ووافقه الذهبي.

### Comments:

‘Ten Uqiyah’: Twelve and a half *Uqiyah* has reported above. The fractions might probably have been dropped, or the dower in general might be that much! The dower for the Messenger of Allāh ﷺ might have been five hundred dirhams (silver coins) in view of his specific status. Ten *Uqiyah* equal four hundred dirhams. This is not the prescribed measure or amount of the dower. It rather might have been an appropriate measure of dower according to the customary practice. Its measure would rise and fall based upon circumstances.

**3351.** It was narrated that Abū Al-‘Ajjāfā’ said: “Umar bin Al-Khaṭṭāb said: ‘Do not go to extremes with regard to the dowries of women, for if that were a sign of honor and dignity in this world, or a sign of piety before Allāh, the Mighty and Sublime, then Muḥammad ﷺ would have done that before you. But he did not give any of his wives, and none of his daughters were given, more than twelve *Uqiyah*. A man may increase the dowry until he feels resentment against her and says: You cost me everything I own (*‘Alaqul-Qirbah*)’” ‘And I was a man born among the ‘Arabs,<sup>[1]</sup> but I did not know the meaning of *‘Alaqul-Qirbah*<sup>[2]</sup>’ and

٣٣٥١ - أَخْبَرَنَا عَلَيُّ بْنُ حُجْرٍ بْنِ إِيَّاسٍ  
أَبْنِ مُقَاتِلٍ بْنِ مُشْمِرٍخٍ بْنِ خَالِدٍ قَالَ: حَدَّثَنَا  
إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أَيُوبَ وَابْنِ عَوْنَى  
وَسَلَمَةَ بْنِ عَلْقَمَةَ وَهِشَامِ بْنِ حَسَانَ - دَخَلَ  
حَدِيثُ بَعْضِهِمْ فِي بَعْضٍ - عَنْ مُحَمَّدِ بْنِ  
سَبِّيْنَ - قَالَ سَلَمَةُ: عَنِ ابْنِ سَبِّيْنَ: تُبَثُّ  
عَنْ أَبِي الْعَجْفَاءِ. وَقَالَ الْآخَرُونَ: عَنْ  
مُحَمَّدِ بْنِ سَبِّيْنَ عَنْ أَبِي الْعَجْفَاءِ - قَالَ:  
قَالَ عُمَرُ بْنُ الْخَطَّابِ: أَلَا لَا تَغْلُوا صُدُقَ  
النِّسَاءِ، فَإِنَّهُ لَوْ كَانَ مَكْرُومَةً فِي الدُّنْيَا أَوْ  
تَقْوِيَ عِنْدَ اللَّهِ عَزَّ وَجَلَّ كَانَ أَوْلَأَكُمْ بِهِ الْبَيِّنَاتُ  
كَيْفَيَّةُ، مَا أَصْدَقَ رَسُولُ اللَّهِ ﷺ امْرَأَةً مِنْ  
نِسَائِهِ وَلَا أَصْدِقَتْ امْرَأَةً مِنْ بَنَائِهِ أَكْثَرَ مِنْ

[1] In *Musnad Al-Humaidi* (23) it is: “And I was a young man.”

[2] Meaning, due to the ambiguity of the expression: *‘Alaqul-Qirbah*. A *Qirbah* is a very large water skin that only a very strong man could carry. So the meaning is that I gave you everything until I even carried a giant water skin to your family, or, did so much that I even sweated enough to fill such a water-skin. In *Al-Itlal wa Ma’rifat Ar-Rijāl* (No. 95) Ahmad narrated regarding this, from Sufyān, who is one of those who narrated this *Hadīth* as recorded by others: “Until I carried a *Qirbah* from far away.”

others of you are saying – about those killed in this or that battle of yours, or who died: ‘So-and so was martyred,’ or ‘so and so died as a martyr.’ While perhaps he merely overloaded the backside of his beast, or lined his saddle with gold or silver seeking trade. So do not say that, rather say as the Prophet ﷺ said: ‘Whoever is killed in the cause of Allâh, or dies, then he is in Paradise.’” (*Hasan*)

يُشَتَّى عَشْرَةً أُوْقِيَّةً، وَإِنَّ الرَّجُلَ لِيُغَالِي بِصَدْقَةٍ امْرَأَهُ حَتَّى يَكُونَ لَهَا عَدَاؤَةٌ فِي نَفْسِهِ، وَحَتَّى يَقُولَ: كُلْفُتُ لَكُمْ عِلْقَ الْقِرْبَةِ، - وَكُنْتُ غُلَامًا عَرَبِيًّا مُولَدًا فَلَمْ أَدْرِ مَا عِلْقَ الْقِرْبَةِ - قَالَ: وَأُخْرَى يَقُولُونَهَا - لِمَنْ قُتِلَ فِي مَعَازِيْكُمْ هذِهِ أَوْ مَاتَ - قُتِلَ فُلَانٌ شَهِيدًا أَوْ مَاتَ فُلَانٌ شَهِيدًا وَلَعَلَّهُ أَنْ يَكُونَ قَدْ أَوْقَرَ عَجَزًا ذَاهِيًّا أَوْ دَفَ رَاجِلَيْهِ ذَهَبًا أَوْ وَرَقًا يَطْلُبُ التَّجَارَةَ، فَلَا تَقُولُوا ذَاهِمًا، وَلَكِنْ قُولُوا كَمَا قَالَ النَّبِيُّ ﷺ: «مَنْ قُتِلَ فِي سَبِيلِ اللَّهِ أَوْ مَاتَ فَهُوَ فِي الْجَنَّةِ».

تخریج: [حسن] أخرجه أحمدر: ٤١٤٠، عن إسماعيل (هو ابن عليه) به، وهو في الكبير، ح: ٥٥١١، وأخرجه أبو داود، ح: ٢١٠٦، والترمذی، ح: ١١١٤ من حديث أیوب به، وقال الترمذی: “حسن صحيح”， وصححه الحاکم: ١٧٥، ١٧٦، ١٧٩، ٢٠٩، وافقه الذہبی \* ابن سیرین سمعه من أبي العجفاء ومن ابنه فالطريقان محفوظان.

### Comments:

‘Twelve’: mean twelve and a half as has preceded in another *Hadîth*. However, the fractions have been dropped here. This narration also demonstrates the abhorrence of calling so-and-so “*Shahîd*” as clearly indicated and prohibited by the statement of ‘Umar, in spite of whoever opposes him after him.

**3352.** It was narrated from Umm Habîbah that the Messenger of Allâh ﷺ married her when she was in Ethiopia. An-Najâshî performed the marriage for her and gave her a dowry of four thousand, and he fitted her out from his own wealth, and sent her with Shurâhbîl bin Hasanah. The Messenger of Allâh ﷺ did not send her anything, and the dowry of his wives was four hundred *Dirhams*. (*Da’if*)

٣٣٥٢ - أَخْبَرَنَا عَبَّاسُ بْنُ مُحَمَّدٍ الدُّورِيُّ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ الْحَسَنِ بْنُ شَقِيقٍ، قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكَ عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الزُّبِيرِ، عَنْ أَمْ حَبِيبَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ تَزَوَّجَهَا وَهِيَ بِأَرْضِ الْجَنَّةِ، زَوَّجَهَا النَّجَاشِيُّ وَأَمْهَرَهَا أَرْبَعَةَ آلَافَ وَجَهَزَهَا مِنْ عِنْدِهِ وَبَعَثَ بِهَا مَعَ شُرَحِبِيلَ بْنِ حَسَنَةَ وَلَمْ يَبْعَثْ إِلَيْهَا رَسُولُ اللَّهِ ﷺ بِشَيْءٍ، وَكَانَ مَهْرُ نِسَائِهِ أَرْبَعَمِائَةَ دِرْهَمٍ.

تخریج: [إسناده ضعیف] أخرجه أبو داود، النکاح، باب: فی الولی، ح: ۲۰۸۶ من حدیث معمر به، وهو فی الکبری، ح: ۵۰۱۲ \* الزہری عنعن.

### Comments:

'She was in Ethiopia': In reality, she had emigrated to Ethiopia along with her husband Ubaidullah bin Jahsh. A little later, Ubaidullah bin Jahsh became a Christian, and died in the state of apostasy. Umm Habibah remained constant in Islam. When Allâh's Messenger ﷺ came to know about the course of events, he sent 'Amr bin Umayah Ad-Dhamari to An-Najâshî, the emperor of Ethiopia, with his marriage proposal to her.

## Chapter 67. Marriage For A Nawâh Of Gold (Five Dirhams)

(المعجم ٦٧) - التَّزْوِيجُ عَلَى نَوَافِيْ مِنْ  
ذَهَبٍ (التحفة ٦٧)

٣٣٥٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ  
وَالْحَارثُ بْنُ وَسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ  
وَاللَّفْظُ لِمُحَمَّدٍ عَنْ أَبْنِ الْقَاسِمِ، عَنْ مَالِكٍ،  
عَنْ حُمَيْدِ الطَّوَّبِيلِ، عَنْ أَنْسِ بْنِ مَالِكٍ: أَنَّ  
عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ جَاءَ إِلَى النَّبِيِّ ﷺ وَبِهِ  
أَتَرَ الصُّفْرَةَ، فَسَأَلَهُ رَسُولُ اللَّهِ ﷺ فَأَخْبَرَهُ أَنَّهُ  
تَرْوِجَ امْرَأَةً مِنَ الْأَنْصَارِ، فَقَالَ رَسُولُ اللَّهِ  
ﷺ: «كَمْ سُقْتَ إِلَيْهَا؟» قَالَ: زِنَةٌ نَوَافِيْ مِنْ  
ذَهَبٍ، قَالَ رَسُولُ اللَّهِ ﷺ: «أَوْلَمْ وَلَوْ  
يُشَاهِدُ». يشاهده

**3353.** It was narrated from Anas bin Mâlik that 'Abdur-Rahmân bin 'Awf came to the Prophet ﷺ with traces of yellow perfume on him. The Messenger of Allâh ﷺ asked him (about that) and he told him that he had married a woman from among the Ansâr. The Messenger of Allâh ﷺ said: "How much did you give her?" He said: "A Nawâh (five Dirhams) of gold." The Messenger of Allâh ﷺ said: "Give a Walîmah (wedding feast) even if it is with one sheep." (*Sahîh*)

تخریج: أخرجه البخاري، النکاح، باب الصفرة للمتزوج، ح: ۵۱۵۳ من حدیث مالک به، وهو فی الکبری، ح: ۵۰۰۸، والموطا (یحیی): ۵۴۵/۲، وأخرجه مسلم، ح: ۸۱/۱۴۲۷ من حدیث حمید وغيره به .

### Comments:

1. 'He married a woman from Al-Ansâr': Some of the saffron or the like which she was wearing, got on him.
2. "Nawâh" was a weight of gold. Its value was three or according to some people, five dirhams. In other words, the dower could be that amount.

**3354.** 'Abdur-Rahmân bin 'Awf said: "The Messenger of Allâh ﷺ saw me looking cheerful as I had just got married." I said: "I have gotten married to a woman of the

٣٣٥٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ:  
حَدَّثَنَا النَّضْرُ بْنُ شَمْيَلٍ قَالَ: حَدَّثَنَا شُعبَةُ قَالَ:  
حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ صَهْبَيْ قَالَ: سَمِعْتُ

Anṣâr.” He said: “How much did you give her as a dowry?” He said: “A Nawâh (five Dirhams) of gold.” (*Sahîh*)

أَنْسَا يَقُولُ: قَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ: رَأَيْتِ  
رَسُولَ اللَّهِ ﷺ وَعَلَيَّ بِشَاشَةِ الْعَرْسِ فَقُلْتُ:  
تَرَوْجُجُ امْرَأَةٍ مِنَ الْأَنْصَارِ، قَالَ: «كَمْ  
أَصْدَقْتَهَا؟» قَالَ: زِنَةً نَوَافَةً مِنْ ذَهَبٍ.

تخریج: أخرجه مسلم، النکاح، باب الصداق وجواز کونه تعلیم قرآن وختام حديد وغير ذلك ... إلخ، ح: ٨٢/١٤٢٧ عن إسحاق بن إبراهيم (وهو ابن راهوية) به، وهو في الكبرى، ح: ٥٥٠٧.

**3355.** It was narrated from ‘Abdur-Rahmân bin ‘Amr: “The Messenger of Allâh ﷺ said: ‘Whatever is given as a dowry, or gift or is promised her before the marriage belongs to her. Whatever is given after the marriage belongs to the one to whom it was given. And the most deserving for which a (man) is to be honored is (when marrying off) his daughter or sister.’” This is the wording of ‘Abdullâh (one of the narrators). (*Hasan*)

٣٣٥٥ - أَخْبَرَنَا هَلَالُ بْنُ الْعَلَاءِ قَالَ:  
حَدَّثَنَا حَجَاجٌ قَالَ أَبْنُ جُرَيْجٍ: حَدَّثَنِي عَمْرُو  
أَبْنُ شَعِيبٍ؛ حَ وَأَخْبَرَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ  
أَبْنُ تَمِيمٍ قَالَ: سَمِعْتُ حَجَاجًا يَقُولُ: قَالَ  
أَبْنُ جُرَيْجٍ: عَنْ عَمْرِو بْنِ شَعِيبٍ، عَنْ أَبِيهِ،  
عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو: أَنَّ النَّبِيَّ ﷺ قَالَ:  
«أَئِمَّا امْرَأَةٌ نِسْكَتْ عَلَى صَدَاقٍ أَوْ جِبَاءٍ أَوْ  
عِدَةٍ قَبْلَ عِصْمَةِ النِّكَاحِ فَهُوَ لَهَا، وَمَا كَانَ  
بَعْدَ عِصْمَةِ النِّكَاحِ فَهُوَ لِمَنْ أَعْطَاهُ، وَأَحَقُّ  
مَا أَكْرَمَ عَلَيْهِ [الرَّجُلُ] ابْنَتَهُ أَوْ أُخْتَهُ». الْفَطْ  
لِعَبْدِ اللَّهِ.

تخریج: [إسناده حسن] أخرجه أبو داود، النکاح، باب: في الرجل يدخل بامراته قبل أن يتقدما شيئاً، ح: ٢١٢٩ من حديث ابن جريج به، وهو في الكبرى، ح: ٥٥٠٩ \* حجاج هو ابن محمد.

## Chapter 68. Permission To Get Married Without A Dowry

**3356.** It was narrated that ‘Alqamah and Al-Aswad said: “A man was brought to ‘Abdullâh who had married a woman without naming a dowry for her, then he died before consummating the marriage with her. ‘Abdullâh said: ‘Ask whether they can find any

(المعجم ٦٨) - إِبَاحَةُ التَّرْزُوِيجِ بِغَيْرِ  
صَدَاقٍ (التحفة ٦٨)

٣٣٥٦ - أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ  
أَبْنِ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا أَبُو سَعِيدٍ عَبْدُ  
الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ عَنْ زَائِدَةَ بْنِ قُدَامَةَ، عَنْ  
مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ وَالْأَسْوَدِ  
قَالَا: أَتَيَ عَبْدُ اللَّهِ فِي رَجُلٍ تَرَوْجَ امْرَأَةً وَلَمْ

report about that.' They said: 'O Abû 'Abdur-Rahmân, we cannot find any report about that.' He said: 'I will say what I think, and if it is correct then it is from Allâh. She should have a dowry like that of her peers and no less, with no injustice, and she may inherit from him, and she has to observe the *Iddah*.' A man from *Ashja'* stood up and said: 'The Messenger of Allâh ﷺ passed a similar judgment among us concerning a woman called Birwa' bint Wâshiq. She married a man who died before consummating the marriage with her, and the Messenger of Allâh ﷺ ruled that she should be given a dowry like that of her peers, and she could inherit, and she had to observe the *Iddah*.' 'Abdullâh raised his hands and said the *Takbîr*.' (*Sahîh*)

Abû 'Abdur-Rahmân (An-Nasâ'i) said: I do not know anyone who said "Al-Aswâd" in this *Hadîth*, other than Zâ'idah.

**تخریج:** [صحيح] أخرجه أبو داود، النكاح، باب: فمن تزوج ولم يسم لها صداقاً حتى مات، ح: ٢١١٥، والترمذى، ح: ١١٤٥ وغيرهما من حديث متصور بن المعتمر به، وهو في الكبيرى، ح: ٥٥١٥، وقال الترمذى: "حسن صحيح"، وصححة البىهقى: ٧/٢٤٥، وله شاهد يأتى بعده، ح: ٣٣٦٠ و ٣٣٥٧.

### Comments:

A marriage could be concluded without fixing the dower. But the dower should be determined, agreed, and paid even after conducting the marriage. If the dower is negated, the marriage would be invalid.

**3357.** It was narrated from 'Abdullâh that a woman was brought to him who had married a man then he had died without naming any dowry for her and without consummating the marriage with her. They kept coming to him for

يُفْرِضُ لَهَا فَتُوْفَى قَبْلَ أَنْ يَدْخُلَ بِهَا، فَقَالَ عَبْدُ اللَّهِ: سَلُوا هُلْ تَحْدِدُونَ فِيهَا أُثْرًا؟ قَالُوا: يَا أَبَا عَبْدِ الرَّحْمَنِ! مَا تَحْدِدُ فِيهَا - يَعْنِي أُثْرًا - قَالَ: أَقُولُ بِرَأْيِي فَإِنْ كَانَ صَوَّابًا فَمَنِ اللَّهُ، لَهَا كَمْهِرٌ نِسَائِهَا، لَا وَكْسٌ وَلَا شَطَطٌ، وَلَهَا الْبِيرَاثُ، وَعَلَيْهَا الْعِدَةُ، فَقَامَ رَجُلٌ مِنْ أَشْجَعَ قَوْمٍ فَقَالَ: فِي مِثْلِ هَذَا فَقَضَى رَسُولُ اللَّهِ ﷺ فِينَا فِي امْرَأَةٍ يُقَالُ لَهَا بِرْوَعٌ يُنْتَ وَاشِقٌ، تَرَوَجَتْ رَجُلًا فَمَاتَ قَبْلَ أَنْ يَدْخُلَ بِهَا، فَقَضَى لَهَا رَسُولُ اللَّهِ ﷺ بِمِثْلِ صَدَاقِ نِسَائِهَا، وَلَهَا الْبِيرَاثُ، وَعَلَيْهَا الْعِدَةُ، فَرَفَعَ عَبْدُ الرَّحْمَنَ وَكَبَرَ . قَالَ أَبُو عَبْدِ الرَّحْمَنِ: لَا أَغْلُمُ أَحَدًا قَالَ فِي هَذَا الْحَدِيثِ: الْأَسْوَدُ عَيْرَ زَائِدَةً.

- أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: حَدَّثَنَا سُقِيَانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ: أَنَّهُ أُتِيَ فِي امْرَأَةٍ تَرَوَجَهَا رَجُلٌ فَمَاتَ عَنْهَا وَلَمْ

nearly a month, and he did not issue any ruling to them. Then he said: "I think that she should have a dowry like that of her peers no less, with no injustice and she may inherit from him and she has to observe the 'Iddah.'" Ma'qil bin Sinâ' Al-Ashja'i testified: "The Messenger of Allâh ﷺ passed a similar judgment concerning Birwa' bint Wâshiq." (*Sahîh*)

يُفْرِضُ لَهَا صَدَاقًا وَلَمْ يَدْخُلْ بِهَا، فَأَخْتَلَفُوا إِلَيْهِ كَثِيرًا مِنْ شَهْرٍ لَا يُفْتَهُمْ، ثُمَّ قَالَ: أَرَى لَهَا صَدَاقًا يُسَاءِلُهَا لَا وَكْسَ وَلَا شَطَطَ، وَلَهَا الْمِيرَاثُ، وَعَلَيْهَا الْعِدَّةُ، فَشَهَدَ مَعْقِلُ بْنُ سِنَانَ الْأَشْجَعِيَّ أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى فِي بِرْوَعَ بِشْتَ وَاشِيقَ يُمْثِلُ مَا فَصَيْتَ.

تخریج: [صحیح] أخرجه أبو داود، والترمذی من حديث یزید بن هارون به (انظر الحديث السابق)، وهو في الکبری، ح ۵۱۶: .

**3358.** It was narrated that 'Abdullâh said, concerning a man who married a woman, then died before consummating the marriage with her, and without naming a dowry: "She should have the dowry, and she has to observe the 'Iddah, and she may inherit." Ma'qil bin Sinâ' said: "I heard the Prophet ﷺ pass the same judgment concerning Birwa' bint Wâshiq." (*Sahîh*)

٣٣٥٨ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنَ، قَالَ: حَدَّثَنَا سُفيَانُ عَنْ فِرَاسٍ، عَنْ الشَّعَاعِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ: فِي رَجُلٍ تَرَوَجَ امْرَأَةٌ فَمَاتَ وَلَمْ يَدْخُلْ بِهَا وَلَمْ يُفْرِضْ لَهَا قَالَ: لَهَا الصَّدَاقُ، وَعَلَيْهَا الْعِدَّةُ، وَلَهَا الْمِيرَاثُ، فَقَالَ مَعْقِلُ بْنُ سِنَانَ: فَقَدْ سَوَّيْتُ النَّبِيَّ ﷺ قَضَى بِهِ فِي بِرْوَعَ بِشْتَ وَاشِيقَ.

تخریج: [صحیح] أخرجه أبو داود، ح ۲۱۴ من حديث عبد الرحمن بن مهدي به (انظر الحديثين السابقین)، وهو في الکبری، ح ۵۱۷: \* سفیان هو الثوری.

**3359.** (Another chain) with a similar narration. (*Sahîh*)

٣٣٥٩ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنَ عَنْ سُفيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ مِثْلَهُ.

تخریج: [صحیح] تقدم، ح ۳۳۵۶: ، وهو في الکبری، ح ۵۱۹: \* عبد الرحمن هو ابن مهدي، وسفیان هو الثوری.

**3360.** It was narrated from 'Abdullâh that some people came to him and said: "A man among us married a woman, but he did not

٣٣٦٠ - أَخْبَرَنَا عَلَيْهِ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا عَلَيْهِ بْنُ مُسْهِرٍ عَنْ ذَاوَدَ بْنِ أَبِي هَنْدٍ،

name a dowry for her, and he did not have intercourse with her before he died. ‘Abdullâh said: ‘Since I left the Messenger of Allâh ﷺ I have never been asked a more difficult question than this. Go to someone else.’ They kept coming to him for a month, then at the end of that they said: ‘Who shall we ask if we do not ask you? You are one of the most prominent Companions of Muhammâd ﷺ in this land and we cannot find anyone else.’ He said: ‘I will say what I think, and if it is correct then it is from Allâh alone, with no partner, and if it is wrong then it is from me and from the *Shaitân*, and Allâh and His Messenger have nothing to do with it. I think that she should be given a dowry like that of her peers and no less, with no injustice, and she may inherit from him, and she has to observe the *Iddah*, four months and ten days.’’’ He said: ‘And that was heard by some people from *Ashja'*, who stood up and said: ‘We bear witness that you have passed the same judgment as the Messenger of Allâh ﷺ did concerning a woman from among us who was called Birwa' bint Wâshiq.’’’ He said: ‘‘Abdullâh was never seen looking so happy as he did on that day, except with having accepted Islam.’’ (*Sahîh*)

عَنِ الشَّعْبِيِّ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ: أَنَّهُ أَتَاهُ قَوْمٌ فَقَالُوا: إِنَّ رَجُلًا مِنَ الْمُؤْمِنِينَ تَرَوْجُ امْرَأَةً وَلَمْ يَفْرِضْ لَهَا صَدَاقًا وَلَمْ يَجْمِعَهَا إِلَيْهِ حَتَّى مَاتَ، فَقَالَ عَبْدُ اللَّهِ: مَا سُئِلْتُ مُنْذُ فَارَقْتُ رَسُولَ اللَّهِ ﷺ أَشَدَّ عَلَيَّ مِنْ هَذِهِ فَأَتُوا عَيْرِيِّ، فَأَخْتَلَفُوا إِلَيْهِ فِيهَا شَهْرًا ثُمَّ قَالُوا لَهُ فِي آخِرِ ذَلِكَ: مَنْ تَسْأَلُ إِنْ لَمْ تَسْأَلْ كَمْ وَآتَتْ مِنْ جَلَّ أَصْحَاحَيْ مُحَمَّدٍ ﷺ بِهَذَا الْبَدْلِ وَلَا تَجِدُ غَيْرَكَ، قَالَ: سَأَهْوَلُ فِيهَا بِجَهْدِ رَأْبِي فَإِنْ كَانَ صَرَابًا فِيمَنِ اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَإِنْ كَانَ حَطَّا فَقَوْنِي وَمِنَ الشَّيْطَانِ، وَاللَّهُ وَرَسُولُهُ مِنْهُ بُرَاءٌ، أُرِي أَنْ أَجْعَلَ لَهَا صَدَاقَ نِسَائِهَا لَا وَكْسٌ وَلَا شَطَطٌ، وَلَهَا الْوِهْرَاثُ، وَعَلَيْهَا الْعِدَةُ، أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا، قَالَ: وَذَلِكَ يُسْمِعُ أَنْاسِي مِنْ أَشْجَعَ، فَقَامُوا فَقَالُوا: نَشَهِدُ أَنَّكَ قَضَيْتَ بِمَا قَضَى بِهِ رَسُولُ اللَّهِ ﷺ فِي امْرَأَةٍ مِنَ يُقْتَلُ لَهَا بِرُوعَيْنُثُ وَاشْقِيٍّ. قَالَ: كَمَا رُئِيَ عَبْدُ اللَّهِ فِي حَرَمَةِ يَوْمَئِيلٍ إِلَّا بِإِسْلَامِهِ.

تخریج: [إسناده صحيح] وهو في الكبیر، ح: ۵۰۱۸، وصححة ابن حبان، ح: ۱۲۶۳، والحاکم على شرط مسلم: ۱۰۱/۲، ووافقه الذھبی، وللحديث شواهد كثيرة.

## Chapter 69. A Woman Giving Herself In Marriage To A Man With No Dowry

**3361.** It was narrated from Sahl bin Sa'd that a woman came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, I give myself in marriage to you." She stood for a long time, then a man stood up and said: "Marry her to me if you do not want to marry her." The Messenger of Allâh ﷺ said: "Do you have anything?" He said: "I cannot find anything." He said: "Look (for something), even if it is only an iron ring." So he looked but he could not find anything. The Messenger of Allâh ﷺ said to him: "Have you (memorized) anything of the Qur'an?" He said: "Yes, Sûrah such and such and Sûrah such and such," naming them. The Messenger of Allâh ﷺ said: "I marry her to you for what you know of the Qur'an." (*Sahîh*)

تخریج: أخرجه البخاري، الوکالة، باب وكالة المرأة الإمام في النكاح، ح: ۲۳۱۰ من حديث مالك به، وهو في الموطأ (یحییٰ): ۵۲۶/۲، والکبریٰ، ح: ۵۵۲۴.

### Comments:

This *Hadîth* has been mentioned earlier several times. Here the purpose is that the woman had used the term *Hibah* (gift) and *Hibah* generally means gratis. Hence, this proposal would also be without dower.

## Chapter 70. Allowing Intimacy

**3362.** It was narrated from An-Nu'mân bin Bashîr that the Prophet ﷺ said, concerning a man who had intercourse with his wife's slave woman: "If she let him do that, I will flog him with one

## (المعجم ۶۹) - بَابُ هِبَةِ الْمَرْأَةِ نَفْسَهَا لِرَجُلٍ يَغْيِرُ صَدَاقَيْ (التحفة ۶۹)

٣٣٦١ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مَالِكٌ عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ: أَنَّ رَسُولَ اللَّهِ ﷺ جَاءَهُ امْرَأَةٌ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنِّي قَدْ وَهَبْتُ نَفْسِي لَكَ، فَقَامَتْ قِيَاماً طَوِيلًا فَقَامَ رَجُلٌ فَقَالَ: رَوَجْنِيهَا إِنْ لَمْ يَكُنْ لَكَ بِهَا حَاجَةٌ، قَالَ رَسُولُ اللَّهِ ﷺ: «هَلْ عِنْدَكَ شَيْءٌ؟» قَالَ: مَا أَجِدُ شَيْئاً، قَالَ: «الْتَّوْسِينَ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ». فَالْتَّمَسَ فَلَمْ يَجِدْ شَيْئاً، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «هَلْ مَعَكَ مِنَ الْقُرْآنِ شَيْءٌ؟» قَالَ: نَعَمْ سُورَةً كَذَا وَسُورَةً كَذَا لِسُورَتِهِ سَمَّاهَا، قَالَ رَسُولُ اللَّهِ ﷺ: «قَدْ زَوَّجْتُكَهَا عَلَى مَا مَعَكَ مِنَ الْقُرْآنِ».

## (المعجم ۷۰) - بَابُ إِحْلَالِ الْفَرِجِ

(التحفة ۷۰)

٣٣٦٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعبَةُ عَنْ أَبِي بَشِيرٍ، عَنْ حَالِدِ بْنِ عُرْفُطَةَ، عَنْ حَبِيبِ بْنِ سَالِمٍ، عَنْ التَّعْمَانِ بْنِ بَشِيرٍ، عَنْ الْبَيِّنِ

hundred stripes, and if she did not let him, I will stone him (to death).” (*Hasan*)

فِي الرَّجُلِ يَأْتِي جَارِيَةً امْرَأَيْهِ قَالَ: «إِنْ كَانَتْ أَحَلَّهَا لَهُ جَلَدَتْهُ مَا تَهْوِي، وَإِنْ لَمْ تَكُنْ أَحَلَّهَا لَهُ رَجْمَتْهُ». **أَحَلَّهَا لَهُ رَجْمَتْهُ.**

**تخریج:** [حسن] أخرجه أبو داود، الحدود، باب: في الرجل يزني بجاريه امرأته، ح: ٤٥٩، عن محمد بن بشار به، وهو في الکبرى، ح: ٥٥٥١، وللحديث شواهد عند اليهقي: ٢٤٠ / ٨، وابن ماجه، ح: ٢٥٥٢ وغيرهما.

### Comments:

An unlawful thing does not become lawful by someone's making it so. If a woman renders her slave woman lawful for her husband, the slave woman would not become lawful for him. This is because the slave woman belongs to the wife; she is not his (husband's) slave woman. But, if the wife gives him the slave woman as a gift and subsequently she becomes his slave woman, or if the wife marries off the slave woman to the husband, then she would become lawful.

**3363.** It was narrated from An-Nu'mân bin Bashîr that a man called 'Abdur-Râhmân bin Hunain or Yunbaz Qurqûr had intercourse with his wife's slave woman, and it was brought to An-Nu'mân bin Bashîr. He said: “I will pass the same judgment concerning her as the Messenger of Allâh ﷺ did. If she let you do that, I will flog you, but if she did not let you do that, I will stone you (to death).” She had let him do that so he flogged him with one hundred stripes. (One of the narrators) Qatâdah said: “I wrote to Hâbib bin Sâlim and he wrote back to me with this information.” (*Hasan*)

**تخریج:** [حسن] انظر الحديث السابق، وهو في الکبرى، ح: ٥٥٥٤.

**3364.** It was narrated from An-Nu'mân bin Bashîr that the Messenger of Allâh ﷺ said, concerning a man who had intercourse with his wife's slave woman: “If she let him do that, I

- أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْمَرٍ قَالَ: حَدَّثَنَا حَبَّانُ قَالَ: حَدَّثَنَا أَبْيَانُ عَنْ قَتَادَةَ، عَنْ خَالِدِ بْنِ عُرْقُطَةَ، عَنْ حَبِيبِ بْنِ سَالِمٍ، عَنْ النَّعْمَانِ بْنِ بَشِيرٍ: أَنَّ رَجُلًا يُقَاتَلُ لَهُ عَبْدُ الرَّحْمَنِ بْنُ حُنَيْنٍ وَيُبَيَّرُ فُرُوقُرًا أَنَّهُ وَقَعَ بِجَارِيَةٍ امْرَأَيْهِ فَرُبِعَ إِلَى النَّعْمَانِ بْنِ بَشِيرٍ قَفَالَ: لَا يَقْضِيَنَّ فِيهَا بِقَضِيَّةِ رَسُولِ اللَّهِ ﷺ، إِنْ كَانَتْ أَحَلَّهَا لَكَ جَلَدُكَ، وَإِنْ لَمْ تَكُنْ أَحَلَّهَا لَكَ رَجْمُكَ بِالْجَمَارَةِ، فَكَانَتْ أَحَلَّهَا لَهُ فَجْلَدٌ مَا تَهْوِي. قَالَ قَتَادَةُ: فَكَتَبْتُ إِلَيْهِ حَبِيبِ بْنِ سَالِمٍ فَكَتَبَ إِلَيَّ بِهِذَا.

- أَخْبَرَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا عَارِمٌ قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ سَعِيدِ ابْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ حَبِيبِ بْنِ سَالِمٍ، عَنْ النَّعْمَانِ بْنِ بَشِيرٍ: أَنَّ رَسُولَ اللَّهِ

will flog him with one hundred stripes, and if she did not let him do that, I will stone him (to death).” (*Hasan*)

قال في رجل وقع بجارية امرأته: «إِنْ كَانَتْ أَحَلَّتْهَا لَهُ فَأَجْلِدْهُ مِائَةً، وَإِنْ لَمْ تَكُنْ أَحَلَّتْهَا لَهُ فَأَرْجِمْهُ». *(Fārjūm)*

تخریج: [حسن] انظر الحدیثین السابقین، وهو في الکبری، ح: ۵۵۵۵.

**3365.** It was narrated that Salamah bin Al-Muhabbaq said: “The Prophet ﷺ passed judgment concerning a man who had intercourse with his wife’s slave woman: ‘If he forced her, then she is free, and he has to give her mistress a similar slave as a replacement; if she obeyed him in that, then she belongs to him, and he has to give her mistress a similar slave as a replacement.’” (*Hasan*)

٣٣٦٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقِ قَالَ: حَدَّثَنَا مَعْمُورٌ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ قَيْصَةَ بْنِ حُرَيْثٍ، عَنْ سَلَمَةَ بْنِ الْمُحَبَّبِ قَالَ: قَضَى النَّبِيُّ ﷺ فِي رَجُلٍ وَطِيعَةً جَارِيَةً امْرَأَتِهِ: «إِنْ كَانَ اسْتَكْرِهَهَا فَهِيَ حُرَّةٌ وَعَلَيْهِ لِسَيْدِرِهَا مِثْلُهَا، وَإِنْ كَانَتْ طَاؤَعَةً فَهِيَ لَهُ وَعَلَيْهِ لِسَيْدِرِهَا مِثْلُهَا».

تخریج: [إسناده حسن] أخرجه أبو داود، المحدود، باب: في الرجل يزنی بجارية امرأته، ح: ٤٤٦٠ من حديث عبدالرزاق به \* الحسن البصري صرح بالسماع عند البيهقي: /٨: ٢٤٠ وقيصية ثقة صدوق ولم يطعن أحد فيه بحججة.

#### Comments:

It is probable that this *Hadīth* was uttered before the revelation of the commands prescribing the legal penalty (*Hudūd*). Now the implementation of the prescribed legal penalty is inevitable. In such a situation, the man involved shall be stoned to death, whether the slave woman had consented or she was raped. The slave woman, however, would be forgiven in the case of rape. In the event of consensual intercourse, she shall receive fifty lashes, as has preceded in the afore-mentioned narrations.

**3366.** It was narrated from Salamah bin Al-Muhabbaq that a man had intercourse with a slave woman belonging to his wife, and was brought to the Messenger of Allāh ﷺ. He said: “If he forced her, then she is free at his expense and he has to give her mistress a similar slave as a replacement. If she obeyed him in that, then she

٣٣٦٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ بَزِيرٍ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَلَمَةَ بْنِ الْمُحَبَّبِ: أَنَّ رَجُلًا عَشِيَّ جَارِيَةً لِإِمْرَأَتِهِ فَرُفِعَ ذَلِكَ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: «إِنْ كَانَ اسْتَكْرِهَهَا فَهِيَ حُرَّةٌ مِنْ مَالِهِ وَعَلَيْهِ الشَّرْوَى لِسَيْدِرِهَا، وَإِنْ كَانَتْ طَاؤَعَةً فَهِيَ لَهُ مِثْلُهَا مِنْ مَالِهِ».

belongs to her mistress, and he has to give her mistress a similar slave as well.”” (*Hasan*)

تخریج: [حسن] أخرجه أبو داود، ح: ٤٤٦١ من حديث سعيد بن أبي عروبة به، وهو في الكبير، ح: ٥٥٥٧، وانظر الحديث السابق.

## Chapter 71. The Prohibition Of *Mut'ah* (Temporary Marriage)

**3367.** It was narrated from Al-Hasan and 'Abdullâh, the sons of Muhammâd, from their father, that 'Alî heard that a man did not see anything wrong with *Mut'ah* (temporary marriage). He said: “You are confused, the Messenger of Allâh ﷺ forbade it, and the meat of domestic donkeys on the day of Khaibar.” (*Sahîh*)

(المعجم ٧١) - تَحْرِيمُ الْمُتَّعَةِ

(التحفة ٧١)

٣٣٦٧ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْهِ قَالَ: حَدَّثَنَا يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ عَمْرَو قَالَ: حَدَّثَنِي الزُّهْرِيُّ عَنِ الْحَسَنِ وَعَبْدِ اللَّهِ ابْنِ عَمْرَو، عَنْ أَبِيهِمَا: أَنَّ عَلَيْهِ بَلْغَةً أَنَّ رَجُلًا لَا يَرَى بِالْمُتَّعَةِ بَأْسًا فَقَالَ: إِنَّكَ تَأْتِيَهُ نَهَى رَسُولُ اللَّهِ ﷺ عَنْهَا وَعَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ يَوْمَ خَيْرٍ.

تخریج: أخرجه البخاري، المعاذی، باب غزوة خیر، ح: ٤٢١٦ من حديث يحيی القطان، ومسلم، النکاح، باب نکاح المتعة وبيان أنه أبیح ثم نسخ ... إلخ، ح: ١٤٠٧ من حديث عیدالله ابن عمر به، وهو في الكبير، ح: ٥٥٤٧.

### Comments:

1. *Mut'ah* (recreational) means a marriage contracted for a specified period of time, or temporary marriage, whether it be for a few hours, days, or years. This sort of marriage automatically ends when its stipulated time finishes. No divorce is required. If the husband dies during the stipulated time, the woman inherits nothing, nor is any waiting period applied to her. In other words, no ruling concerning marriage applies to it, except for intercourse. This, therefore, is not a *Shari'* or lawful marriage. It was, however, one form of several practiced marriages of the period of *Jahiliyyah*. No appropriate action was taken against it in the early period of Islam. But later on, it was forbidden (at the time of Campaign of Khaibar or the Conquest of Makkah); and now it stands forbidden until the Day of Judgment. Such a marriage would be considered null and void, and if it is continued, it would be synonymous with adultery. The Shi'ites still consider it lawful, but even 'Alî ؓ calls its validators lunatics and misguided.
2. ‘A man’: it means Ibn ‘Abbâs ؓ. He had earlier thought it was permissible in times of need and compulsion, though generally it is prohibited; whereas other Companions considered it absolutely and eternally forbidden. And this is what is correct. Later on, the misunderstanding of Ibn ‘Abbâs was cleared,

and he reconciled with the other Companions.

3. On the day of the Campaign of Khaibar, according to some venerable individuals, the Day of Khaibar is affiliated with the prohibition of domestic donkeys and not with temporary marriage, because the form of temporary marriage was declared unlawful at the time of the Conquest of Makkah. It is possible a preventive measure was taken on the Day of Khaibar, and later it was declared unlawful at the time of the Conquest of Makkah, or that some were aware at Khaibar, and others heard it as it was mentioned again after the Conquest of Makkah.
4. Domestic donkey: The wild donkey, or onager, which in reality happens to be a cow, is called a wild donkey on account of the similarity of its legs with those of a donkey. Otherwise, in actuality, it is a wild cow and is lawful.

**3368.** It was narrated from 'Abdullâh and Al-Hasan, the sons of Muhammâd bin 'Alî, from their father, from 'Alî bin Abî Tâlib, that the Messenger of Allâh ﷺ on the Day of Khaibar forbade temporary marriage to women, and (he also forbade) the meat of tame donkeys. (*Sahîh*)

٣٣٦٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مَسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - وَاللَّفْظُ لَهُ - قَالَ: أَخْبَرَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ ابْنِ شَهَابٍ، عَنْ عَبْدِ اللَّهِ وَالْحَسَنِ ابْنَيْ مُحَمَّدٍ بْنِ عَلَيٍّ، عَنْ أَبِيهِمَا، عَنْ عَلَيٍّ بْنِ أَبِي طَالِبٍ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ مُتْمَعَةِ النِّسَاءِ يَوْمَ خَيْرٍ، وَعَنْ لُحُومِ الْحُمُرِ الْإِنْسِيَّةِ.

تخریج: أخرجه البخاري، الذبائح، باب لحوم الحمر الإنسية، ح: ٥٥٢٣ من حديث مالك به، وهو في الموطأ (بحري): ٥٤٢/٢، والكري، ح: ٥٥٤٨، وانظر الحديث السابق.

#### Comments:

Domesticated donkeys are the very same asses which men keep for their needs. Hence, both these terms are synonymous. Concerning donkeys, they are eternally unlawful. It is the view of the majority of the people of knowledge. It has been ascribed to Imâm Mâlik رض that he considered some donkeys lawful when kept in habitations, if they abstained from eating filth.

**3369.** Mâlik bin Anas narrated that Ibn Shihâb told him that 'Abdullâh and Al-Hasan, the sons of Muhammâd bin 'Alî, told him, that their father Muhammâd bin 'Alî told them, that 'Alî bin Abî Tâlib, may Allâh be pleased with him, said: "The Messenger of Allâh

٣٣٦٩ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ وَمُحَمَّدُ ابْنُ بَشَّارٍ وَمُحَمَّدُ بْنُ الْمُتَّنِّي قَالُوا: أَخْبَرَنَا عَبْدُ الْوَهَابٍ قَالَ: سَمِعْتُ يَحْمَيْ بْنَ سَعِيدٍ يَقُولُ: أَخْبَرَنِي مَالِكُ بْنُ أَنَسٍ أَنَّ ابْنَ شَهَابٍ أَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ وَالْحَسَنَ ابْنَيْ مُحَمَّدٍ بْنِ

"on the Day of Khaibar forbade temporary marriage to women." (One of the narrators) Ibn Al-Muthanna said: "The Day of Hunain." He said: "This is what 'Abdul-Wahhab narrated to us from his book." (*Sahîh*)

عَلَيْهِ أَخْبَرَاهُ أَنَّ أَبَاهُمَا مُحَمَّدَ بْنَ عَلَيٍّ أَخْبَرَهُمَا أَنَّ عَلَيَّ بْنَ أَبِيهِ طَالِبَ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ يَوْمَ حَمِيرَ عَنْ مُتَّعَةِ النِّسَاءِ. قَالَ ابْنُ الْمُتَّقِيِّ: يَوْمَ حُنَيْنٍ وَقَالَ: هَكَذَا حَدَّثَنَا عَبْدُ الْوَهَابِ مِنْ كِتَابِهِ.

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبير، ح: ٥٥٤٩ \* عبد الوهاب هو القمي.

### Comments:

Seemingly Hunain is substituted for Khaibar, because in the early period, there were no diacritical marks on letters. There was virtually no difference in the mode of writing the letters *Nûn* and *Râ*. Khaibar and Hunain looked alike when written. This is why the transmitters made an error. Even if we assume that it was the Day of Hunain, then it would signify the Conquest of Makkah. This is because the Day of Hunain and the Conquest of Makkah are close in time. The Campaign of Khaibar took place in the beginning of the year 7H, whereas the Conquest of Makkah took place toward the end of Ramadan in the year 8H, and the Campaign of Hunain in the beginning of Shawwal in the year 8H.

**3370.** It was narrated from Ar-Rabi' bin Sabrah Al-Juhanî that his father said: "The Messenger of Allâh ﷺ gave permission for *Mut'ah*, so I and another man went to a woman from Bani 'Âmir and offered ourselves to her (for *Mut'ah*). She said: 'What will you give me?' I said: 'My *Ridâ'* (upper garment).' My companion also said: 'My *Ridâ'*.' My companion's *Ridâ'* was finer than mine, but I was younger than him. When she looked at my companion's *Ridâ'* she liked it, but when she looked at me, she liked me. Then she said: 'You and your *Ridâ'* are sufficient for me.' I stayed with her for three (days), then the Messenger of Allâh ﷺ said: 'Whoever has any of these women whom he married

٣٣٧ - أَخْبَرَنَا قُتْبَيْهُ قَالَ: حَدَّثَنَا الْيَثْرَى عَنِ الرَّبِيعِ بْنِ سَبْرَةِ الْجُهْنَى، عَنْ أَبِيهِ أَنَّهُ قَالَ: أَذِنَ رَسُولُ اللَّهِ يَوْمَ حَمِيرَ بِالْمُتَّعَةِ فَانطَلَقْتُ أَنَا وَرَجُلٌ إِلَى امْرَأَةٍ مِنْ بَنِي عَامِرٍ فَعَرَضْنَا عَلَيْهَا أَفْسَنَنَا فَقَالَتْ: مَا تُعْطِنِي؟ فَقُلْتُ: رِدَائِيِّ. وَقَالَ صَاحِبِي: رِدَائِيِّ. وَكَانَ رِدَاءُ صَاحِبِي أَجْوَدَ مِنْ رِدَائِيِّ. وَكُنْتُ أَشَبَّ مِنْهُ، فَإِذَا نَظَرْتُ إِلَى رِدَاءِ صَاحِبِي أَعْجَبَهَا وَإِذَا نَظَرْتُ إِلَيْيَ أَعْجَبَهَا، ثُمَّ قَالَتْ: أَنْتَ وَرِدَاؤُكَ يَكْفِينِي فَمَكَثْتُ مَعَهَا ثَلَاثًا، ثُمَّ إِنَّ رَسُولَ اللَّهِ يَوْمَ حَمِيرَ قَالَ: «مَنْ كَانَ عِنْدَهُ مِنْ هُنْوَ النِّسَاءِ الَّتِي يَمْتَعُ فَلْيَخُلُّ سَيْلَهَا». قَالَ

temporarily should let them go.”

(*Sahîh*)

تخریج: أخرجه مسلم، النکاح، باب نکاح المتعة وبيان أنه أبيح ثم نسخ ... الخ  
ح: ١٤٠٦ عن قبیة به، وهو في الكبری، ح: ٥٥٥٠

### Comments:

In other words, it is the final command of the Prophet ﷺ to abandon temporary marriage. It is, therefore, forbidden.

## Chapter 72. Announcing The Wedding By Singing And Beating The Duff

**3371.** It was narrated that Muhammad bin Hâfiث said: “The Messenger of Allâh ﷺ said: ‘What differentiates between the lawful and the unlawful is the *Duff*, and the voice (singing) for the wedding.’” (*Hasan*)

(المعجم ٧٢) - إِعْلَانُ النِّكَاحِ بِالصَّوْتِ  
وَضَرْبُ الدُّفْ (التحفة ٧٢)

٣٣٧١ - أَخْبَرَنَا مُجَاهِدُ بْنُ مُوسَى قَالَ: حَدَّثَنَا هُشَيْمٌ عَنْ أَبِي بَلْجٍ، عَنْ مُحَمَّدٍ بْنِ حَاطِبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «فَاضْلُّ مَا بَيْنَ الْحَلَالِ وَالْحَرَامِ الدُّفُّ وَالصَّوْتُ فِي النِّكَاحِ».

تخریج: [حسن] أخرجه الترمذی، النکاح، باب ماجاء في إعلان النکاح، ح: ١٠٨٨ من حديث هشیم به، وصرح بالسماع عنده، وقال الترمذی: ”حسن“، والحديث في الكبری، ح: ٥٥٦٢، وصححه الحاکم: ١٨٤/٢، ووافقه الذہبی: ”أبو بلج هو يحيى بن أبي سليم، ومحمد بن حاطب هو الجمحی.“

### Comments:

The purpose of this *Hadîth* is to demonstrate that the marriage ought not to be contracted secretly. It should rather be announced in a public way. Besides, marriage is an occasion of rejoicing and on the occasion of celebration, children like singing and playing the *Duff*. Hence, children should be permitted to play the *Duff* and sing suitable songs on such happy occasions so that the marriage becomes well publicized. This is lawful for children and women, provided the women are not heard or seen by men. The use of musical instruments other than the *Duff* is forbidden. The *Duff* is an extremely simple instrument. Its sound is also low and plain. It is, therefore, allowed. Playing the drums, etc., is forbidden.

**3372.** It was narrated that Abû Balj said: “I heard Muhammad bin Hâfiث say: ‘What differentiates between the lawful and the unlawful is the voice (singing).’” (*Hasan*)

٣٣٧٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ عَنْ شُعْبَةَ، عَنْ أَبِي بَلْجٍ قَالَ: سَمِعْتُ مُحَمَّدًا بْنَ حَاطِبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ فَاضْلَّ مَا بَيْنَ الْحَلَالِ وَالْحَرَامِ الصَّوْتُ».

تخریج: [إسناده حسن] انظر الحديث السابق.

(المعجم ٧٣) - **كَيْفَ يُدْعَى لِلرَّجُلِ إِذَا تَزَوَّجَ** (التحفة ٧٣)

٣٣٧٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْهِ وَمُحَمَّدُ أَبْنُ عَبْدِ الْأَغْلَى قَالَا: حَدَّثَنَا خَالِدٌ عَنْ أَشْعَثَ، عَنْ الْحَسَنِ قَالَ: تَزَوَّجَ عَقِيلُ بْنُ أَبِي طَالِبٍ امْرَأَةً مِنْ بَنِي جُشَمٍ فَقِيلَ لَهُ بِالرِّفَاءِ وَالْبَيْنِ، قَالَ: قُولُوا كَمَا قَالَ رَسُولُ اللهِ ﷺ: «بَارَكَ اللَّهُ فِيكُمْ وَبَارَكَ لَكُمْ».

### Chapter 73. How To Congratulate A Man When He Gets Married

**3373.** It was narrated that Al-Hasan said: “Aqîl bin Abî Tâlib married a woman from Banu Jusham, and it was said to him: ‘May you live in harmony and have many sons.’ He said: ‘Say what the Messenger of Allâh ﷺ said: *Bârak Allâhu fikum, wa bâraka lakum.* (May Allâh bless you and bestow blessings upon you.)” (*Hasan*)

تخریج: [حسن] أخرجه ابن ماجه، النکاح، باب تهنة النکاح، ح: ١٩٠٦ من حديث أشعث ابن عبدالملك به، وهو في الكبير، ح: ٥٥٦١، وللحديث شواهد عند أحمد، وأبي داود، وأبي حميدا.

#### Comments:

The former way of congratulation was a ritual of the time of ignorance; hence, it was changed.

### Chapter 74. The Supplication Of The One Who Did Not Attend The Wedding

**3374.** It was narrated that Anas said: “The Messenger of Allâh ﷺ saw traces of yellow perfume on ‘Abdur-Rahmân and said: ‘What is this?’ He said: ‘I married a woman for a *Nawâh* (five Dirhams) of gold.’ He said: ‘May Allâh bless you. Give a *Walîmah* (wedding feast) even if it is with one sheep.’” (*Sahîh*)

تخریج: أخرجه مسلم، النکاح، باب الصداق وجواز كونه تعلیم قرآن وخاتم حديد، وغير ذلك ... إلخ، ح: ٧٩/١٤٢٧ عن قتيبة، والبخاري، النکاح، باب: كيف يدعى للمتزوج؟، ح: ٥١٥٥ من حديث حماد بن زيد به.

#### Comments:

(See *Hadîth* 3353)

(المعجم ٧٤) - **دُعَاءُ مَنْ لَمْ يَشْهُدْ تَزَوُّجَ** (التحفة ٧٤)

٣٣٧٤ - أَخْبَرَنَا قُتَيْبَةَ قَالَ: حَدَّثَنَا حَمَادٌ أَبْنُ زَيْدٍ عَنْ ثَابِتٍ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللهِ ﷺ رَأَى عَلَى عَبْدِ الرَّحْمَنِ أَثْرًا صُمُرَةً فَقَالَ: «مَا هَذَا؟» قَالَ: تَزَوَّجْتُ امْرَأَةً عَلَى وَزْنِ نَوَافِيْهِ دَعَبٍ، قَالَ: «بَارَكَ اللَّهُ لَكَ، أَوْلَمْ وَلَوْ بِشَاءْ». .

تخریج: أخرجه مسلم، النکاح، باب الصداق وجواز كونه تعلیم قرآن وخاتم حديد، وغير ذلك ... إلخ، ح: ٧٩/١٤٢٧ عن قتيبة، والبخاري، النکاح، باب: كيف يدعى للمتزوج؟، ح: ٥١٥٥ من حديث حماد بن زيد به.

## Chapter 75. Concession Allowing Yellow Perfume At The Time Of Marriage

**3375.** It was narrated from Anas that 'Abdur-Rahmân bin 'Awf came with a trace of saffron on him, and the Messenger of Allâh ﷺ said: "What's this for?" He said: "I have married a woman." He said: "What dowry did you give?" He said: "The weight of a *Nawâh* (five Dirhams) of gold." He said: "Give a *Walîmah* (wedding feast) even if it is with one sheep." (*Sahîh*)

تخریج: [إسناده صحيح] أخرجه أبو داود، النکاح، باب قلة المهر، ح: ٢١٠٩ من حديث حماد بن سلمة به، وهو في الكبير، ح: ٥٥٥٨، وله طرق عند البخاري ومسلم وغيرهما \* ثابت هو البناي.

### Comments:

Earlier in *Hadîth* 3353, it is reported that 'Abdur-Rahmân bin Awf ﷺ might not necessarily have applied saffron deliberately; what is more probable is, while in the company of his wife, his body and clothes might have received marks (of colored perfume) from her garments as hued adornment is forbidden for men. But it transpires from the style of Imâm An-Nâsâ'î, that he considers grooms exempt from it. From the aspect of the same understanding, some jurists consider application of *henna* also, although *henna* is purely symbolic for women. And Allâh knows best!

**3376.** It was narrated that Anas said: "The Messenger of Allâh ﷺ saw a trace of yellow perfume on me" – as if he meant 'Abdur-Rahmân bin 'Awf – "and said: 'What's this for?' He said: 'I have married a woman from among the Anshâr.' He said: 'Give a *Walîmah* (wedding feast) even if it is with one sheep.'" (*Sahîh*)

تخریج: [صحیح] تقدم طرفه، ح: ٣٣٥٣، وسيأتي، ح: ٣٣٩٠، وهو في الكبير، ح: ٥٥٦٠.

## (المعجم ٧٥) - الرُّخْصَةُ فِي الصُّفْرَةِ عِنْدَ التَّزْوِيجِ (التحفة ٧٥)

**٣٣٧٥** - أَخْبَرَنَا أَبُو بَكْرٍ بْنُ نَافِعٍ قَالَ: حَدَّثَنَا بَهْرُ بْنُ أَسَدٍ قَالَ: حَدَّثَنَا حَمَادٌ قَالَ: حَدَّثَنَا ثَابِتُ عَنْ أَنَسٍ: أَنَّ عَبْدَ الرَّحْمَنَ بْنَ عَوْفٍ جَاءَ وَعَلَيْهِ رَدْعٌ مِنْ زَعْفَرَانٍ فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَهِيمٌ؟» قَالَ: تَرَوْجُثُ امْرَأَةً، قَالَ: «وَمَا أَضْدَفْتُ؟» قَالَ: وَزْنَ نَوَافِعَ مِنْ ذَهَبٍ، قَالَ: «أَوْلَمْ وَلَوْ بِشَاهَةً».

**٣٣٧٦** - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنِ الْوَزِيرِ بْنِ سُلَيْمَانَ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ كَثِيرٍ أَبْنَ عَفَيْرٍ قَالَ: أَخْبَرَنَا سُلَيْمَانُ بْنُ يَلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ حُمَيْدِ الطَّوَبِيلِ، عَنْ أَنَسٍ قَالَ: رَأَى رَسُولُ اللَّهِ ﷺ عَلَيَّ - كَانَهُ يَعْنِي عَبْدَ الرَّحْمَنَ بْنَ عَوْفٍ - أَتَرْ صُفْرَةَ فَقَالَ: «مَهِيمٌ؟» قَالَ: تَرَوْجُثُ امْرَأَةً مِنَ الْأَنْصَارِ، فَقَالَ: «أَوْلَمْ وَلَوْ بِشَاهَةً».

## Chapter 76. A Gift Given Before Consummation Of The Marriage

**3377.** It was narrated from Ibn ‘Abbâs that ‘Alî said: “I got married to Fâtimah, may Allâh be pleased with her, and I said: ‘O Messenger of Allâh, let me consummate the marriage.’ He said: ‘Give her something.’ I said: ‘I do not have anything.’ He said: ‘Where is your Hutamî armor?’ He said: ‘It is with me.’ He said: ‘Give it to her.’” (*Sahîh*)

(المعجم ٧٦) - نَحْلَةُ الْخَلْوَةِ (التحفة ٧٦)

٣٣٧٧ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا هِشَامٌ بْنُ عَبْدِ الْمَلِكِ قَالَ: حَدَّثَنَا حَمَادٌ عَنْ أَيُوبَ، عَنْ عِكْرِمَةَ، عَنْ أَبْنِ عَبَّاسٍ: أَنَّ عَلِيًّا قَالَ: تَزَوَّجْتُ فَاطِمَةَ رَضِيَ اللَّهُ عَنْهَا فَقُلْتُ: يَا رَسُولَ اللَّهِ! أَبْنَاهَا يَبِي، قَالَ: أَعْطِهَا شَيْئًا فَقُلْتُ: مَا عِنْدِي مِنْ شَيْءٍ، قَالَ: «فَأَيْنَ دِرْعُكَ الْحُطْمِيَّةُ؟» قُلْتُ: هِيَ عِنْدِي، قَالَ: «فَأَعْطِهَا إِيَّاهُ». هي عندى، قال: «فأعطيها إياها».

تخریج: [إسناده صحيح] أخرجه البزار في البحر الزخار: ٢/١١٠، ح: ٤٦١ من حديث هشام بن عبد الملك به، وهو في الكبرى، ح: ٥٥٦٧ \* حماد هو ابن سلمة.

### Comments:

1. The method adopted by Imâm An-Nasâ’î in the divisions of chapter demonstrates that he considers the afore-mentioned armor separate from the dower, and holds it to be a special gift, while according to many people of knowledge, it was the dower which was given at the time of the couple living together instead of the time when the marriage was agreed. And Allâh knows best!
2. *Hutamiyyah* armor: *Hutamiyyah* probably might allude to its manufacturer or perhaps to its characteristics, which means the breaker of swords, spears, and arrows.

**3378.** It was narrated that Ibn ‘Abbâs said: “When ‘Alî, may Allâh be pleased with him, married Fâtiyah, may Allâh be pleased with her, the Messenger of Allâh ﷺ said to him: ‘Give her something.’ He said: ‘I do not have anything.’ He said: ‘Where is your Hutamî armor?’” (*Sahîh*)

٣٣٧٨ - أَخْبَرَنَا هَارُونُ بْنُ إِسْحَاقَ عَنْ عَبْدَةَ، عَنْ سَعِيدٍ، عَنْ أَيُوبَ، عَنْ عِكْرِمَةَ، عَنْ أَبْنِ عَبَّاسٍ قَالَ: لَمَّا تَزَوَّجَ عَلِيًّا رَضِيَ اللَّهُ عَنْهُ فَاطِمَةَ رَضِيَ اللَّهُ عَنْهَا قَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «أَعْطِهَا شَيْئًا» قَالَ: مَا عِنْدِي، قَالَ: «فَأَيْنَ دِرْعُكَ الْحُطْمِيَّةُ؟».

تخریج: [صحیح] أخرجه البزار: ٢/١١٠، ح: ٤٦٢ عن هارون به، أخرجه أبو داود، النکاح، باب: في الرجل يدخل بامرأته قبل أن يقدّها شيئاً، ح: ٢١٢٥ من حديث عبدة بن سليمان به، وهو في الكبرى، ح: ٥٥٦٨، وصحّحه ابن حبان، انظر الحديث السابق، وله طرق أخرى ذكرت بعضها في تخریج مستند الحمیدی، ح: ٣٨ \* سعید هو ابن أبي عروبة.

## Chapter 77. Consummating The Marriage In Shawwâl

**3379.** It was narrated that ‘Âishah said: “The Prophet ﷺ married me in Shawwâl, and he consummated the marriage with me in Shawwâl, and which of his wives find more favor with him than me?” (*Sahîh*)

(المعجم ٧٧) - الْبَيْانُ فِي شَوَّالٍ  
(التحفة ٧٧)

٣٣٧٩ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا سُفِيَّانُ عَنْ إِسْمَاعِيلَ ابْنِ أُمِّيَّةَ، عَنْ عَبْدِ اللَّهِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللَّهِ ﷺ فِي شَوَّالٍ وَأَدْخَلْتُ عَيْنِي فِي شَوَّالٍ، فَأَيُّ نِسَاءٍ كَانَ أَحْظَى عِنْدَهُ مِنِّي .

تخریج: [صحیح] تقدم، ح: ٣٢٣٨، وهو في الكبير، ح: ٥٥٧٢.

### Comments:

1. During the period of ignorance, the people considered the month of Shawwal ill-boding on account of its inherent meaning, and did not consider appropriate to marry or make any construction in this month. It is mere superstition, there is no truth in it. The name of the month casts no effect on its days. Islam is against such superstitions and any hindrance brought on its account in human relations. Islam considers it bad belief. Alas! Nowadays some Muslims also hold such views regarding the month of Muharram. The term Shawwal is derived from *Shaul*, which connotes a horse's shaking its tail rebelliously and raising it.
2. ‘In Shawwal’: There was an interval of three years between the marriage and then living together. May Allâh be well-pleased with her.

## Chapter 78. Consumption Of Marriage With A Girl Of Nine

**3380.** It was narrated that ‘Âishah said: “The Messenger of Allâh ﷺ married me when I was six, and consummated the marriage with me when I was nine, and I used to play with dolls.” (*Sahîh*)

(المعجم ٧٨) - الْبَيْانُ بِابْنَةٍ تَسْعِ  
(التحفة ٧٨)

٣٣٨٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللَّهِ ﷺ وَأَنَا بُنْتُ سِتٍّ، وَدَخَلَ عَلَيَّ وَأَنَا بُنْتُ تِسْعَ سِنِّينَ وَكُنْتُ أَلْعَبُ بِالْبَنَاتِ .

تخریج: أخرجه مسلم، النکاح، باب جواز تزویج الأب البكر الصغیرة، ح: ١٤٢٢ من حدیث عبدة بن سلیمان به، وهو في الكبير، ح: ٥٥٦٩.

### Comments:

Due to climatic conditions and her own physical wholesomeness, she had reached puberty at the age of nine years. There is, therefore, no ambiguity in

the matter of her living with him. (See Nos. 3357 to 3360).

**3381.** It was narrated that ‘Âishah said: “The Messenger of Allâh ﷺ married me when I was six, and consummated the marriage with me when I was nine.” (*Hasan*)

٣٣٨١ - أَخْبَرَنَا أَحْمَدُ بْنُ سَعْدٍ بْنِ الْحَكَمِ بْنِ أَبِي مَرِيمَ قَالَ: حَدَّثَنَا عَمِي قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَئْوَبَ قَالَ: أَخْبَرَنِي عَمَارَةُ بْنُ غَرِيَّةَ عَنْ مُحَمَّدٍ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ قَالَتْ: تَرَوْجَنِي رَسُولُ اللَّهِ ﷺ وَهِيَ بِنْتُ سَيِّدِنَا، وَبَنِي بِهَا وَهِيَ بِنْتُ تَسْعَ بَنِينَ.

تخریج: [إسناده حسن] وهو في الكبri، ح: ٥٥٧١، وهذا متواتر عن عائشة رضي الله عنها، رواه عروة، وأبو عبيدة بن عبد الله بن مسعود، وابن أبي مليكة، والأسود وغيرهم عنها.

## Chapter 79. Consummation Of Marriage While Travelling

**3382.** It was narrated from Anas: “The Messenger of Allâh ﷺ invaded Khaibar and we prayed *Al-Ghâdah (Fajr)* there (early in the morning) when it was still dark. Then the Prophet ﷺ rode and Abû Talhâ rode, and I was riding behind Abû Talhâ. The Prophet of Allâh ﷺ passed through the lane of Khaibar quickly, and my knee was touching the thigh of the Messenger of Allâh ﷺ, and I could see the whiteness of the thigh of the Prophet ﷺ. When he entered the town he said: ‘*Allâhu Akbar, Khaibar is destroyed!* Whenever we approach a (hostile) nation to fight, evil will be the morning for those who have been warned.’<sup>[1]</sup> He said

## (المعجم ٧٩) - البناء في السفر

٣٣٨٢ - أَخْبَرَنَا زِيَادُ بْنُ أَئْوَبَ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلَيْهِ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزَ بْنُ صُهَيْبٍ عَنْ أَنَسٍ، أَنَّ رَسُولَ اللَّهِ ﷺ غَرَّا خَيْرَ فَصَلَّيْنَا عِنْدَهَا الْغَدَاءَ يُغَاسِّبُ فَرِكَبَ الْبَيْتَ ﷺ وَرَكِبَ أَبُو طَلْحَةَ وَأَنَا رَدِيفُ أَبِي طَلْحَةَ، فَأَخَذَ نَبِيَّ اللَّهِ ﷺ فِي رُقَاقِ خَيْرٍ وَإِنَّ رُكْبَيِّ لَتَسْسُنْ فَخَذَ رَسُولَ اللَّهِ ﷺ وَأَنِّي لَأَرَى يَاضَ فَخِذَ الْبَيْتَ ﷺ، فَلَمَّا دَخَلَ الْقُرْبَيْةَ قَالَ: «اللَّهُ أَكْبَرُ خَرِبَتْ خَيْرٌ، إِنَّ إِذَا نَزَلْنَا بِسَاحَةَ قَوْمٍ فَسَاءَ صَبَاحُ الْمُنْذَرِينَ» قَالَهَا ثَلَاثَ مَرَاتٍ، قَالَ: وَخَرَجَ الْقَوْمُ إِلَى أَعْمَالِهِمْ، قَالَ عَبْدُ الْعَزِيزِ: فَقَالُوا: مُحَمَّدٌ - قَالَ عَبْدُ الْعَزِيزِ: وَقَالَ بَعْضُ أَصْحَابِنَا -

[1] See *As-Sâffât* 37:177.

this three times. The people came out for their work.” (One of the narrators) ‘Abdul-‘Azîz said: “They said: ‘Muhammad (has come)!’” ‘Abdul-‘Azîz said: “Some of our companions said: ‘With his army.’” “We conquered Khaibar and gathered the captives. Dihyah came and said: ‘O Prophet of Allâh, give me a slave girl from among the captives.’ He said: ‘Go and take a slave girl.’ He took Ṣafiyah bint Huyayy. Then a man came to the Prophet ﷺ and said: ‘O Messenger of Allâh ﷺ, you gave Dihyah Ṣafiyah bint Huyayy, and she is the chief mistress of Quraizah and An-Nâdîr, and she is fit for no one but you.’ He said: ‘Call him to bring her.’ When the Prophet ﷺ saw her, he said: ‘Take any other slave girl from among the captives.’” He said: “The Prophet of Allâh ﷺ set her free and married her.” (One of the narrators) Thâbit said to him: “O Abû Ḥamzah, what dowry did he give her?” He (Anas) said: “Herself; he set her free and married her.” He said: “While on the road, Umm Sulaim fitted her out and presented her to him in the night, and the following morning he was a bridegroom. He said: ‘Whoever has anything, let him bring it.’ He spread out a leather cloth and men came with cottage cheese, dates, and ghee, and they made *Hais*, and that was the *Walîmah* (wedding feast) of the Messenger of Allâh ﷺ.” (*Sahîh*)

والخميس. وأصبتناها عنوة فجَمَعَ السُّبْنِي فَجَاءَ دِحْيَةَ دِحْيَةَ قَالَ: يَا نَبِيَّ اللَّهِ أَعْطَنِي جَارِيَةً مِنَ السُّبْنِي، قَالَ: «اذْهَبْ فَخُذْ جَارِيَةً» فَأَخَذَ صَفِيفَةَ بَنْتَ حُبَيْرَةَ فَجَاءَ رَجُلٌ إِلَى النَّبِيِّ قَالَ: يَا نَبِيَّ اللَّهِ أَعْطِنِي دِحْيَةَ صَفِيفَةَ بَنْتَ حُبَيْرَةَ سَيِّدَةَ فُرِيقَةَ وَالضَّيْرِ مَا تَضَلُّ إِلَّا لَكَ، قَالَ: «اذْعُورْهُ بِهَا». فَجَاءَ بِهَا فَلَمَّا نَظَرَ إِلَيْهَا النَّبِيُّ قَالَ: «خُذْ جَارِيَةً مِنَ السُّبْنِي غَيْرَهَا» قَالَ: وَإِنَّ نَبِيَّ اللَّهِ أَعْنَمَهَا وَتَزَوَّجَهَا، قَالَ لَهُ ثَابِتُ: يَا أَبَا حَمْزَةَ! مَا أَصْدَقَهَا؟ قَالَ: نَفْسَهَا، أَعْنَمَهَا وَتَزَوَّجَهَا، قَالَ: حَتَّى إِذَا كَانَ بِالطَّرِيقِ جَهَرَتْهَا لَهُ أُمُّ شَلَيْمٍ فَأَهَدَتْهَا إِلَيْهِ مِنَ اللَّيْلِ فَأَصْبَحَ عَرُوْسًا، قَالَ: مَنْ كَانَ عِنْدَهُ شَيْءٌ فَلْيَجِيءْ بِهِ» قَالَ: وَبَسْطَ نِطْعًا فَجَعَلَ الرَّجُلُ يَجِيءُ بِالْأَيْطَرِ، وَجَعَلَ الرَّجُلُ يَجِيءُ بِالشَّمْرِ، وَجَعَلَ الرَّجُلُ يَجِيءُ بِالسَّمْنِ، فَحَاسُوا حَيْسَةً فَكَانَتْ وَلِيمَةَ رَسُولِ اللَّهِ ﷺ.

تخریج: أخرجه البخاري، الصلوة، باب ما يذكر في الفخذ، ح: ٣٧١، ومسلم، النكاح، باب فضيلة اعتاقه أمته ثم يتزوجها، ح: ١٣٦٥ بعد، ح: ١٤٢٧ من حديث إسماعيل ابن علية به، وهو في الكبير، ح: ٥٥٧٦.

### Comments:

1. When other necessities of life could be fulfilled while traveling, marriage and its consummation also could take place, because they are also necessities; particularly so when the travels of those days lasted several weeks, rather months.
2. 'The thigh': while riding a mount, the dress might slide due to wind. The thigh, therefore, might be uncovered. It does not mean the Prophet ﷺ had deliberately uncovered his thighs. This is because baring one's thighs in populated places is blameworthy even for a common man, except for one who is traveling. While traveling, people generally roll up their hemlines in front of their companions and servants, for a whiff or two of breeze. It is possible in the company of very close companions, because the thigh is not similar to private parts. It should be kept covered because of its nearness to private parts. In the ritual prayer, covering of the thigh constitutes one of the parts which are required to be concealed obligatorily. If the thigh is bare, the prayer shall not be valid.
3. "Khaibar is destroyed!": Did the Prophet ﷺ state it on account of Revelation or other than that? Some people of knowledge consider it to have been a supplication, may Khaibar be conquered.
4. 'Safiyah bint Huyayy': She was the daughter of Huyayy bin Akhtab, who was the leader of the entire Jewish community. She was married to another prominent chief. The marriage had recently been contracted. Her husband was killed in the battle and she was taken captive. Seemingly, such a woman of eminent rank was not adequate for any common man. Therefore, the Prophet ﷺ took her back from Dahiyyah and chose her for himself; particularly so, because she was descended from the progeny of Prophet Harûn رَسُولُهُ. From the progeny of a Prophet and married to yet another Prophet. What a lofty rank! May Allâh be pleased with her and she with Him!
5. No one is allowed to have immediate intercourse with a woman who is married to someone when taken captive, before the expiry of one period or cycle of menses, in order to ensure that she is not pregnant. In case of pregnancy, intercourse is allowed only after the delivery of the child. The Safiyah رَبِيعَةُ بْنَ هُعَيْيَةَ coincidentally had been in the state of menses when she was taken captive. The menses ended while traveling. It became certain that she was not pregnant, because pregnancy terminates menses. Hence, cohabitation became permissible for the Prophet ﷺ.
6. 'That was the *Walîmah* of the Messenger of Allâh ﷺ': Only such sort of wedding feast was possible while traveling.

**3383.** It was narrated from Humaid that he heard Anas say: أَخْبَرَنَا مُحَمَّدُ بْنُ نَصِيرٍ قَالَ : ٣٣٨٣  
"The Messenger of Allâh ﷺ stayed at دَّهْنَتَنَا أَئُوبُ بْنُ شَلَيْمَانَ قَالَ : حَدَّثَنِي أَبُو

with Safiyyah bint Huyayy bin Akhtab on the way (back from) Khaibar for three days when he married her, then she was among those who were commanded to observe *Hijab*.” (*Sahih*)

بِكْرٌ بْنُ أَبِي أُوئِيسٍ عَنْ سُلَيْمَانَ بْنِ يَلَالِ، عَنْ يَحْيَى، عَنْ حُمَيْدٍ أَنَّهُ سَمِعَ أَسْنَا يَقُولُ: إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أَقَامَ عَلَى صَفِيفَةِ بِنْتِ حُبَيْرَ بْنِ أَخْطَبَ بِطَرِيقِ خَيْرٍ ثَلَاثَةَ أَيَّامٍ حِينَ عَرَسَهُ بِهَا، ثُمَّ كَانَتْ فِيمَنْ ضُرِبَ عَلَيْهَا الْحِجَابُ.

تخریج: أخرجه البخاري، المغازي، باب غزوة خیر، ح: ۴۲۱۲ من حديث عبد الحميد وهو أبو بكر بن أبي أوس به، وهو في الكبرى، ح: ۵۵۷۷ \* يحيى هو ابن سعيد الانصاري.

### Comments:

- ‘Three days’: This is because the one who already has a wife and marries thereupon another woman, he would stay with her particularly for a period of three days and nights. If she is a virgin, he would stay with her for a period of seven days. Then he would fix turns. Safiyyah was a widow. Allâh’s Messenger ﷺ, therefore, stayed with her for three days. Thereupon, he fixed her turn.
- ‘She was among those’: means she was not the Prophet’s ﷺ slave woman. She was rather included among the wives of the Prophet ﷺ, because the Prophet ﷺ had emancipated her before marrying her. *Hijâb* was required for free women. This is why the words were made use of.

**3384.** It was narrated that Anas said: “The Prophet ﷺ stayed between Khaibar and Al-Madînah for three days when he consummated his marriage to Safiyyah bint Huyayy, and I invited the Muslims to his *Walîmah*, in which there was no bread or meat. He commanded that a leather cloth (be spread) and dates, cottage cheese and ghee were placed on it, and that was his *Walîmah*. The Muslims said: ‘(Will she be) one of the Mothers of the Believers, or a female slave whom his right hand possesses?’ They said: ‘If he has a *Hijâb* for her, then she will be one of the Mothers of the Believers and if she does not have a *Hijâb* then she will be a female slave whom his right hand possesses.’ When he rode on,

٣٣٨٤ - أَخْبَرَنَا عَلَيْهِ بْنُ حُبَيْرٍ قَالَ: حَدَّثَنَا إِشْمَاعِيلُ قَالَ: حَدَّثَنَا حُمَيْدٌ عَنْ أَسْنَى قَالَ: أَقَامَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ بِنْتَ حَيْرَ وَالْمَدِينَةَ ثَلَاثَةَ يَوْنَاتٍ بِصَفِيفَةِ بِنْتِ حُبَيْرٍ، فَدَعَوْتُ الْمُسْلِمِينَ إِلَى وَلِيَّتِهِ، فَمَا كَانَ فِيهَا مِنْ حُبَيْرٍ وَلَا لَحْمٍ، أَمْرَ بِالْأَنْطَاعِ وَأَنْهَى عَلَيْهَا مِنَ الشَّمْرِ وَالْأَقْطَافِ وَالسَّمْنِ فَكَانَتْ وَلِيَّتُهُ، فَقَالَ الْمُسْلِمُونَ: إِنْهَا أُمَّهَاتُ الْمُؤْمِنِينَ أَوْ مِمَّا مَلَكَتْ يَوْمَئِنَةً، فَقَالُوا: إِنْ حَجَبَهَا فَهِيَ مِنْ أُمَّهَاتِ الْمُؤْمِنِينَ، وَإِنْ لَمْ يَحْجُبْهَا فَهِيَ مِمَّا مَلَكَتْ يَوْمَئِنَةً، فَلَمَّا ارْتَحَلَ وَطَّلَّ لَهَا خَلْفُهُ وَمَدَّ الْحِجَابَ بِيَمِينِهَا وَبَيْنِ النَّاسِ.

he set aside a plate for her behind him and extended a *Hijâb* between her and the people.” (*Sahîh*)

تخریج: أخرجه البخاري، النکاح، باب اتخاذ السراري، ومن أعنی جاریة ثم تروجهما، ح: ٥٠٨٥ من حديث إسماعيل بن جعفر به، وهو في الكبیر، ح: ٥٥٧٨.

## Chapter 80. Entertainment And Singing At Weddings

(المعجم ٨٠) - اللَّهُوَ وَالشِّنَاءُ عِنْدَ

الْعَرْسِ (التحفة ٨٠)

**3385.** It was narrated that ‘Âmir bin Sa‘d said: “I entered upon Qurâzah bin Ka‘b and Abû Mas‘ûd Al-Anṣârî during a wedding and there were some young girls singing. I said: ‘You are two of the Companions of the Messenger of Allâh ﷺ who were present at Badr, and this is being done in your presence!’ They said: ‘Sit down if you want and listen with us, or if you want you can go away. We were granted a concession allowing entertainment at weddings.’” (*Sahîh*)

٣٣٨٥ - أَخْبَرَنَا عَلَيْهِ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ عَنْ أَبِي إِسْحَاقِ، عَنْ عَامِرِ بْنِ سَعْدٍ قَالَ: دَخَلْتُ عَلَى قُرَطَةَ بْنِ كَعْبٍ وَأَبِي مَسْعُودِ الْأَنْصَارِيِّ فِي عَرْسٍ وَإِذَا جَوَارِ يُعْنَيْنَ فَقُلْتُ: أَنْتُمَا صَاحِبَا رَسُولِ اللَّهِ ﷺ وَمَنْ أَهْلَ بَدْرٍ يَفْعَلُ هَذَا عِنْدَكُمْ! فَقَالَا: وَمَنْ أَهْلَ بَدْرٍ يَفْعَلُ هَذَا عِنْدَكُمْ! فَقَالَا: إِنْ شِئْتَ فَآسِمْعْ مَعَنَا، وَإِنْ شِئْتَ ادْهَبْ قَدْ رُحْصَنَ لَنَا فِي اللَّهُو عِنْدَ الْعَرْسِ.

تخریج: [صحیح] أخرجه الطبراني (الكبیر: ١٧/٢٤٨، ح: ٦٩١)، والحاکم: ٢/١٨٤ من حديث شريك القاضي به، وتابعه إسرائيل عند الطبراني (الكبیر: ١٧/٢٤٧، ح: ٦٩٠)، وهو في الكبیر، ح: ٥٥٦٥، وله شاهد صحيح عند الحاکم: ٢/١٨٤، وصححه على شرط الشیخین، ووافقه **Comments:**

(See No. 3371)

## Chapter 81. A Man Fitting Out His Daughter (For Marriage)

(المعجم ٨١) - جَهَازُ الرَّجُلِ ابْنَتَهُ

(التحفة ٨١)

**3386.** It was narrated that ‘Alî, may Allâh be pleased with him, said: “The Messenger of Allâh ﷺ fitted out Fâtimah with a velvet dress, a water-skin and a pillow stuffed with *Idhkhar*.” (*Sahîh*)

٣٣٨٦ - أَخْبَرَنَا نَصِيرُ بْنُ الْفَرَجِ قَالَ: حَدَّثَنَا أَبُو أَسَافَةَ عَنْ زَائِدَةَ قَالَ: حَدَّثَنَا عَطَاءُ ابْنُ السَّائِبِ عَنْ أَبِيهِ، عَنْ عَلَيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَهَزَ رَسُولُ اللَّهِ ﷺ فَاطِمَةَ فِي حَمِيلٍ وَقَرْبَةَ وَوِسَادَةَ حَشُوْهَا إِذْنَرْ.

تخریج: [صحيح] أخرجه ابن ماجه، الzed، باب ضجاع آل محمد ﷺ، ح: ٤٥٢ من حديث عطاء بن السائب به، وهو في الكبّر، ح: ٥٥٧٣، ورواه حماد بن سلمة وغيره عن عطاء به مطولاً، (ابن سعد: ٢٥/٨) وللحديث شواهد.

### Comments:

(See No. 3352)

## Chapter 82. Beds

**3387.** It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ said: "A bed for a man, a bed for his wife, a third for his guest and the fourth is for the Shaiṭân." (*Sahîh*)

(المعجم ٨٢) - الفُرْشُ (التحفة ٨٢)

٣٣٨٧ - أَخْبَرَنَا يُوسُفُ بْنُ عَبْدِ الْأَعْلَى قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنَا أَبُو هَانِئُ الْخَوَلَانِيُّ، أَنَّهُ سَمِعَ أَبَا عَبْدِ الرَّحْمَنِ الْحُبِيْبِيَّ يَقُولُ عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «فِرَاشٌ لِلرَّجُلِ وَفِرَاشٌ لِأَهْلِهِ وَثَالِثٌ لِلصَّيْفِ وَرَابِعٌ لِلشَّيْطَانِ».

تخریج: أخرجه مسلم، اللباس، باب كراهة ما زاد على الحاجة من الفراش واللباس، ح: ٢٠٨٤ من حديث ابن وهب به، وهو في الكبّر، ح: ٥٥٧٤ .

### Comments:

'For the Satan or devil' means the thing which does not come into use is forbidden to keep. It is the work of Satan. If there are children and other individuals also, there is no harm even if one keeps scores of beds. It is permitted, because they are being used. 'The fourth' denotes those which are not used.

## Chapter 83. *Anmât*<sup>[1]</sup>

(المعجم ٨٣) - الأنماط (التحفة ٨٣)

**3388.** It was narrated that Jâbir said: "The Messenger of Allâh ﷺ said to me: 'Have you got married?' I said: 'Yes.' He said: 'Have you got any *Anmât*?' I said: 'How can we afford *Anmât*?' He said: 'You will be able to.'" (*Sahîh*)

٣٣٨٨ - أَخْبَرَنَا قُتْبَيَةُ قَالَ: حَدَّثَنَا سَفِيَّاً عَنِ ابْنِ الْمُنْكَدِرِ، عَنْ جَابِرٍ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «هَلْ تَرَوْجَتْ؟» قُلْتُ: نَعَمْ، قَالَ: «هَلْ اتَّخَذْتُمْ أَنْمَاطًا؟» قُلْتُ: وَأَنَّى لَنَا أَنْمَاطًا؟ قَالَ: «إِنَّهَا سَتَكُونُ».

تخریج: أخرجه البخاري النكاح، باب الأنماط ونحوها للنساء، ح: ٥١٦١، ومسلم، اللباس، باب جواز اتخاذ الأنماط، ح: ٢٠٨٣ عن قتبة به، وهو في الكبّر، ح: ٥٥٧٥ \* سفيان هو ابن عبيدة.

[1] Curtains, bedding sheets, etc.

## Comments:

And the Prophet's ﷺ prediction soon proved true. Here the sheets mean bed-sheets, which are spread over mattresses as an outer covering. The purpose of the chapter might also have been to posit that it is permissible to keep bed-sheets in homes. (See *Al-Bukhārī*, No. 5161)

### Chapter 84. Giving A Gift To The One Who Has Got Married

(المعجم ٨٤) - الْهَدِيَّةُ لِمَنْ عَرَسَ

(التحفة ٨٤)

**3389.** It was narrated from Al-Ja'd bin Abî 'Uthmân, that Anas bin Mâlik said: "The Messenger of Allâh ﷺ got married and consummated the marriage with his wife." He said: "My mother Umm Sulaim made some *Hais*, and I bought it to the Messenger of Allâh ﷺ and said: 'My mother sends you greetings of *Salâm*, and says to you: 'This is a little from us.'" He said: 'Put it down.' Then he said: 'Go and call so-and-so, and so-and-so, and whoever you meet,' and he named some men. So I called those whom he named, and those whom I met." I said to Anas: "How many were they?" He said: "About three hundred. Then the Messenger of Allâh ﷺ said: 'Let them sit around the dish of food in groups of ten, one after the other, and let each person eat from what is closest to him.' They ate until they were full, then one group went out and another group came in. He said to me: 'O Anas, clear it away.' So I cleared it away, and I do not know whether there was more when I cleared it away, or when I put it down." (*Sahîh*)

٣٣٨٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا جَعْفَرٌ  
- وَهُوَ ابْنُ شِلَّيْمَانَ - عَنِ الْجَعْدِيِّ أَبِي  
عُثْمَانَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: تَزَوَّجَ  
رَسُولُ اللَّهِ ﷺ فَدَخَلَ بَاهْلِيَّةً، قَالَ: وَصَنَعْتُ  
أُمِّيْ أُمُّ سَلَيْمَ حَيْسًا، قَالَ: فَذَهَبْتُ إِلَيْهِ. إِلَى  
رَسُولِ اللَّهِ ﷺ فَقُلْتُ: إِنَّ أُمِّيْ تَقْرِئُكَ السَّلَامَ  
وَتَنْقُولُ لَكَ: إِنَّ هَذَا لَكَ مِنَّا قَلِيلٌ، قَالَ:  
«ضَعْفَةُ» ثُمَّ قَالَ: «اذْهَبْ فَادْعُ فُلَانًا وَفُلَانًا  
وَمَنْ لَقِيْتَ» وَسَمَّى رِجَالًا، فَدَعَوْتُ مَنْ  
سَمَّى وَمَنْ لَقِيْتُ، قُلْتُ لِأَنَسِ: عِلْدَةُ كَمْ  
كَانُوا؟ قَالَ: يَعْنِي زُهَاءَ ثَلَاثِيَّائَةَ، فَقَالَ  
رَسُولُ اللَّهِ ﷺ: «لِتَسْتَحْلِقَ عَشَرَةُ عَشَرَةً فَيُنَكِّلُ  
كُلُّ إِنْسَانٍ بِمَا يَلِيهِ». فَأَكَلُوا حَتَّى شَبِّعُوا،  
فَخَرَجَتْ طَافِفَةٌ وَدَخَلَتْ طَافِفَةٌ، قَالَ لِي: «يَا  
أَنَسُ! ارْفِعْ فَرَقَعَتْ» فَمَا أَدْرِي حِينَ رَفَعْتُ  
كَانَ أَكْثَرُ أَمْ حِينَ وَضَعْتُ.

تخریج: أخرجه مسلم، النکاح، باب زواج زینب بنت جحش وزراعة الحجاب، وإثبات وليمة العرس، ح: ١٤٢٨ عن قتيبة، والبخاري، النکاح، باب الهدیة للعرس، ح: ٥١٦٣ معلقاً من

Hadith al-Judūb bihi, wa-huwa fi al-Kabri', ḥ: ٥٥٧٩.

### Comments:

On the occasion of marriage, to bestow nuptial gifts to the groom and his bride, to give clothes and other presents, to invite the couple later for a meal, etc., all these things come under this narration. One should, however, guard against excess. Giving gifts to the couple for their new life together also falls in this category. This constitutes fraternal and friendly mutual exchange which comes in good stead for the couple. It increases affection, perpetuates relationships, and strengthens bonds.

**3390.** It was narrated from **Humaid At-Tawil** that he heard **Anas** say: "The Messenger of Allāh ﷺ established the bond of brotherhood between (some of) the Quraish and (some of) the Anṣār, and he established the bond of brotherhood between Sa'd bin Ar-Rabi' and 'Abdur-Rahmān bin 'Awf'. Sa'd said to him: 'I have wealth, which I will share equally between you and me. And I have two wives, so look and see which one you like better, and I will divorce her, and when her *Iddah* is over you can marry her.' He said: 'May Allāh bless your family and your wealth for you. Show me – i.e., where the market is.' And he did not come back until he brought some ghee, and cottage cheese that he had left over. He said: 'The Messenger of Allāh ﷺ saw traces of yellow perfume on me and he said: 'What is this for?' I said: 'I have married a woman from among the Anṣār.' He said: 'Give a *Walimah* (wedding feast) even if it is with one sheep.'" (*Sahih*)

### Comments:

1. The expansive bond of brotherhood between the Emigrants (Muhajireen) and Helpers (Ansār) is a great and unparalleled achievement in human history.

٣٣٩٠ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنُ الْوَزِيرِ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ شَيْبَرِ بْنُ عَفَيْرٍ قَالَ: أَخْبَرَنِي شَيْمَانُ بْنُ يَلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ حُمَيْدِ الطَّوَّيلِ، عَنْ أَنَسِ اهْنَ سَمْعَهُ يَقُولُ: آتَحُ رَسُولَ اللَّهِ ﷺ بَيْنَ قُرْشِيَّ وَالْأَنْصَارِ فَأَخَى بَيْنَ سَعِيدِ بْنِ الرَّبِيعِ وَعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ فَقَالَ لَهُ سَعْدٌ: إِنَّ لِي مَا لِي فَهُوَ بَيْنِي وَبَيْنَكَ شَطْرَانِ، وَلِي امْرَأَتَانِ فَأَنْظُرْ أَيْهُمَا أَحَبَّ إِلَيْكَ فَأَنَا أُطْلَقُهَا، فَإِذَا حَلَّ فَتَرَوْجُهَا، قَالَ: بَارَكَ اللَّهُ لَكَ فِي أَهْلِكَ وَمَالِكَ دُلُونِي - أَيُّ عَلَى السُّوقِ - ، فَلَمْ يَرْجِعْ حَتَّى رَجَعَ يَسْمِنٌ وَأَنْطَيْ قَدْ أَفْضَلَهُ، قَالَ: وَرَأَى رَسُولُ اللَّهِ ﷺ عَلَيَّ أَثْرَ صُفْرَةَ فَقَالَ: «مَاهِيمٌ»؟ فَقَلَّتْ: تَرَوْجُتْ امْرَأَةً مِنَ الْأَنْصَارِ، فَقَالَ: «أَوْلَمْ وَلَوْ بِشَاءَ».

تخریج: [صحیح] تقدم، ح: ٣٣٧٦، وهو في الكبير، ح: ٥٥٨٠.

No other religion, dogmatic theory, or movement can present its equal, which bound together people non-related in a bond more effective and substantial than blood relationship - more effective and substantial than what is found among mothers - begotten real brothers, particularly at a time when people used to be each other's enemies without any reason. Is there any man around who can present to his real brother what Sa'd bin Rabi' presented? May Allâh be pleased with them.

2. The name of the woman mentioned is Umm Aws bint Anas.

## 36. The Book Of The Kind Treatment Of Women<sup>[1]</sup>

### Chapter 1. Love Of Women

**3391.** It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'In this world, women and perfume have been made dear to me, and my comfort has been provided in prayer.'" (*Hasan*)

(المعجم (٣٦) - كتاب عشرة النساء (التحفة ٩)

(المعجم (١) - باب حب النساء (التحفة ١)

٣٣٩١ - حَدَّثَنَا الشَّيْخُ الْإِمَامُ أَبُو عَبْدِ الرَّحْمَنِ النَّسَائِيُّ قَالَ: أَخْبَرَنَا الْحُسَيْنُ بْنُ عِيسَى الطُّوسِيُّ قَالَ: حَدَّثَنَا عَفَانُ بْنُ مُسْلِمٍ قَالَ: حَدَّثَنَا سَلَامٌ أَبُو الْمُنْتَرِ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «حُبُّكُمْ إِلَيَّ مِنَ الدُّنْيَا النِّسَاءُ وَالطَّيْبُ، وَجَعَلْتُ فَرَّةً عَنِي فِي الصَّلَاةِ».

تخریج: [إسناده حسن] أخرجه أحمد: ٢٨٥ / ٣ عن عفان به، وهو في الكبير، ح: ٨٨٨٧، وحسنه الحافظ في التلخيص: ١١٦ / ٣.

### Comments:

'Coolness of my eyes' means my genuine pleasure and contentment reside in prayer, which are impossible for one to obtain from one's wife and fragrance. This is because ritual prayer is conversing with the Lord of the worlds, Who is the beloved of all, and the remembrance of the beloved is superior to everything.

**3392.** It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'Women and perfume have been made dear to me, but my comfort has been provided in prayer'." (*Hasan*)

٣٣٩٢ - أَخْبَرَنَا عَلَيْهِ بْنُ مُسْلِمٍ الطُّوسِيُّ قَالَ: حَدَّثَنَا سَيَّارٌ قَالَ: حَدَّثَنَا جَعْفَرٌ قَالَ: حَدَّثَنَا ثَابِتٌ عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «حُبُّكُمْ إِلَيَّ النِّسَاءُ وَالطَّيْبُ وَجَعَلْتُ فَرَّةً عَنِي فِي الصَّلَاةِ».

تخریج: [إسناده حسن] أخرجه الحاكم: ١٦٠ / ٢ من حديث سيار بن حاتم به، وهو في الكبير، ح: ٨٨٨، وصححه الحاكم على شرط مسلم، ووافقه الذبي \* جعفر هو ابن سليمان.

[1] Manuscripts differ over the location of this book, as well as the order of its narrations. Take note that the number of the book (36) is out of sequence, this is because (36) is its number according to *Al-Mu'jam Al-Mufahris li-Alfâz Hadîth*, whose book and chapter numbers were followed for our edition.

**3393.** It was narrated that Anas bin Mâlik said: "Nothing was dearer to the Messenger of Allâh ﷺ after women than horses." (*Da'if*)

٣٣٩٣ - أَخْبَرَنَا أَحْمَدُ بْنُ حَفْصٍ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي إِبْرَاهِيمُ - هُوَ ابْنُ طَهْمَانَ - عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ قَاتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: لَمْ يَكُنْ شَيْءٌ أَحَبَّ إِلَى رَسُولِ اللَّهِ ﷺ بَعْدَ النِّسَاءِ مِنَ الْحَيَّلِ.

تخریج: [ضعیف] سیأتی، ح: ۳۵۹۴، وهو في الکبری، ح: ۸۸۸۹.

### Comments:

The horse is a brave and courageous animal, which surpasses even the bravery of man. Hence, the horse is immensely beneficial to human life. One of the reasons for Allâh's Messenger's ﷺ love of horses was their use in *Jihâd*. That is why a horse receives two portions of the spoils of war, while man receives one. See No. 3623.

### Chapter 2. A Man Being Inclined To Favor One Of His Wives Over Another

**3394.** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever has two wives and is inclined to favor one of them over the other, he will come on the Day of Resurrection with half of his body leaning." (*Da'if*)

(المعجم ۲) - مَيْلُ الرَّجُلِ إِلَى بَعْضِ نِسَائِهِ دُونَ بَعْضٍ (التحفة ۲)

٣٣٩٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ قَالَ: حَدَّثَنَا هَمَامٌ عَنْ قَاتَادَةَ، عَنِ التَّضْرِيرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهْلَيْكَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ كَانَ لَهُ امْرَأَتَانِ يَبِيلُ إِلَاحْدَاهُمَا عَلَى الْأُخْرَى جَاءَ يَوْمَ الْقِيَامَةِ أَحَدُ شِقَيْهِ مَاقِلٌ».

تخریج: [إسناده ضعیف] آخرجه الترمذی، النکاح، باب ماجاء في التسویة بين الضرائر، ح: ۱۱۴۱ من حديث عبدالرحمن بن مهدی به، وهو في الکبری، ح: ۸۸۹۰، وصحیحه ابن حبان، والحاکم، والذهبی \* قاتاد عنون تقدم، ح: ۳۴، وله شاهد ضعیف عند أبي نعیم في أخبار أصبهان: ۲/ ۳۰۰.

### Comments:

The reward of deeds is similar to the deeds. Since this man maintained one-sided behavior in the life of this world on the Day of Judgment his gait would lack equilibrium or balance, he would but walk like a lame person, whose one leg is shorter than the other. His tilt (in the world) does not denote the inclination of his heart. It rather signifies his outer behavior for instance, taking turns, subsistence, etc., because the domain of the heart belongs to Allâh. It is in the hands of Allâh. Man proves himself helpless in many a matter of the heart. Hence, one will not face any reproof over it.

**3395.** It was narrated that ‘Aishah said: “The Messenger of Allâh ﷺ used to divide his time equally among his wives then he would say: ‘O Allâh, this is what I have done with regard to that over which I have control, so do not blame me for that over which You have control and I do not.’” (*Sahîh*) Hammâd bin Zaid narrated it in *Mursal* form.<sup>[1]</sup>

٣٣٩٥ - أَخْبَرَنِي مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنَ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: أَخْبَرَنَا حَمَادُ ابْنُ سَلَمَةَ عَنْ أَئْوَبَ، عَنْ أُبَيِّ قَلَبَةَ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَقُسِّمُ بَيْنَ نِسَائِهِ فَيَعْدُ ثُمَّ يَقُولُ: «اللَّهُمَّ! هَذَا فِعْلِي فِيمَا أَمْلَكَ فَلَا تَلْمِنِي فِيمَا Tَمَلَّكَ وَلَا أَمْلَكُ». أَرْسَلَهُ حَمَادُ ابْنَ رَيْدَ.

تخریج: [إسناده صحيح] أخرجه ابن ماجه، النکاح، باب القسمة بين النساء، ح: ١٩٧١ من حديث يزيد بن هارون به، وهو في الكبرى، ح: ٨٨٩١، ١٣٠٥، وصححه ابن حبان، ح: ١٨٧/٢، والحاکم على شرط مسلم: ١٨٧/٢، ووافقه الذہبی \* أبوقلابة بريء من التدليس كما حفظه أبوحاتم الرازی، انظر كتابی: "الکواکب الدریة" في وجوب الفاتحة خلف الإمام في الجهرية".

#### Comments:

“That over which I have no control” means the love of heart, because this is affiliated to the personality, attributes, and demeanor of the person concerned. Individuals are not equal to each other in this domain. The love also, therefore, cannot be of the same depth and intensity.

#### Chapter 3. When A Man Loves One Of His Wives More Than Another

**3396.** ‘Aishah said: “The wives of the Prophet ﷺ sent Fâtimah, the daughter of the Messenger of Allâh ﷺ, to the Messenger of Allâh ﷺ. She asked permission to enter when he was lying with me under my cover. He gave her permission to enter, and she said: ‘O Messenger of Allâh, your wives have sent me to you to ask you to

(المعجم ٣) - حُبُّ الرَّجُلِ بَعْضَ نِسَاءِ أَكْثَرِ مِنْ بَعْضٍ (التحفة ٣)

٣٣٩٦ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ سَعْدٍ بْنَ إِبْرَاهِيمَ بْنِ سَعْدٍ قَالَ: حَدَّثَنَا عَمِيَّ قَالَ: حَدَّثَنَا أُبَيِّ عَنْ صَالِحٍ، عَنْ أَبْنِ شَهَابٍ قَالَ: أَخْبَرَنِي مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ أَبْنِ هَشَامٍ أَنَّ عَائِشَةَ قَالَتْ: أَرْسَلَ أَزْوَاجَ النَّبِيِّ ﷺ فَاطِمَةَ بِنْتَ رَسُولِ اللَّهِ ﷺ إِلَيَّ رَسُولُ اللَّهِ ﷺ، فَاسْتَأذَنَتْ عَلَيْهِ وَهُوَ

[1] Meaning: This *Hadith*, which the author cited, is narrated by Hammâd bin Salâmah, from Ayyûb from Abû Qilâbah, from ‘Abdullâh bin Yazîd, from ‘Aishah, while Hammâd bin Zaid has narrated it from Ayyûb, from Abû Qilâbah, without mention of ‘Abdullâh Nor ‘Aishah. See At-Tirmidhi's discussion of it after No. 1140, and *Tuhfat Al-Ashraf* No. 16290.

be equitable with regard to the matter of the daughter of Abū Quhāfah.' I ('Aishah) kept quiet and the Messenger of Allāh ﷺ said to her: 'O my daughter! Do you not love the one whom I love?' She said: 'Yes.' He said: 'Then love this one.' Fātīmah stood up when she heard this and left the Messenger of Allāh ﷺ, and went back to the wives of the Prophet ﷺ. She told them what she had said, and what he had said to her. They said to her: 'We do not think that you have been of any avail to us. Go back to the Messenger of Allāh ﷺ and say to him: Your wives are urging you to be equitable with regard to the matter of the daughter of Abū Quhāfah.'" Fātīmah said: 'No, by Allāh; I will never speak to him about her again.'" 'Aishah said: "So the wives of the Prophet ﷺ sent Zainab bint Jahsh to the Messenger of Allāh ﷺ; she was one who was somewhat equal to me in rank in the eyes of the Messenger of Allāh ﷺ. And I have never seen a woman who was better in religious commitment than Zainab, more fearing of Allāh, more honest in speech, more dutiful in upholding the ties of kinship, more generous in giving charity, and devoted in giving of herself in acts of charity, by means of which she sought to draw closer to Allāh. But she was quick-tempered; however, she was also quick to calm down. She asked permission to enter upon the Messenger of Allāh ﷺ when he

مُضطجعٌ مَعِي فِي مِرْطِبِي فَأَذْنَ لَهَا، فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ أَرْوَاجَكَ أَرْسَلْتَنِي إِلَيْكَ يَسْأَلْنِكَ الْعَدْلَ فِي ابْنَةِ أَبِي فُحَافَةَ وَأَنَا سَاكِنَةُ، فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «أَيُّ بُنْيَةٍ! أَلَّا تُحِبِّينَ مَنْ أَحِبْ؟» قَالَتْ: بَلَى، قَالَ: «فَأَحِبِّي هَذِهِ». فَقَامَتْ فَاطِمَةُ حِينَ سَمِعَتْ ذَلِكَ مِنْ رَسُولِ اللَّهِ ﷺ، فَرَجَعَتْ إِلَى أَزْوَاجِ الَّتِي ﷺ فَأَخْبَرْتُهُنَّ بِالَّذِي قَالَتْ وَالَّذِي قَالَ لَهَا، فَقُلْنَ لَهَا: مَا تَرَكَ أَغْبَيْتَ عَنَّا مِنْ شَيْءٍ فَارْجِعِي إِلَى رَسُولِ اللَّهِ ﷺ فَقَوْلِي لَهُ: إِنَّ أَرْوَاجَكَ يَسْأَلْنِكَ الْعَدْلَ فِي ابْنَةِ أَبِي فُحَافَةَ، قَالَتْ فَاطِمَةُ: لَا وَاللَّهِ لَا أَكَلِمُهُ فِيهَا أَبَدًا، قَالَتْ عَائِشَةُ: فَارْسَلْ أَزْوَاجَ الَّتِي ﷺ رَبِّبَتْ بَنْتَ بَحْشَى إِلَى رَسُولِ اللَّهِ ﷺ وَهِيَ الَّتِي كَانَتْ سُمَاسِبِينِي مِنْ أَزْوَاجِ الَّتِي ﷺ فِي الْمُتَرْلَةِ عَنْدَ رَسُولِ اللَّهِ ﷺ، وَلَمْ أَرْ أَمْرَأَةً قَطُّ خَيْرًا فِي الدِّينِ مِنْ رَبِّبَتْ وَأَنْتَ لِلَّهِ عَزَّ وَجَلَّ وَأَصْدَقَ حَدِيثًا وَأَوْصَلَ لِلرَّاحِمِ وَأَعْظَمَ صَدَقَةً وَأَشَدَّ ابْنَادًا لِنَفِيسِهَا فِي الْعَمَلِ الَّذِي تَصْدُقُ بِهِ وَتَقْرَبُ بِهِ، مَا عَدَّا سُورَةً مِنْ حِدْيَةٍ كَانَتْ فِيهَا شُرِيعٌ مِنْهَا الْفَتِيَّةُ، فَأَسْتَأْذَنْتُ عَلَى رَسُولِ اللَّهِ ﷺ وَرَسُولُ اللَّهِ ﷺ مَعَ عَائِشَةَ فِي مِرْطَبِهَا عَلَى الْحَالِ الَّتِي كَانَتْ دَخَلَتْ فَاطِمَةُ عَنِيهَا، فَأَذْنَ لَهَا رَسُولُ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ أَرْوَاجَكَ أَرْسَلْتَنِي يَسْأَلْنِكَ الْعَدْلَ فِي ابْنَةِ أَبِي فُحَافَةَ، وَوَقَعْتُ بِي فَاسْتَطَالَتْ وَأَنَا أَرْقُبُ

was with 'Aishah under her cover, in the same situation as when Fâtimah had entered. The Messenger of Allâh ﷺ gave her permission to enter and she said: 'O Messenger of Allâh, your wives have sent me to ask you to be equitable with regard to the matter of the daughter of Abû Quhâfah.' Then she verbally abused me at length, and I was watching the Messenger of Allâh ﷺ to see if he would allow me to respond. Zainab went on until I realized that the Messenger of Allâh ﷺ would not disapprove if I responded. Then I spoke back to her in such a way, until I silenced her. Then the Messenger of Allâh ﷺ said: 'She is the daughter of Abû Bakr.'" (Sahîh)

رسول الله ﷺ وأقرب طرفه هل أذن لي فيها، فلما ترَخ زَيْنَبَ حَتَّى عَرَفَتْ أَنَّ رَسُولَ الله ﷺ لَا يَكُرِهُ أَنْ أَتَصْرِفَ، فَلَمَّا وَقَعْتُ بِهَا لَمْ أَشْبَهَا بِشَيْءٍ حَتَّى أَثْخَنْتُ عَلَيْهَا، فَقَالَ رَسُولُ الله ﷺ: "إِنَّهَا ابْنَةُ أَبِي بَكْرٍ".

**تخریج:** أخرجه مسلم، فضائل الصحابة، باب: في فضائل عائشة أم المؤمنين رضي الله عنها، ح: ٢٤٤٢ من حديث يعقوب بن إبراهيم بن سعد، عم عبد الله به، وهو في الكبرى، ح: ٨٨٩٢ وعلقه البخاري، ح: ٢٥٨١ \* صالح هو ابن كيسان.

### Comments:

1. 'The daughter of Abû Quhâfah': This was uttered with a view to humiliate, because when they wanted to express their dislike toward someone, the Arabs used to attribute the object of their contempt to non-popular parentage. Abû Quhâfah was actually the name of Abû Bakr's father, who had till then not accepted Islam. Kinship was ascribed to the grandfather instead of father.
2. 'Some what equal to me' because she belonged to the household of the Prophet ﷺ. She was the daughter of the Prophet's ﷺ paternal aunt. Besides, she had come into the Prophet's ﷺ wedlock by Allâh's command.
3. 'The daughter of Abû Bakr': Praised her; she was extolled as of having excellent moral character, patience, endurance, terse and to-the-point speech, fluent and eloquent, which compelled Zainab to become silent. Abû Bakr too possessed these qualities, to the point of their perfection. He, therefore, attributed her to him. He could have otherwise simply stated: She is 'Aishah. (May Allâh be pleased with her).

3397. It was narrated that 'Aishah mentioned a similar report and said: "The wives of the Prophet ﷺ

٣٣٩٧ - أَخْبَرَنِي عَمْرَانُ بْنُ بَكَارٍ الْحَمْصَيْ قَالَ: حَدَّثَنَا أَبُو الْيَمَانَ قَالَ:

sent Zainab and she asked him permission to enter and she entered.” (*Sahih*) And she said something similar. Ma’mar contradicted the two of them;<sup>[1]</sup> he reported it from Az-Zuhri, from ‘Urwah, from ‘Aishah:

أَخْبَرَنَا شُعِيبٌ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي  
مُحَمَّدٌ بْنُ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ  
هِشَامٍ أَنَّ عَائِشَةَ قَالَتْ: فَذَكَرْتُ نَحْوَهُ  
وَقَالَتْ: أَرْسَلَ أَزْوَاجُ النَّبِيِّ ﷺ زَيْبَ  
فَاسْتَأْذَنَتْ فَأَذِنَ لَهَا فَدَخَلَتْ، فَقَالَتْ نَحْوَهُ.  
خَالَفُوهُمَا مَعْمَرٌ، رَوَاهُ عَنِ الزُّهْرِيِّ، عَنْ  
عُرْوَةَ، عَنْ عَائِشَةَ.

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبیری، ح: ۸۸۹۳.

**3398.** It was narrated that ‘Aishah said: “The wives of the Prophet ﷺ got together and sent Fātimah to the Prophet ﷺ. They told her to say: ‘Your wives’” - and he (the narrator) said something to the effect that they are urging you to be equitable with regard to the matter of the daughter of Abū Quhāfah. She said: “So she entered upon the Prophet ﷺ when he was with ‘Aishah under her cover. She said to him: ‘Your wives have sent me and they are urging you to be equitable with regard to the matter of the daughter of Abū Quhāfah.’ The Prophet ﷺ said to her: ‘Do you love me?’ She said: ‘Yes.’ He said: ‘Then love her.’ So she went back to them and told them what he said. They said to her: ‘You did not do anything; go back to him.’ She said: ‘By Allāh, I will never go back (and speak to him) about her again.’ She was truly the daughter of the Messenger of Allāh ﷺ. So

٣٣٩٨ - أَخْبَرَنَا مُحَمَّدٌ بْنُ رَافِعٍ  
الْيَسَابُورِيُّ التَّقِيُّ الْمَأْمُونُ قَالَ: حَدَّثَنَا عَبْدُ  
الرَّزَاقُ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ،  
عَنْ عَائِشَةَ قَالَتْ: اجْتَمَعْنَ أَزْوَاجُ النَّبِيِّ ﷺ  
فَأَرْسَلْنَ فَاطِمَةً إِلَى النَّبِيِّ ﷺ فَقُلْنَ لَهَا: إِنَّ  
نِسَاءَكَ، وَدَكَرَ كَلِمَةً مَعْنَاهَا يَتَشَدَّدُكَ الْعَدْلُ  
فِي ابْنَةِ أَبِي فُحَافَةَ - قَالَتْ: فَدَخَلَتْ عَلَى  
النَّبِيِّ ﷺ وَهُوَ مَعَ عَائِشَةَ فِي مِرْطَبَهَا فَقَالَتْ  
لَهُ: إِنَّ نِسَاءَكَ أَرْسَلْتَنِي وَهُنَّ يَتَشَدَّدُنَكَ الْعَدْلُ  
فِي ابْنَةِ أَبِي فُحَافَةَ، فَقَالَ لَهَا النَّبِيُّ ﷺ:  
«أَتَحِبُّينِي» قَالَتْ: نَعَمْ، قَالَ: «فَأَحِبُّهَا»  
قَالَتْ: فَرَجَعَتْ إِلَيْهِنَّ فَأَخْبَرْتُهُنَّ مَا قَالَ،  
فَقُلْنَ لَهَا: إِنَّكَ لَمْ تَضْنَعِي شَيْئًا فَارْجِعِي  
إِلَيْهِ، فَقَالَتْ: وَاللَّهِ لَا أَرْجِعُ إِلَيْهِ فِيهَا أَبْدًا  
وَكَانَتْ ابْنَةُ رَسُولِ اللَّهِ ﷺ حَقًّا، فَأَرْسَلْنَ  
رَبِّنَبِتَ جَحْشِي، قَالَتْ عَائِشَةُ: وَهِيَ النَّبِيُّ  
كَانَتْ سُسَامِيَّةً مِنْ أَزْوَاجِ النَّبِيِّ ﷺ، فَقَالَتْ:

[1] That is Shu'aib and Ṣalīḥ who reported the last two narrations from him.

they sent Zainab bint Jahsh.” ‘Aishah said: “She was somewhat my equal among the wives of the Prophet ﷺ. She said: ‘Your wives have sent me to urge you to be equitable with regard to the matter of the daughter of Abû Quhâfah.’ Then she swooped on me and abused me, and I started watching the Prophet ﷺ to see if he would give me permission to respond to her. She insulted me and I started to think that he would not disapprove if I responded to her. So I insulted her and I soon silenced her. Then the Prophet ﷺ said to her: ‘She is the daughter of Abû Bakr.’” ‘Aishah said: “And I never saw any woman who was better, more generous in giving charity, more keen to uphold the ties of kinship, and more generous in giving of herself in everything by means of which she could draw closer to Allâh than Zainab. But she had a quick temper; however, she was also quick to calm down.”

(Sahîh)

Abû ‘Abdur-Rahmân (An-Nasâ’î) said: This is a mistake, and what is correct is the one which is before it.

تخریج: [صحيح] أخرجه أحمد: ٦/١٥٠ عن عبد الرزاق به، وهو في الكبير، ح: ٨٨٩٤،  
وانظر الحدیثين السابقین.

### Comments:

1. Fatimah’s calling ‘Aishah ‘the daughter of Abû Quhâfah’ in actuality was in order to report the speech of the wives of the Prophet ﷺ verbatim. Otherwise, it was not possible for her to perpetrate such disrespect in her prestigious standing, because ‘Aishah enjoyed the rank of being her mother. The rest of the Prophet’s ﷺ wives equaled her. She was in a position to speak to them thusly.
2. ‘Toward his eyes’: In expectation that he would perhaps make a suggestion.

إِنَّ أَزْوَاجَكَ أَرْسَلْتَنِي وَهُنَّ يَشْدُونَكَ الْعَذَّلَ  
فِي ابْنَتِ أَبِي فُحَادَةَ، ثُمَّ أَقْبَلْتُ عَلَيَّ شَتْمَنِي  
فَجَعَلْتُ أَرَاقِبَ النَّبِيَّ ﷺ وَأَنْظَرْ طَرْفَهُ هَلْ  
يَأْذُنُ لِي مِنْ أَنْ أَنْتَصِرَ مِنْهَا، قَالَتْ: فَشَتَمْتَنِي  
فَجَعَلْتُ حَتَّى ظَنَّتْ أَنَّهُ لَا يَكْرَهُ أَنْ أَنْتَصِرَ  
مِنْهَا فَاسْتَقْبَلْتُهَا فَلَمْ أَلْبَثْ أَنَّ أَفْحَمْتُهَا، فَقَالَ  
لَهَا النَّبِيُّ ﷺ: إِنَّهَا ابْنَةُ أَبِي بَكْرٍ، قَالَتْ  
عَائِشَةُ: فَلَمْ أَرِ امْرَأَ خَيْرًا وَلَا أَكْثَرَ صَدَقَةً  
وَلَا أَوْصَلَ لِلرَّاجِحِ وَأَبْدَلَ لِنَفْسِهَا فِي كُلِّ  
شَيْءٍ يُتَقَرَّبُ بِهِ إِلَى اللَّهِ تَعَالَى مِنْ رَبِّنَا، مَا  
عَدَا سَوْرَةَ مِنْ حِلَّةٍ كَانَتْ فِيهَا تُوشِكُ مِنْهَا  
الْفَيْيَةَ.

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: هَذَا حَطَّاً  
وَالصَّوَابُ الَّذِي قَبَلَهُ.

But the Messenger of Allâh ﷺ was not used to make any secret indication with his eyes, as it falls under the category of deception for the other party. And he was innocent and pure of such things.

3. 'She was truly the daughter' means who loved the Prophet ﷺ deeply and sincerely. She greatly respected him and possessed his habits and traits. (May Allâh be pleased with her and she with Him).

**3399.** It was narrated from Abû Mûsa that the Prophet ﷺ said: "The superiority of 'Aishah to other women is like the superiority of *Tharîd* to other kinds of food." (*Sahîh*)

٣٣٩٩ - أَخْبَرَنَا إِشْمَاعِيلُ بْنُ مَسْعُودٍ

قَالَ: حَدَّثَنَا يَشْرُ - يَعْنِي ابْنَ الْمُفَضَّلِ -

قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ مَرْرَةَ، عَنْ

مَرْرَةَ، عَنْ أَبِي مُوسَى عَنِ النَّبِيِّ ﷺ قَالَ:

فَضْلٌ عَائِشَةَ عَلَى النِّسَاءِ كَفْضِلٌ الثَّرِيدِ عَلَى

سَائِرِ الطَّعَامِ .

تخریج: أخرجه البخاري، أحاديث الأنبياء، باب قول الله تعالى: «وضرب الله مثلاً للذين آمنوا ...» (إلخ)، ح: ٣٤١١، ومسلم، فضائل الصحابة، باب من فضائل خديجة أم المؤمنين رضي الله تعالى عنها، ح: ٢٤٣١ من حديث شعبة به، وهو في الكبرى، ح: ٨٩٥.

#### Comments:

*Tharîd*, a popular dish of the Arabs consisting of very thin bread soaked in a broth of meat, is easy to prepare and easy to digest. The knowledge of 'Aishah ؓ was easily obtainable for the nation. The fact of the matter is that the knowledge of 'Aishah ؓ gave benefit to the *Ummah*, which other women could not give, even a portion of. Even men could not surpass her in memory, intelligence, sagacity, prudence, fluency, eloquence, education, and oratory, May Allâh be pleased with her. It transpires from other narrations that the best of the women of the nation is the Prophet's ﷺ first wife, Khadijah ؓ whom the Prophet ﷺ could not forget till the last breath of his life.

**3400.** It was narrated from 'Aishah that the Prophet ﷺ said: "The superiority of 'Aishah to other women is like the superiority of *Tharîd* to other kinds of food." (*Hasan*)

٣٤٠٠ - أَخْبَرَنَا عَلَيْهِ بْنُ خَشْرَمْ قَالَ:

حَدَّثَنَا عَيْسَى بْنُ يُوسَى عَنْ أَبِي ذِئْبٍ،

عَنْ الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي

سَلَمَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيِّ ﷺ قَالَ:

فَضْلٌ عَائِشَةَ عَلَى النِّسَاءِ كَفْضِلٌ الثَّرِيدِ عَلَى

سَائِرِ الطَّعَامِ .

تخریج: [إسناده حسن] أخرجه أحمد: ١٥٩ من حديث محمد بن عبد الرحمن بن أبي ذئب به، وهو في الكبرى، ح: ٨٩٦.

**3401.** It was narrated that ‘Âishah said: “The Messenger of Allâh ﷺ said: ‘O Umm Salamah, do not bother me about ‘Âishah, for by Allâh, the Revelation has never come to me under the blanket of any of you apart from her.’” (*Sahîh*)

٣٤٠١ - أَخْبَرَنَا أَبُو بَكْرُ بْنُ إِسْحَاقَ  
الصَّعَانِيُّ قَالَ: حَدَّثَنَا شَادَانُ قَالَ: حَدَّثَنَا  
حَمَادٌ بْنُ زَيْدٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ،  
عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ  
أُمَّ سَلَمَةً! لَا تُؤذِنِي فِي عَائِشَةَ فَإِنَّهُ وَاللَّهُ! مَا  
أَنَّنِي الْوَحْيُ فِي لِحَافٍ امْرَأَةٌ مِنْكُنَّ إِلَّا  
هِيَ».

تخریج: أخرجه البخاري، الهبة وفضلها والتحريض عليها، باب من أهدى إلى صاحبه، ...  
البغ، ح: ٢٥٨١ من حديث هشام به مطولاً، وهو في الكبير، ح: ٨٨٩٧.

### Comments:

And the *Wahiy* or Revelation is from Allâh, Most High. “Her rank is more to Allâh than the rank of all of you.” In this narration, however, there is no comparison of her with Khadijah ﷺ. This is because she was not alive at the time, and Allâh’s Messenger ﷺ has said: *Minkunn*, which means “any of you women”.

**3402.** It was narrated from Umm Salamah that the wives of the Prophet ﷺ asked her to speak to the Prophet ﷺ and tell him, that the people were trying to bring their gifts to him when it was ‘Âishah’s day, and to say to him: “We love good things as much as ‘Âishah does.” So she spoke to him, but he did not reply her. When her turn came again, she spoke to him again, but he did not reply her. They said to her: “How did he respond?” She said: “He did not answer me.” They said: “Do not leave him alone until he answers you or you comprehend what he says.” When her turn came again, she spoke to him and he said: ‘Do not bother me about ‘Âishah, for the Revelation has never come to me under the

٣٤٠٢ - أَخْبَرَنِي مُحَمَّدُ بْنُ آدَمَ عَنْ  
عَبْدَةَ، عَنْ هِشَامَ، عَنْ عَوْفِ بْنِ الْحَارِثِ،  
عَنْ رُمِيَّةَ، عَنْ أُمَّ سَلَمَةَ: أَنَّ نِسَاءَ النَّبِيِّ ﷺ  
كَلَّمَنَاهَا أَنْ تُكَلِّمَ النَّبِيَّ ﷺ أَنَّ النَّاسَ كَانُوا  
يَتَحَرَّرُونَ بِهَذَا يَهُمْ يَوْمَ عَائِشَةَ وَتَقُولُ لَهُ: إِنَّا  
نُحِبُّ الْحَيْرَ كَمَا نُحِبُّ عَائِشَةَ، فَكَلَّمَنَهُ فَلَمْ  
يُجِبَّهَا، فَلَمَّا دَارَ عَلَيْهَا كَلَمَتُهُ أَيْضًا فَلَمْ  
يُجِبَّهَا، وَقُلْنَ: مَا رَدَّ عَلَيْكِ؟ قَالَتْ: لَمْ  
يُجِبَّنِي، قُلْنَ: لَا تَدْعِيهِ حَتَّى يَرُدَّ عَلَيْكِ أَوْ  
تَنْظُرِينَ مَا يَقُولُ، فَلَمَّا دَارَ عَلَيْهَا كَلَمَتُهُ،  
فَقَالَ: «لَا تُؤذِنِي فِي عَائِشَةَ فَإِنَّهُ لَمْ يَنْزِلْ  
عَلَيَّ الْوَحْيُ وَأَنَا فِي لِحَافٍ امْرَأَةٌ مِنْكُنَّ إِلَّا  
فِي لِحَافِ عَائِشَةَ».

blanket of any of you apart from the blanket of 'Aishah.'" (*Sahîh*)

Abû 'Abdur-Rahmân (An-Nasâ'i) said: These two *Hadîths* of 'Abdah are *Sahîh*.<sup>[1]</sup>

**تخریج:** [صحيح] أخرجه أحمد: ٢٩٣ / ٦ من حديث هشام بن عروة به، وهو في الكبيرى، ح: ٨٨٩٨ \* عوف هو ابن الحارث بن الطفيلي، وأخته رميّة وهي أم عبدالله بن محمد بن أبي عتيق، وللمحدث شواهد.

### Comments:

1. This is an elaborated narration from which the occasion and the place of the previous narration became known. Deliberately sending the presents on the day of 'Aishah's turn was due to the fact that they knew that Allâh's Messenger ﷺ loved her so much, and sending presents there would make him happy. The Companions, knowing the Prophet's ﷺ great love for 'Aishah ؓ, chose those particular days in order to please him. The objective of his other wives was that the presents should also be sent to their apartments. They thought that Allâh's Messenger ﷺ should, therefore, command the people to send presents everywhere, or he should love all of them equally, so that people might send gifts to all the houses.
2. 'But he did not reply' because the Prophet's ﷺ asking the people on his own that they should bring him their gifts wherever he may be, was below his dignity. Shame and modesty were preventing him, and equivalent love was not possible. It is something beyond one's control, as has preceded.

**3403.** It was narrated that 'Aishah said: "The people used to try to bring their gifts (to the Prophet ﷺ) on 'Aishah's day, hoping thereby to earn the pleasure of the Messenger of Allâh ﷺ." (*Sahîh*)

**تخریج:** أخرجه البخاري، الهبة، باب قبول الهدية، ح: ٢٥٧٤، ومسلم، فضائل الصحابة، باب: في فضائل عائشة أم المؤمنين رضي الله عنها، ح: ٢٤٤١ من حديث عبدة به، وهو في الكبيرى، ح: ٨٨٩٩.

**3404.** It was narrated that 'Aishah said: "Allâh sent Revelation to the Prophet ﷺ when I was with him, so I got up and closed the door

قال أبو عبد الرحمن: هذان الحديثان  
صحيحتان عن عبدة.

٣٤٠٣ - أخبرنا إسحاق بن إبراهيم قال:  
أخبرنا عبدة بن سليمان قال: حدثنا هشام  
عن أبيه، عن عائشة قالت: كان الناس  
يتحررون بهداياهم يوم عائشة ينتون بذلك  
مرضأة رسول الله ﷺ.

٣٤٠٤ - حدثنا محمد بن آدم عن عبدة،  
عن هاشم، عن صالح بن ربيعة بن هذير،  
عن عائشة قالت: أوحى الله إلى النبي ﷺ

[1] Meaning this one, and the following (Nos. 3402 and 3403), in *Al-Kubra* the author stated this after the following narration.

between him and I. When it was taken off him,<sup>[1]</sup> he said to me: 'O 'Aishah, Jibril sends greetings of Salâm to you.'" (*Da'if*)

وَأَنَا مَعَهُ فَقَمْتُ فَأَجَفَّتُ الْبَابَ تَبَّنِي وَتَبَّنِي،  
فَلَمَّا رُفِعَهُ عَنِّي قَالَ لِي: «يَا عَائِشَةُ! إِنَّ جِبْرِيلَ  
يُقْرِئُكَ السَّلَامَ».

**تخریج:** [إسناده ضعیف] أخرجه الطبراني ومن طریقه المزی في تهذیب الكمال: ٢٥/٩ من حديث عبدة بن سليمان به، وهو في الکبری، ح: ٨٩٠٠ \* صالح بن ربعة لم يوثقه غير ابن حبان.

### Comments:

'Aishah's rising from the place, and closing the door might have been with a view not to disturb the coming of the Revelation, or it might have been for the reason of *Hijâb*, or she might perhaps have been afraid, because at the time of Revelation, Allâh's Messenger's *ح* condition would change. The Angel Jibril's offering her his greeting corroborates her lofty rank.

**3405.** It was narrated from 'Aishah that the Prophet *ص* said to her: "Jibril sends greetings of Salâm to you." She said: "And upon him be peace and the mercy of Allâh and His blessings; you see what we do not." (*Sahîh*)

٣٤٠٥ - أَخْبَرَنَا نُوحُ بْنُ حَيْبٍ قَالَ:  
حَدَّثَنَا عَبْدُ الرَّزَاقِ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ  
الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ  
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَهَا: «إِنَّ جِبْرِيلَ يُقْرِئُكَ السَّلَامَ».  
قَالَتْ: وَعَلَيْهِ السَّلَامُ وَرَحْمَةُ اللهِ وَبَرَكَاتُهُ تَرَى  
مَا لَا تَرَى.

**تخریج:** [صحيح] أخرجه أحمد: ٦/١٥٠ عن عبدالرازاق به، وهو في الکبری، ح: ٨٩٠١،  
ومصنف عبدالرازاق: ١١/٤٢٩، ٤٣٠، ٢٠٩١٧، ح: ٤٣٠، والحديث الآتي شاهد له.

### Comments:

'You see what we do not': Meaning, Allâh's Messenger *ص* could see him, but 'Aishah could not see him.

**3406.** It was narrated that 'Aishah said: "The Messenger of Allâh *ص* said: 'O 'Aishah, this is Jibril and he is sending greetings of Salâm to you.'" The same. (*Sahîh*)

٣٤٠٦ - أَخْبَرَنَا عَمْرُو بْنُ مُنْتَصِرٍ قَالَ:  
حَدَّثَنَا الْحَكَمُ بْنُ نَافِعٍ قَالَ: أَخْبَرَنَا شَعِيبُ  
عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي أَبُو سَلَمَةَ عَنِ  
عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «يَا  
عَائِشَةُ! هَذَا جِبْرِيلٌ وَهُوَ يَقْرَأُ عَلَيْكَ السَّلَامَ»  
مِثْلُهُ سَوَاءً.

[١] Meaning; the pressure of the revelation.

قال أبو عبد الرحمن: هـذا الصواب  
والـذي قـلـة خطـأ.

تخریج: أخرجه البخاري، الأدب، باب من دعا صاحبه فنقص من اسمه حرفاً، ح: ٦٢٠١ عن أبي الیمان الحكم بن نافع، ومسلم، فضائل الصحابة، باب: في فضائل عائشة أم المؤمنين رضي الله عنها، ح: ٩١/٢٤٤٧ من حديث أبي الیمان به، وهو في الكبـرـيـ، ح: ٨٩٠٢.

## Chapter 4. Jealousy

(المعجم ٤) - الغيرةُ (التحفة ٤)

**3407.** Anas said: "The Prophet ﷺ was with one of the Mothers of the Believers when another one sent a wooden bowl in which was some food. She struck the hand of the Prophet ﷺ and the bowl fell and broke. The Prophet ﷺ picked up the two pieces and put them together, then he started to gather up the food and said: 'Your mother got jealous; eat.' So they ate. He waited until she brought the wooden bowl that was in her house, then he gave the sound bowl to the messenger and left the broken bowl in the house of the one who had broken it." (*Sahih*)

تخریج: [إسناده صحيح] أخرجه أبو داود، البيوع، باب: فيمن أفسد شيئاً يغرس مثله، ح: ٣٥٦٧، وابن ماجه، ح: ٢٣٣٤ عن محمد بن المثنى به، وهو في الكبـرـيـ، ح: ٨٩٠٣، وأخرجه البخاري وغيره من طرق عن حميد الطويل به، وتابعه ثابت البناي عن أنس به، (الدارقطني: ٤/١٥٤) \* خالد هو ابن الحارث.

### Comments:

From this narration we learn patience with wives. Imagine a man today if his wife smacked his hand causing him to drop something belonging to someone else. How would the average person behave in such a case? Also, it demonstrates justice, since he ﷺ took one of her bowls to replace the broken one. Lastly, no man can hope for a wife equal to 'Aishah, may Allâh be pleased with her, and she was a woman. So take note.

**3408.** It was narrated from Umm Salamah that she brought some food in a dish of hers to the

٣٤٠٧ - أـخـبـرـنـا مـحـمـدـ بـنـ الـمـسـنـ قـالـ  
حـدـثـنـا حـالـدـ قـالـ: حـدـثـنـا حـمـيدـ قـالـ: قـالـ  
أـنـسـ: كـانـ النـبـيـ ﷺ عـنـدـ إـخـدـي أـمـهـاتـ  
الـمـؤـمـنـينـ فـأـرـسـلـتـ أـخـرـىـ يـقـصـعـةـ فـيـهاـ طـعـامـ،  
فـضـرـبـتـ يـدـ الرـسـوـلـ فـسـقـطـتـ الـقـصـعـةـ  
فـأـنـكـسـرـتـ، فـأـخـدـ النـبـيـ ﷺ الـكـسـرـتـينـ فـضـمـ  
إـحـدـاهـماـ إـلـىـ الـأـخـرـىـ فـجـعـلـ يـجـمـعـ فـيـهاـ  
الـطـعـامـ وـيـقـوـلـ: «عـاـرـثـ أـمـكـمـ كـلـواـ» فـأـكـلـواـ،  
فـأـمـسـكـ حـتـىـ جـاءـتـ يـقـصـعـةـ الـيـةـ فـيـ بـيـنـهـاـ،  
فـدـفـعـ الـقـصـعـةـ الصـحـيـحةـ إـلـىـ الرـسـوـلـ وـتـرـكـ  
الـمـكـسـوـرـةـ فـيـ بـيـتـ الـيـةـ كـسـرـتـهـاـ.

تخریج: [إسناده صحيح] أخرجه أبو داود، البيوع، باب: فيمن أفسد شيئاً يغرس مثله، ح: ٣٥٦٧، وابن ماجه، ح: ٢٣٣٤ عن محمد بن المثنى به، وهو في الكبـرـيـ، ح: ٨٩٠٣، وأخرجه البخاري وغيره من طرق عن حميد الطويل به، وتابعه ثابت البناي عن أنس به، (الدارقطني: ٤/١٥٤) \* خالد هو ابن الحارث.

٣٤٠٨ - أـخـبـرـنـا الرـئـيـعـ بـنـ شـيـمـانـ قـالـ:  
حـدـثـنـا أـسـدـ بـنـ مـوـسـىـ قـالـ: حـدـثـنـا حـمـاذـ بـنـ

Messenger of Allâh ﷺ and his Companions, then 'Aishah came, wrapped up in a garment, with a stone pestle and broke the dish. The Prophet ﷺ gathered the broken pieces of the dish and said: "Eat; your mother got jealous," twice. Then the Messenger of Allâh ﷺ took the dish of 'Aishah and sent it to Umm Salamah and he gave the dish of Umm Salamah to 'Aishah. (*Sahîh*)

سَلَمَةَ عَنْ ثَابِتٍ، عَنْ أَبِي الْمُؤْكِلِ، عَنْ أُمّ سَلَمَةَ: أَنَّهَا - يَعْنِي أَنْتَ بِطَعَامٍ فِي صَحْفَةٍ لَهَا إِلَى رَسُولِ اللَّهِ ﷺ وَأَصْحَابِهِ - فَجَاءَتْ عَائِشَةَ مُتَرَرَّةً بِكَسَاءٍ وَمَعَهَا فِهْرٌ فَقَلَّتْ يَدُ الصَّحْفَةِ، فَجَمَعَ النَّبِيُّ ﷺ بَيْنَ فَلَقَّيِ الصَّحْفَةِ وَيَقُولُ: «كُلُوا غَارِثٌ أُمُّكُمْ». مَرَّتَيْنِ، ثُمَّ أَخَذَ رَسُولُ اللَّهِ ﷺ صَحْفَةَ عَائِشَةَ فَبَعَثَ بِهَا إِلَى أُمّ سَلَمَةَ وَأَعْطَى صَحْفَةَ أُمّ سَلَمَةَ عَائِشَةَ.

تخریج: [إسناده صحيح] وهو في الكبیر، ح: ۸۹۰۴

**3409.** It was narrated that 'Aishah said: "I never saw any woman who made food like Safiyyah. She sent a dish to the Prophet ﷺ in which was some food, and I could not keep myself from breaking it. I asked the Prophet ﷺ what the expiation was for that, and he said: 'A dish like that dish, and food like that food.'" (*Hasan*)

٣٤٠٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُئْشَى عَنْ عَبْدِ الرَّحْمَنِ، عَنْ سُفيَّانَ، عَنْ فُلَيْتِ، عَنْ جَسْرَةَ بِنْتِ دِجَاجَةَ، عَنْ عَائِشَةَ قَالَتْ: مَا رَأَيْتُ صَارِيَةَ طَعَامٍ مِثْلَ حَنْفِيَةَ، أَهَدَتْ إِلَى النَّبِيِّ ﷺ إِنَاءً فِيهِ طَعَامٌ، فَمَا مَلَكْتُ نَفْسِي أَنْ كَسَرْتُهُ، فَسَأَلْتُ النَّبِيِّ ﷺ عَنْ كَفَارِيَهِ فَقَالَ: «إِنَاءٌ كَيْنَاءٌ وَطَعَامٌ كَطَعَامٍ».

تخریج: [إسناده حسن] أخرجه أبو داود، البيوع، باب: فيمن أفسد شيئاً يغرم مثله، ح: ۳۵۶۸ من حديث سفيان الثوري به، وصرح بالسماع عنده، وهو في الكبیر، ح: ۸۹۰۵ وللحديث شواهد \* فليت هو العماري.

**3410.** 'Aishah said that the Messenger of Allâh ﷺ used to stay with Zainab bint Ja'far and drink honey at her house. Hâfshah and I agreed that if the Prophet ﷺ entered upon either of us, she would say: "I perceive the smell of *Maghâfir* (a nasty-smelling gum) on you; have you eaten *Maghâfir*?" He came in to one of them, and she said that to him. He said: "No, rather I drank honey at the house

٣٤١٠ - أَخْبَرَنَا الْحَسَنُ بْنُ مُحَمَّدٍ الزَّعْفَرَانِيَّ قَالَ: حَدَّثَنَا حَجَاجٌ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: أَنَّهُ سَمِعَ عَبْيَدَ بْنَ عُمَيْرَ يَقُولُ: سَوْحَتْ عَائِشَةَ تَرْغُمُ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَمْكُثُ عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ فَيُشَرِّبُ عِنْدَهَا عَسَلًا فَتَوَاصِيَتْ أَنَا وَحَضْرَةُ أَنَّ أَيَّتَنَا دَخَلَ عَلَيْهَا النَّبِيُّ ﷺ فَلَتَقُلُّ: إِنِّي أَحِدُ مِنْكُمْ رِيحَ مَعَافِيرَ، أَكَلْتُ مَعَافِيرَ؟ فَذَخَلَ

of Zainab bint Jahsh, but I will never do it again." Then the following was revealed: 'O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you.'<sup>[1]</sup> 'If you two turn in repentance to Allâh, (it will be better for you)'<sup>[2]</sup> about 'Aishah and Hafṣah, 'And (remember) when the Prophet disclosed a matter in confidence to one of his wives'<sup>[3]</sup> refers to him saying: "No, rather I drank honey." (*Sahîh*)

عَلَى إِخْدَاهُمَا فَقَالَتْ ذَلِكَ لَهُ فَقَالَ: «لَا، بَلْ شَرِبْتُ عَسَلًا عِنْدَ رَبِّنِي بِنْتِ جَحْشٍ وَلَنْ أَمْوَدَ لَهُ». فَنَزَّلَتْ ﴿يَأَيُّهَا الَّذِي لَمْ يَحِمِّمْ مَا أَحَلَّ اللَّهُ أَكَلَ﴾ [التحرير: ١] ﴿إِنْ تَوْبَا إِلَى اللَّهِ﴾ [التحرير: ٤] لِعَائِشَةَ وَحَفَصَةَ ﴿وَلَا أَسْرَ أَلَيْهِ إِلَّا بَعْضَ أَرْوَاحِهِ حَلَّيْنَا﴾ [التحرير: ٣] لِقَوْلِهِ: «بَلْ شَرِبْتُ عَسَلًا».

تخریج: سیاتی، ح: ۳۴۰۰، وهو في الکبری، ح: ۸۹۰۶.

### Comments:

1. 'Used to stay with Zainab': After performing the 'Asr prayer, Allâh's Messenger ﷺ used to visit all his wives in their apartments for a little while, so that he could know if they had any problem or need, and daily contact with each one could be maintained. Allâh's Messenger ﷺ stayed with Zainab بـ more than his usual stay to drink some honey she had. This disturbed 'Aishah and Hafsa.
2. *Maghâfir* is a glutinous substance, which secretes from the trees like the *Urfât* - a tree of a shrub variety. It tastes sweet but its smell is revolting. It lingers in the eater's mouth and the Prophet ﷺ detested bad smells. Hence, the Prophet ﷺ decided not to drink honey.
3. 'If you turn in repentance': To err is human. The wives of the Prophet ﷺ were not infallible. They repented no sooner than they committed the mistake. "He who repents of a sin is like him who has committed no sin." Repentance obliterates sin. Therefore, no blame could be leveled against them. Their turning in repentance is their superior merit.
4. 'Disclosed a matter': The Prophet ﷺ had stated: I will not drink honey at her place, but do not divulge it to anyone. But Hafsa committed the mistake and told 'Aishah about it.

**3411.** It was narrated from Anas, that the Messenger of Allâh ﷺ had a female slave with whom he had intercourse, but 'Aishah and Hafṣah would not leave him alone until he said that she was forbidden

٣٤١١ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يُونُسَ بْنِ مُحَمَّدٍ حَرَمِيٍّ - هُوَ لَقَبُهُ - قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ ثَابِتٍ، عَنْ أَنَسِ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَتْ لَهُ أَمْمَةٌ

[۱] At-Târîm 66:1.

[۲] At-Târîm 66:4.

[۳] At-Târîm 66:3.

for him. Then Allâh, the Mighty and Sublime, revealed: "O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you."<sup>[1]</sup> until the end of the Verse. (*Sahîh*)

يَطْوِهَا، فَلَمْ تَرُدْ يَهُ عَائِشَةُ وَحْفَصَةُ حَتَّى  
حَرَمَهَا عَلَى نَفْسِهِ فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ : «يَا أَيُّهَا  
الَّتِي لَمْ تُحِمِّ مَا أَحْلَلَ اللَّهُ لَكَ» إِلَى آخِرِ الْآيَةِ.

**تخریج:** [إسناده صحيح] وهو في الكبّرى، ح: ٨٩٠٧، وصححه الحافظ في فتح الباري: ٣٧٦/٩، وأخرجه الحاكم: ٤٩٣/٢ من طريق سليمان بن المغيرة عن ثابت به، وصححه على شرط مسلم، ووافقه النهبي.

### Comments:

In the previous narration, the occasion of the Revelation of this Qur'ânic Verse was said to be the incident of honey; whereas in this narration is a slave woman. It is possible both these incidents might have taken place close to each other in time. Hence, both could have been the occasion of the Revelation of this Verse.

**3412.** It was narrated from 'Ubâdah bin Al-Wâlid bin 'Ubâdah bin Aş-Sâmit that 'Âishah said: "I looked for the Messenger of Allâh ﷺ and I put my hand on his hair." He said: "Your *Shaiṭân* has come to you." I said: "Don't you have a *Shaiṭân*?" He said: "Yes, but Allâh helped me with him, so he submitted." (*Sahîh*)

٣٤١٢ - أَخْبَرَنَا قُتْمَيْهُ قَالَ: حَدَّثَنَا الْأَئْمَةُ  
عَنْ يَهْيَى، - هُوَ ابْنُ سَعِيدِ الْأَنْصَارِيِّ -  
عَنْ عُبَادَةَ بْنِ الْوَلِيدِ بْنِ عُبَادَةَ بْنِ الصَّامِتِ:  
أَنَّ عَائِشَةَ قَالَتْ: أَتَمَسَّتُ رَسُولَ اللَّهِ ﷺ  
فَأَدْخَلْتُ يَدِي فِي شَعْرِهِ فَقَالَ: «قَدْ جَاءَكِ  
شَيْطَانُكِ». قَلَّتْ: أَمَا لَكَ شَيْطَانٌ؟ فَقَالَ:  
«بَلَى! وَلَكَنَّ اللَّهَ أَعْنَانِي عَلَيْهِ فَأَسْلَمَ».

**تخریج:** [صحيح] وهو في الكبّرى، ح: ٨٩٠٨، ول الحديث طرق أخرى \* الليث هو ابن سعد.

### Comments:

It used to be dark in the houses at night. When 'Âishah did not feel the Prophet ﷺ around, she began to grope hither and thither. She began to have misgivings that the Prophet ﷺ might have gone to the apartment of some other wife. That is why the Prophet ﷺ made mention of the Satan, because the prompting was the handiwork of the devil.

**3413.** It was narrated that 'Âishah said: "I noticed that the Messenger of Allâh ﷺ was not there one night, and I thought that he had gone to one of his other wives, so I

٣٤١٣ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ الْحَسَنِ  
الْوَقْسَمِيُّ عَنْ حَجَاجٍ، عَنْ ابْنِ جُرْجِيجٍ، عَنْ  
عَطَاءٍ: أَخْبَرَنِي ابْنُ أَبِي مُلَيْكَةَ عَنْ عَائِشَةَ

[1] *At-Târîm* 66:1.

reached out for him, and found him bowing or prostrating, and saying: 'Subhānaka wa bi hamdika lā ilāha illa anta (Glory and praise be to You, there is none worthy of worship but You).' I said: 'May my father and mother be sacrificed for you; you were doing one thing, and I was thinking of something else.'"

(Sahih)

تخریج: [صحیح] تقدم، ح: ١١٣٢، وهو في الکبری، ح: ٨٩٠٩.

**3414.** 'Aishah said: "I noticed that the Messenger of Allāh ﷺ was not there one night, and I thought that he had gone to one of his other wives. I looked for him then I came back, and there he was, bowing or prostrating and saying: 'Subhānaka wa bi hamdika lā ilāha illa anta (Glory and praise be to You, there is none worthy of worship but You).' I said: 'May my father and mother be sacrificed for you; you were doing one thing and I was thinking of something else.'"

(Sahih)

تخریج: [صحیح] تقدم، ح: ١١٣٢، وهو في الکبری، ح: ٨٩١٠.

**3415.** 'Aishah said: "Shall I not tell you about the Prophet ﷺ and I?" We said: "Yes." She said: "When it was my night, he came in, placed his shoes by his feet, lay down his Ridā' (upper garment), and spread his Izār (lower garment) on his bed. As soon as he thought that I had gone to sleep, he put his shoes on slowly and picked up his Ridā' slowly. Then he opened the door slowly, went out and shut it slowly. I put my garment over my head,

فَأَلَّا: فَقَدْنُتْ رَسُولَ اللَّهِ ﷺ ذَاتَ لَيْلَةٍ  
فَظَنَّتْ أَنَّهُ دَهَبَ إِلَى بَعْضِ نِسَائِهِ فَكَجَسَّسَتْهُ،  
فَإِذَا هُوَ رَاجِعٌ أَوْ سَاجِدٌ يَقُولُ: «سُبْحَانَكَ  
وَبِحَمْدِكَ لَا إِلَهَ إِلَّا أَنْتَ» فَقَلَّتْ: بِأَيِّ وَأَمْمِي!  
إِنَّكَ لَقَيْ شَأْنٍ وَإِنَّ لَقَيْ شَأْنٍ آخَرَ.

٣٤١٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ:  
حَدَّثَنَا عَبْدُ الرَّزَاقِ قَالَ: أَخْبَرَنَا ابْنُ جُرَيْجَ  
قَالَ: أَخْبَرَنِي ابْنُ أَبِي مُلَيْكَةَ أَنَّ عَائِشَةَ  
قَالَتْ: أَفْقَدْنُتْ رَسُولَ اللَّهِ ﷺ ذَاتَ لَيْلَةٍ  
فَظَنَّتْ أَنَّهُ دَهَبَ إِلَى بَعْضِ نِسَائِهِ فَكَجَسَّسَتْ  
ثُمَّ رَجَعَتْ، فَإِذَا هُوَ رَاجِعٌ أَوْ سَاجِدٌ يَقُولُ:  
«سُبْحَانَكَ وَبِحَمْدِكَ لَا إِلَهَ إِلَّا أَنْتَ» فَقَلَّتْ:  
بِأَيِّ وَأَمْمِي! إِنَّكَ لَقَيْ شَأْنٍ وَإِنَّ لَقَيْ شَأْنٍ  
آخَرَ.

٣٤١٥ - أَخْبَرَنَا سُلَيْمَانُ بْنُ دَاؤُدَ قَالَ:  
أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي ابْنُ جُرَيْجَ  
عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ: أَنَّهُ سَمِعَ مُحَمَّدَ بْنَ  
قَيْسٍ يَقُولُ: سَوْمَعْتُ عَائِشَةَ تَقُولُ: أَلَا  
أَحَدُكُمْ عَنِ النَّبِيِّ ﷺ وَعَنِي؟ قُلْنَا: بَلَى!  
قَالَتْ: لَمَّا كَانَتْ لَيْلَتِي اتَّقَلَبَ فَوْضَعَ تَغْلِيْ  
عِنْدِ رِجْلِيَّةِ وَوَضَعَ رِدَاءَهُ وَبَسَطَ إِزَارَةَ عَلَى  
فَرَاشِيَّهُ وَلَمْ يَلْبِسْ إِلَّا رِتَّبَاهُ طَنَّ أَنِّي قَدْ  
رَقَدْتُ، ثُمَّ اتَّعَلَ رُوتِنَدَا وَأَخْدَرِدَاهُ رُوتِنَدَا

covered myself and put on my *Izâr* (lower garment), and I set out after him until he came to Al-Baqî', raised his hands three times and stood there for a long time. Then he left and I left, he hurried and I hurried, he ran and I ran, and I got there before him and entered (the house). I had only just laid down when he came in and said: 'O 'Âishah, why are you out of breath?' (one of the reporters) Sulaiman said: I thought he (Ibn Wahb) said: 'short of breath.' He said: 'Either you tell me or the All-Aware, All-Knowing will tell me.' I said: 'O Messenger of Allâh, may my father and mother be sacrificed for you;' and I told him the story. He said: 'You were the black shape I saw in front of me?' I said: 'Yes.'" She said: "He gave me a shove in the chest that hurt me and said: 'You thought that Allâh and His Messenger would be unfair to you.'" She said: "Whatever people conceal, Allâh, the Mighty and Sublime, knows it." He said: 'Yes.' He said: 'Jibrîl came to me when you saw (me leave) but he did not enter upon you because you have taken off your garments. So he called me but he concealed himself from you, and I answered him but I concealed it from you. I thought that you had gone to sleep and I did not want to wake you and I was afraid that you would feel lonely. He told me to go to Al-Baqî' and pray for forgiveness for them."

Hajjâj bin Muhammad contradicted him (Ibn Wahb), he

ثم فتح الباب رؤيداً وخرج وأجافه رؤيداً،  
وجعلت درعي في رأسى فاختبرت وقتنعت  
إذاري وانطلقت في إثره، حتى جاء البقىع  
فرفع يديه ثلاث مرات وأطال القيام ثم  
انحرف وأنحرفت، فاسرع فاسرعت، فهروء  
فهروءلت، فحضر فحضرت، وسبقته  
فدخلت، وليس إلا أن اضطجعت فدخل  
فقال: «ما لك يا عائش! رأيته؟» قال  
سليمان: حسيبة قال: حشيا قال: تخبرني  
أو تخبرني اللطيف الخير، قلت: يا رسول  
الله! يأبى أنت وأبى، فأخبرمه الخبر قال:  
«أنت السواد الذي رأيت أمامي؟» قلت:  
نعم، قالت: فلهذه ليهدة في صدري  
أوجعني قالت: «أظنت أن يحيف الله عليك  
ورسوله» قالت: مهمما يكتم الناس فقد علمه  
الله عز وجل، قال: «نعم» قال: «إن جبريل  
عليه السلام أتاني حين رأيت ولم يكن  
يدخل علني وقد وضعني ثيابك فناداني  
وأخفي منك، فأجبته وأخفيتها منك وظننت  
أنك قد رأدت فكرهت أن أوقفتك وخشيت  
أن تستوحشي، فأمرني أن آتي أهل البقىع  
فأشعر لهم خالفة حجاج بن محمد فقال:  
عن ابن حرب، عن ابن أبي مليكة، عن  
محمد بن قيس.

said: "From Ibn Juraij, from Ibn Abi Mulaikah, from Muhammad bin Qais:" (*Sahih*)

تخریج: [إسناده صحيح] تقدم، ح: ٢٠٣٩، وهو في الكبير، ح: ٨٩١١.

### Comments:

(See No. 2039)

**3416.** ‘Aishah said: “Shall I not tell you about the Prophet ﷺ and I?” We said: “Yes.” She said: “When it was my night when he” – meaning the Prophet ﷺ – “was with me, he came in, placed his shoes by his feet, lay down his *Ridâ’* (upper garment), and spread the edge of his *Izâr* (lower garment) on his bed. As soon as he thought that I had gone to sleep, he put his shoes on slowly, and picked up his *Ridâ’* slowly. Then he opened the door slowly, went out and shut it slowly. I put my garment over my head, covered myself and put on my *Izâr* (lower garment), and I set out after him until he came to Al-Baqî’, raised his hands three times and stood there for a long time. Then he left and I left, he hurried and I hurried, he ran and I ran, and I got there before him and entered (the house). I had only just laid down when he came in and said: ‘O ‘Aishah, why are you out of breath?’ She said: ‘No.’ He said: ‘Either you tell me or Allâh, the All-Aware, All-Knowing, will tell me.’ I said: ‘O Messenger of Allâh, may my father and mother be sacrificed for you;’ and I told him the story. He said: ‘You were the black shape I saw in front of me?’ I said: ‘Yes.’” She said: “He gave me

٣٤١٦ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ بْنِ مُسْلِمٍ الْمُصِيْصِيْ قَالَ: حَدَّثَنَا حَجَّاجٌ عَنْ ابْنِ جُرَيْجٍ: أَنَّ عَبْدَ اللَّهِ بْنَ أَبِي مَلِيْكَةَ أَخْبَرَنِيَ أَنَّهُ سَمِعَ مُحَمَّدًا بْنَ قَيْسِ بْنَ مَخْرَمَةَ يَقُولُ: سَمِعْتُ عَائِشَةَ تُحَدِّثُ قَالَتْ: أَلَا أُحَدِّثُكُمْ عَنِّي وَعَنِ الَّتِي تَكُونُ فِيهِ؟ قَلَّتْ: بَلَى! قَالَتْ: لَمَّا كَانَتْ لِيَتِي الْجِيْهُ هُوَ عِنْدِي - تَعْنِي الَّتِي تَكُونُ فِيهِ - انْقَلَبَ فَوْضَعَ تَعْلِيهِ عِنْدَ رِجْلِيْهِ وَوَضَعَ رِدَاءَهُ وَسَطَ طَرَفَ إِذَا رَأَيْهُ عَلَى فَرَاسِهِ، فَلَمْ يَلْبِسْ إِلَّا رِتَّبَاهُ طَنَّ أَنَّى قَدْ رَقَدْتُ ثُمَّ انْتَهَلَ رُوَيْدَاهُ وَأَخْدَرَ رِدَاءَهُ رُوَيْدَاهُ ثُمَّ فَتَحَّ الْبَابَ رُوَيْدَاهُ وَخَرَجَ وَأَجَاهَهُ رُوَيْدَاهُ، وَجَعَلَتْ دِرْعِي فِي رَأْسِي وَاحْتَمَرْتُ وَتَقْتَعَتْ إِذَارِي فَانْطَلَقْتُ فِي إِثْرِهِ، حَتَّى جَاءَ الْبَيْقَعَ فَرَقَعَ يَدِيْهِ ثَلَاثَ مَرَاتِيْهِ، وَأَطَالَ الْقِيَامَ، ثُمَّ اتَّحَرَفَ فَانْحَرَفْتُ، فَأَسْرَعَ فَأَسْرَعْتُ، فَهَرَوْلَ فَهَرَوْلَتُ، فَأَخْضَرَ فَأَخْضَرْتُ، وَسَبَبْتُهُ فَدَخَلْتُ، فَئَسَنْ إِلَّا أَنَّهُ اضْطَجَعْتُ فَدَخَلْ فَقَالَ: «مَا لَكَ يَا عَائِشَةُ! حَشِيْاً رَأَيْتَ؟» قَالَتْ: لَا، قَالَ: «لَتَخْبِرَنِي أَوْ لَيَخْبِرَنِي اللَّهُ الْلَّطِيفُ الْحَبِيرُ» قَلَّتْ: يَا رَسُولَ اللَّهِ! يَأْبَيْ أَنْتَ وَأَمِيْ! فَأَخْبَرَهُ الْحَبِيرُ، قَالَ: فَأَنْتَ السَّوَادُ الَّذِي رَأَيْتَهُ أَمَامِي؟» قَالَتْ:

a shove in the chest that hurt me and said: 'You thought that Allâh and His Messenger would be unfair to you.'" She said: "Whatever people conceal, Allâh knows it." He said: 'Yes.' He said: 'Jibril came to me when you saw (me leave) but he did not enter upon you because you have taken off your garments. So he called me but he concealed himself from you, and I answered him, but I concealed it from you. I thought that you had gone to sleep and I did not want to wake you, and I was afraid that you would feel lonely. He told me to go to Al-Baqî' and pray for forgiveness for them.'" (*Sahîh*) 'Âsim reported it from 'Abdullâh bin 'Âmir, from 'Aishah, with a wording different from this.

تخریج: [إسناده صحيح] تقدم، ح: ٢٠٣٩، وهو في الكبير، ح: ٨٩١٢.

**3417.** It was narrated that 'Aishah said: "I noticed that he was not there one night" and he quoted the rest of the *Hadîth*. (*Sahîh*)

تخریج: [صحيح] أخرجه ابن ماجه، الجنائز، باب ماجاء فيما يقال إذا دخل المقابر، ح: ١٥٤٦ من حديث شريك بن عبد الله القاضي به، والحديث السابق شاهد له، عاصم هو ابن عبيدة الله.

نعم، قالت: فلَهَزَنِي فِي صَدْرِي لَهْزَةٌ أُوجَعَتِنِي ثُمَّ قَالَ: «أَظَنْتَ أَنْ يَحِيفَ اللَّهُ عَلَيْكَ وَرَسُولُهُ؟» قَالَتْ: مَهْمَا يَكُنُّ النَّاسُ فَقَدْ عَلِمَهُ اللَّهُ، قَالَ: «نَعَمْ» قَالَ: «فَإِنَّ جِبْرِيلَ عَلَيْهِ السَّلَامُ أَتَانِي حِينَ رَأَيْتَ وَلَمْ يَكُنْ يَدْخُلْ عَلَيْكَ وَقَدْ وَضَعْتِ تِيَابَكِ، فَنَادَانِي فَأَخْفَى مِنْكِ، فَأَجَبْتُهُ فَأَخْفَيْتُ مِنْكِ، فَظَنَّتْ أَنْ قَدْ رَفَدْتِ وَخَشِيتُ أَنْ تَشْتُوْجِيشِي، فَأَمْرَنِي أَنْ آتِي أَهْلَ الْبَقِيعَ فَأَسْتَغْفِرَ لَهُمْ» رَوَاهُ عَاصِمٌ عَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ، عَنْ عَائِشَةَ عَلَى عَيْرٍ هَذَا الْفَظْ.

٣٤١٧ - أَخْبَرَنَا عَلَيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا شَرِيكٌ عَنْ عَاصِمٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ بْنِ رَبِيعَةَ، عَنْ عَائِشَةَ قَالَتْ: فَقَدْتُهُ مِنَ اللَّيْلِ، وَسَاقَ الْحَدِيثَ.

## 27. The Book Of Divorce

(المعجم ٢٧) - كتاب الطلاق  
(التحفة ١٠)

### Chapter 1. Divorce At The Time When Allâh Has Stated That Women May Be Divorced

(المعجم ١) - باب وقت الطلاق للعدة  
التي أمر الله عز وجل أن تطلق لها النساء (التحفة ١)

**3418.** Nâfi' narrated from 'Abdullâh, that he divorced his wife while she was menstruating. Umar asked the Messenger of Allâh ﷺ about that and said: "Abdullâh has divorced his wife while she was menstruating." He said: "Tell 'Abdullâh to take her back, then leave her until she becomes pure from this menstrual period, then menstruates again, then when she becomes pure again, if he wishes he may separate from her before having intercourse with her, or if he wishes he may keep her. This is the time when Allâh, the Mighty and Sublime, has stated that women may be divorced." (*Sahîh*)

٣٤١٨ - أخبرنا عبيد الله بن سعيد السرخيسي قال: حدثنا يحيى بن سعيد القطان عن عبيد الله بن [عمر] قال: أخبرني نافع عن عبد الله: أنه طلق امرأته وهي حائض فاستئنف عمر رسول الله ﷺ فقال: إن عبد الله طلق امرأته وهي حائض، فقال: من عبد الله فليراجعها ثم يدعها حتى تطهر من حيضتها هذه، ثم تحيض حيضة أخرى، فإذا ظهرت فإن شاء فليتدار بها قبل أن يجتمعها، وإن شاء فليمسك بها، فإنها العدة التي أمر الله عز وجل أن تطلق لها النساء".

تخریج: أخرجه مسلم، (انظر الحديث الآتي بعده) ٢/١٤٧١ من حديث عبد الله بن عمر به، وهو في الكبرى، ح: ٥٥٨٢.

#### Comments:

1. Sexual intercourse during menstruation is forbidden. Man normally feels no desire for his wife in this condition. It is quite possible one might rush to pronounce divorce. Hence, the Divine law has forbidden divorcing in this condition. If someone commits this mistake, he shall have to resort to "returning" or taking the woman back. A divorce would, however, be counted, whether or not he takes her back. But if he does not pronounce the third divorce, the marriage would not be terminated. If it is the third divorce, returning would not be permitted. The marriage is over!
2. During menstruation, the returning would take place verbally. At the end of menstruation the returning would be practical, that is to say one ought to have sexual intercourse. Thereupon, if one desires, one may resort to divorce

during the next purity.

3. We learn that the appropriate time of divorcing is in the state of purity, during which the husband has not had sexual intercourse with her. This is why the Prophet ﷺ commanded the divorce be given after the intervention of one more menstrual cycle, in the state of purity, because in the first period of purity, returning was done in the form of sexual intercourse.

**3419.** It was narrated from Ibn ‘Umar that he divorced his wife while she was menstruating, during the time of the Messenger of Allâh ﷺ. ‘Umar bin Al-Khaṭṭâb, may Allâh be pleased with him, asked the Messenger of Allâh ﷺ about that, and the Messenger of Allâh ﷺ said: “Tell him to take her back and keep her until she becomes pure, then menstruates again and becomes pure again. Then if he wishes he may keep her, or if he wishes, he may divorce her before he touches (has intercourse with) her. This is the time when Allâh, the Mighty and Sublime, has stated that women may be divorced.” (*Sahîh*)

٣٤١٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: أَخْبَرَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّهُ طَلَقَ امْرَأَةً وَهِيَ حَائِضٌ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فَسَأَلَ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ رَسُولَ اللَّهِ ﷺ عَنْ ذَلِكَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مُرْهُ فَلْيَأْجُعُهَا ثُمَّ لْيُمْسِكُهَا حَتَّى تَطْهُرَ، ثُمَّ تَحِيسَّ ثُمَّ تَطْهُرَ، ثُمَّ إِنْ شَاءَ أَمْسَكَ بَعْدُ، وَإِنْ شَاءَ طَلَقَ قَبْلَ أَنْ يَمْسَأَ، فَإِنَّكَ الْعَدُودَ الَّتِي أَمَرَ اللَّهُ عَزَّ وَجَلَّ أَنْ تُطْلَقَ لَهَا النِّسَاءُ».

تخریج: أخرجه البخاري، الطلاق، باب وقول الله تعالى: (فَإِنَّهَا النِّسَاءُ...) إِنَّهَا النِّسَاءُ...، ح: ٥٢٥١، ومسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها... إِنَّهَا النِّسَاءُ...، ح: ١٤٧١ من حديث مالك به، وهو في الموطأ (يحيى): ٥٥٨٣، والكبري، ح: ٥٧٦/٢: ٥٥٨٣.

**3420.** Sâlim bin ‘Abdullâh bin ‘Umar narrated that ‘Abdullâh bin ‘Umar said: “I divorced my wife during the lifetime of the Messenger of Allâh ﷺ while she was menstruating. ‘Umar mentioned that to the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ got angry about that and said: ‘Let him take her back, then keep her until she has menstruated again and become pure again.

٣٤٢٠ - أَخْبَرَنِي كَثِيرُ بْنُ عَيْدَيْ عَنْ مُحَمَّدِ ابْنِ حَرْبٍ قَالَ: حَدَّثَنَا الزُّبَيْدِيُّ قَالَ: سُئِلَ الرُّهْرَيْيُّ: كَيْفَ الطَّلاقُ لِلْعِدَّةِ؟ فَقَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّ عَبْدَ اللَّهِ ابْنَ عُمَرَ قَالَ: طَلَقْتُ امْرَأَتِي فِي حَيَاةِ رَسُولِ اللَّهِ ﷺ وَهِيَ حَائِضٌ فَذَكَرَ ذَلِكَ عُمَرُ لِرَسُولِ اللَّهِ ﷺ فَتَعَيَّنَ رَسُولُ اللَّهِ ﷺ فِي ذَلِكَ قَالَ: «لْيَأْجُعُهَا ثُمَّ لْيُمْسِكُهَا حَتَّى تَحِيسَّ حَيْضَهُ

Then if he wants to divorce her when she is pure and before he touches her (has intercourse with her), then that is divorce at the prescribed time as Allâh, the Mighty and Sublime, has revealed.”” ‘Abdullâh bin ‘Umar said: “So I took her back, but I still counted the divorce that I had issued to her.” (*Sahîh*)

**تخریج:** أخرجه مسلم، ح: ١٤٧١ ب من حديث محمد بن الوليد الزبيدي به، وانظر الحديث السابق، وهو في الكبير، ح: ٥٨٤.

### Comments:

The majority of the people of knowledge maintain that although divorcing in the state of menstruation is sinful and forbidden and returning or taking back of the wife is essential, but such kind of divorce would be reckoned as one divorce. Now two more divorces remain. Some researchers, however, have ruled such kind of divorce null and void, because returning in it is essential. Even so, Allâh’s Messenger ﷺ could not have counseled Ibn ‘Umar ﷺ to give two divorces instead of one. Although this argumentation appears rationally strong, the wording of the relevant narrations, the statements of the Companions, and in addition the schools of thoughts of various scholars are contrary to it.

**3421.** ‘Abdullâh bin Ayman asked Ibn ‘Umar while Abû Az-Zubair was listening: “What did you think about a man who divorces his wife when she is menstruating?” He said to him: “‘Abdullâh bin ‘Umar divorced his wife when she was menstruating during the time of the Messenger of Allâh ﷺ. ‘Umar asked the Messenger of Allâh ﷺ (about that) and said: “‘Abdullâh bin ‘Umar has divorced his wife while she was menstruating.” The Messenger of Allâh ﷺ said: “Let him take her back.” So he made me take her back. He said: “When she becomes pure, let him divorce her or keep her.” Ibn ‘Umar said: “The Prophet ﷺ said: ‘O Prophet! When

وَبَطَّهُرَ، فَإِنْ بَدَا لَهُ أَنْ يُطْلَقُهَا طَاهِرًا قَبْلَ أَنْ يَمْسَهَا فَذَاكَ الطَّلاقُ لِلْعُدُودِ كَمَا أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ». قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ: فَرَاجَعْتُهَا وَحَسِبْتُ لَهَا التَّطْلِيقَةَ الَّتِي طَلَقْتُهَا.

٣٤٢١ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِشْمَاعِيلَ بْنِ إِبْرَاهِيمَ وَعَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنُ تَمِيمٍ عَنْ حَجَاجٍ قَالَ: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الرُّثْبَرِ أَنَّهُ سَمِعَ عَبْدَ الرَّحْمَنِ بْنَ أَيْمَنَ يَسْأَلُ ابْنَ عُمَرَ وَأَبْوَ الرُّثْبَرِ يَسْمَعُ: كَيْفَ تَرَى فِي رَجُلٍ طَلَقَ امْرَأَتَهُ حَائِضًا؟ فَقَالَ لَهُ: طَلَقَ عَبْدُ اللَّهِ بْنُ عُمَرَ امْرَأَتَهُ وَهِيَ حَائِضٌ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَقَالَ: إِنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ طَلَقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ رَجُلًا قَرَدَهَا عَلَيَّ، قَالَ: إِذَا طَهَرَتْ فَلَا يُطْلَقُ أَوْ لِيُمْسِكُ» قَالَ ابْنُ عُمَرَ: فَقَالَ النَّبِيُّ ﷺ: «يَا

you divorce women, divorce them before their 'Iddah (prescribed period) elapses."<sup>[1]</sup> (Sahih)

أيتها النّبِيَّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلَقُوهُنَّ فِي قُبْلٍ عَدِيْهِنَّ» [الطلاق: ١].

تخریج: أخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح ١٤٧١ من حديث حجاج بن محمد به، وهو في الكبرى، ح: ٥٥٨٥.

### Comments:

Because the waiting period is counted from menstruation. Hence, the waiting period would not commence if the divorce is given in the state of menstruation. If the menstrual cycle is counted, the waiting period would fall short, and if it is not counted, the waiting period would become long. Hence, the divorce should take place in the state of purity so that the waiting period could commence with menses.

**3422.** It was narrated from Ibn 'Abbâs, concerning the saying of Allâh, the Mighty and Sublime: "O Prophet! When you divorce women, divorce them at their 'Iddah (prescribed periods)."<sup>[2]</sup> Ibn 'Abbâs, may Allâh be pleased with him, said: "Before their 'Iddah elapses."<sup>[3]</sup> (Sahîh)

٣٤٢٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنِ الْحَكَمِ قَالَ: سَمِعْتُ مُجَاهِدًا يُحَدِّثُ عَنْ أَبِي عَبَّاسٍ: فِي قَوْلِهِ عَزَّ وَجَلَّ ﴿يَأَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلَقُوهُنَّ لِعَدِيْهِنَّ﴾ [الطلاق: ١] قَالَ أَبُو عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ: قُبْلٍ عَدِيْهِنَّ.

تخریج: [إسناده صحيح] أخرجه الطبری في تفسیره: ٨٤ / ٢٨ من حديث محمد بن جعفر به، وهو في الكبرى، ح: ٥٥٨٦.

### Comments:

The purpose of Ibn 'Abbâs saying this is that divorce should take place well before the waiting period; that means during the state of purity, because the waiting period commences with menstruation. If divorce takes place during menses, it would be during the waiting period, which is not right.

## Chapter 2. The Sunnah Divorce

(المعجم ٢) - بَابُ طَلَاقِ النِّسَاءِ (التحفة ٢)

**3423.** It was narrated from 'Abdullâh that he said: "The Sunnah divorce is a divorce issued when she is pure (not menstruating) without having had intercourse with her. If

٣٤٢٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ أَبْوَبَ قَالَ: حَدَّثَنَا حَفْصُونَ بْنُ عَيَّاثٍ قَالَ: حَدَّثَنَا أَبْعَمُشُ عَنْ أَبِي إِسْحَاقِ، عَنْ أَبِي الأَنْوَاصِ، عَنْ عَبْدِ اللَّهِ أَنَّهُ قَالَ: طَلَاقٌ

<sup>[1]</sup> It is a reference to *At-Talâq* 65:1, while the wording is different.

<sup>[2]</sup> *At-Talâq* 65:1.

<sup>[3]</sup> That is, when they become pure following menstruation, before intercourse.

she menstruates and becomes pure again, give her another divorce, and if she menstruates and becomes pure again, give her another divorce, then after that, she should wait for another menstrual cycle.” (*Hasan*) (One of the narrators) Al-A‘mash said: “I asked Ibrâhîm, and he said something similar.”

**تَحْرِيْج:** [حسن] أخرجه ابن ماجه، الطلاق، باب طلاق السنة، ح: ٢٠٢١ من حديث حفص به، وهو في الكبير، ح: ٥٥٨٧، وصححه ابن حزم في المحتلى: ١٧٢/١٠ مسئلته: ١٩٤٩، وللحديث شواهد عند ابن أبي شيبة وغيره \* أبو إسحاق عنون.

### Comments:

This narration demonstrates the clear guidelines for an irrevocable divorce.

**3424.** It was narrated that ‘Abdullâh said: “The *Sunnah* divorce is to divorce her when she is pure (not menstruating) without having had intercourse with her.” (*Hasan*)

السُّنْنَةَ تَطْلِيقَةٌ وَهِيَ طَاهِرٌ فِي غَيْرِ جَمَاعٍ، فَإِذَا حَاضَتْ حَاضَتْ وَطَهَرَتْ طَلَقَهَا أُخْرَى، فَإِذَا حَاضَتْ وَطَهَرَتْ طَلَقَهَا أُخْرَى، ثُمَّ تَعْتَدُ بَعْدَ ذَلِكَ بِحِينَيْضَةٍ. قَالَ الْأَعْمَشُ: سَأَلْتُ إِبْرَاهِيمَ فَقَالَ مِثْلَ ذَلِكَ .

٣٤٢٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْ قَالَ: حَدَّثَنَا يَحْيَى عَنْ سُفِيَّانَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي الْأَخْوَصِ، عَنْ عَبْدِ اللَّهِ قَالَ: طَلَاقُ السُّنْنَةِ أَنْ يُطْلَقَهَا طَاهِرًا فِي غَيْرِ جَمَاعٍ.

**تَحْرِيْج:** [حسن] انظر الحديث السابق، وهو في الكبير، ح: ٥٥٨٨، وأخرجه ابن ماجه، ح: ٢٠٢٠ من حديث يحيى القطان وغيره.

### Chapter 3. What Should Be Done If The Husband Issues A Divorce When The Wife Is Menstruating

**3425.** It was narrated from ‘Abdullâh that he issued a divorce to his wife when she was menstruating. So ‘Umar went to inform the Prophet ﷺ about that. The Prophet ﷺ said to him: “Tell ‘Abdullâh to take her back, then, when she has performed *Ghusl*, let him leave her alone, until she menstruates (again). Then, when she performs *Ghusl* following that

(المعجم ٣) - بَابُ مَا يَفْعَلُ إِذَا طَلَقَ تَطْلِيقَةً وَهِيَ حَائِضٌ (التحفة ٣)

٣٤٢٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا الْمُعْتَمِرُ قَالَ: سَمِعْتُ عَبْدَ اللَّهِ أَبْنَ عُمَرَ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ: أَنَّهُ طَلَقَ امْرَأَتَهُ وَهِيَ حَائِضٌ تَطْلِيقَةً فَأَنْطَلَقَ عُمَرُ فَأَخْبَرَ النَّبِيَّ ﷺ بِذَلِكَ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «مُرْ عَبْدَ اللَّهِ فَلَا يَرْجِعُهَا فَإِذَا اغْتَسَلَتْ فَلَا يُرْتَدُّهَا حَتَّى تَحْيِضَ، فَإِذَا اغْتَسَلَتْ وَنْ حَيْضَرَهَا

second period, he should not touch her until he divorces her. And if he wants to keep her, then let him keep her. That is the time when Allâh has stated that women may be divorced.” (*Sahîh*)

تخریج: [إسناده صحيح] تقدم طرفه، ح: ٣٤١٨ \* المعتمر هو ابن سلیمان.

**3426.** It was narrated from Ibn ‘Umar that he divorced his wife while she was menstruating. He mentioned that to the Prophet ﷺ and he said: “Tell him to take her back, then divorce her while she is pure (not menstruating) or pregnant.” (*Sahîh*)

الأُخْرَى فَلَا يَسْسَهَا حَتَّى يُطْلَقَهَا، فَإِنْ شَاءَ أَنْ يُمْسِكَهَا فَلْيُمْسِكَهَا، فَإِنَّهَا الْعِدَّةُ الَّتِي أَمْرَ اللَّهُ عَزَّ وَجَلَّ أَنْ تُطْلَقَ لَهَا السَّنَاءُ.

٣٤٢٦ - أَخْبَرَنَا مَحْمُودُ بْنُ غَيْلَانَ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ مُحَمَّدٍ ابْنِ عَبْدِ الرَّحْمَنِ مَوْلَى طَلْحَةَ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عُمَرَ: أَنَّهُ طَلَقَ امْرَأَةً وَهِيَ حَائِضٌ فَدَكَرَ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «مُرْهَةٌ فَئُرْجِعُهَا ثُمَّ لَيُطْلَقُهَا وَهِيَ طَاهِرٌ أَوْ حَامِلٌ».

تخریج: آخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح: ٥٩٠ من حديث سفيان الثوري به، وهو في الكبیر، ح: ١٤٧١.

#### Comments:

From this, we learn that divorcing in the state of pregnancy is also permitted.

#### Chapter 4. Divorce Without The *Iddah*

(المعجم ٤) - **بَابُ الطَّلاقِ لِغَيْرِ الْعِدَّةِ**  
(التحفة ٤)

**3427.** It was narrated from Ibn ‘Umar that he divorced his wife when she was menstruating, but the Messenger of Allâh ﷺ told him to take her back, and divorce her when she was pure (not menstruating). (*Sahîh*)

٣٤٢٧ - أَخْبَرَنَا زِيَادُ بْنُ أَبْيَوبَ قَالَ: حَدَّثَنَا هُشَيْمٌ قَالَ: أَخْبَرَنَا أَبُو بِشْرٍ عَنْ سَعِيدِ ابْنِ جُبَيْرٍ، عَنْ ابْنِ عُمَرَ: أَنَّهُ طَلَقَ امْرَأَةً وَهِيَ حَائِضٌ فَرَدَهَا عَلَيْهِ رَسُولُ اللَّهِ ﷺ حَتَّى طَلَقَهَا وَهِيَ طَاهِرٌ.

تخریج: [إسناده صحيح] وهو في الكبیر، ح: ٥٩١ \* أبوبشر هو جعفر بن أبي وحشية.

#### Comments:

‘Take her back’ means he ﷺ did not consider this divorce right according to the rule of the Divine law and commanded that she be taken back. It does not mean that he did not consider this divorce valid or he did not reckon it, as is argued by some.

## Chapter 5. Divorce Without The 'Iddah And What Is Counted As A Divorce

**3428.** It was narrated that Yûnus bin Jubair said: "I asked Ibn 'Umar about a man who divorced his wife while she was menstruating. He said: 'Do you know 'Abdullâh bin 'Umar?' He divorced his wife while she was menstruating, and 'Umar asked the Prophet ﷺ about that, and he told him to take her back, then wait for the right time. I said to him: 'Was that divorce counted?' He said: 'Be quiet! What do you think if some becomes helpless and behaves foolishly?'" (*Sahîh*)

تخریج: أخرجه مسلم، الطلاق، باب تحریم طلاق الحائض بغير رضاها ... إلخ، ح: ٧/١٤٧١ عن قتيبة، والبخاري، الطلاق، باب مراجعة الحائض، ح: ٥٣٣٣ (باب: إذا طلقت الحائض تعد بذلك الطلاق، ح: ٥٢٥٢) من حديث محمد بن سيرين به، وهو في الكبرى، ح: ٥٥٩٢ \* حماد هو ابن زيد.

**3429.** It was narrated that Yûnus bin Jubair said: "I said to Ibn 'Umar: 'A man divorced his wife while she was menstruating.' He said: 'Do you know 'Abdullâh bin 'Umar? He divorced his wife when she was menstruating, and 'Umar went to the Prophet ﷺ and asked him about that, and he told him to take her back then wait for the right time.' I said to him: 'Was that divorce counted?' He said: 'Be quiet! What do you think if some becomes helpless and behaves foolishly?'" (*Sahîh*)

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٥٥٩٣، وأخرجه مسلم، ح: ٩/١٤٧١ عن يعقوب به، \* يونس هو ابن عبيد.

(المعجم ٥) - الطلاق لغير العدة وما يُحْسَبُ مِنْهُ عَلَى المُطْلَقِ (التحفة ٥)

٣٤٢٨ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا حَمَادٌ  
عَنْ أَبِيهِبَ، عَنْ مُحَمَّدٍ، عَنْ يُونُسَ بْنِ جُعْنَيْرٍ  
قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنْ رَجُلٍ طَلَقَ امْرَأَتَهُ  
وَهِيَ حَائِضٌ فَقَالَ: هَلْ تَعْرِفُ عَبْدَ اللَّهِ بْنَ  
عُمَرَ؟ فَإِنَّهُ طَلَقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فَسَأَلَ  
عُمَرَ النَّبِيَّ ﷺ فَأَمْرَرَهُ أَنْ يُرَاجِعَهَا ثُمَّ يَسْتَقْبِلَ  
عِدَّتَهَا، فَقُلْتُ لَهُ: قَيْعَدْتُ بِتِلْكَ التَّطْلِيقَةِ؟  
فَقَالَ: مَهَا! أَرَأَيْتَ إِنْ عَجَزَ وَاسْتَحْمَقَ.

٣٤٢٩ - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ:  
حَدَّثَنَا ابْنُ عَلَيْهِ عَنْ يُونُسَ، عَنْ مُحَمَّدِ بْنِ  
سِيرِينَ، عَنْ يُونُسَ بْنِ جُعْنَيْرٍ قَالَ: قُلْتُ لِابْنِ  
عُمَرَ: رَجُلٌ طَلَقَ امْرَأَتَهُ وَهِيَ حَائِضٌ،  
فَقَالَ: أَتَعْرِفُ عَبْدَ اللَّهِ بْنَ عُمَرَ؟ فَإِنَّهُ طَلَقَ  
امْرَأَتَهُ وَهِيَ حَائِضٌ فَأَتَى عُمَرَ النَّبِيَّ ﷺ  
يَسْأَلُهُ فَأَمْرَرَهُ أَنْ يُرَاجِعَهَا ثُمَّ يَسْتَقْبِلَ عِدَّتَهَا،  
فَقُلْتُ لَهُ: إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ وَهِيَ حَائِضٌ  
أَيْعَدْتُ بِتِلْكَ التَّطْلِيقَةِ؟ فَقَالَ: مَهَا! وَإِنْ عَجَزَ أَوْ  
اَشْتَحْمَقَ.

## Chapter 6. Three Simultaneous Divorces And A Stern Warning Against That

**3430.** Makhramah narrated that his father said: "I heard Maḥmūd bin Labīd say: 'The Messenger of Allāh ﷺ was told about a man who had divorced his wife with three simultaneous divorces. He stood up angrily and said: Is the Book of Allāh being toyed with while I am still among you? Then a man stood up and said: 'O Messenger of Allāh, shall I kill him?'" (*Sahih*)

تخریج: [إسناده صحيح] وهو في الكبّر، ح: ٥٥٩٤ \* محمود صحابي، وأعمل الحديث بعله غير قادحة، مخرمة عن أبيه كتاب والرواية عن كتاب صححه إذا لم يثبت الجرح فيه.

### Comments:

1. In view of men's frailties and haste, the Divine law has stipulated three phases of divorce and, subsequent to the first two fold divorces, has kept the provision of returning or taking one's wife back so that such deep relationship does not become the prey of human hastiness. A man who divorces rather should reflect and contemplate and make a decision keeping the passionate emotions at bay. The one who pronounced a threefold divorces simultaneously lost, as it were, all these three opportunities, and turned the matter of eminent relationship into sport and relinquished it to hastiness. So much so that now no possibility of reunion with the woman remained. He, therefore, openly disobeyed or violated the clearly manifest Qur'anic guidance that the divorce be given separately.
2. It becomes known that giving threefold divorce together or simultaneously is contrary to the Divine law. Imām Abū Hanifah ﷺ is the proponent of this viewpoint, but Imām Shafī does not consider it forbidden, because man has the right of three pronouncements of divorce. He made use of it, as he desired it. If he has lost the phased opportunities, it is his loss.
3. If someone commits this sacrosanct act (of pronouncing threefold divorces simultaneously), according to the dominant majority of scholars, all the divorces shall be considered effected, and the woman shall become forbidden for him.

## Chapter 7. Concession Allowing That

(المعجم ٦) - **الثَّلَاثُ الْمَجْمُوعَةُ وَمَا فِيهِ مِنَ التَّغْلِيظِ** (التحفة ٦)

٣٤٣٠ - أَخْبَرَنَا شَلَيمَانُ بْنُ دَاؤِدَ عَنْ أَبِينِ وَهَبِّيْنَ قَالَ: أَخْبَرَنَا مَحْرَمَةُ عَنْ أَبِيهِ قَالَ: سَمِعْتُ مَحْمُودَ بْنَ لَبِيدَ قَالَ: أَخْبَرَ رَسُولُ اللهِ ﷺ عَنْ رَجُلٍ طَلَقَ امْرَأَتَهُ ثَلَاثَ تَطْلِيَقَاتٍ جَمِيعًا فَقَامَ غَضِبًا ثُمَّ قَالَ: «أَيْلَعْبُ بِكِتَابِ اللهِ وَأَنَا بَيْنَ أَظْهَرِكُمْ؟» حَتَّى قَامَ رَجُلٌ وَقَالَ: يَا رَسُولَ اللهِ! أَلَا أَفْتَلُهُ؟

تخریج: [إسناده صحيح] وهو في الكبّر، ح: ٥٥٩٤ \*

مخرمة عن أبيه كتاب والرواية عن كتاب صححه إذا لم يثبت الجرح فيه.

(المعجم ٧) - **بَابُ الرُّخْصَةِ فِي ذَلِكَ** (التحفة ٧)

**3431.** Sahl bin Sa'd As-Sâ'iđî narrated that 'Uwaimir Al-'Ajlânî

٣٤٣١ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ:

came to ‘Âsim bin ‘Adiy and said: “What do you think, O ‘Âsim! If a man finds another man with his wife, should he kill him, and be killed in retaliation, or what should he do? O ‘Âsim! Ask the Messenger of Allâh ﷺ about that for me.” So ‘Âsim asked the Messenger of Allâh ﷺ about that, and the Messenger of Allâh ﷺ disapproved of the question, and criticized the asking of too many questions until ‘Âsim felt upset. When ‘Âsim went back to his people, ‘Uwaimir came to him and said: “O ‘Âsim, what did the Messenger of Allâh ﷺ say to you?” ‘Âsim said: “You have not brought me any good. The Messenger of Allâh ﷺ disapproved of the question you asked.” ‘Uwaimir said: “By Allâh, I will go and ask the Messenger of Allâh ﷺ.” So he went to the Messenger of Allâh ﷺ and found him in the midst of the people. He said: “O Messenger of Allâh, what do you think if a man finds another man with his wife – should he kill him, and be killed in retaliation or what should he do?” The Messenger of Allâh ﷺ said: “Something has been revealed concerning you and your wife, so go and bring her here.” Sahl said: “So they engaged in the procedure of *Li’ân*, and I was among the people in the presence of the Messenger of Allâh ﷺ. When ‘Uwaimir finished he said: “I would have been telling lies about her, O Messenger of Allâh, if I keep her.” So he divorced her

حدَثَنَا أَبْنُ الْقَاسِمِ عَنْ مَالِكٍ قَالَ: حَدَّثَنِي  
أَبْنُ شَهَابٍ أَنَّ سَهْلَ بْنَ سَعْدَ السَّاعِدِيَّ أَخْبَرَهُ  
أَنَّ عُوَيْمِرًا الْعَجْلَانِيَّ جَاءَ إِلَى عَاصِمٍ بْنِ  
عَدِيٍّ فَقَالَ: أَرَأَيْتَ يَا عَاصِمٌ لَوْ أَنَّ رَجُلًا  
وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا أَيْقُنْتُهُ فَيُقْتَلُونَهُ أَمْ كَيْفَ  
يَفْعُلُ؟ سَلْ لِي يَا عَاصِمٌ رَسُولَ اللَّهِ ﷺ عَنْ  
ذَلِكَ، فَسَأَلَ عَاصِمٌ رَسُولَ اللَّهِ ﷺ فَكَرِهَ  
رَسُولُ اللَّهِ ﷺ الْمُسَائِلَ وَعَابَهَا حَتَّى كَبَرَ عَلَى  
عَاصِمٍ مَا سَمِعَ مِنْ رَسُولِ اللَّهِ ﷺ، فَلَمَّا  
رَجَعَ عَاصِمٌ إِلَى أَهْلِهِ جَاءَهُ عُوَيْمِرٌ فَقَالَ: يَا  
عَاصِمٌ! مَاذَا قَالَ لَكَ رَسُولُ اللَّهِ ﷺ؟ فَقَالَ  
عَاصِمٌ لِعُوَيْمِرٍ: لَمْ تَأْتِنِي بِخَيْرٍ قَدْ كَرِهَ رَسُولُ  
اللَّهِ ﷺ الْمُسَائِلَةَ الَّتِي سَأَلْتَ عَنْهَا، فَقَالَ  
عُوَيْمِرٌ: وَاللَّهِ! لَا أَتَهْيِهِ حَتَّى أَسْأَلَ عَنْهَا  
رَسُولُ اللَّهِ ﷺ، فَأَفْتَلَ عُوَيْمِرٌ حَتَّى أَتَى  
رَسُولُ اللَّهِ ﷺ وَسَطَ النَّاسِ فَقَالَ: يَا رَسُولُ  
اللَّهِ! أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا  
أَيْقُنْتُهُ فَيُقْتَلُونَهُ أَمْ كَيْفَ يَفْعُلُ؟ فَقَالَ رَسُولُ  
اللَّهِ ﷺ: «قَدْ نَزَلَ فِيَكَ وَفِي صَاحِبِيكَ  
فَادْهُبْ فَأَقْتَلْ بِهَا» قَالَ سَهْلٌ: فَكَلَّعَنَا وَأَنَا  
مَعَ النَّاسِ عِنْدَ رَسُولِ اللَّهِ ﷺ، فَلَمَّا فَرَغَ  
عُوَيْمِرٌ قَالَ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللَّهِ! إِنَّ  
أَمْسَكْتُهَا، فَطَلَّقَهَا ثَلَاثًا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ

الله ﷺ.

thrice before the Messenger of Allâh ﷺ told him to do so. (*Sahîh*)

تخریج: أخرجه البخاري، الطلاق، باب من جوز الطلاق الثالث ... الخ، ح: ٥٢٥٩، ومسلم، اللعان، ح ١٤٩٢ من حديث مالك به، وهو في الموطأ (يعنی) ٥٦٧٥٦٦/٢: والکبری، ح: ٥٥٩٥.

### Comments:

- ‘Killed in retaliation’ because imposition of the prescribed legal penalty or the *Hadd* is upon government. No one can individually impose the prescribed legal penalty of his own. Therefore, if someone kills a person in a fit of rage who he finds sleeping with his wife, he would thereupon be killed by way of rightful retaliation if he fails to produce four eyewitnesses. Otherwise it would provide people with an excuse to indulge in an orgy of killing. On the Day of Resurrection, however, Allâh, Most High, would treat him in accordance with His knowledge of things, which means if the slain had really committed the crime of adultery and was married, the killer would be forgiven, or otherwise he would be punished.
- ‘Allâh’s Messenger ﷺ disapproved of the question’; because he thought these were hypothetical questions, and asking hypothetical questions is shamefully disgusting. Allâh, Most High, had knowledge that the incident had already taken place. Hence, He sent down the Revelation.
- The detail concerning the *Li’ân* (invoking curse) is coming up, Allâh Willing!
- ‘He divorced her with three pronouncements’: And Allâh’s Messenger ﷺ did not stop him. It becomes known that giving a threefold divorce simultaneously is permissible. But the marriage itself was ended by *Li’ân*. There is no need of divorce as it makes divorce redundant. Therefore, his act (of giving threefold divorce) was superfluous and futile. This is why the Prophet ﷺ did not stop him abruptly.

**3432.** Fâtimah bint Qais said: “I came to the Prophet ﷺ and said: ‘I am the daughter of Áli Khâlid and my husband, so and so, sent word to me divorcing me. I asked his family for provision and shelter but they refused.’ They said: ‘O Messenger of Allâh, he sent word to her divorcing her thrice.’” She said: “The Messenger of Allâh ﷺ said: ‘The woman is still entitled to provision and shelter if the husband can still take her back.’”<sup>[1]</sup> (*Sahîh*)

٣٤٣٢ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى قَالَ: حَدَّثَنَا أَبُو تَعْيِمْ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ يَرْبِيدَ الْأَخْسِيُّ قَالَ: حَدَّثَنَا الشَّعْبِيُّ قَالَ: حَدَّثَنِي فَاطِمَةُ بْنُتْ قَيْسٍ قَالَتْ: أَتَيْتُ النَّبِيَّ ﷺ فَقُلْتُ: أَنَا بِنْتُ آلِ خَالِدٍ وَإِنِّي زَوْجِي فُلَانًا أَرْسَلَ إِلَيَّ بِطَلَاقٍ، وَإِنِّي سَأَلْتُ أَهْلَهُ النَّفَقةَ وَالسُّكْنَى فَأَبْوَا عَلَيَّ، قَالُوا: يَا رَسُولَ اللهِ! إِنَّهُ قَدْ أَرْسَلَ إِلَيْهَا بِثَلَاثٍ تَطْلِيقَاتٍ، قَالَتْ:

[1] Meaning, in the case of the first or second divorce.

فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا النَّفَقَةُ وَالسُّكْنَى  
لِلْمُرْأَةِ إِذَا كَانَ لِرَوْجِهَا عَلَيْهَا الرَّجْعَةُ».

تخریج: أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ٤٢ / ١٤٨٠ من حديث الشعبي به، وهو في الكبير، ح: ٥٥٩٦.

### Comments:

This narration has appeared in the book at various places. Some narrations say "He divorced me three times, some contain "He gave me an irrevocable ultimate divorce," while some have "He gave me the final divorce of three divorces". Hence, deriving legal ruling about the permissibility of giving a threefold divorce simultaneously from this narration is not right, because by putting together all the narrations, it emerges that her husband had conveyed the third divorce. Two divorces he had already used earlier. See *Hadith* 3224.

**3433.** It was narrated from Fâtimah bint Qais that the Prophet ﷺ said: "The thrice-divorced woman is not entitled to provision and shelter." (*Sahîh*)

٣٤٣٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ:  
حَدَّثَنَا عَبْدُ الرَّحْمَنِ قَالَ: حَدَّثَنَا شَفَيْيَانُ عَنْ  
سَلَمَةَ، عَنِ الشَّعَبِيِّ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ  
عَنِ النَّبِيِّ ﷺ: «الْمُطْلَقَةُ ثَلَاثَةٌ لَيْسَ لَهَا  
سُكْنَى وَلَا نَفَقَةً».

تخریج: أخرجه مسلم، ح: ٤٤ / ١٤٨٠ عن محمد بن بشار به، انظر الحديث السابق، وهو في الكبير، ح: ٥٥٩٧ \* عبد الرحمن هو ابن مهدي، وسفيان هو الثوري، وسلمة هو ابن كهيل.

### Comments:

This narration too makes no mention of giving three divorces together.

**3434.** Fâtimah bint Qais narrated that Abû 'Amr bin Hafṣ Al-Makhzûmî divorced her thrice. Khâlid bin Al-Walîd went with a group of (the tribe of) Makhzûm to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh! Abû 'Amr bin Hafṣ has divorced Fâtiyah thrice, is she entitled to provision?" He said: "She is not entitled to provision nor shelter." (*Sahîh*)

٣٤٣٤ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ قَالَ:  
حَدَّثَنَا يَقِيَّةَ عَنْ أَبِي عَمْرُو - وَهُوَ الْأَوْزَاعِيُّ  
- قَالَ: حَدَّثَنَا يَعْمَيَ قَالَ: حَدَّثَنِي أُبُو سَلَمَةَ  
قَالَ: حَدَّثَنِي فَاطِمَةَ بِنْتَ قَيْسٍ: أَنَّ أَبَا عَمْرُو  
بْنَ حَفْصٍ الْمَخْزُومِيَّ طَلَقَهَا ثَلَاثَةٌ فَانْطَلَقَ  
خَالِدُ بْنُ الْوَلِيدِ فِي نَفَرٍ مِنْ بَنِي مَخْزُومٍ إِلَيْهِ  
رَسُولُ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّ أَبَا  
عَمْرُو بْنَ حَفْصٍ طَلَقَ فَاطِمَةَ ثَلَاثَةً فَهَلْ لَهَا  
نَفَقَةٌ؟ فَقَالَ: «لَيْسَ لَهَا نَفَقَةٌ وَلَا سُكْنَى».

تخریج: أخرجه مسلم، ح: ٣٨٠ / ١٤٨٠ من حديث يحيى بن أبي كثیر به، وهو في الكبیر، ح: ٥٥٩٨، اظر الحديث السابق.

### Comments:

It is not clear whether she was given three divorces together or separately. The wordings contain the possibility of dual meaning. It emerges by putting together other reports that the third divorce was given. It is also called the absolutely separating divorce (lit. *Battah*). Putting together the previous two divorces, the figure three was stated. This reconciliation is essential so that all the related narrations be understood, especially when Allāh's Messenger ﷺ has expressed his displeasure over giving three divorces together. (See No. 3430).

### Chapter 8. Three Separate Divorces Before Consummation Of The Marriage

**3435.** It was narrated from Ibn Tawūs, from his father, that Abū As-Šahbā' came to Ibn 'Abbās and said: "O Ibn 'Abbās! Did you not know that the threefold divorce during the time of the Messenger of Allāh ﷺ and Abū Bakr, and during the early part of 'Umar's Caliphate, used to be counted as one divorce?" He said: "Yes." (*Sahīh*)

(المعجم ٨) - بَابُ طَلَاقِ الْثَّلَاثِ  
الْمُسْنَدُ قَبْلَ الدُّخُولِ بِالزَّوْجَةِ  
(التحفة ٨)

٣٤٣٥ - أَخْبَرَنَا أَبُو دَاوُدَ سُلَيْمَانُ بْنُ سَيْفٍ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ عَنِ ابْنِ جُرَيْجٍ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ: أَنَّ أَبَا الصَّهَيْبَاءِ جَاءَ إِلَيْهِ ابْنُ عَبَّاسٍ فَقَالَ: يَا ابْنَ عَبَّاسٍ! أَلَمْ تَعْلَمْ أَنَّ الْثَّلَاثَ كَانَتْ عَلَى عَهْدِ رَسُولِ اللَّهِ وَأَبِيهِ بَكْرٍ وَصَدْرًا مِنْ خِلَافَةِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا تُرَدُّ إِلَى الْوَاحِدَةِ؟ قَالَ: نَعَمْ.

تخریج: أخرجه مسلم، الطلاق، باب طلاق الثلاث، ح: ١٦ / ١٤٧٢ من حديث ابن جريج به، وهو في الكبیر، ح: ٥٥٩٩.

### Comments:

This *Hadīth* does not specify whether (the divorce was pronounced) before the first coition in marriage or following it (pre-coital or post-coital). Imām An-Nasā'i has interpreted this *Hadīth* in order to make it coherent with the dominant majority of the people of knowledge that the three divorces mentioned in this narration are of that woman with whom one has not yet had sexual intercourse. (See *Hadīth* 3430)

## Chapter 9. The Divorce Of A Woman Who Married A Man, But He Did Not Consummate The Marriage With Her

**3436.** It was narrated that ‘Aishah said: “The Messenger of Allāh ﷺ was asked about a man who divorced his wife, and she married another man who had a closed meeting with her then divorced her, before having intercourse with her. Is it permissible for her to remarry the first husband? The Messenger of Allāh ﷺ said: ‘No, not until the second one tastes her sweetness and she tastes his sweetness.’” (*Da’if*)

تخریج: [إسناده ضعيف] أخرجه أبو داود، الطلاق، باب المبتوطة لا يرجع إليها زوجها حتى تنكح زوجًا غيره، ح ٢٣٠٩ من حديث أبي معاوية به، وهو في الكبرى، ح ٥٦٠٠ \* الأعشش وإبراهيم التخنعي مدلسان وعنتنا، وحديث البخاري، ح ٥٢٦١، ومسلم، ح ١١٠٠ /١٤٣٣ يعني عنه.

### Comments:

(See *Hadīth* 3238).

**3437.** It was narrated that ‘Aishah said: “The wife of Rifā‘ah Al-Quraṣī came to the Messenger of Allāh ﷺ and said: ‘O Messenger of Allāh! I got married to ‘Abdur-Rahmān bin Az-Zabir, and what he has is like this fringe.’ The Messenger of Allāh ﷺ said: ‘Perhaps you want to go back to Rifā‘ah? No, not until he (‘Abdur-Rahmān) tastes your sweetness and you taste his sweetness.’” (*Sahīh*)

(المعجم ٩) - الطلاقُ لِلَّتِي تَنكِحُ زَوْجًا  
ثُمَّ لَا يَدْخُلُ بِهَا (الصفحة ٩)

٣٤٣٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ:  
حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْشَشِ، عَنْ  
إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ:  
شِيلَ رَسُولُ اللَّهِ ﷺ عَنْ رَجُلٍ طَلَقَ امْرَأَهُ  
فَتَزَوَّجَتْ زَوْجًا غَيْرَهُ فَدَخَلَ بِهَا ثُمَّ طَلَقَهَا قَبْلَ  
أَنْ يُؤَاكِهَا أَتَجِلُّ لِلْأَوَّلِ؟ فَقَالَ رَسُولُ اللَّهِ  
ﷺ: «لَا، حَتَّى يَدُوقَ الْآخَرُ عُسَيْلَتَهَا  
وَتَنْدُوَ عُسَيْلَتَهُ».

٣٤٣٧ - أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ  
اللهِ بْنِ عَبْدِ الْحَكَمِ قَالَ: حَدَّثَنَا شَعِيبُ بْنُ  
اللَّيْثِ عَنْ أَبِيهِ قَالَ: حَدَّثَنِي أَيُوبُ بْنُ مُوسَى  
عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ  
قَالَتْ: جَاءَتِ امْرَأَةٌ رِفَاعَةَ الْقُرَطِيِّ إِلَى  
رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ إِنِّي  
نَكْحَتُ عَبْدَ الرَّحْمَنِ بْنَ الزَّبِيرِ، وَاللَّهُ مَا  
مَعَهُ إِلَّا مِثْلَ هَذِهِ الْهُدْبَيْةِ، فَقَالَ رَسُولُ اللَّهِ  
ﷺ: «لَعْلَكِ تُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟  
لَا، حَتَّى يَدُوقَ عُسَيْلَاتِكَ وَتَنْدُوَقِي عُسَيْلَتَهُ».

تخریج: [صحيح] من حديث الزهرى به، (انظر الحديث الآتى) وهو في الكبرى، ح ٥٦٠١ .

## Comments:

(See *Hadith* 3285)

## Chapter 10. The Irrevocable Divorce

**3438.** It was narrated that ‘Aishah said: “The wife of Rifā‘ah Al-Quraṣī came to the Prophet ﷺ when Abū Bakr was with him, and she said: ‘O Messenger of Allāh ﷺ! I was married to Rifā‘ah Al-Quraṣī and he divorced me, and made it irrevocable. Then I married ‘Abdur-Raḥmān bin Az-Zabir, and by Allāh, O Messenger of Allāh ﷺ, what he has is like this fringe;’ and she held up a fringe of her *Jilbab*. Khālid bin Sa‘eed was at the door and he did not let him in. He said: ‘O Abū Bakr? Do you not hear this woman speaking in such an audacious manner in the presence of the Messenger of Allāh ﷺ?’ He said: ‘Do you want to go back to Rifā‘ah? No, not until you taste his sweetness and he tastes your sweetness.’” (*Sahīh*)

تخریج: أخرجه البخاري، الأدب، باب التبسم والضحك، ح: ٦٠٨٤، ومسلم، النكاح، باب: لا تحل المطلقة ثلاثة لمطلقها حتى تتنكح زوجاً غيره ويطأها ... إلخ، ح: ١١٣ / ١٤٣٣ من حديث عمر بن راشد به، وهو في الكبرى، ح: ٥٦٠٢.

## Comments:

(See *Hadith* 3285)

## Chapter 11. It Is Up To You

**3439.** Ḥammād bin Zāid said: “I said to Ayyūb: ‘Do you know anyone who said concerning the phrase ‘It is up to you’ that it is equivalent to three (divorces) except Al-Ḥasan?’ He said: ‘No.’ Then he said: ‘O

## (المعجم ١٠) - طَلَاقُ الْبَتَّةِ (التحفة ١٠)

٣٤٣٨ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ زُرْبَعَ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ الرُّهْبَرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتِ امْرَأَةٌ رِفَاعَةَ الْقُرْطَبِيِّ إِلَيَّ النَّبِيِّ ﷺ وَأَبُو بَكْرٍ عِنْدَهُ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنِّي كُنْتُ تَحْتَ رِفَاعَةَ الْقُرْطَبِيِّ فَطَلَقَنِي الْبَتَّةُ فَتَرَوَجْتُ عَبْدَ الرَّحْمَنِ بْنَ الزَّبِيرِ، وَإِنَّهُ وَاللَّهِ! يَا رَسُولَ اللَّهِ! مَا مَعْهُ إِلَّا مِثْلُ هَذِهِ الْهُنْبَةِ، وَأَخَذَتِ هَذِهِ مِنْ جِلْبَاهَا، وَخَالِدُ بْنُ سَعِيدٍ بِالْبَابِ فَلَمْ يَأْذِنْ لَهُ، فَقَالَ: يَا أَبَا بَكْرٍ! أَلَا تَسْمَعُ هَذِهِ تَجْهِرُ بِمَا تَجْهِرُ بِهِ عِنْدَ رَسُولِ اللَّهِ ﷺ؟ فَقَالَ: «تُرِيدُنِي أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا، حَتَّى تَذَوَّقِي عُسْلِلَتَهُ وَتَنْتَوِقَ عُسْلِلَتَكَ». .

## (المعجم ١١) - أَمْرُكِ بِيَدِكِ (التحفة ١١)

٤٣٩ - أَخْبَرَنَا عَلَيْهِ بْنُ نَصْرٍ بْنُ عَلَيْ قَالَ: حَدَّثَنَا شَلَيْمَانُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ قَالَ: قُلْتُ لِأَيُوبَ: هَلْ عَلِمْتَ أَحَدًا قَالَ فِي - أَمْرُكِ بِيَدِكِ - أَنَّهَا ثَلَاثَ عَيْرَ

Allâh! Grant forgivness, sorry.”” Qatâdah narrated to me from Kathîr the freed slave of Ibn Samurah, from Abû Salamah, from Abû Hurairah, that the Prophet ﷺ said: “Three.” I met Kathîr and asked him, and he did not know of it. I went back to Qatâdah and told him, and he said: “He forgot.” (*Da’if*)

Abû ‘Abdur-Rahmân (An-Nasâ’î) said: This *Hadîth* is Munkar.

تخریج: [إسناده ضعیف] أخرجه الترمذی، الطلاق، باب ماجاء في: أمرك يبدک، ح: ۱۱۷۸ عن علی بن نصر به، وقال: ”غريب“، وهو في الکبریٰ، ح: ۵۶۰۳ \* فتادة عنن وأنکر کثیر مولی ابن سمرة، المروي المنسوب إليه وهو صحيح من قول الحسن البصري.

#### Comments:

1. If the husband addresses his wife saying, ‘Your matter or command is in your hand’ means you have the choice to take divorce; if you desire, you may take it. If the wife states, “I have taken the divorce,” how many divorces shall have to be given her? Some individuals are the proponents of three divorces, which means such a woman would be permanently separated from him. But according to the majority of the people of knowledge, only one divorce will be effected upon her, because the term divorce is meaningfully indicative of only one divorce.
2. ‘O Allâh! Grant forgiveness!’ means I made a mistake, and I said “no” in haste. He sought forgiveness for his hastiness; otherwise the wrong committed out of forgetfulness or done unwittingly stands forgiven by Allâh, Most High.
3. ‘Kathir forgot’: If some transmitter forgets the *Hadîth* after transmitting it, but his pupil who transmits the *Hadîth* is trustworthy, the narration would be reliable. Forgetfulness would not cast any effect upon the authenticity of the report.

#### Chapter 12. Making A Thrice-Divorced Woman Lawful (To Return To Her First Husband) And The Marriage That Makes This Lawful

**3440.** It was narrated that ‘Âishah said: “The wife of Rifa’ah came to the Messenger of Allâh ﷺ and said: ‘My husband divorced me and made it irrevocable. After that I married ‘Abdur-Rahmân bin Az-

الحسن؟ فَقَالَ: لَا، ثُمَّ قَالَ: اللَّهُمَّ اغْفِرْ  
إِلَّا مَا حَدَّثَنِي قَنَادَةُ عَنْ كَثِيرٍ مَوْلَى ابْنِ  
سَمْرَةَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ  
النَّبِيِّ ﷺ قَالَ: «ثَلَاثٌ». فَلَقِيَتْ كَثِيرًا فَسَأَلَهُ  
فَلَمْ يَعْرِفْهُ، فَرَجَعَتْ إِلَى قَنَادَةَ فَأَخْبَرَتْهُ فَقَالَ:  
سَيِّدِي .

قال أبو عبد الرحمن: هذا حدیث منکر.

(المعجم ۱۲) - **باب إحلال المطلقة ثلاثاً والنكاح الذي يحلها به**  
(التحفة ۱۲)

٣٤٤٠ - حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ:  
أَخْبَرَنَا سُقْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عُزْوَةَ، عَنْ  
عَائِشَةَ قَالَتْ: جَاءَتِي امْرَأَةٌ رَفَاعَةٌ إِلَى رَسُولِ اللَّهِ  
ﷺ فَقَالَتْ: إِنَّ رَوْحِي طَلَقَنِي فَأَبْتَطَ طَلاقِي،

Zabir and what he has is like the fringe of a garment.' The Messenger of Allâh ﷺ smiled and said: 'Perhaps you want to go back to Rifâ'ah? No, not until he tastes your sweetness and you taste his sweetness.'" (*Sahîh*)

تخریج: [صحیح] نقلہ، ح: ۳۲۸۵، وہو فی الکبریٰ، ح: ۵۶۰۴.

**3441.** It was narrated from 'Âishah that a man divorced his wife three times and she married another husband who divorced her, before having intercourse with her. The Messenger of Allâh ﷺ was asked: "Is she permissible for the first (husband to remarry her)?" He said: "No, not until he tastes her sweetness as the first tasted her sweetness." (*Sahîh*)

تخریج: آخرجه البخاری، الطلاق، باب من جوز الطلاق الثلاث ... الخ، ح: ۵۲۶۱ من حدیث یحییٰ به، ومسلم، النکاح، باب: لا تحل المطلقة ثلاثة لمطلقها حتى تنكح ... الخ، ح: ۵۶۰۵ عن محمد بن المثنی به، وہو فی الکبریٰ، ح: ۱۱۵ / ۱۴۳۳.

### Comments:

(For the detail of this issue, please turn to *Hadîth* 3285)

**3442.** It was narrated from 'Abdullâh bin 'Abbâs<sup>[1]</sup> that Al-Ghumaişâ' or Ar-Rumaişâ' came to the Prophet ﷺ complaining that her husband would not have intercourse with her. It was not long before her husband came and said: "O Messenger of Allâh, she is lying; he is having intercourse with her, but she wants to go back to her first husband." The Messenger

وَلَيْ تَرْوَجْتُ بَعْدَهُ عَبْدَ الرَّحْمَنِ بْنَ الرَّبِّيرِ وَمَا مَعَهُ إِلَّا مُثْلُ هُدْبَةِ الثَّوْبِ، فَضَحِّكَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «لَعْلَكَ تُرِيدُنَّ أَنْ تَرْجِعِي إِلَى رِفَاعَةٍ لَا، حَتَّى يَذُوقَ عُسَيْلَاتِكَ وَتَذُوقِي عُسَيْلَتَهُ». .

تخریج: [صحیح] نقلہ، ح: ۳۲۸۵، وہو فی الکبریٰ، ح: ۵۶۰۴.

٣٤٤١ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُئْنَى قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ قَالَ: حَدَّثَنِي الْقَاسِمُ عَنْ عَائِشَةَ: أَنَّ رَجُلًا طَلَقَ امْرَأَتَهُ ثَلَاثًا فَتَرَوَجْتُ رَوْجًا فَطَلَقَهَا قَبْلَ أَنْ يَمْسَهَا، فَسَأَلَ رَسُولُ اللَّهِ ﷺ أَتْحِلُّ لِلْأَوَّلِ؟ فَقَالَ: «لَا، حَتَّى يَذُوقَ عُسَيْلَاتَهَا كَمَا ذَاقَ الْأَوَّلُ».

تخریج: آخرجه البخاری، الطلاق، باب من جوز الطلاق الثلاث ... الخ، ح: ۵۲۶۱ من

حدیث یحییٰ به، ومسلم، النکاح، باب: لا تحل المطلقة ثلاثة لمطلقها حتى تنكح ... الخ، ح: ۵۶۰۵ عن محمد بن المثنی به، وہو فی الکبریٰ، ح: ۱۱۵ / ۱۴۳۳.

٣٤٤٢ - أَخْبَرَنَا عَلَيُّ بْنُ حُبْرٍ قَالَ: أَخْبَرَنَا هُشَيْمٌ قَالَ: أَخْبَرَنَا يَحْيَى بْنُ أَبِي إِسْحَاقَ عَنْ شُعَيْبَيْمَانَ بْنِ يَسَارٍ، عَنْ عَبْدِ اللَّهِ أَبْنِ عَبَّاسٍ: أَنَّ الْغَمِيصَاءَ أَوِ الرُّمِيصَاءَ أَتَتِ النَّبِيَّ ﷺ شَتْكِيَ رَوْجَهَا أَنَّهُ لَا يَصْلُ إِلَيْهَا، فَلَمْ تُلْبِثْ أَنْ جَاءَ رَوْجَهَا فَقَالَ: يَا رَسُولَ اللَّهِ! هِيَ كَادِيَةٌ وَهُوَ يَصْلُ إِلَيْهَا وَلِكِنَّهَا تُرِيدُ

[۱] In the narration of Ahmâd (1:214, No.1837) and others through the same route, the narrator is 'Ubaydullâh bin Al-'Abbâs rather than 'Abdullâh. Also, in reference to the odd manner in which the man spoke about himself; in the narration of Ahmâd and others, the statement is about what the man said, not a quote of what the man said.

of Allâh ﷺ said: "She cannot do that until she tastes his sweetness." (*Sahîh*)

**تَحْرِيْج:** [إِسْنَادُهُ صَحِّحٌ] أَخْرَجَهُ أَحْمَدُ: ٢١٤١ عَنْ هَشِيمِ بْنِ عَبَّاسٍ، وَفِيهِ: عَبِيدَاللَّهِ بْنُ عَبَّاسٍ، وَهُوَ الصَّوَابُ، وَكَذَا فِي تِحْفَةِ الْأَشْرَافِ، ح: ٩٧٤٨، وَالنَّسْخَةُ الْخَطِيْبَةُ مِنْ السُّنْنِ الْكَبِيرِ لِلنَّسَانِيِّ، (الورقة ٧٢ بـ) وَجَاءَ فِي الْمُطَبَّوِعَةِ، ح: ٥٦٠٦ "عَبْدَاللَّهٌ"، وَهُوَ وَهُمْ.

### Comments:

1. That woman according to her claim could not return to her (former) husband in marriage, because according to her, her (new) husband was not able to copulate with her. Unless he copulates with her and divorces her, she cannot return to her former husband. Hence, her own statement went against her.
2. Rumaisâ was the title of Umm Salim, the mother of Anas. But she was another woman.

**3443.** It was narrated from Ibn 'Umar that the Prophet ﷺ said, concerning a man who had a wife and he divorced her, then she married another man who divorced her before consummating the marriage with her, and (it was asked) whether she could go back to her first husband: "No, not until she tastes his sweetness." (*Sahîh*)

**تَحْرِيْج:** [صَحِّحٌ] أَخْرَجَهُ أَبْنَاءُ جَعْفَرٍ، ح: ١٩٣٣ مِنْ حَدِيثِ مُحَمَّدِ بْنِ جَعْفَرٍ غَنْدَرِ بْنِ عَبَّاسٍ، وَلِلْحَدِيثِ شَوَّاهِدُ كَثِيرَةٌ جَدًا \* وَسَلَمُ مَجْهُولٌ وَاسْمُ أَبِيهِ: رَزِينٌ كَمَا فِي السُّنْنِ الْكَبِيرِ وَالْعَلَيْقَاتِ السُّلْفِيَّةِ لِشِيخِنَا عَطَاءَ اللَّهِ حَنِيفَ الْفَوْجِيَّانِيِّ رَحْمَهُ اللَّهُ.

**3444.** It was narrated that Ibn 'Umar said: "The Prophet ﷺ was asked about a man who divorced his wife three times, then another man married her and he closed the door and drew the curtain, then divorced her before consummating the marriage with her. He said: "She is not permissible for the first one (to remarry her) until the

أَنْ تَرْجِعَ إِلَى زَوْجِهَا الْأَوَّلِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: لَيْسَ ذَلِكَ لَهَا حَتَّى تَدْرُغَ عُسْيَيْتَةً".

**تَحْرِيْج:** [إِسْنَادُهُ صَحِّحٌ] أَخْرَجَهُ أَحْمَدُ: ١٢٤١ عَنْ هَشِيمِ بْنِ عَبَّاسٍ، وَهُوَ الصَّوَابُ، وَكَذَا فِي تِحْفَةِ الْأَشْرَافِ، ح: ٩٧٤٨، وَالنَّسْخَةُ الْخَطِيْبَةُ مِنْ السُّنْنِ الْكَبِيرِ لِلنَّسَانِيِّ، (الورقة ٧٢ بـ) وَجَاءَ فِي الْمُطَبَّوِعَةِ، ح: ٥٦٠٦ "عَبْدَاللَّهٌ"، وَهُوَ وَهُمْ.

٣٤٤٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْهِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَلْقَمَةَ ابْنِ مَرْئِيْدَ قَالَ: سَمِعْتُ سَلَمَ بْنَ رَزِيرٍ يُحَدِّثُ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ ابْنِ مَرْئِيْدَ قَالَ: عَنِ النَّبِيِّ ﷺ فِي الرَّجُلِ يَكُونُ لَهُ الْمَرْأَةُ يُطْلَقُهَا ثُمَّ يَتَرَوَّجُهَا رَجُلٌ آخَرُ فَيُطْلَقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، فَتَرْجِعُ إِلَى زَوْجِهَا الْأَوَّلِ؟ قَالَ: «لَا، حَتَّى تَدْرُغَ عُسْيَيْتَةً».

٣٤٤٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَيْلَانَ قَالَ: حَدَّثَنَا وَكِيعَ قَالَ: حَدَّثَنَا شُعْبَانَ عَنْ عَلْقَمَةَ بْنِ مَرْئِيْدَ، عَنْ رَزِينِ بْنِ سُلَيْمَانَ الْأَحْمَرِيِّ، عَنْ ابْنِ عَمَرَ قَالَ: سَيِّلَ النَّبِيُّ ﷺ عَنِ الرَّجُلِ يُطْلَقُ امْرَأَةً ثَلَاثَةَ فَيَتَرَوَّجُهَا الرَّجُلُ فَيُعْلِقُ الْبَابَ وَيُرْخِي السُّرْرَ ثُمَّ يُطْلَقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، قَالَ: «لَا تَحِلُّ لِلْأَوَّلِ حَتَّى يُجَامِعَهَا الْآخَرُ».

second one has had intercourse with her.” (*Sahîh*)

Abû ‘Abdur-Râhmân (An-Nasâ’î) said: This is more worthy of being correct.

تخریج: [صحيح] وهو في الكبير، ح: ٥٦٠٨، وانظر الحديث السابق.

### Chapter 13. Making A Thrice-Divorced Woman Lawful (To Return To Her First Husband), And The Stern Warning Concerning That

**3445.** It was narrated that ‘Abdullâh said: “The Messenger of Allâh ﷺ cursed the woman who tattoos and the one tattooed, the woman who fixed hair extensions and the one who had her hair get extended, the consumer of Ribâ and the one who pays it, and *Al-Muhallil* and *Al-Muhallal Lahu*.<sup>[1]</sup>

(*Sahîh*)

تخریج: [صحيح] أخرجه الترمذی، النکاح، باب ماجاء فی المحل والمحلل له، ح: ١١٢٠ من حديث سفیان الثوری به، وقال ”حسن صحيح“، وهو في الكبير، ح: ٥٦٠٩، وللحديث شواهد كثيرة عند أحمد: ٣٢٣/٢، وابن الجارود، ح: ٦٨٤ وغيرها.

#### Comments:

1. Since such people violate the inherent instinctive nature, they are deserving of the curse.
2. ‘The joiner or fastener of hair’: To add artificial hair to one’s genuine hair (hair extensions) is cheating and deception, which is contrary to the human innate nature.
3. ‘The taker and giver of *Ribâ* (interest)’: The bedrock of interest is miserliness and selfishness, which is contrary to the innate human nature. Since the giver of interest is conducive to keeping the corrupt system of interest in perpetuity, he was also associated within the ruling of interest.
4. ‘The one who makes the woman lawful’ means the man who marries a woman who has been irrevocably divorced on the condition of his divorcing her after copulating with her, in order that she may become lawful to (be married to) the former husband.

قال أبو عبد الرحمن: هذا أولى بالصواب.

### (المعجم ١٣) - باب إحلال المطلقة ثلاثة وما فيه من التغليظ (التحفة ١٣)

٣٤٤٥ - أخبرنا عمرو بن منصور قال: حدثنا أبو نعيم عن سفيان، عن أبي قيس، عن هزيل، عن عبد الله قال: «لعن رسول الله ﷺ الواشمة والموتشمة، والواصلة والمؤصلة، وأكل الربا وموكله، والمحلل والمحلل له».

<sup>[1]</sup> *Al-Muhallil* is the man who marries a woman in order to divorce her, so that she can go back to her first husband. *Al-Muhallal Lahu* is the first husband for whom this is done.

## Chapter 14. A Man Divorcing His Wife Face To Face

**3446.** It was narrated from ‘Âishah that when the Kilâbî woman entered upon the Prophet ﷺ she said: “I seek refuge with Allâh from you.” The Messenger of Allâh ﷺ said: “You have sought refuge with One Who is Great. Go back to your family.” (*Sahîh*)

(المعجم ١٤) - **بَابُ مُواجهَةِ الرَّجُلِ**  
**المرأة بِالطلاقِ** (التحفة ١٤)  
 ٣٤٤٦ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثَ قَالَ:  
 حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ  
 قَالَ: سَأَلْتُ الرَّهْرَيِّ عَنِ التَّيِّنِ اسْتَعَاذَتِ مِنْ  
 رَسُولِ اللَّهِ ﷺ فَقَالَ: أَخْبَرْنِي عُرُوهَةُ عَنْ  
 عَائِشَةَ: أَنَّ الْكَلَابِيَّةَ لَمَّا دَخَلَتْ عَلَى النَّبِيِّ  
 قَالَتْ: أَعُوذُ بِاللَّهِ مِنْكَ، فَقَالَ رَسُولُ اللَّهِ  
 ﷺ: لَقْدْ غَدْتِ بِعَظِيمٍ، الْحَقِيقِيُّ يَأْهُلُكَ.

تخریج: أخرجه البخاري، الطلاق، باب من طلق، وهل يواجه الرجل امرأته بالطلاق؟، ح: ٥٢٤ من حديث الوليد به، وهو في الكبرى، ح: ٥٦١٠.

### Comments:

- ‘The Kilâbî woman’: Her name was Fatimah bint Dhâhhâk. Her father had contracted her marriage with the Messenger of Allâh ﷺ. The controversy is: why did she utter these words? (I seek Allâh’s refuge from you). It occurs in some reports that someone had deceptively told her that if she uttered these words in her first meeting with the Prophet ﷺ, he would become very glad. Or she was probably not happy about the marriage committed by her father, and she, therefore, uttered these words. Whatever the situation might have been, the Prophet ﷺ divorced her.
- ‘Go back to your family’: If these words are uttered with the intention of divorcing, the divorce shall come into effect.

## Chapter 15. A Man Sending Word To His Wife That She Is Divorced

**3447.** It was narrated that Abû Bakr – the son of Abû Al-Jahm – said: “I heard Fâtimah bint Qais say: ‘My husband sent word to me that I was divorced, so I put on my garments and went to the Prophet ﷺ. He said: ‘How many times did he divorce you?’ I said: ‘Three.’ He said: ‘You are not entitled to maintenance. Observe your ‘Iddah in the house of your paternal

(المعجم ١٥) - **بَابُ إِرْسَالِ الرَّجُلِ إِلَى**  
**زَوْجِهِ بِإِنْطَلَاقِ** (التحفة ١٥)

٣٤٤٧ - أَخْبَرَنَا عَيْنُدُ اللَّهِ بْنُ سَعِيدٍ قَالَ:  
 حَدَّثَنَا عَبْدُ الرَّحْمَنِ عَنْ سُفْيَانَ، عَنْ أَبِي بَكْرٍ  
 - وَهُوَ ابْنُ أَبِي الْجَفَّهِ - قَالَ: سَمِعْتُ  
 فَاطِمَةَ بْنَتَ قَسِيًّا تَقُولُ: أَرْسَلَ إِلَيَّ زَوْجِي  
 بِطَلَاقِ فَشَدَّدَتْ عَلَيَّ تِبَارِي ثُمَّ أَتَيَتِ النَّبِيِّ  
 ﷺ فَقَالَ: «كَمْ طَلَقْتِ؟» قَلَّتْ: ثَلَاثًا قَالَ:  
 لَيْسَ لَكِ نَفَقَةٌ وَاعْتَدَى فِي بَيْتِ ابْنِ عَمِّكِ

cousin Ibn Umm Maktûm, for he is blind and you can take off your garments there. And when your 'Iddah is over let me know.'" This is an abridgement. (*Sahîh*)

**تخریج:** أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ٤٨٠ من حديث عبد الرحمن بن مهدي به، وهو في الكبرى، ح: ٥٦١١ \* سفيان هو الثوري.

### Comments:

"You can take off your garments" means superfluous garments, not all. (For details see *Hadîth* 3424).

**3448.** A similar report was narrated from Tamîm, the freed slave of Fâtimah, from Fâtimah. (*Sahîh*)

٣٤٤٨ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ عَنْ شُفَيْيَانَ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ تَوَمِيمٍ مَوْلَى فَاطِمَةَ، عَنْ فَاطِمَةَ رَحْمَةً.

**تخریج:** [صحیح] انظر الحديث السابق، وهو في الكبرى، ح: ٥٦١٢ .

**Chapter 16. Meaning Of The Saying Of Allâh, The Mighty And Sublime: "O Prophet! Why Do You Forbid (For Yourself) That Which Allâh Has Allowed To You."**<sup>[1]</sup>

**3449.** It was narrated that Ibn 'Abbâs said: "A man came to him and said: 'I have made my wife forbidden to myself.' He said: 'You are lying, she is not forbidden to you.' Then he recited this Verse: 'O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you.'<sup>[2]</sup> (And he said): 'You have to offer the severest form of expiation: Freeing a slave.'" (*Hasan*)

(المعجم ١٦) - تأویل قولہ عز وجل ﷺ  
﴿يَا أَيُّهَا النَّبِيُّ لَمْ تُحِمِّمْ مَا أَحَلَ اللَّهُ لَكُمْ﴾  
[التحریم: ١] (التحفة ١)

٣٤٤٩ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الصَّمَدِ أَبْنِ عَلِيٍّ الْمَؤْسِلِيِّ قَالَ: حَدَّثَنَا مَحْمُدٌ عَنْ شُفَيْيَانَ، عَنْ سَالِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبْنِ عَبَّاسٍ قَالَ: أَتَاهُ رَجُلٌ فَقَالَ: إِنِّي جَعَلْتُ امْرَأَتِي عَلَيَّ حَرَاماً، قَالَ: كَذَبْتَ لَيْسَ عَلَيْكَ بِحَرَامٍ، شَمَّ تَلَاهُ هُنْوَ الْآيَةُ ﴿يَا أَيُّهَا النَّبِيُّ لَمْ تُحِمِّمْ مَا أَحَلَ اللَّهُ لَكُمْ﴾ [التحریم: ١] عَلَيْكَ أَغْلَظُ الْكَفَّارَةِ: عَنْقُ رَقَبَةٍ.

[1] At-Tahrîm 66:1.

[2] At-Tahrîm 66:1.

تخریج: [حسن] أخرجه البهیقی: ٧/٣٥٠، ٣٥١ من حديث سفيان الثوری به، وتابعه مطیع ابن عبدالله الغزال عند العبراني في الكبير: ١١/٤٤٠، ح: ١٢٢٤٦، وهو في الكبری، ح ٥٦١٣: مخلد هو ابن يزید الحرانی، سالم هو ابن عجلان الأفطس، وصححه الحاکم على شرط البخاری: ٢/٤٩٣، ٤٩٤، ووافقه النهی، والحديث في الصحيحین، البخاری، ح: ٤: ٩١١، ٥٢٦٦، ومسلم، ح: ١٤٧٣: ١٨، ١٩، ١٩٦ بغير هذا اللفظ.

**Comments:**

- ‘You are lying’ means your calling your wife unlawful to yourself is a lie and something wrong, because how could a wife be unlawful?
- ‘The severest form’ because you have said the most detestable thing. The wife would not become unlawful, but you will have to undergo a severe punishment for having uttered such words. (See *Hadîth* 3411).
- ‘Freeing a slave’: The apparent wording of the Glorious Qur’ân corroborates *Kaffarah Al-Yamin* (atonement for swearing) in such situations, which consist of, in addition to freeing of a slave, feeding people who are poor or short of money, or to provide clothing, or fasting also.

## Chapter 17. Another Explanation Of The Meaning Of This Verse

**3450.** ‘Ubâid bin ‘Umair narrated from ‘Âishah, the wife of the Prophet ﷺ: “The Prophet ﷺ used to stay with Zainab bint Jahsh and drink honey at her house. Hafṣah and I agreed that if the Prophet ﷺ came to either of us, she would say: ‘I detect the smell of *Maghâfir* (a nasty-smelling gum) on you; have you eaten *Maghâfir*? ’ He came to one of them and she said that to him. He said: ‘No, rather I drank honey at the house of Zainab bint Jahsh, but I will never do it again.’ Then the following was revealed: ‘O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you.’<sup>[1]</sup> ‘If you two turn in repentance to Allâh, (it will be better for you).’<sup>[2]</sup> addressing ‘Âishah and Hafṣah; ‘And

(المعجم ١٧) - تأویل هذه الآية على وجه آخر (التحفة ١٧)

٣٤٥٠ - أَخْبَرَنَا قُتْبِيَّةُ عَنْ حَجَّاجَ، عَنْ أَبْنَ جُرَيْحَ، عَنْ عَطَاءٍ: أَنَّهُ سَمِعَ عَبِيدَ بْنَ عُمَيْرَ قَالَ: سَمِعْتُ عَائِشَةَ رَوَّجَ الَّبَيْنَ لِلَّهِ أَنَّ النَّبِيَّ ﷺ كَانَ يَمْكُثُ عِنْدَ زَيْنَبَ وَيَشْرُبُ عِنْدَهَا عَسَلًا فَتَوَاصَيْتُ وَحْفَصَةَ أَيْتَنَا مَا دَخَلَ [عَلَيْهَا] النَّبِيُّ ﷺ فَلَقَنَ: إِنِّي أَجِدُ مِنْكُمْ رِيحَ مَغَافِرٍ، فَدَخَلَ عَلَى إِخْدَاهُمَا فَقَالَتْ ذَلِكَ لَهُ فَقَالَ: «إِلَيْ شَرِبَتْ عَسَلًا عِنْدَ زَيْنَبَ» وَقَالَ: «لَنْ أَعُودَ لَهُ» فَتَرَكَ «يَأَيُّهَا النَّبِيُّ لَمْ شُرِمْ مَا أَسْلَ أَنَّهُ لَكَ» «إِنْ نَوَّا إِلَى اللَّهِ» لِعَائِشَةَ وَحْفَصَةَ «وَلَا أَسْرَ النَّبِيَّ إِلَى بَعْضِ أَرْوَاحِهِ حَدِيثَ» [التحريم: ٣] لِقَوْلِهِ بَلْ شَرِبَ عَسَلًا. كُلُّهُ فِي حَدِيثِ عَطَاءٍ.

[١] *At-Târîm* 66:1.

[٢] *At-Târîm* 66:4.

(remember) when the Prophet disclosed a matter in confidence to one of his wives.<sup>[1]</sup> refers to him saying: "No, rather I drank honey." (*Sahih*)

**تخریج:** أخرجه البخاري، الأیمان والذور، باب: إذا حرم طعاماً ... إلخ، ح: ٦٦٩١، ومسلم، الطلاق، باب وجوب الكفارة على من حرم أمرأته ولم ينـو الطلاق، ح: ١٤٧٤ من حديث حجاج بن محمد به، وهو في الكبير، ح: ٥٦١٤.

### Comments:

For details, See *Hadith* 3410.

### Chapter 18. "Go to your family" Does Not Necessarily Mean Divorce

**3451. & 3452.** Ka'b bin Mâlik narrated the *Hadîth* about when he stayed behind, and did not join the Messenger of Allâh ﷺ on the expedition to Tabûk. He told the story, and said: "The envoy of the Messenger of Allâh ﷺ came to me and said: 'The Messenger of Allâh ﷺ commands you to stay away from your wife.' I said: 'Shall I divorce her or what?' He said: 'No, just keep away from her and do not approach her.' I said to my wife: 'Go to your family and stay with them until Allâh, the Mighty and Sublime, decides concerning this matter.'" (*Sahîh*)

(المعجم ١٨) - **بابُ الْحَقِيقِ بِأَهْلِكِ**  
**وَلَا يُرِيدُ الطَّلاقَ** (التحفة ١٨)

أَخْبَرَنَا مُحَمَّدُ بْنُ خَاتِمٍ  
ابْنُ نُعْمَى - مَصْيَصِيٌّ - قَالَ: حَدَّثَنَا مُحَمَّدُ  
ابْنُ مَكْيَى ابْنُ عَيْسَى قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ  
قَالَ: حَدَّثَنَا يُونُسُ عَنِ الرُّهْبَرِيِّ، عَنْ عَبْدِ  
الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنِ مَالِكٍ قَالَ:  
سَمِعْتُ كَعْبَ بْنَ مَالِكٍ يُحَدِّثُ حَدِيثَهُ حِينَ  
تَخَلَّفَ عَنْ رَسُولِ اللَّهِ ﷺ فِي غَرْوَةِ تَبُوكَ وَقَالَ  
فِيهِ: إِذَا رَسُولُ [رَسُولِ] اللَّهِ ﷺ يَأْتِينِي فَقَالَ:  
إِنَّ رَسُولَ اللَّهِ ﷺ؛ حَوْلَ رَأْبَرْنَى شَيْعَمَانُ بْنُ  
دَاؤَدَ قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ يُونُسَ: قَالَ  
ابْنُ شَهَابٍ: أَخْبَرَنِي عَدْ الرَّحْمَنُ بْنُ عَبْدِ اللَّهِ  
ابْنُ كَعْبٍ بْنِ مَالِكٍ أَنَّ عَبْدَ اللَّهِ بْنَ كَعْبٍ بْنِ  
مَالِكٍ قَالَ: سَمِعْتُ كَعْبَ بْنَ مَالِكٍ يُحَدِّثُ  
حَدِيثَهُ حِينَ تَخَلَّفَ عَنْ رَسُولِ اللَّهِ ﷺ فِي  
غَرْوَةِ تَبُوكَ، وَسَاقَ فِتْنَةً وَقَالَ: إِذَا رَسُولُ  
رَسُولِ اللَّهِ ﷺ يَأْتِي فَقَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ  
يَأْمُرُكَ أَنْ تَعْتَزِلَ امْرَأَتَكَ فَقُلْتُ: أُطْلَقْهَا أَمْ

[1] *At-Tâlîm* 66:3.

مَاذَا؟ قَالَ: لَا، بَلْ اغْتَرِلَهَا فَلَا تَقْرِبُهَا، فَقُلْتُ لِإِمْرَأَيِّ: الْحَقِيقَى بِأَهْلِكَ فَكُونِي عِنْدَهُمْ حَتَّى يَقْضِي اللَّهُ عَزَّ وَجَلَّ فِي هَذَا الْأَمْرِ.

تخریج: [صحيح] أخرجه أحمد: ٤٥٦ من حديث عبدالله بن المبارك، بالسند الأول، والبخاري، ح: ٣٨٨٩، ومسلم، التوبة، ح: ٥٣/٢٧٦٩ من حديث يونس به، كما تقدم، ح: ٧٣٢. وهو في الكبرى، ح: ٥٦١٥.

### Comments:

If the unequivocal term divorce is uttered, it would invariably signify divorce, whether it was intended or not. But there are certain statements which could be meant to signify divorce. At the same time some other meanings could also be meant.

**3453.** ‘Abdur-Rahmân bin ‘Abdullâh bin Ka‘b bin Mâlik narrated that his father said: “I heard my father Ka‘b bin Mâlik – who was one of the three whose repentance was accepted – say: ‘The Messenger of Allâh ﷺ sent word to me and to my two companions saying: The Messenger of Allâh ﷺ commands you to keep away from your wives. I said to his envoy: Shall I divorce my wife, or what should I do? He said: No, just keep away from her, and do not approach her. I said to my wife: Go to your family and stay with them. So she went to them.’” (*Sahîh*)

٣٤٥٣ - أَخْبَرَنِي مُحَمَّدُ بْنُ جَبَلَةَ وَمُحَمَّدُ بْنُ يَحْيَى بْنِ مُحَمَّدٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ مُوسَى بْنِ أَعْيَنَ قَالَ: حَدَّثَنَا أَبِي عَنْ إِسْحَاقَ أَبْنِ رَاشِدٍ، عَنِ الرَّهْرَيِّ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنِ مَالِكٍ عَنْ أَبِيهِ قَالَ: سَوْفَتُ أَبِي كَعْبَ بْنَ مَالِكٍ قَالَ - وَهُوَ أَحَدُ الْثَّلَاثَةِ الَّذِينَ تَبَّ عَلَيْهِمْ - يُحَدِّثُ قَالَ: أَرْسَلَ إِلَيَّ رَسُولُ اللَّهِ ﷺ وَالْمَاجِبِيَّ أَنَّ رَسُولَ اللَّهِ ﷺ يَأْمُرُكُمْ أَنْ تَعْتَرِلُوا بِنِسَاءِكُمْ، فَقُلْتُ لِلرَّسُولِ: أُطْلَقُ امْرَأَتِي أَمْ مَاذَا أَفْعَلُ؟ قَالَ: لَا، بَلْ تَعْتَرِلُهَا فَلَا تَقْرِبُهَا، فَقُلْتُ لِإِمْرَأَيِّ: الْحَقِيقَى بِأَهْلِكَ فَكُونِي فِيهِمْ فَلَمْ يَحْقِّتْ بِهِمْ.

تخریج: [صحيح] من حديث الزهرى به (انظر الحديث السابق)، وهو في الكبرى، ح: ٥٦١٦.

### Comments:

1. ‘Do not approach her’ means do not copulate with her, etc. Talking to the wife was not forbidden. But Ka‘b was concerned that in the event of staying near her, he might engage in sexual intercourse with her etc. He, therefore, asked his wife to go to her parent’s house.
2. ‘Those whose repentance was accepted’: Going to the Campaign of Tabûk

had become an individual obligatory duty. Hence, those who did not participate were interrogated. The hypocrites saved face by telling lies, but became the fuel of Hellfire. Three sincere Muslims had also stayed back slothfully. They admitted their mistake. They did not contrive any excuse, and surrendered themselves to the Messenger of Allâh ﷺ. Allâh's Messenger ﷺ commanded the community to shun them. No one greeted or until the earth, despite all its vastness, had become too narrow for them, and their souls had become utterly constricted - but they remained loyal to the Messenger of Allâh ﷺ. Finally, after fifty days, the revelation of the acceptance of their repentance descended, and their ordeal ended. These venerable personages became the dwellers of Paradise by undergoing the most severe hardship. Their names are Ka'b bin Mâlik, Murah bin Rabi'a, and Hilal bin Umayyah - May Allâh be pleased with them all. May Allâh shower His mercy upon them.

**3454.** ‘Abdur-Rahmân bin ‘Abdullâh bin Ka'b bin Mâlik narrated that ‘Abdullâh bin Ka'b said: “I heard Ka'b narrate the *Hadîth* about when he stayed behind and did not join the Messenger of Allâh ﷺ on the expedition to Tabûk. He said: ‘The envoy of the Messenger of Allâh ﷺ came to me and said: “The Messenger of Allâh ﷺ commands you to keep away from your wife.” I said: “Shall I divorce her, or what should I do?”’ He said: “No, just keep away from her and do not approach her.” And he sent similar instructions to my two companions. I said to my wife: “Go to your family and stay with them until Allâh, the Mighty and Sublime, decides concerning this matter.” They were contradicted by Ma'qil bin ‘Ubaidullâh:<sup>[1]</sup> (*Sahîh*)

تخریج: [صحيح] انظر الحديث السابق، وهذا طرف منه، أخرجه أحمد: ٤٥٩ / ٣ عن حجاج به، وهو في الكبير، ح: ٥٦١٧.

٣٤٥٤ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا حَاجَاجُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا اللَّهُ أَبْنُ سَعِيدٍ قَالَ: حَدَّثَنِي عَقِيلٌ عَنْ ابْنِ شَهَابٍ قَالَ: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنِ مَالِكٍ أَنَّ عَبْدَ اللَّهِ بْنَ كَعْبَ قَالَ: سَمِعْتُ كَعْبًا يُحَدِّثُ حَدِيثَهُ جِينَ شَخَلَ عَنْ رَسُولِ اللَّهِ ﷺ فِي عَزْوَةِ تَبُوكَ وَقَالَ فِيهِ إِذَا رَسُولُ رَسُولِ اللَّهِ ﷺ يَأْتِيَنِي وَيَقُولُ: إِنَّ رَسُولَ اللَّهِ ﷺ يَأْمُرُكَ أَنْ تَعْتَزِلْ امْرَأَتَكَ، فَقُلْتُ: أَطْلَقْهَا أَمْ مَاذَا أَفْعَلُ؟ قَالَ: بَلْ اعْتَزِلْهَا وَلَا تَقْرِبَهَا، وَأَرْسَلَ إِلَى صَاحِبِي يُمْثِلُ ذَلِكَ، فَقُلْتُ لِإِمْرَأَتِي: الْحَقِيقِي يَأْمُلُكَ وَكُونِي عِنْدَهُمْ حَتَّى يَقْضِيَ اللَّهُ عَزَّ وَجَلَّ فِي هَذَا الْأَمْرِ. خَالَفَهُمْ مَعْقِلٌ بْنُ عَبْدِ اللَّهِ.

<sup>[1]</sup> He contradicted Yûnus bin Yazid Al-Aîlî, Ishâq bin Râshid and ‘Uqail bin Khâlid – all of whom reported from Az-Zuhri, from ‘Abdur-Rahmân bin ‘Abdullâh, from ‘Abdullâh, from Ka'b bin Mâlik. Ma'qil mentioned Az-Zuhri, from ‘Abdur-Rahmân from ‘Ubaidullâh, from Ka'b bin Mâlik.

**3455.** It was narrated from Ma'qil, from Az-Zuhri who said: "Abdur-Rahmān bin 'Abdullāh bin Ka'b narrated that his paternal uncle 'Ubaidullāh bin Ka'b said: 'I heard my father Ka'b say: The Messenger of Allāh ﷺ sent word to me and my two companions saying: The Messenger of Allāh ﷺ commands you to keep away from your wives. I said to the envoy: Should I divorce my wife, or what should I do? He said: No, just keep away from her and do not come near her. I said to my wife: Go to your family and stay with them until Allāh, the Mighty and Sublime, decides (concerning me). So she went to them.' (Sahīh)

٣٤٥٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْدَانَ بْنِ عَيْسَى قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ قَالَ: حَدَّثَنَا مَعْقِلٌ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ كَعْبٍ عَنْ عَمِّهِ عَبْدِ اللَّهِ بْنِ كَعْبٍ قَالَ: سَمِعْتُ أَبِيهِ كَعْبًا يُحَدِّثُ قَالَ: أَرْسَلَ إِلَيَّ رَسُولُ اللَّهِ ﷺ وَإِلَيْ صَاحِبِي أَنَّ رَسُولَ اللَّهِ ﷺ يَأْمُرُكُمْ أَنْ تَعْتَرِلُو نِسَاءَكُمْ، فَقُلْتُ لِرَسُولِي: أُطْلَقُ امْرَأَتِي أَمْ مَاذَا أَفْعَلُ؟ قَالَ: لَا، بَلْ تَعْتَرِلُهَا وَلَا تَقْرَبُهَا، فَقُلْتُ لِإِمْرَأَتِي: الْحَقِيقِي بِأَهْلِكِ فَكُوْنِي فِيهِمْ حَتَّى يَقْضِيَ اللَّهُ عَزَّ وَجَلَّ، فَلَيَحْقِّقْتُ بِهِمْ. خَالَفَهُ مَعْمَرٌ.

تخریج: [صحيح] انظر الحديثين السابقين، وهو في الكبير، ح: ٥٦١٨ .

**3456.** It was narrated from 'Abdur-Rahmān bin Ka'b bin Mālik that his father said: "The envoy of the Messenger of Allāh ﷺ came to me and said: 'Keep away from your wife.' I said: 'Should I divorce her?' He said: 'No, but do not approach her.'" And he (the narrator) did not mention (the words): "Go to your family." (Sahīh)

٣٤٥٦ - أَخْبَرَنِي مُحَمَّدُ بْنُ عَبْدِ الْأَغْرَى قَالَ: حَدَّثَنَا مُحَمَّدٌ - وَهُوَ ابْنُ ثَورِ بَصْرِيُّ - عَنْ مَعْمِرٍ، عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبٍ بْنِ مَالِكٍ، عَنْ أَبِيهِ قَالَ فِي حَدِيثِهِ: إِذَا رَسُولُ مِنَ النَّبِيِّ ﷺ قَدْ أَتَانِي قَالَ: اعْتَرِلِ امْرَأَتَكَ، فَقُلْتُ: أُطْلَقْهَا؟ قَالَ: لَا، وَلَكِنْ لَا تَقْرَبُهَا. وَلَمْ يَذْكُرْ فِيهِ الْحَقِيقِي بِأَهْلِكِ.

تخریج: [صحيح] أخرجه أحمد: ٣٨٩ / ٦، وهو في الكبير، ح: ٥٦١٩ ،  
وانظر الحديث السابق والذين قبله.

## Chapter 19. Divorce Of A Slave

(المعجم ١٩) - بَابُ طَلاقِ الْعَبْدِ

(التحفة ١٩)

**3457.** It was narrated from 'Umar bin Mu'attib that Abū Hasan, the

٣٤٥٧ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ قَالَ:

freed slave of Banu Nawfal, said: "My wife and I were slaves, and I divorced her twice, then we were both set free. I asked Ibn 'Abbâs and he said: 'If you take her back, you have two divorces left. This is how the Messenger of Allâh ﷺ ruled.'" (*Da'if*)

Ma'mar contradicted him.<sup>[1]</sup>

سَوْفَتْ يَحْيَى قَالَ: حَدَّثَنَا عَلَيُّ بْنُ الْمُبَارَكِ  
قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ عَنْ عُمَرَ بْنِ  
مُعَتَّبٍ: أَنَّ أَبَا حَسَنَ مَوْلَى بَنِي نَوْفَلَ أَخْبَرَهُ  
قَالَ: كُنْتُ أَنَا وَامْرَأَتِي مَمْلُوكَيْنِ فَطَلَّقَهَا  
تَطْلِيقَيْنِ ثُمَّ أَعْنَقْنَا جَمِيعًا فَسَأَلَتْ ابْنَ  
عَبَّاسٍ، فَقَالَ: إِنْ رَاجَعْتَهَا كَانَتْ عِنْدَكَ عَلَى  
وَاحِدَةٍ، فَصَرَّى بِذِلِّكَ رَسُولُ اللَّهِ ﷺ. خَالِفُهُ  
مَعْمَرٌ.

تخریج: [إسناده ضعیف] أخرجه أبو داود، الطلاق، باب: في سنة طلاق العبد، ح: ٢١٨٧ من حديث يحيى بن سعيد القطان به، وهو في الكبرى، ح: ٥٦٢٠ \* عمر بن معتب ضعيف كما في التقريب وغيره ويدل السند على أن يحيى بن أبي كثیر كان يروي عن الضعفاء أيضاً.

### Comments:

A free man has three pronouncements of divorce, but a slave has two. The transmitter of this *Hadîth* had already given two divorces when he was still a slave. But both of them were freed during the period of waiting. The freedom invested him with the right to the third pronouncement of divorce. Hence, he had the privilege of returning and contracting a new marriage upon the expiration of the period of waiting.

**3458.** It was narrated that Abû Al-Hasan, the freed slave of Banu Nawfal, said: "Ibn 'Abbâs was asked about a slave who divorced his wife twice, then they were set free; could he marry her? He said: 'Yes.' He said: 'From whom (did you hear that)?' He said: 'The Messenger of Allâh ﷺ issued a *Fatwa* to that effect.'" (*Da'if*)

(One of the narrators) 'Abdur-Razzâq said: "Ibn Al-Mubârak said to Ma'mar: 'Which Al-Hasan is this?' He has taken on a heavy burden."

تخریج: [إسناده ضعیف] أخرجه ابن ماجه، الطلاق، باب من طلق أمة تطليقيتين ثم

٣٤٥٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ:  
حَدَّثَنَا عَبْدُ الرَّزَاقِ قَالَ: أَخْبَرَنِي مَعْمَرٌ عَنْ  
يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عُمَرَ بْنِ مُعَتَّبٍ، عَنْ  
أَبِي الْحَسَنِ مَوْلَى بَنِي نَوْفَلٍ، قَالَ: سُئِلَ ابْنُ  
عَبَّاسٍ عَنْ عَبْدِ الرَّزَاقِ أَخْبَرَهُ أَمْرَأَتَهُ تَطْلِيقَيْنِ ثُمَّ عَنْقَيْنِ  
أَيْتَهُمْ جَهَا؟ قَالَ: نَعَمْ، قَالَ: عَمَّنْ؟ قَالَ:  
أَفْتَى بِذِلِّكَ رَسُولُ اللَّهِ ﷺ، قَالَ عَبْدُ الرَّزَاقِ:  
قَالَ ابْنُ الْمُبَارَكِ لِمَعْمَرٍ: الْحَسَنُ هَذَا مَنْ  
هُوَ؟ لَقَدْ حَمَلَ صَخْرَةً عَظِيمَةً.

[1] That is 'Ali bin Al-Mubârak.

اشتراها، ح: ٢٠٨٢ من حديث عبدالرازاق به، وانظر الحديث السابق، وهو في الكبرى، ح: ٥٦٢١.

### Comments:

'A heavy burden,' meaning by narrating this, which supports a view that was not popular.

## Chapter 20. When Does The Divorce Of A Boy Count?

**3459.** It was narrated that Kathîr bin As-Sâ'ib said: "The sons of Quraizah told me that they were presented to the Messenger of Allâh ﷺ on the Day of Quraizah, and whoever (among them) had reached puberty, or had grown pubic hair, was killed, and whoever had not reached puberty and had not grown pubic hair was left (alive)." (*Sahîh*)

(المعجم ٢٠) - **بَابٌ: مَنْ يَقْعُ طَلَاقٌ**  
الصَّبِيُّ (التحفة ٢٠)

٣٤٥٩ - أَخْبَرَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ قَالَ:  
حَدَّثَنَا أَسْدُ بْنُ مُوسَى قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ أَبِي مَعْمَرِ الْخَطَمِيِّ، عَنْ عُمَارَةَ بْنِ خَرَيْمَةَ، عَنْ كَثِيرِ بْنِ السَّائِبِ قَالَ: حَدَّثَنِي أَبْنَاءُ فُرِيَّةَ: أَنَّهُمْ عَرِضُوا عَلَى رَسُولِ اللَّهِ ﷺ يَوْمَ فُرِيَّةَ فَمَنْ كَانَ مُخْتَلِمًا أَوْ نَبَثَ عَانَتْهُ قُتلَ، وَمَنْ لَمْ يَكُنْ مُخْتَلِمًا أَوْ لَمْ تَبْتَعَ عَانَتْهُ تُرِكَ.

تخریج: [صحیح] أخرجه أحمد: ٢٤١/٤، ٣٧٢/٥، ٥٦٢٢: ح، وانظر الحديث الآتي.

### Comments:

1. Banu Quraizah was a Jewish clan which had entered an allegiance of loyalty with the Muslims. But on the fragile occasion of the Battle of Trench, they allied with the pagan Quraish and indulged an internal rebellion. When the Battle of Trench ended, Allâh's Messenger ﷺ besieged Banu Quraizah so that they could be punished for their rebellion. Hence, he ﷺ handed over the verdict into the hands of Sa'd bin Mu'az. He returned the verdict that all their adults would be killed and the minors would be taken captive.
2. The purpose of mentioning this narration under this chapter is to demonstrate that the prescribed legal punishment is not implemented upon a non-adult or minor; hence, his pronouncement of divorce would not be valid. He may divorce on reaching the age of puberty.
3. There are three signs of puberty: wet dreams, pubic hair, or when one reaches the age of fifteen years. Since it is difficult to determine the exact age in males, other signs are evidence. They will, therefore, be relied upon.

**3460.** It was narrated that 'Atiyyah Al-Qurażî said: "On the day that Sa'd passed judgment on Banu

٣٤٦٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ:  
حَدَّثَنَا سُفْيَانُ عَنْ عَبْدِ الْكَلِيلِ بْنِ عَمِيرٍ، عَنْ

Quraizah I was a young boy and they were not sure about me, but they did not find any pubic hair, so they let me live, and here I am among you." (*Sahîh*)

**تخریج:** [صحيح] أخرجه ابن ماجه، الحدود، باب من لا يجب عليه الحد، ح: ٢٥٤٢ من حديث سفيان بن عيينة به، وتابعه سفيان الثوري، وهو في الكبرى، ح: ٥٦٢٣، وصححه ابن الجارود، ح: ١٤٩٩، وابن حبان، ح: ١٠٤٥.

**3461.** It was narrated from Ibn 'Umar that he presented himself to the Messenger of Allâh ﷺ on the Day of Uhud when he was fourteen years old, but he did not permit him (to join the army). He presented himself on the Day of Al-Khandaq when he was fifteen years old, and he permitted him (to join the army). (*Sahîh*)

عَطِيَّةُ الْقُرَاطِيُّ قَالَ: كُنْتُ يَوْمَ حُكْمٍ سَعْدِيَ فِي بَنِي قُرِيظَةَ غُلَامًا فَشَكُوا إِلَيَّ فَلَمْ يَجِدُونِي أَبْيَثُ فَأَسْبَبْتُهُ، فَهَا أَنَا ذَا بَيْنَ أَظْهَرِكُمْ.

**3461 - أَخْبَرَنَا عُبَيْدُ اللَّهِ بْنُ سَعِيدٍ قَالَ:**  
حَدَّثَنَا يَحْيَى بْنُ عُبَيْدِ اللَّهِ قَالَ: أَخْبَرَنِي نَافِعٌ عَنْ أَبْنَى عُمْرًا: أَنَّ رَسُولَ اللَّهِ ﷺ عَرَضَهُ يَوْمًا أَحْدِدٍ وَهُوَ أَبْنَى أَرْبَعَ عَسْرَةَ سَنَةً فَلَمْ يُجِزِّهُ، وَعَرَضَهُ يَوْمَ الْحَنْدِقِ وَهُوَ أَبْنَى حَمْسَ عَشْرَةَ سَنَةً فَأَجَازَهُ.

**تخریج:** أخرجه البخاري، المغازي، باب غزوة الخندق وهي الأحزاب، ح: ٤٠٩٧ من حديث يحيى بن سعيد القطان به، وهو في الكبرى، ح: ٥٦٢٤.

#### Comments:

In government official documents, a boy of the age of fifteen years would be recorded as an adult, and less than that a minor. This is because governments do keep records of birth, etc.

#### Chapter 21. The Husband Whose Divorce Is Not Valid

(المعجم ٢١) - **بَابُ مَنْ لَا يَقْعُدُ طَلاقُهُ مِنَ الْأَرْوَاحِ** (التحفة ٢١)

**3462.** It was narrated from 'Âishah that the Prophet ﷺ said: "The pen has been lifted from three: From the sleeper until he wakes up, from the minor until he grows up, and from the insane until he comes back to his senses or recovers." (*Hasan*)

**3462 - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ:**  
حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَ: حَدَّثَنَا حَمَادٌ بْنُ سَلَمَةَ عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «رُفِعَ الْقَلْمَنْ عَنْ ثَلَاثَةِ: عَنِ النَّائِمِ حَتَّى يَسْتَيْقِظَ، وَعَنِ الصَّغِيرِ حَتَّى يَكُبرَ، وَعَنِ الْمَجُونِ حَتَّى يَعْقَلَ أَوْ يُفْيقَ».

تخریج: [حسن] أخرجه ابن ماجه، الطلاق، باب طلاق المعتوه والصغير والنائم، ح: ٢٠٤١ من حديث ابن مهدي به، وهو في الكبير، ح: ٥٦٢٥، وصححه ابن حبان، ح: ١٤٩٦، والحاکم على شرط مسلم: ٥٩/٢، ووافقه الذهبي، وللحديث شواهد عند أبي داود، ح: ٤٤٠٠ وغيره.

## Chapter 22. The One Who Utters A Divorce To Himself (Without Uttering The Words Loudly)

**3463.** It was narrated from Abû Hurairah that – (one of the narrators) ‘Abdur-Râhmân said: “The Messenger of Allâh ﷺ – said: ‘Allâh, the Most High, has forgiven my Ummah for everything that enters the mind, so long as it is not spoken of or put into action.’” (*Sahîh*)

تخریج: [إسناده صحيح] وهو في الكبير، ح: ٥٦٢٦، وصححه ابن حبان، ح: ١٤٩٨، وللحديث شواهد عند البخاري، ومسلم، والحاکم: ١٩٨/٢ وغيرهم.

**3464.** It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘Allâh, the Mighty and Sublime, has forgiven my Ummah for what is whispered to them or what enters their minds, so long as they do not act upon it or speak of it.’” (*Sahîh*)

تخریج: أخرجه البخاري، العنق، باب الخطأ والنسيان في العنافة والطلاق ونحوه ... الخ، ح: ٢٥٢٨، ومسلم، الإيمان، باب تجاوز الله عن حديث النفس والخواطر بالقلب إذا لم تستقر، ح: ٢٠٢/١٢٧ من حديث مسعود بن كدام به، وهو في الكبير، ح: ٥٦٢٧، ورواه يونس بن عبيد عن زراة به (أبو يعلى، ح: ٦٣٩٠).

**3465.** It was narrated from Abû Hurairah that the Prophet ﷺ said: ‘Allâh, the Most High, has forgiven my Ummah for whatever

(المعجم ٢٢) - بَابُ مَنْ طَلَقَ فِي نَفْسِهِ  
(التحفة ٢٢)

٣٤٦٣ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ الْحَسَنِ وَعَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ بْنِ سَلَامٍ قَالَا: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ عَنْ أَبْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ - قَالَ عَبْدُ الرَّحْمَنِ: عَنْ رَسُولِ اللَّهِ ﷺ - قَالَ: «إِنَّ اللَّهَ تَعَالَى تَجَاوِزَ عَنْ أُمَّيَّةِ كُلِّ شَيْءٍ حَدَّثَنِي بِهِ أَنفُسَهَا مَا لَمْ تَكَلَّمْ بِهِ أَوْ تَعْمَلْ».

٣٤٦٤ - أَخْبَرَنَا عُيْنَدُ اللَّهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا أَبْنُ إِدْرِيسَ عَنْ مِسْعَرٍ، عَنْ قَتَادَةَ، عَنْ زُرَارَةَ بْنِ أُوفَى، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ عَزَّ وَجَلَ تَجَاوِزَ لِأُمَّيَّةِ مَا وَسَوَّسْتِ بِهِ وَحَدَّثَنِي بِهِ أَنفُسَهَا مَا تَعْمَلُ أَوْ تَكَلَّمْ بِهِ».

تخریج: أخرجه البخاري، العنق، باب الخطأ والنسيان في العنافة والطلاق ونحوه ... الخ، ح: ٢٥٢٨، ومسلم، الإيمان، باب تجاوز الله عن حديث النفس والخواطر بالقلب إذا لم تستقر، ح: ٢٠٢/١٢٧ من حديث مسعود بن كدام به، وهو في الكبير، ح: ٥٦٢٧، ورواه يونس بن عبيد عن زراة به (أبو يعلى، ح: ٦٣٩٠).

٣٤٦٥ - أَخْبَرَنِي مُوسَى بْنُ عَيْنَدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا حُسَيْنُ الْجُعْفَرِيُّ عَنْ زَائِدَةَ، عَنْ شَيْبَانَ، عَنْ قَتَادَةَ، عَنْ زُرَارَةَ بْنِ أُوفَى، عَنْ

enters the mind, so long as it is not spoken of or put into action.” (Sahîh)

أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: إِنَّ اللَّهَ تَعَالَى تَحْاوِزُ لِمَا تَبَيَّنَ عَمَّا حَدَّثَ بِهِ أَنفُسَهَا مَا لَمْ تَكُلُّ أَوْ تَعْمَلُ بِهِ.

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبیر، ح: ۵۶۲۸.

### Chapter 23. Divorce With A Clear Gesture

**3466.** It was narrated that Anas said: “The Messenger of Allâh ﷺ had a Persian neighbor who was good at making soup. He came to the Messenger of Allâh ﷺ one day when ‘Aishah was with him, and gestured to him with his hand to come. The Messenger of Allâh ﷺ gestured toward ‘Aishah – meaning: ‘What about her?’ – and the man gestured to him like this, meaning, ‘No,’ two or three times.” (Sahîh)

(المعجم ۲۳) - **الطلاق بِالإِشارةِ**  
المَفْهُومَةِ (التحفة ۲۳)

٣٤٦٦ - أَخْبَرَنَا أَبُو بَكْرٍ بْنُ نَافِعٍ قَالَ: حَدَّثَنَا بَهْرَ قَالَ: حَدَّثَنَا حَمَادَ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا ثَابِتٌ عَنْ أَنَسٍ قَالَ: كَانَ لِرَسُولِ اللَّهِ ﷺ جَارٌ فَارِسِيٌّ طَيِّبُ الْمَرْقَةِ، فَاتَّى رَسُولَ اللَّهِ ﷺ ذَاتَ يَوْمٍ وَعِنْدَهُ عَائِشَةُ، فَأَوْمَأَ إِلَيْهِ بِيَدِهِ أَنْ: تَعَالَ، وَأَوْمَأَ رَسُولُ اللَّهِ ﷺ إِلَى عَائِشَةَ - أَيْ: وَهْذِهِ - فَأَوْمَأَ إِلَيْهِ الْآخَرَ هَكَذَا بِيَدِهِ أَنْ: لَا مَرْئَيْنِ أَوْ ثَلَاثَةِ.

تخریج: أخرجه مسلم، الأشربة، باب ما يفعل الضيف إذا تبعه غير من دعا به صاحب الطعام ... إلخ، ح: ۲۰۳۷ من حديث حماد بن سلمة به، وهو في الكبیر، ح: ۵۶۲۹ \* بهر هو ابن أسد العمی، وأبوبکر هو محمد بن احمد بن نافع العبدی.

### Comments:

The speech-impaired also might need to divorce. But since they can communicate by gestures only, the gesticulation ought to be held reliable. The gesture, however, should be clear so that the intention or the implicit meaning is unmistakably comprehended.

### Chapter 24. Speaking When One Means What The Words Appear To Mean

**3467.** It was narrated that ‘Umar bin Al-Khattâb, may Allâh be pleased with him, said that the Messenger of Allâh ﷺ said: “Actions are but by intentions, and each man will have but that which he intended. Whoever emigrated for the sake of

(المعجم ۲۴) - **بَابُ الْكَلَامِ إِذَا قَصَدَ بِهِ فِيمَا يَحْتَمِلُهُ مَعْنَاهُ** (التحفة ۲۴)

٣٤٦٧ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ قَالَ: حَدَّثَنَا مَالِكُ الْحَارِثُ بْنُ مَسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ عَنْ أَبْنِ الْقَاسِمِ قَالَ: أَخْبَرَنِي مَالِكُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ

Allâh and His Messenger, his emigration was for the sake of Allâh and His Messenger, and whoever emigrated for the sake of some worldly gain or to marry some woman, his emigration was for that for which he emigrated.” (*Sahîh*)

عَلْقَمَةُ بْنُ وَقَاصٍ، عَنْ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ، وَفِي [حَدِيثِ] الْخَارِثِ: أَنَّهُ سَمِعَ عُمَرَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّمَا الْأَعْمَالَ بِالنِّتَّيَةِ، وَإِنَّمَا لِامْرِئٍ مَا نَوَى، فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ فَهِجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ إِلَى الدُّنْيَا يُصِيبُهَا أَوْ إِمْرَأَةً يَتَرَوَّجُهَا فَهِجْرَتُهُ إِلَى مَا هَاجَرَ إِلَيْهِ.

تخریج: [صحیح] تقدم، ح: ۷۵، وهو في الكبير، ح: ۵۶۳۰.

### Comments:

The purpose of Imâm An-Nasâ'i is that when someone utters a word which bears the possibility of divorcing and also some other connotation, then the divorce would be considered to have been effected only when the speaker had intended it. Otherwise the divorce would be considered ineffective. For instance, somebody tells his wife, “Go away from my house.” (This *Hadîth* has preceded in detail earlier - see *Hadîth* 75).

### Chapter 25. Saying Something, And Intending Something Other Than The Apparent Meaning, Carries No Weight

(المعجم ۲۵) - بَابُ الإِبَاتَةِ وَالْأَفْصَاحِ بِالْكَلِمَةِ الْمَلْفُوظِ بِهَا إِذَا قَصَدَ بِهَا لِمَّا لَا يَحْتَمِلُهُ مَعْنَاهَا لَمْ تُوْجِبْ شَيْئًا وَلَمْ تُثِبْ حُكْمًا (التحفة ۲۵)

**3468.** Abû Hurairah narrated that the Messenger of Allâh ﷺ said: “Look at how Allâh diverts the insults and curses of Quraish from me. They insult ‘*Mudhammam*’<sup>[1]</sup> and curse ‘*Mudhammam*’ – but I am Muhammad.” (*Sahîh*)

٣٤٦٨ - أَخْبَرَنَا عَمَرُ بْنُ بَكَارٍ قَالَ: حَدَّثَنَا عَلَيْهِ بْنُ عَيَّاشٍ قَالَ: حَدَّثَنِي شَعِيبٌ قَالَ: حَدَّثَنِي أَبُو الرِّنَادِ بِمَا حَدَّثَنِي عَبْدُ الرَّحْمَنِ الْأَعْرَجَ مِمَّا ذَكَرَ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يُحَدِّثُ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: وَقَالَ: اانظُرُوا كَيْفَ يَصِرُّفُ اللَّهُ عَنِّي شَمَّ فُرِيشٌ وَلَعْنَهُمْ، إِنَّهُمْ يَسْتِمُونَ مُلَمَّمًا وَيَلْعَنُونَ مُذَمَّمًا وَأَنَا مُحَمَّدٌ».

[1] *Mudhammam* was an offensive play on words, as *Mudhammam* means “blameworthy,” the opposite of the meaning of the name “Muhammad” (praiseworthy).

تخریج: أخرجه البخاري، المناقب، باب ماجاء في أسماء رسول الله ﷺ ... إلخ، ح: ٣٥٣٣ من حديث أبي الزناد به، وهو في الكبير، ح: ٥٦٣١.

### Comments:

When the Makkan Quraish failed in their plots, they would fume with indignation and abuse the Messenger of Allâh ﷺ. But while cursing and defaming, they would utter the word *Mudhammam* instead of Muhammad, because Muhammad signifies a person whom everyone praises. Therefore, they used to substitute the word Muhammad with *Mudhammam* (reprehensible) and would revile him. Thus, Allâh, Most High, saved the Prophet ﷺ from such abuse and maligning.

### Chapter 26. Setting A Time Limit For Making A Choice

**3469.** It was narrated that ‘Âishah, the wife of the Prophet ﷺ, said: “When the Messenger of Allâh ﷺ was commanded to give his wives the choice, he started with me and said: ‘I am going to say something to you and you do not have to rush (to make a decision) until you consult your parents.’” She said: “He knew that my parents would never tell me to leave him.” She said: “Then he recited this Verse: ‘O Prophet! Say to your wives: If you desire the life of this world, and its glitter, then come! I will make a provision for you and set you free in a handsome manner.’<sup>[1]</sup> I said: ‘Do I need to consult my parents concerning this? I desire Allâh, the Mighty and Sublime, and His Messenger, and the home of the Hereafter.’” ‘Âishah said: “Then the wives of the Prophet ﷺ all did the same as I did, and that was not counted as a divorce, when the Messenger of Allâh ﷺ gave

(المعجم ٢٦) - بَابُ التَّوْقِيتِ فِي

الخيار (التحفة ٢٦)

٣٤٦٩ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى  
قَالَ: حَدَّثَنَا أَبْنُ وَهْبٍ قَالَ: أَخْبَرَنَا يُونُسُ بْنُ  
بَزِيرَدَ وَمُوسَى بْنُ عَلَىٰ عَنِ ابْنِ شَهَابٍ قَالَ:  
أَخْبَرَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ أَنَّ عَائِشَةَ  
زَوْجَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ: لَمَّا أَمْرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ  
بِتَخْصِيرِ أَزْوَاجِهِ بَدَأَ بِي فَقَالَ: إِنِّي ذَاكِرُ لَكِ  
أَمْرًا فَلَا عَلَيْكَ أَنْ لَا تُعَجِّلَيِ الْحَتَّى تَسْتَأْمِرِي  
أَبْوَاتِكَ» قَالَتْ: قَدْ عَلِمْتُ أَنَّ أَبْوَايَ لَمْ يَكُونُوا  
لِي أَمْرَأَنِي بِفِرَاقِهِ، قَالَتْ: ثُمَّ تَلَّ هُذِهِ الْأَيَّةَ  
﴿إِنَّمَا الَّذِي قُلْ لِأَزْوَاجِكَ إِنْ كُنْتَ شَرِيدَتْ  
الْحَيَاةَ الْدُّنْيَا﴾ إِلَى قَوْلِهِ «جِلَادًا»  
[الأحزاب: ٢٨] فَقُلْتُ: أَفِي هَذَا أَسْتَأْمِرُ  
أَبْوَيِ؟ فَلَيْسَ أَرِيدُ اللَّهَ عَزَّ وَجَلَّ وَرَسُولَهُ  
وَالدَّارَ الْآخِرَةَ. قَالَتْ عَائِشَةُ: ثُمَّ فَعَلَ أَزْوَاجُ  
النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِثْلَ مَا فَعَلْتُ وَلَمْ يَكُنْ ذَلِكَ حِينَ  
قَالَ لَهُنَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَخْتَرْتُهُ طَلاقًا مِنْ  
أَجْلِ أَهْنَّ اخْتِرْنَهُ.

[1] Al-Ahzâb 33:28.

them the choice and they chose him.” (*Sahîh*)

تخریج: [صحیح] تقدم، ح: ٣٢٠٣، وهو في الكبرى، ح: ٥٦٣٢.

### Comments:

1. A husband may give the choice of divorce to his wife, saying: “If you so desire, you may be divorced.” If the woman responds and says, “I want the divorce”, the divorce would become effective. There is, however, a disagreement whether such a divorce would be revocable or irrevocable.
2. The purpose of the author in saying this is that it is not necessary that the woman should reply immediately upon being given the choice. If the husband fixes a time period, in that duration she can acquire the divorce. As the Messenger of Allâh ﷺ gave ‘Âishah رضي الله عنها a respite that there is no harm if she does not respond at once, she might respond after consulting her parents. (See No. 3203).

**3470.** It was narrated that ‘Âishah said: “When the following was revealed: ‘But if you desire Allâh and His Messenger,’<sup>[1]</sup> the Prophet ﷺ came and started with me. He said: ‘O ‘Âishah, I am going to say something to you and you do not have to rush (to make a decision) until you consult your parents.’” She said: “He knew, by Allâh, that my parents would never tell me to leave him. Then he recited to me: ‘O Prophet! Say to your wives: If you desire the life of this world, and its glitter.’”<sup>[2]</sup> “I said: ‘Do I need to consult my parents concerning this? I desire Allâh and His Messenger.’” (*Sahîh*)

Abû ‘Abdur-Râhmân (An-Nasâ’î) said: This is a mistake, and the first is more worthy of being correct. And Allâh, Glorious is He and Most High, knows best.

تخریج: أخرجه مسلم، الطلاق، باب: في الإيلاء واعتزال النساء وتخبرهن . . . الخ، ح: ١٤٧٥.

بعد، ح: ١٤٧٩ من حديث معمر به، وعلقة البخاري، ح: ٤٧٨٦، وهو في الكبرى، ح: ٥٦٣٣.

٣٤٧٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى  
قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ ثَوْرٍ عَنْ مَعْمَرٍ، عَنْ  
الرَّهْبَرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا  
نَزَّلَتْ: «وَلَدْ كُنْتَنَ تُرِدُّنَ اللَّهُ وَرَسُولُهُ»  
(الأحزاب: ٢٩) دَخَلَ عَلَيَّ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَدَأَ يَبْيَأُ  
فَقَالَ: «يَا عَائِشَةُ! إِنِّي ذَاكِرٌ لَكَ أَمْرًا فَلَا  
عَيْنِكَ أَنْ لَا تُعْجِلِي حَتَّى تَسْتَأْمِرِي أَبْوَيْكَ»  
قَالَتْ: قَدْ عِلِمَ وَاللَّهُ أَنَّ أَبَوَيِّ لَمْ يَكُونَا  
لِي أُمَرَانِي بِفِرَاقِهِ، فَقَرَأَ عَلَيْهِ: «يَنْهَا إِلَيَّ قُلْ  
لِأَرْجِعَكَ إِنْ كُنْتَنَ تُرِدُّنَ الْحَيَاةَ الْمُنْتَسِّ  
وَرَبِّنَتَهَا» فَقَلَّتْ: أَفِي هَذَا أَسْتَأْمِرُ أَبَوَيِّ؟  
فَإِنَّمَا أُرِيدُ اللَّهَ وَرَسُولَهُ.

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: هَذَا خَطَا وَالْأَوَّلُ  
أُولَى بِالصَّوَابِ، وَاللَّهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ.

[1] *Al-Ahzâb* 33:29.

[2] *Al-Ahzâb* 33:28.

## Chapter 27. When A Woman Is Given The Choice And Chooses Her Husband

**3471.** It was narrated that ‘Aishah said: “The Messenger of Allâh ﷺ gave us the choice and we chose him; was that a divorce?” (*Sahîh*)

(المعجم ٢٧) - بَابٌ: في المَخِيرَةِ

تَخْتَارُ زَوْجَهَا (التحفة ٢٧)

٣٤٧١ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْهِ قَالَ: حَدَّثَنَا يَحْيَى - وَهُوَ ابْنُ سَعِيدٍ - عَنْ إِسْمَاعِيلَ، عَنْ عَائِرِ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: خَيَّرَنَا رَسُولُ اللَّهِ ﷺ فَاخْتَرْنَاهُ فَهَلْ كَانَ طَلَاقًا؟ .

تخریج: [صحيح] تقدم، ح: ٣٢٠٥، وهو في الكبير، ح: ٥٦٣٤ .

### Comments:

This means the divorce does not become effective by granting.

**3472.** It was narrated that ‘Aishah said: “The Messenger of Allâh ﷺ gave his wives the choice but that was not a divorce.” (*Sahîh*)

٣٤٧٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعبَةُ عَنْ عَاصِمٍ قَالَ: قَالَ السَّعْيَيْ: عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: قَدْ خَيَّرَ رَسُولُ اللَّهِ ﷺ نِسَاءً فَلَمْ يَكُنْ طَلَاقًا .

تخریج: [صحيح] تقدم، ح: ٣٢٠٥، وهو في الكبير، ح: ٥٦٣٥ .

**3473.** It was narrated from Masrûq that ‘Aishah said: “The Prophet ﷺ gave his wives the choice and that was not a divorce.” (*Sahîh*)

٣٤٧٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ بْنِ صُدْرَانَ عَنْ خَالِدِ بْنِ الْحَارِثِ قَالَ: حَدَّثَنَا أَسْعَثُ - وَهُوَ ابْنُ عَبْدِ الْمَلِكِ - عَنْ عَاصِمٍ، عَنْ السَّعْيَيْ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: قَدْ خَيَّرَ النِّسَاءَ فَلَمْ يَكُنْ طَلَاقًا .

تخریج: [صحيح] تقدم، ح: ٣٢٠٥، وهو في الكبير، ح: ٥٦٣٦ .

**3474.** It was narrated that ‘Aishah said: “The Messenger of Allâh ﷺ gave his wives the choice; was that a divorce?” (*Sahîh*)

٣٤٧٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعبَةُ عَنْ سُلَيْمَانَ، عَنْ أَبِي الصُّحَى، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: قَدْ خَيَّرَ رَسُولُ اللَّهِ ﷺ نِسَاءً فَكَانَ طَلَاقًا .

تخریج: [صحیح] تقدم، ح: ٣٢٠٥، وهو في الكبير، ح: ٥٦٣٧.

**3475.** It was narrated that 'Aishah said: "The Messenger of Allâh ﷺ gave us the choice and we chose him, and that was not counted as anything." (*Sahîh*)

٣٤٧٥ - أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ الضَّعِيفُ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ قَالَ: حَدَّثَنَا الْأَعْمَشُ عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: تَحِيرَنَا رَسُولُ اللَّهِ ﷺ فَاخْتَرْنَا فَلَمْ يَعْدَهَا عَلَيْنَا شَيْئًا.

تخریج: [صحیح] تقدم، ح: ٣٢٠٥، وهو في الكبير، ح: ٥٦٣٨.

## Chapter 28. Choosing Which Of The Two Married Slaves To Free First

**3476.** It was narrated that Al-Qâsim bin Muhammad said: "Aishah had a male slave and a female slave. She said: 'I wanted to set them free, and I mentioned that to the Messenger of Allâh ﷺ. He said: Start with the male slave before the female slave.'" (*Hasan*)

(المعجم ٢٨) - خِيَارُ الْمَمْلُوكَيْنِ يُعْتَقَانِ (التحفة ٢٨)

٣٤٧٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا حَمَادُ بْنُ مَسْعَدَةَ قَالَ: حَدَّثَنَا ابْنُ مَوْهِبٍ عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ قَالَ: كَانَ لِعَائِشَةَ غُلَامٌ وَجَارِيَةٌ قَالَتْ: فَأَرْدَثْتُ أَنْ أَعْتَقَهُمَا فَذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «إِبْلَسِي بِالْغُلَامِ قَبْلَ الْجَارِيَةِ».

تخریج: [إسناده حسن] أخرجه ابن ماجه، العنق، باب من أراد عتق رجل وامرأته فليبدأ بالرجل، ح: ٣٥٣٢ من حديث حماد بن مسعدة به، وهو في الكبير، ح: ٥٦٣٩ \* عبيد الله بن عبد الرحمن بن موهب وثقة الجمهور، وقال ابن عدي: "حسن الحديث، يكتب حدثيه".

## Comments:

Emancipation enhances the status. Therefore, if a married slave woman is freed, and her husband is still a slave, the woman shall have the right to decide whether she would like to remain in the wedlock of a slave or not. If the husband is, however, a free man, the woman does not acquire this right after being freed. That is why Allâh's Messenger ﷺ had commanded her to set the husband free first, so that the woman might not terminate the marriage. Breaking the tie of marriage becomes the cause of many evils.

## Chapter 29. Giving A Slave Woman The Choice

(المعجم ٢٩) - بَابُ خِيَارِ الْأَمَةِ

(التحفة ٢٩)

**3477.** It was narrated that 'Aishah, the wife of the Prophet ﷺ, said: "Three *Sunan* were established

٣٤٧٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ رَبِيعَةَ، عَنْ

because of Barīrah. One of those *Sunan* was that she was set free and was given the choice concerning her husband; the Messenger of Allāh ﷺ said: ‘*Al-Wala*’ is to the one who set the slave free;’ and the Messenger of Allāh ﷺ entered when some meat was being cooked in a pot, but bread and some condiments were brought to him. He said: ‘Do I not see a pot in which some meat is being cooked?’ They said: ‘Yes, O Messenger of Allāh, that is meat that was given in charity to Barīrah and you do not eat (food given in) charity.’ The Messenger of Allāh ﷺ said: ‘It is charity for her and a gift for us.’” (*Sahīh*)

**تخریج:** أخرجه البخاري، النكاح، باب الحرمة تحت العبد، ح: ٥٠٩٧، ومسلم، العتق، باب بيان أن الولاء لمن أعتق، ح: ١٤/١٥٠٤ من حديث مالك به، وهو في الموطأ (بحيى): ٢/٥٦٢، والكبري، ح: ٥٦٤٠.

### Comments:

- ‘She was given an option in regard to her husband’ because her husband Mügith was a slave. Barīrah had ended the marriage.
- ‘The right of inheritance of a slave (*Al-Walā*)’ means the right of the emancipator, which he has over his freed slave. Barīrah asked ‘Aishah concerning her freedom. The owner consented to sell her, but began to demand the right of inheritance (*Al-Walā*) for himself, although this right belongs to the emancipator who sets the captive free.
- ‘It is a gift for us’: From this we understand that the thing which in itself is not contaminated or forbidden, its status may change. And the details regarding this are lengthy.

**3478.** It was narrated that ‘Aishah said: “Three judgments were established because of Barīrah. Her masters wanted to sell her but they stipulated that *Al-Wala*, should still be to them. I mentioned that to the Prophet ﷺ and he said: ‘Buy her and set her free, for *Al-Wala*, is to

القاسم بن محمد، عن عائشة زوج النبي ﷺ قال: كان في بيرة ثلاثة سنن: إحدى السنن أنها أعتقت فخيرت في زوجها، وقال رسول الله ﷺ: الولاء لمن أعتق، ودخل رسول الله ﷺ والبرمة تفرو يلحم فقرب إليه خبر وأدّم من أدم البيض فقال رسول الله ﷺ: ألم آر برمّة فيها لحم؟ فقالوا: بلى! يا رسول الله! ذلك لحم تصدق به على بيرة وأنت لا تأكل الصدقة، فقال رسول الله ﷺ: هو عليها صدقة وهو لنا هدية.

**تخریج:** أخرجه البخاري، النكاح، باب الحرمة تحت العبد، ح: ٥٠٩٧، ومسلم، العتق، باب بيان أن الولاء لمن أعتق، ح: ١٤/١٥٠٤ من حديث مالك به، وهو في الموطأ (بحيى): ٢/٥٦٢، والكبري، ح: ٥٦٤٠.

٣٤٧٨ - أخبرني محمد بن آدم قال: حدثنا أبو معاوية عن هشام، عن عبد الرحمن ابن القاسم، عن أبيه، عن عائشة قالت: كان في بيرة ثلاثة قضيات: أراد أحملها أن يبعوها ويشترطوا الولاء، فذكرت ذلك للنبي

the one who sets the slave free.' She was set free and the Messenger of Allâh ﷺ gave her the choice, and she chose herself.<sup>[1]</sup> And she used to be given charity and she would give some of it as a gift to us. I mentioned that to the Prophet ﷺ and he said: 'Eat it for it is charity for her and a gift for us.'" (Sahîh)

تخریج: أخرجه مسلم، ح: ١٥٠٤ (انظر الحديث السابق) من حديث أبي معاوية الضرير، والبخاري، الهبة، باب قبول الهدية، ح: ٢٥٧٨ من حديث عبد الرحمن بن القاسم به مطولاً ومختصرًا، وهو في الكبرى، ح: ٥٦٤١.

### Chapter 30. Giving The Choice To A Slave Woman Who Is Set Free And Whose Husband Is A Free Man

**3479.** It was narrated that 'Âishah said: "I bought Barîrah and her masters stipulated that her *Wala'* should go to them. I mentioned that to the Prophet ﷺ and he said: 'Set her free, and *Al-Wala'* is to the one who pays the silver.' So I set her free and the Messenger of Allâh ﷺ called her and gave her the choice concerning her husband. She said: 'Even if you gave me such and such, I would not stay with him,' so she chose herself and her husband was a free man." (Sahîh)

تخریج: أخرجه البخاري، العنق، باب بيع الولاء وحبته، ح: ٢٥٣٦ من حديث جریر بن عبد الحميد، ومسلم، الزكاة، باب إباحة الهدية للنبي ﷺ ... إلخ، ح: ١٠٧٥ من حديث إبراهيم النخعي به، وهو في الكبرى، ح: ٥٦٤٢، قوله: "كان زوجها حرًا" من قول الأسود، وهو شاذ.

### Comments:

1. 'The one who pays' means the right of *Al-Walâ'* is for the one who buys and emancipates.

[1] Meaning, she did not want to go back to her husband who was still a slave.

فَقَالَ: «اشْتَرِيهَا وَأَعْنِيقِهَا فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْنَى»، وَأَعْنِيقَتْ فَخَيْرَهَا رَسُولُ اللهِ ﷺ فَأَخْتَارَتْ نَفْسَهَا، وَكَانَ يُتَصَدِّقُ عَلَيْهَا فَتَهْدِي لَنَا مِنْهُ فَذَكَرَتْ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «كُلُّهُ فِيَّ أَعْنَى عَلَيْهَا صَدَقَةٌ وَهُوَ لَنَا هَدِيَّةٌ».

المujam (٣٠) - بَابُ خِيَارِ الْأَمَةِ تُعْنَى  
وَرَوْجُهَا حُرٌّ (التحفة (٣٠)

٣٤٧٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا جَرِيرٌ  
عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ  
عَائِشَةَ قَالَتْ: اشْتَرَيْتُ بَرِيرَةَ فَاسْتَرَطَ أَهْلُهَا  
وَلَأَهْلَهَا، فَذَكَرَتْ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ:  
«أَعْنِيقِهَا فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْطَى الْوَرِقَ»،  
[قَالَتْ: فَأَعْنِيقْتُهَا فَدَعَاهَا رَسُولُ اللهِ ﷺ فَحَيَّرَهَا مِنْ زَوْجِهَا قَالَتْ: لَوْ أَعْطَانِي كَذَّا  
وَكَذَّا مَا أَقْمَتُ عِنْهُ فَأَخْتَارَتْ نَفْسَهَا وَكَانَ  
زَوْجُهَا حُرًّا.

2. 'Her husband was a free man': These are not the words of 'Aishah, but Aswad, who is a successor (*Tabi'i*) and he was not present on the occasion. A manifest clarification has been transmitted from 'Aishah and Ibn 'Abbâs that he was a slave.

**3480.** It was narrated from 'Aishah that she wanted to buy Barîrah, but her masters stipulated that her *Wala'* should go to them. She mentioned that to the Prophet ﷺ and he said: "Buy her and set her free, for *Al-Wala'* is to the one who sets the slave free." Some meat was brought and it was said: "This is some of that which was given in charity to Barîrah." He said: "It is charity for her and a gift for us." And the Messenger of Allâh ﷺ gave her the choice, and her husband was a free man. (*Sahîh*)

٣٤٨٠ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ عَنْ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنْ الْأَسْوَدِ، عَنْ عَائِشَةَ: أَنَّهَا أَرَادَتْ أَنْ تَشْرِيَ بَرِيرَةَ فَأَشْتَرَطُوا وَلَاءَهَا، فَذَكَرَتْ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «اشْتَرِيهَا وَأَغْتَبِقْهَا فَإِنَّ الْوَلَاءَ لِمَنْ أَعْنَى»، وَأَتَيَ بِلَحْمٍ فَقَيلَ: إِنَّ هَذَا مِمَّا تُصْدِقُ بِهِ عَلَى بَرِيرَةَ فَقَالَ: «هُوَ لَهَا صَدَقَةٌ وَنَا هَدِيَّةٌ». وَخَيْرُهَا رَسُولُ اللَّهِ ﷺ وَكَانَ زَوْجُهَا حُرًّا.

تخریج: [صحیح] تقدم، ح: ٢٦١٥، و هو في الكبير، ح: ٥٦٤٣.

#### Comments:

(For details, see *Hadîth* 3476, 3477, and 3479)

### Chapter 31. Giving The Choice To A Slave Woman Who Has Been Set Free And Whose Husband Is Still A Slave

**3481.** It was narrated that 'Aishah said: "Barîrah made a contract<sup>[1]</sup> that she would be freed in return for nine *Awâq*, one *Uqiyyah* to be paid each year." She came to 'Aishah asking for help and she said: "No, not unless they agree to accept the sum in one payment, and that the *Wala'* will go to me." Barîrah went and spoke to her

(المعجم ٣١) - بَابُ خِيَارِ الْأَمَةِ تَعْقُّقُ وَزَوْجُهَا مَمْلُوكٌ (الصفحة ٣١)

٣٤٨١ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنْ هَشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَاتَبْتُ بَرِيرَةَ عَلَى نَفْسِهَا بِتَشْعِيْشٍ أَوْ اقِيْفَةٍ فِي كُلِّ سَنَةٍ بِأَوْقِيَّةٍ فَأَتَتْ عَائِشَةَ تَشْتَعِيْهَا فَقَالَتْ: لَا، إِلَّا أَنْ يَشَاءُوا أَنْ أَعْدَّهَا لَهُمْ عَذَّةً وَاجِدَةً وَنَكُونُ الْوَلَاءُ لِي، فَلَدَّهَبَتْ بَرِيرَةَ فَكَمَّتْ فِي ذَلِكَ أَهْلَهَا فَأَبَوَا

[1] *Kitâbah*; a writ of emancipation, when a price for freedom is agreed upon. The author has provided a sample of such in the section of contracts, in the Book of Agriculture, Chapter 48.

masters but they insisted that the *Wala'* should be for them. She came to 'Âishah and the Messenger of Allâh ﷺ came, and she told her what her masters had said. She said: "No, by Allâh, not unless *Wala'* is to me." The Messenger of Allâh ﷺ said: "What is this?" She said: "O Messenger of Allâh, Barîrah came to me and asked me to help her with her contract of manumission, and I said no, not unless they agree to accept the sum in one payment, and that the *Wala'* will be for me. She mentioned that to her masters and they insisted that the *Wala'* should be for them." The Messenger of Allâh ﷺ said: "Buy her, and stipulate that the *Wala'* is for the one who sets the slave free." Then he stood up and addressed the people and said: "What is the matter with people who stipulate conditions that are not in the Book of Allâh, the Mighty and Sublime? They say: 'I set so-and-so free but the *Wala'* will be to me.' Every condition that is not in the Book of Allâh, the Mighty and Sublime, is a false condition, even if there are a hundred conditions." And the Messenger of Allâh ﷺ gave her the choice with regard to her husband who was still a slave, and she chose herself. 'Urwah said: "If he had been free the Messenger of Allâh ﷺ would not have given her the choice." (*Sahîh*)

عَلَيْهَا إِلَّا أَنْ يَكُونَ الْوَلَاءُ لَهُمْ، فَجَاءَتْ إِلَى عَائِشَةَ وَجَاءَ رَسُولُ اللَّهِ ﷺ عِنْدَ ذَلِكَ قَالَتْ لَهَا مَا قَالَ أَهْلُهَا، قَالَتْ: لَا هَا اللَّهُ إِذَا! إِلَّا أَنْ يَكُونَ الْوَلَاءُ لِي، قَالَ رَسُولُ اللَّهِ ﷺ: مَا هَذَا؟ قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ بَرِيرَةَ أَتَشِي تَسْعَيْنَ بِي عَلَى كِتَابِهِ فَقُلْتُ: لَا إِلَّا أَنْ يَشَاءُوا أَنْ أَعْدُهَا لَهُمْ عَدَّةً وَاحِدَةً وَيَكُونُ الْوَلَاءُ لِي فَذَكَرَتْ ذَلِكَ لِأَهْلِهَا فَأَبْوَا عَلَيْهَا إِلَّا أَنْ يَكُونَ الْوَلَاءُ لَهُمْ، قَالَ رَسُولُ اللَّهِ ﷺ: ابْتَاعِيهَا وَاشْتَرِطِي لَهُمُ الْوَلَاءَ فَإِنْ فَحِمَدَ اللَّهُ وَأَثْنَى عَلَيْهِ ثُمَّ قَالَ: مَا بَأْلَ أَهْوَامٍ يَسْتَرِطُونَ شُرُوطًا لَيْسَتْ فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ؟ يَقُولُونَ: أَغْتَقْنَا فُلَانًا وَالْوَلَاءُ لِي، كِتَابُ اللَّهِ عَزَّ وَجَلَّ أَحَقُّ وَشَرْطُ اللَّهِ أَوْتَقُ، وَكُلُّ شَرْطٍ لَيْسَ فِي كِتَابِ اللَّهِ فَهُوَ باطِلٌ وَإِنْ كَانَ مِائَةً شَرْطٍ» فَخَيَّرَهَا رَسُولُ اللَّهِ ﷺ مِنْ زَوْجِهَا وَكَانَ عَبْدًا فَاخْتَارَتْ نَفْسَهَا. قَالَ عُرْوَةُ: فَلَوْ كَانَ حُرًّا مَا خَيَّرَهَا رَسُولُ اللَّهِ

كتاب

تخریج: أخرجه مسلم، العتق، باب بيان أن الولاء لمن أعتق، ح: ٩/١٥٠٤ من حديث جرير ابن عبد الحميد به، وهو في الكبير، ح: ٥٦٤٤، وأخرجه البخاري، ح: ٢٥٦٣ من حديث هشام به.

## Comments:

1. 'Nine Uqiyahs': One *Uqiyah* consisted of forty dirhams. Nine *Uqiyah* add up to three hundred and sixty dirhams.
2. From the apparent Arabic phrasing of this narration, it appears that 'Aishah wanted to acquire the right of *Al-Walâ'* by paying the full amount in one installment to Barîrah with a view to helping her. But this perception is not right. The sermon of Allâh's Messenger ﷺ and other narrations corroborate that 'Aishah wanted to buy and emancipate her. Had it been the former case, the viewpoint of the (Barîrah's) owners would have been appropriate.
3. 'The condition which is not found in the Book of Allâh is not valid' means the conditions which go against the explicit elucidation of the Book of Allâh. Otherwise it is not necessary that every condition be found in the Book of Allâh.

**3482.** It was narrated that 'Aishah, may Allâh be pleased with her, said: "The husband of Barîrah was a slave." (*Sahîh*)

٣٤٨٢ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا الْمُغَيْرَةُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا وُهَيْبٌ عَنْ عَبْيَدِ اللَّهِ بْنِ عُمَرَ، عَنْ يَرِيدَ بْنِ رُومَانَ، عَنْ عَرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ زَوْجُ بَرِيرَةَ عَبْدًا.

تخریج: أخرجه مسلم، ح: ١٣/١٥٠٤ من حديث وهب به (انظر الحديث السابق)، وهو في الكبرى، ح: ٥٦٤٥.

**3483.** It was narrated from 'Aishah that she bought Barîrah from some of the *Anṣâr* who stipulated that her *Wala'* should go to them. The Messenger of Allâh ﷺ said: "*Al-Wala'* is to the one who did the favor (of setting the slave free)." The Messenger of Allâh ﷺ gave her the choice, as her husband was a slave. And she gave some meat to 'Aishah as a gift, and the Messenger of Allâh ﷺ said: "Why don't you give me some of this meat?" 'Aishah said: "It was given in charity to Barîrah." He said: "It is charity for her, and a gift for us." (*Sahîh*)

٣٤٨٣ - أَخْبَرَنَا الْقَاسِمُ بْنُ رَكَيْأَ بْنِ دِينَارَ قَالَ: حَدَّثَنَا حُسَيْنٌ عَنْ زَائِدَةَ، عَنْ سِمَائِكَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ عَائِشَةَ: أَنَّهَا اشترَتْ بَرِيرَةَ مِنْ أَنْاسٍ مِنَ الْأَنْصَارِ فَاشتَرَطُوا الْوَلَاءَ، فَقَالَ رَسُولُ اللَّهِ: «الْوَلَاءُ لِمَنْ وَلَيَ النِّعْمَةَ» وَحَيْرَهَا رَسُولُ اللَّهِ ﷺ وَكَانَ زَوْجُهَا عَبْدًا، وَأَهَدَتْ لِعَائِشَةَ لَحْمًا فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ وَضَعْتُمْ لَنَا مِنْ هَذَا الْلَّحْمِ» قَالَتْ عَائِشَةُ: تُصْدِقُ بِهِ عَلَى بَرِيرَةَ فَقَالَ: «هُوَ لَهَا صَدَقَةٌ وَهُوَ لَنَا هَدِيَّةٌ».

تخریج: أخرجه مسلم، ح: ١١/١٥٠٤ من حديث حسين بن علي به (انظر الحديثين)

السابقين)، وهو في الكبير، ح: ٥٦٤٧.

**3484.** Yahya bin Abî Bukair Al-Karmânî said: “Shu‘bah narrated to us, from ‘Abdur-Râhîmân bin Al-Qâsim, from his father, from ‘Âishah. He (Shu‘bah) said: “And he (‘Abdur-Râhîmân) was the executor for his father.” He (Shu‘bah) said: “I was afraid to say to him: ‘Did you hear this from your father.’” – ‘Âishah said: “I asked the Messenger of Allâh ﷺ about Barîrah, as I wanted to buy her but it was stipulated that the *Wala’* would go to her (former) masters. He said: ‘Buy her, for the *Wala’* is to the one who sets the slave free.’ And she was given the choice, as her husband was a slave.” Then he said, after that: “I do not know.”<sup>[1]</sup> – “And some meat was brought to the Messenger of Allâh ﷺ and they said: ‘This is some of that which was given in charity to Barîrah.’ He said: ‘It is charity for her and a gift for us.’” (*Sahîh*)

تخریج: أخرجه البخاري، الهبة، باب قبول الهدية، ح: ٢٥٧٨، ومسلم، ح: ١٥٠٤ / ١٢٢ (انظر الحديث السابق) من حديث شعبة به، وهو في الكبير، ح: ٥٦٤٨ \* وصي أبيه هو عبد الرحمن والسائل شعبة.

### Comments:

‘I do not know’: Whether he had been a free man or a slave. By one transmitter’s forgetfulness, the sound report of the rest of the narrators does not become weak. The rest of the details have already been discussed in two or three chapters, which have preceded earlier.

٣٤٨٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي بَكْرٍ الْكَرْمَانِيُّ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْفَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ - قَالَ: وَكَانَ وَصِيًّا أَبِيهِ قَالَ: وَفَرَقْتُ أَنْ أَقُولَ: سَوْعَتْهُ مِنْ أَبِيكَ؟ - قَالَتْ عَائِشَةُ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْ بَرِيرَةَ وَأَرْدَتُ أَنْ أَشْتَرِيهَا وَاشْتَرِطَتِ الْوَلَاةَ لِأَهْلِهَا، فَقَالَ: «اشْتَرِيهَا فَإِنَّ الْوَلَاةَ لِمَنْ أَعْنَى» قَالَ: وَخُبِرْتُ وَكَانَ زَوْجُهَا عَبْدًا، ثُمَّ قَالَ بَعْدَ ذَلِكَ: مَا أَذْرِي وَأَتَيْتُ رَسُولَ اللَّهِ ﷺ بِلَحْمٍ فَقَالُوا: هَذَا مِمَّا تُصْدِقُ بِهِ عَلَى بَرِيرَةَ قَالَ: هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَّةٌ» .

[1] This refers to whether her husband was a slave or not. In a narration of Al-Bukhârî (2578) it is: “‘Abdur-Râhîmân said: ‘Her husband was free, or, a slave.’” Shu‘bah said: “I asked ‘Abdur-Râhîmân about her husband, he said: ‘I do not know, was he free or a slave.’”

## Chapter 32. The Oath Of Abstinence

**3485.** Ibn ‘Abbâs said: “One morning, we saw the wives of the Prophet ﷺ weeping, and each one of them had her family with her. I entered the *Masjid* and found it filled with people. Then ‘Umar, may Allâh be pleased with him, came, and went to the Prophet ﷺ who was in his room. He greeted him with the *Salâm* but no one answered. He greeted him again but no one answered. He greeted him (a third time) but no one answered. So he went back and called out: ‘Bilâl!’ He came to the Prophet ﷺ and said: ‘Have you divorced your wives?’ He said: ‘No, but I have sworn an oath of abstinence from them for a month.’ So he stayed away from them for twenty-nine days, then he came and went into his wives.” (*Sahîh*)

(المعجم ٣٢) - بَابُ الْإِيَلَاءِ (التحفة ٣٢)

٣٤٨٥ - أَخْبَرَنَا أَحْمَدُ بْنُ عَبْدِ اللَّهِ بْنِ الْحَكَمِ الْبَصْرِيِّ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مَعَاوِيَةَ قَالَ: حَدَّثَنَا أَبُو يَعْفُورُ عَنْ أَبِي الصُّحْنِيِّ قَالَ: تَذَكَّرْنَا الشَّهْرَ عِنْدَهُ فَقَالَ بَعْضُنَا: ثَلَاثَيْنَ، وَقَالَ بَعْضُنَا: يَسْعَى وَعِشْرِينَ، فَقَالَ أَبُو الصُّحْنِيِّ: حَدَّثَنَا أَبْنُ عَبَّاسٍ قَالَ: أَضْبَحْنَا يَوْمًا وَنِسَاءُ النَّبِيِّ ﷺ يَتَكَبَّرْنَ عِنْدَ كُلِّ امْرَأَةٍ مِنْهُنَّ أَهْلُهَا فَخَلَّتِ الْمَسْجِدَ فَإِذَا هُوَ مَلَانٌ مِنَ النَّاسِ، قَالَ: فَجَاءَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ فَصَعَدَ إِلَى النَّبِيِّ ﷺ وَهُوَ فِي عُلَيَّةٍ لَهُ فَسَلَّمَ عَلَيْهِ فَلَمْ يُجِبْهُ أَحَدٌ، ثُمَّ سَلَّمَ فَلَمْ يُجِبْهُ أَحَدٌ، ثُمَّ سَلَّمَ فَلَمْ يُجِبْهُ أَحَدٌ، فَرَجَعَ فَنَادَى: إِلَّا! فَدَخَلَ عَلَى النَّبِيِّ ﷺ قَالَ: أَطْلَقْتَ نِسَاءَكَ؟ قَالَ: «لَا وَلَكَنِي أَلَيْتُ مِنْهُنَّ شَهْرًا» فَمَكَثَ يَسْعَى وَعِشْرِينَ ثُمَّ نَزَّلَ فَدَخَلَ عَلَى نِسَائِهِ.

تخریج: أخرجه البخاري، النکاح، باب هجرة النبي ﷺ نساءه في غير بيتهن، ح ٥٢٠٣ من حديث مروان بن معاویة الفزاری به، وهو في الكبری، ح ٥٦٤٩.

### Comments:

- ‘*Iلâ*’ in its literal sense signifies to vow, but here it means swearing to abstain from intercourse with one’s wife. If the husband is angry with his wife and swears in this manner, he may only maintain the vow for four months. On expiration of the duration of four months, he must either copulate with his wife, breaking the oath and pay the expiation for the oath, or he will be obliged to divorce her. If he denies both these things, the current ruler (or a magistrate, etc.) would bring into effect the divorce, using their own authority. Thus the wife would become separated from her husband. Allâh’s Messenger ﷺ had sworn off of his wives for one month only, and he fulfilled it.
- ‘They (the Prophet’s ﷺ wives) were weeping’: It had occurred to them that perhaps taking such a vow equals a divorce, or they were weeping because of the Prophet’s ﷺ displeasure and separation.

3. ‘No one answered’ means permission to enter was not given. They might have returned the greeting in a low voice.
4. ‘Twenty-nine days’ because a month could consist of twenty-nine days as well as thirty days. The Divine law has ruled twenty-nine days as a full month. Hence, if the vow is for one month, upon the expiration of twenty-nine days, the vow would be fulfilled, for whatever objective it might have been.

**3486.** It was narrated that Anas said: “The Prophet ﷺ swore an oath of abstention from his wives for a month and stayed in his room for twenty-nine days. It was said: ‘O Messenger of Allâh, did you not swear an oath of abstention for a month?’ He said: ‘This month is twenty-nine days.’” (*Sahîh*)

تخریج: أخرجه البخاري، ح: ٣٧٨، ١٩١١، ٢٤٦٩، ٥٢٨٩، ٥٢٠١، ٦٦٨٤ من حديث حميد الطويل به مطولاً، وصرح بالسماع عنده، وهو في الكبير، ح: ٥٦٥٠ \* خالد هو ابن الحارث.

### Chapter 33. Az-Zihâr<sup>[1]</sup>

٣٤٨٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ النُّعَيْنِ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا حُمَيْدٌ عَنْ أَنَسٍ قَالَ: إِلَى النَّبِيِّ ﷺ مِنْ نِسَائِهِ شَهْرًا فِي مَشْرَبَةِ لَهُ فَمَكَثَ تِسْعًا وَعَشْرِينَ لَيْلَةً ثُمَّ نَزَّلَ فَقِيلَ: يَا رَسُولَ اللَّهِ! أَلَيْسَ آئِثَتْ عَلَى شَهْرٍ؟ قَالَ: «الشَّهْرُ تِسْعُ وَعِشْرُونَ».

(المعجم (٣٣) - باب الظهار (التحفة (٣٣)

**3487.** It was narrated from Ibn ‘Abbâs that a man came to the Prophet ﷺ who had declared *Zihâr* from his wife, then he had intercourse with her. He said: “O Messenger of Allâh, I declared *Zihâr* on my wife, then I had intercourse with her before I offered the expiation.” He said: “What made you do that, may Allâh have mercy on you?” He said: “I saw her anklets in the light of the moon.” He said: “Do not approach her until you have done that which Allâh, the Mighty and Sublime, has commanded.” (*Sahîh*)

٣٤٨٧ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثَ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنْ مَعْمَرٍ، عَنْ الْحَكْمَ بْنِ أَبِي أَبَانٍ، عَنْ عَكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا أتَى النَّبِيِّ ﷺ قَدْ ظَاهَرَ مِنْ أَمْرِ أَيْهِ فَوَقَعَ عَلَيْهَا، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي ظَاهَرْتُ مِنْ أَمْرِ أَتَيْ فَوَقَعْتُ قَبْلَ أَنْ أُكَفِّرَ، قَالَ: «وَمَا حَمَلْتَ عَلَى ذَلِكَ يَرِحْمُكَ اللَّهُ؟» قَالَ: رَأَيْتُ خَلْخَالَهَا فِي ضَوْءِ الْقَمَرِ فَقَالَ: «لَا تَقْرَبَهَا حَتَّى تَفْعَلَ مَا أَمَرَ اللَّهُ عَزَّ وَجَلَّ».

تخریج: [إسناده حسن] أخرجه أبو داود، الطلاق، باب: في الظهار، ح: ٢٢٢٥،

[١] When a man says to his wife: “You are to me as my mother’s back.” Intimacy with her thus becomes forbidden, but she was left in a kind of limbo, as she was not fully divorced or allowed to seek marriage with another.

والترمذني، الطلاق، باب ماجاء في المظاهر يوأق قبل أن يكفر، ح: ١١٩٩ عن الحسين بن حرث به، وقال الترمذني: "حسن صحيح غريب"، وهو في الكبير، ح: ٥٦٥١.

### Comments:

*Zihâr* means someone tells his wife, 'You are like my mother's back to me.' The objective happens to be to forbid one's wife upon oneself. If some other words are used to forbid her, then expiation for the oath is enough. But if someone forbids (one's wife upon oneself) by comparing her with one's mother's back, a very severe expiation shall have to be given, because the mother is an extremely revered person. To call one's wife one's mother in order to forbid her, is a grave insult to mother. The expiation for *Zihâr* consists of freeing a slave; if not possible, to fast the days of two consecutive months; if this is not possible, then the expiation is to feed sixty poor people. Sexual intercourse is forbidden until the expiation is performed.

**3488.** It was narrated that 'Ikrimah said: "A man declared *Zihâr* to his wife, then had intercourse with her before he had offered the expiation. He mentioned that to the Prophet ﷺ. The Prophet ﷺ said to him: 'What made you do that?' He said: 'May Allâh have mercy on you, O Messenger of Allâh. I saw her anklets, or her calves, in the light of the moon.' The Messenger of Allâh ﷺ said: 'Keep away from her until you have done that which Allâh, the Mighty and Sublime, has commanded.'" (*Hasan*)

تخریج: [إسناده حسن] انظر الحديث السابق، وهو في الكبير، ح: ٥٦٥٢.

### Comments:

1. If someone copulates with one's wife after having committed *Zihâr* and before performing the prescribed expiation, then it is a sin. But only one expiation shall have to be performed, because the *Zihâr* was committed only once. Some have imposed upon him a dual expiation, but it is not correct.
2. 'May Allâh have mercy on you': In the previous narration, Allâh's Messenger ﷺ had supplicated for him even though he had perpetrated a sin. But Allâh's Messenger ﷺ was the most excellent teacher, and an affectionate leader. The Prophet ﷺ corrected the wrongdoers by his excellent character.

**3489.** 'Ikrimah said: "A man came to the Prophet of Allâh ﷺ and said: 'O Prophet of Allâh,' and that

- أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقَ قَالَ: حَدَّثَنَا مَعْمُورٌ عَنِ الْحَكَمِ بْنِ أَبَانٍ، عَنْ عِكْرِمَةَ قَالَ: تَظَاهَرَ رَجُلٌ مِنْ أَمْرَأَتِهِ فَأَصَابَهَا قَبْلَ أَنْ يُكَفَّرَ، فَذَكَرَ ذَلِكَ لِلنَّبِيِّ ﷺ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «مَا حَمَلْتَ عَلَى ذَلِكَ؟» قَالَ: رَحْمَكَ اللَّهُ يَا رَسُولَ اللَّهِ! رَأَيْتُ خَلْخَالَهَا أَوْ سَاقَيْهَا فِي ضَوْءِ الْقَمَرِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَاغْتَرِلْهَا حَتَّى تَغْلِبَ مَا أَمْرَكَ اللَّهُ عَزَّ وَجَلَّ».

- أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا الْمُعْتَمِرُ، حَ وَأَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ

he had declared *Zihâr* to his wife, then he had intercourse with her before he did what he had to do. He said: 'What made you do that?' He said: 'O Prophet of Allâh! I saw the whiteness of her calves in the moonlight.' The Prophet ﷺ said: 'Keep away until you have done what you have to do.' (One of the narrators) Ishâq said in his *Hadîth*: 'Keep away from her until you have done what you have to do.' The wording is that of Muhammad. (*Hasan*)

Abû 'Abdur-Rahmân (An-Nasâ'i) said: The *Mursal* is more worthy of being considered correct than the *Musnad* (of this narration),<sup>[1]</sup> and Allâh, Glorious is He and Most High, knows best.

الأَعْلَى قَالَ: حَدَّثَنَا الْمُعْتَمِرُ قَالَ: سَمِعْتُ الْحَكَمَ بْنَ أَبْيَانَ قَالَ: سَمِعْتُ عَكْرَمَةَ قَالَ: أَتَى رَجُلٌ نَبِيَّ اللَّهِ فَقَالَ: يَا نَبِيَّ اللَّهِ إِنَّهُ ظَاهِرٌ مِنْ امْرَأَتِهِ ثُمَّ غَشِّيَهَا قَبْلَ أَنْ يَفْعَلَ مَا عَلَيْهِ، قَالَ: «مَا حَمَلَكَ عَلَى ذَلِكَ؟» قَالَ: يَا نَبِيَّ اللَّهِ رَأَيْتُ يَيَاضَ سَاقِيَهَا فِي الظَّمَرِ، قَالَ النَّبِيُّ ﷺ: «فَاغْتَرَلْ حَتَّى تَقْضِيَ مَا عَلَيْكَ». وَقَالَ إِسْحَاقُ فِي حَدِيثِهِ: «فَاغْتَرَلَهَا حَتَّى تَقْضِيَ مَا عَلَيْكَ»، وَاللَّفْظُ لِمُحَمَّدٍ.

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: الْمُرْسَلُ أَوْلَى بِالصَّوَابِ مِنَ الْمُسْنَدِ، وَاللَّهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ.

تخریج: [إسناده حسن] انظر الحدیثين السابقین، وهو في الكبری، ح: ۵۶۵۳.

**3490.** It was narrated from 'Âishah that she said: "Praise be to Allâh Whose hearing encompasses all voices. Khawlah came to the Messenger of Allâh ﷺ complaining about her husband, but I could not hear what she said. Then Allâh, the Mighty and Sublime, revealed: 'Indeed Allâh has heard the statement of her that disputes with you concerning her husband, and complains to Allâh. And Allâh hears the argument between you both.'"<sup>[2]</sup> (*Sahîh*)

٣٤٩٠ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنِ الْأَعْمَشِ، عَنْ تَبِيعِ بْنِ سَلَمَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: الْحَمْدُ لِلَّهِ الَّذِي وَسَعَ سَمْعُهُ الْأَصْوَاتَ، لَقَدْ جَاءَتْ حَوْلَةً إِلَى رَسُولِ اللَّهِ ﷺ تَشْكُرُ زَوْجَهَا، فَكَانَ يَخْفِي عَلَيْهِ كَلَامُهَا، فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ: «فَقَدْ سَعَ اللَّهُ قَوْلَ الَّتِي تُجَدِّلُكَ فِي زَوْجِهَا وَتَشْكِكُ إِلَى اللَّهِ وَاللَّهُ يَسْعَ مَحَاورَكُمْ».

الآیة [المجادلة: ۱].

تخریج: [صحیح] أخرجہ ابن ماجہ، المقدمة، باب: فيما أنکرت الجهمیة، ح: ۱۸۸ من

<sup>[1]</sup> The second version which he reported here is from 'Ikrimah (which is *Mursal*), while the first is also from him, but attributed to Ibn 'Abbâs.

<sup>[2]</sup> *Al-Mujâdilah* 58:1.

حديث الأعمش به، وهو في الكبيرى، ح: ٥٦٥٤، وعلقه البخاري في التوحيد، باب قول الله تعالى: «وكان الله سميعاً بصيراً» ح: ٧٣٨٦، وللحديث شواهد.

### Comments:

Khawla's husband had also declared *Zihâr* to her. She thought she had perhaps become forbidden for her husband. It moreover causes humiliation to the Children. Allâh, Most High, prescribed expiation out of His infinite mercy. He did not render the wife unlawful. And praise be to Allâh!

### Chapter 34. What Was Narrated Concerning *Khul'*

**3491.** It was narrated from Ayyûb, from Al-Hasan, from Abû Hurairah, that the Prophet ﷺ said: "Women who seek divorce and *Khul'*<sup>[1]</sup> are like the female hypocrites." Al-Hasan said: "I did not hear it from anyone other than Abû Hurairah." (*Sahîh*)

Abû 'Abdur-Râhmân (An-Nasâ'i) said: Al-Hasan did not hear anything from Abû Hurairah.

### (المعجم (٣٤) - باب مَا جاءَ فِي الْخُلُعِ (التحفة (٣٤)

٣٤٩١ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَبْيَانَا الْمَخْزُومِيُّ - وَهُوَ الْمُغَиْرَةُ بْنُ سَلَمَةَ - قَالَ: حَدَّثَنَا وُهَيْبٌ عَنْ أَيُوبَ، عَنْ الْحَسَنِ، عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «الْمُتَزَغَّاتُ وَالْمُخْتَلِعَاتُ هُنَّ الْمُنَافِقَاتُ». قَالَ الْحَسَنُ: لَمْ أَسْمَعْهُ مِنْ غَيْرِ أَبِي هُرَيْرَةَ. قَالَ أَبُو عَبْدِ الرَّحْمَنِ: الْحَسَنُ لَمْ يَسْمَعْ مِنْ أَبِي هُرَيْرَةَ شَيْئًا.

تخریج: [صحيح] أخرجه أحمده: ٤١٤ / ٢ من حديث وهب بن خالد به، وهو في الكبيرى، ح: ٥٦٥٥ \* والحسن صرخ بالسماع في هذا الحديث، وللحديث شواهد عند الترمذى، ح: ١١٨٦ . وغيره.

### Comments:

'Are hypocrites' means in spite of being under the wedlock of their husbands, they are ungrateful to them. Just as a hypocrite is insincere to Islam, in spite of his pronouncement of the testification, in the same way, these women have been compared to hypocrites. They are not branded real hypocrites. A Muslim, however, should not portray such evil comparisons. But demanding to be let go due to a genuine excuse is permissible; such a woman will not fall under this category.

**3492.** It was narrated from Yahya bin Sa'eed, from 'Amrah bint 'Abdur-Râhmân, that she told him about Habibah bint Sahl: "She was married to Thâbit bin Qais bin

٣٤٩٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: أَخْبَرَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيْدٍ، عَنْ عَمْرَةَ بْنِتِ عَبْدِ الرَّحْمَنِ: أَنَّهَا

<sup>[1]</sup> Meaning, for no legitimate reason. The author has supplied a sample of an agreement for *Khul'* in the section of contracts prior to chapter 48 of the Book of Agriculture.

**Shammâs.** The Messenger of Allâh ﷺ went out to pray *As-Suhîh* and he found Habîbah bint Sahl at his door at the end of the night. The Messenger of Allâh ﷺ said: ‘Who is this?’ She said: ‘I am Habîbah bint Sahl, O Messenger of Allâh.’ He said: ‘What is the matter?’ She said: ‘I cannot live with Thâbit bin Qais’ – her husband. When Thâbit bin Qais came, the Messenger of Allâh ﷺ said to him: ‘Here is Habîbah bint Sahl and she has said what Allâh willed she should say.’ Habîbah said: ‘O Messenger of Allâh, everything that he gave me is with me.’ The Messenger of Allâh ﷺ said: ‘Take it from her.’ So he took it from her and she stayed with her family.” (*Sahîh*)

أَخْبَرَهُ عَنْ حَبِيبَةِ بِنْتِ سَهْلٍ : أَنَّهَا كَانَتْ تَحْتَ ثَابِتَ بْنَ قَيْسٍ بْنَ شَمَاسٍ وَأَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ خَرَجَ إِلَى الصُّبْحِ فَوَجَدَ حَبِيبَةَ بِنْتَ سَهْلٍ عِنْدَ بَابِهِ فِي الْعَلَسِ ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ : «مَنْ هَذِهِ؟» قَالَتْ : أَنَا حَبِيبَةُ بِنْتُ سَهْلٍ يَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ ! فَقَالَ : «مَا شَأْنُكِ؟» قَالَتْ : لَا أَنَا وَلَا ثَابِتُ بْنُ قَيْسٍ - لَرَوْجَهَا - ، فَلَمَّا جَاءَ ثَابِتَ أَبْنَ قَيْسٍ قَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ : «هَذِهِ حَبِيبَةُ بِنْتُ سَهْلٍ فَدَعَكَرَثَ مَا شَاءَ اللَّهُ أَنْ تَذَكَّرَ». فَقَالَتْ حَبِيبَةُ : يَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ لِثَابِتِ : «خُذْ عِنِّي ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ لِثَابِتِ : «خُذْ مِنْهَا». فَأَخَذَهُ مِنْهَا وَجَلَسَتْ فِي أَهْلِهَا .

تخریج: [إسناده صحيح] أخرجه أبو داود، الطلاق، باب: في الخلع، ح: ٢٢٢٧ من حديث مالك به، وهو في الموطأ (يعني): ٥٦٤ / ٢، والكبرى، ح: ٥٦٥٦، وصححه ابن خزيمة، فتح: ٩ / ٣٩٩، وابن حبان، ح: ١٣٢٦.

### Comments:

1. A woman's demand to be let go by her husband is called *Khul'*. In such a situation, the husband may demand the return of the dower and other gifts given to his wife, if he so desires. He, however, may not take anything in addition to it from her personal possessions or wealth. Now the husband would not be able to take her back. If, however, both of them so desire, they may contract a new marriage after the expiration of the waiting period.
2. The waiting period of a woman who acquires *Khul'* is three menstrual cycles only, according to the Hanafites. While Imâm Ash-Shâfi'i, maintains that the waiting period is only one menstrual cycle, so that pregnancy is verified. This is supported by a narration that follows later, see No. 3527.

**3493.** It was narrated from Ibn 'Abbâs that the wife of Thâbit bin Qais came to the Prophet ﷺ and said: “O Messenger of Allâh, I do not find any fault with Thâbit bin Qais regarding his attitude or religious commitment, but I hate

٣٤٩٣ - أَخْبَرَنَا أَرْهَرُ بْنُ جَوَيْلٍ قَالَ : حَدَّثَنَا عَبْدُ الْوَهَابِ قَالَ : حَدَّثَنَا خَالِدٌ عَنْ عَكْرَمَةَ ، عَنْ أَبْنِ عَبَّاسٍ : أَنَّ امْرَأَةً ثَابِتَ بْنَ قَيْسٍ أَتَتِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ فَقَالَتْ : يَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ

*Kufr* after becoming Muslim.” The Messenger of Allâh ﷺ said: “Will you give him back his garden?” She said: “Yes.” The Messenger of Allâh ﷺ said: “Take back the garden and divorce her once.” (*Sahîh*)

ثَابِتُ بْنُ قَيْسٍ أَمَا إِنِّي مَا أَعِبُ عَلَيْهِ فِي  
خُلُقٍ وَلَا دِينٍ، وَلَكِنِي أَكْرَهُ الْكُفُرَ فِي  
الْإِسْلَامِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: أَتَرْدِينَ  
عَلَيْهِ حَدِيقَتَهُ؟ قَالَتْ: نَعَمْ، قَالَ رَسُولُ اللَّهِ  
ﷺ: «أَقْبِلِ الْحَدِيقَةَ وَطَلَقُهَا تَطْلِيقَةً».

تخریج: آخرجه البخاري، الطلاق، باب الخلع وكيف الطلاق فيه ... الخ، ح: ٥٢٧٣ عن  
أزحر به، وهو في الكبرى، ح: ٥٦٥٧.

#### Comments:

‘I detest *Kufr* after becoming Muslim’: Meaning she did not like him and was afraid she might not show him the respect due to a husband. *Kufran*, translated unbelief, can also mean ingratitude. To abhor the husband while residing in his house, to quarrel with him, and to displease him are deeds which are all prohibited in Islam. Conversely, they are the deeds of *Kufri*. But *Kufri* also means ingratitude toward the husband. Ingratitude is also called *Kufri* in the Arabic language.

**3494.** It was narrated that Ibn ‘Abbâs said: “A man came to the Messenger of Allâh ﷺ and said: ‘My wife does not object if anyone touches her.’ He said: ‘Divorce her if you wish.’ He said: ‘I am afraid that I will miss her.’ He said: ‘Then stay with her as much as you need to.’” (*Sahîh*)

٣٤٩٤ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثٍ  
قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى قَالَ: حَدَّثَنَا  
الْحُسَيْنُ بْنُ وَاقِدٍ عَنْ عُمَارَةَ بْنِ أَبِي  
حَفْصَةَ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَاسٍ قَالَ:  
جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ قَالَ: إِنَّ امْرَأَيِ  
لَا تَمْنَعَ يَدَ لَامِسٍ، قَالَ: «غَرَبَهَا إِنْ شِئْتَ»  
قَالَ: إِنِّي أَخَافُ أَنْ تَتَبَعَهَا نَفْسِي قَالَ:  
«اشْتَمِعْ إِلَيْهَا».

تخریج: [إسناده صحيح] آخرجه أبو داود، النکاح، باب النهي عن تزویج من لم يلد من النساء، ح: ٢٠٤٩ عن الحسين بن حریث المروزی به، وهو في الكبرى، ح: ٥٦٥٨، وقال أحمد ابن حنبل: “ليس هو عندنا إلا على معنى أنها تعطي من ماله ولم يكن النبي ﷺ ليأمره بامساكها وهي تفجر”， وراجع نيل المقصود.

#### Comments:

(See *Hadîth* 3231)

**3495.** It was narrated from Ibn ‘Abbâs that a man said: “O Messenger of Allâh, I have a wife who does not object if anyone

٣٤٩٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ:  
حَدَّثَنَا النَّصْرُ بْنُ شَمِيلٍ قَالَ: حَدَّثَنَا حَمَادُ بْنُ  
سَلَمَةَ قَالَ: أَخْبَرَنَا هَارُونُ بْنُ رِئَابٍ عَنْ عَبْدِ

touches her. He said: "Divorce her." He said: "I cannot live without her." He said: "Then keep her." (*Sahih*) This is a mistake, and what is correct is that it is *Mursal*.<sup>[1]</sup>

الله بْنُ عَبْدِ اللَّهِ بْنِ عَمِيرٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ إِنَّ تَحْتِي امْرَأَةً لَا تَرْدُ يَدَ لَامِسٍ، قَالَ: «طَلَقُهَا» قَالَ: إِنِّي لَا أَضِيرُ عَنْهَا، قَالَ: «فَأَمْسِكُهَا». قَالَ أَبُو عَبْدِ الرَّحْمَنِ: هَذَا خَطَاً وَالصَّوَابُ مُرْسَلٌ.

تخریج: [صحیح] تقدم، ح: ٣٢٣١، وهو في الكبير، ح: ٥٦٥٩.

### Comments:

Both the above-recorded narrations seem to have no relevance with the chapter. They are, however, relevant to the issue of divorce. For instance, it is not necessary to resort to divorce upon such petty circumstances. (See *Hadith* 3231)

### Chapter 35. The Beginning Of Al-Li'ân (The Curse)

**3496.** It was narrated from Sahl bin Sa'd, from 'Âsim bin 'Adiyy who said: "Uwaimir, a man from Banu 'Ajlân, came and said: 'O 'Âsim, what do you think if a man sees another man with his wife, should he kill him and be killed in retaliation, or what should he do? O 'Âsim, ask the Messenger of Allâh ﷺ about that for me.'" So 'Âsim asked the Messenger of Allâh ﷺ about that, and the Messenger of Allâh ﷺ disapproved of the question and criticized the asking of too many questions. Then 'Uwaimir came to him and said: "What happened, O 'Âsim?" 'Âsim said to 'Uwaimir: "What happened?! You have not brought me any good. The Messenger of Allâh ﷺ disapproved of the question I asked." 'Uwaimir

(المعجم ٣٥) - بَابُ بِدءِ اللَّعَانِ

(التحفة ٣٥)

٣٤٩٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْمَرٍ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي سَلَمَةَ وَإِبْرَاهِيمَ بْنَ سَعْدٍ عَنِ الزُّهْرِيِّ، عَنْ سَهْلِ بْنِ سَعْدٍ، عَنْ عَاصِمِ بْنِ عَدَى قَالَ: جَاءَنِي عُوَيْمَرٌ رَجُلٌ مِنْ بَنِي الْعَجَلَانَ قَالَ: أَنِّي عَاصِمٌ! أَرَأَيْتُمْ رَجُلًا رَأَى مَعَ امْرَأَتِهِ رَجُلًا أَيْقَنُلَهُ فَقَتَلَهُنَّهُ أَمْ كَيْفَ يَفْعَلُ؟ يَا عَاصِمٌ! سُلْ لِي رَسُولُ اللَّهِ ﷺ، فَسَأَلَ عَاصِمٌ عَنْ ذَلِكَ النَّبِيَّ ﷺ، فَعَابَ رَسُولُ اللَّهِ ﷺ الْمَسَائِلَ وَكَرِهَهَا، فَجَاءَهُ عُوَيْمَرٌ فَقَالَ: مَا صَنَعْتَ يَا عَاصِمٌ؟ قَالَ: صَنَعْتُ أَنَّكَ لَمْ تَأْتِي بِخَيْرٍ، كَرِهَ رَسُولُ اللَّهِ ﷺ الْمَسَائِلَ وَعَابَهَا، قَالَ عُوَيْمَرٌ: وَاللَّهِ! لَا شَأْنَ عَنْ

[1] He explains in *Al-Kubra*, that this particular chain going through Hammad bin Salamah has a mistake in it, in that others narrated it from him, without the mention of Ibn 'Abbâs.

said: "By Allâh, I will go and ask the Messenger of Allâh." So he went to the Messenger of Allâh and asked him. The Messenger of Allâh said: "Allâh the Mighty and Sublime has revealed (something) concerning you and your wife, so bring her here." Sahl said: "I was among the people in the presence of the Messenger of Allâh and he brought her and they engaged in the procedure of *Li'ân*. He said: 'O Messenger of Allâh, by Allâh! If I keep her I would have been telling lies about her.' So he parted from her before the Messenger of Allâh told him to separate from her, and that became the way of *Li'ân*."

(*Sahîh*)

تخریج: [صحيح] أخرجه أحمد: ٣٣٧ / ٥ من حديث عبدالعزيز به، وهو في الكبرى، ح: ٥٦٠، وأخرجه البخاري، ح: ٥٣٨ وغیره، ومسلم، ح: ١٤٩٢ وغیرهما من حديث الزهرى عن سهل به من مستنده.

### Comments:

A man who witnesses his wife in the state of adultery, and has no other witnesses except himself, then the Divine law has made special provision for the husband to deal with such a situation. An ordinary person may not disclose the matter to anyone. He shall have to remain silent. But the husband is permitted to present himself before the court of law. The court would summon the wife also. Both of them would take oaths. If one of them refuses to take oath, he or she shall be punished: the man will be punished for accusation, and the woman for adultery. If both of them take oaths, the court would annul their marriage, and would say nothing to either of them. The method of *Li'ân* (mutual cursing) is coming up. (See also *Hadîth* 3431).

### Chapter 36. *Li'ân* Because Of Pregnancy

**3497.** It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh conducted the procedure of *Li'ân* between the 'Ajlâni and his wife, who was pregnant." (*Sahîh*)

ذلكَ رَسُولُ اللهِ ﷺ، فَأَنْطَلَقَ إِلَى رَسُولِ اللهِ ﷺ فَسَأَلَهُ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «فَدَّ أَنْزَلَ اللَّهُ [عَزَّ وَجَلَّ] فِيكَ وَفِي صَاحِبِكَ فَأَئْتِ يَهَا». قَالَ سَهْلٌ: وَأَنَا مَعَ النَّاسِ عِنْدَ رَسُولِ اللهِ ﷺ، فَجَاءَ بِهَا فَتَلَاقَنَا، فَقَالَ: يَا رَسُولَ اللَّهِ! وَاللَّهِ! لَئِنْ أَمْسَكْتُهَا لَقَدْ كَذَبْتُ عَلَيْهَا، فَقَارَبَهَا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللهِ ﷺ بِفَرَاقِهَا، فَصَارَتْ سُنَّةَ الْمُتَلَاعِنِينَ.

(المعجم ٣٦) - بَابُ اللَّعَانِ بِالْحَبْلِ  
(التحفة ٣٦)

٣٤٩٧ - أَخْبَرَنَا أَحْمَدُ بْنُ عَلَيِّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي بَكْرٍ قَالَ: حَدَّثَنَا عُمَرُ بْنُ عَلَيِّ قَالَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ عُقْبَةَ عَنْ

أبى الزناد، عن القاسم بن محمد، عن ابن عباس قال: لاعن رسول الله ﷺ بين العجلاني وامرأته وكانت حبلة.

تخریج: [إسناده صحيح] وهو في الكبرى، ح: ٥٦٦١، وهو متفق عليه من حديث أبي الزناد عن القاسم به بأصله \* محمد هو المقدمي، وعمر عمده.

### Comments:

1. If a woman becomes pregnant and her husband has certitude that the pregnancy is the result of adultery and not caused by him, he may go to the court of law to bring a suit against the woman. The court would summon the woman and bring about the invocation of the curse.
2. *Li'ân* is supplicating for the curse of Allâh upon the liar. Since, while swearing, man usually curses the liar, this process was named *Li'ân*.

### Chapter 37. *Li'ân* Because Of The Man Accusing His Wife (Of Adultery) With A Specific Person

**3498.** It was narrated that Muhammad said: "I asked Anas bin Mâlik about that, as I thought that he had knowledge of that. He said: 'Hilâl bin Umayyah accused his wife (of committing adultery) with Sharîk bin As-Sahmâ', who was the brother of Al-Barâ' bin Mâlik through his mother. He was the first one who engaged in the procedure of *Li'ân*. The Messenger of Allâh ﷺ conducted the procedure of *Li'ân* between them, then he said: "Look and see, if she produces a child who is white, with straight hair and *Qadîyâ* eyes,<sup>[1]</sup> then he belongs to Hilâl bin Umayyah, and if she produces a

(المعجم ٣٧) - باب اللعان في قذف الرجل زوجته برجل يعينه (التحفة ٣٧)

٣٤٩٨ - أخبرنا إسحاق بن إبراهيم قال: أخبرنا عبد الأعلى قال: سئل هشام عن الرجل يقذف امرأته، فحدّثنا هشام عن محمد قال: سألت أنس بن مالك عن ذلك وأنا أرى أنّ عينه من ذلك علماً، فقال: إن هلال بن أمية قذف امرأته بشربيك بن السحماء، وكان أخو البراء بن مالك لأمه، وكان أول من لاعن، فلاعن رسول الله ﷺ بيهما، ثم قال: «بصراً فإن جاءت به أمين سبطاً قضيَ العينين فهو ليهلاً بن أمية، وإن جاءت به أكحل جعداً أحمس السائرين فهو لشربيك بن السحماء» قال:

[1] Ibn Al-Athîr (*An-Nihâyah*), Ibn Al-Manzûr (*Lisân Al-'Arab*), An-Nawawî (*Sharh Muslim*), As-Suyûfi, and As-Sîdî, and As-Şanî'î, all said it means his eyes are bad, due to redness, being too small, or excessive tearing, or the like. See the definition in the text after No. 3499.

child who has dark lines around his eyes, curly hair and narrow calves, then he belongs to Sharîk bin As-Sâhmâ'." I was told that she produced a child who has dark lines around his eyes, curly hair and narrow calves.'" (*Sahîh*)

تخریج: أخرجه مسلم، اللعان، ح: ١٤٩٦ من حديث عبدالاعلى بن عبدالاعلى به، وهو في الكبرى، ح: ٥٦٦٢ \* هشام هو ابن حسان.

### Comments:

We get to learn that Hilâl bin Umayyah told the truth. But since both the wife and the husband had taken the oath, Allâh's Messenger ﷺ did not punish the woman, because punishment is meted out based only on the testimony of the witnesses or confession. Here neither existed. In such situations, the punishment is consigned to the Will of Allâh.

### Chapter 38. How *Li'ân* Is Carried Out

**3499.** It was narrated that Anas bin Mâlik said: "The first *Li'ân* in Islam was when Hilâl bin Umayyah accused Sharîk bin As-Sâhmâ' (of committing adultery) with his wife. He came to the Prophet ﷺ and told him about that. The Prophet ﷺ said: '(Bring) four witnesses, otherwise (you will feel) the *Hadd* punishment on your back.' And he repeated that several times. Hilâl said to him: 'By Allâh, O Messenger of Allâh! Allâh, the Mighty and Sublime, knows that I am telling the truth, and Allâh, the Mighty and Sublime, will certainly reveal to you that which will spare my back from the whip.' While they were like that, the Verse of *Li'ân* was revealed to him: As to those who accuse their wives."<sup>[1]</sup> He called Hilâl and he bore witness four times by Allâh that he was telling the truth, and the fifth

فَأُنْبِئْتُ أَنَّهَا جَاءَتْ بِهِ أَكْحَلَ جَعْدًا أَخْمَشَ السَّاقَيْنَ .

(المعجم (٣٨) - كَيْفَ الْلَّعَانُ (التحفة (٣٨)

٣٤٩٩ - أَخْبَرَنَا عِمْرَانُ بْنُ يَزِيدَ قَالَ: حَدَّثَنَا مَخْلُدُ بْنُ حُسْنَيْنِ الْأَرْدُوِيُّ قَالَ: حَدَّثَنَا هَشَامُ بْنُ حَسَانَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَنَّسِ بْنِ مَالِكٍ قَالَ: إِنَّ أَوَّلَ لَعَانَ كَانَ فِي الْإِسْلَامِ أَنَّ هَلَالَ بْنَ أُمِّيَّةَ قَذَفَ شَرِيكَ بْنَ السَّحْمَاءَ بِأَمْرِ أَيْهَ، فَأَتَى النَّبِيَّ ﷺ فَأَخْبَرَهُ بِذَلِكَ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «أَرْبَعَةَ شُهَدَاءَ، وَإِلَّا فَقَدَّ في ظَهِيرَكَ» يُرَدِّدُ ذَلِكَ عَلَيْهِ مِرَارًا، فَقَالَ لَهُ هَلَالٌ: وَاللَّهِ! يَا رَسُولَ اللهِ! إِنَّ اللَّهَ عَزَّ وَجَلَّ لَيَعْلَمُ أَنِّي صَادِقٌ وَلَيَنْزَلَنَّ اللَّهُ عَزَّ وَجَلَّ عَلَيْكَ مَا يُرِيَءُ ظَهِيرِي مِنَ الْجَدْلِ، فَبَيْنَمَا هُمْ كَذَلِكَ إِذْ نَزَّلَتْ عَلَيْهِ آيَةُ الْلَّعَانِ ﴿وَالَّذِينَ يَرْمُونَ نِسَاءَهُمْ﴾ [النور: ٦] إِلَى آخر الآية، فَدَعَا هَلَالًا فَشَهَدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمَنِ الصَّادِقِينَ وَالْخَامِسَةَ أَنَّ لَعْنَةَ اللَّهِ عَلَيْهِ

[1] *An-Nâr* 24:6.

time he invoked the curse of Allâh upon him if he were lying. Then he called the woman and she bore witness four times by Allâh that he was lying. When it came to the fourth or fifth time, the Messenger of Allâh ﷺ said: ‘Stop her, for it will inevitably bring the punishment of Allâh upon the liar.’ She hesitated until we thought that she was going to confess, then she said: ‘I will not dishonor my people today.’ Then she went ahead with the oath. The Messenger of Allâh ﷺ said: ‘Wait and see. If she produces a child who is white, with straight hair and *Qadiy'a* eyes, then he belongs to Hilâl bin Umayyah, but if she produces a child who is dark with curly hair, of average size and with narrow calves, then he belongs to Sharîk bin As-Sâhmâ.’ She produced a child who was dark with curly hair, of average size and with narrow calves. The Messenger of Allâh ﷺ said: ‘Had not the matter been settled by the Book of Allâh, I would have punished her severely.’” (*Sahîh*)

The Shaikh<sup>[1]</sup> said: *Qadiy'a* eye: Long eye lashes, not the opening of the eye or their protrusion. And Allâh, Glorious is He and Most High, knows best. (*Sahîh*)

تخریج: [صحیح] انظر الحدیث السابق، وهو في الکبری، ح ۵۶۳.

### Comments:

- ‘Punishment on your back’: because the accuser shall be whipped for accusing a person of adultery without proof (*Qadhf*).
- ‘Oath for the fifth time’: The wife’s fifth oath would be: ‘if he (my husband) is truthful, the curse of Allâh be upon me.’

إِنْ كَانَ مِنَ الْكَاذِبِينَ ثُمَّ دُعِيَتِ الْمَرْأَةُ فَشَهَدَتْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ أَنَّهُ لَمْ يَنْ كَذَبْ فَلَمَّا أَنْ كَانَ فِي الرَّابِعَةِ أَوِ الْخَامِسَةِ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «وَقُوْهَا إِنَّهَا مُوَجِّهَةٌ» فَتَلَّكَاثَ حَتَّى مَا شَكَكْنَا أَنَّهَا سَعَتَرِفُ ثُمَّ قَاتَ: لَا أَفْضُحُ قَوْمِي سَائِرَ الْيَوْمِ فَمَضَتْ عَلَى الْيَتَمَيْنِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «انْظُرُوهَا فَإِنْ جَاءَتْ بِهِ أَيْضَ سِيطًا قَضِيَّهُ الْعَيْنَيْنِ فَهُوَ لِهَلَالِ بْنِ أُمَّيَّةَ، وَإِنْ جَاءَتْ بِهِ آدَمَ جَعْدًا رَبِيعًا حَمْسَ السَّاقَيْنِ فَهُوَ لِشَرِيكِ بْنِ السَّحْمَاءِ» فَجَاءَتْ بِهِ آدَمَ جَعْدًا رَبِيعًا حَمْسَ السَّاقَيْنِ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَوْلَا مَا سَبَقَ فِيهَا مِنْ كِتَابِ اللَّهِ لَكَانَ لِي وَأَهْلًا شَانً». قال الشّيْخُ: والقضيَّ العَيْنِ: طَوْبِيلُ شَعْرِ الْعَيْنَيْنِ لَيْسَ بِمَفْتُوحِ الْعَيْنِ وَلَا جَاهِظِهَا، وَاللَّهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ.

[1] It is apparent that it refers to An-Nasâ'i.

3. When such allegation is made four witnesses are required.

### Chapter 39. The *Imâm* Saying: “O Allâh, Make It Clear To Me”

**3500.** It was narrated that Ibn ‘Abbâs said: “Mention of *Li’ân* was made in the presence of the Messenger of Allâh ﷺ and ‘Âshîm bin ‘Adiyy said something about that, then he went away. A man from among his people came to him, complaining that he had found a man with his wife. ‘Âshîm said: ‘I was only put to this test because of what I said.’ He took him to the Messenger of Allâh ﷺ and told him of the situation in which he found his wife. That man was pale and slim with straight hair, and the one whom he claimed to have found with his wife was dark and well built. The Messenger of Allâh ﷺ said: ‘O Allâh, make it clear to me.’ Then she gave birth to a child who resembled the one whom her husband said he had found with her. So the Messenger of Allâh ﷺ conducted the procedure of *Li’ân* between them.” A man in the gathering said to Ibn ‘Abbâs: “Was she the one of whom the Messenger of Allâh ﷺ said: ‘If I were to have stoned anyone without evidence I would have stoned this one?’” Ibn ‘Abbâs said: “No, that was a woman who used to do mischief even after becoming Muslim.” (*Sahîh*)

**تخریج:** أخرجه مسلم، اللعان، ح: ١٢/١٤٩٧ عن عيسى بن حماد، والبخاري، الطلاق، باب قول النبي ﷺ: “لو كنت راجماً بغير بينة”， ح: ٥٣١٠ من حديث الليث بن سعد به، وهو في الكبُرِي، ح: ٥٦٦٤.

### (المعجم ٣٩) - بَابُ قَوْلِ الْإِمَامِ اللَّهُمَّ! بَيِّنْ (التحفة ٣٩)

٣٥٠٠ - أَخْبَرَنَا عَيسَى بْنُ حَمَادٍ قَالَ: حَدَّثَنَا الْمَيْثُ عنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْفَاسِمِ، عَنْ الْفَاسِمِ بْنِ مُحَمَّدٍ، عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: ذُكِرَ التَّلَاقُونُ عِنْدَ رَسُولِ اللَّهِ ﷺ فَقَالَ عَاصِمٌ بْنُ عَدِيٍّ فِي ذَلِكَ قَوْلًا ثُمَّ أَنْصَرَهُ، فَأَتَاهُ رَجُلٌ مِّنْ قَوْمِهِ يَشْكُو إِلَيْهِ أَنَّهُ وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا، قَالَ عَاصِمٌ: مَا ابْتُلِيتُ بِهَذَا إِلَّا بِقَوْلِي، فَذَهَبَ إِلَيَّ رَسُولُ اللَّهِ ﷺ فَأَخْبَرَهُ بِالَّذِي وَجَدَ عَلَيْهِ امْرَأَتَهُ، وَكَانَ الرَّجُلُ ذَلِكَ مُصْفَرًا قَلِيلَ اللَّحْمِ سِيطَ الشَّعْرِ، وَكَانَ الَّذِي ادْعَى عَلَيْهِ أَنَّهُ وَجَدَهُ عِنْدَ أَهْلِهِ آدَمَ خَدْلًا كَثِيرَ اللَّحْمِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ! بَيِّنْ!» فَوَضَعَ شَبِيهَهَا بِالرَّجُلِ الَّذِي ذُكِرَ رَوْجُهَا أَنَّهُ وَجَدَهُ عِنْدَهَا، فَلَا عَنْ رَسُولِ اللَّهِ ﷺ بَيِّنَهُمَا. فَقَالَ رَجُلٌ لَّا يَنْعَبَسُ فِي الْمَجْلِسِ: أَهِيَ الَّتِي قَالَ رَسُولُ اللَّهِ ﷺ: لَوْ رَجَمْتُ أَحَدًا بِغَيْرِ بَيِّنَةٍ رَجَمْتُ هَذِهِ؟ قَالَ ابْنُ عَبَّاسٍ: لَا، تَلْكَ امْرَأَةً كَانَتْ تُظْهِرُ فِي الْإِسْلَامِ الشَّرَّ.

**3501.** It was narrated that ‘Abdullâh bin ‘Abbâs said: “Mention of *Li’ân* was made in the presence of the Messenger of Allâh ﷺ and ‘Âsim bin ‘Adiyy said something about that, then he went away. He was met by a man from among his people who told him that he had found a man with his wife. He took him to the Messenger of Allâh ﷺ and told him of the situation in which he found his wife. That man was pale and slim with straight hair, and the one whom he claimed to have found with his wife was dark and well built, with very curly hair. The Messenger of Allâh ﷺ said: ‘O Allâh, make it clear to me.’ Then she gave birth to a child who resembled the one whom her husband said he had found with her. So the Messenger of Allâh ﷺ conducted the procedure of *Li’ân* between them.” A man in the gathering said to Ibn ‘Abbâs: “Was she the one of whom the Messenger of Allâh ﷺ said: ‘If I were to have stoned anyone without evidence I would have stoned this one?’” Ibn ‘Abbâs said: “No, that was a woman who used to do mischief even after becoming Muslim.” (*Sahîh*)

٣٥٠١ - أَخْبَرَنِي يَحْيَى بْنُ مُحَمَّدَ بْنِ السَّكَنِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَهْضَمٍ عَنْ إِسْمَاعِيلَ بْنِ جَعْفَرٍ، عَنْ يَحْيَى قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ الْقَاسِمِ يُحَدِّثُ عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ أَنَّهُ قَالَ: ذِكْرُ التَّلَاقِعِ عِنْ رَسُولِ اللَّهِ ﷺ فَقَالَ عَاصِمُ بْنُ عَدَيٍّ فِي ذِكْرِ قَوْلًا ثُمَّ انْصَرَفَ، فَلَقِيَ رَجُلًا مِنْ قَوْمِهِ فَذَكَرَ أَنَّهُ وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا، فَلَدَّبَ يَدَهُ إِلَى رَسُولِ اللَّهِ ﷺ فَأَخْرَجَهُ بِالَّذِي وَجَدَ عَلَيْهِ امْرَأَتَهُ، وَكَانَ ذِكْرُ الرَّجُلِ مُضَفِّرًا قَلِيلًا لِلْحَمْ سِطَّ الشِّعْرِ، وَكَانَ الَّذِي ادْعَى عَلَيْهِ أَنَّهُ وَجَدَ عِنْدَ أَهْلِهِ آدَمَ خَذْلًا كَثِيرَ الْحَمْ جَعْدًا قَطْطًا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ إِنِّي فَوَضَعْتُ شَيْهَا بِالَّذِي ذَكَرَ رَوْجُهَا أَنَّهُ وَجَدَهُ عِنْدَهَا، فَلَاقَنَ رَسُولُ اللَّهِ ﷺ بَيْنَهُمَا، فَقَالَ رَجُلٌ لِابْنِ عَبَّاسٍ فِي الْمَجِlisِ: أَهْيَ الَّتِي قَالَ رَسُولُ اللَّهِ ﷺ: لَوْ رَجَمْتُ أَحَدًا بِعِنْيَهِ رَجَمْتُ هَذِهِ؟ قَالَ ابْنُ عَبَّاسٍ: لَا، تِلْكَ امْرَأَةٌ كَانَتْ تُظْهِرُ الشَّرَّ فِي الْإِسْلَامِ.

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبير، ح: ٥٦٦٥ .

## Chapter 40. The Command To Place The Hand Over The Mouth Of The Two Who Are Engaging In *Li'ân* When They Utter The Fifth Oath

**3502.** It was narrated from Ibn 'Abbâs: "When the Prophet ﷺ commanded the two who were engaging in *Li'ân* to utter the fifth oath, he commanded a man to place his hand over his mouth, and he said: "It will inevitably bring the punishment upon the liar."<sup>[1]</sup> (*Sahîh*)

(المعجم ٤٠) - **بَابُ الْأَمْرِ بِوَضْعِ الْيَدِ عَلَىٰ فِي الْمُتَلَاعِنِيْنِ عِنْدَ الْخَامِسَةِ**  
(التحفة ٤٠)

٣٥٢ - أَخْبَرَنَا عَلَيْهِ بْنُ مَقْبُونَ قَالَ: حَدَّثَنَا سُفِّيَانُ عَنْ عَاصِمِ بْنِ كُلَيْبٍ، عَنْ أَبِيهِ، عَنْ أَبِي عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ أَمَرَ رَجُلًا حِينَ أَمَرَ الْمُتَلَاعِنِيْنِ أَنْ يَتَلَاعَنَا أَنْ يُضْعَنَ يَدُهُ عِنْدَ الْخَامِسَةِ عَلَىٰ فِيهِ، وَقَالَ: إِنَّهَا مُوجِّهَةٌ.

تخریج: [صحيح] أخرجه أبو داود، الطلاق، باب: في اللعان، ح: ٢٢٥٥ من حديث سفيان بن عيينة به، وهو في الكبير، ح: ٥٦٦٦، وأصل الحديث شواهد.

### Comments:

Before the fifth oath, there is possibility of retraction; retraction is not possible after the fifth oath. Thereupon the matter is consigned to Allâh Most High. That is why a hand should be placed over the swearer's mouth that if he or she is lying, they should stop at that. A woman would place her hand upon a woman's mouth.

## Chapter 41. The *Imâm* Exhorting The Man And Woman At The Time Of *Li'ân*

**3503.** 'Abdul-Malik bin Abî Sulaimân said: "I heard Sa'eed bin Jubair say: 'I was asked about the two who engage in *Li'ân* during the governorship of Ibn Az-Zubair - should they be separated? I did not know what to say, so I got up and went to the house of Ibn 'Umar and said: "O Abû 'Abdur-Râhmân, should the two who engage in *Li'ân*

(المعجم ٤١) - **بَابُ عِظَةِ الْإِمَامِ الرَّجُلُ وَالمرْأَةُ عِنْدَ اللَّعَانِ** (التحفة ٤١)

٣٥٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْهِ وَمُحَمَّدُ أَبْنُ الْمُشَنِّي قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ أَبِي سَلَيْمَانَ قَالَ: سَمِعْتُ سَعِيدَ بْنَ جُبَيْرٍ يَقُولُ: سُئِلْتُ عَنِ الْمُتَلَاعِنِيْنِ فِي إِمَارَةِ ابْنِ الرَّبِيْرِ أَيْفَرَقُ بَيْنَهُمَا؟ فَمَا ذَرَيْتُ مَا أَقُولُ، فَقُطِّمْتُ مِنْ مَقَامِي إِلَى

[1] The wordings of the text differ slightly from the wordings of the chapter heading, so take note. As-Sînî said: "Meaning the mouth of the man, who was involved in the *Li'an*. And it does not refer to the woman, except if he is a *Mâhrum* to her." And the meaning of this *Hadîth* is similar to No. 3499, from Anas, where the Messenger of Allâh ﷺ said: "Stop her, for it will inevitably bring the punishment of Allâh upon the liar."

be separated?" He said: "Yes, *Subhân-Allâh!* The first one who asked about that was so-and-so the son of so-and-so who said: 'O Messenger of Allâh, what do you think if a man among us sees his wife committing immoral actions, and if he speaks of it, he will be speaking of a grave matter, but if he keeps quiet, he will be keeping quiet about a grave matter?' He did not answer him, then after that, he came to him and said: 'I was tried with the matter that I asked you about, so Allâh, the Mighty and Sublime, revealed these Verses in *Sûrat An-Nûr*: 'And for those who accuse their wives until he reached': 'And the fifth (testimony) should be that the Wrath of Allâh be upon her if he (her husband) speaks the truth.'<sup>[1]</sup> So he started with the man, exhorting him, reminding him, and telling him that the punishment in this world was less severe than the punishment in the Hereafter. He said: 'By the One Who sent you with the truth, I am not lying.' Then he turned to the woman and exhorted her and reminded her. She said: 'By the One Who sent you with the truth, he is lying.' So he started with the man, and he bore witness four times by Allâh that he was telling the truth, and the fifth time (he invoked) the curse of Allâh upon himself if he was lying. Then he turned to the woman and she bore witness four times by Allâh that he was lying, and the fifth time (she invoked) the wrath of Allâh upon

مُنْتَهِيَ الْأَيَّامِ فَقُلْتُ : يَا أَبَا عَبْدِ الرَّحْمَنِ !  
 الْمُتَلَاقِينَ أَفَرَقَ بَيْنَهُمَا ؟ قَالَ : نَعَمْ ، سَبِّحَانَ اللَّهِ إِنَّ أَوَّلَ مَنْ سَأَلَ عَنْ ذَلِكَ فُلَانُ بْنُ  
 فُلَانٍ فَقَالَ : يَا رَسُولَ اللَّهِ ! أَرَأَيْتَ - وَلَمْ يَقُلْ  
 عَمْرُو : أَرَأَيْتَ - الرَّجُلُ مِنْ يَرَى عَلَى امْرَأَتِهِ  
 فَاجِشَةً إِنْ تَكَلَّمَ فَأَمْرٌ عَظِيمٌ وَقَالَ عَمْرُو : أَتَى  
 أَمْرًا عَظِيمًا ، وَإِنْ سَكَتَ سَكَتَ عَلَى مِثْلِ  
 ذَلِكَ ، فَلَمْ يُعْجِبْهُ ، فَلَمَّا كَانَ بَعْدَ ذَلِكَ أَتَاهُ  
 فَقَالَ : إِنَّ الْأَمْرَ الَّذِي سَأَلْتَكَ ابْتُلِيلُتُ يَهُ ،  
 فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ هُؤُلَاءِ الْآيَاتِ فِي سُورَةِ  
 النُّورِ « وَالَّذِينَ يَرْكُونَ أَرْوَاحَهُمْ » حَتَّى يَلْعَبَ  
 وَلَتَحْسِسَ أَنَّ عَصَبَ اللَّهُ عَلَيْهَا إِنْ كَانَ بَيْنَ  
 الصَّادِقِينَ » [النور: ٩-٦] فَبَدَأَ بِالرَّجُلِ فَوَعَظَهُ  
 وَذَكَرَهُ وَأَخْبَرَهُ أَنَّ عَذَابَ الدُّنْيَا أَهُونُ مِنْ  
 عَذَابِ الْآخِرَةِ ، فَقَالَ : وَاللَّهِ بَعْثَكَ بِالْحَقِّ !  
 مَا كَذَبْتُ ، ثُمَّ شَتَّى بِالْمَرْأَةِ فَوَعَظَهَا وَذَكَرَهَا  
 فَقَالَتْ : وَاللَّهِ بَعْثَكَ بِالْحَقِّ ! إِنَّهُ لَكَاذِبُ ،  
 فَبَدَأَ بِالرَّجُلِ فَشَهَدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ  
 لَمِنَ الصَّادِقِينَ وَالْخَامِسَةَ أَنَّ لَعْنَةَ اللَّهِ عَلَيْهِ إِنَّ  
 كَانَ مِنَ الْكَافِرِينَ ، ثُمَّ شَتَّى بِالْمَرْأَةِ فَشَهَدَتْ  
 أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَافِرِينَ  
 وَالْخَامِسَةَ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنَّ كَانَ مِنَ  
 الصَّادِقِينَ ، فَفَرَقَ بَيْنَهُمَا .

[1] *An-Nûr* 24:6-9.

herself if he was telling the truth.  
Then he separated them.” (*Sahîh*)

تخریج: أخرجه مسلم، اللعان، ح: ٤/١٤٩٣ من حديث عبد الملك به، وهو في الكبرى،  
ح: ٥٦٦٧، وأخرجه البخاري، ح: ٥٣٥٠ من حديث سعيد بن جبیر به.

#### Comments:

- ‘Punishment of this world’ means the *Hadd*. If the husband has lied, the penalty for hurling accusation would be eighty lashes, and if the wife has indulged in adultery, her penalty for adultery would be stoning to death. Whereas, the torment of the Hereafter is Hellfire, except what Allâh wills.
- He then effected separation between the two, because after such accusations, their remaining together as husband and wife is disgraceful, and this is an agreed upon issue.

### Chapter 42. Separating The Two Who Engage In *Li'an*

**3504.** It was narrated that Sa'eed bin Jubair said: “Al-Muṣ'ab did not separate the two who engaged in *Li'an*.” Sa'eed said: “I mentioned that to Ibn 'Umar and he said: ‘The Messenger of Allâh separated the couple from Banu 'Ajlân.’” (*Sahîh*)

### (المعجم ٤٢) - بَابُ التَّنْرِيقِ بَيْنَ الْمُتَلَاعِنِينَ (التحفة ٤٢)

٣٥٠٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْهِ وَمَحَمْدُ ابْنُ الْمُؤْسَى - وَاللَّفْظُ لَهُ - قَالًا: حَدَّثَنَا مَعَاذُ ابْنُ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ عَزْرَةَ، عَنْ سَعِيدِ بْنِ جُبَيرٍ قَالَ: لَمْ يُفْرِقِ الْمُضْبُطَ بَيْنَ الْمُتَلَاعِنِينَ، قَالَ سَعِيدٌ: فَذَكَرْتُ ذَلِكَ لِابْنِ عُمَرَ قَالَ: فَرَقَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَ أَخْوَيِ بَنِي الْعَجَلَانِ.

تخریج: أخرجه مسلم، اللعان: ٧/١٤٩٣ عن محمد بن المثنى به، وهو في الكبرى، ح: ٥٦٨.

#### Comments:

Mus'ab refers to Mus'ab bin Zubayr. He was the brother of Abdullah bin Zubair and was the governor of Iraq on behalf of Abdullah bin Zubair.

### Chapter 43. Asking The Two Who Engaged In *Li'an* To Repent After *Li'an*

**3505.** It was narrated from Ayyûb, that Sa'eed bin Jubair said: “I said to Ibn 'Umar: ‘A man accused his wife.’ He said: ‘The Messenger of Allâh separated the couple from Banu 'Ajlân and said: Allâh knows that one of you is lying, so will

### (المعجم ٤٣) - اسْتِتابَةُ الْمُتَلَاعِنِينَ بَعْدَ اللَّعَانِ (التحفة ٤٣)

٣٥٠٥ - أَخْبَرَنَا زِيَادُ بْنُ أَيُوبَ قَالَ: حَدَّثَنَا ابْنُ عَلَيْهِ عَنْ أَيُوبَ، عَنْ سَعِيدِ بْنِ جُبَيرٍ قَالَ: قُلْتُ لِابْنِ عُمَرَ: رَجُلٌ قَدَّفَ امْرَأَةً، قَالَ: فَرَقَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَ أَخْوَيِ بَنِي الْعَجَلَانِ وَقَالَ: «اللَّهُ يَعْلَمُ أَنَّ أَحَدَكُمَا،

either of you repent? He said that to them three times and they did not respond, then he separated them.”” (One of the narrators) Ayyûb said: “Amr bin Dînâr said: ‘In this *Hadîth* there is something that I think you are not narrating.’ He said: ‘The man said: My wealth. He said: You are not entitled to any wealth. If you are telling the truth, you have consummated the marriage with her,<sup>[1]</sup> and if you are lying then you are even less entitled to it.’” (*Sahîh*)

كَاذِبٌ فَهُلْ مِنْكُمَا تَأْيِبٌ؟ قَالَ لَهُمَا ثَلَاثًا فَأَيْتَا، فَقَرَّقَ بَيْتَهُمَا. قَالَ أَيُّوبُ: وَقَالَ عَمْرُو ابْنُ دِينَارٍ: إِنَّ فِي هَذَا الْحَدِيثَ شَيْئًا لَا أَرَأَكُ تُحَدِّثُ بِهِ، قَالَ: قَالَ الرَّجُلُ: مَالِي، قَالَ: لَا مَالَ لَكَ إِنْ كُنْتَ صَادِقًا فَقَدْ دَخَلْتَ بِهَا، وَإِنْ كُنْتَ كَاذِبًا فَهُنَّ أَبْعَدُ مِنْكَ.

تخریج: أخرجه البخاري، الطلاق، باب صداق الملاعنة، ح: ٥٣١١ من حديث ابن علية، ومسلم، اللعان، ح: ٦/١٤٩٣ من حديث أیوب السختياني به، وهو في الكبرى، ح: ٥٦٦٩.

### Comments:

‘My wealth’: His design was that since this marriage is being ended on account of the woman’s crime, I should get back the dower that I paid her at the time of marriage. The gist of the Prophet’s ﷺ command is that there is no certitude concerning your lying or telling the truth. It is possible you are truthful, and it is also possible she is guiltless. Therefore, the dower cannot be returned. If you are truthful, you have benefited a lot from her. Hence, the demand of dower does not behove you.

### Chapter 44. Can The Two Who Have Engaged In The Procedure Of *Li’ân* Stay Together ?

**3506.** It was narrated that ‘Amr said: “I heard Sa’eed bin Jubair say: ‘I asked Ibn ‘Umar about the two who engage in *Li’ân*.’ He said: ‘The Messenger of Allâh ﷺ said to the two who engaged in *Li’ân*: Your reckoning will be with Allâh. One of you is lying, and you cannot stay with her. He said: O Messenger of Allâh, my wealth! He said: You are not entitled to any wealth. If you are

(المعجم (٤٤) - اجتماع المُتَلَاعِنَيْن  
(التحفة (٤٤)

٣٥٠٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُقِيَّاً عَنْ عَمْرِو قَالَ: سَوْعَتْ سَعِيدَةَ ابْنَ جُبَيْرٍ يَقُولُ: سَأَلْتُ ابْنَ عُمَرَ عَنِ الْمُتَلَاعِنَيْنَ فَقَالَ: قَالَ رَسُولُ اللَّهِ ﷺ لِلْمُتَلَاعِنَيْنِ: «جِسَابُكُمَا عَلَى اللَّهِ، أَحَدُكُمَا كَاذِبٌ، وَلَا سَبِيلَ لَكَ عَلَيْهَا» قَالَ: يَا رَسُولَ اللَّهِ مَالِي، قَالَ: «لَا مَالَ لَكَ، إِنْ

[1] Meaning, so, she is entitled to the *Mahr*.

telling the truth about her, then it is in return for having been allowed intimacy with her, and if you are lying then you are even less entitled to it.” (*Sahih*)

**تخریج:** أخرجه البخاري، الطلاق، باب المتعة للتي لم يفرض لها ... إلخ، ح: ٥٣٥٠، ومسلم، اللعان، ح: ٥/١٤٩٣ من حديث سفيان بن عيينة به، وهو في الكبيري، ح: ٥٦٧٠.

#### Comments:

In no circumstances could they remarry. This is the view of the majority of the people of knowledge. It has, however, been attributed to Imâm Abû Hanîfah that he did not see it as absolute. And Allâh knows best.

### Chapter 45. Denying The Child Through *Li'ân*, And Attributing Him To His Mother

**3507.** It was narrated that Ibn 'Umar said: “The Messenger of Allâh ﷺ conducted the procedure of *Li'ân* between a man and his wife, and he separated them and attributed the child to his mother.”

(*Sahih*)

**تخریج:** أخرجه مسلم، اللعان، ح: ٨/١٤٩٤ عن قبيه، والبخاري، الطلاق، باب: يلحق الولد بالملائنة، ح: ٥٣١٥ من حديث مالك به، وهو في الكبيري، ح: ٥٦٧١، والموطأ (يحيى) ٢: ٥٦٧.

#### Comments:

Because the real contention was the child itself, the husband had been refuting any suggestion that the child was his. The mother, however, could never deny it. Hence, the child would be handed over to her. And the child would be attributed to the mother. This is because the husband is refusing to admit the paternity of the child, and paternity cannot be proved with an adulterer.

### Chapter 46. If A Man Hints An Accusation About His Wife, And Wanted To Disown The Child

**3508.** It was narrated from Abû Hurairah that a man from Banu Fazârah came to the Messenger of Allâh ﷺ and said: “My wife has given birth to a black boy.” The

كُنْتَ صَدَقْتَ عَلَيْهَا فَهُوَ بِمَا اسْتَحْلَلْتَ مِنْ فَرْجِهَا، وَإِنْ كُنْتَ كَذَّبْتَ عَلَيْهَا فَذَاكَ أَبْعَدُ لَكَ».

(المعجم ٤٥) - **باب نفي الولد باللغان**  
وإلحاقه بأمه (التحفة ٤٥)

٣٥٠٧ - أَخْبَرَنَا قُتْمَيْهُ قَالَ: حَدَّثَنَا مَالِكُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: لَاعَنَ رَسُولِ اللَّهِ ﷺ بَيْنَ رَجُلٍ وَامْرَأَتِهِ، وَفَرَقَ بَيْنَهُمَا، وَأَلْحَقَ الْوَلَدَ بِالْأُمِّ.

**تخریج:** أخرجه مسلم، اللعان، ح: ٨/١٤٩٤ عن قبيه، والبخاري، الطلاق، باب: يلحق الولد بالملائنة، ح: ٥٣١٥ من حديث مالك به، وهو في الكبيري، ح: ٥٦٧١، والموطأ (يحيى) ٢: ٥٦٧.

(المعجم ٤٦) - **باب: إذا عرضَ باهْرَأْتَهُ وَسَكَّتَ فِي وَلَدِهِ وَأَرَادَ الِإِتْنَاءَ**  
مِنْهُ (التحفة ٤٦)

٣٥٠٨ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا سُعْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَجُلًا مِنْ بَنِي

Messenger of Allâh ﷺ said: "Do you have camels?" He said: "Yes." He said: "What color are they?" He said: "Red." He said: "Are there any gray ones among them?" He said: "There are some gray ones among them." He said: "Where do you think they come from?" He said: "Perhaps it is hereditary." He said: "Likewise, perhaps this is hereditary." (*Sahîh*)

تخریج: أخرجه مسلم، المغان، ح: ١٨٠٠ من حديث سفيان بن عيينة به، وهو في الكبيرى، ح: ٥٦٧٢.

### Comments:

This man had doubt lest the child be illegitimate. But since he did not explicitly charge his wife with adultery or refute the child's paternity, the need for *Li'an* did not arise. He, however, placed the issue before the Prophet ﷺ that from the dimension of comprehension, the child is totally different. Allâh's Messenger ﷺ removed his confusion by giving an extremely clear example, that sometimes the child resembles to a distant genealogical father. "It is possible one of your grandfathers or great grandfathers might have been dark."

**3509.** It was narrated that Abû Hurairah said: "A man from Banu Fazârah came to the Prophet ﷺ and said: 'My wife has given birth to a black boy' – and he wanted to disown him. He said: 'Do you have camels?' He said: 'Yes.' He said: 'What color are they?' He said: 'Red.' He said: 'Are there any gray ones among them?' He said: 'There are some gray camels among them.' He said: 'Why is that do you think?' He said: 'Perhaps it is hereditary.' He said: 'Perhaps this is hereditary.' And he did not permit him to disown him." (*Sahîh*)

فَزَارَةً أَتَى رَسُولَ اللَّهِ ﷺ فَقَالَ: إِنَّ امْرَأَتِي وَلَدَتْ غُلَامًا أَسْوَدَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «هَلْ لَكَ مِنْ إِبْلٍ؟» قَالَ: نَعَمْ، قَالَ: «فَمَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ، قَالَ: «فَهَلْ فِيهَا مِنْ أُورَقَ؟» قَالَ: إِنْ فِيهَا كُورْقًا، قَالَ: «فَإِنَّمَا تَرَى أَتَى ذِلْكَ؟» قَالَ: عَسَى أَنْ يَكُونَ نَزَعَهُ عِرْقٌ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَهَذَا عَسَى أَنْ يَكُونَ نَزَعَهُ عِرْقٌ».

تخریج: أخرجه مسلم، المغان، ح: ١٨٠٠ من حديث سفيان بن عيينة به، وهو في الكبيرى، ح: ٥٦٧٢.

٣٥٠٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ بَرِّيْعَةَ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ زُرْيَعَةَ قَالَ: حَدَّثَنَا مَعْمَرُ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ مِنْ بَنِي فَزَارَةَ إِلَيَّ النَّبِيِّ ﷺ فَقَالَ: إِنَّ امْرَأَتِي وَلَدَتْ غُلَامًا أَسْوَدَ، - وَهُوَ يُرِيدُ الْأَنْفَاءَ مِنْهُ - فَقَالَ: «هَلْ لَكَ مِنْ إِبْلٍ؟» قَالَ: نَعَمْ، قَالَ: «مَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ، قَالَ: «هَلْ فِيهَا مِنْ أُورَقَ؟» قَالَ: فِيهَا دَوْدٌ وَرُوقٌ، قَالَ: «فَمَا ذَلَّكَ تُرَى؟» قَالَ: لَعَلَّهُ أَنْ يَكُونَ نَزَعَهَا عِرْقٌ، قَالَ: «فَلَعِلَّ هَذَا [أَنْ] يَكُونَ نَزَعَهُ عِرْقٌ» قَالَ: فَلَمْ يُرِخْصْ لَهُ فِي الْأَنْفَاءِ مِنْهُ.

تخریج: أخرجه مسلم، ح: ١٩٠٠ من حديث معمر به (انظر الحديث السابق)، وهو في الكبيرى، ح: ٥٦٧٣.

**3510.** It was narrated that Abū Hurairah said: "While we were with the Prophet ﷺ, a man stood up and said: 'O Messenger of Allāh, a black boy has been born to me.' The Messenger of Allāh ﷺ said: 'How did that happen?' He said: 'I do not know.' He said: 'Do you have camels?' He said: 'Yes.' He said: 'What color are they?' He said: 'Red.' He said: 'Are there any gray camels among them?' He said: 'There are some gray camels among them.' He said: 'Where do they come from?' He said: 'I do not know O Allāh's Messenger! Perhaps it is hereditary.' He said: 'Perhaps this is also a hereditary.' Because of this, the Messenger of Allāh ﷺ decreed the following: 'It is not allowed for a man, to disown a child who was born on his bed, unless he claimed that he had seen an immoral act (*Fahishah*).'" (*Sahih*)

٣٥١٠ - أَخْبَرَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنِ الْمُغَيْرَةِ قَالَ: حَدَّثَنَا أَبُو حَيْوَةَ - حَمْصِيٌّ - قَالَ: أَخْبَرَنَا شُعَيْبُ بْنُ أَبِي حَمْرَةِ عَنِ الرُّهْرَيِّ، عَنْ سَعِيدِ ابْنِ الْمَسِّيْبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: يَتَمَّا تَحْنُّ عِنْدَ رَسُولِ اللَّهِ قَامَ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي وُلَدْتُ لِي غَلَامٌ أَشَوَّدُ، فَقَالَ رَسُولُ اللَّهِ: «فَإِنَّكَ كَانَ ذَلِكَ؟» قَالَ: مَا أَذْرِي، قَالَ: «فَهَلْ لِكَ مِنْ إِبْلٍ؟» قَالَ: نَعَمْ، قَالَ: «فَمَا أُلْوَاهَا؟» قَالَ: حُمْرٌ، قَالَ: «فَهَلْ فِيهَا جَمَلٌ أَوْرَقٌ؟» قَالَ: فِيهَا إِبْلٌ وَرَوْقٌ، قَالَ: «فَإِنَّكَ كَانَ ذَلِكَ؟» قَالَ: مَا أَذْرِي يَا رَسُولَ اللَّهِ إِلَّا أَنْ يَكُونَ تَزَعَّهُ عِرْقٌ، قَالَ: «وَهَذَا لَعْلَةُ تَزَعَّهِ عِرْقٌ». فَيَنْأِي أَجْلِهِ قَضَى رَسُولُ اللَّهِ هَذَا: «لَا يَجُوزُ لِرَجُلٍ أَنْ يَتَفَقَّدْ مِنْ وَلَدِهِ وُلَدَ عَلَى فِرَاشِهِ إِلَّا أَنْ يَرْعِمَ أَنَّهُ رَأَى فَاجِشَةً».

تخریج: [صحيح] وهو في الكبرى، ح: ٥٦٧٤، وانظر الحديث السابق.

### Comments:

- Several kinds of resemblances could be found in a newborn child genealogically - distant or near. Hence, a child cannot be disowned on account of color, complexion, eyes, or features, unless there is certitude of adultery - with an eye of certainty. If someone negates the child, he shall have to perform *Li'an*, or would be considered worthy of the punishment of *Hadd*.
- 'On his bed' means born to his wife or his slave woman.

### Chapter 47. Stern Warning Against Disowning One's Child

**3511.** It was narrated from Abū Hurairah that he heard the Messenger of Allāh ﷺ say when the Verse of *Mulâ'anah* (*Li'ân*) was revealed: "Any woman who falsely

(المعجم ٤٧) - بَابُ التَّغْلِيظِ فِي الْأِنْتَفَاءِ مِنَ الْوَلَدِ (التحفة ٤٧)

٣٥١١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الْحَكَمِ عَنْ شُعَيْبٍ قَالَ: حَدَّثَنَا الْلَّيْثُ عَنْ ابْنِ الْهَادِ، عَنْ عَبْدِ اللَّهِ بْنِ يُونُسَ، عَنْ سَعِيدِ بْنِ أَبِي

attributes a man<sup>[1]</sup> to people to whom he does not belong, has no share from Allāh, and Allāh will not admit her to His Paradise. Any man who denies his son while looking at him (knowing that he is indeed his son), Allāh, the Mighty and Sublime, will cast him away, and disgrace him before the first and the last on the Day of Resurrection.” (*Hasan*)

سَعِيدُ الْمَقْبِرِيُّ، عَنْ أَبِي هُرَيْرَةَ: أَنَّهُ سَمِعَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ حِينَ نَزَّلَتْ آيَةَ الْمُلَاعَةِ: «إِيمَانًا امْرَأَةً أَذْخَلَتْ عَلَى قَوْمٍ رَجُلًا لَيْسَ مِنْهُمْ فَلَيُكَسِّرَ مِنَ اللَّهِ فِي شَيْءٍ، وَلَا يُدْخِلَهَا اللَّهُ جَنَّتُهُ»، وَأَيْمَانًا رَجُلًا جَاهَدَ وَلَدَهُ وَهُوَ يَنْظَرُ إِلَيْهِ احْتَاجَبَ اللَّهُ عَزَّ وَجَلَّ مِنْهُ وَقَضَصَهُ عَلَى رُؤُوسِ الْأَوَّلِينَ وَالآخِرِينَ يَوْمَ الْقِيَامَةِ».

**تخریج:** [إسناده حسن] أخرجه أبو داود، الطلاق، باب التغليظ في الانتفاء، ح: ۲۲۶۳ من حديث يزيد بن عبد الله بن الهاد به، وهو في الكبرى، ح: ۵۶۷۵، وصححه الدارقطني، والحاكم على شرط مسلم: ۲۰۳، ۲۰۲ / ۲، ووافقه الذهبي \* عبد الله بن يونس حسن الحديث على الراجح.

#### Comments:

1. ‘To whom he does not belong’ means it is the result of adultery, but the woman ascribes it to her husband.
2. ‘She has nothing to do with Allāh’: The meaning is that it is a great sin, it could become the cause of one’s deprivation of Allāh’s mercy. Or it could be the explanation of the sentence that follows: ‘Allāh will not admit her into Paradise’.
3. ‘When he is looking at him’: It could be ‘when the man is looking at the child, thinking: “This is my child”’

#### Chapter 48. Attributing The Child To The Bed If The Owner Of The Bed Does Not Disown Him

**3512.** It was narrated from Abū Hurairah that the Prophet ﷺ said: “The child is the bed’s<sup>[2]</sup> and for the fornicator is the stone.” (*Sahīh*)

(المعجم (٤٨) - بَابُ إِلْحَاقِ الْوَلَدِ بِالْفِرَاشِ إِذَا لَمْ يَنْفُهْ صَاحِبُ الْفِرَاشِ (التحفة (٤٨)

٣٥١٢ - أَخْبَرَنَا قَتَنْيَةُ قَالَ: حَدَّثَنَا سُفِيَّانُ عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الْوَلَدُ لِلْفِرَاشِ وَالْمُنْعَلُ لِلْحَجْرِ».

**تخریج:** أخرجه مسلم، الرضاع، باب الولد للفراش وتنقی الشبهات، ح: ۱۴۵۸ من حديث سفيان بن عيينة به، وهو في الكبرى، ح: ۵۶۷۶.

[1] Meaning, a child born of adultery.

[2] That is – the man to whom the woman is actually married. He lies on her as a bed is laid upon.

## Comments:

1. The child born to a married woman would be conceived as belonging to her husband. In the same way, a child born to a slave woman would be conceived as belonging to her owner, unless the husband or the owner negates it, irrespective of whether there is probable proof of the child being illegitimate. This is because the child's legitimacy or illegitimacy is a concealed matter. It is difficult to get to the bottom of it.
2. 'The stone' It means: "Nothing," and some say it means punishment.

**3513.** It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ said: "The child is the bed's and for the fornicator is the stone." (*Sahīh*)

٣٥١٣ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ عَنْ عَبْدِ الرَّزَاقِ قَالَ: حَدَّثَنَا مَعْمَرُ عَنِ الْوَهْرَيِّ، عَنْ سَعِيدِ وَأَبِي سَلْمَةَ، عَنْ أَبِي هُرَيْرَةَ، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «الْوَلَدُ لِلْفَرَاشِ وَالْمُغَاهِرُ الْحَجَرُ».

تخریج: أخرجه مسلم من حديث عبدالرزاق به (انظر الحديث السابق)، وهو في الكبير، ح: ٥٦٧٧.

**3514.** It was narrated that 'Aishah said: "Sa'd bin Abi Waqqās and 'Abd bin Zam'ah disputed over a boy. Sa'd said: 'O Messenger of Allāh! This is the son of my brother 'Utbah bin Abi Waqqās, who made me promise to look after him because he is his son. Look at whom he resembles.' 'Abd bin Zam'ah said: 'He is my brother who was born on my father's bed to his slave woman.' The Messenger of Allāh ﷺ looked to determine at whom he resembled, and saw that he resembled 'Utbah. He said: 'He is for you O 'Abd! The child is the bed's and for the fornicator is the stone. Veil yourself from him, O Sawdah bint Zam'ah.' And he never saw Sawdah again." (*Sahīh*)

٣٥١٤ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا الْلَّيْثُ عَنْ أَبْنِ شَهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: اخْتَصَمْتُ سَعْدًا بْنَ أَبِي وَقَاصِ وَعَبْدًا بْنَ زَمْعَةَ فِي غُلَامٍ فَقَالَ سَعْدٌ: هَذَا يَا رَسُولَ اللَّهِ! أَبْنُ أَخِي عَتْبَةَ بْنِ أَبِي وَقَاصِ عَهِدَ إِلَيَّ أَنَّهُ أَبْنُهُ انْظُرْ إِلَى شَبِيهِ، وَقَالَ عَبْدُ بْنُ زَمْعَةَ: أَخِي وُلَدَ عَلَى فَرَاشِ أَبِي مِنْ وَلِيدَتِهِ، فَنَظَرَ رَسُولُ اللَّهِ ﷺ إِلَى شَبِيهِ فَرَأَى شَبِيهَ بِيَتَّا بِعْتَبَةَ فَقَالَ: «هُوَ لَكَ يَا عَبْدًا الْوَلَدُ لِلْفَرَاشِ وَالْمُغَاهِرُ الْحَجَرُ، وَاحْتَجِبِي مِنْهُ يَا سَوْدَةَ بْنَتْ زَمْعَةَ!» فَلَمْ يَرَ سَوْدَةَ قَطُّ.

تخریج: أخرجه البخاري، البيوع، باب شراء المملوك من الحربي وهبته وعتقه، ح: ٢٢١٨، ومسلم، الرضاع، باب الولد للفراش وتوقی الشبهات، ح: ١٤٥٧ عن قتيبة به، وهو في الكبير، ح: ٥٦٧٨ \* الليث هو ابن سعد.

**Comments:**

1. The disputed child was born to the slave woman of Zam'ah. In fact he was fathered by Utbah. During the period of ignorance (*Jahiliyyah*), children born adulterously to slave-girls were attributed to the claiming adulterer. The claim made by Sa'd had its roots in the custom of the past. But Islam ended this ignominious practice, so that now the child shall not be attributed to the adulterer. If the husband of the woman, or her owner makes no denial, the child will be considered his. If he negates, the child shall be attributed to the mother who has given it birth.
2. Allâh's Messenger's ﷺ wife Sawdah was also the daughter of Zam'ah. On account of this relation, the child was in a way, her brother. But since he was in reality fathered by Utbah, Sawdah was commanded to observe *Hijâb* from him, in spite of his being a blood brother to her, because he was not a legitimate brother. This dispute had taken place at the time of the Conquest of Makkah.

**3515.** It was narrated that 'Abdullâh bin Az-Zubair said: "Zam'ah had a slave woman with whom he used to have intercourse, but he suspected that someone else was also having intercourse with her. She gave birth to a child who resembled the one whom he suspected. Zam'ah died when she was pregnant, and Sawdah mentioned that to the Messenger of Allâh ﷺ. The Messenger of Allâh ﷺ said: 'The child is the bed's, but veil yourself from him, O Sawdah, for he is not a brother of yours.'" (*Hasan*)

تخریج: [إسناده حسن] أخرجه الحاکم: ٤/٩٧ من حديث إسحاق بن إبراهيم به، وصححه، ووافقه الذهبي، وهو في الكبرى، ح ٥٦٧٩ \* جریر هو ابن عبد الحميد، ويوسف حسن الحديث، حسن له المحافظ في الفتح: ١٢/٣٧، وصحح له ابن الترمذاني، والحاکم، والذهبی.

**Comments:**

"The child is the bed's": Now when the owner of the bed (owner of the slave woman) was deceased, there was no possibility of denial. Had he been alive and had denied the paternity of the child, the child would not have been ascribed to him. It would rather have been attributed to the slave woman.

3516. It was narrated from 'Abdullâh that the Messenger of Allâh ﷺ said: "The child is the

٣٥١٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنْ مَتْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ يُوسُفَ بْنِ الرَّبِيعِ مَوْلَى لَهُمْ، عَنْ عَبْدِ اللَّهِ بْنِ الرَّبِيعِ قَالَ: كَانَتْ لِزَمْعَةَ جَارِيَةً [يَطْوُهَا] هُوَ، وَكَانَ يُظْنَنُ بِأَخْرَى يَقْعُدُ عَلَيْهَا، فَجَاءَتْ بِوَلَدٍ شَيْءَهُ الَّذِي كَانَ يُظْنَنُ بِهِ، فَمَاتَ زَمْعَةُ وَهِيَ حُبْلَى، فَذَكَرَتْ ذَلِكَ سُودَةُ لِرَسُولِ اللَّهِ ﷺ فَقَالَ رَسُولُ اللَّهِ ﷺ: الْأَوْلَادُ لِلْفِرَاشِ، وَاحْتَجِبِي مِنْهُ يَا سُودَةُ! فَلَيْسَ لَكِ بِأَيْخٍ".

٣٥١٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مُغَيْرَةَ، عَنْ أَبِي وَائِلٍ، عَنْ

bed's, and for the fornicator is the stone." (*Sahih*)

Abû 'Abdur-Rahmân (An-Nasâ'i) said: I do not think that this is from 'Abdullâh bin Mas'ûd, and Allâh, Most High, knows best.

عَبْدُ اللَّهِ، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «الْوَلْدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ».

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: وَلَا أَحْسِبُ هَذَا عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، وَاللَّهُ تَعَالَى أَعْلَمُ.

تخریج: [صحیح] آخرجه ابن حبان، ح: ۱۳۳۶ من حديث جریر بن عبد الحميد به، وهو في الكبیری، ح: ۵۶۸۰ \* مغیرة هو ابن مقسّم تقدم، ح: ۱۳۴۴، وللحديث شواهد كثيرة، تقدّمت بعضها، ح: ۳۵۱۲، ۳۵۱۳.

## Chapter 49. The Bed Of The Slave Woman

**3517.** It was narrated that 'Âishah said: "Sa'd bin Abî Waqqâs and 'Abd bin Zam'ah disputed concerning a son of Zam'ah. Sa'd said: 'My brother 'Utbah urged me, if I came to Makkah: Look for the son of the slave woman of Zam'ah, for he is my son.' 'Abd bin Zam'ah said: 'He is the son of my father's slave woman who was born on my father's bed.' The Messenger of Allâh ﷺ saw that he resembled 'Utbah, but he said: 'The child is the bed's. Veil yourself from him, O Sawdah.'" (*Sahih*)

(المعجم (۴۹) - بَابُ فِرَاشِ الْأَمَةِ  
(الصفحة (۴۹)

٣٥١٧ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا سَفِيَّانُ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: اخْتَصَمَ سَعْدُ بْنُ أَبِي وَقَاصِي وَعَبْدُ بْنِ زَمْعَةَ فِي ابْنِ زَمْعَةَ، قَالَ سَعْدُ: أُوصَانِي أخْيَرُ عُتْبَةَ إِذَا قَلِمْتَ مَكَّةَ فَانْظُرْ إِلَى ابْنِ وَلِيَةَ زَمْعَةَ فَهُوَ ابْنِي، فَقَالَ عَبْدُ بْنُ زَمْعَةَ: هُوَ ابْنُ أُمَّةِ أَبِي وُلْدَ عَلَى فِرَاشِ أَبِي، فَرَأَى رَسُولُ اللَّهِ ﷺ شَبَهًا بَيْنَا بِعْثَةَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «الْوَلْدُ لِلْفِرَاشِ، وَاحْتَجِبِي مِنْهُ يَا سَوْدَةَ»!

تخریج: أخرجه البخاري، الخصومات، باب دعوى الوصي للمنيت، ح: ۲۴۲۱، ومسلم، الرضاع، باب الولد للفراش وتوقي الشبهات، ح: ۱۴۵۷ من حديث سفيان بن عيينة به، وهو في الكبیری، ح: ۵۶۸۱.

## Comments:

The purpose of the chapter is that as the children born to the wife are considered the husband's children, in the same manner the children born to a slave woman would be considered those of the owner; provided the husband or the owner does not disown them.

## Chapter 50. Drawing Lots For A Child If Several Men Dispute Over Him

(المعجم ٥٠) - بَابُ الْقُرْعَةِ فِي الْوَلَدِ إِذَا تَنَازَعُوا فِيهِ وَذِكْرُ الْاِخْتِلَافِ عَلَى الشَّعْبِيِّ فِيهِ فِي حَدِيثِ زَيْدِ بْنِ أَرْقَمَ (التحفة ٥٠)

٣٥١٨ - أَخْبَرَنَا أَبُو عَاصِمٍ خُشِيشُ بْنُ أَصْرَمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ قَالَ: أَخْبَرَنَا الشُّورِيُّ عَنْ صَالِحِ الْهَمْدَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ الْحَمِيرِ، عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ: أَتَيْتُ عَلَيْ رَضِيَ اللَّهُ عَنْهُ بِثَلَاثَةٍ وَهُوَ بِالْيَمَنِ وَقَعُوا عَلَى امْرَأَةٍ فِي طَهْرٍ وَاجِدِينَ، فَسَأَلَ اثْتَيْرَانَ لِهَا بِالْوَلَدِ؟ قَالَ: لَا، ثُمَّ سَأَلَ اثْتَيْرَانَ لِهَا بِالْوَلَدِ؟ قَالَ: لَا، فَأَفْرَغَ يَتَّهِمَ وَالْحَقُّ الْوَلَدُ بِالَّذِي صَارَتْ عَلَيْهِ الْقُرْعَةُ، وَجَعَلَ عَلَيْهِ ثُلُثَيِ الدِّيَةِ، فَذَكَرَ ذَلِكَ لِلنَّبِيِّ ﷺ فَضَحِّكَ حَتَّى بَدَأَ نَوَاجِدُهُ.

**3518.** It was narrated that Zaid bin Arqam said: "Three men were brought to 'Alî while he was in Yemen; they all had intercourse with a woman during a single menstrual cycle. He asked two of them: 'Do you affirm that this child belongs to (the third man)?' And they said: 'No.' He asked another two of them: 'Do you affirm that this child belongs to (the third man)?' And they said: 'No.' So he cast lots between them, and attributed the child to the one whome the lot fell, and obliged him to pay two-thirds of the *Diyah*.<sup>[1]</sup> The Prophet ﷺ was told of this, and he laughed so much that his back teeth became visible." (*Da'if*)

تخریج: [إسناد ضعیف] أخرجه أبو داود، الطلاق، باب من قال بالقرعة إذا تنازعوا في الولد، ح: ٢٢٧٠ عن خشیش به، وهو في الكربلي، ح: ٥٦٨٢ \* سفيان الثوري عنـ، وللحديث شواهد ضعیفة .

### Comments:

1. The original incident belonged to the period of ignorance, because in Islam three people's copulating with one woman in her single purity is not possible. Since prescribed legal punishment could not be meted out upon the deeds of the period of ignorance, therefore, solving this problem was required after the fact.
2. 'The one to whom the lot fell': when several individuals hold equal right, and if it cannot be given to everyone, then the matter is decided by drawing lots or performing sortilege.
3. 'He imposed two-thirds of the *Diyah* upon him' because they did not get the child. They were, therefore, given a sum of money.
4. 'He began to laugh': At the intellect of 'Alî ﷺ or at this wonderful incident.

[1] This refers to the value of the woman, who was a slave.

**3519.** It was narrated that Zaid bin Arqam said: "While we were with the Messenger of Allâh ﷺ, a man came to him from Yemen and started telling him (about an incident) while 'Alî was still in Yemen. He said: 'O Messenger of Allâh, three men were brought to 'Alî who were disputing about a child, and they all had intercourse with a woman during a single menstrual cycle.'" And he quoted the same *Hadîth*. (*Da'if*)

**تخریج:** [إسناده ضعیف] أخرجه أبو داود، ح: ٢٢٦٩ (انظر الحديث السابق) من حديث الأجلح به، وضعيته الجمورو كما حققته في تخریج مسند الحمیدي، ح: ٧٨٥، والحديث في الکبری، ح: ٥٦٨٣، وصححه الحاکم، ١٣٥/٣، ١٣٦، وللحادیث طرق کلها ضعیفة.

**3520.** It was narrated that Zaid bin Arqam said: "I was with the Messenger of Allâh ﷺ, and 'Alî, may Allâh be pleased with him, was in Yemen at that time. A man came to him and said: 'I saw 'Alî when three men were brought to him who all claimed (to be the father) of a child. 'Alî said to one of them: Will you give the child up to him? And he refused. He said to (the next one): Will you give the child up to him? And he refused. He said to (the next one): Will you give the child up to him? And he refused. 'Alî said: You are disputing partners. I will cast lots among you, and whoever wins the draw, the child is for him, and he has to pay two-thirds of the *Diyah*.' The Messenger of Allâh ﷺ laughed so much that his back teeth became visible."

٣٥١٩ - أَخْبَرَنَا عَلَيُّ بْنُ حُجْرَةَ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ عَنِ الْأَجْلَحِ، عَنِ الشَّعْبِيِّ  
قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ أَبِي الْخَلِيلِ  
الْحَضْرَمِيُّ عَنْ رَيْدِ بْنِ أَرْقَمَ قَالَ: يَبْنَا نَحْنُ عِنْدَ  
رَسُولِ اللَّهِ ﷺ إِذْ جَاءَهُ رَجُلٌ مِنَ الْيَمَنِ، فَجَعَلَ  
يُخْبِرُهُ وَيُحَدِّثُهُ وَعَلَيْهِ بِهَا، فَقَالَ: يَا رَسُولَ اللَّهِ!  
أَكَيْ عَلَيْنَا تَلَاثَةُ نَفَرٍ يَخْتَصِمُونَ فِي وَلَدٍ وَعَوْا  
عَلَى امْرَأَةٍ فِي طَهْرٍ، وَسَاقَ الْحَدِيثَ.

٣٥٢٠ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍ قَالَ: حَدَّثَنَا يَحْيَى عَنِ الْأَجْلَحِ، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي الْخَلِيلِ، عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ: كُنْتُ عِنْدَ النَّبِيِّ ﷺ وَعَلَيْهِ رَضِيَ اللَّهُ عَنْهُ يَوْمَئِذٍ بِالْيَمَنِ، فَأَتَاهُ رَجُلٌ فَقَالَ: شَهَدْتُ عَلَيْا أُنْجِي فِي ثَلَاثَةِ نَفَرٍ ادْعُوا وَلَدَ امْرَأَةً، فَقَالَ عَلَيِّ لِأَخْدِهِمْ: تَدْعُهُ لِهَذَا؟ فَأَبَى، وَقَالَ لِهَذَا: تَدْعُهُ لِهَذَا؟ فَأَبَى، وَقَالَ لِهَذَا: تَدْعُهُ لِهَذَا؟ فَأَبَى، قَالَ عَلَيِّ رَضِيَ اللَّهُ عَنْهُ: أَنْتُمْ شُرَكَاءُ مُشْتَاكِسُونَ وَسَاقِرُعَ يَبْتَكُمْ، فَإِيَّكُمْ أَصَابَتْهُ الْقَرْعَةُ فَهُوَ لَهُ وَعَلَيْهِ ثُلَاثَ الدِّيَّةِ، فَضَحِكَ رَسُولُ اللَّهِ ﷺ حَتَّى بَدَأَتْ نَوَاجِذُهُ.

تخریج: [ضعیف] انظر الحديث السابق، وهو في الكبیری، ح: ۵۶۸۴.

**3521.** It was narrated from a man from Ḥadramawt, that Zaid bin Arqam said: “The Messenger of Allāh ﷺ sent ‘Alī to (be the governor of) Yemen, and a child was brought to him concerning whom three men were disputing.” (*Da’if*) Then he quoted the same *Hadith*. Salamah bin Kuhail contradicted them.

تخریج: [ضعیف] انظر الحديثين السابعين، وهو في الكبیری، ح: ۵۶۸۵.

**3522.** Salamah bin Kuhail said: “I heard Ash-Sha'bî narrating from Abū Al-Khalil or Ibn Abī Al-Khalil that three men had intercourse (with the same woman) during a single menstrual cycle;” and he mentioned something similar, but he did not mention Zaid bin Arqam or attribute anything to the Prophet ﷺ. (*Da’if*)

Abū ‘Abdur-Rahmān (An-Nasâ’i) said: This is correct, and Allāh, Glorious is He and Most High knows best.

تخریج: [ضعیف] تقدم، ح: ۳۵۱۹، وأخرجه أبو داود، ح: ۲۲۷۱ من حديث شعبة به، وهو في الكبیری، ح: ۵۶۸۶.

## Chapter 51. Detecting Family Likenesses

**3523.** It was narrated that ‘Aishah said: “The Messenger of Allāh ﷺ came to me looking happy and cheerful, and he said: ‘Did you not see that Mujazziz looked at Zaid bin Ḥârithah and Usâmah and said: These feet belong to one another.’” (*Sahîh*)

٣٥٢١ - أَخْبَرَنَا إِسْحَاقُ بْنُ شَاهِينَ قَالَ: حَدَّثَنَا خَالِدٌ عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ رَجُلٍ مِنْ حَضْرَمَوْتَ، عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ: بَعَثَ رَسُولُ اللَّهِ ﷺ عَلَيْهِ السَّلَامُ عَلَى الْيَمَنِ، فَأَتَيْتَهُ يَعْلَمُ تَنَازُعَ فِيهِ ثَلَاثَةً. وَسَاقَ الْحَدِيثَ. خَالَقَهُمْ سَلَمَةُ بْنُ كَهْبٍ.

٣٥٢٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعبَةُ عَنْ سَلَمَةَ بْنِ كَهْبٍ قَالَ: سَمِعْتُ الشَّعْبِيَّ يُحَدِّثُ عَنْ أَبِي الْخَلِيلِ أَوْ أَبْنِ أَبِي الْخَلِيلِ: أَنَّ ثَلَاثَةَ نَفِيَ اشْتَرَكُوا فِي طُهْرٍ. فَذَكَرَ نَحْوَهُ. وَلَمْ يَذْكُرْ زَيْدَ بْنَ أَرْقَمَ وَلَمْ يَرْفَعْهُ.

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: هَذَا صَوَابٌ، وَاللَّهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ.

(المعجم ۵۱) - **بابُ الفَافِيَةِ** (التحفة ۵۱)

٣٥٢٣ - أَخْبَرَنَا قُبَيْلَةُ قَبِيْلَةُ قَالَ: حَدَّثَنَا الْلَّيْثُ عَنْ أَبْنِ شَهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: إِنَّ رَسُولَ اللَّهِ ﷺ دَخَلَ عَائِي مَسْرُورًا تَبِرُّ أَسَارِيرُ وَجْهِهِ فَقَالَ: (أَلَمْ تَرَنِ أَنَّ مُجَرِّزًا نَطَرَ إِلَى زَيْدِ بْنِ حَارِثَةَ وَأَسَامَةَ فَقَالَ: إِنَّ بَعْضَ هُنُو الأَقْدَامِ لَمَنْ تَعْصِيْ).

تخریج: أخرجه البخاري، الفرائض، باب القائف، ح: ٦٧٧٠، ومسلم، الرضاع، باب العمل بالحاق القائف الولد، ح: ٣٨/١٤٥٩ عن قتيبة به، وهو في الكبرى، ح: ٥٦٨٧.

**3524.** It was narrated that 'Aishah, may Allâh be pleased with her, said: "The Messenger of Allâh ﷺ came to me one day looking happy and said: 'O 'Aishah! Did you not see that Mujazziz Al-Mudlijî came to me when Usâmah bin Zaid was with me. He saw Usâmah bin Zaid and Zaid with a blanket over them; their heads were covered but their feet were exposed, and he said: These feet belong to one another.'" (Sahîh)

٣٥٢٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا سُفِّيَانُ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ ذَاتَ يَوْمٍ مَسْرُورًا فَقَالَ: «يَا عَائِشَةً! أَلَمْ تَرَنِ أَنَّ مُحَاجِزَةَ الْمُدْلِجِيِّ دَخَلَ عَلَيَّ وَعَنِي أَسَامَةً ابْنَ زَيْدَ، فَرَأَى أَسَامَةَ بْنَ زَيْدَ وَزَيْدًا وَعَلَيْهِمَا قَطِيفَةٌ وَقَدْ غَطَيَا رُؤُوسَهُمَا وَبَدَأَ أَقْدَامُهُمَا فَقَالَ: هَذِهِ أَقْدَامٌ بَعْضُهَا مِنْ بَعْضٍ».

تخریج: أخرجه البخاري، الفرائض، باب القائف، ح: ٦٧٧١، ومسلم، الرضاع، باب العمل بالحاق القائف الولد، ح: ٣٩/١٤٥٩ من حديث سفيان بن عيينة به، وهو في الكبرى، ح: ٥٦٨٨.

## Chapter 52. When One Parent Becomes Muslim, And The Child Is Given The Choice

**3525.** It was narrated from 'Abdul-Hamîd bin Salâmah Al-Ansârî, from his father, from his grandfather, that he became Muslim but his wife refused to become Muslim. A young son of theirs, who had not yet reached puberty, came, and the Prophet ﷺ seated the father on one side and the mother on the other side, and he gave him the choice. He said: "O Allâh, guide him," and (the child) went to his father. (Hasan)

(المعجم ٥٢) - إِسْلَامُ أَحَدِ الزَّوْجَيْنِ وَتَخْيِيرُ الْوَلَدِ (التحفة ٥٢)

٣٥٢٥ - أَخْبَرَنَا مَحْمُودُ بْنُ عَيْلَانَ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقِ قَالَ: حَدَّثَنَا سُفِّيَانُ عَنْ عُثْمَانَ الْبَيِّنِ، عَنْ عَبْدِ الْحَمِيدِ بْنِ سَلَمَةَ الْأَنْصَارِيِّ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَللَّهُ أَسْلَمَ وَأَبَتْ امْرَأَتُهُ أَنْ تُسْلِمَ، فَجَاءَ ابْنُ لَهُمَا صَغِيرٌ لَمْ يَلْغُ الْحُلْمَ، فَأَجْلَسَ النَّبِيَّ ﷺ الْأَبَ هُنَّا وَالْأُمُّ هُنَّا ثُمَّ خَيَرَهُ فَقَالَ: «اللَّهُمَّ اهْدِهِ» فَذَهَبَ إِلَى أَبِيهِ.

تخریج: [حسن] أخرجه ابن ماجه، الأحكام، باب تخيير الصبي بين أبويه، ح: ٢٣٥٢ من حديث عثمان البني به، وهو في الكبرى، ح: ٥٦٨٩، وصححه الحاكم: ح: ٢٠٦، ٢٠٧، ٢٠٦/٢، ووافقه الذهبی.

**Comments:**

If a husband and wife decide to go their separate ways, the child should remain in the custody of mother till the age of seven years. Thereupon, the child shall be offered an option - he or she may choose to remain with the mother or the father. In the afore-mentioned incident, the father was a Muslim, while the mother was an unbeliever. A child instinctively inclines toward his mother. Therefore, Allâh's Messenger ﷺ supplicated the child should not go to the mother, otherwise the child had the danger of falling into disbelief.

**3526.** It was narrated that Abû Maimûnah said: "While I was with Abû Hurairah he said: 'A woman came to the Messenger of Allâh ﷺ and said: May my father and mother be ransomed for you! My husband wants to take my son away, but he helps me, and brings me water from the well of Abû 'Inabah. Her husband came and said: Who is going to take my son from me? The Messenger of Allâh ﷺ said: 'O boy, this is your father and this is your mother; take the hand of whichever of them you want.' He took his mother's hand and she left with him.'" (*Sahîh*)

**تخریج:** [إسناده صحيح] أخرجه أبو داود، الطلاق، باب من أحق بالولد، ح: ٢٢٧٧ من حديث ابن جریح به، وهو في الكبير، ح: ٥٦٩٠، وقال الترمذی، ح: ١٣٥٧. "حسن صحيح" \* زیاد هو ابن سعد.

**Comments:**

1. This child might have been older than seven years of age, but less than adult. In the event of dispute between, father and mother, the child has the option to remain with either of the parents. The father cannot forcibly take the child. Till the age of seven, a child nonetheless remains dependent on the mother. On reaching puberty, he or she becomes independent or autonomous.
2. Bi'r Abi 'Inabah is a well, which is situated outside of the city of Al-Madinah at a distance of about 16 kilometers.

**Chapter 53. The 'Iddah Of A Woman Separated By Khul'**

**3527.** Ar-Rubay' bint Mu'awwidh bin 'Afrâ' narrated that Thâbit bin

- أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى  
قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْحٍ  
قَالَ: أَخْبَرَنِي زِيَادٌ عَنْ هَلَالِ بْنِ أَسَامَةَ، عَنْ  
أَبِي مَيْمُونَةَ قَالَ: يَبْتَأِنَا أَنَا عِنْدَ أَبِي هُرَيْرَةَ  
قَالَ: إِنَّ امْرَأَةً جَاءَتْ إِلَى رَسُولِ اللَّهِ  
فَقَالَ: فَذَلِكَ أَبِي وَأُمِّي! إِنَّ رَزْقِي يُرِيدُ أَنْ  
يَذْهَبَ بِأَبِينِي وَقَدْ نَفَعَنِي وَسَقَانِي مِنْ بَشَرٍ أَبِي  
عِنْبَةَ، فَجَاءَ رَوْجَهَا وَقَالَ: مَنْ يُخَاصِّمُنِي فِي  
أَبِينِي؟ فَقَالَ: إِيَّا غَلَامًا! هَذَا أَبُوكَ وَهُنْدُهُ أُمُّكَ  
فَخُذْ بِيَدِ أَيِّهِمَا شِئْتَ. فَأَخْذَ بِيَدِ أُمِّهِ  
فَأَنْطَلَقَتْ يَوْمًا.

**المعجم** (٥٣) - **عِدَّةُ الْمُخْتَلِعَةِ**  
**(التحفة** (٥٣)

- أَخْبَرَنَا أَبُو عَلَيٍّ مُحَمَّدُ بْنُ يَحْيَى

Qais bin Shammâs hit his wife and broke her arm – her name was Jamîlah bint ‘Abdullâh bin Ubayy. Her brother came to the Messenger of Allâh ﷺ to complain about him, and the Messenger of Allâh ﷺ sent for Thâbit and said: “Take what she owes you and let her go.” He said: “Yes.” And the Messenger of Allâh ﷺ ordered her to wait for one menstrual cycle and then go to her family. (*Hasan*)

المرؤزئي قال: أخبرني شادان بن عمّان آخر عن عبدان قال: حدثنا أبي قال: حدثنا علي بن المبارك عن يحيى بن أبي كثير قال: أخبرني محمد بن عبد الرحمن أن الربيع بنت معاذ ابن عفرا أخبرته: أن ثابت بن قيس بن شماس ضرب امرأته فكسر يدها وهي جميلة بنت عبد الله بن أبي - فاتى أخوها يستكبه إلى رسول الله ﷺ، فارسل رسول الله ﷺ إلى ثابت فقال له: «خذ الذي لها عثيتك وخل سبيلها» قال: نعم، فأمرها رسول الله ﷺ أن تتربيض حيضةً واحدةً فلتحق بأهلها.

تخریج: [إسناده حسن] أخرجه الطبراني في الكبير: ٢٤٠، ح: ٦٧١ من طريق آخر عن محمد بن عبد الرحمن بن ثوبان وغيره به، وهو في الكبير، ح: ٥٦٩١.

**3528.** ‘Ubâdah bin Al-Walîd bin ‘Ubâdah bin As-Şâmit narrated from Rubay‘ bint Mu‘awwidh. He said: “I said to her: ‘Tell me your *Hadîth*.’ She said: ‘I was separated from husband by *Khul'*, then I came to ‘Uthmân and asked him: What *Iddah* do I have to observe? He said: You do not have to observe any *Iddah*, unless you had intercourse with him recently, in which case you should stay with him until you have menstruated. He said: In that I am following the ruling of the Messenger of Allâh ﷺ concerning Mariam Al-Maghâliyyah, who was married to Thâbit bin Qais and was separated by *Khul'* from him.’” (*Hasan*)

٣٥٢٨ - أخبرنا عبيد الله بن سعد بن إبراهيم بن سعيد قال: حدثنا عمّي قال: حدثنا أبي عن ابن إسحاق قال: حدثني عبادة بن الوليد بن عبادة بن الصامت عن ربيع بنت معاذ قال: قلت لها: حدثني حديتك، قالت: اختلعت من زوجي ثم جئت عمّان فسألتها ماذًا علىي من العدة؟ فقال: لا علة علىك إلا أن تكوني حديثة عهدي به، فتمكثي حتى تحيضي حيضةً. قال: وأنا متبع في ذلك فضاء رسول الله ﷺ في مريم المغالية، كانت تحت ثابت بن قيس ابن شماس فاختلعت منه.

تخریج: [إسناده حسن] أخرجه ابن ماجه، الطلاق، باب عدة المختلعة، ح: ٢٠٥٨ من

Hadith Iyqub bin Ibrahim bin Sude, 'Um Ubaidullah bi, wa-hu fi al-kabri, H: ٥٦٩٢.

### Comments:

- From the verdict of 'Uthman, it transpires that the waiting period of one menstrual cycle is also for acquittal from pregnancy or to verify that she is not pregnant. If sexual intercourse has not taken place during the woman's current purity (the *Tuhîr*, or the state of purity following menstruation), there is no waiting period even of one menstrual cycle. But since copulation is a concealed matter, the fact of the matter is that the woman granted a *Khul'* from her husband should wait for one menstrual cycle to intervene, so that nothing is left to doubt or suspicion.
- It should be borne in mind that returning (taking back) is not possible in *Khul'*. Later, remarriage is possible because it does not fall in the category of a third divorce.

### Chapter 54. Exceptions To The 'Iddah Of Divorced Women

(المعجم ٥٤) - مَا اسْتَنْدَى مِنْ عَلَّةٍ  
المُطْلَقَاتِ (٥٤) (الصفحة

**3529.** It was narrated from Ibn 'Abbâs with regard to Allâh's saying: "Whatever a Verse (revelation) do We abrogate or cause to be forgotten, We bring a better one or similar to it."<sup>[1]</sup> and He said: "And when We change a Verse in place of another — and Allâh knows best what He sends down."<sup>[2]</sup> and He said: "Allâh blots out what He wills and confirms (what He wills). And with Him is the Mother of the Book."<sup>[3]</sup> "The first thing that was abrogated in the Qur'ân was the *Qiblah*." And He said: "And divorced women shall wait (as regards their marriage) for three menstrual periods."<sup>[4]</sup> and He said: "And those of your women as have passed the age of monthly

٣٥٢٩ - أَخْبَرَنَا رَجَبٌ بْنُ يَحْيَى قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَلَيْهِ أَبْنُ الْحُسَيْنِ بْنُ وَاقِدٍ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنَا يَزِيدُ التَّحْوِيُّ عَنْ عِكْرِمَةَ، عَنْ أَبِي عَبَّاسٍ فِي قَوْلِهِ: «مَا نَسَخَ مِنْ آيَةٍ أَوْ نُسِّخَهَا ثَانِيَتْ يَغْفِرُ مِنْهَا أَوْ يُشَلِّهَا» [البقرة: ١٠٦] وَقَالَ: «وَإِذَا بَدَّلْنَا عَالِيَّةً نَمَكَّنَ عَالِيَّةً وَاللَّهُ أَعْلَمُ بِمَا يَبْرُئُ» [النَّحْل: ١] الآية. وَقَالَ: «يَسْحُرُونَ اللَّهَ مَا يَشَاءُ وَيُشَيْءُ وَعِنْدَهُ أُمُّ الْكِتَابِ» [الرَّعد: ٣٩] فَأَوْلَى مَا تُسْخَى مِنْ الْقُرْآنِ الْجَيْلَةُ، وَقَالَ: «وَالْمُطْلَقَاتِ يَرْبَضُنَ إِنْ شَيْهُنَ ثَلَاثَةٌ فَرُوعٌ» [البقرة: ٢٢٨] وَقَالَ: «وَأَلَّى يُؤْسَنَ مِنَ الْمَجِيضِ مِنْ نَسَاءٍ كُنْدُرٌ إِنْ أَرَبَّتْ فَعَدْهُنَ ثَلَاثَةُ أَشْهُرٍ» [الطلاق: ٤] فَسُبِّخَ مِنْ

[1] Al-Baqarah 2:106.

[2] An-Nahl 16:101.

[3] Ar-Râ'd 13:39.

[4] Al-Baqarah 2:228.

courses, for them the 'Iddah, if you have doubt (about their periods), is three months.'<sup>[1]</sup> So (some) of that was abrogated, (according to) His, Most High, saying: "And then divorce them before you have sexual intercourse with them, no 'Iddah have you to count in respect of them."<sup>[2]</sup> (*Hasan*)

تخریج: [إسناده حسن] أخرجه أبو داود، الطلاق، باب: في نسخ ما استثنى به، من عدة المختلعتات، ح: ٢٢٨٢ من حديث علي بن الحسين به، وهو في الكبير، ح: ٥٧٠٤.

### Chapter 55. The 'Iddah Of A Woman Whose Husband Dies

**3530.** It was narrated that Zainab bint Umm Salamah said: "Umm Habibah said: 'I heard the Messenger of Allâh ﷺ say: It is not permissible for a woman who believes in Allâh and the Last Day to mourn for anyone who dies for more than three days, except for a husband; (she mourns for him for) four months and ten (days).'" (*Sahîh*)

تخریج: أخرجه البخاري، الطلاق، باب الكحل للحادة، ح: ٥٣٣٩، ومسلم، الطلاق، باب وجوب الإحداد في عدة الوفاة وتحريمه في غير ذلك، إلا ثلاثة أيام، ح: ١٤٨٦ من حديث شعبة به، وهو في الكبير، ح: ٥٦٩٣.

**3531.** It was narrated from Zainab bint Umm Salamah - I (the narrator) said: "From her mother?" He said: "Yes" - "that the Prophet ﷺ was asked about a woman whose husband had died but they were worried about her

ذلك، قال تعالى: «ثُمَّ طَلَقْتُهُنَّ مِنْ قَبْلِ أَنْ تَمْشُوْهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِذَّةٍ تَعْذِدُوهُنَّهُنَّ» [الأحزاب: ٤٩]

(المعجم ٥٥) - **باب عدة المتأمنة عنها زوجها** (التحفة ٥٥)

٣٥٣٠ - أَخْبَرَنَا هَنَدُ بْنُ السَّرِيِّ عَنْ وَكِيعٍ، عَنْ شُعْبَةَ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ نَافِعٍ عَنْ زَيْنَبَ بْنِتِ أُمِّ سَلَمَةَ: قَالَتْ أُمُّ حَبِيبَةَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ تُحِدُّ عَلَى مِيَّتٍ فَوْقَ ثَلَاثَةِ أَيَّامٍ إِلَّا عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

٣٥٣١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُبَّهُ عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبَ بْنِتِ أُمِّ سَلَمَةَ، قُلْتُ: عَنْ أُمِّهَا؟ قَالَ: نَعَمْ، إِنَّ النَّبِيَّ ﷺ سُئِلَ عَنْ امْرَأَةٍ تُؤْمِنُ بِهَا زَوْجُهَا فَخَافُوا

[1] *At-Talâq* 65:4.

[2] *Al-Ahzâb* 33:49. See no. 3584.

eyes – could she use *kohl*?" He said: "One of you used to stay in her house wearing her shabbiest clothes for a year, then she would come out. No, (the mourning period is) four months and ten (days)." (*Sahih*)

على عينيها أتكتحل؟ فقال: (قدْ كَانَتْ إِحْدَاهُنَّ تَمْكُثُ فِي عَيْنِهَا فِي شَرِّ أَخْلَاصِهَا حَوْلًا ثُمَّ خَرَجَتْ، فَلَا، أَرْبَعَةً أَشْهُرٍ وَعَشْرًا).

تخریج: أخرجه البخاري، ح: ٥٣٣٨، ومسلم، ح: ٦٠ / ١٤٨٨ من حديث شعبة به (انظر الحديث السابق)، وهو في الكبير، ح: ٥٦٩٤.

### Comments:

1. The waiting period of a woman whose husband dies, is four months and ten days. There is consensus over this matter, provided the woman is not pregnant. She shall have to remain in the state of mourning during this period, in which she will have to abstain from all sorts of adornment. *Kohl* or collyrium is also an adornment. She, therefore, may not apply collyrium during mourning. If there is any trouble in one's eyes, some other medication could be utilized, which is not generally used as a means of adornment.
2. During the period of ignorance, it was a custom to keep the woman, whose husband had died, secluded in a room for a period of one year. She was not even permitted to bathe and wash herself, to the extent that she could not take a bath after menstruation. She also wore the same clothes the entire period. That is why they (the clothes) are called the worst garments in the *Hadith*. They used to smell so bad that if some animal touched her body, it would die. She used to be taken out of her room after one year. She was then handed camel's dung, which she would throw back over her head. So to say, now her bad condition has come to an end, as a sign of the end of her waiting period. Islam prevented a widow from adornment only. She would continue to reside with the other members of the household. She would take a bath and wash herself. She would, however, abstain from new or attractive garments, jewelry, make-up, and other adornments, and remain indoors as far as possible.

**3532.** It was narrated from Zainab bint Umm Salamah, that Umm Salamah and Umm Habibah said: "A woman came to the Prophet ﷺ and said: 'My daughter's husband has died, and I am worried about her eyes. Can I apply *kohl* to her?' The Messenger of Allâh ﷺ said: 'One of you used to stay (in mourning) for a year. Rather (the mourning period is) four months and ten (days). And when that year

٣٥٣٢ - أَخْبَرَنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنْ يَعْيَى بْنِ سَعِيدٍ بْنِ قَسٍ بْنِ فَهْلِ الْأَنْصَارِيِّ - وَجَدَهُ قَدْ أَذْرَكَ النَّبِيُّ ﷺ - عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبِ بْنِتِ أُمِّ سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ وَأُمِّ حَيْثَيَةَ قَالَتَا: جَاءَتْ امْرَأَةٌ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: إِنَّ أُبْنَيِ تُؤْفَنِي عَنْهَا رَوْجَهَا، وَإِنِّي أَخَافُ عَلَى

had passed she would go out and fling a piece of dung behind her.”<sup>[1]</sup> (*Sahîh*)

عَيْنِهَا أَفَأَكْحُلُهَا؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «قَدْ كَانَتْ إِحْدًا كُنَّ تَجْلِسُ حَوْلًا، وَإِنَّمَا هِيَ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، فَإِذَا كَانَ الْحَوْلُ حَرَجَتْ وَرَأَتْ وَرَاءَهَا بِعَرَّةً».

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبير، ح: ٥٦٩٥.

**3533.** It was narrated from Ṣafiyah bint Abī ‘Ubaid that she heard Hafṣah bint ‘Umar, the wife of the Prophet ﷺ, (narrate) that the Prophet ﷺ said: “It is not permissible for a woman who believes in Allāh and the Last Day to mourn for anyone who dies for more than three days except for a husband; she should mourn for him for four months and ten (days).” (*Sahîh*)

٣٥٣٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ قَالَ: سَمِعْتُ نَافِعًا يَقُولُ: عَنْ صَفِيفَةَ بْنِتِ أَبِي عُيَيْدٍ أَنَّهَا سَمِعْتَ حَفْصَةَ بْنَتَ عُمَرَ زَوْجَ النَّبِيِّ ﷺ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ تُحْدِّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثَةِ إِلَّا عَلَى زَوْجٍ، فَإِنَّهَا تُحْدِّ عَلَيْهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

تخریج: أخرجه مسلم، الطلاق، باب وجوب الإحداد في عدة الوفاة وتحريمها في غير ذلك، إلا ثلاثة أيام، ح: ١٤٩٠ من حديث نافع به، وهو في الكبير، ح: ٥٦٩٦.

#### Comments:

Mourning (Arabic - *Hidâd*) signifies abstaining from something lawful, for instance, taking bath, washing, sleeping, etc. It does not signify perpetrating unlawfulness, for example screaming, shrieking, wailing, whining, slapping the chest, shaving the head, etc. Mourning for more than three days is also not permitted for men. Women were specially mentioned because they generally indulge in mourning more than men.

**3534.** It was narrated from Ṣafiyah bint Abî ‘Ubaid from one of the wives of the Prophet ﷺ, and from Umm Salamah, that the Prophet ﷺ said: “It is not permissible for a woman who believes in Allāh and the Last Day to mourn for anyone who dies for more than three days except for a husband; she should mourn for him for four months and ten (days).” (*Sahîh*)

٣٥٣٤ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ الصَّبَّاحِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءَ قَالَ: أَخْبَرَنَا سَعِيدٌ عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ صَفِيفَةَ بْنِتِ أَبِي عُيَيْدٍ، عَنْ بَعْضِ أَزْوَاجِ النَّبِيِّ ﷺ وَعَنْ أُمِّ سَلَمَةَ أَنَّ النَّبِيِّ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ تُحْدِّ عَلَى مَيِّتٍ أَكْثَرَ مِنْ ثَلَاثَةِ أَيَّامٍ إِلَّا عَلَى زَوْجٍ، فَإِنَّهَا تُحْدِّ عَلَيْهِ

[1] See no. 3563.

أربعة أشهر وعشراً.

تخریج: [صحيح] وهو في الكبير، ح: ٥٦٩٧، وانظر الحديث السابق \* سعید هو ابن أبي عروبة.

**3535.** A similar report was narrated from Ṣafiyah bint Abī ‘Ubaid from one of the wives of the Prophet ﷺ – and she is Umm Salamah – from the Prophet ﷺ. (*Sahih*)

٣٥٣٥ - أَخْبَرَنِي مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا السَّهْوِيُّ - يَعْنِي عَبْدَ اللَّهِ بْنَ بَكْرٍ - قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ صَفِيَّةَ بْنِتِ أَبِي عَبْيَيْدَ، عَنْ بَعْضِ أَزْوَاجِ النَّبِيِّ - وَهِيَ أُمُّ سَلَمَةَ - عَنِ النَّبِيِّ ﷺ تَحْوِهَ.

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبير، ح: ٥٦٩٨.

### Comments:

The objective behind repetition of the narration concerning mourning is to display that in one place this report is transmitted on the authority of Umm Habibah ﷺ, in another on the authority of Umm Salamah, in some other from Hafsah ﷺ and in another on the authority of one of the other wives of the Prophet ﷺ. There is no conflict in them.

### Chapter 56. The ‘Iddah Of A Pregnant Woman Whose Husband Dies

**3536.** It was narrated from Al-Miswar bin Makhramah that Subai‘ah Al-Aslamiyyah gave birth one day after her husband died. She came to the Messenger of Allāh ﷺ and asked his permission to marry, and he gave her permission to marry and she married. (*Sahih*)

(المعجم ٥٦) - بَابُ عِدَّةِ الْحَامِلِ  
المُتَوَفِّيَ عَنْهَا زَوْجُهَا (التحفة ٥٦)

٣٥٣٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - وَاللَّفْظُ لِمُحَمَّدٍ - قَالَ: حَدَّثَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ الْمُسْوَرِ بْنِ مَخْرَمَةَ: أَنَّ سُيُّونَةَ الْأَشْلَمِيَّةَ ثُبَستُ بَعْدَ وَفَاءِ زَوْجِهَا بِلَيَالٍ، فَجَاءَتْ رَسُولُ اللَّهِ ﷺ فَاسْتَأْذَنَتْ أَنْ تَنْجِحَ، فَأَذِنَ لَهَا فَنَكَحْتَ.

تخریج: أخرجه البخاري، الطلاق، باب: "أولات الأحمال أجلهن أن يضعن حملهن"، ح: ٥٣٢٠ من حديث مالك به، وهو في الموطأ (يعنى): ٢: ٥٩٠، والكبير، ح: ٥٦٩٩.

### Comments:

If a woman's husband dies, and if she is pregnant, her waiting period, according to the majority of the people of knowledge, instead of four months and ten days, ends when she delivers her burden. When the child is born, she

is free when her postnatal bleeding (*Nifâs*) ceases. She may further marry. No mourning is required of her. It was the opinion of Ibn ‘Abbâs that the latter is the waiting period of the two: that means if the child is born before the expiration of the period of four months and ten days, the waiting period shall be four months and ten days; and if the four months and ten days intervene first or come to an end before the birth of the child, the waiting period shall be the childbirth. So to speak, he thought mourning has its own place and the childbirth has its own.

**3537.** It was narrated from Al-Miswar bin Makhramah that the Prophet ﷺ commanded Subai‘ah to get married when her *Nifâs*<sup>[1]</sup> ended. (*Sahîh*)

٣٥٣٧ - أَخْبَرَنَا نَصْرُ بْنُ عَلَيٌّ بْنُ نَصِيرٍ  
عَنْ عَبْدِ اللَّهِ بْنِ دَاؤِدَ، عَنْ هِشَامِ بْنِ عَرْوَةَ،  
عَنْ أَبِيهِ، عَنْ الْمَسْوُرِ بْنِ مَخْرَمَةَ: أَنَّ النَّبِيَّ  
ﷺ أَمَرَ سَيِّئَةً أَنْ تَنْكِحَ إِذَا تَعَلَّثَ مِنْ  
نِفَاسِهَا.

تخریج: [صحیح] انظر الحدیث السابق، وهو في الکبری، ح: ۵۷۰۰.

**3538.** It was narrated that Abû As-Sanâbil said: “Subai‘ah gave birth twenty-three or twenty-five days after her husband died, and when her *Nifâs* ended she expressed her wish to remarry and was criticized for that. Mention of that was made to the Messenger of Allâh ﷺ and he said: ‘There is nothing to stop her; her term has ended.’” (*Hasan*)

٣٥٣٨ - أَخْبَرَنِي مُحَمَّدُ بْنُ فُدَامَةَ قَالَ:  
أَخْبَرَنِي جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ  
الْأَسْوَدِ، عَنْ أَبِي السَّنَابِلِ قَالَ: وَضَعَتْ  
سَيِّئَةً حَمْلَهَا بَعْدَ وَفَاتَهُ رَوْجِهَا بِثَلَاثَةَ وَعَشْرِينَ  
أَوْ خَمْسَةَ وَعَشْرِينَ لَيَلَةً، فَلَمَّا تَعَلَّثَ شَسَوَّفَتْ  
لِلأَرْزَاقِ فَعَيَّبَ ذَلِكَ عَلَيْهَا، فَذَكَرَ ذَلِكَ  
لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «مَا يَمْنَهَا قَدِ اتَّقَضَى  
أَجَلُهَا».

تخریج: [حسن] أخرجه الترمذی، الطلاق، باب ماجاء في الحامل المتوفى عنها زوجها تضع، ح ۱۱۹۳ من حدیث منصور بن المعتمر به، وقال: ”لا نعرف للأسود شيئاً، عن أبي السنابل“، وهو في الکبری، ح ۵۷۰۱، وصححه ابن حبان، ح ۱۳۲۹ من حدیث جریر بن عبد الحمید به \* والأسود هو ابن یزید، وللحديث شواهد، انظر الحدیث الآتی.

**3539.** Abû Salamah said: “Abû Hurairah and Ibn ‘Abbâs differed concerning the widow who gives birth after her husband’s death. Abû Hurairah said: ‘She may be

٣٥٣٩ - أَخْبَرَنَا مَحْمُودُ بْنُ عَيْلَانَ قَالَ:  
حَدَّثَنَا أَبُو دَاؤِدَ قَالَ: حَدَّثَنَا شُعْبَةَ قَالَ:  
أَخْبَرَنِي عَبْدُ رَبِّهِ بْنُ سَعِيدٍ قَالَ: سَوِعْتُ أَبَا

[۱] Postnatal bleeding.

married.' Ibn 'Abbâs said: '(She has to wait) for the longer of the two periods.'<sup>[1]</sup> They sent word to Umm Salamah and she said: 'The husband of Subai'ah died and she gave birth fifteen days – half a month – after her husband died.' She said: 'Two men proposed marriage to her, and she was inclined toward one of them. When they feared that she was becoming single-minded (on this issue, and not consulting her family), they said: It is not permissible for you to marry. She went to the Messenger of Allâh ﷺ and he said: 'It is permissible for you to marry, so marry whomever you want.''' (Sahîh)

تخریج: [إسناده صحيح] وهو في الكبرى، ح: ٥٧٠٢ \* عبد ربه بن سعيد هو ابن قيس، أبوبسلمة هو ابن عبدالرحمن.

**3540.** It was narrated that Abû Salamah said: "Ibn 'Abbâs and Abû Hurairah were asked about the woman whose husband dies when she is pregnant. Ibn 'Abbâs said: '(She should wait) for the longer of the two periods.' Abû Hurairah said: 'When she gives birth it becomes permissible for her to marry.' Abû Salamah went to Umm Salamah and asked her about that, and she said: 'Subai'ah Al-Aslamiyyah gave birth half a month after her husband died, and two men proposed to her. One was young and one was old, and she

سلمة يُقُولُ: اخْتَافَ أَبُو هُرَيْرَةَ وَابْنُ عَبَّاسٍ فِي الْمُتَرْفَى عَنْهَا رَوْجُهَا إِذَا وَضَعَتْ حَمْلَهَا، قَالَ أَبُو هُرَيْرَةَ: تُرْوَجُ، وَقَالَ ابْنُ عَبَّاسٍ: أَبْعَدَ الْأَجَلَيْنِ، فَبَعْثَوْا إِلَيْهِ أُمُّ سَلَمَةَ فَقَالَتْ: تُؤْفَى رَوْجُ سُبْعَةَ فَوَلَدَتْ بَعْدَ وَفَاءَ رَوْجِهَا بِخَمْسَةَ عَشَرَ نِصْفَ شَهْرٍ، قَالَتْ: فَخَطَّبَهَا رَجُلًا فَحَكَطَتْ يَنْسِيَّهَا إِلَيْهِ أَخْلِيهِمَا، فَلَمَّا خَشِبُوا أَنَّ نَفَّاتَ يَنْسِيَّهَا قَالُوا: إِنَّكَ لَا تَرْجِلُينَ، قَالَتْ: فَانْطَلَقْتُ إِلَيْهِ رَسُولَ اللَّهِ ﷺ فَقَالَ: «قَدْ حَلَّتِ فَانْكِحْهِ مَنْ شِئْتِ».

٣٥٤٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ - وَاللَّفْظُ لِمُحَمَّدٍ - قَالَ: أَخْبَرَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ عَبْدِ رَبِّهِ بْنِ سَعِيدٍ، عَنْ أَبِي سَلَمَةَ قَالَ: شَيَّلَ ابْنُ عَبَّاسٍ وَأَبُو هُرَيْرَةَ عَنِ الْمُتَوْفَى عَنْهَا رَوْجُهَا وَهِيَ حَامِلٌ؟ قَالَ ابْنُ عَبَّاسٍ: أَخْرُ الْأَجَلَيْنِ، وَقَالَ أَبُو هُرَيْرَةَ: إِذَا وَلَدَتْ فَقَدْ حَلَّتْ، فَدَخَلَ أَبُو سَلَمَةَ إِلَيْهِ أُمُّ سَلَمَةَ فَسَأَلَهَا عَنْ ذَلِكَ، فَقَالَتْ: وَلَدَتْ سُبْعَةَ الْأَسْلَمِيَّةَ بَعْدَ وَفَاءَ رَوْجِهَا بِنِصْفِ

[1] The longer of the two periods: The dispute here is whether the pregnant widow's *Iddah* ends when she gives birth, even if that is only a few days after her husband's death, or when four months and ten days have passed since her husband's death.

was inclined toward the young one. So the old one said: It is not permissible for you to marry. Her family was not there, and he hoped that if he went to her family they would marry her to him. She went to the Messenger of Allâh ﷺ and he said: It is permissible for you to marry, so marry whomever you want.”” (*Sahîh*)

شَهْرٌ، فَخَطَبَهَا رَجُلًا أَحَدُهُمَا شَابٌ وَالآخَرُ كَهْلٌ، فَخَطَّتْ إِلَى الشَّابِ، فَقَالَ الْكَهْلُ: لَمْ تَخْلِنْ، وَكَانَ أَهْلُهَا غُيَّبًا فَرَجَأَ إِذَا جَاءَ أَهْلُهَا أَنْ يُؤْثِرُوهُ بَهَا فَجَاءَهُ رَسُولُ اللَّهِ ﷺ فَقَالَ: قَدْ حَلَّتِ فَانْكِحْهِ مَنْ شِئْتِ».

تخریج: [إسناده صحيح] انظر الحديث السابق، وهو في الموطأ (بحي): ٢/٥٨٩، والکبری، ح: ٣٧٠٣.

**3541.** Abû Salamah bin ‘Abdur-Râhmân said: “It was said to Ibn ‘Abbâs concerning a woman who gives birth one day after her husband dies: ‘Can she get married?’ He said: ‘No, not until the longer of the two periods has ended.’” He said: ‘Allâh says: And for those who are pregnant (whether they are divorced or their husbands are dead), their *Iddah* (prescribed period) is until they lay down their burden.’<sup>[1]</sup> He said: ‘That only applies in the case of divorce.’ Abû Hurairah said: ‘I agree with my brother’s son’ – meaning, Abû Salamah. He sent his slave Kuraib and told him: ‘Go to Umm Salamah and ask her: Was this the *Sunnah* of the Messenger of Allâh ﷺ?’ He came back and said: ‘Yes, Subai‘ah Al-Aslamiyyah gave birth twenty days after her husband died, and the Messenger of Allâh ﷺ told her to get married, and Abû As-Sanâbil was one of those who proposed marriage to her.’” (*Sahîh*)

٣٥٤١ - أَخْبَرَنِي مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ بَرِّيْعَ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زَيْنَعَ - قَالَ: حَدَّثَنَا حَاجَّ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ قَالَ: قَبِيلٌ لَابْنِ عَبَّاسٍ فِي امْرَأَةٍ وَضَعَتْ بَعْدَ وَفَاتَهُ زَوْجَهَا بِعِشْرِينَ لَيْلَةً أَيْضُلُّ لَهَا أَنْ تَرْوَجَ قَالَ: لَا، إِلَّا آخِرَ الْأَجْلَيْنِ، قَالَ: قُلْتُ: قَالَ اللَّهُ بَكَارَكَ وَتَعَالَى: «وَأَوْلَى النَّاسَ بِأَجْلَهُنَّ أَنْ يَضْعَنَ حَلَّهُنَّ» [الطلاق: ٤] قَالَ: إِنَّمَا ذَلِكَ فِي الطَّلاقِ، فَقَالَ أَبُو هَرَيْرَةَ: أَنَا مَعَ ابْنِ أَخِي - يَعْنِي أَبَا سَلَمَةَ - فَأَرْسَلَ غُلَامًا كُرِيمًا فَقَالَ: أَتْ أُمُّ سَلَمَةَ فَسَلَّهَا هَلْ كَانَ هَذَا سُنَّةً مِنْ رَسُولِ اللَّهِ ﷺ؟ فَجَاءَهُ فَقَالَ: قَالَتْ: نَعَمْ، سُنْيَةُ الْأَشْلَمِيَّةِ وَضَعَتْ بَعْدَ وَفَاتَهُ زَوْجَهَا بِعِشْرِينَ لَيْلَةً، فَأَمْرَهَا رَسُولُ اللَّهِ ﷺ أَنْ تَرْوَجَ، فَكَانَ أَبُو السَّنَابِلِ فِيمَنْ يَخْطُبُهَا.

<sup>[1]</sup> *At-Talâq* 65:4.

تخریج: أخرجه البخاري، التفسیر، باب: «أوّلات الأحتمال أجلهن أن يضعن حملهن ...»  
الخ، ح: ٤٩٩ من حديث يحيى بن أبي كثیر، ومسلم، الطلاق، باب انقضاء عدة المترفی عنها  
وغيرها، بوضع الحمل، ح: ٥٧/١٤٨٥ من حديث أبي سلمة به، وهو في الکبری، ح: ٥٧٥٠.  
وفیه علة غير قادحة.

### Comments:

Ibn ‘Abbâs maintained that the mourning period is essential in every condition and the childbirth too. But the command of the Messenger of Allâh ﷺ was different. Hence, Ibn ‘Abbâs ﷺ retracted his statement. May Allâh be pleased with him.

**3542.** It was narrated from Sulaimân bin Yâsir that Abû Hurairah, Ibn ‘Abbâs, and Abû Salamah bin ‘Abdur-Râhmân were talking about the *Iddah* of a woman whose husband dies, and she gives birth after her husband dies. Ibn ‘Abbâs said: “She should observe *Iddah* for the longer of the two periods.” Abû Salamah said: “No, it becomes permissible for her to marry when she has given birth.” Abû Hurairah said: “I agree with my brother’s son.” So they sent word to Umm Salamah, the wife of the Prophet ﷺ, and she said: “Subai’ah Al-Aslamiyyah gave birth shortly after her husband died; she consulted the Messenger of Allâh ﷺ and he told her to get married.” (*Sahîh*)

تخریج: [صحيح] انظر الحديث السابق، وهو في الکبری، ح: ٥٧٠٦.

**3543.** It was narrated that Umm Salamah said: “Subai’ah gave birth a few days after her husband died, and the Messenger of Allâh ﷺ told her to get married.” (*Sahîh*)

٣٥٤٢ - أَخْبَرَنَا قُتْبِيَّةُ قَالَ: حَدَّثَنَا الْيَثْعَابِيُّ  
عَنْ يَحْيَىٰ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ: أَنَّ أَبَا  
هُرَيْرَةَ وَابْنَ عَبَّاسٍ وَأَبَا سَلَمَةَ بْنَ عَبْدَ الرَّحْمَنِ  
تَدَاكَرُوا عَدَّةَ الْمُتَوَفِّيِّ عَنْهَا زَوْجُهَا تَضَعُّ عِنْدَ  
وَفَاءِ زَوْجِهَا، فَقَالَ ابْنُ عَبَّاسٍ: تَعْدُ أَخْرَ  
الْأَجَلَيْنِ، وَقَالَ أَبُو سَلَمَةَ: بَلْ تَحْلُّ حِينَ  
تَضَعُّ، فَقَالَ أَبُو هُرَيْرَةَ: أَنَا مَعَ ابْنِ أَخِيِّ،  
فَأَرْسَلُوا إِلَيَّ أُمَّ سَلَمَةَ زَوْجِ الَّذِي  
فَقَالَتْ: وَضَعْتُ سَبِيعَةً الْأَسْلَمِيَّةَ بَعْدَ وَفَاءِ  
زَوْجِهَا يَسِيرًا، فَاسْتَشْرَتْ رَسُولَ اللَّهِ  
فَأَمْرَهَا أَنْ تَنْرَوْجَ.

٣٥٤٣ - أَخْبَرَنَا عَبْدُ الْأَعْلَىٰ بْنُ وَاصِلٍ بْنِ  
عَبْدِ الْأَعْلَىٰ قَالَ: حَدَّثَنَا يَحْيَىٰ بْنُ آدَمَ عَنْ  
شُفَيْيَانَ، عَنْ يَحْيَىٰ بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ  
يَسَارٍ، عَنْ كُرَيْبٍ، عَنْ أُمَّ سَلَمَةَ وَمُحَمَّدَ بْنِ  
عُمَرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ كُرَيْبٍ، عَنْ أُمَّ  
سَلَمَةَ قَالَتْ: وَضَعْتُ سَبِيعَةً بَعْدَ وَفَاءِ زَوْجِهَا

يَا يَامِ، فَأَمْرَهَا رَسُولُ اللَّهِ ﷺ أَنْ تَرْوَجَ .

تخریج: [صحیح] تقدم، ح: ٣٥٤١، و هو في الكبير، ح: ٥٧٠٧.

**3544.** It was narrated from Sulaimān bin Yasār that ‘Abdullāh bin ‘Abbās and Abū Salamah bin ‘Abdur-Rahmān disagreed concerning a woman who gave birth one day after her husband died. ‘Abdullāh bin ‘Abbās said: “(She should wait) for the longer of the two periods.” Abū Salamah said: “When she has given birth, it becomes permissible for her to remarry.” Abū Hurairah came and said: “I agree with my brother’s son” – meaning Abū Salamah bin ‘Abdur-Rahmān. They sent Kuraib, the freed slave of Ibn ‘Abbās, to Umm Salamah to ask her about that. He came back to them and told them that she said: “Subai’ah gave birth one day after her husband died;” she mentioned that to the Messenger of Allāh ﷺ and he said: “It has become permissible for you to marry.” (*Sahīh*)

تخریج: [صحیح] تقدم، ح: ٣٥٤١، و هو في الموطأ (یحیی): ٢/٥٩٠، والکبری، ح: ٥٧٠٨.

**3545.** Abū Salamah bin ‘Abdur-Rahmān said: “Ibn ‘Abbās, Abū Hurairah and I were together, and Ibn ‘Abbās said: ‘If a woman gives birth after her husband dies, her *Iddah* is the longer of the two periods.’” Abū Salamah said: “We sent Kuraib to Umm Salamah to ask her about that. He came to us and told us from her that the husband of Subai’ah died and she gave birth a few days after her

٣٥٤٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنِ ابْنِ الْقَاسِمِ، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ: أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ وَأَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ اخْتَلَفَا فِي الْمَرْأَةِ تُنْفَسُ بَعْدَ وَفَاءَ زَوْجِهَا بِلَيَالٍ، فَقَالَ عَبْدُ اللَّهِ بْنُ عَبَّاسٍ: أَخْرُو الْأَجَلَيْنِ، وَقَالَ أَبُو سَلَمَةَ: إِذَا نُفِسَتْ فَقَدْ حَلَّتْ، فَجَاءَ أَبُو هُرَيْرَةَ فَقَالَ: أَنَا مَعَ ابْنِ أَخِي - يَعْنِي أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ - فَبَعُثُوا كُرْبَيَا مَوْلَى ابْنِ عَبَّاسٍ إِلَى أُمِّ سَلَمَةَ يَسْأَلُهَا عَنْ ذَلِكَ، فَجَاءَهُمْ فَأَخْبَرُهُمْ أَنَّهَا قَالَتْ: وَلَدَتْ شَيْئًا بَعْدَ وَفَاءَ زَوْجِهَا بِلَيَالٍ، فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: قَدْ حَلَّتْ».

٣٥٤٥ - أَخْبَرَنَا حُسَيْنُ بْنُ مُنْظُرٍ قَالَ: حَدَّثَنَا جَعْفُرُ بْنُ عَوْنَى قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ قَالَ: أَخْبَرَنِي سُلَيْمَانُ بْنُ يَسَارٍ قَالَ: أَخْبَرَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ قَالَ: كُنْتُ أَنَا وَابْنُ عَبَّاسٍ وَأَبُو هُرَيْرَةَ، فَقَالَ ابْنُ عَبَّاسٍ: إِذَا وَضَعَتِ الْمَرْأَةُ بَعْدَ وَفَاءَ زَوْجِهَا فَإِنَّ عِدَّهَا أَخْرُو الْأَجَلَيْنِ، فَقَالَ أَبُو سَلَمَةَ:

husband died, and the Messenger of Allâh ﷺ told her to get married.” (*Sahîh*)

فَعَنْتُمَا كُرِيَّا إِلَى أُمٌّ سَلَمَةَ يَسْأَلُهَا عَنْ ذَلِكَ،  
فَجَاءَتَا مِنْ عِنْدِهَا أَنَّ سَبِيعَةَ تُوْفَىٰ عَنْهَا  
رَوْجُهَا، فَوَضَعْتَ بَعْدَ وَفَاءِ رَوْجِهَا بِأَيَّامٍ،  
فَأَمَرَهَا رَسُولُ اللَّهِ ﷺ أَنْ تَرْوَجَ .

تخریج: [صحیح] نقدم، ح: ٣٥٤١، و هو في الكبير، ح: ٥٧٠٩.

**3546.** It was narrated from Abû Salamah bin ‘Abdur-Râhmân that Zainab bint Abî Salamah told him, from her mother, Umm Salamah, the wife of the Prophet ﷺ: “That a woman from Aslam who was called Subai‘ah was married to her husband, and he died while she was pregnant. Abû As-Sanâbil bin Ba‘kak proposed to her but she refused to marry him. He said: ‘You cannot get married until you have observed *Iddah* for the longer of the two periods.’ Approximately twenty days later she gave birth. She went to the Messenger of Allâh ﷺ and he said: ‘Get married.’” (*Sahîh*)

تخریج: أخرجه البخاري، الطلاق، باب: «أولات الأحملات أجلهن أن يضعن حملهن»، ح: ٥٣١٨ من حديث الليث بن سعد به، وهو في الكبير، ح: ٥٧١٠.

### Comments:

It transpires from the outward wordings (of the *Hadîth*) that Abû Al-Sanâbil had made the proposal immediately after the husband’s death, but this is not correct. In actuality, he had proposed after the birth of the child.

**3547.** Abû Salamah bin ‘Abdur-Râhmân said: “While Abû Hurairah and I were with Ibn ‘Abbâs, a woman came and said that her husband had died while she was pregnant, then she had given birth less than four months after the day he died. Ibn ‘Abbâs said: ‘(You have

٣٥٤٦ - أَخْبَرَنَا عَبْدُ الْمَلِكِ بْنُ شَعْبَ  
ابْنِ الْلَّيْثِ بْنِ سَعْدٍ قَالَ: حَدَّثَنِي أَبِي عَنْ  
جَدِّي قَالَ: حَدَّثَنِي جَعْفُرُ بْنُ رَبِيعَةَ عَنْ عَبْدِ  
الرَّحْمَنِ بْنِ هُرْمَزَ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ  
الرَّحْمَنِ أَنَّ زَيْنَبَ بْنَتْ أَبِي سَلَمَةَ أَخْبَرَتْهُ عَنْ  
أُمِّهَا أُمِّ سَلَمَةَ رَوْجَ النَّبِيِّ ﷺ: أَنَّ امْرَأَةً مِنْ  
أَسْلَمَ يُقَالُ لَهَا سَبِيعَةٌ كَانَتْ تَحْتَ رَوْجِهَا،  
فَتُؤْفَىٰ عَنْهَا وَهِيَ حُبْلَىٰ، فَخَطَّبَهَا أَبُو السَّنَابِلِ  
أَبْنُ بَعْكَلٍ فَأَبْتَأَتْ أَنْ تَنْكِحَهُ، فَقَالَ: مَا يَصْلُحُ  
لَكِ أَنْ تَنْكِحِي حَتَّىٰ تَعْتَدِي آخرَ الْأَجْلَيْنِ،  
فَمَكَثَتْ قَرِيبًا مِنْ عَشْرِينَ لَيْلَةً ثُمَّ نُفِسَتْ،  
فَجَاءَتْ رَسُولُ اللَّهِ ﷺ فَقَالَ: «إِنْكِحِي» .

تخریج: أخرجه البخاري، الطلاق، باب: «أصحاب إبراهيم»، ح: ٣٥٤٧.  
قال: أَخْبَرَنَا عَبْدُ الرَّزَاقِ قَالَ: أَخْبَرَنَا أَبْنُ إِبْرَاهِيمَ  
قَالَ: أَخْبَرَنِي دَاوُدُ بْنُ أَبِي عَاصِمٍ أَنَّ أَبَا  
سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ أَخْبَرَهُ قَالَ: يَبْنَنَا أَنَا  
وَأَبُو هُرَيْرَةَ عِنْدَ أَبِي عَبَّاسٍ إِذْ جَاءَتِ امْرَأَةً

to wait) for the longer of the two periods.”’ Abû Salamah said: “A man from among the Companions of the Prophet ﷺ told me that Subai’ah Al-Aslamiyyah came to the Messenger of Allâh ﷺ and said that her husband died while she was pregnant, and she gave birth less than four months after he died. The Messenger of Allâh ﷺ told her to get married. Abû Hurairah said: ‘And I bear witness to that.’”’ (*Sahîh*)

فَقَالَتْ : تُؤْفَى عَنْهَا زَوْجُهَا وَهِيَ حَامِلٌ ، فَوَلَدَتْ لِأَذْنَى مِنْ أَرْبَعَةِ أَشْهُرٍ مِنْ يَوْمِ مَاتَ ، فَقَالَ ابْنُ عَبَّاسٍ : آخِرُ الْأَجْلَيْنِ ، فَقَالَ أَبُو سَلَمَةَ : أَخْبَرَنِي أَخْبَرَنِي رَجُلٌ مِنْ أَصْحَابِ الرَّسُولِ ﷺ أَنَّ سُيِّعَةَ الْأَسْلَمِيَّةَ جَاءَتْ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ : تُؤْفَى عَنْهَا زَوْجُهَا وَهِيَ حَامِلٌ ، فَوَلَدَتْ لِأَذْنَى مِنْ أَرْبَعَةِ أَشْهُرٍ ، فَأَمْرَهَا رَسُولُ اللَّهِ ﷺ أَنْ تَنْزُوَجَ ، قَالَ أَبُو هُرَيْرَةَ : وَآنَا أَشْهُدُ عَلَى ذَلِكَ .

تخریج: [إسناده صحيح] وهو في الكبیر، ح: ۵۷۱۱.

**3548.** ‘Ubaidullâh bin ‘Abdullâh narrated that his father wrote to ‘Umar bin ‘Abdullâh bin Arqam Az-Zuhri, telling him to go to Subai’ah bint Al-Hârith Al-Aslamiyyah and ask her about her *Hadîth* and what the Messenger of Allâh ﷺ had said to her when she consulted him. ‘Umar bin ‘Abdullâh wrote back to ‘Abdullâh bin ‘Utbah telling him that Subai’ah told him, that she was married to Sahl bin Khawlah – who was from Banu ‘Amir bin Lu’ayy and who was one of those who had been present at Badr – and her husband died during the Farewell Pilgrimage while she was pregnant. She gave birth soon after he died, and when her *Nifâs* ended she adorned herself to receive proposals of marriage. Abû As-Sanâbil bin Ba’kak – a man from Banu ‘Abd Ad-Dâr – went to her and said to her: ‘Why do I see you

٣٥٤٨ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَغْلَى قَالَ : أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ : أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ أَنَّ عُبَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ حَدَّثَهُ أَنَّ أَبَاهُ كَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ اللَّهِ بْنِ أَرْقَمَ الرُّهْرِيِّ يَأْمُرُهُ أَنْ يَدْخُلَ عَلَى سُيِّعَةِ بِنْتِ الْحَارِثِ الْأَسْلَمِيَّةِ ، فَيَسْأَلُهَا حَدِيبَهَا وَعَمَّا قَالَ لَهَا رَسُولُ اللَّهِ ﷺ حِينَ اسْتَهْتَهُ ، فَكَتَبَ عُمَرُ بْنُ عَبْدِ اللَّهِ إِلَى عَبْدِ اللَّهِ بْنِ عُتْبَةَ يُخْبِرُهُ : أَنَّ سُيِّعَةَ أَخْبَرَتْهُ أَنَّهَا كَانَتْ تَحْتَ سَعْدَ بْنَ خَوْلَةَ - وَهُوَ مِنْ بَنِي عَامِرٍ بْنِ لُوَيْ وَكَانَ مِنْ شَهَدَ بَدْرًا - فَتُؤْفَى عَنْهَا زَوْجُهَا فِي حَجَّةِ الْوَدَاعِ وَهِيَ حَامِلٌ ، فَلَمْ تَنْشَأْ أَنْ وَضَعَتْ حَمْلَهَا بَعْدَ وَفَاتِهِ ، فَلَمَّا تَعَلَّتْ مِنْ نِفَاسِهَا تَجْمَلَتْ لِلْحُطَابِ ، فَدَخَلَ عَلَيْهَا أَبُو السَّنَابِلِ بْنُ بَعْكَكٍ - رَجُلٌ مِنْ بَنِي عَبْدِ الدَّارِ - فَقَالَ لَهَا : مَا لَيْ أَرَاكَ مُنْجَمِلَةً ؟

adorned? Perhaps you want to get married, but by Allâh you will not get married until four months and ten days have passed.' Subai'ah said: 'When he said that to me, I put on my clothes in the evening and went to the Messenger of Allâh ﷺ and asked him about that. He ruled that it had become permissible for me to marry when I gave birth, and he told me to get married if I wanted to.'" (*Sahîh*)

**تخریج:** أخرجه مسلم، الطلاق، باب انقضاء عدة المتوفى عنها وغيرها بوضع الحمل، ح: ١٤٨٤ من حديث ابن وهب به، وعلقه البخاري، المغازى، ح: ٣٩٩١ من حديث يونس بن يزيد الأيلى ومن ابن وهب أيضاً، وهو في الكبرى، ح: ٥٧١٢.

### Comments:

Upon delivery (birth of a child), the waiting period ends. But since marriage is not generally committed in the state of postnatal bleeding (*Nifâs*), it comes in some reports 'when you become pure.' Otherwise the postnatal bleeding is not included in the waiting period.

**3549.** It was narrated that Yazid bin Abi Habib that Muhammed bin Muslim Az-Zuhri wrote to him mentioning that 'Ubaidullâh bin 'Abdullâh told him, that Zufar bin Aws bin Al-Hadathân An-Nâṣrî told him that Abû As-Sanâbil bin Ba'kak bin As-Sabbâq said to Subai'ah Al-Aslamiyyah: "It is not permissible for you to get married until four months and ten days, the longer of the two periods, have passed." She went to the Messenger of Allâh ﷺ and asked him about that. She said that the Messenger of Allâh ﷺ ruled that she could get married when she had given birth. She was nine months pregnant when her husband died, and she was married to Sa'd bin Khawlah, who died

لعلك تُريدين النكاح، إنك والله! ما أنت  
بتناجي حتى تمر عليك أربعة أشهر وعشراً،  
قالت سمعت: فلما قال لي ذلك جمعت على  
بياني حين أمسيت، فأتيت رسول الله ﷺ  
فسألته عن ذلك، فاقرني يأني قد حملت  
حين وضعت حملي، وأمرني بالتزويج إن  
بدأ لي.

٣٥٤٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ وَهْبٍ قَالَ:  
حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنِي أَبُو عَبْدِ  
الرَّحْمَنِ قَالَ: حَدَّثَنِي زَيْدُ بْنُ أَبِي أَنْسَةَ عَنْ  
تَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ  
الرُّهْبَرِيِّ قَالَ: كَتَبَ إِلَيْهِ يَذْكُرُ أَنَّ عَيْدَ اللَّهِ بْنَ  
عَبْدِ اللَّهِ حَدَّثَهُ أَنَّ زُرْقَ بْنَ أَوْسِ بْنَ الْحَدَّاثَانِ  
النَّصَرِيِّ حَدَّثَهُ: أَنَّ أَبَا السَّتَّابِلِ بْنَ بَعْكَلَ بْنِ  
السَّبَّاقِ قَالَ لِسَيِّدةِ الْأَشْلَمِيَّةِ: لَا تَحْلِينَ حَتَّى  
تَمُرَ عَلَيْكَ أَرْبَعَةُ شَهْرٍ وَعَشْرًا؛ أَفْصَى  
الْأَجْلَيْنِ، فَأَتَتْ رَسُولَ اللَّهِ ﷺ فَسَأَلَهُ عَنْ  
ذَلِكَ، فَرَعَمَتْ أَنَّ رَسُولَ اللَّهِ ﷺ أَقْتَاهَا أَنَّ  
تَنْتَحِكَ إِذَا وَضَعْتَ حَمْلَهَا، وَكَانَتْ حُبَّنِي فِي  
تِسْعَةِ شَهْرٍ حِينَ ثُوْفَنِي زَوْجُهَا، وَكَانَتْ تَحْتَ  
سَعْدِ بْنِ خَوْلَةَ فَتَوْفَيَتِي فِي حَجَّةَ الْوَدَاعِ مَعَ

during the Farewell Pilgrimage with the Messenger of Allâh ﷺ. She married a young man from her people when she had given birth to (the child).” (*Sahîh*)

تخریج: [صحیح] انظر الحديث السابق، وهو في الکبری، ح: ۵۷۱۳.

**3550.** It was narrated from ‘Ubadullâh bin ‘Abdullâh that ‘Abdullâh bin ‘Utbah wrote to ‘Umar bin ‘Abdullâh bin Al-Arqam Az-Zuhri, telling him: “Go to Subai’ah bint Al-Hâarith Al-Aslamiyyah, and ask her about the ruling of the Messenger of Allâh ﷺ concerning her pregnancy.” He said: “So ‘Umar bin ‘Abdullâh went to her and asked her. She told him that she was married to Sa’d bin Khawlah, who was one of the Companions of the Messenger of Allâh ﷺ who had been present at Badr. He died during the Farewell Pilgrimage, and she gave birth before four months and ten days had passed since her husband’s death. When her *Nifâs* ended, Abû As-Sanâbil – a man from Banu ‘Abd Ad-Dâr – went to her and saw that she had adorned herself. He said: ‘Perhaps you want to get married before four months and ten days have passed?’ She said: ‘When I heard that from Abû As-Sanâbil, I went to the Messenger of Allâh ﷺ and told him my story. The Messenger of Allâh ﷺ said: ‘It permissible for you to marry when you gave birth.’” (*Sahîh*)

تخریج: [صحیح] انظر الحديثين السابقین، وهو في الکبری، ح: ۵۷۱۴.

#### Comments:

Sa’d bin Khawla was an emigrant, but died in Makkah at the time of the

رَسُولُ اللَّهِ ﷺ، فَنَكَحَتْ فَتَيَّا مِنْ قَوْمِهَا حِينَ وَضَعَتْ مَا فِي بَطْنِهَا.

تخریج: [صحیح] انظر الحديث السابق، وهو في الکبری، ح: ۵۷۱۳.

٣٥٥ - أَخْبَرَنَا كَثِيرٌ بْنُ عَيْدٍ قَالَ:

حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ عَنِ الرُّبِيْدِيِّ، عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ أَنَّ عَبْدَ اللَّهِ بْنَ عَبْدَهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ كَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ اللَّهِ بْنِ الْأَرْقَمِ الرُّهْرِيِّ أَنَّ: ادْخُلْ عَلَى سُبْعَةَ يَسْتَأْذِنُ الْحَارِثَ الْأَسْلَمِيَّةَ، فَاسْأَلْهَا عَمَّا أَفْتَاهَا يَوْمَ رَسُولِ اللَّهِ ﷺ فِي حَمْلِهَا، قَالَ: فَدَخَلَ عَلَيْهَا عُمَرُ بْنُ عَبْدِ اللَّهِ فَسَأَلَهَا، فَأَخْبَرَتْهُ أَنَّهَا كَانَتْ تَحْتَ سَعْدَ بْنِ حَوْلَةَ وَكَانَ مِنْ أَصْحَابِ رَسُولِ اللَّهِ ﷺ وَمِنْ شَهِيدِ بَدْرًا فَتَوَفَّى عَنْهَا فِي حَجَّةِ الْوَدَاعِ، فَوَلَّتْ قَبْلَ أَنْ تَمْضِيَ لَهَا أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا مِنْ وَفَاتَةِ زَوْجِهَا، فَلَمَّا تَعَلَّمَتْ مِنْ يَنْفَاسِهَا دَخَلَ عَلَيْهَا أَبُو السَّنَابِلِ - رَجُلٌ مِنْ بَنِي عَبْدِ الدَّارِ - فَرَآهَا مُتَجَمِّلَةً فَقَالَ: لَعَلَّكَ تُرِيدِينَ النِّكَاحَ قَبْلَ أَنْ تَمُرَ عَلَيْكَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا، قَالَتْ: فَلَمَّا سِمِعْتُ ذَلِكَ مِنْ أَبِي السَّنَابِلِ جِئْتُ رَسُولَ اللَّهِ ﷺ فَحَدَّثَهُ حَدِيثِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَدَحْلَتْ حِينَ وَضَعَتْ حَمْلُكِ».

Farewell Pilgrimage. Allâh's Messenger ﷺ had expressed sorrow also over this incident.

**3551.** It was narrated that Muhammâd said: "I was sitting with some people in Al-Kufah in a large gathering of the Anshâr, among whom was 'Abdur-Rahmân bin Abî Layla. They spoke about the story of Subai'ah and I mentioned what 'Abdullâh bin 'Utbah bin Mas'ûd had said in meaning." (One the narrators) Ibn 'Awn's saying was: "when she gives birth." Ibn Abî Layla said: 'But his (paternal) uncle did not say that.' I raised my voice and said: 'Would I dare to tell lies about 'Abdullâh bin 'Utbah when he is in the vicinity of Al-Kufah?'" He said: "Then I met Mâlik and said: 'What did Ibn Mas'ûd say about the story of Subai'ah?' He said: 'He said: 'Are you going to be too strict with her and not allow her the concession (with regard to the 'Iddah)? The shorter Sûrah about women (*At-Talâq*) was revealed after the longer one (*Al-Baqarah*).'" (*Sahîh*)

٣٥٥١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا ابْنُ عَوْنَ عنْ مُحَمَّدٍ قَالَ: كُنْتُ جَالِسًا فِي نَاسٍ بِالْكُوفَةِ فِي مَجْلِسٍ لِلْأَنْصَارِ عَظِيمٍ فِيهِمْ عَبْدُ الرَّحْمَنُ بْنُ أَبِي لَيْلَى، فَذَكَرُوا شَانِ شِيعَةً، فَذَكَرْتُ عَنْ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ فِي مَعْنَى قَوْلِ ابْنِ عَوْنَ: حَتَّى تَضَعَ، قَالَ ابْنُ أَبِي لَيْلَى: لَكِنْ عَمَّةٌ لَا يَقُولُ ذَلِكَ، فَرَفَعْتُ صَوْتِي وَقُلْتُ: إِنِّي لَمَجِرِيٌّ أَنْ أَكُنْذِبَ عَلَى عَبْدِ اللَّهِ بْنِ عُتْبَةَ وَهُوَ فِي نَاحِيَةِ الْكُوفَةِ؟ قَالَ: فَلَقِيَتِي مَالِكًا قُلْتُ: كَيْفَ كَانَ ابْنُ مَسْعُودٍ يَقُولُ فِي شَانِ شِيعَةً؟ قَالَ: أَتَجْعَلُونَ عَلَيْهَا التَّعْلِيقَ وَلَا تَجْعَلُونَ لَهَا الرُّحْصَةَ؟ لَا تَرِكْتُ شُورَةَ النِّسَاءِ الْقُصْرَى بَعْدَ الطُّولَى.

تخریج: أخرجه البخاري، التفسير، باب: «والذين يتوفون منكم ويذرون أزواجاً...» إلخ، ٤٥٣٢ من حديث ابن عون به، وهو في الكبير، ح: ٥٧١٥.

### Comments:

1. 'Be too strict?' means if the woman is made to adhere to the ultimate waiting period, then it is placing undue hardship upon her. That means if she gives birth to a child first, then she should complete four months and ten days; and if four months and ten days end first, she should wait for the child to be born. So to speak, 'Abdullâh bin Mas'ûd did not approve of this. For a pregnant woman, he used to stipulate the delivery as the waiting period also.
2. 'Shorter Surah about women' means *Surat At-Talâq* in which the Verse occurs: "And those who are with child, the end of their waiting period shall come when they deliver their burden (birth of a child)." (*An-Nisa: 4*)
3. The longer one' signifies that long or detailed *Surah* in which women's issues have been delineated. This means *Surat Al-Baqarah*, in which it has been mentioned that a woman whose husband dies, should wait for a period of four

months and ten days (before she may remarry).

4. The purpose of 'Abdullâh bin Mas'ûd is that the Command concerning the pregnant woman was mentioned later; therefore, they are exempt from the restriction or command of four months and ten days, and this appears to be the best view.

**3552.** It was narrated from 'Alqamah bin Qais that Ibn Mas'ûd said: "Whoever wants, I will meet and debate with him and invoke the curse of Allâh upon those who lie. The Verse: And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden."<sup>[1]</sup> was only revealed after the Verse about women whose husbands die. 'When a woman whose husband has died gives birth, it becomes permissible for her to marry.''" (*Sahîh*) This is the wording of Mâimûn (one of the narrators).

تخریج: [صحيح] أخرجه الطبراني (الكبير: ٣٨٤/٩، ٩٦٤: ٢)، والبهرقي: ٤٣٧/٧، من حديث ابن أبي مريم به، وهو في الكبّر، ح: ٥٧١٦.

**3553.** It was narrated from 'Abdullâh that the shorter *Sûrah*, that speaks of women (*At-Talâq*), was revealed after *Al-Baqarah*. (*Sahîh*)

تخریج: [صحيح] أخرجه الطبراني (الكبّر: ٣٨٤، ٣٨٥، ٩٦٤: ٩، ح: ٩٦٤) من حديث زهير بن معاوية

٣٥٥٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ مِسْكِينٍ بْنِ نَمِيلَةَ - يَمَامِيَ - قَالَ: أَخْبَرَنَا سَعِيدُ بْنُ أَبِي مَرْيَمَ قَالَ: أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ حَوْلَ أَخْبَرَنِي مَمْوُنُ بْنُ الْعَبَّاسِ: حَدَّثَنَا سَعِيدُ بْنُ الْحَكَمِ بْنُ أَبِي مَرْيَمَ: أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنِي أَبْنُ شُبْرِيمَةَ الْكُوفِيِّ عَنْ إِبْرَاهِيمَ النَّخْعَى، عَنْ عَلْقَمَةَ بْنِ فَيْسٍ: أَنَّ ابْنَ مَسْعُودَ قَالَ: مَنْ شَاءَ لَا عَنْهُ مَا أُنْزِلَتْ وَأَوْلَتْ الْأَعْمَالُ أَبْلُهُنَّ أَنْ يَضْعَنَ حَلْمَهُنَّ» [الطلاق: ٤] إِلَّا بَعْدَ آيَةِ الْمُتَوَفِّيِّ عَنْهَا رَوْجُهَا فَقَدْ حَلَّتْ. وَاللَّفْظُ لِيَمِّوْنِ.

٣٥٥٣ - أَخْبَرَنَا أَبُو دَاؤِدَ سُلَيْمَانُ بْنُ سَيْفٍ قَالَ: حَدَّثَنَا الْحَسَنُ - وَهُوَ ابْنُ أَغْيَانَ - قَالَ: حَدَّثَنَا رُهَيْرٌ؛ حَوْلَ أَخْبَرَنِي مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا رُهَيْرُ بْنُ مُعَاوِيَةَ قَالَ: حَدَّثَنَا أَبُو إِسْحَاقَ عَنِ الْأَسْوَدِ وَمَسْرُوقِ وَعَبِيدَةَ، عَنْ عَبْدِ اللَّهِ: أَنَّ سُورَةَ النِّسَاءِ الْقُضْرَى نَزَّلَتْ بَعْدَ الْمُبَرَّةِ.

[1] *At-Talâq* 65:4.

بـ، وهو في الكـرى، ح: ٥٧١٧، ولـ الحديث طرق كـثيرة، انظر، ح: ٣٥٥١.

### Comments:

See No. 3551

### Chapter 57. The 'Iddah Of A Woman Whose Husband Dies Before Consummating The Marriage

**3554.** It was narrated from Ibn Mas'ud, that he was asked about a man who married a woman, but did not name a *Mahr* or consummate the marriage before he died. Ibn Mas'ud said: "She should have a *Mahr* like that of women like her, no less and no more; she has to observe the 'Iddah, and she is entitled to inherit." Ma'qil bin Sinân Al-Ashja'i stood up and said: "The Messenger of Allâh ﷺ passed a similar judgment among us concerning Birwa' bint Wâshiq." And Ibn Mas'ud rejoiced at that. (*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٣٣٥٦، وهو في الكـرى، ح: ٥٧١٨.

### Comments:

Despite not having had copulation, she would be considered a wife, because the marriage has been contracted. Non-fixation of the dower is not the negation of the marriage contract, although the dower should not be put off absolutely. (See *Hadith* 3556).

### Chapter 58. Mourning

**3555.** It was narrated from 'Âishah that the Messenger of Allâh ﷺ said: "It is not permissible for a woman to mourn for anyone who dies for more than three days, except for her husband." (*Sahîh*)

تخریج: أخرجه مسلم، الطلاق، بـ وحـوب الإـحداد في عـدة الـوفـاة وتحـريمـه في غـير ذلك،

(المعجم ٥٧) - عـدة المـتوـفي عـنـها زـوـجـها قـبـلـ أـنـ يـدـخـلـ بـها (الـتحـفة ٥٧)

٣٥٥٤ - أـخـبـرـنا مـحـمـودـ بـنـ عـيـلانـ قـالـ: حـدـثـنـا سـفـيـانـ عـنـ مـنـصـورـ، عـنـ إـبـراهـيمـ، عـنـ عـلـقـمـةـ، عـنـ اـبـنـ مـسـعـودـ: أـللـهـ شـيـلـ عـنـ رـجـلـ تـزـوـجـ اـمـرـأـةـ وـلـمـ يـفـرـضـ لـهـ صـدـاقـاـ وـلـمـ يـدـخـلـ بـها حـتـىـ مـاتـ، قـالـ اـبـنـ مـسـعـودـ: لـهـ مـثـلـ صـدـاقـيـ نـسـائـهـا لـاـ وـكـسـ وـلـأـ شـطـطـ، وـعـلـيـهـا العـدـدـ وـلـهـ الـمـيرـاثـ، فـقـامـ مـعـقـلـ بـنـ سـيـنـاـنـ الـأـشـجـعـيـ فـقـالـ: قـضـىـ فـيـنـا رـسـوـلـ اللـهـ ﷺ فـيـ يـرـوـعـ بـنـتـ وـأـشـقـيـ اـمـرـأـةـ بـنـاـ مـثـلـ مـاـ فـصـيـتـ، فـفـرـحـ اـبـنـ مـسـعـودـ.

تخریج: [صحيح] تقدم، ح: ٣٣٥٦، وهو في الكـرى، ح: ٥٧١٨.

(المعجم ٥٨) - بـابـ الإـحدـادـ (الـتحـفة ٥٨)

٣٥٥٥ - أـخـبـرـنا إـسـحـاقـ بـنـ إـبـراهـيمـ قـالـ: أـخـبـرـنا سـفـيـانـ عـنـ الرـهـريـ، عـنـ عـرـوـةـ، عـنـ عـائـشـةـ أـنـ رـسـوـلـ اللـهـ ﷺ قـالـ: لـاـ يـحـلـ لـإـمـرـأـةـ تـحـدـدـ عـلـىـ مـيـتـ أـكـثـرـ مـنـ ثـلـاثـ، لـاـ عـلـىـ زـوـجـهاـ».

...

تخریج: أخرجه مسلم، الطلاق، بـ وحـوب الإـحداد في عـدة الـوفـاة وتحـرمـه في غـير ذلك،

إلا ثلاثة أيام، ح: ١٤٩١ من حديث سفيان بن عيينة به، وهو في الكبرى، ح: ٥٧١٩.

**3556.** It was narrated from 'Aishah that the Prophet ﷺ said: "It is not permissible for a woman who believes in Allâh and the Last Day to mourn for more than three days, except for her husband." (Sahîh)

٣٥٥٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْنَىٰ: حَدَّثَنَا جِبَانٌ قَالَ: حَدَّثَنَا سَلَيْمَانُ بْنُ كَثِيرٍ قَالَ: حَدَّثَنَا الرَّهْبَرُ عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُحْدَدَ فَوْقَ ثَلَاثَةِ أَيَّامٍ، إِلَّا عَلَى زَوْجٍ».

تخریج: [صحيح] أخرجه أحمده: ٢٤٩ / ٦ من حديث سليمان بن كثير به، وهو في الكبرى، ح: ٥٧٢٠، وانظر الحديث السابق.

#### Comments:

'Who believes in Allâh': The denial of faith for an action indicates the act is unlawful.

#### Chapter 59. Mourning Is Waived For A Kitâbî Widow

(المعجم ٥٩) - بَابُ سُقُوطِ الْإِحْدَادِ عَنِ الْكِتَابِيَّةِ الْمُؤْفَقَيِّ عَنْهَا زَوْجُهَا (التحفة ٥٩)

**3557.** It was narrated from Zainab bint Abî Salamah that Umm Habîbah said: "I heard the Messenger of Allâh ﷺ say on this Minbar: 'It is not permissible for any woman who believes in Allâh and His Messenger to mourn for anyone who dies for more than three days, except for a husband, (for whom the mourning period is) four months and ten days.'" (Sahîh)

٣٥٥٧ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا الْيَثْعَابِنِيُّ قَالَ: حَدَّثَنِي أَيُوبُ بْنُ مُوسَى عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ رَبِيعَ بْنِ سَلَمَةَ أَنَّ أُمَّ حَبِيبَةَ قَالَتْ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ عَلَى هَذَا الْمِنْبَرِ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَرَسُولِهِ أَنْ تُحْدَدَ عَلَى مَيِّتٍ فَوْقَ ثَلَاثَةِ لَيَالٍ، إِلَّا عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

تخریج: [صحيح] تقدم، ح: ٣٥٣٠، وهو في الكبرى، ح: ٥٧٢١.

#### Comments:

The deduction of evidence from this *Hadîth* for this chapter is based upon its apparent wordings.

**Chapter 60. The Woman Whose Husband Has Died Staying In Her House Until It Becomes Permissible For Her To Remarry**

**3558.** It was narrated from Al-Fâri‘ah bint Mâlik that her husband went out to pursue some slaves and they killed him. Shu‘bah and Ibn Juraij said: “She was in a remote house. She came with her brothers to the Messenger of Allâh ﷺ and told him (about the situation) and he granted her a concession. When she was leaving he called her back and said: ‘Stay in your house until the term prescribed is fulfilled.’” (*Sahîh*)

(المعجم ٦٠) - مقام المُتوفى عنها زوجها في بيته حتى تحل (الصفحة ٦٠)

٣٥٥٨ - أخبرنا محمد بن العلاء قال: حدثنا ابن إدريس عن شعبة وأبن جرير ويعيني بن سعيد ومحمد بن إسحاق، عن سعد بن إسحاق، عن زينب بنت كعب عن الفارعة بنت مالك: أن زوجها خرج في طلب أعلاج فقتلوه، قال شعبة وأبن جرير: وكانت في دار قاصية، فجاءت ومعها أخواتها إلى رسول الله ﷺ فذكروا له فرخص لها، حتى إذا رجعت دعاهما فقال: «اجلسي في بيتك حتى يبلغ الكتاب أجره».

تخریج: [إسناده صحيح] أخرجه أبو داود، الطلاق، باب: في المتوفى عنها تنتقل، ح: ٢٣٠٠ من حديث سعد بن إسحاق بن كعب بن عجرة به، وقال الترمذی، ح: ١٢٠٤ "حسن صحيح"، وهو في الکبری، ح: ٥٧٢٢، وصححه الذہلی، والحاکم، والذہبی.

**Comments:**

1. From this we learn that during the waiting term caused by death, it is essential for the widow to remain in the house of her deceased husband. This is exactly the view adopted by the majority of the people of knowledge. But it is transmitted from ‘Alî, Ibn ‘Abbâs, ‘Aishah and Jâbir that she could spend her waiting term anywhere she likes. But this *Hadîth* corroborates spending the waiting term in the husband’s house. And Allâh knows best!
2. ‘Remote house’: Remote from habitation or from the kith and kin of the woman.

**3559.** It was narrated from Al-Furai‘ah bint Mâlik that her husband hired some slaves to work for him and they killed him. She mentioned that to the Messenger of Allâh ﷺ and said: “I am not living in a house that belongs to him, and I do not receive

٣٥٥٩ - أخبرنا قتيبة قال: حدثنا الليث عن يزيد بن أبي حبيب، عن يزيد بن محمد، عن سعد بن إسحاق، عن عميرة زينب بنت كعب، عن الفارعة بنت مالك: أن زوجها تکارى علوجا ليتملوا له فقتلوا

maintenance from him; should I move to my family with my two orphans and stay with them?" He said: "Do that." Then he said: "What did you say?" So she told him again and he said: "Observe your *Iddah* where the news came to you." (*Sahîh*)

فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ وَقَالَتْ: إِنِّي لَشَّتْ فِي مَشْكِنٍ لَهُ وَلَا يَجْرِي عَلَيَّ مِنْهُ رِزْقٌ، أَفَأَنْتَ قُلْ إِلَى أَهْلِي وَبَنَاتِي وَأَقْوَمُ عَلَيْهِمْ؟ قَالَ: «أَفْعَلِي» ثُمَّ قَالَ: «كَيْفَ قُلْتِ؟» فَأَعَادَتْ عَلَيْهِ قَوْلَهَا، قَالَ: «أَعْتَدْي حَيْثُ بَلَغْتَ الْخَبِيرَ». .

تخریج: [إسناده صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٥٧٢٣.

#### Comments:

'Furai'ah': In the previous narration, her name is mentioned as Fâri'ah. There is no conflict in it. Furai'ah is the diminution of Fâri'ah. She was called both. May Allâh be pleased with her.

**3560.** It was narrated from Furai'ah that her husband went out to pursue some slaves of his and he was killed on the edge of Al-Qadûm. She said: "I came to the Prophet ﷺ and mentioned moving to (join) my family." She told him about her situation. She said: "He allowed me, then, when I turned to leave, he called me back and said: 'Stay with your family until the term prescribed is fulfilled.'" (*Sahîh*)

٣٥٦٠ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا حَمَادٌ عَنْ سَعْدِ بْنِ إِسْحَاقَ، عَنْ زَيْنَبَ، عَنْ فُرِيَّةَ: أَنَّ زَوْجَهَا خَرَجَ فِي طَلَبٍ أَعْلَاجٍ لَهُ فُقِيلٌ بِطَرَفِ الْقُدُومِ، قَالَتْ: فَأَتَيْتُ النَّبِيَّ ﷺ فَذَكَرَتْ لَهُ النُّفْلَةَ إِلَى أَهْلِيِّ، وَذَكَرَتْ لَهُ حَالًا مِنْ حَالِهَا، قَالَتْ: فَرَخَصَ لِي، فَلَمَّا أَقْبَلَتْ تَنَاهَى فَقَالَ: «أَمْكُثِي فِي أَهْلِكَ حَتَّى يَئُلَّعَ الْكِتَابُ أَجَلَهُ». .

تخریج: [إسناده صحيح] انظر الحديثين السابعين، وهو في الكبرى، ح: ٥٧٢٤.

#### Comments:

'Stay with your family': The home was not owned by her husband, but she was also not told to leave it.

**Chapter 61. Concession Allowing A Woman Whose Husband Has Died To Observe Her *Iddah* Wherever She Wants**

**3561.** It was narrated from Ibn 'Abbâs that this Verse abrogated the woman's *Iddah* among her family, and she may observe her *Iddah* wherever she wants. That is

(المعجم ٦١) - **بَابُ الرُّخْصَةِ لِلْمُتَوَفِّيِّ**  
عَنْهَا زَوْجُهَا أَنْ تَعْتَدَ حَيْثُ شَاءَتْ  
(التحفة ٦١)

٣٥٦١ - أَخْبَرَنِي مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: حَدَّثَنَا وَرْقَاءُ عَنِ ابْنِ أَبِي نَجِيجٍ: قَالَ عَطَاءُ عَنِ ابْنِ

the saying of Allâh, the Mighty and Sublime: without turning them out.<sup>[1]</sup> (*Sahîh*)

عَبَّاسٌ : نَسْخَتْ هُنُو الْأَيْةُ عِدَّتْهَا فِي أَهْلِهَا  
فَتَعْتَدُ حَيْثُ شَاءْتُ ، وَهُوَ قَوْلُ اللَّهِ عَزَّ وَجَلَّ  
[غير إخراج]» [البقرة: ٢٤٠].

تخریج: أخرجه البخاري، التفسیر، باب: "والذین یتوفون منکم ویدرون أزواجاً ... الخ" ، ح: ٤٥٣١ من حدیث ورقاء به، وهو في الکبری، ح: ٥٧٢٥.

### Chapter 62. The 'Iddah Of A Woman Whose Husband Has Died, Starts From The Day The News Reached Her

**3562.** Furai'ah bint Mâlik, the sister of Abû Sa'eed Al-Khudrî, said: "My husband died in Al-Qadûm, so I went to the Prophet ﷺ and told him that our house was remote." He gave her permission then he called her back and said: "Stay in your house for four months and ten days, until the term prescribed is fulfilled." ("Sahîh")

(المعجم ٦٢) - عِدَّةُ الْمُتَوْفِيِّ عَنْهَا  
رَوْجُهَا مِنْ يَوْمٍ يَأْتِيهَا الْخَبْرُ (التحفة ٦٢)

٣٥٦٢ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ  
قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ عَنْ سُفْيَانَ، عَنْ  
سَعْدِ بْنِ إِسْحَاقَ قَالَ: حَدَّثَنِي رَبِّبُ بْنُ  
كَعْبٍ، قَالَ: حَدَّثَنِي فَرِعُوْهُ بْنُ مَالِكٍ  
أَخْتُ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: ثُوُّفَيْ  
رَوْجِي بِالْقُدُومِ، فَأَتَيْتُ النَّبِيَّ ﷺ فَذَكَرَ  
لَهُ أَنَّ دَارَنَا شَاسِعَةً، فَأَدِينَ لَهَا، ثُمَّ دَعَاهَا  
فَقَالَ: «إِمْكُنُكِي فِي بَيْتِكِ أَرْبَعَةً أَشْهُرٍ وَعَشْرًا  
حَتَّى يَلْغَيَ الْكِتَابُ أَجْلَهُ».

تخریج: [استناده صحيح] تقدم، ح: ٣٥٥٨، وهو في الکبری، ح: ٥٧٢٦.

### Comments:

Since he did not say: 'minus the number of days that passed since his death' the author has used it to prove the chapter heading.

### Chapter 63. Putting On Adornment Is For The Grieving Muslim Women, Not For Jewish Or Christian Women

**3563.** It was narrated from Humaid bin Nâfi' that Zainab bint Abî Salâmah told him these three *Hâdîths*. Zainab said: "I entered

(المعجم ٦٣) - الزَّيْنَةُ لِلْحَادَّةِ الْمُسْلِمَةِ  
دُونَ الْيَهُودِيَّةِ وَالنَّصْرَانِيَّةِ (التحفة ٦٣)

٣٥٦٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ  
وَالْحَارِثُ بْنُ مَسْكِينٍ قَرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ  
- وَاللَّفْظُ لَهُ - قَالَ: أَخْبَرَنَا ابْنُ الْقَاسِمِ عَنْ

[1] *Al-Baqarah* 2:240.

upon Umm Ḥabībah, the wife of the Prophet ﷺ, when her father Abū Sufyān bin Ḥarb died. Umm Ḥabībah called for some perfume and put some on a young girl, then she put some on her cheeks. Then she said: 'By Allāh, I do not have any need for perfume but I heard the Messenger of Allāh ﷺ say: It is not permissible for any woman who believes in Allāh and the Last Day to mourn for anyone who dies for more than three days, except for a husband, (for whom the mourning period is) four months and ten days.'

Zainab said: "Then I went into Zainab bint Jahsh when her brother died, and she called for some perfume and put some on. Then she said: 'By Allāh, I do not have any need for perfume but I heard the Messenger of Allāh ﷺ say on the *Minbar*: It is not permissible for any woman who believes in Allāh and the Last Day to mourn for anyone who dies for more than three days, except for a husband, (for whom the mourning period is) four months and ten days.'"

Zainab said: "I heard Umm Salamah say: 'A woman came to the Messenger of Allāh ﷺ and said: O Messenger of Allāh, my daughter's husband has died and she has a problem in her eye; can I put *kohl* on her? The Messenger of Allāh ﷺ said: No. Then he said: "It is four months and ten days. During the *Jāhiliyyah* one of you would throw a piece of dung at the

مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ حُمَيْدٍ  
ابْنِ نَافِعٍ، عَنْ زَيْنَبِ بْنَتِ أَبِي سَلَمَةَ أَنَّهَا  
أَخْبَرَتْهُ بِهَذِهِ الْأَحَادِيثِ التَّلَاثَةِ، قَالَتْ زَيْنَبُ:  
دَخَلْتُ عَلَى أُمَّ حَبِيبَةَ رَوْجِ النَّبِيِّ ﷺ حِينَ  
تُوفِيَ أَبُوهَا أَبُو سُفْيَانَ بْنَ حَرْبٍ، فَدَعَتْ أُمَّ  
حَبِيبَةَ بِطِيبٍ فَدَهَنَتْ مِنْهُ جَارِيَةً، ثُمَّ مَسَّتْ  
بِعَارِضِهَا، ثُمَّ قَالَتْ: وَاللَّهِ! مَا لِي بِالطِّيبِ  
مِنْ حَاجَةٍ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ  
قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ  
الآخِرِ تُحِدُّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثَ لَيَالٍ، إِلَّا  
عَلَى رَوْجِ أَرْبَعَةِ أَشْهُرٍ وَعَشْرًا».

قَالَتْ زَيْنَبُ: ثُمَّ دَخَلْتُ عَلَى زَيْنَبِ بْنَتِ  
جَحْشٍ حِينَ تُوفِيَ أَخُوهَا وَقَدْ دَعَتْ بِطِيبٍ  
وَمَسَّتْ مِنْهُ، ثُمَّ قَالَتْ: وَاللَّهِ! مَا لِي  
بِالْعَيْبِ مِنْ حَاجَةٍ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ  
اللَّهِ ﷺ يَقُولُ عَلَى الْمُتَبَرِّ: «لَا يَحِلُّ لِامْرَأَةٍ  
تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ تُحِدُّ عَلَى مَيِّتٍ فَوْقَ  
ثَلَاثَ لَيَالٍ، إِلَّا عَلَى رَوْجِ أَرْبَعَةِ أَشْهُرٍ  
وَعَشْرًا».

وَقَالَتْ زَيْنَبُ: سَمِعْتُ أُمَّ سَلَمَةَ تَقُولُ:  
جَاءَتْ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا  
رَسُولَ اللَّهِ! إِنَّ ابْنَتِي تُوفِيَ عَنْهَا رَوْجُهَا وَقَدْ  
اשْتَكَتْ عَيْنُهَا أَفَأَكُحُلُّهَا؟ فَقَالَ رَسُولُ اللَّهِ  
ﷺ: «لَا» ثُمَّ قَالَ: «إِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ  
وَعَشْرًا، وَقَدْ كَانَتْ إِحْدَائِكَنْ فِي الْجَاهِلِيَّةِ  
تَرْمِي بِالْبُغْرَةِ عِنْدَ رَأْسِ الْحَوْلِ». قَالَ حُمَيْدٌ:  
فَقُلْتُ لِزَيْنَبَ: وَمَا تَرْمِي بِالْبُغْرَةِ عِنْدَ رَأْسِ

end of the year.' Humaid said: 'I said to Zainab: 'What is this throwing a piece of dung at the end of the year?' She said: 'If a woman's husband died, she would enter a small room (*Hifsh*) and wear her worst clothes, and she would not put on perfume or anything until a year. Then an animal would be brought, a donkey or sheep or bird, and she would end her *Iddah* with it (clean herself with it), and usually any animal used for that purpose would die. Then she would come out and would be given a piece of dung which she would throw, then she would go back to whatever she wanted of perfume, etc.'

In the narration of Muhammād (bin Salamah) Mālik said: *Hifsh* means hut. (*Sahīh*)

الْحَوْلُ؟ قَالَتْ زَيْنَبُ : كَانَتِ الْمُرْأَةُ إِذَا ثُوَّقَتْ عَنْهَا رَوْجُهَا دَخَلَتْ حِفْشًا وَلَيْسَتْ شَرَّيْتَ بِهَا، وَلَمْ تَمْسَ طَيْبًا وَلَا شَيْئًا حَتَّى تَمَرَّ بِهَا سَنَةً، ثُمَّ ثُوَّقَتْ بِدَائِيَّةٍ، حِمَارًا أَوْ شَاءَ أَوْ طَيْرًا فَتَفْتَضُ بِهِ، فَلَمَّا تَفْتَضُ يُشَيِّعُ إِلَّا مَاتَ، ثُمَّ تَخْرُجُ تَغْطَى بَعْرَةَ فَرْمَيْتُ بِهَا، وَتَرَاجِعُ بَعْدَ مَا شَاءَتْ مِنْ طَيْبٍ أَوْ غَيْرِهِ. قَالَ مَالِكٌ : تَفْتَضُ تَمْسَحُ بِهِ. فِي حَدِيثِ مُحَمَّدٍ قَالَ مَالِكٌ : الْحِفْشُ الْخُصُّ.

تخریج: [صحیح] تقدم، ح: ٣٥٣٠، وهو في الموطأ (یحیی)، والکبری، ح: ٥٧٢٧.

### Comments:

1. 'I do not have any need for perfume because my husband has long been dead.' Besides, applying perfume after three days' mourning is not essential either. In order to end suspicion of mourning, it is, however, recommended to apply perfume, etc. (For further details, see *Hadīth* 3531-32)

### Chapter 64. What Dyed Clothes Should Be Avoided By The Woman In Mourning

**3564.** It was narrated that Umm 'Atiyyah said: "The Messenger of Allāh ﷺ said: 'No woman should mourn for anyone who dies for more than three days, except for a husband, for whom she should mourn for four months and ten days.

(المعجم ٦٤) - مَا تَجْبَتْ الْحَادِثَةُ مِنَ الشَّيْبِ الْمُصَبَّعِ (التحفة ٦٤)

٣٥٦٤ - أَخْبَرَنَا حُسْنِيُّ بْنُ مُحَمَّدٍ قَالَ : حَدَّثَنَا خَالِدٌ قَالَ : حَدَّثَنَا هَشَامٌ عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةَ قَالَتْ : قَالَ رَسُولُ اللَّهِ ﷺ : لَا تُحِدُّ امْرَأَةً عَلَى مَيِّتٍ فَوْقَ ثَلَاثَةِ إِلَّا عَلَى رَوْجٍ، فَإِنَّهَا تُحِدُّ عَلَيْهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، وَلَا تَلْكُسُ شَوِيْا

She should not wear garments that are dyed or patterned, or put on *kohl* or comb her hair, and she should not put on any perfume except when purifying herself after her period, when she may use a little of *Qust* or *Azfar*.<sup>[1]</sup> (Sahih)

مضبوغاً ولا ثوبَ عصبٍ، ولا تكتحلُ ولا  
تمتثططُ، ولا تمُس طيباً إلا عند طهيرها حين  
تطهيرها، نبأة من قسطنطين وأظفارٍ.

**تخریج:** أخرجه البخاري، الطلاق، باب: تلبس الحادة ثياب العصب، ح: ٥٣٤٢، ومسلم، الطلاق، باب وجوب الإحداد في عدة الوفاة وتحريمها في غير ذلك، إلا ثلاثة أيام، ح: ٩٣٨ / ١٤٩١،٦٦ من حديث هشام بن حسان به، وهو في الكبير، ح: ٥٧٢٨.

### Comments:

1. 'A dyed garment' means the garment which has been dyed after it has been woven. Generally, such color happens to be bright.
2. 'Patterned': The original Arabic term used is *Thaub asab*, which means the garment which has been dyed before it has been woven.
3. 'Can use a little perfume': Such a perfume is not meant for adornment; it is meant for hiding or preventing the unpleasant smell of menses. Moreover, such a perfume would be applied under the belly after menstruation, and not on the rest of the body.

**3565.** It was narrated from Safiyyah bint Shaibah, from Umm Salamah, the wife of the Prophet ﷺ, that the Prophet ﷺ said: "The woman whose husband has died should not wear clothes that are dyed with safflower or red clay,<sup>[2]</sup> and she should not use dye nor *kohl*." (Hasan)

٣٥٦٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَحْيَى - يعنى ابن أبي  
بَكْرٍ - قَالَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ طَهْمَانَ قَالَ:  
حَدَّثَنِي بُدْلَيٌّ عَنِ الْحَسَنِ [بْنِ مُسْلِمٍ]، عَنْ  
صَفِيفَةِ بُنْتِ شَيْمَةَ، عَنْ أَمْمَ سَلَمَةَ رَوْجَ الْبَيْ  
كَلَّالَةِ، عَنِ التَّبِيِّنِ قَالَ: «الْمَتَوَفِّيُ عَنْهَا  
زَوْجُهَا لَا تَلْبَسُ الْمُعَضَّرَ مِنَ الثِّيَابِ وَلَا  
الْمُسَسَّةَ، وَلَا تَخْصِبُ وَلَا تَكْتَحِلُ».

**تخریج:** [إسناده حسن] أخرجه أبو داود، الطلاق، باب: فيما تجنبه المعتدة في عدتها، ح: ٢٣٠٤ من حديث يحيى بن أبي بكر به، وهو في الكبير، ح: ٥٧٢٩، وصححه ابن حبان، ح: ١٣٢٨، ورواه بعضهم موقوفاً وهذا لا يضر.

### Comments:

The garment which is dyed after being woven is forbidden to wear, irrespective of whether it is dyed with any stuff or substance, or any color. The term *Mishq* means fairly red in color, with which they used to dye

[1] Two types of incense.

[2] *Mumashshaqah*.

garments. Nowadays, flower-patterned clothes are also dyed later. Hence, they are not permitted. Plain, colorless garments should be used in mourning.

## Chapter 65. A Woman In Mourning Dyeing Her Hair

**3566.** It was narrated from Umm ‘Atiyyah that the Prophet ﷺ said: “It is not permissible for a woman who believes in Allâh and the Last Day, to mourn for anyone who dies for more than three days, except for a husband; she should not use kohl, dye nor wear dyed clothes.” (*Sahîh*)

تخریج: أخرج البخاري، ح: ٩٣٨ من حدیث  
حفصة بنت سیرین به، وهو في الکبری، ح: ٥٧٣٠، ومسلم، ح: ٥٣٤٢، ٥٣٤١، ٥٣٤٣، ٥٣٤٣،  
حفصة بنت سیرین به، وهو في الکبری، ح: ٣١٣.

## Chapter 66. Concession Allowing A Woman In Mourning To Comb Her Hair With Lote Leaves

**3567.** Umm Hakîm bint Asîd narrated from her mother that her husband died and she had a problem in her eye, so she applied *kohl* to clear her eyes. She sent a freed slave woman of hers to Umm Salamah to ask her about using *kohl* to clear her eyes. She said: “Do not use *kohl* unless it cannot be avoided. The Messenger of Allâh ﷺ entered upon me when Abû Salamah died and I had put some aloe juice on my eyes. He said: ‘What is this, O Umm Salamah?’ I said: ‘It is aloe juice, O Messenger of Allâh, there is no perfume in it.’ He said: ‘It makes the face look bright, so only use it

(المعجم ٦٥) - باب الخضاب للحادية  
(التحفة ٦٥)

٣٥٦٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفِيَّانُ قَالَ: حَدَّثَنَا عَاصِمٌ عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةَ، عَنْ التَّيْبِيِّ قَالَ: لَا يَرْجُلُ لِأَمْرَأَةٍ ثُوْمَنْ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُحِدَّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثَةِ، إِلَّا عَلَى زَوْجٍ، وَلَا تَكْتُحِلُّ وَلَا تَخْضِبُ، وَلَا تَبْسُثُ ثُوْبًا مَضْبُوغاً».

(المعجم ٦٦) - باب الرُّخْصَةِ للحادية  
أنْ تَمْتَسِطَ بِالسَّدْرِ (التحفة ٦٦)

٣٥٦٧ - أَخْبَرَنَا أَحْمَدُ بْنُ عَمْرُو بْنِ السَّرْحَ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنَا مَحْرُمَةٌ عَنْ أُبِيهِ قَالَ: سَوَعْتُ الْمُغْنِرَةَ بْنَ الصَّحَّاحِ يَقُولُ: حَدَّثَنِي أُمُّ حَكِيمٍ يَنْتُ أَسِيدٍ عَنْ أُمِّهَا: أَنَّ زَوْجَهَا ثُوْفَيْ وَكَانَتْ تَسْتَكِي عَيْنِهَا فَتَكْتُحِلُّ الْجَلَاءَ، فَأَرْسَلَتْ مَوْلَاهُ لَهَا إِلَى أُمِّ سَلَمَةَ فَسَأَلَتْهَا عَنْ كُحْلِ الْجَلَاءِ، قَالَتْ: لَا تَكْتُحِلُّ إِلَّا مِنْ أَمْرِي لَا بُدَّ مِنْهُ، دَخَلَ عَلَيَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حِينَ ثُوْفَيْ أَبُو سَلَمَةَ وَقَدْ جَعَلْتُ عَلَى عَيْنِي صَبَرًا، قَالَ: «مَا هَذَا يَا أُمَّ سَلَمَةَ؟» قُلْتُ: إِنَّمَا هُوَ صَبَرٌ يَا رَسُولَ اللَّهِ! لَيْسَ فِيهِ طَيْبٌ، قَالَ: «إِنَّهُ يَسْبُ

at night, and do not comb your hair with perfume or *henna*, for it is a dye.' I said: 'With what can I comb it, O Messenger of Allâh?' He said: 'With lotus leaves – cover your head with them.'" (*Da'if*)

الْوَجْهَ فَلَا تَجْعَلِيهِ إِلَّا بِاللَّيْلِ، وَلَا تَمْسِطِي  
بِالطَّيْبِ وَلَا بِالْجُنَاحِ إِنَّهُ حِضَابٌ» قُلْتُ: يَأَيُّ  
شَيْءٍ أَمْتَشِطُ يَا رَسُولَ اللَّهِ؟ قَالَ: بِالسَّدْرِ  
تُغْلِفِينَ بِهِ رَأْسَكِ. .

تخریج: [إسناد ضعیف] أخرجه أبو داود، الطلاق، باب: فيما تجنبه المعتدة في عدتها، ح: ۲۳۰۵ من حديث ابن وهب به، وهو في الكبرى، ح: ۵۷۳۱ \* المغيرة مستور، وأم حکیم لا يعرف حالها.

### Comments:

Anything that brings color, for instance, collyrium or *henna* or anything that beautifies the face and makes it glow, for instance, aloe or anything that emanates fragrance, scented soap, scent, etc., are forbidden to women during the mourning period. One could, however, take a bath and use unscented soap.

### Chapter 67. Prohibition Of Kohl For A Woman In Mourning

**3568.** Zainab bint Abî Salamah narrated that her mother Umm Salamah said: "A woman from the Quraish came and said: 'O Messenger of Allâh, my daughter's eyes are inflamed; shall I apply kohl to her?' (The daughter's) husband had died so (the Prophet ﷺ) said: 'Not until four months and ten days (have passed).' Then she said: 'I fear for her sight.' He said: 'No, not until four months and ten days (have passed). During the *Jâhiliyyah* one of you would mourn for her husband for a year, then when one year had passed she would throw a piece of dung.'" (*Sahîh*)

(المعجم ۶۷) - النَّهَىُ عَنِ الْكَحْلِ  
لِلْحَادِّةِ (التحفة ۶۷)

٣٥٦٨ - أَخْبَرَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ قَالَ:  
حَدَّثَنَا شَعِيبٌ بْنُ الْلَّيْثِ عَنْ أَبِيهِ [قَالَ: حَدَّثَنَا  
أَيُوبُ - وَهُوَ ابْنُ مُوسَى - قَالَ حُمَيْدٌ:  
وَحَدَّثَنِي رَبِيعٌ بْنُ أَبِيهِ سَلَمَةً عَنْ أُمِّهَا أُمِّ سَلَمَةَ  
قَالَتْ: جَاءَتِ امْرَأَةٌ مِّنْ قُرْيَشٍ فَقَالَتْ: يَا  
رَسُولَ اللَّهِ! إِنَّ ابْنِي رَمِيدَتْ أَفَأُكَحِلُّهَا؟ وَكَانَتْ  
مُتَوَفِّيَ عَنْهَا زَوْجُهَا، فَقَالَ: «إِلَّا أَرْبَعَةَ أَشْهُرٍ  
وَعَشْرًا» ثُمَّ قَالَتْ: إِنِّي أَخَافُ عَلَى بَصِيرَهَا،  
فَقَالَ: «لَا، إِلَّا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، قَدْ كَانَتْ  
إِحْدَائِكَنَّ فِي الْجَاهِلِيَّةِ تُحِدُّ عَلَى زَوْجِهَا سَنَةً، ثُمَّ  
تَرْمِي عَلَى رَأْسِ السَّنَةِ بِالْبَعْرَةِ». .

تخریج: [صحیح] تقدم، ح: ۳۵۳۱، وهو في الكبرى، ح: ۵۷۳۲، .

**3569.** It was narrated from Zainab bint Abî Salamah, from her mother, that a woman came to the Prophet ﷺ and asked him about

٣٥٦٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ  
يَزِيدَ قَالَ: حَدَّثَنَا سُفِيَّانَ عَنْ يَحْيَى بْنِ سَعِيدٍ،

her daughter whose husband had died and she was ill. He said: "One of you used to mourn for a year, then throw a piece of dung when a year had passed. Rather it (the mourning period) is four months and ten days." (*Sahîh*)

عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْبَ بْنِتِ أَبِي سَلَمَةَ، عَنْ أُمِّهَا: أَنَّ امْرَأَةً أَتَتِ النَّبِيَّ ﷺ فَسَأَلَهُ عَنِ ابْنِتَهَا مَاكَ رَوْجُهَا وَهِيَ تَشْتَكِي، قَالَ: «فَإِنْ كَانَتْ إِحْدَاهُنَّ تُحِدُّ السَّنَةَ ثُمَّ تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ، وَإِنَّمَا هِيَ أَرْبَعَةً أَشْهِرٍ وَعَشْرًا».

تخریج: [صحیح] تقدم، ح: ۳۵۳۱، وهو في الکبری، ح: ۵۷۳۳.

**3570.** It was narrated from Zainab bint Abî Salamah, from Umm Salamah that a woman from the Quraish came to the Messenger of Allâh ﷺ and said: "My daughter's husband has died, and I am worried about her eyes; she needs kohl." He said: "One of you used to throw a piece of dung after a year had passed. Rather it (the mourning period) is four months and ten days." I (the narrator) said to Zainab: "What does 'after a year had passed' mean?" She said: "During the Jâhilîyyah, if a woman died she would go to the worst room she had and stay there, then, when a year had passed, she would come out and throw a piece of dung behind her." (*Sahîh*)

٣٥٧٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْدَانَ بْنِ عَيْسَى بْنِ مَعْدَانَ قَالَ: حَدَّثَنَا أَبْنُ أَعْيَنَ قَالَ: حَدَّثَنَا زُهْرَى بْنُ مَعَاوِيَةَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ حُمَيْدِ بْنِ نَافِعٍ مَوْلَى الْأَنْصَارِ، عَنْ زَيْبَ بْنِتِ أَبِي سَلَمَةَ، أَنَّ امْرَأَةً مِنْ قُرَيْشٍ جَاءَتْ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: إِنَّ ابْنِتِي تُؤْمِنُ عَنْهَا رَوْجُهَا وَقَدْ خَفَتْ عَلَى عَيْنِهَا وَهِيَ تُرْبِدُ الْكُحْلَ، فَقَالَ: «فَإِنْ كَانَتْ إِحْدَاهُنَّ تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ، وَإِنَّمَا هِيَ أَرْبَعَةً أَشْهِرٍ وَعَشْرًا».

فَقَلَّتْ لِزَيْبَ: مَا رَأَسُ الْحَوْلِ؟ قَالَتْ: كَانَتِ الْمَرْأَةُ فِي الْجَاهِلِيَّةِ إِذَا هَلَكَ رَوْجُهَا عَمِدَتْ إِلَى شَرْرِ بَيْتِ لَهَا فَجَلَسَتْ فِيهِ، حَتَّى إِذَا مَرَثَ بِهَا سَنَةً خَرَجَتْ فَرَمَتْ وَرَاءَهَا بِبَعْرَةً.

تخریج: [صحیح] تقدم، ح: ۳۵۳۱، وهو في الکبری، ح: ۵۷۳۴.

**3571.** It was narrated from Zainab that a woman asked Umm Salamah and Umm Hâbîbah whether she could put on kohl during her

٣٥٧١ - أَخْبَرَنَا يَحْيَى بْنُ حَسِيبٍ بْنِ عَرَبِيَّ قَالَ: حَدَّثَنَا حَمَادٌ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْبَ: أَنَّ

'Iddah following her husband's death. She said: "A woman came to the Prophet ﷺ and asked him about that, and he said: 'During the Jâhiliyyah, if her husband died, one of you would stay (in mourning) for a year, then she would throw a piece of dung then come out. Rather it (the mourning period) is four months and ten days, until the term prescribed is fulfilled.'" (*Sahîh*)

تخریج: [صحیح] تقدم، ح: ٣٥٣١، وهو في الكبیری، ح: ٥٧٣٥.

## Chapter 68. *Qust* And *Azfar*<sup>[1]</sup> For The Woman In Mourning

3572. It was narrated from Hafshah, from Umm 'Atiyyah, from the Prophet ﷺ, that he granted a concession to the woman whose husband has died, allowing her to use *Qust* and *Azfar* when purifying herself following her menses. (*Sahîh*)

تخریج: [إسناده صحيح] أخرجه الدارمي، ح: ٢٢٩١ من حديث زائدة به مطولاً، وهو في الكبیری، ح: ٥٧٣٦، وهو طرف من الحديث المقدم: ٣٥٦٦، وأصله متفق عليه \* هشام هو ابن حسان.

### Comments:

*Qust* and *Azfar* are the kinds of incense, which were used in that period of time. The ruling concerning other perfumes is also the same; the use of which is forbidden during the waiting period. Their use, however, at the end of menstruation is permitted. *Qust* means costus ('ûd); a certain substance or perfume, Indian wood and also Arabian, with which one fumigates. *Azfar* is a certain odoriferous substance called *unguis oderati*. It is black, resembling finger nails.

امرأة سأّلت أم سلامة وأم حبيبة [أ] تكتفي  
في عيّتها من وفاة زوجها؟ فقالت: أتت  
امرأة إلى النبي ﷺ فسألته عن ذلك، فقال:  
«قد كانت إحداكم في الجاهلية إذا ثوقي  
عنها زوجها أقامته سنة، ثم قدّفت خلفها  
بعرة ثم خرجت، وإنما هي أربعة أشهر  
وعشرين حتى يتقضى الأجل».

تخریج: [صحیح] تقدم، ح: ٣٥٣١، وهو في الكبیری، ح: ٥٧٣٥.

(المعجم ٦٨) - القسط والأظفار للحادية  
(التحفة ٦٨)

٣٥٧٢ - أخبرنا العباس بن محمد - هو  
الدوري - قال: حدثنا الأسود بن عامر عن  
رائدة، عن هشام، عن حفصة، عن أم  
عطية، عن النبي ﷺ: أنه رخص للمؤمنة  
عنها عند طهورها في القسط والأظفار.

[1] Two types of incense.

## Chapter 69. Abrogation Of Maintenance And Residence For The Widow, Which Are Replaced By The Share Of Inheritance That Is Allotted To Her

**3573.** It was narrated from Ibn ‘Abbâs, with regard to Allâh’s saying: “And those of you who die and leave behind wives should bequeath for their wives a year’s maintenance and residence without turning them out.”<sup>[1]</sup> This was abrogated by the Verse on inheritance, which allocated to her one-quarter or one-eighth. And the appointed time (*Iddah*) of one year was abrogated and replaced with the (*Iddah*) term of four months and ten days. (*Hasan*)

تخریج: [إسناده حسن] أخرجه أبو داود، الطلاق، باب نسخ متعة المتوفى عنها زوجها بما فرض لها من الميراث، ح: ٢٦٩٨ من حديث علي بن الحسين به، وهو في الكبرى، ح: ٥٧٣٧.

**3574.** It was narrated from ‘Ikrimah with regard to the saying of Allâh, the Mighty and Sublime: “And those of you who die and leave behind wives should bequeath for their wives a year’s maintenance and residence without turning them out,”<sup>[2]</sup> that he said: “This was abrogated by: ‘And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten days.’”<sup>[3]</sup> (*Sahîh*)

(المعجم ٦٩) - بَابُ نَسْخِ مَتَاعِ  
الْمُتَوَفَّى عَنْهَا بِمَا فُرِضَ لَهَا مِنَ  
الْمِيرَاثِ (التحفة ٦٩)

٣٥٧٣ - أَخْبَرَنَا زَكَرِيَاً بْنُ يَحْيَى السَّجْزِيُّ  
خَيَاطُ السُّنْنِ قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ  
قَالَ: حَدَّثَنَا عَلَيُّ بْنُ الْحُسَيْنِ بْنُ وَاقِدٍ قَالَ:  
أَخْبَرَنَا أَبِي قَالَ: حَدَّثَنَا يَرِيدُ التَّحْوِيُّ عَنْ  
عِكْرَمَةَ، عَنْ أَبْنِ عَبَّاسٍ فِي قَوْلِهِ: «وَالَّذِينَ  
يُتَوَفَّوْنَ وَنَكِّمُهُمْ وَيَدْرُوْنَ أَزْوَاجَهُمْ وَصَيْرَةَ  
لِأَزْوَاجِهِمْ مَنْتَعًا إِلَى الْعَوْلِ عَيْرَ إِخْرَاجٍ»  
[البقرة: ٢٤٠] نَسْخَ ذَلِكَ بِأَيَّةِ الْمِيرَاثِ مِمَّا  
فُرِضَ لَهَا مِنَ الرُّبُعِ وَالشُّتُّنِ، وَنَسْخَ أَجَلَ  
الْعَوْلِ أَنْ جُعِلَ أَجَانِحُهَا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا.

٣٥٧٤ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا أَبُو  
الْأَخْوَصِ عَنْ سَمَائِكِ، عَنْ عِكْرَمَةَ فِي قَوْلِهِ  
عَزْ وَجَلُّهُ: «وَالَّذِينَ يُتَوَفَّوْنَ وَنَكِّمُهُمْ وَيَدْرُوْنَ  
أَزْوَاجَهُمْ وَصَيْرَةَ لِأَزْوَاجِهِمْ مَنْتَعًا إِلَى الْعَوْلِ عَيْرَ  
إِخْرَاجٍ» قَالَ: نَسْخَتْهَا «وَالَّذِينَ يُتَوَفَّوْنَ وَنَكِّمُ  
أَزْوَاجَهُمْ يَرِيدُونَ أَنْفُسَهُنَّ أَرْبَعَةَ أَشْهُرٍ  
وَعَشْرًا» [البقرة: ٢٣٤].

[١] *Al-Baqarah* 2:240.

[٢] *Al-Baqarah* 2:240.

[٣] *Al-Baqarah* 2:234.

تخریج: [صحیح] وهو في الکبری، ح: ۵۷۳۸، انظر الحدیث السابق.

## Chapter 70. Concession Allowing An Irrevocably- Divorced Woman To Leave Her House During Her 'Iddah

**3575.** 'Abdur-Rahmân bin 'Âshîm narrated that Fâtimah bint Qais – who was married to a man of Banu Mâkhzûm – told him that he divorced her three times. He went out on a military campaign and told his representative to give her some provision. She thought it was too little, so she went to one of the wives of the Prophet ﷺ, and the Messenger of Allâh ﷺ came in while she was with her. She said: "O Messenger of Allâh, this is Fâtimah bint Qais who has been divorced by so-and-so. He sent her some provision but she rejected it. He said that it was something he did not have to do (a favor)." He said: "He is telling the truth." The Prophet ﷺ said: "Go to Umm Kulthûm and observe your 'Iddah in her house." Then he said: "Umm Kulthûm is a woman who has a lot of visitors. Go to 'Abdullâh bin Umm Maktûm for he is blind." So she went to 'Abdullâh and observed her 'Iddah in his house, until her 'Iddah was over. Then Abû Al-Jahm and Mu'âwiyah bin Abî Sufyân proposed to her. So she came to the Messenger of Allâh ﷺ to consult him about them. He said: "As for Abû Al-Jahm, he is a man the waving of whose stick I fear for you. And as for Mu'âwiyah he is a man

(المعجم ۷۰) - الرُّخْصَةُ فِي خُرُوجِ  
الْمَبْتُوَةِ مِنْ بَيْتِهَا فِي عَدِّهَا لِسُكْنَاهَا  
(التحفة ۷۰)

٣٥٧٥ - أَخْبَرَنَا عَبْدُ الْحَمِيدِ بْنُ مُحَمَّدٍ  
قَالَ: حَدَّثَنَا مَحْمُدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ  
عَنْ عَطَاءٍ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ  
عَاصِمٍ: أَنَّ فَاطِمَةَ بِنْتَ قَيْسٍ أَخْبَرَتْهُ وَكَانَتْ  
عِنْدَ رَجُلٍ مِنْ بَنِي مَخْرُومٍ أَنَّهُ طَلَقَهَا ثَلَاثًا،  
وَخَرَجَ إِلَى بَعْضِ الْمَعَازِي وَأَمَرَ وَكِيلَهُ أَنْ  
يُعْطِيهَا بَعْضِ النَّفَقَةِ فَقَاتَلَهَا، فَانْتَلَقَتْ إِلَى  
بَعْضِ نِسَاءِ النَّبِيِّ ﷺ فَدَخَلَ رَسُولُ اللهِ ﷺ  
وَهِيَ عِنْدَهَا فَقَاتَلَتْ: يَا رَسُولَ اللهِ! هَذِهِ  
فَاطِمَةُ بِنْتُ قَيْسٍ طَلَقَهَا فُلَانٌ فَأَرْسَلَ إِلَيْهَا  
بَعْضِ النَّفَقَةِ فَرَدَّتْهَا، وَرَأَمَ أَنَّهُ شَيْءٌ تَطَوَّلُ  
عَلَيْهِ، قَالَ: صَدَقَ. قَالَ النَّبِيُّ ﷺ: «فَانْتَلَقِي  
إِلَى أُمّ كُلُّ ثُومٍ فَاغْتَدِي عِنْدَهَا» ثُمَّ قَالَ: «إِنَّ  
أُمّ كُلُّ ثُومٍ امْرَأَةً يَكْثُرُ عُوَادُهَا، فَانْتَلَقِي إِلَى  
عَبْدِ اللهِ بْنِ أُمّ مَكْتُومٍ فَإِنَّهُ أَعْمَى» فَانْتَلَقَتْ  
إِلَى عَبْدِ اللهِ فَاغْتَدَتْ عِنْدَهُ حَتَّى اتَّقَضَتْ  
عِدَّتَهَا، ثُمَّ حَطَّبَهَا أَبُو الْجَهْمِ وَمُعاوِيَةُ بْنُ  
أَبِي سُفْيَانَ، فَجَاءَتْ رَسُولُ اللهِ ﷺ تَشَائِمُهُ  
فِيهِمَا فَقَالَ: «أَمَا أَبُو الْجَهْمِ فَرَجُلٌ أَخَافُ  
عَلَيْهِ قِسْقَاسَتَهُ لِلْعَصَابَةِ، وَأَمَا مُعاوِيَةَ فَرَجُلٌ  
أَمْلَقَ مِنَ الْمَالِ». فَتَرَوَجَتْ أَسَامَةُ بْنُ زَيْدٍ  
بَعْدَ ذَلِكَ.

who does not have any money." So she married Usâmah bin Zaid after that. (*Hasan*)

تخریج: [حسن] إلا قوله: أم كلثوم، والصواب "أم شريك" كما تقدم، ح: ٣٢٤٧، وأخرجه أحمد: ٤١٤ من حديث ابن جریح به، وهو صرح بالسماع، وهو في الكبیر، ح: ٥٧٣٩ \* عبد الرحمن بن عاصم بن ثابت لم يوثقه غير ابن حبان، وللحديث شواهد.

#### Comments:

'Umm Salamah': This is not correct. In other reports, there is mention of Umm Sharik, and this is correct. (For the rest of the details, please turn to narration 3224, 3239, 3246, and 3247)

**3576.** It was narrated from Abû Salâmah bin 'Abdur-Râhîmân that Fâtimah bint Qais told him that she was married to Abû 'Amr bin Hafṣ bin Al-Mughîrah, who divorced her by giving her the last of three divorces. Fâtimah said that she came to the Messenger of Allâh ﷺ and consulted him about leaving her house. He told her to move to the house of Ibn Umm Maktûm, the blind man. Marwân refused to believe Fâtimah about the divorced woman leaving her house. 'Urwah said: "Âishah denounced Fâtimah for that." (*Sahîh*)

٣٥٧٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا حُجَّيْنُ بْنُ الْمُشَّى قَالَ: حَدَّثَنَا الْلَّيْثُ عَنْ عَقِيلٍ، عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ ابْنِ عَبْدِ الرَّحْمَنِ، عَنْ فَاطِمَةَ بْنِتِ قَيْسٍ: أَنَّهَا أَخْبَرَتْهُ أَنَّهَا كَانَتْ تَحْتَ أَبِي عَمْرِو بْنِ حَفْصٍ بْنِ الْمُغَيْرَةِ فَطَلَّقَهَا آخِرَ ثَلَاثَةِ تَطْلِيقَاتٍ، فَرَعَمَتْ فَاطِمَةُ أَنَّهَا جَاءَتْ رَسُولَ اللَّهِ ﷺ فَاسْفَضَتْهُ فِي خُرُوجِهَا مِنْ بَيْتِهَا، فَأَمَرَهَا أَنْ تَتَقَلَّ إِلَى ابْنِ أُمِّ مَكْتُومِ الْأَعْمَى، فَأَبَى مَرْوَانٌ أَنْ يُصَدِّقَ فَاطِمَةَ فِي خُرُوجِ الْمُطَلَّقَةِ مِنْ بَيْتِهَا. قَالَ عُرْوَةُ: أَنْكَرَتْ عَائِشَةً ذَلِكَ عَلَى فَاطِمَةَ .

تخریج: [صحیح] تقدم، ح: ٣٢٤٦، وهو في الكبیر، ح: ٥٧٤٠.

#### Comments:

(See the references of the previous *Hadîth*)

**3577.** Hishâm narrated from his father that Fâtimah said: "I said: 'O Messenger of Allâh! My husband has divorced me three times and I am afraid that my house be broken into.' So he told her to move." (*Sahîh*)

٣٥٧٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُشَى قَالَ: حَدَّثَنَا حَفْصٌ قَالَ: حَدَّثَنَا هِشَامٌ عَنْ أَبِيهِ عَنْ فَاطِمَةَ قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ! رَوْجِي طَلَقَنِي ثَلَاثَةً وَأَخَافُ أَنْ يُفْتَحَ عَلَيَّ، فَأَمَرَهَا فَتَحَوَّلَتْ.

تخریج: [صحیح] وهو في الكبیر، ح: ٥٧٤١ .

## Comments:

The house of the husband was farther from the habitation. The husband was not at home. The woman was young. So to speak, there were many dangers.

**3578.** It was narrated that Ash-Sha'bî said: "I came to Fâtimah bint Qais and asked her about the ruling of the Messenger of Allâh ﷺ concerning her. She said that her husband divorced her irrevocably, and she referred her dispute with him, concerning accommodation and maintenance, to the Messenger of Allâh ﷺ. She said: 'He did not give me (the right to) accommodation and maintenance, and he told me to observe my 'Iddah in the house of Ibn Umm Maktûm.'" (*Sahîh*)

٣٥٧٨ - أَخْبَرَنَا يَعْقُوبُ بْنُ مَاهَانَ -  
بَصِّرِي - عَنْ هُشَيْمٍ قَالَ: حَدَّثَنَا سَيَّارٌ  
وَحُصَيْنٌ وَمُغِيرَةً وَدَاؤُدْ بْنُ أَبِي هِنْدٍ  
وَإِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ - وَذَكَرَ آخَرَيْنَ -  
عَنِ الشَّعْبِيِّ قَالَ: دَخَلْتُ عَلَى فَاطِمَةَ بِنتِ  
قَيْسٍ فَسَأَلْتُهَا عَنْ قَصَاءِ رَسُولِ اللَّهِ ﷺ  
عَلَيْهَا، فَقَالَتْ: طَلَقَهَا زَوْجُهَا الْبَشَّرُ فَخَاضَتْهُ  
إِلَى رَسُولِ اللَّهِ ﷺ فِي السُّكْنَى وَالنَّفَقَةِ،  
قَالَتْ: فَلَمْ يَعْلَمْ لِي سُكْنَى وَلَا نَفَقَةَ،  
وَأَمْرَنِي أَنْ أَعْتَدَ فِي بَيْتِ ابْنِ أُمٍّ مَكْتُومٍ .

تخریج: [صحیح] تقدم، ح: ٣٤٣٢، و هو في الکبری، ح: ٥٧٤٢.

**3579.** It was narrated that Fâtimah bint Qais said: "My husband divorced me and I wanted to move, so I went to the Messenger of Allâh ﷺ and he said: 'Move to the house of your paternal cousin 'Amr bin Umm Maktûm, and observe your 'Iddah there.'" Al-Aswad hit him (Ash-Sha'bî) with a pebble and said: "Woe be to you! Why do you issue such a *Fatwa*?" 'Umar said: 'If you bring two witnesses who will testify that they heard that from the Messenger of Allâh ﷺ (we will believe you), otherwise, we will not leave the Book of Allâh for the word of a woman.' 'And turn them not out of their (husband's) homes nor shall they (themselves) leave, except in case they are guilty of

٣٥٧٩ - أَخْبَرَنَا أَبُو بَكْرٍ بْنُ إِسْحَاقَ  
الصَّاغَانِيُّ قَالَ: حَدَّثَنَا أَبُو الْجَوَابِ قَالَ:  
حَدَّثَنَا عَمَّارٌ - وَهُوَ ابْنُ رُبَيْقَ - عَنْ أَبِي  
إِسْحَاقَ، عَنِ الشَّعْبِيِّ، عَنْ فَاطِمَةَ بِنتِ قَيْسٍ  
قَالَتْ: طَلَقَنِي زَوْجِي فَأَرَدْتُ النَّفَلَةَ، فَأَتَيْتُ  
رَسُولَ اللَّهِ ﷺ فَقَالَ: «اَنْتَقِلِي إِلَى بَيْتِ ابْنِ  
عَمِّكِ عَمِرٍو بْنِ أُمٍّ مَكْتُومٍ فَاعْتَدِي فِيهِ»  
فَصَاصَبَهُ الْأَشْوَدُ وَقَالَ: وَيْلَكَ لَمْ تَفْتَنِي بِمُشْلِ  
هَذَا؟ قَالَ عُمَرُ: إِنْ جَعَلْتَ بِشَاهِدَيْنِ يَشْهَدَانِ  
أَنَّهُمَا سَمِعاَهُ مِنْ رَسُولِ اللَّهِ ﷺ، وَلَا لَمْ  
تَشْرُكْ بِكَتَابَ اللَّهِ بِلَقْوِيْلَةً فَلَا تُخْرِجُوهُنَّ مِنْ  
بُيُوتِهِنَّ وَلَا يَخْرُجُنَّ إِلَّا أَنْ يَأْتِيَنَ يُنْدِسُّهُنَّ  
مُشَيْنَةً [الطلاق: ١].

some open *Fâhishah*.<sup>[1]</sup> (*Sahîh*)

**Comments:** تخریج: [صحیح] تقدم، ح: ٣٤٣٢، وهو في الكبير، ح: ٥٧٤٣ .

1. It has previously been pointed out that numerous Companions of the Prophet ﷺ did not acknowledge the apparent result of this narration (that the lodging and maintenance of an irrevocably divorced woman are not incumbent upon the husband). They consider this incident as specific to Fatimah bint Qais, which means there must have been some distinct reason. (See the details in *Hadîth* 3224). Fatimah bint Qais used to say, in response to this Verse, that the description here pertains to those divorces in which ‘returning’ is possible. It transpires from “after that Allâh may well cause something new to come about.” In the upcoming words “when an irrevocably divorced woman cannot be taken back,” is asked what is the good in her residing in the (husband’s) house? There are rather numerous perils in it.
2. ‘Umar ﷺ did not consider it essential that for each *Hadîth*, two witnesses be produced, and only then it shall be accepted. On the contrary, he considered this narration contrary to what he was certain of. That is why he stated like this. Otherwise on numerous occasions, one man’s narration has been acknowledged and acted upon. For instance, narrations concerning levying the protection tax from a Magian and about exiting a plague-stricken province.

## Chapter 71. Widow Going Out During The Day

(المعجم ٧١) - باب خروج المُتوفّي عنها بالنهار (التحفة ٧١)

**3580.** It was narrated from Jâbir that his maternal aunt was divorced, and she wanted to go out to some date palms of hers, but she met a man who told her not to do that. She went to the Messenger of Allâh ﷺ and he said: “Go out and take the harvest of your date palms, for perhaps you will give *Zakâh* or do some good (give voluntary charity).” (*Sahîh*)

**Comments:** تخریج: آخرجه مسلم، الطلاق، باب جواز خروج المعتدة البائنة والمتوفّي عنها زوجها في النهار لحاجتها، ح: ١٤٨٣ من حديث ابن جریج به، وهو في الكبير، ح: ٥٧٤٤ .

٣٥٨٠ - أَخْبَرَنَا عَبْدُ الْمَوْلَى بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا مَخْلُدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ أَبِي الرَّئِسِ، عَنْ جَابِرٍ، قَالَ: طَلَقْتُ خَالَتَهُ فَأَرَادَتْ أَنْ تَخْرُجَ إِلَى نَخْلٍ لَهَا فَلَقِيَتْ رَجُلًا فَنَهَا هَا، فَجَاءَتْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِخْرُجِي فَجُدِّي نَخْلَكِ، لَعَلَّكِ أَنْ تَصَدِّقِي وَتَعْلَمِي مَعْرُوفًا».

[1] *At-Talâq* 65:1.

takes into consideration people's needs and inabilities.

## Chapter 72. Maintenance Of An Irrevocably-Divorced Woman

**3581.** It was narrated that Abū Bakr bin Ḥafs<sup>[1]</sup> said: Abū Salamah and I entered upon Fāṭimah bint Qais, who said: "My husband divorced me and he did not give me any accommodation or maintenance." She said: "He left with me ten measures (*Aqfizah*) (of food) with a cousin of his: Five of barley and five of dates. I went to the Messenger of Allāh ﷺ and told him about that. He said: 'He has spoken the truth.' And he told me to observe my 'Iddah' in the house of so-and-so." And her husband had divorced her irrevocably. (*Sahīh*)

تخریج: [صحیح] تقدم، ح: ٣٤٤٧، و هو في الکبری، ح: ٥٧٤٥.

### Comments:

*Aqfiz* is plural of *Qafiz*. They say that an: *Qafiz* is equal to about four kilos.

## Chapter 73. Maintenance Of A Pregnant Woman Who Has Been Irrevocably Divorced

**3582.** 'Ubaidullāh bin 'Abdullāh bin Utbah narrated that 'Abdullāh bin 'Amr bin 'Uthmān divorced the daughter of Sa'eed bin Zaid – whose mother was Hānnah bint Qais – irrevocably. Her maternal aunt Fāṭimah bint Qais told her to move from the house of 'Abdullāh

(المعجم ٧٢) - بَابُ نَفَقَةِ الْبَائِثَةِ

(التحفة ٧٢)

٣٥٨١ - أَخْبَرَنَا أَحْمَدُ بْنُ عَبْدِ اللَّهِ بْنِ الْحَكْمَ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شَعْبَةُ عَنْ أَبِي بَكْرٍ بْنِ حَفْصٍ قَالَ: دَخَلْتُ أَنَا وَأَبُو سَلَمَةَ عَلَى فَاطِمَةَ بْنَتِ قَيْسٍ قَالَتْ: طَلَقْنِي رَوْجِي فَلَمْ يَجْعَلْ لِي سُكْنَى وَلَا نَفَقَةً، قَالَتْ: فَوَضَعَ لِي عَشَرَةً أَفْتَرَةً عِنْدَ أَبْنِ عَمٍّ لَهُ: خَمْسَةُ شَعْبَرٍ وَخَمْسَةُ تَمْرٍ، فَأَنْتَشَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقْلُتُ لَهُ ذَلِكَ، فَقَالَ: «صَدَقَ» وَأَمَرَنِي أَنْ أَعْتَدَ فِي بَيْتِ فُلَانٍ، وَكَانَ رَوْجُهَا طَلَقاً بَاتِنًا.

تخریج: [صحیح] تقدم، ح: ٣٤٤٧، و هو في الکبری، ح: ٥٧٤٥.

(المعجم ٧٣) - نَفَقَةُ الْحَامِلِ الْمَبْنُوتَةِ

(التحفة ٧٣)

٣٥٨٢ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ بْنِ كَثِيرٍ بْنِ دِينَارٍ قَالَ: حَدَّثَنَا أَبِي عَنْ شَعْبَيْبٍ قَالَ: قَالَ الرُّهْرَئِيُّ: أَخْبَرَنِي عَيْنُ الدُّهْنِ أَبْنُ عَبْدِ اللَّهِ بْنِ عَتْبَةَ: أَنَّ عَبْدَ اللَّهِ بْنَ عَمْرُو أَبْنَ عُثْمَانَ طَلَقَ ابْنَةَ سَعِيدٍ بْنِ زَيْدٍ - وَأَمْهَا خَمْنَةُ بْنَتُ قَيْسٍ - الْبَتَّةَ، فَأَمَرَتْهَا خَالَتُهَا

[1] This is considered an error by one of the copyists, what is correct is Abū Bakr bin Abī Al-Jahm, as found for this narration in *Al-Kubra*, and affirmed in *Tulṣifat Al-Aṣḥārāf* (12:469). See No. 3447.

bin 'Amr. Marwân heard of that, so he sent a word to her, telling her to go back to her home until her *Iddah* was over. She sent a word to him telling him that her maternal aunt Fâtimah had issued a *Fatwa* to that effect, and she told her that the Messenger of Allâh ﷺ had issued a *Fatwa* to her, telling her to move when Abû 'Amr bin Hafṣ Al-Makhzûmî divorced her. Marwân sent Qâbiṣah bin Dhu'aib to Fâtimah to ask her about that. She said that she had been married to Abû 'Amr when the Messenger of Allâh ﷺ appointed 'Alî bin Abî Tâlib as governor of Yemen, and he went out with him, then he sent word to her divorcing her, and that was the final divorce for her. He told her to ask Al-Hârith bin Hishâm and 'Ayyâsh for her provisions that her husband had allocated for her. They said: "By Allâh, she is not entitled to any provision. So, she sent to Al-Hârith bin Hisham and 'Ayyâsh asking them for the provisions from us unless she is pregnant, and she has no right to live in our house unless we permit her." Fâtimah said that she went to the Messenger of Allâh ﷺ and told him about that and he said that they had told the truth. She said: "I said: 'Where shall I move to, O Messenger of Allâh?' He said: 'Move to the house of Ibn Umm Maktûm' – who was the blind man, concerning whom Allâh rebuked him in His Book. I moved to his house, and I used to take off my outer garments. Then the

فاطمة بنت قيس بالانتقال من بيته عبد الله ابن عمرو، وسمع بذلك مروان فأرسل إليها فامرها أن ترجع إلى مسكنها حتى تتضمني عدتها، فأرسلت إليها تخبره: أن خالتها فاطمة أفتتها بذلك وأخبرتها أن رسول الله ﷺ أفتاها بالانتقال حين طلقها أبو عمرو بن حفص المخزومي، فأرسل مروان قيسة بن ذؤيب إلى فاطمة فسألتها عن ذلك، فرغمت أنها كانت تحت أبي عمرو لما أمر رسول الله ﷺ عليه بن أبي طالب على اليمن خرج معه، فأرسل إليها بتطليقة وهي بيته طلاقها، فامر لها الحارث بن هشام وعياش بن أبي ربيعة بتفتناها، فأرسلت إلى الحارث وعياش شالهما النفقه التي أمر لها بها زوجها، فقالا: والله! ما لها علينا نفقه إلا أن تكون حاملأ، وما لها أن تسكن في مسكنينا إلا يأذنا، فرغمت فاطمة أنها أتت رسول الله ﷺ فذكرت ذلك له فصدقهما، قال: قلت: أين أنتقل يا رسول الله؟ فقال: «انتقل إلى عائبة الله عز وجل في بيته - فانتقلت عنده فكنت أضع ثيابي عنده، حتى أنكرها رسول الله ﷺ رغمت: أسامة بن زيد.

Messenger of Allâh ﷺ married her to Usâmah bin Zaid." (*Sahîh*)

تخریج: [صحیح] تقدم، ح: ٣٢٤، وهو في الكبير، ح: ٥٧٤٦.

Chapter 74. Periods

**3583.** It was narrated from 'Amr bin Az-Zubair that Fâtimah bint Abî Ḥubaish told him that she came to the Messenger of Allâh ﷺ and complained to him about (continual) bleeding. The Messenger of Allâh ﷺ said to her: "That is a vein. Look and when your period comes, do not pray, and when your period ends, then purify yourself and pray during the time between one period and the next." (*Hasan*)

(المعجم ٧٤) - الأقراء (التحفة ٧٤)

٣٥٨٣ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا الْلَّيْثُ قَالَ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَيْبٍ عَنْ بُكَيْرٍ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشْجَحِ، عَنْ الْمُنْذِرِ بْنِ الْمُغَيْرَةِ، عَنْ عُرْوَةَ بْنِ الرَّبِيعِ: أَنَّ فَاطِمَةَ بْنَتِ أَبِي حُيَيْشٍ حَدَّثَتْهُ أَنَّهَا أَتَتْ رَسُولَ اللَّهِ ﷺ فَشَكَتْ إِلَيْهِ الدَّمَ، فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «إِنَّمَا ذَلِكَ عِرْفٌ فَانظُرْيِ إِذَا أَتَاكِ قُرُونِكَ فَلَا تُصْلِي، فَإِذَا مَرَ قُرُونِكَ فَلَتَطْهُرِي» قَالَ: «لَمْ صَلَّى مَا بَيْنَ الْقُرْءَانِ الْأَكْبَرِ، الْأَقْرَبِ».

**تخریج:** [حسن] أخرجه أبو داود، الطهارة، باب: في المرأة تستحاض ومن قال تدع الصلوة في عدة الأيام التي كانت تحيض، ح ٢٨٠ من حديث الليث بن سعد به، وهو في الكبير، ح ٥٧٤٧، وله شواهد عند أبي داود، ح ٢٧٩، ٢٧٤، ٢٨١، ٢٧٩، وغيرها.

## **Chapter 75. Abrogation Of The Permission To Take Back One's Wife After The Three Divorces**

**3584.** It was narrated from Ibn 'Abbâs, regarding Allâh's saying: "Whatever a Verse do We abrogate or cause to be forgotten, We bring a better one or similar to it."<sup>[1]</sup> and "And when We change a Verse in place of another — and Allâh knows

٣٥٨٤ - حَدَّثَنَا زَكْرِيَّا بْنُ يَحْيَى قَالَ حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَلِيًّا بْنُ الْحُسَيْنِ بْنِ وَافِي قَالَ: حَدَّثَنِي أَبِي قَالَ حَدَّثَنَا يَزِيدُ التَّخْوِيُّ عَنْ عِكْرِمَةَ، عَنْ ابْرَاهِيمَ فِي قَوْلِهِ: هُمَا تَنسَخُ مِنْ عَائِلَةٍ أَوْ نُسْبَهُ

<sup>[1]</sup> *Al-Baqarah* 2:106.

best what He sends down” (*Al-Nahl* 16:101) and “Allâh blots out what He wills and confirms (what He wills). And with Him is the Mother of the Book.”<sup>[1]</sup> The first thing that was abrogated in the Qur’ân was the *Qiblah*. And He said: “And divorced women shall wait (as regards their marriage) for three menstrual periods, and it is not lawful for them to conceal what Allâh has created in their wombs, if they believe in Allâh and the Last Day.” “And their husbands have better right to take them back in that period, if they wish for reconciliation.”<sup>[2]</sup> – that is because when a man divorced his wife, he had more right to take her back, even if he had divorced her three times. Then (Allâh) abrogated that and said: “The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness.”<sup>[3]</sup> (*Hasan*)

تخریج: [إسناده حسن] أخرجه أبو داود، الطلاق، باب نسخ المراجعة بعد التطليقات الثالث، ح: ٢١٩٥ من حديث علي بن حسين به، وهو في الكبير، ح: ٥٧٤٨.

#### Comments:

The return of a woman who is in her waiting period from an unfinalized, non-threefold divorce to the state of marriage is possible twice only. After the pronouncement of the third divorce, the woman becomes unlawful: neither returning (taking back) nor remarriage. This is an agreed upon issue.

### Chapter 76. Taking The Wife Back

**3585.** Ibn ‘Umar said: “I divorced my wife when she was menstruating. ‘Umar went to the Prophet ﷺ and

أَتَيْتُ بِهِنَّيْرَ وَهَنَّا أَوْ مِثْلَهَا» [البقرة: ١٠٦]  
 وَقَالَ: «وَإِذَا بَدَلَتْ إِيمَانَهُ مَكَانَكَ عَلَيْهِ وَاللهُ أَعْلَمُ بِمَا يَرِئُ». الآية [النحل: ١٠١]  
 وَقَالَ: «يَسْحُرُوا اللهُ مَا يَشَاءُ وَيَمْلِكُونَ مَا عَنْهُمْ أَمْ الْكِتَابِ» [الرعد: ٣٩] فَأَوْلَى مَا نُسِخَ مِنَ الْقُرْآنِ الْقِبْلَةَ وَقَالَ: «وَالْمُطْلَقَتُ يَدْعُصُ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُونٍ وَلَا يَجِدُ هُنَّ أَنْ يَكْفِمُنَّ مَا خَلَقَ اللهُ فِي أَنْجَامِهِنَّ» إلى قوله «إِنَّ أَرَادَ قَاتِلَهُ إِلَّا لِذَلِكَ» [البقرة: ٢٢٨] وَذَلِكَ بِأَنَّ الرَّجُلَ كَانَ إِذَا طَلَقَ امْرَأَتَهُ فَهُوَ أَحَقُّ بِرَجْعِيَّتِهَا وَإِنْ طَلَقَهَا ثَلَاثَةً، فَنَسَخَ ذَلِكَ وَقَالَ: «الْمُطْلَقَتُ فَإِمْسَاكٌ يُعْرَفُ أَوْ تَسْرِيعٌ بِالْحَسْنِ» [البقرة: ٢٢٩].

(المعجم ٧٦) - **باب الرّجعة** (التحفة ٧٦)

٣٥٨٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ النُّبَيْرِ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعبٌ عَنْ قَتَادَةَ

[1] *Ar-Ra'd* 13:39.

[2] *Al-Baqarah* 2:228.

[3] *Al-Baqarah* 2:229. It should be noted that the same chain and text preceded (3529), although there are some differences in the wording.

told him about that. The Prophet ﷺ said: "Tell him to take her back, then when she becomes pure, if he wants to, let him divorce her." I said to Ibn 'Umar: "Did that count as one divorce?" He said: "Why not? What do you think if some becomes helpless and behaves foolishly." (*Sahih*)

قال: سمعتْ يُونسَ بْنَ جِبِيرٍ قَالَ: سمعتْ ابْنَ عُمَرَ قَالَ: طَلَقْتُ امْرَأَيْ وَهِيَ حَائِضٌ، فَأَتَى النَّبِيُّ ﷺ عُمَرُ فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ النَّبِيُّ ﷺ: «مُرْأَةٌ أَنْ يُرَاجِعَهَا فَإِذَا طَهُرَتْ» - يعنى - فَإِنْ شَاءَ فَلْيُطَلَّقْهَا، قُلْتُ لِابْنِ عُمَرَ: فَاحْتَسِبْ مِنْهَا؟ فَقَالَ: مَا يَمْنَعُهَا، أَرَيْتَ إِنْ عَجَزَ وَاسْتَحْمَقَ؟

تخریج: [صحیح] تقدم، ح: ٣٤٢٨، وهو في الكبير، ح: ٥٧٤٩.

### Comments:

'When she becomes pure': There is clarification in other narrations that when she is purified, and she again enters the period of menstruation, and she is again purified (after passing through the period of menses), and then if he so desires, he may keep her, and if he desires, can divorce her. And this intervening period of purity is meant for the act of returning or taking back. During the state of menstruation, only verbal returning or taking back is possible. (For details, see *Hadith* 3418)

**3586.** It was narrated from Ibn 'Umar that he divorced his wife when she was menstruating. 'Umar, may Allâh be pleased with him, mentioned that to the Prophet ﷺ and he said: "Tell him to take her back until she menstruates again, then when she becomes pure, if he wants he may divorce her and if he wants he may keep her. This is the divorce that Allâh has enjoined. Allâh, the Mighty and Sublime, says: 'The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness.'"<sup>[1]</sup> (*Sahih*)

٣٥٨٦ - أَخْبَرَنَا يَشْرُبُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ عَنِ ابْنِ إِدْرِيسَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ وَيَحْيَى بْنِ سَعِيدٍ وَعَبْدِ اللَّهِ ابْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ؛ حَوَّلَ زُهْرَةً عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالُوا: إِنَّ ابْنَ عُمَرَ طَلَقَ امْرَأَةً وَهِيَ حَائِضٌ، فَذَكَرَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ لِلنَّبِيِّ ﷺ، فَقَالَ: «مُرْأَةٌ قَلِيلًا رَاجِعَهَا حَتَّى تَحِيطَ حَيْضَةً أُخْرَى، فَإِذَا طَهَرَتْ فَإِنْ شَاءَ طَلَّقَهَا وَإِنْ شَاءَ أَمْسَكَهَا، فَإِنَّ الطَّلاقَ الَّذِي أَمَرَ اللَّهُ عَزَّ وَجَلَّ بِهِ، قَالَ تَعَالَى: ﴿فَطَلَّقُوهُنَّ لِعِدَّتِهِنَّ﴾] [الطلاق: ١].

<sup>[1]</sup> *At-Talâq* 65:1.

تخریج: [إسناده صحيح] وهو متفق عليه كما تقدم، ح: ٣٤١٨، وهو في الكبرى، ح: ٥٧٥١، ٥٧٥٠.

**3587.** When Ibn ‘Umar was asked about a man who divorced his wife when she was menstruating, he would say: “If it is the first or second divorce, the Messenger of Allâh ﷺ would tell him to take her back and keep her until she has menstruated again and purified herself, then divorce her before having intercourse with her. But if it was three simultaneous divorces, then you have disobeyed Allâh with regard to the way in which divorce should be conducted and your wife has become irrevocably divorced.” (*Sahîh*)

تخریج: أخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح: ٣/١٤٧١ من حديث إسماعيل ابن عليه به، وهو في الكبرى، ح: ٥٧٥٢.

### Comments:

‘And you have disobeyed Allâh with regard to the divorce of your wife what He had commanded you’ means by divorcing in the state of menstruation. But that divorce counts. When it is the third divorce, final separation between the couple would take place.

**3588.** It was narrated from Ibn ‘Umar that he divorced his wife when she was menstruating, and the Messenger of Allâh ﷺ told him to take her back. (*Sahîh*)

٣٥٨٧ - أَخْبَرَنَا عَلَيُّ بْنُ حُجْرَةَ قَالَ: أَخْبَرَنَا إِسْمَاعِيلُ عَنْ أَبْوَبِ، عَنْ نَافِعٍ قَالَ: كَانَ ابْنُ عُمَرَ إِذَا شَيَّلَ عَنِ الرَّجُلِ طَلَقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فَيَقُولُ: أَمَّا إِنْ طَلَقَهَا وَاحِدَةً أَوْ ثَيْتَيْنِ فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ أَمْرَهُ أَنْ يُرَاجِعَهَا، ثُمَّ يُمْسِكُهَا حَتَّى تَحِيسَ حَيْضَةً أُخْرَى ثُمَّ تَطْهَرُ، ثُمَّ يُطَلَّقُهَا قَبْلَ أَنْ يَمْسِكَهَا، وَأَمَّا إِنْ طَلَقَهَا ثَلَاثَةً فَفَدَ عَصَبَتْ اللَّهُ فِيمَا أَمْرَكَ بِهِ مِنْ طَلَاقِ امْرَأَتِكَ، وَيَا نَبِّأْتَ مِنْكَ امْرَأَتِكَ.

٣٥٨٨ - أَخْبَرَنَا يُوسُفُ بْنُ عِيسَى مَرْوَزِيُّ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى قَالَ: حَدَّثَنَا حَنْظَلَةَ عَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ: أَنَّهُ طَلَقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَأَمْرَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ فَرَاجَهَا.

تخریج: [إسناده صحيح] أخرجه أحمد: ٦١ من حديث حنظلة بن أبي سفيان به، وهو في الكبرى، ح: ٥٧٥٣.

**3589.** Ibn Tawûs narrated from his father that he heard ‘Abdullâh bin ‘Umar being asked about a man who divorced his wife when she was menstruating. He said: “Do you know ‘Abdullâh bin ‘Umar?”

٣٥٨٩ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٌّ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبْنُ طَاؤُسٍ عَنْ أَبِيهِ: أَنَّهُ سَعَى عَنْدَ اللَّهِ بْنَ عُمَرَ يُشَائِلُ عَنْ رَجُلٍ طَلَقَ امْرَأَتَهُ حَائِضًا،

He said: "Yes." He said: "He divorced his wife when she was menstruating, and 'Umar went to the Prophet ﷺ and told him about that. He ordered him to take her back until she became pure," and I did not hear him adding anything to that. (*Sahih*)

تخریج: أخرجه مسلم، الطلاق، باب تحریم طلاق الماحض بغير رضاها ... إلخ، ح: ١٤٧١ / ١٣ من حدیث ابن جریح، وهو في الکبری، ح: ٥٧٥٤.

**3590.** It was narrated from 'Umar that the Prophet ﷺ – 'Amr (one of the narrators) said: "The Messenger of Allâh ﷺ – had divorced Hafṣah, then he took her back." And Allâh knows best. (*Sahih*)

فَقَالَ: أَتَعْرِفُ عَبْدَ اللَّهِ بْنَ عُمَرَ؟ قَالَ: نَعَمْ، قَالَ: فَإِنَّهُ طَلَقَ امْرَأَةً حَائِضًا، فَأَتَى عُمَرَ النَّبِيَّ ﷺ فَأَخْبَرَهُ الْحَبْرَ، فَأَمْرَهُ أَنْ يُرَاجِعَهَا حَتَّى تَطَهَّرَ، وَلَمْ أَسْمَعْهُ يَرِيدُ عَلَى هَذَا.

٣٥٩٠ - أَخْبَرَنَا عَبْدُهُ بْنُ عَبْدِ اللَّهِ قَالَ: أَخْبَرَنَا يَحْيَى بْنُ آدَمَ، حَ وَأَخْبَرَنَا عُمَرُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ مُحَمَّدٍ - أَبُو سَعِيدٍ - قَالَ: تَبَثُّ عَنْ يَحْيَى بْنِ زَكَرِيَّا، عَنْ صَالِحِ بْنِ صَالِحٍ، عَنْ سَلَمَةِ بْنِ كُهْلِيلٍ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ أَبْنِ عَبَّاسٍ، عَنْ عُمَرَ: أَنَّ النَّبِيَّ ﷺ، وَقَالَ عُمَرُ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ طَلَقَ حَفْصَةَ ثُمَّ رَاجَعَهَا، وَاللَّهُ أَعْلَمُ.

تخریج: [صحيح] أخرجه أبو داود، الطلاق، باب: في المراجعة، ح: ٢٢٨٣ من حدیث سهل بن محمد بن الزبیر به، وصرح بالسماع عند أبي داود، فالعلة غير قادحة، وتتابعه جماعة عن يحيى بن زکریا بن أبي زائدة به، والحدیث في الکبری، ح: ٥٧٥٥.

## 28. The Book Of Horses, Races And Shooting

### Chapter 1. “Goodness Is Tied To The Forelocks Of Horses Until The Day Of Judgment”

**3591.** It was narrated that Salamah bin Nufail Al-Kindi said: ‘I was sitting with the Messenger of Allâh ﷺ when a man said: ‘O Messenger of Allâh! The people have lost interest in horses and put down their weapons, and they say there is no *Jihâd*, and that war has ended.’ The Messenger of Allâh ﷺ turned to face him and said: ‘They are lying, now the fighting is to come. There will always be a group among my *Ummah* who will fight for the truth, for whom Allâh will cause some people to deviate, and grant them provision from them, until the Hour begins and until the promise of Allâh comes. Goodness is tied to the forelocks of horses until the Day of Resurrection. It has been revealed to me that I am going to die and will not stay long, and you will follow me group after group, striking one another’s necks. And the place of safety for the believers is *Ash-Shâm*.’’<sup>[1]</sup> (*Sahîh*)

(المعجم ٢٨) - **كتابُ الْخَيْلِ**  
والسبق والرمي (التحفة ١١)

(المعجم ١) - **بابٌ:** «الْخَيْلُ مَعْقُودٌ  
في نَوَاصِبِهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ»  
(التحفة ١)

٣٥٩١ - أَخْبَرَنَا أَحْمَدُ بْنُ عَبْدِ الْوَاحِدِ  
قَالَ: حَدَّثَنَا مَرْوَانُ - وَهُوَ ابْنُ مُحَمَّدٍ -  
قَالَ: حَدَّثَنَا حَالِدٌ بْنُ يَزِيدَ بْنُ صَالِحٍ بْنُ  
صَبِيحِ الْمُرْئِيِّ قَالَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ أَبِي  
عَبْلَةَ عَنِ الْوَلِيدِ بْنِ عَبْدِ الرَّحْمَنِ الْجُرَشِيِّ،  
عَنْ جُبَيْرِ بْنِ نَفِيرٍ، عَنْ سَلَمَةَ بْنِ نَفِيلٍ  
الْكَنْدِيِّ قَالَ: كُنْتُ جَالِسًا عِنْدَ رَسُولِ اللَّهِ  
ﷺ فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ! أَذَالَ النَّاسُ  
الْخَيْلَ وَأَضَعُوا السَّلَاحَ وَقَالُوا: لَا جِهَادَ،  
قَدْ وَضَعْتِ الْحَرْبَ أَوْزَارَهَا، فَأَقْبَلَ رَسُولُ  
اللَّهِ ﷺ يَوْجِهَهُ وَقَالَ: «كَذَّبُوا الْآنَ الْآنَ جَاءَ  
الْقِتَالُ، وَلَا يَرَأُلُ مِنْ أَمْتَنِي أُمَّةٌ يَقَاتِلُونَ عَلَى  
الْحَقِّ، وَتَرْبِيعُ اللَّهِ لَهُمْ قُلُوبٌ أَقْوَامٌ وَبَرْزُقُهُمْ  
مِنْهُمْ حَتَّى تَئُومَ السَّاعَةُ، وَحَتَّى يَأْتِيَ وَعْدُ  
اللَّهِ، وَالْخَيْلُ مَعْقُودٌ فِي نَوَاصِبِهَا الْخَيْرُ إِلَى  
يَوْمِ الْقِيَامَةِ، وَهُوَ يُوحَى إِلَيَّ أَنِّي مَقْبُوضٌ  
غَيْرُ مُلَبِّيٍّ، وَأَنَّمَا تَبَعُونِي أَفْنَادًا يَصْرِبُ  
بَعْضُكُمْ رِقَابَ بَعْضٍ، وَعُقُورُ دَارِ الْمُؤْمِنِينَ  
الشَّامُ». .

[١] “Greater Mesopotamia.”

تخریج: [إسناده صحيح] أخرجه الطبراني: ٥٢٧، ح: ٦٣٥٧ من حديث إبراهيم بن أبي عبلة به مختصرًا، وهو في الكبير، ح: ٤٤٠١، وللحديث طرق أخرى.

### Comments:

1. 'The war has ended' signifies that now the Arabian Peninsula has been purified of polytheism; and the House of Allâh has come into their possession.
2. Fighting is to come: After the conquest, and the death of the Messenger ﷺ the fighting will increase.
3. 'Khair': recompense, spoils, etc.
4. 'Ash-Sham': It transpires from some traditional reports that close to the Day of Judgment, Ash-Sham would be the place of victory for the believers.

**3592.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'There is goodness tied to the forelocks of horses until the Day of Resurrection. And horses are of three types: Those that bring reward to a man, those that are a means of protection for a man, and those that are a burden (of sin) for a man. As for those that bring reward, they are kept for the cause of Allâh and for Jihâd. No fodder enters their stomach but for everything that enters their stomachs, reward is written for him, even if he puts them out to pasture.'" And he quoted the *Hadîth*. (*Sahîh*)

تخریج: [إسناده صحيح] أخرجه الترمذی، فضائل الجہاد، باب ماجاء من ارتبط فرساً في سیل الله، ح: ١٦٣٦ من حديث سهیل به، وقال: "حسن صحيح"، وهو في الكبير، ح: ٤٤٠٢.

**3593.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Horses may bring reward to a man, or they may be a means of protection, or they may be a burden (of sin). As for that which brings reward, it is a man who keeps it for the cause of Allâh and ties it

٣٥٩٢ - أَخْبَرَنَا عَمْرُو بْنُ يَحْيَى بْنِ الْحَارِثَ قَالَ: حَدَّثَنَا مَحْمُودُ بْنُ مُوسَى قَالَ: حَدَّثَنَا أَبُو إِسْحَاقَ - يَعْنِي الْفَزَارِيَّ - عَنْ شَهِيلِ بْنِ أَبِي صَالِحٍ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْحَيْلُ مَعْقُودٌ فِي نَوَاصِيْهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ. الْحَيْلُ ثَلَاثَةُ: فَهِيَ لِرَجُلٍ أَجْرٌ، وَهِيَ لِرَجُلٍ سِرْتٌ، وَهِيَ عَلَى رَجُلٍ وِرْزٌ، فَأَمَّا الَّذِي [هِيَ] لَهُ أَجْرٌ فَالَّذِي يَحْتِسِبُهَا فِي سَيِّلِ اللَّهِ فَيَسْخُدُهَا لَهُ، وَلَا تُعَيَّبُ فِي بُطُونِهَا شَيْئًا إِلَّا كُتِبَ لَهُ بِكُلِّ شَيْءٍ غَيْرِهِ فِي بُطُونِهَا أَجْرٌ، وَلَوْ عَرَضْتُ لَهُ مَرْجًّا». وَسَاقَ الْحَدِيثَ.

٣٥٩٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مَسْكِينٍ - قِرَاءَةُ عَلَيْهِ وَأَنَا أَسْمَعُ - وَاللَّفْظُ لَهُ - عَنْ أَبْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِي صَالِحِ السَّمَانِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ

with a long rope in a pasture or a garden; whatever it eats or drinks in that pasture or garden will count as good deeds for him. If it breaks its rope and jumps over one or two hills, its footsteps” – and according to the *Hadîth* of Al-Hârith, “its dung will count as good deeds for him. If it passes by a river and drinks from it, even though (its owner) did not intend to give it water from that river, that will also bring him reward. If a man keeps a horse in order to earn an independent living and avoid asking others for help, and he does not forget his duty toward Allâh with regard to their (the horses’) necks and backs, then they will be a means of protection for him. If a man keeps horses out of pride, to show off before others and to fight the Muslims, then that will be a burden (of sin) for him.” The Prophet ﷺ was asked about donkeys and he said: “Nothing has been revealed to me concerning them except this Verse which is comprehensive in meaning: ‘So whosoever does good equal to the weight of an atom (or a small ant) shall see it. And whosoever does evil equal to the weight of an atom (or a small ant) shall see it’”<sup>[1]</sup> (*Sahîh*)

الله ﷺ قال: «الْخَيْلُ لِرَجُلٍ أَجْرٌ، وَلِرَجُلٍ سُتُّرٌ، وَعَلَى رَجُلٍ وِزْرٌ، فَأَمَّا الَّذِي هُنَّ لَهُ أَجْرٌ فَرَجُلٌ رَبَطَهَا فِي سَبِيلِ اللَّهِ، فَأَطَالَ لَهَا مَرْجٌ أَوْ رَوْضَةٌ، فَمَا أَصَابَتْ فِي طَبِيلَهَا ذُلْكَ فِي الْمَرْجِ أَوِ الرَّوْضَةِ كَانَ لَهُ حَسَنَاتٌ، وَلَوْ أَنَّهَا قَطَعَتْ طَبِيلَهَا ذُلْكَ فَاسْتَثْ شَرَفًا أَوْ شَرَفَيْنِ كَانَتْ آثارُهَا» وفي حديث الْبَحَارِي: «وَأَرْوَاهُمَا حَسَنَاتٍ لَهُ، وَلَوْ أَنَّهَا مَرَثٌ بِنَهِيرٍ فَشَرِبَتْ مِنْهُ وَلَمْ يُرِدْ أَنْ تُشْقَى كَانَ ذُلْكَ حَسَنَاتٍ، فَهِيَ لَهُ أَجْرٌ، وَرَجُلٌ رَبَطَهَا تَعْتِيَا وَتَعْقِفَا وَلَمْ يَسْنَ حَقَّ اللَّهِ عَزَّ وَجَلَّ فِي رِقَابِهَا وَلَا طَهُورِهَا، فَهِيَ لِذُلْكَ سُتُّرٌ؛ وَرَجُلٌ رَبَطَهَا فَخَرَا وَرِيَاءً وَنَوَاءً لِأَهْلِ الإِسْلَامِ فِيهِ عَلَى ذُلْكَ وِزْرٌ» وَسَيِّلَ النَّبِيُّ ﷺ عَنِ الْحَمِيرِ فَقَالَ: «لَمْ يَنْتُلْ عَلَيَّ فِيهَا شَيْءٌ إِلَّا هُنُوَ الْأَيُّهُ الْجَامِعَةُ الْفَادِهُ» فَمَنْ يَعْمَلْ يَعْلَمْ مِثْكَالَ ذَرَّةٍ خَيْرًا يَرَهُ وَمَنْ يَعْمَلْ يَعْلَمْ مِثْكَالَ ذَرَّةٍ شَرًّا يَرَهُ»

[الزلزلة: ٧، ٨]

تخریج: أخرجه البخاري، المساقاة، باب شرب الناس و斯基 الدواب من الأنهر، ح: ٢٣٧١ من حديث مالك، ومسلم، الزکوة، باب إثم مانع الزکوة، ح: ٢٤/٩٨٧ من حديث زيد به، وهو في الكبرى، ح: ٤٤٠٣.

<sup>[1]</sup> Az-Zalzalah 99:7-8.

## Chapter 2. Love Of Horses

(المعجم (٢) - بَابُ حُبِّ الْخَيْلِ (التحفة (٢)

**3594.** It was narrated that Anas said: "There was nothing dearer to the Messenger of Allâh ﷺ after women than horses." (*Da'if*)

٣٥٩٤ - أَخْبَرَنَا أَحْمَدُ بْنُ حَقْصِنَ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ طَهْمَانَ عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ فَتَاهَةَ، عَنْ أَنَسِ قَالَ: لَمْ يَكُنْ شَيْءٌ أَحَبَّ إِلَى رَسُولِ اللَّهِ ﷺ بَعْدَ النِّسَاءِ مِنَ الْخَيْلِ.

تخریج: [إسناده ضعیف] وهو في الكبیر، ح: ٤٤٠٤ \* سعید بن أبي عروبة تقدم، ح: ١٠٨٦، وفتاة تقدم، ح: ٣٤ عننا.

## Chapter 3. Desirable Physical Qualities In Horses

(المعجم (٣) - مَا يُسْتَحْبِطُ مِنْ شِيَةِ الْخَيْلِ (التحفة (٣)

**3595.** It was narrated that Abû Wahb, who was a Companion of the Prophet ﷺ, said: "The Messenger of Allâh ﷺ said: 'Call (your children) by the names of the prophets. And the most beloved names to Allâh, the Mighty and Sublime, are 'Abdullâh and 'Abdur-Rahmân. Keep horses; wipe their forelocks and posteriors, and prepare them for *Jihâd*, but do not prepare them to seek vengeance for people killed during the *Jâhilîyyah*.<sup>[1]</sup> You should seek out *Kumait*,<sup>[2]</sup> horses with a white mark on the face and white feet, or red with a white mark on the face and white feet, or black with a white mark on the face and white feet.'" (*Da'if*)

٣٥٩٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا أَبُو أَحْمَدُ الْبَرَازُ هِشَامُ بْنُ سَعِيدِ الطَّالِقَانِيُّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُهَاجِرِ الْأَنْصَارِيُّ عَنْ عَقِيلِ بْنِ شَيْبَ، عَنْ أَبِي وَهْبٍ - وَكَانَتْ لَهُ صُحْنَةٌ - قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تَسَمَّوْا بِأَسْمَاءِ الْأَنْبِيَاءِ، وَأَحَبُّ الْأَسْمَاءِ إِلَى اللَّهِ عَزَّ وَجَلَّ بَعْدَ اللَّهِ وَعَبْدُ الرَّحْمَنِ، وَارْتَبِطُوا الْخَيْلَ وَاسْتَحْوِهَا بِنَوَاصِبِهَا وَأَكْفَالِهَا وَقَلْدُوهَا، وَلَا تُقْلِدُوهَا أَوْتَارًا، وَعَلَيْكُمْ بِكُلِّ كُمِيَّتٍ أَغْرِيَ مُحَاجِلٍ أَوْ أَشْقَرَ أَغْرِيَ مُحَاجِلٍ أَوْ أَذْهَمَ أَغْرِيَ مُحَاجِلٍ».

تخریج: [إسناده ضعیف] أخرجه أبو داود، الجهاد، باب: فيما يستحب من ألوان الخيل،

[١] This is the interpretation of Ibn Al-Athîr in *An-Nihâyah*. Alternatively it is: "And garland them, but not with bowstrings." Because they used to put bowstrings around the horses neck to ward off the evil eye, and this has been prohibited in other narrations.

[٢] Chestnut colored, a color between black and red.

ح ٢٥٤٣: من حديث هشام بن سعيد به، وهو في الكبير، ح: ٤٤٠٦ \* عقيل مجاهول، وبعض الحديث شواهد.

### Comments:

1. A name also exerts a strong influence upon human personality. Good names should, therefore, be given.
2. ‘Wipe their forelocks’: Another meaning could be: Keep them clean and tidy; take care of them.

### Chapter 4. *Shikâl*<sup>[1]</sup> Horses

(المعجم ٤) - الشَّكَالُ فِي الْخَيْلِ  
(التحفة ٤)

**3596.** It was narrated that Abû Hurairah said: The Prophet ﷺ used to dislike the *Shikâl* among horses. And the wording is that of Ismâ’îl.<sup>[2]</sup> (*Sahîh*)

٣٥٩٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شَعْبَةُ؛ حَوَّلَ أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا يَشْرُبُرْ قَالَ: حَدَّثَنَا شَعْبَةُ عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ النَّبِيُّ ﷺ يَكْرَهُ الشَّكَالَ مِنَ الْخَيْلِ. وَاللَّفْظُ لِإِسْمَاعِيلَ.

تخریج: أخرجه مسلم، الإمارة، باب ما يكره من صفات الخيل، ح: ١٨٧٥ / ١٠٢ من حديث محمد بن جعفر به، وهو في الكبير، ح: ٤٤٠٧.

**3597.** It was narrated from Abû Hurairah that the Prophet ﷺ used to dislike the *Shikâl* among horses. (*Sahîh*)

Abû ‘Abdur-Râhmân (An-Nasâ’î) said: The *Shikâl* among horses is when three of its feet have white markings and one of them does not, or three of them are not and one of them has white markings. And *Ash-Shikâl* (hobbled) is not used except in the case of feet, not hands.

٣٥٩٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَارٍ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا سُقِيَانُ قَالَ: حَدَّثَنِي سَلْمُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ: أَنَّهُ كَرِهُ الشَّكَالَ مِنَ الْخَيْلِ.

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: الشَّكَالُ مِنَ الْخَيْلِ أَنْ تَكُونَ تَلَاثُ قَوَافِلَ مُحَاجَلَةً وَوَاحِدَةً مُطْلَقَةً، أَوْ تَكُونَ التَّلَاثَةُ مُطْلَقَةً وَرِجْلٌ مُحَاجَلَةً، وَلَئِنْ يَكُونُ الشَّكَالُ إِلَّا فِي رِجْلٍ

[1] See the author’s explanation after the two narrations, and *Shikâl* also refers to the animal that was “hobbled.”

[2] That is, one of the two from whom Imâm An-Nasâî heard the narration.

وَلَا يَكُونُ فِي الْيَدِ.

تخریج: أخرجه مسلم، ح: ١٠٢ / ١٨٧٥ عن محمد بن بشار به، انظر الحديث السابق، وهو في الكبرى، ح: ٤٤٠٨.

## Chapter 5. Seeing Horses As An Omen

**3598.** It was narrated from Sâlim, from his father, that the Prophet ﷺ said: "Omens are only in three things: A woman, a horse or a house." (*Sahîh*)

(المعجم ٥) - **بَابُ شُؤُمِ الْحَيْلِ** (التحفة ٥)

٣٥٩٨ - أَخْبَرَنَا قُتْبَيْةُ بْنُ سَعِيدٍ وَمُحَمَّدُ ابْنُ مَنْصُورٍ وَاللَّفْظُ لَهُ قَالَ: حَدَّثَنَا سَفِيَانُ عَنِ الزَّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ قَالَ: «الشُّؤُمُ فِي ثَلَاثَةِ: الْمَرْأَةُ وَالْفَرَسُ وَالْدَّارُ».

تخریج: أخرجه مسلم، السلام، باب الطيرة والفال وما يكون فيه الشؤم، ح: ١١٦ / ٢٢٢٥ من حديث سفيان بن عيينة، والبخاري، الجehad والسير، باب ما يذكر من شؤم الفرس، ح: ٢٨٥٨ من حديث الزهري به، وهو في الكبرى، ح: ٤٤٠٩.

### Comments:

Meaning, if a man sees something bad in any of these, he will never rest and always be suspicious of harm from them.

**3599.** It was narrated from 'Abdullâh bin 'Umar that the Messenger of Allâh ﷺ said: "Omens are in houses, women and horses." (*Sahîh*)

٣٥٩٩ - أَخْبَرَنِي هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مَالِكٌ، حَدَّثَنَا مَالِكٌ مَعْنُ قَالَ: حَدَّثَنَا مَالِكٌ؛ حَدَّثَنَا مَالِكٌ مَعْنُ ابْنِ مَسْكِينٍ - قِرَاءَةٌ عَلَيْهِ وَأَنَا أَشْمَعُ وَاللَّفْظُ لَهُ - عَنْ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنَا مَالِكٌ عَنْ ابْنِ شِهَابٍ، عَنْ حَمْزَةَ وَسَالِمٍ ابْنِي عَبْدِ اللَّهِ بْنِ عَمْرَ، عَنْ عَبْدِ اللَّهِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الشُّؤُمُ فِي الدَّارِ وَالْمَرْأَةِ وَالْفَرَسِ».

تخریج: أخرجه البخاري، النكاح، باب ما يتقى من شؤم المرأة ... إلخ، ح: ٥٠٩٣، ٢٢٢٥ (انظر الحديث السابق) من حديث مالك به، وهو في الموطأ (يعنى)، ٩٧٢ / ٢: ٤٤١١، ٤٤١٠: .

**3600.** It was narrated from Jâbir that the Messenger of Allâh ﷺ said: "If there are (omens) in

٣٦٠٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا حَالِدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ

The Book Of Horses, Races... anything, they are in houses, women and horses.” (*Sahih*)

أبي الزئير، عن جابر أنَّ رَسُولَ اللَّهِ قَالَ: إِنْ يَكُونَ فِي شَيْءٍ فَفِي الرَّبْعَةِ وَالْمُرْأَةِ وَالْمَرْسِ». .

تخریج: أخرج مسلم، السلام، باب الطيرة والفال وما يكون فيه الشؤم، ح: ٢٢٧ من  
Hadith ابن جریح به، وهو في الكبیر، ح: ٤١٢.

## Chapter 6. The Blessing Of Horses

**3601.** It was narrated that Anas bin Mâlik said: “The Messenger of Allâh ﷺ said: ‘Blessing is in the forelocks of horses.’” (*Sahîh*)

(المعجم ٦ - بَابُ بَرَكَةِ الْخَيْلِ  
(التحفة ٦)

٣٦٠١ - أَخْبَرَنَا إِشْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا النَّضْرُ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي التَّيَّابِ قَالَ: سَعَيْتُ أَسْأَى؛ حَ قَالَ: وَأَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: حَدَّثَنِي أَبُو التَّيَّابِ عَنْ أَسِيْنِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْبَرَكَةُ فِي نَوَاصِي الْخَيْلِ».

تخریج: أخرج مسلم، الإمارة، باب الخيل في نواصيها الخير إلى يوم القيمة، ح: ١٨٧٤ عن محمد بن بشار، والبخاري، الجehad وال sisir، باب: الخيل معقود في نواصيها الخير إلى يوم القيمة، ح: ٢٨٥١ من Hadith يحيى بن سعيد القطان به، وهو في الكبیر، ح: ٤٤١٣.

## Comments:

See *Hadith* 3591.

## Chapter 7. Twisting The Forelocks Of Horses

**3602.** It was narrated that Jarîr said: “I saw the Messenger of Allâh ﷺ twisting the forelock of a horse with his two fingers, and saying: ‘Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war.’” (*Sahîh*)

(المعجم ٧ - بَابُ قْتْلِ نَاصِيَةِ الْفَرَسِ  
(التحفة ٧)

٣٦٠٢ - أَخْبَرَنَا عُمَرَانُ بْنُ مُوسَى قَالَ: حَدَّثَنَا عَبْدُ الْوَارِثِ قَالَ: حَدَّثَنَا يُونُسُ عَنْ عَمْرِو بْنِ سَعِيدٍ، عَنْ أَبِي زُرْعَةَ بْنِ عَمْرِو بْنِ جَرِيرٍ، عَنْ جَرِيرٍ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَفْتَلُ نَاصِيَةَ فَرَسٍ بَيْنَ أَصْبَعَيْهِ وَيَقُولُ: «الْخَيْلُ مَعْنُودٌ فِي نَوَاصِيَهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ: الْأَجْرُ وَالغَنِيمَةُ».

تخریج: أخرجه مسلم، ح: ١٨٧٢، ٩٧: انظر الحديث السابق من حديث يونس بن عبد الله، وهو في الكبرى، ح: ٤٤١٤.

### Comments:

1. The Prophet's ﷺ plaiting the horse's forelock with his own blessed hands was due to his love of horses.
2. 'Till the Day of Resurrection': From this it inevitably yields that the *Jihâd* would continue until the Day of Resurrection; and it should be continued, irrespective of whether the ruler is good or bad.

**3603.** It was narrated from Ibn 'Umar that the Prophet ﷺ said: "There is goodness in the forelocks of horses until the Day of Resurrection." (*Sahîh*)

٣٦٠٣ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدَ قَالَ: حَدَّثَنَا الْيَثْرَى عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «الْحَيْلُ فِي تَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ».

تخریج: أخرجه مسلم، ح: ١٨٧١ عن قتيبة به (انظر الحديث السابق)، وهو في الكبرى، ح: ٤٤١٥.

**3604.** It was narrated that 'Urwah Al-Bâriqî said: "The Messenger of Allâh ﷺ said: 'Goodness is tied to the forelocks of horses until the Day of Resurrection.'" (*Sahîh*)

٣٦٠٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ أَبُو كُرَيْبٍ قَالَ: حَدَّثَنَا أَبْنُ إِدْرِيسَ عَنْ حُصَيْنٍ، عَنْ عَامِرٍ، عَنْ عُرْوَةَ الْبَارِقِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْحَيْلُ مَعْقُودٌ فِي تَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ».

تخریج: أخرجه مسلم، ح: ٩٨، ١٨٧٣ (انظر الحديث السابق) من حديث عبد الله بن إدريس، والبخاري، الجهاد والسير، باب: الخيل معقود في نواصيها الخير إلى يوم القيمة، ح: ٢٨٥٠. حديث حسن به، وهو في الكبرى، ح: ٤٤١٦.

**3605.** It was narrated from 'Urwah bin Abî Al-Jâ'd that he heard the Prophet ﷺ say: "Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war." (*Sahîh*)

٣٦٠٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُتَّهَى وَمُحَمَّدُ أَبْنُ بَشَّارٍ قَالَا: حَدَّثَنَا أَبْنُ أَبِي عَدَى عَنْ شُعبَةَ عَنْ حُصَيْنٍ، عَنِ الشَّعِيْبِ، عَنْ عُرْوَةَ أَبْنِ أَبِي الْجَعْدِ أَتَهُ سَمِعَ النَّبِيِّ ﷺ يَقُولُ: «الْحَيْلُ مَعْقُودٌ فِي تَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ: الْأَجْرُ وَالْمَعْتُمُ».

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٤٤١٧.

**3606.** It was narrated that 'Urwah said that he heard the Messenger of Allâh ﷺ say: "Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war." (*Sahîh*)

٣٦٠٦ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: أَخْبَرَنَا شُعبَةُ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي السَّفَرِ، عَنِ الشَّعْبِيِّ، عَنْ عُرْوَةَ قَالَ: سَوْعَتْ رَسُولُ اللَّهِ ﷺ يَقُولُ: «الْحَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الْحَيْرُ إِلَى يَوْمِ الْقِيَامَةِ: الْأَجْرُ وَالْمَعْنَمُ».

تخریج: [صحيح] انظر الحدیثین السالقین، وهو في الكبری، ح: ٤٤١٨.

**3607.** It was narrated from 'Urwah bin Abî Al-Jâ'd that the Prophet ﷺ said: "Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war." (*Sahîh*)

٣٦٠٧ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ قَالَ: أَخْبَرَنَا شُعبَةُ قَالَ: أَخْبَرَنِي حُصَيْنٌ وَعَبْدُ اللَّهِ بْنِ أَبِي السَّفَرِ أَنَّهُمَا سَمِعاً الشَّعْبِيَّ يُحَدِّثُ عَنْ عُرْوَةَ بْنِ أَبِي الْجَعْدِ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْحَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الْحَيْرُ إِلَى يَوْمِ الْقِيَامَةِ: الْأَجْرُ وَالْمَعْنَمُ».

تخریج: [صحيح] تقدم، ح: ٣٦٠٤، وهو في الكبری، ح: ٤٤١٩.

## Chapter 8. A Man Training His Horse

(المعجم ٨) - تَأْدِيبُ الرَّجُلِ فَرَسَةً

(التحفة ٨)

٣٦٠٨ - أَخْبَرَنَا الْحَسَنُ بْنُ إِشْمَاعِيلَ بْنِ مُجَالِدٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ بْنِ جَاهِرٍ قَالَ: حَدَّثَنِي أَبُو سَلَامٍ الدَّمْسَطِيُّ عَنْ حَالِدٍ بْنِ يَزِيدِ الْجَهْنَيِّ قَالَ: كَانَ عَفْفَةُ بْنُ عَامِرٍ يَمُرُّ بِي فَيَقُولُ: يَا حَالِدُ! اخْرُجْ بِنَا تَرْمِي، فَلَمَّا كَانَ ذَاتَ يَوْمٍ أَبْطَأْتُ عَنْهُ فَقَالَ: يَا حَالِدُ! تَعَالَ أَخْبِرْكَ بِمَا قَالَ رَسُولُ اللَّهِ ﷺ، فَأَتَيْتُهُ فَقَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ يُدْخِلُ بِالسَّهْمِ الْوَاحِدِ ثَلَاثَةَ

**3608.** It was narrated that Khâlid bin Yazîd Al-Juhâni said: "Uqbah bin 'Âmir used to pass by me and say: 'O Khâlid, let us go out and shoot arrows.' One day I came late and he said: 'O Khâlid, come and I will tell you what the Messenger of Allâh ﷺ said.' So I went to him and he said: 'The Messenger of Allâh ﷺ said: Allâh will admit three people to Paradise because of one arrow: The one who makes it seeking good thereby, the one who shoots it and the one who

hands it to him. So shoot and ride, and if you shoot that is dearer to me than if you ride. And play is only in three things: A man training his horse, and playing with his wife, and shooting with his bow and arrow. Whoever gives up shooting after learning it because he is no longer interested in it, that is a blessing for which he is ungrateful - or that he has rejected.”” (*Hasan*)

نَفَرَ الْجَنَّةُ: صَانِعُهُ يَحْسِبُ فِي صُنْعَتِهِ الْخَيْرَ،  
وَالرَّأْمَىٰ يُهُ، وَمُنْبَلَّهُ، وَارْمُوا وَأَرْكُبُوا، وَأَنْ  
تَرْمُوا أَحَبَّ إِلَيْيْ مِنْ أَنْ تَرْكُبُوا، وَلَيْسَ اللَّهُ  
إِلَّا فِي ثَلَاثَةِ: تَأْدِيبُ الرَّجُلِ فَرَسَهُ، وَمَلَاعِبُهُ  
أَمْرَأَتُهُ، وَرَمَيْهِ يَقْوِسُهُ وَتَبَلُّهُ، وَمَنْ تَرَكَ الرَّمَيَ  
بَعْدَ مَا عَلِمَهُ رَغْبَةً عَنْهُ فَإِنَّهَا نِعْمَةٌ كَفَرَهَا - أَوْ  
قَالَ - كَفَرَ بِهَا».

**تخریج:** [إسناده حسن] أخرجه أبو داود، الجهد، باب: في الرمي، ح: ٢٥١٣ من حديث عبد الرحمن به، وهو في الكبير، ح: ٤٤٢٠، وصححه الحاكم: ٩٥ / ٢، ووافقه الذهبي \* خالد بن يزيد حسن الحديث كما حقيقته في تسهيل الحاجة، ح: ٢٨١١.

### Comments:

- ‘That is dearer to me’ because if someone does not know the skill of archery, horse riding would not be of any benefit; whereas archery is beneficial by itself.
- ‘Play’ means one attains reward through them, because one gets the pleasure of Allâh on account of them. On the other hand, other sports provide only physical recreation, which do not serve any useful purpose.
- ‘For which he is ungrateful’: If one, however, abandons it on account of one’s other preoccupations, then there is no harm in it.

## Chapter 9. The Supplication Of The Horse

### (المعجم ٩) - بَابُ دَعْوَةِ الْحَيْلِ

(التحفة  
٩)

**3609.** It was narrated that Abû Dharr said: “The Messenger of Allâh ﷺ said: ‘There is no Arabian horse but it is allowed to offer two supplications every *Sahar* (end of the night): O Allâh, You have caused me to be owned by whoever You wanted among the sons of Âdam, and you have made me belong to him. Make me the dearest of his family and wealth to him, or among the dearest of his family and wealth to him.’” (*Sahîh*)

٣٦٠٩ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْيِ قَالَ:  
أَخْبَرَنَا يَحْيَىٰ قَالَ: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ  
جَعْفَرٍ قَالَ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَيْبٍ عَنْ  
سُوِيدِ بْنِ قَيْسٍ، عَنْ مُعَاوِيَةَ بْنِ حُدَيْبَيْرٍ، عَنْ  
أَبِي ذَرٍّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ  
فَرَسٍ عَرَبِيٍّ إِلَّا يُؤْذَنُ لَهُ عِنْدَ كُلِّ سَحْرٍ  
يُدْعَوَيْنِ: اللَّهُمَّ! خُوَلْتَنِي مِنْ خَوَلْتَنِي مِنْ نَبِيٍّ  
آدَمَ وَجَعَلْتَنِي لَهُ، فَاجْعَلْنِي أَحَبَّ أَهْلِهِ وَمَالِهِ  
إِلَيْهِ أَوْ مِنْ أَحَبَّ أَهْلِهِ وَمَالِهِ إِلَيْهِ».

تخریج: [إسناده صحيح] أخرجه أَحْمَد: ١٧٠ / ٥ عن يَحْيَى بْنُ سَعِيدِ القطان بْنِه، وصححه الحاكم: ٩٢، ووافقه الذهبي.

### Comments:

1. It is unequivocally proved through the Glorious Qur'ân and the Traditions (*Ahâdîth*) that even animals too speak in their language. Since we do not understand their language, we consider them dumb. Everything communicates, especially with Allâh, Most High.
2. 'Sâhar' (end of the night) because this is the time when supplications are responded to or granted.

### Chapter 10. Stern Warning Against Mating A Donkey With A Horse

**3610.** It was narrated that 'Alî bin Abî Tâlib, may Allâh be pleased with him, said: "A mule was given as a gift to the Messenger of Allâh ﷺ and he rode it." 'Alî said: "If we mate a donkey with a horse, we will have one like this." The Messenger of Allâh ﷺ said: "That is only done by those who do not know." (*Sahîh*)

(الصحاح ١٠) - التَّشْبِيدُ فِي حَمْلِ  
الْحَمَوِيرِ عَلَى الْحَيْلِ (التحفة ١٠)

٣٦١٠ - أَخْبَرَنَا قَيْمَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ يَحْيَى بْنِ أَبِي حَيْبٍ، عَنْ أَبِي الْحَمَّارِ، عَنْ ابْنِ زُرْبَرِ، عَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَهْدَيْتَ إِلَى رَسُولِ اللَّهِ ﷺ بَعْلَةً فَرَكِبَهَا، فَقَالَ عَلَيْهِ: لَوْ حَمَدْنَا الْحَمَوِيرَ عَلَى الْحَيْلِ لَكَانَتْ لَكَ مِثْلُ هَذِهِ، قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا يَفْعَلُ ذُلِّكَ الَّذِينَ لَا يَعْلَمُونَ».

تخریج: [إسناده صحيح] أخرجه أبو داود، الجهاد، باب: في كراهة الحمر تنزى على الخيل، ح: ٢٥٦٥ عن قيبة به، وهو في الكبرى، ح: ٤٤٢١، وصححه ابن حبان، ح: ١٦٣٩.

### Comments:

Why is this forbidden? Either it might be for the reason that it corrupts the pedigree, or it might be because in it an attempt has been made to obtain something inferior by discarding something superior. If such a thing, however, falls into one's hand effortlessly, then its use is not forbidden. This is because the mule in itself is not a harmful or a blameworthy animal. Some people have held this process permissible, because the Glorious Qur'ân makes mention of mules along with horses and donkeys, to express His bounties upon humankind. But it is contrary to the command of the Messenger of Allâh ﷺ.

**3611.** It was narrated that 'Abdullâh bin 'Ubaidullâh bin 'Abbâs said: I was with Ibn 'Abbâs and a man asked him: "Did the

٣٦١١ - أَخْبَرَنَا حَمَادٌ بْنُ مَسْعَدَةَ قَالَ: حَدَّثَنَا حَمَادٌ عَنْ أَبِي جَهْضَمٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ قَالَ: كُنْتُ عِنْدَ أَبِنِ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ قَالَ:

Messenger of Allâh ﷺ recite during *Zuhr* and *'Asr*?” He said: “No.” He said: “Perhaps he used to recite to himself?” He said: “May your face be scratched! This question is worse than the first one. The Messenger of Allâh ﷺ was a slave whose Lord commanded him and he conveyed (the message). By Allâh, the Messenger of Allâh ﷺ did not specify anything for us above the people, except for three things: He commanded us to perform *Wudû'* properly,<sup>[1]</sup> not to consume charity, and not to mate donkeys with horses.” (*Hasan*)

تخریج: [إسناده حسن] تقدم، ح: ١٤١، و هو في الكبرى، ح: ٤٤٢٢ .

#### Comments:

1. Other Companions reported that the Prophet ﷺ recited quietly or inaudibly in the *Zuhr* and *'Asr* prayers.
2. ‘May your face be scratched’: He said this to express his displeasure.

### Chapter 11. The Feed Of Horses

**3612.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “Whoever keeps a horse for the cause of Allâh out of faith in Allâh and believing the promise of Allâh, its feed, water, urine and dung will all count as *Hasanât* in the balance of his deeds.” (*Sahîh*)

### (المعجم (١١) - عَلْفُ الْحَيْلِ (التحفة (١١)

- قال الحارث بن مشكين -  
قراءة عليه وأنا أسمع - عن ابن وهب:  
حدثني طلحة بن أبي سعيد أن سعيداً  
المقبرياً حدثه عن أبي هريرة، عن رسول  
الله ﷺ قال: «من احتبس فرساً في سبيل الله  
إيماناً بالله وتصديقاً لوعده الله، كان شبعه  
وريه وبوله وروشه حسانات في ميزانه» .

تخریج: أخرجه البخاري، الجهاد، باب من احتبس فرساً في سبيل الله ... إلخ، ح: ٢٨٥٣ .  
من حديث طلحة به، وهو في الكبرى، ح: ٤٤٢٣ .

[1] “An Nusbig Al-Wudû’” *Isbâg Al-Wudû’* means washing each limb three times. Because performing it well or completely is not restricted to the family of the Messenger ﷺ.

عَبَاسٌ فَسَأَلَهُ رَجُلٌ: أَكَانَ رَسُولُ اللهِ ﷺ يَقْرَأُ فِي الظَّهِيرَةِ وَالْعَصْرِ؟ قَالَ: لَا، قَالَ: فَلَمَّا  
كَانَ يَقْرَأُ فِي نَقْسِيَةٍ؟ قَالَ: خَمْسًا، هَذِهِ شَرْ  
مِنَ الْأَوَّلِيَّ، إِنَّ رَسُولَ اللهِ ﷺ عَنْدَ أَمْرِهِ اللَّهُ  
تَعَالَى يَأْمُرُهُ فَلَمَّا، وَاللَّهُ! مَا اخْتَصَّنَا رَسُولُ  
اللهِ ﷺ بِشَيْءٍ دُونَ النَّاسِ إِلَّا يُشَلَّاتِي: أَمْرَنَا  
أَنْ تُشَيَّعَ الْوُضُوءُ، وَأَنْ لَا تَأْكُلَ الصَّدَقَةُ،  
وَلَا تُنْزِيَ الْحُمُرَ عَلَى الْحَيَّلِ.

**Comments:**(See *Hadîth* 3593)**Chapter 12. Finish Line Of A Race For Horses That Have Not Been Made Lean**

**3613.** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ organized a horse race and sent them from Al-Hafyâ' and its finish line was Thaniyyat Al-Wadâ'; and he organized a race for horses that had not been made lean, and the course stretched from Ath-Thaniyyah to the *Masjid* of Banu Zuraiq. (*Sahîh*)

(المعجم ١٢) - **خَاتِمُ السَّبِقِ لِلَّتِي لَمْ****تُضْمَرْ** (التحفة ١٢)

**٣٦١٣ - أَخْبَرَنَا قَتِيْهُ:** أَبْنَا الْبَيْثَ عَنْ تَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ سَابَقَ بَيْنَ الْخَيْلِ يُرِسَّلُهَا مِنَ الْحَفَيَاءِ، وَكَانَ أَمْدُهَا ثَيَّةً الْوَدَاعَ؛ وَسَابِقَ بَيْنَ الْخَيْلِ الَّتِي لَمْ تُضْمَرْ، وَكَانَ أَمْدُهَا مِنَ النَّيْةِ إِلَى مَسْجِدِ بَنِي زُرَيْقٍ.

تخریج: أخرجه مسلم، الإمارة، باب المسابقة بين الخيل وتضمرها، ح: ١٨٧٠ عن قتيبة، والبخاري، الجهاد، باب الخيل للسباق، ح: ٢٨٦٩ من حديث الليث بن سعد به، وهو في الكبير، ح: ٤٤٢٥.

**Comments:**

- ‘Horses made lean’: means horses which were specially prepared for racing. The process of training for making a horse lean was that it was earlier fattened with rich food for a period of time. Then its food was gradually reduced and it was put in closed housing, where it was covered with clothes until it perspired. Consequently, it became firm and gained strength. It would then run well, and would not sweat, and would not become breathless. Such horses proved very beneficial in battles.
- The distance from Al-Hafyâ' to Thaniyyat Al-Wadâ' was six miles, and from Thaniyyat Al-Wadâ' to the mosque of Banu Zuraiq was one mile. Such was the difference between trained and untrained horses.

**Chapter 13. Making Horses Lean For Racing**(المعجم ١٣) - **بَابُ إِضْمَارِ الْخَيْلِ****لِلْسَّبِقِ** (التحفة ١٣)

**3614.** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ organized a race for horses that had been made lean, from Al-Hafyâ' and its finish line was Thaniyyat Al-Wadâ', and he organized another race for horses that had not been made lean, from

**٣٦١٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثَ**  
**ابْنُ مَشْكِينِ** - قِرَاءَةُ عَلَيْهِ وَأَنَا أَشْمَعُ - عَنْ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ تَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ سَابَقَ بَيْنَ الْخَيْلِ الَّتِي قَدْ أُضْمِرَتْ مِنَ الْحَفَيَاءِ، وَكَانَ أَمْدُهَا ثَيَّةً

Ath-Thaniyyah to the *Masjid* of Banu Zuraiq, and 'Abdullâh was among those who took part in the race. (*Sahîh*)

الْوَدَاعُ، وَسَابِقَ بَيْنَ الْخَيْلِ الَّتِي لَمْ تُضْمَرْ مِنَ الشَّيْءِ إِلَى مَسْجِدِ بَنِي زُرَيْقٍ، وَأَنَّ عَبْدَ اللَّهِ كَانَ مِمْنُ سَابِقِهَا.

تخریج: أخرجه البخاري، الصلوة، باب: هل يقال: مسجد بنی فلان؟، ح: ٤٢٠، ومسلم، الإمارة، باب المسابقة بين الخيل وتضمييرها، ح: ١٨٧٠ من حديث مالك به، وهو في الموطأ (يعیني): ٤٦٨، ٤٦٧، والکبری، ح: ٤٤٢٤.

#### (المعجم ١٤) - بَابُ السَّبَقِ (التحفة ١٤)

### Chapter 14. Awards (For Victory In Competition)

**3615.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "There should be no awards (for victory in a competition) except a arrows, camels or horses." (*Hasan*)

٣٦١٥ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ نَافِعٍ بْنِ أَبِي نَافِعٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا سَبَقَ إِلَّا فِي نَصْلٍ أَوْ حَافِرٍ أَوْ خُفًّ». .

تخریج: [إسناده حسن] أخرجه أبو داود، الجهاد، باب: في السبق، ح: ٢٥٧٤، والترمذی: ١٧٠٠ من حديث محمد بن عبد الرحمن بن أبي ذئب به، وهو في الكبری، ح: ٤٤٢٦، وقال الترمذی: "حسن"، وصححه ابن حبان، ح: ١٦٣٨، وللحديث طرق أخرى.

### Comments:

1. By organizing such events or competitions, military power would strengthen.
2. 'Not appropriate': Probably, the apparent meaning might have been that other sports and games are not worthy that prizes could be instituted over them. Or it might be in order to pronounce its excellence that the institution of prizes is commendable as well as deserving of recompense.

**3616.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "There should be no awards (for victory in a competition) except on arrows, camels or horses." (*Hasan*)

٣٦١٦ - أَخْبَرَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ أَبُو عَبْدِ اللَّهِ الْمَخْزُومِيِّ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ نَافِعِ بْنِ أَبِي نَافِعٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا سَبَقَ إِلَّا فِي نَصْلٍ أَوْ خُفًّ أَوْ حَافِرٍ».

تخریج: [إسناده حسن] انظر الحديث السابق، وهو في الكبری، ح: ٤٤٢٧.

**3617.** It was narrated that Abû Hurairah said: "Now award (for victory in a competition) is permissible except over camels or

٣٦١٧ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا ابْنُ أَبِي مَرْيَمَ قَالَ: أَخْبَرَنَا الْيَتْمُ عَنْ

大藏經

ଶ୍ରୀ କୃତ୍ତିବ୍ୟାକାରୀ ଶ୍ରୀ ମହାପାତ୍ରି ଶ୍ରୀ ମହାପାତ୍ରି

କାହିଁ କାହିଁ ଲାଗିଥିଲା ତାଙ୍କୁ କାହିଁ କାହିଁ

ବାହୁଦି - କର୍ଣ୍ଣି ପୂର୍ବାଧ ମନ୍ତ୍ରମାଲା ଶର୍ମି

to turn slow down. Except what Allah wills!

2. He loves it: This is because all that lives might probably have been smaller, and she was anything to stay permanently in the state of perish.

to turn old; every powerful one has to beco

1. *An-awwān iż-żejja* means had her ear slit; not have a slit ear. On the contrary, *Adba'*

### Comments:

The lowers it." (Sālikh)  
and among us is possible in this world such

The said: 'It is a right upon Allah that nothing is raised in this world except

Allah, Al-Adha' has been beaten.'

When he saw the expressions on their faces they said: "O Messenger of

Muslims were upset by that, and

a Bedouin came on a riding-camel

which could not be beaten. One day  
had a super-camera called the "A-1" which

سید: "The Messenger of Allah ﷺ said: "The Camel called Al-Adab"

3618. It was narrated that Anas

### 3.1.6. Summary of the main findings

ପାଇଁ କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା

19. 19. 19. 19. 19. 19. 19. 19. 19. 19. 19. 19. 19. 19. 19. 19. 19.

卷之三

“स्वरूपं तदेव विद्यते” इति श्रीकृष्ण उक्तं विवरणं।

“*Horses.*” (*Hasan*)

The Book Of Horses, Races... 336

፩፻፲፭ በ፻፲፭፻፭ የ፻፲፭፻፭ የ፻፲፭፻፭

936

四

horses.” (*Hasan*)

تخریج: [صحيح] أخرجه ابن ماجه، الجهاد، باب السبق والرهان، ح: ٢٨٧٨ من حديث محمد بن عمرو به، وهو في الكبير، ح: ٤٤٣٠، وله شاهد تقدم، ح: ٣٦١٥.

### Chapter 15. *Jalab* (Bringing)

**3620.** It was narrated from 'Imrân bin Huṣain that the Messenger of Allâh ﷺ said: "There is no 'bringing', no 'avoidance'<sup>[١]</sup> and no *Shighâr*<sup>[٢]</sup> in Islam, and whoever robs is not one of us." (*Sahîh*)

### (المعجم ١٥) - الجَلْبُ (التحفة ١٥)

٣٦٢٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ بَزِيرٍ : حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زُرْبَعَ - قَالَ: حَدَّثَنَا حُمَيْدٌ قَالَ: حَدَّثَنَا الْحَسَنُ عَنْ عِمْرَانَ ابْنِ حُصَيْنٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا جَلْبٌ وَلَا جَنْبٌ وَلَا شِعَارٌ فِي الإِسْلَامِ، وَمَنِ اتَّهَبَ نُهْبَةً فَلَيْسَ مِنَّا».

تخریج: [صحيح] تقدم، ح: ٣٣٣٧، وهو في الكبير، ح: ٤٤٣١.

### Comments:

(Concerning details about *Jalab* and *Janab*, see *Hadîth* 3337)

### Chapter 16. *Janab* (Avoidance)

**3621.** It was narrated from 'Imrân bin Huṣain that the Messenger of Allâh ﷺ said: "There is no 'bringing', no 'avoidance' and no *Shighâr* in Islam." (*Sahîh*)

### (المعجم ١٦) - الجَنْبُ (التحفة ١٦)

٣٦٢١ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعبَةُ عَنْ أَبِيهِ قَرْعَةَ، عَنِ الْحَسَنِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا جَلْبٌ وَلَا جَنْبٌ وَلَا شِعَارٌ فِي الإِسْلَامِ».

تخریج: [صحيح] وهو في الكبير، ح: ٤٤٣٢، وانظر الحديث السابق.

**3622.** It was narrated that Anas bin Mâlik said: "The Messenger of Allâh ﷺ raced with a Bedouin and (the latter) won. It was as if the Companions of the Messenger of

٣٦٢٢ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ بْنِ كَثِيرٍ قَالَ: حَدَّثَنَا بَقِيَّةُ بْنُ الْوَلِيدِ قَالَ: حَدَّثَنِي شُعبَةُ عَنْ أَبِيهِ قَرْعَةَ قَالَ: حَدَّثَنِي حُمَيْدٌ

<sup>[١]</sup> *Jalab* and *Janab*: i.e., the *Zakâh* collector should not stop in one place and demand that the people bring their goods and livestock to him for him to assess them, and determine how much *Zakâh* is due. Conversely the people should not go to remote areas away from where they are expected to be, so that the *Zakâh* collector has to travel far and face undue hardship in doing his job.

<sup>[٢]</sup> See No. 3336.

Allâh ﷺ were upset by this, so he said: 'It is a right upon Allâh that there is nothing that raises itself in this world except that He lowers it.'" (*Sahîh*)

الظَّوْلُ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: سَابِقَ رَسُولَ اللَّهِ أَغْرَابِي فَسَبَقَهُ، فَكَانَ أَصْحَابَ رَسُولِ اللَّهِ وَجَدُوا فِي أَنفُسِهِمْ مِنْ ذَلِكَ، فَقَبِيلَ لَهُ فِي ذَلِكَ، فَقَالَ: «حَقٌّ عَلَى اللَّهِ أَنْ لَا يَرْفَعَ شَيْءاً نَفْسَهُ فِي الدِّينِ إِلَّا وَضَعَهُ اللَّهُ». تخریج: [صحیح] تقدم طرفه، ح: ٣٦١٨، وهو في الکبری، ح: ٤٤٣٣. See No. 3618.

### Comments:

See No. 3618.

## Chapter 17. Two Shares For The Horse

**3623.** It was narrated from Yahyâ bin 'Abbâd bin 'Abdullâh bin Az-Zubair, from his grandfather, that he used to say: "In the year of Khaibar, the Messenger of Allâh ﷺ allocated four shares to Az-Zubair bin Al-'Awwâm: A share of Az-Zubair, a share for the relatives of Šafiyyah bint 'Abdul-Muṭâlib, the mother of Az-Zubair, and two shares for the horse." (*Sahîh*)

(المعجم ١٧) - **بَابُ سُهْمَانِ الْخَيْلِ**

(التحفة ١٧)

٣٦٢٣ - قَالَ الْحَارِثُ بْنُ مِشْكِينِ - قراءة علىه وأنا أسمع - عن ابن وهب قال: أَخْبَرَنِي سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ هَشَامِ بْنِ عُرْوَةَ، عَنْ يَحْيَى بْنِ عَبَادَ بْنِ عَبْدِ اللَّهِ بْنِ الرَّبِّيرِ، عَنْ جَدِّهِ أَنَّهُ كَانَ يَقُولُ: ضَرَبَ رَسُولُ اللَّهِ ﷺ عَامَ حَيْثَرَ لِلرَّبِّيرِ بْنِ الْعَوَامِ أَرْبَعَةَ سَهْمٍ: سَهْمًا لِلرَّبِّيرِ، وَسَهْمًا لِذِي الْقُرْبَى لِصَنْيَةَ بَنْتِ عَبْدِ الْمُطَّلِبِ أُمِّ الرَّبِّيرِ، وَسَهْمَيْنِ لِلْفَرَسِ.

تخریج: [إسناده صحيح] أخرجه الدارقطني: ٤/٤، ١١٠، ح: ٤١٤٣، وعنه البهقي: ٩/٥٢، ٥٣ من حديث ابن وهب به، وهو في الکبری، ح: ٤٤٣٤، وفيه علة غير قادحة، ورواه محاضر بن المورع عن هشام بن عروة به، عند الدارقطني.

### Comments:

1. Zubair was related to the Prophet ﷺ from the side of his paternal aunt. The Divine law had earmarked a rightful share for the members of the Prophet's ﷺ household in the *Khumus*. This *Khumus* or a fifth part was taken from the spoils of war.
2. The majority of the people of knowledge maintain that a horse would receive two shares from the spoils of war. In other words, a rider would get three shares, whereas a footman would receive one.

## 29. The Book Of Endowments (*Al-Ihbâs*)

(المعجم ٢٩) - **كتاب الإحسان**  
 (التحفة ١٢)

An endowment signifies setting apart a thing for the countenance of Allâh. It should, therefore, not be made a property of anyone else. It is rather left without an owner, so that it could neither be sold, nor substituted, nor inherited. It would stay as it is till the Day of Resurrection. However, the income accruing from such endowments would be spent on people for whom the property is endowed, for instance, travelers, kith and kin, the poor, or the widows, etc. The person establishing an endowment would appoint an administrator, irrespective of whether he appoints himself, someone else, or the government, or any other organization.

### Chapter 1. (What The Messenger Of Allâh Left Behind When He Died)

**3624.** It was narrated that ‘Amr bin Al-Hârith said: “The Messenger of Allâh ﷺ did not leave behind a *Dînâr* nor a *Dirham*, or any slave, male or female; except his white mule which he used to ride, his weapon and some land which he left to be used for the cause of Allâh.” (One of the narrators) Qutaibah said on one occasion: “In charity.” (*Sahîh*)

تخریج: أخرجه البخاري، المغازي، باب مرض النبي ﷺ ووفاته، ح: ٤٤٦١ عن قتيبة به، وهو في الكبرى، ح: ٦٤٢١.

#### Comments:

1. The Messenger of Allâh ﷺ did not keep any property. He merely ate and drank (in order to sustain himself), kept things which were needed for use, as it clearly transpires from the above-mentioned narration.
2. If no administrator has been appointed over the endowment, then the current ruler shall be its administrator.

**3625.** Abû Ishâq narrated: “I heard ‘Amr bin Al-Hârith say: ‘The Messenger of Allâh ﷺ did not leave behind anything except his white mule, his weapon and some land which he left as a charity.’” (*Sahîh*)

(المعجم ١) - [بابٌ : مَا تَرَكَ رَسُولُ اللهِ ﷺ عِنْدَ وَفَاتِهِ] (التحفة ١)

٣٦٢٤ - أَخْبَرَنَا فَتِيَّةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَاصِ عَنْ أَبِي إِشْحَاقَ، عَنْ عَمْرُو بْنِ الْحَارِثِ قَالَ: مَا تَرَكَ رَسُولُ اللهِ ﷺ دِينَارًا وَلَا درْهَمًا وَلَا عَبْدًا وَلَا أَمَةً إِلَّا بِعِنْدِ الشَّهَبَاءِ الَّتِي كَانَ يَرْكِبُهَا وَسِلَاحَهُ وَأَرْضًا جَعَلَهَا فِي سَبِيلِ اللهِ، وَقَالَ فَتِيَّةُ مَرْأَةً أُخْرَى: صَدَقَةً.

٣٦٢٥ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْيِّ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنِي أَبُو إِشْحَاقَ قَالَ: سَمِعْتُ عَمْرُو بْنَ الْحَارِثِ يَقُولُ: «مَا تَرَكَ رَسُولُ اللهِ ﷺ

إلا بعْلَتَهُ الْبِيضاءَ وَسِلَاحَهُ وَأَرْضًا تَرَكَهَا  
صَدَقَةً».

تخریج: أخرجه البخاري، الجهاد، باب بغلة النبي ﷺ البيضاء، ح: ٢٨٧٣ عن عمرو بن علي به، وهو في الكبرى، ح: ٦٤٢٢.

**3626.** Yûnus bin Abî Ishâq narrated that his father said: "I heard 'Amr bin Al-Hâarith say: 'I saw the Messenger of Allâh ﷺ and he left nothing behind except his white mule, his weapon and some land which he left as a charity.'" (*Sahîh*)

٣٦٢٦ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍ قَالَ:  
حَدَّثَنَا أَبُو بَكْرُ الْحَنْفِيُّ قَالَ: حَدَّثَنَا يُوسُفُ بْنُ  
أَبِي إِسْحَاقَ عَنْ أَبِيهِ قَالَ: سَمِعْتُ عَمْرَو بْنَ  
الْحَارِثَ يَقُولُ: «رَأَيْتُ رَسُولَ اللَّهِ ﷺ وَمَا  
تَرَكَ إِلَّا بَعْلَتَهُ الشَّهْبَاءَ وَسِلَاحَهُ وَأَرْضًا تَرَكَهَا  
صَدَقَةً».

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٤٢٣.

## Chapter 2. Endowments: How The Endowment Is To Be Recorded, And Mentioning The Differences Reported From Ibn 'Awn In The Narration Of Ibn 'Umar

(المعجم ٢) - الْإِحْبَاسُ كَيْفَ يُكْتَبُ  
الْحَبْسُ وَذَكْرُ الْإِخْتَلَافِ عَلَى ابْنِ عَوْنَ  
فِي خَبْرِ ابْنِ عُمَرَ فِيهِ (التحفة ٢)

**3627.** It was narrated from Sufyân Ath-Thawrî, from Ibn 'Awn, from Nâfi', from Ibn 'Umar, from 'Umar, that he said: "I was allocated some land of Khaibar. I came to the Messenger of Allâh ﷺ and said: 'I have acquired some land and I have never acquired any wealth that is dearer to me or more precious than it.' He said: 'If you wish, you can give it in charity.'" So he gave it in charity on condition that it would not be bought or given away, for the poor, relatives, slaves, guests and wayfarers. And there is no sin on the administrator if he eats from it or feeds others on a reasonable basis, with no intention of becoming wealthy from it. (*Sahîh*)

٣٦٢٧ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ:  
حَدَّثَنَا أَبُو دَاوُدَ الْحَارِثِيُّ عُمَرُ بْنُ سَعْدٍ عَنْ  
سُفْيَانَ الثُّورِيِّ، عَنْ ابْنِ عَوْنَ، عَنْ نَافِعٍ،  
عَنْ ابْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: أَصَبَّتُ أَرْضًا  
مِنْ أَرْضِ خَيْرٍ، فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ  
فَقُلْتُ: أَصَبَّتُ أَرْضًا لَمْ أَصِبْ مَالًا أَحَبَّ  
إِلَيَّ وَلَا أَنْفَسَ عِنْدِي مِنْهَا، قَالَ: إِنْ شِئْتَ  
تَصَدَّقَتْ بِهَا». فَصَدَّقَ بِهَا عَلَى أَنْ لَا تُبَاعَ  
وَلَا تُوَهَّبَ فِي الْفُقَرَاءِ وَدَوْرِي الْقُرَبَى وَالرُّقَابِ  
وَالضَّيْفِ وَابْنِ السَّيْلِ، لَا جُنَاحَ عَلَى مَنْ  
وَلَيْهَا أَنْ يَأْكُلَ بِالْمَعْرُوفِ غَيْرَ مُتَمَوِّلٍ مَالًا  
وَيَطْعَمُ.

تخریج: أخرجه مسلم، الوصیة، باب الوقف، ح: ١٦٣٣ عن إسحاق بن إبراهیم به، وهو في الكیری، ح: ٦٤٢٤.

### Comments:

Behold the selflessness of ‘Umar ﷺ. He endowed his most precious property in the way of Allāh. Only such people attain high ranks. May Allāh be pleased with him and he be with Him.

**3628.** A similar report was narrated from Abū Ishāq Al-Fazārī, from (Ayyūb) bin ‘Awn, from Nāfi‘, from Ibn ‘Umar, from ‘Umar, may Allāh be pleased with him, from the Prophet ﷺ. (*Sahīh*)

٣٦٢٨ - أَخْبَرَنِي هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مُعَاوِيَةً بْنَ عَمْرِو عَنْ أَبِي إِسْحَاقِ الْفَزَارِيِّ، عَنْ [أَيُوبَ] بْنِ عَوْنَى، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ، عَنْ عُمَرَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ تَحْوِةً.

تخریج: [صحیح] انظر الحديث السابق، وهو في الكیری، ح: ٦٤٢٥.

**3629.** It was narrated that Yazid – Ibn Ruzaiq – said: “Ibn ‘Awν narrated to us, from Nāfi‘, from Ibn ‘Umar, from ‘Umar, who said: ‘I acquired some land at Khaibar. He came to the Prophet ﷺ and said: I have acquired some land at Khaibar, and I have never been given any wealth that is more precious to me than it. What do you command me to do with it? He said: If you wish, you can ‘freeze’ it and give it in charity. So he gave it in charity on condition that it would not be sold, given away or inherited, to the poor, relatives, slaves, for the cause of Allāh, guests and wayfarers. There is no sin on the one who administers it if he eats from it on a reasonable basis and feeds his friend, with no intention of becoming wealthy from it.’” (*Sahīh*)

٣٦٢٩ - أَخْبَرَنَا حُمَيْدُ بْنُ سَعْدَةَ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زُرَيْعٍ - قَالَ: حَدَّثَنَا أَبْنُ عَوْنَى عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: أَصَابَ عُمَرَ أَرْضًا بِخَيْرٍ، فَأَتَى النَّبِيِّ ﷺ فَقَالَ: أَصْبَثْ أَرْضًا وَلَمْ أَصْبَثْ مَا لَا قَطُّ أَنْفَسَ عِنْدِي، فَكَيْفَ تَأْمُرُ بِهِ؟ قَالَ: إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا». فَتَسْدِيقَ يَهَا عَلَى أَنْ لَا تُبَاعَ وَلَا تُوَهَّبَ وَلَا تُورَثَ، فِي الْفُقَرَاءِ وَالْقَرِبَى وَالرُّقَابِ وَفِي سَبِيلِ اللَّهِ وَالضَّيْفِ وَأَبْنِ السَّبِيلِ، لَا جُنَاحَ عَلَى مَنْ وَلَيْهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ، وَيُطْعَمَ صَدِيقًا غَيْرَ مُتَمَمُولٍ فِيهِ.

تخریج: أخرجه البخاری، الوصایا، باب الوقف کیف یکتب؟، ح: ٢٧٧٢ من حدیث یزید بن زریع، ومسلم، الوصیة، باب الوقف، ح: ١٦٣٢ من حدیث عبدالله بن عون به، وهو في الكیری، ح: ٦٤٢٦.

### Comments:

*Zakâh* is not taken from an endowment. On the contrary, those for whom the endowment is established may derive benefit out of it, irrespective of whether they are wealthy. ‘Kith and kin’ probably mean the relatives of ‘Umar or the people of the Prophet’s family. ‘Administrator’: The administrator of the endowment may take a remuneration commensurate with his responsibilities, which has been described in the *Hadîth* by the use of the term *Ma'rûf* (well-known, universally recognized, that which is good or beneficial). The administrator’s hand ought not to remain liberal in the matters of the endowment. Otherwise, it might pave the way to misappropriation.

**3630.** It was narrated from *Bishr*, from Ibn ‘Awn, from Nâfi‘, from Ibn ‘Umar who said: “Umar acquired some land at *Khaibar*. He came to the Prophet ﷺ and consulted him about it. He said: ‘I have acquired a great deal of land, and I have never acquired any wealth that is more precious to me than it. What do you command me to do with it?’ He said: ‘If you wish, you may freeze it and give it in charity.’ So he gave it in charity on condition that it would not be sold or given away, and he gave it in charity to the poor, relatives, to emancipate slaves, for the cause of Allâh, for wayfarers and guests. There is no sin – on the administrator – if he eats (from it) or feeds a friend, with no intention of becoming wealthy from it.” These are the wordings of *Ismâ‘il*.<sup>[1]</sup> (*Sahîh*)

تخریج: [صحيح] انظر الحديث السابق، وهو في الکبری، ح: ٦٤٢٧.

### Comments:

The land was given to ‘Umar by way of spoils consequent to the Campaign of *Khaibar*.

**3631.** It was narrated from Azhâr As-Sammân, from Ibn ‘Awn, from Nâfi‘, from Ibn ‘Umar, that ‘Umar

٣٦٣٠ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا يُشْرُقُ عَنْ ابْنِ عَوْنَىٰ ح: ح أَخْبَرَنَا حُمَيْدٌ بْنُ مَسْعَدَةَ قَالَ: حَدَّثَنَا يُشْرُقُ عَنْ ابْنِ عَوْنَىٰ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: أَصَابَ عُمَرُ أَرْضًا يُخْبِرُ، فَأَتَى النَّبِيَّ ﷺ فَاسْتَأْمِرَهُ فِيهَا فَقَالَ: إِنِّي أَصَبَتُ أَرْضًا كَثِيرًا لَمْ أُصِبْ مَالًا قَطُّ أَنْفَسَ عَنِي مِنْهُ، فَمَا تَأْمُرُنِي فِيهَا؟ قَالَ: «إِنْ شِئْتْ حَبَّسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا» فَتَصَدَّقَ بِهَا عَلَى اللَّهِ لَا تُبَاعُ وَلَا تُوَهَّبُ، فَتَصَدَّقَ بِهَا فِي الْفُقَرَاءِ وَالْقُرْبَىِ وَفِي الرِّقَابِ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ وَالضَّيْفِ، لَا جُنَاحَ - يَعْنِي عَلَى مَنْ وَلَيْهَا - أَنْ يَأْكُلَ أَوْ يُطْعَمَ صَدِيقًا غَيْرَ مُتَمَوِّلٍ. الْفُطُولُ لِإِسْمَاعِيلَ.

٣٦٣١ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا أَزْمَرُ السَّمَانُ عَنْ ابْنِ عَوْنَىٰ، عَنْ

[1] That is, one of the two from whom the author heard this narration.

acquired some land at Khaibar. He came to the Prophet ﷺ and consulted him about that. He said: "If you wish, you may 'freeze' it and give it in charity." So he 'froze' it, stipulating that it should not be sold, given as a gift or inherited, and he gave it in charity to the poor, relatives, slaves, the needy, wayfarers and guests. There is no sin on the administrator if he eats from it on a reasonable basis or feeds a friend with no intention of becoming wealthy from it. (*Sahîh*)

تخریج: [صحيح] انظر الحدیثین السابقین، وهو في الکبریٰ، ح: ٦٤٢٨.

**3632.** It was narrated that Anas said: "When this Verse was revealed – 'By no means shall you attain Al-Birr (piety, righteousness — here it means Allâh's reward, i.e. Paradise), unless you spend (in Allâh's cause) of that which you love'<sup>[1]</sup> – Abû Talhah said: 'Our Lord will ask us about our wealth. I adjure you, O Messenger of Allâh! I am giving my land to Allâh.' The Messenger of Allâh ﷺ said: 'Make it for your relatives, Hassân bin Thâbit and Ubayy bin Ka'b.'" (*Sahîh*)

تخریج: أخرجه مسلم، الزكوة، باب فضل النفقة والمصدقة على الأقربين والزوج والأولاد والوالدين، ولو كانوا مشركين، ح: ٤٣/٩٩٨ من حديث بهز به، وهو في الکبریٰ، ح: ٦٤٢٩ \* حماد هو ابن سلمة.

### Comments:

'My land': In reality it was a garden, which was situated in front of the Prophet's ﷺ mosque in the north. It was immensely fertile and dense.

تافیع، عن ابن عمر: أن عمر أصاب أرضاً بخیر، فأتى النبي ﷺ يستأمره في ذلك، فقال: «إِنْ شِئْتْ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا» فَحَبَسَ أَصْلَهَا أَنْ لَا تُبَاعَ وَلَا تُوَهَّبَ وَلَا تُورَثَ، فَتَصَدَّقَ بِهَا عَلَى الْفُقَرَاءِ وَالْفَرَّارِيِّينَ وَالرِّقَابِ وَفِي الْمَسَاكِينِ وَابنِ السَّيْلِ وَالضَّيْفِ، لَا جُنَاحَ عَلَى مَنْ وَلَيْهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ أَوْ يُطْعَمَ صَدِيقَهُ غَيْرَ مُتَمَوِّلٍ فيه.

٣٦٣٢ - أَخْبَرَنَا أَبُو بَكْرُ بْنُ تَافِعٍ قَالَ: حَدَّثَنَا بَهْرَ بْنُ تَافِعٍ قَالَ: حَدَّثَنَا حَمَادًا قَالَ: حَدَّثَنَا تَابِتُ عَنْ أَنَسٍ قَالَ: لَمَّا نَزَّلَتْ هَذِهِ الْآيَةُ (لَمَّا نَزَّلْنَا لِلَّهِ حَقَّ تَقْفِيقُهُ مِمَّا تُحِبُّونَ) [آل عمران: ٩٢] قَالَ أَبُو طَلْحَةَ: إِنَّ رَبَّنَا لِيَسْأَلَنَا [عَنْ] أَمْوَالِنَا، فَأَشْهِدُكُمْ يَا رَسُولَ اللهِ! أَنِّي قَدْ جَعَلْتُ أَرْضِي لِلَّهِ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَجْعَلْتَهَا فِي قَرَائِبِكَ فِي حَسَانَ بْنِ ثَابِتٍ وَأَنَّبِيَّ بْنِ كَعْبٍ».

[١] *Al 'Imrân* 3:92.

### Chapter 3. Endowment Benefiting Everyone

**3633.** It was narrated that Ibn ‘Umar said: “Umar said to the Prophet ﷺ: ‘The one hundred shares that I acquired in Khaibar – I have never acquired any wealth that I like more than that, and I want to give it in charity. The Prophet ﷺ said: Freeze it and donate its fruits.’” (*Sahîh*)

(المعجم ٣ - باب حبس المشاع  
(التحفة ٣)

٣٦٣٣ - أَخْبَرَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَةَ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَالَ: قَالَ عُمَرُ لِلنَّبِيِّ ﷺ: إِنَّ الْمَائَةَ سَهْمٌ الَّتِي لِي بِخَيْرٍ لَمْ أُصِبْ مَالًا قَطُّ أَغْجَبَ إِلَيَّ مِنْهَا، قَدْ أَرَدْتُ أَنْ أَتَصَدِّقَ بِهَا، فَقَالَ النَّبِيُّ ﷺ: «أَخْيَسْ أَصْلَهَا وَسَبَّلْ تَمَرَّهَا».

تخریج: [صحیح] أخرجه ابن ماجہ، الصدقات، باب من وقف، ح: ٢٣٩٧ من حديث ابن عینۃ به، وهو في الکبری، ح: ٦٤٣٠ \* وقيل: عبدالله العمري، وسنده قوي كما في تسهیل الحاجة، ح: ١٢٩٩، ٣٦٦ .

**3634.** It was narrated that ‘Umar, may Allâh be pleased with him, said: “‘Umar came to the Messenger of Allâh ﷺ and said: ‘O Messenger of Allâh, I have acquired some wealth the like of which I have never acquired before. I had one hundred head (of livestock) with which I bought one hundred shares of Khaibar from its people. I wanted to draw closer to Allâh, the Mighty and Sublime, by means of it.’ He said: ‘Freeze it and donate its fruits.’” (*Sahîh*)

٣٦٣٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْخَلْجَيُّ يَسِيتُ الْمَقْبِسِيُّ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ، عَنْ عَبْدِ رَحْمَةِ اللَّهِ عَنْهُ قَالَ: جَاءَ عُمَرُ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي أَصْبَثُ مَالًا لَمْ أُصِبْ مَالًا وَمُلْكَهُ قَطُّ، كَانَ لِي مِائَةُ رَأْسٍ فَأَشْرَقَتُ بِهَا مِائَةَ سَهْمٍ مِنْ خَيْرِ مِنْ أَهْلِهَا، وَإِنِّي قَدْ أَرَدْتُ أَنْ أَتَقْرَبَ بِهَا إِلَى اللَّهِ عَزَّ وَجَلَّ قَالَ: «فَاخْيَسْ أَصْلَهَا وَسَبَّلْ تَمَرَّهَا».

تخریج: [صحیح] انظر الحديث السابق، وهو في الکبری، ح: ٦٤٣١ .

**3635.** It was narrated that ‘Umar said: “I asked the Messenger of Allâh ﷺ about some land of mine in Thamgh. He said: ‘Freeze it and donate its fruits.’” (*Sahîh*)

٣٦٣٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ مُصَفَّى بْنِ بَهْلُوْلِ قَالَ: حَدَّثَنَا يَقِيَّةَ عَنْ سَعِيدِ بْنِ سَالِمٍ الْمَكْيَّ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ، عَنْ عَبْدِ رَحْمَةِ اللَّهِ عَنْهُ قَالَ: سَأَلْتُ رَسُولَ

الله عَزَّلَهُ عَنْ أَرْضِي لِي بَشِّغَ، قَالَ: «اَخْبِسْ اَصْلَاهَا وَسَلِّ تَمَرَّتَهَا». تَحْرِيْج: [صَحِّح] تَقْدِيم، ح: ٣٦٢٧، وَهُوَ فِي الْكِبْرِيَّ، ح: ٦٤٣٢.

## Chapter 4. An Endowment (Waqf) For Masjids

**3636.** Al-Ahnâf said: "I came to Al-Madînah, and I was performing Hajj, and while we were in our camping place unloading our mounts, someone came to us and said: 'The people have gathered in the *Masjid*.' I looked and found the people gathered, and in the midst of them was a group; there I saw 'Alî bin Abî Tâlib, Az-Zubair, Talhah and Sa'd bin Abî Waqqâs, may Allâh have mercy on them. When I got there, it was said that 'Uthmân bin 'Affân had come. He came, wearing a yellowish cloak. I said to my companion: Stay where you are until I find out what is happening. 'Uthmân said: Is 'Alî here? Is Az-Zubair here? Is Talhah here? Is Sa'd here? They said: Yes. He said: I adjure you by Allâh, beside Whom there is none worthy of worship, are you aware that the Messenger of Allâh ﷺ said: Whoever buys the *Mirbad*<sup>[1]</sup> of Banu so and so, Allâh will forgive him, and I bought it, then I came to the Messenger of Allâh ﷺ and told him, and he said: Add it to our *Masjid* and the reward for it will be yours? They said: Yes. He said: I adjure you by Allâh,

## (المعجم ٤) - بَابُ وَقْفِ الْمَسَاجِدِ (التحفة ٤)

٣٦٣٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ قَالَ: سَوْمَتْ أَبِي يُحَدَّثُ عَنْ حُصَيْنِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عُمَرَ بْنِ جَوَادَ - رَجُلٌ مِنْ بَنِي تَمِيمٍ، وَذَاكَ أَنَّى قُلْتُ لَهُ: أَرَأَيْتَ اغْتِرَالَ الْأَخْنَفَ بْنَ قَيْسٍ مَا كَانَ؟ قَالَ: سَمِعْتُ الْأَخْنَفَ يَقُولُ: أَتَيْتُ الْمَدِينَةَ وَأَنَا حَاجٌ، فَيَسِّرْنَا نَحْنُ فِي مَنَازِلِنَا نَصْعُرْ رِحَالَنَا إِذْ أَتَى آتِيَ فَقَالَ: قَدْ اجْتَمَعَ النَّاسُ فِي الْمَسْجِدِ، فَاطَّلَعْتُ فَإِذَا - يَعْنِي النَّاسَ - مُجْتَمِعُونَ، وَإِذَا بَيْنَ أَطْهَرِهِمْ نَقَرْ قُمُودٌ، فَإِذَا هُوَ عَلَيَّ بْنُ أَبِي طَالِبٍ وَالرَّبِيعُ وَطَلْحَةُ وَسَعْدُ بْنُ أَبِي وَقَاصِ رَحْمَةُ اللَّهِ عَلَيْهِمْ، فَلَمَّا قُمْتُ عَلَيْهِمْ قَبَلَ: هَذَا عُثْمَانُ بْنُ عَفَانَ قَدْ جَاءَ، قَالَ: فَجَاءَ وَعَلَيْهِ مُلْكَ صَفَرَاءَ، فَقُلْتُ لِصَاحِبِي: كَمَا أَنْتَ حَتَّى أَنْظُرْ مَا جَاءَ بِهِ، فَقَالَ عُثْمَانُ: أَهْمَنَا عَلَيْهِ؟ أَهْمَنَا الرَّبِيعُ؟ أَهْمَنَا طَلْحَةُ؟ أَهْمَنَا سَعْدُ؟ قَالُوا: نَعَمْ، قَالَ: فَانْشُدُوكُمْ بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ! أَعْلَمُونَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: مَنْ يَبْتَغِي فُرْدَيْدَ بَنِي فُلَانٍ غَفَرَ اللَّهُ لَهُ» فَابْتَعَثْتُهُ

[1] *Mirbad*: a place for drying dates.

beside Whom there is none worthy of worship, are you aware that the Messenger of Allâh ﷺ said: Whoever buys the well of Rûmah, Allâh will forgive him, so I came to the Messenger of Allâh ﷺ and said: I have bought the well of Rûmah. He said: Give it to provide water for the Muslims, and the reward for it will be yours? They said: Yes. He said: I adjure you by Allâh, beside Whom there is none worthy of worship, are you aware that the Messenger of Allâh ﷺ said: Whoever equips the army of Al-'Usrah (i.e., Tabûk), Allâh will forgive him, so I equipped them until they were not lacking even a rope or a bridle? They said: Yes. He said: O Allâh, bear witness, O Allâh, bear witness, O Allâh, bear witness.”” (Hasan)

فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَقُلْتُ: إِنِّي أَبْتَعْتُ مِرْبَدَ  
نَبِيٍّ فُلَانٍ، قَالَ: «فَاجْعَلْهُ فِي مَسْجِدِنَا وَأَجْرُهُ  
لَكَ»؟ قَالُوا: نَعَمْ، قَالَ: فَأَنْشَدْكُمْ بِاللَّهِ  
الَّذِي لَا إِلَهَ إِلَّا هُوَ! هَلْ تَعْلَمُونَ أَنَّ رَسُولَ  
اللَّهِ ﷺ قَالَ: «مَنْ يَبْتَاعُ بِئْرًا رُومَةً عَفَرَ اللَّهُ  
لَهُ». فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَقُلْتُ: قَدْ أَبْتَعْتُ  
بِئْرًا رُومَةً، قَالَ: «فَاجْعَلْهَا سِقَايَةً لِلْمُسْلِمِينَ  
وَأَجْرُهَا لَكَ»؟ قَالُوا: نَعَمْ، قَالَ: فَأَنْشَدْكُمْ  
بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ! هَلْ تَعْلَمُونَ أَنَّ  
رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ يُجْهَرُ جَيشَ الْعُسْرَةَ  
عَفَرَ اللَّهُ لَهُ» فَجَهَّزْتُهُمْ حَتَّىٰ مَا يَقْتُلُونَ عَقَالًا  
وَلَا يُخْطَلُمًا؟ قَالُوا: نَعَمْ، قَالَ: اللَّهُمَّ اشْهُدْ  
اللَّهُمَّ اشْهُدْ! اللَّهُمَّ اشْهُدْ! .

تخریج: [إسناده حسن] تقدم، ح: ٣١٨٤، وهو في الكبرى، ح: ٦٤٣٣.

### Comments:

See No. 3184.

**3637.** It was narrated that Al-Ahnaf bin Qais said: “We set out for *Hajj*, and came to Al-Madînah intending to perform *Hajj*. While we were in our camping place unloading our mounts, someone came to us and said: ‘The people have gathered in the *Masjid* and there is panic.’ So we set out and found the people gathered around a group in the middle of the *Masjid*, among whom were 'Alî, Az-Zubair, Talhah and Sa'd bin Abî Waqqâs. While we were like that, 'Uthmân came, wearing a yellowish cloak with which he had covered his head. He said: Is 'Alî here? Is Talhah here? Is

3637 - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ:  
أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ قَالَ: سَمِعْتُ  
حُصَيْنَ بْنَ عَبْدِ الرَّحْمَنِ يُحَدِّثُ عَنْ عُمَرِ بْنِ  
جَوَانَ، عَنِ الْأَحْقَفِ بْنِ قَيْسٍ قَالَ: خَرَجْنَا  
حُجَّاجًا فَقَرِيمَنَا الْمَدِينَةَ وَنَحْنُ نُرِيدُ الْحَجَّ،  
فَبَيْنَا نَحْنُ فِي مَنَازِلِنَا نَصْعُ دِرْخَالَنَا إِذْ أَتَانَا آتٍ  
فَقَالَ: إِنَّ النَّاسَ قَدْ اجْتَمَعُوا فِي الْمَسْجِدِ  
وَفَرَغُوا، فَانْطَلَقْنَا فَإِذَا النَّاسُ مُجْمَعُونَ عَلَىٰ  
نَفَرٍ فِي وَسْطِ الْمَسْجِدِ، وَإِذَا عَلَيْهِ وَالزُّبِيرُ  
وَطَلْحَةُ وَسَعْدُ بْنُ أَبِي وَقَاصٍ، فَإِنَّا لَكَذَلِكَ

Az-Zubair here? Is Sa'd here? They said: Yes. He said: I adjure you by Allâh, beside Whom there is none worthy of worship, are you aware that the Messenger of Allâh ﷺ said: Whoever buys the *Mirbad* of Banu so and so, Allâh will forgive him, and I bought it for twenty or twenty-five thousand, then I came to the Messenger of Allâh ﷺ and told him, and he said: Add it to our *Masjid* and the reward for it will be yours? They said: By Allâh, yes. He said: 'I adjure you by Allâh, beside Whom there is none worthy of worship, are you aware that the Messenger of Allâh ﷺ said: Whoever buys the well of Rûmah, Allâh will forgive him, so I bought it for such and such an amount, then I came to the Messenger of Allâh ﷺ and told him, and he said: Give it to provide water for the Muslims, and the reward for it will be yours? They said: By Allâh, yes. He said: 'I adjure you by Allâh, beside Whom there is none worthy of worship are you aware that the Messenger of Allâh ﷺ said: Whoever equips these (men), Allâh will forgive him, – meaning the army of Al-'Usrah (i.e., Tabûk) – so I equipped them until they were not lacking even a rope or a bridle? They said: 'By Allâh, yes. He said: O Allâh, bear witness, O Allâh, bear witness.''' (*Hasan*)

تخریج: [إسناده حسن] تقدم، ح: ٣١٨٤، وهو في الكبير، ح: ٦٤٣٤.

**3638.** It was narrated that Thumâmah bin Ḥazn Al-Qushairî said: "I was present at the house when 'Uthmân looked out over

إذ جاء عثمان بن عفان عليه ملائمة صفراء قد  
قمع بها رأسه، فقال: أهنتنا على ؟ أهنتنا  
طلحة ؟ أهنتنا الزبير ؟ أهنتنا سعد ؟ قالوا:  
نعم، قال: فإنّي أشذّكم بالله الذي لا إله  
إلا هو! أتعلمون أن رسول الله ﷺ قال:  
«من يبتاع مرتبة بيبي فلأنه غفر الله له». فابتاعه عشرين ألفاً أو بخمسة وعشرين ألفاً، فأتيت رسول الله ﷺ فأخبرته، فقال:  
«اجعلها في مسجدنا وأجره لك»؟ قالوا:  
اللهُمَّ نعم! قال: فأشذّكم بالله الذي لا إله  
إلا هو! أتعلمون أن رسول الله ﷺ قال:  
«من ابتاع بشر رومة غفر الله له» فابتاعه يكذا  
وكلذا فأتيت رسول الله ﷺ فقلت قد ابتاعتها  
يكذا وكلذا، قال: «اجعلها سقاية للمسلمين  
وأجرها لك»؟ قالوا: اللهُمَّ نعم! قال:  
فأشذّكم بالله الذي لا إله إلا هو! أتعلمون  
أن رسول الله ﷺ نظر في وجوه القوم فقال:  
«من جهز هؤلاء غفر الله لهم» - يعني جيش  
العشرة - فجهزتهم حتى ما يفتقرون عقالا  
ولاء خطاماً؟ قالوا: اللهُمَّ نعم! قال: اللهُمَّ  
اشهد! اللهُمَّ اشهدنا.

٣٦٣٨ - أخبرنا زباد بن أيوب قال:  
حدثنا سعيد بن عامر عن يحيى بن أبي

them and said: 'I adjure you by Allâh and by Islam, are you aware that when the Messenger of Allâh ﷺ came to Al-Madînah, and it had no water that was considered sweet (suitable for drinking) except the well of Rûmah, he said: "Who will buy the well of Rûmah and dip his bucket in it alongside the buckets of the Muslims, in return for a better one in Paradise?" and I bought it with my capital and dipped my bucket into it alongside the buckets of the Muslims? Yet today you are preventing me from drinking from it, so that I have to drink salty water.' They said: 'By Allâh, yes.' He said: 'I adjure you by Allâh and by Islam, are you aware that I equipped the army of Al-'Usrah (Tabûk) from my own wealth?' They said: 'By Allâh, yes.' He said: 'I adjure you by Allâh and by Islam, are you aware that when the *Masjid* became too small for the people and the Messenger of Allâh ﷺ said: Who will buy the plot of the family of so and so and add it to the *Masjid*, in return for a better plot in Paradise? I bought it with my capital and added it to the *Masjid*? Yet now you are preventing me from praying two *Rak'ahs* therein.' They said: 'By Allâh, yes.' He said: 'I adjure you by Allâh and by Islam, Are you aware that when the Messenger of Allâh ﷺ was atop Thâbir – the Thâbir in Makkah – and with him were Abû Bakr, 'Umar and myself, the mountain shook, and the Messenger of Allâh ﷺ kicked it with his foot and said: Be still Thâbir, for upon you are a Prophet,

الحجّاج، عن سعيد الجريبي، عن ثمامة بن حزین القشيري قال: شهدت الدار حين أشرف عليهم عثمان فقال: أشددكم بالله وبإسلام! هل تعلمون أن رسول الله قدم المدينة وليس بها ماء يسعد بغير بشر رومة، فقال: من يشتري بي رومة فيجعل فيها دلوة مع دلاء المسلمين يخبر له منها في الجنة». فاشترتها من صلب مالي فجئت دلوي فيها مع دلاء المسلمين، وأشم اليوم ثمّعنوني من الشرب منها حتى أشرب من ماء البحر، قالوا: اللهم نعم! قال: فأشددكم بالله وإسلام! هل تعلمون أن جيش العترة من مالي؟ قالوا: اللهم نعم! قال: فأشددكم بالله وإسلام! هل تعلمون أن المسجد ضاق بأهله فقال رسول الله ﷺ: «من يشتري بقعة آل قلان فيريدها في المسجد يخبر له منها في الجنة» فاشترتها من صلب مالي فرذتها في المسجد، وأنت ثمّعنوني أن أصلى فيه ركعتين، قالوا: اللهم نعم! قال: فأشددكم بالله وبإسلام! هل تعلمون أن رسول الله ﷺ كان على ثيبر شير مكة، وعمر أبو بكر وعمر وأنا، فتحرك الجبل فركضه رسول الله ﷺ برجليه وقال: «اسكنْ ثيبر، فإنما علّيك نبيٌّ وصديقٌ وشهيدان» قالوا: اللهم نعم! قال: الله أكبر، شهودنا لي شهدوا لي ورب الكعبة! – يعني أني شهيد! – .

a Ḫiddīq and two martyrs?’ They said: ‘By Allāh, yes.’ He said: ‘Allāhu Akbar! They have testified for me, they have testified for me, by the Lord of the Ka’bah’ – i.e., that I am a martyr.” (Hasan)

**تخریج:** [حسن] دون قوله ثیر أخرجه الترمذی، المناقب، باب: في مناقب عثمان بن عفان رضي الله عنه (باب: في عد عثمان تسمیته شهیداً وتجهیزه جیش العسرا)، ح ٣٧٠٣: من حديث سعید بن عامر به، وقال: ”حسن“، وهو في الكبر، ح ٦٤٣٥ \* سعید الجریری اخْتَلَطَ ولحدیثه شواهد كثیرة، منها الحديث السابق والآتی.

### Comments:

‘I am a martyr’: While it is absolutely clear that a martyr happens to be tyrannized, and his killers are at least the oppressors. So to say, they themselves are bearing witness that we would tyrannically murder the Caliph of the Muslims.

**3639.** It was narrated from Abū Salamah bin ‘Abdur-Rahmān that ‘Uthmān looked out over them when they besieged him and said: “By Allāh, I adjure a man who heard the Messenger of Allāh ﷺ, on the day when the mountain shook with him, and he kicked it with his foot and said: ‘Be still, for there is no one upon you but a Prophet or a Ḫiddīq or two martyrs,’ and I was with him.” Some men responded and affirmed that. Then he said: “By Allāh, I adjure a man who witnessed the Messenger of Allāh ﷺ, on the day of Bai’at Al-Riḍwān, say: ‘This is the Hand of Allāh and this is the hand of ‘Uthmān.’” Some men responded and affirmed that. He said: “By Allāh, I adjure a man who heard the Messenger of Allāh ﷺ say, on the day of the army of Al-‘Usrah (i.e., Tabūk): ‘Who will spend and it will be accepted?’ And I equipped half of the army from

٣٦٣٩ - أَخْبَرَنَا عُمَرَانُ بْنُ يَكْعَارِ بْنِ رَاشِدٍ قَالَ: حَدَّثَنَا خَطَّابُ بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنِي أَبِي عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ: أَنَّ عُثْمَانَ أَشَرَّفَ عَلَيْهِمْ حِينَ حَصْرُوهُ فَقَالَ: أَنْشُدُ بِاللَّهِ! رَجُلًا سَمِعَ مِنْ رَسُولِ اللَّهِ ﷺ يَقُولُ يَوْمَ الْجَلِيلِ حِينَ اهْتَرَ فَرَكَلَهُ بِرِجْلِهِ وَقَالَ: اسْكُنْ فِيَّهُ لَيْسَ عَلَيْكَ إِلَّا تَبِيْأُ أَوْ صِدِيقَ أَوْ شَهِيدَانِ» وَأَنَا مَعَهُ، فَاتَّشَدَ لَهُ رِجَالٌ، ثُمَّ قَالَ: أَنْشُدُ بِاللَّهِ! رَجُلًا شَهَدَ رَسُولَ اللَّهِ ﷺ يَوْمَ بَيْعَةِ الرَّضْوَانِ يَقُولُ: «هُنْدِيْهُ يَدُ اللَّهِ وَهُنْدِيْهُ يَدُ عُثْمَانَ». فَاتَّشَدَ لَهُ رِجَالٌ، ثُمَّ قَالَ: أَنْشُدُ بِاللَّهِ! رَجُلًا سَمِعَ رَسُولَ اللَّهِ ﷺ يَوْمَ جَيْشِ الْعُشْرَةِ يَقُولُ: «مَنْ يُنْفِقُ نَفَقَةً مُنْقَبَلَةً؟» فَجَهَزَتْ نَصْفَ الْجَيْشِ مِنْ مَالِيِّ، فَاتَّشَدَ لَهُ رِجَالٌ، ثُمَّ قَالَ: أَنْشُدُ بِاللَّهِ! رَجُلًا سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ يَزِيدُ فِي هَذَا الْمَسْجِدِ يُبَيِّنُ فِي

my own wealth.” Some men responded and affirmed that. Then he said: “By Allâh, I adjure a man who heard the Messenger of Allâh ﷺ say: ‘Who will add to this *Masjid* in return for a house in Paradise,’ and I bought it with my own wealth.” Some men responded and affirmed that. Then he said: “By Allâh, I adjure a man who witness Rûmâh being sold, and I bought it from my own wealth and allowed wayfarers to use it.” Some men responded and affirmed that. (*Hasan*)

الْجَنَّةِ؟» فَاقْشَرَتْهُ مِنْ مَالِي، فَاقْتَشَدَ لَهُ رِجَالٌ،  
ثُمَّ قَالَ: أَنْسُدْ بِاللَّهِ رَجُلًا شَهِدَ رُومَةَ تُبَاعُ،  
فَاقْشَرَتْهُ مِنْ مَالِي فَبَحْتُهَا لِأَبْنِ السَّبِيلِ،  
فَاقْتَشَدَ لَهُ رِجَالٌ.

**تخریج:** [حسن] أخرجه أحمد: ٥٩١ من حديث يونس بن أبي إسحاق به، وهو في  
الكبرى، ح ٦٤٣٦ \* أبو إسحاق عنعن، ولحديثه شواهد.

### Comments:

1. The purpose of ‘Uthman ﷺ in presenting these witnesses was not to take pride in self, ostentation, or to seek fame. On the contrary, at that moment, he wanted to prove that he was on the right, and the rebels were on the wrong. Allâh’s Messenger’s ﷺ commands concerning this are very clear and explicit.
2. The Prophet’s ﷺ striking the mount with his foot and addressing it, is his Prophetic rank.
3. ‘*Bait ar-Ridwân*’: The Pledge of (Allâh’s) Goodly Acceptance; as a result of it, those who pledged gained the pleasure of Allâh, Most High, and its formal announcement was made in the Glorious Qur’ân. This incident took place during the Truce of Hudaybiyyah, on account of a rumor that ‘Uthman had been martyred, which reached the Muslim camp (at Hudaybiyyah).
4. This is Allâh’s Hand and this is ‘Uthman’s, because ‘Uthman was not present on the occasion, and Allâh’s Messenger ﷺ had certitude that he was alive. That is why Allâh’s Messenger ﷺ stated, placing his one hand upon the other. This pledge is on behalf of ‘Uthman. He affirmed his one hand as the hand of Uthman and his other as the Hand of Allâh, because the Pledge was being sworn under the Command of Allâh, Most High. It occurs in the Glorious Qur’ân too: “Behold, all who pledge their allegiance to you, pledge their allegiance to Allâh, the Hand of Allâh is over their hands.” (48: 10) The sublime exaltedness of ‘Uthman ﷺ and of the Prophet ﷺ himself is well-displayed in this *Ayah* of the Qur’ân.
5. ‘Half the army’: So to speak, he had a considerable share in the preparation or the equipment of this army.

**3640.** It was narrated that ‘Abdur-Rahmân Al-Sulamî said: “When ‘Uthmân was besieged in his house, the people gathered around his house and he looked out over them” and he quoted the same *Hadîth*. (*Sahîh*)

٣٦٤٠ - أَخْبَرَنِي مُحَمَّدُ بْنُ وَهْبٍ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنِي أَبُو عَبْدِ الرَّحِيمِ قَالَ: حَدَّثَنِي زَيْدُ بْنُ أَبِي أُتْيَسَةَ عَنْ أَبِي إِسْحَاقِ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ السُّلَيْمَىِّ قَالَ: لَمَّا حُصِّرَ عُثْمَانُ فِي دَارِهِ اجْتَمَعَ النَّاسُ حَوْلَ دَارِهِ، قَالَ: فَأَشْرَفَ عَلَيْهِمْ، وَسَاقَ الْحَدِيثَ.

تخریج: [صحيح] أخرجه الترمذی، المناقب، باب: في مناقب عثمان بن عفان رضي الله عنه، ح: ٣٦٩٩ من حديث زید به، وقال: "حسن صحيح غريب"، والبخاری، الوصایا، باب: إذا وقف أرضاً أو بترًا أو اشتري لنفسه مثل دلاء المسلمين، ح: ٢٧٧٨ من حديث شعبة عن أبي إسحاق به مطولاً، وهو في الكبير، ح: ٦٤٣٧.

## 30. The Book Of Wills

(المعجم ٣٠) - كتاب الوصايا

(التحفة ١٣)

### Comments:

A bequest (*Wasiyyah*) or will signifies matters to come into operation, concerning his wealth and children after the testator's death. A bequest in a third of one's wealth shall be carried out. More than this depends upon the consent of the heirs. Action upon a bequest concerning children also depends upon the consent of the relevant individuals. A property or estate bequest cannot be made in favor of any heir; meaning an heir's share may neither decrease nor increase on account of the bequest.

### Chapter 1. It is Disliked To Delay Making A Will

(المعجم ١) - الكراهة في تأخير الوصية (التحفة ١)

**3641.** It was narrated that Abû Hurairah said: "A man came to the Prophet ﷺ and said: 'O Messenger of Allâh, what kind of charity brings the greatest reward?' He said: 'To give in charity when you are healthy and feeling miserly, and fearing poverty and hoping for a long life. Do not wait until the (death rattle) reaches the throat and then say: "This is for so and so," and it nearly became the property of so and so (the heirs).'" (*Sahîh*)

٣٦٤١ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضِيلٍ عَنْ عُمَارَةَ، عَنْ أُبِي رُزْعَةَ، عَنْ أُبِي هُرَيْرَةَ قَالَ: بَجَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! أَيُّ الصَّدَقَةِ أَعْظَمُ أَجْرًا؟ قَالَ: «أَنْ تَصَدِّقَ وَأَنْتَ صَحِيحُ شَحِيقٌ تَخْشَى الْفَقْرَ وَتَأْمُلُ الْبَقَاءَ، وَلَا تُمْهِلْ حَتَّى إِذَا بَلَغْتَ الْحُلُوقَ فُلْتَ: لِمَلَانٍ كَذَا وَقَدْ كَانَ لِفَلَانٍ». .

تخریج: [صحیح] تقدم، ح: ٢٥٤٣، وهو في الكبير، ح: ٦٤٣٨.

### Comments:

1. The best charity is that you give when you yourself are in need of it, because this sort of charity affords conclusive evidence to one's sincerity of intention. If one gives charity at a time when one is not in need of it, or when there is no hope of one's surviving, then such a charity is the charity given out of superfluous wealth, which is of no value or consequence.
2. The signification of this *Hadîth* in this chapter is that one should make it a constant practice to give charity, which would not necessitate the bequeathing. Moreover, delay would also not intervene.
3. "Became the property of so and so. No sooner do you die than your heirs would become the owner of your wealth, and it would be under their jurisdiction, or at their disposal. In other words, it is no longer yours!"

**3642.** It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ said: 'For whom among you is the wealth of his heirs dearer to him than his own wealth?' They said: 'O Messenger of Allâh, there is no one among us for whom his own wealth is not dearer to him than the wealth of his heirs.' The Messenger of Allâh ﷺ said: 'Know that there is no one among you for whom the wealth of his heirs is not dearer than his own wealth. Your wealth is that which you have sent on ahead, and the wealth of your heirs is that which you have kept.'" (*Sahîh*)

تخریج: أخرجه البخاري، الرقاق، باب ما قدم من ماله فهو له، ح: ٦٤٤٢ من حديث الأعمش به، وهو في الكبّر، ح: ٦٤٣٩.

**3643.** It was narrated from Muṭarrif, from his father, that the Prophet ﷺ said: "The mutual rivalry (for piling up of worldly things) diverts you, 'Until you visit the graves (i.e. till you die).'<sup>[1]</sup> The son of ʼAdâm says: 'My wealth, my wealth,' but your wealth is what you eat and consume, or what you wear and it wears out, or what you give in charity and send on ahead (for the Hereafter).'" (*Sahîh*)

تخریج: أخرجه مسلم، الزهد، باب: "الدنيا سجن للمؤمن وجنة للكافر" ح: ٢٩٥٨ من حديث شعبة به، وهو في الكبّر، ح: ٦٤٤٠.

**3644.** Abû Ḥabîbah At-Ṭâ'î said: "A man made a will leaving some *Dînârs* (to be spent) in the cause of Allâh. Abû Ad-Dardâ' was asked

- ٣٦٤٢ - أَخْبَرَنَا هَنَدُ بْنُ السَّرِّيُّ عَنْ أَبِيهِ مُعَاوِيَةَ، عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ الشَّيْمِيِّ، عَنْ الْحَارِثِ بْنِ سُوِيدٍ، عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّكُمْ مَالٌ وَارِثُهُ أَحَبٌ إِلَيْهِ مِنْ مَالِهِ؟» قَالُوا: يَا رَسُولَ اللَّهِ! مَا مِنَّا مِنْ أَحَدٍ إِلَّا مَالُهُ أَحَبٌ إِلَيْهِ مِنْ مَالٍ وَارِثُهُ، قَالَ رَسُولُ اللَّهِ ﷺ: «إِلَمْ يَعْلَمُوا أَنَّهُ تَيْسَ مِنْكُمْ مِنْ أَحَدٍ إِلَّا مَالٌ وَارِثُهُ أَحَبٌ إِلَيْهِ مِنْ مَالِهِ، مَالُكَ مَا قَدَّمْتَ، وَمَالُ وَارِثِكَ مَا أَخْرَتَ».

- ٣٦٤٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا شُعبَةُ عَنْ فَتَادَةَ، عَنْ مُطَرْفَيِّ، عَنْ أَبِيهِ، عَنْ النَّبِيِّ ﷺ قَالَ: «إِنَّهُنَّكُمُ الْكَافِرُ ۚ ۖ حَتَّىٰ زُدْتُمُ الْمَقَارِبَ ۚ ۖ» [التكاثر: ١-٢] قَالَ: يَقُولُ ابْنُ آدَمَ: مَالِي، وَإِنَّمَا مَالُكَ مَا أَكْلَتْ فَأَفْتَتْ، أَوْ لَيْسَتْ فَأَبَيْتْ، أَوْ تَصَدَّقْتْ فَأَمْضَيْتْ».

تخریج: أخرجه مسلم، الزهد، باب: "الدنيا سجن للمؤمن وجنة للكافر" ح: ٢٩٥٨ من حديث شعبة به، وهو في الكبّر، ح: ٦٤٤٠.

- ٣٦٤٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَسَارٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعبَةُ قَالَ: سَمِعْتُ أَبا إِسْحَاقَ: سَمِعَ أَبا حَبِيبَةَ الطَّائِيَّ قَالَ:

[1] *At-Takâthur* 102:1-2.

about that, and he narrated that the Prophet ﷺ said: ‘The likeness of the one who frees a slave or gives some charity when he is dying, is that of a man who gives a gift after he has eaten his fill.’” (*Hasan*)

أوصى رَجُلٌ بِدَنَانِيرٍ فِي سَبِيلِ اللَّهِ، فَسُئِلَ أَبُو الدَّرْدَاءِ، فَحَدَّثَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَثُلُ الَّذِي يُعِيشُ أَوْ يَتَصَدَّقُ عِنْدَ مَوْتِهِ مَثُلُ الَّذِي يُهْدِي بَعْدَ مَا يَشَاءُ».

تخریج: [إسناده حسن] آخرجه أبو داود، العتق، باب: في فضل العتق في الصحة، ح: ٣٩٦٨، والترمذی، ح: ٢١٢٣ من حديث أبي إسحاق به، وهو في الكبيری، ح: ٦٤٤١، وقال الترمذی: “حسن صحيح”， وصححه ابن حبان، ح: ١٢١٩، والحاکم: ٢١٣/٢، ووافقه الذهبی، وحسنه الحافظ في الفتح: ٣٧٤/٥ \* أبو حبیبة حسن الحديث على الراجح.

### Comments:

The purpose is that the charity given at the time of one’s death is lesser from the dimension of recompense than that which is given in the state of good health. It does not mean it has absolutely no benefit or reward, because righteousness is always beneficial.

**3645.** It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ said: ‘It is not befitting for a Muslim who has anything concerning which a will should be made, to abide for two nights without having a written will with him.’” (*Sahîh*)

٣٦٤٥ - أَخْبَرَنَا قَيْمِيَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا الْفُضِيلُ عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا حَقٌّ امْرِئٍ مُسْلِمٍ لَهُ شَيْءٌ يُوصَى فِيهِ أَنْ يَبْتَلَى لَيْلَتَيْنِ إِلَّا وَوَصِيتَةٌ مَكْتُوبَةٌ عِنْهُ».

تخریج: آخرجه مسلم، الوصیة، باب: وصیة الرجل مكتوبة عنده، ح: ١/١٦٢٧ من حديث عبیدالله بن عمر به، وهو في الكبيری، ح: ٦٤٤٢، وأصله متقد عليه (انظر الحديث الآتي) \* الفضیل هو ابن عیاض الیربوعی.

### Comments:

This is because life has no certainty. Death could strike at any moment. Therefore, the required bequest should be made soon. Moreover, one should also appoint witnesses upon the bequest so that dispute might not surface later on. The bequest ought to be made in writing in order to avoid any future disagreement. From the mention of two nights, one realizes that a night’s delay is admissible. And Allâh knows best! The mention of two might possibly have been incidental; as in some upcoming narrations, there is mention of three also. So to say, a night’s delay is also not permissible without need.

**3646.** It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: ‘It is not befitting for a Muslim who has anything concerning which

٣٦٤٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا أَبْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَا حَقٌّ

a will should be made, to abide for two nights without having a written will with him.” (*Sahîh*)

امْرِيَءُ مُسْلِمٍ لَهُ شَيْءٌ يُوصَى فِيهِ فَيَبْيَثُ لَيَّالَتَيْنِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةً عِنْدَهُ  
تخریج: أخرجه البخاري، الوصايا، باب الوصايا، ح: ٢٧٣٨ من حديث مالك به، وهو في الموطأ (یحیی): ٢/٧٦١، والکبری، ح: ٦٤٤٣.

**3647.** (The same) was narrated from Ibn ‘Awn, from Nâfi‘, from Ibn ‘Umar. (*Sahîh*)

٣٦٤٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ بْنُ نَعِيمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنْ أَبْنِ عَوْنَى، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَوْلَهُ.

تخریج: [إسناده صحيح موقوف] وهو في الكبری، ح: ٦٤٤٤.

**3648.** It was narrated from ‘Abdullâh bin ‘Umar that the Prophet ﷺ said: “It is not befitting for a Muslim to abide for three nights without having his will with him.” ‘Abdullâh bin ‘Umar said: “Since I heard this from the Messenger of Allâh ﷺ, I have always had my will with me.” (*Sahîh*)

٣٦٤٨ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَغْلَى قَالَ: أَخْبَرَنَا أَبْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنْ أَبْنِ شَهَابٍ قَالَ: فَإِنَّ سَالِمًا أَخْبَرَنِي عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَا حَقٌّ امْرِيَءٍ مُسْلِمٍ تَمُّرُّ عَلَيْهِ ثَلَاثٌ لَيَالٍ إِلَّا وَعِنْدَهُ وَصِيَّةٌ». قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ: مَا مَرَّتْ عَلَيَّ مُنْذُ سَمِعْتُ رَسُولَ اللَّهِ ﷺ قَالَ ذَلِكَ إِلَّا وَعِنْدِي وَصِيَّةٌ.

تخریج: أخرجه مسلم، ح: ٤/١٦٢٧ (انظر الحديث المتقدم: ٣٦٤٥) من حديث ابن وهب به، وهو في الكبری، ح: ٦٤٤٥.

**3649.** It was narrated from Sâlim bin ‘Abdullâh, from his father, that the Messenger of Allâh ﷺ said: “It is not right for a Muslim who has anything concerning which a will should be made, to abide for more than three nights without having a written will with him.” (*Sahîh*)

٣٦٤٩ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنِ الْوَزِيرِ بْنِ شَلَيْمَانَ قَالَ: سَمِعْتُ أَبْنَ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ وَعَمْرُو بْنُ الْحَارِثِ عَنْ أَبْنِ شَهَابٍ، عَنْ سَالِمٍ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «مَا حَقٌّ امْرِيَءٍ مُسْلِمٍ لَهُ شَيْءٌ يُوصَى فِيهِ فَيَبْيَثُ ثَلَاثَ لَيَالٍ إِلَّا وَوَصِيَّةٌ عِنْدَهُ مَكْتُوبَةٌ».

تخریج: أخرجه مسلم، ح: ٤/١٦٢٧ من حديث ابن وهب به (انظر الحديث السابق)، وهو في الكبری، ح: ٦٤٤٦.

## Chapter 2. Did The Prophet ﷺ Make A Will?

(المعجم ٢) - هل أوصى النبي ﷺ؟

(التحفة ٢)

**3650.** Ṭalha said: "I asked Ibn Abī Awfa: 'Did the Messenger of Allāh ﷺ leave a will?' He said: 'No.' I said: 'How come it is prescribed for the Muslims to make wills?' He said: 'He left instructions urging the Muslims to adhere to the Book of Allāh.'" (*Sahīh*)

تخریج: أخرج البخاري، الوصايا، باب الوصايا، ح: ٢٧٤٠، ومسلم، الوصية، باب ترك الوصية لمن ليس له شيء يوصي فيه، ح: ١٦٣٤ من حديث مالك بن مغول به، وهو في الكبّر، ح: ٦٤٤٧.

### Comments:

'No': That means he did not make any bequest for wealth.

**3651.** It was narrated that 'Āishah said: "The Messenger of Allāh ﷺ did not leave behind a *Dīnār* or a *Dirham*, or a sheep or a camel, and he did not leave any will." (*Sahīh*)

٣٦٥١ - أخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَدَمَ قَالَ: حَدَّثَنَا مُفْضُلٌ عَنْ الْأَعْمَشِ؛ حَوَّلَ أخْبَرَنَا مُحَمَّدُ بْنُ الْقَلَاءِ وَأَحْمَدُ بْنُ حَرْبٍ قَالَا: حَدَّثَنَا أَبُو مَعَاوِيَةَ عَنْ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: مَا تَرَكَ رَسُولُ اللَّهِ ﷺ دِينَارًا وَلَا دِرْهَمًا وَلَا شَاةً وَلَا بَعِيرًا، وَلَا أَوْصَى بِشَيْءٍ.

تخریج: أخرج مسلم، ح: ١٦٣٥ (انظر الحديث السابق) من حديث أبي معاوية به، وهو في الكبّر، ح: ٦٤٤٨ \* المفضل هو ابن مهمله.

### Comments:

(See *Hadith* 3624)

**3652.** It was narrated that 'Āishah said: "The Messenger of Allāh ﷺ did not leave behind a *Dirham* or a *Dīnār*, or a sheep or a camel, and he did not leave any will." (*Sahīh*)

٣٦٥٢ - أَخْبَرَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا مُضْعِبٌ: حَدَّثَنَا ذَاوُدٌ عَنْ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: مَا تَرَكَ رَسُولُ اللَّهِ ﷺ دِينَارًا وَلَا دِرْهَمًا وَلَا شَاةً وَلَا بَعِيرًا، وَمَا أَوْصَى.

تخریج: [صحیح] انظر الحديث السابق، وهو في الکبری، ح: ٦٤٤٩ \* مصعب هو ابن المقدام، ودادود هو ابن نصیر الطائی.

**3653.** It was narrated that ‘Aishah said: “The Messenger of Allāh ﷺ did not leave behind a *Dirham* or a *Dinâr*, or a sheep or a camel, and he did not leave any will.” Ja‘far<sup>[1]</sup> did not mention “*Dinâr* or *Dirham*.” (*Sahîh*)

٣٦٥٣ - أَخْبَرَنَا جَعْفُرُ بْنُ مُحَمَّدٍ بْنِ الْهَذَلِيِّ وَأَحْمَدُ بْنُ يُوسُفَ قَالَا: حَدَّثَنَا عَاصِمٌ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا حَسْنُ بْنُ عَيَّاشٍ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَشْوَدِ، عَنْ عَائِشَةَ قَالَتْ: مَا تَرَكَ رَسُولُ اللَّهِ ﷺ دِرْهَمًا وَلَا دِينâرًا وَلَا شَاةً وَلَا بَعِيراً، وَلَا أُوْصَى. لَمْ يَذْكُرْ جَعْفُرُ دِينâرًا وَلَا دِرْهَمًا.

تخریج: [صحیح] وهو في الکبری، ح: ٦٤٥٠، وله شواهد، منها الأحادیث السابقة.

**3654.** It was narrated that ‘Aishah said: “They say that the Messenger of Allāh ﷺ made a will concerning ‘Alî, may Allāh be pleased with him. But he called for a vessel in which to urinate, then he ﷺ went limp without me realizing it. So to whom did he leave a will?” (*Sahîh*)

٣٦٥٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ قَالَ: حَدَّثَنَا أَزْهَرُ قَالَ: أَبْيَانًا ابْنُ عَوْنَى عَنْ إِبْرَاهِيمَ، عَنِ الْأَشْوَدِ، عَنْ عَائِشَةَ قَالَتْ: يَشَوْلُونَ: إِنَّ رَسُولَ اللَّهِ ﷺ أُوصَى إِلَيَّ عَلَيِّ رَضِيَ اللَّهُ عَنْهُ، لَقَدْ دَعَا بِالظَّنِّ يُبُولُ فِيهَا، فَانْخَنَثَتْ نَفْسُهُ ﷺ وَمَا أَشْعُرُ، فَلَمَّا مَرَّ أُوْصَى.

تخریج: [صحیح] تقدم، ح: ٣٣، وهو في الکبری، ح: ٦٤٥١.

**3655.** It was narrated that ‘Aishah said: “The Messenger of Allāh ﷺ died when no one was with him except me.” She said: “And he called for a vessel.” (*Sahîh*)

٣٦٥٥ - أَخْبَرَنِي أَحْمَدُ بْنُ شَلَيْمَانَ قَالَ: حَدَّثَنَا عَارِمٌ قَالَ: حَدَّثَنَا حَمَادٌ بْنُ زَيْدٍ عَنْ ابْنِ عَوْنَى، عَنْ إِبْرَاهِيمَ، عَنِ الْأَشْوَدِ، عَنْ عَائِشَةَ قَالَتْ: تُؤْنِي رَسُولُ اللَّهِ ﷺ وَلَيْسَ عِنْهُ أَحَدٌ غَيْرِي، قَالَتْ: وَدَعَا بِالظَّنِّ.

تخریج: [صحیح] تقدم، ح: ٣٣، وهو في الکبری، ح: ٦٤٥٢.

[١] Meaning one of the two from whom the author heard the narration.

### Chapter 3. Bequeathing One-Third

(المعجم ٣) - بَابُ الْوَصِيَّةِ بِالثُّلُثِ

(التحفة ٣)

**3656.** It was narrated from 'Âmir bin Sa'd that his father said: "I became ill with a sickness from which I later recovered. The Messenger of Allâh ﷺ came to visit me, and I said: 'O Messenger of Allâh, I have a great deal of wealth and I have no heir except my daughter. Shall I give two-thirds of my wealth in charity?' He said: 'No.' I said: 'Half?' He said: 'No.' I said: 'One-third?' He said: '(Give) one-third, and one-third is a lot. It is better to leave your heirs independent of means, than to leave them poor and holding out their hands to people.'" (*Sahîh*)

٣٦٥٦ - أَخْبَرَنِي عَمْرُو بْنُ عُثْمَانَ بْنِ سَعْدٍ قَالَ: حَدَّثَنَا سَفِيَّاً عَنِ الرُّهْرِيِّ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: مَرِضْتُ مَرَضًا أَشْفَقْتُ مِنْهُ، فَأَتَانِي رَسُولُ اللَّهِ يَعُوذُنِي، قُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّ لِي مَالًا كَثِيرًا، وَلَيْسَ يَرْتُبُ إِلَّا يُنْتَجِي، أَفَاتَصَدِّقُ بِشَيْءٍ مَالِي؟ قَالَ: «لَا» قُلْتُ: فَالشَّطْرُ؟ قَالَ: «لَا» قُلْتُ: فَالثُّلُثُ؟ قَالَ: «الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ، إِنَّكَ أَنْ تَرْكُوكَ وَرَائِكَ أَغْنِيَاءَ حَيْرٍ لَهُمْ مِنْ أَنْ تَرْكُهُمْ غَالَةَ يَكْفَفُونَ النَّاسَ».

تخریج: أخرجه البخاري، الفراقدن، باب میراث البنات، ح: ٦٧٣٣، ومسلم، الوصية، باب الوصية بالثلث، ح: ١٦٢٨ من حديث سفيان بن عيينة به، وهو في الكبرى، ح: ٦٤٥٣ .

#### Comments:

1. This Makkan incident belongs to the period of the Conquest of Makkah.
2. 'Except my daughter', which means from among my offspring.
3. 'Though one-third is also too much': From this (phrasing) some venerable individuals have deduced that the bequest should be made only for less than one-third. Some others understand it to mean that 'one-third is much' so to say, a bequest could be made in one-third of the wealth.

**3657.** It was narrated that Sa'd said: "The Prophet ﷺ came to visit me when I was in Makkah. I said: 'O Messenger of Allâh, shall I bequeath all my money?' He said: 'No.' I said: 'One half?' He said: 'No.' I said: 'One-third?' He said: '(Bequeath) one-third, and one-third is a lot. If you leave your heirs independent of means, that is better than if you leave them poor and holding out

٣٦٥٧ - أَخْبَرَنَا عَمْرُو بْنُ مُنْصُورٍ وَأَحْمَدُ بْنُ شَلَيْمَانَ وَاللَّفْظُ لِأَحْمَدَ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا سَفِيَّاً عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ سَعْدِ بْنِ جَاغَنَّى التَّيُّبِ يَعُوذُنِي وَأَنَا يَمْكُهُ، قُلْتُ: يَا رَسُولَ اللَّهِ! أَوْصِي بِمَالِي كُلُّهِ؟ قَالَ: «لَا» قُلْتُ: فَالشَّطْرُ؟ قَالَ: «لَا» قُلْتُ: فَالثُّلُثُ؟

their hands to people.”” (*Sahîh*)

قال: «الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ، إِنَّكَ أَنْ تَدْعَ  
وَرَتَنَكَ أَغْنِيَاءَ خَيْرٌ مِّنْ أَنْ تَدْعَهُمْ عَالَةً  
يَتَكَفَّفُونَ النَّاسَ، يَتَكَفَّفُونَ فِي أَيْدِيهِمْ».

تخریج: أخرجه البخاري، الوصايا، باب: أن يترك ورثته أغنياء خير من أن يتکفوا الناس، ح: ٢٧٤٢ عن أبي نعيم، ومسلم، الوصية، باب الوصية بالثلث، ح: ١٦٢٨ من حديث سفيان بن عيينة به، وهو في الكبرى، ح: ٦٤٥٤.

**3658.** It was narrated from 'Âmir bin Sa'd that his father said: “The Prophet ﷺ used to visit him when he was in Makkah, and he did not want to die in the land from which he had emigrated. The Prophet ﷺ said: ‘May Allâh have mercy on Sa'd bin 'Afrâ'. He had only one daughter, and he said: ‘O Messenger of Allâh, shall I bequeath all my wealth?’ He said: ‘No.’ I said: ‘Half?’ He said: ‘No.’ I said: ‘One-third?’ He said: ‘One-third, and one-third is a lot. For you to leave your heirs independent of means is better than if you were to leave them poor, holding out their hands to people.’” (*Sahîh*)

٣٦٥٨ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْ قَالَ: حَدَّثَنَا  
عَبْدُ الرَّحْمَنِ قَالَ: حَدَّثَنَا سُقِيَّاً عَنْ سَعْدِ بْنِ  
إِبْرَاهِيمَ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: كَانَ  
الَّذِي يَعُودُهُ وَهُوَ يَمْكُرُهُ أَنْ يَمُوتَ  
بِالْأَرْضِ الَّذِي هَاجَرَ مِنْهَا، قَالَ النَّبِيُّ ﷺ:  
«رَحِمَ اللَّهُ سَعْدَ بْنَ عَفْرَاءَ أَوْ يَرْحِمُ اللَّهُ سَعْدَ بْنَ  
عَفْرَاءَ» وَلَمْ يَكُنْ لَّهُ إِلَّا ابْنَةٌ وَاحِدَةٌ، قَالَ: يَا  
رَسُولَ اللَّهِ! أُوصِي بِمَا لِي كُلُّهُ؟ قَالَ: «لَا»  
فَلَمْ يُؤْمِنْ بِالنَّصْفِ؟ قَالَ: «لَا» فَلَمْ يُؤْمِنْ  
قَالَ: «الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ، إِنَّكَ أَنْ تَدْعَ  
وَرَتَنَكَ أَغْنِيَاءَ خَيْرٌ مِّنْ أَنْ تَدْعَهُمْ عَالَةً يَتَكَفَّفُونَ  
النَّاسَ مَا فِي أَيْدِيهِمْ».

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٤٥٥.

**3659.** One from the family of Sa'd narrated: “Sa'd fell sick and the Messenger of Allâh ﷺ entered upon him and he said: ‘O Messenger of Allâh, shall I bequeath all my money?’ He said: ‘No.’” And he quoted the same *Hadîth*. (*Sahîh*)

٣٦٥٩ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ:  
حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا مِشْعَرٌ عَنْ سَعْدٍ  
ابْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنِي بَعْضُ آلِ سَعْدٍ  
قَالَ: مَرِضَ سَعْدٌ، فَدَخَلَ رَسُولُ اللَّهِ ﷺ،  
فَقَالَ: يَا رَسُولَ اللَّهِ! أُوصِي بِمَا لِي كُلُّهُ؟  
قَالَ: «لَا» وَسَاقَ الْحَدِيثَ.

تخریج: [صحیح] أخرجه أحمد: ١٧٢٢ من حديث مسمر به، وهو في الكبرى، ح: ٦٤٥٦، وانظر الحديث السابق.

**3660.** ‘Âmir bin Sa‘d (narrated) from his father that he fell sick in Makkah and the Messenger of Allâh ﷺ came to him. When Sa‘d saw him, he wept and said: “O Messenger of Allâh, am I to die in the land from which I emigrated?” He said: “No, if Allâh wills.” He said: “O Messenger of Allâh ﷺ, shall I bequeath all of my wealth in the cause of Allâh?” He said: “No.” He said: “Two-thirds?” He said: “No.” He said: “Half of it?” He said: “No.” He said: “One-third of it?” The Messenger of Allâh ﷺ said: “One-third, and one-third is a lot. If you leave your sons independent of means that is better than if you leave them poor, holding out their hands to people.” (*Sahîh*)

٣٦٦٠ - أَخْبَرَنَا عَبْدُ الْعَظِيمُ الْعَنْبَرِيُّ قَالَ: حَدَّثَنَا عَبْدُ الْكَبِيرِ بْنُ عَبْدِ الْعَظِيمِ الْمَجِيدُ قَالَ: حَدَّثَنَا مُكَيْرُ بْنُ مِسْمَارٍ قَالَ: سَوْفَتْ عَامِرٌ بْنُ سَعْدٍ عَنْ أَبِيهِ: أَنَّهُ اشْتَكَى بِمَكَّةَ قَبْجَاءَ رَسُولُ اللَّهِ ﷺ، فَلَمَّا رَأَهُ سَعْدٌ بَكَّ وَقَالَ: يَا رَسُولَ اللَّهِ! أَمُوتُ بِالْأَرْضِ الَّتِي هَاجَرْتُ إِنْتَهَا؟ قَالَ: «لَا إِنْ شَاءَ اللَّهُ وَقَالَ: يَا رَسُولَ اللَّهِ! أَوْصَيْتِي كُلُّهُ فِي سَيِّلِ اللَّهِ؟ قَالَ: «لَا» قَالَ: يَعْنِي بِشُتُّبِي؟ قَالَ: «لَا» قَالَ: فَنِصْفَهُ؟ قَالَ: «لَا» قَالَ: فَثُلُثُهُ؟ قَالَ رَسُولُ اللَّهِ ﷺ: «الثُلُثُ، وَالثُلُثُ كَثِيرٌ، إِنَّكَ أَنْ تَرُكَ بَنِيكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ شَرُكُهُمْ عَالَةٌ يَنْخَفَقُونَ النَّاسَ». .

تخریج: [إسناده صحيح] وهو في الكبير، ح: ٦٤٥٧، وأصله متفق عليه كما تقدم، ح: ٣٦٥٧.

**3661.** It was narrated that Sa‘d bin Abî Waqqâs said: “The Messenger of Allâh ﷺ visited me when I was sick, and said: ‘Have you made a will?’ I said: ‘Yes.’ He said: ‘How much?’ I said: ‘For all of my wealth to be given in the cause of Allâh.’ He said: ‘What have you left for your children?’ I said: ‘They are rich (independent of means).’ He said: ‘Bequeath one-tenth.’ And we kept discussing it until he said: ‘Bequeath one-third, and one-third is much or large.’” (*Hasan*)

٣٦٦١ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ أَبِيهِ عَبْدِ الرَّحْمَنِ، عَنْ سَعْدِ بْنِ أَبِيهِ وَقَاصِي قَالَ: عَادَنِي رَسُولُ اللَّهِ ﷺ فِي مَرْضِي، فَقَالَ: «أُوصَيْتَ؟» قُلْتُ: نَعَمْ، قَالَ: «بِمَكَمْ؟» قُلْتُ: بِمَالِي كُلُّهُ فِي سَيِّلِ اللَّهِ، قَالَ: «فَمَا تَرَكْتَ لَوْلَدَكَ؟» قُلْتُ: هُمْ أَغْنِيَاءُ، قَالَ: «أُوصِي بِالْعُشْرِ» فَمَا زَالَ يَقُولُ وَأَقْوَلُ حَتَّى قَالَ: «أُوصِي بِالثُلُثِ، وَالثُلُثُ كَبِيرٌ أَوْ كَبِيرٌ». .

تخریج: [حسن] أخرجه الترمذی، الجنائز، باب ماجاء في الوصية بالثلث والربع، ح: ٩٧٥ من حديث جریر بن عبد الحميد به، وقال: “حسن صحيح” \* وجریر:تابعه زائدة بن قدامة (أحمد: ١٧٤)، وأبو الأحوص، (الطیالسی)، وخالد بن عبد الله (سنن سعيد بن منصور)، وعمر ابن زياد، وأبو إسحاق الفزاری، وهو في الكبير، ح: ٦٤٥٨ .

**3662.** It was narrated from Sa'd that the Prophet ﷺ visited him when he was sick, and he said: "O Messenger of Allâh, shall I bequeath all of my wealth?" He said: "No." He said: "Half?" He said: "No." He said: "One-third?" He said: "One-third, and one-third is a much or large." (*Sahîh*)

٣٦٦٢ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ أَيْهَى، عَنْ سَعْدٍ: أَنَّ النَّبِيَّ ﷺ عَادَهُ فِي مَرَضِهِ، فَقَالَ: يَا رَسُولَ اللَّهِ! أَوْصِي بِمَالِي كُلَّهُ؟ قَالَ: «لَا» قَالَ: فَالشَّطْرُ؟ قَالَ: «لَا» قَالَ: فَالثُّلُثُ؟ قَالَ: «الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ أَوْ كَبِيرٌ».

تخریج: [إسناده صحيح] أخرجه أحمد: ١٧٢ عن وکیع به، وهو في الکبری، ح: ٦٤٥٩.

**3663.** It was narrated from 'Âishah that the Messenger of Allâh ﷺ came to visit Sa'd (when he was sick). Sa'd said to him: "O Messenger of Allâh, shall I bequeath two-thirds of my wealth?" He said: "No." He said: "Shall I bequeath half?" He said: "No." He said: "Shall I bequeath one-third?" He said: "Yes, one-third, and one-third is much or large. If you leave your heirs independent of means that is better than if you leave them poor, holding out their hands." (*Hasan*)

٣٦٦٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْوَلِيدِ الْفَحَّاجُ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ رَبِيعَةَ قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ أَيْهَى، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ أَتَى سَعْدًا يَعْوُدُهُ، فَقَالَ لَهُ سَعْدٌ: يَا رَسُولَ اللَّهِ! أَوْصِي بِثُلُثِي مَالِي؟ قَالَ: «لَا» قَالَ: فَأُووصِي بِالصَّفِيفِ؟ قَالَ: «لَا» قَالَ: فَأُووصِي بِالثُّلُثِ؟ قَالَ: «النَّعَمْ الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ أَوْ كَبِيرٌ، إِنَّكَ أَنْ تَدَعَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدَعَهُمْ فُقَرَاءَ يَنْكَفُونَ».

تخریج: [إسناده حسن] وهو في الکبری، ح: ٦٤٦٠.

**3664.** It was narrated that Ibn 'Abbâs said: "If the people were to reduce (their bequests) to one-quarter (of their wealth, that would be better), because the Messenger of Allâh ﷺ said: 'One-third, and one-third is much or large.'" (*Sahîh*)

٣٦٦٤ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا سُفْيَانٌ عَنْ هِشَامٍ بْنِ عُرْوَةَ، عَنْ أَيْهَى، عَنْ أَبْنَى عَبَّاسٍ قَالَ: لَوْ عَضَّ النَّاسُ إِلَى الرُّبْعِ، لَأَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ أَوْ كَبِيرٌ».

تخریج: أخرجه البخاري، الوصايا، باب الوصية بالثلث، ح: ٢٧٤٣ عن قتيبة، ومسلم، الوصية، باب الوصية بالثلث، ح: ١٦٢٩ من حديث هشام به، وهو في الکبری، ح: ٦٤٦١.

**3665.** It was narrated from Muḥammad bin Sa'د, from his father Sa'د bin Mâlik, that the Prophet ﷺ came to him when he was sick and he said: "I do not have any children apart from one daughter. Shall I bequeath all my wealth?" The Prophet ﷺ said: "No." He said: "Shall I bequeath half of it?" The Prophet ﷺ said: "No." He said: "Shall I bequeath one-third of it?" He said: "One-third, and one-third is much or large." (*Sahîh*)

تخریج: [صحيح] أخرجه الدارمي: ٤٠٧ / ٢، ح: ٣١٩٨ من حديث همام بن يحيى به، وهو في الكبرى، ح: ٦٤٦٢ وللحديث شواهد كثيرة جداً.

**3666.** Jâbir bin ‘Abdullâh narrated that his father was martyred on the Day of Uhud, and he left behind six daughters, and some outstanding debts. When the time to pick the dates came, I went to the Messenger of Allâh ﷺ and said: "You know that my father was martyred on the Day of Uhud and he left behind a great deal of debt. I would like the creditors to see you". He said: "Go and pile up the dates in separate heaps." I did that, then I called him. When they saw him, it was as if they started to put pressure on me at that time. When he saw what they were doing, he went around the biggest heap three times, then he sat on it then said: "Call your companions (the creditors)." Then he kept on weighing out for them, until Allâh cleared all my father's debts. I am pleased that Allâh cleared my

٣٦٦٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُتَّشِّي قَالَ: حَدَّثَنَا حَيَّاجُ بْنُ الْمِنْهَالِ قَالَ: حَدَّثَنَا هَمَّامٌ عَنْ قَتَادَةَ، عَنْ يُوسُفَ بْنِ جُبَيْرٍ، عَنْ مُحَمَّدِ ابْنِ سَعْدٍ، عَنْ أَبِيهِ سَعْدِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ جَاءَهُ وَهُوَ مَرِيضٌ، فَقَالَ: إِنَّهُ لَيْسَ لِي وَلَدٌ إِلَّا ابْنَةٌ وَاحِدَةٌ، فَأَوْصِي بِيَمَالِي كُلُّهُ؟ قَالَ النَّبِيُّ ﷺ: «لَا» قَالَ: فَأَوْصِي بِيَنْصِفِهِ؟ قَالَ النَّبِيُّ ﷺ: «لَا» قَالَ: فَأَوْصِي بِشُثُّهِ؟ قَالَ: «الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ».

٣٦٦٦ - أَخْبَرَنَا الْفَاسِمُ بْنُ زَكَرِيَّاً بْنِ دِينَارِ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ عَنْ شَيْبَانَ، عَنْ فِرَاسٍ، عَنْ الشَّعْبِيِّ قَالَ: حَدَّثَنِي جَابِرُ بْنُ عَبْدِ اللَّهِ: أَنَّ أَبَاهُ اسْتَشْهَدَ يَوْمًا أُخْلِدُ وَتَرَكَ سِتَّ بَنَاتٍ وَتَرَكَ عَلَيْهِ دِينًا، فَلَمَّا حَضَرَ جُدَادَ النَّخْلِ أَتَيْتُ رَسُولَ اللَّهِ ﷺ، فَقُلْتُ: قَدْ عَلِمْتُ أَنَّ وَالِيَّ اسْتَشْهَدَ يَوْمًا أُخْلِدُ وَتَرَكَ دِينًا كَثِيرًا، فَلَيْ أُحِبُّ أَنْ يَرَكَ الْغُرَمَاءَ، قَالَ: «إِذْهَبْ فَيَبِرُّ كُلَّ تَمَرٍ عَلَى نَاجِيَةٍ» فَعَلَّمْتُ ثُمَّ دَعَوْتُهُ، فَلَمَّا نَظَرُوا إِلَيْهِ كَانَمَا أُغْرِيُوا بِي تِلْكَ السَّاعَةَ، فَلَمَّا رَأَى مَا يَصْنَعُونَ أَطَافَ حَوْلَ أَعْظَمِهَا بَيْلَرًا ثَلَاثَ مَرَاتٍ، ثُمَّ جَلَسَ عَلَيْهِ، ثُمَّ قَالَ: «ادْعُ أَصْحَابَكَ» فَمَا زَالَ يَكِيلُ لَهُمْ حَتَّى أَدَى اللَّهُ أَمَانَةَ وَالِيَّ، وَأَنَا رَاضٍ أَنْ يُؤْدِي اللَّهُ أَمَانَةَ وَالِيَّ لَمْ تَقْضَنْ تَمَرَّةً وَاحِدَةً.

father's debts without even a single date being missed. (*Sahîh*)

تخریج: أخرجه البخاري، المغازي، باب: «إذ همت طائفتان منكم أن تفشلوا والله ولهمَا»، ح: ٤٠٥٣ من حديث عبیدالله بن موسى به، وهو في الكبير، ح: ٦٤٦٣.

### Comments:

- ‘Six daughters’: In some reports, there is mention of nine. Probably they might have been married already. That is why they were not mentioned. These six were unmarried, whose responsibility rested with Jâbir ﷺ.
- ‘Put pressure on me’: Originally, they were the Jews, and the Jews are an extremely selfish, hard hearted and unsympathetic community. Rather every interest-devouring person happens to be so!
- ‘Went around’: For blessing, or blessedness, or in order to gather a correct estimate of the quality of dates.
- ‘Without even a single date being missed’: This was one of the Prophet’s ﷺ miracles.

### Chapter 4. Paying Off Debts Before Distributing Inheritance And Mentioning The Difference In The Wordings Of The Reporters Of The Narration

**3667.** It was narrated from Jâbir that his father died owing debts. “I came to the Prophet ﷺ and said: ‘(O Messenger of Allâh!) My father has died owing debts, and he has not left anything but what his date-palms produce. What his date-palms produce will not pay off his debts for years. Come with me, O Messenger of Allâh, so that the creditors will not be harsh with me.’ The Messenger of Allâh ﷺ went to each heap, saying *Salâms* and supplicating for it, then sitting on it. He called the creditors and paid them off, and what was left was as much as what they had taken.” (*Sahîh*)

(المعجم ٤) - **بَابُ قَضَاءِ الدَّيْنِ فَلَمْ**  
**المِيرَاثُ وَذُكْرُ اخْتِلَافِ الْفَاظِ النَّاقِلِينَ**  
**لِبَحْرَ جَاهِرٍ فِيهِ (التحفة ٤)**

٣٦٦٧ - أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ  
أَنَّ سَلَامٌ قَالَ: حَدَّثَنَا إِسْحَاقُ، - وَهُوَ  
الْأَزْرَقُ - قَالَ: حَدَّثَنَا زَكَرِيَّاً عَنِ الشَّعْبِيِّ،  
عَنْ جَاهِرٍ: أَنَّ أَبَاهُ تُؤْفَى وَعَلَيْهِ دَيْنٌ، فَأَتَيْتُ  
النَّبِيَّ ﷺ، فَقُلْتُ: [يَا رَسُولَ اللَّهِ! إِنَّ أَبِي  
تُؤْفَى وَعَلَيْهِ دَيْنٌ، وَلَمْ يَتَرَكْ إِلَّا مَا يُخْرُجُ  
نَخْلَهُ، وَلَا يَتَلَقَّعُ مَا يُخْرُجُ نَخْلَهُ مَا عَلَيْهِ مِنَ  
الدَّيْنِ دُونَ سِنِينَ، فَانْطَلَقَ مَعِي يَا رَسُولَ  
اللَّهِ! لِكَيْنَ لَا يَفْحَشَ عَلَيَّ الْعُرَامُ، فَأَتَى  
رَسُولُ اللَّهِ ﷺ يَدُورُ بَيْدَارًا بَيْدَارًا فَسَلَّمَ حَوْلَهُ  
وَدَعَا لَهُ ثُمَّ جَلَسَ عَلَيْهِ، وَدَعَا الْعُرَامَ  
فَأَوْفَاهُمْ، وَبَقَيَ مِثْلُ مَا أَخْذُوا.

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبير، ح: ٦٤٦٤.

**3668.** It was narrated that Jâbir said: "Abdullâh bin 'Amr bin Harâm died, leaving behind debts. I asked the Messenger of Allâh ﷺ to intercede with his creditors so that they would waive part of the debt. He asked them to do that but they refused. The Prophet ﷺ said to me: 'Go and sort your dates into their different kinds: The 'Ajwah on one side, the cluster of Ibn Zaid on another side, and so on. Then send for me.' I did that, then the Messenger of Allâh ﷺ came and sat at the head or in the middle of the heaps. Then he said: 'Measure them out for the people.' So I measured them out for them until I had paid them all off, and my dates were left as if nothing had been taken from them." (*Sahîh*)

٣٦٦٨ - أَخْبَرَنَا عَلَيُّ بْنُ حَبْرٍ قَالَ: حَدَّثَنَا حَبْرٌ عَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ، عَنْ جَابِرٍ قَالَ: تُؤْفَى عَبْدُ اللَّهِ بْنُ عَمْرُو بْنِ حَرَامٍ قَالَ: وَتَرَكَ دِينًا، فَاسْتَشْفَعْتُ بِرَسُولِ اللَّهِ ﷺ عَلَى غَرَائِيهِ أَنْ يَضْعُفُوا مِنْ دِينِهِ شَيْئًا، فَطَلَّبَ إِلَيْهِمْ فَأَبْوَا، فَقَالَ لِي النَّبِيُّ ﷺ: «اذْهَبْ فَصَنَّفْ تَمَرَكَ أَصْنَافًا، الْعَجْوَةَ عَلَى حِدَّةِ، وَعَدْقَ ابْنِ زَيْدٍ عَلَى حِدَّةِ، وَأَصْنَافَهُ، ثُمَّ ابْعَثْ إِلَيَّ» قَالَ: فَعَلَّمْ، فَجَاءَ رَسُولُ اللَّهِ ﷺ فَجَلَسَ فِي أَعْلَاهُ أَوْ فِي أَوْسَطِهِ، ثُمَّ قَالَ: «كُلُّ الْفَوْمِ» قَالَ: فَكَلَّتْ لَهُمْ حَسَنَةُ أَوْ قَيْمَهُمْ، ثُمَّ يَقِيَ تَمَرِي كَانَ لَمْ يَنْقُضْ مِنْ شَيْءٍ».

تخریج: [صحیح] انظر الحدیثین السابقین، وهو في الکبری، ح: ٦٤٦٥.

**3669.** It was narrated that Jâbir bin 'Abdullâh said: "My father owed some dates to a Jew. He was killed on the Day of Uhud and he left behind two gardens. The dates owed to the Jew would take up everything in the two gardens. The Prophet ﷺ said: 'Can you take half this year and half next year?' But the Jew refused. The Prophet ﷺ said: 'When the time to pick the dates comes, call me.' So I called him and he came, accompanied by Abû Bakr. The dates were picked and weighed from the lowest part of the palm-trees, and the Messenger of Allâh ﷺ was praying for blessing, until we paid off

٣٦٦٩ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يُوسُفَ بْنُ مُحَمَّدٍ حَرَمِيٍّ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا حَمَادٌ عَنْ عَمَارِ بْنِ أَبِي عَمَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: كَانَ لِيَهُودِيٌّ عَلَى أَبِي تَمْرٍ، فَقُتِلَ يَوْمًا أُحْلِيَ وَتَرَكَ حَدِيقَتَيْنِ، وَتَمَرُ الْيَهُودِيُّ يَسْتَوْعِبُ مَا فِي الْحَدِيقَتَيْنِ، فَقَالَ النَّبِيُّ ﷺ: «هَلْ لَكَ أَنْ تَأْخُذَ الْعَامَ نِصْفَهُ وَتُؤْخِرَ نِصْفَهُ؟» فَأَبَى الْيَهُودِيُّ، فَقَالَ النَّبِيُّ ﷺ: «إِذَا حَضَرَ الْجُنَاحُ فَادْنِي». فَادْنَتْهُ، فَجَاءَ هُوَ وَأَبُوهُ بَكْرٍ، فَجَعَلَ يُجَدُّ وَيُكَالُ مِنْ أَسْفَلِ التَّلْخِ وَرَسُولُ اللَّهِ ﷺ يَدْعُو بِالْبَرَكَةِ، حَتَّى وَفَتَاهُ جَمِيعَ حَقِّهِ مِنْ أَصْغَرِ الْحَدِيقَتَيْنِ فِيمَا يَحْسُبُ

everything that we owed him from the smaller of the two gardens, as calculated by 'Ammâr. Then I brought them some fresh dates and water and they ate and drank, then he said: 'This is part of the blessing concerning which you will be questioned.'" (Sahîh)

تخریج: [إسناده صحيح] أخرجه أحمد: ٣٣٨، ٣٥١، ٣٩١، و هو في الكبرى، ح: ٦٤٦٦، ول الحديث طرق كثيرة جداً.

**3670.** It was narrated that Jâbir bin 'Abdullâh said: "My father died owing debts. I offered to his creditors that they could take the fruits in lieu of what he owed them, but they refused as they thought that it would not cover the debt. I went to the Messenger of Allâh ﷺ and told him about that, He said: 'When you pick the dates and have put them in the *Mirbad* (place for drying dates), call me.' When I had picked the dates and put them in the *Mirbad*, I went to the Messenger of Allâh ﷺ and he came, accompanied by Abû Bakr and 'Umar. He sat on (the dates) and prayed for blessing. Then he said: 'Call your creditors and pay them off.' I did not leave anyone to whom my father owed anything but I paid him off, and I had thirteen *Wasqs* left over. I mentioned that to him and he smiled and said: 'Go to Abû Bakr and 'Umar and tell them about that.' So I went to Abû Bakr and 'Umar and told them about that, and they said: 'We knew, when the Messenger of Allâh ﷺ did what he did, that this would happen.'" (Sahîh)

عَمَّارٌ، ثُمَّ أَتَيْتُهُمْ بِرُطَبٍ وَمَاءٍ فَأَكَلُوا وَشَرَبُوا، ثُمَّ قَالَ: «هَذَا مِنَ النَّعِيمِ الَّذِي سُتُّنَّلُونَ عَنْهُ».

٣٦٧٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ أَبِي ذِئْنَى عَنْ حَدِيثِ عَبْدِ الْوَهَابِ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ عَنْ وَهْبِ بْنِ كَيْسَانَ عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ قَالَ: تُؤْفَى إِلَيَّ أَبِي وَعَلَيْهِ دَيْنٌ، فَعَرَضْتُ عَلَى غُرَمَائِهِ أَنْ يَأْخُذُوا الشَّمْرَةَ بِمَا عَلَيْهِ، فَأَبَوَا وَلَمْ يَرَوَا فِيهِ وَفَاءً، فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَذَكَرْتُ ذَلِكَ لَهُ، قَالَ: «إِذَا جَدَدْتَهُ فَوَاصْعَنَهُ فِي الْمِرْبِدِ فَأَذْنِي» فَلَمَّا جَدَدْتُهُ وَوَاصْعَنَهُ فِي الْمِرْبِدِ أَتَيْتُ رَسُولَ اللَّهِ ﷺ، فَجَاءَ وَعَمَّةُ أَبِي بَكْرٍ وَعُمَرَ، فَجَلَسَ عَلَيْهِ وَدَعَا بِالْبَرَكَةِ، ثُمَّ قَالَ: «ادْعُ غُرَمَائِكَ فَأُوفِهِمْ» قَالَ: فَمَا تَرَكْتُ أَحَدًا لَهُ عَلَى أَبِي دَيْنٍ إِلَّا قَضَيْتُهُ، وَفَصَلَ لِي ثَلَاثَةَ عَشَرَ وَسْقًا، فَذَكَرْتُ ذَلِكَ لَهُ فَضَحِّكَ، وَقَالَ: «أَتَيْتَ أَبَا بَكْرٍ وَعُمَرَ فَأَخْبَرْتَهُمَا ذَلِكَ» فَأَتَيْتُ أَبَا بَكْرٍ وَعُمَرَ فَأَخْبَرْتَهُمَا، فَقَالَا: قَدْ عَلِمْنَا إِذْ صَنَعْتَ رَسُولُ اللَّهِ ﷺ مَا صَنَعَ أَنَّهُ سَيَكُونُ ذَلِكَ.

تخریج: أخرجه البخاري، الصالح، باب الصلح بين الغرماء وأصحاب الميراث والمجازفة في ذلك، ح: ٢٧٠٩ من حديث عبد الوهاب التقى به، وهو في الكبرى، ح: ٦٤٦٧.

## Chapter 5. Invalidating Requests To Heirs

**3671.** It was narrated that 'Amr bin Khârijah said: "The Messenger of Allâh ﷺ delivered a *Khuťbah* and said: 'Allâh has given every person who has rights his due, and there is no bequest to an heir.'" (Hasan)

### (المعجم ٥) - بَابُ إِنْطَالِ الْوَصِيَّةِ لِلْوَارِثِ (الصفحة ٥)

٣٦٧١ - أَخْبَرَنَا قُتْبَيْهُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ، عَنْ شَهْرِ بْنِ حَوْشَبِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَثْمَانَ، عَنْ عَمْرُو بْنِ خَارِجَةَ قَالَ: حَطَبَ رَسُولُ اللَّهِ ﷺ قَتَالَ: «إِنَّ اللَّهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ، وَلَا وَصِيَّةٌ لِوَارِثٍ».

تخریج: [حسن] أخرجه الترمذی، الوصایا، باب ماجاء لا وصیة لوارث، ح: ٢١٢١ عن قتبیہ به، وقال: "حسن صحيح"، وهو في الكبرى، ح: ٦٤٦٨، وسنده ضعیف، وللحديث شامد حسن عند أبي داود، ح: ٣٥٦٥.

### Comments:

In the early period, one's offspring used to become heirs. For parents and other kith and kin, a bequest used to be made. Their right was not specified. In the same period, this Verse was revealed: "It is prescribed when death approaches any of you if he leaves any goods that he makes a bequest to parents and next of kin." (*Al-Baqarah*: 180) Then Allâh, Most High, specified in *Surat An-Nisa* the portions of parents, children, husband, wife, sister, and brother. Henceforth, the bequest did not remain necessary for heirs. So the will remained for those not assigned a portion of the inheritance.

**3672.** It was narrated from Shahr bin Hawshab that Ibn Ghanm mentioned that Ibn Khârijah told him that he saw the Messenger of Allâh ﷺ addressing the people from atop his mount, which was chewing its cud and its saliva was dripping down. The Messenger of Allâh ﷺ said in his *Khuťbah*: "Allâh has given each person a share of the inheritance, and it is not permissible to give bequests to an heir." (Hasan)

٣٦٧٢ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعبَةَ قَالَ: حَدَّثَنَا قَتَادَةَ عَنْ شَهْرِ بْنِ حَوْشَبِ: أَنَّ ابْنَ عَثْمَانَ ذَكَرَ أَنَّ ابْنَ خَارِجَةَ ذَكَرَ لَهُ: أَنَّ اللَّهَ شَهِدَ رَسُولُ اللَّهِ ﷺ يَحْطُبُ النَّاسَ عَلَى رَاحِلَتِهِ، وَلَئِنَّهَا لَتَقْصُعُ بِجَرِيَّهَا، وَإِنَّ لَعَابَهَا لَيَسِيلُ، فَقَاتَلَ رَسُولُ اللَّهِ ﷺ فِي خُطْبَتِهِ: «إِنَّ اللَّهَ قَدْ قَسَمَ لِكُلِّ إِنْسَانٍ قِسْمَةً مِنَ الْمِيرَاثِ، فَلَا تَحْجُرُ لِوَارِثٍ وَصِيَّةً».

تخریج: [حسن] انظر الحديث السابق، وهو في الكبرى، ح: ٦٤٦٩.

**Comments:**

- ‘Saliva was dripping...’ meaning he was standing below the she-camel’s neck. He might have probably been holding her reins.
- ‘Each person’ meaning the one who is considered worthy of inheritance. The description of most of the heirs occurs in the Glorious Qur’ân. The mention of portions of some heirs occurs in traditional reports; for instance, the portion of a paternal grandmother and a maternal grandmother.

**3673.** It was narrated that ‘Amr bin Khârijah said: “The Messenger of Allâh ﷺ said: ‘Allâh, Mighty is His Name has given every person who has rights his due, and there is no bequest to an heir.” (*Hasan*)

٣٦٧٣ - أَخْبَرَنَا عُثْمَانُ بْنُ عَبْدِ اللَّهِ الْمُرْوَزِيُّ قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكَ قَالَ: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ عَنْ فَتَادَةَ، عَنْ عُمَرِ بْنِ حَارِجَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ عَزَّ اسْمُهُ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقًّا، وَلَا وَصِيَّةَ لِوَارِثٍ».

تخریج: [حسن] انظر الحدیثین السابقین، وهو في الكبیر، ج: ٦٤٧٠.

## Chapter 6. When One Exhorts His Closest Kinsmen

**3674.** It was narrated that Abû Hurairah said: “When the following was revealed: ‘And warn your tribe (O Muhammad) of near kindred,’<sup>[1]</sup> the Messenger of Allâh ﷺ called the Ouraish and they gathered, and he spoke in general and specific terms, then he said: ‘O Banu Ka'b bin Lu'ayy! O Banu Murrah bin Ka'b! O Banu 'Abd Shams! O Banu 'Abd Manâf! O Banu Hishâm! O Banu 'Abdul-Mu'talib! Save yourselves from the Fire! O Fâtimah! Save yourself from the Fire. I cannot avail you anything before Allâh., but I will uphold the ties of kinship with you.” (*Sahîh*)

(المعجم ٦) - بَابٌ : إِذَا أَوْصَى لِعِشِيرَتِهِ الْأَقْرَبِينَ (التحفة ٦)

٣٦٧٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ مُوسَى بْنِ طَلْحَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: لَمَّا تَرَكَتْ: «وَلَدَرٌ عِشِيرَتِكَ الْأَقْرَبِينَ» [الشعراء: ٢١٤] دَعَا رَسُولُ اللَّهِ ﷺ فِرْيَاشًا فَاجْتَمَعُوا، فَعَمَّ وَخَصَّ، فَقَالَ: «إِنَّ بَنِي كَعْبَ بْنَ لُؤْيٍ! يَا بَنِي مُرَّةَ بْنِ كَعْبٍ! يَا بَنِي عَبْدِ شَمْسٍ! وَيَا بَنِي عَبْدِ مَنَافٍ! وَيَا بَنِي هَاشِمٍ! وَيَا بَنِي عَبْدِ الْمُطَّلِبِ! أَقْتَلُنَا أَفْسُكُمْ مِنَ النَّارِ، وَيَا فَاطِمَةَ! أَقْتِدِي نَفْسَكِ مِنَ النَّارِ، إِنِّي لَا أَمْلِكُ لَكُمْ مِنَ اللَّهِ شَيْئًا غَيْرَ أَنَّ لَكُمْ رَحْمًا سَأَبْلُهُا بِيَلَاهَا».

<sup>[1]</sup> *Ash-Shu'ara* 26:214.

تخریج: أخرجه مسلم، الإيمان، باب في قوله تعالى: ﴿وَأَنذِرْ عَشِيرَتَكَ الْأَقْرَبِينَ﴾، ح: ٢٠٤  
من حديث جرير بن عبد الحميد به، وهو في الكبرى، ح: ٦٤٧١.

### Comments:

The author mention this narration as the will, bequest, or *Wasiyyah* of Allâh's Messenger ﷺ to his relatives. This is because '*Wasiyyah*' is used for a will that is written, as well as statements of order or encouragement.

**3675.** It was narrated that Mûsâ bin Talhah said: "The Messenger of Allâh ﷺ said: 'O Banu 'Abd Manâf! Buy your souls from your Lord. I cannot avail you anything before Allâh. Abû Banu 'Abdul-Mu'talib! Buy your souls from your Lord. I cannot avail you anything before Allâh. But between me and you there are ties of kinship which I will uphold.'" (*Sahîh*)

٣٦٧٥ - أَخْبَرَنَا أَحْمَدُ بْنُ سَلَيْمَانَ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُوسَى قَالَ: أَخْبَرَنِي إِسْرَائِيلُ عَنْ مَعَاوِيَةَ - وَهُوَ ابْنُ إِسْحَاقَ - عَنْ مُوسَى بْنِ طَلْحَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَا تَبَّيْ عَبْدِ الْمُطَّلِبِ! اشْتَرُوا أَنفُسَكُمْ مِنْ رَبِّكُمْ، إِنِّي لَا أَمْلِكُ لَكُمْ مِنَ اللَّهِ شَيْئًا، يَا تَبَّيْ عَبْدِ الْمُطَّلِبِ! اشْتَرُوا أَنفُسَكُمْ مِنْ رَبِّكُمْ، إِنِّي لَا أَمْلِكُ لَكُمْ مِنَ اللَّهِ شَيْئًا، وَلَكُنْ يَبْنَي وَيَتَّكُمْ رَحْمَمْ أَنَا بِالْهُ يَلَاهَا». *وَلَكُنْ يَبْنَي وَيَتَّكُمْ رَحْمَمْ أَنَا بِالْهُ يَلَاهَا».*

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٤٧٢.

**3676.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said, when the Verse: 'And warn your tribe (O Muâmmad) of near kindred.'<sup>[1]</sup> was revealed: 'O Quraish! Buy your souls from your Lord; I cannot avail you anything before Allâh. O Banu 'Abdul-Mu'talib! I cannot avail you anything before Allâh. O 'Abbâs bin 'Abdul-Mu'talib! I cannot avail you anything before Allâh. O Sâfiyyah, paternal aunt of the Messenger of Allâh ﷺ! I cannot avail you anything before Allâh. O Fâtimah bint Muâmmad! Ask me for whatever you want, I cannot avail you anything before Allâh.'" (*Sahîh*)

٣٦٧٦ - أَخْبَرَنَا شَيْمَانُ بْنُ دَاؤِدَ عَنْ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيْبِ وَأَبُو سَلَمَةَ ابْنُ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: حِينَ أُنْزِلْتُ عَلَيْهِ ﴿وَأَنذِرْ عَشِيرَتَكَ الْأَقْرَبِينَ﴾ قَالَ: «يَا مَعْشَرَ قُرْيَشٍ! اشْتَرُوا أَنفُسَكُمْ مِنَ اللَّهِ، لَا أَغْنِي عَنْكُمْ مِنَ اللَّهِ شَيْئًا، يَا تَبَّيْ عَبْدِ الْمُطَّلِبِ! لَا أَغْنِي عَنْكُمْ مِنَ اللَّهِ شَيْئًا، يَا عَبْيَاسُ بْنَ عَبْدِ الْمُطَّلِبِ! لَا أَغْنِي عَنْكَ مِنَ اللَّهِ شَيْئًا، يَا صَفِيَّةَ عَمَّةَ رَسُولِ اللَّهِ ﷺ! لَا أَغْنِي عَنْكَ مِنَ

[1] *Ash-Shu'ara* 26:214.

الله شيئاً، يا فاطمة بنت محمد! سلبني ما شئت، لا أغني عنك من الله شيئاً».

**تخریج:** أخرجه البخاري، التفسير، باب: «وأنذر عشيرتك الأقربين وانقض جناحك»، ح ٤٧٧١ معلقاً، ومسلم، ح: ٢٠٦ (انظر الحديث المتقدم: ٣٦٧٤) من حديث ابن وهب به، وهو في الكبرى، ح: ٦٤٧٣.

٣٦٧٧ - أخبرنا محمد بن خالد قال: حدثنا يشر بن شعيب عن أبيه، عن الزهرى قائل: أخبرني سعيد بن المسمى وأبو سلمة ابن عبد الرحمن أن أبا هريرة قال: قام رسول الله صلى الله عليه وسلم حين أُنذِرَ عَلَيْهِ «وأنذر عشيرتك الأقربين» فقال: «يا معاشر قريش! اشتروا أنفسكم من الله لا أغني عنكم من الله شيئاً، يا بني عبد مناف! لا أغني عنكم من الله شيئاً، يا بني عبد المطلب! لا أغني عنك من الله شيئاً، يا صفيه عمّة رسول الله صلى الله عليه وسلم! لا أغني عنك من الله شيئاً، يا فاطمة! سلبني ما شئت، لا أغني عنك من الله شيئاً».

**3677.** Abû Hurairah said: "The Messenger of Allâh ﷺ stood up when the following was revealed to him: 'And warn your tribe (O Muhammad) of near kindred',<sup>[1]</sup> and said: 'O Quraish! Buy your souls from your Lord, I cannot avail you anything before Allâh. O Banu 'Abd Manâf! I cannot avail you anything before Allâh. O 'Abbâs bin 'Abdul-Mu'talib! I cannot avail you anything before Allâh. O Safiyyah, paternal aunt of the Messenger of Allâh ﷺ! I cannot avail you anything before Allâh. O Fâtimah! Ask me for whatever you want, I cannot avail you anything before Allâh.'"

(Sahîh)

**تخریج:** أخرجه البخاري، الوصايا، باب: هل يدخل النساء والولد في الأقارب؟، ح: ٢٧٥٣ من حديث شعيب بن أبي حمزة به، وهو في الكبرى، ح: ٦٤٧٤.

**3678.** It was narrated that 'Âishah said: "When this verse – 'And warn your tribe (O Muhammad) of near kindred'<sup>[2]</sup> – was revealed, the Messenger of Allâh ﷺ said: 'O Fâtimah daughter of Muhammed! O Safiyyah bint 'Abdul-Mu'talib! O Banu 'Abdul-Mu'talib! I cannot

٣٦٧٨ - أخبرنا إسحاق بن إبراهيم قال: حدثنا أبو معاوية قال: حدثنا هشام - وهو ابن عمرو - عن أبيه، عن عائشة قالت: لما نزّلت هذه الآية «وأنذر عشيرتك الأقربين» [الشعراء: ٢١٤] قال رسول الله صلى الله عليه وسلم: «يا

[1] Ash-Shu'ara 26:214.

[2] Ash-Shu'ara 26:214.

avail you anything before Allâh; ask me for whatever you want of my wealth.”” (*Sahîh*)

فاطِمَةُ ابْنَةُ مُحَمَّدٍ! يَا صَفِيَّةُ بْنَتُ عَبْدِ الْمُطَّلِبِ!  
يَا بَنِي عَبْدِ الْمُطَّلِبِ! لَا أَغْنِي عَنْكُمْ عَنِ اللَّهِ  
شَيْئًا سَلُونِي مِنْ مَالِي مَا شَيْشُمْ.

تخریج: أخرجه مسلم، ح ٣٥٠ (انظر الحديث المتقدم: ٣٦٧٤) من حديث هشام بن عروة به، وهو في الكبير، ح ٦٤٧٥.

### Chapter 7. If A Person Dies Unexpectedly, It Is Recommended For His Family To Give Charity On His Behalf

**3679.** It was narrated from ‘Âishah that a man said to the Messenger of Allâh ﷺ: “My mother died unexpectedly; if she had been able to speak she would have given charity. Should I give charity on her behalf?” The Messenger of Allâh ﷺ said: “Yes.” So he gave charity on her behalf. (*Sahîh*)

(المعجم ٧) – إِذَا مَاتَ الْفُجَاءَةَ هَلْ  
يُسْتَحْبِثُ لِأَهْلِهِ أَنْ يَتَصَدَّقُوا عَنْهُ (التحفة ٧)

٣٦٧٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ:  
هَدَنَا أَبْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ هَشَامٍ بْنِ  
عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ رَجُلًا قَالَ  
لِرَسُولِ اللَّهِ ﷺ: إِنَّ أُمِّي افْلَىتْ نَفْسَهَا،  
وَإِنَّهَا لَوْ تَكَلَّمَتْ تَصَدَّقَتْ، أَفَتَصَدِّقُ عَنْهَا؟  
فَقَالَ رَسُولُ اللَّهِ ﷺ: «عَمْ» فَتَصَدَّقَ عَنْهَا.

تخریج: أخرجه البخاري، الوصايا، باب ما يستحب لمن توفي فجاءةً أن يتصدقوا عنه، وقضاء النور عن الميت، ح ٢٧٦٠ من حديث مالك به، وهو في الموطأ (يعنى): ٢/٧٦٠، والكبير، ح ٦٤٧٦.

### Comments:

He was Sa‘d bin ‘Ubâdah. Both he and his honorable mother were extremely generous. That pious and generous woman had suddenly died in his absence. Details follow in the upcoming *Hadîth*.

**3680.** It was narrated from Sa‘eed bin ‘Amr bin Shurâhbîl bin Sa‘eed bin Sa‘d bin ‘Ubâdah, from his father, that his grandfather said: “Sa‘d bin ‘Ubâdah went out with the Prophet ﷺ on one of his campaigns, and death came to his mother in Al-Madînah. It was said to her (as she was dying): ‘Make a will.’ She said: ‘To whom shall I make a will? The wealth belongs to Sa‘d.’ Then she died before Sa‘d came. When Sa‘d

٣٦٨٠ - أَخْبَرَنَا الْحَارِثُ بْنُ مَسْكِينٍ -  
قِرَاءَةُ عَائِيَهُ وَأَنَا أَسْمَعُ - عَنِ ابْنِ الْقَاسِمِ، عَنْ  
مَالِكٍ، عَنْ سَعِيدِ بْنِ عَمْرِو بْنِ شُرَحِيلَ بْنِ  
سَعِيدٍ بْنِ سَعِيدٍ بْنِ عَبَادَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ  
فَالَّذِي خَرَجَ سَعِيدُ بْنُ عَبَادَةَ مَعَ النَّبِيِّ ﷺ فِي  
بعضِ مَعَازِيهِ وَحَضَرَتْ أُمُّهُ الْوَفَاءُ بِالْمَدِينَةِ،  
فَقَبَلَ لَهَا: أَوْصِي، فَقَالَتْ: فِيمَ أَوْصَيْتِي؟ الْمَالُ

came, he was told about that and he said: 'O Messenger of Allâh, will it benefit her if I give in charity on her behalf?' The Prophet ﷺ said: 'Yes.' Sa'd said: 'Such and such a garden is given in charity on her behalf' – regarding a garden that he named." (*Sahîh*)

مَالٌ سَعْدٌ، فَتُوْقِيْثُ قَبْلَ أَنْ يَقْدَمَ سَعْدٌ، فَلَمَّا  
قَدِمَ سَعْدٌ ذَكَرَ ذَلِكَ لَهُ، فَقَالَ: يَا رَسُولَ اللَّهِ!  
هَلْ يَنْفَعُهَا أَنْ أَتَصَدِّقَ عَنْهَا؟ فَقَالَ النَّبِيُّ ﷺ:  
«نَعَمْ» فَقَالَ سَعْدٌ: حَائِطٌ كَذَا وَكَذَا صَدَقَةٌ عَنْهَا  
- لِحَائِطٍ سَمَاءً - .

تخریج: [إسناده صحيح] أخرجه ابن خزيمة في صحيحه، ح: ٢٥٠٠ من حديث مالك به، وهو في الموطأ (بحيى) ٦٤٧٧، والكبرى، ح: ٦٤٧٧، وصححة ابن حبان، ح: ٨٥٧، وللحديث شواهد كثيرة.

## Chapter 8. The Virtue Of Charity Given On Behalf Of The Deceased

(المعجم ٨) - فَضْلُ الصَّدَقَةِ عَنِ الْمَيِّتِ  
(التحفة ٨)

**3681.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "When a man dies all his good deeds come to an end except three: Ongoing charity (*Sadaqah Jâriyah*), beneficial knowledge and a righteous son who prays for him." (*Sahîh*)

٣٦٨١ - أَخْبَرَنَا عَلَيُّ بْنُ حُجْرَةَ قَالَ:  
حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنَا الْعَلَاءُ عَنْ أَبِيهِ،  
عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: إِذَا  
مَاتَ إِلَّا سَبْعَةُ أَنْفُسٍ اغْتَطَعَ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةِ: مِنْ  
صَدَقَةٍ جَارِيَةٍ، وَعِلْمٍ يُتَسْقَعُ بِهِ، وَوَلَدٍ صَالِحٍ  
يَدْعُو لَهُ».

تخریج: أخرجه مسلم، الوصية، باب ما يلحق الإنسان من الثواب بعد وفاته، ح: ١٦٣١ عن علي بن حجر به، وهو في الكبرى، ح: ٦٤٧٨ \* إسماعيل هو ابن جعفر.

### Comments:

1. 'Ongoing charity' means such charity which continues to benefit people even after the death of the charity-giver.
2. 'Knowledge': For instance, the books which were written or trained pupils or audio-cassettes, etc.
3. 'Righteous son' whom the deceased had trained and educated, and had accustomed them to doing good deeds. (Further details could be seen in the previous report).

**3682.** It was narrated from Abû Hurairah said that a man said to the Prophet ﷺ: "My father died and left behind wealth, but he did not leave a will. Will it expiate for him if I give charity on his behalf?"

٣٦٨٢ - أَخْبَرَنَا عَلَيُّ بْنُ حُجْرَةَ قَالَ:  
أَخْبَرَنَا إِسْمَاعِيلُ عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ  
أَبِي هُرَيْرَةَ: أَنَّ رَجُلًا قَاتَلَ لِلنَّبِيِّ ﷺ: إِنَّ أَبِيهِ  
مَاتَ وَتَرَكَ مَالًا وَلَمْ يُوصِّي، فَهُلْ يُكَفِّرُ عَنْهُ

He said: "Yes." (*Sahih*)

أَنْ أَتَصْدِقَ عَنْهُ؟ قَالَ: «عَمَّ». .

تخریج: أخرجه مسلم، الوصية، باب وصول ثواب الصدقات إلى الميت، ح: ١٦٣٠ عن علي ابن حجر به، وهو في الكبرى، ح: ٦٤٧٩ \* إسماعيل هو ابن جعفر.

**3683.** It was narrated that Ash-Sharid bin Suwaid Ath-Thaqaffi said: "I came to the Messenger of Allâh ﷺ and said: 'My mother left a will saying that a slave should be freed on her behalf. I have a Nubian slave girl; will it suffice if I free her on her behalf?' He said: 'Bring her here.' The Prophet ﷺ said to her: 'Who is your Lord?' She said: 'Allâh.' He said: 'Who am I?' She said: 'The Messenger of Allâh.' He said: 'Set her free, for she is a believer.'" (*Hasan*)

٣٦٨٣ - أَخْبَرَنَا مُوسَى بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا حَمَادٌ  
حَدَّثَنَا هِشَامُ بْنُ عَبْدِ الْمَلِكِ قَالَ: حَدَّثَنَا حَمَادٌ  
ابْنُ سَلَمَةَ عَنْ مُحَمَّدٍ بْنِ عَمْرُو، عَنْ أَبِي  
سَلَمَةَ، عَنِ الشَّرِيدِ بْنِ شَوَّيْدِ التَّقِيِّ قَالَ: أَتَيْتُ  
رَسُولَ اللَّهِ فَقُلْتُ: إِنَّ أُمِّي أَوْصَتَ أَنْ تُعْتَقَ  
عَنْهَا رَقْبَةً، وَإِنَّ عِنْدِي جَارِيَةً نُوَيْبَةً أَفَيُجُزِّي  
عَنِّي أَنْ أُغْيِرَهَا عَنْهَا؟ قَالَ: «اِتَّبِعْنِي بِهَا» فَاتَّبَعَهُ  
بِهَا، فَقَالَ لَهَا النَّبِيُّ : «مَنْ رَبِّكِ؟» قَالَتْ:  
اللَّهُ، قَالَ: «مَنْ أَنْتَ؟» قَالَتْ: أَنْتَ رَسُولُ اللَّهِ،  
قَالَ: «فَاغْيِرْهَا فَإِنَّهَا مُؤْمِنَةٌ».

تخریج: [إسناده حسن] أخرجه أبو داود، الأيمان والذور، باب: في الرقبة المؤمنة، ح: ٣٢٨٣ من حديث حماد بن سلمة به، وهو في الكبرى، ح: ٦٤٨٠ .

### Comments:

We get to learn that it is superior to emancipate a believer. Besides, emancipating a slave woman equals emancipation of a slave. We also get to know that belief in the Oneness of Allâh and the Prophethood is sufficient for one to be a believer. One ought not to delve deep into it.

**3684.** It was narrated from Ibn 'Abbâs that Sa'd asked the Prophet ﷺ: "My mother died and did not leave a will; shall I give charity on her behalf?" He said: "Yes." (*Sahih*)

٣٦٨٤ - أَخْبَرَنَا الْحُسَيْنُ بْنُ عَيْسَى قَالَ: حَدَّثَنَا سُعِيَانُ عَنْ عَمْرُو، [عَنْ] عِكْرِمَةَ، عَنْ  
ابْنِ عَبَّاسٍ: أَنَّ سَعْدًا سَأَلَ النَّبِيَّ : إِنَّ  
أُمِّي مَاتَتْ وَلَمْ تُوصِّ ، أَفَتَصْدِقُ عَنْهَا؟ قَالَ:   
«عَمَّ». .

تخریج: أخرجه البخاري، الوصايا، باب: إذا وقف أرضاً ولم يبين الحدود فهو جائز: وكذلك الصدقة، ح: ٢٧٧٠ من حديث عمرو بن دينار به، وهو في الكبرى، ح: ٦٤٨١ .

**3685.** It was narrated from Ibn 'Abbâs that a man said: "O

٣٦٨٥ - أَخْبَرَنَا أَخْمَدُ بْنُ الْأَزْهَرِ قَالَ:

Messenger of Allâh, my mother died; will it benefit her if I give in charity on her behalf?" He said: "Yes." He said: "I have a garden and I ask you to bear witness that I am giving it in charity on her behalf." (*Sahîh*)

حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ قَالَ: حَدَّثَنَا زَكَرِيَّا بْنُ إِسْحَاقَ قَالَ: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ! إِنَّ أُمَّةً تُؤْفَقُ أَفَيَنْتَعِهَا إِنْ تَصْدَقَتْ عَنْهَا؟ قَالَ: «نَعَمْ» قَالَ: فَإِنَّ لِي مَخْرَفًا فَأَشْهُدُكَ أَنِّي قَدْ تَصْدَقَتْ بِهِ عَنْهَا.

تخریج: أخرجه البخاري، ح ٢٧٧٠ من حديث روح بن عبادة به (انظر الحديث السابق)، وهو في الكبرى، ح ٦٤٨٢.

**3686.** It was narrated from Sa'd bin 'Ubâdah that he came to the Prophet ﷺ and said: "My mother has died and she had a vow to fulfill. Will it suffice if I free a slave on her behalf?" He said: "Free a slave on behalf of your mother." (*Sahîh*)

٣٦٨٦ - أَخْبَرَنِي هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا عَفَانُ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ كَثِيرٍ عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ، عَنْ سَعْدِ بْنِ عُبَادَةَ: أَنَّهُ أَتَى النَّبِيَّ ﷺ قَالَ: إِنَّ أُمَّيْ مَائِنَةً وَعَلَيْهَا نَذْرٌ، أَفَيَجْزِيُّهُ عَنْهَا أَنْ أُغْتَبِّهُ عَنْهَا؟ قَالَ: «أَعْتِقْ عَنْ أُمَّكَ».

تخریج: [صحیح] أخرجه الطبراني في الكبير، ١٨/٦، ح ٥٣٦٨ من حديث سليمان بن كثير به، وهو في الكبرى، ح ٦٤٨٣، وللحديث شواهد كثيرة جداً عند البخاري، ح ٢٧٦١، ومسلم، ح ١٦٣٨ وغيرهما.

### Comments:

See No. 3848.

**3687.** It was narrated from Sa'd bin 'Ubâdah that he consulted the Prophet ﷺ about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allâh ﷺ said: "Fulfill it on her behalf." (*Sahîh*)

٣٦٨٧ - أَخْبَرَنِي مُحَمَّدُ بْنُ مُحَمَّدٍ أَبُو يُوسُفَ الصَّيْدَلَانِيَّ عَنْ عَبِيسَيِّ - وَهُوَ ابْنُ يُوسَنَ - عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، أَخْبَرَهُ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ، عَنْ سَعْدِ بْنِ عُبَادَةَ: أَنَّهُ اسْتَفْتَنِي النَّبِيَّ ﷺ فِي نَذْرٍ كَانَ عَلَى أُمِّهِ، فَتَوْفَيْتُ قَبْلَ أَنْ تَنْقَضِيهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَفْضِلُهُ عَنْهَا».

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبرى، ح ٦٤٨٤.

**3688.** It was narrated from Sa'd bin 'Ubâdah that he consulted the Prophet ﷺ about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allâh ﷺ said: "Fulfill it on her behalf." (*Sahîh*)

٣٦٨٨ - أَخْبَرَنِي مُحَمَّدُ بْنُ صَدَقَةَ الْجَمْصِيُّ قَالَ: حَدَثَنَا مُحَمَّدُ بْنُ شَعْبَيْنَ عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ أَخْبَرَهُ عَنْ عَبْدِ اللَّهِ ابْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ، عَنْ سَعْدِ بْنِ عَبَادَةَ: أَنَّهُ أَسْتَفْتَنِي النَّبِيُّ ﷺ فِي نَذْرٍ كَانَ عَلَى أُمِّهِ فَمَاتَتْ قَبْلَ أَنْ تَقْضِيهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَفْضِلُهُ عَنْهَا».

تخریج: [صحیح] انظر الحدیثین السابقین، وهو فی الکبری، ح: ٦٤٨٥.

**3689.** It was narrated that Ibn 'Abbâs said: "Sa'd consulted the Messenger of Allâh ﷺ about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allâh ﷺ said: 'Fulfill it on her behalf.'" (*Sahîh*)

٣٦٨٩ - أَخْبَرَنَا عَبَّاسُ بْنُ الْوَلِيدِ بْنُ مَرْيَدَ قَالَ: أَخْبَرَنِي أَبِي قَالَ: حَدَثَنَا الْأَوْزَاعِيُّ قَالَ: أَخْبَرَنِي الرُّهْرِيُّ أَنَّ عَبْدَ اللَّهِ ابْنَ عَبْدِ اللَّهِ أَخْبَرَهُ عَنِ ابْنِ عَبَّاسٍ قَالَ: أَسْتَفْتَنِي سَعْدُ رَسُولَ اللَّهِ ﷺ فِي نَذْرٍ كَانَ عَلَى أُمِّهِ فَتُوْقِيتَ قَبْلَ أَنْ تَقْضِيهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَفْضِلُهُ عَنْهَا».

تخریج: أخرجه البخاری، الوصایا، باب ما يستحب لمن توفي فجاءه أن يتصدقوا عنه ... إلخ، ح: ٢٧٦١، ومسلم، النذر، باب الأمر بقضاء النذر، ح: ١٢٣٨ من حديث الزهري به، وهو في الکبری، ح: ٦٤٨٦.

(المعجم ٩) - ذِكْرُ الاختلاف عَلَى سُفْيَانَ (التحفة ٨)

**3690.** It was narrated that Al-Hârith bin Miskîn said, it being read to him while I was listening: "From Sufyân, from Az-Zuhri, from 'Ubaidullâh bin 'Abdullâh, from Ibn 'Abbâs, that Sa'd bin 'Ubâdah consulted the Prophet ﷺ about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allâh ﷺ

٣٦٩٠ - قَالَ الْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ عَنْ سُفْيَانَ، عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ سَعْدَ بْنَ عَبَادَةَ أَسْتَفْتَنِي النَّبِيُّ ﷺ فِي نَذْرٍ كَانَ عَلَى أُمِّهِ فَتُوْقِيتَ قَبْلَ أَنْ تَقْضِيهِ، فَقَالَ: «أَفْضِلُهُ عَنْهَا».

said: ‘Fulfill it on her behalf.’”

(*Sahîh*)

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٤٨٧، وأخرجه مسلم،

ح: ١٦٣٨ من حديث سفيان بن عيينة به.

**3691.** Muḥammad bin ‘Abdullâh bin Yazîd said: “Sufyân narrated to us from Az-Zuhri, from ‘Ubaidullâh bin ‘Abdullâh, from Ibn ‘Abbâs, that Sa‘d said: ‘My mother died and there was an (outstanding) vow that she had to fulfill. I asked the Prophet ﷺ and he told me to fulfill it on her behalf.’” (*Sahîh*)

تخریج: [صحيح] انظر الحديثين السابقين، وهو في الكبرى، ح: ٦٤٨٨.

**3692.** It was narrated that Ibn ‘Abbâs said: “Sa‘d bin ‘Ubâdah Al-Anṣârî consulted the Messenger of Allâh ﷺ about an (outstanding) vow that his mother had to fulfill, but she died before doing so. The Messenger of Allâh ﷺ said: ‘Fulfill it on her behalf.’”<sup>[1]</sup> (*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٣٦٨٩، وهو في الكبرى، ح: ٦٤٨٩.

### Comments:

Sa‘d was the chieftain of the well-known tribe of Banu Khazraj.

**3693.** It was narrated that Ibn ‘Abbâs said: Sa‘d bin ‘Ubâdah came to the Prophet ﷺ and said: “My mother has died and she had a vow to fulfill but she did not do so. He said: ‘Fulfill it on her behalf.’” (*Sahîh*)

**٣٦٩٣ - أخْبَرَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمْدَانِيُّ عَنْ عَبْدَةَ، عَنْ هِشَامَ - هُوَ ابْنُ عُرْوَةَ - عَنْ بَكْرِ بْنِ وَائِلٍ، عَنْ الرُّثْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: جَاءَ سَعْدُ بْنُ عَبَادَةَ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا نَذْرٌ وَلَمْ تَفْضِهِ، قَالَ: «أَفْضِهِ عَنْهَا».**

[1] This, and the remainder in the chapter, are not narrated by Sufyân.

تخریج: [صحیح] تقدم، ح: ٣٦٨٩، وهو في الكبرى، ح: ٦٤٩٠.

**3694.** It was narrated that Sa'd bin 'Ubâdah said: "I said: 'O Messenger of Allâh, my mother has died; shall I give in charity on her behalf?' He said: 'Yes.' I said: 'What kind of charity is best?' He said: 'Providing drinking water.'" (*Da'if*)

٣٦٩٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكَ قَالَ: حَدَّثَنَا وَكِيعٌ عَنْ هِشَامٍ، عَنْ سَعْدٍ قَتَادَةً، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، عَنْ سَعْدِ بْنِ عُبَادَةَ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّ أُمِّي مَاتَتْ أَفَأَنْصَدُ عَنْهَا؟ قَالَ: «نَعَمْ» قُلْتُ: فَأَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: «سَقَيْيُ الْمَاءِ».

تخریج: [إسناده ضعیف] أخرجه ابن ماجه، الأدب، باب فضل صدقة الماء، ح: ٣٦٨٤ من حديث وكيع به، وهو في الكبرى، ح: ٦٤٩١، وصححه ابن حبان، ح: ٨٥٨، والحاكم على شرط الشیوخين: ٤١٤ فردہ الذہبی بقولہ: "لا، انه غير متصل" ، یعنی سعید بن المسیب لم یدرك سعد بن عبادة، ولبعض الحدیث شاهد تقدم، ح: ٣٦٨٠ \* هشام هو الدستوائی.

**3695.** It was narrated that Sa'd bin 'Ubâdah said: "I said: 'O Messenger of Allâh, what kind of charity is best?' He said: 'Providing drinking water.'" (*Da'if*)

٣٦٩٥ - أَخْبَرَنَا أَبْرَارُ عَمَّارِ الْحُسَيْنِ بْنِ حُرَيْثٍ عَنْ وَكِيعٍ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، عَنْ سَعْدِ بْنِ عُبَادَةَ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ أَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: «سَقَيْيُ الْمَاءِ».

تخریج: [إسناده ضعیف] انظر الحدیث السابق، وهو في الكبرى، ح: ٦٤٩٢.

**3696.** It was narrated from Sa'd bin 'Ubâdah that his mother died. He said: "O Messenger of Allâh, my mother has died; can I give charity on her behalf?" He said: "Yes." He said: "What kind of charity is best?" He said: "Providing drinking water." And that is the drinking-fountain of Sa'd in Al-Madînah. (*Da'if*)

٣٦٩٦ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ الْحَسَنِ عَنْ حَجَّاجٍ قَالَ: سَمِعْتُ شُعْبَةَ يُحَدِّثُ عَنْ قَتَادَةَ قَالَ: سَمِعْتُ الْحَسَنَ يُحَدِّثُ عَنْ سَعْدِ بْنِ عُبَادَةَ: أَنَّ أُمَّهُ مَاتَتْ فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّ أُمِّي مَاتَتْ، أَفَأَنْصَدُ عَنْهَا؟ قَالَ: «نَعَمْ» قَالَ: فَأَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: «سَقَيْيُ الْمَاءِ». فَتَلَكَ سِقَايَةً سَعِيدٌ بِالْمَدِينَةِ.

تخریج: [إسناده ضعیف] انظر الحدیثین السابقین، وهو في الكبرى، ح: ٦٤٩٣.

## Chapter 10. The Prohibition Of Guardianship Over An Orphan's Property

**3697.** It was narrated that Abû Dharr said: "The Messenger of Allâh ﷺ said to me: 'O Abû Dharr, I think that you are weak, and I like for you what I like for myself. Do not accept a position of *Amîr* over two people, and do not agree to be the guardian of an orphan's property.'" (*Sahîh*)

(المعجم ١٠) - النَّهْيُ عَنِ الْوِلَايَةِ عَلَى مَالِ الْيَتَمِ (التحفة ٩)

٣٦٩٧ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ عَنْ سَعِيدِ بْنِ أَبِي أَيْوبَ، عَنْ عُثْمَانِ بْنِ أَبِي جَعْفَرٍ، عَنْ سَالِمِ بْنِ أَبِي سَالِمٍ الْجَيْشَانِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي ذَرٍ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا أَبَا ذَرٍ! إِنِّي أَرَاكَ ضَعِيفًا، وَإِنِّي أُحِبُّ لَكَ مَا أُحِبُّ لِنَفْسِي، لَا تَأْمُرْنَ عَلَى اثْنَيْنِ، وَلَا تَوَيَّنْ عَلَى مَالِ يَتَمِّ». تَحْرِيْج: أَخْرَجَهُ مُسْلِمُ، الْإِمَارَةُ، بَابُ كِرَاهَةِ الْإِمَارَةِ بِغَيْرِ ضُرُورَةٍ، ح: ١٨٢٦ مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ يَزِيدٍ الْمَقْرَبِيِّ، وَهُوَ فِي الْكِبْرَى، ح: ٦٤٩٤.

### Comments:

1. Guardianship of the wealth of an orphan entails enormous responsibilities. It, therefore, demands a high sense of piety, compassion, and a sincere spirit of sacrifice. Not everyone possesses such lofty characteristics. Hence, hastiness and proactiveness in it are forbidden. If, however, someone is forced to take on such a responsibility, it shall have to be fulfilled. The one who does not find himself in a position to fulfill its demands, should decline to accept it.
2. 'Weak': Because the strong person is better suited for responsibility.

## Chapter 11. What The Guardian Is Entitled To Of An Orphan's Property If He Takes Care Of It

**3698.** It was narrated from 'Amr bin Shu'aib, from his father, from his grandfather, that a man came to the Prophet ﷺ and said: "I am poor and I do not have anything, and I have an orphan (under my care)." He said: "Eat from the property of your orphan without being extravagant, wasteful or keeping it as capital for yourself." (*Hasan*)

(المعجم ١١) - مَا لِلْوَصِيِّ مِنْ مَالِ الْيَتَمِ إِذَا قَامَ عَلَيْهِ (التحفة ١٠)

٣٦٩٨ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ حُسَيْنٍ، عَنْ عَمْرُو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ رَجُلًا أَتَى النَّبِيِّ ﷺ فَقَالَ: إِنِّي فَقِيرٌ لَيْسَ لِي شَيْءٌ وَلَيْسَ مُسْرِفٌ، قَالَ: «كُلْ مِنْ مَالِ يَتَمِّمَكَ غَيْرَ مُسْرِفٍ وَلَا مُبَادِرٍ وَلَا مُتَأْثِلٍ». وَلَا مُبَادِرٍ وَلَا مُتَأْثِلٍ.

تخریج: [إسناده حسن] أخرجه أبو داود، الوصايا، باب ماجاء في ما لولي اليتم أن ينال من مال اليتيم، ح: ٢٨٧٢ من حديث عمرو بن شعيب به، وهو في الكبیر، ح: ٦٤٩٥، وصححه ابن حزيمة، وابن الجارود، ح: ٩٥٢ وغيرهما.

**3699.** It was narrated that Ibn 'Abbâs said: "When these Verses were revealed – 'And come not near to the orphan's property, except to improve it,'<sup>[1]</sup> and 'Verily, those who unjustly eat up the property of orphans'<sup>[2]</sup> – the people avoided the property and food of the orphans. That caused hardship to the Muslims and they complained about that to the Prophet ﷺ. Then Allâh revealed: 'And they ask you concerning orphans. Say: The best thing is to work honestly in their property, and if you mix your affairs with theirs, then they are your brothers. And Allâh knows him who means mischief (e.g. to swallow their property) from him who means good (e.g. to save their property). And if Allâh had wished, He could have put you into difficulties'"<sup>[3]</sup> (*Da'if*)

تخریج: [إسناده ضعيف] أخرجه أبو داود، الوصايا، باب مخالطة اليتيم في الطعام، ح: ٢٨٧١ من حديث عطار به، واختلط، وهو في الكبیر، ح: ٦٤٩٦، وصححه الحاکم ٢/٢، ٢٧٩، ٢٧٨، ووافقه الذہبی، وللحديث شواهد ضعيفة عند الطبرانی في تفسیره: ٣٧٢، ٣٧١/٢، وغيرها، وحديث الطبرانی في المعجم الكبير: ٤/١٤، ح: ٣٥٠٢ يعني عنه، وسنده حسن.

**3700.** It was narrated that Ibn 'Abbâs said – concerning the Verse: "Verily, those who unjustly eat up the property of orphans"<sup>[4]</sup> – A man would have an orphan in

٣٦٩٩ - أَخْبَرَنَا أَحْمَدُ بْنُ عُثْمَانَ بْنُ حَكِيمٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ الصَّلْتَ قَالَ: حَدَّثَنَا أَبُو كُدَيْرَةَ عَنْ عَطَاءٍ - وَهُوَ ابْنُ السَّائِبِ - عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: لَمَّا نَزَّلَتْ هَذِهِ الْآيَةُ ۝ وَلَا تَقْرِبُوا مَالَ الْيَتَمِ إِلَّا يُلَقِّي هُنَّ أَحْسَنُ ۝ [الأنعام: ١٥٢] وَلِلَّهِ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَمَنَ ظُلْمًا ۝ [النساء: ١٠] قَالَ: اجْتَنَبَ النَّاسُ مَالَ الْيَتَمِ وَطَعَامَهُ، فَشَكَّوْا ذَلِكَ عَلَى الْمُسْلِمِينَ، فَشَكَّوْا ذَلِكَ إِلَى النَّبِيِّ ۝ فَأَنْزَلَ اللَّهُ ۝ وَسَأَلْتُكُمْ عَنِ الْيَتَمِ فَلَمْ يَأْتُكُمْ لِمَنْ خَيْرٌ ۝ إِلَى قَوْلِهِ: ۝ لَا أَعْنَتُكُمْ ۝ [البقرة: ٢٢٠].

٣٧٠٠ - أَخْبَرَنَا عَمْرَانُ بْنُ عُيَيْنَةَ قَالَ: حَدَّثَنَا عِمْرَانُ بْنُ عُيَيْنَةَ قَالَ: حَدَّثَنَا عَطَاءً بْنُ السَّائِبِ عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ

[١] *Al-An'am* 7:152.

[٢] *An-Nisâ'* 4:10.

[٣] *Al-Baqarah* 2:220.

[٤] *An-Nisâ'* 4:10.

his care, and he would keep his food, drink and vessels separate. This caused hardship to the Muslims, so Allâh, the Mighty and Sublime, revealed: "And they ask you concerning orphans. Say: The best thing is to work honestly in their property, and if you mix your affairs with theirs, then they are your brothers"<sup>[1]</sup> (in religion), so it is permissible for you to mix with them. (*Hasan*)

فِي قَوْلِهِ: «إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَيمَ ظُلْمٌ» قَالَ: كَانَ يَكُونُ فِي حَجْرِ الرَّجُلِ الْيَتَيمِ، فَيَعْرِلُ لَهُ طَعَامًا وَسَرَابَةً وَآتَيْهُ، فَشَقَّ ذَلِكَ عَلَى الْمُسْلِمِينَ، فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ «وَإِنْ تُحَايِطُوهُمْ فَإِلَّا يَعْلَمُوكُمْ» [البقرة: ٢٢٠] (في الدين)، فَأَحَلَّ لَهُمْ خُلْطَهُمْ.

تخریج: [حسن] أخرجه ابن أبي حاتم في تفسيره ٣٩٥/٢، ح: ٢٠٨١ من حديث عمران به، وهو في الكبیر، ح: ٦٤٩٧، وانظر الحديث السابق.

#### Comments:

In every society, if there is an orphan or two they reside together with the other members of the household. They eat and drink jointly. This sort of arrangement is advantageous to them also, because if they eat and drink separately, it would entail more expenses. The Arabs also followed the same system. When this Verse was revealed, people were frightened, lest anything belonging to orphans enter our bellies. They, therefore, separated the wealth for the food and drink of the orphans, out of piety and heedfulness of Allâh, though such was not the objective of the Divine law. When this produced several hardships in the society, Allâh, Most High, clarified the situation by revealing another Verse - that if the intention is of well being and sympathy or compassion, there is no harm in keeping them together. The primary objective is the well being of the orphans, whatever way it is achieved

#### Chapter 12. Avoiding Consuming The Orphan's Property

**3701.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Avoid the seven sins that doom one to Hell." It was said: "O Messenger of Allâh, what are they?" He said: "Associating others with Allâh (*Shirk*), magic, killing a soul whom Allâh has forbidden killing, except in cases

(المعجم ١٢) - اجتنابُ أكلِ مَالِ الْيَتَيمِ  
(التحفة ١١)

٣٧٠١ - أَخْبَرَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ قَالَ: حَدَثَنَا ابْنُ وَهْبٍ عَنْ سُلَيْمَانَ بْنِ بِلَالٍ، عَنْ ثَورِ بْنِ يَزِيدَ، عَنْ أَبِي الْغَيْثِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «اجتنبُوا السَّبْعَ الْمُؤِيْقَاتِ». قِيلَ: يَا رَسُولَ اللَّهِ! مَا هِيَ؟ قَالَ: «الشَّرْكُ بِاللَّهِ، وَالسُّحْرُ، وَقَتْلُ

[1] *Al-Baqarah* 2:220.

dictated by Islamic law, consuming *Ribâ*, consuming the property of orphans, fleeing on the day of the march (to battlefield), and slandering chaste women who never even think of anything touching their chastity and are good believers.” (*Sahih*)

النفس التي حرم الله إلا بالحق، وأكل الرّبا، وأكل مال اليتيم، والتّولى يوم الزّحف، وقدف المُحسنات الغافلات المؤمنات».

تخریج: أخرجه مسلم، الإيمان، باب الكبائر وأکبرها، ح: ٨٩ من حديث ابن وهب، والبخاري، الوصايا، باب قول الله تعالى: «إن الذين يأكلون أموال اليتامي ظلما...» إلخ ح: ٢٧٦٦ من حديث سليمان بن بلاط به، وهو في الكبرى، ح: ٦٤٩٨.

## 31. The Book Of Presents (*An-Nihâl*)<sup>[1]</sup>

### Chapter 1. Different Versions Of The Report Of Nu'mân Bin Bashîr Concerning Presents

**3702.** It was narrated from An-Nu'mân bin Bashîr that his father gave him a slave as a present, then he came to the Prophet ﷺ to ask him to bear witness (to that). He said: "Have you given a present to all of your children?" He said: "No." He said: "Then take it back." This wording is that of (one of the narrators) Muhammad. (*Sahîh*)

(المعجم ٣١) - **كتاب النخل**  
(التحفة ١٤)

(المعجم ١) - ذُكْرُ اخْتِلَافِ الْفَاظِ  
النَّاقِلِينَ لِبَعْرِ نُعْمَانَ بْنِ بَشِيرٍ فِي  
النَّحْلِ (التحفة . . .)

٣٧٠٢ - أَخْبَرَنَا قَتِيْبَةُ بْنُ سَعِيدٍ قَالَ:  
حَدَّثَنَا سُفِيَّاً عَنِ الزُّهْرِيِّ، عَنْ حُمَيْدٍ؛ ح  
وَأَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ عَنْ سُفِيَّاً قَالَ:  
سَوْعَنَاهُ مِنَ الزُّهْرِيِّ: أَخْبَرَنِي حُمَيْدُ بْنُ عَبْدِ  
الرَّحْمَنِ وَمُحَمَّدُ بْنُ النَّعْمَانِ عَنْ النَّعْمَانِ بْنِ  
بَشِيرٍ: أَنَّ أَبَاهُ نَحَلَهُ غُلَامًا، فَأَتَى النَّبِيَّ ﷺ  
يُشَهِّدُهُ، فَقَالَ: «أَكُلْ وَلَدَكَ نَحَلَتْ؟» قَالَ:  
لَا، قَالَ: «فَارْدُدْهُ». وَاللَّفْظُ لِمُحَمَّدٍ.

تخریج: آخرجه مسلم، الهبات، باب كراهة تفضیل بعض الأولاد في الهبة، ح: ١١٢٢٣؛  
عن قتيبة، والبخاري، الهبة، باب الهبة للولد، ح: ٢٥٨٦ من حديث الزهرى به، وهو في الكبرى،  
ح: ٦٤٩٩.

### Comments:

1. The tie of relationship between children and father is very close. A slight diversion of it becomes the cause of many evils. Hence, there is guidance from the Divine law that a man ought to treat his children equally so that no one has the feeling of deprivation. Giving a present to one son only might create a feeling of hatred among the other sons toward this son (to whom the present was given) and the father. And its consequences could be formidable. That is why one is forbidden from indulging in such practices, and it has been commanded that a man ought to treat his children equally in giving presents, and not prefer some over others. If one desires to give, each one should be given equally. There is, however, disagreement over whether a daughter and a son be given equally or a son should be given twofold, as is done in the case

[1] *An-Nihâl* or presents; most of the linguists explain that it is something given without expecting something in return. Similar was stated by Ibn Hajar in explanation of Nos. 2586-2587 of *Al-Bukhârî*. It is often used as a synonym for other words that mean "gift."

of inheritance.

2. This equality is only in the matter of gifts and presents. So far as the disbursement of maintenance remains, therein the portion shall be decided accordingly. For instance, each one's expenses concerning food, drink, clothes, education, and marriage, etc., cannot be equal. These would be governed by necessity.

**3703.** It was narrated from An-Nu'mân bin Bashîr that his father brought him to the Messenger of Allâh ﷺ and said: "I have given my son a slave of mine as a present." The Messenger of Allâh ﷺ said: "Have you given a present to all of your children?" He said: "No." The Messenger of Allâh ﷺ said: "Then take (your present) back." (*Sahîh*)

٣٧٠٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ وَسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ عَنْ أَبْنِ الْقَاسِمِ، عَنْ مَالِكٍ، عَنْ أَبْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ وَمُحَمَّدِ أَبْنِ النَّعْمَانِ يُحَدِّثُنِيهِ عَنِ النَّعْمَانِ بْنِ بَشِيرٍ: أَنَّ أَبَاهُ أَتَى بِهِ رَسُولَ اللَّهِ ﷺ فَقَالَ: إِنِّي نَحَلَّتُ ابْنِي غُلَامًا كَانَ لِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَكُلْ وَلَدِكَ نَحَلْتُهُ؟» قَالَ: لَا، قَالَ رَسُولُ اللَّهِ ﷺ: «فَارْجِعْهُ».

تخریج: أخرجه البخاري، ح: ٢٥٨٦، ومسلم، ح: ١٦٢٣ من حديث مالك به (انظر الحديث السابق)، وهو في الموطأ (يحيى): ٢/٧٥٢، ٧٥١، والكبرى، ح: ٦٥٠٠.

### Comments:

In an authentic *Hadîth*, taking back a present after giving is forbidden. But a father may take it back from his own children.

**3704.** It was narrated from An-Nu'mân bin Bashîr that his father Bashîr bin Sa'd brought An-Nu'mân with him and said: "O Messenger of Allâh, I have given this son of mine a slave who belonged to me as a present." The Messenger of Allâh ﷺ said: "Have you given a present to all your children?" He said: "No." He said: "Then take (your present) back." (*Sahîh*)

٣٧٠٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ هَاشِمٍ قَالَ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنِ الرَّهْرِيِّ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ وَعَنْ مُحَمَّدِ بْنِ النَّعْمَانِ، عَنِ النَّعْمَانِ بْنِ بَشِيرٍ: أَنَّ أَبَاهُ بَشِيرَ بْنَ سَعْدٍ جَاءَ بِابْنِهِ النَّعْمَانَ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي نَحَلَّتُ ابْنِي هَذَا غُلَامًا كَانَ لِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَكُلْ بَنِيكَ نَحَلْتُهُ؟» قَالَ: لَا، قَالَ: «فَارْجِعْهُ».

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٥٠١.

**3705.** It was narrated from Bashîr bin Sa'd that he brought An-Nu'mân to the Prophet ﷺ and said: "I want to give this son of mine a slave as a present, and if you think that I should go ahead with it, I will go ahead." The Messenger of Allâh ﷺ said: "Have you given a present to all your children?" He said: "No." He said: "Then take (your present) back." (*Sahîh*)

٣٧٠٥ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ قَالَ: حَدَّثَنَا الْوَلِيدُ عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ أَنَّ مُحَمَّدًا بْنَ النُّعْمَانَ وَحَمِيدًا بْنَ عَبْدِ الرَّحْمَنِ حَدَّثَاهُ عَنْ بَشِيرٍ بْنِ سَعْدٍ: أَنَّهُ جَاءَ إِلَى النَّبِيِّ ﷺ بِالنُّعْمَانَ بْنَ بَشِيرٍ، قَالَ: إِنِّي نَحَلَّتُ ابْنِي هَذَا غُلَامًا فَإِنْ رَأَيْتَ أَنْ تُنْقِدَهُ أَنْفَدْتُهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَكُلُّ بَنِيكَ نَحَلْتَهُ؟» قَالَ: لَا، قَالَ: «فَأَرْدُدُهُ». تخریج: [صحيح] تقدم، ح: ٣٧٠٢، ح: ٦٥٠٢ \* الوليد هو ابن مسلم.

**3706.** It was narrated from An-Nu'mân bin Bashîr that his father gave him a present, and his mother said: "Ask the Prophet ﷺ to bear witness to what you have given to my son." So he came to the Prophet ﷺ and told him about that, and the Prophet ﷺ did not want to bear witness to it. (*Sahîh*)

٣٧٠٦ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنِ النُّعْمَانَ بْنَ بَشِيرٍ: أَنَّ أَبَاهَا نَحَلَّهُ نَحَلَّا، فَقَالَتْ لَهُ أُمُّهُ: أَشْهِدْنَاهُ عَلَى مَا نَحَلَّتُ ابْنِي، فَأَتَى النَّبِيِّ ﷺ فَذَكَرَ ذَلِكَ لَهُ، فَكَرِهَ النَّبِيُّ ﷺ أَنْ يَشْهُدَ لَهُ.

تخریج: أخرجه مسلم، ح: ١٦٢٣ من حديث هشام به (انظر الحديث المتقدم: ٣٧٠٢)، ح: ٦٥٠٤ وهو في الكبri، ح: ٣٧٠٢.

### Comments:

1. 'In order to make him (the Prophet ﷺ) a witness lest other sons might begin to dispute it in future.'
2. '(The Prophet ﷺ) did not like to bear witness over it because it was an injustice, and to bear witness over injustice is synonymous with participation in the act of injustice.'

**3707.** It was narrated from Bashîr that he gave his son a slave as a present, then he came to the Prophet ﷺ and he wanted the Prophet ﷺ to bear witness to that. He said: "Have you given a similar present to all of your children?" He said: "No." He said: "Then take (your present) back." (*Sahîh*)

٣٧٠٧ - أَخْبَرَنَا مُحَمَّدًا بْنُ مَعْنَى قَالَ: حَدَّثَنَا أَبُو عَامِرٍ قَالَ: حَدَّثَنَا شُعبَةُ عَنْ سَعْدٍ - يَسْعِي ابْنَ إِبْرَاهِيمَ، عَنْ عُرْوَةَ، عَنْ بَشِيرٍ: أَنَّهُ نَحَلَّ ابْنَهُ غُلَامًا، فَأَتَى النَّبِيِّ ﷺ، فَأَرَادَ أَنْ يُشْهِدْ النَّبِيَّ ﷺ، فَقَالَ: «أَكُلُّ وَلَدِكَ نَحَلْتُهُ مِثْلَ ذَٰهِ؟» قَالَ: لَا، قَالَ: «فَأَرْدُدُهُ».

تخریج: [صحیح] تقدم، ح: ٣٧٠٢، ٣٧٠٥، ٣٧٠٦، وهو في الكبير، ح: ٦٥٠٣.

**3708.** It was narrated from Hishām bin ‘Urwah, from his father, that Bashīr came to the Prophet ﷺ and said: “O Prophet of Allāh, I have given An-Nu‘mān a present.” He said: “Have you given something to his brothers?” He said: “No.” He said: “Then take it back.” (*Sahīh*)

٣٧٠٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمَ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ عَنْ هِشَامِ ابْنِ عُرْوَةَ، عَنْ أَبِيهِ: أَنَّ بَشِيرًا أَتَى النَّبِيَّ ﷺ، فَقَالَ: يَا نَبِيَّ اللَّهِ! نَحْلَتِ النَّعْمَانَ نَحْلَلَةً، قَالَ: «أَعْطَيْتَ لِأْخْوَيْهِ؟» قَالَ: لَا، قَالَ: «فَارْدُدْهُ». .

تخریج: [صحیح] تقدم، ح: ٣٧٠٥، ٣٧٠٦ \* عبدالله هو ابن المبارك.

**3709.** It was narrated that An-Nu‘mān said that his father took him to the Prophet ﷺ and said: “Bear witness that I have given An-Nu‘mān such and such of my wealth as a gift.” He said: “Have you given all your children a present like that which you have given to An-Nu‘mān?” (*Sahīh*)

٣٧٠٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي الشَّوَّارِبِ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ أَبُونِ زُرْبَعِ - قَالَ: حَدَّثَنَا دَاؤُدُّ عَنِ الشَّعَبِيِّ، عَنِ النَّعْمَانَ قَالَ: انْطَلَقَ إِلَيْهِ أَبُوهُ يَحْمِلُهُ إِلَى النَّبِيِّ ﷺ، قَالَ: اشْهَدْ أَنِّي قَدْ نَحْلَلْتُ النَّعْمَانَ مِنْ مَالِي كَذَا وَكَذَا، قَالَ: «كُلُّ بَنِيكَ نَحْلَلْتُ مِثْلَ الَّذِي نَحْلَلْتُ النَّعْمَانَ؟». .

تخریج: [إسناده صحيح] أخرجه ابن ماجه، الهبات، باب الرجل ينحل ولده، ح: ٢٣٧٥ من حديث يزيد بن زريع به، وأخرجه مسلم، ح: ١٧/١٦٢٣ (انظر الحديث المتقدم: ٣٧٠٢) من حديث داود بن أبي هند به، وهو في الكبير، ح: ٦٥٠٦، وأخرجه البخاري، ح: ٢٦٥٠، ٢٥٨٧، من حديث الشعبي به.

**3710.** It was narrated from An-Nu‘mān that his father brought him to the Prophet ﷺ to bear witness to a present that he gave to him. He said: “Have you given all your children a present like that which you have given to him?” He said: “No.” He said: “I will not bear witness to anything. Will it not please you if they were all to treat you with equal respect?” He said: “Of course.” He said: “Then no (I will not do it).” (*Sahīh*)

٣٧١٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُتَّنَّى عَنْ عَبْدِ الْوَهَّابِ قَالَ: حَدَّثَنَا دَاؤُدُّ عَنْ عَامِرٍ، عَنِ النَّعْمَانَ: أَنَّ أَبَاهُ أَتَى إِلَيْهِ يَحْمِلُهُ يُسْهِدُ عَلَى نُحْلِ نَحْلَةَ إِيَّاهُ، فَقَالَ: «أَكُلُّ وَلَدَكَ نَحْلَلَتْ مِثْلُ الَّذِي نَحْلَلْتُ؟» قَالَ: لَا، قَالَ: «فَلَا أَشْهُدُ عَلَى شَيْءٍ، أَتَنْسِي يَسْرُكَ أَنْ يَكُونُوا إِلَيْكَ فِي الْأَرْضِ سَوَاءً؟» قَالَ: بَلَى، قَالَ: «فَلَا إِذَا». .

تخریج: [إسناده صحيح] انظر الحديث السابق، وهو في الكبير، ح: ٦٥٠٧ \* عامر هو الشعبي، وداود هو ابن أبي هند، وعبدالوهاب هو الثقفي.

**3711.** An-Nu'mân bin Bashîr Al-Anshâ'î narrated that his mother, the daughter of Rawâhah, asked his father to give some of his wealth to her son. He deferred that for a year, then he decided to give it to him. She said: "I will not be pleased until you ask the Messenger of Allâh ﷺ to bear witness." He said: "O Messenger of Allâh, the mother of this boy, the daughter of Rawâhah, insisted that I give a gift to him." The Messenger of Allâh ﷺ said: "O Bashîr, do you have any other children besides this one?" He said: "Yes." The Messenger of Allâh ﷺ said: "Have you given all of them a gift like that which you have given to this son of yours?" He said: "No." The Messenger of Allâh ﷺ said: "Then do not ask me to bear witness, for I will not bear witness to unfairness." (*Sahîh*)

٣٧١١ - أَخْبَرَنَا مُوسَى بْنُ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ قَالَ: حَدَّثَنَا أَبُو حَيَّانَ عَنِ الشَّعْبِيِّ قَالَ: حَدَّثَنِي التَّعْمَانُ بْنُ بَشِيرٍ الْأَنْصَارِيُّ: أَنَّ أُمَّةً ابْنَةَ رَوَاحَةَ سَأَلَتْ أَبَاهُ بَعْضَ الْمُؤْهِبَةِ مِنْ مَالِهِ لِابنِهَا فَأَنْتَوْيَ يَهْبَأْ سَنَةً، ثُمَّ بَدَا لَهُ فَوَهْبَهَا لَهُ، فَقَالَتْ: لَا أَرْضَى حَتَّى تُشَهِّدَ رَسُولُ اللَّهِ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّ أُمَّمَ هَذَا ابْنَةَ رَوَاحَةَ قَاتَلَنِي عَلَى الَّذِي وَهَبْتُ لَهُ فَقَالَ رَسُولُ اللَّهِ ﷺ: «يَا بَشِيرُاً أَلَكَ وَلَدٌ سِوَى هَذَا؟» قَالَ: نَعَمْ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَفَكُلُّهُمْ وَهَبْتَ لَهُمْ مِثْلَ الَّذِي وَهَبْتَ لِابنِكَ هَذَا؟» قَالَ: لَا، قَالَ رَسُولُ اللَّهِ ﷺ: «فَلَا تُشَهِّدْنِي إِذَا، فَإِنِّي لَا أَشَهُدُ عَلَى جَوْرٍ».

تخریج: [صحيح] تقدم، ح: ٣٧٠٣، ٣٧٠٢ وغيرهما، وهو في الكبير، ح: ٦٥٠٨ \* أبو حيان وهو التيمي.

#### Comment:

'Call me not as witness': This does not signify that one should call someone else as witness, rather this is a way of scolding not to do such a thing. It occurs in the Qur'an: "Let, then, him who wills, believe in it, and let him who wills, reject it." (18: 29) That is why it was called injustice, and injustice is forbidden.

**3712.** It was narrated that An-Nu'mân said: "My mother asked my father for a gift and he gave it to me. She said: 'I will not be contented until you ask the Messenger of Allâh ﷺ to bear witness.' So my father took me by

٣٧١٢ - أَخْبَرَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا يَعْلَى قَالَ: حَدَّثَنَا أَبُو حَيَّانَ عَنِ الشَّعْبِيِّ، عَنِ الْعَمَانِ قَالَ: سَأَلَتْ أُمِّي أَبِي بَعْضَ الْمُؤْهِبَةِ فَوَهَبَهَا لِي، فَقَالَتْ: لَا أَرْضَى حَتَّى أَشَهُدَ رَسُولَ اللَّهِ ﷺ، قَالَ: فَأَخَذَ أَبِي بَيْدَيِ وَأَنَا

the hand, as I was still a boy, and went to the Messenger of Allâh ﷺ. He said: ‘O Messenger of Allâh, the mother of this boy, the daughter of Rawâhah, asked me for a gift, and she wanted me to ask you to bear witness to that.’ He said: ‘O Bashîr, do you have any other child apart from this one?’ He said: ‘Yes.’ He said: ‘Have you given him gifts like that which you have given to this one?’ He said: ‘No.’ He said: ‘Then do not ask me to bear witness, for I will not bear witness to unfairness.’” (*Sahîh*)

\* تخریج: [صحیح] انظر الحديث السابق، وح: ٣٧٠٩، وهو في الکبری، ح: ٦٥٠٩. أبو داود هو الحرجاني، ويعلى هو ابن عبید.

**3713.** It was narrated that ‘Âmir said: “I was told that Bashîr bin Sa‘d came to the Messenger of Allâh ﷺ and said: ‘O Messenger of Allâh, my wife ‘Amrah bint Rawâhah told me to give a gift to her son Nu‘mân, and she told me to ask you to bear witness to that.’ The Prophet ﷺ said: ‘Do you have any other children?’ He said: ‘Yes.’ He said: ‘Have you given them something like that which you have given to this one?’ He said: ‘No.’ He said: ‘Then do not ask me to bear witness to unfairness.’” (*Sahîh*)

\* تخریج: [صحیح] تقدم، ح: ٣٧٠٥ وغیره، وهو في الکبری، ح: ٦٥١٠. عامر هو الشعبي، وإسماعيل هو ابن أبي خالد، ومحمد بن عبید هو الطنافسي.

**3714.** It was narrated from ‘Abdullâh bin ‘Utbah bin Mas‘ûd that a man came to the Prophet ﷺ and said: “I have given a gift to my son, so bear witness.” He said: “Do

عَلَامْ فَأَتَى رَسُولَ اللَّهِ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّ أُمًّا هَذَا ابْنَةً رَوَاحَةً طَلَبَتْ مِنِّي بَعْضَ الْمَوْهِبَةِ، وَقَدْ أَعْجَبَهَا أَنْ أَشْهَدَكَ عَلَى ذَلِكَ، قَالَ: «يَا بَشِيرًا! أَلَكَ ابْنٌ غَيْرُ هَذَا؟» قَالَ: نَعَمْ، قَالَ: «فَوَهَبْتَ لَهُ مِثْلَ مَا وَهَبْتَ لِهِذَا؟» قَالَ: لَا، قَالَ: «فَلَا تُشْهِدْنِي إِذَا، فَإِنِّي لَا أَشْهَدُ عَلَى جَوْرٍ».

**3713 -** أَخْبَرَنَا أَحْمَدُ بْنُ شَلَيمَانَ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ عَامِرٍ قَالَ: أَخْبَرْتُ أَنَّ بَشِيرَ بْنَ سَعْدَ أَتَى رَسُولَ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّ امْرَأَتِي عُمْرَةً بَنَتْ رَوَاحَةً أَمْرَتْنِي أَنْ أَتَصَدِّقَ عَلَى ابْنِهَا نُعْمَانَ بِصَدَقَةٍ، وَأَمْرَتْنِي أَنْ أَشْهَدَكَ عَلَى ذَلِكَ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «هَلْ لَكَ بَنُونَ سِوَاهُ؟» قَالَ: نَعَمْ، قَالَ: «فَأَعْطِيَتْهُمْ مِثْلَ مَا أَعْطَيْتَ لِهِذَا؟» قَالَ: لَا، قَالَ: «فَلَا تُشْهِدْنِي عَلَى جَوْرٍ».

**3714 -** أَخْبَرَنَا أَحْمَدُ بْنُ شَلَيمَانَ قَالَ: حَدَّثَنَا أَبُو عُبَيْدٍ قَالَ: حَدَّثَنَا رَجَرِيَا عَنْ عَامِرٍ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْتَةَ بْنِ مَسْعُودٍ؛ حَ أَخْبَرَنَا

you have any other children?" He said: "Yes." He said: "Have you given them something like that which you have given him?" He said: "No." He said: "Shall I bear witness to unfairness?" (*Sahîh*)

مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ عَنْ زَكَرِيَّا، عَنْ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ: أَنَّ رَجُلًا جَاءَ إِلَى النَّبِيِّ ﷺ - وَقَالَ مُحَمَّدٌ: أَتَى النَّبِيُّ ﷺ - فَقَالَ: إِنِّي تَصَدَّقْتُ عَلَى ابْنِي بِصَدَقَةٍ فَأَشْهَدُ، فَقَالَ: «هَلْ لَكَ وَلَدٌ غَيْرُهُ؟» قَالَ: نَعَمْ، قَالَ: «أَعْطَيْتَهُمْ كَمَا أَعْطَيْتِهِ؟» قَالَ: لَا، قَالَ: «أَأَشْهُدُ عَلَى جَوْرِ؟!».

تخریج: [صحیح] وهو في الکبری، ح: ۶۵۱۱، وللحديث شواهد عند البخاری، ح: ۲۶۵۰، وانظر الأحادیث السابقة.

**3715.** An-Nu'mâن bin Bashîr said: "My father took me to the Prophet ﷺ to ask him to bear witness to something that he had given to me. He said: 'Do you have any other children?' He said: 'Yes.' He gestured with his hand held horizontally like this, (saying): 'Why don't you treat them all equally?'" (*Sahîh*)

٣٧١٥ - أَخْبَرَنَا عَيْدُ اللَّهِ بْنُ سَعِيدٍ عَنْ يَحْيَى، عَنْ فَطْرِي قَالَ: حَدَّثَنِي مُسْلِمُ بْنُ صُبَيْحٍ قَالَ: سَمِعْتُ النَّعْمَانَ بْنَ يَشِيرَ يَقُولُ: ذَهَبَ بِي أَبِي إِلَى النَّبِيِّ ﷺ يُشَهِّدُ عَلَى شَيْءٍ أَعْطَانِيهِ، فَقَالَ: «أَلَكَ وَلَدٌ غَيْرُهُ؟» قَالَ: نَعَمْ، وَصَفَّ بِيَدِهِ يَكْفِهِ أَجْمَعَ كَذَا: «أَلَا سَوَّيْتَ بَيْنَهُمْ». .

تخریج: [إسناده صحيح] أخرجه أحمـد: ۴/ ۲۶۸، ۲۷۶ من حديث فطر بن خليفة به، وهو في الکبری، ح: ۶۵۱۲.

**3716.** An-Nu'mâن said, when he was delivering a *Khutbah*: "My father took me to the Messenger of Allâh to ask him to bear witness to a gift that he had given me. He said: 'Do you have any other children besides him?' He said: 'Yes.' He said: 'Treat them equally.'" (*Sahîh*)

٣٧١٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنْ فَطْرِي، عَنْ مُسْلِمٍ بْنِ صُبَيْحٍ قَالَ: سَمِعْتُ النَّعْمَانَ بْنَ يَشِيرَ يَقُولُ وَهُوَ يَخْطُبُ: انْطَلَقْ بِي أَبِي إِلَى رَسُولِ اللَّهِ ﷺ يُشَهِّدُ عَلَى عَطْيَةٍ أَعْطَانِيهَا، فَقَالَ: «هَلْ لَكَ بَنُوَادِي؟» قَالَ: نَعَمْ، قَالَ: «سَوَّيْتَ بَيْنَهُمْ». .

تخریج: [إسناده صحيح] انظر الحديث السابق، وهو في الکبری، ح: ۶۵۱۳ \* عبدالله هو ابن المبارك.

**3717.** An-Nu'mân bin Bashîr delivered a *Khutbah* and said: "The Messenger of Allâh ﷺ said: 'Treat your children fairly, treat your children fairly.'" (*Sahih*)

٣٧١٧ - أَخْبَرَنَا يَعْقُوبُ بْنُ سُفْيَانَ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا حَمَادُ ابْنُ زَيْدٍ عَنْ حَاجِبِ بْنِ الْمُقْضَلِ بْنِ الْمُهَلَّبِ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ النَّعْمَانَ بْنَ بَشِيرٍ يَخْطُبُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَعْدِلُوا بَيْنَ أَبْنَائِكُمْ، اغْدِلُوا بَيْنَ أَبْنَائِكُمْ».»

تخریج: [إسناده صحيح] أخرجه أبو داود، البيوع، باب: في الرجل يفضل بعض ولده، ح: ٣٥٤٤ من حديث سليمان بن حرب به، وأصله متفق عليه، وهو في الكبرى، ح: ٦٥١٤ .

كتاب الهبة  
(المعجم ٣٢) -  
(التحفة ١٥)

## 32. The Book Of Gifts (*Al-Hibah*)<sup>[1]</sup>

### Chapter 1. A Gift Given To Everyone

كتاب الهبة  
(المعجم ١) - هبة المشاع (التحفة ١)

#### Comments:

A *Hiba* is defined as the transfer of the possession of property from one person to the other, providing it is done without the intention of getting reward. If it is done with the intention of gaining reward or *Thawâb*, then it is called charity or *Sadaqah*. Sometimes, both these terms are used interchangeably for each other.

**3718.** It was narrated from ‘Amr bin Shu‘aib, from his father, that his grandfather said: “We were with the Messenger of Allâh ﷺ when the delegation of Hawâzin came to him and said: ‘O Muhammad! We are one of the ‘Arab tribes and a calamity has befallen us of which you are well aware. Do us a favor, may Allâh bless you.’ He said: ‘Choose between your wealth or your women and children.’<sup>[2]</sup> They said: ‘You have given us a choice between our families and our wealth; we choose our women and children.’ The Messenger of Allâh ﷺ said: ‘As for that which was allocated to myself and to Banu ‘Abdul-Muṭṭalib, it is yours. When I have prayed *Zuhr*, stand up and say: “We seek the help of the Messenger of Allâh in dealing with the believers, or the Muslims, with

٣٧١٨ - أَخْبَرَنَا عَمْرُو بْنُ يَزِيدَ قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ مُحَمَّدٍ بْنِ إِسْحَاقَ، عَنْ عَمْرُو بْنِ شُعْبِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: كُنَّا عِنْدَ رَسُولِ اللَّهِ ﷺ إِذْ أَتَتْهُ وَفْدٌ هَوَازِنَ، فَقَالُوا: يَا مُحَمَّدُ! إِنَّا أَصْلُ وَعَشِيرَةً، وَقَدْ نَزَّلَنَا مِنَ الْبَلَاءِ مَا لَا يَغْفِي عَيْنَكَ، فَامْنُنْ عَلَيْنَا مِنْ اللَّهِ عَيْنَكَ، فَقَالَ: «اخْتَارُوا مِنْ أَمْوَالِكُمْ أَوْ مِنْ نِسَائِكُمْ وَأَبْنَائِكُمْ» فَقَالُوا: [فَدْ] حَيْرَتَنَا بَيْنَ أَخْسَابِنَا وَأَمْوَالِنَا بَلْ تَخْتَارُ نِسَاءَنَا وَأَبْنَائَنَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَمَّا مَا كَانَ لِي وَلِتَنِي عَبْدُ الْمُطَّلِبِ فَهُوَ لَكُمْ، فَإِذَا صَلَّيْتُ الظُّهُرَ قَوْمًا قَوْلُوا: إِنَّا نَشْتَرِي عَلَى الْمُؤْمِنِينَ أَوِ الْمُسْلِمِينَ فِي نِسَائِنَا وَأَبْنَائِنَا» فَلَمَّا صَلَّوْا الظُّهُرَ قَامُوا قَالُوا ذَلِكَ،

<sup>[1]</sup> A more general term for “gift” than *Nihâl*, and it is used in the previous chapter, where the narrations state a “gift” rather than a present.

<sup>[2]</sup> The meaning becomes clear in the remainder of the narration.

regard to our women and children.''' So when they prayed *Zuhr*, they stood up and said that. The Messenger of Allâh ﷺ said: 'As for that which was allocated to myself and to Banu 'Abdul-Mu'talib, it is yours.' The *Muhâjirûn* said: 'That which was allocated to us is for the Messenger of Allâh ﷺ.' The *Anshâr* said: 'That which was allocated to us is for the Messenger of Allâh ﷺ.' Al-Aqra' bin Hâabis said: 'As for myself and Banu Tamîm, then no (we will not give it up).' Uyaynah bin Hîshân said: 'As for myself and Banu Fazârah, then no (we will not give it up).' Al-'Abbâs bin Mirdâs said: 'As for myself and Banu Sulaim, then no (we will not give it up).' Banu Sulaim stood up and said: 'You lied; whatever was allocated to us, it is for the Messenger of Allâh ﷺ.' The Messenger of Allâh ﷺ said: 'O people, give their women and children back to them. Whoever gives back anything of these spoils of war, he will have six camels from the spoils of war that Allâh grants us next.' Then he mounted his riding-animal and the people surrounded him, saying: 'Distribute our spoils of war among us.' They made him go back toward a tree on which his *Ridâ'* (upper-wrap) got caught. He said: 'O people! Give me back my *Ridâ'*. By Allâh! If there were cattle as many in number as the trees of Tihâmah I would distribute them among you, then you would not find me a miser, a coward or a liar.' Then he went to a camel and took a hair from its hump between two of his

فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَمَا كَانَ لِي وَلِبَنِي عَبْدِ الْمُطَلِّبِ فَهُوَ لَكُمْ». قَالَ الْمُهَاجِرُونَ: وَمَا كَانَ لَنَا فَهُوَ لِرَسُولِ اللَّهِ ﷺ، وَقَالَ الْأَنْصَارُ: مَا كَانَ لَنَا فَهُوَ لِرَسُولِ اللَّهِ ﷺ، فَقَالَ الْأَفْقَعُ بْنُ حَابِسٍ: أَمَّا أَنَا وَبَنُو تَوِيمٍ فَلَا، وَقَالَ عَيْشَةُ بْنُ حِصْنٍ: أَمَّا أَنَا وَبَنُو فَرَازَةَ فَلَا، وَقَالَ الْعَبَاسُ بْنُ مِرْدَاسٍ: أَمَّا أَنَا وَبَنُو سُلَيْمٍ فَلَا، فَقَامَتْ بْنُو سُلَيْمٍ فَقَالُوا: كَذَبْتَ مَا كَانَ لَنَا فَهُوَ لِرَسُولِ اللَّهِ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «يَا أَيُّهَا النَّاسُ! رُدُوا عَلَيْهِمْ نِسَاءُهُمْ وَأَبْنَاءُهُمْ، فَمَنْ تَمَسَّكَ مِنْ هَذَا الْقَوْمَ بِشَيْءٍ فَلَهُ سِتُّ فَرَائِضٍ مِنْ أَوَّلِ شَيْءٍ يُفِيهُ اللَّهُ [غَزَّ وَجَلَّ] عَلَيْنَا» وَرَكِبَ رَاحِلَتَهُ وَرَكِبَ النَّاسُ، اقْسَمَ عَلَيْنَا فَيَقُولُ، فَالْجَاؤُوهُ إِلَى شَجَرَةِ حَطَّافَتِ رِدَاعَهُ، قَالَ: «يَا أَيُّهَا النَّاسُ! رُدُوا عَلَيَّ رِدَاعِي، فَوَاللَّهِ! لَوْ أَنَّ لَكُمْ سَجَرَ تِهَامَةَ نَعْمَمًا قَسْنَتَهُ عَلَيْكُمْ ثُمَّ لَمْ تَلْقُونِي بِخِيلٍ وَلَا جَبَانًا وَلَا كَذُوبًا» ثُمَّ أَتَى بَعِيرًا فَأَخْدَمَ مِنْ سَنَامِهِ وَبَرَّةَ بَيْنَ أَضْبَعَيْهِ ثُمَّ يَقُولُ: «هَا إِنَّهُ لَيْسَ لِي مِنَ الْقَوْمِ شَيْءٌ وَلَا هُدُو إِلَّا حُمْسٌ، وَالْحُمْسُ مَرْدُودٌ فِيَّكُمْ» فَقَامَ إِلَيْهِ رَجُلٌ يَكْبِيَهُ مِنْ شَعِيرٍ فَقَالَ: يَا رَسُولَ اللَّهِ! أَخَذْتُ هُدُو لِأَصْلِحَ بِهَا بَرَدَعَةً بَعِيرَ لِي، قَالَ: «أَمَّا مَا كَانَ لِي وَلِبَنِي عَبْدِ الْمُطَلِّبِ فَهُوَ لَكَ» قَالَ: أَوْ بَلَغْتُ هُدُو؟ فَلَا أَرْبَطُ لِي فِيهَا، فَنَبَذَهَا وَقَالَ: «يَا أَيُّهَا النَّاسُ! أَدُّوا الْخِيَاطَ وَالْمِحْيَطَ، فَإِنَّ الْغُلُولَ يُثْكُنُ عَلَى أَهْلِهِ غَارًا وَشَنَارًا يَوْمَ الْقِيَامَةِ».

fingers and said: ‘Look! I do not have any of the spoils of war. All I have is the *Khums*, and the *Khums* will be given back to you.’ A man stood up holding a ball of yarn made from goat hair and said: ‘O Messenger of Allâh, I took this to fix my camel-saddle.’ He said: ‘What was allocated to myself and to Banu ‘Abdul-Muttalib is for you.’ He said: ‘Is this so important? I don’t need it! And he threw it down.’ He said: ‘O people! Give back even needles large and small, for *Al-Ghulûl*<sup>[1]</sup> will be (a source of) shame a disgrace for those who took it on the Day of Resurrection.’” (*Hasan*)

تخریج: [إسناده حسن] أخرجه أبو دادو، الجهاد، باب: في فداء الأسير بالمال، ح: ٢٦٩٤ من حديث حماد بن سلمة به، وهو في الكبرى، ح: ٦٥١٥ \* ابن إسحاق صرخ بالسماع عند ابن الجارود، ح: ١٠٨٠ وغيره، والحديث في السيرة لابن هشام، ح: ٢٠٣ بتحقيقه.

### Comments:

1. This incident belongs to the Battle of Hunain. After the Conquest of Makkah, Allâh’s Messenger ﷺ came to know that Banu Hawâzin, etc., were assembling an army to challenge the Muslims. Allâh’s Messenger ﷺ decided to fight them. When the battle was fought, Banu Hawâzin met with defeat. Their wives, children, camels, goats, almost everything fell into the hands of the Muslims, because of their foolhardiness.
2. ‘Myself and to Banu Abdul Muttalib’: These words posit the theme of the chapter that the shares of his (the Prophet ﷺ) and Abdul Muttalib’s household were not separate. It was rather included in its totality, which Allâh’s Messenger ﷺ gifted or pardoned. Hence, making a gift of a shared thing is lawful.

### Chapter 2. A Father Taking Back That Which He Gave To His Son, And Mentioning The Varying Reports Of The Narrators For The Report On That

3719. It was narrated from ‘Amr bin Shu‘aib, from his father, that

(المعجم ٢) - رُجُوعُ الْوَالِدِ فِيمَا يُعْطِي  
وَلَدُهُ وَذِكْرُ اخْتِلَافِ النَّاَقِلِينَ لِلْحَبْرِ فِي  
ذَلِكَ (التحفة ٢)

- أَخْبَرَنَا أَحْمَدُ بْنُ حَقْصِنَ قَالَ:  
حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي إِبْرَاهِيمُ عَنْ سَعِيدٍ

[1] Things pilfered from the spoils of war prior to their distribution.

his grandfather said: "The Messenger of Allāh ﷺ said: 'No one should take back his gift except a father (taking back a gift) from his son. The one who takes back his gift is like one who goes back to his vomit.'" (*Sahīh*)

ابن أبي عروبة، عن عامر الأحول، عن  
عمر وبن شعيب، عن أبيه، عن جدّه قال:  
قال رَسُولُ اللهِ ﷺ: «لَا يَرْجِعُ أَحَدٌ فِي هِبَةٍ  
إِلَّا وَالدُّ مِنْ وَلَدِهِ، وَالْعَائِدُ فِي هِبَةٍ كَالْعَائِدِ  
فِي قَيْمَهِ».

تخریج: [صحيح] أخرجه ابن ماجه، الهبات، باب من أعطى ولده ثم رجع فيه، ح: ٢٣٧٨  
من حديث سعيد بن أبي عروبة به، وتابعه عبدالوارث عن عامر به، والبيهقي: ٦٧٩ \* عبد الأعلى  
عند ابن ماجه، وهو في الكبير، ح: ٦٥١٦ \* إبراهيم هو ابن طهمان.

### Comments:

We learn two issues from this narration: (1) Taking back or returning in the matter of gift is unlawful. (2) For a father, returning or taking back is permissible.

**3720.** It was narrated from Ibn ‘Umar and Ibn ‘Abbâs, who attributed the *Hadîth* to the Prophet ﷺ: "It is not permissible for a man to give a gift and then take it back except a father taking back what he gave to his son. The likeness of the one who gives a gift then takes it back is that of the dog which eats until it is full, then it vomits, and goes back to its vomit." (*Hasan*)

٣٧٢٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُشَنِّي قَالَ:  
حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ حُسَيْنٍ، عَنْ عَمْرٍو  
ابن شعيب، قال: حدثني طاؤس عن ابن  
عمر وابن عباس يرتفعان الحديث إلى النبي  
ﷺ قال: «لَا يَحِلُّ لِرَجُلٍ يُعْطِي عَطْيَةً ثُمَّ  
يَرْجِعُ فِيهَا إِلَّا الوَالِدُ فِيمَا يُعْطِي وَلَدَهُ، وَمَثَلُ  
الَّذِي يُعْطِي عَطْيَةً ثُمَّ يَرْجِعُ فِيهَا كَمَثَلِ الْكَلْبِ  
أَكَلَ حَتَّى إِذَا شَيَعَ قَاءَ ثُمَّ عَادَ فِي قَيْمَهِ».

تخریج: [إسناده حسن] أخرجه أبو دادو، الجهاد، باب: في فداء الأسير بالمال، ح: ٢٦٩٤  
من حديث حماد بن سلمة به، وهو في الكبير، ح: ٦٥١٥ \* ابن إسحاق صرح بالسماع عند ابن  
الجارود، ح: ١٠٨٠ وغيره، والحديث في السيرة لابن هشام، ح: ٢٠٣ بتحقيقه.

**3721.** It was narrated that Ibn ‘Abbâs said: "The Messenger of Allāh ﷺ said: 'The one who takes back his gift is like the dog which vomits then goes back to its vomit.'" (*Sahīh*)

٣٧٢١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ  
الْخَلَنِيِّ الْمَقْدِسِيُّ قَالَ: حَدَّثَنَا أَبُو سَعِيدٍ -  
وَهُوَ مَوْلَى بَنِي هَاشِمٍ - عَنْ وُهَيْبٍ قَالَ:  
حَدَّثَنَا ابْنُ طاؤسٍ عَنْ أَبِيهِ عَنْ ابْنِ عَبَّاسٍ  
قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْعَائِدُ فِي هِبَةٍ  
كَالْكَلْبِ يَقْيَئُ ثُمَّ يَعُودُ فِي قَيْمَهِ».

تخریج: أخرجه البخاري، الهبة، باب هبة الرجل لامرأته والمرأة لزوجها، ح: ٢٥٨٩، ومسلم، الهبات، باب تحريم الرجوع في الصدقة بعد القبض إلا ما وهبه، لولده وإن سفل، ح: ١٦٢٢ من حديث وهيب بن خالد به، وهو في الكبرى، ح: ٦٥٢١.

**3722.** It was narrated that Tâwûs said: "The Messenger of Allâh ﷺ said: 'It is not permissible for anyone to give a gift then take it back, except from one's son.'" Tâwûs said: "When I was young I used to hear (the phrase), 'The one who goes back to his vomit,' but we did not realize that this was a similitude." He said: "The likeness of the one who does that is that of a dog which eats then vomits, then goes back to its vomit." (*Sahîh*)

تخریج: [صحيح] أو هو في الكبرى، ح: ٦٥٢٢، وللحديث شواهد كثيرة، منها الأحاديث السابقة # عبدالله هو ابن المبارك.

### Chapter 3. Mentioning The Different Reports From 'Abdullâh Bin 'Abbâs About It

**3723.** 'Abdullâh bin 'Abbâs said: "The Messenger of Allâh ﷺ said: 'The likeness of the one who takes back his gift, is that of a dog which goes back to its vomit and eats it.'" (*Sahîh*)

تخریج: أخرجه مسلم، الهبات، باب تحريم الرجوع في الصدقة بعد القبض ... الخ، ح: ١٦٢٢ من حديث الأوزاعي، أخرجه البخاري، الهبة، باب: لا يحل لأحد أن يرجع في هبة وصدقته، ح: ٢٦٢١ من حديث سعيد بن المسيب به، وهو في الكبرى، ح: ٦٥٢٣.

**3724.** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said:

٣٧٢٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ خَاتِمٍ قَالَ: حَدَّثَنَا جِبَانٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ عَنْ إِبْرَاهِيمَ ابْنِ نَافِعٍ، عَنِ الْحَسَنِ بْنِ مُسْلِمٍ، عَنْ طَاؤْسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا يَحِلُّ لِأَحَدٍ أَنْ يَهَبَ هَبَةً ثُمَّ يَرْجِعَ فِيهَا إِلَّا مِنْ وَلَيْهِ قَالَ طَاؤْسٌ: كُنْتُ أَسْمَعَ وَآتَى صَغِيرًا: عَائِدًا فِي قَيْئِهِ فَلَمْ تَذَرْ أَنَّهُ ضَرَبَ لَهُ مَثَلًا قَالَ: «فَإِنْ فَعَلَ ذَلِكَ فَمَثَلُهُ كَمَثْلِ الْكَلْبِ يَأْكُلُ ثُمَّ يَقْيِعُ ثُمَّ يَعُودُ فِي قَيْئِهِ».

(المعجم ٣) - ذُكِرَ الاختلاف لِحَبْرٍ عَبْدِ اللهِ ابْنِ عَبَّاسٍ فِيهِ (التحفة ٢) - أ

٣٧٢٣ - أَخْبَرَنَا مَحْمُودُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا عُمَرُ عَنِ الْأَوْزَاعِيِّ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ عَلَيٍّ بْنِ حُسَيْنٍ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيْبِ قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَثَلُ الَّذِي يَرْجِعُ فِي صَدَقِهِ كَمَثْلِ الْكَلْبِ يَرْجِعُ فِي قَيْئِهِ فَيَأْكُلُهُ».

تخریج: أخرجه مسلم، الهبات، باب تحريم الرجوع في الصدقة بعد القبض ... الخ، ح: ١٦٢٢ من حديث الأوزاعي، أخرجه البخاري، الهبة، باب: لا يحل لأحد أن يرجع في هبة وصدقته، ح: ٢٦٢١ من حديث سعيد بن المسيب به، وهو في الكبرى، ح: ٦٥٢٣.

"The likeness of the one who gives a gift then takes it back, is that of a dog which vomits, then goes back to its vomit and eats it." (*Sahîh*)

حَدَّثَنَا عَبْدُ الصَّمْدِ قَالَ: حَدَّثَنَا حَرْبٌ - وَهُوَ ابْنُ شَدَّادٍ - قَالَ: حَدَّثَنِي يَحْيَى - هُوَ ابْنُ أَبِي كَثِيرٍ - قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ عَمْرِو - هُوَ الْأَوْزَاعِيُّ - أَنَّ مُحَمَّدَ بْنَ عَلَيٍّ بْنَ حُسْنِي ابْنَ فَاطِمَةَ بِنْتِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَدَّثَهُ عَنْ سَعِيدِ ابْنِ الْمُسَيْبِ، عَنْ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَثُلُ الَّذِي يَصَدِّقُ بِالصَّدَقَةِ ثُمَّ يَرْجُعُ فِيهَا كَمَلِ الْكَلْبِ قَاءُ ثُمَّ عَادَ فِي قَيْئِهِ فَأَكَلَهُ». تخریج: [صحيح] انظر الحديث السابق، وهو في الكبیر، ح: ٦٥٢٤.

**3725.** It was narrated from ‘Abdullâh bin ‘Abbâs that the Messenger of Allâh ﷺ said: "The likeness of the one who takes back his gift is that of a dog which vomits, then goes back to its vomit." (One of the narrators) Al-Awzâ‘î said: "I heard him<sup>[1]</sup> narrating this *Hadîth* to ‘Atâ’ bin Abî Rabâh." (*Sahîh*)

٣٧٢٥ - أَخْبَرَنَا الْهَيْمَنُ بْنُ مَرْوَانَ بْنِ الْهَيْمَنَ بْنِ عِمْرَانَ قَالَ: حَدَّثَنَا مُحَمَّدٌ - وَهُوَ ابْنُ بَكَارٍ بْنِ يَلَالٍ - قَالَ: حَدَّثَنَا يَحْيَى عَنِ الْأَوْزَاعِيِّ أَنَّ مُحَمَّدَ بْنَ عَلَيٍّ بْنَ الْمُسَيْبِ حَدَّثَهُ عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَثُلُ الَّذِي يَرْجُعُ فِي صَدَقَتِهِ كَمَلِ الْكَلْبِ يَقِيُّ ثُمَّ يَعُودُ فِي قَيْئِهِ» قَالَ الْأَوْزَاعِيُّ: سَمِعْتُهُ يُحَدِّثُ عَطَاءَ ابْنَ أَبِي رَبَاحٍ بِهَذَا الْحَدِيثِ.

تخریج: [صحيح] انظر الحديثين السابقين، وهو في الكبیر، ح: ٦٥٢٥ \* يحيى هو ابن حمزة.

**3726.** It was narrated from Ibn ‘Abbâs that the Prophet ﷺ said: "The one who takes back his gift is like the one who goes back to his vomit." (*Sahîh*)

٣٧٢٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُنْتَشِي قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الْعَايِدُ فِي هَبَّتِهِ كَالْعَايِدِ فِي قَيْئِهِ». <sup>[1]</sup>

<sup>[1]</sup> Muhammad bin ‘Ali bin Al-Husain.

تخریج: [صحيح] تقدم، ح: ٣٧٢٣، وهو في الكبرى، ح: ٦٥٢٦.

**3727.** It was narrated that Ibn 'Abbâs said: "The one who takes back his gift is like the one who goes back to his vomit." (*Sahîh*)

٣٧٢٧ - أَخْبَرَنَا أَبُو الْأَشْعَثَ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْعَائِدُ فِي هِبَّتِهِ كَالْعَائِدِ فِي قَيْمَتِهِ».

تخریج: [صحيح] تقدم، ح: ٣٧٢٣، وهو في الكبرى، ح: ٦٥٢٧.

**3728.** It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'It does not befit us to leave bad examples. The one who takes back his gift is like the one who goes back to his vomit.'" (*Sahîh*)

٣٧٢٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ - وَهُوَ سُلَيْمَانُ بْنُ حَيَّانَ - عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ أَيُوبَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ لَنَا مَثَلُ السَّوْءِ، الْعَائِدُ فِي هِبَّتِهِ كَالْعَائِدِ فِي قَيْمَتِهِ».

تخریج: أخرجه البخاري، الهبة، باب: لا يحل لأحد أن يرجع في هبته وصدقته، ح: ٢٦٢٢ من حديث أيوب السختياني به، وهو في الكبرى، ح: ٦٥٢٨.

**3729.** It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'It does not befit us to leave bad examples. The one who takes back his gift is like the dog which goes back to its vomit.'" (*Sahîh*)

٣٧٢٩ - أَخْبَرَنَا عَمْرُو بْنُ زُرَارَةَ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ أَيُوبَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ لَنَا مَثَلُ السَّوْءِ، الْعَائِدُ فِي هِبَّتِهِ كَالْكَلْبِ يَعُودُ فِي قَيْمَتِهِ».

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٥٢٩، وأخرجه أحمد: ١٤١ عن إسماعيل ابن عليه به.

**3730.** It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'It does not befit us to leave bad examples. The one who takes back his gift is like a dog with its vomit.'" (*Sahîh*)

٣٧٣٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمَ قَالَ: حَدَّثَنَا حِبَّانٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ عَنْ خَالِدٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ لَنَا مَثَلُ السَّوْءِ، الرَّاجِعُ فِي هِبَّتِهِ كَالْكَلْبِ فِي قَيْمَتِهِ».

تخریج: أخرجه البخاري، من حديث عكرمة به، كما تقدم، ح: ٣٧٢٨، وهو في الكبیر، ح: ٦٥٣٠.

#### Chapter 4. Mentioning The Different Reports From Ṭāwūs About The One Who Takes Back His Gift

**3731.** It was narrated from ‘Abdullâh bin Ṭâwûs, from his father, from Ibn ‘Abbâs, that the Messenger of Allâh ﷺ said: “The one who takes back his gift, is like the dog which vomits then goes back to its vomit.” (*Sahîh*)

(المعجم ٤) - ذِكْرُ الاختِلافِ عَلَى طَاؤُسٍ فِي الرَّاجِعِ فِي هِبَتِهِ (التحفة ٢) - ب-

٣٧٣١ - أَخْبَرَنِي رَكْرَيَاً بْنُ يَحْيَى قَالَ: حَدَّثَنَا إِسْحَاقُ قَالَ: حَدَّثَنَا الْمَخْزُونِيُّ قَالَ: حَدَّثَنَا وُهَيْبٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ طَاؤُسٍ عَنْ أَيْهَى، عَنْ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْعَادِلُ فِي هِبَتِهِ كَالْكَلِبِ يَقْيَعُ ثُمَّ يَعُودُ فِي قَيْيَهِ».

تخریج: [صحیح] تقدم، ح: ٣٧٢١، وهو في الكبیر، ح: ٦٥٣١.

**3732.** It was narrated from Abû Az-Zubair, from Ṭâwûs, that Ibn ‘Abbâs said: “The Messenger of Allâh ﷺ said: ‘The one who takes back his gift, is like the one who goes back to his vomit.’” (*Sahîh*)

٣٧٣٢ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا أَبُو مَعَاوِيَةَ عَنْ حَجَّاجٍ، عَنْ أَيِّ الرَّئِيرِ، عَنْ طَاؤُسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْعَادِلُ فِي هِبَتِهِ كَالْعَادِلِ فِي قَيْيَهِ».

تخریج: [صحیح] تقدم، ح: ٣٧٢٢، وهو في الكبیر، ح: ٦٥٣٢.

**3733.** It was narrated from ‘Amr bin Shu‘aib, from Ṭawûs, from Ibn ‘Umar and Ibn ‘Abbâs, that they said: “The Messenger of Allâh ﷺ said: ‘It is not permissible for anyone to give a gift then take it back, except a father with regard to what he gives to his son. The likeness of the one who gives a gift then takes it back, is that of the dog which eats then when it is full it vomits, then it goes back to its vomit.’” (*Sahîh*)

٣٧٣٣ - أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ ابْنُ سَلَامٍ قَالَ: حَدَّثَنَا إِسْحَاقُ الْأَرْزَقُ قَالَ: حَدَّثَنَا يَهُوَ حُسَيْنُ الْمُعَلَّمُ عَنْ عَمْرِو بْنِ شَعْبٍ، عَنْ طَاؤُسٍ، عَنْ ابْنِ عُمَرَ وَابْنِ عَبَّاسٍ قَالَا: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَحِلُّ لَأَحَدٍ أَنْ يُعْطِي الْعَطِيَّةَ فَيَرْجِعَ فِيهَا إِلَّا الْوَالَدُ فِيمَا يُعْطِي وَلَدَهُ، وَمَثَلُ الَّذِي يُعْطِي الْعَطِيَّةَ فَيَرْجِعَ فِيهَا، كَالْكَلِبِ يَأْكُلُ حَتَّى إِذَا شَيَعَ قَاءَ ثُمَّ عَادَ فَرَجَعَ فِي قَيْيَهِ».

تخریج: [إسناده صحيح] تقدم، ح: ٣٧٢٠، وهو في الكبرى، ح: ٦٥٣٣ و ٦٥٣٤.

### Comments:

The detail has preceded in *Hadîth* 3719. Taking back or returning for father is permissible, because he might need it for disciplining his children. Teaching manners to children is far more meritorious than giving them presents.

**3734.** It was narrated from Ibn Juraij, from Al-Hasan bin Muslim, from Tâwûs that the Messenger of Allâh ﷺ said: "It is not permissible for anyone to give a gift then take it back, except a father." Tâwûs said: "I used to hear the boys say: 'O you who goes back to his vomit!' But I did not realize that the Messenger of Allâh ﷺ had said this as parable, until we heard that he used to say: 'The likeness of the one who gives a gift then takes it back, is that of the dogs which eats its vomit.'" (*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٣٧٢٢، وهو في الكبرى، ح: ٦٥٣٥.

**3735.** It was narrated from Hanzalah that he heard Tâwûs say: "Some of those who met the Prophet ﷺ told us that he said: 'The likeness of the one who gives (something), then takes back his gift, is that of a dog which eats, then vomits, then eats its vomit.'" (*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٣٧٢٢، وهو في الكبرى، ح: ٦٥٣٦.

٣٧٣٤ - أَخْبَرَنَا عَبْدُ الْحَمِيدِ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا مَخْلَدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجَ عَنِ الْأَحْسَنِ بْنِ مُسْلِمٍ، عَنْ طَاؤِسٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَحِلُّ لِأَحَدٍ يَهْبِطْ هَبَةً ثُمَّ يَعُودُ فِيهَا إِلَّا التَّوَالِدَ» قَالَ طَاؤِسٌ: كُنْتُ أَشْمَعُ الصَّيْمَانَ يَقُولُونَ: يَا عَائِدًا فِي قَيْئِهِ! وَلَمْ أَشْعُرْ أَنَّ رَسُولَ اللَّهِ ﷺ ضَرَبَ ذَلِكَ مَثَلًا، حَتَّىٰ بَلَغْنَا أَنَّهُ كَانَ يَقُولُ: «مَثْلُ الَّذِي يَهْبِطْ هَبَةً ثُمَّ يَعُودُ فِيهَا - وَذَكَرَ كَلِمَةً مَعْنَاهَا - كَمَثْلِ الْكُلْبِ يَأْكُلُ قَيْئَهُ».

٣٧٣٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ بْنُ نَعْيمٍ قَالَ: أَخْبَرَنَا جِبَانُ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنْ حَنْفَةَ: أَنَّهُ سَمِعَ طَاؤِسًا يَقُولُ: أَخْبَرَنَا بَعْضُ مَنْ أَذْرَكَ النَّبِيُّ ﷺ أَنَّهُ قَالَ: «مَثْلُ الَّذِي يَهْبِطْ فِي قَيْئِهِ كَمَثْلِ الْكُلْبِ يَأْكُلُ قَيْئِهِ ثُمَّ يَأْكُلُ قَيْئَهُ».

### 33. The Book Of Ar-Ruqba<sup>[1]</sup>

(المعجم ٣٣) - كتاب الرُّفَقِي  
(التحفة ١٦)

#### Chapter 1. Mentioning The Different Reports From Ibn Abî Najîh Concerning The Narration Of Zaid Bin Thâbit

**3736.** Hilâl bin Al-‘Alâ’ informed us: “My father narrated to us: Ubâidullâh – he is, Ibn ‘Amr – narrated to us, from Sufyân, from Ibn Abî Najîh, from Tâwûs, from Zaid bin Thâbit, that the Prophet ﷺ said: ‘Ar-Ruqba is permissible.’” (*Hasan*)

تخریج: [حسن] وهو في الكبير، ح: ٦٥٣٧، وفيه علل، وللحديث شواهد كثيرة.

#### Comments:

That property becomes their de facto possession. That means it would not return to the donor.

**3737.** Muhammâd bin ‘Alî bin Maimûn informed us, he said: “Muhammâd – he is, Ibn Yûsuf – narrated to us, he said: ‘Sufyân narrated to us from Ibn Abî Najîh, from Tâwûs, from a man, from Zaid bin Thâbit that the Prophet ﷺ ruled that the Ruqba belongs to the one to whom it is given.’” (*Hasan*)

تخریج: [حسن] أخرجه أحمد: ١٨٩، ١٨٦ / ٥ من حديث ابن أبي نجيح به، وهو في الكبير، ح: ٦٥٣٨ \* سفيان هو الثوري، والرجل مجهول، وللحديث شواهد.

**3738.** Zakariyyâ bin Yahyâ informed us, he said: “Abdul-Jabbâr bin Al-‘Alâ’ narrated to us, he said: ‘Sufyân narrated to us

(المعجم ١) - ذُكِرَ الاختلاف عَلَى ابْنِ أَبِي نَجِيْحٍ فِي خَبَرِ زَيْدِ بْنِ ثَائِيْتِ فِيهِ (التحفة ١)

٣٧٣٦ - أَخْبَرَنَا هِلَالُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ - وَهُوَ ابْنُ عَمْرِو - عَنْ سُفِيَّانَ، عَنْ ابْنِ أَبِي نَجِيْحٍ، عَنْ طَاؤِسٍ، عَنْ زَيْدِ بْنِ ثَائِيْتِ، عَنْ النَّبِيِّ ﷺ قَالَ: «الرُّفَقِيُّ جَائِزٌ».

٣٧٣٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَلَيِّ بْنِ مَيْمُونٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ - وَهُوَ ابْنُ يُوسُفَ - قَالَ: حَدَّثَنَا سُفِيَّانُ عَنْ ابْنِ أَبِي نَجِيْحٍ، عَنْ طَاؤِسٍ، عَنْ رَجُلٍ عَنْ زَيْدِ بْنِ ثَائِيْتِ: أَنَّ النَّبِيَّ ﷺ جَعَلَ الرُّفَقِيَ لِلَّذِي أَرْتَيْهَا.

٣٧٣٨ - أَخْبَرَنَا زَكَرِيَّاً بْنُ يَحْيَى قَالَ: حَدَّثَنَا عَبْدُ الْجَبَارِ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا سُفِيَّانُ عَنْ ابْنِ أَبِي نَجِيْحٍ، عَنْ طَاؤِسٍ،

[١] A gift given, subject to the condition, that if the giver dies first, the gift will belong to the recipient, but if the recipient dies first, the gift reverts to the giver.

from Ibn Abî Najîh, from Tâwûs, and perhaps it is from Ibn ‘Abbâs, who said: There is no *Ruqba*, and whoever gives a gift on the basis of *Ruqba*, it is part of his estate.”

(*Hasan*)

تخریج: [حسن] وهو في الكبرى، ح: ٦٥٣٩، وللحديث شواهد.

### Comments:

‘There is no *Ruqba*’ means the prevalent form of *Ruqba* is not reliable or valid. Another meaning could be one should not practice *Ruqba* because it is not a good form of giving gifts. But if someone at all practices it, then the condition of ‘returning’ would be null and void or invalid. It would rather go down as inheritance to his heirs after his death (the recipient’s death).

### Chapter 2. Mentioning The Differences Reported From Abû Az-Zubair

**3739.** Zaid narrated from Abû Az-Zubair, from Tâwûs, from Ibn ‘Abbâs that the Messenger of Allâh ﷺ said: “Do not give away your property on the basis of *Ruqba*, for whoever gives a gift on that basis, it belongs to the one to whom he gave it.” (*Sahîh*)

تخریج: [صحيح] أخرجه أحمد: ١/٢٥٠ من حديث أبي الزبير به، وللحديث شواهد، وهو في الكبرى، ح: ٦٥٤٠، وللحديث شواهد.

**3740.** Hajjâj narrated from Abû Az-Zubair, from Tâwûs, from Ibn ‘Abbâs, who said: “The Messenger of Allâh ﷺ said: ‘Umra (life-long gift) is permissible for the one to whom it is given, and *Ruqba* is permissible to the one to whom it is given, and the one who takes back his gift is like the one who goes back to his vomit.”” (*Sahîh*)

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٥٤١.

لعله عن ابن عباس قال: لا رفقي، فمن أرقب شيئاً فهو سيل الميراث.

(المعجم ٢) - ذكر الاختلاف على أبي الزبير (التحفة ١) -

٣٧٣٩ - أخبرنا محمد بن وهب قال: حدثنا محمد بن سلمة قال: حدثني أبو عبد الرحيم قال: حدثني زيد عن أبي الزبير، عن طاوس، عن ابن عباس، عن رسول الله ﷺ قال: «لا ترقووا أموالكم، فمن أرقب شيئاً فهو لمن أرقه».

٣٧٤٠ - أخبرنا أحمد بن حرب قال: حدثنا أبو معاوية عن حجاج، عن أبي الزبير، عن طاوس، عن ابن عباس قال: قال رسول الله ﷺ: «العمري جائزة لمن أعمراها، والرفقي جائزة لمن أرقها، والعائد في هبته كالعائد في قيمة».

**Comment:**

The details concerning 'Umra (life-grant) occurs in the upcoming chapter. 'Umra is similar to *Ruqba* and *Hibâ*. Taking back or returning a *Hibâ* is not permissible, therefore, in these forms, taking back or returning is not permissible. The condition of returning is null and void.

**3741.** Sufyân narrated from Abû Az-Zubair, from Tâwûs, from Ibn 'Abbâs, who said: “'Umra and *Ruqba* are the same.” (*Sahîh*)

٣٧٤١ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا سُفِينٌ عَنْ أَبِي الرَّئِسِ، عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: الْعُمْرَى وَالرُّوفِيُّ سَوَاءً.

تخریج: [صحيح] انظر الحدیثین السابقین، وهو في الکبری، ح: ٦٥٤٢.

**3742.** (A different chain) from Sufyân, from Abû Az-Zubair, from Tâwûs, from Ibn 'Abbâs, who said: “*Rugba* and 'Umra are not permissible; whoever is given something on the basis of 'Umra, it is his, and whoever is given something on the basis of *Rugba*, it is his.” (*Sahîh*)

٣٧٤٢ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا يَعْلَى قَالَ: حَدَّثَنَا سُفِينٌ عَنْ أَبِي الرَّئِسِ، عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: لَا تَحِلُّ الرُّوفِيُّ وَلَا الْعُمْرَى شَيْئًا هُوَ لَهُ، وَمَنْ أَرْقَبَ شَيْئًا فَهُوَ لَهُ.

تخریج: [صحيح] تقدم، ح: ٣٧٣٩، وهو في الکبری، ح: ٦٥٤٣.

**Comment:**

‘Are not permissible’ means in its prevalent form. Even otherwise, it is not a good form of giving presents.

**3743.** (A different chain) from Hajjâj, from Abû Az-Zubair, from Tâwûs, from Ibn 'Abbâs, who said: “'Umra and *Rugba* are not proper. Whoever gives something on the basis of 'Umra or *Rugba*, it belongs to the one to whom he gave it on that basis, both during his lifetime and after his death.” Hanzalah narrated it in *Mursal* form: (*Sahîh*)

٣٧٤٣ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا حَجَاجُ عَنْ أَبِي الرَّئِسِ، عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: لَا تَضْلُلُ الْعُمْرَى وَلَا الرُّوفِيُّ، فَمَنْ أَعْمَرَ شَيْئًا أَوْ أَرْقَبَهُ فَإِنَّهُ لِمَنْ أَعْمَرَهُ وَأَرْقَبَهُ حَيَاةً وَمَوْتَهُ.

تخریج: [صحيح] تقدم، ح: ٣٧٣٩، وهو في الکبری، ح: ٦٥٤٤.

**3744.** Hanzalah narrated that he heard Tâwûs say: “The Messenger of Allâh ﷺ said: ‘*Rugba* is not permissible. Whoever is given

٣٧٤٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: أَخْبَرَنَا جِبَانُ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ عَنْ حَنْظَلَةَ أَنَّهُ سَمِعَ طَاؤِسًا يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ:

something on the basis of *Ruqba*, it is part of his estate.”” (*Sahîh*)

لَا تَحْلُ الرُّفَيْبِنِ، فَمَنْ أَرْفَبَ رُفَيْبِنَ فَهُوَ سَيِّلُ الْمِيرَاثِ». .

تخریج: [صحيح] تقدم، ح: ٣٧٣٩، وهو في الكبرى، ح: ٦٥٤٥.

**3745.** Sufyân narrated from Ibn Abî Najîh, from Tâwûs, from Zaid bin Thâbit, who said: “The Messenger of Allâh ﷺ said: ‘Umra (a gift given for life) is part of the estate.”” (*Sahîh*)

تخریج: [صحيح] وهو في الكبرى، ح: ٦٥٤٦، وتقديم طرفه، ح: ٣٧٣٦.

**3746.** Sufyân narrated from Ibn Tâwûs, from his father, from Hujr Al-Madarî, from Zaid, who said: “The Messenger of Allâh ﷺ said: ‘Umra (a gift given for life) is for the heir.”” (*Sahîh*)

تخریج: [صحيح] وهو في الكبرى، ح: ٦٥٤٧، وانظر الحديث الآتي، وهذا طرف منه.

**3747.** Ma’mar narrated from Ibn Tâwûs, from his father, from Hujr Al-Madarî, from Zaid bin Thâbit, from Prophet ﷺ, who said: “‘Umra (a gift given for life) is permissible.” (*Sahîh*)

لَا تَحْلُ الرُّفَيْبِنِ مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ زَيْدَ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، عَنْ حُجْرِ الْمَدَارِيِّ، عَنْ زَيْدٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: الْعُمُرَى لِلْوَارِثِ». .

تخریج: [إسناده صحيح] أخرجه أبو داود، البيوع، باب: في الرُّفَيْبِنِ، ح: ٣٥٥٩ من حديث طاوس به، وهو في الكبرى، ح: ٦٥٤٨، وصححه ابن حبان، وهو مخرج في مستند الحميدي، ح: ٣٩٩ بتحقيقه.

**3748.** Ma’mar narrated from ‘Amr bin Dînâr, from Tâwûs, from Zaid bin Thâbit, that the Prophet ﷺ said: “‘Umra (a gift given for life) belongs to the heir.” (*Sahîh*)

لَا تَحْلُ الرُّفَيْبِنِ مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ زَيْدَ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ مَعْمَرٍ، عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ طَاؤِسٍ، عَنْ زَيْدٍ بْنِ ثَابِتٍ، عَنْ النَّبِيِّ ﷺ قَالَ: الْعُمُرَى لِلْوَارِثِ». .

تخریج: [صحيح] تقدم، ح: ٣٧٤٥، وهو في الكبرى، ح: ٦٥٤٩.

**Comment:**

Meaning the one who was given '*Umra*, it would go to his heirs in the event of his death. It would not be returned to the donor.

**3749.** (A different chain) from Ma'mar who said: "I heard 'Amr bin Dînâr, narrating from Tâwûs, from Hujr Al-Madarî, from Zaid bin Thâbit, that the Messenger of Allâh ﷺ said: "'Umra (a gift given for life) belongs to the heir." And Allâh knows best. (*Sahîh*)

٣٧٤٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمَ قَالَ:  
أَخْبَرَنَا جِبَانُ قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنْ مَعْمِرٍ  
قَالَ: سَوْعَتْ عَمْرَو بْنَ دِينَارٍ يُحَدِّثُ عَنْ  
طَاؤُسٍ، عَنْ حُجْرٍ الْمَدَرِيِّ، عَنْ زَيْدِ بْنِ  
ثَابِتٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْعُمُرُكَى  
لِلْوَارِثِ» وَاللَّهُ أَعْلَمُ.

تخریج: [صحيح] تقدم، ح: ٣٧٤٦، وهو في الكبير، ح: ٦٥٥٠.

### 34. The Book Of 'Umra (Lifelong Gift)<sup>[1]</sup>

(المعجم ٣٤) - كتاب الغمرى  
(التحفة ١٧)

#### Chapter 1. [“'Umra (A Gift Given For Life) Belongs To The Heir”]

(المعجم ١) - [باب : «العمرى للوارث»] (التحفة ١)

'Umra is a form of giving a gift in which a condition of age or the duration life is stipulated. The declaration of this gift is made by the giver of the gift thus: “I gave you this thing for... Sometimes it is also stated: “If you die, it shall come back to me.” But since the condition is against the Divine law, it is invalid, because a thing which remained with someone for the whole life until his last breath, it would be considered his heritage or legacy, and it would go to his heirs. Besides, it is a gift and the condition of taking back in the matter of a Hibâ is unlawful, according to the Divine law.

**3750.** It was narrated from Zaid bin Thâbit that the Prophet ﷺ said: “'Umra (a gift given for life) belongs to the heir.” (*Sahîh*)

٣٧٥٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعبَةُ عَنْ عَمْرُو بْنِ دِينَارٍ قَالَ: سَمِعْتُ طَاؤُسًا يُحَدِّثُ عَنْ حُجْرٍ الْمَدْرِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ، عَنْ النَّبِيِّ ﷺ قَالَ: «الْعُمَرَى هِيَ لِلْوَارِثِ».

تخريج : [صحيح] تقدم، ح: ٣٧٤٥، وهو في الكبير، ح: ٦٥٥١.

**3751.** It was narrated from Zaid bin Thâbit that the Messenger of Allâh ﷺ said: “'Umra (a gift given for life) belongs to the heir.” (*Sahîh*)

٣٧٥١ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا شُعبَةُ قَالَ: أَخْبَرَنَا عَمْرُو بْنِ دِينَارٍ قَالَ: سَمِعْتُ طَاؤُسًا يُحَدِّثُ عَنْ حُجْرٍ الْمَدْرِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْعُمَرَى لِلْوَارِثِ».

تخريج : [صحيح] تقدم، ح: ٣٧٤٦، وهو في الكبير، ح: ٦٥٥٣.

**3752.** It was narrated from Zaid bin Thâbit that the Prophet ﷺ

٣٧٥٢ - حَدَّثَنَا مُحَمَّدُ الْمَشْتَى عَنْ سُفْيَانَ، عَنْ عَمْرُو، عَنْ طَاؤُسٍ، عَنْ حُجْرٍ

[1] A gift given only until the recipient dies, whereupon it reverts to the giver, or to whomever is stipulated in the conditions.

ruled that *'Umra* (a gift given for life) belongs to the heir. (*Sahîh*)

المَدْرِيُّ، عَنْ زَيْدِ بْنِ ثَابِتٍ: أَنَّ النَّبِيَّ ﷺ  
قَضَى بِالْعُمُرِيِّ لِلْوَارِثِ.

تخریج: [صحیح] تقدم، ح: ۳۷۴۶، وهو في الكبری، ح: ۶۰۵۲.

**3753.** It was narrated from Zaid bin Thâbit that the Prophet ﷺ ruled that *'Umra* (a gift given for life) belongs to the heir. (*Sahîh*)

٣٧٥٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ  
يَزِيدَ عَنْ سُفْيَانَ، عَنْ عَمْرِو، عَنْ طَاوُسٍ،  
عَنْ حُجْرٍ الْمَدْرِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ أَنَّ  
رَسُولَ اللَّهِ ﷺ قَضَى بِالْعُمُرِيِّ لِلْوَارِثِ.

تخریج: [صحیح] تقدم، ح: ۳۷۴۶، وهو في الكبری، ح: ۶۰۵۴.

**3754.** It was narrated that Zaid bin Thâbit said: The Messenger of Allâh ﷺ said: "Whoever gives a life-long gift, it belongs to the one to whom he gave it, both during his life and after his death. And do not give things on the basis of *Rugba*, for whoever is given something on the basis of *Rugba*, it becomes part of his estate." (*Sahîh*)

٣٧٥٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ  
يَزِيدَ بْنِ إِبْرَاهِيمَ قَالَ: أَخْبَرَنِي أَبِي أَنَّهُ عَرَضَ  
عَلَيَّ مَعْقُلٌ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ حُجْرٍ  
الْمَدْرِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: قَالَ رَسُولُ  
اللَّهِ ﷺ: «مَنْ أَعْمَرَ شَيْئًا فَهُوَ لِمُعْمَرِهِ مَحْيَا  
وَمَمَاتَهُ، وَلَا تُرْقِبُوا، فَمَنْ أُرْقِبَ شَيْئًا فَهُوَ  
لِسَبِيلِهِ».

تخریج: [صحیح] تقدم، ح: ۳۷۴۶، وهو في الكبری، ح: ۶۰۵۵.

**3755.** It was narrated from 'Abdullâh bin 'Abbâs that the Prophet ﷺ said: "'Umra is permissible.'" (*Sahîh*)

٣٧٥٥ - أَخْبَرَنِي زَكَرِيَاً بْنُ يَحْيَى قَالَ:  
حَدَّثَنَا زَيْدُ بْنُ أَخْزَمَ قَالَ: أَخْبَرَنَا مَعَاذُ بْنُ  
هِشَامَ قَالَ: حَدَّثَنِي أَبِي عَنْ فَتَادَةَ قَالَ:  
حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ عَنْ طَاوُسٍ، عَنْ  
الْحَجُورِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنْ  
النَّبِيِّ ﷺ قَالَ: «الْعُمُرِيِّ بَحَائِرَةٌ».

تخریج: [صحیح] وهو في الكبری، ح: ۶۰۵۶، وانظر الحديث السابق.

**3756.** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "Indeed 'Umra is permissible." (*Sahîh*)

٣٧٥٦ - أَخْبَرَنَا هَارُونُ بْنُ مُحَمَّدٍ بْنِ  
بَكَارٍ بْنِ بَلَالٍ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنَا

سعید - هُوَ ابْنُ بَشِيرٍ - عَنْ عَمْرٍو بْنِ دِينَارٍ،  
عَنْ طَاؤُسٍ، عَنْ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ ﷺ  
قَالَ: «إِنَّ الْعُمْرَى جَائِزَةٌ».

تخریج: [صحیح] وهو في الكبری، ح: ٦٥٥٧.

**3757.** It was narrated from Tâwûs that the Messenger of Allâh ﷺ made 'Umra and Ruqba binding. (*Sahîh*)

٣٧٥٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ:  
حَدَّثَنَا جِبَانٌ قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنْ مُحَمَّدٍ  
ابْنِ إِسْحَاقَ قَالَ: حَدَّثَنَا مَكْحُونٌ عَنْ طَاؤُسٍ:  
بَلَّ رَسُولُ اللَّهِ ﷺ الْعُمْرَى وَالرُّفَقَى.

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبری، ح: ٦٥٥٨.

## Chapter 2. Mentioning The Different Versions Of The Report Of Jâbir Concerning 'Umra

**3758.** Mâlik bin Dînâr narrated from 'Atâ', from Jâbir that the Messenger of Allâh ﷺ addressed them one day and said: "Umra is permissible." (*Sahîh*)

(المعجم ٢) - ذُكْرُ اخْتِلَافِ الْفَاظِ  
النَّاقِلِينَ لِخَبْرِ جَابِرٍ فِي الْعُمْرَى  
(التحفة ١) - ألف

٣٧٥٨ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ قَالَ:  
حَدَّثَنَا أَبُو دَاؤُدَ قَالَ: حَدَّثَنَا سِنْطَامُ بْنُ مُسْلِمٍ  
قَالَ: حَدَّثَنَا مَالِكُ بْنُ دِينَارٍ عَنْ عَطَاءٍ، عَنْ  
جَابِرٍ: أَنَّ رَسُولَ اللَّهِ ﷺ خَطَبَهُمْ يَوْمًا فَقَالَ:  
«الْعُمْرَى جَائِزَةٌ».

تخریج: أخرجه البخاري، ح: ٢٦٢٦ من حديث عطاء بن أبي رباح به، كما سیأتي،  
ح: ٣٧٦٠، وهو في الكبری، ح: ٦٥٥٩.

**3759.** 'Abdul-Karîm narrated from 'Atâ', who said: "The Messenger of Allâh ﷺ forbade 'Umra and Ruqba." I said: "What is Ruqba?" He said: "When one man says to another: 'This belongs to you for the rest of your life.' But if you do that, it is permissible." (*Sahîh*)

٣٧٥٩ - أَخْبَرَنَا أَحْمَدُ بْنُ شَلَيْمَانَ قَالَ:  
أَخْبَرَنَا عُيَيْدُ اللَّهِ عَنْ إِسْرَائِيلَ، عَنْ عَبْدِ  
الْكَرِيمِ، عَنْ عَطَاءٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ  
عَنِ الْعُمْرَى وَالرُّفَقَى، قُلْتُ: وَمَا الرُّفَقَى؟  
قَالَ: يَقُولُ الرَّجُلُ لِرَجُلٍ: هِيَ لَكَ حَيَاكَ،  
فَإِنْ فَعَلْتُمْ فَهُوَ جَائِزَةٌ.

تخریج: [صحیح] وهو في الكبری، ح: ٦٥٦١ \* عبیدالله هو ابن موسی.

**Comments:**

See No. 3736.

**3760.** Shu'bah said: "I heard Qatâdah narrating from 'Atâ', from Jâbir that the Prophet ﷺ said: 'Umra is permissible.'" (*Sahîh*)

٣٧٦٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُشْتَى قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ فَتَادَةً يُحَدِّثُ عَنْ عَطَاءٍ، عَنْ جَابِرٍ، عَنِ الْيَيْلَةِ قَالَ: «الْعُمْرَى جَائِزَةٌ».

تخریج: أخرجه مسلم، الهبات، باب العمرى، باب العمرى، باب العمارى والرقمى، باب ما قيل في العمرى والرقمى، ح: ٢٦٢٦ من حديث عطاء بن أبي رباح به، وهو في الكبير، ح: ٦٥٦٠ \* محمد هو ابن جعفر، لقبه غندر، وهو رواية شعبة.

**3761.** 'Abdul-Malik bin Abî Sulaimân narrated from 'Atâ' who said: "The Messenger of Allâh ﷺ said: 'Whoever is given something for the rest of his life, it belongs to him for as long as he lives and after he dies.'" (*Sahîh*)

٣٧٦١ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: أَخْبَرَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي سُلَيْمَانَ، عَنْ عَطَاءٍ قَالَ: رَسُولُ اللَّهِ ﷺ: «مَنْ أُعْطِيَ شَيْئًا حَيَاةً، فَهُوَ لَهُ حَيَاةً وَمَوْتَهُ».

تخریج: [صحيح] وهو في الكبير، ح: ٦٥٦٢، وله شواهد كثيرة جداً.

**3762.** Sufyân narrated from Ibn Juraij, from 'Atâ', from Jâbir that the Messenger of Allâh ﷺ said: "Do not give things on the basis of Ruqba or 'Umra. Whoever is given something on the basis of Ruqba or 'Umra, it belongs to his heirs." (*Sahîh*)

٣٧٦٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ يَزِيدَ عَنْ سُقِيَّانَ، عَنْ أَبْنِ جُرَيْجٍ، عَنْ عَطَاءٍ عَنْ جَابِرٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تُرْبِّوَا وَلَا تُعْمِرُوا، فَمَنْ أَرْقَبَ أَوْ أَغْمَرَ شَيْئًا فَهُوَ لِوَرَتِيهِ».

تخریج: [صحيح] أخرجه أبو داود، البيوع، باب فيه ولعقبه، ح: ٣٥٥٦ من حديث سفيان بن عيينة به، وهو في الكبير، ح: ٦٥٦٣، وصححه ابن حيان وغيره، وله طرق عند مسلم وغيره، انظر الحديث المتقدم: ٣٧٦٠.

**3763.** Ibn Juraij narrated from 'Atâ': "Hâbib bin Abî Thâbit informed us from Ibn 'Umar, that the Messenger of Allâh ﷺ said: 'There is no 'Umra and no Ruqba. Whoever is given something on the basis of 'Umra or Ruqba, it belongs

٣٧٦٣ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ قَالَ: أَخْبَرَنَا أَبْنُ جُرَيْجٍ عَنْ عَطَاءٍ: أَخْبَرَنَا حَيْبُ بْنُ أَبِي ثَابِتٍ عَنْ أَبْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا

to him for the rest of his life and after he dies.” (Sahîh)

عُمَرَى وَلَا رُقْبَى، فَمَنْ أَعْمَرَ شَيْئًا أَوْ أَرْقَبَهُ  
فَهُوَ لَهُ حَيَاةً وَمَمَاتَةً.

تخریج: [صحيح] وهو في الكبیر، ح: ٦٥٦٤

**3764.** Ibn Juraij said: “Aṭā’ informed me, from Ḥabīb bin Abī Thâbit, from Ibn ‘Umar – and he did not hear it from him – he said: ‘Allâh’s Messenger ﷺ said: “There is no ‘Umra and no Ruqba. Whoever is given something on the basis of ‘Umra or Ruqba, it belongs to him for the rest of his life and after he dies.” Aṭā’ said: “It belongs to the other.” (Sahîh)

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبیر، ح: ٦٥٦٥.

**3765.** Yazîd bin Ziyâd bin Abî Al-Jâd narrated from Ḥabîb bin Abî Thâbit, who said: “I heard Ibn ‘Umar say: ‘The Messenger of Allâh ﷺ forbade Ruqba and said: “Whoever is given something on the basis of Ruqba, it belongs to him.” (Sahîh)

تخریج: [صحيح] انظر الحديثين السابقين، وهو في الكبیر، ح: ٦٥٦٦.

**3766.** Ibn Juraij said: “Abû Az-Zubair informed me that he heard Jâbir saying: ‘The Messenger of Allâh ﷺ said: “Whoever is given something on the basis of ‘Umra it belongs to him for the rest of his life and after he dies.” (Sahîh)

تخریج: أخرجه مسلم، الهبات، باب العمرى، ح: ١٦٢٥ من حديث ابن جريج به، وهو  
في الكبیر، ح: ٦٥٦٧.

**3767.** Al-Hajjâj bin As-Ṣawwâf narrated from Abû Az-Zubair, who

أَخْبَرَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ بْنَ صُدُّرَانَ عَنْ يَشْرِيْبِ بْنِ الْمُقَضَّلِ قَالَ: حَدَّثَنَا

said: "Jâbir said: 'The Messenger of Allâh ﷺ said: "O Anṣâr! Hold on to your wealth, and do not give it on the basis of 'Umra. For whoever gives something on the basis of 'Umra, it belongs to the one to whom he gave it on that basis, for the rest of his life and after he dies." (Sahîh)

تخریج: أخرجه مسلم، ح: ٢٧/١٦٢٥ من حديث الحجاج الصواف به (انظر الحديث السابق)، وهو في الكبير، ح: ٦٥٦٨.

**3768.** Hishâm narrated from Abû Az-Zubair, from Jâbir, that the Messenger of Allâh ﷺ said: "Hold on to your wealth and do not give it on the basis of 'Umra. For whoever is given something on the basis of 'Umra for the rest of his life, it belongs to him for the rest of his life and after his death." (Sahîh)

تخریج: [صحيح] أخرجه أحمد: ٣٧٤/٣ من حديث هشام الدستوائي به، وهو في الكبير، ح: ٦٥٦٩ (وانظر الحديث السابق) \* خالد هو ابن الحارث.

**3769.** Khâlid narrated from Dâwûd bin Abî Hind, from Abû Az-Zubair, from Jâbir, who said: "The Messenger of Allâh ﷺ said: 'Ruqba belongs to the one to whom it is given.'" (Sahîh)

تخریج: [صحيح] أخرجه أبو داود، البيع، ياب: في الرقبي، ح: ٣٥٥٨ من حديث داود بن أبي هند به، وهو في الكبير، ح: ٦٥٧٠، وقال الترمذى، ح: ١٣٥١ "حسن"، وله شواهد انظر الحديث، ح: ٣٧٦٧.

**3770.** Hushaim narrated from Dâwûd, from Abû Az-Zubair, from Jâbir, who said: "The Messenger of Allâh ﷺ said: "'Umra is permissible for the one to whom it is given, and Ruqba is permissible for the one to whom it is given.'" (Sahîh)

الحجاج الصواف عن أبي الزبير قال: حَدَّثَنَا جَابِرٌ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا مُعْشَرَ الْأَنْصَارِ أَمْسِكُوكُمْ عَلَيْكُمْ - يَعْنِي أَمْوَالَكُمْ - لَا تُعْمِرُوهَا، فَإِنَّمَا مِنْ أَعْمَرَ شَيْئًا فَإِنَّمَا يَمْنَعُ أَعْمَرَهُ حَيَاةً وَمَمَاتَهُ».

٣٧٦٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ عَنْ هِشَامٍ، عَنْ أَبِي الزَّبِيرِ، عَنْ جَابِرٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَمْسِكُوكُمْ عَلَيْكُمْ أَمْوَالَكُمْ وَلَا تُعْمِرُوهَا؛ فَمَنْ أَعْمَرَ شَيْئًا حَيَاةً فَهُوَ لَهُ حَيَاةً وَيَعْدُ مَمَاتَهُ».

٣٧٦٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ عَنْ دَاؤِدَ بْنِ أَبِي هَنْدٍ، عَنْ أَبِي الزَّبِيرِ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الرُّقْبَى لِمَنْ أَرْقَبَهَا».

٣٧٧٠ - أَخْبَرَنَا عَلَيُّ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ عَنْ دَاؤِدَ، عَنْ أَبِي الزَّبِيرِ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْأَعْمَرَى جَائِزَةٌ لِأَهْلِهَا، وَالرُّقْبَى جَائِزَةٌ لِأَهْلِهَا».

تخریج: [صحیح] انظر الحديث السابق، وهو في الكتاب، ح: ٦٥٧١.

### Chapter 3. Mentioning The Different Reports From Az-Zuhri About It

**3771.** Al-Awzâ'i narrated from Az-Zuhri, from 'Urwah, from Jâbir, who said: "The Messenger of Allâh ﷺ said: 'Whoever is given something on the basis of 'Umra, it belongs to him and to his descendants, and is inherited by those who inherit from him.'" (*Sahîh*)

(المعجم ٣) - ذُكْرُ الاختِلَافِ عَلَى الرَّهْرِيِّ فِيهِ (التحفة ١) - ب

٣٧٧١ - أَخْبَرَنَا مُحَمَّدُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا عُمَرُ عَنِ الْأَوْزَاعِيِّ: حَدَّثَنَا ابْنُ شَهَابٍ قَالَ: وَأَخْبَرَنِي عُمَرُ بْنُ عُمَانَ: حَدَّثَنَا يَقِيَّةُ ابْنُ الْوَلِيدِ عَنِ الْأَوْزَاعِيِّ، عَنِ الرَّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَغْيَرَ عُمَرَى فَهِيَ لَهُ وَلِعِيقِيهِ، يَرِثُهَا مَنْ يَرِثُهُ مِنْ عَقِيَّهِ».

تخریج: [صحیح] أخرجه أبو داود، البيهقي، باب: في العمرى، ح: ٣٥٥٢، ٣٥٥١ من حديث الأوزاعي به، وهو في الكتاب، ح: ٦٥٧٢، وللحديث شواهد.

**3772.** (A different chain) from Abû 'Amr,<sup>[1]</sup> from Ibn Shihâb,<sup>[2]</sup> from Abû Salamah, from Jâbir, who said: "The Messenger of Allâh ﷺ said: 'Umra (a lifelong gift) belongs to the one to whom it was given; it belongs to him and to his heirs, and is inherited by those among his descendants who inherit from him.'" (*Sahîh*)

٣٧٧٢ - أَخْبَرَنَا عِيسَى بْنُ مُسَائِرٍ قَالَ: حَدَّثَنَا الْوَلِيدُ قَالَ: حَدَّثَنَا أَبُو عُمَرٍو عَنِ ابْنِ شَهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْعُمَرَى لِمَنْ أَعْمَرَهَا هِيَ لَهُ وَلِعِيقِيهِ، يَرِثُهَا مَنْ يَرِثُهُ مِنْ عَقِيَّهِ».

تخریج: أخرجه مسلم، الهبات، باب العمرى، باب شهاب الزهري، والبخاري، الهيئة، باب ما قبل في العمرى والرقى، ح: ١٦٢٥ من حديث ابن شهاب الزهري، ٢٦٢٥ من حديث أبي سلمة بن عبد الرحمن به، وهو في الكتاب، ح: ٦٥٧٣.

**3773.** (A different chain) from Al-Awzâ'i, from Az-Zuhri, from 'Urwah and Abû Salamah, from Jâbir, who said: "The Messenger of Allâh ﷺ said: 'Umra (a lifelong gift) belongs

٣٧٧٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ هَاشِمٍ الْبَلَكِيُّ قَالَ: حَدَّثَنَا الْوَلِيدُ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنِ الرَّهْرِيِّ، عَنْ عُرْوَةَ وَأَبِي

[١] Al-Awzâ'i.

[٢] Az-Zuhri.

to the one to whom it was given; it belongs to him and to his descendants, and is inherited by those who inherit from him.”” (Sahîh)

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبیری، ح: ٦٥٧٤.

**3774.** It was narrated from Hishâm bin 'Urwah, from his father, from 'Abdullâh bin Az-Zubair, that the Messenger of Allâh ﷺ said: “Any man who gives a lifelong gift to another man, it belongs to him (the recipient) and to his descendants, and to those who inherit from him.” (Sahîh)

سَلَمَةً، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:  
«الْعُمَرَى لِمَنْ أَعْمَرَهَا هِيَ لَهُ وَلِعَقِيْهِ، يَرِثُهَا  
مَنْ يَرِثُهُ مِنْ عَقِيْهِ».

٣٧٧٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ  
عَبْدِ الرَّحِيمِ قَالَ: حَدَّثَنَا عَمْرُو بْنُ أَبِي سَلَمَةَ  
الْمَمْشِيقِيَّ عَنْ أَبِي [عُمَرَ] الصَّنْعَانِيِّ، عَنْ  
هِشَامَ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ  
الزَّيْنِيِّ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَيُّهَا رَجُلُ  
أَعْمَرَ رَجُلًا عُمَرَى لَهُ وَلِعَقِيْهِ، فَهِيَ لَهُ وَلِمَنْ  
يَرِثُهُ مِنْ عَقِيْهِ مَوْرُثَةً».

تخریج: [إسناده حسن] وهو في الكبیری، ح: ٦٥٧٥ \* أبو عمر الصناعي هو حفص بن ميسرة.

### Comments:

Even if he does not state, ‘for your children or descendants,’ even then it would go to his children in inheritance. The previous narrations contain its clarification.

**3775.** Al-Laith narrated from Ibn Shihâb, from Abû Salamah bin 'Abdur-Râhîmân, from Jâbir, who said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever gives a life-long gift to a man, it belongs to him and to his heirs; his words (when he gave the gift) put an end to his rights over it, and it belongs to the one to whom it was given on the basis of 'Umra, and to his heirs.’” (Sahîh)

٣٧٧٥ - أَخْبَرَنَا قَيْمِيَّةُ بْنُ سَعِيدٍ قَالَ:  
حَدَّثَنَا الْلَّيْثُ عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ  
ابْنِ عَبْدِ الرَّحْمَنِ، عَنْ جَابِرٍ قَالَ: سَمِعْتُ  
رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ أَعْمَرَ رَجُلًا  
عُمَرَى لَهُ وَلِعَقِيْهِ، فَقَدْ قَطَعَ قَوْلَهُ حَتَّىٰ، وَهِيَ  
لِمَنْ أَعْمَرَ وَلِعَقِيْهِ».

تخریج: [صحیح] تقدم، ح: ٣٧٧٢، وهو في الكبیری، ح: ٦٥٧٦.

**3776.** Mâlik narrated from Ibn Shihâb, from Abû Salamah, from Jâbir that the Messenger of Allâh ﷺ said: “Any man who is given a

٣٧٧٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ  
وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ  
عَنْ ابْنِ الْفَاسِمِ، عَنْ مَالِكٍ، عَنْ ابْنِ

gift on the basis of 'Umra, it belongs to him and to his descendants. It belongs to the one to whom he gave it, and it cannot be taken back by the one who gave it, because he has given a gift, and it comes to the heirs of the one to whom it was given." (*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبّری، ح: ٦٥٧٧.

**3777.** Shua'ib narrated from Az-Zuhrî, who said: "Abû Salamah bin 'Abdur-Rahmân narrated to me, that Jâbir told him: 'The Messenger of Allâh ﷺ ruled that whoever gives a lifelong gift to a man, it belongs to him and to his heirs. It belongs to the one to whom it was given, on the basis of 'Umra. It will be inherited from its recipient according to Allâh's (injunctions on) inheritance and its rights.'" (*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبّری، ح: ٦٥٧٨.

**3778.** Ibn Abî Dhi'b narrated from Ibn Shihâb, from Abû Salamah, from Jâbir, that the Messenger of Allâh ﷺ ruled – concerning a person who has been given a lifelong gift ('Umra) – that it belongs to him and to his descendants: "It is undoubtedly his, and it is not permissible for the giver to stipulate any conditions or exceptions." Abû Salamah said: "Because he gave it as a gift and thus, it is subject to the same ruling as the estate, and the condition (that it will revert to the giver on the death of recipient) has become invalid." (*Sahîh*)

تخریج: [صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبّری، ح: ٦٥٧٩.

شہاب، عن أبي سلمة، عن جابر أنَّ رَسُولَ اللَّهِ وَصَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «أَيُّمَا رَجُلٌ أَعْمَرَ عُمْرَهُ لَهُ وَلَعِيقَهُ فَإِنَّهَا لِلَّذِي يُعْطَاهَا، لَا تَرْجِعُ إِلَى الَّذِي أَعْطَاهَا، لَأَنَّهُ أَعْطَى عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ». .

٣٧٧٧ - أَخْبَرَنَا عِمَرَانُ بْنُ بَكَارٍ قَالَ: حَدَّثَنَا أَبُو الْيَمَانِ قَالَ: حَدَّثَنَا شُعْبَةُ عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ أَنَّ جَابِرًا أَخْبَرَهُ: أَنَّ رَسُولَ اللَّهِ وَصَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى: «أَنَّهُ مَنْ أَعْمَرَ رَجُلًا عُمْرَهُ لَهُ وَلَعِيقَهُ فَإِنَّهَا لِلَّذِي أَعْمَرَهَا، يَرِثُهَا مَنْ صَاحِبَهَا الَّذِي أَعْطَاهَا مَا وَقَعَ مِنْ مَوَارِيثِ اللَّهِ وَحْدَهُ». .

٣٧٧٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنُ عَبْدِ الْحَكَمِ عَنِ ابْنِ أَبِي فَدْيِكَ قَالَ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ عَنِ ابْنِ شَهَابٍ، عَنْ أَبِي سَلَمَةَ عَنْ جَابِرٍ: أَنَّ رَسُولَ اللَّهِ وَصَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى فِيمَنْ أَعْمَرَ عُمْرَهُ لَهُ وَلَعِيقَهُ: «فَهُيَ لَهُ بَتَّلٌ لَا يَجُوزُ لِلْمُعْطَى مِنْهَا شَرْطٌ وَلَا شُرْطٌ». قَالَ أَبُو سَلَمَةَ: لَأَنَّهُ أَعْطَاهَا عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ، فَقَطَّعَتِ الْمَوَارِيثِ شَرْطَهُ. .

تخریج: [صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبّری، ح: ٦٥٧٩.

**3779.** Sâlih narrated from Ibn Shihâb, that Abû Salamah informed him from Jâbir, that the Messenger of Allâh ﷺ said: "Any man who gives a lifelong gift to another man, it belongs to him (the recipient) and his descendants. He said: 'I have given it to you and to your descendants so long as any of you are still alive.' So it belongs to the one to whom it was given, and it cannot revert to the first owner, since he has given it as a gift, and as such, it becomes subject to the same ruling as the estate." (*Sahîh*)

٣٧٧٩ - أَخْبَرَنَا أَبُو دَاوُدْ سُلَيْمَانُ بْنُ سَيْفٍ قَالَ: حَدَّثَنَا يَعْقُوبُ قَالَ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ، عَنْ ابْنِ شِهَابٍ أَنَّ أَبَا سَلَمَةَ أَخْبَرَهُ عَنْ جَابِرٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَيْمَّا رَجُلٌ أَعْمَرَ رَجُلًا عُمْرَى لَهُ وَلَعْقِبِهِ فَإِنَّهَا لِمَنْ أَعْطَيْتَهَا، وَإِنَّهَا لَا تَرْجِعُ إِلَى صَاحِبِهَا مِنْ أَجْلِ أَنَّهُ أَعْطَاهَا عَطَاءً وَقَعَتْ فِي الْمَوَارِيثِ». *(صحيح)*

تخریج: [صحیح] تقدم، ح: ٣٧٧٢، وهو في الكبير، ح: ٦٥٨٠.

**3780.** Yazîd bin Abî Ḥabîb narrated from Ibn Shihâb, from Abû Salamah, from Jâbir, that the Messenger of Allâh ﷺ ruled concerning 'Umra – when a man gives a gift to another man, and his descendants, but stipulates that if something happens to you and your descendants, then it will belong to me and my descendants – "It belongs to the one to whom it was given, and to his descendants." (*Sahîh*)

٣٧٨٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنُ يَزِيدَ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا سَعِيدُ بْنَ يَزِيدَ قَالَ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَيْبٍ عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ: أَنَّ رَسُولَ اللَّهِ ﷺ فَضَى بِالْعُمُرَى أَنْ يَهَبَ الرَّجُلُ لِلرَّجُلِ وَلَعْقِبِهِ الْهَبَةَ وَيَسْتَشْفَى إِنْ حَدَثَ بِكَ حَدَثْ وَلَعْقِبَكَ فَهُوَ إِلَيَّ وَإِلَيَّ عَقِبِيِّ، إِنَّهَا لِمَنْ أَعْطَيْتَهَا وَلَعْقِبِهِ. *(صحيح)*

تخریج: [صحیح] تقدم، ح: ٣٧٧٢، وهو في الكبير، ح: ٦٥٨١.

#### Chapter 4. Mentioning The Different Reports Narrated From Abû Salamah By Yahya Bin Abî Kathîr And Muhammâd Bin 'Amr

**3781.** Hisham said: "Yahya bin Abî Kathîr narrated to us, he said: 'Abû Salamah bin 'Abdur-Rahmân narrated to me, he said: "I heard

(المعجم ٤) - ذُكْرُ اخْتِلَافِ يَحْيَى بْنِ أَبِي كَثِيرٍ وَمُحَمَّدِ بْنِ عَمْرِو عَلَى أَبِي سَلَمَةَ فِيهِ (التحفة ١) - ج

٣٧٨١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثَ قَالَ: حَدَّثَنَا هِشَامٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ قَالَ:

Jâbir say: 'The Messenger of Allâh ﷺ said: "A lifelong gift belongs to the one to whom it was given."' (*Sahîh*)

تخریج: [صحیح] تقدم، ح: ٣٧٧٢، وهو في الكبرى، ح: ٦٥٨٢.

**3782.** Abû Ismâ'îl said: "Yâhiya narrated to us that Abû Salamah narrated to him, from Jâbir bin 'Abdullâh, from the Prophet of Allâh ﷺ who said: 'A lifelong gift belongs to the one to whom it was given.'" (*Sahîh*)

تخریج: [إسناده صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبرى، ح: ٦٥٨٣.

**3783.** Ismâ'îl narrated from Muhammâd, from Abû Salamah, from Abû Hurairah, that the Messenger of Allâh ﷺ said: "There is no lifelong gift. Whoever is given something as a life-long gift, it belongs to him." (*Hasan*)

تخریج: [إسناده حسن] أخرجه ابن ماجه، الهیات، باب العمّری، ح: ٢٣٧٩ من حديث محمد بن عمرو بن علقمة الليثي به، وهو في الكبرى، ح: ٦٥٨٤.

**3784.** Muhammâd bin 'Amr said: "Abû Salamah narrated to us, from Abû Hurairah that the Messenger of Allâh ﷺ said: 'Whoever is given something as a lifelong gift, it belongs to him.'" (*Hasan*)

تخریج: [إسناده حسن] انظر الحديث السابق، وهو في الكبرى، ح: ٦٥٨٥.

**3785.** Bashîr bin Nahîk narrated from Abû Hurairah that the Prophet ﷺ said: "A lifelong gift ('Umra) is permissible." (*Sahîh*)

حدَثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ قَالَ: سَمِعْتُ جَابِرًا يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: الْعُمْرَى لِمَنْ وُهِبَتْ لَهُ.

تخریج: [صحیح] تقدم، ح: ٣٧٧٢، وهو في الكبرى، ح: ٦٥٨٢.

**3782 -** أَخْبَرَنَا يَحْيَى بْنُ دُرْشَتَ قَالَ: حَدَّثَنَا أَبُو إِسْمَاعِيلَ قَالَ: حَدَّثَنَا يَحْيَى أَبَا سَلَمَةَ حَدَّثَهُ عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ، عَنْ نَبِيِّ اللَّهِ ﷺ قَالَ: الْعُمْرَى لِمَنْ وُهِبَتْ لَهُ.

تخریج: [إسناده صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبرى، ح: ٦٥٨٣.

**3783 -** أَخْبَرَنَا عَلَيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا إِسْمَاعِيلُ عَنْ مُحَمَّدٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا عُمْرَى، فَمَنْ أَغْمَرَ شَيْئاً فَهُوَ لَهُ».

تخریج: [إسناده حسن] أخرجه ابن ماجه، الهیات، باب العمّری، ح: ٢٣٧٩ من حديث محمد بن عمرو بن علقمة الليثي به، وهو في الكبرى، ح: ٦٥٨٤.

**3784 -** أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَيْسَى وَعَبْدُهُ بْنُ سُلَيْمَانَ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ عُمَرٍو قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «مَنْ أَغْمَرَ شَيْئاً فَهُوَ لَهُ».

تخریج: [إسناده حسن] انظر الحديث السابق، وهو في الكبرى، ح: ٦٥٨٥.

**3785 -** أَخْبَرَنَا مُحَمَّدُ بْنُ النُّشَيْرِ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةَ عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهَيْكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: الْعُمْرَى جَائِزَةٌ.

تخریج: أخرجه مسلم، الهیات، باب العمری، ح: ١٦٢٦ عن محمد بن المثنی، والبخاری، الہیة، باب ما قيل في العمری والرقبی، ح: ٢٦٢٦ من حديث قتادة به، وهو في الكبیری، ح: ٦٥٨٦ \* محمد هو ابن جعفر لقبه غندر.

**3786.** It was narrated that Qatādah said: "Sulaimān bin Hishām asked me about a lifelong gift. I said: 'Muhammad bin Sīrīn narrated that Shuraih said: "The Prophet of Allāh ﷺ ruled that a lifelong gift is permissible." (Sahīh)

Qatādah said: "I said: 'And An-Naḍr bin Anas narrated to me, from Bashīr bin Nahīk, from Abū Hurairah, that the Prophet of Allāh ﷺ said: "A lifelong gift is permissible."

Qatādah said: "I said: 'Al-Hasan used to say: "A lifelong gift is permissible."

Qatādah said: "Az-Zuhri said: 'A lifelong gift is when it is stipulated that it is for the one to whom it is given and his descendants, but if his descendants were not mentioned then the condition is valid (and it reverts to the one who gave it).'"

Qatādah said: "So 'Atā' bin Abī Rabāḥ was asked, and he said: 'Jābir bin 'Abdullāh narrated to me that Allāh's Messenger ﷺ said: "'Umra is permissible."

Qatādah said: "Az-Zuhri said: 'The Caliphs (*Khulafā'*) did not rule according to this.'"

'Atā' said: "Abdul-Malik bin Marwān ruled according to this."

تخریج: [صحیح] وهو في الكبیری، ح: ٦٥٨٧، وللحديث شواهد كثيرة.

### Comments:

Qatādah ﷺ has narrated all these statements in order to make the understanding of this issue plain. A Caliph's not passing verdict according to

٣٧٨٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا مَعَاذُ بْنُ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ قَالَ: سَأَلْتُنِي سُلَيْمَانُ بْنُ هِشَامٍ عَنِ الْعُمَرَى قُلْتُ: حَدَّثَ مُحَمَّدُ بْنُ سَيْرِينَ عَنْ شَرِيفٍ قَالَ: قَضَى نَبِيُّ اللَّهِ أَنَّ الْعُمَرَى جَائِزَةً. قَالَ قَتَادَةَ: وَقُلْتُ: حَدَّثَنِي النَّضْرُ بْنُ أَنَسٍ عَنْ بَشِيرِ بْنِ تَهْبِيْكَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ نَبِيَّ اللَّهِ أَنَّ الْعُمَرَى جَائِزَةً. قَالَ قَتَادَةَ: وَقُلْتُ: كَانَ الْحَسْنُ يَقُولُ:

قَالَ قَتَادَةَ: فَقَالَ الزُّهْرِيُّ: إِنَّمَا الْعُنْزِيِّ إِذَا أُغْيِرَ وَعِقْبَةً مِنْ بَعْدِهِ، فَإِذَا لَمْ يَجْعَلْ عَقْبَةً مِنْ بَعْدِهِ كَانَ لِلَّذِي يَجْعَلُ، شَرْطُهُ. قَالَ قَتَادَةَ: فَسُئِلَ عَطَاءُ بْنُ أَبِي رَبَاحٍ فَقَالَ: حَدَّثَنِي جَابِرُ بْنُ عَبْدِ اللَّهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: الْعُمَرَى جَائِزَةً. قَالَ قَتَادَةَ: فَقَالَ الزُّهْرِيُّ: كَانَ الْخَلَفَاءُ لَا يَقْضُونَ بِهَا. قَالَ عَطَاءُ: فَقَضَى بِهَا عَبْدُ الْمَلِكِ بْنُ مَرْوَانَ.

an authentic narration in no way makes that *Hadīth* weak. However, it transpires from these statements that it is a controversial issue. But the fact of the matter is exactly that one which is proved by *Hadīth*, as has already been described in detail.

## Chapter 5. A Woman Giving A Gift Without Her Husband's Permission

**3787.** It was narrated from 'Amr bin Shu'aib, from his father, from his grandfather, that the Messenger of Allāh ﷺ said: "It is not permissible for a woman to give a gift from her wealth, once her husband has marital authority over her." This is the wording of (one of the narrators) Muḥammad." (*Hasan*)

(المعجم ٥) - عَطِيَّةُ الْمَرْأَةِ بِغَيْرِ إِذْنِ زَوْجِهَا (التحفة ٢)

٣٧٨٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْمَرٍ قَالَ: حَدَّثَنَا جِبَانُ قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ؛ حَوَّلَنَا إِلَيْنِي إِبْرَاهِيمُ بْنُ يُونُسَ بْنِ مُحَمَّدٍ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ دَاؤَةَ - وَهُوَ ابْنُ أَبِي هِنْدٍ - وَحَسِيبِ الْمَعْلَمِ، عَنْ عَمْرِو بْنِ شَعْبِيْنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَجُوزُ لِامْرَأَةٍ هَبَّةً فِي مَالِهَا إِذَا مَلَكَ زَوْجُهَا عِصْمَتَهَا». الْفَطْلُ لِمُحَمَّدٍ.

تخریج: [إسناده حسن] أخرجه أبو داود، البيوع، باب: في عطية المرأة بغير إذن زوجها، ح: ٣٥٤٦ من حديث حماد بن سلمة به، وهو في الكباري، ح: ٦٥٩٠، ٦٥٨٩، وصححه الحاكم: ٤٧، وواقه الذهي، وله طريق آخر عند ابن ماجه، ح: ٢٢٨٨ عن عمرو بن شعيب به.

### Comments:

It transpires from this *Hadīth* that a woman may not give presents from her own wealth also, without the permission or approval of her husband.

**3788.** It was narrated from 'Amr bin Shu'aib, from his father, that his grandfather said: "When the Messenger of Allāh ﷺ conquered Makkah, he stood up to address (the people) and said in his *Khuṭbah*: 'It is not permissible for a woman to give (a gift) except with her husband's permission.'" (*Da'*if)

٣٧٨٨ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا حُسَيْنُ الْمَعْلَمِ عَنْ عَمْرِو بْنِ شَعْبِيْنَ: أَنَّ أَبَاهُ حَدَّثَهُ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو؛ حَوَّلَنَا إِلَيْهِ بْنُ حُمَيْدٍ بْنُ مَشْعَدَةَ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ [قَالَ]: حَدَّثَنَا حُسَيْنُ الْمَعْلَمِ عَنْ عَمْرِو بْنِ شَعْبِيْنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: لَمَّا فَتَحَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَكَّةَ قَامَ حَاطِبًا فَقَالَ فِي حُطْبَيْهِ: «لَا يَجُوزُ لِامْرَأَةٍ عَطِيَّةً إِلَّا بِإِذْنِ زَوْجِهَا».

تخریج: [إسناده ضعیف] تقدم، ح: ٢٥٤١، و هو في الکبری، ح: ٦٥٩٢، ٦٥٩١.

**3789.** It was narrated that 'Abdur-Rahmân bin 'Alqamah Ath-Thaqaffi said: "The delegation of Thaqif came to the Messenger of Allâh ﷺ, bringing a gift with them. He said: 'Is it a gift or charity?' If it was a gift it would be for the sake of the Messenger of Allâh ﷺ and to have their needs met, and if it was charity then it would be in the cause of Allâh. They said: 'It is a gift.' So he accepted it from them, and sat with them, and they asked questions, until he prayed Zuhra with 'Asr." (*Da'if*)

٣٧٨٩ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عِيَاشٍ عَنْ يَحْيَى بْنِ هَانِئٍ، عَنْ أَبِي حَذِيفَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَلْقَمَةَ مُحَمَّدِ بْنِ بَشِيرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَلْقَمَةَ التَّقْفِيِّ قَالَ: قَدِيمٌ وَفُدُّ ثَقِيفٍ عَلَى رَسُولِ اللَّهِ ﷺ وَمَعْهُمْ هَدِيَّةٌ فَقَالَ: «أَهْدَيْهُ أَمْ صَدَقَةً؟» قَالَ: إِنَّمَا يُتَبَعَّدُ عَنِ الْمُحَاجَةِ، وَإِنَّ كَانَتْ صَدَقَةً فَلَا يُتَبَعَّدُ عَنِ الْمُحَاجَةِ، وَلَا يُتَبَعَّدُ عَنِ الْمُحَاجَةِ وَقَضَاءُ الْمُحَاجَةِ، وَإِنْ كَانَتْ هَدِيَّةً فَلَا يُتَبَعَّدُ عَنِ الْمُحَاجَةِ وَلَا يُتَبَعَّدُ عَنِ الْمُحَاجَةِ بَلْ هَدِيَّةً فَقَبِيلَاهَا مِنْهُمْ، وَقَعَدَ مَعَهُمْ يَسْأَلُهُمْ وَيَسْتَأْلُونَهُ حَتَّى صَلَّى الظَّهَرَ مَعَ الْعَصْرِ.

تخریج: [إسناده ضعیف] أخرجه البخاري في التاريخ الكبير: ٥٠٢، ٢٥٠ من حديث أبي بكر بن عیاش به، و هو في الکبری، ح: ٦٥٩٣ \* أبو حذيفة و عبد الملك مجھولان، وأبوبکر بن عیاش تقدم حاله، ح: ٧٨٠.

**3790.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "I was thinking of not accepting gifts except from a Qurashî, an Anshârî, a Thaqaffi or a Dawsî." (*Sahih*)

٣٧٩٠ - أَخْبَرَنَا أَبُو عَاصِمٍ حُشِيشُ بْنُ أَصْرَمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنْ أَبْنَ عَجْلَانَ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: لَقَدْ هَمَّتْ أَنْ لَا أَقْبَلَ هَدِيَّةً إِلَّا مِنْ قُرْشِيِّ أَوْ أَصْسَارِيِّ أَوْ ثَقِيفِيِّ أَوْ دُوسِيِّ".

تخریج: [صحيح] أخرجه الحمیدي، ح: ١٠٥٧ من حديث محمد بن عجلان به، و هو في الکبری، ح: ٦٥٩٤، ومصنف عبدالرازاق: ١١/٦٥، ح: ١٩٩٢١ \* ابن عجلان تابعه أبويب (الترمذی)، ح: ٣٩٤٥، و أبو عشر، وصححه الحاکم: ٢/٦٢، ٦٣، على شرط مسلم، ووافقه الذہبی، وللحديث شواهد عند ابن حبان، ح: ١١٤٥، ١١٤٦ وغیره.

### Comments:

The reason for this command was that a Bedouin once made a gift of a camel to the Prophet ﷺ. Allâh's Messenger ﷺ in return, gave him six she-camels, but still he was not pleased. That is why he uttered this statement.

**3791.** It was narrated from Anas that some meat was brought to the Messenger of Allâh ﷺ and he said: "What is this?" "It was said: "It was given in charity to Barîrah." He said: "It is charity for her and a gift for us." (Sahîh)

٣٧٩١ - أَخْبَرَنَا إِشْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ أَنَسِيهِ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَتَيَ بِلَحْمٍ فَقَالَ: «مَا هَذَا؟» فَقَيْلَ: تُصْدِقُ بِهِ عَلَى بَرِيرَةَ فَقَالَ: «هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَّةٌ».«

تخریج: أخرجه البخاري، الزکرة، باب: إذا تحولت الصدقة، ح: ١٤٩٥، ومسلم، الزکرة، باب إباحة الهدية للنبي ﷺ ... الخ، ح: ١٠٧٤ من حديث وكيع به، وهو في الكبرى، ح: ٦٥٩٥.

### Comments:

The purpose or objective of this *Hadîth* is: a poor person may give a present out of the wealth of charity; and it could be accepted by one and all; whether he be rich or poor.

## 35. The Book Of Oaths And Vows

(المعجم ٣٥) - كتاب الأيمان  
والذور (التحفة ١٨)

### Note:

To swear an oath is called *Yamîn* in Arabic. Lexically *Yamîn* signifies the right hand. The Arabs used to place their right hand upon the hand of the other party in order to ascertain a bargain or promise. One swears in order to make a matter certain. That is why they placed their hand upon the hand of others at the time of swearing. *Nadhr* or vow, means making some lawful act obligatory upon oneself that was not made obligatory by Allâh, Most High. It could either be a physical or monetary act.

### Chapter 1. (The Oath Of The Prophet ﷺ)

**3792.** It was narrated that Ibn 'Umar said: "The oath<sup>[1]</sup> by which the Messenger of Allâh ﷺ used to swear was: 'No, by the Controller of the hearts.'" (*Sahîh*)

(المعجم ١) - [باب: كَيْفَ كَانَتْ يَمِينُ النَّبِيِّ ﷺ] (التحفة ١)

٣٧٩٢ - أَخْبَرَنَا أَحْمَدُ بْنُ سَلَيْمانَ الرَّهَارِيُّ وَمُوسَى بْنُ عَبْدِ الرَّحْمَنِ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ يَسْرِي قَالَ: حَدَّثَنَا سُفِيَّانُ عَنْ مُوسَى ابْنِ عُقْيَةَ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ ابْنِ عُمَرَ قَالَ: كَانَتْ يَمِينُ يَحْلِفُ عَلَيْهَا رَسُولُ اللَّهِ ﷺ: لَا وَمَقْلِبَ الْقُلُوبِ!».

تخریج: أخرجه البخاري، الأيمان والذور، باب: كيف كانت يمين النبي ﷺ؟، ح: ٦٦٢٨، من حديث سفيان الثوري به، وهو في الكبير، ح: ٤٧٠٣.

### Comments:

The relevance of this phrasing is that to remain steadfast upon one's oath depends upon the strength and the perseverance of the heart. And the heart happens to be in Allâh's control.

### Chapter 2. Swearing By The Controller Of The Hearts

(المعجم ٢) - الحَلِفُ بِمَصْرِفِ الْقُلُوبِ (التحفة ٢)

**3793.** It was narrated from Sâlim that his father said: "The oath by which the Messenger of Allâh ﷺ

٣٧٩٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ الصَّلَتِ أَبُو يَعْلَى

[1] Here the term *Half* means when swearing, one says: "By Allâh..." or similar. In the translation we usually distinguished it from *Yamîn* by: "Swearing by..." It is often mentioned with *Yamîn* as in this narration.

used to swear was: 'No, by the Controller of the hearts.'" (*Da'iif*)

قالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَجَاءٍ عَنْ عَبَادِ بْنِ إِسْحَاقَ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ قَالَ: كَانَتْ يَمِينُ رَسُولِ اللَّهِ ﷺ الَّتِي يَحْلِفُ بِهَا: «لَا وَمُصْرِفُ الْقُلُوبِ!».

تخریج: [إسناده ضعیف] أخرجه ابن ماجه، الكفارات، باب يمين رسول الله ﷺ التي كان يحلف بها، ح: ٢٠٩٢ من حديث عبدالله بن رجاء المكي به، وهو في الكبير، ح: ٤٧٠٤، والحديث السابق يعني عنه .

### Comments:

'No': This is the negation of the utterance that preceded. So to say, this oath was stated in order to negate some utterance. It might have occurred for emphasis.

### Chapter 3. Swearing By The Glory (Izzah)<sup>[1]</sup> Of Allah

**3794.** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "When Allâh created Paradise and Hell, He sent Jibrîl, peace be upon him, to Paradise and said: 'Look at it and at what I have prepared for its people in it.' He looked at it, then he came back and said: 'By Your Glory, no one will hear of it but he will enter it.' So He commanded that it be surrounded by hardships and said: 'Go and look at it and at what I have prepared for its people in it.' He looked at it and saw that it had been surrounded with hardships. He (Jibrîl) said: 'By Your Glory, I fear that no one will enter it.' He (Allâh) said: 'Go and look at the Fire and at what I have prepared for its people in it.' So he looked at it and parts of it were piled upon other parts. He came

### (المعجم ٣) - الحَلِفُ بِعَرَّةِ اللَّهِ تَعَالَى (التحفة ٣)

٣٧٩٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا الْفَضْلُ بْنُ مُوسَى قَالَ: حَدَّثَنِي مُحَمَّدُ ابْنُ عَمْرُو قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «لَمَّا خَلَقَ اللَّهُ الْجَنَّةَ وَالنَّارَ أَرْسَلَ جِبْرِيلَ عَلَيْهِ السَّلَامُ إِلَيَّ الْجَنَّةَ فَقَالَ: انْظُرْ إِلَيْهَا وَإِلَى مَا أَعْدَدْتُ لِأَهْلِهَا فِيهَا، فَنَظَرَ إِلَيْهَا فَرَجَعَ فَقَالَ: وَعِزْيَكَ! لَا يَسْمَعُ بِهَا أَحَدٌ إِلَّا دَخَلَهَا، وَأَمَرَ بِهَا فَحُكِّمَتْ بِالْمَكَارِهِ فَقَالَ: اذْهَبْ إِلَيْهَا فَانْظُرْ إِلَيْهَا وَإِلَى مَا أَعْدَدْتُ لِأَهْلِهَا فِيهَا، فَنَظَرَ إِلَيْهَا فَإِذَا هِيَ قَدْ حُكِّمَتْ بِالْمَكَارِهِ فَقَالَ: وَعِزْيَكَ! لَقَدْ خَشِيتُ أَنْ لَا يَدْخُلُهَا أَحَدٌ قَالَ: اذْهَبْ فَانْظُرْ إِلَى النَّارِ وَإِلَى مَا أَعْدَدْتُ لِأَهْلِهَا فِيهَا، فَنَظَرَ إِلَيْهَا فَإِذَا هِيَ يَرْكُبُ

[1] *Izzah*: Might, honor, glory, or similar meanings, depending upon the context.

back and said: 'By Your Glory, no one will enter it.' So He commanded that it be surrounded with pleasures and said: 'Go and look at it.' So he looked at it and saw that it was surrounded with pleasures. He came back and said: 'By Your Glory, I fear that no one will be saved from it and all will enter it.'" (*Hasan*)

بعضها بعضاً، فَرَجَعَ فَقَالَ: وَعِزْتِكَ! لَا يَدْخُلُهَا أَحَدٌ، فَأَمَرَ بِهَا فَحُفِّظَ بِالشَّهْوَاتِ فَقَالَ: ارْجِعْ فَانْظُرْ إِلَيْهَا، فَنَظَرَ إِلَيْهَا فَإِذَا هِيَ قَدْ حُفِّظَ بِالشَّهْوَاتِ فَرَجَعَ وَقَالَ: وَعِزْتِكَ! لَقَدْ حَشِيتُ أَنْ لَا يَنْجُو مِنْهَا أَحَدٌ إِلَّا دَخَلَهَا».

تخریج: [إسناده حسن] أخرجه أبو داود، السنة، باب: في خلق الجنة، ح: ٤٧٤٤، والترمذی، ح: ٢٥٦٠ من حديث محمد بن عمرو بن علقمة الليثي به، وقال الترمذی: "حسن صحيح"، وهو في الکبریٰ، ح: ٤٧٠٢، وصححه ابن حبان، والحاکم على شرط مسلم: ١/٢٧، ٢٦، ووافقه الذہبی.

#### Chapter 4. The Stern Warning Against Swearing By Anything Other Than Allâh

(المعجم ٤) - الشَّدِيدُ فِي الْحَلْفِ بِغَيْرِ اللَّهِ تَعَالَى (التحفة ٤)

**3795.** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever swears, let him not swear by anything other than Allâh.'" The Quraish used to swear by their forefathers, and so he said: "Do not swear by your forefathers." (*Sahîh*)

٣٧٩٥ - أَخْبَرَنَا عَلَيُّ بْنُ حُجْرَةِ عَنْ إِسْمَاعِيلَ، - هُوَ ابْنُ جَعْفَرٍ - قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ دِينَارٍ عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: مَنْ كَانَ حَالِفًا فَلَا يَحْلِفُ إِلَّا بِاللَّهِ。 وَكَانَتْ قُرْيَشٌ تَحْلِفُ بِآبائِهَا فَقَالَ: لَا تَحْلِفُوا بِآبائِكُمْ».

تخریج: أخرجه مسلم، الأیمان، باب النهي عن الحلف بغير الله تعالى، ح: ٤/١٦٤٦ عن علي بن حجر، والبخاري، مناقب الأنصار، باب أيام الجاهلية، ح: ٣٨٣٦ من حديث إسماعيل بن جعفر به، وهو في الکبریٰ، ح: ٤٧٠٥.

**3796.** Yahya bin Abî Ishâq said: "A man from Banu Ghifâr told me, in the gathering of Sâlim bin 'Abdullâh, Sâlim bin 'Abdullâh said: 'I heard 'Abdullâh – that is, Ibn 'Umar – say: "The Messenger of Allâh ﷺ said: 'Allâh forbids you to swear by your forefathers.'" (*Sahîh*)

٣٧٩٦ - أَخْبَرَنِي زِيَادُ بْنُ أَيُوبَ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي إِسْحَاقَ قَالَ: حَدَّثَنِي رَجُلٌ مِنْ بَنِي غَفَارِ فِي مَجْلِسِ سَالِمٍ بْنِ عَبْدِ اللَّهِ، قَالَ سَالِمُ بْنُ عَبْدِ اللَّهِ سَيِّدُ عَبْدِ اللَّهِ - يَعْنِي ابْنَ عُمَرَ - وَهُوَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ اللَّهَ

يَنْهَاكُمْ أَنْ تَحْلِقُوا بِأَبَائِكُمْ .

تخریج: [إسناده صحيح] أخرجه أحمد: ٤٨ / ٢ عن إسماعيل ابن علية به، وهو في الكبرى، ح: ٤٧٠٦ \* رجل من بنى غفار أقره سالم عليه، وللحديث شواهد، منها الحديث السابق.

## Chapter 5. Swearing By One's Forefathers

**3797.** It was narrated from Sâlim, from his father, that on one occasion the Prophet ﷺ heard ‘Umar saying: “By my father and by my mother.” He said: “Allâh forbids you to swear by your forefathers.” ‘Umar said: “By Allâh, I never swore by them again, whether saying it for myself or reporting it of others.” (*Sahîh*)

(المعجم ٥) - الحلف بالآباء (التحفة ٥)

٣٧٩٧ - أَخْبَرَنَا عُبَيْدُ اللَّهِ بْنُ سَعِيدٍ وَقَتِيبَةً أَبْنُ سَعِيدٍ - وَاللَّفْظُ لَهُ - قَالًا: حَدَّثَنَا سُفِيَّانَ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ: أَنَّهُ سَمِعَ النَّبِيَّ ﷺ عُمَرَ مَرَّةً وَهُوَ يَقُولُ: وَأَبِي! وَأَبِي! فَقَالَ: إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ تَحْلِقُوا بِأَبَائِكُمْ فَوَاللَّهِ! مَا حَلَقْتُ بِهَا بَعْدُ ذَاكِرًا وَلَا آتِرًا .

تخریج: أخرجه البخاري، الأيمان والذور، باب لا تحلفوا بآبائكم، باب: لا تحلفوا بآبائكم، ح: ٦٦٤٧ تعليقاً، ومسلم، الأيمان، باب النهي عن الحلف بغير الله، ح: ١٦٤٦ من حديث سفيان بن عيينة به، وهو في الكبرى، ح: ٤٧٠٧.

### Comments:

‘For myself’ means intentionally, on his own, and he never quoted someone else having taken an oath like this.

**3798.** It was narrated from ‘Umar that the Prophet ﷺ said: “Allâh forbids you to swear by your forefathers.” ‘Umar said: “By Allâh, I never swore by them again, whether saying it for myself or reporting of others.” (*Sahîh*)

٣٧٩٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ زَيْدٍ وَسَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ - وَاللَّفْظُ لَهُ - قَالًا: حَدَّثَنَا سُفِيَّانَ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، عَنْ عُمَرَ: أَنَّ النَّبِيَّ ﷺ قَالَ: إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ تَحْلِقُوا بِأَبَائِكُمْ فَقَالَ عُمَرُ: فَوَاللَّهِ! مَا حَلَقْتُ بِهَا بَعْدُ ذَاكِرًا وَلَا آتِرًا .

تخریج: أخرجه البخاري، ح: ٦٦٤٧، ومسلم، ح: ١٦٤٦ من حديث سفيان بن عيينة به، انظر الحديث السابق، وهو في الكبرى، ح: ٤٧٠٨.

**3799.** It was narrated from Sâlim, from his father, that he told him from ‘Umar: “The Messenger of Allâh ﷺ said: ‘Allâh forbids you to

٣٧٩٩ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ - وَهُوَ أَبْنُ حَرْبٍ - عَنِ الرُّبَيْدِيِّ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ

swear by your forefathers.”’ Umar said: “By Allâh, I never swore by them again, whether saying it for myself or reporting it of others.” (Sahîh)

عَنْ أَبِيهِ، أَنَّهُ أَخْبَرَهُ عَنْ عُمَرَ: أَنَّ رَسُولَ اللَّهِ قَالَ: إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ تَخْلِفُوا بِأَبَائِكُمْ». قَالَ عُمَرُ: فَوَاللَّهِ مَا حَلَفْتُ بِهَا بَعْدُ ذَاكِرًا وَلَا آثِرًا.

تخریج: [صحيح] انظر “الحديث السابق، وهو في الكبیر، ح: ٤٧٠٩.

## Chapter 6. Swearing By One's Mother

### (المعجم ٦) - الحلف بالآمهاة (التحفة ٦)

**3800.** It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘Do not swear by your fathers, nor by your mothers nor by the idols. Swear only by Allâh, and do not swear unless you are sincere.’” (Sahîh)

٣٨٠٠ - أَخْبَرَنَا أَبُو بَكْرُ بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْيَضُ اللَّهِ بْنُ مَعَاذٍ قَالَ: حَدَّثَنَا أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا تَخْلِفُوا بِأَبَائِكُمْ وَلَا بِأَمْهَاتِكُمْ وَلَا بِالْأَنْدَادِ، وَلَا تَخْلِفُوا إِلَّا بِاللَّهِ، وَلَا تَخْلِفُوا إِلَّا وَأَنْتُمْ صَادُوقُونَ».

تخریج: [إسناده صحيح] أخرجه أبو داود، الأيمان والذور، باب كراهة الحلف بالأباء، ح: ٣٢٤٨؛ عن عبيدة الله بن معاذ به، وهو في الكبیر، ح: ٤٧١٠، وصححه ابن حبان، ح: ١١٧٦.

## Comments:

‘Or by idols’: The Arabic term used in the report is *Andâd* (equals or rivals) (singular is *Nidd*), which signifies any object of adoration to which some or all of Allâh’s qualities are ascribed. It denotes (literally) those people whom people consider worthy of worship, or treat them in that way, irrespective of whether they are dead or alive.

## Chapter 7. Swearing By A Religion Other Than Islam

### (المعجم ٧) - الحلف بملة سوئي الإسلام (التحفة ٧)

**3801.** It was narrated that Thâbit bin Ad-Dâhhâk said: “The Messenger of Allâh ﷺ said: ‘Whoever swears by a religion other than Islam, telling a lie, will be as he said.’” (Sahîh)

In his narration, Qutaibah said: “Intentionally.” Yazid said:

٣٨٠١ - أَخْبَرَنَا قُتَيْبَةَ قَالَ: حَدَّثَنَا ابْنُ عَدِيٍّ عَنْ خَالِدٍ، حَ وَأَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ بَزِيعٍ قَالَ: حَدَّثَنَا بَزِيزٌ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ أَبِي قِلَّابَةَ، عَنْ ثَابِتِ بْنِ الصَّحَّافِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ

"Telling a lie will be as he said, and whoever kills himself with something. Allâh will punish him with it in the Fire of Hell."

حَلَفَ بِيَمْلَأَ سَوَى الْإِسْلَامِ كَذِبًا فَهُوَ كَمَا قَالَ قَالَ فَتَبَّعَهُ فِي حَدِيثِهِ: «مُتَمَمًّا» وَقَالَ يَزِيدٌ: «كَذِبًا فَهُوَ كَمَا قَالَ، وَمَنْ قَتَلَ نَفْسَهُ بِشَيْءٍ عَذَبَهُ اللَّهُ بِهِ فِي نَارِ جَهَنَّمِ». ٣٨٠٢

**تخریج:** أخرجه البخاري، الجنائز، باب ماجاء في قاتل النفس، ح: ١٣٦٣ من حديث يزيد بن زريع، ومسلم، الإيمان، باب بيان غلط تحرير قتل الإنسان نفسه ... إلخ، ح: ١٧٧/١١٠ من حديث خالد الحذا، به، وهو في الكبير، ح: ٤٧١١.

### Comments:

The form of such an oath is that someone says: "By Christianity..." or the like. And they also say it is when he says: (By Allâh) if I do so and so work, I may turn a Jew or Christian, etc.' He has, however, already done that work, and he remembers it also. Or he says: 'If I do such and such work, I am a Jew or Christian.' While his intention is to do that work, he is swearing only to deceive. Apparently, he has chosen to turn a Jew or Christian. So to speak, he is actually a Jew or Christian.

**3802.** Thâbit bin Ad-Dâhhâk narrated that the Messenger of Allâh ﷺ said: "Whoever swears by a religion other than Islam, telling a lie, will be as he said, and whoever kills himself with something will be punished with it in the Hereafter." (*Sahîh*)

٣٨٠٢ - أَخْبَرَنِي مَحْمُودُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا أَبُو الْوَلِيدِ قَالَ: حَدَّثَنَا أَبُو عَمْرُو عَنْ يَحْيَى، أَنَّهُ حَدَّثَهُ قَالَ: حَدَّثَنِي أَبُو قَلَابَةَ قَالَ: حَدَّثَنِي ثَابِتُ بْنُ الصَّحَّافِ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ حَلَفَ بِيَمْلَأَ سَوَى الْإِسْلَامِ كَذِبًا فَهُوَ كَمَا قَالَ، وَمَنْ قَتَلَ نَفْسَهُ بِشَيْءٍ عَذَبَهُ اللَّهُ بِهِ فِي الْآجَرِ». ٣٨٠٢

**تخریج:** [صحيح] انظر الحديث السابق، وهو في الكبير، ح: ٤٧١٢.

### Chapter 8. Swearing That One Has Nothing To Do With Islam

**3803.** It was narrated from 'Abdullâh bin Buraidah that his father said: "The Messenger of Allâh ﷺ said: 'Whoever says: I have nothing to do with Islam, if he is lying then he is as he said, and if he is telling the truth, his Islam will not be sound.'" (*Hasan*)

(المعجم ٨) - الحَلْفُ بِالْبَرَاءَةِ مِنِ الإِسْلَامِ (التحفة ٨)

٣٨٠٣ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثَ قَالَ: حَدَّثَنَا الْقَضْلُ بْنُ مُوسَى عَنْ حُسَيْنِ بْنِ وَاقِفٍ، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ قَالَ: إِنِّي بَرِيءٌ مِنِ الإِسْلَامِ: فَإِنْ كَانَ كَذِبًا فَهُوَ كَمَا قَالَ، وَإِنْ

كَانَ صَادِقًا لَمْ يَعُدْ إِلَى الْإِسْلَامِ سَالِمًا .

**تخریج:** [إسناده حسن] أخرجه ابن ماجه، الكفارات، باب من حلف بملة غير الإسلام، ح: ٢١٠٠ من حديث الفضل بن موسى به، وهو في الكبرى، ح: ٤٧١٣، وصححه الحاكم على شرط الشيخين: ٤/٢٩٨، ووافقه الذهبي.

### Comments:

'His Islam will not be sound' means he would be considered to have sinned on account of uttering such words, because these are extremely ignominious words; as it were, he considered Islam very insignificant. Even if he is truthful, there is no room for such insensitivity.

## Chapter 9. Swearing By The Ka'bah

**3804.** It was narrated from 'Abdullâh bin Yasâr, from Qutailah, a woman from Juhainah, that a Jew came to the Prophet ﷺ and said: "You are setting up rivals (to Allâh) and associating others (with Him). You say: 'Whatever Allâh wills and you will,' and you say: 'By the Ka'bah.'" So the Prophet ﷺ commanded them, if they wanted to swear an oath, to say: "By the Lord of the Ka'bah;" and to say: "Whatever Allâh wills, then what you will." (*Sahîh*)

**تخریج:** [إسناده صحيح] أخرجه أحمد: ٦/٣٧١ من حديث عبد الجليل القيسى به، وهو في الكبرى، ح: ٤٧١٤، وصححه الحاكم: ٤/٢٩٧، ووافقه الذهبي \* عبد الله بن يسار هو الجهنى الكوفي.

### Comments:

The Ka'bah is a created being, and swearing or taking an oath by something which is created (by Allâh) is not lawful.

## Chapter 10. Swearing By False Gods (*At-Tawâghît*)

**3805.** It was narrated from 'Abdur-Râhmân bin Samurah that the Prophet ﷺ said: "Do not swear by your forefathers or by false gods (*At-Tawâghît*)."  
(*Sahîh*)

## (المعجم ٩) - الحَلِفُ بِالْكَعْبَةِ (التحفة ٩)

**٣٨٠٤ - أَخْبَرَنَا يُوسُفُ بْنُ عِيسَى قَالَ:**  
حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى قَالَ: حَدَّثَنَا مَسْعُرٌ  
عَنْ مَعْبُدِ بْنِ خَالِدٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَسَارٍ،  
عَنْ قُتَيْلَةَ امْرَأَةِ مِنْ جُهَنَّمَةَ: أَنَّ يَهُودِيًّا أَتَى  
النَّبِيَّ ﷺ فَقَالَ: إِنَّكُمْ تَنْدَدُونَ وَإِنَّكُمْ  
تُشْرِكُونَ: تَقُولُونَ: مَا شَاءَ اللَّهُ وَشِئْتَ،  
وَتَقُولُونَ: وَالْكَعْبَةِ! فَأَمَرَهُمُ النَّبِيُّ ﷺ إِذَا  
أَرَادُوا أَنْ يَحْلِفُوا أَنْ يَقُولُوا: وَرَبُّ الْكَعْبَةِ!  
وَيَقُولُ أَحَدٌ مَا شَاءَ اللَّهُ ثُمَّ شَيْئَ.

## (المعجم ١٠) - الحَلِفُ بِالظُّرُاغَيْتِ

(التحفة ١٠)

**٣٨٠٥ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمانَ قَالَ:**  
حَدَّثَنَا يَزِيدُ قَالَ: أَخْبَرَنَا هِشَامٌ عَنِ الْحَسَنِ،  
عَنْ عَبْدِ الرَّحْمَنِ بْنِ سُمَرَةَ عَنِ النَّبِيِّ ﷺ

قال: «لَا تَحْلِفُوا بِأَيْمَانِكُمْ وَلَا بِالظَّرَاغِيَّةِ».

تخریج: أخرجه مسلم، الأیمان، باب من حلف باللات والعزی فلیقل: «لَا إِلَهَ إِلَّا اللهُ»، ح: ١٦٤٨ من حديث هشام بن حسان به، وهو في الكبیر، ح: ٤٧١٥ \* ٤٧١٥ يزيد هو ابن هارون.

### Comments:

(See *Hadīth* 3800)

### Chapter 11. Swearing By Al-Lât

**3806.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever among you swears and says: By Al-Lât, let him say: *Lâ ilâha illallâh* (There is none worthy of worship except Allâh). And whoever says to his companion: Come, let us gamble, then let him give in charity.'" (*Sahîh*)

(المعجم ١١) - الحَلْفُ بِاللَّاتِ  
(التحفة ١١)

٣٨٠٦ - أَخْبَرَنَا كَثِيرٌ بْنُ عَبْيَدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ عَنِ الرَّئِيْدِيِّ، عَنِ الزَّهْرِيِّ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَّفَ مِنْكُمْ فَقَالَ: بِاللَّاتِ فَلِيَقُلْ: لَا إِلَهَ إِلَّا اللَّهُ، وَمَنْ قَالَ لِصَاحِبِهِ: تَعَالَ أَفَامِرْكَ فَلَيَصَدِّقْ». \*

تخریج: أخرجه البخاري، التفسیر، باب: «أفرأیتم اللات والعزی»، ح: ٤٨٦٠، ومسلم، الأیمان، باب من حلف باللات والعزی فلیقل: «لَا إِلَهَ إِلَّا اللهُ»، ح: ١٦٤٧ من حديث الزهری به، وهو في الكبیر، ح: ٤٧١٦.

### Comments:

Lât was the name of an idol, which was placed on Mount Safa. Swearing by Lât is to imitate the polytheists. Hence, to end such imitative behavior and to remove the doubt of the listener, the command to pronounce *Lâ ilâhâ illallâh* was given.

### Chapter 12. Swearing By Al-Lât And Al-'Uzza

**3807.** It was narrated from Mu'sab bin Sa'd that his father said: "We were talking about something, and I had only recently left *Jâhilîyyah* behind, so I swore by Al-Lât and Al-'Uzza. The Companions of the Messenger of Allâh ﷺ said to me: 'What a bad thing you have said!

(المعجم ١٢) - الحَلْفُ بِاللَّاتِ وَالْعَزَى  
(التحفة ١٢)

٣٨٠٧ - أَخْبَرَنَا أَبُو دَاؤُدَ قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا زُهَيْرٌ قَالَ: حَدَّثَنَا أَبُو إِسْحَاقَ عَنْ مُضْعِبِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: كُنَّا نَذُكُرُ بَعْضَ الْأُمْرِ وَأَنَا حَدِيثُ عَهْدِ بِالْجَاهِلِيَّةِ فَحَلَّفْتُ بِاللَّاتِ وَالْعَزَى،

Go to the Messenger of Allâh ﷺ and tell him, for we think that you have committed *Kufr*.’ So I went to him and told him, and he said to me: ‘Say: *Lâ ilâha illallâh wahdahu lâ sharîka lah* (There is none worthy of worship except Allâh alone, with out partner) three times, and seek refuge with Allâh from the *Shaitân* three times, and spit dryly to your left three times, and do not say that again.’” (*Sahîh*)

فَقَالَ لِي أَصْحَابُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: يُسَّنَ مَا قُلَّتْ أَئْتَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَخْبَرَهُ فَقَالَ لِي: نَرَاكَ إِلَّا قَدْ كَفَرْتَ، فَأَكَبَّتْهُ فَأَخْبَرَهُ فَقَالَ لِي: قُلْ: لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ ثَلَاثَ مَرَّاتٍ، وَعَوْدٌ بِاللَّهِ مِنَ الشَّيْطَانِ ثَلَاثَ مَرَّاتٍ، وَأَنْفُلْ عَنْ يَسَارِكَ ثَلَاثَ مَرَّاتٍ، وَلَا تَعْدُ لَهُ». .

تخریج: [صحیح] أخرجه ابن ماجه، الكفارات، باب النهي أن يحلف بغير الله، ح: ٢٠٩٧ من حديث أبي إسحاق السیعی بہ، وهو في الکبری، ح: ٤٧١٧ ، وانظر الحديث الآتی.

### Comments:

Sa'd سعد was the Muslim of the very early period of Islam. He is included among the first Muslims. A very few venerable personages had embraced Islam earlier than him. According to his own description, he was the third to embrace Islam. He belonged to the ten to whom, in their lifetime, Paradise had been announced. May Allâh be pleased with him, and he be with Him.

**3808.** Muṣ'ab bin Sa'd narrated that his father said: “I swore by Al-Lât and Al-'Uzza and my companions said to me: ‘What a bad thing you have said! You have said something horrible.’ So I went to the Messenger of Allâh ﷺ and told him about that. He said: ‘Say: *Lâ ilâha illallâh wahdahu lâ sharîka lah*, *lahul-mulk wa lahul-hamd wa huwa 'ala kulli shay'in qadir* (There is none worthy of worship except Allâh with no partner or associate; His is the Dominion, to Him be all praise, and He is able to do all things). Spit to your left three times, seek refuge with Allâh from the *Shaitân*, and do not say that again.’” (*Sahîh*)

٣٨٠٨ - أَخْبَرَنَا عَبْدُ الْحَمِيدِ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا مَخْلُدٌ قَالَ: حَدَّثَنَا يُوسُفُ بْنُ أَبِي إِسْحَاقَ عَنْ أَبِيهِ قَالَ: حَدَّثَنِي مُضْعَبُ بْنُ سَعْدٍ عَنْ أَبِيهِ قَالَ: حَلَقْتُ بِاللَّاتِ وَالْعَزَّى فَقَالَ لِي أَصْحَابِي: يُسَّنَ مَا قُلَّتْ قُلْتَ هُجْرًا! فَأَكَبَّتْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ لَهُ، فَقَالَ: أَقُلْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ إِلَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ، وَأَنْفُلْ عَنْ يَسَارِكَ ثَلَاثًا، وَعَوْدٌ بِاللَّهِ مِنَ الشَّيْطَانِ، ثُمَّ لَا تَعْدُ». .

تخریج: [إسناده صحيح] وهو في الکبری، ح: ٤٧١٨ ، وصححه ابن حبان، ح: ١١٧٨ وانظر الحديث السابق.

(المعجم ١٣) - إِبْرَارُ الْقَسْمِ (التحفة ١٣)

### Chapter 13. Fulfillment Of An Oath (When One Is Adjured To Do Something)

**3809.** Al-Barâ' bin 'Âzib said: "The Messenger of Allâh ﷺ commanded us to do seven things: He commanded us to attend funerals, visit the sick, to reply (say: *Yarhamuk Allâh* (may Allâh have mercy on you)) to one who sneezes, to accept invitations, to support the oppressed, to fulfill oaths (when adjured by another) and to return greetings of *Salâm*." (*Sahîh*)

٣٨٠٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُشَّى وَمُحَمَّدُ  
ابْنُ يَشَّاِرِ عَنْ مُحَمَّدٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنِ  
الْأَسْعَثِ بْنِ سُلَيْمَانَ، عَنْ مُعاوِيَةَ بْنِ سُوَيْدِ بْنِ  
مُقْرَبٍ، عَنِ التَّرَاءِ بْنِ عَازِبٍ قَالَ: أَمَرَنَا  
رَسُولُ اللَّهِ ﷺ بِسَبِيعٍ: أَمَرَنَا بِاتِّبَاعِ الْجَنَائِزِ،  
وَعِبَادَةِ الْمَرِيضِ، وَتَشْمِيسِ الْعَاطِسِ، وَإِجَابَةِ  
الدَّاعِيِّ، وَأَصْرِيِّ الْمَطْلُومِ، وَإِبْرَارِ الْقَسْمِ،  
وَرَدَّ السَّلَامِ.

تخریج: [صحیح] تقدم، ح: ١٩٤١ وهو في الكبری، ح: ٤٧١٩.

### Comments:

Meaning; when you are requested to take an oath to fulfill a matter and you swear to do such, then you must fulfill it.

### Chapter 14. One Who Swears An Oath And Then Sees That Something Else Is Better

**3810.** It was narrated from Abû Mûsâ that the Prophet ﷺ said: "There is nothing on Earth that I swear an oath upon, and I see that something else is better, but I do that which is better." (*Sahîh*)

(المعجم ١٤) - مَنْ حَلَفَ عَلَى يَمِينٍ  
فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا (التحفة ١٤)

٣٨١ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا ابْنُ  
أَبِي عَدَى عَنْ سُلَيْمَانَ، عَنْ أَبِي السَّلَلِيِّ، عَنْ  
رَهْدَمَ، عَنْ أَبِي مُوسَى عَنْ النَّبِيِّ ﷺ قَالَ:  
«مَا عَلَى الْأَرْضِ يَمِينٌ، أَخْلِفُ عَلَيْهَا، فَأَرَى  
غَيْرَهَا خَيْرًا مِنْهَا إِلَّا أَيْمَنًا».

تخریج: أخرجه مسلم، الأيمان، باب ندب من حلف يميناً فرأى غيرها خيراً منها ... إلخ، ح: ٤٧٢٠ \* أبو السليل هو ضرب بن ثقیر، ح: ٣١٣٣ من حديث زهدم بن مضرب به، وهو في الكبری، ح: ١٦٤٩ من حديث سليمان التيمي، والبخاري، فرض الخامس، باب: ومن الدليل على أن الخامس لتوابع المسلمين ... إلخ، ح: ٤٧٤٩ من حديث زهدم بن مضرب به، وهو في الكبری، ح: ٤٧٢٠

## Chapter 15. Expiation Before Breaking An Oath

(المعجم ١٥) - الكفاره قبل الحجث

(التحفة ١٥)

٣٨١١ - أَخْبَرَنَا قَيْمِيَّةُ قَالَ: حَدَّثَنَا حَمَادٌ  
عَنْ عَيْلَانَ بْنِ جَرِيرٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي  
مُوسَى الْأَشْعَرِيِّ قَالَ: أَتَيْتُ رَسُولَ اللَّهِ ﷺ  
فِي - يَعْنِي رَهْطٍ - مِنَ الْأَشْعَرِيِّينَ نَسْتَحْمِلُهُ  
قَالَ: «وَاللَّهِ! لَا أَحْمُلُكُمْ وَمَا عِنْدِي مَا  
أَحْمُلُكُمْ» ثُمَّ لَيَّثَا مَا شَاءَ اللَّهُ، فَاتَّيْتُ يَابِلَ،  
فَأَمَرَ لَنَا بِكَلَاثَةِ دَوْدَ، فَلَمَّا انْطَلَقْنَا قَالَ بَعْضُنَا  
لِيَعْضُ: لَا يَتَارُكُ اللَّهُ لَنَا، أَتَيْنَا رَسُولَ اللَّهِ  
ﷺ نَسْتَحْمِلُهُ فَحَالَ أَنْ لَا يَحْمِلُنَا، قَالَ أَبُو  
مُوسَى: فَاتَّيْنَا النَّبِيَّ ﷺ فَذَكَرَنَا ذَلِكَ لَهُ  
قَالَ: «مَا أَنَا حَمَلْتُكُمْ بِاللَّهِ حَمَلْكُمْ، إِنِّي  
وَاللَّهِ! لَا أُحْلِفُ عَلَى يَوْمٍ فَأَرَى عَيْرَهَا خَيْرًا  
مِنْهَا إِلَّا كَفَرْتُ عَنْ يَوْمِي، وَأَتَيْتُ النَّبِيَّ هُوَ  
خَيْرٌ». .

3811. It was narrated that Abū Mūsā Al-Ash'arī said: "I came to the Messenger of Allāh ﷺ with a group of the Ash'arī people and asked him to give us animals to ride. He said: 'By Allāh, I cannot give you anything to ride and I have nothing to give you to ride.' We stayed as long as Allāh willed, then some camels were brought to him. He ordered that we be given three fine-looking camels. When we left, we said to one another: 'We came to the Messenger of Allāh ﷺ to ask him for animals to ride, and he swore by Allāh that he would not give us anything to ride, then he gave us something.'" Abū Mūsā said: "We came to the Prophet ﷺ and told him about that. He said: 'I did not give you animals to ride, rather Allāh gave you them to ride. By Allāh, I do not swear an oath and then see something better than it, but I offer expiation for my oath and do that which is better.'" (*Sahīh*)

**تخریج:** أخرجه البخاري، كفارات الأيمان، باب الاستئام في الأيمان، ح: ٦٧١٨، ومسلم، الأيمان، باب تدب من حلف يميناً فرأى غيرها خيراً منها . . . إلخ، ح: ١٦٤٩ عن قيبة به، وهو في الكبير، ح: ٤٧٢١ \* حماد هو ابن زيد.

### Comments:

Ash'ar was a clan, on account of which Abū Mūsā is called Ash'arī. The moment they had reached him, he was incidentally in the state of anger over some matter. Otherwise, he did not have any mounts at that time.

3812. 'Amr bin Shu'aib narrated from his father, from his grandfather, that the Messenger of

٣٨١٢ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيِّي قَالَ:  
حَدَّثَنَا يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ الْأَخْسَى قَالَ:

Allâh ﷺ said: "Whoever swears an oath, then sees something better than it, let him do that which is better." (*Hasan*)

حدَّثَنَا عَمْرُو بْنُ شَعِيبٍ عَنْ أَبِيهِ، عَنْ جَدِّهِ:  
أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ حَلَفَ عَلَى  
يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيُكَفِّرْ عَنْ  
يَمِينِهِ وَلْيَأْتِ الَّذِي هُوَ خَيْرٌ».

تخریج: [إسناده حسن] أخرجه أحمد: ٢١٢/٢، من حديث عبيد الله به مطولاً، وهو في الكبّری، ح: ٤٧٢٣، وللحديث شواهد عند ابن حبان، ح: ١١٨٠ وغيره.

**3813.** It was narrated from 'Abdur-Rahmân bin Samurah that the Messenger of Allâh ﷺ said: "If any one of you swears an oath, then he sees something better than it, let him offer expiation for his oath, and look at what is better and do it." (*Sahîh*)

٣٨١٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَغْلَى  
قَالَ: حَدَّثَنَا الْمُعْتَدِلُ عَنْ أَبِيهِ، عَنِ الْحَسَنِ،  
عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ عَنْ رَسُولِ اللَّهِ  
ﷺ قَالَ: إِذَا حَلَفَ أَحَدُكُمْ عَلَى يَمِينٍ فَرَأَى  
غَيْرَهَا خَيْرًا مِنْهَا، فَلْيُكَفِّرْ عَنْ يَمِينِهِ، وَلْيَنْظُرْ  
إِلَيْهِ هُوَ خَيْرٌ، فَلْيَأْتِهِ.

تخریج: أخرجه مسلم، الأيمان، باب ندب من حلف يميناً فرأى غيرها خيراً منها ... إلخ، ح: ١٦٥٢ من حديث المعتدل بن سليمان، والبخاري، الأيمان والندور، باب قول الله تعالى: "لا يؤاخذكم الله باللغو في أيمانكم"، ح: ٦٦٢٢ من حديث الحسن البصري به، وهو في الكبّری، ح: ٤٧٢٤.

**3814.** 'Abdur-Rahmân bin Samurah said: "The Messenger of Allâh ﷺ said: 'If you swear an oath, offer expiation for your oath, then do that which is better.'" (*Sahîh*)

٣٨١٤ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ:  
حَدَّثَنَا عَفَانُ قَالَ: حَدَّثَنَا حَمْرَيْرُ بْنُ حَازِمٍ  
قَالَ: سَوَعْتُ الْحَسَنَ قَالَ: حَدَّثَنَا عَبْدُ  
الرَّحْمَنِ بْنِ سَمْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ  
ﷺ: إِذَا حَلَفْتَ عَلَى يَمِينٍ فَكَفُّرْ عَنْ يَمِينِكَ، ثُمَّ  
إِلَيْهِ الَّذِي هُوَ خَيْرٌ».

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبّری، ح: ٤٧٢٥.

**3815.** It was narrated from 'Abdur-Rahmân bin Samurah that the Prophet ﷺ said: "If you swear an oath, then you see something better than it, then offer expiation for your oath, and do that which is better." (*Sahîh*)

٣٨١٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى  
الْقُطْمَيْيُّ عَنْ عَبْدِ الْأَغْلَى - وَذَكَرَ كَلِمَةً  
مَعْنَاهَا: حَدَّثَنَا - سَعِيدٌ عَنْ قَتَادَةَ، عَنِ  
الْحَسَنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ: أَنَّ

النبي ﷺ قال: «إذا حلفت على يومين فرأيت غيرها خيراً منها، فنكفر عن يومينك وأئن الذي هو خير». ٤٧٢٦

تخریج: [صحیح] انظر الحدیثین السابقین، وهو فی الکبری، ح: ٤٧٢٦.

## Chapter 16. Expiation After Breaking An Oath

**3816.** It was narrated that 'Adiyy bin Hâtim said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath, then sees something better than it, let him do that which is better and offer expiation for his oath.'" (*Sahîh*)

(المعجم ١٦) - الكفارة بعد الحنث  
(التحفة ١٦)

٣٨١٦ - أخبرنا إشحاق بن منصور قال: حدثنا عبد الرحمن قال: حدثنا شعبة عن عمرو بن مرة قال: سمعت عبد الله بن عمرو مولى الحسن بن علي، يحدث عن عدي بن حاتم قال: قال رسول الله ﷺ: «من حلف على يومين فرأى غيرها خيراً منها، فليأتى الذي هو خير، ولنكر عن يوميه».

تخریج: [صحیح] آخرجه احمد: ٢٥٦ / ٤، ٣٧٨ من حديث شعبة به، وهو فی الکبری، ح: ٤٧٢٧ \* عبدالله بن عمرو مستور، والحدیث الآتی شاهد له.

### Comments:

In the previously recorded narrations, atonement was mentioned before breaking an oath, whereas in this report (and in the upcoming reports), the mention of breaking an oath precedes that of atonement. So to say, both ways are permissible.

**3817.** It was narrated that 'Adiyy bin Hâtim said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath, then sees something better than it, let him leave his oath, and do that which is better, and offer expiation for it.'" (*Sahîh*)

٣٨١٧ - أخبرنا هناد بن السري عن أبي بكر بن عياش، عن عبد العزيز بن رفيع، عن توبيم بن طرفة، عن عدي بن حاتم قال: قال رسول الله ﷺ: «من حلف على يومين فرأى غيرها خيراً منها، فليأت يومه ولنكر عن يوميه الذي هو خير، ولنكرها».

تخریج: آخرجه مسلم، الأیمان، باب ندب من حلف يمیئا فرأى غيرها خيراً منها ... إلخ، ح: ١٦٥١ من حديث عبد العزيز به، وهو فی الکبری، ح: ٤٧٢٨.

**3818.** It was narrated that 'Adiyy

٣٨١٨ - أخبرنا عمرو بن يزيد قال:

bin Hâtim said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath, then sees something better than it, let him do that which is better and leave his oath.'" (*Sahîh*)

حَدَّثَنَا بَهْرُ بْنُ أَسْدٍ قَالَ: حَدَّثَنَا شَعْبَةُ قَالَ:  
أَخْبَرَنِي عَبْدُ الْعَزِيزِ بْنُ رُقَيْعَةَ قَالَ: سَمِعْتُ  
تَمِيمَ بْنَ طَرْفَةَ يُعْذِّثُ عَنْ عَدِيِّ بْنِ حَاتِمَ  
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَّ عَلَى  
يَمِينِ فَرَأَى خَيْرًا مِنْهَا، فَلْيَأْتِ الَّذِي هُوَ  
خَيْرٌ، وَلَا يُشْرُكْ يَمِينَهُ».

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبير، ح: 4729 .

**3819.** It was narrated from Abû Al-Ahwâs that his father said: "I said: 'O Messenger of Allâh, I have a cousin, and I come to him and ask him (for help) but he does not give me anything, and he does not uphold the ties of kinship with me. Then, when he needs me, he comes to me and asks me (for help). I swore that I would not give him anything, nor uphold the ties of kinship with him.' He commanded me to do that which is better and to offer expiation for my oath." (*Sahîh*)

٣٨١٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ عَنْ  
شَعْبَانَ قَالَ: حَدَّثَنَا أَبُو الزَّعْرَاءَ عَنْ عَمِّهِ أَبِي  
الْأَخْوَصِ، عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ  
اللَّهِ! أَرَأَيْتَ ابْنَ عَمِّ لِي: أَتَيْتُهُ أَسْأَلَهُ فَلَا  
يُعْطِنِي وَلَا يَصِلِّنِي، ثُمَّ يَحْتَاجُ إِلَيَّ فَيَأْتِنِي  
فَيَسْأَلُنِي، وَقَدْ حَلَّفْتُ أَنْ لَا أُغْطِيَهُ وَلَا  
أَصِلَّهُ، فَأَمَرَنِي أَنْ أَتَيَ الَّذِي هُوَ خَيْرٌ وَأَكْفَرَ  
عَنْ يَوْمِنِي .

تخریج: [إسناده صحيح] أخرجه ابن ماجه، الكفارات، باب من حلف على يمين فرأى غيرها خيراً منها، ح: ٢١٠٩ من حديث سفيان بن عيينة به، وهو في الكبير، ح: ٤٧٣٠، وهو مخرج في مستند الحمدي، ح: ٨٨٥ بتحقيقه .

**3820.** It was narrated that 'Abdur-Râhîmân bin Samurah said: "The Prophet ﷺ said to me: 'If you swear an oath, and you see something that is better, then do that which is better and offer expiation for your oath.'" (*Sahîh*)

٣٨٢٠ - أَخْبَرَنَا زِيَادُ بْنُ أَبُوبَ قَالَ:  
حَدَّثَنَا هُشَيْمٌ قَالَ: أَخْبَرَنَا مَنْصُورٌ وَيُونُسٌ عَنِ  
الْحَسَنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ قَالَ:  
قَالَ لِي النَّبِيُّ ﷺ: «إِذَا آتَيْتَ عَلَى يَمِينِ  
فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا، فَأْتِ الَّذِي هُوَ  
خَيْرٌ، وَكَفَرْ عَنْ يَوْمِنِكَ».

تخریج: [صحيح] تقدم، ح: ٣٨١٣، وهو في الكبير، ح: ٤٧٣١ .

**3821.** ‘Abdur-Rahmân bin Samurah said: “The Messenger of Allâh ﷺ said: ‘If you swear an oath, then you see something that is better, then do that which is better offer expiation for your oath.’” (*Sahîh*)

٣٨٢١ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا ابْنُ عَوْنَى عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سُمَرَةَ قَالَ: قَالَ - يَعْنِي رَسُولَ اللَّهِ - ﷺ: «إِذَا حَلَفَتْ عَلَى يَمِينٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا، فَأَتِ الَّذِي هُوَ خَيْرٌ مِنْهَا، وَكَفَرَ عَنْ يَمِينِكَ».

تخریج: [صحیح] تقدم، ح: ٣٨١٣، وهو في الكبير، ح: ٤٧٣٢ .

**3822.** ‘Abdur-Rahmân bin Samurah said: “The Messenger of Allâh ﷺ said to me: ‘If you swear an oath, then you see something that is better, do that which is better, and offer expiation for your oath.’” (*Sahîh*)

٣٨٢٢ - أَخْبَرَنِي مُحَمَّدُ بْنُ قُدَامَةَ فِي حَدِيثِهِ عَنْ جَرِيرٍ، عَنْ مَنْصُورٍ، عَنِ الْحَسَنِ الْأَصْفَرِيِّ: قَالَ عَبْدُ الرَّحْمَنِ بْنُ سُمَرَةَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «إِذَا حَلَفَتْ عَلَى يَمِينٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا، فَأَتِ الَّذِي هُوَ خَيْرٌ، وَكَفَرَ عَنْ يَمِينِكَ».

تخریج: [صحیح] تقدم، ح: ٣٨١٣، وهو في الكبير، ح: ٤٧٣٣ .

### Chapter 17. Oaths Concerning That Which One Does Not Possess

**3823.** Amr bin Shu‘aib narrated from his father, from his grandfather, that the Messenger of Allâh ﷺ said: “There is no vow and no oath concerning that which one does not possess, nor to commit sin, nor to sever the ties of kinship.” (*Hasan*)

(المعجم ١٧) - الْيَمِينُ فِيمَا لَا يَمْلِكُ  
(التحفة ١٧)

٣٨٢٣ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ بْنِ الْأَخْنَسِ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ شُعَيْبٍ عَنْ أَبِيهِ، عَنْ جَلْوَهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَنْزَرْ وَلَا يَوْمِنْ فِيمَا لَا يَمْلِكُ، وَلَا فِي مَعْصِيَةٍ، وَلَا قَطْعَةٍ رَحِيمٍ».

تخریج: [إسناده حسن] أخرجه أبو داود، الأيمان، باب اليمين في قطعة الرحم، ح: ٣٢٧٤  
من حديث عبد الله بن الأحسنس به، وهو في الكبير، ح: ٤٧٣٤ .

### Comments:

‘No vow and no oath...’ means; it is not allowed to do that.

## (المعجم ١٨) - مَنْ حَلَفَ فَاسْتَشْتَأْ

(التحفة ١٨)

٣٨٢٤ - أَخْبَرَنَا أَحْمَدُ بْنُ سَعِيدٍ قَالَ:

حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ الْوَارِثِ قَالَ: حَدَّثَنَا أَيُوبُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ حَلَفَ فَاسْتَشْتَأْ: فَإِنْ شَاءَ مَضَى وَإِنْ شَاءَ تَرَكَ عَيْرَ حَيْثِ».

**Chapter 18. Whoever Swears An Oath And Says: "If Allâh Wills"**

3824. It was narrated from Ibn 'Umar that the Prophet ﷺ said: "Whoever swears an oath and says: 'If Allâh wills,' then if he wishes he may go ahead, and if he wishes he may not, without having broken his oath." (*Sahîh*)

تخریج: [إسناده صحيح] آخرجه الترمذی، النذور والأيمان، باب ماجاء في الاستثناء في اليمین، ح: ١٥٣١: من حديث عبد الوارث بن سعيد به، وهو في الكبير، ح: ٤٧٣٥، وقال الترمذی: "حسن"، وصححه ابن حبان \* أیوب تابعه كثير بن فرقد كما سیأتي، ح: ٣٨٥٩.

**Comments:**

*Insha' Allâh* signifies 'If Allâh Wills it so!' It transpires from these words that the swearer has not sworn an absolute oath. In other words, he is saying in effect, if he is able to perform that act, he would perform it. Otherwise it, would be understood that Allâh did not will it. Therefore, he could not do it. How would he apparently incur a sin?

**Chapter 19. Intention In Oaths**

## (المعجم ١٩) - النَّيَّةُ فِي الْيَمِينِ

(التحفة ١٩)

٣٨٢٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ:

أَخْبَرَنَا سَلِيمُ بْنُ حَيَّانَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ مُحَمَّدٍ بْنِ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ بْنِ وَقَاصٍ، عَنْ عُمَرَ بْنِ الْخَطَّابِ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّمَا الْأَعْمَالَ بِالنِّيَّاتِ وَإِنَّمَا لِمَرْءَةٍ مَا تَنْوِي، فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ فَهِجْرَةٌ إِلَى اللَّهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ إِلَيْنَا يُصِيبُهَا أَوْ امْرَأَةٌ يَتَرَوَّجُهَا فَهِجْرَةٌ إِلَى مَا هَا جَرَ إِلَيْهَا».

3825. It was narrated from 'Umar bin Al-Khaṭṭāb that the Prophet ﷺ said: "Actions are but by intentions, and each person will have but that which he intended. Thus, he whose emigration was for the sake of Allâh and His Messenger, his emigration was for the sake of Allâh and His Messenger, and he whose emigration was to achieve some worldly gain or to take some woman in marriage, his emigration was for that for which he emigrated." (*Sahîh*)

**Comments:**

An oath also forms a part of the affairs of the world. Hence, an oath shall be

تخریج: [ صحيح] تقدم، ح: ٧٥، وهو في الكبير، ح: ٤٧٣٦.

considered reliable or valid according to the intention of the one who takes it, or the signification of an oath would be interpreted and considered trustworthy, according to the signification intended by the taker of the oath.

(This *Hadîth* and its details have preceded earlier. See *Hadîth* 75)

## Chapter 20. Forbidding That Which Allâh, The Mighty And Sublime, Has Permitted

**3826.** ‘Ubâdah bin ‘Umair said: I heard ‘Aishah say: “The Prophet ﷺ used to stay with Zainab bint Jahsh and drink honey at her house. Hafṣah and I agreed that if the Prophet ﷺ came to either of us, she would say: ‘I detect the smell of *Maghâfir* (a nasty-smelling gum) on you. Have you eaten *Maghâfir*?’ He went to one of them and she said that to him. He said: ‘No, rather I drank honey at the house of Zainab bint Jahsh, but I will never do it again.’ Then the following was revealed: ‘O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you’<sup>[1]</sup> up to: ‘If you two turn in repentance to Allâh’<sup>[2]</sup> – ‘Aishah and Hafṣah – ‘And (remember) when the Prophet disclosed a matter in confidence to one of his wives.’<sup>[3]</sup> refers to him saying: ‘No, rather I drank honey.’”

(*Sahîh*)

تخریج: [صحیح] تقدم، ح: ٣٤٥٠، وهو في الكبير، ح: ٤٧٣٧.

### Comments:

(Similar to *Hadîth* 3410)

To declare that this or that lawful thing will now be unlawful for oneself, as unlawful is similar to taking a vow or an oath.

(المعجم ٢٠) - تحرير مَا أحلَ الله عزَ وجَلَ (التحفة ٢٠)

٣٨٢٦ - أخْبَرَنَا الْحَسَنُ بْنُ مُحَمَّدٍ الرَّعْفَرَانِيُّ قَالَ: حَدَّثَنَا حَاجَاجٌ عَنْ ابْنِ حُرَيْبٍ قَالَ: رَأَمْ عَطَاءً أَنَّهُ سَمِعَ عُبَيْدَ بْنَ عُمَيْرٍ يَقُولُ: سَوْفَتْ عَائِشَةَ تَرْعُمُ: أَنَّ النَّبِيَّ كَانَ يَمْكُثُ عِنْدَ رَبِّنَبِ بْنِ جَحْشٍ فَسَرَبَ عِنْدَهَا عَسْلًا، فَتَوَاصَتْ أَنَا وَحَفْصَةُ أَنَّ أَيَّتَنَا دَخَلَ عَلَيْهَا النَّبِيُّ فَلَتَقُلْ: أَنِي أَجِدُ مِنْكَ رِيحَ مَعَافِرًا! أَكُلُّ مَعَافِرًا؟ فَدَخَلَ عَلَى إِخْدَاهُمَا، فَقَالَتْ ذَلِكَ لَهُ، فَقَالَ: «لَا بَلْ شَرِيكٌ عَسْلًا عِنْدَ رَبِّنَبِ بْنِ جَحْشٍ وَلَنْ أَخُوذَ لَهُ» فَرَأَتْهُ: «يَقِيمُهَا أَلَيْهِ لِدَهْرِهِ مَا أَحَلَ اللَّهُ لَكَ» إِلَى «إِنَّ نَوْبَاتِ إِلَيْهِ اللَّهُ» عَائِشَةُ وَحَفْصَةُ «وَلَمَّا أَسْرَ النَّبِيَّ إِلَيْكَ بَعْضَ أَرْجُوهُ حَدِيثَنَا لِغَوْلِهِ: «بَلْ شَرِيكٌ عَسْلًا».

## Chapter 21. If A Person Swears Not To Eat Any Condiment With Bread, Then He Eats Bread And Vinegar<sup>[1]</sup>

**3827.** It was narrated that Jâbir said: "I entered the house of the Prophet ﷺ with him and there was some bread and vinegar. The Messenger of Allâh ﷺ said: 'Eat; what a good condiment is vinegar.'" (*Sahîh*)

(المعجم ٢١) - إِذَا حَلَفَ أَنْ لَا يَأْتِمَ فَأَكَلَ حُبْرًا بِخَلٍّ (التحفة ٢١)

٣٨٢٧ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٌ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا المُتَّسِّي بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا طَلْحَةُ بْنُ نَافِعٍ عَنْ جَابِرٍ قَالَ: دَخَلْتُ مَعَ الرَّبِيعِ بْنِ عَيْثَةَ إِذَا فَلَقَ وَخَلٌّ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «كُلْ، فَيَعْمَلُ الْإِدَامُ الْخَلُّ». .

تخریج: أخرجه مسلم، الأشربة، باب فضيلة الخل، والتادم به، ح: ١٦٧ / ٢٠٥٢ من حديث المتنی بن سعید به، وهو في الكبری، ح: ٤٧٣٨.

## Chapter 22. Swearing Oaths And Lying When One Does Not Believe In What He Is Swearing About

**3828.** It was narrated that Qais bin Abî Gharazah said: "At the time of the Messenger of Allâh ﷺ we used to be called *Samâsîr* (brokers). The Messenger of Allâh ﷺ came to us when we were selling and called us by a name that was better than that. He said: 'O merchants (*Tujâr*), this selling involves lies and (false) oaths, so mix some charity with it.'" (*Sahîh*)

(المعجم ٢٢) - فِي الْحَلِيفِ وَالْكَذِبِ لِمَنْ لِمْ يَعْتَدِ الْيَمِينَ بِقَلْبِهِ (التحفة ٢٢)

٣٨٢٨ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنِ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا سُفِيَّانُ عَنْ عَبْدِ الْمَلِكِ، عَنْ أَبِي وَائِلٍ، عَنْ قَيْسِ بْنِ أَبِي غَرَّةَ قَالَ: كُنَّا نُسَمَّى السَّمَاسِرَةُ، فَأَتَانَا رَسُولُ اللَّهِ ﷺ وَنَهَنُ تَبَعُّ، فَسَمَّانَا يَاسِمٌ هُوَ خَيْرٌ مِنْ اسْمِنَا فَقَالَ: «يَا مَعْشَرَ التُّجَارِ! إِنَّ هَذَا الْبَيْعَ يَحْضُرُ الْحَلِيفُ وَالْكَذِبُ، فَشُوُبُوا بِيَعْكُمْ بِالصَّدَقَةِ».

تخریج: [صحيح] أخرجه أبو داود، البيوع، باب: في التجارة يخالفها الحلف واللغو، ح: ٣٣٢٧ من حديث سفيان بن عيينة عن عبد الملك بن أعين وغيره به، وقال الترمذی، ح: ١٢٠٨، "حسن صحيح"، وهو في الكبری، ح: ٤٧٣٩، وصححه ابن الجارود، ح: ٥٥٧، والحاکم: ٢، ووافقه الذهبي.

<sup>[1]</sup> Meaning; if someone swore not to eat bread with condiments, then he ate vinegar and bread, he will have violated the oath, since this narration proves that vinegar is a condiment. Otherwise, it is not known that the Prophet ﷺ swore such an oath.

## Comments:

'Samâsîrah' is the plural of Simsâr. It is a non-Arabic expression. It denotes people who sell people's commodities for a wage (it signifies a broker, agent or middleman). The non-Arabs were involved in such trade and commerce. Hence, this expression came to be used for all sorts of traders. Allâh's Messenger ﷺ did not like the word; he, therefore, changed it with 'traders or businessmen.'

**3829.** It was narrated that Qais bin Abî Gharazah said: "We used to sell in Al-Baqî', and the Messenger of Allâh ﷺ came to us. We used to be called *Samâsîr* (brokers) but he said: 'O merchants!' And called us by a name that was better than our name. Then he said: 'This selling involves (false) oaths and lies, so mix some charity with it.'" (*Sahîh*)

٣٨٢٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ يَرِيدَ عَنْ سُعْيَانَ، عَنْ عَبْدِ الْمَلِكِ وَعَاصِمٍ وَجَامِعٍ، عَنْ أَبِي وَائِلٍ، عَنْ قَيْسِ بْنِ أَبِي غَرَزَةَ قَالَ: كُنَّا نَبْيَعُ بِالْتَّقْبِيعِ، فَأَنَّا رَسُولُ اللَّهِ تَعَالَى، وَكُنَّا نُسَمَّى السَّمَاسِيرَةَ قَالَ: «إِنَّ مَعْشِرَ التُّجَارِ! فَسَمَّانَا بِاسْمٍ هُوَ خَيْرٌ مِنْ اسْمِنَا ثُمَّ قَالَ: إِنَّ هَذَا النَّبْيَعَ يَخْضُرُهُ الْحَلْفُ وَالْكَلْبُ فَشُوَبُوهُ بِالصَّدَقَةِ».

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٤٧٤٠.

## Chapter 23. Idle Talk And Lies

**3830.** It was narrated that Qais bin Abî Gharazah said: "The Prophet ﷺ came to us when we were in the marketplace and said: 'This marketplace is filled with idle talk and (false) oaths, so mix some charity with it.'" (*Sahîh*)

(المعجم (٢٣) - في اللغو والكذب  
(التحفة (٢٣)

٣٨٣٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَارٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شَعْبَةُ عَنْ مُغِيرَةَ، عَنْ أَبِي وَائِلٍ، عَنْ قَيْسِ بْنِ أَبِي غَرَزَةَ قَالَ: أَنَّا النَّبِيُّ تَعَالَى وَنَحْنُ فِي السُّوقِ قَالَ: إِنَّ هَذِهِ السُّوقَ يُخَالِطُهَا اللغوُ وَالْكَذِبُ، فَشُوَبُوهَا بِالصَّدَقَةِ».

تخریج: [صحيح] انظر الحديثين السابقين، وهو في الكبرى، ح: ٤٧٤١.

**3831.** It was narrated that Qais bin Abî Gharazah said: "In Al-Madînah we used to buy and sell *Wasqs* (of goods), and we used to call ourselves *Samâsîr* (brokers), and the people used to call us like that. The

٣٨٣١ - أَخْبَرَنَا عَلَيُّ بْنُ حُبْرٍ وَمُحَمَّدُ بْنُ قَدَّامَةَ قَالَا: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ أَبِي وَائِلٍ، عَنْ قَيْسِ بْنِ أَبِي غَرَزَةَ قَالَ: كُنَّا بِالْمَدِينَةِ نَبْيَعُ الْأَوْسَاقَ وَنَبْتَاعُهَا، وَكُنَّا

Messenger of Allâh ﷺ came out to us one day, and called us by a name that was better than that which we called ourselves and which the people called us. He said: ‘O Tujjâr (traders), your selling involves (false) oaths and lies, so mix some charity with it.’” (*Sahîh*)

تخریج: [صحيح] نقدم، ح: ٣٨٢٨، وهو في الكبّریٰ، ح: ٤٧٤٢.

### Comments:

Imâm An-Nasâ’î indicates from this chapter, that apart from trade and commerce, any work in which futile din and bustle is involved or in which there are possibilities of swearing needlessly, it is advisable to give charity in that activity.

## Chapter 24. The Prohibition Against Vows

**3832.** It was narrated from ‘Abdullâh bin ‘Umar that the Messenger of Allâh ﷺ forbade vows and said: “They do not bring any good; they are just a means of taking wealth from the miserly.” (*Sahîh*)

(المعجم ٢٤) - النهي عن النذر  
(التحفة ٢٤)

٣٨٣٢ - أخبرنا إسماعيل بن منصور  
قال: حدثنا خالد عن شعبة قال: أخبرني  
منصور عن عبد الله بن مرمي، عن عبد الله بن  
عمر: أن رسول الله ﷺ نهى عن النذر  
وقال: إنما لا يأتني بخير، إنما يستخرج به  
من البخل». .

تخریج: أخرجه مسلم، النذر، باب النهي عن النذر، وأنه لا يرد شيئاً، ح: ١٦٣٩ من حديث  
شعبة، والبخاري، القدر، باب إلقاء العبد النذر إلى القدر، ح: ٦٦٠٨ من حديث منصور به، وهو  
في الكبّریٰ، ح: ٤٧٤٣.

**3833.** It was narrated that ‘Abdullâh bin ‘Umar said: “The Messenger of Allâh ﷺ forbade vows and said: ‘They do not change anything; they are just a means of taking wealth from the miserly.’” (*Sahîh*)

٣٨٣٣ - أخبرنا عمر بن منصور قال:  
حدثنا أبو نعيم قال: حدثنا سفيان عن  
منصور، عن عبد الله بن مرمي، عن عبد الله  
بن عمر قال: نهى رسول الله ﷺ عن النذر  
وقال: إنما لا يرد شيئاً إنما يستخرج به من  
الشّحيح». .

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبّریٰ، ح: ٤٧٤٤.

## Chapter 25. A Vow Does Not Bring Anything Forward Nor Put It Back

**3834.** It was narrated that Ibn 'Umar said: "The Messenger of Allāh ﷺ said: 'A vow does not bring anything forward or put it back; it is just a means of taking wealth from the miserly.'" (*Sahīh*)

(المعجم ٢٥) - النَّدْرُ لَا يُقْدِمُ شَيْئًا وَلَا يُؤَخِّرُهُ (التحفة ٢٥)

٣٨٣٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ مَضْوِرٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَرْرَةَ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «النَّدْرُ لَا يُقْدِمُ شَيْئًا وَلَا يُؤَخِّرُهُ إِنَّمَا هُوَ شَيْءٌ يُسْتَخْرُجُ يِهِ مِنَ السُّجْنِ».

تخریج: [صحيح] انظر الحدیثین السابقین، وهو في الکبری، ح: ٤٧٤٥.

**3835.** It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ said: "A vow does not bring anything to the son of Ādām that has not been decreed for him. It is just a means of taking wealth from the miserly." (*Sahīh*)

٣٨٣٥ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنُ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنَا أَبُو الزَّنَادَ عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَأْتِي النَّدْرُ عَلَى ابْنِ آدَمَ شَيْئًا لَمْ أُفْرَدْهُ عَلَيْهِ وَلَكِنَّهُ شَيْءٌ يُسْتَخْرُجُ يِهِ مِنَ الْبَخِيلِ».

تخریج: [إسناده صحيح] أخرجه أحمد: ٢٤٢ / ٢٤٦، عن سفيان بن عيينة به، وهو في الکبری، ح: ٤٧٤٦؛ وأخرجه البخاري، الأيمان، باب الوفاء بالنذر، وقول الله تعالى: «يوفون بالنذر»، ح: ٦٦٩٤ من حديث أبي الزناد به، وله طريق آخر عند مسلم، ح: ١٦٤٠ / ٧.

## Chapter 26. A Vow Is A Means Of Taking Wealth From The Miserly

**3836.** It was narrated from Abū Hurairah that the Prophet ﷺ said: "Do not make vows, for a vow does not have any impact on the *Qadar*. Rather it is just a means of taking wealth from the miserly." (*Sahīh*)

(المعجم ٢٦) - النَّدْرُ يُسْتَخْرُجُ يِهِ مِنَ الْبَخِيلِ (التحفة ٢٦)

٣٨٣٦ - أَخْبَرَنَا قُتْبِيَّةُ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَبِيعَيَّا قَالَ: «لَا تَنْدَرُوا فَإِنَّ النَّدْرَ لَا يُغْنِي مِنَ الْقُدْرِ شَيْئًا وَإِنَّمَا يُسْتَخْرُجُ [يِهِ] مِنَ الْبَخِيلِ».

نخريج: أخرجه مسلم، النذر، باب النهي عن النذر وأنه لا يرد شيئاً، ح: ١٦٤٠ عن قتيبة به، وهو في الكبرى، ح: ٤٧٤٧.

### Chapter 27. Vows To Do Acts Of Worship

**3837.** It was narrated from ‘Aishah that the Messenger of Allâh ﷺ said: “Whoever vows to obey Allâh, let him obey Him, and whoever vows to disobey Allâh, let him not disobey Him.” (*Sahîh*)

### (المعجم ٢٧) - النَّدْرُ فِي الطَّاعَةِ

(التحفة ٢٧)

٣٨٣٧ - أَخْبَرَنَا قُتَيْبَةُ عَنْ مَالِكٍ، عَنْ طَلْحَةَ بْنِ عَبْدِ الْمَلِكِ، عَنْ الْفَاسِمِ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ سَلَامًا قَالَ: «مَنْ نَذَرَ أَنْ يُطِيعَ اللَّهَ فَلْيُطِعْهُ، وَمَنْ نَذَرَ أَنْ يَعْصِي اللَّهَ فَلَا يَعْصِيهِ».

نخريج: أخرجه البخاري، الأيمان والندور، باب النذر في الطاعة («وما أتفق من نفقة أو نذرتم من نذر»)، ح: ٦٦٩٦ من حديث مالك به، وهو في الموطأ (يحيى): ٢/٤٢٦، والكبرى، ح: ٤٧٤٨.

### Chapter 28. Vows To Commit Sin

**3838.** It was narrated that ‘Aishah said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever vows to obey Allâh, let him obey Him, and whoever vows to disobey Allâh, let him not disobey Him.’” (*Sahîh*)

### (المعجم ٢٨) - النَّدْرُ فِي الْمَعْصِيَةِ

(التحفة ٢٨)

٣٨٣٨ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا مَالِكٌ قَالَ: حَدَّثَنِي طَلْحَةَ بْنِ عَبْدِ الْمَلِكِ عَنِ الْفَاسِمِ، عَنْ عَائِشَةَ قَالَتْ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ سَلَامًا يَقُولُ: «مَنْ نَذَرَ أَنْ يُطِيعَ اللَّهَ فَلْيُطِعْهُ، وَمَنْ نَذَرَ أَنْ يَعْصِي اللَّهَ فَلَا يَعْصِيهِ».

نخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٤٧٤٩.

### Comments:

Disobedience is reprehensible in all conditions, and indulging in disobedience after having taken a vow is further ignominious. Taking a vow does not transform an evil deed into a good deed. Therefore, disobeying Allâh, Most High, by using vows as an excuse, shall not be good. On the contrary, it would be considered a graver offence.

**3839.** It was narrated that ‘Aishah said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever vows to

٣٨٣٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا أَبْنُ إِدْرِيسَ عَنْ عُبَيْدِ اللَّهِ، عَنْ طَلْحَةَ

obey Allâh, let him obey Him, and whoever vows to disobey Allâh, let him not disobey Him.”” (*Sahîh*)

ابن عبد الملك، عن القاسم، عن عائشة  
قالت: سمعت رسول الله ﷺ يقول: «من  
نذر أن يطيع الله فليطعه، ومن نذر أن يعصي  
الله فلا يعصيه».

**تخریج:** [صحيح] انظر الحدیثین السابقین، وهو في الکبری، ح: ٤٧٥٠، وقال  
النسائی: ”طحة ثقة ثقة ثقة“.

## Chapter 29. Fulfilling Vows

(المعجم ٢٩) - الوفاء بالذر (التحفة ٢٩)

**3840.** ‘Imrân bin Hûsain said: “The Messenger of Allâh ﷺ said: ‘The best of you are my generation, then those who come after them, then those whom after them, then those who come after them.’ – I do not know if he said two times after him or three. Then he mentioned some people who betray and cannot be trusted, who bear witness without being asked to do so, who make vows and do not fulfill them, and fatness will prevail among them.” (*Sahîh*)

Abû ‘Abdur-Rahmân (An-Nasâ’î) said: This (one of the narrators) is Naşr bin ‘Imrân, Abû Hamzah.

**تخریج:** أخرجه البخاري، الشهادات، باب: لا يشهد على شهادة جور إذا أشهد، ح: ٢٦٥١،  
وسلم، فضائل الصحابة، باب فضل الصحابة، ثم الذين يلونهم، ثم الذين يلوّنهم، ح: ٢٥٣٥ من  
حدیث شعبة به، وهو في الکبری، ح: ٤٧٥١.

### Comments:

‘Of my generation’ means the Companions of the Prophet ﷺ are the most excellent among the Muslim nation, and it is an agreed upon issue. This is because they directly and bountifully received the Prophetic grace. ‘Thereafter those who will follow them’: This means the successors or the *Tabi'un*. ‘Thereafter’ signifies the followers of the successors or the *Tab' Tabi'in*.

٣٨٤٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى  
قَالَ: حَدَّثَنَا حَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي  
جَمْرَةَ، عَنْ رَهْبَنْ قَالَ: سَمِعْتُ عِمْرَانَ بْنَ  
حُصَيْنٍ يَذَكُّرُ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ:  
«حَيْرَكُمْ قَرْنَيْ ثُمَّ الَّذِينَ يَلُونَهُمْ ثُمَّ الَّذِينَ  
يَلُونَهُمْ ثُمَّ الَّذِينَ يَلُونَهُمْ»، فَلَا أَذْكُرُ  
مَرْبِيْنَ بَعْدَهُ أَوْ تَلَاقَتَا، ثُمَّ ذَكَرَ قَوْمًا يَخْوُنُونَ  
وَلَا يُؤْمِنُونَ، وَيَسْهَدُونَ وَلَا يُسْتَهْدِفُونَ،  
وَيَنْتَرُونَ وَلَا يُوقِفُونَ، وَيَظْهَرُ فِيهِمُ السَّمْنُ.  
قَالَ أَبُو عَبْدِ الرَّحْمَنِ: هَذَا نَصْرٌ بْنُ  
عِمْرَانَ أَبُو جَمْرَةَ.

### Chapter 30. Vows Which Are Not Meant For The Face Of Allâh

**3841.** It was narrated that Ibn ‘Abbâs said: “The Messenger of Allâh ﷺ passed by a man who was leading another man by a rope. The Prophet ﷺ took it, and cut it, and he said: ‘It is a vow.’” (*Sahîh*)

تخریج: [صحیح] تقدم، ح: ٢٩٢٣، و هو في الکبری، ح: ٤٧٥٢.

#### Comments:

See No. 2923.

**3842.** It was narrated from Ibn ‘Abbâs: “The Prophet ﷺ passed by a man who was circumambulating the Ka’bah, led by another man with a reign in his nose. The Prophet ﷺ took him by the hand and commanded him to lead him by his hand.” Ibn Juraij said: “Sulaimân told me that Tawûs told him, from Ibn ‘Abbâs, that the Prophet ﷺ passed by him when he was circumambulating the Ka’bah, and a man had tied his hand to another man with some string or thread or whatever. The Prophet ﷺ cut it with his hand then said: ‘Lead him with your hand.’” (*Sahîh*)

تخریج: [صحیح] تقدم، ح: ٢٩٢٣، و هو في الکبری، ح: ٤٧٥٣.

#### Comments:

See No. 2923.

(المعجم ٣٠) - النَّذْرُ فِيمَا لَا يُرَادُ بِهِ  
وَجْهَ اللَّهِ (التحفة ٣٠)

٣٨٤١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى  
قَالَ: حَدَّثَنَا خَالِدٌ عَنِ ابْنِ جُرَيْجٍ قَالَ:  
حَدَّثَنِي سُلَيْمَانُ الْأَخْوَلُ عَنْ طَاؤِسٍ عَنْ ابْنِ  
عَبَّاسٍ قَالَ: مَرَّ رَسُولُ اللَّهِ ﷺ بِرَجُلٍ يَقُوْدُ  
رَجُلًا فِي قَرَنِ، فَتَنَوَّلَهُ النَّبِيُّ ﷺ فَقَطَعَهُ قَالَ:  
إِنَّهُ نَذْرٌ.

تخریج: [صحیح] تقدم، ح: ٢٩٢٣، و هو في الکبری، ح: ٤٧٥٢.

٣٨٤٢ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ قَالَ:  
حَدَّثَنَا حَجَاجٌ عَنِ ابْنِ جُرَيْجٍ قَالَ: أَخْبَرَنِي  
سُلَيْمَانُ الْأَخْوَلُ، أَنَّ طَاؤِسًا أَخْبَرَهُ عَنِ ابْنِ  
عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ مَرَّ - يَعْنِي بِرَجُلٍ -  
وَهُوَ يَطْوُفُ بِالْكَعْبَةِ يَقُوْدُهُ إِنْسَانٌ بِخَزَامَةٍ فِي  
أَنْفِيهِ فَقَطَعَهُ النَّبِيُّ ﷺ بِيَدِهِ ثُمَّ أَمْرَهُ أَنْ يَقُوْدَهُ  
بِيَدِهِ، قَالَ ابْنُ جُرَيْجٍ: وَأَخْبَرَنِي سُلَيْمَانُ، أَنَّ  
طَاؤِسًا أَخْبَرَهُ عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ  
مَرَّ بِهِ وَهُوَ يَطْوُفُ بِالْكَعْبَةِ، وَإِنْسَانٌ قَدْ رَبَطَ  
يَدَهُ بِإِنْسَانٍ آخَرَ بِسَيِّرَ لَهُ أَوْ خَيْطَ أَوْ بِشَيْءٍ  
غَيْرِ ذَلِكَ، فَقَطَعَهُ النَّبِيُّ ﷺ بِيَدِهِ ثُمَّ قَالَ:  
«فَدَّهُ بِيَدِكَ».

## Chapter 31. A Vow Concerning Something That One Does Not Own

**3843.** It was narrated from 'Imrân bin Hûsain that the Prophet ﷺ said: "There is no vow to commit an act of disobedience, and no vow concerning that which the son of Âdám does not possess." (Sahîh)

(المعجم (٣١) - النذر فيما لا يملك  
التحفة (٣١)

٣٨٤٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُقِيَانُ قَالَ: حَدَّثَنِي أَبُو يُوبُ قَالَ: حَدَّثَنَا أَبُو قَلَبَةَ عَنْ عَمِّهِ، عَنْ عُمَرَانَ بْنِ حُصَيْنٍ: أَنَّ النَّبِيَّ ﷺ قَالَ: لَا نَذْرٌ فِي مَعْصِيَةِ اللَّهِ، وَلَا فِيمَا لَا يَمْلِكُ ابْنُ آدَمَ.

تخریج: أخرجه مسلم، النذر، باب: لا وفاء لنذر في معصية الله، ولا فيما لا يملك العبد، ح: ١٦٤١ من حديث أبوب السختياني به، وهو في الكبّر، ح: ٤٧٥٤.

### Comments:

(See No. 3823)

**3844.** It was narrated from Thâbit bin Ad-Dâhhâk, that the Messenger of Allâh ﷺ said: "Whoever swears by a religion other than Islam, telling a lie, will be as he said, and whoever kills himself with something, he will be punished with it in the Hereafter, and there is no vow concerning that which a man does not possess." (Sahîh)

٣٨٤٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا أَبُو الْمُغَيْرَةِ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ قَالَ: حَدَّثَنِي يَحْيَى عَنْ أَبِي قَلَبَةَ، عَنْ ثَابِتِ ابْنِ الضَّحَّاكِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: مَنْ حَلَفَ بِيُولَةٍ سَوَى مِلَّةِ الإِسْلَامِ كَذَبَهَا فَهُوَ كَمَا قَالَ، وَمَنْ قَلَّ نَفْسَهُ بِشَيْءٍ فِي الدُّنْيَا غُلِبَ بِهِ يَوْمَ الْقِيَامَةِ، وَلَيَسْ عَلَى رَجُلٍ نَذْرٌ فِيمَا لَا يَمْلِكُ.

تخریج: أخرجه البخاري، الأدب، باب ما ينهى من السباب واللعنة، ح: ٦٠٤٧، ومسلم، الإمامان، باب بيان غلط تحرير قتل الإنسان نفسه ... إلخ، ح: ١١٠ من حديث يحيى بن أبي كثیر به، وهو في الكبّر، ح: ٤٧٥٥.

### Comments:

(See No. 3801)

## Chapter 32. Whoever Vows To Walk To The House of Allâh

**3845.** It was narrated that 'Uqbah bin 'Âmir said: "My sister vowed to walk to the House of Allâh, and she told me to ask the Messenger

(المعجم (٣٢) - مَنْ نَذَرَ أَنْ يَمْشِي إِلَى بَيْتِ اللَّهِ تَعَالَى (التحفة (٣٢)

٣٨٤٥ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا حَجَاجٌ عَنْ أَبْنِ جُرَيْجٍ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ أَبِي أَيُوبَ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ،

of Allâh ﷺ about that. So I asked the Prophet ﷺ for her and he said: ‘Let her walk, and let her ride.’” (*Sahîh*)

أَخْبَرَهُ، أَنَّ أَبَا الْخَيْرِ حَدَّثَهُ عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: نَذَرْتِ أُخْتِي أَنْ تَمْشِي إِلَى بَيْتِ اللَّهِ فَأَمْرَتْنِي أَنْ أَسْتَفْتِنِي لَهَا رَسُولُ اللَّهِ ﷺ، فَاسْتَفْتَنِي لَهَا النَّبِيُّ ﷺ فَقَالَ: «لِتَمْشِي وَلْتُرْكِبْ».

**تخریج:** أخرجه البخاري، جزاء الصيد، باب من نذر المشي إلى الكعبة، ح: ۱۸۶۶، ومسلم، النذر، باب من نذر أن يمشي إلى الكعبة، ح: ۱۶۴۴ من حديث ابن جريج به، وهو في الكبير، ح: ۴۷۵۶.

### Comments:

Going on foot is not beneficial, and it is not prohibited either. Besides, going on foot is possible. Therefore, this vow should be fulfilled, or one may perform expiation or the *Kaffârah*. There is no mention of expiation in this report. But some other narrations provide evidence for expiation.

### Chapter 33. If A Woman Vows To Walk Barefoot And Bareheaded

**3846.** ‘Uqbah bin ‘Âmir narrated that he asked the Prophet ﷺ about a sister of his who had vowed to walk, barefoot and bareheaded. The Prophet ﷺ said to him: “Tell her to cover her head and ride, and fast for three days.” (*Da’if*)

(المعجم (۳۳) - إِذَا حَلَّفَتِ الْمَرْأَةُ لِتَمْشِي حَافِيَةً غَيْرَ مُحْتَمِرَةً (التحفة (۳۳)

۳۸۴۶ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍ وَمُحَمَّدُ بْنُ الْمُشَّا فَالَا : حَدَّثَنَا يَعْمَى بْنُ سَعِيدٍ عَنْ يَعْمَى ابْنِ سَعِيدٍ، عَنْ عَيْدَ اللَّهِ بْنِ زَحْرَى - وَقَالَ عَمْرُو: إِنَّ عَيْدَ اللَّهِ بْنَ زَحْرَى أَخْبَرَهُ - عَنْ عَبْدِ اللَّهِ بْنِ مَالِكٍ، أَنَّ عُقْبَةَ بْنَ عَامِرٍ أَخْبَرَهُ، أَنَّهُ سَأَلَ النَّبِيَّ ﷺ عَنْ أُخْتِهِ لَهُ نَذَرَتْ أَنْ تَمْشِي حَافِيَةً غَيْرَ مُحْتَمِرَةً فَقَالَ لَهُ النَّبِيُّ ﷺ: امْرُهَا فَلَتَخْتِرْ وَلْتُرْكِبْ وَلْتَضْمِنْ ثَلَاثَةً أَيَّامً.

**تخریج:** [إسناده ضعيف] أخرجه أبو داود، الأيمان، باب من رأى عليه كفارة إذا كان في معصية، ح: ۳۲۹۳ من حديث يحيى بن سعيد القطان عن يحيى بن سعيد الأنصاري به، وهو في الكبير، ح: ۴۷۵۷، وقال الترمذى، ح: ۱۵۴۴ \* عبد الله بن زحر ضعيف ضعفه الجمهور، وله متابعة ضعيفة عند أحمد: ۱۴۷/۴.

### Comments:

Walking bareheaded is prohibited for a woman. It is, therefore, forbidden to fulfill such a vow. Walking barefoot is permissible and possible also. But since the other part of the vow was forbidden, she was commanded to break the vow and perform expiation.

## Chapter 34. Whoever Vows To Fast Then Dies Before Fasting

(المعجم ٣٤) - مَنْ نَدَرَ أَنْ يَصُومَ ثُمَّ مَاتَ قَبْلَ أَنْ يَصُومَ (التحفة ٣٤)

**3847.** It was narrated that Ibn ‘Abbâs said: “A woman traveled by sea and vowed to fast for a month, but she died before she could fast. Her sister came to the Prophet ﷺ and told him about that, and he told her to fast on her behalf.” (*Sahîh*)

أَخْبَرَنَا يَسْرُرُ بْنُ خَالِدِ الْعَشْكَرِيُّ  
قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شُعْبَةَ قَالَ:  
سَوْعَثُ شَيْمَانَ يُحَدِّثُ عَنْ مُسْلِمِ الْبَطِينِ،  
عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ:  
رَكِبَتْ امْرَأَةُ الْبَحْرِ فَنَدَرَتْ أَنْ تَصُومَ شَهْرًا،  
فَمَاتَتْ قَبْلَ أَنْ تَصُومَ فَأَتَتْ أُخْتَهَا النَّبِيُّ ﷺ  
فَذَكَرَتْ ذَلِكَ لَهُ، فَأَمَرَهَا أَنْ تَصُومَ عَنْهَا.

تخریج: [إسناده صحيح] أخرجه أحمد: ٣٣٨، عن محمد بن جعفر غندر به، وهو في  
الكتابي، ح: ٤٧٥٨، وصححه ابن خزيمة، ح: ٢٠٥٤، وأخرجه أبو داود، ح: ٣٣٠٨ من حديث  
سعید بن جبیر به.

### Comments:

We learn here that the people associated with the deceased may fast on behalf of the dead; his unperformed obligatory or vowed fasts provided the deceased should have got an opportunity to fast but was not able to do so.

## Chapter 35. If A Person Dies With A Vow Unfulfilled

(المعجم ٣٥) - مَنْ مَاتَ وَعَلَيْهِ نَدْرٌ  
(التحفة ٣٥)

**3848.** It was narrated from Ibn ‘Abbâs that Sa‘d bin ‘Ubâdah asked the Messenger of Allâh ﷺ about a vow which his mother had sworn, but she died before she could fulfill it. He said: “Fulfill it on her behalf.” (*Sahîh*)

أَخْبَرَنَا عَلَيُّ بْنُ حَبْرٍ وَالْحَارِثُ بْنُ  
مُسْكِنٍ قَرَاعَةً عَلَيْهِ وَآتَنَا أَسْمَعَ - وَاللَّفْظُ لَهُ - عَنْ  
[سُفِيَّانَ]، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ  
اللَّهِ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ سَعْدَ بْنَ عَبَادَةَ اسْتَعْتَقَ  
رَسُولَ اللَّهِ ﷺ فِي نَدْرٍ كَانَ عَلَى أُمِّهِ شُوَفِيْتُ قَبْلَ  
أَنْ تَقْضِيَهُ فَقَالَ: «أَفْعِلْهُ عَنْهَا».

تخریج: [صحيح] تقدم، ح: ٣٦٨٩، وهو في الكتابي، ح: ٤٧٥٩.

### Comments:

There is no clarification what that vow was for. Some venerable persons have derived an inference from a narration that it was a vow for freeing a slave. But in this report also, there is no elucidation that this vow was for the emancipation of a slave.

**3849.** It was narrated that Ibn 'Abbâs said: "Sa'd bin 'Ubâdah asked the Messenger of Allâh ﷺ about a vow which his mother had sworn, but she died before she could fulfill it. The Messenger of Allâh ﷺ said: 'Fulfill it on her behalf.'" (*Sahîh*)

٣٨٤٩ - أَخْبَرَنَا قُتْبِيَّةُ قَالَ: حَدَّثَنَا الْأَئْمَةُ عَنْ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: اسْتَشْتَأْتُ سَعْدَ بْنَ عَبَادَةَ رَسُولَ اللَّهِ ﷺ فِي نَذْرٍ، كَانَ عَلَى أُمِّهِ فَتَوْقَيْتُ قَبْلَ أَنْ تَفْضِيهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «اَقْضِهِ عَنْهَا».

تخریج: [صحيح] تقدم، ح: ٣٦٨٩، وهو في الكبیر، ح: ٤٧٦٠.

**3850.** It was narrated that Ibn 'Abbâs said: "Sa'd bin 'Ubâdah came to the Prophet ﷺ and said: 'My mother died and she had sworn a vow, but she did not fulfill it.' He said: 'Fulfill it on her behalf.'" (*Sahîh*)

٣٨٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ آدَمَ وَهَارُونُ ابْنُ إِشْحَاقَ الْهَمْدَانِيِّ عَنْ عَبْدَةَ، عَنْ هِشَامٍ - وَهُوَ ابْنُ عُرْوَةَ - عَنْ بَكْرِ بْنِ وَائِلٍ، عَنْ الرُّهْبَرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: جَاءَ سَعْدٌ بْنُ عَبَادَةَ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا نَذْرٌ فَأَمِنْتُهُ قَالَ: «اَقْضِهِ عَنْهَا».

تخریج: [صحيح] تقدم، ح: ٣٦٨٩، وهو في الكبیر، ح: ٤٧٦١.

### Comments:

(See Nos. 3696, 3680)

### Chapter 36. If A Person Makes A Vow Then Becomes Muslim Before Fulfilling It

**3851.** It was narrated from Ibn 'Umar, that 'Umar had vowed to spend a night in *Itikâf* during the *Jâhilîyyah*. He asked the Messenger of Allâh ﷺ about that, and he ordered him to perform the *Itikâf*. (*Sahîh*)

(المعجم ٣٦) - إِذَا نَذَرَ ثُمَّ أَسْلَمَ قَبْلَ أَنْ يَفْعَلِي (التحفة ٣٦)

٣٨٥١ - أَخْبَرَنَا إِشْحَاقُ بْنُ مُوسَى قَالَ: حَدَّثَنَا سُفِيَّانُ عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ [عَنْ عُمَرَ]: أَنَّهُ كَانَ عَلَيْهِ نَذْرٌ فِي الْجَاهِلِيَّةِ يَعْتَكِفُهَا، فَسَأَلَ رَسُولَ اللَّهِ ﷺ فَأَمَرَهُ أَنْ يَعْتَكِفَ.

تخریج: أخرجه البخاري، الاعتكاف، باب من لم ير عليه إذا اعتكف صوماً، ح: ٢٠٤٢، ومسلم، الأيمان، باب نذر الكافر، وما يفعل فيه إذا أسلم، ح: ١٦٥٦ من حديث نافع به، وهو في الكبیر، ح: ٤٧٦٢.

## Comments:

'A night in *'Itikâf*: It may be used as proof by some that one could perform *'Itikâf* without fasting, because there is no fast during the night. While it may be argued that this narration does not prove that, since 'night' could have been used to signify a day and its night, as appears in No. 3853

**3852.** It was narrated that Ibn 'Umar said: "Umar had made a vow to spend a night in *'Itikâf* in Al-Masjid Al-Harâm. He asked the Messenger of Allâh ﷺ about that, and he ordered him to perform the *'Itkikâf*." (*Sahîh*)

تخریج: أخرجه البخاري، فرض الخميس، باب ما كان النبي ﷺ يعطى المؤلفة قلوبهم ... إلخ، ح: ٣٤٤، ومسلم، ح: ٢٨/١٦٥٦ (انظر الحديث السابق) من حديث أبوب السختياني به، وهو في الكبرى، ح: ٤٧٦٣.

**3853.** It was narrated from Ibn 'Umar that 'Umar had vowed – during the *Jâhilîyyah* – to spend a day in *'Itkikâf*. He asked the Messenger of Allâh ﷺ about that, and he commanded him to perform the *'Itkikâf*. (*Sahîh*)

تخریج: أخرجه مسلم من حديث محمد بن جعفر به، انظر الحدیثین السابقین، وهو في الكبری، ح: ٤٧٦٤.

**3854.** 'Abdullâh bin Ka'b bin Ubayy narrated from his father, that he said to the Messenger of Allâh ﷺ – when his repentance was accepted: "O Messenger of Allâh! I want to give all my wealth in charity for Allâh and His Messenger." The Messenger of Allâh ﷺ said to him: "Keep some of your wealth for yourself; that is better for you." (*Sahîh*)

Abû 'Abdur-Râhmân (An-Nasâ'i)

**٣٨٥٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ**  
تَزِيدٍ قَالَ: حَدَّثَنَا سُبْيَانُ عَنْ أَئُوبَ، عَنْ  
تَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: كَانَ عَلَى عُمَرَ نَذْرٌ  
فِي اغْتِنَاكِيفِ لَيْلَةٍ فِي الْمَسْجِدِ الْحَرَامِ، فَسَأَلَ  
رَسُولَ اللَّهِ ﷺ عَنْ ذَلِكَ فَأَمْرَهُ أَنْ يَعْتَكِفَ.

**٣٨٥٣ - أَخْبَرَنَا أَحْمَدُ بْنُ عَبْدِ اللَّهِ بْنِ**  
الْحَكَمَ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ:  
حَدَّثَنَا شُعبَةُ قَالَ: سَمِعْتُ عَبْدَ اللَّهِ، عَنْ  
تَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ عُمَرَ كَانَ جَعَلَ عَلَيْهِ  
يَوْمًا يَعْتَكِفُ – فِي الْجَاهِلِيَّةِ – فَسَأَلَ رَسُولَ  
اللَّهِ ﷺ عَنْ ذَلِكَ، فَأَمْرَهُ أَنْ يَعْتَكِفَهُ.

تخریج: أخرجه مسلم من حديث محمد بن جعفر به، انظر الحدیثین السابقین، وهو في الكبری، ح: ٤٧٦٤.

**٣٨٥٤ - حَدَّثَنَا يُوسُفُ بْنُ عَبْدِ الْأَعْلَى**  
قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُوسُفُ  
عَنْ ابْنِ شَهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ  
كَعْبٍ بْنِ مَالِكٍ، عَنْ أَبِيهِ: أَنَّهُ قَالَ لِرَسُولِ  
اللَّهِ ﷺ حِينَ تَبَّتْ عَيْنِهِ – يَا رَسُولَ اللَّهِ! إِنِّي  
أَنْخَلَعَ مِنْ مَالِي صَدَقَةً إِلَى اللَّهِ وَرَسُولِهِ،  
فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: أَمْسِكْ عَيْنَكَ بَعْضَ  
مَالِكَ فَهُوَ خَيْرٌ لَكَ».

said: It appears that Az-Zuhri heard this *Hadîth* from 'Abdullâh bin Ka'b and from 'Abdur-Rahmân<sup>[1]</sup> from him; in this *Hadîth* is the long narration about the repentance of Ka'b.

قال أبو عبد الرحمن: يُسْتَهِي أن يكون الزهرى سمع هذا الحديث من عبد الله بن كعب ومن عبد الرحمن، عنه. في هذا الحديث الطويل توبة كعب.

**تخریج:** [إسناد صحيح] أخرجه أبو داود، الأيمان والندور، باب من نذر أن يتصدق بهماله، ح: ٣٣١٨ من حديث ابن وهب مختصرًا، وهو في الكبri، ح: ٤٧٦٥، وهو متافق عليه في حديث طويل، وصححه البهقي وغيره.

### Comments:

The incident belongs to the expedition of Tabûk. Ka'b ﷺ did not participate in this battle on account of inadvertence and procrastination. Thereupon, he was punished. Then an announcement of the acceptance of his repentance was made in the Glorious Qur'ân.

### Chapter 37. Giving Away One's Wealth Because Of A Vow

**3855.** 'Abdur-Rahmân bin Ka'b bin Mâlik narrated that 'Abdullâh bin Ka'b said: "I heard Ka'b bin Mâlik narrating his *Hadîth* about when he stayed behind and did not join the Messenger of Allâh ﷺ on the campaign to Tabûk. He said: 'When I sat down before him I said: 'O Messenger of Allâh, as part of my repentance I want to give my wealth in charity to Allâh and His Messenger.' The Messenger of Allâh ﷺ said: 'Keep some of your wealth for yourself; that is better for you.' I said: 'I will keep my share that is in Khaibar.' (Sahîh)

(المعجم ٣٧) - إذا أهدى ماله على وجه النذر (التحفة ٣٧)

٣٨٥٥ - أخبرنا شليمان بن داود قال: أخبرنا ابن وهب عن يوش قال: قال ابن شهاب: فأخبرني عبد الرحمن بن كعب بن مالك، أن عبد الله بن كعب قال: سمعت كعب بن مالك يحدّث عن حديثه حين تخلف عن رسول الله ﷺ في غزوة تبوك قال: فلما جئت بين يديه قلت: يا رسول الله! إن من توبتي أن أتخلى من مالي صدقة إلى الله وإلى رسوله، قال رسول الله ﷺ: «أمسيك عيتك بعض مالك فهو خير لك» فقلت: فإني أمسك سهري الذي يخبيه. مختصراً.

**تخریج:** [صحيح] تقدم أطراfe، ح: ٧٣٢، ٣٤٥٦، ٣٤٥١، ٤٧٦٦، وهو في الكبri، ح: ٤٧٦٦، وانظر الحديث السابق.

<sup>[1]</sup> Meaning, that in the next *Hadîth* Az-Zuhri narrated it from 'Abdur-Rahmân bin Ka'b.

**Comments:**

'Sat before him (the Prophet ﷺ)': This occurred at the time when the announcement of the acceptance of his repentance was already made, and he had gone anxiously to meet the Prophet ﷺ. Fifty days had already passed.

**3856.** 'Abdullâh bin Ka'b bin Mâlik said: "I heard Ka'b bin Mâlik narrating his *Hadîth* about when he stayed behind and did not join the Messenger of Allâh ﷺ on the campaign to Tabûk. (he said) I said: 'As part of my repentance I want to give my wealth in charity for Allâh and His Messenger.' The Messenger of Allâh ﷺ said: 'Keep some of your wealth for yourself; that is better for you.' I said: 'I will keep for myself my share that is in Khaibar.'" (*Sahîh*)

٣٨٥٦ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا حَجَاجُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا لَيْثُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنِي عُقْبَلُ عَنْ ابْنِ شَهَابٍ قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ كَعْبٍ، أَنَّ عَبْدَ اللَّهِ بْنَ كَعْبٍ بْنَ مَالِكٍ قَالَ: سَمِعْتُ كَعْبَ ابْنَ مَالِكٍ يُحَدِّثُ حَدِيثَهُ حِينَ تَحَلَّفَ عَنْ رَسُولِ اللَّهِ فِي غَزْوَةِ تَبُوكَ قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّ مَنْ تَوَبَّتِي أَنْ أَنْخَلِعَ مِنْ مَالِي صَدَقَةً إِلَى اللَّهِ وَإِلَى رَسُولِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَمْسِكْ عَلَيْكَ مَالَكَ فَهُوَ خَيْرٌ لَكَ» قُلْتُ: فَإِنِّي أَمْسِكُ عَلَيَّ سَهْوِيَ الَّذِي بِخَيْرٍ.

تخریج: [صحيح] انظر الحدیثین السابقین، وهو في الكبرى، ح: ٤٧٦٧.

**Comments:**

'For Allâh and His Messenger ﷺ': because Allâh and his Messenger ﷺ were displeased with him, on that occasion.

**3857.** It was narrated from 'Ubaydullâh bin Ka'b: "I heard my father Ka'b bin Mâlik narrate: 'I said: O Messenger of Allâh, Allâh, the Mighty and Sublime, has saved me by my being truthful, and as part of my repentance I want to give my wealth in charity to Allâh and His Messenger. He said: Keep some of your wealth for yourself; that is better for you. I said: I will keep my share that is in Khaibar.'" (*Sahîh*)

٣٨٥٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْدَانَ بْنُ عِيسَى قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْمَى قَالَ: حَدَّثَنَا مَعْقِلُ عَنْ الرُّهْبَرِيِّ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ كَعْبٍ عَنْ عَمِّهِ عَيْدِ اللَّهِ بْنِ كَعْبٍ قَالَ: سَمِعْتُ أَبِيهِ كَعْبَ بْنَ مَالِكٍ يُحَدِّثُ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّ اللَّهَ عَزَّ وَجَلَّ إِنَّمَا نَجَانِي بِالصَّدَقِ، وَإِنَّ مَنْ تَوَبَّتِي أَنْ أَنْخَلِعَ مِنْ مَالِي صَدَقَةً إِلَى اللَّهِ وَإِلَى رَسُولِهِ، فَقَالَ: «أَمْسِكْ عَلَيْكَ بَعْضَ مَالِكَ فَهُوَ خَيْرٌ لَكَ» قُلْتُ: فَإِنِّي أَمْسِكُ سَهْوِيَ الَّذِي بِخَيْرٍ.

تخریج: أخرجه مسلم، التویة، باب حديث توبۃ کعب بن مالک وصاحبیه، ح: ۵۰/۲۷۶۹ من حديث الحسن بن أعين به بسطهه الأخير، وهو في الكبرى، ح: ۴۷۶۷.

### Comments:

'My share in Khaibar' means the share which I had received from the spoils of the Battle of Khaibar, and it was in the form of land and a garden.

## Chapter 38. Is Land Included If A Person Vows To Give Up Wealth?

**3858.** It was narrated that Abû Hurairah said: "We were with the Messenger of Allâh ﷺ in the year of Khaibar, and we did not get any spoils of war except for wealth, goods and clothes. Then a man from Banu Ad-Dubaib, who was called Rifâ'ah bin Zaid, gave the Messenger of Allâh ﷺ a black slave who was called Mid'am. The Messenger of Allâh ﷺ set out for Wadi Al-Qura. When we were in Wadi Al-Qura, while Mid'am was unloading the luggage of the Messenger of Allâh ﷺ, an arrow came and killed him. The people said: 'Congratulations! You will go to Paradise,' but the Messenger of Allâh ﷺ said: 'No, by the One in Whose hand is my soul! The cloak that he took from the spoils of war on the day of Khaibar is burning him with fire.' When the people heard that, a man brought one or two shoelaces to the Messenger of Allâh ﷺ and the Messenger of Allâh ﷺ said: 'One or two shoelaces of fire.'" (*Sahîh*)

(المعجم (٣٨) - هل تدخل الأرضون في المال إذا نذر (التحفة (٣٨)

٣٨٥٨ - قال الحارث بن مسکین قراءةً علىه وأنا أسمع عن ابن القاسم قال: حدثني مالك عن ثور بن زيد، عن أبي العين مولى ابن مطع، عن أبي هريرة قال: كنا مع رسول الله ﷺ عام خير فلم نغنم إلا الأموال والثياب فأخذى: رجل من بيتي الصبي يقال له رفاعة بن زيد لرسول الله ﷺ علاماً أشود يقال له مدغم، فوجده رسول الله ﷺ إلى وادي القرى حتى إذا كنا بوادي القرى بينا مدغم يحط رحل رسول الله ﷺ فجاءه سهم فاصابه فقتله، فقال الناس: هنئنا لك الجنة، فقال رسول الله ﷺ: «كلا والذي نفسي بيده! إن الشملة التي أخذها يوم خير من المعانيم لتشتعل عليه نارا» فلما سمع الناس ذلك جاء رجل يشراك أو يشراكين إلى رسول الله ﷺ، فقال رسول الله ﷺ: «شراك أو شراكين من نار».

تخریج: أخرجه البخاري، الأيمان والنذر، باب: هل يدخل في الأيمان والنذر الأرض والغنم والزرع والامتنعة؟، ح: ٦٧٠٧ من حديث مالك به، وهو في الموطأ (يعنى): ٤٥٩/٢، والكبرى، ح: ٤٧٦٨.

**Comments:**

Meaning; while they did acquire some land, Abû Hurairah said: "We did not get any spoils of war except..." and he did not mention, land. Thereby, the author intends to imply that the term: 'wealth' (*Amwâ*) can include land.

**Chapter 39. Saying: "If Allâh Wills"**

**3859.** 'Abdullâh bin 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath and says: If Allâh wills, then he has made an exception.'" (*Sahîh*)

(المعجم (٣٩) - الاستثناء (التحفة (٣٩)

٣٨٥٩ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَغْلَى  
قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي عَمْرُو  
ابْنُ الْحَارِثِ، أَنَّ كَثِيرًا بْنَ فَوْقَدَ حَدَّثَنِي، أَنَّ  
نَافِعًا حَدَّثَهُمْ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ: قَالَ  
رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ فَقَالَ: إِنْ شَاءَ  
اللَّهُ، فَقَدِ اسْتَثْنَى». .

تخریج: [إسناده صحيح] أخرجه الحاکم: ٣٠٣/٤ من حديث ابن وهب به، وصححةه، ووافقه الذہبی، وهو في الکبری، ح: ٤٧٦٩، تقدم طرفة، ح: ٣٨٢٤ من حديث نافع به، واظهر الحديث الآتی.

**Comments:**

Means, he may or may not fulfill it, if he so desires, as it occurs in the forthcoming narration. (See *Hadîth* 3824).

**3860.** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath and says: If Allâh wills, then he has made an exception.'" (*Sahîh*)

٣٨٦٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ:  
حَدَّثَنَا سُقِيَانٌ عَنْ أَبِي بَطْرُونَ، عَنْ نَافِعٍ، عَنْ ابْنِ  
عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ  
فَقَالَ: إِنْ شَاءَ اللَّهُ، فَقَدِ اسْتَثْنَى». .

تخریج: [إسناده صحيح] تقدم، ح: ٣٨٢٤، وهو في الکبری، ح: ٤٧٧٠.

**3861.** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "Whoever swears an oath and says, 'If Allâh wills,' then he has the choice: If he wishes, he may go ahead, and if he wishes he may not." (*Sahîh*)

٣٨٦١ - أَخْبَرَنَا أَحْمَدُ بْنُ سَلَيْمَانَ قَالَ:  
حَدَّثَنَا عَفَانُ قَالَ: حَدَّثَنَا وَهْبُ بْنُ عَبْدِ اللَّهِ  
أَبُوبُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ  
قَالَ: «مَنْ حَلَفَ عَلَى يَوْمٍ فَقَالَ: إِنْ شَاءَ  
اللَّهُ، فَهُوَ بِالْخِيَارِ: إِنْ شَاءَ أَمْضَى وَإِنْ شَاءَ  
تَرَكَ». .

تخریج: [إسناده صحيح] تقدم، ح: ٣٨٢٤، وهو في الکبری، ح: ٤٧٧١ .

### Chapter 40. If A Man Swears An Oath And Someone Says To Him, "If Allâh Wills," Does That Count For Him?

3862. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: "Sulaimân bin Dâwûd said: 'Tonight I will go around ninety women, each of whom will bear a horseman who will perform *Jihâd* in the cause of Allâh.' His companion said to him: 'If Allâh wills.' But he did not say: 'If Allâh wills.' Then he went around to them all, but none of them got pregnant except a woman who bore half a man. By the One in Whose Hand is my soul! If he had said, 'If Allâh wills,' they would all have performed *Jihâd* in cause of Allâh as horsemen." (Sahîh)

(المعجم ٤٠) - إِذَا حَلَفَ فَقَالَ لَهُ رَجُلٌ إِنْ شَاءَ اللَّهُ، هَلْ لَهُ اسْتِشَانٌ؟ (التحفة ٤٠)

٣٨٦٢ - أَخْبَرَنَا عِمْرَانُ بْنُ يَكْعَارٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ عَيَّاشٍ قَالَ: أَخْبَرَنَا شَعِيبٌ قَالَ: حَدَّثَنِي أَبُو الرَّزَادِ، مِمَّا حَدَّثَنِي عَنْ الرَّحْمَنِ الْأَغْرِجِ، مِمَّا ذَكَرَ، أَنَّهُ سَيَعِيْ أَبَا هُرَيْرَةَ يُحَدِّثُ بِهِ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «قَالَ شَيْمَانُ بْنُ دَاؤْدَ لَآطُوفَنَ اللَّيْلَةَ عَلَى تِسْعِينَ امرَأَةً، كُلُّهُنَّ تَائِي بِفَارِسٍ يُجَاهِهُ فِي سَيْلِ اللَّهِ عَزَّ وَجَلَّ فَقَالَ لَهُ صَاحِبُهُ: إِنْ شَاءَ اللَّهُ، فَلَمْ يَقُلْ إِنْ شَاءَ اللَّهُ، فَطَافَ عَلَيْهِنَّ جَمِيعًا فَلَمْ تَحْمِلْ مِنْهُنَّ إِلَّا امْرَأَةً وَاحِدَةً جَاءَتْ بِشَقْنَقَ رَجُلٍ، وَإِيمُونَ الَّذِي نَفَسَ مُحَمَّدٌ بِيَدِهِ! لَوْ قَالَ: إِنْ شَاءَ اللَّهُ، لَجَاهُدُوا فِي سَيْلِ اللَّهِ فُرْسَاتَنَا أَجْمَعِينَ».

تخریج: أخرجه البخاري، الأیمان والذور، باب: كيف كانت يمين النبي ﷺ؟، ح: ٦٦٣٩؛ من حديث شعيب بن أبي حمزة به، وهو في الكبرى، ح: ٤٧٧٢.

### Comments:

The purpose of the chapter is that a companion's uttering 'If Allâh Wills it so' would not avail the swearer of the oath the benefit of exemption. And this matter is evident from this *Hadîth*.

### Chapter 41. Expiation For Vows

3863. It was narrated from 'Uqbah bin 'Âmir that the Messenger of Allâh ﷺ said: "The expiation for vows is the expiation for an oath." (Sahîh)

(المعجم ٤١) - كَفَارَةُ النَّذْرِ (التحفة ٤١)

٣٨٦٣ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنُ الْوَزِيرِ بْنِ شَيْمَانَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنْ أَبْنَ وَهِبٍ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ كَعْبِ بْنِ عَلْقَمَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ شَمَاسَةَ، عَنْ

عَقْبَةُ بْنُ عَامِرٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
«كُفَّارَةُ النَّذْرِ كُفَّارَةُ الْيَوْمَيْنِ».

**تخریج:** [إسناده صحيح] وهو في الكبرى، ح: ٤٧٣، وله طريق آخر عند مسلم، النذر، باب: في كفارة النذر، ح: ١٦٤٥ عن كعب بن علقة عن عبد الرحمن بن شمسة عن أبي الخير مرئى بن عبد الله عن عقبة به.

### Comments:

And the expiation of an oath is explicitly mentioned in the Glorious Qur'ân. To feed ten people who are needy, or to clothe them (provide them with clothing), or to free a slave. If one is unable to do any of the three, one shall have to fast for three days. And this is the expiation for a vow or *Nadhr*, provided one has not vowed for more than this. If the vow is concerning food, clothes, money, or freeing of a slave, then the stipulated vow shall have to be fulfilled. This expiation is in the event when the vow is dubious, or is concerning some other work, and the taker of the vow does not find himself capable of fulfilling that vow, or the vow relates to disobedience. If the vow is regarding something good, and if one is capable of fulfilling it, then one ought to fulfill the vow itself.

**3864.** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ said: 'There is no vow to commit an act of disobedience.'" (*Sahîh*)

٣٨٦٤ - أَخْبَرَنَا كَثِيرٌ بْنُ عَبْيَيْدٍ قَالَ:  
حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ عَنِ الرَّبِيعِيِّ عَنِ  
الزُّهْرِيِّ، أَنَّهُ بَأْغَهُ عَنِ الْفَاسِمِ، عَنْ عَائِشَةَ  
قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نَذْرٌ فِي  
مَعْصِيَةٍ».

**تخریج:** [صحيح] وللحديث شواهد كثيرة، منها الأحاديث الآتية.

**3865.** It was narrated from 'Âishah that the Messenger of Allâh ﷺ said: "There is no vow to commit an act of disobedience and its expiation is the expiation for an oath." (*Sahîh*)

٣٨٦٥ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى  
قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ  
عَنْ ابْنِ شَهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ:  
أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا نَذْرٌ فِي مَعْصِيَةٍ  
وَكَفَارَتُهُ كَفَارَةُ الْيَوْمَيْنِ».

**تخریج:** [صحيح] أخرجه أبو داود، الأيمان والذور، باب من رأى عليه كفارةً إذا كان في معصية، ح: ٣٢٩١ وغيره من حديث عبدالله بن وهب به، \* يونس هو ابن يزيد الأيلبي، وللحديث شواهد.

**3866.** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ

٣٨٦٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ  
الْمُبَارِكِ الْمَخْرِمِيِّ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَكْمَمٍ

said: ‘There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.’” (*Sahîh*)

قالَ: حَدَّثَنَا ابْنُ الْمُبَارِكِ عَنْ يُونُسَ، عَنْ الرُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَذَرْ فِي مَعْصِيَةٍ وَكَفَارَتُهُ كَفَارَةُ يَوْمَيْنِ».

تخریج: [صحيح] وانظر الحديث السابق.

**3867.** It was narrated from ‘Âishah that the Messenger of Allâh ﷺ said: “There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.” (*Sahîh*)

٣٨٦٧ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَضْوِرٍ قَالَ: أَخْبَرَنَا عُثْمَانُ بْنُ عُمَرَ قَالَ: حَدَّثَنَا يُونُسُ عَنْ الرُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَذَرْ فِي مَعْصِيَةٍ وَكَفَارَتُهُ كَفَارَةُ يَوْمَيْنِ».

تخریج: [صحيح] تقدم، ح: ٣٨٦٥.

**3868.** It was narrated that ‘Âishah said: “The Messenger of Allâh ﷺ said: ‘There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.’” (*Sahîh*)

٣٨٦٨ - أَخْبَرَنَا فَهْيَةُ قَالَ: حَدَّثَنَا أَبُو صَفْوَانَ عَنْ يُونُسَ، عَنْ الرُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَذَرْ فِي مَعْصِيَةٍ وَكَفَارَتُهُ كَفَارَةُ الْيَوْمَيْنِ».

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: وَقَدْ قِيلَ: إِنَّ الرُّهْرِيَّ لَمْ يَشْمَعْ هَذَا مِنْ أَبِي سَلَمَةَ.

تخریج: [صحيح] تقدم، ح: ٣٨٦٥.

**3869.** It was narrated from ‘Âishah that the Messenger of Allâh ﷺ said: “There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.” (*Sahîh*)

٣٨٦٩ - أَخْبَرَنَا هَارُونُ بْنُ مُوسَى الْقَرْوَيُّ قَالَ: حَدَّثَنَا أَبُو ضَمْرَةَ عَنْ يُونُسَ، عَنْ ابْنِ شَهَابٍ قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَذَرْ فِي مَعْصِيَةٍ وَكَفَارَتُهَا كَفَارَةُ الْيَوْمَيْنِ».

تخریج: [إسناده صحيح] تقدم، ح: ٣٨٦٥.

**3870.** It was narrated from ‘Âishah

that the Messenger of Allâh ﷺ said: "There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath." (*Sahîh*)

Abû 'Abdur-Râhmân (An-Nasâ'i) said: Sulaimân bin Arqam (one of the narrators) is *Matrûk*<sup>[1]</sup> in *Hadîth* and Allâh knows best. More than one of the companions of Yahya bin Abî Kathîr contradicted him in this narration.

الترمذي قَالَ: حَدَّثَنَا أَيُوبُ بْنُ شَلِيمَانَ قَالَ: حَدَّثَنِي أَبُو بَكْرٍ بْنُ أَبِي أُونِسٍ قَالَ: حَدَّثَنِي شَلِيمَانُ بْنُ إِلَالِ عَنْ مُحَمَّدٍ بْنِ أَبِي عَتِيقٍ وَمُوسَى بْنِ عَقْبَةَ، عَنْ ابْنِ شَهَابٍ، عَنْ شَلِيمَانَ نَبْنِ أَرْقَمَ، أَنَّ يَحْيَى بْنَ أَبِي كَثِيرٍ الَّذِي كَانَ يَسْكُنُ الْيَمَامَةَ حَدَّثَنَاهُ، أَنَّهُ سَمِعَ أَبَا سَلَمَةَ يُخْبِرُ عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَنْذِرْ فِي مَعْصِيَةٍ وَكَفَارُهَا كَفَارَةً لِلْمُبَيِّنِ».

قالَ أَبُو عَبْدِ الرَّحْمَنِ: شَلِيمَانُ بْنُ أَرْقَمَ مَتْرُوكُ الْحَدِيثِ وَاللَّهُ أَعْلَمُ، خَالِفُهُ عَيْرٌ وَاحِدٌ مِنْ أَصْحَاحِ يَحْيَى بْنِ أَبِي كَثِيرٍ فِي هَذَا الْحَدِيثِ.

تخریج: [صحیح] أخرجه أبو داود، الأیمان والندور، باب من رأی عليه کفارۃ إذا كان في معصیة، ح ۳۲۹۲: من حديث أیوب بن سليمان به، وقال الترمذی، ح ۱۵۲۵ "غیره"، وانظر الحديث السابق.

**3871.** It was narrated that 'Imrân bin Hushayn said: "The Messenger of Allâh ﷺ said: 'There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.'" (*Sahîh*)

٣٨٧١ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنْ وَكِيعٍ، عَنْ ابْنِ الْمُبَارِكِ - وَهُوَ عَلَيْهِ - عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدٍ بْنِ الزِّيَّنِ الْحَنْظَلِيِّ، عَنْ أَبِيهِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَنْذِرْ فِي مَعْصِيَةٍ وَكَفَارُهَا كَفَارَةً يَمْبَيْنِ».

تخریج: [صحیح] \* محمد بن الزبر ضعیف جداً، ولكن لحديثه شواهد.

**3872.** It was narrated that 'Imrân bin Hushayn, may Allâh be pleased with him, said: "The Messenger of Allâh ﷺ said: 'There is no vow to

٣٨٧٢ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا يَحْيَى عَنْ أَبِي عَمِرو - وَهُوَ الْأُوْزَاعِي - عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدٍ بْنِ

[۱] Abandoned; they do not narrate from him in most cases.

commit an act of disobedience, and its expiation is the expiation for an oath.”” (*Sahîh*)

الرَّبِيعُ الْحَنْظَلِيُّ، عَنْ أَبِيهِ عَنْ عِمْرَانَ بْنِ حُصَيْنٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا نَذْرٌ فِي مَعْصِيَةٍ وَكَفَارَتُهَا كَفَارَةً يَوْمَينَ.

تخریج: [صحیح] انظر الحديث السابق.

**3873.** It was narrated that ‘Imrân bin Ḥuṣain said: “The Messenger of Allâh ﷺ said: ‘There is no vow at a moment of anger and its expiation is the expiation for an oath.’” (*Da’if*)

Abû ‘Abdur-Râhmân (An-Nasâ’î) said: Muḥammad bin Az-Zubair is weak in *Hadîth*, his likes cannot be relied upon as proof. He has been contradicted in this *Hadîth*.

٣٨٧٣ - أَخْبَرَنَا عَلَيُّ بْنُ مِيمُونٍ قَالَ: حَدَّثَنَا مَعْمُرُ بْنُ سُلَيْمَانَ عَنْ عَبْدِ اللَّهِ بْنِ يَسْرَى، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدِ الْحَنْظَلِيِّ، عَنْ أَبِيهِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا نَذْرٌ فِي غَصْبٍ وَكَفَارَتُهُ كَفَارَةً يَوْمَينَ.

قَالَ أَبُو عَبْدِ الرَّحْمَنِ: مُحَمَّدُ بْنُ الرَّبِيعٍ ضَعِيفٌ لَا يَقُولُ بِمُثْلِهِ حُجَّةٌ، وَقَدْ اخْتَلَفَ عَلَيْهِ فِي هَذَا الْحَدِيثِ.

تخریج: [سنده ضعیف] انظر الحديثين السابقین.

**3874.** It was narrated that ‘Imrân said: The Messenger of Allâh ﷺ said: “There is no vow at a moment of anger and its expiation is the expiation for an oath.” (*Da’if*)

٣٨٧٤ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يَقْنُوبَ قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ مُوسَى قَالَ: حَدَّثَنَا شَيْبَانُ عَنْ يَحْيَى، عَنْ مُحَمَّدِ بْنِ الرَّبِيعِ، عَنْ أَبِيهِ، عَنْ عِمْرَانَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا نَذْرٌ فِي غَصْبٍ وَكَفَارَتُهُ كَفَارَةً يَوْمَينَ.

تخریج: [إسناده ضعیف][تقدیم طرفه، ح: ٣٨٧١]

**3875.** It was narrated that ‘Imrân said: The Messenger of Allâh ﷺ said: “There is no vow at a moment of anger and its expiation is the expiation for an oath.” It was said: “Az-Zubair did not hear this *Hadîth* from ‘Imrân bin Ḥuṣain.” (*Da’if*)

٣٨٧٥ - أَخْبَرَنَا قُتْبَيْهُ: أَخْبَرَنَا حَمَادَ عَنْ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ عِمْرَانَ قَالَ: قَالَ - يَعْنِي رَسُولُ اللَّهِ ﷺ -: لَا نَذْرٌ فِي غَصْبٍ وَكَفَارَتُهُ كَفَارَةً يَوْمَينَ وَقَيلَ: إِنَّ الرَّبِيعَ لَمْ يَشْمَعْ هَذَا الْحَدِيثَ مِنْ عِمْرَانَ بْنِ حُصَيْنٍ.

تخریج: [سنده ضعیف] تقدم طرفه، ح: ٣٨٧١.

**3876.** It was narrated from Muḥammad bin Az-Zubair, from his father, from a man from the inhabitants of Al-Baṣrah, who said: "I accompanied 'Imrān bin Ḥuṣain, who said: 'I heard the Messenger of Allāh ﷺ say: Vows are of two types: A vow that is made to do an act of obedience to Allāh; that is for Allāh and must be fulfilled, and a vow that is made to do an act of disobedience to Allāh; that is for the *Shaiṭān* and should not be fulfilled, and its expiation is the expiation for an oath.'" (*Sahīh*)

٣٨٧٦ - أَخْبَرَنِي مُحَمَّدُ بْنُ وَهْبٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلْمَةَ قَالَ: حَدَّثَنَا ابْنُ إِسْحَاقَ عَنْ مُحَمَّدٍ بْنِ الزُّبِيرِ، عَنْ أَبِيهِ، عَنْ رَجُلٍ مِنْ أَهْلِ الْبَصْرَةِ قَالَ: صَحِّبْتُ عُمَرَ أَبْنَ حُصَيْنٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «النَّذْرُ نَذْرُنَا: فَمَا كَانَ مِنْ نَذْرٍ فِي طَاعَةِ اللَّهِ فَذَلِكَ لِلَّهِ وَفِيهِ الْوَفَاءُ، وَمَا كَانَ مِنْ نَذْرٍ فِي مَعْصِيَةِ اللَّهِ فَذَلِكَ لِلشَّيْطَانِ وَلَا وَفَاءُ فِيهِ وَكُفُّرُهُ مَا يَكْفُرُ الْيَمِينَ».

تخریج: [صحیح] وللحديث شواهد.

**3877.** It was narrated that Muḥammad bin Az-Zubayr Hanzali said: My father told me that a man told him, that he asked 'Imrān bin Ḥuṣain about a man who made a vow not to attend the prayers in the mosque of his people. 'Imrān said: I heard the Messenger of Allāh ﷺ say: There is no vow at a moment of anger and its expiation is the expiation for an oath."'" (*Da'if*)

٣٨٧١: \* محمد بن الزبير تقدم حاله، ح

٣٨٧٧ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا مُسْدَدٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ مُحَمَّدٍ بْنِ الزُّبِيرِ الْحَنْظَلِيِّ قَالَ: أَخْبَرَنِي أَبِي أَنَّ رَجُلًا حَدَّثَنِي، أَنَّهُ سَأَلَ عُمَرَ أَبْنَ حُصَيْنٍ عَنْ رَجُلٍ نَذَرَ نَذْرًا لَا يَشَهَدُ الصَّلَاةَ فِي مَسْجِدٍ قَوْمِهِ قَالَ عُمَرُ أَنْ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا نَذْرٌ فِي غَصْبٍ وَكَفَّارَتُهُ كَفَارَةُ يَوْمِنِ».

تخریج: [إسناده ضعیف]

\* انفرد به النسائي

٣٨٧٣: ح

**3878.** It was narrated that 'Imrān bin Ḥuṣain said: The Messenger of Allāh ﷺ said: "There is no vow to commit an act of disobedience or at the time of anger, and its expiation is the expiation for an oath." (*Da'if*)

٣٨٧٨ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا سُعْيَانُ عَنْ مُحَمَّدٍ أَبْنِ الزُّبِيرِ، عَنِ الْحَسَنِ، عَنْ عُمَرَ أَبْنِ حُصَيْنٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نَذْرٌ فِي مَعْصِيَةٍ وَلَا غَصْبٍ، وَكَفَارَتُهُ كَفَارَةُ الْيَوْمِ».

تخریج: [إسناده ضعیف]

\* أخرجه أحمد: ٤٤٣ / ٤ من حديث سفيان الثوري به، وانظر الحديث السابق.

**3879.** It was narrated that ‘Imrān bin Ḥuṣain said: The Messenger of Allāh ﷺ said: “There is no vow to commit an act of disobedience and its expiation is the expiation for an oath.” Mānsūr bin Zādhan contradicted him in its wording. (*Sahīh*)

- أَخْبَرَنِي هَلَالُ بْنُ الْعَلَاءَ قَالَ: ٣٨٧٩  
حَدَّثَنَا أَبُو شَلَيْمٍ - وَهُوَ عَيْدُ بْنُ يَحْيَى -  
قَالَ: حَدَّثَنَا أَبُو بَكْرِ التَّهَشِّلِيُّ عَنْ مُحَمَّدِ بْنِ  
الرَّبِيعِ، عَنِ الْحَسَنِ، عَنْ عِمَرَانَ بْنِ حُصَيْنٍ  
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نَذْرٌ فِي  
مَعْصِيَةٍ وَكَفَارَةً كَفَارَةُ الْيَمِينِ»

حالفة متصور بن زادان في لفظه

تخریج: [صحیح] تقدم شاهده، ح: ٣٨٦٩

**3880.** It was narrated that ‘Imrān bin Ḥuṣain said: The Messenger of Allāh ﷺ said: “There is no vow for the son of Adam with regard to that which he does not possess, or to do an act of disobedience to Allāh, the Mighty and Sublime.” (*Sahīh*) ‘Alī bin Zāid contradicted him – for he reported it from Al-Ḥasan from ‘Abdur-Raḥmān bin Samurah.

- أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: ٣٨٨٠  
أَخْبَرَنَا هُشَيْمٌ قَالَ: أَخْبَرَنَا مَنْصُورٌ عَنِ  
الْحَسَنِ، عَنْ عِمَرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ -  
يَعْنِي النَّبِيِّ ﷺ: «لَا نَذْرٌ لِابْنِ آدَمَ فِيمَا لَا  
يَمْلِكُ، وَلَا فِي مَعْصِيَةِ اللَّهِ عَزَّ وَجَلَّ»  
حالفة على بن زيد – فرواها عن الحسن  
عن عبد الرحمن بن سمرة -. .

تخریج: [صحیح] أخرجه أحمد: ٤٢٩ / ٤ عن هشیم به، وللحديث شواهد كثيرة جداً.

### Contents:

But if he takes a vow it is forbidden to fulfill the vow in both the cases. The expiation shall have to be performed as has preceded above.

**3881.** It was narrated from ‘Abdur-Raḥmān bin Samurah that the Prophet ﷺ said: “There is no vow to commit an act of disobedience or with regard to that which the son of Adam does not possess.” (*Sahīh*)

Abū ‘Abdur-Raḥmān (An-Nasā’i) said: ‘Alī bin Zāid is weak, and this *Hadīth* is a mistake, and what is correct is: (from) ‘Imrān bin Ḥuṣain. This *Hadīth* has been reported from ‘Imrān bin Ḥuṣain

- أَخْبَرَنَا عَلَيْيَ بْنُ مُحَمَّدٍ بْنُ عَلَيٍّ قَالَ: ٣٨٨١  
حَدَّثَنَا خَلْفُ بْنُ تَمِيمٍ قَالَ: حَدَّثَنَا زَائِدَةُ قَالَ:  
حَدَّثَنَا عَلَيْيَ بْنُ زَيْدٍ بْنِ جُدْعَانَ، عَنِ الْحَسَنِ، عَنْ  
عَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا  
نَذْرٌ فِي مَعْصِيَةٍ وَلَا فِيمَا لَا يَمْلِكُ ابْنُ آدَمَ». .  
قَالَ أَبُو عَبْدِ الرَّحْمَنِ: عَلَيْيَ بْنُ زَيْدٍ  
ضَعِيفٌ وَهَذَا الْحَدِيثُ خَطَّأً وَالصَّوَابُ:  
عِمَرَانُ بْنُ حُصَيْنٍ وَقَدْ رُوِيَ هَذَا الْحَدِيثُ

through other routes.

عَنْ عُمَرَانَ بْنِ حُصَيْنٍ مِّنْ وَجْهِ آخَرَ.

تخریج: [صحیح] انفرد به السائی، وللحديث شواهد كثیرة.

**3882.** It was narrated that 'Imrân bin Ḥuṣain said: The Messenger of Allâh ﷺ said: "There is no vow to commit an act of disobedience or with regard to that which the son of Âdám does not possess." (*Sahîh*)

٣٨٨٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنِي أَيُوبُ قَالَ: أَخْبَرَنَا أَبُو قَلَبَةَ عَنْ عَمِّهِ، عَنْ عُمَرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نَذْرٌ فِي مَعْصِيَةٍ وَلَا فِيمَا لَا يَمْلِكُ ابْنُ آدَمَ».

تخریج: [صحیح] تقدم، ح: ٣٨٤٣.

## Chapter 42. What Is The Requirement Upon One Who Made A Vow That Something Would Be Obligatory For Him, Then He Is Unable To Do It?

**3883.** It was narrated that Anas said: "The Prophet ﷺ saw a man being supported by two others and said: 'What is this?' They said: 'He vowed to walk to the House of Allâh.' He said: 'Allâh has no need for this man to torture himself. Tell him to ride.'" (*Sahîh*)

(المعجم (٤٢) - مَا الواجب عَلَى مَنْ أَوْجَبَ عَلَى نَفْسِهِ نَذْرًا فَعَجزَ عَنْهُ؟  
(التحفة (٤٢)

٣٨٨٣ - أَخْبَرَنَا إِشْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا حَمَادُ بْنُ مَسْعَدَةَ عَنْ حُمَيْدٍ، عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: رَأَى الرَّبِيعُ رَجُلًا يَهَادِي بَيْنَ رَجُلَيْنِ قَالَ: «مَا هَذَا؟» قَالُوا: نَذَرَ أَنْ يَمْشِي إِلَى بَيْتِ اللَّهِ قَالَ: «إِنَّ اللَّهَ غَنِيٌّ عَنْ تَعْذِيبِ هَذَا نَفْسَهُ، مُرْءُهُ فَلَيْرَكَبُ».

تخریج: أخرجه البخاري، جزاء الصيد، باب من نذر المشي إلى الكعبة، ح: ١٨٦٥، ومسلم، النذر، باب من نذر أن يمشي إلى الكعبة، ح: ١٦٤٢ من حديث حميد الطويل به.

### Comments:

(See No. 3845)

**3884.** It was narrated that Anas said: "The Messenger of Allâh ﷺ passed by an old man who was being supported between two men and said: 'What is the matter with him?' They said: 'He vowed to walk.' He said: 'Allâh has no need for him to torture himself. Tell him to ride.'" So, he was told to ride. (*Sahîh*)

٣٨٨٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُتَّهَّنِ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا حُمَيْدٌ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: مَرَّ رَسُولُ اللَّهِ ﷺ بِشَيْخٍ يَهَادِي بَيْنَ اثْتَيْنِ قَالَ: «مَا بَالُ هَذَا؟» قَالُوا: نَذَرَ أَنْ يَمْشِي قَالَ: «إِنَّ اللَّهَ غَنِيٌّ عَنْ تَعْذِيبِ هَذَا نَفْسَهُ، مُرْءُهُ فَلَيْرَكَبُ». فَأَمَرَهُ أَنْ يَرْكَبَ.

تخریج: [صحيح] انظر الحديث السابق.

**3885.** It was narrated that Anas bin Mâlik said: "The Messenger of Allâh ﷺ came to a man who was being supported by two others and said: 'What is the matter with him?' It was said: 'He vowed to walk to the Ka'bah.' He said: 'Allâh does not benefit from his torturing himself.' And he told him to ride." (*Sahîh*)

٣٨٨٥ - أَخْبَرَنَا أَحْمَدُ بْنُ حَفْصٍ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ طَهْمَانَ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ حُمَيْدِ الطَّوَيْلِ، عَنْ أَسْنِ بْنِ مَالِكٍ قَالَ: أَتَى رَسُولُ اللَّهِ ﷺ عَلَى رَجُلٍ يُهَادِي بَنَى ابْنَيَهُ فَقَالَ: «مَا شَاءَ هَذَا؟» فَقَيْلَ: تَأْرِزَ أَنْ يَمْشِي إِلَى الْكَعْبَةِ فَقَالَ: «إِنَّ اللَّهَ لَا يَضْطُرُ بِنَفْسِهِ شَيْئًا». فَأَمْرَأَهُ أَنْ يَرْكِبَ.

تخریج: [صحيح] أخرجه الترمذی، النذور والأيمان، باب ماجاء فيمن يحلف بالمشي ولا يستطيع، ح: ١٥٣٧ من حديث حميد به \* وهو متفق عليه من حديث حميد عن ثابت عن أنس به، وانظر الحديث السابق.

### Comments:

'(Allâh's Messenger ﷺ) commanded him' because he was incapable of walking. The one who is able to walk should walk. If one is rendered incapable, then he should ride and perform the expiation.

### Chapter 43. The Exception (Saying: "If Allâh Wills")

(المعجم (٤٣) - الاستثناء (التحفة (٤٣))

**3886.** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath and says: "If Allâh wills, then he has made an exception.'" (*Sahîh*)

٣٨٨٦ - أَخْبَرَنَا نُوحُ بْنُ حَبِيبٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقِ قَالَ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَبْنِ طَاؤُسٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ عَلَى يَمِينٍ فَقَالَ: إِنْ شَاءَ اللَّهُ، فَقَدِ اسْتَشَى».

تخریج: [إسناده صحيح] أخرجه الترمذی، النذور والأيمان، باب ماجاء في الاستثناء في اليمين، ح: ١٥٣٢، وابن ماجه، الكفارات، باب الاستثناء في اليمين، ح: ٢١٠٤ من حديث عبد الرزاق به، وصححه ابن حبان، ح: ١١٨٥، وله شواهد.

**3887.** It was narrated from Abû Hurairah, who attributed it to the Prophet ﷺ: "Sulaimân said: 'I will certainly go around to ninety

٣٨٨٧ - أَخْبَرَنَا الْعَبَاسُ بْنُ عَبْدِ الْعَظِيمِ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقِ قَالَ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَبْنِ طَاؤُسٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ

women tonight, each of whom will bear a child who will fight in the cause of Allâh.’ It was said to him: ‘Say: If Allâh wills,’” but he did not say it. He went around to them but none of them bore a child except for one woman who bore half a person.” The Messenger of Allâh ﷺ said: “If he had said, ‘If Allâh wills,’ he would not have broken his vow, and this would have been a means to help him to get what he wanted.” (*Sahîh*)

رَفِعَهُ «قَالَ شَيْمَانٌ: لَا طُوفَنَ اللَّيْلَةَ عَلَى  
تِسْعِينَ اُمْرَأَةً، تَلِدُ كُلُّ اُمْرَأَةٍ مِنْهُنَّ غُلَامًا  
يُقَاتِلُ فِي سَبِيلِ اللَّهِ، فَقَيَّلَ لَهُ: قُلْ: إِنْ شَاءَ  
اللَّهُ فَلَمْ يَقُلْ، فَطَافَ بِهِنَّ فَلَمْ تَلِدْ مِنْهُنَّ إِلَّا  
اُمْرَأَةً وَاحِدَةً نِصْفَ إِنْسَانٍ». قَالَ رَسُولُ اللَّهِ  
ﷺ: لَوْ قَالَ: إِنْ شَاءَ اللَّهُ، لَمْ يَحْتَثْ،  
وَكَانَ ذَرَّكَ لِحَاجَتِهِ».

تخریج: أخرجه البخاري، النکاح، باب قول الرجل: لأطوفن الليلة على نسائي، ح: ٥٢٤٢،  
ومسلم، الأيمان، باب الاستئناف في اليمين، ح: ٢٤/١٦٥٤ من حديث عبد الرزاق بن همام به.

# The Book Of Agriculture

## Chapter 44. The Third Of The Conditions, In It Is Sharecropping (*Muzâra'ah*) And Contracting<sup>[1]</sup>

**3888.** It was narrated that Abû Sa'eed said: "When you hire a worker, tell him what his wages will be." (*Da'iif*)

تخریج: [إسناده ضعیف] أخرجه أبو داود في المراسيل، ح: ۱۸۱ من حديث حماد بن أبي سليمان به \* إبراهيم هو التخعي ولم يسمع من أبي سعيد الخدري كما في تحفة الأشراف: ۳/۳۲۶.

**3889.** It was narrated from Al-Hasan that he disliked to hire a man without telling him what his wages would be. (*Da'iif*)

تخریج: [إسناده ضعیف] انفرد به النسائي \* يونس هو ابن عبيد وهو مدلس كما قال النسائي (سير أعلام النبلاء: ۷/۷۴) وعنون، عبدالله هو ابن المبارك.

**3890.** It was narrated from Hammâd - Ibñ Abî Sulaimân - that he was asked about a man who

(المعجم . . .) - [كتاب المزارعة] (التحفة ۱۹)

(المعجم ۴۴) - الثالث من الشروط فيه المزارعة والوئائمه (التحفة ۱)

٣٨٨٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنْ شَعْبَةَ، عَنْ حَمَادَ، عَنْ إِبْرَاهِيمَ، عَنْ أَبِي سَعِيدٍ قَالَ: إِذَا اسْتَأْجَرْتَ أَجِيرًا فَاعْلَمْهُ أَجْرَهُ.

٣٨٨٩ - أَخْبَرَنَا مُحَمَّدُ قَالَ: أَخْبَرَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنْ حَمَادَ بْنِ سَلَمَةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ: أَنَّهُ كَرِهَ أَنْ يَسْتَأْجِرَ الرَّجُلَ حَتَّى يَعْلَمَهُ أَجْرَهُ.

٣٨٩٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: أَخْبَرَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنْ حَبِّرٍ

[۱] In his *Sunan Al-Kubra* the author named the chapter in which these narrations are included: "Regarding Hiring" and prior to that is the chapter: "Mentioning The Differences Regarding Proxies" and prior to that is the chapter on sharecropping which is Chapter 46 in this book. So it is possible that by "The Third of Conditions" he is referring to what was mentioned in the two chapters previous to it in *Al-Kubra*. However, As-Sindî interpreted the meaning of "The Third of The Conditions" here to refer to the fact that both *Muzâra'ah* and contracting involve something that is openended, and for that reason they have a relationship to the discussion of vows and oaths. The author has cited examples of contracts at the end of this book as well. See a sample for this topic after No. 3959. And Allâh knows best.

hired a worker in return for food and he said: "No, not until he tells him (what his wages will be)." (Hasan)

**تخریج:** [إسناده حسن] انفرد به النسائي \* جریر بن حازم، رماه البهقي: ٢٣٠ / ٥ وغيره بالتدليس، ولكنه بريء من التدليس انظر طبقات المدلسين بتحقيقي (١/٧)، والله أعلم.

**3891.** It was narrated from Hammâd and Qatâdah, concerning a man who said to another man: "I will lease (something) from you until I reach Makkah for such and such a payment, and if I travel for a month or such and such – something that he named – I will give you such and such in addition." They did not see anything wrong with that, but they did not like it if he said: "If I travel for more than a month I will deduct such and such from your lease." (Sahîh)

#### Comments:

The objective is that if the mount ran fast and it took less time, I would pay you more money; but if the mount did not run fast, and took more time, then I would pay you less. The former situation is permissible because in it the condition of giving a prize or reward is found; and obviously giving reward is permitted. The latter situation is forbidden, because it is a form of wronging the owner of the mount. It took more time, on one hand; and on the other hand, he got less rent. Tyranny or oppression is not allowed.

**3892.** It was narrated that Ibn Juraij said: "I said to 'Atâ': 'What if I hire a slave for a year in return for his food, and for another year, in return for such and such?' He said: 'There is nothing wrong with that, and you may stipulate your conditions of hiring even for a few days.' 'How about if I make a deal to hire him when part of the year has passed?' He said: 'Do not hold

ابن حازم، عن حماد - وهو ابن أبي شليمان - : أَنَّهُ سَلِيلٌ عَنْ رَجُلٍ اسْتَأْجَرَ أَجِيرًا عَلَى طَعَامِهِ قَالَ: لَا حَتَّى تُعْلِمَهُ.

**٣٨٩١ - أَخْبَرَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا حِبَّانُ**  
**قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنْ مَعْمِرٍ، عَنْ حَمَادٍ وَقَنَادَةً: فِي رَجُلٍ قَالَ لِرَجُلٍ: أَسْتَكْرِي مِنْكَ إِلَى مَكَّةَ يَكْنَا وَكَذَا فَإِنْ سِرْتُ شَهْرًا أَوْ كَذَا وَكَذَا - شَيْئًا سَمَاءً - فَلَكَ زِيَادَةً كَذَا وَكَذَا، فَلَمْ يَرَيَا يَهْ بِأَسَا وَكَرِهَا أَنْ يَقُولَ: أَسْتَكْرِي مِنْكَ يَكْنَا وَكَذَا فَإِنْ سِرْتُ أَكْثَرَ مِنْ شَهْرٍ نَفَضْتُ مِنْ كِرَائِكَ كَذَا وَكَذَا.**

**تخریج:** [إسناده صحيح] انفرد به النسائي .

**٣٨٩٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللَّهِ عَنِ ابْنِ جُرَيْجَ قِرَاءَةً قَالَ: قُلْتُ لِعَطَاءً: عَبْدُ أَوْ أَجْرُهُ سَنَةً بِطَعَامِهِ وَسَنَةً أُخْرَى يَكْنَا وَكَذَا؟ قَالَ: لَا بِأَسَا يَهْ وَبِيَجْزِهِ اشْتَرَاطَ حِينَ ثُواجْرُهُ أَيَّامًا، أَوْ أَجْرَتُهُ وَقَدْ مَضَى بَعْضُ السَّنَةِ، قَالَ: إِنَّكَ لَا تُحَاسِنُ لِمَا مَضَى.**

me to account for what has passed.”” (*Sahih*)

### Comments:

The objective behind narrating the above-mentioned report is to demonstrate that the wage of a servant ought to be known and fixed, irrespective of whether it be in the form of food, etc. Besides, one should abstain from stipulating a condition which is detrimental to the servant or the employee.

### Chapter 45. Mentioning The Differing *Hadiths* Regarding The Prohibition Of Leasing Out Land In Return For One-Third, Or One Quarter Of The Harvest, And The Different Wordings Reported By The Narrators

**3893.** It was narrated from Usaïd bin Zuhair that he went out to his people, Banu Hârithah, and said: “O Banu Hârithah, a calamity has befallen you.” They said: “What is it?” He said: “The Messenger of Allâh ﷺ has forbidden leasing land.” We said: “O Messenger of Allâh, what if we lease it in return for some of the grain?” He said, “No.” He said: “We used to lease it in return for straw.” He said: “No.” We used to lease it in return for what is planted on the banks of a stream that is used for irrigation.” He said: “No. Cultivate it (yourself) or give it to your brother.” (*Da'if*)

تخریج: [إسناده صحيح] انفرد به السائی .

(المعجم (٤٥) - ذکر الأحادیث  
المختلفة في النهي عن كراء الأرض  
بالتلث والرابع وأختلاف الفاظ  
الناقلين للخبر (التحفة ٢)

٣٨٩٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ قَالَ:  
أَخْبَرَنَا خَالِدٌ - هُوَ ابْنُ الْحَارِثِ - قَالَ:  
فَرَأَتِ الْمَسْكُونَ عَلَى عَيْدِ الْحَمِيدِ بْنِ جَعْفَرٍ: أَخْبَرَنِي  
أَبِي عَنْ رَافِعٍ بْنِ أَسِيدٍ بْنِ طَهِيرٍ، عَنْ أَبِيهِ  
أَسِيدٍ بْنِ ظَهِيرٍ: أَنَّهُ خَرَجَ إِلَى قَوْمٍ إِلَيْهِ بَنِي  
حَارِثَةَ فَقَالَ: يَا بَنِي حَارِثَةَ! لَقَدْ دَخَلْتُ  
عَلَيْكُمْ مُصِيبَةً قَالُوا: مَا هِيَ؟ قَالَ: تَهْيَ  
رَسُولُ اللَّهِ إِذَا نُكَرِيَّهَا يُشَيِّعُ مِنَ الْحَبْ قَالَ:  
رَسُولُ اللَّهِ! إِذَا نُكَرِيَّهَا يُشَيِّعُ مِنَ الْحَبْ قَالَ:  
«لَا». قَالَ: وَكُنَّا نُكَرِيَّهَا بِالْتَّنِينِ فَقَالَ: «لَا»  
وَكُنَّا نُكَرِيَّهَا بِمَا عَلَى الرَّبِيعِ السَّاقِي قَالَ: «لَا»  
أَزْرَعْهَا أَوْ امْتَحَنْهَا أَحَادِثَ.  
خَالِدُهُ مُجَاهِدٌ.

تخریج: [إسناده ضعيف] انفرد به السائی ، والمحفوظ هو الحديث الآتي أخرجه الطبراني في الكبير: ٢١٠/١، ح ٥٧١ من حديث خالد بن الحارث به مختصراً، وهو في الكبیر، ح ٤٥٨٩: \* رافع بن أسيد لم يوثقه غير ابن حبان.

**3894.** It was narrated that Usaid bin Zuhair said: "Râfi' bin Khadîj came to us and said: 'The Messenger of Allâh ﷺ has forbidden for you *Al-Haql*. *Al-Haql* is the third and the fourth.'<sup>[1]</sup> And *Al-Muzâbanah*. *Al-Muzâbanah* is to buy what is at the top of the date-palm trees in return for a certain number of *Wasqs* of dried dates."<sup>[2]</sup> (*Sahîh*)

٣٨٩٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُبَارِكِ قَالَ: حَدَّثَنَا يَحْيَى - وَهُوَ ابْنُ آدَمَ - قَالَ: حَدَّثَنَا مُفَضْلُ بْنُ مُهَلَّلٍ عَنْ مُنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ أَسِيدٍ بْنِ ظَهَيرٍ قَالَ: جَاءَنَا رَافِعٌ بْنُ خَدِيجٍ فَقَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ نَهَاكُمْ عَنِ الْحَقْلِ، وَالْحَقْلُ: الْثُلُثُ وَالرُّبُعُ. وَعَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: شَرَاءُ مَا فِي رُؤُوسِ التَّحْلِ بِكَدًا وَكَدًا وَسَقًا مِنْ تَمْرٍ.

تخریج: [إسناده صحيح] آخرجه أبو داود، البيوع، باب: في التشديد في ذلك، ح: ٣٣٩٨، من حديث منصور به، وهو في الكبير، ح: ٤٥٩٠.

#### Comments:

The reason for forbidding *Muzâbanah* is that in it there is a greater possibility of a loss for one of the parties. The fruit yet hanging on a tree may or may not equal the fixed quantity of dried fruit. It was forbidden on account of this possibility. (*Muzâbanah* implies the selling of fresh dates for dry dates by measuring them out, and selling raisins for the measure of grapes).

**3895.** It was narrated that Usaid bin Zuhair said: "Râfi' bin Khadîj came to us and said: 'The Messenger of Allâh ﷺ has forbidden something that was beneficial for us, but obedience to the Messenger of Allâh ﷺ is better for you. He has forbidden *Al-Haql* (renting land in return for one-third or one-quarter of the produce) to you, and says: Whoever has land, let him give it (to someone else to cultivate it) or leave it. And he has forbidden *Al-Muzâbanah*. *Al-Muzâbanah* means when a man has a lot of date-palm trees and another man comes and

٣٨٩٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمَئَى قَالَ: حَدَّثَنَا مُحَمَّدُ قَالَ: حَدَّثَنَا شُعبَةُ عَنْ مُنْصُورٍ: سَعَيْتُ مُجَاهِدًا يُحَدِّثُ عَنْ أَسِيدٍ بْنِ ظَهَيرٍ قَالَ: أَتَانَا رَافِعٌ بْنُ خَدِيجٍ فَقَالَ: نَهَاكُمْ رَسُولُ اللَّهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَطَاعَةُ رَسُولِ اللَّهِ ﷺ حَيْرَ لَكُمْ، نَهَاكُمْ عَنِ الْحَقْلِ وَقَالَ: مَنْ كَاتَ لَهُ أَرْضٌ فَلَيَمْتَحِنْهَا أَوْ لَيَذَغِّهَا» وَنَهَايَ عَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: الرَّجُلُ يَكُونُ لَهُ الْمَالُ الْعَظِيمُ مِنَ التَّحْلِ فَيَجِيءُ الرَّجُلُ فَيَأْخُذُهَا بِكَدًا وَكَدًا وَسَقًا مِنْ تَمْرٍ.

[1] Meaning the third or fourth of yield paid to lease the land. And it is not clear if this is the explanation of Râfi', or one of the narrators, while it appears – from the various narrations – that it is from Râfi' and is mentioned again.

[2] This definition is similar to *Al-Arâyâ* (see No. 3910) which was an exception.

takes it in return for a certain number of *Wasqs* of dried dates.”  
(*Sahih*) . ٤٥٩١.

**3896.** It was narrated that Usaid bin Zuhair said: “Râfi‘ bin Khadîj came to us and I was not sure what he meant. He said: ‘The Messenger of Allâh ﷺ has forbidden to you something that used to benefit you, but obedience to the Messenger of Allâh ﷺ is better for you than that which benefits you. The Messenger of Allâh ﷺ has forbidden *Al-Haql* for you. *Al-Haql* means share-cropping the land in return for one-third or one-quarter (of the yield). So whoever has land that he does not need, let him give it to his brother (to cultivate it) or let him leave it. And he has forbidden to you *Al-Muzâbanah*. *Al-Muzâbanah* means when a man has a great number of datepalms and says: Take it in return for (a certain number of) *Wasqs* of dried dates this year.’” (*Sahîh*)

نحویح: [إسناده صحيح] انظر الحديث السابق، وهو في الكبیر، ح: ٤٥٩٢.

**3897.** Usaid bin Râfi‘ bin Khadîj said: “Râfi‘ bin Khadîj said: ‘The Messenger of Allâh ﷺ has forbidden something for you that used to be beneficial for us, but obedience to the Messenger of Allâh ﷺ is more beneficial for us. He said: “Whoever has land let him cultivate it, and if he is unable to do so, let him give it to his brother to cultivate.”” (*Sahîh*)

Abdul-Karîm bin Malik

٣٨٩٦ - أَخْبَرَنِي مُحَمَّدُ بْنُ قَدَّامَةَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ أَسِيدِ بْنِ ظَهِيرٍ قَالَ: أَتَى عَلَيْنَا رَافِعٌ بْنُ خَدِيْجَ قَالَ: وَلَمْ أَفْهَمْ قَوْلَهُ إِنَّ رَسُولَ اللَّهِ ﷺ نَهَاكُمْ عَنْ أَمْرٍ كَانَ يَنْفَعُكُمْ، وَطَاعَةُ رَسُولِ اللَّهِ ﷺ خَيْرٌ لَكُمْ مِمَّا يَنْفَعُكُمْ، نَهَاكُمْ رَسُولُ اللَّهِ ﷺ عَنِ الْحَقِّ، وَالْحَقْلُ: الْمُرَازَعَةُ بِالثُّلُثِ وَالرُّبْعِ فَمَنْ كَانَ لَهُ أَرْضٌ فَاسْتَئْنَى عَنْهَا، فَإِنْمَاتُهَا أَخَاهُ أَوْ يَدْعُ، وَنَهَاكُمْ عَنِ الْمُرَابَةِ، وَالْمُرَابَةُ: الرَّجْلُ يَحْيِي إِلَى التَّخْلِ الْكَثِيرُ بِالْمَالِ الْعَظِيمِ فَيَقُولُ: حُذْهُ يَكْدَا وَكَدَا وَسَقَا مِنْ تَمِيرَ ذَلِكَ الْعَامِ.

٣٨٩٧ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يَعْقُوبَ بْنِ إِسْحَاقَ قَالَ: حَدَّثَنَا عَفَانُ قَالَ: حَدَّثَنَا عَبْدُ الرَّاحِمِ بْنُ الْوَاجِدِ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ مُجَاهِدٍ قَالَ: حَدَّثَنِي أَسِيدِ بْنِ رَافِعٍ بْنِ خَدِيْجَ قَالَ: قَالَ رَافِعٌ بْنُ خَدِيْجَ: نَهَاكُمْ رَسُولُ اللَّهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا تَأْفِعًا، وَطَاعَةُ رَسُولِ اللَّهِ ﷺ أَفْعَلُ لَنَا قَالَ: «مَنْ كَانَ لَهُ أَرْضٌ فَلْيَزَرْعَهَا، فَإِنْ عَجَزَ عَنْهَا فَلْيُرْغِعَهَا أَخَاهُ»

contradicted him.<sup>[1]</sup>

خالفة عبد الكريم بن ماليك.

تخریج: [إسناد صحيح] تقدم، ح: ٣٨٩٤، وهو في الكبير، ح: ٤٥٩٣.

## Contents:

'He should lend it for cultivation' means if it is lying surplus with him.

**3898.** It was narrated that Mujâhid said: "I took Tâwûs by the hand and brought him to Ibn Râfi' bin Khadîj, and he told him, narrating from his father, that the Messenger of Allâh ﷺ forbade leasing land. Tâwûs rejected that and said: 'I heard Ibn 'Abbâs (say) that he did not see anything wrong with that.'" (*Sahîh*)

It was reported by Abû 'Awânah, from Abû Hušain, from Mujâhid who said: "He said" from Râfi', in *Mursal* form.

تخریج: أخرجه مسلم، البيع، باب الأرض تمنح، ح: ١٥٥٠ من حديث مجاهد به، وهو في الكبير، ح: ٤٥٩٤.

## Comments:

In this narration, he mentioned leasing. That is; renting and for payment of wealth. It differs with forms of sharecropping because the amount of payment is certain and can be agreed upon. See No. 3904, and 3921, and 3929.

**3899.** (The previously mentioned chain) from Mujâhid who said: "Râfi' bin Khadîj said: 'The Messenger of Allâh ﷺ forbade us to do something that was beneficial for us, (but we respect and obey the command of the Messenger of Allâh ﷺ.)<sup>[2]</sup> He forbade us to lease land in return for some of its produce.'" (*Sahîh*)

٣٨٩٩ - أخبرنا قبيه قال: حدثنا أبو عوانة عن أبي حصين، عن مجاهد قال: قال رافع بن خديج: نهانا رسول الله ﷺ عن أمير كان لنا نافعاً، وأمر رسول الله ﷺ على الرأس والعين، نهانا أن نتقبل الأرض ببعض خرجها. تابعة إبراهيم بن مهاجر.

[1] That is: contradicted Sa'eed bin 'Abdur-Rahmân, both of whom narrated it from Mujâhid, as will be seen in the next chain of narration.

[2] He said an expression interpreted to infer that is based upon the other versions: "The order of the Messenger of Allâh ﷺ is upon the head and the eye." And in this version he mentioned leasing a long with sharecropping as the means of payment. See No. 3904.

Ibrâhîm bin Muhâjîr followed him in (narrating) that.

تخریج: [صحیح] أخرجه الترمذی، الأحكام، باب: من المزارعة، ح: ۱۳۸۴ من حديث أبي حصین به، وهو في الكبری، ح: ۴۵۹۵، وانظر، ح: ۳۸۹۷ \* مجاهد سمعه من أبید.

**3900.** It was narrated that Râfi' bin Khadîj said: "The Prophet ﷺ passed by the land of a man from among the Anṣâr who he knew was in need and said: 'Whose is this land?' He said: 'So and so's; he has given it to us in return for rent.' He said: 'Why did he not give it to his brother?'" Râfi' came to the Anṣâr and said: "The Messenger of Allâh ﷺ has forbidden something for you which was beneficial, but obedience to the command of the Messenger of Allâh ﷺ is more beneficial for you." (*Sahîh*)

٣٩٠٠ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ عَنْ عُبَيْدِ اللَّهِ قَالَ: حَدَّثَنَا إِسْرَائِيلُ عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ مُجَاهِدٍ، عَنْ رَافِعٍ بْنِ خَدِيجٍ قَالَ: مَرَّ النَّبِيُّ ﷺ عَلَى أَرْضِ رَجُلٍ مِنَ الْأَنْصَارِ قَدْ عَرَفَ أَنَّهُ مُخْتَاجٌ فَقَالَ: «لِمَنْ هَذِهِ الْأَرْضُ؟» قَالَ: لِغُلَامٍ، أَعْطَانِيهَا يَا لَيْلَةُ الْأَجْرِ فَقَالَ: «لَوْ مَنَّهَا أَحَادِ» فَأَتَى رَافِعُ الْأَنْصَارِ فَقَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ نَهَاكُمْ عَنْ أَمْرٍ كَانَ لَكُمْ تَائِيًّا وَطَاعَةُ رَسُولِ اللَّهِ ﷺ أَنْتُمْ لَكُمْ

تخریج: [صحیح] انظر الحديث السابق، وهو في الكبری، ح: ۴۵۹۶.

**3901.** It was narrated that Râfi' bin Khadîj said: "The Messenger of Allâh ﷺ forbade *Al-Haql* (renting land in return for one-third or one-quarter of the produce)." (*Sahîh*)

٣٩٠١ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُقْبَلِ وَمُحَمَّدُ بْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنِ الْحَكَمِ عَنْ مُجَاهِدٍ عَنْ رَافِعٍ بْنِ خَدِيجٍ قَالَ: نَهَا رَسُولُ اللَّهِ ﷺ عَنِ الْحَقْلِ.

تخریج: [صحیح] تقدم، ح: ۳۸۹۹، وهو في الكبری، ح: ۴۵۹۷.

**3902.** Râfi' bin Khadîj said: "The Messenger of Allâh ﷺ came out to us and forbade something for us that had been beneficial for us. He said: 'Whoever has land, let him cultivate it or give it to someone else (to cultivate), or leave it.'" (*Sahîh*)

٣٩٠٢ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٍّ عَنْ خَالِدٍ - وَهُوَ ابْنُ الْحَارِثِ - قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الْمَلِكِ، عَنْ مُجَاهِدٍ قَالَ: حَدَّثَ رَافِعُ بْنِ خَدِيجٍ قَالَ: خَرَجَ إِلَيْنَا رَسُولُ اللَّهِ ﷺ فَنَهَا إِنَّمَا عَنْ أَمْرٍ كَانَ لَنَا تَائِيًّا فَقَالَ: «مَنْ كَانَ لَهُ أَرْضٌ فَلْيَرْعَهَا أَوْ يَمْسِحَهَا أَوْ يَدْرُهَا».

تخریج: [صحیح] تقدم، ح: ۳۸۹۹، وهو في الكبری، ح: ۴۵۹۸.

**3903.** It was narrated from Tâwûs and Mujâhid, that Râfi' bin Khadîj said: "The Messenger of Allâh ﷺ came out to us and forbade something for us that had been beneficial for us, but the command of Messenger of Allâh ﷺ is better for us. He said: 'Whoever has land, let him cultivate it or leave it or give it (to someone else to cultivate).'" (*Sahîh*)

And among that which proves that Tâwûs did not hear this *Hadîth* from Râfi'.

٣٩٠٣ - أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا حَجَاجُ قَالَ: حَدَّثَنِي شَعْبَةُ عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ وَطَاؤِسٍ وَمُجَاهِدٍ عَنْ رَافِعٍ بْنِ خَدِيْجَ قَالَ: خَرَجَ إِلَيْنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَهَنَّا عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَأَمْرٌ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَيْرٌ لَنَا قَالَ: «مَنْ كَانَ لَهُ أَرْضٌ فَلِيَرْزُغْهَا أُوْلَئِكُمْ هُنَّ أَوْلَى مَنْ يَمْتَحِنُهُ» وَمِمَّا يَدْلُلُ عَلَى أَنَّ طَاؤِسًا لَمْ يَسْمَعْ هَذَا الْحَدِيثَ مِنْ رَافِعٍ.

تخریج: [صحیح] تقدم، ح: ٣٨٩٩، و هو في الكبیر، ح: ٤٥٩٩.

**3904.** It was narrated that 'Amr bin Dînâr said: "Tâwûs regarded it disliked renting out land for gold and silver, but he did not see anything wrong with leasing it in return for one-third or one-quarter (of the yield). Mujâhid said to him: 'Go to Ibn Râfi' bin Khadîj and listen to his *Hadîth*.' He said: 'By Allâh, if I knew that the Messenger of Allâh ﷺ had forbidden that I would not have done it. But my *Hadîth* comes from one who is more knowledgeable than him. Ibn 'Abbâs (said) that the Messenger of Allâh ﷺ said: "If one of you were to give his land to his brother (to cultivate it), that would be better than taking an agreed portion of the yield." (*Sahîh*)

And there is a disagreement among the narrators from 'Atâ' about this *Hadîth*, so 'Abdul-Mâlik bin Maisarah said: "From 'Atâ', from Râfi'" and we mentioned that

٣٩٠٤ - أَخْبَرَنِي مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُبَارِكَ قَالَ: حَدَّثَنَا زَكَرِيَاً بْنُ عَدِيًّا قَالَ: حَدَّثَنَا حَمَادَ بْنُ زَيْدٍ عَنْ عَمْرُو بْنِ دِينَارٍ قَالَ: كَانَ طَاؤِسٌ يَكْرُهُ أَنْ يُؤَاجِرَ أَرْضَهُ بِالذَّهَبِ وَالْفِضَّةِ وَلَا يَرَى بِالثَّلِاثَةِ وَالرَّبِيعِ بِأَسْسَا فَقَالَ لَهُ مُجَاهِدٌ: اذْهَبْ إِلَى أَبْنِ رَافِعٍ بْنِ خَدِيْجَ فَاسْمَعْ مِنْهُ حَدِيثَهُ فَقَالَ: إِنِّي وَاللَّهِ لَوْ أَعْلَمُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْهُ مَا فَعَلْتُ وَلَكِنْ حَدَّثَنِي مَنْ هُوَ أَعْلَمُ مِنْهُ، أَبْنُ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّمَا قَالَ: لَأَنْ يَمْتَحِنَ أَحَدُكُمْ أَخَاهُ أَرْضَهُ خَيْرٌ وَلَا أَنْ يَأْخُذَ عَلَيْهَا حَرَاجًا مَعْلُومًا». وَقَدْ اخْتَلَفَ عَلَى عَطَاءٍ فِي هَذَا الْحَدِيثَ، فَقَالَ عَبْدُ الْمَلِكَ بْنُ مَيسَرَةَ: عَنْ عَطَاءٍ، عَنْ رَافِعٍ، وَقَدْ تَقدَّمَ ذِكْرُنَا لَهُ، وَقَالَ عَبْدُ الْمَلِكِ بْنُ أَبِي سَلَيْمانَ: عَنْ عَطَاءٍ، عَنْ جَابِرٍ.

previously. And, 'Abdul-Mâlik bin Abî Sulaimân said: "From 'Atâ', from Jâbir:"

تخریج: أخرجه مسلم، البيوع، باب الأرض تمنح، ح: ١٥٥٠ من حديث حماد بن زيد، والبخاري، الح Roth والمزارعة، باب(١٠)، ح: ٢٣٣٠ من حديث عمرو بن دينار به، وهو في الكبّري، ح: ٤٦٠٠.

**3905.** It was narrated from 'Atâ' from Jâbir, that the Messenger of Allâh ﷺ said: "Whoever has land, let him cultivate it. If he is unable to cultivate it, let him give it to his Muslim brother and not share-crop it with him." (*Sahîh*)

تخریج: أخرجه مسلم، البيوع، باب كراء الأرض، ح: ٩١/١٥٣٦ من حديث عبد الملك بن أبي سليمان به، وهو في الكبّري، ح: ٤٦٠١.

**3906.** Jâbir said: The Messenger of Allâh ﷺ said: "Whoever has land, let him cultivate it or give it to his brother, and not lease it to him." (*Sahîh*)

He was followed in (narrating) it by 'Abdur-Rahmân bin 'Amr Al-Awzâ'i.

٣٩٠٥ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا حَالِدُ بْنُ الْحَارِثَ قَالَ: حَدَّثَنَا عَبْدُ الْمَلِكِ عَنْ عَطَاءٍ، عَنْ جَابِرٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ كَانَ لَهُ أَرْضٌ فَلْيَزْرَعْهَا، فَإِنْ عَجَزَ أَنْ يَزْرَعَهَا فَلْيَمْنَحْهَا أَخَاهُ الْمُسْلِمَ وَلَا يُؤْرِعْهَا إِيَّاهُ».

٣٩٠٦ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْهِ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا عَبْدُ الْمَلِكِ عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ كَانَ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيَمْنَحْهَا أَخَاهُ وَلَا يُؤْرِعْهَا». تَابَعَهُ عَبْدُ الرَّحْمَنِ بْنُ عَمْرُو الْأَوْزَاعِيُّ.

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبّري، ح: ٤٦٠٢.

### Comments:

'Give it' from *Manah*; which could mean he should lend it to him for one or two years, so that he could acquire some of its produce. The land would continue to remain the property of its original owner. The owner would take it back upon the expiration of the fixed period of time.

**3907.** It was narrated that Jâbir said: "Some people had some extra land which they leased out in return for half of the yield, or one-third, or one-quarter. The Messenger of Allâh ﷺ said: 'Whoever has land, let him cultivate it, or give it to his

٣٩٠٧ - أَخْبَرَنَا هِشَامُ بْنُ عَمَّارٍ عَنْ يَحْيَى بْنِ حَمْزَةَ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: كَانَ لِلنَّاسِ فُضُولٌ أَرْضِينَ يُؤْرِعُونَهَا بِالنَّصْفِ وَالثُّلُثِ وَالرُّبُعِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ كَانَ لَهُ أَرْضٌ

brother to cultivate or keep it (without cultivating it).”” (*Sahîh*) And Maṭar bin Tâhmân was in accord with him.

**تخریج:** أخرج البخاري، الحرف والمزارعة، باب ما كان من أصحاب النبي ﷺ يواسى بعضهم بعضاً في الزراعة والثمر، ح: ٢٣٤٠، ومسلم، البيوع، باب كراء الأرض، ح: ٨٩/١٥٣٦، ٤٦٠٣، ح: ١٥٤٤ من حديث الأزراعي به، وهو في الكبرى، ح: ٤٦٠٣.

**3908.** It was narrated that Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ addressed us and said: ‘Whoever has land, let him cultivate it or give it to someone else to cultivate, and let him not rent it out.’”” (*Sahîh*)

٣٩٠٨ - أَخْبَرَنَا عِيسَىٰ بْنُ مُحَمَّدٍ - وَهُوَ أَبُو عُمَيْرٍ بْنِ التَّحَاسِيْ - وَعِيسَىٰ بْنُ يُوسُّـنَ - هُوَ الْفَاخُورِيُّ - قَالًا: حَدَّثَنَا ضَمْرَةُ عَنْ ابْنِ شَوْذَبٍ، عَنْ مَطْرِ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ قَالَ: حَطَّبَنَا رَسُولُ اللَّهِ ﷺ قَالَ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَرْعَهَا أَوْ لِيُرْعِهَا وَلَا يُؤْاْجِرُهَا».

**تخریج:** أخرجه مسلم، ح: ٨٨/١٥٣٦، انظر الحديث السابق من حديث مطر بن طهمان الوراق به، وهو في الكبرى، ح: ٤٦٠٤ \* عطاء هو ابن أبي رباح المكي، وابن شوذب هو عبدالله، وضمرة هو ابن ربيعة.

**3909.** It was narrated from Jâbir who attributed it to the Prophet ﷺ: “That he forbade leasing out land.”” (*Sahîh*)

‘Abdul-Mâlik bin ‘Abdul-‘Azîz bin Juraij was in accord with him in (narrating) the prohibition of leasing land.

٣٩٠٩ - أَخْبَرَنِيْ مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ عَنْ يُوسُّـنَ: حَدَّثَنَا حَمَادٌ عَنْ مَطْرِ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ رَقَعَهُ: نَهَى عَنْ كِرَاءِ الْأَرْضِ. وَأَفَقَهَ عَبْدُ الْمَلِكِ بْنُ عَبْدِ الْعَزِيزِ بْنِ جُرَيْجٍ عَلَى النَّهْيِ عَنْ كِرَاءِ الْأَرْضِ.

**تخریج:** أخرجه مسلم، ح: ٨٧/١٥٣٦ (انظر الحديدين السابقين) من حديث حماد بن زيد به، وهو في الكبرى، ح: ٤٦٠٥.

### Comments:

There are two types of rental agreements: A fixed sum of money, or a fixed share of a fixed produce; for instance, one-half, one-third, or one-fourth, etc. In common practice, the former is called rental or lease, and the latter sharecropping.

**3910.** It was narrated from Jâbir that the Prophet ﷺ forbade Al-

٣٩١٠ - أَخْبَرَنَا قُبَيْلَةُ قَالَ: حَدَّثَنَا الْمُنْصَلُ عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ وَأَبِي

*Mukhâbarah*,<sup>[1]</sup> *Al-Muzâbanah*<sup>[2]</sup> and *Al-Muḥâqalah*,<sup>[3]</sup> and selling fruit until it is fit to eat (ripe enough), except in the case of *Al-'Arâyâ*.<sup>[4]</sup> (*Sahîh*)

Yûnus bin 'Ubaid followed him (in narrating).

الرَّبِيرُ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْمُخَابَرَةِ وَالْمُزَابَةِ وَالْمُحَافَلَةِ وَتَبَعِ الشَّمْرَ حَتَّى يُطْعَمَ إِلَّا الْعَرَائِيَا. تَابَعَهُ يُونُسُ بْنُ عَبْيَدٍ.

تخریج: أخرجه البخاري، المساقاة، باب الرجل يكون له ممر أو شرب في حائط أو في نخل، ح: ۲۳۸۱، ومسلم، البيوع، باب النهي عن المحافلة والمزابة، وعن المخابرة ... إلخ، ح: ۱۵۳۶، ۸۲، ۸۱ / ۱۵۴۳ من حديث ابن حريج به، وهو في الكبرى، ح: ۴۶۰۶.

**3911.** It was narrated from Jâbir that the Prophet ﷺ forbade *Al-Muḥâqalah*, *Al-Muzâbanah*, *Al-Mukhâbarah* and exceptions when selling, unless they were well-defined. (*Hasan*)

And in the narration of Hammâm bin Yahya is what acts as the proof that 'Atâ' did not hear Jâbir's *Hadîth* from the Prophet ﷺ: "Whoever has land, then let him cultivate it".

٣٩١١ - أَخْبَرَنِي زَيَادُ بْنُ أَبْوَبَ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ قَالَ: حَدَّثَنَا سُقْيَانُ بْنُ حُسَيْنٍ قَالَ: حَدَّثَنَا يُوسُفُ بْنُ عَبْيَدٍ عَنْ عَطَاءٍ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْمُحَافَلَةِ، وَالْمُزَابَةِ، وَالْمُخَابَرَةِ، وَعَنِ النَّثِيَا إِلَّا أَنْ تَعْلَمَ.

وَفِي رَوَايَةِ هَمَامٍ بْنِ يَحْيَى كَالدَّلِيلِ عَلَىِ: أَنَّ عَطَاءً لَمْ يَسْمَعْ مِنْ جَابِرٍ حَدِيثَهُ عَنِ النَّبِيِّ ﷺ «مَنْ كَانَ لَهُ أَرْضٌ فَلْيَزْرُغْهَا».

تخریج: [إسناده حسن] أخرجه الترمذی، البيوع، باب ماجاء في النهي عن الشیا، ح: ۱۲۹۰، عن زياد بن أبوبه، وقال: "حسن صحيح غريب"، وهو في الكبرى، ح: ۴۶۰۷.

<sup>[1]</sup> A definition follows after No. 3914, and some of them say it is leasing the land for cultivation, while the owner will get whatever is produced from one area of it, and another area is for the cultivator. See the commentary of As-Sindi. In *Fath Al-Bârî* (after No. 2327) Ibn Hajar mentioned the view that *Al-Mukhâbarah* refers to share-cropping when the seeds are supplied by the cultivator, while *Al-Muzâra'ah* refers to share-cropping when the seeds are supplied by the owner of the land.

<sup>[2]</sup> Selling fresh, as-yet-unharvested and unmeasured dates for a certain measure of dried dates.

<sup>[3]</sup> Renting land in return for one-third or one-quarter of the produce.

<sup>[4]</sup> *'Arâyâ* (singular, '*Ariya*): This refers to when the fruits of a designated tree were given as a gift to another person, then the giver was troubled by the recipient's coming to his garden to gather the dates, so he was permitted to buy the fresh dates in return for dried dates.

**Comments:**

'Exceptions, unless...': For instance, one says at the time of selling the fruit of an orchard that he would take the fruit of its trees for himself, without specifying which trees, such dubious exception could later become a cause of dispute. This is why it was forbidden.

**3912.** Jâbir narrated that the Messenger of Allâh ﷺ said: "Whoever has land, let him cultivate it or give it to his brother to cultivate, and not lease it to his brother." (*Sahîh*)

And Yazîd bin Nu'aim reported the prohibition from *Al-Muħālaqah* from Jâbir bin 'Abdullâh.

٣٩١٢ - أَخْبَرَنِي أَخْمَدُ بْنُ يَحْيَى قَالَ: حَدَّثَنَا أَبُو نُعِيمَ قَالَ: حَدَّثَنَا هَمَامُ بْنُ يَحْيَى قَالَ: سَأَلَ عَطَاءً سُلَيْمَانَ بْنَ مُوسَى قَالَ: حَدَّثَ جَابِرٌ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ كَانَ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيُرِعْهَا أَخَاهُ وَلَا يُنْكِرِيهَا أَخَاهُ.

وَقَدْ رَوَى النَّهَيُ عَنِ الْمُحَافَةِ يَزِيدُ بْنُ نُعِيمَ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ.

تخریج: أخرجه مسلم، البيوع، باب كراء الأرض، ح: ٩٢ / ١٥٣٦ من حديث همام به، وهو في الكبرى، ح: ٤٦٠٨.

**3913.** It was narrated from Jâbir bin 'Abdullâh: "The Prophet ﷺ forbade *Al-Haql* and it is *Al-Muzâbanah*." (*Sahîh*)

Hishâm contradicted him; for he reported it from Yahyâ, from Abû Salamah, from Jâbir.

٣٩١٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِدْرِيسَ قَالَ: حَدَّثَنَا أَبُو تَوْيَةَ قَالَ: حَدَّثَنَا مُعاوِيَةَ بْنُ سَلَامَ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ يَزِيدَ بْنِ نُعِيمَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ الَّذِي نَهَى عَنِ الْحَفْلِ وَهِيَ الْمُرَابَةُ. خَالَتُهُ هِشَامٌ، وَرَوَاهُ عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ.

تخریج: أخرجه مسلم، ح: ١٠٣ / ١٥٣٦ بعد، ح: ١٥٤٤، انظر الحديث السابق من حديث أبي توبة الربيع بن نافع به، وهو في الكبرى، ح: ٤٦٠٩.

**3914.** It was narrated from Jâbir bin 'Abdullâh that the Prophet ﷺ forbade *Al-Muzâbanah* and *Al-Mukhâdarah*. He (one of the narrators) said: "*Al-Mukhâdarah* means selling fruit before it ripens and *Al-Mukhâbarah* means selling grapes in return for a certain

٣٩١٤ - أَخْبَرَنَا التَّقْهِ قَالَ: حَدَّثَنَا حَمَادُ بْنُ مَسْعَدَةَ عَنْ هِشَامٍ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ الَّذِي نَهَى عَنِ الْمُرَابَةِ وَالْمُخَاضَرَةِ وَقَالَ: الْمُخَاضَرَةُ: بَيْعُ الشَّمْرِ قَبْلَ أَنْ يَرْهُو.

number of Sâ's." (*Sahîh*)

'Umar bin Abî Salamah contradicted him; he said: "From His father, from Abû Hurairah."

تخریج: [صحيح] وهو في الكبير، ح: ٤٦١٠، وللحديث شواهد كثيرة جداً.

**3915** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade *Al-Muhâqalah* and *Al-Muzâbahah*. (*Sahîh*)

Muhammad bin 'Amr contradicted the two of them; so he said: "From Abû Salamah, from Abû Sa'eed."

والْمُخَابِرَةُ: بِيَعُ الْكَرْمَ يِكَّدَا وَكَدَا صَاغَا :  
خَالِفَهُ عُمَرُ بْنُ أَبِي سَلَمَةَ قَالَ: عَنْ أَبِيهِ  
عَنْ أَبِيهِ هُرِيْرَةَ .

تخریج: [صحيح] وهو في الكبير، ح: ٤٦١٠ - ٣٩١٥

أَخْبَرَنَا عُمَرُو بْنُ عَلَيْ قَالَ:  
حَدَّثَنَا عَبْدُ الرَّحْمَنِ قَالَ: حَدَّثَنَا سُفِيَانُ عَنْ  
سَعِيدِ بْنِ إِبْرَاهِيمَ عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ عَنْ  
أَبِيهِ عَنْ أَبِيهِ هُرِيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ  
عَنِ الْمُحَاقَلَةِ وَالْمُزَابَةِ .

خَالَفُهُمَا مُحَمَّدُ بْنُ عَمِّرُو فَقَالَ: عَنْ أَبِيهِ  
سَلَمَةَ عَنْ أَبِيهِ سَعِيدِ .

تخریج: [صحيح] أخرجه أحمد: ٤٨٤ / ٤ عن عبد الرحمن بن مهدي به، وهو في الكبير، ح: ٤٦١١ \* سفيان هو الثوري، وللحديث شواهد كثيرة جداً.

**3916.** It was narrated that Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ forbade *Al-Muhâqalah* and *Al-Muzâbahah*." (*Hasan*)

Al-Aswad bin Al-'Alâ' contradicted all of them; so he said: "From Abû Salamah, from Râfi' bin Khadîj."

أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ  
الْمُبَارِكِ قَالَ: حَدَّثَنَا يَحْيَى - وَهُوَ ابْنُ آدَمَ -  
قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ عَنْ مُحَمَّدِ بْنِ  
عَمِّرُو، عَنْ أَبِيهِ سَلَمَةَ، عَنْ أَبِيهِ سَعِيدِ  
الْخُدْرِيِّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ  
الْمُحَاقَلَةِ وَالْمُزَابَةِ، خَالَفُهُمُ الْأَسْوَدُ بْنُ  
الْعَلَاءِ فَقَالَ: عَنْ أَبِيهِ سَلَمَةَ عَنْ رَافِعِ بْنِ  
خَدِيجَ .

تخریج: [إسناده حسن] أخرجه أحمد: ٦٧ / ٣ من حديث محمد بن عمرو الليثي به، وهو في الكبير، ح: ٤٦١٢ \* عبد الرحيم هو ابن سليمان.

**3917.** It was narrated from Râfi' bin Khadîj that the Messenger of Allâh ﷺ forbade *Al-Muhâqalah* and *Al-Muzâbahah*. (*Hasan*)

Al-Qâsim bin Muhammâd

أَخْبَرَنَا زَكَرِيَاً بْنُ يَحْيَى قَالَ:  
حَدَّثَنَا مُحَمَّدُ بْنُ يَرِيدَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا  
عَبْدُ اللَّهِ بْنُ حُمَرَانَ قَالَ: حَدَّثَنَا عَبْدُ الْحَمِيدِ

reported it from Râfi' bin Khadîj.

ابن جعفر عن الأشود بن العلاء، عن أبي سلمة، عن رافع بن خديج: أن رسول الله ﷺ نهى عن المحاقلة والمزارعة. رواه القاسم بن محمد عن رافع بن خديج.

تخریج: [إسناده حسن] وهو في الكبیر، ح: ٤٦١٣.

**3918.** It was narrated from 'Uthmân bin Murrah who said: "I asked Al-Qâsim about *Al-Muzâra'ah*, so he narrated from Râfi' bin Khadîj that the Messenger of Allâh ﷺ forbade *Al-Muhâqalah* and *Al-Muzâbanah*." (*Hasan*)

Abû 'Abdur-Rahmân (An-Nasâ'i) said: Another time.<sup>[1]</sup>

\* القاسم هو ابن محمد بن أبي بكر  
تخریج: [إسناده حسن] وهو في الكبیر، ح: ٤٦١٤ . الصدیق، وأبو عاصم هو الضحاک بن مخلد.

**3919.** Râfi' bin Khadîj said that the Messenger of Allâh ﷺ forbade leasing land. (*Hasan*)

And there is some disagreement in what is narrated from Sa'eed bin Al-Musayyab on it.

٣٩١٨ - أخبرنا عمرو بن علي قال: حدثنا أبو عاصم قال: حدثنا عثمان بن مرة قال: سألت القاسم عن المزارعة، فحدث عن رافع بن خديج: أن رسول الله ﷺ نهى عن المحاقلة والمزارعة.

قال أبو عبد الرحمن: مرة أخرى.

تخریج: [إسناده حسن] وهو في الكبیر، ح: ٤٦١٥ . الصدیق، وأبو عاصم هو الضحاک بن مخلد.

٣٩١٩ - أخبرنا عمرو بن علي قال: قال أبو عاصم: عن عثمان بن مرة قال: سأله القاسم عن كراء الأرض فقال: قال رافع بن خديج: أن رسول الله ﷺ نهى عن كراء الأرض.

واختلاف على سعيد بن المسيب فيه.

تخریج: [إسناده حسن] انظر الحديث السابق، وهو في الكبیر، ح: ٤٦١٥ .

**3920.** It was narrated that Abû Ja'far Al-Khaṭmî – whose name was 'Umair bin Yazîd – said: "My paternal uncle sent me with a slave of his, to Sa'eed bin Al-Musayyab to ask him about *Al-Muzâra'ah*. He

٣٩٢٠ - أخبرنا محمد بن المثنى قال: حدثنا يحيى عن أبي جعفر الخطمي - واسمه عمير بن يزيد - قال: أرسلي عمي وغلاما له إلى سعيد بن المسيب أسأله عن

<sup>[1]</sup> That is, on another occasion the same Shaikh narrated the same chain of narration to him, but with the wordings that follow.

said: ‘Ibn ‘Umar did not see anything wrong with it, until he heard the *Hadîth* from Râfi‘ bin Khadîj. Then he met him, and Râfi‘ said: “The Prophet ﷺ came to Banu Hârithah and saw some crops. He said: ‘How good are the crops of Zuhair.’ They said: ‘It is not Zuhair’s, and he said: ‘Is the land not Zuhair’s?’ They said: ‘No (it is not his), rather he is leasing it.’ The Messenger of Allâh ﷺ said: ‘Take your crops and give him what he spent.’ So we took our crops, and gave him what he had spent.” (*Sahîh*)

Târiq bin ‘Abdur-Râhîmân reported it from Sa‘eed, and there is disagreement in what is narrated from him.

تخریج: [إسناده صحيح] أخرجه أبو داود، البيوع، باب: في التشديد في ذلك، ح: ٣٣٩٩ من حديث يحيى بن سعيد القطان به، وهو في الكبّرى، ح: ٤٦١٦.

**3921.** It was narrated that Râfi‘ bin Khadîj said: “The Messenger of Allâh ﷺ forbade *Al-Muhâqalah* and *Al-Muzâbanah*, and said: ‘Only three may cultivate: A man who has land which he cultivates; a man who was given some land and cultivates what he was given; and a man who takes land on lease for gold or silver.’” (*Hasan*)

Isrâ’îl narrated it in a distinct manner from Târiq, so he narrated the statement in *Mursal* form first, and later, as a statement of Sa‘eed.

تخریج: [إسناده حسن] أخرجه أبو داود، ح: ٣٤٠٠، انظر الحديث السابق، وابن ماجه، الرهون، باب المزارعة بالثلث والربع، ح: ٢٤٤٩ من حديث أبي الأحوص به، وهو في الكبّرى، ح: ٤٦١٧ \* طابق هو ابن عبد الرحمن، ووثقه الجمهور.

المزارعة، فقال: كَانَ ابْنُ عُمَرَ لَا يَرَى بِهَا بِأَسَا حَتَّى يَلْعَهُ عَنْ رَأْفَعَ بْنِ خَدِيجَ حَدِيقَةً فَلَقَيْهَا، فَقَالَ رَافِعٌ: أَتَى النَّبِيُّ ﷺ بْنَ حَارِثَةَ فَرَأَى زَرْعًا فَقَالَ: «مَا أَحْسَنَ زَرْعَ طَهْبِيرًا» قَالُوا: لَيْسَ لِطَهْبِيرٍ فَقَالَ: «أَلَيْسَ أَرْضُ ظَهَبِيرٍ؟» قَالُوا: بَلَى وَلَكِنَّهُ أَرْزَعَهَا فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَخُدُوا زَرْعَكُمْ وَرُدُّوا إِلَيْهِ نَفَقَتُهُ». قَالَ: فَأَخَذْنَا زَرْعَنَا وَرَدَّنَا إِلَيْهِ نَفَقَتُهُ.

وَرَوَاهُ طَارِقُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ سَعِيدٍ، وَاحْتَلَفَ عَلَيْهِ فِيهِ.

**٣٩٢١ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ طَارِقٍ عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ عَنْ رَافِعِ بْنِ خَدِيجَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُحَاكَلَةِ وَالْمُزَابَنَةِ وَقَالَ: «إِنَّمَا يَرْزَعُ ثَلَاثَةً: رَجُلٌ لَهُ أَرْضٌ فَهُوَ يَرْزَعُهَا، أَوْ رَجُلٌ مُنْحَ أَرْضًا فَهُوَ يَرْزَعُ مَا مُنْحَ، أَوْ رَجُلٌ اسْتَكْرَى أَرْضًا بِذَهَبٍ أَوْ فِضَّةٍ» مَرِيَّةُ إِسْرَائِيلُ عَنْ طَارِقٍ فَأَرْسَلَ الْكَلَامَ الْأَوَّلَ، وَجَعَلَ الْآخِرَيْنَ مِنْ قَوْلِ سَعِيدٍ.**

تخریج: [إسناده حسن] أخرجه أبو داود، ح: ٣٤٠٠، انظر الحديث السابق، وابن ماجه، الرهون، باب المزارعة بالثلث والربع، ح: ٢٤٤٩ من حديث أبي الأحوص به، وهو في الكبّرى، ح: ٤٦١٧ \* طابق هو ابن عبد الرحمن، ووثقه الجمهور.

**3922.** It was narrated that Sa'eed said: "The Messenger of Allâh ﷺ forbade *Al-Muḥāqalah*." Sa'eed said: "And he narrated something similar." And Sufyân Ath-Thawrî reported it from Târiq: (*Hasan*)

٣٩٢٢ - أَخْبَرَنَا أَحْمَدُ بْنُ شَلَيْمَانَ قَالَ: حَدَّثَنَا عَبْيِيدُ اللَّهِ بْنُ مُوسَى قَالَ: أَخْبَرَنَا إِسْرَائِيلُ عَنْ طَارِقٍ، عَنْ سَعِيدٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُحَاقَّةِ، قَالَ سَعِيدٌ: فَذَكَرَهُ نَحْوَهُ.  
رَوَاهُ سُفْيَانُ الثُّورِيُّ عَنْ طَارِقٍ.

تخریج: [إسناده حسن] انظر الحديث السابق، وهو في الكبرى، ح: ٤٦١٨.

**3923.** It was narrated that Târiq said: "I heard Sa'eed bin Al-Musayyab say: 'Cultivating land is not allowed except in three cases: Land which one owns, land which is given to one, or land which one rents in return for gold and silver.'" (*Hasan*)

And Az-Zuhri reported the first statement from Sa'eed, narrating it in *Mursal* form.

٣٩٢٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَلَيْ - وَهُوَ ابْنُ مَيْمُونٍ - قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ طَارِقٍ قَالَ: سَعَيْدُ بْنُ الْمُسَيْبِ يَقُولُ: لَا يُصْلِحُ الرَّزْعَ غَيْرُ ثَلَاثَةِ أَرْضِينَ يَمْلِكُ رَقْبَتَهَا، أَوْ مِنْحَةً، أَوْ أَرْضَنِيَّصَاءَ يَسْتَأْجِرُهَا بِذَهَبٍ أَوْ فِضَّةٍ.  
وَرَوَى الزُّهْرِيُّ الْكَلَامَ الْأَوَّلَ عَنْ سَعِيدٍ فَأَرْسَلَهُ.

تخریج: [إسناده حسن] انظر الحديثين السابقين، وهو في الكبرى، ح: ٤٦١٩ \* سفيان هو الثوري، ومحمد هو ابن يوسف الفريابي.

**3924.** It was narrated from Sa'eed bin Al-Musayyab that the Messenger of Allâh ﷺ forbade *Al-Muḥāqalah* and *Al-Muzâbanah*. (*Sahîh*)

And Muḥammad bin 'Abdur-Râḥmân bin Labîbah reported it from Sa'eed bin Al-Musayyab; so he said: "From Sa'd bin Abî Waqqâs."

٣٩٢٤ - قَالَ الْحَارِثُ بْنُ مَسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَشْمَعُ عَنِ الْمُقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ ابْنِ شَهَابٍ، عَنْ سَعِيدٍ بْنِ الْمُسَيْبِ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمُحَاقَّةِ وَالْمُزَابَةِ.

وَرَوَاهُ مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ لَيْسَةَ عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: عَنْ سَعِيدِ بْنِ أَبِي وَقَاصِينَ.

تخریج: [صحیح] اوهو في الموطأ (یحیی): ٢/٦٢٥، والکبری، ح: ٤٦٢١، ٤٦٢٠.  
وللحديث شواهد، منها الحديث المتقدم: ٣٩٢١.

**3925.** It was narrated that Sa'd bin Abî Waqqâs said: "At the time of

٣٩٢٥ - أَخْبَرَنَا عَبْيِيدُ اللَّهِ بْنُ سَعْدٍ بْنِ

the Messenger of Allâh ﷺ landowners used to lease their arable land in return for whatever grew on the banks of the streams used for irrigation. They came to the Messenger of Allâh ﷺ and referred a dispute concerning such matters to him, and the Messenger of Allâh ﷺ forbade them to lease land on such terms, and said: ‘Lease it for gold or silver.’” (*Da’if*) And Sulaimân reported this *Hadith* from Râfi‘, so he said: “From a man among his paternal uncles: –

إِبْرَاهِيمَ قَالَ: حَدَّثَنِي عَمِّي قَالَ: حَدَّثَنَا أَبِي عَنْ مُحَمَّدٍ بْنِ عِكْرَمَةَ، عَنْ مُحَمَّدٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ لَيْبَيَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ سَعْدِ بْنِ أَبِي وَقَاصٍ قَالَ: كَانَ أَصْحَابُ الْمَزَارِعِ يُكْرُونَ فِي زَمَانِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَزَارِعَهُمْ إِمَّا يَكُونُ عَلَى السَّاقِي مِنَ الزَّرْعِ، فَجَاءُوا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَخْتَصَمُوا فِي بَعْضِ ذَلِكَ، فَهَاهُمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُكْرُونَ بِذَلِكَ، وَقَالَ: «أَكْرُوا بِالذَّهَبِ وَالْفِضَّةِ» وَقَدْ رَوَى هَذَا الْحَدِيثُ سُلَيْمَانُ عَنْ رَافِعٍ، فَقَالَ: عَنْ رَجُلٍ مِنْ عُمُومَتِيهِ.

تخریج: [إسناده ضعیف] أخرجه أبو داود، البيوع، باب: في المزارعة، ح: ٣٩١ من حديث إبراهيم بن سعد به، وهو في الكبرى، ح: ٤٢٢، وللحديث شواهد كثيرة، انظر الحديث السابق \* عم عبد الله هو يعقوب بن إبراهيم بن سعد، ومحمد بن عكرمة هو ابن عبد الرحمن بن الحارث بن هشام، ولم يوثقه غير ابن حبان.

**3926.** It was narrated that Râfi‘ bin Khadîj said: “At the time of the Messenger of Allâh ﷺ we used to lease land on the basis of *Al-Muhâqalah*, so we would lease it in return for one-third or one-quarter of the yield, or a specified amount of food (produce). One day, a man among my paternal uncles came and said: ‘The Messenger of Allâh ﷺ has forbidden me to do something that was beneficial for us, but obedience to Allâh and His Messenger is more beneficial for us. He has forbidden us to lease land on the basis of *Al-Muhâqalah* and to lease it in return for one-third or one-quarter of the yield, and for a specific amount of food

٣٩٢٦ - أَخْبَرَنِي زَيَادُ بْنُ أَيُوبَ قَالَ: حَدَّثَنَا أَبْنُ عُلَيْكَهُ قَالَ: أَخْبَرْنَا أَيُوبُ عَنْ يَعْلَى ابْنِ حَكِيمٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ رَافِعٍ ابْنِ خَدِيْجٍ قَالَ: كُنَّا نُحَاقِلُ بِالْأَرْضِ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَنُكَرِيَّهَا بِالثُّلُثِ وَالرُّبُعِ وَالطَّعَامِ الْمُسَمَّىِ، فَجَاءَ ذَاتَ يَوْمٍ رَجُلٌ مِنْ عُمُومَتِيهِ فَقَالَ: نَهَايِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَطَوَاعِيْنَهُ اللَّهُ وَرَسُولُهُ أَنْفَعُ لَنَا، نَهَايِي أَنْ نُحَاقِلُ بِالْأَرْضِ، وَنُكَرِيَّهَا بِالثُّلُثِ وَالرُّبُعِ وَالطَّعَامِ الْمُسَمَّىِ، وَأَمْرَ رَبِّ الْأَرْضِ أَنْ يَرْعَهَا، أَوْ يُرْعَهَا، وَكَرَأَهَا وَمَا سَوَى ذَلِكَ». أَيُوبُ لَمْ يَشْمَعْهُ مِنْ يَعْلَى.

(produce). And he commanded the landowner to cultivate it (himself) or to give it to someone else to cultivate. He did not like leasing it or anything else.”” (Sahih)

Ayyûb (one of the narrators) did not hear from Ya’la.

تخریج: أخرجه مسلم، البيوع، باب كراء الأرض بالطعام، ح: ١١٣ / ١٥٤٨ من حديث إسماعيل بن علية به، وهو في الكبرى، ح: ٤٦٢٣، وأخرجه البخاري من حديث رافع به، كما سیأته، ح: ٣٩٢٩.

**3927.** It was narrated from Ayyûb who said: “Ya’la bin Al-Hakîm wrote to me (saying): ‘I heard Sulaimân bin Yasâr narrating from Râfi’ bin Khadîj, who said: ‘We used to lease land on the basis of *Al-Muḥâqalah*, leasing it in return for one-third or one-quarter of the yield, and a specified amount of food (produce). (Sahîh)

(And) Sa’eed reported it from Ya’la bin Hakîm.

. ٤٦٢٤: ح في الكبرى،

٣٩٢٧ - أَخْبَرَنَا زَكَرِيَاً بْنُ يَحْيَى قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عُيَيْدٍ قَالَ: حَدَّثَنَا حَمَادٌ عَنْ أَيُوبَ قَالَ: كَتَبَ إِلَيَّ يَعْلَى بْنَ حَكِيمٍ أَتَيْ سَوْمَعْتُ سُلَيْمَانَ بْنَ سَيَارٍ يُحَدِّثُ عَنْ رَافِعٍ بْنِ حَدِيجٍ قَالَ: «كُنَّا نُحَاقِّلُ الْأَرْضَ نُكَرِّيْهَا بِالْثُلُثِ وَالرُّبْعِ وَالطَّعَامِ الْمُسَمَّى» رَوَاهُ سَعِيدٌ عَنْ يَعْلَى بْنِ حَكِيمٍ .

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح

**3928.** It was narrated that Râfi’ bin Khadîj said: “We used to lease land on the basis of *Al-Muḥâqalah* during the time of the Messenger of Allâh ﷺ. He said that one of his paternal uncles came to them and said: “The Messenger of Allâh ﷺ has forbidden me to do something that was beneficial for us, but obedience to Allâh and His Messenger is more beneficial.” We said: “What is that?” He said: “The Messenger of Allâh ﷺ said: “Whoever has land, let him cultivate it (himself) or give it to his brother to cultivate, and not lease it

٣٩٢٨ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا حَالِدُ بْنُ الْحَارِثِ عَنْ سَعِيدٍ، عَنْ يَعْلَى بْنِ حَكِيمٍ، عَنْ سُلَيْمَانَ بْنِ سَيَارٍ أَنَّ رَافِعَ بْنَ حَدِيجٍ قَالَ: كُنَّا نُحَاقِّلُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَرَأَمَ أَنَّ بَعْضَ عُمُومَهُ أَتَاهُمْ قَفَالَ: نَهَانِي رَسُولُ اللَّهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا نَافِعاً، وَطَوَاعِيْهِ اللَّهُ وَرَسُولُهُ أَنْتَعَ لَنَا، قُلْنَا: وَمَا ذَاكَ؟ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرِعْهَا، أَوْ لْيُرْعِيْهَا أَخَاهُ، وَلَا يُكَارِيْهَا بِثُلُثٍ وَلَا رُبْعٍ

in return for one-third or one-quarter of the yield nor a specified amount of food (produce).” (*Sahîh*)

Hanzalah bin Qais reported it from Râfi‘; and there is a difference over Rabî‘ah’s narration of it.

تخریج: [صحيح] انظر الحدیثین السابقین، وهو في الکبری، ح: ٤٦٢٥.

**3929.** It was narrated that Râfi‘ bin Khadîj said: “My paternal uncle told me that they used to lease land at the time of the Messenger of Allâh ﷺ in return for what grew on the banks of the streams, and a share of the crop stipulated by the owner of the land. But the Messenger of Allâh ﷺ forbade us to do that.” I (Hanzalah) said to Râfi‘: “How about leasing it in return for *Dînârs* and *Dirhams*?” Râfi‘ said: “There is nothing wrong with (leasing it) for *Dînârs* and *Dirhams*.” (*Sahîh*)

Al-Awzâ‘î differed with him.

تخریج: أخرجه البخاري، الحرف والمزارعة، باب كراء الأرض بالذهب والفضة، ح: ٢٣٤٦، ٢٣٤٧ من حديث الليث بن سعد، ومسلم، البيوع، باب كراء الأرض بالذهب والورق، ح: ١٥٤٧/١١٥ بعد، ح: ١٥٤٨ من حديث ربيعة الرأي به، وهو في الکبری، ح: ٤٦٢٦.

**3930.** It was narrated that Hanzalah bin Qais Al-Anṣâri said: “I asked Râfi‘ bin Khadîj about leasing land in return for *Dînârs* and silver. He said: ‘There is nothing wrong with that. During the time of the Messenger of Allâh ﷺ they used to rent land to one another in return for what grew on the banks of streams and where the springs emerged – some areas of which might give good produce and

وَلَا طَعَامٌ مُسْمَى” رواه حنظلة بن قيس عن رافع فاختلف على ربيعة في روایته.

**٣٩٢٩ - أخیرنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ** قال: حَدَّثَنَا حُجَّيْنُ بْنُ الْمُشْنَى قَالَ: حَدَّثَنَا الْلَّيْثُ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ، عَنْ رَافِعَ بْنِ خَدِيجَ قَالَ: حَدَّثَنِي عَمِّي: أَهُمْ كَانُوا يُكْرُونَ الْأَرْضَ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ يَمَا يَبْتَعِثُ عَلَى الْأَرْبَاعِ وَشَيْءٌ مِنَ الزَّرْعِ يَسْتَهِنُ صَاحِبُ الْأَرْضِ، فَهَاهَا رَسُولُ اللَّهِ ﷺ عَنْ ذَلِكَ، فَقُلْتُ لِرَافِعٍ: فَكَيْفَ يَرَأُكُمَا بِالدِّينَارِ وَالدُّرْهَمِ؟ فَقَالَ رَافِعٌ: لَيْسَ بِهَا بِأَسْنٍ بِالدِّينَارِ وَالدُّرْهَمِ. خَالَفَهُ الْأَوْزَاعِيُّ.

**٣٩٣ - أخیرنا المُعِيَّرُ بْنُ عَبْدِ الرَّحْمَنِ** قال: حَدَّثَنَا عَيْسَى - وَهُوَ ابْنُ يُوسَى - قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ الْأَنْصَارِيِّ قَالَ: سَأَلْتُ رَافِعَ بْنَ خَدِيجَ عَنْ كِرَاءِ الْأَرْضِ بِالدِّينَارِ وَالْوَرِيقِ؟ فَقَالَ: لَا يَأْسَ بِذَلِكِ، إِنَّمَا كَانَ النَّاسُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ يُواجِرُونَ عَلَى الْمَادِيَاتِ وَأَقْبَالِ الْجَدَارِيِّ فَيَسْلُمُ هَذَا وَيَهْلِكُ

some might give none at all – and the people did not lease land in any other way. So that was forbidden. But as for leases where the return is known and guaranteed, there is nothing wrong with that.”” (*Sahih*)

Mâlik bin Anas was in accord with the chain, but he differed in the wordings.

**نَفْرِيْج:** أخرجه البخاري، ح: ٢٣٤٦ من حديث ربيعة، ومسلم، ح: ١١٦ / ١٥٤٧ من حديث عيسى بن يونس به، (انظر الحديث السابق) وهو في الكبير، ح: ٤٦٢٧.

### Comments:

In other words, the cause of prohibition was the existence of oppressive conditions, on account of which the farmers were incurring an absolute loss. They deceptively used to specify for themselves the harvest produced by the fertile portions of the field, while the harvest produced by the infertile and bad portions was thrown to the farmers by way of good riddance.

**3931.** It was narrated that Hanzalah bin Qais said: “I asked Râfi’ bin Khadîj about leasing land. He said: ‘The Messenger of Allâh ﷺ forbade leasing land.’ I said: ‘For gold and silver?’ He said: ‘No, rather he forbade leasing it in return for what the land produces. As for gold and silver, there is nothing wrong with that.’” (*Sahih*)

Sufyân Ath-Thawrî, may Allâh be pleased with him, reported it from Rabî’ah, but he did not narrate it in *Marfû’* form.

**نَفْرِيْج:** أخرجه مسلم من حديث مالك به، (انظر الحديث المتقدم: ٣٩٢٩)، وهو في الموطأ (يجي): ٧١١ / ٢، والكبير، ح: ٤٦٢٩.

**3932.** It was narrated that Hanzalah bin Qais said: “I asked Râfi’ bin Khadîj about leasing uncultivated land in return for gold and silver. He said: ‘(It is) permissible and there is nothing

هذا وَيَسْلُمُ هَذَا وَيَهْلِكُ هَذَا، فَلَمْ يَكُنْ لِلنَّاسِ كِرَاء إِلَّا هَذَا، فَلِذِلَّكَ رُجِرَ عَمْهُ، فَأَمَّا شَيْءٌ مَعْلُومٌ مَضْمُونٌ فَلَا بَأْسَ بِهِ. وَاقْفَهُ مَالِكُ بْنُ أَنَسٍ عَلَى إِشْتَادِهِ، وَخَالَفَهُ فِي لَفْظِهِ.

**٣٩٣١ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيٌ قَالَ:**  
حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا مَالِكُ عَنْ رَبِيعَةَ،  
عَنْ حَنْظَلَةَ بْنِ قَيْسٍ قَالَ: سَأَلْتُ رَافِعَ بْنَ  
خَدِيجَ عَنْ كِرَاءِ الْأَرْضِ؟ فَقَالَ: نَهَى رَسُولُ  
اللهِ تَعَالَى عَنْ كِرَاءِ الْأَرْضِ، قُلْتُ: بِالدَّهِبِ  
وَالْوَرِيقِ قَالَ: لَا، إِنَّمَا نَهَى عَنْهَا بِمَا تُحْرِجُ  
الْأَرْضَ مِنْهَا، فَأَمَّا الدَّهْبُ وَالْوَضْضَةُ فَلَا  
بَأْسَ. رَوَاهُ سُفِيَّانُ الثَّوْرِيُّ رَضِيَ اللَّهُ عَنْهُ عَنْ  
رَبِيعَةَ وَلَمْ يَرْفَعْهُ.

**٣٩٣٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ**  
**الْمُبَارِكِ عَنْ وَكِيعِ قَالَ:** حَدَّثَنَا سُفِيَّانُ عَنْ  
رَبِيعَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ  
قَالَ: سَأَلْتُ رَافِعَ بْنَ خَدِيجَ عَنْ كِرَاءِ

wrong with that. That is the due of the land.” (*Sahih*)

Yahya bin Sa‘eed reported it from Hanzalah bin Qais and in *Marfu‘* form; just as Mâlik did from Rabî‘ah.

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبّریٰ، ح: ٤٦٣٠.

**3933.** It was narrated that Râfi‘ bin Khadîj said: “The Messenger of Allâh ﷺ forbade us to lease our land. At that time there was no gold nor silver. A man would lease his land in return for what grew on the banks of streams and where the springs emerged, and in return for something specific.” (*Sahih*)

And he quoted the rest of it. Sâlim bin ‘Abdullâh bin ‘Umar reported it from Râfi‘ bin Khadîj, and there is a difference over Az-Zuhri’s narration of it.

تخریج: [صحيح] انظر الحديثين السابقين، وهو في الكبّریٰ، ح: ٤٦٣١.

**3934.** It was narrated from Az-Zuhri that Sâlim bin ‘Abdullâh narrated something similar. (*Sahîh*)

‘Uqail bin Khâlid followed him up in that.

الأَرْضِ الْيُضَاءِ بِالْذَّهَبِ وَالْفِضَّةِ؟ قَالَ: حَكَلَلْ لَا يَأْسَ بِهِ، ذَلِكَ فَرْضُ الْأَرْضِ. رَوَاهُ يَحْيَى بْنُ سَعِيدٍ عَنْ حَنْظَلَةَ بْنِ قَيْسٍ وَرَقْعَةً، كَمَا رَوَاهُ مَالِكُ عَنْ رَبِيعَةَ.

٣٩٣٣ - أَخْبَرَنَا يَحْيَى بْنُ حَيْبٍ بْنُ عَرَبِيٍّ فِي حَدِيثِهِ عَنْ حَمَادَ بْنِ زَيْدٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ، عَنْ رَافِعٍ بْنِ خَدِيرِيْجَ قَالَ: نَهَانَا رَسُولُ اللهِ ﷺ عَنْ كِرَاءِ أَرْضِنَا، وَلَمْ يَكُنْ يَوْمَئِذٍ ذَهَبٌ وَلَا فِضَّةٌ، فَكَانَ الرَّجُلُ يُكْرِي أَرْضَهُ بِمَا عَلَى الرَّبِيعِ وَالْأَقْبَالِ وَأَشْيَاءَ مَعْلُومَةً. وَسَاقَهُ رَوَاهُ سَالِمُ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ رَافِعِ بْنِ خَدِيرِيْجَ، وَأَخْتَلَفَ عَلَى الزُّهْرِيِّ فِيهِ.

٣٩٣٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنِ أَسْمَاءَ عَنْ جُوَيْرِيَّةَ، عَنْ مَالِكٍ، عَنْ الزُّهْرِيِّ: أَنَّ سَالِمَ بْنَ عَبْدِ اللَّهِ، وَذَكَرَ نَحْوَهُ. تَابَعَهُ عَقِيلُ بْنُ خَالِدٍ.

تخریج: أخرجه البخاري، المغازي، باب(١٢)، ح: ٤٠١٢، ٤٠١٣، عن عبدالله بن محمد بن أسماء به مطولاً، وهو في الكبّریٰ، ح: ٤٦٣٢، والموطاً (يحيى): ٧١١/٢، وهو متقد عليه من حديث الزهرى به، وانظر الحديث الآتى.

٣٩٣٥ - أَخْبَرَنَا عَبْدُ الْمَلِكِ بْنُ شَعِيبٍ أَبْنَ الْلَّيْثِ بْنَ سَعِيدٍ قَالَ: حَدَّثَنَا أَبِي عَنْ جَدِّي قَالَ: أَخْبَرَنِي عَقِيلُ بْنُ خَالِدٍ عَنْ أَنِّي شَهَابٌ قَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ: أَنَّ

**3935.** Sâlim bin ‘Abdullâh narrated that ‘Abdullâh bin ‘Umar used to lease his land until he heard that Râfi‘ bin Khadîj forbade leasing land. ‘Abdullâh met him

and said: "O Ibn Khadîj, what do you narrate from the Messenger of Allâh ﷺ about leasing land?" Râfi' said to 'Abdullâh: "I heard two of my uncles, who had been present at Badr, telling the people in the house, that the Messenger of Allâh ﷺ forbade leasing land." 'Abdullâh said: "I knew that at the time of the Messenger of Allâh ﷺ land used to be leased." Then 'Abdullâh was concerned that the Messenger of Allâh ﷺ had decreed something and he ('Abdullâh) had not known about it, so he stopped leasing land. (*Sahîh*)

Shu'aib bin Abî Hamzah narrated it in *Mursal* form.

تخریج: أخرجه مسلم، البيوع، باب كراء الأرض، ح ١١٢ / ١٥٤٧ عن عبد الملك بن شعيب به، وهو في الكبير، ح ٤٦٣٣، انظر الحديث السابق.

**3936.** It was narrated that Az-Zuhri said: "We heard that Râfi' bin Khadîj used to narrate that his paternal uncles – whom he said had been present at Badr – (said) that the Messenger of Allâh ﷺ forbade leasing land." (*Sahîh*)

'Uthmân bin Sa'eed reported it from Shu'aib, but he did not mention his two uncles.

تخریج: [صحيح] انظر الحدیثين السابقین، وهو في الكبير، ح ٤٦٣٤.

**3937.** It was narrated from Shu'aib: "Az-Zuhri said: 'Ibn Al-Musayyab used to say: 'There is nothing wrong with leasing land in return for gold and silver, and Râfi' bin Khadîj used to narrate that the Messenger of Allâh ﷺ forbade

عبد الله بن عمر كان يذكر أرضه حتى بلغه أن رافع بن خديج كان ينتقى عن كراء الأرض، فلقيه عبد الله فقال: يا ابن خديج! ماذا تحدث عن رسول الله صلى الله عليه وسلم في كراء الأرض؟ فقال رافع لعبد الله: سمعت عمي وكانا قد شهدنا بذلك، يحذثان أهل الدار، أن رسول الله صلى الله عليه وسلم نهى عن كراء الأرض، قال عبد الله: فلقد كنت أعلم في هذه رسول الله صلى الله عليه وسلم أن الأرض تذكر، ثم خشي عبد الله أن يكون رسول الله صلى الله عليه وسلم أحدث في ذلك شيئاً لم يكن يعلمه، فترك كراء الأرض. أرسله شعيب بن أبي حمزة.

**٣٩٣٦ - أخبرني محمد بن خالد بن خليه قال: حدثنا يशئيل بن شعيب عن أبيه، عن الزهرى قال: بلغنا أن رافع بن خديج كان يحذث أن عميمه وكانا - يرغم - شهدا بذلك: أن رسول الله صلى الله عليه وسلم نهى عن كراء الأرض. رواه عثمان بن سعيد عن شعيب، ولم يذكر عميمه.**

**٣٩٣٧ - أخبرنا أحمدر بن محمد بن المغيرة قال: حدثنا عثمان بن سعيد عن شعيب، قال الزهرى: كان ابن المسيب يقول: ليس باستثناء الأرض بالذهب**

that.”” (*Sahih*)

‘Abdul-Karîm bin Al-Hârith was in accord in his narrating it in *Mawqûf* form.

تخریج : [صحيح] انظر الحديث السابق، وهو في الكبير، ح: ٤٦٣٥.

**3938.** It was narrated from Ibn Shihâb that Râfi‘ bin Khadîj said: “The Messenger of Allâh forbade leasing land.” Ibn Shihâb said: “Râfi‘ was asked after that: ‘How did they lease land?’ He said: ‘In return for a set amount of food (produce), and it was stipulated that we would have whatever grew on the banks of the streams and springs.’” (*Sahih*)

Nâfi‘ reported it from Râfi‘ bin Khadîj, and there are differences over his narration of it.

تخریج : [صحيح] تقدم، ح: ٣٩٣٦ و غيره، وهو في الكبير، ح: ٤٦٣٦.

#### Comments:

These forms are absolutely forbidden because such conditions fall in the group of oppression or tyranny, and in which there is nothing but utter loss for the farmer.

**3939.** Râfi‘ bin Khadîj told ‘Abdullâh bin ‘Umar that his paternal uncles went to the Messenger of Allâh, then they came back and told them that the Messenger of Allâh had forbidden leasing arable land. ‘Abdullâh said: “We knew that he owned some arable land that he leased at the time of the Messenger of Allâh in return for whatever grew on the banks of the streams of water, and for a certain amount of straw, I do not

والأورق باس، وكان رافع بن خديج يعده أنّ رسول الله نهى عن ذلك. وافقه على إرساله عبد الكريم بن الحارث.

٣٩٣٨ - قال الحارث بن مسكين قراءة علية  
وأنا أسمع عن ابن وهب قال: أخبرني أبو خريمة عبد الله بن طريف عن عبد الكريم بن الحارث، عن ابن شهاب أن رافع بن خديج قال: نهى رسول الله عن إيجار الأرض قال ابن شهاب. فسئل رافع بعد ذلك، كيف كانوا يكررون الأرض؟ قال: بشيء من الطعام مسمى، ويشترط أن لنا ما نثبت ماذيات الأرض وأقبال الجداول. رواه نافع عن رافع ابن خديج، واختلف عليه فيه.

تخریج : [صحيح] تقدم، ح: ٣٩٣٦.

٣٩٣٩ - أخبرنا محمد بن عبد الله بن بزيع قال: حدثنا فضيل قال: حدثنا موسى ابن عقبة قال: أخبرني نافع أن رافع بن خديج أخبر عبد الله بن عمر: أن عمومته جاؤوا إلى رسول الله نهى، ثم رجعوا فأخبروا أن رسول الله نهى عن إيجار المزارع، فقال عبد الله: قد علمنا أنه كان صاحب مزرعة يكريها على عهد رسول الله عليه، على أن له ما على الربيع الساقي الذي

know how much it was.” Ibn ‘Awn reported it from Nâfi‘ but he said: “From some of his paternal uncles.” (*Sahîh*)

يَنْهَا جُرْجُرٌ مِنْ الْمَاءِ، وَطَافِفَةٌ مِنَ النَّبْلِ لَا أَدْرِي  
كُمْ هِيَ؟ رَوَاهُ ابْنُ عَوْنَى عَنْ نَافِعٍ قَالَ: عَنْ  
بَعْضِ عُمُومَتِهِ.

تخریج: [إسناده صحيح] تقدم، ح: ٤٦٣٧ \* فضیل هو ابن سلیمان الشمری.

### Comments:

It is the opinion of Imâm ibn Taymiyyah that ‘Abdullâh ibn ‘Umar ﷺ considered permissible the form of sharecropping described in this *Hadîth*, and he used to practice it, because he was not aware of its prohibition. Later on, he had stopped doing it when Râfi‘ bin Khadîj informed him about its having been forbidden as is mentioned in *Hadîth* 3935.

**3940.** It was narrated from Nâfi‘: “Ibn ‘Umar used to take rent for some land, then he heard something from Râfi‘ bin Khadîj. He took me by the hand and went to Râfi‘, and I was with him. Râfi‘ narrated to him from some of his paternal uncles, that the Messenger of Allâh ﷺ forbade leasing land, so ‘Abdullâh stopped (doing that) afterward.” (*Sahîh*)

٣٩٤٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ  
إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: أَخْبَرَنَا ابْنُ  
عَوْنَى عَنْ نَافِعٍ: كَانَ ابْنُ عُمَرَ يَأْخُذُ كِرَاءَ  
الْأَرْضِ، فَبَلَغَهُ عَنْ رَافِعٍ بْنِ خَدِيجَ شَيْءٌ،  
فَأَخَذَ يَتَدَبَّرِي فَمَشَى إِلَى رَافِعٍ وَأَنَا مَعَهُ،  
فَحَدَّثَهُ رَافِعٌ عَنْ بَعْضِ عُمُومَتِهِ، أَنَّ رَسُولَ  
اللهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ فَتَرَكَ عَبْدُ اللهِ  
بَعْدُ.

تخریج: أخرجه مسلم، ح: ١١١ / ١٥٤٧: (انظر الحديث المتقدم: ٣٩٢٦ و ٣٩٣٥) من حديث يزيد بن هارون به، وهو في الكبير، ح: ٤٦٣٨.

**3941.** It was narrated from Ibn ‘Umar that he used to take rent for land until Râfi‘ narrated to him, from some of his paternal uncles, that the Messenger of Allâh ﷺ forbade leasing land. So he stopped doing that afterward. (*Sahîh*)

Ayyûb reported it from Nâfi‘, from Râfi‘, and he did not mention: “His paternal uncles.”

٣٩٤١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ  
الْمُبَارِكَ قَالَ: حَدَّثَنَا إِسْحَاقُ الْأَزْرَقُ قَالَ:  
حَدَّثَنَا ابْنُ عَوْنَى عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ:  
أَنَّهُ كَانَ يَأْخُذُ كِرَاءَ الْأَرْضِ، حَتَّى حَدَّثَهُ  
رَافِعٌ عَنْ بَعْضِ عُمُومَتِهِ، أَنَّ رَسُولَ اللهِ ﷺ  
نَهَى عَنْ كِرَاءِ الْأَرْضِ فَتَرَكَهَا بَعْدًا. رَوَاهُ  
أَيُوبُ عَنْ نَافِعٍ، عَنْ رَافِعٍ، وَلَمْ يَذُكُّ  
عُمُومَتَهُ.

**تخریج:** أخرجه مسلم من حديث عبدالله بن عون به، (انظر الحديث السابق) وهو في الكبرى، ح: ٤٦٣٩.

**3942.** It was narrated from Nâfi' that Ibn 'Umar used to lease out his arable land until he heard at the end of Mu'âwiyah's *Khilâfah*, that Râfi' bin Khadîj used to narrate, that the Messenger of Allâh ﷺ had forbidden that. He went to him – and I (Nâfi') was with him – and asked him (about that). He said: "The Messenger of Allâh ﷺ used to forbid leasing arable land." So Ibn 'Umar stopped (doing that) afterward. When he was asked about it he said: "Râfi' bin Khadîj said that the Prophet ﷺ forbade that." (*Sahîh*)

'Ubâidullâh bin 'Umar, Kathîr bin Farqad, and Juwairiyah bin Asmâ' were in accord with him.

**تخریج:** أخرجه مسلم، البيوع، باب كراء الأرض، ح: ١٥٤٧؛ من حديث يزيد بن زريع، والبخاري، الح Roth والمزارعة، باب ما كان من أصحاب النبي ﷺ يواسى بعضهم بعضًا في الزراعة والثمر، ح: ٢٣٤٤ من حديث أيوب السختياني به، وهو في الكبرى، ح: ٤٦٤٠.

**3943.** It was narrated from Nâfi' that 'Abdullâh bin 'Umar used to lease arable land, then he was told that Râfi' bin Khadîj narrated from the Messenger of Allâh ﷺ that he forbade that. Nâfi' said: "He went out to him (and met him) in Al-Balât, and I was with him. He asked him (about that), and he said: 'Yes, the Messenger of Allâh ﷺ forbade leasing arable land.' So 'Abdullâh stopped leasing it." (*Sahîh*)

**3942 - أخبارنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ زَرْيَعٍ**  
بَزِيعَ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زَرْيَعٍ -  
قَالَ: حَدَّثَنَا أَيُوبُ عَنْ نَافِعٍ: أَنَّ ابْنَ عُمَرَ  
كَانَ يُكْرِي مَوَارِعَهُ حَتَّى يَلْغُ فِي آخرِ خِلَافَةِ  
مُعاوِيَةَ، أَنَّ رَافِعَ بْنَ خَدِيجَ يُخْبِرُ فِيهَا يَنْهِي  
رَسُولَ اللَّهِ ﷺ، فَأَتَاهُ وَأَنَا مَعَهُ فَسَأَلَهُ فَقَالَ:  
كَانَ رَسُولُ اللَّهِ ﷺ يَنْهِي عَنْ كِرَاءِ الْمَزَارِعِ،  
فَتَرَكَهَا ابْنُ عُمَرَ بَعْدُ، فَكَانَ إِذَا سُئِلَ عَنْهَا  
قَالَ: رَعَمْ رَافِعُ بْنُ خَدِيجَ أَنَّ النَّبِيَّ ﷺ يَنْهِي  
عَنْهَا. وَاقْفَهُ عَيْدُ اللَّهِ بْنُ عُمَرَ وَكَثِيرُ بْنُ فَرَقَدِ  
وَجُوَيْرَيَةَ بْنُ أَسْمَاءَ.

**3943 - أخبارنا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ**  
ابْنُ عَبْدِ الْحَكَمِ بْنُ أَعْيَنَ قَالَ: حَدَّثَنَا شَعِيبٌ  
ابْنُ الْيَثِيْثَ عَنْ أَيُوبِ، عَنْ كَثِيرِ بْنِ فَرَقَدِ، عَنْ  
نَافِعٍ: أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ كَانَ يُكْرِي  
الْمَوَارِعَ، فَحَدَّثَ أَنَّ رَافِعَ بْنَ خَدِيجَ يَأْتُرُ  
عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ نَهَى عَنْ ذَلِكَ، قَالَ  
نَافِعٌ: فَخَرَجَ إِلَيْهِ عَلَى الْبَلَاطِ وَأَنَا مَعَهُ فَسَأَلَهُ  
فَقَالَ: نَعَمْ نَهَى رَسُولُ اللَّهِ ﷺ عَنْ كِرَاءِ  
الْمَزَارِعِ، فَتَرَكَ عَبْدُ اللَّهِ كِرَاءَهَا.

**تخریج:** [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٤٦٤١.

**3944.** It was narrated from Nâfi': "A man told Ibn 'Umar that Râfi' bin Khadîj had narrated a *Hadîth* concerning leasing of land. He and I, along with the man who had told him that, went to Râfi', and he told us that the Messenger of Allâh ﷺ had forbidden leasing land. So 'Abdullâh stopped leasing land." (*Sahîh*)

٣٩٤٤ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ - وَهُوَ ابْنُ الْحَارِثِ قَالَ: حَدَّثَنَا عَيْدُ اللَّهِ بْنُ عُمَرَ عَنْ نَافِعٍ: أَنَّ رَجُلًا أَخْبَرَ ابْنَ عُمَرَ أَنَّ رَافِعَ بْنَ خَدِيجَ يَأْتِي فِي كِرَاءِ الْأَرْضِ حَدِيثًا فَانْطَفَقَتْ مَعَهُ أَنَا وَالرَّجُلُ الَّذِي أَخْبَرَهُ حَتَّى أَتَى رَافِعًا، فَأَخْبَرَهُ رَافِعٌ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ، فَتَرَكَ عَبْدُ اللَّهِ كِرَاءَ الْأَرْضِ.

تخریج: [صحیح] انظر الحدیثين السابقین، وهو في الکبری، ح: ٤٦٤٢.

**3945.** It was narrated from Nâfi' that Râfi' bin Khadîj told 'Abdullâh bin 'Umar that the Messenger of Allâh ﷺ forbade leasing arable land. (*Sahîh*)

٣٩٤٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنَ يَزِيدَ الْمُقْرِئِهِ قَالَ: حَدَّثَنَا أَبِيهِ قَالَ: حَدَّثَنَا جُوَيْرِيَةَ عَنْ نَافِعٍ أَنَّ رَافِعَ بْنَ خَدِيجَ حَدَّثَ عَبْدَ اللَّهِ بْنَ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ كِرَاءِ الْمَزَارِعِ.

تخریج: أخرجه البخاري، الإجارة، باب: إذا استأجر أرضاً فمات أحدهما، ح: ٢٢٨٦ من حديث جويرية بن أسماء به، وهو في الکبری، ح: ٤٦٤٣.

**3946.** It was narrated from Nâfi' that he narrated: "Ibn 'Umar used to lease his land in return for some of its produce. Then he heard that Râfi' bin Khadîj warned against that. He said: 'The Messenger of Allâh ﷺ forbade that.' He said: 'We used to lease our land before we came to know Râfi'. Then he (Ibn 'Umar) became unsure, so he put his hand on my shoulder and we went to Râfi'. 'Abdullâh said to him: 'Did you hear the Prophet ﷺ forbid leasing land?' Râfi' said: 'I heard the Prophet ﷺ say: Do not lease land in return for anything.'" (*Sahîh*)

٣٩٤٦ - أَخْبَرَنَا هِشَامُ بْنُ عَمَارٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ حَمْزَةَ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ قَالَ: حَدَّثَنِي حَفْصُ بْنُ عِيَاثَ عَنْ نَافِعٍ أَنَّهُ حَدَّهُ قَالَ: كَانَ ابْنُ عُمَرَ يُنْكِرِي أَرْضَهُ بِعَصِّيٍّ مَا يَخْرُجُ مِنْهَا، فَلَمَّا كَانَ رَافِعَ بْنَ خَدِيجَ يَزْجُرُ عَنْ ذَلِكَ، وَقَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ ذَلِكَ، قَالَ: كُنَّا نُنْكِرِي الْأَرْضَ قَبْلَ أَنْ نَعْرِفَ رَافِعًا، ثُمَّ وَجَدَ فِي نَقْسِيَهُ فَوَضَّحَ يَدَهُ عَلَى مَنْكِبِي حَتَّى دُفِعْتَ إِلَى رَافِعٍ، فَقَالَ لَهُ عَبْدُ اللَّهِ: أَسْمِعْتَ النَّبِيَّ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ؟ فَقَالَ رَافِعٌ: سَمِعْتُ النَّبِيَّ ﷺ

يُقُولُ : «لَا تُنْكِرُوا الْأَرْضَ بِشَيْءٍ» .

تخریج : [صحيح] وهو في الكبیر، ح: ٤٦٤٤ \* حفص بن غیاث عن عَنْ تَقْدِمْ، ح: ١٦٦٢ ، وللحديث شواهد.

**3947.** It was narrated from Rāfi‘ bin Khadīj that the Messenger of Allāh ﷺ forbade leasing land. (*Sahīh*)

Ibn ‘Umar reported it from Rāfi‘ bin Khadīj, but there is disagreement is (reported from) ‘Amr bin Dīnār (for it).

٣٩٤٧ - أَخْبَرَنَا حُمَيْدُ بْنُ مَسْعِدَةَ عَنْ عَبْدِ الْوَهَّابِ قَالَ: حَدَّثَنَا هِشَامٌ عَنْ مُحَمَّدٍ وَنَافِعٍ أَخْبَرَاهُ عَنْ رَافِعٍ بْنِ خَلِيلٍ قَالَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ . رَوَاهُ ابْنُ عُمَرَ عَنْ رَافِعٍ بْنِ خَلِيلٍ، وَاحْتَلَفَ عَلَى عُمُرِ وْبْنِ دِينَارٍ .

تخریج : [صحيح] وهو في الكبیر، ح: ٤٦٤٥ .

**3948.** It was narrated that ‘Amr bin Dīnār said: “I heard Ibn ‘Umar say: ‘We used to sell grain before it was ripe and before it was evident that it was free of disease and blight (by means of *Al-Mukhâbarah*). We did not see anything wrong with that, until Rāfi‘ bin Khadīj said that the Messenger of Allāh ﷺ had forbidden *Al-Mukhâbarah*.’” (*Sahīh*)

٣٩٤٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ قَالَ: أَخْبَرَنَا وَكِيعٌ قَالَ: حَدَّثَنَا سُعْيَانُ عَنْ عُمُرِ وْبْنِ دِينَارٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: كُنَّا نُخَابِرُ وَلَا نَرَى بِذَلِكَ بَأْسًا ، حَتَّى زَعَمَ رَافِعٍ بْنَ خَلِيلٍ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمُخَابَرَةِ .

تخریج : أخرجه مسلم، البيوع، باب كراء الأرض، ح: ١٥٤٧ / ١٠٧ من حديث سفيان الثوري به، وهو في الكبیر، ح: ٤٦٤٦ .

**3949.** ‘Amr bin Dīnār said: “I bear witness that I heard Ibn ‘Umar asking about *Al-Khibr* (the agreement to *Al-Mukhâbarah*) and he said: ‘We did not see anything wrong with that, until Ibn Khadīj told us earlier that he heard the Messenger of Allāh ﷺ forbidding *Al-Khibr*.’” Hammād bin Zaid was in accord with the two of them. (*Sahīh*)

٣٩٤٩ - أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا حَجَّاجٌ قَالَ: قَالَ ابْنُ جُرَيْجٍ: سَمِعْتُ عُمُرَ وْبْنَ دِينَارٍ يَقُولُ: أَشَهُدُ لَسِمْعَتْ ابْنَ عُمَرَ وَهُوَ يَسْأَلُ عَنِ الْجُبْرِ فَيَقُولُ مَا كُنَّا نَرَى بِذَلِكَ بَأْسًا ، حَتَّى أَخْبَرَنَا عَامَ الْأَوَّلِ ابْنُ خَلِيلٍ، أَنَّ اللَّهَ سَمِعَ النَّبِيَّ ﷺ يَقُولُ عَنِ الْجُبْرِ . وَاقْفَهُمَا حَمَادُ بْنُ زَيْدٍ .

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبير، ح: ٤٦٤٧ \* حجاج هو ابن محمد الأعور.

### Comments:

'The first year': It has preceded in *Hadîth* 3942 that this belongs to the final days of Mu'awiyah . Hence, the first year might probably mean here the first year of the time of Yazid, or the time of Ibn Zubair. And Allâh knows best!

**3950.** It was narrated that 'Amr bin Dînâr said: "I heard Ibn 'Umar say: 'We did not see anything wrong with *Al-Khibr* until last year, when Râfi' said that the Prophet of Allâh forbade it.'" (*Sahîh*)

'Arim differed with him; so he said: "From Hammâd, from 'Amr, from Jâbir."

تخریج: [صحيح] انظر الحدیثین السابقین، وهو في الكبير، ح: ٤٦٤٨.

**3951.** It was narrated from Jâbir bin 'Abdullâh that the Prophet forbade leasing land. (*Sahîh*)

Muhammad bin Muslim At-Tâ'îfî followed him up (in narrating it).

٣٩٥٠ - أَخْبَرَنَا يَحْيَى بْنُ حَيْبٍ بْنُ عَرَبِيٍّ عَنْ حَمَادَ بْنِ زَيْدٍ، عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: كُنَّا لَا تَرَى بِالْخَبِيرِ بَأْسًا، حَتَّى كَانَ عَامَ الْأَوَّلِ، فَرَعَمْ رَافِعٌ أَنَّ رَبِيَّ اللَّهِ تَعَالَى نَهَى عَنْهُ خَالَفَهُ عَارِمٌ فَقَالَ: عَنْ حَمَادٍ، عَنْ عَمْرِو، عَنْ جَابِرٍ.

٣٩٥١ - حَدَّثَنَا حَرَمِيُّ بْنُ يُونُسَ قَالَ: حَدَّثَنَا عَارِمٌ قَالَ: حَدَّثَنَا حَمَادَ بْنِ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ: أَنَّ الرَّبِيَّ تَعَالَى نَهَى عَنْ كِرَاءِ الْأَرْضِ. تَابَعَهُ مُحَمَّدُ بْنُ مُسْلِمٍ الطَّائِفِيَّ.

تخریج: [إسناده صحيح] أخرجه أحمد: ٣/٣٣٨، ٣٣٩ \* الكباري، ح: ٤٦٤٩.

**3952.** It was narrated that Jâbir said: "The Messenger of Allâh forbade *Al-Mukhâbarah*, *Al-Muhâqalah* and *Al-Muzâbahah*." (*Hasan*)

Sufyân bin 'Uyainah combined the two *Hadîths*, so he said: "From Ibn 'Umar and Jâbir."

٣٩٥٢ - أَخْبَرَنِي مُحَمَّدُ بْنُ عَامِرٍ قَالَ: حَدَّثَنَا شُرِيفٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرٍ قَالَ: نَهَايِي رَسُولُ اللَّهِ تَعَالَى عَنِ الْمُخَابَرَةِ، وَالْمُخَاقَلَةِ، وَالْمُزَابَنَةِ. جَمَعَ سُفِيَانُ بْنُ عَيْنَةَ الْحَدِيثَيْنِ فَقَالَ عَنِ ابْنِ عُمَرَ وَجَابِرٍ.

تخریج: [إسناده حسن] وهو في الكبير، ح: ٤٦٥٠، وله شواهد كثيرة، انظر، ح: ٣٩٤٨ \* وغيره # شریع هو ابن النعمان.

**3953.** It was narrated from Ibn 'Umar and Jâbir that the Messenger of Allâh ﷺ forbade selling fruits until it was clear that they were free of blemish, and (he forbade from) *Al-Mukhâbarah*; leasing land in return for one-third or one-quarter (of the yield)."  
(*Sahîh*)

Abû An-Najâshî, 'Atâ' bin Šuhaib reported it, and disagreement is reported from him in it.

٣٩٥٣ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنِ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا ابْنُ الْمُسْوِرِ قَالَ: حَدَّثَنَا سُقِيَانُ بْنُ عَيْنَةَ عَنْ عَمْرُو بْنِ دِينَارِ، عَنْ ابْنِ عُمَرَ وَجَاهِيرَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ بَيعِ الشَّمْرِ حَتَّى يَلْتُو صَلَاحَهُ وَنَهَى عَنِ الْمُخَابَرَةِ، كِرَاءِ الْأَرْضِ بِالثُّلُثِ وَالرُّبْعِ. رَوَاهُ أَبُو النَّجَاشِيِّ عَطَاءُ بْنُ صَهْبَيْ وَاحْتَلَفَ عَلَيْهِ فِيهِ.

تخریج: أخرجه مسلم، البيوع، باب كراء الأرض، ح: ١٥٣٦ من حديث سفيان بن عيينة به، وهو في الكبرى، ح: ٤٦٥٢، ٤٦٥١ \* عبدالله بن محمد بن عبد الرحمن بن المسور بن مخرمة يروى عن سفيان بن عيينة كما في الكبرى وتحفة الأشراف، قوله: "ثنا ابن المسور" خطأ فليصح.

**3954.** Râfi' bin Khadîj narrated that the Messenger of Allâh ﷺ said to Râfi': "Do you rent out your arable land?" I said: "Yes, O Messenger of Allâh. We rent it out in return for one-quarter, and in return for (a number of) *Wasqs* of barley." The Messenger of Allâh ﷺ said: "Do not do that. Cultivate it (yourselves), or lend it, or keep it." (*Sahîh*)

Al-Awzâ'i differed with him; he said: "From Râfi', from Zuhair bin Râfi'."

٣٩٥٤ - أَخْبَرَنَا أَبُو بَكْرٍ مُحَمَّدُ بْنُ إِسْمَاعِيلَ الطَّبرَانِيُّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ بَعْرَةَ قَالَ: حَدَّثَنَا مُبَارَكُ بْنُ سَعْدٍ قَالَ: حَدَّثَنَا يَحْيَى ابْنُ أَبِي كَشِيرٍ قَالَ: حَدَّثَنِي أَبُو النَّجَاشِيِّ قَالَ: حَدَّثَنِي رَافِعُ بْنُ حَدِيدِيُّ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ لِرَافِعٍ: «أَتَأْوِرُ جِرْوَنَ مَحَاقِلَكُمْ؟» قَلَّتْ: نَعَمْ، يَا رَسُولَ اللَّهِ! أَتُؤْاْرُهَا عَلَى الرُّبْعِ وَعَلَى الْأَوْسَاقِ مِنَ الشَّعِيرِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَقْعُلُوا، ازْرَعُوهَا أَوْ أَعْبِرُوهَا أَوْ أَمْسِكُوهَا» خَالَفَهُ الْأَوْزَاعِيُّ فَقَالَ: عَنْ رَافِعٍ، عَنْ طَهِيرٍ بْنِ رَافِعٍ.

تخریج: أخرجه مسلم، البيوع، باب كراء الأرض بالطعام، ح: ١١٤/١٥٤٨ من حديث أبي النجاشي به، وهو في الكبرى، ح: ٤٦٥٣.

**3955.** It was narrated that Râfi' said: "Zuhair bin Râfi' came to us and said: 'The Messenger of Allâh ﷺ forbade me to do something that was convenient for us.' I said:

٣٩٥٥ - أَخْبَرَنَا هِشَامُ بْنُ عَمَّارٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ حَمْرَةَ قَالَ: حَدَّثَنِي الْأَوْزَاعِيُّ عَنْ أَبِي النَّجَاشِيِّ عَنْ رَافِعٍ قَالَ: أَتَانَا ظَهِيرٌ بْنِ

'What was that?' He said: 'The command of the Messenger of Allâh ﷺ is true. He asked me: What do you do with your land? I said: We rent it out in return for one-quarter (of the yield) and a number of Wasqs of dates or barley. He said: Do not do that. Cultivate it, give it to someone else to cultivate, or keep it.'" (*Sahîh*)

Bukair bin 'Abdullâh bin AlAshâjj reported it from Usaid bin Râfi', and he reported it as a narration of Râfi's brother.

**تخریج:** أخرجه مسلم، ح: ١٥٤٨، ١١٤/١٥٤٨، انظر الحديث السابق من حديث يحيى بن حمزة، والبخاري، الحرج والمزارعة، باب ما كان من أصحاب النبي ﷺ يواسى بعضهم بعضًا في الزراعة والثمر، ح: ٢٣٣٩ من حديث الأوزاعي به، وهو في الكبّرى، ح: ٤٦٥٤.

**3956.** It was narrated from Usaid bin Râfi' bin Khadîj that the brother of Râfi' said to his people: "Today the Messenger of Allâh ﷺ has forbidden something which was convenient for you, but following his command is an act of obedience (to Allâh) and is good. He forbade *Al-Haql*." (*Sahîh*)

**تخریج:** [إسناده صحيح] وهو في الكبّرى، ح: ٤٦٥٥ \* الليث هو ابن سعد.

**3957.** It was narrated that 'Abdur-Rahmân bin Hurmuz said: "I heard Usaid bin Râfi' bin Khadîj Al-Ansârî say that they did not allow *Al-Muħâqalah*, which is land that is cultivated in return for some of its produce." (*Sahîh*)

'Eîsa bin Sahl bin Râfi' reported it.

رَافِعٌ قَالَ: نَهَانِي رَسُولُ اللَّهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا رَأَفْتَا قُلْتُ: وَمَا ذَاكَ؟ قَالَ: أَمْرُ رَسُولِ اللَّهِ ﷺ وَهُوَ حَقٌّ، سَأَلَنِي كَيْفَ تَصْنَعُونَ فِي مَحَافَلِكُمْ؟ قُلْتُ: نُواجِرُهَا عَلَى الرِّبَعِ وَالْأَوْسَاقِ مِنَ التَّمْرِ أَوِ الشَّعِيرِ، قَالَ: «فَلَا تَفْعِلُوا أَرْغُوْهَا أَوْ أَرْغُوْهَا أَوْ أَمْسِكُوْهَا» رَوَاهُ بَكَيْرُ بْنُ عَبْدِ اللَّهِ بْنِ الْأَشْجَعِ عَنْ أَسَيْدِ بْنِ رَافِعٍ فَجَعَلَ الرِّوَايَةَ لِأَخِيهِ رَافِعَ.

**٣٩٥٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ** قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارِكِ عَنْ تَيْثِ قَالَ: حَدَّثَنِي بَكَيْرُ بْنُ عَبْدِ اللَّهِ بْنِ الْأَشْجَعِ عَنْ أَسَيْدِ بْنِ رَافِعٍ بْنِ خَدِيجَ أَنَّ أَخَاهُ رَافِعٌ قَالَ لِقَوْمِهِ: قَدْ نَهَى رَسُولُ اللَّهِ ﷺ الْيَوْمَ عَنْ شَيْءٍ كَانَ لَكُمْ رَأْفَتاً، وَأَمْرَهُ طَاغَةٌ وَخَيْرٌ نَهَى عَنِ الْحَقِيلِ.

**٣٩٥٧ - أَخْبَرَنَا الرِّبَعُ بْنُ شَيْمَانَ** قَالَ: حَدَّثَنَا شُعْبُ بْنُ الْلَّيْثِ عَنِ الْلَّيْثِ، عَنْ حَفْصِي بْنِ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزَ قَالَ: سَمِعْتُ أَسَيْدَ بْنَ رَافِعٍ بْنَ خَدِيجَ الْأَنْصَارِيَّ يَذَكُرُ أَنَّهُمْ مَنَعُوا الْمُحَافَلَةَ، وَهِيَ أَرْضٌ تُرْزَعُ عَلَى بَعْضِ مَا فِيهَا. رَوَاهُ عِيسَى بْنُ سَهْلٍ بْنِ رَافِعٍ.

تخریج: [إسناده صحيح] انظر الحديث السابق، وهو في الكبير، ح: ٤٦٥٦.

**3958.** 'Eisa bin Sahl bin Râfi' bin Khadîj narrated said: "I was an orphan in the care of my grandfather Râfi' bin Khadîj. I reached puberty and became a man, and I performed *Hajj* with him. My brother 'Imrân bin Sahl bin Râfi' bin Khadîj came and said: 'O my father, we have leased our land to so and so (a woman) for two hundred *Dirhams*.' He said: 'O my son, leave that (do not do it), for Allâh will give you other provision. The Messenger of Allâh ﷺ forbade leasing land.'" (*Da'if*)

٣٩٥٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: أَخْبَرَنَا جِبَانُ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ عَنْ سَعِيدِ ابْنِ يَزِيدَ أَبِي شُجَاعٍ قَالَ: حَدَّثَنِي عِيسَى بْنُ سَهْلٍ بْنِ رَافِعٍ بْنِ خَدِيرٍ قَالَ: إِنِّي لَتَسْمَمُ فِي حَسْبِرْ جَدِّي رَافِعِ بْنِ خَدِيرٍ وَبَلَغْتُ رَجُلًا وَحَجَجْتُ مَعَهُ، فَجَاءَ أَخِي عِمْرَانَ بْنَ سَهْلٍ ابْنِ رَافِعٍ بْنِ خَدِيرٍ فَقَالَ: يَا أَبْنَاهُ إِنَّهُ قَدْ أَكْرَمْنَا أَرْضَنَا فُلَانَةً بِمَا تَشَاءُ دِرْكَمْ، فَقَالَ: يَا بَنِيَا دَعْ ذَاكَ، فَإِنَّ اللَّهَ عَزَّ وَجَلَّ سَيَجْعَلُ لَكُمْ رِزْقًا غَيْرَهُ، إِنَّ رَسُولَ اللَّهِ ﷺ قَدْ نَهَى عَنْ كِرَاءِ الْأَرْضِ.

تخریج: [إسناده ضعيف] أخرجه أبو داود، البيوع، باب: في التشديد في ذلك، ح: ٣٤١١، من حديث سعيد بن يزيد به، وهو في الكبير، ح: ٤٦٥٧، وأصل الحديث شواهد \* عيسى ونفه ابن جبان وحده.

**3959.** It was narrated that 'Urwah bin Az-Zubair said: "Zaid bin Thâbit said: 'May Allâh forgive Râfi' bin Khadîj. By Allâh, I have more knowledge of the *Hadîth* than him. We were two men who fought and the Messenger of Allâh ﷺ said: If this is how it is between you, then do not lease land. And he only heard the words: Do not lease land.'" (*Hasan*)

Abû 'Abdur-Râhmân (An-Nasâ'i) said: (this is an example of) A sharecropping contract based on the condition that the seeds and expenses be provided by the owner of the land, and the share cropper will have one-quarter of whatever Allâh brings forth from the land:

٣٩٥٩ - أَخْبَرَنَا الْحُسَيْنُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ إِسْحَاقَ عَنْ أَبِي عُيَيْدَةَ بْنِ مُحَمَّدٍ، عَنِ الْوَلِيدِ بْنِ أَبِي الْوَلِيدِ، عَنْ عُرْوَةَ ابْنِ الرَّبِّيْرِ قَالَ: قَالَ زَيْدُ بْنُ ثَابِتٍ: يَعْفُرُ اللَّهُ لِرَافِعِ بْنِ خَدِيرٍ، أَنَا وَاللَّهُ أَعْلَمُ بِالْحَدِيثِ مِنْهُ، إِنَّمَا كَانَا كَانَا رَجُلَيْنِ افْتَلَانِ قَالَ رَسُولُ اللَّهِ ﷺ: إِنْ كَانَ هَذَا شَائِئُكُمْ فَلَا تُنْكِرُوا الْمَزَارِعَ». فَسَمِعَ قَوْلَهُ: «لَا تُنْكِرُوا الْمَزَارِعَ». قَالَ أَبُو عَبْدِ الرَّحْمَنِ: كِتَابُهُ مُزَارَعَةٌ عَلَى أَنَّ الْبَلْدَرَ وَالنَّقَّةَ عَلَى صَاحِبِ الْأَرْضِ، وَلِلْمُزَارِعِ رُبُعٌ مَا يُخْرِجُ اللَّهُ عَزَّ وَجَلَّ مِنْهَا:

This contract was written by so and so the son of so and so the son of so and so, while he is still in good health, and in full control of his wealth. (It is addressed to) so and so the son of so and so; stating that you will give me all of your land that is situated in such and such location, in such and such city, to cultivate it on the basis of sharecropping. This is the (piece of) land that is known as such and such, defined by four boundaries that enclose the entire area (he defines the four boundaries). You have given to me all of the land defined in this contract, within the boundaries specified, and everything in it, water, rivers and streams, uncultivated, empty land with no crops planted therein, for a complete year, starting at the beginning of such and such month of such and such year, and ending at the end of such and such month of such and such year, on the basis that I will cultivate all of the land specified in this contract, the location of which is described herein, in the year described herein, from beginning to end. I may cultivate anything I want and see fit of wheat, barley, sesame, rice, cotton, fresh dates, herbs, chickpeas, beans, lentils, cucumbers, melons, carrots, radishes, onions, garlic, and any other kind of winter or summer produce, using your seeds which are all to be provided by you and not by me, on the basis that I will do the work myself, or with

هذا كتاب كتبه فلان بن فلان في صحة منه وجرار أمير لفلان بن فلان إنك دفعت إلى جميع أرضك التي يموضع كذا في مدينة كذا مزارعة، وهي الأرض التي تعرف بـ كذا، وتجمعها حدود أربعة يحيط بها كلها، وأحد تلك الحدود يأسره لريش كذا والثانية والثالثة والرابعة، دفعت إلى جميع أرضك هذه المحددة في هذا الكتاب، بحدودها المحيطة بها، وجميع حقوقها وشربها وأنهارها وسواقيها، أرضًا يصادف فارغة لا شيء فيها من غرس ولا زرع، سنة تمامه أولها مستهل شهر كذا من سنة كذا، وأخرها اسلام شهر كذا من سنة كذا، على أن أزرع جميع هذه الأرض المحددة في هذا الكتاب، المؤسوف موضعها فيه، هذه السنة الموقتة فيها من أولها إلى آخرها، كل ما أرددت وبيدا لي أن أزرع فيها من حنطة وشعير وسماسيم وأرز وأقطان وبرطاب، والباقي وحمص ولوبى وعدس ومقاضى ومتا طيخ وجذر وسلجم، وفيجل وبصل وثوم وبقول ورياحين، وغير ذلك من جميع الفلايت، شتاءً وصيفاً، بزورك وبذرك، وجميعه عليك دعني، على أن أتولى ذلك بيدي وين أردد من أغواري وأحرائي وبقري وأدواتي وآتى [إلى] زراعه ذلك وعمارته والعمل بما فيه تمامه ومصلحته، وكتاب أرضه وتنمية حشيشها، وسفى ما

whomever I want of my helpers, and hired workers, my oxen, and my tools, and equipment. I will cultivate it and take care of it so that it will grow well and yield the best produce, plowing the land and clearing it of brush, supplying water and manure to those crops that need them, digging irrigation ditches, picking whatever needs to be picked, harvesting whatever needs to be harvested, gathering it, threshing and winnowing what needs to be threshed and winnowed. All of that will be done at your expense and not mine, and it will be done by me and my helpers, and not by you. From all that Allâh brings forth from all of that, during the period specified in this contract, from beginning to end, you will have three quarters in return for you land, your water, your seeds and your spending, and I will have the remaining quarter of all that in return for my cultivation and labor, done by myself and my helpers. You have given me all the land of yours defined in this contract, with all its rights and facilities, and I have accepted all of that from you on such and such a day in such and such a month, of such-and-such a year. All of that has come under my control, but I do not own any of it, and I have no claim to any of it except this sharecropping as described in this contract, during the year described therein. Once that time ends, then it all reverts to you and to your control, and you have the right to

يُحْتَاجُ إِلَى سُقْيَهُ مَا زُرْعَ وَتَسْمِيهِ مَا يُحْتَاجُ إِلَى تَسْمِيهِ، وَكُفْرٌ سَوَاقِيهِ وَأَنْهَارِهِ، وَأَجْتِيَاءَ مَا يُجْتَنِي مِنْهُ، وَجَمْعُهُ وَدِيَاسَهُ مَا يُدَاسُ مِنْهُ، وَتَدْرِيَهُ، بِتَقْتِيلَهُ عَلَى ذَلِكَ كُلُّهُ دُونِي، وَأَعْمَلَ فِيهِ كُلُّهُ بِيَدِي وَأَعْوَانِي دُونَكَ، عَلَى أَنَّ لَكَ مِنْ جَمِيعِ مَا يُخْرِجُ اللَّهُ عَزَّ وَجَلَّ مِنْ ذَلِكَ كُلُّهُ فِي هَذِهِ الْمُدَّةِ الْمُؤْصُوفَةِ فِي هَذَا الْكِتَابِ مِنْ أُولَئِكَ إِلَى آخِرِهَا، فَلَكَ ثَلَاثَةُ أَرْبَاعٍ بِحَظْ أَرْضِكَ وَشَرِيكَ وَبَدْرِكَ وَتَقْتِيلَكَ، وَلَيِ الرَّبِيعُ الْأَبَقِي مِنْ جَمِيعِ ذَلِكَ بِنَرَائِي وَعَمَلي وَقِتَامِي عَلَى ذَلِكَ بِيَدِي وَأَعْوَانِي، وَدَعَتْ إِلَيِّي جَمِيعُ أَرْضِكَ هَذِهِ الْمُحَدُودَةِ فِي هَذَا الْكِتَابِ بِجَمِيعِ حُقُوقِهَا وَمَرَافِيقِهَا، وَقَبَضْتُ ذَلِكَ كُلَّهُ مِنْكَ يَوْمَ كَذَا، مِنْ شَهْرِ كَذَا مِنْ سَنَةِ كَذَا، فَصَارَ جَمِيعُ ذَلِكَ فِي يَدِي لَكَ لَا مِلْكَ لِي فِي شَيْءٍ مِنْهُ وَلَا دَعْوَى وَلَا طَلْبَةَ، إِلَّا هَذِهِ الْمُزارِعَةُ الْمُؤْصُوفَةُ فِي هَذَا الْكِتَابِ فِي هَذِهِ السَّنَةِ الْمُسَمَّاءِ فِيهِ، فَإِذَا انْقَضَتْ فَذِلِكَ كُلُّهُ مَرْوُدٌ إِلَيْكَ وَإِلَيِّكَ، وَلَكَ أَنْ تُخْرِجَنِي بَعْدَ انْقَضَائِهَا مِنْهَا، وَتُخْرِجَهَا مِنْ يَدِي وَيَدِكَ كُلُّ مَنْ صَارَتْ لَهُ فِيهَا يَدُ بَسِيرِي، أَفَرَ قُلَانْ وَفُلَانْ، وَكُتُبَ هَذَا الْكِتَابِ نُسْخَتِينِ.

expel me from it when that year is over, and to take it out of my control, and out of the control of anyone who had anything to do with it because of me. Signed by so and so and so and so. Two copies were made of this contract.

**تخریج:** [إسناده حسن] أخرجه أبو داود، البيوع، باب: في المزارعة، ح: ٣٢٩٠ من حديث عبد الرحمن بن إسحاق المدني به، وهو في الكبير، ح: ٤٦٥٨.

#### Comments:

In other words, one reason for prohibiting the current form of sharecropping of that period was that it was the cause of disputes; and Allâh's Messenger ﷺ highly detested disputes, and quarrels.

### Chapter 46. Mentioning The Different Wordings With Regard To Sharecropping

#### Comments:

The above-mentioned document would be operational in the event when it has been decided or agreed upon that the seed and the expenses shall be provided by the owner of the land; and it is determinately specified that the total produce shall be divided between the partners in the ratio of 1:3.

**3960.** Ibn ‘Awn said: “Muhammad used to say: ‘In my view land is like the wealth put into a *Mudârabah* (limited partnership) contract. Whatever is valid with regard to the wealth put into a *Mudârabah* partnership, is valid with regard to land, and whatever is not valid with regard to the wealth put into a *Mudârabah* partnership, then it is not valid with regard to land.’” He said: “He did not see anything wrong with giving all of his land to the plowman on the basis that he would work with it himself, or with his children, and helpers, and oxen, and, that he would not spend anything on it; all expenses were to be paid by the owner of the land.” (*Sahîh*)

(المعجم ٤٦) - ذُكْرُ اختِلافِ الْأَلْفَاظِ  
المأثورة في المزارعة (التحفة ٣)

٣٩٦٠ - أَخْبَرَنَا عَمْرُو بْنُ رَزَارَةَ قَالَ:  
أَخْبَرَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنَا ابْنُ عَوْنَى قَالَ:  
كَانَ مُحَمَّدًا يَقُولُ: الْأَرْضُ عِنْدِي مِثْلُ مَالِ  
الْمُضَارَّةِ، فَمَا صَلَحَ فِي مَالِ الْمُضَارَّةِ  
صَلَحَ فِي الْأَرْضِ، وَمَا لَمْ يَصْلُحْ فِي مَالِ  
الْمُضَارَّةِ لَمْ يَصْلُحْ فِي الْأَرْضِ، قَالَ: وَكَانَ  
لَا يَرَى بَأْسًا أَنْ يَدْفَعَ أَرْضَهُ كُلُّهَا إِلَى  
الْأَكَارِ، عَلَى أَنْ يَعْمَلَ فِيهَا بِنَفْسِهِ وَوَلَدِهِ  
وَأَعْوَانِهِ وَبَقِيرِهِ، وَلَا يُنْفِقَ شَيْئًا، وَتَكُونَ النَّفَقَةُ  
كُلُّهَا مِنْ رَبِّ الْأَرْضِ.

تخریج: [إسناده صحيح] وهو في الكبرى، ح: ٢٦٦٢.

**3961.** It was narrated from Ibn 'Umar that the Prophet ﷺ gave the datepalms of Khaibar and their land to the Jews of Khaibar, on condition that they would take care of them at their expense, and the Messenger of Allâh ﷺ would have half of whatever they produced. (*Sahîh*)

تخریج: أخرجه مسلم، المسافة، باب المسافة والمعاملة بجزء من الشمر والزرع، ح: ١٥٥١.  
٥ من حديث الليث بن سعد به، وهو في الكبرى، ح: ٤٦٣.

**3962.** It was narrated from Ibn 'Umar that the Prophet ﷺ gave the datepalms of Khaibar and their land to the Jews of Khaibar on condition that they would take care of them at their expense, and the Messenger of Allâh ﷺ would have half of their fruits. (*Sahîh*)

٣٩٦١ - أَخْبَرَنَا قُتْبَيْهُ قَالَ: حَدَّثَنَا الْلَّيْثُ  
عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ - يَعْنِي ابْنَ غَنْجَ  
- عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ  
دَفَعَ إِلَى يَهُودِ خَيْرَ تَخْلُّ خَيْرٍ وَأَرْضَهَا عَلَى  
أَنْ يَعْمَلُوهَا مِنْ أُمُوَالِهِمْ، وَأَنَّ رَسُولَ اللَّهِ  
ﷺ شَطَرَ مَا يَخْرُجُ مِنْهَا.

٣٩٦٢ - أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ  
ابْنِ عَبْدِ الْحَكَمِ قَالَ: حَدَّثَنَا شُعَيْبُ بْنُ الْلَّيْثِ  
قَالَ: حَدَّثَنَا أَبِيهِ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ،  
عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ دَفَعَ  
إِلَى يَهُودِ خَيْرٍ تَخْلُّ خَيْرٍ وَأَرْضَهَا عَلَى  
أَنْ يَعْمَلُوهَا مِنْ أُمُوَالِهِمْ، وَأَنَّ رَسُولَ اللَّهِ  
ﷺ شَطَرَ ثَمَرَتَهَا.

تخریج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٤٦٦٤. \* محمد بن عبد الرحمن هو ابن غنج.

### Comments:

Entrusting of the date-palms or any other fruit tree to some person on the condition that he would take it upon himself to water them, look after the trees, or manage and culture them, and when they give fruit, he would get half of their produce (or any other determinately specified portion). Such an arrangement is called *Musâqât* in the Arabic language.

**3963.** It was narrated from Nâfi' that 'Abdullâh bin 'Umar used to say: "Arable land used to be leased out at the time of the Messenger of Allâh ﷺ on condition that the owner of the land would have whatever grew on the banks of the streams and a share of straw, I do not know how much it was." (*Sahîh*)

٣٩٦٣ - أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ  
ابْنِ عَبْدِ الْحَكَمِ قَالَ: حَدَّثَنَا شُعَيْبُ بْنُ الْلَّيْثِ  
عَنْ أَبِيهِ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ  
نَافِعٍ: أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ كَانَ يَقُولُ: كَانَتِ  
الْمَزَارِعُ تُكْرَى عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ عَلَى  
أَنَّ لِرَبِّ الْأَرْضِ مَا عَلَى رَبِّيْعِ السَّاقِيِّ مِنْ

الرَّزْعُ وَطَائِفَةٌ مِنَ التَّبْنِ لَا أَدْرِي كَمْ هُوَ.

تخریج: [إسناده صحيح] وهو في الكبرى، ح: ٤٦٥، انظر الحديث السابق، وسيأتي طرفه، ح: ٤٦١١.

**3964.** It was narrated that 'Abdur-Rahmân bin Al-Aswad said: "Two of my paternal uncles used to cultivate (land) in return for one-third or one-quarter of the crop, and my father was their partner. 'Alqamah and Al-Aswad knew about that and did not change anything." (*Da'if*)

تخریج: [إسناده ضعيف] وهو في الكبرى، ح: ٤٦٦٦، أبو إسحاق تقدم، ح: ٩٦، وشريك تقدم، ح: ١٠٩٠ عننا.

### Comments:

The objective is to demonstrate that sharecropping was common among the *Tabi'in* - the followers of the Companions of the Prophet.

**3965.** Sa'eed bin Jubair said: "Ibn 'Abbâs said: 'The best thing you can do is for one of you to rent his land out in return for gold and silver.'" (*Sahîh*)

٣٩٦٤ - أَخْبَرَنَا عَلَيُّ بْنُ حُجْرَةَ قَالَ: أَخْبَرَنَا شَرِيكٌ عَنْ أَبِي إِسْحَاقَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ قَالَ: كَانَ عَمَّا يَرْعَانَ بِالْتَّلْثِيلِ وَالرِّثْيَعِ وَأَبِي شَرِيكَهُمَا، وَعَلَقَمَهُ وَالْأَسْوَدُ يَعْلَمَانِ فَلَا يُعَيْرَانِ.

تخریج: [إسناده صحيح] وهو في الكبرى، ح: ٤٦٦٧.

**3966.** It was narrated from Ibrâhîm and Sa'eed bin Jubair that they did not see anything wrong with renting uncultivated land. (*Sahîh*)

٣٩٦٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا الْمُعْتَمِرُ قَالَ: سَمِعْتُ مَعْمَراً عَنْ عَبْدِ الْكَرِيمِ الْجَزَرِيِّ قَالَ: قَالَ سَعِيدُ بْنُ جُبَيْرٍ قَالَ أَبْنُ عَبَّاسٍ: إِنَّ خَيْرَ مَا أَنْتُمْ صَانِعُونَ، أَنْ يُوَاجِرَ أَحَدُكُمْ أَرْضَهُ بِالذَّهَبِ وَالْوَرْقِ.

تخریج: [إسناده صحيح] وهو في الكبرى، ح: ٤٦٦٨.

٣٩٦٦ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ وَسَعِيدِ بْنِ جُبَيْرٍ: أَنَّهُمَا كَانَا لَا يَرَيَانِ بِأَسْأَسِ يَاسِيَّجَارِ الْأَرْضِ الْبَيْضَاءِ.

تخریج: [إسناده صحيح] وهو في الكبرى، ح: ٤٦٦٩.

**3967.** It was narrated that Muhammad said: "I do not know that Shuraih ever ruled on

٣٩٦٧ - أَخْبَرَنَا عَمْرُو بْنُ زُرَارَةَ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ أَيُوبَ، عَنْ مُحَمَّدٍ قَالَ:

*Mudârabah* disputes except in two ways. He would say to the *Mudârib* (the one who contributed his labor to the partnership): 'You must provide proof that a calamity befell you so that you may be excused.' Or he would say to the one who invested his money in the partnership: 'You must provide proof that your trustee betrayed his trust, otherwise his oath sworn by Allâh that he did not betray you is sufficient.'" (*Sahih*)

تخریج: [إسناده صحيح] وهو في الكبّریٰ، ح: ٤٦٧٠

### Comments:

When a person gives a sum of money to another to do business on condition that the gain should be between them two; this is called *Mudâraba*. The giver of the sum of money is the owner of the property, and the taker is called the *Mudârib* or the one who is employed by another in trade for him with his (the latter's) property. Now, if the *Mudârib* informs the owner of the property that the complete principal wealth or a part of it is stolen or lost, what verdict would be given? The following narrations discuss that.

**3968.** It was narrated that Sa'eed bin Al-Musayyab said: "There is nothing wrong with renting uncultivated land for gold and silver." (*Da'if*)

He (An-Nasâ'i) said: "If a man gives money to another in a *Mudârabah* partnership, and he wants to write a contract concerning that, he should write:

"This is contract written by so and so the son of so and so, with no compulsion, while he is still in good health and in full control of his wealth; (addressed to) so-and-so the son of so and so, stating that you have given to me, at the beginning of such-and-such month, in such and such year, ten thousand *Dirhams*, non-counterfeit, and

لَمْ أَعْلَمْ شُرِيعَةً كَانَ يَقْضِي فِي الْمُضَارِبِ إِلَّا بِعَصَاءِنْ، كَانَ رِبَّا قَالَ لِلْمُضَارِبِ: بِيَنْتَكَ عَلَى مُصِيبَةٍ تُعَذَّرُ بِهَا، وَرِبَّا قَالَ لِصَاحِبِ الْمَالِ: بِيَنْتَكَ أَنَّ أَمْيَنَكَ خَائِنٌ، هُوَ إِلَّا فِيمِنْهُ بِاللَّهِ مَا خَانَكَ.

٣٩٦٨ - أَخْبَرَنَا عَلَيُّ بْنُ حُجْرَةَ قَالَ: حَدَّثَنَا شَرِيكٌ عَنْ طَارِقٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ: لَا بِأَسْنَ يَاجَارَةَ الْأَرْضِ الْبَيْضَاءِ بِالْذَّهَبِ وَالْفِضَّةِ، وَقَالَ: إِذَا دَفَعَ رَجُلٌ إِلَى رَجُلٍ مَا لَأَ قِرَاضًا، فَأَرَادَ أَنْ يَكْتُبَ عَلَيْهِ بِذَلِكَ كِتَابًا، كَتَبَ: هَذَا كِتَابٌ كَتَبَهُ فُلَانُ بْنُ فُلَانٍ طَوْعًا مِنْهُ فِي صِحَّةٍ مِنْهُ وَجُوازٌ أُمْرِهِ لِفُلَانِ بْنِ فُلَانٍ، أَنَّكَ دَفَعْتَ إِلَيَّ مُسْتَهَنًا شَهْرًا كَذَا وَنْ سَنَةً كَذَا عَشْرَةَ آلَافَ دِرْهَمٍ وُضْحًا جِيَادًا وَرُونَ سَبْعَةَ قِرَاضًا، عَلَى تَقْوَى اللَّهِ فِي السُّرِّ وَالْعَلَامَةِ وَأَدَاءِ الْأَمَانَةِ، عَلَى أَنْ أَشْتَرِي بِهَا مَا شِئْتُ مِنْهَا كُلَّ مَا أَرَى أَنْ أَشْتَرِيهِ، وَأَنْ

weighing seven *Qirâd* as an investment in a *Mudârabah* partnership, on the basis of fear of Allâh in secret and in public, and on the basis of honesty. I will buy with it whatever I want and as I see fit to buy, and I will dispose of it and whatever I want of it as I see fit in all kinds of trade. I will dispose of whatever I want to whenever I want to and I will sell whatever I see fit of the goods I have bought for cash or on credit. I will do all of that at my discretion and will delegate that to whomever I see fit. All bounty and profits that Allâh bestows on that after the capital that you have paid – as described – to me, the amount of which is stated in this contract, will be shared half and half between you and I. You will have half in return for your capital and I will have half in return for my work. Any losses incurred will be borne by the capital. I have taken this ten thousand, non-counterfeit, from you at the beginning of such and such month in the year such and such, and it is a *Mudârabah* investment, based on the conditions stipulated in this contract. Signed by so and so, and so and so.' If he wanted to give him free rein to buy and sell on credit, he would have written that, but you told me not to buy and sell on credit."

أَصْرَفَهَا وَمَا شِئْتُ مِنْهَا فِيمَا أَرَى أَنْ أَصْرَفَهَا  
فِيهِ مِنْ صُنُوفِ التِّجَارَاتِ، وَأَخْرَجَ بِمَا شِئْتُ  
مِنْهَا حَيْثُ شِئْتُ، وَأَبَيَعَ مَا أَرَى أَنْ أَبِيَعَ مِمَّا  
أَشْرَبَهُ يَنْقُدُ رَأْيَتُ أَمْ بَسِيَّةً وَيَعْنِي رَأْيَتُ أَمْ  
يَعْرُضُ، عَلَى أَنْ أَعْمَلَ فِي جَمِيعِ ذَلِكَ كُلُّهُ  
بِرَأْيِي، وَأَوْكَلَ فِي ذَلِكَ مِنْ رَأْيَتِي، وَكُلُّ مَا  
رَزَقَ اللَّهُ فِي ذَلِكَ مِنْ فَضْلٍ وَرِبْعٍ بَعْدَ رَأْسِ  
الْمَالِ الَّذِي دَفَعْتُهُ - الْمُذْكُورُ - إِلَيْهِ،  
الْمُسَمَّى مَلْأَعَةً فِي هَذَا الْكِتَابِ، فَهُوَ يَتَبَيَّنُ  
وَيَتَبَيَّنُ نِصْفِيْنِ، لَكَ مِنْهُ النِّصْفُ يَحْظَى رَأْسِ  
مَالِكَ وَلَيْ فِيهِ النِّصْفُ تَامًا يَعْمَلُ فِيهِ، وَمَا  
كَانَ فِيهِ مِنْ وَضِيَّةٍ فَعَلَى رَأْسِ الْمَالِ،  
فَكَبَضْتُ مِنْكَ هُنْدَوْ العُشْرَةِ الْآفَ وَرَهْمَ  
الْوُضْحَ الْجِيَادُ مُسْتَهْلَكٌ شَهْرٌ كَذَا فِي سَنَةِ  
كَذَا، وَصَارَتْ لَكَ فِي يَدِي قِرَاضًا عَلَى  
الشُّرُوطِ الْمُشَرَّطَةِ فِي هَذَا الْكِتَابِ. أَفَرَ  
فُلَانٌ وَفُلَانٌ وَإِذَا أَرَادَ أَنْ يُطْلِقَ لَهُ أَنْ يَشْرِي  
وَيَبَيَعَ بِالنِّسِيَّةِ كَتَبَ، وَقَدْ نَهَيْتُنِي أَنْ أَشْرِي  
وَأَبَيَعَ بِالنِّسِيَّةِ.

تخریج: [إسناده ضعيف] شريك القاضي تقدم، ح: ١٠٩٠ \* وطارق هو ابن عبدالرحمن الأحسسي، وهو حسن الحديث.

**Comments:**

Since sharecropping is deeply connected with financing a profit-sharing venture, and both are similar or identical, financing profit-sharing was mentioned along with sharecropping.

### **Chapter... The 'Anân Partnership Between Three Persons**

This is a partnership between so and so, and so and so, and so and so, who are in good health, and in full control of their wealth, having formed a partnership with thirty thousand *Dirhams*, non-counterfeit and weighing seven, each one of them contributing ten thousand *Dirhams* which they have put together and combined, so that they are now held in common between them on the basis of three equal shares, on the condition that they will work on the basis of fear of Allâh and of honesty, each one of them fulfilling the trust toward each of the others. They will all buy whatever they see fit with it, cash or credit, whatever they see fit of different goods. Each one of them may buy on his own without consulting his companions, whatever he sees fit to buy with cash, he may do so, and whatever he sees fit to buy on credit, he may do so. They may work together, or each may work independently of his partners as he sees fit. All of that is binding on them individually, and on the two others, with regard to decisions taken collectively, or individually. Whatever commitment any of them makes, whether small or great, it is

(المعجم...) - شرکة عنان بين ثلاثة

(التحفة ٤)

هذا ما اشترك عليه فلان وفلان وفلان في صحة عقولهم وجوائز أميرهم، اشتراكوا شركه عنان لا شركه مفاصيله بيتهم، في ثلاثة ألف درهم وضحا حيادا وزنة سبعون، لكتل واحد منهم عشرة آلاف درهم، خلطوها جميعا فصارت هذين الثلاثين ألف درهم في أيديهم محلولة بشركته بيتهم أثلاثا، على أن يعملوا فيه بقوى الله وأداء الأمانة من كل واحد منهم إلى كل واحد منهم، ويشرترون جميعا بذلك فيما رأوا منه اشتراها بالتقدير، ويشرترون بالنسبيه عليه ما رأوا أن يشرترون من أنواع التجارات، وأن يشرري كل واحد منهم على جديته دون صاحبه بذلك، فيما رأى منه ما رأى اشتراها منه بالقدر فيما رأى اشتراها عليه بالنسبيه، يملون في ذلك كل محتاجين بما رأوا، ويعمل كل واحد منهم متفقا به دون صاحبه بما رأى، جائز لكتل واحد منهم في ذلك كل على نفسه وعلى كل واحد من صاحبيه، فيما اجتمعوا عليه وفيما انفردوا به من ذلك كل واحد منهم دون الآخرين، فما لزم كل واحد منهم في

binding on each of the other partners, and is binding on all of them. All bounty and profits that Allâh bestows over the capital amount, which is stated in this contract, is to be divided into three equal parts. Any loss is to be borne by all three partners proportionate to their capital investment. Three identical copies of this document have been made, and one given to each of the three partners. Signed by so and so, so and so and so and so.

ذلِكَ مِنْ قَلِيلٍ وَمِنْ كَثِيرٍ فَهُوَ لَازِمٌ لِكُلِّ  
وَاحِدٍ مِنْ صَاحِبِيهِ، وَهُوَ وَاجِبٌ عَلَيْهِمْ  
جَوْبِيعًا، وَمَا رَزَقَ اللَّهُ فِي ذلِكَ مِنْ فَضْلٍ  
وَرِحْيَى عَلَى رَأْسِ مَالِهِمُ الْمُسَمَّى مَبْلَغُهُ فِي  
هَذَا الْكِتَابِ، فَهُوَ بِيَمْنَهُمْ أَثْلَاثًا، وَمَا كَانَ  
فِي ذلِكَ مِنْ وَضِيعَةٍ وَتَعْيَةٍ فَهُوَ عَلَيْهِمْ أَثْلَاثًا  
عَلَى قَدْرِ رَأْسِ مَالِهِمْ، وَقَدْ كُتِبَ هَذَا  
الْكِتَابُ ثَلَاثَ نُسُخٍ مُتَسَاوِيَاتٍ يَا لَفَاظُ  
وَاجِدَةٍ، فِي يَدِ كُلِّ وَاحِدٍ مِنْ فَلَانٍ وَفَلَانٍ  
وَفَلَانٍ وَاجِدَةٌ وَثِيقَةٌ لَهُ، أَفَرَ فُلَانٌ وَفَلَانٌ  
وَفَلَانٌ .

### Chapter... A Proxy Partnership Between Four Persons According To Those Who Permit It

Allâh says: O you who believe! Fulfill (your) obligations.<sup>[1]</sup> This is a partnership formed between so and so, so and so, so and so and so, based on capital which they have collected of one type, and currency, and have combined it, so that it is now mixed, and none of them can tell which is his money. The share and rights of each partner are equal, and they will use this money for trade, whether buying or selling, for cash, or on credit, in all transactions, making decisions collectively or individually, each working independently of the others based on his own opinion, and what he

(المعجم...) - شَرِكَةٌ مُقاَوَضَةٌ بَيْنَ أَرْبَعَةٍ  
عَلَى مَذْهَبٍ مَنْ يُحِبُّهَا (الصفحة ٥)

قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى: ﴿يَأَيُّهَا الَّذِينَ  
أَمْنَوْا أَوْفُوا بِالْمُعْهُودِ﴾ [المائدة: ١] هَذَا مَا  
اشْتَرَكَ عَنْهُ فُلَانٌ وَفَلَانٌ وَفَلَانٌ وَفَلَانٌ بِيَمْنَهُمْ  
شَرِكَةً مُقاَوَضَةً فِي رَأْسِ مَالٍ جَمْعُوهُ بِيَمْنَهُمْ  
مِنْ صِنْفٍ وَاحِدٍ وَثَنْدٍ وَاحِدٍ، وَخَلَطُوهُ وَصَارَ  
فِي أَيْدِيهِمْ مُمْتَرِجًا لَا يُعْرَفُ بَعْضُهُ مِنْ  
بَعْضٍ، وَمَالٌ كُلُّ وَاحِدٍ مِنْهُمْ فِي ذلِكَ وَحْقَهُ  
سَوَاءٌ، عَلَى أَنْ يَعْمَلُوا فِي ذلِكَ كُلُّهُ وَفِي كُلِّ  
قَلِيلٍ وَكَثِيرٍ، سَوَاءٌ مِنَ الْمُبَايَعَاتِ  
وَالْمُتَاجِرَاتِ تَقْدَمُ وَتَبَيَّنُ بَيْنَهَا وَشَرَاءً، فِي  
جَمِيعِ الْمُعَامَلَاتِ وَفِي كُلِّ مَا يَتَعَاطَاهُ النَّاسُ  
بِيَمْنَهُمْ مُجْمِعِينَ بِمَا رَأَوْا، وَيَعْمَلُ كُلُّ وَاحِدٍ

<sup>[1]</sup> Al-Mâ'îdah 5:1.

sees fit. Whatever commitment or loan any one of the persons mentioned in this contract makes, then it is binding on each of his companions mentioned in this contract. All bounty and profits that Allâh bestows over the capital amount, which is stated in this contract, is to be divided equally between all four. Any loss is to be borne equally by each of them. Each of the four persons mentioned in this contract appoints the others as his deputy (*Wakil*) who may demand every right, and debt, and deal with every dispute, concerning this contract, to dispute on behalf of the others with anyone who is disputing with them, or seek their dues. And each of them makes the others his executor (to act on his behalf after he dies), pay off his debts, and carry out the instructions in his will. Signed by so and so, so and so, so and so and so and so.

يَمْنُهُمْ عَلَى الْفِرَادِ وَيُكْلِّ مَا رَأَى وَكُلُّ مَا بَدَا  
لَهُ جَائِزٌ أَمْرُهُ فِي ذَلِكَ عَلَى كُلِّ وَاحِدٍ مِنْ  
أَصْحَابِهِ، وَعَلَى أَنَّ كُلُّ مَا لَزَمَ كُلُّ وَاحِدٍ  
يَمْنُهُمْ عَلَى هُنْدِ الشَّرِكَةِ الْمُؤْسَوَفَةِ فِي هَذَا  
الْكِتَابِ مِنْ حَقٍّ وَمِنْ دَيْنٍ، فَهُوَ لَازِمٌ لِكُلِّ  
وَاحِدٍ مِنْهُمْ مِنْ أَصْحَابِهِ الْمُسَمِّينَ مَعَهُ فِي  
هَذَا الْكِتَابِ، وَعَلَى أَنَّ جَمِيعَ مَا رَزَقَهُمُ اللَّهُ  
فِي هُنْدِ الشَّرِكَةِ الْمُسَمَّةِ فِيهِ، وَمَا رَزَقَ اللَّهُ  
كُلِّ وَاحِدٍ مِنْهُمْ فِيهَا عَلَى حَدِيثِهِ مِنْ فَضْلٍ  
وَرِيحَ، فَهُوَ يَمْنُهُمْ جَمِيعًا بِالسُّوَيْةِ، وَمَا كَانَ  
فِيهَا مِنْ تَقْيِيَةٍ فَهُوَ عَلَيْهِمْ جَمِيعًا بِالسُّوَيْةِ  
يَمْنُهُمْ، وَقَدْ جَعَلَ كُلُّ وَاحِدٍ مِنْ فُلَانٍ وَفُلَانٍ  
وَفُلَانٍ وَفُلَانٍ كُلَّ وَاحِدٍ مِنْ أَصْحَابِهِ الْمُسَمِّينَ  
فِي هَذَا الْكِتَابِ مَعَهُ وَكِيلًا فِي الْمُطَالَبَةِ بِكُلِّ  
حَقٍّ هُوَ لَهُ وَالْمُخَاصِمَةِ فِيهِ وَقَبْضِهِ، وَفِي  
خُصُومَةِ كُلِّ مَنْ اعْتَرَضَهُ بِخُصُومَةِ كُلِّ مَنْ  
يُطَالِيهُ بِحَقٍّ وَجَعَلَهُ وَصِيَّهُ فِي شَرِكَتِهِ مِنْ بَعْدِ  
وَفَاتِهِ وَفِي قَضَاءِ دِيْوَنِهِ وَإِنْفَاذِ وَصَابِيَاهُ وَقَبْلِ  
كُلِّ وَاحِدٍ مِنْهُمْ مِنْ كُلِّ وَاحِدٍ مِنْ أَصْحَابِهِ مَا  
جَعَلَ إِلَيْهِ مِنْ ذَلِكَ كُلِّهِ، أَفَرَ فُلَانٌ وَفُلَانٌ  
وَفُلَانٌ وَفُلَانٌ.

### Comments:

If a few individuals trade together, it is called partnership. The majority *Fuqha* have shown partnership to be of four kinds:

- 1) Cooperative partnership;
- 2) Comprehensive partnership;
- 3) Craftsmanship, Manufacturing or handicraft partnership;
- 4) Well-known partner partnership (*Sharika Al-Wujûh*)

The discussion here pertains to cooperative partnership, in which every partner happens to be the authorized representative of the other, not the

sponsor. There is leeway or flexibility in this form of partnership. It is not necessary that two shares of capital put up by the partners be equal in amount, they could be more or less. In the same way, equality is not essential in manufacturing partnership; irrespective of whether the wealth or the capital is equal. Likewise, there could be equalization in manufacturing or handicraft, even if the capital is not equal. One might have contributed dinars and the other dirhams. The rest of the details are given in the above-mentioned document. It should, however, be borne in mind that partnership could exist between the two individuals, and the mention of three in the afore-mentioned document is incidental.

- Comprehensive partnership (*Sharika Al-Mufâwada*) whose detail appears in the forthcoming document. This partnership is distinct from the cooperative partnership. In it, each partner happens to be the other's authorized representative and sponsor too, by which the partners share whatever they earn from their respective separate principal funds and labor; mutually covering the debts or financial liabilities incurred by either. The document makes mention of four partners, but this partnership could be struck between two partners also.

## Chapter 47. Labor Partnership (*Abdân*)

(المعجم ٤٧) - بَابُ شَرِكَةِ الْأَبْدَانِ

(التحفة ٦)

### Comments:

The overall or summary definition of the comprehensive partnership (*Sharika Al-Mufâwada*) has already been spelled out under the previous *Hadîth*, but its detail has been explained in this document.

**3969.** It was narrated that 'Abdullâh said: "I formed a partnership with 'Ammâr and Sa'd on the day of Badr. Sa'd brought two prisoners but 'Ammâr and I did not bring anything." (*Dâ'if*)

٣٩٦٩ - أَخْبَرَنَا عَمْرُو بْنُ عَلَيْهِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ سُفِيَّانَ قَالَ: حَدَّثَنِي أَبُو إِسْحَاقَ عَنْ أَبِي عَيْنَةَ، عَنْ عَبْدِ اللَّهِ قَالَ: اشْتَرَكْتُ أَنَا وَعَمَّارٌ وَسَعْدٌ يَوْمَ بَدْرٍ فَجَاءَ سَعْدٌ بِإِسْبَرِينَ وَلَمْ أَجِدْ أَنَا وَلَا عَمَّارٌ يَشْبِهُ بِإِسْبَرِينَ .

تخریج: [إسناده ضعیف] أخرجه أبو داود، البيوع، باب: في الشركة على غير رأس مال، ح: ٣٣٨٨ من حديث يحيى بن سعيد القطان به \* أبو عبيدة لم يدرك أباها كما تقدم، ح: ٦٢٣، وفيه علة أخرى.

### Comments:

This form of partnership (*Sharika Al-Abdân* or manual partnership) is called manufacturing or handicraft or workmanship's partnership, which means two persons (or more) agree to work together on a particular job or venture, and

distribute its gain equally among themselves, although it is possible that one partner might work more on the project, while the other less.

**3970.** It was narrated from Az-Zuhri concerning two slaves who were partners, and one of them quit, that he said: "One of them may cover for the other if they were partners." (*Sahih*)

٣٩٧٠ - أَخْبَرَنَا عَلَيْهِ يُنْ حُجَّبَرَ قَالَ: أَخْبَرَنَا ابْنُ الْمُبَارَكَ عَنْ يُونُسَ عَنْ الزُّهْرِيِّ: فِي عَبْدَيْنِ مُتَقَوِّضَيْنِ كَاتَبَ أَحَدُهُمَا قَالَ: جَائِزٌ إِذَا كَانَا مُتَقَوِّضَيْنِ يَقْضِي أَحَدُهُمَا عَنِ الْأَخْرَى.

تخرج: [إسناد صحيح] انفرد به السائب.

### Comments:

In the comprehensive partnership (*Sharikat Al-Mufâwada*), two partners share their entire wealth, benefits, and profits. They are each other's authorized representative and sponsors, to the extent that one's financial liability could be demanded of the other. In this situation, therefore, if one specifies one's price of emancipation from his master, the other would also cooperate with him and share his burden.

### Chapter... Partners Dissolving A Partnership

This is a contract drawn up by so and so, so and so, so and so and so and so, and signed by each one of them, and each of his companions mentioned alongside him in this contract, who are in good health, and in full control of their wealth. There has taken place among us, dealing and trading, buying and selling, sharing of wealth and different types of dealing, loans, trusts, partnerships, debts, leases and sharecropping. We are dissolving the partnership by mutual consent and are content with all that we did. All that was between us of partnership and dealing has to do with money and wealth and we have settled all of that in all types of dealings. We have explained all of that in every

### (المعجم...) - تَفَرُّقُ الشَّرَكَاءِ عَنْ شُرُكَتِهِمْ (التحفة ٧)

هَذَا كِتَابٌ كَتَبْنَا فُلَانٌ وَفُلَانٌ وَفُلَانٌ وَفُلَانٌ بِيَنْهُمْ وَأَقْرَرَ كُلُّ وَاحِدٍ بِيَنْهُمْ لِكُلُّ وَاحِدٍ مِنْ أَصْحَاحِهِ الْمُسَمَّيِّنَ مَعَهُ فِي هَذَا الْكِتَابِ، يَجْمِيعُ مَا فِيهِ فِي صِحَّةِ مِنْهُ وَجَوازِ أَمْرِهِ، أَنَّهُ جَرَّثَ بَيْنَنَا مُعَامَلَاتٍ وَمُتَاجِرَاتٍ وَآشْرِيَّةً وَبَيْوُعٍ وَخُلْطَةً وَشَرِكَةً فِي أَمْوَالٍ وَفِي أَنْوَاعٍ مِنَ الْمُعَامَلَاتِ، وَفُرُوضٍ وَمُصَارَفَاتٍ وَوَدَائِعٍ وَأَمَانَاتٍ وَسَفَاتِيجٍ وَمُصَارِبَاتٍ وَعَوَارِي وَدُيُونٍ وَمُؤَاجِرَاتٍ وَمُزَارَعَاتٍ وَمُؤَاكِرَاتٍ، وَإِنَّا تَنَاقَصْنَا عَلَى التَّرَاضِيِّ مِنَّا جَمِيعًا بِمَا فَعَلْنَا، جَمِيعَ مَا كَانَ بَيْنَنَا مِنْ كُلُّ شَرِكَةٍ وَمِنْ كُلُّ مُخَالَطَةٍ كَانَتْ جَرَّثَ بَيْنَنَا فِي نَوْعٍ مِنَ الْأَمْوَالِ وَالْمُعَامَلَاتِ، وَفَسَخَنَا ذَلِكَ كُلُّهُ فِي

category. Each one of us has taken all his dues, and it is now in his possession. None of those named in this contract owes anything to any of the others, nor to anyone else connected to the others, because each one of us has taken all his dues, and it has come into his possession. Signed by So-and-so, So-and-so, so and so and so and so.

جَمِيعٌ مَا جَرَى بَيْنَنَا فِي جَمِيعِ الْأَنْوَاعِ  
وَالْأَصْنَافِ، وَبَيْنَا ذُلِكَ كُلُّهُ تَوْعًا تَوْعًا،  
وَعِلْمَنَا مَبْلَغُهُ وَمُنْتَهَاهُ، وَعَرَفْنَاهُ عَلَى حَقِّهِ  
وَصِدْقِهِ، فَاسْتَوْفَى كُلُّ وَاحِدٍ مِنَ جَمِيعِ حَقِّهِ  
مِنْ ذُلِكَ أَجْمَعَ وَصَارَ فِي يَدِهِ، فَلَمْ يَبْقِ لِكُلِّ  
وَاحِدٍ مِنَ قَبْلِ كُلِّ وَاحِدٍ مِنْ أَصْحَابِهِ  
بِسَبِيلٍ وَلَا يَأْشِمُهُ حَقٌّ وَلَا دَعْوَى وَلَا طَلْبَةٌ،  
لِأَنَّ كُلَّ وَاحِدٍ مِنَ قَدِ اسْتَوْفَى جَمِيعَ حَقِّهِ  
وَجَمِيعَ مَا كَانَ لَهُ مِنْ جَمِيعِ ذُلِكَ كُلُّهُ،  
وَصَارَ فِي يَدِهِ مُوْفَرًا، أَفَرَ قَلَانٌ وَقَلَانٌ وَقَلَانٌ  
وَقَلَانٌ.

(المعجم... ) - تَفَرُّقُ الرَّزْوَجَيْنِ عَنْ  
مُرَأَوْجَتِهِمَا (التحفة ٨)

قَالَ اللَّهُ تَبَارَكَ وَتَعَالَى : ﴿وَلَا يَحِلُّ لَكُمْ  
أَنْ تَأْخُذُوا مِمَّا عَطَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَحْتَاجَا إِلَى  
يُتِيمًا حُدُودَ اللَّهِ فَإِنْ خَتَمْتُمْ إِلَّا يُتِيمًا حُدُودَ اللَّهِ فَلَا  
جُنَاحَ عَلَيْهِمَا فِي أَفْقَدَتْ يَمِينَهُمْ﴾ [البقرة : ٢٢٩].  
هَذَا كِتَابٌ كَتَبْنَاهُ فُلَانَةً بْنَتْ فُلَانَ بْنِ فُلَانٍ فِي  
صِحَّةٍ مِنْهَا وَجَوَازٍ أَمْرِهِ، لِفُلَانِ بْنِ فُلَانِ بْنِ  
فُلَانٍ، إِنِّي كُنْتُ زَوْجَةَ لَكَ وَكُنْتُ دَحْلَتَ بِي  
فَأَفْضَيْتُ إِلَيَّ ثُمَّ إِنِّي كَرِهْتُ صُحبَتِكَ  
وَأَحْبَبْتُ مُفَارِقَتِكَ عَنْ غَيْرِ إِضْرَارٍ مِنْكَ بِي  
وَلَا مَعْنَى لِحَقٍّ وَاجِبٍ لِي عَلَيْكَ، وَإِنِّي  
سَأَلْتُكَ عِنْدَ مَا خِفْنَاهُ أَنْ لَا تُقْيِمَ حُدُودَ اللَّهِ أَنْ

## Chapter... Separation Of The Married Couple

Allâh, Blessed and Most High, says: And it is not lawful for you (men) to take back (from your wives) any of your (bridal-money) which you have given them, except when both parties fear that they would be unable to keep the limits ordained by Allâh. Then if you fear that they would not be able to keep the limits ordained by Allâh, then there is no sin on either of them for what they give back.<sup>[1]</sup>

This writ was written by so and so, the daughter of so and so, who is in good health and in full control of her wealth, to so and so the son of so and so the son of so and so. I

[1] Al-Baqarah 2:229.

was a wife to you, and you came in to me, and consummated the marriage with me. Then I did not like your company, and I wanted to leave you, without your having done any harm to me, nor having withheld any of my rights. I asked you, when we feared that we would not be able to keep the limits ordained by Allâh, to free me (*Khul'*) and to divorce me irrevocably in return for all my *Sadâq* (*Mahr*) that is due from you to me, which is such-and-such a number of *Dînârs*, non-counterfeit, and such-and-such a number of *Dînârs*, non-counterfeit, that I gave you in addition to that, apart from my *Sadâq*. You did what I asked of you, and you gave me an irrevocable divorce in return for what was left of my *Sadâq*, as stated in this writ, and in return for the additional *Dînârs* as stated. I accepted that from you verbally when we were talking about it, and in response to what you said before we finished our discussion, and departed. I gave you all the *Dînârs* mentioned in this contract in return for which you granted me *Khul'*, except for my *Sadâq*. Thus I became irrevocably divorced from you, and now I am in control of my own affairs, based on this *Khul'* which is described in this contract. Thus you have no control over me, you cannot make demands of me, and you cannot take me back. I have taken from you all that is due to a woman like me at the time of *Iddah*, and I took all that I need in

تَخْلَعْنِي فَسَيَّتِي مِنْكَ بِتَطْلِيقَةٍ يُجْمِيعُ مَا لِي عَلَيْكَ مِنْ صَدَاقِي، وَهُوَ كَذَا وَكَذَا دِينَارًا جِيَادًا مِنَاقِيلًا مِنَاقِيلًا، وَكَذَا وَكَذَا دِينَارًا جِيَادًا مِنَاقِيلًا أَعْطَشْكَهَا عَلَى ذَلِكَ سَوَى مَا فِي صَدَاقِي، فَقَعَلْتُ الَّذِي سَأَلْتُكَ مِنْهُ، فَطَلَقْتُنِي تَطْلِيقَةً بِائِثَةً يُجْمِيعُ مَا كَانَ بِهِ لِي عَلَيْكَ مِنْ صَدَاقِي الْمُسَمَّى مَبْلَغُهُ فِي هَذَا الْكِتَابِ، وَبِالدَّنَارِيِّ الْمُسَمَّى فِيهِ سَوَى ذَلِكَ، فَقَبِيلَ ذَلِكَ مِنْكَ مُسَافَهَةً لَكَ عِنْدَ مُخَاطِبِكَ إِيَّاهُ يِهِ، وَمُجَاوِيَةً عَلَى قَوْلِكَ مِنْ قَبْلِ تَصَادِرِنَا عَنْ مَطْقِنَا ذَلِكَ، وَدَفَعْتُ إِلَيْكَ جَمِيعَ هَذِهِ الدَّنَارِيِّ الْمُسَمَّى مَبْلَغُهَا فِي هَذَا الْكِتَابِ الَّذِي خَالَعْتِي عَلَيْهَا وَافِيَ سَوَى مَا فِي صَدَاقِي، فَصِرْتُ بِائِثَةً مِنْكَ مَالِكَةً لِأَمْرِي بِهَا الْخُلُمُ الْمُؤْصُوفُ أَمْرَهُ فِي هَذَا الْكِتَابِ، فَلَا سَيِّلَ لَكَ عَلَيَّ وَلَا مُطَالَبَهُ وَلَا رَجْعَةً، وَقَدْ قَبَضْتُ مِنْكَ جَمِيعَ مَا يَجِبُ لِمِثْلِي مَا دُمْتُ فِي عَلَيَّ مِنْكَ، وَجَمِيعَ مَا أَحْتَاجُ إِلَيْهِ بِتَمَامِ مَا يَجِبُ لِلْمُطَلَّقَةِ الَّتِي تَكُونُ فِي مِثْلِ حَالِي عَلَى زَوْجِهَا الَّذِي يَكُونُ فِي مِثْلِ حَالِكَ، فَلَمْ يَقِنْ لِكُلِّ وَاحِدٍ مِنَ قَبْلِ صَاحِبِهِ حَقٌّ وَلَا دَعْوَى وَلَا طَلْبَهُ، فَكُلُّ مَا ادْعَى وَاحِدٌ مِنَ قَبْلِ صَاحِبِهِ مِنْ حَقٍّ وَمِنْ دَعْوَى وَمِنْ طَلْبَهِ يَوْجُو مِنَ الْوُجُوهِ فَهُوَ فِي جَمِيعِ دَعْوَاهُ مُبْطِلٌ، وَصَاحِبُهُ مِنْ ذَلِكَ أَجْمَعَ بَرِيءٌ، وَقَدْ قَبِيلَ كُلُّ وَاحِدٍ مِنَ كُلِّ مَا أَفَرَّ لَهُ بِهِ صَاحِبُهُ، وَكُلُّ مَا أَبْرَأَهُ مِنْهُ مِمَّا

full, which a woman like me would take from a husband like you. Neither of us has any further rights, nor claims over the other. If any one of use makes any claim on the other, this claim is totally and utterly false, and the one against whom the claim is made is innocent, and has nothing to do with this claim. Each one of us accepts everything that the other party offers, and all that the other party relieves him of, as described in the contract, verbally when we were talking about it, and before we spoke of anything, or parted from our meeting that took place. Signed by so and so (the wife) and so and so (the husband).

#### Comments:

According to the dominant majority of the people of knowledge, a husband cannot take anything away from his wife, except for the dower, in the event of *Khul'* as has been explicitly mentioned in the noble Verse of the Qur'ân.

### Chapter 48. Contract Of Manumission

Allâh, the Mighty and Sublime says: "And such of your slaves as seek a writing (of emancipation), give them such writing, if you find that there is good and honesty in them."<sup>[1]</sup>

This is a contract written by so and so the son of so and so, who is in good health and in full control of his wealth, to his Nubian slave who is called so and so, who at this time is in his possession and owned by him. I have agreed to manumit

وُصِّفَ فِي هَذَا الْكِتَابِ، مُشَافَهَةً عِنْدَ مُخَاطَبِيهِ إِيَّاهُ قَبْلَ تَصَادُرِنَا عَنْ مَنْطِقَتِنَا، وَأَفْتَرَاقَنَا عَنْ مَجْلِسِنَا الَّذِي جَرَى بَيْنَنَا فِيهِ، أَفَرَثْ فُلَانَةً وَفُلَانَ

(المعجم ٤٨) - الكتابة (التحفة ٩)

قَالَ اللَّهُ عَزَّ وَجَلَّ : ﴿وَالَّذِينَ يَتَعَوَّنُونَ الْكِتَابَ مِمَّا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِذْ عَلِمْتُمُوهُ فِيهِمْ خَيْرًا﴾ [النور: ٣٣]. هَذَا كِتَابٌ كَبِيرٌ فُلَانُ ابْنُ فُلَانٍ فِي صِحَّةٍ مِنْهُ وَجَوَازٌ أَمْرٌ، لِفَتَاهُ التُّوْبِيُّ الَّذِي يُسَمِّي فُلَانًا وَهُوَ يَوْمَئِذٍ فِي مِلْكِهِ وَبِدُورِهِ، إِنِّي كَاتِبُكَ عَلَى ثَلَاثَةِ آلَافِ دُرْهَمٍ وُضْحَى حِجَادٍ وَرَزْنَ سَبْعَةَ مُنْجَمَةٍ عَلَيْكَ سِتُّ سِنِينَ مُتَوَالِيَاتٍ أَوْلَاهَا مُسْتَهْلِ شَهْرٍ كَذَا مِنْ سَسْتَهْ كَذَا، عَلَى أَنْ تَدْعُ إِلَيَّ هَذَا الْمَالَ

[1] *An-Nûr* 24:33.

you in return for three thousand *Dirhams*, non-counterfeit and weighing seven, to be paid in installments by you over six consecutive years, starting at the beginning of such and such month in such and such year. You will pay me the amount of money stated in this contract in installments, then you will be free in return for that, with the same rights and duties as all free men. If you default on any of these installments, this contract will be null and void, and you will remain a slave with no contract of manumission. I have accepted your contract of manumission based on the conditions stipulated in this contract before we finished talking, and departed from our meeting, which took place between us. Signed by So-and-so and So-and-so.

#### Comments:

In many an issue of the Divine law, emancipation of slave has been made a part of expiation or *Kaffârah*. For a slave who is able to earn a living and is capable of paying for his freedom, it has been made incumbent upon his owner that he enters into a contract with him for his freedom. (The original term used in this context is *Kitâbat* (or *Mukâtabat*) which means ‘a contract of a slave with his master’ that he would pay a certain sum as a price for himself and on payment thereof, he would be free).

#### Chapter 49. *Tadbîr* (Leaving Instructions That One's Slave Be Freed After One's Death)

This is a contract written by so and so the son of so and so the son of so and so, to his Sicilian slave, the baker and cook, who is called so and so, and who at this time is in his possession and owned by him. I have arranged for your manumission following my death,

المُسَمَّى مَبْلَغُهُ فِي هَذَا الْكِتَابِ فِي نُجُومِهَا، فَأَنْتَ حُرٌّ بِهَا، لَكَ مَا لِلْأَخْرَارِ وَعَلَيْكَ مَا عَلَيْهِمْ، فَإِنْ أَخْلَلْتَ شَيْئًا مِنْهُ عَنْ مَحْلِهِ بَطَّلَتِ الْكِتَابَةُ، وَكُنْتَ رَقِيقًا لَا كِتَابَةً لَكَ، وَقَدْ قَبَلْتُ مُكَاتَبَكَ عَلَيْهِ عَلَى الشُّرُوطِ الْمَوْصُوفَةِ فِي هَذَا الْكِتَابِ قَبْلَ تَصَادُرِنَا عَنْ مَطْقِنَا، وَافْرَاقَنَا عَنْ مَجْلِسِنَا الَّذِي جَرَى بَيْنَنَا ذَلِكَ فِيهِ. أَفَرَ فُلَانُ وَفُلَانُ.

(المعجم ٤٩) - تَدْبِيرٌ (التحفة ١٠)

هَذَا كِتَابٌ كَتَبْهُ فُلَانُ بْنُ فُلَانٍ بْنِ فُلَانٍ لِفَتَاهُ الصَّفَّلِيُّ الْجَبَّازُ الطَّبَّاخُ الَّذِي يُسَمَّى فُلَانًا وَهُوَ يَوْمَئِيلٌ فِي مِلْكِهِ وَيَوْدِهِ، إِنِّي دَبَّرْتُكَ لِرَجْهِ اللَّهِ عَزَّ وَجَلَّ وَرَجَاءً تَوَاَيْهِ، فَأَنْتَ حُرٌّ بَعْدَ مَوْتِي لَا سَبِيلٌ لِأَحَدٍ عَلَيْكَ بَعْدَ وَفَاتِي

seeking thereby the Face of Allâh, the Mighty and Sublime, and hoping for His reward. You will be free after I die, and no one will have any control over you after I die, except by way of *Al-Walâ'* (loyalty of a freed slave to his former masters), which will be to me and my descendants after me. So-and-so the son of So-and-so affirms all that is mentioned in this contract, without compulsion, while in good health, and in full control of his wealth, after all of that was read to him in the presence of the witnesses named therein. He affirmed in their presence that he had heard it, and understood it, and called upon Allâh to bear witness to it, and Allâh is sufficient as a witness, then the witnesses who were present. So-and-so the Sicilian cook, who is sound in mind and body, affirmed that everything that is stated in this contract is true and correct according to the way it is written.

#### Comments:

‘*Mudabbar*’: The term *Mudabbar* signifies a slave made to be free, not yet but after his owner’s death, to whom his master has said, ‘You are free after my death,’ whose emancipation has been made to depend on his master’s death. No sooner does the owner die than the slave would become free.

#### Chapter 50. Manumission

(المعجم ٥٠) - عِنْقُ (التحفة ١١)

This is a contract written by so and so the son of so and so, without compulsion, while he is in good health and in full control of his wealth, in such-and-such month of such and such year, to his Byzantine slave who is called so and so, who at this time is in his

إِلَّا سَبِيلُ الْوَلَاءِ، فَإِنَّهُ لِي وَلِعَقِبِي مِنْ بَعْدِي،  
 أَفَرَّ فُلَانُ بْنُ فُلَانٍ يُجْمِعُ مَا فِي هَذَا الْكِتَابِ  
 طَوْعًا فِي صِحَّةٍ مِنْهُ وَجَوَازِ أَمْرِهِ وَنَهْ، بَعْدَ أَنْ  
 قُرِئَ عَلَيْهِ ذَلِكَ كُلُّهُ عَلَيْهِ يَمْحَضُ مِنَ الشُّهُودِ  
 الْمُسْمَى فِيهِ، فَأَفَرَّ عِنْدَهُمْ أَنَّهُ قَدْ سَمِعَهُ  
 وَنَهِمَهُ وَعَرَفَهُ وَأَشْهَدَ اللَّهُ عَلَيْهِ وَكَنَّى بِاللَّهِ  
 شَهِيدًا، ثُمَّ مَنْ حَضَرَهُ مِنَ الشُّهُودِ عَلَيْهِ أَفَرَّ  
 فُلَانُ الصَّفَّيِّ الطَّبَّاخُ فِي صِحَّةٍ مِنْ عَقْلِهِ  
 وَبَدِينِهِ أَنَّ جَمِيعَ مَا فِي هَذَا الْكِتَابِ حَقٌّ عَلَى  
 مَا سُمِّيَ وَوُصِّفَ فِيهِ.

هَذَا كِتَابٌ كَتَبَهُ فُلَانُ بْنُ فُلَانٍ طَوْعًا فِي  
 صِحَّةٍ مِنْهُ وَجَوَازِ أَمْرِهِ، وَذَلِكَ فِي شَهْرٍ كَذَا مِنْ  
 سَنَةٍ كَذَا، لِفَتَاهُ الرُّومِيُّ الَّذِي يُسَمِّي فُلَانًا وَهُوَ  
 يَوْمَئِذٍ فِي مَلْكِهِ وَيَدِهِ، إِنِّي أَعْنَتُكَ تَقْرُبًا إِلَى اللَّهِ  
 عَزَّ وَجَلَّ وَابْتِغَاءً لِتَحْزِيلِ ثَوَابِهِ، عِنْقًا بَلَا

possession and owned by him. I have set you free as an act of worship, seeking thereby the great reward of Allāh, the Mighty and Sublime, granting you complete and definite freedom with no conditions and no right to take you back. You are free for the Face of Allāh, and the Hereafter, and neither I nor anyone else has any control over you, except by way of *Al-Walâ'* (loyalty of a freed slave to his former masters), which is to me and my descendants after me.

مَنْتَوِيَّةً فِيهِ وَلَا رَجْعَةً لِي عَلَيْكَ، فَأَنْتَ حُرٌّ لِوَجْهِ  
اللَّهِ وَالدَّارِ الْآخِرَةِ لَا سَبِيلٌ لِي وَلَا لِأَحَدٍ عَلَيْكَ  
إِلَّا الْوَلَاءُ، فَإِنَّهُ لِي وَلِعَصَبَتِي مِنْ بَعْدِي .

### Comments:

1. 'Exemption' means no condition was stipulated. You are free unconditionally. Condition could also be called exemption.
2. The right of inheritance of a slave - *Al-Walâ'*: The right which an emancipator is vested with over his emancipated slave, after his emancipation, is called *Al-Walâ'*. It is a relationship. Any alteration in this relationship amounts to a major sin or an enormity.

