

## 27. The Book Of Oaths

١٢ - (المعجم ٢٧) - كتاب الأيمان

(التحفة ...)

## Chapter 1. The Prohibition Of Swearing By Something Other Than Allâh

(المعجم ١) - (بَابُ النَّهْيِ عَنِ الْحَلْفِ

بِغَيْرِ اللَّهِ تَعَالَى) (التحفة ٦)

[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."

[٤٢٥٤] ١ - (١٦٤٦) حَدَّثَنِي أَبُو

الطَّاهِرِ أَحْمَدُ بْنُ عَمْرٍو بْنِ سَرْحٍ: حَدَّثَنَا

ابْنُ وَهْبٍ عَنْ يُونُسَ؛ وَحَدَّثَنِي حَرْمَلَةُ بْنُ

يَحْيَى: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي

يُونُسُ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ

عَبْدِ اللَّهِ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ عُمَرَ بْنَ

الْخَطَّابِ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ

اللَّهَ تَعَالَى يَنْهَأُكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ».

قَالَ عُمَرُ: فَوَاللَّهِ مَا حَلَفْتُ بِهَا مُنْذُ

سَمِعْتُ رَسُولَ اللَّهِ ﷺ نَهَى عَنْهَا، ذَاكِرًا

وَلَا آخِرًا.

[4255] 2 - (...) A similar report (as no. 4254) was narrated from Az-Zuhrî 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] ٢ - (...) حَدَّثَنِي عَبْدُ

الْمَلِكِ بْنُ شُعَيْبِ بْنِ اللَّيْثِ: حَدَّثَنِي أَبِي

عَنْ جَدِّي: حَدَّثَنِي عُقَيْلُ بْنُ خَالِدٍ،

وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ

قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ،

كِلَاهُمَا عَنْ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ، مِثْلَهُ،

غَيْرَ أَنَّ فِي حَدِيثِ عُقَيْلٍ: مَا حَلَفْتُ بِهَا

مُنْذُ سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَنْهَى 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 بَكْرِ بْنُ  
أَبِي شَيْبَةَ وَعَمْرُو النَّاقِدُ وَزُهَيْرُ بْنُ حَرْبٍ  
قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ  
الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ قَالَ:  
سَمِعَ النَّبِيَّ ﷺ عَمَرَ وَهُوَ يَحْلِفُ بِأَبِيهِ،  
بِمِثْلِ رِوَايَةِ يُونُسَ وَمَعْمَرَ.

[4257] 3 - (...) It was narrated from 'Abdullâh that the Messenger of Allâh ﷺ caught up with 'Umar bin Al-Khattâb 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 قُتَيْبَةُ بْنُ  
سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ  
رُمْحٍ - وَاللَّفْظُ لَهُ - : أَخْبَرَنَا اللَّيْثُ،  
عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ عَنْ رَسُولِ  
اللَّهِ ﷺ أَنَّهُ أَدْرَكَ عُمَرَ بْنَ الْخَطَّابِ فِي  
رَكْبٍ، وَعَمَرُ يَحْلِفُ بِأَبِيهِ، فَتَنَادَاهُمْ  
رَسُولُ اللَّهِ ﷺ: «أَلَا إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ  
تَحْلِفُوا بِآبَائِكُمْ، فَمَنْ كَانَ حَالِفًا فَلْيَحْلِفْ  
بِاللَّهِ أَوْ لِيَضْمَتْ».

[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 نُمَيْرٍ: حَدَّثَنَا أَبِي؛  
وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا يَحْيَى -  
وَهُوَ الْقَطَّانُ، عَنْ عَبْدِ اللَّهِ؛ وَحَدَّثَنِي  
بِشْرُ بْنُ هِلَالٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ:  
حَدَّثَنَا أَيُّوبُ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا

أَبُو أُسَامَةَ عَنِ الْوَلِيدِ بْنِ كَثِيرٍ؛ وَحَدَّثَنَا  
ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنِ  
إِسْمَاعِيلَ بْنِ أُمِيَّةَ؛ وَحَدَّثَنَا ابْنُ رَافِعٍ:  
حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا الضَّحَّاكُ  
وَابْنُ أَبِي ذُئْبٍ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ  
إِبْرَاهِيمَ وَابْنُ رَافِعٍ، عَنِ عَبْدِ الرَّزَّاقِ،  
عَنِ ابْنِ جُرَيْجٍ: أَخْبَرَنِي عَبْدُ الْكَرِيمِ،  
كُلُّ هَؤُلَاءِ عَنِ نَافِعٍ، عَنِ ابْنِ عُمَرَ بِمِثْلِ  
هَذِهِ الْقِصَّةِ عَنِ النَّبِيِّ 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 أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ - قَالَ  
يَحْيَى بْنُ يَحْيَى: أَخْبَرَنَا، وَقَالَ الْآخَرُونَ:  
حَدَّثَنَا - إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ، عَنِ عَبْدِ  
اللَّهِ بْنِ دِينَارٍ أَنَّهُ سَمِعَ ابْنَ عُمَرَ قَالَ: قَالَ  
رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَ حَالِفًا فَلَا يَحْلِفُ  
إِلَّا بِاللَّهِ»، وَكَانَتْ قُرَيْشٌ تَحْلِفُ بِآبَائِهَا،  
فَقَالَ: «لَا تَحْلِفُوا بِآبَائِكُمْ».

## Chapter 2. Whoever Swears By Al-Lât And Al-'Uzza, Let Him Say *Lâ Ilâha Illallâh*

(المعجم ٢) - (بَابُ مَنْ حَلَفَ بِاللَّاتِ  
وَالْعُزَّى، فَلْيَقُلْ: لَا إِلَهَ إِلَّا اللَّهُ)  
(التحفة ٧)

[4260] 5 - (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] ٥ - (١٦٤٧) حَدَّثَنِي أَبُو  
الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ، عَنِ يُونُسَ؛  
وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا ابْنُ  
وَهْبٍ: أَخْبَرَنِي يُونُسُ. عَنِ ابْنِ شِهَابٍ:

to his companion: 'Come, I will gamble with you,' let him give charity."

[4261] (...) It was narrated from Az-Zuhrî 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'î it says: "Whoever swears by al-Lât and Al-'Uzza."

Abû Al-Huşain Muslim said: This phrase - meaning: "Come, I will gamble with you" - was not narrated by anyone except Az-Zuhrî. Az-Zuhrî had approximately ninety phrases which he narrated from the Prophet ﷺ and no one else narrated them with any reliable chain of narrators.

[4262] 6 - (1648) It was narrated that 'Abdur-Raḥmân bin Samurah said: "The Messenger of Allâh ﷺ said: 'Do not swear by false gods or by your fathers.'"

أَخْبَرَنِي حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ مِنْكُمْ، فَقَالَ فِي حَلْفِهِ: بِاللَّاتِ، فَلْيُقْل: لَا إِلَهَ إِلَّا اللَّهُ، وَمَنْ قَالَ لِصَاحِبِهِ: تَعَالَ أَقَامِرْكَ، فَلْيَتَّصِدَّقْ».

[٤٢٦١] (...) وَحَدَّثَنِي سُؤَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنِ الْأَوْزَاعِيِّ، وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ قَالَا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كِلَاهُمَا عَنِ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ، وَحَدِيثُ مَعْمَرٍ مِثْلُ حَدِيثِ يُونُسَ، غَيْرَ أَنَّهُ قَالَ «فَلْيَتَّصِدَّقْ بِشَيْءٍ»، وَفِي حَدِيثِ الْأَوْزَاعِيِّ «مَنْ حَلَفَ بِاللَّاتِ وَالْعُزَّى».

قَالَ أَبُو الْحُسَيْنِ مُسْلِمٌ: هَذَا الْحَرْفُ، يَعْنِي قَوْلُهُ: «تَعَالَ أَقَامِرْكَ فَلْيَتَّصِدَّقْ» لَا يَرَوِيهِ أَحَدٌ، غَيْرُ الزُّهْرِيِّ، قَالَ: وَلِلزُّهْرِيِّ نَحْوٌ مِنْ تِسْعِينَ حَرْفًا يَرَوِيهِ عَنِ النَّبِيِّ ﷺ، لَا يُشَارِكُهُ فِيهِ أَحَدٌ بِأَسَانِيدِ جِيَادِ.

[٤٢٦٢] ٦ - (١٦٤٨) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنِ هِشَامِ، عَنِ الْحَسَنِ، عَنِ عَبْدِ الرَّحْمَنِ ابْنِ سَمُرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَحْلِفُوا بِالطَّوَاغِي وَلَا بِآبَائِكُمْ».

**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-Ash'arî said: "I came to the Prophet ﷺ among a group of the Ash'arîs 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) - (بَابُ نَدْبٍ مِنْ حَلْفٍ يَمِينًا، فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، أَنْ يَأْتِيَ الَّذِي هُوَ خَيْرٌ، وَيَكْفُرُ عَنْ يَمِينِهِ)  
(التحفة ٨)

[٤٢٦٣] ٧ - (١٦٤٩) حَدَّثَنَا خَلْفُ ابْنِ هِشَامٍ وَفُتَيْبَةُ بْنُ سَعِيدٍ وَيَحْيَى ابْنُ حَبِيبٍ الْحَارِثِيُّ - وَاللَّفْظُ لِخَلْفٍ - قَالُوا: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ غَيْلَانَ بْنِ جَرِيرٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ فِي رَهْطٍ مِنَ الْأَشْعَرِيِّينَ نَسْتَحْمِلُهُ، فَقَالَ: «وَاللَّهِ! لَا أَحْمِلُكُمْ، وَمَا عِنْدِي مَا أَحْمِلُكُمْ عَلَيْهِ» قَالَ: فَلَيْتَنَا مَا شَاءَ اللَّهُ، ثُمَّ أَتَيْتُ بَابِلَ، فَأَمَرَ لَنَا بِثَلَاثِ ذَوْدٍ عُرِّ الذَّرَى، فَلَمَّا انْطَلَقْنَا قُلْنَا - أَوْ قَالَ بَعْضُنَا لِبَعْضٍ -: لَا يُبَارِكُ اللَّهُ لَنَا، أَتَيْتَنَا رَسُولَ اللَّهِ ﷺ نَسْتَحْمِلُهُ فَحَلَفَ أَنْ لَا يَحْمِلَنَا، ثُمَّ حَمَلَنَا، فَأَنْوَهُ فَأَخْبَرُونَهُ، فَقَالَ: «مَا أَنَا حَمَلْتُكُمْ، وَلَكِنَّ اللَّهَ حَمَلَكُمْ، 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 اللَّهِ ابْنُ بَرَادٍ الْأَشْعَرِيُّ 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

الْهَمْدَانِيَّ - وَتَقَارَبَا فِي اللَّفْظِ - قَالَا :  
 حَدَّثَنَا أَبُو أُسَامَةَ عَنْ بُرَيْدٍ، عَنْ أَبِي  
 بُرَيْدَةَ، عَنْ أَبِي مُوسَى قَالَ: أَرْسَلَنِي  
 أَصْحَابِي إِلَى رَسُولِ اللَّهِ ﷺ أَسْأَلُهُ لَهُمْ  
 الْخُمَلَانَ، إِذْ هُمْ مَعَهُ فِي جَيْشِ الْعَشْرَةِ  
 - وَهِيَ غَزْوَةُ تَبُوكَ - فَقُلْتُ: يَا نَبِيَّ اللَّهِ!  
 إِنَّ أَصْحَابِي أَرْسَلُونِي إِلَيْكَ لِتَحْمِلَهُمْ،  
 فَقَالَ: «وَاللَّهِ! لَا أَحْمِلُكُمْ عَلَى شَيْءٍ»  
 وَوَأَقَفْتُهُ وَهُوَ غَضَبَانٌ وَلَا أَشْعُرُ، فَرَجَعْتُ  
 حَزِينًا مِنْ مَنَعَ رَسُولِ اللَّهِ ﷺ، وَمِنْ  
 مَخَافَةٍ أَنْ يَكُونَ رَسُولُ اللَّهِ ﷺ قَدْ وَجَدَ  
 فِي نَفْسِهِ عَلَيَّ، فَرَجَعْتُ إِلَى أَصْحَابِي  
 فَأَخْبَرْتُهُمُ الَّذِي قَالَ رَسُولُ اللَّهِ ﷺ، فَلَمْ  
 أَتَّبِعْ إِلَّا سُوءِيَّةً إِذْ سَمِعْتُ بِلَالًا يُنَادِي:  
 أَيُّ عَبْدِ اللَّهِ بْنِ قَيْسٍ! فَأَجَبْتُهُ، فَقَالَ:  
 أَحِبَّ رَسُولَ اللَّهِ ﷺ يَدْعُوكَ، فَلَمَّا أَتَيْتُ  
 رَسُولَ اللَّهِ ﷺ قَالَ: «خُذْ هَذَيْنِ  
 الْقَرِينَيْنِ، وَهَذَيْنِ الْقَرِينَيْنِ، وَهَذَيْنِ  
 الْقَرِينَيْنِ، - لَيْسَتْ أَبْعِرَةٌ ابْتِاعَهُنَّ حَيْثُ  
 مِنْ سَعْدٍ - فَانْطَلِقْ بِهِنَّ إِلَى أَصْحَابِكَ،  
 فَقُلْ: إِنَّ اللَّهَ - أَوْ قَالَ: إِنَّ رَسُولَ  
 اللَّهِ ﷺ - يَحْمِلُكُمْ عَلَى هَؤُلَاءِ،  
 فَارْكَبُوهُنَّ».

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.

أَصْحَابِي بِهِنَّ، فَقُلْتُ: إِنَّ رَسُولَ اللَّهِ ﷺ يَحْمِلُكُمْ عَلَى هَؤُلَاءِ، وَلَكِنْ، وَاللَّهِ لَا أَدْعُكُمْ حَتَّى يَنْطَلِقَ مَعِيَ بَعْضُكُمْ إِلَى مَنْ سَمِعَ مَقَالَ رَسُولِ اللَّهِ ﷺ، حِينَ سَأَلْتُهُ لَكُمْ، وَمَنْعَهُ فِي أَوَّلِ مَرَّةٍ، ثُمَّ إِعْطَاهُ إِيَّائِي بَعْدَ ذَلِكَ، لَا تَنْظُرُوا أَنِّي حَدَّثْتُكُمْ شَيْئًا لَمْ يَقُلْهُ، فَقَالُوا لِي: وَاللَّهِ! إِنَّكَ عِنْدَنَا لَمُصَدِّقٌ، وَانْفَعَلَنْ مَا أَحْبَبْتَ، فَانْطَلَقَ أَبُو مُوسَى بِنَفَرٍ مِنْهُمْ، حَتَّى أَتَوْا الَّذِينَ سَمِعُوا قَوْلَ رَسُولِ اللَّهِ ﷺ وَمَنْعَهُ إِيَّاهُمْ، ثُمَّ إِعْطَاهُمْ بَعْدَ، فَحَدَّثْتُهُمْ بِمَا حَدَّثْتُهُمْ بِهِ أَبُو مُوسَى، سَوَاءً.

[4265] 9 - (...) 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

[٤٢٦٥] ٩- (...) حَدَّثَنِي أَبُو الرَّبِيعِ الْعَتَكِيُّ: حَدَّثَنَا حَمَادٌ يَعْنِي ابْنَ زَيْدٍ، عَنْ أَبِي رَبِيعٍ، عَنْ أَبِي قِلَابَةَ وَعَنِ الْقَاسِمِ بْنِ عَاصِمٍ، عَنْ زُهْدَمِ الْجَرْمِيِّ قَالَ أَيُّوبُ: وَأَنَا لِحَدِيثِ الْقَاسِمِ أَحْفَظُ مِنِّي لِحَدِيثِ أَبِي قِلَابَةَ، قَالَ: كُنَّا عِنْدَ أَبِي مُوسَى، فَدَعَا بِمَا يَدِيهِ وَعَلَيْهَا لَحْمٌ دَجَاجٌ، فَدَخَلَ رَجُلٌ مِنْ بَنِي تَيْمِ اللَّهِ، أَحْمَرٌ، شَبِيهُ بِالْمَوَالِي، فَقَالَ لَهُ: هَلُمَّ فَتَلَكَّا فَقَالَ: هَلُمَّ 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-Ash'arî, and some food containing chicken was brought to him..." and he narrated something similar (as *Hadîth* no. 4265).

أَطْعَمَهُ، فَقَالَ: هَلَمْ أُحَدِّثَكَ عَنْ ذَلِكَ،  
إِنِّي أَتَيْتُ رَسُولَ اللَّهِ ﷺ فِي رَهْطٍ مِنَ  
الْأَشْعَرِيِّينَ نَسْتَحْمِلُهُ، فَقَالَ: «وَاللَّهِ! لَا  
أَحْمِلُكُمْ، وَمَا عِنْدِي مَا أَحْمِلُكُمْ عَلَيْهِ»  
فَلَبِسْنَا مَا شَاءَ اللَّهُ، فَأَتَيْ رَسُولَ اللَّهِ ﷺ  
بِنَهَبِ إِبِلٍ، فَدَعَا بِنَا، فَأَمَرَ لَنَا بِخَمْسِ  
ذَوْدٍ غُرِّ الذَّرَى، قَالَ: فَلَمَّا انْطَلَقْنَا، قَالَ  
بَعْضُنَا لِبَعْضٍ: أَعْفَلْنَا رَسُولَ اللَّهِ ﷺ  
يَمِينَهُ، لَا يُبَارِكُ لَنَا، فَرَجَعْنَا إِلَيْهِ، فَقُلْنَا:  
يَا رَسُولَ اللَّهِ! إِنَّا أَتَيْنَاكَ نَسْتَحْمِلُكَ،  
وَإِنَّكَ حَلَفْتَ أَنْ لَا تَحْمِلَنَا، ثُمَّ حَمَلْتَنَا،  
أَفَنَسِيتَ؟ يَا رَسُولَ اللَّهِ، قَالَ: «إِنِّي،  
وَاللَّهِ! إِنْ شَاءَ اللَّهُ، لَا أَحْلِفُ عَلَى يَوْمَيْنِ  
فَأَرَى غَيْرَهَا خَيْرًا مِنْهَا، إِلَّا أَتَيْتُ الَّذِي  
هُوَ خَيْرٌ، وَتَحَلَّلْتُهَا، فَاَنْطَلَقُوا، فَإِنَّمَا  
حَمَلَكُمُ اللَّهُ عَزَّ وَجَلَّ».

[٤٢٦٦] (...) وَحَدَّثَنَا ابْنُ أَبِي  
عُمَرَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ، عَنْ  
أَيُّوبَ، عَنْ أَبِي قِلَابَةَ وَالْقَاسِمِ التَّمِيمِيِّ،  
عَنْ زُهْدَمِ الْجَرْمِيِّ قَالَ: كَانَ بَيْنَ هَذَا  
الْحَيِّ مِنْ جَرْمٍ وَبَيْنَ الْأَشْعَرِيِّينَ وَدُ  
وَإِخَاءٍ، فَكُنَّا عِنْدَ أَبِي مُوسَى الْأَشْعَرِيِّ،  
فَقُرَّبَ إِلَيْهِ طَعَامٌ فِيهِ لَحْمٌ دَجَاجٍ، 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 عَلِيُّ بْنُ حَجْرٍ السَّعْدِيُّ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ نُمَيْرٍ، عَنْ إِسْمَاعِيلَ بْنِ عَلِيَّةَ، عَنْ أَيُّوبَ، عَنِ الْقَاسِمِ التَّمِيمِيِّ، عَنْ زَهْدَمِ الْجَرْمِيِّ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ، حَدَّثَنَا سُفْيَانُ، عَنْ أَيُّوبَ، عَنْ أَبِي قَلَابَةَ التَّمِيمِيِّ، عَنْ زَهْدَمِ الْجَرْمِيِّ، وَحَدَّثَنِي أَبُو بَكْرِ بْنُ إِسْحَاقَ: حَدَّثَنَا عَفَّانُ بْنُ مُسْلِمٍ: حَدَّثَنَا وَهَيْبٌ: حَدَّثَنَا أَيُّوبُ، عَنْ أَبِي قَلَابَةَ وَالْقَاسِمِ، عَنْ زَهْدَمِ الْجَرْمِيِّ قَالَ: كُنَّا عِنْدَ أَبِي مُوسَى، وَاقْتَصَوْا جَمِيعًا الْحَدِيثَ بِمَعْنَى حَدِيثِ حَمَّادِ 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 فَرُّوخَ: حَدَّثَنَا الصَّيْقُوقُ -يَعْنِي ابْنَ حَزْنٍ-: حَدَّثَنَا مَطَرُ الْوَرَّاقِ: حَدَّثَنَا زَهْدَمُ الْجَرْمِيِّ قَالَ: دَخَلْتُ عَلَى أَبِي مُوسَى وَهُوَ يَأْكُلُ لَحْمَ الدَّجَاجِ، وَسَاقَ الْحَدِيثَ بِنَحْوِ حَدِيثِهِمْ، وَزَادَ فِيهِ قَالَ: «إِنِّي، وَاللَّهِ! مَا نَسِيتُهَا».

[4269] 10 - (...) It was narrated that Abû Mûsâ Al-Aṣḥa'ri 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 سُلَيْمَانَ التَّمِيمِيِّ، عَنْ ضُرَيْبِ بْنِ نَفِيرِ الْقَيْسِيِّ، عَنْ زَهْدَمِ، 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، وَاللَّهِ مَا أَحْمِلُكُمْ» ثُمَّ بَعَثَ إِلَيْنَا رَسُولُ اللَّهِ ﷺ بِثَلَاثَةِ ذَوُدٍ بُعِعَ الدَّرَى، فَقُلْنَا: إِنَّا أَتَيْنَا رَسُولَ اللَّهِ ﷺ نَسْتَحْمِلُهُ، فَحَلَفَ أَنْ لَا يَحْمِلَنَا، فَأَتَيْنَاهُ فَأَخْبَرْنَاهُ، فَقَالَ: «إِنِّي لَا أَحْلِفُ عَلَى يَمِينٍ، أَرَى غَيْرَهَا خَيْرًا مِنْهَا، إِلَّا أَتَيْتُ الَّذِي هُوَ خَيْرٌ».

[٤٢٧٠] (...) حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى التَّمِيمِيُّ: حَدَّثَنَا الْمُعْتَمِرُ عَنْ أَبِيهِ: حَدَّثَنَا أَبُو السَّلِيلِ، عَنْ زَهْدَمٍ، يُحَدِّثُهُ عَنْ أَبِي مُوسَى قَالَ: كُنَّا مُشَاةً، فَأَتَيْنَا نَبِيَّ اللَّهِ ﷺ نَسْتَحْمِلُهُ، بِنَحْوِ حَدِيثِ جَرِيرٍ.

[٤٢٧١] ١١ - (١٦٥٠) حَدَّثَنِي زُهَيْرُ ابْنِ حَرْبٍ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ الْفَزَارِيُّ: أَخْبَرَنَا يَزِيدُ بْنُ كَيْسَانَ عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: أَعْتَمَ رَجُلٌ عِنْدَ النَّبِيِّ ﷺ، ثُمَّ رَجَعَ إِلَى أَهْلِهِ فَوَجَدَ الصَّبِيَّةَ قَدْ نَامُوا، فَأَتَاهُ أَهْلُهُ بِطَعَامِهِ، فَحَلَفَ لَا يَأْكُلُ، مِنْ أَجْلِ صَبِيَّتِهِ، ثُمَّ بَدَأَ لَهُ فَأَكَلَ، فَأَتَى رَسُولَ اللَّهِ ﷺ فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ عَلَى يَمِينٍ، فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيَأْتِهَا، وَلْيُكْفِرْ 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."

[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.'"

[4274] 14 - (...) Suhail narrated a *Hadîth* like that of Mâlik (no. 4272) with a different chain of narrators, (reporting the Messenger of Allâh ﷺ saying: "Let him offer expiation for his oath and do that which is better.")

[4275] 15 - (1651) It was narrated that Tamîm bin Ṭarafah said: "A man came to 'Adiyy bin Hâtîm and asked him for the price of a servant, or part of the price of a servant. He said: 'I do

[٤٢٧٢] ١٢- (...) حَدَّثَنِي أَبُو الطَّاهِرِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ: أَخْبَرَنِي مَالِكٌ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيُكَفِّرْ عَنْ يَمِينِهِ، وَلْيَفْعَلْ».

[٤٢٧٣] ١٣- (...) وَحَدَّثَنِي زُهَيْرُ ابْنِ حَرْبٍ: حَدَّثَنَا ابْنُ أَبِي أُوَيْسٍ: حَدَّثَنِي عَبْدُ الْعَزِيزِ بْنُ الْمُطَّلِبِ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ «مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ، وَلْيُكَفِّرْ عَنْ يَمِينِهِ».

[٤٢٧٤] ١٤- (...) وَحَدَّثَنِي الْقَاسِمُ بْنُ زَكَرِيَاءَ: حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ: حَدَّثَنِي سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ، حَدَّثَنِي سُهَيْلٌ فِي هَذَا الْإِسْنَادِ بِمَعْنَى حَدِيثِ مَالِكٍ «فَلْيُكَفِّرْ يَمِينَهُ، وَلْيَفْعَلِ الَّذِي هُوَ خَيْرٌ».

[٤٢٧٥] ١٥- (١٦٥١) حَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا جَرِيرٌ عَنْ عَبْدِ الْعَزِيزِ يَعْنِي ابْنَ رُفَيْعٍ، عَنْ تَمِيمِ بْنِ طَرْفَةَ قَالَ: جَاءَ سَائِلٌ إِلَى عَدِيِّ 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 Allāh, I will not give you anything!' Then the man accepted it, and he said: 'By Allāh, were it not that I heard the Messenger of Allāh ﷺ say: "Whoever swears an oath then sees something that is more favored by Allāh the Mighty and Sublime, than it, let him do that which is more favored by Allāh," I would not have broken my oath."

[4276, ٤٦٦ - (...)] It was narrated that 'Adiyy bin Hātim said: "The Messenger of Allāh 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 Tamīm Aṭ-Ṭa'ī that 'Adiyy said: "The Messenger of Allāh 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.'"

نَفَقَةٌ فِي ثَمَنِ خَادِمٍ أَوْ فِي بَعْضِ ثَمَنِ خَادِمٍ، فَقَالَ: لَيْسَ عِنْدِي مَا أُعْطِيكَ إِلَّا دِرْعِي وَمِغْفَرِي، فَأَكْتُبْ إِلَيَّ أَهْلِي أَنْ يُعْطَوْكُهُمَا، قَالَ: فَلَمْ يَرْضَ، فَغَضِبَ عَدِيٌّ، فَقَالَ: وَاللَّهِ! لَا أُعْطِيكَ شَيْئًا، ثُمَّ إِنَّ الرَّجُلَ رَضِيَ، فَقَالَ: أَمَا وَاللَّهِ! لَوْلَا أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ حَلَفَ عَلَيَّ يَمِينٍ ثُمَّ رَأَى رَأْيًا أَتَقَى اللَّهُ عَزَّ وَجَلَّ مِنْهَا، فَلْيَأْتِ التَّقْوَى» مَا حَنَنْتُ يَمِينِي.

[٤٢٧٦] ١٦ - (...) وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ تَمِيمِ بْنِ طَرَفَةَ، عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ عَلَيَّ يَمِينٍ، فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ، وَلْيَتْرِكْ يَمِينَهُ».

[٤٢٧٧] ١٧ - (...) حَدَّثَنِي مُحَمَّدُ ابْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ وَمُحَمَّدُ بْنُ طَرِيفِ الْجَلْبَلِيِّ - وَاللَّفْظُ لِابْنِ طَرِيفٍ - قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فَضِيلٍ عَنِ الْأَعْمَشِ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ تَمِيمِ الطَّائِبِيِّ، عَنْ عَدِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا حَلَفَ أَحَدُكُمْ عَلَيَّ يَمِينٍ،

فَرَأَى خَيْرًا مِنْهَا، فَلْيَكْفُرْهَا، وَلِيَأْتِ الَّذِي هُوَ خَيْرٌ».

[4278] (...) It was narrated from ‘Adiyy bin Ḥātim that he heard the Prophet ﷺ saying that (a *Hadīth* similar to no. 4277).

[٤٢٧٨] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ طَرِيفٍ: حَدَّثَنَا مُحَمَّدُ بْنُ فَضِيلٍ عَنِ الشَّيْبَانِيِّ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ تَمِيمِ الطَّائِيِّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ أَنَّهُ سَمِعَ النَّبِيَّ ﷺ يَقُولُ ذَلِكَ.

[4279] 18 - (...) It was narrated that Tamīm bin Ṭarafah said: “I heard ‘Adiyy bin Ḥātim 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 Ḥātim? By Allāh, I will not give it to you.’ Then he said: ‘Were it not that I heard the Messenger of Allāh ﷺ say: “Whoever swears an oath, then sees something better than it, let him do that which is better.”

[٤٢٧٩] ١٨ - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ تَمِيمِ بْنِ طَرْفَةَ قَالَ: سَمِعْتُ عَدِيَّ بْنَ حَاتِمٍ، وَأَتَاهُ رَجُلٌ يَسْأَلُهُ مِائَةَ دِرْهَمٍ، فَقَالَ: تَسْأَلُنِي مِائَةَ دِرْهَمٍ، وَأَنَا ابْنُ حَاتِمٍ؟ وَاللَّهِ! لَا أُعْطِيكَ ثُمَّ قَالَ: لَوْلَا أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ «مَنْ حَلَفَ عَلَيَّ يَمِينٍ ثُمَّ رَأَى خَيْرًا مِنْهَا، فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ».

[4280] (...) Tamīm bin Ṭarafah said: “I heard ‘Adiyy bin Ḥātim, 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 بَهْزٌ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا سِمَاكُ بْنُ حَرْبٍ قَالَ: سَمِعْتُ تَمِيمَ بْنَ طَرْفَةَ قَالَ: سَمِعْتُ عَدِيَّ ابْنَ حَاتِمٍ، أَنَّ رَجُلًا سَأَلَهُ فَذَكَرَ مِثْلَهُ، وَزَادَ: وَلَكَ أَرْبَعُمِائَةٍ فِي عَطَائِي.

[4281] 19 - (1652) ‘Abdur-Raḥmān bin Samurah said: “The Messenger of Allāh ﷺ said to

[٤٢٨١] ١٩ - (١٦٥٢) وَحَدَّثَنَا شَيْبَانُ ابْنُ قُرُوخٍ: حَدَّثَنَا جَرِيرُ بْنُ حَارِزٍ: حَدَّثَنَا

me: ‘O ‘Abdur-Raḥmân 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.’”

الْحَسَنُ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سُمْرَةَ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا عَبْدَ الرَّحْمَنِ بْنُ سُمْرَةَ! لَا تَسْأَلِ الْإِمَارَةَ، فَإِنَّكَ إِنْ أُعْطِيَتْهَا عَنْ مَسْأَلَةٍ وُكِلْتَ إِلَيْهَا، وَإِنْ أُعْطِيَتْهَا عَنْ غَيْرِ مَسْأَلَةٍ أَعْنَتْ عَلَيْهَا، وَإِذَا حَلَفْتَ عَلَىٰ أَمْرٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا فَكْفَرْ عَنْ يَمِينِكَ، وَائْتِ الَّذِي هُوَ خَيْرٌ». [انظر: ٤٧١٥]

[4282] (...) It was narrated from Al-Ḥasan, from ‘Abdur-Raḥmân bin Samurah, from the Prophet ﷺ with this chain (a *Ḥadīth* similar to no. 4281), but in the *Ḥadīth* of Al-Mu‘tamir from his father there is no mention of authority.

قَالَ أَبُو أَحْمَدَ الْجَلُودِيُّ: حَدَّثَنَا أَبُو الْعَبَّاسِ الْمَاسَرَجِيُّ: حَدَّثَنَا شَيْبَانُ بْنُ فَرُّوخَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ بِهَذَا الْإِسْنَادِ. [٤٢٨٢] (...) وَحَدَّثَنِي عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ: حَدَّثَنَا هُشَيْمٌ عَنْ يُونُسَ وَمَنْصُورٍ وَحُمَيْدٍ؛ وَحَدَّثَنَا أَبُو كَامِلٍ الْجَحْدَرِيُّ: حَدَّثَنَا حَمَّادُ ابْنُ زَيْدٍ عَنْ سِمَاكِ بْنِ عَطِيَّةَ وَيُونُسَ بْنِ عُبَيْدٍ وَهَشَامِ ابْنِ حَسَّانَ فِي آخَرِينَ؛ وَحَدَّثَنَا عُبَيْدُ اللَّهِ ابْنُ مُعَاذٍ: حَدَّثَنَا الْمُعْتَمِرُ عَنْ أَبِيهِ؛ وَحَدَّثَنَا عُقْبَةُ بْنُ مُكْرَمٍ الْعَمِّيُّ: حَدَّثَنَا سَعِيدُ بْنُ عَامِرٍ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ كُلُّهُمْ عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سُمْرَةَ عَنِ النَّبِيِّ ﷺ بِهَذَا الْحَدِيثِ، وَلَيْسَ فِي حَدِيثِ الْمُعْتَمِرِ عَنْ أَبِيهِ، ذِكْرُ الْإِمَارَةِ.

#### 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.'"

[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.'"

#### 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.

(المعجم ٤) - (بَابُ الْيَمِينِ عَلَى نِيَّةِ

الْمُسْتَحْلِفِ) (التحفة ٩)

[٤٢٨٣] ٢٠ - (١٦٥٣) حَدَّثَنَا يَحْيَى

بْنُ يَحْيَى وَعَمْرُو النَّاقِدُ - قَالَ يَحْيَى: أَخْبَرَنَا هُشَيْمٌ بْنُ بَشِيرٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي صَالِحٍ، وَقَالَ عَمْرُو: حَدَّثَنَا هُشَيْمٌ ابْنُ بَشِيرٍ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ أَبِي صَالِحٍ - عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَمِينُكَ عَلَى مَا يُصَدِّقُكَ عَلَيْهِ صَاحِبُكَ»، وَقَالَ عَمْرُو «يُصَدِّقُكَ بِهِ صَاحِبُكَ».

[٤٢٨٤] ٢١ - (...) وَحَدَّثَنَا أَبُو بَكْرِ

ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا زَيْدُ بْنُ هُرُونَ عَنْ هُشَيْمٍ، عَنْ عَبَادِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْيَمِينُ عَلَى نِيَّةِ الْمُسْتَحْلِفِ».

(المعجم ٥) - (بَابُ الْإِسْتِثْنَاءِ فِي

الْيَمِينِ وَغَيْرِهَا) (التحفة ١٠)

[٤٢٨٥] ٢٢ - (١٦٥٤) وَحَدَّثَنِي أَبُو

الرَّبِيعِ الْعَتَكِيُّ وَأَبُو كَامِلٍ الْجَحْدَرِيُّ فَضَيْلُ بْنُ حُسَيْنٍ - وَاللَّفْظُ لِأَبِي الرَّبِيعِ - قَالَا: حَدَّثَنَا حَمَادٌ - وَهُوَ ابْنُ زَيْدٍ - : حَدَّثَنَا أَيُّوبُ عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ لِسُلَيْمَانَ سِتُونَ 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.

لَأَطُوفَنَّ عَلَيْهِنَّ اللَّيْلَةَ، فَتَحْمِلُ كُلُّ وَاحِدَةٍ مِنْهُنَّ، فَلِدُّ كُلُّ وَاحِدَةٍ مِنْهُنَّ غُلَامًا فَارِسًا، يُقَاتِلُ فِي سَبِيلِ اللَّهِ، فَلَمْ تَحْمِلْ مِنْهُنَّ إِلَّا وَاحِدَةً، فَوَلَدَتْ نِصْفَ إِنْسَانٍ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ كَانَ اسْتَشْتَى، لَوَلَدَتْ كُلُّ وَاحِدَةٍ مِنْهُنَّ غُلَامًا فَارِسًا، يُقَاتِلُ فِي سَبِيلِ اللَّهِ».

[٤٢٨٦] ٢٣- (...) وَحَدَّثَنَا مُحَمَّدُ ابْنُ عَبَّادٍ وَابْنُ أَبِي عُمَرَ - وَاللَّفْظُ لَابْنِ أَبِي عُمَرَ - قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ هِشَامِ بْنِ حُجَيْرٍ، عَنْ طَاوُسٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «قَالَ سُلَيْمَانُ ابْنُ دَاوُدَ نَبِيُّ اللَّهِ: لِأَطِيفَنَّ اللَّيْلَةَ عَلَى سَبْعِينَ امْرَأَةً، كُلُّهُنَّ تَأْتِي بِغُلَامٍ يُقَاتِلُ فِي سَبِيلِ اللَّهِ، فَقَالَ لَهُ صَاحِبُهُ، أَوْ الْمَلِكُ: قُلْ: إِنْ شَاءَ اللَّهُ، فَلَمْ يَقُلْ، وَنَسِيَ فَلَمْ تَأْتِ وَاحِدَةٌ مِنْ نِسَائِهِ، إِلَّا وَاحِدَةٌ جَاءَتْ بِشِقِّ غُلَامٍ»، قَالَ رَسُولُ اللَّهِ ﷺ: «وَلَوْ قَالَ: إِنْ شَاءَ اللَّهُ، لَمْ يَحْنَتْ، وَكَانَ دَرَكًا لَهُ فِي حَاجَتِهِ».

[٤٢٨٧] (...) حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي الزُّنَادِ، عَنِ 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."

[٤٢٨٨] ٢٤- (...) وَحَدَّثَنَا عَبْدُ  
ابْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ بْنُ هَمَّامٍ:  
أَخْبَرَنَا مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ،  
عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ سُلَيْمَانُ بْنُ  
دَاوُدَ: لِأَطِيفِنَّ اللَّيْلَةَ عَلَى سَبْعِينَ امْرَأَةً،  
تَلِدُ كُلُّ امْرَأَةٍ مِنْهُنَّ غُلَامًا، يُقَاتِلُ فِي  
سَبِيلِ اللَّهِ، فَيَقِيلُ لَهُ: قُلْ: إِنْ شَاءَ اللَّهُ،  
فَلَمْ يَقُلْ، فَاطَّافَ بِهِنَّ، فَلَمْ تَلِدْ مِنْهُنَّ إِلَّا  
امْرَأَةً وَاحِدَةً، يَصِفُ إِنْسَانٍ، قَالَ: فَقَالَ  
رَسُولُ اللَّهِ ﷺ: «لَوْ قَالَ: إِنْ شَاءَ اللَّهُ،  
لَمْ يَحْنَثْ، وَكَانَ دَرَكًا لِحَاجَتِهِ».

[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 Muḥammad, if he had said 'If Allâh wills,' they would all have been knights, striving in the cause of Allâh."

[٤٢٨٩] ٢٥- (...) حَدَّثَنَا زُهَيْرُ  
ابْنِ حَرْبٍ: حَدَّثَنِي شَبَابَةُ: حَدَّثَنِي  
وَرْقَاءُ، عَنْ أَبِي الرَّزَّادِ، عَنِ الْأَعْرَجِ،  
عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «قَالَ  
سُلَيْمَانُ بْنُ دَاوُدَ: لِأَطُوفَنَّ اللَّيْلَةَ عَلَى  
تِسْعِينَ امْرَأَةً، كُلُّهَا تَأْتِي بِفَارِسٍ يُقَاتِلُ  
فِي سَبِيلِ اللَّهِ، فَقَالَ لَهُ صَاحِبُهُ: قُلْ إِنْ  
شَاءَ اللَّهُ، فَلَمْ يَقُلْ إِنْ شَاءَ اللَّهُ، فَاطَّافَ  
عَلَيْهِنَّ جَمِيعًا، فَلَمْ تَحْمِلْ مِنْهُنَّ إِلَّا  
امْرَأَةً وَاحِدَةً، فَجَاءَتْ بِشِقِّ رَجُلٍ، وَابْنُ  
الَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ! لَوْ قَالَ: إِنْ  
شَاءَ اللَّهُ، لَجَاهَدُوا فِي سَبِيلِ اللَّهِ فُرْسَانًا  
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."

### 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 *Aḥādīth* 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.'"

### 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 *Jâhiliyyah* I vowed that I would spend a night in *I'tikâf* in *Al-Masjid Al-Ḥarâm*." He said: "Fulfill your vow."

[٤٢٩٠] (...) وَحَدَّثَنِيهِ سُؤَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا حَفْصُ بْنُ مَيْسَرَةَ عَنْ مُوسَى ابْنِ عُقَبَةَ، عَنْ أَبِي الزُّنَادِ بِهَذَا الْإِسْنَادِ، مِثْلَهُ، غَيْرَ أَنَّهُ قَالَ: «كُلُّهَا تَحْمِيلُ عَلَامًا يُجَاهِدُ فِي سَبِيلِ اللَّهِ تَعَالَى».

(المعجم ٦) - (بَابُ النَّهْيِ عَنِ الْإِصْرَارِ عَلَى الْيَمِينِ، فِيمَا يَتَأَذَى بِهِ أَهْلُ الْحَالِفِ، مِمَّا لَيْسَ بِحَرَامٍ) (التحفة ١١)

[٤٢٩١] ٢٦ - (١٦٥٥) وَحَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ، فَذَكَرَ أَحَادِيثَ مِنْهَا: وَقَالَ رَسُولُ اللَّهِ ﷺ: «وَاللَّهِ لَأَنْ يَلْجَأَ أَحَدُكُمْ بِيَمِينِهِ فِي أَهْلِهِ، أَوْ أَنَّهُ لَمْ يَحْتَدِ اللَّهَ مِنْ أَنْ يُعْطِيَ كَفَّارَتَهُ الَّتِي فَرَضَ اللَّهُ».

(المعجم ٧) - (بَابُ نَذْرِ الْكَافِرِ، وَمَا يَفْعَلُ فِيهِ إِذَا أَسْلَمَ) (التحفة ١٢)

[٤٢٩٢] ٢٧ - (١٦٥٦) حَدَّثَنَا مُحَمَّدُ ابْنُ أَبِي بَكْرٍ الْمُقَدَّمِيُّ وَمُحَمَّدُ ابْنُ الْمُثَنَّى، وَزُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لِزُهَيْرٍ - قَالُوا: حَدَّثَنَا يَحْيَى - وَهُوَ ابْنُ سَعِيدٍ

الْقَطَّانُ، عَنْ عُبَيْدِ اللَّهِ، قَالَ: أَخْبَرَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ أَنَّ عُمَرَ قَالَ: يَا رَسُولَ اللَّهِ! إِنِّي نَذَرْتُ فِي الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ لَيْلَةً فِي الْمَسْجِدِ الْحَرَامِ، قَالَ: «فَأَوْفِ بِنَذْرِكَ».

[4293] (...) This *Hadīth* (which is similar to no. 4291) was narrated from Ibn ‘Umar. As for Abū Usāmah and Ath-Thaqafī, their *Hadīth* mentions *I’tikāf* for one night. As for Shu‘bah, he said: “He obliged himself to spend a day in *I’tikāf*.” In the *Hadīth* there is no mention of a day or a night.

[٤٢٩٣] (...) حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجِيُّ: حَدَّثَنَا أَبُو أُسَامَةَ، وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْوَهَّابِ يُعْنِي الثَّقَفِيَّ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْعَلَاءِ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ، جَمِيعًا، عَنْ حَفْصِ بْنِ غِيَاثٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو بْنِ جَبَلَةَ بْنِ أَبِي رَوَّادٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ كُلُّهُمْ عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ حَفْصٌ مِنْ بَيْنِهِمْ: عَنْ عُمَرَ، بِهَذَا الْحَدِيثِ، أَمَا أَبُو أُسَامَةَ وَالثَّقَفِيُّ فَفِي حَدِيثِهِمَا: اعْتِكَافُ لَيْلَةٍ، وَأَمَا فِي حَدِيثِ شُعْبَةَ فَقَالَ: جَعَلَ عَلَيْهِ يَوْمًا يَعْتَكِفُهُ، وَلَيْسَ فِي حَدِيثِ حَفْصٍ ذِكْرُ يَوْمٍ وَلَا لَيْلَةٍ.

[4294] 28 - (...) ‘Abdullāh bin ‘Umar narrated that ‘Umar bin Al-Khaṭṭāb asked the Messenger of Allāh ﷺ when he was in Al-Jir‘ānah, after he had come back from Aṭ-Ṭā‘if: “O Messenger of Allāh, during the *Jāhiliyyah* I

[٤٢٩٤] ٢٨- (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: حَدَّثَنَا جَرِيرُ بْنُ حَارِظٍ: أَنَّ أَيُّوبَ حَدَّثَهُ: 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-Khaṭṭâb 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.'"

حَدَّثَهُ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ سَأَلَ رَسُولَ اللَّهِ ﷺ، وَهُوَ بِالْجِعْرَانَةِ، بَعْدَ أَنْ رَجَعَ مِنَ الطَّائِفِ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي نَذَرْتُ فِي الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ يَوْمًا فِي الْمَسْجِدِ الْحَرَامِ، فَكَيْفَ تَرَى؟ قَالَ: «أَذْهَبَ فَأَعْتَكِفَ يَوْمًا».

قَالَ: وَكَانَ رَسُولُ اللَّهِ ﷺ قَدْ أَعْطَاهُ جَارِيَةً مِنَ الْخُمْسِ، فَلَمَّا أَعْتَقَ رَسُولُ اللَّهِ ﷺ سَبَايَا النَّاسِ، سَمِعَ عُمَرَ بْنَ الْخَطَّابِ أَصْوَاتَهُمْ يَقُولُونَ: أَعْتَقَنَا رَسُولُ اللَّهِ ﷺ، فَقَالَ: مَا هَذَا؟ فَقَالُوا: أَعْتَقَ رَسُولُ اللَّهِ ﷺ سَبَايَا النَّاسِ، فَقَالَ عُمَرُ: يَا عَبْدَ اللَّهِ! أَذْهَبَ إِلَى تِلْكَ الْجَارِيَةِ فَحَلَّ 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 حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَبِي يُوْبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: لَمَّا قَتَلَ النَّبِيُّ ﷺ مِنْ حُنَيْنٍ، سَأَلَ عُمَرَ رَسُولَ اللَّهِ ﷺ عَنْ نَذْرٍ كَانَ نَذَرَهُ فِي الْجَاهِلِيَّةِ، اعْتَكَفَ يَوْمًا، ثُمَّ ذَكَرَ بِمَعْنَى حَدِيثِ جَرِيرِ بْنِ حَازِمٍ.

[4296] (...) It was narrated that Nâfi' said: "Mention was made in the presence of Ibn 'Umar of the 'Umrah of the Messenger of Allâh ﷺ from Al-Jir'ânah. He

[٤٢٩٦] (...) وَحَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ الصَّمِيِّ حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ: حَدَّثَنَا أَبُو يُوْبَ عَنْ نَافِعٍ قَالَ: ذَكَرَ عِنْدَ ابْنِ عُمَرَ: عُمْرَةٌ

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.

### 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.'"

رَسُولِ اللَّهِ ﷺ مِنَ الْجِعْرَانَةِ، فَقَالَ: لَمْ يَعْتَمِرَ مِنْهَا، قَالَ: وَكَانَ عُمَرُ نَذَرَ اعْتِكَافٍ لَيْلَةً فِي الْجَاهِلِيَّةِ. ثُمَّ ذَكَرَ نَحْوَ حَدِيثِ جَرِيرِ بْنِ حَازِمٍ، وَمَعْمَرٍ، عَنْ أَيُّوبَ.

[٤٢٩٧] (...) وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيُّ: حَدَّثَنَا حَجَّاجُ بْنُ الْمُنْهَالِ: حَدَّثَنَا حَمَادٌ عَنْ أَيُّوبَ؛ وَحَدَّثَنَا يَحْيَى بْنُ خَلْفٍ: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، كِلَاهُمَا عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ بِهَذَا الْحَدِيثِ فِي النَّذْرِ، وَفِي حَدِيثِهِمَا جَمِيعًا: اعْتِكَافُ يَوْمٍ.

(المعجم ٨) - (بابُ صحبة

المماليك، - وكفارة من لطم عبده)

(التحفة ١٣)

[٤٢٩٨] ٢٩ - (١٦٥٧) حَدَّثَنِي أَبُو كَامِلٍ فَضِيلُ بْنُ حُسَيْنِ الْجَحْدَرِيُّ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ فِرَاسٍ، عَنْ ذَكْوَانَ أَبِي صَالِحٍ، عَنْ زَادَانَ أَبِي عُمَرَ قَالَ: أَتَيْتُ ابْنَ عُمَرَ، وَقَدْ أَعْتَقَ مَمْلُوكًا، قَالَ: فَأَخَذَ مِنَ الْأَرْضِ عُودًا أَوْ شَيْئًا، فَقَالَ: مَا فِيهِ مِنَ الْأَجْرِ مَا يَسُوئِي هَذَا، إِلَّا أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ لَطَمَ مَمْلُوكَهُ 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 Waki‘ 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 الْمُثَنَّى وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّى - قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ فِرَاسٍ قَالَ: سَمِعْتُ ذَكْوَانَ يُحَدِّثُ عَنْ زَادَانَ: أَنَّ ابْنَ عُمَرَ دَعَا بِغُلَامٍ لَهُ، فَرَأَى يَظْهَرُهُ أَثْرًا، فَقَالَ لَهُ: أَوْجَعْتِكَ؟ قَالَ: لَا، قَالَ: فَأَنْتَ عَتِيقٌ. قَالَ: ثُمَّ أَخَذَ شَيْئًا مِنَ الْأَرْضِ فَقَالَ: مَا لِي فِيهِ مِنَ الْأَجْرِ مَا يَزِنُ هَذَا، إِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ ضَرَبَ غُلَامًا لَهُ حَدًّا لَمْ يَأْتِهِ. أَوْ لَطَمَهُ، فَإِنَّ كَفَّارَتَهُ أَنْ يُعْتِقَهُ».

[٤٣٠٠] (...) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنِي مُحَمَّدُ ابْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الرَّحْمَنِ، كِلَاهُمَا عَنْ سُفْيَانَ، عَنْ فِرَاسٍ بِإِسْنَادِ شُعْبَةَ وَأَبِي عَوَّانَةَ، أَمَّا حَدِيثُ ابْنِ مَهْدِيٍّ فَذَكَرَ فِيهِ «حَدًّا لَمْ يَأْتِهِ»، وَفِي حَدِيثِ وَكِيعٍ «مَنْ لَطَمَ عَبْدَهُ» وَلَمْ يَذْكُرِ الْحَدَّ.

[٤٣٠١] ٣١ - (١٦٥٨) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ نُمَيْرٍ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا أَبِي: حَدَّثَنَا سُفْيَانُ عَنْ سَلَمَةَ بْنِ كَهَيْلٍ، 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 فَهَرَبْتُ، ثُمَّ جِئْتُ قُبَيْلَ الظُّهْرِ، فَصَلَّيْتُ خَلْفَ أَبِي، فَدَعَاهُ وَدَعَانِي، ثُمَّ قَالَ: امْتَلِئْ مِنْهُ، فَعَفَا، ثُمَّ قَالَ: كُنَّا بَنِي مُقَرَّرِينَ، عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، لَيْسَ لَنَا إِلَّا خَادِمٌ وَاحِدَةٌ، فَلَطَمَهَا أَحَدُنَا، فَبَلَغَ ذَلِكَ النَّبِيَّ ﷺ فَقَالَ «أَعْرِقُوهَا» قَالُوا: لَيْسَ لَهُمْ خَادِمٌ غَيْرُهَا، قَالَ: «فَلَيْسَتْخَادِمُوهَا، فَإِذَا اسْتَعْتَمُوا عَنْهَا، فَلْيُحْلُوا سَبِيلَهَا».

[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 بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ حُصَيْنٍ، عَنْ هِلَالِ بْنِ يَسَافٍ قَالَ: عَجَلَ شَيْخٌ فَلَطَمَ خَادِمًا لَهُ، فَقَالَ لَهُ سُؤدَيْدُ بْنُ مُقَرَّرِينَ: عَجَزَ عَلَيْكَ إِلَّا حُرٌّ وَجْهَهَا؟ لَقَدْ رَأَيْتُنِي سَابِحَ سَبْعَةِ مِنْ بَنِي مُقَرَّرِينَ، مَا لَنَا خَادِمٌ إِلَّا وَاحِدَةٌ، لَطَمَهَا أَضْعُرُنَا، فَأَمَرَنَا رَسُولُ اللَّهِ ﷺ أَنْ نُعْتِقَهَا.

[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 *Hadith* like that of Ibn Idrîs (no. 4302).

[٤٣٠٣] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ شُعْبَةَ، عَنْ حُصَيْنٍ، عَنْ هِلَالِ بْنِ يَسَافٍ قَالَ: كُنَّا نَبِيعُ الْبُرِّ فِي دَارِ سُؤدَيْدِ بْنِ مُقَرَّرِينَ، أَخِي الثُّعْمَانِ بْنِ مُقَرَّرِينَ، فَخَرَجَتْ جَارِيَةٌ، فَقَالَتْ لِرَجُلٍ مِنَّا كَلِمَةً،

فَلَطَمَهَا، فَعَضِبَ سُؤَيْدٌ، فَذَكَرَ نَحْوَ حَدِيثِ ابْنِ إِدْرِيسَ.

[4304] 33 - (...) Shu'bah narrated: "Muḥammad bin Al-Munkadir said to me: 'What is your name?' I said: 'Shu'bah.' Muḥammad said: 'Abū Shu'bah Al-'Irâqî 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 Allâh ﷺ, and we only had one servant. One of us went and slapped him, and the Messenger of Allâh ﷺ commanded us to manumit him."

[٤٣٠٤] ٣٣- (...) وَحَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ: حَدَّثَنِي أَبِي: حَدَّثَنَا شُعْبَةُ: قَالَ لِي مُحَمَّدُ بْنُ الْمُنْكَدِرِ: مَا اسْمُكَ؟ قُلْتُ: شُعْبَةُ، فَقَالَ مُحَمَّدٌ: حَدَّثَنِي أَبُو شُعْبَةَ الْعِرَاقِيُّ، عَنْ سُؤَيْدِ بْنِ مَقْرِنٍ أَنَّ جَارِيَةَ لَهُ لَطَمَهَا إِنْسَانٌ، فَقَالَ لَهُ سُؤَيْدٌ: أَمَا عَلِمْتَ أَنَّ الصُّورَةَ مُحَرَّمَةٌ؟ فَقَالَ: لَقَدْ رَأَيْتَنِي، وَإِنِّي لَسَابِعٌ إِخْوَةَ لِي، مَعَ رَسُولِ اللَّهِ ﷺ، وَمَا لَنَا خَادِمٌ غَيْرُ وَاحِدٍ، فَعَمَدَ أَحَدُنَا فَلَطَمَهُ، فَأَمَرَنَا رَسُولُ اللَّهِ ﷺ أَنْ نُعْتِقَهُ.

[4305] (...) It was narrated from Wahb bin Jarîr: "Shu'bah told us: 'Muḥammad bin Al-Munkadir said to me: What is your name?'" And he mentioned a *Hadith* like that of 'Abduş-Şamad (no. 4304).

[٤٣٠٥] (...) حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ الْمُثَنَّى، عَنْ وَهْبِ بْنِ جَرِيرٍ: أَخْبَرَنَا شُعْبَةُ: قَالَ لِي مُحَمَّدُ بْنُ الْمُنْكَدِرِ: مَا اسْمُكَ؟ فَذَكَرَ بِمِثْلِ حَدِيثِ عَبْدِ الصَّمَدِ.

[4306] 34 - (1659) It was narrated from Ibrâhîm At-Taimî that his father said: 'Abū Mas'ūd Al-Badrî 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

[٤٣٠٦] ٣٤- (١٦٥٩) حَدَّثَنَا أَبُو كَامِلٍ الْجَحْدَرِيُّ: حَدَّثَنَا عَبْدُ الْوَاحِدِ يَعْْنِي ابْنَ زِيَادٍ: حَدَّثَنَا الْأَعْمَشُ عَنْ إِبْرَاهِيمَ التَّيْمِيِّ، عَنْ أَبِيهِ قَالَ: قَالَ أَبُو مَسْعُودِ الْبَدْرِيِّ: 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.'"

[4307] (...) A similar *Hadîth* (as no. 4306) was narrated from Al-A'mash with this chain, except that in the *Hadîth* of Jarîr it says: "The whip fell from my hand, out of awe towards him."

[4308] 35 - (...) It was narrated that Abû Mas'ûd Al-Anṣarî 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

«اعْلَمَ أَبَا مَسْعُودٍ!» فَلَمْ أَفْهَمْ الصَّوْتِ مِنَ الْغَضَبِ، قَالَ: فَلَمَّا دَنَا مِنِّي، إِذَا هُوَ رَسُولُ اللَّهِ ﷺ، فَإِذَا هُوَ يَقُولُ: «اعْلَمَ أَبَا مَسْعُودٍ! اعْلَمَ أَبَا مَسْعُودٍ! اعْلَمَ أَبَا مَسْعُودٍ!» قَالَ: فَالْقَيْتُ السَّوْطَ مِنْ يَدِي، فَقَالَ: «اعْلَمَ، أَبَا مَسْعُودٍ! أَنَّ اللَّهَ أَقْدَرُ عَلَيْكَ مِنْكَ عَلَيَّ هَذَا الْغَلَامُ» قَالَ: فَقُلْتُ: لَا أَضْرِبُ مَمْلُوكًا بَعْدَهُ أَبَدًا.

[٤٣٠٧] (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا جَرِيرٌ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدٍ وَهُوَ الْمَعْمَرِيُّ، عَنْ سُفْيَانَ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا سُفْيَانُ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَّانُ: حَدَّثَنَا أَبُو عَوَّانَةَ، كُلُّهُمْ عَنْ الْأَعْمَشِ بِإِسْنَادِ عَبْدِ الْوَاحِدِ، نَحْوَ حَدِيثِهِ، غَيْرَ أَنَّ فِي حَدِيثِ جَرِيرٍ: فَسَقَطَ مِنْ يَدِي السَّوْطُ، مِنْ هَيْبَتِهِ.

[٤٣٠٨] ٣٥ - (...) حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ ابْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ إِبْرَاهِيمَ النَّبِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ قَالَ: كُنْتُ أَضْرِبُ غَلَامًا لِي، فَسَمِعْتُ مِنْ خَلْفِي صَوْتًا: «اعْلَمَ، 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.’”

[4309] 36 - (...) It was narrated from Abû Mas’ûd that he was beating a slave of his, and he (the slave) started saying: “I seek refuge in Allâh.” He carried on beating him, so he said: “I seek refuge in the Messenger of Allâh, and he stopped beating him.” The Messenger of Allâh ﷺ said: “By Allâh, Allâh has more power over you than you have over him.” Then he set him free.

[4310] (...) It was narrated from Shu‘bah with this chain (a *Hadîth* 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

[4311] 37 - (1660) Abû Hurairah said: Abul-Qâsim ﷺ said: “Whoever accuses his slave of fornication, the *Hadd* punishment

مَسْعُودًا! اللَّهُ أَقْدَرُ عَلَيْكَ مِنْكَ عَلَيْهِ» فَالْتَمَتُ فَإِذَا هُوَ رَسُولُ اللَّهِ ﷺ، فَقُلْتُ: يَا رَسُولَ اللَّهِ! هُوَ حُرٌّ لِرُوحِهِ اللَّهُ، فَقَالَ: «أَمَا لَوْ لَمْ تَفْعَلْ، لَلْفَحْتِكَ النَّارَ، أَوْ لَمَسْتِكَ النَّارَ».

[٤٣٠٩] ٣٦- (...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّى - قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ شُعْبَةَ، عَنْ سُلَيْمَانَ، عَنْ إِبْرَاهِيمَ التَّمِيمِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي مَسْعُودٍ أَنَّهُ كَانَ يَضْرِبُ غُلَامَهُ، فَجَعَلَ يَقُولُ: أَعُوذُ بِاللَّهِ، قَالَ: فَجَعَلَ يَضْرِبُهُ، فَقَالَ: أَعُوذُ بِرَسُولِ اللَّهِ، فَتَرَكَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَاللَّهِ! اللَّهُ أَقْدَرُ عَلَيْكَ مِنْكَ عَلَيْهِ» قَالَ: فَأَعْتَقَهُ.

[٤٣١٠] (...) وَحَدَّثَنِيهِ بِشْرُ بْنُ خَالِدٍ: أَخْبَرَنَا مُحَمَّدٌ يَعْنِي ابْنَ جَعْفَرٍ، عَنْ شُعْبَةَ بِهَذَا الْإِسْنَادِ، وَلَمْ يَذْكُرْ قَوْلَهُ: أَعُوذُ بِاللَّهِ، أَعُوذُ بِرَسُولِ اللَّهِ.

(المعجم ٩) - (باب التغليظ على من قذف مملوكه بالزنى) (التحفة ١٤)

[٤٣١١] ٣٧- (١٦٦٠) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ نُمَيْرٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ:

will be carried out against him on the Day of Resurrection, unless he is as he said.”

حَدَّثَنَا أَبِي: حَدَّثَنَا فَضِيلُ ابْنِ عَزْوَانَ قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ أَبِي نُعْمٍ: حَدَّثَنِي أَبُو هُرَيْرَةَ قَالَ: قَالَ أَبُو الْقَاسِمِ رضي الله عنه: «مَنْ قَدَفَ مَمْلُوكَهُ بِالرُّنَا، يُقَامُ عَلَيْهِ الْحَدُّ يَوْمَ الْقِيَامَةِ، إِلَّا أَنْ يَكُونَ كَمَا قَالَ».

[4312]... - (...) It was narrated from Fuḍail bin Ghazwān (a *Hadīth* similar to no. 4311) with this chain. In their *Hadīth* it says: “I heard Abul-Qâsim رضي الله عنه, the Prophet of repentance.”

[٤٣١٢] (...). وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكَيْعٌ؛ وَحَدَّثَنِي زُهَيْرُ ابْنِ حَرْبٍ: حَدَّثَنَا إِسْحَاقُ بْنُ يُونُسَ الْأَزْرَقِ، كِلَاهُمَا عَنْ فَضِيلِ بْنِ عَزْوَانَ بِهَذَا الْإِسْنَادِ، وَفِي حَدِيثِهِمَا: سَمِعْتُ أَبَا الْقَاسِمِ رضي الله عنه، نَبِيَّ التَّوْبَةِ.

### Chapter 10. Feeding A Slave What One Eats And Clothing Him As One Clothes Oneself, And Not Burdening Him With More Than He Can Bear

[4313] 38 - (1661) It was narrated that Al-Ma'rūr bin Suwaid said: “We passed by Abū Dharr in Ar-Rabadhah. He was wearing a *Burd* and his slave was wearing something similar. We said: ‘O Abū Dharr, if you put them together it would be a *Hullah*.’ He said: ‘There was an exchange of words between myself and one of my brothers whose mother was a non-Arab, and I insulted him because of his mother. He complained about

(المعجم ١٠) - (بَابُ إِطْعَامِ الْمَمْلُوكِ مَا يَأْكُلُ، وَإِلْبَاسِهِ مَا يَلْبَسُ، وَلَا يَكْفِيهِ مَا يَغْلِبُهُ) (التحفة ١٥)

[٤٣١٣] [٣٨- (١٦٦١)] حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعٌ: حَدَّثَنَا الْأَعْمَشُ، عَنِ الْمَعْرُورِ بْنِ سُوَيْدٍ قَالَ: مَرَرْنَا بِأَبِي ذَرٍّ بِالرَّبَذَةِ، وَعَلَيْهِ بُرْدٌ وَعَلَى غُلَامِهِ مِثْلُهُ، فَقُلْنَا: يَا أَبَا ذَرٍّ! لَوْ جَمَعْتَ بَيْنَهُمَا كَانَتْ حُلَّةً، فَقَالَ: إِنَّهُ كَانَ بَيْنِي وَبَيْنَ رَجُلٍ مِنْ إِخْوَانِي كَلَامٌ، وَكَانَتْ أُمُّهُ أَعْجَمِيَّةً، فَعَبَّرْتُهُ بِأُمِّهِ، فَشَكَانِي إِلَى النَّبِيِّ رضي الله عنه، فَلَقِيتُ النَّبِيَّ رضي الله عنه، 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 ذَرًّا! إِنَّكَ امْرُؤٌ فِيكَ جَاهِلِيَّةٌ» قُلْتُ: يَا رَسُولَ اللَّهِ مَنْ سَبَّ الرَّجَالَ سَبَّوْا أَبَاهُ وَأُمَّهُ، قَالَ: «يَا أَبَا ذَرًّا! إِنَّكَ امْرُؤٌ فِيكَ جَاهِلِيَّةٌ، هُمْ إِخْوَانُكُمْ، جَعَلَهُمُ اللَّهُ تَحْتَ أَيْدِيكُمْ، فَاطْعُمُوهُمْ مِمَّا تَأْكُلُونَ، وَأَلْبَسُوهُمْ مِمَّا تَلْبَسُونَ، وَلَا تُكَلِّفُوهُمْ مَا يَغْلِبُهُمْ، فَإِنْ كَلَّفْتُمُوهُمْ فَأَعِينُوهُمْ».

[٤٣١٤] ٣٩- (...) وَحَدَّثَنَا أَحْمَدُ ابْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ، وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، وَحَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَيْسَى بْنُ يُونُسَ، كُلُّهُمْ عَنِ الْأَعْمَشِ بِهَذَا الْإِسْنَادِ، وَزَادَ فِي حَدِيثِ زُهَيْرٍ وَأَبِي مُعَاوِيَةَ بَعْدَ قَوْلِهِ: «إِنَّكَ امْرُؤٌ فِيكَ جَاهِلِيَّةٌ» قَالَ: قُلْتُ: عَلَيَّ حَالِ سَاعَتِي مِنَ الْكِبَرِ؟ قَالَ «نَعَمْ»، وَفِي رِوَايَةِ أَبِي مُعَاوِيَةَ «نَعَمْ، عَلَيَّ حَالِ سَاعَتِكَ مِنَ الْكِبَرِ»، وَفِي حَدِيثِ عَيْسَى «فَإِنْ كَلَّفَهُ مَا يَغْلِبُهُ فَلْيَبِعْهُ»، وَفِي حَدِيثِ زُهَيْرٍ «فَلْيَبِعْهُ عَلَيْهِ»، وَلَيْسَ فِي حَدِيثِ أَبِي مُعَاوِيَةَ «فَلْيَبِعْهُ» وَلَا «فَلْيَبِعْهُ»، انْتَهَى عِنْدَ قَوْلِهِ: «وَلَا يُكَلِّفُهُ مَا يَغْلِبُهُ».

[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:

[٤٣١٥] ٤٠ - (...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّى - قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ وَاصِلِ الْأَحْدَبِ، عَنِ الْمَعْرُورِ بْنِ سُوَيْدٍ قَالَ: رَأَيْتُ أَبَا ذَرٍّ وَعَلَيْهِ حُلَّةٌ وَعَلَى غَلَامِهِ مِثْلَهَا، فَسَأَلْتُهُ عَنْ ذَلِكَ؟ قَالَ: فَذَكَرَ أَنَّهُ سَابَّ رَجُلًا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَعَبَّرَهُ بِأَمِّهِ، قَالَ: فَأَتَى الرَّجُلُ النَّبِيَّ ﷺ، فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ النَّبِيُّ ﷺ: «إِنَّكَ أَمْرٌ فِيكَ جَاهِلِيَّةٌ، إِخْوَانُكُمْ وَحَوْلُكُمْ، جَعَلَهُمُ اللَّهُ تَحْتَ أَيْدِيكُمْ، فَمَنْ كَانَ أَخُوهُ تَحْتَ يَدَيْهِ، فَلْيُطْعِمْهُ مِمَّا يَأْكُلُ، وَلْيَلْبَسْهُ مِمَّا يَلْبَسُ، وَلَا تُكَلِّفُوهُمْ مَا يَغْلِبُهُمْ، فَإِنْ كَلَّفْتُمُوهُمْ فَأَعِينُوهُمْ عَلَيْهِ».

[٤٣١٦] ٤١ - (١٦٦٢) وَحَدَّثَنَا أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرٍو بْنِ سَرْحٍ: أَخْبَرَنَا ابْنُ وَهَبٍ: أَخْبَرَنَا عَمْرٍو بْنُ الْحَارِثِ أَنَّ بُكَيْرَ بْنَ الْأَشَّحِّ حَدَّثَهُ، عَنِ الْعَجْلَانِ مَوْلَى فَاطِمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «لِلْمَمْلُوكِ طَعَامُهُ وَكِسْوَتُهُ، وَلَا يَكْلَفُ مِنَ الْعَمَلِ إِلَّا مَا يُطِيقُ».

[٤٣١٧] ٤٢ - (١٦٦٣) حَدَّثَنَا الْقَعْنَبِيُّ: حَدَّثَنَا دَاوُدُ بْنُ قَيْسٍ، عَنِ

“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 بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا صَنَعَ لِأَحَدِكُمْ خَادِمُهُ طَعَامَهُ ثُمَّ جَاءَهُ بِهِ، وَقَدْ وَلِيَ حَرَّهُ وَدُخَانَهُ، فَلْيُقْعِدْهُ مَعَهُ، فَلْيَأْكُلْ، فَإِنْ كَانَ الطَّعَامُ مَشْفُوهًا قَلِيلًا، فَلْيَضَعْ فِي يَدِهِ مِنْهُ أَكْمَلَةً أَوْ أَكْمَلَتَيْنِ» قَالَ دَاوُدُ: يَعْني لُقْمَةً أَوْ لُقْمَتَيْنِ.

### Chapter 11. The Reward Of A Slave Who Is Sincere Towards His Master And Worships Allâh Properly

(المعجم ١١) - (بابُ ثواب العبد وأجره إذا نصح لسيده، وأحسن عبادة الله) (التحفة ١٦)

[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.”

[٤٣١٨] ٤٣ - (١٦٦٤) حَدَّثَنَا يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ الْعَبْدَ إِذَا نَصَحَ لِسَيِّدِهِ، وَأَحْسَنَ عِبَادَةَ اللَّهِ، فَلَهُ أَجْرُهُ مَرَّتَيْنِ».

[4319] (...) A *Hadith* similar to that of Mâlik (4318) was narrated from Nâfi', from Ibn 'Umar, from the Prophet ﷺ.

[٤٣١٩] (...) وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُثَنَّى قَالَا: حَدَّثَنَا يَحْيَى وَهُوَ الْقَطَّانُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ نُمَيْرٍ وَأَبُو أُسَامَةَ، كُلُّهُمُ عَنْ عُيَيْدِ اللَّهِ؛ وَحَدَّثَنَا هَرُونَ بْنُ سَعِيدِ الْأَيْلِيِّ: حَدَّثَنَا ابْنُ وَهْبٍ: حَدَّثَنِي أُسَامَةُ، جَمِيعًا عَنْ نَافِعٍ، عَنِ ابْنِ 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) حَدَّثَنِي أَبُو الطَّاهِرِ وَحَرَمَلَةُ بْنُ يَحْيَى، قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ قَالَ: سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبِ يَقُولُ: قَالَ أَبُو هُرَيْرَةَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لِلْعَبْدِ الْمَمْلُوكِ الْمُضْلِحِ أَجْرَانِ»، وَالَّذِي نَفْسُ أَبِي هُرَيْرَةَ بِيَدِهِ! لَوْلَا الْجِهَادُ فِي سَبِيلِ اللَّهِ، وَالْحَجُّ، وَبِرُّ أُمِّي، لَأَخْبَيْتُ أَنْ أَمُوتَ وَأَنَا مَمْلُوكٌ.

قَالَ: وَبَلَّغْنَا أَنَّ أَبَا هُرَيْرَةَ لَمْ يَكُنْ يَحُجُّ حَتَّى مَاتَتْ أُمُّهُ، لِصُحْبَتِهَا.

قَالَ أَبُو الطَّاهِرِ فِي حَدِيثِهِ: «لِلْعَبْدِ الْمُضْلِحِ» 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.

[٤٣٢١] (...) وَحَدَّثَنِيهِ زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا أَبُو صَفْوَانَ الْأَمَوِيُّ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ بِهَذَا الْإِسْنَادِ، وَلَمْ يَذْكُرْ: بَلَّغْنَا وَمَا بَعْدَهُ.

[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.'"

[٤٣٢٢] ٤٥ - (١٦٦٦) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَدَّى الْعَبْدُ حَقَّ اللَّهِ وَحَقَّ مَوْلَاهُ، كَانَ لَهُ أَجْرَانِ» قَالَ: فَحَدَّثْتُهَا كَعْبًا، فَقَالَ كَعْبٌ: لَيْسَ عَلَيْهِ حِسَابٌ، وَلَا عَلَى مُؤْمِنٍ مُزْهِدٍ.

[4323] (...) It was narrated from Al-A'mash with this chain (a *Hadith* similar to no. 4322).

[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 *Ahadith*, 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.'"

## 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.'"

[4326] 48 - (...) It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever frees his share of a

[٤٣٢٣] (...) وَحَدَّثَنِيهِ زُهَيْرُ بْنُ حَرْبٍ، حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ بِهَذَا الْإِسْنَادِ.

[٤٣٢٤] ٤٦ - (١٦٦٧) وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ، عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ، فَذَكَرَ أَحَادِيثَ مِنْهَا: وَقَالَ رَسُولُ اللَّهِ ﷺ: «نِعْمًا لِلْمَمْلُوكِ أَنْ يُتَوَفَّى، يُحْسِنُ عِبَادَةَ اللَّهِ وَصَحَابَةَ سَيِّدِهِ، نِعْمًا لَهُ».

(المعجم ١٢) - (بَابُ مَنْ أَعْتَقَ شُرَكَاءَهُ لَه فِي عَبْدٍ) (التحفة ١٧)

[٤٣٢٥] ٤٧ - (١٥٠١) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى: قُلْتُ لِمَالِكٍ: حَدَّثَكَ نَافِعٌ عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَعْتَقَ شُرَكَاءَهُ لَه فِي عَبْدٍ، فَكَانَ لَهُ مَالٌ يَبْلُغُ ثَمَنَ الْعَبْدِ، قَوْمَ عَلَيْهِ قِيمَةُ الْعَدْلِ، فَأَعْطَى شُرَكَاءَهُ حِصَصَهُمْ، وَعَتَقَ عَلَيْهِ الْعَبْدَ، وَإِلَّا فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ».

[راجع: ٣٧٧٠]

[٤٣٢٦] ٤٨ - (...) وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللَّهِ عَنْ نَافِعٍ، عَنِ 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 Yaḥyâ 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.

اللَّهِ ﷻ: «مَنْ أَعْتَقَ شِرْكَاً لَهُ مِنْ مَمْلُوكٍ فَعَلَيْهِ عَقْبُهُ كُلُّهُ، إِنْ كَانَ لَهُ مَالٌ يَبْلُغُ ثَمَنَهُ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ عَتَقَ مِنْهُ مَا عَتَقَ.»

[٤٣٢٧] ٤٩ - (...) وَحَدَّثَنَا شَيْبَانُ

ابْنُ قُرُوحٍ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ، عَنْ نَافِعِ مَوْلَى عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عَبْدِ اللَّهِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَعْتَقَ نَصِيباً لَهُ فِي عَبْدٍ، فَكَانَ لَهُ مِنَ الْمَالِ قَدْرٌ مَا يَبْلُغُ قِيَمَتَهُ، فَوَمَّ عَلَيْهِ قِيَمَةٌ عَدْلٍ، وَإِلَّا فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ.»

[٤٣٢٨] (...) وَحَدَّثَنَا قُتَيْبَةُ بْنُ

سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحٍ، عَنِ اللَّيْثِ ابْنِ سَعْدٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ: سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ؛ وَحَدَّثَنِي أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادٌ - وَهُوَ ابْنُ زَيْدٍ -؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ - يَعْنِي ابْنَ عَلِيَّةَ - كِلَاهُمَا عَنْ أَبِي أَيُّوبَ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ، عَنِ ابْنِ جُرَيْجٍ: أَخْبَرَنِي إِسْمَاعِيلُ بْنُ أُمَيَّةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ، عَنِ ابْنِ أَبِي ذُئْبٍ؛ وَحَدَّثَنَا هَرُونَ بْنُ سَعِيدٍ الْأَيْلِيُّ، أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي

أَسَامَةُ - بَعْنِي ابْنُ زَيْدٍ - كُلُّ هُوَ لَاءٍ،  
عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ ﷺ  
بِهَذَا الْحَدِيثِ، وَلَيْسَ فِي حَدِيثِهِمْ «وَأِنْ  
لَمْ يَكُنْ لَهُ مَالٌ فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ» إِلَّا  
فِي حَدِيثِ أَيُّوبَ وَيَحْيَى بْنِ سَعِيدٍ،  
فَإِنَّهُمَا ذَكَرَا هَذَا الْحَرْفَ فِي الْحَدِيثِ،  
وَقَالَا: لَا نَدْرِي، أَهُوَ شَيْءٌ فِي الْحَدِيثِ  
أَوْ قَالَهُ نَافِعٌ مِنْ قِبَلِهِ؟ وَلَيْسَ فِي رِوَايَةِ  
أَحَدٍ مِنْهُمْ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ، إِلَّا  
فِي حَدِيثِ اللَّيْثِ بْنِ سَعِيدٍ.

[4329] 50 - (...) It was narrated from Sâlim bin 'Abdullâh, from his father, that the Messenger of Allâh 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."

[٤٣٢٩] ٥٠- (...) وَحَدَّثَنَا عَمْرُو  
النَّاقِدُ وَابْنُ أَبِي عُمَرَ، كِلَاهُمَا عَنْ ابْنِ  
عُيَيْنَةَ، قَالَ ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ  
[بْنُ عُيَيْنَةَ] عَنْ عَمْرُو، عَنْ سَالِمِ بْنِ عَبْدِ  
اللَّهِ، عَنْ أَبِيهِ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:  
«مَنْ أَعْتَقَ عَبْدًا بَيْنَهُ وَبَيْنَ آخَرَ، فَوَمَّ عَلَيْهِ  
فِي مَالِهِ قِيمَةَ عَدْلٍ، لَا وَكَسَ وَلَا شَطَطَ،  
ثُمَّ عَتَقَ عَلَيْهِ فِي مَالِهِ إِنْ كَانَ مُوسِرًا».

[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."

[٤٣٣٠] ٥١- (...) حَدَّثَنَا عَبْدُ بْنُ  
حُمَيْدٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ  
عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ:  
أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ أَعْتَقَ شِرْكًَا لَهُ  
فِي عَبْدٍ، عَتَقَ مَا بَقِيَ فِي مَالِهِ، إِذَا كَانَ  
لَهُ مَالٌ يَبْلُغُ ثَمَنَ الْعَبْدِ».

[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 الْمُثَنَّى وَمُحَمَّدُ بْنُ بَشَّارٍ - وَاللَّفْظُ لَابْنِ الْمُثَنَّى - قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهْيكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ، فِي الْمَمْلُوكِ بَيْنَ الرَّجُلَيْنِ فَيُعْتَقُ أَحَدُهُمَا قَالَ: «يَضْمَنُ». [راجع: ٢٧٧٢]

[4332] 53 - (1503) Shu'bah narrated with this chain (a *Hadith* similar to no. 4331): He said: "Whoever frees a share of a slave, he should be freed using his wealth."

[٤٣٣٢] ٥٣ - (١٥٠٣) وَحَدَّثَنَا عُيَيْدُ اللَّهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ بِهَذَا الْإِسْنَادِ قَالَ: «مَنْ أَعْتَقَ شَقِيصًا 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 النَّاقِدُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ ابْنِ نَهْيكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْتَقَ شَقِيصًا لَهُ فِي عَبْدٍ، فَخَلَّصَهُ فِي مَالِهِ إِنْ كَانَ لَهُ مَالٌ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ، اسْتُسْعِيَ الْعَبْدُ غَيْرَ مَشْقُوقٍ عَلَيْهِ».

[4334] 55 - (...) It was narrated from Ibn Abî 'Arûbah with (a different chain, a *Hadith* similar to no. 4333). In the *Hadith* of 'Eisa it says: "Then let him work

[٤٣٣٤] ٥٥ - (...) حَدَّثَنَا أَبُو بَكْرِ 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.”

[4335] 56 - (1668) It was narrated from ‘Imrân bin Ḥuṣayn 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.

[4336] 57 - (...) It was narrated from Ayyûb with this chain (a *Ḥadīth* similar to no. 4335). As for Ḥammâd (a narrator), his *Ḥadīth* is like the report of Ibn ‘Ulayyah (no. 4335). As for Ath-Thaqafi, in his *Ḥadīth* it says: “That a man from among the *Anṣâr* left instructions that when he died, his six slaves would be set free.”

[4337] (...) A *Ḥadīth* like that of Ibn ‘Ulayyah and Ḥammâd (no. 4336) was narrated from ‘Imrân bin Ḥuṣayn, from the Prophet ﷺ.

إِبْرَاهِيمَ وَعَلِيُّ بْنُ حَشْرَمٍ قَالَا: أَخْبَرَنَا عَيْسَى بْنُ يُونُسَ، جَمِيعًا عَنِ ابْنِ أَبِي عَرُوبَةَ بِهَذَا الْإِسْنَادِ، وَفِي حَدِيثِ عَيْسَى: «ثُمَّ يُسْتَسْعَى فِي نَصِيبِ الَّذِي لَمْ يَعْتِقْ غَيْرَ مَسْفُوقٍ عَلَيْهِ».

[٤٣٣٥] ٥٦ - (١٦٦٨) حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَرُهَيْرُ بْنُ حَرْبٍ، قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ عَلِيَّةَ، عَنْ أَيُّوبَ، عَنْ أَبِي قَلَابَةَ، عَنْ أَبِي الْمُهَلَّبِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ رَجُلًا أَعْتَقَ سِتَّةَ مَمْلُوكِينَ لَهُ عِنْدَ مَوْتِهِ، لَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُمْ، فَدَعَا بِهِمْ رَسُولُ اللَّهِ ﷺ، فَجَزَّاهُمْ أَثْلَانًا، ثُمَّ أَفْرَعَ بَيْنَهُمْ، فَأَعْتَقَ اثْنَيْنِ وَأَرَقَّ أَرْبَعَةً، وَقَالَ لَهُ قَوْلًا شَدِيدًا.

[٤٣٣٦] ٥٧ - (...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا حَمَّادٌ، وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عَمْرٍ، عَنِ الثَّقَفِيِّ، كِلَاهُمَا عَنْ أَيُّوبَ بِهَذَا الْإِسْنَادِ، أَمَّا حَمَّادٌ فَحَدِيثُهُ كَرِوَايَةِ ابْنِ عَلِيَّةَ، وَأَمَّا الثَّقَفِيُّ فَفِي حَدِيثِهِ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ أَوْصَى عِنْدَ مَوْتِهِ، فَأَعْتَقَ سِتَّةَ مَمْلُوكِينَ.

[٤٣٣٧] (...) حَدَّثَنَا مُحَمَّدُ بْنُ مِهَالٍ الصَّرِيرِيُّ وَأَحْمَدُ بْنُ عَبْدِ قَالَا:

حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا هِشَامُ بْنُ  
حَسَّانَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ  
عُمَرََانَ بْنِ حُصَيْنٍ عَنِ النَّبِيِّ ﷺ: بِمِثْلِ  
حَدِيثِ ابْنِ عُلَيَّةَ وَحَمَّادٍ.

(المعجم ١٣) - (باب جواز بيع

المدبر) (التحفة ١٨)

### Chapter 13. Permissibility Of Selling A *Mudabbar*<sup>[1]</sup>

[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.’”

٤٣٣٨ [٤٣٣٨] - ٥٨ (٩٩٧) حَدَّثَنَا أَبُو الرَّبِيعِ  
سُلَيْمَانُ بْنُ دَاوُدَ الْعَتَكِيُّ: حَدَّثَنَا حَمَّادٌ -  
يَعْنِي ابْنَ زَيْدٍ - عَنْ عَمْرٍو بْنِ دِينَارٍ، عَنْ  
جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ  
أَعْتَقَ غَلَامًا لَهُ عَنْ دُبْرٍ، لَمْ يَكُنْ لَهُ مَالٌ  
غَيْرُهُ، فَبَلَغَ ذَلِكَ النَّبِيِّ ﷺ، فَقَالَ: «مَنْ  
يَشْتَرِيهِ مِنِّي؟» فَاشْتَرَاهُ نُعَيْمُ بْنُ عَبْدِ اللَّهِ  
بِثَمَانٍ مِائَةَ دِرْهَمٍ، فَدَفَعَهَا إِلَيْهِ.

قَالَ عَمْرٍو: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ  
يَقُولُ: عَبْدًا قِطِيًّا مَاتَ عَامَ أَوَّلِ.

[راجع: ٢٣١٣]

[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.”

٤٣٣٩ [٤٣٣٩] - ٥٩ (...) وَحَدَّثَنَا أَبُو  
بَكْرِ بْنُ أَبِي شَيْبَةَ، وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ  
عَنِ ابْنِ عُيَيْنَةَ قَالَ أَبُو بَكْرٍ: حَدَّثَنَا سُفْيَانُ  
بْنُ عُيَيْنَةَ قَالَ: سَمِعَ عَمْرٍو جَابِرًا يَقُولُ:  
دَبَّرَ رَجُلٌ مِنَ الْأَنْصَارِ غَلَامًا 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-Naḥḥâm bought him, a Coptic slave who died last year, during the governorship of Ibn Az-Zubair."

[4340] (...) A *Hadîth* like that of Ḥammâd from 'Amr bin Dînâr (no. 4338) was narrated from Jâbir, from the Prophet ﷺ, concerning the *Mudabbar*.

[4341] (...) It was narrated from 'Aṭâ' bin Abî Rabâḥ, 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 Ḥammâd and Ibn 'Uyaynah from 'Amr from Jâbir (no. 4338, 4339).

قَالَ جَابِرٌ: فَاشْتَرَاهُ ابْنُ النَّحَّامِ، عَبْدًا قِبْطِيًّا مَاتَ عَامَ أَوَّلٍ، فِي إِمَارَةِ ابْنِ الزُّبَيْرِ.

[٤٣٤٠] (...) وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَابْنُ رُمْحٍ عَنِ اللَّيْثِ بْنِ سَعْدٍ، عَنِ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ فِي الْمُدَبَّرِ نَحْوَ حَدِيثِ حَمَّادٍ عَنْ عَمْرٍو ابْنِ دِينَارٍ.

[٤٣٤١] (...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ حَدَّثَنَا الْمُغِيرَةُ يَعْنِي الْحَزَامِيَّ، عَنْ عَبْدِ الْمَجِيدِ بْنِ سَهْلٍ، عَنْ عَطَاءِ بْنِ أَبِي رِيَّاحٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ؛ وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ هَاشِمٍ: حَدَّثَنَا يَحْيَى - يَعْنِي ابْنَ سَعِيدٍ - عَنِ الْحُسَيْنِ بْنِ ذَكْوَانَ الْمُعَلِّمِ: حَدَّثَنِي عَطَاءٌ عَنْ جَابِرٍ؛ وَحَدَّثَنِي أَبُو عَسَانَ الْمُسَمَعِيُّ: حَدَّثَنَا مُعَاذٌ: حَدَّثَنِي أَبِي عَنْ مَطْرِ، عَنْ عَطَاءِ بْنِ أَبِي رِيَّاحٍ، وَأَبِي الزُّبَيْرِ، وَعَمْرٍو بْنِ دِينَارٍ: أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ حَدَّثَهُمْ فِي بَيْعِ الْمُدَبَّرِ، كُلُّ هَؤُلَاءِ قَالَ: عَنِ النَّبِيِّ ﷺ، بِمَعْنَى حَدِيثِ حَمَّادٍ وَابْنِ عُيَيْنَةَ، عَنْ عَمْرٍو، عَنْ جَابِرٍ.