

English Translation of

Sahîh Muslim

English Translation of **Sahîh Muslim**

Compiled by:

**Imâm Abul Hussain Muslim
Ibn al-Hajjaj**

Volume 4

From Hadith No. 3398 to 4518

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First Edition: August 2007

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Website: www.darussalam.com
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Tel: 00603 7710 9750 Fax: 7710 0749
E-mail: darussalm@streamyx.com

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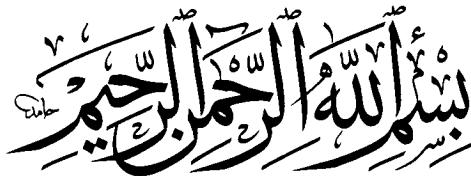
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King Fahd National Library Catalog-in-Publication Data
Al-Imam Muslim

Sahih muslim./ Al-Imam muslim- Riyadh-2007

512p, 14x21 cm

ISBN: 9960-9919-0-3 (set) 9960-9927-1-3 (Vol. 4)

1-Al-Hadith	II-Title
235.1dc	1428/2360

Legal Deposit no.1428/2360

ISBN: 9960-9919-03 (set)

9960-9919-1-3 (vol. 4)

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In the Name of Allāh, the Most Beneficent, the Most Merciful

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

16. The Book Of Marriage

١ - (المعجم ١٦) - كتاب النكاح
(التحفة ٨)

Chapter 1. Marriage Is Recommended For The One Who Desires It And Can Afford It, And The One Who Cannot Afford It Should Distract Himself By Fasting

[3398] ١ - (1400) It was narrated that ‘Alqamah said: “I was walking with ‘Abdullâh in Minâ when he was met by ‘Uthmân. He stood and talked with him and ‘Uthmân said to him: ‘O Abû ‘Abdur-Râhmân, shall we not marry you to a young girl who can remind you of times past?’ ‘Abdullâh said: ‘If that is what you are telling me, (let me tell you that) 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 one’s chastity. And whoever cannot afford it should fast, for it will be a shield for him.’”

(المعجم ١) - (باب استحباب النكاح)
لمن تاقت نفسه إليه ووجد مؤنة،
واشتغال من عجز عن المؤن بالصوم)
(التحفة ١)

[٣٣٩٨] ١ - (١٤٠٠) حَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى التَّمِيميُّ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ
وَمُحَمَّدُ بْنُ الْعَلَاءِ الْهَمْدَانِيُّ. جَمِيعًا عَنْ
أَبِي مُعَاوِيَةَ - وَاللَّنْفُظُ لِيَحْيَى - أَخْبَرَنَا
أَبُو مُعَاوِيَةَ عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ،
عَنْ عَلْقَمَةَ قَالَ: كُنْتُ أَشْبِي مَعَ عَبْدِ اللَّهِ
يَعْمَنِي، فَلَقِيَهُ عُثْمَانُ، فَقَامَ مَعَهُ يُحَدِّثُهُ.
فَقَالَ لَهُ عُثْمَانُ: يَا أَبَا عَبْدِ الرَّحْمَنِ! أَلَا
نُزُّوْجُكَ جَارِيَةً شَابَةً، لَعَلَّهَا تُذَكِّرُكَ بَعْضَ
مَا مَضَى مِنْ زَمَانِكَ. - قَالَ - فَقَالَ عَبْدُ
اللَّهِ: لَئِنْ قُلْتَ ذَاكَ، لَقَدْ قَالَ لَنَا رَسُولُ
اللَّهِ ﷺ: «يَا مَعْشَرَ الشَّبَابِ! مَنْ اسْتَطَاعَ
مِنْكُمُ الْبَاءَةَ فَلْيَتَرْوَجْ، فَإِنَّهُ أَعَصُّ لِلْبَصَرِ،
وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ
بِالصَّوْمِ، فَإِنَّهُ لَهُ وِجَاءٌ». .

[3399] 2 - (...) It was narrated that 'Alqamah said: "I was walking with 'Abdullâh bin Mas'ûd in Minâ when he was met by 'Uthmân bin 'Affân who said: 'Come here, O Abû 'Abdur-Rahmân.' He took him aside, and when 'Abdullâh saw that there was no need for that, he said to me: 'Come here, O 'Alqamah.' So I came. 'Uthmân said to him: 'Shall we not marry you, O Abû 'Abdur-Rahmân, to a young virgin hoping that you might regain some of that which you had in the past?' 'Abdullâh said: 'If you are telling me that...'” and he mentioned a *Hadîth* similar to that of Abû Mu'âwiyah (no. 3398).

[3400] 3 - (...) 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, for it is more effective in lowering the gaze and guarding one's chastity. And whoever cannot afford it, let him fast, for it will be a shield for him.”

[3401] 4 - (...) It was narrated that 'Abdur-Rahmân bin Yazîd said: “My paternal uncle

[٣٣٩٩]-٢ حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ قَالَ إِنِّي لَأَمْشِي مَعَ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ بِمِنْتَى، إِذْ لَقِيَهُ عُثْمَانُ بْنُ عَفَانَ قَالَ، فَقَالَ، هَلْمُ يَا أَبَا عَبْدِ الرَّحْمَنِ! قَالَ فَاسْتَخَلَاهُ، فَلَمَّا رَأَى عَبْدَ اللَّهِ أَنَّ لَيْسَتْ لَهُ حَاجَةٌ قَالَ قَالَ لِي: تَعَالَ يَا عَلْقَمَةً! قَالَ فَجِئْتُ فَقَالَ لَهُ عُثْمَانُ: أَلَا نُرْوِجُكَ، يَا أَبَا عَبْدِ الرَّحْمَنِ! جَارِيَةً بِكْرًا، لَعَلَّهُ يَرْجِعُ إِلَيْكَ مِنْ تَقْسِيكَ مَا كُنْتَ تَعْهُدْ؟ فَقَالَ عَبْدُ اللَّهِ: لَيْنَ قُلْتَ ذَاكَ، فَذَكَرَ بِمِثْلِ حَدِيثِ أَبِي مُعاوِيَةَ.

[٣٤٠٠]-٣ حَدَّثَنَا أَبُو بَكْرٍ أَبْنُ أَبِي شَيْبَةَ وَأَبُو ثَرِيْبَ قَالَا: حَدَّثَنَا أَبُو مُعاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَنِ ابْنِ يَزِيدَ، عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ لَنَا رَسُولُ اللَّهِ ﷺ: يَا مَعْشَرَ الشَّبَابِ! مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَرْوَجْ، فَإِنَّهُ أَغَضُّ لِلْبَصَرِ، وَأَحَصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ، فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وِجَاءُ.

[٣٤٠١]-٤ حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ، عَنْ

'Alqamah, Al-Aswad and I entered upon 'Abdullâh bin Mas'ûd who said: 'I was a young man in those days,' and he narrated a *Hadîth* which he seemed to narrate for my sake. He said: 'The Messenger of Allâh ﷺ said....'" a *Hadîth* like that of Abû Mu'âwiyyah (no. 3398), and he added: "It was not long before I got married."

عُمَارَةُ بْنُ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ قَالَ: دَخَلْتُ أَنَا وَعَمِي عَلْقَمَةً وَالْأَسْوَدَ، عَلَى عَبْدِ اللَّهِ بْنِ مَسْعُودٍ. قَالَ: وَأَنَا شَابٌ يَوْمَئِذٍ. فَذَكَرَ حَدِيثَ رُبِيْتَ أَنَّهُ حَدَّثَ بِهِ مِنْ أَجْلِي. قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ. يِمْثِلُ حَدِيثَ أَبِي مُعاوِيَةَ. وَزَادَ: قَالَ: فَلَمْ أَلْبُثْ حَتَّى تَرَوَّجْتُ.

[3402] (...) It was narrated that 'Abdullâh said: "We entered upon him and I was the youngest of the people..." a *Hadîth* like theirs (no. 3401), but he did not mention (the phrase): "It was not long before I got married."

[٣٤٠٢] (...) حَدَّثَنِي عَبْدُ اللَّهِ بْنُ سَعِيدِ الْأَشْجَعِ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا الْأَغْمَشُ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ، عَنْ عَبْدِ اللَّهِ، قَالَ: دَخَلْنَا عَلَيْهِ وَأَنَا أَخْدُثُ الْقَوْمَ، يِمْثِلُ حَدِيثِهِمْ، وَلَمْ يَذْكُرْ: فَلَمْ أَلْبُثْ حَتَّى تَرَوَّجْتُ.

[3403] 5 - (1401) It was narrated from Anas that a group of Companions of the Prophet asked the wives of the Prophet ﷺ about what he did in private. One of them said: "I will not marry women." Another said: "I will not eat meat." Another said: "I will not sleep in a bed." He (the Prophet ﷺ) praised and extolled Allâh, then he said: 'What is the matter with people who say such and such? I pray and I sleep, I fast and I break the fast, and I marry women.

[٣٤٠٣]-[١٤٠١] وَحَدَّثَنِي أَبُو بَكْرٍ بْنُ نَافِعِ الْعَدَدِيِّ حَدَّثَنَا بَهْرٌ حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ ثَابِتٍ، عَنْ أَنْسٍ أَنَّ نَفَرًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ سَأَلُوا أَزْوَاجَ النَّبِيِّ ﷺ عَنْ عَمَلِهِ فِي السُّرِّ؟ فَقَالَ بَعْضُهُمْ: لَا أَتَرَوْجُ السَّيَاءَ. وَقَالَ بَعْضُهُمْ: لَا أَكُلُ اللَّحْمَ. وَقَالَ بَعْضُهُمْ: لَا أَنَامُ عَلَى فِرَاشٍ، فَحَمَدَ اللَّهَ وَأَثْنَى عَلَيْهِ فَقَالَ: «مَا بَالُ أَقْوَامٍ قَالُوا كَذَّا وَكَذَّا؟

Whoever turns away from my Sunnah is not of me.”

لَكِنِي أُصَلِّي وَأَنَامُ، وَأَصُومُ وَأُفْطِرُ،
وَأَتَرْقُحُ النِّسَاءَ، فَمَنْ رَغَبَ عَنْ سُنْتِي
فَلَيْسَ مِنِّي”.

[3404] 6 - (1402) It was narrated that Sa'd bin Abî Waqqâs said: “The Messenger of Allâh ﷺ forbade 'Uthmân bin Maz'ûn to be celibate. If he had given him permission, we would have gotten ourselves castrated.”

[٤] [٣٤٠٤] - ٦ (١٤٠٢) وَحَدَّثَنِي أَبُو
بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ
الْمُبَارِكِ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ
الْعَلَاءِ - وَاللَّفْظُ لَهُ - : أَخْبَرَنَا ابْنُ
الْمُبَارِكِ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ
سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ سَعْدِ بْنِ أَبِي
وَقَاصٍ قَالَ: رَدَ رَسُولُ اللَّهِ ﷺ عَلَى
عُثْمَانَ بْنِ مَظْعُونٍ التَّبْثُلَ، وَلَوْ أَذِنَ لَهُ،
لَا خَتَصَّنَا.

[3405] 7 - (...) It was narrated that Sa'eed bin Al-Mûsâyyab said: “I heard Sa'd say: ‘He forbade 'Uthmân bin Maz'ûn to be celibate. If he had given him permission, we would have gotten ourselves castrated.’”

[٥] [٣٤٠٥] - ٧ (...) وَحَدَّثَنِي أَبُو
عُمَرَانَ مُحَمَّدَ بْنَ جَعْفَرٍ بْنَ زَيَادٍ: حَدَّثَنَا
إِبْرَاهِيمُ بْنُ سَعْدٍ عَنِ ابْنِ شَهَابٍ
الرُّهْبَرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ قَالَ:
سَمِعْتُ سَعْدًا يَقُولُ: رُدَّ عَلَى عُثْمَانَ بْنِ
مَظْعُونٍ التَّبْثُلَ، وَلَوْ أَذِنَ لَهُ لَا خَتَصَّنَا.

[3406] 8 - (...) Sa'id bin Al-Mûsâyyab narrated that he heard Sa'd bin Abî Waqqâs say: “'Uthmân bin Maz'ûn wanted to be celibate, but the Messenger of Allâh ﷺ told him not to. If he had allowed him to do that, we would have gotten ourselves castrated.”

[٦] [٣٤٠٦] - ٨ (...) حَدَّثَنَا مُحَمَّدُ بْنُ
رَافِعٍ. حَدَّثَنَا حُجَّيْنُ بْنُ الْمُشَنَّى. حَدَّثَنَا
لَيْثٌ عَنْ عَقِيلٍ، عَنِ ابْنِ شَهَابٍ؛ أَنَّهُ
قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيْبِ؛ أَنَّهُ
سَمِعَ سَعْدَ بْنَ أَبِي وَقَاصٍ يَقُولُ: أَرَادَ
عُثْمَانُ بْنُ مَظْعُونٍ [أَنْ] يَتَبَثَّلَ. فَهَاهُ

رَسُولُ اللَّهِ ﷺ . وَلَوْ أَجَازَ لَهُ ذَلِكَ،
لَا خَتَّصَنَا .

Chapter 2. Recommendation To The One Who Sees A Woman And Is Attracted To Her, To Go To His Wife Or Slave Woman And Have Intercourse With Her

[3407] ٩ - (1403) It was narrated from Jâbir that the Messenger of Allâh ﷺ saw a woman, then he came to his wife Zainab who was tanning a leather, and fulfilled his desire, then he went out to his Companions and said: “A woman comes in the form of a devil and goes in the form of a devil. If one of you sees a woman, let him go to his wife, for that will repel what he feels in his heart.”

[3408] (...) It was narrated from Jâbir bin ‘Abdullâh that the Prophet ﷺ saw a woman... and he mentioned a similar report (as no. 3407), except that he said: “He came to his wife Zainab who was tanning a leather,” and he did not mention (the phrase): “And goes in the form of a devil.”

(المعجم ٢) - (باب ندب من رأى
امرأة، فوقع في نفسه، إلى أن يأتي
امرأته أو جاريتها في الواقعها) (التحفة ٢)

[٣٤٠٧-٩] حَدَّثَنَا عَمْرُو
ابْنُ عَلَيٍّ حَدَّثَنَا عَبْدُ الْأَعْلَىٰ : حَدَّثَنَا
هِشَامٌ ابْنُ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي الزُّبِيرِ،
عَنْ جَابِرٍ ؛ أَنَّ رَسُولَ اللَّهِ ﷺ رَأَى امْرَأَةً
فَأَتَى امْرَأَتَهُ زَيْنَبَ، وَهُنَّ تَمَسَّسُ مِنْيَةَ
لَهَا، فَقَضَى حَاجَتَهُ، ثُمَّ خَرَجَ إِلَى
أَصْحَابِهِ فَقَالَ: «إِنَّ الْمَرْأَةَ تُقْبَلُ فِي
صُورَةِ شَيْطَانٍ، وَتُنْدِرُ فِي صُورَةِ شَيْطَانٍ،
فَإِذَا أَبْصَرَ أَحَدُكُمْ امْرَأَةً فَلْيَأْتِ أَهْلَهُ، فَإِنَّ
ذَلِكَ يَرُدُّ مَا فِي نَفْسِهِ» .

[٣٤٠٨] (...) حَدَّثَنَا رُهْبَرُ بْنُ
حَرْبٍ : حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ
الْوَارِثِ : حَدَّثَنَا حَرْبُ بْنُ أَبِي الْعَالِيَةِ :
حَدَّثَنَا أَبُو الزُّبِيرِ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ؛ أَنَّ
النَّبِيَّ ﷺ رَأَى امْرَأَةً. فَذَكَرَ بِمُثْلِهِ . غَيْرَ أَنَّهُ
قَالَ: فَأَتَى امْرَأَتَهُ زَيْنَبَ وَهُنَّ تَمَسَّسُ مِنْيَةَ،
وَلَمْ يَذْكُرْ: تُنْدِرُ فِي صُورَةِ شَيْطَانٍ .

[3409] 10 - (...) Jâbir said: "I heard the Prophet ﷺ say: 'If one of you likes a woman and feels attracted to her, let him go to his wife and have intercourse with her, for that will repel what is in his heart.'"

[٣٤٠٩] ١٠ - (...) وَحَدَّثَنِي سَلْمَةُ
ابْنُ شَبِّيْبٍ : الْحَسَنُ بْنُ أَعْمَانَ : حَدَّثَنَا
مَعْقِلٌ عَنْ أَبِي الزُّبَيْرِ قَالَ : قَالَ جَابِرٌ :
سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ : «إِذَا أَحْدَكُمْ
أَعْجَبَتُهُ الْمَرْأَةُ، فَوَقَعَتْ فِي قُلْبِهِ فَلَيَغْمِدْ
إِلَى امْرَأَتِهِ فَلَيُواقِعُهَا؟ فَإِنَّ ذَلِكَ يَرُدُّ مَا فِي
نَفْسِهِ» .

Chapter 3. *Mut'ah* Marriage : It Was Permitted Then Abrogated, Then Permitted Then Abrogated, And It Will Remain Forbidden Until The Day Of Resurrection

[3410] 11 - (1404) 'Abdullâh said: "We were on a campaign with the Messenger of Allâh ﷺ, and we had no women with us. We said: 'Why don't we get ourselves castrated?' But he forbade us to do that, then he granted us a concession allowing us to marry women in return for a garment, for a set period of time." Then 'Abdullâh recited the verse: "O you who believe! Make not unlawful the *Tayyibât* (all that is good as regards foods, things, deeds, beliefs, persons) which Allâh has made lawful to you, and transgress not. Verily, Allâh does not like the transgressors."^[1]

(المعجم ٣) - (باب نكاح المتعة)
وبيان أنه أبیح ثم نسخ ثم أبیح ثم
نسخ، واستقر تحريمها إلى يوم
القيمة (التحفة ٣)

[٣٤١٠] ١١ - (١٤٠٤) حَدَّثَنَا مُحَمَّدُ
ابْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ الْهَمْدَانِيُّ : حَدَّثَنَا
أَبِي وَوْكِيعٍ وَابْنُ بِشْرٍ عَنْ إِسْمَاعِيلَ، عَنْ
قَيْسٍ قَالَ : سَمِعْتُ عَبْدَ اللَّهِ يَقُولُ : كُنَّا
نَعْزُو مَعَ رَسُولِ اللَّهِ ﷺ، لَيْسَ لَنَا نِسَاءٌ.
فَقُلْنَا : أَلَا نَسْتَخْصِي؟ فَنَهَا نَعْنَ ذَلِكَ
ثُمَّ رَأَخْصَنَا أَنْ نَنْكِحَ الْمَرْأَةَ بِالثُّوْبِ إِلَى
أَجَلٍ، ثُمَّ قَرَأَ عَبْدُ اللَّهِ : «يَأَيُّهَا الَّذِينَ
آمَنُوا لَا تُحْرِمُوا طَبِيبَتِ مَا أَحَلَّ اللَّهُ
لَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ
الْمُعْتَدِلِينَ» [المائدة: ٨٧]

^[1] Al-Mâ'idah 5:87.

[3411] (...) A similar report (as no. 3410) narrated from Ismâ'il bin Abî Khâlid with this chain, and he said: "Then he recited this verse to us," and he did not say: "Abdullâh recited."

[٣٤١١] (...) وَحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، بِهَذَا الْإِسْنَادِ، مِثْلُهُ . وَقَالَ: ثُمَّ قَرَأَ عَلَيْنَا هَذِهِ الْآيَةَ . وَلَمْ يَقُلْ: قَرَأَ عَبْدُ اللَّهِ .

[3412] 12 - (...) It was narrated from Ismâ'il with this chain (a *Hadîth* similar to no. 3410). He said: "When we were young men, we said: 'O Messenger of Allâh, should we not get ourselves castrated?'" And he did not mention: "We were on a campaign."

[٣٤١٢] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ عَنْ إِسْمَاعِيلَ، بِهَذَا الْإِسْنَادِ، قَالَ: كُنَّا، وَتَحْنُّ شَبَابٌ، فَقُلْنَا: يَا رَسُولَ اللَّهِ! أَلَا سَتَحْصِي؟ وَلَمْ يَقُلْ: نَعُزُّوهُ .

[3413] 13 - (1405) It was narrated that Jâbir bin 'Abdullâh and Salamah bin Al-Akwâ' said: "The caller of the Messenger of Allâh ﷺ came out to us and said: 'The Messenger of Allâh ﷺ has given you permission to enter into *Mut'ah* marriages with women.'"

[٣٤١٣] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ، عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: سَمِعْتُ الْحَسَنَ بْنَ مُحَمَّدٍ يُحَدِّثُ عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ وَسَلَمَةَ بْنِ الْأَكْوَعِ، قَالَ: خَرَجَ عَلَيْنَا مُنَادِي رَسُولِ اللَّهِ ﷺ، فَقَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ قَدْ أَذِنَ لَكُمْ أَنْ تَسْتَمْتُقُوا . يَعْنِي مُتْعَةَ النِّسَاءِ .

[3414] 14 - (...) It was narrated from Salamah bin Al-Akwâ' and Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ came to us and gave us permission for *Mut'ah*.

[٣٤١٤] (...) وَحَدَّثَنِي أُمَّةُ ابْنِ يَسْطَامَ الْعَيْشِيِّ: حَدَّثَنَا يَزِيدُ يَعْنِي ابْنَ زُرْبَعَ: حَدَّثَنَا رَوْحٌ وَهُوَ ابْنُ الْفَاسِمِ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ، عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ وَجَابِرٍ بْنِ عَبْدِ اللَّهِ؛ أَنَّ رَسُولَ اللَّهِ ﷺ أَتَانَا، فَأَذِنَ لَنَا فِي الْمُتْعَةِ .

[3415] 15 - (...) ‘Aṭā’ said: “Jâbir bin ‘Abdullâh came for ‘Umrah and we went to him where he was staying, and the people asked him about various things. Then they mentioned *Mut’ah* and he said: ‘Yes, we engaged in *Mut’ah* at the time of the Messenger of Allâh ﷺ, Abû Bakr and ‘Umar.’”

[3416] 16 - (...) Jâbir bin ‘Abdullâh said: “We used to engage in *Mut’ah* in exchange for a handful of dates or flour, for several days, at the time of the Messenger of Allâh ﷺ and Abû Bakr, until ‘Umar forbade it in the case of ‘Amr bin Huraith.”

[3417] 17 - (...) It was narrated that Abû Naḍrah said: “I was with Jâbir bin ‘Abdullâh when someone came to him and said: ‘Ibn ‘Abbâs and Ibn Az-Zubair disagreed concerning the two *Mut’ah*.^[1]” Jâbir said: ‘We did them both at the time of the Messenger of Allâh ﷺ, then ‘Umar forbade us to do them, and we did not do them again.”

[٣٤١٥]-١٥ [.] وَحَدَّثَنَا حَسْنُ الْحَلْوَانِيُّ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا ابْنُ جُرَيْجَ قَالَ: قَالَ عَطَاءُ: قَدِيمُ جَابِرٍ ابْنُ عَبْدِ اللَّهِ مُعَمِّرًا، فَجِئْنَاهُ فِي مَتْرِلِهِ، فَسَأَلَهُ الْقَوْمُ عَنْ أَشْيَاءٍ، ثُمَّ ذَكَرُوا الْمُنْتَهَى. فَقَالَ: نَعَمْ، اسْتَمْتَعْنَا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، وَأَبِي بَكْرٍ وَعُمَرَ.

[٣٤١٦]-١٦ [.] حَدَّثَنِي مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا ابْنُ جُرَيْجَ: أَخْبَرَنِي أَبُو الزُّبَيرُ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: كُنَّا نَسْتَمْتَعُ بِالْقُبْضَةِ مِنَ التَّمَرِ وَالدَّقِيقِ، الْأَيَّامُ، عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، وَأَبِي بَكْرٍ، حَتَّى نَهَى عَنْهُ عُمَرُ، فِي شَأْنٍ عَمِرُو بْنِ حُرَيْثَ.

[٣٤١٧]-١٧ [.] حَدَّثَنَا حَامِدُ ابْنُ عَمَرَ الْكَنْوَارِيُّ: حَدَّثَنَا عَبْدُ الرَّوَاحِدِ يَعْنِي ابْنَ زِيَادٍ، عَنْ عَاصِمٍ، عَنْ أَبِي نَصْرَةَ قَالَ: كُنْتُ عِنْدَ جَابِرِ بْنِ عَبْدِ اللَّهِ فَأَتَاهُ أَبِي فَقَالَ: ابْنُ عَبَّاسٍ وَابْنُ الزُّبَيرِ اخْتَلَفَا فِي الْمُنْتَهَى. فَقَالَ جَابِرٌ: فَعَلْنَاهُمَا مَعَ رَسُولِ اللَّهِ ﷺ، ثُمَّ نَهَانَا عَنْهُمَا عُمَرُ، فَلَمْ نَعْدُ لَهُمَا.

^[1] Meaning, ‘Tamtattu’ in *Hajj* and *Mut’ah* marriage.

[3418] 18 - (...) It was narrated from Iyâs bin Salamah that his father said: "During the year of Awâtâs, the Messenger of Allâh ﷺ granted a concession allowing *Mut'ah* three,^[1] then he forbade it."

[٣٤١٨]-١٨ (.) حَدَّثَنَا أَبُو بَكْرٌ أَبْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زَيْدٍ: حَدَّثَنَا أَبُو عُمَيْسٍ، عَنْ إِيَّاسِ أَبْنِ سَلَمَةَ، عَنْ أَبِيهِ قَالَ: رَخَّصَ رَسُولُ اللَّهِ ﷺ، عَامَ أَوْطَاسٍ، فِي الْمُتَعَةِ ثَلَاثًا، ثُمَّ نَهَى عَنْهَا.

[3419] 19 - (1406) It was narrated from Ar-Rabî' bin Sabrah Al-Juhâni that his father said: "The Messenger of Allâh ﷺ gave us permission for *Mut'ah*, so I went with another man to a woman of Banû 'Âmir, who was like a young long-necked camel, and we proposed to her. She said: 'What will you give me?' I said: 'My *Ridâ'*.' My companion said: 'My *Ridâ'*.' My companion's *Ridâ'* was better than mine, but I was younger than him. When she looked at my companion's *Ridâ'* she liked it, and 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 with him, with whom he has engaged in *Mut'ah*, he should let her go.'"

[٣٤١٩]-١٩ (١٤٠٦) وَحَدَّثَنَا قُتَيْبَةُ أَبْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ، عَنْ الرَّبِيعِ بْنِ سَبِيرَةِ الْجُهْنَيِّ، عَنْ أَبِيهِ سَبِيرَةَ؛ أَنَّهُ قَالَ: أَذِنْ لَنَا رَسُولُ اللَّهِ ﷺ بِالْمُتَعَةِ، فَانطَلَقْتُ أَنَا وَرَجُلٌ إِلَى امْرَأَةٍ مِنْ بَنَى عَامِرٍ، كَائِنَهَا بَكْرَةً عَيْطَاءً، فَعَرَضْنَا عَلَيْهَا أَنفُسَنَا، فَقَالَتْ: مَا تُعْطِي؟ فَقُلْتُ: رِدَائِي. وَقَالَ صَاحِبِي: رِدَائِي. وَكَانَ رِدَاءُ صَاحِبِي أَجْوَدَ مِنْ رِدَائِي، وَكُنْتُ أَشَبَّ مِنْهُ، فَإِذَا نَظَرَتْ إِلَيَّ رِدَاءُ صَاحِبِي أَعْجَبَهَا، وَإِذَا نَظَرَتْ إِلَيَّ أَعْجَبَتْهَا، ثُمَّ قَالَتْ: أَنْتَ وَرِدَاؤُكَ يَكْفِينِي، فَمَكَثْتُ مَعَهَا ثَلَاثًا، ثُمَّ إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ كَانَ عِنْدَهُ شَيْءٌ مِنْ هَذِهِ النِّسَاءِ الَّتِي يَمْتَعُ، فَلْيُخْلِ سَيِّلَهَا».

[1] Times or days.

[3420] ٢٠ - (...) It was narrated from Ar-Rabi' bin Sabrah that his father went out with the Messenger of Allâh ﷺ to conquer Makkah. He said: "We stayed there for fifteen - thirty between night and day - and the Messenger of Allâh ﷺ gave us permission to engage in *Mut'ah* marriages with women. I went out with a man from among my people, and I had an advantage over him in terms of good looks, as he was almost ugly. Each of us had a *Burd*. But my *Burd* was worn out whereas the *Burd* of my cousin was quite new. When we reached the lower part of Makkah, or the upper part, we were met by a girl like a long-necked young camel. We said: 'Will you let one of us engage in *Mut'ah* with you?' She said: 'What will you give me?' Each of us spread out his *Burd* and she started looking at the two men, and my companion saw her turning away from him. He said: 'This man's cloak is worn out but my cloak is quite new.' She said: 'There is nothing wrong with his cloak,' (she said this) three times or two times. Then I engaged in *Mut'ah* with her, and I did not come out until the Messenger of Allâh ﷺ forbade it."

[3421] (...) Ar-Rabi' bin Sabrah Al-Juhani narrated that his father said: "We went out with the

كاملٌ فُضيلٌ بْنُ حُسْنِي الْجَحْدَرِيُّ : حَدَّثَنَا يَسْرُرٌ يَعْنِي ابْنَ مُفْضِلٍ : حَدَّثَنَا عُمَارَةُ بْنُ غَزِيَّةَ، عَنِ الرَّبِيعِ بْنِ سَبْرَةَ أَنَّ أَبَاهُ غَزَا مَعَ رَسُولِ اللَّهِ ﷺ فَتَحَّ مَكَّةَ . قَالَ : فَأَفَمَنَا بِهَا خَمْسَ عَشْرَةً - ثَلَاثِينَ بَيْنَ لَيْلَةً وَيَوْمًا - فَأَذْنَنَ لَنَا رَسُولُ اللَّهِ ﷺ فِي مُتَّعَةِ النِّسَاءِ، فَخَرَجْنَا أَنَا وَرَجُلٌ مِنْ قَوْمِيِّ، وَلِي عَلَيْهِ فَضْلٌ فِي الْجَمَالِ، وَهُوَ قَرِيبٌ مِنَ الدَّمَامَةِ، مَعَ كُلِّ وَاحِدٍ مِنَ بُرْدٍ، بُرْدِي خَلْقٌ . وَأَمَّا بُرْدُ ابْنِ عَمِّي فَبُرْدٌ جَدِيدٌ، غَصْنٌ، حَتَّى إِذَا كُنَّا يَأْسَفُنَا مَكَّةَ أَوْ بِأَغْلَاصِهَا، فَتَلَقَّنَا فَتَاهَ مِثْلُ الْبَكْرَةِ الْعَنَطَنَةَ، فَقَنَّا : هَلْ لَكِ أَنْ يَسْتَمْتَعَ مِنْكِ أَحَدُنَا؟ قَالَتْ : وَمَادَا تَبْذُلَانِ؟ فَشَرَرَ كُلُّ وَاحِدٍ مِنَ بُرْدَهُ، فَجَعَلَتْ تَنْظُرُ إِلَيَّ الرَّجُلَيْنِ، وَيَرَاهَا صَاحِبِي يَنْظُرُ إِلَيَّ عَطْفَهَا، فَقَالَ : إِنَّ بُرْدَهُمَا خَلْقٌ وَبُرْدِي جَدِيدٌ عَصْنٌ . فَقَنُولُ : بُرْدٌ هَذَا لَا يَأْسَنَ بِهِ، ثَلَاثَ مِرَارٍ أَوْ مَرَّتَيْنِ، ثُمَّ اسْتَمْتَعْتُ مِنْهَا، فَلَمْ أَخْرُجْ حَتَّى حَرَّمَهَا رَسُولُ اللَّهِ ﷺ .

[٣٤٢١] (...) وَحَدَّثَنِي أَخْمَدُ [بْنُ سَعِيدٍ] بْنُ صَحْرٍ الدَّارِمِيُّ : حَدَّثَنَا أَبُو

Messenger of Allâh ﷺ to Makkah during the Year of the Conquest..." and he mentioned a *Hadîth* like that of *Bishr* (no. 3420), but he added: "She said: 'Can that be possible?'" And in (the report) it says: "He said: 'This man's *Burd* is old and worn out.'"

[3422] 21 - (...) Ar-Rabî' bin Sabrah Al-Juhanî narrated that his father told him that he was with the Messenger of Allâh ﷺ and he said: "O people, I had given you permission to engage in *Mut'ah* marriages with women, but now Allâh has forbidden that until the Day of Resurrection, so whoever has any of them with him, he should let her go, and do not take back anything that you gave to them."

[3423] (...) It was narrated from 'Abdul-'Azîz bin 'Umar, with this chain. He said: "I saw the Messenger of Allâh ﷺ standing between the Corner and the door, saying..." a *Hadîth* like that of Ibn Numair (no. 3422).

[3424] 22 - (...) It was narrated from 'Abdul-Malik bin Sabrah Al-Juhanî, from his father, that

الْتَّعْمَانُ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا عُمَارَةُ بْنُ عَزِيزَةً: حَدَّثَنِي الرَّبِيعُ بْنُ سَبْرَةَ الْجُهْنَى، عَنْ أَبِيهِ قَالَ: حَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ عَامَ الْفُتْحِ إِلَى مَكَّةَ، فَذَكَرَ بِمِثْلِ حَدِيثِ بِشْرٍ. وَرَأَدَ: قَالَتْ: وَهَلْ يَصْلُحُ ذَلِكَ؟ وَفِيهِ: قَالَ: إِنَّ بُرْدَهَا خَلَقَ مَعَهُ.

[3422]-21 [.] حَدَّثَنَا مُحَمَّدُ ابْنُ عَبْدِ اللَّهِ بْنِ نُعْمَى: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عُمَرَ: حَدَّثَنِي الرَّبِيعُ بْنُ سَبْرَةَ الْجُهْنَى أَنَّ أَبَاهُ حَدَّثَهُ، أَنَّهُ كَانَ مَعَ رَسُولِ اللَّهِ ﷺ قَالَ: «يَا أَيُّهَا النَّاسُ! إِنِّي قَدْ كُنْتُ أَؤْتُ لَكُمْ فِي الْإِسْتِمْنَاعِ مِنَ النِّسَاءِ، وَإِنَّ اللَّهَ قَدْ حَرَمَ ذَلِكَ إِلَيْهِ يَوْمَ الْقِيَامَةِ، فَمَنْ كَانَ عِنْدَهُ مِنْهُ شَيْءٌ فَلْيُخْلِّ سَيْلَهُ، وَلَا تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا».

[3423]-22 [.] وَحَلَّتَاهُ أَبُو بَكْرُ بْنُ أَبِي شَيْءَةَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ عَنْ عَبْدِ الْعَزِيزِ بْنِ عُمَرَ، بِهَذَا الْإِسْنَادِ، قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ قَائِمًا بَيْنَ الرُّثْبَنِ وَالْبَابِ، وَهُوَ يَقُولُ: بِمِثْلِ حَدِيثِ ابْنِ نُعْمَى.

[3424]-22 [.] وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا يَحْيَى بْنُ آدَمَ:

his grandfather said: "The Messenger of Allâh ﷺ permitted us to engage in *Mut'ah* during the Year of the Conquest, when we entered Makkah, then we did not leave Makkah before he forbade us to do that."

حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ عَنْ عَبْدِ الْمَلِكِ
بْنِ الرَّبِيعِ بْنِ سَبْرَةِ الْجَهْنَمِيِّ، عَنْ أَبِيهِ،
عَنْ جَدِّهِ قَالَ: أَمْرَنَا رَسُولُ اللَّهِ ﷺ،
بِالْمُتَّعَةِ، عَامَ الْفَتحِ، حِينَ دَخَلْنَا مَكَّةَ،
ثُمَّ لَمْ نَخْرُجْ مِنْهَا حَتَّى نَهَا نَهَا عَنْهَا.

[3425] 23 - (...) It was narrated from Sabrah bin Ma'bad that during the year of the conquest of Makkah, the Prophet of Allâh ﷺ permitted his Companions to engage in *Mut'ah* marriage with women. He said: "I went out with a companion of mine from Banû Sulaim, and we found a girl from Banû 'Âmir who was like a long-necked young camel. We proposed marriage to her, and showed her our *Burd*, and she started looking. She found me more handsome than my companion, but she saw that my companion's *Burd* was better than mine. She thought for a while, then she chose me over my companion. They were with us for three days, then the Messenger of Allâh ﷺ ordered us to part company with them."

[٣٤٢٥] ٢٣ - (...) حَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ الرَّبِيعِ
ابْنِ سَبْرَةَ بْنِ مَعْبِدٍ قَالَ: سَمِعْتُ أَبِيهِ،
رَبِيعَ بْنَ سَبْرَةَ يُحَدِّثُ عَنْ أَبِيهِ سَبْرَةَ بْنِ
مَعْبِدٍ: أَنَّ نَبِيَّ اللَّهِ ﷺ، عَامَ فَتْحِ مَكَّةَ،
أَمْرَ أَصْحَابَهُ بِالْمُتَّعَةِ مِنَ النِّسَاءِ. قَالَ:
فَخَرَجْتُ أَنَا وَصَاحِبُ لِي مِنْ بَنَيِّ سُلَيْمٍ؛
حَتَّى وَجَدْنَا جَارِيَةً مِنْ بَنَيِّ عَامِرٍ، كَانَتْ
بِكُرْرَةٍ عَيْطَاءً؛ فَحَطَبْنَاهَا إِلَى نَفْسِهَا،
وَعَرَضْنَا عَلَيْهَا بُرْدِنَا، فَجَعَلْتُ تَنْظُرُ
فَتَرَانِي أَجْمَلَ مِنْ صَاحِبِي، وَرَرَى بُرْدَ
صَاحِبِي أَحْسَنَ مِنْ بُرْدِي، فَأَمْرَتُ نَفْسَهَا
سَاعَةً ثُمَّ اخْتَارَنِي عَلَى صَاحِبِي، فَكُنَّ
مَعْنَى ثَلَاثَةً، ثُمَّ أَمْرَنَا رَسُولُ اللَّهِ ﷺ
بِفِرَاقِهِ.

[3426] 24 - (...) It was narrated from Ar-Rabi' bin Sabrah, from his father, that the Prophet ﷺ forbade *Mut'ah* marriage.

[٣٤٢٦] ٢٤ - (...) حَدَّثَنَا عَمْرُونِي
النَّاقدُ وَابْنُ نُمَيْرٍ قَالَا: حَدَّثَنَا سُقْيَانُ بْنُ عَيْشَةَ
عَنِ الرَّهْرَيِّ، عَنِ الرَّبِيعِ بْنِ سَبْرَةَ، عَنْ
أَبِيهِ: أَنَّ نَبِيَّ اللَّهِ ﷺ نَهَى عَنِ نِكَاحِ الْمُتَّعَةِ.

[3427] 25 - (...) It was narrated from Ar-Rabī' bin Sabrah, from his father, that on the day of the conquest of Makkah, the Messenger of Allāh ﷺ forbade *Mut'ah* marriage with women.

٢٥ [٣٤٢٧] (وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا ابْنُ عَيَّانَةَ، عَنْ مَعْمِرٍ، عَنِ الزُّهْرِيِّ، عَنِ الرَّبِيعِ بْنِ سَبْرَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى، يَوْمَ الْفَتحِ، عَنْ مُتَّعَةِ النِّسَاءِ)

[3428] 26 - (...) It was narrated from Ar-Rabī' bin Sabrah Al-Juhānī that his father told him that the Messenger of Allāh ﷺ forbade *Mut'ah* at the time of the Conquest, i.e., *Mut'ah* with women, and that his father had engaged in a *Mut'ah* marriage in exchange for two red *Burd*.

٢٦ [٣٤٢٨] (وَحَدَّثَنِيهِ حَسْنُ الْحُلَوَانِيُّ وَعَبْدُ بْنُ حُمَيْدٍ، عَنْ يَعْقُوبَ ابْنِ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبُو عَنْ صَالِحٍ: أَخْبَرَنَا ابْنُ شِهَابٍ عَنِ الرَّبِيعِ بْنِ سَبْرَةِ الْجُهَنَّمِيِّ، عَنْ أَبِيهِ؛ أَنَّهُ أَخْبَرَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى، عَنِ الْمُتَّعَةِ زَمَانَ الْفَتحِ، مُتَّعَةِ النِّسَاءِ، وَأَنَّ أَبَاهُ كَانَ تَمَّتَّعَ بِبُرْدَيْنِ أَحْمَرَيْنِ).

[3429] 27 - (...) 'Urwah bin Az-Zubair narrated that 'Abdullāh bin Az-Zubair stood up in Makkah and said: "Allāh has made some people's hearts blind as He has made their eyes blind; they issue *Fatwa* in favor of *Mut'ah*." He was referring to a man who called him and said: "You are uncouth and lacking in manners. By Allāh, *Mut'ah* was done during the time of the leader of the pious" - meaning the Messenger of Allāh ﷺ. Ibn Az-Zubair said to him: "Just try to do it yourself. By Allāh, if you do it, I will stone you."

Ibn Shihāb said: "Khālid bin Al-

٢٧ [٣٤٢٩] (وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ، قَالَ ابْنُ شِهَابٍ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبِيرٍ، أَنَّ عَبْدَ اللَّهِ بْنَ الزُّبِيرِ قَامَ بِمَكَّةَ فَقَالَ: إِنَّ نَاسًا، أَعْمَى اللَّهُ قُلُوبَهُمْ، كَمَا أَعْمَى أَبْصَارَهُمْ، يُفْتَنُونَ بِالْمُتَّعَةِ، يُعَرَّضُ بِرَجْلٍ. فَنَادَاهُ فَقَالَ: إِنَّكَ لَجِلْفٌ جَافِ، فَلَعْمَرِي لَقَدْ كَانَتِ الْمُتَّعَةُ تُفْعَلُ فِي عَهْدِ إِمَامِ الْمُتَّقِينَ - يُرِيدُ بِهِ رَسُولَ اللَّهِ ﷺ - فَقَالَ لَهُ ابْنُ الزُّبِيرِ: فَجَرَبْ بِنَفْسِكَ. فَوَاللَّهِ! لَئِنْ فَعَلْتَهَا لَأَرْجُمَنَكِ بِأَحْجَارِكَ.

Muhâjîr bin Saifullâh told me that while he was sitting with a man, another man came to him and asked him about *Mut'ah*, and he gave him permission for that. Ibn Abî 'Amrah Al-Ansârî said to him: 'Wait a minute!' He said: 'What is it? By Allâh, I did that at the time of the leader of the pious.' Ibn Abî 'Amrah said: 'It was permitted in the early days of Islam, in cases of necessity, like dead meat, blood and pork, then Allâh completed His religion and forbade it.'

Ibn Shihâb said: "Rabî' bin Sabrah Al-Juhanî told me that his father said: 'At the time of the Prophet ﷺ, I engaged in *Mut'ah* with a woman from Banû 'Âmir, in return for two red *Burd*, then the Messenger of Allâh ﷺ forbade *Mut'ah* to us."

Ibn Shihâb said: "And I heard Rabî' bin Sabrah narrating that to 'Umar bin 'Abdul-'Azîz when I was sitting there."

[3430] 28 - (...) It was narrated that 'Umar bin 'Abdul-'Azîz said: "Ar-Rabî' bin Sabrah Al-Juhanî told me, from his father, that the Messenger of Allâh ﷺ forbade *Mut'ah*, and said: 'It is unlawful from this day of yours until the Day of Resurrection, and

قال ابن شهاب: فأخبرني خالد بن المهاجر بن سيف الله: آنَّه بيتاً هو جالسٌ عند رجلي جاءه رجلٌ فاستئنفه في المتعة، فأمره بها. فقال له ابن أبي عمرة الأنصارية: مهلاً! قال: ما هي؟ والله! لقد فعلت في عهد إمام المؤمنين.

قال ابن أبي عمرة: إنها كانت رخصة في أول الإسلام لمن اضطر إليها، كالميضة والدم ولحم الخنزير، ثم أحكم الله الدين ونهى عنها.

قال ابن شهاب: وأخبرني ربيع بن سبرة الجعفري أن أباه قال: قد كنت استمتعت في عهد النبي ﷺ امرأة من بنى عامر، يرذين أحمرتين، ثم نهانا رسول الله ﷺ عن المتعة.

قال ابن شهاب: وسمعت ربيع بن سبرة يحدث ذلك عمر بن عبد العزيز، وأنا جالس.

[٣٤٣٠]-٢٨] وحدثني سلامة ابن شبيب: حدثنا الحسن بن أعين: حدثنا معاقل عن ابن أبي عبلة، عن عمر ابن عبد العزيز قال: حدثني الربيع بن سبرة الجعفري عن أبيه: أن رسول الله ﷺ

whoever had given them something, he should not take it back.”

نَهَىٰ عَنِ الْمُتَعَةِ. وَقَالَ «أَلَا إِنَّهَا حَرَامٌ مِّنْ يَوْمِكُمْ هَذَا إِلَى يَوْمِ الْقِيَامَةِ. وَمَنْ كَانَ أَغْطَى شَيْئًا فَلَا يَأْخُذْهُ».

[3431] 29 - (1407) It was narrated from ‘Alî bin Abî Tâlib that the Messenger of Allâh ﷺ forbade *Mut’ah* marriage with women on the Day of *Khaibar*, and (he forbade) the meat of domestic donkeys.

[٣٤٣١]-٢٩ [١٤٠٧] حَدَّثَنَا يَحْيَىٰ بْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنِ ابْنِ شَهَابٍ، عَنْ عَبْدِ اللَّهِ وَالْحَسَنِ ابْنَيْ مُحَمَّدٍ بْنِ عَلَيِّ، عَنْ أَبِيهِمَا، عَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ نَهَىٰ عَنْ حَمْعِ النَّسَاءِ، يَوْمَ خَيْرٍ؛ وَعَنْ أَكْلِ لُحُومِ الْحُمُرِ الْإِنْسِيَّةِ. [انظر: ٥٠٠٥]

[3432] (...) It was narrated from Mâlik with this chain, and he said: “He heard ‘Alî bin Abî Tâlib say to so-and-so: ‘You are a man who has been led astray. The Messenger of Allâh ﷺ forbade...’” a *Hadîth* like that of Yahyâ bin Yahyâ, from Mâlik (no. 3431).

[٣٤٣٢] (...) وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ ابْنُ أَشْمَاءِ الضُّبْعَيِّ: حَدَّثَنَا جُوَيْرِيَّةُ عَنْ مَالِكٍ، بِهَذَا الْإِسْنَادِ. وَقَالَ: سَمِعَ عَلَيِّ بْنَ أَبِي طَالِبٍ يَقُولُ لِفُلَانِ: إِنَّكَ رَجُلٌ تَائِيٌّ، نَهَىٰ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ بِمِثْلِ حَدِيثِ يَحْيَىٰ بْنِ يَحْيَىٰ، عَنْ مَالِكٍ.

[3433] 30 - (...) It was narrated from ‘Alî that the Prophet ﷺ forbade *Mut’ah* marriage on the Day of *Khaibar*, and (he forbade) the meat of domestic donkeys.

[٣٤٣٣]-٣٠ (...) حَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْءَةَ وَابْنُ نُمَيْرٍ وَزُهَيرٍ ابْنُ حَرْبٍ، جَمِيعًا عَنْ ابْنِ عُيَيْنَةَ - قَالَ زُهَيرٌ: حَدَّثَنَا سُقِيَانُ بْنُ عُيَيْنَةَ - عَنْ الزُّهْرِيِّ، عَنِ الْحَسَنِ وَعَبْدِ اللَّهِ ابْنِي مُحَمَّدٍ بْنِ عَلَيِّ، عَنْ أَبِيهِمَا، عَنْ عَلَيِّ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ نَهَىٰ عَنْ نِكَاحِ السُّنْعَةِ يَوْمَ خَيْرٍ، وَعَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ

[3434] 31 - (...) It was narrated from 'Alî that he heard Ibn 'Abbâs being lenient about *Mut'ah* marriage with women. He said: "Wait a minute, O Ibn 'Abbâs! The Messenger of Allâh ﷺ forbade it on the Day of Khaibar and (he forbade) the meat of domestic donkeys."

[٣٤٣٤]-٣١ (....) وَحَدَّثَنَا مُحَمَّدٌ
ابْنُ عَبْدِ اللَّهِ بْنِ نُعَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا
عَبْدُ اللَّهِ عَنِ ابْنِ شِهَابٍ، عَنِ الْحَسَنِ
وَعَبْدِ اللَّهِ أَبْنَى مُحَمَّدٌ ابْنِ عَلَيٍّ؛ عَنْ
أَبِيهِمَا، عَنْ عَلَيٍّ أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ
يُلَيْنُ فِي مُتْعَةِ النِّسَاءِ. فَقَالَ: مَهْلًا، يَا
ابْنَ عَبَّاسٍ! إِنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْهَا
يَوْمَ خَيْرٍ. وَعَنْ لُحُومِ الْحُمُرِ الْإِنْسِيَّةِ.

[3435] 32 - (...) 'Alî bin Abî Tâlib said to Ibn 'Abbâs: "The Messenger of Allâh ﷺ forbade *Mut'ah* marriage with women on the Day of Khaibar, and (he forbade) the meat of domestic donkeys."

[٣٤٣٥]-٣٢ (....) وَحَدَّثَنِي أَبُو
الظَّاهِرِ وَحَرْمَلَةَ [بْنُ يَحْيَى] قَالَ: أَخْبَرَنَا
ابْنُ وَهْبٍ: أَخْبَرَنِي يُوسُفُ، عَنِ ابْنِ
شِهَابٍ، عَنِ الْحَسَنِ وَعَبْدِ اللَّهِ أَبْنَى
مُحَمَّدٌ بْنِ عَلَيٍّ بْنِ أَبِي طَالِبٍ، عَنْ
أَبِيهِمَا أَنَّهُ سَمِعَ عَلَيٍّ بْنَ أَبِي طَالِبٍ يَقُولُ
لِابْنِ عَبَّاسٍ: نَهَى رَسُولُ اللَّهِ ﷺ، عَنْ
مُتْعَةِ النِّسَاءِ، يَوْمَ خَيْرٍ، وَعَنْ أَكْلِ لُحُومِ
الْحُمُرِ الْإِنْسِيَّةِ.

Chapter 4. The Prohibition Of Being Married To A Woman And Her Paternal Aunt Or Maternal Aunt At The Same Time

[3436] 33 - (1408) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'One should not be married to a woman and her paternal aunt, or

(المعجم ٤) - (باب تحرير الجمع
بين المرأة وعمتها أو خالتها في
النكاح) (التحفة ٤)

[٣٤٣٦]-٣٣ (١٤٠٨) حَدَّثَنَا عَبْدُ
اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَيِّ: حَدَّثَنَا مَالِكُ عَنْ
أَبِي الزَّنَادِ، عَنِ الْأَغْرَجِ، عَنْ أَبِي هُرَيْرَةَ

a woman and her maternal aunt, at the same time.””

[3437] 34 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ forbade being married to four women at the same time: A woman and her paternal aunt, and a woman and her maternal aunt.

[3438] 35 - (...) It was narrated that Abû Hurairah said: “I heard the Messenger of Allâh ﷺ say: ‘Do not marry a paternal aunt when you are already married to her brother’s daughter, and do not marry the sister’s daughter when you are already married to the maternal aunt.’”

[3439] 36 - (...) Abû Hurairah said: “The Messenger of Allâh ﷺ forbade a man to be married to a woman and her paternal aunt, or to a woman and her maternal aunt.”

Ibn Shihâb said: “We think that the maternal aunt of her father

قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: (لَا يُجْمِعُ بَيْنَ الْمَرْأَةِ وَعَمِّهَا، وَلَا بَيْنَ الْمَرْأَةِ وَخَالَتِهَا). . .

[٣٤٣٧] ٣٤ - (...) وَحَدَّثَنَا مُحَمَّدُ ابْنُ رُمْحَبِنِ الْمُهَاجِرِ: أَخْبَرَنَا الْيَثُورُ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ عِرَالِكَ [بْنِ مَالِكٍ], عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ أَرْبَعِ نِسَوةٍ، أَنْ يُجْمِعَ بَيْنَهُنَّ: الْمَرْأَةِ وَعَمِّهَا، وَالْمَرْأَةِ وَخَالَتِهَا.

[٣٤٣٨] ٣٥ - (...) وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ الْعَزِيزِ - قَالَ: ابْنُ مَسْلَمَةَ مَدْنِيٌّ مِنَ الْأَنْصَارِ مِنْ وَلَدِ أَبِي أُمَامَةَ بْنِ سَهْلٍ بْنِ حُنَيفٍ - عَنْ ابْنِ شِهَابٍ، عَنْ قَيْصَرَةَ بْنِ ذُؤْبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: (لَا تُنْكِحُ الْعَمَّةَ عَلَى بَنْتِ الْأَخِ، وَلَا ابْنَةَ الْأُخْتِ عَلَى الْخَالَةِ).

[٣٤٣٩] ٣٦ - (...) وَحَدَّثَنِي حَرْمَةَ [بْنِ يَحْيَى]: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُوْسُفُ عَنْ ابْنِ شِهَابٍ: أَخْبَرَنِي قَيْصَرَةَ بْنِ ذُؤْبِ الْكَعْبِيَّ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ

and the paternal aunt of her father come under the same ruling.”

يَجْمِعَ الرَّجُلُ بَيْنَ الْمَرْأَةِ وَعَمْتِهَا، وَبَيْنَ الْمَرْأَةِ وَخَالَتِهَا.

قَالَ ابْنُ شَهَابٍ : فَتَرَى سَحَّالَةً أَبِيهَا وَعَمَّةً أَبِيهَا يَتَّلَكُ الْمُتَزَرِّلَةَ .

[٣٤٤٠] ٣٧ - (...) وَحَدَّثَنِي أَبُو

مَعْنُ الرَّفَّاشِيُّ : حَدَّثَنَا حَالِدُ بْنُ الْحَارِبِ : حَدَّثَنَا هِشَامٌ، عَنْ يَحْيَىٰ ؛ أَنَّهُ كَتَبَ إِلَيْهِ عَنْ أَبِيهِ سَلَمَةَ، عَنْ أَبِيهِ هُرَيْرَةَ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ « لَا تُنكِحُ الْمَرْأَةَ عَلَى عَمَّتِهَا وَلَا عَلَى خَالَتِهَا » .

[٣٤٤١] (...) وَحَدَّثَنِي إِشْحَلُ بْنُ

مَصْوُرٌ : أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ مُوسَى عَنْ شَيْبَانَ، عَنْ يَحْيَىٰ : حَدَّثَنِي أَبُو سَلَمَةَ ؛ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ : قَالَ رَسُولُ اللَّهِ ﷺ ، يَمِثِّلُهُ .

[٣٤٤٢] ٣٨ - (...) وَحَدَّثَنَا أَبُو

بَكْرٍ بْنُ أَبِيهِ شَبَّيْةً : حَدَّثَنَا أَبُو أَسَامَةَ عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ بْنِ سَرِينَ، عَنْ أَبِيهِ هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ : « لَا يَخْطُبُ الرَّجُلُ عَلَى خَطْبَةِ أَخِيهِ، وَلَا يَسُومُ عَلَى سَوْمِ أَخِيهِ، وَلَا تُنكِحُ الْمَرْأَةَ عَلَى عَمَّتِهَا وَلَا عَلَى خَالَتِهَا، وَلَا تَسْأَلُ الْمَرْأَةَ طَلاقَ أُخْرَتِهَا لِتَكْتُنُى صَحْفَتَهَا، وَلَتُنكِحْنَ، فَإِنَّمَا لَهَا مَا كَتَبَ اللَّهُ لَهَا » .

[3441] (...) Abû Hurairah said: “The Messenger of Allâh ﷺ said...” a similar *Hadîth* (as no. 3440).

[3442] 38 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: “A man should not propose marriage to a woman to whom his brother has already proposed, and he should not outbid his brother. A man should not marry a woman if he is already married to her paternal aunt or maternal aunt. A woman should not ask for her sister to be divorced so as to deprive her of what is rightfully hers, and so that she may be married in her stead; rather she will have what Allâh has decreed for her.”

[3443] 39 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade marrying a woman when one is already married to her paternal aunt or maternal aunt, (and he forbade) a woman asking for her sister to be divorced so as to deprive her of what is rightfully hers and take it for herself, for Allâh [the Mighty and Sublime] is her Sustainer."

[3444] 40 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade being married to a woman and her paternal aunt or maternal aunt at the same time."

[3445]... - (...) A similar report (as no. 3444) was narrated from 'Amr bin Dînâr with this chain.

Chapter 5. The Prohibition Of Marriage For One Who Is In *Ihram*, And It Is Disliked For Him To Propose Marriage

[3446] 41 - (1409) It was narrated from Nubâih bin Wahb

[٣٤٤٣]-[٣٤٤٣] (...) وَحَدَّثَنِي مُحْرِزٌ
ابْنُ عَوْنَى بْنُ أَبِي عَوْنَى : حَدَّثَنَا عَلَيُّ بْنُ
مُسْهِرٍ عَنْ دَاؤِدَ بْنِ أَبِي هِنْدٍ، عَنْ ابْنِ
سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ
اللهِ ﷺ أَنْ تُنْكِحَ الْمَرْأَةَ عَلَى عَمَّتِهَا أَوْ
خَالِتِهَا، أَوْ [أَنْ] تَسْأَلَ الْمَرْأَةَ طَلاقَ
أُخْرِيَّهَا لِتَكْتُفِيَ مَا فِي صَحْفِهَا، فَإِنَّ اللهَ
عَزَّ وَجَلَّ [رَازَفُهَا].

[٣٤٤٤]-[٣٤٤٤] (...) حَدَّثَنَا [مُحَمَّدُ]
ابْنُ الْمُشَنَّى وَابْنُ بَشَارٍ وَأَبْيُونَ بْنُ نَافِعَ :
- وَاللَّفْظُ لِابْنِ الْمُشَنَّى وَابْنِ نَافِعٍ -
قَالُوا: أَخْبَرَنَا ابْنُ أَبِي عَدِيٍّ عَنْ شَعْبَةَ،
عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ أَبِي سَلَمَةَ، عَنْ
أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللهِ ﷺ أَنْ
يُجْمِعَ بَيْنَ الْمَرْأَةِ وَعَمِّهَا، وَبَيْنَ الْمَرْأَةِ
وَخَالِتِهَا .

[٣٤٤٥]-[٣٤٤٥] (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ
حَاتِمٍ: حَدَّثَنَا شَبَابَةُ: حَدَّثَنِي وَرْقَاءُ عَنْ
عَمْرِو بْنِ دِينَارٍ، بِهَذَا إِلَاسْنَادِ، مِثْلُهُ .

(المعجم ٥) - (بَابُ تحرير نكاح
المحرم، وكراهة خطبته) (التحفة ٥)

[٣٤٤٦]-[١٤٠٩] (...) حَدَّثَنَا يَحْيَى

that ‘Umar bin ‘Ubaidullâh wanted to marry Ṭâlḥah bin ‘Umar to the daughter of Shaibah bin Jubair, and he sent for Abâñ bin ‘Uthmân, who was the Commander of Hajj, to attend the wedding. Abâñ said: “I heard ‘Uthmân bin ‘Affân say: ‘The Messenger of Allâh ﷺ said: The Muhrim should not get married, have a marriage arranged for him, nor propose marriage.’”

ابن يحيى قال: فرأى على مالك عن نافع، عن نبيه بن وهب: أن عمر بن عبيد الله أراد أن يزوج طلحة بن عمر، بنت شيبة بن جبير، فأرسل إلى أبيان بن عثمان فحضر ذلك وهو أمير الحج. فقال أبايان: سمعت عثمان بن عفان يقول: قال رسول الله ﷺ: «لا ينكح المحرم ولا ينكح ولا يخطب».

[3447] 42 - (...) Nubaih bin Wahb said: “‘Umar bin ‘Ubaidullâh bin Ma’mar, who had proposed the marriage of his son to the daughter of Shaibah bin ‘Uthmân, sent me to Abâñ bin ‘Uthmân who was in charge of the Hajj. He said: ‘I regard him as no more than a Bedouin, for; “The Muhrim should not get married nor have a marriage arranged for him.” ‘Uthmân narrated that to us from the Messenger of Allâh ﷺ.”

[٣٤٤٧] ٤٢ - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ أَبِي بَكْرِ الْمُقَدَّمِيُّ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَيُوبَ، عَنْ نَافِعٍ: حَدَّثَنِي نُبَيْهُ بْنُ وَهْبٍ قَالَ: بَعْنَيْ عَمَرُ بْنُ عَبِيدِ اللَّهِ بْنِ مَعْمَرٍ، وَكَانَ يَخْطُبُ بِنْتَ شَيْبَةَ بْنِ عَثْمَانَ عَلَى ابْنِهِ، فَأَرْسَلَنِي إِلَى أَبَانَ بْنِ عَثْمَانَ وَهُوَ عَلَى الْمُؤْسِمِ. فَقَالَ: أَلَا أَرَاهُ أَغْرِيَنَا بِذَلِكَ عَثْمَانَ عَنْ رَسُولِ اللَّهِ ﷺ. أَخْبَرَنَا بِذَلِكَ عَثْمَانَ عَنْ رَسُولِ اللَّهِ ﷺ.

[3448] 43 - (...) It was narrated from Nubaih bin Wahb, from Abâñ bin ‘Uthmân, from ‘Uthmân bin ‘Affân, that the Messenger of Allâh ﷺ said: “The Muhrim should not get married, have a marriage arranged for him, nor propose marriage.”

[٣٤٤٨] ٤٣ - (...) وَحَدَّثَنِي أَبُو غَسانَ الْمُسْمَعِيِّ: حَدَّثَنَا عَبْدُ الْأَعْلَى؛ قَالَ: وَحَدَّثَنِي أَبُو الْحَطَابِ زَيَادُ بْنُ يَحْيَى: حَدَّثَنَا مُحَمَّدُ ابْنُ سَوَاءً. جَمِيعًا: حَدَّثَنَا سَعِيدٌ عَنْ مَطْرِ وَيَعْلَى بْنِ حَكِيمٍ، عَنْ نَافِعٍ، عَنْ نُبَيْهِ بْنِ وَهْبٍ، عَنْ أَبَانَ بْنِ عَثْمَانَ، عَنْ عَثْمَانَ بْنِ

عَفَّانَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَنْكِحُ الْمُحْرِمُ وَلَا يُنْكِحُ وَلَا يَخْطُبُ».

[٣٤٤٩] [٤٤-...] حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَعَمْرُو التَّانِدُ وَزُهَيْرُ بْنُ حَرْبٍ جَمِيعًا عَنْ أَبْنِ عُيَيْنَةَ - قَالَ رُهَيْرٌ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ - عَنْ أَئُوبَ بْنِ مُوسَى، عَنْ نُبَيْبِ بْنِ وَهْبٍ، عَنْ أَبْنَاءِ بْنِ عُثْمَانَ، عَنْ عُثْمَانَ يَتَلَعَّبُ بِهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. قَالَ: «الْمُحْرِمُ لَا يَنْكِحُ وَلَا يَخْطُبُ».

[٣٤٥٠] [٤٥-...] حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ شَعِيبِ بْنِ الْلَّيْثِ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي خَالِدُ بْنُ يَزِيدَ: حَدَّثَنِي سَعِيدُ بْنُ أَبِي هَلَالٍ عَنْ نُبَيْبِ بْنِ وَهْبٍ؛ أَنَّ عُمَرَ بْنَ عَبِيدِ اللَّهِ بْنَ مَعْمَرَ أَرَادَ أَنْ يُنْكِحَ ابْنَهُ طَلْحَةَ، بِنْتَ شَيْبَةَ بْنِ جُبَيْرٍ، فِي الْحَجَّ، وَأَبَانُ بْنُ عُثْمَانَ يَوْمَئِذٍ أَمِيرُ الْحَاجِ، فَأَرْسَلَ إِلَيْ أَبَانَ: إِنِّي قَدْ أَرَدْتُ أَنْ أُنْكِحَ طَلْحَةَ بْنَ عُمَرَ، فَأَجِبَ أَنْ تَحْضُرَ ذَلِكَ. فَقَالَ لَهُ أَبَانٌ: أَلَا أُرَاكَ عِرَاقِيَا جَافِيَا، إِنِّي سَمِعْتُ عُثْمَانَ بْنَ عَفَّانَ يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَنْكِحُ الْمُحْرِمُ».

[3450] 45 - (...) It was narrated from Nubaih bin Wahb, that 'Umar bin 'Ubaidullâh bin Ma'mar wanted to marry his son Talhah to the daughter of Shaibah bin Jubair during the *Hajj*. At that time Abâ' bin 'Uthmân was the Commander of *Hajj*. He sent word to Abâ' saying: "I would like to arrange the marriage of Talhah bin 'Umar and I would like you to attend." Abâ' said to him: "I think you are no more than an ill-mannered 'Irâqî. I heard 'Uthmân bin 'Affân say: 'The Messenger of Allâh ﷺ said: The *Muhrim* should not get married.'"

[3451] 46 - (1410) It was

[٣٤٥١] [٤٦-...] حَدَّثَنَا أَبُو

narrated from Abû Ash-Shâ'îthâ' that Ibn 'Abbâs told him, that the Prophet ﷺ married Maimûnah while he was in *Ihrâm*.

Ibn Numair added: "I narrated that to Az-Zuhri and he said: 'Yazîd bin Al-Asamm told me that he married her when he was not in *Ihrâm*.'"

[3452] 47 - (...) It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ married Maimûnah when he was in *Ihrâm*."

[3453] 48 - (1411) It was narrated from Yazîd bin Al-Asamm: "Maimûnah bint Al-Hârith told me that the Messenger of Allâh ﷺ married her when he was not in *Ihrâm*." He said: "She was my maternal aunt and the maternal aunt of Ibn 'Abbâs."

بَكْرٌ بْنُ أَبِي شَيْبَةَ وَابْنُ نُمَيْرٍ وَإِسْحَاقُ الْحَنْظَلِيُّ : حَبِيبًا عَنْ ابْنِ عَيْنَةَ - قَالَ ابْنُ نُمَيْرٍ : حَدَّثَنَا سُفْيَانُ [ابْنُ عَيْنَةَ] - عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ أَبِي الشَّعْنَاءِ أَنَّ ابْنَ عَبَّاسَ أَخْبَرَهُ أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ [مَيْمُونَةَ] وَهُوَ مُحْرِمٌ .

رَأَدَ ابْنُ نُمَيْرٍ : فَحَدَّثُتُ يَهُ الرُّهْرِيَّ فَقَالَ : أَخْبَرَنِي يَزِيدُ بْنُ الْأَصْمَّ ؛ أَنَّهُ نَكَحَهَا وَهُوَ حَلَالٌ .

[٣٤٥٢] ٤٧ - (...) وَحَدَّثَنَا يَحْيَى ابْنُ يَحْيَى : أَخْبَرَنَا دَاوُدُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ زَيْدِ أَبِي الشَّعْنَاءِ، عَنْ ابْنِ عَبَّاسِ ؛ أَنَّهُ قَالَ : تَزَوَّجَ رَسُولُ اللَّهِ ﷺ مَيْمُونَةَ وَهُوَ مُحْرِمٌ .

[٣٤٥٣] ٤٨ - (١٤١١) وَحَدَّثَنَا أَبُو بَكْرٌ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا يَحْيَى ابْنُ آدَمَ : حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ : حَدَّثَنَا أَبُو فَزَارَةَ عَنْ يَزِيدِ بْنِ الْأَصْمَّ : حَدَّثَنِي مَيْمُونَةُ بْنُ الْحَارِثِ ؛ أَنَّ رَسُولَ اللَّهِ ﷺ تَزَوَّجَهَا وَهُوَ حَلَالٌ .

قَالَ : وَكَانَتْ خَاتَمِيَّةً وَحَالَةً ابْنِ عَبَّاسِ :

Chapter 6. The Prohibition Of Proposing Marriage When One's Brother Has Already Proposed, Unless He Gives Permission Or Gives Up The Idea

[3454] 49 - (1412) It was narrated from Ibn 'Umar that the Prophet ﷺ said: "Do not outbid one another, and do not propose marriage when someone else has already proposed."

[3455] 50 - (...) It was narrated from Ibn 'Umar that the Prophet ﷺ said: "No man should outbid his brother, nor should he propose marriage when his brother has already proposed, unless he gives him permission."

[3456] (...) It was narrated from 'Ubaidullâh with this chain (a *Hadîth* similar to no. 3455).

[3457] (...) It was narrated from Nâfi' with this chain (a *Hadîth* similar to no. 3455).

(المعجم ٦) - (باب تحرير الخطبة على خطبة أخيه حتى يأذن أو يترك) (التحفة ٦)

[٣٤٥٤-٤٩] (١٤١٢) وَحَدَّثَنَا فُتْيَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ قَالَ: وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا الْلَّئِنُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَبْعِثُ بَعْضُكُمْ عَلَى بَيْعٍ بَعْضٍ، وَلَا يَخْطُبُ بَعْضُكُمْ عَلَى خَطْبَةِ بَعْضٍ». [انظر: ٣٨١]

[٣٤٥٥-٥٠] (.) وَحَدَّثَنِي رُهْبَرٌ ابْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُشَنَّى، جَمِيعًا عَنْ يَحْيَى الْقَطَانِ - قَالَ رُهْبَرٌ: حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ - : أَخْبَرَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ، قَالَ: «لَا يَبْعِثِ الرَّجُلُ عَلَى بَيْعٍ أَخِيهِ، وَلَا يَخْطُبُ عَلَى خَطْبَةِ أَخِيهِ، إِلَّا أَنْ يَأْذَنَ لَهُ».

[٣٤٥٦] (.) وَحَدَّثَنَاهُ أَبُو بَكْرٍ بْنُ أَبِي شِيمَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ عُبَيْدِ اللَّهِ، بِهَذَا الْإِسْنَادِ.

[٣٤٥٧] (.) وَحَدَّثَنِيهِ أَبُو كَامِلِ [الْجَحَدَرِيُّ]: حَدَّثَنَا حَمَادٌ: حَدَّثَنَا أَبُو يُوبٍ عَنْ نَافِعٍ، بِهَذَا الْإِسْنَادِ.

[3458] 51 - (1413) It was narrated from Abû Hurairah that the Prophet ﷺ forbade a town-dweller to sell on behalf of a Bedouin, or artificially inflating prices, or a man to propose when his brother has already proposed, or outbidding one's brother, or a woman to ask for her sister to be divorced so as to deprive her of what is rightfully hers and take it for herself.

[٣٤٥٨] ٥١ - (١٤١٣) وَحَدَّثَنَا عُمَرُو النَّاقِدُ وَرُهْيَرُ بْنُ حَرْبٍ وَابْنُ أَبِي عُمَرَ - قَالَ رُهْيَرٌ: حَدَّثَنَا - سُفِيَّانُ بْنُ عُيَيْنَةَ عَنِ الرُّهْرِيِّ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ الَّتِي نَهَى أَنْ يَبْيَعَ حَاضِرُ لِيَادِهِ، أَوْ يَتَنَاجِشُوا، أَوْ يَخْطُبُ الرَّجُلُ عَلَى حِطْبَهِ أَخِيهِ، أَوْ يَبْيَعَ عَلَى بَيْعِ أَخِيهِ، وَلَا تَسْأَلِ الْمَرْأَةُ طَلاقَ أَخْتِهَا لِتَكْتُنِيَّ مَا فِي إِنَاءِهَا، أَوْ مَا فِي صَفْقِهَا. زَادَ عُمَرُو فِي حَدِيثِهِ: وَلَا يَسْمِي الرَّجُلُ عَلَى سَوْمِ أَخِيهِ.

[3459] 52 - (...) Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Do not artificially inflate prices; no man should outbid his brother, and no towndweller should sell on behalf of a Bedouin, and no man should propose marriage when his brother has already proposed, and no woman should ask for her sister to be divorced so as to deprive her of what is rightfully hers and take it for herself.'"

[٣٤٥٩] ٥٢ - (...) وَحَدَّثَنِي حَرْمَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شَهَابٍ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَبَّبِ؛ أَنَّ أَبا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَنَاجِشُوا، وَلَا يَبْيَعِ الْمَرْءُ عَلَى بَيْعِ أَخِيهِ، وَلَا يَبْيَعُ حَاضِرُ لِيَادِهِ، وَلَا يَخْطُبِ الْمَرْءُ عَلَى حِطْبَهِ أَخِيهِ، وَلَا تَسْأَلِ الْمَرْأَةُ طَلاقَ الْأُخْرَى لِتَكْتُنِيَّ مَا فِي إِنَاءِهَا».

[3460] 53 - (...) A similar report (as no. 3459) was narrated from Az-Zuhri with this chain, except that in the *Hadîth* of Ma'mar it says: "And no man should outbid his brother."

[٣٤٦٠] ٥٣ - (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الْأَغْلَى، وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ، جَمِيعًا عَنْ مَعْمَرٍ، عَنِ الرُّهْرِيِّ،

بِهَذَا الْإِسْنَادِ، مِثْلُهُ . عَيْرَ أَنَّ فِي حَدِيثٍ
مَعْمَرٍ «وَلَا يَزِدُ الرَّجُلُ عَلَى بَيْعِ أَخِيهِ» .

[٣٤٦١] ٥٤ - (...) حَدَّثَنَا يَحْيَى
ابْنُ أَئْبُوبَ وَقَتْبِيَّةَ بْنُ سَعِيدٍ وَابْنُ حُجْرَةَ ،
جَمِيعًا عَنْ إِسْمَاعِيلَ بْنِ جَعْفَرٍ - قَالَ ابْنُ
أَئْبُوبَ : حَدَّثَنَا إِسْمَاعِيلُ - : أَخْبَرَنِي الْعَلَاءُ
عَنْ أَبِيهِ ، عَنْ أَبِي هُرَيْرَةَ ، أَنَّ رَسُولَ
اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : لَا يَسْمِعُ الْمُسْلِمُ عَلَى سُومِ
الْمُسْلِمِ ، وَلَا يَخْطُبُ عَلَى خِطْبَتِهِ .

[٣٤٦٢] ٥٥ - (...) وَحَدَّثَنِي أَحْمَدُ
ابْنُ إِبْرَاهِيمَ الدَّوْرَقِيَّ : حَدَّثَنَا عَبْدُ
الصَّمَدِ : حَدَّثَنَا شُعْبَةُ عَنِ الْعَلَاءِ وَسَهْلِ
عَنْ أَبِيهِمَا ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

[٣٤٦٣] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ
الْمُتَّنِّي : حَدَّثَنَا عَبْدُ الصَّمَدِ : حَدَّثَنَا شُعْبَةُ
عَنِ الْأَعْمَشِ ، عَنْ أَبِي صَالِحٍ ، عَنْ أَبِي
هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَّا أَنَّهُمْ قَالُوا :
«عَلَى سُومِ أَخِيهِ ، وَخَطْبَةِ أَخِيهِ» .

[٣٤٦٤] ٥٦ - (١٤١٤) وَحَدَّثَنِي أَبُو
الظَّاهِرِ : أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ عَنِ
اللَّبَثِ وَغَنِيرَةٍ ، عَنْ بَرِيدَةِ بْنِ أَبِي حَيْبٍ ،
عَنْ عَبْدِ الرَّحْمَنِ بْنِ شُمَاسَةَ أَنَّهُ سَمَعَ
عَقْبَةَ بْنَ عَامِرٍ عَلَى الْمِنْبَرِ يَقُولُ : إِنَّ
رَسُولَ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : «الْمُؤْمِنُ أَخُو

[3461] 54 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "No Muslim should offer a higher price than his brother or propose marriage when another Muslim has already proposed marriage."

[3462] 55 - (...) It was narrated from Abû Hurairah from the Prophet ﷺ (a *Hadîth* similar to no. 3461).

[3463]... - (...) It was narrated from Shu'bah and others from Abû Hurairah from the Prophet ﷺ (a *Hadîth* similar to no. 3461), except that they said: "... offer a higher price than his brother, or propose marriage when his brother has already proposed."

[3464] 56 - (1414) It was narrated from 'Abdur-Rahmân bin Shumâsah that he heard 'Uqbah bin 'Âmir on the *Minbar* saying: "The Messenger of Allâh ﷺ said: 'The believer is the brother of another believer, and it is not permissible for a believer to outbid his brother or propose

marriage when his brother has already proposed, unless the latter gives up the idea.””

المُؤْمِنِ، فَلَا يَحِلُّ لِلْمُؤْمِنِ أَنْ يَبْتَاعَ عَلَى بَعْدِ أَخِيهِ، وَلَا يَخْطُبَ عَلَى خَطْبَةِ أَخِيهِ حَتَّى يَذَرَ».

Chapter 7. Prohibition And Invalidity Of *Shighâr* Marriage

(المعجم ٧) - (باب تحرير نكاح الشغار وبطلانه) (التحفة ٧)

[3465] 57 - (1415) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ forbade *Shighâr* marriage.

Shighâr is when a man gives his daughter in marriage to another man in return for marrying the latter’s daughter, with no dowry given.

[3466] 58 - (...) A similar report (as no. 3465) was narrated from Ibn ‘Umar from the Prophet ﷺ, except that in the *Hadîth* of ‘Ubaidullâh it says: “I said to Nâfi‘: ‘What is *Shighâr*?’”

[٣٤٦٥-٥٧] حَدَّثَنَا يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الشَّغَارِ. وَالشَّغَارُ أَنْ يُزَوِّجَ الرَّجُلُ ابْنَتَهُ، عَلَى أَنْ يُزَوِّجَهُ ابْنَتَهُ، وَلَيْسَ بَيْنَهُمَا صَدَاقٌ.

[٣٤٦٦-٥٨] وَحَدَّثَنِي زُهْرَى بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُقْتَنَى وَعَبْيَدُ اللَّهِ بْنُ سَعِيدٍ قَالُوا: حَدَّثَنَا يَحْيَى بْنُ عَبْيَدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ. غَيْرَ أَنَّ فِي حَدِيثِ عَبْيَدِ اللَّهِ قَالَ: قُلْتُ لِنَافِعٍ: مَا الشَّغَارُ؟

[٣٤٦٧-٥٩] وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا حَمَادُ بْنُ زَيْدٍ عَنْ عَبْدِ الرَّحْمَنِ السَّرَّاجِ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الشَّغَارِ.

[٣٤٦٨-٦٠] وَحَدَّثَنَا مُحَمَّدُ

[3467] 59 - (...) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ forbade *Shighâr*.

[3468] 60 - (...) It was narrated from Ibn ‘Umar that the Prophet

ﷺ said: "There is no Shighâr in Islam."

[3469] 61 - (1416) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade Shighâr."

Ibn Numair added: "Shighâr is when a man says to another: 'Give me your daughter in marriage and I will give you my daughter in marriage, or give me your sister in marriage and I will give you my sister in marriage.'"

[3470] (...) It was narrated from 'Ubaidullâh [who is the son of 'Umar] with this chain (a *Hadîth* similar to no. 3469), but he did not mention the addition of Ibn Numair.

[3471] 62 - (1417) Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade Shighâr."

ابن رافع: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ؛ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا شِعَارَ فِي الْإِسْلَامِ».

[3469] ٦١ - (١٤١٦) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ نُمَيْرٍ وَأَبُو أَسَامَةَ عَنْ عُبَيْدِ اللَّهِ، عَنْ أَبِي الرَّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الشَّعَارِ. زَادَ ابْنُ نُمَيْرٍ: وَالشَّعَارُ أَنْ يَتَوَلَّ الرَّجُلُ لِلرَّجُلِ: زَوْجِنِي ابْنَكَ وَأَزْوَجْكَ ابْنَتِي، وَزَوْجِنِي أُخْتَكَ وَأَزْوَجْكَ أُخْتَنِي.

[3470] (...) وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَدْدٌ عَنْ عُبَيْدِ اللَّهِ [وَهُوَ ابْنُ عُمَرَ] بِهَذَا إِلْسَنَادِ، وَلَمْ يَذْكُرْ زِيادةً ابْنِ نُمَيْرٍ.

[3471] ٦٢ - (١٤١٧) وَحَدَّثَنَا هَرُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا حَجَاجُ بْنُ مُحَمَّدٍ قَالَ: قَالَ ابْنُ جُرَيْجٍ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ عَنْ عَبْدِ الرَّزَاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الرَّبِيعِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الشَّعَارِ.

Chapter 8. Fulfilling The Conditions Stipulated In The Marriage

[3472] 63 - (1418) It was narrated that ‘Uqbah bin ‘Âmir said: “The Messenger of Allâh ﷺ said: ‘The condition which most deserves to be fulfilled is that by means of which intimacy becomes permissible for you.’”

This is the wording of the *Hadîth* of Abû Bakr and Ibn Al-Muthanna, except that Ibn Al-Muthanna said: “conditions”.

(المعجم ٨) - (باب الوفاء بالشروط في النكاح) (التحفة ٨)

[٣٤٧٢-٦٣] (١٤١٨) حَدَّثَنَا يَحْيَى بْنُ أَبِي بَوْبَ : حَدَّثَنَا هُشَيْمٌ، وَحَدَّثَنِي أَبْنُ نُمَيْرٍ : حَدَّثَنَا وَكِيعٌ، وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْهَةَ : حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، قَالَ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْتَهَى : حَدَّثَنَا يَحْيَى وَهُوَ الْقَطَّانُ، عَنْ عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ، عَنْ يَزِيدِ بْنِ أَبِي حَيْبٍ، عَنْ مَرْئِي بْنِ عَبْدِ اللَّهِ الْيَزَنِيِّ، عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : «إِنَّ أَحَقَ الشَّرْطِ أَنْ يُوفَى بِهِ، مَا اسْتَحْلَلْتُمْ بِهِ الْمُرْوَجَ». هَذَا لَفْظُ حَدِيثِ أَبِي بَكْرٍ وَابْنِ الْمُنْتَهَى، عَيْرَ أَنَّ أَبْنَ الْمُنْتَهَى قَالَ : «الشُّرُوطُ».

(المعجم ٩) - (باب استئذان الشيب في النكاح بالنطق، والبكر بالسكتوت) (التحفة ٩)

Chapter 9. Seeking Permission Of A Previously-Married Woman In Words, And Of A Virgin By Silence

[3473] 64 - (1419) Abû Hurairah narrated that the Messenger of Allâh ﷺ said: “A previously-married woman should not be married until she has been consulted, 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.”

[٣٤٧٣-٦٤] (١٤١٩) حَدَّثَنِي عَبْدُ اللَّهِ بْنُ عُمَرَ بْنِ مَيسِرَةَ الْقَوَارِيرِيِّ : حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ : حَدَّثَنَا هِشَامٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ : حَدَّثَنَا أَبُو سَلَمَةَ : حَدَّثَنَا أَبُو هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ : «لَا تُنكِحُ الْأَئِمُّ حَتَّى تُسْتَأْمِرَ، وَلَا

تُنكحُ الْبِكْرُ حَتَّىٰ سُنَّاً دَنَ» قَالُوا: يَا رَسُولَ اللَّهِ! وَكَيْفَ إِذْنُهَا؟ قَالَ: «أَنْ شَسْكُتَ».

[3474] (...) A *Hadîth* similar to that of Hishâm (no. 3473) with its chain was narrated from Ibn Abî Kathîr. The wording of the *Ahadîth* of Hishâm, Shaibân and Mu'âwiyah bin Salâm are all the same.

[٣٤٧٤] (...) حَدَّثَنِي زُهَيرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا الْحَجَاجُ بْنُ أَبِي عُثْمَانَ؛ وَحَدَّثَنِي إِبْرَاهِيمُ بْنُ مُوسَى: أَخْبَرَنَا عِيسَىٰ يَعْنِي ابْنَ يُونُسَ، عَنِ الْأَوْزَاعِيِّ؛ وَحَدَّثَنِي زُهَيرُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا حُسَيْنُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا شَيْبَانُ؛ قَالَ: وَحَدَّثَنِي عَمْرُو التَّاقِدُ وَمُحَمَّدُ بْنُ رَافِعٍ قَالًا: حَدَّثَنَا عَبْدُ الرَّزَاقِ، عَنْ مَعْمِرِ؛ وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيُّ: أَخْبَرَنَا يَحْيَىٰ بْنُ حَسَانَ: حَدَّثَنَا مُعاوِيَةُ، كُلُّهُمْ عَنْ يَحْيَىٰ بْنِ أَبِي كَثِيرٍ. بِمِثْلِ مَعْنَى حَدِيثِ هِشَامٍ وَإِشْتَادِهِ. وَانْفَقَ لَفْظُ حَدِيثِ هِشَامٍ وَشَيْبَانَ وَمُعاوِيَةَ بْنِ سَلَامٍ فِي هَذَا الْحَدِيثِ.

[3475] 65 - (1420) Zâkwan, the freed slave of 'Âishah, said: "I heard 'Âishah say: 'I asked the Messenger of Allâh ﷺ about a virgin whose family arranges her marriage: "Should she be consulted or not?"' The Messenger of Allâh ﷺ said to her: "Yes, she should be consulted." 'Âishah said: 'I said

[٣٤٧٥] [٦٥ - (١٤٢٠)] وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ عَنْ ابْنِ حُرَيْجٍ؛ وَحَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ، جَمِيعًا عَنْ عَبْدِ الرَّزَاقِ: - وَاللَّفْظُ لِابْنِ رَافِعٍ - حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا ابْنُ حُرَيْجٍ

to him: "She will feel too shy." The Messenger of Allâh ﷺ said: "That is her permission, if she remains silent."

فَقَالَ: سَمِعْتُ ابْنَ أَبِي مُلِينَكَةَ يَقُولُ: قَالَ
ذَكْرُوْنَ مَوْلَى عَائِشَةَ: سَمِعْتُ عَائِشَةَ
تَقُولُ: سَأَلْتُ رَسُولَ اللَّهِ عَلَيْهِ السَّلَامَ عَنِ الْجَارِيَةِ
يُنْكِحُهَا أَهْلُهَا، أَتُسْتَأْمِرُ أَمْ لَا؟ فَقَالَ لَهَا
رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: «عَمْ، شُسْتَأْمِرُ» فَقَالَتْ
عَائِشَةُ: فَقُلْتُ لَهُ: فِإِنَّهَا تَسْتَحِي. فَقَالَ
رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: فَذَلِكَ إِذْنُهَا إِذَا هِيَ
سَكَنَتْ».

[3476] 66 - (1421) It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "The previously-married woman has more right concerning herself than her guardian does, and the virgin should be asked for permission, and her permission is her silence."

[٣٤٧٦] (١٤٢١) حَدَّثَنَا سَعِيدُ
ابْنُ مَنْصُورٍ وَقَتْبِيَّةُ بْنُ سَعِيدٍ قَالًا : حَدَّثَنَا
مَالِكٌ ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى - وَاللَّفْظُ
لِهُ - قَالَ: قُلْتُ لِمَالِكٍ : حَدَّثَكَ عَبْدُ اللهِ
ابْنُ الْفَضْلِ ، عَنْ نَافِعِ بْنِ جُبَيْرٍ ، عَنْ ابْنِ
عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «اَلَا يَمُرُّ
بِتَقْسِيمٍ مِنْ وَلِيهَا ، وَالْبَكْرُ شَتَّانُ فِي
نَفْسِهَا ، وَإِذْنُهَا صُمَاطُهَا» قَالَ: نَعَمْ .

[3477] 67 - (...) It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "The previously-married woman has more right concerning herself than her guardian does, and the virgin should be consulted, and her permission is her silence."

[٣٤٧٧] - (....) وَحَدَّثَنَا قُتْبَيْهُ
ابن سعِيدٍ: حَدَّثَنَا سُقِيَانُ عَنْ زِيَادِ بْنِ
سَعْدٍ، عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ: سَمِعَ
تَافَعَ بْنَ جُيْرَ يُخْبِرُ عَنْ ابْنِ عَبَّاسٍ، أَنَّ
النَّبِيَّ ﷺ قَالَ: «الثَّيْبُ أَحَقُّ بِتَنَاهِيهِ مِنْ
وَلِيَّهَا، وَالْبَكْرُ شَنَّامُرُ، وَإِذْنُهَا سُكُونُهَا».

[3478] 68 - (...) Sufyân narrated it with this chain and he said: (The Prophet ﷺ said:) "The

أبي عمر: حَدَّثَنَا سُفِيَّانُ، بِهَذَا الإِسْنَادِ.

previously-married woman has more right concerning herself than her guardian does, and the father of a virgin should ask her permission, and her permission is her silence.” Or perhaps he said: “Her silence is her approval.”

Chapter 10. It Is Permissible For A Father To Arrange The Marriage Of A Young Virgin

[3479] 69 - (1422) It was narrated that ‘Âishah said: “The Messenger of Allâh ﷺ married me when I was six years old and he lived with me when I was nine years old.”

She said: “We came to Al-Madînah and I fell sick for a month and my hair came down to my neck. Umm Rûmân came to me when I was on a swing and some of my friends were with me. She called me loudly and I went to her, and I did not know what she wanted of me. She took me by the hand and made me stand at the door. I said: ‘Hâh, Hâh (as if gasping for breath)’ until I had calmed down, then she took me into a house where there were some women of the *Anṣâr* who said: ‘With good wishes, and blessings, and good fortune.’ She handed me over to them and they washed my hair and adorned me, and then suddenly the Messenger of Allâh ﷺ was there, and they handed me over to him.”

وَقَالَ : «الشَّيْءُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيَّهَا ، وَالْبِكْرُ يَسْأَلُنَّهَا أَبُوهَا فِي نَفْسِهَا ، وَإِذْنُهَا صُمَانُهَا » وَرَبِّمَا قَالَ : «وَصَمَّتُهَا إِفْرَارُهَا » .

(المعجم ١٠) - (باب جواز تزويع الألب البكر الصغيرة) (التحفة ١٠)

[٣٤٧٩] - [٦٩-١٤٢٢] حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدٍ بْنُ الْعَلَاءِ : حَدَّثَنَا أَبُو أَسَامَةَ ، وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ قَالَ : وَجَدْتُ فِي كِتَابِي ، عَنْ أَبِي أَسَامَةَ ، عَنْ هِشَامٍ ، عَنْ أَبِيهِ ، عَنْ عَائِشَةَ . قَالَتْ : تَرَوَّجْنِي رَسُولُ اللَّهِ ﷺ لِسِتْ سِنِينَ ، وَبَنِي بِي وَأَنَا ابْنَهُ تَسْعِ سِنِينَ .

قَالَتْ : فَقَدِيمَنَا الْمَدِينَةُ فَوَعَكْتُ شَهْرًا ، فَوَفَنَ شَعْرِي جُمِيْمَةً ، فَأَتَتِنِي أُمُّ رُومَانَ ، وَأَنَا عَلَى أَرْجُوْحَةٍ ، وَمَعِي صَوَاحِبِي ، فَصَرَخْتُ بِي فَأَتَيْهَا ، وَمَا أَدْرِي مَا تُرِيدُ بِي ، فَأَخَدْتُ بِيْدِي ، فَأَوْفَقْتُنِي عَلَى الْبَابِ . فَقُلْتُ : هَهُ هَهُ ، حَتَّى دَهَبَ نَفْسِي ، فَأَدْخَلْتُنِي بَيْتَنَا ، فَإِذَا نِسْوَةٌ مِنَ الْأَنْصَارِ ، فَقُلْنَ : عَلَى الْخَيْرِ وَالْبَرَكَةِ ، وَعَلَى حَيْرِ طَائِرٍ ، فَأَسْلَمْتُنِي إِلَيْهِنَّ ،

فَعَسْلَنَ رَأْسِي وَأَصْلَحْتَنِي، فَلَمْ يَرُغْبِنِي إِلَّا
وَرَسُولُ اللهِ ﷺ ضَحَى، فَأَشَلَّمْتَنِي إِلَيْهِ.

[3480] 70 - (...) It was narrated that 'Aishah said: "The Prophet ﷺ married me when I was six years old, and consummated the marriage with me when I was nine years old."

[٣٤٨٠] ٧٠ (...) وَحَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى : أَخْبَرَنَا أَبُو مَعَاوِيَةَ عَنْ هِشَامِ
ابْنِ عُرْوَةَ ؛ وَحَدَّثَنَا ابْنُ نُعْمَانَ - وَاللَّفْظُ
لَهُ : حَدَّثَنَا عَبْدَهُ [هُوَ ابْنُ سُلَيْمَانَ] عَنْ
هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ :
تَرَوَّجْنِي النَّبِيُّ ﷺ وَأَنَا بِنْتُ سِتٍّ سِنِينَ،
وَبَنَى بِي وَأَنَا بِنْتُ تِسْعَ .

[3481] 71 - (...) It was narrated from 'Aishah that the Prophet ﷺ married her when she was seven years old and she was taken to him as a bride when she was nine years old, and she took her dolls with her. He died when she was eighteen years old.

[٣٤٨١] ٧١ (...) وَحَدَّثَنَا عَبْدُ ابْنِ
حُمَيْدٍ : أَخْبَرَنَا عَبْدُ الرَّزَاقِ قَالَ : أَخْبَرَنَا
مَعْمَرٌ عَنِ الرُّهْرَيِّ عَنْ عُرْوَةَ، عَنْ عَائِشَةَ ؛
أَنَّ النَّبِيَّ ﷺ تَرَوَّجَهَا وَهُنَيْ بِنْتُ سَبْعِ سِنِينَ،
وَرُفِّقَ إِلَيْهِ وَهُنَيْ بِنْتُ تِسْعَ سِنِينَ، وَلَعَبَهَا
مَعَهَا، وَمَاتَ عَنْهَا وَهُنَيْ بِنْتُ ثَمَانَ عَشْرَةَ .

[3482] 72 - (...) 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 years old, and he died when she was eighteen years old."

[٣٤٨٢] ٧٢ (...) وَحَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَأَبُو بَكْرٍ
ابْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ - قَالَ يَحْيَى
وَإِسْحَاقُ : أَخْبَرَنَا، وَقَالَ الْآخْرَانِ : حَدَّثَنَا
- أَبُو مَعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ
إِبْرَاهِيمَ، عَنِ الْأَنْسَوْدِ، عَنْ عَائِشَةَ قَالَتْ :
تَرَوَّجَهَا رَسُولُ اللهِ ﷺ وَهُنَيْ بِنْتُ سِتٍّ
وَبَنَى بِهَا وَهُنَيْ بِنْتُ تِسْعَ، وَمَاتَ عَنْهَا
وَهُنَيْ بِنْتُ ثَمَانَ عَشْرَةَ .

Chapter 11. It Is Recommended To Get Married And Arrange Marriages In Shawwâl, And It Is Recommended To Consummate The Marriage In That Month

[3483] 73 - (1423) It was narrated that ‘Âishah said: “The Messenger of Allâh ﷺ married me in Shawwâl and consummated the marriage with me in Shawwâl, and which of the wives of the Messenger of Allâh ﷺ was dearer to him than me?” And ‘Âishah liked for marriages with her women folk to be consummated in Shawwâl.

[3484] (...) Sufyân narrated with this chain (a *Hadîth* similar to no. 348¹, but he did not mention what ‘Âishah did (liked).

Chapter 12. It Is Recommended For The One Who Wants To Marry A Woman To Look At Her Face And Hands Before Proposing Marriage To Her

[3485] 74 - (1424) It was narrated that Abû Hurairah said: I was with the Prophet ﷺ when a man came to him and told him that he had gotten married to a woman from among the *Anṣâr*. The Messenger of Allâh ﷺ said:

(المعجم ١١) - (باب استحباب التزوج والتزويع في شوال، واستحباب الدخول فيه) (التحفة ١١)

[٣٤٨٣-٧٣] (١٤٢٣) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَزُهَيْرٍ بْنُ حَرْبٍ - وَاللَّفْظُ لِزُهَيْرٍ - قَالًا: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفِيَّانُ عَنْ إِسْمَاعِيلَ ابْنِ أُمَيَّةَ، عَنْ عَبْدِ اللَّهِ بْنِ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: تَرَوْجَنِي رَسُولُ اللَّهِ ﷺ فِي شَوَّالٍ، وَبَنَى بِي فِي شَوَّالٍ، فَأَيُّ نِسَاءِ رَسُولِ اللَّهِ ﷺ كَانَ أَحْظَى عِنْدَهُ مِنِّي؟ قَالَ: وَكَانَتْ عَائِشَةُ شَتَّابٌ أَنْ تُدْخِلَ نِسَاءَهَا فِي شَوَّالٍ.

[٣٤٨٤] (...) وَحَدَّثَنَا ابْنُ نُعْمَى: حَدَّثَنَا أَبِي: حَدَّثَنَا سُفِيَّانُ، بِهَذَا إِلَاسْنَادِ وَلَمْ يَذْكُرْ فَعْلَ عَائِشَةَ.

(المعجم ١٢) - (باب ندب من أراد نكاح امرأة إلى أن ينظر إلى وجهها وكفيها قبل خطبتها) (التحفة ١٢)

[٣٤٨٥-٧٤] (١٤٢٤) حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفِيَّانُ عَنْ يَرِيدَ بْنِ كَيْسَانَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كُنْتُ عِنْدَ النَّبِيِّ ﷺ. فَأَتَاهُ رَجُلٌ

"Did you look at her?" He said: "No." He said: "Go and look at her, for there is something in the eyes of the *Anṣār*."

فَأَخْبَرَهُ اللَّهُ تَرَوَّجَ امْرَأَةً مِنَ الْأَنْصَارِ .
فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «أَنْظَرْتَ إِلَيْهَا؟»
قَالَ: لَا . قَالَ: «فَادْهُبْ فَانْظُرْ إِلَيْهَا ،
فَإِنَّ فِي أَعْيُنِ الْأَنْصَارِ شَيْئًا .»

[3486] 75 - (...) It was narrated that Abū Hurairah said: "A man came to the Prophet ﷺ and said: 'I have married a woman from among the *Anṣār*.' The Prophet ﷺ said to him: 'Did you look at her? For there is something in the eyes of the *Anṣār*.' He said: 'I looked at her.' He said: 'For how much did you marry her?' He said: 'For four *Uqiyah*.' The Prophet ﷺ said to him: 'For four *Uqiyah*? It is as if you are going to dig the silver out from the side of this mountain. We do not have anything to give you, but perhaps we will send you on an expedition and you will get something from it.' And he sent an expedition to Banū 'Abs, and he sent that man with them."

[٣٤٨٦]-٧٥ (...) وَحَدَّثَنِي يَحْيَى
ابْنُ مَعْنَى: حَدَّثَنَا مَرْوَانُ بْنُ مُعاوِيَةَ
الْفَزَارِيُّ: حَدَّثَنَا يَزِيدُ بْنُ كَيْسَانَ عَنْ أَبِي
حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ إِلَيَّ
الشَّيْءِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ فَقَالَ: إِنِّي تَرَوَجْتُ امْرَأَةً مِنَ
الْأَنْصَارِ . فَقَالَ لَهُ الشَّيْءِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «هَلْ نَظَرْتَ
إِلَيْهَا؟ فَإِنَّ فِي أَعْيُنِ الْأَنْصَارِ شَيْئًا» قَالَ: قَدْ
نَظَرْتُ إِلَيْهَا . قَالَ: «عَلَى كُمْ تَرَوَجْتَهَا؟»
قَالَ: عَلَى أَرْبَعِ أُوَاقِ . فَقَالَ لَهُ الشَّيْءِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ:
«عَلَى أَرْبَعِ أُوَاقِ؟ كَانَنَا تَنْحِثُونَ الْفِضَّةَ مِنْ
عُرْضِ هَذَا الْجَبَلِ ، مَا عِنْدَنَا مَا تُعْطِيكَ ،
وَلَكِنْ عَسَى أَنْ تَبْعَثَكَ فِي بَعْثَ تَصِيبُ مِنْهُ»
قَالَ: فَبَعَثْتَ بَعْثًا إِلَى بَنِي عَسْلِي ، بَعَثْتَ ذَلِكَ
الرَّجُلَ فِيهِمْ .

Chapter 13. The Dowry. It Is Permissible For The Dowry To Be Teaching Qur'ân, A Ring Of Iron Or Anything Else, A Small Or Large Amount, And It Is Recommended For It To Be Five Hundred Dirham

(المعجم ١٣) - (باب الصداق وجواز
كونه تعليم قرآن وخاتم حديد، وغير
ذلك من قليل وكثير واستحباب كونه
خمسماة درهم لمن لا يجحف به)
(التحفة ١٣)

[3487] 76 - (1425) It was

[٣٤٨٧]-٧٦ (١٤٢٥) حَدَّثَنَا فُؤَيْهَةُ

narrated that Sahl bin Sa'd As-Sâ'îdî said: "A woman came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh ﷺ, I have come to give myself to you (in marriage).' The Messenger of Allâh ﷺ looked her up and down, then the Messenger of Allâh ﷺ lowered his head. When the woman saw that he had not made any decision about her, she sat down. A man among his Companions stood up and said: 'O Messenger of Allâh, if you have no need of her then marry her to me.' He said: 'Do you have anything?' He said: 'No, by Allâh, O Messenger of Allâh.' He said: 'Go to your family and see if you can find something.' So he went, then he came back and said: 'No, by Allâh, O Messenger of Allâh, not even a ring of iron, only this *Izâr* (lower garment) of mine'" - Sahl said: "He did not have a *Ridâ'* (upper garment) - 'and she may have half of it.' The Messenger of Allâh ﷺ said: 'What will she do with your *Izâr*? If you wear it she will not have anything of it and if she wears it you will not have anything of it.' The man sat down, and after he had sat for a long time, he got up (to leave). The Messenger of Allâh ﷺ saw him turning away, and he ordered that he be called to him. When he came, he said: 'What do you know of the Qur'ân?' He said: 'I know *Sûrah*

ابن سعيد التّقفي: حَدَّثَنَا يَعْقُوبُ يَعْنِي
ابن عَبْدِ الرَّحْمَنِ الْقَارِيُّ، عَنْ أَبِي
حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا
فُتْيَيْهُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ،
عَنْ أَبِيهِ، عَنْ سَهْلِ بْنِ سَعْدِ السَّاعِدِيِّ
قَالَ: جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ ﷺ.
فَقَالَتْ: يَا رَسُولَ اللَّهِ حِنْثَ أَهْبُّ لَكَ
نَفْسِي، فَنَظَرَ إِلَيْهَا رَسُولُ اللَّهِ ﷺ،
فَصَبَدَ النَّظَرَ فِيهَا وَصَوَّهُ، ثُمَّ طَأَطَّا
رَسُولُ اللَّهِ ﷺ رَأْسَهُ، فَلَمَّا رَأَتِ الْمَرْأَةُ
أَنَّهُ لَمْ يَقْضِ فِيهَا شَيْئًا، جَلَسَتْ. فَقَامَ
رَجُلٌ مِّنْ أَصْحَابِهِ فَقَالَ: يَا رَسُولَ اللَّهِ!
إِنَّ لَمْ تَكُنْ لَّكَ بِهَا حَاجَةً فَزُوْجِنِيهَا.
فَقَالَ: «فَهَلْ عِنْدَكَ مِنْ شَيْءٍ؟» فَقَالَ:
لَا، وَاللَّهِ! يَا رَسُولَ اللَّهِ! فَقَالَ:
«اذْهَبْ إِلَى أَهْلِكَ، فَانْظُرْ هَلْ تَجِدُ
شَيْئًا؟» فَذَهَبَ ثُمَّ رَجَعَ. فَقَالَ: لَا،
وَاللَّهِ! مَا وَجَدْتُ شَيْئًا. فَقَالَ رَسُولُ
اللَّهِ ﷺ: «انْظُرْ وَلَوْ خَاتِمٌ مِّنْ حَدِيدٍ»
فَذَهَبَ ثُمَّ رَجَعَ. فَقَالَ: لَا، وَاللَّهِ! يَا
رَسُولَ اللَّهِ! وَلَا خَاتِمٌ مِّنْ حَدِيدٍ،
وَلَكِنْ هَذَا إِزَارِي - قَالَ سَهْلٌ مَا لَهُ
رِدَاءٌ - فَلَهَا نِصْفُهُ. فَقَالَ رَسُولُ
اللَّهِ ﷺ: «مَا تَصْنَعُ بِإِزَارِكَ؟ إِنْ لَبِسْتَهُ

such-and-such and *Sûrah* such-and-such' - and he listed them. He said: 'Do you recite them by heart?' He said: 'Yes.' He said: 'Go. You have been given her (in marriage) for what you know of the Qur'ân.'" This is the *Hadîth* of Ibn Abî Hâzim (a narrator), and the *Hadîth* of Ya'qûb (another narrator) is very similar in wording.

لَمْ يَكُنْ عَلَيْهَا مِنْهُ شَيْءٌ، وَإِنْ لَيْسَتْ لَمْ يَكُنْ عَلَيْكَ مِنْهُ شَيْءٌ» فَجَلَسَ الرَّجُلُ، حَتَّى إِذَا طَالَ مَجْلِسُهُ قَامَ، فَرَأَهُ رَسُولُ اللَّهِ ﷺ مُوْلَيَا، فَأَمَرَ بِهِ فَدَعَاهُ لَهُ. فَلَمَّا جَاءَهُ قَالَ: «مَاذَا مَعَكَ مِنَ الْقُرْآنِ؟» قَالَ: مَعِي سُورَةُ كَذَا وَسُورَةُ كَذَا - عَدَّهَا - فَقَالَ: «تَفَرَّأْنَّ عَنْ ظَهَرِ قَبْلِكَ؟» قَالَ: نَعَمْ. قَالَ: «اذْهَبْ فَقَدْ مُلْكُتَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ» هَذَا حَدِيثُ ابْنِ أَبِي حَازِمٍ، وَحَدِيثُ يَعْقُوبَ يَقَارِبُهُ فِي الْفَنْظِ.

[3488] 77 - (...) This *Hadîth* was narrated from Sahl bin Sa'd (a *Hadîth* similar to no. 3487); some of them added material to one another's reports, but in the *Hadîth* there is an addition which says: "Go, for I have married her to you, so teach her Qur'ân."

[٣٤٨٨]-٧٧ [٣٤٨٨]-(...) وَحَدَثَنَا خَلَفُ ابْنُ هِشَامٍ: حَدَثَنَا حَمَادُ بْنُ زَيْدٍ؛ وَحَدَثَنِيهِ رُهْيَرُ بْنُ حَرْبٍ: حَدَثَنَا سُفْيَانُ بْنُ عَيْنَيَةَ؛ وَحَدَثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ عَنْ الدَّرَارُوذِيِّ؛ وَحَدَثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْعَةَ: حَدَثَنَا حُسَيْنُ بْنُ عَلَيِّ، عَنْ زَائِدَةَ كُلُّهُمْ عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ، بِهَذَا الْحَدِيثِ. يَرِيدُ بَعْضُهُمْ عَلَى بَعْضٍ، غَيْرَ أَنَّ فِي حَدِيثِ زَائِدَةَ قَالَ: «انْطِلُقْ فَقَدْ رَوَجْنَتُكُمَا، فَعَلِمْنَاهَا مِنَ الْقُرْآنِ».

[3489] 78 - (1426) It was narrated that Abû Salâmah bin 'Abdur-Râhîmân said: "I asked

[٣٤٨٩]-٧٨ [١٤٢٦]-٧٨ حَدَثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدُ

'Aishah, the wife of the Prophet ﷺ: 'How much was the dowry of the Messenger of Allâh ﷺ?' She said: 'The dowry that he gave to his wives was twelve *Uqiyah* and a *Nashsh*.' She said: 'Do you know what a *Nashsh* is?' I said: 'No.' She said: 'Half an *Uqiyah*; and that (the whole amount) was equal to five hundred *Dirham*. That was the dowry of the Messenger of Allâh ﷺ to his wives.'"

الْعَرِيزُ بْنُ مُحَمَّدٍ: حَدَّثَنِي يَزِيدُ بْنُ عَبْدِ اللَّهِ بْنِ أَسَامَةَ بْنِ الْهَادِ، وَحَدَّثَنِي مُحَمَّدُ بْنُ أَبِي عُمَرِ الْمَخْيَ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا عَبْدُ الْعَزِيزِ عَنْ يَزِيدَ، عَنْ مُحَمَّدٍ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ؛ أَنَّهُ قَالَ: سَأَلْتُ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ كُمْ كَانَ صَدَاقُ رَسُولِ اللَّهِ ﷺ؟ قَالَتْ: كَانَ صَدَاقُهُ لِأَزْوَاجِهِ شَيْئٌ عَشْرَةً أُوقِيَّةً وَنَسْأَةً. قَالَتْ: أَتَنْدِرِي مَا النَّشُ؟ قَالَ: فُلُثٌ: لَا. قَالَتْ: نِصْفٌ أُوقِيَّةً. فَتَلَكَ خَمْسِيَّةٌ دِرْهَمٌ، فَهَذَا صَدَاقُ رَسُولِ اللَّهِ ﷺ لِأَزْوَاجِهِ.

[٣٤٩٠] ٧٩ - (١٤٢٧) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى التَّمِيميُّ وَأَبُو الرَّبِيعِ سُلَيْمانُ بْنُ دَاؤِدَ الْعَتَكِيُّ وَقُتْبَيْهُ بْنُ سَعِيدٍ - وَاللَّفْظُ لِيَحْيَى - قَالَ يَحْيَى: أَخْبَرَنَا. وَقَالَ الْأَخْرَانِ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ - عَنْ ثَابِتٍ، عَنْ أَنَسِ بْنِ مَالِكٍ؛ أَنَّ النَّبِيِّ ﷺ رَأَى عَلَى عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَثْرًا صُفْرَةً. قَالَ: «مَا هَذَا؟» قَالَ: يَا رَسُولَ اللَّهِ! إِنِّي تَرَوَّجْتُ امْرَأَةً عَلَى وَرْنِ نَوَّاهَ مِنْ ذَهَبٍ. قَالَ: «فَبَارَكَ اللَّهُ لَكَ، أَوْلُمْ وَلَوْ بِشَاءَ».

[3490] 79 - (1427) It was narrated from Anas bin Mâlik that the Prophet ﷺ saw on 'Abdur-Rahmân bin 'Awf traces of *Sufrah* and he said: "What is this?" He said: "O Messenger of Allâh, I got married to a woman for a date-stone's weight of gold." He said: "May Allâh bless you. Give a wedding feast, even if it is with a sheep."

[3491] 80 - (...) It was narrated from Anas bin Mâlik that ‘Abdur-Rahmân bin ‘Awf got married at the time of the Messenger of Allâh ﷺ, for a date-stone’s weight of gold. The Messenger of Allâh ﷺ said to him: “Give a feast, even if it is with a sheep.”

[3492] 81 - (...) It was narrated from Anas that ‘Abdur-Rahmân bin ‘Awf married a woman for a date-stone’s weight of gold, and the Prophet ﷺ said to him: “Give a feast, even if it is with a sheep.”

[3493] (...) It was narrated from Humaid with this chain (a *Hadîth* similar to no. 3492), except that in the *Hadîth* of Wahb it says: “‘Abdur-Rahmân said: ‘I got married to a woman.’”

[3494] 82 - (...) Anas said: ‘Abdur-Rahmân bin ‘Awf said: “The Messenger of Allâh ﷺ saw on me the signs of happiness of a bridegroom. I said: ‘I have got married to a woman from among

[٣٤٩١]-٨٠] وَحَدَّثَنَا مُحَمَّدٌ
ابْنُ عَبْيَدِ الْعَبْرِيِّ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ
فَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ؛ أَنَّ عَبْدَ
الرَّحْمَنَ بْنَ عَوْفٍ تَزَوَّجَ عَلَى عَهْدِ رَسُولِ
اللهِ ﷺ، عَلَى وَزْنِ نَوَّاَةَ مِنْ ذَهَبٍ. فَقَالَ
لَهُ رَسُولُ اللهِ ﷺ: «أَوْلَمْ وَلَوْ يُشَاءُ».

[٣٤٩٢]-٨١] وَحَدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا وَكِيعٌ: حَدَّثَنَا شَعْبَةُ
عَنْ فَتَادَةَ وَحَمِيدٍ، عَنْ أَنَسٍ؛ أَنَّ عَبْدَ
الرَّحْمَنَ بْنَ عَوْفٍ تَزَوَّجَ امْرَأَةً عَلَى وَزْنِ
نَوَّاَةَ مِنْ ذَهَبٍ وَأَنَّ النَّبِيَّ ﷺ قَالَ لَهُ:
«أَوْلَمْ وَلَوْ يُشَاءُ».

[٣٤٩٣]-٨٢] وَحَدَّثَنَا مُحَمَّدُ بْنُ
الْمُتَّقِّيِّ: حَدَّثَنَا أَبُو دَاؤِدٍ؛ وَحَدَّثَنَا مُحَمَّدُ
ابْنُ رَافِعٍ وَهُرُونُ بْنُ عَبْدِ اللهِ قَالَا: حَدَّثَنَا
وَهْبُ بْنُ جَرِيرٍ؛ وَحَدَّثَنَا أَحْمَدُ بْنُ
خِرَاشِيٍّ: حَدَّثَنَا شَبَابَةُ، كُلُّهُمْ عَنْ شَعْبَةَ،
عَنْ حَمِيدٍ، بِهَذَا الْإِسْنَادِ. غَيْرُ أَنَّ فِي
حَدِيثِ وَهْبٍ قَالَ: قَالَ عَبْدُ الرَّحْمَنِ:
تَزَوَّجْتُ امْرَأَةً.

[٣٤٩٤]-٨٣] وَحَدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ قُدَامَةَ قَالَا:
أَخْبَرَنَا النَّضْرُ بْنُ شُمَيْلٍ: حَدَّثَنَا شَعْبَةُ:
حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ صَهَيْبٍ قَالَ:

the *Anṣār*.' He said: "How much did you give her as a dowry?" He said: "A date-stone." In the *Hadīth* of Ishāq (another narrator) it says: "Of gold."

[3495] 83 - (...) It was narrated from Anas bin Mālik that 'Abdur-Rahmān married a woman for a date-stone's weight of gold.

[3496] (...) Shu'bah narrated it with this chain (a *Hadīth* similar to no. 3495), except that he said: "One of the sons of Abdur-Rahmān bin 'Awf said: 'Of gold.'"

Chapter 14. The Virtue Of Manumitting One's Slave Girl Then Marrying Her

[3497] 84 - (1365) It was narrated from Anas that the Messenger of Allāh ﷺ launched a campaign against Khaibar. "We prayed *Al-Ghadāh* (*Fajr*) there when it was still dark, then the Prophet of Allāh ﷺ rode and Abū Ṭalḥah rode, and I was seated behind Abū Ṭalḥah (on his mount). The Prophet ﷺ let

سَمِعْتُ أَنَّهَا يَقُولُ : قَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ : رَأَيْتِ رَسُولَ اللَّهِ ﷺ وَعَلَيْهِ بَشَاشَةً الْعَرْسِ فَقُلْتُ : تَرَوَجْتُ امْرَأَةً مِنَ الْأَنْصَارِ . فَقَالَ « كُمْ أَصْدَقْتَهَا؟ » فَقُلْتُ : نَوَّاً . [وَفِي حَدِيثِ إِسْحَاقَ : مِنْ ذَهَبٍ .] ٣٤٩٥-٨٣ [...) وَحَدَّثَنَا أَبْنُ الْمُنْتَى : حَدَّثَنَا أَبُو دَاؤِدُ : حَدَّثَنَا شَعْبَةُ عَنْ أَبِيهِ حَمْرَةَ - قَالَ شَعْبَةُ : وَاسْمُهُ عَبْدُ الرَّحْمَنِ بْنُ أَبِيهِ عَبْدِ اللَّهِ - عَنْ أَنَّسِ بْنِ مَالِكٍ ؛ أَنَّ عَبْدَ الرَّحْمَنِ تَرَوَجَ امْرَأَةً عَلَى وَزْنِ نَوَّا مِنْ ذَهَبٍ .] ٣٤٩٦ [...) وَحَدَّثَنِيهِ [مُحَمَّدُ] أَبْنُ رَافِعٍ : حَدَّثَنَا وَهْبٌ : أَخْبَرَنَا شَعْبَةُ بِهَذَا الْإِسْنَادِ ، غَيْرَ أَنَّهُ قَالَ : فَقَالَ رَجُلٌ مِنْ وَلَدِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ : مِنْ ذَهَبٍ .]

(المعجم ١٤) - (باب فضيلة إعتاقه
أمهه ثم يتزوجها) (التحفة ١٤)

[٣٤٩٧-٨٤] حَدَّثَنِي زُهْرَى أَبْنُ حَرْبٍ : حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي أَبْنَ عُلَيَّةَ ، عَنْ عَبْدِ الْعَزِيزِ ، عَنْ أَنَّسٍ ، أَنَّ رَسُولَ اللَّهِ ﷺ غَرَّا خَيْرَ . قَالَ : فَصَلَّيْنَا عِنْدَهَا صَلَاةَ الْغَدَاءِ بِغَلْسٍ ، فَرَكِبَ نَبِيُّ اللَّهِ ﷺ وَرَكِبَ أَبُو طَلْحَةَ وَأَنَا رَدِيفُ أَبِيهِ

his mount run through the narrow streets of Khaibar, and my knee was touching the thigh of the Prophet of Allâh ﷺ. The *Izâr* slipped from the thigh of the Prophet of Allâh ﷺ and I could see the whiteness of the thigh of the Prophet of Allâh ﷺ. When he entered the town, he said: '*Allâhu Akbar!* Khaibar is destroyed! Then, when we descend in their courtyard (near to them), evil will be the morning for those who had been warned!'^[1] He said it three times. The people had come out to their work and they said: 'Muhammad! [by Allâh!]'" - (one of the narrators) 'Abdul-'Azîz said: 'Some of our companions said: 'Muhammad and the army!' - "We seized Khaibar by force, and the prisoners were gathered together. Dihyah came to him and said: 'O Messenger of Allâh, give me a woman from among the prisoners.' He said: 'Go and take a woman.' He chose Sâfiyyah bint Huyayy, then a man came to the Prophet of Allâh ﷺ and said: 'O Prophet of Allâh, you have given Dihyah Sâfiyyah bint Huyayy, the first lady of Quraizah and An-Nâdîr? She is fit only for you.' He said: 'Call him to bring her here.' So he brought her, and when the Prophet ﷺ saw her, he said:

طَلْحَةَ، فَأَجْرَى نَبِيُّ اللَّهِ فِي رُفَاقٍ خَيْرَهُ، وَإِنْ رُكِنَتِي لَتَسْمُ فَخَذَ نَبِيُّ اللَّهِ وَأَنْحَسَ الْأَزَارُ عَنْ فَخِذِ نَبِيِّ اللَّهِ، وَإِنِّي لَأَرَى بِيَاضَ فَخِذِ نَبِيِّ اللَّهِ، فَلَمَّا دَخَلَ الْقُرْيَةَ قَالَ: «اللَّهُ أَكْبَرُ حَرَبَتْ خَيْرُهُ، إِنَّا إِذَا نَزَلْنَا بِسَاحَةَ قَوْمٍ، فَسَاءَ صَبَاحُ الْمُنْتَدِرِينَ» قَالَهَا ثَلَاثَ مَرَاتٍ. قَالَ: وَقَدْ خَرَجَ الْقَوْمُ إِلَى أَعْمَالِهِمْ. فَقَالُوا: مُحَمَّدٌ - [وَاللَّهُ!] قَالَ عَبْدُ الْعَزِيزِ: وَقَالَ بَعْضُ أَصْحَابِنَا: [مُحَمَّدُ]، وَالْخَمِيسُ . قَالَ: وَأَصْبَنَاهَا عَنْوَةً، وَجُمِيعَ السَّبِيْنِ، فَجَاءَهُ دِحْيَةُ فَقَالَ: يَا رَسُولَ اللَّهِ! أَعْطَنِي جَارِيَةً مِنَ السَّبِيْنِ فَقَالَ: «اذْهَبْ فَخُذْ جَارِيَةً» فَأَخْذَ صَفِيَّةَ بْنَتْ حُبَيْيَةَ . فَجَاءَ رَجُلٌ إِلَى نَبِيِّ اللَّهِ فَقَالَ: يَا نَبِيِّ اللَّهِ! أَعْطِنِي دِحْيَةَ، صَفِيَّةَ بْنَتَ حُبَيْيَةَ، سَيِّدَةَ قُرْيَةَ وَالْمُضِيرِ؟ مَا تَضْلُّحُ إِلَّا لَكَ . قَالَ: «اذْعُونُهُ بِهَا» قَالَ: فَجَاءَ بِهَا، فَلَمَّا نَظَرَ إِلَيْهَا النَّبِيُّ فَقَالَ: «خُذْ جَارِيَةً مِنَ السَّبِيْنِ غَيْرَهَا» قَالَ: وَأَعْنَقَهَا وَتَرَوَّجَهَا . فَقَالَ لَهُ ثَابِتُ: يَا أَبَا حَمْزَةَ! مَا أَصْدَقَهَا؟ قَالَ: نَفْسَهَا، أَعْنَقَهَا

^[1] Similar to Allâh's saying in *Sûrat As-Sâffât* (37:177).

'Take another woman from among the prisoners.' And he set her free and married her."

Thâbit said to him: "O Abû Hamzah, what dowry did he give her?" He said: "Herself; he set her free then married her. Then when he was on the road, Umm Sulaim prepared her for him and gave her to him at night, and the following morning the Prophet ﷺ was a bridegroom, and he said: 'Whoever has anything (of food) let him bring it.' He spread out a cloth and men started bringing cottage cheese, dates and cooking fat. They made *Hais*, and that was the wedding feast of the Messenger of Allâh ﷺ."

[3498] 85 - (...) It was narrated from Anas that the Prophet ﷺ manumitted Šafiyah and made her manumission her dowry. In the *Hadîth* of Mu'âdh from his father it says: "He married Šafiyah and her manumission was her dowry."

وَتَرَوْجَهَا، حَتَّى إِذَا كَانَ بِالطَّرِيقِ جَهَنَّمَ
لَهُ أُمُّ سُلَيْمَ، فَأَهَدَنَّهَا لَهُ مِنَ اللَّيلِ،
فَأَصْبَحَ النَّبِيُّ عَلَيْهِ السَّلَامُ عَرُوسًا. فَقَالَ: «مَنْ
كَانَ عِنْدَهُ شَيْءٌ فَلْيَجِيءْ بِهِ» قَالَ: وَبَسْطَ
نِطَاعًا. قَالَ: فَجَعَلَ الرَّجُلُ يَجِيءُ
بِالْأَقْطَافِ، وَجَعَلَ الرَّجُلُ يَجِيءُ بِالثَّمَرِ،
وَجَعَلَ الرَّجُلُ يَجِيءُ بِالسَّمْنِ، فَخَاهُوا
حِينَا، فَكَانَتْ وَلِيَّةَ رَسُولِ اللَّهِ عَلَيْهِ السَّلَامُ.

[راجع: ٣٣٢١]

[٣٤٩٨]-٨٥ (...) وَحَدَّثَنِي أَبُو الرَّبِيعِ الرَّهْرَانِيُّ: حَدَّثَنَا حَمَادٌ يَعْنِي ابْنَ زَيْدٍ، عَنْ ثَابِتٍ وَعَبْدِ الْعَزِيزِ بْنِ صَهْبَيْ،
عَنْ أَنَّسٍ؛ وَحَدَّثَنَا فُتَيْبَةُ بْنُ سَعِيدٍ:
حَدَّثَنَا حَمَادٌ عَنْ ثَابِتٍ وَشَعِيبٍ بْنِ حَبْحَابٍ، عَنْ أَنَّسٍ؛ وَحَدَّثَنَا فُتَيْبَةُ:
حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ فَتَادَةَ وَعَبْدِ الْعَزِيزِ،
عَنْ أَنَّسٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبَدِيْ
الْعَبَرِيُّ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ أَبِي
عُثْمَانَ، عَنْ أَنَّسٍ؛ وَحَدَّثَنِي زُهَيرُ بْنُ
حَرْبٍ: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي
أَبِي عَنْ شَعِيبِ بْنِ الْحَبْحَابِ، عَنْ أَنَّسٍ؛

وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ : حَدَّثَنَا يَحْيَى بْنُ أَدَمَ وَعُمَرُ بْنُ سَعْدٍ وَعَبْدُ الرَّزَاقِ، جَمِيعًا عَنْ شَفِيَّاَنَ، عَنْ يُونُسَ بْنِ عَيْبِدٍ، عَنْ شَعِيبِ بْنِ الْجَبَحَابِ، عَنْ أَنَسِ . كُلُّهُمْ عَنِ الْيَهُودِ أَنَّهُ أَعْنَقَ صَفِيفَةً وَجَعَلَ عِنْقَهَا صَدَاقَهَا . وَفِي حَدِيثِ مُعاذِ عَنْ أَبِيهِ تَرَوَّجَ صَفِيفَةً وَأَصْدَاقَهَا عِنْقَهَا .

[٣٤٩٩] ٨٦ - [١٥٤] وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى : أَخْبَرَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ، عَنْ مُطَرْفِ، عَنْ عَامِرٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي الَّذِي يُعْتَقُ جَارِيَةً ثُمَّ يَتَرَوَّجُهَا: «لَهُ أَجْرٌ». [راجع: ٣٨٧]

[٣٥٠٠] ٨٧ - [١٣٦٥] حَدَّثَنَا أَبُو بَكْرُ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا عَمَانُ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ: حَدَّثَنَا ثَابِتٌ عَنْ أَنَسِ قَالَ: كُنْتُ رِدْفَ أَبِي طَلْحَةَ يَوْمَ خَبَرَ، وَقَدَمَيْ تَمْسُ قَدَمَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ . قَالَ: فَأَتَيْنَاهُمْ حِينَ بَرَغَتِ الشَّمْسُ، وَقَدْ أَخْرَجُوا مَوَاشِيهِمْ وَخَرَجُوا يُفْرُّوْسِيهِمْ وَمَكَاتِلِهِمْ وَمُرُورِهِمْ . فَقَالُوا: مُحَمَّدٌ وَالْحَمِيمُ . قَالَ: فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ «خَرَبْتُ خَيْرَ إِنَّا إِذَا نَزَلْنَا بِسَاحَةَ قَوْمٍ فَسَاءَ صَبَاحُ الْمُنْذَرِينَ» قَالَ: وَهَزَمْهُمُ اللَّهُ

[3499] 86 - (154) It was narrated that Abû Mûsâ said: "The Messenger of Allâh ﷺ said concerning the one who frees his slave woman then marries her: 'He will have two rewards.'"

[3500] 87 - (1365) It was narrated that Anas said: "I was riding behind Abû Talhah on the Day of Khaibar, and my foot was touching the foot of the Messenger of Allâh ﷺ. We came to them (the people of Khaibar) when the sun had risen, and they had brought out their livestock and their axes, large baskets and hatchets. They said: 'Muhammad and the army!' The Messenger of Allâh ﷺ said: 'Khaibar is destroyed! When we descend in their courtyard (near to them), evil will be the morning for those who had been warned!' Allâh, [the Mighty and Sublime],

defeated them. There fell to the lot of Dihyah a beautiful slave woman, and the Messenger of Allâh ﷺ bought her for seven slaves, then he gave her to Umm Sulaim to prepare her and adorn her for him" - he (the narrator) said: "I think he said: 'And so that she could observe her *Iddah* in her house.'"

"That was Safiyyah bint Huyayy. The Messenger of Allâh ﷺ made her wedding feast dates, cottage cheese, and cooking fat. Shallow pits were dug in the ground and leather mats were placed in them, and cottage cheese and cooking fat were brought and the people ate their fill. The people said: 'We do not know if he has married her or taken her as a concubine.' They said: 'If he veils her then she is his wife, and if he does not veil her then she is a concubine.' When he wanted to ride, he veiled her, and she sat on the back of the camel, so they knew that he had married her. When they drew near Al-Madînah, the Messenger of Allâh ﷺ sped up and we sped up too. The she-camel Al-Adbâ' stumbled and the Messenger of Allâh ﷺ fell, and she (Safiyyah) fell too, then he got up and screend her. The women were looking on and they said: 'May Allâh keep the Jewess away from us!'"

I (the narrator) said: "O Abû

[عَزْ وَجْلَ] وَوَقَعْتُ فِي سَهْمٍ دَحْيَةَ جَارِيَّةَ حَمِيلَةَ، فَأَشْتَرَاهَا رَسُولُ اللَّهِ ﷺ بِسَبْعَةَ أَرْوَسٍ، ثُمَّ دَفَعَهَا إِلَى أُمٌّ سُلَيْمٍ تُصْنَعُهَا لَهُ وَهُنَيْهَا - قَالَ: وَأَحْسِبَهُ قَالَ - وَتَعَدَّدَ فِي بَيْهَا، وَهُنِي صَفَيَّةُ بَنْتُ حُبَيْرٍ. قَالَ: وَجَعَلَ رَسُولُ اللَّهِ ﷺ وَلِمَهَا الشَّمْرَ وَالْأَقْطَ وَالسَّمْنَ، فُحْصِتِ الْأَرْضُ أَفَاحِصَ، وَجِيءَ بِالْأَنْطَاعِ، فَوُضِعَتْ فِيهَا، وَجِيءَ بِالْأَقْطَ وَالسَّمْنِ فَشَيَعَ النَّاسُ. قَالَ: وَقَالَ النَّاسُ: لَا نَدْرِي أَتَرَوْجَهَا أُمًّا اتَّخَذَهَا أُمًّا وَلَدِ، قَالُوا: إِنْ حَجَبَهَا فَهِيَ امْرَأَةٌ، وَإِنْ لَمْ يَحْجُبَهَا فَهِيَ أُمٌّ وَلَدِ، فَلَمَّا أَرَادَ أَنْ يَرْكَبَ حَجَبَهَا، فَقَعَدَتْ عَلَى عَجْزِ الْبَعِيرِ فَعَرَفُوا أَنَّهُ قَدْ تَرَوْجَهَا، فَلَمَّا دَنَوْا مِنَ الْمَدِيَّةِ دَفَعَ رَسُولُ اللَّهِ ﷺ، وَدَفَعُنَا. قَالَ: فَعَشَرَتِ النَّاقَةُ الْعَضْبَاءُ، وَنَدَرَ رَسُولُ اللَّهِ ﷺ وَنَدَرَتْ، فَقَامَ فَسَرَّهَا، وَقَدْ أَشْرَفَتِ النِّسَاءُ. يَقُلُّنَ: أَبْعَدَ اللَّهُ الْيَهُودِيَّةَ .

قَالَ: قُلْتُ: يَا أَبَا حَمْزَةَ! أَوْقَعَ رَسُولُ اللَّهِ ﷺ؟ قَالَ: إِي وَاللَّهِ! لَقَدْ وَقَعَ.

قَالَ أَنَسُ: وَشَهِدْتُ وَلِيمَةَ زَيْنَبَ، فَأَكْسَيْتُ النَّاسَ خُبْرًا وَلَحْمًا، وَكَانَ يَعْثِي

Hamzah, did the Messenger of Allâh ﷺ fall?" He said: "Yes, by Allâh, he fell."

Anas said: "And I attended the *Walîmah* (wedding feast) of Zainab. The people ate their fill of bread and meat, and he used to send me to invite the people. When he had finished (eating), he got up and I followed him. Two men stayed behind, talking, and they did not leave. He went around to his wives and greeted each one of them, saying: 'Peace be upon you, how are you, O members of the household?' And they would say: 'We are fine, O Messenger of Allâh. How did you find your wife?' And he said: 'Fine.' When he had finished, he went back and I went back with him. When he reached the door, those two men were still there, talking. When they saw that he had come back, they got up and left. By Allâh, I do not know whether I told him or whether it was revealed to him that they had left. So he went back, and I went back with him, and when he put his foot on the threshold of the door he drew the curtain between myself and himself, and Allâh [the Most High] revealed this verse:

"O you who believe! Enter not the Prophet's houses, unless permission is given to you for a meal, (and then) not (so early as) to wait for its preparation. But when you are invited, enter, and

فَأَدْعُو النَّاسَ، فَلَمَّا فَرَغَ قَامَ وَتَبَعَّثَهُ،
فَتَخَلَّفَ رِجَالٌ إِنْسَانٌ بِهِمَا الْحَدِيثُ،
لَمْ يَخْرُجَا، فَجَعَلَ يَمْرُّ عَلَى نِسَائِهِ،
فَيُسَلِّمُ عَلَى كُلِّ وَاحِدَةٍ مِنْهُنَّ: «سَلَامٌ
عَلَيْكُمْ، كَيْفَ أَنْتُمْ يَا أَهْلَ الْبَيْتِ؟»
فَيَقُولُونَ: بِخَيْرٍ. يَا رَسُولَ اللَّهِ! كَيْفَ
وَجَدْتَ أَهْلَكَ؟ فَيَقُولُ: «بِخَيْرٍ» فَلَمَّا فَرَغَ
رَجَعَ وَرَجَعَتْ مَعَهُ، فَلَمَّا بَلَغَ الْبَابَ إِذَا
هُوَ بِالرَّجُلَيْنِ قَدْ اسْتَأْنَسَ بِهِمَا الْحَدِيثُ،
فَلَمَّا رَأَيَاهُ قَدْ رَجَعَ قَاماً فَخَرَجَا، فَوَاللَّهِ!
مَا أَدْرِي أَنَا أَخْبَرُهُ أَمْ أُنْزِلَ عَلَيْهِ التَّوْحِيدُ
بِأَنَّهُمَا قَدْ خَرَجَا، فَرَجَعَ وَرَجَعَتْ مَعَهُ،
فَلَمَّا وَضَعَ رِجْلَهُ فِي أُسْكَنَةِ الْبَابِ أَرْخَى
الْحِجَابَ بَيْنِي وَبَيْتِهِ، وَأَنْزَلَ اللَّهُ [تَعَالَى]
هَذِهِ الْآيَةَ: ﴿لَا تَدْخُلُوا بِيُوتَ الَّذِي إِلَّا
أَنْ يُؤْذَنَ لَكُمْ﴾ [الأحزاب: ٥٣]

الأية. [راجع: ٣٤٩٧، ٣٣٢١]

when you have taken your meal, disperse without sitting for a talk. Verily, such (behavior) annoys the Prophet, and he is shy of (asking) you (to go); but Allâh is not shy of (telling you) the truth. And when you ask (his wives) for anything you want, ask them from behind a screen, that is purer for your hearts and for their hearts. And it is not (right) for you that you should annoy Allâh's Messenger, nor that you should ever marry his wives after him (his death). Verily, with Allâh that shall be an enormity.”^[1]

[3501] 88 - (1365) Anas said: “Safiyah fell to the lot of Dihyah and they started praising her before the Messenger of Allâh ﷺ. They said: ‘We have never seen any captive like her.’ He sent word to Dihyah and gave him whatever he wanted, then he gave her to my mother, and said: ‘Prepare her.’ Then the Messenger of Allâh ﷺ left Khaibar, and when it was behind him, he halted and put up a tent for her. The next morning the Messenger of Allâh ﷺ said: ‘Whoever has any surplus provisions, let him bring it.’ Men started bringing surplus dates and surplus *Sawiq* until they made a pile of *Hais*. They started eating from that *Hais* and drinking from a cistern of rainwater that was beside them.” Anas said: “And that was the wedding feast of the

[٣٥٠١] [٨٨-١٣٦٥] حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا شَبَابَةُ: حَدَّثَنَا سُلَيْمَانُ عَنْ ثَابِتٍ، عَنْ أَنْسٍ؛ وَحَدَّثَنِيهِ عَبْدُ اللَّهِ بْنُ هَاسِمٍ بْنُ حَيَّانَ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا بَهْرٌ: حَدَّثَنَا سُلَيْمَانُ بْنُ الْمُغِيرَةِ عَنْ ثَابِتٍ: حَدَّثَنَا أَنْسُ قَالَ: صَارَتْ صَفِيَّةُ لِدِحْيَةَ فِي مَقْسُومِهِ، وَجَعَلُوا يَمْدُحُونَهَا عِنْدَ رَسُولِ اللَّهِ ﷺ. قَالَ: وَيَقُولُونَ: مَا رَأَيْنَا فِي السَّبِيلِ مِنْهَا. قَالَ: فَبَعَثَ إِلَيْهِ دِحْيَةَ فَأَعْطَاهُ بِهَا مَا أَرَادَ، ثُمَّ دَفَعَهَا إِلَى أُمِّي فَقَالَ «أَصْلِحِيهَا» قَالَ: ثُمَّ خَرَجَ رَسُولُ اللَّهِ ﷺ مِنْ خَيْرَ، حَتَّى إِذَا جَعَلُوهَا فِي طَهْرِهِ نَزَلَ، ثُمَّ ضَرَبَ عَلَيْهَا الْقُبَّةَ، فَلَمَّا أَضْبَحَ قَالَ رَسُولُ

[1] Al-Ahzâb 33:53.

Messenger of Allâh ﷺ when he married her. Then we set out, and when we saw the walls of Al-Madînah we were excited and made our mounts go faster. The Messenger of Allâh ﷺ also made his mount go faster. Safiyyah was riding behind the Messenger of Allâh ﷺ and the mount of the Messenger of Allâh ﷺ stumbled and he fell, and she fell too. No one among the people looked at him or her until the Messenger of Allâh ﷺ got up and screened her. Then we came to him, and he said: 'We are not hurt.' Then we entered Al-Madînah, and the young ones among his wives came out to have a look at her, and they expressed joy at her fall."

الله ﷺ «مَنْ كَانَ عِنْدَهُ فَضْلٌ رَّازَدَ فَلْيَأْتِنَا
بِهِ» قَالَ: فَجَعَلَ الرَّجُلُ يَجْيِءُ بِفَضْلِ
الثَّمَرِ وَفَضْلِ السَّوْبِقِ، حَتَّى جَعَلُوا مِنْ
ذَلِكَ سَوَادًا حَيْسًا، فَجَعَلُوا يَأْكُلُونَ مِنْ
ذَلِكَ الْحَيْسِ، وَيَشْرَبُونَ مِنْ حَيَاضِ إِلَى
بَنِيهِمْ مِنْ مَاءِ السَّمَاءِ. قَالَ: فَقَالَ
أَنَّسُ: فَكَاتَنَتْ تِلْكَ وَلِيمَةَ رَسُولِ الله ﷺ
عَلَيْهَا. قَالَ: فَانْطَلَقْنَا، حَتَّى إِذَا رَأَيْنَا
جُذُرَ الْمَدِينَةِ هِشْتاً إِلَيْهَا، فَرَفَعْنَا مَطِيشًا،
وَرَفَعَ رَسُولُ الله ﷺ مَطِيشًا. قَالَ: وَصَفَيَّةُ
خَلْفَهُ قَدْ أَرْفَهَا [رَسُولُ الله ﷺ]. قَالَ:
فَعَثَرْتُ مَطِيشَ رَسُولِ الله ﷺ. فَصَرَعْ
وَصَرِعْتُ. قَالَ: فَلَيْسَ أَحَدٌ مِنَ النَّاسِ
يُنْظَرُ إِلَيْهِ وَلَا إِلَيْهَا، حَتَّى قَامَ رَسُولُ
الله ﷺ فَسَرَّهَا. قَالَ: فَأَتَيْنَاهُ فَقَالَ «لَمْ
نُضِّرْ» قَالَ: فَدَخَلْنَا الْمَدِينَةَ، فَخَرَجَ
جَوَارِي نِسَائِهِ يَتَرَاءَنَّهَا وَيَشْمَسْنَ
بِصَرِعَتِهَا. [راجع: ٣٤٩٧، ٣٣٢١، ٣٥٠٠]

(المجمع ١٥) - (باب زواج زينب
بنت جحش، ونزول الحجاب،
وابيات وليمة العرس) (التحفة ١٥)

Chapter 15. The Marriage Of Zainab Bint Jahsh, The Revelation Of (The Verse Of) Hijâb, And Confirmation Of The Importance Of The Wedding Feast

[3502] 89 - (1428) It was narrated, and this is the *Hadîth* of Bahz, that Anas said: "When the

[٣٥٠٢] - ٨٩ (١٤٢٨) حَدَّثَنِي
مُحَمَّدُ بْنُ حَاتِمٍ بْنِ مَيْمُونٍ: حَدَّثَنَا بَهْزٌ؛

Iddah of Zainab was over, the Messenger of Allâh ﷺ said to Zaid: ‘Make mention of me to her (for marriage).’ Zaid set out, and came to her when she was adding yeast to her dough. He said: When I saw her, I felt a great deal of respect for her, and I could not look at her, because the Messenger of Allâh ﷺ had mentioned her. So I turned my back on her and stepped backwards, and I said: “O Zainab, the Messenger of Allâh ﷺ has sent a proposal of marriage to you.” She said: “I will not do anything until I consult my Lord.’ Then she went to her prayer place. Then Qur’ân was revealed, and the Messenger of Allâh ﷺ came and entered upon her without permission.” He said: “And I remember the Messenger of Allâh ﷺ gave us bread and meat to eat when it was daylight, then the people left, but some men stayed behind in the house, talking after the meal. The Messenger of Allâh ﷺ went out and I followed him. He started going around to the apartments of his wives, greeting them, and they said: ‘O Messenger of Allâh, how did you find your wife?’ I do not know whether I told him that those people had left or he told me. He went and entered the house, and I went to enter with him, but he drew the curtain between myself

وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا أَبُو النَّضْرٍ هَاشِمُ بْنُ الْقَاسِمِ، قَالَ جَمِيعًا: حَدَّثَنَا سُلَيْمَانُ بْنُ الْمُغِيرَةِ عَنْ ثَابِتٍ، عَنْ أَنَسٍ وَهَذَا حَدِيثٌ بَهْزٌ قَالَ: لَمَّا افْتَضَتْ عِدَّةُ زَيْنَبَ قَالَ رَسُولُ اللهِ ﷺ لِزَيْنَبِ: «فَادْكُرْهَا عَلَيَّ» قَالَ: فَأَنْطَلَقَ رَبِيدٌ حَتَّى أَتَاهَا وَهُنَّيْ تُخَمِّرُ عَجِينَهَا. قَالَ: فَلَمَّا رَأَيْتُهَا عَظَمْتُ فِي صَدْرِي، حَتَّى مَا أَسْتَطَعْ أَنْ أَفْطُرَ إِلَيْهَا أَنَّ رَسُولَ اللهِ ﷺ ذَكَرَهَا، فَوَلَيْتُهَا ظَهْرِي وَنَكَضْتُ عَلَى عَقِيبِي. فَقُلْتُ: يَا زَيْنَبُ! أَرْسَلَ رَسُولُ اللهِ ﷺ يَذْكُرُكُ. قَالَتْ: مَا أَنَا بِصَانِعَةٍ شَيْئًا حَتَّى أُوَامِرَ رَبِّي، فَقَامَتْ إِلَى مَسْجِدِهَا، وَنَزَّلَ الْقُرْآنُ، وَجَاءَ رَسُولُ اللهِ ﷺ فَدَخَلَ عَلَيْهَا بِغَيْرِ إِذْنٍ. قَالَ: فَقَالَ: وَلَقَدْ رَأَيْتُنَا أَنَّ رَسُولَ اللهِ ﷺ أَطْعَمَنَا الْحُبْزَ وَاللَّحْمَ حِينَ امْتَدَ النَّهَارُ، فَخَرَجَ النَّاسُ وَبَقَيَ رِجَالٌ يَتَحَدَّثُونَ فِي الْبَيْتِ بَعْدَ الطَّعَامِ، فَخَرَجَ رَسُولُ اللهِ ﷺ وَاتَّبَعْتُهُ، فَجَعَلَ يَتَسَعَ حُجَّرَ نِسَائِهِ يُسَلِّمُ عَلَيْهِنَّ. وَيَقُلُّنَّ: يَا رَسُولَ اللهِ! كَيْفَ وَجَدْتَ أَهْلَكَ؟ قَالَ: فَمَا أَدْرِي أَنَا أَخْبَرْتُهُ أَنَّ الْقَوْمَ قَدْ خَرَجُوا أَوْ أَخْبَرْتُهُ قَالَ: فَأَنْطَلَقَ حَتَّى دَخَلَ الْبَيْتَ، فَذَهَبْتُ

and himself, and the verse of *Hijâb* was revealed, and the people were exhorted with what they were exhorted.”

Ibn Râfi‘ added in his *Hadîth*: “Enter not the Prophet’s houses, unless permission is given to you for a meal, (and then) not (so early as) to wait for its preparation” up to His saying: “Allâh is not shy of (telling you) the truth.”

[3503] 90 - (...) It was narrated that Anas said: “I did not see the Messenger of Allâh ﷺ give a wedding feast for any of his wives like the feast he gave for Zainab, for which he slaughtered a sheep.”

أَدْخُلْ مَعَهُ فَأَلْقَى السُّرُورَ يَنْبِي وَيَبْيَنُهُ، وَنَزَّلَ الْحِجَابُ. قَالَ: وَوُعِظَ الْقَوْمُ بِمَا وُعِظُوا

بِهِ.

زاد ابن رافع في حديثه: ﴿لَا تَدْخُلُوا بُيوتَ النِّسَاءِ إِلَّا أَنْ يُؤْذَنَ لَكُمْ إِلَى طَعَامٍ غَيْرَ نَظِيرِنَ إِنَّهُمْ إِلَى قَوْلِهِ: ﴿وَاللَّهُ لَا يَسْتَحِي مِنَ الْحَقِّ﴾.

[٣٥٠٣] ٩٠ - (...) حَدَّثَنِي أَبُو الرَّبِيعِ الزَّهْرَانِيُّ وَأَبُو كَامِلِ فُضَيْلِ ابْنِ حُسَيْنٍ وَفَقِيهَةَ [بْنِ سَعِيدٍ] قَالُوا: حَدَّثَنَا حَمَادٌ وَهُوَ ابْنُ زَيْدٍ، عَنْ ثَابِتٍ، عَنْ أَنَسِي - وَفِي رِوَايَةِ أَبِي كَامِلِ: سَمِعْتُ أَنَسَّا - قَالَ: مَا رَأَيْتُ رَسُولَ اللَّهِ ﷺ أَوْلَمَ عَلَى امْرَأَةٍ - وَقَالَ أَبُو كَامِلِ: عَلَى شَيْءٍ - مِنْ نِسَائِهِ، مَا أَوْلَمَ عَلَى زَيْنَبَ، فَإِنَّهُ دَبَحَ شَاءَ.

[٣٥٠٤] ٩١ - (...) وَحَدَّثَنَا مُحَمَّدُ ابْنُ عَمْرُو بْنِ عَبَادٍ بْنِ جَبَلَةَ بْنِ أَبِي رَوَادٍ وَمُحَمَّدُ بْنُ بَشَارٍ. قَالَا: حَدَّثَنَا مُحَمَّدٌ وَهُوَ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعبَةُ عَنْ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ قَالَ: سَمِعْتُ أَنَسَّ بْنَ مَالِكٍ يَقُولُ: مَا أَوْلَمَ رَسُولُ اللَّهِ ﷺ عَلَى امْرَأَةٍ مِنْ نِسَائِهِ أَكْثَرُ أَوْ أَفْضَلُ مِمَّا أَوْلَمَ

[3504] 91 - (...) It was narrated that ‘Abdul-‘Azîz bin Suhaib said: “I heard Anas bin Mâlik say: ‘The Messenger of Allâh ﷺ did not give a wedding feast for any of his wives greater or better than the feast he gave for Zainab.’ Thâbit Al-Bunânî said: “What did he give them?” He said: “He gave them bread and meat, until they had eaten their fill.”

عَلَى رَيْبٍ. فَقَالَ ثَابِتُ الْبَنَانِيُّ: بِمَا أَوْلَمْ؟ قَالَ: أَطْعَمْهُمْ خُبْرًا وَلَحْمًا حَتَّى تَرْكُوهُ.

[3505] 92 - (...) It was narrated that Anas bin Mâlik said: "When the Prophet ﷺ married Zainab bint Jahsh, he invited the people and they ate, then they sat and talked. He made a move as if to stand up, but they did not get up. When he saw that, he got up, and when he got up, some of the people got up and left."

'Âsim and Ibn 'Abdul-A'la added in their *Hadîth*: "Three men remained sitting, and when the Prophet ﷺ came to enter the apartment, they were still sitting there, then they got up and left. I came and told the Prophet ﷺ that they had left, so he came and went in. I went to go in as well, but he drew the curtain between myself and himself, and Allâh, [the Mighty and Sublime] revealed: O you who believe! Enter not the Prophet's houses, unless permission is given to you for a meal, (and then) not (so early as) to wait for its preparation. up to His saying: Verily, with Allâh that shall be an enormity."^[1]

ابن حبيب الحارثي وعاصم بن النضر التيمي، ومحمد بن عبد الأعلى، كلهم عن معتمر - واللفظ لابن حبيب - : حدثنا معتمر بن سليمان قال: سمعت أبي: حدثنا أبو مجلز عن أنس بن مالك. قال: لما تروجه النبي ﷺ ريب بنت جحش، دعا القوم فطعموا، ثم جلسوا يتهدتون. قال: فأخذ كأنه يتهدى للقيام فلم يقمو، فلما رأى ذلك قام، فلما قام، قام من قام من القوم. زاد عاصم وابن عبد الأعلى في حدثهما قال: فقعد ثلاثة، وإن النبي ﷺ جاء ليدخل فإذا القوم جلوس، ثم إنهم قاموا فانطلقو. قال: فجئت فأخبرت النبي ﷺ أنه قد انطلقو. قال: فجاء حتى دخل، فذهب أدخل فالنبي الحجاج بيضني وبيته. قال: وأنزل الله [عز وجل]: «يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتَ النَّبِيِّ إِلَّا أَن يُؤْذَنَ

^[1] Al-Ahzâb 33:53.

لَكُمْ إِلَى طَعَامٍ غَرَّ نَظَرِينَ إِنَّهُ》 إِلَى
فَوْلِهِ: «إِنَّ ذَلِكُمْ كَانَ عِنْدَ اللَّهِ
عَظِيْمًا».

[3506] 93 - (...) Anas bin Mâlik said: "I am the most knowledgeable of the people concerning *Hijâb*. Ubayy bin Ka'b used to ask me about it." Anas said: "The day after the Messenger of Allâh ﷺ married Zainab bint Jahsh, whom he married in Al-Madînah, he invited the people to come and eat in the mid-morning. The Messenger of Allâh ﷺ sat and some men sat with him after the people had left. Then the Messenger of Allâh ﷺ got up and walked, and I walked with him, until he reached the door of 'Aishah's apartment. Then he thought that they had left, so he went back, and I went back with him, and they were still sitting there. Then he went back to 'Aishah's door a second time, and I went with him, then he went back and I went back, and they had left. Then he drew the curtain between myself and himself, and the verse of *Hijâb* was revealed."

[3507] 94 - (...) It was narrated that Anas bin Mâlik said: "The Messenger of Allâh ﷺ got married, then entered with his wife. My mother Umm Sulaim

[٣٥٠٦]-٩٣ (...) وَحَدَّثَنِي عَمْرُو
الثَّاقِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ
سَعْدٍ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ. قَالَ أَبْنُ
شَهَابٍ: إِنَّ أَنَّسَ بْنَ مَالِكٍ قَالَ: أَنَا أَعْلَمُ
النَّاسِ بِالْحِجَابِ، لَقَدْ كَانَ أَبِي بْنَ كَعْبَ
يَسْأَلُنِي عَنْهُ. قَالَ أَنَّسُ: أَضْبَحَ رَسُولُ
اللهِ عَزَّلَهُ عَرُوسًا بِرَبِّبِتَ بِنْتَ جَحْشٍ.
قَالَ: وَكَانَ تَرَوْجَهَا بِالْمَدِينَةِ، فَدَعَا
النَّاسَ لِلطَّعَامِ بَعْدَ ارْتِفَاعِ النَّهَارِ، فَجَلَّ
رَسُولُ اللهِ عَزَّلَهُ وَجَلَّ مَعَهُ رِجَالٌ بَعْدَمَا
قَامَ الْقَوْمُ، حَتَّى قَامَ رَسُولُ اللهِ عَزَّلَهُ،
فَمَسَحَ فَمَسَحَ مَعَهُ حَتَّى بَلَغَ بَابَ حُجْرَةِ
عَائِشَةَ، ثُمَّ ظَنَّ أَنَّهُمْ قَدْ خَرَجُوا فَرَجَعَ
وَرَجَعَتْ مَعَهُ، فَإِذَا هُمْ جُلُوسٌ مَكَانُهُمْ،
فَرَجَعَ فَرَجَعَتِ الْأُخْرَى، حَتَّى بَلَغَ حُجْرَةَ
عَائِشَةَ، فَرَجَعَ فَرَجَعَتْ، فَإِذَا هُمْ قَدْ
فَأَمُوا، فَصَرَبَ بَيْنِي وَبَيْنِهِ السُّرُّ، وَأَنْزَلَ
آتِيَ الْحِجَابِ.

[٣٥٠٧]-٩٤ (...) حَدَّثَنَا قُتَيْبَةُ بْنُ
سَعِيدٍ: حَدَّثَنَا جَعْفَرٌ يَعْنِي أَبْنَ شَلِيمَانَ، عَنِ
الْجَعْدِ أَبِي عُثْمَانَ، عَنْ أَنَّسِ بْنِ مَالِكٍ قَالَ:

made some *Hais* and put it in a stone vessel, then she said: 'O Anas, take this to the Messenger of Allâh ﷺ and say: "My mother has sent this to you, and she sends greetings of *Salâm* to you," and tell him she says: "This is a small gift to you from us, O Messenger of Allâh.'" So I took it to the Messenger of Allâh ﷺ and said: 'My mother sends greetings of *Salâm* to you and she says: "This is a small gift to you from us, O Messenger of Allâh.'" He said: 'Put it down.' Then he said: 'Go and invite so-and-so for me, and whomever you meet,' and he mentioned some men by name. I invited those whom he had named, and whoever else I met." He (the narrator) said: "I said to Anas: 'How many were they?' He said: 'Around three hundred.'

And the Messenger of Allâh ﷺ said to me: "O Anas, bring the stone vessel." They came in until they filled the courtyard and the apartment. The Messenger of Allâh ﷺ said: "Let them make circles of ten, and let each man eat from what is nearest to him." Groups came one after another and they all ate until they were full, then he said to me: "O Anas, clear it away." I picked it up, and I do not know whether it held more when I put it down or when I picked it up. Some of them sat talking in the house of the Messenger of Allâh ﷺ, and the

تَزَوَّجَ رَسُولُ اللَّهِ ﷺ فَدَخَلَ بِأَهْلِهِ . قَالَ: فَصَسَعَتْ أُمُّي أُمُّ سُلَيْمَانَ حَيْثَا فَجَعَلَتْهُ فِي تَوْرٍ . فَقَالَتْ: يَا أَنْسُ! اذْهَبْ بِهِذَا إِلَى رَسُولِ اللَّهِ ﷺ . فَقُلْ بَعْثَتْ بِهِذَا إِلَيْكَ أُمِّيْ، وَهِيَ تُقْرِئُكَ السَّلَامَ . وَتَقُولُ: إِنَّ هَذَا لَكَ مِنَّا قَلِيلٌ، يَا رَسُولَ اللَّهِ! قَالَ: فَذَهَبَتْ بِهَا إِلَى رَسُولِ اللَّهِ ﷺ . فَقُلْتُ: إِنَّ أُمِّي تُقْرِئُكَ السَّلَامَ وَتَقُولُ: إِنَّ هَذَا لَكَ مِنَّا قَلِيلٌ، [يَا رَسُولَ اللَّهِ!] فَقَالَ: «ضَعْفُهُ ثُمَّ قَالَ: «اذْهَبْ فَادْعُ لِي فُلَانًا وَفُلَانًا وَفُلَانًا، وَمَنْ لَقِيتَ» وَسَمَّيَ رِجَالًا . قَالَ: فَدَعَوْتُ مَنْ سَمَّيَ وَمَنْ لَقِيتُ . قَالَ: قُلْ لِأَنْسِيْ: عَدَدَ كَمْ كَانُوا؟ قَالَ: زُهْمَةً ثَلَاثِمَائَةً .

وَقَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا أَنْسُ! هَاتِ التَّوْرَ» قَالَ: فَدَخَلُوا حَتَّى امْتَلَأَتِ الصُّفَّةُ وَالْحُجْرَةُ . فَقَالَ رَسُولُ اللَّهِ ﷺ: «الْيَتَحِنُّ عَشَرَةُ عَشَرَةُ وَلَيْا كُلُّ كُلُّ إِنْسَانٍ مِمَّا يَلِيهِ» قَالَ: فَأَكَلُوا حَتَّى شَبِيعُوا . قَالَ: فَحَرَجَتْ طَائِفَةٌ وَدَخَلَتْ طَائِفَةٌ حَتَّى أَكَلُوا كُلُّهُمْ . فَقَالَ لِي: «يَا أَنْسُ! ارْفَعْ» قَالَ: فَرَفَقْتُ، فَمَا أَدْرِي حِينَ وَضَعْتُ كَانَ أَكْمَرَ أُمَّ حِينَ رَفَعْتُ . قَالَ: وَجَلَسَ طَوَافِيْ مِنْهُمْ يَتَحَدَّثُونَ فِي بَيْتِ رَسُولِ اللَّهِ ﷺ، وَرَسُولُ اللَّهِ ﷺ جَالِسٌ،

Messenger of Allâh ﷺ was sitting there, and his wife had her face turned towards the wall. They were bothering the Messenger of Allâh ﷺ, so the Messenger of Allâh ﷺ went out and greeted his wives, then he came back. When they saw that the Messenger of Allâh ﷺ had come back, they realized that they were bothering him. So they all rushed to the door and left. The Messenger of Allâh ﷺ came and hung up a curtain and went in, and I was sitting in the apartment. It was not long before he came out to me, and this verse had been revealed. The Messenger of Allâh ﷺ went out and recited it to the people: "O you who believe! Enter not the Prophet's houses, unless permission is given to you for a meal, (and then) not (so early as) to wait for its preparation. But when you are invited, enter, and when you have taken your meal, disperse without sitting for a talk. Verily, such (behaviour) annoys the Prophet" [1]

Al-Jâ'd said: "Anas bin Mâlik said: 'I was the first among the people to hear these verses, and the wives of the Prophet ﷺ observed *Hijâb*.'"

[3508] 95 - (...) It was narrated that Anas said: "When the Prophet ﷺ married Zainab, Umm Sulaim gave him a gift of some *Hais* in a stone vessel."

وَزَوْجَتُهُ مُولَيْهُ وَجْهَهَا إِلَى الْحَائِطِ، فَقُلُّوا
عَلَى رَسُولِ اللَّهِ ﷺ، فَخَرَجَ رَسُولُ
اللَّهِ ﷺ [فَسَلَّمَ] عَلَى نِسَائِهِ، ثُمَّ رَجَعَ،
فَلَمَّا رَأَوْا رَسُولَ اللَّهِ ﷺ قَدْ رَجَعَ طَنُوا
أَهْمَّهُمْ قَدْ قُلُّوا عَلَيْهِ. قَالَ: فَابْتَدِرُوا
الْبَابَ فَخَرَجُوا كُلُّهُمْ، وَجَاءَ رَسُولُ
اللَّهِ ﷺ حَتَّى أَرْتَهُ السِّرْرَ وَدَخَلَ، وَأَنَا
جَالِسٌ فِي الْحُجْرَةِ، فَلَمْ يَلْبُثْ إِلَّا يَسِيرًا
حَتَّى خَرَجَ عَلَيَّ، وَأَنْزَلَتْ هَذِهِ الْآيَةَ،
فَخَرَجَ رَسُولُ اللَّهِ ﷺ وَقَرَأَهُنَّ عَلَى
النَّاسِ: «إِنَّمَا الَّذِينَ آمَنُوا لَا نَدْخُلُونَ
بُيُوتَ النَّبِيِّ إِلَّا أَنْ يُؤْذَنَ لَكُمْ إِلَّا
طَعَامٍ عَيْرَ نَظَرَنَ إِنَّمَا وَلَكُمْ إِذَا
دُعِيْتُمْ فَادْخُلُوا فَإِذَا طَعَمْتُمْ فَانْتَشِرُوا وَلَا
مُسْتَغْسِلِينَ لِحَدِيثٍ إِنَّ ذَلِكَمْ كَانَ
يُؤْذِي الْنَّبِيِّ» إِلَى آخرِ الْآيَةِ.

قَالَ الْجَعْدُ: قَالَ أَنَسٌ [بْنُ مَالِكٍ]:
أَنَا أَخْدَثُ النَّاسَ عَهْدًا بِهَذِهِ الْآيَاتِ،
وَحُجِّبْنَ نِسَاءَ النَّبِيِّ ﷺ.

[٣٥٠٨]-٩٥] حَدَّثَنِي مُحَمَّدٌ
ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: حَدَّثَنَا مَعْمُرٌ
عَنْ أَبِي عُثْمَانَ، عَنْ أَنَسٍ قَالَ: لَمَّا تَزَوَّجَ

[1] *Al-Ahzâb* 33:53.

Anas said: "The Prophet ﷺ said: 'Go and invite for me whoever you meet of the Muslims.' So I invited for him whomever I met. They started coming in, eating, and leaving, and the Prophet ﷺ kept his hand on that food and prayed for blessing for it, saying whatever Allāh willed he should say. I did not leave anyone whom I met but I invited him, and they ate their fill and left, but a few of them stayed behind and chatted at length. The Prophet ﷺ felt too shy to say anything to them, so he went out and left them in the house. Then Allāh [Most High] revealed the words: "O you who believe! Enter not the Prophet's houses, unless permission is given to you for a meal, (and then) not (so early as) to wait for its preparation." - Qatâdah said: "Not waiting for the time for food." - "But when you are invited, enter" until he reached "that is purer for your hearts and for their hearts."^[1]

Chapter 16. The Command To Accept Invitations

[3509] ٩٦ - (١٤٢٩) It was narrated that Ibn 'Umar said: "The Messenger of Allāh ﷺ said: 'If one of you is invited to a feast, let him accept.'"

النَّبِيُّ ﷺ رَأَيْتَ أَهْدَثْ لَهُ أُمُّ شَلَّيْمَ حَيْسَا فِي تَوْرِ مِنْ حِجَارَةٍ. فَقَالَ أَسْ: فَقَالَ النَّبِيُّ ﷺ: «إِذْهَبْ فَادْعُ لِي مِنْ لَقِيَتْ مِنَ الْمُسْلِمِينَ» فَدَعَوْتُ لَهُ مِنْ لَقِيَتْ، فَجَعَلُوا يَدْخُلُونَ عَلَيْهِ فَيَأْكُلُونَ وَيَخْرُجُونَ، وَوَضَعَ النَّبِيُّ ﷺ يَدَهُ عَلَى الطَّعَامِ فَدَعَاهُ فِيهِ، وَقَالَ فِيهِ مَا شَاءَ اللَّهُ أَنْ يَقُولَ، وَلَمْ أَدْعُ أَحَدًا لَقِيَتْ إِلَّا دَعَوْنَاهُ، فَأَكَلُوا حَتَّى شَيْعُوا، وَخَرَجُوا، وَبَقَيَ طَائِفَةٌ مِنْهُمْ فَأَطَالُوا عَلَيْهِ الْحَدِيثَ، فَجَعَلَ النَّبِيُّ ﷺ يَسْتَحْسِي مِنْهُمْ أَنْ يَقُولَ لَهُمْ شَيْئًا، فَخَرَجَ وَتَرَكَهُمْ فِي الْبَيْتِ، فَأَنْزَلَ اللَّهُ تَعَالَى: «يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوْ بَيْوَتَ الَّتِي إِلَّا أَنْ يُؤْدَكَ لَكُمْ إِلَى طَعَامٍ غَيْرِ نَظَرِينَ إِنَّهُ» - قَالَ قَنَادِهُ: غَيْرَ مُتَحِسِّنِينَ طَعَامًا - «وَلَكِنْ إِذَا دُعِيْتُمْ فَادْخُلُوهُ» حَتَّى يَأْتَى: «لِقْلُوكِمْ وَقُلُوبِهِنَّ».

(المعجم ١٦) - (باب الأمر بإجابة الداعي إلى دعوة) (التحفة ١٦)

[٣٥٠٩] ٩٦ - (١٤٢٩) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ

[1] Al-Ahzâb 33:53.

الله ﷺ: «إِذَا دُعَيْتُمْ أَحَدُكُمْ إِلَى الْوَلِيمَةِ فَلْيُأْتِهَا».

[3510] 97 - (...) It was narrated from Ibn ‘Umar that the Prophet ﷺ said: “If one of you is invited to a feast, let him accept.”

الحادية عشر [٣٥١٠]-٩٧ حَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّئِنِ: حَدَّثَنَا حَالِدُ بْنُ الْحَارِثِ عَنْ عَبْيَدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا دُعَيْتُمْ أَحَدُكُمْ إِلَى الْوَلِيمَةِ فَلْيُجِبْ». قَالَ حَالِدٌ: فَإِذَا عَبْيَدُ اللَّهِ يُنَزَّلُهُ عَلَى الْعُرْسِ.

[3511] 98 - (...) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: “If one of you is invited to a wedding feast, let him accept.”

الحادية الثانية [٣٥١١]-٩٨ حَدَّثَنَا ابْنُ نُعْمَانَ: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْيَدُ اللَّهِ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا دُعَيْتُمْ أَحَدُكُمْ إِلَى وَلِيمَةِ عُرْسٍ فَلْيُجِبْ».

[3512] 99 - (...) It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ said: ‘Accept the invitation when you are invited.’”

الحادية الثالثة [٣٥١٢]-٩٩ حَدَّثَنِي أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَادُ: حَدَّثَنَا أَيُوبُ؛ وَحَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا حَمَادٌ عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ (اَتُؤْمِنُونَ بِالدُّعْوَةِ إِذَا دُعِيْتُمْ).

[3513] 100 - (...) It was narrated from Nâfi‘ that Ibn ‘Umar used to say, narrating from the Prophet ﷺ: “If one of you invites his brother, let him accept, whether it is for a wedding or something similar.”

الحادية الرابعة [٣٥١٣]-١٠٠ وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَيُوبَ، عَنْ نَافِعٍ أَنَّ ابْنَ عُمَرَ كَانَ يَقُولُ عَنِ النَّبِيِّ ﷺ «إِذَا دَعَا أَحَدُكُمْ أَخَاهُ فَلْيُجِبْ، عُرْسًا كَانَ أَوْ نَحْوَهُ».

[3514] 101 - (...) It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ said: ‘Whoever is invited to a wedding and the like, let him accept.’”

[٣٥١٤] [١٠١-...] وَحَدَّثَنِي إِشْحُونُ
بْنُ مَنْصُورٍ: حَدَّثَنَا عِيسَى ابْنُ الْمُنْذِرِ: حَدَّثَنَا
بَقِيَةً: حَدَّثَنَا الزَّيْدِيُّ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ «مَنْ دُعِيَ إِلَى عُرْسٍ
أُوْتَحُوهُ فَلْيَجِبْ». .

[3515] 102 - (...) It was narrated that ‘Abdullâh bin ‘Umar said: “The Messenger of Allâh ﷺ said: ‘Accept invitations if you are invited.’”

[٣٥١٥] [١٠٢-...] حَدَّثَنِي
حُمَيْدُ بْنُ مَسْعَدَةَ الْبَاهْلِيِّ: حَدَّثَنَا شِرْبَنْ
الْمُفَضَّلِ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ أُمَيَّةَ، عَنْ
نَافِعٍ، عَنْ عَبْدِ اللَّهِ [بْنِ عُمَرَ] قَالَ: قَالَ
رَسُولُ اللَّهِ ﷺ «ائْتُوا الدَّعْوَةَ إِذَا دُعِيْتُمْ». .

[3516] 103 - (...) It was narrated that Nâfi‘ said: ‘I heard ‘Abdullâh bin ‘Umar say: ‘Accept this invitation if you are invited.’’’

He said: “And ‘Abdullâh used to accept invitations to weddings and other events, and he would come even if he was fasting.”

[٣٥١٦] [١٠٣-...] وَحَدَّثَنِي
هُرُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا حَجَاجُ ابْنُ
مُحَمَّدٍ عَنْ ابْنِ جُرَيْحٍ: أَخْبَرَنِي مُوسَى بْنُ
عُقبَةَ عَنْ نَافِعٍ قَالَ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ
عُمَرَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ «أَجِبُّو
هَذِهِ الدَّعْوَةَ إِذَا دُعِيْتُمْ لَهَا».

قَالَ: وَكَانَ عَبْدُ اللَّهِ [بْنُ عُمَرَ] يَأْتِي
الدَّعْوَةَ فِي الْعُرْسِ وَغَيْرِ الْعُرْسِ، وَيَأْتِيهَا
وَهُوَ صَائِمٌ. .

[3517] 104 - (...) It was narrated from Ibn ‘Umar that the Prophet ﷺ said: “If you are invited to (a meal of) a sheep’s foot, accept it.”

[٣٥١٧] [١٠٤-...] وَحَدَّثَنِي
حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا ابْنُ وَهْبٍ:
حَدَّثَنِي عُمَرُ بْنُ مُحَمَّدٍ عَنْ نَافِعٍ، عَنْ ابْنِ
عُمَرَ، أَنَّ النَّبِيَّ ﷺ قَالَ إِذَا دُعِيْتُمْ إِلَى
ثُرَاعٍ فَأَجِبُّو». .

[3518] 105 - (1430) It was narrated that Jâbir said: "The Messenger of Allâh ﷺ said: 'If one of you is invited to a feast, let him respond, then if he wishes he may eat and if he wishes he may refrain.'" And Ibn Al-Muthanna (a narrator) did not mention the words "to a feast."

مُحَمَّدُ بْنُ الْمُشَنَّى: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنُ نُعْمَيْرٍ: حَدَّثَنَا أَبْيَ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزُّبَيرِ، عَنْ جَاءِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا دُعِيَ أَحَدُكُمْ إِلَى طَعَامٍ فَلْيَجِبْ فَإِنْ شَاءَ طَعَمَ، وَإِنْ شَاءَ تَرَكَ وَلَمْ يَذْكُرْ أَبْنُ الْمُشَنَّى «إِلَى طَعَامٍ».

[3519] (...) A similar report (as no. 3518) was narrated from Abû Az-Zubair with this chain.

حَدَّثَنَا أَبُو عَاصِمٍ عَنْ أَبْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيرِ، بِهَذَا إِلَى اسْتَادٍ مُثْلِهِ.

[3520] 106 - (1431) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'If one of you is invited let him respond; if he is fasting let him pray (for the people), and if he is not fasting let him eat.'"

بَكْرُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ عَنْ هِشَامٍ، عَنْ أَبْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا دُعِيَ أَحَدُكُمْ فَلْيَجِبْ، فَإِنْ كَانَ صَائِمًا فَلْيُصْلِلْ، وَإِنْ كَانَ مُقْطَرًا فَلْيَطْعُمْ».

[3521] 107 - (1432) It was narrated from Abû Hurairah that he used to say: "The worst of food is the food of a (wedding) feast to which the rich are invited and the poor are ignored. Whoever does not accept an invitation has disobeyed Allâh and His Messenger."

يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ أَبْنِ شَهَابٍ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ كَانَ يَقُولُ: بِئْسَ الطَّاغُمُ الْوَلِيمَةُ يُدْعَى إِلَيْهِ الْأَغْنِيَاءُ وَيُشْرُكُ الْمَسَاكِينُ، فَمَنْ لَمْ يَأْتِ الدَّعْوَةَ، فَقَدْ عَصَى اللَّهَ وَرَسُولَهُ.

[3522] 108 - (...) Sufyān said: "I said to Az-Zuhri: 'O Abū Bakr, what does this *Hadīth* mean - "The worst of food is the food of the rich?" He laughed and said: It is not: 'The worst of food is the food of the rich.'"

Sufyān said: "My father was rich, and this *Hadīth* troubled me when I heard it, so I asked Az-Zuhri about it. He said: 'Abdur-Rahmān Al-A'raj told me that he heard Abū Hurairah say: "The worst of food is the food of a (wedding) feast..."' then he quoted a *Hadīth* like that of Mālik (no. 3521)."

[3523] 109 - (...) It was narrated that Abū Hurairah said: "The worst of food is the food of a (wedding) feast..." a *Hadīth* like that of Mālik (no. 3521).

[3524] (...) A similar report (as no. 3521) was narrated from Abū Hurairah.

[3525] 110 - (...) It was narrated from Abū Hurairah that the Prophet ﷺ said: "The worst of food is the food of a feast from which those who come to it are

[٣٥٢٢]-١٠٨ حَدَّثَنَا أَبْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفِّيَانُ قَالَ: قُلْتُ لِلزُّهْرِيِّ: يَا أَبَا بَكْرٍ! كَيْفَ هَذَا الْحَدِيثُ: شَرُّ الطَّعَامِ طَعَامُ الْأَغْنِيَاءِ؟ فَصَحِحَّكَ فَقَالَ: لَيْسَ هُوَ: شَرُّ الطَّعَامِ طَعَامُ الْأَغْنِيَاءِ.

قَالَ سُفِّيَانُ: وَكَانَ أَبِي غَنِيَّا، فَأَفْرَغَنِي هَذَا الْحَدِيثُ حِينَ سَمِعْتُ بِهِ، فَسَأَلْتُ عَنْهُ الزُّهْرِيَّ قَالَ: حَدَّثَنِي عَنْدُ الرَّحْمَنِ الْأَعْرَجُ؛ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: شَرُّ الطَّعَامِ طَعَامُ الْوَلِيمَةِ. ثُمَّ ذَكَرَ بِمِنْهِ حَدِيثَ مَالِكَ.

[٣٥٢٣]-١٠٩ حَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ عَنْ عَبْدِ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَبِّبِ، وَعَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: شَرُّ الطَّعَامِ طَعَامُ الْوَلِيمَةِ، نَحْوَ حَدِيثِ مَالِكَ.

[٣٥٢٤] وَحَدَّثَنَا أَبْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفِّيَانُ عَنْ أَبِي الرَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، نَحْوَ ذَلِكَ.

[٣٥٢٥]-١١٠ وَحَدَّثَنَا أَبْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفِّيَانُ قَالَ: سَمِعْتُ زِيَادَ بْنَ سَعْدٍ قَالَ: سَمِعْتُ تَابِيَا الْأَعْرَجَ

turned away and those who refuse to come are invited to it. Whoever does not accept an invitation has disobeyed Allâh and His Messenger.”

يُحَدِّثُ عَنْ أَبِي هُرَيْرَةَ، أَنَّ النَّبِيَّ ﷺ قَالَ: «شَرُّ الطَّعَامِ طَعَامُ الْوَلِيمَةِ، يُمْنَعُهَا مَنْ يَأْتِيهَا وَيُدْعَى إِلَيْهَا مَنْ يَأْبَاهَا، وَمَنْ لَمْ يُجِبِ الدُّعْوَةَ، فَقَدْ عَصَى اللَّهَ عَزَّ وَجَلَّ وَرَسُولَهُ». [١٧]

Chapter 17. It Is Not Permissible For A Woman Who Has Been Thrice-Divorced To Return To The One Who Divorced Her Until She Marries Another Husband Who Has Intercourse With Her, Then Divorces Her, And She Completes The 'Iddah

(المعجم ١٧) - (باب لا تحل المطلقة ثلاثة لمطلقها حتى تنكح زوجا غيره ويطأها، ثم يفارقها، وتنقضي عدتها) (التحفة ١٧)

[3526] ١١١ - (1433) It was narrated that 'Âishah said: "The wife of Rifâ'ah came to the Prophet ﷺ and said: 'I was married to Rifâ'ah, then he divorced me and made the divorce irrevocable. Then I married 'Abdur-Râhmân bin Az-Zubair, and what he has is like the edge of a garment.' The Messenger of Allâh ﷺ smiled and said: 'Do you want to go back to Rifâ'ah? No, not until you taste his ('Abdur-Rahmân's) sweetness and he tastes your sweetness.'"

She said: "And Abû Bakr was with him, and Khâlid was at the door, waiting to be given permission to enter. He called out: 'O Abû Bakr, do you not

بَكْرٌ بْنُ أَبِي شَيْبَةَ وَعَمْرُو التَّائِدُ - وَاللَّفْظُ لِعَمْرُو - قَالَا: حَدَّثَنَا سُفْيَانُ عَنِ الرَّهْفِرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتِ امْرَأَةٌ رَفَاعَةً إِلَيْهِ النَّبِيِّ ﷺ فَقَالَتْ: كُنْتِ عِنْدَ رَفَاعَةَ، فَطَلَّقَنِي فَبَتَ طَلَاقِي، فَنَزَّوْجْتُ عَبْدَ الرَّحْمَنِ بْنَ الزَّبِيرِ، وَإِنَّمَا مَعَهُ مُثْلُ هُدْبَةِ التَّوْبِ، فَبَسَّمَ رَسُولُ اللَّهِ ﷺ. فَقَالَ: «أَتَرِيدِينَ أَنْ تَرْجِعِي إِلَى رَفَاعَةَ؟ لَا. حَتَّى تَدُوقِي عُسَيْنَتَهُ وَيَدُوقَ عُسَيْنَاتِكِ». [٣٥٢٦]

قالت: وأبُوكِرِ عِنْدَهُ، وخالِدٌ بِالْبَابِ يَسْتَغْرِي أَنْ يُؤْذَنَ لَهُ، فَنَادَى: يا أبا بكر!

hear what this woman dares to say in the presence of the Messenger of Allâh ﷺ?””

[3527] 112 - (...) ‘Urwah bin Az-Zubair narrated that ‘Aishah, the wife of the Prophet ﷺ, told him that Rifâ‘ah Al-Qura‘î divorced his wife and made the divorce irrevocable, then after that she married ‘Abdur-Rahmân bin Az-Zubair. She came to the Prophet ﷺ and said: ‘O Messenger of Allâh, I was married to Rifâ‘ah, then he issued the last of three divorces to me. Then after that I married ‘Abdur-Rahmân bin Az-Zubair, and by Allâh all he has is like the edge (of a garment)’ - and she held up the edge of her *Jilbab*. The Messenger of Allâh ﷺ smiled and said: ‘Perhaps you want to go back to Rifâ‘ah? No, not until he (‘Abdur-Rahmân) tastes your sweetness and you taste his sweetness.’ Abû Bakr As-Şiddîq was sitting with the Messenger of Allâh ﷺ, and Khâlid bin Sa‘eed bin Al-‘Âs was sitting at the door of the apartment, and had not been given permission to enter. Khâlid called out to Abû Bakr: ‘Will you not rebuke this woman for what she dares to say in the presence of the Messenger of Allâh ﷺ?’”

أَلَا تَسْمَعُ هَذِهِ مَا تَجْهَرُ بِهِ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ .

الظَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَىٰ - وَاللَّفَظُ لِحَرْمَلَةَ، قَالَ أَبُو الظَّاهِرِ: حَدَّثَنَا، وَقَالَ حَرْمَلَةُ: أَخْبَرَنَا - ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ أَبْنِ شِهَابٍ: حَدَّثَنِي غُرُوفُ بْنُ الرَّزِيرِ، أَنَّ عَائِشَةَ رَوَجَ اللَّهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أَخْبَرَتْهُ أَنَّ رِفَاعَةَ الْقَرَاطِيَّ طَلَقَ امْرَأَتَهُ فَبَتَ طَلَاقَهَا، فَتَرَوَجَتْ بَعْدَهُ عَبْدُ الرَّحْمَنِ بْنُ الرَّزِيرِ، فَجَاءَتِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّهَا كَانَتْ تَحْتَ رِفَاعَةَ، فَطَلَقَهَا آخِرَ ثَلَاثَتِ نَطْلِيقَاتِ، فَتَرَوَجَتْ بَعْدَهُ عَبْدُ الرَّحْمَنِ بْنُ الرَّزِيرِ، وَإِنَّهُ، وَاللَّهُ مَا مَعَهُ إِلَّا مِثْلُ الْهُدْبَيَّةِ، فَأَخَذَتْ بِهِدْبَيَّةَ مِنْ جَلْبَابِهَا. قَالَ: فَتَبَسَّمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ ضَاحِكًا. فَقَالَ: «أَعْلَمُ تُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ، لَا، حَتَّى يَذُوقَ عُسَيْنِيَّكَ وَتَذُوقَيْ عُسَيْنِيَّتَهُ». وَأَبُو بَكْرٍ الصَّدِيقُ جَالِسٌ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ وَخَالِدُ بْنُ سَعِيدٍ بْنِ الْعَاصِ جَالِسٌ بِيَابِ الْحُجَّرَةِ لَمْ يُؤْدَنْ لَهُ. قَالَ: فَطَفِقَ خَالِدٌ يُنَادِي أَبَا بَكْرٍ: أَلَا تَرْجُرُ هَذِهِ عَمَّا تَجْهَرُ بِهِ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ؟ .

[3528] 113 - (...) It was narrated from ‘Âishah that Rifâ‘ah Al-Qurazî divorced his wife, then she married ‘Abdur-Râhmân bin Az-Zubair. She came to the Prophet ﷺ and said: ‘O Messenger of Allâh, Rifâ‘ah issued the last of three divorces...’” a *Hadîth* like that of Yûnus (no. 3527).

[٣٥٢٨]- [١١٣] وَحَدَّثَنَا عَبْدُ الرَّزَاقُ : أَخْبَرَنَا ابْنُ حُمَيْدٍ : أَخْبَرَنَا عَبْدُ الرَّزَاقِ : أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ؛ أَنَّ رِفَاعَةَ الْقُرَاطِيَّ طَلَقَ امْرَأَةً فَتَرَوَّجَهَا عَبْدُ الرَّحْمَنِ بْنُ الرَّبِّيرِ. فَجَاءَتِ النَّبِيَّ ﷺ فَقَالَتْ : يَا رَسُولَ اللَّهِ إِنَّ رِفَاعَةَ طَلَقَهَا آخِرَ ثَلَاثَ طَلَقَاتٍ، يُمْثِلُ حَدِيثَ يُونُسَ.

[3529] 114 - (...) It was narrated from ‘Âishah that the Messenger of Allâh ﷺ was asked about a woman who got married to a man, then he divorced her, then another man married her, and divorced her before consummating the marriage - is it permissible for her to go back to her first husband? He said: ‘No, not until he (the second husband) has tasted her sweetness.’”

[٣٥٢٩]- [١١٤] حَدَّثَنَا مُحَمَّدُ ابْنُ الْعَلَاءِ الْهَمْدَانِيُّ : حَدَّثَنَا أَبُو أَسَأَةَ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ سُئِلَ عَنِ الْمُرْأَةِ يَتَرَوَّجُهَا الرَّجُلُ، فَيُطْلَقُهَا، فَتَرَوَّجَ رَجُلًا، فَيُطْلَقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، أَتَيْحُ لِزَوْجِهَا الْأُولَى؟ قَالَ : «لَا، حَتَّى يَذُوقَ عُسَيْنَتَهَا».

[3530] (...) It was narrated from Hishâm with this chain (a *Hadîth* similar to no. 3529).

[٣٥٣٠]- (...) حَدَّثَنَا أَبُو بَكْرِ بْنِ أَبِي شَيْبَةَ : حَدَّثَنَا ابْنُ فُضَيْلٍ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ : حَدَّثَنَا أَبُو مُعاوِيَةَ، جَمِيعًا عَنْ هِشَامٍ، بِهَذَا الإِسْنَادِ.

[3531] 115 - (...) It was narrated that ‘Âishah said: “A man divorced his wife three times, then another man married her and divorced her before consummating the marriage with her. Her first husband wanted

[٣٥٣١]- [١١٥] حَدَّثَنَا أَبُو بَكْرِ بْنِ أَبِي شَيْبَةَ : حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ الْفَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ قَالَتْ :

to remarry her, and the Prophet ﷺ was asked about that. He said: 'No, not until the second husband tastes of her sweetness what the first one tasted.'

طَلَقَ رَجُلٌ امْرَأَةً ثَلَاثَةِ، فَتَزَوَّجَهَا رَجُلٌ ثُمَّ طَلَقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، فَأَرَادَ زَوْجُهَا الْأَوَّلُ أَنْ يَتَرَوَّجَهَا، فَسُئِلَ رَسُولُ اللَّهِ ﷺ عَنْ ذَلِكَ. فَقَالَ: «لَا، حَتَّى يَدُوقَ الْآخِرُ مِنْ عُسْبِلَتِهَا، مَا ذَاقَ الْأَوَّلُ».

[3532] (...) A similar report (as no. 3531) was narrated with this *Hadîth* from 'Ubaidullâh.

[٣٥٣٢] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعَيْرٍ: حَدَّثَنَا أَبِيهِ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُسْتَنِيِّ: حَدَّثَنَا يَحْيَى يَعْنِي أَبْنَ سَعِيدٍ. جَمِيعًا عَنْ عُبَيْدِ اللَّهِ، بِهَذَا إِلَاسْنَادِ مِثْلِهِ. وَفِي حَدِيثِ يَحْيَى، عَنْ عُبَيْدِ اللَّهِ: حَدَّثَنَا الْقَاسِمُ، عَنْ عَائِشَةَ.

Chapter 18. What It Is Recommended To Say When Having Intercourse

[3533] 116 - (1434) It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'If one of you says, when he wants to have intercourse with his wife, "Bismillâh, Allâhumma! Jannibnâsh-Shaijân; wa jannibish-Shaijâna mâ razaqtanâ. (In the name of Allâh, O Allâh, keep the *Shaijân* away from us and keep the *Shaijân* away from that with which You provide us,' then if it is decreed that they should have a child from that, the *Shaijân* will never harm him."

(المعجم ١٨) - (بابُ ما يستحب أن يقوله عند الجماع) (التحفة ١٨)

[٣٥٣٣] [١٤٣٤]-[١١٦] حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِيَحْيَى - قَالَ: أَخْبَرَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ سَالِمٍ، عَنْ كُرَيْبٍ، عَنْ أَبْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ أَنَّ أَحَدَهُمْ، إِذَا أَرَادَ أَنْ يَأْتِي أَهْلَهُ، قَالَ: بِاسْمِ اللَّهِ، اللَّهُمَّ! جَبَّبَنَا الشَّيْطَانُ؛ وَجَبَّ الشَّيْطَانَ مَا رَزَقْنَا، فَإِنَّهُ، إِنْ يُقْدَرْ يَيْمَنُهُمَا وَلَدْ فِي ذَلِكَ، لَمْ يَقْرَأْ شَيْطَانٌ أَبْدًا».

[3534] (...) A *Hadîth* similar to that of Jarîr (no. 3533) was narrated from Mansûr, except that in the *Hadîth* of Shu'bah it does not mention the words "In the name of Allâh." In the report of 'Abdur-Razzâq from Ath-Thawrî it does say "In the name of Allâh." In the report of Ibn Numair, Mansûr said: "I think he said: 'In the name of Allâh.'"

[٣٥٣٤] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَّى وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُبَّهٌ، وَحَدَّثَنَا ابْنُ نُعْمَى: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَاقَ. جَمِيعاً، عَنِ التَّوْرِيٍّ. كِلَاهُمَا، عَنْ مَنْصُورٍ يَعْنِي حَدِيثَ جَرِيرٍ، غَيْرَ أَنَّ شُبَّهَ لَيْسَ فِي حَدِيثِهِ ذِكْرٌ «بِاسْمِ اللَّهِ». وَفِي رِوَايَةِ عَبْدِ الرَّزَاقِ عَنِ التَّوْرِيٍّ «بِاسْمِ اللَّهِ». وَفِي رِوَايَةِ ابْنِ نُعْمَى: قَالَ مَنْصُورٌ: أَرَاهُ قَالَ «بِاسْمِ اللَّهِ».

Chapter 19. It Is Permissible For A Man To Have Intercourse With His Wife From The Front Or From The Back, Without Entering The Behind

[3535] 117 - (1435) Jâbir said: "The Jews used to say that if a man had intercourse with a woman from the back, in the vagina, the child would have a squint. Then the following was revealed: 'Your wives are a tilth for you, so go to your tilth, when or how you will...'"^[1]

(المعجم ١٩) - (باب جواز جماعه امرأته في قبلها ، من قدامها ومن ورائها ، من غير تعرض للدببر) (التحفة ١٩)

[٣٥٣٥]-[١٤٣٥] ١١٧ وَحَدَّثَنَا قُتَيْبَةَ بْنُ سَعِيدٍ، وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ، وَعَمْرُو التَّانِقُ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالُوا: حَدَّثَنَا سُفِينٌ عَنْ ابْنِ الْمُنْكَدِرِ سَمِعَ جَابِرًا يَقُولُ: كَانَتِ الْيَهُودُ تَقُولُ: إِذَا أَتَى الرَّجُلُ امْرَأَتَهُ، مِنْ دُبُرِهَا، فِي قُبْلَهَا، كَانَ الْوَلَدُ أَحْوَلَّ. فَنَزَّلَتْ: «وَسَاقُوكُمْ حَرَثٌ لَكُمْ فَأَتُوا حَرَثَكُمْ أَنَّى شَعْمَمْ» [آل بقرة: ٢٢٣].

^[1] Al-Baqarah 2:223.

[3536] 118 - (...) It was narrated from Jâbir bin ‘Abdullâh that the Jews used to say: “If a man has intercourse with a woman in her vagina from the back, then she gets pregnant, her child will have a squint.” Then the following was revealed: “Your wives are a tilth for you, so go to your tilth, when or how you will...”.^[1]

[٣٥٣٦]-١١٨ (.) وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا الْلَّيْثُ عَنْ أَبْنِ الْهَادِ، عَنْ أَبِي حَازِمٍ، عَنْ مُحَمَّدٍ بْنِ الْمُنْكَدِرِ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ أَنَّ يَهُودَ كَانُتْ تَقُولُ: إِذَا أَتَيْتِ الْمَرْأَةَ مِنْ دُبْرِهَا، فِي قُبْلِهَا، ثُمَّ حَمَلَتْ كَانَ وَلَدُهَا أَحْوَلَّ. قَالَ: فَأَنْزَلْتَ: «نَسَاؤُكُمْ حَرْثٌ لَّكُمْ فَأَنْوَا حَرْثَكُمْ أَنَّ شَقَّمُ». **فَأَنَّ شَقَّمُ**

[3537] 119 - (...) This *Hadîth* was narrated from Jâbir (a *Hadîth* similar to no. 3536). The *Hadîth* of An-Nu'mân from Az-Zuhîr adds: “...if he wishes, while she is lying on her front, and if he wishes while she is not lying on her front, so long as that is in only one opening.”

[٣٥٣٧]-١١٩ (.) وَحَدَّثَنَا فَتَيْهُ أَبْنُ سَعِيدٍ: حَدَّثَنَا أَبُو عَوَانَةَ؛ وَحَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ؛ حَدَّثَنِي أَبِي عَنْ جَدِّي، عَنْ أَبِي بَكْرٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُسْنَى: حَدَّثَنِي وَهْبُ بْنُ حَرَبِيرِ: حَدَّثَنَا شُعْبَةُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُسْنَى: حَدَّثَنَا عَبْدُ الرَّحْمَنِ قَالَ: حَدَّثَنَا سُفِيَّاً؛ وَحَدَّثَنِي عَيْبَدُ اللَّهِ بْنُ سَعِيدٍ وَهَرُونُ بْنُ عَبْدِ اللَّهِ وَأَبُو مَعْنِ الرَّقَائِشِ. قَالُوا: حَدَّثَنَا وَهْبُ بْنُ حَرَبِيرِ: حَدَّثَنَا أَبِي قَالَ: سَعَفْتُ التَّعْمَانَ بْنَ رَاشِدٍ يُحَدِّثُ عَنِ الزُّهْرِيِّ؛ وَحَدَّثَنِي سُلَيْمَانُ بْنُ مَعْبُدٍ: حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ وَهُوَ أَبُو الْمُخْتَارِ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ،

^[1] Al-Baqarah 2:223.

كُلُّ هَؤُلَاءِ عَنْ مُحَمَّدٍ بْنِ الْمُنْكَدِرِ،
عَنْ جَابِرٍ، بِهَذَا الْحَدِيثِ . وَزَادَ فِي
حَدِيثِ التَّعْمَانِ عَنِ الرُّهْرِيِّ: إِنْ شَاءَ
مُجَبِّيَّةً، وَإِنْ شَاءَ غَيْرَ مُجَبِّيَّةً، غَيْرَ أَنَّ
ذَلِكَ فِي صِمامٍ وَاحِدٍ.

(المعجم ٢٠) - (باب تحريم امتناعها
من فراش زوجها) (التحفة ٢٠)

Chapter 20. It Is Unlawful For The Wife To Refuse To Come To Her Husband's Bed

[3538] 120 - (1436) It was narrated from Abû Zuhrah that the Prophet ﷺ said: "If a woman spends the night forsaking her husband's bed, the Angels will curse her until morning."

[٣٥٣٨]-[١٢٠] [١٤٣٦]-[٣٥٣٨] وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَنَّى وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُشَنَّى - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ قَنَادَةَ يُحَدِّثُ، عَنْ زُرَارَةَ بْنِ أَوْفَى، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا بَاتَتِ الْمَرْأَةُ هَاجِرَةً فِي رَاشَ زَوْجَهَا، لَعْنَتُهَا الْمَلَائِكَةُ حَتَّى تُضْبَحَ».

[3539]^١ (...) Shu'bah narrated it with this chain (a *Hadîth* similar to no. 3538) and said: "...until she goes back."

[٣٥٣٩]-[...] (.) وَحَدَّثَنِي يَحْيَى بْنُ حَيْبٍ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ: حَدَّثَنَا شُعْبَةُ، بِهَذَا الْإِسْنَادِ . وَقَالَ «حَتَّى تُرْجَعَ».

[3540] 121 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'By the One in Whose Hand is my soul, there is no man who calls his wife to his bed and she refuses, but the One Who is in

[٣٥٤٠]-[...] (.) حَدَّثَنَا أَبْنُ أَبِي عُمَرَ: حَدَّثَنَا مَرْوَانٌ عَنْ يَزِيدَ يَعْنِي ابْنَ كَيْسَانَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «وَالَّذِي

heaven will be angry with her, until he is pleased with her.”

نَفْسِي بِيَدِهِ! مَا مِنْ رَجُلٍ يَدْعُو امْرَأَةً إِلَى فِرَاشِهَا، فَتَأْتِيَ عَلَيْهِ، إِلَّا كَانَ الَّذِي فِي السَّمَاءِ سَاخِطًا عَلَيْهَا، حَتَّى يَرْضَى عَنْهَا».

[3541] 122 - (...) It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘If a man calls his wife to his bed and she does not come to him, and he spends the night angry with her, the Angels will curse her until morning.’”

بَكْرٌ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا : حَدَّثَنَا أَبُو مُعاوِيَةَ؛ وَحَدَّثَنِي أَبُو سَعِيدُ الْأَشْجَعُ : حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنِي زُهَيرٌ بْنُ حَرْبٍ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا جَرِيرٌ، كُلُّهُمْ عَنِ الْأَعْمَشِ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : «إِذَا دَعَا الرَّجُلُ امْرَأَتَهُ إِلَى فِرَاشِهِ، فَلَمْ تَأْتِهِ، فَبَاتَ عَصْبَانَ عَلَيْهَا، لَعَنَّتَهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ».

Chapter 21. The Prohibition Of Disclosing A Woman's Secrets

(المعجم ٢١) - (باب تحريم إفشاء سر المرأة) (التحفة ٢١)

[3542] 123 - (1437) Abû Sa'eed Al-Khudrî said: “The Messenger of Allâh ﷺ said: ‘One of the most evil people before Allâh on the Day of Resurrection will be a man who is intimate with his wife and she is intimate with him, then he publicizes her secrets.’”

بَكْرٌ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا مَرْوَانُ بْنُ مُعاوِيَةَ عَنْ عُمَرَ بْنِ حَمْزَةَ الْعُمَرِيِّ حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سَعِيدٍ قَالَ : سَمِعْتُ أَبَا سَعِيدَ الْخُدْرِيَّ يَقُولُ : قَالَ رَسُولُ اللَّهِ ﷺ : «إِنَّ مِنْ أَشَرِ النَّاسِ عِنْدَ اللَّهِ مَنْزِلَةً يَوْمَ الْقِيَامَةِ، الرَّجُلُ

يُفْضِي إِلَى امْرَأَتِهِ، وَتُفْضِي إِلَيْهِ، ثُمَّ
يَشْرُّ سِرَّهَا».

[3543] 124 - (...) Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ said: 'The most serious breach of trust before Allâh on the Day of Resurrection will be a man who is intimate with his wife and she is intimate with him, then he publicizes her secrets.'"

[٣٥٤٣]-[١٢٤] وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعْمَانَ وَأَبُو كُرَبَةَ قَالَا: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ عُمَرَ بْنِ حَمْزَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَعْدٍ قَالَ: سَمِعْتُ أَبَا سَعِيدَ الْخُدْرِيَّ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ مِنْ أَعْظَمِ الْأَمَانَةِ عِنْدَ اللَّهِ يَوْمَ الْقِيَامَةِ، الرَّجُلُ يُفْضِي إِلَى امْرَأَتِهِ وَتُفْضِي إِلَيْهِ، ثُمَّ يَشْرُّ سِرَّهَا» وَقَالَ أَبْنُ نُعْمَانَ: «إِنَّ أَعْظَمَ».

(المعجم ٢٢) - (باب حكم العزل)
(التحفة ٢٢)

[3544] 125 - (1438) It was narrated from Ibn Muhaîriz that he said: "Abû Širmah and I entered upon Abû Sa'eed Al-Khudrî, and Abû Širmah asked him: 'Did you hear the Messenger of Allâh ﷺ speak about 'Azl?' He said: 'Yes. We went on a campaign with the Messenger of Allâh ﷺ to Banû Al-Muštaliq, and we captured some noble Arab women. We had been away from our wives for too long, but we also wanted the ransom, so we wanted to have intercourse with them then withdraw (coitus interruptus). Then we said: "How could we do

[٣٥٤٤]-[١٤٣٨] وَحَدَّثَنَا يَحْيَى بْنُ أَبْيَاتَ وَقَتْنَيَةَ بْنُ سَعِيدَ وَعَلَيَّ بْنُ حُجْرَةَ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ: أَخْبَرَنِي رَبِيعَةُ عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنْ أَبِي مُحَيْرَيْزِ أَنَّهُ قَالَ: دَخَلْتُ أَنَا وَأَبُو صَرْمَةَ عَلَى أَبِي سَعِيدِ الْخُدْرِيِّ، فَسَأَلَهُ أَبُو صَرْمَةَ فَقَالَ: يَا أَبا سَعِيدٍ! هَلْ سَمِعْتَ رَسُولَ اللَّهِ ﷺ يَذَكُّرُ الْعَزْلَ؟ فَقَالَ: نَعَمْ، غَرَّنَا مَعَ رَسُولِ اللَّهِ ﷺ غَرْوَةً بِلْمُضْطَلِقِ، فَسَبَّبَنَا كَرَائِمَ الْعَرَبِ، فَطَالَتْ عَنِّيَا الْعَرْبَةُ

this when the Messenger of Allâh ﷺ is among us, and we have not asked him?" So we asked the Messenger of Allâh ﷺ and he said: It does not matter if you do not do it, for Allâh has not decreed that any soul will exist, until the Day of Resurrection, but it will come into being."

[3545] 126 - (...) A *Hadîth* similar to that of Rabi'ah (no. 3554) was narrated from Muhammad bin Yahyâ bin Habbân with this chain, except that he said: "For Allâh has decreed whom He is going to create until the Day of Resurrection."

[3546] 127 - (...) It was narrated that Abû Sa'eed Al-Khudrî said: "We captured some female prisoners and we engaged in coitus interruptus, then we asked the Messenger of Allâh ﷺ about that, and he said to us: 'Do you do that? Do you do that? Do you do that? There is no soul that is to exist, until the Day of Resurrection, but it will come into being.'"

[3547] 128 - (...) It was narrated from Anas bin Sîrîn, from Ma'bad bin Sîrîn, from Abû Sa'eed Al-Khudrî. He (one of the narrators) said: "I said to him: 'Did you hear

وَرَغِبَنا فِي الْفِدَاءِ، فَأَرْدَنَا أَنْ نَسْتَمْتَعَ وَنَعْزِلَ. قَلَّنَا: نَفْعَلُ وَرَسُولُ اللَّهِ ﷺ يَبْيَنُ أَطْهَرِنَا لَا نَسْأَلُهُ فَسَأَلْنَا رَسُولَ اللَّهِ ﷺ فَقَالَ: «لَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا، مَا كَتَبَ اللَّهُ خَلَقَ نَسْمَةً هِيَ كَائِنَةٌ إِلَى يَوْمِ الْقِيَامَةِ، إِلَّا سَتَكُونُونُ». [٣٥٤٥]

[٣٥٤٦] ١٢٦ - (...) حَدَّثَنِي مُحَمَّدُ بْنُ الْفَرَجِ مَوْلَى بَنِي هَاشِمٍ: حَدَّثَنَا مُحَمَّدُ بْنُ الزَّبِيرِ قَانِ: حَدَّثَنَا مُوسَى بْنُ عَقْبَةَ عَنْ مُحَمَّدٍ بْنِ يَحْيَى بْنِ حَيَّانَ، بِهَذَا الإِسْنَادِ، فِي مَعْنَى حَدِيثِ رَبِيعَةَ، غَيْرَ أَنَّهُ قَالَ: «فَإِنَّ اللَّهَ كَتَبَ مِنْ هُوَ خَالقُ إِلَى يَوْمِ الْقِيَامَةِ». [٣٥٤٦]

[٣٥٤٧] ١٢٧ - (...) وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنِ أَسْمَاءِ الصُّبْعَيِّ: حَدَّثَنَا جُوَيْرَيَةُ عَنْ مَالِكٍ، عَنْ الزُّهْرِيِّ، عَنْ ابْنِ مُحَيْرِيزٍ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ، أَنَّهُ أَخْبَرَهُ قَالَ: أَصَبَّنَا سِبَّاً يَا فَكُنَا نَعْزِلُ، ثُمَّ سَأَلْنَا رَسُولَ اللَّهِ ﷺ عَنْ ذَلِكَ؟ فَقَالَ لَنَا: «وَإِنَّكُمْ لَتَفْعَلُونَ؟ وَإِنَّكُمْ لَتَفْعَلُونَ؟ وَإِنَّكُمْ لَتَفْعَلُونَ؟ مَا مِنْ نَسْمَةٍ كَائِنَةٌ إِلَى يَوْمِ الْقِيَامَةِ إِلَّا هِيَ كَائِنَةٌ». [٣٥٤٧]

[٣٥٤٨] ١٢٨ - (...) وَحَدَّثَنَا نَضْرُ ابْنُ عَلَيِّ الْجَهْضَمِيِّ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضِّلِ: حَدَّثَنَا شُعبَةُ عَنْ أَنَسِ بْنِ سِيرِينَ،

it from Abû Sa'eed?" He said: "Yes, from the Prophet ﷺ who said: It does not matter if you do not do it, for it is only the Divine Decree (that decides).""

[3548] 129 - (...) A similar report (as no. 3546) was narrated from Anas bin Sîrîn with this chain, except that in their *Hadîth* it says: "From the Prophet ﷺ who said concerning 'Azl: 'It does not matter if you do not do it, for it is only the Divine Decree (that decides).'"

According to the report of Bahz,
Shu'bah said: "I said to him: 'Did
you hear it from Abû Sa'eed?'
He said: 'Yes.'"

[3549] 130 - (...) It was narrated from 'Abdur-Rahmân bin Bishr bin Mas'ûd who attributed it to Abû Sa'eed Al-Khudrî, who said: "The Prophet ﷺ was asked about 'Azl and he said: 'It does not matter if you do not do it, for it is only the Divine Decree (that decides).'"

(One of the narrators) Muhammad said: "The words: 'It does not matter' are more likely to mean that it is not allowed."

عَنْ مَعْبِدٍ بْنِ سِيرِينَ، عَنْ أَبِي سَعِيدٍ
الْحَدْرِيِّ قَالَ: قُلْتُ لَهُ: سَمِعْتَهُ مِنْ أَبِي
سَعِيدٍ؟ قَالَ: نَعَمْ، عَنْ النَّبِيِّ ﷺ قَالَ: لَا
عَلَيْكُمْ أَنْ لَا تَفْعَلُوا، فَإِنَّمَا هُوَ الْقَدْرُ».

[٣٥٤٨] - (١٢٩) حَدَّثَنَا مُحَمَّدُ
بْنُ الْمُتَّقِيِّ وَابْنُ بَشَّارٍ قَالًا: حَدَّثَنَا مُحَمَّدُ
بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا يَحْيَى ابْنُ حَبِيبٍ:
حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثَ؛ وَحَدَّثَنِي
مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ
[بْنُ مَهْدِيٍّ] وَبَهْزَ، قَالُوا جَمِيعًا: حَدَّثَنَا
شَعْبَةُ عَنْ أَنَسِ بْنِ سِيرِينَ، بِهَذَا الْإِسْنَادِ
مِثْلُهُ، غَيْرَ أَنَّ فِي حَدِيثِهِمْ: عَنْ
الشَّيْخِ يَحْيَى بْنِ سَعْدٍ، قَالَ فِي الْعَزْلِ؟ «لَا عَيْنُكُمْ أَنْ
لَا تَعْلُمُوا ذِلْكُمْ، فَإِنَّمَا هُوَ الْقَدْرُ». .
وَفِي رِوَايَةِ بَهْزَ قَالَ شَعْبَةُ: قُلْتُ لَهُ:
سَمِعْتَهُ مِنْ أَبِي سَعِيدٍ؟ قَالَ: نَعَمْ.

[٣٥٤٩] - (١٣٠) حَدَّنِي أَبُو حَمْدَنِي أَبُو الرَّبِيعِ الزَّهْرَانِيِّ وَأَبُو كَامِلِ الْجَحَدَرِيِّ -
وَالْفَقْطُ لِأَبِي كَامِلٍ - قَالَا: حَدَّثَنَا حَمَادٌ
وَهُوَ ابْنُ زَيْدٍ: حَدَّثَنَا أَيُوبُ عَنْ مُحَمَّدٍ،
عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَشْرِبِيرِ بْنِ مَسْعُودٍ رَدَّهُ
إِلَى أَبِي سَعِيدِ الْخُدَرِيِّ، قَالَ: سُئِلَ
الشَّيْءَ يَكْتَبُهُ عَنِ الْعَزْلِ؟ فَقَالَ: «لَا عَلَيْكُمْ
أَنْ لَا تَفْعَلُوا ذَاكُمْ، فَإِنَّمَا هُوَ الْقَدْرُ».

قَالَ مُحَمَّدٌ: وَقَوْلُهُ «لَا عَلَيْكُمْ» أَفْرَبَ إِلَى
النَّهَيِّ.

[3550] 131 - (...) Abû Sa‘eed Al-Khudrî said: “Mention of ‘Azl was made in the presence of the Prophet ﷺ and he said: ‘Why do you do that?’ They said: ‘A man may have a wife who is breastfeeding and he has intercourse with her, but he does not want her to become pregnant. And a man may have a slave woman and he has intercourse with her, but he does not want her to become pregnant.’ He said: ‘It does not matter if you do not do it, for it is only the Divine Decree (that decides).’”

Ibn ‘Awn said: “I narrated this to Al-Hasan, and he said: ‘By Allâh, it is as if it is a rebuke.’”

[3551] (...) The *Hadîth* of ‘Abdur-Rahmân bin Bîshîr (no. 3550) was narrated from Ibrâhîm, meaning, the *Hadîth* about ‘Azl. He said: “It was to me that ‘Abdur-Rahmân bin Bîshîr narrated it.”

[3552] (...) It was narrated that Mab‘ad bin Sîrîn said: “We said to Abû Sa‘eed: ‘Did you hear the Messenger of Allâh ﷺ mention anything about ‘Azl?’ He said:

[٣٥٥٠] ١٣١ - (...) وَحَدَّثَنَا مُحَمَّدٌ
بْنُ الْمُسْتَنْ: حَدَّثَنَا مَعَاذُ بْنُ مَعَاذٍ: حَدَّثَنَا أَبْنُ
عَوْنَى عَنْ مُحَمَّدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَشْرِ
الْأَنْصَارِيِّ قَالَ: فَرَدَ الْحَدِيثَ حَتَّى رَدَهُ إِلَى
أَبِي سَعِيدِ الْخُدْرِيِّ. قَالَ: ذُكِرَ الْعَزْلُ عِنْدَ
النَّبِيِّ ﷺ فَقَالَ: «وَمَا ذَاكُمْ؟» قَالُوا:
الرَّجُلُ تَكُونُ لَهُ الْمَرْأَةُ تُرْضِعُ فَيُصِيبُ مِنْهَا،
وَيَكْرَهُ أَنْ تَحْمِلَ مِنْهُ، وَالرَّجُلُ تَكُونُ لَهُ
الْأَمْمَةُ فَيُصِيبُ مِنْهَا، وَيَكْرَهُ أَنْ تَحْمِلَ مِنْهُ.
قَالَ: «فَلَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا ذَاكُمْ، فَإِنَّمَا
هُوَ الْقُدْرَ». هُوَ الْقُدْرَ.

قَالَ أَبْنُ عَوْنَى: فَحَدَّثَنِي بِهِ الْحَسَنَ
فَقَالَ: وَاللَّهِ! لَكَانَ هَذَا رَجُورًا.

[٣٥٥١] (...) وَحَدَّثَنِي حَجَاجُ بْنُ
الشَّاعِرِ: حَدَّثَنَا شَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا
حَمَادُ بْنُ زَيْدٍ عَنْ أَبْنِ عَوْنَى قَالَ: حَدَّثَنِي
مُحَمَّدًا عَنْ إِبْرَاهِيمَ بِحَدِيثِ عَبْدِ الرَّحْمَنِ
بْنِ يَشْرِ. يَعْنِي حَدِيثَ الْعَزْلِ، فَقَالَ:
إِنَّمَا حَدَّثَهُ عَبْدُ الرَّحْمَنِ بْنُ يَشْرِ.

[٣٥٥٢] (...) حَدَّثَنَا مُحَمَّدُ بْنُ
الْمُسْتَنْ: حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا هِشَامٌ
عَنْ مُحَمَّدٍ، عَنْ مَعْبِدِ بْنِ سِيرِينَ قَالَ:

'Yes...'” and he quoted a *Hadîth* like that of Ibn ‘Awn (no. 3550), as far as the words: “Divine Decree.”

فُلْنَا لِأَبِي سَعِيدٍ: هَلْ سَمِعْتَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ يَذْكُرُ فِي الْعَزْلِ شَيْئًا؟ قَالَ: نَعَمْ. وَسَاقَ الْحَدِيثَ بِمَعْنَى حَدِيثِ ابْنِ عَوْنَى، إِلَى قَوْلِهِ «الْقَدْرُ».

[3553] 132 - (...) It was narrated that Abû Sa‘eed Al-Khudrî said: “Mention of ‘Azl was made to the Messenger of Allâh ﷺ and he said: ‘Why would one of you do that?’ - but he did not say, one of you should not do that - ‘There is no soul that is meant to be created but Allâh will definitely create it.’”

[٣٥٥٣] ١٣٢ - (...) حَدَّثَنَا عَبْيَدُ اللَّهِ بْنُ عَمَّارَ الْقَوَارِيرِيَّ وَأَحْمَدُ ابْنُ عَبْدَةَ - قَالَ ابْنُ عَبْدَةَ: أَخْبَرَنَا، وَقَالَ عَبْيَدُ اللَّهِ: حَدَّثَنَا - سُفْيَانُ ابْنُ عُيَيْنَةَ عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاوِدٍ، عَنْ قَزَّاعَةَ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: ذُكِرَ الْعَزْلُ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ. فَقَالَ: «وَلَمْ يَفْعُلْ ذَلِكَ أَحَدُكُمْ؟ - وَلَمْ يَقُلْ: فَلَا يَفْعُلْ ذَلِكَ أَحَدُكُمْ - فَإِنَّهُ لَيْسَتْ نَفْسٌ مَخْلُوقٌ إِلَّا اللَّهُ خَالِقُهَا».

[3554] 133 - (...) It was narrated that Abû Sa‘eed Al-Khudrî said: “The Messenger of Allâh ﷺ was asked about ‘Azl and he said: ‘The child does not come from all the water; if Allâh wants to create something nothing can prevent it.’”

[٣٥٥٤] ١٣٣ - (...) حَدَّثَنَا هُرُونُ بْنُ سَعِيدِ الْأَئْلَيْ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ وَهْبٍ: أَخْبَرَنِي مُعَاوِيَةً يَعْنِي ابْنَ صَالِحٍ، عَنْ عَلَيِّ بْنِ أَبِي طَلْحَةَ، عَنْ أَبِي الْوَدَّاكِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ سَمِعَهُ يَقُولُ: سُئِلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْعَزْلِ؟ فَقَالَ «مَا مِنْ كُلِّ الْمَاءِ يَكُونُ الْوَلَدُ، وَإِذَا أَرَادَ اللَّهُ خَلْقًا شَيْءًا لَمْ يَمْنَعْهُ شَيْءٌ». ا

[3555] (...) A similar report (as no. 3554) was narrated from Abû Sa‘eed Al-Khudrî, from the Prophet ﷺ.

[٣٥٥٥] (...) وَحَدَّثَنِي أَحْمَدُ بْنُ الْمُنْذِرِ الْبَصْرِيِّ: حَدَّثَنَا زَيْدُ بْنُ الْحَبَابِ: حَدَّثَنَا مُعَاوِيَةً: أَخْبَرَنِي عَلَيِّ بْنِ أَبِي

طَلْحَةُ الْهَاشِمِيُّ، عَنْ أَبِي الْوَدَاءِ، عَنْ
أَبِي سَعِيدٍ [الْخُدْرِيِّ] عَنْ الَّذِي يَعْتَدِلُ
بِمُثْلِهِ.

[٣٥٥٦] [١٣٤-١٤٣٩] حَدَّثَنَا

أَحْمَدُ بْنُ عَبْدِ اللَّهِ بْنِ يُونُسَ: حَدَّثَنَا
رُهْبَرٌ: أَخْبَرَنَا أَبُو الزُّبَيرٍ عَنْ جَابِرٍ أَنَّ
رَجُلًا أَتَى رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: إِنَّ لِي
جَارِيَةً هِيَ خَادِمَنَا وَسَانِيَتُنَا، وَأَنَا أَطْوُفُ
عَلَيْهَا وَأَنَا أَكْرَهُ أَنْ تَحْمِلَنِي. فَقَالَ: «اغْزِلْ
عَنْهَا إِنْ شِئْتَ، فَإِنَّهُ سَيِّئَاتِهَا مَا قُدْرَ لَهَا»
فَلَبِثَ الرَّجُلُ، ثُمَّ أَتَاهُ فَقَالَ: إِنَّ الْجَارِيَةَ
قَدْ حَبَّلَتْ. فَقَالَ «فَدُّ أَخْبَرْتُكَ أَنَّهُ سَيِّئَاتِهَا
مَا قُدْرَ لَهَا».

[٣٥٥٧] [١٣٥-...] حَدَّثَنَا سَعِيدٌ

ابْنُ عَمْرِو الْأَشْعَثِيُّ: حَدَّثَنَا سُفْيَانُ بْنُ
عُيَيْنَةَ عَنْ سَعِيدِ بْنِ حَسَانَ، عَنْ عُرْوَةَ بْنِ
عِيَاضٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: سَأَلَ
رَجُلُ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: إِنَّ عِنْدِي جَارِيَةٌ
لِي، وَأَنَا أَغْزِلُ عَنْهَا. فَقَالَ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ ذَلِكَ لَمْ يَمْنَعْ شَيْئًا أَرَادَهُ
اللَّهُ أَوْ أَرَادَهُ الرَّجُلُ» فَقَالَ: يَا رَسُولَ
اللَّهِ! إِنَّ الْجَارِيَةَ الَّتِي كُنْتُ ذَكَرْتُهَا لَكَ
حَمَلَتْ. فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَنَا عَبْدُ
اللَّهِ وَرَسُولُهُ».

[3556] 134 - (1439) It was narrated from Jâbir that a man came to the Messenger of Allâh ﷺ and said: "I have a slave woman who is our servant and brings water for us. I have intercourse with her, but I do not want her to become pregnant." He said: "Withdraw from her ('Azl) if you wish, but what has been decreed for her will come to her." Some time passed, then the man came to him and said that the slave woman had become pregnant. He said: "I told you that what had been decreed for her would come to her."

[3557] 135 - (...) It was narrated that Jâbir bin 'Abdullâh said: "A man asked the Prophet ﷺ: 'I have a slave woman and I withdraw from her ('Azl).' The Messenger of Allâh ﷺ said: 'That does not prevent anything that Allâh wills.' The man came (a second time) and said: 'O Messenger of Allâh, the slave woman whom I mentioned to you has become pregnant.' The Messenger of Allâh ﷺ said: 'I am the slave of Allâh and His Messenger.'"

[3558] (...) It was narrated that Jâbir bin ‘Abdullâh said: “A man came to the Prophet ﷺ like that of Sufyân (no. 3557).

[٣٥٥٨] (...) وَحَدَّثَنِي حَجَاجُ بْنُ الشَّاعِرِ: حَدَّثَنَا أَبُو أَحْمَدَ الرُّبِّيرِيُّ: حَدَّثَنَا سَعِيدُ بْنُ حَسَانَ، قَاصِّ أَهْلِ مَكَّةَ، قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ عِيَاضٍ بْنُ عَدْيٍ ابْنِ الْخَيَارِ النَّوْفَلِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ، بِمَعْنَى حَدِيثِ سُفِيَّانَ.

[3559] 136 - (1440) It was narrated that Jâbir said: “We used to engage in ‘Azl (and) the Qur’ân was being revealed.” Ishâq added: “Sufyân said: ‘If anything were to have forbidden it, we would have been forbidden it by the Qur’ân.’”

[٣٥٥٩] [١٤٤٠-١٣٦] حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَإِسْحَاقَ بْنُ إِبْرَاهِيمَ - قَالَ إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ أَبُو بَكْرٍ: حَدَّثَنَا - سُفِيَّانُ عَنْ عَمْرُو، عَنْ عَطَاءَ، عَنْ جَابِرٍ قَالَ: كُنَّا نَعْرُلُ وَالْقُرْآنُ يَنْزُلُ. زَادَ إِسْحَاقُ: قَالَ سُفِيَّانُ: لَوْ كَانَ شَيْئًا يُنْهَى عَنْهُ، لَهَا نَعْرُلُ عَنْهُ الْقُرْآنَ.

[3560] 137 - (...) Jâbir said: “We used to engage in ‘Azl at the time of the Messenger of Allâh ﷺ.”

[٣٥٦٠] [١٣٧-١٣٨] (...) وَحَدَّثَنِي سَلَمَةُ بْنُ شَيْبَةَ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْيُنَ: حَدَّثَنَا مَعْقُلٌ، عَنْ عَطَاءَ قَالَ: سَمِعْتَ حَاجِراً يَقُولُ: لَقَدْ كُنَّا نَعْرُلُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ.

[3561] 138 - (...) It was narrated that Jâbir said: “We used to engage in ‘Azl at the time of the Messenger of Allâh ﷺ. News of that reached the Messenger of Allâh ﷺ and he did not forbid us to do it.”

[٣٥٦١] [١٣٨-١٣٩] (...) وَحَدَّثَنِي أَبُو غَسَانَ الْمِسْنَمِيُّ: حَدَّثَنَا مُعاَدٌ يَعْنِي ابْنَ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ أَبِي الرُّبِّيرِ، عَنْ جَابِرٍ قَالَ: كُنَّا نَعْرُلُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَبَلَغَ ذَلِكَ نَبِيُّ اللَّهِ ﷺ. فَلَمْ يُنْهَنَا عَنْهُ.

Chapter 23. The Prohibition Of Intercourse With A Pregnant Captive Woman

[3562] 139 - (1441) It was narrated from Abû Ad-Dardâ' that the Prophet ﷺ passed by a heavily pregnant (captive) woman, at the door of a tent and he said: "Perhaps he (the owner) wants to have intercourse with her?" They said: "Yes." The Messenger of Allâh ﷺ said: "I was thinking of cursing him with a curse that would go to his grave with him. How can he make him his heir when that is not permissible for him? How can he make him his slave when that is not permissible for him?"

[3563] (...) It was narrated from Shu'bah with this chain (a *Hadîth* similar to no. 3562).

Chapter 24. It Is Permissible To Have Intercourse With A Breastfeeding Woman (*Ghîlah*), And 'Azl Is Disliked

[3564] 140 - (1442) It was narrated from Judâmah bint Wahb Al-Asadiyyah that she heard the Messenger of Allâh ﷺ say: "I was thinking of forbidding

(المعجم ٢٣) - (باب تحرير وطى الحامل المسيبة) (التحفة ٢٣)

[٣٥٦٢] ١٣٩ - (١٤٤١) حَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّقِيِّ وَمُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُبَّةُ عَنْ يَرِيدَ بْنِ خُمَيْرٍ. قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ جُبَيْرٍ يُحَدِّثُ عَنْ أَبِيهِ، عَنْ أَبِي الدَّرْدَاءِ عَنِ النَّبِيِّ ﷺ أَنَّهُ أَتَى بِامْرَأَةً مُجِّحَّ عَلَى بَابِ فُسْطَاطٍ، فَقَالَ: «الَّعَلَّهُ يُرِيدُ أَنْ يُلْمِمَ بِهَا؟» فَقَالُوا: نَعَمْ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَقَدْ هَمَّتْ أَنْ أَعْلَمَ لَعْنَةً لَعْنَاهُ يَدْخُلُ مَعْهُ قَبْرَةً، كَيْفَ يُورَثُهُ وَهُوَ لَا يَحِلُّ لَهُ؟ كَيْفَ يَسْتَحْدِمُهُ وَهُوَ لَا يَحِلُّ لَهُ؟».

[٣٥٦٣] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَرِيدُ بْنُ هُرُونَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو دَاؤِدَ، جَمِيعًا عَنْ شُبَّةَ، فِي هَذَا الْإِسْنَادِ.

(المعجم ٢٤) - (باب جواز الغيلة وهي وطى المرضع، وكراهة العزل)
(التحفة ٢٤)

[٣٥٦٤] ١٤٠ - (١٤٤٢) وَحَدَّثَنَا حَلْفُ بْنُ هِشَامٍ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى - وَاللَّفْظُ لَهُ - قَالَ:

intercourse with a breastfeeding woman, until it occurred to me that the Romans and Persians do that and it does not harm their children.”

فَرَأَتْ عَلَىٰ مَالِكٍ عَنْ مُحَمَّدٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ نَوْفَلٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنْ جُدَامَةَ بْنِتِ وَهْبٍ الْأَسْدِيَّةِ؛ أَنَّهَا سَمِعَتْ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَقَدْ هَمَمْتُ أَنْ أَنْهَىٰ عَنِ الْغِيلَةِ، حَتَّىٰ ذَكَرْتُ أَنَّ الرُّومَ وَفَارِسَ يَصْنَعُونَ ذَلِكَ فَلَا يَضُرُّ أَوْلَادُهُمْ». وَأَمَّا خَلْفُ فَقَالَ: عَنْ جُدَامَةَ الْأَسْدِيَّةِ، قَالَ مُسْلِمٌ: وَالصَّحِيحُ مَا قَالَ يَخْبِي: بِالدَّالِ عَيْنٌ مَفْوَطَةٌ.

[3565] 141 - (...) It was narrated from ‘Aishah that Judāmah bint Wahb, the sister of ‘Ukāshah, said: “I came to the Messenger of Allāh ﷺ along with some other people and he was saying: ‘I was thinking of forbidding intercourse with a breastfeeding woman, then I looked at the Romans and Persians; they have intercourse with their wives during the breastfeeding period and their children are not harmed by that at all.’ Then they asked him about ‘Azl and the Messenger of Allāh ﷺ said: ‘It is a hidden form of burying alive.’” Ubaidullāh added in his *Hadīth* from Al-Muqrī: This is a reference to (the verse): “And when the female (infant) buried alive is questioned.”^[1]

[٣٥٦٥] ١٤١ - (...) حَدَّثَنَا عَيْنِدُ اللَّهِ بْنُ سَعِيدٍ وَمُحَمَّدُ بْنُ أَبِي عُمَرَ قَالَ: حَدَّثَنَا الْمُقْرِيُّ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي أُبُوبَ: حَدَّثَنِي أَبُو الْأَسْوَدَ عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنْ جُدَامَةَ بْنِتِ وَهْبٍ، أُخْتِ عُكَاشَةَ قَالَتْ: حَضَرْتُ رَسُولَ اللَّهِ ﷺ فِي أَنَاسٍ، وَهُوَ يَقُولُ: «لَقَدْ هَمَمْتُ أَنْ أَنْهَىٰ عَنِ الْغِيلَةِ، فَنَظَرْتُ فِي الرُّومَ وَفَارِسَ، فَإِذَا هُمْ يَعْلُوُنَ أَوْلَادَهُمْ، فَلَا يَضُرُّ أَوْلَادُهُمْ ذَلِكَ شَيْئًا». ثُمَّ سَأَلْتُهُ عَنِ الْعَزْلِ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «ذَلِكَ الْوَأْدُ الْخَفِيُّ».

زاد عَيْنِدُ اللَّهِ فِي حَدِيثِهِ عَنِ الْمُقْرِيِّ [وَهُيَ]: «وَإِذَا آتَمْوَدَهُ شِلَّتَ» [التوكير: ٨].

[1] *At-Takwîr* 81:6.

[3566] 142 - (...) It was narrated from 'Âishah that Judâmah bint Wahb Al-Asadiyyah said: "I heard the Messenger of Allâh ﷺ say:..." and he (the narrator) mentioned a *Hadîth* like that of Sa'eed bin Abî Ayyûb (no. 3565) about 'Azl and Ghîlah.

[٣٥٦٦] [١٤٢-...] وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى بْنُ إِسْحَاقَ: حَدَّثَنَا يَحْيَى بْنُ أَيُوبَ، عَنْ مُحَمَّدٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ نَوْفِيلِ الْقُرْشِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنْ جُدَامَةَ بْنِتِ وَهْبٍ الْأَسَدِيَّةِ أَنَّهَا قَالَتْ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ، وَذَكَرَ بِمِثْلِ حَدِيثِ سَعِيدِ بْنِ أَبِي أَيُوبَ، فِي الْعَزْلِ وَالْغِيلَةِ، غَيْرَ أَنَّهَا قَالَ: «الْغِيلَالِ».

[3567] 143 - (1443) It was narrated from 'Âmir bin Sa'd bin Abî Waqqâs that Usâmah bin Zaid told his father Sa'd bin Abî Waqqâs that a man came to the Prophet ﷺ and said: "I withdraw ('Azl) from my wife." The Messenger of Allâh ﷺ said to him: "Why do you do that?" The man said: "Out of compassion towards her child, or, her children." The Messenger of Allâh ﷺ said: "If that was harmful, it would have harmed the Persians and Romans."

Zuhair said in his report: "If it is because of that, then no (do not do it), for that does not harm the Persians and Romans."

[٣٥٦٧] [١٤٤٣-١٤٣] حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ وَزُهَيرٌ بْنُ حَرْبٍ - وَاللَّفْظُ لِابْنِ نُمَيْرٍ - قَالَا: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ زَيْدَ [الْمَقْبِرِيُّ]: حَدَّثَنَا حَبِيبُهُ: حَدَّثَنِي عَيَّاشُ بْنُ عَبَّاسٍ؛ أَنَّ أَبَا النَّضْرِ حَدَّهُ، عَنْ عَامِرِ بْنِ سَعِيدٍ، أَنَّ أُسَامَةَ بْنَ زَيْدٍ أَخْبَرَ وَالَّذِي سَعَدَ بْنَ أَبِي وَقَاصِ؛ أَنَّ رَجُلًا جَاءَ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: إِنِّي أَعْزُلُ عَنِ امْرَأَتِي، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «لَمْ تَفْعَلْ ذَلِكَ؟» فَقَالَ الرَّجُلُ: أَشْفَقُ عَلَى وَلَدِهَا، أَوْ عَلَى أُولَادِهَا. فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ كَانَ ذَلِكَ ضَارًاً، ضَرَّ فَارِسَ وَالرُّومَ». وَقَالَ زُهَيرٌ فِي رِوَايَتِهِ «إِنْ كَانَ لِذَلِكَ فَلَا، مَا ضَارَ ذَلِكَ فَارِسَ وَلَا الرَّومَ».

17. The Book Of Breastfeeding

Chapter 1. “Breastfeeding Makes Unlawful What Birth Makes Unlawful.”

[3568] 1 - (1444) It was narrated from ‘Amrah that ‘Aishah told her, that the Messenger of Allâh ﷺ was with her, and she heard the voice of a man asking permission to enter Hafṣah’s house. ‘Aishah said: “I said: ‘O Messenger of Allâh, there is a man asking permission to enter your house.’ The Messenger of Allâh ﷺ said: ‘I think it is so-and-so’ - Hafṣah’s paternal uncle through breastfeeding. ‘Aishah said: ‘O Messenger of Allâh, if so-and-so’ - her paternal uncle through breastfeeding - were still alive, ‘could he enter upon me?’ The Messenger of Allâh ﷺ said: ‘Yes, for breastfeeding makes unlawful what birth makes unlawful.’”

[3569] 2 - (...) It was narrated from ‘Amrah that ‘Aishah said: “The Messenger of Allâh ﷺ said to me: ‘What becomes unlawful through breastfeeding is that which becomes unlawful through birth.’”

٢ - (المعجم ١٧) - كتاب الرضاع
(التحفة ...)

(المعجم ١) - (باب يحرم من الرضاعة ما يحرم من الولادة)
(التحفة ٢٥)

[٣٥٦٨] ١ - (١٤٤٤) حَدَّثَنِي يَحْيَى بْنُ عَمْرَوٍ عَنْ أَبْنِي عَمِّهِ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، أَنَّ عَائِشَةَ أَخْبَرَتْهَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ عِنْدَهَا، وَإِنَّهَا سَمِعَتْ صَوْتَ رَجُلٍ يَسْتَأْذِنُ فِي بَيْتِ حَفْصَةَ . قَالَتْ عَائِشَةَ فَقُلْتُ: يَا رَسُولَ اللَّهِ! هَذَا رَجُلٌ يَسْتَأْذِنُ فِي بَيْتِكَ . فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أَرَاهُ فُلَانًا» - لَعَمْ حَفْصَةَ مِنَ الرَّضَاعَةِ - قَالَتْ عَائِشَةَ: يَا رَسُولَ اللَّهِ! لَوْ كَانَ فُلَانُ حَيًّا - لِعَمِّهَا مِنَ الرَّضَاعَةِ - دَخَلَ عَلَيَّ؟ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ «لَعْمُ الرَّضَاعَةِ تُحَرِّمُ مَا تُحَرِّمُ الْوِلَادَةُ» .

[٣٥٦٩] ٢ - (...) وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو أَسَامَةَ، وَحَدَّثَنِي أَبُو مَعْمَرٍ إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ الْهَذَلِيُّ: حَدَّثَنَا عَلَيُّ بْنُ هَاشِمٍ بْنُ الْبَرِيدِ،

جَوَيْعًا عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ [لِي] رَسُولُ اللَّهِ ﷺ: «يَحْرُمُ مَنْ الرَّضَاعَةَ مَا يَحْرُمُ مِنَ الْوَلَادَةِ».

[3570] (...) 'Abdullâh bin Abî Bakr narrated a *Hadîth* similar to that of Hishâm bin 'Urwah (no. 3569), with this chain.

[٣٥٧٠] (...) وَحَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا أَبْنُ جُرَيْجٍ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنِ أَبِي بَكْرٍ، بِهَذَا الْإِسْنَادِ، مِثْلُ حَدِيثِ هِشَامِ بْنِ عُرْوَةَ.

Chapter 2. The Prohibition That Results From Breastfeeding Is Related To The Issue Of The Male

[3571] 3 - (1445) It was narrated from 'Âishah that Aflâh, the brother of Abû Al-Qu'ais, came and asked for permission to enter upon her, who was her paternal uncle through breastfeeding, after (the command of) *Hijâb* had been revealed. She said: "I refused to let him in, and when the Messenger of Allâh ﷺ came, I told him what I had done, and he told me to let him in."

[3572] 4 - (...) It was narrated that 'Âishah said: "My paternal uncle through breastfeeding,

(المعجم ٢) - (باب تحريم الرضاعة من ماء الفحل) (التحفة ٢٦)

[٣٥٧١] ٣- (١٤٤٥) حَدَّثَنَا يَحْيَى أَبْنُ يَحْيَى قَالَ: فَرَأَتُ عَلَى مَالِكٍ عَنْ أَبْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزَّبِيرِ، عَنْ عَائِشَةَ، أَنَّهَا أَخْبَرَتْهُ، أَنَّ أَفْلَاحَ، أَخَا أَبِي الْقَعْدَيْنِ، جَاءَ يَسْتَأْذِنُ عَلَيْهَا، وَهُوَ عَمَّهَا مِنَ الرَّضَاعَةِ، بَعْدَ أَنْ أَنْزَلَ الْحِجَابَ، قَالَتْ: قَاتَبَتْ أَنْ آذَنَ لَهُ، فَلَمَّا جَاءَ رَسُولُ اللَّهِ ﷺ أَخْبَرَهُ بِالذِّي صَنَعْتُ، فَأَرْسَلَنِي أَنْ آذَنَ لَهُ عَلَيَّ.

[٣٥٧٢] ٤- (...) وَحَدَّثَنَا أَبُو بَكْرٍ أَبْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَةَ عَنِ

Aflah bin Abū Al-Qu'aīs, came to me...” and he mentioned a *Hadīth* similar to that of Mālik (no. 3571) and added: “I said: ‘It is the woman who breastfed me, not the man.’ He ﷺ said: ‘May your hands’ - or ‘your right hand - be rubbed with dust.”

الزُّهْرِيُّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: أَتَانِي عَمِّي مِنَ الرَّضَاعَةِ، أَفْلَحُ بْنُ أَبِي قُعَيْسٍ، فَذَكَرَ بِمَعْنَى حَدِيثِ مَالِكٍ. وَرَأَدَ: قُلْتُ: إِنَّمَا أَرْضَعْتِنِي الْمَرْأَةُ وَلَمْ يُرْضِعْنِي الرَّجُلُ، قَالَ: «تَرِبَّتْ يَدَاكِ، أَوْ يَمِينُكِ».

[3573] 5 - (...) It was narrated from ‘Urwah that ‘Aishah told him that Aflah, the brother of Abū Al-Qu'aīs, came and asked for permission to enter upon her, after the (command of) *Hijāb* had been revealed. Abū Al-Qu'aīs was ‘Aishah’s father through breastfeeding. ‘Aishah said: “I said: ‘By Allāh, I will not give permission to Aflah until I seek permission from the Messenger of Allāh ﷺ, for Abū Al-Qu'aīs is not the one who breastfed me, rather his wife breastfed me.’” ‘Aishah said: “When the Messenger of Allāh ﷺ came in, I said: ‘O Messenger of Allāh, Aflah, the brother of Abū Al-Qu'aīs, came to me and asked permission to enter upon me, but I did not want to give him permission until I asked your permission.’ The Prophet ﷺ said: ‘Give him permission.’”

‘Urwah said: “Because of that, ‘Aishah used to say: ‘Regard as unlawful through breastfeeding that which you regard as unlawful through lineage.’”

[٣٥٧٣]-٥ (...) وَحَدَّثَنِي حَرَمَةُ ابْنُ يَحْيَى: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ أَنَّ عَائِشَةَ أَخْبَرَتْهُ: أَنَّهُ جَاءَ أَفْلَحُ أَخُو أَبِي القَعَيْسِ يَسْتَأْذِنُ عَلَيْهَا، بَعْدَ مَا نَزَّلَ الْحِجَابُ، وَكَانَ أَبُو القَعَيْسِ أَبَا عَائِشَةَ مِنَ الرَّضَاعَةِ، قَالَتْ عَائِشَةُ: قُلْتُ: وَاللهِ! لَا آذِنُ لِأَفْلَحَ، حَتَّى أَسْتَأْذِنَ رَسُولَ اللهِ ﷺ، فَإِنَّ أَبَا القَعَيْسِ لَئِسَ هُوَ أَرْضَعَنِي، وَلَكِنَّ أَرْضَعْتِنِي امْرَأَتُهُ، قَالَتْ عَائِشَةُ: فَلَمَّا دَخَلَ رَسُولُ اللهِ ﷺ قُلْتُ: يَا رَسُولَ اللهِ! إِنَّ أَفْلَحَ أَخَا أَبِي القَعَيْسِ جَاءَنِي يَسْتَأْذِنُ عَلَيَّ فَكَرِهْتُ أَنْ آذَنَ لَهُ حَتَّى أَسْتَأْذِنَكَ، قَالَ: قَالَتْ: فَقَالَ النَّبِيُّ ﷺ: «أَئْذَنْنِي لَهُ». قَالَ عُرْوَةُ: فِي ذَلِكَ كَانَتْ عَائِشَةُ تَقُولُ: حَرَمُوا مِنَ الرَّضَاعَةِ مَا تُحَرَّمُونَ مِنَ النَّسَبِ.

[3574] 6 - (...) It was narrated from Az-Zuhri with this chain: "Aflah, the brother of Abû Al-Qu'ais, came and asked permission to enter upon her..." a similar *Hadîth* (as no. 3572), in which it says: "He is your paternal uncle, may your right hand be rubbed with dust." Abû Al-Qu'ais was the husband of the woman who breastfed 'Aishah.

[3575] 7 - (...) It was narrated that 'Aishah said: "My paternal uncle through breastfeeding came and asked permission to enter upon me, and I refused to give him permission until I consulted the Messenger of Allâh ﷺ. When the Messenger of Allâh ﷺ came, I said: 'My paternal uncle through breastfeeding came and asked for permission to enter upon me, but I refused to give him permission.' The Messenger of Allâh ﷺ said: 'Let your uncle enter upon you.' I said: 'But it is the woman who breastfed me; the man did not breastfeed me.' He said: 'He is your uncle, let him enter upon you.'"

[3576] (...) Hishâm narrated with this chain that the brother of Abû Qu'ais asked for permission to enter upon her... a similar report (as no. 3575).

[3577] (...) A similar report (as no. 3575) was narrated from

[٣٥٧٤] ٦- (...) وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرَىِّ، بِهَذَا الْإِسْنَادِ، جَاءَ أَفْلَحُ أَخْوَهُ أَبِيهِ الْقُعَيْسِ يَسْتَأْذِنُ عَلَيْهَا، يَنْحُوَ حَلِيلَهُمْ، وَفِيهِ «فَإِنَّهُ عَمُّكَ تَرِبَّ يَمِينُكُ». وَكَانَ أَبُوهُ الْقُعَيْسِ زَوْجَ الْمَرْأَةِ الَّتِي أَرْضَعَتْ عَائِشَةَ.

[٣٥٧٥] ٧- (...) وَحَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِيهِ شَيْبَةَ وَأَبُوهُ كُرَيْبٍ، قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ عَنْ هَشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَ عَمِّي مِنَ الرَّضَاعَةِ يَسْتَأْذِنُ عَلَيَّ، فَأَبَيْتُ أَنْ آذَنَ لَهُ حَتَّى أَسْتَأْذِنَ رَسُولَ اللَّهِ ﷺ، فَلَمَّا جَاءَ رَسُولُ اللَّهِ ﷺ قُلْتُ: إِنَّ عَمِّي مِنَ الرَّضَاعَةِ اسْتَأْذَنَ عَلَيَّ فَأَبَيْتُ أَنْ آذَنَ لَهُ . فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَلْيَلْجُ عَلَيْكِ عَمُّكَ» قُلْتُ: إِنَّمَا أَرْضَعْتِي الْمَرْأَةُ وَلَمْ يُرْضِعْنِي الرَّجُلُ، قَالَ: «إِنَّهُ عَمُّكَ، فَلْيَلْجُ عَلَيْكِ».

[٣٥٧٦] (...) حَدَّثَنِي أَبُو الرِّبِيعِ الزَّهْرَانِيُّ: حَدَّثَنَا حَمَادٌ يَعْنِي ابْنَ زَيْدٍ: حَدَّثَنَا هَشَامٌ، بِهَذَا الْإِسْنَادِ أَنَّ أَخَا أَبِيهِ الْقُعَيْسِ اسْتَأْذَنَ عَلَيْهَا . فَذَكَرَ نَحْوَهُ .

[٣٥٧٧] (...) وَحَدَّثَنَا يَحْيَى بْنُ

Hishām, with this chain, except that he said: "Abū Al-Qu'aīs asked for permission to enter upon her."

يَحْمِي: أَخْبَرَنَا أَبُو مُعاوِيَةَ عَنْ هِشَامَ،
بِهَذَا الْإِسْنَادِ، نَحْوَهُ. غَيْرَ أَنَّهُ قَالَ:
إِسْنَادَنَا عَلَيْهَا أَبُو الْقَعْدَيْسِ.

[3578] 8 - (...) It was narrated from Ibn Juraij from 'Atā', who said: "Urwah bin Az-Zubair informed me that 'Aishah told him: 'My paternal uncle through breastfeeding, Abū Al-Ja'd, asked for permission to enter upon me, and I refused.'" - Hishām said to me: "In fact it was Abū Al-Qu'aīs." - "When the Prophet ﷺ came, I told him about that and he said: 'Why didn't you let him in, may your right hand - or your hand - be rubbed with dust?'"

[٣٥٧٨]-٨ وَحَدَّثَنِي الْحَسَنُ
ابْنُ عَلَيِّ الْحُلَوَانِيِّ وَمُحَمَّدُ بْنُ رَافِعٍ، قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ عَنْ
عَطَاءٍ: أَخْبَرَنِي عُرْوَةُ بْنُ الزَّبِيرِ؛ أَنَّ عَائِشَةَ
أَخْبَرَتْهُ قَالَتِ: إِسْنَادَنَا عَلَيَّ عَمَّيٍّ مِنَ
الرَّضَاعَةِ، أَبُو الْجَعْدِ، فَرَدَدَهُ - قَالَ لِي
هِشَامٌ: إِنَّمَا هُوَ أَبُو الْقَعْدَيْسِ - فَلَمَّا جَاءَ
النَّبِيُّ ﷺ أَخْبَرَهُ ذَلِكَ. قَالَ «فَهَلَّا أَذْنَتْ
لَهُ؟ تَرَبَّتْ يَمِينُكِ أَوْ يَدُكِ».

[3579] 9 - (...) It was narrated from 'Aishah that her paternal uncle through breastfeeding, who was called Aflah, asked for permission to enter upon her, and she did not give him permission to enter until she had put on *Hijāb*. She told the Messenger of Allāh ﷺ, and he said to her: "Do not observe *Hijāb* before him, for what becomes unlawful through breastfeeding is that which becomes unlawful through lineage."

[٣٥٧٩]-٩ وَحَدَّثَنَا قُتَيْبَةُ بْنُ
سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ
رُومِ: أَخْبَرَنَا اللَّيْثُ عَنْ يَرِيدَ بْنِ أَبِي
حَيْبٍ، عَنْ عِرَाकٍ، عَنْ عُرْوَةَ، عَنْ
عَائِشَةَ؛ أَنَّهَا أَخْبَرَهُ؛ أَنَّ عَمَّهَا مِنَ
الرَّضَاعَةِ يُسَمَّى أَفْلَحَ، إِسْنَادَنَا عَلَيْهَا
فَحَجَبَتْهُ، فَأَخْبَرَتْ رَسُولَ اللَّهِ ﷺ. فَقَالَ
لَهَا: «لَا تَحْتَجِي مِنْهُ، فَإِنَّهُ يَحْرُمُ مِنَ
الرَّضَاعَةِ مَا يَحْرُمُ مِنَ النَّسَبِ».

[3580] 10 - (...) It was narrated that 'Aishah said: "Aflah bin Qu'aīs asked for permission to enter upon me, and I refused to let him in. He sent word saying:

[٣٥٨٠]-١٠ وَحَدَّثَنَا عُبَيْدُ
اللَّهِ بْنُ مَعَاذَ الْعَسْبَرِيِّ: حَدَّثَنَا أَبِي: حَدَّثَنَا
شُعْبَةُ عَنِ الْحَكَمِ، عَنْ عِرَاكٍ بْنِ مَالِكٍ،

'I am your paternal uncle, my brother's wife breastfed you.' But she refused to let him in. Then the Messenger of Allâh ﷺ came, and she told him about that, and he said: 'Let him enter upon you, for he is your paternal uncle.'"

عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: اسْتَأْذِنَّ
عَلَيَّ أَفْلَحُ بْنُ قُعْنِيسٍ، فَأَيَّثُ أَنْ آذَنَ لَهُ،
فَأَرْسَلَ: إِنِّي عَمُكُ، أَرْضَعْتِكِ امْرَأً
أُخْرِي، فَأَيَّثُ أَنْ آذَنَ لَهُ، فَجَاءَ رَسُولُ
اللهِ ﷺ، فَذَكَرْتُ ذَلِكَ لَهُ. فَقَالَ:
«لَا يَدْخُلُ عَلَيْكُمْ، فَإِنَّهُ عَمُكُ».»

(المعجم ٣) - (باب تحرير ابنة الأخ
من الرضاعة) (التحفة ٢٧)

Chapter 3. The Daughter Of One's Brother Through Breastfeeding Is Forbidden In Marriage

[3581] 11 - (1446) It was narrated that 'Alî said: "I said: 'O Messenger of Allâh, why do you insist on choosing a wife from among the Quraish and you ignore us?' He said: 'Have you anything to suggest?' I said: 'Yes, the daughter of Hamzah.' The Messenger of Allâh ﷺ said: 'She is not permissible for me (to marry), for she is the daughter of my brother through breastfeeding.'"

[٣٥٨١] [١٤٤٦] وَحَدَّثَنَا أَبُو
بَكْرٍ بْنُ أَبِي شَيْبَةَ، وَرَهْبَرٌ بْنُ حَرْبٍ،
وَمُحَمَّدُ بْنُ الْعَلَاءِ - وَاللَّفْظُ لِأَبِي بَكْرٍ -
قَالُوا: أَخْبَرَنَا أَبُو مُعاوِيَةَ عَنِ الْأَعْمَشِ،
عَنْ سَعْدِ بْنِ عُيَيْدَةَ، عَنْ أَبِي عَبْدِ
الرَّحْمَنِ، عَنْ عَلَيِّ قَالَ: قُلْتُ: يَا
رَسُولَ اللهِ! مَا لَكَ تَنَوُّفٌ فِي قُرْبَسِ
وَتَدْعَنَا؟ فَقَالَ: «وَعِنْدَكُمْ شَيْءٌ؟» قُلْتُ:
نَعَمْ، يُشْتَ حَمْزَةَ . فَقَالَ رَسُولُ اللهِ ﷺ:
«إِنَّهَا لَا تَحْلُ لِي، إِنَّهَا ابْنَةُ أُخْرِي مِنَ
الرَّضَاعَةِ».»

[3582] (...) A similar report (as no. 3581) was narrated from Al-A'mash with this chain.

[٣٥٨٢] (...) وَحَدَّثَنَا عُثْمَانُ بْنُ
أَبِي شَيْبَةَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ عَنْ جَرِيرٍ؛
وَحَدَّثَنَا أَبْنُ نُعْمَرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا
مُحَمَّدُ بْنُ أَبِي بَكْرٍ الْمُقَدَّمِيُّ: حَدَّثَنَا عَبْدُ

الرَّحْمَنُ بْنُ مَهْدِيٍّ عَنْ سُفِيَّانَ، كُلُّهُمْ
عَنِ الْأَعْمَشِ، بِهَذَا إِلَسْنَادٌ، مِثْلُهُ.

[٣٥٨٣] [١٤٤٧] - [١٢] وَحَدَّثَنَا
هَدَابُ بْنُ حَالِدٍ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا
فَتَادَةُ عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ،
أَنَّ النَّبِيَّ ﷺ أَرْبَدَ عَلَى ابْنَةِ حَمْرَةَ،
فَقَالَ: إِنَّهَا لَا تَحْلُ لِي، إِنَّهَا ابْنَةُ أَخِي
مِنَ الرَّضَاعَةِ، وَيَحْرُمُ مِنَ الرَّضَاعَةِ مَا
يَحْرُمُ مِنَ الرَّحِيمِ.

[٣٥٨٤] [١٣] - (...) وَحَدَّثَنَا زُهَيرٌ
ابْنُ حَرْبٍ: حَدَّثَنَا يَحْيَى وَهُوَ الْقَطَّانُ؛
وَحَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ مِهْرَانَ
الْقُطْعَنِيُّ: حَدَّثَنَا يَشْرُبُ بْنُ عُمَرَ، جَمِيعًا،
عَنْ شُعْبَةَ، وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ:
حَدَّثَنَا عَلَيْيَ بْنُ مُسْهِيرٍ عَنْ سَعِيدِ بْنِ أَبِي
عَرْوَةَ، كَلِيْهِمَا عَنْ فَتَادَةٍ بِإِسْنَادِ هَمَّامٍ
سَوَاءَ غَيْرُ أَنَّ حَدِيثَ شُعْبَةَ انتَهَى عِنْدَ
قَوْلِهِ «ابْنُهُ أَخِي مِنَ الرَّضَاعَةِ». وَفِي
حَدِيثِ سَعِيدٍ «فَإِنَّهَا يَحْرُمُ مِنَ الرَّضَاعَةِ مَا
يَحْرُمُ مِنَ النَّسَبِ». وَفِي رِوَايَةِ يَشْرُبِ
عُمَرَ: سَمِعْتُ جَابِرَ بْنَ زَيْدٍ.

[٣٥٨٥] [١٤] - [١٤٤٨] وَحَدَّثَنَا
هُرُونُ بْنُ سَعِيدٍ الْأَنْبَلِيُّ وَأَحْمَدُ بْنُ
عِيسَى، قَالَا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي

[٣٥٨٣] ١٢ - (١٤٤٧) It was narrated from Ibn ‘Abbâs that it was suggested that the Prophet ﷺ marry the daughter of Hamzah. He said: “She is not permissible for me (to marry), for she is the daughter of my brother through breastfeeding, and what becomes unlawful through breastfeeding is that which becomes unlawful through ties of kinship.”

[٣٥٨٤] ١٣ - (...) The same report (no. 3583) was narrated from Qatâdah with the chain of Hammâm, except that the *Hadîth* of Shu‘bah ends with the words “...the daughter of my brother through breastfeeding.” In the *Hadîth* of Sa‘eed it says: “Verily what becomes unlawful through breastfeeding is that which becomes unlawful through blood ties”

[٣٥٨٥] ١٤ - (١٤٤٨) Umm Salamah, the wife of the Prophet ﷺ said: “It was said to the Messenger of Allâh ﷺ: ‘What do you think, O Messenger of Allâh,

about the daughter of Hamzah? Or it was said: 'Why don't you propose marriage to the daughter of Hamzah bin 'Abdul-Muṭṭalib?' He said: 'Hamzah is my brother through breastfeeding.'

مَحْرَمَةُ بْنُ بُكَيْرٍ عَنْ أَبِيهِ قَالَ: سَمِعْتُ
عَبْدَ اللَّهِ بْنَ مُسْلِمٍ يَقُولُ: سَمِعْتُ مُحَمَّدَ
ابْنَ مُسْلِمٍ يَقُولُ: سَمِعْتُ حُمَيْدَ بْنَ عَبْدِ
الرَّحْمَنِ يَقُولُ: سَمِعْتُ أُمَّ سَلَمَةَ رَفِيقَ
النَّبِيِّ تَقُولُ: قِيلَ لِرَسُولِ اللَّهِ: أَيْنَ أَنْتَ؟ يَا رَسُولَ اللَّهِ! عَنْ ابْنَةِ حَمْزَةَ؟
أَوْ قِيلَ: أَلَا تَحْطُبُ بِنْتَ حَمْرَةَ بْنَ عَبْدِ
الْمُطَّلِبِ؟ قَالَ: «إِنَّ حَمْرَةَ أَخِي مِنَ
الرَّضَاعَةِ».

Chapter 4. The Prohibition Of Marriage To One's Stepdaughter And The Sister Of One's Wife

[3586] 15 - (1449) It was narrated that Umm Ḥabībah bint Abī Sufyān said: "The Messenger of Allāh ﷺ entered upon me and I said to him: 'What about my sister, the daughter of Abū Sufyān?' He said: 'What should I do?' I said: 'Marry her.' He said: 'Would you like that?' I said: 'I am not your only wife, and I would like my sister to share with me in this goodness.' He said: 'She is not permissible for me (to marry).' I said: 'I have been told that you proposed marriage to Durrah bint Abī Salamah.' He said: 'The daughter of Umm Salamah?' I said: 'Yes.' He said: 'Even if she was not my stepdaughter under my care, she

(المعجم ٤) - (باب تحريم الربيبة وأخت المرأة) (التحفة ٢٨)

[٣٥٨٦]-[١٤٤٩] حَدَّثَنَا أَبُو
كُرَيْبُ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو
أَسَامَةَ: أَخْبَرَنَا هِشَامٌ: أَخْبَرَنِي أَبِي عَنْ
رَبِّنَتِ بِنْتِ أُمِّ سَلَمَةَ، عَنْ أُمِّ حَبِيبَةِ بِنْتِ
أَبِي سُفِينَانَ قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ
اللَّهِ فَقُلْتُ لَهُ: هَلْ لَكَ فِي أُخْتِي بِنْتِ
أَبِي سُفِينَانَ؟ فَقَالَ: «أَفَعُلُّ مَادَا؟» قُلْتُ:
تَنْتَهِيَّهَا. قَالَ: «أَوْ تُجَبِّيَنِي ذِلْكَ؟» قُلْتُ:
لَسْتُ لَكَ بِمُخْلِيَّةِ، وَأَحَبُّ مَنْ شَرِكَنِي فِي
الْخَيْرِ أُخْتِي. قَالَ: «فَإِنَّهَا لَا تَحْلُّ لِي»
قُلْتُ: فَإِنِّي أَخْبِرُكُمْ أَنَّكَ تَحْطُبُ ذَرَّةَ بِنْتِ
أَبِي سَلَمَةَ. قَالَ: «بِنْتُ أُمِّ سَلَمَةَ؟»

would not be permissible for me (to marry); her father and I were both breastfed by Thuwaibah. Do not offer your daughters or sisters to me in marriage.”

فُلْتُ: نَعَمْ. قَالَ: «لَوْ أَنَّهَا لَمْ تَكُنْ رَبِيبَتِي فِي حِجْرِي، مَا حَلَّتْ لِي. إِنَّهَا ابْنَةُ أخِي مِنَ الرَّضَاعَةِ، أَرْضَعْتُنِي وَأَبَاهَا ثُوَيْبَةُ، فَلَا تَعْرِضْنَ عَلَيَّ بَنَاتِكُنَّ وَلَا أَخْوَاتِكُنَّ».

[3587] (...) A similar report (as no. 3586) was narrated from Hishām bin ‘Urwah with this chain.

[٣٥٨٧] (...) وَحَدَّثَنِي سُورِيدُ بْنُ سَعِيدٍ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّاءَ بْنُ أَبِي زَائِدَةَ؛ وَحَدَّثَنَا عَمْرُو النَّاقِدُ: حَدَّثَنَا الْأَسْوَدُ بْنُ عَامِرٍ: أَخْبَرَنَا رَهْبَرٌ، كَلَّاهُمَا، عَنْ هِشَامِ بْنِ عُرْوَةَ، بِهَذَا الْإِسْنَادِ، سَوَاءً.

[3588] 16 - (...) Umm Ḥabībah, the wife of the Prophet ﷺ, narrated that she said to the Messenger of Allāh ﷺ: “O Messenger of Allāh, marry my sister ‘Azzah.” The Messenger of Allāh ﷺ said: “Would you like that?” She said: “Yes, O Messenger of Allāh. I am not your only wife, and I would like my sister to share with me in the goodness.” The Messenger of Allāh ﷺ said: “That is not permissible for me.” I said: “O Messenger of Allāh, we have been told that you want to marry Durrah bint Abī Salamah.” He said: “The daughter of Abū Salamah?” She said: “Yes.” The Messenger of Allāh ﷺ said: “Even if she were not my stepdaughter under my care, she would not be permissible for me (to marry), for she is the

[٣٥٨٨] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحَبِنِ الْمُهَاجِرِ: أَخْبَرَنَا الْلَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ؛ أَنَّ مُحَمَّدَ بْنَ شِهَابٍ كَتَبَ يَذْكُرُ؛ أَنَّ عُرْوَةَ حَدَّثَهُ؛ أَنَّ رَبِيبَةَ بِنْتَ أَبِي سَلَمَةَ حَدَّثَهُ؛ أَنَّ أُمَّ حَبِيبَةَ زَوْجَ النَّبِيِّ ﷺ حَدَّثَتْهَا؛ أَنَّهَا قَالَتْ لِرَسُولِ اللَّهِ ﷺ: يَا رَسُولَ اللَّهِ! انكِحْ أَخْتِي عَرَّةَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: أَتُحِبِّينَ ذَلِكَ؟» فَقَالَتْ: نَعَمْ، يَا رَسُولَ اللَّهِ! لَسْتُ لَكَ بِمُمْكِلَةٍ، وَأَحَبُّ مَنْ شَرِكَنِي فِي حَيْرَ، أَخْتِي. فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَإِنَّ ذَلِكَ لَا يَحِلُّ لِي». قَالَتْ: فَقُلْتُ: يَا رَسُولَ اللَّهِ! فَإِنَّا نَتَحَدَّثُ أَنَّكَ تُرِيدُ أَنْ تَنكِحَ دُرَّةَ بِنْتَ أَبِي سَلَمَةَ. قَالَ «أَبِنتُ

daughter of my brother through breastfeeding. Her father Abū Salamah and I were both breastfed by Thūwābah. Do not offer your daughters or sisters to me in marriage."

أَبِي سَلَمَةَ؟» قَالَتْ: نَعَمْ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ «لَوْ أَنَّهَا لَمْ تَكُنْ رَبِيعَتِي فِي حَجْرِي مَا حَلَّتْ لِي، إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ، أَرْضَعْتَنِي وَأَبَانَا أَبَا سَلَمَةَ ثُوبَيْهُ، فَلَا تَرِضَنَّ عَلَيَّ بَنَاتِكُنَّ وَلَا أَخْوَاتِكُنَّ».

[3589] (...) A similar *Hadīth* (as no. 3588) was narrated from Az-Zuhri with the chain of Ibn Abī Ḥabībah, but none of them mentioned ‘Azzah by name except Yazid bin Abī Ḥabībah.

[٣٥٨٩] (...) وَحَدَّثَنِي عَبْدُ الْمَلِكِ ابْنُ شَعِيبٍ بْنِ الْلَّيْثِ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي عَقِيلُ بْنُ حَالَدٍ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنِي يَعْنُوبُ بْنُ إِبْرَاهِيمَ الزُّهْرِيَّ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ مُسْلِمٍ، كِلَاهُمَا، عَنِ الزُّهْرِيِّ يَاسِنَادُ ابْنِ أَبِي حَيْبٍ عَنْهُ، تَحْوَ حَدِيثَهُ، وَلَمْ يُسَمِّ أَحَدٌ مِنْهُمْ فِي حَدِيثِهِ، عَزَّةٌ، غَيْرُ يَرِيدَ بْنَ أَبِي حَيْبٍ.

(المعجم ٥) - (بابُ في المقصة

والمحتان) (التحفة ٢٩)

Chapter 5. One Or Two Sucks

[3590] ١٧ - (1450) It was narrated that ‘Āishah said: “The Messenger of Allāh ﷺ said: ‘One or two sucks do not make anything forbidden.’”

[١٧-١٤٥٠] حَدَّثَنِي زُهْرَيُّ ابْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ: حَدَّثَنَا إِسْمَاعِيلُ؛ وَحَدَّثَنِي سُوَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا مُعَمَّرُ بْنُ سُلَيْمَانَ، كِلَاهُمَا عَنْ أَيُوبَ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عَبْدِ اللَّهِ بْنِ الزَّبِيرِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ

رَسُولُ اللَّهِ ﷺ: - وَقَالَ سُوَيْدٌ وَرُهْبَرٌ: إِنَّ النَّبِيَّ ﷺ قَالَ - : «لَا تُحَرِّمُ الْمَصَّةُ وَالْمَصَّانِ». .

[3591] 18 - (1451) It was narrated that Umm Al-Fadl said: ‘A Bedouin entered upon the Prophet of Allâh ﷺ when he was in my house, and said: ‘O Prophet of Allâh, I have a wife and I took another wife. My first wife claims that she breastfed my new wife once or twice.’ The Prophet of Allâh ﷺ said: ‘One or two sucks do not make anything forbidden.’’ Amr said in his report: “It was narrated from ‘Abdullâh bin Al-Hârith bin Nawfal.”

[٣٥٩١] ١٨ - [١٤٥١) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَعَمْرُو التَّاقِدُ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ كُلُّهُمْ، عَنْ الْمُعْتَمِرِ - وَاللَّفْظُ لِيَحْيَى - أَخْبَرَنَا الْمُعْتَمِرُ بْنُ سَلِيمَانَ عَنْ أَيُوبَ، يُحَدِّثُ عَنْ أَبِي الْحَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، عَنْ أُمِّ الْفَضْلِ قَالَتْ: دَخَلَ أَغْرَابِي عَلَى نَبِيِّ اللَّهِ ﷺ وَهُوَ فِي بَيْتِي. فَقَالَ: يَا بَنِي اللَّهِ! إِنِّي كَانَتْ لِي امْرَأَةٌ فَتَرَوْجَتْ عَلَيْهَا أُخْرَى، فَرَعَمَتْ امْرَأَتِي الْأُولَى أَنَّهَا أَرْضَعَتْ امْرَأَتِي الْحَذْنَى رَضْعَةً أَوْ رَضْعَتَيْنِ، فَقَالَ نَبِيُّ اللَّهِ ﷺ: «لَا تُحَرِّمُ الْإِمْلَاجَةُ وَالْإِمْلَاجَاتِ» قَالَ عَمْرُو فِي رِوَايَتِهِ: عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ نَوْفَلِ.

[3592] 19 - (...) It was narrated from Umm Al-Fadl that a man from Banû ‘Âmir bin Sha’sâ’ah said: “O Prophet of Allâh, does a single breastfeeding make anything forbidden?” He said: “No.”

[٣٥٩٢] ١٩ - (...) حَدَّثَنِي أَبُو غَسَانَ الْمِسْمَعِيُّ: حَدَّثَنَا مَعَاذٌ؛ وَحَدَّثَنَا ابْنُ الْمُشَتَّى وَابْنُ بَشَارٍ قَالَا: حَدَّثَنَا مَعَاذٌ ابْنُ هِشَامٍ: حَدَّثَنِي أَبِي، عَنْ فَتَادَةَ، عَنْ صَالِحٍ ابْنِ أَبِي مَرْيَمَ، أَبِي الْحَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، عَنْ أُمِّ الْفَضْلِ؛ أَنَّ رَجُلًا مِنْ بَنِي عَامِرٍ بْنِ صَعْصَعَةَ قَالَ: يَا

نَبِيُّ اللَّهِ! هَلْ تُحَرِّمُ الرَّضْعَةُ الْوَاحِدَةُ؟
قَالَ: «لَا».

[3593] 20 - (...) Umm Al-Fadl narrated that the Prophet of Allâh ﷺ said: "One or two breastfeedings, or one or two sucks, do not make anything forbidden."

٢٠-(...) حَدَّثَنَا أَبُو بَكْرٍ
ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَسْرِيرٍ:
حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرْوَةَ عَنْ قَتَادَةَ،
عَنْ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ
الْحَارِثِ؛ أَنَّ أُمَّ الْفَضْلِ حَدَّثَتْ، أَنَّ نَبِيَّ
اللَّهِ ﷺ قَالَ: «لَا تُحَرِّمُ الرَّضْعَةُ أَوِ
الرَّضْعَتَانِ، أَوِ الْمَصَّةُ أَوِ الْمَصَّتَانِ».

[3594] 21 - (...) It was narrated from Ibn 'Abî 'Arûbah, with this chain (a *Hadîth* similar to no. 3593). As for Ishâq, he said, as in the report of Ibn Bîshr: "...or two breastfeedings or two sucks." As for Ibn Abî Shaibah, he said: "...and two breastfeedings and two sucks."

٢١-(...) وَحَدَّثَنَا أَبُو
بَكْرٍ بْنُ أَبِي شَيْبَةَ إِسْحَاقُ بْنُ إِبْرَاهِيمَ،
جَمِيعًا عَنْ عَبْدَةَ بْنِ سُلَيْمَانَ، عَنْ ابْنِ
أَبِي عَرْوَةَ، بِهِذَا الإِسْنَادِ. أَمَّا إِسْحَاقُ
فَقَالَ كَرِوَايَةُ ابْنِ يَسْرِيرٍ: «أَوِ الرَّضْعَتَانِ أَوِ
الْمَصَّتَانِ» وَأَمَّا ابْنُ أَبِي شَيْبَةَ فَقَالَ:
«وَالرَّضْعَتَانِ وَالْمَصَّتَانِ».

[3595] 22 - (...) It was narrated from Umm Al-Fadl that the Prophet ﷺ said: "One or two sucks do not make anything forbidden."

٢٢-(...) وَحَدَّثَنَا ابْنُ
أَبِي عُمَرَ: حَدَّثَنَا يَسْرُرُ بْنُ السَّرِيرِيِّ: حَدَّثَنَا
حَمَادُ بْنُ سَلَمَةَ عَنْ قَتَادَةَ، عَنْ أَبِي
الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ
نُوَفِّلٍ، عَنْ أُمِّ الْفَضْلِ عَنِ النَّبِيِّ ﷺ قَالَ:
«لَا تُحَرِّمُ الْإِمْلَاجُهُ وَالْإِمْلَاجَانِ».

[3596] 23 - (...) It was narrated from Umm Al-Fadl that a man asked the Prophet ﷺ: "Does one

٢٣-(...) حَدَّنِي أَخْمَدُ
ابْنُ سَعِيدِ الدَّارِمِيِّ: حَدَّثَنَا حَبَّانُ: حَدَّثَنَا

suck make anything forbidden?”
He said: “No.”

هَمَّامٌ: حَدَّثَنَا فَتَادَةُ عَنْ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، عَنْ أُمِّ الْفَضْلِ سَأَلَ رَجُلٌ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَتُحِرِّمُ الْمَصَّةُ؟ فَقَالَ: «لَا».

(المعجم ٦) - (باب التحرير بخمس رضعات) (التحفة ٣٠)

Chapter 6. Becoming *Mahram* Is Established By Five Breastfeedings

[3597] 24 - (1452) It was narrated that ‘Aishah said: “Among the things that were revealed of the Qur’ân was that ten definite breastfeedings make a person a *Mahram*, then that was abrogated and replaced with five definite breastfeedings, and the Messenger of Allâh ﷺ passed away when this was among the things that were recited of the Qur’ân.”

[3598] 25 - (...) It was narrated from ‘Amrah that she heard ‘Aishah say - when she was mentioning what kind of breastfeeding makes a person a *Mahram* - Ten definite breastfeedings were revealed in the Qur’ân, then five definite breastfeedings were revealed too.

[3599] (...) ‘Amrah narrated that she heard ‘Aishah say... a similar report (as no. 3597).

[٣٥٩٧]-[١٤٥٢] [٢٤] حَدَّثَنَا يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ، أَنَّهَا قَالَتْ: كَانَ فِيمَا أُنْزِلَ مِنَ الْقُرْآنِ: عَشْرُ رَضَعَاتٍ مَعْلُومَاتٍ يُحَرِّمُنَ، ثُمَّ نُسْخِنَ: بِخَمْسٍ مَعْلُومَاتٍ، فَتُؤْفَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِيمَا يُقْرَأُ مِنَ الْقُرْآنِ.

[٣٥٩٨]-[...] [٢٥] حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْدِيَّ: حَدَّثَنَا سُلَيْمَانُ بْنُ يَلَالٍ، عَنْ يَحْيَى وَهُوَ أَبُونَ سَعِيدٍ - عَنْ عَمْرَةَ، أَنَّهَا سَمِعَتْ عَائِشَةَ تَقُولُ - وَهُنَّيَ تَذَكَّرُ الَّذِي يُحَرِّمُ مِنِ الرَّضَاعَةِ - قَالَتْ عَمْرَةُ: فَقَالَتْ عَائِشَةُ: نَزَّلَ فِي الْقُرْآنِ: عَشْرُ رَضَعَاتٍ مَعْلُومَاتٍ، ثُمَّ نَزَّلَ أَيْضًا: خَمْسٌ مَعْلُومَاتٍ.

[٣٥٩٩]-[...] [٢٦] وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّئِّنِ: حَدَّثَنَا عَبْدُ الْوَهَابِ قَالَ: سَمِعْتُ

يَحْيَى بْنَ سَعِيدٍ قَالَ: أَخْبَرَنِي عَمْرُهُ:
أَنَّهَا سَمِعَتْ عَائِشَةَ تَقُولُ بِعْنَلِهِ.

Chapter 7. Breastfeeding An Adult

(المعجم ٧) - (باب رضاعة الكبير)

(التحفة ٣١)

[3600] 26 - (1453) It was narrated that ‘Aishah said: “Sahlah bint Suhail came to the Prophet ﷺ and said: ‘O Messenger of Allâh, I see (signs of displeasure) on the face of Abû Hudhaifah when Sâlim - who was his ally^[1] - comes in. The Prophet ﷺ said: ‘Breastfeed him.’ She said: ‘How can I breastfeed him? He is a grown man.’ The Messenger of Allâh ﷺ smiled and said: ‘I know that he is a grown man.’”

‘Amr added in his *Hadîth*: “He was one of those who had been present at Badr.” In the report of Ibn Abî ‘Umar: “The Messenger of Allâh ﷺ laughed.”

[٣٦٠٠] - ٢٦ [١٤٥٣] وَحدَّثَنَا
عَمْرُو التَّاقِدُ وَابْنُ أَبِي عُمَرَ قَالَا: حَدَّثَنَا
سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ
الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ:
جَاءَتْ سَهْلَةُ بْنُتُّ سُهْلٍ إِلَى النَّبِيِّ ﷺ.
فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنِّي أَرَى فِي وَجْهِ
أَبِي حُذَيْفَةَ مِنْ دُخُولِ سَالِمٍ - وَهُوَ
حَلِيفُهُ - فَقَالَ النَّبِيُّ ﷺ: «أَرْضِعِيهِ»
قَالَتْ: وَكَيْفَ أَرْضِعُهُ؟ وَهُوَ رَجُلٌ كَبِيرٌ،
فَبَيْسَمَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «فَدْعِلِمْتُ
أَنَّهُ رَجُلٌ كَبِيرٌ».

زَادَ عَمُورُ فِي حَدِيثِهِ: وَكَانَ قَدْ شَهِدَ
بَدْرًا. وَفِي رِوَايَةِ ابْنِ أَبِي عُمَرَ: فَصَاحَكَ
رَسُولُ اللَّهِ ﷺ.

[٣٦٠١] - ٢٧ (...) وَحدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ الْحَنْظَلِيِّ وَمُحَمَّدُ بْنُ أَبِي

[3601] 27 - (...) It was narrated from ‘Aishah that Sâlim, the freed slave of Abû Hudhaifah,

^[1] Sâlim bin ‘Ubaid bin Rabî‘ah was adopted by Abû Hudhaifah, as was the custom of the Arabs, and he was brought up under the care of Abû Hudhaifah and his wife as if he was their son. When the verse: “Call them (adopted sons) by (the names of) their fathers.” [Al-Ahzâb 33:5] was revealed, the idea of adoption was abolished and it became hard on them to prevent him from entering upon them because he was like a son to them. So Sahlah asked him about that.

was with Abû Hudhaifah and his family in their house. She - meaning the daughter of Suhail (ans wife od Abû Hudhaifah)- came to the Prophet ﷺ and said: "Sâlim has attained what men attain (puberty) and he understands what they understand. He enters upon us and I think that Abû Hudhaifah feels some (discomfort) in his heart because of that." The Prophet ﷺ said to her: "Breastfeed him and he will be unlawful for you, and what Abû Hudhaifah feels in his heart will disappear." She came back to him and said: "I breastfed him, and what Abû Hudhaifah felt in his heart has disappeared."

عُمَرَ، جَمِيعًا عَنِ التَّقْفِيِّ، - قَالَ ابْنُ أَبِي عُمَرَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ - عَنْ أَبْيَوبَ، عَنِ ابْنِ أَبِي مُلِينَكَةَ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ، أَنَّ سَالِمًا مَوْلَى أَبِي حُذَيفَةَ كَانَ مَعَ أَبِي حُذَيفَةَ وَأَهْلِهِ فِي بَيْتِهِمْ. فَقَالَتْ يَعْنِي بِنْتُ شَهْيَلٍ، النَّبِيُّ ﷺ. فَقَالَتْ: إِنَّ سَالِمًا قَدْ بَلَغَ مَا يَتَلَقَّبُ الرِّجَالُ، وَعَقَلَ مَا عَقَلُوا، وَإِنَّهُ يَدْخُلُ عَلَيْنَا، وَإِنِّي أَطْنَأْتُ أَنَّ فِي نَفْسِي أَبِي حُذَيفَةَ مِنْ ذَلِكَ شَيْئًا. فَقَالَ لَهَا النَّبِيُّ ﷺ «أَرْضِعِيهِ تَحْرُمِي عَلَيْهِ»، وَيَدْهَبُ الَّذِي فِي نَفْسِ أَبِي حُذَيفَةَ، فَرَجَعَتْ إِلَيْهِ فَقَالَتْ: إِنِّي قَدْ أَرْضَعْتُهُ، فَلَدَّهَبَ الَّذِي فِي نَفْسِ أَبِي حُذَيفَةَ.

[٣٦٠٢] [٢٨] - (...). وَحَدَّثَنَا

إِسْحَاقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ - وَاللَّفْظُ لِابْنِ رَافِعٍ - قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنَا ابْنُ أَبِي مُلِينَكَةَ؛ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدَ بْنَ أَبِي بَكْرٍ أَخْبَرَهُ؛ أَنَّ عَائِشَةَ أَخْبَرَتْهُ؛ أَنَّ سَهْلَةَ بِنْتَ شَهْيَلٍ بْنِ عَمْرِو جَاءَتِ النَّبِيَّ ﷺ. فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ سَالِمًا - لِسَالِمٍ مَوْلَى أَبِي حُذَيفَةَ - مَعَنَا فِي بَيْتِنَا، وَقَدْ بَلَغَ مَا يَتَلَقَّبُ الرِّجَالُ وَعَلِمَ مَا يَعْلَمُ الرِّجَالُ قَالَ: «أَرْضِعِيهِ

[3602] 28 - (...) It was narrated from 'Âishah that Sahlah bint Suhail bin 'Amr came to the Prophet ﷺ and said: "O Messenger of Allâh, Sâlim - meaning Sâlim, the freed slave of Abû Hudhaifah - is with us in our house, and he has attained what men attain and knows what men know." He said: "Breastfeed him and he will be unlawful for you." He (Ibn Abî Mulaikah, a narrator) said: "For a year or so I did not narrate this out of fear, then I met Al-Qâsim and said to him: 'You told me a *Hadîth* that I have not narrated yet.' He said: 'What is it?' And I told him. He

said: ‘Narrate from me that ‘Aishah told me that.’”

تَحْرُمِي عَلَيْهِ» قَالَ: فَمَكَثْتُ سَنَةً أَوْ فَرِيبًا مِنْهَا لَا أَحَدُثُ بِهِ رَهْبَتَهُ، ثُمَّ لَقِيَتِ الْفَالَّاسِ فَقُلْتُ لَهُ: لَقَدْ حَدَّثْنِي حَدِيْنَا مَا حَدَّثْتَهُ بَعْدُ. قَالَ: مَا هُوَ؟ فَأَخْبَرْتُهُ. قَالَ: فَحَدَّثْنَاهُ عَنِي أَنَّ عَائِشَةَ أَخْبَرْتُهُ.

[3603] 29 - (...) It was narrated that Zainab bint Umm Salamah said: Umm Salamah said to ‘Aishah: ‘There enters upon you a slave boy who is close to puberty, and I would not like him to enter upon me. ‘Aishah said: Do you not have a good example in the Messenger of Allâh ﷺ? She said: The wife of Abû Hudhaifah said: “O Messenger of Allâh, Sâlim enters upon me and he is a man, and there is some (discomfort) in the heart of Abû Hudhaifah about that.” The Messenger of Allâh ﷺ said: “Breastfeed him so that he may enter upon you.”

[٣٦٠٣] [٢٩-٣٦٠٣] وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّشِّنِ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبِ بْنِتِ أُمِّ سَلَمَةَ قَالَتْ: قَالَتْ أُمُّ سَلَمَةَ لِعَائِشَةَ: إِنَّهُ يَدْخُلُ عَلَيْكَ الْغَلَامُ الْأَيْقَعُ الَّذِي مَا أُحِبُّ أَنْ يَدْخُلَ عَلَيَّ. قَالَ: فَقَاتَتْ عَائِشَةُ: أَمَا لَكِ فِي رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أُشْوَةُ حَسَنَةٌ؟ قَالَتْ: إِنَّ امْرَأَةَ أَبِي حُدَيْفَةَ قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ سَالِمًا يَدْخُلُ عَلَيَّ وَهُوَ رَجُلٌ، وَفِي نَفْسِ أَبِي حُدَيْفَةَ مِنْهُ شَيْءٌ. فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَرْضِعِيهِ حَتَّى يَدْخُلَ عَلَيْكَ».

[3604] 30 - (...) Zainab bint Abî Salamah said: I heard Umm Salamah, the wife of the Prophet ﷺ say to ‘Aishah: By Allâh, I do not like a boy who has passed the age of breastfeeding to see me. She said: Why? Sahlah bint Sa‘d came to the Messenger of Allâh

[٣٦٠٤] [٣٠-٣٦٠٤] وَحَدَّثَنِي أَبُو الطَّاهِرِ وَهَرُونُ بْنُ سَعِيدِ الْأَيْلِيِّ - وَاللَّفْظُ لِهَرُونَ - قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَحْرَمَةُ بْنُ بُكَيْرٍ عَنْ أَبِيهِ قَالَ: سَمِعْتُ حُمَيْدَ بْنَ نَافِعٍ يَقُولُ:

and said: "O Messenger of Allâh, by Allâh, I see some (discomfort) in the face of Abû Hudhaifah when Sâlim comes in." The Messenger of Allâh ﷺ said: "Breastfeed him." She said: "He has a beard." He said: "Breastfeed him, and that which is in the face of Abû Hudhaifah will disappear." She said: "By Allâh, I did not see it in the face of Abû Hudhaifah (after that)."

سَعَيْتُ رَبِّنِي بِنْتَ أَبِي سَلَمَةَ تَقُولُ :
سَعَيْتُ أُمَّ سَلَمَةَ زَوْجَ النَّبِيِّ ﷺ تَقُولُ
لِعَاشَةَ : وَاللهِ ! مَا تَطَبِّبُ نَفْسِي أَنْ يَرَانِي
الْغَلَامُ قَدِ اسْتَعْنَى عَنِ الرَّضَاةَ . فَقَالَتْ :
لِمَ ? قَدْ جَاءَتْ سَهْلَةُ بِنْتُ شَهْلَلٍ إِلَيَّ
رَسُولِ اللهِ ﷺ . فَقَالَتْ : يَا رَسُولَ اللهِ !
وَاللهِ ! إِنِّي لَأَرَى فِي وَجْهِ أَبِي حُذَيْفَةَ مِنْ
دُخُولِ سَالِمٍ . قَالَتْ : فَقَالَ رَسُولُ
اللهِ ﷺ : «أَرْضِعِيهِ» . فَقَالَتْ : إِنَّهُ ذُو
لِحْيَةَ . فَقَالَ : «أَرْضِعِيهِ يَدْهُبُ مَا فِي وَجْهِ
أَبِي حُذَيْفَةَ» . فَقَالَتْ : وَاللهِ ! مَا عَرَفْتُهُ فِي
وَجْهِ أَبِي حُذَيْفَةَ .

[3605] 31 - (1454) Zainab bint Abî Salamah narrated that her mother Umm Salamah, the wife of the Prophet ﷺ, used to say: "The other wives of the Prophet ﷺ used to refuse to admit anyone on the basis of that breastfeeding (of a grown-up). They said to 'Aishah, 'By Allâh, we think that this is a concession which the Messenger of Allâh ﷺ granted only in the case of Sâlim. No one will enter upon us or see us on the basis of this type of breastfeeding.'"

[٣٦٥٥] [٣١-٤٥٤] حَدَّثَنِي عَبْدُ
الْمُلِكِ بْنُ شَعْبَنِ بْنِ الْلَّيْثِ : حَدَّثَنِي أَبِي
عَنْ جَدِّي : حَدَّثَنِي عَقِيلُ بْنُ خَالِدٍ عَنْ
ابْنِ شَهَابٍ أَنَّهُ قَالَ : أَخْبَرَنِي أَبُو عُيَيْدَةَ
ابْنُ عَبْدِ اللهِ بْنِ زَمْعَةَ ، أَنَّ أُمَّهَا أُمَّ سَلَمَةَ زَوْجَ
النَّبِيِّ ﷺ كَانَتْ تَقُولُ : أَبِي سَائِرِ أَزْوَاجِ
النَّبِيِّ ﷺ أَنْ يُدْخِلُنَّ عَلَيْهِنَّ أَحَدًا بِتِلْكَ
الرَّضَاةَ ، وَقُلْنَ لِعَاشَةَ : وَاللهِ ! مَا نَرَى
هَذَا إِلَّا رُخْصَةً أَرْخَصَهَا رَسُولُ اللهِ ﷺ
لِسَالِمِ حَاسَّةً ، فَمَا هُوَ بِدَاخِلٍ عَلَيْنَا أَحَدٌ
بِهِذِهِ الرَّضَاةَ ، وَلَا رَأَيْنَا .

Chapter 8. Breastfeeding Is Because Of Hunger (Meaning, During Infancy)

[3606] 32 - (1455) It was narrated that Masrûq said: “Âishah said: The Messenger of Allâh ﷺ entered upon me and there was a man sitting in my house. He felt upset because of that and I saw signs of anger in his face. I said: “O Messenger of Allâh, he is my brother through breastfeeding.” He said: “Consider who are your brothers through breastfeeding,^[1] for breastfeeding is only through hunger.”

[3607] (...) A similar *Hadîth* (as no. 3606) was narrated from Ash‘ath bin Abî Ash-Shâ’thâ’ with the chain of Abû Al-Ahwâṣ.

(المعجم ٨) - (باب إنما الرضاعة من المجاعة) (التحفة ٣٢)

[٣٦٠٦] [١٤٥٥-٣٦٠٦] وَحَدَّنِي هَنَادِي ابْنُ السَّرِّيِّ: حَدَّثَنَا أَبُو الْأَخْوَصِ عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْنَاءِ، عَنْ أَبِيهِ، عَنْ مَسْرُوقٍ قَالَ: قَالَتْ عَائِشَةُ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ وَعِنْدِي رَجُلٌ قَاعِدٌ، فَأَشْتَدَّ ذَلِكُ عَلَيْهِ، وَرَأَيْتُ الْغَضَبَ فِي وَجْهِهِ قَالَتْ: فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّهُ أَخِي مِنَ الرَّضَاعَةِ. قَالَتْ: فَقَالَ: «انظُرْنَ إِخْوَتَكُنَّ مِنَ الرَّضَاعَةِ، فَإِنَّمَا الرَّضَاعَةُ مِنَ الْمَجَاعَةِ».

[٣٦٠٧] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَّى وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا عَيْدُ اللَّهِ بْنُ مُعَاذٍ؛ حَدَّثَنَا أَبِي قَالَا جَمِيعاً: حَدَّثَنَا شُعْبَةُ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعُ؛ وَحَدَّثَنِي زُهَيرُ بْنُ حَرْبٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيَّ، جَمِيعاً عَنْ سُفْيَانَ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا حُسَيْنُ الْجُعْفَرِيِّ عَنْ زَائِدَةَ، كُلُّهُمْ عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْنَاءِ يُلْسِنَادُ أَبِي الْأَخْوَصِ،

^[1] Meaning, verify what really happened and whether the breastfeeding met the conditions such as there having been five full feedings within the first two years of life, etc.

كَمَعْنَى حَدِيثَهُ، غَيْرَ أَنَّهُمْ قَالُوا «مِنَ الْمَجَاعَةِ».

(المعجم ٩) - (باب جواز وطء المسيبة بعد الاستبراء، وإن كان لها زوج انفسخ نكاحه بالسي) (التحفة ٣٣)

Chapter 9. It Is Permissible To Have Intercourse With A Female Captive After It Is Established That She Is Not Pregnant, And If She Has A Husband Then Her Marriage Is Annulled When She Is Captured

[3608] 33 - (1456) It was narrated from Abû Sa‘eed Al-Khudrî that on the Day of Hunain, the Messenger of Allâh ﷺ sent an army to Awtâs, where they met the enemy, fought them and prevailed over them. They captured some female prisoners, and it was as if the Companions of the Messenger of Allâh ﷺ felt reluctant to have intercourse with them because of their idolator husbands. Then Allâh, the Mighty and Sublime, revealed: “Also (forbidden are) women already married, except those (slaves) whom your right hands possess”,^[1] meaning, they are permissible for you once their ‘Iddah has ended.

عَبَيْدُ اللَّهِ بْنُ عُمَرَ بْنِ مَيْسَرَةَ الْقَوَارِيرِيُّ : حَدَّثَنَا يَزِيدُ بْنُ رُبَيعٍ : حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرْوَةَ عَنْ قَتَادَةَ، عَنْ صَالِحٍ، أَبِي الْخَلِيلِ، عَنْ أَبِي عَلْقَمَةَ الْهَاشِمِيِّ، عَنْ أَبِي سَعِيدِ الْحُدْرِيِّ؛ أَنَّ رَسُولَ اللَّهِ ﷺ يَوْمَ حُنَيْنٍ، بَعْثَ جَيْشًا إِلَى أَوْطَاسٍ، فَلَقُوا عَذْدَرًا، فَقَاتَلُوهُمْ، فَظَاهَرُوا عَلَيْهِمْ، وَأَصَابُوا لَهُمْ سَبَابِيَا، فَكَانَ نَاسًا مِنْ أَصْحَابِ رَسُولِ اللَّهِ ﷺ تَحْرَجُوا مِنْ غِشْيَانِهِنَّ مِنْ أَجْلِ أَزْوَاجِهِنَّ مِنَ الْمُشْرِكِينَ، فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ فِي ذَلِكَ : «وَالنَّحْصَنَتُ مِنَ الْإِنْسَانِ إِلَّا مَا مَلَكَ أَيْنَدُكُمْ» [النساء: ٢٤]. أَيْ فَهُنَّ لَكُمْ حَلَالٌ إِذَا افْتَضَتْ عَدُونَهُنَّ .

^[1] An-Nisâ' 4:24.

[3609] 34 - (...) Abû Sa'eed Al-Khudrî narrated that on the Day of Ḥunain the Prophet of Allâh sent out a party... a *Hadîth* like that of Yazîd bin Zuray', (no. 3608) except that he said: "Except those whom your right hands possess" for they are permissible for you. And he did not mention: "When their *Iddah* is over."

[٣٦٠٩] ٣٤ - (...) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْمُتَّهَّى وَابْنُ بَشَّارٍ قَالُوا: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنْ أَبِي الْخَلِيلِ؛ أَنَّ أَبَا عَلْقَمَةَ الْهَاشِمِيَّ حَدَّثَ؛ أَنَّ أَبَا سَعِيدَ الْخُدْرِيَّ حَدَّثُهُمْ أَنَّ نَبِيَّ اللَّهِ بَعْثَ يَوْمَ حُنَيْنٍ سَرِيَّةً. يَعْنِي حَدِيثَ يَزِيدَ بْنِ رُزَيْعَ عَيْنَ أَنَّهُ قَالَ: إِلَّا مَا مَلَكْتُ أَيْمَانُكُمْ مِنْهُ فَحَلَّالٌ لَكُمْ، وَلَمْ يَذْكُرْ: إِذَا انْفَضَتْ عِدَّتُهُنَّ.

[3610] (...) A similar report (as no. 3609) was narrated from Qatâdah with this chain.

[٣٦١٠] (...) وَحَدَّثَنِيهِ يَحْيَى بْنُ حَيْبٍ [الْحَارِثِيُّ]: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثَ؛ حَدَّثَنَا شُعْبَةُ عَنْ قَنَادَةَ بِهَذَا الْإِسْنَادِ، نَسْوَةٌ.

[3611] 35 - (...) It was narrated that Abû Sa'eed said: 'They captured some female prisoners on the Day of Awtâs, who had husbands, so they were worried, then this verse was revealed: "Also (forbidden are) women already married, except those (slaves) whom your right hands possess..."'^[1]

[٣٦١١] ٣٥ - (...) وَحَدَّثَنِيهِ يَحْيَى بْنُ ابْنُ حَيْبٍ الْحَارِثِيُّ: حَدَّثَنَا خَالِدٌ بْنُ الْحَارِثَ؛ حَدَّثَنَا شُعْبَةُ عَنْ قَنَادَةَ، عَنْ أَبِي الْخَلِيلِ، عَنْ أَبِي سَعِيدٍ قَالَ: أَصَابُوا سَيِّنَاتِ يَوْمَ أَوْطَاسٍ، لَهُنَّ أَزْوَاجٌ، فَتَخَوَّفُوا، فَأَنْزَلَتْ هَذِهِ الْآيَةُ: «وَالْمُحَصَّنَاتُ مِنَ الْأَنْسَاءِ إِلَّا مَا مَلَكْتُ أَيْمَانُكُمْ» [النساء: ٢٤].

[3612] (...) A similar report (as no. 3611) was narrated from Qatâdah with this chain.

[٣٦١٢] (...) وَحَدَّثَنِي يَحْيَى بْنُ حَيْبٍ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثَ:

^[1] An-Nisâ' 4:24.

حَدَّثَنَا سَعِيدٌ، عَنْ فَتَادَةَ بْنِهِ إِلَيْهَا الْإِسْنَادِ،
نَحْوَهُ.

Chapter 10. The Child Belongs / To (The Owner Of) The Bed And Suspicion Must Be Avoided

[3613] 36 - (1457) It was narrated that ‘Aishah said: ‘Sa’d bin Abî Waqqâs and ‘Abd bin Zam‘ah disputed concerning a boy. Sa’d said: ‘O Messenger of Allâh, this is the son of my brother, ‘Utbah bin Abî Waqqâs, who stated to me that he is his child. See how he resembles him.’ ‘Abd bin Zam‘ah said: ‘This is my brother, O Messenger of Allâh, he was born on my father’s bed of his slave woman.’ The Messenger of Allâh ﷺ looked to see who he resembled, and he saw a clear resemblance to ‘Utbah. But he said: ‘He is yours, O ‘Abd. The child is for the (owner of the) bed and the fornicator gets the *Hajar*.^[1] Observe *Hijâb* from him, O Sawdah bint Zam‘ah.’’ She said: ‘And he never saw Sawdah.’ Mu‘ammad bin Rumh did not mention the words: ‘O ‘Abd.’’

[3614] (...) A similar report (as no. 3613) was narrated from Az-Zuhri with this chain, except that Ma‘mar and Ibn ‘Uyaynah said in their *Hadîth*: ‘The child is for the

(المعجم ١٠) - (باب الولد للفراش،
وتوفي الشبهات) (التحفة ٣٤)

[٣٦١٣] (١٤٥٧) حَدَّثَنَا قُبَيْلَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا الْلَّيْثُ عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ؛ أَنَّهَا قَالَتْ: أَخْتَصَمَ سَعْدُ بْنُ أَبِي وَقَاصِي وَعَبْدُ بْنُ زَمْعَةَ فِي غُلَامٍ، فَقَالَ سَعْدٌ: هَذَا، يَا رَسُولَ اللَّهِ! ابْنُ أَخِي، عُتْبَةَ بْنِ أَبِي وَقَاصِي، عَهِدَ إِلَيَّ أَنَّهُ ابْنُهُ، انْظُرْ إِلَيْ شَبَهِهِ. وَقَالَ عَبْدُ بْنُ زَمْعَةَ: هَذَا أَخِي، يَا رَسُولَ اللَّهِ! وُلَدَ عَلَى فِرَاشِ أَبِي، مِنْ وَلِدَتِهِ، فَنَظَرَ رَسُولُ اللَّهِ إِلَى شَبَهِهِ، فَرَأَى شَبَهَهَا بَيْنَ عَيْنَيْهِ. فَقَالَ: هُوَ لَكَ يَا عَبْدُ! الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرِ، وَاحْتَجِبِي مِنْهُ يَا سَوْدَةَ بْنِ يَثْرَةَ! رَمْعَةً. قَالَتْ: فَلَمْ يَرَ سَوْدَةَ قَطُّ، وَلَمْ يَذْكُرْ مُحَمَّدُ بْنُ رُمْحٍ قَوْلَهُ «يَا عَبْدُ».

[٣٦١٤] (...) حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَعَمْرُو وَالنَّاقِدُ قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَيْهِ؛

[1] “The stone” and they say that its meaning is “nothing.”

(owner of the bed,” and they did not mention “and the fornicator gets the *Hajar*.“

وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، كِلَاهُمَا عَنِ الْزُّهْرِيِّ، بِهِمَا إِلْسَانَادٍ، نَحْوُهُ. غَيْرَ أَنَّ مَعْمَرًا وَابْنَ عَيْنَةَ، فِي حَدِيثِهِمَا «الْوَلْدُ لِلْفَرَاشِ» وَلَمْ يَذْكُرَا «الْلَّعَاهِرِ الْحَجَرِ».

[٣٦١٥] [١٤٥٨-٣٧] وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ - قَالَ ابْنُ رَافِعٍ: حَدَّثَنَا - عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الْزُّهْرِيِّ، عَنِ ابْنِ الْمُسَبِّبِ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْوَلْدُ لِلْفَرَاشِ وَلِلْعَاهِرِ الْحَجَرِ».

[٣٦١٦] (...) A *Hadîth* like that of Ma‘mar (no. 3615) was narrated from Abû Hurairah from the Prophet ﷺ.

[...] [٣٦١٦] (...). وَحَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ، وَزُهَيْرُ بْنُ حَرْبٍ؛ وَعَبْدُ الْأَعْلَى ابْنُ حَمَادٍ، وَعَمْرُو النَّاقِدُ قَالُوا: أَخْبَرَنَا سُفْيَانُ عَنِ الْزُّهْرِيِّ - أَمَّا ابْنُ مَنْصُورٍ فَقَالَ: عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ. وَأَمَّا عَبْدُ الْأَعْلَى فَقَالَ: عَنْ أَبِي سَلَمَةَ، أَوْ عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ. وَقَالَ زُهَيْرٌ: عَنْ سَعِيدٍ أَوْ عَنْ أَبِي سَلَمَةَ. أَخْدُهُمَا أَوْ كِلَاهُمَا، عَنْ أَبِي هُرَيْرَةَ. وَقَالَ عَمْرُو: حَدَّثَنَا سُفْيَانٌ مَرَّةً، عَنِ الْزُّهْرِيِّ، عَنْ سَعِيدٍ وَأَبِي سَلَمَةَ. وَمَرَّةً عَنْ سَعِيدٍ أَوْ أَبِي سَلَمَةَ. وَمَرَّةً عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ التَّيِّيِّ بْنِ عَلِيٍّ يُمْثِلُ حَدِيثَ مَعْمَرٍ.

Chapter 11. Detecting Relationships From Physical Features

[3617] 38 - (1459) It was narrated from ‘Âishah that she said: “The Messenger of Allâh ﷺ entered upon me one day happily, with his face shining. He said: ‘Did you not see that Mujazziz looked at Zaid bin Hârithah and Usâmah bin Zaid just now, and he said: These feet belong to one another.’”

(المعجم (١١) - (باب العمل بالحاق
القائف الولد) (التحفة (٣٥)

[٣٦١٧] (١٤٥٩-٣٦١٧) حَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى وَمُحَمَّدُ بْنُ رُمْحٍ قَالَ أَخْبَرَنَا
اللَّيْثُ، وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا
يَثْعَبُ عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ، عَنْ
عَائِشَةَ؛ أَنَّهَا قَالَتْ: إِنَّ رَسُولَ اللَّهِ ﷺ
دَخَلَ عَلَيَّ مَسْرُورًا، تَبَرُّقُ أَسَارِيرُ وَجْهِهِ.
فَقَالَ: «أَلَمْ تَرَيْ أَنَّ مُجَزَّرًا نَظَرَ إِلَيَّ
رَيْدَ بْنَ حَارِثَةَ وَأَسَامَةَ بْنَ زَيْدٍ. فَقَالَ: إِنَّ
بَعْضَ هَذِهِ الْأَقْدَامِ لَمْ يَعْضِ». .

[3618] 39 - (...) It was narrated that ‘Âishah said: “The Messenger of Allâh ﷺ entered upon me happy one day and said: ‘O ‘Âishah, did you not see that Mujazziz Al-Mudlaji entered upon me and he saw Usâmah and Zaid with a piece of velvet cloth over them that was covering their heads, but their feet were showing, and he said: These feet belong to one another.’”

[٣٦١٨] (...) وَحَدَّثَنِي عَمْرُو
النَّافِدُ وَزَهْبَرُ بْنُ حَرْبٍ وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ :
- وَاللَّفْظُ لِعَمْرُو - قَالُوا: حَدَّثَنَا سَفِيَانُ، عَنْ
الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: دَخَلَ
عَلَيَّ رَسُولُ اللَّهِ ﷺ ذَاتَ يَوْمٍ مَسْرُورًا. فَقَالَ:
«يَا عَائِشَةً! أَلَمْ تَرَيْ أَنَّ مُجَزَّرًا الْمُدْلِجِي دَخَلَ
عَلَيَّ، فَرَأَى أَسَامَةَ وَرَيْدًا وَعَنِيهِمَا قَطِيفَةٌ قَدْ
غَطَّيَا رُءُوسَهُمَا، وَبَدَأَتْ أَنْدَاهُمَا. فَقَالَ: إِنَّ
هَذِهِ الْأَقْدَامِ بَعْضُهَا مِنْ بَعْضٍ». .

[3619] 40 - (...) It was narrated that ‘Âishah said: “A *Qâ’if* (one who detects family resemblance) entered when the Messenger of Allâh ﷺ was present, and Usâmah bin Zaid and Zaid bin

[٣٦١٩] (...) وَحَدَّثَنَا
مَنْصُورُ بْنُ أَبِي مُزَاجِمٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ
سَعِيدٍ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ
قَالَتْ: دَخَلَ قَائِفٌ وَرَسُولُ اللَّهِ ﷺ

Hârithah were lying down. He said: 'These feet belong to one another.' The Prophet ﷺ was pleased by this and liked it, and he told 'Âishah about it.'

[3620] (...) A similar *Hadîth* (as no. 3619) was narrated from Az-Zuhri with this chain, and in the *Hadîth* of Yûnus it adds: "And Mujazziz was a *Qâ'if*."

Chapter 12. How Long A Virgin And A Previously-Married Woman Are Entitled To Have The Husband Stay With Them After Marriage

[3621] 41 - (1460) It was narrated from Umm Salamah that when the Messenger of Allâh ﷺ married Umm Salamah, he stayed with her for three days, and he said: "There is no lack of esteem on the part of your husband towards you. If you wish, I will stay with you for seven days, but if I stay with you for seven days, then I will have to stay with each of my wives for seven days."

شَاهِدٌ، وَأَسَامَةُ بْنُ زَيْدٍ وَزَيْدُ بْنُ حَارِثَةَ مُضْطَجِعًا. فَقَالَ: إِنَّ هَذِهِ الْأَقْدَامَ بَعْضُهَا مِنْ بَعْضٍ، فَشَرَّبَ بِذَلِكَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَعْجَبَهُ، وَأَخْبَرَ بِهِ عَائِشَةَ.

[٣٦٢٠] (...) وَحَدَّثَنِي حَوْلَةُ بْنُ يَحْيَى: أَخْبَرَنَا أَبْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ وَابْنُ جُرَيْجٍ، كُلُّهُمْ عَنِ الْزَّهْرِيِّ بِهَذَا الْإِسْتَادِ، وَمَعْنَى حَدِيثِهِمْ. وَرَأَدَ فِي حَدِيثِ يُونُسَ: وَكَانَ مُجَرْزٌ قَائِمًا.

(المعجم ١٢) - (باب قدر ما تستحقه البكر والثيب من إقامة الزوج عندها عقب الزفاف) (التحفة ٣٦)

[٣٦٢١] [٤١-٤١] حَدَّثَنَا أَبُو بَكْرُ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ حَاتِمٍ وَيَعْقُوبُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالُوا: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ سُفِيَّانَ، عَنْ مُحَمَّدٍ بْنِ أَبِي بَكْرٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِيهِ، عَنْ أُمِّ سَلَمَةَ؛ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا تَرَوَجَ أُمِّ سَلَمَةَ أَقَامَ عِنْهَا ثَلَاثَةَ، وَقَالَ: «إِنَّهُ لَيْسَ بِكِ عَلَى أَهْلِكِ هَوَانٌ، إِنْ شِئْتِ سَبَعَتْ لَكِ، وَإِنْ سَبَعَتْ لَكِ سَبَعَتْ لِنِسَائِي».

[3622] 42 - (...) It was narrated from Abû Bakr bin ‘Abdur-Râhmân that when the Messenger of Allâh ﷺ married Umm Salamah, the following morning he said to her: “There is no lack of esteem on the part of your husband towards you. If you wish, I will stay with you for seven days, or if you wish I will stay with you for three, then I will visit (each of you) in turn.” She said: “Make it three.”

[3623] (...) It was narrated from Abû Bakr bin ‘Abdur-Râhmân that when the Messenger of Allâh ﷺ married Umm Salamah, he went to stay with her, then he wanted to leave and she took hold of his garment. The Messenger of Allâh ﷺ said: “If you wish, I will stay longer and count it. For a virgin seven days, and for a previously-married woman, three.”

[3624] (...) A similar report (as no. 3623) was narrated from ‘Abdur-Râhmân bin Humaïd with this chain.

[3625] 43 - (...) It was narrated from Abû Bakr bin ‘Abdur-Râhmân bin Al-Hârith bin Hishâm, from Umm Salamah. He (ﷺ) said that the Messenger of Allâh ﷺ married her, and he mentioned some things, including this: He said: “If you wish, I will stay with

[٣٦٢٢] [٤٢-...] وَحَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى قَالَ: قَرِئَ عَلَى مَالِكٍ عَنْ
عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَبْدِ الْمُلِكِ بْنِ
أَبِي بَكْرٍ عَنْ أَبِي بَكْرٍ ابْنِ عَبْدِ الرَّحْمَنِ،
أَنَّ رَسُولَ اللَّهِ ﷺ حِينَ تَزَوَّجَ أُمَّ سَلَمَةَ،
وَأَصْبَحَتْ عِنْدَهُ فَقَالَ لَهَا: «إِنِّي شِيكٌ عَلَى
أَهْلِكِ هَوَانٌ، إِنْ شِئْتِ سَبَعَتْ عِنْدِكِ، وَإِنْ
شِئْتِ ثَلَاثَ ثُمَّ دُرْثٌ» قَالَتْ: ثَلَاثٌ.

[٣٦٢٣] (...) حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ
[الْقَعْنَيْثِ]: حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنِ يَلَالِ،
عَنْ عَبْدِ الرَّحْمَنِ بْنِ حُمَيْدٍ، عَنْ عَبْدِ الْمُلِكِ
بْنِ أَبِي بَكْرٍ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ،
أَنَّ رَسُولَ اللَّهِ ﷺ حِينَ تَزَوَّجَ أُمَّ سَلَمَةَ فَدَخَلَ
عَلَيْهَا، فَأَرَادَ أَنْ يَخْرُجَ أَخْذَثَ بِثُوَبِهِ فَقَالَ
رَسُولُ اللَّهِ ﷺ: «إِنْ شِئْتِ زِدْتُكَ وَحَاسِبْتُكَ
بِهِ، لِلْبِكْرِ سَبْعٌ وَالثَّالِثُ ثَلَاثٌ».

[٣٦٢٤] (...) وَحَدَّثَنَا يَحْيَى بْنُ
يَحْيَى: أَخْبَرَنَا أَبُو ضَمْرَةَ عَنْ عَبْدِ
الرَّحْمَنِ بْنِ حُمَيْدٍ، بِهَذَا إِلَسْنَادِ، مِثْلُهُ.

[٣٦٢٥] [٤٣-...] حَدَّثَنِي أَبُو
كُرَيْبٍ مُحَمَّدٌ بْنُ الْعَلَاءِ: حَدَّثَنَا حَفْصٌ يَعْنِي
ابْنَ غِيَاثٍ، عَنْ عَبْدِ الْوَاحِدِ بْنِ أَيَّمَّةَ، عَنْ
أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ
هِشَامٍ، عَنْ أُمَّ سَلَمَةَ؛ ذَكَرَ أَنَّ رَسُولَ

you (to Umm Salamah) for seven days, and then spend seven days with each of my wives, for if I spend seven days with you I will spend seven days with each of my wives."

[3626] 44 - (1461) It was narrated that Anas bin Mâlik said: "If (a man) marries a virgin in addition to a previously-married woman, he should stay with her for seven days, and if he marries a previously-married woman in addition to a virgin, he should stay with her for three." Khâlid (a narrator) said: "If I were to say that he attributed it to the Prophet ﷺ I would be speaking the truth, but he said: 'That is the *Sunnah*.'"

[3627] 45 - (...) It was narrated that Anas said: "It is *Sunnah* to stay with a virgin for seven days."

Khâlid (a narrator) said: "If you wish, I will say that he attributed it to the Prophet ﷺ."

الله يعْلَمُ تزوجها، وَذَكَرَ أَشْيَاءَ، هَذَا فِيهِ.
قَالَ [إِنْ شِئْتَ أَنْ أُسْبِعَ لَكَ وَأُسْبِعَ لِنِسَائِيْ،
وَإِنْ سَبَعْتُ لَكَ سَبَعْتُ لِنِسَائِيْ].

[٣٦٢٦] ٤٤ - (١٤٦١) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى : أَخْبَرَنَا هُشَيْمٌ عَنْ خَالِدٍ، عَنْ أَبِي قِلَّابَةَ، عَنْ أَنَسِ [بْنِ مَالِكٍ] قَالَ : إِذَا تَرَوْجَ الْبِكْرَ عَلَى الشَّيْبِ أَقَامَ عِنْدَهَا سَبْعًا، وَإِذَا تَرَوْجَ الشَّيْبَ عَلَى الْبِكْرِ أَقَامَ عِنْدَهَا ثَلَاثًا . قَالَ خَالِدٌ : وَلَوْ قُلْتُ : إِنَّهُ رَفَعَهُ لَصَدَقْتُ ، وَلَكِنْهُ قَالَ : السُّنْنَةُ كَذَلِكَ .

[٣٦٢٧] ٤٥ - (...) وَحدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ : حَدَّثَنَا عَبْدُ الرَّزَّاقِ : أَخْبَرَنَا سُفْيَانُ عَنْ أَيُوبَ وَخَالِدِ الْحَدَّادِ، عَنْ أَبِي قِلَّابَةَ، عَنْ أَنَسِ قَالَ : مِنَ السُّنْنَةِ أَنْ يُقِيمَ عِنْدَ الْبِكْرِ سَبْعًا .
قَالَ خَالِدٌ : وَلَوْ شِئْتُ قُلْتُ : رَفَعَهُ إِلَى الْبَيْتِ الْمُكَ�بِلِ .

(المعجم ١٣) - (باب القسم بين الزوجات، وبيان أن السنة أن تكون لكل واحدة ليلة مع يومها) (التحفة ٣٧)

[٣٦٢٨] ٤٦ - (١٤٦٢) حَدَّثَنَا أَبُو بَكْرُ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا شَبَابَةُ بْنُ سَوَارٍ : حَدَّثَنَا

Chapter 13. Dividing One's Time Among Wives; The *Sunnah* Is For Each One To Have One Night And One Day

[3628] 46 - (1462) It was narrated that Anas said: "The Prophet ﷺ had nine wives, and when he divided his time among

them, he did not come back to the first one until the ninth day. Every night they used to gather in the house of the one whose night it was. He was in ‘Aishah’s house, and Zainab came and he reached out his hand towards her. ‘Aishah said: ‘This is Zainab, and the Prophet ﷺ withdrew his hand.’ They argued and raised their voices, and the *Iqāmah* was called for prayer. Abū Bakr came past at that point and heard their voices, so he said: ‘Come out for the prayer, O Messenger of Allāh ﷺ, and throw dust in their mouths.’ The Prophet ﷺ came out, and ‘Aishah said: ‘Now the Prophet ﷺ will finish his prayer and come, and Abū Bakr will come and do such-and-such to me.’ When the Prophet ﷺ had finished his prayer, Abū Bakr came to her and spoke sternly to her, and said: ‘Do you behave like this?’”

Chapter 14. It Is Permissible For A Wife To Give Her Turn To A Co-Wife

[3629] 47 - (1463) It was narrated that ‘Aishah said: “I never saw a woman whose position I wished I could be in more than Sawdah bint Zam’ah, a woman of strong character.” When she grew old, she gave her day with the Messenger of Allāh ﷺ to ‘Aishah. She said: “O Messenger of Allāh, I

سُلَيْمَانُ بْنُ الْمُغِيرَةَ عَنْ ثَابِتٍ، عَنْ أَنَسِ
فَالَّذِي كَانَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَسْعُ نِسْوَةً، فَكَانَ إِذَا
قَسَمَ بَيْتَهُنَّ لَا يَتَهَمِّ إِلَى الْمَرْأَةِ الْأُولَى إِلَّا
فِي تَسْعِ، فَكُنَّ يَجْتَمِعُنَّ كُلَّ لَيْلَةٍ فِي بَيْتِ
الَّتِي يَأْتِيهَا، فَكَانَ فِي بَيْتِ عَائِشَةَ، فَجَاءَتْ
رَبِّنُبُ، فَمَدَّ يَدَهُ إِلَيْهَا، فَقَالَتْ: هَذِهِ رَبِّنُبُ،
فَحَكَّ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدَهُ، فَتَقَوَّلَتْ حَتَّى
اسْتَخَبَتَا، وَأُقْبِلَتِ الصَّلَاةُ، فَمَرَّ أَبُو بَكْرٌ
عَلَى ذَلِكَ، فَسَمِعَ أَصْوَاتَهُمَا، فَقَالَ:
اخْرُجْ، يَا رَسُولَ اللَّهِ! إِلَى الصَّلَاةِ، وَاحْتُ
فِي أَفْوَاهِهِنَّ التُّرَابَ. فَخَرَجَ النَّبِيُّ صَلَّى
فَقَالَتْ عَائِشَةُ: الْآنَ يَقْضِي النَّبِيُّ صَلَّى
صَلَاةَ فَيَحِيِّهُ أَبُو بَكْرٌ فَيَقْعُلُ لِي وَيَفْعُلُ،
فَلَمَّا قَضَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَلَاةَ أَتَاهَا أَبُو بَكْرٌ،
فَقَالَ لَهَا قَوْلًا شَدِيدًا، وَقَالَ: أَتَضْنَعِينَ
هَذَا؟ .

(المعجم ١٤) - (باب جواز هبتها
نوبتها لضرتها) (التحفة ٣٨)

[٣٦٢٩]-[١٤٦٣] حَدَّثَنَا زُهْرَيُّ
ابْنُ حَرْبٍ: حَدَّثَنَا جَرِيرٌ عَنْ هَشَامِ بْنِ
عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: مَا
رَأَيْتُ امْرَأَةً أَحَبَّ إِلَيَّ أَنْ أَكُونَ فِي
مُسْلَاخَهَا مِنْ سَوْدَةِ بْنِتِ رَعْمَةَ، مِنْ امْرَأَةٍ
فِيهَا حِدَّةً، قَالَتْ: فَلَمَّا كَبِرَتْ جَعَلَتْ

have given my day with you to 'Aishah.' So the Messenger of Allâh ﷺ gave 'Aishah two days, her day, and Sawdah's day.

يَوْمَهَا مِنْ رَسُولِ اللَّهِ ﷺ لِعَائِشَةَ، قَالَتْ: يَا رَسُولَ اللَّهِ! قَدْ جَعَلْتُ يَوْمِي مِنْكَ لِعَائِشَةَ، فَكَانَ رَسُولُ اللَّهِ ﷺ يَقْسِمُ لِعَائِشَةَ يَوْمَيْنِ: يَوْمَهَا، وَيَوْمَ سُوْدَةَ.

[٣٦٣٠] ٤٨ - (...) وَحَدَّثَنَا أَبُو بُكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عُقْبَةُ بْنُ حَالِدٍ؛ وَحَدَّثَنَا عَمْرُو النَّافِدُ: حَدَّثَنَا الْأَسْوَدُ بْنُ عَامِرٍ: حَدَّثَنَا زُهَيرٌ؛ وَحَدَّثَنَا مُجَاهِدُ بْنُ مُوسَى؛ حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ: حَدَّثَنَا شَرِيكٌ، كُلُّهُمْ، عَنْ هِشَامٍ، بِهِذَا الْإِسْنَادِ؛ أَنَّ سُوْدَةَ لَمَّا كَبَرَتْ، بِمَعْنَى حَدِيثٍ جَرِيرٍ، وَزَادَ فِي حَدِيثِ شَرِيكٍ قَالَتْ: وَكَانَتْ أَوَّلَ امْرَأَةً تَرَوَّجَهَا بَعْدِي.

[٣٦٣١] ٤٩ - (١٤٦٤) وَحَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أَسَامَةَ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كُنْتُ أَغَارُ عَلَى الَّاتِي وَهِيَ أَنْفُسُهُنَّ لِرَسُولِ اللَّهِ ﷺ. وَأَقُولُ: أَوْتَهُبُ الْمَرْأَةَ نَفْسَهَا؟ فَلَمَّا أَنْزَلَ اللَّهُ تَعَالَى: «تُرْجِي مَنْ نَشَاءُ مِنْهُنَّ وَتُغْوِي إِلَيْكَ مَنْ نَشَاءُ وَمَنْ أَبْغَيْتَ مِمَّنْ عَزَّلَ» [الأحزاب: ٥١] قَالَتْ قُلْتُ: وَاللَّهِ! مَا أَرَى رَبِّكَ إِلَّا يُسْتَارُ لَكَ فِي هَوَاكَ.

[3631] 49 - (1464) It was narrated that 'Aishah said: "I used to feel jealous of the women who offered themselves (in marriage) to the Messenger of Allâh ﷺ, and I would say: 'Would a woman offer herself?' When Allâh, the Most High, revealed the words: "You can postpone (the turn of) whom you will of them (your wives), and you may receive whom you will. And whomsoever you desire of those whom you have set aside (her turn temporarily), ...,"^[1] I said: 'By Allâh, I see that your

^[1] Al-Ahzâb 33:51.

Lord is quick to respond to your wishes.”

[3632] 50 - (...) It was narrated from ‘Aishah that she used to say: “Wouldn’t a woman feel too shy to offer herself to a man?” Until Allāh [the Mighty and Sublime] revealed: “You can postpone (the turn of) whom you will of them (your wives), and you may receive whom you will”^[1] Then she said: “Your Lord is quick to respond to your wishes.”

[3633] 51 - (1465) ‘Atā’ said: “We attended the funeral of Maimūnah, the wife of the Prophet ﷺ, in Sarif with Ibn ‘Abbās. Ibn ‘Abbās said: ‘This is the wife of the Prophet ﷺ, so when you lift her, do not shake her nor disturb her; be gentle with her. The Messenger of Allāh ﷺ had nine wives, and he used to divide his time between eight of them, and he did not allot a share of his time to one of them. The one to whom he did not allot a share of his time was Ṣafiyah bint Huyayy bin Akhtab.’”

[3634] 52 - (...) It was narrated from Ibn Juraij with this chain (a *Hadīth* similar to no. 3633), and

[٣٦٣٢] ٥٠ - (...) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُهُ بْنُ سُلَيْمَانَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّهَا كَانَتْ تَقُولُ: أَمَا تَسْتَحِي إِمْرَأَةً تَهْبُطُ نَفْسَهَا لِرَجُلٍ؟ حَتَّىٰ أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ: 『تُرْجِي مَنْ تَشَاءُ مِنْهُنَّ وَتُقْوِي إِلَيْكَ مَنْ تَشَاءُ』» [الأحزاب: ٥١] فَقُلْتُ: إِنَّ رَبِّكَ يُسَارِعُ لَكَ فِي هَوَاكَ.

[٣٦٣٣] ٥١ - (١٤٦٥) حَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ حَاتِمٍ، - قَالَ مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا - مُحَمَّدُ بْنُ بَكْرٍ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي عَطَاءً قَالَ: حَضَرْنَا، مَعَ ابْنِ عَبَّاسٍ، جَنَازَةَ مَيْمُونَةَ، زَوْجِ النَّبِيِّ ﷺ، بِسَرَفَ. فَقَالَ ابْنُ عَبَّاسٍ: هُنُوْ زَوْجُ النَّبِيِّ ﷺ فَإِذَا رَفَعْتُمْ نَعْشَهَا فَلَا تُرْغِعُوهَا، وَلَا تُرْلِنُوهَا، وَارْفُقُوهَا، فَإِنَّهُ كَانَ عِنْدَ رَسُولِ اللَّهِ ﷺ يَسْعُ، فَكَانَ يَقْسِمُ لِشَمَانٍ وَلَا يَقْسِمُ لِوَاحِدَةٍ. قَالَ عَطَاءً: الَّتِي لَا يَقْسِمُ لَهَا صَفَيْهَ بِنْتُ حُبَيْبَ بْنِ أَخْطَابَ.

[٣٦٣٤] ٥٢ - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ، جَمِيعًا، عَنْ

^[1] Al-Ahzâb 33:51.

he added: ‘Atâ’ said: “...She was the last of them to die, and she died in Al-Madînah.”

عَبْدُ الرَّزَاقِ، عَنْ ابْنِ جُرَيْجٍ، بِهَذَا
الْأَسْنَادِ، وَرَأَدَ: قَالَ عَطَاءً: كَانَتْ
آخِرُهُنَّ مَوْتًا. مَاتَتْ بِالْمَدِينَةِ.

Chapter 15. It Is Recommended To Marry One Who Is Religiously Committed

[3635] 53 - (1466) It was narrated from Abû Hurairah that the Prophet ﷺ said: “Women are married for four things: Their wealth, their lineage, their beauty and their religion. Choose the one with religion, may your hands be rubbed with dust.”^[1]

(المعجم ١٥) - (باب استحباب نكاح ذات الدين) (التحفة ٣٩)

[٣٦٣٥-٥٣] (١٤٦٦) حَدَّثَنَا زُهْرَىٰ
ابْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُتَّسَىٰ وَعَبْيَدُ اللَّهِ
ابْنُ سَعِيدٍ قَالُوا: حَدَّثَنَا يَحْيَىٰ بْنُ سَعِيدٍ
عَنْ عَبْيَدِ اللَّهِ: أَخْبَرَنِي سَعِيدُ بْنُ أَبِي
سَعِيدٍ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنْ
النَّبِيِّ ﷺ قَالَ: (تُنكحُ الْمُرْأَةَ لِأَرْبَعِ
لِمَالِهَا، وَلِحَسِيبِهَا، وَلِجَمَالِهَا، وَلِدِينِهَا)
فَاظْفَرْ بِذَاتِ الدِّينِ تَرِبَّتْ يَدَاكَ».

[٣٦٣٦-٥٤] (٧١٥) وَحَدَّثَنَا مُحَمَّدٌ
ابْنُ عَبْدِ اللَّهِ بْنِ نُعْمَىٰ: حَدَّثَنَا أَبِي: حَدَّثَنَا
عَبْدُ الْمَلِكِ بْنُ أَبِي سُلَيْمَانَ عَنْ عَطَاءٍ:
أَخْبَرَنِي حَابِرُ بْنُ عَبْدِ اللَّهِ قَالَ: تَرَوْجُتْ
امْرَأَةً فِي عَهْدِ رَسُولِ اللَّهِ ﷺ، فَلَقِيتُ
النَّبِيِّ ﷺ فَقَالَ: «يَا حَابِرُ! تَرَوْجُتْ؟» قُلْتُ:
قُلْتُ: نَعَمْ. قَالَ: «إِكْرَأْ أَمْ تَيْبُ؟» قُلْتُ:
تَيْبُ، قَالَ: «فَهَلَّا بِكُرَّا تُلَا عَبْهَا؟» قُلْتُ:
يَا رَسُولَ اللَّهِ! إِنَّ لِي أَخْوَاتٍ، فَخَشِيتُ

[3636] 54 - (715) Jâbir bin ‘Abdullâh said: “I married a woman at the time of the Messenger of Allâh ﷺ, and I met the Prophet ﷺ and he said: ‘O Jâbir, have you gotten married?’ I said: ‘Yes.’ He said: ‘A virgin or a previously-married woman?’ I said: ‘A previously-married woman.’ He said: ‘Why not a virgin so you could play with her?’ I said: ‘O Messenger of Allâh, I have sisters, and I was afraid that she might cause trouble between myself and them.’ He said: ‘That’s fine then. A woman is

^[1] Meaning, may you prosper.

married for her religion, her wealth or her beauty. Choose the one with religion, may your hands be rubbed with dust.””

أَن تَدْخُلَ بَيْتِي وَبَيْتَهُنَّ، قَالَ: «فَذَاكَ إِذَا، إِنَّ الْمَرْأَةَ تُنْكَحُ عَلَى دِينِهَا، وَمَالِهَا، وَجَمَالِهَا، فَعَلَيْكَ بِذَاتِ الدِّينِ تَرِبَّتِ يَدَكَ». [راجع: ١٦٥٦]

Chapter 16. It Is Recommended To Marry Virgins

[3637] 55 - (...) It was narrated that Jâbir bin ‘Abdullâh said: “I married a woman and the Messenger of Allâh ﷺ said to me: ‘Have you gotten married?’ I said: ‘Yes.’ He said: ‘A virgin or a previously-married woman?’ I said: ‘A previously-married woman.’ He said: ‘What about virgins and playing with them?’”

Shu‘bah said: “I mentioned this to ‘Amr bin Dînâr and he said: ‘I heard it from Jâbir, but he said: ‘Why not a young virgin, so you could play with her and she could play with you?’”

[3638] 56 - (...) It was narrated from Jâbir bin ‘Abdullâh, that ‘Abdullâh (his father) died and left behind nine - or seven - daughters, and I married a previously-married woman. The Messenger of Allâh ﷺ said to me: “O Jâbir, have you gotten married?” I said: “Yes.” He said: “A virgin or a previously-married woman?” I said: “A previously-

(المعجم ١٦) - (باب استحباب نكاح البكر) (التحفة ٤٠)

٥٥-[٣٦٣٧] (...). حَدَّثَنَا عَبْدُ اللهِ
ابْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شَعْبَةُ عَنْ
مُحَارِبٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ:
تَرَوَجْتُ امْرَأَةً، فَقَالَ لِي رَسُولُ اللهِ ﷺ
«هَلْ تَرَوَجْتُ؟» قُلْتُ: نَعَمْ، قَالَ: «أَيْخُرًا
أَمْ ثَيَّبًا؟» قُلْتُ: ثَيَّبًا، قَالَ: «فَإِنْ أَنْتَ
مِنَ الْعَذَارِيِّ وَلِعَابِهَا؟». [راجع: ١٦٥٦]

قَالَ شَعْبَةُ: فَذَكَرَهُ لِعَمْرُو بْنِ دِينَارٍ،
فَقَالَ: قَدْ سَمِعْتُهُ مِنْ جَابِرٍ، وَإِنَّمَا قَالَ:
فَهَلَّا جَارِيَةً تُلَاءِعُهَا وَتُلَاعِبُكَ؟».

[راجع: ١٦٥٦]

٥٦-[٣٦٣٨] (...). حَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى وَأَبُو الرَّئِيعِ الزَّهْرَانِيِّ - قَالَ
يَحْيَى: أَخْبَرَنَا حَمَادُ بْنُ زَيْدٍ عَنْ عَمْرُو
ابْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ، أَنَّ
عَبْدَ اللهِ هَلَكَ وَتَرَكَ تَسْعَ بَنَاتِ - أَوْ قَالَ
سَبْعَ - فَتَرَوَجْتُ امْرَأَةً ثَيَّبَا، فَقَالَ لِي:
رَسُولُ اللهِ ﷺ يَا جَابِرُ! تَرَوَجْتَ؟»:

married woman, O Messenger of Allâh.” He said: “Why not a young virgin whom you could play with, and she could play with you?” - or he said: “Whom you could make laugh, and she could make you laugh?” - I said to him: “‘Abdullâh died and left behind nine - or seven - daughters, and I did not like to bring to them one who was like them. I wanted to bring a woman who could look after them and take care of them.” He said: “Then may Allâh bless you,” or he said good words to me.

قال قلت: نعم، قال: «فِي كُلِّ أُمٍّ تَيْبٌ؟»
 قال قلت: بِلْ تَيْبٌ، يا رَسُولَ اللهِ! قال:
 «فَهَلَا جَارِيَةٌ تُلَاءِعُهَا وَتُلَاءِعُكَ» - أَوْ
 قال: «تُضَاحِكُهَا وَتُضَاحِكُكَ» - قال:
 قُلْتُ لَهُ: إِنَّ عَبْدَ اللهِ هَلَكَ وَتَرَكَ سَبْعَ
 بَنَاتٍ - أَوْ سَبْعَ - وَإِنِّي كَرِهُتُ أَنْ آتِيهِنَّ
 أَوْ أَجِيئُهُنَّ بِمِثْلِهِنَّ، فَأَخِبَّثُ أَنْ أَجِيءُ
 بِامْرَأَةٍ تَقُومُ عَلَيْهِنَّ وَتُضْلِلُهُنَّ. قال:
 «فَبِارِكَ اللهُ لَكَ» أَوْ قالَ لِي خَيْرًا .

وفي رواية أبي الربيع «تُلَاءِعُهَا
 وَتُلَاءِعُكَ وَتُضَاحِكُهَا وَتُضَاحِكُكَ».

[راجع: ١٦٥٦، ٣٦٣٧، ٣٦٣٦]

[3639] (...) It was narrated that Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ said to me: ‘Did you get married, O Jâbir?’”... and he quoted the *Hadîth* (similar to no. 3638) as far as the words: “A woman who would look after them and comb their hair.” He said: “You have done well,” and he did not mention the words that come after that.

[3640] 57 - (...) It was narrated that Jâbir bin ‘Abdullâh said: “We were with the Messenger of Allâh ﷺ on a campaign, and when we were heading back I urged my camel on because it was slow. A rider behind me caught up with me and prodded

[٣٦٣٩] (...) وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا سُفِيَّانُ عَنْ عَمْرُو، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ، قَالَ: قَالَ لِي رَسُولُ اللهِ ﷺ: «هَلْ نَكْحَتْ يَا جَابِرُ؟» وَسَاقَ الْحَدِيثَ إِلَى قَوْلِهِ: امْرَأَةٌ تَقُومُ عَلَيْهِنَّ وَتُمْسِطُهُنَّ. قال: «أَصَبَّتْ» وَأَمِّمْ يَذْكُرُ مَا بَعْدَهُ. [راجع: ١٦٥٦، ٣٦٣٦]

[٣٦٤٠] -٥٧ (...) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا هُشَيْمٌ عَنْ سَيَّارٍ، عَنْ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: كُنَّا مَعَ رَسُولِ اللهِ ﷺ فِي غَزَّةٍ، فَلَمَّا أَقْبَلْنَا تَعَجَّلْتُ عَلَى بَعِيرٍ لَّيْ قَطُوفٍ، فَلَّجَّنِي

my camel with an 'Anazah^[1] that he had with him, and my camel moved forward like the best camel you have ever seen. I turned around and there was the Messenger of Allâh ﷺ. He said: 'Why are you in such a hurry, O Jâbir?' I said: 'O Messenger of Allâh, I have recently got married.' He said: 'Did you marry a virgin or a previously-married woman?' I said: 'A previously-married woman.' He said: 'Why not a young virgin who you could play with and she could play with you?'''

"When we came to Al-Madînah, we wanted to enter but he said: 'Slow down so we can enter at night, so that the women whose hair is disheveled may comb their hair, and the women whose husbands have been away may shave their pubes.' And he said: 'When you arrive, be smart, be smart.'"^[2]

[3641] (...) It was narrated that Jâbir bin 'Abdullâh said: "I went out on a campaign with the Messenger of Allâh ﷺ and my camel held me back. The Messenger of Allâh ﷺ came to me and said: 'O Jâbir.' I said: 'Yes.' He said: 'What is the matter with you?' I said: 'My camel is holding me back; it is tired and I fell behind.' He dismounted and

رَأَكُبْ خَلْفِي، فَنَحَسَّ بَعِيرِي بِعَنْتَرَةً كَانَتْ مَعَهُ، فَأَنْطَلَقَ بَعِيرِي كَأَجْوَدِ مَا أَنْتَ رَاءَ مِنَ الْإِلَيْلِ، فَالْتَّنَتْ فَإِذَا أَنَا بِرَسُولِ اللَّهِ ﷺ، فَقَالَ «مَا يُعْجِلُكَ يَا جَابِرُ؟» قُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي حَدِيثُ عَهْدٍ بِعُرْسٍ. فَقَالَ: «أَيْكُرَا تَزَوَّجْتَهَا أَمْ ثَبَّيَا؟» قَالَ: قُلْتُ: بَلْ ثَبَّيَا. قَالَ: «هَلَّا جَارِيَةً تُلَأِعْبُهَا وَتُلَأِعْبُكَ؟».

قال: قُلْمًا قَدِمْنَا الْمَدِيْنَةَ دَهْبَنَا لِنَدْخُلَ. فَقَالَ: «أَمْهِلُوا حَتَّى نَدْخُلَ لَيَّلَةً - أَيْنِ عِشَاءَ، - كَيْنِ تَمْتَشِطَ الشَّعَةَ وَتَسْتَحِدَ الْمُغَيْبَةَ». قَالَ: وَقَالَ: «إِذَا قَدِمْتَ فَالْكَنِيسَ! الْكَنِيسَ!». [راجع: ١٦٥٦، ٣٦٣٦]

[3641] (...) وَحدَّثَنَا مُحَمَّدُ بْنُ الْمُنْتَهَى: حَدَّثَنَا عَبْدُ الْوَهَابِ يَعْنِي ابْنَ عَبْدِ الْمَجِيدِ التَّقْفِيَ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ عَنْ وَهْبِ بْنِ كَيْسَانَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: حَرَجْتُ مَعَ رَسُولِ اللَّهِ ﷺ فِي غَرَّةٍ. فَأَبْطَأَ بِي جَمَلِي، فَأَتَى عَلَيَّ رَسُولُ اللَّهِ ﷺ فَقَالَ لِي: «يَا جَابِرُ»

^[1] A short, iron-tipped spear.

^[2] Be smart: This may mean either "be smart and have intercourse with your wife (for the purpose of having children)" or "be smart and do not rush to have intercourse with your wife until you are sure that she is not menstruating etc."

prodded it with a crooked stick, then he said: 'Ride.' So I rode, and I remember that I had to restrain it from passing the Messenger of Allâh ﷺ. He said: 'Have you gotten married?' I said: 'Yes.' He said: 'A virgin or a previously-married woman?' I said: 'A previously-married woman.' He said: 'Why not a girl whom you could play with and she could play with you?' I said: 'I have sisters and I wanted to marry a woman who could keep them together and comb their hair and take care of them.' He said: 'You are going home, and when you arrive, be smart, be smart.' Then he said: 'Will you sell your camel?' I said: 'Yes.' So he bought it from me for an *Uqiyah*, then the Messenger of Allâh ﷺ arrived and I arrived in the morning. I came to the *Masjid* and found him at the door of the *Masjid*. He said: 'Have you just arrived now?' I said: 'Yes.' He said: 'Leave your camel and go inside and pray two *Rak'ah*.' So I went inside and prayed, then I came back. He told Bilâl to weigh out an *Uqiyah* for me and Bilâl did that, and added a little more. Then I left, then when I was on my way he said: 'Call Jâbir for me.' I was called and I said: 'Now he will return the camel to me, and there was nothing I disliked more than it.' He said: 'Take your camel, and keep its price for yourself.'"

فُلْتُ: نَعَمْ. قَالَ: «مَا شَانِكَ؟» فُلْتُ:
 أَبْطَأْ بِي عَلَيَّ جَمَلِي وَأَعْنَا فَتَخَلَّفْتُ،
 فَنَزَلَ فَحَجَجَهُ بِمُحْجَجِهِ. ثُمَّ قَالَ: «اَرْكَبْ
 فَرَكِيْتُ، فَلَقَدْ رَأَيْتِي اَكْفُهُ عَنْ رَسُولِ
 اللَّهِ يَعِيشُ». فَقَالَ: «[أَ]تَرَوَّجْتَ؟» فَقُلْتُ:
 نَعَمْ. فَقَالَ: «أَبِكْرًا اُمْ شَيْئًا؟» فَقُلْتُ: بَلْ
 شَيْئٌ. قَالَ: «فَهَلَا حَارِيَةً تُلَاعِبُهَا
 وَتُلَاعِبُكَ؟» فُلْتُ: إِنَّ لِي أَحْوَاتٍ،
 فَأَحْبَبْتُ أَنْ أَرَوَّجَ امْرَأَةً تَجْمَعُهُنَّ
 وَتَمْسُطُهُنَّ وَتَقْوُمُ عَلَيْهِنَّ. قَالَ: «أَمَا إِنَّكَ
 قَادِمٌ، فَإِذَا قَدِمْتَ فَالْكَيْنَ! الْكَيْنَ!».
 ثُمَّ قَالَ «أَتَبْيَعُ جَمَلَكَ؟» فُلْتُ: نَعَمْ،
 فَأَشْتَرَاهُ مِنِّي بِأُوقِيَّةٍ، ثُمَّ قَدِيمَ رَسُولِ
 اللَّهِ يَعِيشُ وَقَدِيمَتُ بِالْغَدَاءِ، فَجِئْتُ الْمَسْجِدَ
 فَوَجَدْتُهُ عَلَى يَابِ الْمَسْجِدِ. فَقَالَ: «الآنَ
 حِينَ قَدِيمْتُ؟» فُلْتُ: نَعَمْ، قَالَ: «فَدَعْ
 جَمَلَكَ وَادْخُلْ فَصَلَّ رَكْعَتَيْنِ» قَالَ:
 فَدَخَلْتُ فَصَلَّتُ ثُمَّ رَجَعْتُ، فَأَمَرَ بِلَا
 أَنْ يَرِنَ لِي أُوقِيَّةً، فَوَزَنَ لِي بِلَالٌ، فَأَرْجَحَ
 فِي الْمِيزَانِ. قَالَ: فَانْظَلَفْتُ. فَلَمَّا وَلَّتْ
 قَالَ: «اَدْعُ لِي جَابِرًا» فَدُعِيْتُ. فَقُلْتُ:
 الْآنَ يَرُؤُدْ عَلَيَّ الْجَمَلَ، وَلَمْ يَكُنْ شَيْءٌ
 أَبْعَضَ إِلَيَّ مِنْهُ. فَقَالَ: «خُذْ جَمَلَكَ، وَلَكَ

ثَمَنِهِ». [راجع: ١٦٥٦، ٣٦٣٦]

[3642] 58 - (...) It was narrated that Jâbir bin ‘Abdullâh said: “We were on a journey with the Messenger of Allâh ﷺ and I was on a camel that lagged behind the people. The Messenger of Allâh ﷺ struck it,” or prodded it - I think he said, “with something that he had with him. After that it started going ahead of the people and I was struggling to restrain it. The Messenger of Allâh ﷺ said: ‘Will you sell it to me for such-and-such, may Allâh forgive you?’ I said: ‘It is yours, O Prophet of Allâh.’ He said: ‘Will you sell it to me for such-and-such, may Allâh forgive you?’ I said: ‘It is yours, O Prophet of Allâh.’ He said to me: ‘Did you get married after your father died?’ I said: ‘Yes.’ He said: ‘A previously-married woman or a virgin?’ I said: ‘A previously-married woman.’ He said: ‘Why didn’t you marry a virgin who could make you laugh and you could make her laugh, and she could play with you and you could play with her?’”

Abû Naâdrah said: “That was a phrase that the Muslims used to say: ‘Do such and such; may Allâh forgive you.’”

Chapter 17. Advice With Regard To Women

[3643] 59 - (...) It was narrated

[٣٦٤٢] ٥٨ - (...) حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى: حَدَّثَنَا الْمُعَتمِرُ قَالَ: سَمِعْتُ أَيِّي: حَدَّثَنَا أَبُو نَضْرَةَ عَنْ جَابِرٍ أَبْنِ عَبْدِ اللَّهِ قَالَ: كُنَّا فِي مَسِيرٍ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَكَانَ عَلَى تَاصِحٍ، إِنَّمَا هُوَ فِي أَخْرِيَاتِ النَّاسِ. قَالَ فَقَرَبَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. أَفْ قَالَ نَحْسَنَةً - أَرَاهُ أَنَّهُ كَانَ مَعَهُ. قَالَ: فَجَعَلَ بَعْدَ ذَلِكَ يَقْدَمُ النَّاسَ يُنَازِعُنِي حَتَّى لَا كُفُّهُ. قَالَ: فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَتَبَيِّعُنِيهِ بِكَذَا وَكَذَا؟ وَاللَّهُ يَعْفُرُ لَكَ» قَالَ: قُلْتُ: هُوَ لَكَ، يَا نَبِيَّ اللَّهِ! قَالَ: «أَتَبَيِّعُنِيهِ بِكَذَا وَكَذَا؟ وَاللَّهُ يَعْفُرُ لَكَ». قَالَ: قُلْتُ: هُوَ لَكَ. [يَا نَبِيَّ اللَّهِ!] قَالَ: وَقَالَ لِي: «أَتَرَوْجُتَ بَعْدَ أَبِيكَ؟» قُلْتُ: نَعَمْ. قَالَ: «ثَبَّا أَمْ بِكُرَا؟» قَالَ: قُلْتُ: ثَبَّا. قَالَ: «فَهَلَا تَرَوْجُتَ بِكُرَا تُضَاحِكُكَ وَتُضَاجِعُهَا، وَتُلَأِعُبُكَ وَتُلَأِعِبُهَا؟». قَالَ أَبُو نَضْرَةَ: وَكَانَتْ كَيْمَةً يَقُولُهَا الْمُسْلِمُونَ، افْعَلْ كَذَا وَكَذَا، وَاللَّهُ يَعْفُرُ لَكَ. [راجع: ١٦٥٦، ٣٦٣٦]

(المعجم ١٧) - (باب الوصية بالنساء)
(التحفة ٤٢)

[٣٦٤٣] ٥٩ - (...) حَدَّثَنَا عَمْرُو

that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Woman was created from a rib, it will never become straight for you in any way. If you wish to benefit from her then you may benefit from her, along with her crookedness, but if you try to straighten her you will break her, and breaking her is divorcing her.'"

النَّاقِدُ وَابْنُ أَبِي عُمَرَ: - وَاللَّفْظُ لِابْنِ أَبِي عُمَرَ - قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الرِّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ الْمَرْأَةَ خُلِقَتْ مِنْ ضِلَّعٍ، لَنْ تَسْتَقِيمَ لَكَ عَلَى طَرِيقَةِ، فَإِنِ اسْتَمْتَعْتَ بِهَا اسْتَمْتَعْتَ بِهَا، وَإِنْ ذَهَبْتَ تُقْيِيمَهَا كَسَرْتَهَا، وَكَسَرْتُهَا طَلَاقُهَا».

[3644] 60 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever believes in Allâh and the Last Day, if he witnesses something let him speak good or else keep silent. Deal kindly with women, for woman was created from a rib, and the most crooked part of a rib is its upper part. If you try to straighten it you will break it, and if you leave it alone it will remain crooked. Deal (kindly) with women."

[٣٦٤٤] ٦٠ - (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلَيٍّ عَنْ زَائِدَةَ، عَنْ مَيْسَرَةَ، عَنْ أَبِي حَازِمَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ، فَإِذَا شَهِدَ أَمْرًا فَإِنَّكَلَمْ بِخَيْرٍ أَوْ لِيُشَكُّ، وَاسْتَوْصُوا بِالنِّسَاءِ حَتَّىٰ إِنَّ الْمَرْأَةَ خُلِقَتْ مِنْ ضِلَّعٍ وَإِنَّ أَعْوَجَ شَيْءٍ فِي الْأَرْضِ أَعْلَاهُ، إِنْ ذَهَبْتَ تُقْيِيمَهَا كَسَرْتَهَا، وَإِنْ تَرَكْتَهَا لَمْ يَرَلْ أَعْوَجَ، اسْتَوْصُوا بِالنِّسَاءِ [خَيْرًا]».

[3645] 61 - (1467) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'No believing man should hate a believing woman. If he dislikes one of her characteristics, he may be pleased with another.'"

[٣٦٤٥] ٦١ - (١٤٦٧) وَحَدَّثَنِي إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا عَبْدُ الْحَمِيدِ يَعْنِي ابْنَ جَعْفَرٍ، عَنْ عُمَرَانَ بْنِ أَبِي أَنَّسٍ، عَنْ عُمَرَ بْنِ الْحَكَمِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَغْرِكُ مُؤْمِنٌ

مُؤْمِنَةً، إِنْ كَرِهَ مِنْهَا خُلُقًا رَضِيَّ مِنْهَا
آخَرَ» أَوْ قَالَ: «غَيْرَهُ».

[3646] (...) A similar report (as no. 3645) was narrated from Abū Hurairah from the Prophet ﷺ.

[٣٦٤٦] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ
الْمُشَّنِّي: حَدَّثَنَا أَبُو عَاصِمٍ: حَدَّثَنَا عَبْدُ
الْحَوَيْبِ بْنُ جَعْفَرٍ: حَدَّثَنَا عِمْرَانُ بْنُ أَبِي
أَسَّسِ، عَنْ عُمَرَ بْنِ الْحَكَمِ، عَنْ أَبِي
هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

(المعجم ١٨) - (بَابُ لَوْلَا حَوَاءَ لَمْ
تَخْنُ أُنْثى زَوْجَهَا الدَّهْرِ) (التحفة ٤٣)

Chapter 18. Were It Not For Hawwâ', No Female Would Ever Betray Her Husband

[3647] 62 - (1468) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Were it not for Hawwâ', no female would ever have betrayed her husband."

[٣٦٤٧] ٦٢ - (١٤٦٨) حَدَّثَنَا هَرُونُ
ابْنُ مَعْرُوفٍ: حَدَّثَنَا يَهُ عَبْدُ اللَّهِ بْنُ
وَهْبٍ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ: أَنَّ
أَبَا يُونُسَ، مَوْلَى أَبِي هُرَيْرَةَ حَدَّثَهُ عَنْ
أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «لَوْلَا
حَوَاءُ، لَمْ تَخْنُ أُنْثى زَوْجَهَا الدَّهْرَ».

[٣٦٤٨] ٦٣ - (...) حَدَّثَنَا مُحَمَّدُ
ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا
مَعْمَرٌ عَنْ هَمَّامَ بْنِ مُنْبِهِ قَالَ: هَذَا مَا
حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ:
فَذَكَرَ أَحَادِيثَ مِنْهَا: وَقَالَ رَسُولُ
الله ﷺ: «لَوْلَا بُنُو إِسْرَائِيلَ، لَمْ يَخْبُثْ
الطَّعَامُ، وَلَمْ يَحْنَرِ اللَّحْمُ، وَلَوْلَا حَوَاءُ،
لَمْ تَخْنُ أُنْثى زَوْجَهَا الدَّهْرَ».

[3648] 63 - (...) It was narrated that Hammâm bin Munabbih said: This is what Abû Hurairah narrated from the Messenger of Allâh ﷺ. He mentioned a number of *Ahadîth*, including the following: "The Messenger of Allâh ﷺ said: 'Were it not for the Children of Israel, no food would go bad and no meat would turn rotten, and were it not for Hawwâ' no female would ever betray her husband.'

Chapter 19. The Best Temporary Joy Of This World Is The Righteous Woman

[3649] 64 - (1469) It was narrated from ‘Abdullâh bin ‘Amr that the Messenger of Allâh ﷺ said: “This world is no more than temporary joys, and there is no temporary joy of this world that is better than the righteous wife.”

(المعجم ١٩) - (بابُ خير مَتَاعِ الدُّنْيَا)
المرأة الصالحة (التحفة ٤١)

[٣٦٤٩] [٦٤ - ١٤٦٩] حَدَّثَنِي
مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ الْهَمْدَانِيُّ :
حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ : حَدَّثَنَا حَيْوَةُ :
أَخْبَرَنِي شُرَحْبِيلُ بْنُ شَرِيكٍ : أَنَّهُ سَمِعَ أَبَا
عَبْدِ الرَّحْمَنِ الْحُجْلَيِّ يُحَدِّثُ عَنْ عَبْدِ اللَّهِ
ابْنِ عَمْرِو ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ :
«الَّذِيْنَ امْتَنَعُوا وَخَيَرُ مَتَاعِ الدُّنْيَا الْمَرْأَةُ
الصَّالِحَةُ» .

Chapter 20. Advice With Regard To Women

[3650] 65 - (1470) It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘Woman is like a rib. If you try to straighten her you will break her, but if you leave her alone you will benefit from her even though there is some crookedness in her.’”

(المعجم ٢٠) - (بابُ الْوَصِيَّةِ بِالنِّسَاءِ)
(التحفة ٤٢)

[٣٦٥٠] [٦٥ - ١٤٧٠] وَحَدَّثَنِي
حَرْمَلَةُ بْنُ يَحْيَى : أَخْبَرَنَا ابْنُ وَهْبٍ :
أَخْبَرَنِي يُوسُفُ ، عَنْ ابْنِ شَهَابٍ ، حَدَّثَنِي
ابْنُ الْمُسَبِّبِ ، عَنْ أَبِي هُرَيْرَةَ قَالَ : قَالَ
رَسُولُ اللَّهِ ﷺ : «إِنَّ الْمَرْأَةَ كَالْضَّلَعِ . إِذَا
ذَهَبَتْ تُقِيمُهَا كَسْرَتْهَا ، وَإِنْ تَرْكَتْهَا
اسْتَمْعَتْ بِهَا وَفِيهَا عَوْجٌ» .

[3651] (...) A similar report (as no. 3650) was narrated from the nephew of Az-Zuhri, from his paternal uncle, with this chain.

[٣٦٥١] (...) وَحَدَّثَنِي رُهْبَرُ بْنُ
حَرْبٍ وَعَبْدُ بْنُ حُمَيْدٍ ، كَلَّيْهِمَا عَنْ
يَعْقُوبَ بْنِ إِبْرَاهِيمَ بْنِ سَعْدٍ ، عَنِ ابْنِ
أَخِي الرُّهْبَرِيِّ ، عَنْ عَمِّهِ ، بِهَذَا إِلَيْهِ اسْنَادٌ ،
مِثْلُهُ سَوَاءً .

18. The Book Of Divorce

٣ - (المعجم ١٨) - كتاب الطلاق
(التحفة ٩)

**Chapter 1. The Prohibition Of
Divorcing A Menstruating
Woman Without Her Consent;
If A Man Breaks This Rule It
Still Counts As A Divorce, And
He Should Be Ordered To
Take Her Back**

[3652] ١ - (1471) It was narrated from Ibn 'Umar that he divorced his wife while she was menstruating, at the time of the Messenger of Allâh ﷺ. 'Umar bin Al-Khaṭṭâb asked the Messenger of Allâh ﷺ about that and the Messenger of Allâh ﷺ said to him: "Tell him to take her back, then wait until she has become pure, then menstruated again, then become pure again. Then if he wishes he may keep her, or if he wishes he may divorce her before he has intercourse with her. That is the 'Iddah (prescribed periods) for which Allâh has enjoined the divorce of women."

[3653] (...) It was narrated from 'Abdullâh that he divorced one of his wives while she was menstruating, with a single divorce. The Messenger

(المعجم ١) - (باب تحرير طلاق
الحائض بغير رضاها، وأنه لو خالف
وقع الطلاق ويؤمر برجعتها) (التحفة ١)

[٣٦٥٢] [١٤٧١] حَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى التَّوْبِيِّيُّ قَالَ: قَرَأْتُ عَلَىٰ
مَالِكٍ بْنِ أَسَّيْ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ؛
أَنَّهُ طَلَقَ امْرَأَةً وَهِيَ حَائِضٌ فِي عَهْدِ
رَسُولِ اللَّهِ ﷺ، فَسَأَلَ عُمَرَ بْنَ الْخَطَّابِ
رَسُولَ اللَّهِ ﷺ عَنْ ذَلِكَ؟ فَقَالَ لَهُ رَسُولُ
اللَّهِ ﷺ: «مُرْهُ فَإِرْجِعْهَا، ثُمَّ لِيْرُكْهَا
حَتَّىٰ تَطْهَرَ، ثُمَّ تَحِيقْ، ثُمَّ تَطْهَرَ، ثُمَّ إِنَّ
شَاءَ أَمْسِكَ بَعْدَ، وَإِنْ شَاءَ طَلَقَ قَبْلَ أَنْ
يَمْسَ، فَتِلْكَ الْعِدَّةُ الَّتِي أَمْرَ اللَّهُ [عَزَّ
وَجَلَّ] أَنْ يُطْلَقَ لَهَا النِّسَاءُ». .

[٣٦٥٣] (...) وَحَدَّثَنَا يَحْيَى بْنُ
يَحْيَى وَقَتَّيْهُ بْنُ سَعِيدٍ وَابْنُ رُمْحٍ -
وَاللَّفْظُ لِيَحْيَى - قَالَ قَتَّيْهُ: حَدَّثَنَا لَيْثٌ:

of Allâh ﷺ ordered him to take her back and keep her until she had become pure then menstruated again in his house. Then he should wait until she became pure again, then if he wished he could divorce her when she became pure, before having intercourse with her. That is the *Iddah* (prescribed periods) for which Allâh has enjoined the divorce of women.

Ibn Rumh added in his report: "When 'Abdullâh was asked about that, he said to one of them: 'But if you have divorced your wife once or twice, the Messenger of Allâh ﷺ told me to do that (i.e., take her back), but if you have divorced her three times, then she becomes unlawful to you until she marries another husband; and you have disobeyed Allâh with regard to His commands about divorcing your wife.'"

Muslim said: Al-Laith did well with his saying: "A single divorce (a narrator)."

[3654] 2 - (...) It was narrated that Ibn 'Umar said: "I divorced my wife at the time of the Messenger of Allâh ﷺ while she was menstruating. 'Umar mentioned that to the Messenger of Allâh ﷺ and he said: 'Tell him to take her back, then let him wait until she becomes pure, then menstruates again, then when she becomes

وَقَالَ الْأَخْرَانِ: أَخْبَرَنَا - الْلَّيْثُ بْنُ سَعْدٍ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ؛ أَنَّهُ طَلَقَ امْرَأَةً لَهُ وَهِيَ حَائِضٌ تَطْلِيقَةً وَاحِدَةً، فَأَمْرَرَهُ رَسُولُ اللَّهِ ﷺ أَنْ يُرَاجِعَهَا ثُمَّ يُمْسِكُهَا حَتَّى تَطْهُرَ، ثُمَّ تَحِضُّ عِنْدَهُ حِيْضَةً أُخْرَى، ثُمَّ يُمْهِلُهَا حَتَّى تَطْهُرَ مِنْ حِيْضَتِهَا، فَإِنْ أَرَادَ أَنْ يُطْلَقَهَا فَلْيُطْلِقْهَا حِينَ تَطْهُرَ مِنْ قَبْلِ أَنْ يُجَامِعَهَا، فَتِلْكَ الْعِدَّةُ الَّتِي أَمْرَرَ اللَّهُ أَنْ يُطْلَقَ لَهَا النِّسَاءُ.

وَزَادَ أَبْنُ رُعْجَ في رِوَايَتِهِ: وَكَانَ عَبْدُ اللَّهِ إِذَا سُئِلَ عَنْ ذَلِكَ، قَالَ لِأَحَدِهِمْ: أَمَّا أَنْتَ طَلَقْتَ امْرَأَتَكَ مَرَّةً أَوْ مَرَّيْنِ، فَإِنَّ رَسُولَ اللَّهِ ﷺ أَمْرَنِي بِهَذَا، وَإِنْ كُنْتَ طَلَقْتَهَا ثَلَاثَةً فَقَدْ حَرُمْتَ عَلَيْكَ حَتَّى تَنْكِحَ زَوْجًا غَيْرَكَ وَعَصَيْتَ اللَّهَ فِيمَا أَمْرَكَ مِنْ طَلَاقِ امْرَأَتِكَ.

قَالَ مُسْلِمٌ: جَوَدَ الْلَّيْثُ فِي قَوْلِهِ: تَطْلِيقَةً وَاحِدَةً.

[٣٦٥٤]-٢ [٣٦٥٤]-٢ () حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعْمَرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْيُودُ اللَّهِ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَالَ: طَلَقْتُ امْرَأَتِي عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَهِيَ حَائِضٌ، فَذَكَرَ ذَلِكَ عُمَرُ لِرَسُولِ اللَّهِ ﷺ، فَقَالَ: «مُرْهُ فَلْيُرَاجِعَهَا، ثُمَّ

pure again, let him divorce her before having intercourse with her, or let him keep her. That is the *Iddah* (prescribed periods) for which Allâh has enjoined the divorce of women.””

‘Ubaidullâh said: “I said to Nâfi‘: ‘What happened to that divorce?’ He said: ‘It was one divorce that was counted as such.’”

[3655] (...) A similar report (as no. 3654) was narrated from ‘Ubaidullâh with this chain, but he did not mention what ‘Ubaidullâh said to Nâfi‘.

لِيَدْعُهَا حَتَّى تَطْهَرَ، ثُمَّ تَحِضَ حَيْضَةً أُخْرَى، فَإِذَا طَهَرَتْ فَلْيُطْلَقْهَا قَبْلَ أَنْ يُجَامِعَهَا، أَوْ يُمْسِكَهَا، فَإِنَّهَا الْعِدَّةُ الَّتِي أَمَرَ اللَّهُ أَنْ يُطْلَقَ لَهَا النِّسَاءُ.

قَالَ عُبَيْدُ اللَّهِ: قُلْتُ لِنَافِعٍ: مَا صُبِغَتِ التَّطْلِيقَةُ؟ قَالَ: وَاحِدَةٌ اعْتَدَ بِهَا.

[۳۶۵۵] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَابْنُ الْمُتَنَّى قَالَا: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ عَنْ عُبَيْدِ اللَّهِ بِهِذَا الْإِسْنَادِ، نَحْوَهُ. وَأَنَّمَا يَذْكُرُ قَوْلَ عُبَيْدِ اللَّهِ لِنَافِعٍ.

قَالَ أَبْنُ الْمُتَنَّى فِي رِوَايَتِهِ: فَلَيْرِجِعُهَا، وَقَالَ أَبُو بَكْرٍ: فَلَيْرِاجِعُهَا.

[۳۶۵۶] (...) وَحَدَّثَنِي زُهيرٌ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ أَيُوبَ، عَنْ نَافِعٍ؛ أَنَّ أَبْنَ عُمَرَ طَلَقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَسَأَلَ عُمَرُ النَّبِيَّ ﷺ، فَأَمَرَهُ أَنْ يُرَاجِعَهَا ثُمَّ يُمْهِلُهَا حَتَّى تَحِضَ حَيْضَةً أُخْرَى، ثُمَّ يُمْهِلُهَا حَتَّى تَطْهَرَ، ثُمَّ يُطْلَقُهَا قَبْلَ أَنْ يَمْسَهَا، فَيُنْكَرُ الْعِدَّةُ الَّتِي أَمَرَ اللَّهُ عَزَّ وَجَلَّ أَنْ يُطْلَقَ لَهَا النِّسَاءُ، قَالَ: فَكَانَ أَبْنُ عُمَرَ إِذَا سُئِلَ عَنِ الرَّجُلِ يُطْلَقُ امْرَأَتَهُ وَهِيَ حَائِضٌ يَقُولُ: أَمَّا أَنْتَ

[3656] 3 - (...) It was narrated from Nâfi‘ that Ibn ‘Umar divorced his wife while she was menstruating, and ‘Umar asked the Prophet ﷺ about that. He (ﷺ) ordered him to take her back, then wait until she had menstruated again, then wait until she became pure, then he could divorce her before having intercourse with her. That is the *Iddah* (prescribed periods) for which Allâh has enjoined the divorce of women. He said: “When Ibn ‘Umar was asked about a man who divorces his wife while she is menstruating, he

would say: ‘If you have divorced her once or twice, the Messenger of Allâh ﷺ told him to take her back, then wait until she menstruated again, then wait until she became pure, then divorce her before having intercourse with her. If you divorced her three times, then you have disobeyed your Lord with regard to the manner in which He commanded you to divorce your wife, and the divorce is irrevocable.’”

[3657] 4 - (...) ‘Abdullâh bin ‘Umar said: “I divorced my wife while she was menstruating. ‘Umar mentioned that to the Prophet ﷺ and the Messenger of Allâh ﷺ got angry and said: ‘Tell him to take her back until she has menstruated again, a menses other than that in which he divorced her. Then if he wants to divorce her, let him divorce her when she is pure of menses and before he has intercourse with her. That is divorce at the time prescribed by Allâh.’” ‘Abdullâh had divorced her once, and that was counted as one divorce. And ‘Abdullâh took her back as the Messenger of Allâh ﷺ commanded him.

[3658] (...) It was narrated from Az-Zuhri with this chain (a *Hadîth* similar to no. 3657), except that he

طَلَقْتُهَا وَاحِدَةً أَوْ اثْنَيْنِ، إِنَّ رَسُولَ اللهِ ﷺ أَمْرَهُ أَنْ يُرَاجِعَهَا، ثُمَّ يُمْهِلَهَا حَتَّى تَحِضَ حَيْضَةً أُخْرَى، ثُمَّ يُمْهِلَهَا حَتَّى تَطْهَرَ، ثُمَّ يُطْلَقُهَا قَبْلَ أَنْ يَمْسَهَا، وَأَمَّا أَنَّ طَلَقْتُهَا ثَلَاثَةً، فَقَدْ عَصَيْتَ رَبَّكَ فِيمَا أَمْرَكَ بِهِ مِنْ طَلَاقٍ امْرَأَتِكَ، وَبَأَنْتَ مِنْكَ .

[٣٦٥٧] ٤ - (...) وَحَدَّثَنِي عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا مُحَمَّدٌ وَهُوَ ابْنُ أَخِي الرُّهْرَيِّ، عَنْ عَمِّهِ: أَخْبَرَنَا سَالِمٌ بْنُ عَبْدِ اللهِ، أَنَّ عَبْدَ اللهِ بْنَ عُمَرَ قَالَ: طَلَقْتُ امْرَأَتِي وَهُنَى حَائِضًا، فَذَكَرَ ذَلِكَ عُمَرُ لِلنَّبِيِّ ﷺ، فَتَعَيَّنَ رَسُولُ اللهِ ﷺ، ثُمَّ قَالَ: «مُرْهَةٌ فَلْيُرَاجِعَهَا، حَتَّى تَحِضَ حَيْضَةً [أُخْرَى] مُسْتَقْبَلَةً، سَوَى حَيْضَتِهَا الَّتِي طَلَقَهَا فِيهَا، فَإِنْ بَدَا لَهُ أَنْ يُطْلَقُهَا، فَلْيُطْلَقُهَا طَاهِرًا مِنْ حَيْضَتِهَا قَبْلَ أَنْ يَمْسَهَا، فَذَلِكَ الطَّلَاقُ لِلِّعْدَةِ كَمَا أَمَرَ اللهُ» وَكَانَ عَبْدُ اللهِ طَلَقَهَا تَطْلِيَةً [واحدَةً]، فَحُسِّبَتْ مِنْ طَلَاقَهَا، وَرَاجَعَهَا عَبْدُ اللهِ كَمَا أَمْرَهُ رَسُولُ اللهِ ﷺ.

[٣٦٥٨] (...) وَحَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا يَزِيدُ بْنُ عَبْدِ رَبِّهِ: حَدَّثَنَا

said: "...Ibn 'Umar said: 'So I took her back, and that was counted as one divorce that I had given her.'"

مُحَمَّدُ بْنُ حَرْبٍ: حَدَّثَنِي الزُّبِيدِيُّ عَنْ
الرُّهْرِيِّ بِهَذَا الْإِسْنَادِ، غَيْرَ أَنَّهُ قَالَ: قَالَ
ابْنُ عُمَرَ: فَرَاجَعْنَاهَا، وَحُسِّبَتْ لَهَا
الْتَّطْلِيقَةُ الَّتِي طَلَقْنَاهَا.

[3659] 5 - (...) It was narrated from Ibn 'Umar that he divorced his wife while she was menstruating. 'Umar mentioned that to the Prophet ﷺ who said: "Tell him to take her back, then divorce her when she is pure or pregnant."

[٣٦٥٩]-٥) وَحَدَّثَنَا أَبُو بَكْرٍ
بْنُ أَبِي شَيْبَةَ وَزُهَيرَ بْنُ حَرْبٍ وَابْنُ نُعْمَىْ
- وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالُوا: حَدَّثَنَا
وَكَيْعَ عَنْ سُعْيَانَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ
الرَّحْمَنِ، مَوْلَى آلِ طَلْحَةَ، عَنْ سَالِمِ،
عَنْ ابْنِ عُمَرَ؛ أَنَّهُ طَلَقَ امْرَأَتَهُ وَهِيَ
حَائِضٌ، فَذَكَرَ ذَلِكَ عُمَرُ لِلنَّبِيِّ ﷺ،
فَقَالَ: «مُرْهُ فَلَيْرَاجِعُهَا، ثُمَّ لِيُطَلَّقُهَا
طَاهِرًا أَوْ حَامِلًا».

[3660] 6 - (...) It was narrated from Ibn 'Umar that he divorced his wife while she was menstruating. 'Umar asked the Messenger of Allâh ﷺ about that and he said: "Tell him to take her back until she becomes pure, then menstruates again, then becomes pure, then he may divorce her after that or keep her."

[٣٦٦٠]-٦) وَحَدَّثَنِي أَخْمَدُ
ابْنُ عُمَانَ بْنِ حَكِيمِ الْأَوْدِيِّ: حَدَّثَنَا
خَالِدُ بْنُ مَخْلِدٍ: حَدَّثَنِي سُلَيْمَانُ وَهُوَ ابْنُ
بِلَالٍ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ دِينَارٍ عَنْ ابْنِ
عُمَرَ؛ أَنَّهُ طَلَقَ امْرَأَتَهُ وَهِيَ حَائِضٌ،
فَسَأَلَ عُمَرَ عَنْ ذَلِكَ رَسُولُ اللَّهِ ﷺ
فَقَالَ: «مُرْهُ فَلَيْرَاجِعُهَا حَتَّى تَطْهَرَ، ثُمَّ
تَحِيسَ حَيْضَةً أُخْرَى، ثُمَّ تَطْهَرَ ثُمَّ يُطَلَّقُ
بَعْدُ، أَوْ يُمْسِكُ».

[3661] 7 - (...) It was narrated that Ibn Sirîn said: For twenty years those whom I trust narrated

[٣٦٦١]-٧) وَحَدَّثَنِي عَلَيُّ بْنُ
حُجْرَ السَّعْدِيِّ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ

to me that Ibn ‘Umar divorced his wife thrice while she was menstruating and he was told to take her back. I did not doubt them, but I did not hear the *Hadith* from anyone else either, until I met Abû Ghallâb, Yûnus bin Jubair Al-Bâhilî, who was very reliable. He told me that he asked Ibn ‘Umar, who told him that he had divorced his wife with one divorce while she was menstruating, and he was commanded to take her back. He said: I said: “Was that counted as a divorce?” He said: ‘Of course; it must be counted even if he failed and acted foolishly.”^[1]

إِبْرَاهِيمَ عَنْ أَئْيُوبَ، عَنْ ابْنِ سِيرِينَ قَالَ: مَكْثُتْ عِشْرِينَ سَنَةً يُحَدِّثُنِي مَنْ لَا أَعْلَمُ أَنَّ ابْنَ عُمَرَ طَلَقَ امْرَأَةً ثَلَاثًا وَهُنَّ حَائِضٌ. فَأَمِرَ أَنْ يُرَاجِعَهَا، فَجَعَلْتُ لَا أَتَهِمُهُمْ، وَلَا أَعْرِفُ الْحَدِيثَ، حَتَّى لَقِيَتْ أَبَا غَلَبَ، يُونُسَ بْنَ جُبَيْرَ الْأَبَاهِلِيَّ، وَكَانَ ذَا ثَبَّتْ، فَحَدَّثَنِي أَنَّهُ سَأَلَ ابْنَ عُمَرَ، فَحَدَّثَهُ أَنَّهُ طَلَقَ امْرَأَةً تَطْلِيقَةً وَهُنَّ حَائِضٌ، فَأَمِرَ أَنْ يُرَاجِعَهَا قَالَ: قُلْتُ: أَفَحُسِبْتُ عَلَيْهِ؟ قَالَ: فَمَهَا، أَوْ إِنْ عَجَزَ وَاسْتَحْمَقَ؟

[3662] (...) A similar report (as no. 3661) was narrated from Ayyûb with this chain, except that he said: “‘Umar asked the Prophet ﷺ and he told him...”

[٣٦٦٢] (...) وَحَدَّثَنَا أَبُو الرَّبِيعِ وَقُتْبَيْهُ قَالَا: حَدَّثَنَا حَمَادَ عَنْ أَئْيُوبَ بِهِذَا الْإِسْنَادِ، نَحْوَهُ، غَيْرَ أَنَّهُ قَالَ: فَسَأَلَ عُمَرَ النَّبِيَّ ﷺ فَأَمِرَهُ.

[3663] 8 - (...) It was narrated from Ayyûb with this chain (a *Hadith* similar to no. 3661), and he said in the *Hadith*: “‘Umar asked the Prophet ﷺ about that, and he told him to take her back, until he could divorce her when she was pure, without having had intercourse with her. And he said: ‘Divorce her at the beginning of her *Iddah*.’”

[٣٦٦٣] ٨- (...) وَحَدَّثَنَا عَبْدُ الْوارِثِ بْنُ عَبْدِ الصَّمَدِ: حَدَّثَنِي أَبِي عَنْ جَدِّي، عَنْ أَئْيُوبَ بِهِذَا الْإِسْنَادِ. وَقَالَ فِي الْحَدِيثِ: فَسَأَلَ عُمَرَ النَّبِيَّ ﷺ عَنْ ذَلِكَ؟ فَأَمِرَهُ أَنْ يُرَاجِعَهَا حَتَّى يُطَلَّقُهَا طَاهِرًا مِنْ غَيْرِ جَمَاعٍ، وَقَالَ: «يُطَلَّقُهَا فِي قُبْلِ عِدَّتِهَا».

^[1] These are the words of Ibn ‘Umar himself, referring to himself in the third person, as is clear in subsequent narrations.

[3664] 9 - (...) 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 while she was menstruating, and 'Umar went to the Prophet ﷺ and asked him (about that), and he told him to take her back, so that she might start her *Iddah*.'"^[1] He said: "I said to him: 'If a man divorces his wife while she is menstruating, does that count as a divorce?' He said: 'Of course; it must be counted even if he failed and acted foolishly.'"

[3665] 10 - (...) Ibn 'Umar said: "I divorced my wife while she was menstruating, and 'Umar went to the Prophet ﷺ and told him about that. The Prophet ﷺ said: 'Let him take her back, then when she becomes pure, if he wishes he may divorce her.' He (the narrator) said: "I said to Ibn 'Umar: 'Was that counted (as a divorce)?'" He said: 'Why wouldn't it be? It must be counted even if he failed and acted foolishly.'"

[٣٦٦٤] ٩ - (...) وَحَدَّثَنِي يَعْمُوبُ ابْنُ إِبْرَاهِيمَ الدَّوْرَقِيَّ عَنِ ابْنِ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ يُونُسَ بْنِ جُعْبَرٍ قَالَ: قُلْتُ لِابْنِ عُمَرَ: رَجُلٌ طَلَقَ امْرَأَهُ وَهُيَ حَائِضٌ، فَقَالَ: أَتَعْرِفُ عَبْدَ اللَّهِ بْنَ عُمَرَ؟ فَإِنَّهُ طَلَقَ امْرَأَهُ وَهُيَ حَائِضٌ، فَأَتَى عُمَرَ النَّبِيَّ ﷺ فَسَأَلَهُ؟ فَأَمْرَأَهُ أَنْ يَرْجِعَهَا، ثُمَّ شَتَّقَلَ عِدَّهَا، قَالَ: فَقُلْتُ لَهُ: إِذَا طَلَقَ الرَّجُلُ امْرَأَهُ وَهُيَ حَائِضٌ، أَيْعَدْنَاهُ بِتِلْكَ التَّطْلِيقَةِ؟ فَقَالَ: فَمَهُ أَوْ إِنْ عَجَزَ وَاسْتَحْمَقَ؟ .

[٣٦٦٥] ١٠ - (...) حَدَّثَنَا [مُحَمَّدُ] ابْنُ الْمُشَنَّى وَابْنُ بَشَارٍ، - قَالَ ابْنُ الْمُشَنَّى: حَدَّثَنَا - مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ قَالَ: سَمِعْتُ يُونُسَ بْنَ جُعْبَرَ قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: طَلَقْتُ امْرَأَتِي وَهُيَ حَائِضٌ، فَأَتَى عُمَرَ النَّبِيَّ ﷺ فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ النَّبِيُّ ﷺ: «لَرَأَجَعَهَا، فَإِذَا طَهَرَتْ، فَإِنْ شَاءَ فَلْيَطْلُقْهَا» قَالَ: قُلْتُ لِابْنِ عُمَرَ: أَفَخَتَسِبُ بِهَا؟ فَقَالَ: مَا يَمْنَعُهُ، أَرَأَيْتَ إِنْ عَجَزَ وَاسْتَحْمَقَ؟ .

^[1] Meaning, her *Iddah* starts when he divorces her while she is not menstruating.

[3666] 11 - (...) It was narrated that Anas bin Sirîn said: "I asked Ibn 'Umar about his wife whom he divorced. He said: 'I divorced her while she was menstruating, and I told 'Umar about that, and he told the Prophet ﷺ, who said: 'Tell him to take her back, then when she becomes pure, he may divorce her when she is pure.' He said: 'So I took her back, then I divorced her when she was pure.' I said: 'Was that divorce that you gave her while she was menstruating counted as such? He said: 'Why wouldn't I count it? It must be counted even if I failed and acted foolishly.'"

[٣٦٦٦] ١١ - (...) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى : أَخْبَرَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ عَنْ عَبْدِ الْمَلِكِ، عَنْ أَنَسِ بْنِ سِيرِينَ قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنْ امْرَأَتِهِ الَّتِي طَلَقَ؟ قَالَ: طَلَقْتُهَا وَهِيَ حَائِضٌ، فَذَكَرْتُ ذَلِكَ لِعُمَرَ، فَذَكَرَهُ لِلنَّبِيِّ ﷺ، فَقَالَ: «مُرْءَةٌ فَلَيْزَرْجِعُهَا، فَإِذَا طَهَرَتْ فَلْيُطَلِّقْهَا لِطُهْرِهِ» قَالَ: فَرَاجَعْتُهَا ثُمَّ طَلَقْتُهَا لِطُهْرِهَا، قُلْتُ: فَأَعْدَدْتَ بِتِلْكَ التَّطْلِيمَةَ الَّتِي طَلَقْتَ وَهِيَ حَائِضٌ؟ قَالَ: مَا لِي لَا أَعْدُ بِهَا؟ وَإِنْ كُنْتُ عَجِزْتُ وَاسْتَحْمَقْتُ .

[3667] 12 - (...) It was narrated from Anas bin Sirîn that he heard Ibn 'Umar said: "I divorced my wife while she was menstruating. 'Umar went to the Prophet ﷺ and told him about that, and he said: 'Tell him to take her back, then when she becomes pure, let him divorce her.' I said to Ibn 'Umar: 'Did you count that divorce as such?' He said: 'Of course.'"

[٣٦٦٧] ١٢ - (...) حَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَّى وَابْنُ بَشَّارٍ - قَالَ ابْنُ الْمُشَى: حَدَّثَنَا - مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُبَّةُ عَنْ أَنَسِ بْنِ سِيرِينَ؛ أَنَّهُ سَمِعَ ابْنَ عُمَرَ قَالَ: طَلَقْتُ امْرَأَتِي وَهِيَ حَائِضٌ، فَأَتَى عُمَرُ النَّبِيِّ ﷺ فَأَخْبَرَهُ، فَقَالَ: «مُرْءَةٌ فَلَيْزَرْجِعُهَا، ثُمَّ إِذَا طَهَرَتْ فَلْيُطَلِّقْهَا» قُلْتُ لِابْنِ عُمَرَ: أَفَحَسِبْتَ بِتِلْكَ التَّطْلِيمَةَ؟ قَالَ: فَمَهْ .

[3668] (...) Shu'bah narrated with this chain (a *Hadîth* similar to no. 3667), except that in their *Hadîth* it says: "...Let him take her back." And in their *Hadîth* (it

[٣٦٦٨] ١٣ - (...) وَحَدَّثَنِيهِ يَحْيَى بْنُ حَيْبٍ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ؛ وَحَدَّثَنِيهِ عَبْدُ الرَّحْمَنِ بْنُ بَشِّرٍ: حَدَّثَنَا

says): He said: "I said to him: 'Did you count it as such?' He said: 'Of course.'"

بَهْرٌ قَالَ: حَدَّثَنَا شُعْبَةُ، بِهَلَا الْإِسْنَادِ،
غَيْرَ أَنَّ فِي حَدِيثِهِمَا «لِرَجُلِهَا»، وَفِي
حَدِيثِهِمَا: قَالَ: قُلْتُ لَهُ: أَتَحْسِبُ بِهَا؟
قَالَ: فَمَاهُ.

[3669] 13 - (...) Ibn Ṭawūs narrated from his father that he heard Ibn ‘Umar being asked about a man who divorced his wife while she was menstruating. He said: "Do you know ‘Abdullāh bin ‘Umar?" He said: "Yes." He said: "He divorced his wife while she was menstruating, and ‘Umar went to the Prophet ﷺ and told him the news. He told him to take her back." He (Ibn Ṭawūs) said: "I did not hear him - his father - say any more than that."

[٣٦٦٩] ١٣- (...) وَحَدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا
ابْنُ جُرَيْحَ: أَخْبَرَنِي ابْنُ طَاؤِسٍ: عَنْ
أَيْهِ؛ أَنَّهُ سَمِعَ ابْنَ عُمَرَ يُسْأَلُ عَنْ رَجُلٍ
طَلَّقَ امْرَأَتَهُ حَائِضًا؟ فَقَالَ: أَتَعْرِفُ عَبْدَ
اللهِ بْنَ عُمَرَ؟ قَالَ: نَعَمْ، قَالَ: فَإِنَّهُ طَلَّقَ
امْرَأَتَهُ حَائِضًا، فَذَهَبَ عُمَرُ إِلَى النَّبِيِّ ﷺ
فَأَخْبَرَهُ الْخَبَرَ، فَأَمْرَأَهُ أَنْ يُرَاجِعَهَا. قَالَ:
لَمْ أَسْمَعْهُ يَزِيدُ عَلَى ذَلِكَ - لِأَيْهِ. -

[3670] 14 - (...) Abū Az-Zubair narrated that he heard ‘Abdur-Rahmān bin Ayman, the freed slave of ‘Azzah, asking Ibn ‘Umar, and Abū Az-Zubair heard that: "What do you think of a man who divorces his wife when she is menstruating?" He said: "Ibn ‘Umar divorced his wife while she was menstruating, at the time of the Messenger of Allāh ﷺ." ‘Umar asked the Messenger of Allāh ﷺ (about it), saying: "'Abdullāh bin ‘Umar has divorced his wife when she is menstruating.' The Prophet ﷺ said to him: 'Let him take her back.' So he took her back. And

[٣٦٧٠] ١٤- (...) حَدَّثَنِي هَرُونُ
ابْنُ عَبْدِ اللهِ: حَدَّثَنَا حَجَاجُ بْنُ مُحَمَّدٍ
قَالَ: قَالَ ابْنُ جُرَيْحَ: أَخْبَرَنِي أَبُو
الرَّزِّيْرِ: أَنَّهُ سَمِعَ عَبْدَ الرَّحْمَنَ بْنَ أَيْمَانَ
مَوْلَى عَرَّةَ، يُسْأَلُ ابْنَ عُمَرَ؟ وَأَبُو الرَّزِّيْرِ
يَسْمَعُ [ذَلِكَ]، كَيْفَ تَرَى فِي رَجُلٍ طَلَّقَ
امْرَأَتَهُ حَائِضًا؟ فَقَالَ: طَلَّقَ ابْنُ عُمَرَ
امْرَأَتَهُ وَهِيَ حَائِضٌ عَلَى عَهْدِ رَسُولِ
اللهِ ﷺ، فَسَأَلَ عُمَرُ رَسُولَ اللهِ ﷺ؟
فَقَالَ: إِنَّ عَبْدَ اللهِ بْنَ عُمَرَ طَلَّقَ امْرَأَهُ
وَهِيَ حَائِضٌ، فَقَالَ لَهُ النَّبِيُّ ﷺ:

he said: ‘When she becomes pure, let him divorce her or let him keep her.’”

Ibn ‘Umar said: “And the Prophet ﷺ recited the words: O Prophet! When you divorce women, divorce them at their *Iddah* (prescribed periods)...”^[1]

[3671] (...) A similar story (as no. 3670) was narrated from Ibn ‘Umar.

[3672] (...) Abû Az-Zubair narrated that he heard ‘Abdur-Râhmân bin Ayman, the freed slave of ‘Urwah, asking Ibn ‘Umar, when Abû Az-Zubair was listening... a *Hadîth* like that of Hajjâj (no. 3670), with some additions.

Muslim said: He made a mistake when he said “...the freed slave of ‘Urwah”; he was the freed slave of ‘Azzah.

Chapter 2. Threelfold Divorce

[3673] 15 - (1472) It was narrated that Ibn ‘Abbâs said: “During the time of the Messenger of Allâh ﷺ, Abû Bakr and the first two years of ‘Umar’s *Khilâfah*, a threefold^[2] divorce was counted

“لِيُرَاجِعُهَا” فَرَدَّهَا، وَقَالَ: «إِذَا طَهُرَتْ فَلْيُطَلَّقْ أَوْ لِيُمْسِكْ».

قالَ ابْنُ عُمَرَ: وَقَرَأَ النَّبِيُّ ﷺ: «يَنَاهَا النَّبِيُّ إِذَا طَلَقْتُمُ الْإِنْسَانَ فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ» [الطلاق: ١].

[٣٦٧١] (...) حَدَّثَنِي هَرُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزَّبِيرِ، عَنْ ابْنِ عُمَرَ تَعْوِيْهُ هَذِهِ الْفِضْلَةَ،

[٣٦٧٢] (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزَّبِيرُ: أَنَّهُ سَمِعَ عَبْدَ الرَّحْمَنَ بْنَ أَيْمَنَ مَوْلَى عُرْوَةَ، يَسْأَلُ ابْنَ عُمَرَ؟ وَأَبُو الزَّبِيرِ يَسْتَمِعُ، يُمَثِّلُ حَدِيثَ حَجَّاجَ، وَفِيهِ بَعْضُ الزِّيَادَةِ.

قالَ مُسْلِمٌ: أَخْطَأَ حَيْثُ قَالَ: مَوْلَى عُرْوَةَ، إِنَّمَا هُوَ مَوْلَى عَزَّةَ.

(المعجم) ٢ - (باب طلاق الثلاث)
(التحفة) ٢

[٣٦٧٣] ١٥ - (١٤٧٢) حَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ: - وَاللَّفْظُ لِابْنِ رَافِعٍ - قَالَ إِسْحَاقُ: أَخْبَرَنَا وَقَالَ ابْنُ رَافِعٍ: حَدَّثَنَا - عَبْدُ الرَّزَاقِ: أَخْبَرَنَا

^[1] *At-Talâq* 65:1.

^[2] Giving divorce thrice in one sitting.

as one. Then ‘Umar bin Al-Khaṭṭāb said: ‘People have become hasty in a matter in which they should take their time. I am thinking of holding them to it.’ So he made it binding upon them.”

مَعْمَرٌ عَنِ ابْنِ طَاؤِسٍ، عَنْ أَيْيَهُ، عَنِ
ابْنِ عَبَّاسٍ قَالَ: كَانَ الطَّلَاقُ عَلَى عَهْدِ
رَسُولِ اللَّهِ ﷺ وَأَبِي بَكْرٍ وَسَتِّينَ مِنْ
خِلَافَةِ عُمَرَ، طَلَاقُ التَّلَاثِ وَاحِدَةً،
فَقَالَ عُمَرُ بْنُ الْخَطَّابِ: إِنَّ النَّاسَ قَدِ
اسْتَعْجَلُوا فِي أَمْرٍ [فَذَلِكَ] كَانَتْ لَهُمْ فِيهِ
آنَاءُ، فَلَوْ أَمْضَيْنَاهُ عَلَيْهِمْ فَأَمْضَاهُ
عَلَيْهِمْ.

[3674] 16 - (...) Ibn Ṭawūs narrated from his father that Abū As-Šahbā’ said to Ibn ‘Abbās: “Do you know that the threefold divorce was regarded as one at the time of the Messenger of Allāh ﷺ and Abū Bakr, and for three years of ‘Umar’s leadership?” He said: “Yes.”

۱۶- [۳۶۷۴] حَدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا رَوْحُ بْنُ عَبَادَةَ:
أَخْبَرَنَا ابْنُ جُرَيْجٍ؛ وَحَدَّثَنَا ابْنُ رَافِعٍ -
وَاللَّفْظُ لَهُ - : حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا
ابْنُ جُرَيْجٍ: أَخْبَرَنِي ابْنُ طَاؤِسٍ عَنْ أَيْيَهُ؛
أَنَّ أَبَا الصَّهَبَاءِ قَالَ لِابْنِ عَبَّاسٍ: أَتَعْلَمُ
أَنَّمَا كَانَتِ التَّلَاثُ تُجْعَلُ وَاحِدَةً عَلَى
عَهْدِ الْبَيْتِ ﷺ وَأَبِي بَكْرٍ، وَثَلَاثَةُ مِنْ
إِمَارَةِ عُمَرَ فَقَالَ ابْنُ عَبَّاسٍ: نَعَمْ.

[3675] 17 - (...) It was narrated from Ṭawūs that Abū As-Šahbā’ said to Ibn ‘Abbās: “Tell us of something interesting that you know. Wasn’t the threefold divorce counted as one at the time of the Messenger of Allāh ﷺ and Abū Bakr?” He said: “That was so, then at the time of ‘Umar the people began to issue divorces frequently, so he made it binding upon them.”

۱۷- [۳۶۷۵] وَحَدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا سُلَيْمَانُ بْنُ حَرْبٍ:
عَنْ حَمَادِ بْنِ زَيْدٍ، عَنْ أَيُوبَ
السَّخْنَانِيِّ، عَنْ إِبْرَاهِيمَ بْنِ مَيْسَرَةَ، عَنْ
طَاؤِسٍ؛ أَنَّ أَبَا الصَّهَبَاءِ قَالَ لِابْنِ
عَبَّاسٍ: هَاتِ مِنْ هَنَاتِكَ! أَلَمْ يَكُنْ
الْطَّلَاقُ التَّلَاثُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ

وَأَبِي بُكْرٍ وَاحِدَةً؟ فَقَالَ: قَدْ كَانَ ذَلِكَ، فَلَمَّا كَانَ فِي عَهْدِ عُمَرَ تَتَابَعَ النَّاسُ فِي الطَّلاقِ، فَأَجَازَهُ عَلَيْهِمْ.

(المعجم ٣) - (باب وجوب الكفارة على من حرم امرأته ولم ينِي الطلاق)
(التحفة ٣)

Chapter 3. Expiation Must Be Offered By One Who Declares His Wife To Be Unlawful For Him But Does Not Intend Divorce Thereby

[3676] 18 - (1473) It was narrated from Ibn ‘Abbâs that he used to say concerning declaring one’s wife to be unlawful: “It is an oath for which expiation must be offered.”

Ibn ‘Abbâs said: “Indeed in the Messenger of Allâh you have a good example to follow for him...”^[1]

[٣٦٧٦]-١٨ (١٤٧٣) وَحَدَّثَنَا رُهْبَرٌ
ابْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ،
عَنْ هِشَامٍ يَعْنِي الدَّسْتَوَائِيِّ قَالَ: كَتَبَ
إِلَيَّ يَحْيَى بْنُ أَبِي كَثِيرٍ يُحَدِّثُ عَنْ يَعْلَى
ابْنِ حَكِيمٍ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ
ابْنِ عَبَّاسٍ؛ أَنَّهُ كَانَ يَقُولُ فِي الْحَرَامِ:
يَوْمَنِ يُكَفَّرُهَا.

وَقَالَ ابْنُ عَبَّاسٍ: «لَقَدْ كَانَ لَكُمْ
فِي رَسُولِ اللَّهِ أَشْوَأُ حَسَنَةٍ»
[الأحزاب: ٢١]

[3677] 19 - (...) Sa‘eed bin Jubair narrated that he heard Ibn ‘Abbâs say: “If a man declares his wife to be unlawful for him, this is an oath for which expiation must be offered.” And he said: “Indeed in the Messenger of Allâh you have a good example to follow for him...”^[2]

[٣٦٧٧]-١٩ (...) وَحَدَّثَنَا يَحْيَى
ابْنُ بِشْرِ الْحَرِيرِيِّ: حَدَّثَنَا مُعاوِيَةً [يَعْنِي]
ابْنُ سَلَامٍ: عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ؛ أَنَّ
يَعْلَى بْنَ حَكِيمٍ أَخْبَرَهُ أَنَّ سَعِيدَ بْنَ جُبَيرٍ
أَخْبَرَهُ؛ أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ قَالَ: إِذَا
حَرَمَ الرَّجُلُ عَلَيْهِ امْرَأَتَهُ فَهِيَ يَمِينٌ

^[1] Al-Ahzâb 33:21.

^[2] Al-Ahzâb 33:21.

يُكَفِّرُهَا وَقَالَ: «لَقَدْ كَانَ لَكُمْ فِي
رَسُولِ اللَّهِ أَسْوَأُ حَسَنَةٍ».

[٣٦٧٨] ٢٠ - [١٤٧٤] (١٤٧٤) وَحَدَّثَنِي مُحَمَّدُ
بْنُ حَاتِمٍ: حَدَّثَنَا حَجَاجُ بْنُ مُحَمَّدٍ: أَخْبَرَنَا
ابْنُ جُرَيْجَ: أَخْبَرَنِي عَطَاءً؛ أَنَّهُ سَمِعَ عُيَيْدَ بْنَ
عُمَيْرٍ يُخْبِرُ؛ أَنَّهُ سَمِعَ عَائِشَةَ تُخْبِرُ؛ أَنَّ
النَّبِيَّ ﷺ كَانَ يَمْكُثُ عِنْدَ زَيْنَبَ بْنِتِ جَحْشٍ
فَيُشَرِّبُ عِنْدَهَا عَسَلًا، قَالَتْ: فَتَوَاطَّيْتُ أَنَا
وَحَفْصَةً أَنَّ أَيْتَا مَا دَخَلَ عَلَيْهَا النَّبِيُّ ﷺ
فَلَتَقُلُّ: إِنِّي أَجِدُ مِنْكَ رِيحَ مَغَافِرَ، أَكَلَتْ
مَغَافِرَ؟ فَدَخَلَ عَلَى إِخْدَاهُمَا فَقَالَتْ ذَلِكَ
لَهُ. فَقَالَ: بَلْ شَرِبْتُ عَسَلًا عِنْدَ زَيْنَبَ بْنِتِ
جَحْشٍ وَلَئِنْ أَعُودَ لَهُ فَنَزَّلَ: «لَعَلَّكُمْ مَا
أَهَلَ اللَّهُ لَكُمْ» إِلَى قَوْلِهِ «إِنْ نُؤْبَأَ» -
لِعَائِشَةَ وَحَفْصَةَ - [التحرير ٤-١] «وَلَذِ
أَسْرَ النَّبِيِّ إِلَى بَعْضِ أَرْوَيْهِ حَدِيثًا» -
لِقَوْلِهِ: بَلْ شَرِبْتُ عَسَلًا.

[٣٦٧٩] ٢١ - (...). حَدَّثَنَا أَبُو
كُرَيْبٍ مُحَمَّدٌ بْنُ الْعَلَاءِ وَهَرُونُ بْنُ عَبْدِ
اللَّهِ: قَالَ: حَدَّثَنَا أَبُو أَسْمَاءَ عَنْ هِشَامٍ،
عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ
اللَّهِ ﷺ يُحِبُّ الْحَلْوَاءَ وَالْعَسَلَ، فَكَانَ إِذَا

^[١] A sweet resin with a bad smell which comes out of a tree or thorny shrub called 'Urfat.

^[٢] At-Tahrîm 66:1-4.

asked about that and I was told that a woman from among her people had given her a small vessel of honey as a gift, and she had poured some for the Prophet ﷺ to drink. I said: 'By Allâh, we will play a trick on him.' I mentioned that to Sawdah and said: 'When he enters upon you, he will get close to you, so say to him: "O Messenger of Allâh, have you eaten *Maghâfir*?"' He will say to you: "No." So say to him: "What is this smell?" - for the Messenger of Allâh ﷺ hated to have any smell coming from him - He will tell you: "Hafṣah poured me a drink of honey." Say to him: "The bees must have sipped the nectar of *Al-'Urfut*." I will say that to him too, and you say it as well, O Ṣafiyyah.' Then he entered upon Sawdah.' She said: 'Sawdah used to say: 'By the One besides Whom there is none worthy of worship, I nearly decided to tell him what you had told me to say, when he was at the door, but I was afraid of you.' When the Messenger of Allâh ﷺ drew close, she said: 'O Messenger of Allâh, have you eaten *Maghâfir*?' He said: 'No.' She said: 'Then what is this smell?' He said: 'Hafṣah poured me a drink of honey.' She said: 'The bees must have sipped the nectar of *Al-'Urfut*.' When he entered upon me, I said the same thing, then he entered upon Ṣafiyyah and she said the same thing. When he

صَلَّى الْعَصَرَ، دَارَ عَلَى نِسَائِهِ، فَيَدْعُو
مِنْهُنَّ، فَدَخَلَ عَلَى حَفْصَةَ فَاحْتَبَسَ عِنْدَهَا
أَكْثَرَ مَا كَانَ يَحْتَبِسُ، فَسَأَلَتْ عَنْ ذَلِكَ،
فَقَبِيلَ لَيْ: أَهَدَتْ لَهَا امْرَأَةٌ مِنْ قَوْمِهَا
عُكَّةً مِنْ عَسْلٍ، فَسَقَتْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
مِنْهُ شَرْبَةً، فَقَلَّتْ: أَمَا وَاللَّهِ! لَنْخَتَالَنَّ لَهُ،
فَذَكَرَتْ ذَلِكَ لِسَوْدَةَ، وَقَلَّتْ: إِذَا دَخَلَ
عَلَيْكَ فَإِنَّهُ سَيَدُوْ مِنْكَ، فَقَوْلِي لَهُ: يَا
رَسُولَ اللَّهِ! أَكْلَتْ مَغَافِيرَ؟ فَإِنَّهُ سَيَقُولُ
لَكِ: لَا. فَقَوْلِي لَهُ: مَا هَذِهِ الرِّيحُ؟ -
وَكَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَشَدُّ عَلَيْهِ أَنْ يُوجَدَ
مِنْهُ الرِّيحُ - فَإِنَّهُ سَيَقُولُ لَكِ: سَقَنِي
حَفْصَةُ شَرْبَةَ عَسْلٍ، فَقَوْلِي لَهُ: جَرَسَتْ
نَحْلُهُ الْعُرْفُطَ، وَسَأَقُولُ ذَلِكَ لَهُ، وَقَوْلِي
أَنْتَ يَا صَفِيفَةُ! فَلَمَّا دَخَلَ عَلَى سَوْدَةَ،
قَالَتْ: تَقُولُ سَوْدَةُ: وَالَّذِي لَا إِلَهَ إِلَّا
هُوَ! لَقَدْ كِدْتُ أَنْ أُبَادِيهِ بِالَّذِي قُلْتَ لِي
- وَإِنَّهُ لَعَلَى الْبَابِ - فَرَقَا مِنْكَ، فَلَمَّا
دَنَّا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ: يَا رَسُولَ اللَّهِ!
أَكْلَتْ مَغَافِيرَ؟ قَالَ: «لَا». قَالَتْ: فَمَا
هَذِهِ الرِّيحُ؟ قَالَ: «سَقَنِي حَفْصَةُ شَرْبَةَ
عَسْلٍ»، قَالَتْ: جَرَسَتْ نَحْلُهُ الْعُرْفُطَ.
فَلَمَّا دَخَلَ عَلَيَّ قُلْتُ لَهُ مِثْلَ ذَلِكَ، ثُمَّ
دَخَلَ عَلَى صَفِيفَةَ قَالَتْ مِثْلَ ذَلِكَ، فَلَمَّا

entered upon Hafṣah she said: ‘O Messenger of Allâh, shall I pour you some?’ He said: ‘I have no need of it.’”

“Sawdah said: ‘Subhân-Allâh, we have deprived him of it.’ I said to her: ‘Be quiet!’”

دَخَلَ عَلَى حَفْصَةَ قَالَتْ : يَا رَسُولَ اللَّهِ ! أَلَا أَسْقِيكَ مِنْهُ ؟ قَالَ : « لَا حَاجَةَ لِي بِهِ ».
 قَالَتْ تَقُولُ سُوْدَةُ : سُبْحَانَ اللَّهِ ! وَاللَّهِ !
 لَقَدْ حَرَمْنَاكَ ، قَالَتْ : قُلْتُ لَهَا : اسْكُنِي .
 - قَالَ أَبُو إِسْحَاقَ إِبْرَاهِيمَ : حَدَّثَنَا
 الْحَسَنُ بْنُ يُشْرِى [بْنِ الْفَاسِمِ] : حَدَّثَنَا أَبُو
 أَسَامَةَ بْنَهُ الدَّا سَوَاءً .

[٣٦٨٠] [....] وَحَدَّثَنِي سُوْدَةُ بْنُ
 سَعِيدٍ : حَدَّثَنَا عَلَيْهِ بْنُ مُسْهِرٍ ، عَنْ هِشَامٍ
 ابْنِ عُرْوَةَ ، بِهَذَا الْإِسْنَادِ نَحْوُهُ .

(المعجم ٤) - (باب بيان أن تخيره
 امرأته لا يكون طلاقا إلا بالنية)
 (التحفة ٤)

Chapter 4. Giving One's Wife The Choice Does Not Count As A Divorce, Unless It Is Intended As Such

[3681] 22 - (1475) ‘Aishah said: “When the Messenger of Allâh ﷺ was commanded to give his wives the choice, he started with me. He said: ‘I am going to tell you something, and you must not hasten to decide until you consult your parents.’ He knew that my parents would never tell me to leave him. Then he said: ‘Allâh [the Mighty and Sublime] says: 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 (divorce). But if you desire Allâh

[٣٦٨١] [٢٢-١٤٧٥] وَحَدَّثَنِي أَبُو الطَّاهِرِ : حَدَّثَنَا ابْنُ وَهْبٍ ؛ قَالَ : وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَى التَّجْيِيُّ -
 وَاللَّفْظُ لَهُ - : أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ :
 حَدَّثَنِي يُونُسُ بْنُ يَزِيدٍ عَنْ ابْنِ شَهَابٍ :
 أَخْبَرَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ بْنِ
 عَوْفٍ ؛ أَنَّ عَائِشَةَ قَالَتْ : لَمَّا أَمِرَ رَسُولُ
 اللَّهِ بِتَحْبِيرِ أَرْوَاجِهِ بَدَأَ بِي فَقَالَ :
 «إِنِّي ذَاكِرٌ لَكِ أَمْرًا ، فَلَا عَلَيْكِ أَنْ لَا
 تَعْجِلِي حَتَّى تَسْتَأْمِرِي أَبْوَيْكَ». قَالَتْ :

and His Messenger, and the Home of the Hereafter, then verily, Allâh has prepared for *Al-Muhsinât* (good-doers) amongst you an enormous reward.”^[1] She said: I told him: ‘Why would I need to consult my parents about this? For surely I desire Allâh and His Messenger and the Home of the Hereafter.’ Then the wives of the Messenger of Allâh ﷺ all did the same as I had done.”

فَدْ عَلِمَ أَنَّ أَبُوئِي لَمْ يَكُونَا لِيَأْمُرَانِي بِغَرَافِهِ، قَالَتْ: ثُمَّ قَالَ: «إِنَّ اللَّهَ [عَزَّ وَجَلَّ] قَالَ: «يَكْتَبُهَا اللَّهُ إِنْ قُلْ لَا زَوْجَكَ إِنْ كُنْتَ شُرِدْتَ الْحَيَاةَ الدُّنْيَا وَزِينْتَهَا فَنَعَالِيَتْ أَمْتَعْكَنَ وَأَسْرِحْكَنَ سَرَّاحًا جَيْلًا وَلِنْ كُنْتَ شُرِدْتَ اللَّهُ وَرَسُولُهُ وَالدَّارَ الْآخِرَةَ فَإِنَّ اللَّهَ أَعْدَ لِلْمُحْسِنِتِ مِنْكُنَ أَجْرًا عَظِيمًا» [الأحزاب: ٢٨ و ٢٩] قَالَتْ قُلْتُ: فِي أَيِّ هَذَا أَسْتَأْمِرُ أَبُوئِي؟ فَإِنِّي أُرِيدُ اللَّهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ، قَالَتْ: ثُمَّ فَعَلَ أَزْوَاجُ رَسُولِ اللَّهِ ﷺ مِثْلَ مَا فَعَلْتُ. [انظر:]

[٣٦٩٦]

[3682] 23 - (1476) It was narrated that ‘Âishah said: “The Messenger of Allâh ﷺ used to ask us for permission - if it was the day of one of us - after the verse “You can postpone (the turn of) whom you will of them (your wives), and you may receive whom you will.”^[2] was revealed. Mu’âdhah said to her: ‘What did you say to the Messenger of Allâh ﷺ when he asked you for permission?’ She said: ‘If it had been up to me I would not have shown preference to anyone over myself.’”

ابْنُ يُوسُنَ: حَدَّثَنَا عَبَادُ بْنُ عَبَادٍ عَنْ عَاصِمٍ، عَنْ مُعَاذَةَ الْعَدُوِيَّةِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَسْتَأْذِنُنَا - إِذَا كَانَ فِي يَوْمِ الْمَرْأَةِ مِنَّا - بَعْدَ مَا نَرَكْتُ: «تُرْجِحُ مَنْ نَشَاءُ مِنْهُنَّ وَتُقْرِنُ إِلَيْكَ مَنْ تَشَاءُ» [الأحزاب: ٥١] فَقَالَتْ لَهَا مُعَاذَةُ: فَمَا كُنْتِ تَقُولِينَ لِرَسُولِ اللَّهِ ﷺ إِذَا اسْتَأْذَنَكِ؟ قَالَتْ كُنْتُ أَقُولُ: إِنْ كَانَ ذَلِكَ إِلَيَّ لَمْ أُوْثِرْ أَحَدًا عَلَى نَفْسِي.

[1] Al-Ahzâb 33:28, 29.

[2] Al-Ahzâb 33:51.

[3683] (...) A similar report (as no. 3682) was narrated by 'Âsim.

عيسيٰ: أَخْبَرَنَا ابْنُ الْمُبَارِكٍ: أَخْبَرَنَا عَاصِمٌ بِهِذَا الْإِسْنَادِ نَحْوَهُ،

[3684] 24 - (1477) It was narrated that Masrûq said: "‘Aishah said: 'The Messenger of Allâh ﷺ gave us the choice but we did not count it as a divorce.'"

ابْنُ يَحْيَى التَّمِيعِيُّ: أَخْبَرَنَا عَبْنُ عَبْرَةَ عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ قَالَ: قَالَتْ عَائِشَةُ: قَدْ خَيَّرَنَا رَسُولُ اللَّهِ ﷺ فَلَمْ تَعْدَ طَلَاقًا.

[3685] 25 - (...) It was narrated that Masrûq said: "I would not care if I gave my wife the choice once or a hundred times or a thousand times, after she has chosen me. I asked ‘Aishah and she said: 'The Messenger of Allâh ﷺ gave us the choice - was that a divorce?'"

[3685] 25 - (...) حدثنا أبو بكر بن أبي شيبة: حدثنا علي بن مسحير عن إسماعيل بن أبي حاليد، عن الشعبي، عن مسروق قال: ما أبالي خيرت امرأتي وأحدة أو مائة أو ألفاً، بعد أن تختارني، ولقد سألت عائشة فقالت: قد خيّرنا رسول الله ﷺ، أفكان طلاقاً؟!

[3686] 26 - (...) It was narrated from ‘Aishah that the Messenger of Allâh ﷺ gave his wives the choice, and that was not a divorce.

[3686] 26 - (...) حدثنا محمد بن بشير: حدثنا محمد بن جعفر: حدثنا شعبة عن عاصم، عن الشعبي، عن مسروق، عن عائشة، أنَّ رسول الله ﷺ خير نساءه، فلم يكن طلاقاً.

[3687] 27 - (...) It was narrated that ‘Aishah said: "The Messenger of Allâh ﷺ gave us the choice and

[3687] 27 - (...) وحدثني إسحاق بن منصور: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ، عَنْ

we chose him, and he did not count that as a divorce.”

سُفِيَّانَ، عَنْ عَاصِمِ الْأَخْوَلِ وَإِسْمَاعِيلَ بْنِ أَبِي حَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقِ، عَنْ عَائِشَةَ قَالَتْ: خَيْرَنَا رَسُولُ اللَّهِ ﷺ فَاخْتَرْنَاهُ، فَلَمْ يَعُدْهُ طَلَاقًا .

[3688] 28 - (...) It was narrated that ‘Aishah said: “The Messenger of Allâh ﷺ gave us the choice and we chose him, and he did not count that as anything against us.”

۲۸ [۳۶۸۸] حَدَّثَنَا يَحْمَى أَبْنُ يَحْمَى وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ - قَالَ يَحْمَى: أَخْبَرَنَا، وَقَالَ الْآخْرَانِ: حَدَّثَنَا - أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقِ، عَنْ عَائِشَةَ قَالَتْ: خَيْرَنَا رَسُولُ اللَّهِ ﷺ فَاخْتَرْنَاهُ، فَلَمْ يَعُدْهَا عَلَيْنَا شَيْئًا .

[3689] (...) A similar report (as no. 3688) was narrated from ‘Aishah.

۳۶۸۹ [۳۶۸۹] حَدَّثَنِي أَبُو الرَّبِيعِ الرَّهْرَانِيُّ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ زَكَرِيَّاءَ: حَدَّثَنَا الْأَعْمَشُ عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ - وَعَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقِ، عَنْ عَائِشَةَ بِمِثْلِهِ .

[3690] 29 - (1478) It was narrated that Jâbir bin ‘Abdullâh said: “Abû Bakr came in, seeking permission to enter upon the Messenger of Allâh ﷺ, and he found the people sitting at his door, and they were not given permission to enter. Permission was given to Abû Bakr and he entered. Then ‘Umar came and asked for permission, and

۳۶۹۰ [۱۴۷۸] (۲۹) وَحَدَّثَنَا زُهْيرٌ أَبْنُ حَرْبٍ: حَدَّثَنَا رَفِعُ بْنُ عُبَادَةَ: حَدَّثَنَا زَكَرِيَّاءُ بْنُ إِسْحَاقَ: حَدَّثَنَا أَبُو الزُّبَيرِ عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ قَالَ: دَخَلَ أَبُو بَكْرٍ يَسْتَأْذِنُ عَلَى رَسُولِ اللَّهِ ﷺ، فَوَجَدَ النَّاسَ جُلُوسًا إِنْسَابِهِ، لَمْ يُؤْذَنْ لِأَحَدٍ مِنْهُمْ - قَالَ - : فَأُذِنَ لِأَبِي بَكْرٍ فَدَخَلَ،

permission was granted. He found the Messenger of Allâh ﷺ sitting silently, with his wives around him. He said: 'I am going to say something to you which will make the Prophet ﷺ smile.' He said: 'O Messenger of Allâh, if you had seen the daughter of Khârijah asking me for (more) maintenance, and I got up and poked her on the neck.' The Messenger of Allâh ﷺ smiled and said: 'They are around me, as you can see, asking me for (more) maintenance.' Abû Bakr got up and poked 'Âishah on the neck, and 'Umar got up and poked Hafṣah on the neck, and both of them said: 'Are you asking the Messenger of Allâh ﷺ for that which he does not have?' They said: 'By Allâh, we will never ask the Messenger of Allâh ﷺ for something that he does not have.' Then he (ﷺ) stayed away from them for a month or twenty-nine days, then this verse was revealed to him: 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 (divorce). But if you desire Allâh and His Messenger, and the Home of the Hereafter, then verily, Allâh has prepared for *Al-Muhsinât*^[1] (good doers) amongst you an enormous reward." He started with 'Âishah.

ثُمَّ أَقْبَلَ عُمَرُ فَاسْتَأْذَنَ فَأُذِنَ لَهُ، فَوَجَدَ النَّبِيَّ ﷺ جَالِسًا - حَوْلَهُ نِسَاءٌ - وَاجْمَعْتُمَا سَاكِنًا - قَالَ - فَقَالَ: لَا قُولَنَ شَيْئًا أَضْحِكُ النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! لَوْ رَأَيْتَ بِنْتَ خَارِجَةً سَأَلْتُنِي التَّفَقَّهَ فَقُمْتُ إِلَيْهَا فَوَجَأْتُ عَنْهَا، فَضَحَكَ رَسُولُ اللَّهِ ﷺ وَقَالَ: هُنَّ حَوْلِي كَمَا تَرَى، يَسْأَلْنِي التَّفَقَّهَ، فَقَامَ أَبُو بَكْرٍ إِلَى عَائِشَةَ يَجْأَأُ عَنْهَا، وَقَامَ عُمَرُ إِلَى حَفْصَةَ يَجْأَأُ عَنْهَا، كَلَّا هُمَا يَقُولُونُ: سَأَلْنَ رَسُولَ اللَّهِ ﷺ مَا لَيْسَ عِنْدَهُ، قُلْنَ: وَاللَّهِ! لَا سَأَلْنَ رَسُولَ اللَّهِ ﷺ شَيْئًا أَبَدًا لَيْسَ عِنْدَهُ، ثُمَّ اعْتَرَلَهُنَّ شَهْرًا أَوْ تِسْعًا وَعَشْرِينَ، ثُمَّ نَزَّلَتْ عَلَيْهِ هَذِهِ الْآيَةُ: «بَيْأَانًا لَنَّتِي قُلْ لَا زَوْجِكَ» - حَتَّى بَلَغَ - «لِلْمُحْسِنَاتِ مِنْكُنَ أَجْرًا عَظِيمًا» قَالَ: فَبَدَا بِعَائِشَةَ فَقَالَ: يَا عَائِشَةً! إِنِّي أُرِيدُ أَنْ أَغْرِضَ عَلَيْكِ أَمْرًا أُحِبُّ أَنْ لَا تَعْجَلِي فِيهِ حَتَّى تَسْتَشِيرِي أَبَوِيلَكَ» قَالَتْ: وَمَا هُوَ؟ يَا رَسُولَ اللَّهِ! فَقَلَّا عَنْهَا هَذِهِ الْآيَةُ. قَالَتْ: أَفِيلَكَ، يَا رَسُولَ اللَّهِ! أَسْتَشِيرُ أَبَوَيِّ؟ بَلْ أَخْتَارُ اللَّهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ، وَأَسْأَلُكَ أَنْ لَا تُخْبِرَ

[1] *Al-Ahzâb* 33:28-29.

He said: ‘O ‘Aishah, I want to suggest something to you, but I want you not to rush to answer until you consult your parents.’ She said: ‘What is it, O Messenger of Allâh?’ He recited this verse to her and she said: ‘Do I need to consult my parents (concerning you), O Messenger of Allâh? No, I choose Allâh and His Messenger and the Home of the Hereafter. But I ask you not to tell any of your wives what I have said.’ He said: ‘None of them will ask, but I will tell her. Allâh did not send me to make things hard for people in the hope that they would make mistakes, rather He sent me to teach and make things easy.’”

Chapter 5. *Îlâ*,^[1] Keeping Away From One’s Wives And Giving Them The Choice, And The Saying Of Allâh, The Most High: “But If You Help One Another Against Him...”^[2]

[3691] 30 - (1479) ‘Abdullâh bin ‘Abbâs narrated: “‘Umar bin Al-Khaṭâb told me: ‘When the Prophet of Allâh ﷺ stayed away from his wives, I entered the *Masjid* and saw the people striking the ground with pebbles and saying: “The Messenger of Allâh ﷺ has divorced his wives.” That was before *Hijâb* had been enjoined upon them.’ ‘Umar said:

امرأةٌ مِنْ نِسَائِكَ بِالَّذِي قُلْتُ. قَالَ: «لَا تَسْأَلْنِي امْرَأَةٌ مِنْهُنَّ إِلَّا أَخْبُرُهُنَّا، إِنَّ اللَّهَ تَعَالَى لَمْ يَعْلَمْنِي مُعْتَنِي وَلَا مُعْتَنَّا، وَلَكِنْ يَعْلَمْنِي مُعْلِمًا مُيسِّرًا».

(المعجم ٥) - (باب في الإماء
واعتزال النساء وتخيرهن، قوله
تعالى: وإن تظاهرا عليه) (التحفة ٥)

[٣٦٩١-٣٠] [١٤٧٩-٣٠] حَدَّثَنِي رُهْبَرُ
ابْنُ حَرْبٍ: حَدَّثَنَا عُمَرُ بْنُ يُوسُفَ
الْحَنْقَنِي: حَدَّثَنَا عِكْرِمَةُ بْنُ عَمَارٍ عَنْ
سِمَاكِ أَبِي زُمِيلٍ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ
عَبَّاسٍ: حَدَّثَنِي عُمَرُ بْنُ الْحَطَّابِ قَالَ:
لَمَّا اعْتَزَلَ نَبِيُّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نِسَاءَهُ قَالَ:
دَخَلْتُ الْمَسْجِدَ، فَإِذَا النَّاسُ يَنْكُثُونَ

[1] Vowing to stay away from one’s wife for a certain period of time.

[2] *At-Târîm* 66:4.

I said: "I must find out about this today." So I entered upon 'Âishah and said: "O daughter of Abû Bakr, have you gone so far that you annoy the Messenger of Allâh ﷺ?" She said: "What have I to do with you, O son of Al-Khaṭṭâb? You should pay attention to your own daughter." So I entered upon Hafṣah bint 'Umar and said to her: "O Hafṣah, have you gone so far that you annoy the Messenger of Allâh ﷺ? By Allâh you know that the Messenger of Allâh ﷺ does not love you, and were it not for me the Messenger of Allâh ﷺ would have divorced you." She began to weep bitterly, and I said to her: "Where is the Messenger of Allâh ﷺ?" She said: "He is in his store room in the loft."

I went in and I saw Rabâh, the slave of the Messenger of Allâh ﷺ, sitting at the threshold of the loft, with his legs dangling on the hollow wood of the tree trunk on which the Messenger of Allâh ﷺ used to climb up and down. I called out: "O Rabâh, ask the Messenger of Allâh ﷺ for permission for me to enter." Rabâh looked into the room, then he looked at me and did not say anything. Then I said: "O Rabâh, ask the Messenger of Allâh ﷺ for permission for me to enter." Rabâh looked into the room, then he looked at me and

بِالْحَصَنِي وَيَقُولُونَ: طَلَقَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
نِسَاءً، وَذَلِكَ قَبْلَ أَنْ يُؤْمِنَ بِالْحِجَابِ -
قَالَ عُمَرُ - فَقُلْتُ: لَا أَعْلَمَنَ ذَلِكَ الْيَوْمَ -
قَالَ - فَدَخَلْتُ عَلَى عَائِشَةَ، فَقُلْتُ: يَا
بِنْتَ أَبِي بَكْرٍ! أَقْدَ بَلَغَ مِنْ شَأْنِكَ أَنْ
تُؤْذِي رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ? فَقَالَتْ: مَا لِي وَمَا
لَكَ يَا ابْنَ الْخَطَابِ؟ عَلَيْكَ بِعَيْتِكَ.
قَالَ: فَدَخَلْتُ عَلَى حَفْصَةَ بِنْتِ عُمَرَ،
فَقُلْتُ لَهَا: يَا حَفْصَةُ! أَقْدَ بَلَغَ مِنْ شَأْنِكَ
أَنْ تُؤْذِي رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ? وَاللَّهُ! لَقَدْ
عِلِّمْتُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا يُحِبُّكَ،
وَلَوْلَا أَنَا لَطَلَقَكِ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَبَكَتْ
أَشَدَّ الْبَكَاءِ، فَقُلْتُ لَهَا: أَيْنَ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ? قَالَتْ: هُوَ فِي خَرَانِتِهِ فِي
الْمُشْرِبَةِ، فَدَخَلْتُ فَإِذَا أَنَا بِرَبَاحِهِ غُلَامٌ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَاعِدًا عَلَى أَسْكُنْهَةِ
الْمُشْرِبَةِ، مُدَلِّ رِجْلَيْهِ عَلَى نَقِيرِ مِنْ
خَشْبٍ، وَهُوَ جَدْعٌ يَرْقَى عَلَيْهِ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَيَحْدِرُ، فَنَادَيْتُ: يَا رَبَاحُ!
اَشْتَأْدِنْ لِي عِنْدَكَ عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ،
فَنَظَرَ رَبَاحٌ إِلَى الْغُرْفَةِ ثُمَّ نَظَرَ إِلَيَّ فَلَمْ
يَقُلْ شَيْئًا، ثُمَّ قُلْتُ: يَا رَبَاحُ! اَشْتَأْدِنْ لِي
عِنْدَكَ عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَنَظَرَ رَبَاحٌ
إِلَى الْغُرْفَةِ ثُمَّ نَظَرَ إِلَيَّ فَلَمْ يَقُلْ شَيْئًا، ثُمَّ

did not say anything. Then I raised my voice and said: "O Rabâh! Ask for the Messenger of Allâh ﷺ for permission for me to enter, for I think that the Messenger of Allâh ﷺ thinks that I have come because of Hafshah, but by Allâh, if the Messenger of Allâh ﷺ tells me to strike her neck, I will certainly do it." I raised my voice, then he gestured to me to climb up. I entered upon the Messenger of Allâh ﷺ and found him lying on a reed mat. I sat down, and he drew his *Izâr* up over him. He was not wearing anything else and I could see that the reed mat had left marks on his side. I looked around the store room of the Messenger of Allâh ﷺ and all I saw was a handful of barley, about a *Sâ'*, and an equal amount of *Qaraz*^[1] in the corner of the room, and I saw a half-tanned piece of leather hanging up. My eyes filled with tears and he said: "Why are you weeping, O son of Al-Khattâb?" I said: "O Prophet of Allâh, why shouldn't I weep when this reed mat has left marks on your side, and this is your store room, and all I see in it is what I see, when this Caesar and this Kisra are living lives of plenty, but you are the Messenger of Allâh ﷺ and His chosen one, and this is your store

رَفَعْتُ صَوْتِي فَقُلْتُ: يَا رَبَّاُخُ! اسْتَأْذِنْ
لِي عِنْدَكَ عَلَى رَسُولِ اللَّهِ ﷺ، فَإِنِّي أَطْمَنُ
أَنَّ رَسُولَ اللَّهِ ﷺ ظَنَّ أَنِّي جِئْتُ مِنْ
أَجْلِ حَفْصَةَ، وَاللَّهُ! لَئِنْ أَمْرَنِي رَسُولُ
اللَّهِ ﷺ بِضَرْبٍ عَنْقِهَا لَأُضْرِبَ عَنْقَهَا،
وَرَفَعْتُ صَوْتِي، فَأَوْمَأْتُ إِلَيَّ أَنْ ارْفَقْ،
فَدَخَلْتُ عَلَى رَسُولِ اللَّهِ ﷺ وَهُوَ
مُضْطَبِحٌ عَلَى حَصِيرٍ فَجَلَسْتُ، فَأَذْتَنِي
عَلَيْهِ إِزَارَةً، وَلَيْسَ عَلَيْهِ غَيْرُهُ، وَإِذَا
الحَصِيرُ قَدْ أَثْرَ فِي جَنِّهِ، فَنَظَرْتُ بِبَصَرِي
فِي خِزَانَةِ رَسُولِ اللَّهِ ﷺ، فَإِنَّا أَنَا بِقَبْضَةِ
مِنْ شَعِيرٍ تَحْوِي الصَّاعِ، وَمِثْلَهَا قَرْطَاطَةُ
نَاحِيَةِ الْغُرْفَةِ، وَإِذَا أَفْيَ مُعَلَّنْ، - قَالَ -
فَابْتَدَرْتُ عَيْنَائِي. قَالَ: «مَا يُبَكِّيكَ؟ يَا
ابْنَ الْخَطَابِ!» قُلْتُ: يَا نَبِيَّ اللَّهِ! وَمَا
لِي لَا أَبْكِي؟ وَهَذَا الحَصِيرُ قَدْ أَثْرَ فِي
جَنِّكَ، وَهَذِهِ خِزَانَتُكَ لَا أَرَى فِيهَا إِلَّا
مَا أَرَى، وَذَاكَ قَيْصَرٌ وَكَسْرَى فِي التَّمَارِ
وَالْأَنْهَارِ، وَأَنْتَ رَسُولُ اللَّهِ ﷺ وَصَفْوَتُهُ،
وَهَذِهِ خِزَانَتُكَ. قَالَ: «يَا ابْنَ الْخَطَابِ!
أَلَا تَرْضَى أَنْ تَكُونَ لَنَا الْآخِرَةُ وَلَهُمُ
الْدُّنْيَا؟» قُلْتُ: بَلَى. قَالَ: وَدَخَلْتُ عَلَيْهِ
جِينَ دَخَلْتُ وَأَنَا أَرَى فِي وَجْهِهِ

[1] Leaves of *mimosa flava* used for dyeing.

room?” He said: “O son of Al-Khaṭṭāb, does it not please you that the Hereafter is for us and this world is for them?” I said: “Yes.” And when I entered upon him I saw signs of anger on his face. I said: “O Messenger of Allāh, why are you so upset about these women? If you divorce them, Allāh is with you, and the Angels and Jibrīl and Mikā'il, and myself and Abū Bakr and the believers will be with you.” Seldom did I speak words - praise be to Allāh - but I hoped that Allah would confirm what I said. Then this verse, the verse of choice, was revealed: “It may be if he divorced you (all) that his Lord will give him instead of you, wives better than you...”,^[1] “...But if you help one another against him, then verily, Allāh is his *Maulâ* (Lord, or Master, or Protector), and Jibril (Gabriel), and the righteous among the believers; and furthermore, the Angels are his helpers”.^[2] ‘Aishah bint Abî Bakr and Hafṣah had helped one another against the other wives of the Prophet ﷺ.”

I said: “O Messenger of Allāh, have you divorced them?” He said: “No.” I said: “O Messenger of Allāh, I entered the *Masjid* and the Muslims were striking the ground with the pebbles and

الْغَضَبَ، فَقُلْتُ: يَا رَسُولَ اللَّهِ! مَا يُشْقِي
عَلَيْكَ مِنْ شَأْنِ النِّسَاءِ؟ فَإِنْ كُنْتَ طَلَقْتَهُنَّ
فَإِنَّ اللَّهَ مَعَكَ وَمَلَائِكَتُهُ وَجَبْرِيلَ
وَمِيكَائِيلَ، وَأَنَا وَأَبُو بُكْرٍ وَالْمُؤْمِنُونَ
مَعَكَ، وَقَلَّمَا تَكَلَّمْتُ - وَأَحْمَدُ اللَّهَ
بِخَلَامٍ إِلَّا رَجَوْتُ أَنْ يَكُونَ اللَّهُ يُصَدِّقُ
قَوْلِي الَّذِي أَقُولُ. وَنَزَّلْتُ هَذِهِ الْآيَةَ آتَيْتُ
الْتَّخْيِيرَ: «عَنِ رَّبِّهِ، إِنْ طَلَقْتَنَّ أَنْ
يُبَدِّلَهُ، أَزْوَجَا خَيْرًا مِنْكُنَّ» [التحريم : ٥]
«وَإِنْ تَظَاهِرَا عَلَيْهِ فَإِنَّ اللَّهَ هُوَ مَوْلَاهُ
وَجَبْرِيلُ وَصَلَحُ الْمُؤْمِنُونَ وَالْمُلِئَكَةُ بَعْدَ
ذَلِكَ ظَهِيرَ» [التحريم : ٤] وَكَانَتْ عَائِشَةُ
بِنْتُ أَبِي بَكْرٍ وَحَفْصَةُ تَظَاهِرَانِ عَلَى سَائرِ
نِسَاءِ النَّبِيِّ ﷺ، فَقُلْتُ: يَا رَسُولَ اللَّهِ!
أَطْلَقْتَهُنَّ؟ قَالَ: «لَا» قُلْتُ: يَا رَسُولَ
اللَّهِ! إِنِّي دَخَلْتُ الْمَسْجِدَ وَالْمُسْلِمُونَ
يَكْتُونَ بِالْحَصَنِي، يَقُولُونَ: طَلَقَ رَسُولُ
اللَّهِ ﷺ نِسَاءً، أَفَأَنْزَلُ فَأُخْبِرُهُمْ أَنَّكَ لَمْ
تُطْلِقْهُنَّ؟ قَالَ: «نَعَمْ، إِنْ شِئْتَ» فَلَمْ أَرْزَلْ
أَحَدَهُنَّهُ حَتَّى تَحَسَّرَ الْغَضَبُ عَنْ وَجْهِهِ،
وَحَتَّى كَشَرَ فَضَحِكَ، وَكَانَ مِنْ أَحْسَنِ
النَّاسِ ثَعْرَا، ثُمَّ نَزَّلَ نَبِيُّ اللَّهِ ﷺ فَنَزَّلَ

^[1] At-Tahrîm 66:5.

^[2] At-Tahrîm 66:4.

saying that the Messenger of Allâh ﷺ has divorced his wives. Shall I go down and tell them that you have not divorced them?" He said: "Yes, if you wish." I kept on talking to him until the signs of anger disappeared from his face, and until he began to smile, and he had the most handsome teeth of any people. Then the Prophet of Allâh ﷺ went down and I went down clinging to the tree trunk, while the Messenger of Allâh ﷺ went down as if he was walking on the ground, not holding on with his hand. I said: "O Messenger of Allâh, you were in that room for twenty-nine days."

He said: "The month may be twenty-nine days." I stood at the door of the *Masjid* and called out at the top of my voice: "The Messenger of Allâh ﷺ has not divorced his wives, and this verse has been revealed: When there comes to them some matter touching (public) safety or fear, they make it known (among the people); if only they had referred it to the Messenger or to those charged with authority among them, the proper investigators would have understood it from them (directly)..."^[1] I understood this matter, and Allâh [the Mighty and Sublime] revealed the verse of choice.

[3692] 31 - (...) 'Abdullâh bin 'Abbâs narrated: "For one year I

أَشَبَّتُ بِالْجِدْعِ، وَنَزَّلَ رَسُولُ اللهِ ﷺ
كَانَنَا يَمْشِي عَلَى الْأَرْضِ مَا يَمْسُهُ بِيَدِهِ،
فَقُلْتُ: يَا رَسُولَ اللهِ! إِنَّمَا كُنْتَ فِي
الْعُرْفَةِ تِسْعَةً وَعَشْرِينَ. قَالَ: «إِنَّ الشَّهْرَ
يَكُونُ تِسْعًا وَعَشْرِينَ» فَقَعَدْتُ عَلَى بَابِ
الْمَسْجِدِ، فَنَادَيْتُ بِأَعْلَى صَوْتِي: لَمْ
يُطْلَقْ [رَسُولُ اللهِ ﷺ] نِسَاءً، وَنَزَّلَ
هَذِهِ الْآيَةُ: «وَإِذَا جَاءَهُمْ أَمْرٌ مِنْ
الْأَمْنِ أَوِ الْحَوْفِ أَذَاعُوا بِهِ، وَلَوْ رَدَوْهُ
إِلَى الرَّسُولِ وَإِلَى أُولَئِكَ الْأَمْرِ مِنْهُمْ
لَعِلْمَهُ أَلَّا يَدْرِي يَسْتَطِعُهُ مِنْهُمْ»
[النساء: ٨٣] فَكُنْتُ أَنَا اسْتَبْطُطُ ذَلِكَ
الْأَمْرَ، وَأَنْزَلَ اللَّهُ [عَزَّ وَجَلَّ] آيَةَ
الْتَّخْبِيرِ.

[٣٦٩٢]-[٣١] (...) حَدَّثَنَا هَرُونُ

^[1] *An-Nisâ'* 83.

wanted to ask ‘Umar bin Al-Khaṭṭāb about a verse, but I could not ask him out of respect for him, until he went out for *Hajj*, and I went with him. When he came back, while we were partway along the road, he went aside to an *Arâk* tree to relieve himself. I waited until he had finished, then I walked with him and said: ‘O Commander of the Believers, who are the two wives who helped one another against the Messenger of Allâh ﷺ?’ He said: ‘That was Hafshah and ‘Aishah.’ I said to him: ‘By Allâh, I wanted to ask you about that for a year but I could not, out of respect for you.’ He said: ‘Do not do that. If you think that I have any knowledge, then ask me about it, and if I know I will tell you.’

And ‘Umar said: ‘By Allâh, during the *Jâhilîyyah* we had no regard for woman, until Allâh revealed what He revealed concerning them, and allotted to them what He allotted to them. While I was thinking about some matter, my wife said to me: I wish that you had done such-and-such. I said to her: What does it have to do with you? Why are you worried about what I want to do? She said to me: How strange it is, O son of Al-Khaṭṭâb, that you do not want me to argue with you! Your daughter argues with the Messenger of Allâh ﷺ until he spends the whole day angry.”

“Umar said: ‘I picked up my

ابن سعید الأیلی: حَدَّثَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي شَلِیمَانُ يَعْنِي ابْنَ إِلَالِ: أَخْبَرَنِي يَحْيَى: أَخْبَرَنِي عَيْنُدُ بْنُ حُنَيْنٍ؛ أَنَّهُ سَمِعَ عَبْدَ اللهِ بْنَ عَبَّاسٍ يُحَدِّثُ قَالَ مَكْتُبْتُ سَنَةً وَأَنَا أُرِيدُ أَنْ أَسْأَلَ عُمَرَ بْنَ الْخَطَّابِ عَنْ آيَةٍ، فَمَا أَسْتَطِعُ أَنْ أَسْأَلَهُ هَيْئَةً لَهُ، حَتَّى خَرَجَ حَاجًا فَخَرَجْتُ مَعَهُ، فَلَمَّا رَجَعَ، فَكُنَّا بِعِضِ الظَّرِيقِ، عَدَلَ إِلَى الْأَرَاكِ لِحَاجَةِ لَهُ، فَوَقَفْتُ لَهُ حَتَّى فَرَغَ ثُمَّ سِرْتُ مَعَهُ، فَقُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ! مَنِ اللَّذَانِ تَظَاهَرُونَ عَلَى رَسُولِ اللهِ ﷺ مِنْ أَزْوَاجِهِ؟ فَقَالَ: تُلْكَ حَفَصَةُ وَعَائِشَةُ - قَالَ - فَقُلْتُ لَهُ: وَاللهِ إِنْ كُنْتُ لَأُرِيدُ أَنْ أَسْأَلَكَ عَنْ هَذَا مُنْدُ سَنَةٍ فَمَا أَسْتَطِعُ هَيْئَةً لَكَ . قَالَ: فَلَا تَفْعَلْ، مَا ظَنَنتَ أَنْ عِنْدِي مِنْ عِلْمٍ فَسَلِّنِي عَنْهُ، إِنْ كُنْتُ أَعْلَمُهُ أَخْبَرْتُكَ - قَالَ - : وَقَالَ عُمَرُ: وَاللهِ إِنْ كُنَّا فِي الْجَاهِلِيَّةِ مَا نَهُدُ للنِّسَاءِ أَمْرًا، حَتَّى أَنْزَلَ اللهُ [عَالَمَ] فِيهِنَّ مَا أَنْزَلَ، وَقَسَمَ لَهُنَّ مَا قَسَمَ - قَالَ - : فَيَسِّنَا أَنَا فِي أَمْرٍ أَشْتَرِمُهُ، إِذْ قَالَتْ لِي امْرَأَتِي: لَوْ صَنَعْتَ كَذَّا وَكَذَّا! فَقُلْتُ لَهَا: وَمَا لَكِ أَنْتِ وَلِمَا هُنَّا؟ وَمَا تَكْلُفُكِ فِي أَمْرٍ أَرِيدُهُ؟ فَقَالَتْ لِي: عَجَبًا

Ridâ' (cloak) and came out of my house, and I went to Hafsa. I said to her: "O my daughter, do you argue with the Messenger of Allâh ﷺ until he spends the whole day angry?" Hafsa said: "By Allâh, we argue with him." I said: "I am warning you of the punishment of Allâh and the wrath of His Messenger. Do not be misled by this one is amazed with her beauty, and the love of the Messenger of Allâh ﷺ for her." Then I went and entered upon Umm Salamah, because I was related to her, and I spoke to her. Umm Salamah said to me: "How strange it is, O son of Al-Khattâb, that you interfere with everything to such an extent that now you want to intervene between the Messenger of Allâh ﷺ and his wives." That astonished me so much that my anger subsided, and I left. I had a friend among the *Anṣâr*, if I was absent he would bring me the news, and if he was absent, I would bring him the news. At that time we were worried about one of the kings of Ghassân, as we had been told that he wanted to attack us, and our hearts were filled with that (worry).

"The *Anṣârî* came and knocked at the door, saying: "Open up, open up!" I said: "Has the Ghassânî come?" He said: "It is worse than that. The Messenger of Allâh ﷺ has decided to stay away from his wives." I said:

لَكَ، يَا ابْنَ الْخَطَّابِ! مَا تُرِيدُ أَنْ تُرَاجِعَ أُنْتَ، وَإِنَّ ابْنَتَكَ لَتَرَاجِعُ رَسُولَ اللَّهِ ﷺ حَتَّىٰ يَظْلَمَ يَوْمَهُ غَضِيبَانَ، قَالَ عُمَرُ: فَأَخْذُ رِدَائِي ثُمَّ أَخْرُجُ مَكَانِي، حَتَّىٰ أَدْخُلَ عَلَىٰ حَفْصَةَ، فَقُلْتُ لَهَا يَا بُنْتَهُ! إِنَّكَ لَتَرَاجِعِينَ رَسُولَ اللَّهِ ﷺ حَتَّىٰ يَظْلَمَ يَوْمَهُ غَضِيبَانَ، فَقَالَتْ حَفْصَةُ: وَاللَّهِ! إِنَّا لَرَاجِعُهُ، فَقُلْتُ: تَعْلَمِينَ أَنِّي أَحَذَرُكُ عُقُوبَةَ اللَّهِ وَغَضَبَتْ رَسُولِهِ، يَا بُنْتَهُ! لَا يُغَرِّنَكَ هَذِهِ الَّتِي قَدْ أَعْجَبَهَا حُسْنُهَا وَحُبُّ رَسُولِ اللَّهِ ﷺ إِلَيْهَا، ثُمَّ حَرَجْتُ حَتَّىٰ أَدْخُلَ عَلَىٰ أُمَّ سَلَمَةَ، لِفَرَّابِتِي مِنْهَا، فَكَلَّمْتُهَا، فَقَالَتْ لِي أُمُّ سَلَمَةَ: عَجَبًا لَكَ يَا ابْنَ الْخَطَّابِ! قَدْ دَخَلْتَ فِي كُلِّ شَيْءٍ حَتَّىٰ تَبْغِي أَنْ تَدْخُلَ بَيْنَ رَسُولِ اللَّهِ ﷺ وَبَيْنَ أَزْوَاجِهِ قَالَ: فَأَخَذْتُنِي أَخْدَنَا كَسَرَتْنِي عَنْ بَعْضِ مَا كُنْتُ أَجِدُ، فَخَرَجْتُ مِنْ عِنْدِهَا، وَكَانَ لِي صَاحِبٌ مِنَ الْأَنْصَارِ، إِذَا غَبَّتْ أَتَانِي بِالْحَبْرِ، وَإِذَا غَابَ كُنْتُ أَنَا آتِيهِ بِالْحَبْرِ، وَنَحْنُ جِيَّشِنَ نَتَحَوْفُ مَلِكًا مِنْ مُلُوكِ عَشَانَ، ذُكِرَ لَنَا أَنَّهُ يُرِيدُ أَنْ يَسِيرَ إِلَيْنَا، فَقَدِ امْتَلَأَتْ صُدُورُنَا مِنْهُ فَأَتَى صَاحِبِي الْأَنْصَارِيَّ يَدْعُ الْبَابَ، وَقَالَ: افْتَحْ، افْتَحْ. فَقُلْتُ جَاءَ

"May the noses of Hafṣah and 'Āishah be rubbed with dust!" Then I picked up my garment and went out. I came and found the Messenger of Allāh ﷺ was in his loft, to which he climbed up via a ladder made of date palm. A black slave of the Messenger of Allāh ﷺ was at the top of the ladder, and I said: "This is 'Umar." I was given permission (to enter) and I told the Messenger of Allāh ﷺ what had happened. When I reached the words of Umm Salamah the Messenger of Allāh ﷺ smiled. He was lying on a reed mat with nothing between him and it, and beneath his head was a pillow of leather, stuffed with palm fibers. At his feet was a pile of *Qaraz* and by his head there was a hide hanging. I saw the marks of the reed mat on the side of the Messenger of Allāh ﷺ, and I wept. He said: "Why are you weeping?" I said: "O Messenger of Allāh, Kisra and Caesar are living the lives they live, but you are the Messenger of Allāh ﷺ." The Messenger of Allāh ﷺ said: "Does it not please you that this world is for them and the Hereafter is for you?"

[3693] 32 - (...) It was narrated that ibn 'Abbās said: I came with 'Umar, then when we were in Marr Az-Zahrān... and he quoted the complete *Hadīth*, like the *Hadīth* of Sulaimān bin Bilāl (no. 3692), except that he said: "I said: 'What about the two women?' He

الْعَسَانِي؟ فَقَالَ: أَشَدُّ مِنْ ذَلِكَ، اعْتَرَّ
رَسُولُ اللَّهِ ﷺ أَزْوَاجَهُ. فَقُلْتُ: رَغْمَ
أَنْفُ حَفْصَةَ وَعَائِشَةَ، ثُمَّ أَخْذُ ثُوبِي
فَأَخْرُجُ، حَتَّىٰ جِئْتُ، فَإِذَا رَسُولُ اللَّهِ ﷺ
فِي مَسْرُوعَةٍ لَهُ يُرْتَكِي إِلَيْهَا بَعْجِلَاهَا، وَغَلَامٌ
لِرَسُولِ اللَّهِ ﷺ أَشْوَدُ عَلَىٰ رَأْسِ الدَّرَجَةِ،
فَقُلْتُ: هَلْذَا عُمْرُ. فَأَذْنَ لِي - قَالَ عُمْرُ -:
فَقَصَصْتُ عَلَىٰ رَسُولِ اللَّهِ ﷺ هَذَا الْحَدِيثَ،
فَلَمَّا بَلَغْتُ حِدِيثَ أُمِّ سَلَمَةَ تَبَسَّمَ رَسُولُ
اللَّهِ ﷺ، وَإِنَّهُ لَعَلَىٰ حَصِيرٍ مَا بَيْنَهُ وَبَيْنَهُ
شَيْءٌ، وَتَحْتَ رَأْسِهِ وِسَادَةٌ مِنْ أَدْمَ حَشُوْهَا
لِيفُ، وَإِنَّ عِنْدَ رِجْلِيهِ قَرَاطًا مَضْبُورًا، وَعِنْدَ
رَأْسِهِ أَهْبَا مُعَلَّقَةً، فَرَأَيْتُ أَثْرَ الْحَصِيرِ فِي
جَنْبِ رَسُولِ اللَّهِ ﷺ، فَبَكَيْتُ، فَقَالَ: «مَا
يُبَكِّيكُ؟» فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّ كِسْرَىٰ
وَقِيَصَرَ فِيمَا هُمَا فِيهِ، وَأَنْتَ رَسُولُ اللَّهِ ﷺ:
فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَمَا تَرْضَى أَنْ تَكُونَ
لَهُمُ الدُّنْيَا وَلَكَ الْآخِرَةُ؟».

[3693] 32 - (...) حَدَّثَنَا مُحَمَّدُ
بْنُ الْمُنْتَهَى: حَدَّثَنَا عَفَّانُ: حَدَّثَنَا حَمَادُ
بْنُ سَلَمَةَ: أَخْبَرَنَا يَحْيَى بْنُ سَعِيدٍ: عَنْ
عُيَيْنَدِ بْنِ حُسَيْنٍ، عَنْ أَبْنِ عَبَّاسٍ قَالَ:
أَفْبَلْتُ مَعَ عُمَرَ، حَتَّىٰ إِذَا كُنَّا بِمَرْ

said: 'Hafṣah and Umm Salamah.'" And he added: "And I came to the apartments and in every house there was some weeping." And he also added: "He had vowed to stay away from them for a month, then when it was the twenty-ninth day, he came to them."

[3694] 33 - (...) Ibn 'Abbâs said: "I wanted to ask 'Umar about the two women who helped one another at the time of the Messenger of Allâh ﷺ, but for one year I could not find any opportunity, until I accompanied him to Makkah. When he was in Marr Az-Zahrân, he went to relieve himself, and he said: 'Bring me a jug of water.' So I brought it to him, and when he had relieved himself and came back, I went to pour water for him, then I remembered and said to him: 'O Commander of the Believers, who were the two women?' And I did not finish what I was saying before he said: 'Aishah and Hafṣah.'"

[3695] 34 - (...) It was narrated that Ibn 'Abbâs said: "I was eager to ask 'Umar about the two wives of the Prophet ﷺ concerning whom Allâh, the Most High said:

الظَّهَرَانِ، وَسَاقَ الْحَدِيثَ بِطُولِهِ، كَتَبْخُو حِدِيثَ سُلَيْمَانَ بْنِ بَلَالٍ، عَيْرَ أَنَّهُ قَالَ فُلْتُ: شَأْنُ الْمَرْأَتَيْنِ؟ قَالَ: حَفْصَةُ وَأُمُّ سَلَمَةَ. وَزَادَ فِيهِ: فَأَتَيْتُ الْحُجَّاجَ فَإِذَا فِي كُلِّ بَيْتٍ بُكَاءً. وَرَأَدَ أَيْضًا: وَكَانَ إِلَى مِنْهُنَّ شَهْرًا، فَلَمَّا كَانَ تِسْعًا وَعَشْرِينَ نَزَلَ إِلَيْهِنَّ. [٣٦٩٤]-[٣٦٩٥] وَحَدَّثَنَا أَبُو

بَكْرٍ بْنُ أَبِي شَيْبَةَ وَرَهِيرٍ بْنُ حَرْبٍ - وَالْمَقْطُ لِأَبِي بَكْرٍ - قَالَا: حَدَّثَنَا سَفِيَّانَ ابْنَ عَيْنَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ، سَمِعَ عُبَيْدَ ابْنَ حُثَيْنٍ وَهُوَ مَوْلَى الْعَبَّاسِ قَالَ: سَمِعْتُ ابْنَ عَبَّاسٍ يَقُولُ: كُنْتُ أُرِيدُ أَنْ أَسْأَلَ عُمَرَ عَنِ الْمَرْأَتَيْنِ اللَّتَيْنِ تَظَاهَرُ تَعْلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَلَبِثْتُ سَنَةً مَا أَجْدُ لَهُ مَوْضِعًا حَتَّى صَجَّبْتُ إِلَيْ مَكَّةَ، فَلَمَّا كَانَ يَمْرُ الظَّهَرَانِ [ذَهَبَ] يَقْضِي حَاجَتَهُ، فَقَالَ: أَذْرِكْنِي بِإِدَاؤِهِ مِنْ مَاءِ، فَأَتَيْتُهُ بِهَا، فَلَمَّا قَضَى حَاجَتَهُ وَرَجَعَ ذَهَبْتُ أَصْبُعُ عَلَيْهِ، وَذَكَرْتُ فَقَلْتُ لَهُ: يَا أَمِيرَ الْمُؤْمِنِيْنَ! مَنِ الْمَرْأَتَيْنِ؟ فَمَا قَصَّيْتُ بِكَلَامِي حَتَّى قَالَ: عَائِشَةُ وَحَفْصَةُ.

[٣٦٩٥] وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيَّ وَمُحَمَّدُ بْنُ أَبِي عُمَرَ - وَتَقَارَبَا فِي لَفْظِ الْحَدِيثِ قَالَ ابْنُ

"If you two turn in repentance to Allâh, (it will be better for you), your hearts are indeed so inclined...,"^[1] until 'Umar went for *Hajj* and I went with him. When we were partway there, 'Umar turned aside, and I turned aside with him, bringing the jug. He relieved himself, then he came to me and I poured water onto his hands, and he performed *Wudû'*.

I said: 'O Commander of the Believers, who are the two wives of the Prophet ﷺ, about whom Allâh the Mighty and Sublime said: "If you two turn in repentance to Allâh, (it will be better for you), your hearts are indeed so inclined..."?'^[2] 'Umar said: 'How strange of you, O Ibn 'Abbâs!'" - Az-Zuhri (a narrator) said: "By Allâh, he did not like the question, but he did not conceal anything" - "He said: 'They were Hafshah and 'Aishah.' Then he started to narrate the *Hadîth* and said: 'We people of the Quraish were a people who dominated women, but when we came to Al-Madînah we found a people who were dominated by their women, and our women started to learn from their women. My house was among Banû Umayyah bin Zaid in Al-'Awâlî. One day I got angry with my wife, and she argued with me. I did not like her to argue with me. But she said: "Do you not like me to argue

أَبِي عُمَرْ: حَدَّثَنَا، وَقَالَ إِسْحَاقُ: أَخْبَرَنَا
- عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ
الرُّهْرِيِّ، عَنْ عَيْدِ اللَّهِ ابْنِ عَبْدِ اللَّهِ بْنِ
أَبِي ثَورٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: لَمْ أَرَنْ
حَرِيصًا أَنْ أَشَأَ عُمَرَ عَنِ الْمَرْأَتَيْنِ مِنْ
أَرْوَاجِ النَّبِيِّ ﷺ اللَّتَّيْنِ قَالَ اللَّهُ تَعَالَى:
﴿إِنْ نَوْبَا إِلَى اللَّهِ فَقَدْ صَغَّتْ قُلُوبُكُمَا﴾
[التحريم : ٤]، حَتَّى حَجَّ عُمَرُ وَحَجَجْتُ
مَعَهُ، فَلَمَّا كُنَّا بِعِصْنِيَ الطَّرِيقِ عَدَلَ عُمَرُ
وَعَدَلْتُ مَعَهُ بِالْإِذَاوَةِ، فَتَبَرَّزَ، ثُمَّ أَتَانِي
فَسَكَبَتُ عَلَى يَدِيهِ، فَتَوَضَّأَ، فَقُلْتُ: يَا
أَمِيرَ الْمُؤْمِنِينَ! مَنْ الْمَرْأَتَانِ مِنْ أَرْوَاجِ
النَّبِيِّ ﷺ اللَّتَّيْنِ قَالَ اللَّهُ عَزَّ وَجَلَّ [لَهُمَا]
﴿إِنْ نَوْبَا إِلَى اللَّهِ فَقَدْ صَغَّتْ
قُلُوبُكُمَا﴾؟ قَالَ عُمَرُ: وَاعْجَبَنِي لَكَ يَا ابْنَ
عَبَّاسٍ! - قَالَ الرُّهْرِيُّ: كَرَهَ، وَاللَّهُ!
مَاتَسَّالَهُ عَنْهُ وَلَمْ يَكُنْهُ - قَالَ: هِيَ
حَفْصَةُ وَعَائِشَةُ، ثُمَّ أَخَذَ يَسُوقُ الْحَدِيثَ
قَالَ: كُنَا، مَعْشَرَ قُرْيَشٍ، قَوْمًا نَعْلَمُ
النِّسَاءَ، فَلَمَّا قَدِمْنَا الْمَدِينَةَ وَجَدْنَا قَوْمًا
تَعْلِبُهُمْ نِسَاؤُهُمْ، فَطَطَقَ نِسَاؤُنَا يَتَعَلَّمُنَّ
مِنْ نِسَائِهِمْ - قَالَ - : وَكَانَ مَنْزِلِي فِي

[1] *At-Târîm* 66:4.

[2] *At-Târîm* 66:4.

with you? By Allâh, the wives of the Prophet ﷺ argue with him, and one of them will forsake him all day until night comes." I went and entered upon Hafshah, and I said: "Do you argue with the Messenger of Allâh ﷺ?" She said: "Yes." I said: "Does one of you forsake him all day until night comes?" She said: "Yes." I said: "Any one of you who does that is doomed and lost. Does any one of you feel assured that Allâh will not be angry with her because of the anger of His Messenger ﷺ, for then she will be doomed? Do not argue with the Messenger of Allâh ﷺ and do not ask him for anything. Ask me for whatever you want. And do not be misled by the fact that your neighbor is more beautiful than you and more beloved to the Messenger of Allâh ﷺ than you" - referring to 'Aishah.

"And 'Umar said: 'I had a neighbor among the *Ansâr*. We used to take turns going down to the Messenger of Allâh ﷺ. He would go down one day and I would go down the next. He would bring me the news of the Revelation and other things, and I would do likewise. We were saying that Ghassân were shoeing their horses to attack us. My friend went to visit, then he came to me at night and knocked on my door, then he called out to me. I went out to him and he said: "Something terrible has

بَنِي أُمَّةَ بْنَ زَيْدٍ بِالْعَوَالِي، فَتَغَصَّبْتُ يَوْمًا عَلَى امْرَأَتِي، فَإِذَا هِيَ تُرَاجِعُنِي، فَأَنْكَرْتُ أَنْ تُرَاجِعَنِي، فَقَالَتْ: مَا تُنْكِرُ أَنْ أَرَاجِعَكَ؟ فَوَاللَّهِ! إِنَّ أَزْوَاجَ النَّبِيِّ لَيَرَاجِعُنَّهُ، وَنَهْجُرُهُ إِحْدَاهُنَّ الْيَوْمَ إِلَى اللَّيْلِ، فَانْطَلَقْتُ فَدَخَلْتُ عَلَى حَفْصَةَ قَوْلَتْ: أَتُرَاجِعِينَ رَسُولَ اللَّهِ؟ فَقَالَتْ: نَعَمْ. قَوْلَتْ: أَنْهَجُرُهُ إِحْدَائِكَ الْيَوْمَ إِلَى اللَّيْلِ؟ قَالَتْ: نَعَمْ. قُلْتْ: قَدْ خَابَ مَنْ فَعَلَ ذَلِكَ مِنْكُنَّ وَخَسِيرٌ، أَفَتَأْمَنُ إِحْدَائِكَ أَنْ يَعْضُبَ اللَّهُ عَلَيْهَا لِعَصَبَ رَسُولَهُ، فَإِذَا هِيَ قَدْ هَلَكَتْ، لَا تُرَاجِعِي رَسُولَ اللَّهِ وَلَا تَسْأَلِيهِ شَيْئًا، وَسَلَيْنِي مَا بَدَا لَكَ وَلَا يَعْرِئُكَ أَنْ كَانَ جَارِتُكَ هِيَ أَوْسُمُ وَأَحَبُّ إِلَى رَسُولِ اللَّهِ مِنْكِ - يُرِيدُ عَائِشَةَ، قَالَ: وَكَانَ لِي جَارٌ مِنَ الْأَنْصَارِ - قَالَ - فَكُنَّا نَسْنَابُ التَّرْوِيلَ إِلَى رَسُولِ اللَّهِ، فَيَنْزَلُ يَوْمًا وَأَنْزَلُ يَوْمًا، فَيَأْتِينِي بِحَبْرِ الْوَرْخِي وَغَيْرِهِ، وَآتِيهِ بِمُنْلِي ذَلِكَ، فَكُنَّا نَسْحَدُ أَنَّ عَسَانَ تُعْلِلُ الْخَيْلَ لِتَعْرُونَا، فَنَزَلَ صَاحِبِي، ثُمَّ أَتَانِي عِشَاءً فَضَرَبَ بَابِي شَمَ نَادَانِي، فَخَرَجْتُ إِلَيْهِ فَقَالَ: حَدَثَ أَمْرٌ عَظِيمٌ، قُلْتُ: مَاذَا؟ أَجَاءَتْ عَسَانُ؟

happened!” I said: “What? Have the Ghassân come?” He said: “No, it is more terrible than that, and worse. The Prophet ﷺ has divorced his wives.” I said: “Hafṣah is doomed and lost. I thought that this would happen.” Then when I had prayed *Subh*, I got dressed, then I went down and entered upon Hafṣah, who was weeping. I said: “Has the Messenger of Allāh ﷺ divorced you?” She said: “I do not know. He has secluded himself in this loft.” I went to a black slave of his, and I said: “Ask for permission for ‘Umar to enter.” He went in, then he came out to me and said: “I mentioned you to him but he did not say anything.”

“I went away and came to the *Minbar*, where I sat down. By it was a group of people, some of whom were weeping. I sat for a little while, then I could not bear it any longer, so I went to the slave and said: “Ask for permission for ‘Umar to enter.” He went in. Then he came out to me. He said: “I mentioned you to him but he did not say anything.” I turned to leave. Then the slave called me, and he said: “Go in, he has given you permission.” So I went in and greeted the Messenger of Allāh ﷺ with *Salām*. He was resting on a reed mat that had left marks on his side. I said: “O Messenger of Allāh, have you divorced your

قال: لا، بل أعظمُ مِنْ ذَلِكَ وَأَطْوَلُ،
طَلَقَ الرَّبِيعيَّةَ نِسَاءً. فَقُلْتُ: قَدْ خَابَتْ
حَفْصَةُ وَخَسِرَتْ، وَقَدْ كُنْتُ أَطْنَى هَذَا
كَائِنًا، حَتَّى إِذَا صَلَّيْتُ الصَّبَحَ شَدَّدْتُ
عَلَيَّ ثِيَابِيِّ، ثُمَّ نَزَّلْتُ فَدَخَلْتُ عَلَى
حَفْصَةَ وَهِيَ تَبْكِي، فَقُلْتُ: أَطْلَقْنِ
رَسُولُ اللَّهِ نِسَاءً؟ فَقَالَتْ: لَا أَدْرِي، هَا
هُوَ ذَا مُعْتَرِلٌ فِي هَذِهِ الْمُشْرِبَةِ، فَأَتَيْتُ
عَلَامًا لَهُ أَشْوَدَ، فَقُلْتُ: اسْتَأْذِنْ لِعُمْرِ،
فَدَخَلَ ثُمَّ خَرَجَ إِلَيَّ، فَقَالَ: فَدَكْرْتُكَ لَهُ
فَصَمَّتْ. فَانْطَلَقْتُ حَتَّى انتَهَيْتُ إِلَى
الْمِبَرِّ فَجَلَسْتُ، فَإِذَا عِنْدَهُ رَهْطٌ جُلُوسٌ
يَنْكِي بَعْضُهُمْ، فَجَلَسْتُ قَلِيلًا، ثُمَّ غَلَبَتِي
مَا أَجِدُ، ثُمَّ أَتَيْتُ الْغُلَامَ فَقُلْتُ: اسْتَأْذِنْ
لِعُمْرِ، فَدَخَلَ ثُمَّ خَرَجَ إِلَيَّ فَقَالَ: قَدْ
ذَكَرْتُكَ لَهُ فَصَمَّتْ، فَوَلَيْتُ مُدِيرًا، فَإِذَا
الْغُلَامُ يَدْعُونِي فَقَالَ: اذْهُلْ، فَقَدْ أَذَنَ
لَكَ. فَدَخَلْتُ فَسَلَّمْتُ عَلَى رَسُولِ
اللَّهِ نِسَاءً، فَإِذَا هُوَ مُتَكَبِّرٌ عَلَى رَمَلِ
حَصِيرٍ قَدْ أَثْرَ فِي جَنِيهِ، فَقُلْتُ: أَطْلَقْتَ،
يَا رَسُولَ اللَّهِ نِسَاءَكَ؟ فَرَفَعَ رَأْسَهُ إِلَيَّ
فَقَالَ «لَا» فَقُلْتُ: اللَّهُ أَكْبَرُ! لَوْ رَأَيْتَنَا، يَا
رَسُولَ اللَّهِ! وَكُنَّا مَعْشَرَ قُرَيْشٍ، قَوْمًا
نَعْلَبُ النِّسَاءَ، فَلَمَّا قَدِمْنَا الْمَدِينَةَ وَجَدْنَا

wives?" He looked up at me and said: "No." I said: "*Allâhu Akbar!* If you had seen us, O Messenger of Allâh, we the Quraish, were a people who dominated women, but when we came to Al-Madînah we found a people who were dominated by their women, and our women started to learn from their women. I got angry with my wife one day, and she started to argue with me. I did not like her to argue with me, but she said: "Do you not like me to argue with you? By Allâh, the wives of the Prophet ﷺ argue with him, and one of them will forsake him all day until night comes." I said: "Any one of them who does that is doomed and lost. Does one of them feel assured that Allâh will not be angry with her because of the anger of His Messenger ﷺ, then she will be doomed?" The Messenger of Allâh ﷺ smiled. I said: "O Messenger of Allâh, I entered upon Hafshah and I said: 'Do not be misled by the fact that your neighbor is more beautiful than you and more beloved to the Messenger of Allâh ﷺ than you.'" The Messenger of Allâh ﷺ smiled again."

"I said: "O Messenger of Allâh, may I talk to you freely?" He said: "Yes." So I sat down and looked around the room, and by Allâh, I did not see anything in it to please the eye except three

فَوْمَا تَعْلَمُهُمْ نِسَاؤُهُمْ، فَطَقِيقٌ نِسَاؤُنَا
يَتَعَلَّمُنَّ مِنْ نِسَائِهِمْ، فَغَضِبْتُ عَلَى
امْرَأَتِي يَوْمًا، فَإِذَا هِيَ تُرَاجِعُنِي،
فَانْكَرْتُ أَنْ تُرَاجِعَنِي. قَالَتْ: مَا تُنْكِرُ
أَنْ أَرَاجِعَكَ؟ فَوَاللهِ إِنَّ أَزْوَاجَ النَّبِيِّ
لَيُرَاجِعُهُ، وَتَهْجُرُ[ه] إِحْدَاهُنَّ الْيَوْمَ إِلَى
اللَّيلِ. قَلْتُ: قَدْ خَابَ مَنْ فَعَلَ ذَلِكَ
مِنْهُنَّ وَخَسِيرٌ، أَفَتَأْمُنُ إِحْدَاهُنَّ أَنْ يَعْصِي
اللهُ عَلَيْهَا لِعَصَبَ رَسُولَهُ^ﷺ، فَإِذَا هِيَ
قَدْ هَلَكَتْ؟ فَتَبَسَّمَ رَسُولُ اللهِ^ﷺ،
قَلْتُ: يَا رَسُولَ اللهِ! قَدْ دَخَلْتُ عَلَى
حَفْصَةَ فَقَلْتُ: لَا يُغْرِيَكَ أَنْ كَانَتْ
جَارِتُكَ هِيَ أَوْسَمُ مِنْكَ وَأَحَبُّ إِلَى
رَسُولِ اللهِ^ﷺ مِنْكَ فَبَسَّمَ أَخْرَى فَقَلْتُ:
أَسْتَأْنِسُ، يَا رَسُولَ اللهِ! قَالَ: «نَعَمْ»
فَجَلَسْتُ، فَرَفَعْتُ رَأْسِي فِي النَّبِيِّ فَوَاللهِ!
مَا رَأَيْتُ فِيهِ شَيْئًا يَرُدُّ الْبَصَرَ، إِلَّا أَهْمَّا
ثَلَاثَةَ، فَقَلْتُ: ادْعُ اللَّهَ يَا رَسُولَ اللهِ! أَنْ
يُوَسِّعَ عَلَى أَمْتَكَ، فَقَدْ وُسِّعَ عَلَى فَارِسَ
وَالرُّؤُمِ، وَهُمْ لَا يَعْبُدُونَ اللَّهَ عَزَّ وَجَلَّ -
فَاسْتَوَى جَالِسًا ثُمَّ قَالَ: «أَفِي شَكٍّ أَنْتَ؟
يَا ابْنَ الْحَطَّابِ! أُولَئِكَ قَوْمٌ عَجَلْتُ لَهُمْ
طَبَيَّاً لَهُمْ فِي الْحَيَاةِ الدُّنْيَا» فَقَلْتُ: اسْتَعْفِرُ
لِي يَا رَسُولَ اللهِ! وَكَانَ أَقْسَمَ أَنْ لَا

hides. I said: "Pray to Allâh, O Messenger of Allâh, to make life prosperous for your *Ummah*, for He has made life prosperous for the Persians and Romans, but they do not worship Allâh, the Mighty and Sublime." He sat up straight and said: "Are you doubting, O son of Al-Khaṭṭâb? Their good things have been granted to them in this world." I said: "Pray for forgiveness for me, O Messenger of Allâh." He had sworn that he would not enter upon them for a month, because he was so annoyed with them, until Allâh [the Mighty and Sublime] rebuked him."

[3696] 35 - (1475) Az-Zuhri said: 'Urwah told me that 'Âishah said: "When twenty-nine nights had passed, the Messenger of Allâh ﷺ entered upon me; he started with me. I said: 'O Messenger of Allâh, you swore that you would not enter upon us for a month, but now you have entered on the twenty-ninth day; I have been counting them.' He said: 'The month may be twenty-nine days.' Then he said: 'O 'Âishah, I am going to tell you something, but you do not have to hasten to decide until you consult your parents.'"

"Then he recited to me the 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

يَدْخُلَ عَلَيْهِنَّ شَهْرًا مِنْ شِدَّةِ مَوْجِدَتِهِ
عَلَيْهِنَّ حَتَّىٰ عَاتَبَهُ اللَّهُ [عَزَّ وَجَلَّ].

[٣٦٩٦-٣٥] (١٤٧٥) قَالَ الزُّهْرِيُّ :

فَأَخْبَرَنِي عُرْوَةُ عَنْ عَائِشَةَ قَالَتْ : لَمَّا مَضَى
تِسْعُ وَعَشْرُونَ لَيْلَةً ، دَخَلَ عَلَيَّ رَسُولُ
اللَّهِ ﷺ ، بَدَا لِي ، فَقَلَّتْ : يَا رَسُولَ اللَّهِ !
إِنَّكَ أَسْسَمْتَ أَنْ لَا تَدْخُلَ عَلَيْنَا شَهْرًا ،
وَإِنَّكَ دَخَلْتَ مِنْ تِسْعٍ وَعَشْرِينَ ، أَعْذُّهُنَّ .
فَقَالَ : « إِنَّ الشَّهْرَ تِسْعٌ وَعَشْرُونَ » ثُمَّ قَالَ :
« يَا عَائِشَةُ ! إِنِّي ذَاكِرٌ لَكِ أَمْرًا فَلَا عَلَيْكَ أَنْ
لَا تَعْجِلِي فِيهِ حَتَّىٰ تَسْتَأْمِرِي أَبْوَيْكِ ». ثُمَّ
قَرَأَ عَلَيَّ الْآيَةَ : « يَتَأْمِلُهَا الَّتِي قُلَّ
لَأَرْوَاهُكَ » حَتَّىٰ بَلَغَ « أَجْرًا عَظِيمًا ». قَالَتْ
عَائِشَةُ : قَدْ عَلِمْتُ ، وَاللَّهُ أَنَّ أَبَوَيِّ لَمْ يَكُونَا
لِي أُمَّانِي بِفَرَاقِهِ - قَالَتْ - فَقَلَّتْ : أَوْ فِي

and set you free in a handsome manner (divorce). But if you desire Allâh and His Messenger, and the Home of the Hereafter, then verily, Allâh has prepared for *Al-Muhsinât* (good-doers) amongst you an enormous reward.”^[1] [١] ‘Âishah said: “He knew, by Allâh, that my parents would never tell me to leave him. I said: ‘Do I need to consult my parents about this? I desire Allâh and His Messenger and the Home of the Hereafter.’”

Ma’mar said: “Ayyûb told me that ‘Âishah said: ‘Do not tell your wives that I have chosen you.’ The Prophet ﷺ said to her: ‘Allâh has sent me to convey (the message); He did not send me to make things hard for people in the hope that they would make mistakes.’”

Chapter 6. The Woman Who Has Been Irrevocably Divorced Is Not Entitled To Maintenance

[3697] 36 - (1480) It was narrated from Fâtimah bint Qais that Abû ‘Amr bin Hafṣ divorced her irrevocably when he was absent. He sent some barley to her via his agent, and she was angry with that.

He said: “By Allâh, you are not entitled to anything from us.” She came to the Messenger of Allâh ﷺ and told him about that, and he said: “You are not

هَذَا أَشْتَأْمُرُ أَبُوئِي؟ فَإِنِّي أُرِيدُ اللَّهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ.

قالَ مَعْمَرٌ: فَأَخْبَرَنِي أَيُوبُ أَنَّ عَائِشَةَ قَالَتْ: لَا تُخْبِرْ نِسَاءَكَ أَنِّي اخْرَثْتُكَ.

فَقَالَ لَهَا النَّبِيُّ ﷺ: إِنَّ اللَّهَ أَرْسَلَنِي مُبْلِغاً وَلَمْ يُرِسِّلْنِي مُتَعَسِّتاً.

قالَ قَاتَدَةُ: «صَغَّتْ قُلُوبُكُمَا» قالَ مَالَتْ قُلُوبُكُمَا. [راجع: ٣٦٨١]

(المعجم ٦) - (باب المطلقة البائن لا نفقة لها) (التحفة ٦)

[٣٦٩٧-٣٦] (١٤٨٠-١٤٩٧) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى يَخْبِئُ قَالَ: قَرْأَتْ عَلَى مَالِكٍ عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ مَوْلَى الْأَسْوَدِ بْنِ سُفْيَانَ، عَنْ أَبِيهِ سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ فَاطِمَةَ بْنِتِ قَيْسٍ؛ أَنَّ أَبَا عَمْرُو بْنَ حَفْصٍ طَلَقَهَا الْبَتَّةَ وَهُوَ عَابِطٌ، فَأَرْسَلَ إِلَيْهَا وَكِيلَهُ بِشَعِيرٍ، فَسَخَطَتْهُ، فَقَالَ:

^[1] Al-Ahzâb 33:28, 29.

entitled to maintenance from him.” He told her to observe her *Iddah* in the house of Umm Sharîk, then he said: “She is a woman whom my Companions visit. Observe your *Iddah* in the house of Ibn Umm Maktûm, for he is a blind man and you can take off your garments. And when your *Iddah* is over, let me know.”

She said: “When my *Iddah* ended, I told him that Mu‘âwiyah 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.^[1] As for Mu‘âwiyah, he is very poor and has no wealth. Marry Usâmah bin Zaid.’ I did not like that, but he said: ‘Marry Usâmah bin Zaid.’ So I married him, and Allâh caused it to be good and I was envied for that.”

[3698] 37 - (...) It was narrated from Fâtimah bint Qais that her husband divorced her at the time of the Prophet ﷺ, and the maintenance he gave her was very little. When she saw that she said: “By Allâh, I am going to tell the Messenger of Allâh ﷺ. If I am entitled to maintenance I will take what is enough for me, and if I am not entitled to maintenance I will not take anything from him.” She said: “I told the Messenger of Allâh ﷺ about that and he said:

وَاللّٰهُ! مَا لَكِ عَلٰيْنَا مِنْ شَيْءٍ؛ فَجَاءَتْ رَسُولَ اللّٰهِ ﷺ فَذَكَرَتْ ذُلْكَ لَهُ، فَقَالَ: «لَيْسَ لَكِ عَلٰيْهِ نَفَقَةً». فَأَمَرَهَا أَنْ تَعْتَدَ فِي بَيْتِ أُمِّ شَرِيكٍ، ثُمَّ قَالَ: «تِلْكَ امْرَأَةٌ يَعْشَاهَا أَصْحَابِي، اغْتَدَى عِنْدَ ابْنِ أُمِّ مَكْتُومٍ، فَإِنَّهُ رَجُلٌ أَعْمَى، تَضَعِينَ شَيْبَكِ، فَإِذَا حَلَّتِ فَادْبِنِي» - قَالَتْ - فَلَمَّا حَلَّتِ ذَكْرُتْ لَهُ، أَنَّ مُعاوِيَةَ بْنَ أَبِي سُفْيَانَ وَأَبَا جَهْمٍ خَطَّابَانِي، قَالَ رَسُولُ اللّٰهِ ﷺ: «أَمَّا أَبُو جَهْمٍ فَلَا يَضُعُ غَصَّةً عَنْ عَارِيقَهُ، وَأَمَّا مُعاوِيَةَ فَصُعْلُوكُ لَا مَالَ لَهُ، انْكِحْهِ أُسَامَةَ بْنَ زَيْدٍ» فَكَرِهَتْهُ، ثُمَّ قَالَ: «انكِحْهِ أُسَامَةَ» فَنَكْحَتْهُ، فَجَاءَ اللّٰهُ فِيهِ خَيْرًا وَاغْتَبَطْتُ [بِهِ].

[٣٦٩٨] ٣٧ - (...) وَحَدَّثَنَا قُتْبَيَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ يَعْنِي ابْنَ أَبِي حَازِمٍ . وَقَالَ قُتْبَيَةُ أَيْضًا: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَنِ الْقَارِيِّ، - كَلِيْهِمَا - عَنْ أَبِي حَازِمٍ، عَنْ أَبِي سَلَمَةَ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ؛ أَنَّهُ طَلَقَهَا رَوْجُهَا فِي عَهْدِ النَّبِيِّ ﷺ، وَكَانَ أَنْفَقَ عَلَيْهَا نَفَقَةَ دُونٍ، فَلَمَّا رَأَتْ ذَلِكَ قَالَتْ: وَاللّٰهُ! لَا عِلْمَنَّ

[1] See no. 3712.

‘You are not entitled to maintenance or accommodation.’”

رَسُولُ اللَّهِ ﷺ، فَإِنْ كَانَتْ لِي نَفَقَةٌ أَخْدُثُ الَّذِي يُضْلِعُنِي، وَإِنْ لَمْ تَكُنْ لِي نَفَقَةٌ لَمْ أَخْدُ مِنْهُ شَيْئًا، قَالَتْ: فَذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «لَا نَفَقَةَ لَكِ، وَلَا سُكْنَى».

[3699] (...) It was narrated that Abû Salamah said: “I asked Fâtimah bint Qais, and she told me that her Makhzûmî husband divorced her and refused to give her any maintenance. She went to the Messenger of Allâh ﷺ and told him, and the Messenger of Allâh ﷺ said: ‘You are not entitled to any maintenance. Go and stay with Ibn Umm Maktûm, for he is a blind man and you can take off your garments there.’”

[٣٦٩٩] (...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا يَثْرَاثُ عَنْ عُمَرَانَ بْنِ أَبِي أَنَّسٍ، عَنْ أَبِي سَلَمَةَ أَنَّهُ قَالَ: سَأَلْتُ فَاطِمَةَ بِنْتَ قَيْسٍ، فَأَخْبَرَتِنِي أَنَّ زَوْجَهَا الْمَخْزُومِيَّ طَلَقَهَا، فَأَبَى أَنْ يُنْفِقَ عَلَيْهَا، فَجَاءَتِنِي رَسُولُ اللَّهِ ﷺ فَأَخْبَرَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا نَفَقَةَ لَكَ، فَأَنْتَقِلِي، فَأَذْهَبِي إِلَى ابْنِ أُمٍّ مَكْتُومٍ، فَكُونِي عِنْدَهُ، فَإِنَّهُ رَجُلٌ أَعْمَى، تَضَعِّفَنِي شَيْباًكِ عِنْدَهُ».

[3700] 38 - (...) Abû Salamah narrated that Fâtimah bint Qais, the sister of Ad-Dâhhâk bin Qais, told him, that Abû Hafṣ bin Al-Mughîrah Al-Makhzûmî divorced her three times, then he went to Yemen. His people said to her: “You are not entitled to maintenance from us.” Khâlid bin Al-Wâlîd came with a group of people to the Messenger of Allâh ﷺ in the house of Maimûnah and said: “Abû Hafṣ has divorced his wife three times; is she entitled to

[٣٧٠٠] (...) وَحَدَّثَنِي مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا حُسَيْنُ بْنُ مُحَمَّدٍ: حَدَّثَنَا شَيْبَانُ عَنْ يَحْيَى وَهُوَ ابْنُ أَبِي كَثِيرٍ: أَخْبَرَنِي أَبُو سَلَمَةُ؛ أَنَّ فَاطِمَةَ بِنْتَ قَيْسٍ أُحْتَضَرَ الضَّحَّاكُ بْنُ قَيْسٍ أَخْبَرَهُ؛ أَنَّ أَبَا حَفْصِي بْنَ الْمُغَبَّرَةِ الْمَخْزُومِيَّ طَلَقَهَا ثَلَاثَةً، ثُمَّ انْطَلَقَ إِلَى الْيَمَنِ، فَقَالَ لَهَا أَهْلُهُ: لَيْسَ لَكِ عَلَيْنَا نَفَقَةً، فَانْطَلَقَ خَالِدُ بْنُ الْوَلِيدِ فِي نَفَرٍ،

maintenance?” The Messenger of Allâh ﷺ said: “She is not entitled to maintenance, but she has to observe the *Iddah*.” And he sent word to her, saying: “Do not be hasty in making a decision concerning yourself (without consulting me).” He told her to move to (the house of) Umm Sharîk, then he sent word saying: “Umm Sharîk is visited by the first *Muhâjirîn*. Go to Ibn Umm Maktûm, the blind man, for if you take off your *Khimâr* (head cover) he will not see you.” So she went and stayed there, and when her *Iddah* was over, the Messenger of Allâh ﷺ married her to Usâmah bin Zaid bin Hârithah.

[3701] 39 - (...) Abû Salamah narrated that he wrote down what Fâtimah bint Qais said: “I was married to a man from Banû Makhzûm, and he divorced me irrevocably. I sent word to his people asking for maintenance...” and they quoted a *Hadîth* like that of Yahyâ bin Abî Kathîr from Abû Salamah (no. 3700), except that in the *Hadîth* of Muhammâd bin ‘Amr (a narrator) it says: “Do not hasten to make a decision without letting us know.”

فَأَتُوا رَسُولَ اللَّهِ ﷺ فِي بَيْتِ مَيْمُونَةَ،
فَقَالُوا: إِنَّ أَبَا حَفْصِي طَلَّقَ امْرَأَتَهُ
ثَلَاثًا، فَهُلْ لَهَا مِنْ نَفَقَةٍ؟ فَقَالَ رَسُولُ
اللَّهِ ﷺ: «لَيَسْتَ لَهَا نَفَقَةٌ، وَعَلَيْهَا
الْعِدَّةُ». وَأَرْسَلَ إِلَيْهَا: «أَنْ لَا تَسْقِينِي
بِنَسِيلِكِ»، وَأَمَرَهَا أَنْ تَتَقَلَّبَ إِلَى أُمْ
شَرِيكِ، ثُمَّ أَرْسَلَ إِلَيْهَا: «أَنْ أُمَّ شَرِيكَ
يَأْتِيهَا الْمُهَاجِرُونَ الْأَوْلُونَ، فَانْطَلَقَي
إِلَى أَبْنِ أُمِّ مَكْتُومِ الْأَعْمَى، فَإِنَّكِ إِذَا
وَضَعْتِ خِمَارَكِ، لَمْ يَرِكِ» فَانْطَلَقَتْ
إِلَيْهِ، فَلَمَّا مَضَتْ عَلَيْهَا أَنْكَحَهَا رَسُولُ
اللَّهِ ﷺ أَسَامِةً بْنَ زَيْدَ بْنَ حَارِثَةَ.

[3701] 39 - (...) حَدَّثَنَا يَحْيَى
ابْنُ أَيُوبَ وَقَتِيْلَةَ بْنَ سَعِيدٍ وَابْنَ حُجْرَةَ
قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ يَعْنُونَ بْنَ جَعْفَرَ
عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ أَبِي سَلَمَةَ،
عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ؛ وَحَدَّثَنَا أَبُو بَكْرٍ
ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ:
حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرُو: حَدَّثَنَا أَبُو سَلَمَةَ
عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَ: كَتَبْتُ ذَلِكَ
مِنْ فِيهَا كِتَابًا. قَالَ: كُنْتُ عِنْدَ رَجُلٍ
مِنْ بَنْيِ مَخْزُومٍ فَطَلَّقَنِي الْبَنَةُ، فَأَرْسَلْتُ
إِلَى أَهْلِهِ أَبْتَغِي النَّفَقَةَ، وَاقْتَصُّوا الْحَدِيثَ
بِمَعْنَى حَدِيثِ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي

سَلَمَةَ، عَيْرَ أَنَّ فِي حَدِيثِ مُحَمَّدٍ بْنِ عَمْرِو: «لَا تَفْوِيتَنَا بِتَفْسِيْكِ».

[٣٧٠٢] ٤٠ - (...) حَدَّثَنَا حَسْنُ

ابْنُ عَلَيِّ الْحَلْوَانِيِّ وَعَبْدُ بْنُ حُمَيْدٍ، جَمِيعًا عَنْ يَعْقُوبَ بْنِ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ، عَنِ ابْنِ شَهَابٍ؛ أَنَّ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ ابْنَ عَوْفِ أَخْبَرَهُ، أَنَّ فَاطِمَةَ بِنْتَ قَيْسٍ أَخْبَرَتْهُ؛ أَنَّهَا كَانَتْ تَحْتَ أَبِي عَمْرِو بْنِ حَفْصٍ بْنِ الْمُغِيرَةِ، فَطَلَّقَهَا آخِرَ ثَلَاثَ تَطْلِيقَاتٍ، فَرَعَمَتْ أَنَّهَا جَاءَتْ رَسُولَ اللَّهِ ﷺ سَهْفَتِهِ فِي خُرُوجِهَا مِنْ بَيْتِهَا، فَأَمْرَرَهَا أَنْ تَتَقَلَّ إِلَى ابْنِ أُمِّ مَكْتُومٍ الْأَعْمَى، فَأَبَى مَرْوَانُ أَنْ يُصَدِّقَهُ فِي خُرُوجِ الْمُطَلَّقَةِ مِنْ بَيْتِهَا، وَقَالَ عُرْوَةُ: إِنَّ عَائِشَةَ أَنْكَرَتْ ذَلِكَ عَلَى فَاطِمَةَ بِنْتَ قَيْسٍ.

[٣٧٠٣] (...) وَحَدَّثَنِيهِ مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا حُجَّيْنٌ: حَدَّثَنَا الْلَّئُثُ عَنْ عُقَيْلٍ، عَنِ ابْنِ شَهَابٍ، بِهَذَا الإِسْنَادِ مِثْلُهُ، مَعَ قَوْلِ عُرْوَةَ: إِنَّ عَائِشَةَ أَنْكَرَتْ ذَلِكَ عَلَى فَاطِمَةَ.

[١] (...) A similar report (as no. 3702) was narrated from Shihâb with this chain, as well of the comment of 'Urwah about 'Aishah's objection to Fâtimah bint Qais.

[١] Meaning, later after the death of the Prophet ﷺ, when she heard that Fâtimah narrated this about a woman observing her 'Iddah in other than her husband's house.

[3704] 41 - (...) It was narrated from ‘Ubaidullâh bin ‘Abdullâh bin ‘Utbah that Abû ‘Amr bin Hafṣ bin Al-Mughîrah set out with ‘Alî bin Abî Tâlib for Yemen, and he sent word to his wife Fâtimah bint Qais with her final divorce, and told Al-Hârith bin Hishâm and ‘Ayyâsh bin Abî Rabî‘ah to give her some maintenance. They said to her: “By Allâh, you will not have any maintenance unless you are pregnant.” She came to the Prophet ﷺ and told him what they had said, and he said: “There is no maintenance for you.” She asked him for permission to move, and he gave her permission. She said: “Where, O Messenger of Allâh?” He said: “To Ibn Umm Maktûm.” He was blind, so she could take off her garments in his house and he would not see her. When her *Iddah* was over, the Prophet ﷺ married her to Usâmah bin Zaid. Marwân sent Qabisah bin Dhuwaib to her to ask her about this *Hadîth*, and she narrated it to him. Marwân said: “We have only heard this *Hadîth* from a woman, so we will follow what we are certain of, which is what we found the people following.” When news of what Marwân said reached Fâtimah she said: “Between you and I is the Qur’ân. Allâh, Most High, says: “...And turn them

٤١ [٣٧٠٤] حَدَّثَنَا إِسْحَاقُ
بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ - وَاللَّفْظُ
لِعَبْدٍ - قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا
مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ
اللَّهِ بْنِ عُتْبَةَ: أَنَّ أَبَا عَمْرُو بْنَ حَفْصٍ بْنِ
الْمُغِيْرَةِ خَرَجَ مَعَ عَلَيْهِ بْنِ أَبِي طَالِبٍ إِلَى
الْيَمَنِ، فَأُرْسَلَ إِلَى امْرَأَتِهِ فَاطِمَةَ بِنْتِ
قَيْسٍ بِتَطْلِيقَتِهِ كَانَتْ بَقِيَّتْ مِنْ طَلاقَهَا،
وَأَمَرَ لَهَا الْحَارِثَ بْنَ هَشَامٍ وَعَيَّاشَ بْنَ
أَبِي رَبِيعَةِ بِنَفَقَتِهِ فَقَالَا لَهَا: وَاللَّهِ! مَا لَكِ
نَفَقَةٌ إِلَّا أَنْ تَكُونِي حَامِلًا، فَأَتَتْ
النِّبِيَّ ﷺ فَذَكَرَتْ لَهُ قُولَهُمَا، فَقَالَ: «لَا
نَفَقَةَ لَكِ» فَاسْتَأْذَنَتْهُ فِي الْاِنْتِقَالِ فَأَذْنَ
لَهَا، فَقَالَتْ: أَيْنَ؟ يَا رَسُولَ اللَّهِ! قَالَ:
«إِلَى ابْنِ أُمٍّ مَكْتُومٍ» وَكَانَ أَعْمَى، تَضَعُ
ثِيَابَهَا عَنْهُ وَلَا يَرَاهَا، فَلَمَّا مَضَتْ عَدَنُّهَا
أَنْكَحَهَا النِّبِيُّ ﷺ أَسَامَةَ بْنَ زَيْدٍ، فَأُرْسَلَ
إِلَيْهَا مَرْوَانُ قِيسَةَ بْنَ دُوَيْبٍ يَسْأَلُهَا عَنِ
الْحَدِيثِ، فَحَدَّثَتْهُ بِهِ، فَقَالَ مَرْوَانُ: لَمْ
تَسْمَعْ هَذَا الْحَدِيثَ إِلَّا مِنْ امْرَأَةِ،
سَنَأْخُذُ بِالْعَصْمَةِ الَّتِي وَجَدْنَا النَّاسَ
عَلَيْهَا، فَقَالَتْ فَاطِمَةُ - حِينَ بَلَغَهَا قَوْلُ
مَرْوَانَ -: فَبَيْنِي وَبَيْنِكُمُ الْقُرْآنُ، قَالَ اللَّهُ
تَعَالَى: «لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ»

not out of their (husband's) homes...”^[1] She said: “This is for one whose divorce is revocable, so what new thing will Allâh bring to pass after the third (irrevocable divorce)? How can you say that she is not entitled to maintenance if she is not pregnant? On what grounds do you detain her?”

[3705] 42 - (...) It was narrated that Ash-Sha'bî said: “I entered upon Fâtimah bint Qais, and I asked her about the ruling of the Messenger of Allâh ﷺ concerning her. She said: ‘My husband divorced me irrevocably, and I referred my dispute with him about maintenance and accommodation to the Messenger of Allâh ﷺ. He did not grant me any accommodation nor maintenance, and he told me to observe my *Iddah* in the house of Ibn Umm Maktûm.’”

[3706] (...) It was narrated from Ash-Sha'bî that he said: “I entered upon Fâtimah bint Qais...” a *Hadîth* like that of Zuhair from Hushaim (no. 3705).

[الطلاق : ١] الآية. قَالْتُ: هَذَا لِمَنْ كَانَتْ لَهُ مُرَاجَعَةً، فَأَيُّ أَمْرٍ يَحْدُثُ بَعْدَ التَّلَاقِ؟ فَكَيْفَ تَقُولُونَ: لَا نَفْقَةَ لَهَا إِذَا لَمْ تَكُنْ حَامِلًا؟ فَعَلَامَ تَحْسِنُوهَا؟ .

[٣٧٠٥] [٤٢] (...) وَحَدَّثَنِي زُهَيرٌ ابْنُ حَرْبٍ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا سَيَارٌ وَحُصَيْنٌ وَمُغِيرَةٌ وَأَشْعَثُ وَمَجَالِدُ وَإِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ وَدَاؤُدُ - قَالَ دَاؤُدُ حَدَّثَنَا - كُلُّهُمْ عَنِ الشَّعَيْبِيِّ قَالَ: دَخَلْتُ عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ، فَسَأَلْتُهَا عَنْ قَضَاءِ رَسُولِ اللَّهِ ﷺ عَنِيهَا، قَالَتْ: طَلَّقَهَا زَوْجُهَا الْبَتَّةُ، فَقَالَتْ: فَخَاصَمْتُهُ إِلَى رَسُولِ اللَّهِ ﷺ فِي السُّكْنَى وَالنَّفَقَةِ، قَالَتْ: فَلَمْ يَجْعَلْ لِي سُكْنَى وَلَا نَفَقَةً، وَأَمَرَنِي أَنْ أَعْتَدَ فِي بَيْتِ ابْنِ أُمٍّ مَكْتُومٍ.

[٣٧٠٦] (...) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا هُشَيْمٌ عَنْ حُصَيْنٍ وَدَاؤُدَ وَمُغِيرَةٍ وَإِسْمَاعِيلَ وَأَشْعَثَ، عَنِ الشَّعَيْبِيِّ؛ أَنَّهُ قَالَ: دَخَلْتُ عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ، بِمُثْلٍ حَدِيثِ زُهَيرٍ عَنْ هُشَيْمٍ.

^[1] *At-Talâq* 65:1.

[3707] 43 - (...) Ash-Sha'bî said: "We entered upon Fâtimah bint Qais and she offered us fresh dates and *Sawiq*. We asked her about the woman who has been thrice divorced - where should she observe her *Iddah*? She said: 'My husband divorced me three times, and the Prophet ﷺ gave me permission to observe my *Iddah* among my family.'"

[٣٧٠٧] ٤٣ - (...) حَدَّثَنَا يَحْيَى بْنُ حَبِيبٍ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ الْهُجَيْمِيُّ: حَدَّثَنَا فُرَّةُ: حَدَّثَنَا سَيَّارٌ أَبُو الْحَكَمَ: حَدَّثَنَا الشَّعْبِيُّ قَالَ: دَخَلْنَا عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ فَأَتَحْتَنَا بِرُطْبِ ابْنِ طَابٍ، وَسَقَتْنَا سَوِيقَ سُلْتَ، فَسَأَلْنَاهَا عَنِ الْمُطْلَقَةِ ثَلَاثًا أَيْنَ تَعْتَدُ؟ قَالَتْ: طَلَقْنِي بَعْلِي ثَلَاثًا، فَأَذْنَ لِي النَّبِيُّ ﷺ أَنْ أَعْتَدَ فِي أَهْلِي.

[3708] 44 - (...) It was narrated from Ash-Sha'bî, from Fâtimah bint Qais, that concerning a woman who has been thrice divorced, the Prophet ﷺ said: "She is not entitled to accommodation nor maintenance."

[٣٧٠٨] ٤٤ - (...) حَدَّثَنَا مُحَمَّدُ بْنُ الْمُسْتَى وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفِيَّانُ عَنْ سَلَمَةَ بْنِ كُعْبَيْلٍ، عَنِ الشَّعْبِيِّ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ عَنِ النَّبِيِّ ﷺ فِي الْمُطْلَقَةِ ثَلَاثًا، قَالَ: «لَيْسَ لَهَا شُكْرٌ وَلَا نَفَقَةً».

[3709] 45 - (...) It was narrated from Ash-Sha'bî that Fâtimah bint Qais said: "My husband divorced me three times, and I wanted to move. I went to the Prophet ﷺ and he said: 'Move to the house of your cousin 'Amr bin Umm Maktûm, and observe your *Iddah* there.'"

[٣٧٠٩] ٤٥ - (...) وَحَدَّثَنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ: أَخْبَرَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا عَمَّارُ بْنُ رُزْبَقَ عَنْ أَبِي إِسْحَاقَ، عَنِ الشَّعْبِيِّ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَتْ: طَلَقْنِي زَوْجِي ثَلَاثًا، فَأَرْدَثُ الْقُلَّةَ، فَأَتَيْتُ النَّبِيِّ ﷺ، فَقَالَ: «اَنْتِقْلِي إِلَى بَيْتِ ابْنِ عَمِّكَ عَمِّرِو بْنِ أَمْ مَكْتُومٍ، فَاعْتَدْيِ عِنْدَهُ».

[3710] 46 - (...) It was narrated that Abû Ishâq said: "I was with Al-Aswad bin Yazîd, sitting in the grand *Masjid*,^[1] and Ash-Shâ'bî was with us. Ash-Shâ'bî narrated the *Hadîth* of Fâtîmah bint Qais, that the Messenger of Allâh ﷺ did not grant to her any accommodation nor maintenance. Then Al-Aswad took a handful of pebbles and threw them at him, and said: 'Woe to you for narrating such a thing. 'Umar said: We will not leave the Book of Allâh and the *Sunnah* of our Prophet ﷺ for the words of a woman when we do not know whether she remembered or forgot. She is entitled to accommodation and maintenance. And he recited the verse: "...And turn them not out of their (husband's) homes nor shall they (themselves) leave, except in case they are guilty of some open *Fâhišah*..."^[2]

[٣٧١٠] ٤٦ - (...) وَحَدَّثَاهُ

مُحَمَّدُ ابْنُ عَمْرِو بْنِ جَبَلَةَ: أَخْبَرَنَا أَبُو أَحْمَدَ: حَدَّثَنَا عَمَّارُ بْنُ رُزَيْقٍ عَنْ أَبِي إِسْحَاقِ قَالَ: كُنْتُ مَعَ الْأَسْوَدِ بْنِ يَزِيدَ جَالِسًا فِي الْمَسْجِدِ الْأَعْظَمِ، وَمَعَنَا الشَّعْبِيُّ، فَحَدَّثَ الشَّعْبِيُّ بِحَدِيثِ فَاطِمَةَ بِنْتِ قَيْسٍ، أَنَّ رَسُولَ اللَّهِ ﷺ لَمْ يَجْعَلْ لَهَا سُكْنَىٰ وَلَا نَفَقَةً، ثُمَّ أَخَذَ الْأَسْوَدَ كَفَّاً مِنْ حَصْنِ فَحَصَبَهُ بِهِ، قَالَ: وَيْلَكَ! تُحَدِّثُ بِمِثْلِ هَذَا، قَالَ عُمَرُ: لَا تُشْرُكُ بِكَاتِبَ اللَّهِ وَمُسْتَهَدِّيَنَّا لِقُولِ امْرَأَةٍ، لَا نَدْرِي لِعَلَّهَا حَفِظَتْ أَوْ نَسِيَتْ لَهَا السُّكْنَىٰ وَالنَّفَقَةَ، [وَتَلَّا الْآيَةَ] قَالَ اللَّهُ عَزَّ وَجَلَّ: «لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يُخْرُجُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَحْشَةٍ مُبَيِّنَةٍ»

[الطلاق: ١].

[3711] (...) A *Hadîth* similar to that of Abû Ahmâd from 'Ammâr bin Ruzaiq (no. 3710) was narrated from Abû Ishâq with this chain.

[٣٧١١] ٤٦ - (...) وَحَدَّثَنَا أَحْمَدُ بْنُ

عَبْدَةَ الصَّبِيُّ: حَدَّثَنَا أَبُو دَاؤُدَ: حَدَّثَنَا سُلَيْمَانُ بْنُ مُعاذٍ عَنْ أَبِي إِسْحَاقِ بِهِذَا إِلْسَنَادِ، تَحْوَى حَدِيثَ أَبِي أَحْمَدَ عَنْ عَمَّارِ بْنِ رُزَيْقٍ بِقُصَّتِهِ.

^[1] Meaning the grand *Masjid* of Al-Kûfah, for Abû Ishâq, Al-Aswad, and Ash-Shâ'bî were all in Al-Kûfah.

^[2] *At-Talâq* 65:1.

[3712] 47 - (...) It was narrated that Abû Bakr bin Abî Al-Jahm bin Şukhair Al-'Adawî said: "I heard Fâtimah bint Qais say that her husband divorced her thrice, and the Messenger of Allâh ﷺ did not grant her any accommodation or maintenance. She said: 'The Messenger of Allâh ﷺ said to me: "When your 'Iddah is over, let me know." So she let him know, and Mu'âwiyah, Abû Jahm and Usâmah bin Zaid proposed to her. The Messenger of Allâh ﷺ said: "As for Mu'âwiyah, he is a poor man who has no wealth. As for Abû Jahm, he is a man who beats women. But (choose) Usâmah bin Zaid." She gestured with her hand like this, (as if expressing disapproval), saying said: "Usâmah!? Usâmah!?" But the Messenger of Allâh ﷺ said to her: "Obedience to Allâh and obedience to His Messenger is better for you." She said: 'So I married him and I was envied.'"

[3713] 48 - (...) It was narrated that Abû Bakr bin Abî Al-Jahm said: "I heard Fâtimah bint Qais say: 'My husband Abû 'Amr bin Hafş bin Al-Mughîrah sent 'Ayyâsh bin Abî Rabî'ah to me with word of my divorce, and he sent with him five ſâ's of dates and five ſâ's of barley. I said: "Do I get no maintenance other than this? And am I not to observe my 'Iddah in your home?" He said: "No." She said:

[٣٧١٢] ٤٧ - (...) وَحَدَّثَنَا أَبُو بَكْرُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعُ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي بَكْرٍ بْنِ أَبِي الْجَهْمِ بْنِ صُحَيْرٍ الْعَدَوِيِّ قَالَ: سَمِعْتُ فَاطِمَةَ بِنْتَ قَيْسٍ تَقُولُ: إِنَّ رَوْجَهَا طَلَقَهَا ثَلَاثَةً، فَلَمْ يَجْعَلْ لَهَا رَسُولُ اللَّهِ سُكْنَى وَلَا نَفَقَةً - قَالَتْ - : قَالَ لِي رَسُولُ اللَّهِ إِذَا حَلَّتِ فَاتِنِينِي» فَأَذْتُهُ، فَخَطَّبَهَا مُعَاوِيَةً وَأَبُو جَهْمٍ وَأَسَامَةً بْنُ رَيْدًا، فَقَالَ رَسُولُ اللَّهِ «أَمَّا مُعَاوِيَةُ فَرَجَّلَ تَرِبًّا لَا مَالَ لَهُ، وَأَمَّا أَبُو جَهْمٍ فَرَجَّلَ ضَرَابُ النِّسَاءِ، وَلِكِنْ أَسَامَةً [بْنُ رَيْدًا]» فَقَالَتْ يَنِيدُهَا هَكَذَا: أَسَامَةُ! أَسَامَةُ! فَقَالَ لَهَا رَسُولُ اللَّهِ: «طَاعَةُ اللَّهِ وَطَاعَةُ رَسُولِهِ خَيْرٌ لَكِ» قَالَتْ : فَتَرَوْجِيَتْهُ فَاغْتَيَطَتْ.

[٣٧١٣] ٤٨ - (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ عَنْ سُفْيَانَ، عَنْ أَبِي بَكْرٍ بْنِ أَبِي الْجَهْمِ قَالَ: سَمِعْتُ فَاطِمَةَ بِنْتَ قَيْسٍ تَقُولُ: أَرْسَلَ إِلَيَّ رَوْجِي أَبُو عَمْرُو بْنُ حَفْصٍ بْنِ الْمُغَيْرَةِ، عَيَّاشَ بْنَ أَبِي رَيْعَةَ بِطَلَاقِي : [وَ] أَرْسَلَ مَعَهُ بِخَمْسَةِ أَصْعُ تَمْرٍ، وَخَمْسَةِ أَصْعُ شَعِيرٍ، فَقُلْتُ: أَمَّا لِي نَفَقَةٌ

"I got dressed and went to the Messenger of Allâh ﷺ. He said: 'How many times has he divorced you?' I said: 'Three.' He said: 'He is right, you are not entitled to maintenance. Observe your *Iddah* in the house of your cousin 'Amr bin Umm Maktûm, for he is blind and you can take off your garments there. When your *Iddah* is over, let me know.' Some men proposed to me, including Mu'âwiyah and Abû Al-Jahm. The Prophet ﷺ said to me: 'Mu'âwiyah is poor and destitute, and Abû Al-Jahm is harsh towards women' - or 'he beats women,' or words to that effect - 'but you should marry Usâmah bin Zaid.'"

إِلَّا هَذَا؟ وَلَا أَعْتَدُ فِي مَتْرِلَكُمْ؟ قَالَ: لَا، قَالَتْ: فَشَدَّدْتُ عَلَيَّ ثَيَابِي، وَأَتَيْتُ رَسُولَ اللَّهِ ﷺ، فَقَالَ: «كُمْ طَلَقُكُمْ؟» قُلْتُ: ثَلَاثًا. قَالَ: «صَدَقَ، لِيَسْ لَكِ نَفَقَةً، اغْتَدِي فِي بَيْتِ ابْنِ عَمِّكِ [عَمِّرُوا ابْنَ أُمِّ مَكْتُومٍ، فَإِنَّهُ ضَرِيرُ الْبَصَرِ، تُلْقِي نُوبَكِ عَيْنَهُ، فَإِذَا انْقَضَتْ عِدَّتُكِ فَادْنِسِي】» قَالَتْ: فَخَطَبَنِي خُطَابٌ، مِنْهُمْ مُعاوِيَةٌ وَأَبُو الْجَهَنْمِ، فَقَالَ النَّبِيُّ ﷺ: «إِنَّ مُعاوِيَةَ تَرْبُ خَفِيفُ الْحَالِ، وَأَبُو الْجَهَنْمِ مِنْهُ شَدَّةٌ عَلَى النِّسَاءِ - أَوْ يَصْرِبُ النِّسَاءَ، أَوْ نَحْوُ هَذَا - وَلِكُنْ عَلَيْكِ بِأَسَامَةَ ابْنِ زَيْدٍ».

[٣٧١٤] ٤٩-(...) وَحدَثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا أَبُو عَاصِمٍ: حَدَّثَنَا سُفْيَانُ الثَّوْرِيُّ: حَدَّثَنِي أَبُو بَكْرِ ابْنِ أَبِي الْجَهَنْمِ قَالَ: دَخَلْتُ أَنَا وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ، فَسَأَلْنَاهَا فَقَالَتْ: كُنْتُ عِنْدَ أَبِي عَمِّرِو بْنِ حَفْصٍ بْنِ الْمُغِيرَةِ، فَخَرَجَ فِي غَزْوَةِ نَجْرَانَ، وَسَاقَ الْحَدِيثَ بِنَحْوِ حَدِيثِ ابْنِ مَهْدِيٍّ، وَرَأَدَ: قَالَتْ: فَتَرَوْجُتُهُ فَشَرَّفَنِي اللَّهُ بِأَبِي زَيْدٍ، وَكَرَّمَنِي اللَّهُ بِأَبِي زَيْدٍ.

[3715] 50 - (...) Abû Bakr said: “Abû Salamah and I entered upon Fâtimah bint Qais during the time of Ibn Az-Zubair, and she told us that her husband had divorced her irrevocably...” a *Hadîth* like that of Sufyân (no. 3714).

[٣٧١٥]-٥٠ (....) وَحَدَّثَنَا عُبَيْدُ
اللَّهِ بْنُ مُعَاذَ الْعَنَبِرِيُّ: حَدَّثَنَا أَبِي:
حَدَّثَنَا شُعْبَةُ: حَدَّثَنِي أَبُو بَكْرٍ قَالَ:
دَخَلْتُ أَنَا وَأَبُو سَلَمَةَ عَلَى فَاطِمَةَ بِنْتِ
قَيْسٍ، رَمَنَ ابْنِ الزَّبِيرِ، فَحَدَّثَنَا أَنَّ
رَوْجَهَا طَلَقَهَا طَلَاقًا بَاتَّا، يَنْحُوا حَدِيثُ
سُفِيَانَ.

[3716] 51 - (...) It was narrated that Fâtimah bint Qais said: “My husband divorced me three times, and the Messenger of Allâh ﷺ did not grant me any accommodation nor maintenance.”

[٣٧١٦]-٥١ (....) وَحَدَّثَنِي
حَسَنُ بْنُ عَلَيٍ الْحُلَوَانِيُّ: حَدَّثَنَا يَحْيَى
ابْنُ آدَمَ: حَدَّثَنَا حَسَنُ بْنُ صَالِحٍ عَنْ
السُّدِّيِّ، عَنِ الْأَبْهِيِّ، عَنْ فَاطِمَةَ بِنْتِ
قَيْسٍ قَالَتْ: طَلَقَنِي رَوْجِي ثَلَاثَةً، فَلَمْ
يَجْعَلْ لِي رَسُولُ اللَّهِ سُكْنَى وَلَا
نَفَقَةً.

[3717] 52 - (1481) It was narrated from Hishâm: “My father told me: ‘Yahyâ bin Sa’eed bin Al-‘Aş married the daughter of ‘Abdur-Râhmân bin Al-Hakam, then he divorced her and expelled her out of his house. ‘Urwah criticized them for that, and they said: ‘Fâtimah went out (of her husband’s house).’ ‘Urwah said: ‘I went to ‘Aishah and told her about that. She said: ‘There is nothing good for Fâtimah bint Qais in narrating this *Hadîth*.’”

[٣٧١٧]-٥٢ (١٤٨١) وَحَدَّثَنَا أَبُورِ
كُرَيْبٍ: حَدَّثَنَا أَبُو أَسَامَةَ عَنْ هَشَامٍ:
حَدَّثَنِي أَبِي قَالَ: تَزَوَّجَ يَحْيَى بْنُ سَعِيدٍ
ابْنِ الْعَاصِي بِنْ عَبْدِ الرَّحْمَنِ بْنِ
الْحَكَمِ، فَطَلَقَهَا فَأَخْرَجَهَا مِنْ عِنْدِهِ،
فَعَابَ ذَلِكَ عَلَيْهِمْ عُرُوهَةُ، فَقَالُوا: إِنَّ
فَاطِمَةَ قَدْ خَرَجَتْ. قَالَ عُرُوهَةُ: فَأَتَيْتُ
عَائِشَةَ فَأَخْبَرْتُهَا بِذَلِكَ قَالَتْ: مَا لِفَاطِمَةَ
بِنْتِ قَيْسٍ خَيْرٌ [في] أَنْ تَدْخُلَ هَذَا
الْحَدِيثَ. [انظر: ٣٧١٩]

[3718] 53 - (1482) It was narrated that Fâtimah bint Qais said: "I said: 'O Messenger of Allâh, my husband has divorced me three times, and I am afraid that someone may break in.' So he told her to move."

[٣٧١٨] ٥٣ - (١٤٨٢) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَّىٰ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ: حَدَّثَنَا هِشَامٌ عَنْ أَبِيهِ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ! زَوْجِي طَلَقَنِي ثَلَاثَةً، وَأَخَافُ أَنْ يُقْتَحِمَ عَلَيَّ. قَالَ: فَأَمْرَهَا فَتَحَوَّلَتْ.

[3719] 54 - (1481)^[1] It was narrated from 'Âishah that she said: "There is nothing good for Fâtimah in narrating this" (a *Hadîth* similar to no. 3717)- meaning, that she had no accommodation or maintenance.

[٣٧١٩] ٥٤ - (١٤٨١) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَّىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: مَا لِفَاطِمَةَ خَيْرٌ أَنْ تَذَكَّرْ هَذَا - تَعْنِي قَوْلَاهَا: لَا سُكْنَىٰ وَلَا نَفَقَةٌ. [راجع:

[٣٧١٧]

[3720]... - (...) It was narrated from 'Abdur-Râhmân bin Al-Qâsim that his father said: "'Urwah bin Az-Zubair said to 'Âishah: 'Do you not see so-and-so the daughter of Al-Hakam? Her husband divorced her three times and she left.' She said: 'It is a bad thing that she has done.' He said: 'Have you not heard what Fâtimah says?' She said: 'There is nothing good for her in mentioning that.'"

[٣٧٢٠] (...) وَحَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ عَنْ سُفْيَانَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ قَالَ: قَالَ عُرْوَةُ بْنُ الزُّبَيرِ لِعَائِشَةَ: أَلَمْ تَرِي إِلَى فُلَانَةَ بِنْتَ الْحَكَمِ؟ طَلَقَهَا زَوْجُهَا الْبَتَّةُ فَخَرَجَتْ، فَقَالَتْ: بِشَمَّا صَنَعْتَ، فَقَالَ: أَلَمْ تَسْمَعِي إِلَى قَوْلِ فَاطِمَةَ؟ فَقَالَتْ: أَمَا إِنَّهُ لَا خَيْرٌ لَهَا فِي ذِكْرِ ذَاكَ.

^[1] The sequence is like this in the text.

Chapter 7. It Is Permissible For A Women Who Is Observing 'Iddah After An Irrevocable Divorce Or The Death Of Her Husband To Go Out During The Day If She Needs To

[3721] 55 - (1483) Jâbir bin 'Abdullâh said: "My maternal aunt was divorced and she wanted to harvest her date palms. A man rebuked her for going out, so she went to the Prophet ﷺ (inquiring about going out during 'Iddah) and he said: 'No, go and harvest your date palms, for perhaps you will give charity or do an act of kindness.'"

Chapter 8. The 'Iddah Of A Woman Whose Husband Had Died, And The Like, Ends When She Gives Birth

[3722] 56 - (1484) 'Ubaidullâh bin 'Abdullâh bin 'Utbah bin Mas'ûd narrated that his father wrote to 'Umar bin 'Abdullâh bin Al-Arqam Az-Zuhri, telling him to go to Subai'ah bint Al-Hârith Al-Aslamiyyah to ask her about

(المعجم ٧) - (باب جواز خروج المعتدة البائنة والمتوفى عنها زوجها في النهار لحاجتها) (التحفة ٧)

[٣٧٢١] ٥٥ - (١٤٨٣) وحدّثني مُحَمَّدُ بْنُ حَاتِمٍ بْنِ مَيْمُونٍ: حَدَّثَنَا يَحْيَى ابْنُ سَعِيدٍ عَنْ ابْنِ جُرَيْحٍ؛ وَحَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: حَدَّثَنِي ابْنُ جُرَيْحٍ؛ قَالَ: وَحَدَّثَنِي هَرُونُ بْنُ عَبْدِ اللَّهِ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا حَاجَاجُ بْنُ مُحَمَّدٍ قَالَ: قَالَ ابْنُ جُرَيْحٍ: أَخْبَرَنِي أَبُو الزُّبِيرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: طَلَقْتُ خَالِتِي، فَأَرَادَتْ أَنْ تَسْجُدَ تَحْلِهَا، فَزَجَرَهَا رَجُلٌ أَنْ تَخْرُجَ، فَأَتَتِ النِّبِيَّ ﷺ فَقَالَ: «بَلَى، فَجُدِّي تَخْلِكِ، فَإِنَّكِ عَسَى أَنْ تَصَدِّقَ فِي أَوْ تَعْلَمَ مَعْرُوفًا».

(المعجم ٨) - (باب انقضاء عدة المتوفى عنها وغيرها، بوضع الحمل) (التحفة ٨)

[٣٧٢٢] ٥٦ - (١٤٨٤) وحدّثني أبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَى - وَتَقَارَبَا فِي الْفَقْطِ قَالَ حَرْمَلَةُ: حَدَّثَنَا، وَقَالَ أَبُو الطَّاهِرِ: أَخْبَرَنَا - ابْنُ وَهْبٍ: حَدَّثَنِي

her *Hadîth*, and what the Messenger of Allâh ﷺ 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 Sa‘d bin Khawlah, one of Banû ‘Amir bin Lu’ayy, who was one of those who had been present at (the Battle of) Badr. He died during the Farewell Pilgrimage while she was pregnant, and she gave birth shortly after he died. When her *Nifâs* ended, she adorned herself to receive offers of marriage. Abû As-Sanâbil bin Ba‘kak - a man from Banû ‘Abd Ad-Dâr - entered upon her and said to her: “Why do I see you beautified? Perhaps you are hoping to get married? 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 got dressed that evening and went to the Messenger of Allâh ﷺ and asked him about that. He advised me that my *Iddah* had ended when I gave birth, and he told me to get married if I wanted to.”

Ibn Shihâb said: “I do not see anything wrong with (a woman) getting married after she has given birth, even if she is still bleeding, but her husband should not come close to her until she becomes pure.”

يُونسُ بْنُ يَزِيدَ عَنْ ابْنِ شِهَابٍ: حَدَّثَنِي
عَبْيُدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُتْبَةَ [بْنِ
مَسْعُودَ]; أَنَّ أَبَاهُ كَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ
اللَّهِ بْنِ الْأَرْقَمِ الرَّهْمَرِيِّ، يَأْمُرُهُ أَنْ يَدْخُلَ
عَلَى سُبِيعَةَ بِنْتِ الْحَارِثِ الْأَشْلَمِيَّةَ،
فَيَسْأَلُهَا عَنْ حَدِيثِهَا وَعَمَّا قَالَ لَهَا رَسُولُ
اللَّهِ ﷺ، حِينَ اسْتَقْتَهُ، فَكَتَبَ عُمَرُ بْنُ
عَبْدِ اللَّهِ إِلَى عَبْدِ اللَّهِ بْنِ عُتْبَةَ يُخْرِجُهُ أَنَّ
سُبِيعَةَ أَخْبَرَتْهُ، أَنَّهَا كَانَتْ تَحْتَ سَعْدِ بْنِ
خُوَلَةَ، وَهُوَ فِي بَنِي عَامِرٍ بْنِ لُؤْيٍ، وَكَانَ
مِنْ شَهِدَ بَدْرًا، فَتُؤْفَى عَنْهَا فِي حَجَّةِ
الْوَدَاعِ وَهِيَ حَامِلٌ، فَلَمْ تَشْبُ أَنْ
وَضَعَتْ حَمْلَهَا بَعْدَ وَفَاتِهِ، فَلَمَّا تَعَلَّثَ
مِنْ نَفَاسِهَا تَجْمَلَتْ لِلْخُطَابِ، فَلَدَخَلَ
عَلَيْهَا أَبُو السَّنَابِلِ بْنُ بَعْكَلٍ - رَجُلٌ مِنْ
بَنِي عَبْدِ الدَّارِ - فَقَالَ لَهَا: مَا لِي أَرَاكِ
مُتَجَمِّلَةً؟ لَعَلَّكِ تَرْجِينَ النَّكَاحَ، إِنَّكِ
وَاللَّهِ! مَا أَنْتِ بِنَاجِحٍ حَتَّى تَمُرَ عَلَيْكِ
أَرْبَعَةُ أَشْهُرٍ وَعَشْرً. قَالَتْ سُبِيعَةُ: فَلَمَّا
قَالَ لِي ذَلِكَ، جَمَعْتُ عَلَيَّ تِبَابِي حِينَ
أَمْسَيْتُ، فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَسَأَلْتُهُ
عَنْ ذَلِكَ؟ فَأَقْتَلَنِي بِأَنِّي قَدْ حَلَّتْ حِينَ
وَضَعَتْ حَمْلِي، وَأَمْرَنِي بِالتَّرْوِيجِ إِنْ بَدَا
لِي.

فَالْأَبْنُ شَهَابٌ : فَلَا أَرَى بِأَسْأَانِ
تَنَزَّوْجَ حِينَ وَضَعَثُ ، وَإِنْ كَانَتْ فِي
دِمْهَا ، غَيْرَ أَنَّهُ لَا يَقْرَبُهَا زَوْجُهَا حَتَّى
تَطْهَرَ .

[3723] 57 - (1485) Sulaimân bin Yasâr narrated that Abû Salamah bin 'Abdur-Râhmân and Ibn 'Abbâs met in the house of Abû Hurairah, and they were talking about a woman who gives birth a few days after her husband has died. Ibn 'Abbâs said: "Her *Iddah* is the longer of the two periods." Abû Salamah said: "Her *Iddah* is over." They started to dispute about that. Then Abû Hurairah said: "I am with my nephew" - meaning Abû Salamah. So they sent Kuraib, the freed slave of Ibn 'Abbâs, to Umm Salamah to ask her about that. He came to them and told them that Umm Salamah said: "Subai'ah Al-Aslamiyyah gave birth a few days after her husband died, and she mentioned that to the Messenger of Allâh ﷺ, who told her to get married."

[٣٧٢٣] ٥٧ - (١٤٨٥) حَدَّثَنَا

مُحَمَّدُ ابْنُ الْمُنْبَّهِ الْعَنْتَرِيُّ : حَدَّثَنَا عَبْدُ
الْوَهَابِ قَالَ : سَمِعْتُ يَحْيَى بْنَ سَعِيدَ :
أَخْبَرَنِي سُلَيْمَانُ بْنُ يَسَارٍ ، أَنَّ أَبَا سَلَمَةَ
ابْنَ عَبْدِ الرَّحْمَنِ وَابْنَ عَبَّاسِ اجْتَمَعَا
عِنْدَ أَبِيهِ هُرَيْرَةَ ، وَهُمَا يَذْكُرَانِ الْمَرْأَةَ
تُنْقَسُ بَعْدَ وَفَاءَةِ زَوْجِهَا بِلَيَالٍ ، فَقَالَ ابْنُ
عَبَّاسِ : عِدَّهَا آخِرُ الْأَجْلَيْنِ ، وَقَالَ أَبُو
سَلَمَةَ : قَدْ حَلَّتْ ، فَجَعَلَا يَتَنَازَعَانِ ذَلِكَ
- قَالَ - فَقَالَ أَبُو هُرَيْرَةَ : أَنَا مَعَ ابْنِ
أَخِي - يَعْنِي أَبَا سَلَمَةَ - فَبَعْتُو كُرْبَيَا
مَوْلَى ابْنِ عَبَّاسِ إِلَى أُمِّ سَلَمَةَ يَسْأَلُهَا
عَنْ ذَلِكَ؟ فَجَاءَهُمْ فَأَخْبَرَهُمْ أَنَّ أُمَّ
سَلَمَةَ قَالَتْ : إِنَّ سُبْعَةَ الْأَشْلَمِيَّةَ نُفِسِّثُ
بَعْدَ وَفَاءِ زَوْجِهَا بِلَيَالٍ ، وَإِنَّهَا ذَكَرَتْ
ذَلِكَ لِرَسُولِ اللَّهِ ﷺ ، فَأَمَرَهَا أَنْ
تَنَزَّوْجَ .

[٣٧٢٤] ...) وَحَدَّثَنَا مُحَمَّدُ بْنُ

رُمْجَحٍ : أَخْبَرَنَا الْيَتُّ ; وَحَدَّثَنَا أَبُو بَكْرُ بْنُ
أَبِي شِيَّةَ وَعَمْرُو النَّاقِدُ قَالَا : حَدَّثَنَا يَرِيدُ بْنُ

[3724] (...) It was narrated from Ya'hyâ bin Sa'eed with this chain (a *Hadîth* similar to no. 3723), except that Al-Laith said in his *Hadîth*: "They sent word to Umm

Salamah," and he did not mention Kuraib by name.

Chapter 9. The Obligation To Mourn During The 'Iddah Following The Death Of One's Husband, But It Is Forbidden To Mourn For More Than Three Days In Other Cases

[3725] 58 - (1486) It was narrated from Ḥumaid bin Nāfi', from Zainab bint Abī Salamah, that she told him these three *Aḥādīth*. He said: "Zainab said: 'I entered upon Umm Habībah, the wife of the Prophet ﷺ, when her father Abū Sufyān died. Umm Habībah called for some perfume that had a yellowish color, *Khalūq* or something else, and she put some of it on a girl, then she wiped her cheeks with it and said: 'By Allāh, I have no need of perfume, but I heard the Messenger of Allāh ﷺ saying on the *Minbar*: 'It is not permissible for a women who believes in Allāh and the Last Day to mourn for more than three days for anyone who dies, except for a husband; four months and ten days.''"

هَرُونَ، كِلَاهُمَا عَنْ يَحْيَى بْنِ سَعِيدٍ بِهَذَا الْإِسْنَادِ، غَيْرَ أَنَّ اللَّيْثَ قَالَ فِي حَدِيثِهِ: فَأَرْسَلُوا إِلَى أُمَّ سَلَمَةَ، وَلَمْ يُسَمِّ كُرْبَيَا .

(المعجم ٩) - (باب وجوب الإحداد في عدة الوفاة، وتحريمها في غير ذلك، إلا ثلاثة أيام) (التحفة ٩)

[٣٧٢٥-٥٨] [١٤٨٦-٣٧٢٥] وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبِ بْنِتِ أَبِي سَلَمَةَ أَنَّهَا أَخْبَرَتْهُ هَلْئِهِ الْأَخَادِيثُ التَّلَاثَةُ قَالَ: قَالَتْ زَيْنَبُ: دَخَلْتُ عَلَى أُمَّ حَيْيَةَ زَوْجِ النَّبِيِّ ﷺ، حِينَ تُؤْفَى أَبُوهَا أَبُو سُفْيَانَ، فَدَعَتْ أُمَّ حَيْيَةَ بِطِيبٍ فِيهِ صُفْرَةً، خَلُوقٌ أَوْ غَيْرُهُ، فَدَهَنَتْ مِنْهُ جَارِيَةً، ثُمَّ مَسَّتْ بِعَارِضِهَا ثُمَّ قَالَتْ: وَاللَّهِ! مَا لِي بِالظِّلِّ [مِنْ] حَاجَةٍ، غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ عَلَى الْمُنْبِرِ: «لَا يَحِلُّ لِأَمْرَأٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ، تُحِدُّ عَلَى مَيْتَ فَوْقَ ثَلَاثَةِ، إِلَّا عَلَى زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا». [انظر: ٣٧٢٩ و ٣٧٣٤]

[3726] (1487) Zainab said: "Then I entered upon Zainab bint Jahsh when her brother died. She called for some perfume and put on some of it, then she said: 'By Allâh, I have no need of perfume, but I heard the Messenger of Allâh ﷺ saying on the *Minbar*: 'It is not permissible for a woman who believes in Allâh and the Last Day to mourn for more than three days for anyone who dies, except for a husband; four months and ten days."

[3727] (1488) Zainab said: "I heard my mother Umm Salamah say: A woman came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, my daughter's husband has died, and she has trouble in her eye; can we apply kohl for her?" The Messenger of Allâh ﷺ said: "No," two or three times, then he said: "It is only four months and ten days. During the *Jâhiliyyah* one of you would throw a piece of dung at the end of one year."

[3728] (1489) Humaid said: "I said to Zainab: 'What is this throwing a piece of dung at the end of one year?'^[1] Zainab said: 'If a woman's husband died, she would go into a hut and wear her worst clothes, and she would not put on perfume or anything until

٣٧٢٦) قَالَتْ رَبِّنْبُ : نَمْ دَخَلَتْ عَلَى رَبِّنْبَ بِنْتِ جَحْشٍ حِينَ تُوْفِيَ أَخُوهَا ، فَدَعَتْ بِطِيبٍ فَمَسَتْ مِنْهُ ثُمَّ قَالَتْ : وَاللَّهِ ! مَا لِي بِالْطِيبِ مِنْ حَاجَةٍ ، غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ عَلَى الْمِنْبَرِ : لَا يَحِلُّ لِأَمْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ، تُحَدِّثُ عَلَى مَيْتَ فَوْقَ ثَلَاثَةِ ، إِلَّا عَلَى زَوْجٍ ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا ». [انظر : ٣٧٣٠]

٣٧٢٧) قَالَتْ رَبِّنْبُ : سَمِعْتُ أُمِّي أَمَّ سَلَمَةَ تَعْوُلُ : جَاءَتْ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ : يَا رَسُولَ اللَّهِ ! إِنَّ ابْنَتِي تُوْفِيَ عَنْهَا زَوْجُهَا ، وَقَدْ اشْتَكَتْ عَيْنُهَا ، أَفَكُحْلُهَا ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ : لَا « - مَرِئَيْنِ أَوْ ثَلَاثَةِ ، كُلَّ ذَلِكَ يَقُولُ : لَا » - ثُمَّ قَالَ : « إِنَّمَا هِيَ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا ، وَقَدْ كَانَتْ إِحْدَائُنَّ فِي الْجَاهِلِيَّةِ تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ ». [٣٧٢٨]

٣٧٢٨) قَالَ حُمَيْدٌ : فَقُلْتُ لِرَبِّنْبَ : وَمَا تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ ؟ فَقَالَتْ رَبِّنْبُ : كَانَتِ الْمَرْأَةُ ، إِذَا تُوْفِيَ عَنْهَا زَوْجُهَا دَخَلَتْ حُجْشًا ، وَلَيْسَ شَرَّ ثَيَابِهَا ، وَلَمْ تَمَسْ طِيبًا وَلَا شَيْئًا حَتَّى

^[1] See *Hadith* no. 3727.

one year had passed. Then an animal would be brought - a donkey or a sheep or a bird - she would rub her hands over it, and rarely did (such a woman) rub her hands over anything but it died. Then she would be given a piece of dung which she would throw, then she would go back to whatever she wanted to of perfume and other things.””

[3729] 59 - (1486) It was narrated that Ḥumaid bin Nāfi’ said: I heard Zainab, the daughter of Umm Salamah, say: A close relative of Umm Ḥabibah died, and she called for some yellow perfume and put it on her forearms, and she said: “I only did this because I heard the Messenger of Allāh ﷺ say: ‘It is not permissible for a woman who believes in Allāh and the Last Day to mourn for more than three days, except for a husband, four months and ten days.’”

[3730] (1487/1488) Zainab narrated it from her mother, and from Zainab the wife of the Prophet ﷺ - or from one of the wives of the Prophet ﷺ (a *Hadīth* similar to no. 3729).

[3731] 60 - (1488) It was narrated that Ḥumaid bin Nāfi’ said: “I heard Zainab, the daughter of Umm Salamah, narrating from her mother, that a woman’s husband died, and they

تَيْمِرُ بِهَا سَنَةً، ثُمَّ تُوْتَى بِدَائِيَةً - جِمَارٌ أَوْ شَاءٌ أَوْ طَيْرٌ - فَتَقْتَصُ بِهِ، فَقَلَمَّا تَقْتَصُ بِشَيْءٍ إِلَّا مَاتَ، ثُمَّ تَخْرُجُ فَتُعْطَى بَعْرَةً فَتَرْمِي بِهَا، ثُمَّ تُرَاجِعُ، بَعْدُ، مَا شَاءَتْ مِنْ طَيْبٍ أَوْ غَيْرِهِ.

[٣٧٢٩] [١٤٨٦-٥٩] وَحَدَّثَنَا

مُحَمَّدُ بْنُ الْمُشْتَىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ حُمَيْدِ بْنِ نَافِعٍ قَالَ: سَمِعْتُ زَيْنَبَ بْنَتَ أُمِّ سَلَمَةَ قَالَتْ: تُوْفَىٰ حَوْيِمٌ لِأَمْ حَبِيبَةَ، فَدَعَتْ بِصُورَةِ فَمَسَحَتْهُ بِذَرَاعِيهَا وَقَالَتْ: إِنَّمَا أَضْطَبَتْ هَذَا لِأَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا يَحِلُّ لِإِمْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُحْدَدَ فَوْقَ تَلَاثَةِ يَوْمٍ، إِلَّا عَلَى زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا». [راجع: ٣٧٢٥]

[٣٧٣٠] [١٤٨٧/١٤٨٨] وَحَدَّثَنَا

زَيْنَبُ بْنَتُ أُمِّهَا، وَعَنْ زَيْنَبَ زَوْجِ النَّبِيِّ ﷺ - أَوْ عَنْ امْرَأَةٍ مِنْ بَعْضِ أَزْوَاجِ النَّبِيِّ ﷺ. [راجع: ٣٧٢٦]

[٣٧٣١] [١٤٨٨-٦٠] وَحَدَّثَنَا مُحَمَّدُ

بْنُ الْمُشْتَىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ حُمَيْدِ بْنِ نَافِعٍ قَالَ: سَمِعْتُ زَيْنَبَ بْنَتَ أُمِّ سَلَمَةَ تُحَدِّثُ عَنْ أُمِّهَا أَنَّ امْرَأَةً تُوْفَىٰ

were worried about her (diseased) eye. They came to the Prophet ﷺ and asked him for permission to use kohl, and the Messenger of Allâh ﷺ said: ‘One of you used to stay in the worst part of her house, in her worst garments’ - or ‘in her worst garments in her house - for a year, then if a dog passed by she would throw a piece of dung and then come out. Isn’t it only four months and ten days?’”

[3732] (...) Both *Aḥadîth* (no. 3729, 2730) were narrated from Humaid bin Nâfi‘, the *Hadîth* of Umm Salamah about kohl and the *Hadîth* of Umm Salamah and another of the wives of the Prophet ﷺ, except that he did not name her as Zainab, similar to the *Hadîth* of Muhammed bin Ja‘far.

[3733] 61 - (1486/1488) It was narrated from Humaid bin Nâfi‘ that he heard Zainab bint Abî Salamah narrate that Umm Salamah and Umm Ḥabîbah mentioned that a woman came to the Messenger of Allâh ﷺ and told him that the husband of a daughter of hers had died, and she had a problem in her eye and wanted to use kohl. The Messenger of Allâh ﷺ said: “One of you used to throw a piece of dung at the end of a year. It is only four months and ten days.”

زوجها، فخافوا على عينها، فأتوا النبيَّ ﷺ، فاستأذنوه في الْكُحْلِ، فقالَ رَسُولُ اللهِ ﷺ: قَدْ كَانَتْ إِحْدَاكُنَّ تَكُونُ فِي شَرِّ بَيْتِهَا فِي أَحْلَاسِهَا - أَوْ فِي شَرِّ أَحْلَاسِهَا فِي بَيْتِهَا - حَوْلًا، فِإِذَا مَرَ كُلُّ رَمْثٍ بِعَرَةٍ فَخَرَجَتْ أَفَلَا أَرْبَعَةً أَشْهُرٍ وَعَشْرًا؟».

[٣٧٣٢] (...). وَحَدَّثَنَا عَبْدُ اللهِ بْنُ مَعَاذٍ: حَدَّثَنَا أَبِي : حَدَّثَنَا شُبَّهُ عَنْ حَمَيْدٍ ابْنِ نَافِعٍ بِالْحَدِيثَيْنِ جَمِيعًا حَدِيثَ أُمِّ سَلَمَةَ فِي الْكُحْلِ، وَحَدِيثَ أُمِّ سَلَمَةَ وَأَخْرَى مِنْ أَزْوَاجِ النَّبِيِّ ﷺ، عَيْرَ أَنَّهُ لَمْ تُسْمِمْهَا زَيْنَبُ، تَحْوِي حَدِيثَ مُحَمَّدٍ بْنِ جَعْفَرٍ.

[٣٧٣٣] ٦١ - (١٤٨٦ / ١٤٨٨) وَحَدَّثَنَا أُبُو بَكْرٍ بْنُ أَبِي شَيْعَةَ وَعَمْرُو التَّانِقُ فَالاً : حَدَّثَنَا تَرِيدُ بْنُ هُرُونَ: أَخْبَرَنَا يَحْسَنُ بْنُ سَعِيدٍ عَنْ حَمَيْدٍ بْنِ نَافِعٍ؛ أَنَّهُ سَمِعَ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ تُحَدِّثُ عَنْ أُمِّ سَلَمَةَ وَأُمِّ حَبِيبَةَ تَذَكَّرَانِ [أَنَّ] امْرَأَةً أَنَّهُ رَسُولَ اللهِ ﷺ، فَذَكَرَتْ [لَهُ] أَنَّ أُبْنَةَ لَهَا ثُوفَقَتْ عَنْهَا زَوْجُهَا، فَأَسْتَكَتْ عَيْنَهَا فَهِيَ تُرِيدُ أَنْ تَكُحُّلَهَا فَقَالَ رَسُولُ اللهِ ﷺ: قَدْ كَانَتْ إِحْدَاكُنَّ تَرْمِيَ بِالْبَعَرَةِ عِنْدَ رَأْسِ الْحَوْلِ وَإِنَّمَا هِيَ أَرْبَعَةً أَشْهُرٍ وَعَشْرًا».

[3734] 62 - (1486) It was narrated that Zainab bint Abî Salamah said: "When news of the death of Abû Sufyân came to Umm Hâbibah, on the third day she called for some yellowish perfume and wiped some of it on her forearms and cheeks, and said: 'I have no need of this, but I heard the Prophet ﷺ say: It is not permissible for a woman who believes in Allâh and the Last Day, to mourn for more than three days, except for a husband, for whom she should mourn for four months and ten days.'"

[٣٧٣٤] ٦٢ - (١٤٨٦) حَدَّثَنَا عَمْرُو
النَّاقِدُ وَابْنُ أَبِي عُمَرَ - وَاللَّفْظُ لِعَمْرِو -
قَالَ: حَدَّثَنَا شَيْبَانُ بْنُ عَيْنَةَ عَنْ أَئُوبَ
ابْنِ مُوسَى، عَنْ حُمَيْدَ بْنِ نَافِعٍ، عَنْ
رَيْبَتِ بِنْتِ أَبِي سَلَمَةَ قَالَتْ: لَمَّا أَتَى أَمَّ
حَسِيبَةَ نَعِيَ أَبِي شَيْبَانَ دَعَتْ - فِي الْيَوْمِ
الثَّالِثِ - بِصُفْرَةٍ، فَمَسَحَتْ بِهِ ذِرَاعَيْهَا
وَعَارِضَيْهَا. وَقَالَتْ: كُنْتُ عَنْ هَذَا غَيْبَةً،
سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «لَا يَجْلِلُ لِامْرَأَةٍ
تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ، أَنْ تُحِدَّ فَوْقَ
ثَلَاثَةَ، إِلَّا عَلَى زَوْجٍ، فَإِنَّهَا تُحِدُّ عَلَيْهِ
أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا». [راجع: ٣٧٢٥]

[3735] 63 - (1490) It was narrated from Nâfi' that Shâfiyyah bint Abî 'Ubaid narrated to him from Hafshah, or from 'Aishah, or from them both, that the Messenger of Allâh ﷺ said: "It is not permissible for any woman who believes in Allâh and the Last Day, or who believes in Allâh and His Messenger, to mourn for more than three days for anyone, except for her husband."

[3736] (...) A *Hadîth* similar to that of Al-Laith (no. 3735) was narrated from Nâfi' with this chain.

[٣٧٣٥] ٦٣ - (١٤٩٠) وَحَدَّثَنَا يَحْيَى
بْنُ يَحْيَى وَقَتْبِيَّةَ وَابْنُ رُمْحٍ عَنِ الْلَّيْثِ بْنِ
سَعْدٍ، عَنْ نَافِعٍ، أَنَّ صَفِيَّةَ بِنْتَ أَبِي عُيَيْدَ
حَدَّثَتْهُ عَنْ حَفْصَةَ، أَوْ عَنْ عَائِشَةَ أَوْ عَنْ
كِلْتَيْهِمَا أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَجْلِلُ
لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ - أَوْ تُؤْمِنُ
بِاللَّهِ وَرَسُولِهِ - أَنْ تُحِدَّ عَلَى مَيْتَ فَوْقَ
ثَلَاثَةَ أَيَّامٍ، إِلَّا عَلَى زَوْجِهَا».

[٣٧٣٦] (...) وَحَدَّثَنَا شَيْبَانُ بْنُ
فَرْوَحَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ يَعْنِي ابْنَ
مُسْلِمٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ دِينَارٍ، عَنْ
نَافِعٍ يَأْسِنَادُ حَدِيثَ الْلَّيْثِ، مِثْلُ رِوَايَتِهِ.

[3737] 64 - (...) It was narrated from Ṣafiyah bint Abî ‘Ubâid that she heard Ḥafṣah bint ‘Umar, the wife of the Prophet ﷺ, narrating a *Hadîth* from the Prophet ﷺ that was similar to that of Al-Laith and Ibn Dînâr (no. 3735), and he added: “She should mourn for him for four months and ten days.”

[3738] (...) A *Hadîth* similar to theirs (i.e. Nâfi’ and Al-Laith) was narrated from Ṣafiyah bint Abî ‘Ubâid, from one of the wives of the Prophet ﷺ, from the Prophet ﷺ.

[3739] 65 - (1491) 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 for anyone who dies, except for her husband.”

[3740] 66 - (938 [sic]) It was narrated from Umm ‘Atîyyah that the Messenger of Allâh ﷺ

[٣٧٣٧] ٦٤ - (...) وَحَدَّثَنَا أَبُو عَسَانَ الْمِسْمَعِيَّ وَمُحَمَّدُ بْنُ الْمُشَنَّى قَالَ : حَدَّثَنَا عَبْدُ الْوَهَابِ قَالَ : سَمِعْتُ يَحْمِي ابْنَ سَعِيدٍ يَقُولُ : سَمِعْتُ نَافِعًا يُحَدِّثُ عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ ; أَنَّهَا سَمِعْتَ حَفْصَةَ بِنْتَ عُمَرَ ، زَوْجَ النَّبِيِّ ﷺ تُحَدِّثُ عَنِ النَّبِيِّ ﷺ ، يُمِثِّلُ حَدِيثَ الْأَئِمَّةِ وَابْنِ دِينَارٍ ، وَرَأَدَ «فَإِنَّهَا تُحَدِّثُ عَلَيْهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا» .

[٣٧٣٨] (...) وَحَدَّثَنَا أَبُو الرَّبِيعَ : حَدَّثَنَا حَمَادٌ عَنْ أَيُوبَ ; وَحَدَّثَنَا ابْنُ نُمَيْرٍ : حَدَّثَنَا أَبِي : حَدَّثَنَا عَبْيُدُ اللَّهِ ، جَمِيعًا عَنْ نَافِعٍ ، عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ ، عَنْ بَعْضِ أَزْوَاجِ النَّبِيِّ ﷺ عَنِ النَّبِيِّ ﷺ بِمَعْنَى حَدِيثِهِمْ .

[٣٧٣٩] ٦٥ - (١٤٩١) وَحَدَّثَنَا يَحْمِي بْنُ يَحْمِي وَأَبُو بَكْرِ بْنِ أَبِي شَيْبَةَ ، وَعَمْرُو النَّافِدُ وَزَهِيرُ بْنُ حَرْبٍ - وَاللَّفْظُ لِيَحْمِيَ - قَالَ يَحْمِي : أَخْبَرَنَا وَقَالَ الْأَخْرُونَ : حَدَّثَنَا سُفِيَّانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ ، عَنْ عُرْوَةَ ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ قَالَ : «لَا يَحْلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ، أَنْ تُحَدَّ عَلَى مَيْتَ فَوْقَ ثَلَاثَةِ ، إِلَّا عَلَى زَوْجِهَا» .

[٣٧٤٠] ٦٦ - (٩٣٨) وَحَدَّثَنَا حَسَنُ ابْنُ الرَّبِيعِ : حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ

said: "No woman should mourn for more than three days for anyone who dies, except for her husband; four months and ten days, when she should not wear any dyed clothes except a garment made of 'Asb,^[1] and she should not put on kohl or perfume except in the case of purifying herself after menses, when she may use a little *Qust* or *Azfar*."^[2]

[3741] (...) It was narrated from Hishām with this chain (a *Hadīth* similar to no. 3740), and he said: "...As soon as her menses end, a little of *Qust* or *Azfar*."

[3742] 67 - (...) It was narrated that Umm 'Atīyyah said: "We were forbidden to mourn for more than three days for anyone who dies, except for a husband, four months and ten days, when we were not to put on kohl or perfume, or wear dyed garments. But a concession was granted to a woman when she purifies herself - when one of us washed herself (*Ghusl*) following menses - to use a little *Qust* or *Azfar*."

هِشَامٌ، عَنْ حَفْصَةَ، عَنْ أُمّ عَطِيَّةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا تُحِدُّ امْرَأَةً عَلَى مَيْتَ فَوْقَ ثَلَاثَةِ، إِلَّا عَلَى زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، وَلَا تَلْبِسُ نُوبَيْ مَصْبُوْغًا إِلَّا ثَوْبَ عَصْبٍ، وَلَا تَكْتَحِلُّ، وَلَا تَنْسُ طَيْبًا، إِلَّا - إِذَا طَهَرَتْ - بُنْدَةً مِنْ قُسْطِيْ أَوْ أَطْفَارِ».

[راجعاً: ٢١٦٦، ٢١٦٧]

[٣٧٤١] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُعْمَانَ، وَحَدَّثَنَا عَمْرُو التَّانِقُدُ: حَدَّثَنَا يَزِيدُ بْنُ هُرُونَ، كَلَّا هُمَا عَنْ هِشَامٍ بِهَذَا الْإِسْنَادِ وَقَالَ: «عِنْدَ أَذْنِي طُهْرِهَا: بُنْدَةً مِنْ قُسْطِيْ وَأَطْفَارِ».

[٣٧٤٢] [٦٧-...] وَحَدَّثَنِي أَبُو الرَّبِيعِ الرَّهْرَانِيُّ: حَدَّثَنَا حَمَادٌ: حَدَّثَنَا أَبُو بَعْدُ عَنْ حَفْصَةَ، عَنْ أُمّ عَطِيَّةَ قَالَتْ: كُنَّا نُهْنَى أَنَّ نُحِدَّ عَلَى مَيْتَ فَوْقَ ثَلَاثَةِ، إِلَّا عَلَى زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، وَلَا نَكْتَحِلُّ، وَلَا نَتَطَيِّبُ، وَلَا نَلْبِسُ نُوبَيْ مَصْبُوْغًا، وَقَدْ رُخْصَ لِلْمَرْأَةِ فِي طُهْرِهَا - إِذَا اغْتَسَلَتْ إِحْدَانَا مِنْ مَحِيطِهَا - فِي بُنْدَةٍ مِنْ قُسْطِيْ وَأَطْفَارِ».

^[1] A Yemeni *Burd* woven from a type of yarn, some of whose strands are dyed.

^[2] Two types of incense.

19. The Book Of Li'an

٤ - (المعجم ١٩) - كتاب اللعan

(التحفة ١٠)

[3743] 1 - (1492) Sahl bin Sa'd As-Sâ'idi narrated that 'Uwaimir Al-'Ajlânî came to 'Âsim bin 'Adiyy Al-Anşârî and said to him: "O 'Âsim, what do you think, if a man finds a man with his wife, should he kill him and be killed by them in return? 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. The Messenger of Allâh ﷺ did not like this question, and he criticized it so much that 'Âsim felt very upset by what he heard from the Messenger of Allâh ﷺ. When 'Âsim went back to his family, 'Uwaimir came to him and said: "O 'Âsim, what did the Messenger of Allâh ﷺ say to you?" 'Âsim said to 'Uwaimir: "You did not bring me any good. The Messenger of Allâh ﷺ did not like the question that I asked him." 'Uwaimir said: "By Allâh, I will not rest until I ask him about it." So 'Uwaimir went to the Messenger of Allâh ﷺ who was amidst the people, and he said: "O Messenger of Allâh, what do you think, if a man finds another man with his wife, should he kill

ابن يَعْمِي قَالَ: فَرَأَتُ عَلَى مَالِكِ عَنْ ابْنِ شَهَابٍ: أَنَّ سَهْلَ بْنَ سَعْدَ السَّاعِدِيَّ أَخْبَرَهُ: أَنَّ عُوَيْمَرَا الْعَجَلَانِيَّ جَاءَ إِلَيَّ عَاصِمَ بْنَ عَدِيَّ الْأَنْصَارِيَّ فَقَالَ لَهُ: أَرَأَيْتَ يَا عَاصِمُ! لَوْ أَنَّ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا، أَيْقُنْتُهُ فَتَقْتُلُوهُ؟ أَمْ كَيْفَ يَفْعُلُ؟ فَاسْأَلَ لِي عَنْ ذَلِكَ - يَا عَاصِمُ! رَسُولُ اللَّهِ ﷺ فَسَأَلَ عَاصِمَ رَسُولَ اللَّهِ ﷺ، فَكَرِهَ رَسُولُ اللَّهِ ﷺ الْمَسَائِلَ وَعَابَهَا، حَتَّى كَبَرَ عَلَى عَاصِمٍ مَا سَمِعَ مِنْ رَسُولِ اللَّهِ ﷺ، فَلَمَّا رَجَعَ عَاصِمٌ إِلَى أَهْلِهِ جَاءَهُ عُوَيْمَرٌ فَقَالَ: يَا عَاصِمُ! مَاذَا قَالَ لَكَ رَسُولُ اللَّهِ ﷺ؟ قَالَ عَاصِمٌ لِعُوَيْمَرٍ: لَمْ تَأْتِنِي بِخَيْرٍ، فَدَرَكَهُ رَسُولُ اللَّهِ ﷺ الْمَسَائِلَ الَّتِي سَأَلَهُ عَنْهَا. قَالَ عُوَيْمَرٌ: وَاللَّهِ! لَا أَتَهْيِ حَتَّى أَشَأَهُ عَنْهَا، فَأَفْبَلَ عُوَيْمَرٌ حَتَّى أَتَى رَسُولَ اللَّهِ ﷺ وَسُطَّ النَّاسِ، فَقَالَ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا،

him and be killed by them in return? Or what should he do?" The Messenger of Allâh ﷺ said: "(Verses) have been revealed concerning you and your wife, so go and bring her."

Sahl said: "They engaged in *Li'ân*, and I was among the people who were with the Messenger of Allâh ﷺ. When they had finished, 'Uwaimir said: 'O Messenger of Allâh, I would be a liar if I kept her now.' So he divorced her three times before the Messenger of Allâh ﷺ could tell him to do anything."

Ibn Shihâb said: "Then that became the practice of those who engage in *Li'ân*."

[3744] 2 - (...) Sahl bin Sa'd Al-Ansârî narrated that 'Uwaimir Al-Ansârî, one of Banû Al-'Ajlân, came to 'Âsim bin 'Adiyy... and he quoted a *Hadîth* like that of Mâlik (no. 3743). And he added into the *Hadîth*: "...His leaving her after that became the practice of those who engage in *Li'ân*." And he added: "Sahl said: 'She was pregnant, so her son was named after her, then it became the practice that he could inherit from her and she could inherit from him the shares decreed by Allâh.'"

[3745] 3 - (...) Ibn Juraij narrated: "Ibn Shihâb told me about the two who engage in

أَيْقُثُلُهُ فَتَقْتِلُونَهُ؟ أَمْ كَيْفَ يَفْعُلُ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «قَدْ نَزَّلَ فِيكَ وَفِي صَاحِبِكَ، فَادْهُبْ فَأُتْ بِهَا».

قَالَ سَهْلٌ: فَتَلَاعَنَ، وَأَنَا مَعَ النَّاسِ عِنْدَ رَسُولِ اللهِ ﷺ، فَلَمَّا فَرَغَ قَالَ عُوئِمِرٌ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللهِ! إِنَّ أَمْسَكْتُهَا، فَطَلَقَهَا ثَلَاثًا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللهِ ﷺ.

قَالَ ابْنُ شَهَابٍ: فَكَانَتْ [تِلْكَ] سُنَّةَ الْمُتَلَاعِنِينَ.

[٣٧٤٤] ٢ - (...) وَحَدَّثَنِي حَرْمَلَةُ ابْنُ يَحْمَى: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُوئِسْنُ عَنْ ابْنِ شَهَابٍ: أَخْبَرَنِي سَهْلُ بْنُ سَعِيدَ [الْأَنْصَارِيَّ]، أَنَّ عُوئِمِرًا الْأَنْصَارِيَّ مِنْ بَنْيِ الْعَجْلَانِ، أَتَى عَاصِمَ بْنَ عَدِيَّ، وَسَاقَ الْحَدِيثَ يُمْثِلُ حَدِيثَ مَالِكَ، وَأَدْرَجَ فِي الْحَدِيثِ قَوْلَهُ: وَكَانَ فِرَاقَهُ إِيَّاهَا - بَعْدُ - سُنَّةَ فِي الْمُتَلَاعِنِينَ. وَزَادَ فِيهِ: قَالَ سَهْلٌ: وَكَانَ حَامِلًا، فَكَانَ ابْنُهَا يُدْعَى إِلَى أُمِّهِ، ثُمَّ جَرَتِ السُّنَّةُ أَنَّهُ يَرِثُهَا وَتَرِثُ مِنْهُ مَا فَرَضَ اللَّهُ لَهَا.

[٣٧٤٥] ٣ - (...) وَحَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا

Li'ân and what is done in this case, based on the *Hadîth* of Sahl bin Sa'd, the brother of Banû Sâ'idah, according to which a man from among the *Anṣâr* came to the Prophet ﷺ and said: ‘O Messenger of Allâh, what do you think of a man who finds another man with his wife?...’” and he mentioned the same *Hadîth* (no. 3743), and added: “So they engaged in *Li'ân* in the *Masjid* and I was present.” And he said in the *Hadîth*: “Then he divorced her three times before the Messenger of Allâh ﷺ could tell him to, and he divorced her in front of the Prophet ﷺ. The Prophet ﷺ said: ‘Every couple who engage in *Li'ân* are to be separated.’”

[3746] 4 - (1493) It was narrated that Sa'eed bin Jubair said: “I was asked about the couple who engage in *Li'ân*, during the governorship of Muṣ'ab - should they be separated?” He said: “I did not know what to say, so I went to the house of Ibn 'Umar in Makkah and I said to the slave: ‘Ask for permission for me to enter.’ He said: ‘He is taking a nap.’ But he heard my voice and said: ‘Ibn Jubair?’ I said: ‘Yes.’ He said: ‘Come in, for by Allâh it can only be some need that has brought you at this hour.’ So I went in, and saw him resting on a blanket, reclining on a pillow that

ابن جریح: أَخْبَرَنِي أَبُو شَهَابٍ، عَنِ
الْمُتَلَاعِتَيْنِ وَعَنِ الشَّتَّةِ فِيهِمَا، عَنْ حَدِيثِ
سَهْلِ بْنِ سَعْدٍ أَخِي بَنِي سَاعَدَةَ أَنَّ رَجُلًا
مِنَ الْأَنْصَارِ جَاءَ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا
رَسُولَ اللهِ! أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ
رَجُلًا؟ وَذَكَرَ الْحَدِيثَ بِقُصْبَتِهِ، وَزَادَ فِيهِ:
فَتَلَاهَا فِي الْمَسْجِدِ وَأَنَا شَاهِدٌ، وَقَالَ
فِي الْحَدِيثِ: فَطَلَقَهَا ثَلَاثَةَ قَبْلَ أَنْ يَأْمُرَهُ
رَسُولُ اللهِ ﷺ، فَفَارَقَهَا عِنْدَ النَّبِيِّ ﷺ،
فَقَالَ النَّبِيُّ ﷺ: «ذَاكُمُ التَّفَرِيقُ بَيْنَ كُلِّ
مُتَلَاعِتَيْنِ».

٤ - [٣٧٤٦] (١٤٩٣) وَحدَثَنَا مُحَمَّدٌ

ابن عبد الله بن نمير: حدثنا أبي؛
وَحدَثَنَا أَبُوبَكْرٌ أَبْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ
لَهُ - : حدثنا عبد الله ابن نمير: حدثنا
عبد الملك بن أبي سليمان عن سعيد بن
جيير قال: سئل عن المتعتين في
إمرة مصعب، أيفرق بينهما؟ قال: فما
درئت ما أقول: فمضيت إلى منزل ابن
عمر بمكة، فقلت للغلام: اسئلني لي،
قال: إنه قائل، فسمع صوتي، قال: ابن
جيير؟ قلت: نعم، قال: ادخل، فوالله!
ما جاءتك، هذه الساعة، إلا حاجة،

was stuffed with palm fibers. I said: ‘Abû ‘Abdur-Râhmân, should a couple who engage in *Li’ân* be separated?’ He said: ‘*Subhân-Allâh*, yes. The first one to ask about this was so-and-so the son of so-and-so. He said: ‘O Messenger of Allâh, what do you think, if one of us finds his wife committing an immoral action, what should he do? If he speaks, he will be speaking of a serious matter, and if he keeps quiet, he will be keeping quiet about an equally serious matter.’’ The Prophet ﷺ remained silent and did not answer him. Then he came to him after that, and said: ‘I have been afflicted with what I asked you about.’’ Then Allâh revealed these verses in *Sûrat An-Nûr*: ‘And for those who accuse their wives...’.^[1] He (ﷺ) recited them to him, and exhorted and admonished him, and told him that the punishment in this world was lighter than the punishment in the Hereafter. He said: ‘No, by the One Who sent you with the truth, I am not lying about her.’’ Then he (ﷺ) called her and exhorted and admonished her, and told her that the punishment in this world was lighter than the punishment in the Hereafter. She said: ‘No, by the One Who sent you with the truth, he is lying.’’ He told the

فَدَخَلْتُ، فَإِذَا هُوَ مُقْتَرِشٌ بَرْدَعَةً، مُؤَسِّدٌ
وِسَادَةً حَشُوْهَا لِيفٌ. قُلْتُ: أَبَا عَبْدِ
الرَّحْمَنِ! الْمُتَلَاعِنَانِ، أَيُّقْرَفُ بِيَتْهُمَا؟
قَالَ: سُبْحَانَ اللَّهِ! نَعَمْ، إِنَّ أَوَّلَ مَنْ سَأَلَ
عَنْ ذَلِكَ فَلَانُ بْنُ فَلَانٍ، قَالَ: يَا رَسُولَ
اللَّهِ! أَرَأَيْتَ أَنْ لَوْ وَجَدَ أَحَدُنَا امْرَأَتَهُ
عَلَى فَاجْحَشَةِ، كَيْفَ يَضْطَعُ؟ إِنْ تَكَلَّمْ تَكَلَّمْ
بِأَمْرِ عَظِيمٍ وَإِنْ سَكَتْ سَكَتْ عَنْ مِثْلِ
ذَلِكَ، قَالَ: فَسَكَتَ النَّبِيُّ ﷺ فَلَمْ يُجْبِهِ،
فَلَمَّا كَانَ بَعْدَ ذَلِكَ أَتَاهُ فَقَالَ: إِنَّ الَّذِي
سَأَلْتُكَ عَنْهُ قَدْ ابْتَلَيْتَهُ، فَأَنْزَلَ اللَّهُ عَزَّ
وَجَلَّ هُؤُلَاءِ الْآيَاتِ فِي سُورَةِ النُّورِ:
﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ﴾ [النور: 9-6]
فَتَلَاهُنَّ عَلَيْهِ وَوَعَظَهُ وَذَكَرَهُ، وَأَخْبَرَهُ أَنَّ
عَذَابَ الدُّنْيَا أَهْوَنُ مِنْ عَذَابِ الْآخِرَةِ،
قَالَ: لَا، وَالَّذِي بَعْثَكَ بِالْحَقِّ! مَا كَذَبْتُ
عَنْهُمَا. ثُمَّ دَعَاهَا فَوَعَظَهَا وَذَكَرَهَا
وَأَخْبَرَهَا أَنَّ عَذَابَ الدُّنْيَا أَهْوَنُ مِنْ
عَذَابِ الْآخِرَةِ، قَالَتْ: لَا، وَالَّذِي بَعْثَكَ
بِالْحَقِّ إِنَّهُ لَكَاذِبٌ. فَبَدَا بِالرَّجُلِ فَشَهَدَ
أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ،
وَالْخَامِسَةُ أَنَّ لَعْنَةَ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنْ

^[1] *An-Nûr* 24:6-9.

man to start (the process of *Li'ân*). So he testified four times, by Allâh, that he was telling the truth, and the fifth time that the curse of Allâh would be upon him if he was lying. Then he (ﷺ) told the woman to testify. She testified four times by Allâh that he was lying, and the fifth time that the wrath of Allâh would be upon her if he was telling the truth. Then he separated them.”

[3747] (...) Sa'eed bin Jubair said: “At the time of Mu'sab bin Az-Zubair, I was asked about the two who engaged in *Li'ân*, and I did not know what to say, so I went to 'Abdullâh bin 'Umar and I said: ‘Do you think that two who engage in *Li'ân* should be separated?...’” then he mentioned a *Hadith* like that of Ibn Numair (no. 3746).

[3748] 5 - (...) It was narrated that Ibn 'Umar said: “The Messenger of Allâh ﷺ said to the two who engaged in *Li'ân*: ‘Your reckoning is with Allâh; one of you is lying. You have no rights over her.’ He said: ‘O Messenger of Allâh, my property (which I gave her)?’ He said: ‘You have no right to it. If you are telling the truth about her, it is in return for having been intimate with her, and if you are lying about her, they you have

الْكَادِيْنَ، ثُمَّ نَتَّى بِالْمَرْأَةِ فَشَهَدَتْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَادِيْنَ وَالْخَامِسَةُ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ، ثُمَّ فَرَقَ بَيْنَهُمَا.

[٣٧٤٧] (...) وَحَدَثَنَا عَلَيُّ بْنُ حُجْرَ السَّعْدِيُّ: حَدَثَنَا عَبْدُ اللَّهِ بْنُ أَبِي سَلَيْمَانَ قَالَ: سَمِعْتُ سَعِيدَ بْنَ جُبَيْرٍ قَالَ: سَيْلَتْ عَنِ الْمُتَلَاعِنِينَ، زَمَنَ مُضَعِّبٍ بْنَ الرُّبِّيرِ، فَلَمَّا أَذِرَّ مَا أَقُولُ: فَأَتَيْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ، قُفِّلْتُ: أَرَأَيْتَ الْمُتَلَاعِنِينَ أَيْفَرَقُ بَيْنَهُمَا؟ ثُمَّ ذَكَرَ يِمْثُلِ حَدِيثَ ابْنِ نُعْمَيْرٍ.

[٣٧٤٨] (...) وَحَدَثَنَا يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَرُزَهِيُّ بْنُ حَرْبٍ - وَاللَّفْظُ لِيَحْيَى، قَالَ يَحْيَى: أَخْبَرَنَا، وَقَالَ الْأَخْرَانُ: حَدَثَنَا - سُفْيَانُ بْنُ عَيْنَةَ عَنْ عَمِّرُو، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلْمُتَلَاعِنِينَ: «جِسَابُكُمَا عَلَى اللَّهِ أَحْدُكُمَا كَاذِبٌ، لَا سَيِّلَ لَكُمَا عَلَيْهَا» قَالَ: يَا رَسُولَ اللَّهِ مَالِي؟ قَالَ:

even less right to it.”” Zuhair said in his report: “Sufyân bin ‘Amr told us that he heard Sa‘eed bin Jubair say: ‘I heard Ibn ‘Umar say: The Messenger of Allâh ﷺ said...’”

«لَا مَالَ لَكَ، إِنْ كُنْتَ صَدَقْتَ عَلَيْهَا فَهُوَ
بِمَا اسْتَخَلَّتَ مِنْ فَرِيجَهَا، وَإِنْ كُنْتَ
كَذَّبْتَ عَلَيْهَا فَذَاكَ أَبْعَدُ لَكَ مِنْهَا» قَالَ
رُهْيَرٌ فِي رِوَايَتِهِ: قَالَ حَدَّثَنَا سُفِيَّانُ عَنْ
عُمَرِهِ، سَمِعَ سَعِيدَ بْنَ جُبَيْرٍ يَقُولُ:
سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: قَالَ رَسُولُ
اللهِ ﷺ .

[3749] 6 - (...) It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ separated two members of Banû Al-‘Ajlân and said: ‘Allâh knows that one of you is lying; will either of you repent?’”

[3750] (...) Sa‘eed bin Jubair said: “I asked Ibn ‘Umar about *Li’ân*,” and he narrated a similar *Hadîth* (as no. 3749) from the Messenger of Allâh ﷺ.

[3751] 7 - (...) It was narrated that Sa‘eed bin Jubair said: “Muš‘ab did not separate the two who engaged in *Li’ân*.” Sa‘eed said: “I mentioned that to ‘Abdullâh bin ‘Umar and he said: ‘The Prophet of Allâh ﷺ separated the couple from Banû Al-‘Ajlân.’”

[٣٧٤٩] ٦ - (...) وَحَدَّثَنِي أَبُو الرَّبِيعِ الرَّهَارَانِيُّ: حَدَّثَنَا حَمَادٌ عَنْ
أَيُوبَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عُمَرَ
قَالَ: فَرَقَ رَسُولُ اللهِ ﷺ بَيْنَ أَخْوَيْنِي
الْعَجْلَانِ، وَقَالَ: «اللهُ يَعْلَمُ أَنَّ أَحَدَكُمَا
كَاذِبٌ، فَهُلْ مَنْكُمَا تَائِبٌ؟» .

[٣٧٥٠] (...) حَدَّثَنَاهُ ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفِيَّانُ عَنْ أَيُوبَ؛ سَمِعَ
سَعِيدَ بْنَ جُبَيْرٍ قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنِ
الْلَّعَانِ؟ فَذَكَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ .

[٣٧٥١] ٧ - (...) وَحَدَّثَنَا أَبُو عَسَانَ الْمُسْمَعِيِّ وَمُحَمَّدُ بْنُ الْمُشَنَّى وَابْنُ
بَشَّارٍ - وَاللَّفْظُ لِلْمُسْمَعِيِّ وَابْنِ الْمُشَنَّى -
قَالُوا: حَدَّثَنَا مُعَاذٌ وَهُوَ ابْنُ هِشَامَ قَالَ:
حَدَّثَنِي أَبِي عَنْ قَنَادَةَ، عَنْ عَزْرَةَ، عَنْ
سَعِيدِ بْنِ جُبَيْرٍ قَالَ: لَمْ يُفَرِّقْ مُضَعْبٌ
بَيْنَ الْمُتَلَاعِيْنِ، قَالَ سَعِيدُ: فَذَكَرْتُ

ذلِكَ لِعَبْدِ اللَّهِ ابْنِ عُمَرَ، فَقَالَ: فَرَقَ نَبِيُّ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَ أَخَوَيْ بَنِي الْعَجَلَانِ.

[3752] 8 - (1494) It was narrated from Ibn 'Umar that a man engaged in *Li'ân* with his wife at the time of the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ separated them and attributed the child to his mother.

[٣٧٥٢] ابْنُ مَنْصُورٍ وَقُتَيْبَةَ بْنَ سَعِيدٍ قَالَا: حَدَّثَنَا
مَالِكٌ؛ وَحَدَّثَنِي يَحْيَى بْنُ يَحْيَى
وَاللَّفْظُ لَهُ - قَالَ: قُلْتُ لِمَالِكٍ: حَدَّثَكَ
نَافِعٌ عَنْ ابْنِ عُمَرَ؛ أَنَّ رَجُلًا لَا عَنْ
أَمْرَأَتِهِ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَرَرَقَ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَهُمَا وَأَلْحَقَ الْوَلَدَ بِأُمِّيهِ؟
قَالَ: نَعَمْ.

[3753] 9 - (...) It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ asked a man of the *Anṣâr* and his wife to engage in *Li'ân*, and he separated them."

[٣٧٥٣] ابْنُ أَبِي شَيْهَةَ: حَدَّثَنَا أَبُو أَسَامَةً؛ وَحَدَّثَنَا
ابْنُ نُعْمَيْرٍ: حَدَّثَنَا أَبِي قَالَا: حَدَّثَنَا عُبَيْدُ
اللَّهِ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: لَا عَنْ
رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَ رَجُلٍ مِنَ الْأَصْبَارِ
وَأَمْرَأَتِهِ، وَفَرَقَ بَيْنَهُمَا.

[3754]... - (...) It was narrated from 'Ubaidullâh with this chain (a *Hadîth* similar to no. 3753).

[٣٧٥٤] الْمُشَنَّى وَعُبَيْدُ اللَّهِ بْنُ سَعِيدٍ قَالَا: حَدَّثَنَا
يَحْيَى وَهُوَ الْقَطَانُ عَنْ عُبَيْدِ اللَّهِ بِهَذَا
الإِسْنَادِ.

[3755] 10 - (1495) It was narrated that 'Abdullâh said: "We were in the *Masjid* on the night of Friday when a man from among the *Anṣâr* came and said: 'If a man finds another man with

[٣٧٥٥] ابْنُ حَرْبٍ وَعُثْمَانَ بْنَ أَبِي شَيْهَةَ وَإِسْحَاقَ
ابْنِ إِبْرَاهِيمَ - وَاللَّفْظُ لِرُهَيْدَ - قَالَ
إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ الْأَخَرَانِ: حَدَّثَنَا

his wife and speaks of it, you will flog him, and if he kills him you will kill him, but if he keeps quiet, he will be suppressing his rage. By Allâh, I am going to ask the Messenger of Allâh ﷺ about it.' The next day, he went to the Messenger of Allâh ﷺ and asked him, saying: 'If a man finds another man with his wife and speaks of it, you will flog him, and if he kills him you will kill him, but if he keeps quiet, he will be suppressing his rage.' The Messenger of Allâh ﷺ said: 'O Allâh, guide us to the ruling,' and he started to supplicate. Then the verse of *Li'an* was revealed: "And for those who accuse their wives, but have no witnesses except themselves...".^[1] Then that man was put to that test before the people. He and his wife came to the Messenger of Allâh ﷺ and engaged in *Li'an*. The man testified four times by Allâh that he was telling the truth, then the fifth time he swore that the curse of Allâh would be upon him if he was lying. Then she started to testify, and the Prophet ﷺ said to her: 'Stop.' But she insisted and carried on engaging in *Li'an*. When they left, he said: 'Perhaps she will give birth to a curly-haired black child.' And she did give birth to a curly-haired black child."

- جَرِيرٌ عَنْ الأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ قَالَ: إِنَّا لِلَّهِ جُمُوعَةٍ فِي الْمَسْجِدِ، إِذْ جَاءَ رَجُلٌ مِنَ الْأَنْصَارِ قَالَ: لَوْ أَنَّ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَتَكَلَّمَ جَلَدُنُوهُ، أَوْ قَتَلَ قَتْلُنُوهُ، وَإِنْ سَكَتَ سَكَتَ عَلَى غَيْظِهِ، وَاللَّهُ لِأَسْأَلَنَ عَنْهُ رَسُولُ اللَّهِ ﷺ، فَلَمَّا كَانَ مِنَ الْغَدَرِ أَتَى رَسُولُ اللَّهِ ﷺ فَسَأَلَهُ قَالَ: لَوْ أَنَّ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَتَكَلَّمَ جَلَدُنُوهُ، أَوْ قَتَلَ قَتْلُنُوهُ، أَوْ سَكَتَ سَكَتَ عَلَى غَيْظِهِ. قَالَ: «اللَّهُمَّ افْتَحْ وَجْهَلَ يَدْعُونِ، فَنَزَّلْتَ آيَةَ اللَّعَانِ: «وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَا يَكُنْ لَّهُ شَهَادَةٌ إِلَّا أَنْفُسُهُمْ»، هَذِهِ الْآيَاتُ [النور: ٦-٩]، فَابْتَلَيْ بِهِ ذَلِكَ الرَّجُلَ مِنْ بَيْنِ النَّاسِ، فَجَاءَ هُوَ وَامْرَأَتِهِ إِلَى رَسُولِ اللَّهِ ﷺ فَتَلَاعَنَا، فَشَهَدَ الرَّجُلُ أَرْبَعَ شَهَادَاتٍ بِاللهِ إِنَّهُ لَمِنَ الصَّادِقِينَ، ثُمَّ لَعَنَ الْخَامِسَةِ أَنْ لَعْنَةَ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ، فَذَهَبَتْ لِتَلَعَنَ، قَالَ لَهَا النَّبِيُّ ﷺ: «مَهْ فَأَبَتْ فَلَعَنْتْ، فَلَمَّا أَدْبَرَا قَالَ: «لَعَلَّهَا أَنْ تَحِيَّهُ بِهِ أَسْوَدَ جَعْدًا» فَجَاءَتْ بِهِ أَسْوَدَ جَعْدًا.

^[1] An-Nur 24:6-7.

[3756] (...) A similar report (as no. 3755) was narrated from Al-A'mash with this chain.

[٣٧٥٦] (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شِيمَةَ: حَدَّثَنَا عَبْدُ ابْنُ شَيْمَانَ، جَمِيعًا عَنِ الْأَعْمَشِ، بِهَذَا إِلَسْنَادِ تَحْوَهُ.

[3757] 11 - (1496) It was narrated that Muḥammad said: "I asked Anas bin Mâlik (about *Li'ân*) as I saw that he had knowledge of it. He said: 'Hilâl bin Umayyah accused his wife (of committing *Zinâ*) with Sharîk bin Saḥmâ', who was the brother of Al-Barâ' bin Mâlik on his mother's side. He was the first man to engage in *Li'ân* in Islam.' He said: 'He engaged in *Li'ân* with her and the Messenger of Allâh ﷺ said: "Watch her. If she brings forth a child who is white with straight hair and something wrong with his eyes, then he belongs to Hilâl bin Umayyah, and if she gives birth to a child who has dark eyelids, curly hair and lean calves, then he belongs to Sharîk bin Saḥmâ'." He said: 'I was told that she gave birth to a child who had dark eyelids, curly hair and lean calves.'"

[3758] 12 - (1497) It was narrated that Ibn 'Abbâs said: "Mention of *Li'ân* was made in the presence of the Messenger of Allâh ﷺ. 'Âsim bin 'Adiyy said something about that, then he

[٣٧٥٧] [١٤٩٦-١١] وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّهَّنِ: حَدَّثَنَا عَبْدُ الْأَغْلَى؛ حَدَّثَنَا هِشَامٌ عَنْ مُحَمَّدٍ قَالَ: سَأَلْتُ أَنَسَّ ابْنَ مَالِكٍ - وَأَنَا أَرَى أَنَّ عِنْدَهُ مِنْهُ عِلْمًا - فَقَالَ: إِنَّ هَلَالَ بْنَ أُمِيَّةَ قَدْ فَدَ امْرَأَهُ شَرِيكَ بْنِ سَحْمَاءَ، وَكَانَ أَخَا الْبَرَاءِ بْنِ مَالِكٍ لِأُمِّهِ، وَكَانَ أَوَّلَ رَجُلٍ لَأَعْنَ فِي إِسْلَامٍ، قَالَ: فَلَاعَهَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَبْصِرُوهَا، فَإِنْ جَاءَتْ بِهِ أَيْضًا سَبِيطًا قَضِيَ الْعَيْنَيْنَ فَهُوَ لِهَلَالِ بْنِ أُمِيَّةَ، وَإِنْ جَاءَتْ بِهِ أَكْحَلَ جَعْدًا حَمْشَ السَّاقَيْنَ فَهُوَ لِشَرِيكَ بْنِ سَحْمَاءَ» قَالَ: فَأَنِّي شُتُّ أَنَّهَا جَاءَتْ بِهِ أَكْحَلَ جَعْدًا حَمْشَ السَّاقَيْنَ.

[٣٧٥٨] [١٤٩٧-١٢] وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ بْنِ الْمُهَاجِرِ وَعِيسَى بْنُ حَمَادٍ الْمُضْرِيَّانِ - وَاللَّفْظُ لِابْنِ رُمْحٍ - قَالَا: أَخْبَرَنَا الْلَّيْثُ عَنْ يَحْمَى بْنِ سَعِيدٍ،

left. A man from among his people came to him and complained that he had found a man with his wife. 'Âsim said: 'I am being tested with what I said.' He took him to the Messenger of Allâh ﷺ and told him what he had found his wife doing. That man was sallow and lean, with straight hair, and the one whom he claimed to have found with his wife had fleshy calves and was dark and bulky. The Messenger of Allâh ﷺ said: 'O Allâh, make it clear.' Then she gave birth to a child who resembled the one who her husband said he found with her. The Messenger of Allâh ﷺ made them engage in *Li'ân*." A man said to Ibn 'Abbâs in that gathering: "Was she the one about whom the Messenger of Allâh ﷺ said: 'If I were to have stoned anyone without evidence, I would have stoned this woman?' Ibn 'Abbâs said: 'No, that was a woman who continued to be a bad woman after becoming Muslim.'"

[3759] (...) It was narrated that Ibn 'Abbâs said: "Mention of the two who engage in *Li'ân* was made in the presence of the Messenger of Allâh ﷺ..." a *Hadîth* like that of Al-Laith (no. 3758), and he added, after saying bulky, "with very curly hair."

عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْفَاسِمِ، عَنِ الْفَاسِمِ بْنِ مُحَمَّدٍ، عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: ذُكِرَ التَّلَاقُعُ عِنْدَ رَسُولِ اللَّهِ ﷺ، فَقَالَ عَاصِمُ بْنُ عَدَيٍّ فِي ذَلِكَ قَوْلًا، ثُمَّ انْصَرَفَ، فَأَتَاهُ رَجُلٌ مِّنْ قَوْمِهِ يَشْكُو إِلَيْهِ أَنَّهُ وَجَدَ مَعَ أَهْلِهِ رَجُلًا، فَقَالَ عَاصِمٌ: مَا ابْتَلَيْتُ بِهَا إِلَّا لِغَوْلِي، فَذَهَبَ إِلَيْهِ رَسُولُ اللَّهِ ﷺ فَأَخْبَرَهُ بِالذِّي وَجَدَ عَلَيْهِ امْرَأَةً، وَكَانَ ذَلِكَ الرَّجُلُ مُضَفِّرًا، فَلَيْلَ اللَّحْمِ، سَبِطُ الشِّعْرِ، وَكَانَ الذِّي ادْعَى إِلَيْهِ أَنَّهُ وَجَدَ عِنْدَ أَهْلِهِ، خَذْلًا، آدَمَ، كَثِيرَ اللَّحْمِ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ إِنِّي بِيَنْهَمَا» فَوَضَعَتْ شَيْئًا بِالرَّجُلِ الَّذِي ذُكِرَ زَوْجُهَا أَنَّهُ وَجَدَهُ عِنْدَهَا، فَلَاعَنَ رَسُولُ اللَّهِ ﷺ يَنْهَمَّا، فَقَالَ رَجُلٌ لِابْنِ عَبَّاسٍ نَّبِيِّ الْمَجْلِسِ: أَهِيَ الَّتِي قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ رَجَمْتُ أَحَدًا بِعَيْرِيَّتِهِ رَجَمْتُ هَذِهِ؟» فَقَالَ ابْنُ عَبَّاسٍ: لَا، تِلْكَ امْرَأَةً كَانَتْ تُظْهِرُ فِي الْإِسْلَامِ السُّوءَ.

[٣٧٥٩] (...) وَحَدَّثَنِيهِ أَحْمَدُ بْنُ يُوسُفَ الْأَزْدِيِّ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ أَبِي أُوئِيسٍ: حَدَّثَنِي سُلَيْمَانُ يَعْنِي ابْنَ بِلَالِ عَنْ يَحْمَى، حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ الْفَاسِمِ عَنِ الْفَاسِمِ بْنِ مُحَمَّدٍ، عَنِ ابْنِ

عَبَّاسٍ أَنَّهُ قَالَ: ذُكِرَ الْمُتَلَاِعْنَانِ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يُمْثِلُ حَدِيثَ الْيَتِيمِ، وَزَادَ [فِيهِ]، بَعْدَ قَوْلِهِ كَثِيرُ الْلَّحْمِ - قَالَ - : جَعْدًا قَطَطَاً.

[3760] 13 - (...) It was narrated that Al-Qâsim bin Muḥammad said: “‘Abdullâh bin Shaddâd said: ‘Mention of the two who engage in *Li’ân* was made in the presence of Ibn ‘Abbâs, and Ibn Shaddâd said: “Are they the two of whom the Prophet ﷺ said: ‘If I were to stone anyone without proof, I would stone her?’ Ibn ‘Abbâs said: “No, that was a woman who was infamous for her immoral conduct.”

[٣٧٦٠] ١٣ - (...) وَحَدَّثَنَا عَمْرُو التَّاقِدُ وَابْنُ أَبِي عُمَرَ - وَاللَّفْظُ لِعَمْرِو - قَالَا: حَدَّثَنَا سُقِيَّانُ بْنُ عُيَيْنَةَ عَنْ أَبِي الرِّنَادِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ قَالَ: قَالَ عَبْدُ اللَّهِ بْنُ شَدَّادٍ: وَذُكِرَ الْمُتَلَاِعْنَانِ عِنْدَ ابْنِ عَبَّاسٍ، فَقَالَ ابْنُ شَدَّادٍ: أَهُمَا الَّذَانِ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنْ كُنْتُ رَاجِمًا أَحَدًا بِعَيْنِ بَيْتَهِ لَرَجَمْتُهَا؟» فَقَالَ ابْنُ عَبَّاسٍ: لَا، تِلْكَ امْرَأَةٌ أَعْلَمُ بِهَا! أَبْنُ أَبِي عُمَرَ فِي رِوَايَتِهِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ: قَالَ: سَمِعْتُ ابْنَ عَبَّاسٍ.

[3761] 14 - (1498) It was narrated from Abû Hurairah that Sa’d bin ‘Ubâdah Al-Anṣârî said: “O Messenger of Allâh, do you think that if a man finds another man with his wife, he should kill him?” The Messenger of Allâh ﷺ said, “No.” Sa’d said: “(But) he would (do that), by the One Who honored you with the truth!” The Messenger of Allâh ﷺ said: “Listen (you people) to what your leader says.”

[٣٧٦١] ١٤ - (١٤٩٨) حَدَّثَنَا فَيْيَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ يَعْنِي الدَّرَّاوِرِيَّ، عَنْ سَهِيلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ سَعْدَ بْنَ عُبَادَةَ الْأَنْصَارِيَّ قَالَ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ الرَّجُلَ يَجْدُ مَعَ امْرَأَتِهِ رَجُلًا أَيْقُنْلُهُ؟ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا» قَالَ سَعْدٌ: بَلَى، وَالَّذِي أَكْرَمَكَ بِالْحَقِّ! فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «اسْمَعُوا إِلَى مَا يَقُولُ سَيِّدُكُمْ».

[3762] 15 - (...) It was narrated from Abû Hurairah that Sa'd bin 'Ubâdah said: "O Messenger of Allâh, if I find a man with my wife, should I let him be until I bring four witnesses?" He said: "Yes."

[٣٧٦٢] ١٥ - (...) وَحَدَّثَنِي زُهْرَيُّ
ابْنُ حَرْبٍ: حَدَّثَنَا إِسْحَاقُ بْنُ عِيسَىٰ:
حَدَّثَنَا مَالِكٌ عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ
أَبِيهِ هُرَيْرَةَ أَنَّ سَعْدَ بْنَ عُبَادَةَ قَالَ: يَا
رَسُولَ اللَّهِ! إِنَّ وَجْدَتُ مَعَ امْرَأَتِي رَجُلًا،
[آ] أُمِهِلُهُ حَتَّىٰ آتَيَ بِأَرْبَعَةِ شُهَدَاءِ؟ قَالَ
«نَعَمْ».

[3763] 16 - (...) It was narrated that Abû Hurairah said: "Sa'd bin 'Ubâdah said: 'O Messenger of Allâh, if I find a man with my wife, should I not touch him until I bring four witnesses?' The Messenger of Allâh ﷺ said: 'Yes.' He said: 'No, by the One who sent you with the truth! I would hasten to him with my sword before that.' The Messenger of Allâh ﷺ said: 'Listen (you people) to what your leader says. He is jealous, but I am more jealous than him, and Allâh is more jealous than me.'"

[٣٧٦٣] ١٦ - (...) حَدَّثَنَا أَبُو بَكْرٍ
ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حَالِلُ بْنُ مَخْلِدٍ عَنْ
سُلَيْمَانَ بْنِ يَلَالٍ: حَدَّثَنِي سُهَيْلٌ عَنْ
أَبِيهِ، عَنْ أَبِيهِ هُرَيْرَةَ قَالَ: قَالَ سَعْدُ بْنُ
عُبَادَةَ: يَا رَسُولَ اللَّهِ! لَوْ وَجَدْتُ مَعَ
أَهْلِي رَجُلًا، لَمْ أَمْسِهِ حَتَّىٰ آتَيَ بِأَرْبَعَةِ
شُهَدَاءِ؟ قَالَ رَسُولُ اللَّهِ ﷺ: «نَعَمْ» قَالَ:
كَلَّا، وَالَّذِي بَعْنَكَ بِالْحَقِّ! إِنْ كُنْتُ
لَا أَعَاجِلُهُ بِالسَّيْفِ قَبْلَ ذَلِكَ، قَالَ رَسُولُ
اللَّهِ ﷺ: «اسْمَعُوا إِلَىٰ مَا يَقُولُ سَيِّدُكُمْ،
إِنَّهُ لَغَيْرُهُ، وَإِنَّا أَعْرِرُ مِنْهُ، وَاللَّهُ أَعْرِرُ
مِنِّي».

[3764] 17 - (1499) It was narrated that Al-Mughîrah bin Shu'bah said: "Sa'd bin 'Ubâdah said: 'If I saw a man with my wife, I would strike him with my sword, and not with the flat side of it.' News of that reached the Messenger of Allâh ﷺ and he

[٣٧٦٤] ١٧ - (١٤٩٩) حَدَّثَنِي عَيْنَدُ
اللَّهُ بْنُ عُمَرَ الْقَوَارِبِيُّ وَأَبُو كَامِلٍ
فُضِيلُ بْنُ حُسَيْنِ الْجَحْدَرِيُّ - وَاللَّفَظُ
لَا يَبِي كَامِلٍ - قَالَا: حَدَّثَنَا أَبُو عَوَانَةَ
عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَرَ، عَنْ وَرَادَ -

said: ‘Are you surprised at the jealousy of Sa‘d? By Allâh, I am more jealous than him, and Allâh is more jealous than me. It is because of His jealousy that Allâh forbade immoral deeds, both open and secret. There is no person who is more jealous than Allâh, and there is no person to whom warnings are more beloved than Allâh. Because of that, Allâh sent the Messengers as bearers of glad tidings and warnings. There is no person to whom praise is more beloved than Allâh. Because of that Allâh made the promise of Paradise.’”

كَاتِبُ الْمُغَيْرَةَ - عَنِ الْمُغَيْرَةِ بْنِ شُعْبَةَ قَالَ: قَالَ سَعْدُ بْنُ عُبَادَةَ: لَوْ رَأَيْتُ رَجُلًا مَعَ امْرَأَتِي لَضَرَبْتُهُ بِالسَّيْفِ غَيْرَ مُضْفَحٍ عَنْهُ، فَبَلَغَ ذَلِكَ رَسُولُ اللَّهِ ﷺ. فَقَالَ: «أَنْجَبُونَ مِنْ غَيْرِ سَعْدٍ؟ فَوَاللَّهِ! لَأَنَا أَغْيِرُ مِنْهُ، وَاللَّهُ أَغْيِرُ مِنِّي، مِنْ أَجْلِ غَيْرِ اللَّهِ حَرَمَ الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ، وَلَا شَخْصٌ أَغْيِرُ مِنَ اللَّهِ، وَلَا شَخْصٌ أَحَبُّ إِلَيْهِ الْعُذْرَ مِنَ اللَّهِ؛ مِنْ أَجْلِ ذَلِكَ بَعَثَ اللَّهُ الْمُرْسَلِينَ مُبَشِّرِينَ وَمُنذِرِينَ، وَلَا شَخْصٌ أَحَبُّ إِلَيْهِ الْمِدْحَةُ مِنَ اللَّهِ، مِنْ أَجْلِ ذَلِكَ وَعَدَ اللَّهُ الْجَنَّةَ».

[3765] (...) A similar report (as no. 3764) was narrated from ‘Abdul-Malik bin ‘Umair with this chain.

[٣٧٦٥] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلَيٍّ عَنْ زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، بِهَذَا إِلَاسْنَادِ مِثْلِهِ، وَقَالَ: غَيْرُ مُضْفَحٍ، وَلَمْ يَقُلْ عَنْهُ.

[3766] 18 - (1500) It was narrated that Abû Hurairah said: ‘A man from Banû Fazârah came to the Prophet ﷺ and said: ‘My wife has given birth to a black boy.’ The Prophet ﷺ said: ‘Do you have camels?’ He said: ‘Yes.’ He said: ‘What are their colors?’ He said: ‘Red.’ He said: ‘Are there any dusky ones among

[٣٧٦٦] ١٨ - (١٥٠٠) وَحَدَّثَنَا قُتْبَيَةَ ابْنُ سَعِيدٍ وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَعَمْرُو النَّاقِدُ وَرُهَيْدُ بْنُ حَرْبٍ - وَاللَّفْظُ لِقُتْبَيَةَ - قَالُوا: حَدَّثَنَا سَعِيْدُ بْنُ عَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ مِنْ بَنِي فَزَارَةَ

them?" He said: 'There are dusky ones among them.' He said: 'Where does that come from?' He said: 'Perhaps it is an inherited trait.' He said: 'And perhaps this is an inherited trait."

إِلَى النَّبِيِّ ﷺ قَالَ: إِنَّ امْرَأَتِي وَلَدَتْ غُلَامًا أَسْوَدَ، فَقَالَ النَّبِيُّ ﷺ: «هَلْ لَكَ مِنْ إِلَيْلٍ؟» قَالَ: «نَعَمْ»، قَالَ: «فَهَلْ فِيهَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ، قَالَ: «فَهَلْ فِيهَا مِنْ أُورَقَ؟» قَالَ: إِنَّ فِيهَا لَوْرَقًا. قَالَ: «فَأَتَيْتِ أَنَّا هَا ذَاكَ؟» قَالَ: عَسَى أَنْ يَكُونَ نَزَعَةُ عِرْقٍ، قَالَ: «وَهَذَا عَسَى أَنْ يَكُونَ نَزَعَةُ عِرْقٍ».

[3767] 19 - (...) A *Hadîth* similar to that of Ibn 'Uyaynah (no. 3766) was narrated from Az-Zuhri with this chain, except that according to the *Hadîth* of Ma'mar he said: "O Messenger of Allâh, my wife has given birth to a black boy," as if hinting that it was not his. And at the end of the *Hadîth* he said: "And he did not allow him to deny the child."

۱۹ [۳۷۶۷] (...) وَحَدَّثَنَا إِشْحَخُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ - قَالَ ابْنُ رَافِعٍ: حَدَّثَنَا، وَقَالَ الْأَخْرَانِ: أَخْبَرَنَا - عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ؛ وَحَدَّثَنَا ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا ابْنُ أَبِي ذِئْبٍ، جَمِيعًا عَنِ الزُّهْرِيِّ بِهَذَا إِلْسَنَادِ نَحْوَ حَدِيثِ ابْنِ عُيَيْنَةَ، غَيْرُ أَنَّ فِي حَدِيثِ مَعْمَرٍ قَالَ: يَا رَسُولَ اللهِ! وَلَدَتِ امْرَأَتِي غُلَامًا أَسْوَدَ، وَهُوَ حِينَئِذٍ يُعَرَّضُ بِأَنْ يَقُولَ، وَزَادَ فِي آخرِ الْحَدِيثِ - قَالَ - : وَلَمْ يُرْخَصْ لَهُ فِي الِائْتِنَاءِ مِنْهُ.

[3768] 20 - (...) It was narrated from Abû Hurairah that a Bedouin came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, my wife has given birth to a black boy, and I am shocked and am not

۲۰ [۳۷۶۸] (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَى - وَاللَّفَظُ لِحَرْمَلَةَ - قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شَهَابٍ، عَنْ أَبِي

sure (if he is mine)." The Prophet ﷺ said to him: "Do you have camels?" He said: "Yes." He said: "What are their colors?" He said: "Red." He said: "Are there any dusky ones among them?" He said: "Yes." The Messenger of Allâh ﷺ said: "How is that?" He said: "Perhaps, O Messenger of Allâh, that it is an inherited trait." The Messenger of Allâh ﷺ said: "Perhaps this is also an inherited trait."

[3769] (...) It was narrated that Abû Hurairah narrated a similar report (as no. 3766) from the Messenger of Allâh ﷺ.

سَلَمَةُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ،
أَنَّ أَغْرَابِيَاً أَتَى رَسُولَ اللَّهِ ﷺ فَقَالَ: يَا
رَسُولَ اللَّهِ! إِنَّ امْرَأَتِي وَلَدَتْ غُلَامًا
أَسْوَدَ، وَإِنِّي أَكْرَهُهُ، فَقَالَ لَهُ النَّبِيُّ ﷺ:
«هَلْ لَكَ مِنْ إِبْلٍ؟» قَالَ: نَعَمْ. قَالَ: «مَا
أَلْوَاهُنَا؟» قَالَ: حُمْرٌ، قَالَ: «فَهَلْ فِيهَا
مِنْ أَوْرَقَ؟» قَالَ: نَعَمْ. قَالَ رَسُولُ
اللَّهِ ﷺ: «فَإِنَّهُ هُوَ؟» قَالَ: لَعْلَهُ، يَا
رَسُولَ اللَّهِ! يَكُونُ نَزَعَهُ عِرْقٌ لَهُ، فَقَالَ لَهُ
رَسُولُ اللَّهِ ﷺ: «وَهَذَا لَعْلَهُ أَنْ يَكُونَ
نَزَعَهُ عِرْقٌ لَهُ».

[٣٧٦٩] (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ
رَافِعٍ: حَدَّثَنَا حُجَّيْنٌ: حَدَّثَنَا الْلَّئِنُ
عُقَيْلٌ، عَنْ أَبْنِ شِهَابٍ أَنَّهُ قَالَ: بَلَغْنَا أَنَّ
أَبَا هُرَيْرَةَ كَانَ يُحَدِّثُ عَنْ رَسُولِ اللَّهِ ﷺ
بِنَحْوِ حَدِيثِهِمْ.

20. The Book Of Manumission

٥ - (المعجم ٢٠) - كتاب العتق
(التحفة ١١)

Chapter: One Who Frees His Share Of A Slave

[3770] 1 - (1501) It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ said: ‘If a person frees his share of a slave, and has enough money to pay the full price of the slave, a fair price should be worked out for the slave, and his partners should be given their shares. Then he should free the slave, otherwise he has freed only what he has freed.’”

[3771] (...) A *Hadîth* similar to that of Mâlik from Nâfi‘ (no. 3770) was narrated from Nâfi‘ from Ibn ‘Umar.

(المعجم . . .) - (باب: من أعتق
شركا له في عبد) (التحفة ١)

[٣٧٧٠-١] وَحَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى قَالَ: فُلُثُ لِمَالِكٍ: حَدَّثَنَا
تَافِعٌ عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ
اللهِ تَعَالَى: «مَنْ أَعْتَقَ شَرِيكًا لَهُ فِي عَبْدٍ،
فَكَانَ لَهُ مَالٌ يَتَنَعَّثُ شَمَنَ الْعَبْدِ، فُوْمٌ عَلَيْهِ
قِيمَةَ الْعَدْلِ، فَأَعْطِيَ شَرِيكَاهُ حَصَصَهُمْ
وَعَتَقَ عَلَيْهِ الْعَبْدُ، وَإِلَّا فَقَدْ عَتَقَ مِنْهُ مَا
عَتَقَ». [انظر: ٤٣٢٥]

[٣٧٧١] (.) وَحَدَّثَنَا قُتَيْبَةُ بْنُ
سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحَ، جَمِيعًا عَنْ
اللَّيْثِ بْنِ سَعِيدٍ؛ وَحَدَّثَنَا شَيْبَانُ بْنُ
فَرْوَحَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ؛ وَحَدَّثَنَا
أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا
حَمَادٌ: حَدَّثَنَا أَيُوبُ؛ وَحَدَّثَنَا ابْنُ نُعْمَرٍ:
حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْدُ اللَّهِ؛ وَحَدَّثَنَا
مُحَمَّدُ بْنُ الْمُشَنَّى: حَدَّثَنَا عَبْدُ الْوَهَابِ
قَالَ: سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ؛ وَحَدَّثَنِي
إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ

عَنْ ابْنِ جُرَيْجٍ: أَخْبَرَنِي إِسْمَاعِيلُ ابْنُ أُمَيَّةَ؛ وَحَدَّثَنَا هَرُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي أَسَامَةُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكَ عَنْ ابْنِ أَبِي ذِئْبٍ، كُلُّ هَؤُلَاءِ عَنْ تَافِعٍ عَنْ ابْنِ عُمَرَ يَعْنَى حَدِيثَ مَالِكٍ عَنْ تَافِعٍ.

(المعجم ١) - (باب ذكر سعاية العبد)
(التحفة ٢)

[3772] 2 - (1502) It was narrated from Abû Hurairah, that the Prophet ﷺ said concerning a slave who is owned by two men, one of whom manumits (his share): "He is responsible (for manumitting the other share)."

[٣٧٧٢]-٢ [١٥٠٢] وَحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُشَنَّى وَابْنُ بَشَارٍ - وَاللَّفْظُ لِابْنِ الْمُشَنَّى - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنِ النَّصْرِ بْنِ أَنَّسٍ، عَنْ بَشِيرِ بْنِ نَهِيْكَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ - فِي الْمَمْلُوكِ بَيْنَ الرَّجُلَيْنِ، فَيَعْنِقُ أَحَدُهُمَا قَالَ - «يَضْمَنُ». [انظر: ٤٣٣]

[3773] 3 - (1503) It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever manumits his share of a slave, let him manumit him completely with his own wealth if he has wealth, and if he does not have wealth, let the slave work for his manumission, without being overburdened."

[٣٧٧٣]-٣ [١٥٠٣] وَحَدَّثَنِي عَمْرُو التَّاقِدُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنِ ابْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنِ النَّصْرِ ابْنِ أَسَسٍ، عَنْ بَشِيرِ بْنِ نَهِيْكَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَغْنَى شَقَصَا لَهُ فِي عَبْدٍ، فَخَلَّصُهُ فِي مَالِهِ إِنْ كَانَ لَهُ مَالٌ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ،

اشتُّنعيَ الْعَبْدُ عَيْرَ مَشْفُوقٍ عَلَيْهِ». [انظر:

[٤٣٣٢]

[3774] 4 - (...) It was narrated from Sa'eed bin Abî 'Arûbah with this chain (a *Hadîth* similar to no. 3773), and he added: "If he does not have any money, a fair price should be worked out for the slave, then let him work for the share that was not manumitted, without him being overburdened."

[3775] (...) Wahb bin Jarîr narrated: "My father said: 'I heard Qatâdah narrate...' " a *Hadîth* similar to that of Ibn Abî 'Arûbah (no. 3774) with this chain, and he mentioned in the *Hadîth*: "...A fair price should be worked out for him."

Chapter 2. *Al-Walâ'* (Right Of Inheritance) Belongs To The One Who Manumits The Slave

[3776] 5 - (1504) It was narrated from 'Aishah that she wanted to buy a slave woman and manumit her, and her masters said: "We will sell her on condition that the right of inheritance (*Al-Walâ'*) remains ours." She mentioned that to the Messenger of Allâh ﷺ and he said: "Do not let that stop you, for the right of inheritance belongs to the one who manumits (the slave)."

[٣٧٧٤] ٤ - (...) وَحَدَّثَنَا عَلَيُّ بْنُ

خَسْرَمٍ: أَخْبَرَنَا عِيسَى بْنُ يَعْنَى ابْنَ يُوسُفَ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ بِهِذَا الْإِسْنَادِ، وَرَأَدَ «إِنْ لَمْ يَكُنْ لَّهُ مَالٌ قُومٌ عَلَيْهِ الْعَبْدُ قِيمَةً عَذْلٌ، ثُمَّ يُسْتَسْعَى فِي نَصِيبِ الَّذِي لَمْ يُعْتَقْ، غَيْرَ مَشْفُوقٍ عَلَيْهِ».

[٣٧٧٥] (...) حَدَّثَنِي هَرُونُ بْنُ

عَبْدِ اللَّهِ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا أَبِي قَالَ: سَمِعْتُ قَتَادَةَ يُحَدِّثُ بِهِذَا الْإِسْنَادِ، يَعْنِي حَدِيثَ ابْنِ أَبِي عَرْوَةَ، وَذَكَرَ فِي الْحَدِيثِ: قُومٌ عَلَيْهِ قِيمَةً عَذْلٌ.

(المعجم ٢) - (بابُ بيانُ أَنَّ الْوَلَاءَ

لِمَنْ أَعْتَقَ) (التحفة ٣

[٣٧٧٦] ٥ - (١٥٠٤) وَحَدَّثَنَا يَحْيَى

ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ تَافِي، عَنْ ابْنِ عُمَرَ، عَنْ عَائِشَةَ أَنَّهَا أَرَادَتْ أَنْ شَتَّرِي جَارِيَةً تُعْتَقُهَا، فَقَالَ أَهْلُهَا: نَسِعُكُهَا عَلَى أَنَّ وَلَاءَهَا لَنَا، فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «لَا يَمْنَعُكُمْ ذَلِكُ، إِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ».

[3777] 6 - (...) It was narrated from 'Urwah that 'Âishah told him that Barîrah came to her seeking her help with her contract of manumission, as she had not paid off anything stipulated in her contract of manumission. 'Âishah said to her: "Go back to your masters, and if they like, I will pay off your contract of manumission on your behalf, and the right of inheritance (*Al-Walâ'*) will be mine, then I will do it." Barîrah mentioned that to her masters, but they refused and said: "If she wishes to do that for you, seeking reward with Allâh, then let her do it, but the right of inheritance will be ours." She ('Âishah) mentioned that to the Messenger of Allâh ﷺ and the Messenger of Allâh ﷺ said to her: "Buy her and manumit her, for the right of inheritance belongs to the one who manumits (the slave)." Then the Messenger of Allâh ﷺ stood up and said: "What is the matter with people who stipulate conditions that are not in the Book of Allâh? Whoever stipulates a condition that is not in the Book of Allâh has no right, even if he stipulates a hundred times. The conditions stipulated by Allâh are more valid and carry more weight."

[3778] 7 - (...) It was narrated from 'Âishah, the wife of the Prophet ﷺ, that she said: "Barîrah came to me and said: 'O

سَعِيدٌ: حَدَّنَا لَيْثٌ عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ، أَنَّ عَائِشَةَ أَخْبَرَتْهُ، أَنَّ بَرِيرَةَ جَاءَتْ عَائِشَةَ تَسْتَعِينُهَا فِي كِتَابِهَا، وَلَمْ تَكُنْ قَضَتْ مِنْ كِتَابِهَا شَيْئًا، فَقَالَتْ لَهَا عَائِشَةُ: ارْجِعِي إِلَى أَهْلِكَ، فَإِنْ أَحْبَبْوَا أَنْ أَفْضِيَ عَنْكَ كِتَابَكَ، وَيَكُونُ وَلَاؤُكَ لِي، فَعَلَتْ، فَذَكَرَتْ ذَلِكَ بَرِيرَةً لِأَهْلِهَا، فَأَبَوَا، وَقَالُوا: إِنْ شَاءَتْ أَنْ تَحْسِبَ عَلَيْكَ فَلْتَفْعِلْ، وَيَكُونَ لَنَا وَلَاؤُكَ، فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «اَبْتَاعِي فَأَعْتَقِي، فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْطَنَ» ثُمَّ قَامَ رَسُولُ اللَّهِ ﷺ فَقَالَ: «مَا بَالُ اُنَاسٍ يَشْرِطُونَ شُرُوطًا لَيْسَتْ فِي كِتَابِ اللَّهِ؟ مَنِ اشْتَرَطَ شُرُوطًا لَيْسَ فِي كِتَابِ اللَّهِ، فَلَيْسَ لَهُ، وَإِنْ شَرَطَ مِائَةً مَرَّةً، شَرْطُ اللَّهِ أَحْقُّ وَأَوْقَنُ». [٣٧٧٧]

الظَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسٌ عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ بْنِ

‘Aishah, I have made a contract of manumission with my masters, for nine *Uqiyahs*, one *Uqiyah* each year...” a *Hadith* like that of Al-Laith (no. 3777). And he added: “He (ﷺ) said: ‘Do not let that stop you; buy her and manumit her.’” And he (a narrator) said in the *Hadith*: “Then the Messenger of Allâh ﷺ stood up before the people and praised and glorified Allâh, then he said: ‘To proceed.’”

[3779] 8 - (...) It was narrated that ‘Aishah said: ‘Barîrah entered upon me and said: ‘My masters have made a contract of manumission for me, in return for nine *Uqiyah* over (a period of) nine years, one *Uqiyah* each year; help me.’ I said to her: ‘If your masters wish, I will prepare it for them in one payment, and I will manumit you, and the right of inheritance will be mine, (only) then I will do it.’ She mentioned that to her masters, but they insisted that the right of inheritance would be theirs. She came to me and told me that, and I scolded her. She said: ‘Then it is not possible.’ The Messenger of Allâh ﷺ heard and he asked me, and I told him about that. He said: ‘Buy her and manumit her, even if they stipulated that the right of inheritance would be theirs, for the right of inheritance belongs to

الرّبِّيرِ، عَنْ عَائِشَةَ رَوْجِ النَّبِيِّ ﷺ أَنَّهَا قَالَتْ: حَاءَتْ بَرِيرَةُ إِلَيَّ، فَقَالَتْ: يَا عَائِشَةُ! إِنِّي كَاتَبْتُ أَهْلِي عَلَى تِسْعَ أَوَاقِ، فِي كُلِّ عَامٍ وُفِيهَ، بِمَعْنَى حَدِيثِ الْلَّيْثِ، وَزَادَ فَقَالَ: «لَا يَمْنَعُكَ ذَلِكَ مِنْهَا، ابْتَاعِي وَأَعْتِقِي»، وَقَالَ فِي الْحَدِيثِ: ثُمَّ قَامَ رَسُولُ اللَّهِ ﷺ فِي النَّاسِ فَحَمَدَ اللَّهَ وَأَشْتَى عَلَيْهِ، ثُمَّ قَالَ: أَمَّا بَعْدُ».

[٣٧٧٩] ٨- (...) [و] حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدٌ بْنُ الْعَلَاءِ الْهَمَدَانِيُّ: حَدَّثَنَا أَبُو أُسَامَةَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ: أَخْبَرَنِي أَبِي عَنْ عَائِشَةَ قَالَتْ: دَخَلْتُ عَلَيَّ بَرِيرَةً فَقَالَتْ: إِنَّ أَهْلِي كَاتَبُونِي عَلَى تِسْعَ أَوَاقِ فِي تِسْعَ سِنِينَ، [فِي] كُلِّ سَنَةٍ وُفِيهَ، فَأَعْتِقْنِي، فَقُلْتُ لَهَا: إِنْ شَاءَ أَهْلُكَ أَنْ أَعْدَهَا لَهُمْ عَدَّةً وَاحِدَةً وَأَعْتِقْكَ، وَيَكُونُ الْوَلَاءُ لِي، فَعَلْتُ، فَذَكَرْتُ ذَلِكَ لِأَهْلِهَا، فَأَبْيَأُ إِلَّا أَنْ يَكُونَ الْوَلَاءُ لَهُمْ، فَأَتَتْنِي فَذَكَرْتُ ذَلِكَ - قَالَتْ - : فَأَنْهَرْتُهَا، فَقَالَتْ: لَا هَاءُ اللَّهِ إِذَا، قَالَتْ: فَسَمِعَ رَسُولُ اللَّهِ ﷺ، فَسَأَلَنِي فَأَخْبَرْتُهُ، فَقَالَ: «اشْتَرِهَا وَأَعْتِقْهَا، وَاشْتَرِطْ لَهُمُ الْوَلَاءَ، فَإِنَّ

the one who manumits (the slave).' So I did that. Then the Messenger of Allâh ﷺ addressed the people in the evening. He praised and glorified Allâh as He deserves, then he said: 'What is the matter with people who stipulate conditions that are not in the Book of Allâh? There is no condition that is not in the Book of Allâh but it is invalid, even if there are one hundred conditions. The Book of Allâh is more deserving of being followed and the conditions of Allâh are more binding. What is the matter with some men among you who say: "Manumit so-and-so and the right of inheritance will be mine;" rather the right of inheritance belongs to the one who manumits (the slave).'''

[3780] 9 - (...) A *Hadîth* similar to that of Abû Usâmah (no. 3779) was narrated from Hishâm bin 'Urwah with this chain, except that in the *Hadîth* of Jarîr it says: "...Her husband was a slave, and the Messenger of Allâh ﷺ gave her the choice, and she chose herself. If he had been a free man, he would not have given her the choice."

[3781] 10 - (...) It was narrated that 'Aishah said: "Three rulings were given concerning Barîrah.

الْوَلَاءُ لِمَنْ أَعْتَقَ فَعَمِلْتُ، قَالَتْ: ثُمَّ خَطَبَ رَسُولُ اللَّهِ ﷺ عَشِيًّا، فَحَمِدَ اللَّهَ وَأَنْتَ عَلَيْهِ بِمَا هُوَ أَهْلُهُ، ثُمَّ قَالَ: أَمَا بَعْدُ، فَمَا بَالُ أَقْوَامٍ يَشْتَرِطُونَ شُرُوطًا لَيَسْتُ فِي كِتَابِ اللَّهِ؟ مَا كَانَ مِنْ شَرْطٍ لَيَسَّرَ فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ فَهُوَ بَاطِلٌ، وَإِنْ كَانَ مِائَةً شَرْطٍ، كِتَابُ اللَّهِ أَحَقُّ وَشَرْطُ اللَّهِ أَوْتَقَ، مَا بَالُ رِجَالٍ مِنْكُمْ يَقُولُ أَحَدُهُمْ: أَعْتَقْنَا فُلَانًا وَالْوَلَاءُ لِي، إِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ".

[٣٧٨٠]-٩ [٣٧٨١]-١٠

أَبِي شَيْعَةَ وَأَبُو كُرْبَيْبَ قَالَا: حَدَّثَنَا أَبْنُ نُعْمَانَ، وَحَدَّثَنَا أَبُو كُرْبَيْبَ: حَدَّثَنَا وَكِيعٌ، وَحَدَّثَنَا زُهَيرُ بْنُ حَرْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ، جَمِيعًا عَنْ جَرِيرٍ، كُلُّهُمْ عَنْ هِشَامٍ أَبْنِ عُرْوَةَ بْنِ هَذَلَةَ الْإِسْنَادِ، تَحْوِي حَدِيثَ أَبِي أَسَمَّةَ، غَيْرَ أَنَّ فِي حَدِيثِ جَرِيرٍ: قَالَ: وَكَانَ زَوْجُهَا عَبْدًا، فَخَيَّرَهَا رَسُولُ اللَّهِ ﷺ، فَاخْتَارَتْ نَفْسَهَا، وَلَوْ كَانَ حُرًّا لَمْ يُخْرِجْهَا، وَلَيَسَّرَ فِي حَدِيثِهِمْ: «أَمَا بَعْدُ».

[٣٧٨١]-١٠

حَدَّثَنَا زُهَيرُ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْعَلَاءِ - وَاللَّفْظُ لِزُهَيرٍ

Her masters wanted to sell her but they stipulated that the right of inheritance would be theirs. I mentioned that to the Prophet ﷺ and he said: ‘Buy her and manumit her, for the right of inheritance belongs to the one who manumits (the slave).’” She said: “Then she was manumitted, and the Messenger of Allâh ﷺ gave her the choice,^[1] and she chose herself. And the people used to give her charity and she would give us gifts. I mentioned that to the Prophet ﷺ and he said: ‘It is charity for her, but it is a gift for you, so eat it.’”

- فَالَا : حَدَّثَنَا أَبُو مُعاوِيَةَ : حَدَّثَنَا هِشَامٌ ، ابْنُ عُرْوَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ ، عَنْ أَبِيهِ ، عَنْ عَائِشَةَ قَالَتْ : كَانَ فِي بَرِيرَةَ ثَلَاثُ فَضَيَّاتٍ أَرَادَ أَهْلُهَا أَنْ يَبِيعُوهَا وَيَشْتَرِطُوا وَلَاءَهَا ، فَذَكَرَتْ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ : «اشْتَرِيهَا وَأَعْتِيقِيهَا ، فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ» - قَالَتْ : وَعَتَقْتُ ، فَخَيَّرَهَا رَسُولُ اللَّهِ ﷺ ، فَاخْتَارَتْ نَفْسَهَا - قَالَتْ - : وَكَانَ النَّاسُ يَصْدَقُونَ عَلَيْهَا وَتَهْدِي لَنَا ، فَذَكَرَتْ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ : «هُوَ عَلَيْهَا صَدَقَةٌ ، وَهُوَ لَكُمْ هَدِيَّةٌ ، فَكُلُوهُ» .

[3782] 11 - (...) It was narrated from ‘Aishah that she bought Barîrah from some people among the *Anṣâr*, and they stipulated that the right of inheritance would be theirs. The Messenger of Allâh ﷺ said: “The right of inheritance belongs to the one who bestows the favor (manumits the slave).” And 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 cook some of this meat for us?” ‘Aishah said: “It was given in charity to Barîrah.” He said: “It

بَكْرٌ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا حُسَيْنُ ابْنُ عَلِيٍّ عَنْ زَائِدَةَ ، عَنْ سِمَاكٍ ، عَنْ عَبْدِ الرَّحْمَنِ ابْنِ الْقَاسِمِ ، عَنْ أَبِيهِ ، عَنْ عَائِشَةَ ؛ أَنَّهَا اشْتَرَتْ بَرِيرَةَ مِنْ أَنَاسٍ مِنَ الْأَنْصَارِ ، وَاشْتَرَطَتْ بَرِيرَةً الْوَلَاءَ ، فَقَالَ رَسُولُ اللَّهِ ﷺ : «الْوَلَاءَ لِمَنْ وَلَيَ النِّعَمَةَ» وَخَيَّرَهَا رَسُولُ اللَّهِ ﷺ ، وَكَانَ زَوْجُهَا عَبْدًا ، وَأَهَدَتْ لِعَائِشَةَ لَحْمًا ، فَقَالَ رَسُولُ اللَّهِ ﷺ : «لَوْ صَنَعْتُمْ لَنَا مِنْ هَذَا اللَّحْمِ؟» قَالَتْ

^[1] The choice to be with her husband, who is still a slave or to leave him and be free.

is charity for her and a gift for us.”

[3783] 12 - (...) It was narrated from ‘Aishah that she wanted to buy Barîrah in order to manumit her, but they (her owners) stipulated conditions about the right of inheritance. She mentioned that to the Messenger of Allâh ﷺ and he said: “Buy her and manumit her, for the right of inheritance belongs to the one who manumits (the slave).” Some meat was given to the Messenger of Allâh ﷺ as a gift, and they said to the Prophet ﷺ: “This was given in charity to Barîrah.” He said: “It is charity for her but it is a gift for us.” And she was given the choice. Abdur-Rahmân (a narrator) said: “Her husband was a free man.” Shu‘bah said: “Then I asked him about her husband, and he said: ‘I do not know.’”

[3784] (...) Shu‘bah narrated a similar report (as no. 3783) with this chain.

[3785] 13 - (...) It was narrated from ‘Urwah that ‘Aishah said: “The husband of Barîrah was a slave.”

عائشةٌ تُصدقَ بِهِ عَلَى بَرِيرَةَ، فَقَالَ: هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدْيَةٌ».

[٣٧٨٢] ١٢ - (...) حَدَّثَنَا مُحَمَّدُ بْنُ أَبْنِ الْمُشَنَّى: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ، قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَنَ بْنَ الْفَاسِمَ قَالَ: سَمِعْتُ الْفَاسِمَ يُحَدِّثُ عَنْ عَائِشَةَ؛ أَنَّهَا أَرَادَتْ أَنْ تَشْتَرِي بَرِيرَةَ لِلْعُقْنَ، فَأَشْتَرَطُوا وَلَاءَهَا، فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، فَقَالَ: «اشْتَرِيهَا وَأَعْتَقِيهَا، فَإِنَّ الْوَلَاءَ لِمَنْ أَعْنَقَ»، وَأَهْدَى لِرَسُولِ اللَّهِ ﷺ لَحْمًا، فَقَالُوا لِلْبَنِي ﷺ: هَذَا تُصدقَ بِهِ عَلَى بَرِيرَةَ، فَقَالَ: «هُوَ لَهَا صَدَقَةٌ، وَهُوَ لَنَا هَدْيَةٌ»، وَخُرَيْثَ، فَقَالَ شُعْبَةُ: ثُمَّ سَأَلَهُ عَنْ رَوْجَهَا حُرَّاً، قَالَ شُعْبَةُ: ثُمَّ سَأَلَهُ عَنْ رَوْجَهَا؟ فَقَالَ: لَا أَدْرِي.

[٣٧٨٤] (...) وَحَدَّثَنَا أَخْمَدُ بْنُ عُنَمَّانَ التَّوْفِلِيَّ: حَدَّثَنَا أَبُو دَاؤِدَ: حَدَّثَنَا شُعْبَةُ، بِهَذَا الْإِسْنَادِ نَحْوَهُ.

[٣٧٨٥] ١٣ - (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ أَبْنِ الْمُشَنَّى وَابْنِ يَشَارٍ، جَمِيعًا عَنْ أَبِي هِشَامٍ - قَالَ أَبْنُ الْمُشَنَّى: حَدَّثَنَا مُغِيرَةُ بْنُ سَلَمَةَ الْمَخْزُومِيَّ أَبُو هِشَامٍ: حَدَّثَنَا وَهِيْبَةُ: حَدَّثَنَا عَيْبُودُ اللَّهِ عَنْ يَزِيدَ بْنِ

رُومانَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ :
كَانَ رَوْحٌ بَرِيرَةً عَبْدًا .

[3786] 14 - (...) It was narrated from 'Âishah, the wife of the Prophet ﷺ, that she said: "Three rulings were established concerning Barîrah: She was given the choice about her husband when she was manumitted; some meat was given to her and the Messenger of Allâh ﷺ entered upon me when the earthen pot was on the fire. He called for some food, and some bread, and ordinary condiments were brought to him. He said: 'Do I not see an earthen pot on the fire with meat in it?' They said: 'Yes, O Messenger of Allâh; that is meat that was given in charity to Barîrah and we did not want to give some to you.' He said: 'It is charity for her but it is a gift from her to us.'" And the Prophet ﷺ said concerning her: 'The right of inheritance belongs to the one who manumits (the slave).'"

[3787] 15 - (1505) It was narrated that Abû Hurairah said: "'Âishah wanted to buy Barîrah and manumit her, but her masters insisted that the right of inheritance should be theirs. She mentioned that to the Messenger of Allâh ﷺ and he said: 'Do not let that stop you, for the right of inheritance belongs to the one who manumits (the slave).'"

[٣٧٨٦] ١٤ - (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَالِكُ ابْنُ أَنَسٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ رَوْحِ الْبَيْتِ عَلَيْهَا سَلَامٌ أَنَّهَا قَالَتْ: كَانَتْ فِي بَرِيرَةِ ثَلَاثُ سُنَنٍ: خُيِّرَتْ عَلَى رَوْحَهَا حِينَ عَتَّقْتُ، وَأَهْدَيَ لَهَا لَحْمٌ فَدَخَلَ عَلَيَّ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ وَالبَرْمَةُ عَلَى النَّارِ، فَدَعَا بِطَعَامٍ، فَأَتَيَ بِخُبْزٍ وَأَدْمَرٍ مِنْ أَدْمِ الْبَيْتِ، فَقَالَ: «أَلَمْ أَرْبُرْمَةً عَلَى النَّارِ فِيهَا لَحْمٌ؟» فَقَالُوا: بَلَى، يَا رَسُولَ اللَّهِ! ذَلِكَ لَحْمٌ تُصَدِّقُ بِهِ عَلَى بَرِيرَةَ، فَكَرِهْنَا أَنْ نُطْعِمَكَ مِنْهُ، فَقَالَ: «هُوَ عَلَيْهَا صَدَقَةٌ وَهُوَ مِنْهَا لَنَا هَدِيَّةٌ»، وَقَالَ الْبَيْتِ عَلَيْهَا: «إِنَّمَا الْوَلَاءُ لِمَنْ أَعْنَقَ».

[٣٧٨٧] ١٥ - (١٥٠٥) حَدَّثَنَا أَبُو بَكْرِ بْنِ أَبِي شَيْبَةَ: حَدَّثَنَا حَالِدُ ابْنُ مَخْلِدٍ، عَنْ سُلَيْمَانَ بْنِ بِلَالٍ: حَدَّثَنِي سُهَيْلُ بْنُ أَبِي صَالِحٍ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: أَرَادَتْ عَائِشَةُ أَنْ تَشْتَرِي جَارِيَةً تُعْتَقُهَا، فَأَبَى أَهْلُهَا إِلَّا أَنْ يَكُونَ لَهُمُ الْوَلَاءُ، فَذَكَرَ ذَلِكَ لِرَسُولِ

الله ﷺ، فَقَالَ: «لَا يَمْنَعُكِ ذَلِكَ، فَإِنَّمَا
الْوَلَاءُ لِمَنْ أَعْنَتْ».

Chapter 3. The Prohibition Of Selling Or Giving Away The *Walâ'*

[3788] 16 - (1506) It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade selling or giving away the *Walâ'*.

Ibrâhîm said:^[1] "I heard Muslim bin Al-Hajjâj say: 'All people depend on 'Abdullâh bin Dînâr in this *Hadîth*.'"

[3789] (...) A similar report (as no. 3788) was narrated from 'Abdullâh bin Dînâr, from Ibn 'Umar, from the Prophet ﷺ, except that in the *Hadîth* of Ath-Thaqafî from 'Ubaidullâh, it mentions selling only and does not mention giving away.

(المعجم (٣) - (باب النهي عن بيع
الولاء وهبته) (التحفة (٤)

[٣٧٨٨] [١٦-١٥٠٦) حَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى التَّوْسِيُّ: أَخْبَرَنَا شَيْمَانُ بْنُ
بِلَالٍ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ
عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيعِ
الْوَلَاءِ وَعَنْ هِبَةِ.

فَالْإِنْرَاهِيمُ سَمِعْتُ مُسْلِمَ بْنَ الْحَجَاجَ
يَقُولُ: النَّاسُ كُلُّهُمْ عِبَالٌ، عَلَى عَبْدِ اللَّهِ
ابْنِ دِينَارٍ، فِي هَذَا الْحَدِيثِ.

[٣٧٨٩] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ
أَبِي شِيهَةَ وَزُهَيرٍ بْنُ حَرْبٍ قَالًا: حَدَّثَنَا
ابْنُ عُيَيْنَةَ، وَحَدَّثَنَا يَحْيَى بْنُ أَئْوَبَ وَقُتَيْبَةَ
وَابْنُ حُجْرَةَ، قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ بْنُ
جَعْفَرٍ؛ وَحَدَّثَنَا ابْنُ نُعَيْرٍ: حَدَّثَنَا أَبِي:
حَدَّثَنَا سُفْيَانُ بْنُ سَعِيدٍ؛ وَحَدَّثَنَا ابْنُ
الْمُسْنَى: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا
شُعْبَةُ؛ وَحَدَّثَنَا ابْنُ الْمُسْنَى قَالَ: حَدَّثَنَا
عَبْدُ الْوَهَابِ: حَدَّثَنَا عَبْيَدُ اللَّهِ؛ وَحَدَّثَنَا

^[1] That is, Ibrâhîm bin Muhammâd bin Sufyân, one of those who reports this book from Imâm Muslim. The meaning of the statement of Imâm Muslim is that it has only been reported by 'Abdullâh bin Dînâr.

ابن رافع: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا الصَّحَّافُ يَعْنِي ابْنَ عُثْمَانَ، كُلُّ هُؤُلَاءِ عَنْ عَبْدِ اللَّهِ بْنِ دِيَنَارٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمُثْلِهِ، عَيْرَ أَنَّ الْفَقِيْهَ لَيْسَ فِي حَدِيْثِهِ عَنْ عَبْدِ اللَّهِ، إِلَّا الْبَعْضُ، وَلَمْ يَذْكُرِ الْهَبَةَ.

(المعجم ٤) - (باب تحرير تولي العتيق غير مواليه) (التحفة ٥)

Chapter 4. The Prohibition Of A Manumitted Slave Taking Anyone As A Mawla^[1] Except The One Who Manumitted Him

[3790] 17 - (1507) Jâbir bin 'Abdullâh said: "The Prophet ﷺ dictated the blood money to be paid by each tribe, then he dictated: 'It is not permissible for a Muslim to become the *Mawla* of a slave who has been manumitted by a Muslim man, without his permission.' Then I was told that in his *Sahîfah* (a letter), he cursed the one who did that."

[٣٧٩٠-١٧] حَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيرُ، أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: كَتَبَ النَّبِيُّ ﷺ عَلَى كُلِّ بَطْنٍ عُقُولَهُ، ثُمَّ كَتَبَ «أَنَّهُ لَا يَحِلُّ [لِمُسْلِمٍ] أَنْ يَتَوَالَّ مَوْلَى رَجُلٌ مُسْلِمٌ يَعْنِي إِذْنَهُ» ثُمَّ أَخْبَرَتُ، أَنَّهُ لَعْنَ - فِي صَحِيفَتِهِ مَنْ فَعَلَ ذَلِكَ.

[3791] 18 - (1508) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Whoever takes people as *Mawla* without the permission of the those who set him free, upon him

[٣٧٩١-١٨] حَدَّثَنَا قُبَيْلَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا يَغْوُبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَنِ الْفَارِيَ، عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:

^[1] The word *Mawla* refers to the one who manumits a slave, who has the right to inherit from the ex-slave. Changing one's *Mawla* means giving the right of inheritance to the new *Mawla*.

will be the curse of Allâh and the Angels, and no *Sarf* nor *'Adl* will be accepted from him.”

«مَنْ تَوَلَّ قَوْمًا بِغَيْرِ إِذْنِ مَوَالِيهِ، فَعَلَيْهِ لَعْنَةُ اللهِ وَالْمَلَائِكَةِ، لَا يُقْبَلُ مِنْهُ صَرْفٌ وَلَا عَدْلٌ».»

[3792] 19 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: “Whoever takes people as his *Mawla* without the permission of those who set him free, upon him will be the curse of Allâh, the Angels and all the people, and on the Day of Resurrection, no *'Adl* nor *Sarf* will accepted from him.”

[٣٧٩٢] ١٩ - (...) حَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ الْجُعْفَرِيُّ، عَنْ زَائِدَةَ، عَنْ سُلَيْمَانَ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ تَوَلَّ قَوْمًا بِغَيْرِ إِذْنِ مَوَالِيهِ، فَعَلَيْهِ لَعْنَةُ اللهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يُقْبَلُ مِنْهُ، يَوْمَ الْقِيَامَةِ، عَدْلٌ وَلَا صَرْفٌ».»

[3793] (...) It was narrated from Al-A‘mash with this chain (a *Hadath* similar to no. 3792), except that he said: “Whoever takes people other than those who set him free as *Mawla* without their permission...”

[٣٧٩٣] (...) وَحَدَّثَنِي إِبْرَاهِيمُ بْنُ دِينَارٍ: حَدَّثَنَا عَبْدُ اللهِ بْنُ مُوسَى: حَدَّثَنَا شَيْبَانُ عَنِ الْأَعْمَشِ بِهَذَا الْإِسْنَادِ، غَيْرُ أَنَّهُ قَالَ: «وَمَنْ وَالَّى غَيْرَ مَوَالِيهِ بِغَيْرِ إِذْنِهِمْ».»

[3794] 20 - (1370) It was narrated from Ibrâhîm At-Taimî that his father said: ‘Alî bin Abî Tâlib addressed us and said: ‘Whoever claims that we have something that we recite apart from the Book of Allâh and this *Sâhîfah*’ - a document that was hanging from the sheath of his sword - ‘is lying. In it are the ages of camels and rulings concerning injuries, and in it the Prophet ﷺ said: “Al-Madînah is sacred, the

[٣٧٩٤] ٢٠ - (١٣٧٠) وَحَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا كُرَيْبٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْأَعْمَشُ عَنْ إِبْرَاهِيمَ التَّمِيميِّ، عَنْ أَبِيهِ قَالَ: حَطَبَنَا عَلِيُّ بْنُ أَبِي طَالِبٍ قَالَ: مَنْ زَعَمَ أَنَّهُ عِنْدَنَا شَيْئًا نَفَرَأُهُ إِلَّا كِتَابَ اللهِ عَزَّ وَجَلَّ وَهَذِهِ الصَّحِيفَةُ - قَالَ: وَصَحِيقَةٌ مُعَلَّقَةٌ فِي قِرَابِ سَيِّفِهِ - فَقَدْ كَذَبَ، فِيهَا أَسْنَانُ الْإِبْلِ، وَأَشْيَاءُ مِنْ

area between ‘Ayr and Thawr. Whoever introduces any *Hadath* or gives refuge to a *Muhibith*, upon him will be the curse of Allâh, the Angels and all the people, and on the Day of Resurrection Allâh will not accept any *Sarf* nor *‘Adl* from him. Protection granted by one Muslim is binding upon all of them, and may be given by the humblest of them. Whoever claims to belong to someone other than his father or to belong to someone other than his *Mawla*, upon him be the curse of Allâh, the Angels and all the people, and on the Day of Resurrection Allâh will not accept any *Sarf* nor *‘Adl* from him.”

الْجِرَاحَاتِ، وَفِيهَا قَالَ النَّبِيُّ ﷺ: «الْمَدِينَةُ حَرَمٌ مَا بَيْنَ عَيْنِ إِلَى ثَوْرٍ، فَمَنْ أَحْدَثَ فِيهَا حَدَثًا أَوْ آوَى مُهْدِثًا، فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يَقْبَلُ اللَّهُ مِنْهُ يَوْمَ الْقِيَامَةِ، صَرْفًا وَلَا عَدْلًا، وَذَمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ يَسْعَى بِهَا أَذْنَاهُمْ، وَمَنْ ادَّعَى إِلَى عَيْنِ أَبِيهِ أَوْ اتَّسَمَّى إِلَى غَيْرِ مَوَالِيهِ فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يَقْبَلُ اللَّهُ مِنْهُ يَوْمَ الْقِيَامَةِ، صَرْفًا وَلَا عَدْلًا».

[راجع: ٣٣٢٧]

(المعجم ٥) - (باب فضل العتق)

(التحفة ٦)

٢١-٣٧٩٥ [٣٧٩٥-٢١] حَدَّثَنَا مُحَمَّدُ بْنُ ابْنِ الْمُسْنَى الْعَنْزِيُّ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عَبْدِ اللَّهِ بْنِ سَعِيدٍ وَهُوَ ابْنُ أَبِيهِ هِنْدٍ: حَدَّثَنِي إِسْمَاعِيلُ ابْنُ أَبِيهِ حَكِيمٍ، عَنْ سَعِيدِ بْنِ مَرْجَانَةَ، عَنْ أَبِيهِ هُرِيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْنَقَ رَبَّهُ مُؤْمِنَةً، أَعْنَقَ اللَّهُ بِكُلِّ إِرْبِ مِنْهَا إِرْبِيَا مِنْ النَّارِ».

٢٢-٣٧٩٦ [٣٧٩٦-٢٢] وَحَدَّثَنَا دَاؤُدُّ بْنُ رُشَيْدٍ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنْ

[3795] 21 - (1509) It was narrated from Abû Hurairah that the Prophet ﷺ said: “Whoever frees a believing slave, Allâh will ransom each of his limbs from the Fire for each of his (the slave’s) limbs.”

[3796] 22 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “Whoever frees a believing slave,

Allâh will ransom each of his limbs from the Fire for each of his (the slave's) limbs, even his private part for his private part."

مُحَمَّدٌ بْنُ مُطَرِّفٍ أَبِي عَسَانَ الْمَدْنَيِّ، عَنْ
رَيْدِ بْنِ أَشْلَمَ، عَنْ عَلَيِّ بْنِ حُسْنِيْنَ، عَنْ
سَعِيدِ بْنِ مَرْجَانَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ
رَسُولِ اللَّهِ ﷺ قَالَ: «مَنْ أَعْنَقَ رَقَبَةَ
مُؤْمِنَةَ، أَعْنَقَ اللَّهُ بِكُلِّ عَضْوٍ مِنْهَا عُضْوًا
مِنْ أَعْصَائِهِ مِنَ النَّارِ، حَتَّىٰ فَرَجَهُ
بِفَرْجِهِ».

[3797] 23 - (...) It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'Whoever frees a believing slave, Allâh will ransom each of his limbs from the Fire for each of his (the slave's) limbs, until He ransoms his private part for his private part.'"

ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ ابْنِ الْهَادِ،
عَنْ عُمَرَ بْنِ عَلَيِّ بْنِ حُسْنِيْنَ، عَنْ سَعِيدِ
ابْنِ مَرْجَانَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ:
سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ أَعْنَقَ
رَقَبَةَ مُؤْمِنَةَ، أَعْنَقَ اللَّهُ بِكُلِّ عَضْوٍ مِنْهَا
عُضْوًا مِنَ النَّارِ، حَتَّىٰ يُعْتَقَ فَرَجَهُ
بِفَرْجِهِ».

[3798] 24 - (...) It was narrated from Sa'eed bin Marjânah - the companion of 'Alî bin Husain - who said: "I heard Abû Hurairah say: 'The Messenger of Allâh ﷺ said: "Any Muslim who frees another Muslim, Allâh will save each of his limbs from the Fire for each of his (the slave's) limbs." He said: "When I heard this *Hadîth* from Abû Hurairah, I went and mentioned it to 'Alî bin Al-Husain and he manumitted a slave of his for whom Ibn Ja'far

وَحَدَّثَنِي [٣٧٩٨] ٢٤ - (...). حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا يَشْرُبُ بْنُ
الْمُقَضِّلِ: حَدَّثَنَا عَاصِمٌ وَهُوَ ابْنُ مُحَمَّدٍ
الْعَمْرَيُّ: حَدَّثَنَا وَاقِدٌ - يَعْنِي أَخَاهُ -
حَدَّثَنِي سَعِيدُ بْنُ مَرْجَانَةَ - صَاحِبُ عَلَيِّ
ابْنِ حُسْنِيْنَ - قَالَ: سَمِعْتُ أَبا هُرَيْرَةَ
يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّمَا
أَمْرِيَعُ مُسْلِمًّا أَعْنَقَ امْرَءًا مُسْلِمًا، اسْتَفْتَدَ
اللَّهُ بِكُلِّ عَضْوٍ مِنْهُ عُضْوًا مِنْهُ مِنَ النَّارِ»

was prepared to pay ten thousand Dirham - or one thousand Dînârs."

قالَ: فَانْطَلَقْتُ حِينَ سَمِعْتُ الْحَدِيثَ مِنْ أَبِي هُرَيْرَةَ، فَذَكَرَهُ لِعَلَيْيَ بْنِ الْحُسَيْنِ، فَأَعْتَقَ عَنْهَا لَهُ قَدْ أَعْطَاهُ يَهُ ابْنُ جَعْفَرٍ عَشْرَةَ آلَافَ [زِرْهُمْ] - أَوْ أَلْفَ دِينَارٍ.

Chapter 6. The Virtue Of Manumitting One's Father

[3799] 25 - (1510) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'No son can repay his father unless he finds him enslaved and buys him and manumits him.'"

(المعجم ٦) - (بابُ فضل عتق الوالد)
(التحفة ٧)

[٣٧٩٩] ٢٥ - (١٥١٠) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَرُهْبَرْ بْنُ حَرْبٍ قَالَا: حَدَّثَنَا حَرِيرٌ عَنْ سُهْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَجْزِي وَلَدٌ وَالَّدًا إِلَّا أَنْ يَجْدِه مَمْلُوكًا فَيَشْتَرِيهِ كَيْعَنَةً»، وَفِي رِوَايَةِ ابْنِ أَبِي شَيْبَةَ «وَلَدٌ وَالَّدُ». .

[3800] (...) A similar report (as no. 3799) was narrated from Suhail with this chain.

[٣٨٠٠] (...) وَحَدَّثَنَا أَبُو كُرْبَ: حَدَّثَنَا وَكِيعٌ، وَحَدَّثَنَا ابْنُ نُعْمَانَ: حَدَّثَنَا أَبُو أَحْمَدَ الرَّبِيعِيُّ، كُلُّهُمْ عَنْ سُفِيَّانَ، عَنْ سُهْلٍ بِهَذَا الْإِسْنَادِ مِثْلَهُ، وَقَالُوا «وَلَدٌ وَالَّدُ». .

21. The Book Of Financial Transactions

٦ - (المعجم ٢١) - كتاب البيوع
 (التحفة ١٢)

Chapters 1. The Invalidity Of *Al-Mulâmasah*^[١] And *Al-Munâbadhah*^[٢] Transactions

[3801] ١ - (1511) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ forbade *Mulâmasah* and *Munâbadhah* transactions.

[3802] (...) A similar report (as no. 3801) was narrated from Abû Hurairah, from the Prophet ﷺ (with a different chain of narrators).

[3803] (...) A similar report (as no. 3801) was narrated from Abû Hurairah, from the Prophet ﷺ (with a different chain of narrators).

(المعجم ١) - (باب إبطال بيع
 الملامسة والمنابذة) (التحفة ١)

[٣٨٠١] ١- (١٥١١) حَدَّثَنَا يَحْيَى
 ابْنُ يَحْيَى التَّمِيِّيُّ قَالَ: قَرِأتُ عَلَى
 مَالِكٍ عَنْ مُحَمَّدٍ بْنِ يَحْيَى بْنِ حَبَّانَ،
 عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ
 اللَّهِ ﷺ نَهَىٰ عَنْ بَيْعِ الْمُلَامِسَةِ
 وَالْمُنَابِذَةِ.

[٣٨٠٢] (...) وَحَدَّثَنَا أَبُو كُرْبَةَ
 وَابْنُ أَبِي عُمَرَ فَالَا: حَدَّثَنَا وَكَيْعُ عَنْ
 سُقِيَّانَ عَنْ أَبِي الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنِ
 أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ مِثْلَهُ.

[٣٨٠٣] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ
 أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ ثُمَيرٍ وَأَبُو أَسَامَةَ؛
 وَحَدَّثَنَا مُحَمَّدٌ بْنُ عَبْدِ اللَّهِ بْنِ ثُمَيرٍ:
 حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا مُحَمَّدٌ بْنُ الْمُتَّفَّقِ:
 حَدَّثَنَا عَبْدُ الْوَهَّابِ، كُلُّهُمْ عَنْ عُبَيْدِ اللَّهِ

[١] *Al-Mulâmasah* is a buy for prefixed price with closed eyes, or in darkness just by the first touch of hand.

[٢] *Al-Munâbadhah* is an agreement to barter one thing for another without seeing or checking either of them.

ابن عمر، عن حبيب بن عبد الرحمن،
عن حفص بن عاصم، عن أبي هريرة
عن النبي ﷺ بمثله.

[3804] (...) A similar report (as no. 3801) was narrated from Abû Hurairah, from the Prophet ﷺ.

[٣٨٠٤] (...) وحدّثنا قتيبة بن سعيد: حدثنا يعقوب يعني ابن عبد الرحمن، عن سهيل بن أبي صالح، عن أبيه، عن أبي هريرة عن النبي ﷺ بمثله.

[3805] 2 - (...) It was narrated from Abû Hurairah that he said: "Two kinds of transaction were forbidden: *Mulâmasah* and *Munâbadhah*. *Mulâmasah* is when each person touches (*Yalmis*) the garment of his companion without examining it further, and *Munâbadhah* is when each person throws (*Yanbidh*) his garment to the other, and neither of them examines the garment of the other."

[٣٨٠٥] (...) وحدّثني محمد بن رافع: حدثنا عبد الرزاق: أخبرنا ابن جريج: أخبرني عمرو بن دينار عن عطاء بن مياء، أنه سمعه يحدث عن أبي هريرة أنه قال: نهى عن يعینين: الملامسة والمنبذة، أما الملامسة: فأن يلمس كل واحد منهما ثوب صاحبه بغير تأمل، والمنبذة: أن يتند كل واحد منها ثوبه إلى الآخر، ولم يتنظر واحد منهم إلى ثوب صاحبه.

[3806] 3 - (1512) Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ forbade two kinds of sales and two kinds of dressing to us. He forbade *Mulâmasah* and *Munâbadhah* transactions. *Mulâmasah* is when a man touches the garment of another with his

[٣٨٠٦] (...) وحدّثني أبو الطاهر وحرملة بن يحيى - واللقط لحرملة - قالا: أخبرنا ابن وهب: أخبرني يونس عن ابن شهاب: أخبرني عامر بن سعد بن أبي وفاص: أن أبا

hand, by night or by day, and he does not examine it any more than that. *Munâbadhah* is when a man throws his garment to another man, and the other man throws his garment to him, and this is how the transaction is done, without examining and without being pleased (with the item)."

[3807] (...) It was narrated from Ibn Shihâb (a *Hadîth* similar to no. 3806 with a different chain of narrators).

Chapter 2. The Invalidity Of *Hasâh* Transactions And Transactions Involving Ambiguity

[3808] 4 - (1513) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade *Hasâh* transactions^[1] and transactions involving ambiguity.

سَعِيدُ الْخُدْرِيَّ قَالَ: نَهَانَا رَسُولُ اللَّهِ ﷺ عَنْ بَيْتَتِينَ وَلَبِسَتِينَ: نَهَىٰ عَنِ الْمُلَامَسَةِ وَالْمُنَابَدَةِ فِي الْبَيْعِ، وَالْمُلَامَسَةُ: لَمْسُ الرَّجُلِ ثُوبَ الْآخَرِ بِيَدِهِ بِاللَّيْلِ أَوْ بِالنَّهَارِ، وَلَا يَقْلِبُهُ إِلَّا بِذِلِكِ، وَالْمُنَابَدَةُ: أَنْ يَئِنِّدَ الرَّجُلُ إِلَى الرَّجُلِ بِثَوْبِهِ وَيَئِنِّدَ الْآخَرُ إِلَيْهِ ثَوْبَهُ، وَيَكُونُ ذَلِكَ بِعِهْمَمَا عَنْ عَيْنِ نَظَرٍ وَلَا تَرَاضِ.

[٣٨٠٧] (...) وَحَدَّثَنِي عَمْرُو النَّاقِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعِيدٍ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ، عَنْ أَبِي شِهَابٍ بِهَذَا الْإِسْنَادِ.

(المعجم ٢) - (بابُ بطلان بيع الحصاة والبيع الذي فيه غرر)
(التحفة ٢)

[٣٨٠٨] [١٥١٣] وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَمِيمَةَ: حَدَّثَنَا عَبْدُ اللَّهِ أَبْنُ إِدْرِيسَ وَيَحْيَى بْنُ سَعِيدٍ وَأَبُو أُسَامَةَ، عَنْ عُبَيْدِ اللَّهِ، وَحَدَّثَنِي زُهْرَيُّ بْنُ حَرْبٍ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عُبَيْدِ اللَّهِ: حَدَّثَنِي أَبُو الزَّنَادِ عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ الْحَصَّاءِ، وَعَنْ بَيْعِ الْغَرَرِ.

^[1] Those that involve throwing stones, and based upon where they land a deal is finalized.

Chapter 3. The Prohibition Of Selling *Habl Al-Habalah*^[1]

[3809] 5 - (1514) It was narrated from 'Abdullâh that the Messenger of Allâh ﷺ forbade selling *Habl Al-Habalah*.

[3810] 6 - (...) It was narrated that Ibn 'Umar said: "During the *Jâhiliyyah*, people used to sell the meat of camels up to *Habl Al-Habalah*. *Habl Al-Habalah* means that the she-camel gives birth, then the one that she bore becomes pregnant. The Messenger of Allâh ﷺ forbade that."

Chapter 4. The Prohibition Of Urging A Buyer To Cancel A Purchase In Order To Sell Him One's Own Goods And Urging A Seller To Cancel A Sale Already Agreed Upon So That One Can Buy The Goods Oneself; And The Prohibition Of Artificially Inflating Prices; And The Prohibition Of Letting Milk Accumulate In The Udder In Order To Deceive The Purchaser

[3811] 7 - (1412) It was

(المعجم ٣) - (باب تحرير بيع حبل الحبلة) (التحفة ٣)

[٣٨٠٩] ٥ - (١٥١٤) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى وَمُحَمَّدُ بْنُ رُمْحٍ قَالًا: أَخْبَرَنَا الْيَثْرَى؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا الْيَثْرَى عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ عَنْ رَسُولِ اللَّهِ ﷺ؛ أَنَّهُ نَهَى عَنْ بَيْعِ حَبْلِ الْحَبْلَةِ.

[٣٨١٠] (...) وَحَدَّثَنِي رُهْبَنْ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُشَنَّى - وَاللَّفْظُ لِرُهْبَنِ - قَالًا: حَدَّثَنَا يَحْيَى وَهُوَ الْقَطَانُ، عَنْ عَبْدِ الْلَّهِ الْجَاهِلِيَّةِ يَبْتَأِيُونَ لَحْمَ الْجَزُورِ إِلَى حَبْلِ الْحَبْلَةِ وَحَبْلِ الْحَبْلَةِ: أَنْ تُشَحَّ النَّاقَةُ ثُمَّ تَحْمِلُ الَّتِي تُنْجِتُ، فَهَاهُمْ رَسُولُ اللَّهِ ﷺ عَنْ ذَلِكَ.

(المعجم ٤) - (باب تحرير بيع الرجل على بيع أخيه، وسموه على سمه، وتحريم النجش، وتحريم التصرية) (التحفة ٤)

[٣٨١١] ٧ - (١٤١٢) حَدَّثَنَا يَحْيَى

^[1] *Habl Al-Habalah* means selling the offspring of the offspring that is still in the womb of the camel being sold.

narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: “Do not urge a buyer to cancel a purchase in order to sell him your own goods.”

ابن يحيى : قال : قرأت على مالك عن نافع ، عن ابن عمر أن رسول الله ﷺ قال : لا بيع بغضكم على بيع بعض .

[راجع : ٣٤٥٤]

[3812] 8 - (...) It was narrated from Ibn ‘Umar that the Prophet ﷺ said: “No man should urge a buyer to cancel a purchase with his brother in order to sell him his own goods; or propose marriage to a woman to whom his brother has already proposed, unless he gives him permission.”

٨-[٣٨١٢] حَدَّثَنَا زُهْيرٌ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُنْتَهَى - وَاللَّفْظُ لِزُهْيرٍ - قَالًا : حَدَّثَنَا يَحْيَى عَنْ عَبْدِ اللَّهِ أَخْبَرَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ عَنْ النَّبِيِّ ﷺ قَالَ : لَا بَيْعٌ الرَّجُلُ عَلَى بَيْعِ أَخِيهِ ، وَلَا يَخْطُبُ عَلَى خِطْبَةِ أَخِيهِ ، إِلَّا أَنْ يَأْذِنَ لَهُ .

[3813] 9 - (1515) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “No Muslim should urge a seller to cancel a sale to another Muslim that is already agreed upon so as to buy the goods himself.”

٩-[٣٨١٣] حَدَّثَنَا يَحْيَى بْنُ أَئْوَبَ وَقَتْيَةً بْنُ سَعِيدٍ وَابْنُ حُجْرٍ قَالُوا : حَدَّثَنَا إِسْتَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ ، عَنِ الْعَلَاءِ ، عَنْ أَبِيهِ ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ : لَا يَسْمِي الْمُسْلِمُ عَلَى سَوْمِ الْمُسْلِمِ .

[3814] 10 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ forbade a man to urge someone to cancel a sale already agreed upon so that he can buy the goods himself.

١٠-[٣٨١٤] وَحَدَّثَنِيهِ أَحْمَدُ بْنُ إِبْرَاهِيمَ الدَّوْرَقِيِّ : حَدَّثَنِي عَبْدُ الصَّمَدِ : حَدَّثَنَا شُعْبَةُ عَنِ الْعَلَاءِ وَسَهْلِيَّ ، عَنْ أَبِيهِمَا ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ ; وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْتَهَى : حَدَّثَنَا عَبْدُ الصَّمَدِ : حَدَّثَنَا شُعْبَةُ عَنِ الْأَعْمَشِ ، عَنْ أَبِي صَالِحٍ ، عَنْ أَبِي

هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، وَحَدَّثَنَا عَبْدُ اللَّهِ
ابْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ
عَدِيٍّ وَهُوَ ابْنُ ثَابِتٍ، عَنْ أَبِي حَازِمٍ،
عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى
أَنْ يَسْتَأْمِنَ الرَّجُلُ عَلَى سَوْمٍ أَخِيهِ، وَفِي
رِوَايَةِ الدَّوْرَقِيِّ: عَلَى سِيمَةِ أَخِيهِ.

[٣٨١٥] ١١ - (...) وَحَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ
أَبِي الرَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ
أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَنْتَقِي
الرُّكْبَانُ لِيَتَّبِعُ، وَلَا يَتَّبِعُ بَعْضُكُمْ عَلَى بَعْضٍ
بَعْضٍ، وَلَا تَنَاجِشُوا، وَلَا يَتَّبِعُ حَاضِرٌ
لِيَادِهِ، وَلَا تُصْرِفُوا إِلَيْلَ وَالغَنَمِ، فَمَنِ
ابْتَاعَهَا بَعْدَ ذَلِكَ فَهُوَ بِخَيْرِ النَّظَرَيْنِ، بَعْدَ
أَنْ يَخْلُبَهَا، فَإِنْ رَضِيَهَا أَمْسَكَهَا، وَإِنْ
سَخْطَهَا رَدَّهَا وَصَاعَ مِنْ تَمِّرٍ».

[٣٨١٦] ١٢ - (...) حَدَّثَنَا عَبْدُ اللَّهِ
ابْنُ مُعَاذِ الْعَنَزِيِّ: حَدَّثَنَا أَبِي: حَدَّثَنَا
شُعْبَةُ عَنْ عَدِيٍّ وَهُوَ ابْنُ ثَابِتٍ، عَنْ أَبِي
حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ
اللَّهِ ﷺ نَهَى عَنِ التَّلَقِيِّ [لِلرُّكْبَانِ]، وَأَنْ
يَتَّبِعَ حَاضِرٌ لِيَادِهِ، وَأَنْ تَسْأَلَ الْمَرْأَةُ طَلاقَ

[3815] 11 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Do not go out to intercept the riders for trade, do not urge a buyer to cancel a purchase already agreed upon in order to sell him your own goods, do not artificially inflate prices; no town-dweller should sell on behalf of a Bedouin; and do not let milk accumulate in the udders of camels and sheep. Whoever buys them after that, he has the choice between two things, after he milks them: if he likes, he may keep them, and if he likes, he may return them along with a *Sâ'* of dates."

[3816] 12 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ forbade intercepting the riders, and he forbade town-dwellers to sell on behalf of Bedouin, (and he forbade) a woman to ask for the divorce of her sister, (and he forbade) artificial inflation of prices and allowing milk to accumulate in the udders, (and

he forbade) a man from urging a seller to cancel a sale already agreed upon with his brother, so as to buy the goods himself.

أُخْتِهَا، وَعَنِ النَّجْسِ وَالْتَّصْرِيَةِ، وَأَنْ يَسْتَأْمِ الرَّجُلُ عَلَى سُومِ أَخِيهِ.

[3817] (...) Shu'bah narrated with this chain (a *Hadîth* similar to no. 3816) that - according to the *Hadîth* of Ghundar and Wahb, "it was forbidden," and according to the *Hadîth* of 'Abdus-Şamad; "The Messenger of Allâh ﷺ forbade..." a *Hadîth* like that of Mu'âdh from Shu'bah.

[٣٨١٧] (...) وَحَدِيثِيَّهُ أَبُو بَكْرِ بْنِ نَافِعٍ: حَدَّثَنَا غُنْدُرٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْتَى: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ؛ وَحَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ: حَدَّثَنَا أَبِي، قَالُوا جَمِيعاً: حَدَّثَنَا شَعْبَةُ بِهِنَّا إِلْسَنَادِ - فِي حَدِيثِ غُنْدُرٍ وَوَهْبٍ: نَهَى، وَفِي حَدِيثِ عَبْدِ الصَّمَدِ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى - يَمْثُلُ حَدِيثَ مُعاذٍ عَنْ شَعْبَةِ.

[3818] 13 - (1516) It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade artificial inflation of prices.

[٣٨١٨] [١٤-١٣] وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى نَهَى عَنِ النَّجْسِ.

Chapter 5. The Prohibition Of Intercepting Traders

(المعجم ٥) - (باب تحرير تلقى
الجلب) (التحفة ٥)

[3819] 14 - (1517) It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade intercepting traders until they reach the markets with their goods. This is the wording of Ibn Numair.

[٣٨١٩] [١٤-١٣] حَدَّثَنَا أَبُو بَكْرِ بْنِ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ؛ وَحَدَّثَنَا ابْنُ الْمُنْتَى: حَدَّثَنَا يَحْيَى يَعْنِي ابْنَ سَعِيدٍ؛ وَحَدَّثَنَا ابْنُ نُعْمَرٍ: حَدَّثَنَا أَبِي، كُلُّهُمْ عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى أَنْ يَتَلَقَّى السَّلْعَ حَتَّى تَبْلُغَ الْأَسْوَاقَ. وَهَذَا لَفْظُ

ابن نعيم، وقال الآخران: إن النبي ﷺ
نهى عن التلقي.

[3820] (...) A *Hadîth* like that of Ibn Numair (no. 3819) from 'Ubaidullâh was narrated from Ibn 'Umar from the Prophet ﷺ.

[٣٨٢٠] (...) [و]حدثني محمد بن حاتم، واسحق بن منصور، جمیعاً عن ابن مهديّ، عن مالك، عن نافع، عن ابن عمر عن النبي ﷺ بمثل حديث ابن نعيم عن عبید الله.

[3821] 15 - (1518) It was narrated from 'Abdullâh from the Prophet ﷺ that he forbade intercepting people with their goods before they reached the market.

[٣٨٢١] ١٥- (١٥١٨) وحدثنا أبو بكر بن أبي شيبة: حدثنا عبد الله ابن المبارك عن النبيّ، عن أبي عثمان، عن عبد الله عن النبي ﷺ أنه نهى عن تلقي البيوع.

[3822] 16 - (1519) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade intercepting incoming merchants."

[٣٨٢٢] ١٦- (١٥١٩) حدثنا يحيى أبن يحيى: أخبرنا هشيم عن هشام، عن ابن سيرين، عن أبي هريرة قال: نهى رسول الله ﷺ أن يتلقى الجلب.

[3823] 17 - (...) Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Do not intercept incoming merchants. Whoever intercepts them and buys from them, when the owner of the merchandise reaches the market, he has the choice.'"

[٣٨٢٣] ١٧- (...) حدثنا ابن أبي عمر: حدثنا هشام بن سليمان عن ابن جريج: أخبرني هشام القردوسى عن ابن سيرين قال: سمعت أبا هريرة يقول: إن رسول الله ﷺ قال: «لَا تلقو الجلب، فمن تلقى فاشترى منه، فإذا أتى سيدعه السوق، فهو بالخيار».

Chapter 6. The Prohibition Of The Town-Dweller Selling On Behalf Of A Bedouin

[3824] 18 - (1520) It was narrated from Abû Hurairah that the Prophet ﷺ said: “No town-dweller should sell on behalf of a Bedouin.”

Zuhair said: “It was narrated from the Prophet ﷺ that he forbade town-dwellers to sell on behalf of Bedouins.”

[3825] 19 - (1521) It was narrated from Ibn Tâwûs, from his father, from Ibn ‘Abbâs who said: “The Messenger of Allâh ﷺ forbade intercepting the riders, and for a town dweller to sell on behalf of a Bedouin.”

He said: “I said to Ibn ‘Abbâs: ‘What does it mean, “for a town dweller to sell on behalf of a Bedouin?”’ He said: ‘He should not act as a broker for him.’”

[3826] 20 - (1522) It was narrated that Jâbir said: “The Messenger of Allâh ﷺ said: ‘A town-dweller should not sell on behalf of a Bedouin. Let the people be, and Allâh will provide for them by means of one another.’”

(المعجم ٦) - (باب تحريم بيع الحاضر للبادي) (التحفة ٦)

[٣٨٢٤] [١٥٢٠-١٨] حدثنا أبو بكر بن أبي شيبة وعمرو التأقد ورهير بن حرب قالوا: حدثنا سفيان عن الزهري، عن سعيد بن المسيب، عن أبي هريرة يبلغ به النبي ﷺ، قال: «لا يبيع حاضر لياد».

وقال زهير: عن النبي ﷺ، أنه نهى أن يبيع حاضر لياد.

[٣٨٢٥] [١٥٢١-١٩] وحدثنا إسحاق بن إبراهيم وعبد بن حميد قالا: أخبرنا عبد الرزاق: أخبرنا معمراً عن ابن طاووس، عن أبيه، عن ابن عباس قال: نهى رسول الله ﷺ أن يتلقى الركبان، وأن يبيع حاضر لياد.

قال: فقلت لابن عباس: ما قوله: حاضر لياد؟ قال: لا يمكن له سمساراً.

[٣٨٢٦] [١٥٢٢-٢٠] حدثنا يحيى أبن يحيى التميمي: أخبرنا أبو خيثمة عن أبي الزبير، عن جابر، وحدثنا أحمد بن يوشن: حدثنا زهير: حدثنا أبو الزبير عن جابر قال: قال رسول الله ﷺ: «لا يبيع حاضر لياد، دعوا الناس يرزق الله

بعضهم من بعض». غير أن في رواية يحيى: «يرزق».

[3827] (...) A similar report (as no. 3826) was narrated from Jâbir, from the Prophet ﷺ.

[٣٨٢٧] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْهَةَ وَعَمْرُو التَّانَقِدُ قَالًا: حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَةَ عَنْ أَبِي الرُّثَيْرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ بِمُثْلِهِ.

[3828] 21 - (1523) It was narrated that Anas bin Mâlik said: "We were forbidden that a town-dweller should sell on behalf of a Bedouin, even if he was his brother or father."

[٣٨٢٨] [١٥٢٣]-٢١) [و] حَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا هُشَيْمٌ عَنْ يُوسُسَ، عَنْ أَبْنِ سِيرِينَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: نُهِيَّنَا أَنْ يَبْيَعَ حَاضِرٌ لِيَادِهِ، وَإِنْ كَانَ أَخَاهُ أَوْ أَبَاهُ.

[3829] 22 - (...) Anas bin Mâlik said: "We were forbidden that a town-dweller should sell for a Bedouin."

[٣٨٢٩] (...) حَدَّثَنَا مُحَمَّدُ أَبْنُ الْمُسْتَنِيِّ: حَدَّثَنَا أَبْنُ أَبِي عَدَى عَنْ أَبْنِ عَوْنِ، عَنْ مُحَمَّدٍ، عَنْ أَنَسٍ؛ وَحَدَّثَنَا أَبْنُ الْمُسْتَنِيِّ: حَدَّثَنَا مُعاذٌ: حَدَّثَنَا أَبْنُ عَوْنِ عَنْ مُحَمَّدٍ قَالَ: قَالَ أَنَسُ بْنُ مَالِكٍ: نُهِيَّنَا عَنْ أَنْ يَبْيَعَ حَاضِرٌ لِيَادِهِ.

(المعجم ٧) - (باب حكم بيع المصراة) (التحفة ٧)

Chapter 7. Ruling On Selling Al-Muṣarrâh (An Animal In Whose Udder Milk Has Been Allowed To Accumulate)

[3830] 23 - (1524) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever buys a sheep in whose udder milk has been allowed to accumulate, let him take it and milk it. If he is pleased with its

[٣٨٣٠] [١٥٢٤]-٢٣) حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا دَاؤُدُّ بْنُ قَبَسٍ عَنْ مُوسَى بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ اشْتَرَى

milk, he may keep it, otherwise he may return it along with a *Sâ'* of dates.”

شَاءَ مُصْرَأً فَلْيَنْتَهِ بِهَا، فَلْيَحْلُبْهَا، إِنْ رَضِيَ حِلَابَهَا أَمْسَكَهَا، وَإِنْ رَدَهَا وَمَعَهَا صَاعًا مِنْ تَمْرٍ.

[3831] 24 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “Whoever buys a sheep in whose udder milk has been allowed to accumulate, has the choice for three days: if he wishes he may keep it, or if he wishes he may return it along with a *Sâ'* of dates.”

[٣٨٣١]-٢٤ حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَنِ الْقَارِئِ، عَنْ شَهِيلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ ابْتَاعَ شَاءَ مُصْرَأً فَهُوَ فِيهَا بِالْخِيَارِ ثَلَاثَةَ أَيَّامٍ، إِنْ شَاءَ أَمْسَكَهَا، وَإِنْ شَاءَ رَدَهَا، وَرَدَ مَعَهَا صَاعًا مِنْ تَمْرٍ».

[3832] 25 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: “Whoever buys a sheep in whose udder milk has been allowed to accumulate has the choice for three days. If he returns it he should give a *Sâ'* of food along with it, but not wheat.”

[٣٨٣٢]-٢٥ حَدَّثَنَا مُحَمَّدُ ابْنُ عَمْرُو بْنِ جَبَلَةَ بْنِ أَبِي رَوَادٍ: حَدَّثَنَا أَبُو عَامِرٍ يَعْنِي الْعَقَدِيَّ : حَدَّثَنَا قُرَيْشٌ عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ: «مَنْ اشْتَرَى شَاءَ مُصْرَأً فَهُوَ بِالْخِيَارِ ثَلَاثَةَ أَيَّامٍ، إِنْ رَدَهَا رَدَ مَعَهَا صَاعًا مِنْ طَعَامٍ، لَا سَمْرَاءً».

[3833] 26 - (...) It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘Whoever buys a sheep in whose udder milk has been allowed to accumulate has the choice of two things: If he wishes he may keep it, and if he wishes he may return it, along with a *Sâ'* of dates, but not wheat.’”

[٣٨٣٣]-٢٦ حَدَّثَنَا أَبْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي يُوبَ، عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ اشْتَرَى شَاءَ مُصْرَأً فَهُوَ بِخَيْرِ النَّظَرِينِ، إِنْ شَاءَ أَمْسَكَهَا، وَإِنْ شَاءَ رَدَهَا، وَصَاعًا مِنْ تَمْرٍ، لَا سَمْرَاءً».

[3834] 27 - (...) It was narrated from Ayyûb with this chain (a *Hadîth* similar to no. 3834), except that he said: "Whoever buys sheep has the choice..."

أَبْيَ عُمَرَ: حَدَّثَنَا عَبْدُ الْوَهَابِ عَنْ أَيُوبَ
بِهَذَا الْإِسْنَادِ، غَيْرَ أَنَّهُ قَالَ: «مَنْ اشْتَرَى
مِنَ الْغَنَمِ فَهُوَ بِالْخِيَارِ».

[3835] 28 - (...) It was narrated that Hammâm bin Munabbih said: "This is what Abû Hurairah narrated to us from the Messenger of Allâh ﷺ." He mentioned a number of *Ahadîth*, including the following: "The Messenger of Allâh ﷺ said: If one of you buys a milch-camel in whose udder milk has been allowed to accumulate, or a sheep in whose udder milk has been allowed to accumulate, he has the choice of two things after milking it: either keeping it or returning it along with a *Sâ'* of dates."

ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: حَدَّثَنَا
مَعْمُرٌ عَنْ هَمَّامَ بْنِ مُبَيِّ قَالَ: هَذَا مَا
حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ،
فَذَكَرَ أَحَادِيثَ، مِنْهَا وَقَالَ رَسُولُ
اللَّهِ ﷺ: إِذَا مَا أَحَدُكُمْ اشْتَرَى لِفَحَّةَ
مُصَرَّأَةً أَوْ شَاءَ مُصَرَّأَةً، فَهُوَ بِخَيْرِ النَّظَرَيْنِ
بَعْدَ أَنْ يَحْلُبَهَا، إِمَّا هِيَ، وَإِلَّا فَلَيُرْدَهَا
وَصَاعًا مِنْ تَمْرٍ».

(المعجم ٨) - (باب بطلان بيع المبيع
قبل القبض) (التحفة ٨)

Chapter 8. It Is Invalid To Sell Goods Before Taking Possession Of Them

[3836] 29 - (1525) It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ said: "Whoever buys some food, let him not sell it until he has received it in full."

Ibn 'Abbâs said: "I think that all things are like this (i.e. it applies to all transactions)."

ابْنُ يَحْيَى: أَخْبَرَنَا حَمَادُ بْنُ زَيْدٍ؛
وَحَدَّثَنَا أَبُو الرَّبِيعِ الْعَتَكِيُّ وَقَتَنْيَةُ قَالَا: حَدَّثَنَا حَمَادٌ عَنْ عَمِّهِ أَبْنِ دِينَارٍ، عَنْ
طَاؤِسٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ
اللَّهِ ﷺ قَالَ: «مَنْ ابْتَاعَ طَعَامًا فَلَا يَعْنِي
حَتَّى يَسْتَوِفِيهُ». قَالَ ابْنُ عَبَّاسٍ: وَأَحْسِبَ كُلَّ شَيْءٍ مِثْلَهُ.

[3837] (...) A similar report (as no. 3836) was narrated from 'Amr bin Dînâr with this chain.

[٣٨٣٧] (...) وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ وَأَحْمَدُ بْنُ عَبْدَةَ قَالَا: حَدَّثَنَا سُفْيَانُ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ وَهُوَ التَّوْرِئِيُّ، كِلَاهُمَا عَنْ عَمْرِو بْنِ دِينَارٍ، بِهَذَا الْإِسْنَادِ نَحْوَهُ.

[3838] 30 - (...) It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'Whoever buys food, let him not sell it until he has taken possession of it.'"

Ibn 'Abbâs said: "I think that everything is like food."

[٣٨٣٨] (...) حَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ - قَالَ ابْنُ رَافِعٍ: حَدَّثَنَا، وَقَالَ الْأَخْرَانِ: أَخْبَرَنَا - عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ ابْتَاعَ طَعَامًا فَلَا يَبْغِعُهُ حَتَّى يَقْبِضَهُ». قَالَ ابْنُ عَبَّاسٍ: وَأَخِسِبُ كُلَّ شَيْءٍ بِمَنْزِلَةِ الطَّعَامِ.

[3839] 31 - (...) It was narrated from Ibn Tâwûs, from his father, from Ibn 'Abbâs who said: "The Messenger of Allâh ﷺ said: 'Whoever buys food, he should not sell it until he has measured it.'"

I said to Ibn 'Abbâs: "Why?" He said: "Don't you see that they are exchanging gold, but the delivery of food is delayed?"

[٣٨٣٩] (...) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - قَالَ إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ الْأَخْرَانِ: حَدَّثَنَا - وَكِيعٌ عَنْ سُفْيَانَ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ ابْتَاعَ طَعَاماً فَلَا يَبْغِعُهُ حَتَّى يَكْتَالَهُ». قَلَّتْ لِابْنِ عَبَّاسٍ: لِمَ؟ قَالَ: أَلَا تَرَاهُمْ يَتَاعُونَ بِالدَّهِبِ، وَالطَّعَامُ مُرْجَاجًا؟ وَلَمْ يَقْنُ أَبُو كُرَيْبٍ: مُرْجَاجًا.

[3840] 32 - (1526) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: “Whoever buys foodstuff should not sell it until he has received it in full.”

[٣٨٤٠] [١٥٢٦-٣٢] حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَيْثِيَّ: حَدَّثَنَا مَالِكٌ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ ابْتَاعَ طَعَامًا فَلَا يَعْنِيهُ حَتَّى يَسْتَوْفِيهُ». [انظر: ٣٨٤٢، ٣٨٤٤]

[3841] 33 - (1527) It was narrated that Ibn ‘Umar said: “At the time of the Messenger of Allâh ﷺ we used to buy food, and someone would be sent to us to tell us to move it from the place where we had bought it to another place before we sell it.”

[٣٨٤١] [١٥٢٧-٣٣] حَدَّثَنَا يَحْيَى أَبْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَالَ: كُنَّا فِي زَمَانِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَبَاعُ الطَّعَامَ، فَيَعْتَبِرُ عَلَيْنَا مَنْ يَأْمُرُنَا بِإِتْقَالِهِ مِنَ الْمَكَانِ الَّذِي ابْتَعَاهُ فِيهِ، إِلَى مَكَانٍ سِواهُ، قَبْلَ أَنْ نَبِيعَهُ. [انظر: ٣٨٤٣، ٣٨٤٦]

[3842] 34 - (1526) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: “Whoever buys food should not sell it until he has received it in full.”

[٣٨٤٢] [١٥٢٦-٣٤] حَدَّثَنَا أَبُو بَكْرٍ أَبْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ عِيَّدِ اللَّهِ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ - وَاللَّفظُ لَهُ - : حَدَّثَنَا أَبِي عِيَّدِ اللَّهِ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ اشْرَى طَعَاماً فَلَا يَعْنِيهُ حَتَّى يَسْتَوْفِيهُ». [راجع: ٣٨٤٠]

[3843] (1527) He (i.e. Ibn ‘Umar) said: “We used to buy food from the riders without measure, but the Messenger of Allâh ﷺ forbade us to sell it until we had moved it from its place.”

[٣٨٤٣] [١٥٢٧] قَالَ: وَكُنَّا نَشْتَرِي الطَّعَامَ مِنَ الرُّكَبَانِ جِزَافًا، فَنَهَانَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ نَبِيعَ حَتَّى نَنْقُلَهُ مِنْ مَكَانِهِ.

[راجع: ٣٨٤١]

[3844] 35 - (1526) It was narrated from ‘Abdullâh bin ‘Umar that the Messenger of Allâh ﷺ said: “Whoever buys food, he should not sell it until he has received it in full and taken possession of it.”

[٣٨٤٤]-[١٥٢٦] حَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: حَدَّثَنِي عُمَرُ بْنُ مُحَمَّدٍ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنِ اشْتَرَ طَعَامًا فَلَا يَبْغُهُ حَتَّى يَسْتَوْفِيهُ وَيَقْبِضُهُ». [راجع: ٣٨٤٠]

[3845] 36 - (...) It was narrated from ‘Abdullâh bin Dînâr that he heard Ibn ‘Umar say: “The Messenger of Allâh ﷺ said: ‘Whoever buys food, he should not sell it until he takes possession of it.’”

[٣٨٤٥]-[.] وَحَدَّثَنَا يَحْيَى ابْنُ يَحْيَى وَعَلَيُّ بْنُ حُجْرٍ - قَالَ يَحْيَى: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ، وَقَالَ عَلَيُّ: حَدَّثَنَا إِسْمَاعِيلُ -، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ أَنَّهُ سَمِعَ ابْنَ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنِ ابْتَاعَ طَعَامًا فَلَا يَبْغُهُ حَتَّى يَقْبِضُهُ».

[3846] 37 - (1527) It was narrated from Ibn ‘Umar that they would be beaten at the time of the Messenger of Allâh ﷺ if they bought food without measure then sold it on the spot, unless they moved it.

[٣٨٤٦]-[١٥٢٧] حَدَّثَنَا أَبُو بَكْرِ بْنِ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ مَعْمِرٍ، عَنْ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ أَنَّهُمْ كَانُوا يُضْرِبُونَ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، إِذَا اشْتَرَوْا طَعَاماً جِزَافاً، أَنْ يَبْغُوهُ فِي مَكَانِهِ حَتَّى يُحَوِّلُوهُ. [راجع: ٣٨٤١]

[3847] 38 - (...) Sâlim bin ‘Abdullâh narrated that his father said: “I saw the people at the time of the Messenger of Allâh ﷺ being beaten if they bought food without measure then sold it on the spot, unless they took it to their own places.”

[٣٨٤٧]-[.] حَدَّثَنِي حَرْمَلَةُ ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شَهَابٍ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ، أَنَّ أَبَاهُ قَالَ: [قَدْ] رَأَيْتُ النَّاسَ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ، إِذَا ابْتَاعُوا طَعَاماً

Ibn Shihâb said: “‘Ubaidullâh bin ‘Abdullâh bin ‘Umar told me that his father used to buy food without measure then take it to his family.”

جزافاً، يُضْرِبُونَ [في] أَنْ يَبْيَعُوهُ فِي مَكَانِهِمْ ذَلِكَ، حَتَّى يُؤْوِوهُ إِلَيْ رِحَالِهِمْ.

قَالَ ابْنُ شَهَابٍ : وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عَمْرٍ؛ أَنَّ أَبَاهُ كَانَ يَشْتَرِي الطَّعَامَ جِزَافاً، فَيَحْمِلُهُ إِلَى أَهْلِهِ.

[٣٨٤٨] ٣٩ - [١٥٢٨) حدثنا أبو

بَكْرٌ بْنُ أَبِي شَيْبَةَ وَابْنُ ثُمَيرٍ وَأَبُو كُرْبَةَ قَالُوا: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ عَنِ الصَّحَّاكِ ابْنِ عُثْمَانَ، عَنْ بُكْرٍ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشْجَحِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ اشترى طَعَاماً فَلَا يَبْعِدْهُ حَتَّى يَكْتَالَهُ».

وفي رواية أبي بكر: «من ابتاع».

[٣٨٤٩] ٤٠ - (...) حدثنا إسحاق

ابن إبراهيم: أخبرنا عبد الله بن الحارث المحرزوبي: حدثنا الصحّاكُ بْنُ عُثْمَانَ عَنْ بُكْرٍ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشْجَحِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ لِمَرْوَانَ: أَحْلَلْتَ بَيْعَ الرِّبَا، فَقَالَ مَرْوَانُ: مَا فَعَلتُ، فَقَالَ أَبُو هُرَيْرَةَ: أَحْلَلْتَ بَيْعَ الصَّكَالِ، وَقَدْ نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْعَ الطَّعَامِ حَتَّى يُسْتَوْفَى. [قال]: فَخَطَبَ مَرْوَانُ النَّاسَ، فَنَهَى عَنْ بَيْعِهَا.

[3849] 40 - (...) It was narrated from Abû Hurairah that he said to Marwân: “Have you made permissible a transaction involving *Ribâ*?” Marwân said: “I have not done that.” Abû Hurairah said: “You have allowed selling *Sakk*.^[1] The Messenger of Allâh forbade selling food until it has been received in full.” Then Marwân addressed the people and forbade such transactions.

Sulaimân said: “I saw the guards collecting them from the hands of the people.”

^[1] *Sakk*: A letter from the ruler ordering that food and other items be given to the holder of the letter.

قال سليمان: فطرت إلى حرسي
يأخذونها من أيدي الناس.

[3850] 41 - (1529) Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ used to say: "When you buy foodstuff, do not sell it until you have received it in full."

[٣٨٥٠] [٤١-١٥٢٩] حدثنا إسحاق
ابن إبراهيم: أخبرنا روح: أخبرني ابن جرير: حدثني أبو الزبير أنّه سمع جابر بن عبد الله يقول: كان رسول الله ﷺ يقول: «إذا ابتعت طعاماً، فلا تبعه حتى تستوفيه».

Chapter 9. The Prohibition Of Selling A Heap Of Dates The Weight Of Which Is Unknown

[3851] 42 - (1530) Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade selling a heap of dates, the weight of which is unknown, for a known weight of dates."

[٣٨٥١] [٤٢-١٥٣٠] حدثني أبو الطاهر أحمد بن عمرو بن سريح: حدثنا ابن وهب: حدثني ابن جرير، أنّ أبي الزبير أخبره قال: سمعت جابر بن عبد الله يقول: نهى رسول الله ﷺ عن بيع الصبرة من التمر لا يعلم مكيلها، بالكيل المسمى من التمر.

[3852] (...) Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade..." a similar report (as *Hadîth* no. 3851), except that he did not say "of dates" in the latter part of the *Hadîth*.

[٣٨٥٢] (...) حدثنا إسحاق بن إبراهيم: أخبرنا روح [بن عبادة]: أخبرنا ابن جرير: أخبرني أبو الزبير، أنّه سمع جابر بن عبد الله يقول: نهى رسول الله ﷺ، بمثله غيره لم يذكر: من التمر، في آخر الحديث.

Chapter 10. Affirming That Both Parties To A Transaction Have The Option (Of Canceling It) While They Are Still Together

[3853] 34 - (1531) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: “Each party to a transaction has the option (of canceling it) so long as they have not separated, except in the case of *Bai’ Al-Khiyâr*.^[1]

[3854] (...) A *Hadîth* similar to that of Mâlik from Nâfi‘ (no. 3853) was narrated from Ibn ‘Umar, from the Prophet ﷺ.

(المعجم ١٠) - (باب ثبوت خيار المجلس للمتابعين) (التحفة ١٠)

[٣٨٥٣] [٤٣-١٥٣١) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى قَالَ: بَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْبَيْعَانُ، كُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ عَلَى صَاحِبِهِ، مَا لَمْ يَتَفَرَّقَا، إِلَّا بِعَلَى الْخِيَارِ».

[٣٨٥٤] (...) حَدَّثَنَا زُهَيرُ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُشَنَّى قَالَا: حَدَّثَنَا يَحْيَى وَهُوَ الْقَطَانُ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: أَخْبَرَنَا مُحَمَّدُ بْنُ يَسْرِي؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي كَلْمَمَ عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ؛ وَحَدَّثَنِي زُهَيرُ بْنُ حَرْبٍ وَعَلِيُّ بْنُ حُجْرٍ قَالَا: حَدَّثَنَا إِشْمَاعِيلُ؛ وَحَدَّثَنَا أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَادٌ وَهُوَ ابْنُ زَيْدٍ، جَمِيعًا عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ؛ وَحَدَّثَنَا ابْنُ الْمُشَنَّى وَابْنُ أَبِي عُمَرَ قَالَا: حَدَّثَنَا عَبْدُ الْوَهَابِ قَالَ:

^[1] A transaction where both parties have chosen to agree upon a deal.

سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ؛ وَحَدَّثَنَا ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا الصَّحَّاْكُ، كَلَّا هُمَا عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ مَالِكٍ عَنْ نَافِعٍ.

[3855] 44 - (...) It was narrated from Ibn ‘Umar that the Prophet ﷺ said: “When two men enter into a transaction, each one of them has the option (of canceling) so long as they have not parted and are still together. But if one of them gives the other the choice to decide, then they agree on a deal, then it becomes binding. If they part after that and neither of them canceled it, then the transaction becomes binding.”

[٣٨٥٥] ٤٤ - (...) وَحَدَّثَنَا قُتْبَيْهُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ ابْنُ رُمْحٍ: أَخْبَرَنَا الْبَيْثُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «إِذَا تَبَايعَ الرَّجُلَاْنِ فَكُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ مَا لَمْ يَتَقَرَّفَا وَكَانَا جَمِيعًا، أَوْ يُخَيِّرُ أَحَدُهُمَا الْآخَرَ، فَإِنْ خَيَرَ أَحَدُهُمَا الْآخَرَ فَتَبَايعَا عَلَى ذَلِكَ فَقَدْ وَجَبَ الْبَيْعُ، وَإِنْ تَفَرَّقاً بَعْدَ أَنْ تَبَايعَا وَلَمْ يَتَرُكْ وَاجِدٌ مِنْهُمَا الْبَيْعَ، فَقَدْ وَجَبَ الْبَيْعُ».

[3856] 45 - (...) ‘Abdullâh bin ‘Umar said: “The Messenger of Allâh ﷺ said: ‘When two parties enter into a transaction, each of them has the option of (canceling) the sale, so long as they have not parted, but if they chose to agree on a deal, then it becomes binding.’”

Ibn Abî ‘Umar added in his report: “Nâfi’ said: ‘If he entered into a transaction with a man and intended not to let him off, he would get up and walk away for a while, then come back to him.’”

[٣٨٥٦] ٤٥ - (...) حَدَّثَنِي رُهْبَرٌ ابْنُ حَرْبٍ وَابْنُ أَبِي عُمَرَ، كَلَّا هُمَا عَنْ سُفِيَّانَ - قَالَ رُهْبَرٌ: حَدَّثَنَا سُفِيَّانُ بْنُ عُيَيْنَةَ - عَنْ ابْنِ جُرَيْجٍ قَالَ: أَمْلَى عَلَيَّ نَافِعٌ؛ سَمِعَ عَبْدُ اللَّهِ بْنَ عُمَرَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا تَبَايعَ الْمُتَبَايعَنِ بِالْبَيْعِ فَكُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ مِنْ بَيْعِهِ مَا لَمْ يَتَقَرَّفَا، أَوْ يَكُونُ بِيَعْهُمَا عَنْ خِيَارٍ، فَإِذَا كَانَ بِيَعْهُمَا عَنْ خِيَارٍ فَقَدْ وَجَبَ».

زاد ابْنُ أَبِي عُمَرَ فِي رِوَايَتِهِ: قَالَ نَافِعٌ: فَكَانَ إِذَا بَايَعَ رَجُلًا فَأَرَادَ أَنْ لَا يُقْيِلَهُ، قَامَ فَمَسَّنِي هُنْيَةً ثُمَّ رَجَعَ إِلَيْهِ.

[3857] 46 - (...) It was narrated from 'Abdullâh bin Dînâr that he heard Ibn 'Umar say: "The Messenger of Allâh ﷺ said: 'There is no deal between two parties until they part, unless they choose to agree on a deal.'"

[٣٨٥٧] ٤٦ - (...) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَابْنُ يَحْيَى وَابْنُ أَبِي يَوْبَ وَقَتْبَيَةَ وَابْنُ حُجْرٍ - قَالَ يَحْيَى [بْنُ يَحْيَى]: أَخْبَرَنَا، وَقَالَ الْأَخْرُونُ: حَدَّثَنَا - إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ؛ أَنَّهُ سَمِعَ ابْنَ عُمَرَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلُّ بَيْعٍ لَا يَبْيَعُ بَيْنَهُمَا حَتَّىٰ يَتَفَرَّقا، إِلَّا بَيْعُ الْجِيَارِ».

(المعجم ١١) - (باب الصدق في البيع والبيان) (التحفة ١١)

Chapter 11. Honesty In Selling And Disclosure Of Defects

[3858] 47 - (1532) It was narrated from Ḥâkim bin Hizâm that the Prophet ﷺ said: "The two parties to a transaction have the option (of canceling it) until they part. If they are honest and disclose any defects, their transaction will be blessed, but if they lie and conceal defects the blessing will be erased."

[٣٨٥٨] ٤٧ - (١٥٣٢) حَدَّثَنَا [مُحَمَّدٌ] بْنُ الْمُشَّئِي: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ شُعبَةَ؛ وَحَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَا: حَدَّثَنَا شُعبَةَ عَنْ فَتَادَةَ، عَنْ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، عَنْ حَكِيمِ بْنِ حِزَامٍ عَنِ النَّبِيِّ ﷺ قَالَ: «الْبَيْعَانُ بِالْجِيَارِ مَا لَمْ يَتَفَرَّقا، فَإِنْ صَدَقا وَبَيَّنَا بُورِكَ لَهُمَا فِي بَيْعِهِمَا، وَإِنْ كَذَبَا وَكَتَمَا مُحْقِّثُ بَرَكَةُ بَيْعِهِمَا».

[3859] (...) It was narrated that Abû At-Tayyâh said: "I heard 'Abdullâh bin Al-Hârith narrating from Hâkîm bin Hizâm from the Prophet ﷺ..." a similar report (as no. 3858).

Muslim bin Al-Hajjâj said: Hâkîm bin Hizâm was born inside the Ka'bah and lived for one hundred and twenty years.

[٣٨٥٩] (...) وَحَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ : حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ : حَدَّثَنَا هَمَّامٌ عَنْ أَبِي التَّيَّارِ قَالَ : سَمِعْتُ عَبْدَ اللَّهِ بْنَ الْحَارِثِ يُحَدِّثُ عَنْ حَكِيمٍ أَبْنَ حَزَّامَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ . قَالَ مُسْلِمٌ بْنُ الْحَجَاجَ : وُلِدَ حَكِيمٌ أَبْنُ حَزَّامٍ فِي جَوْفِ الْكَعْبَةِ ، وَعَاشَ مِائَةً وَعِشرِينَ سَنَةً .

Chapter 12. One Who Is Deceived In Transactions

(المعجم ١٢) - (بابُ من يخدع في البيع) (التحفة ١٢)

[3860] 48 - (1533) Ibn 'Umar said that a man told the Messenger of Allâh ﷺ that he was often deceived in transactions, and the Messenger of Allâh ﷺ said: "When you enter into a transaction, say: 'There should be no deceit.'"

So when he entered into a transaction he would say: "There should be no deceit."

[٣٨٦٠] ٤٨ - (١٥٣٣) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَيَحْيَى بْنُ أَئْوَبَ وَقَتْبَيَةَ وَابْنَ حُجْرٍ - قَالَ يَحْيَى [بْنُ يَحْيَى] : أَخْبَرَنَا ، وَقَالَ الْأَخْرُونَ : حَدَّثَنَا - إِسْمَاعِيلُ بْنُ جَعْفَرٍ ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ أَنَّهُ سَمِعَ أَبْنَ عُمَرَ يَقُولُ : ذَكَرَ رَجُلٌ لِرَسُولِ اللَّهِ ﷺ أَنَّهُ يُخْدِعُ فِي الْبَيْعِ ، فَقَالَ رَسُولُ اللَّهِ ﷺ «مَنْ بَايَعَتْ فَقْلٌ : لَا خِلَابَةٌ» .

فَكَانَ إِذَا بَايَعَ يَقُولُ : لَا خِلَابَةٌ .

[3861] (...) A similar report (as no. 3860) was narrated from 'Abdullâh bin Dînâr with this chain, but it does not say in their *Hadîth*: "When he entered into a

[٣٨٦١] (...) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شِيَّةَ : حَدَّثَنَا وَكِيعٌ : حَدَّثَنَا سُقِيَّاً ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُقْتَشِيٍّ : حَدَّثَنَا مُحَمَّدٌ

transaction he would say: 'There should be no deceit.'

ابن جعفر: حَدَّثَنَا شُعبةُ، كِلَاهُمَا عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، بِهَذَا الْإِسْنَادِ مِثْلُهُ، وَلَيْسَ فِي حَدِيثِهِمَا: فَكَانَ إِذَا بَاعَ يَقُولُ: لَا خِيَابَةَ.

Chapter 13. The Prohibition Of Selling Produce Before Its Goodness Appears

(المعجم ١٣) - (باب النهي عن بيع الشمار قبل بدو صلاحها بغير شرط القطع) (التحفة ١٣)

[3862] 49 - (1534) It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade selling produce until its goodness appears. He forbade it for the seller and the buyer.

ابن يحيى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ الشَّمَارِ حَتَّى يَنْدُو صَلَاحُهَا، نَهَى الْبَائِعَ وَالْمُبَتَاعَ. [انظر: ٣٨٦٥ و ٣٨٦٢]

[٣٨٧٥]

[3863] (...) A similar report (as no. 3862) was narrated from Ibn 'Umar, from the Prophet ﷺ.

حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللَّهِ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمُثْلِهِ.

[٣٨٦٣]

[3864] 50 - (1535) It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade selling the fruit of date palms until it began to develop color (turn yellow or red) and ears (of grain) until they turned white (having developed) and were free of blight. He forbade that to the seller and the buyer.

ابن حُجْرِ السَّعْدِيِّ وَزُهْرَيْ بْنُ حَرْبٍ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ، عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ النَّخْلِ حَتَّى يَرْبُو، وَعَنِ السُّنْبُلِ حَتَّى يَبْيَضَ وَيَأْمَنَ الْعَاهَةَ، وَنَهَى الْبَائِعَ وَالْمُسْتَرِيِّ.

[٣٨٦٤]

[3865] 51 - (1534) It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ said: ‘Do not sell produce until its goodness appears and there is no longer any fear of blight.’”

He said: “Until its goodness appears means when it turns red or yellow.”

[٣٨٦٥-٥١] حَدَّثَنِي رُهْبَرٌ (١٥٣٤) أَبْنُ حَرْبٍ: حَدَّثَنَا جَرِيرٌ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَبْتَاعُوا الشَّمْرَ حَتَّى يَبْدُوا صَلَاحُهُ وَتَذَهَّبَ عَنْهُ الْأَفَّةُ». قَالَ: يَبْدُوا صَلَاحُهُ: حُمْرَتُهُ وَصُفْرَتُهُ.

[راجعاً] [٣٨٦٢]

[3866] (...) It was narrated from Yahyâ with this chain (a *Hadîth* similar to no. 3865), up to (the words); “until its goodness appears;” and he did not mention what comes after that.

[3867] (...) A *Hadîth* like that of ‘Abdul-Wahhâb (no. 3866) was narrated from Ibn ‘Umar, from the Prophet ﷺ.

[٣٨٦٦] (...)[و] حَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْتَهَى وَأَبْنُ أَبِي عُمَرَ قَالَا: حَدَّثَنَا عَبْدُ الْوَهَابِ عَنْ يَحْيَى بِهِذَا الإِسْنَادِ، حَتَّى يَبْدُوا صَلَاحُهُ، وَلَمْ يَذْكُرْ مَا بَعْدَهُ.

[٣٨٦٧] (...)[...) حَدَّثَنَا أَبْنُ رَافِعٍ: حَدَّثَنَا أَبْنُ أَبِي فُزَيْلٍ: أَخْبَرَنَا الصَّحَافُ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ عَبْدِ الْوَهَابِ.

[٣٨٦٨] (...)[...) حَدَّثَنَا سُوِيدُ بْنُ سَعِيدٍ: حَدَّثَنَا حَفْصُونَ بْنُ مَيسَرَةَ: حَدَّثَنِي مُوسَى بْنُ عُقْبَةَ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ مَالِكٍ وَعُبَيْدِ اللَّهِ.

[٣٨٦٩-٥٢] (...)[...) وَحَدَّثَنَا يَحْيَى أَبْنُ يَحْيَى وَيَحْيَى بْنُ أَيُوبَ وَفُتَيْبَةَ وَأَبْنُ حُجْرَةَ - قَالَ يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا، وَقَالَ الْآخْرُونَ: حَدَّثَنَا - إِسْمَاعِيلُ وَهُوَ أَبْنُ جَعْفَرٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ أَنَّهُ

[3868] (...) A *Hadîth* like that of Mâlik and ‘Ubâidullâh (nos. 3862, 3863) was narrated from Ibn ‘Umar from the Prophet ﷺ.

[3869] 52 - (...) It was narrated from ‘Abdullâh bin Dînâr that he heard Ibn ‘Umar say: “The Messenger of Allâh ﷺ said: ‘Do not sell produce until its goodness appears.’”

سَمِعَ ابْنَ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا تَبِعُوا الشَّمْرَ حَتَّىٰ يَئُدُّ صَلَاحَهُ.

[٣٨٧٠] (...) وَحَدَّثَنَا زُهَيرٌ بْنُ حَرْبٍ: حَدَّثَنَا عَنْ الرَّحْمَنِ عَنْ سُفْيَانَ، وَحَدَّثَنَا ابْنُ الْمُسْنَى: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ، كِلَاهُمَا عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ يَهْذِلُهُ الْإِسْنَادُ، وَزَادَ فِي حَدِيثِ شُعْبَةَ: فَقِيلَ لِابْنِ عُمَرَ: مَا صَلَاحُهُ؟ قَالَ: تَهْبِطُ عَاهَتُهُ.

[٣٨٧١-٥٣] حَدَّثَنَا يَحْيَىٰ بْنُ يَحْيَىٰ: أَخْبَرَنَا أَبُو حَيْمَةَ عَنْ أَبِي الرُّبَّيْرِ، عَنْ جَابِرٍ؛ وَحَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيرٌ: حَدَّثَنَا أَبُو الرُّبَّيْرِ عَنْ جَابِرٍ قَالَ: نَهَىٰ - أَوْ نَهَانَا - رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ الشَّمْرِ حَتَّىٰ يَطِيبَ. [انظر: ٣٩٣٢، ٣٩٠٨]

[٣٨٧١] ٥٣ - (١٥٣٦) It was narrated that Jâbir said: "The Messenger of Allâh ﷺ forbade" - or "forbade us - selling fruits until they became good."

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[٣٨٧٢] ٥٤ - (٣٨٧٢) (...) حَدَّثَنَا أَحْمَدُ بْنُ عُثْمَانَ التَّوْفَانِيِّ: حَدَّثَنَا أَبُو عَاصِمٍ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا رَوْحٌ قَالَ: حَدَّثَنَا زَكَرِيَّاءُ بْنُ إِسْحَاقَ: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: نَهَىٰ رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ الشَّمْرِ حَتَّىٰ يَئُدُّ صَلَاحَهُ.

[3873] 55 - (1537) It was narrated that Abū Al-Bakhtārī said: "I asked Ibn 'Abbās about selling the fruit of date palms. He said: 'The Messenger of Allāh ﷺ forbade selling the fruit of date palms until it (some of it) could be eaten, and until it was weighed.' I said: 'What does weighed mean?' A man who was with him said: 'Until it is estimated.'"

[3874] 56 - (1538) It was narrated that Abū Hurairah said: "The Messenger of Allāh ﷺ said: 'Do not sell produce until its goodness appears.'"

[٣٨٧٣-٥٥] [١٥٣٧] حَدَّثَنَا مُحَمَّدُ بْنُ الْمُمِئَنِ وَابْنُ بَشَّارٍ قَالَا : حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ : حَدَّثَنَا شُبَّهُ عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ أَبِي الْبَخْتِرِيِّ قَالَ : سَأَلْتُ أَبْنَ عَبَّاسٍ عَنْ بَيْعِ التَّحْلِ؟ قَالَ : نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ التَّحْلِ حَتَّى يَأْكُلَ مِنْهُ أَوْ يُؤْكَلَ مِنْهُ، وَحَتَّى يُوزَنَ . قَالَ : فَقُلْتُ : مَا يُوزَنُ؟ فَقَالَ رَجُلٌ عِنْدَهُ : حَتَّى يُحْرَرُ .

[٣٨٧٤-٥٦] [١٥٣٨] وَحَدَّثَنِي أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ : حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنْ أَبِيهِ، عَنْ أَبْنِ أَبِيهِ نَعْمَ، عَنْ أَبِي هُرَيْرَةَ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : « لَا تَبَاعُوا الشَّمَارَ حَتَّى يَبْدُوا صَلَاحُهَا ». [انظر: ٣٨٧٧]

Chapter 14. The Prohibition Of Selling Fresh Dates In Exchange For Dry Dates Except In The Case Of 'Arâyâ'^[1]

[3875] 57 - (1534) It was narrated from Ibn 'Umar that the Prophet ﷺ forbade selling produce until it became ripe, and he forbade selling fresh dates for dry dates.

(المعجم (١٤) - (باب تحرير بيع الرطب بالتمر إلا في العرايا)
(التحفة (١٤)

[٣٨٧٥-٥٧] [١٥٣٤] حَدَّثَنَا يَحْيَى بْنُ يَحْيَى : أَخْبَرَنَا سُفيَّانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ؛ وَحَدَّثَنَا أَبْنُ نُمَيْرٍ وَزُهَّدْ بْنُ حَرْبٍ - وَاللَّفْظُ لَهُمَا - قَالَا : حَدَّثَنَا سُفيَّانُ : حَدَّثَنَا الزُّهْرِيُّ عَنْ سَالِمٍ ، عَنْ أَبْنِ عُمَرَ عَنِ الْبَيْهِيِّ وَهُوَ نَهَى

^[1] 'Arâyâ refers to a kind of sale in which the owner of dates that are still on the tree can sell them for dried dates by estimation.

عَنْ بَيْعِ الشَّمْرِ حَتَّىٰ يَئُدُّو صَلَاحَهُ، وَعَنْ بَيْعِ
الشَّمْرِ بِالْتَّمْرِ. [راجع: ٣٨٦٢]

[3876] (1539) Zaid bin Thâbit narrated that the Messenger of Allâh ﷺ granted a concession with regard to selling 'Arâyah.

[٣٨٧٦] (١٥٣٩) قَالَ ابْنُ عُمَرَ: وَحَدَّثَنَا زَيْدُ بْنُ ثَابِتٍ؛ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَخْصَ فِي بَيْعِ الْعَرَائِيَا. زَادَ ابْنُ نُعْمَرٍ فِي رِوَايَتِهِ: أَنْ تُبَاعَ. [انظر: ٣٨٧٨]

[3877] 58 - (1538) Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Do not sell produce until it becomes ripe, and do not sell fresh dates for dry dates.'"

Ibn Shihâb said: "Sâlim bin 'Abdullâh bin 'Umar narrated a similar report to me from his father from the Messenger of Allâh ﷺ."

[٣٨٧٧] (١٥٣٨) وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةَ - وَاللَّفْظُ لِحَرْمَلَةِ - قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شَهَابٍ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبِ وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ؛ أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا تَبَاعُوا الشَّمْرَ حَتَّىٰ يَئُدُّو صَلَاحَهُ، وَلَا تَبَاعُوا الشَّمْرَ بِالْتَّمْرِ». [راجع: ٣٨٧٤]

قَالَ ابْنُ شَهَابٍ: وَحَدَّثَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ ابْنِ عُمَرَ، عَنْ أَبِيهِ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، مِثْلُهُ، سَوَاءً.

[3878] 59 - (1539) It was narrated from Sa'eed bin Al-Mûsâyyab that the Messenger of Allâh ﷺ forbade Muzâbahah and Muhâqalah transactions. *Muzâbahah* is when dates on the tree are sold for dry dates, and *Muhâqalah* is when crops in the field are sold for dry wheat, or land is leased out for wheat.

[٣٨٧٨] (١٥٣٩) وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا حُجَّيْنُ [بْنُ الْمُشَيَّى]: حَدَّثَنَا الْلَّيْثُ عَنْ عُقَيْلٍ، عَنْ ابْنِ شَهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ؛ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَىٰ عَنْ [بَيْعِ] الْمُرَابَةِ وَالْمُحَاقَّةِ، وَالْمُرَابَةُ: أَنْ يُبَاعَ شَمْرٌ

He said: "Sâlim bin 'Abdullâh narrated to me that the Messenger of Allâh ﷺ said: 'Do not sell produce until it becomes ripe, and do not sell fresh dates for dry dates.' Sâlim said: 'Abdullâh bin Zaid bin Thâbit told me that after that the Messenger of Allâh ﷺ granted a concession allowing the sale of 'Arâyâ for fresh dates or dried dates, but he did not grant a concession in any other case.'"

النَّخْلِ بِالثَّمَرِ، وَالْمُحَاوَلَةُ: أَنْ يُبَاعَ الزَّرْعُ
بِالْقَمْحِ، وَاسْتِكْرَاءُ الْأَرْضِ بِالْقَمْحِ.
قَالَ: وَأَخْبَرَنِي سَالِمٌ بْنُ عَبْدِ اللَّهِ عَنْ
رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «لَا تَبْتَاعُوا الشَّمَرَ
حَتَّى يَدُوَّ صَالِحًا، وَلَا تَبْتَاعُوا الشَّمَرَ
بِالثَّمَرِ».

وَقَالَ سَالِمٌ: أَخْبَرَنِي عَبْدُ اللَّهِ عَنْ زَيْدٍ
ابْنِ ثَابِتٍ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ رَّجُلًا
بَعْدَ ذَلِكَ فِي نَيْعَ الْعَرِيَّةِ بِالرُّطْبِ أَوْ
بِالثَّمَرِ، وَلَمْ يُرَجِّعْهُ فِي غَيْرِ ذَلِكَ.

[راجع: ٣٨٧٦]

[3879] 60 - (...) It was narrated from Zaid bin Thâbit that the Messenger of Allâh ﷺ granted a concession to the owner of 'Arâyâ; allowing him to sell it for an estimated measure of dried dates.

[٣٨٧٩] ٦٠ - (...). وَحَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ
نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنْ زَيْدِ بْنِ
ثَابِتٍ أَنَّ رَسُولَ اللَّهِ ﷺ رَّجُلٌ
لِصَاحِبِ الْعَرِيَّةِ أَنْ يَبِيعَهَا بِخَرْصِهَا مِنَ
الثَّمَرِ.

[٣٨٨٠] ٦١ - (...). وَحَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى: أَخْبَرَنَا شُلَيْمَانُ بْنُ إِلَيْلٍ عَنْ
يَحْيَى بْنِ سَعِيدٍ: أَخْبَرَنِي نَافِعٌ أَنَّهُ سَعِيدٌ
عَبْدَ اللَّهِ بْنَ عُمَرَ يُحَدِّثُ أَنَّ زَيْدَ بْنَ ثَابِتَ
حَدَّثَهُ؛ أَنَّ رَسُولَ اللَّهِ ﷺ رَّجُلٌ
الْعَرِيَّةِ يَأْخُذُهَا أَهْلُ الْبَيْتِ بِخَرْصِهَا ثَمَرًا،
يَأْكُلُونَهَا رُطْبًا.

[3880] 61 - (...) Zaid bin Thâbit narrated that the Messenger of Allâh ﷺ granted a concession with regard to 'Arâyâ, by which the people of a household could eat fresh dates in return for a estimated measure of dried dates.

[3881] (...) Nâfi‘ narrated a similar report (as no. 3880).

٣٨٨١ [(...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْقَى : حَدَّثَنَا عَبْدُ الْوَهَابِ قَالَ : سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ يَقُولُ : أَخْبَرَنِي نَافِعٌ ، بِهَذَا الْإِسْنَادِ مِثْلَهُ .]

[3882] 62 - (...) It was narrated from Yahyâ bin Sa‘eed with this chain (a *Hadîth* similar to no. 3880), except that he said: ‘Arâyâ refers to the produce of palm trees that is given to people, and they sell it for a similar measure of dried dates.

٣٨٨٢ [(...) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى : أَخْبَرَنَا هُشَيْمٌ عَنْ يَحْيَى بْنِ سَعِيدٍ بِهَذَا الْإِسْنَادِ ، غَيْرَ أَنَّهُ قَالَ : وَالْعَرِيَّةُ : النَّخْلُ تُجْعَلُ لِلْقَوْمِ فَيَسْعُونَهَا بِخَرْصِهَا تَمْرًا .]

[3883] 63 - (...) It was narrated from ‘Abdullâh bin ‘Umar: “Zaid bin Thâbit told me that the Messenger of Allâh ﷺ granted a concession allowing the sale of ‘Arâyâ for a similar measure of dried dates.”

Yahyâ said: “‘Arâyâ is when a man buys the produce of date palms so that he can give his family fresh dates to eat, in return for an estimated measure of dried dates.”

٣٨٨٣ [(...) وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحَةِ بْنِ الْمُهَاجِرِ : أَخْبَرَنَا الْيَتُمُّ عَنْ يَحْيَى بْنِ سَعِيدٍ ، عَنْ نَافِعٍ ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ : حَدَّثَنِي زَيْدُ بْنُ ثَابِتٍ ، أَنَّ رَسُولَ اللَّهِ ﷺ رَخَّصَ فِي بَيْعِ الْعَرِيَّةِ بِخَرْصِهَا تَمْرًا .]
قَالَ يَحْيَى : الْعَرِيَّةُ أَنْ يَشْتَرِي الرَّجُلُ تَمَرَّ النَّخَلَاتِ لِطَاعَمِ أَهْلِهِ رُطْبَانِ ، بِخَرْصِهَا تَمْرًا .]

[3884] 64 - (...) It was narrated from Zaid bin Thâbit that the Messenger of Allâh ﷺ granted a concession with regard to ‘Arâyâ, allowing it to be sold for a similar measure.

٣٨٨٤ [(...) وَحَدَّثَنَا ابْنُ نُعْمَى : حَدَّثَنَا أَبِي : حَدَّثَنَا عَبْدُ اللَّهِ : حَدَّثَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ ، عَنْ زَيْدِ بْنِ ثَابِتٍ ، أَنَّ رَسُولَ اللَّهِ ﷺ رَخَّصَ فِي الْعَرَابِيَا أَنْ تَبَاعَ بِخَرْصِهَا كَيْلًا .]

[3885] 65 - (...) It was narrated from ‘Ubaidullâh with this chain (a *Hadîth* similar to no. 3884).

[3886] 66 - (...) It was narrated from Nâfi‘ with this chain that the Messenger of Allâh ﷺ granted a concession allowing ‘Arâyâ to be sold for a similar measure.

[3887] 67 - (1540) It was narrated from Bushair bin Yasâr from some of the Companions of the Messenger of Allâh ﷺ who were members of his family, including Sahl bin Abî Hathmâh, that the Messenger of Allâh ﷺ forbade selling fresh dates for dried dates. He said: “That is *Ribâ*, that is *Muzâbahah*.” But he granted a concession allowing the sale of ‘Ariyyah, where the produce of one or two palm trees is assigned to a household in return for an estimated measure of dried dates, so that they can eat fresh dates.

[3888] 68 - (...) It was narrated from Bushair bin Yasâr, that the Companions of the Messenger of Allâh ﷺ said: “The Messenger of Allâh ﷺ granted a concession with regard to the sale of ‘Ariyyah for an estimated measure of dried dates.”

٦٥-[٣٨٨٥] وَحَدَّثَنَا أَبْنُ الْمُشْتَىٰ : حَدَّثَنَا يَحْيَىٰ بْنُ سَعِيدٍ عَنْ عَبْدِ اللَّهِ بِهَذَا الْإِسْنَادِ، وَقَالَ: أَنْ تُؤْخَذْ بِخَرْصِهَا .

٦٦-[٣٨٨٦] وَحَدَّثَنَا أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَادٌ؛ وَحَدَّثَنِيهِ عَلَيْهِ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ، كِلَاهُمَا عَنْ أَيُوبَ، عَنْ نَافِعٍ بِهَذَا الْإِسْنَادِ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَخَصَ فِي بَيْعِ الْعَرَيَا بِخَرْصِهَا .

٦٧-[٣٨٨٧] وَحَدَّثَنَا عَبْدُ الله بْنُ مَسْلَمَةَ الْقَعْنَبِيِّ : حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنَ بِلَالِ، عَنْ يَحْيَىٰ وَهُوَ أَبُو سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ بَعْضِ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ أَهْلِ دَارِهِمْ، مِنْهُمْ سَهْلُ بْنُ أَبِي حَسْمَةَ؛ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْأَمْرِ، وَقَالَ: «ذَلِكَ الرِّبَا، تِلْكَ الْمُزَابَةُ» إِلَّا أَنَّهُ رَخَصَ فِي بَيْعِ الْعَرَيَا، التَّخْلَةِ وَالثَّخْلَتَيْنِ يَأْخُذُهَا أَهْلُ الْبَيْتِ بِخَرْصِهَا تَمَراً، يَأْكُلُونَهَا رُطْبَاً .

٦٨-[٣٨٨٨] وَحَدَّثَنَا قُبَيْلَةُ أَبْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا ابْنُ رُمْحٍ: أَخْبَرَنَا الْلَّيْثُ عَنْ يَحْيَىٰ بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُمْ قَالُوا: رَخَصَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي بَيْعِ الْعَرَيَا بِخَرْصِهَا تَمَراً .

[3889] 69 - (...) Bushair bin Yasâr narrated from some Companions of the Messenger of Allâh ﷺ who were members of his family that the Messenger of Allâh ﷺ forbade... and he mentioned a *Hadîth* like that of Sulaimân bin Bilâl from Yaḥyâ (no. 3887), except that Ishâq and Ibn Al-Muthanna said *Zabn* instead of *Ribâ*, but Ibn Abî 'Umar said *Ribâ*.

[٣٨٨٩]-٦٩ (.) وَحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُتَّىٰ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ، جَمِيعًا عَنِ النَّقْفَىٰ قَالَ: سَعَىْتُ يَحْيَى بْنَ سَعِيدٍ يَقُولُ: أَخْبَرَنِي بُشِّيرٌ بْنُ يَسَارٍ عَنْ بَعْضِ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ أَهْلِ دَارِهِ؛ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَذَكَرَ يَمْثُلُ حَدِيثَ سُلَيْمَانَ بْنِ يَلَالٍ عَنْ يَحْيَىٰ، غَيْرَ أَنَّ إِسْحَاقَ وَابْنَ الْمُتَّىٰ جَعَلَا مَكَانَ الرِّبَا الزَّيْنَ، وَقَالَ ابْنُ أَبِي عُمَرَ: الرِّبَا .

[3890] (...) A *Hadîth* like theirs (i.e. Ishâq and Ibn Al-Muthanna, no. 3889) was narrated from Sahl bin Abî Hathmâh from the Prophet ﷺ.

[٣٨٩٠]-٧٠ (.) وَحَدَّثَنَا عَمْرُو التَّائِدُ وَابْنُ نُمَيْرٍ قَالَا: حَدَّثَنَا سُعِيَادُ ابْنُ عُيَيْنَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشِّيرٍ بْنِ يَسَارٍ، عَنْ سَهْلٍ بْنِ أَبِي حَمْمَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَحْوَ حَدِيثِهِمْ .

[3891] 70 - (...) Râfi' bin Khadîj and Sahl bin Abî Hathmâh narrated that the Messenger of Allâh ﷺ forbade *Muzâbahâh*, selling fresh dates for dried dates, except for those who owned 'Arâyah - he gave them permission.

[٣٨٩١]-٧٠ (.) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَحَسْنُ الْحُلَوَانِيُّ قَالَا: حَدَّثَنَا أَبُو أَسَامَةَ، عَنِ الْوَلِيدِ بْنِ كَثِيرٍ: حَدَّثَنِي بُشِّيرٌ بْنُ يَسَارٍ مَوْلَى بَنِي حَارِثَةٍ؛ أَنَّ رَافِعَ بْنَ حَدِيجَ وَسَهْلَ بْنَ أَبِي حَمْمَةَ حَدَّثَاهُ؛ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُرَبَّةِ، الشَّمْرِ بِالشَّمْرِ، إِلَّا أَصْحَابَ الْعَرَابِيَا، فَإِنَّهُ قَدْ أَذِنَ لَهُمْ .

[3892] 71 - (1541) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ granted a concession allowing the sale of 'Arâyâ for estimated amounts less than five *Wasq*, or up to five *Wasq*. Dâwûd was unsure and said: "Five or less than five?" He said: "Yes."

[٣٨٩٢] [٧١-١٥٤١] وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا مَالِكٌ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى - وَاللَّفْظُ لَهُ - قَالَ فَلْتُ لِمَالِكٍ: حَدَّثَكَ دَاوُدُ بْنُ الْحُصَينِ، عَنْ أَبِي سُفْيَانَ مَوْلَى ابْنِ أَبِي أَحْمَدَ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ رَخَّصَ فِي بَيْعِ الْعَرَابَا بِخَرْصِهَا فِيمَا دُونَ خَمْسَةَ أُوْسُقٍ أَوْ فِي خَمْسَةَ - يَشْكُ دَاوُدُ قَالَ: خَمْسَةُ أَوْ دُونَ خَمْسَةَ؟ - قَالَ: نَعَمْ.

[3893] 72 - (1542) It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade *Muzâbanah*. *Muzâbanah* refers to selling fresh dates for dried dates by measure, and selling grapes for raisins by measure.

[٣٨٩٣] [٧٢-١٥٤٢] حَدَّثَنَا يَحْيَى أَبْنُ يَحْيَى [الشَّمِيعِيُّ] قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: بَيْعُ الثَّمَرِ بِالثَّمَرِ كَيْلًا، وَبَيْعُ الْكَرْمِ بِالرَّبِيبِ كَيْلًا.

[3894] 73 - (...) It was narrated from Nâfi' that 'Abdullâh told him that the Prophet ﷺ forbade *Muzâbanah*. *Muzâbanah* means selling the produce of palm trees for dried dates by measure, or selling grapes for raisins by measure, or selling crops for dried wheat by measure.

[٣٨٩٤] [٧٣-...] وَحَدَّثَنَا أَبُو بَكْرٍ أَبْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ تُمَيْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سِيرِ: حَدَّثَنَا عَبْدُ اللَّهِ عَنْ نَافِعٍ؛ أَنَّ عَبْدَ اللَّهِ أَخْبَرَهُ؛ أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: بَيْعُ ثَمَرِ النَّخْلِ بِالثَّمَرِ كَيْلًا، وَبَيْعُ الْعِنْبِ بِالرَّزِيبِ كَيْلًا، وَبَيْعُ الزَّرْعِ بِالْجِنْطَةِ كَيْلًا.

[3895] (...) A similar report (as no. 3894) was narrated from 'Ubaidullâh with this chain.

[٣٨٩٥] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبْنُ أَبِي زَائِدَةَ عَنْ عَبْدِ اللَّهِ بْنِ هَذَلَةَ إِلَيْهَا مِثْلُهُ.

[3896] 74 - (...) It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ forbade *Muzâbanah*. *Muzâbanah* means selling the produce of palm trees for dried dates by measure, or selling grapes for raisins by measure, or selling any kind of produce for an estimated measure of the same kind of produce.”

[3897] 75 - (...) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ forbade *Muzâbanah*. *Muzâbanah* means selling what is up on the palm trees for dried dates of a specified amount (by saying), “If there is more it is mine and if there is less then I owe you.”

[3898] (...) Ayyûb narrated a similar report (as no. 3897) with this chain.

[3899] 76 - (...) It was narrated that ‘Abdullâh said: “The Messenger of Allâh ﷺ forbade *Muzâbanah*, selling the produce of one’s garden. If it is palm trees; for dried dates by measure, and if it is grapes; selling them for raisins by measure, and if it is unharvested produce; selling it for a measure of harvested produce. He forbade all of that.”

[٣٨٩٦]-٧٤ حَدَّثَنِي يَحْمَى
ابْنُ مَعْنَى وَهَرُونُ بْنُ عَبْدِ اللَّهِ وَحُسْنِ بْنُ
عِيسَى قَالُوا: حَدَّثَنَا أَبُو أُسَامَةَ: حَدَّثَنَا
عَبْدُ اللَّهِ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: نَهَى
رَسُولُ اللَّهِ ﷺ عَنِ الْمُرَابَةِ، وَالْمُرَابَةُ:
بَيْعُ ثَمَرِ النَّخْلِ بِالشَّمْرِ كَيْلًا، وَبَيْعُ الزَّبِيبِ
بِالْعَنْبِ كَيْلًا، وَعَنْ كُلِّ ثَمَرٍ بِخِرْصِهِ.

[٣٨٩٧]-٧٥ وَحَدَّثَنِي عَلَيٌّ
ابْنُ حُجْرٍ [السَّعْدِيُّ] وَزُهَيْرُ بْنُ حَرْبٍ قَالَا:
حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ إِبْرَاهِيمَ، عَنْ
أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَّ رَسُولَ
اللَّهِ ﷺ نَهَى عَنِ الْمُرَابَةِ، وَالْمُرَابَةُ: أَنْ
يُبَاعَ مَا فِي رُؤُوسِ النَّخْلِ بِتَمْرٍ، بِكَيْلٍ
مُسْمَىًّ، إِنْ زَادَ فَلِي وَإِنْ نَقَصَ فَعَلَيَّ.

[٣٨٩٨]-٧٦ وَحَدَّثَنَا أَبُو الرَّبِيعِ
وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَادٌ: حَدَّثَنَا
أَيُوبُ، بِهَذَا إِلَسْنَادِ نَحْوَهُ.

[٣٨٩٩]-٧٦ وَحَدَّثَنَا فُيُونَهُ
ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنِي
مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا لَيْثٌ عَنْ
نَافِعٍ، عَنْ عَبْدِ اللَّهِ [قَالَ]: نَهَى رَسُولُ
اللَّهِ ﷺ عَنِ الْمُرَابَةِ: أَنْ بَيْعُ ثَمَرَ
حَائِطِهِ: إِنْ كَانَتْ نَخْلًا، بِتَمْرٍ كَيْلًا،
وَإِنْ كَانَ كَرْمًا، أَنْ بَيْعُ بِزَبِيبٍ كَيْلًا،

وَإِنْ كَانَ زَرْعًا، أَنْ يَبْيَعَهُ بِكَيْلٍ طَعَامٍ،
نَهَىٰ عَنْ ذَلِكَ كُلُّهُ.
وَفِي رِوَايَةِ فُتَيْبَةَ: أَوْ كَانَ زَرْعًا.

[3900] (...) A *Hadith* similar to theirs (i.e. Qutaiba and others, no. 3899) was narrated from Nâfi‘ with this chain.

[٣٩٠٠] (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ
أَخْبَرَنَا ابْنُ وَهْبٍ: حَدَّثَنِي يُوسُفُ، قَالَ: وَحَدَّثَنَا
ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنِي
الصَّحَّاْكُ، وَحَدَّثَنِي شُوَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا
حَفْصُ بْنُ مَيْسَرَةَ: حَدَّثَنِي مُوسَى بْنُ عَقْبَةَ، كُلُّهُمْ
عَنْ نَافِعٍ، يَهْلَدَا إِلَيْهِ الْإِسْنَادُ نَحْوَ حَدِيثِهِمْ.

(المعجم ١٥) - (باب من باع نخلا
عليها تمر) (التحفة ١٥)

Chapter 15. One Who Sells Date Palms On Which There Are Dates

[3901] 77 - (1534) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: “Whoever sells date palms that have been pollinated, the produce belongs to the seller, unless the buyer stipulates otherwise.”

[٣٩٠١] ٧٧ - (١٥٤٣) وَحَدَّثَنَا
يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ
عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ
الله ﷺ قَالَ: «مَنْ بَاعَ نَخْلًا قَدْ أَبْرَتْ،
فَتَمَرُّهَا لِلْبَائِعِ، إِلَّا أَنْ يَشْتَرِطِ الْمُبْتَاعُ».

[3902] 78 - (...) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: “Any palm trees which are purchased and they have been pollinated, the produce belongs to the one who pollinated them, unless the one who buys them stipulates otherwise.”

[٣٩٠٢] ٧٨ - (...) وَحَدَّثَنَا مُحَمَّدُ ابْنُ
الْمُشَّتِّي: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ؛ وَحَدَّثَنَا ابْنُ
نُعْمَيْرٍ: حَدَّثَنَا أَبِي جَمِيعًا عَنْ عُبَيْدِ اللهِ؛ وَحَدَّثَنَا
أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا
مُحَمَّدُ بْنُ شِرْبٍ: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنْ
ابْنِ عُمَرَ أَنَّ رَسُولَ الله ﷺ قَالَ: «إِيمَّا نَحْنُ
اشْتَرِي أَصْوْلُهَا وَقَدْ أَبْرَتْ، فَإِنَّ ثَمَرَهَا لِلَّذِي
أَبْرَهَا، إِلَّا أَنْ يَشْتَرِطَ الَّذِي اشْتَرَاهَا».

[٣٩٠٣] ٧٩ - (...) وَحَدَّثَنَا قُتْبَيْهُ أَبْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا ابْنُ رُمْحٍ: أَخْبَرَنَا الْلَّيْثُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ؛ أَنَّ النَّبِيَّ ﷺ قَالَ: «أَيُّمَا امْرِئٌ أَبْرَرَ نَخْلًا ثُمَّ بَاعَ أَصْلَاهَا، فَلِلَّذِي أَبْرَرَ نَخْلَهُ إِلَّا أَنْ يَشْرِطَ الْمُبْتَاعَ».

[٣٩٠٤] (...) وَحَدَّثَنَا أَبْوَ الرَّبِيعِ وَأَبْوَ كَامِلٍ قَالَا: حَدَّثَنَا حَمَادٌ؛ وَحَدَّثَنِيهِ زُهْيرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ، كِلَاهُمَا عَنْ أَيُوبَ، عَنْ نَافِعٍ بِهَذَا الْإِسْنَادِ تَحْوِهُ.

[٣٩٠٥] ٨٠ - (...) وَحَدَّثَنَا يَحْيَى أَبْنُ يَحْيَى وَمُحَمَّدُ بْنُ رُمْحٍ قَالَا: أَخْبَرَنَا الْلَّيْثُ؛ وَحَدَّثَنَا قُتْبَيْهُ أَبْنُ سَعِيدٍ: أَخْبَرَنَا الْلَّيْثُ عَنْ ابْنِ شَهَابٍ، عَنْ سَالِيمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ ابْتَاعَ نَخْلًا بَعْدَ أَنْ تُؤَبِّرَ فَنَمَرَّتْهُ لِلَّذِي بَاعَهَا، إِلَّا أَنْ يَشْرِطَ الْمُبْتَاعَ، وَمَنْ ابْتَاعَ عَبْدًا فَمَالَهُ لِلَّذِي بَاعَهُ، إِلَّا أَنْ يَشْرِطَ الْمُبْتَاعَ».

[٣٩٠٦] (...) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَأَبْوَ بَكْرٍ بْنُ أَبِي شَيْبَةَ وَزُهْيرُ بْنُ حَرْبٍ - قَالَ يَحْيَى: أَخْبَرَنَا، وَقَالَ الْآخْرَانِ: حَدَّثَنَا - سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ مِثْلُهُ.

[3904] (...) A similar report (as no. 3903) was narrated from Nâfi' with this chain.

[3905] 80 - (...) It was narrated that 'Abdullâh bin 'Umar said: "I heard the Messenger of Allâh ﷺ say: 'Whoever buys palm trees after they have been pollinated, their produce belongs to the seller, unless the buyer stipulates otherwise. Whoever buys a slave, his property belongs to the one who sold him, unless the buyer stipulated otherwise.'"

[3906] (...) A similar report (as no. 3905) was narrated from Az-Zuhri with this chain.

[3907] (...) Sâlim bin ‘Abdullâh bin ‘Umar narrated that his father said: “I heard the Messenger of Allâh ﷺ say...” a similar report (as no. 3905).

[٣٩٠٧] (...) وَحَدَّنِي حَرْمَلَةُ بْنُ يَحْمَىٰ : أَخْبَرَنَا ابْنُ وَهْبٍ : أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ : حَدَّنِي سَالِمُ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ ; أَنَّ أَبَاهُ قَالَ : سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ ، يَمْثُلُهُ .

Chapter 16. The Prohibition Of *Muḥāqalah* And *Muzābanah*, And *Mukhābarah*; And Selling Produce Before Its Goodness Appears, And *Mu'awmah*; Which He Is Selling Years In Advance

(المعجم ١٦) - (باب التهبي عن المحاقلة والمزاينة، وعن المخابرة وبيع الشمرة قبل بُدو صلاحها، وعن بيع المعاومة وهو بيع السنين) (التحفة ١٦)

[3908] 81 - (1536) It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh forbade *Muhâqalah*, *Muzâbanah* and *Mukhâbarah*, and selling produce before its goodness appears; it should not be sold except for Dînâr and Dirham, except in the case of 'Arâyâ."

[٣٩٠٨] - [٨١-١٥٣٦] وَحَدَّثَنَا أَبُو بَكْرٌ بْنُ أَبِي شَيْعَةَ وَمُحَمَّدٌ بْنُ عَبْدِ اللَّهِ بْنِ نُعَيْرٍ وَزَهْيِرٌ بْنُ حَرْبٍ قَالُوا جَمِيعًا : حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَبْنِ جُرَيْجٍ ، عَنْ عَطَاءٍ ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ قَالَ : نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُحَافَلَةِ وَالْمُرَايَةِ وَالْمُحَايَرَةِ ، وَعَنْ بَعْضِ الشَّمْرِ حَتَّى يَدْعُ صَاحِهُ ، وَلَا يُبَاغِعُ إِلَّا بِالْدِينِ وَالدرْهَمِ ، إِلَّا الْعَرَازِيَا . [راجٗ: ٣٨٧١]

[3909] (...) Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ forbade...” and he mentioned something similar (to *Hadîth* no. 3908).

حُمَيْدٌ: أَخْبَرَنَا أَبُو عَاصِمٍ: أَخْبَرَنَا ابْنُ جُرَيْجٍ عَنْ عَطَاءَ وَأَبِي الرِّئَبِ؛ أَنَّهُمَا سَمِعاً جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَذَكَرَ مِثْلَهُ.

[3910] 82 - (...) It was narrated from Jâbir bin ‘Abdullâh that the Messenger of Allâh ﷺ forbade *Mukhâbarah*, *Muhâqalah* and *Muzâbanah*, and selling produce until it is fit to eat; it should not be sold except for Dirham and Dînâr, except in the case of ‘Arâyâ.

‘Atâ’ said: “Jâbir explained it to us and said: *Mukhâbarah* refers to unused land which a man gives to another man who spends on it then (the owner) takes some of its produce in return. He said that *Muzâbanah* means selling fresh dates on the tree for dried dates by measure, and *Muhâqalah* refers to something similar with regard to crops, where standing crops are sold for grains by measure.””

[3911] 83 - (...) It was narrated from Jâbir bin ‘Abdullâh that the Messenger of Allâh ﷺ forbade *Muhâqalah*, *Muzâbanah* and *Mukhâbarah*, and buying palm trees until (their produce is) ripe. And ripening means that they turn red or yellow, or are fit to eat. *Muhâqalah* means selling the field for a known measure of food. *Muzâbanah* means selling the palm tree for some *Wasq* of dried dates. *Mukhâbarah* refers to a share, one-third or one-quarter and so on.

Zaid said: “I said to ‘Atâ’ bin

[٣٩١٠] ٨٢ - (...) وَحَدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ: أَخْبَرَنَا مَخْلُدُ بْنُ
يَزِيدَ الْجَزِيرِيُّ: حَدَّثَنَا ابْنُ مُجْرِيْجَ:
أَخْبَرَنِي عَطَاءً عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ؛ أَنَّ
رَسُولَ اللَّهِ ﷺ نَهَىٰ عَنِ الْمُخَابَرَةِ
وَالْمُحَاكَلَةِ وَالْمُزَابَنَةِ، وَعَنْ بَيعِ التَّمَرَةِ
حَتَّىٰ تُطْعَمَ، وَلَا تُبَاعُ إِلَّا بِالدَّرَاهِمِ
وَالدَّنَارِيِّينَ، إِلَّا الْعَرَائِيَا.
قَالَ عَطَاءٌ: فَسَرَّهَا لَنَا جَابِرٌ قَالَ: أَمَا
الْمُخَابَرَةُ فَالْأَرْضُ الْبَيْضَاءُ يَدْفَعُهَا الرَّجُلُ
إِلَى الرَّجُلِ فَيَنْقُضُ فِيهَا ثُمَّ يَأْخُذُ مِنَ التَّمَرِ،
وَرَأَمْ أَنَّ الْمُزَابَنَةَ بَيْعُ الرُّطْبِ فِي النَّخْلِ
بِالشَّمْرِ كَيْلًا، وَالْمُحَاكَلَةُ فِي الرَّزْعِ عَلَى نَحْوِ
ذَلِكَ، بَيْعُ الزَّرْعِ الْفَائِمَ بِالْحَبْ كَيْلًا.

[٣٩١١] ٨٣ - (...) وَحَدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ أَخْمَدَ ابْنُ أَبِي
خَلْفٍ، كَلَّيْهِمَا عَنْ زَكَرِيَّاءَ - قَالَ ابْنُ
أَبِي خَلْفٍ: حَدَّثَنَا زَكَرِيَّاءُ ابْنُ عَدَىَ -:
أَخْبَرَنَا عُبَيْدُ اللَّهِ عَنْ زَيْدِ بْنِ أَبِي أَنْيَسَةَ:
حَدَّثَنَا أَبُو الْوَلِيدِ الْمَكِيُّ وَهُوَ جَالِسٌ عِنْدَ
عَطَاءِ بْنِ أَبِي رَيَاحٍ، عَنْ جَابِرِ بْنِ عَبْدِ
اللَّهِ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَىٰ عَنِ الْمُخَابَرَةِ
وَالْمُزَابَنَةِ وَالْمُحَاكَلَةِ، يُشَرِّي النَّخْلَ حَتَّىٰ
مُشْقَةَ، وَإِلَشْقَاءَ أَنْ يَحْمَرَ أَوْ يَصْفَرَ أَوْ

Abî Rabâh: ‘Did you hear Jâbir bin ‘Abdullâh narrate that from the Messenger of Allâh ﷺ?’ He said: ‘Yes.’”

يُؤْكَل مِنْهُ شَيْءٌ، وَالْمُحَافَلَةُ: أَنْ يُبَاعَ الْحَقْلُ بِكَيْلٍ مِنَ الطَّعَامِ مَعْلُومٍ، وَالْمُرَابَةُ أَنْ يُبَاعَ التَّخْلُ بِأَوْسَاقٍ مِنَ التَّمْرِ، وَالْمُخَابَرَةُ: الْثُلُثُ وَالرُّبُيعُ وَأَشْبَاهُ ذَلِكَ . قَالَ زَيْدٌ: قُلْتُ لِعَطَاءَ بْنِ أَبِي رَبَاحٍ: أَسْمَعْتَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَذْكُرُ هَذَا عَنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ: نَعَمْ .

[3912] 84 - (...) It was narrated that Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ forbade *Muzâbanah*, *Muhâqalah* and *Mukhâbarah*, and selling produce until it is ripe (*Tushqih*).”

He said: “I said to Sa‘eed: ‘What does *Tushqih* mean?’ He said: ‘When they turn red or yellow and are fit to eat.’”

[٣٩١٢]-٨٤ (...) وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ هَاشِمٍ: حَدَّثَنَا بَهْرَ: حَدَّثَنَا سَلِيمُ ابْنُ حَيَانَ: حَدَّثَنَا سَعِيدُ بْنُ مِيَاءَ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُرَابَةِ وَالْمُحَافَلَةِ وَالْمُخَابَرَةِ، وَعَنْ تَبَعِ الشَّمْرَةِ حَتَّى تُشْقَحَ . قَالَ قُلْتُ لِسَعِيدٍ: مَا تُشْقِحُ؟ قَالَ: تَحْمَارُ وَتَصْفَارُ وَيُؤْكَلُ مِنْهَا .

[3913] 85 - (...) It was narrated that Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ forbade *Muhâqalah*, *Muzâbanah*, *Mu‘âwamah* and *Mukhâbarah* - one of them said: selling years ahead is *Mu‘âwamah* - and exemption of something unspecified, but he granted a concession with regard to *Arâyâ*.”

[٣٩١٣]-٨٥ (...) وَحَدَّثَنَا عَبْيَدُ اللَّهِ بْنُ عُمَرَ الْقَوَارِبِرِيُّ وَمُحَمَّدُ ابْنُ عَبْيَدِ الْغَبْرِيُّ - وَاللَّفْظُ لِعَيْدِ اللَّهِ - قَالًا: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ: حَدَّثَنَا أَيُوبُ عَنْ أَبِي الزُّبِيرِ وَسَعِيدُ بْنِ مِيَاءَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُحَافَلَةِ وَالْمُرَابَةِ وَالْمُعَاوَمَةِ وَالْمُخَابَرَةِ - قَالَ أَحَدُهُمَا: بَيْعُ السَّيْنَ هِيَ الْمُعَاوَمَةُ - وَعَنِ الْثُلُثَةِ وَرَحْصَ فِي الْعَرَائِيَا .

[3914] (...) A similar report (as no. 3913) was narrated from Jâbir from the Prophet ﷺ, except that he did not mention: “Selling years ahead is *Mu’âwamah*. ”

Chapter 17. *Kirâ’* (Leasing Land)^[11]

[3915] 86 - (...) It was narrated that Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ forbade leasing out land, selling it years ahead and selling produce until it is good (i.e. ready to eat).”

[3916] 87 - (...) It was narrated from Jâbir bin ‘Abdullâh that the Messenger of Allâh ﷺ forbade leasing out land.

[3917] 88 - (...) It was narrated that Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ said: ‘Whoever has land, let him cultivate it, and if he does not cultivate it, he should let his brother cultivate it.’ ”

[٣٩١٤] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَعَلَيْهِ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا إِشْمَاعِيلُ وَهُوَ ابْنُ عُلَيَّةَ، عَنْ أَيُّوبَ، عَنْ أَبِي الزُّبِيرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ بِمِنْهُ، غَيْرَ أَنَّهُ لَا يَذْكُرُ: بَيْعُ السَّنِينَ هِيَ الْمُعَاوَمَةُ.

(المعجم ١٧) - (باب كراء الأرض)
(التحفة ١٧)

[٣٩١٥] (...) وَحَدَّثَنِي إِسْحَاقُ بْنُ مَتْصُورٍ: حَدَّثَنَا عَبْيَضُ اللَّهِ ابْنُ عَبْدِ الْمَجِيدِ: حَدَّثَنَا رَبَاحُ بْنُ أَبِي مَعْرُوفٍ قَالَ: سَمِعْتُ عَطَاءً، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ كِرَاءِ الْأَرْضِ، وَعَنْ بَيْعِهَا السَّنِينَ، وَعَنْ بَيْعِ الشَّمْرِ حَتَّى يَطِيبَ.

[٣٩١٦] (...) وَحَدَّثَنِي أَبُو كَامِلُ الْجَحْدَرِيُّ: حَدَّثَنَا حَمَادٌ يَعْنِي ابْنَ زَيْدٍ عَنْ مَطْرِ الْوَرَاقِ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ.

[٣٩١٧] (...) وَحَدَّثَنَا عَبْدُ ابْنِ حُمَيْدٍ: حَدَّثَنَا مُحَمَّدُ بْنُ الْفَضْلِ لَقَبُهُ عَارِمٌ، وَهُوَ أَبُو التَّعْمَانِ السَّدُوسِيُّ: حَدَّثَنَا مَهْدِيُّ بْنُ مَيْمُونٍ: حَدَّثَنَا مَطْرُ الْوَرَاقِ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ

[11] *Kirâ’*: When the owner allows the land to be used in exchange for a certain portion of the produce. Some of the narrations that follow explain it explicitly.

الله ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرِعْهَا، فَإِنْ لَمْ يَرْعَهَا فَلْيَرْعِهَا أَخَاهُ». [٣٩١٨]

[3918] 89 - (...) It was narrated that Jâbir bin ‘Abdullâh said: “One of the Companions of the Messenger of Allâh ﷺ had some surplus land, and the Messenger of Allâh ﷺ said: ‘Whoever has surplus land, let him cultivate it or lend it to his brother, but if he insists, let him keep his land.’”

موسى: حَدَّثَنَا هِفْلٌ بْنُ زِيَادٍ، عَنِ الْأَوْرَاعِيِّ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: كَانَ لِرِجَالٍ فُضُولٌ أَرْضِينَ مِنْ أَصْحَابِ رَسُولِ اللَّهِ ﷺ، فَقَالَ رَسُولُ الله ﷺ: «مَنْ كَانَتْ لَهُ فَضْلٌ أَرْضٌ فَلْيَرْعِهَا أَوْ لِيَمْنَحْهَا أَخَاهُ، فَإِنْ أَبَى فَلِيُمْسِكْ أَرْضَهُ». [٣٩١٨]

[3919] 90 - (...) It was narrated that Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ forbade taking rent or a share for land.”

ابن حاتم: حَدَّثَنَا مُعَلَّى بْنُ مَنْصُورٍ الرَّازِيُّ: حَدَّثَنَا خَالِدٌ: أَخْبَرَنَا الشَّيْبَانِيُّ عَنْ بُكَيْرِ بْنِ الْأَخْنَسِ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: نَهَى رَسُولُ الله ﷺ أَنْ تُؤْخَذِ الْأَرْضُ أَجْرًا أَوْ حَظًّا. [٣٩١٩]

[3920] 91 - (...) It was narrated that Jâbir said: “The Messenger of Allâh ﷺ said: ‘Whoever has land, let him cultivate it. If he cannot cultivate it, or is unable to do so, let him lend it to his Muslim brother, but he should not take rent for it.’”

تمير: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْدُ الْمُلِكِ عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ الله ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَرْعِهَا، فَإِنْ لَمْ يَسْتَطِعْ أَنْ يَرْعَهَا وَعَجَزَ عَنْهَا، فَلِيَمْنَحْهَا أَخَاهُ الْمُسْلِمَ، وَلَا يُؤَاجِرْهَا إِنَّمَا». [٣٩٢٠]

[3921] 92 - (...) Hammâm narrated: “Sulaimân bin Mûsâ asked ‘Atâ’: ‘Did Jâbir bin ‘Abdullâh tell you that the Prophet ﷺ said: ‘Whoever has

ابن فروخ: حَدَّثَنَا هَمَامٌ قَالَ: سَأَلَ سُلَيْمَانَ بْنَ مُوسَى عَطَاءَ فَقَالَ: أَحَدَنَا

land, let him cultivate it or let his brother cultivate it, and he should not lease it out”? He said: “Yes.”

جَابِرُ بْنُ عَبْدِ اللَّهِ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا، أَوْ لِيُنْرِعْهَا أَخَاهُ، وَلَا يُكْرِهَا» قَالَ: نَعَمْ.

[3922] 93 - (...) It was narrated from Jâbir that the Prophet ﷺ forbade *Mukhâbarah*.

[٣٩٢٢]-٩٣ [.] وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شِيهَةَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرُو، عَنْ جَابِرٍ أَنَّ النَّبِيَّ ﷺ تَهَى عَنِ الْمُخَابَرَةِ.

[3923] 94 - (...) Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ said: ‘Whoever has surplus land, let him cultivate it or let his brother cultivate it, and not sell it.’ I said to Sa‘eed: Does ‘not sell it’ refer to leasing? He said: ‘Yes.’”

[٣٩٢٣]-٩٤ [.] وَحَدَّثَنِي حَجَاجُ بْنُ الشَّاعِرِ: حَدَّثَنَا عَبْدِ اللَّهِ ابْنُ عَبْدِ الْمَجِيدِ: حَدَّثَنَا سَلِيمُ بْنُ حَيَّانَ: حَدَّثَنَا سَعِيدُ بْنُ مِيَاءَ قَالَ: سَمِعْتُ جَابِرَ ابْنَ عَبْدِ اللَّهِ [يَقُولُ]: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ كَانَ لَهُ فَضْلٌ أَرْضٌ فَلْيَزْرَعْهَا، أَوْ لِيُنْرِعْهَا أَخَاهُ، وَلَا تَبْيَعُوهَا» قَقَلْتُ لِسَعِيدِ: مَا قَوْلُهُ: وَلَا تَبْيَعُوهَا؟ يَعْنِي الْكِرَاء؟ قَالَ: نَعَمْ.

[3924] 95 - (...) It was narrated that Jâbir said: “We used to rent (*Khâbir*) land at the time of the Messenger of Allâh ﷺ and we would get a share of the grain left in the ears after threshing and of such-and-such (a quantity). Then the Messenger of Allâh ﷺ said: ‘Whoever has land (surplus) let him cultivate it or let his brother till it, otherwise, let him leave it.’”

[٣٩٢٤]-٩٥ [.] وَحَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهْيرٌ: حَدَّثَنَا أَبُو الزَّبِيرِ عَنْ جَابِرٍ قَالَ: كُنَّا نُخَابِرُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَنُصِيبُ مِنَ الْقِصْرِيِّ وَمِنْ كَذَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ فَلْيُخْرِنْهَا أَخَاهُ، وَإِلَّا فَلْيَدْعُهَا».

[3925] 96 - (...) Jâbir bin ‘Abdullâh said: “At the time of the Messenger of Allâh ﷺ we used to take land in return for one-third or one-quarter of that

[٣٩٢٥]-٩٦ [.] حَدَّثَنِي أَبُو الطَّاهِرِ وَأَحْمَدُ بْنُ عِيسَى، جَمِيعًا عَنْ أَبْنِ وَهْبٍ - قَالَ أَبُنُ عِيسَى: حَدَّثَنَا عَبْدُ

which grew along the water channels. The Messenger of Allâh ﷺ addressed us concerning that and said: ‘Whoever has land, let him cultivate it. If he does not cultivate it, let him lend it to his brother. If he does not lend it to his brother, let him keep it.’”

[3926] 97 - (...) It was narrated that Jâbir said: “I heard the Prophet ﷺ say: ‘Whoever has land, let him donate it or lend it.’”

[3927] 98 - (...) It was narrated from Al-A'mash with this chain (a *Hadîth* similar to no. 3926), except that he (ﷺ) said: “Let him cultivate it, or let his brother cultivate it.”

[3928] 99 - (...) It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ forbade leasing out land.

Bukhair said: “Nâfi' told me that he heard Ibn 'Umar say: ‘We used to lease out land, then we stopped doing that when we heard the *Hadîth* of Râfi' bin Khadîj.’”

الله بْنُ وَهْبٍ - : حَدَّيْنِي هِشَامُ بْنُ سَعْدٍ أَنَّ أَبَا الرَّزِّيْرِ الْمَكِيَّ حَدَّثَهُ قَالَ : سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ : كُنَّا فِي زَمْنِ رَسُولِ اللَّهِ ﷺ تَأْخُذُ الْأَرْضَ بِالْتُّلُثِ أَوِ الرُّبْعِ بِالْمَأْدِيَاتِ ، فَقَامَ رَسُولُ اللَّهِ ﷺ فِي ذَلِكَ قَالَ : «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيُزَرِّعْهَا ، إِنْ لَمْ يَرْعُهَا فَلْيَمْنَحْهَا أَخَاهُ ، إِنْ لَمْ يَمْنَحْهَا أَخَاهُ فَلْيَمْسِكْهَا» .

[٣٩٢٦] ٩٧ - (...) حَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّئِنِ : حَدَّثَنَا يَحْيَى بْنُ حَمَادٍ : حَدَّثَنَا أَبُو عَوَانَةَ عَنْ سُلَيْمَانَ : حَدَّثَنَا أَبُو سُفْيَانَ عَنْ جَابِرٍ قَالَ : سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ : «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَهْبِطْهَا أَوْ لَيُعْرِهَا» .

[٣٩٢٧] ٩٨ - (...) وَحَدَّيْنِي حَجَاجُ بْنُ الشَّاعِرِ : حَدَّثَنَا أَبُو الْجَوَابِ : حَدَّثَنَا عَمَّارُ بْنُ رُزِيقٍ عَنِ الْأَعْمَشِ بِهَلْدَا إِلَيْسَنَادِ ، عَيْرَ أَنَّهُ قَالَ «فَلْيُزَرِّعْهَا أَوْ فَلْيَمْنَحْهَا رَجُلًا» .

[٣٩٢٨] ٩٩ - (...) وَحَدَّثَنَا هَرْوُونُ بْنُ سَعِيدِ الْأَيْلِيِّ : حَدَّثَنَا ابْنُ وَهْبٍ : أَخْبَرَنِي عَمْرُو وَهُوَ ابْنُ الْحَارِثِ ، أَنَّ بُكَيْرًا حَدَّثَهُ ، أَنَّ عَبْدَ اللَّهِ بْنَ أَبِي سَلَمَةَ حَدَّثَهُ عَنِ التُّعَمَانِ بْنِ أَبِي عَيَّاشِ ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ ، أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ .

قَالَ بُكَيْرٌ: وَحَدَّثَنِي نَافِعٌ أَنَّهُ سَمِعَ ابْنَ عُمَرَ يَقُولُ: كُنَّا نُكْرِي أَرْضَنَا ثُمَّ تَرَكْنَا ذَلِكَ حِينَ سَمِعْنَا حَدِيثَ رَافِعٍ بْنِ حَدِيدِيْجِيْهِ [٣٩٢٩] - [١٠٠] . وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا أَبُو حَيْتَمَةَ، عَنْ أَبِي الرَّزِيْئِرِ، عَنْ جَابِرٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ أَرْضِ الْبَيْضَاءِ سَتِينَ أَوْ ثَلَاثَةِ

[٣٩٣٠] - [١٠١] . وَحَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَعَمْرُو النَّاقِدُ وَرُزْهِيرُ بْنُ حَرْبٍ قَالُوا: حَدَّثَنَا سُفِيَانُ بْنُ عُيَيْنَةَ عَنْ حُمَيْدِ الْأَغْرِيْجِ، عَنْ شَيْعَمَانَ بْنَ عَتِيقِيْهِ، عَنْ جَابِرٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ السَّنِينِ.

وَفِي رِوَايَةِ ابْنِ أَبِي شَيْبَةَ: عَنْ بَيْعِ ثَمَرِ سَنِينَ .

[٣٩٣١] - [١٥٤٤] [١٠٢] . وَحَدَّثَنَا حَسَنُ [بْنُ عَلَيْهِ] الْحُلْوَانِيُّ: حَدَّثَنَا أَبُو تَوْبَةَ: حَدَّثَنَا مُعاوِيَةُ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْعَمْهَا أَوْ لِيَمْنَحْهَا أَخَاهُ، فَإِنْ أَبَى فَلْيُمْسِكْ أَرْضَهُ».

[٣٩٣٢] - [١٥٣٦] [١٠٣] . حَدَّثَنَا الْحَسَنُ الْحُلْوَانِيُّ: حَدَّثَنَا أَبُو تَوْبَةَ عَنْ

[3929] 100 - (...) It was narrated that Jâbir said: "The Messenger of Allâh ﷺ forbade selling (leasing) unused land for two or three years."

[3930] 101 - (...) It was narrated that Jâbir said: "The Messenger of Allâh ﷺ forbade selling years ahead."

According to the report of Ibâ Shaibah: (the Messenger of Allâh ﷺ forbade) "Selling produce for years ahead."

[3931] 102 - (1544) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever has land, let him cultivate it or lend it to his brother, and if he insists, let him keep his land.'"

[3932] 103 - (1536) Jâbir bin 'Abdullâh narrated that he heard the Messenger of Allâh ﷺ

forbidding *Muzâbanah* and *Huqûl*. Jâbir bin ‘Abdullâh said: “*Muzâbanah* means selling fresh dates for dried dates, and *Huqûl* means leasing out land (*Kirâ’*).”

مُعاوِيَة، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، أَنَّ زَيْدَ ابْنَ نُعِيمَ أَخْبَرَهُ، أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ أَخْبَرَهُ، أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَنْهَا عَنِ الْمُرَابَةِ وَالْمُحْقُولِ، فَقَالَ جَابِرُ بْنُ عَبْدِ اللَّهِ: الْمُرَابَةُ: الشَّمْرُ بِالشَّمْرِ، وَالْمُحْقُولُ: كِرَاءُ الْأَرْضِ. [راجع: ٣٨٧١]

[3933] 104 - (1545) It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ forbade *Muhâqalah* and *Muzâbanah*.”

[٣٩٣٣] ١٠٤-(١٥٤٥) حَدَّثَنَا فُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَنِ الْفَارِيِّ، عَنْ سُهْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُحَافَلَةِ وَالْمُرَابَةِ.

[3934] 105 - (1546) Abû Sa‘eed Al-Khudrî said: “The Messenger of Allâh ﷺ forbade *Muzâbanah* and *Muhâqalah*. *Muzâbanah* means buying dates on the tops of the palm trees and *Muhâqalah* means leasing out land.”

[٣٩٣٤] ١٠٥-(١٥٤٦) وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَالِكُ بْنُ أَنَسٍ، عَنْ دَاؤِدِ بْنِ الْحُصَيْنِ؛ أَنَّ أَبَا سُفْيَانَ مَوْلَى ابْنِ أَبِي أَحْمَدَ أَخْبَرَهُ، أَنَّهُ سَمِعَ أَبَا سَعِيدَ الْخُدْرِيَّ يَقُولُ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُرَابَةِ وَالْمُحَافَلَةِ، وَالْمُرَابَةُ اشْتِرَاءُ الشَّمْرِ فِي رُؤُوسِ النَّخْلِ، وَالْمُحَافَلَةُ: كِرَاءُ الْأَرْضِ.

[3935] 106 - (1547) It was narrated that ‘Amr said: “I heard Ibn ‘Umar say: ‘We did not see anything wrong with renting out land until last year, then Râfi‘ said that the Prophet of Allâh ﷺ had forbidden it.’”

[٣٩٣٥] ١٠٦-(١٥٤٧) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَأَبُو الرَّبِيعِ الْعَتَكِيُّ - قَالَ أَبُو الرَّبِيعِ: حَدَّثَنَا، وَقَالَ يَحْيَى: أَخْبَرَنَا - حَمَادُ بْنُ زَيْدٍ عَنْ عَمْرِي وَقَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: كُنَّا لَا نَرَى

بِالْحُكْمِ بَأْسَا، حَتَّىٰ كَانَ عَامًّا أَوَّلَ، فَرَأَعَمْ رَافِعٌ أَنَّ نَبِيَّ اللَّهِ تَعَالَى نَهَىٰ عَنْهُ. [انظر: ٣٩٥١]

[3936] 107 - (...) A similar report (as no. 3935) was narrated from 'Amr bin Dînâr with this chain. In the *Hadîth* of Ibn 'Uyaynah it adds: "So we stopped it because of that."

بَكْرٌ بْنُ أَبِي شَيْعَةَ: حَدَّثَنَا سُفِيَّانُ، وَحَدَّثَنِي عَلَيُّ بْنُ حُكْمَرٍ وَإِبْرَاهِيمُ بْنُ دِينَارٍ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ عَلَيَّةَ، عَنْ أَيُوبَ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا وَكِيعُ: حَدَّثَنَا سُفِيَّانُ، كُلُّهُمْ عَنْ عَمْرٍو بْنِ دِينَارٍ، بِهَذَا الْإِسْنَادِ مِثْلُهُ، وَرَأَدَ فِي حَدِيثِ ابْنِ عُيْنَةَ: فَرَكِنَاهُ مِنْ أَجْلِهِ.

عَلَيُّ بْنُ حُكْمَرٍ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ أَيُوبَ، عَنْ أَبِي الْخَلِيلِ، عَنْ مُجَاهِدٍ قَالَ: قَالَ ابْنُ عُمَرَ: لَقَدْ مَنَّنَا رَافِعٌ نَفْعًا أَرْضِنَا.

[3937] 108 - (...) It was narrated that Mujâhid said: "Ibn 'Umar said: 'Râfi' stopped us from benefiting from our land.'"

يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا يَزِيدُ بْنُ رُزْبَعَ عَنْ أَيُوبَ، عَنْ نَافِعٍ؛ أَنَّ ابْنَ عُمَرَ كَانَ يُكْرِي مَرَازِعَهُ عَلَى عَهْدِ النَّبِيِّ تَعَالَى، وَفِي إِمَارَةِ أَبِي بَكْرٍ وَعُمَرَ وَعُثْمَانَ، وَصَدَرَ مِنْ خِلَاقَةِ مُعَاوِيَةَ، حَتَّىٰ بَلَغَهُ فِي آخِرِ خِلَاقَةِ مُعَاوِيَةَ أَنَّ رَافِعَ بْنَ خَدِيجَ يُحَدِّثُ فِيهَا يَنْهِي عَنِ النَّبِيِّ تَعَالَى، فَدَخَلَ عَلَيْهِ

[3938] 109 - (...) It was narrated from Nâfi' that Ibn 'Umar used to lease out his farmland at the time of the Prophet ﷺ and during the leadership of Abû Bakr, 'Umar and 'Uthmân, and the beginning of the leadership of Mu'âwiya. Until, at the end of the leadership of Mu'âwiya, he heard that Râfi' bin Khadîj narrated a *Hadîth* in which (he mentioned) it was forbidden by the Prophet ﷺ. He entered upon him, when I was with

him, and asked him. He said: "The Messenger of Allâh ﷺ forbade leasing out farmland." Then Ibn 'Umar stopped doing that.

When he was asked about that afterwards he said: "Râfi' bin Khadîj said that the Messenger of Allâh ﷺ forbade it."

وَأَنَا مَعْهُ، فَسَأَلَهُ قَوْلًا: كَانَ رَسُولُ اللهِ ﷺ يَنْهَا عَنْ كِرَاء الْمَرَارِ، فَتَرَكَهَا أَبْنُ عُمَرَ بَعْدُ.

فَكَانَ إِذَا سُئِلَ عَنْهَا، بَعْدُ، قَالَ: زَعَمَ رَافِعُ بْنُ خَدِيجٍ، أَنَّ رَسُولَ اللهِ ﷺ نَهَا عَنْهَا.

[3939] (...) A similar report (as no. 3938) was narrated from Ayyûb with this chain. In the *Hadîth* of Ibn 'Ulayyah it adds: "He said: 'Ibn 'Umar stopped doing it after that, and he did not lease it out.'"

[٣٩٣٩] (...) وَحَدَّثَنَا أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، وَحَدَّثَنِي عَلَيْهِ بْنُ حُجْرٍ. حَدَّثَنَا إِسْمَاعِيلُ، كِلَاهُمَا عَنْ أَبِي بَكْرٍ بِهَذَا الْإِسْنَادِ مِثْلُهُ، وَرَأَدَ فِي حَدِيثِ أَبْنِ عُلَيْهِ: قَالَ: فَتَرَكَهَا أَبْنُ عُمَرَ بَعْدَ ذَلِكَ، فَكَانَ لَا يُكْرِهَا.

[3940] 110 - (...) It was narrated that Nâfi' said: "I went with Ibn 'Umar to Râfi' bin Khadîj in Al-Balât, and he told him that the Messenger of Allâh ﷺ forbade leasing out farmland."

[٣٩٤٠] ١١٠- (...) وَحَدَّثَنَا أَبْنُ نُعْمَرْ: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْدُ اللهِ عَنْ نَافِعٍ قَالَ: دَهَبْتُ مَعَ أَبْنِ عُمَرَ إِلَى رَافِعٍ أَبْنِ خَدِيجٍ حَتَّى أَتَاهُ بِالْبَلَاطِ، فَأَخْبَرَهُ أَنَّ رَسُولَ اللهِ ﷺ نَهَا عَنْ كِرَاء الْمَرَارِ.

[3941] (...) It was narrated from Ibn 'Umar that he went to Râfi'... and he narrated this *Hadîth* (no. 3940) from the Prophet ﷺ.

[٣٩٤١] (...) وَحَدَّثَنِي أَبْنُ أَبِي خَلْفٍ وَحَجَاجُ بْنُ الشَّاعِرِ قَالَا: حَدَّثَنَا زَكَرِيَاءُ بْنُ عَدِيٍّ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ عَمْرِو عَنْ زَيْدٍ، عَنِ الْحَكَمِ، عَنْ نَافِعٍ، عَنِ أَبِنِ عُمَرَ أَنَّهُ أَتَى رَافِعًا، فَذَكَرَ هَذَا الْحَدِيثَ عَنِ النَّبِيِّ ﷺ.

[3942] 111 - (...) It was narrated from Nâfi' that Ibn 'Umar used to rent out land. Then he was told a *Hadîth* from Râfi' bin Khadîj. He said to him: "Come with me," and we went to him, and he narrated from some of his paternal uncles and said that the Prophet ﷺ had forbidden leasing out land. Then Ibn 'Umar stopped doing that and he did not rent it out.

[٣٩٤٢] ١١١ - (...) حَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْتَهَىٰ : حَدَّثَنَا حُسْنِيُّ يَعْنِي بْنَ حَسَنَ ابْنِ يَسَارٍ : حَدَّثَنَا ابْنُ عَوْنَىٰ عَنْ نَافِعٍ ؛ أَنَّ ابْنَ عُمَرَ كَانَ يَأْجُرُ الْأَرْضَ - قَالَ - فَنَبَّهَهُ حَدِيثًا عَنْ رَافِعٍ [ابْنٌ حَدِيدٌ] - قَالَ - فَانْطَلَقَ إِلَيْهِ مَعَهُ إِلَيْهِ - قَالَ - فَذَكَرَ عَنْ بَعْضِ عُمُومَتِهِ، ذَكَرَ فِيهِ [عَنِ] النَّبِيِّ ﷺ، أَنَّهُ نَهَىٰ عَنْ كِرَاءِ الْأَرْضِ - قَالَ - فَتَرَكَهُ ابْنُ عُمَرَ فَلَمْ يَأْجُرْهُ [هُ].

[3943] (...) Ibn 'Awn narrated (a *Hadîth* as no. 3942) it with this chain, and he said: "He (Râfi') narrated to him from some of his paternal uncles, from the Prophet ﷺ."

[٣٩٤٣] (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ : حَدَّثَنَا يَرِيدُ بْنُ هَرُونَ : حَدَّثَنَا ابْنُ عَوْنَىٰ، بِهَذَا إِلَاسْنَادٍ [وَ] قَالَ : فَحَدَّثَهُ عَنْ بَعْضِ عُمُومَتِهِ عَنِ النَّبِيِّ ﷺ.

[3944] 112 - (...) Sâlim bin 'Abdullâh narrated that 'Abdullâh bin 'Umar used to lease out his land, until he heard that Râfi' bin Khadîj Al-Anṣârî forbade leasing out land. 'Abdullâh met him and said: "O Ibn Khadîj, what are you narrating from the Messenger of Allâh ﷺ about leasing out land?" Râfi' bin Khadîj said to 'Abdullâh: "I heard my two paternal uncles, who had been present at (the battle of) Badr, narrating to the family, that the Messenger of Allâh ﷺ forbade leasing out land." 'Abdullâh said: "At the time of the Messenger of Allâh ﷺ I knew that land could be leased

[٣٩٤٤] ١١٢ - (...) وَحَدَّثَنِي عَبْدُ الْمَلِكِ بْنُ شُعْبَىٰ بْنِ الْلَّىثِ بْنِ سَعْدٍ : حَدَّثَنِي أَبِى عَنْ جَدِّي : حَدَّثَنِي عَقِيلُ بْنُ خَالِدٍ عَنْ أَبِينِ شَهَابٍ؛ أَنَّهُ قَالَ : أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ : أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ كَانَ يُكْرِي أَرَضِيهِ، حَتَّىٰ بَلَغَهُ أَنَّ رَافِعَ ابْنَ حَدِيدٍ الْأَنْصَارِيَّ كَانَ يَنْهَا عَنْ كِرَاءِ الْأَرْضِ، فَلَقِيَهُ عَبْدُ اللَّهِ فَقَالَ : يَا ابْنَ حَدِيدٍ ! مَاذَا تُحَدِّثُ عَنْ رَسُولِ اللَّهِ ﷺ فِي كِرَاءِ الْأَرْضِ؟ قَالَ رَافِعُ بْنُ حَدِيدٍ لِعَبْدِ اللَّهِ : سَمِعْتُ عَمَّيَ وَكَانَ قَدْ شَهِدا

out.” Then ‘Abdullâh was afraid that the Messenger of Allâh ﷺ had said something new that he did not know of, so he stopped leasing out land.

بَدْرًا يُحَدِّثَانِ أَهْلَ الدَّارِ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَىٰ عَنْ كِرَاءِ الْأَرْضِ. قَالَ عَبْدُ اللَّهِ: لَقَدْ كُنْتُ أَغْلُمُ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ، أَنَّ الْأَرْضَ تُكْرَىٰ، ثُمَّ خَشِيَ عَبْدُ اللَّهِ أَنْ يَكُونَ رَسُولُ اللَّهِ ﷺ أَخْدَثَ فِي ذَلِكَ شَيْئًا لَمْ يَكُنْ عَلَمَهُ، فَتَرَكَ كِرَاءَ الْأَرْضِ.

Chapter 18. Leasing Out Land (*Kirâ’*) In Return For Food

(المعجم ١٨) - (باب كراء الأرض)
بالطعام) (التحفة ١٨)

[3945] 113 - (1548) It was narrated that Râfi‘ bin Khadîj said: “We used to rent land at the time of the Messenger of Allâh ﷺ, leasing it for one-third or one-quarter (of the yield of a specified crop) and a specified amount of food. Then one day, one of my paternal uncles came to us and said: ‘The Messenger of Allâh ﷺ has forbidden to us something that was beneficial to us, but obedience to Allâh and His Messenger is more beneficial to us. He forbade us to rent land and lease it for one-third or one-quarter (of the yield of a specified crop) and a specified amount of food, and he ordered the owner of the land to cultivate it or let it be cultivated, and he disliked leasing it out or anything else.’”

عَلَيْهِ بْنُ حُجْرٍ السَّعْدِيُّ وَيَعْقُوبُ ابْنُ إِبْرَاهِيمَ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ حَدِيجَةَ، عَنْ أَيُّوبَ، عَنْ يَعْنَى ابْنِ حَكِيمٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ رَافِعٍ بْنِ حَدِيجَةَ قَالَ: كُنَّا نُحَاقِّلُ الْأَرْضَ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَنَكَرَيْهَا بِالثُّلُثِ وَالرُّبُعِ وَالطَّعَامِ الْمُسَمَّىٰ، فَجَاءَنَا ذَاتَ يَوْمٍ رَجُلٌ مِنْ عُمُومَتِي فَقَالَ: نَهَاكُمْ رَسُولُ اللَّهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَطَوَاعِيَّةُ اللَّهِ وَرَسُولِهِ أَنْفَعُ لَنَا، نَهَاكُمْ أَنْ تُحَاقِّلُ بِالْأَرْضِ فَنَكَرَيْهَا عَلَى الثُّلُثِ وَالرُّبُعِ وَالطَّعَامِ الْمُسَمَّىٰ، وَأَمَرَ رَبَّ الْأَرْضِ أَنْ يَزْرَعَهَا أَوْ يُرْعَهَا، وَكَرِهَ كِرَاءَهَا، وَمَا سَوَى ذَلِكَ.

[3946] (...) It was narrated that Râfi‘ bin Khadîj said: “We used to rent land and lease it for one-third or one-quarter...” then he narrated a *Hadîth* like that of Ibn ‘Ulayyah (no. 3945).

[3947] (...) A similar report (as no. 3945) was narrated from Ya‘la bin Hakîm, with this chain.

[3948] (...) It was narrated from Râfi‘ bin Khadîj from the Prophet ﷺ (a *Hadîth* similar to no. 3945) but he did not say: “From some of his paternal uncles.”

[3949] 114 - (...) It was narrated from Abû An-Najâshî, the freed slave of Râfi‘ bin Khadîj, from Râfi‘, that Zuhair bin Râfi‘ - who was his paternal uncle - (He) said: “Zuhair came to me and said: ‘The Messenger of Allâh ﷺ forbade something that was beneficial for us.’ I said: ‘What is that? Whatever the Messenger of

[٣٩٤٦] (...) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَيُوبَ قَالَ: كَتَبَ إِلَيَّ يَعْلَى بْنُ حَكِيمٍ قَالَ: سَمِعْتُ سَلِيمَانَ بْنَ يَسَارِي يُحَدِّثُ عَنْ رَافِعٍ أَبْنِ حَدِيجَ. قَالَ: كُنَّا نُحَاقِّلُ بِالْأَرْضِ فَنَكْرِيهَا عَلَى الْتَّلُّثِ وَالرُّبْعِ، ثُمَّ ذَكَرَ بِمِثْلِ حَدِيثِ أَبْنِ عُلَيَّةَ.

[٣٩٤٧] (...) وَحَدَّثَنَا يَحْيَى بْنُ حَيْبٍ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ؛ وَحَدَّثَنَا عُمَرُو بْنُ عَلَيِّ: حَدَّثَنَا عَبْدُ الْأَعْلَى؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدَهُ، كُلُّهُمْ عَنْ أَبْنِ أَبِي عَرْوَةَ، عَنْ يَقْلَى بْنِ حَكِيمٍ بِهَذَا الْإِسْنَادِ مِنْهُ.

[٣٩٤٨] (...) وَحَدَّثَنِيهِ أَبُو الطَّاهِرِ: أَخْبَرَنَا أَبْنُ وَهْبٍ: أَخْبَرَنِي جَرِيرُ بْنُ حَازِمٍ، عَنْ يَعْلَى بْنِ حَكِيمٍ بِهَذَا الْإِسْنَادِ، عَنْ رَافِعٍ [بْنِ حَدِيجَ] عَنِ النَّبِيِّ ﷺ، وَلَمْ يُقُلْ: عَنْ بَعْضِ عُمُومَتِهِ.

[٣٩٤٩] ١٤ - (...) حَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنِي أَبُو مُسْهِرٍ: حَدَّثَنَا يَحْيَى بْنُ حَمْرَةَ: حَدَّثَنِي أَبُو عَمِّرِي الْأَوْزَاعِي عَنْ أَبِي النَّجَاشِيِّ مَوْلَى رَافِعٍ أَبْنِ حَدِيجَ، عَنْ رَافِعٍ؛ أَنَّ ظَهِيرَ أَبْنَ رَافِعٍ - وَهُوَ عَمُّهُ - قَالَ: أَتَانِي

Allâh ﷺ says is right.' He said: 'He asked me: "What do you do with your fields?"' I said: 'We rent them, O Messenger of Allâh, in return for (what grows on the edge) of the spring, or for several Wasq of dates or barley.' He said: 'Do not do that. Cultivate them, or let them be cultivated by others, or keep them.'

[3950] (...) This was narrated from Râfi' from the Prophet ﷺ, (a *Hadîth* similar to no. 3949) but he did not say: "From the paternal uncle of Zuhair."

ظَهِيرٌ فَقَالَ: لَقَدْ نَهَى رَسُولُ اللَّهِ ﷺ عَنْ أَمْرٍ كَانَ بِنَا رَافِقاً. فَقُلْتُ: وَمَا ذَاكَ؟ مَا قَالَ رَسُولُ اللَّهِ ﷺ فَهُوَ حَقٌّ - قَالَ - : سَأَلَنِي كَيْفَ تَصْنَعُونَ بِمَحَايِلِكُمْ؟ فَقُلْتُ: نُواجِرُهَا، يَا رَسُولَ اللَّهِ! عَلَى الرَّبِيعِ أَوِ الْأَوْسُقِ مِنَ التَّمْرِ أَوِ الشَّعِيرِ قَالَ: «فَلَا تَفْعَلُوا، ازْرَعُوهَا، أَوْ أَرْرَعُوهَا، أَوْ أَمْسِكُوهَا».

[٣٩٥٠] (...) حَدَّثَنَا مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ عِكْرَمَةَ بْنِ عَمَارٍ، عَنْ أَبِي التَّجَاشِيِّ، عَنْ رَافِعٍ عَنِ النَّبِيِّ ﷺ بِهَذَا وَلَمْ يَذُكُّرْ: عَنْ عَمِّهِ ظَهِيرٍ.

Chapter 19. Leasing Out Land (*Kirâ'*) For Gold And Silver

[3951] 115 - (1547) It was narrated from Hanzalah bin Qais that he asked Râfi' bin Khadîj about leasing out land. He said: "The Messenger of Allâh ﷺ forbade leasing out land." I said: "For gold and silver?" He said: "As for (leasing it for) gold and silver, there is nothing wrong with that."

(المعجم ١٩) - (بابُ كراء الأرض
بالذهب والورق) (التحفة ١٩)

[٣٩٥١] ١١٥ - (١٥٤٧) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ؛ أَنَّهُ سَأَلَ رَافِعَ بْنَ خَدِيجَ عَنْ كِرَاءِ الْأَرْضِ؟ فَقَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ كِرَاءِ الْأَرْضِ - قَالَ - : قُلْتُ: أَبِالذَّهَبِ وَالْوَرْقِ؟ فَقَالَ: أَمَا بِالذَّهَبِ وَالْوَرْقِ، فَلَا بِأَسْبَابِهِ. [راجع:

[3952] 116 - (...) Ḥanzalah bin Qais Al-Anṣārī said: "I asked Rāfi' bin Khadīj about leasing out land for gold and silver. He said: 'There is nothing wrong with that. Rather at the time of the Prophet ﷺ the people used to rent land in return for what grows along the water channels, and at the springs, and in some parts of the fields, but one part would be destroyed while another part would be safe, or vice versa, and this was the only way in which people leased out land. So this was forbidden. As for something that is specified and guaranteed, there is nothing wrong with it.'"

[٣٩٥٢] ١١٦ (...) حَدَّثَنَا إِسْحَاقُ: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا الْأَوْزَاعِيُّ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ: حَدَّثَنِي حَنْظَلَةُ بْنُ قَيْسٍ الْأَنْصَارِيُّ قَالَ: سَأَلْتُ رَافِعَ بْنَ خَدِيجَ عَنْ كِرَاءِ الْأَرْضِ بِالذَّهَبِ وَالْوَرِقِ؟ فَقَالَ: لَا يَأْسَ بِهِ، إِنَّمَا كَانَ النَّاسُ يُواجِرُونَ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، عَلَى الْمَادِيَاتِ، وَأَقْبَلِ الْجَدَاوِلِ، وَأَشْيَاءِ مِنَ الزَّرْعِ، فَيَهْلِكُ هَذَا وَيَسْلِمُ هَذَا، وَيَسْلِمُ هَذَا وَيَهْلِكُ هَذَا، فَلَمْ يَكُنْ لِلنَّاسِ كِرَاءً إِلَّا هَذَا، فَلَذِلِكَ زُجَرٌ عَنْهُ، فَأَمَّا شَيْءٌ مَغْلُومٌ مَضْمُونٌ، فَلَا يَأْسَ بِهِ.

[3953] 117 - (...) It was narrated from Ḥanzalah Az-Zuraqī that he heard Rāfi' bin Khadīj say: "We had the most land among the Anṣār, and we used to lease out land on the basis that we would have the produce of this part, and they would have the produce of that, and perhaps one part would yield produce and the other part would not. So he forbade us to do that. As for silver, he did not forbid us."

[٣٩٥٣] ١١٧ (...) حَدَّثَنَا عَمْرُو النَّاقِدُ: حَدَّثَنَا سُعْيَانُ بْنُ عُبَيْدَةَ عَنْ يَحْيَى وَهُوَ ابْنُ سَعِيدٍ، عَنْ حَنْظَلَةِ الزَّرْقَيِّ؛ أَنَّهُ سَمِعَ رَافِعَ بْنَ خَدِيجَ يَقُولُ: كُنَّا أَكْثَرَ الْأَنْصَارِ حَفَلًا - قَالَ - : كُنَّا نُكْرِي الْأَرْضَ عَلَى أَنَّ لَنَا هَذِهِ وَلَهُمْ هَذِهِ، فَرَبِّمَا أَخْرَجْتُ هَذِهِ وَلَمْ تُخْرِجْ هَذِهِ، فَهَاهَا عَنْ ذِلِكَ، وَأَمَّا الْوَرِقُ فَلَمْ يَئْهَنَا.

[3954] (...) A similar report (as no. 3953) was narrated from Yahyā bin Sa'eed, with this chain.

[٣٩٥٤] (...) حَدَّثَنَا أَبُو الرَّبِيعِ: حَدَّثَنَا حَمَادٌ؛ وَحَدَّثَنَا ابْنُ الْمُشَتَّى: حَدَّثَنَا

تَبَرِيدُ بْنُ هَرُونَ، جَمِيعاً عَنْ يَحْمَى بْنِ سَعِيدٍ، بِهَذَا الْإِسْنادِ نَحْوَهُ.

(المعجم ٢٠) - (باب في المزارعة
والمؤاجرة) (التحفة ٢٠)

**Chapter 20. Muzâra'ah
(Sharecropping) And Mu'âjarah
(lending)**

[3955] 118 - (1549) It was narrated that 'Abdullâh bin As-Sâ'ib said: "I asked 'Abdullâh bin Ma'qil about *Muzâra'ah*. He said: 'Thâbit bin Ad-Dâhhâk told me that the Messenger of Allâh ﷺ forbade *Muzâra'ah*.'" According to the report of Ibn Abî Shâibah: "He (ﷺ) forbade it." And he said: "I asked Ibn Ma'qil," but he did not name him as 'Abdullâh.

[٣٩٥٥-١١٨] حَدَّثَنَا يَحْمَى بْنُ يَحْمَى: أَخْبَرَنَا عَبْدُ الرَّحْمَانِ بْنُ زِيَادٍ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِيرٍ، كَلَّيْهِمَا عَنِ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ السَّائِبِ قَالَ: سَأَلْتُ عَبْدَ اللَّهِ بْنَ مَعْقِلٍ عَنِ الْمُزَارَعَةِ؟ فَقَالَ: أَخْبَرَنِي ثَابَتْ بْنُ الصَّحَافِ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمُزَارَعَةِ. وَفِي رِوَايَةِ ابْنِ أَبِي شَيْبَةَ: نَهَى عَنْهَا. وَقَالَ: سَأَلْتُ ابْنَ مَعْقِلٍ، وَلَمْ يُسْمِّ عَبْدَ اللَّهِ.

[3956] 119 - (...) It was narrated that 'Abdullâh bin As-Sâ'ib said: "We entered upon 'Abdullâh bin Ma'qil and asked him about *Muzâra'ah*. He said: 'Thâbit said that the Messenger of Allâh ﷺ forbade *Muzâra'ah* and enjoined *Mu'âjarah* (renting out land), and he said: There is nothing wrong with it.'"

[٣٩٥٦-١١٩] حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا يَحْمَى بْنُ حَمَادٍ: أَخْبَرَنَا أَبُو عَوَانَةَ عَنْ سُلَيْمَانَ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ السَّائِبِ قَالَ: دَخَلْنَا عَلَى عَبْدِ اللَّهِ بْنِ مَعْقِلٍ فَسَأَلْنَاهُ عَنِ الْمُزَارَعَةِ؟ فَقَالَ: زَعَمَ ثَابَتْ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمُزَارَعَةِ، وَأَمْرَ بِالْمُؤَاجَرَةِ، وَقَالَ: «لَا يَأْسَ بِهَا».

Chapter 21. Lending Land

(المعجم ٢١) - (باب الأرض تمنح)

(الصفحة ٢١)

[3957] 120 - (1550) It was narrated from 'Amr that Mujâhid said to Tâwûs: "Let us go to Ibn Râfi' bin Khadîj and listen to the *Hadîth* from his father, from the Prophet ﷺ." He said: "He rebuked him." He said: "By Allâh, if I had known that the Messenger of Allâh ﷺ forbade it, I would not have done it, but one who is more knowledgeable than them" - meaning Ibn 'Abbâs - "told me that the Messenger of Allâh ﷺ said: 'For a man to lend his land to his Muslim brother is better for him than taking a specified amount for it.'"

[٣٩٥٧] ١٢٠ - (١٥٥٠) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ عَمِّهِ أَنَّ مُجَاهِدًا قَالَ لِطَاؤِسٍ: انْطَلَقْنَا إِلَيْهِ أَبْنَ رَافِعٍ بْنِ خَدِيجٍ، فَاسْمَعْ مِنْهُ الْحَدِيثَ عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ - قَالَ - فَانْتَهَرَ - قَالَ - إِنِّي وَاللَّهِ! لَوْ أَعْلَمُ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْهُ مَا فَعَلْتُهُ، وَلَكِنْ حَدَّثَنِي مَنْ هُوَ أَعْلَمُ بِهِ مِنْهُمْ يَعْنِي أَبْنَ عَبَّاسٍ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَمْنَعَ الرَّجُلُ أَخَاهُ أَرْضَهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ عَلَيْهَا خَرْجًا مَعْلُومًا».

[3958] 121 - (...) It was narrated from Tâwûs that he used to rent out (*Yukhâbir*) his land. 'Amr said: "I said to him: 'O Abû 'Abdur-Rahmân, why don't you stop this renting, for they are saying that the Prophet ﷺ forbade renting out land?' He said: 'O 'Amr, the most knowledgeable of them of that' - meaning Ibn 'Abbâs - 'told me that the Prophet ﷺ did not forbid it, rather he said: For one of you to lend his land to his brother is better for him than renting it out for a specified amount.'"

[٣٩٥٨] ١٢١ - (...). وَحَدَّثَنَا أَبْنُ أَبِي عُمَرْ: حَدَّثَنَا سُفْيَانُ عَنْ عَمِّهِ، وَأَبْنُ طَاؤِسٍ عَنْ طَاؤِسٍ أَنَّهُ كَانَ يُخَابِرُ. قَالَ عَمِّهُ: قُلْتُ لَهُ: يَا أَبا عَبْدِ الرَّحْمَنِ! لَوْ تَرَكْتَ هَذِهِ الْمُخَابِرَةَ فَإِنَّهُمْ يَرْعُمُونَ أَنَّ النَّبِيِّ ﷺ نَهَى عَنِ الْمُخَابِرَةِ. فَقَالَ: أَيُّ عَمِّرُو! أَخْبَرَنِي أَعْلَمُهُمْ بِذَلِكَ يَعْنِي أَبْنَ عَبَّاسٍ أَنَّ النَّبِيِّ ﷺ لَمْ يَهُ عَنْهَا، إِنَّمَا قَالَ: «يَمْنَعُ أَحَدُكُمْ أَخَاهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ عَلَيْهَا خَرْجًا مَعْلُومًا».

[3959] (...) A *Hadīth* similar to theirs (i.e. Ibn Tāwūs and Ibn ‘Amr’ no. 3959) was narrated from Ibn ‘Abbās from the Prophet ﷺ.

[٣٩٥٩] (...) حَدَّثَنَا أَبْنُ أَبِي عُمَرَ : حَدَّثَنَا التَّقْفِيُّ عَنْ أَئْوَبَ، وَحَدَّثَنَا أَبُو بَكْرٍ أَبْنُ أَبِي شَيْبَةَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ، جَمِيعًا عَنْ وَكِيعَ، عَنْ سُفِيَانَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحَ: أَخْبَرَنَا الْيَثْلُثُ عَنْ أَبْنِ جُرَيْجِ؛ وَحَدَّثَنِي عَلَيُّ بْنُ حُجْرَةَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنْ شَرِيكَ، عَنْ شُعْبَةَ، كُلُّهُمْ عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ طَاؤُسٍ، عَنْ أَبْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ نَحْنُ حَدِيثُهُمْ .

[3960] 122 - (...) It was narrated from Ibn ‘Abbās that the Prophet ﷺ said: “If one of you were to lend his land to his brother, that would be better for him than taking such and such for it” meaning a specified amount.

[٣٩٦٠] (...) وَحَدَّثَنِي عَبْدُ أَبْنُ حُمَيْدٍ وَمُحَمَّدُ بْنُ رَافِعٍ - قَالَ عَبْدُ أَخْبَرَنَا، وَقَالَ أَبْنُ رَافِعٍ: حَدَّثَنَا - عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَبْنِ طَاؤُسٍ، عَنْ أَبِيهِ، عَنْ أَبْنِ عَبَّاسٍ أَنَّ النَّبِيِّ ﷺ قَالَ: «لَا يَمْتَنَعُ أَحَدُكُمْ أَخَاهُ أَرْضَهُ خَيْرٌ لَهُ مِنْ أَنْ يُأْخُذَ عَلَيْهَا كَذَا وَكَذَا» لِشَيْءٍ مَعْلُومٍ . قَالَ: وَقَالَ أَبْنُ عَبَّاسٍ: هُوَ الْحَقْلُ، وَ هُوَ بِلْسَانِ الْأَنْصَارِ الْمُحَاكَلَةُ .

[3961] 123 - (...) It was narrated from Ibn ‘Abbās that the Prophet ﷺ said: “Whoever has land, if he lends it to his brother, that is better for him.”

[٣٩٦١] (...) وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيُّ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرِ الرَّوْقَيِّ: حَدَّثَنَا عَبْدِ اللَّهِ بْنُ عَمْرُو، عَنْ زَيْدِ بْنِ أَبِي أَنْسَةَ، عَنْ عَبْدِ الْمُلِكِ بْنِ زَيْدٍ، عَنْ طَاؤُسٍ، عَنْ أَبْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَإِنَّهُ إِنْ مَنَحَهَا أَخَاهُ خَيْرٌ لَهُ» .

22. The Book Of Musâqâ And Mu‘âmalah

Chapter 1. Musâqâh And Mu‘âmalah In Return For A Share Of The Fruit And Crops

[3962] 1 - (1551) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ made a contract with the people of Khaibar for half of the fruit or crops produced.

[3963] 2 - (...) It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ handed over Khaibar in return for half of the fruit or crops that it produced. Every year his wives would be given one hundred *Wasq*: Eighty *Wasq* of dates and twenty of barley. When ‘Umar was in charge, he divided Khaibar, and he gave the wives of the Prophet ﷺ the choice of having land and water allotted to them, or continuing to receive the same number of *Wasq* every year. They differed. Some of them chose land and water, and some of them chose to be given

٧ - (المعجم ٢٢) - كتاب المساقاة والمزارعة (التحفة ...)

(المعجم ١) - (باب المساقاة
والمعاملة بجزء من الشجر والزرع)
(التحفة ٢٢)

[٣٩٦٢] ١ - (١٥٥١) حَدَّثَنَا أَحْمَدُ
ابْنُ حَنْبِيلَ وَرُهْبَنْ بْنُ حَرْبٍ - وَاللَّفْظُ
لِرُهْبَنْ - قَالَ: حَدَّثَنَا يَحْيَى وَهُوَ الْقَطَانُ،
عَنْ عَبْدِ اللَّهِ: أَخْبَرَنِي نَافِعٌ عَنْ ابْنِ
عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ عَامَلَ أَهْلَ خَيْرٍ
بِشَطْرٍ مَا يَخْرُجُ مِنْهَا مِنْ ثَمَرٍ أَوْ زَرْعٍ.

[٣٩٦٣] ٢ - (...) وَحَدَّثَنِي عَلِيُّ بْنُ
حُجْرِ السَّعْدِيِّ: حَدَّثَنَا عَلِيُّ وَهُوَ ابْنُ
مُسْهِيرٍ: حَدَّثَنَا عَبْدِ اللَّهِ عَنْ نَافِعٍ، عَنْ
ابْنِ عُمَرَ قَالَ: أَعْطَى رَسُولُ اللَّهِ ﷺ
خَيْرَ بِشَطْرٍ مَا يَخْرُجُ مِنْهَا مِنْ ثَمَرٍ أَوْ
زَرْعٍ، فَكَانَ يُعْطِي أَرْوَاجَهُ كُلُّ سَنَةٍ مِائَةَ
وَسُقْيٍ: تَمَانِينَ وَسُقَّا مِنْ ثَمِيرٍ، وَعَشْرِينَ
وَسُقَّا مِنْ شَعِيرٍ، فَلَمَّا وَلَيَّ عُمُرُ قَسْمَ
خَيْرٍ، خَيْرَ أَرْوَاجِ التَّبَّى ﷺ، أَنْ يُفْطِعَ
لَهُنَّ الْأَرْضَ وَالْمَاءَ، أَوْ يَضْمَنَ لَهُنَّ
الْأَوْسَاقَ كُلَّ عَامٍ، فَاخْتَلَفُوا، فَيَمْهُنَّ مِنْ

Wasq every year. ‘Âishah and Hafṣah were among those who chose land and water.”

[3964] 3 - (...) It was narrated from ‘Abdullâh bin ‘Umar that the Messenger of Allâh ﷺ made a contract with the people of Khaibar for one half of the crops or fruit produced... and he quoted a *Hadîth* like that of ‘Alî bin Mushir, but he did not mention that ‘Âishah and Hafṣah were among those who chose land and water. He said: “He gave the wives of the Prophet ﷺ the option of having land allocated to them,” but he did not mention water.

اختار الأرض والماء، ومنهن من اختار الأوساق كل عام، فكانت عاشرة وحافظة ممن اختارنا الأرض والماء.

[٣٩٦٤] ٣ - (...) وحدثنا ابن نعير: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْدُ اللَّهِ: حَدَّثَنِي نَافِعٌ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ عَامَلَ أَهْلَ خَيْرٍ بِشَطْرِ مَا خَرَجَ مِنْهَا مِنْ رَزْعٍ أَوْ ثَمَرٍ، وَاقْصَصَ الْحَدِيثَ يَنْحُو حَدِيثَ عَلَيْهِ ابْنُ مُسْهِرٍ، وَلَمْ يَذْكُرْ: فَكَانَتْ عَاشرةً وَحَفِظَهُ مِنْ اختارنا الأرض والماء، وقال: خَيْر أَزْوَاج النَّبِيِّ ﷺ أَنْ يُقْطَعَ لَهُنَّ الْأَرْضُ، وَلَمْ يَذْكُرْ المَاء.

[3965] 4 - (...) It was narrated that ‘Abdullâh bin ‘Umar said: “When Khaibar was conquered, the Jews asked the Messenger of Allâh ﷺ to let them stay there on the basis that they would work in the fields and give him half of the fruit or crops that they yielded. The Messenger of Allâh ﷺ said: ‘I will let you stay there for as long as we wish.’” Then he (the sub narrator) quoted a *Hadîth* like that of Ibn Numair and Ibn Mushir from ‘Ubaidullâh, and he added: “The produce would be divided into shares and the Messenger of Allâh ﷺ would take the *Khums*.”

[٣٩٦٥] ٤ - (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: أَخْبَرَنِي أَسَامَةُ بْنُ زَيْدُ الْلَّبَيِّنِ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ: لَمَّا فُتَحَتْ خَيْرٌ سَأَلَتْ يَهُودُ رَسُولَ اللَّهِ ﷺ أَنْ يُقْرَرُهُمْ فِيهَا، عَلَى أَنْ يَعْمَلُوا عَلَى نَصْبِ مَا خَرَجَ مِنْهَا مِنَ الشَّمْرِ وَالرَّزْعِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أُقْرِئُكُمْ فِيهَا عَلَى ذَلِكَ مَا شِئْنَا» ثُمَّ سَاقَ الْحَدِيثَ يَنْحُو حَدِيثَ ابْنِ نَعِيرٍ وَابْنِ مُسْهِرٍ عَنْ عَبْدِ اللَّهِ وَرَادَ فِيهِ: وَكَانَ الشَّمْرُ يُفْسَدُ عَلَى السُّهْمَانِ مِنْ

يَضْفِي خَيْرٌ، فَيُأْخُذُ رَسُولُ اللَّهِ ﷺ
الْخُمُسَ.

[3966] 5 - (...) It was narrated from 'Abdullâh bin 'Umar that the Messenger of Allâh ﷺ gave the palm trees and land of Khaibar to the Jews of Khaibar on the basis that they would cultivate them at their own expense, and the Messenger of Allâh ﷺ would have half of the yield.

[3967] 6 - (...) It was narrated from Ibn 'Umar bin Al-Khaṭṭâb expelled the Jews and Christians from the land of Al-Hijâz. When the Messenger of Allâh ﷺ conquered Khaibar, he wanted to expel the Jews from it, as the land had come under the sway of Allâh, His Messenger and the Muslims. He wanted to expel the Jews from it but the Jews asked the Messenger of Allâh ﷺ to let them stay there on the basis that they would cultivate it, and they would have half of the yield. The Messenger of Allâh ﷺ said to them: "We will let you stay there on that basis, for as long as we wish." And they stayed there until 'Umar expelled them to Taimâ' and Arîhâ.

[٣٩٦٦] ٥ - (...) وَحَدَّثَنَا ابْنُ رُمْحَجَ
أَخْبَرَنَا الْأَئْنَىٰ عَنْ مُحَمَّدٍ بْنِ عَبْدِ الرَّحْمَنِ،
عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ رَسُولِ
اللَّهِ ﷺ؛ أَنَّهُ دَفَعَ إِلَى يَهُودِ خَيْرٍ تَحْلُ حَيْرَ
وَأَرْضَهَا، عَلَى أَنْ يَعْتَمِلُوهَا مِنْ أَمْوَالِهِمْ،
وَلِرَسُولِ اللَّهِ ﷺ شَطْرُ ثَمِيرَهَا.

[٣٩٦٧] ٦ - (...) وَحَدَّثَنِي مُحَمَّدُ
ابْنُ رَافِعٍ وَإِسْحَاقُ بْنُ مَنْصُورٍ - وَاللَّفْظُ
لِابْنِ رَافِعٍ - قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقِ:
أَخْبَرَنَا ابْنُ جُرَيْجٍ: حَدَّثَنِي مُوسَى بْنُ
عُقْبَةَ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ؛ أَنَّ عُمَرَ
ابْنَ الْخَطَابِ أَجْنَى الْيَهُودَ وَالنَّصَارَىٰ مِنْ
أَرْضِ الْحِجَازِ، وَأَنَّ رَسُولَ اللَّهِ ﷺ لَمَّا
ظَهَرَ عَلَى خَيْرٍ أَرَادَ إِخْرَاجَ الْيَهُودِ مِنْهَا،
وَكَانَتِ الْأَرْضُ، حِينَ ظَهَرَ عَلَيْهَا، اللَّهُ عَزَّ
وَجَلَّ وَلِرَسُولِهِ ﷺ وَلِلْمُسْلِمِينَ، فَأَرَادَ
إِخْرَاجَ الْيَهُودِ مِنْهَا، فَسَأَلَتِ الْيَهُودُ رَسُولَ
اللَّهِ ﷺ أَنْ يُقْرَئُهُمْ بِهَا، عَلَى أَنْ يَكْفُوا
عَمَلَهَا، وَلَهُمْ يَضْفِي الْخَمُسَ. فَقَالَ لَهُمْ
رَسُولُ اللَّهِ ﷺ: «نُقْرِئُكُمْ بِهَا عَلَى ذَلِكَ،
مَا شِئْنَا» فَفَرَّوْا بِهَا حَتَّى أَجْلَاهُمْ عُمُرُ
إِلَى سَيْمَاءٍ وَأَرِيَّاءً.

(المعجم ٢) - (بابُ فضل الغرس
والزرع) (التحفة ٢٣)

Chapter 2. The Virtue Of Planting And Cultivating

[3968] 7 - (1552) It was narrated that Jâbir said: "The Messenger of Allâh ﷺ said: 'There is no Muslim who plants something but whatever is eaten of it is charity for him, and whatever is stolen from it is charity for him, and whatever the wild animals eat from it is charity for him, and whatever the birds eat from it is charity for him; no one takes anything from it but it will be charity for him.'"

[3969] 8 - (...) It was narrated from Jâbir that the Prophet ﷺ entered upon Umm Mubash-shir Al-Anṣâriyyah among her palm trees, and the Prophet ﷺ said to her: "Who planted these palm trees? Was it a Muslim or a disbeliever?" She said: "A Muslim." He said: "No Muslim plants anything or cultivates anything, and humans, animals or anything eats from it, but it will be charity for him."

[3970] 9 - (...) Jâbir bin 'Abdullâh said: "I heard the Messenger of Allâh ﷺ say: 'No Muslim man plants anything or cultivates anything that a wild animal or bird or anything eats

[٣٩٦٨]-٧ [١٥٥٢] حَدَّثَنَا أَبْنُ نُعْمَرٍ: حَدَّثَنَا أَبْيَ: حَدَّثَنَا عَبْدُ الْمُكْرِمَةِ عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ مُسْلِمٍ يَعْرِسُ عَرْسًا إِلَّا كَانَ مَا أَكَلَ مِنْهُ لَهُ صَدَقَةٌ، وَمَا سُرِقَ مِنْهُ لَهُ صَدَقَةٌ، وَمَا أَكَلَ السَّيْعُ مِنْهُ فَهُوَ لَهُ صَدَقَةٌ، وَمَا أَكَلَ الطَّيْرُ فَهُوَ لَهُ صَدَقَةٌ، وَلَا يَرْزُوُهُ أَحَدٌ إِلَّا كَانَ لَهُ صَدَقَةً».

[٣٩٦٩]-٨ (...) وَحَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُومْحٍ: أَخْبَرَنَا الْيَثُ عَنْ أَبِي الزَّبِيرِ، عَنْ جَابِرٍ؛ أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَى أُمَّ مُبَشِّرِ الْأَنْصَارِيَّةِ فِي تَخْلِيٍّ لَهَا، فَقَالَ لَهَا النَّبِيُّ ﷺ: «مَنْ عَرَسَ هَذَا التَّخْلِي؟ أَمْ مُسْلِمٌ أَمْ كَافِرٌ؟» فَقَالَتْ: بَلْ مُسْلِمٌ. فَقَالَ: «لَا يَعْرِسُ مُسْلِمٌ عَرْسًا، وَلَا يَرْزُعُ زَرْعًا، فَيَأْكُلُ مِنْهُ إِنْسَانٌ وَلَا ذَبَابٌ وَلَا شَيْءٌ، إِلَّا كَانَ لَهُ صَدَقَةً».

[٣٩٧٠]-٩ (...) وَحَدَّثَنِي مُحَمَّدُ أَبْنُ حَاتِمٍ وَأَبْنُ أَبِي خَلْفٍ قَالَا: حَدَّثَنَا رَوْحٌ: حَدَّثَنَا أَبْنُ جُرَيْجَ قَالَ: أَخْبَرَنِي أَبُو الرَّبِيعُ، أَنَّهُ سَمِعَ جَابِرَ ابْنَ عَبْدِ اللَّهِ

from, but he will have a reward for that.””

يَقُولُ : سَمِعْتُ رَسُولَ اللَّهِ يَقُولُ : «لَا يَغْرِسُ رَجُلٌ مُسْلِمٌ غَرْسًا ، وَلَا زَرْعًا ، فَيَأْكُلَ مِنْهُ سَعْيًّا أَوْ طَائِرًّا أَوْ شَيْءًا ، إِلَّا كَانَ لَهُ فِيهِ أَجْرٌ». وَقَالَ ابْنُ أَبِي خَلْفٍ : طَائِرٌ شَيْءٌ كَذَا .

[3971] 10 - (...) Jâbir bin 'Abdullâh said: “The Prophet ﷺ entered upon Umm Ma'bad in her garden. He said: ‘O Umm Ma'bad, who planted these palm trees? Was it a Muslim or a disbeliever?’ She said: ‘A Muslim.’ He said: ‘No Muslim plants anything that a human, animal or bird eats from, but it will be charity for him until the Day of Resurrection.’”

[٣٩٧١]-١٠ حَدَّثَنَا أَحْمَدُ بْنُ سَعِيدٍ بْنِ إِبْرَاهِيمَ : حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ : حَدَّثَنَا زَكَرِيَّاءُ بْنُ إِسْحَاقَ : أَخْبَرَنِي عُمَرُ بْنُ دِينَارٍ ; أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ : دَخَلَ النَّبِيُّ ﷺ عَلَى أُمَّ مَعْبِدٍ ، حَائِطًا . فَقَالَ : «يَا أُمَّ مَعْبِدٍ مَنْ غَرَسَ هَذَا التَّخْلُ؟ [أَمْ مُسْلِمٌ أَمْ كَافِرٌ؟» فَقَالَتْ : بَلْ مُسْلِمٌ . قَالَ : «فَلَا يَغْرِسُ الْمُسْلِمُ غَرْسًا ، فَيَأْكُلَ مِنْهُ إِنْسَانٌ وَلَا ذَبَابٌ وَلَا طَيْرٌ ، إِلَّا كَانَ لَهُ صَدَقَةٌ إِلَى يَوْمِ الْقِيَامَةِ» .

[3972] 11 - (...) It was narrated from Al-A'mash, from Abû Sufyân, from Jâbir. 'Amr added in his report from 'Ammâr, and Abû Kuraib added in his report from Abû Mu'âwiyah; “from Umm Mubâsh-shir.” In the report of Ibn Fuðail it says: “From the wife of Zaid bin Hârithah.” In the report of Ishâq from Abû Mu'âwiyah it says: “Perhaps he said: ‘From Umm Mubâsh-shir from the Prophet

[٣٩٧٢]-١١ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ ; وَحَدَّثَنَا أَبُو كُرَيْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ ، جَمِيعًا عَنْ أَبِي مُعاوِيَةَ ; وَحَدَّثَنَا عُمَرُو النَّاقِدُ : حَدَّثَنَا عَمَارُ بْنُ مُحَمَّدٍ ; وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا أَبُنْ فُضَيْلٍ ، كُلُّ هُؤُلَاءِ عَنِ الْأَعْمَشِ ، عَنْ أَبِي سُفْيَانَ ، عَنْ جَابِرٍ . رَأَدَ عُمَرُو فِي

” and perhaps he did not say it.” All of them said: “From the Prophet ﷺ,” like the *Hadîth* of ‘Atâ’ (no. 3968), Abû Az-Zubair (no. 3969) and ‘Amr bin Dînâr (3971).

رِوَايَتِهِ عَنْ عَمَّارٍ، وَأَبُو كُرَيْبٍ فِي رِوَايَتِهِ
عَنْ أَبِي مُعاوِيَةَ فَقَالَ: عَنْ أُمّ مُبَشِّرٍ.
وَفِي رِوَايَةِ ابْنِ فُضَيْلٍ: عَنْ امْرَأَ زَيْدَ بْنِ
حَارِثَةَ. وَفِي رِوَايَةِ إِسْحَاقَ، عَنْ أَبِي
مُعاوِيَةَ قَالَ: رُبَّنَا قَالَ عَنْ أُمّ مُبَشِّرٍ عَنْ
النَّبِيِّ ﷺ. وَرَبِّنَا لَمْ يَقُلْ. وَكُلُّهُمْ قَالُوا:
عَنِ النَّبِيِّ ﷺ، يَنْخُو حَدِيثَ عَطَاءَ وَأَبِي
الزُّبِيرِ وَعَفْرَوْ بْنِ دِينَارِ.

[3973] 12 - (1553) It was narrated that Anas said: “The Messenger of Allâh ﷺ said: ‘There is no Muslim who plants something or cultivates something that birds, humans or animals eat from, but it will be charity for him.’”

[٣٩٧٣] ١٢ - (١٥٥٣) وَحَدَّثَنَا
يَحْمَى بْنُ يَحْمَى وَقَتْبَيْهُ بْنُ سَعِيدٍ وَمُحَمَّدٌ
ابْنُ عَبْدِ الدُّغَيْبِيِّ - وَاللَّفْظُ لِيَحْمَىِ، قَالَ
يَحْمَى: أَخْبَرَنَا وَقَالَ الْآخَرَانِ: حَدَّثَنَا -
أَبُو عَوَانَةَ عَنْ فَتَادَةَ، عَنْ أَنَسٍ قَالَ: قَالَ
رَسُولُ اللَّهِ ﷺ: «مَا مِنْ مُسْلِمٍ يَغْرِسُ
غَرْسًا، أَوْ يَرْرَعُ زَرْعًا، فَيَأْكُلُ مِنْهُ طَيْرٌ أَوْ
إِنْسَانٌ أَوْ بَهِيمَةٌ، إِلَّا كَانَ لَهُ بِهِ صَدَقَةٌ».

[3974] 13 - (...) Anas bin Mâlik narrated that the Prophet of Allâh ﷺ entered a garden of palm trees belonging to Umm Mubash-shir, a woman of the *Anṣâr*. The Messenger of Allâh ﷺ said: “Who planted these palm trees? Was it a Muslim or a disbeliever?” They said: “A Muslim...” a *Hadîth* like theirs (i.e., Yahya, Qutaibah, and Muhammad no. 3973).

[٣٩٧٤] ١٣ - (...). وَحَدَّثَنَا عَبْدُ
ابْنُ حَمِيدٍ: حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ:
حَدَّثَنَا أَبْنَانُ بْنُ يَرِيدَ: حَدَّثَنَا فَتَادَةَ: حَدَّثَنَا
أَنَسُ بْنُ مَالِكٍ: أَنَّ نَبِيَّ اللَّهِ ﷺ دَخَلَ
نَخْلًا لِأُمّ مُبَشِّرٍ، امْرَأَةَ مِنَ الْأَنْصَارِ فَقَالَ
رَسُولُ اللَّهِ ﷺ: «مَنْ غَرَسَ هَذَا النَّخْلَ؟
أَمْسِلِمٌ أَمْ كَافِرٌ؟» قَالُوا: مُسْلِمٌ، يَنْخُو
حَدِيثَهِمْ.

(المعجم ٣) - (باب وضع الجوانح)
 (التحفة ٢٤)

Chapter 3. Waiving Payment In The Case Of Blight

[3975] 14 - (1554) It was narrated from Abû Az-Zubair that he heard Jâbir bin 'Abdullâh say: "The Messenger of Allâh ﷺ said: 'If you sell some fruit to your brother then it is stricken with blight, it is not permissible for you to take anything from him. Why would you take your brother's wealth unlawfully?'"

[٣٩٧٥-١٤] حَدَّثَنَا أَبُو جُرَيْجٍ، أَخْبَرَنَا أَبْنُ وَهْبٍ عَنِ ابْنِ جُرَيْجٍ، أَنَّ أَبَا الرَّبِيعَ أَخْبَرَهُ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِنْ بَعْتَ مِنْ أَخِيكَ ثَمَرًا»؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبَادَ: حَدَّثَنَا أَبُو ضَمْرَةَ عَنِ ابْنِ جُرَيْجٍ، عَنْ أَبِي الرَّبِيعِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَوْ بَعَتْ مِنْ أَخِيكَ ثَمَرًا، فَأَصَابَتْهُ جَائِحَةً، فَلَا يَجُلُّ لَكَ أَنْ تَأْخُذَ مِنْهُ شَيْئًا، يَمْ تَأْخُذُ مَالَ أَخِيكَ بِغَيْرِ حَقٍّ؟». [انظر: ٣٩٨٠]

[3976] (...) A similar report (as no. 3975) was narrated from Ibn Juraij with this chain.

[٣٩٧٦] (...). وَحَدَّثَنَا حَسَنُ الْحُلوَانِيُّ: حَدَّثَنَا أَبُو عَاصِمٍ عَنِ ابْنِ جُرَيْجٍ بِهَذَا الْإِسْنَادِ مِثْلُهُ.

[3977] 15 - (1555) It was narrated from Anas that the Prophet ﷺ forbade selling the fruit of palm trees until they bloom. We said: "What does bloom mean?" He said: "Turning red or yellow. Do you think that if Allâh withholds the fruit, would you regard your brother's wealth as permissible?"

[٣٩٧٧-١٥] حَدَّثَنَا يَحْيَى بْنُ أَبِي رَبَّةَ وَقَتْبَيَةَ وَعَلَيُّ بْنُ حُجْرٍ قَالُوا: حَدَّثَنَا إِشْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيْعِ ثَمَرِ التَّحْلُلِ حَتَّى تَرْهُو، فَقُلْنَا لِأَنَسٍ: مَا رَهُوهَا؟ قَالَ: تَهْمَرُ وَتَضْفَرُ، أَرَأَيْتَكَ إِنْ مَنَعَ اللَّهُ الشَّرَّةَ، يَمْ تَسْتَجْهُ مَالَ أَخِيكَ؟.

[3978]... - (...) It was narrated from Anas bin Mâlik that the Messenger of Allâh ﷺ forbade selling fruit until it bloomed. They said: "What does bloom mean?" He said: "Turning red. He said: If Allâh withholds the fruit, on what basis do you regard your brother's wealth as permissible?"

[3979] 16 - (...) It was narrated from Anas that the Prophet ﷺ said: "If Allâh, the Mighty and Sublime, did not cause the fruit (to grow), on what basis do you regard your brother's wealth as permissible?"

[3980] 17 - (1554) It was narrated from Jâbir that the Prophet ﷺ enjoined waiving payments in a case where the crop was stricken by blight.

Abû Ishâq said: "Ibrâhîm (who was the companion of Muslim) said: "Abdur-Rahmân bin Bishr narrated this to me from Sufyân."

[٣٩٧٨] (...) حَدَّثَنَا أَبُو الطَّاهِرِ:
أَخْبَرَنَا أَبْنُ وَهْبٍ: أَخْبَرَنِي مَالِكٌ عَنْ حُمَيْدٍ
الطَّوِيلِ، عَنْ أَسِّيْنِ بْنِ مَالِكٍ؛ أَنَّ رَسُولَ
اللَّهِ ﷺ نَهَى عَنْ بَعْضِ الشَّمْرَةِ حَتَّى تُرُهِيَ
قَالُوا: وَمَا تُرُهِي؟ قَالَ: تَحْمَرُ، فَقَالَ: إِذَا
مَعَ اللَّهِ الشَّمْرَةَ، فِيمَ تَسْتَحِلُّ مَالَ أَخِيكَ؟ .

[٣٩٧٩] (...) وَحَدَّثَنِي مُحَمَّدُ
ابْنُ عَبَادٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ
عَنْ حُمَيْدٍ، عَنْ أَسِّيْنِ أَنَّ النَّبِيَّ ﷺ قَالَ:
إِنْ لَمْ يُثْمِرْهَا اللَّهُ عَزَّ وَجَلَّ، فِيمَ يَسْتَحِلُّ
أَحَدُكُمْ مَالَ أَخِيهِ؟ .

[٣٩٨٠] (...) حَدَّثَنَا بِشْرُ
ابْنُ الْحَكَمَ وَإِبْرَاهِيمُ بْنُ دِينَارٍ وَعَبْدُ
الْجَبَّارِ بْنُ الْعَلَاءِ - وَاللَّفْظُ لِبِشْرٍ - قَالُوا:
حَدَّثَنَا سُقِيَانُ بْنُ عُيَيْنَةَ عَنْ حُمَيْدٍ
الْأَعْرَجِ، عَنْ سُلَيْمَانَ بْنِ عَيْقِ، عَنْ
جَابِرٍ: أَنَّ النَّبِيَّ ﷺ أَمْرَ بِوَضْعِ الْجَوَافِعِ.
قَالَ [أَبُو إِسْحَاقَ] إِبْرَاهِيمُ [وَهُوَ صَاحِبُ
مُسْلِمٍ]: حَدَّثَنِي عَبْدُ الرَّحْمَنِ ابْنُ بِشْرٍ عَنْ
سُقِيَانَ، بِهَذَا. [راجع: ٣٩٧٥]

(المعجم ٤) - (باب استحباب الوضع
من الدين) (التحفة ٢٥)

Chapter 4. It Is Recommended To Waive Debts

[3981] 18 - (1556) It was narrated that Abû Sa'eed Al-Khudrî said: "At the time of the

[٣٩٨١] (...) حَدَّثَنَا قُتَيْبَةُ
ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْلٌ عَنْ بُكَيْرٍ، عَنْ

Messenger of Allâh ﷺ, a man suffered loss of some fruit that he had bought, and his debts mounted. The Messenger of Allâh ﷺ said: 'Give him charity,' and the people gave him charity, but it was not enough to pay off his debt. The Messenger of Allâh ﷺ said to his creditors: 'Take what you find, and you are not entitled to any more than that.'"

عِيَاضٌ بْنُ عَبْدِ اللَّهِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: أُصِيبَ رَجُلٌ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فِي شَمَارٍ ابْتَاعَهَا، فَكَثُرَ دَيْنُهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «تَصَدَّقُوا عَلَيْهِ» فَصَدَّقَ النَّاسُ عَلَيْهِ، فَلَمْ يَلْعَذْ ذَلِكَ وَفَاءَ دَيْنِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِعَرْمَائِهِ: «خُذُوا مَا وَجَدْتُمْ، وَلَيْسَ لَكُمْ إِلَّا ذَلِكَ».

[3982] (...) A similar report (as no. 3981) was narrated from *Bukhair bin Al-Ashajj* with this chain.

[٣٩٨٢] (...) حَدَّنِي يُونُسُ بْنُ عَبْدِ الْأَغْلَى: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ بُكَيْرِ بْنِ الْأَشْجَّ بِهَذَا الْإِسْنَادِ مِنْهُ.

[3983] 19 - (1557) 'Aishah said: "The Messenger of Allâh ﷺ heard the noise of disputants at the door, raising their voices. One of them was asking the other to let him off and show him leniency in some matter, and he was saying: 'By Allâh I will not do that.' The Messenger of Allâh ﷺ came out to them and said: 'Where is the one who swears by Allâh that he will not do an act of kindness?' He said: 'Here I am, O Messenger of Allâh; he may have whatever he wants.'"

[٣٩٨٣] - ١٩ [١٥٥٧] وَحَدَّنِي غَيْرُ وَاحِدٍ مِنْ أَصْحَابِنَا قَالُوا: حَدَّنَا إِسْمَاعِيلُ بْنُ أَبِي أُوينِسٍ: حَدَّنِي أَخِي عَنْ سُلَيْمَانَ وَهُوَ ابْنُ بِلَالٍ، عَنْ يَحْيَى ابْنِ سَعِيدٍ، عَنْ أَبِي الرِّجَالِ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ؛ أَنَّ أُمَّةَ عَمْرَةَ يَنْتَ عَبْدُ الرَّحْمَنِ قَالَتْ: سَمِعْتُ عَائِشَةَ تَقُولُ: سَمِعَ رَسُولُ اللَّهِ ﷺ صَوْتَ خُصُومٍ بِالْبَابِ، عَالِيَّةً أَصْوَاتُهُمَا، وَإِذَا أَحْدَهُمَا يَسْتَوْضِعُ الْآخَرَ وَيَسْتَرْفَقُ فِي شَيْءٍ، وَهُوَ يَقُولُ: وَاللَّهِ! لَا أَفْعُلُ. فَخَرَجَ رَسُولُ اللَّهِ ﷺ عَلَيْهِمَا، فَقَالَ: «أَئِنَّ الْمُتَّالِي

عَلَى اللَّهِ لَا يُقْعِدُ الْمَعْرُوفَ؟» قَالَ: أَنَا،
يَا رَسُولَ اللَّهِ! فَلَهُ أَيُّ ذَلِكَ أَحَبٌ.

[٣٩٨٤] [٢٠-١٥٥٨] حَدَّثَنِي
حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ
وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ أَبْنِ شَهَابٍ:
حَدَّثَنِي عَبْدُ اللَّهِ بْنُ كَعْبٍ بْنُ مَالِكٍ -
قَالَ: أَخْبَرَهُ عَنْ أَبِيهِ - أَنَّهُ تَقَاضَى أَبْنَ
أَبِيهِ حَدْرَدَ دَيْنَاهُ - كَانَ لَهُ عَلَيْهِ، فِي عَهْدِ
رَسُولِ اللَّهِ ﷺ - فِي الْمَسْجِدِ، فَأَنْتَعْتَ
أَصْوَاتَهُمَا، حَتَّى سَمِعَهَا رَسُولُ اللَّهِ ﷺ وَ
هُوَ فِي بَيْتِهِ، فَخَرَجَ إِلَيْهِمَا رَسُولُ اللَّهِ ﷺ
حَتَّى كَشَفَ سِجْفَ حُجْرَتِهِ، وَنَادَى كَعْبَ
أَبْنَ مَالِكٍ قَوْلًا: «يَا كَعْبُ! قَوْلًا: لَيْكَ
يَا رَسُولَ اللَّهِ! فَأَشَارَ إِلَيْهِ بِيَدِهِ: أَنْ ضَعَ
الشَّطْرَ مِنْ دَيْنِكَ. قَالَ كَعْبٌ: فَذَفَعْتُ،
يَا رَسُولَ اللَّهِ! قَالَ رَسُولُ اللَّهِ ﷺ قُمْ
فَاقْضِيهِ».

[٣٩٨٥] [٢١-...] وَحَدَّثَنَا
إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عُنْمَانُ بْنُ
عُمَرَ: أَخْبَرَنَا يُونُسُ عَنْ الرُّهْرَيِّ، عَنْ
عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنِ مَالِكٍ؛ أَنَّ كَعْبَ
بْنَ مَالِكٍ أَخْبَرَهُ؛ أَنَّهُ تَقَاضَى دَيْنًا لَهُ
عَلَى أَبْنَ أَبِيهِ حَدْرَدَ، بِمِثْلِ حَدِيثِ أَبْنِ
وَهْبٍ.

[3984] 20 - (1558) 'Abdullâh bin Ka'b bin Mâlik narrated from his father that he asked Ibn Abî Hadrad to pay a debt that he owed him at the time of the Messenger of Allâh ﷺ, in the *Masjid*. Their voices became so loud that the Messenger of Allâh ﷺ could hear them in his house. The Messenger of Allâh ﷺ came out to them and lifted the curtain of his apartment, and he called Ka'b bin Mâlik, saying: "O Ka'b!" Ka'b said: "Here I am, O Messenger of Allâh." He gestured with his hand, saying waive half of your debt. Ka'b said: "I have done that, O Messenger of Allâh." The Messenger of Allâh ﷺ said: "Get up and pay off the rest."

[3985] 21 - (...) Ka'b bin Mâlik narrated that he asked Ibn Abî Hadrad to pay off a debt that he owed him... a *Hadîth* like that of Ibn Wahb (3984).

[3986] (...) It was narrated from Ka'b bin Mâlik that he was owed money by 'Abdullâh bin Abî Ḥadrâd Al-Aslâmî. He met him and pressured him to pay it, and they spoke until their voices became loud. The Messenger of Allâh ﷺ passed by them and said: "O Ka'b!" and gestured with his hand as if he was telling him, 'Half.' So he took half of what was owed him and waived the rest.

[٣٩٨٦] (...) قَالَ مُسْلِمٌ : وَرَوَى
اللَّيْثُ ابْنُ سَعْدٍ : حَدَّثَنِي جَعْفُرُ ابْنُ رَبِيعَةَ
عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزَ ، عَنْ كَعْبِ بْنِ مَالِكٍ
اَبْنِ كَعْبٍ بْنِ مَالِكٍ ، عَنْ كَعْبِ بْنِ مَالِكٍ
أَنَّهُ كَانَ لَهُ مَالٌ عَلَى عَبْدِ اللهِ بْنِ أَبِي
حَدْرَدِيْ أَلْأَشْلَمِيِّ ، فَلَقَيْهِ فَلَرَمَهُ ، فَتَكَلَّمَا
حَتَّى ارْتَقَعَتِ الْأَصْوَاتُ ، فَمَرَّ بِهِمَا
رَسُولُ اللهِ ﷺ فَقَالَ : « يَا كَعْبُ ! » فَأَشَارَ
بِيَدِهِ ، كَانَهُ يَقُولُ النِّصْفَ فَأَخَذَ نِصْفًا مِمَّا
عَلَيْهِ ، وَتَرَكَ نِصْفًا .

(المعجم ٥) - (باب من أدرك ما باعه
عند المشتري، وقد أفلس، فله
الرجوع فيه) (التحفة ٢٦)

Chapter 5. If A Man Finds What He Sold With The Purchaser, Who Has Become Bankrupt, Then He Has The Right To Take It Back

[3987] 22 - (1559) Abû Hurairah said: "The Messenger of Allâh ﷺ said - or I heard the Messenger of Allâh ﷺ say - : 'Whoever finds his property with a man who has become bankrupt' - or 'a person who has become bankrupt' - he is more entitled to it than anyone else.'"

[٣٩٨٧] [١٥٥٩-٢٢] حَدَّثَنَا أَخْمَدُ
ابْنُ عَبْدِ اللهِ بْنِ يُونُسَ : حَدَّثَنَا زُهْرَيْ [ابْنُ
حَرْبٍ] : حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ : أَخْبَرَنِي
أَبُو بَكْرِ بْنِ مُحَمَّدٍ بْنِ عَمْرُو بْنِ حَزْمٍ ،
أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ أَخْبَرَهُ ، أَنَّ أَبَا
بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ بْنَ الْحَارِثِ بْنِ
هَشَامَ أَخْبَرَهُ ، أَنَّهُ سَمِعَ أَبَا هَرِيرَةَ يَقُولُ :
قَالَ رَسُولُ اللهِ ﷺ - أَوْ سَمِعْتَ رَسُولَ
اللهِ ﷺ يَقُولُ - : « مَنْ أَدْرَكَ مَالَهُ بِعِينِيهِ
عِنْدَ رَجُلٍ قَدْ أُفِلَّسَ - أَوْ إِنْسَانٍ قَدْ
أُفِلَّسَ - فَهُوَ أَحَقُّ بِهِ مِنْ عِيْرِهِ ». .

[3988] (...) A *Hadîth* like that of Zuhair (no. 3988) was narrated from Yahyâ bin Sa'eed with this chain. Ibn Rumh said in his report: "Any man who becomes bankrupt."

[٣٩٨٨] (...) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا هُشَيْمٌ؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحٍ، جَمِيعًا عَنِ الْلَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا أَبُو الرَّبِيعِ وَيَحْيَى بْنُ حَيْبِ الْحَارِثِيَّ فَالَا: حَدَّثَنَا حَمَادٌ يَعْنِي ابْنَ زَيْدٍ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُسْئَى: حَدَّثَنَا عَبْدُ الْوَهَابِ وَيَحْيَى بْنُ سَعِيدٍ وَحَفْصُ ابْنِ غِيَاثٍ، كُلُّ هَؤُلَاءِ عَنْ يَحْيَى بْنِ سَعِيدٍ فِي هَذَا الْإِسْنَادِ يَمْعَنِي حَدِيثُ زُهْبَرٍ. وَقَالَ ابْنُ رُمْحٍ مِنْ بَيْنِهِمْ فِي رِوَايَتِهِ: أَيْمًا أَمْرِيَءُ فُلْسَ.

[3989] 23 - (...) It was narrated from Abû Hurairah from the Prophet ﷺ concerning a man who becomes destitute, if the goods are found with him and not given away yet: "The original owner who sold them to him is more entitled to them."

[٣٩٨٩] ٢٣- (...) حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا هِشَامُ بْنُ سُلَيْمَانَ وَهُوَ ابْنُ عَكْرِمَةَ بْنِ خَالِدٍ الْمَخْزُومِيِّ، عَنِ ابْنِ جُرَيْجٍ: حَدَّثَنِي ابْنُ أَبِي الْحُسَيْنِ؛ أَنَّ أَبَا بَكْرِ بْنَ مُحَمَّدٍ بْنَ عَمْرِو بْنَ حَزْمٍ أَخْبَرَهُ، أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ حَدَّثَهُ عَنْ حَدِيثِ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ حَدِيثِ أَبِي هَرَيْرَةَ عَنِ النَّبِيِّ ﷺ فِي الرَّجُلِ الَّذِي يُعْدَمُ، إِذَا وُجِدَ عِنْدَهُ الْمَتَاعُ وَلَمْ يُفَرَّقْهُ: «أَنَّهُ لِصَاحِبِهِ الَّذِي بَاعَهُ».

[3990] 24 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: "If a man becomes bankrupt, and a man finds his goods with him, he is more entitled to them."

[٣٩٩٠] ٢٤ - (...) حَدَّثَنَا مُحَمَّدُ بْنُ أَبْنِ الْمُشَنَّىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَ: حَدَّثَنَا شُعبَةُ عَنْ فَتَادَةَ، عَنِ النَّضِيرِ أَبْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ هَيْلَكَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا أَفْلَسَ الرَّجُلُ، فَوَجَدَ الرَّجُلَ مَتَاعَهُ بِعِينِيهِ، فَهُوَ أَحَقُّ بِهِ».

[3991] (...) A similar report (as no. 3990) was narrated from Qatâdah with this chain, but they said: "He is more entitled to it than any other creditors."

[٣٩٩١] (...) وَحَدَّثَنِي زُهْيُرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا سَعِيدٌ؛ وَحَدَّثَنِي زُهْيُرُ بْنُ حَرْبٍ أَيْضًا: حَدَّثَنَا مُعاذُ أَبْنُ هِشَامٍ: حَدَّثَنَا أَبِي كَلَاهُمَا عَنْ فَتَادَةَ بِهَدَا الْإِسْنَادِ مِثْلُهُ، وَقَالَ: «فَهُوَ أَحَقُّ بِهِ مِنَ الْغُرَمَاءِ».

[3992] 25 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "If a man becomes bankrupt and another man finds his goods with him, he is more entitled to them."

[٣٩٩٢] ٢٥ - (...) وَحَدَّثَنِي مُحَمَّدُ أَبْنُ أَحْمَدَ بْنِ أَبِي خَلْفٍ وَحَجَاجَ بْنِ الشَّاعِرِ قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ الْخُزَاعِيُّ - قَالَ حَجَاجٌ حَدَّثَنَا مَنْصُورُ بْنُ سَلَمَةَ - أَخْبَرَنَا سُلَيْمَانُ بْنُ إِلَالِ عَنْ خُثَيْمِ بْنِ عَرَائِكَ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا أَفْلَسَ الرَّجُلُ، فَوَجَدَ الرَّجُلُ عِنْدَهُ سِلْعَتَهُ بِعِينِهَا، فَهُوَ أَحَقُّ بِهَا».

Chapter 6. The Virtue Of Giving More Time To One Who Is Suffering Difficulty, And Letting Those Go Who Are Suffering Difficulty And Those Who Are Well Off

[3993] 26 - (1560) **Hudhaifah** said: "The Messenger of Allâh ﷺ said: 'The angels took the soul of a man among those who came before you and they said: 'Did you do any good deeds?' He said: 'No.' They said: 'Try to remember.' He said: 'I used to lend money to people and I would tell my servants to give more time to those who were in difficulty and to be easy with those who were well off.' (The angel) said: Allâh said (to us): 'Be easy with him.'"

[3994] 27 - (...) It was narrated that Rib'i bin Hirâsh said: Hudhaifah and Abû Mas'ûd met, and Hudhaifah said: "A man met his Lord, may He be glorified and exalted, and He said: 'What did you do?' He said: 'I did not do anything good, except that I was a rich man and I used to ask the people (to repay their debts); I would accept repayment from those who were well off, and I would let those who were in difficulty go.' He said: 'Let My slave go.'" Abû Mas'ûd said: "That is what I heard the Messenger of Allâh ﷺ saying."

(المعجم ٦) - (بابُ فضل إلَنْظَارِ
الْمُعْسَرِ وَالتَّجَاهُزِ فِي الْاِتِّضَاءِ مِنِ
الْمُوسَرِ وَالْمُعْسَرِ) (التحفة ٢٧)

ابْنُ عَبْدِ اللَّهِ بْنِ يُونُسَ: حَدَّثَنَا زُهَيرٌ:
حَدَّثَنَا مَنْصُورٌ عَنْ رِبْعَيِّ بْنِ حَرَاشٍ أَنَّ
حُذَيْفَةَ حَدَّثَهُمْ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:
«لَقَتِ الْمَلَائِكَةُ رُوحَ رَجُلٍ مِّنْ كَانَ
قَبْلَكُمْ، فَقَالُوا: أَعْمَلْتَ مِنَ الْخَيْرِ شَيْئًا؟
قَالَ: لَا. قَالُوا: تَذَكَّرْ. قَالَ: كُنْتُ
أَذَابِنَ النَّاسَ، فَأَمْرَ فَتَّانِي أَنْ يُنْظِرُوا
الْمُعْسَرَ وَيَتَجَاهُزُوا عَنِ الْمُوسَرِ - قَالَ -
قَالَ اللَّهُ عَزَّ وَجَلَّ: تَجَاهُزُوا عَنِهِ».

ابْنُ حُجْرٍ وَإِسْحَاقَ بْنِ إِبْرَاهِيمَ - وَاللَّفَظُ
لِابْنِ حُجْرٍ - قَالَا: حَدَّثَنَا جَرِيرٌ عَنِ
الْمُغَيْرَةِ، عَنْ نُعَيْمِ بْنِ أَبِي هِنْدٍ، عَنْ
رِبْعَيِّ بْنِ حَرَاشٍ قَالَ: اجْتَمَعَ حُذَيْفَةُ
وَأَبُو مَسْعُودٍ، فَقَالَ حُذَيْفَةُ: «رَجُلٌ لَقِي
رَبَّهُ عَزَّ وَجَلَّ فَقَالَ: مَا عَمِلْتَ؟ قَالَ: مَا
عَمِلْتُ مِنَ الْخَيْرِ، إِلَّا أَنِّي كُنْتُ رَجُلًا ذَا
مَالٍ، فَكُنْتُ أَطَالِبُ بِهِ النَّاسَ، فَكُنْتُ
أَقْبُلُ الْمُيْسُرَ وَأَتَجَاهُزُ عَنِ الْمُعْسَرِ.

فَالْ: «تَجَاوِرُوا عَنْ عَبْدِي» قَالَ أَبُو
مَسْعُودٍ: هَكَذَا سَمِعْتُ رَسُولَ اللَّهِ
يَقُولُ.

[3995] 28 - (...) It was narrated from Hudhaifah from the Prophet ﷺ: "A man died and entered Paradise, and it was said to him: 'What did you use to do?' Either he remembered or was caused to remember, and he said: 'I used to enter into transactions with people, and I used to give those who were in difficulty more time and I would not be harsh when asking for repayment (from those who were well off).' So he was forgiven." Abû Mas'ûd said: "I also heard it from the Messenger of Allâh ﷺ."

[3996] 29 - (...) It was narrated that Hudhaifah said: "One of Allâh's slaves was brought before Him, to whom Allâh had given wealth. He said to him: 'What did you do in the world?' - although they cannot conceal anything from Allâh. He said: 'O Lord, You bestowed Your wealth upon me and I used to enter into transactions with people. It was my nature to be lenient, so I used to go easy on those who were well off and I would give more time to those who were in difficulty.' Allâh said: 'I have more right to that than you; let My slave go.'"

[٣٩٩٥]-٢٨ حَدَّثَنَا مُحَمَّدُ
ابْنُ الْمَئِنَى: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ:
حَدَّثَنَا شَعْبَةُ عَنْ عَبْدِ الْمَلِكِ بْنِ عَمِيرٍ،
عَنْ رَبِيعَيْ بْنِ حَرَاشٍ، عَنْ حُذَيْفَةَ عَنْ
الشَّيْءِ: «أَنَّ رَجُلًا مَاتَ فَدَخَلَ الْجَنَّةَ،
فَقَبِيلَ لَهُ: مَا كُنْتَ تَعْمَلُ؟ - قَالَ: فَإِمَّا
ذَكَرَ وَإِمَّا ذُكِرَ - فَقَالَ: إِنِّي كُنْتُ أَبَا يَعْ
النَّاسَ، فَكُنْتُ أَنْظُرُ الْمُغَسِّرَ وَأَتَجَوَّزُ فِي
السَّكَّةَ أَوْ فِي الْقَدِ، فَعَفِيرَ لَهُ» فَقَالَ أَبُو
مَسْعُودٍ: وَأَنَا سَمِعْتُ مِنْ رَسُولِ اللَّهِ
يَقُولُ.

[٣٩٩٦]-٢٩ حَدَّثَنَا أَبُو
سَعِيدُ الْأَشْجَعِ: حَدَّثَنَا أَبُو حَالِدِ الْأَخْمَرِ
عَنْ سَعْدِ بْنِ طَارِقٍ، عَنْ رَبِيعَيْ بْنِ
حَرَاشٍ، عَنْ حُذَيْفَةَ قَالَ: «أَتَيَ اللَّهُ تَعَالَى
بِعَيْدٍ مِنْ عِبَادِهِ، أَتَاهُ اللَّهُ مَالًا، فَقَالَ لَهُ:
مَاذَا عَمِلْتَ فِي الدُّنْيَا؟ - قَالَ: وَلَا
يَكُتُمُونَ اللَّهُ حَدِيثًا - قَالَ: يَا رَبِّ! أَتَيْتَنِي
مَالِكَ، فَكُنْتُ أَبَا يَعْ النَّاسَ، وَكَانَ مِنْ
خُلُقِي الْجَوَازُ، فَكُنْتُ أَئِسَرُ عَلَى الْمُوسِرِ
وَأَنْظُرُ الْمُغَسِّرَ، فَقَالَ اللَّهُ عَزَّ وَجَلَّ: أَنَا
أَحَقُّ بِذَلِكَ، تَجَاوِرُوا عَنْ عَبْدِي».

'Uqbah bin 'Âmir Al-Juhanî and Abû Mas'ûd Al-Anshârî said: "This is how we heard it from the Messenger of Allâh ﷺ."

فَقَالَ عُقْبَةُ بْنُ عَامِرٍ الْجُهَنْيِيُّ وَأَبُو مَسْعُودٍ الْأَنْصَارِيُّ : هَكَذَا سَمِعْنَا مِنْ فِي رَسُولِ اللَّهِ ﷺ .

[3997] 30 - (1561) It was narrated that Abû Mas'ûd said: "The Messenger of Allâh ﷺ said: 'A man among those who came before you was brought to account, and he was not found to have done anything good, except that he used to mix with people, and he was well off. He would tell his slaves to let those go who were in difficulty. Allâh, may He be exalted, said: We have more right to that than him; let him go.'"

[٣٩٩٧] [١٥٦١] حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ فَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِيَحْيَى ، قَالَ يَحْيَى : أَخْبَرَنَا ، وَقَالَ الْآخْرُونَ : حَدَّثَنَا - أَبُو مُعاوِيَةَ عَنِ الْأَعْمَشِ ، عَنْ شَقِيقٍ ، عَنْ أَبِي مَسْعُودٍ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : « حُسْبَ رَجُلٌ مِّنْ كَانَ فَبِلَكُمْ ، فَلَمْ يُوجَدْ لَهُ مِنَ الْحَيْرِ شَيْءٌ ، إِلَّا أَنَّهُ كَانَ يُخَالِطُ النَّاسَ ، وَكَانَ مُوْسِرًا ، فَكَانَ يَأْمُرُ غِلْمَانَهُ أَنْ يَتَجَاوِرُوا عَنِ الْمُعْسِرِ ، قَالَ : قَالَ اللَّهُ تَعَالَى : نَحْنُ أَحَقُّ بِذَلِكَ مِنْهُ تَجَاوِرُوا عَنْهُ ».

[3998] 31 - (1562) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A man used to lend money to the people, and he used to say to his slaves: 'If you come to one who is in difficulty, let him go; perhaps Allâh will let us go. When he met Allâh, He let him go.'"

[٣٩٩٨] [١٥٦٢] حَدَّثَنَا مَنْصُورُ بْنُ أَبِي مُزَاحِمٍ وَمُحَمَّدُ بْنُ جَعْفَرٍ ابْنُ زِيَادٍ - قَالَ مَنْصُورٌ : حَدَّثَنَا إِبْرَاهِيمُ يَعْنِي ابْنَ سَعْدٍ ، عَنِ الرَّهْرِيِّ وَقَالَ ابْنُ جَعْفَرٍ : أَخْبَرَنَا إِبْرَاهِيمُ وَهُوَ ابْنُ سَعْدٍ ، عَنِ ابْنِ شَهَابٍ - عَنْ عَبْدِ اللَّهِ بْنِ عُتْبَةَ [بْنِ عُتْبَةَ] ، عَنْ أَبِي هُرَيْرَةَ ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ : « كَانَ

رَجُلٌ يُدَايِنُ النَّاسَ، فَكَانَ يَقُولُ لِفَتَاهُ: إِذَا أَتَيْتَ مُعْسِرًا فَتَجَاوِزْ عَنْهُ، لَعَلَّ اللَّهَ يَتَجَاوِزْ عَنَّا، فَلَقِيَ اللَّهُ تَعَالَى فَتَجَاوِزْ عَنْهُ».

[3999] (...) Abû Hurairah said: “I heard the Messenger of Allâh ﷺ say...” a similar report (as no. 3998).

[٣٩٩٩] (...) حَدَثَنِي حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شَهَابٍ، أَنَّ عُبَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ بْنِ عُتْبَةَ حَدَّثَهُ، أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ، بِمِثْلِهِ.

[4000] 32 - (1563) It was narrated from ‘Abdullâh bin Abî Qatâdah that Abû Qatâdah asked a debtor to pay him back, and he hid from him. Then he found him and he said: “I am in difficulty.” He said: “By Allâh?” He said: “By Allâh.” He said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever would like Allâh to save him from the hardships of the Day of Resurrection, let him give respite to the one who is in difficulty, or let him go.’”

[٤٠٠] [١٥٦٣-٣٢] حَدَثَنَا أَبُو الْهَيْمِمٍ حَالِدُ بْنُ خِداشِ بْنِ عَجَلَانَ: حَدَثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَيُوبَ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَاتَدَةَ، أَنَّ أَبَا قَاتَادَةَ طَلَبَ غَرِيْمًا لَهُ فَتَوَارَى عَنْهُ، ثُمَّ وَجَدَهُ، فَقَالَ: إِنِّي مُعْسِرٌ. قَالَ: آللَّهُ؟ قَالَ: آللَّهُ. قَالَ: فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ سَرَّهُ أَنْ يُنْجِيَ اللَّهُ مِنْ كُرَبَ يَوْمِ الْقِيَامَةِ فَلِيَنْسِنْ عَنْ مُعْسِرٍ، أَوْ يَصْنَعْ عَنْهُ».

[4001] (...) A similar report (as no. 4000) was narrated from Ayyûb with this chain.

[٤٠١] (...) وَحَدَثَنِيهِ أَبُو الطَّاهِرِ: أَخْبَرَنَا أَبُنُ وَهْبٍ: أَخْبَرَنِي جَرِيرُ بْنُ حَازِمٍ عَنْ أَيُوبَ، بِهَذَا الْإِسْنَادِ نَحْوَهُ.

Chapter 7. The Prohibition Of A Rich Man Delaying Repayment. The Validity Of Hawâlah (Transferal Of Debts) And It Is Recommended To Accept Transferal Of A Debt If It Is Transferred To A Rich Man

[4002] 33 - (1564) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "For a rich man to delay repayment is wrongdoing, and if the debt of one of you is transferred to a rich man, let him accept it."

[4003] (...) A similar report (as no. 4002) was narrated from Abû Hurairah, from the Prophet ﷺ.

Chapter 8. The Prohibition Of Selling Surplus Water Which Is In The Wilderness And Is Needed To Take Care Of The Pasture. The Prohibition Of Not Allowing Others To Use It. The Prohibition Of Stud fees

[4004] 34 - (1565) It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade selling surplus water."

(المعجم ٧) - (باب تحرير مطلب الغني وصحة الحالة، واستحباب قبولها إذا أحيل على مليٍ) (التحفة ٢٨)

[٤٠٠٢] [١٥٦٤-٣٣] حَدَّثَنَا يَحْيَى بْنُ يَعْمَارَ قَالَ: قَرِأتُ عَلَى مَالِكٍ عَنْ أَبِي الْزَنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامَ قَالَ: «مَطْلُوبُ الْغَنِيِّ ظُلْمٌ، وَإِذَا أُتْبِعَ أَحَدُكُمْ عَلَى مَلِيٍ فَلْيَتَبِعْ». (٤٠٠٣)

إِبْرَاهِيمَ: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ، فَالْأَجْمَعُ: حَدَّثَنَا مَعْمَرٌ عَنْ هَمَّامٍ بْنِ مُنْبِهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامَ، بِمِثْلِهِ.

(المعجم ٨) - (باب تحرير بيع فضل الماء الذي يكون بالفلاة ويحتاج إليه لرعى الكلأ، وتحريم منع بذلك وتحريم بيع ضراب الفحل) (التحفة ٢٩)

[٤٠٠٤] [١٥٦٥-٣٤] وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ؛ جَمِيعًا عَنْ أَبِي جُرَيْجٍ، عَنْ أَبِي الزُّبَيرِ،

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ فَضْلِ الْمَاءِ.

[٤٠٠٥] ٣٥ - (...) Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade stud fees for camels, and selling water and land for tilling. The Messenger of Allâh ﷺ forbade that."

إِبْرَاهِيمَ: أَخْبَرَنَا رَوْحُ بْنُ عُبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجَ: أَخْبَرَنِي أَبُو الرُّبَيْرُ؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ ضِرَابِ الْجَمَلِ، وَعَنْ بَيْعِ الْمَاءِ وَالْأَرْضِ لِتَحْرِكَ، فَعَنْ ذَلِكَ نَهَى رَسُولُ اللَّهِ ﷺ.

[٤٠٠٦] ٣٦ - (١٥٦٦) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Surplus water should not be withheld so as to prevent the growth of greenery."

يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ: وَحَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ: كَلَّيْهِمَا عَنْ أَبِي الرِّنَادِ: عَنِ الْأَغْرَاجِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يُمْنَعُ فَضْلُ الْمَاءِ لِيُمْنَعَ بِهِ الْكَلَّ».

[٤٠٠٧] ٣٧ - (...) وَحَدَّثَنَا أَبُو الطَّاهِرِ وَحَرْمَلَةَ - وَاللَّفْظُ لِحَرْمَلَةَ - : أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شَهَابٍ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبِ وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ؛ أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَمْنَعُوا فَضْلَ الْمَاءِ لِتَمْنَعُوا بِهِ الْكَلَّ».

[٤٠٠٨] ٣٨ - (...) وَحَدَّثَنَا أَحْمَدُ بْنُ عُثْمَانَ التَّوْفِيقِيَّ: حَدَّثَنَا أَبُو عَاصِمِ الضَّحَّاكُ بْنُ مَخْلُدٍ: حَدَّثَنَا ابْنُ جُرَيْجَ:

[٤٠٠٧] ٣٧ - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Do not withhold surplus water so as to prevent the growth of greenery.'"

[٤٠٠٨] ٣٨ - (...) Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Surplus water should not be sold as if selling greenery.'"

أَخْبَرَنِي زِيَادُ بْنُ سَعْدٍ؛ أَنَّ هَلَالَ بْنَ أَسَامَةَ أَخْبَرَهُ؛ أَنَّ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ أَخْبَرَهُ؛ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يُبَاغِضُ الْمَاءُ لِيُبَاغِضَ بِهِ الْكَلَّا». فَضْلُ الْمَاءِ لِيُبَاغِضَ بِهِ الْكَلَّا».

Chapter 9. The Prohibition Of The Price Of A Dog, The Fee Of A Fortuneteller And The Payment Of A Prostitute, And The Prohibition Of Selling Cats

[4009] 39 - (1567) It was narrated from Abû Mas'ûd Al-Anṣârî that the Messenger of Allâh ﷺ forbade the price of a dog, the payment of a prostitute, and the fee of a fortuneteller.

[4010] (...) A similar report (as no. 4009) was narrated from Az-Zuhîrî with this chain.

[4011] 40 - (1568) It was narrated that Râfi' bin Khadîj said: "I heard the Prophet ﷺ say:

(المعجم ٩) - (باب تحرير ثمن الكلب، وحلوان الكاهن، ومهر البغي. والنهي عن بيع السنور) (٣٠) (التحفة)

ابن يحيى قال: قرأنا على مالك عن ابن شهاب، عن أبي بكر بن عبد الرحمن، عن أبي مسعود الأنصاري، أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ ثَمَنِ الْكَلِّ، وَمَهْرِ الْبَغْيِ، وَحَلْوَانِ الْكَاهِنِ.

[٤٠١٠] (...) وَحَدَّثَنَا قُبَيْلَةُ بْنُ سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحٍ عَنِ الْمَيْثَ بْنِ سَعْدٍ؛ وَحَدَّثَنَا أَبُو بَكْرُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، كَلَّا هُمَا عَنِ الرُّهْبَرِيِّ بِهَذَا الْإِسْنَادِ مُثْلُهُ. وَفِي حَدِيثِ الْمَيْثِ مِنْ رِوَايَةِ ابْنِ رُمْحٍ؛ أَنَّهُ سَمِعَ أَبَا مَسْعُودَ.

[٤٠١١] (...) وَحَدَّثَنِي مُحَمَّدُ ابْنُ حَاتِمٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَانِ عَنْ

'The worst of earnings are the payment of a prostitute, the price of a dog and the fee of a copper.'

مُحَمَّد بْنُ يُوسُفَ قَالَ: سَمِعْتُ السَّائِبَ بْنَ يَزِيدَ يُحَدِّثُ عَنْ رَافِعِ بْنِ خَدِيجَ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: (أَنْثُ الْكَنْبِ مَهْرُ الْبَغْيِ، وَثَمَنُ الْكُلْبِ، وَكَسْبُ الْحَجَامَ).

[4012] 41 - (...) Râfi‘ bin Khadîj narrated that the Messenger of Allâh ﷺ said: "The price of a dog is evil, the payment of a prostitute is evil and the earnings of a copper are evil."

[٤٠١٢] [٤٠١٢] (....) وَحَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ فَارِظٍ عَنِ السَّائِبِ بْنِ يَزِيدَ: حَدَّثَنِي رَافِعُ بْنُ خَدِيجَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: (ثَمَنُ الْكُلْبِ حَبِيثٌ، وَمَهْرُ الْبَغْيِ حَبِيثٌ، وَكَسْبُ الْحَجَامَ حَبِيثٌ).

[4013] (...) A similar report (as no. 4012) was narrated from Yaḥyâ bin Abî Kathîr with this chain.

[٤٠١٣] (...) حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا عَبْدُ الرَّزَاقَ: أَخْبَرَنَا مَعْمَرٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ بِهَذَا الْإِسْنَادِ مِثْلُهُ.

[4014] (...) Râfi‘ bin Khadîj narrated a similar report (as no. 4012) from the Messenger of Allâh ﷺ.

[٤٠١٤] (...) حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا النَّصْرُ بْنُ شُمِيلٍ: حَدَّثَنَا هِشَامٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ عَبْدِ اللَّهِ عَنِ السَّائِبِ بْنِ يَزِيدَ: حَدَّثَنَا رَافِعُ بْنُ خَدِيجَ عَنْ رَسُولِ اللَّهِ ﷺ، بِمِثْلِهِ.

[4015] 42 - (1569) It was narrated that Abû Az-Zubair said: "I asked Jâbir about the price of dogs and cats." He said: "The Messenger of Allâh ﷺ forbade that."

[٤٠١٥] [٤٠١٥] [١٥٦٩] حَدَّثَنِي سَلْمَةُ ابْنُ شَيْبٍ: حَدَّثَنَا الْحَسْنُ بْنُ أَعْيَنَ: حَدَّثَنَا مَعْقِلٌ عَنْ أَبِي الرَّبِيعِ قَالَ: سَأَلْتُ

جَابِرًا عَنْ ثَمَنِ الْكَلْبِ وَالشَّتُّوْرِ؟ فَقَالَ:
رَجَرَ النَّبِيُّ ﷺ عَنْ ذَلِكَ.

Chapter 10. The Command To Kill Dogs, And Its Abrogation. The Prohibition Of Keeping Dogs, Except For Hunting, Farming, (Herding) Livestock And The Like

[4016] 43 - (1570) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ ordered that dogs be killed.

[4017] 44 - (...) It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ ordered that dogs be killed, and he sent word to all quarters of Al-Madinah saying that they should be killed.”

[4018] 45 - (...) It was narrated that ‘Abdullâh bin ‘Umar said: “The Messenger of Allâh ﷺ used to order that dogs be killed, and I went throughout Al-Madînah, and we did not spare any dog but we killed it, to such an extent that we would even kill the dog of a woman belonging to the desert people.”

[4019] 46 - (1571) It was

(المعجم ١٠) - (باب الأمر بقتل الكلاب، وبيان نسخه، وبيان تحريم اقتتالها، إلا لصيد أو زرع أو ماشية ونحو ذلك) (التحفة ٣١)

[٤٠١٦] [٤٣-١٥٧٠] حَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ
تَافِعٍ، عَنْ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ
أَمْرَ بِقَتْلِ الْكِلَابِ.

[٤٠١٧] [٤٤-...] حَدَّثَنَا أَبُو بَكْرٍ
ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو أَسَامَةَ: حَدَّثَنَا
عُبَيْدُ اللَّهِ عَنْ تَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ:
أَمْرَ رَسُولُ اللَّهِ ﷺ بِقَتْلِ الْكِلَابِ، فَأَرْسَلَ
فِي أَفْطَارِ الْمَدِينَةِ أَنْ تُقْتَلَ.

[٤٠١٨] [٤٥-...] وَحَدَّثَنِي حَمَيْدٌ
ابْنُ مَسْعَدَةَ: حَدَّثَنَا يَشْرُبُرْ يَعْنِي ابْنَ
مُفَضْلٍ: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ أُمَيَّةَ،
عَنْ تَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ:
كَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُ بِقَتْلِ الْكِلَابِ،
فَتَبَعَّثَ فِي الْمَدِينَةِ وَأَطْرَافُهَا فَلَا نَدْعُ كُلَّا
إِلَّا قَتَلْنَاهُ، حَتَّى إِنَّا لَقَتَلْنَا كُلَّبَ الْمُرَيَّةِ مِنْ
أَهْلِ الْبَادِيَّةِ، يَتَبَعَّهَا.

[٤٠١٩] [٤٦-١٥٧١] حَدَّثَنِي يَحْيَى

narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ enjoined the killing of dogs, except dogs for hunting, and dogs for herding sheep or livestock. It was said to Ibn ‘Umar: ‘Abû Hurairah says: ‘Or farm dogs.’ Ibn ‘Umar said: ‘Abû Hurairah had farmland.”’

ابن يحيى: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ أَمْرًا يُقْتَلُ الْكِلَابُ، إِلَّا كَلْبَ صَنِيدٍ أَوْ كَلْبَ غَنَمٍ، أَوْ مَاشِيةً، فَقَيْلَ لِابْنِ عُمَرَ: إِنَّ أَبَا هُرَيْرَةَ يَقُولُ: أَوْ كَلْبَ زَرْعٍ، فَقَالَ ابْنُ عُمَرَ: إِنَّ لَأَبِي هُرَيْرَةَ زَرْعًا.

[4020] 47 - (1572) Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ ordered us to kill dogs, and even if a woman came from the desert with her dog, we would kill it. Then the Prophet ﷺ forbade killing them, and said: ‘You should kill the dark black (dog) with two (white) spots (above its eyes), for it is a devil.”’

[٤٠٢٠]-[١٥٧٢] ابْنُ أَخْمَدَ بْنُ أَبِي خَلْفٍ: حَدَّثَنَا رَوْحٌ؛ وَحَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا رَوْحٌ ابْنُ عَبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الرُّؤْبِرِ؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: أَمَّنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ أَمْرًا يُقْتَلُ الْكِلَابُ، حَتَّى إِنَّ الْمَرْأَةَ تَقْدُمُ مِنَ الْبَادِيَةِ بِكَلْبِهَا فَتَقْتُلُهُ، ثُمَّ نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ قَتْلَهَا، وَقَالَ: «عَلَيْكُمْ بِالْأَسْوَدِ الْبَهِيمِ ذِي النَّقْطَيْنِ، فَإِنَّهُ شَيْطَانٌ».

[4021] 48 - (1573) It was narrated that Ibn al-Mughaffal said: “The Messenger of Allâh ﷺ enjoined the killing of dogs, then he said: ‘What is the problem with them and dogs?’ Then he granted a concession with regard to dogs for hunting and herding sheep.”

[٤٠٢١]-[١٥٧٣] اللَّهُ بْنُ مُعاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي التَّيَّاحِ؛ سَمِعَ مُطَرِّفَ بْنَ عَبْدِ اللَّهِ عَنِ ابْنِ الْمُعَفَّلِ قَالَ: أَمَّرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ يُقْتَلُ الْكِلَابُ، ثُمَّ قَالَ: «مَا بِالْهُمْ وَبِالْكِلَابِ؟» ثُمَّ رَخَصَ فِي كَلْبِ الصَّنِيدِ وَكَلْبِ الْغَنَمِ.

[4022] 49 - (...) It was narrated from Shu'bah (a *Hadîth* similar to no. 4021, with a different chain of narrators) with this chain.

Ibn Hâtim said in his *Hadîth* from Yahyâ: He (ﷺ) granted a concession with regard to dogs for herding sheep, hunting and (guard dogs) in farms.

[٤٠٢٢]-[٤٩] وَحَدَّثَنَا يَحْيَى

ابْنُ حَبِيبٍ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثٍ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ؛ وَحَدَّثَنِي مُحَمَّدُ ابْنُ الْوَلِيدِ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا النَّضْرُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشْتَى: حَدَّثَنَا وَهْبُ بْنُ حَرَبٍ، كُلُّهُمْ عَنْ شَعْبَةَ بِهَادِ الْأَشْنَاءِ.

وَقَالَ ابْنُ حَاتِمٍ فِي حَدِيثِهِ عَنْ يَحْيَى: وَرَجَّحَ فِي كُلِّ الْغَنَمِ وَالصَّيْدِ وَالزَّرْعِ.

[٤٠٢٣]-[٥٠] وَحَدَّثَنَا

يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ افْتَنَى كَلْبًا إِلَّا كَلْبٌ مَاشِيَةٌ أَوْ ضَارِبًا نَقْصَنَ مِنْ أَجْرِهِ، كُلَّ يَوْمٍ، قِيرَاطًا».

[٤٠٢٤]-[٥١] وَحَدَّثَنَا أَبُو

بَكْرٌ بْنُ أَبِي شَيْبَةَ وَرَزْهِيرٌ بْنُ حَرْبٍ وَابْنُ نُمَيْرٍ قَالُوا: حَدَّثَنَا سُفْيَانُ عَنِ الزَّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ افْتَنَى كَلْبًا، إِلَّا كَلْبٌ صَيْدٌ أَوْ مَاشِيَةٌ نَقْصَنَ مِنْ أَجْرِهِ، كُلَّ يَوْمٍ، قِيرَاطًا».

[٤٠٢٥]-[٥٢] حَدَّثَنَا يَحْيَى

[4023] 50 - (1574) It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever keeps a dog except a dog for herding livestock or hunting, two *Qîrât* will be deducted from his reward every day.'"

[4024] 51 - (...) It was narrated from Sâlim, from his father, that the Messenger of Allâh ﷺ said: "Whoever keeps a dog, except a dog for hunting or herding livestock, two *Qîrât* will be deducted from his reward every day."

[4025] 52 - (...) It was narrated

from 'Abdullâh bin Dînâr that he heard Ibn 'Umar say: "The Messenger of Allâh ﷺ said: 'Whoever keeps a dog, except a dog for hunting or herding livestock, two *Qîrât* will be deducted from his (good) deeds every day.'"

[4026] 53 - (...) It was narrated from Sâlim bin 'Abdullâh, from his father, that the Messenger of Allâh ﷺ said: "Whoever keeps a dog except a dog for guarding livestock or a hunting dog, a *Qîrât* will be deducted from his (good) deeds every day."

'Abdullâh said: And Abû Hurairah said: "Or a farm dog."

[4027] 54 - (...) It was narrated from Sâlim, from his father, that the Messenger of Allâh ﷺ said: "Whoever keeps a dog, except a dog for hunting or herding livestock, two *Qîrât* will be deducted from his (good) deeds every day."

ابن يحيى ويعيني بن أئوب وفتية وأبن حُجْرٍ - قال يحيى بن يحيى: أخبرنا، وقال الآخرون: حدثنا - إسماعيل وهو ابن جعفر، عن عبد الله بن ديار؛ أنه سمع ابن عمر قال: قال رسول الله ﷺ: «من افتنى كلبا إلا كلب ضارٍة أو ماشية، نقص من عمله، كل يوم، قيراطاً».

[٤٠٢٦] ٥٣ - (...) حدثنا يحيى بن يحيى ويعيني بن أئوب وفتية وأبن حُجْرٍ - قال يحيى: أخبرنا، وقال الآخرون: حدثنا - إسماعيل [وهو ابن جعفر] عن محمد وهو ابن أبي حزم له عن سالم بن عبد الله، عن أبيه أن رسول الله ﷺ قال: «من افتنى كلبا إلا كلب ضارٍة أو كلب صيد، نقص من عمله، كل يوم، قيراط». قال عبد الله: وقال أبو هريرة: «أو كلب حرب».

[٤٠٢٧] ٥٤ - (...) حدثنا إسحاق بن إبراهيم: أخبرنا وكيع: حدثنا حنظلة ابن أبي سفيان عن سالم، عن أبيه عن رسول الله ﷺ قال: «من افتنى كلبا إلا كلب ضارٍة أو ماشية، نقص من عمله كل يوم، قيراطاً».

Sâlim said: And Abû Hurairah used to say, "Or a farm dog," and he owned farmland.

[4028] 55 - (...) Sâlim bin 'Abdullâh narrated that his father said: "The Messenger of Allâh ﷺ said: 'Any household that keeps a dog, except a dog for herding livestock or a dog for hunting, two *Qîrât* will be deducted from their (good) deeds, every day.'"

[4029] 56 - (...) It was narrated that Abul-Hakam said: I heard Ibn 'Umar narrating that the Prophet ﷺ said: "Whoever keeps a dog, except a (guard) dog in farming, herding sheep or hunting, one *Qîrât* will be deducted from his reward every day."

[4030] 57 - (1575) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Whoever keeps a dog that is not a dog for hunting, livestock or land, two *Qîrât* will be deducted from his reward every day."

فَال سَّالِمُ : وَكَانَ أَبُو هُرَيْرَةَ يَقُولُ
«أَوْ كَلْبٌ حَرْثٌ» وَكَانَ صَاحِبَ حَرْثٍ .

[٤٠٢٨]-٥٥ حَدَّثَنَا دَاوُدُ بْنُ رُشْيَدٍ : حَدَّثَنَا مَرْوَانُ بْنُ مَعَاوِيَةَ : أَخْبَرَنَا عُمَرُ بْنُ حَمْزَةَ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ : حَدَّثَنَا سَالِمُ بْنُ عَبْدِ اللَّهِ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ : «أَيُّهَا أَهْلَ دَارِ اتَّخَذُوا كَلْبًا إِلَّا كَلْبٌ مَاشِيَةٌ أَوْ كَلْبٌ صَائِدٌ، نَقْصَ مِنْ عَمَلِهِمْ، كُلَّ يَوْمٍ ، قِيرَاطًا» .

[٤٠٢٩]-٥٦ حَدَّثَنَا مُحَمَّدُ بْنُ أَبْنِ الْمُشَنَّى وَابْنِ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُشَنَّى - قَالَا : حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ : حَدَّثَنَا شُعبَةُ عَنْ قَتَادَةَ، عَنْ أَبِي الْحَكْمَمِ قَالَ: سَمِعْتُ أَبْنَ عُمَرَ يُحَدِّثُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ اتَّخَذَ كَلْبًا إِلَّا كَلْبٌ زَرْعٌ أَوْ عَنَمٌ أَوْ صَيْدٌ، يَنْقُصُ مِنْ أَجْرِهِ، كُلَّ يَوْمٍ ، قِيرَاطٌ» .

[٤٠٣٠]-٥٧ حَدَّثَنَا أَبُو الطَّاهِرِ وَحْرَمَةُ قَالَا : أَخْبَرَنَا أَبْنُ وَهْبٍ : أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شَهَابٍ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «مَنْ افْتَنَى كَلْبًا لَيْسَ بِكَلْبٍ صَيْدٌ وَلَا مَاشِيَةٌ وَلَا أَرْضِي، فَإِنَّهُ يَنْقُصُ مِنْ أَجْرِهِ قِيرَاطًا، كُلَّ يَوْمٍ» .

وَلَيْسَ فِي حَدِيثِ أَبِي الطَّاهِرِ: «وَلَا أَرْضٌ».

[4031] 58 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever acquires a dog that is not a dog for herding livestock, hunting or (guard dog) in farms, one *Qîrât* will be deducted from his reward every day.'"

Az-Zuhîr said: "The words of Abû Hurairah were mentioned to Ibn 'Umar and he said: 'May Allâh have mercy on Abû Hurairah, he owned farmland.'"

[4032] 59 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever keeps a dog, one *Qîrât* will be deducted from his (good) deeds every day, except a (guard) dog in farms or herding livestock.'"

[4033] (...) Abû Hurairah narrated a similar report (as no. 4032) from the Messenger of Allâh ﷺ.

٥٨ [٤٠٣١] حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالٌ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنِ اتَّخَذَ كَلْبًا، إِلَّا كَلْبًا مَاشِيَّةً أَوْ صَيْدًا أَوْ زَرْعًا، اتَّقَصَ مِنْ أَجْرِهِ، كُلَّ يَوْمٍ، قِيرَاطٌ». قَالَ الرُّهْرِيُّ: فَذُكِرَ لِابْنِ عُمَرَ قَوْلُ أَبِي هُرَيْرَةَ، فَقَالَ: يَرْحَمُ اللَّهُ أَبَا هُرَيْرَةَ كَانَ صَاحِبَ زَرْعًا.

٥٩ [٤٠٣٢] حَدَّثَنِي زُهْرَى بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا هِشَامُ الدَّسْوَائِيُّ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالٌ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَمْسَكَ كَلْبًا فَإِنَّهُ يَتَّقْصُ مِنْ عَمَلِهِ، كُلَّ يَوْمٍ، قِيرَاطٌ، إِلَّا كَلْبًا حَرْثًا أَوْ مَاشِيَّةً».

٤٠٣٣ [.] وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا شَعِيبُ بْنُ إِسْحَاقَ: حَدَّثَنَا الْأَوْزَاعِيُّ: حَدَّثَنِي يَحْيَى بْنُ أَبِي كَثِيرٍ: حَدَّثَنِي أَبُو سَلَمَةَ ابْنُ عَبْدِ الرَّحْمَنِ: حَدَّثَنِي أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ بِمُثْلِهِ.

[4034] (...) Yahyâ bin Abî Kathîr narrated a similar report (as no. 4032) with this chain.

[٤٠٣٤] (...) حَدَّثَنَا أَحْمَدُ بْنُ الْمُنْذِرِ: حَدَّثَنَا عَبْدُ الصَّمَدِ: حَدَّثَنَا حَرْبٌ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ بِهَذَا إِلَسْنَادِ، مِثْلُهُ.

[4035] 60 - (...) Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever acquires a dog that is not a dog for hunting or herding sheep, one *Qîrât* will be deducted from his (good) deeds every day.'"

[٤٠٣٥] ٦٠ - (...) سَعِيدٌ: حَدَّثَنَا عَبْدُ الْوَاحِدِ يَعْنِي ابْنَ زِيَادٍ، عَنْ إِسْمَاعِيلَ بْنِ سُمِيعٍ: حَدَّثَنَا أَبُو رَزِينَ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنِ اتَّخَذَ كَلْبًا لِيُسِّرَّهُ بِكُلِّ صَيْدٍ وَلَا غَنَمٍ، نَفَصَ مِنْ عَمَلِهِ، كُلَّ يَوْمٍ، قِيرَاطٌ».

[4036] 61 - (1576) As-Sâ'ib bin Yazîd narrated that he heard Sufyân bin Abî Zuhair, who was a man of Shanâ'î and one of the Companions of the Messenger of Allâh ﷺ, say: "I heard the Messenger of Allâh ﷺ say: 'Whoever keeps a dog that is not used in the farm or herding livestock, one *Qîrât* will be deducted from his good deeds every day.'" He said: "Did you hear that from the Messenger of Allâh ﷺ?" He said: "Yes, by the Lord of this *Masjid*."

[٤٠٣٦] ٦١ - (١٥٧٦) ابْنُ يَحْيَى قَالَ: قَرأتُ عَلَى مَالِكٍ عَنْ يَزِيدَ بْنِ حُصَيْفَةَ، أَنَّ السَّائِبَ بْنَ يَزِيدَ أَخْبَرَهُ، أَنَّهُ سَمِعَ سُفِيَّانَ ابْنَ أَبِي زُهَيْرٍ وَهُوَ رَجُلٌ مِنْ شَنُوَّةَ مِنْ أَصْحَابِ رَسُولِ اللَّهِ ﷺ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنِ افْتَنَى كَلْبًا لَا يَعْنِي عَنْهُ رَزْعًا وَلَا ضَرْعًا، نَفَصَ مِنْ عَمَلِهِ، كُلَّ يَوْمٍ، قِيرَاطٌ» قَالَ: أَنْتَ سَمِعْتَ هَذَا مِنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ: إِي، وَرَبُّ هَذَا الْمَسْجِدِ.

[4037] (...) As-Sâ'ib bin Yazîd narrated that Sufyân bin Abî Zuhair Ash-Shanâ'î came to

[٤٠٣٧] أَيُوبَ وَقَيْمَيْهَ وَابْنَ حُجْرٍ قَالُوا: حَدَّثَنَا

them and said: "The Messenger of Allâh ﷺ said..." a similar report (as *Hadith* no. 4036).

إِسْمَاعِيلُ عَنْ يَزِيدَ بْنِ حُصَيْفَةَ: أَخْبَرَنِي السَّائِبُ بْنُ يَزِيدَ، أَنَّهُ وَقَدْ عَلَيْهِمْ سُفِيَانُ ابْنُ أَبِي زُهْرَةِ الشَّنَائِيِّ. فَقَالَ: قَالَ رَسُولُ اللَّهِ ﷺ، يَمْثُلُهُ.

Chapter 11. The Permissibility Of A Cupper's Earnings

[4038] 62 - (1577) It was narrated that Humaid said: "Anas bin Mâlik was asked about the earnings of a cupper and he said: 'The Messenger of Allâh ﷺ was treated with cupping by Abû Taibah, and he ordered that he be given two *Sâ'* of food. He spoke to his masters, and they waived their portion of his earnings, and he said: 'The best thing with which you may be treated is cupping,' or 'it is one of the best of your remedies.'"

(المعجم ١١) - (باب حل أجرة الحجامة) (التحفة ٣٢)

ابْنُ أَبِي يُوبَ وَفُتَيْهَ [بْنُ سَعِيدَ] وَعَلَيُّ بْنُ حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ يَعْنُوْنَ ابْنَ جَعْفَرٍ عَنْ حُمَيْدٍ قَالَ: سُئِلَ أَنَسُ بْنُ مَالِكٍ عَنْ كَسْبِ الْحَجَاجَ؟ فَقَالَ: احْتَجَمَ رَسُولُ اللَّهِ ﷺ، حَجَّمَهُ أَبُو طَيْبَةَ، فَأَمْرَ لَهُ بِصَاعِينِ مِنْ طَعَامٍ، وَكَلَمَ أَهْلَهُ فَوَضَعُوا عَنْهُ مِنْ خَرَاجِهِ، وَقَالَ: إِنَّ أَفْضَلَ مَا تَدَارِيْتُمْ بِهِ الْحِجَاجَةُ، أَوْ هُوَ مِنْ أَمْثَلِ دَوَائِكُمْ". [انظر: ٥٧٤٠]

ابْنُ أَبِي عُمَرَ: حَدَّثَنَا مَرْوَانٌ يَعْنِي الْفَزَارِيُّ عَنْ حُمَيْدٍ قَالَ: سُئِلَ أَنَسُ عَنْ كَسْبِ الْحَجَاجَ؟ فَذَكَرَ يَمْثُلَهُ، غَيْرَ أَنَّهُ قَالَ: إِنَّ أَفْضَلَ مَا تَدَارِيْتُمْ بِهِ الْحِجَاجَةُ وَالْقُسْطُ الْبَحْرِيُّ، وَلَا تُعَذِّبُوْا صِيَانُكُمْ بِالْغَمْزِ".

[4040] 64 - (...) It was narrated that Humaid said: "I heard Anas say: 'The Prophet ﷺ called a slave of ours who was a cupper, and he treated him with cupping, and he ordered that he given a Sâ', or a *Mudd*, or two *Mudd*. And he spoke (to his master) about him, and he reduced his (the master's) portion of his earnings.'"

[4041] 65 - (1202) It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ was treated with cupping, and he gave the cupper his wages, and he put medicine in his nose.

[4042] 66 - (...) It was narrated that Ibn 'Abbâs said: "The Prophet was treated with cupping by a slave of Banû Baiâdah, and the Prophet ﷺ gave him his wages, and spoke to his master, who reduced his (the master's) portion of his earnings. If it were unlawful the Prophet ﷺ would not have given him anything."

[٤٠٤٠]-٦٤ حَدَّثَنَا أَحْمَدُ
ابْنُ الْحَسَنِ بْنِ خِرَاشِيٍّ : حَدَّثَنَا شَبَابَةُ :
حَدَّثَنَا شَعْبَةُ عَنْ حُمَيْدٍ قَالَ : سَمِعْتُ أَنَّهَا
يَقُولُ : دَعَا النَّبِيُّ ﷺ عَلَامًا لَنَا حَجَّامًا ،
فَحَجَّمَهُ ، فَأَمَرَ لَهُ بِصَاعَ أَوْ مُدَّ أَوْ مُدَّينَ ،
وَكَلَّمَ فِيهِ ، فَحَفَّفَ عَنْ ضَرِيْبِهِ .

[٤٠٤١]-٦٥ حَدَّثَنَا أَبُو
بَكْرُ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا عَفَانُ ابْنِ
مُسْلِمٍ ; وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ :
أَخْبَرَنَا الْمَخْزُومِيُّ ، كِلَّا هُمَا عَنْ وُهْيَبِ :
حَدَّثَنَا ابْنُ طَاؤِسٍ عَنْ أَبِيهِ ، عَنْ ابْنِ
عَبَّاسٍ ؛ أَنَّ رَسُولَ اللَّهِ ﷺ احْتَجَمَ
وَأَعْطَى الْحَجَّامَ أَجْرَهُ ، وَاسْتَعْطَ . [راجع :
٢٨٨٥]

[٤٠٤٢]-٦٦ حَدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ وَعَبْدُ بْنِ حُمَيْدٍ - وَاللَّفَظُ
لِعَبْدٍ - قَالًا : أَخْبَرَنَا عَبْدُ الرَّزَاقِ :
أَخْبَرَنَا مَعْمَرٌ عَنْ عَاصِمٍ ، عَنْ
الشَّعْبِيِّ ، عَنْ ابْنِ عَبَّاسٍ قَالَ : حَجَّمَ
النَّبِيُّ ﷺ عَبْدُ لَبَّيِّ بَيَاضَةً ، فَأَعْطَاهُ
النَّبِيُّ ﷺ أَجْرَهُ ، وَكَلَّمَ سَيِّدَهُ فَحَفَّفَ
عَنْهُ مِنْ ضَرِيْبِهِ ، وَلَوْ كَانَ سُخْنًا لَمْ
يُعْطِهِ الْبَيِّنَاتِ . [راجع : ٢٨٨٥]

(المعجم ١٢) - (باب تحرير بيع
الخمر) (التحفة ٣٣)

Chapter 12. The Prohibition Of Selling Wine

[4043] 67 - (1578) It was narrated that Abû Sa‘eed Al-Khudrî said: “I heard the Messenger of Allâh ﷺ delivering a *Khutbah* in Al-Madînah. He said: ‘O people, Allâh is hinting about wine, and perhaps He will reveal something about it, so whoever has any of it, let him sell it and benefit from it.’ It was not long before the Prophet ﷺ said: ‘Allâh has forbidden wine, so whoever hears this Verse and has any of it, he should not drink it or sell it.’ The people went to whatever they had of it, and poured it out into the streets of Al-Madînah.”

[٤٠٤٣-٦٧] [١٥٧٨] حَدَّثَنَا عُبْدُ اللَّهِ بْنُ عُسْرَةَ الْقُوَّارِبِيُّ : حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى أَبُو هَمَامٍ : حَدَّثَنَا سَعِيدُ الْجُرَبِرِيُّ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدِ الْحُدْرِيِّ قَالَ سَوْغَتُ رَسُولُ اللَّهِ ﷺ يَحْكُمُ بِالْمَدِينَةِ قَالَ : «يَا أَيُّهَا النَّاسُ ! إِنَّ اللَّهَ تَعَالَى يُعَرِّضُ بِالْحَمْرِ، وَلَعَلَّ اللَّهُ سَيُّنْزِلُ فِيهَا أَمْرًا، فَمَنْ كَانَ عِنْدَهُ مِنْهَا شَيْءٌ فَلْيُبْيِعْ وَلْيَتَفَعَّلْ بِهِ». قَالَ : فَمَا لَبِثْنَا إِلَّا يَسِيرًا حَتَّى قَالَ النَّبِيُّ ﷺ : «إِنَّ اللَّهَ تَعَالَى حَرَمَ الْخَمْرَ فَمَنْ أَذْرَكَهُ هَذِهِ الْأَيْةُ وَعِنْدَهُ مِنْهَا شَيْءٌ فَلَا يَشْرَبْ وَلَا يَبْيِعْ» قَالَ : فَاسْتَفْلَمَ النَّاسُ بِمَا كَانَ عِنْدَهُمْ مِنْهَا، فِي طَرِيقِ الْمَدِينَةِ، فَسَفَكُوهَا .

[4044] 68 - (1579) It was narrated from ‘Abdur-Rahmân bin Wa‘lah As-Saba‘î, who was from Egypt, that he asked ‘Abdullâh bin ‘Abbâs about that which is extracted from grapes. Ibn ‘Abbâs said: “A man gave the Messenger of Allâh ﷺ a small water-skin full of wine, and the Messenger of Allâh ﷺ said to him: ‘Do you know that Allâh,

[٤٠٤٤-٦٨] [١٥٧٩] حَدَّثَنَا سُوَيْدٌ بْنُ سَعِيدٍ : حَدَّثَنَا حَفْصُ بْنُ مَيْسِرَةَ عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ وَعْلَةَ - رَجُلٌ مِنْ أَهْلِ مِصْرَ - أَنَّهُ جَاءَ عَبْدَ اللَّهِ أَبْنَ عَبَّاسٍ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ - وَاللَّفْظُ لَهُ - : أَخْبَرَنَا أَبْنُ وَهْبٍ : أَخْبَرَنِي مَالِكُ بْنُ أَنَسٍ وَغَيْرُهُ عَنْ زَيْدِ بْنِ أَسْلَمَ ،

may He be exalted, has forbidden it?’ He said: ‘No,’ then he whispered to another man. The Messenger of Allâh ﷺ said: ‘What are you whispering about?’ He said: ‘I told him to sell it.’ He said: ‘The One Who has forbidden drinking it has also forbidden selling it.’ So he opened the skin until its contents drained away.”

عَنْ عَبْدِ الرَّحْمَنِ بْنِ وَعْلَةَ السَّيَّارِيِّ - مَنْ أَهْلِ مَصْرَ - أَنَّهُ سَأَلَ عَبْدَ اللَّهِ بْنَ عَبَّاسَ عِمَّا يُعَصِّرُ مِنَ الْعِنَبِ؟ قَالَ ابْنُ عَبَّاسٍ: إِنَّ رَجُلًا أَهْمَدَ لِرَسُولِ اللَّهِ ﷺ رَاوِيَةً حَمْرِ، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «هَلْ عَلِمْتَ أَنَّ اللَّهَ تَعَالَى فَدَ حَرَمَهَا؟» قَالَ: لَا، فَسَأَرَ إِنْسَانًا، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «بِمَ سَارَتْهُ؟» فَقَالَ: أَمْرَتُهُ بِسَيِّعَهَا، فَقَالَ: «إِنَّ الَّذِي حَرَمَ شُرْبَهَا حَرَمَ بَيْعَهَا» قَالَ: فَفَتَحَ الْمَزَادَةَ حَتَّى ذَهَبَ مَا فِيهَا .

[4045] (...) A similar report (as no. 4044) was narrated from ‘Abdullâh bin ‘Abbâs, from the Messenger of Allâh ﷺ.

[٤٠٤٥] (...) حَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي سُلَيْمَانُ بْنُ يَلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ وَعْلَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ عَنْ رَسُولِ اللَّهِ ﷺ مُثْلَهُ .

[4046] ٦٩ - (1580) It was narrated that ‘Âishah said: “When the Verses at the end of Sûrat Al-Baqarah were revealed, the Messenger of Allâh ﷺ came out and recited them to the people, then he forbade dealing in wine.”

[٤٠٤٦] (٤٠٤٦ - ١٥٨٠) حَدَّثَنَا زُهْيرٌ أَبْنُ حَرْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - قَالَ زُهْيرٌ: حَدَّثَنَا، وَقَالَ إِسْحَاقُ: أَخْبَرَنَا - جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ أَبِي الصُّحْيَ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا نَزَلَتِ الْآيَاتُ مِنْ آخِرِ سُورَةِ الْبَقَرَةِ، خَرَجَ رَسُولُ اللَّهِ ﷺ فَاقْرَأَهُنَّ عَلَى النَّاسِ، ثُمَّ نَهَى عَنِ التِّجَارَةِ فِي الْحَمْرِ .

[4047] 70 - (...) It was narrated that ‘Âishah said: “When the Verses about *Ribâ* at the end of *Sûrat Al-Baqarah* were revealed, the Messenger of Allâh ﷺ went out to the *Masjid* and forbade dealing in wine.”

[٤٠٤٧] ٧٠ - (...) حَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْعَةَ وَأَبُو كُرَيْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِأَبِي كُرَيْبٍ - قَالَ إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ الْأَخْرَانِ: حَدَّثَنَا أَبُو مُعاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا أَنْزَلْتِ الْآيَاتِ مِنْ آخِرِ سُورَةِ الْبَقَرَةِ، فِي الرَّبَّا، قَالَتْ: خَرَجَ رَسُولُ اللَّهِ ﷺ إِلَى الْمَسْجِدِ، فَحَرَمَ السِّجَارَةَ فِي الْخَمْرِ.

(المعجم ١٣) - (باب تحرير بيع
الخمر والميتة والختنير والأصنام)
(التحفة ٣٤)

Chapter 13. The Prohibition Of Selling Wine, Dead Meat, Pork And Idols

[4048] 71 - (1581) It was narrated from Jâbir bin ‘Abdullâh that he heard the Messenger of Allâh ﷺ say, during the Year of the Conquest while he was in Makkah: “Allâh and His Messenger have forbidden the sale of wine, dead meat, pork and idols.” It was said: “O Messenger of Allâh, what do you think about the fat of dead meat, for it is used for caulking ships, daubing hides, and the people use it in their lamps?” He said: “No, it is unlawful.” Then the Messenger of Allâh ﷺ said: “May Allâh destroy the Jews, for Allâh forbade the fat to them, but they melted it, then they sold it and consumed its price.”

[٤٠٤٨] ٧١ - (١٥٨١) حَدَّثَنَا قُتْبَيْهُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ عَطَاءٍ بْنِ أَبِي رَبَاحٍ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ، عَامَ الْفَتْحِ، وَهُوَ بِمَكَّةَ: «إِنَّ اللَّهَ وَرَسُولَهُ حَرَمَ بَيْعَ الْخَمْرِ وَالْمِيَّةِ وَالْخُتْنِيرِ وَالْأَصْنَامِ» فَقَبِيلٌ: يَا رَسُولَ اللَّهِ أَرَأَيْتَ شُحُومَ الْمِيَّةِ فَإِنَّهُ يُطَلَّى بِهَا السُّفُنُ وَتُدَهَّنُ بِهَا الْجُلُودُ وَيَسْتَضْبِغُ بِهَا النَّاسُ؟ فَقَالَ: «لَا، هُوَ حَرَامٌ» ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ، عِنْدَ ذَلِكَ: «فَاتَّلَ اللَّهُ الْيَهُودَ، إِنَّ اللَّهَ [عَزَّ وَجَلَّ] لَمَّا حَرَمَ عَلَيْهِمْ شُحُومَهَا، أَجْمَلُوهُ ثُمَّ بَاعُوهُ، فَأَكَلُوا ثَمَنَهُ».

[4049] (...) Jâbir bin ‘Abdullâh said: “I heard the Messenger of Allâh ﷺ during the Year of the Conquest...” a *Hadîth* like that of Al-Laith (no. 4048).

[٤٠٤٩] (...) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَابْنُ نُمَيْرٍ قَالَا: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ، عَنْ يَزِيدِ بْنِ أَبِي حَيْبٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ عَامَ الْفَتحِ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَّاَّءِ: حَدَّثَنَا الضَّحَّاكُ يَعْنِي أَبَا عَاصِمٍ عَنْ عَبْدِ الْحَمِيدِ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَيْبٍ قَالَ: كَتَبَ إِلَيَّ عَطَاءً؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ عَامَ الْفَتحِ، يُوَمِّلِ حَدِيثَ الْأَئِمَّةِ.

[4050] 72 - (1582) It was narrated that Ibn ‘Abbâs said: “‘Umar heard that Samurah was selling wine, and he said: ‘May Allâh destroy Samurah. Does he not know that the Messenger of Allâh ﷺ said: “May Allâh curse the Jews; fat was forbidden to them but they melted it and sold it?”’”

[٤٠٥٠] ٧٢-(١٥٨٢) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَزُهَيرٍ بْنِ حَرْبٍ وَإِسْحَاقَ بْنِ إِبْرَاهِيمَ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالَ: حَدَّثَنَا سُقِيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرُو، عَنْ طَاوُسٍ، عَنْ أَبْنِ عَبَّاسٍ قَالَ: بَلَغَ عُمَرَ أَنَّ سَمُرَةَ بَاعَ خَمْرًا، فَقَالَ: قَاتَلَ اللَّهُ سَمُرَةَ، أَلَمْ يَعْلَمْ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَعَنَ اللَّهِ الْيَهُودَ، حُرِّمَتْ عَلَيْهِمُ الشَّحُومُ فَجَمَلُوهَا بِقَاعُوهَا؟» .

[4051] (...) A similar report (as no. 4050) was narrated from ‘Amr bin Dînâr with this chain.

[٤٠٥١] (...) حَدَّثَنَا أُمَيَّةَ بْنَ سَطَامَ: حَدَّثَنَا يَزِيدُ بْنُ رَبَيعٍ: حَدَّثَنَا رَوْحٌ يَعْنِي أَبْنَ الْقَاسِمِ عَنْ عَمْرُو بْنِ دِينَارٍ بِهَذَا الْإِسْنَادِ، مِثْلُهُ .

[4052] 73 - (1583) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "May Allâh destroy the Jews. Allâh forbade fat to them, so they sold it and consumed its price."

[4053] 74 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'May Allâh destroy the Jews. Fat was forbidden to them so they sold it and consumed its price.'"

Chapter 14. Ribâ (Usury, Interest)

[4054] 75 - (1584) It was narrated from Abû Sa'eed Al-Khudrî that the Messenger of Allâh ﷺ said: "Do not sell gold for gold except like for like, and do not give more of one and less of the other. Do not sell silver except like for like, and do not give more of one and less of the other. And do not exchange something to be given later for something to be given now."

[٤٠٥٢] [١٥٨٣-٧٣] وَحَدَّثَنَا

إِسْحَاقُ بْنُ إِبْرَاهِيمَ [الْحَنْظَلِيُّ]: حَدَّثَنَا رَوْحُ ابْنُ عَبَادَةَ: حَدَّثَنَا ابْنُ جُرْبِيجَ: أَخْبَرَنِي ابْنُ شِهَابٍ، عَنْ سَعِيدِ ابْنِ الْمُسَيْبَ أَنَّهُ حَدَّثَهُ عَنْ أَبِيهِ هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ قَالَ: «فَاتَّلَ اللَّهُ الْيَهُودَ، حَرَمَ اللَّهُ عَلَيْهِمُ الشَّحُومَ فَبَاعُوهَا وَأَكَلُوا أَثْمَانَهَا».

[٤٠٥٣] [٧٤-(...)] وَحَدَّثَنِي

حَرَمَةُ بْنُ يَحْيَى: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُوْسُفُ عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ ابْنِ الْمُسَيْبَ، عَنْ أَبِيهِ هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ قَالَ: «فَاتَّلَ اللَّهُ الْيَهُودَ، حَرَمَ عَلَيْهِمُ الشَّحُومَ فَبَاعُوهَا وَأَكَلُوا ثَمَنَهَا».

(المعجم ١٤) - (باب الربا)

(التحفة ٣٥)

[٤٠٥٤] [١٥٨٤-٧٥] حَدَّثَنَا يَحْيَى

ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ أَبِيهِ سَعِيدِ الْخُدْرِيِّ: أَنَّ رَسُولَ اللَّهِ قَالَ: «لَا تَبِيعُوا الدَّهَبَ بِالدَّهَبِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تُشْفُوا بَعْضَهَا عَلَى بَعْضٍ، وَلَا تَبِيعُوا الْوَرِقَ بِالْوَرِقِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تُشْفُوا بَعْضَهَا عَلَى بَعْضٍ، وَلَا تَبِيعُوا مِنْهَا غَائِبًا بِنَاجِزٍ». [انظر:]

[4055] 67 - (...) Abû Sa'eed Al-Khudrî narrated this from the Messenger of Allâh ﷺ according to the report of Qutaibah, 'Abdullâh and Nâfi' went with him; and according to the *Hadîth* of Ibn Rumh, Nâfi' said: “‘Abdullâh and Al-Laith and I went with him” - “until he entered upon Abû Sa'eed Al-Khudrî who said: ‘This one told me that you are narrating that the Messenger of Allâh ﷺ forbade selling silver for silver except like for like, and selling gold for gold except like for like.’ Abû Sa'eed pointed to his eyes and ears and said: ‘My eyes saw, and my ears heard the Messenger of Allâh ﷺ saying: “Do not sell gold for gold, and do not sell silver for silver, except like for like, and do not give more of one and less of the other, and do not exchange something to be given later for something to be given now, except hand to hand.”

[4056] (...) A *Hadîth* similar to that of Al-Laith from Nâfi' (no. 4055) was narrated from Abû Sa'eed Al-Khudrî from the Prophet ﷺ.

[٤٠٥٥] ٦٧ - (...) حَدَّثَنَا قُيَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا الْيَتُّ عَنْ نَافِعٍ، أَنَّ ابْنَ عُمَرَ قَالَ لَهُ رَجُلٌ مِنْ بَنِي لَيْثٍ: إِنَّ أَبَا سَعِيدَ الْخُدْرِيَّ يَأْثِرُ هَذَا عَنْ رَسُولِ اللَّهِ ﷺ - فِي رِوَايَةِ قُيَيْهِ - فَذَهَبَ عَبْدُ اللَّهِ وَنَافِعٌ مَعَهُ - وَفِي حَدِيثِ ابْنِ رُمْحٍ: قَالَ نَافِعٌ: فَذَهَبَ عَبْدُ اللَّهِ وَأَنَا مَعَهُ وَالْيَتُّ - حَتَّى دَخَلَ عَلَيَّ أَبِي سَعِيدِ الْخُدْرِيِّ، فَقَالَ: إِنَّ هَذَا أَخْبَرَنِي أَنَّكَ تُخِيرُ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ الْوَرِقِ إِلَّا مِثْلًا بِمِثْلٍ، وَعَنْ بَيْعِ الذَّهَبِ إِلَّا مِثْلًا بِمِثْلٍ. فَأَشَارَ أَبُو سَعِيدٍ بِإِصْبَعِيهِ إِلَى عَيْنِيهِ وَأَذْنِيَّهِ، فَقَالَ: أَبْصَرْتُ عَيْنَايَ وَسَمِعْتُ أَذْنَايَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا تَبِيعُوا الذَّهَبَ بِالذَّهَبِ، وَلَا تَبِيعُوا الْوَرِقَ بِالْوَرِقِ، إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تُشْفِفُوا بَعْضَهُ عَلَى بَعْضٍ، وَلَا تَبِيعُوا شَيْئًا غَائِبًا مِنْهُ يَنْاجِزُ، إِلَّا يَدَا بِيَدِهِ». [٤٠٥٦]

[٤٠٥٦] (...) حَدَّثَنَا شَيْبَانُ بْنُ فَرْوَحَ: حَدَّثَنَا جَرِيرٌ يَعْنِي ابْنَ حَازِمٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْشَى: حَدَّثَنَا عَبْدُ الْوَهَابِ قَالَ: سَمِعْتُ يَحْمَى ابْنَ سَعِيدٍ؛

وَحَدَّثَنِي مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ أَبْنِ عَوْنَ، كُلُّهُمْ عَنْ نَافِعٍ .
بَنْحُو حَدِيثُ الْبَيْثَ عنْ نَافِعٍ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ عَنِ النَّبِيِّ ﷺ

[٤٠٥٧] ٧٧ - (...) It was narrated from Abû Sa'eed Al-Khudrî that the Messenger of Allâh ﷺ said: "Do not sell gold for gold, or silver for silver, except weight for weight, like for like, same for same." [٤٠٥٧] ٧٧ - (...) وَحَدَّثَنَا قُتْبِيَّةُ ابْنُ سَعِيدٍ: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَنِ الْفَارِيَّ عَنْ سَهْلِيٍّ، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَبِيعُوا الْذَّهَبَ بِالْذَّهَبِ وَلَا الْوَرْقَ بِالْوَرْقِ، إِلَّا وَزْنًا بِوْزْنِ، مِثْلًا بِمِثْلٍ، سَوَاءً سِوَاءً».

[٤٠٥٨] ٧٨ - (١٥٨٥) It was narrated from 'Uthmân bin 'Affân that the Messenger of Allâh ﷺ said: "Do not sell one Dînâr for two Dînâr, or one Dirham for two Dirham."

[٤٠٥٨] ٧٨ - (١٥٨٥) حَدَّثَنِي أَبُو الطَّاهِرِ وَهَرُونَ بْنُ سَعِيدٍ [الأنْيَشِيُّ].
وَأَحْمَدُ بْنُ عِيسَى قَالُوا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَحْرَمَةُ عَنْ أَبِيهِ قَالَ: سَمِعْتُ سُلَيْمَانَ بْنَ يَسَارٍ يَقُولُ: إِنَّهُ سَمِعَ مَالِكَ بْنَ أَبِي عَامِرٍ يُحَدِّثُ عَنْ عُثْمَانَ بْنَ عَفَّانَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَبِيعُوا الدِّينَارَ بِالدِّينَارَيْنِ، وَلَا الدِّرْهَمَ بِالدِّرْهَمَيْنِ».

(المعجم ١٥) - (بابُ الصرف وبيع الذهب بالورق نقدا) (التحفة ٣٦)

Chapter 15. Exchange And Selling Gold For Silver On The Spot

[٤٠٥٩] ٧٩ - (١٥٨٦) It was narrated from Mâlik bin Aws bin Al-Hadâthân that he said: "I was

[٤٠٥٩] ٧٩ - (١٥٨٦) حَدَّثَنَا قُتْبِيَّةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَئِنْ؛ وَحَدَّثَنَا [مُحَمَّدُ]

going around saying: ‘Who will exchange Dirham (for my gold)?’ Talhah bin ‘Ubaidullâh, who was with ‘Umar bin Al-Khaṭṭâb, said: ‘Show us your gold, then come to us later, when our servant comes, and we will give you your silver.’ ‘Umar bin Al-Khaṭṭâb said: ‘No, by Allâh! Either give him his silver (now) or give him back his gold, for the Messenger of Allâh ﷺ said: “Silver for gold is *Ribâ*, unless it is exchanged on the spot; wheat for wheat is *Ribâ*, unless it is exchanged on the spot; barley for barley is *Ribâ*, unless it is exchanged on the spot; dates for dates is *Ribâ* unless it is exchanged on the spot.”

[4060] (...) It was narrated from Az-Zuhri (a *Hadîth* similar to no. 4059) with this chain.

[4061] 80 - (1587) It was narrated that Abû Qilâbah said: “I was in *Ash-Shâm* in a gathering where Muslim bin Yasâr was present, when Abû Al-Ash‘ath came.” He said: “They said: ‘Abû Al-Ash‘ath.’ And I said: ‘Abû Al-Ash‘ath!’ He sat down and I said to him: ‘Tell our brothers the *Hadîth* of ‘Ubâdah bin As-Sâmit.’ He said: ‘Yes. We went out on a campaign when Mu‘âwiyyah was in charge of the

ابن رُمْحٍ: أَخْبَرَنَا الْيَتُّ عَنْ ابْنِ شَهَابٍ، عَنْ مَالِكٍ بْنِ أُوْسٍ بْنِ الْحَدَثَانِ أَنَّهُ قَالَ: أَقْبَلْتُ أَقْوُلُ: مَنْ يَضْطَرِفُ الدَّرَاهِمَ؟ فَقَالَ طَلْحَةُ بْنُ عَبْيَدِ اللَّهِ وَهُوَ عِنْدُ عُمَرَ بْنِ الْخَطَّابِ - : أَرَيْنَا ذَهَبَكَ، ثُمَّ أَفْتَأَ، إِذَا جَاءَ خَادِمُنَا، نُعْطِيكَ وَرِقَكَ، فَقَالَ عُمَرُ ابْنُ الْخَطَّابِ: كَلَّا، وَاللَّهِ! لَتُعْطِيهِ وَرَقَهُ، أَوْ لَتَرْدَدَ إِلَيْهِ ذَهَبَهُ، فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «الْوَرْقُ بِالذَّهَبِ رِبَّا إِلَّا هَاءَ وَهَاءَ، وَالْبُرْ بِالْبُرِّ رِبَّا إِلَّا هَاءَ وَهَاءَ، وَالشَّعْبِرُ بِالشَّعْبِرِ رِبَّا إِلَّا هَاءَ وَهَاءَ، وَالثَّمُرُ بِالثَّمُرِ رِبَّا إِلَّا هَاءَ وَهَاءَ».

[٤٠٦٠] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَرُهَيْرٍ بْنُ حَرْبٍ وَإِسْحَاقَ، عَنْ ابْنِ عَيْنَةَ، عَنْ الزُّهْرِيِّ، بِهَذَا الإِسْنَادِ.

[٤٠٦١] ٨٠ - (١٥٨٧) حَدَّثَنَا عَبْيَدُ اللَّهِ ابْنُ عَمَرَ الْقَوَارِبِيُّ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَيُوبَ، عَنْ أَبِي قِلَابَةَ قَالَ: كُنْتُ بِالشَّامِ فِي حَلْقَةٍ فِيهَا مُسْلِمٌ بْنُ يَسَارٍ، فَجَاءَ أَبُو الْأَشْعَثَ قَالَ: قَالُوا: أَبُو الْأَشْعَثِ، فَقُلْتُ أَبُو الْأَشْعَثِ! فَجَلَسَ فَقُلْتُ لَهُ: حَدَّثْتُ أَخَافَا حَدِيثَ عَبَادَةَ بْنِ الصَّامِتِ قَالَ: نَعَمْ، عَزَّرُونَا غَرَّةً وَعَلَى

people, and acquired a great deal of the spoils of war. Among the spoils we seized were some vessels of silver. Mu‘âwiyah ordered a man to sell them, to be paid for when the people received their stipends, and the people hastened to buy them. News of that reached ‘Ubâdah bin Aş-Şâmit and he stood up and said: I heard the Messenger of Allâh ﷺ forbidding the sale of gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, except equal for equal, same for same. Whoever adds something more, or asks for something more, he has engaged in *Ribâ*.¹

“So the people returned what they had taken. News of that reached Mu‘âwiyah and he stood up and delivered a speech, saying: ‘What is the matter with men who narrated *Ahâdiث* from the Messenger of Allâh ﷺ, when we were present with him and accompanied him, and we did not hear that from him?’

“‘Ubâdah bin Aş-Şâmit stood up and repeated the story, then he said: ‘We will narrate what we heard from the Messenger of Allâh ﷺ, even if Mu‘âwiyah does not like it’ - or he said, ‘in spite of him. I do not care if I do not join his troops on a dark night.’” Hammâd (one of the narrators) said: “This, or something like this.”

النّاسِ مُعَاوِيَةً، فَغَيْرُنَا عَنَائِمَ كَثِيرَةً، فَكَانَ فِيمَا عَيْمَنَا، آئِهَ مِنْ فِضَّةٍ، فَأَمَرَ مُعَاوِيَةً رَجُلًا أَنْ يَبِعَهَا فِي أَعْطِيَاتِ النّاسِ، فَتَسَارَعَ النّاسُ فِي ذَلِكَ، فَبَلَغَ عُبَادَةُ بْنُ الصَّامِتِ فَقَامَ فَقَالَ: إِنِّي سَيَغْتَرِفُ رَسُولَ اللّهِ ﷺ يَنْهَا عَنْ بَيْعِ الدَّهَبِ بِالدَّهَبِ، وَالْفَضَّةِ بِالْفَضَّةِ، وَالْأَبْرَرِ بِالْأَبْرَرِ، وَالشَّعِيرِ بِالشَّعِيرِ، وَالتَّمْرِ بِالتَّمْرِ، وَالْمَلْحِ بِالْمَلْحِ إِلَّا سَوَاءٌ سَوَاءٍ، عَيْنَا بَعْيِنِ، فَمَنْ زَادَ أَوْ ازْدَادَ فَقَدْ أَرْبَى. فَرَدَ النّاسُ مَا أَخْذُوا، فَبَلَغَ ذَلِكَ مُعَاوِيَةً فَقَامَ خَطِيبًا فَقَالَ: أَلَا مَا بَالِ رِجَالٍ يَتَحَدَّثُونَ عَنْ رَسُولِ اللّهِ ﷺ أَحَادِيثَ، فَقَدْ كُنَّا نَشَهُدُهُ وَنَضَجُهُ فَلَمْ نَسْمَعْهَا مِنْهُ. فَقَامَ عُبَادَةُ [ابْنُ الصَّامِتِ] فَأَعْبَدَ الْفَصَّةَ، فَقَالَ: لَنُحَدِّثَنَّ بِمَا سَمِعْنَا مِنْ رَسُولِ اللّهِ ﷺ وَإِنْ كَرِهَ مُعَاوِيَةً - أَوْ قَالَ: وَإِنْ رَغَمَ - مَا أَبَالِي أَنْ لَا أَضْحَبَهُ فِي جُنْدِهِ لِيَلَّهُ سَوْدَاءً.

فَأَلَ حَمَّادُ: هَذَا أَوْ تَحْوِهُ.

[4062] (...) A similar report (as no. 4061) was narrated from Ayyûb with this chain.

٤٠٦٢] (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ، جَمِيعًا عَنْ عَبْدِ الْوَهَّابِ التَّقِيفِيِّ، عَنْ أَيُوبَ بِهِلَّا إِلَاسْنَادِ، نَحْوَهُ.

[4063] 81 - (...) It was narrated that ‘Ubâdah bin Aş-Şâmit said: “The Messenger of Allâh ﷺ said: “Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, same for same, hand to hand. But if these commodities differ, then sell as you like, as long as it is hand to hand.”

٤٠٦٣] (...) حَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْعَةَ وَعُمَرُو التَّافِقُ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِابْنِ أَبِي شَيْعَةَ، قَالَ إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ الْأَخْرَانِ: حَدَّثَنَا - وَكَيْعُ: حَدَّثَنَا سُفْيَانُ عَنْ خَالِدِ الْحَذَّاءِ، عَنْ أَبِي قَلَبَةَ، عَنْ أَبِي الْأَشْعَثِ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْذَّهَبُ بِالْذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَالْأُبْرُ بِالْأُبْرِ، وَالشَّعِيرُ بِالشَّعِيرِ، وَالثَّمْرُ بِالثَّمْرِ، وَالْمِلْحُ بِالْمِلْحِ»، مِثْلًا يُمْثِلُ، سَوَاءً بِسَوَاءٍ، بَدَا بِيَدِهِ، فَإِذَا اخْتَلَفَتْ هَذِهِ الْأَصْنَافُ، فَيُغَوِّنُوا كَفَ شَيْئُمْ، إِذَا كَانَ يَدًا بِيَدِهِ».

[4064] 82 - (1584) It was narrated that Abû Sa‘eed Al-Khudrî said: “The Messenger of Allâh ﷺ said: ‘Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, hand to hand. Whoever gives more or asks for more, he has engaged in *Ribâ*, and the taker and the giver are the same.’”

٤٠٦٤] (١٥٨٤) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْعَةَ: حَدَّثَنَا وَكَيْعُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ مُسْلِمٍ الْعَبْدِيُّ: حَدَّثَنَا أَبُو الْمُتَوَكِّلِ التَّاجِيُّ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْذَّهَبُ بِالْذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَالْأُبْرُ بِالْأُبْرِ، وَالشَّعِيرُ بِالشَّعِيرِ، وَالثَّمْرُ بِالثَّمْرِ، وَالْمِلْحُ

بِالْمُلْحِ، مِثْلًا بِمَثْلٍ، يَدَا يَدِهِ، فَمَنْ زَادَ أَوْ اسْتَرَادَ فَقَدْ أَرَبَّى، الْأَخِذُ وَالْمُعْطِي فِيهِ سَوَاءٌ». [راجع: ٤٠٥٤]

[4065] (...) It was narrated that Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ said: 'Gold for gold, like for like...' " a similar *Hadîth* (as no. 4064).

٤٠٦٥] (...) حَدَّثَنَا عَمْرُو التَّانِقُدُ: حَدَّثَنَا يَزِيدُ بْنُ هَرْوَنَ: أَخْبَرَنَا شَلَيْمَانُ الرَّبِيعِيُّ: حَدَّثَنَا أَبُو الْمُتَوَكِّلِ النَّاجِيُّ عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الذَّهَبُ بِالذَّهَبِ مِثْلًا بِمَثْلٍ» فَذَكَرَ بِمِثْلِهِ.

[4066] 83 - (1588) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Dates for dates, wheat for wheat, barley for barley, salt for salt, like for like, hand to hand. Whoever gives more or asks for more, he has engaged in *Ribâ*, except in cases where the types differ.' "

٤٠٦٦] [١٥٨٨-٨٣] حَدَّثَنَا أَبُو كُرَيْبُ مُحَمَّدُ بْنُ الْعَلَاءِ وَوَاصِلُ ابْنُ عَبْدِ الْأَعْلَى قَالَا: حَدَّثَنَا ابْنُ فُضَيْلٍ عَنْ أَبِيهِ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الَّتِمْرُ بِاللَّتِمْرِ، وَالْحِنْطَةُ بِالْحِنْطَةِ، وَالشَّعِيرُ بِالشَّعِيرِ، وَالْمُلْحُ بِالْمُلْحِ، مِثْلًا بِمَثْلٍ، يَدَا يَدِهِ، فَمَنْ زَادَ أَوْ اسْتَرَادَ فَقَدْ أَرَبَّى، إِلَّا مَا احْتَلَفَتْ لَوْنَاهُ».

[4067] (...) It was narrated from Fuḍail bin Ghazwân with this chain (a *Hadîth* similar to no. 4066), but he did not say, "hand to hand."

٤٠٦٧] (...) حَدَّثَنِيهِ أَبُو سَعِيدِ الْأَشْجُعِ: حَدَّثَنَا الْمُحَارِبِيُّ عَنْ فُضَيْلِ ابْنِ غَزْوَانَ بِهَذَا إِلَسْنَادِ، وَلَمْ يَذْكُرْ: «يَدَا يَدِهِ». [٢٠٢٩]

[4068] 84 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said:

٤٠٦٨] (...) حَدَّثَنَا أَبُو كُرَيْبُ وَوَاصِلُ بْنُ عَبْدِ الْأَعْلَى قَالَا:

'Gold for gold, weight for weight, like for like. And silver for silver, weight for weight, like for like. Whoever adds more or asks for more, that is *Ribâ*.'"

[4069] 85 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Dînâr for Dînâr with no difference between them; and Dirham for Dirham with no difference between them."

[4070] (...) Mûsâ bin Abî Tamîm narrated a similar report (as *Hadîth* no. 4069) with this chain.

Chapter 16. The Prohibition Of Selling Silver For Gold To Be Paid At A Later Date

[4071] 86 - (1589) It was narrated that Abû Al-Minhâl said: Sharîk sold some silver for me, to be paid for during the *Hajj* season. He came to me and told me, and I said: "This is not good." He said: "I sold it in the market and no one objected." I went to Al-Barâ' bin 'Azib and

حَدَّثَنَا أَبْنُ فُضَيْلٍ عَنْ أَبِيهِ، عَنْ أَبْنِ أَبِيهِ
عُمَرٌ، عَنْ أَبِيهِ هُرَيْرَةَ قَالَ: قَالَ رَسُولُ
اللهِ ﷺ: «الذَّهَبُ بِالذَّهَبِ، وَرَزْنَا بِرَزْنِي،
مِثْلًا بِمِثْلٍ، وَالْفَضَّةُ بِالْفَضَّةِ وَرَزْنَا بِرَزْنِي،
مِثْلًا بِمِثْلٍ، فَمَنْ زَادَ أَوْ اشْتَرَادَ فَهُوَ رَبِّا».

[4069] 85 - (...) حَدَّثَنَا عَبْدُ اللهِ
أَبْنُ مَسْلِمَةَ الْقَعْنَيْيِ: حَدَّثَنَا شَائِمَانُ يَعْنِي
أَبْنَ إِلَالِي عَنْ مُوسَى بْنِ أَبِيهِ تَمِيمٍ، عَنْ
سَعِيدِ بْنِ يَسَارٍ، عَنْ أَبِيهِ هُرَيْرَةَ؛ أَنَّ
رَسُولَ اللهِ ﷺ قَالَ: «الدِّينَارُ بِالدِّينَارِ لَا
فَضْلٌ بِيَنْهُمَا، وَالدِّرْهَمُ بِالدِّرْهَمِ لَا فَضْلٌ
بِيَنْهُمَا».

[4070] (...) حَدَّثَنِي أَبُو الطَّاهِرِ:
أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ قَالَ: سَمِعْتُ
مَالِكَ بْنَ أَنَسٍ يَقُولُ: حَدَّثَنِي مُوسَى بْنُ
أَبِيهِ تَمِيمٍ بِهَذَا إِلَسْنَادِ، مِثْلُهُ.

(المعجم ١٦) - (باب النهي عن بيع
الورق بالذهب دينا) (التحفة ٣٧)

[4071] 86 - (1589) حَدَّثَنَا مُحَمَّدُ
أَبْنُ حَاتِمٍ بْنِ مَيْمُونٍ: حَدَّثَنَا سُفِيَّانُ بْنُ
عُيَيْنَةَ عَنْ عَمْرُو، عَنْ أَبِيهِ الْمِنْهَالِ قَالَ:
بَاعَ شَرِيكٌ لِي وَرِقًا بِنَسِيَّةٍ إِلَى الْمَوْسِمِ،
أَوْ إِلَى الْحَجَّ، فَجَاءَ إِلَيَّ فَأَخْبَرَنِي،
فَقُلْتُ: هَذَا أَمْرٌ لَا يَضُلُّ. قَالَ: فَدُبِّغْتُهُ

asked him, and he said: "When the Prophet ﷺ came to Al-Madînah, we used to sell in this fashion, and he said: 'Whatever is hand to hand, there is nothing wrong with it. But whatever is to be paid for later is *Ribâ*.'" Go to Zaid bin Arqam for he is more involved in trade than I am. So I went to him and asked him, and he said something similar.

[4072] 87 - (...) It was narrated from Hâbîb that he head Abû Al-Mînhâl say: "I asked Al-Barâ' bin 'Âzîb about exchanging (gold for silver or vice versa) and he said: 'Ask Zaid bin Arqam, for he is more knowledgeable.' I asked Zaid and he said: 'Ask Al-Barâ', for he is more knowledgeable.' Then they said: 'The Messenger of Allâh ﷺ forbade selling silver for gold to be paid at a later date.'" ۚ

[4073] 88 - (1590) 'Abdur-Râhîmân bin Abî Bakrah narrated that his father said: "The Messenger of Allâh ﷺ forbade selling silver for silver and gold for gold, except like for like; and he told us to buy silver for gold however we wished, and to buy gold for silver however we wished." He said: "A man asked him: 'Hand to hand?' He said: 'That is what I heard.'"

في السوق، فلم يذكر ذلك على أحدٍ، فأتى البراء بن عازب فسأله، فقال: قدم النبي ﷺ المدينة ونحن نبيع هذا البيع، فقال: «ما كان يدًا بيده، فلا بأس به، وما كان تسييحة فهو رباً» وأتى زيداً ابن أرقم فإنه أعظم تجارة مبني، فأتته، فسألته، فقال مثل ذلك.

[4072]-۸۷ حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُعاذِ الْعَنْبَرِيُّ : حَدَّثَنَا أَبِيهِ : حَدَّثَنَا شُعْبَةُ عَنْ حَبِيبٍ [أَنَّهُ سَمِيعُ أَبَا الْمُهَاجِلِ] يَقُولُ : سَأَلْتُ الْبَرَاءَ بْنَ عَازِبٍ عَنِ الصَّرْفِ؟ فَقَالَ : سَلْ زَيْدًا أَبْنَ أَرْقَمَ فَهُوَ أَعْلَمُ ، فَسَأَلْتُ زَيْدًا فَقَالَ : سَلِ الْبَرَاءَ فَإِنَّهُ أَعْلَمُ ، ثُمَّ قَالَ : نَهَى رَسُولُ اللَّهِ ﷺ عَنِ بَيعِ الْوَرِيقِ بِالذَّهَبِ دِينًا .

[4073]-۸۸ حَدَّثَنَا أَبُو الرَّبِيعِ الْعَكَيْرِيُّ : حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ : أَخْبَرَنَا يَحْيَى بْنُ أَبِي إِسْحَاقَ : حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ أَبِي بَكْرَةَ عَنْ أَبِيهِ قَالَ : نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْفِضَّةِ بِالْفِضَّةِ ، وَالذَّهَبِ بِالذَّهَبِ ، إِلَّا سَوَاءٌ بِسَوَاءٍ ، وَأَمَرَنَا أَنْ نَشْتَرِي الْفِضَّةَ بِالذَّهَبِ كَيْفَ شِئْنَا ، وَنَشْتَرِي الذَّهَبَ بِالْفِضَّةِ كَيْفَ

شِئْنَا، قَالَ: فَسَأَلَهُ رَجُلٌ فَقَالَ: يَدًا يَبْدِي؟
فَقَالَ: هَكَذَا سَوْفَتُ.

[4074] (...) Abû Bakrah said: “The Messenger of Allâh ﷺ forbade us...” a similar report (as no. 4073).

[٤٠٧٤] (...) حَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا يَحْيَى بْنُ صَالِحٍ: حَدَّثَنَا مُعَاوِيَةً عَنْ يَحْيَى - وَهُوَ ابْنُ أَبِي كَثِيرٍ - عَنْ يَحْيَى بْنِ أَبِي إِسْحَاقٍ؛ أَنَّ عَبْدَ الرَّحْمَنَ بْنَ أَبِي بَكْرَةَ أَخْبَرَهُ؛ أَنَّ أَبَا بَكْرَةَ قَالَ: نَهَانَا رَسُولُ اللَّهِ ﷺ، بِمِثْلِهِ.

(المعجم ١٧) - (باب بيع القلادة فيها
خرز وذهب) (التحفة ٣٨)

Chapter 17. Selling A Necklace In Which There Are Pearls And Gold

[4075] 89 - (1591) Faḍâlât bin ‘Ubâid Al-Anṣârî said: “When the Messenger of Allâh ﷺ was in Khaibar, a necklace containing pearls and gold was brought to him. It was part of the spoils of war to be sold. The Messenger of Allâh ﷺ ordered that the gold in the necklace be extracted. Then the Messenger of Allâh ﷺ said to them: “Gold for gold, weight for weight.”

[٤٠٧٥] ٨٩ - (١٥٩١) حَدَّثَنِي أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرُو بْنُ سَرْجِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي أَبُو هَانِيَةُ الْخَوْلَانِيُّ أَنَّهُ سَمِعَ عُلَيَّ بْنَ رَبَاحَ الْلَّخْمِيَّ يَقُولُ: سَوْفَتُ فَضَالَةً بْنَ عُبَيْدَ الْأَنْصَارِيَّ يَقُولُ: أُتَيَ رَسُولُ اللَّهِ ﷺ، وَهُوَ بِخَيْرٍ، بِقِلَادَةٍ فِيهَا حَرْزٌ وَذَهَبٌ وَهِيَ مِنَ الْمَعَانِيمِ تُبَاعُ، فَأَمَرَ رَسُولُ اللَّهِ ﷺ بِالذَّهَبِ الَّذِي فِي الْقِلَادَةِ فَنَرَعَ وَحْدَهُ، ثُمَّ قَالَ لَهُمْ رَسُولُ اللَّهِ ﷺ: «الذَّهَبُ بِالذَّهَبِ وَرُزْنَا بِرُزْنِ».»

[4076] 90 - (...) It was narrated that Faḍâlât bin ‘Ubâid said: “On the Day of Khaibar, I bought a necklace for twelve Dînâr, which

[٤٠٧٦] ٩٠ - (...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ أَبِي شُبَّاجَ سَعِيدٍ ابْنِ تَرِيدَ، عَنْ خَالِدِ بْنِ أَبِي عِمْرَانَ، عَنْ

contained gold and pearls. I separated them and I found more than twelve Dînâr in it. I mentioned that to the Prophet ﷺ and he said: 'It should not be sold until they are separated.'"

[4077] (...) A similar report (as no. 4076) was narrated from Sa'eed bin Yazîd, with this chain.

[4078] 91 - (...) Faḍâlât bin 'Ubayd said: "We were with the Messenger of Allâh ﷺ on the Day of Khaibar, trading with the Jews, an *Uqiyah* of gold for two or three Dînâr. The Messenger of Allâh ﷺ said: 'Do not sell gold for gold, unless it is weight for weight.'"

[4079] 92 - (...) It was narrated from Hanash that he said: "We were with Faḍâlât bin 'Ubayd on a campaign, and there fell to my lot and that of my companions a necklace that contained gold, pearls and jewels. I wanted to buy it, so I asked Faḍâlât bin 'Ubayd and he said: 'Extract its gold and put it in one pan, and

حَشْنِ الصَّنْعَانِيِّ، عَنْ فَضَالَةَ بْنِ عُبَيْدٍ قَالَ: اشْتَرَيْتُ، يَوْمَ خَيْرٍ، قِلَادَةً يَا شَيْءَ عَشَرَ دِينَارًا، فِيهَا ذَهَبٌ وَخَرْزٌ، فَفَصَلَتُهَا، فَوَجَدْتُ فِيهَا أَكْثَرَ مِنْ أُثْنَيْ عَشَرَ دِينَارًا، فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «لَا تُبَاعُ حَتَّى تُفَصَّلَ».

[٤٠٧٧] (...) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا أَبْنُ الْمُبَارِكِ، عَنْ سَعِيدِ بْنِ يَزِيدَ بِهِذَا الْإِسْنَادِ، نَحْوُهُ.

[٤٠٧٨] ٩١- (...) حَدَّثَنَا قَتْمَيْهُ [بْنُ سَعِيدٍ]: حَدَّثَنَا لَيْثٌ عَنْ أَبْنِ أَبِي جَعْفَرٍ، عَنِ الْجَلَاحِ أَبِي كَثِيرٍ: حَدَّثَنِي حَشْنِ الصَّنْعَانِيِّ عَنْ فَضَالَةَ أَبْنِ عُبَيْدٍ قَالَ: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ يَوْمَ خَيْرٍ، نُبَايِعُ الْيَهُودَ، الْأُوقِيَّةَ الْذَّهَبَ بِالدِّينَارِيْنَ وَالثَّلَاثَةَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَبِعُوا الْذَّهَبَ بِالْذَّهَبِ، إِلَّا وَرَنَا بِوَرْنَ».

[٤٠٧٩] ٩٢- (...) حَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا أَبْنُ وَهْبٍ عَنْ فُرَّةَ أَبْنِ عَبْدِ الرَّحْمَنِ الْمَعَافِرِيِّ وَعَمْرُو بْنِ الْحَارِثِ وَغَيْرِهِمَا؛ أَنَّ عَامِرَ بْنَ يَحْيَى الْمَعَافِرِيَّ أَخْبَرَهُمْ عَنْ حَشْنِ أَبَنَهُ قَالَ: كُنَّا مَعَ فَضَالَةَ بْنِ عُبَيْدٍ فِي غَرْوَةٍ: فَطَارَتْ

put your gold in the other pan, and do not take it unless (you give) like for like, for I heard the Messenger of Allâh ﷺ say: "Whoever believes in Allâh and the Last Day, let him not take (anything) except like for like."

لِي وَلَا صَحَابِي قِلَادَةٌ فِيهَا ذَهَبٌ وَوَرْقٌ
وَجَوَاهِرٌ، فَأَرَدْتُ أَنْ أَشْرِيَهَا، فَسَأَلْتُ
فَضَالَّةَ بْنَ عَبْيَدٍ فَقَالَ: إِنْعَ ذَهَبَهَا فَاجْعَلْهُ
فِي كِفَّةٍ، وَاجْعَلْ ذَهَبَكَ فِي كِفَّةٍ، ثُمَّ لَا
تَأْخُذْنَ إِلَّا مِثْلًا بِمِثْلٍ، فَإِنِّي سَمِعْتُ
رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ كَانَ يُؤْمِنُ بِاللَّهِ
وَالْيَوْمِ الْآخِرِ فَلَا يَأْخُذْنَ إِلَّا مِثْلًا
بِمِثْلٍ».

Chapter 18. Selling Food Like For Like

[4080] 93 - (1592) It was narrated from Ma'mar bin 'Abdullâh that he sent his slave with a *Sâ'* of wheat and he said: "Sell it then buy barley." The slave went and took a *Sâ'* and part of a *Sâ'* more. When he came to Ma'mar he told him about that, and Ma'mar said to him: "Why did you do that? Go and give it back, and do not take anything but like for like, for I used to hear the Messenger of Allâh ﷺ say: 'Food for food, like for like.' And our food at that time was barley. It was said to him: 'It is not like it.' He said: 'I am afraid that it may be similar.'"

(المعجم ١٨) - (باب بيع الطعام مثلاً بمثل) (التحفة ٣٩)

[٤٠٨٠] ٩٣ - (١٥٩٢) حَدَّثَنَا هَارُونُ
ابْنُ مَعْرُوفٍ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ وَهْبٍ:
أَخْبَرَنِي عَمْرُو؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ:
أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ عَمْرُو بْنِ الْحَارِثِ؛
أَنَّ أَبَا النَّضِيرِ حَدَّثَنَا، أَنَّ بُشَّرَ بْنَ سَعِيدَ
حَدَّثَنَا، عَنْ مَعْمَرِ بْنِ عَبْدِ اللَّهِ أَنَّهُ أَرْسَلَ
غُلَامًا بِصَاعٍ فَمُحِّ، فَقَالَ: بِعْثَمَ ثُمَّ اشْتَرَ
بِهِ شَعِيرًا، فَلَدَّهُ الْغُلَامُ فَأَخَذَ صَاعًا
وَزِيَادَةَ بَعْضِ صَاعٍ، فَلَمَّا جَاءَ مَعْمَرًا
أَخْبَرَهُ بِذَلِكَ، فَقَالَ لَهُ مَعْمَرٌ: لَمْ فَعَلْتَ
ذَلِكَ؟ انْطَلَقْ فَرْدًا، وَلَا تَأْخُذْنَ إِلَّا مِثْلًا
بِمِثْلٍ، فَإِنِّي كُنْتُ أَشْمَعُ رَسُولَ اللَّهِ ﷺ
يَقُولُ: «الطَّعَامُ بِالطَّعَامِ مِثْلًا بِمِثْلٍ»
[قَالَ]: وَكَانَ طَعَامُنَا يَوْمَئِذٍ الشَّعِيرَ. قَبْلَ

[لَهُ]: فَإِنَّهُ لَيْسَ بِمُمْلِكَةِ، قَالَ: فَإِنِّي أَحَافُ
أَنْ يُضَارَّعَ.

[٤٠٨١] ٩٤ - [١٥٩٣] حَدَّثَنَا عَنْ

اللهُ بْنُ مَسْلَمَةَ بْنِ قَعْبَةَ: حَدَّثَنَا سُلَيْمَانُ
يَغْنِي ابْنَ يَلَالِ، عَنْ عَبْدِ الْمَجِيدِ بْنِ
سَهْلَيْنَ بْنِ عَبْدِ الرَّحْمَنِ؛ أَنَّهُ سَمِعَ سَعِيدَ
ابْنَ الْمُسَيْبَ يُحَدِّثُ؛ أَنَّ أَبَا هُرَيْرَةَ وَأَبَا
سَعِيدِ الْخُدْرِيَّ حَدَّثَاهُ؛ أَنَّ رَسُولَ اللهِ ﷺ
بَعَثَ أَخَا بَنِي عَدَىِ الْأَصْصَارِيَّ فَاسْتَعْمَلَهُ
عَلَىِ خَيْرٍ، فَقَدِيمَ بِتَمْرِ جَنِيبٍ، فَقَالَ لَهُ
رَسُولُ اللهِ ﷺ: «أَكُلْ تَمْرَ خَيْرٍ هَكَذَا؟»
قَالَ: لَا، وَاللهِ يَا رَسُولَ اللهِ! إِنَّا لَنَسْتَرِي
الصَّاعَ بِالصَّاعِينِ مِنَ الْجَمْعِ، فَقَالَ
رَسُولُ اللهِ ﷺ: «لَا تَفْعَلُوا، وَلَكُنْ مِثْلًا
بِيَمِيلٍ، أَوْ بِعِوْنَى هَذَا وَاشْتَرُوا بِشَمِيمٍ مِنْ
هَذَا، وَكَذَلِكَ الْمِيزَانُ».

[٤٠٨٢] ٩٥ - [...] حَدَّثَنَا يَحْيَى

ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَىِ مَالِكٍ عَنْ
عَبْدِ الْمَجِيدِ بْنِ سَهْلَيْنَ بْنِ عَبْدِ الرَّحْمَنِ
بْنِ عَوْفٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ
أَبِي سَعِيدِ الْخُدْرِيِّ وَعَنْ أَبِي هُرَيْرَةَ؛ أَنَّ
رَسُولَ اللهِ ﷺ اسْتَعْمَلَ رَجُلًا عَلَىِ خَيْرٍ،
فَجَاءَهُ بِتَمْرِ جَنِيبٍ، فَقَالَ لَهُ رَسُولُ
اللهِ ﷺ: «أَكُلْ تَمْرَ خَيْرٍ هَكَذَا؟» فَقَالَ:

[٤٠٨٢] ٩٥ - [...] It was narrated from Abû Sa'eed Al-Khudrî and Abû Hurairah that the Messenger of Allâh ﷺ appointed a man over Khaibar, and he brought some fine-quality dates. The Messenger of Allâh ﷺ said to him: "Are all the dates of Khaibar like this?" He said: No, by Allâh, O Messenger of Allâh. We take one Sâ' of these in return for two Sâ', and two Sâ' for three Sâ'. The Messenger of Allâh ﷺ said: "Do not do that. Sell them

all for Dirham, then buy the fine-quality (*Janîb*) with the Dirham.”

لَا، وَاللَّهُ! يَا رَسُولَ اللَّهِ! إِنَّا لَنَأْخُذُ الصَّاعَ مِنْ هَذَا بِالصَّاعِينَ، وَالصَّاعِينَ بِالثَّلَاثِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَلَا تَفْعَلْ بِعِ الْجَمْعِ بِالدَّرَاهِمِ، ثُمَّ ابْتَغِ بِالدَّرَاهِمِ جَنِيَّاً».

[4083] 96 - (1594) Abû Sa'eed said: Bilâl brought some good quality (*Barnî*) dates and the Messenger of Allâh ﷺ said to him: “Where are these from?” Bilâl said: “We had some poor-quality dates, so I sold two *ṣâ'* of them for one *ṣâ'*, as food for the Prophet ﷺ.” At that, the Messenger of Allâh ﷺ said: “O! The essence of *Ribâ*! Do not do that. If you want to buy dates, then sell them in a separate transaction, then buy them.”

[٤٠٨٣]-[١٥٩٤] حَدَّثَنَا إِشْحُونُ بْنُ مَنْصُورٍ: حَدَّثَنَا يَحْيَى بْنُ صَالِحٍ الْوُحَاطِيُّ: حَدَّثَنَا مُعاوِيهُ وَهُوَ ابْنُ سَلَامٍ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ سَهْلٍ التَّمِيمِيُّ وَعَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيُّ - وَاللَّفظُ لَهُمَا - جَمِيعًا عَنْ يَحْيَى بْنِ حَسَانَ: حَدَّثَنَا مُعاوِيهُ وَهُوَ ابْنُ سَلَامٍ: أَخْبَرَنِي يَحْيَى وَهُوَ ابْنُ أَبِي كَثِيرٍ قَالَ: سَمِعْتُ عُقبَةَ بْنَ عَبْدِ الْعَافِرِ يَقُولُ: سَمِعْتُ أَبَا سَعِيدَ يَقُولُ: حَاءَ بِلَالٌ يَتَمَرِّ بِرَبِّنِيِّ، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «مِنْ أَيْنَ هَذَا؟» فَقَالَ بِلَالٌ: تَمْرٌ، كَانَ عِنْدَنَا، رَدِيٌّ. فَيَعْتُ مِنْهُ صَاعِينِ بِصَاعٍ، لِمَطْعَمِ الْبَيِّنِ ﷺ، فَقَالَ رَسُولُ اللَّهِ، عِنْدَ ذَلِكَ: «أَوَّلَهُ! عَيْنُ الرِّبَّا، لَا تَفْعَلْ، وَلَكِنْ إِذَا أَرَدْتَ أَنْ شَتَّرِي التَّمَرَ فِيْعَهُ بِسَعِ آخَرَ، ثُمَّ اشْتَرِيهِ».

لَمْ يَذْكُرْ ابْنُ سَهْلٍ فِي حَدِيثِهِ: عِنْ ذَلِكَ [٤٠٨٦]. [انظر:]

[4084] 97 - (...) It was narrated that Abû Sa'eed Al-Khudrî said: "Some dates were brought to the Messenger of Allâh ﷺ and he said: 'These are not our dates.' The man said: 'O Messenger of Allâh, we sold two Sâ' of our dates for a Sâ' of these.' The Messenger of Allâh ﷺ said: 'This is *Ribâ*. Take them back, then sell our dates and buy some of these for us.'"

[٤٠٨٤]-٩٧ (...) وَحَدَّثَنَا سَلَمَةُ
ابْنُ شَيْبٍ: حَدَّثَنَا الْحَسْنُ بْنُ أَعْيَنَ:
حَدَّثَنَا مَعْقِلٌ عَنْ أَبِي فَزَعَةَ الْبَاهِلِيِّ، عَنْ
أَبِي نَصْرَةَ، عَنْ أَبِي سَعِيدِ الْجُدْرِيِّ قَالَ:
أُتِيَ رَسُولُ اللَّهِ ﷺ بِتَمْرٍ، فَقَالَ: «مَا هَذَا
الثَّمْرُ مِنْ تَمْرِنَا» فَقَالَ الرَّجُلُ: يَا رَسُولَ
اللَّهِ! بِعْنَا تَمْرَنَا صَاعِينَ بِصَاعَ مِنْ هَذَا،
فَقَالَ رَسُولُ اللَّهِ ﷺ: «هَذَا الرِّبَا،
فَرَدَّهُ، ثُمَّ بَيْعُوا تَمْرَنَا وَاشْتَرَوْا لَنَا مِنْ
هَذَا». .

[4085] 98 - (1595) It was narrated that Abû Sa'eed said: "We were given dates of mixed quality at the time of the Messenger of Allâh ﷺ, and we used to sell two Sâ' for one. News of that reached the Messenger of Allâh ﷺ and he said: 'Do not sell two Sâ' of dates for one, or two Sâ' of wheat for one, or two Dirham for one.'"

[٤٠٨٥]-٩٨ [١٥٩٥] حَدَّثَنِي إِسْحَاقُ بْنُ مَضْوِرٍ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ
مُوسَى عَنْ شَيْبَانَ، عَنْ يَحْيَى، عَنْ أَبِي
سَلَمَةَ، عَنْ أَبِي سَعِيدٍ قَالَ: كُنَّا نُزَرِّقُ
ثَمْرَ الْجَمْعِ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ،
وَهُوَ الْخُلْطُ مِنَ الثَّمْرِ، فَكُنَّا نَبْيَعُ صَاعِينَ
بِصَاعٍ، فَبَلَغَ ذَلِكَ رَسُولُ اللَّهِ ﷺ فَقَالَ:
«لَا صَاعِينَ تَمْرٍ بِصَاعٍ، وَلَا صَاعِينَ حِنْطَةٍ
بِصَاعٍ، وَلَا دِرْهَمَ بِدِرْهَمَيْنِ». .

[4086] 99 - (1594) It was narrated that Abû Nadrah said: "I asked Ibn 'Abbâs about exchanging. He said: 'Is it hand to hand?' I said: 'Yes.' He said: 'There is nothing wrong with it.' I told Abû Sa'eed: 'I asked Ibn 'Abbâs about exchanging. He

[٤٠٨٦]-٩٩ [١٥٩٤] حَدَّثَنِي عَمْرُو النَّاقِدُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ
سَعِيدِ الْجَرَيْرِيِّ، عَنْ أَبِي نَصْرَةَ قَالَ:
سَأَلْتُ ابْنَ عَبَّاسٍ عَنِ الصَّرْفِ؟ فَقَالَ:
أَيَّدَا بِيَدِ؟ قُلْتُ: نَعَمْ، قَالَ: لَا بَأْسَ بِهِ،

said: "Is it hand to hand?" I said: "Yes." He said: "There is nothing wrong with it." He said: 'Did he say that? We will write to him and tell him not to give that ruling.' He said: 'By Allâh, one of the slaves of the Messenger of Allâh ﷺ brought some dates and he found them odd and said: "It seems that these are not the dates of our land." He said: "Something happened to the dates of our land" - or "our dates" - "this year, so I took this and I gave more in return." He said: "If you gave something more, you engaged in *Ribâ*. Do not do it again. If you think there is something wrong with your dates, sell them then buy whatever dates you want."

فَأَخْبَرْتُ أَبَا سَعِيدِ، فَقُلْتُ: إِنِّي سَأْلُ أَبْنَ عَبَّاسٍ عَنِ الصَّرْفِ؟ فَقَالَ: أَيْدَا بِيَدِ؟ قُلْتُ: نَعَمْ، قَالَ: فَلَا بَأْسَ بِهِ، قَالَ أَوْ قَالَ ذَلِكَ؟ إِنَّا سَنَكْتُبُ إِلَيْهِ فَلَا يُفْتَنُكُمُوهُ، قَالَ: فَوَاللَّهِ! لَقَدْ جَاءَ بَعْضُ فِتْنَاتِ رَسُولِ اللَّهِ ﷺ بِتَمْرٍ فَانْكَرَهُ، فَقَالَ: «كَانَ هَذَا لَيْسَ مِنْ تَمْرِ أَرْضِنَا». قَالَ: كَانَ فِي تَمْرِ أَرْضِنَا - أَوْ فِي تَمْرِنَا - الْعَامَ، بَعْضُ الشَّيْءِ، فَأَحَدَثْتُ هَذَا وَزِدْتُ بَعْضَ الرِّزْيَادَةِ، فَقَالَ: «أَضْعَفْتَ، أَرْبَيْتَ، لَا تَقْرَبَنَّ هَذَا، إِذَا زَابَكَ مِنْ تَمْرِكَ شَيْءٍ فَيُعْنِيهُ، ثُمَّ اشْتَرِي الَّذِي تُرِيدُ مِنْ التَّمْرِ».

[راجع: ٤٠٨٣]

[4087] 100 - (...) It was narrated that Abû Naâdrah said: "I asked Ibn 'Umar and Ibn 'Abbâs about exchange, and they did not see anything wrong with it. I was sitting with Abû Sa'eed Al-Khudrî and I asked him about exchange. He said: 'Whatever is extra is *Ribâ*,' and I did not accept it because of what they had said. He said: 'I am only narrating to you what I heard from the Messenger of Allâh ﷺ. A man who was taking care of the Prophet's date palms brought him a *Sâ'* of fine dates and the dates of the Prophet ﷺ were not of this type. The Prophet ﷺ said

إِسْلَحْقُنْ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدُ الْأَعْلَى: أَخْبَرَنَا دَاوُدُ عَنْ أَبِي نَصْرَةَ قَالَ: سَأْلُ أَبْنَ عَمْرٍ وَابْنَ عَبَّاسٍ عَنِ الصَّرْفِ فَلَمْ يَرَيَا بِهِ بَأْسًا، فَلَيْسَ لِقَاعِدٍ عِنْدَ أَبِي سَعِيدِ الْخُدْرِيِّ فَسَأْلُهُ عَنِ الصَّرْفِ؟ فَقَالَ: مَا زَادَ فَهُوَ رِبَّا، فَأَنْكَرْتُ ذَلِكَ لِقُولِهِمَا، فَقَالَ: لَا أَحَدُنُكَ إِلَّا مَا سَمِعْتُ مِنْ رَسُولِ اللَّهِ ﷺ، جَاءَهُ صَاحِبُ تَخْلِيَةِ بِصَاعٍ مِنْ تَمْرِ طَيْبٍ، وَكَانَ تَمْرُ الشَّيْءِ ﷺ هَذَا الْلَّوْنَ، فَقَالَ لَهُ الشَّيْءِ ﷺ: أَنَّى لَكَ

to him: "Where did you get this?" He said: "I sold two *Sâ'* and bought this *Sâ'* with them. That is the price for this in the market." The Messenger of Allâh ﷺ said: "Woe to you, you have engaged in *Ribâ*. If you want to do that, sell your dates for another commodity and then buy whatever dates you want with it."

Abû Sa'eed said: "Dates for dates is closer to *Ribâ* than silver for silver." He said: "I went to Ibn 'Umar after that and he told me not to do that, and I did not go to Ibn 'Abbâs." He said: "Abû As-*Şahbâ*' told me that he asked Ibn 'Abbâs about it in Makkah and he disapproved of it."

[4088] 101 - (1596) It was narrated that Abû Sâlih said: "I heard Abû Sa'eed Al-Khudrî say: 'Dînâr for Dînâr, Dirham for Dirham, like for like; whoever gives more or asks for more has engaged in *Ribâ*.' I said to him: 'Ibn 'Abbâs says something different.' He said: 'I met Ibn 'Abbâs and I said: "Do you think that what you say is something that you heard from the Messenger of Allâh ﷺ or found in the Book of Allâh?" He said: "I did not hear it from the Messenger of Allâh ﷺ and I did not find it in the Book of Allâh, but Usâmah bin Zaid told me that the Prophet ﷺ said: '*Ribâ* is in the case of delayed payment.'"

هذا؟" قال: انطلقت بِصاعين فاشترى به هذا الصاع، فإن سعر هذا في السوق كذا، وسعر هذا كذا، فقال رسول الله ﷺ: "وَيْلَكَ أَرْبَيْتَ، إِذَا أَرَدْتَ ذَلِكَ فَبَعْ تَمْرَكَ بِسُلْعَةٍ، ثُمَّ اشْتَرِ بِسُلْعَاتِكَ أَيْ تَمْرٍ شَتَّى".

قال أبو سعيد: فالتمر بالتمر أحق أن يكون ربا أم الفضة بالفضة؟ قال: فائتى ابن عمر، بعد، فهانى ولم آت ابنا عباس، قال: فحدثنى أبو الصهاباء أنه سأله ابنا عباس عنه يمكأ، فكرره.

[4088] 101 - (1596) حديث
محمد بن عبد ومحمد بن حاتم وأبن أبي عمر، جمیعا عن سفیان بن عینه - واللفظ لابن عبد - قال: حدثنا سفیان عن عمرو، عن أبي صالح قال: سمعت أبا سعيد الخدري يقول: الدينار بالدينار، والدرهم بالدرهم، مثلاً بمثل، من زاد أو ارداه فقد أربى، فقلت له: إن ابنا عباس يقول غير هذا فقال: لقد لقيت ابنا عباس، فقلت: أرأيت هذا الذي تقول أشيء سمعته من رسول الله ﷺ أو وجدته في كتاب الله عز وجل؟ فقال: لم أسمعه من رسول

الله ﷺ، ولم أجدُه في كتاب الله، ولكن حدثني أسامة بن زيد أن النبي ﷺ قال: «الربا في النسبة».

[4089] 102 - (...) It was narrated from 'Ubaidullâh bin Abî Yazid that he heard Ibn 'Abbâs say: "Usâmah bin Zaid told me that the Prophet ﷺ said: 'Ribâ is only in the case of delayed payment.'"

[٤٠٨٩] ١٠٢ - (...) حدثنا أبو بكر بن أبي شيبة وعمرو الثناقي ويسحق ابن إبراهيم وأبن أبي عمر - واللقطة لعمرو، قال إسحاق: أخبرنا، وفألي الآخرون: حدثنا - سفيان بن عيينة عن عبيد الله بن أبي يزيد [أنه] سمع ابن عباس يقول: أخبرني أسامة بن زيد عن النبي ﷺ قال: «إنما الربا في النسبة».

[4090] 103 - (...) It was narrated from Ibn 'Abbâs, from Usâmah bin Zaid, that the Messenger of Allâh ﷺ said: "There is no Ribâ in that which is hand to hand."

[٤٠٩٠] ١٠٣ - (...) حدثنا زهير ابن حرب: حدثنا عفان، وحدثني محمد بن حاتم: حدثنا بهز قال: حدثنا وهب: حدثنا ابن طاوس عن أبيه، عن ابن عباس، عن أسامة بن زيد؛ أن رسول الله ﷺ قال: «لا ربا فيما كان يدا بيده».

[4091] 104 - (...) 'Atâ' bin Abî Rabâh narrated that Abû Sa'eed Al-Khudrî met Ibn 'Abbâs and said to him: "Do you think that what you said about exchange is something that you heard from the Messenger of Allâh ﷺ, or something that you found in the Book of Allâh?" Ibn 'Abbâs said: "I do not say that it is either of

[٤٠٩١] ١٠٤ - (...) حدثنا الحكم بن موسى: حدثني هقل عن الأوزاعي قال: حدثني عطاء بن أبي رباح؛ أن أبا سعيد الخدري لقي ابن عباس فقال له: أرأيت قولك في الصرف، [أ] شيئا سمعته من رسول

them. As for the Messenger of Allâh ﷺ, you are more knowledgeable than me, and as for the Book of Allâh, I do not know it better (than you), but Usâmah bin Zaid told me that the Messenger of Allâh ﷺ said: ‘Indeed, *Ribâ* is only in the case of delayed payment.’”

اللّهُ أَعْلَمُ، أَمْ شِئْتَ وَجَدْتَهُ فِي كِتَابِ اللّهِ
عَزَّ وَجَلَّ؟ قَالَ ابْنُ عَبَّاسٍ: كُلًا لَا
أَقُولُ. أَمَّا رَسُولُ اللّهِ أَعْلَمُ فَأَنْتُمْ أَعْلَمُ
بِهِ [مِنِّي] وَأَمَّا كِتَابُ اللّهِ فَلَا أَعْلَمُهُ،
وَلِكُنْ حَدَّثَنِي أُسَامَةُ بْنُ زَيْدٍ أَنَّ رَسُولَ
اللّهِ أَعْلَمُ فَقَالَ: «أَلَا إِنَّمَا الرِّبَا فِي
الشَّيْءَيْنِ».

Chapter 19. Cursing The One Who Consumes *Ribâ* And The One Who Pays It

[4092] 105 - (1597) It was narrated that ‘Abdullâh said: “The Messenger of Allâh ﷺ cursed the one who consumes *Ribâ* and the one who pays it.” I (the narrator) said: “And the one who writes it down and the two who witness it?” He said: “We only narrate what we heard.”

(المعجم ١٩) - (باب لعن آكل الربا
ومؤكله) (التحفة ٤٠)

عُثْمَانُ بْنُ أَبِي سَيْفَيْهِ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ
- وَاللَّفْظُ لِعُثْمَانَ، قَالَ إِسْحَاقُ: أَخْبَرَنَا،
وَقَالَ عُثْمَانُ: حَدَّثَنَا - جَرِيرُ عَنْ مُغِيرَةَ
قَالَ: سَأَلَ شَبَّاكَ إِبْرَاهِيمَ، فَحَدَّثَنَا عَنْ
عَلْقَمَةَ، عَنْ عَبْدِ اللّهِ قَالَ: لَعْنَ رَسُولِ
اللّهِ أَعْلَمُ آكِلِ الربا وَمُؤْكِلِهِ. قَالَ: قُلْتُ:-
وَكَاتِبُهُ وَشَاهِدَيْهِ؟ قَالَ: إِنَّمَا نُحَدِّثُ بِمَا
سَمِعْنَا.

[4093] 106 - (1598) It was narrated that Jâbir said: “The Messenger of Allâh ﷺ cursed the one who consumes *Ribâ* and the one who pays it, the one who writes it down and the two who witness it,” and he said: “They are all the same.”

مُحَمَّدُ بْنُ الصَّبَّاحِ وَرَهْبَرُ بْنُ حَرْبِ
وَعُثْمَانُ بْنُ أَبِي شَيْفَيْهِ قَالُوا: حَدَّثَنَا
هُشَيْمٌ: أَخْبَرَنَا أَبُو الرُّزْبَرِ عَنْ جَابِرٍ قَالَ:
لَعْنَ رَسُولِ اللّهِ أَعْلَمُ آكِلِ الربا، وَمُؤْكِلِهِ،
وَكَاتِبِهِ، وَشَاهِدَيْهِ، وَقَالَ: هُمْ سَوَاءٌ.

Chapter 20. Taking That Which Is Lawful And Leaving That Which Is Unclear

[4094] 107 - (1599) It was narrated that An-Nu'mân bin Bashîr said: "The Messenger of Allâh ﷺ said - and An-Nu'mân pointed with his fingers to his ears - "That which is lawful is clear and that which is unlawful is clear, and between them are matters which are unclear which many people do not understand. Whoever guards against the unclear matters, he will protect his religion and his honor, but whoever falls into that which is unclear, he will soon fall into that which is unlawful. Like a shepherd who grazes his flock around the sanctuary; he will soon graze in it. Verily, every king has his prohibited land and verily, the prohibited land of Allâh is that which He has forbidden. In the body there is a piece of flesh which, if it is healthy, the entire body will be healthy but if it is corrupt, the entire body will be corrupt. Verily it is the heart."

[4095] (...) Zakariyyâ narrated a similar report (as no. 4094) with this chain.

[4096]... - (...) This *Hadîth* was

(المعجم ٢٠) - (باب أخذ الحلال وترك الشبهات) (التحفة ٤١)

[٤٠٩٤-١٥٩٩] [١٠٧] وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعَيْرِ الْهَمْدَانِيُّ حَدَّثَنَا أَبِي حَدَّثَنَا زَكَرِيَّاً عَنِ الشَّعَيْبِ، عَنِ النَّعْمَانَ بْنِ بَشِيرٍ قَالَ: سَمِعْتُهُ يَقُولُ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: وَأَهْوَى النَّعْمَانُ بِإِضَبَاعِهِ إِلَى أَذْنِيهِ - «إِنَّ الْحَلَالَ بَيْنَ وَإِنَّ الْحَرَامَ بَيْنَ وَبَيْنَهُمَا مُشَبِّهَاتٌ لَا يَعْلَمُهُنَّ كَثِيرٌ مِنَ النَّاسِ، فَمَنِ اتَّقَى الشَّبَهَاتِ اسْتَبَرَّ لِدِينِهِ وَعَرَضَهُ، وَمَنْ وَقَعَ فِي الشَّبَهَاتِ وَقَعَ فِي الْحَرَامِ، كَالرَّاعِي يَرْعَى حَوْلَ الْحَمْنَى مُوْشِكٌ أَنْ يَرْتَعَ فِيهِ، أَلَا! وَإِنَّ لِكُلِّ مَلِكٍ حَمَّى، أَلَا! وَإِنَّ حَمَى اللَّهِ مَحَارِمُهُ، أَلَا! وَإِنَّ فِي الْجَسَدِ مُضْعَةً، إِذَا صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ وَإِذَا فَسَدَتْ، فَسَدَ الْجَسَدُ كُلُّهُ، أَلَا! وَهِيَ الْقُلُبُ».]

[٤٠٩٥] (...) [و] حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنِي عِيسَى بْنُ يُونُسَ قَالَا: أَخْبَرَنَا زَكَرِيَّاً بِهَذَا الإِسْنَادِ، مِثْلُهُ.

[٤٠٩٦] (...) [و] حَدَّثَنَا إِسْحَاقُ بْنُ

narrated from An-Nu'mân bin Bashîr from the Prophet ﷺ, except that the *Hadîth* of Zakariyyâ (no. 4094) is more complete and longer than their *Hadîth*.

إِبْرَاهِيمَ: أَخْبَرَنَا جَرِيرٌ عَنْ مُطَرِّبٍ وَأَبِي فَرْوَةَ الْهَمْدَانِيِّ؛ وَحَدَّثَنَا قَيْمِيَّةُ [بْنُ سَعِيدٍ]: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَنِ الْفَارَّاَيِّ عَنِ ابْنِ عَجْلَانَ، عَنْ عَبْدِ الرَّحْمَنِ ابْنِ سَعِيدٍ، كُلُّهُمْ عَنِ الشَّعِيْرِ، عَنِ النَّعْمَانِ بْنِ بَشِيرٍ عَنِ النَّبِيِّ ﷺ بِهَذَا الْحَدِيثِ، غَيْرَ أَنَّ حَدِيثَ زَكَرِيَّاَ أَتَمُّ مِنْ حَدِيثِهِمْ، وَأَكْثَرُ.

[4097] 108 - (...) It was narrated from 'Âmir Ash-Shâ'bî that he heard An-Nu'mân bin Bashîr, the Companion of the Messenger of Allâh ﷺ, addressing the people in Hîmş. He said: "That which is lawful is clear and that which is unlawful is clear," and he mentioned a *Hadîth* similar to that of Zakariyyâ from Ash-Shâ'bî (no. 4094), up to the words: "Soon he will fall into it."

[4097] 108 - (...) حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ شَعِيبٍ بْنِ الْلَّيْثِ بْنِ سَعْدٍ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي خَالِدُ بْنُ يَزِيدَ: حَدَّثَنِي سَعِيدُ بْنُ أَبِي هَلَالٍ عَنْ عَوْنَانِ عَبْدِ اللَّهِ، عَنْ عَامِرِ الشَّعِيْرِ؛ أَنَّهُ سَمِعَ النَّعْمَانَ بْنَ بَشِيرٍ بْنِ سَعْدٍ، صَاحِبَ رَسُولِ اللَّهِ ﷺ وَهُوَ يَخْطُبُ النَّاسَ بِحَمْصَ، وَهُوَ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْحَلَالُ بَيْنَ الْحَرَامِ بَيْنَ». فَذَكَرَ يَمْثُلُ حَدِيثَ زَكَرِيَّاَ عَنِ الشَّعِيْرِ - إِلَى قَوْلِهِ - : «يُوشِكُ أَنْ يَقَعَ فِيهِ».

Chapter 21. Selling Camels And Stipulating That One May Ride Them

[4098] 109 - (715) Jâbir bin 'Abdullâh narrated that he was riding on a camel which had grown weak, and he wanted to let

(المعجم ٢١) - (بَابُ بَيعِ الْبَعِيرِ
واسْتِئْنَاءِ رَكْوِيهِ) (التحفة ٤٢)

[4098] 109 - (715) حَدَّثَنَا مُحَمَّدُ ابْنُ عَبْدِ اللَّهِ بْنِ نُعْمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا زَكَرِيَّاَ عَنْ عَامِرٍ: حَدَّثَنِي جَابِرُ بْنُ عَبْدِ

it go. He said: "The Prophet ﷺ caught up with me and he prayed for me and struck it, then it ran as it had never run before. He said: 'Sell it to me for an *Uqiyah*.' I said: 'No.' Then he said: 'Sell it to me.' So I sold it to him for an *Uqiyah*, but I stipulated that I would ride it back to my family. When I arrived, I brought the camel to him, and he paid me its price. Then I went back, and he sent (someone) after me and said: 'Do you think that I bargained with you so that I could take your camel? Take your camel and your Dirham, for they are yours.'"

[4099] (...) It was narrated from 'Âmir: "Jâbir bin 'Abdullâh told me... a *Hadîth* like that of Ibn Numair (no. 4098)."

[4100] 110 - (...) It was narrated that Jâbir bin 'Abdullâh said: "I went on a campaign with the Messenger of Allâh ﷺ and he caught up with me while I was riding a camel of mine that had grown weak and could hardly walk. He said to me: 'What is the matter with your camel?' I said: 'It has grown weak.' The Messenger of Allâh ﷺ fell behind and prodded it, and prayed for it, and (after that) it was always in front of the other camels, running ahead of them. He said to me: 'How do you find

الله؛ أَنَّهُ كَانَ يَسِيرُ عَلَى جَمَلٍ لَهُ قَدْ أَعْيَا، فَأَرَادَ أَنْ يُسْبِيَهُ، قَالَ: فَلَحِقَنِي الْبَيْتُ ﷺ، فَدَعَا لِي وَضْرَبَهُ، فَسَارَ سَيِّرًا لَمْ يَسِيرْ مِثْلَهُ، قَالَ: «يُعْنِيهِ بِوْقَيَّةٍ» قُلْتُ: لَا، ثُمَّ قَالَ: «يُعْنِيهِ» فَبَعْثَتْ بِوْقَيَّةً، وَاسْتَشْتَكَ عَلَيْهِ حُمْلَانُهُ إِلَى أَهْلِي، ثُمَّ بَلَغَتْ أَيْتُهُ بِالْجَمَلِ، فَنَقَدَنِي ثَمَنُهُ، ثُمَّ رَجَعْتُ، فَأَرْسَلَ فِي أَتْرِي، فَقَالَ: «أَتُرَانِي مَا كَسْتُكَ لِأَخْذَ جَمَلَكَ؟» - جَمَلَكَ وَدَرَاهِمَكَ، فَهُوَ لَكَ». [راجع: ١٦٥٦]

[4099] (...) وَحَدَّثَنَا عَلَيُّ بْنُ حَسْرَمٍ: أَخْبَرَنَا عِيسَى يَعْنِي ابْنَ يُوسُفَ عَنْ رَجَبِيَّاءَ، عَنْ عَامِرٍ: حَدَّثَنِي جَابِرُ بْنُ عَبْدِ اللَّهِ، يُمْثِلُ حَدِيثَ ابْنِ نُعْمَيْرٍ.

[4100] (...) حَدَّثَنَا عُثْمَانُ ابْنُ أَبِي شَيْبَةَ وَإِسْحَاقَ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِعُثْمَانَ - قَالَ إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ عُثْمَانُ: حَدَّثَنَا - جَرِيرٌ عَنْ مُغِيرَةَ، عَنِ الشَّعَرَى، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: غَرَوْتُ مَعَ رَسُولِ اللَّهِ ﷺ، فَلَاحَقَ بِي، وَتَحْتَيِ نَاضِحٌ لِي قَدْ أَعْيَا وَلَا يَكُادُ يَسِيرُ، قَالَ: فَقَالَ لِي: «مَا لِيَعِيرُكَ؟» قَالَ: قُلْتُ: عَلِيلٌ، قَالَ: فَتَخَلَّفَ رَسُولُ

you: camel?" I said: 'It is fine; your blessing has reached it.' He said: 'Will you sell it to me?' I felt shy, and we did not have any camel but this one, so I said: 'Yes.' So I sold it to him, on the condition that I would ride it until I reached Al-Madînah. I said to him: 'O Messenger of Allâh, I am newly married,' and I asked him for permission to go on ahead, and he gave me permission. So I went ahead of the people until I reached Al-Madînah. There my maternal uncle met me and asked about the camel, and I told him what I had done with it, and he criticized me. And the Messenger of Allâh ﷺ said to me when I asked him for permission: 'Who did you marry, a virgin or a previously-married woman?' I said: 'I married a previously-married woman.' He said: 'Why not a virgin, so you could play with her and she could play with you?' I said to him: 'O Messenger of Allâh, my father has died' - or 'was martyred' - 'and I have young sisters. I did not want to marry one who was like them, who would not teach them manners and look after them. So I married a previously-married woman who would look after them and teach them manners.' When the Messenger of Allâh ﷺ came to Al-Madînah, I took the camel to him the next morning, and he gave me its price and returned it to me."

اللَّهُ يَعْلَمُ فَرَجَهُ وَدَعَا لَهُ، فَمَا زَالَ يَنْبَيِّدِي إِلَيْهِ قُدَّامَهَا يَسِيرُ، [قَالَ]: فَقَالَ لِي «كَيْفَ تَرَى بَعِيرَكَ؟» قَالَ: قُلْتُ: بِخَيْرٍ، قَدْ أَصَابَتْهُ بَرَكَتُكَ. قَالَ: أَفَبَيْعُنِيهِ؟ فَأَسْتَحْيِيُّ، وَلَمْ يَكُنْ لَنَا نَاصِحٌ غَيْرُهُ، قَالَ: فَقُلْتُ: نَعَمْ، فَيَعْتَهُ إِيَّاهُ، عَلَى أَنَّ لِي فَقَارَ ظَهِيرَهُ حَتَّى أَبْلُغَ الْمَدِينَةَ، قَالَ: فَقُلْتُ لَهُ: يَا رَسُولَ اللَّهِ! أَنِّي عَرْوَسٌ فَاسْتَأْذِنُهُ، فَأَذْنَنِي، فَنَقْدَمْتُ النَّاسَ إِلَى الْمَدِينَةِ حَتَّى انتَهَيْتُ، فَلَقِيَنِي خَالِي فَسَأَلَنِي عَنِ التَّبَعِيرِ، فَأَخْبَرْتُهُ بِمَا صَنَعْتُ فِيهِ، فَلَامَنِي فِيهِ، قَالَ: وَقَدْ كَانَ رَسُولُ اللَّهِ يَعْلَمُهُ قَالَ لِي حِينَ اسْتَأْذَنْتُهُ: «مَا تَرَوْجُتْ ثَيَّبًا، قَالَ: «أَفَلَا تَرَوْجُتْ بِكُرَّا تَرَوْجُتْ ثَيَّبًا، قَالَ: «أَفَلَا تَرَوْجُتْ بِكُرَّا تُلَاعِبُهَا وَتُلَاعِبُنَّكَ؟» فَقُلْتُ لَهُ: يَا رَسُولَ اللَّهِ! تُؤْفَى وَالْدِي - أَوِ الشَّهِيدَ - وَلِي حَوَاتُ صِعَارٌ، فَكَرِهْتُ أَنْ أَتَرَوْجَ إِلَيْهِنَّ مِثْهُنَّ، فَلَا تُؤَدِّهِنَّ وَلَا تَقُومُ عَلَيْهِنَّ، فَتَرَوْجُتْ ثَيَّبًا لِنُفُومِ سَبَبَنَ وَتُؤَدِّبَهُنَّ - قَالَ - : فَلَمَّا ذَارَمْ رَسُولُ اللَّهِ يَعْلَمُ الْمَدِينَةَ، عَدَوْتُ إِلَيْهِ بِالْتَّبَعِيرِ، فَأَعْطَانِي ثَمَنَهُ، وَرَدَّهُ عَلَيَّ.

[4101] 111 - (...) It was narrated that Jâbir said: "We came back from Makkah to Al-Madînah with the Messenger of Allâh ﷺ, and my camel grew weak..." and he quoted a similar *Hadîth* (as no. 4100), in which it says: "Then he said to me: 'Sell this camel of yours to me.' I said: 'No, rather it is yours.' He said: 'No, sell it to me.' I said: 'No, rather it is yours, O Messenger of Allâh.' He said: 'No, sell it to me.' So I said: 'There is a man to whom I owe an *Uqiyah* of gold; it is yours in return for that.' He said: 'I will take it, but you may ride it until Al-Madînah.' When I reached Al-Madînah, the Messenger of Allâh ﷺ said to Bilâl: 'Give him an *Uqiyah* of gold, and a little more.' So he gave me an *Uqiyah* of gold, and added a *Qîrât*." He said: "I said: 'The extra that the Messenger of Allâh ﷺ gave me never left me; it was in a (money) bag of mine until the people of Ash-Shâm took it on the Day of Al-Harrah.'"

[4102] 112 - (...) It was narrated that Jâbir bin 'Abdullâh said: "We were with the Prophet ﷺ on a journey, and my camel fell behind..." he quoted the same *Hadîth* (as no. 4101) and said: "The Messenger of Allâh ﷺ prodded it, then he said to me:

ابن أبى شيبة: حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ جَابِرٍ قَالَ: أَقْبَلْنَا مِنْ مَكَّةَ إِلَى الْمَدِينَةِ مَعَ رَسُولِ اللَّهِ ﷺ، فَاغْتَلَ جَمْلِي . وَسَاقَ الْحَدِيثَ يَقْصِيهِ، وَفِيهِ: ثُمَّ قَالَ لِي: «يُغْنِي جَمْلَكَ هَذَا» قَالَ: قُلْتُ: لَا، بَلْ هُوَ لَكَ، قَالَ: «لَا، بَلْ يُغْنِي» قَالَ: قُلْتُ: لَا، بَلْ هُوَ لَكَ، يَا رَسُولَ اللَّهِ! قَالَ: «لَا، بَلْ يُغْنِي» قَالَ: قُلْتُ: فَإِنَّ لِرَجُلٍ عَلَيَّ أُوقِيَّةً ذَهَبٌ، فَهُوَ لَكَ بِهَا، قَالَ: «قَدْ أَخَدْتُهُ، فَتَبَلَّغَ عَلَيْهِ إِلَى الْمَدِينَةِ» قَالَ: فَلَمَّا قَدِمْتُ الْمَدِينَةَ، قَالَ رَسُولُ اللَّهِ ﷺ لِلْمُلَائِكَةِ لِلْلَّالِي: «أَعْطِهِ أُوقِيَّةً مِنْ ذَهَبٍ، وَزِدْهُ» قَالَ: فَأَعْطَانِي أُوقِيَّةً مِنْ ذَهَبٍ، وَزَادَنِي قِيرَاطًا، قَالَ قُلْتُ: لَا تُفَارِقُنِي زِيَادَةً رَسُولِ اللَّهِ ﷺ، قَالَ: فَكَانَ فِي كِيسٍ لِي، فَأَخَذَهُ أَهْلُ الشَّامَ يَوْمَ الْحَرَّةِ.

أبو بكر الجحدري: حَدَّثَنَا عَنْ الْوَاحِدِ بْنِ زِيَادٍ: - حَدَّثَنَا الْجُرَيْرِيُّ عَنْ أَبِي نَضْرَةَ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ، فَتَخَلَّفَ نَاصِحِي،

'Ride, in the Name of Allâh.''" And he also added: "He kept on giving me more and saying: 'May Allâh forgive you.'"

وَسَاقَ الْحَدِيثَ، وَقَالَ فِيهِ: فَخَسَّهُ رَسُولُ اللَّهِ ﷺ، ثُمَّ قَالَ لِي: «اْرْكِبْ بِاسْمِ اللَّهِ وَزَادَ أَيْضًا: قَالَ: فَمَا زَالَ يَزِيدُنِي وَيَقُولُ: «وَاللَّهُ يَعْفُرُ لَكَ».

[4103] 113 - (...) It was narrated that Jâbir said: "When the Prophet ﷺ came to me while my camel had grown weak, he prodded it and it jumped. After that, I was pulling on its reins (to slow it down) so that I could listen to what he was saying, but I could not manage it. The Prophet ﷺ caught up with me and said: 'Sell it to me.' So I sold it to him for five *Uqiyah*. I said: 'On condition that I may ride it back to Al-Madînah.' He said: 'You may ride it back to Al-Madînah.' When I came to Al-Madînah, I brought it to him and he gave me an extra *Uqiyah*, then he gave it to me."

[٤١٠٣] ١١٣ - (...) وَحَدَثَنِي أَبُو الرَّبِيعِ الْعَكْيُونِيُّ: حَدَّثَنَا حَمَادٌ: حَدَّثَنَا أَيُوبُ عَنْ أَبِي الرُّبِيعِ، عَنْ جَابِرٍ قَالَ: لَمَّا أَتَى عَلَيَّ النَّبِيُّ ﷺ، وَقَدْ أَعْيَا بَعِيرِي - قَالَ - فَخَسَّهُ فَوَثَبَ، فَكُثُرَ بَعْدَ ذَلِكَ أَحْسِنُ خِطَامَهُ لِأَسْمَعَ حَدِيثَهُ، فَمَا أَقْدَرُ عَلَيْهِ، فَلَحِقَنِي النَّبِيُّ ﷺ فَقَالَ: «بِعِنْيِهِ» فَعَنْتَهُ مِنْهُ بِخَمْسٍ أَوْ أَقْلَى، قَالَ قُلْتُ: عَلَى أَنَّ لِي ظَهُورُهُ إِلَى الْمَدِينَةِ، قَالَ: «وَلَكَ ظَهُورُهُ إِلَى الْمَدِينَةِ» - قَالَ - فَلَمَّا قَدِمْتُ الْمَدِينَةَ أَتَيْتُهُ بِهِ، فَرَادَنِي أُوقِيَّةٌ، ثُمَّ وَهَبَ لِي ﷺ.

[4104] 114 - (...) It was narrated that Jâbir bin 'Abdullâh said: "I traveled with the Messenger of Allâh ﷺ on one of his journeys" - I (the narrator) think he said it was a military campaign - and he narrated the *Hadîth* (as no. 4103) and added: "He said: 'O Jâbir, have you received the price in full?' I said: 'Yes.' He said: 'The price is yours and the camel is yours. The price is yours and the camel is yours.'"

[٤١٠٤] ١١٤ - (...) حَدَّثَنَا عُبَيْدُ بْنُ مُكْرِمٍ الْعَمَيْشِيُّ: حَدَّثَنَا يَعْقُوبُ بْنُ إِسْحَاقَ: حَدَّثَنَا بَشِيرُ بْنُ عَقبَةَ عَنْ أَبِي الْمُؤَكِّلِ النَّاجِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: سَافَرْتُ مَعَ رَسُولِ اللَّهِ ﷺ فِي بَعْضِ أَسْفَارِهِ - أَطْنَاهُ قَالَ غَازِيَا - وَاقْتَصَرَ الْحَدِيثَ وَزَادَ فِيهِ: قَالَ: «يَا جَابِرُ! أَتَوَفَّيْتَ التَّمَنَّ؟» قُلْتُ: نَعَمْ،

قَالَ: «لَكَ الشَّمْنُ وَلَكَ الْجَمَلُ. لَكَ الشَّمْنُ وَلَكَ الْجَمَلُ».

[4105] ١١٥ - (...) Jâbir bîn Abdullâh said: "The Messenger of Allâh ﷺ bought a camel from me for two *Uqiyah* and a Dirham or two Dirham. When we came to Shirâr, he ordered that a cow be slaughtered and they ate from it. When he came to Al-Madînah he told me to go to the *Masjid* and pray two *Rak'ah*, and he weighed *qâ'i* for me the price of the camel and gave me more."

[٤١٠٥- ١١٥] حَدَّثَنَا عَيْبُدُ اللَّهِ بْنُ مُعاَذِ الْعَنَبِرِيُّ: حَدَّثَنَا أَبْيَ حَدَّثَنَا شُعْبَةُ عَنْ مُحَارِبٍ: [أَنَّهُ] سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: إِشْتَرَى مِنِّي رَسُولُ اللَّهِ ﷺ بَعِيرًا بُوقِيَّتِينَ وَدِرْهَمًا أَوْ دِرْهَمَيْنِ، قَالَ: فَلَمَّا قَدِمَ صِرَارًا أَمَرَ بِيَقْرَأَةِ قُدْبِحَتْ، فَأَكَلُوا مِنْهَا، فَلَمَّا قَدِمَ الْمَدِينَةَ أَمْرَنِي أَنْ آتِيَ الْمَسْجِدَ فَأُصْلَى رَكْعَيْنِ، وَوَرَّأَنِي ثَمَنَ الْبَعِيرِ فَأَرْجَحَ لِي.

[4106] ١١٦ - (...) This report was narrated from Jâbir from the Prophet ﷺ (a *Hadîth* similar to no. 4105), except that he said: "He bought it from me for the price that he had stipulated," but he did not mention two *Uqiyahs* and a Dirham or two Dirham. And he said: "He ordered that a cow be slaughtered then he distributed its meat."

[٤١٠٦- ١١٦] حَدَّثَنِي يَحْيَى بْنُ حَبِيبِ الْخَارِثِيِّ: حَدَّثَنَا خَالِدُ ابْنُ الْخَارِثِ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنِي مُحَارِبٌ عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ بِهَلْيَةِ الْفِقْصَةِ غَيْرَ أَنَّهُ قَالَ: فَاشْتَرَاهُ مِنِّي شِمَانٍ قَدْ سَمَاهُ، وَلَمْ يَذْكُرْ الْوَقِيَّتِينَ وَالدِّرْهَمَ وَالدِّرْهَمَيْنِ، وَقَالَ: أَمَرَ بِيَقْرَأَةِ قُدْبِحَتْ، ثُمَّ قَسَمَ لَحْمَهَا.

[4107] ١١٧ - (...) It was narrated from Jâbir that the Prophet ﷺ said to him: "I will take your camel for four Dînâr and you may ride it until Al-Madînah."

[٤١٠٧- ١١٧] حَدَّثَنَا أَبْيُ بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ أَبِي زَالَدَةَ عَنْ ابْنِ جُرَيْجَ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ: أَنَّ النَّبِيِّ ﷺ قَالَ لَهُ: «قَدْ أَحَدَثُ جَمَلَكَ بِأَرْبَعَةِ دَنَارٍ، وَلَكَ ظَهُورٌ إِلَى الْمَدِينَةِ».

Chapter 22. It Is Permissible To Lend Animals And It Is Recommended To Pay In Full, Giving Something Better Than That Which Is Owed

[4108] 118 - (1600) It was narrated from Abû Râfi' that the Messenger of Allâh ﷺ borrowed a young camel from a man, then some *Sadaqah* camels were brought to him. He told Abû Râfi' to give the man back his camel, and Abû Râfi' came back to him and said: "I could not find anything among them but camels that were better and older." He said: "Give it to him, for the best of people are those who are best in paying off their debts."

[4109] 119 - (...) It was narrated that Abû Râfi', the freed slave of the Messenger of Allâh ﷺ, said: "The Messenger of Allâh ﷺ borrowed a young camel..." a similar report (as no. 4108), except that he said: "The best of the slaves of Allâh are those who are the best in paying off their debts."

[4110] 120 - (1601) It was narrated that Abû Hurairah said: "A man was owed something by the Messenger of Allâh ﷺ and he spoke to him in a harsh manner, so the Companions of the Prophet ﷺ wanted to go after him. The Prophet ﷺ said:

(المعجم ٢٢) - (باب جواز اقتراض)
الحيوان واستحباب توفيته خيراً مما
عليه) (التحفة ٤٣)

[٤١٠٨-١١٨] حدثنا أبو الطاھر أَحْمَدُ بْنُ عَمْرِو بْنُ سُرْجٍ : أَخْبَرَنَا أَبْنُ وَهْبٍ عَنْ مَالِكٍ بْنِ أَسْنِي ، عَنْ زَيْدٍ بْنِ أَشْلَمَ ، عَنْ عَطَاءٍ بْنِ يَسَارٍ ، عَنْ أَبِي رَافِعٍ ؛ أَنَّ رَسُولَ اللَّهِ ﷺ أَسْتَلَفَ مِنْ رَجُلٍ بَكْرًا فَقَدِمَتْ عَلَيْهِ إِيلٌ مِنَ الصَّدَقَةِ، فَأَمَرَ أَبَا رَافِعٍ أَنْ يَقْضِيَ الرَّجُلَ بَكْرًا، فَرَجَعَ إِلَيْهِ أَبُو رَافِعٍ فَقَالَ: لَمْ أَجِدْ فِيهَا إِلَّا خَيْرًا رَبَاعِيَا، فَقَالَ: «أَعْطِهِ إِيَاهُ، إِنَّ خَيْرَ النَّاسِ أَحْسَنُهُمْ قَضَاءً».

[٤١٠٩-١١٩] حدثنا أبو كُرَيْبٍ : حدثنا خَالِدٌ بْنُ مَخْلِدٍ عَنْ مُحَمَّدٍ أَبْنِ جَعْفَرٍ : سَمِعْتُ زَيْدَ بْنَ أَشْلَمَ : أَخْبَرَنَا عَطَاءً بْنُ يَسَارٍ عَنْ أَبِي رَافِعٍ مَوْلَى رَسُولِ اللَّهِ ﷺ، قَالَ: أَسْتَلَفَ رَسُولُ اللَّهِ ﷺ بَكْرًا، بِمِثْلِهِ، غَيْرَ أَنَّهُ قَالَ: «فَإِنَّ خَيْرَ عِبَادِ اللَّهِ أَحْسَنُهُمْ قَضَاءً».

[٤١١٠-١٢٠] حدثنا مُحَمَّدُ بْنُ بَشَّارٍ [بْنُ عُمَانَ الْعَبْدِيِّ] : حدثنا مُحَمَّدُ بْنُ جَعْفَرٍ : حدثنا شُبَّهُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ لِرَجُلٍ عَلَى رَسُولِ

'The one who has a right is entitled to speak.' And he said to them: 'Buy a camel for him and give it to him.' They said: 'We cannot find anything but a camel that is better than his.' He said: 'Buy it and give it to him, for among the best of you' - or 'the best of you' - 'are those who are the best in paying off debts.'

الله ﷺ حَقٌّ، فَأَعْلَمَ لَهُ، فَهُمْ يَهُ أَصْحَابُ النَّبِيِّ ﷺ، فَقَالَ النَّبِيُّ ﷺ: «إِنَّ لِصَاحِبِ الْحَقِّ مَقَالًا»، فَقَالَ لَهُمْ: «اشْتَرُوا لَهُ سِنَّا فَأَعْطُوهُ إِيَاهُ»، فَقَالُوا: إِنَّا لَا نَجِدُ إِلَّا سِنَّا هُوَ خَيْرٌ مِّنْ سِنَّهُ، قَالَ: «فَاشْتَرُوهُ فَأَعْطُوهُ إِيَاهُ، فَإِنَّ مِنْ خَيْرِكُمْ - أَوْ خَيْرِكُمْ - أَخْسَنُكُمْ قَضَاءً».

[4111] ١٢١ - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ borrowed a camel, and gave back a camel that was better than it, and he said: 'The best of you are those who are the best in paying off debts.'"

[٤١١١] ١٢١ - (...) حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ عَنْ عَلَيِّ بْنِ صَالِحٍ، عَنْ سَلَمَةَ بْنِ كَهْيَلٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: اسْتَشْرِفْنَ رَسُولُ الله ﷺ سِنَّا، فَأَعْطَنِي سِنَّا فَوْقَهُ، وَقَالَ: «خَيْرُكُمْ مَّا حَسِنْتُمْ قَضَاءً».

[4112] ١٢٢ - (...) It was narrated that Abû Hurairah said: "A man came asking the Messenger of Allâh ﷺ to return a camel that he had borrowed, and he said: 'Give him a camel that is better than his camel.' And he said: 'The best of you is the one who is best in paying off debts.'"

[٤١١٢] ١٢٢ - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ تُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا سُفْيَانُ عَنْ سَلَمَةَ بْنِ كَهْيَلٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ يَتَقَاضَى رَسُولَ الله ﷺ بَعِيرًا، فَقَالَ: «أَعْطُوهُ سِنَّا فَوْقَ سِنَّهُ»، وَقَالَ: «خَيْرُكُمْ أَخْسَنُكُمْ قَضَاءً».

(المعجم ٢٣) - (باب جواز بيع الحيوان بالحيوان، من جنسه، متضاصلاً) (التحفة ٤٤)

[4113] ١٢٣ - (1602) It was narrated that Jâbir said: "A slave came and swore allegiance to the

[٤١١٣] ١٢٣ - (١٦٠٢) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى التَّمِيمِيُّ وَابْنُ رُمْحَ، قَالَا:

Prophet ﷺ, pledging to emigrate, and he did not realize that he was a slave. Then his master came looking for him. The Prophet ﷺ said: 'Sell him to me,' and he bought him for two black slaves. Then after that he did not accept the oath of allegiance of anyone until he had asked: 'Is he a slave?'"

أَخْبَرَنَا الْيَثِّيُّ، وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ أَبِي الزُّبَيرِ، عَنْ جَابِرٍ قَالَ: جَاءَ عَبْدٌ فَبَاعَ النَّبِيَّ ﷺ عَلَى الْهَجْرَةِ، وَلَمْ يَسْتَعِرْ أَنَّهُ عَبْدٌ، فَجَاءَ سَيِّدُهُ يُرِيدُهُ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «يُعْنِيهِ» فَاسْتَرَاهُ يَعْبَدُنِينَ أَشْوَدَنِينَ، ثُمَّ لَمْ يُبَايِعْ أَحَدًا بَعْدُ، حَتَّى يَسْأَلَهُ «أَعْبَدْ هُوَ؟».

Chapter 24. Pawning (*Rahn*) And Its Permissibility Whether One Is Travelling Or Not

[4114] 124 - (1603) It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ bought some food on credit from a Jew, and he gave him a coat of mail of his as collateral."

(المعجم ٢٤) - (باب الرهن وجواره في الحضر كالسفر) (التحفة ٤٥)

[٤١١٤] [١٢٤-١٦٠٣] حَدَّثَنَا

يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْعَلَاءِ - وَاللَّفْظُ لِيَحْيَى - قَالَ يَحْيَى: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: اشْتَرَى رَسُولُ اللهِ ﷺ مِنْ يَهُودِيٍّ طَعَامًا يَسِيَّبَهُ، فَأَعْطَاهُ دِرْعًا لَهُ، وَرَهْنًا.

[٤١١٥] [١٢٥-...]. حَدَّثَنَا

إِسْحَاقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ وَعَلَيُّ بْنُ خَسْرَمْ قَالَا: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: اشْتَرَى رَسُولُ اللهِ ﷺ مِنْ يَهُودِيٍّ طَعَامًا، وَرَهْنَهُ دِرْعًا مِنْ حَدِيدٍ.

[4116] 126 - (...) It was narrated from ‘Âishah that the Messenger of Allâh ﷺ bought some food from a Jew to be paid for at a later date, and he gave him an iron coat of mail of his as collateral.

[٤١١٦] ١٢٦ - (...) حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ الْخَنْظَرِيُّ: أَخْبَرَنَا الْمُخْزُومِيُّ: حَدَّثَنَا عَبْدُ الرَّاَحِيدِ بْنُ زَيَادٍ، عَنِ الْأَعْمَشِ قَالَ: ذَكَرْنَا الرَّهْنَ فِي السَّلْمِ عِنْدَ إِبْرَاهِيمَ التَّخَعِيِّ، فَقَالَ: حَدَّثَنَا الْأَسْوَدُ بْنُ يَزِيدَ عَنْ عَائِشَةَ، أَنَّ رَسُولَ اللَّهِ ﷺ اسْتَرَى مِنْ يَهُودِيٍّ طَعَاماً إِلَى أَجَلٍ، وَرَهَنَهُ دِرْعَاعَ لَهُ مِنْ حَدِيدٍ.

[4117] (...) A similar report (as no. 4116) was narrated from ‘Âishah from the Prophet ﷺ, but he (the narrator) did not mention iron.

[٤١١٧] (...) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حَفْصُ بْنُ عَيَّاثَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: حَدَّثَنِي الْأَسْوَدُ عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ مِثْلُهُ، وَلَمْ يَذْكُرْ: مِنْ حَدِيدٍ.

Chapter 25. Salam (Payment In Advance)

[4118] 127 - (1604) It was narrated that Ibn ‘Abbâs said: “When the Prophet ﷺ came to Al-Madînah, they used to pay one or two years in advance for fruits. He said: ‘Whoever pays for fruits in advance, let him pay in advance for a specified measure and a specified weight, for a specified amount of time.’”

[٤١١٨] ١٢٧ - (١٦٠٤) حَدَّثَنَا يَحْيَى

ابْنُ يَحْيَى وَعَمْرُو التَّافِدُ - وَاللَّفْظُ لِيَحْيَى - قَالَ عَمْرُو: حَدَّثَنَا، وَقَالَ يَحْيَى: أَخْبَرَنَا سُفْيَانُ بْنُ عَيْنَةَ عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ، عَنْ أَبِي الْمُنْهَالِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَدِيمَ النَّبِيِّ ﷺ الْمَدِينَةَ، وَهُمْ يُسْلِفُونَ فِي الشَّمَارِ، السَّنَةَ وَالسَّنَتَيْنِ فَقَالَ: مَنْ سَلَفَ فِي تَمْرٍ، فَلَيُسْلِفَ فِي كَيْلٍ مَعْلُومٍ، وَوَزْنٍ مَعْلُومٍ، إِلَى أَجَلٍ مَعْلُومٍ».

[4119] 128 - (...) It was narrated that Ibn ‘Abbâs said: “When the Messenger of Allâh ﷺ came (to Al-Madînah), the people used to pay in advance. The Messenger of Allâh ﷺ said to them: ‘Whoever pays in advance, let him not pay in advance except for a specified measure and a specified weight.’”

[4120] (...) A *Hadîth* like that of ‘Abdul-Wârîth (no. 4119) was narrated from Ibn Abî Najîh with this chain, but he did not mention “until a specified time.”

[4121] (...) A *Hadîth* (no. 4120) like that of Ibn ‘Uyaynah was narrated from Ibn Abî Najîh with their chain, and he mentioned: “until a specified time.”

Chapter 26. The Prohibition Of Hoarding Staple Foods

[4122] 129 - (1605) Sa‘eed bin Al-Mûsâyyab narrated that Ma‘mar said: “The Messenger of Allâh ﷺ said: ‘Whoever hoards is

[٤١١٩] ١٢٨ - (...) حَدَّثَنَا شَيْبَانُ أَنْ فَرُوخَ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ أَبْنِ أَبِي حِيجَيْهِ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ كَثِيرٍ عَنْ أَبِي الْمَهَالِ، عَنْ أَنْ عَبَّاسٍ قَالَ: قَدِيمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالنَّاسُ يُسْلِفُونَ، فَقَالَ لَهُمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ أَسْلَفَ فَلَا يُسْلِفُ إِلَّا فِي كُلِّ مَعْلُومٍ، وَوَرَزِينَ مَعْلُومً».

[٤١٢٠] (...) حَدَّثَنَا تَحْبَيْ بْنُ تَحْبَيْ وَأَبُو تَكْرِنْ أَبْنِ أَبِي شَيْةَ وَإِسْمَاعِيلَ أَبْنِ سَالِمَ، جَمِيعًا عَنْ أَبْنِ عُيَيْنَةَ، عَنْ أَبْنِ أَبِي تَحْبَيْ بِهَذَا الْإِسْنَادِ، يُبَثِّلُ حَدِيثَ عَبْدِ الْوَارِثِ، وَلَمْ يُذَكِّرْ: «إِلَى أَجَلٍ مَعْلُومٍ».

[٤١٢١] (...) حَدَّثَنَا أَبُو كُرْبَ وَابْنُ أَبِي عَمَّرَ قَالَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، كِلَاهُمَا عَنْ سُفِيَّانَ، عَنْ أَبْنِ أَبِي تَحْبَيْ وَإِسْنَادِهِمْ، مِثْلُ حَدِيثِ أَبْنِ عُيَيْنَةَ، فَذَكَرَ فِيهِ: «إِلَى أَجَلٍ مَعْلُومٍ».

(المعجم ٢٦) - (باب تحريم الاحتكار في الأقوات) (التحفة ٤٧)

[٤١٢٢] ١٢٩ - (١٦٠٥) حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ بْنِ قَعْدَبَ: حَدَّثَنَا سُلَيْمانُ بْنُ بَلَالٍ، عَنْ يَحْيَى وَهُوَ أَبْنَ يَعْنَى أَبْنَ بَلَالٍ،

a sinner.” It was said to Sa‘eed: “But you hoard.” Sa‘eed said: “Ma‘mar, the one who narrated this *Hadîth*, used to hoard.”

[4123] 130 - (...) It was narrated from Ma‘mar bin ‘Abdullâh that the Messenger of Allâh ﷺ said: “No one hoards but a sinner.”

[4124] (...) It was narrated that Ma‘mar bin Abî Ma‘mar, one of Banû ‘Adiyy bin Ka‘b, said: “The Messenger of Allâh ﷺ said...” and he mentioned a *Hadîth* like that of Sulaimân bin Bilâl from Yahyâ (no. 4122).

Chapter 27. The Prohibition Of Swearing Oaths When Selling

[4125] 131 - (1606) It was narrated from Ibn Al-Mûsâyyab that Abû Hurairah said: “I heard

سَعِيدٌ قَالَ: كَانَ سَعِيدُ ابْنُ الْمُسَيْبِ يُحَدِّثُ؛ أَنَّ مَعْمَرًا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ احْتَكَرَ فَهُوَ خَاطِئٌ» فَقَيْلَ لِسَعِيدِ: فَإِنَّكَ تَحْتَكِرُ؟ قَالَ سَعِيدٌ: إِنَّ مَعْمَرًا الَّذِي كَانَ يُحَدِّثُ هَذَا الْحَدِيثَ كَانَ يَحْتَكِرُ.

[4123] 130 - (...) حَدَّثَنَا سَعِيدٌ [4123] أَبْنُ عَمْرِو الْأَشْعَثِيُّ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ عَجَلَانَ، عَنْ مُحَمَّدِ أَبْنِ عَمْرِو بْنِ عَطَاءٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ مَعْمَرِ بْنِ عَبْدِ اللَّهِ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «لَا يَحْتَكِرُ إِلَّا خَاطِئٌ».

[4124] (...) [قَالَ إِبْرَاهِيمُ: قَالَ مُسْلِمٌ: وَ] حَدَّثَنِي بَعْضُ أَصْحَاحِنَا، عَنْ عَمْرِو بْنِ عَوْنَى: أَخْبَرَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ عَنْ عَمْرِو بْنِ يَحْيَى، عَنْ مُحَمَّدِ بْنِ عَمْرِو، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ مَعْمَرِ ابْنِ أَبِي مَعْمَرٍ أَحَدِ بَنِي عَدَى بْنِ كَعْبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ، فَذَكَرَ بِمِثْلِ حَدِيثِ سُلَيْمَانَ ابْنِ بِلَالٍ عَنْ يَحْيَى.

(المعجم ٢٧) - (باب النهي عن الحلف في البيع) (التحفة ٤٨)

[4125] 131 - (1606) حَدَّثَنَا زُهَيرُ بْنُ حَرْبٍ: حَدَّثَنَا أَبُو صَفَوَانَ

the Messenger of Allâh ﷺ say: ‘Swearing helps one to sell the goods but it erases (the blessing of) the profit.’”

الأَمْوَيْ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَى قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ، كِلَيْهِمَا عَنْ يُونُسَ، عَنْ ابْنِ شَهَابٍ، عَنْ ابْنِ الْمُسَيَّبِ؛ أَنَّ أَبَا هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْحَلِيفُ مُنْفَعَةٌ لِلسلْعَةِ، مَمْحَقَةٌ لِلرِّبْعِ».

[4126] 132 - (1607) It was narrated from Abû Qatâdah Al-Anshârî that he heard the Messenger of Allâh ﷺ say: “Beware of swearing a great deal when selling, for it brings about a sale, then erases (the blessing).”

[٤١٢٦]-[١٣٢] [١٦٠٧) وَحَدَّثَنَا أَبُو بَكْرُ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِابْنِ أَبِي شَيْبَةَ - قَالَ إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ الْأَخْرَانِ: حَدَّثَنَا - أَبُو أَسَامَةَ عَنْ الْوَلِيدِ بْنِ كَثِيرٍ، عَنْ مَعْبِدِ بْنِ كَعْبٍ بْنِ مَالِكٍ، عَنْ أَبِي قَاتَادَةَ الْأَنْصَارِيِّ؛ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِيَّاكُمْ وَكَثْرَةُ الْحَلِيفِ فِي الْبَيْعِ، فَإِنَّهُ يُفْقَدُ ثُمَّ يَمْحَقُ». .

(المعجم ٢٨) - (باب الشفعة)

(التحفة ٤٩)

Chapter 28. Pre-Emption

[4127] 133 - (1608) It was narrated that Jâbir bin ‘Abdullâh said: “The Messenger of Allâh ﷺ said: ‘Whoever has a partner in property or palm trees, he should not sell until he notifies his partner; if he agrees he may take it, and if he disagrees he may leave it.’”

[٤١٢٧]-[١٣٣] (١٦٠٨) حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زَهْبِرٌ: حَدَّثَنَا أَبُو الزَّئْبَرِ عَنْ جَابِرٍ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا أَبُو حَيْمَةَ عَنْ أَبِي الزَّئْبَرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَ لَهُ شَرِيكٌ فِي رَبْعَةٍ أَوْ نَحْلِ، فَلَيْسَ لَهُ أَنْ يَبْيَعَ حَتَّى يُؤْذَنَ شَرِيكُهُ، فَإِنْ رَضِيَ أَخَذَ، وَإِنْ كَرِهَ تَرَكَ». .

[4128] 134 - (...) It was narrated that Jâbir said: "The Messenger of Allâh ﷺ decreed pre-emption in every partnership that has not been divided, whether it is a dwelling or a garden. It is not permissible for him to sell it until he notifies his partner, and if he wishes, he may take it, and if he wishes, he may leave it. If he sells it and he did not give permission, then he has more right to it."

[4129] 135 - (...) Jâbir bin 'Abdullah said: "The Messenger of Allâh ﷺ said: 'There is pre-emption in every partnership in land, dwellings, or gardens. It is not right to sell until he offers it to his partner, who may take it or leave it. If he insists, then his partner has the greater right to it unless he notifies him.'

Chapter 29. Fixing A Piece Of Wood To A Neighbor's Wall

[4130] 136 - (1609) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "No one of you should prevent his neighbor from fixing a piece of wood to his wall."

[٤١٢٨] ١٣٤ - (...) حَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعْمَى وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لَابْنِ نُعْمَى - تَالَ إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ الْأَخْرَانَ: حَدَّثَنَا - عَبْدُ اللَّهِ بْنُ إِفْرِيسَ: حَدَّثَنَا ابْنُ حُرَيْجٍ عَنْ أَبِي الرُّبِّيرِ، عَنْ جَابِرٍ قَالَ: قَضَى رَسُولُ اللَّهِ ﷺ بِالشُّفْعَةِ فِي كُلِّ شَرِيكَةٍ لَمْ تَقْسُمْ، رَبْعَةُ أُوْحَادٍ، لَا يَجْلِلُ لَهُ أَنْ يَبْيَعَ حَتَّى يُؤْذَنَ شَرِيكُهُ، فَإِنْ شَاءَ أَخْذَ وَإِنْ شَاءَ تَرَكَ، فَإِذَا بَاعَ وَلَمْ يُؤْذَنْ فَهُوَ أَحَقُّ بِهِ.

[٤١٢٩] ١٣٥ - (...) وَحَدَّثَنَا أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ ابْنِ جُرَيْجٍ، أَنَّ أَبَا الرُّبِّيرِ أَخْبَرَهُ، أَنَّهُ سَمِعَ تَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «الشُّفْعَةُ فِي كُلِّ شَرِيكَةٍ فِي أَرْضِ أَوْ رَبْعٍ أُوْحَادٍ، لَا يَضْلُلُ أَنْ يَبْيَعَ حَتَّى يُغْرِضَ عَلَى شَرِيكِهِ فَيَأْخُذَ أَوْ يَدْعَ، فَإِنْ أَبَى فَشَرِيكُهُ أَحَقُّ بِهِ حَتَّى يُؤْذَنَهُ».

(المعجم ٢٩) - (باب غرز الخشبة في جدار الجار) (التحفة ٥٠)

[٤١٣٠] ١٣٦ - (١٦٠٩) حَدَّثَنَا تَحْبِيْنَ بْنَ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ أَبِي شَهَابٍ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَمْنَعُ

Then Abû Hurairah said: "Why do I see you objecting to it? By Allâh, I will keep reminding you of it."

أَحَدُكُمْ جَارٌ أَنْ يَغْرِزَ خَشَبَةً فِي جَدَارِهِ،
فَالَّذِي قَالَ: ثُمَّ يَقُولُ أَبُو هُرَيْرَةَ: مَا لِي
أَرَكُمْ عَنْهَا مُعَرِّضِينَ؟ وَاللَّهُ أَكْرَمُهُمْ بِهَا
بَيْنَ أَكْتَافِكُمْ.

[4131] (...) A similar report (as no. 4130) was narrated from Az-Zuhîr with this chain.

[٤١٣١] (...) حَدَّثَنَا زُهَيْرٌ بْنُ
حَرْبٍ: حَدَّثَنَا سُفِيَّانُ بْنُ عُيَيْنَةَ؛ وَحَدَّثَنِي
أَبُو الطَّاهِيرِ وَحَرْمَلَةُ بْنُ يَحْيَى قَالَ:
أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛
وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ
الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، كُلُّهُمْ عَنِ الرُّبَّرِيِّ
بِهَذَا الْإِسْنَادِ، نَحْوَهُ.

Chapter 30. The Prohibition Of Wrongdoing, Seizing Land Unlawfully, Etc

[4132] 137 - (1610) It was narrated from Sa'eed bin Zaid bin 'Amr bin Nufail that the Messenger of Allâh ﷺ said: "Whoever seizes a handspan of land unlawfully, Allâh will shackle his neck with it, to seven earths on the Day of Resurrection."

(المعجم ٣٠) - (باب تحريم الظلم
وغصب الأرض وغيرها) (التحفة ١)

[٤١٣٢] - [١٦١٠] (١٣٧) حَدَّثَنَا
يَحْيَى بْنُ أَيُوبَ وَفَقِيْهَةُ بْنُ سَعِيدٍ وَعَلَيْهِ بْنُ
حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ
جَعْفَرٍ غَنِيَ الْعَلَاءُ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ
عَبَّاسِ بْنِ سَهْلٍ بْنِ سَعِيدِ السَّاعِدِيِّ، عَنْ
سَعِيدِ بْنِ رَيْدٍ بْنِ عَمْرُو بْنِ نَفِيلٍ؛ أَنَّ
رَسُولَ اللَّهِ ﷺ قَالَ: «مَنِ افْتَطَعَ شَبْرًا مِنَ
الْأَرْضِ ظُلْمًا، طَوَّفَهُ اللَّهُ إِيَّاهُ يَوْمَ الْقِيَامَةِ
مِنْ سَبْعِ أَرْضِينَ».

[4133] 138 - (...) It was narrated from Umar bin Muhammad, that his father narrated to him from

[٤١٣٣] - [١٣٨] (١٣٣) حَدَّثَنَا
حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ

Sa'eed bin Zaid bin 'Amr bin Nufail, that Arwâ disputed with him about part of his house and he said: "Let her take it, for I heard the Messenger of Allâh ﷺ say: 'Whoever seizes a handspan of land unlawfully, his neck will be shackled to seven earths on the Day of Resurrection.' O Allâh, if she is lying, take away her sight and make her grave in her house."

He said: "I saw her blind, clinging to the walls and saying: 'The supplication of Sa'eed bin Zaid afflicted me.' While she was walking in the house, she came to a well in the house and fell in, and it became her grave."

[4134] 139 - (...) It was narrated from Hishâm bin 'Urwah, from his father, that Arwâ bint Uwais claimed that Sa'eed bin Zaid had taken some of her land, and she referred her dispute with him to Marwân bin Al-Hakam. Sa'eed said: "Would I take any of her land after what I heard from the Messenger of Allâh ﷺ?" He said: "What did you hear from the Messenger of Allâh ﷺ?" He said: "I heard the Messenger of Allâh ﷺ say: 'Whoever takes a handspan of land unlawfully, his neck will be shackled to seven earths.'" Marwân said to him: "I will not ask you for any proof after this." He (Sa'eed) said: "O Allâh, if she is lying then

وَهُبْ : حَدَّثَنِي عُمَرُ بْنُ مُحَمَّدٍ؛ أَنَّ أَبَاهُ حَدَّثَهُ عَنْ سَعِيدِ بْنِ زَيْدٍ بْنِ عَمْرُو ابْنِ نَفِيلٍ؛ أَنَّ أَرْوَى خَاصَمَتْهُ فِي بَعْضِ دَارِهِ فَقَالَ: دَعُوهَا وَإِيَّاهَا، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ أَخْذَ شِبْرًا مِنَ الْأَرْضِ بِغَيْرِ حَقِّهِ، طُوقَهُ فِي سَبْعَ أَرْضِينَ يَوْمَ الْقِيَامَةِ»، اللَّهُمَّ إِنْ كَانَتْ كَذِبَةً فَاغْمِ بَصَرَهَا، وَاجْعَلْ قَبْرَهَا فِي دَارِهَا . قَالَ: فَرَأَيْتَهَا عَمْيَاءً تَلْتَمِسُ الْجُذْرَ تَقُولُ: أَصَابَتْنِي دَعْوَةُ سَعِيدِ بْنِ زَيْدٍ، فَيَئِنَّا هِيَ تَمْشِي فِي الدَّارِ مَرَّتْ عَلَى بَيْرٍ فِي الدَّارِ، فَوَقَعَتْ فِيهَا، فَكَانَتْ قَبْرَهَا .

[٤١٣٤] ١٣٩ - (...) حَدَّثَنَا أَبُو الرَّبِيعِ الْعَكْبَرِيُّ : حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ هَشَامِ بْنِ عَرْوَةَ، عَنْ أَبِيهِ؛ أَنَّ أَرْوَى بِنْتَ أُوينِي ادَّعَتْ عَلَى سَعِيدِ بْنِ زَيْدٍ؛ أَنَّهُ أَخْذَ شِبْرًا مِنَ أَرْضِهَا، فَخَاصَمَتْهُ إِلَى مَرْوَانَ بْنِ الْحَكَمِ، فَقَالَ سَعِيدُ: أَنَا كُنْتُ أَخْذُ مِنْ أَرْضِهَا شِبْرًا بَعْدَ الْذِي سَمِعْتُ مِنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ: وَمَا سَمِعْتُ مِنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ أَخْذَ شِبْرًا مِنَ الْأَرْضِ ظُلْمًا طُوقَهُ إِلَى سَبْعَ أَرْضِينَ»، فَقَالَ لَهُ مَرْوَانُ: لَا أَسْأَلُكَ بَيْتَهُ بَعْدَ هَذَا

make her eyes blind and cause her to die in her own land." And she did not die until her sight was gone, then while she was walking on her land she fell into a pit and died.

[4135] 140 - (...) It was narrated that Sa'eed bin Zaid said: "I heard the Prophet ﷺ say: 'Whoever seizes a handspan of land unlawfully, his neck will be shackled to seven earths on the Day of Resurrection.'"

[4136] 141 - (1611) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'No one seizes a handspan of land unlawfully, but Allâh will shackle his neck to seven earths on the Day of Resurrection.'"

[4137] 142 - (1612) It was narrated from Muhammad bin Ibrâhîm that Abû Salamah, who had a dispute with his people concerning some land, told him that he entered upon 'Aishah and told her about that. She said: "O Abû Salamah, stay away from this land, for the Messenger of Allâh ﷺ said: 'Whoever wrongs another with regard to (even) a

فَقَالَ: اللَّهُمَّ إِنْ كَانَتْ كَادِبَةً فَعَمْ بَصَرَهَا وَأَفْلَلَهَا فِي أَرْضِهَا، قَالَ: فَمَا مَاتَتْ حَتَّى ذَهَبَ بَصَرُهَا، ثُمَّ بَيْتَا هِيَ تَمْشِي فِي أَرْضِهَا إِذْ وَقَعْتِ فِي حُفْرَةٍ فَمَاتَتْ.

[4135] 140 - (...) حدثنا أبو بكر بن أبي شيبة: حدثنا يحيى ابن زكرياً بن أبي زائدة عن هشام، عن أبيه، عن سعيد بن زيد قال: سمعت الشيبي رحمه الله يقول: «من أخذ شيئاً من الأرض ظلماً، فإنه يطوفه يوم القيمة من سبع أرضين».

[4136] 141 - (1611) وحدثني زهير بن حرب: حدثنا جريراً عن سهيل، عن أبيه، عن أبي هريرة قال: قال رسول الله ﷺ: «لا يأخذ أحد شيئاً من الأرض بغير حقه، إلا طوفه الله إلى سبع أرضين يوم القيمة».

[4137] 142 - (1612) حدثنا أحمد بن إبراهيم الدورقي: حدثنا عبد الصمد يعني ابن عبد الوارث: حدثنا حرب وهو ابن شداد: حدثنا يحيى وهو ابن أبي كثير عن محمد بن إبراهيم، أن أبا سلمة حدثه، وكان بيته وبين قومه خصومة في أرض، وأنه دخل على

handspan of land, his neck will be shackled to seven earths.””

[4138] (...) Abû Salamah narrated that he entered upon ‘Âishah... a similar report (as no. 4137).

عائشةَ فَذَكَرَ ذَلِكَ لَهَا فَقَالَتْ: يَا أَبَا سَلَمَةَ! اجْتَنِبِ الْأَرْضَ، فَإِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ ظَلَمَ قِيدَ شَيْرَ مِنَ الْأَرْضِ طُوقَهُ مِنْ سَبْعِ أَرْضِينَ».

[٤١٣٨] (...) وَحَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا حَبَّانُ بْنُ هَلَالٍ: حَدَّثَنَا أَبْنَانُ: حَدَّثَنَا يَحْيَى؛ أَنَّ مُحَمَّدَ بْنَ إِبْرَاهِيمَ حَدَّثَهُ؛ أَنَّ أَبَا سَلَمَةَ حَدَّثَهُ؛ أَنَّهُ دَخَلَ عَلَى عَائِشَةَ، فَذَكَرَ مِثْلَهُ.

(المعجم ٣١) - (بابُ قدر الطريق إذا اختلفوا فيه) (التحفة ٥٢)

[٤١٣٩]-[١٦١٣] [٤١٣٩] حَدَّثَنِي أَبُو كَامِلٍ فُضَيْلُ بْنُ حُسَيْنِ الْجَمْدَرِيِّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ الْمُخْتَارِ: حَدَّثَنَا خَالِدُ الْحَدَاءُ عَنْ يُوسُفَ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ اللَّهِيَّ ﷺ قَالَ: «إِذَا اخْتَلَفْتُمُ فِي الطَّرِيقِ، جُعِلَ عَرْضُهُ سَبْعَ أَذْرُعً».

23. The Book Of The Shares Of Inheritance

Chapter... A Muslim Does Not Inherit From A Disbeliever And A Disbeliever Does Not Inherit From A Muslim

[4140] 1 - (1614) It was narrated from Us̄mān bin Zāid that the Prophet ﷺ said: “A Muslim does not inherit from a disbeliever and a disbeliever does not inherit from a Muslim.”

Chapter 1. Give The Shares Of Inheritance To Those Who Are Entitled To Them, And Whatever Is Left Goes To The Closest Male Relative

[4141] 2 - (1615) It was narrated that Ibn ‘Abbās said: “The Messenger of Allāh ﷺ said: ‘Give the shares of inheritance to those who are entitled to them, and whatever is left, then it is for the closest male relative.’”

[4142] 3 - (...) It was narrated from Ibn ‘Abbās that the Messenger of Allāh ﷺ said:

- ٨ - (المعجم ٤١٤٠) - كتاب الفرائض

(التحفة ١٣)

(المعجم . . .) - (باب: لا يرث المسلم الكافر ولا يرث الكافر المسلم) (التحفة ١)

[٤١٤٠]-١ (١٦١٤) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَسَعْلَةَ بْنَ إِبْرَاهِيمَ - وَاللَّفْظُ لِيَحْيَى - قَالَ يَحْيَى أَخْبَرَنَا، وَقَالَ الْأَخْرَانِ: حَدَّثَنَا - أَبْنُ عَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عَلَيِّ بْنِ حُسَيْنٍ، عَنْ عَمْرِو بْنِ عُثْمَانَ، عَنْ أُسَامَةَ بْنَ زَيْدٍ؛ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يَرِثُ الْمُسْلِمُ الْكَافِرُ، وَلَا يَرِثُ الْكَافِرُ الْمُسْلِمَ».

(المعجم ١) - (باب الحقوا الفرائض بأهلها فما بقي فلا ولى رجل ذكر) (التحفة ٢)

[٤١٤١]-٢ (١٦١٥) حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ حَمَادٍ وَهُوَ التَّرَسِيُّ: حَدَّثَنَا وُهَيْبٌ عَنْ أَبْنِ طَاؤِسٍ، عَنْ أَبِيهِ، عَنْ أَبْنِ عَبَاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَلْحِقُوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا بَقَى فَهُوَ لِأَوْلَى رَجُلِ ذَكَرٍ».

[٤١٤٢]-٣ (...) حَدَّثَنَا أُمَيَّةَ بْنَ سِطَامَ الْعَيْشِيَّ: حَدَّثَنَا يَزِيدُ بْنُ زُرْبَعٍ: حَدَّثَنَا

"Give the shares of inheritance to those who are entitled to them, and whatever is left of inheritance, then it is for the closest male relative."

[4143] 4 - (...) It was narrated that Ibn ‘Abbâs said: "The Messenger of Allâh ﷺ said: 'Divide the wealth among those who are entitled to a share of inheritance according to the Book of Allâh, the Most High, and whatever is left then it is for the closest male relative.'

[4144] (...) A *Hadîth* like that of Wuhaib and Rawh bin Al-Qâsim (nos. 4141, 4142) was narrated from Ibn Tâwûs with this chain.

Chapter 2. Inheritance Of The *Kalâlah*^[1]

[4145] 5 - (1616) Jâbir bin ‘Abdullâh said: "I fell sick and the Messenger of Allâh ﷺ and

رَفْعُ بْنُ الْقَاسِمِ عَنْ عَبْدِ اللَّهِ بْنِ طَاؤِسٍ،
عَنْ أَيِّهِ، عَنْ ابْنِ عَبَّاسٍ عَنْ رَسُولِ اللَّهِ ﷺ
قَالَ: «أَلْحِقُوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا تَرَكَتِ
الْفَرَائِضُ فَلَا وَلَى رَجُلٍ ذَكَرٍ».

[٤١٤٣] ٤ - (...) حَدَّثَنَا إِسْحَاقُ بْنُ
إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ وَعَبْدُ ابْنُ حُمَيْدٍ
- وَاللَّفْظُ لِابْنِ رَافِعٍ - قَالَ إِسْحَاقُ:
حَدَّثَنَا، وَقَالَ الْآخَرُانِ: أَخْبَرَنَا - عَبْدُ
الرَّزَاقِ - : أَخْبَرَنَا مَعْمَرٌ عَنْ ابْنِ
طَاؤِسٍ، عَنْ أَيِّهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ:
قَالَ رَسُولُ اللَّهِ ﷺ: «اَفْسِمُوا الْمَالَ بَيْنَ
أَهْلِ الْفَرَائِضِ عَلَى كِتَابِ اللَّهِ تَعَالَى، فَمَا
تَرَكَتِ الْفَرَائِضُ فَلَا وَلَى رَجُلٍ ذَكَرٍ».

[٤١٤٤] ٤ - (...) وَحَدَّثَنِيهِ مُحَمَّدُ بْنُ
الْعَلَاءِ أَبُو كُرَيْبِ الْهَمَدَانِيِّ: حَدَّثَنَا زَيْدُ
ابْنُ خَبَابٍ عَنْ يَحْيَى بْنِ أَبْيَوبَ، عَنْ ابْنِ
طَاؤِسٍ بِهَذَا الْإِسْنَادِ، تَحْوِي حَدِيثٌ وُهِيْبٌ
وَرَفْعُ بْنُ الْقَاسِمِ.

(المعجم ٢) - (باب ميراث الكلالة)
(التحفة ٣)

[٤١٤٥] ٥ - (١٦١٦) حَدَّثَنَا عَمْرُو
ابْنُ مُحَمَّدٍ بْنِ بُكَيْرٍ النَّاقِدُ: حَدَّثَنَا سُفِيَانُ

^[1] Scholars differ over the meaning of *Kalâlah*, what is popular is that it refers to the person who dies, leaving no parent or child. For details see the *Tafsîr* of Ibn Kathîr published by Darussalam, *Sûrat An-Nisâ’* 4:12, and 176.

Abû Bakr came walking to visit me. I lost consciousness, and the Messenger of Allâh ﷺ performed *Wudû'* then poured some of the water on me, and I regained consciousness. I said: 'O Messenger of Allâh, how should I dispose of my wealth?' He did not give me any answer until the Verse of inheritance was revealed: They ask you for a legal verdict. Say: Allâh directs (thus) about *Al-Kalâlah* (those who leave neither descendants nor ascendants as heirs)...".^[1]

ابنُ عَيْنَةَ عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ: قَالَ: سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ قَالَ: مَرَضْتُ فَأَتَانِي رَسُولُ اللَّهِ ﷺ وَأَبُو بَكْرٍ يَعُوذُانِي، مَا شَيْانِ، فَأَغْمَيَ عَلَيَّ، فَتَوَضَّأَ رَسُولُ اللَّهِ ﷺ ثُمَّ صَبَ عَلَيَّ مِنْ وَضُوئِهِ، فَأَفَقْتُ فُلِتُ: يَا رَسُولَ اللَّهِ! كَيْفَ أَفْضِيَ فِي مَالِي؟ فَلَمْ يَرُدْ عَلَيَّ شَيْئًا حَتَّى نَزَلتْ آيَةُ الْمِيرَاثِ: «يَسْتَفْتُونَكَ قُلْ اللَّهُ يَعْلَمُكُمْ فِي الْكَلَالَةِ» [النساء: 176].

[4146] 6 - (...) It was narrated that Jâbir bin 'Abdullâh said: "The Prophet ﷺ and Abû Bakr came walking to visit me in Banû Salamah, and they found me unconscious. He called for water and performed *Wudû'*, then he sprinkled some of it on me, and I regained consciousness. I said: 'What should I do with my wealth, O Messenger of Allâh?' And the Verse "Allâh commands you as regards your children's (inheritance): To the male, a portion equal to that of two females".^[2] was revealed."

حَدَّثَنَا بْنُ مَيْمُونٍ: حَدَّثَنَا حَجَاجُ بْنُ مُحَمَّدٍ: حَدَّثَنَا ابْنُ جُرْجِيَحَ قَالَ: أَخْبَرَنِي ابْنُ الْمُنْكَدِرِ عَنْ جَابِرٍ ابْنِ عَبْدِ اللَّهِ قَالَ: عَادَنِي النَّبِيُّ ﷺ وَأَبُو بَكْرٍ فِي بَنِي سَلِيمَةَ يَمْشِيَانِ، فَوَجَدَنِي لَا أَعْقِلُ، فَدَعَاهُ بِنَاءً فَتَوَضَّأَ، ثُمَّ رَشَّ عَلَيَّ مِنْهُ فَأَفَقْتُ، فُلِتُ: كَيْفَ أَصْنَعُ فِي مَالِي؟ يَا رَسُولَ اللَّهِ! فَنَزَلتْ: «يُوصِيكُ اللَّهُ فِي أُولَئِكُمْ لِلَّذِكَرِ مِثْلُ حَظِ الْأَنْثِيَّنَ» [النساء: 11].

[4147] 7 - (...) Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ visited me while I was sick, and Abû Bakr was with him. (They came) walking and found me

حَدَّثَنَا عَيْنُ اللَّهِ [4147] ابْنُ عَمَرَ الْقَوَارِبِيُّ: حَدَّثَنَا عَنْ الرَّحْمَنِ يَعْنِي ابْنَ مَهْدِيٍّ: حَدَّثَنَا سُقِيَانُ قَالَ:

[1] *An-Nisâ'* 4:176.

[2] *An-Nisâ'* 4:11

unconscious. The Messenger of Allâh ﷺ performed *Wudû'*. Then he poured some of the water on me, and I regained consciousness, and saw the Messenger of Allâh ﷺ there. I said: 'O Messenger of Allâh, what should I do with my wealth?' He did not give me any reply until the Verse of inheritance was revealed."

سَمِعْتُ مُحَمَّدَ بْنَ الْمُنْكَدِرِ قَالَ: سَمِعْتُ
جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: عَادَنِي رَسُولُ
اللَّهِ وَأَنَا مَرِيضٌ، وَمَعَهُ أَبُو بَكْرٍ،
مَا شِئْنِي، فَوَجَدَنِي قَدْ أُغْمِيَ عَلَيَّ، فَتَوَضَّأَ
رَسُولُ اللَّهِ وَأَنَا مَرِيضٌ، ثُمَّ صَبَّ عَلَيَّ مِنْ وَضُوئِهِ
فَأَفَقْتُ، فَإِذَا رَسُولُ اللَّهِ وَأَنَا مَرِيضٌ، فَقُلْتُ: يَا
رَسُولَ اللَّهِ! كَيْفَ أَضْنَنُ فِي مَالِي؟ قَالَ:
فَلَمْ يَرُدْ عَلَيَّ شَيْئًا، حَتَّى نَزَلتَ آيَةُ
الْمِيرَاثِ.

[4148] 8 - (...) Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ entered upon me while I was sick and unconscious. He performed *Wudû'* and they poured some of the water over me, and I regained consciousness. I said: 'O Messenger of Allâh, I have no ascendants or descendants to inherit from me.' Then the Verse of inheritance was revealed." I [Shu'bah (a narrator)] said to Muâmmad bin Al-Munkadir: "Was it: 'They ask you for a legal verdict. Say: Allâh directs (thus) about *Al-Kalâlah* (those who leave neither descendants nor ascendants as heirs)...'"?^[1] He said: "Thus it was revealed."

[4149] (...) It was narrated from Shu'bah (a *Hadîth* similar to no. 4148, with a different chain of

حَادِثَيْمْ: حَدَّثَنَا بَهْزُونَ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنِي
مُحَمَّدُ بْنُ الْمُنْكَدِرِ قَالَ: سَمِعْتُ جَابِرَ بْنَ
عَبْدِ اللَّهِ يَقُولُ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ وَأَنَا مَرِيضٌ
وَأَنَا مَرِيضٌ لَا أَعْقِلُ، فَتَوَضَّأَ، فَصَبُّوا
عَلَيَّ مِنْ وَضُوئِهِ، فَعَقَلْتُ، فَقُلْتُ: يَا
رَسُولَ اللَّهِ! إِنَّمَا يَرِثُنِي كَلَالَةٌ، فَنَزَلتَ آيَةُ
الْمِيرَاثِ، فَقُلْتُ لِمُحَمَّدِ بْنِ الْمُنْكَدِرِ:
«يَسْتَفْتُونَكَ فَلِلَّهِ يُقْتَيَكُمْ فِي
الْكَلَالَةِ»؟ قَالَ: هَكَذَا أَنْزَلْتَ.

[4149] (...) حَدَّثَنَا إِسْحَاقُ بْنُ
إِبْرَاهِيمَ: أَخْبَرَنَا التَّضْرُرُ بْنُ شُمَيْلٍ وَأَبُو

^[1] *An-Nisâ'* 4:176.

narrators). In the *Hadîth* of Wahb bin Jarîr it says: "The Verse of the shares of inheritance was revealed." In the *Hadîth* of An-Nâqr and Al-'Aqâdî it says: "The Verse of the share of inheritance." None of their reports mention what Shu'bah said to Ibn Al-Munkadir.

عَامِرُ الْعَقَدِيُّ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَنَّى: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ، كُلُّهُمْ عَنْ شُعْبَةَ بْنِ هَذَلَةَ الْإِسْنَادِ - فِي حَدِيثٍ وَهْبِ بْنِ جَرِيرٍ: فَتَرَكَتْ آيَةُ الْفَرَائِضِ، وَفِي حَدِيثِ النَّصْرِ وَالْعَقَدِيِّ: فَتَرَكَتْ آيَةُ الْفَرَضِ، وَيَسِّرَ فِي رِوَايَةِ أَحَدٍ مِنْهُمْ: قَوْلُ شُعْبَةَ لِابْنِ الْمُنْكَدِرِ.

[4150] 9 - (1617) It was narrated from Ma'dân bin Abî Talhah that 'Umar bin Al-Khaṭâb delivered a *Khuṭbah* one Friday. He mentioned the Prophet of Allâh ﷺ and he mentioned Abû Bakr. Then he said: "I am not leaving behind me any problem more difficult than that of *Kalâlah*. I did not ask the Messenger of Allâh ﷺ about any matter more than I asked him about *Kalâlah*, and he never appeared to be more annoyed by my asking any question than he did regarding this matter, until he poked me in the chest with his finger and said: 'O 'Umar, is not the Verse that was revealed in summer at the end of *Sûrat An-Nisâ'* sufficient for you?' If I live I will give a verdict concerning it which would enable those who read the Qur'an and those who do not read it to know about this."

[4151] (...) A similar report (as

[٤١٥٠] ٩ - (١٦١٧) حَدَّثَنَا مُحَمَّدُ ابْنُ أَبِي بَكْرِ الْمُقدَّمِيِّ وَمُحَمَّدُ بْنُ الْمُشَنَّى - وَاللَّفْظُ لِابْنِ الْمُشَنَّى - قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا هِشَامٌ: حَدَّثَنَا فَتَادَةُ عَنْ سَالِمٍ بْنِ أَبِي الجَعْدِ، عَنْ مَعْدَانَ بْنِ أَبِي طَلْحَةَ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ خَطَبَ يَوْمَ جُمُوعَةً، فَذَكَرَ بَيْهِ اللَّهَ تَعَالَى، وَذَكَرَ أَبَا بَكْرٍ، ثُمَّ قَالَ: إِنِّي لَا أَدْعُ بَعْدِي شَيْئًا أَهَمَّ عِنْدِي مِنَ الْكَلَالَةِ، مَا رَاجَعْتُ رَسُولَ اللَّهِ تَعَالَى فِي شَيْءٍ مَا رَاجَعْتُهُ فِي الْكَلَالَةِ، وَمَا أَغْلَظَ لِي فِي شَيْءٍ مَا أَغْلَظَ لِي فِيهِ، حَتَّى طَعَنَ يَاصِبَعَهُ فِي صَدْرِي، وَقَالَ: «يَا عُمَرُ! أَلَا تَكْفِيكَ آيَةُ الصَّيْفِ الَّتِي فِي آخِرِ سُورَةِ النِّسَاءِ؟» وَإِنِّي إِنْ أَعِشْ أَقْضِ فِيهَا بِقَضِيَّةِ، يَقْضِي بِهَا مَنْ يَقْرَأُ الْقُرْآنَ وَمَنْ لَا يَقْرَأُ الْقُرْآنَ.

[٤١٥١] (...) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ

no. 4150) was narrated from Qatâdah with this chain.

أَبِي شَيْعَةَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلَيَّ عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ؛ وَحَدَّثَنَا زُهَيرُ بْنُ حَرْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ رَافِعٍ عَنْ شَبَابَةَ بْنِ سَوَارٍ، عَنْ شُعْبَةَ، كِلَامُهُمَا عَنْ قَتَادَةَ بِهَذَا الْإِشْتَادِ، نَحْوَهُ.

(المعجم ۳) - (باب آخر آية أنزلت آية الكلالة) (التحفة ۴)

Chapter 3. The Last Verse To Be Revealed Was The Verse Of Kalâlah

[4152] 10 - (1618) It was narrated that Al-Barâ' said: "The last Verse of the Qur'ân to be revealed was: 'They ask you for a legal verdict. Say: Allâh directs (thus) about *Al-Kalâlah* (those who leave neither descendants nor ascendants as heirs)...'.^[۱]

[4153] 11 - (...) Al-Barâ' bin 'Âzib said: "The last Verse to be revealed was the Verse of *Kalâlah*, and the last *Sûrah* to be revealed was *Barâ'ah* (i.e., *Sûrat At-Taubah*)"

[4154] 12 - (...) It was narrated from Al-Barâ' that the last *Sûrah* to be revealed in full was *Sûrat At-Taubah* and the last Verse to be revealed was the Verse of *Kalâlah*.

[۴۱۵۲] ۱۰-(۱۶۱۸) حَدَّثَنَا عَلَيُّ ابْنُ خَشْرَمَ: حَدَّثَنَا وَكِبْيَعُ عَنْ ابْنِ أَبِي حَالِدٍ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ قَالَ: أَخْرُ آيَةً نَزَّلْتُ مِنَ الْقُرْآنِ: «يَسْتَفْتُونَكُمْ قُلْ أَللّٰهُ يُقْبِلُكُمْ فِي الْكَلَّالَةِ».

[۴۱۵۳] ۱۱-(...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُنْتَشِّي وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ قَالَ: سَمِعْتُ الْبَرَاءَ ابْنَ عَازِبٍ يَقُولُ: آخْرُ آيَةً نَزَّلْتُ، آيَةُ الْكَلَالَةِ، وَآخْرُ سُورَةً نَزَّلْتُ بَرَاءَةً.

[۴۱۵۴] ۱۲-(...) حَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ: أَخْبَرَنَا عِيسَى وَهُوَ ابْنُ يُوسُفَ: حَدَّثَنَا زَكَرِيَّاً عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ؛ أَنَّ آخْرَ سُورَةً نَزَّلْتُ

^[۱] An-Nisâ' 4:176.

تَامَةً سُورَةَ التُّوْبَةِ، وَأَنَّ آخِرَ آيَةٍ أُنْزِلَتْ آيَةً
الْكَلَالَةِ.

[4155] (...) A similar report (as no. 4154) was narrated from Al-Barâ', except that he said: "The last Sûrah to be revealed completely."

[٤١٥٥] (...) حَدَّثَنَا أَبُو كُرَيْبٍ :
حَدَّثَنَا يَحْمَى يَعْنِي ابْنَ آدَمَ : حَدَّثَنَا عَمَّارٌ
وَهُوَ ابْنُ رُزَيْقٍ، عَنْ أَبِي إِشْحَاقَ، عَنْ
الْبَرَاءِ بْنِ مَثْلِهِ، غَيْرُ أَنَّهُ قَالَ : آخِرُ سُورَةِ
أُنْزِلَتْ كَامِلَةً.

[4156] 13 - (...) It was narrated that Al-Barâ' said: "The last Verse to be revealed was: 'They ask you for a legal verdict....'"^[1]

[٤١٥٦] ١٣ - (...) حَدَّثَنَا عَمْرُو
الثَّاقيْفُ : حَدَّثَنَا أَبُو أَحْمَدَ الزُّبَيرِيُّ : حَدَّثَنَا
مَالِكُ بْنُ مَغْوِلٍ عَنْ أَبِي السَّفَرِ، عَنْ الْبَرَاءِ
قَالَ : آخِرُ آيَةٍ أُنْزِلَتْ «يَسْتَقْنُونَكُمْ» .

(المعجم ٤) - (بابُ من ترك مالا
فلورثته) (التحفة ٥)

Chapter 4. Whoever Leaves Behind Wealth, It Is For His Heirs

[4157] 14 - (1619) It was narrated from Abû Hurairah that a deceased man who owed debts would be brought to the Messenger of Allâh ﷺ. He would ask: "Did he leave behind anything to pay off his debt?" If he was told that he had left behind something to pay off his debt, he would offer the funeral prayer for him, otherwise he would say: "Pray for your companion." When Allâh granted him conquests, he said: "I am closer to the believers than their own selves. Whoever dies owing a debt, I will repay it, and whoever

[٤١٥٧] ١٤ - (١٦١٩) وَحَدَّثَنِي
رُهَيْرُ بْنُ حَرْبٍ : حَدَّثَنَا أَبُو صَفْوَانَ
الْأُمُوِّيُّ عَنْ يُونُسَ الْأَنْيَلِيِّ؛ وَحَدَّثَنِي
حَرْمَلَةُ بْنُ يَحْمَى - وَاللَّفظُ لَهُ - قَالَ :
أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ : أَخْبَرَنِي يُونُسُ
عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ
الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ
اللَّهِ ﷺ كَانَ يُؤْتَى بِالرَّجُلِ الْمَيِّتِ، عَلَيْهِ
الدَّيْنُ، فَيُسْأَلُ : «هَلْ تَرَكَ لِذَيْنِهِ مِنْ

^[1] An-Nisâ' 4:176.

leaves behind wealth, it is for his heirs.”

فَضَاءِ؟» فَإِنْ حُدِّثَ أَنَّهُ تَرَكَ وَفَاءَ صَلَّى
عَلَيْهِ، وَإِلَّا قَالَ: «صَلُّوا عَلَى
صَاحِبِكُمْ»، وَلَمَّا فَتَحَ اللَّهُ عَلَيْهِ الْفُتوحَ
قَالَ: «أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ،
فَمَنْ تُوفَّى وَعَلَيْهِ دِينٌ فَعَلَيَّ قَضَاؤُهُ، وَمَنْ
تَرَكَ مَالًا فَهُوَ لِوَرَثَتِهِ».

[4158] (...) This *Hadîth* (similar to no. 4157) was narrated from Az-Zuhri with this chain.

[٤١٥٨] (...) وَحَدَّثَنِي عَبْدُ الْمُلْكِ
ابْنُ شَعِيبِ بْنِ الْلَّيْثِ: حَدَّثَنِي أَبِي عَنْ
جَدِّي: حَدَّثَنِي عَقْبَيْلٌ؛ وَحَدَّثَنِي زَهْرُ بْنُ
حَرْبٍ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا
ابْنُ أَخِي ابْنِ شَهَابٍ؛ وَحَدَّثَنَا ابْنُ نُعْمَيْرٍ:
حَدَّثَنَا أَبِي: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ، كُلُّهُمْ
عَنِ الرُّهْرِيِّ، بِهَذَا الْإِسْنَادِ، هَذَا
الْحَدِيثُ.

[4159] 15 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: “By the One in Whose Hand is the soul of Muhammad! There is no believer on earth but I am the closest of people to him. Whoever among you leaves behind a debt or destitute children, I will take care of them. And whoever among you leaves behind wealth, it is for his heirs, whoever they are.”

[٤١٥٩] ١٥ - (...) حَدَّثَنِي مُحَمَّدُ
ابْنُ رَافِعٍ: حَدَّثَنَا شَبَابَةُ قَالَ: حَدَّثَنِي
وَرْقَاءُ عَنْ أَبِي الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ
أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «وَالَّذِي
نَفْسُ مُحَمَّدٍ يَبْدِئُ إِنْ عَلَى الْأَرْضِ مِنْ
مُؤْمِنٍ إِلَّا وَأَنَا أَوْلَى النَّاسِ بِهِ، فَأَيُّكُمْ مَا
تَرَكَ ذِيْنَا أَوْ ضَيَاغًا فَأَنَا مَوْلَاهُ، وَأَيُّكُمْ
تَرَكَ مَالًا فَإِلَيَّ الْعَصْبَةُ مَنْ كَانَ».

[4160] 16 - (...) It was narrated that Hammâm bin Munabbih said: “This is what Abû Hurairah

[٤١٦٠] ١٦ - (...) حَدَّثَنَا مُحَمَّدُ
ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا

narrated to us from the Messenger of Allâh ﷺ, and he mentioned a number of *Ahadîth*, including the following: “The Messenger of Allâh ﷺ said: ‘I am the closest of people to the believers according to the Book of Allâh, the Mighty and Sublime. Whoever among you leaves behind a debt or destitute children, call me, and I will take care of them. Whoever among you leaves behind wealth, let his wealth be given to his heirs, whoever they are.’”

[4161] 17 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: “Whoever leaves behind wealth, it is for his heirs, and whoever leaves behind children, it is for us (to take care of them).”

[4162] (...) Shu‘bah narrated (a *Hadîth* similar to no. 4161) with this chain, except that in the *Hadîth* of Ghundar it says: “Whoever leaves behind children, I will take care of them.”

مَعْمَرٌ عَنْ هَمَامٍ بْنِ مُنْبَهٍ قَالَ: هَذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ، فَذَكَرَ أَحَادِيثَ، مِنْهَا: وَقَالَ رَسُولُ اللَّهِ ﷺ: «أَنَا أَوْلَى النَّاسِ بِالْمُؤْمِنِينَ فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ، فَإِنْ كُمْ مَا تَرَكَ ذَيْنَا أَوْ ضَيْعَةً فَادْعُونِي، فَأَنَا وَلِيُّهُ، وَأَيُّكُمْ مَا تَرَكَ مَالًا فَلْيُؤْتُرْ بِمَا لِي عَصَبَتْهُ، مَنْ كَانَ». .

[٤١٦١] (...) حَدَّثَنَا عَيْدُ اللَّهِ ابْنُ مُعَاذِ الْعَبَرِيِّ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعبَةُ عَنْ عَدِيٍّ، أَنَّهُ سَمِعَ أَبا حَازِمَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «مَنْ تَرَكَ مَالًا فَلِلَّهِرَثَةِ، وَمَنْ تَرَكَ كَلَّا فَإِلَيْنَا». .

[٤١٦٢] (...) حَدَّثَنِي أَبُو بَكْرٍ بْنُ نَافِعِ الْعَبَدِيِّ: حَدَّثَنَا عُنْدُرٌ، وَحَدَّثَنِي رُهْبَرٌ بْنُ حَرْبٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ يَعْنِي ابْنَ مَهْدِيٍّ قَالَا: حَدَّثَنَا شُعبَةُ بِهَذَا إِلَسْنَادِ، غَيْرَ أَنَّ فِي حَدِيثِ عُنْدُرٍ «فَمَنْ تَرَكَ كَلَّا وَلِيَتُهُ». .

٩ - (المعجم ٢٤) - كتاب الهبات
 (التحفة ١٤)

24. The Book Of Gifts

Chapter 1. It Is Disliked For A Man To Buy What He Gave In Charity From The One To Whom He Gave It

[4163] 1 - (1620) It was narrated from Zaid bin Aslam, from his father, that ‘Umar bin Al-Khaṭṭāb said: “I donated a fine horse (to be ridden in *Jihād*) in the cause of Allāh, and its owner neglected it. I thought that he would sell it for a cheap price, and I asked the Messenger of Allāh ﷺ about that. He said: ‘Do not buy it, and do not take back your charity, for the one who takes back his charity is like the dog that returns to its vomit.’”

[4164] (...) It was narrated from Mâlik bin Anas (a *Hadîth* similar to no. 4163) with this chain, and he added: “Do not buy it even if he gives it to you for a Dirham.”

[4165] 2 - (...) It was narrated from ‘Umar that he donated a horse (to be ridden in *Jihād*) in the cause of Allāh, and he found it with its owner who had

(المعجم ١) - (باب كراهة شراء
 الإنسان ما تصدق به ممن تصدق
 عليه) (التحفة ١)

[٤١٦٣] ١ - (١٦٢٠) حَدَّثَنَا عَبْدُ اللَّهِ
 أَبْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ : حَدَّثَنَا مَالِكُ بْنُ
 أَنَسٍ عَنْ زَيْدِ بْنِ أَشْلَمَ، عَنْ أَبِيهِ؛ أَنَّ عُمَرَ
 بْنَ الْخَطَّابِ قَالَ: حَمَلْتُ عَلَى فَرَسٍ عَتِيقٍ
 فِي سَبِيلِ اللَّهِ، فَأَضَاعَهُ صَاحِبُهُ، فَظَاهَرَتْ أَنَّهُ
 بَائِعُهُ بِرُّحْصٍ، فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْ
 ذَلِكَ؟ فَقَالَ: «لَا تَبْتَغِهُ وَلَا تَعْدِ فِي
 صَدَقَتِكَ، فَإِنَّ الْعَائِدَ فِي صَدَقَتِهِ كَالْكَلْبِ
 يَعُودُ فِي قَيْمَهِ».

[٤١٦٤] (...) وَحَدَّثَنِيهِ رُهْبَرُ بْنُ
 حَرْبٍ : حَدَّثَنَا عَبْدُ الرَّحْمَنِ يَعْنِي أَبْنَ
 مَهْدَىٰ؛ عَنْ مَالِكِ بْنِ أَنَسٍ بِهَذَا
 إِلَسْنَاتِهِ، وَرَأَدَ: «لَا تَبْتَغِهُ وَإِنْ أَعْطَاكَ
 بِدِرْهَمٍ».

[٤١٦٥] ٢ - (...) حَدَّثَنِي أُمَيَّةُ بْنُ
 بَسْطَامَةَ : حَدَّثَنَا يَزِيدُ يَعْنِي أَبْنَ زُرْبَعَ :
 حَدَّثَنَا رَوْخٌ وَهُوَ أَبْنُ الْفَاسِمِ، عَنْ زَيْدِ

neglected it. He was of poor means and ‘Umar wanted to buy it, so he went to the Messenger of Allâh ﷺ and told him about that. He said: “Do not buy it, even if he gives it to you for a Dirham, for the likeness of the one who takes back his charity is that of the dog who returns to his vomit.”

[4166] (...) It was narrated from Ibn Abî ‘Umar that Sufyân narrated from Zaid bin Aslam (a *Hadîth* similar to no. 4165), but the *Hadîth* of Mâlik (no. 4163) and Rawh (no. 4165) is more complete and in detail.

[4167] 3 - (1621) It was narrated from Ibn ‘Umar that ‘Umar bin Al-Khaṭîb donated a horse (to be ridden in *Jihâd*) in the cause of Allâh, and he found it offered for sale. He wanted to buy it, and he asked the Messenger of Allâh ﷺ about that. He said: “Do not buy it; do not take back your charity.”

[4168] (...) A *Hadîth* like that of Mâlik (no. 4167) was narrated from Ibn ‘Umar, from the Prophet ﷺ.

ابن أَسْلَمَ، عَنْ أَبِيهِ، عَنْ عُمَرَ؛ أَنَّهُ حَمَلَ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ، فَوَجَدَهُ عِنْدَ صَاحِبِهِ وَقَدْ أَخْصَاعَهُ، وَكَانَ قَلِيلَ الْمَالِ فَأَرَادَ أَنْ يَشْتَرِيهِ، فَأَتَى رَسُولَ اللَّهِ ﷺ فَذَكَرَ ذَلِكَ لَهُ فَقَالَ: «لَا تَشْتَرِهِ، وَإِنْ أَعْطَيْتَهُ بِدْرَهَمٍ، فَإِنَّ مَثَلَ الْعَائِدِ فِي صَدَقَتِهِ، كَمَلَ الْكَلْبِ يَعُودُ فِي قَيْمَتِهِ».

[4166] (...) وَحَدَّثَنَا ابْنُ أَبِيهِ عُمَرَ؛ حَدَّثَنَا سُفْيَانُ عَنْ زَيْدِ بْنِ أَسْلَمَ بِهَذَا إِلَيْسَنَادِ، عَيْنَ أَنَّ حَدِيثَ مَالِكٍ وَرَوْحَ أَتَمْ وَأَكْثَرُ.

[4167] ۳- (۱۶۲۱) وَحَدَّثَنَا يَحْيَى ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ؛ أَنَّ عُمَرَ بْنَ الْخَطَّابِ حَمَلَ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ، فَوَجَدَهُ يَبْاعَ، فَأَرَادَ أَنْ يَبْتَاعَهُ، فَسَأَلَ رَسُولَ اللَّهِ ﷺ عَنْ ذَلِكَ؟ فَقَالَ: «لَا تَبْتَعْهُ، وَلَا تَعُدْ فِي صَدَقَتِكَ».

[4168] (...) وَحَدَّثَنَا قَتْبَيَةَ [بْنُ سَعِيدٍ] وَابْنُ رُمْحٍ، جَمِيعًا عَنْ الْلَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا الْمُقَدَّمِيُّ وَمُحَمَّدُ بْنُ الْمُشَّئِنِ قَالَا: حَدَّثَنَا يَحْيَى وَهُوَ الْقَطَّانُ؛ وَحَدَّثَنَا ابْنُ نُعْمَيْرٍ قَالَ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو

أَسَامَةَ، كُلُّهُمْ عَنْ عَبْيِدِ اللَّهِ، حَمَّا عَنْ
سَافِعٍ، عَنْ أَبْنَى عُمَرَ عَنْ النَّبِيِّ ﷺ بِمَثْلِ
حَدِيثِ مَالِكٍ.

[4169] 4 - (...) It was narrated from Ibn ‘Umar that ‘Umar donated a horse (to be ridden in *Jihâd*) in the cause of Allâh, then he saw it being offered for sale and he wanted to buy it. He asked the Prophet ﷺ. The Messenger of Allâh ﷺ said: “Do not take back your charity, O ‘Umar.”

[٤١٦٩] ٤ - (...) حَدَّثَنَا أَبْنُ أَبِي
عُمَرَ وَعَبْدُ بْنِ حُمَيْدٍ - وَاللَّفْظُ لِعَبْدٍ -
قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَنْبَرَنَا مَعْمَرٌ
عَنْ أَنْزُهِيٍّ، عَنْ سَالِمٍ، عَنْ أَبْنَى عُمَرَ؛
أَنْ عُمَرَ حَمَلَ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ
ثُمَّ رَأَاهَا تَبَاعُ فَأَرَادَ أَنْ يَشْتَرِيهَا. فَسَأَلَ
النَّبِيَّ ﷺ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَعْدُ
فِي صَدَقَتِكَ، يَا عُمَرُ؟».

Chapter 2. The Prohibition Of Taking Back One's Charity After It Has Been Accepted, Except In The Case Of What A Father Gives To A Son Or Grandson

[4170] 5 - (1622) It was narrated from Ibn ‘Abbâs that the Prophet ﷺ said: “The likeness of the one who takes back his charity is that of a dog which vomits then returns to its vomit to eat it.”

[4171] (...) Muhammad bin ‘Alî bin Al-Ḥuṣain mentioned a similar report (as *Hadîth* no. 4170) with this chain.

(المعجم ٢) - (باب تحريم الرجوع
في الصدقة بعد القبض إلا ما وهبه
لولده وإن سفل) (التحفة ٢)

[٤١٧٠] ٥ - (١٦٢٢) حَدَّثَنِي إِبْرَاهِيمُ
أَبْنُ مُوسَى الرَّازِيِّ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ:
أَخْبَرَنَا عَيْسَى بْنُ نُوْنَسَ: حَدَّثَنَا الْأَوْرَاثِيُّ
عَنْ أَبِي جَعْفَرٍ مُحَمَّدِ بْنِ عَلَيٍّ، عَنْ أَبْنِ
الْمُسَيَّبِ، عَنْ أَبْنِ عَبَّاسٍ؛ أَنَّ النَّبِيَّ ﷺ
قَالَ: «مَثْلُ الْذِي يَرْجِعُ فِي صَدَقَتِهِ، كَمَثْلِ
الْكَلْبِ يَقْيِئُ ثُمَّ يَعُودُ فِي قَيْءِهِ، فَيَأْكُلُهُ».

[٤١٧١] (...) وَحَدَّثَنَا أَبُو كُرْبَيْ
مُحَمَّدُ الْعَلَا: أَخْبَرَنَا أَبْنُ الْمُبَارَكَ عَنْ

الأَوْزَاعِيُّ قَالَ: سَمِعْتُ مُحَمَّدَ بْنَ عَلَيْيِّ بْنَ
الْحُسَيْنِ يَذْكُرُ بِهَذَا إِلَسْنَادِ، نَحْوَهُ.

[٤١٧٢] (...) وَحَدَّثَنِي حَجَاجُ بْنُ
الشَّاعِرِ: حَدَّثَنَا عَبْدُ الصَّمْدِ: حَدَّثَنَا
حَرْبٌ: حَدَّثَنِي يَحْيَى وَهُوَ ابْنُ أَبِي كَثِيرٍ:
حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ عَمْرِو؛ أَنَّ
مُحَمَّدًا ابْنَ فَاطِمَةَ بِنْتِ رَسُولِ اللَّهِ
حَدَّثَهُ، بِهَذَا إِلَسْنَادِ، نَحْوَ حَدِيثِهِمْ.

[٤١٧٣] (...) وَحَدَّثَنِي هَرُونُ
ابْنُ سَعِيدِ الْأَلَيْلِيِّ وَأَحْمَدُ بْنُ عِيسَى قَالَا:
حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو وَهُوَ ابْنُ
الْحَارِثِ عَنْ بُكْرٍ؛ أَنَّهُ سَمِعَ سَعِيدَ بْنَ
الْمُسِيَّبَ يَقُولُ: سَمِعْتُ ابْنَ عَبَاسَ يَقُولُ:
سَمِعْتُ رَسُولَ اللَّهِ يَقُولُ: «إِنَّمَا مَثَلُ
الَّذِي يَتَصَدَّقُ بِصَدَقَةٍ ثُمَّ يَعُودُ فِي صَدَقَتِهِ،
كَمَثَلِ الْكَلْبِ يَقِيُّ ثُمَّ يَاكُلُ فِيئَتِهِ».

[٤١٧٤] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ
الْمُشَّى وَمُحَمَّدُ بْنُ بَشَارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ
جَعْفَرٍ: حَدَّثَنَا شُعبَةُ: سَمِعْتُ قَتَادَةً يُحَدِّثُ عَنْ
سَعِيدِ بْنِ الْمُسِيَّبِ، عَنْ ابْنِ عَبَاسٍ عَنِ النَّبِيِّ
أَنَّهُ قَالَ: «الْعَانِدُ فِي هَبَّتِهِ كَالْعَانِدِ فِي قَيْئِهِ».

[٤١٧٥] (...) وَحَدَّثَاهُ مُحَمَّدُ بْنُ
الْمُشَّى: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ سَعِيدِ،
عَنْ قَتَادَةَ بِهَذَا إِلَسْنَادِ، مِثْلَهُ.

[٤١٧٣] 6 - (...) Sa‘eed bin Al-Mûsâyyab said: “I heard Ibn ‘Abbâs say: ‘I heard the Messenger of Allâh ﷺ say: ‘The likeness of the one who gives charity then takes his charity back is that of a dog which vomits, then eats its vomit.’”

[٤١٧٤] 7 - (...) It was narrated from Ibn ‘Abbâs that the Prophet ﷺ said: “The one who takes back his gift is like the one who returns to his vomit.”

[٤١٧٥] (...) A similar report (as no. 4174) was narrated from Qatâdah with this chain.

^[١] He is Muhammad bin Ali bin Al-Hussain the great grandson of Fâtimah ؑ.

[4176] 8 - (...) It was narrated from Ibn ‘Abbâs that the Messenger of Allâh ﷺ said: “The one who takes back his gift is like the dog that vomits then returns to its vomit.”

[٤١٧٦] ٨ - (...) وَحَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا الْمُحْزُومِيُّ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ طَاؤِسٍ عَنْ أَيْهَى، عَنْ ابْنِ عَبَّاسٍ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «الْعَادِي فِي هَبَةِ كَلْكَلٍ، يَقِيُّ ثُمَّ يَعُودُ فِي قَيْئِهِ».

Chapter 3. It Is Disliked To Favor Some Of One's Children Over Others In Gift-Giving

[4177] 9 - (1623) It was narrated that An-Nu‘mân bin Bashîr said that his father brought him to the Messenger of Allâh ﷺ and said: “I have given this son of mine a slave that belonged to me. The Messenger of Allâh ﷺ said: ‘Have you given a similar gift to all your children?’ He said: ‘No.’ The Messenger of Allâh ﷺ said: ‘Then take it back.’”

[٤١٧٧] ٩ - (١٦٢٣) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ ابْنِ شَهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ وَعَنْ مُحَمَّدِ بْنِ النَّعْمَانِ بْنِ بَشِيرٍ يُحَدِّثُنَاهُ عَنِ النَّعْمَانِ بْنِ بَشِيرٍ أَنَّهُ قَالَ: إِنَّ أَبَاهُ أَتَى بِهِ رَسُولَ اللَّهِ ﷺ فَقَالَ: إِنِّي نَحْلَتُ ابْنِي هَذَا غُلَامًا كَانَ لِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَكُلْ وَلَدِكَ نَحْلَتُهُ مِثْلَ هَذَا؟» فَقَالَ: لَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَارْجِعْهُ».

[4178] 10 - (...) It was narrated that An-Nu‘mân bin Bashîr said: “My father brought me to the Messenger of Allâh ﷺ and said: ‘I have given this son of mine a slave.’ He said: ‘Have you given a gift to all your children?’ He said: ‘No.’ He said: ‘Then take him (the slave) back.’”

[٤١٧٨] ١٠ - (...) وَحَدَّثَنَا يَحْيَى ابْنُ يَحْيَى: أَخْبَرَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ عَنْ ابْنِ شَهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ وَمُحَمَّدِ بْنِ النَّعْمَانِ، عَنِ النَّعْمَانِ بْنِ بَشِيرٍ قَالَ: أَتَى بِي أَبِي إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: إِنِّي نَحْلَتُ ابْنِي هَذَا

عَلَامًا، فَقَالَ: «أَكُلَّ بَنِيكَ نَحْلَتْ؟» قَالَ: لَا، قَالَ: «فَارْدُدْهُ». [٤١٧٩]

[4179] 11 - (...) It was narrated from Az-Zuhri with this chain (a *Hadith* similar to no. 4178).

بَكْرٌ بْنُ أَبِي شَيْبَةَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ، عَنِ ابْنِ عُيَيْنَةَ، وَحَدَّثَنَا قُتَيْبَةُ وَابْنُ رُمْحَةَ عَنِ الْلَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرُ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ، أَمَّا يُوْسُفُ وَمَعْمَرُ فَفِي حَدِيثِهِمَا «أَكُلَّ بَنِيكَ» وَفِي حَدِيثِ الْلَّيْثِ وَابْنِ عُيَيْنَةَ: «أَكُلَّ وَلَدَكَ» وَرِوَايَةُ الْلَّيْثِ عَنْ مُحَمَّدٍ بْنِ التَّعْمَانِ وَحُمَيْدٍ بْنِ عَبْدِ الرَّحْمَنِ: أَنَّ بَشِيرًا جَاءَ بِالْتَّعْمَانِ.

[4180] 12 - (...) It was narrated from Hishām bin 'Urwah that his father said: "An-Nu'mān bin Bashīr told us that his father gave him a slave, and the Prophet ﷺ said to him: 'What is this slave?' He said: 'My father gave him to me.' He ﷺ said (to my father): 'Did you give to all his brothers what you gave to this one?' He said: 'No.' He said: 'Then take him back.'" [٤١٨٠]

سَعِيدٌ: حَدَّثَنَا جَرِيرٌ عَنْ هِشَامٍ ابْنِ عُرْوَةَ، عَنْ أَبِيهِ، قَالَ: حَدَّثَنَا التَّعْمَانُ بْنُ بَشِيرٍ قَالَ: وَقَدْ أَغْطَاهُ أَبُوهُ عَلَامًا، فَقَالَ لَهُ النَّبِيُّ ﷺ: (مَا هَذَا الْغَلَامُ؟) قَالَ: أَعْطَانِيهِ أَبِيهِ قَالَ: (فَكُلْ أَخْوَتِهِ أَغْطِيَتْهُ كَمَا أَعْطَيْتَ هَذَا؟) قَالَ: لَا، قَالَ: «فَرَدْهُ».

[4181] 13 - (...) It was narrated that An-Nu'mân bin Bashîr said: "My father gave me some of his wealth and my mother, 'Amrah bint Rawâhah, said: 'I will not approve until you ask the Messenger of Allâh ﷺ to bear witness.' So my father went to the Prophet ﷺ to ask him to bear witness to my gift. The Messenger of Allâh ﷺ said to him: 'Have you done this for all your children?' He said: 'No.' He said: 'Fear Allâh and treat your children fairly.' My father came back and took back the gift."

ابنُ أَبِي شَيْبَةَ حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ عَنْ حُصَيْنِ، عَنِ الشَّعْبِيِّ قَالَ: سَمِعْتُ النَّعْمَانَ بْنَ بَشِيرًا، وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى - وَاللَّفْظُ لَهُ - أَخْبَرَنَا أَبُو الْأَخْوَصِ عَنْ حُصَيْنِ، عَنِ الشَّعْبِيِّ، عَنِ النَّعْمَانِ بْنِ بَشِيرٍ قَالَ: تَصَدَّقَ عَلَيَّ أَبِي بَعْضِ مَالِهِ فَقَالَتْ أُمِّي عَمْرَةُ بْنُتُ رَوَاحَةَ: لَا أَرْضَى حَتَّى تُشْهِدَ رَسُولُ اللَّهِ ﷺ، فَانطَلَقَ أَبِي إِلَى التَّبَيِّنَ لِيُشْهِدَهُ عَلَى صَدَقَتِي، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «أَفْعَلْتَ هَذَا بِوَلَدِكَ كُلُّهُمْ؟» قَالَ: لَا، قَالَ: «اَتَّقُوا اللَّهَ وَاعْدُلُوا فِي اُولَادِكُمْ» فَرَجَعَ أَبِي، فَرَدَ تِلْكَ الصَّدَقَةَ.

[4182] 14 - (...) An-Nu'mân bin Bashîr narrated that his mother, the daughter of Rawâhah, asked his father to give a gift to her son, and he kept delaying it for a year, then he decided to do that. She said: "I will not approve until you ask the Messenger of Allâh ﷺ to bear witness to what you have given to my son." So my father took me by the hand, and I was a young boy at that time. He went to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, the mother of this boy, the daughter of Rawâhah, would like you to bear witness to that which

ابنُ أَبِي شَيْبَةَ حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ أَبِي حَيَّانَ، عَنِ الشَّعْبِيِّ، عَنِ النَّعْمَانِ بْنِ بَشِيرٍ، وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعَيْرَ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ: حَدَّثَنَا أَبُو حَيَّانَ التَّسِيمِيَّ عَنِ الشَّعْبِيِّ: حَدَّثَنِي النَّعْمَانُ بْنُ بَشِيرٍ، أَنَّ أُمَّهَ بِنْتَ رَوَاحَةَ سَأَلَتْ أَبَاهُ بَعْضَ الْمُؤْهُوبَةِ مِنْ مَالِهِ لِإِيْنَهَا، فَأَتَوْيَ بِهَا سَهَّةً، ثُمَّ بَدَأَ لَهُ، فَقَالَتْ: لَا أَرْضَى حَتَّى تُشْهِدَ رَسُولُ

I have given to her son.” The Messenger of Allâh ﷺ said: “O Bashîr, do you have any other children?” He said: “Yes.” He said: “Have you given to all of them like 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 injustice.”

اللّهُ عَلَى مَا وَهَبْتَ لِابنِي، فَأَخْدَ أَبِي
بِيَدِي ، وَأَنَا يَوْمَنِدُ غُلَامٌ، فَأَتَى رَسُولَ
اللّهِ فَقَالَ: يَا رَسُولَ اللّهِ! إِنَّ أُمَّ هَذَا،
بِنْتَ رَوَاحَةَ، أَعْجَبَهَا أَنْ أُشْهِدَكَ عَلَى
الَّذِي وَهَبْتَ لِابنِهَا، فَقَالَ رَسُولُ
اللّهِ: «يَا بَشِيرُ الْكَلَّ وَلَدُ سَوَى هَذَا؟»
قَالَ: نَعَمْ، قَالَ: «أَكُلُّهُمْ وَهَبْتَ لَهُ مِثْلَ
هَذَا؟» قَالَ: لَا، قَالَ: «فَلَا تُشْهِدْنِي إِذَا
فَإِنِّي لَا أَشْهُدُ عَلَى جَوْرٍ».

[4183] 15 - (...) It was narrated from An-Nu'mân bin Bashîr that the Messenger of Allâh ﷺ said: “Do you have any other sons besides him?” He said: “Yes.” He said: “Have you given to all of them like you have given to this one?” He said: “No.” He said: “I will not bear witness to injustice.”

[4184] 16 - (...) It was narrated from An-Nu'mân bin Bashîr that the Messenger of Allâh ﷺ said to his father: “Do not ask me to bear witness to injustice.”

[4185] 17 - (...) It was narrated that An-Nu'mân bin Bashîr said: “My father took me to the Messenger of Allâh ﷺ and said: ‘O Messenger of Allâh, bear witness that I have given to this

نَمِيرٌ: حَدَّثَنَا أَبِي: حَدَّثَنَا إِسْمَاعِيلُ عَنِ
الشَّعْبِيِّ، عَنِ النَّعْمَانِ بْنِ بَشِيرٍ أَنَّ رَسُولَ
اللّهِ فَقَالَ: «الَّكَ بَئُونَ سَوَاهٌ؟» قَالَ:
نَعَمْ: قَالَ «فَكُلُّهُمْ أَعْطَيْتَ مِثْلَ هَذَا؟»
قَالَ: لَا. قَالَ: «فَلَا أَشْهُدُ عَلَى جَوْرٍ».

[4184] 16 - (...) حَدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا جَرِيرٌ عَنْ عَاصِمِ
الْأَخْوَلِ عَنِ الشَّعْبِيِّ، عَنِ النَّعْمَانِ بْنِ
بَشِيرٍ؛ أَنَّ رَسُولَ اللّهِ فَقَالَ لِأَبِيهِ «لَا
تُشْهِدْنِي عَلَى جَوْرٍ».

[4185] 17 - (...) حَدَّثَنَا مُحَمَّدُ
ابْنُ الْمُشَّنِّ: حَدَّثَنَا عَبْدُ الْوَهَابِ وَعَبْدُ
الْأَعْلَى؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ
وَيَعْقُوبُ الدَّوْرَقِيُّ، جَمِيعًا عَنِ ابْنِ عَلَيَّةَ

son of mine such and such of my wealth.' He said: 'Have you given to all your sons the like of what you have given to An-Nu'mân?' He said: 'No.' He said: 'Then ask someone else to bear witness to this.' Then he said: 'Would you not like them all to honor you equally?' He said: 'Of course.' He said: 'Then do not do it.'

[4186] 18 - (...) It was narrated that An-Nu'mân bin Bashîr said: "My father gave me a gift, then he brought me to the Messenger of Allâh ﷺ to bear witness to it. He said: 'Have you given this to all of your children?' He said: 'No.' He said: 'Would you not like them all to honor you as you want this one to?' He said: 'Of course.' He said: 'Then I will not bear witness."

Ibn 'Awn said: "I narrated it to Muhammad and he said: 'I was told that he (ﷺ) said: "Treat your children similarly."

[4187] 19 - (1624) It was narrated that Jâbir said: "The wife of Bashîr said: 'Give your

- واللّفظُ لِيَعْقُوبَ - قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ دَاؤَدَ بْنِ أَبِي هِنْدٍ، عَنِ الشَّعْبِيِّ، عَنِ النَّعْمَانَ بْنِ بَشِيرٍ قَالَ: انْطَلَقَ إِبْرَاهِيمَ يَخْمُلُنِي إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! أَشْهَدُ أَنِّي قَدْ نَحَلَّتِ النَّعْمَانَ كَذَّا وَكَذَا مِنْ مَالِي، فَقَالَ: «أَكُلَّ بَنِيكَ قَدْ نَحَلَّتِ مِثْلَ مَا نَحَلَّتِ النَّعْمَانَ؟» قَالَ: لَا، قَالَ: «فَأَشْهِدُ عَلَى هَذَا غَيْرِيِّ»، ثُمَّ قَالَ: «أَيْسُرُوكَ أَنْ يَكُونُوا إِلَيْكَ فِي الْبَرِّ سَوَاءً؟» قَالَ: بَلَى، قَالَ: «فَلَا، إِذَا».

[4186] 18 - (...) حَدَّثَنَا أَخْمَدُ ابْنُ عُثْمَانَ التَّوْفِيقِيِّ: حَدَّثَنَا أَزْهَرُ: حَدَّثَنَا ابْنُ عَوْنَى عَنِ الشَّعْبِيِّ، عَنِ النَّعْمَانَ بْنِ بَشِيرٍ قَالَ: نَحَلَّنِي أَبِي نُخَلَّا، ثُمَّ أَتَى إِبْرَاهِيمَ رَسُولَ اللَّهِ ﷺ لِيُشَهِّدَهُ، فَقَالَ «أَكُلَّ وَلَدَكَ أَغْطِيَتْهُ هَذَا؟» قَالَ: لَا. قَالَ: «أَئْسِرُ تُرِيدُ مِنْهُمُ الْبَرِّ مِثْلَ مَا تُرِيدُ مِنْ ذَاهِبٍ؟» قَالَ: بَلَى. قَالَ: «فَإِنِّي لَا أَشْهُدُ». قَالَ ابْنُ عَوْنَى: فَحَدَّثَنِي بِهِ مُحَمَّداً فَقَالَ: إِنَّمَا حَدَّثَنِي أَنَّهُ قَالَ: «فَارِبُوا بَيْنَ أَبْنَائِكُمْ».

[4187] 19 - (1624) حَدَّثَنَا أَخْمَدُ ابْنُ عَبْدِ اللَّهِ بْنِ يُونُسَ: حَدَّثَنَا زُهَيرُ:

slave to my son, and ask the Messenger of Allâh ﷺ to bear witness for me.' So he went to the Messenger of Allâh ﷺ and said: 'The daughter of so-and-so asked me to give my slave to her son, and she said: "Ask the Messenger of Allâh ﷺ to bear witness for me.'" He said: 'Does he have any brothers?' He said: 'Yes.' He said: 'Have you given to all of them something like that which you have given to him?' He said: 'No.' He said: 'This is not right. I will not bear witness to anything but that which is right and proper.'"

حدَثَنَا أَبُو الرَّئِسِ عَنْ جَابِرٍ قَالَ: قَالَتْ امْرَأَةٌ بَشِيرٌ: إِنَّهُ لِي ابْنٌ غَلَامٌكَ، وَأَشْهِدُ لِي رَسُولَ اللَّهِ ﷺ، فَأَتَى رَسُولُ اللَّهِ ﷺ فَقَالَ: إِنَّ ابْنَهُ فُلَانٍ سَأَتَّشِنِي أَنْ أَنْحَلَّ ابْنَهَا غَلَامِي، وَقَالَتْ: أَشْهِدُ لِي رَسُولَ اللَّهِ ﷺ، فَقَالَ: «إِلَهٌ إِخْرَوَةٌ؟» قَالَ نَعَمْ، قَالَ: «أَفَكُلَّهُمْ أَغْطَيْتَ مِثْلَ مَا أَغْطَيْتِنِي؟» قَالَ: لَا. قَالَ: «فَإِنِّي يَضْلُّنِي هَذَا، وَإِنِّي لَا أَشْهُدُ إِلَّا عَلَى حَقٍّ».

Chapter 4. The 'Umra (Lifelong Gift)

[4188] 20 - (1625) It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ said: "Any man who is given a gift for life, it belongs to him and his heirs. It belongs to the one to whom it is given, and does not go back to the one who gave it, because he has given it in such a way that it is subject to the rules of inheritance."

[4189] 21 - (...) It was narrated that Jâbir bin 'Abdullâh said: "I heard the Messenger of Allâh ﷺ say: 'Whoever gives a man a gift for life, it belongs to him and his

(المعجم ٤) - (باب العمرى)
(التحفة ٤)

٤١٨٨-٢٠ [١٦٢٥] حدَثَنَا يَحْيَى
ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ
ابْنِ شَهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ
الرَّحْمَنِ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ؛ أَنَّ
رَسُولَ اللَّهِ ﷺ قَالَ: «أَيُّهَا رَجُلُ أَعْمَرَ
عَمْرًا لَهُ وَلِعَقِبِيهِ، فَإِنَّهَا لِلَّذِي أَغْطَيْتَهَا، لَا
تَرْجِعُ إِلَى الَّذِي أَغْطَاهَا، لِأَنَّهُ أَغْطَى
عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ».

٤١٨٩-٢١ [(...)] حدَثَنَا يَحْيَى
ابْنُ يَحْيَى وَمُحَمَّدُ بْنُ رُمْحٍ قَالَا: أَخْبَرَنَا
اللَّئِنُ، وَحَدَّثَنَا قُتَيْبَةَ: حدَثَنَا لَيْثٌ عَنْ

children. His words ended his right to it and it belongs to the one to whom it was given for life and to his heirs.””

Yahyâ said at the beginning of his *Hadîth*: “Any man who is given a gift for life, it belongs to him and his children.”

ابن شهاب، عن أبي سلمة، عن جابر
ابن عبد الله؛ آنه قال: سمعت رسول الله صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يقول: «من أعمر رجلاً عمرى له ولعقيه، فقد قطع قوله حقة فيها، وهي
لمن أعمر ولعقيه».

غير أن يحيى قال في أول حديثه:
«أئمّا رجل أعمّر عمرى، فهي له ولعقيه».

[4190] ٢٢ - (...) Jâbir bin 'Abdullâh Al-Ansârî narrated that the Messenger of Allâh صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ said: “Any man who gives a man a gift for life, it belongs to him (the latter) and to his heirs.” He said:^[1] “I have given it to you and your heirs so long as any one of you is still alive, then it belongs to the one to whom it was given, and it does not go back to the giver because he has given it in such a way that it is subject to the rules of inheritance.”

[٤١٩٠] ٢٢ - (...) حدثنا عبد الرحمن بن يشر العبدى: حدثنا عبد الرزاق: أخبرنا ابن جريج: أخبرنى ابن شهاب عن العمرى وستتها، عن حديث أبي سلمة بن عبد الرحمن؛ أن جابر بن عبد الله الأنصارى أخبره؛ أن رسول الله صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قال: «أئمّا رجل أعمّر رجلاً عمرى له ولعقيه»، فقال: قد أعطيتكما ولعقيك ما بقي منكم أحد، فإنها لمن أعطيتها، وإنها لا ترجع إلى صاحبها، من أجل أنه أعطى عطاً وفعت فيه المواريث».

[4191] 23 - (...) It was narrated that Jâbir said: “The kind of gift for life that the Messenger of

[٤١٩١] ٢٣ - (...) حدثنا إسحاق
ابن إبراهيم وعبد بن حميد - واللفظ

^[1] This could be part of the *Hadîth* as it appears to be in the narration of it with this chain recorded by Ahmad (3:399). Or, it could be an explanation of Abû Salâmah as it appears in no. 4192.

Allâh ﷺ allowed is only when a person says: 'It is for you and your children.' But if he says it is yours as long as you live, then it goes back to its owner."

Ma'mar said: "Az-Zuhri used to issue *Fatwas* to that effect."

لِعَبْدٍ - قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَاقَ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ قَالَ: إِنَّمَا الْعُمَرَى الَّتِي أَجَازَ رَسُولُ اللَّهِ ﷺ، أَنْ يَقُولَ: هِيَ لَكَ وَلِعَقِيقَكَ، فَإِمَّا إِذَا قَالَ: هِيَ لَكَ مَا عِشْتَ، فَإِنَّهَا تَرْجُعُ إِلَى صَاحِبِهَا، قَالَ مَعْمَرٌ: وَكَانَ الزُّهْرِيُّ يُفْتَنُ بِهِ.

[٤١٩٢] ٢٤ - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكَ عَنِ ابْنِ أَبِي ذِئْبٍ، عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ ابْنِ عَبْدِ الرَّحْمَنِ، عَنْ جَابِرٍ وَهُوَ ابْنُ عَبْدِ اللَّهِ، أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى فِيمَنْ أَعْمَرَ عُمَرَى لَهُ وَلِعَقِيقَهِ، فَهِيَ لَهُ بَتْلَةً، لَا يَجُوزُ لِلْمُعْطِي فِيهَا شَرْطٌ وَلَا شُيْشًا.

فَالَّذِي أَبْوَأْتُمْ: لَأَنَّهُ أَعْطَى عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ، فَقَطَعَتِ الْمَوَارِيثُ شَرْطَهُ.

[٤١٩٣] ٢٥ - (...) حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ عَمَرَ الْقَوَارِبِيُّ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا هِشَامٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنِي أَبُو سَلَمَةَ ابْنُ عَبْدِ الرَّحْمَنِ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْعُمَرَى لِمَنْ وُهِبَتْ لَهُ».

[٤١٩٤] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ

[4192] 24 - (...) It was narrated from Jâbir, who is (Jâbir) bin 'Abdullâh, that the Messenger of Allâh ﷺ ruled concerning one who is given a gift for life that it belongs to him and his children, and it belongs to him absolutely, and it is not permissible for the giver to stipulate any conditions or make any exceptions.

Abû Salâmah said: "Because he has given it in such a way that it is subject to the rules of inheritance, therefore any conditions that he may stipulate are overruled by the rules of inheritance."

[4193] 25 - (...) Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ said: 'A gift for life belongs to the one to whom it is given.'"

[4194] (...) It was narrated from

Jâbir bin ‘Abdullâh that the Prophet of Allâh ﷺ said... a similar report (as no. 4194).

[4195] (...) It was narrated from Jâbir who attributed it to the Prophet ﷺ (a *Hadîth* similar to no. 4194).

[4196] 26 - (...) It was narrated that Jâbir said: “The Messenger of Allâh ﷺ said: ‘Keep your wealth and do not squander it, for whoever gives a gift for life, it belongs to the one to whom it was given, during his lifetime and after his death, and to his children.’”

[4197] 27 - (...) A *Hadîth* like that of Abû Khaithamah (no. 4196) was narrated from Jâbir from the Prophet ﷺ. In the *Hadîth* of Ayyûb it adds: “The *Anṣâr* started to give gifts for life to the *Muhâjirîn*, and the Messenger of Allâh ﷺ said: ‘Keep your wealth.’”

الْمُتَنَّى: حَدَّثَنَا مَعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنَا أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، أَنَّ نَبِيَّ اللَّهِ ﷺ قَالَ: يَمْثُلُهُ.

[4195] (...) حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا رُهْبَرٌ: حَدَّثَنَا أَبُو الرَّبِيعِ، عَنْ جَابِرٍ يَرْفَعُهُ إِلَى النَّبِيِّ ﷺ؛

[4196] ٢٦- (...) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى - وَاللَّفْظُ لَهُ - : أَخْبَرَنَا أَبُو خَيْرَةَ عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَمْسِكُوا عَلَيْكُمْ أَمْوَالَكُمْ وَلَا تُقْسِدُوهَا، فَإِنَّهُ مَنْ أَعْمَرَ عُمْرًا فَهُوَ لِلَّذِي أَغْيَرَهَا، حَيًّا وَمِيتًا وَلِعَقِبِهِ».

[4197] ٢٧- (...) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شِيرٍ: حَدَّثَنَا حَجَاجُ بْنُ أَبِي عُتْمَانَ، وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَإِسْحَاقَ بْنُ إِبْرَاهِيمَ عَنْ وَكِيعٍ، عَنْ سُقِيَانَ، وَحَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ: حَدَّثَنِي أَبِي عَنْ جَدِّي، عَنْ أَيُوبَ، كُلُّ هَؤُلَاءِ، عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ بِمَعْنَى حَدِيثِ أَبِي خَيْرَةَ، وَفِي حَدِيثِ أَيُوبَ مِنَ الزَّيَادَةِ قَالَ: جَعَلَ الْأَنْصَارُ يُغْمِرُونَ الْمُهَاجِرِينَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَمْسِكُوا عَلَيْكُمْ أَمْوَالَكُمْ».

[4198] 28 - (...) It was narrated from Abû Az-Zubair, that Jâbir said: "A woman in Al-Madînah gave a garden of hers as a gift for life to a son of hers, then he died and she died after him, and he left behind a son, but he also had brothers who were the sons of the woman who had given the gift for life. The children of the woman who had given the gift said: 'The garden should come back to us.' But the sons of the one to whom it had been given said: 'No, it belonged to our father in life and in death.' They referred the dispute to Târiq, the freed slave of 'Uthmân, and he called Jâbir, who bore witness that the Messenger of Allâh ﷺ had said, that a gift for life belonged to the one to whom it was given. Târiq ruled on that basis, then he wrote to 'Abdul-Malik and told him about that, and he told him of Jâbir's testimony. 'Abdul-Malik said: 'Jâbir spoke the truth.' So Târiq issued a ruling on that basis, and that garden still belongs to the descendants of the one to whom it was given for life, to this day."

[4199] 29 - (...) It was narrated from Sulaimân bin Yasâr that Târiq ruled that a gift given for life belongs to the heir, because of what Jâbir bin 'Abdullâh narrated from the Messenger of Allâh ﷺ.

[٤١٩٨] ٢٨ - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ وَإِسْحَاقُ بْنُ مَنْصُورٍ - وَاللَّفْظُ لِابْنِ رَافِعٍ - فَالَا: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبِيرُ عَنْ جَابِرٍ قَالَ: أَغْمَرَتِ امْرَأَةٌ بِالْمَدِينَةِ حَائِطًا لَهَا ابْنًا لَهَا، ثُمَّ تُوفِيَ، وَتُوَفِّيَتْ بَعْدَهُ، وَتَرَكَ وَلَدًا، وَلَهُ إِخْرَوَةٌ بَنُونٌ لِلْمُعْمَرَةِ، فَقَالَ وَلَدُ الْمُعْمَرَةِ: رَجَعَ الْحَائِطُ إِلَيْنَا، وَقَالَ بُنُوْتُ الْمُعْمَرِ: بَلْ كَانَ لِأَبِينَا حَيَاةً وَمَوْتَهُ، فَاخْتَصَّمُوا إِلَى طَارِقٍ مَوْلَى عُثْمَانَ، فَدَعَا جَابِرًا فَشَهَدَ عَلَى رَسُولِ اللَّهِ ﷺ بِالْمُعْمَرِيِّ لِصَاحِبِهَا، فَقَضَى بِذَلِكَ طَارِقٌ، ثُمَّ كَتَبَ إِلَى عَبْدِ الْمَلِكِ فَأَخْبَرَهُ بِذَلِكَ، وَأَخْبَرَهُ بِشَهَادَةِ جَابِرٍ، فَقَالَ عَبْدُ الْمَلِكِ: صَدَقَ جَابِرٌ، فَامْضَى ذَلِكَ طَارِقٌ، فَإِنَّ ذَلِكَ الْحَائِطَ لِيَنِي الْمُعْمَرُ حَتَّى الْيَوْمِ.

[٤١٩٩] ٢٩ - (...) حَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْبَةَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِابْنِ بَكْرٍ - قَالَ إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ أَبُو بَكْرٍ: حَدَّثَنَا - سُقْفَانُ ابْنُ عُيَيْنَةَ عَنْ عَمِّرُو، عَنْ سُلَيْمَانَ بْنِ

يَسَارٌ؛ أَنَّ طَارِقًا قَضَى بِالْعُمَرَى لِلْوَارِثِ،
لِقَوْلِ جَابِرٍ [بْنِ عَبْدِ اللَّهِ] عَنْ رَسُولِ
اللهِ ﷺ .

[4200] 30 - (...) It was narrated from Jâbir bin ‘Abdullâh that the Prophet ﷺ said: “A gift for life is permissible.”

[٤٢٠٠] ٣٠ - (...) حَدَّثَنَا مُحَمَّدُ
ابْنُ الْمُتَّئِّنِ وَمُحَمَّدُ بْنُ بَشَّارٍ قَالَا: حَدَّثَنَا
مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ قَالَ:
سَمِعْتُ فَتَادَةً يُحَدِّثُ عَنْ عَطَاءٍ، عَنْ
جَابِرٍ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ قَالَ:
«الْعُمَرَى جَائِزَةٌ».

[4201] 31 - (...) It was narrated from Jâbir that the Prophet ﷺ said: “A gift for life is part of the estate of its owner.”

[٤٢٠١] ٣١ - (...) حَدَّثَنَا يَحْيَى
ابْنُ حَيْبِ الْحَارِثِيِّ: حَدَّثَنَا خَالِدٌ يَعْنِي
ابْنَ الْحَارِثِ، حَدَّثَنَا سَعِيدٌ عَنْ فَتَادَةَ،
عَنْ عَطَاءٍ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ
قَالَ: «الْعُمَرَى مِيرَاثٌ لِأَهْلِهَا».

[4202] 32 - (1626) It was narrated from Abû Hurairah that the Prophet ﷺ said: “A gift for life is permissible.”

[٤٢٠٢] ٣٢ - (١٦٢٦) حَدَّثَنَا مُحَمَّدُ
ابْنُ الْمُتَّئِّنِ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ
جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ فَتَادَةَ، عَنْ التَّصْرِيفِ
أَنَّسِ، عَنْ بَشِيرِ بْنِ نَهِيْكِ، عَنْ أَبِي هُرَيْرَةَ
عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمَرَى جَائِزَةٌ».

[4203] (...) It was narrated from Qatâdah (a *Hadîth* similar to no. 4201) with this chain, except that he said: “part of the estate of its owner” or he said, “permissible.”

[٤٢٠٣] (...) وَحَدَّثَنِيهِ يَحْيَى بْنُ
حَيْبِ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ:
حَدَّثَنَا سَعِيدٌ عَنْ فَتَادَةَ بِهَذَا الْإِسْنَادِ، غَيْرَ
أَنَّهُ قَالَ «مِيرَاثٌ لِأَهْلِهَا» أَوْ قَالَ
«جَائِزَةٌ».

25. The Book Of Wills

١٠ - (المعجم ٢٥) - كتاب الوصية
(التحفة ١٥)

Chapter... A Man's Will Should Be Written With Him

[4204] 1 - (1627) It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "It is not right for a Muslim man who has anything that he wants to bequeath, to stay for more than two nights without having his will written with him."

[4205] 2 - (...) It was narrated from 'Ubaidullâh (a *Hadîth* similar to no. 4204) with this chain, except that they (the narrators) said: "Who has anything to be bequeathed." And they did not say, "Anything that he wants to bequeath."

[4206] 3 - (...) A *Hadîth* like that of 'Ubaidullâh (no. 4205) was narrated from Nâfi' from Ibn 'Umar, from the Prophet ﷺ, and they said: "Who has anything to be bequeathed." But in the *Hadîth* of Ayyûb it says: "that he wants to

(المعجم...) - (باب: وصية الرجل
مكتوبة عنده) (التحفة ١)

حَيْثُمَةَ رُهَيْرُ بْنُ حَرْبٍ وَمُحَمَّدَ بْنُ الْمُسْتَنِيِّ
الْعَنَرَيْ - وَاللَّفْظُ لَا يُنَكِّنُ الْمُشَكِّنَ - قَالَ:
حَدَّثَنَا يَحْيَى وَهُوَ ابْنُ سَعِيدِ الْقَطَانِ عَنْ
عَبْدِ اللَّهِ أَخْبَرَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ، أَنَّ
رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَا حَقٌّ امْرِئٌ
مُسْلِمٌ، لَهُ شَيْءٌ يُرِيدُ أَنْ يُوصِي فِيهِ،
يَبْيَسُ لَيْلَتَيْنِ، إِلَّا وَوَصِيتَهُ مَكْتُوبًا عِنْدَهُ».

ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُهُ بْنُ سُلَيْمَانَ وَعَبْدُ
اللَّهِ بْنُ نُعَيْرِ؛ وَحَدَّثَنَا ابْنُ نُعَيْرِ: حَدَّثَنِي
أَبِي، كِلَّاهُمَا عَنْ عَبْدِ اللَّهِ بِهَلَدا الإِسْنَادِ،
غَيْرَ أَنَّهُمَا قَالَا: «وَلَهُ شَيْءٌ يُوصِي فِيهِ» وَلَمْ
يَقُولَا «يُرِيدُ أَنْ يُوصِي فِيهِ».

كَامِلُ الْجَحْدَرِيُّ: حَدَّثَنَا حَمَادٌ يَعْنِي ابْنَ
زَيْدٍ؛ وَحَدَّثَنِي رُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا
إِسْمَاعِيلٌ يَعْنِي ابْنَ عُلَيَّةَ، كِلَّاهُمَا عَنْ

bequeath,” like the report of Yahyâ from ‘Ubaidullâh.

أَيُوبَ، وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي هَارُونُ ابْنُ سَعِيدِ الْأَيْلِيِّ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي أَسَامَةُ بْنُ رَيْدٍ الْلَّيْثِي؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْلَةَ: أَخْبَرَنَا هِشَامٌ يَعْنِي ابْنَ سَعِيدٍ، كُلُّهُمْ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمُثْلِ حَدِيثِ عُبَيْدِ اللَّهِ، وَقَالُوا جَمِيعًا: «لَهُ شَيْءٌ يُوصِي فِيهِ» إِلَّا فِي حَدِيثِ أَيُوبَ فَإِنَّهُ قَالَ: «يُرِيدُ أَنْ يُوصِي فِيهِ» كَرِوَايَةً يَحْمِيَ عَنْ عُبَيْدِ اللَّهِ.

[4207] 4 - (...) It was narrated from Sâlim, from his father, that he heard the Messenger of Allâh ﷺ say: “It is not right for a Muslim man who has anything to be bequeathed to stay for three nights without having his will written down with him.”

‘Abdullâh bin ‘Umar said: “Since I heard the Messenger of Allâh ﷺ say that, no night passed but I had my will with me.”

[4208] (...) A *Hadîth* like that of ‘Amr bin Al-Hârith (no. 4207) was narrated from Az-Zuhri with this chain.

[4207] 4 - (...) حَدَّثَنَا هَارُونُ بْنُ مَعْرُوفٍ: حَدَّثَنَا [عَبْدُ اللَّهِ] بْنُ وَهْبٍ: أَخْبَرَنِي عُمَرُ وَهُوَ ابْنُ الْحَارِثِ عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ قَالَ: «مَا حَقٌّ امْرِئٍ مُسْلِمٍ لَهُ شَيْءٌ يُوصِي فِيهِ، بَيْتُ ثَلَاثَ لَيَالٍ إِلَّا وَوَصَّيَّهُ عِنْدَهُ مَكْتُوبٌ».

فَالَّذِي قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ: مَا مَرَّتْ عَلَيَّ لَيْلَةٌ مُنْذُ سَمِعْتُ رَسُولَ اللَّهِ ﷺ قَالَ ذَلِكَ، إِلَّا وَعِنْدِي وَصِيَّتِي.

[4208] (...) حَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةَ قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي عَبْدُ الْمُلِكِ بْنُ شُعَيْبٍ

ابنِ الْيَتِيمِ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي عُقَيْلٌ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ وَعَبْدُ ابْنُ حُمَيْدٍ، قَالَا: حَدَّثَنَا عَبْدُ الرَّزَاقَ: أَخْبَرَنَا مَغْمُرٌ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِهَذَا إِلَسْنَادٍ، تَحْوِي حَدِيثَ عَمْرُو بْنِ الْحَارِثِ.

Chapter 1. Bequeathing One-Third

(المعجم ١) - (بابُ الوصية بالثلث)
(التحفة ٢)

[4209] 5 - (1628) It was narrated from 'Âmir bin Sa'd that his father said: "The Messenger of Allâh ﷺ visited me during the Farewell Pilgrimage, when I fell sick with a sickness that brought me close to death. I said: 'O Messenger of Allâh, you can see how bad my sickness is, and I am wealthy, and no one will inherit from me except one daughter of mine. Can I give two-thirds of my wealth in charity?' He said: 'No.' I said: 'Can I give half of it in charity?' He said: 'No. (Give) one-third, and one-third is a lot. If you leave your heirs rich and wealthy, that is better for them than leaving them dependent and asking from people. You will never spend on maintenance, seeking thereby the Face of Allâh, but you will be rewarded for it, even a morsel that you put in your wife's mouth.' I said: 'O Messenger of Allâh, will I be left

ابنُ يَحْيَى التَّمِيميُّ: أَخْبَرَنَا إِبرَاهِيمُ ابْنُ سَعْدٍ عَنْ ابْنِ شَهَابٍ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: عَادَنِي رَسُولُ اللهِ ﷺ، فِي حَجَّةِ الْوَدَاعِ، مِنْ وَجْعٍ أَشْفَقْتُ مِنْهُ عَلَى الْمَوْتِ، قُلْتُ: يَا رَسُولَ اللهِ! بَلَغَ بِي مَا تَرَى مِنَ الْوَجْعِ، وَأَنَا ذُو مَالٍ، وَلَا يَرْثِي إِلَّا ابْنَهُ لِي وَاحِدَةً، أَفَتَصَدِّقُ بِثُلُثِي مَالِي؟ قَالَ «لَا» قُلْتُ: أَفَتَصَدِّقُ بِشَطِيرِهِ؟ قَالَ «لَا»، الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ، إِنَّكَ إِنْ تَدَرَّزَ وَرَثَتَكَ أَغْنِيَاءً، خَيْرٌ مِنْ أَنْ تَدَرَّهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ، وَلَسْتَ تُنْفِقُ نَفَقَةً يَتَغْنِي بِهَا وَجْهَ اللهِ، إِلَّا أُجْرِنَتْ بِهَا، حَتَّى الْلُّقْمَةُ تَجْعَلُهَا فِي فِي امْرَأَتِكَ» قَالَ: قُلْتُ: يَا رَسُولَ اللهِ! أَخْلَفُ بَعْدَ

behind my companions?’ He said: ‘You will never be left behind by them and do a good deed, seeking thereby the Face of Allâh, but it will increase you in status. Perhaps you will live until some people benefit from you and others are harmed by you. O Allâh, complete the emigration of my Companions and do not cause them to turn back on their heels.’ How unfortunate Sa’d bin Khawlah was.”

He said: “The Messenger of Allâh ﷺ felt sorry for him because he died in Makkah.”

[4210] (...) A similar report (as no. 4209) was narrated with this chain.

أَصْحَابِي؟ قَالَ: «إِنَّكَ لَنْ تُخَلَّفَ فَتَعْمَلَ عَمَلاً تَبْغِي بِهِ وَجْهَ اللَّهِ، إِلَّا ازْدَدْتَ بِهِ دَرَجَةً وَرِفْعَةً، وَلَعَلَكَ تُخَلَّفُ حَتَّى يُنَقَّعَ بِكَ أَقْوَامٌ وَيُضَرَّ بِكَ آخَرُونَ، اللَّهُمَّ أَمْضِ لِأَصْحَابِي هَجْرَتَهُمْ وَلَا تَرْدَهُمْ عَلَى أَعْقَابِهِمْ، لَكِنَ الْبَائِسُ سَعْدُ بْنُ حَوْلَةَ». قَالَ: رَشِّي لَهُ رَسُولُ اللَّهِ ﷺ مِنْ أَنْ ثُوفَّيْ بِمَكَّةَ.

[4210] (...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ قَالًا: حَدَّثَنَا سُفِيَّانُ بْنُ عَيْنَةَ، وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ قَالًا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي إِسْحَاقُ ابْنُ إِبْرَاهِيمَ وَعَبْدُ ابْنُ حُمَيْدٍ قَالًا: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ، نَحْوَهُ.

[4211] (...) وَحَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا أَبُو ذَاوِدَ الْحَفْرَيِّ عَنْ سُفِيَّانَ، عَنْ سَعِيدِ بْنِ إِبْرَاهِيمَ، عَنْ عَامِرِ ابْنِ سَعِيدٍ، عَنْ سَعِيدٍ قَالَ: دَخَلَ النَّبِيُّ ﷺ عَلَيَّ يَعْوَذُنِي، فَذَكَرَ بِمَعْنَى حَدِيثِ الزُّهْرِيِّ، وَلَمْ يَذْكُرْ قَوْلَ النَّبِيِّ ﷺ فِي سَعِيدِ بْنِ حَوْلَةَ، غَيْرَ أَنَّهُ قَالَ: وَكَانَ

[4211] (...) It was narrated that Sa’d said: “The Prophet ﷺ entered upon me to visit me (when I was sick)...” and he narrated a *Hadîth* like that of Az-Zuhri (no. 4210), but he did not mention what the Prophet ﷺ said about Sa’d bin Khawlah, but he said: “He did not want to die in a land from which he had emigrated.”

يَكْرَهُ أَنْ يَمُوتَ بِالْأَرْضِ الَّتِي هَاجَرَ
مِنْهَا.

[4212] 6 - (...) Muṣ'ab bin Sa'ad narrated that his father said: "I fell sick and I sent word to the Prophet ﷺ. I said: 'Let me divide my wealth as I wish,' but he refused. I said: 'Then half?' And he refused. I said: 'Then one-third?'" He (the narrator) said: "He remained silent after one-third." He said: "After that, one-third was permissible."

[٤٢١٢] ٦- (...) وَحَدَّثَنِي رُهْيَرُ بْنُ حَرْبٍ : حَدَّثَنَا الْحَسَنُ بْنُ مُوسَى : حَدَّثَنَا رُهْيَرٌ : حَدَّثَنَا سِمَاكُ بْنُ حَرْبٍ : حَدَّثَنِي مُضْعِبُ بْنُ سَعْدٍ عَنْ أَبِيهِ قَالَ: مَرِضْتُ فَأَرْسَلْتُ إِلَى النَّبِيِّ ﷺ، فَقُلْتُ: دَعْنِي أَفْسِمْ مَالِي حَيْثُ شِئْتُ، فَأَبَيْ، فُلْتُ: فَالنَّصْفُ؟ فَأَبَيْ، قُلْتُ: فَالثُّلُثُ؟ قَالَ: فَسَكَّتَ بَعْدَ الثُّلُثِ، قَالَ: فَكَانَ، بَعْدُ، الثُّلُثُ جَائِزًا.

[4213] (...) A similar report (as no. 4212) was narrated from Simāk with, but he did not say: "After that, one-third was permissible."

[٤٢١٣] ٦- (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ الْمُنْتَهَى وَابْنُ بَشَارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ : حَدَّثَنَا شُعْبَةُ عَنْ سِمَاكٍ بِهَذَا إِلَيْسَنَادِ، نَحْوَهُ، وَلَمْ يَذْكُرْ: فَكَانَ، بَعْدُ، الثُّلُثُ جَائِزًا.

[4214] 7 - (...) It was narrated from Muṣ'ab bin Sa'ad that his father said: "The Prophet ﷺ visited me (when I was sick) and I said: 'I will bequeath all my wealth.' He said: 'No.' I said: 'Then one-half.' He said: 'No.' I said: 'One-third?' He said: 'Yes, but one-third is a lot.'"

[٤٢١٤] ٧- (...) وَحَدَّثَنِي الْقَاسِمُ ابْنُ رَكْرِيَاءَ : حَدَّثَنَا حُسَيْنُ بْنُ عَلَيٍّ عَنْ زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ مُضْعِبِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: عَادَنِي النَّبِيُّ ﷺ فَقُلْتُ: أُوصِي بِمَالِي كُلَّهِ، فَقَالَ «لَا»، فُلْتُ: فَالنَّصْفِ، فَقَالَ «لَا» فَقُلْتُ: أَبِالثُّلُثِ؟ فَقَالَ: «نَعَمْ، وَالثُّلُثُ كَثِيرٌ».

[4215] 8 - (...) It was narrated from three of the sons of Sa'd, from their father, that the Prophet ﷺ entered upon Sa'd to visit him (when he was sick) in Makkah, and he wept. He said: "Why are you weeping?" He said: "I am afraid that I will die in the land from which I emigrated, as Sa'd bin Khawlah died." The Prophet ﷺ said: "O Allâh, heal Sa'd. O Allâh, heal Sa'd," three times. He said: "O Messenger of Allâh, I have a lot of wealth, and only my daughter will inherit from me. Should I bequeath all my wealth?" He said: "No." He said: "Then two-thirds?" He said: "No." He said: "Then half?" He said: "No." He said: "Then one-third?" He said: "One-third, but one-third is a lot. What you give of your wealth is charity, what you spend on your family is charity, what you give to your wife to eat from your wealth is charity. If you leave your family well off, that is better for you than leaving them asking from people," and he gestured with his hand.

[4216] 9 - (...) It was narrated that three of the sons of Sa'd said: "Sa'd fell sick in Makkah, and the Messenger of Allâh ﷺ came to visit him..." a *Hadîth* like that of Ath-Thaqafî (no. 4215).

أَبِي عُمَرَ الْمَكِيِّ: حَدَّثَنَا الشَّفَعِيُّ عَنْ أَيُوبَ السَّسْخَنِيِّ، عَنْ عَمْرُو بْنِ سَعِيدٍ، عَنْ حَمَيْدِ ابْنِ عَبْدِ الرَّحْمَنِ الْجَمِيرِيِّ، عَنْ ثَلَاثَةِ مِنْ وَلَدِ سَعِيدٍ، كُلُّهُمْ يُحَدِّثُونَ عَنْ أَيْيَهِ، أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَى سَعِيدٍ يَعُوذُ بِمَكَّةَ، فَبَكَى، قَالَ: «مَا يَبْكِيكَ؟» قَالَ: قَدْ خَشِيتُ أَنْ أَمُوتَ بِالْأَرْضِ الَّتِي هَاجَرْتُ مِنْهَا، كَمَا مَاتَ سَعِيدُ ابْنُ حَوْلَةَ، قَالَ النَّبِيُّ ﷺ: «اللَّهُمَّ اشْفِ سَعْدًا، اللَّهُمَّ اشْفِ سَعْدًا» ثَلَاثَ مِرَارٍ، قَالَ: يَا رَسُولَ اللَّهِ! إِنَّ لِي مَا لَا كَثِيرًا، وَإِنَّمَا يَرْثِي ابْنِي، أَفَأُووصِي بِمَالِي كُلِّهِ؟ قَالَ: «لَا» قَالَ: فِي الْثَّلَاثَيْنِ؟ قَالَ: «لَا» قَالَ: فِي النَّصْفِ؟ قَالَ: «لَا» قَالَ: فِي الْثُلُثِ؟ قَالَ: «الْثُلُثُ وَالثُلُثُ كَثِيرٌ، إِنَّ صَدَقَتَكَ مِنْ مَالِكَ صَدَقَةً، وَإِنَّ نَفَقَتَكَ عَلَى عِيَالِكَ صَدَقَةً، وَإِنَّ مَا تَأْكُلُ امْرَأَتُكَ مِنْ مَالِكَ صَدَقَةً، وَإِنَّكَ أَنْ تَدْعُ أَهْلَكَ بِخَيْرٍ - أَوْ قَالَ بِعِيشِي - خَيْرٌ مِنْ أَنْ تَدَعْهُمْ يَتَكَفَّفُونَ النَّاسَ» وَقَالَ بِيَدِهِ.

[٤٢١٦-٩] (....) وَحَدَّثَنِي أَبُو الرَّبِيعُ
الْعَتَكِيُّ: حَدَّثَنَا حَمَادٌ: حَدَّثَنَا أَيُوبُ عَنْ
عَمَرِ بْنِ سَعِيدٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ
الْحَمِيْرِيِّ، عَنْ ثَلَاثَةِ مِنْ وَلَدِ سَعِيدٍ قَالُوا:

مَرِضَ سَعْدٌ بْنَ مَكَّةَ، فَأَتَاهُ رَسُولُ اللَّهِ ﷺ
يَعْوِدُهُ، يَتَحَوِّلُ حَدِيثُ التَّقْفِيِّ.

[4217] (...) Three of the sons of Sa'd bin Mâlik narrated, each of them narrating a *Hadîth* like that of the others, that Sa'd fell sick in Makkah and the Prophet ﷺ came to visit him... a *Hadîth* like that of 'Amr bin Sa'eed from Humaid Al-Himyârî (no. 4215).

[٤٢١٧] (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ
الْمُنَّى: حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا هِشَامٌ
عَنْ مُحَمَّدٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ:
حَدَّثَنِي ثَلَاثَةُ مِنْ وَلَدِ سَعْدٍ بْنِ مَالِكٍ،
كُلُّهُمْ يُحَدِّثُونِي مِثْلَ حَدِيثِ صَاحِبِهِ قَالَ:
مَرِضَ سَعْدٌ بْنَ مَكَّةَ، فَأَتَاهُ النَّبِيُّ ﷺ
يَعْوِدُهُ، يَتَحَوِّلُ حَدِيثُ عَمْرُو بْنِ سَعِيدٍ عَنْ
حُمَيْدِ الْجَمِيرِيِّ.

[4218] 10 - (1629) It was narrated that Ibn 'Abbâs said: "Would that the people would reduce it from one-third to one-quarter, for the Messenger of Allâh ﷺ said: 'One-third, and one-third is a lot.'"

[٤٢١٨] ١٠-(١٦٢٩) حَدَّثَنِي
إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: أَخْبَرَنَا عِيسَى
يَعْنِي ابْنَ يُونُسَ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي
شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا وَكِيعٌ؛
وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا ابْنُ نُمَيْرٍ،
كُلُّهُمْ عَنْ هِشَامٍ بْنِ عُزْرَوَةَ، عَنْ أَبِيهِ، عَنْ
ابْنِ عَبَّاسٍ قَالَا: لَوْ أَنَّ النَّاسَ غَضَّوْا مِنَ
الثُّلُثِ إِلَى الرُّبْعِ، فَإِنَّ رَسُولَ اللَّهِ ﷺ
قَالَ: «الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ».
وَفِي حَدِيثِ وَكِيعٍ «كَبِيرٌ - أَوْ - كَثِيرٌ».

Chapter 2. The Reward For Charity Reaches The Deceased

[4219] 11 - (1630) It was narrated from Abû Hurairah that

(المعجم ٢) - (باب وصول ثواب الصدقات إلى الميت) (التحفة ٣)

[٤٢١٩] ١١-(١٦٣٠) حَدَّثَنَا يَحْيَى
ابْنُ أَبِي وَبَّاعَ وَقَنْيَةُ بْنُ سَعِيدٍ وَعَلِيُّ ابْنُ

a man said to the Prophet ﷺ: "My father died and he left behind some wealth but he did not make a will. Will it expiate for him if charity is given on his behalf?" He said: "Yes."

[4220] 12 - (1004) It was narrated from 'Aishah that a man said to the Prophet ﷺ: "My mother died suddenly and I think that if she could have spoken, she would have given charity. Will I have a reward if I give charity on her behalf?" He said: "Yes."

[4221] (...) It was narrated from 'Aishah that a man came to the Prophet ﷺ and said: "O Messenger of Allâh, my mother died suddenly and she did not leave a will. I think that if she could have spoken she would have given charity. Will she have a reward if I give charity on her behalf?" He said: "Yes."

[4222] 13 - (...) It was narrated from Hishâm bin 'Urwah (a *Hadîth* similar to no. 4221) with this chain. As for Abû Usâmah and Rawhî, in their *Hadîth* it says: "Will I have a reward?" as Yahyâ bin Sa'eed said. As for Shu'aib and Ja'far, in their *Hadîth* it says: "Will she have a reward?" as in the *Hadîth* of Ibn Bîshr.

حُجْرٌ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَجُلًا قَالَ لِلنَّبِيِّ ﷺ: إِنَّ أَبِي مَاتَ وَتَرَكَ مَالًا وَلَمْ يُوصِّ، فَهَلْ يُكْفُرُ عَنْهُ إِنْ تُصَدِّقَ عَنْهُ؟ قَالَ: «نَعَمْ». [٤٢٢٠-١٢]

حَرْبٌ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ هِشَامٍ [بْنِ عُرْوَةَ]: أَخْبَرَنِي أَبِي عَنْ عَائِشَةَ؛ أَنَّ رَجُلًا قَالَ لِلنَّبِيِّ ﷺ: إِنَّ أُمِّي افْتَلَتْ نَفْسَهَا، وَإِنِّي أَظْنُهَا لَوْ تَكَلَّمَتْ تَصَدَّقَتْ، فَلَيَأْجُرَ إِنْ تَصَدَّقَ عَنْهَا؟ قَالَ: «نَعَمْ». [٢٢٢٦]

الله بْنُ نُعْمَى: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعْمَى: حَدَّثَنَا مُحَمَّدُ بْنُ يَسْرَى: حَدَّثَنَا هِشَامٌ عَنْ أَبِيهِ، عَنْ عَائِشَةَ؛ أَنَّ رَجُلًا أَتَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ الله! إِنَّ أُمِّي افْتَلَتْ نَفْسَهَا، وَلَمْ تُوصِّ، وَأَظْنُهَا لَوْ تَكَلَّمَتْ تَصَدَّقَتْ، أَفَلَهَا أَجْرٌ إِنْ تَصَدَّقَتْ عَنْهَا؟ قَالَ: «نَعَمْ». [٤٢٢١]

كُرَبَّ: حَدَّثَنَا أَبُو أُسَامَةَ؛ وَحَدَّثَنَا الْمَحْكُمُ ابْنُ مُوسَى: حَدَّثَنَا شُعَيْبُ بْنُ إِسْحَاقَ؛ وَحَدَّثَنِي أُمِّيَّ ابْنُ يَسْطَامَ: حَدَّثَنَا يَزِيدُ يَعْنِي ابْنَ زُرْبَعَ: حَدَّثَنَا رَوْحٌ وَهُوَ ابْنُ الْقَاسِمِ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ:

حَدَّثَنَا جَعْفَرُ بْنُ عَوْنِ، كُلُّهُمْ عَنْ هِشَامٍ أَبْنِ عُرْوَةَ بْنِ الْإِسْنَادِ، أَمَّا أَبُو أُسَامَةَ وَرَوْحُ فَقِي حَدِيثِهِمَا: فَهُلْ لِي أَجْرٌ؟ كَمَا قَالَ يَحْيَى بْنُ سَعِيدٍ، وَأَمَّا شُعَيْبٌ وَجَعْفَرٌ فَقِي حَدِيثِهِمَا: أَفْلَهَا أَجْرٌ؟ كَرِوَايَةُ ابْنِ يَسْرِي.

Chapter 3. What Reward Reaches A Man After His Death

[4223] 14 - (1631) 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, beneficial knowledge, or a righteous son who will pray for him.”

(المعجم ٣) - (باب ما يلحق الإنسان من الثواب بعد وفاته) (التحفة ٤)

أَبْنُ يَوْبَ وَقُتْبَيْهُ يَعْنِي ابْنَ سَعِيدٍ وَابْنَ حُبْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا مَاتَ إِنْسَانٌ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةِ إِلَّا مِنْ صَدَقَةٍ جَارِيَةٍ، أَوْ عِلْمٍ يُتَفَقَّعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ».

(المعجم ٤) - (باب الوقف) (التحفة ٥)

أَبْنُ يَحْيَى التَّمِيميُّ: أَخْبَرَنَا شُعَيْبُ بْنُ أَخْضَرَ عَنْ ابْنِ عَوْنِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: أَصَابَ عُمَرُ أَرْضًا بِخَيْرٍ، فَأَتَى الرَّبِيعَ يَسْتَأْمِرُهُ فِيهَا، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي أَصَبَتُ أَرْضًا بِخَيْرٍ، لَمْ

Chapter 4. Waqf (Endowment)

[4224] 15 - (1632) It was narrated that Ibn ‘Umar said: “‘Umar was given a share of land in Khaibar, and he came to the Prophet ﷺ to consult him about it. He said: ‘O Messenger of Allâh, I have been given a share of 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 'Umar gave it in charity and stipulated that it was not to be sold, given as a gift or inherited, and he gave it in charity to the poor, relatives and slaves, for the cause of Allâh and for wayfarers and guests; and there was no sin on the one appointed to look after it if he ate from it on a reasonable basis, and fed a friend without storing anything for the future."

He said:^[1] "I narrated this *Hadîth* to Muâmmad, when I reached the words "without storing anything for the future," Muâmmad said: Without storing it with a view to becoming rich.

Ibn 'Awn said: "The one who read this book, he told me, that in it are the words: 'Without storing it with a view to becoming rich.'"

[4225] (...) A similar report (as no. 4224) was narrated from Ibn 'Awn with this chain, except that in the *Hadîth* of Ibn Abî Zâ'idah and Azhar it ends at the words: "And feed a friend without storing anything for the future." And he did not mention what comes after that. The *Hadîth* of Ibn Abî 'Adiyy includes what is mentioned by Sulaim: "I narrated this *Hadîth* to Muâmmad..."

أُصِبْ مَالًا قَطُّ هُوَ أَنفَسٌ عِنْدِي مِنْهُ، فَمَا تَأْمُرُنِي بِهِ؟ قَالَ: «إِنْ شِئْتَ حَبَّسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا»، قَالَ: فَتَصَدَّقَ بِهَا عَمَرُ: أَنَّهُ لَا يُبَاعُ أَصْلُهَا، وَلَا يُبَاعُ، وَلَا تُورَثُ، وَلَا تُوَهَّبُ، قَالَ: فَتَصَدَّقَ عَمَرُ فِي الْفُقَرَاءِ، وَفِي الْقُرْبَىِ، وَفِي الرَّفَاقَاتِ، وَفِي سَيْلِ اللَّهِ، وَأَبْنِ السَّيْلِ، وَالضَّيْفِ، وَلَا جُنَاحَ عَلَى مَنْ وَلَيْهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ، أَوْ يُطْعِمَ صَدِيقًا، غَيْرَ مُتَمَوِّلٍ فِيهِ.

قَالَ: فَحَدَّثْتُ هَذَا الْحَدِيثَ مُحَمَّدًا، فَلَمَّا بَلَغْتُ هَذَا الْمَكَانَ: غَيْرَ مُتَمَوِّلٍ فِيهِ، قَالَ مُحَمَّدٌ: غَيْرَ مُتَأْثِلٍ مَالًا. قَالَ أَبْنُ عَوْنَى: وَأَبْنَانِي مَنْ فَرَأَ هَذَا الْكِتَابَ أَنَّ فِيهِ: غَيْرَ مُتَأْثِلٍ مَالًا.

[٤٢٢٥] (...) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبْنُ أَبِي زَائِدَةَ، وَحَدَّثَنَا إِشْحَقُ: أَخْبَرَنَا أَزْهَرُ السَّمَانَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَنَّى: حَدَّثَنَا أَبْنُ أَبِي عَدِيٍّ، كُلُّهُمْ عَنْ أَبْنِ عَوْنَى بِهَذَا الْإِسْنَادِ، مِنْهُ، غَيْرَ أَنَّ حَدِيثَ أَبْنِ أَبِي زَائِدَةَ وَأَزْهَرَ انتَهَى عِنْدَ قَوْلِهِ «أَوْ يُطْعِمَ صَدِيقًا غَيْرَ مُتَمَوِّلٍ فِيهِ» وَلَمْ يُذْكُرْ مَا بَعْدَهُ، وَحَدِيثُ

[1] That is Ibn 'Awn, the narrator and the Muâmmad is Ibn Sirîn.

ابن أبي عديٰ فيه ما ذكر سليم قوئه:
فَحَدَّثُتْ بِهَذَا الْحَدِيثِ مُحَمَّداً إِلَى آخِرِهِ.

[٤٢٢٦] [١٦٣٣] وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَبُو دَاوُدُ الْحَقِيرِيُّ عُمَرُ بْنُ سَعْدٍ، عَنْ سُقِيَانَ، عَنْ ابْنِ عَوْنَى، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: أَصَبَتْ أَرْضًا مِنْ أَرْضِ خَيْرٍ، فَأَيَّثَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قُلْتُ: أَصَبَتْ أَرْضًا لَمْ أُصِبْ مَالًا أَحَبَّ إِلَيَّ وَلَا أَنْفَسَ عِنْدِي مِنْهَا، وَسَاقَ الْحَدِيثَ يُمْثِلُ حَدِيثَهُمْ، وَلَمْ يَذْكُرْ: فَحَدَّثُتْ مُحَمَّداً، وَمَا بَعْدَهُ.

(المعجم ٥) - (باب ترك الوصية لمن ليس له شيء يوصي فيه) (التحفة ٦)

[٤٢٢٧] [١٦٣٤] حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّوْمِيُّ: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ مَالِكِ بْنِ مَعْوِيلٍ، عَنْ طَلْحَةِ بْنِ مُصْرِفٍ قَالَ: سَأَلْتُ عَبْدَ اللَّهِ بْنَ أَبِي أَوْفَى: هَلْ أَوْصَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا، قُلْتُ: فَلِمَ كُتِبَ عَلَى الْمُسْلِمِينَ الْوَصِيَّةُ، أَوْ فِيمَ أُمِرُوا بِالْوَصِيَّةِ؟ قَالَ: أَوْصَى بِكِتَابِ اللَّهِ تَعَالَى.

[٤٢٢٨] [١٧]... وَحَدَّثَنَا أَبُو بَكْرُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا ابْنُ نُعَيْرٍ: حَدَّثَنَا أَبِي، كِلَّا هُمَا عَنْ مَالِكٍ

Chapter 5. Not Making A Will For One Who Has Nothing To Be Bequeathed

[4227] 16 - (1634) It was narrated that Talhah bin Musârrif said: ‘I asked ‘Abdullah bin Abi Awfa: ‘Did the Messenger of Allâh ﷺ leave a will?’ He said: ‘No.’ I said: ‘Why is making a will prescribed for the Muslims, or why are they commanded to make wills?’ He said: ‘His final guidance was adherence to the Book of Allâh.’”

[4228] 17 - (...) A similar report was narrated from Mâlik bin Maghwal (as no. 4227), except that in the *Hadîth* of

Wakî' it says: "I said: 'How come the people were commanded to make wills?'" In the *Hadîth* of Ibn Numair it says: "How come it is prescribed for the Muslims to make wills?"

ابن معقول يهذا الأسئلة، مثله، غير أن في حديث وكيع: قلت: فكيف أمر الناس بالوصية؟ وفي حديث ابن نمير: قلت: كيف كتب على المسلمين الوصية؟

[4229] 18 - (1635) It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ did not leave behind a Dînâr, a Dirham, a sheep nor a camel, and he did not bequeath anything."

[٤٢٢٩] ١٨ - (١٦٣٥) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ نُمَيْرٍ وَأَبُو مُعاوِيَةَ عَنِ الْأَعْمَشِ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي وَأَبُو مُعاوِيَةَ قَالَا: حَدَّثَنَا الْأَعْمَشُ عَنْ أَبِي وَائِلٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالُوا: مَا تَرَكَ رَسُولُ اللَّهِ ﷺ دِينَارًا، وَلَا ذِرْهَمًا، وَلَا شَاةً، وَلَا بَعِيرًا، وَلَا أُوْصَنِي بِشَيْءٍ.

[4230] (...) A similar report (as no. 4229) was narrated from Al-A'mash with this chain.

[٤٢٣٠] (...) وَحَدَّثَنَا زُهْرَى بْنُ حَرْبٍ وَعُثْمَانُ بْنُ أَبِي شَيْبَةَ وَإِسْحَاقُ ابْنُ إِبْرَاهِيمَ، كُلُّهُمْ عَنْ جَرِيرٍ؛ وَحَدَّثَنَا عَلَيُّ ابْنُ حَشْرَمْ: أَخْبَرَنَا عِيسَى - وَهُوَ ابْنُ يُونُسَ، جَمِيعًا عَنِ الْأَعْمَشِ بِهَذَا الْأَسْنَادِ، مِثْلُهُ.

[4231] 19 - (1636) It was narrated that Al-Aswad bin Yazîd said: "They said in the presence of 'Âishah that 'Alî was bequeathed something by the Prophet ﷺ. She said: 'When did

[٤٢٣١] ١٩ - (١٦٣٦) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ لِيَحْيَى - قَالَا: أَخْبَرَنَا إِسْمَاعِيلُ ابْنُ عَلَيَّةَ عَنْ ابْنِ عَوْنَى، عَنْ إِبْرَاهِيمَ،

he make a will for him? He was leaning on my chest' - or she said: 'in my lap - and he called for a bowl, then he fell into my lap and I did not realize that he had died. So when did he make a will for him?"'

عَنِ الْأَسْوَدِ بْنِ يَزِيدَ قَالَ: ذَكَرُوا عِنْدَ عَائِشَةَ أَنَّ عَلَيْهَا كَانَ وَصِيًّا، فَقَالَتْ: مَمَّا أَوْصَى إِلَيْهِ؟ فَقَدْ كُنْتُ مُسْنِدَتَهُ إِلَيْهِ صَدِيرِي - أَوْ قَالَتْ حَجْرِي - فَدَعَا بِالظُّنُنِ، فَلَقِيَ ابْنَهُتَّ فِي حَجْرِي، وَمَا شَعَرْتُ أَنَّهُ مَاتَ، فَمَمَّا أَوْصَى إِلَيْهِ؟ .

[٤٢٣٧] ٢٠ - [١٦٣٧] ٢٠ [٤٢٢٢] حَدَّثَنَا سَعِيدُ بْنُ مَضْوِرٍ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَعَمْرُو التَّانَفِدُ - وَاللَّفْظُ لِسَعِيدٍ - قَالُوا: حَدَّثَنَا سُفِيَّانُ عَنْ سَلِيمَانَ الْأَخْوَلِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: قَالَ أَبُنْ عَبَّاسٍ: يَوْمُ الْخَمِيسِ وَمَا يَوْمُ الْخَمِيسِ! ثُمَّ بَكَى حَتَّى بَلَّ دَمْعَهُ الْحَصَى، فَقُلْتُ: يَا أَبَا عَبَّاسٍ وَمَا يَوْمُ الْخَمِيسِ؟ قَالَ: اشْتَدَّ بِرَسُولُ اللَّهِ وَجْهُهُ، فَقَالَ: «إِنْ تُوْنِي أَكْتُبُ لَكُمْ كِتَابًا لَا تَضْلُلُوا بَعْدِي» فَتَنَازَعُوا، وَمَا يَنْبَغِي عِنْدَنِي تَنَازُعٌ، وَقَالُوا: مَا شَانُهُ؟ أَهْجَرَ؟ اسْتَفْهَمُوهُ، قَالَ: «دَعُونِي، فَالَّذِي أَنَا فِيهِ خَيْرٌ، أَوْصِيكُمْ بِثَلَاثٍ:

^[١] That is, some of them thought that it was better that he not be bothered with that, due to the strain on his condition, while others thought that it should be considered an order from him. Then some of them asked the others whether they thought that there was something wrong with him; maybe they thought he was delirious, and that is why they did not want him to write? And then they told them that rather, they should listen to what he is saying and try to understand it. See *Minnat Al-Mun'im*.

Then he remained silent about the third, or he said it, and I was caused to forget it.””

Abû Ishâq [Ibrâhîm] said: “Al-Hasan bin Bîshr told us, Sufyân told us...” this *Hadîth*.

أَخْرِجُوا الْمُشْرِكِينَ مِنْ جَزِيرَةِ الْعَرَبِ،
وَأَجِيزُوا الْوَفْدَ يَنْخُرُ مَا كُنْتُ أَجِيزُهُمْ،
قَالَ: وَسَكَّتَ عَنِ الثَّالِثَةِ، أَوْ قَالَهَا
فَأُنْسَيْتُهَا.

قَالَ أَبُو إِسْحَاقَ [إِبْرَاهِيمُ]: حَدَّثَنَا
الْحَسَنُ بْنُ يَسْرِيٍّ: حَدَّثَنَا سُفيَانُ بِهْلَاءِ
الْحَدِيثِ.

[4233] 21 - (...) It was narrated from Sa'd bin Jubair that Ibn 'Abbâs said: “Thursday and what a Thursday!” Then his tears started to flow until I saw what looked like strings of pearls on his cheeks. He said: “The Messenger of Allâh ﷺ said: ‘Bring me a shoulder blade and an inkpot’ - or ‘a tablet and an inkpot’ - and I will dictate for you a document after which you will never go astray.’ They said: ‘The Messenger of Allâh ﷺ is in a state of delirium.’”

[٤٢٣٣]-٢١ حَدَّثَنَا إِسْحَاقُ
ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا وَكَيْعٌ عَنْ مَالِكٍ بْنِ
مَغْوِلٍ، عَنْ طَلْحَةَ بْنِ مُصَرْفٍ، عَنْ سَعِيدِ
ابْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: يَوْمُ
الْخَمِيسِ وَمَا يَوْمُ الْخَمِيسِ ثُمَّ جَعَلَ سَيِّلُ
دُمُوغَةً، حَتَّى رَأَيْتُ عَلَى حَدِيثِهِ كَائِنَهَا
نِظَامُ الْلُّؤْلُؤِ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:
«اُتُونِي بِالْكَتْفِ وَالدَّوَاءِ - أَوِ الْلَّوْحِ
وَالدَّوَاءِ - أَكْتُبْ لَكُمْ كِتَابًا لَنْ تَضَلُّوا
بَعْدَهُ أَبَدًا» فَقَالُوا: إِنَّ رَسُولَ اللَّهِ ﷺ
يَهْجُرُ.

[4234] 22 - (...) It was narrated that Ibn 'Abbâs said: “When the Messenger of Allâh ﷺ was dying, there were men in the house among whom was 'Umar bin Al-Khaṭâb. The Prophet ﷺ said: ‘Come, let me dictate for you a document after which you will not go astray.’ 'Umar said: ‘The Messenger of Allâh ﷺ is

[٤٢٣٤]-٢٢ حَدَّثَنِي مُحَمَّدُ
ابْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ - قَالَ عَبْدُ:
أَخْبَرَنَا، وَقَالَ ابْنُ رَافِعٍ: حَدَّثَنَا - عَبْدُ
الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الرُّهْرِيِّ، عَنْ
عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عَتْبَةَ، عَنْ ابْنِ
عَبَّاسٍ قَالَ: لَمَّا حُضِرَ رَسُولُ اللَّهِ ﷺ

overcome with pain, and you have the Qur'ân; the Book of Allâh is sufficient for us.' The people in the house disagreed, and they argued. Some of them said: 'Come close and let the Messenger of Allâh ﷺ dictate for you a document after which you will not go astray.' Others agreed with what 'Umar said. When their idle talk and argument in the presence of the Messenger of Allâh ﷺ became too much, the Messenger of Allâh ﷺ said: 'Get up and leave.'"

'Ubaidullâh said: "Ibn 'Abbâs used to say: 'What a calamity it was when the Messenger of Allâh ﷺ was prevented from dictating that document for them because of their disagreement and noise.'"

وَفِي الْبَيْتِ رِجَالٌ فِيهِمْ عُمُرٌ بْنُ الْخَطَابِ، فَقَالَ النَّبِيُّ ﷺ: «هَلْمَّ أَتَتْنَكُمْ كِتَابًا لَا تَضِلُّونَ بَعْدَهُ»، فَقَالَ عُمَرُ: إِنَّ رَسُولَ اللَّهِ ﷺ قَدْ غَلَبَ عَلَيْهِ الْوَجْعُ، وَعِنْدُكُمْ الْقُرْآنُ، حَسِبْنَا كِتَابَ اللَّهِ، فَاخْتَلَفَ أَهْلُ الْبَيْتِ، فَاخْتَصَمُوا، مِنْهُمْ مَنْ يَقُولُ: قَرِبُوا يَكْتُبُ لَكُمْ رَسُولُ اللَّهِ ﷺ كِتَابًا لَنْ تَضِلُّوا بَعْدَهُ، وَمِنْهُمْ مَنْ يَقُولُ مَا قَالَ عُمَرُ، فَلَمَّا أَكْثَرُوا اللَّغْوَ وَالْأَخْتِلَافَ عِنْدَ رَسُولِ اللَّهِ ﷺ، قَالَ رَسُولُ اللَّهِ ﷺ: «فُؤُمُوا». قَالَ عَبْيُودُ اللَّهِ: فَكَانَ ابْنُ عَبَّاسٍ يَقُولُ: إِنَّ الرَّزِيْةَ كُلَّ الرَّزِيْةِ مَا حَالَ بَيْنَ رَسُولِ اللَّهِ ﷺ وَبَيْنَ أَنْ يَكْتُبَ لَهُمْ ذَلِكَ الْكِتَابَ، مِنْ اخْتِلَافِهِمْ وَلَعْظِهِمْ.

١١ - (المعجم ٢٦) - كتاب النذر

(التحفة ١٦)

26. The Book Of Vows

(المعجم ١) - (باب الأمر بقضاء
النذر) (التحفة ١)

Chapter 1. The Command To
Fulfill Vows

[4235] ١ - (1638) It was narrated that Ibn ‘Abbâs said: “Sa‘d bin ‘Ubâdah asked the Messenger of Allâh ﷺ about a vow that his mother had made, but she died before she could fulfill it. The Messenger of Allâh ﷺ said: ‘Fulfill it on her behalf.’”

[٤٢٣٥] ١ - (١٦٣٨) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ وَمُحَمَّدُ بْنُ رُمْحٍ بْنِ الْمُهَاجِرِ قَالَا: حَدَّثَنَا الْيَتِيمُ؛ وَحَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ ابْنِ شَهَابٍ، عَنْ عُبَيْدَ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: اسْتَفْتَنِي سَعْدُ بْنُ عُبَادَةَ رَسُولَ اللَّهِ ﷺ فِي نَدْرَيْ كَانَ عَلَى أُمِّهِ، تُؤْفَقُتْ قَبْلَ أَنْ تَقْضِيهِ، قَالَ رَسُولُ اللَّهِ ﷺ: «فَاقْضُهُ عَنْهَا».

[4236] (...) A similar *Hadîth* (as no. 4235) was narrated from Az-Zuhrî with the chain of Al-Laith.

[٤٢٣٦] (...) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى، قَالَ: قَرَأْتُ عَلَى مَالِكٍ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَعَمْرُو التَّافِدُ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ، عَنْ ابْنِ عُيَيْنَةَ؛ وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حَمِيدٍ قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ؛ وَحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ بْنُ

سُلَيْمَانَ عَنْ هِشَامٍ بْنِ عُرْوَةَ، عَنْ بَكْرٍ
بْنِ وَائِلٍ، كُلُّهُمْ عَنِ الرَّهْبَرِيِّ يَإِسْنَادِ
اللَّيْثِ، وَمَعْنَى حَدِيثِهِ.

Chapter 2. The Prohibition Of Vows, And Confirmation That They Do Not Avert Anything

[4237] 2 - (1639) It was narrated that ‘Abdullâh bin ‘Umar said: “One day the Messenger of Allâh ﷺ starting telling us not to make vows, and he said: ‘They do not avert anything, all they do is get something out of a stingy person.’”

(المعجم ٢) - (باب النهي عن النذر،
وأنه لا يردد شيئاً) (التحفة ٢)

[٤٢٣٧] - [١٦٣٩] (٢) وَحَدَّثَنِي رُهْبَرٌ
ابْنُ حَرْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - قَالَ
إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ رُهْبَرٌ: حَدَّثَنَا -
جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ عَبْدِ اللَّهِ ابْنِ مُرَّةَ،
عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ: أَخَذَ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمًا يَنْهَا
عَنِ النَّذْرِ، وَيَقُولُ: إِنَّهُ لَا يَرُدُّ شَيْئًا، وَإِنَّمَا يُسْتَحْرِجُ بِهِ مِنَ
الشَّحِيقِ».

[4238] 3 - (...) It was narrated from Ibn ‘Umar that the Prophet ﷺ said: “A vow does not bring anything forward nor delay it, all it does is get something out of a miser.”

[٤٢٣٨] - (...) وَحَدَّثَنَا مُحَمَّدٌ
ابْنُ يَحْيَى: حَدَّثَنَا يَزِيدُ بْنُ أَبِي حَكِيمٍ
عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ
ابْنِ عُمَرَ عَنِ الْيَهُودِيِّ أَنَّهُ قَالَ: «النَّذْرُ
لَا يُقْدِمُ شَيْئًا، وَلَا يُؤَخِّرُهُ، وَإِنَّمَا
يُسْتَحْرِجُ بِهِ مِنَ الْبَخِيلِ».

[4239] 4 - (...) It was narrated from Ibn ‘Umar that the Prophet ﷺ forbade vows, and said: “They do not bring anything good, all they do is get something out of a miser.”

[٤٢٣٩] - (...) وَحَدَّثَنَا أَبُو بَكْرٍ
ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عُنَدُّرُ عَنْ شُعبَةَ؛
وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّمَّى وَابْنُ بَشَّارٍ -
وَاللَّفْظُ لابْنِ الْمُتَّمَّى - : حَدَّثَنَا مُحَمَّدُ بْنُ
جَعْفَرٍ: حَدَّثَنَا شُعبَةُ عَنْ مَنْصُورٍ، عَنْ عَبْدِ

الله بن مُرَّة، عن ابن عمر عن النبي ﷺ
أنه نهى عن النذر، وقال: «إنه لا يأتي
بخير، وإنما يُستخرج به من البخيل».

[4240] (...) A *Hadîth* like that of Jarîr (no. 4237) was narrated from Mansûr with this chain.

[٤٢٤٠] (...) حَدَّثَنَا مُحَمَّدُ بْنُ
رَافِعٍ: حَدَّثَنَا يَخْيَى بْنُ آدَمَ: حَدَّثَنَا
مُفَضْلٌ؛ وَحَدَّثَنَا [مُحَمَّدُ] بْنُ الْمُسْتَنْى وَابْنُ
بَشَّارٍ قَالًا: حَدَّثَنَا عَبْدُ الرَّحْمَنِ عَنْ
سُفِّيَانَ، كَلَّا هُمَا عَنْ مَنْصُورٍ بِهَذَا
الْأَسْنَادِ، نَحْوَ حَدِيثِ جَرِيرٍ.

[4241] 5 - (1640) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “Do not make vows, for a vow is of no avail against the Divine Decree; all it does is get something out of a miser.”

[٤٢٤١] ٥-(١٦٤٠) وَحَدَّثَنَا فُتَيْبَةُ
ابْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ - يَعْنِي
الدَّرَأُوْرَدِيَّ - عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ
أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا
تَنْذِرُوا، فَإِنَّ النَّذْرَ لَا يُعْنِي مِنَ الْقَدِيرِ
شَيْئًا، وَإِنَّمَا يُستَخْرُجُ بِهِ مِنَ الْبَخِيلِ».

[4242] 6 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ forbade vows and said: “They do not avert the Divine Decree; all they do is get something out of a miser.”

[٤٢٤٢] ٦-(...) وَحَدَّثَنَا مُحَمَّدُ
ابْنُ الْمُسْتَنْى وَابْنُ بَشَّارٍ قَالًا: حَدَّثَنَا مُحَمَّدُ
ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ
الْعَلَاءَ يُحَدِّثُ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ
عَنِ النَّبِيِّ ﷺ أَنَّهُ نَهَى عَنِ النَّذْرِ، وَقَالَ:
«إِنَّهُ لَا يَرُدُّ مِنَ الْقَدِيرِ، وَإِنَّمَا يُستَخْرُجُ بِهِ
مِنَ الْبَخِيلِ».

[4243] 7 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: “A vow does not

[٤٢٤٣] ٧-(...) وَحَدَّثَنَا يَخْيَى بْنُ
أَبْيَوبَ وَفُتَيْبَةً بْنُ سَعِيدٍ وَعَلَيْهِ ابْنُ حُجْرَةٍ

bring closer to the son of Âdám something that Allâh has not decreed for him, but a vow sometimes coincides with the Divine Decree. And thus it gets from a miser something that the miser did not want to give.”

فَالْأُولَا: حَدَّثَنَا إِشْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ، عَنْ عَمْرِو وَهُوَ ابْنُ أَبِي عَمْرُو، عَنْ عَبْدِ الرَّحْمَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ النَّذْرَ لَا يُفَرُّبُ مِنْ ابْنِ آدَمَ شَيْئًا لَمْ يَكُنْ اللَّهُ عَزَّ وَجَلَ قَدَرَهُ لَهُ، وَلَكِنَ النَّذْرُ يُوَافِقُ الْقُدْرَ، فَيُخْرُجُ بِذَلِكَ مِنَ الْبَخِيلِ مَا لَمْ يَكُنِ الْبَخِيلُ يُرِيدُ أَنْ يُخْرِجَ»،

[4244] (...) A similar report (as no. 4243) was narrated from ‘Amr bin Abî ‘Amr with this chain.

[٤٢٤٤] (...) حَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَنِ الْقَارَىَّ، وَعَبْدُ الْعَزِيزِ يَعْنِي الدَّرَاؤِزِيَّ، كَلَّا لَهُمَا عَنْ عَمْرِو بْنِ أَبِي عَمْرِو بِهَذَا الْإِسْنَادِ مِثْلَهُ.

Chapter 3. There Is No Fulfillment Of A Vow That Involves Disobedience Towards Allâh, Or A Vow Concerning That Which A Person Does Not Own

[4245] 8 - (1641) It was narrated that ‘Imrân bin Huṣain said: “Thaqîf were allies of Banû ‘Uqail, and Thaqîf captured two of the Companions of the Messenger of Allâh ﷺ. And the Companions of the Messenger of Allâh ﷺ captured a man from Banû ‘Uqail, and along with him they caught (the camel) Al-‘Aḍbâ’. The Messenger of Allâh

(المعجم ٣) - (باب لا وفاء لنذر في معصية الله، ولا فيما لا يملك العبد) (التحفة ٣)

[٤٢٤٥]-(١٦٤١)-(٨) وَحَدَّثَنِي رَهْبَرُ ابْنُ حَرْبٍ وَعَلَيُّ بْنُ حُبْرِ السَّعْدِيِّ - وَاللَّفْظُ لِرَهْبَرٍ - قَالَا: حَدَّثَنَا إِشْمَاعِيلُ ابْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَيُوبُ، عَنْ أَبِي قِلَّابَةَ، عَنْ أَبِي الْمَهَلَّبِ، عَنْ عَمْرَانَ بْنِ حُصَيْنٍ قَالَ: كَانَتْ تَقْيِيفُ حُلَفَاءَ لِتَبَيِّنِ عَقَيْلٍ، فَأَسَرَّتْ تَقْيِيفُ رَجُلَيْنِ مِنْ

passed by him when he was in chains. He said: 'O Muḥammad!' So he came to him and said: 'What is the matter with you?' He said: 'Why did you capture me, and why did you capture the one who precedes the pilgrims (the camel)?' He said: 'I captured you because of the wrongdoing of your allies Thaqif.' Then he turned away, and he called out to him, saying: 'O Muḥammad!' The Messenger of Allāh ﷺ was compassionate and kind, so he came back to him and said: 'What is the matter with you?' He said: 'I am a Muslim.' He said: 'If you had said that when you were still in control of your affairs, you would have gained every success.' Then he turned away, and he called him, saying: 'O Muḥammad! O Muḥammad!' He came to him and said: 'What is the matter with you?' He said: 'I am hungry, feed me, and I am thirsty, give me to drink.' He said: 'That is what you need,' and he ransomed him for the two (Muslim) men."

He said: "And a woman of the *Anṣār* was taken captive and Al-'Āḍbā' was captured, and the woman was put in chains. The people were letting their animals graze in front of their houses. She escaped from her chains one night and went to the camels. Every time she came near a camel it groaned, so she left it

أَصْحَابِ رَسُولِ اللَّهِ ﷺ، وَأَسْرَ أَصْحَابَ
رَسُولِ اللَّهِ ﷺ رَجُلًا مِنْ بَنِي عُقَيْلٍ،
وَأَصَابُوا مَعَهُ الْعَضْبَاءِ، فَأَتَى عَلَيْهِ رَسُولُ
اللَّهِ ﷺ وَهُوَ فِي الْوَثَاقِ، قَالَ: يَا
مُحَمَّدُ! فَأَتَاهُ، قَالَ: «مَا شَانُكَ؟» فَقَالَ:
بِمَ أَخْلَنْتَنِي؟ وَبِمَ أَخْذَنْتَ سَاقِيَةَ الْحَاجِ؟
قَالَ - إِعْظَامًا لِذِلْكَ - : «أَخْذَنْتَكَ بِجَرِيرَةِ
حُلَفَائِكَ ثَقِيفَ» ثُمَّ انْصَرَفَ عَنْهُ فَنَادَاهُ،
فَقَالَ: يَا مُحَمَّدُ! يَا مُحَمَّدُ! وَكَانَ رَسُولُ
اللَّهِ ﷺ رَحِيمًا رَّفِيقًا، فَرَجَعَ إِلَيْهِ فَقَالَ:
«مَا شَانُكَ؟» قَالَ: إِنِّي مُسْلِمٌ، قَالَ: «أَنْ
قُلْتُهَا وَأَنْتَ تَمْلِكُ أَمْرَكَ، أَفْلَحْتَ كُلَّ
الْفَلَاحِ» ثُمَّ انْصَرَفَ، فَنَادَاهُ، فَقَالَ: يَا
مُحَمَّدُ! يَا مُحَمَّدُ! فَأَتَاهُ فَقَالَ: «مَا
شَانُكَ؟» قَالَ: إِنِّي جَائِعٌ فَأَطْعَمْنِي،
وَظْمَانٌ فَأَسْقِنِي، قَالَ: «هَذِهِ حَاجَتُكَ»
فَقَدِيَ بِالرَّجُلَيْنِ.
قَالَ: وَأَسِرَتِ امْرَأً مِنَ الْأَنْصَارِ،
وَأَصْبَيْتِ الْعَضْبَاءِ، فَكَانَتِ الْمَرْأَةُ فِي
الْوَثَاقِ، وَكَانَ الْفُؤُودُ يُرِيحُونَ نَعْمَهُمْ بَيْنَ
يَدِيْ يُبُوتِهِمْ، فَانْفَاثَتْ ذَاتُ لَيْلَةٍ مِنَ
الْوَثَاقِ فَأَتَتِ الْإِبَلَ، فَجَعَلَتْ إِذَا دَنَثَ مِنَ
الْبَعِيرِ رَغَا فَتَرُكُهُ، حَتَّى تَسْتَهِيَ إِلَى
الْعَضْبَاءِ، فَلَمْ تَرُغْ، قَالَ: وَهِيَ نَافَةٌ

alone, until she came to Al-'Adbâ', which did not groan. She was a docile camel, so the woman sat on her back and prodded her, and she moved off. They were alerted about her and they looked for her, but she got away from them. She vowed to Allâh that if Allâh saved her by means of (the camel), she would sacrifice her. When she reached Al-Madînah, the people saw her and said: 'Al-'Adbâ', the she-camel of the Messenger of Allâh ﷺ.' She said that she had vowed that if Allâh saved her by means of her, she would sacrifice her. They came to the Messenger of Allâh ﷺ and told him about that, and he said: 'Subhân-Allâh, what a bad reward! She vowed to Allâh that if Allâh saved her by means of her, she would sacrifice her. There is no fulfillment of a vow that involves sin, or a vow that involves something that a person does not own.'"

According to the report of Ibn Hujr: "There is no vow in that which involves disobedience towards Allâh."

[4246] (...) A similar report (as no. 4245) was narrated from Ayyûb with this chain. In the *Hadîth* of Hammâd it says: "Al-'Adbâ' belonged to a man of Banû 'Uqail, and she was one of those that preceded the pilgrims." In his *Hadîth* it also says: "She came to a camel that was submissive and

مُنَوَّفَةٌ، فَقَعَدَتْ فِي عَجْزِهَا ثُمَّ رَجَرَتْهَا فَانْطَلَقَتْ، وَنَذَرُوا بِهَا فَطَلَبُوهَا فَأَعْجَزَتْهُمْ قَالَ: وَنَذَرَتْ اللَّهُ إِنْ نَجَاهَا اللَّهُ عَلَيْهَا لَتَسْخَرَنَّهَا، فَلَمَّا قَدِمَتِ الْمَدِينَةَ رَأَاهَا النَّاسُ، فَقَالُوا: الْعَضْبَاءُ، نَاقَةُ رَسُولِ اللَّهِ ﷺ، فَقَالَتْ: إِنَّهَا نَذَرَتْ إِنْ نَجَاهَا اللَّهُ عَلَيْهَا لَتَسْخَرَنَّهَا، فَأَتَوْا رَسُولَ اللَّهِ ﷺ فَذَكَرُوا ذَلِكَ لَهُ، فَقَالَ: «سُبْحَانَ اللَّهِ بِسُسْ مَا جَزَنَّهَا، نَذَرَتْ اللَّهُ إِنْ نَجَاهَا اللَّهُ عَلَيْهَا لَتَسْخَرَنَّهَا، لَا وَفَاءَ لِنَذْرٍ فِي مَعْصِيَةٍ، وَلَا فِيمَا لَا يَمْلِكُ الْعَبْدُ». وَفِي رِوَايَةِ ابْنِ حُجْرٍ «لَا نَذْرٌ فِي مَعْصِيَةِ اللَّهِ».

[٤٢٤٦] (...) وَحَدَّثَنِي أَبُو الرَّبِيعُ الْعَتَكِيُّ: حَدَّثَنَا حَمَادٌ - يَعْنِي ابْنَ رَيْدٍ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ، عَنْ عَبْدِ الْوَهَابِ الشَّقَفِيِّ، كِلَامُهُمَا عَنْ أَيُوبَ بِهَا إِلَسْتَادَ، نَحْوَهُ، وَفِي حَدِيثِ حَمَادٍ قَالَ: كَانَتِ الْعَضْبَاءُ لِرَجْلٍ

well-behaved.” In the *Hadīth* of Ath-Thaqafī it says: “She was a well-trained camel.”

مِنْ بَنِي عُقَيْلٍ، وَكَانَتْ مِنْ سَوَاقِ
الْحَاجِ، وَفِي حَدِيثِهِ أَيْضًا: فَأَتَتْ عَلَى
نَاقَةً ذُلُولٍ مُجَرَّسَةً وَفِي حَدِيثِ التَّقْفِيِّ:
وَهِيَ نَاقَةٌ مُدَرَّبَةٌ.

Chapter 4. One Who Vows To Walk To The Ka'bah

(المعجم ٤) - (بابُ من نذر أن يمشي
إلى الكعبة) (التحفة ٤)

[4247] 9 - (1642) It was narrated from Anas that the Prophet ﷺ saw an old man being supported between two of his sons. He said: “What is the matter with this one?” They said: “He vowed to walk.” He said: “Allāh has no need of this man’s torturing himself.” And he ordered him to ride.

ابْنُ يَعْمَيِ التَّمِيميُّ: أَخْبَرَنَا يَزِيدُ ابْنُ
زُرْبَعَ، عَنْ حُمَيْدٍ، عَنْ ثَابِتٍ، عَنْ
أَنَّسٍ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ - وَالْفَطْحُ
لَهُ - : حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ الْقَزَارِيُّ:
حَدَّثَنَا حُمَيْدٌ: حَدَّثَنِي ثَابِتٌ، عَنْ أَنَّسٍ:
أَنَّ النَّبِيَّ ﷺ رَأَى شَيْخًا يُهَادِي بَيْنَ
ابْنَتَهُ، فَقَالَ: «مَا بَالُ هَذَا؟» قَالُوا: نَذَرَ
أَنْ يَمْشِي، قَالَ: «إِنَّ اللَّهَ تَعَالَى عَنْ
تَعْذِيبِ هَذَا نَفْسَهُ لَغَنِيٌّ» وَأَمْرَهُ أَنْ يَرْكَبَ.

[4248] 10 - (1634) It was narrated from Abū Hurairah that the Prophet ﷺ caught up with an old man who was walking between his two sons, leaning on them. The Prophet ﷺ said: “What is the matter with him?” His sons said to him: “O Messenger of Allāh, he made a vow.” The Prophet ﷺ said: “Ride, O old man, for Allāh has no need of you and your vow.”

يَحْمَى بْنُ أَيُوبَ وَقَيْمَةُ وَابْنُ حُجْرٍ قَالُوا:
حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ، عَنْ عَبْدِ
عُمَرٍ وَهُوَ ابْنُ أَبِي عَمْرٍو، عَنْ أَبِي هُرَيْرَةَ: أَنَّ
النَّبِيَّ ﷺ أَذْرَكَ شَيْخًا يَمْشِي بَيْنَ ابْنَتَهُ،
يَتَوَكَّلُ عَلَيْهِمَا، فَقَالَ النَّبِيُّ ﷺ: «مَا شَاءَ
هَذَا؟» قَالَ ابْنَاهُ: يَا رَسُولَ اللَّهِ كَانَ عَلَيْهِ

نَذْرٌ، فَقَالَ الرَّبِيعُ بْنُ عَلِيٍّ: «اَرْكَبَ، اَيُّهَا الشَّيْعُ فَإِنَّ اللَّهَ غَنِيٌّ عَنْكَ وَعَنْ نَذْرِكَ» - وَاللَّفْظُ لِقُتْبَيَةَ وَابْنِ حُبْرٍ.

[4249] (...) A similar report (as no. 4248) was narrated from Ibn Abî 'Amr with this chain.

[٤٢٤٩] (...) حَدَّثَنَا قُتْبَيَةُ بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ يَعْنِي الدَّرَاوِرْدِيَّ، عَنْ عَمْرِو بْنِ أَبِي عَمْرِو بِهَلْدَا إِلْسَنَادِ. مَثَلُهُ.

[4250] 11 - (1644) It was narrated from Yazid bin Abi Habib, from Abul-Khair, that 'Uqbah bin 'Amir said: "My sister vowed to walk to the House of Allah barefoot, and she told me to ask the Messenger of Allah ﷺ about that for her. So I asked the Messenger of Allah ﷺ and he said: 'Let her walk and let her ride.'"

[٤٢٥٠] ١١- (١٦٤٤) حَدَّثَنَا زَكَرِيَّاءُ بْنُ يَحْيَى بْنِ صَالِحِ الْمُضْرِبِيِّ: حَدَّثَنَا الْمَقَضِيلُ يَعْنِي أَبْنَ قَضَالَةَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَيَّاشٍ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ أَنَّهُ قَالَ: نَذَرْتُ أُخْتِي أَنْ تَنْتَشِي إِلَى بَيْتِ اللَّهِ حَافِيَةً، فَأَمَرْتُنِي أَنْ أَسْتَفْتِنَهُ لَهَا رَسُولُ اللَّهِ ﷺ، فَاسْتَفْتَنَهُ، فَقَالَ: «الِّتَّمِشُ وَلَا تَرْكَبُ».

[4251] 12 - (...) It was narrated from Yazid bin Abi Habib, that Abul-Khair narrated to him from 'Uqbah bin 'Amir Al-Juhani, that he said: "My sister made a vow..." and he mentioned a *Hadith* like that of Mufaddal (no. 4250), but he did not mention in the *Hadith*: "barefoot," and he added: "Abul-Khair did not leave 'Uqbah."

[٤٢٥١] ١٢- (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا أَبْنُ جُرَيْجٍ: أَخْبَرَنِي سَعِيدُ بْنُ أَبِي أَيُوبَ أَنَّ يَزِيدَ بْنَ أَبِي حَيْبٍ أَخْبَرَهُ: أَنَّ أَبَا الْخَيْرِ حَدَّهُ أَنْ عَنْ عُقْبَةَ بْنِ عَامِرٍ الْجَهْنَمِيِّ أَنَّهُ قَالَ: نَذَرْتُ أُخْتِي. فَذَكَرَ بِمِثْلِ حَدِيثِ مَقَضِيلٍ، وَلَمْ يَذْكُرْ فِي الْحَدِيثِ: حَافِيَةً، وَزَادَ: وَكَانَ أَبُو الْخَيْرِ لَا يُفَارِقُ عُقْبَةَ.

[4252] (...) Yazîd bin Abî Ḥâbîb narrated a *Hadîth* like that of ‘Abdur-Razzâq (no. 4251) with this chain.

[٤٢٥٢] (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ وَابْنُ أَبِي خَلْفٍ قَالَا: حَدَّثَنَا رَوْحُ ابْنُ عُبَادَةَ: حَدَّثَنَا بْنُ جُرَيْجٍ: أَخْبَرَنِي يَحْيَى بْنُ أَيُوبَ أَنَّ يَزِيدَ ابْنَ أَبِي حَيْبٍ أَخْبَرَهُ بِهَذَا الْإِسْنَادِ. مِثْلُ حَدِيثِ عَبْدِ الرَّزَاقِ.

Chapter 5. Expiation For Breaking A Vow

[4253] 13 - (1645) It was narrated from ‘Uqbah bin ‘Âmir that the Messenger of Allâh ﷺ said: “The expiation for breaking a vow is *Kafâratul-Yamîn* (the expiation for breaking an oath).”

[٤٢٥٣] [١٦٤٥] وَحَدَّثَنِي هَرُونُ بْنُ سَعِيدِ الْأَئِلِيِّ وَيُوئُسُ بْنُ عَبْدِ الْأَعْلَى وَأَحْمَدُ بْنُ عِيسَى - قَالَ يُوئُسُ: أَخْبَرَنَا، وَقَالَ الْأَخْرَانِ: حَدَّثَنَا - ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ كَعْبِ بْنِ عَلْقَمَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ شُمَاسَةَ، عَنْ أَبِي الْحَيْرَ، عَنْ عُقْبَةَ بْنِ عَامِرٍ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «كَفَارَةُ النَّذْرِ كَفَارَةُ الْيَمِينِ».

27. The Book Of Oaths

١٢ - (المعجم ٢٧) - كتاب الأيمان
(التحفة ...)

Chapter 1. The Prohibition Of Swearing By Something Other Than Allâh

[4254] 1 - (1646) It was narrated from Sâlim bin ‘Abdullâh, that his father said: “I heard ‘Umar bin Al-Khaṭṭâb say: ‘The Messenger of Allâh ﷺ said: “Allâh, may He be exalted, forbids you to swear by your fathers.”

‘Umar said: “By Allâh, I have not sworn by them since I heard the Messenger of Allâh ﷺ forbid that, whether on my own behalf or narrating it from someone else.”

المعجم ١) - (باب النهي عن الحلف
بغير الله تعالى) (التحفة ٦)

[٤٢٥٤] ١- (١٦٤٦) حَدَّثَنِي أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرُو بْنِ سَرْجٍ : حَدَّثَنَا ابْنُ وَهْبٍ عَنْ يُونُسَ ؛ وَحَدَّثَنِي حَرْمَةُ بْنُ يَحْيَى : أَخْبَرَنَا ابْنُ وَهْبٍ : أَخْبَرَنِي يُونُسُ، عَنْ ابْنِ شَهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ عُمَرَ بْنَ الْخَطَّابَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ تَعَالَى يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ». قَالَ عُمَرُ: فَوَاللَّهِ مَا حَلَفْتُ بِهَا مُنْذَ سَمِعْتُ رَسُولَ اللَّهِ ﷺ نَهَى عَنْهَا، ذَاكِرًا وَلَا آثِرًا.

[4255] 2 - (...) A similar report (as no. 4254) was narrated from Az-Zuhri with this chain, except that in the *Hadîth* of ‘Uqail it says: “I have not sworn by them since I heard the Messenger of Allâh ﷺ forbidding it, and I have not spoken of it.” He did not say: “Whether on my own behalf or narrating it from someone else.”

[٤٢٥٥] (...) حَدَّثَنِي عَبْدُ الْمَلِكِ بْنُ شَعْبِنَ بْنِ الْيَثِّي: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي عَقِيلُ بْنُ خَالِدٍ، وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، كَلَّا هُمَا عَنِ الزُّهْرِيِّ بِهَذَا الإِسْنَادِ، مُثْلُهُ، عَيْرَ أَنَّ فِي حَدِيثِ عَقِيلٍ: مَا حَلَفْتُ بِهَا

مُنْدٌ سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَنْهَا عَنْهَا،
وَلَا تَكَلَّمْتُ بِهَا، وَلَمْ يَقُلْ: ذَاكِرًا وَلَا
آثِرًا.

[4256] (...) It was narrated from Sâlim that his father said: “The Prophet ﷺ heard ‘Umar swearing by his father...” a report like that of Yûnus and Ma’mar (no. 4254, 4255).

[٤٢٥٦] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ
أَبِي شَيْبَةَ وَعُمَرُو التَّاقِدُ وَزُهْرِيُّ بْنُ حَرْبٍ
قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَةَ عَنِ
الْأَذْهَرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ قَالَ:
سَمِعَ النَّبِيُّ ﷺ عُمَرَ وَهُوَ يَحْلِفُ بِأَبِيهِ،
يَمْثُلُ رِوَايَةَ يُونُسَ وَمُعْمَرِ.

[4257] 3 - (...) It was narrated from ‘Abdullâh that the Messenger of Allâh ﷺ caught up with ‘Umar bin Al-Khaṭṭâb among a group of riders when ‘Umar was swearing by his father, and the Messenger of Allâh ﷺ told them not to do that and said: “Allâh forbids you to swear by your fathers. Whoever wants to swear, let him swear by Allâh or else remain silent.”

[٤٢٥٧] ٣ - (...) وَحَدَّثَنَا قُتْبَيْهُ بْنُ
سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ
رُمْحٍ - وَاللَّفْظُ لَهُ - : أَخْبَرَنَا الْلَّيْثُ،
عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ عَنْ رَسُولِ
اللَّهِ ﷺ أَنَّهُ أَذْرَكَ عُمَرَ بْنَ الْخَطَابِ فِي
رَكْبٍ، وَعُمَرُ يَحْلِفُ بِأَبِيهِ، فَنَادَاهُمْ
رَسُولُ اللَّهِ ﷺ: «أَلَا إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ
تَحْلِفُوا بِآبَائِكُمْ، فَمَنْ كَانَ حَالِفًا فَلْيَحْلِفْ
بِاللَّهِ أَوْ لِيَضْمُنْ».

[4258] 4 - (...) A similar report (as no. 4257) was narrated from Ibn ‘Umar from the Prophet ﷺ.

[٤٢٥٨] ٤ - (...) وَحَدَّثَنَا مُحَمَّدُ
ابْنُ عَبْدِ اللَّهِ بْنِ ثُمَيرٍ: حَدَّثَنَا أَبِي؛
وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَنَّى: حَدَّثَنَا يَحْيَى -
وَهُوَ الْقَطَّانُ، عَنْ عُبَيْدِ اللَّهِ؛ وَحَدَّثَنِي
يَشْرُبُ بْنُ هَلَالٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ:
حَدَّثَنَا أَئْبُوبُ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا

أَبُو أَسَاءَةَ عَنِ الْوَلِيدِ بْنِ كَثِيرٍ؛ وَحَدَّثَنَا
ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ
إِسْمَاعِيلَ بْنِ أُمَّةَ؛ وَحَدَّثَنَا ابْنُ رَافِعٍ:
حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا الصَّحَافُ
وَابْنُ أَبِي ذِئْبٍ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ
إِبْرَاهِيمَ وَابْنُ رَافِعٍ، عَنْ عَبْدِ الرَّزَاقِ،
عَنْ ابْنِ جُرَيْجٍ: أَخْبَرَنِي عَبْدُ الْكَرِيمِ،
كُلُّ هَؤُلَاءِ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ يَمْثُلُ
هَذِهِ الْقَصَّةَ عَنِ الْبَيْتِ ﷺ.

[4259] (...) It was narrated from 'Abdullâh bin Dînâr that he heard Ibn 'Umar say: "The Messenger of Allâh ﷺ said: 'Whoever wants to swear, let him not swear by anything but Allâh.' The Quraish used to swear by their fathers." But he said: "Do not swear by your fathers."

[٤٢٥٩] (...) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى
وَيَحْيَى بْنُ أَئُوبَ وَقُتْبَيْهُ وَابْنُ حُجْرَةِ - قَالَ
يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا، وَقَالَ الْآخَرُونَ:
حَدَّثَنَا - إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ، عَنْ عَبْدِ
اللهِ بْنِ دِينَارٍ أَنَّهُ سَمِعَ ابْنَ عُمَرَ قَالَ: قَالَ
رَسُولُ اللهِ ﷺ: «مَنْ كَانَ حَالَفًا فَلَا يَحْلِفْ
إِلَّا بِاللهِ»، وَكَانَتْ قُرِئْشٌ تَحْلِفُ بِآبائِهَا،
فَقَالَ: «لَا تَحْلِفُوا بِآبائِكُمْ».

(المعجم ٢) - (بابُ من حلف باللات
والعزى، فليقل: لا إله إلا الله)
(التحفة ٧)

Chapter 2. Whoever Swears By Al-Lât And Al-'Uzza, Let Him Say *Lâ Ilâha Illallâh*

[4260] ٥ - (1647) Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever among you swears and says in his oath 'By al-Lât,' let him say *Lâ Ilâha Illallâh*. And whoever says

[٤٢٦٠] - [١٦٤٧) حَدَّثَنِي أَبُو
الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ، عَنْ يُونُسَ؛
وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا ابْنُ
وَهْبٍ: أَخْبَرَنِي يُونُسُ. عَنْ ابْنِ شِهَابٍ:

to his companion: 'Come, I will gamble with you,' let him give charity."

أَخْبَرَنِي حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ بْنُ عَوْفٍ أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ مِنْكُمْ، فَقَالَ فِي حَلْفِهِ: بِاللَّاتِ، فَلَيَقُولَّ: لَا إِلَهَ إِلَّا اللَّهُ، وَمَنْ قَالَ لِصَاحِبِهِ: تَعَالَ أُفَارِمْكَ، فَلَيَتَصَدَّقُ». [٤٢٦١]

[4261] (...) It was narrated from Az-Zuhri with this chain (a *Hadîth* similar to no. 4260), and the *Hadîth* of Ma'mar is like the *Hadîth* of Yûnus, except that he said: "Let him give something in charity." In the *Hadîth* of Al-Awzâ'i it says: "Whoever swears by al-Lât and Al-'Uzza."

Abû Al-Huṣain Muslim said: This phrase - meaning: "Come, I will gamble with you" - was not narrated by anyone except Az-Zuhri. Az-Zuhri had approximately ninety phrases which he narrated from the Prophet ﷺ and no one else narrated them with any reliable chain of narrators.

سَعِيدٌ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنِ الْأَوْزَاعِيِّ، وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ قَالَا: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، كَلَّا هُمَا عَنِ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ، وَحَدِيثُ مَعْمَرٍ مِثْلُ حَدِيثِ يُونُسَ، غَيْرُ أَنَّهُ قَالَ «فَلَيَتَصَدَّقُ بِشَيْءٍ»، وَفِي حَدِيثِ الْأَوْزَاعِيِّ «مَنْ حَلَفَ بِاللَّاتِ وَالْعَرَى».

قَالَ أَبُو الْحُسْنَى مُسْلِمٌ: هَذَا الْحَرْفُ، يَعْنِي قَوْلَهُ: «تَعَالَ أُفَارِمْكَ فَلَيَتَصَدَّقُ» لَا يَرَوِيهِ أَحَدٌ، غَيْرُ الزُّهْرِيِّ، قَالَ: وَلِلزُّهْرِيِّ تَحْوُ مِنْ تِسْعِينَ حَرْفًا يَرَوِيهِ عَنِ النَّبِيِّ ﷺ، لَا يُشَارِكُهُ فِيهِ أَحَدٌ بِأَسَانِيدٍ جِيَادٍ.

بَكْرٌ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ هِشَامٍ، عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَحْلِفُوا بِالظَّوَاغِي وَلَا بِآبَائِكُمْ».

[4262] 6 - (1648) It was narrated that 'Abdur-Rahmân bin Samurah said: "The Messenger of Allâh ﷺ said: 'Do not swear by false gods or by your fathers.'"

**Chapter 3. It Is Recommended
For The One Who Swears An
Oath Then Sees That Something
Else Is Better Than It, To Do
That Which Is Better And Offer
Expiation For His Oath**

[4263] 7 - (1649) It was narrated that Abû Mûsâ Al-Asha'î said: "I came to the Prophet ﷺ among a group of the Ashâ'rîs to ask him for mounts. He said: 'By Allâh, I will not give you mounts, and I do not have anything to give you as mounts.' As much time as Allâh willed passed, then some camels were brought, and he ordered that we be given three camels with white humps. When we set out we said" - or "we said to one another" - 'Allâh will not bless us. We came to the Messenger of Allâh ﷺ to ask him for mounts and he swore that he would not give us mounts, then he gave us mounts.'" So they went to him and told him, and he said: "It was not me who gave you mounts, rather Allâh gave you mounts. By Allâh, if Allâh wills, I do not swear an oath then see something better than that, but I expiate my oath and do that which is better."

[4264] 8 - (...) It was narrated that Abû Mûsâ said: "My companions sent me to the

(المعجم ٣) - (باب ندب من حلف
يمينا، فرأى غيرها خيراً منها، أن
يأتي الذي هو خير، ويكره عن يمينه)
(التحفة ٨)

[٤٢٦٣-٧] حَدَّثَنَا خَلْفُ
ابْنُ هِشَامٍ وَقُتْبَيْهُ بْنُ سَعِيدٍ وَيَحْيَى بْنُ
حَبِيبِ الْحَارِثِيِّ - وَاللَّفْظُ لِخَلْفٍ -
قَالُوا: حَدَّثَنَا حَمَادُ بْنُ رَيْدٍ عَنْ عَيْلَانَ بْنِ
حَرِيرٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى
الْأَشْعَرِيِّ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ فِي رَهْطٍ
مِنَ الْأَشْعَرِيِّينَ شَتَّحَمْلُهُ، فَقَالَ: «وَاللَّهِ
لَا أَحْمِلُكُمْ، وَمَا عِنْدِي مَا أَحْمِلُكُمْ
عَلَيْهِ» قَالَ: فَلَيْسَنَا مَا شَاءَ اللَّهُ، ثُمَّ أَتَيْتُ
بِيَلِ، فَأَمَرَ لَنَا بِثَلَاثَ دُوَدَ غَرَّ الدَّرَى،
فَلَمَّا انْطَلَقْنَا قُلْنَا - أَوْ قَالَ بَعْضُنَا
لِبَعْضٍ - : لَا يُتَارُكُ اللَّهُ لَنَا، أَتَيْنَا رَسُولَ
الله ﷺ شَتَّحَمْلُهُ فَحَلَفَ أَنْ لَا يَحْمِلُنَا،
ثُمَّ حَمَلَنَا، فَأَتَوْهُ فَأَخْبَرُوهُ، فَقَالَ: «مَا أَنَا
حَمِلُوكُمْ، وَلَكُنَّ اللَّهُ حَمِلُوكُمْ، وَإِنِّي،
وَاللَّهِ إِنْ شَاءَ اللَّهُ، لَا أَحْلِفُ عَلَى يَمِينٍ
ثُمَّ أَرَى خَيْرًا مِنْهَا، إِلَّا كَفَرْتُ عَنْ يَمِينِي
وَأَتَيْتُ الَّذِي هُوَ خَيْرٌ».

[٤٢٦٤-٨] حَدَّثَنَا عَبْدُ اللهِ
ابْنُ بَرَادَ الْأَشْعَرِيِّ وَمُحَمَّدُ بْنُ الْعَلَاءِ

Messenger of Allâh ﷺ to ask him for mounts for them, because they were with him in the army of hardship - meaning, the campaign to Tabûk. I said: 'O Prophet of Allâh, my companions have sent me to you, so that you might give them mounts.' He said: 'By Allâh, I will not give you anything to ride.' It so happened that I came to him when he was angry and I did not realize it. So I went back saddened by the refusal of the Messenger of Allâh ﷺ, and I was worried that the Messenger of Allâh ﷺ was upset with me. So I went back to my companions and told them what the Messenger of Allâh ﷺ had said. Only a short time passed, then I heard Bilâl calling: 'O 'Abdullâh bin Qais!' So I answered him, and he said: 'Go to the Messenger of Allâh ﷺ, he is calling you.' When I came to the Messenger of Allâh ﷺ, he said: 'Take this pair and this pair and this pair' - six camels that he had bought from Sa'd at that time. 'Take them to your companions and say: "Allâh" - or "the Messenger of Allâh ﷺ" - has provided you with these mounts so ride them.'

Abû Mûsâ said: "So I took them to my companions and I said: 'The Messenger of Allâh ﷺ has given you these to ride, but by Allâh I will not leave you until some of you come with me to one who heard what the Messenger of

الْهَمْدَانِيُّ - وَتَقَارِبَا فِي الْلَّفْظِ - فَأَلَا :
 حَدَّثَنَا أَبُو أَسَامَةَ عَنْ بُرَيْدَةَ، عَنْ أَبِيهِ مُوسَى قَالَ: أَرْسَلْنِي
 أَصْحَابِي إِلَى رَسُولِ اللَّهِ ﷺ أَشَأْلُهُ لَهُمُ
 الْحُمْلَانَ، إِذْ هُمْ مَعَهُ فِي جَيْشِ الْعُشْرَةِ
 - وَهُنَّ غَرْوَةٌ تَبُوكُ - فَقُلْتُ: يَا نَبِيَّ اللَّهِ!
 إِنَّ أَصْحَابِي أَرْسَلُونِي إِلَيْكَ لِتَخْمِلُهُمْ،
 فَقَالَ: «وَاللَّهِ! لَا أَخْمِلُكُمْ عَلَى شَيْءٍ»،
 وَوَاقَفْتُهُ وَهُوَ عَضْبَانُ وَلَا أَشْعُرُ، فَرَجَعْتُ
 حَزِينًا مِنْ مَنْعِ رَسُولِ اللَّهِ ﷺ، وَمِنْ
 مَخَافَةِ أَنْ يَكُونَ رَسُولُ اللَّهِ ﷺ قَدْ وَجَدَ
 فِي نَفْسِهِ عَلَيَّ، فَرَجَعْتُ إِلَى أَصْحَابِي
 فَأَخْبَرْتُهُمُ الَّذِي قَالَ رَسُولُ اللَّهِ ﷺ، فَلَمْ
 أَلْبَثْ إِلَّا سُوَيْغَةً إِذْ سَمِعْتُ بِلَا يُنَادِي:
 أَيْنَ عَنْدَ اللَّهِ بْنَ قَيْسٍ! فَأَجَبْتُهُ، فَقَالَ:
 أَحِبْ رَسُولَ اللَّهِ ﷺ يَدْعُوكَ، فَلَمَّا أَتَيْتُ
 رَسُولَ اللَّهِ ﷺ قَالَ: «خُذْ هَذِينِ
 الْقَرِيبَيْنِ، وَهَذِينِ الْقَرِيبَيْنِ، وَهَذِينِ
 الْقَرِيبَيْنِ»، - لَيْسَةَ أَبْعَرَةَ ابْتَاعُهُنَّ حِينَئِذٍ
 مِنْ سَعْدٍ - فَانْطَلَقْتُ بِهِنَّ إِلَى أَصْحَابِكَ،
 فَقُلْنَا: إِنَّ اللَّهَ - أَوْ قَالَ: إِنَّ رَسُولَ
 اللَّهِ ﷺ - يَخْمِلُكُمْ عَلَى هُؤُلَاءِ،
 فَازْكَبُوهُنَّ».
 قَالَ أَبُو مُوسَى: فَانْطَلَقْتُ إِلَى

Allâh ﷺ said, when I asked him (for mounts) for you and he refused at first, then he gave them to me after that. Do not think that I have told you anything that he did not say.' They said to me: 'By Allâh, you are truthful in our opinion, but we will do what you wish.'" So Abû Mûsâ went with a group of them until they came to those who had heard what the Messenger of Allâh ﷺ had said when he refused to respond to their request, then gave them something after that, and they told them the same as Abû Mûsâ had told them.

أَضْحَابِي بِهِنَّ، فَقُلْتُ: إِنَّ رَسُولَ اللَّهِ ﷺ يَخْمِلُكُمْ عَلَى هُؤُلَاءِ، وَلَكِنْ، وَاللَّهُ لَا أَدْعُكُمْ حَتَّى يَنْطَلِقَ مَعِي بَعْضُكُمْ إِلَى مَنْ سَمِعَ مَقَالَةَ رَسُولِ اللَّهِ ﷺ، حِينَ سَأَلْتُهُمْ لَكُمْ، وَمَنْعَةً فِي أَوَّلِ مَرَّةٍ، ثُمَّ إِغْطَاءً إِلَيَّ أَيَ بَعْدَ ذَلِكَ، لَا تَنْثُرُوا أَنِّي حَدَّثْتُكُمْ شَيْئًا لَمْ يَقُلُّهُ، فَقَالُوا لِي: وَاللَّهِ إِنَّكَ عِنْدَنَا لَمُصَدِّقٌ، وَلَنَقْعُلَنَّ مَا أَحْبَبْتَ، فَانْطَلَقَ أَبُو مُوسَى يَتَفَرَّجُ مِنْهُمْ، حَتَّى أَتَوْا الَّذِينَ سَمِعُوا قَوْلَ رَسُولِ اللَّهِ ﷺ وَمَنْعَةً إِلَيْهِمْ، ثُمَّ إِغْطَاءَهُمْ بَعْدُ، فَحَدَّثُوهُمْ بِمَا حَدَّثْتُهُمْ بِهِ أَبُو مُوسَى، سَوَاءً.

[4265] ٩ - (...) Ayyûb said: "The *Hadîth* of Al-Qâsim is better known to me than the *Hadîth* of Abû Qilâbah. He said: 'We were with Abû Mûsâ and he called for his food, and there was some chicken there. A man from Banû Taimullâh came in who was of reddish complexion and looked like a freed slave. He said: "Come and join me." The man hesitated, so he said: "Come, for I saw the Messenger of Allâh ﷺ eating this." The man said: "I saw it eating something and I found it repugnant, and I swore that I would not eat it." He said: "Come, I will tell you something about that (the oath)." "I came to the Messenger of

[4265] ٩ - (...) حَدَّثَنِي أَبُو الرَّبِيعِ الْعَتَكِيُّ: حَدَّثَنَا حَمَادٌ يَعْنِي ابْنَ زَيْدٍ، عَنْ أَبِي أَيْوبَ، عَنْ أَبِي قَلَبَةَ وَعَنْ الْقَاسِمِ بْنِ عَاصِمٍ، عَنْ زَهْدَمِ الْجَزْمِيِّ قَالَ أَبِيُّوبُ: وَأَنَا لِحَدِيثِ الْقَاسِمِ أَحْفَظُ مِنِّي لِحَدِيثِ أَبِي قَلَبَةَ، قَالَ: كُنَّا عَنْ أَبِي مُوسَى، فَدَعَا بِمَا تَدَهَّبُ إِلَيْهَا لَحْمُ دَجَاجٍ، فَدَخَلَ رَجُلٌ مِنْ بَنْيِ سَيْمِ اللَّهِ، أَحْمَرُ، شَيْءٌ بِالْمَوَالِيِّ، فَقَالَ لَهُ: هَلْمَ فَلَكَّا فَقَالَ: هَلْمَ فَإِنِّي قَدْ رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَأْكُلُ مِنْهُ، فَقَالَ الرَّجُلُ: إِنِّي رَأَيْتُهُ يَأْكُلُ شَيْئًا فَقَدِرْتُهُ، فَحَلَفْتُ أَنْ لَا

Allâh ﷺ with a group of Ash'arîs to ask him for mounts, and he said: 'By Allâh, I will not give you mounts, and I have nothing to give to you as mounts.' As much time passed as Allâh willed, then some spoils of war consisting of camels, was brought to the Messenger of Allâh ﷺ. He called us, and ordered that we be given five of the camels with white humps. When we set out, we said to one another: 'We made the Messenger of Allâh ﷺ forget his oath, and we will not be blessed.' So we went back to him and said: 'O Messenger of Allâh, we came to you and asked you for mounts, and you swore that you would not give us mounts, then you gave us mounts. Did you forget, O Messenger of Allâh?' He said: 'By Allâh, if Allâh wills, I do not swear an oath then see that something else is better than it, but I do that which is better and offer expiation. Go, for it is Allâh Who has given you mounts.'"

[4266] (...) It was narrated that Zahdam Al-Jarmî said: "There was love and brotherhood between this clan of Jarm and the Ash'arîs. We were with Abû Mûsâ Al-Asha'rî, and some food containing chicken was brought to him..." and he narrated something similar (as *Hadîth* no. 4265).

أَطْعَمْهُ، فَقَالَ: هَلْمَ أَحَدْنَاكَ عَنْ ذَلِكَ،
إِنِّي أَتَيْتُ رَسُولَ اللَّهِ ﷺ فِي رَهْطٍ مِنَ
الْأَشْعَرِيِّينَ نَسْتَحْمِلُهُ، فَقَالَ: «وَاللَّهِ لَا
أَحْمِلُكُمْ، وَمَا عِنْدِي مَا أَحْمِلُكُمْ عَلَيْهِ»
فَلَيْسَنَا مَا شَاءَ اللَّهُ، فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ
بِنَهْبٍ إِلَيْهِ، فَدَعَا بِنَاهُ، فَأَمَرَ لَنَا بِخَمْسٍ
ذُودٌ غُرُّ الذَّرَى، قَالَ: فَلَمَّا انْطَلَقْنَا، قَالَ
بَعْضُنَا لِبَعْضٍ: أَغْفَلْنَا رَسُولَ اللَّهِ ﷺ
بِيَمِينِهِ، لَا يُبَارِكُ لَنَا، فَرَجَعْنَا إِلَيْهِ، فَقُلْنَا:
يَا رَسُولَ اللَّهِ! إِنَّا أَتَيْنَاكَ نَسْتَحْمِلُكَ،
وَإِنَّكَ حَلَفْتَ أَنْ لَا تَحْمِلْنَا، ثُمَّ حَمَلْنَا،
أَفَنَسِيْتَ؟ يَا رَسُولَ اللَّهِ، قَالَ: «إِنِّي،
وَاللَّهِ! إِنْ شَاءَ اللَّهُ، لَا أَحْلِفُ عَلَى يَمِينٍ
فَأَرَى عَيْرَهَا خَيْرًا مِنْهَا، إِلَّا أَتَيْتُ الدِّيْنِ
هُوَ خَيْرٌ، وَتَحَلَّلُتُهَا، فَانْطَلَقُوا، فَإِنَّمَا
حَمَلَكُمُ اللَّهُ عَزَّ وَجَلَّ». .

عُمَرٌ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ
أَئِبْوَاتِ، عَنْ أَبِي قِلَّابَةَ وَالْفَاسِمِ التَّسْمِيِّ،
عَنْ زَهْدِمِ الْجَرْمِيِّ قَالَ: كَانَ بَيْنَ هَذَا
الْحَيَّيِّ مِنْ جَرْمٍ وَبَيْنَ الْأَشْعَرِيِّينَ وُدٌّ
وَإِحَادَةً، فَكُنَّا عِنْدَ أَبِي مُوسَى الْأَشْعَرِيِّ،
فَقَرَبَ إِلَيْهِ طَعَامٌ فِيهِ لَحْمٌ دَجَاجٌ، فَذَكَرَ
نَحْوَهُ.

[4267] (...) It was narrated that Zahdam Al-Jarmî said: "We were with Abû Mûsâ..." and they all narrated a *Hadîth* like that of Hammâd bin Zaid (no. 4265).

[٤٢٦٧] (...) وَحَدَّثَنِي عَلَيُّ بْنُ حُجْرٍ السَّعْدِيُّ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ نُمَيْرٍ، عَنْ إِسْمَاعِيلَ ابْنِ عَلَيَّةَ، عَنْ أَيُوبَ، عَنِ الْقَاسِمِ التَّمِيميِّ، عَنْ زَهْدَمِ الْجَرْمِيِّ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ، حَدَّثَنَا سُفْيَانُ، عَنْ أَيُوبَ، عَنْ أَبِي قِلَّابَةِ التَّمِيميِّ، عَنْ زَهْدَمِ الْجَرْمِيِّ، وَحَدَّثَنِي أَبُو بَكْرٍ بْنُ إِسْحَاقَ: حَدَّثَنَا عَفَانُ بْنُ مُسْلِمَ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا أَيُوبَ، عَنْ أَبِي قِلَّابَةِ وَالْقَاسِمِ، عَنْ زَهْدَمِ الْجَرْمِيِّ قَالَ: كُنَّا عِنْدَ أَبِي مُوسَى، وَافْتَصَوْ جَمِيعًا الْحَدِيثَ بِمَعْنَى حَدِيثِ حَمَادِ بْنِ زَيْدٍ.

[4268] (...) Zahdam Al-Jarmî said: "I entered upon Abû Mûsâ when he was eating chicken..." and he quoted a *Hadîth* like theirs (no. 4264, 4265), and he added: "He (ﷺ) said: 'By Allâh, I did not forget it.'"

[٤٢٦٨] (...) وَحَدَّثَنَا شَيْبَانُ بْنُ فَرْوَخٍ: حَدَّثَنَا الصَّعْقُ -يَعْنِي ابْنَ حَزْنٍ-: حَدَّثَنَا مَطْرُ الْوَرَاقُ: حَدَّثَنَا زَهْدَمُ الْجَرْمِيُّ قَالَ: دَخَلْتُ عَلَى أَبِي مُوسَى وَهُوَ يَأْكُلُ لَحْمَ الدَّجَاجِ، وَسَاقَ الْحَدِيثَ يَنْحُو حَدِيثَهُمْ، وَزَادَ فِيهِ قَالَ: «إِنِّي، وَاللَّهُ! مَا تَسْيِيْتُهَا».

[4269] 10 - (...) It was narrated that Abû Mûsâ Al-Asha'îrî said: "We came to the Messenger of Allâh ﷺ to ask him for mounts, and he said: 'I do not have anything to give to you as

[٤٢٦٩] ١٠ - (...) وَحَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا جَرِيرٌ عَنْ سُلَيْمانَ التَّمِيميِّ، عَنْ صُرَيْبِ بْنِ نُقَيْرِ الْقَيْسِيِّ، عَنْ زَهْدَمٍ، عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ قَالَ:

mounts, and by Allâh I will not give you mounts.' Then the Messenger of Allâh ﷺ sent to us three camels with white humps. We said: 'We came to the Messenger of Allâh ﷺ and asked him for mounts, and he swore that he would not give us mounts.' So we went back to him and told him, and he said: 'I do not swear an oath, then see that something else is better than it, but I do that which is better.'"

[4270] (...) It was narrated that Abû Mûsâ said: "We were on foot, then we came to the Prophet of Allâh ﷺ and asked him for mounts..." a *Hadîth* like that of Jarîr (no. 4269).

[4271] 11 - (1650) It was narrated that Abû Hurairah said: "A man came to the Prophet ﷺ late at night, then he went back to his family and found that his children had gone to sleep. His wife brought him his food, but he swore that he would not eat because of his children, then he decided to eat. He came to the Messenger of Allâh ﷺ and told him about that, and the Messenger of Allâh ﷺ said: 'Whoever swears an oath then sees that something else is better than it, let him do that, and offer expiation for his oath.'"

أَتَيْنَا رَسُولَ اللَّهِ ﷺ نَسْتَحْمِلُهُ، فَقَالَ «مَا عِنْدِي مَا أَحْمِلُكُمْ، وَاللَّهُ مَا أَحْمِلُكُمْ» ثُمَّ بَعَثَ إِلَيْنَا رَسُولُ اللَّهِ ﷺ بِثَلَاثَةِ ذُوْدِ بُقْعَ الدُّرَى، فَقُلْنَا: إِنَّا أَتَيْنَا رَسُولَ اللَّهِ ﷺ نَسْتَحْمِلُهُ، فَحَلَفَ أَنْ لَا يَحْمِلَنَا، فَأَتَيْنَاهُ فَأَخْبَرَنَا، فَقَالَ: «إِنِّي لَا أَحْلِفُ عَلَى يَمِينٍ، أَرَى غَيْرَهَا خَيْرًا مِنْهَا، إِلَّا أَتَيْتُ الَّذِي هُوَ خَيْرٌ».

[4270] (...) حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَغْلَى التَّيْمِيُّ: حَدَّثَنَا الْمُعْتَمِرُ عَنْ أَبِيهِ حَدَّثَنَا أَبُو السَّلَّلِيْلِ، عَنْ زَهْدَمِ، يُحَدِّثُهُ عَنْ أَبِي مُوسَى قَالَ: كُنَّا مُسَاَهَ، فَأَتَيْنَا نَبِيَّ اللَّهِ ﷺ نَسْتَحْمِلُهُ، بِنَحْوِ حَدِيثِ جَرِيرِ.

[4271] 11 - (1650) حَدَّثَنِي رُهْبَرُ ابْنُ حَرْبٍ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ الْفَزَارِيُّ: أَخْبَرَنَا يَزِيدُ بْنُ كَيْسَانَ عَنْ أَبِي حَازِمَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: أَعْتَمَ رَجُلٌ عِنْدَ النَّبِيِّ ﷺ، ثُمَّ رَجَعَ إِلَى أَهْلِهِ فَوَجَدَ الصَّيْبِيَّ قَدْ نَامُوا، فَأَتَاهُ أَهْلُهُ بِطَعَامِهِ، فَحَلَفَ لَا يَأْكُلُ، مِنْ أَجْلِ صَيْبِيَّهُ، ثُمَّ بَدَا لَهُ فَأَكَلَ، فَأَتَى رَسُولَ اللَّهِ ﷺ فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ عَلَى يَمِينٍ، فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلَيَأْتِهَا، وَلَيُكَفِّرُ عَنْ يَمِينِهِ».

[4272] 12 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Whoever swears an oath, then sees that something else is better than it, let him offer expiation for his oath and do it."

[٤٢٧٢]-١٢ حَدَّثَنِي أَبُو الطَّاهِرِ: حَدَّثَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي مَالِكٌ عَنْ سُهْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ حَلَفَ عَلَى يَوْمِنِ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيَكُفِّرْ عَنْ يَوْمِنِهِ، وَلْيَعْلُمْ». [٤٢٧٣]

[4273] 13 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath, then sees that something else is better than it, let him do that which is better, and offer expiation for his oath.'"

[٤٢٧٣]-١٣ وَحَدَّثَنِي زُهْرَى ابْنُ حَرْبٍ: حَدَّثَنَا ابْنُ أَبِي أُونِيسٍ: حَدَّثَنِي عَبْدُ الْعَزِيزِ بْنُ الْمُطَلِّبِ، عَنْ سُهْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ «مَنْ حَلَفَ عَلَى يَوْمِنِ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيَأْتِ الدُّجَى هُوَ خَيْرٌ، وَلْيُكَفِّرْ عَنْ يَوْمِنِهِ». [٤٢٧٤]

[4274] 14 - (...) Suhaib narrated a *Hadîth* like that of Mâlik (no. 4272) with a different chain of narrators, (reporting the Messegnger of Allâh ﷺ saying: "Let him offer expiation for his oath and do that which is better."

[٤٢٧٤]-١٤ وَحَدَّثَنِي الْقَاسِمُ بْنُ رَكْرِيَاءَ: حَدَّثَنَا خَالِدُ بْنُ مَخْلُدٍ: حَدَّثَنِي شُلَيْمَانُ يَعْنِي ابْنَ بِلَالَ، حَدَّثَنِي سُهْلٌ فِي هَذَا إِلْسَنَادِ يَعْنِي حَدِيثَ مَالِكٍ «فَلْيَكُفِّرْ يَوْمِنِهِ، وَلْيَعْلُمْ الَّذِي هُوَ خَيْرٌ». [٤٢٧٥]

[4275] 15 - (1651) It was narrated that Tamîm bin Tarafah said: "A man came to 'Adiyy bin Hâtim and asked him for the price of a servant, or part of the price of a servant. He said: 'I do

[٤٢٧٥]-١٥ حَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا جَرِيرٌ عَنْ عَبْدِ الْعَزِيزِ يَعْنِي ابْنَ رُقَيْعَةَ، عَنْ تَمَيْمَ بْنِ طَرَفةَ قَالَ: جَاءَ سَائِلٌ إِلَيَّ عَدِيٌّ بْنِ حَاتِمٍ، فَسَأَلَهُ

not have anything to give you except my coat of mail and my helmet, but I will write to my family and tell them to give you these two things.' He did not accept that, and 'Adiyy got angry. He said: 'By Allâh, I will not give you anything!' Then the man accepted it, and he said: 'By Allâh, were it not that I heard the Messenger of Allâh ﷺ say: "Whoever swears an oath then sees something that is more favored by Allâh the Mighty and Sublime, than it, let him do that which is more favored by Allâh," I would not have broken my oath."

[42/6] (...) It was narrated that 'Adiyy bin Hâtim said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath, then sees that something else is better than it, let him do that which is better and ignore his oath.'"

[4277] 17 - (...) It was narrated from Tamîm At-Tâ'i that 'Adiyy said: "The Messenger of Allâh ﷺ said: 'If one of you swears an oath, then he sees something that is better than it, let him offer expiation for it then do that which is better than it.'"

نَفْقَةً فِي ثَمَنِ خَادِمٍ أَوْ فِي بَعْضِ ثَمَنِ خَادِمٍ، فَقَالَ: لَيْسَ عِنْدِي مَا أُعْطِيكَ إِلَّا دُرْعِي وَمَغْفِرِي، فَأَكْتُبْ إِلَى أَهْلِي أَنْ يُمْطَرُوكُمَا، قَالَ: فَلَمْ يَرْضَ، فَقَضَبَ عَدِيٌّ، فَقَالَ: وَاللَّهِ! لَا أُعْطِيكَ شَيْئًا، ثُمَّ إِنَّ الرَّجُلَ رَاضِيَ، فَقَالَ: أَمَا وَاللَّهِ! لَوْلَا أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ حَلَفَ عَلَى يَمِينٍ ثُمَّ رَأَى أَنَّ اللَّهَ عَزَّ وَجَلَّ مِنْهَا، فَلَيُبَاتِ التَّقْوَى» مَا حَشِّثَ يَوْمِيَّنِي .

[4276] 16 - (...) وَحَدَّثَنَا عَبْيُودُ اللَّهُ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شَعْبُهُ عَنْ عَبْدِ الْعَزِيزِ بْنِ رُقَيْبٍ، عَنْ تَمِيمِ بْنِ طَرَفَةَ، عَنْ عَدِيٍّ بْنِ حَاتِمٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ «مَنْ حَلَفَ عَلَى يَمِينٍ، فَرَأَى عَيْرَهَا حَيْرًا مِنْهَا، فَلَيُبَاتِ الَّذِي هُوَ خَيْرٌ، وَلَيُنْرُكْ يَوْمِهِ».

[4277] 17 - (...) حَدَّثَنِي مُحَمَّدُ ابْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ وَمُحَمَّدُ بْنُ طَرِيفٍ الْبَجْلِيُّ - وَاللَّفْظُ لِابْنِ طَرِيفٍ - قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنِ الْأَعْمَشِ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُقَيْبٍ، عَنْ تَمِيمِ الطَّائِيِّ، عَنْ عَدِيٍّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا حَلَفَ أَحَدُكُمْ عَلَى الْيَمِينِ،

فَرَأَىٰ خَيْرًا مِنْهَا، فَلَمَّا كَفَرُوا هُوَ خَيْرٌ».

[4278] (...) It was narrated from 'Adiyy bin Hâtim that he heard the Prophet ﷺ saying that (a *Hadîth* similar to no. 4277).

[٤٢٧٨] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ طَرِيفٍ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنِ الشَّيْعَانِيِّ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُقَيْعَةَ، عَنْ تَوْمِيمِ الطَّائِيِّ، عَنْ عَلِيِّيِّ بْنِ حَاتِمٍ أَنَّهُ سَمِعَ النَّبِيَّ ﷺ يَقُولُ دِلْكَ.

[4279] 18 - (...) It was narrated that Tamîm bin Tarafah said: "I heard 'Adiyy bin Hâtim say, when a man came to him asking him for a hundred Dirham: 'Are you asking me for a hundred Dirham when I am the son of Hâtim? By Allâh, I will not give it to you.' Then he said: 'Were it not that I heard the Messenger of Allâh ﷺ say: "Whoever swears an oath, then sees something better than it, let him do that which is better."

[٤٢٧٩] ١٨ - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُشْتَنَى وَابْنُ بَشَارٍ قَالَ: حَدَّثَنَا مُحَمَّدُ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعبَةُ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ تَوْمِيمِ بْنِ طَرَفةَ قَالَ: سَمِعْتُ عَدِيَّ بْنَ حَاتِمٍ، وَأَتَاهُ رَجُلٌ يَسْأَلُهُ مَا تَدْرِهِمْ، فَقَالَ: سَتَسْأَلُنِي مَا تَدْرِهِمْ، وَأَنَا ابْنُ حَاتِمٍ؟ وَاللَّهُ لَا أُغْطِيكَ ثُمَّ قَالَ: لَوْلَا أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ «مَنْ حَلَفَ عَلَىٰ يَمِينٍ ثُمَّ رَأَىٰ خَيْرًا مِنْهَا، فَلَيَأْتِيَهُ الْمُؤْمِنَاتُ هُوَ خَيْرٌ».

[4280] (...) Tamîm bin Tarafah said: "I heard 'Adiyy bin Hâtim, when a man asked him..." he mentioned a similar report (as no. 4279) and added: "You may have four hundred from me."

[٤٢٨٠] (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا بَهْرُ: حَدَّثَنَا شُعبَةُ: حَدَّثَنَا سِمَاكُ بْنُ حَرْبٍ قَالَ: سَمِعْتُ تَوْمِيمَ بْنَ طَرَفةَ قَالَ: سَمِعْتُ عَدِيَّ ابْنَ حَاتِمٍ، أَنَّ رَجُلًا سَأَلَهُ فَذَكَرَ مِثْلَهُ، وَرَأَدَ: وَلَكَ أَرْبَعَمِائَةً فِي عَطَائِيِّ.

[4281] 19 - (1652) 'Abdur-Râhmân bin Samurah said: "The Messenger of Allâh ﷺ said to

[٤٢٨١] ١٩ - (١٦٥٢) وَحَدَّثَنَا شَيْبَانُ ابْنُ فَرْوَخَ: حَدَّثَنَا حَرِيرُ بْنُ حَازِمٍ: حَدَّثَنَا

me: 'O 'Abdur-Rahmân bin Samurah, do not seek authority, for if you are given it when you ask for it, you will be left on your own without the support of Allâh. But if you are given it without asking for it, you will be helped (by Allâh). If you swear to do something then see that something else is better than it, then offer expiation for your oath and do that which is better.'"

الْحَسْنُ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سَمْرَةَ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا عَبْدَ الرَّحْمَنِ بْنَ سَمْرَةً! لَا تَسْأَلِ الْإِمَارَةَ، فَإِنَّكَ إِنْ أُعْطِيَتَهَا عَنْ مَسْأَلَةٍ وُكِلْتَ إِلَيْهَا، وَإِنْ أُعْطِيَتَهَا عَنْ غَيْرِ مَسْأَلَةٍ أُعْنِتَ عَلَيْهَا، وَإِذَا حَلَفْتَ عَلَى أُمْرٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا فَكَفَرْتَ عَنْ يَوْمِكَ، وَأَئْتَ الدِّيْنَ هُوَ خَيْرٌ». [انظر: ٤٧١٥]

قَالَ أَبُو أَخْمَدَ الْجَلْوَدِيُّ: حَدَّثَنَا أَبُو الْعَبَّاسِ الْمَاسْرِجِيُّ: حَدَّثَنَا شَيْبَانُ بْنُ فَرْوَخَ: حَدَّثَنَا حَرِيْزُ بْنُ حَازِمٍ بِهَذَا الْإِسْنَادِ.

[٤٢٨٢] (....) وَحَدَّثَنِي عَلَيُّ بْنُ حُجْرَ السَّعْدِيُّ: حَدَّثَنَا هُسَيْمٌ عَنْ يُونُسَ وَمَنْصُورٍ وَحُمَيْدٍ؛ وَحَدَّثَنَا أَبُو كَامِلِ الْجَحْدَرِيُّ: حَدَّثَنَا حَمَادٌ أَبْنُ زَيْدٍ عَنْ سَمَائِكَ بْنِ عَطِيَّةَ وَيُونُسَ بْنِ عَبِيدٍ وَهِشَامَ ابْنِ حَسَّانَ فِي آخَرِينَ؛ وَحَدَّثَنَا عَيْدُ اللَّهِ ابْنُ مَعَاذٍ: حَدَّثَنَا الْمُعْتَمِرُ عَنْ أَبِيهِ؛ وَحَدَّثَنَا عَقْبَةَ بْنِ مُكْرَمٍ الْعَمَيْيُّ: حَدَّثَنَا سَعِيدُ بْنُ عَامِرٍ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ كُلُّهُمْ عَنِ الْحَسِنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ عَنِ الْبَيِّنِ ﷺ بِهَذَا الْحَدِيثِ، وَلَيْسَ فِي حَدِيثِ الْمُعْتَمِرِ عَنْ أَبِيهِ، ذِكْرُ الْإِمَارَةِ.

[4282] (...) It was narrated from Al-Hasan, from 'Abdur-Rahmân bin Samurah, from the Prophet ﷺ with this chain (a *Hadîth* similar to no. 4281), but in the *Hadîth* of Al-Mu'tamir from his father there is no mention of authority.

Chapter 4. An Oath Is Judged On The Intention Of The One Who Asks For It To Be Sworn

[4283] 20 - (1653) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Your oath is according to what your companion believes.'"

(المعجم ٤) - (باب اليمين على نية المستحلف) (التحفة ٩)

[٤٢٨٣]-[١٦٥٣] حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَعَمْرُو التَّافِدُ - قَالَ يَحْيَى: أَخْبَرَنَا هُشَيْمُ بْنُ بَشِيرٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي صَالِحٍ، وَقَالَ عَمْرُو: حَدَّثَنَا هُشَيْمُ بْنُ بَشِيرٍ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ أَبِي صَالِحٍ - عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَمْنَكَ عَلَى مَا يُصَدِّقُكَ عَلَيْهِ صَاحِبُكَ»، وَقَالَ عَمْرُو «يُصَدِّقُكَ بِهِ صَاحِبُكَ».

[4284] 21 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'The oath is according to the intention of the one who asks for it to be sworn.'"

[٤٢٨٤]-[١٦٥٤] وَحَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا زَيْدُ بْنُ هُرَونَ عَنْ هُشَيْمٍ، عَنْ عَبَادِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْأَيْمَنُ عَلَى نَيَّةِ الْمُسْتَحْلِفِ».

(المعجم ٥) - (باب الاستثناء في اليمين وغيرها) (التحفة ١٠)

Chapter 5. Saying: "If Allâh wills" When Swearing Oaths And At Other Times

[4285] 22 - (1654) It was narrated that Abû Hurairah said: "Sulaimân had sixty women and he said: 'I will go around to all of them tonight, and each of them will become pregnant, and each of them will give birth to a boy who will become a knight who will fight in the cause of Allâh.'

[٤٢٨٥]-[١٦٥٤] وَحَدَّثَنِي أَبُو الرَّبِيعِ الْعَتَكِيُّ وَأَبُو كَامِلِ الْجَعْدَرِيُّ فُضَيْلُ بْنُ حُسَيْنٍ - وَاللَّفْظُ لِأَبِي الرَّبِيعِ - قَالَا: حَدَّثَنَا حَمَادٌ - وَهُوَ ابْنُ زَيْدٍ - حَدَّثَنَا أَيُوبُ عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ لِسُلَيْمَانَ سِئْوَنَ امْرَأَةً، فَقَالَ:

But none of them became pregnant except one, who gave birth to an malformed child.” The Messenger of Allâh ﷺ said: “If he had said: ‘If Allâh wills,’ each of them would have given birth to a boy who would become a knight who would fight in the cause of Allâh.”

[4286] 23 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: “Sulaimân bin Dâwûd, the Prophet of Allâh, said: ‘Tonight I will go around to seventy women, each of whom will give birth to a boy who will fight in the cause of Allâh.’ His companion, or the Angel, said: ‘Say: “If Allâh wills.”’ But he did not say it, or he was caused to forget, and none of his women gave birth to a child except one, who gave birth to a deformed child.” The Messenger of Allâh ﷺ said: “If he had said: ‘If Allâh wills,’ he would not have broken his oath, and that would have been a means of attaining what he hoped for.”

[4287] (...) A similar report (as no. 4286) was narrated from Abû Hurairah, from the Prophet ﷺ.

لَا طُوفَنَ عَلَيْهِنَ اللَّيْلَةَ، فَتَحْمِلُ كُلُّ وَاحِدَةٍ
مِنْهُنَّ، فَتَلِدُ كُلُّ وَاحِدَةٍ مِنْهُنَّ غُلَامًا
فَارِسًا، يُقَاتِلُ فِي سَبِيلِ اللَّهِ، فَلَمْ تَحْمِلْ
مِنْهُنَّ إِلَّا وَاحِدَةً، فَوَلَدَتْ نِصْفَ إِنْسَانٍ،
فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ كَانَ أَسْتَشْتَى،
لَوَلَدَتْ كُلُّ وَاحِدَةٍ مِنْهُنَّ غُلَامًا فَارِسًا،
يُقَاتِلُ فِي سَبِيلِ اللَّهِ».

[٤٢٨٦] ٢٣ - (...) وَحَدَّثَنَا مُحَمَّدُ
ابْنُ عَبَادٍ وَابْنُ أَبِي عُمَرَ - وَاللَّفْظُ لَابْنِ
أَبِي عُمَرَ - قَالَا: حَدَّثَنَا سُفِيَّانُ عَنْ
هِشَامِ بْنِ حُجَّيْرٍ، عَنْ طَاؤِسٍ، عَنْ أَبِي
هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «قَالَ شَعِيمَانُ
ابْنُ دَاؤَدَ يَبْنِي اللَّهِ: لَا طِيفَنَ اللَّيْلَةَ عَلَى
سَبْعِينَ اُمْرَأَةً، كُلُّهُنَّ تَأْتِي بِغُلَامٍ يُقَاتِلُ
فِي سَبِيلِ اللَّهِ، فَقَالَ لَهُ صَاحِبُهُ، أَوْ
الْمَلَكُ: قُلْ: إِنْ شَاءَ اللَّهُ، فَلَمْ يَقُلْ،
وَكَسِيَّ فَلَمْ تَأْتِ وَاحِدَةٌ مِنْ نِسَائِهِ، إِلَّا
وَاحِدَةً جَاءَتْ بِشِيقٍ غُلَامًا»، قَالَ رَسُولُ
اللَّهِ ﷺ: «وَلَوْ قَالَ: إِنْ شَاءَ اللَّهُ، لَمْ
يَحْتَثْ، وَكَانَ دَرَكًا لَهُ فِي حَاجَتِهِ».

[٤٢٨٧] (...) حَدَّثَنَا ابْنُ أَبِي عُمَرَ:
حَدَّثَنَا سُفِيَّانُ، عَنْ أَبِي الرَّنَادِ، عَنْ
الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ.
مِثْلَهُ أَوْ نَحْوَهُ.

[4288] 24 - (...) It was narrated that Abû Hurairah said: "Sulaimân bin Dâwûd said: 'Tonight I will go around to seventy women and each of them will give birth to a boy 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 gave birth except one woman, who gave birth to an malformed child." The Messenger of Allâh ﷺ said: "If he had said 'If Allâh wills,' he would not have broken his oath, and that could have been a means of fulfilling his wish."

[4289] 25 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: "Sulaimân bin Dâwûd said: 'Tonight I will go around to ninety women, and each of them will give birth to a knight who will fight in the cause of Allâh.' His companion said to him: 'Say "If Allâh wills."' But he did not say 'If Allâh wills,' and he went round to all of them. None of them became pregnant except one woman, who gave birth to a deformed child. By the One in Whose Hand is the soul of Muhammâd, if he had said 'If Allâh wills,' they would all have been knights, striving in the cause of Allâh."

[٤٢٨٨] ٢٤ - (...) وَحَدَّنَا عَبْدُ ابْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ بْنُ هَمَّامٍ: أَخْبَرَنَا مَعْمَرٌ عَنْ ابْنِ طَاؤِسٍ، عَنْ أَيِّهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ شُلَيْمَانُ بْنُ دَاؤِدَ: لَا طِيقَنَ الْلَّيْلَةَ عَلَى سَبْعِينَ اُمْرَأَةً، تَلَدُّ كُلُّ اُمْرَأَةٍ مِنْهُنَّ غَلَامًا، يُقَاتِلُ فِي سَبِيلِ اللَّهِ، فَقَيْلَ لَهُ: قُلْ: إِنْ شَاءَ اللَّهُ، فَلَمْ يَقُلْ، فَأَطَافَ بِهِنَّ، فَلَمْ تَلَدْ مِنْهُنَّ إِلَّا اُمْرَأَةً وَاحِدَةً، يَضْفَ إِنْسَانٍ، قَالَ: فَقَالَ رَسُولُ اللَّهِ ﷺ: لَوْ قَالَ: إِنْ شَاءَ اللَّهُ، لَمْ يَخْتَ، وَكَانَ ذَرَكَ لِجَاهِتِهِ.

[٤٢٨٩] ٢٥ - (...) حَدَّنَا زُهَيْرٌ ابْنُ حَرْبٍ: حَدَّنِي شَبَابَةُ: حَدَّنِي وَرْقَاءُ، عَنْ أَبِي الزَّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: قَالَ شُلَيْمَانُ بْنُ دَاؤِدَ: لَا طُوفَنَ الْلَّيْلَةَ عَلَى تَسْعِينَ اُمْرَأَةً، كُلُّهَا تَأْتِي بِفَارِسٍ يُقَاتِلُ فِي سَبِيلِ اللَّهِ، فَقَالَ لَهُ صَاحِبُهُ: قُلْ إِنْ شَاءَ اللَّهُ، فَلَمْ يَقُلْ إِنْ شَاءَ اللَّهُ، فَطَافَ عَلَيْهِنَّ جَمِيعًا، فَلَمْ تَحُولْ مِنْهُنَّ إِلَّا اُمْرَأَةً وَاحِدَةً، فَجَاءَتْ بِشَيْقَنَ رَجُلٍ، وَإِيمُ الَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ! لَوْ قَالَ: إِنْ شَاءَ اللَّهُ، لَجَاهَدُوا فِي سَبِيلِ اللَّهِ فُرُسَانًا أَجْمَعُونَ».

[4290] (...) A similar report (as no. 4289) was narrated from Abû Az-Zinnâd with this chain, except that he said: "They all would have borne a boy who would strive in the cause of Allâh, may He be exalted."

[٤٢٩٠] (...) وَحَدَّثَنَا سُوِيدُ بْنُ سَعِيدٍ: حَدَّثَنَا حَفْصُ بْنُ مَيْسَرَةَ عَنْ مُوسَى ابْنِ عَقْبَةَ، عَنْ أَبِي الرِّنَادِ بِهَذَا الْإِسْنَادِ، مِثْلَهُ، غَيْرَ أَنَّهُ قَالَ: «كُلُّهَا تَحْمِلُ غُلَامًا يُجَاهِدُ فِي سَبِيلِ اللَّهِ تَعَالَى».

(المعجم ٦) - (باب النهي عن الإصرار على اليمين، فيما يتأذى به أهل الحالف، مما ليس بحرام)
(التحفة ١١)

Chapter 6. The Prohibition Of Persisting In An Oath That Will Harm The Family Of The One Who Swears It, So Long As Not Persisting In It Does Not Involve Anything Unlawful

[4291] 26 - (1655) It was narrated that Hammâm bin Munabbih said: "This is what Abû Hurairah narrated to us from the Messenger of Allâh ﷺ." He mentioned a number of *Ahadîth* including the following: "The Messenger of Allâh ﷺ said: 'By Allâh, if one of you persist in an oath concerning his family, that is more sinful before Allâh than offering the expiation that has been enjoined by Allâh.'"

[٤٢٩١] ٢٦-(١٦٥٥) وَحَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: حَدَّثَنَا مَغْمُرٌ عَنْ هَمَّامٍ بْنِ مُتَبَّيٍ قَالَ: هَذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ، فَذَكَرَ أَحَادِيثَ مِنْهَا: وَقَالَ رَسُولُ اللَّهِ ﷺ: «وَاللَّهِ! لَأَنْ يَلْجَأَ أَحَدُكُمْ بِيَمْنِينِهِ فِي أَهْلِهِ، أَئْمَّ لَهُ عِنْدَ اللَّهِ مِنْ أَنْ يُعْطِيَ كَفَارَتَهُ الَّتِي فَرَضَ اللَّهُ». .

(المعجم ٧) - (باب نذر الكافر، وما يفعل فيه إذا أسلم)
(التحفة ١٢)

Chapter 7. The Vow Of A Disbeliever, And What He Should Do About It If He Becomes A Muslim

[4292] 27 - (1656) It was narrated from Ibn 'Umar that 'Umar said: "O Messenger of Allâh, during the *Jâhilîyyah* I vowed that I would spend a night in *I'tikâf* in *Al-Masjid Al-Harâm*." He said: "Fulfill your vow."

[٤٢٩٢] ٢٧-(١٦٥٦) حَدَّثَنَا مُحَمَّدُ ابْنُ أَبِي بَكْرٍ الْمُقَدَّمِيُّ وَمُحَمَّدُ ابْنِ الْمُشَّنَّى، وَرُهَيْبُ بْنُ حَرْبٍ - وَاللَّفْظُ لِرُهَيْبٍ - قَالُوا: حَدَّثَنَا يَحْيَى - وَهُوَ ابْنُ سَعِيدٍ

القطّان، عَنْ عُبَيْدِ اللَّهِ، قَالَ: أَخْبَرَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ أَنَّ عُمَرَ قَالَ: يَا رَسُولَ اللَّهِ! إِنِّي نَذَرْتُ فِي الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ لَيْلَةً فِي الْمَسْجِدِ الْحَرَامِ، قَالَ: «فَأَوْفِ بِنَذْرِكَ».»

[4293] (...) This *Hadîth* (which is similar to no. 4291) was narrated from Ibn ‘Umar. As for Abû Usâmah and Ath-Thaqafî, their *Hadîth* mentions *I’tikâf* for one night. As for Shu’bah, he said: “He obliged himself to spend a day in *I’tikâf*.” In the *Hadîth* there is no mention of a day or a night.

[٤٢٩٣] (...) حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجُعُ: حَدَّثَنَا أَبُو أَسَامَةَ، وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّنَّى: حَدَّثَنَا عَبْدُ الْوَهَابِ يَعْنِي التَّقْفِيَّ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْعَلَاءَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ، جَمِيعًا، عَنْ حَفْصٍ بْنِ غَيَّاثٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَمْرِو بْنِ جَبَلَةَ بْنِ أَبِي رَوَادٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شَعْبَةُ كُلُّهُمْ عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ حَفْصٌ مِنْ بَيْنِهِمْ: عَنْ عُمَرَ، بِهَذَا الْحَدِيثِ، أَمَّا أَبُو أَسَامَةَ وَالْمُتَّنَّى فَفِي حَدِيثِيهِمَا: اعْتَكَافُ لَيْلَةً، وَأَمَّا فِي حَدِيثِ شَعْبَةَ فَقَالَ: جَعَلَ عَلَيْهِ يَوْمًا يَعْتَكِفُهُ، وَلَيْسَ فِي حَدِيثِ حَفْصٍ ذِكْرُ يَوْمٍ وَلَا لَيْلَةً.

[4294] 28 - (...) ‘Abdullâh bin ‘Umar narrated that ‘Umar bin Al-Khaṭṭâb asked the Messenger of Allâh ﷺ when he was in Al-Jirânah, after he had come back from At-Tâ’if: “O Messenger of Allâh, during the *Jâhiliyyah* I

[٤٢٩٤]-٢٨ (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ: أَنَّ أَيُوبَ حَدَّثَنَا أَنَّ نَافِعًا حَدَّثَهُ: أَنَّ عَبْدَ اللَّهِ ابْنَ عُمَرَ

vowed that I would spend a day in *I'tikâf* in *Al-Masjid Al-Harâm*. What do you think?" He said: "Go and spend a day in *I'tikâf*."

He said: "And the Messenger of Allâh ﷺ had given him a slave woman from the *Khums*, but when the Messenger of Allâh ﷺ freed the captives, 'Umar bin Al-Khaṭîb heard their voices saying: 'The Messenger of Allâh ﷺ has set us free.' He said: 'What is this?' They said: 'The Messenger of Allâh ﷺ has set the prisoners free.' 'Umar said: 'O 'Abdullâh, go to that slave woman and set her free.'"

حَدَّثَنَا أَنَّ عُمَرَ بْنَ الْخَطَّابِ سَأَلَ رَسُولَ اللَّهِ ﷺ، وَهُوَ يَالْجِعْرَانَةِ، بَعْدَ أَنْ رَجَعَ مِنَ الطَّائِفِ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي نَذَرْتُ فِي الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ يَوْمًا فِي الْمَسْجِدِ الْحَرَامِ، فَكَيْفَ تَرَى؟ قَالَ: اذْهَبْ فَاعْتَكِفْ يَوْمًا.

قَالَ: وَكَانَ رَسُولُ اللَّهِ ﷺ قَدْ أَعْطَاهُ جَارِيَةً مِنَ الْخُمُسِ، فَلَمَّا أَعْتَقَ رَسُولُ اللَّهِ ﷺ سَبَائِيَا النَّاسِ، سَمِعَ عُمَرُ بْنُ الْخَطَّابِ أَصْرَافَهُمْ يَقُولُونَ: أَعْتَقْنَا رَسُولَ اللَّهِ ﷺ، فَقَالَ: مَا هَذَا؟ فَقَالُوا: أَعْتَقْ رَسُولَ اللَّهِ ﷺ سَبَائِيَا النَّاسِ، فَقَالَ عُمَرُ: يَا عَبْدَ اللَّهِ! اذْهَبْ إِلَى تِلْكَ الْجَارِيَةِ فَخَلِّ سَبِيلَهَا.

[4295] (...) It was narrated that Ibn 'Umar said: "When the Prophet ﷺ came back from Hunain, 'Umar asked the Messenger of Allâh ﷺ about a vow that he had made during the *Jâhiliyyah*, to observe *I'tikâf* for one day." Then he mentioned a *Hadîth* like that of Jarîr bin Hâzim (no. 4294).

[٤٢٩٥] (...) وَحَدَّثَنَا عَبْدُ بْنُ حَمِيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَالَ: لَمَّا قَفَلَ النَّبِيُّ ﷺ مِنْ حُنَيْنِ، سَأَلَ عُمَرُ رَسُولَ اللَّهِ ﷺ عَنْ نَذْرِ كَانَ نَذَرَهُ فِي الْجَاهِلِيَّةِ، اعْتَكَافِ يَوْمٍ، ثُمَّ ذَكَرَ بِمَعْنَى حَدِيثِ جَرِيرِ بْنِ حَازِمٍ.

[٤٢٩٦] (...) وَحَدَّثَنَا أَحْمَادُ بْنُ عَبْدَهُ الصَّبِيُّ حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ: حَدَّثَنَا أَيُوبُ عَنْ نَافِعٍ قَالَ: ذُكِرَ عِنْدَ أَبْنِ عُمَرَ: عُمَرٌ

said: 'He did not perform 'Umrah from there.' He said: 'And 'Umar had made a vow during the Jâhiliyyah to observe *I'tikâf* for one night.'" Then he mentioned a *Hadîth* like that of Jarîr bin Hâzim and Ma'mar, from Ayyûb (no. 4294, 4295).

[4297] (...) This *Hadîth* about vows was narrated from Ibn 'Umar (a *Hadîth* similar to no. 4294). In both their *Ahadîth* it mentions *I'tikâf* for one day.

رَسُولُ اللَّهِ ﷺ مِنَ الْجِعْرَانَةِ، فَقَالَ: لَمْ يَتَمَرَّ مِنْهَا، قَالَ: وَكَانَ عُمَرُ نَذَرَ اغْتِيَافَ لَيْلَةً فِي الْجَاهِلِيَّةِ. ثُمَّ ذَكَرَ نَحْوَ حَدِيثِ جَرِيرِ بْنِ حَازِمٍ وَمَعْمَرٍ، عَنْ أَيُوبَ.

[٤٢٩٧] (...) وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيِّ: حَدَّثَنَا حَاجَاجُ بْنُ الْمِنْهَالِ: حَدَّثَنَا حَمَادٌ عَنْ أَيُوبَ؛ وَحَدَّثَنَا يَحْيَى بْنُ خَلْفٍ: حَدَّثَنَا عَبْدُ الْأَعْمَلِ عَنْ مُحَمَّدٍ بْنِ إِسْحَاقَ، كِلَاهُمَا عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ بِهَذَا الْحَدِيثِ فِي النَّذْرِ، وَفِي حَدِيثِهِمَا جَوِيعًا: اغْتِيَافُ يَوْمٍ.

(المعجم ٨) - (باب صحبة

المماليك، - وكفارة من لطم عبده)

(التحفة ١٣)

Chapter 8. Treatment Of Slaves, And The Expiation Of One Who Slaps His Slave

[4298] 29 - (1657) It was narrated that Zadân bin Abî 'Umar said: "I came to Ibn 'Umar who had freed a slave. He picked up a stick or something from the ground and said: 'There is no more reward in it than the equivalent of this, but I heard the Messenger of Allâh ﷺ say: 'Whoever slaps his slave or beats him, his expiation is to manumit him."

[٤٢٩٨] (١٦٥٧-٢٩) حَدَّثَنِي أَبُو كَامِلِ فُضِيلِ بْنِ حُسَيْنِ الْجَحدَريِّ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ فِرَاسٍ، عَنْ دَكْوَانَ أَبِي صَالِحٍ، عَنْ رَازَانَ أَبِي عُمَرَ قَالَ: أَتَيْتُ أَبْنَ عُمَرَ، وَقَدْ أَعْتَقَ مَمْلُوكًا، قَالَ: فَأَخْدَمْتُ مِنَ الْأَرْضِ عُودًا أَوْ شَيْئًا، فَقَالَ: مَا فِيهِ مِنَ الْأَجْرِ مَا يَشْوِي هَذَا، إِلَّا أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ لَطَمَ مَمْلُوكًا أَوْ ضَرَبَهُ فَكَفَّارَتُهُ أَنْ يُعْتَقَهُ».

[4299] 30 - (...) It was narrated from Zadân that Ibn ‘Umar called a slave of his and he saw marks on his back. He said to him: “Have I caused you pain?” He said: “No.” He said: “You are free.”

Then he picked up something from the ground and said: “I will not have any reward for it, not even the weight of this. I heard the Messenger of Allâh ﷺ say: ‘Whoever beats a slave without him having done anything to deserve it, or slaps him, his expiation is to manumit him.’”

[4300]... - (...) It was narrated from Firâs with the chain of Shu‘bah and Abû ‘Awânah (a *Hadîth* similar to no. 4299). As for the *Hadîth* of Ibn Mahdî, it says: “Without him having done anything to deserve it”. In the *Hadîth* of Wâki‘ it says: “Whoever slaps his slave” and does not mention “Without him having done anything to deserve it.”

[4301] 31 - (1658) It was narrated that Mu‘âwiyah bin Suwaid said: “I slapped a freed slave of ours and he ran away. Then I came just before *Zuhr* and prayed behind my father. He called him, and called for me, then he said: ‘Do to him what he

[٤٢٩٩]-٣٠] وَحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُتَّسَى وَابْنُ بَشَّارٍ - وَاللَّفْظُ لَابْنِ الْمُتَّسَى - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ فِرَاسٍ قَالَ: سَوْفَتْ ذَكْوَانَ يُحَدِّثُ عَنْ رَبَادَانَ: أَنَّ ابْنَ عُمَرَ دَعَا بِغَلَامٍ لَهُ، فَرَأَى بِظَاهِرِهِ أَنَّهُ، فَقَالَ لَهُ: أَوْجَعْتُكَ؟ قَالَ: لَا، قَالَ: فَأَنْتَ عَيْنِيْ. قَالَ: ثُمَّ أَخْذَ شَيْئًا مِنَ الْأَرْضِ فَقَالَ: مَا لَيْ فِيهِ مِنْ أَنْجِيرٍ مَا يَرِينُ هَذَا، إِنِّي سَوْفَتْ رَسُولُ اللَّهِ ﷺ يَقُولُ: «مَنْ ضَرَبَ غُلَامًا لَهُ حَدًّا لَمْ يَأْتِهِ، أَوْ لَطَمَهُ، فَإِنَّ كَفَّارَتَهُ أَنْ يُغْتَفِّهَ».

[٤٣٠] وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ، وَحَدَّثَنِي مُحَمَّدُ ابْنُ الْمُتَّسَى: حَدَّثَنَا عَبْدُ الرَّحْمَنِ، كِلَاهُمَا عَنْ سُفِّيَانَ، عَنْ فِرَاسٍ يَإِسْنَادَ شُعْبَةَ وَأَبِي عَوَانَةَ، أَمَّا حَدِيثُ ابْنِ مَهْدَى فَذَكَرَ فِيهِ «حَدًّا لَمْ يَأْتِهِ»، وَفِي حَدِيثِ وَكِيعِ «مَنْ لَطَمَ عَبْدَهُ» وَلَمْ يَذْكُرْ الْحَدَّ.

[٤٣١]-٣١] حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ نُعْمَى، وَحَدَّثَنَا ابْنُ نُعْمَى - وَاللَّفْظُ لَهُ: حَدَّثَنَا أَبِي: حَدَّثَنَا سُفِّيَانُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ مُعَاوِيَةَ بْنِ سُوَيْدٍ قَالَ: لَطَمْتُ

did to you,' but he let me go. Then he said: 'At the time of the Messenger of Allâh ﷺ, we Banû Muqarrin had only one servant. One of us slapped her and news of that reached the Prophet ﷺ. He said: 'Manumit her.' They said: 'They do not have any other servant.' He said: 'Then let them keep her, and when they no longer need her, they should let her go.'"

مَوْلَى لَنَا فَهَرَبَتْ، ثُمَّ جِئْتُ قُبْلَ الظَّهَرِ،
فَصَلَّيْتُ خَلْفَ أَبِي، فَدَعَاهُ وَدَعَانِي، ثُمَّ
قَالَ: امْتَشِلْ مِنْهُ، فَعَقَّا، ثُمَّ قَالَ: كُنَّا بَنِي
مُقْرِنٍ، عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، لَيْسَ
لَنَا إِلَّا خَادِمٌ وَاحِدَةٌ، فَلَطَمَهَا أَحَدُنَا،
فَبَلَغَ ذَلِكَ النَّبِيُّ ﷺ فَقَالَ «أَعْتَقُوهَا»
قَالُوا: لَيْسَ لَهُمْ خَادِمٌ غَيْرُهَا، قَالَ:
«فَلَا يُسْتَخْلِمُوهَا، فَإِذَا اسْتَعْنُوا عَنْهَا،
فَلَا يُخْلُلُوا سَيْلَهَا».

[4302] 32 - (...) It was narrated that Hilâl bin Yasâf said: "An old man got angry and slapped a servant of his. Suwaid bin Muqarrin said to him: 'Could you not find any part other than her face? I remember when I was the seventh of seven sons of Banû Muqarrin and we had no servant but one woman. The youngest of us slapped her and the Messenger of Allâh ﷺ commanded us to manumit her.'"

[٤٣٠٢] ٣٢ - (...) وَحَدَّثَنَا أَبُو بَكْرٍ
بْنُ أَبِي شَيْعَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعَيْرِ -
وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالَ: حَدَّثَنَا ابْنُ
إِدْرِيسَ عَنْ حُصَيْنٍ، عَنْ هَلَالِ بْنِ يَسَافٍ
قَالَ: عَجِلَ شَيْخُ فَلَطَمَ خَادِمًا لَهُ، فَقَالَ لَهُ
سُوَيْدُ بْنُ مُقْرِنٍ: عَجَزَ عَلَيْكَ إِلَّا خُرُّ
وَجْهِهَا؟ لَقَدْ رَأَيْتُنِي سَابِعَ سَبْعَةَ مِنْ بَنِي
مُقْرِنٍ، مَا لَنَا خَادِمٌ إِلَّا وَاحِدَةٌ، لَطَمَهَا
أَضْعَرْتُنَا، فَأَمَرَنَا رَسُولُ اللَّهِ ﷺ أَنْ نُعْتَقَهَا.

[4303] (...) It was narrated that Hilâl bin Yasâf said: "We used to sell cloth in the house of Suwaid bin Muqarrin, the brother of An-Nu'mân bin Muqarrin. A slave woman came out and said something to one of us, and he slapped her and Suwaid got angry..." a *Hadîth* like that of Ibn Idrîs (no. 4302).

[٤٣٠٣] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ
الْمُنْتَهَى وَابْنُ بَشَارٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي
عَدِيٍّ عَنْ شُعْبَةَ، عَنْ حُصَيْنٍ، عَنْ هَلَالِ
ابْنِ يَسَافٍ قَالَ: كُنَّا نَبْيَعُ الْبَزَّ فِي دَارِ
سُوَيْدٍ بْنِ مُقْرِنٍ، أَخِي التَّعْمَانَ بْنِ مُقْرِنٍ،
فَخَرَجَتْ جَارِيَّةً، فَقَالَتْ لِرَجُلٍ مِنَ الْكَلِمَةِ،

فلطَّمَهَا، فَعَصِبَ سُوَيْدُ، فَذَكَرَ نَحْوَ
حَدِيثِ ابْنِ إِدْرِيسَ.

[4304] 33 - (...) Shu'bah narrated: "Muhammad bin Al-Munkadir said to me: 'What is your name?' I said: 'Shu'bah.' Muhammad said: 'Abū Shu'bah' Al-'Irāqī narrated to me from Suwaid bin Muqarrin that someone slapped a slave woman of his. Suwaid said to him: Do you not know that hitting the face is unlawful? He said: I remember when I was the seventh of my brothers, with the Messenger of Allāh ﷺ, and we only had one servant. One of us went and slapped him, and the Messenger of Allāh ﷺ commanded us to manumit him."

[4305] (...) It was narrated from Wahb bin Jarir: "Shu'bah told us: 'Muhammad bin Al-Munkadir said to me: What is your name?'" And he mentioned a *Hadīth* like that of 'Abduṣ-Ṣamad (no. 4304).

[4306] 34 - (1659) It was narrated from Ibrāhīm At-Taimī that his father said: 'Abū Mas'ūd Al-Badrī said: "I was beating a slave of mine with a whip when I heard a voice behind me (saying): 'You should realize, Abū Mas'ūd!' But I did not understand the voice because I was so angry. When he came close to me, I saw that it was

الْوَارِثُ بْنُ عَبْدِ الصَّمَدِ: حَدَّثَنِي أَبِي:
حَدَّثَنَا شَعْبَةُ: قَالَ لِي مُحَمَّدُ بْنُ
الْمُنْكَدِرِ: مَا اسْمُكَ؟ قُلْتُ: شَعْبَةُ، فَقَالَ
مُحَمَّدٌ: حَدَّثَنِي أَبُو شَعْبَةَ الْعَرَاقِيَّ، عَنْ
سُوَيْدِ بْنِ مُقْرَنٍ أَنَّ جَارِيَةً لَهُ لَطَمَهَا
إِنْسَانٌ، فَقَالَ لَهُ سُوَيْدٌ: أَمَا عَلِمْتَ أَنَّ
الصُّورَةَ مُحرَّمَةً؟ فَقَالَ: لَقَدْ رَأَيْتُنِي، وَإِنِّي
لَسَابِعُ إِخْوَةِ لِي، مَعَ رَسُولِ اللَّهِ ﷺ، وَمَا
لَنَا خَادِمٌ غَيْرُ وَاحِدٍ، فَعَمَدَ أَحَدُنَا
فَلَطَّمَهُ، فَأَمَرَنَا رَسُولُ اللَّهِ ﷺ أَنْ نُغْفِلَهُ.

[4305] (...) حَدَّثَنَا إِسْحَاقُ بْنُ
إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ الْمُنْكَدِرِ، عَنْ وَهْبِ بْنِ
جَرِيرٍ: أَخْبَرَنَا شَعْبَةُ: قَالَ لِي مُحَمَّدُ بْنُ
الْمُنْكَدِرِ: مَا اسْمُكَ؟ فَذَكَرَ يِمْثُلُ حَدِيثَ
عَبْدِ الصَّمَدِ.

[4306] 34 - (1659) حَدَّثَنَا أَبُو
كَامِلِ الْجَحدَرِيِّ: حَدَّثَنَا عَبْدُ الْواحِدِ
يَعْنِي ابْنَ زِيَادٍ: حَدَّثَنَا الْأَعْمَشُ عَنْ
إِبْرَاهِيمَ التَّيَّبِيِّ، عَنْ أَبِيهِ قَالَ: قَالَ أَبُو
مَسْعُودُ الْبَدْرِيُّ: كُنْتُ أَضْرِبُ غُلَامًا لِي
بِالسَّوْطِ، فَسَمِعْتُ صَوْتًا مِنْ خَلْفِي:

the Messenger of Allâh ﷺ and he was saying: ‘You should realize, Abû Mas’ûd! ‘You should realize, Abû Mas’ûd!’ I threw down the whip that was in my hand and he said: ‘You should realize, Abû Mas’ûd, that Allâh has more power over you than you have over this slave.’ I said: ‘I will never beat a slave again after this.’”

«اعْلَمْ أَبَا مَسْعُودِ!» فَلَمْ أَفْهَمْ الصَّوْتَ مِنَ الْغَضَبِ، قَالَ: فَلَمَّا دَنَا مِنِّي، إِذَا هُوَ رَسُولُ اللَّهِ ﷺ، فَإِذَا هُوَ يَقُولُ: «اعْلَمْ أَبَا مَسْعُودِ! اعْلَمْ أَبَا مَسْعُودِ!» قَالَ: فَأَلْقَيْتُ السُّوْطَ مِنْ يَدِي، فَقَالَ: «اعْلَمْ، أَبَا مَسْعُودِ! أَنَّ اللَّهَ أَفْدُرُ عَلَيْكَ مِنْكَ عَلَى هَذَا الْعُلَامَ» قَالَ: قَلْتُ: لَا أَصْرِبُ مَمْلُوكًا بَعْدَهُ أَبَدًا.

[4307] (...) A similar *Hadîth* (as no. 4306) was narrated from Al-A‘mâsh with this chain, except that in the *Hadîth* of Jarîr it says: “The whip fell from my hand, out of awe towards him.”

[٤٣٠٧] (...) وَحَدَّثَاهُ إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا جَرِيرٌ؛ وَحَدَّثَنِي رُهْبَرُ بْنُ حَرْبٍ: حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدٍ وَهُوَ الْمَعْمَرِيُّ، عَنْ سُفْيَانَ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا سُفْيَانُ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَانُ: حَدَّثَنَا أَبُو عَوَانَةَ، كُلُّهُمْ عَنْ الْأَعْمَشِ يَإِسْنَادَ عَبْدِ الْوَاحِدِ، نَحْوَ حَدِيثِهِ، غَيْرَ أَنَّ فِي حَدِيثِ جَرِيرٍ: فَسَقَطَ مِنْ يَدِي السُّوْطُ، مِنْ هَيْنَيْهِ.

[4308] 35 - (...) It was narrated that Abû Mas’ûd Al-Anṣârî said: “I was beating a slave of mine, and I heard a voice behind me (saying): ‘You should realize, Abû Mas’ûd, that Allâh has more power over you than you have over him.’ I turned around, and I saw the Messenger of Allâh ﷺ. I said: ‘O Messenger of Allâh, he is

[٤٣٠٨]-٣٥ (...) حَدَّثَنَا أَبُو كُرَبَّ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ إِبْرَاهِيمَ الشَّيْمِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ قَالَ: كُنْتُ أَصْرِبُ غُلَامًا لِي، فَسَمِعْتُ مِنْ خَلْفِي صَوْتًا: «اعْلَمْ، أَبَا

free for the Face of Allâh.' He said: 'If you had not done that, the Fire would have scorched you,' or 'the Fire would have touched you.'"

مَسْعُودٌ! اللَّهُ أَفْدَرُ عَلَيْكَ مِنْكَ عَلَيْهِ
فَالْقَتَّافُ فَإِذَا هُوَ رَسُولُ اللَّهِ ﷺ، فَقُلْتَ:
يَا رَسُولَ اللَّهِ! هُوَ حُرٌّ لِوَجْهِ اللَّهِ، فَقَالَ:
أَمَا لَوْلَمْ تَعْلَمْ، لَفَحَتْكَ النَّارُ، أَوْ
لَمَسْتَكَ النَّارُ.

[٤٣٠٩] - [٣٦] (...) حَدَّثَنَا مُحَمَّدُ
ابْنُ الْمُتَّئِّنِ وَابْنُ بَشَّارٍ - وَاللَّفظُ لِابْنِ
الْمُتَّئِّنِ - قَالًا: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ،
عَنْ شُعْبَةَ، عَنْ سَلَيْمَانَ، عَنْ إِنْرَاهِيمَ
الْتَّيْمِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي مَسْعُودٍ أَنَّهُ
كَانَ يَصْرِيبُ غَلَامًا، فَجَعَلَ يَقُولُ: أَعُوذُ
بِاللَّهِ، قَالَ: فَجَعَلَ يَصْرِيبُهُ، فَقَالَ: أَعُوذُ
بِرَسُولِ اللَّهِ، فَرَكَّهُ، فَقَالَ رَسُولُ
اللَّهِ ﷺ: «وَاللَّهِ! اللَّهُ أَفْدَرُ عَلَيْكَ مِنْكَ
عَلَيْهِ» قَالَ: فَأَعْتَقَهُ.

[٤٣١٠] - (...) وَحَدَّثَنِيهِ بِشْرُ بْنُ
خَالِدٍ: أَخْبَرَنَا مُحَمَّدٌ يَعْنِي ابْنَ حَفْرٍ،
عَنْ شُعْبَةَ يَهْلَدَا الْإِسْنَادِ، وَلَمْ يُذْكُرْ قَوْلُهُ:
أَعُوذُ بِاللَّهِ، أَعُوذُ بِرَسُولِ اللَّهِ.

(المعجم ٩) - (باب التغليظ على من
قدف مملوكه بالزنني) (التحفة ١٤)

[٤٣١١] - [٣٧] (١٦٦٠) وَحَدَّثَنَا أَبُو
بَكْرُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ
ثُمَيْرٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ ثُمَيْرٍ:

[٤٣١٠] (...) It was narrated from Shu'bah with this chain (a *Hadith* similar to no. 4309), but he did not mention the words: "I seek refuge in Allâh, I seek refuge in the Messenger of Allâh."

Chapter 9. Stern Warning Against Accusing A Slave Of Fornication

[٤٣١١] 37 - (1660) Abû Hurairah said: Abul-Qâsim ﷺ said: "Whoever accuses his slave of fornication, the *Hadd* punishment

will be carried out against him on the Day of Resurrection, unless he is as he said."

حَدَّثَنَا أَبِي : حَدَّثَنَا فُضَيْلُ بْنُ عَزْوَانَ قَالَ : سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ أَبِي نُعْمَاءْ حَدَّثَنِي أَبُو هُرَيْرَةَ قَالَ : قَالَ أَبُو الْقَاسِمِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «مَنْ قَدَّفَ مَمْلُوكًا بِالزَّنَادِ يُقَامُ عَلَيْهِ الْحُكُمُ يَوْمَ الْقِيَامَةِ، إِلَّا أَنْ يَكُونَ كَمَا قَالَ» .

[4312]... - (...) It was narrated from Fudail bin Ghazwân (a *Hadîth* similar to no. 4311) with this chain. In their *Hadîth* it says: "I heard Abul-Qâsim صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ, the Prophet of repentance."

[٤٣١٢] (...) وَحَدَّثَنَا أَبُو كُرَيْبٍ : حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنِي زُهَيرٌ أَبْنُ حَرْبٍ، حَدَّثَنَا إِسْحَاقُ بْنُ يُوسُفَ الْأَزْرَقُ، كَلَاهُمَا عَنْ فُضَيْلِ بْنِ عَزْوَانَ بِهَذَا الْإِسْنَادِ، وَفِي حَدِيثِهِمَا : سَمِعْتُ أَبَا الْقَاسِمِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، نَيَّيَ التَّوْبَةَ .

(المعجم ١٠) - (باب إطعام المملوك
ما يأكل، وإلباسه مما يلبس، ولا
يكلفه ما يغلبه) (التحفة ١٥)

[٤٣١٣] [١٦٦١-٣٨] حَدَّثَنَا أَبُو بْكُرٌ بْنُ أَبِي شَيْءَةَ : حَدَّثَنَا وَكِيعٌ : حَدَّثَنَا الْأَعْمَشُ، عَنِ الْمَعْرُورِ بْنِ سُوَيْدٍ قَالَ : مَرَرْنَا بِأَبِي ذَرٍ بِالرَّبَادَةِ، وَعَلَيْهِ بُزْدٌ وَعَلَى عُلَامِهِ مِثْلُهُ، قَلْنَاتٌ : يَا أَبَا ذَرًا! لَوْ جَمَعْتَ بَيْنَهُمَا كَانَتْ حُلَّةً، فَقَالَ : إِنَّهُ كَانَ بَيْنِي وَبَيْنِ رَجُلٍ مِنْ إِخْرَانِي كَلَامٌ، وَكَانَتْ أُمُّهُ أَعْجَمِيَّةَ، فَعَيَّرَهُ بِأُمِّهِ، فَشَكَانِي إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَلَقِيتُ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ : «يَا

me to the Prophet ﷺ, then I met the Prophet ﷺ and he said: "O Abû Dharr, you are a man in whom there is some ignorance." I said: "O Messenger of Allâh, if someone insults people, they will insult his father and mother." He said: "O Abû Dharr, you are a man in whom there is some ignorance. They are your brothers whom Allâh has placed under your control, so feed them what you eat, and clothe them with what you wear, and do not burden them with more than they can bear; if you do burden them, then help them."

[4314] 39 - (...) It was narrated from Al-A'mash (a *Hadîth* similar to no. 4313) with this chain. In the *Hadîth* of Zuhair and Abû Mu'âwiyah after the words "You are a man in whom there is some ignorance" it adds: "I said: 'Even up to this time of old age?' He said: 'Yes.'" In the *Hadîth* of Abû Mu'âwiyah it says: "Yes, even up to this time of old age." In the *Hadîth* of 'Eisâ it says: "If he burdens him with more than he can bear, let him sell him." In the *Hadîth* of Zuhair it says: "Let him help him with it." In the *Hadîth* of Abû Mu'âwiyah it does not say: "Let him sell him" or "let him help him." It ends with the words "and do not burden him with more than he can bear."

أَبَا دَرْ! إِنَّكَ امْرُؤٌ فِيَكَ جَاهِلِيَّةً قُلْتُ : يَا رَسُولَ اللَّهِ مَنْ سَبَ الرِّجَالَ سَبُوا أَبَاهُ وَأُمَّهَ، قَالَ : «يَا أَبَا دَرْ! إِنَّكَ امْرُؤٌ فِيَكَ جَاهِلِيَّةً، هُمْ إِخْرَانُكُمْ، جَعَلُهُمُ اللَّهُ تَحْتَ أَيْدِيهِمْ، فَاطْعُمُوهُمْ مِمَّا تَأْكُلُونَ، وَأَلْسُوْهُمْ مِمَّا تَلْبِسُونَ، وَلَا تُكْلِفُهُمْ مَا يَعْلَمُهُمْ، فَإِنْ كَلَفْتُمُوهُمْ فَاعْيِنُوهُمْ» .

[4314] 39 - (...) وَحَدَّثَنَا أَخْمَدُ [] أَبْنُ يُونُسَ : حَدَّثَنَا زُهْيرٌ، وَحَدَّثَنَا أَبُو كُرَيْبٍ : حَدَّثَنَا أَبُو مُعَاوِيَةَ، وَحَدَّثَنَا إِسْحَاقُ أَبْنُ إِبْرَاهِيمَ : أَخْبَرَنَا عِيسَى بْنُ يُونُسَ، كُلُّهُمْ عَنِ الْأَعْمَشِ بِهَذَا الْإِشَادَةِ، وَزَادَ فِي حَدِيثِ زُهْيرٍ وَأَبِي مُعَاوِيَةَ بَعْدَ قَوْلِهِ : «إِنَّكَ امْرُؤٌ فِيَكَ جَاهِلِيَّةً» قَالَ : قُلْتُ : عَلَى حَالِ سَاعَتِي مِنَ الْكِبِيرِ؟ قَالَ «نَعَمْ»، وَفِي رِوَايَةِ أَبِي مُعَاوِيَةَ «نَعَمْ»، عَلَى حَالِ سَاعَتِكَ مِنَ الْكِبِيرِ»، وَفِي حَدِيثِ عِيسَى «فَإِنْ كَلَفْتَهُ مَا يَعْلَمُهُ فَلَنْيَعْلَمُهُ»، وَفِي حَدِيثِ زُهْيرٍ «فَلَنْيَعْلَمُهُ عَلَيْهِ»، وَأَتَيْسَ فِي حَدِيثِ أَبِي مُعَاوِيَةَ «فَلَنْيَعْلَمُهُ» وَلَا «فَلَنْيَعْلَمُهُ»، انتَهَى عِنْدَ قَوْلِهِ : «وَلَا يَكْلُفُهُ مَا يَعْلَمُهُ» .

[4315] 40 - (...) It was narrated that Al-Ma'rûr bin Suwaid said: "I saw Abû Dharr wearing a *Hullah* and his slave was wearing something similar. I asked him about that and he said that he had insulted a man at the time of the Messenger of Allâh ﷺ, criticizing him because of his mother. The man went to the Prophet ﷺ and told him about that, and the Prophet ﷺ said: 'You are a man in whom there is still some ignorance. (They are) your brothers and servants whom Allâh has placed under your control, so whoever has his brother under his control, let him feed him what he eats and clothe him with what he wears. And do not burden them with more than they can bear, and if you do that, then help them.'"

[4316] 41 - (1662) It was narrated from Abû Hurairah that the Prophet ﷺ said: "A slave is entitled to his food and clothing, and he should not be burdened except with that which he can bear."

[4317] 42 - (1663) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said:

[4315] 40 - (...) حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ - وَاللَّفَظُ لَابْنِ الْمُتَّقِيِّ - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شَعْبَةُ عَنْ وَاصِلِ الْأَخْدِبِ، عَنْ الْمُعْرُوْرِ بْنِ سُوَيْدٍ قَالَ: رَأَيْتُ أَبَا ذَرَ وَعَلَيْهِ حُلَّةٌ وَعَلَى غُلَامِهِ مِثْلُهَا، فَسَأَلْتُهُ عَنْ ذَلِكَ؟ قَالَ: فَذَكَرَ أَنَّهُ سَابَ رَجُلًا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَعَيَّرَهُ بِأَمْمِهِ، قَالَ: فَأَتَى الرَّجُلُ النَّبِيَّ ﷺ، فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ النَّبِيُّ ﷺ: إِنَّكَ امْرُؤٌ فِي كَاهِلِيَّةٍ، إِخْوَانُكُمْ وَخَوْلُكُمْ، جَعَلَهُمُ اللَّهُ تَعَالَى أَنْتَ أَيْدِيكُمْ، فَمَنْ كَانَ أَخْوَهُ تَحْتَ يَدَيْهِ، فَلْيُطْعِمْهُ مِمَّا يَأْكُلُ، وَلْيُبَيِّسْهُ مِمَّا يُلْبِسُ، وَلَا تُكْلِفُوهُمْ مَا يَعْلَمُونَ، فَإِنْ كَلَّفُوكُمُوهُمْ فَأَعْيُنُوهُمْ عَلَيْهِ".

[4316] 41 - (1662) وَحَدَّثَنَا أَبُو الطَّاهِرِ أَحْمَدَ بْنُ عَمْرُو بْنِ سَرْجِنٍ: أَخْبَرَنَا أَبْنُ وَهْبٍ: أَخْبَرَنَا عَمْرُو بْنُ الْحَارِثِ أَنَّ بُكَيْرَ بْنَ الْأَشْجَحَ حَدَّثَنَا، عَنِ الْعَجَلَانِ مَوْلَى فَاطِمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «لِلْمَمْلُوكِ طَعَامُهُ وَكُسُوفُهُ، وَلَا يُكَلِّفُ مِنَ الْعَمَلِ إِلَّا مَا يُطِيقُ».

[4317] 42 - (1663) حَدَّثَنَا الْقَعْدِيُّ: حَدَّثَنَا دَاؤُدُّ بْنُ قَيْسٍ، عَنْ

“When the servant of any one of you brings food which he had looked, worked hard and endured heat and smoke, let him invite him to eat with him, and if the food runs a little short, he should still put a morsel or two of it in his hand.”

مُوسَى بْنُ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا صَنَعَ لِأَحَدْنَمْ خَادِمَهُ طَعَامًا ثُمَّ حَاجَهُ إِلَيْهِ، وَقَدْ وَلَيَ حَرَّةً وَدُخَانَهُ، فَلْيَقْعُدْهُ مَعَهُ، فَلْيَأْكُلْ، فَإِنْ كَانَ الطَّعَامُ مَشْفُوْهَا قَلِيلًا، فَلْيَضْعِفْ فِي يَدِهِ مِنْهُ أَكْلَهُ أَوْ أَكْلَتْهُنَّ» قَالَ دَاؤُدُّ: يَعْنِي لَفْمَةً أَوْ لَفْمَتَيْنِ.

Chapter 11. The Reward Of A Slave Who Is Sincere Towards His Master And Worships Allâh Properly

[4318] 43 - (1664) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: “If a slave is sincere towards his master and worships Allâh properly, he will have a twofold reward.”

[4319] (...) A *Hadîth* similar to that of Mâlik (4318) was narrated from Nâfi‘, from Ibn ‘Umar, from the Prophet ﷺ.

(المعجم ١١) - (باب ثواب العبد وأجره إذا نصح لسيده، وأحسن عبادة الله) (التحفة ١٦)

[٤٣١٨] [٤٣١٩] (١٦٦٤) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ أَبْنَى عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ الْعَبْدَ إِذَا نَصَحَ لِسَيِّدِهِ، وَأَخْسَنَ عِبَادَةَ اللَّهِ، فَلَهُ أَجْرَهُ مَرَّتَيْنِ».

[٤٣١٩] (...) وَحَدَّثَنِي زُهَيرُ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُتَّقِيَّ قَالَ: حَدَّثَنَا يَحْيَى وَهُوَ الْقَطَّانُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ نُعَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبْنُ نُعَيْرٍ وَأَبُو أَسَامَةَ، كُلُّهُمْ عَنْ عَبْيَدِ اللَّهِ؛ وَحَدَّثَنَا هَرُونُ بْنُ سَعِيدٍ الْأَعْلَي়ি: حَدَّثَنَا أَبْنُ وَهْبٍ: حَدَّثَنِي أَسَامَةُ، جَمِيعًا عَنْ نَافِعٍ، عَنْ أَبْنَى عُمَرَ، عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ مَالِكٍ.

[4320] 44 - (1665) It was narrated that Ibn Shihâb said: I heard Sa'eed bin Al-Mûsâyyab say: 'Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'The faithful slave will have two rewards.' By the One in Whose Hand is the soul of Abû Hurairah, were it not for *Jihâd* in the cause of Allâh, *Hajj* and honoring my mother, I would have liked to die a slave.'

He said: "We heard that Abû Hurairah did not perform *Hajj* until his mother died, because he kept her company."

[٤٣٢٠] ٤٤ - (١٦٦٥) حَدَّثَنَا أَبُو الطَّاهِرِ وَحْرَمَلَةُ بْنُ يَحْيَى، قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ قَالَ: سَمِعْتُ سَعِيدَ بْنَ الْمُسَيْبِ يَقُولُ: قَالَ أَبُو هُرَيْرَةَ: قَالَ رَسُولُ اللَّهِ ﷺ: لِلْعَبْدِ الْمَمْلُوكُ الْمُضْلِلُ أَجْرًا، وَالَّذِي نَفْسُ أَبِي هُرَيْرَةَ يَبْدِئُ لَزُلَّا الْجِهَادُ فِي سَبِيلِ اللَّهِ، وَالْحَجُّ، وَبِرُّ أُمِّي، لَا حَيْثُ أَنَّ أَمْوَاتَ وَآتَانَا مَمْلُوكٌ. قَالَ: وَبَلَغْنَا أَنَّ أَبَا هُرَيْرَةَ لَمْ يَكُنْ يَحْجُّ حَتَّى مَاتَ أُمُّهُ، لِصَحْبَتِهَا. قَالَ أَبُو الطَّاهِرِ فِي حَدِيثِهِ: لِلْعَبْدِ الْمُضْلِلِ وَلَمْ يَذْكُرِ الْمَمْلُوكَ.

[4321] (...) It was narrated from Ibn Shihâb (a *Hadîth* similar to no. 4340) with this chain, but he did not mention: "We heard..." etc.

[4322] 45 - (1666) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'If a slave fulfills his duty towards Allâh and towards his master, he will have two rewards.'" He said: "I narrated it to Ka'b and Ka'b said (adding): 'He will not be brought to account, and neither will the poor believer'''

[٤٣٢١] (...) وَحَدَّثَنِي رُهْبَرُ بْنُ حَرْبٍ: حَدَّثَنَا أَبُو صَفْوَانَ الْأُمُوِيَّ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ بِهَذَا إِلْسَنَادِ، وَلَمْ يَذْكُرْ: بَلَغْنَا وَمَا بَعْدَهُ.

[٤٣٢٢] ٤٥ - (١٦٦٦) حَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا أَبُو مُعاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا أَدَى الْعَبْدُ حَقَّ اللَّهِ وَحَقَّ مَوَالِيهِ، كَانَ لَهُ أَجْرًا» قَالَ: فَحَدَّثْنَا كَعْبًا، قَالَ كَعْبُ: لَيْسَ عَلَيْهِ حِسَابٌ، وَلَا عَلَى مُؤْمِنٍ مُّزَهِّدٍ.

[4323] (...) It was narrated from Al-A'mash with this chain (a *Hadîth* similar to no. 4322).

[٤٣٢٣] (...). وَحَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ، حَدَّثَنَا حَرِيرٌ عَنِ الْأَعْمَشِ يَهْلِدًا إِلَى السَّنَادِ.

[4324] 46 - (1667) It was narrated that Hammâm bin Munabbih said: "This is what Abû Hurairah narrated to us from the Messenger of Allâh ﷺ." He mentioned a number of *Ahadîth*, including the following: "The Messenger of Allâh ﷺ said: 'How good it is for a slave, if he dies worshipping Allâh well and keeping good company with his master. How good it is for him.'"

[٤٣٢٤] [١٦٦٧-٤٦] وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: حَدَّثَنَا مَعْمَرٌ، عَنْ هَمَّامَ بْنِ مُنْبَهٍ قَالَ: هَذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ، فَذَكَرَ أَحَادِيثَ مِنْهَا: وَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا لِلْمَمْلُوكِ أَنْ يُتَوَفَّى، يُخْسِنُ عِبَادَةَ اللَّهِ وَصَحَابَةَ سَيِّدِهِ، يَعْمَلُهُ».

Chapter 12. One Who Frees His Share In A Slave

[4325] 47 - (1501) It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'If a person frees his share of a slave, and has enough money to pay the full price of the slave, a fair price should be worked out for the slave, and his partners should be paid for their shares, then he should free the slave, otherwise he has freed only what he has freed.'"

[٤٣٢٥] [١٥٠١-٤٧] حَدَّثَنَا يَحْيَى بْنُ يَحْيَى: فُلُتُ لِمَالِكٍ: حَدَّثَنَا نَافِعٌ عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَشْتَقَ شَرْكًا لَهُ فِي عَبْدٍ، فَكَانَ لَهُ مَالٌ يَبْلُغُ ثَمَنَ الْعَبْدِ، قُومٌ عَلَيْهِ قِيمَةُ الْعَدْلِ، فَأَعْطَى شُرَكَاءُهُ حِصَاصَهُمْ، وَعَنَقَ عَلَيْهِ الْعَبْدُ، وَإِلَّا فَقَدْ عَنَقَ مِنْهُ مَا عَنَقَ».

[راجع: ٣٧٧٠]

[4326] 48 - (...) It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever frees his share of a

[٤٣٢٦] (...). وَحَدَّثَنَا ابْنُ نُعْمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْيَدُ اللَّهِ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ

slave, has to free him completely, if he has enough money to pay the full price; if he does not have enough money then he has freed only what he has freed.””

[4327] 49 - (...) It was narrated that ‘Abdullâh bin ‘Umar said: “The Messenger of Allâh ﷺ said: ‘Whoever frees his share of a slave and has enough money to pay the full price for him, a fair price should be worked out, otherwise he has freed only what he has freed.’”

[4328] (...) This *Hadîth* was narrated from Ibn ‘Umar, (similar to no. 4326) from the Prophet ﷺ, but in their *Hadîth* it does not say: “If he does not have enough money then he has freed only what he has freed.” But in the *Hadîth* of Ayyûb and Yahyâ bin Sa‘eed, they mentioned this phrase but they said: “We do not know whether it is part of the *Hadîth* or is something that was said by Nâfi“ (a narrator).” It does not say in the *Hadîth* of any of them: “I heard the Messenger of Allâh ﷺ say,” except in the *Hadîth* of Al-Laith bin Sa‘d.

الله ﷺ: «مَنْ أَعْتَقَ شِرْكًا لَهُ مِنْ مَمْلُوكٍ فَعَلَيْهِ عَتْقُ كُلُّهُ، إِنْ كَانَ لَهُ مَالٌ يَيْلُغُ ثَمَنَهُ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ عَتَقْ مِنْهُ مَا عَتَقَ» .

[٤٣٢٧] (...) وَحَدَّثَنَا شَيْبَانُ ابْنُ فَرْوَخَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ، عَنْ نَافِعِ مَوْلَى عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عَبْدِ اللَّهِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَعْتَقَ نَصِيبًا لَهُ فِي عَبْدٍ، فَكَانَ لَهُ مِنَ الْمَالِ قَدْرُ مَا يَيْلُغُ قِيمَتُهُ، قُومٌ عَلَيْهِ قِيمَةً عَدْلٍ، وَإِلَّا فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ» .

[٤٣٢٨] (...) وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحَ، عَنِ الْلَّيْثِ ابْنِ سَعْدٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْتَى: حَدَّثَنَا عَبْدُ الْوَهَابِ قَالَ: سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ؛ وَحَدَّثَنِي أَبُو الرَّبِيعِ وَأَبُو كَامِيلِ قَالًا: حَدَّثَنَا حَمَادٌ - وَهُوَ ابْنُ زَيْدٍ - وَحَدَّثَنِي رُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ - يَعْنِي ابْنَ عُلَيَّةَ - كِلَاهُمَا عَنْ أَيُوبٍ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ، عَنِ ابْنِ جُرَيْجٍ: أَخْبَرَنِي إِسْمَاعِيلُ بْنُ أُمَيَّةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فَدَيْكَ، عَنِ ابْنِ أَبِي ذِئْبٍ؛ وَحَدَّثَنَا هَرُونُ بْنُ سَعِيدٍ الْأَكْلَيِ، أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي

أَسَامَةُ - يَعْنِي ابْنَ زَيْدٍ - كُلُّ هُؤُلَاءِ،
عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ ﷺ
بِهَذَا الْحَدِيثِ، وَلَيْسَ فِي حَدِيثِهِمْ «وَإِنْ
لَمْ يَكُنْ لَهُ مَالٌ فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ» إِلَّا
فِي حَدِيثِ أَئُوبَ وَبَحْرَيْنِ بْنِ سَعِيدِ،
فَإِنَّهُمَا ذَكَرَا هَذَا الْحَرْفَ فِي الْحَدِيثِ،
وَقَالَا: لَا نَذَرِي، أَهُوَ شَيْءٌ فِي الْحَدِيثِ
أَوْ قَالَهُ نَافِعٌ مِنْ قَبْلِهِ؟ وَلَيْسَ فِي رِوَايَةِ
أَحَدٍ مِنْهُمْ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ، إِلَّا
فِي حَدِيثِ الْأَنْبِيَّةِ بْنِ سَعِيدٍ.

[٤٣٢٩] ٥٠ - (...) وَحَدَّثَنَا عَمْرُو
النَّاقِدُ وَابْنُ أَبِي عُمَرَ، كِلَاهُمَا عَنْ ابْنِ
عُيَيْنَةَ، قَالَ ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفِيَّانَ
[بْنُ عُيَيْنَةَ] عَنْ عُمَرِو، عَنْ سَالِمِ بْنِ عَبْدِ
اللَّهِ، عَنْ أَبِيهِ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:
«مَنْ أَعْتَقَ عَبْدًا بَيْنَهُ وَبَيْنَ آخَرَ، قُوَّمْ عَلَيْهِ
فِي مَالِهِ قِيمَةً عَدْلِيَّ، لَا وَكْسَ وَلَا شَطَطَ،
لَمْ عَتَقَ عَلَيْهِ فِي مَالِهِ إِنْ كَانَ مُوسِرًا».

[٤٣٣٠] ٥١ - (...) حَدَّثَنَا عَبْدُ بْنُ
حُمَيْدٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرُ
عَنِ الرُّهْبَرِيِّ، عَنْ سَالِمٍ، عَنِ ابْنِ عُمَرَ:
أَنَّ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْتَقَ شِرْكًا لَهُ
فِي عَبْدٍ، عَتَقَ مَا بَقَيَ فِي مَالِهِ، إِذَا كَانَ
لَهُ مَالٌ يُلْعَنُ ثَمَنَ الْعَبْدِ».

[4329] 50 - (...) It was narrated from Sálim bin ‘Abdulláh, from his father, that the Messenger of Alláh ﷺ said: “Whoever frees a slave who is owned by him and another person, a fair price should be worked out for him, without cheating, underestimating or overestimating, then he should free him from his own wealth if he is well off.”

[4330] 51 - (...) It was narrated from Ibn ‘Umar that the Prophet ﷺ said: “Whoever frees his share in a slave should (also) free the rest with his own money, if he has enough money to pay the price of the slave.”

[4331] 52 - (1502) It was narrated from Abû Hurairah that the Prophet ﷺ said concerning a slave who is owned by two men, one of whom manumits (his share): “He is responsible (for manumitting the other share).”

[٤٣٣١] ٥٢ - (١٥٠٢) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّهَّنِ وَمُحَمَّدُ بْنُ بَشَّارٍ - وَاللَّفْظُ لَابْنِ الْمُتَّهَّنِ - قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ فَتَادَةَ، عَنِ النَّصْرِ بْنِ أَسَى، عَنْ بَشِيرِ بْنِ نَهِيلَكَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ، فِي الْمَمْلُوكِ بَيْنَ الرَّجُلَيْنِ فَيُعْنَقُ أَحَدُهُمَا قَالَ: «يَضْمَنُ». [راجع: ٢٧٧٢]

[4332] 53 - (1503) Shu‘bah narrated with this chain (a *Hadîth* similar to no. 4331): He said: “Whoever frees a share of a slave, he should be freed using his wealth.”

[٤٣٣٢] ٥٣ - (١٥٠٣) وَحَدَّثَنَا عُبَيْدُ اللَّهُ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ بِهِنَّا إِلَاسْنَادَ قَالَ: «مَنْ أَعْنَقَ شَقِيقًا مِنْ مَمْلُوكٍ، فَهُوَ حُرٌّ مِنْ مَالِهِ». [راجع: ٣٧٧٣]

[4333] 54 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: “Whoever manumits his share of a slave, let him manumit him completely with his own money if he has money, and if he does not have money, let the slave work for his manumission, without being overburdened.”

[٤٣٣٣] ٥٤ - (...) وَحَدَّثَنِي عَمْرُو التَّاقِدُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنِ ابْنِ أَبِي عَرْوَةَ، عَنْ فَتَادَةَ، عَنِ النَّضِيرِ ابْنِ أَسَى، عَنْ بَشِيرِ ابْنِ نَهِيلَكَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْنَقَ شَقِيقًا لَهُ فِي عَبْدٍ، فَخَلَاصُهُ فِي مَالِهِ إِنْ كَانَ لَهُ مَالٌ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ، اسْتُشْعِيَ الْعَبْدُ غَيْرُ مَشْفُوقٍ عَلَيْهِ».

[4334] 55 - (...) It was narrated from Ibn Abî ‘Arûbah with (a different chain, a *Hadîth* similar to no. 4333). In the *Hadîth* of ‘Eisa it says: “Then let him work

[٤٣٣٤] ٥٥ - (...) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ وَمُحَمَّدُ بْنُ بَشِيرٍ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ

for the manumission of the part that has not been freed, without being overburdened.”

إِبْرَاهِيمَ وَعَلَيُّ بْنُ حَسْرَمْ قَالَا: أَخْبَرَنَا عِيسَى بْنُ يُونَسَ، جَمِيعًا عَنِ ابْنِ أَبِي عَرْوَةَ بِهَذَا الْإِسْنَادِ، وَفِي حَدِيثِ عِيسَى: «تُمْ يُسْتَشْعَى فِي نَصِيبِ الدِّيْلِ لَمْ يُعْتَقْ غَيْرَ مَشْفُوقٍ عَلَيْهِ».

[4335] 56 - (1668) It was narrated from ‘Imrān bin Ḥusain that a man declared that six slaves of his would be set free when he died, but he did not have any other wealth apart from them. The Messenger of Allāh ﷺ called for them and divided them into three groups, then he cast lots among them, freeing two and leaving four as slaves, and he spoke harsh words to him.

[٤٣٣٥]-[١٦٦٨] حَدَّثَنَا عَلَيُّ ابْنُ حُجْرٍ السَّعْدِيُّ وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَزُهَيرٌ بْنُ حَرْبٍ، قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ عُلَيَّةَ، عَنْ أَيُوبَ، عَنْ أَبِي قِلَّابَةَ، عَنْ أَبِي الْمُهَلَّبِ، عَنْ عُمَرَانَ بْنَ حُصَيْنٍ: أَنَّ رَجُلًا أَعْنَقَ سَيِّهَةً مَمْلُوكَيْنَ لَهُ عِنْدَ مَوْتِهِ، لَمْ يَكُنْ لَّهُ مَالٌ غَيْرُهُمْ، فَدَعَا بِهِمْ رَسُولُ اللَّهِ ﷺ، فَجَرَّاهُمْ أَثْلَاثًا، ثُمَّ أَفْرَغَ بَيْنَهُمْ، فَأَعْنَقَ اثْنَيْنِ وَأَرْقَ أُرْبَعَةَ، وَقَالَ لَهُ قَوْلًا شَدِيدًا.

[4336] 57 - (...) It was narrated from Ayyūb with this chain (a *Hadīth* similar to no. 4335). As for Hammād (a narrator), his *Hadīth* is like the report of Ibn ‘Ulayyah (no. 4335). As for Ath-Thaqaffī, in his *Hadīth* it says: “That a man from among the *Anṣār* left instructions that when he died, his six slaves would be set free.”

[٤٣٣٦]-[...] حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا حَمَّادٌ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ، عَنِ التَّقْفِيِّ، كِلَاهُمَا عَنْ أَيُوبَ بِهَذَا الْإِسْنَادِ، أَمَّا حَمَّادٌ فَحَدِيثُهُ كَرَوَايَةُ ابْنِ عُلَيَّةَ، وَأَمَّا التَّقْفِيُّ فَهُوَ حَدِيثُهُ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ أَوْصَى عِنْدَ مَوْتِهِ، فَأَعْنَقَ سَيِّهَةً مَمْلُوكَيْنَ.

[4337] (...) A *Hadīth* like that of Ibn ‘Ulayyah and Hammād (no. 4336) was narrated from ‘Imrān bin Ḥusain, from the Prophet ﷺ.

[٤٣٣٧]-[...] حَدَّثَنَا مُحَمَّدُ بْنُ مِنْهَالِ الضَّرِيرِ وَأَخْمَدُ بْنُ عَبْدَةَ قَالَا:

حَدَّثَنَا يَزِيدُ بْنُ رُزِيعٍ: حَدَّثَنَا هِشَامُ بْنُ حَسَانَ، عَنْ مُحَمَّدٍ بْنِ سِرِينَ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ عَنِ النَّبِيِّ ﷺ: يَمْثُلُ حَدِيثَ ابْنِ عُلَيَّةَ وَحَمَادَ.

(المعجم ١٣) - (باب جواز بيع
المدبب) (التحفة ١٨)

Chapter 13. Permissibility Of Selling A Mudabbar^[1]

[4338] 58 - (997) It was narrated from Jâbir bin ‘Abdullâh that a man among the *Anṣâr* declared that a slave of his would become free after he died, and he did not own any other wealth apart from the slave. News of that reached the Prophet ﷺ and he said: “Who will buy him from me?” Nu’aim bin ‘Abdullâh bought him for a price of eight hundred Dirham, and he gave it to him. ‘Amr said: “I heard Jâbir bin ‘Abdullâh say: ‘He was a Coptic slave who died last year.’”

[4339] 59 - (...) Sufyân bin ‘Uyaynah narrated: “‘Amr heard Jâbir say: ‘A man among the *Anṣâr* declared that a slave of his would become free after he died, and he did not own any other wealth apart from him. The Messenger of Allâh ﷺ sold him.’”

٥٨ [٤٣٣٨]-٩٩٧ حَدَّثَنَا أَبُو الرَّبِيعِ سُلَيْمَانُ بْنُ دَاؤِدُ الْعَكَيْثِيُّ: حَدَّثَنَا حَمَادٌ - يَعْنِي ابْنَ رَبِيعٍ - عَنْ عَمْرِو بْنِ دِيَنَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ أَعْتَقَ عَلَامًا لَهُ عَنْ دُبْرٍ، لَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُ، فَبَلَغَ ذَلِكَ النَّبِيُّ ﷺ، فَقَالَ: «مَنْ يَشْتَرِيهِ مِنِّي؟» فَأَشْتَرَاهُ نُعِيمٌ بْنُ عَبْدِ اللَّهِ بِشَمَانٍ مَاةً دِرْهَمًا، فَدَفَعَهَا إِلَيْهِ . قَالَ عَمْرُو: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: عَبْدًا قِبْطِيًّا مَاتَ عَامَ أَوَّلَ.

[راجع: ٢٢١٣]

٥٩ [٤٣٣٩]-(...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ، وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ عَنْ ابْنِ عُيَيْنَةَ قَالَ أَبُو بَكْرٍ: حَدَّثَنَا سُفِيَانُ بْنُ عُيَيْنَةَ قَالَ: سَمِعَ عَمْرُو حَاجِرًا يَقُولُ: دَبَرَ رَجُلٌ مِنَ الْأَنْصَارِ عَلَامًا لَهُ لَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُ، فَبَاعَهُ رَسُولُ اللَّهِ ﷺ.

^[1] *Mudabbar*: A slave whose master has declared he will become free after he dies.

Jâbir said: "Ibn An-Nâhhâm bought him, a Coptic slave who died last year, during the governorship of Ibn Az-Zubair."

[4340] (...) A *Hadîth* like that of Hammâd from 'Amr bin Dînâr (no. 4338) was narrated from Jâbir, from the Prophet ﷺ, concerning the *Mudabbar*.

[4341] (...) It was narrated from 'Atâ' bin Abî Rabâh, Ibn Az-Zubair and 'Amr bin Dînâr that Jâbir bin 'Abdullâh told them about the sale of a *Mudabbar*. All of them said, - a *Hadîth* like that of Hammâd and Ibn 'Uyaynah from 'Amr from Jâbir (no. 4338, 4339).

قَالَ جَابِرٌ: فَاسْتَرَاهُ ابْنُ النَّحَامِ، عَبْدًا قِبِطِيًّا مَاتَ عَامَ أَوَّلَ، فِي إِمَارَةِ ابْنِ الرَّبِيعِ.

[٤٣٤٠] (...) وَحَدَّثَنَا فُتَيْبَةُ بْنُ سَعِيدٍ وَابْنُ رُمْحٍ، عَنِ الْلَّيْثِ بْنِ سَعِيدٍ، عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ فِي الْمُدَبَّرِ تَحْوَى حَدِيثَ حَمَادٍ عَنْ عَمْرِو بْنِ دِينَارٍ.

[٤٣٤١] (...) حَدَّثَنَا فُتَيْبَةُ [بْنُ سَعِيدٍ] حَدَّثَنَا الْمُغَيْرَةُ يَعْنِي الْجَزَامِيُّ، عَنْ عَبْدِ الْمَجِيدِ بْنِ شَهْبَلٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ؛ وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ هَاشِمٍ: حَدَّثَنَا يَحْيَى - يَعْنِي أَبْنَ سَعِيدٍ - عَنِ الْحُسَنِ بْنِ ذَكْوَانَ الْمُعَلَّمِ: حَدَّثَنِي عَطَاءُ عَنْ جَابِرٍ؛ وَحَدَّثَنِي أَبُو غَسَانَ الْمِسْمَعِيُّ: حَدَّثَنَا مَعَاذُ حَدَّثَنِي أَبِي عَنْ مَطَرٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، وَأَبِي الرَّبِيعِ، وَعَمْرِو بْنِ دِينَارٍ: أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ حَدَّثَهُمْ فِي بَيْعِ الْمُدَبَّرِ، كُلُّ هُؤُلَاءِ قَالَ: عَنِ النَّبِيِّ ﷺ، يَعْنِي حَدِيثَ حَمَادٍ وَابْنِ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ جَابِرٍ.

28. The Book Of Oaths (*Qasâmah*), *Muhâribîn*,^[1] *Qasâs* (Retaliation) And *Diyât* (Blood Money)

١٣ - (المعجم ٢٨) - كتاب القسامه
 والمحاربين والقصاص والدييات
 (التحفة ١٧ - الحدود)

Chapter 1. *Qasâmah* (Oaths)

[4342] ١ - (1669) It was narrated from Sahl bin Abî Hâthimah - Yahyâ said: "I think he said: 'And from Râfi' bin Khadîj'" - that they said: "'Abdullâh bin Sahl bin Zaid and Muhaiṣah bin Mas'ûd bin Zaid went out, and when they were in Khaibar they parted. Then Muhaiṣah found 'Abdullâh bin Sahl slain, so he buried him. Then he came to the Messenger of Allâh ﷺ along with Ḥuwaiṣah bin Mas'ûd and 'Abdur-Rahmân bin Sahl, who was the youngest of the people. 'Abdur-Rahmân began to speak before his two companions, and the Messenger of Allâh ﷺ said to him: 'Let the eldest speak.' So he fell silent and his two companions spoke, and he spoke with them. They told the Messenger of Allâh ﷺ about the killing of 'Abdullâh bin

(المعجم ١) - (باب القسامه) (التحفة ١)
 [٤٣٤٢] ١ - (١٦٦٩) وَحَدَّثَنَا فُطِيهُ
 ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ يَحْيَىٰ - وَهُوَ
 ابْنُ سَعِيدٍ -، عَنْ بُشَيْرٍ بْنِ يَسَارٍ، عَنْ
 سَهْلٍ بْنِ أَبِي حَمْمَةَ - قَالَ يَحْيَىٰ:
 وَحَسِيبُتْ قَالَ - وَعَنْ رَافِعٍ بْنِ خَدِيجٍ
 أَنَّهُمَا قَالَا: خَرَجَ عَبْدُ اللَّهِ ابْنُ سَهْلٍ بْنِ
 زَيْدٍ، وَمُحَيَّصَةُ بْنُ مَسْعُودٍ بْنُ زَيْدٍ، حَتَّىٰ
 إِذَا كَانَا بِخَيْرَ تَفَرَّقاً فِي بَعْضٍ مَا هُنَالِكُوا
 ثُمَّ إِذَا مُحَيَّصَةُ بْنُ مَسْعُودٍ بْنُ زَيْدٍ
 قَيْلَا، فَدَفَعَهُ، ثُمَّ أَقْبَلَ إِلَى رَسُولِ اللَّهِ ﷺ
 هُوَ وَحُوَيْصَةُ بْنُ مَسْعُودٍ وَعَبْدُ الرَّحْمَنِ
 ابْنُ سَهْلٍ، وَكَانَ أَصْغَرُ الْقَوْمِ، فَذَهَبَ
 عَبْدُ الرَّحْمَنِ لِيَسْكُلِمَ قَبْلَ صَاحِبِهِ، فَقَالَ
 لَهُ رَسُولُ اللَّهِ ﷺ: «كَبُرَ» - الْكُبُرُ فِي
 السُّنْنِ - فَصَمَّتْ، وَتَكَلَّمَ صَاحِبَاهُ،

[1] *Muhâribîn*: These are aggressors who transgress against society or the legitimate state, as mentioned in the Verse: "The recompense of those who wage war against Allâh and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter" [Al-Mâ'idah 5:33]

Sahl, and he said to them: ‘Will you swear fifty times so that you may be entitled to (blood money) for your companion?’ They said: ‘How can we swear when we did not witness (what happened)?’ He said: ‘Then let the Jews swear fifty oaths that they are innocent.’ They said: ‘How can we accept the oaths of a disbelieving people?’ When the Messenger of Allâh ﷺ saw that, he paid the blood money himself.”

[4343] 2 - (...) It was narrated from Sahl bin Mas‘ûd and Râfi‘ bin Khadîj, that Muhaiṣah bin Mas‘ûd and ‘Abdullâh bin Sahl went to Khaibar, where they parted among the palm trees. ‘Abdullâh bin Sahl was killed, and they accused the Jews. His brother ‘Abdur-Râhmân and his two cousins Ḥuwaiṣah, and Muhaiṣah, came to the Prophet ﷺ and ‘Abdur-Râhmân began to speak about his brother, but he was the youngest of them, so the Messenger of Allâh ﷺ said: “Let the eldest speak” or he ﷺ said “Let the eldest speak first.” So they spoke about their companion’s case, and the Messenger of Allâh ﷺ said: “Let fifty of you swear against one of them, then he will be handed over to you.” They said: “It is something that we did not witness; how can we swear?” He said: “Then let the Jews swear fifty oaths that they are innocent.”

وَتَكَلَّمَ مَعَهُمَا، فَذَكَرُوا لِرَسُولِ اللهِ ﷺ مَقْتُلَ عَبْدِ اللهِ بْنِ سَهْلٍ، فَقَالَ لَهُمْ: أَتَحْلِمُونَ خَمْسِينَ يَبْيَنَا فَتَسْتَحْفُونَ صَاحِبَكُمْ؟» - أُوْ فَاتِلُكُمْ - قَالُوا: وَكَيْفَ تَحْلِفُ وَلَمْ تَشْهُدْ؟ قَالَ: «فَتُبَرِّئُكُمْ يَهُودٌ بِخَمْسِينَ يَبْيَنَا؟» قَالُوا: وَكَيْفَ تَقْبِلُ أَيْمَانَ قَوْمٍ كُفَّارٍ؟ فَلَمَّا رَأَى ذَلِكَ رَسُولُ اللهِ ﷺ أَعْطَى عَقْلَهُ.

[٤٣٤٣]- (...) وَحَدَّثَنَا عَبْيُودُ اللهِ ابْنُ عُمَرَ الْقَوَارِيِّيُّ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ سَهْلِ بْنِ أَبِي حَمْنَةَ وَرَافِعِ بْنِ خَدِيجٍ: أَنَّ مُحَيَّصَةَ بْنَ مَسْعُورَدَ وَعَبْدَ اللهِ ابْنَ سَهْلٍ انْطَلَقَا قَبْلَ خَيْرَ، فَتَفَرَّقا فِي النَّخْلِ، فُقْتَلَ عَبْدُ اللهِ بْنُ سَهْلٍ، فَاهْمُوا الْيَهُودَ، فَجَاءَ أَخُوهُ عَبْدُ الرَّحْمَنِ وَابْنَ عَمِّهِ حُوَصَّةً وَمُحَيَّصَةً إِلَى النَّبِيِّ ﷺ فَتَكَلَّمَ عَبْدُ الرَّحْمَنِ فِي أَمْرِ أَخِيهِ، وَهُوَ أَضَعُرُ مِنْهُمْ، فَقَالَ رَسُولُ اللهِ ﷺ: «كَبُرَ الْكُبْرُ» أُوْ قَالَ: «لِيَدِي الْأَكْبَرُ» فَتَكَلَّمَا فِي أَمْرِ صَاحِبِهِمَا، فَقَالَ رَسُولُ اللهِ ﷺ: يُقْسِمُ خَمْسُونَ مِنْكُمْ عَلَى رَجُلٍ مِنْهُمْ فَيَدْفَعُ بِرُمَيْهِ؟» قَالُوا: أَمْرٌ لَمْ نَشَهَدْهُ كَيْفَ تَحْلِفُ؟ قَالَ: «فَتُبَرِّئُكُمْ يَهُودٌ بِأَيْمَانِ

They said: "O Messenger of Allâh, they are a disbelieving people." So the Messenger of Allâh ﷺ paid the blood money himself.

Sahl said: "I entered a *Mirbad* (camel pen) of theirs one day, and a she-camel among those camels (that were given as blood money) kicked me."

[4344] (...) A similar report (as no. 4343) was narrated from Sahl bin Abî Ḥathmah from the Prophet ﷺ, and in his *Hadîth* he said: "The Messenger of Allâh ﷺ paid the blood money himself," but he did not say in his *Hadîth*: "A she-camel kicked me."

[4345] (...) A *Hadîth* similar to theirs (no. 4343) was narrated from Sahl bin Abî Ḥathmah.

[4346] 3 - (...) It was narrated from Bushair bin Yasâr that 'Abdullâh bin Sahl bin Zaid and Muhaiṣah bin Maṣ'ûd bin Zaid, two *Anṣârî* men from the tribe of Banû Hârithah, went out to *Khaibar* during the time of the Messenger of Allâh ﷺ. At that time there was a peace treaty, and its people were Jews. They parted to go about

خَمْسِينَ مِنْهُمْ؟" قَالُوا: يَا رَسُولَ اللَّهِ! قَوْمٌ كُفَّارٌ، [قَالَ]: فَوَدَاهُ رَسُولُ اللَّهِ ﷺ مِنْ قِيلَهِ.

فَالَّذِي سَهَلْ: فَدَخَلْتُ مِرْبَدًا لَهُمْ يَوْمًا، فَرَكَضْتُ نَافَةً مِنْ تِلْكَ الْأَلَيْلِ رَكْضَةً بِرِجْلِهَا، قَالَ حَمَادٌ: هَذَا أَوْ تَحْوُهُ.

[4344] (...) وَحَدَّثَنَا الْقَوَارِيرِيُّ [٤٣٤٤]: حَدَّثَنَا بِشْرُ بْنُ الْمَفَضْلِ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ بُشَيْرٍ بْنِ يَسَارٍ، عَنْ سَهَلٍ بْنِ أَبِي حَمْمَةَ عَنِ النَّبِيِّ ﷺ بِتَحْوُهٍ، وَقَالَ فِي حَدِيثِهِ: فَعَفَلَهُ رَسُولُ اللَّهِ ﷺ مِنْ عِنْدِهِ، وَلَمْ يُقْلِ في حَدِيثِهِ: فَرَكَضْتُ نَافَةً.

[4345] (...) وَحَدَّثَنَا عَمْرُو التَّانِقُدُ [٤٣٤٥]: حَدَّثَنَا سُقِيَانُ بْنُ عُيَيْنَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَنَّى: حَدَّثَنَا عَبْدُ الْوَهَابِ [يَعْنِي] الشَّقِيقِيَّ، جَمِيعًا، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرٍ بْنِ يَسَارٍ، عَنْ سَهَلٍ بْنِ أَبِي حَمْمَةَ بِتَحْوُهٍ حَدِيثِهِمْ.

[٤٣٤٦] (...) حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا شَلِيمَانُ بْنُ بِلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرٍ بْنِ يَسَارٍ: أَنَّ عَبْدَ اللَّهِ بْنَ سَهَلٍ بْنَ زَيْدٍ، وَمُحَيَّصَةَ بْنَ مَسْعُودٍ بْنَ زَيْدِ الْأَنْصَارِيَّينَ، ثُمَّ مِنْ بَنَيِّ حَارِثَةَ، حَرَجاً إِلَى خَيْرَ فِي

their business, and ‘Abdullâh bin Sahl was killed. He was found slain in a water tank. His companion buried him, then he came to Al-Madînah. The brother of the slain man, ‘Abdur-Rahmân bin Sahl, along with Muhaîsah and Huwaîsah, went and told the Messenger of Allâh ﷺ about ‘Abdullâh, and where he was killed. Bushair, who narrated this *Hadîth* from one of the Companions of the Messenger of Allâh ﷺ whom he met, said that he (ﷺ) said to them: “Will you swear fifty oaths so that you will be entitled to the blood money?” They said: “O Messenger of Allâh, we did not witness anything and we were not present.” And he said, that he (ﷺ) said: “Will you let the Jews swear fifty times that they are innocent?” They said: “O Messenger of Allâh, how can we accept the oaths of a disbelieving people?” Bushair said that the Messenger of Allâh ﷺ paid the blood money himself.

[4347] 4 - (...) It was narrated from Bushair bin Yasâr, that an *Anshârî* man from Banû Hârithah who was called ‘Abdullâh bin Sahl bin Zaid, went with a cousin of his who was called Muhaîsah bin Mas’ûd bin Zaid... and he quoted a *Hadîth* like that of Al-Laith, up to the words: “And the Messenger of Allâh ﷺ paid the blood money himself.”

زَمَانِ رَسُولِ اللَّهِ ﷺ، وَهِيَ يَوْمَئِذٍ صُلْحٌ،
وَأَهْلُهَا يَهُودٌ، فَنَفَرَ قَاتِلُهُ لِحَاجِتِهِمَا، فَقَتَلَ
عَبْدُ اللَّهِ بْنُ سَهْلٍ، فَوَجَدَ فِي شَرَبَةِ
مَقْتُولًا، فَدَفَنَهُ صَاحِبُهُ، ثُمَّ أَقْبَلَ إِلَى
الْمَدِيْنَةِ، فَمَسَنَّ أَخْوَهُ الْمَقْتُولِ، عَبْدُ
الرَّحْمَنِ بْنُ سَهْلٍ وَمُحَيْصَةً وَحَوَيْصَةً،
فَذَكَرُوا لِرَسُولِ اللَّهِ ﷺ شَانَ عَبْدَ اللَّهِ،
وَحَيْثُ قُتِلَ، فَزَعَمَ بُشَيْرٌ وَهُوَ يُحَدِّثُ
عَمَّنْ أَذْرَكَ مِنْ أَصْحَابِ رَسُولِ اللَّهِ ﷺ،
أَنَّهُ قَالَ لَهُمْ: «تَحْلِفُونَ خَمْسِينَ يَوْمًا
وَتَسْتَحْفِفُونَ قَاتِلَكُمْ؟» - أَوْ صَاحِبُكُمْ -
قَالُوا: يَا رَسُولَ اللَّهِ! مَا شَهَدْنَا وَلَا
حَضَرْنَا، فَزَعَمَ أَنَّهُ قَالَ: «فَبَئِرُكُمْ يَهُودٌ
بِخَمْسِينَ؟» فَقَالُوا: يَا رَسُولَ اللَّهِ! كَيْفَ
تَقْبِلُ أَيْمَانَ قَوْمٍ كُفَّارٍ؟ فَزَعَمَ بُشَيْرٌ أَنَّ
رَسُولَ اللَّهِ ﷺ عَمِلَهُ مِنْ عِنْدِهِ.

[4347] 4 - (...) وَحَدَّدَنَا يَحْيَى بْنُ
يَحْيَى: أَخْبَرَنَا هُشَيْمٌ عَنْ يَحْيَى ابْنِ
سَعِيدٍ، عَنْ بُشَيْرٍ بْنِ يَسَارٍ أَنَّ رَجُلًا مِنَ
الْأَنْصَارِ مِنْ بَنْيِ حَارِثَةَ، يُقَالُ لَهُ: عَبْدُ
اللَّهِ بْنُ سَهْلٍ بْنُ زَيْدٍ، انْطَلَقَ هُوَ وَابْنُ عَمِّ
لَهُ يُقَالُ لَهُ: مُحَيْصَةُ ابْنُ مَسْعُودٍ بْنُ زَيْدٍ،
وَسَاقَ الْحَدِيثَ يَنْحُو حَدِيثَ الْلَّيْثِ، إِلَى
قَوْلِهِ: فَوَادَهُ رَسُولُ اللَّهِ ﷺ مِنْ عِنْدِهِ.

Yahyâ said: “Bushair bin Yasâr told me: ‘Sahl bin Abî Hathmah told me: One of those camels (that were given as blood money) kicked me in the *Mirbad* (camel pen).’”

[4348] 5 - (...) It was narrated from Sahl bin Abî Hathmah Al-Anshârî that some of them went to Khaibar, where they parted, and they found one of their number slain. He quoted the *Hadîth* (a *Hadîth* similar to no. 4346), in which he said: “The Messenger of Allâh ﷺ did not want his blood to have been shed in vain, so he paid one hundred camels from the *Zakâh* as blood money.”

قالَ يَحْيَىٰ : فَحَدَّثَنِي بُشَيْرٌ بْنُ يَسَارٍ قَالَ : أَخْبَرَنِي سَهْلُ بْنُ أَبِي حَمْمَةَ قَالَ : لَقْدْ رَكَضْتُنِي فَرِيشَةً مِنْ تِلْكَ الْفَرَائِصِ بِالْجُرْبَدِ .

[٤٣٤٨] (...) حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعْمَرٍ : حَدَّثَنَا أَبِي : حَدَّثَنَا سَعِيدُ بْنُ عَبِيدٍ : حَدَّثَنَا بُشَيْرٌ بْنُ يَسَارٍ الْأَنْصَارِيُّ عَنْ سَهْلٍ بْنِ أَبِي حَمْمَةَ الْأَنْصَارِيِّ ، أَنَّهُ أَخْبَرَهُ : أَنَّ نَفْرًا مِنْهُمْ انطَّلَقُوا إِلَى خَيْرٍ ، فَتَفَرَّقُوا فِيهَا ، فَوَجَدُوا أَحَدَهُمْ قَتِيلًا ، وَسَاقَ الْحَدِيثَ ، وَقَالَ فِيهِ : فَكَرِهَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُبَطَّلَ دَمُهُ ، فَوَدَاهُ مِائَةٌ مِنْ إِلَيْلِ الصَّدَقَةِ .

[٤٣٤٩] (...) حَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ : أَخْبَرَنَا يَشْرُبُرُ بْنُ عُمَرَ قَالَ : سَمِعْتُ مَالِكَ بْنَ أَنَسٍ يَقُولُ : حَدَّثَنِي أَبُو لَيْلَى بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ سَهْلٍ ، عَنْ سَهْلٍ بْنِ أَبِي حَمْمَةَ ، أَنَّهُ أَخْبَرَهُ عَنْ رِجَالٍ مِنْ كُبَرَاءِ قَوْمِهِ ، أَنَّ عَبْدَ اللَّهِ بْنَ سَهْلٍ وَمُحَيَّصَةَ خَرَجَا إِلَى خَيْرٍ ، مِنْ جَهْدِ أَصَابِعِهِمْ ، فَأَتَى مُحَيَّصَةَ فَأَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ بْنَ سَهْلٍ قَدْ قُتِلَ ، وَطَرَحَ فِي عَيْنِي أَوْ فَقِيرٍ ، فَأَتَى يَهُودَ فَقَالَ : أَنْتُمْ ، وَاللَّهُ أَعْلَمُ ! قَاتَلْتُمُوهُ ، قَالُوا : وَاللَّهُ أَمَّا قَاتَلْنَاهُ ،

began to speak, as he was the one who had been in Khaibar, but the Messenger of Allâh ﷺ said to Muhaiṣah: “Let the oldest speak.” So Ḥuwaiṣah spoke, then Muhaiṣah spoke, and the Messenger of Allâh ﷺ said: “They should pay the *Diyah* for your companion or else expect war.” The Messenger of Allâh ﷺ wrote to them about that, and they wrote back (saying): “By Allâh we did not kill him.” The Messenger of Allâh ﷺ said to Ḥuwaiṣah, Muhaiṣah, and ‘Abdur-Râhmân: “Will you swear, so that you will be entitled to *Diyah* for the blood of your companion?” They said: “No.” He said: “Then should the Jews swear for you?” They said: “They are not Muslims.” So the Messenger of Allâh ﷺ paid the blood money for him, and sent one hundred camels to them.

Sahl said: “A red she-camel among them kicked me.”

ثُمَّ أَقْبَلَ حَتَّى قَدِيمَ عَلَى قَوْمِهِ، فَذَكَرَ لَهُمْ ذَلِكَ، ثُمَّ أَقْبَلَ هُوَ وَأَخْوَهُ حُوَيْصَةُ - وَهُوَ أَكْبَرُ مِنْهُ - وَعَبْدُ الرَّحْمَنِ بْنُ سَهْلٍ، فَدَهَبَ مُحَيَّصَةً لِيَتَكَلَّمَ، وَهُوَ الَّذِي كَانَ بِخَيْرٍ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِمُحَيَّصَةَ: «كَبَرُ». كَبَرٌ - يُرِيدُ السَّنَّ - فَتَكَلَّمَ حُوَيْصَةُ، ثُمَّ تَكَلَّمَ مُحَيَّصَةُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِمَّا أَنْ يَدُوا صَاحِبَكُمْ وَإِمَّا أَنْ يُؤْذِنُوا بِخَرْبِ؟» فَكَتَبَ رَسُولُ اللَّهِ ﷺ إِلَيْهِمْ فِي ذَلِكَ، فَكَتَبُوا: إِنَّا وَاللَّهِ مَا قَلَناهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِحُوَيْصَةَ وَمُحَيَّصَةَ وَعَبْدِ الرَّحْمَنِ: «أَتَحْلِفُونَ وَسَتَحْتَصُونَ دَمَ صَاحِبِكُمْ؟» قَالُوا: لَا، قَالَ: «فَتَحْلِفُ لَكُمْ يَهُودُ؟» قَالُوا: لَيْسُوا مُسْلِمِينَ، فَوَدَاهُ رَسُولُ اللَّهِ ﷺ مِنْ عَنْدِهِ، فَبَعَثَ إِلَيْهِمْ رَسُولُ اللَّهِ ﷺ مِائَةً نَاقَةً حَتَّى أُذْنِلَّتْ عَلَيْهِمُ الدَّارَ. فَقَالَ سَهْلٌ: فَلَقَدْ رَكَضْتِي مِنْهَا نَاقَةً حَمْرَاءً.

[4350] 7 - (1670) Abû Salamah bin ‘Abdur-Râhmân and Sulaimân bin Yasâr, the freed slave of Maimûnah, the wife of the Prophet ﷺ, narrated from an *Anṣârî* man among the Companions of the Messenger of Allâh ﷺ, that the Messenger of Allâh ﷺ confirmed

[٤٣٥٠] ٧ - (١٦٧٠) حَدَثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَى - قَالَ أَبُو الطَّاهِرِ: حَدَثَنَا، وَقَالَ حَرْمَلَةُ: أَخْبَرَنَا - ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ: أَخْبَرَنِي أَبُو سَلَمَةَ بْنِ عَبْدِ

Qasâmah as it had been during the Jâhilîyyah.

الرَّحْمَنِ، وَسُلَيْمَانُ بْنُ يَسَارٍ مَوْلَى مَيْمُونَةَ
رَوْجِ النَّبِيِّ ﷺ، عَنْ رَجُلٍ مِنْ أَصْحَابِ
رَسُولِ اللَّهِ ﷺ مِنَ الْأَنْصَارِ؛ أَنَّ رَسُولَ
اللَّهِ ﷺ: أَفَرَّ الْقَسَامَةَ عَلَى مَا كَانَتْ عَلَيْهِ
فِي الْجَاهِلَةِ.

[4351] 8 - (...) Ibn Shihâb narrated a similar report (as no. 4350) with this chain, and he added: "The Messenger of Allâh ﷺ passed a judgment among some of the *Anṣâr*, concerning a slain man whom they claimed had been killed by the Jews."

[٤٣٥١]-٨ [٤٣٥٢] وَحَدَّثَنَا مُحَمَّدٌ
ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ قَالَ:
أَخْبَرَنَا ابْنُ جُرَيْجٍ: حَدَّثَنِي ابْنُ شَهَابٍ
بِهَذَا الْإِسْنَادِ مِثْلُهُ، وَرَازَادَ: وَقَضَى بِهَا
رَسُولُ اللَّهِ ﷺ بَيْنَ نَاسٍ مِنَ الْأَنْصَارِ،
فِي فَيْلِ ادْعَوْهُ عَلَى الْيَهُودِ.

[4352] (...) It was narrated from Ibn Shihâb that Abû Salâmah bin ‘Abdur-Râhmân and Sulaimân bin Yasâr told him from some of the *Anṣâr*, from the Prophet ﷺ - a *Hadîth* like that of Ibn Jurâij (no. 4351).

[٤٣٥٢] وَحَدَّثَنَا حَسْنُ بْنُ
عَلَيِّ الْحُلوَانِيِّ: حَدَّثَنَا يَعْقُوبُ وَهُوَ ابْنُ
إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي عَنْ
صَالِحٍ، عَنْ ابْنِ شَهَابٍ؛ أَنَّ أَبَا سَلَمَةَ
ابْنَ عَبْدِ الرَّحْمَنِ وَسُلَيْمَانَ بْنَ يَسَارٍ
أَخْبَرَاهُ عَنْ نَاسٍ مِنَ الْأَنْصَارِ، عَنْ
النَّبِيِّ ﷺ، يَمْثُلُ حَدِيثَ ابْنِ جُرَيْجٍ.

(المعجم ٢) - (باب حكم المحاربين
والمرتدين) (التحفة ٢)

Chapter 2. The Ruling On *Muhâribîn* And Apostates

[4353] 9 - (1671) It was narrated from Anas bin Mâlik that some people from ‘Uraynah came to the Messenger of Allâh ﷺ in Al-Madînah, but they found that the climate did not suit them

[٤٣٥٣]-٩ [١٦٧١] وَحَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى التَّمِيمِيِّ وَأَبُو بَكْرِ بْنِ أَبِي
شَيْبَةَ، كَلَّا هُمَا عَنْ هُشَيْمٍ، - وَاللَّفْظُ
لِيَحْيَى - قَالَ: أَخْبَرَنَا هُشَيْمٌ، عَنْ عَبْدِ

(and they fell sick). The Messenger of Allâh ﷺ said to them: "If you wish, you may go out to the camels from *Sadaqah* and drink their milk and urine." So they did that and got better. Then they went to the herdsmen and killed them, and apostatized from Islam, and drove off the camels of the Messenger of Allâh ﷺ. News of that reached the Prophet ﷺ and he sent men after them. They were brought, and he had their hands and feet cut off, and their eyes poked out, and he left them in Al-Harrah until they died.

الْعَزِيزُ بْنُ صُهَيْبٍ وَحُمَيْدٍ، عَنْ أَنَّسِ بْنِ مَالِكٍ؛ أَنَّ نَاسًا مِنْ عُرْبِتَةَ قَدِيمُوا عَلَى رَسُولِ اللَّهِ ﷺ الْمَدِينَةَ، فَأَجْتَوْهَا، فَقَالَ لَهُمْ رَسُولُ اللَّهِ ﷺ: «إِنْ شِئْتُمْ أَنْ تَخْرُجُوا إِلَى إِبْلِ الصَّدَقَةِ فَشَرِبُوا مِنْ أَلْبَانِهَا وَأَبْوَالِهَا» فَفَعَلُوا، فَصَحُوا، ثُمَّ مَالُوا عَلَى الرُّعَاءِ فَقَاتُلُوهُمْ، وَأَرْتَدُوا عَنِ الْإِسْلَامِ، وَسَاقُوا ذُؤْدَ رَسُولِ اللَّهِ ﷺ، فَبَلَغَ ذَلِكَ النَّبِيُّ ﷺ، فَبَعَثَ فِي أَثْرِهِمْ فَأَتَيْتَهُمْ، فَقَطَعَ أَيْدِيهِمْ وَأَرْجُلَهُمْ، وَسَمَّلَ أَعْيُنَهُمْ، وَرَكَمَهُمْ فِي الْحَرَّةِ حَتَّى مَاتُوا.

[4354] 10 - (...) It was narrated from Abû Qilâbah: "Anas told me that eight men from 'Ukl came to the Messenger of Allâh ﷺ, and they swore allegiance as Muslims, but they found that the land (i.e., the climate) did not suit them and they fell sick. They complained about that to the Messenger of Allâh ﷺ, and he said: 'Why don't you go out with our herdsman to the camels and get some of their milk and urine?' They said: 'Yes.' So they went out and drank some of their milk and urine, and they got better. Then they killed the herdsman and drove away the camels. News of that reached the Messenger of Allâh ﷺ, and he

[٤٣٥٤] ١٠ - (...) وَحَدَّثَنَا أَبُو جَعْفَرٌ مُحَمَّدُ بْنُ الصَّبَّاحِ وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ عَنْ حَجَاجِ ابْنِ أَبِي عُثْمَانَ: حَدَّثَنِي أَبُو رَجَاءٍ مَوْلَى أَبِي قِلَّابَةَ، عَنْ أَبِي قِلَّابَةَ: حَدَّثَنِي أَنَّسٌ؛ أَنَّ نَفَرًا مِنْ عُكْلٍ، ثَمَانِيَّةً، قَدِيمُوا عَلَى رَسُولِ اللَّهِ ﷺ، فَبَأْيَعُوهُ عَلَى الْإِسْلَامِ، فَاسْتَوْحَمُوا الْأَرْضَ، وَسَقَمَتْ أَجْسَامُهُمْ، فَنَسَكُوا ذَلِكَ إِلَى رَسُولِ اللَّهِ ﷺ، فَقَالَ: «أَلَا تَخْرُجُونَ مَعَ رَاعِيَتَا فِي إِيلِهِ فَتُصْبِيُونَ مِنْ أَبْوَالِهَا وَأَلْبَانِهَا؟»

sent men after them. They were caught and brought, and he ordered that their hands and feet be cut off and their eyes be branded, then they were left in the sun until they died.”

فَعَلُوا: بَلَى، فَخَرَجُوا فَشَرِبُوا مِنْ أَبْوَالِهَا
وَأَلْبَانِهَا، فَصَحُّوا، فَقَتَلُوا الرَّاعِي وَطَرَدُوا
إِلَيْلَ، فَبَلَغَ ذَلِكَ رَسُولُ اللَّهِ ﷺ، فَبَعَثَ فِي
آثَارِهِمْ، فَأَذْرِكُوا، فَجِيءَ بِهِمْ، فَأَمَرَ بِهِمْ
فَقَطَطَتْ أَيْدِيهِمْ وَأَرْجُلُهُمْ وَسُمِّرَ أَعْيُنُهُمْ، ثُمَّ
نُذِدوا فِي الشَّمْسِ حَتَّىٰ مَاتُوا.

وَقَالَ ابْنُ الصَّبَّاحِ فِي رِوَايَتِهِ:
وَأَطْرَدُوا النَّعْمَ، وَقَالَ: وَسُمِّرَتْ أَعْيُنُهُمْ.

[4355] 11 - (...) وَحَدَّثَنَا هُرُونُ
ابْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ:
حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَيُوبَ، عَنْ أَبِي
رَجَاءِ مَوْلَى أَبِي قِلَابَةَ قَالَ أَبُو قِلَابَةَ:
حَدَّثَنَا أَسْنُ بْنُ مَالِكٍ قَالَ: قَدِيمٌ عَلَىٰ
رَسُولِ اللَّهِ ﷺ قَوْمٌ مِّنْ عُكْلٍ أَوْ عُرَيْنَةَ،
فَاجْتَوُا الْمَدِينَةَ، فَأَمَرَ لَهُمْ رَسُولُ
اللَّهِ ﷺ بِلِقَاحِهِ، وَأَمَرَهُمْ أَنْ يَسْرُبُوا مِنْ
أَبْوَالِهَا وَأَلْبَانِهَا، بِمَعْنَى حَدِيثِ حَجَاجِ
ابْنِ أَبِي عُثْمَانَ.

وَقَالَ: وَسُمِّرَتْ أَعْيُنُهُمْ، وَأَنْقُوا فِي
الْحَرَّةِ يَسْتَسْقِفُونَ فَلَا يُسْقَوْنَ.

[4356] 12 - (...) وَحَدَّثَنَا مُحَمَّدُ
ابْنُ الْمُسْئَى: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ؛ وَحَدَّثَنَا
أَحْمَدُ بْنُ عُثْمَانَ التَّوْفَلِيُّ: حَدَّثَنَا أَزْهَرُ
السَّمَّانُ قَالًا: حَدَّثَنَا ابْنُ عَوْنَى: حَدَّثَنَا

[4355] 11 - (...) Anas bin Mâlik narrated: “Some people from ‘Ukl or ‘Urayah came to the Messenger of Allâh ﷺ, but Al-Madînah did not suit them (and they fell sick), so the Messenger of Allâh ﷺ told them to go to some milch camels and drink their milk and urine...” a *Hadîth* like that of Hajjâj bin Abî ‘Uthmân (no. 4354).

He said: “Their eyes were branded and they were left in Al-Harrah, asking for water, but they were not given any water.”

[4356] 12 - (...) It was narrated that Abû Qilâbah said: “I was sitting behind ‘Umar bin ‘Abdul-‘Azîz, and he said to the people: ‘What do you say about *Qasâmah*? ‘Anbasah said: ‘Anas bin Mâlik told us such-and-such.’ I said: ‘Anas told

me that some people came to the Prophet ﷺ...” and he quoted a *Hadîth* like that of Ayyûb and Hajjâj (no. 4354 and 4355). Abû Qilâbah said: “When I had finished, ‘Anbasah said: ‘*Subhân Allâh!*’ Abû Qilâbah said: “I said: ‘Are you suspecting me (of lying), O ‘Anbasah?’ He said: ‘No, this is what Anas bin Mâlik told us.’ You will still be fine, O people of Ash-Shâm, so long as this man, or one like him, is among you.”

أَبُو رَجَاءٍ مَوْلَى أَبِي قِلَّابَةَ، عَنْ أَبِي قِلَّابَةَ قَالَ: كُنْتُ جَالِسًا حَلْفَ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، فَقَالَ لِلنَّاسِ: مَا تَقُولُونَ فِي الْقَسَامَةِ؟ فَقَالَ عَنْبَسَةُ: قَدْ حَدَّثَنَا أَنَّسُ بْنُ مَالِكٍ كَذَا وَكَذَا، فَقُلْتُ: إِنَّا يَ حَدَّثَ أَنَّسُ: قَدِمَ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَسَاقَ الْحَدِيثَ يَتْحَوِّلُ حَدِيثَ أَيُوبَ وَحَجَّاجَ، قَالَ أَبُو قِلَّابَةَ: فَلَمَّا فَرَغْتُ، قَالَ عَنْبَسَةُ: سُبْخَانَ اللَّهِ! قَالَ أَبُو قِلَّابَةَ: فَقُلْتُ: أَتَتَهْمِنِي يَا عَنْبَسَةً؟ قَالَ: لَا، هَكَذَا حَدَّثَنَا أَنَّسُ [بْنُ مَالِكٍ]، لَنْ تَرَأَوْ بِخَيْرٍ، يَا أَهْلَ الشَّامِ، مَا دَامَ فِيهِمْ هَذَا أَوْ مِثْلُ هَذَا.

[4357] (...) It was narrated from Abû Qilâbah, that Anas bin Mâlik said: “Eight men from ‘Ukl came to the Messenger of Allâh ﷺ...” a *Hadîth* like theirs (i.e., Ayyûb and Hajjâj, no. 4354, 4355) and he added: “And he did not cauterize them.”

[4357] (...) وَحَدَّثَنَا الْحَسْنُ بْنُ أَبِي شَعِيبِ الْحَرَانِيِّ: حَدَّثَنَا مُشْكِنُ - وَهُوَ ابْنُ بُكَيْرٍ - الْحَرَانِيُّ: أَخْبَرَنَا الْأَوْزَاعِيُّ؛ وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي قِلَّابَةَ، عَنْ أَنَّسِ بْنِ مَالِكٍ قَالَ: قَدِمَ عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَفَرَ مِنْ عُكْلٍ، يَتْحَوِّلُ حَدِيثُهُمْ، وَرَأَدَ فِي الْحَدِيثِ: وَلَمْ يَحْسِنُهُمْ.

[4358] 13 - (...) وَحَدَّثَنَا

people from 'Uraynah came to the Messenger of Allâh ﷺ, and they became Muslim and swore allegiance to him. Then Al-Madînah was stricken with *Al-Mûm* - and it is pleurisy -..." and he mentioned a *Hadîth* like theirs (no. 4354, 4355), and added: "There were twenty young men of the *Anṣâr* with him, so he sent them to them, and he sent with them a tracker to follow their tracks."

هَرُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا مَالِكُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا رُهْيَرٌ: حَدَّثَنَا سِمَاكُ ابْنُ حَرْبٍ، عَنْ مُعَاوِيَةَ بْنِ فُرَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: أَتَى رَسُولَ اللَّهِ ﷺ نَفَرٌ مِنْ عُرَيْنَةَ، فَأَسْلَمُوا وَبَايْعُوهُ، وَقَدْ وَقَعَ بِالْمَدِينَةِ الْمُؤْمِنُ - وَهُوَ الْبِرْسَامُ - ثُمَّ ذَكَرَ نَحْوَ حَدِيثِهِمْ، وَرَادَ: وَعِنْدَهُ شَبَابٌ مِنَ الْأَنْصَارِ قَرِيبٌ مِنْ عَشْرِينَ، فَأَرْسَلَهُمْ إِلَيْهِمْ، وَبَعْثَ مَعَهُمْ قَافِفًا يَقْتَصِّ أَثْرَهُمْ.

[4359] (...) It was narrated from Anas, and in the *Hadîth* of Hammâm (a sub-narrator it says): "Some people from 'Uraynah came to the Prophet ﷺ..." In the *Hadîth* of Sa'eed it says: "From 'Ukl and 'Uraynah," a similar *Hadîth* (as no. 4358).

[4359] (...) وَحَدَّثَنَا هَدَابُ بْنُ خَالِدٍ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا قَتَادَةُ عَنْ أَنَسِ؛ وَحَدَّثَنَا ابْنُ الْمُتَّنَّى: حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنْ أَنَسِ وَفِي حَدِيثِ هَمَّامٍ: قَدِيمٌ عَلَى النَّبِيِّ ﷺ رَهْطٌ مِنْ عُرَيْنَةَ، وَفِي حَدِيثِ سَعِيدٍ: مِنْ عُكْلٍ وَعُرَيْنَةَ، نَحْوَ حَدِيثِهِمْ.

[4360] 14 - (...) It was narrated that Anas said: "The Prophet ﷺ had the eyes of those people poked out because they had poked out the eyes of the herdsmen."

[4360] 14 - (...) وَحَدَّثَنِي الْفَضْلُ بْنُ سَهْلِ الْأَعْرَجِ: حَدَّثَنَا يَحْيَى ابْنُ عَيْلَانَ: حَدَّثَنَا يَزِيدُ بْنُ رُبَيعٍ، عَنْ سُلَيْمَانَ التَّمِيِّيِّ، عَنْ أَنَسِ قَالَ: إِنَّمَا سَمَّلَ النَّبِيُّ ﷺ أَعْيُنَ أُولَئِكَ، لَا يَهُمْ سَمَّلُوا أَعْيُنَ الرَّعَاءِ.

Chapter 3. Confirmation Of *Qisas* In The Case Of Killing With A Rock and Other Sharp Or Heavy Objects, And The Killing Of A Man For A Woman

[4361] 15 - (1672) It was narrated from Anas bin Mâlik that a Jew killed a girl for her silver ornaments, and he killed her with a rock. She was brought to the Prophet ﷺ when there was still some life in her, and he said to her: "Did so-and-so kill you?" She gestured with her head saying no. He asked her again and she gestured with her head saying no. Then he asked her a third time and she said: Yes, gesturing with her head, so the Messenger of Allâh ﷺ had him killed between two rocks.

[4362] (...) A similar report (as *Hadîth* no. 4361) was narrated from *Shu'bah* with this chain. In the *Hadîth* of Idrîs (a sub-narrator) it says that his head was crushed between two rocks.

[4363] 16 - (...) It was narrated from Anas that a Jewish man killed an *Anṣârî* girl for her

(المعجم ٣) - (باب ثبوت القصاص في القتل بالحجر وغيره، من المحدّدات والمثقلات، وقتل الرجل بالمرأة) (التحفة ٣)

[٤٣٦١-١٥] حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُتَّشِّى وَمُحَمَّدُ بْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُتَّشِّى - قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ هِشَامِ بْنِ زَيْدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ، يَهُودِيًّا قُتِلَ حَاجَرَةَ عَلَى أُوْضَاحِ لَهَا، فَقَتَلَهَا يَحْجَرٌ، قَالَ: فَجَيَءَ بِهَا إِلَى النَّبِيِّ ﷺ، وَبِهَا رَمَقٌ، فَقَالَ لَهَا: «أَقْتَلَكَ فُلَانٌ؟» فَأَشَارَتْ بِرَأْسِهَا أَنَّ لَا، ثُمَّ قَالَ لَهَا التَّانِيَةَ، فَأَشَارَتْ بِرَأْسِهَا أَنَّ لَا، ثُمَّ سَأَلَهَا التَّالِيَةَ، فَقَالَتْ: نَعَمْ، وَأَشَارَتْ بِرَأْسِهَا، فَقَتَلَهُ رَسُولُ الله ﷺ بَيْنَ حَجَرَيْنِ.

[٤٣٦٢] حَدَّثَنِي يَحْيَى بْنُ حَبِيبِ الْحَارِثِيِّ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ؛ وَحَدَّثَنَا أَبُو كُرْبَةَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، كِلَاهُمَا عَنْ شُعْبَةَ بِهِلْدَا الْإِسْنَادِ تَحْوِهَ، وَفِي حَدِيثِ ابْنِ إِدْرِيسَ: فَرَضَ رَأْسَهُ بَيْنَ حَجَرَيْنِ.

[٤٣٦٣-١٦] وَحَدَّثَنَا عَبْدُ ابْنُ حَمِيدٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا

jewelry, then he threw her into a well and crushed her head with rocks. He was caught and brought to the Messenger of Allâh ﷺ, who ordered that he be stoned to death, so he was stoned to death.

[4364] (...) A similar report (as *Hadîth* no. 4361) was narrated from Ayyûb with this chain.

[4365] 17 - (...) It was narrated from Anas bin Mâlik that a girl was found with her head crushed between two rocks. They asked her: "Who did this to you? Was it so-and-so? Was it so-and-so?" Until they mentioned that Jew, and she nodded her head. The Jew was caught and he admitted it, so the Messenger of Allâh ﷺ ordered that his head be struck with rocks.

Chapter 4. If A Person Attacks Another Person's Life And Limb, And The Other Defends Himself And Kills Him Or Injures Him, There Is No Penalty On Him

[4366] 18 - (1673) It was narrated that 'Imrân bin Huṣain said: "Ya'la bin Munyah or Ibn

مَعْمَرٌ، عَنْ أَئُوبَ، عَنْ أَيِّبِ قَلَابَةَ، عَنْ أَنَسِ؛ أَنَّ رَجُلًا مِنَ الْيَهُودِ قَتَلَ جَارِيَةَ مِنَ الْأَنْصَارِ عَلَى حُلُبِّ لَهَا، ثُمَّ أَلْفَاهَا فِي الْقُلُبِ، وَرَضَخَ رَأْسَهَا بِالْحِجَارَةِ، فَأَخَذَ فَأْتَيَ بِهِ رَسُولُ اللَّهِ ﷺ، فَأَمَرَ بِهِ أَنْ يُرْجَمَ، حَتَّى يَمُوتَ، فَرُجِمَ حَتَّى مَاتَ.

[4364] (...) وَحَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا مُحَمَّدُ بْنُ بَكْرٍ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي مَعْمَرٌ، عَنْ أَئُوبَ بِهَذَا الْإِسْنَادِ، بِمَثْلِهِ.

[4365] 17 - (...) حَدَّثَنَا هَدَابُ ابْنُ خَالِدٍ: حَدَّثَنَا هَمَامٌ: حَدَّثَنَا فَتَادَةُ، عَنْ أَنَسِ بْنِ مَالِكٍ؛ أَنَّ جَارِيَةً وُجِدَ رَأْسُهَا قَدْ رُضِّخَ بَيْنَ حَجَرَيْنِ، فَسَأَلُوهَا: مَنْ صَنَعَ هَذَا بِكِ؟ فُلَانُ؟ فُلَانُ؟ حَتَّى ذَكَرُوا الْيَهُودِيَّ، فَأَوْمَتْ بِرَأْسِهَا، فَأَخَذَ الْيَهُودِيُّ فَاقِرًا، فَأَمَرَ بِهِ رَسُولُ اللَّهِ ﷺ أَنْ يُرْضَخَ رَأْسُهُ بِالْحِجَارَةِ.

(المعجم ٤) - (باب الصائل على نفس الإنسان و عضوه، إذا دفعه المصول عليه، فأتلف نفسه أو عضوه، لا ضمان عليه) (التحفة ٤)

[4366] 18 - (1673) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُتَنَّى وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ

Umayyah fought a man. One of them bit the other, and he tried to pull his hand away from his mouth, and his incisor fell out - Ibn Al-Muthannah said that two incisors fell out. They referred their dispute to the Prophet ﷺ and he said: "Would one of you bite as a male camel bites?" There is no *Diyah* for him."

ابن جعفر: حَدَّثَنَا شُعبَةُ عَنْ قَتَادَةَ، عَنْ زُرَارَةَ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قاتلَ يَعْلَى بْنَ مُنْيَةَ أَوْ ابْنَ أُمَيَّةَ رَجُلًا، فَعَضَّ أَحَدُهُمَا صَاحِبَهُ، فَأَنْتَرَعَ يَدُهُ مِنْ فِيهِ، فَنَرَعَ تَبَيْتَهُ، - وَقَالَ ابْنُ الْمُشَنَّى: تَبَيْتَهُ - فَاخْتَصَمَا إِلَى النَّبِيِّ ﷺ، فَقَالَ: «أَيَعْضُ أَحَدُكُمْ كَمَا يَعْضُ الْفَحْلُ؟ لَا دِيَةَ لَهُ» [انظر: ٤٣٧٠]

[4367] (...) A similar report (as no. 4366) was narrated from Ya'la, from the Prophet ﷺ.

[٤٣٦٧] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَنَّى وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعبَةُ عَنْ قَتَادَةَ، عَنْ عَطَاءَ، عَنْ ابْنِ يَعْلَى، عَنْ يَعْلَى عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

[4368] 19 - (...) It was narrated from 'Imrân bin Huṣain that a man bit the arm of another man, who pulled it away and his incisor fell out. The matter was referred to the Prophet ﷺ who dismissed the claim and said: "Did you want to eat his flesh?"

[٤٣٦٨] ١٩- (...) وَحَدَّثَنِي أَبُو غَسَانَ الْمُسْمَعِيِّ، حَدَّثَنَا مُعاذٌ يَعْنِي ابْنَ هِشَامٍ، حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ زُرَارَةَ ابْنِ أَوْفَى، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ رَجُلًا عَضَّ ذِرَاعَ رَجُلٍ، فَجَذَبَهُ فَسَقَطَ تَبَيْتَهُ، فَرُفِعَ إِلَى النَّبِيِّ ﷺ فَأَبْطَلَهُ، وَقَالَ: أَرَدْتَ أَنْ تَأْكُلَ لَحْمَهُ؟».

[4369] 20 - (1674) It was narrated from Ṣafwān bin Ya'la that a servant of Ya'la bin Munyah bit another man on the arm, and he pulled it away and his incisor fell out. The matter was referred to the Prophet ﷺ

[٤٣٦٩] ٢٠-(١٦٧٤) وَحَدَّثَنِي أَبُو غَسَانَ الْمُسْمَعِيِّ: حَدَّثَنَا مُعاذٌ [يَعْنِي ابْنَ هِشَامٍ]: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ بُدَيْلٍ، عَنْ عَطَاءَ بْنِ أَبِي رَبَاحٍ، عَنْ

who dismissed the claim and said: "Did you want to bite him as a male camel bites?"

صَفْوَانَ بْنَ يَعْلَمِي أَنَّ أَجِيرًا لِيَعْلَمِي بْنَ مُنْيَةَ، عَضَّ رَجُلٌ ذِرَاعَهُ، فَجَدَبَهَا فَسَقَطَتْ شَيْئَهُ، فَرُفِعَ إِلَى النَّبِيِّ ﷺ فَأَبْطَلَهَا وَقَالَ: «أَرَدْتَ أَنْ تَقْضِمَهَا كَمَا يَقْضِمُ الْفَحْلُ؟». [انظر: ٤٣٧١]

[4370] 21 - (1673) It was narrated from 'Imrân bin Hûshâin that a man bit the hand of another man, who pulled his hand away and one or more of his incisors fell out. He referred the matter to the Messenger of Allâh ﷺ and the Messenger of Allâh ﷺ said: "What do you want me to do? Do you want me to order him to put his hand in your mouth so that you can bite it like a male camel? Give him your hand so that he can bite it, then you can pull it away"

[4371] 22 - (1674) It was narrated from Šafwân bin Ya'la bin Munyah that his father said: "A man came to the Prophet ﷺ. He had bitten a man's hand, who had pulled his hand away and his incisors had fallen out." He said: "The Prophet ﷺ dismissed the claim and said: 'Did you want to bite him as a camel bites?'"

[4372] 23 - (...) Šafwân bin Ya'la bin Umayyah narrated that his father said: "I went out with

عُثْمَانَ التَّوْفِلِيِّ: حَدَّثَنَا قُرْيَشُ بْنُ أَسَّسِ، عَنْ أَبْنِ عَوْنَى، عَنْ [مُحَمَّدٍ] بْنِ سِرِينَ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ؛ أَنَّ رَجُلًا عَضَّ يَدَ رَجُلٍ، فَأَنْتَرَعَ يَدَهُ فَسَقَطَتْ شَيْئَهُ أَوْ شَيْئَاهُ، فَاسْتَعْدَى رَسُولُ اللَّهِ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَا تَأْمُرُنِي؟ تَأْمُرُنِي أَنْ أَمْرُهُ أَنْ يَنْعَ يَدَهُ فِي فِيكَ تَقْضِمَهَا كَمَا يَقْضِمُ الْفَحْلُ؟ ادْفَعْ يَدَكَ حَتَّى يَعَصَّهَا ثُمَّ انْتَرِعَهَا». [راجع: ٤٣٦٦]

[4371] 22 - (1674) حَدَّثَنَا شَيْبَانُ ابْنُ فَرْوَحَ: حَدَّثَنَا هَمَامٌ: حَدَّثَنَا عَطَاءً عَنْ صَفْوَانَ بْنَ يَعْلَمِي ابْنَ مُنْيَةَ، عَنْ أَبِيهِ قَالَ: أَتَى النَّبِيِّ ﷺ رَجُلٌ، وَقَدْ عَضَّ يَدَ رَجُلٍ، فَأَنْتَرَعَ يَدَهُ فَسَقَطَتْ شَيْئَاهُ يَعْنِي الَّذِي عَضَّهُ قَالَ: فَأَبْطَلَهَا النَّبِيُّ ﷺ، وَقَالَ: «أَرَدْتَ أَنْ تَقْضِمَهَا كَمَا يَقْضِمُ الْفَحْلُ؟». [راجع: ٤٣٦٩]

[4372] 23 - (...) حَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْءَةَ: حَدَّثَنَا أَبُو أُسَامَةَ: أَخْبَرَنَا

the Prophet ﷺ on the campaign to Tâbûk. He said: 'Ya'la used to say: "That campaign was the best of my deeds, in my view." 'Atâ' said: "Şafwân said: 'Ya'la said: "I had a servant who fought with another man and one of them bit the hand of the other" - Şafwân said: "He told me which of them bit the other - the one who was bit pulled his hand away from the one who bit him, and pulled out one of his incisors. They came to the Prophet ﷺ, who dismissed his claim for his tooth."

ابن جریح: أخبرني عطاء: أخبرني صفوان بن يعلى بن أمية عن أبيه قال: غزوت مع النبي ﷺ غزوة تبوك، قال: وكان يعلى يقول: تلك الغزوة أوثق عملتي عندي، فقال عطاء: قال صفوان: قال يعلى: كان لي أحير، فقاتل إنساناً فعصى أحدهما يد الآخر - قال: لقد أخبرني صفوان أيهما عصى الآخر - فانتزع المغصوض يده من في العاض، فانتزع إحدى ثنيتيه، فأتيا النبي ﷺ، فآهناه ثنيته.

[4373] (...) Ibn Juraij narrated a similar report (as no. 4372) with this chain.

[٤٣٧٣] (...) وحدثنا عمرو بن زرار، أخبرنا إسماعيل بن إبراهيم: أخبرنا ابن جریح بهدا الإسناد، نحوه. (المعجم ٥) - (باب إثبات القصاص في الأسنان وما في معناها) (التحفة ٥)

Chapter 5. The Validity Of *Qisâs* For Teeth And The Like

[4374] 24 - (1675) It was narrated from Anas that the sister of Ar-Rubaî' Umm Hâritah, injured a person. They referred the dispute to the Prophet ﷺ and the Messenger of Allâh ﷺ said: "Qisâs, Qisâs." Umm Ar-Rabî' said: "O Messenger of Allâh, will *Qisâs* be taken from So-and-so? By Allâh, no *Qisâs* will be taken from her!" The Prophet ﷺ said: "Subhân-Allâh, O Umm Ar-Rabî'! *Qisâs* is a command in the Book of

[٤٣٧٤] [٤-٢٤] وحدثنا أبو بكر بن أبي شيبة: حدثنا عفان [ابن مسليم]: حدثنا حماد: أخبرنا ثابت، عن آنس، أن أخت الربيع أم حارثة، جرحت إنساناً، فأخذصموا إلى النبي ﷺ، فقال رسول الله ﷺ: (القصاص، القصاص) فقلت أم الربيع: يا رسول الله! أنتص من فلانة؟ والله!

Allâh.” She said: “No, by Allâh, no *Qisâs* will ever be taken from her.” She kept saying it until they accepted the *Diyah*. The Messenger of Allâh ﷺ said: “Among the slaves of Allâh are those who, if they swear by Allâh that something will happen or not happen, then their oaths will be fulfilled.”

لَا يُفْتَصُّ مِنْهَا، فَقَالَ النَّبِيُّ ﷺ: «سُبْحَانَ اللَّهِ! يَا أُمَّ الرَّبِيعِ! الْفَقَاصُ كِتَابُ اللَّهِ» قَالَتْ: لَا، وَاللَّهِ! لَا يُفْتَصُّ مِنْهَا أَبَدًا، قَالَ: فَمَا زَالَتْ حَتَّىٰ قَلُوْا الدِّيَةَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ مِنْ عِبَادِ اللَّهِ مَنْ لَوْ أَفْسَمَ عَلَى اللَّهِ لَا يَرَأُ». .

(المعجم ٦) - (باب ما يباح به دم المسلم) (التحفة ٦)

Chapter 6. When It Is Permissible To Shed The Blood Of A Muslim

[4375] 25 - (1676) It was narrated that ‘Abdullâh said: “The Messenger of Allâh ﷺ said: ‘It is not permissible to shed the blood of a Muslim who testifies that none has the right to be worshiped but Allâh and that I am the Messenger of Allâh, except in one of three cases: A married (or previously married) adulterer, a life for a life, or one who forsakes his religion leaving the *Jamâ’ah* (the congregation of Muslims).”

[٤٣٧٥]-[١٦٧٦] حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حَفْصُ بْنُ عَيَّاثٍ وَأَبُو مُعَاوِيَةَ وَوَكِيعٍ، عَنِ الْأَعْمَشِ، عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَجِدُ دُمُّ امْرِئٍ مُسْلِمٍ، يَشَهُدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَنَّ رَسُولَ اللَّهِ، إِلَّا يَأْخُذُ ثَلَاثَةَ الشَّيْبِ الزَّانِ، وَالنَّفْسَ بِالنَّفْسِ، وَالثَّارِكُ لِدِينِهِ الْمُقَارِبُ لِلْجَمَاعَةِ». .

[4376] (...) A similar report (as *Hadîth* no. 4375) was narrated from Al-A’mash with this chain.

[٤٣٧٦] (...) حَدَّثَنَا أَبُو نُعَيْرَ، حَدَّثَنَا أَبِي، وَحَدَّثَنَا أَبُو أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ، وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَلَيْهِ أَبُو خَشْرَمَ قَالَا: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ، كُلُّهُمْ عَنِ الْأَعْمَشِ بِهَذَا الْإِسْنَادِ. مِثْلُهُ.

[4377] 26 - (...) It was narrated that ‘Abdullâh said: “The Messenger of Allâh ﷺ stood up among us and said: ‘By the One besides Whom none has the right to be worshiped! It is not permissible to shed the blood of a Muslim man who testifies that none has the right to be worshiped but Allâh and that I am the Messenger of Allâh, except in three cases: One who leaves Islam abandoning the *Jamâ’ah* (the congregation of Muslims), a married (or previously married) adulterer, and a life for a life.’”

Al-A‘mash said: I narrated it to Ibrâhîm, and he narrated a similar report from Al-Aswad, from ‘Âishah.

[4378] (...) A *Hadîth* like that of Sufyân (no. 4377) was narrated from Al-A‘mash with both chains, but he did not mention in his *Hadîth* the words: “By the One besides Whom none has the right to be worshiped.”

Chapter 7. The Sin Of The One Who Set The Precedent Of Killing

[4379] 27 - (1677) It was narrated that ‘Abdullâh said: The Messenger of Allâh ﷺ said: ‘No

[٤٣٧٧] ٢٦ - (...) حَدَّثَنَا أَحْمَدُ بْنُ حَبْيلٍ وَمُحَمَّدُ بْنُ الْمُتَّهَّى - وَاللَّفْظُ لِأَحْمَدَ - قَالٌ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُفِّيَانَ، عَنْ الْأَعْمَشِ، عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ قَالٌ: قَاتَمْ فِيهَا رَسُولُ اللَّهِ ﷺ فَقَالَ: «وَالَّذِي لَا إِلَهَ غَيْرُهُ لَا يَحْلُّ دَمَ رَجُلٍ مُسْلِمٍ يَشْهُدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَنِّي رَسُولُ اللَّهِ، إِلَّا ثَلَاثَةُ نَفَرٌ: التَّارِكُ لِلإِسْلَامِ، الْمُفَارِقُ لِلْجَمَاعَةِ أَوِ الْجَمَاعَةُ، - شَكَ فِيهِ أَحْمَدُ - وَالْكَيْبُ الرَّازِيُّ، وَالنَّفْسُ بِالنَّفْسِ». قَالَ الْأَعْمَشُ: فَحَدَّثَنِي بِهِ إِبْرَاهِيمَ، فَحَدَّثَنِي عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ. يُمْثِلُهُ [٤٣٧٨] (...) وَحَدَّثَنِي حَجَاجُ بْنُ الشَّاعِرِ وَالْفَاسِمُ بْنُ زَكَرِيَّاً، قَالًا: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُوسَى، عَنْ شَيْيَانَ، عَنْ الْأَعْمَشِ بِإِلْسَنَادِينِ جَمِيعًا، نَحْوَ حَدِيثِ سُفِّيَانَ، وَلَمْ يَذْكُرْ فِي الْحَدِيثِ قَوْلَهُ: «وَالَّذِي لَا إِلَهَ غَيْرُهُ!».

(المعجم ٧) - (بابُ بَيَانِ إِثْمِ مِنْ سَنَ القتل) (التحفة ٧)

[٤٣٧٩] ٢٧ - (١٦٧٧) حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ

soul is killed unlawfully, but there is a share of the sin on the first son of Âdam, because he was the first one to set the precedent of killing.””

نَمِيرٌ - وَاللَّفْظُ لِابْنِ أَبِي شَيْبَةَ - فَالَا : حَدَّثَنَا أَبُو مُعاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، عَنْ مَسْرُوقِي، عَنْ عَبْدِ اللَّهِ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : لَا تُقْتَلُ نَفْسٌ إِلَّا كَانَ عَلَى ابْنِ آدَمَ الْأَوَّلُ كَفِلٌ مِّنْ دَمَهَا، لَأَنَّهُ كَانَ أَوَّلَ مَنْ سَنَ الْقَتْلَ» .

[٤٣٨٠] (...)

وَحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا جَرِيرٌ؛ وَحَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ : أَخْبَرَنَا جَرِيرٌ وَعَيْسَى بْنُ يُونُسُ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ : حَدَّثَنَا سُعْيَانُ، كُلُّهُمْ عَنِ الْأَعْمَشِ بِهَذَا الْإِسْنَادِ، وَفِي حَدِيثِ جَرِيرٍ وَعَيْسَى [بْنِ يُونُسَ] : «لَأَنَّهُ سَنَ الْقَتْلَ» لَمْ يَذْكُرْ أَوَّلَ .

Chapter 8. The Punishment For Bloodshed In The Hereafter, And Bloodshed Will Be The First Thing Concerning Which Judgment Is Passed Among The People On The Day Of Resurrection

[4381] 28 - (1678) It was narrated that ‘Abdullâh said: “The Messenger of Allâh ﷺ said: ‘The first thing concerning which judgment will be passed among the people on the Day of Resurrection will be bloodshed.””

(المعجم ٨) - (باب العجازة بالدماء في الآخرة، وأنها أول ما يقضى فيه بين الناس يوم القيمة) (التحفة ٨)

[٤٣٨١] (١٦٧٨) حَدَّثَنَا عُثْمَانُ ابْنُ أَبِي شَيْبَةَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ ابْنُ عَبْدِ اللَّهِ بْنِ نَمِيرٍ، جَمِيعًا عَنْ وَكِيعٍ، عَنِ الْأَعْمَشِ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ وَوَكِيعٍ عَنِ

الأعمش؛ عن أبي وائل، عن عبد الله
قال: قال رسول الله ﷺ: «أول ما
يقضى بين الناس يوم القيمة، في
الدماء».

[4382] (...) A similar report (as no. 4381) was narrated from 'Abdullâh from the Prophet ﷺ.

[٤٣٨٢] (...) وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ
مَعَاذٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنِي يَحْيَى بْنُ
حَبِيبٍ: حَدَّثَنَا خَالِدٌ: - يَعْنِي ابْنَ
الْحَارِثِ -؛ وَحَدَّثَنِي يُشْرُبُ بْنُ خَالِدٍ:
حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا ابْنُ
الْمُشَنَّى وَابْنُ شَهَارٍ قَالًا: حَدَّثَنَا ابْنُ أَبِي
عَدِيٍّ، كُلُّهُمْ عَنْ شُعْبَةَ، عَنِ الْأَعْمَشِ،
عَنْ أَبِي وَائلٍ، عَنْ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ
بِمِثْلِهِ، غَيْرَ أَنَّ بَعْضَهُمْ قَالَ عَنْ شُعْبَةَ:
«يُقْضَى»، وَبَعْضُهُمْ قَالَ: «يُحْكَمْ بَيْنَ
النَّاسِ».

Chapter 9. Emphasis On The Sanctity Of Blood, Honor And Wealth

[4383] ٢٩ - (١٦٧٩) It was narrated from Abû Bakrah that the Prophet ﷺ said: "Time has returned to its original order as it was on the day when Allâh created the heavens and the earth. The year is twelve months, of which four are sacred: Three consecutive months; Dhul-Qa'dah, Dhul-Hijjah and Muharram - and Rajab, the month of Mudar, which comes

(المعجم ٩) - (باب تغليظ تحريم
الدماء والأعراض والأموال) (التحفة ٩)

[٤٣٨٣] ٢٩ - (١٦٧٩) وَحَدَّثَنَا أَبُو
بَكْرٍ بْنُ أَبِي شَيْبَةَ وَيَحْيَى بْنُ حَبِيبٍ
الْحَارِثِي - وَتَقَارَبَا فِي الْلُّفْظِ - قَالَا:
حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ عَنْ أَئُوبَ،
عَنْ ابْنِ سِرِينَ، عَنْ ابْنِ أَبِي بَكْرَةَ، عَنْ
أَبِي بَكْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «إِنَّ
الزَّمَانَ قَدِ اسْتَدَارَ كَهِيَّبِهِ يَوْمَ خَلَقَ اللَّهُ

between Jumâda and Sha'bân.” Then he said: “What month is this?” We said: “Allâh and His Messenger know best.” He remained silent until we thought that he was going to call it by another name. He said: “Is it not Dhul-Hijjah?” We said: “Yes indeed.” He said: “What land is this?” We said: “Allâh and His Messenger know best.” He remained silent until we thought that he was going to call it by another name. He said: “Is it not Al-Baldah (the city of Makkah)?” We said: “Yes indeed.” He said: “What day is this?” We said: “Allâh and His Messenger know best.” He remained silent until we thought that he was going to call it by another name. He said: “Is it not the Day of Sacrifice?” We said: “Yes indeed, O Messenger of Allâh.” He said: “Your blood and your wealth” - Muhammad (a narrator) said: “and I think he said: ‘your honor’ - “are sacred to you, as sacred as this day of yours, in this land of yours, in this month of yours. You will meet your Lord, and He will ask you about your deeds, so do not turn back misguided after I am gone, striking one another’s necks. Let those who are present convey it to those who are absent; perhaps some of those to whom it is conveyed will understand it better than some of those who hear it.” Then he said: “Have I not conveyed (the message)?”

السَّمَاوَاتِ وَالْأَرْضَ، السَّنَةُ اثْنَا عَشَرَ شَهْرًا، مِنْهَا أَرْبَعَةُ حُرُمٌ، ثَلَاثَةُ مُتَوَالِيَّاتُ: دُوَّفُ الْقَعْدَةِ وَدُوَّفُ الْحِجَّةِ وَالْمُحَرَّمُ، وَرَجَبٌ، شَهْرٌ مُضَرٌّ، الَّذِي بَيْنَ جُمَادَى وَشَعْبَانَ، ثُمَّ قَالَ: «أَئِي شَهْرٍ هَذَا؟» قُلْنَا: اللَّهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: فَسَكَّتَ حَتَّى ظَنَّا أَنَّهُ سَيُسَمِّيهِ بَعْرِيْ اسْمِهِ، قَالَ: «أَلَيْسَ ذَا الْحِجَّةُ؟» قُلْنَا: بَلَى، قَالَ: «فَأَئِي بَلَدٌ هَذَا؟» قُلْنَا: اللَّهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: فَسَكَّتَ حَتَّى ظَنَّا أَنَّهُ سَيُسَمِّيهِ بَعْرِيْ اسْمِهِ، قَالَ: «أَلَيْسَ الْبَلْدَةُ؟» قُلْنَا: بَلَى، قَالَ: «فَأَئِي يَوْمٌ هَذَا؟» قُلْنَا: اللَّهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: فَسَكَّتَ حَتَّى ظَنَّا أَنَّهُ سَيُسَمِّيهِ بَعْرِيْ اسْمِهِ، قَالَ: «أَلَيْسَ يَوْمَ النَّحْرِ؟» قُلْنَا: بَلَى، يَا رَسُولَ اللَّهِ! قَالَ: «فَإِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ - قَالَ مُحَمَّدٌ: وَأَخْسِبُهُ قَالَ - وَأَغْرَاضَكُمْ حَرَامٌ عَلَيْكُمْ، كَحُرْمَةٍ يَوْمَكُمْ هَذَا، فِي بَلَدِكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا، وَسَتَلْقَوْنَ رَبَّكُمْ فَيَسْأَلُكُمْ عَنْ أَعْمَالِكُمْ، فَلَا تَرْجِعُنَّ بَعْدِي ضُلَّالًا يَضْرِبُ بَعْضُكُمْ رِقَابَ بَعْضٍ، أَلَا لِيُلْيَغُ الشَّاهِدُ الْغَائِبَ، فَلَعَلَّ بَعْضَ مَنْ يَلْعَلُهُ يَكُونُ أَوْعَى لَهُ مِنْ بَعْضٍ مَمْ سَمِعَهُ»، ثُمَّ قَالَ: «أَلَا هَلْ بَلَغْتُ؟».

Ibn Ḥabīb said in his report: “And Rajab of Muḍar.”

Abî Bakr (a narrator) said: “Do not turn back after me.”

[4384] 30 - (...) It was narrated from ‘Abdur-Rahmân bin Abî Bakrah that his father said: “On that day, he (ﷺ) sat on his camel and someone took hold of its nose-ring, and he said: ‘Do you know what day this is?’ They said: ‘Allâh and His Messenger know best,’ until we thought that he was going to call it by another name. He said: ‘Is it not the Day of Sacrifice?’ We said: ‘Yes indeed, O Messenger of Allâh.’ He said: ‘What month is this?’ We said: ‘Allâh and His Messenger know best.’ He said: ‘Is it not Dhul-Hijjah?’ We said: ‘Yes indeed, O Messenger of Allâh.’ He said: ‘What land is this?’ We said: ‘Allâh and His Messenger know best,’ until we thought that he was going to call it by another name. He said: ‘Is it not Al-Baldah (the city of Makka.)’ We said: ‘Yes indeed, O Messenger of Allâh.’ He said: ‘Your blood, your wealth and your honor are sacred to you, as sacred as this day of yours, in this month of yours, in this land of yours. Let those who are present convey it to those who are absent.’ Then he turned towards two speckled black and white rams and sacrificed them, and to a flock of

فَالْأَبْنُ حَيْبٌ فِي رِوَايَتِهِ: «وَرَجَبٌ مُضَرٌّ»، وَفِي رِوَايَةِ أَبِي بَكْرٍ: «فَلَا تَرْجِعُوا بَعْدِي».

[٤٣٨٤] ٣٠ - (...) حَدَّثَنَا نَصْرُ بْنُ عَلَيِّ الْجَهْضَوِيُّ: حَدَّثَنَا يَرِيدُ ابْنُ زُرَيْعٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَوْنَى، عَنْ مُحَمَّدٍ نَّبِيِّ سَيِّدِنَا، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ قَالَ: لَمَّا كَانَ ذَلِكَ الْيَوْمُ، قَعَدَ عَلَى بَعِيرِهِ وَأَخْذَ إِنْسَانًا بِحَاطِمِهِ، فَقَالَ: «أَتَدْرُونَ أَيْ يَوْمٍ هَذَا؟» قَالُوا: اللَّهُ وَرَسُولُهُ أَعْلَمُ، حَتَّى ظَنَّا أَنَّهُ سَيِّسَمِيُّ سَوَى اسْمِهِ، فَقَالَ: «أَلَيْسَ يَوْمُ النَّحْرِ؟» قُلْنَا: بَلَى، يَا رَسُولَ اللَّهِ! قَالَ: «فَأَيُّ شَهْرٍ هَذَا؟» قُلْنَا: اللَّهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: «أَلَيْسَ يَذِي الْحِجَّةِ؟» قُلْنَا: بَلَى، يَا رَسُولَ اللَّهِ! قَالَ: «فَأَيُّ بَلْدَةٍ هَذَا؟» قُلْنَا: اللَّهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: حَتَّى ظَنَّا أَنَّهُ سَيِّسَمِيُّ سَوَى اسْمِهِ، قَالَ: «أَلَيْسَ بِالْبَلْدَةِ؟» قُلْنَا: بَلَى، يَا رَسُولَ اللَّهِ! قَالَ: «فَإِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ عَلَيْكُمْ حَرَامٌ، كَحْرَمَةٍ يَوْمَكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا، فِي بَلَدِكُمْ هَذَا، فَلَيُلْغِي الشَّاهِدُ الْغَائِبَ». قَالَ: ثُمَّ انْكَفَأَ إِلَى كَبْسَيْنِ أَمْلَحِينِ فَذَبَّهُمَا، وَإِلَى جُزِيَّةٍ مِنَ الْغَنْمِ فَقَسَمَهَا بَيْنَنَا.

sheep which he distributed amongst us.

[4385] (...) ‘Abdur-Rahmân bin Abî Bakrah narrated that his father said: “When that day came, the Prophet ﷺ sat on a camel and a man was holding on to its rope or reins...” and he mentioned a *Hadîth* like that of Yazîd bin Zurâ’î (no 4384).

[4386] 31 - (...) It was narrated that Abî Bakrah said: “The Messenger of Allâh ﷺ addressed us on the Day of Sacrifice and said: ‘What day is this?’... they quoted a *Hadîth* like that of Ibn ‘Awn (no. 4385), except that he did not mention: “Your honor” and he did not mention: “Then he turned towards two speckled black and white rams,” etc. And in his *Hadîth* he said: “As sacred as this day of yours, in this month of yours, in this land of yours, until the Day you meet your Lord. Have I not conveyed (the message)?” They said: “Yes.” He said: “O Allâh, bear witness.”

[٤٣٨٥] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشْتَنِيٍّ: حَدَّثَنَا حَمَادُ بْنُ مَسْعَدَةَ، عَنْ أَبْنِ عَوْنِ، قَالَ: قَالَ مُحَمَّدٌ: قَالَ عَبْدُ الرَّحْمَنِ بْنُ أَبِي بَكْرَةَ، عَنْ أَبِيهِ قَالَ: لَمَّا كَانَ ذَاكَ الْيَوْمَ جَلَسَ النَّبِيُّ ﷺ عَلَى بَعِيرٍ، قَالَ: وَرَجُلٌ آخِذٌ بِزِمَامِهِ - أَوْ قَالَ: بِخَطَامِهِ -، فَذَكَرَ نَحْوَ حَدِيثِ يَزِيدَ ابْنِ زُرَفْعَيْ.

[٤٣٨٦] [٣١-...] وَحَدَّثَنِي مُحَمَّدُ ابْنُ حَاتِمٍ بْنِ مَيْمُونٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا فُرَّةُ بْنُ خَالِدٍ: حَدَّثَنَا مُحَمَّدُ بْنُ سِيرِينَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ، وَعَنْ رَجُلٍ آخَرَ هُوَ فِي نَفْسِي أَفْضَلُ مِنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَمْرُو بْنِ جَبَّةَ وَأَحْمَدُ ابْنُ خَرَاشٍ، قَالَ: حَدَّثَنَا أَبُو عَامِرٍ عَبْدُ الْمُلْكِ بْنُ عَمْرُو: حَدَّثَنَا فُرَّةُ بِإِشْتَادَ يَحْيَى بْنُ سَعِيدٍ - وَسَمِيَ الرَّجُلُ حُمَيْدٌ ابْنَ عَبْدِ الرَّحْمَنِ - عَنْ أَبِي بَكْرَةَ قَالَ: حَطَبَنَا رَسُولُ اللَّهِ ﷺ يَوْمَ النَّحرِ، فَقَالَ: «أَيُّ يَوْمٍ هَذَا؟» وَسَاقُوا الْحَدِيثَ يَمْثُلُ حَدِيثَ ابْنِ عَوْنِ، عَيْرَ أَنَّهُ لَا يَذْكُرُ: «وَأَغْرَاصَكُمْ» وَلَا يَذْكُرُ: ثُمَّ انْكَفَأَ إِلَى

كَبَشْتُنِي وَمَا بَعْدَهُ، وَقَالَ فِي الْحَدِيثِ:
 «كَحْرُمَةٌ يَوْمُكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا،
 فِي بَلَدِكُمْ هَذَا إِلَى يَوْمٍ تَلْقَوْنَ رَبَّكُمْ،
 أَلَا هُلْ بَلَغْتُ؟» قَالُوا: نَعَمْ، قَالَ:
 «اللَّهُمَّ اشْهِدْ». .

(المعجم ١٠) - (باب صحة الإقرار
 بالقتل وتمكينولي القتيل من
 القصاص، واستحباب طلب العفو
 منه) (التحفة ١٠)

Chapter 10. A Confession To Murder Is Valid And The Heir Of The Victim Is Entitled To *Qisâs*, But It Is Recommended To Ask Him To Let Him Go

[4387] 32 - (1680) It was narrated that 'Alqamah bin Wâ'il narrated that his father told him: 'I was sitting with the Prophet ﷺ when a man came leading another on a rope. He said: 'O Messenger of Allâh, this man killed my brother.' The Messenger of Allâh ﷺ said: 'Did you kill him?' He said: 'If he does not admit it, I will establish proof against him.' He said: 'Yes, I killed him.' He said: 'How did you kill him?' He said: 'He and I were striking leaves from a tree, and he insulted me so I got angry and struck him with the axe on the side of his head and killed him.' The Prophet ﷺ said to him: 'Do you have anything with which to pay the *Diyah* for yourself?' He said: 'I have no property except my cloak and my axe.' He said: 'Perhaps your

[٤٣٨٧-٣٢] (١٦٨٠) وَحَدَّثَنَا عُبَيْدٌ
 اللَّهُ بْنُ مُعَاذَ الْعَنَبِرِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا
 أَبُو يُونُسَ، عَنْ سَمَاكِ بْنِ حَزْبِ عَنْ
 عَلْقَمَةَ بْنِ وَائِلٍ حَدَّثَهُ أَنَّ أَبَاهُ حَدَّثَهُ قَالَ:
 إِنِّي لِقَاعِدٌ مَعَ النَّبِيِّ ﷺ إِذْ جَاءَ رَجُلٌ
 يَقُولُ أَخْرَى يُشَنَّعُهُ، فَقَالَ: يَا رَسُولَ اللَّهِ:
 هَذَا قَاتَلَ أَخِي، فَقَالَ رَسُولُ اللَّهِ ﷺ:
 (أَفَقْتَلْتَهُ؟) - فَقَالَ: إِنَّهُ لَوْلَمْ يَعْتَرِفْ أَقْتَلْتُ
 عَلَيْهِ الْيَتِيمَةَ - قَالَ: نَعَمْ قَاتَلَتْهُ، قَالَ:
 (كَيْفَ قَاتَلَتْهُ؟) قَالَ: كُنْتُ أَنَا وَهُوَ تَخْطِطُ
 مِنْ شَجَرَةَ، فَسَبَّنِي فَأَغْضَبَنِي، فَصَرَّبَنِي
 بِالْفَأْسِ عَلَى قَزْنِيهِ فَقَاتَلَتْهُ، فَقَالَ لَهُ
 النَّبِيُّ ﷺ: (هَلْ لَكَ مِنْ شَيْءٍ تُؤْدِيهِ عَنْ
 نَفْسِكَ؟) قَالَ: مَا لِي مَالٌ إِلَّا كِسَائِي
 وَفَاسِي، قَالَ: (فَتَرَى قَوْمَكَ يَشْتَرُونَكَ؟)

people will pay your ransom?’ He said: ‘I am too insignificant among my people for that.’ He threw the rope to him and said: ‘Take your companion away.’ The man took him away, and when he turned away, the Messenger of Allâh ﷺ said: ‘If he kills him he will be like him.’ He came back and said: ‘O Messenger of Allâh, I have heard that what you said: “If he kills him he will be like him,” but I took him at your command.’ The Messenger of Allâh ﷺ said: ‘Don’t you want him to carry your sin and the sin of your companion?’ He said: ‘O Prophet of Allâh, yes.’ He said: ‘If so, then let it be,’ and he threw the rope down and let him go.”

[4388] 33 - (...) It was narrated from ‘Alqamah bin Wâ'il that his father said: “A man who had killed another man was brought to the Messenger of Allâh ﷺ by the heir of the one who had been killed, and (the Messenger of Allâh ﷺ gave the heir the right to retaliate). He took him away with a rope around his neck by which he was leading him. When he left, the Messenger of Allâh ﷺ said: ‘The killer and the slain are both in Hell.’ A man went to that man and told him what the Messenger of Allâh ﷺ had said, so he let him go.”

Ismâ‘îl bin Sâlim said: “I mentioned that to Hâbib bin Abî Thâbit and he said: ‘Ibn Ashwâ’

قَالَ: أَنَا أَهُونُ عَلَى قَوْمِي مِنْ ذَاكَ، فَرَمَى إِلَيْهِ بِنْسَعَتِهِ، وَقَالَ: «دُونَكَ صَاحِبَكَ»، فَأَنْطَلَقَ بِهِ الرَّجُلُ، فَلَمَّا وَلَى قَالَ رَسُولُ اللَّهِ ﷺ: «إِنْ قَتَلَهُ فَهُوَ مِثْلُهُ» فَرَجَعَ، فَقَالَ: يَا رَسُولَ اللَّهِ! [إِنَّهُ] يَلْغُنِي أَنَّكَ قُلْتَ: «إِنْ قَتَلَهُ فَهُوَ مِثْلُهُ» وَأَخَدْتُهُ بِأَمْرِكَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَمَا تُرِيدُ أَنْ يُبُوءَ بِإِثْمِكَ وَإِنْمَّا صَاحِبِكَ؟» قَالَ: يَا نَبِيَّ اللَّهِ - لَعْنَهُ قَالَ - بَلَى، قَالَ: «فَإِنَّ ذَاكَ كَذَاكَ»، قَالَ: فَرَمَى بِنْسَعَتِهِ وَخَلَى سَيْلَهُ.

[٤٣٨٨]-٣٣ (...) وَحَدَّثَنِي مُحَمَّدُ ابْنُ حَاتِمٍ: حَدَّثَنَا سَعِيدُ بْنُ سَلَيْمانَ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ سَالِمٍ، عَنْ عَلْقَمَةَ بْنِ وَائِلٍ، عَنْ أَبِيهِ قَالَ: أَتَيَ رَسُولُ اللَّهِ ﷺ بِرَجُلٍ قَتَلَ رَجُلًا، فَأَقَادَ وَلَيَّ الْمَقْتُولِ مِنْهُ، فَأَنْطَلَقَ بِهِ وَقَبَ عَنْهُ نِسْعَةً يَجُرُّهَا، فَلَمَّا أَذْبَرَ قَالَ رَسُولُ اللَّهِ ﷺ: «الْقَاتِلُ وَالْمَقْتُولُ فِي النَّارِ» فَأَتَى رَجُلٌ الرَّجُلَ فَقَالَ لَهُ مَقَالَةً رَسُولِ اللَّهِ ﷺ. فَخَلَى عَنْهُ.

قَالَ إِسْمَاعِيلُ بْنُ سَالِمٍ: فَذَكَرْتُ ذَلِكَ لِحَبِيبِ بْنِ أَبِي ثَابِتٍ فَقَالَ: حَدَّثَنِي ابْنُ

told me that the Prophet ﷺ asked him to let him go and he refused.””

Chapter 11. The *Diyah* For A Fetus ; And The *Diyah* For Accidental Killing And The Ambiguous Killing Must Be Paid By The ‘*Aqilah*^[1] Of The Killer

[4389] 34 - (1681) It was narrated from Abû Hurairah that there were two women from Hudhail, one of whom threw a stone at the other and caused her to miscarry. The Prophet ﷺ ordered that a slave, male or female, be given as *Diyah*.

[4390] 35 - (...) It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ ruled that a slave, male or female, be given as *Diyah* for the fetus of a woman from Banû Lihyân who was miscarried and born dead. Then the woman who was ordered to give the slave had died, and the Messenger of Allâh ﷺ ruled that her estate be given to her sons and husband, and that the *Diyah* be paid by her ‘*Asabah*.^[2]

[4391] 36 - (...) Abû Hurairah said: “Two women from Hudhail fought and one of them threw a

أشوع: أَنَّ النَّبِيَّ ﷺ إِنَّمَا سَأَلَهُ أَنْ يَعْفُ عنْهُ فَأَبَى.

(المعجم ١١) - (باب دية الجنين، ووجوب الدية في قتل الخطأ وشبه العمد على عاقلة الجناني) (التحفة ١١)

[٤٣٨٩]-٣٤ [٤٦٨١] حَدَّثَنَا يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ، عَنْ أَبْنِ شَهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ امْرَأَيْنِ مِنْ هُذَيْلٍ، رَمَتَا إِخْدَاهُمَا الْأُخْرَى، فَطَرَحْتُ جَنِينَهَا، فَقَضَى فِيهِ النَّبِيُّ ﷺ، بِعُرْةٍ: عَبْدٌ أَوْ أُمَّةٌ.

[٤٣٩٠]-٣٥ [...] وَحَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ، عَنْ أَبْنِ شَهَابٍ، عَنْ أَبْنِ الْمُسَيْبٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: قَضَى رَسُولُ اللَّهِ ﷺ فِي جَنِينِ امْرَأَةٍ مِنْ بَنِي لَحْيَانَ سَقَطَ مَيِّتًا، بِعُرْةٍ: عَبْدٌ أَوْ أُمَّةٌ، ثُمَّ إِنَّ الْمَرْأَةَ الَّتِي قَضَى عَلَيْهَا بِالْعُرْةِ تُؤْتَيْتُ، فَقَضَى رَسُولُ اللَّهِ ﷺ بِأَنَّ: مِيرَاثَهَا لِبَنِيهَا وَزَوْجِهَا، وَأَنَّ: الْعُقْلَ عَلَى عَصَبَتِهَا.

[٤٣٩١]-٣٦ [...] وَحَدَّثَنِي أَبُو الطَّاهِرِ: حَدَّثَنَا أَبْنُ وَهْبٍ؛ وَحَدَّثَنَا حَرْمَةً

[١] ‘*Aqilah*: The relatives who must pay the ‘*Aql* or *Diyah* (blood money), meaning, the male relatives on the father’s side.

[٢] ‘*Asabah*: The male relatives on the father’s side.

rock at the other and killed her and the child in her womb. They referred the matter to the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ ruled that the *Diyah* for her fetus was a slave, male or female, and he ruled that the *Diyah* for the woman be paid by her (the killer's) 'Âqilah, and that her children and those who were with her would inherit her estate. Hamal bin An-Nâbighah Al-Hudhalî said: 'O Messenger of Allâh, how can a penalty be paid for one who did not drink or eat, or speak or make any sound (he said so rhyming the words in a poetic way)? Such a one should be overlooked.' The Messenger of Allâh ﷺ said: 'This man is one of the brothers of the soothsayers, because of the rhymed speech with which he spoke.'

[4392] (...) It was narrated that Abû Hurairah said: "Two women fought..." and he quoted the *Hadîth* (as no. 4390), but he did not mention: "Her children and those who were with her would inherit her estate." And he said: "Someone said: 'Why should we pay the *Diyah*?" But he did not mention Hamal bin Mâlik by name.

[4393] 37 - (1682) It was narrated that Al-Mughîrah bin Shu'bah said: "A woman struck

ابن يحْمَى التُّجِيَّبِيِّ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ، عَنْ ابْنِ شَهَابٍ، عَنْ ابْنِ الْمُسَيْبَ وَأَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ أَنَّ أَبَا هُرَيْرَةَ قَالَ: افْتَتَّلَتِ امْرَأَاتَنِ مِنْ هُذِيلٍ، فَرَمَثَ إِحْدَاهُمَا الْأُخْرَى بِحَجَرٍ فَقَتَّلَتْهَا وَمَا فِي بَطْنِهَا، فَاخْتَصَمُوا إِلَى رَسُولِ اللَّهِ ﷺ، فَقَضَى رَسُولُ اللَّهِ ﷺ أَنَّ دِيَّةَ جَنِينِهَا غُرَّةً: عَبْدٌ أَوْ وَلِيدَهُ، وَقَضَى بِدِيَّةِ الْمَرْأَةِ عَلَى عَاقِلَتِهَا، وَوَرَثَهَا وَلَدَهَا وَمَنْ مَعَهُمْ، فَقَالَ حَمَلُ بْنُ النَّابِغَةَ الْهَذَلِيُّ: يَا رَسُولَ اللَّهِ! كَيْفَ أَغْرِمُ مَنْ لَا شَرِبَ وَلَا أَكَلَ، وَلَا نَطَقَ وَلَا اسْتَهَلَ؟ فَمِثْلُ ذَلِكَ يُظْلَى، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا هَذَا مِنْ إِخْرَانِ الْكُهَانِ» مِنْ أَجْلِ سَجْعِيهِ الَّذِي سَعَحَ.

[4392] (...) وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمُرٌ، عَنْ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: افْتَتَّلَتِ امْرَأَاتَنِ، وَسَاقَ الْحَدِيثَ بِقِصَّتِهِ، وَلَمْ يَذْكُرْ: وَوَرَثَهَا وَلَدَهَا وَمَنْ مَعَهُمْ، وَقَالَ: فَقَالَ فَائِلُ: كَيْفَ تَعْقِلُ؟ وَلَمْ يُسَمِّ حَمَلَ بْنَ مَالِكٍ.

**[4393]-
[1682]** وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ: أَخْبَرَنَا

pregnant co-wife with a tent pole, killing her. One of the women was from the tribe of Lihyān. The Messenger of Allāh ﷺ ruled that the *Diyah* for the one who had been killed was to be paid by the *'Asabah* of the killer, and a slave, male or female, should be given (as *Diyah*) for the fetus in her womb. A man from the *'Asabah* of the killer said: 'Should we pay the *Diyah* for one who did not eat or drink or make any sound? Such a one should be overlooked.' The Messenger of Allāh ﷺ said: 'Is this rhymed speech like that of the Bedouin?"'

He said: "And he (ﷺ) imposed the *Diyah* on them."

[4394] 38 - (...) It was narrated that Al-Mughîrah bin Shu'bah said: "A woman killed her co-wife with a tent pole. Her case was brought to the Messenger of Allâh ﷺ and he ruled that her *'Aqilah* should pay the *Diyah*. She was pregnant, so he also ruled that a slave be given as *Diyah* for the fetus. One of her *'Asabah* said: 'Should we pay *Diyah* for one who did not eat or drink or cry or make any sound? Such a one should be overlooked.' He said: 'Is this rhymed speech like that of the Bedouin?"'

جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَيْدَ بْنِ نُضِيلَةَ الْخُزَاعِيِّ، عَنِ الْمُغَيْرَةِ بْنِ شُعْبَةَ قَالَ: ضَرَبَتْ امْرَأَةٌ ضَرَبَتْهَا بِعَمُودٍ فُسْطَاطٍ وَهِيَ حُبْلٍ فَقَتَلَتْهَا، قَالَ: إِنَّهُ دِيَةَ الْحَيَاةِ، قَالَ: فَجَعَلَ رَسُولُ اللَّهِ ﷺ دِيَةَ الْمَقْتُولَةِ عَلَى عَصَبَةِ الْقَاتِلَةِ، وَعَرَّةً لِمَا فِي بَطْنِهَا، فَقَالَ رَجُلٌ مِنْ عَصَبَةِ الْقَاتِلَةِ: أَتَنْعَرُ دِيَةَ مَنْ لَا أَكَلَ وَلَا شَرَبَ وَلَا اسْتَهَلَ؟ فَمِثْلُ ذَلِكَ يُطْلُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَسْجُعْ كَسْجِعَ الْأَغْرَابِ؟».

قَالَ: وَجَعَلَ عَلَيْهِمُ الدِّيَةِ.

[4394]-[38] (...) وَحَدَّثَنِي مُحَمَّدٌ أَبْنُ رَافِعٍ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا مَفْضَلٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَيْدَ بْنِ نُضِيلَةَ، عَنِ الْمُغَيْرَةِ بْنِ شُعْبَةَ قَالَ: أَنَّ امْرَأَةً قَتَلَتْ ضَرَبَتْهَا بِعَمُودٍ فُسْطَاطٍ، فَأَتَيَ فِيهِ رَسُولُ اللَّهِ ﷺ، فَقَضَى عَلَى عَاقِلَهَا بِالْدِيَةِ، وَكَانَتْ حَامِلاً، فَقَضَى فِي الْجَنِينِ بِعَرَّةً، فَقَالَ بَعْضُ عَصَبَتِهَا: أَنْدِي مَنْ لَا طَعَمَ وَلَا شَرَبَ وَلَا صَاحَ فَاسْتَهَلَ؟ وَمِثْلُ ذَلِكَ يُطْلُ؟ [قال]: فَقَالَ: «سَجْعٌ كَسْجِعَ الْأَغْرَابِ؟».

[4395] (...) A *Hadith* like that of Jarîr and Mufaddal (no. 4393, 4394) was narrated from Mañṣûr with this chain.

[٤٣٩٥] (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ وَمُحَمَّدُ بْنُ بَشَّارٍ، قَالَا: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ بِهَذَا الْإِسْنَادِ، مِثْلَ مَعْنَى حَدِيثِ جَرِيرٍ وَمُقْضِلٍ.

[4396] (...) This *Hadith* was narrated from Mañṣûr with their chain, except that it says: "She miscarried, and the matter was referred to the Prophet ﷺ who ruled that a slave be given (as *Diyah*). And he imposed that on the relatives of the woman; but in this *Hadith* it does not mention the *Diyah* for the woman.

[٤٣٩٦] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْمُتَّئِّنِ وَابْنُ بَشَّارٍ قَالُوا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ يَا شَنَادِهِمُ الْحَدِيثَ يَقْصِيهِ، غَيْرَ أَنَّ فِيهِ فَأَسْقَطَتْ، فَرُفِعَ ذَلِكَ إِلَى النَّبِيِّ ﷺ فَقَضَى فِيهِ بِعْرَةً، وَجَعَلَهُ عَلَى أُولَئِكَ الْمَرْأَةِ، وَلَمْ يَذْكُرْ فِي الْحَدِيثِ دِيَةَ الْمَرْأَةِ.

[4397] 39 - (1683) It was narrated that Al-Miswar bin Makhramah said: "Umar bin Al-Khattâb consulted the people about *Diyah* for a woman's miscarriage. Al-Mughîrah bin Shu'bah said: 'I saw the Prophet ﷺ ruling that a slave, male or female, should be given.' Umar said: 'Bring me someone who can testify with you.' He (the narrator) said: 'Muhammad bin Maslamah testified with him.'"

[٤٣٩٧] [١٦٨٣] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَبَةَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالَ إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ الْأَخْرَانُ: حَدَّثَنَا - وَكَيْفَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ الْمُسْوَرِ بْنِ مَعْرِمَةَ قَالَ: اسْتَشَارَ عُمَرَ ابْنَ الْخَطَّابِ التَّاسَعَ فِي مَلَاصِ الْمَرْأَةِ، فَقَالَ الْمُغَيْرَةُ بْنُ شُعْبَةَ: شَهَدْتُ النَّبِيَّ ﷺ فَقَضَى فِيهِ بِعْرَةً: عَبْدُ أَوْ أَمَةَ، قَالَ: فَقَالَ عُمَرُ: أَتَنْهَا يِمْنَ يَشْهُدُ مَعَكَ. قَالَ: فَشَهَدَ لَهُ مُحَمَّدُ بْنُ مَسْلَمَةَ.

١٤ - (المعجم ٢٩) - كتاب العدود
 (التحفة ...)

**29. The Book Of *Hudûd*
 (Legal Punishments)**

**Chapter 1. The *Hadd* For
 Stealing And The Minimum
 Threshold**

[4398] 1 - (1684) It was narrated that ‘Aishah said: “The Messenger of Allâh ﷺ would cut off the thief’s hand for one-quarter of a Dînâr or more.”

[4399] (...) A similar report (as no. 4398) was narrated from Az-Zuhri with this chain.

[4400] 2 - (...) It was narrated from ‘Aishah that the Messenger of Allâh ﷺ said: “The hand of a thief should not be cut off, except for one-quarter of a Dînâr or more.”

(المعجم ١) - (باب حد السرقة
 ونصابها) (التحفة ١٢)

اَبْنُ يَحْيَى وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ اَبِي
 عُمَرَ - وَاللَّفْظُ لِيَحْيَى - قَالَ اَبْنُ اَبِي
 عُمَرَ: حَدَّثَنَا، وَقَالَ الْآخَرَانِ: أَخْبَرَنَا
 سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عُمَرَةَ،
 عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ
 يَقْطِعُ السَّارِقَ فِي رُبْعِ دِينَارٍ فَصَاعِدًا.

[٤٣٩٩] (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ
 إِبْرَاهِيمَ وَعَدْدُ بْنُ حُمَيْدٍ قَالَا: أَخْبَرَنَا عَبْدُ
 الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ
 أَبِي شَيْبَةَ: حَدَّثَنَا يَزِيدُ بْنُ هَرُونَ: أَخْبَرَنَا
 سُلَيْمَانُ بْنُ كَثِيرٍ وَإِبْرَاهِيمُ بْنُ سَعْدٍ، كُلُّهُمْ
 عَنِ الزُّهْرِيِّ. بِمِثْلِهِ، فِي هَذَا الْإِسْنَادِ.

[٤٤٠٠] (...) حَدَّثَنِي أَبُو
 الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَى؛ وَحَدَّثَنَا الْوَلَيْدُ
 ابْنُ شُبَّاعَ - وَاللَّفْظُ لِلْوَلَيْدِ وَحَرْمَلَةَ -
 قَالُوا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ

[١] *Hudûd*: Plural; *Hadd*: Singular

عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ وَعَمْرَةَ، عَنْ عَائِشَةَ، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «لَا تُقْطِعُ يَدُ السَّارِقِ إِلَّا فِي رُبْعِ دِينَارٍ فَصَاعِدًا».

[٤٤٠١] ٣ - (...) ‘Aishah narrated that she heard the Messenger of Allāh ﷺ say: “The hand should not be cut off except for one-quarter of a Dīnār or more.”

[٤٤٠١] ٣ - (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ وَهَرُونُ بْنُ سَعِيدِ الْأَيْلِيِّ وَأَحْمَدُ بْنُ عِيسَى - وَاللَّفْظُ لِهَرُونَ وَأَحْمَدَ، قَالَ أَبُو الطَّاهِرِ: أَخْبَرَنَا، وَقَالَ الْآخَرَانُ: حَدَّثَنَا - ابْنُ وَهْبٍ: أَخْبَرَنِي مَحْرَمَةُ عَنْ أَبِيهِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عُمْرَةَ أَنَّهَا سَمِعَتْ عَائِشَةَ تُحَدِّثُ، أَنَّهَا سَمِعَتْ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا تُقْطِعُ يَدُ إِلَّا فِي رُبْعِ دِينَارٍ فَمَا فَوْهُ».

[٤٤٠٢] ٤ - (...) It was narrated from ‘Aishah that she heard the Prophet ﷺ say: “The hand of the thief should not be cut off except for one-quarter of a Dīnār or more.”

[٤٤٠٢] ٤ - (...) حَدَّثَنِي بِشْرُ بْنُ الْحَكَمِ الْعَبْدِيِّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِ، عَنْ أَبِي بَكْرِ بْنِ مُحَمَّدٍ، عَنْ عُمْرَةَ، عَنْ عَائِشَةَ أَنَّهَا سَمِعَتْ النَّبِيَّ ﷺ يَقُولُ: «لَا تُقْطِعُ يَدَ سَارِقٍ إِلَّا فِي رُبْعِ دِينَارٍ فَصَاعِدًا».

[٤٤٠٣] (...) A similar report (as no. 4402) was narrated from Yazid bin ‘Abdullāh bin Al-Hādi with this chain.

[٤٤٠٣] (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ الْمُشَّى وَإِسْحَاقُ ابْنُ مَنْصُورٍ، جَمِيعًا عَنْ أَبِي عَامِرِ الْعَقَدِيِّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ مِنْ وَلَدِ الْمَسْوَرِ ابْنِ مَحْرَمَةَ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِي بِهَذَا الْأَسْنَادِ، مِثْلُهُ.

[4404] 5 - (1685) It was narrated that ‘Aishah said: “At the time of the Messenger of Allāh ﷺ the hand of a thief was not cut off for less than the price of a shield made of leather or iron (steel?), both of which were valuable.”

[٤٤٠٤] ٥ - (١٦٨٥) وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعَيْرٍ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ الرُّوَايِّيُّ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: لَمْ تُقطِّعْ يَدُ سَارِقٍ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فِي أَقْلَلٍ مِنْ ثَمَنِ الْمِجْنَ، حَجَفَةَ أَوْ ثُرْسٍ، وَكَلَّا هُمَا ذُو ثَمَنٍ.

[4405] (...) A *Hadīth* like that of Ibn Numair from Ḥumaid bin ‘Abdur-Rahmān Ar-Ru’āsī (no. 4404) was narrated from Hishām with this chain. In the *Hadīth* of ‘Abdur-Rahīm and Abū Usāmah it says: “At that time it was valuable.”

[٤٤٠٥] (...) وَحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُهُ بْنُ سُلَيْمَانَ وَحُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ؛ وَحَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو أَسَامَةَ كُلُّهُمْ عَنْ هِشَامٍ بِهَذَا الْإِشْتَادِ، نَحْوَ حَدِيثِ ابْنِ نُعَيْرٍ عَنْ حُمَيْدٍ [بْنِ عَبْدِ الرَّحْمَنِ] الرُّوَايِّيِّ، وَفِي حَدِيثِ عَبْدِ الرَّحِيمِ وَأَبِي أَسَامَةَ: وَهُوَ يَوْمَئِذٍ ذُو ثَمَنٍ.

[4406] 6 - (1686) It was narrated from Ibn ‘Umar that the Messenger of Allāh ﷺ cut off the hand of a thief for a shield, the value of which was three Dirham.

[٤٤٠٦] ٦ - (١٦٨٦) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَطَعَ سَارِقًا فِي مَجْنَ قِيمَتُهُ ثَلَاثَةَ دَرَاهِمَ.

[4407] (...) A *Hadīth* like that of Yaḥyā bin Mālik (no. 4406) was narrated from Nāfi‘ from Ibn ‘Umar, from the Prophet ﷺ, except that some of them

[٤٤٠٧] (...) وَحَدَّثَنَا قَتَنِيَّةً [بْنِ سَعِيدٍ] وَابْنَ رُونَاحٍ عَنِ الْلَّيْثِ بْنِ سَعِيدٍ؛ وَحَدَّثَنَا رُهَيْبُ بْنُ حَزَبٍ وَابْنُ الْمُنْتَنِيَّ

said: ‘Its value,’ and some of them said: “Its price was three Dirham.”

فَالَا : حَدَّثَنَا يَحْيَى وَهُوَ الْقَطَانُ؛ وَحَدَّثَنَا ابْنُ شَيْبَرٍ : حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، كُلُّهُمْ عَنْ عَبْدِ اللَّهِ؛ وَحَدَّثَنِي رُهْبَرٌ [بْنُ حَرْبٍ] : حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ عُلَيَّةَ؛ وَحَدَّثَنَا أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا : حَدَّثَنَا حَمَادٌ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ : حَدَّثَنَا عَبْدُ الرَّزَاقِ : أَخْبَرَنَا سُفْيَانُ عَنْ أَيُوبَ السَّخْنَيَانِيِّ وَأَيُوبَ بْنِ مُوسَى وَإِسْمَاعِيلَ ابْنِ أُمَيَّةَ، وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيِّ : أَخْبَرَنَا أَبُو نُعَيْمٍ : حَدَّثَنَا سُفْيَانُ عَنْ أَيُوبَ وَإِسْمَاعِيلَ بْنِ أُمَيَّةَ، وَعَبْدِ اللَّهِ وَمُوسَى بْنِ عُقْبَةَ؛ وَحَدَّثَنَا [مُحَمَّدٌ] بْنُ رَافِعٍ : أَخْبَرَنَا عَبْدُ الرَّزَاقِ : أَخْبَرَنَا ابْنَ جُرَيْجِ : أَخْبَرَنِي إِسْمَاعِيلُ بْنُ أُمَيَّةَ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ : أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ حَضْلَةَ ابْنِ أَبِي سُفْيَانَ الْجُمَاحِيِّ، وَعَبْدِ اللَّهِ بْنِ عُمَرَ، وَمَالِكِ بْنِ أَنَسٍ وَأَسَامَةَ بْنِ زَيْدٍ الْلَّيْثِيِّ، كُلُّهُمْ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنْ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ يَحْمَى عَنْ مَالِكٍ، غَيْرَ أَنَّ بَعْضَهُمْ قَالَ : قِيمَتُهُ، وَبَعْضُهُمْ قَالَ : نَمْ ثَلَاثَةُ دَرَاهِمَ .

[4408] 7 - (1687) It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said:

7-[٤٤٠٨] حَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْبَةَ وَأَبُو كَرِيْبٍ قَالَا : حَدَّثَنَا أَبُو

'May Allâh curse the thief, for he steals an egg and his hand is cut off, or he steals a rope and his hand is cut off.'

مُعاوِيَةَ عَنْ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ
أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَعْنَ
اللَّهِ السَّارِقِ، يَسْرِقُ الْبَيْضَةَ فَتَقْطَعُ يَدُهُ،
وَيَسْرِقُ الْحَبْلَ فَتَقْطَعُ يَدُهُ».

[4409] (...) A similar report (as no. 4408) was narrated from Al-A'mash with this chain, except that he said: "If he steals a rope, if he steals an egg."

[٤٤٠٩] (...) وَحَدَّثَنَا عَمْرُو النَّاقِدُ
وَإِسْحَاقُ ابْنُ إِبْرَاهِيمَ وَعَلَيُّ بْنُ خَشْرَمَ،
كُلُّهُمْ عَنْ عَبْيَسَى بْنِ يُونُسَ، عَنْ الْأَعْمَشِ
بِهَذَا الْإِسْنَادِ مُثْلَهُ، غَيْرَ أَنَّهُ يَقُولُ: «إِنْ
سَرَقَ حَبْلًا، وَإِنْ سَرَقَ بَيْضَةً».

(المعجم ٢) - (باب قطع السارق
الشريف وغيره، والنهي عن الشفاعة
في الحدود) (التحفة ١٣)

Chapter 2. Cutting off the hand of a thief from the nobility and others; the prohibition Of interceding with regard to *Hudûd* punishments

[4410] 8 - (1688) It was narrated from 'Aishah that Quraish were concerned about the case of the Makhzûmî woman who had stolen. They said: "Who will speak to the Messenger of Allâh ﷺ concerning her?" Then they said: "Who would dare to do that but Usâmah, the beloved of the Messenger of Allâh ﷺ?" So Usâmah spoke to him, and the Messenger of Allâh ﷺ said: "Are you interceding about one of the *Hadd* punishments of Allâh?" Then he stood up and delivered a speech in which he said: "O people, those who came before you were doomed because if a nobleman among them stole, they let him off, but if a lowly

[٤٤١٠] ٨-(١٦٨٨) حَدَّثَنَا قُبَيْلَةُ [بْنُ سَعِيدٍ]: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُومْجٍ: أَخْبَرَنَا الْلَّيْثُ عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّ قُرِيشًا أَهْمَمُهُمْ شَاءُونَ الْمَرْأَةَ الْمَخْزُومِيَّةَ الَّتِي سَرَقَتْ، فَقَالُوا:
مَنْ يُكَلِّمُ فِيهَا رَسُولَ اللَّهِ ﷺ؟ فَقَالُوا:
وَمَنْ يَجْتَرِيُ عَلَيْهِ إِلَّا أُسَامَةُ، جِبْ
رَسُولُ اللَّهِ ﷺ؟ فَكَلَمَهُ أُسَامَةُ، فَقَالَ
رَسُولُ اللَّهِ ﷺ: «أَتَشْفَعُ فِي حَدِّ مَنْ
حُدُودُ اللَّهِ؟»، ثُمَّ قَامَ فَأَخْتَطَبَ فَقَالَ:
«أَيُّهَا النَّاسُ! إِنَّمَا أَهْلَكَ الَّذِينَ قَبْلَكُمْ،
أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ

person stole, they carried out the punishment on him. By Allāh, if Fātimah the daughter of Muhammad were to steal, I would cut off her hand.”

تَرَكُوهُ، وَإِذَا سَرَقَ فِيهِمُ الْضَّعِيفُ أَفَأَمُوا
عَلَيْهِ الْحَدَّ، وَإِيمُ اللَّهِ! لَوْ أَنَّ فَاطِمَةَ بِنْتَ
مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا». .

وَفِي حَدِيثِ ابْنِ رُمْحٍ: «إِنَّمَا هَلَكَ
الَّذِينَ مِنْ قَبْلِكُمْ».

[4411] 9 - (...) It was narrated from ‘Aishah, the wife of the Prophet ﷺ, that Quraish were concerned about the case of the woman who had stolen, at the time of the Messenger of Allāh ﷺ, during the conquest of Makkah. They said: “Who will speak to the Messenger of Allāh ﷺ concerning her?” Then they said: “No one would dare to do that but Usāmah bin Zaid, the beloved of the Messenger of Allāh ﷺ.” She was brought to the Messenger of Allāh ﷺ, and Usāmah bin Zaid spoke concerning her. The color of the face of the Messenger of Allāh ﷺ changed, and he said: “Are you interceding concerning one of the *Hadd* punishments of Allāh?” Usāmah said to him: Pray for forgiveness for me, O Messenger of Allāh! When evening came, the Messenger of Allāh ﷺ stood up and delivered a speech. He praised Allāh as He deserves to be praised, then he said: “Those who came before you were doomed because, if a nobleman among them stole, they

٩ [٤٤١١] - (...) وَحدَّنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَى - وَاللَّفْظُ
لِحَرْمَلَةِ - قَالَ: أَخْبَرَنَا ابْنُ شَهَابَ
أَخْبَرَنِي يُونُسُ بْنُ يَزِيدَ عَنْ ابْنِ شَهَابَ
قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيرٍ عَنْ عَائِشَةَ
زَوْجِ النَّبِيِّ ﷺ: أَنَّ قُرْيَاشًا أَهْمَمُهُمْ شَانُ
الْمَرْأَةَ الَّتِي سَرَقَتْ، فِي عَهْدِ رَسُولِ
اللهِ ﷺ، فِي غَزْوَةِ الْفَتْحِ، فَقَالُوا: مَنْ
يُكَلِّمُ فِيهَا رَسُولَ اللهِ ﷺ؟ فَقَالُوا: وَمَنْ
يَجْتَرِي إِلَيْهِ إِلَّا أَسَامَةُ بْنُ زَيْدٍ، جُبَّ
رَسُولُ اللهِ ﷺ؟ فَأَتَيَ بِهَا رَسُولُ اللهِ ﷺ،
فَكَلَمَ فِيهَا أَسَامَةُ بْنُ زَيْدٍ، فَتَلَوَّنَ وَجْهُ
رَسُولِ اللهِ ﷺ، فَقَالَ: «أَتَشْفَعُ فِي حَدَّ
مِنْ حُدُودِ اللهِ؟» فَقَالَ [لَهُ] أَسَامَةُ:
اسْتَغْفِرُ لِي يَا رَسُولَ اللهِ! فَلَمَّا كَانَ
الْعَشِيُّ، قَامَ رَسُولُ اللهِ ﷺ فَأَخْتَطَبَ،
فَأَنْتَنِي عَلَى اللهِ بِمَا هُوَ أَهْلُهُ، ثُمَّ قَالَ:
«أَمَّا بَعْدُ، فَإِنَّمَا أَهْلَكَ الدِّينَ مِنْ قَبْلِكُمْ،
أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ،

would let him off, but if a lowly person stole, they would carry out the *Hadd* punishment on him. By the One in Whose Hand is my soul, if Fâtimah the daughter of Muhammad were to steal, I would cut off her hand.” Then he ordered that the hand of that woman who had stolen be cut off.

Yûnus said: Ibn Shihâb said: ‘Urwah said: ‘Âishah said: “She repented properly after that, and got married, and after that she used to come and speak to me, and I would convey what she said to the Messenger of Allâh ﷺ.”

[4412] 10 - (...) It was narrated that ‘Âishah said: “A Makhzûmî woman used to borrow things and then deny it. The Prophet ﷺ ordered that her hand be cut off, and her family came to Usâmah bin Zaid and spoke to him, and he spoke to the Messenger of Allâh ﷺ about her...” then he (the sub-narrator) mentioned a *Hadîth* like that of Al-Laith and Yûnus (no. 4411).

[4413] 11 - (1689) It was narrated from Jûbair that a woman from Banû Makhzûm stole, and she was brought to the Prophet ﷺ. She sought refuge with Umm Salamah, the wife of the Prophet ﷺ, but the Prophet ﷺ said: “If Fâtimah were to steal I would cut off her hand.” And her hand was cut off.

تَرْكُوهُ، وَإِذَا سَرَقَ فِيهِمُ الْضَّعِيفُ، أَفَأَمُوا
عَلَيْهِ الْحَدَّ، وَإِنِّي، وَالَّذِي نَفْسِي بِيَدِهِ! لَوْ
أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقْطَعْتُ
يَدَهَا» ثُمَّ أَمَرَ بِتِلْكَ الْمَرْأَةِ الَّتِي سَرَقَتْ
فَقُطِعَتْ يَدُهَا.

فَالْيُونُسُ: قَالَ ابْنُ شِهَابٍ: قَالَ
عُرْوَةُ: قَالَتْ عَائِشَةُ: فَحَسِنَتْ تَوْبَتْهَا
بَعْدُ، وَنَزَّوَجَتْ، وَكَانَتْ تَأْتِي بَعْدَ ذَلِكَ،
فَأَرْفَعَ حَاجَتَهَا إِلَى رَسُولِ اللَّهِ ﷺ.

[4412] 10 - (...) وَحدَثَنَا عَبْدُ
ابْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا
مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ
عَائِشَةَ قَالَتْ: كَانَتْ امْرَأَةً مَحْزُومَيَّةً
تَسْتَعِيرُ الْمَتَاعَ وَتَجْحَدُهُ، فَأَمَرَ النَّبِيُّ ﷺ
بِقْطَعِ يَدِهَا، فَأَتَى أَهْلُهَا أُسَامَةً [بْنَ زَيْدَ]
فَكَلَمَ رَسُولَ اللَّهِ ﷺ فِيهَا، ثُمَّ
دَكَرَ تَعْوِيْحَ حَدِيثِ النَّبِيِّ وَيُونُسَ.

[4413] 11 - (1689) وَحدَثَنَا
سَلَمَةُ بْنُ شَيْبٍ: حَدَثَنَا الْحَسَنُ بْنُ
أَعْيَنٍ: حَدَثَنَا مَعْقِلٌ عَنْ أَبِي الزُّبَirِ، عَنْ
جَابِرٍ، أَنَّ امْرَأَةً مِنْ بَنِي مَحْزُومٍ سَرَقَتْ،
فَأَتَتِيَ بِهَا النَّبِيُّ ﷺ، فَعَادَتْ يَوْمًا سَلَمَةَ
رَوْجَ النَّبِيِّ ﷺ، فَقَالَ النَّبِيُّ ﷺ: «لَوْ
كَانَتْ فَاطِمَةَ لَقْطَعْتُ يَدَهَا» فَقُطِعَتْ.

Chapter 3. The *Hadd* punishment for *Zinâ* (fornication, adultery)

[4414] 12 - (1690) It was narrated that ‘Ubâdah bin As-Şâmit said: “Learn from me, learn from me, learn from me (the *Hadd* punishment for *Zinâ*). Allâh has ordained a way for them. For an unmarried person with an unmarried person, one hundred lashes and exile for one year. For a married person with a married person, one hundred lashes and stoning.”

[4415] (...) Mansûr narrated a similar report (as no. 4414) with this chain.

[4416] 13 - (...) It was narrated that ‘Ubâdah bin As-Şâmit said: “When the Revelation came upon him, the Prophet ﷺ would feel some distress because of that, and his face would change color. It came to him one day, and he felt that distress, then when it was over, he said: ‘Learn from me (the *Hadd* punishment for *Zinâ*). Allâh has ordained a way for them, for a married person with a married person and for an unmarried person with an unmarried person. For a married person, one hundred lashes then

(المعجم ٣) - (باب حد الزنى)

(التحفة ١٤)

[٤٤١٤] ١٢ - (١٦٩٠) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا هُشَيْمُ عَنْ مَنْصُورٍ، عَنْ الْحَسَنِ، عَنْ حِطَّانَ بْنِ عَبْدِ اللَّهِ الرَّقَاشِيِّ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «خُذُوا عَنِي، خُذُوا عَنِي، خُذُوا عَنِي، فَقَدْ جَعَلَ اللَّهُ لَهُنَّ سِيَّلًا، الْبِكْرُ بِالْبِكْرِ جَلْدٌ مِائَةٌ وَنَفْقَهُ سَيْتَةٌ، وَالثَّيْبُ بِالثَّيْبِ، جَلْدٌ مِائَةٌ وَالرَّجْمُ».

[٤٤١٥] (...) وَحَدَّثَنَا عَمْرُو التَّافِدُ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا مَنْصُورٌ بِهِنْدَاءِ الْإِسْنَادِ، وَثِلْهُ.

[٤٤١٦] ١٣ - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُنْتَهَى وَابْنُ بَشَارٍ، جَمِيعًا عَنْ عَبْدِ الْأَعْلَى، قَالَ ابْنُ الْمُنْتَهَى: حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا سَعِيدُ عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ حِطَّانَ بْنِ عَبْدِ اللَّهِ [الرَّقَاشِيِّ]، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: كَانَ النَّبِيُّ ﷺ إِذَا أُنْزِلَ عَلَيْهِ الْوَحْيُ كُرِبَ لِذَلِكَ وَتَرَدَّ لَهُ وَجْهُهُ، قَالَ: فَأُنْزِلَ عَلَيْهِ ذَاتَ يَوْمٍ، فَلَقِيَ كَذَلِكَ، فَلَمَّا سُرِّيَ عَنْهُ قَالَ: «خُذُوا عَنِي، فَقَدْ جَعَلَ اللَّهُ لَهُنَّ

stoning, and for an unmarried person, one hundred lashes then exile for one year.””

سَيِّلَا، الَّتِيْبُ بِالشَّيْبِ وَالْبَكْرُ بِالْبَكْرِ،
الشَّيْبُ جَلْدٌ مِائَةً، ثُمَّ رَجْمًا بِالْحِجَارَةِ،
وَالْبَكْرُ جَلْدٌ مِائَةً ثُمَّ نَفْيُ سَنَةً.

[4417] 14 - (...) It was narrated from Qatādah with this chain (a *Hadīth* similar to no. 4416), except that in their (the sub-narrators) *Hadīth* it says: “An unmarried person should be whipped then exiled, and a married person should be whipped then stoned” and they did not mention (exile for) one year or one hundred (lashes).

[٤٤١٧] ١٤ - (...) وَحَدَّثَنَا مُحَمَّدُ
ابْنُ الْمُسْنَى وَابْنُ بَشَّارَ قَالًا : حَدَّثَنَا مُحَمَّدُ
ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعبَةُ؛ وَحَدَّثَنَا مُحَمَّدُ
بْنُ بَشَّارٍ: حَدَّثَنَا مُعاذُ بْنُ هَشَّامٍ: حَدَّثَنِي
أَبِي، كِلَّا هُمَا عَنْ فَتَادَةٍ بِهَذَا الْإِسْنَادِ،
غَيْرَ أَنَّ فِي حَدِيثِهِمَا: «الْبَكْرُ يُجلَدُ
وَيُنَفَّى، وَالشَّيْبُ يُجلَدُ وَيُرَجَّمُ» وَلَا
يَذُكُّرَانِ: سَنَةٌ وَلَا مِائَةً.

(المعجم ٤) - (بابُ رجم الشَّيْبِ في
الزِّنِي) (التحفة ١٥)

Chapter 4. Stoning of a married person for *Zinā*

[4418] 15 - (1691) It was narrated that ‘Abdullâh bin ‘Abbâs said: “‘Umar bin Al-Khaṭṭâb said, when he was sitting on the *Minbar* of the Messenger of Allâh ﷺ: Allâh sent Muhammad ﷺ with the truth, and He revealed the Book to him. One of the things that Allâh revealed to him was the Verse of stoning. We recited it, memorized it and understood it, The Messenger of Allâh ﷺ stoned (adulterers) and we stoned them after him. But I am afraid that with the passage of time, people will say, we do not find (the Verse of) stoning in the Book of Allâh, so they will go astray and forsake an

[٤٤١٨] ١٥ - (١٦٩١) حَدَّثَنِي أَبُو
الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَى قَالًا : حَدَّثَنَا
ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ
شَهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ ابْنُ عَبْدِ
اللَّهِ بْنُ عَتْبَةَ أَنَّهُ سَمِعَ عَبْدَ اللَّهِ بْنَ عَبَاسَ
يَقُولُ: قَالَ عُمَرُ بْنُ الْحَطَّابِ، وَهُوَ
جَالِسٌ عَلَى مِنْبَرِ رَسُولِ اللَّهِ ﷺ: إِنَّ اللَّهَ
[فَدَ] بَعَثَ مُحَمَّدًا ﷺ بِالْحَقِّ، وَأَنْزَلَ
عَلَيْهِ الْكِتَابَ، فَكَانَ مِمَّا أَنْزَلَ اللَّهُ عَلَيْهِ:
آيَةُ الرَّاجُمِ، قَرَأْنَاهَا وَوَعَيْنَاهَا وَعَقَلْنَاهَا،
فَرَجَمَ رَسُولُ اللَّهِ ﷺ وَرَجَمْنَا بَعْدَهُ،

obligation that Allâh revealed. Stoning (is mentioned) in the Book of Allâh as a duty which much be carried out on those who commit *Zinâ* if they are married, men and women alike, if proof is established or if there is pregnancy or a confession.”

فَأَخْسَى إِنْ طَالَ بِالنَّاسِ زَمَانٌ، أَنْ يَقُولَ
فَإِلَيْنَا: مَا نَجِدُ الرَّاجِمَ فِي كِتَابِ اللهِ
تَعَالَى، فَيُضْلِلُوا بِتَرْكِ فَرِيضَةِ أَنْزَلَهَا اللهُ،
وَإِنَّ الرَّاجِمَ فِي كِتَابِ اللهِ حَقٌّ عَلَى مَنْ
زَنَى إِذَا أَحْصَنَ، مِنَ الرِّجَالِ وَالنِّسَاءِ،
إِذَا قَامَتِ الْبَيْسَةُ، أَوْ كَانَ الْحَبْلُ أَوِ
الْأَغْرِيفُ.

[4419] (...) It was narrated from Az-Zuhri (a *Hadîth* similar to no. 4418) with this chain.

[٤٤١٩] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ
أَبِي شَيْبَةَ وَرَهْبَنْرِ بْنُ حَرْبٍ وَابْنُ أَبِي
عُمَرَ، قَالُوا: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ
بِهَذَا إِلَى إِسْنَادٍ.

Chapter 5. One who confesses to *Zinâ*

(المعجم ٥) - (بابُ من اعترف على
نفسه بالزنى) (التحفة ١٦)

[4420] 16 - (...) It was narrated that Abû Hurairah said: “A Muslim man came to the Messenger of Allâh ﷺ when he was in the *Masjid* and called out to him, saying: O Messenger of Allâh, I have committed *Zinâ*. He turned away from him, so he came around to face him and said to him: O Messenger of Allâh, I have committed *Zinâ*. He turned away from him, until he had repeated that four times. When he had testified against himself four times, the Messenger of Allâh ﷺ called him and said: ‘Are you insane?’ He said: No. He said: ‘Are you married?’ He said: Yes.

[٤٤٢٠] ١٦ - (...) وَحَدَّثَنِي عَبْدُ
الْمُلِكِ بْنُ شُعَيْبِ بْنِ الْلَّيْثِ بْنِ سَعْدٍ:
حَدَّثَنِي أَبِي عَنْ جَدِّي قَالَ: حَدَّثَنِي عُقْيَلٌ
عَنِ ابْنِ شَهَابٍ، عَنْ أَبِي سَلْمَةَ بْنِ عَبْدِ
الرَّحْمَنِ بْنِ عَوْفٍ وَسَعِيدِ بْنِ الْمُسَيَّبِ،
عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: أَتَى رَجُلٌ مِنَ
الْمُسْلِمِينَ رَسُولَ اللهِ ﷺ وَهُوَ فِي
الْمَسْجِدِ، فَنَادَاهُ، فَقَالَ: يَا رَسُولَ اللهِ!
إِنِّي زَنَيْتُ، فَأَعْرَضْ عَنْهُ، فَتَنَحَّى تَلْقاءَ
وَجْهِهِ، فَقَالَ لَهُ: يَا رَسُولَ اللهِ! إِنِّي
زَنَيْتُ، فَأَعْرَضْ عَنْهُ حَتَّى تَذَكَّرَ عَلَيْهِ

The Messenger of Allāh ﷺ said: 'Take him and stone him.'"

Ibn Shihāb said: "Someone told me that he heard Jābir bin ‘Abdullāh say: I was one of those who stoned him. We stoned him in the prayer place, and when the stones hurt him he ran away. We caught up with him in the Harrah and we stoned him."

[4421] (...) A similar report (as no. 4420) was narrated from Ibn Shihāb.

[4422] (...) Ibn Shihāb said: "Someone told me that he heard Jābir bin ‘Abdullāh say..." a report like that mentioned by Uqail (no. 4420).

[4423] (...) It was narrated from Jābir bin ‘Abdullāh from the Prophet ﷺ - a report like that of Uqail from Az-Zuhri, from Sa‘eed, from Abū Salamah, from Abū Hurairah (no. 4420).

أَرْبَعَ مَوَاتٍ، فَلَمَّا شَهَدَ عَلَى نَفْسِهِ أَرْبَعَ شَهَادَاتٍ، دَعَاهُ رَسُولُ اللَّهِ ﷺ، فَقَالَ: «أَبِكَ جُنُونٌ؟» قَالَ: لَا، قَالَ: «فَهَلْ أَحْصَنْتَ؟» قَالَ: نَعَمْ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «اذْهَبُوا إِلَيْهِ فَارْجُمُوهُ».

قَالَ ابْنُ شِهَابٍ: فَأَخْبَرَنِي مَنْ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: فَكُنْتُ فِيمَنْ رَجَمْهُ، فَرَجَمْنَاهُ بِالْمُصَلَّى فَلَمَّا أَذْلَقْنَاهُ الْحِجَارَةُ هَرَبَ، فَأَدْرَكْنَاهُ بِالْحَرَّةِ فَرَجَمْنَاهُ.

[4421] (...) قَالَ مُسْلِمٌ: وَرَوَاهُ الْلَّيْثُ أَيْضًا، عَنْ عَبْدِ الرَّحْمَنِ ابْنِ خَالِدٍ ابْنِ مُسَافِرٍ، عَنْ ابْنِ شِهَابٍ بِهَذَا الإِسْنَادِ مِثْلُهُ.

[4422] (...) وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيُّ: حَدَّثَنَا أَبُو الْيَمَانَ: أَخْبَرَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ بِهَذَا الإِسْنَادِ أَيْضًا، وَفِي حَدِيثِهِمَا جَمِيعًا: قَالَ ابْنُ شِهَابٍ: أَخْبَرَنِي مَنْ سَمِعَ جَابِرَ ابْنَ عَبْدِ اللَّهِ، كَمَا ذَكَرَ عَقْنِيلُ.

[4423] (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ ابْنُ يَحْيَى قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُوْسُفُ؛ وَحَدَّثَنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرُ

وَابْنُ جَرَيْجَ، كُلُّهُمْ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ، نَحْوَ رِوَايَةِ عَقِيلٍ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ.

[4424] 17 - (1692) حَدَّثَنَا أَبُو كَامِلٍ فُضِيلُ بْنُ حُسَيْنِ الْجَحدَرِيِّ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ جَابِرِ بْنِ سَمْرَةَ قَالَ: رَأَيْتُ مَاعِزَ بْنَ مَالِكَ حِينَ حِيَءَ يَهُ إِلَى النَّبِيِّ ﷺ، رَجُلًا قَصِيرًا أَغْصَلُ، لَيْسَ عَلَيْهِ رِداءً، فَشَهَدَ عَلَى تَفْسِيهِ أَزْبَعَ مَرَاتِي أَنَّهُ زَنَى، فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَلَعْلَكَ؟» قَالَ: لَا، وَاللَّهِ! إِنَّهُ قَدْ زَنَى الْآخِرُ، قَالَ: فَرَجَمَهُ ثُمَّ خَطَبَ فَقَالَ: «أَلَا كُلُّمَا نَفَرْنَا [غَازِينَ] فِي سَبِيلِ اللَّهِ، خَلَفَ أَحَدُهُمْ لَهُ نِيَّتُ كَنِيبِ الْئِيْسِ، يَمْنَحُ أَحَدُهُمُ الْكُبْثَةَ، أَمَا وَاللَّهِ إِنْ يُمْكِنُنِي مِنْ أَحَدِهِمْ لَا نَكْلَهُ عَنْهُ».

[4425] 18 - (...). وَحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُشَنَّى وَابْنُ بَشَارٍ - وَاللَّفْظُ لِابْنِ الْمُنْتَنَى - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعبَةُ عَنْ سِمَاكِ بْنِ حَرْبٍ قَالَ: سَمِعْتُ جَابِرَ بْنَ سَمْرَةَ قَالَ: أَتَيَ رَسُولُ اللَّهِ ﷺ بِرَجُلٍ قَصِيرٍ أَشْعَثَ، ذِي

[4424] 17 - (1692) It was narrated that Jâbir bin Samurah said: "I saw Mâ'iz bin Mâlik when he was brought to the Prophet ﷺ, a short, well built man who was not wearing a *Ridâ'* (upper garment). He testified against himself four times, saying that he had committed *Zinâ*, and the Messenger of Allâh ﷺ said: 'Perhaps you (kissed her or embraced her)?' He said: 'No, by Allâh, this ignoble one has committed *Zinâ*.' So he stoned him, then he gave a speech in which he said: 'Every time we set out on a campaign for the sake of Allâh, one of them stayed behind and bleated like a male goat, and gave a small amount of milk or food (in return for sexual favors). By Allâh, if I get hold of one of them I will certainly make an example of him.'"

[4425] 18 - (...) Jâbir bin Samurah said: "A short man, muscular, with unkempt hair who was wearing an *Izâr* (lower garment) and who had committed *Zinâ* was brought to the Messenger of Allâh ﷺ. He turned him away twice, then he ordered that he be stoned. The Messenger of Allâh

ﷺ said: 'Every time we went out on a campaign for the sake of Allāh, one of you stayed behind and bleated like a male goat, and gave a small amount of milk or food (in return for sexual favors). If Allāh enables me to get hold of one of them, I will make an example of him.'"

He (the narrator) said: I narrated it to Sa'eed bin Jubair and he said: He turned him away four times.

[4426] (...) A *Hadīth* like that of Ibn Ja'far (no. 4425) was narrated from Jābir bin Samurah from the Prophet ﷺ. Shabābāh agreed with his saying: he turned him away twice. "In the *Hadīth* of Abū 'Amir it says: "He (ﷺ) turned him away two or three times."

[4427] 19 - (1693) It was narrated from Ibn 'Abbās that the Prophet ﷺ said to Mā'iz bin Mālik: "Is it true what I have heard about you?" He said: "What have you heard about me?" He said: "I heard that you committed *Zinā* with the slave woman of the family of so-and-so." He said: "Yes." He (the narrator) said: "He testified to that four times, then he (ﷺ) ordered that he be stoned."

عَصَلَاتٍ، عَلَيْهِ إِزَارٌ، وَقَدْ زَنَى، فَرَدَهُ مَرَّتَينِ، ثُمَّ أَمَرَ بِهِ فُرُجَمَ، فَقَالَ رَسُولُ اللهِ ﷺ: «كُلَّمَا نَفَرْنَا غَازِينَ فِي سَبِيلِ اللَّهِ، تَخَلَّفَ أَحَدُكُمْ يَبْثُبْ نَبِيبَ التَّيْسِ، يَمْنَعُ إِحْدَاهُنَّ الْكُتُبَةَ، إِنَّ اللَّهَ لَا يُمْكِنُنِي مِنْ أَحَدٍ مِنْهُمْ إِلَّا جَعَلْنَاهُ نَكَالًا - أَوْ نَكَلُتُهُ -». قَالَ: فَحَدَّثَنَا سَعِيدَ بْنَ جُبَيرٍ فَقَالَ: إِنَّهُ رَدَهُ أَرْبَعَ مَرَّاتٍ.

[4426] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا شَبَابَةُ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا أَبُو عَامِرٍ الْعَقْدِيُّ، كِلَاهُمَا عَنْ شُعْبَةَ، عَنْ سِمَاكٍ، عَنْ جَابِرٍ بْنِ سَمْرَةَ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ ابْنِ حَقْرِيِّ، وَوَافَقَهُ شَبَابَةُ عَلَى قَوْلِهِ: فَرَدَهُ مَرَّتَينِ، وَفِي حَدِيثِ أَبِي عَامِرٍ: فَرَدَهُ مَرَّتَينِ أَوْ ثَلَاثَةً.

[4427] ۱۹ - (۱۶۹۳) وَحَدَّثَنَا قُتَيْبَةَ ابْنُ سَعِيدٍ وَأَبُو كَامِلِ الْجَحدَرِيِّ - وَاللَّفْظُ لِقُتَيْبَةَ - قَالَا: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ سِمَاكٍ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ ابْنِ عَبَّاسٍ؛ أَنَّ النَّبِيَّ ﷺ قَالَ لِمَاعِزَ بْنِ مَالِكٍ: «أَحَقُّ مَا بَلَغَنِي عَنْكَ؟» قَالَ: وَمَا بَلَغَكَ عَنِّي؟ قَالَ: «بَلَغَنِي أَنَّكَ وَقَعْتَ بِجَارِيَةِ آلِ فُلَانِ» قَالَ: نَعَمْ، قَالَ: فَشَهَدْ أَرْبَعَ شَهَادَاتٍ، ثُمَّ أَمَرَ بِهِ فُرُجَمَ .

[4428] 20 - (1694) It was narrated from Abû Sa'eed that a man from Aslam who was called Mâ'iz bin Mâlik came to the Messenger of Allâh ﷺ and said: "I have committed an immoral deed, carry out (the punishment) on me." The Prophet ﷺ turned him away (from him) several times, then he asked his people about him, and they said: "We do not know of anything wrong with him, except that he has done something, and we think that he feels there is no way out except having the *Hadd* punishment carried out on him." He went back to the Messenger of Allâh ﷺ, and he commanded us to stone him. We took him to Baqî' Al-Gharqad, and we did not tie him up or dig a pit for him. We threw bones, clods of earth and pebbles at him, and he ran away, so we ran after him, until he reached the stony ground of the Harrah. He stopped there for us, and we threw the heavy stones of the Harrah at him until he stopped moving. Then the Messenger of Allâh ﷺ stood up and delivered a speech in the evening and said: "Every time we went out on a campaign for the sake of Allâh, a man would stay behind amongst our families and bleat like a male goat. It is my duty, if a man who has done that is brought to me, to make an example of him." And he (ﷺ) did not pray for forgiveness for him or curse him.

[٤٤٢٨]-٢٠ [١٦٩٤] وَحَدَّنِي
 مُحَمَّدُ بْنُ الْمُنْتَهَىٰ: حَدَّنِي عَبْدُ الْأَعْلَىٰ:
 حَدَّنَا دَاؤُدٌ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي
 سَعِيدٍ: أَنَّ رَجُلًا مِنْ أَسْلَمَ يُقَالُ لَهُ:
 مَا عَزَّ بْنُ مَالِكٍ، أَتَى رَسُولَ اللَّهِ ﷺ،
 فَقَالَ: إِنِّي أَصْبَثُ فَاحِشَةً، فَأَقْمِمُهُ عَلَيَّ،
 فَرَدَهُ النَّبِيُّ ﷺ مِرَارًا، قَالَ: ثُمَّ سَأَلَ
 قَوْمُهُ؟ فَقَالُوا: مَا نَعْلَمُ بِهِ بِأَسَا، إِلَّا أَنَّهُ
 أَصَابَ شَيْئًا، تَرَى أَنَّهُ لَا يُخْرِجُهُ مِنْهُ إِلَّا
 أَنْ يُقَامَ فِيهِ الْحَدُّ، قَالَ: فَرَجَعَ إِلَى
 رَسُولِ اللَّهِ ﷺ، فَأَمْرَنَا أَنْ تَرْجِمَهُ، قَالَ:
 فَانْطَلَقْنَا بِهِ إِلَى بَقِيعِ الْغَرْقَدِ، قَالَ: فَمَا
 أَوْتَقْنَاهُ وَلَا حَفَرْنَا لَهُ، قَالَ: فَرَمَيْنَاهُ
 بِالْعِظَامِ وَالْمَدِّ وَالْخَرَفِ، قَالَ: فَاسْتَدَّ
 وَاسْتَدَدَ خَلْفَهُ، حَتَّى أَتَى عُرْضَ الْحَرَّةِ،
 فَانْتَصَبَ لَنَا، فَرَمَيْنَاهُ بِجَلَامِيدِ الْحَرَّةِ يَعْنِي
 الْحِجَارَةِ، حَتَّى سَكَّ، قَالَ: ثُمَّ قَامَ
 رَسُولُ اللَّهِ ﷺ خَطِيبًا مِنَ الْعُشَيْرِيِّ قَالَ:
 «أَوْ كُلُّمَا انْطَلَقْنَا غُزَّةً فِي سَبِيلِ اللَّهِ
 تَخَلَّفَ رَجُلٌ فِي عِيَالِنَا، لَهُ نَبِيبٌ كَبِيبٌ
 التَّسِيسِ، عَلَيَّ أَنْ لَا أَوْتَى بِرَجُلٍ فَعَلَ ذَلِكَ
 إِلَّا نَكَلْتُ بِهِ»، قَالَ: فَمَا اسْتَغْفَرَ لَهُ وَلَا
 سَبَبَهُ.

[4429] 21 - (...) Dâwûd narrated a similar report (as no. 4428) with this chain, and he said in the *Hadîth*: "The Prophet ﷺ stood up in the afternoon and praised and glorified Allâh, then he said: 'What is the matter with people who, when we go out on a campaign, one of them stays behind and bleats like a male goat?' and he did not say: 'Who stays behind amongst our families.'"

[4430] (...) Part of this *Hadîth* was narrated from Dâwûd (as *Hadîth* no. 4429) with this chain, except that in the *Hadîth* of Sufyân (a sub-narrator) it says: "He confessed to *Zinâ* three times."

[4431] 22 - (1695) It was narrated from Sulaimân bin Buraidah that his father said: "Mâ'iz bin Mâlik came to the Prophet ﷺ and said: 'O Messenger of Allâh, purify me!' He said: 'Woe to you, go back and seek forgiveness from Allâh and repent to Him.' He came back shortly after that and said: 'O Messenger of Allâh, purify me!' He said: 'Woe to you, go back and seek forgiveness from

ابن حاتم: حَدَّثَنَا بَهْرٌ: حَدَّثَنَا يَزِيدُ بْنُ رُزَيْعٍ: حَدَّثَنَا دَاوُدُ بِهَلْدَا الْإِسْنَادُ، مِثْلًا مَعْنَاهُ، وَقَالَ فِي الْحَدِيثِ: فَقَامَ النَّبِيُّ ﷺ مِنَ الْعَشِيِّ فَحَمَدَ اللَّهَ وَأَتَى عَلَيْهِ، ثُمَّ قَالَ: «أَمَّا بَعْدُ: فَمَا بَالُ أَفْوَامُ، إِذَا غَرَوْنَا، يَتَخَلَّفُ أَحَدُهُمْ عَنَّا، لَهُ نِسْبَةٌ كَنِيسِ التَّنَسِّ، وَلَمْ يَقُلْ «فِي عِيَالِنَا».

[4430] (...) وَحَدَّثَنَا سَرِيجُ بْنُ يُونُسَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّاءَ بْنُ أَبِي زَائِدَةَ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُعاوِيَةُ بْنُ هِشَامٍ: حَدَّثَنَا سُفْيَانُ، إِلَّا هُمَا، عَنْ دَاوُدِ بِهَلْدَا الْإِسْنَادِ، بَعْضَ هَذَا الْحَدِيثِ، غَيْرَ أَنَّ فِي حَدِيثِ سُفْيَانَ: فَاعْتَرَفَ بِالرَّبِّيِّ ثَلَاثَ مَرَّاتٍ.

[4431] 22 - (1695) حَدَّثَنَا مُحَمَّدُ ابْنُ الْعَلَاءِ الْهَمَدَانِيُّ: حَدَّثَنَا يَحْيَى بْنُ يَعْلَمٍ وَهُوَ ابْنُ الْحَارِثِ الْمُحَارِبِيِّ، عَنْ غَيْلَانَ وَهُوَ ابْنُ جَامِعِ الْمُحَارِبِيِّ، عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ سُلَيْمَانَ بْنِ بُرْيَدَةَ، عَنْ أَبِيهِ قَالَ: حَاءَ مَاعِزُ بْنُ مَالِكٍ إِلَى النَّبِيِّ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ! طَهَرْنِي، فَقَالَ: «وَيُحَكِّ ارْجُعْ فَاسْتَغْفِرِ اللَّهَ وَتُبْ

Allâh and repent to Him.' He came back shortly after that and said: 'O Messenger of Allâh, purify me!' The Prophet ﷺ said something similar, then when it was the fourth time the Messenger of Allâh ﷺ said to him: 'From what should I purify you?' He said: 'From *Zinâ*.' The Messenger of Allâh ﷺ asked, 'Is he insane?' and he was told that he was not insane. He said: Has he drunk wine? A man got up and smelt his breath, and he did not find any smell of wine. The Messenger of Allâh ﷺ said: 'Did you commit *Zinâ*?' He said: 'Yes.' So he ordered that he be stoned. The people were of two minds about him. Some said: 'He is doomed, he has been encompassed by his sin.' Others said: 'There is no repentance better than that of Mâ'iz; he came to the Prophet ﷺ and put his hand in his, and said: Kill me with stones.' This (controversy) carried on for two or three days, then the Messenger of Allâh ﷺ came when they were sitting. He greeted them with Salâm then sat down, and said: 'Pray for forgiveness for Mâ'iz bin Mâlik.' They said: 'May Allâh forgive Mâ'iz bin Mâlik.' The Messenger of Allâh ﷺ said: 'He has repented in such a way that if it were to be divided among a nation it would be sufficient for them.'"

إِلَيْهِ قَالَ: فَرَجَعَ غَيْرَ بَعِيدٍ، ثُمَّ جَاءَ فَقَالَ: يَا رَسُولَ اللَّهِ! طَهَرْنِي، فَقَالَ النَّبِيُّ ﷺ: «وَيَحْكَ ارْجِعْ فَاسْتَغْفِرِ اللَّهُ وَتُبِّ إِلَيْهِ» قَالَ: فَرَجَعَ غَيْرَ بَعِيدٍ، ثُمَّ جَاءَ فَقَالَ: يَا رَسُولَ اللَّهِ! طَهَرْنِي، فَقَالَ النَّبِيُّ ﷺ مِثْلَ ذَلِكَ، حَتَّى إِذَا كَانَتِ الرَّابِعَةُ فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «فِيمَا أَطْهَرْتُكَ؟» فَقَالَ: مِنَ الزَّنَنِ، فَسَأَلَ رَسُولُ اللَّهِ ﷺ: «أَيْهُمْ جُنُونُ؟» فَأَخْبَرَ أَنَّهُ لَيْسَ بِمَجْحُونٍ، فَقَالَ: «أَشَرَّبَ حَمْرًا؟» فَقَامَ رَجُلٌ فَاسْتَكْهَهُ فَلَمْ يَجِدْ مِنْهُ رِيحَ خَمْرٍ، قَالَ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَرَيْتَ؟» فَقَالَ: نَعَمْ، فَأَمَرَ بِهِ فَرِجَمَ، فَكَانَ النَّاسُ فِيهِ فِرَقَتَينِ: قَائِلٌ يَقُولُ: لَقْدْ هَلَكَ، لَقْدْ أَحَاطَتْ بِهِ حَطِيشَتُهُ، وَقَائِلٌ يَقُولُ: مَا تَوْبَةُ أَفْضَلُ مِنْ تَوْبَةِ مَاعِزٍ: أَنَّهُ جَاءَ إِلَيْهِ النَّبِيُّ ﷺ فَوَضَعَ يَدَهُ فِي يَدِهِ، ثُمَّ قَالَ: اقْتُلْنِي بِالْحِجَارَةِ، قَالَ: فَلَبِثُوا بِذَلِكَ يَوْمَيْنَ أَوْ ثَلَاثَةَ، ثُمَّ جَاءَ رَسُولُ اللَّهِ ﷺ، وَهُمْ جُلُوسٌ فَسَلَّمَ ثُمَّ جَلَسَ، فَقَالَ: «اسْتَغْفِرُوا لِمَاعِزِ بْنِ مَالِكٍ»، قَالَ: فَقَالُوا: غَفَرَ اللَّهُ لِمَاعِزِ بْنِ مَالِكٍ، قَالَ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَقْدْ تَابَ تَوْبَةً لَوْ قُسِّمَتْ بَيْنَ أُمَّةٍ لَوْسَعَتْهُمْ».

"Then a woman from Ghâmid from Al-Azd came to him and said: 'O Messenger of Allâh, purify me.' He said: 'Woe to you! Go back and seek forgiveness from Allâh and repent to Him.' She said: I think that you want to turn me away as you turned Mâ'iz away. He said: 'Why is that?' She said: "I am pregnant as a result of *Zinâ*." He said: 'You have done that?' She said: 'Yes.' He said to her: 'Not until you give birth to that which is in your womb.' A man among the *Ansâr* sponsored her until she gave birth, then he came to the Prophet ﷺ and said: 'The Ghâmîdi woman has given birth.' He said: 'We will not stone her and leave her young child with no one to breast-feed him.' A man among the *Ansâr* said: 'I will take responsibility for his breast-feeding, O Prophet of Allâh.' Then he had her stoned."

[4432] 23 - (...) 'Abdullâh bin Buraidah narrated from his father that Mâ'iz bin Mâlik Al-Aslâmî came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, I have wronged myself and committed *Zinâ*, and I want you to purify me." But he turned him away. The next day he came to him and said: "O Messenger of Allâh, I have committed *Zinâ*;" but he turned him away a second time, and the Messenger of Allâh ﷺ sent word to his

قالَ: ثُمَّ جَاءَهُ امْرَأَةٌ مِنْ غَامِدٍ مِنَ الْأَزْدِ، فَقَالَتْ: يَا رَسُولَ اللَّهِ! طَهَرْنِي، فَقَالَ: وَبِسْكِ ارْجِعِي فَاسْتَغْفِرِي اللَّهُ وَئُوبِي إِلَيْهِ، فَقَالَتْ: أَرَاكَ تُرِيدُ أَنْ تُرَدَّنِي كَمَا رَدَدْتَ مَا عَزَّ بْنَ مَالِكٍ، قَالَ: «وَمَا ذَلِكُ؟» قَالَتْ: إِنَّهَا حُبْلَى مِنَ الزَّنِي، فَقَالَ: «أَنْتِ؟» قَالَتْ: نَعَمْ، فَقَالَ لَهَا: حَتَّى تَصْعِي مَا فِي بَطْنِكِ، قَالَ: فَكَفَلَهَا رَجُلٌ مِنَ الْأَنْصَارِ حَتَّى وَضَعَثَ، قَالَ: فَاتَّى النَّبِيُّ ﷺ فَقَالَ: قَدْ وَضَعَتِ الْغَامِدِيَّةُ، فَقَالَ: إِذَا لَا تَرْجُمُهَا وَنَدِعُ وَلَدَهَا صَغِيرًا لِيُسَرِّ لَهُ مَنْ يُرِضِعُهُ» فَقَالَ رَجُلٌ مِنَ الْأَنْصَارِ فَقَالَ: إِلَيَّ رَضَاْعُهُ، يَا نَبِيَّ اللَّهِ! قَالَ: فَرَجَمَهَا.

[٤٤٣٢]-[٢٣] حَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ نُعْمَانَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعْمَانَ - وَتَقَارَبَا فِي لَفْظِ الْحَدِيثِ - : حَدَّثَنَا أَبِي: حَدَّثَنَا بُشَيْرُ بْنُ الْمَهَاجِرِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بُرِيَّةَ عَنْ أَبِيهِ: أَنَّ مَا عَزَّ بْنَ مَالِكٍ الْأَسْلَمِيَّ أَتَى رَسُولَ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي قَدْ ظَلَمْتُ نَفْسِي وَزَيَّنْتُ وَإِنِّي أُرِيدُ أَنْ تُطَهِّرْنِي، فَرَدَّهُ،

people saying: "Do you know whether there is anything wrong with his mind?" They said: "All we know is that he is of sound mind, and he is one of our righteous men as far as we can tell." He came to him (ﷺ) a third time, and he sent word to them again asking them, and they told him: "There is nothing wrong with him or his mind." When he came a fourth time, he had a pit dug for him then he ordered that he be stoned.

Then the Ghāmidī woman came and said: "O Messenger of Allāh, I have committed *Zinā*, purify me;" but he turned her away. The next day she said: "O Messenger of Allāh, why are you turning me away? Perhaps you are turning me away as you turned Mā'iz away. But by Allāh, I am pregnant." He said: "Then no (not now), go away until you give birth." When she gave birth, she brought the child to him wrapped in a cloth, and said: "Here he is, I have given birth." He said: "Go away and breastfeed him until he is weaned." When she had weaned him, she brought the boy to him, with a piece of bread in his hand and said: "Here, O Prophet of Allāh, I have weaned him, and he is eating food." He handed the boy over to one of the Muslim men, then he ordered that a pit be dug for her, up to her chest, and he

فَلَمَّا كَانَ مِنَ الْغَدْرِ أَتَاهُ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي قَدْ زَيَّتُ، فَرَدَهُ الثَّانِيَةَ، فَأَرْسَلَ رَسُولُ اللَّهِ ﷺ إِلَى قَوْمِهِ فَقَالَ: «أَتَعْلَمُونَ بِعَقْلِهِ بِأَسَا تُنْكِرُونَ مِنْهُ شَيْئًا؟» فَقَالُوا: مَا نَعْلَمُ إِلَّا وَفِي الْعُقْلِ، مِنْ صَالِحِينَا، فِيمَا نُرِيَ، فَأَتَاهُ الثَّالِثَةَ، فَأَرْسَلَ إِلَيْهِمْ أَيْضًا فَسَأَلَ عَنْهُ فَأَخْبَرُوهُ: أَنَّهُ لَا يَأْسِ بِهِ وَلَا بِعَقْلِهِ، فَلَمَّا كَانَ الرَّابِعَةَ حَفَرَ لَهُ حُمْرَةً ثُمَّ أَمْرَ بِهِ فَرْجِمَ.

قَالَ: فَجَاءَتِ الْغَامِدِيَّةُ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنِّي قَدْ زَيَّتُ فَطَهَرْنِي، وَإِنَّهُ رَدَهَا، فَلَمَّا كَانَ الْغَدْرُ قَالَتْ: يَا رَسُولَ اللَّهِ! لَمْ تَرْدُنِي؟ لَعَلَّكَ أَنْ تَرْدُنِي كَمَا رَدَدْتَ مَاعِرِزًا، فَوَاللَّهِ! إِنِّي لَحْبَلَى، قَالَ: «إِنَّمَا لَا، فَادْهُبِي حَتَّى تَلْدِي» قَالَ فَلَمَّا وَلَدَتْ أَتَتْهُ بِالصَّبِيِّ فِي خَرْفَةٍ، قَالَتْ: هَذَا قَدْ وَلَدْتُهُ، قَالَ: «ادْهُبِي فَأَرْضِعِيهِ حَتَّى تَفْطَمِيهِ»، فَلَمَّا فَطَمَتْهُ أَتَتْهُ بِالصَّبِيِّ فِي يَدِهِ كَسْرَةً خُبْزٌ فَقَالَتْ: هَذَا، يَا نَبِيَّ اللَّهِ! قَدْ فَطَمْتُهُ، وَقَدْ أَكَلَ الطَّعَامَ، فَدَفَعَ الصَّبِيِّ إِلَى رَجُلٍ مِنَ الْمُسْلِمِينَ، ثُمَّ أَمْرَ بِهَا فُحْفَرَ لَهَا إِلَى صَدْرِهَا، وَأَمْرَ النَّاسَ فَرَجَمُوهَا، فَيَقْبِلُ خَالِدُ بْنُ الْوَلِيدِ بِحَجْرٍ، فَرَمَى رَأْسَهَا، فَتَسْطَعَ الدُّمُّ عَلَى وَجْهِ

ordered the people to stone her. Khâlid bin Al-Walîd came forward with a stone, which he flung at her head. The blood spurted onto Khâlid's face and he cursed her. The Prophet of Allâh ﷺ heard him cursing her and he said: "Calm down, O Khâlid! By the One in Whose Hand is my soul, she has repented in such a manner that if the *Maks*^[1] - collector repented like that, he would be forgiven."

Then he ordered that the funeral prayer be offered for her, and she was buried.

[4433] 24 - (1696) It was narrated from 'Imrân bin Hušain that a woman from Juhainah came to the Prophet of Allâh ﷺ and she was pregnant as the result of *Zinâ*. She said: O Prophet of Allâh, I have done something that incurs a *Hadd* punishment, so carry it out on me. The Prophet of Allâh ﷺ called her guardian and said: "Treat her well, then when she has given birth, bring her to me." He did that, and the Prophet of Allâh ﷺ ordered that her clothes be tied around her, then he ordered that she be stoned. Then he offered the funeral prayer for her, and 'Umar said to him: "Will you offer the funeral prayer for her, O Prophet of Allâh, when she has committed *Zinâ*?" He said:

خَالِدٌ، فَسَبَّهَا، فَسَمِعَ نَبِيُّ اللَّهِ عَزَّلَهُ سَبَّهُ إِيَّاهَا، فَقَالَ: «مَهْلًا يَا خَالِدًا! فَوَالَّذِي نَفْسِي بِيَدِهِ! لَقَدْ تَابَتْ تَوْبَةً، لَوْ تَابَهَا صَاحِبُ مَكْسٍ لَغُفرَانَ لَهُ». ثُمَّ أَمْرَ بِهَا فَصَلَّى عَلَيْهَا وَدَفِنَتْ.

[٤٤٣٣] [٢٤-١٦٩٦] حَدَّثَنِي أَبُو عَسَانَ مَالِكَ بْنُ عَبْدِ الْوَاحِدِ الْمِسْمَعِيِّ: حَدَّثَنَا مُعاَذٌ يَعْنِي ابْنَ هِشَامَ: حَدَّثَنِي أَبِيهِ، عَنْ يَحْيَى بْنِ أَبِيهِ كَثِيرٍ: حَدَّثَنِي أَبُو قِلَّابَةَ: أَنَّ أَبَا الْمُهَلَّبِ حَدَّثَنِي، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ امْرَأَةً مِنْ جُهَيْنَةَ أَتَتْ نَبِيَّ اللَّهِ عَزَّلَهُ، وَهِيَ حُبْلَى مِنَ الزِّنَى، فَقَالَتْ: يَا نَبِيَّ اللَّهِ! أَصْبَثْ حَدًا فَأَفْعِنُهُ عَلَيَّ، فَدَعَاهُ نَبِيُّ اللَّهِ عَزَّلَهُ وَلِيَهَا، فَقَالَ: «أَحْسِنْ إِلَيْهَا، فَإِذَا وَضَعْتَ فَأُثْبِي بِهَا» فَفَعَلَ، فَأَمْرَ بِهَا نَبِيُّ اللَّهِ عَزَّلَهُ، فَشُكِّتْ عَلَيْهَا ثِيَابُهَا، ثُمَّ أَمْرَ بِهَا فَرُجِحَتْ، ثُمَّ صَلَّى عَلَيْهَا، فَقَالَ لَهُ عُمَرُ: نُصَلِّي عَلَيْهَا يَا نَبِيَّ اللَّهِ! وَقَدْ زَنَتْ؟ قَالَ:

[١] *Maks*: an unjust tax collected by the helpers of the wrongdoers when people buy and sell.

“She has repented in such a manner that if it were divided among seventy of the people of Al-Madīnah, it would be sufficient for them. Have you seen any repentance better than that of one who sacrificed herself to Allāh, Exalted is He?”

[4434] (...) Yaḥyā bin Abī Kathīr narrated a similar report (as *Hadīth* no. 4433) with this chain.

[4435] 25 - (1697/1698) It was narrated that Abū Hurairah and Zaid bin Khālid Al-Juhānī said: “A man from among the Bedouin came to the Messenger of Allāh ﷺ and said: ‘O Messenger of Allāh, I adjure you by Allāh to judge me according to the Book of Allāh.’ The second claimant - who was wiser than him - said: ‘Yes, judge between us according to the Book of Allāh, but let me speak.’ The Messenger of Allāh ﷺ said: ‘Speak.’ He said: ‘My son was employed by this man, and he committed *Zinā* with his wife. I was told that my son should be stoned, but I ransomed him for one hundred sheep and a slave girl. I asked the people of knowledge and they told me that my son should be given one hundred lashes and be exiled for one year, and that this man’s wife should be stoned.’ The Messenger of Allāh ﷺ said: ‘By the One in Whose Hand is my

لَقْد تَابَتْ تَوْبَةً لَوْ قُسِّمَتْ بَيْنَ سَبْعِينَ مِنْ أَهْلِ الْمَدِينَةِ لَوْ سَعَثُمْ، وَهَلْ وَجَدْتَ تَوْبَةً أَفْضَلَ مِنْ أَنْ جَادَتْ بِتَقْسِيسِهَا لِلَّهِ تَعَالَى؟» .

[٤٤٣٤] (...) وَحَدَّثَاهُ أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَانُ بْنُ مُسْلِمٍ: حَدَّثَنَا أَبَا أَنَّ الْعَطَّارَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَيْمٍ بِهَذَا الْإِسْنَادِ، مِثْلَهُ.

[٤٤٣٥] ٢٥ - (١٦٩٨/١٦٩٧) حَدَّثَنَا قَبَّيْةُ بْنُ سَعِيدٍ: حَدَّثَنَا أَبِي ثُوبَةَ، وَحَدَّثَنَا مُحَمَّدُ بْنُ رُفَعٍ: أَخْبَرَنَا الْلَّيْثُ عَنْ أَبْنِ شِهَابٍ، عَنْ عَبْدِ اللَّهِ أَبْنِ عَبْدِ اللَّهِ بْنِ عَتْبَةَ بْنِ مَسْعُودٍ، عَنْ أَبِي هُرَيْرَةَ وَزَيْنِدَ بْنِ خَالِدٍ الْجَهَنِيِّ أَنَّهُمَا قَالَا: إِنَّ رَجُلًا مِنَ الْأَغْرَابِ أَتَنِي رَسُولُ اللَّهِ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ! أَشْدُكَ اللَّهَ إِلَّا قَضَيْتَ لِي بِكِتَابِ اللَّهِ، فَقَالَ الْخَضْمُ الْأَخْرُ، - وَهُوَ أَفْقَهُ مِنِّي -: نَعَمْ، فَاقْضِ بَيْتَنَا بِكِتَابِ اللَّهِ، وَائْتُنِي لِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «قُلْ» قَالَ: إِنَّ أَبْنِي كَانَ عَسِيفًا عَلَى هَذَا، فَزَانِي بِأَمْرِ أَبْنِي، وَإِنِّي أُخْبِرُكُ أَنَّ عَلَى أَبْنِي الرَّجْمَ، فَاقْتَدِنِي مِنْهُ بِعِمَائِهِ شَاءَ وَوَلِيَّهُ، فَسَأَلَ أَهْلَ الْعِلْمِ فَأَخْبَرُونِي أَنَّمَا عَلَى

soul, I will judge between you according to the Book of Allâh. The slave girl and the sheep should be given back, and your son should be given one hundred lashes and exiled for one year. Tomorrow, O Unais, go to the wife of this man, and if she admits it, then stone her.'

"The next day he went to her, and she admitted it, so the Messenger of Allâh ﷺ ordered that she be stoned."

[4436] (...) A similar report (as no. 4435) was narrated from Az-Zuhri with this chain.

ابنی جَلْدٌ مِائَةٌ وَتَغْرِيبٌ عَامٌ، وَأَنَّ عَلَى امْرَأَةٍ هَذَا الرَّجْمُ، فَقَالَ رَسُولُ الله ﷺ: «وَالَّذِي نَفْسِي بِيَدِهِ! لَا قُضِيَّنَ يَسْكُمَا بِكِتابِ اللهِ، الْوَلِيدَةُ وَالْغَنْمُ رَدُّ، وَعَلَى ابْنِكَ جَلْدٌ مِائَةٌ وَتَغْرِيبٌ عَامٌ، اغْدُ، يَا أَنَيْسُ! إِلَى امْرَأَةٍ هَذَا، فَإِنْ اعْتَرَفَتْ فَارْجُمْهَا».

قال: فَعَدَّا عَلَيْهَا، فَاعْتَرَفَتْ، فَأَمَرَّ بِهَا رَسُولُ الله ﷺ، فَرَجَمَتْ.

[٤٤٣٦] (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ، قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسٌ؛ وَحَدَّثَنِي عَمْرُو النَّاقِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي، عَنْ صَالِحٍ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ عَنْ مَعْمِرٍ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِهَذَا الإِسْنَادِ، تَحْوِهُ.

Chapter 6. Stoning Jews and *Ahl Adh-Dhimmah* for *Zinâ*

[4437] 26 - (1699) 'Abdullâh bin 'Umar narrated that a Jewish man and Jewish woman who had committed *Zinâ* were brought to the Messenger of Allâh ﷺ. The Messenger of Allâh ﷺ went to the Jews and said: "What do you find in the *Tawrât* (Torah) about

(المعجم ٦) - (بابُ رجم اليهود، أهل الذمة، في الزنى) (التحفة ١٧)

[٤٤٣٧] [١٦٩٩-٢٦] حَدَّثَنِي الْحَكَمُ بْنُ مُوسَى أَبُو صَالِحٍ: حَدَّثَنَا شُعَيْبُ بْنُ إِسْحَاقَ: أَخْبَرَنَا عَبْدُ اللهِ عَنْ نَافِعٍ؛ أَنَّ عَدْدَ اللهِ بْنَ عُمَرَ أَخْبَرَهُ؛ أَنَّ رَسُولَ اللهِ ﷺ أَتَى يَهُودِيًّا وَيَهُودِيَّةً فَلَدَّ

the one who commits *Zinâ*?" They said: "We make them sit backwards (on mounts) and parade them around." He said: "Bring the *Tawrât* (Torah) if you are telling the truth." They brought it and read it, and when they reached the Verse of stoning, the person who was reading placed his hand over the Verse of stoning and read that which came before it and that which came after it. 'Abdullâh bin Salâm - who was with the Messenger of Allâh ﷺ - said to him: "Tell him to lift his hand," so he lifted it, and there beneath it was the Verse of stoning. So the Messenger of Allâh ﷺ ordered that they be stoned."

"'Abdullâh bin 'Umar said: 'I was among those who stoned them, and I saw him shielding her from the stones with his body.'"

[4438] 27 - (...) It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ stoned two Jews, a man and a woman, for *Zinâ*. The Jews brought them to the Messenger of Allâh ﷺ... and he quoted a similar *Hadîth* (as no. 4437).

رَبَّنَا، فَانْطَلَقَ رَسُولُ اللَّهِ ﷺ حَتَّىٰ جَاءَ
يَهُودًا، فَقَالَ: «مَا تَجِدُونَ فِي التُّورَاةِ عَلَىٰ
مَنْ زَنَى؟» قَالُوا: نُسُودٌ وُجُوهُهُمَا
وَنُحَمَّلُهُمَا، وَنُخَالِفُ بَيْنَ وُجُوهِهِمَا،
وَيُطَافُ بِهِمَا، قَالَ: «فَأَتُوا بِالْتُّورَاةِ، إِنْ
كُنْتُمْ صَادِقِينَ» فَجَاءُوكُمْ بِهَا فَقَرَأُوهَا، حَتَّىٰ
إِذَا مَرُوا بِآيَةِ الرَّجْمِ، وَضَعَ الْفَتَنَى الَّذِي
يَقْرَأُ يَدَهُ عَلَى آيَةِ الرَّجْمِ، وَقَرَأً مَا بَيْنَ
يَدَيْهَا وَمَا وَرَاءَهَا، فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ
سَلَامٍ، - وَهُوَ مَعَ رَسُولِ اللَّهِ ﷺ -
مُرْهَةٌ فَلَيْرُفْعَ يَدُهُ، فَرَفَعَهَا، فَإِذَا تَحْتَهَا آيَةُ
الرَّجْمِ، فَأَمَرَ بِهِمَا رَسُولُ اللَّهِ ﷺ،
فُرِجِّمَا.

قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ: كُنْتُ فِيمَنْ رَجَمْهُمَا،
فَلَقِدْ رَأَيْتُهُ يَقْبِلُهَا مِنَ الْحِجَارَةِ بِنَفْسِهِ.

[٤٤٣٨]-٢٧] (...) وَحَدَّثَنِي زُهَيرٌ
ابْنُ حَرْبٍ: أَخْبَرَنَا إِسْمَاعِيلُ - يَعْنِي ابْنَ
عُلَيَّةَ عَنْ أَيُوبَ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ:
أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: أَخْبَرَنِي رِجَالٌ
مِنْ أَهْلِ الْعِلْمِ مِنْهُمْ مَالِكٌ [بْنُ أَنَسٍ] أَنَّ
نَافِعًا أَخْبَرَهُمْ، عَنِ ابْنِ عُمَرَ، أَنَّ رَسُولَ
اللَّهِ ﷺ رَاجَمَ فِي الزَّنَى يَهُودَيْنِ، رَجَلًا
وَامْرَأَةً رَبَّنَا، فَأَتَتِ الْيَهُودُ إِلَى رَسُولِ
اللَّهِ ﷺ بِهِمَا، وَسَاقُوا الْحَدِيثَ بِنَحْوِهِ.

[4439] (...) It was narrated from Ibn ‘Umar that the Jews brought a man - of their own people - and a woman who had committed *Zinā*, to the Messenger of Allâh ﷺ... and he quoted a *Hadîth* like that of ‘Ubaidullâh from Nâfi’ (no. 4437).

[4440] 28 - (1700) It was narrated that Al-Barâ’ bin ‘Âzib said: A Jew whose face had been blackened and who had been whipped passed by the Messenger of Allâh ﷺ. He called them and said: “Is this how you find the punishment for *Zinâ* in your Book?” They said: “Yes.” He called one of their scholars and said: “I adjure you by Allâh Who sent down the *Tawrât* (Torah) to Mûsâ, is this how you find the punishment for *Zinâ* in your Book?” He said: “No. Had you not adjured me (by Allâh), I would not have told you. We find (that the punishment) is stoning, but it became common among our nobles, so, if we caught a noble we would let him go, but if we caught a lowly person we would carry out the punishment on him. We said: Come, let us agree on something that we can impose on noble and lowly alike. So we made (the punishment of) blackening of the face and whipping instead of stoning.” The Messenger of Allâh ﷺ said: “O Allâh, I am the first to

يُؤْسَنَ: حَدَّثَنَا رُهْبَرٌ: حَدَّثَنَا مُوسَى ابْنُ عَقْبَةَ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، أَنَّ الْيَهُودَ جَاءُوا إِلَيَّ رَسُولِ اللَّهِ ﷺ بِرَجْلِهِ - مِنْهُمْ - وَامْرَأَةً قَدْ رَبَّيَا، وَسَاقَ الْحَدِيثَ يَنْهَا حَدِيثَ عَبْيَدِ اللَّهِ عَنْ نَافِعٍ.

يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ، كِلَاهُمَا عَنْ أَبِي مُعَاوِيَةَ، قَالَ يَحْيَى: أَخْبَرَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، عَنِ الْبَرَاءِ بْنِ غَازِبٍ قَالَ: مُرَّ عَلَى النَّبِيِّ ﷺ بِيَهُودِيٍّ مُحَمَّداً مَجْلُودًا، فَدَعَاهُمْ فَقَالَ: «أَهَكَذَا تَجِدُونَ حَدَّ الزَّانِي فِي كِتَابِكُمْ؟» قَالُوا: نَعَمْ، فَدَعَا رَجُلًا مِنْ عُلَمَائِهِمْ، فَقَالَ: «أَنْشُدُكَ بِاللَّهِ الَّذِي أَنْزَلَ التَّوْرَةَ عَلَى مُوسَى! : أَهَكَذَا تَجِدُونَ حَدَّ الزَّانِي فِي كِتَابِكُمْ؟» قَالَ: لَا، وَلَوْلَا أَنَّكَ نَشَدْتَنِي بِهَذَا لَمْ أُخْرِكَ، تَجِدُهُ الرَّجُمُ، وَلَكِنَّكَ تُرَثَّ في أَشْرَافِنَا، فَكُنْتَ إِذَا أَخْذَنَا الشَّرِيفَ تَرْكَاهُ، وَإِذَا أَخْذَنَا الْضَّعِيفَ، قَمْنَا عَلَيْهِ الْحَدَّ، قُلْنَا: تَعَالَوْا فَلَتَجْمِعُنَّ عَلَى شَيْءٍ نُقِيمُهُ عَلَى الشَّرِيفِ

revive Your command which they had made dead.” Then he (ﷺ) ordered that he be stoned, and Allâh revealed: “O Messenger! Let not those who hurry to fall into disbelief grieve you... If you are given this, take it...” (*Al-Mâ'idah* 5:41). He (the Jew) said: Go to Muhammad (ﷺ), and if he orders you to blacken the face and whip him, then accept it, but if he tells you to stone him, then beware. Then Allâh revealed the words: “And whosoever does not judge by what Allâh has revealed, such are the disbelievers (*Al-Mâ'idah* 5:44), “...And whosoever does not judge by that which Allâh has revealed, such are the wrongdoers (*Al-Mâ'idah* 5:45), “And whosoever does not judge by what Allâh has revealed (then) such (people) are the rebellious to Allâh” (*Al-Mâ'idah* 5:47), all concerning the disbelievers.

[4441] (...) Al-A'mash narrated a similar *Hadîth* (as no. 4440) with this chain, as far as the words: “Then the Prophet ﷺ ordered that he be stoned,” and he did not mention what comes after that about the revelation of the Verse.

[4442] 28B - (1701) Jâbir bin 'Abdullâh said: The Prophet ﷺ

وَالْوَضِيعِ، فَجَعَلَنَا التَّحْمِيمَ وَالْجَلْدَ مَكَانَ الرَّجْمِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ إِنِّي أَوَّلُ مَنْ أَخْبَأَ أَمْرَكَ إِذْ أَمَاتُهُ» فَأَمَرَ بِهِ فَرِجَمَ، فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ: «يَأَيُّهَا الرَّسُولُ لَا يَمْحُرُنَّكَ الظَّالِمِينَ يُسْكِرُونَ فِي الْكُفَّارِ» إِلَى قَوْلِهِ: «إِنَّ أُوتِيشَ هَذَا فَحْذُوهُ» [المائدة: 41] يَقُولُ: اثْنَا مُحَمَّدًا ﷺ، فَإِنْ أَمْرَكُمْ بِالْتَّحْمِيمِ وَالْجَلْدِ فَخُذُوهُ، وَإِنْ أَفْتَأْكُمْ بِالرَّجْمِ فَاخْذُرُوا، فَأَنْزَلَ اللَّهُ تَعَالَى: «وَمَنْ لَئِنْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكُفَّارُ» [المائدة: 44]. «وَمَنْ لَئِنْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ» [المائدة: 45]. «وَمَنْ لَئِنْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ» [المائدة: 47]. فِي الْكُفَّارِ كُلُّهَا.

[4441] (...) حَدَّثَنَا إِبْرَاهِيمُ وَأَبُو سَعِيدِ الْأَشْجَعِ قَالَا: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا الْأَعْمَشُ بِهَذَا الإِسْنَادِ، نَحْوَهُ، إِلَى قَوْلِهِ: فَأَمَرَ بِهِ الْبَيْتُ ﷺ فَرِجَمَ، وَلَمْ يَذْكُرْ: مَا بَعْدَهُ مَنْ تُرْوِلُ الْآيَةِ.

[4442] 28M - (1701) وَحَدَّثَنِي هَرُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا حَجَاجُ ابْنُ

stoned a man from Aslam, and a Jewish man and his wife.

مُحَمَّدٌ: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الْرَّبِيعِ أَنَّهُ سَمِعَ حَاجِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: رَجَمَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلًا مِنْ أَسْلَمَ، وَرَجُلًا مِنَ الْيَهُودِ وَامْرَأَةً.

[4443] (...) Ibn Juraij narrated a similar report (as no. 4442) with this chain, except that he said: "And a woman."

[٤٤٤٣] (...) وَحدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا رُوحُ بْنُ عُبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجٍ، بِهَذَا الْإِسْنَادِ. مِثْلُهُ عَيْرَ أَنَّهُ قَالَ: وَامْرَأَةً.

[4444] 29 - (1702) It was narrated that Ishâq Ash-Shaibânî said: "I asked 'Abdullâh bin Abî Awfa: 'Did the Messenger of Allâh ﷺ stone anyone?' He said: 'Yes.' I said: Was that after the Verse in *Sûrat An-Nûr* or before it? 'He said: 'I do not know.'

[٤٤٤٤] [٢٩-١٧٠٢] وَحدَّثَنَا أَبُو كَامِلُ الْجَعْدِرِيُّ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا سُلَيْمَانُ الشَّيْبَانِيُّ قَالَ: سَأَلْتُ عَبْدَ اللَّهِ بْنَ أَبِي أُوفَى؛ وَحدَّثَنَا أَبُو بَكْرٍ بْنَ أَبِي شَيْبَةَ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ أَبِي إِسْحَاقِ الشَّيْبَانِيِّ قَالَ: سَأَلْتُ عَبْدَ اللَّهِ بْنَ أَبِي أُوفَى: هَلْ رَجَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ? قَالَ: نَعَمْ، قَالَ: قُلْتُ: بَعْدَ مَا أُنْزِلْتُ سُورَةَ الثُّورَ أَمْ قَبْلَهَا؟ قَالَ: لَا أَدْرِي.

[4445] 30 - (1703) It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'If the slave woman of one of you commits *Zinâ* and it becomes clear, then carry out the *Hadd* punishment of whipping on her, but do not rebuke her. Then if she commits *Zinâ* (a second time) and it becomes clear, then

[٤٤٤٥] [٣٠-١٧٠٣] وَحدَّثَنِي عَيْسَى بْنُ حَمَادَ الْمُصْرِيُّ: أَخْبَرَنَا الْيَثْعَابِيُّ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ أَنَّهُ سَمِعَهُ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «إِذَا زَنَثَ أَمَةً أَحَدُكُمْ فَتَبَيَّنَ زِنَاهَا، فَلْيَخْلِدْهَا الْحَدَّ،

carry out the *Hadd* punishment of whipping on her, but do not rebuke her. Then if she commits *Zinâ* a third time, and it becomes clear, sell her, even for a rope of hair.””

[4446] 31 - (...) It was narrated from the Prophet ﷺ concerning the whipping of a slave woman (a *Hadîth* similar to no. 4445) if she commits *Zinâ* three times: “Then let him sell her the fourth time.”

وَلَا يُنْزَبْ عَلَيْهَا، ثُمَّ إِنْ زَانَتْ، فَلْيَجْلِدْهَا الْحَدَّ، وَلَا يُنْزَبْ عَلَيْهَا، ثُمَّ إِنْ زَانَتِ الثَّالِثَةَ، فَبَيْنَ زِنَاهَا، فَلْيَسْعِهَا، وَلَوْ بِحِبْلٍ مِّنْ شَعَرٍ .

[4446] 31 - (...) حَدَّثَنَا أَبُو بَكْرٍ ابْنُ أَبِي شَيْبَةَ وَإِشْحَاقَ بْنُ إِبْرَاهِيمَ جَمِيعًا عَنْ أَبْنِ عُيُونَةَ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا مُحَمَّدُ ابْنُ بَكْرٍ الْبُرْسَانِيُّ: حَدَّثَنَا هِشَامُ بْنُ حَسَانَ، كِلَّاهُمَا عَنْ أَبِي بَكْرٍ بْنِ مُوسَى؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو أُسَامَةَ وَأَبْنُ نُعْيَرٍ، عَنْ سَعِيدِ اللَّهِ بْنِ عُمَرَ؛ وَحَدَّثَنِي هَرُونُ بْنُ سَعِيدِ الْأَئْلَيْثِي: حَدَّثَنَا أَبْنُ وَهْبٍ: حَدَّثَنِي أُسَامَةُ ابْنُ زَيْدٍ؛ وَحَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ وَأَبُو كُرَيْبٍ وَإِشْحَاقُ بْنُ إِبْرَاهِيمَ، عَنْ عَبْدَةَ ابْنِ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ إِشْحَاقَ، كُلُّ هُؤُلَاءِ عَنْ سَعِيدِ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، إِلَّا أَنَّ ابْنَ إِشْحَاقَ قَالَ فِي حَدِيثِهِ: عَنْ سَعِيدِ، عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، فِي جَلْدِ الْأُمَّةِ إِذَا زَانَتْ ثَلَاثَةَ: «لَمْ يَلْعَمْهَا فِي الرَّابِعَةِ» .

[4447] 32 - (...) وَحَدَّثَنَا عَبْدُ اللهِ بْنُ مَسْلَمَةَ الْقَعْدَيْتِيُّ: حَدَّثَنَا

[4447] 32 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ was asked

about a slave woman who commits *Zinâ* and is not married. He said: "If she commits *Zinâ*, whip her; then if she commits *Zinâ* (again), whip her; then if she commits *Zinâ*, whip her, then sell her, even if it is for a rope."

Ibn Shihâb said: I do not know whether it (the selling) was after the third time or the fourth.

مَالِكُ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى - وَاللَّفْظُ لَهُ - قَالَ: فَرَأَتُ عَلَى مَالِكٍ عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَنِ الْأَمَّةِ إِذَا زَانَتْ وَلَمْ تُخْصِنْ؟ قَالَ: إِنْ زَانَتْ فَاجْلِدُوهَا، ثُمَّ إِنْ زَانَتْ فَاجْلِدُوهَا، ثُمَّ إِنْ زَانَتْ فَاجْلِدُوهَا، ثُمَّ يَبْعُوْهَا وَلَوْ بِضَفِيرٍ".

قَالَ ابْنُ شِهَابٍ: لَا أَذْرِي، أَبْغَدَ النَّالِيَةَ أَوِ الرَّابِعَةَ.
وَقَالَ الْقَعْنَيُّ فِي رِوَايَتِهِ: قَالَ ابْنُ شِهَابٍ: وَالضَّفِيرُ: الْحَبْلُ.

[4448] 33 - (1704) It was narrated from Abû Hurairah and Zaid bin Khâlid Al-Juhâni that the Messenger of Allâh ﷺ was asked about a slave woman... a similar report (as no. 4447).

[٤٤٤٨] [٤٤٤٩-٣٣] (١٧٠٤) وَحَدَّثَنَا أَبُو الطَّاهِرِ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: سَمِعْتُ مَالِكًا يَقُولُ: حَدَّثَنِي ابْنُ شِهَابٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ ابْنِ خَالِدِ الْجُهْنَيِّ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَنِ الْأَمَّةِ يُمْثِلُ حَدِيثَهُمَا، وَلَمْ يَذْكُرْ قَوْلَ ابْنِ شِهَابٍ: وَالضَّفِيرُ: الْحَبْلُ.

[4449] (...) A *Hadîth* like that of Mâlik (no. 4448) was narrated from Abû Hurairah and Zaid bin Khâlid Al-Juhâni from the Prophet ﷺ. The uncertainty as to whether she is to be sold after the third time or the fourth appears in all the reports.

[٤٤٤٩] (...) وَحَدَّثَنِي عَمْرُو التَّانِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي، عَنْ صَالِحٍ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، كَلَّا هُمَا عَنِ الزُّفْرَى، عَنْ

عُيْنَدُ اللَّهُ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ حَالِدٍ [الْجُهَنْيِ] عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ مَالِكٍ. وَالشَّكُّ فِي حَدِيثِهِمَا جَمِيعًا، فِي بَعْدِهَا فِي الثَّالِثَةِ أَوِ الرَّابِعَةِ.

(المعجم ٧) - (باب تأخير الحد عن النساء) (التحفة ١٨)

Chapter 7. Delaying the *Hadd* punishment in the case of women who have just given birth

[4450] 34 - (1705) It was narrated that Abû ‘Abdur-Râhmân said: “‘Alî (may Allâh honor his face) gave a speech and said: ‘O people, carry out the *Hadd* punishments on your slaves, those who are married and those who are not married. A slave woman of the Messenger of Allâh ﷺ committed *Zinâ*, and he told me to whip her, but she had recently given birth, and I was afraid that if I whipped her, I would kill her. I mentioned that to the Prophet ﷺ and he said: You have done well.”

[٤٤٥٠] (١٧٠٥) حَدَّثَنَا مُحَمَّدُ ابْنُ أَبِي بَكْرِ الْمُقَدَّمِيُّ: حَدَّثَنَا سُلَيْمَانُ أَبْوَا دَاؤِدَ: حَدَّثَنَا زَائِدًا عَنِ السُّدِّيِّ، عَنْ سَعْدِ بْنِ عُبَيْدَةَ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ قَالَ: خَطَبَ عَلَيَّ كَرَمُ اللَّهِ وَجْهُهُ فَقَالَ: يَا أَيُّهَا النَّاسُ أَقِمُوا عَلَى أَرْفَاقَكُمُ الْحَدَّ، مَنْ أَحْسَنَ مِنْهُمْ وَمَنْ لَمْ يُخْسِنْ، فَإِنَّ أَمَّةَ لِرَسُولِ اللَّهِ ﷺ زَنَثَ، فَأَمَرَنِي أَنْ أَجْلِدَهَا، فَإِذَا هِيَ حَدِيثُ عَهْدِ بِنْفَاسٍ، فَحَخِيشُ إِنْ أَنَا جَلَدْتُهَا، أَنْ أَقْتُلَهَا، فَدَكَرْتُ ذَلِكَ لِلَّبَّيِّ ﷺ، فَقَالَ: أَحْسَنْتَ.

[٤٤٥١] (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا إِسْرَائِيلُ عَنِ السُّدِّيِّ بِهَذَا الْإِسْنَادِ، وَلَمْ يَذْكُرْ: مَنْ أَحْسَنَ مِنْهُمْ وَمَنْ لَمْ يُخْسِنْ. وَرَأَدَ فِي الْحَدِيثِ: «اثْرُكُهَا حَتَّى تَمَاثِلَ».

[4451] (...) It was narrated from As-Suddî with this chain (a similar *Hadîth* as no. 4450), but he did not mention: “Those who are married and those who are not married.” And he added in the *Hadîth*: “Leave her until she recovers.”

Chapter 8. *Hadd* punishment for drinking alcohol

(المعجم ٨) - (باب حد الخمر)

(التحفة ١٩)

[4452] 35 - (1706) It was narrated from Anas bin Mâlik that a man who had drunk wine was brought to the Prophet ﷺ and he whipped him with two palm branches approximately forty times.

He said: "And Abû Bakr did that, but when 'Umar was caliph he consulted the people and 'Abdur-Rahmân said: 'The least of the *Hadd* punishments is eighty,' so 'Umar enjoined that."

[4453] (...) Qatâdah said: I heard Anas say: A man was brought to the Prophet ﷺ... and he mentioned a similar report (as no. 4452)."

[4454] 36 - (...) It was narrated from Anas bin Mâlik that the Prophet of Allâh ﷺ whipped people for drinking wine with palm branches and shoes, then Abû Bakr ordered that forty lashes be given, but when 'Umar was caliph, the people drew near to countryside and cities. He said: "What do you think about whipping for drinking wine?" 'Abdur-Rahmân bin 'Awf said: "I think you should make it like the

[٤٤٥٢-٣٥] حَدَّثَنَا مُحَمَّدٌ أَبْنُ الْمُتَّنَّى وَمُحَمَّدُ بْنُ بَشَّارٍ قَالَا : حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ : حَدَّثَنَا شُعبَةُ قَالَ : سَمِعْتُ فَتَادَةً يُحَدِّثُ عَنْ أَنَسِ بْنِ مَالِكٍ : أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : أُتِيَ بِرَجُلٍ فَدْ شَرِبَ الْخَمْرَ فَجَلَّدَهُ بِجَرِيدَتَيْنِ تَحْوَى أَرْبَعينَ . قَالَ : وَفَعَلَهُ أَبُو بَكْرٍ ، فَلَمَّا كَانَ عُمَرُ اسْتَشَارَ النَّاسَ ، فَقَالَ عَبْدُ الرَّحْمَنِ : أَخْفَفَ الْمُحْدُودَ ثَمَانِينَ ، فَأَمَرَ بِهِ عُمَرُ .

[٤٤٥٣] (....) وَحَدَّثَنِي يَحْيَى بْنُ حَبِيبِ الْحَارِثِي : حَدَّثَنَا خَالِدٌ يَعْنِي أَبْنَ الْحَارِثِ ، : حَدَّثَنَا شُعبَةُ : حَدَّثَنَا فَتَادَةً قَالَ : سَمِعْتُ أَنَسًا يَقُولُ : أُتِيَ رَسُولُ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِرَجُلٍ ، فَذَكَرَ نَحْوَهُ .

[٤٤٥٤-٣٦] حَدَّثَنَا مُحَمَّدٌ أَبْنُ الْمُتَّنَّى : حَدَّثَنَا مُعاَذُ بْنُ هِشَامٍ : حَدَّثَنِي أَبِي ، عَنْ فَتَادَةَ ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ نَبِيَّ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَلَدَ فِي الْخَمْرِ بِالْجَرِيدِ وَالنَّعَالِ ، ثُمَّ جَلَدَ أَبُو بَكْرَ أَرْبَعينَ ، فَلَمَّا كَانَ عُمَرُ ، وَدَنَا النَّاسُ مِنَ الرِّيفِ وَالْقَرَى ، قَالَ : مَا تَرَوْنَ فِي جَلْدِ الْخَمْرِ؟ فَقَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ :

lightest of the *Hadd* punishments” so ‘Umar ordered that eighty lashes be given.

[4455] (...) Hishâm narrated a similar report (as no. 4454) with this chain.

[4456] 37 - (...) It was narrated from Anas that the Prophet ﷺ used to give forty lashes with palm branches and shoes for (drinking) wine; then he mentioned a similar *Hadîth* (as no. 4454), but he did not mention countryside and cities.

[4457] 38 - (1707) Hudayn bin Al-Mundhir Abû Sasân said: “I saw when Al-Wâlîd was brought to ‘Uthmân bin ‘Affân after he had led two *Rak‘ah* of *Fajr* prayer and then said: ‘Shall I lead you in further prayers?’ Two men bore witness against him. One of them was Humrân, who said that he had drunk wine, and the other testified that he had seen him vomiting. ‘Uthmân said: ‘He would not have vomited unless he drank it.’ He said: ‘O ‘Alî, get up and whip him.’ ‘Alî said: ‘O Hasan, get up and whip him. Al-Hasan said: ‘Let those who are enjoying the position of leadership carry out the punishment.’ It was as if he (‘Alî) got upset with him and he said: ‘Get up, O ‘Abdullâh bin

أَرَى أَنْ تَجْعَلُهَا كَأَحَافِظُ الْحُدُودَ، قَالَ: فَجَلَّدَ عُمَرُ ثَمَانِينَ.

[٤٤٥٥] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّشِّنِ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا هِشَامٌ بِهَذَا إِلَسْنَادِ، مِثْلُهُ.

[٤٤٥٦] (...) وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعُ عَنْ هِشَامٍ، عَنْ قَنَادَةَ، عَنْ أَنَّسٍ: أَنَّ النَّبِيَّ ﷺ كَانَ يَضْرِبُ فِي الْخَمْرِ بِالْعَالَىِ وَالْجَرِيدِ أَرْبَعينَ، ثُمَّ ذَكَرَ نَحْوَ حَدِيثِهِمَا، وَلَمْ يَذُكُّرْ: الرِّيفَ وَالْفَرِيَ.

[٤٤٥٧] (...) حَدَّثَنَا أَبُو بَكْرٍ أَبْنُ أَبِي شَيْبَةَ وَزُهْبِيرُ بْنُ حَرْبٍ وَعَلِيُّ بْنُ حُجْرٍ، قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ - وَهُوَ أَبْنُ عُلَيَّةَ - عَنْ أَبْنِ أَبِي عَرْوَةَ، عَنْ عَبْدِ اللَّهِ الدَّانَاجِ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ - وَاللَّفْظُ لَهُ -: أَخْبَرَنَا يَحْيَى بْنُ حَمَادَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ الْمُخْتَارِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ قَيْرَوَزَ مَوْلَى أَبْنِ عَامِرٍ الدَّانَاجِ: حَدَّثَنَا حُصَيْنُ بْنُ الْمُنْدَرِ أَبُو سَاسَانَ قَالَ: شَهِدْتُ عُثْمَانَ بْنَ عَفَانَ أَتَيَ بِالْوَلِيدِ قَدْ صَلَّى الصُّبْحَ رَكْعَيْنِ، ثُمَّ قَالَ: أَزِيدُكُمْ؟ فَشَهِدَ عَلَيْهِ رَجُلَانِ: أَحَدُهُمَا حُمَرَانُ؛ أَنَّهُ شَرِبَ الْخَمْرَ وَشَهِدَ آخَرُ؛ أَنَّهُ

Ja'far! Get up and whip him.' So he whipped him, and 'Alî counted until he had reached forty, then he said: 'Stop.' Then he said: 'The Prophet ﷺ gave forty lashes, and Abû Bakr gave forty, and 'Umar gave eighty. All are *Sunnah* but this is dearer to me.'"

رَأَهُ يَتَّقِيَا، فَقَالَ عُثْمَانُ: إِنَّهُ لَمْ يَتَّقِيَا حَتَّى شَرِبَهَا، فَقَالَ: يَا عَلَيْيَ! قُمْ فَاجْلِدْهُ، فَقَالَ عَلَيْيَ: قُمْ، يَا حَسْنَ! فَاجْلِدْهُ. فَقَالَ الْحَسْنُ: وَلَ حَارَّهَا مَنْ تَوَلَّ فَارَّهَا فَكَانَهُ وَجَدَ عَلَيْهِ، فَقَالَ: قُمْ يَا عَبْدَ اللَّهِ بْنَ جَعْفَرٍ! قُمْ فَاجْلِدْهُ، فَاجْلِدْهُ، وَعَلَيْيَ يَدْعُ حَتَّى يَلْغَ أَرْبَعينَ، فَقَالَ: أَمْسِكْ، ثُمَّ قَالَ: جَلَدَ النَّبِيُّ ﷺ أَرْبَعينَ، وَأَبُو بَكْرٍ أَرْبَعينَ، وَعُمَرُ تَمَانِينَ، وَكُلُّ شَتَّةٍ، وَهَذَا أَحَبُّ إِلَيَّ.

رَأَدَ عَلَيْيَ بْنُ حُجَّبٍ فِي رِوَايَتِهِ: قَالَ إِسْمَاعِيلُ: وَقَدْ سَيَغُثُ حَدِيثَ الدَّانِاجِ مِنْهُ فَلَمْ أَحْفَظْهُ.

[4458] 39 - (...) It was narrated that 'Alî said: "I did not carry out any *Hadd* punishment on a person who died as a result, but I did not mind, except in the case of one who had drunk wine, because if he died I would pay the *Diyah*, because the Messenger of Allâh ﷺ did not specify any number."

[٤٤٥٨]-٣٩] وَحَدَّثَنِي مُحَمَّدُ ابْنُ مَهَالِ الْصَّرِيرِ: حَدَّثَنَا يَزِيدُ ابْنُ زُرْبِعِ: حَدَّثَنَا سُفِيَّانُ الثُّوْرِيُّ عَنْ أَبِي حَصِيبٍ، عَنْ عُمَيْرِ بْنِ سَعِيدٍ، عَنْ عَلَيِّ قَالَ: مَا كُنْتُ أُفِيمُ عَلَى أَحَدٍ حَدَّا فَيُمُوتُ فِيهِ، فَأَجِدُ مِنْهُ فِي نَفْسِي، إِلَّا صَاحِبُ الْخَمْرِ، لَأَنَّهُ إِنْ مَاتَ وَدَيْتُهُ، لَأَنَّ رَسُولَ اللَّهِ ﷺ لَمْ يَسْتَهِنْ.

[4459] (...) Sufyân narrated a similar report (as no. 4458), with this chain.

[٤٤٥٩] (...). وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّئِى: حَدَّثَنَا عَبْدُ الرَّحْمَنِ: حَدَّثَنَا سُفِيَّانُ بْنَ هَذَا الْإِسْنَادِ، مِثْلُهُ.

Chapter 9. Number of lashes in the case of *Ta'zîr*

[4460] 40 - (1708) It was narrated from Abû Burdah Al-Anṣârî that he heard the Messenger of Allâh ﷺ say: "No one should be given more than ten lashes except in the case of one of the *Hadd* punishments prescribed by Allâh."

(المعجم ٩) - (باب قدر أسواط التعزير) (التحفة ٢٠)

[٤٤٦٠] [١٧٠٨-٤٤٦٠] حَدَّثَنَا أَحْمَدُ
ابْنُ عِيسَىٰ : حَدَّثَنَا ابْنُ وَهْبٍ : أَخْرَنِي
عَمْرُو عَنْ بُكَيْرٍ بْنِ الْأَشْجَقِ قَالَ : يَبْنَا نَحْنُ
عِنْدَ سُلَيْمَانَ بْنِ يَسَارٍ ، إِذْجَاءَهُ عَبْدُ
الرَّحْمَنِ بْنُ جَابِرٍ ، فَحَدَّثَهُ ، فَأَفْتَلَ عَلَيْنَا
سُلَيْمَانُ ، فَقَالَ : حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ
جَابِرٍ عَنْ أَبِيهِ ، عَنْ أَبِي بُرْدَةَ [الأنصارِيُّ]
أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ : « لَا يُجْلِدُ
أَحَدٌ فَوْقَ عَشَرَةِ أَسْوَاطٍ ، إِلَّا فِي حَدٍّ مِنْ
حُدُودِ اللَّهِ ». .

(المعجم ١٠) - (باب الحدود كفارات لأهلها) (التحفة ٢١)

Chapter 10. The *Hadd* punishments are an expiation for those on whom they are carried out

[4461] 41 - (1709) It was narrated that 'Ubâdah bin Aş-Sâmit said: "We were with the Messenger of Allâh ﷺ in a gathering, and he said: 'Swear allegiance to me, pledging that you will not associate anything with Allâh, you will not commit *Zinâ*, you will not steal and you will not kill any soul whom Allâh has forbidden killing except in cases dictated by (Islamic) law. Whoever among you fulfills that, his reward will be with Allâh, and whoever does any of those things

[٤٤٦١] [١٧٠٩-٤٤٦١] حَدَّثَنَا يَحْيَىٰ
ابْنُ يَحْيَى التَّمِيميُّ وَأَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ
وَعَمْرُو النَّاقِدُ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ
نُعْمَيْرٍ ، كُلُّهُمْ عَنْ ابْنِ عَيْنَةَ - وَاللَّعْظُ
لِعَمْرِو - قَالُوا : حَدَّثَنَا سُقِيَانُ بْنُ عَيْنَةَ
عَنِ الزُّهْرِيِّ ، عَنْ أَبِي إِدْرِيسِ الْخَوَلَانِيِّ ،
عَنْ عَبَادَةَ بْنِ الصَّابِيتِ قَالَ : كُلُّا مَعَ
رَسُولِ اللَّهِ ﷺ فِي مَجْلِسٍ ، فَقَالَ :
« بَأْ يَعْنِي عَلَى أَنْ لَا تُشْرِكُوا بِاللَّهِ شَيْئًا ،

and is punished for it, that will be an expiation for him. Whoever does any of those things and Allâh conceals him, his case will rest with Allâh: if He wills He will forgive him and if He wills He will punish him.””

وَلَا تَزُنُوا، وَلَا تَسْرِقُوا، وَلَا تَقْتُلُوا
النَّفْسَ الَّتِي حَرَمَ اللَّهُ إِلَّا بِالْحَقِّ، فَمَنْ
وَفَى مِنْكُمْ فَأَجْرُهُ عَلَى اللَّهِ، وَمَنْ أَصَابَ
شَيْئًا مِنْ ذَلِكَ فَعُوقَبَ بِهِ، فَهُوَ كَفَارَةٌ لَهُ،
وَمَنْ أَصَابَ شَيْئًا مِنْ ذَلِكَ فَسَرَّهُ اللَّهُ
عَلَيْهِ، فَأَمْرَهُ إِلَى اللَّهِ عَزَّ وَجَلَّ إِنْ شَاءَ
عَفَا عَنْهُ، وَإِنْ شَاءَ عَذَّبَهُ». [نظر [٤٧٦٨]

[4462] 42 - (...) It was narrated from Az-Zuhri with this chain (a *Hadîth* similar to no. 4461). He added in the *Hadîth*: “And he recited to us the Verse of (*Sûrat An-Nisâ'*): ‘...That they will not associate anything in worship with Allâh...’” (*Al-Mumtahanah* 60:12).

[4463] 43 - (...) It was narrated that ‘Ubâdah bin As-Şâmit said: “The Messenger of Allâh ﷺ took a pledge from us as he took from the women: That we would not associate anything in worship with Allâh, we would not steal, we would not commit *Zinâ*, we would not kill our children and we would not slander one another. (The Messenger of Allâh ﷺ would say:) among you fulfills that, his reward is with Allâh, and whoever among you does any of these things and is punished for it, that will be his expiation. If Allâh conceals anyone, his case will rest with Allâh: if He wills He will punish him and if He wills He will forgive him””

[٤٤٦٢] ٤٢ - (...) وَحَدَّثَنَا عَبْدُ بْنُ
خُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقَ: أَخْبَرَنَا مَعْمَرٌ
عَنِ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ. وَرَأَدَ فِي
الْحَدِيثِ: قَاتَلَ عَلَيْنَا آيَةَ النِّسَاءِ: «أَنْ لَا
يُشْرِكَنَ بِاللَّهِ شَيْئًا» الْآيَةُ [١٢].

[٤٤٦٣] ٤٣ - (...) وَحَدَّثَنِي
إِسْمَاعِيلُ بْنُ سَالِمٍ: أَخْبَرَنَا هُشَيْمُ:
أَخْبَرَنَا خَالِدُ بْنُ أَبِي قَلَابَةَ، عَنْ أَبِي
الْأَشْعَثِ الصَّنْعَانِيِّ، عَنْ عُبَادَةَ بْنِ
الصَّامِتِ قَالَ: أَخْذَ عَلَيْنَا رَسُولُ اللَّهِ
كَمَا أَخْذَ عَلَى النِّسَاءِ: أَنْ لَا نُشْرِكَ بِاللَّهِ
شَيْئًا، وَلَا نَسْرِقَ، وَلَا نَرْزِنَ، وَلَا نَقْتُلَ
أُولَادَنَا، وَلَا يَعْصِمَ بَعْضُنَا بَعْضًا: «فَمَنْ
وَفَى مِنْكُمْ فَأَجْرُهُ عَلَى اللَّهِ، وَمَنْ أَتَى
مِنْكُمْ حَدًّا فَأُقْبِلَ عَلَيْهِ فَهُوَ كَفَارَتُهُ، وَمَنْ
سَرَّهُ اللَّهُ عَلَيْهِ فَأَمْرَهُ إِلَى اللَّهِ، إِنْ شَاءَ
عَذَّبَهُ، وَإِنْ شَاءَ غَفَرَ لَهُ».

[4464] 44 - (...) It was narrated that 'Ubādah bin Aṣ-Ṣāmit said: I am one of the leaders who swore allegiance to the Messenger of Allāh ﷺ. He said: "We swore allegiance to him, pledging that we would not associate anything in worship with Allāh, we would not commit *Zinā*, we would not steal, we would not kill any soul whom Allāh has forbidden killing except in cases dictated by (Islamic) law, we would not plunder and we would not disobey. Paradise (would be ours) if we did that, but if we committed any of these actions then the judgment would be decided by Allāh, exalted and glorified is He."

[٤٤٦٤] ٤٤٦٤ - (...) حَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ، وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا الْيَتِيمُ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ أَبِي الْحَيْرَ، عَنِ الصَّنَابِحِيِّ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ أَنَّهُ قَالَ: إِنِّي مِنَ الْقَبَاءِ الَّذِينَ بَأَيَّعُوا رَسُولَ اللَّهِ ﷺ، وَقَالَ: بَأَيْمَانَهُ عَلَى أَنْ لَا نُشْرِكَ بِاللَّهِ شَيْئًا، وَلَا نَرْنِي، وَلَا نَسْرِقَ، وَلَا نَقْتُلَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ، وَلَا نَتَهَبَ، وَلَا نَعْصِي، فَالْجَنَّةُ، إِنْ فَعَلْنَا ذَلِكَ، فَإِنْ غَشِيَّنَا مِنْ ذَلِكَ شَيْئًا، كَانَ قَضَاءً ذَلِكَ إِلَى اللَّهِ، وَقَالَ أَبُنْ رُمْحٍ: كَانَ قَضَاؤُهُ إِلَى اللَّهِ عَزَّ وَجَلَّ.

(المعجم ١١) - (باب جرح العجماء والمعدن والبئر جبار) (التحفة ٢٢)

[٤٤٦٥] ٤٤٦٥ - (١٧١٠) وَحَدَّثَنَا يَحْيَى أَبْنُ يَحْيَى وَمُحَمَّدُ بْنُ رُمْحٍ: قَالَ: أَخْبَرَنَا الْيَتِيمُ؛ وَحَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ أَبْنِ شَهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «الْعُجْمَاءُ حَرْحُهَا جُبَارٌ، وَالبَئْرُ جُبَارٌ، وَالْمَعْدِنُ جُبَارٌ، وَفِي الرَّكَازِ الْخُمُسُ». (٤٤٦٦)

[٤٤٦٦] (...) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرٍ بْنُ أَبِي شَيْئَةَ وَزُهَيرٍ أَبْنُ

Chapter 11. There is no *Diyah* for injuries caused by animals or by falling into a mine or well

[4465] 45 - (1710) It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ said: "There is no *Diyah* for injuries caused by animals. There is no *Diyah* for injuries caused by falling into a well. There is no *Diyah* for injuries suffered when working in a mine. And the *Khums* is due on buried treasure."

[4466] (...) A similar *Hadīth* (as no. 4465) was narrated from Az-Zuhri with the chain of Al-Laith.

حَرْبٌ وَعَبْدُ الْأَعْلَى بْنُ حَمَادٍ كُلُّهُمْ، عَنِ
ابْنِ عَيْنَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا
إِسْحَاقُ - يَعْنِي: ابْنَ عَيْنَةَ -: حَدَّثَنَا
مَالِكُ، كِلَاهُمَا، عَنِ الزُّهْرِيِّ يَإِشْنَاءِ
اللَّيْثِ، مِثْلَ حَدِيثِهِ.

[4467] (...) A similar report (as no. 4465) was narrated from Abû Hurairah, from the Messenger of Allâh ﷺ.

[٤٤٦٧] (...) وَحَدَّثَنَا أَبُو الطَّاهِيرِ
وَحَرْمَةُهُ قَالًا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي
يُونُسُ، عَنِ ابْنِ شَهَابٍ، عَنِ ابْنِ
الْمُسَيْبِ وَعَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي
هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ. يِمْثَلُهُ.

[4468] 46 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "There is no *Diyah* for injuries caused by falling into a well. There is no *Diyah* for injuries suffered when working in a mine. There is no *Diyah* for injuries caused by an animal. And the *Khumus* is due on buried treasure."

[٤٤٦٨] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ
رُفْعَنِ الْمُهَاجِرِ: أَخْبَرَنَا الْلَّيْثُ عَنْ أَيُوبَ
ابْنِ مُوسَى، عَنِ الْأَسْوَدِ بْنِ الْعَلَاءِ، عَنْ أَبِي
سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ عَنْ
رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «الْبَئْرُ جَرْحُهَا
جُبَارٌ، وَالْمَعْدُنُ جَرْحُهُ جُبَارٌ، وَالْعَجْمَاءُ
جَرْحُهَا جُبَارٌ، وَفِي الرَّكَازِ الْخُمُسُ».»

[4469] (...) A similar report (as no. 4468) was narrated from Abû Hurairah from the Prophet ﷺ.

[٤٤٦٩] (...) وَحَدَّثَنَا عَبْدُ الرَّحْمَنِ
ابْنُ سَلَامَ [الْجُمَاحِيُّ]: حَدَّثَنَا الرَّبِيعُ يَعْنِي
ابْنَ مُسْلِمٍ؛ وَحَدَّثَنَا عَبْيُدُ اللَّهِ بْنُ مَعَاذٍ:
حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا ابْنُ بَشَارٍ: حَدَّثَنَا
مُحَمَّدُ بْنُ جَعْفَرٍ قَالًا: حَدَّثَنَا شُعبَةُ،
كِلَاهُمَا، عَنْ مُحَمَّدِ بْنِ زِيَادٍ، عَنْ أَبِي
هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ. يِمْثَلُهُ.

30. The Book Of Judicial Decisions

Chapter 1. Oath should be sworn by the defendant

[4470] 1 - (1711) It was narrated from Ibn ‘Abbâs that the Prophet ﷺ said: “If people were given on the basis of their claims, people would claim the lives and property of men. Rather the oath should be sworn by the defendant.”

[4471] 2 - (...) It was narrated from Ibn ‘Abbâs that the Messenger of Allâh ﷺ ruled that the oath should be sworn by the defendant.

Chapter 2. The obligation of judging on the basis of a witness and an oath

[4472] 3 - (1712) It was narrated from Ibn ‘Abbâs that the Messenger of Allâh ﷺ judged on the basis of a witness and an oath.

١٥ - (المعجم ٣٠) - كتاب الأقضية
 (التحفة ١٨)

(المعجم ١) - (باب اليمين على المدعى عليه) (التحفة ١)

٤٤٧٠ [١-١٧١١] وَحَدَّثَنَا أَبُو الطَّاهِرِ أَخْمَدُ بْنُ عَمْرِو بْنُ سَرْحٍ : أَخْبَرَنَا أَبْنُ وَهْبٍ عَنْ أَبْنِ جُرَيْجٍ، عَنْ أَبْنِ أَبِي مُلَيْكَةَ، عَنْ أَبْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ : «لَوْ يُعْطَى النَّاسُ بِدَعْوَاهُمْ، لَأَدْعَى نَاسٌ دِمَاءَ رِجَالٍ وَأَمْوَالَهُمْ، وَلَكِنَّ الْيَمِينَ عَلَى الْمُدَعَى عَلَيْهِ» .

٤٤٧١ [٢-...] وَحَدَّثَنَا أَبُو بَكْرٍ أَبْنُ أَبِي شَيْبَةَ : حَدَّثَنَا مُحَمَّدُ بْنُ يُشْرِ عَنْ تَافِعِ بْنِ عُمَرَ، عَنْ أَبْنِ أَبِي مُلَيْكَةَ، عَنْ أَبْنِ عَبَّاسٍ : أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى بِالْيَمِينِ عَلَى الْمُدَعَى عَلَيْهِ .

(المعجم ٢) - (باب وجوب الحكم
 بشاهد ويمين) (التحفة ٢)

٤٤٧٢ [٣-١٧١٢] حَدَّثَنَا أَبُو بَكْرٍ أَبْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللَّهِ أَبْنُ ثُمَيْرٍ قَالَ : حَدَّثَنَا زَيْدٌ وَهُوَ أَبْنُ حُبَابٍ : حَدَّثَنِي سَيْفُ بْنُ سُلَيْمَانَ : أَخْبَرَنِي قَيْسُ

ابن سعيد عن عمرو بن دينار، عن ابن عباس: أن رسول الله ﷺ قضى يومين وشاهد.

Chapter 3. The judgment of the judge does not change what happened

[4473] 4 - (1713) It was narrated that Umm Salamah said: The Messenger of Allâh ﷺ said: "You refer your disputes to me, but one of you may be more eloquent in arguing than the other, and I judge in his favor because of what I hear from him. If I allocate to a person something that is his brother's right, let him not take it, for I have allocated him a piece of Fire."

[4474] (...) A similar report (as no. 4473) was narrated from Hishâm with this chain.

[4475] 5 - (...) It was narrated from Umm Salamah, the wife of the Messenger of Allâh ﷺ, that the Messenger of Allâh ﷺ heard noise of a dispute by the door of his apartment. He went out to them and said: "I am only human. Disputants come to me

(المعجم ٣) - (باب بيان أن حكم الحاكم لا يغير الباطن) (التحفة ٣)

ابن يحيى التميمي: أخبرنا أبو معاوية عن هشام بن عروة، عن أبيه، عن زبيب بنت أبي سلمة، عن أم سلمة قالت: قال رسول الله ﷺ: إنكم تخصصون إلى، ولعل بعضكم أن يكون أحرى بحججه من بعض، فاقضي له على نحو ما أسمع منه، فمن قطع له من حق أخيه شيئاً، فلا يأخذنه، فإنما أقطع له به قطعة من النار.

[4474] (...) حذناء أبو بكر بن أبي شيبة: حذنا وكيع، وحدنا أبو كريب: حذنا ابن نمير، كلامها، عن هشام بهذه الإسناد، مثله.

ابن يحيى: أخبرنا عبد الله بن وهب: أخبرني يوسر عن ابن شهاب: أخبرني عروة بن الزبير عن زبيب بنت أبي سلمة، عن أم سلمة روح النبي ﷺ: أنَّ

and one of them may be more eloquent than the other, so I think that he is telling the truth and I rule in his favor. If I rule in a person's favor concerning the rights of another Muslim, it is no more than a piece of Fire, so let him burden himself with it or forsake it."

رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سَمِعَ جَلَّهُ خَصْمٌ يَنَابِ
حُجْرَتَهُ، فَخَرَجَ إِلَيْهِمْ، فَقَالَ: «إِنَّمَا أَنَا
بَشَرٌ، وَإِنَّهُ يَأْتِينِي الْخَصْمُ، فَلَعَلَّ بَعْضَهُمْ
أَنْ يَكُونَ أَبْلَغَ مِنْ بَعْضٍ، فَأَحَسِبُ أَنَّهُ
صَادِقٌ، فَأَفْضِيَ لَهُ، فَمَنْ قَضَيْتُ لَهُ بِحَقِّ
مُسْلِمٍ، فَإِنَّمَا هِيَ قِطْعَةٌ مِنَ النَّارِ،
فَلْيَحْمِلْهَا أَوْ يَذْرُهَا».

[4476] 6 - (...) A *Hadîth* like that of Yûnus (no. 4475) was narrated from Az-Zuhîrî with this chain.

According to the *Hadîth* of Ma'mar: She (i.e., Umm Salamah) said: The Messenger of Allâh ﷺ heard the sound of a dispute by her door.

[٤٤٧٦] ٦ - (...) وَحَدَّثَنَا عَمْرُو
النَّافِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ ابْنِ
سَعْدٍ: حَدَّثَنَا أَبِي، عَنْ صَالِحٍ؛ وَحَدَّثَنَا
عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ:
أَخْبَرَنَا مَعْمَرٌ، كِلَاهُمَا، عَنِ الزُّهْرِيِّ بِهَذَا
الإِسْنَادِ، نَحْنُ حَدِيثُ يُونُسَ.
وَفِي حَدِيثِ مَعْمَرٍ: قَالَتْ: سَمِعَ
النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أُمَّ سَلَمَةَ.

(المعجم ٤) - (باب قضية هند)

(التحفة ٤)

[4477] 7 - (1714] It was narrated that 'Âishah said: Hind bint 'Utbah, the wife of Abû Sufyân, entered upon the Messenger of Allâh ﷺ and said: O Messenger of Allâh, Abû Sufyân is a stingy man and he does not give me enough maintenance for myself and my children, unless I take from his wealth without his knowledge. Is there any sin on me for that? The

[٤٤٧٧] ٧ - (١٧١٤) حَدَّثَنَا عَلَيْهِ بْنُ
حُجْرٍ السَّعْدِيُّ: حَدَّثَنَا عَلَيْهِ بْنُ مُسْهِرٍ عَنْ
هِشَامٍ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ غَائِشَةَ
قَالَتْ: دَخَلْتُ هَذِهِ بَنْتَ عُثْنَةَ امْرَأَةً أَبِي
سُقْيَانَ، عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَتْ: يَا
رَسُولَ اللَّهِ! إِنَّ أَبَا سُقْيَانَ رَجُلٌ شَحِيجٌ،
لَا يُعْطِينِي مِنَ النَّفَقَةِ مَا يَكْفِينِي وَيَكْفِي

Messenger of Allâh ﷺ said: "Take from his wealth on a reasonable basis, whatever is sufficient for yourself and your children."

[4478] (...) It was narrated from Hishâm with this chain (a similar *Hadîth* as no. 4477).

بَنِيَ، إِلَّا مَا أَخْذُتُ مِنْ مَالِهِ بِغَيْرِ عِلْمِهِ، فَهَلْ عَلَيَّ فِي ذَلِكَ مِنْ جُنَاحٍ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «خُذِي مِنْ مَالِهِ بِالْمَعْرُوفِ، مَا يَكْفِيكِ وَيَكْفِي بَنِيكِ».

[٤٤٧٨] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُعْمَانَ وَأَبُو كُرَيْبٍ، كِلَاهُمَا، عَنْ عَبْدِ اللَّهِ بْنِ نُعْمَانَ وَوَكِيمٍ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا الصَّحَافُ يَعْنِي ابْنَ شِعْمَانَ، كُلُّهُمْ، عَنْ هَشَامٍ بِهَذَا الْإِسْنَادِ.

[4479] 8 - (...) It was narrated that 'Aishah said: Hind came to the Prophet ﷺ and said: O Messenger of Allâh, by Allâh, there was no household on earth upon whom I would have loved to see Allâh bring disgrace more than your household, but now there is no household on earth upon whom I would love to see Allâh bring honor more than your household. The Prophet ﷺ said: "And that (love) will increase, by the One in Whose Hand is my soul." Then she said: O Messenger of Allâh, Abû Sufyân is a niggardly man. Is there any sin on me if I spend on his children from his wealth without his knowledge? The

حُمَيْدٌ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الرُّهْبَرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتْ هِنْدُ إِلَيَّ النَّبِيِّ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ! وَاللَّهِ! مَا كَانَ عَلَيَّ ظَهَرَ الْأَرْضِ أَهْلُ خَيَاءٍ أَحَبَّ إِلَيَّ مِنْ أَنْ يُذْلِّهُمُ اللَّهُ مِنْ أَهْلِ خَيَائِكَ، وَمَا عَلَى ظَهَرِ الْأَرْضِ أَهْلُ خَيَاءٍ أَحَبَّ إِلَيَّ [مِنْ] أَنْ يُعِزِّهُمُ اللَّهُ مِنْ أَهْلِ خَيَائِكَ، فَقَالَ النَّبِيُّ ﷺ: «وَأَيْضًا، وَالَّذِي نَفْسِي بِيَدِهِ!»، ثُمَّ قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ أَبَا سُفْيَانَ رَجُلٌ مُمْسِكٌ، فَهَلْ عَلَيَّ حَرَجٌ أَنْ

Prophet ﷺ said: "There is no sin on you if you spend on them on a reasonable basis."

أُنْفِقَ عَلَىٰ عِيَالِهِ مِنْ مَا لَهُ بِعْرِيرٌ إِذْنَهُ؟ فَقَالَ النَّبِيُّ ﷺ: «لَا حَرجَ عَلَيْكُمْ أَنْ تُنْفِقُوا عَلَيْهِمْ بِالْمَعْرُوفِ».

[4480] 9 - (...) 'Urwah bin Az-Zubair narrated that 'Aishah said: Hind bint 'Utbah bin Rab'i'ah came and said: O Messenger of Allâh, by Allâh there was no household on earth whom I would love to see humiliated more than your household, but now there is no household on earth whom I would love to see honored more than your household. The Messenger of Allâh ﷺ said: "And that (love) will increase, by the One in Whose Hand is my soul." Then she said: O Messenger of Allâh, Abû Sufyân is a niggardly man. Is there any sin on me if I feed our children from what he has? He said: "No, but do that on a reasonable basis."

[٤٤٨٠] ٩ - (...) وَحَدَّثَنَا رُهْبَرُ بْنُ حَرْبٍ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا ابْنُ أَخْيَرِ الزُّهْرِيِّ عَنْ عَمِّهِ: أَخْبَرَنِي عُزُورَةُ بْنُ الرُّبِّيرِ: أَنَّ عَائِشَةَ قَالَتْ: جَاءَتْ هِنْدُ بِنْتُ عُبَيْدَةَ بْنِ رَبِيعَةَ فَقَالَتْ: يَا رَسُولَ اللَّهِ! [وَاللَّهُ] مَا كَانَ عَلَىٰ ظَهِيرِ الْأَرْضِ خَيَاءٌ أَحَبَّ إِلَيَّ [مِنْ] أَنْ يَذَلُّوا مِنْ أَهْلِ خَيَائِكَ، وَمَا أَصْبَحَ الْيَوْمَ عَلَىٰ ظَهِيرِ الْأَرْضِ خَيَاءٌ أَحَبَّ إِلَيَّ [مِنْ] أَنْ يَعْزُوا مِنْ أَهْلِ خَيَائِكَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَأَيْضًا، وَالَّذِي نَفْسِي بِيَدِهِ!»، ثُمَّ قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ أَبَا سُفْيَانَ رَجُلٌ مُسْبِكٌ، فَهَلْ عَلَيَّ حَرجٌ مِنْ أَنْ أُطْعِمَ مِنَ الَّذِي لَهُ، عِيَالَنَا؟ قَالَ لَهَا: «لَا، إِلَّا بِالْمَعْرُوفِ».

Chapter 5. The Prohibition Of asking too much with no need. The prohibition Of withholding the rights of others and asking of them, which means refusing to give others their rights and asking for that to which one is not entitled

[4481] 10 - (1715) It was narrated that Abû Hurairah said: The Messenger of Allâh ﷺ said:

(المعجم ٥) - (بابُ النهي عن كثرة المسائل من غير حاجة. والنهي عن منع وهات، وهو الامتناع من أداء حق لزمه أو طلب ما لا يستحقه) (التحفة ٥)

[٤٤٨١] ١٠ - (١٧١٥) وَحَدَّثَنَا رُهْبَرُ ابْنُ حَرْبٍ: حَدَّثَنَا جَرِيرٌ عَنْ سُهْلٍ، عَنْ

"Allâh likes three things for you and dislikes three things for you. He likes for you to worship Him and not associate anything with Him, and to hold fast to the rope of Allâh altogether and not be divided; and He dislikes for you to gossip, to ask too much and to waste money."

أَيْهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ اللَّهَ يَرْضَى لَكُمْ ثَلَاثًا وَيَكْرَهُ لَكُمْ ثَلَاثًا: فَيَرْضَى لَكُمْ أَنْ تَعْبُدُوهُ وَلَا تُشْرِكُوا بِهِ شَيْئًا، وَأَنْ تَعْصِمُوا بِحِبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا، وَيَكْرَهُ لَكُمْ قِيلَ وَقَالَ، وَكَثْرَةُ السُّؤَالِ، وَإِصَاعَةُ الْمَالِ».

[4482] 11 - (...) A similar report (as no. 4483) was narrated from Suhail with this chain, except that he said: (The Prophet ﷺ said:) He does not like three things for you. And he did not mention: and do not be divided.

اَبْنُ فَرْوَحَ: اَخْبَرَنَا أَبُو عَوَانَةَ عَنْ سُهْلٍ بْنِهِلَّا اِلْا سَنَادِ، مِثْلُهُ، غَيْرُ أَنَّهُ قَالَ: وَيَسْخَطُ لَكُمْ ثَلَاثًا، وَلَمْ يَذْكُرْ: وَلَا تَفَرَّقُوا.

[4483] 12 - (593) It was narrated from Al-Mughîrah bin Shû'bah that the Messenger of Allâh ﷺ said: "Allâh has forbidden to you disobedience to mothers, burying daughters alive, and withholding the rights of others and asking of them. And He dislikes three things for you: gossip, asking too much and wasting money."

ابْنُ إِبْرَاهِيمَ الْحَنْظَلِيِّ: اَخْبَرَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنِ الشَّعِيبِيِّ، عَنْ وَرَادٍ مَوْلَى الْمُغِيرَةِ بْنِ شَعْبَةَ، عَنِ الْمُغِيرَةِ بْنِ شَعْبَةَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: إِنَّ اللَّهَ عَزَّ وَجَلَ حَرَمَ عَلَيْكُمْ عُقوَقَ الْأَمَهَاتِ، وَوَرَادٌ الْبَنَاتِ وَمَنْعَاهَاتِ، وَكَرِهُ لَكُمْ ثَلَاثًا: قِيلَ وَقَالَ، وَكَثْرَةُ السُّؤَالِ، وَإِصَاعَةُ الْمَالِ».

[4484] (...) A similar report (as no. 4483) was narrated from Mansûr with this chain, except that he said: the Messenger of Allâh ﷺ forbade to you, and he did not say: Allâh forbade to you.

رَكَرَيَاءُ: حَدَّثَنِي عَبْيَدُ اللَّهِ بْنُ مُوسَى عَنْ شَيْبَانَ، عَنْ مَنْصُورٍ بِهِلَّا اِلْا سَنَادِ، مِثْلُهُ، غَيْرُ أَنَّهُ قَالَ: وَحَرَمَ عَلَيْكُمْ رَسُولُ اللَّهِ ﷺ، وَلَمْ يَقُلْ: إِنَّ اللَّهَ حَرَمَ عَلَيْكُمْ.

[4485] 13 - (...) It was narrated from Ash-Sha'bī: The scribe of Al-Mughīrah bin Shu'bah told me: Muṣḥahiyah wrote to Al-Mughīrah (saying): Write for me something that you heard from the Messenger of Allāh ﷺ. He wrote to him: I heard the Messenger of Allāh ﷺ say: "Allāh dislikes three things for you: gossip, wasting money and asking too much."

[٤٤٨٥] ١٣ - (...) وَحَدَّثَنَا أَبُو بَكْرٍ أَبْنُ أَبِي شَيْبَةَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ عَنْ خَالِدِ الْحَذَاءِ: حَدَّثَنِي أَبْنُ أَشْوَعَ عَنْ الشَّعَفَى: حَدَّثَنِي كَاتِبُ الْمُغَيْرَةَ بْنُ شُبَّةَ قَالَ: كَتَبَ مُعَاوِيَةُ إِلَى الْمُغَيْرَةَ: أَكْتُبْ إِلَيَّ شَيْئاً سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ ﷺ، فَكَتَبَ إِلَيْهِ أَبْنُ أَبِي سَمِعْتَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ اللَّهَ كَرِهُ لَكُمْ ثَلَاثَةً: قَبَلَ وَقَالَ، وَإِضَاعَةَ الْمَالِ، وَكَثْرَةَ السُّؤَالِ».

[4486] 14 - (...) It was narrated that Warrād said: Al-Mughīrah wrote to Muṣḥahiyah: I heard the Messenger of Allāh ﷺ say: "Allāh has forbidden three things and disallowed three things. He has forbidden disobedience to parents, burying daughters alive and withholding the rights of others and asking of them; and He has disallowed three things: gossip, asking too much and wasting money."

[٤٤٨٦] ١٤ - (...) وَحَدَّثَنَا أَبْنُ أَبِي عُمَرَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ الْفَزَارِيَّ، عَنْ مُحَمَّدِ بْنِ سُوقَةَ: أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ التَّقْفِيُّ عَنْ وَرَادٍ قَالَ: كَتَبَ الْمُغَيْرَةُ إِلَى مُعَاوِيَةَ: سَلَامٌ عَلَيْكَ، أَمَّا بَعْدُ، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ اللَّهَ حَرَمَ ثَلَاثَةً، وَنَهَى عَنْ ثَلَاثَةٍ: حَرَمَ عُقُوقَ الْوَالِدِ، وَوَادِ الْبَنَاتِ، وَلَا وَهَاتِ، وَنَهَى عَنْ ثَلَاثَةٍ: قَبَلَ وَقَالَ، وَكَثْرَةَ السُّؤَالِ، وَإِضَاعَةَ الْمَالِ».

Chapter 6. The reward of the judge if he strives to reach a decision, whether he gets it right or wrong

(المعجم ٦) - (بابُ بيانِ أجرِ الحاكم
إذا اجتهد، فأصاب أو أخطأ)
(التحفة ٦)

[4487] 15 - (1716) It was narrated from 'Amr bin Al-'Âs

[٤٤٨٧] ١٥ - (١٧١٦) حَدَّثَنِي يَحْيَى أَبْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا عَبْدُ الْعَزِيزِ بْنُ

that he heard the Messenger of Allāh ﷺ say: “If a judge passes a judgment, having striven to reach a decision, and he gets it right, he will have two rewards. If he passes a judgment, having striven to reach a decision, and he gets it wrong, he will have one reward.”

مُحَمَّدٌ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ أَسَامَةَ بْنِ الْهَادِ، عَنْ مُحَمَّدٍ بْنِ إِبْرَاهِيمَ، عَنْ بُشْرٍ بْنِ سَعِيدٍ، عَنْ أَبِي قَيْسٍ مَوْلَى عَمْرُو بْنِ الْعَاصِ، عَنْ عَمْرِو بْنِ الْعَاصِ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ قَالَ: إِذَا حَكَمَ الْحَاكِمُ فَاجْتَهَدَ ثُمَّ أَصَابَ، فَلَهُ أَجْرٌ، وَإِذَا حَكَمَ فَاجْتَهَدَ، ثُمَّ أَخْطَأَ، فَلَهُ أَجْرٌ.

[4488] (...) A similar report (as no. 4487) was narrated from ‘Abdul-‘Azîz bin Muḥammad, and at the end of the *Hadîth* he added: Yazîd said: I narrated this *Hadîth* to Abû Bakr bin Muḥammad bin ‘Amr bin Ḥazm, and he said: This is what Abû Salamah narrated to me from Abû Hurairah.

[٤٤٨٨] (...) وَحَدَّثَنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ أَبِي عُمَرَ، كِلَّاهُمَا، عَنْ عَبْدِ الْعَزِيزِ بْنِ مُحَمَّدٍ بِهَذَا الْإِسْنَادِ، مِثْلُهُ، وَزَادَ فِي عَقِيبِ الْحَدِيثِ: قَالَ يَزِيدُ: فَحَدَّثْنُ هَذَا الْحَدِيثَ أَبَا بَكْرٍ بْنَ مُحَمَّدٍ بْنِ عَمْرُو ابْنِ حَزْمٍ، فَقَالَ: هَكَذَا حَدَّثَنِي أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ.

[4489] (...) Yazîd bin ‘Abdullâh bin Usâmah bin Al-Hâd Al-Laithi narrated a *Hadîth* like that of ‘Abdul-‘Azîz bin Muḥammad (no. 4488), with both chains.

[٤٤٨٩] (...) وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيِّ: أَخْبَرَنَا مَرْوَانُ يَعْنِي ابْنَ مُحَمَّدٍ الدَّمْشِقِيِّ: حَدَّثَنَا الْيَثِيُّ بْنُ سَعِيدٍ: حَدَّثَنِي يَزِيدُ بْنُ عَبْدِ اللَّهِ بْنِ أَسَامَةَ بْنِ الْهَادِ الْيَثِيُّ بِهَذَا الْحَدِيثِ، مِثْلُ رِوَايَةِ عَبْدِ الْعَزِيزِ ابْنِ مُحَمَّدٍ، بِإِلَاسْنَادَيْنِ جَمِيعًا.

(المعجم ٧) - (باب كراهة قضاء

القاضي وهو غضبان) (التحفة ٧)

Chapter 7. It is Disliked for a judge to pass a judgment when he is angry

[4490] 16 - (1717) It was narrated that ‘Abdur-Rahmân bin Abî Bakrah said: My father wrote

[٤٤٩٠] [١٦-١٧١٧] حَدَّثَنَا قُتْبَيْةُ

ابْنُ سَعِيدٍ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ عَبْدِ

- and I wrote it down for him - to 'Ubaidullâh bin Abî Bakrah, who was the Qâzî of Sijistan, (telling him): Do not pass judgment between two people when you are angry, for I heard the Messenger of Allâh ﷺ say: "No one should pass judgment between two people when he is angry."

الْمَلِكُ بْنُ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ قَالَ: كَتَبَ أَبِي - وَكَتَبْتُ لَهُ - إِلَى عُبَيْدِ اللَّهِ بْنِ أَبِي بَكْرَةَ وَهُوَ قَاضِي سِجِّيْسَتَانَ: أَنْ لَا تَحْكُمَ بَيْنَ اثْتَيْنِ وَأَنْتَ غَضِبَانُ، فَإِنَّمَا سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا يَحْكُمُ أَحَدٌ بَيْنَ اثْتَيْنِ وَهُوَ غَضِبَانُ».

[4491] (...) A *Hadîth* like that of Abû 'Awânah (no. 4490) was narrated from 'Abdur-Râhmân bin Abî Bakrah, from his father, from the Prophet ﷺ.

[٤٤٩١] (...) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا هُشَيْمٌ؛ وَحَدَّثَنَا شَيْبَانُ بْنُ فَرُوحَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعَ عَنْ سُفْيَانَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَنِّي: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا عَيْدُ اللَّهِ بْنُ مَعَاذِ: حَدَّثَنَا أَبِي، كَلَاهُمَا، عَنْ شُعْبَةَ؛ وَحَدَّثَنَا أَبُو كُرَيْبَ: حَدَّثَنَا حُسَيْنُ بْنُ أَبْنِ عَلِيٍّ عَنْ زَائِدَةَ، كُلُّ هُؤُلَاءِ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ: بِمِثْلِ حَدِيثِ أَبِي عَوَانَةَ.

Chapter 8. Rejection of wrong rulings and of newly-invented matters

[4492] 17 - (1718) It was narrated that 'Âishah said: The Messenger of Allâh ﷺ said:

(المعجم ٨) - (بابُ نقض الأحكام الباطلة، وردة محدثات الأمور)
(التحفة ٨)

[٤٤٩٢] ١٧ - (١٧١٨) حَدَّثَنَا أَبُو جَعْفَرِ مُحَمَّدِ بْنِ الصَّبَّاحِ وَعَبْدِ اللَّهِ ابْنِ

"Whoever introduces something into this matter of ours that is not part of it will have it rejected."

عَوْنَى الْهِلَالِيُّ، جَمِيعًا، عَنْ إِبْرَاهِيمَ بْنِ سَعْدٍ، قَالَ ابْنُ الصَّبَّاحِ: حَدَّثَنَا إِبْرَاهِيمُ ابْنُ سَعْدٍ بْنِ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ: حَدَّثَنَا أَبِي عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَخْدَثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ مِنْهُ فَهُوَ رَدٌّ».

[4493] 18 - (...) It was narrated that Sa'd bin Ibrâhîm said: I asked Al-Qâsim bin Muâmmad about a man who had three dwellings and left a will concerning one third of each dwelling. He said: That could all be combined in one dwelling. Then he said: 'Âishah told me that the Messenger of Allâh ﷺ said: "Whoever does something that is not in accordance with this matter of ours will have it rejected."

١٨ [٤٤٩٣] - (...) حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ، جَمِيعًا عَنْ أَبِي عَامِرٍ، قَالَ عَبْدُ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ عَمْرِو: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الزُّهْرِيُّ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ قَالَ: سَأَلْتُ الْقَاسِمَ بْنَ مُحَمَّدٍ عَنْ رَجُلٍ لَهُ ثَلَاثُ مَسَاكِنٍ، فَأَوْصَى إِنْتُلُثُ كُلَّ مَسْكِنٍ مِنْهَا، قَالَ: يُجْمَعُ ذَلِكَ كُلُّهُ فِي مَسْكِنٍ وَاحِدٍ، ثُمَّ قَالَ: أَخْبَرْتُنِي عَائِشَةً: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ عَمِلَ عَمَلاً لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ».

Chapter 9. The best of witnesses

(المعجم ٩) - (باب بيان خير

الشهود) (التحفة ٩)

[4494] 19 - (1719) It was narrated from Zaid bin Khâlid Al-Juhanî that the Prophet ﷺ said: "Shall I not tell you of the best of witnesses?" The one who gives his testimony before being asked for it."

١٩ [٤٤٩٤] - (١٧١٩) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ عُثْمَانَ، عَنْ ابْنِ أَبِي عَمْرَةَ الْأَنْصَارِيِّ، عَنْ زَيْدِ بْنِ خَالِدٍ

الجُهْنَيِّ: أَنَّ النَّبِيَّ ﷺ قَالَ: «أَلَا
أُخْرِكُمْ بِخَيْرِ الشُّهَدَاءِ؟ الَّذِي يَأْتِي
شَهَادَتِهِ قَبْلَ أَنْ يُسْأَلَهَا».

(المعجم ١٠) - (باب اختلاف

المجتهدين) (التحفة ١٠)

Chapter 10. Differences between Mujtahid

[4495] 20 - (1720) It was narrated from Abû Hurairah that the Prophet ﷺ said: "There were two women who had their sons with them. The wolf came and took away the son of one of them, and she said to her companion: 'The wolf has taken your son.' The other said: No, it has taken your son. They referred for judgment to Dâwûd ﷺ, and he ruled in favor of the elder woman. They went out to Sulaimân, the son of Dâwûd ﷺ, and told him about that, and he said: 'Bring me a knife and I will divide him between you.' The younger woman said: 'No, may Allâh have mercy on you! He is her son.' So he ruled in favor of the younger woman."

[٤٤٩٥-٢٠] (١٧٢٠) حَدَّثَنِي رُهْبَرٌ
ابْنُ حَرْبٍ: حَدَّثَنَا شَبَابَةُ: حَدَّثَنِي وَرْقَاءُ عَنْ
أَبِي الرَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ
عَنِ النَّبِيِّ ﷺ قَالَ: «بَيْمَا امْرَأَتَانِ مَعَهُمَا
ابْنَاهُمَا، جَاءَ الدُّبُّ فَذَهَبَ بِابْنِ إِحْدَاهُمَا،
فَقَاتَلْتُهُ لِصَاحِبَتِهِ: إِنَّمَا ذَهَبَ بِابْنِكِ
أَنْتِ، وَقَاتَلَ الْأُخْرَى: إِنَّمَا ذَهَبَ بِابْنِكِ،
فَتَحَاَكَمْتَا إِلَى دَاؤُدَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -
فَقَضَى بِهِ لِلْكُبِيرَى، فَخَرَجَتَا عَلَى سُلَيْمانَ
ابْنِ دَاؤُدَ - عَلَيْهِمَا الصَّلَاةُ وَالسَّلَامُ -
فَأَخْبَرَتَاهُ، فَقَالَ: ائْتُونِي بِالسَّكِينِ أَشْفَعُ
بِيْكُمَا، فَقَاتَلَ الصُّغْرَى: لَا، يَرْحَمُكَ اللَّهُ
هُوَ ابْنُهَا، فَقَضَى بِهِ لِلصُّغْرَى».

قَالَ: قَالَ أَبُو هُرَيْرَةَ: وَاللَّهِ إِنْ
سَمِعْتُ بِالسَّكِينِ قَطُّ إِلَّا يَوْمَئِذٍ، مَا كُنَّا
نَقُولُ إِلَّا الْمُدْبَرَةَ.

[٤٤٩٦] (...) وَحَدَّثَنِيهِ سُوَيْدُ بْنُ
سَعِيدٍ: حَدَّثَنِي حَفْصٌ يَعْنِي ابْنَ مَيْسَرَةَ
الصَّنْعَانِيَّ عَنْ مُوسَى بْنِ عُقْبَةَ؛ وَحَدَّثَنَا

[4496] (...) A *Hadîth* like that of Warqâ' (no. 4495) was narrated from Abû Az-Zinnâd with this chain.

أمّيَةُ بْنُ يَسْطَامَ: حَدَّثَنَا يَزِيدُ بْنُ رَبِيعٍ :
حَدَّثَنَا رَوْحٌ وَهُوَ ابْنُ الْقَاسِمِ عَنْ مُحَمَّدٍ
بْنِ عَجْلَانَ، جَمِيعًا، عَنْ أَبِي الزَّنَادِ بِهَذَا
الإِسْنَادِ، مِثْلَ مَعْنَى حَدِيثِ وَرَفَاءَ .

Chapter 11. It is recommended for a judge to reconcile between disputants

(المعجم ١١) - (باب استحباب
إصلاح الحاكم بين الخصميين)
(التحفة ١١)

[4497] 21 - (1721) It was narrated that Hammām bin Munabbih said: This is what Abū Hurairah narrated to us from the Messenger of Allāh ﷺ. He mentioned a number of *Aḥādīth*, including the following: The Messenger of Allāh ﷺ said: "A man bought some property from another man, and the man who had bought the property found therein a jar full of gold. The one who had bought the property said to him: 'Take your gold from me, for I only bought the land from you, and I did not buy the gold from you.' The one who had sold the land said: 'I sold you the land and whatever is in it.' They referred to another man for judgment and one of them said: 'I have a son.' The other said: 'I have a daughter.' He said: 'Let the son marry the daughter, and spend some of it on yourselves and give some in charity.'"

[٤٤٩٧] ٢١ - (١٧٢١) وَحَدَّثَنَا
مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ:
حَدَّثَنَا مَعْمَرٌ عَنْ هَمَّامَ بْنِ مُنْبَهٍ قَالَ:
هَذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ
اللهِ ﷺ، فَذَكَرَ أَحَادِيثَ مِنْهَا: وَقَالَ
رَسُولُ اللهِ ﷺ: «اشْتَرَى رَجُلٌ مِنْ رَجُلٍ
عَقَارًا لَهُ، فَوَجَدَ الرَّجُلُ الَّذِي اشْتَرَى
الْعَقَارَ فِي عَقَارِهِ جَرَّةً فِيهَا دَهْبٌ، فَقَالَ
لَهُ الَّذِي اشْتَرَى الْعَقَارَ: خُذْ ذَهَبَكَ مِنِّي،
إِنَّمَا اشْتَرَيْتُ مِنْكَ الْأَرْضَ، وَلَمْ أَبْتَعْ
مِنْكَ الْذَّهَبَ، فَقَالَ الَّذِي شَرَى الْأَرْضَ:
إِنَّمَا يَعْتَكُ الْأَرْضَ وَمَا فِيهَا، قَالَ:
فَتَحَاكَمَ إِلَيْ رَجُلٍ، فَقَالَ الَّذِي تَحَاكَمَ
إِلَيْهِ: أَلَكُمَا وَلَدٌ؟ فَقَالَ أَحَدُهُمَا: لِي
غَلامٌ، وَقَالَ الْآخَرُ: لِي جَارِيٌّ، قَالَ:
أَنْكِحُوا الْغَلامَ الْجَارِيَّةَ. وَأَنْفَقُوهُ عَلَى
أَنْفُسِكُمَا مِنْهُ، وَتَصَدَّقَا».

31. The Book Of Lost Property

Chapter... [sic]. Memorizing the features of the bag and strap, and the ruling on lost sheep and camels

[4498] 1 - (1722) It was narrated that Zaid bin Khâlid Al-Juhâni said: A man came to the Prophet ﷺ and asked about picking up lost items. He said: "Memorize the features of its bag and strap, and announce it for a year. Then if its owner comes (give it to him), otherwise it is yours." He said: What about a lost sheep? He (ﷺ) said: "It is either for you or your brother or for the wolf." He said: What about a lost camel? He (ﷺ) said: "What have you to do with it? It has its water supply and its feet, and it can come to the water and eat from the trees, until its master finds it."

[4499] 2 - (...) It was narrated from Zaid bin Khâlid Al-Juhâni that a man asked the Messenger of Allâh ﷺ about picking up lost items. He (ﷺ) said: "Announce

١٦ - (المعجم ٢١) - كتاب اللقطة
(التحفة ١٩)

(المعجم . . .) - (باب: معرفة العفاص والوكاء وحكم ضالة الغنم والإبل) (التحفة ١)

[٤٤٩٨] ١ - (١٧٢٢) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُبَيْعِثِ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ أَنَّهُ قَالَ: جَاءَ رَجُلٌ إِلَيَّ النَّبِيِّ ﷺ فَسَأَلَهُ عَنِ الْلَّقْطَةِ؟ فَقَالَ: «أَعْرِفُ عِفَاصَهَا وَوِكَاءَهَا، ثُمَّ عَرَفْهَا سَنَةً، فَإِنْ جَاءَ صَاحِبُهَا، وَإِلَّا فَشَانِكَ بِهَا»، قَالَ: فَضَالَهُ الْغَنَمُ؟ قَالَ: «لَكَ أَوْ لِأَخِيكَ أَوْ لِلنَّذِيرِ»، قَالَ: فَضَالَهُ الْإِبْلِ؟ قَالَ: «مَا لَكَ وَلَهَا؟ مَعَهَا سِقَاؤُهَا وَجَنَاؤُهَا، تَرِدُ الْمَاءَ وَتَأْكُلُ الشَّجَرَ، حَتَّى يَلْقَاهَا رَبُّهَا».

قَالَ يَحْيَى: أَحْسِبَ قَرَأْتُ: عِفَاصَهَا.
[٤٤٩٩] ٢ - (...) وَحَدَّثَنَا يَحْيَى بْنُ أَبْيَوبَ وَقَتْنِيَّةَ وَابْنُ حُجْرَةَ - قَالَ ابْنُ حُجْرَةَ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنا -

it for one year, then memorize the features of its strap and bag, then spend from it. Then if its owner comes, pay him back.” He said: O Messenger of Allâh, what about a lost sheep? He (ﷺ) said: “Take it, for it will be either for you, for your brother or for the wolf.” He said: O Messenger of Allâh, what about a lost camel? He (the narrator) said: The Messenger of Allâh ﷺ became so angry that his cheeks turned red - or his face turned red - and he (ﷺ) said: “What have you to do with it? It has its feet and its water supply until its owner finds it.”

[4500] 3 - (...) Rabî‘ah bin ‘Abdur-Rahmân narrated a *Hadîth* like that of Mâlik (no. 4498) with this chain, except that he added: A man came to the Messenger of Allâh ﷺ when I was with him and asked him about picking up lost items. And he said: ‘Amr said in the *Hadîth*: (The Prophet ﷺ said:) “If no one comes looking for it, then spend it.”

[4501] 4 - (...) Zaid bin Khâlid Al-Juhâni said: A man came to the Messenger of Allâh ﷺ... and

إِسْمَاعِيلُ، وَهُوَ ابْنُ جَعْفَرٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُنْبِعِثِ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهْنَى أَنَّ رَجُلًا سَأَلَ رَسُولَ اللَّهِ ﷺ عَنِ الْلُّقْطَةِ؟ فَقَالَ: «عَرَفْهَا سَنَةً، ثُمَّ اعْرِفُ وِكَاءَهَا وَعَفَاصَهَا، ثُمَّ اسْتَنْتِقُ بِهَا، فَإِنْ جَاءَ رَبَّهَا فَادْهَا إِلَيْهِ» فَقَالَ: يَا رَسُولَ اللَّهِ! فَضَالَّ الْغَنَمِ قَالَ: خُذْهَا، فَإِنَّمَا هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلَّذِئْبِ، قَالَ: يَا رَسُولَ اللَّهِ! فَضَالَّ الْإِلَيْلِ؟ قَالَ: فَغَضِبَ رَسُولُ اللَّهِ ﷺ حَتَّىٰ أَحْمَرَتْ وَجْهَتْهُ - أَوْ أَحْمَرَ وَجْهَهُ - ثُمَّ قَالَ: «مَا لَكَ وَلَهَا؟ مَعَهَا حِدَاؤُهَا وَسِقَاؤُهَا حَتَّىٰ يَلْقَاهَا رَبُّهَا».

[٤٥٠٠] ٣ - (...) حَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: أَخْبَرَنِي سُقِيَانُ الشَّوْرِيُّ وَمَالِكُ بْنُ أَنَسٍ وَعُمَرُو بْنُ الْحَارِثِ وَعَيْرُهُمْ؛ أَنَّ رَبِيعَةَ بْنَ أَبِي عَبْدِ الرَّحْمَنِ حَدَّثَهُمْ بِهَذَا الْإِسْنَادِ؛ مِثْلُ حَدِيثِ مَالِكٍ، غَيْرَ أَنَّهُ زَادَ: قَالَ: أَتَى رَجُلٌ رَسُولَ اللَّهِ ﷺ وَأَنَا مَعَهُ، فَسَأَلَهُ عَنِ الْلُّقْطَةِ؟ وَقَالَ: قَالَ عُمَرُو فِي الْحَدِيثِ: «إِذَا لَمْ يَأْتِ لَهَا طَالِبٌ فَاسْتَنْفِهَا».

[٤٥٠١] ٤ - (...) وَحَدَّثَنِي أَحْمَدُ بْنُ عُثْمَانَ بْنِ حَكِيمٍ الْأَوْدِيُّ: حَدَّثَنَا

he mentioned a *Hadîth* like that of Ismâ‘îl bin Ja‘far (no. 4499), except that he said: His face and forehead turned red and he became angry. And after the words ...‘Announce it for a year’ he (the sub-narrator) added, “then if its owner does not come, it is a trust with you.”

خَالِدُ بْنُ مَخْلِدٍ: حَدَّثَنِي سُلَيْمَانُ وَهُوَ ابْنُ بِلَالٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُنْبَعِثِ قَالَ: سَمِعْتُ زَيْدَ بْنَ خَالِدٍ الْجُهَنِيَّ يَقُولُ: أَتَى رَجُلٌ رَسُولُ اللَّهِ ﷺ، فَذَكَرَ نَحْوَ حَدِيثِ إِسْمَاعِيلَ بْنِ جَعْفَرٍ، غَيْرَ أَنَّهُ قَالَ: فَاحْمَارَ وَجْهُهُ وَجِينَهُ، وَغَضِيبَ، وَزَادَ - بَعْدَ قَوْلِهِ: ثُمَّ عَرَفَهَا سَنَةً - : «إِنْ لَمْ يَجِدْهُ صَاحِبُهَا كَانَتْ وَدِيْعَةً عِنْدَكَ».

[4502] ٥ - (...) It was narrated from Yazîd, the freed slave of Al-Munba‘îth, that he heard Zâid bin Khâlid Al-Juhâni, the Companion of the Messenger of Allâh ﷺ, say: The Messenger of Allâh ﷺ was asked about picking up lost gold and silver. He (ﷺ) said: “Memorize the features of its strap and bag, then announce it for one year. If you do not find [its owner] then spend it, but it is a trust with you. If some day its owner comes looking for it, then pay him back.” And he asked him about a lost camel. He said: “What have you to do with it? Let it be, for it has its feet and water supply with it, and it seeks water and eats the trees, until its master finds it.” And he asked him about a lost sheep. He said: “Take it, for it is either for you, for your brother or for the wolf.”

ابْنُ مَسْلَمَةَ بْنِ فَعْلَبٍ: حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ يَزِيدَ مَوْلَى الْمُنْبَعِثِ أَنَّهُ سَمِعَ زَيْدَ بْنَ خَالِدٍ الْجُهَنِيَّ صَاحِبَ رَسُولِ اللَّهِ ﷺ يَقُولُ: سُئِلَ رَسُولُ اللَّهِ ﷺ عَنِ الْلُّقْطَةِ الْذَّهَبِ أَوِ الْوَرِقِ؟ فَقَالَ: «أَعْرِفُ وَكَاهَا وَعَفَاصَاهَا، ثُمَّ عَرَفَهَا سَنَةً، إِنْ لَمْ تَعْرِفْ فَاسْتَنْتِقْهَا، وَلْتُكُنْ وَدِيْعَةً عِنْدَكَ، إِنْ جَاءَ طَالِبُهَا يَوْمًا مِنَ الدَّهْرِ فَأَدْهِرِهِ إِلَيْهِ» وَسَأَلَهُ عَنْ ضَالَّةِ الْإِبِلِ؟ فَقَالَ: «مَالُكَ وَلَهَا؟ دَعْهَا، إِنَّ مَعَهَا حِذَاءَهَا وَسِقَاءَهَا، تَرِدُ الْمَاءُ وَتَأْكُلُ الشَّجَرَ، حَتَّى يَجِدَهَا رَبُّهَا» وَسَأَلَهُ عَنِ الشَّاةِ؟ فَقَالَ: «خُذْهَا، إِنَّمَا هِيَ لَكَ أَوْ لَأْخِيكَ أَوْ لِلَّذِيْبِ».

[4503] 6 - (...) It was narrated from Yazid, the freed slave of Al-Munba'ith, from Zaid bin Khâlid Al-Juhâni, that a man asked the Prophet ﷺ about a lost camel. Rabî'ah added: He ﷺ became so angry that his cheeks turned red... and he quoted a *Hadîth* similar to their (no. 4502), and added (that the Prophet ﷺ said): "If its owner comes and recognizes its bag, amount and strap, then give it to him, otherwise it is yours."

[٤٥٠٣] ٦- (...) حَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا حَبَّانُ بْنُ هَلَالٍ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ: حَدَّثَنِي يَحْيَى بْنُ سَعِيدٍ وَرَبِيعَةُ الرَّأْيِ ابْنُ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُنْبِعِثِ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ؛ أَنَّ رَجُلًا سَأَلَ الْبَيْتَ عَنْ صَالَةِ الْإِبِلِ؟ رَأَدَ رَبِيعَةُ فَغَضِبَ حَتَّى أَحْمَرَتْ وَجْنَتَاهُ، وَاقْتَصَرَ الْحَدِيثُ بِتَحْوِي حَدِيثِهِمْ، وَرَأَدَ: «فِإِنْ جَاءَ صَاحِبُهَا فَعَرَفَ عِفَاصَهَا، وَعَدَدَهَا وَوِكَاءَهَا، فَأَعْطَهَا إِيَاهُ. وَإِلَّا، فَهَيَّ لَكَ».

[4504] 7 - (...) It was narrated that Zaid bin Khâlid Al-Juhâni said: The Messenger of Allâh ﷺ was asked about picking up lost items. He said: "Announce it for one year, then if it is not recognized (i.e., claimed), memorize the features of its bag and strap, then consume it, but if its owner comes, pay it back."

[٤٥٠٤] ٧- (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرُو بْنِ سَرْحٍ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ وَهْبٍ: حَدَّثَنِي الصَّحَّاكُ بْنُ عُثْمَانَ، عَنْ أَبِي النَّضْرِ، عَنْ بُشَّرِ بْنِ سَعِيدٍ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ قَالَ: سُلِّئَ رَسُولُ اللَّهِ عَنِ النَّقطَةِ؟ فَقَالَ: «عَرْفُهَا سَنَةً، فَإِنْ لَمْ تُعْتَرَفْ، فَأَعْرِفُ عِفَاصَهَا وَوِكَاءَهَا، ثُمَّ كُلْهَا، فَإِنْ جَاءَ صَاحِبُهَا فَأَدْهَا إِلَيْهِ».

[4505] 8 - (...) Ad-Dâhhâk bin 'Uthmân narrated it with this chain (a *Hadîth* similar to no. 4504), and he said in the *Hadîth*: "If it is recognized, then pay it

[٤٥٠٥] ٨- (...) وَحَدَّثَنِيهِ إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا أَبُو بَكْرِ الْحَفَّاظِ: حَدَّثَنَا الصَّحَّاكُ بْنُ عُثْمَانَ، بِهَذَا

back, otherwise memorize the features of its strap, bag, container and amount.”

الإسناد، وقال في الحديث: «فإن اعترفت فدادها، وإلا فاعرف عقاضها ووكياءها ووعاءها وعددها».

[٤٥٠٦] - [١٧٢٣] ٩ - (1723) حدثنا محمد

ابن بشير: حدثنا محمد بن جعفر: حدثنا شعبة؛ وحدثني أبو بكر بن نافع - واللهم له - : حدثنا عندر: حدثنا شعبة عن سلمة بن كهيل قال: سمعت سعيد بن غفلة قال: خرجت أنا وزيد بن صوحان وسلمان بن ربيعة غازين، فوجدت سوطا فأخذه، فقال لي: دعه، فقلت: لا، ولكن أعرفه، فإن جاء صاحبه، وإلا استمتع به، قال: فأتيت عليهما، فلما رجعنا من غزاتنا، قضي لي أبي حبيب، وإنما رجعوا من غزاتنا، فلقيت أبي بن كعب، فأخبرته بشأن السوط وبقولهما، فقال: إني وجدت صرة فيها مائة دينار على عهد رسول الله صلى الله عليه وسلم، فأتيت بها رسول الله صلى الله عليه وسلم، فقال: «عرّفها حولا» قال: فعرفتها فلم أجده من يعرفها، ثم أتيته فقال: «عرّفها حولا» [فعرفتها] فلم أجده من يعرفها، فقال: «احفظ عددها ووعاءها

strap, then if its owner comes (give it to him), otherwise make use of it." So I made use of it.

I met him in Makkah after that and he said: I do not know if it was three years or one year.

[4507] (...) Suwaid bin Ghafalah said: I went out with Zaid bin Sūhān and Salmān bin Rabī'ah, and I found a whip... and he narrated a similar *Hadīth* (as no. 4506), up to the words: so I made use of it. Shu'bah (a sub-narrator) said: And I heard him ten years later saying: I announced it for one year.

وَوِكَاءُهَا، فَإِنْ جَاءَ صَاحِبُهَا، وَإِلَّا
فَاسْتَمْتَعْ بِهَا» فَاسْتَمْتَعْ بِهَا.
فَلَقِيَتْهُ بَعْدَ ذَلِكَ بِمَكَّةَ فَقَالَ: لَا أَدْرِي
بِشَلَائِتَةِ أَخْوَالٍ أَوْ حَوْلٍ وَاجِدٍ.

[4507] (...) وَحَدَّثَنِي عَبْدُ
الرَّحْمَنِ بْنُ يَسْرِي الْعَبْدِيُّ: حَدَّثَنَا بَهْرُ:
حَدَّثَنَا شُعبَةُ: أَخْبَرَنِي سَلَمَةُ بْنُ كَهْلَلِ أَوْ
أَخْبَرَ الْقَوْمَ وَأَنَا فِيهِمْ، قَالَ: سَمِعْتُ
سُوِيدَ بْنَ عَفَلَةَ قَالَ: خَرَجْتُ مَعَ زَيْدَ بْنِ
صُونَانَ وَسَلْمَانَ بْنِ رَبِيعَةَ، فَوَجَدْتُ
سُوْطًا، وَأَفْتَصَّ الْحَدِيثَ بِمِثْلِهِ، إِلَيْهِ
قَوْلِهِ: فَاسْتَمْتَعْ بِهَا، قَالَ شُعبَةُ:
فَسَمِعْتُهُ بَعْدَ عَشْرِ سِنِينَ يَقُولُ: عَرَفَهَا
عَامًا وَاحِدًا.

[4508] 10 - (...) A *Hadīth* like that of Shu'bah (no. 4507) was narrated from Salamah bin Kuhayl with this chain. In the *Hadīth* of both of them it says: three years, except for Hammād bin Salamah, in whose *Hadīth* it says: for two or three years. In the *Hadīth* of Salmān and Zaid bin Abī Unaysah and Hammād bin Salamah it says: "If someone comes and describes to you its number, its bag and its strap, then give it to him." Sufyān added in the report of Wakī': "Otherwise, it is like your own property." In the report of Ibn

[4508] 10 - (...) وَحَدَّثَنَا قَيْمِيَةُ
ابْنُ سَعِيدٍ: حَدَّثَنَا جَرِيرٌ عَنِ
الْأَعْمَشِ، وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ:
حَدَّثَنَا وَكِيعٌ، وَحَدَّثَنَا ابْنُ تُمِيرٍ: حَدَّثَنَا
أَبِي، جَمِيعًا، عَنْ سُقْيَانَ، وَحَدَّثَنِي مُحَمَّدُ
ابْنُ حَاتِمٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ
الرَّقِيقُ: حَدَّثَنَا عَبْيُودُ اللَّهِ يَعْنِي ابْنَ عُمَرَ
عَنْ زَيْدِ بْنِ أَبِي أَنَيْسَةَ؛ وَحَدَّثَنِي عَبْدُ
الرَّحْمَنِ بْنُ يَسْرِي: حَدَّثَنَا بَهْرُ: حَدَّثَنَا
حَمَادُ بْنُ سَلَمَةَ، كُلُّ هَؤُلَاءِ عَنْ سَلَمَةِ بْنِ

Numair it says: "Otherwise, make use of it."

كُهَيْلٌ بِهَذَا الْإِسْنَادِ، تَحْوَ حَدِيثٌ شُعْبَةَ،
وَفِي حَدِيثِهِمْ جَمِيعًا : ثَلَاثَةَ أَخْرَوَانِ، إِلَّا
حَمَادَ بْنَ سَلَمَةَ فَإِنَّ فِي حَدِيثِهِ : عَامِينَ أَوْ
ثَلَاثَةَ، وَفِي حَدِيثِ سُفْيَانَ وَرَزِيدٍ بْنِ أَبِي
أُنْيَسَةَ وَحَمَادَ بْنِ سَلَمَةَ : «فَإِنْ جَاءَ أَحَدٌ
يُخْبِرُكَ بِعَدِدِهَا وَوِعَائِهَا وَوِكَائِهَا، فَأَعْطِهَا
إِيَّاهُ»، وَرَأَدَ سُفْيَانُ فِي رِوَايَةٍ وَكَيْفَيَّعَ :
«وَإِلَّا فَهِيَ كَسَبِيلُ مَالِكٍ»، وَفِي رِوَايَةِ ابْنِ
تُعْمِيرٍ : «وَإِلَّا فَأَشَمْتُنِي بِهَا».

(المعجم ١) - (باب في لقطة الحاج)
(التحفة ٢)

Chapter 1. Picking up property lost by a pilgrim

[4509] 11 - (1724) It was narrated from 'Abdur-Rahmân bin 'Uthmân At-Tâimî that the Messenger of Allâh ﷺ forbade picking up property lost by a pilgrim.

[٤٥٠٩] [١٧٢٤] وَحَدَّثَنِي أَبُو الطَّاهِرِ وَيُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ :
حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ : أَخْبَرَنِي عَمْرُو
بْنُ الْحَارِثِ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ
الْأَشْجَعِ، عَنْ يَحْيَى بْنِ عَبْدِ الرَّحْمَنِ بْنِ
حَاطِبٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عُمَانَ
الشَّيْمِيِّ؛ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ لُقْطَةِ
الْحَاجِ.

[4510] 12 - (1725) It was narrated from Zaid bin Khâlid Al-Juhâni that the Messenger of Allâh ﷺ said: "Whoever finds a lost item is himself lost, unless he announces it."

[٤٥١٠] [١٧٢٥] وَحَدَّثَنِي أَبُو الطَّاهِرِ وَيُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ :
حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ قَالَ : أَخْبَرَنِي
عَمْرُو بْنُ الْحَارِثِ عَنْ بُكَيْرِ ابْنِ سَوَادَةَ،
عَنْ أَبِي سَالِمِ الْجَيْشَانِيِّ، عَنْ رَزِيدِ بْنِ

خَالِدُ الْجُهْنَيٌّ عَنْ رَسُولِ اللَّهِ قَالَ:
«مَنْ أَوْى ضَالَّةً فَهُوَ ضَالٌّ، مَا لَمْ
يُعْرَفْهَا». .

Chapter 2. Milking the animals is unlawful if the owner has not given permission

[4511] 13 - (1726) It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ said: No one should milk the animals of another person without his permission. Would one of you like his store to be raided and his vessels to be broken into and his food to be taken? The udders of their livestock also store up food for them, so no one should milk the animals of another person without his permission.”

[4512] (...) A *Hadîth* like that of Mâlik (no. 4511) was narrated from Nâfi‘ from Ibn ‘Umar, from the Prophet ﷺ, except that in their *Hadîth* it says: “...to be thrown on the floor,” except for Al-Laith bin Sa‘d, in whose *Hadîth* it says: “...or his food to be taken,” as in the report of Mâlik.

(المعجم ۲) - (باب تحريم حلب
الماشية بغير إذن مالكها) (التحفة ۳)

[٤٥١١] [١٣-٤٥١١] (١٧٢٦) حَدَّثَنَا يَحْيَى
ابْنُ يَحْيَى التَّمِيمِيُّ قَالَ: قَرَأْتُ عَلَى
مَالِكٍ [بْنِ أَسْنَىٰ]، عَنْ نَافِعٍ، عَنْ ابْنِ
عُمَرَ: أَنَّ رَسُولَ اللَّهِ قَالَ: «لَا
يَحْلِبُنَّ أَحَدٌ مَاشِيَةً أَحَدٍ إِلَّا يَإِذْنِهِ، أَيُحِبُّ
أَحَدُكُمْ أَنْ تُؤْتَى مَسْرَبَتُهُ، فَتُكْسَرُ خِرَانَتُهُ،
فَيُتَقَلَّ طَعَامُهُ؟ فَإِنَّمَا تَخْرُنُ لَهُمْ ضُرُوعُ
مَوَاشِيهِمْ أَطْعَمَهُمْ، فَلَا يَحْلِبُنَّ أَحَدٌ
مَاشِيَةً أَحَدٍ إِلَّا يَإِذْنِهِ».

[٤٥١٢] (...) وَحَدَّثَنَا قَيْمِيَّةُ بْنُ
سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحَةَ، جَمِيعًا عَنِ
اللَّيْثِ بْنِ سَعِيدٍ؛ وَحَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي
شَيْبَةَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ؛ وَحَدَّثَنَا ابْنُ
نُمَيْرٍ: حَدَّثَنَا أَبِي، كَلَاهُمَا، عَنْ عُمَيْدِ
اللَّهِ؛ وَحَدَّثَنِي أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: .
حَدَّثَنَا حَمَادٌ؛ وَحَدَّثَنِي زُهْيرٌ بْنُ حَرْبٍ: .
حَدَّثَنَا إِسْمَاعِيلٌ يَعْنِي ابْنَ عُلَيَّةَ، جَمِيعًا،
عَنْ أَيُّوبٍ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا
سُفْيَانُ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ؛ وَحَدَّثَنَا

مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ عَنْ مَعْمَرٍ، عَنْ أَيُوبَ وَابْنِ جُرَيْجٍ عَنْ مُوسَى، كُلُّ هُؤُلَاءِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ تَحْوَى حَدِيثُ مَالِكٍ، غَيْرَ أَنَّ فِي حَدِيثِهِمْ جَمِيعًا «فَيُتَشَتَّلُ» إِلَّا الْلَّذِيْنَ بْنَ سَعْدٍ فَإِنَّ فِي حَدِيثِهِ «فَيُتَقْتَلَ طَعَامُهُ» كَرْوَايَةً مَالِكٍ.

Chapter 3. Hospitality etc.

(المعجم ٣) - (باب الضيافة ونحوها)
(التحفة ٤)

[4513] 14 - (48) It was narrated that Abû Shurayh Al-'Adawi said: My ears heard and my eyes saw, when the Messenger of Allâh ﷺ spoke and said: "Whoever believes in Allâh and the Last Day, let him honor his guest with full hospitality." They said: What is full hospitality, O Messenger of Allâh? He said: "One day and one night, and hospitality is for three days, and anything beyond that is charity towards him." And he (ﷺ) said: "Whoever believes in Allâh and the Last Day, let him speak well or else remain silent."

[4514] 15 - (...) It was narrated that Abû Shurayh Al-Khuza'i said: The Messenger of Allâh ﷺ said: "Hospitality is for three

[٤٥١٣] ١٤ - (٤٨) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: أَخْبَرَنَا لَيْلَثٌ عَنْ سَعِيدِ ابْنِ أَبِي سَعِيدٍ، عَنْ أَبِي شُرَيْحٍ الْعَدَوِيِّ أَنَّهُ قَالَ: سَمِعْتُ أَذْنَاتِي، وَأَبْصَرْتُ عَيْنَاتِي، جِبَنَ تَكَلَّمَ رَسُولُ اللَّهِ ﷺ فَقَالَ: «مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ، فَلْيَكْرِمْ ضَيْفَهُ جَاهِزَتَهُ»، قَالُوا: وَمَا جَاهِزَتُهُ؟ يَا رَسُولَ اللَّهِ! قَالَ: «يَوْمَهُ وَلَيْلَتُهُ، وَالضِيَافَةُ: ثَلَاثَةُ أَيَّامٍ، فَمَا كَانَ وَرَاءَ ذَلِكَ فَهُوَ صَدَقَةٌ عَلَيْهِ»، وَقَالَ: «وَمَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلْيَقْلُلْ خَيْرًا أَوْ لِيَضْمُنْ». [راجع: ١٧٦]

[٤٥١٤] ١٥ - (...) حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا وَكِبْعُ: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ عَنْ سَعِيدِ بْنِ

days, and full hospitality is for one day and one night. It is not permissible for a Muslim man to stay with his brother until he causes him to sin.” They said: O Messenger of Allâh, how could he cause him to sin? He said: “When he stays with him until there is nothing left with which to entertain him.”

[4515] 16 - (...) Abû Shurayh Al-Khuzâ’i said: My ears heard, my eyes saw and my heart understood, when the Messenger of Allâh spoke of it... and he narrated a *Hadîth* like that of Al-Laith (no. 4513), in which he said: “It is not permissible for any one of you to stay with his brother until he causes him to sin,” as in the *Hadîth* of Wakî’ (no.4514).

أَبِي سَعِيدِ الْمَقْبُرِيِّ، عَنْ أَبِي شَرِيعٍ الْخَرَاعِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الضَّيَاةُ: ثَلَاثَةُ أَيَّامٌ، وَجَاهَرَتْهُ: يَوْمٌ وَلَيْلَةٌ، وَلَا يَحِلُّ لِرَجُلٍ مُسْلِمٍ أَنْ يُقِيمَ عِنْدَ أَخِيهِ حَتَّى يُؤْثِمَهُ»، قَالُوا: يَا رَسُولَ اللَّهِ! وَكَيْفَ يُؤْثِمُهُ؟ قَالَ: «يُقِيمُ عِنْدَهُ، وَلَا شَيْءَ لَهُ يَغْرِيُهُ بِهِ».

[4515] 16 - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُسْتَى: حَدَّثَنَا أَبُو بَكْرٍ - يَعْنِي الْحَنْفِيَّ -: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ: حَدَّثَنِي سَعِيدُ الْمَقْبُرِيُّ أَنَّهُ سَمِعَ أَبَا شَرِيعَ الْخَرَاعِيَّ يَقُولُ: سَمِعْتُ أَذْنَانِي، وَبَصَرَ عَيْنِي، وَوَعَاءَ قَلْبِي، حِينَ تَكَلَّمُ بِهِ رَسُولُ اللَّهِ ﷺ، فَذَكَرَ بِمِثْلِ حَدِيثِ الْلَّيْثِ، وَذَكَرَ فِيهِ: «وَلَا يَحِلُّ لِأَحَدٍ كُمْ أَنْ يُقِيمَ عِنْدَ أَخِيهِ حَتَّى يُؤْثِمَهُ» بِمِثْلِ مَا فِي حَدِيثِ وَكِيعٍ.

[4516] 17 - (1727) It was narrated that ‘Uqbah bin ‘Amîr said: We said: O Messenger of Allâh, you send us and we stay with people who do not show us hospitality. What do you think? The Messenger of Allâh spoke to us: “If you stay with a people and they order that you be offered what is befitting to a guest, then accept it, and if they do not do that, then take from

بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا الْلَّيْثُ عَنْ يَزِيدَ بْنِ حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ أَنَّهُ قَالَ: قُوْنَا: يَا رَسُولَ اللَّهِ! إِنَّنَا تَبَعَّثُنَا فَنَتَرْلُ بِقَوْمٍ فَلَا يَقْرُونَا، فَمَا تَرَى؟ فَقَالَ لَنَا رَسُولُ اللَّهِ ﷺ: «إِنَّنَّا نَرْلُ بِقَوْمٍ

them the right of a guest that is due to him.”

Chapter 4. It is recommended to spend surplus wealth

[4517] 18 - (1728) It was narrated that Abû Sa‘eed Al-Khudrî said: Whilst we were on a journey with the Prophet ﷺ, a man came to him on a mount of his and started looking to his right and left. The Messenger of Allâh ﷺ said: “Whoever has a surplus mount, let him give it to one who has no mount, and whoever has surplus provisions, let him give them to one who has no provisions.”

He mentioned various kinds of wealth, until we thought that none of us had any right to any kind of surplus.

Chapter 5. It is recommended to mix provisions if they are few, and to share them out

[4518] 19 - (1729) Iyâs bin Salâmah narrated that his father said: We went out with the Messenger of Allâh ﷺ on a

فَأَمْرُوا لِكُمْ بِمَا يَبْغِي لِلضَّيْفِ، فَاقْبِلُوا،
إِنْ لَمْ يَعْلُوا، فَخُدُوا مِنْهُمْ حَقَّ الضَّيْفِ
الَّذِي يَبْغِي لَهُمْ».

(المعجم ٤) - (باب استحباب المؤاساة بفضول المال) (التحفة ٢٠)
المجازي (١):

ابن فروخ: حَدَّثَنَا أَبُو الْأَشْهَبِ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: يَبْتَمَّ نَحْنُ فِي سَفَرٍ مَعَ النَّبِيِّ ﷺ، إِذْ جَاءَهُ رَجُلٌ عَلَى رَاحِلَةٍ لَهُ، قَالَ: فَجَعَلَ يَصْرُفُ بَصَرَهُ يَمِينًا وَشِمَالًا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَ مَعَهُ فَضْلٌ ظَهَرَ فَلْيَعْدُ بِهِ عَلَى مَنْ لَا
ظَهَرَ لَهُ، وَمَنْ كَانَ لَهُ فَضْلٌ مِنْ زَادٍ فَلْيَعْدُ
بِهِ عَلَى مَنْ لَا زَادَ لَهُ». قَالَ: فَذَكَرَ مِنْ أَصْنافِ الْمَالِ مَا ذَكَرَ، حَتَّى رَأَيْنَا أَنَّهُ لَا حَقٌّ لِأَحَدٍ مِنَّا فِي فَضْلٍ.

(المعجم ٥) - (باب استحباب خلط الأزواود إذا قلت، والمؤاساة فيها)
(التحفة ٢)

ابن يوسف الأزدي: حَدَّثَنَا أَخْمَدُ
ابن يوسف الأزدي: حَدَّثَنَا الْقَصْرُ -

campaign, and we faced hardship, so much so that we thought of slaughtering some of our mounts. The Prophet of Allâh ﷺ ordered us to gather together our provisions, then we spread out a sheet of leather and he gathered together the people's provisions on that leather sheet. I measured it and found that it was the size of a spot where a goat could sit, and we were fourteen hundred men. We ate until we were all had our hunger satisfied, then we filled our bags. The Prophet of Allâh ﷺ said: "Is there any water for *Wudû'*?" A man brought a small bucket in which there was a drop of water, and poured it into a bowl. We all did *Wudû'*, using water plentifully, fourteen hundred men. Then after that eight men came and said: Is there any water for *Wudû'*? And the Messenger of Allâh ﷺ said: "(The water for) *Wudû'* is finished."

يَعْنِي: ابْنَ مُحَمَّدٍ - الْيَمَامِيَّ: حَدَّثَنَا
 عِكْرَمَةُ وَهُوَ ابْنُ عَمَّارٍ: حَدَّثَنَا إِيَّاسُ بْنُ
 سَلَمَةَ عَنْ أَبِيهِ قَالَ: خَرَجْنَا مَعَ رَسُولِ
 اللَّهِ ﷺ فِي غَزْوَةِ الْأَقْصَى، فَأَصَابَنَا جَهْدٌ، حَتَّى
 هَمَّنَا أَنْ نَنْحَرَ بَعْضَ ظَهِيرَنَا، فَأَمَرَ رَبِيعَ
 اللَّهِ ﷺ فَجَمَعْنَا تَزْوَادَنَا، فَبَسَطْنَا لَهُ
 نِطْعًا، فَاجْتَمَعَ رَادُ الْقَوْمِ عَلَى النِّطْعِ،
 قَالَ: فَتَطَوَّلْتُ لِأَخْرُرَةِ كُمْ هُوَ؟ فَخَرَرْتُهُ
 كَرْبُضَةَ الْعَنْزِ، وَنَحْنُ أَرْبَعَ عَشَرَةَ مِائَةً،
 قَالَ: فَأَكَلْنَا حَتَّى شَبَعْنَا جَمِيعًا، ثُمَّ
 حَشَوْنَا جُرْبَيْنَا، فَقَالَ تَبِيعُ اللَّهِ ﷺ: «هَلْ
 مِنْ وَضُوءٍ؟» قَالَ: فَجَاءَ رَجُلٌ بِإِدَاؤَةِ
 [لَهُ،] فِيهَا نُفْفَةٌ، فَأَفْرَغَهَا فِي قَدْحٍ،
 فَتَوَضَّأَنَا كُلُّنَا، نُدَغْفِقُهُ دَعْفَقَةً، أَرْبَعَ عَشَرَةَ
 مِائَةً. قَالَ: ثُمَّ جَاءَ بَعْدَ [ذَلِكَ] ثَمَانِيَّةَ
 فَقَالُوا: هَلْ مِنْ طَهُورٍ؟ فَقَالَ رَسُولُ
 اللَّهِ ﷺ: «فَرَغَ الْوَضُوءُ». .