

In the Name of Allāh,
the Merciful, the Beneficent

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

18. The Chapters On Vows And Oaths From The Messenger Of Allāh ﷺ

(المعجم ١٨) - أَبْوَابُ النَّذُورِ وَالْأَيْمَانِ

عَنْ رَسُولِ اللَّهِ ﷺ (التحفة ١٦)

Chapter 1. What Has Been Related From The Messenger Of Allāh ﷺ About 'There Is No Vowing For Disobedience'

(المعجم ١) - بَابُ مَا جَاءَ عَنْ رَسُولِ اللَّهِ

ﷺ: «أَنْ لَا نَذَرَ فِي مَعْصِيَةِ (التحفة ١)

1524. 'Āishah narrated that the Messenger of Allāh ﷺ said: "There is no vowing for disobedience, and its atonement is the atonement of an oath." (*Sahih*)

١٥٢٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو صَفْوَانَ

عَنْ يُونُسَ بْنِ يَزِيدَ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نَذَرَ فِي مَعْصِيَةِ وَكَفَّارَتُهُ كَفَّارَةُ يَمِينٍ».

[He said:] There are narrations on this topic from Ibn 'Umar, Jābir, and 'Imrān bin Ḥuṣayn.

[قَالَ:] «وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ، وَجَابِرٍ، وَعُمَرَانَ بْنِ حُصَيْنٍ».

[Abū 'Eisā said:] This *Hadīth* is not correct, because Az-Zuhri did not hear this *Hadīth* from Abū Salamah.

[قَالَ أَبُو عَيْسَى:] «هَذَا حَدِيثٌ لَا يَصِحُّ،

[He said:] I heard Muḥammad saying: "It has been reported by more than one narrator – among them – Mūsā bin 'Uqbah, and Ibn Abī 'Atīq, from Az-Zuhri: 'from Sulaimān bin Arqam, from Yahya bin Abī Kathīr, from Abū Salamah, from 'Āishah, from the Prophet ﷺ.'" Muḥammad said: "And this is the *Hadīth*."

لَأَنَّ الزُّهْرِيَّ لَمْ يَسْمَعْ هَذَا الْحَدِيثَ مِنْ أَبِي سَلَمَةَ، [قَالَ:] «وَسَمِعْتُ مُحَمَّدًا يَقُولُ: رُوِيَ عَنْ غَيْرِ وَاحِدٍ مِنْهُمْ: مُوسَى بْنُ عُقْبَةَ، وَابْنُ أَبِي عَتِيْقٍ عَنِ الزُّهْرِيِّ، عَنْ سُلَيْمَانَ بْنِ أَرْقَمٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ. قَالَ مُحَمَّدٌ: وَالْحَدِيثُ هُوَ هَذَا».

تخريج: [صحيح] وأخرجه أبو داود، الأيمان والنذور، باب من رأى عليه كفارة إذا كان في معصية، ح: ٣٢٩٠ وابن ماجه، ح: ٢١٢٥ والنسائي، ح: ٣٨٦٥ من حديث يونس به والزهرى صرح بالسماع عند النسائي، ح: ٣٨٦٩ وللحديث شواهد * وفي الباب عن ابن عمر [لعله يشير إلى

حديث البخاري، ح: ٦٦٠٨، ومسلم، ح: ١٦٣٩ [وجابر [أحمد: ٣/٢٩٧] وعمران بن حصين [النسائي: ٢٩/٧، ح: ٣٨٨٢-٣٨٧٧].

1525. 'Āishah narrated that the Prophet ﷺ said: "There is no vowing for disobedience to Allāh, and its atonement is the atonement of an oath." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Gharīb*, and it is more correct than the (previous) narration of Abū Ṣafwān from Yūnus. [Abū Ṣafwān is from Makkah and his name is 'Abdullāh bin Sa'eed bin 'Abdul-Malik bin Marwān. Al-Ḥumaidī and more than one of the esteemed people of *Hadīth* reported from him].

There are those among the people of knowledge from the Companions of the Prophet ﷺ and others who said: "There is no vowing for disobedience to Allāh, and its atonement is the atonement of an oath." This is the view of Aḥmad and Ishāq and they used the *Hadīth* of Az-Zuhrī from Abū Salamah from 'Āishah as proof.

Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that there is no vowing for disobedience, and that there is no atonement for that. This is the view of Mālik and Ash-Shāfi'ī.

١٥٢٥ - حَدَّثَنَا أَبُو إِسْمَاعِيلَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ يُونُسَ التَّمِيمِيُّ: حَدَّثَنَا أَيُّوبُ بْنُ سُلَيْمَانَ بْنِ بِلَالٍ: حَدَّثَنِي أَبُو بَكْرٍ بْنُ أَبِي أُوَيْسٍ عَنْ سُلَيْمَانَ بْنِ بِلَالٍ، عَنْ مُوسَى بْنِ عُقْبَةَ وَعَبْدَ اللَّهِ بْنِ أَبِي عَتِيقٍ، عَنِ الزُّهْرِيِّ، عَنْ سُلَيْمَانَ بْنِ أَرْقَمٍ، عَنْ يَحْيَى ابْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا نَذْرَ فِي مَعْصِيَةِ اللَّهِ، وَكَفَّارَتُهُ كَفَّارَةٌ بَيْنِي».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ غَرِيبٌ، وَهُوَ أَصَحُّ مِنْ حَدِيثِ أَبِي صَفْوَانَ عَنْ يُونُسَ. [وَأَبُو صَفْوَانَ هُوَ مَكِّيٌّ وَاسْمُهُ عَبْدُ اللَّهِ ابْنُ سَعِيدِ بْنِ عَبْدِ الْمَلِكِ بْنِ مَرْوَانَ، وَقَدْ رَوَى عَنْهُ الْحُمَيْدِيُّ وَعَبْرٌ وَاحِدٌ مِنْ أَجَلَّةِ أَهْلِ الْحَدِيثِ]. وَقَالَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: لَا نَذْرَ فِي مَعْصِيَةِ اللَّهِ، وَكَفَّارَتُهُ كَفَّارَةٌ بَيْنِي. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ وَاحْتَجَّ بِحَدِيثِ الزُّهْرِيِّ عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: لَا نَذْرَ فِي مَعْصِيَةِ وَلَا كَفَّارَةَ فِي ذَلِكَ. وَهُوَ قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ.

تخریج: [صحيح] وأخرجه أبو داود، الأيمان والنذور، باب من رأى من عليه كفارة إذا كان في معصية، ح: ٣٢٩٢ والنسائي، ح: ٣٨٧٠ من حديث أيوب بن سليمان به.

Comments:

All the *A'immah* agree on the point that fulfillment of a vow that is against

the Commands of Allāh and against the Laws of Islam is unlawful. It should never be fulfilled.

Chapter 2. Whoever Vows To Obey Allāh, Then He Should Obey Him

1526. 'Āishah narrated that the Prophet ﷺ said: "Whoever vowed to obey Allāh, then he should obey Him. And whoever vowed to disobey Allāh, then he should not disobey Him." (*Ṣaḥīh*)

(Another chain) with similar meanings.

[Abū 'Eisā said:] This *Hadīth* is *Ḥasan Ṣaḥīh*. Yaḥya bin Abī Kathīr reported it from Al-Qāsim bin Muḥammad.

It is the view of some of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the saying of Mālik, and Ash-Shāfi'ī. They said: He should not disobey Allāh, and there is no atonement of an oath when his vow was for disobedience.

(المعجم ٢) - [بَابُ مَنْ نَذَرَ أَنْ يُطِيعَ
اللَّهَ فَلْيُطِيعَهُ] (التحفة ٢)

١٥٢٦ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ عَنْ مَالِكِ
[ابْنِ أَنَسٍ]، عَنْ طَلْحَةَ بْنِ عَبْدِ الْمَلِكِ
الْأَيْلِيِّ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ
عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ نَذَرَ أَنْ يُطِيعَ اللَّهَ
فَلْيُطِيعَهُ وَمَنْ نَذَرَ أَنْ يَعْصِيَ اللَّهَ فَلَا يَعْصِهِ».

حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا
عَبْدُ اللَّهِ بْنُ نُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، عَنْ
طَلْحَةَ بْنِ عَبْدِ الْمَلِكِ الْأَيْلِيِّ، عَنِ الْقَاسِمِ بْنِ
مُحَمَّدٍ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

[قَالَ أَبُو عِمْسَى:] هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ. وَقَدْ رَوَاهُ يَحْيَى بْنُ أَبِي كَثِيرٍ عَنِ
الْقَاسِمِ بْنِ مُحَمَّدٍ. وَهُوَ قَوْلُ بَعْضِ أَهْلِ الْعِلْمِ
مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ. وَبِهِ يَقُولُ
مَالِكٌ، وَالشَّافِعِيُّ قَالُوا: لَا يَعْصِي اللَّهَ وَلَيْسَ
فِيهِ كَفَّارَةٌ يَمِينٍ إِذَا كَانَ النَّذْرُ فِي مَعْصِيَةٍ.

تخریج: وأخرجه البخاري، الأيمان والنذور، باب النذر في الطاعة: "وما أنفقت من نفقة أو نذرت من نذر"، ح: ٦٦٩٦، ٦٧٠٠ من حديث مالك به وهو في الموطأ: ٤٧٦/٢ (بحي).

Comments:

If a vow or pledge is taken in obedience to Allāh but with a condition of fulfillment of some particular need, it must be accomplished. For example someone says that he will fast for a number of days if Allāh cures him from this ailment, or he will give this much amount in charity in the Name of Allāh if he finds his lost property. After recovery or finding his lost property he must fulfill his vow. If the vow is taken without any condition, again it must be fulfilled. For example if someone says that he will fast for some days, or he will give such and such amount of money in charity, there is no condition attached to it, then it should be fulfilled. Most of the scholars agree on this point. (See for details *Al-Mughnī* v. 13. p. 622-623.)

Chapter 3. (What Has Been Related About) There Is No Vowing In That Over Which The Son Of Ādam Has No Control

(المعجم ٣) - بَابُ [مَا جَاءَ] لَا نَذْرَ
فِيمَا لَا يَمْلِكُ ابْنُ آدَمَ (التحفة ٣)

1527. Thābit bin Aḍ-Ḍaḥḥāk narrated that the Prophet ﷺ said: "It is not for a person to vow about that over which he has no control." (*Ṣaḥīḥ*)

[He said:] There are narrations on this topic from 'Abdullāh bin 'Amr and 'Imrān bin Ḥuṣāin.

[Abū 'Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

١٥٢٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا إِسْحَاقُ بْنُ يُونُسَ الْأَزْرُقِيُّ عَنْ هِشَامِ الدُّسْتَوَائِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي قِلَابَةَ، عَنْ ثَابِتِ بْنِ الضَّحَّاكِ عَنِ النَّبِيِّ ﷺ قَالَ: «لَيْسَ عَلَى الْعَبْدِ نَذْرٌ فِيمَا لَا يَمْلِكُ».
[قَالَ:] وفي البابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو وَعِمْرَانَ بْنِ حُصَيْنٍ.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه مسلم، الإیمان، باب بیان غلظ تحريم قتل الإنسان نفسه ... الخ، ح: ١١٠ من حديث هشام الدستوائي والبخاري، ح: ٦٠٤٧ من حديث يحيى بن أبي كثير به * وفي الباب عن عبدالله بن عمرو [تقدم: ١١٨١] وعمران بن حصين [مسلم، ح: ١٦٤١].

Comments:

It is not allowed to take vow about something which does not belong to the person taking the vow. For example saying that if Allāh cures him from the ailment he will manumit that particular slave which actually is not his property, or he will give that amount in charity which he does not have.

Chapter 4. (What Has Been Related) About Atonement For A Vow When It Was Not Specified

(المعجم ٤) - بَابُ [مَا جَاءَ] فِي كَفَّارَةِ النَّذْرِ إِذَا لَمْ يُسَمَّ (التحفة ٤)

1528. 'Uqbah bin 'Āmir narrated that the Messenger of Allāh ﷺ said: "The atonement for a vow when it is not specified is the atonement for an oath." (*Ḍa'īf*)

[Abū 'Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ Gharīb*.

١٥٢٨ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عِيَّاشٍ: حَدَّثَنِي مُحَمَّدُ مَوْلَى الْمُغِيرَةَ بْنِ شُعْبَةَ: حَدَّثَنِي كَعْبُ بْنُ عُلْقَمَةَ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كَفَّارَةُ النَّذْرِ إِذَا لَمْ يُسَمَّ: كَفَّارَةُ يَمِينٍ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ غَرِيبٌ.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الأيمان والنذور، باب من نذر نذرًا لم يسمه، ح: ۳۲۲۳ من حديث أبي بكر بن عياش به وهو ضعيف وشيخه مجهول، وله شاهد عند مسلم، ح: ۱۶۴۵ دون قوله: "إذا لم يسم" حديث أبي داود صحيح بالشواهد.

Comments:

If a vow is made without a condition, the expiation is that of an oath. For example, while making a vow if it is not made clear that a fast will be kept or some amount will be given in charity, or voluntary prayers (*Nawāfil*) will be performed, etc., in this case one has to pay the expiation for an oath. (*Tuhfat Al-Aḥwadhī* v.2. p.368.)

Chapter 5. (What Has Been Related) About Whoever Takes An Oath And Then Sees That Something Else Is Better Than It

(المعجم ۵) - بَابُ [مَا جَاءَ] فِيمَنْ حَلَفَ

عَلَى يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا

(التحفة ۵)

1529. ‘Abdur-Raḥmān bin Samurah narrated that the Messenger of Allāh ﷺ said: “O ‘Abdur-Raḥmān! Do not ask for a position of leadership, for if you receive it due to asking, you will be left alone with it, and if you receive it without asking, then you will be aided in it. And if you take an oath and you see that something else is better than it, then do what is better, and make an atonement for your oath.” (*Ṣaḥīḥ*)

۱۵۲۹ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى [الصَّنْعَائِي]: حَدَّثَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ عَنْ يُونُسَ [هُوَ ابْنُ عُيَيْدٍ]: حَدَّثَنَا الْحَسَنُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمُرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَا عَبْدَ الرَّحْمَنِ، لَا تَسْأَلِ الْإِمَارَةَ فَإِنَّكَ إِنْ أَتَيْتَ عَنْ مَسْأَلَةٍ وَكَلْتِ إِيَّهَا، وَإِنَّكَ إِنْ أَتَيْتَ مِنْ غَيْرِ مَسْأَلَةٍ أُعْنِتَ عَلَيْهَا، وَإِذَا حَلَفْتَ عَلَى يَمِينٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا فَأَتِ الَّذِي هُوَ خَيْرٌ وَلْتُكْفَرْ عَنْ يَمِينِكَ».

There are narrations on this topic from [‘Alī, Jābir], ‘Adī bin Hātim, Abū Ad-Dardā’, Anas, ‘Āishah, ‘Abdullāh bin ‘Amr, Abū Hurairah, Umm Salamah, and Abū Mūsā.

وفي الباب عن [علي، وجابر]، وعديّ ابن حاتم، وأبي الدرداء، وأنس، وعائشة، وعبد الله بن عمرو، وأبي هريرة، وأمّ سلمة، وأبي موسى.

[Abū ‘Eisā said:] The *Ḥadīth* of ‘Abdur-Raḥmān bin Samurah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

[قَالَ أَبُو عِيسَى:] حَدِيثٌ حَسَنٌ غَرِيبٌ

ابْنِ سَمُرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، الأحكام، باب من سأل الإمارة وكل إليها،

ح: ٧١٤٧ ومسلم، ح: ١٦٥٢ من حديث يونس بن عبيد به * وفي الباب عن علي [لعله يشير إلى حديث أحمد: ٩٠/١ والله أعلم] وجابر [الطبراني في الأوسط: ٢٤٦/٥، ح: ٤٤٨٥] وعدي بن حاتم [مسلم، ح: ١٦٥١] وأبي الدرداء [الحاكم: ٣٠١/٤ والبيهقي: ٥٢/١٠] وأنس [يأتي: ١٥٣٦، ١٥٣٧] وعائشة [ابن ماجه، ح: ٢١١٠] وعبدالله بن عمرو [أبو داود، ح: ٣٢٧٤] وأبي هريرة [يأتي: ١٥٣٠] وأم سلمة [الطبراني في الكبير: ٣٠٧/٢٣، ح: ٦٩٤] وأبي موسى [البخاري، ح: ٣١٣٣ ومسلم، ح: ١٦٤٩].

Comments:

1. Whoever took an oath to do something and later found that something else is better, then it is advisable to do the better thing and make expiation for his oath.
2. Islam dislikes seeking positions of authority. He who acquires a position through some influence or links and recommendations; he loses guidance from Allāh, and becomes the slave of his base self. But if a post of authority and power is offered by the government it can be accepted, and Allāh's help and guidance will lead the person to make the right decisions.

Chapter 6. (What Has Been Related) About The Atonement Before The Violation

(المعجم ٦) - بَابُ [مَا جَاءَ] فِي الْكُفَّارَةِ قَبْلَ الْحِنْتِ (التحفة ٦)

1530. Abū Hurairah narrated that the Prophet ﷺ said: “Whoever takes an oath, and then he sees that something else is better than it, then he should make atonement for his oath and then do it.” (*Ṣaḥīḥ*)

١٥٣٠ - حَدَّثَنَا قُتَيْبَةُ عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا فَلْيُكْفِرْ عَنْ يَمِينِهِ وَلْيُفْعَلْ».

[He said:] There are narrations on this topic from Umm Salamah.

[قَالَ:] وَفِي الْبَابِ عَنْ أُمِّ سَلَمَةَ.

[Abū ‘Eisā said:] The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others: Atonement before the violation is acceptable. This is the view of Mālik [bin Anas], *Ash-Shāfi‘ī*, Aḥmad and Ishāq.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: أَنَّ الْكُفَّارَةَ قَبْلَ الْحِنْتِ تُجْزَى. وَهُوَ قَوْلُ مَالِكِ [بْنِ أَنَسٍ]، وَالشَّافِعِيِّ، وَأَحْمَدَ، وَإِسْحَاقَ.

Some of the people of knowledge said that there is no atonement

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا يُكْفَرُ إِلَّا بَعْدَ الْحِنْتِ. قَالَ سُفْيَانُ الثَّوْرِيُّ: إِنْ كَفَرَ بَعْدَ

until after the violation. Sufyān Ath-Thawrī said: "If he atones after the violation it is better to me, and if he atones before the violation it is acceptable."

الْحِنْثِ أَحَبُّ إِلَيَّ، وَإِنْ كَفَّرَ قَبْلَ الْحِنْثِ أَجْزَأُهُ.

تخریج: وأخرجه مسلم، الأيمان، باب نذب من حلف يمينًا، فرأى غيرها خيرًا منها ... الخ، ح: ١٦٥٠ من حديث مالك به وهو في الموطأ: ٤٧٨/٢ (يحيى).

Comments:

It is agreed upon that the payment of expiation is an obligation after breaking the oath because it is not an obligation before breaking it. There is a difference of opinion over the question. Can it be paid before breaking an oath? Most of the scholars support this, but it is better if the expiation is paid after breaking an oath.

Chapter 7. (What Has Been Related) About Making Exceptions In Oaths

(المعجم ٧) - بَابُ [مَا جَاءَ] فِي
الاسْتِثْنَاءِ فِي الْيَمِينِ (التحفة ٧)

1531. Ibn 'Umar narrated that the Messenger of Allāh ﷺ said: "Whoever swears about an oath and says: 'If Allāh wills (*Inshā'-Allāh*)', then there is no breaking of the oath against him." (*Ṣaḥīh*)

١٥٣١ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنِي أَبِي وَحَمَّادُ بْنُ سَلَمَةَ عَنْ أَبِي بَرْزَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ حَلَفَ عَلَى يَمِينٍ فَقَالَ: إِنْ شَاءَ اللَّهُ، فَلَا حِنْثَ عَلَيْهِ».

[He said:] There is something on this topic from Abū Hurairah.

[Abū 'Eisā said:] The *Ḥadīth* of Ibn 'Umar is a *Ḥasan Ḥadīth*. 'Ubaidullāh bin 'Umar and others reported it from Nāfi', from Ibn 'Umar as a *Mawqūf* narration. Similarly, Sālim reported it from Ibn 'Umar [may Allāh be pleased with them] as a *Mawqūf* narration. We do not know of anyone who narrated it in *Marfū'* form except from Ayyūb As-Sakhtiyānī. Ismā'il bin Ibrāhīm said: "Sometimes Ayyūb narrated it as *Marfū'* and sometimes he did not narrate it as *Marfū'*."

[قَالَ:] [وفي الباب عن أبي هريرة].
[قَالَ أَبُو عِيسَى:] حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ، وَقَدْ رَوَاهُ عُيَيْدُ اللَّهِ بْنُ عُمَرَ وَعَبْدُ اللَّهِ بْنُ عُمَرَ مَوْقُوفًا، وَهَكَذَا رَوَى سَالِمٌ عَنِ ابْنِ عُمَرَ لِرَضِيَّ اللَّهِ عَنْهُمَا [مَوْقُوفًا، وَلَا نَعْلَمُ أَحَدًا رَفَعَهُ غَيْرَ أَبِي بَرْزَةَ السَّخْتِيَّانِيِّ، وَقَالَ إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: وَكَانَ أَبُو بَرْزَةَ أَحْيَانًا يَرْفَعُهُ وَأَحْيَانًا لَا يَرْفَعُهُ].

This is acted upon according to most of the people of knowledge

وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ

among the Companions of the Prophet ﷺ and others regarding making an exception when connecting it to an oath, then one will not be guilty of having broken the oath. This is the view of Sufyān Ath-Thawrī, Al-Awzā'ī, Mālik bin Anas, 'Abdullāh bin Al-Mubārak, Ash-Shāfi'ī, Aḥmad, and Ishāq.

أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنَّ الْأَسْتِثْنَاءَ إِذَا كَانَ مَوْضُوعًا بِالْيَمِينِ فَلَا حِنْثَ عَلَيْهِ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، وَالْأَوْزَاعِيِّ، وَمَالِكِ ابْنِ أَنَسٍ، وَعَبْدِ اللَّهِ بْنِ الْمُبَارَكِ، وَالشَّافِعِيِّ وَأَحْمَدَ، وَإِسْحَاقَ.

تخريج: [سناده صحيح] وأخرجه النسائي: ١٢/٧، ١٣ ح: ٣٨٢٤ (الأيمان والنذور، باب من حلف فاستثنى) من حديث عبدالوارث، وأبو داود، ح: ٣٢٦١، ٣٢٦٢ وابن ماجه، ح: ٢١٠٥ والنسائي، ح: ٣٨٦٠ من حديث أيوب السخيتاني به وصححه ابن حبان * وفي الباب عن أبي هريرة [يأتي: ١٥٣٢].

Comments:

In view of most of the scholars saying '*Inshā'-Allāh*' - if it is Will of Allāh - clears one from the oath and there is no expiation for breaking an oath in such case. In the view of some followers of the Companions of the Prophet ﷺ, and according to Tāwūs and Ḥasan, '*Inshā'-Allāh*' can be said as long as the gathering is there and when the assembly is dispersed, there is no choice of saying it.

1532. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Whoever swears [about an oath] and says: 'If Allāh wills (*Inshā' Allāh*)', then he will not have broken it." (*Ṣaḥīḥ*)

[Abū 'Eīsā said:] I asked Muḥammad bin Ismā'īl about this *Ḥadīth*, so he said: "This *Ḥadīth* is a mistake, 'Abdur-Razzāq made the mistake of abbreviating it from the narration of Ma'mar, from Ibn Tāwūs, from his father, from Abū Hurairah, from the Prophet ﷺ who said: 'Indeed Sulaimān bin Dāwūd, peace be upon him, said: "Tonight I will sleep with seventy women, each woman giving birth to a boy." So he slept with them, but no one woman among them gave

١٥٣٢ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ حَلَفَ [عَلَى يَمِينٍ] فَقَالَ: إِنْ شَاءَ اللَّهُ، لَمْ يَحْنَثْ».

[قَالَ أَبُو عِيْسَى] سَأَلْتُ مُحَمَّدَ بْنَ إِسْمَاعِيلَ عَنِ هَذَا الْحَدِيثِ فَقَالَ: هَذَا حَدِيثٌ خَطَأٌ أَخْطَأَ فِيهِ عَبْدُ الرَّزَّاقِ اخْتَصَرَهُ مِنْ حَدِيثِ مَعْمَرٍ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ سُلَيْمَانَ بْنَ دَاوُدَ عَلَيْهِ السَّلَامُ قَالَ: لِأَطْوَفَنَّ اللَّيْلَةَ عَلَى سَبْعِينَ امْرَأَةً تَلِدُ كُلُّ امْرَأَةٍ غُلَامًا، فَطَافَ عَلَيْهِنَّ فَلَمْ تَلِدِ امْرَأَةٌ مِنْهُنَّ، إِلَّا امْرَأَةً

birth except for a woman who gave birth to half a boy.' So the Messenger of Allāh ﷺ said: 'If he had said: "If Allāh wills" (*Inshā'-Allāh*) then it would have been as he said."

This is how it was reported from 'Abdur-Razzāq, from Ma'mar, from Ibn Tāwus, from his father with this *Hadīth* in its entirety, and he said: "Seventy women."

This *Hadīth* has been reported through more than one route from Abū Hurairah, from the Prophet ﷺ, that he said: "Sulaimān bin Dāwūd said: 'Tonight I shall sleep with one-hundred women.'"

تخريج: [إسناده صحيح] وأخرجه ابن ماجه، الكفارات، باب الاستثناء في اليمين، ح: ٢١٠٤ والنسائي، ح: ٣٨٨٦ من حديث عبدالرزاق به وصححه ابن حبان، ح: ١١٨٥ وله شواهد وحديث معمر عن ابن طاوس رواه البخاري، ح: ٥٢٤٢ ومسلم، ح: ٢٤/١٦٥٤.

Comments:

If someone says that he will do this thing, and adds the words *Inshā'-Allāh*, and later on the work is not done, his oath will not be considered broken, and he will not have to pay any expiation for it. The Prophet ﷺ had been informed by Revelation that if Sulaimān had added the words of *Inshā'-Allāh* to his oath, his desire would have been granted, it means that he would not have failed in fulfilling his desire. This also indicates the permissibility for Sulaimān to have more than four wives at a time, which is prohibited in the *Sharī'ah* of Muḥammad ﷺ.

Chapter 8. (What Has Been Related) About It Being Disliked To Swear By Other Than Allāh

1533. Sālim narrated from his father (Ibn 'Umar) that the Prophet ﷺ heard 'Umar saying: "By my father! By my father!" So he said: "Verily Allāh prohibits you from swearing by your fathers." So 'Umar said: "By Allāh I did not swear by him after that, neither

نصفَ غُلامٍ» فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ قَالَ: إِنَّ شَاءَ اللَّهُ لَكَانَ كَمَا قَالَ» هَكَذَا رُوِيَ عَنْ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ هَذَا الْحَدِيثَ بِطَوِيلِهِ، وَقَالَ: سَبْعِينَ امْرَأَةً.

وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهِ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «قَالَ سُلَيْمَانُ ابْنُ دَاوُدَ: لَا طَوْفَنَ اللَّيْلَةَ عَلَى مِائَةِ امْرَأَةٍ».

(المعجم ٨) - بَابُ [مَا جَاءَ] فِي كَرَاهِيَةِ الْحَلْفِ بِغَيْرِ اللَّهِ (التحفة ٨)

١٥٣٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ: سَمِعَ النَّبِيَّ ﷺ عَمَرَ وَهُوَ يَقُولُ: وَأَبِي! وَأَبِي! فَقَالَ: «أَلَا إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ» فَقَالَ عُمَرُ: فَوَاللَّهِ مَا حَلَفْتُ بِهِ بَعْدَ ذَلِكَ ذَاكِرًا وَلَا آتِرًا.

intentionally nor in narrating.”
(*Ṣaḥīḥ*)

[He said:] There are narrations on this topic from Thābit bin Aḍ-Ḍaḥḥāk, Ibn ‘Abbās, Abū Hurairah, Qutailah, and ‘Abdur-Raḥmān bin Samurah.

This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

[Abū ‘Eisā said:] Abū ‘Ubaid said: “The meaning of his saying: ‘Nor in narrating’ is as if he said: ‘I do not narrate it from others’ or saying: ‘I do not mention it from others.’”

[قَالَ:] وَفِي الْبَابِ عَنْ ثَابِتِ بْنِ الضَّحَّاكِ، وَابْنِ عَبَّاسٍ، وَأَبِي هُرَيْرَةَ وَقُتَيْلَةَ، وَعَبْدِ الرَّحْمَنِ بْنِ سَمُرَةَ.
وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

[قَالَ أَبُو عِيسَى:] قَالَ أَبُو عُبَيْدٍ: مَعْنَى قَوْلِهِ وَلَا آيْرًا، يَقُولُ: لَا أَتْرُهُ عَنْ غَيْرِي، يَقُولُ: لَمْ أَذْكَرْهُ عَنْ غَيْرِي.

تخریج: متفق عليه، أخرجه مسلم، الأيمان، باب النهي عن الحلف بغير الله تعالى، ح: ١٦٤٦ من حديث سفيان بن عيينة والبخاري، ح: ٦٦٤٧ من حديث الزهري به * وفي الباب عن ثابت بن الضحاك [يأتي: ١٥٤٣] وابن عباس [أبو داود، ح: ٣٣٢٢] وأبي هريرة [يأتي: ١٥٤٥] وقتيلة [النسائي: ٦/٧، ح: ٣٨٠٤ وأحمد: ٦/٣٧١] وعبدالرحمن بن سمرة [تقدم: ١٥٢٩].

Comments:

Taking an oath only by Allāh is lawful. Taking an oath by other than Allāh is unlawful.

1534. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ came across ‘Umar while he was on his mount, and he was swearing by his father. So the Messenger of Allāh ﷺ said: “Verily Allāh prohibits you from swearing by your fathers. So let the one who swears, swear by Allāh, or be silent.” (*Ṣaḥīḥ*)

[Abū ‘Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

١٥٣٤ - حَدَّثَنَا هَذَا: حَدَّثَنَا عَبْدُهُ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ أَذْرَكَ عُمَرَ وَهُوَ فِي رُكْبٍ، وَهُوَ يَخْلِفُ بِأَبِيهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ تَخْلِفُوا بِآبَائِكُمْ، لِيَخْلِفَ خَالِفٌ بِاللَّهِ أَوْ لَيْسَ كُنْتُ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه مسلم، الأيمان، باب النهي عن الحلف بغير الله تعالى، ح: ٤/١٦٤٦ من حديث عبيدالله بن عمرو البخاري، ح: ٦٦٤٦ من حديث نافع به.

Comments:

This narration strictly prohibits taking an oath by other than Allāh. In the end of this narration the Prophet ﷺ generalized the command by saying either take the oath by Allāh or keep quiet. There is no other oath except the oath by Allāh.

Chapter 9. What Has Been Related About 'Whoever Swears By Other Than Allāh, He Has Committed *Shirk*'

1535. Sa'd bin 'Ubaidah narrated that Ibn 'Umar heard a man saying: "No by the Ka'bah" so Ibn 'Umar said: "Nothing is sworn by other than Allāh, for I heard the Messenger of Allāh ﷺ say: 'Whoever swears by other than Allāh, he has committed disbelief or *Shirk*.'" (*Ṣaḥīḥ*)

[Abū 'Eīsā said:] This *Ḥadīth* is *Ḥasan*.

According to some of the people of knowledge, the explanation of this *Ḥadīth* is that his saying: "He has committed disbelief or *Shirk*" is to demonstrate its severity. The proof for that is the *Ḥadīth* of Ibn 'Umar: That the Prophet ﷺ heard 'Umar saying: 'By my father! By my father!' So he ﷺ said: "Verily Allāh prohibits you from swearing by your fathers." As well as the *Ḥadīth* of Abū Hurairah from the Prophet ﷺ, that he ﷺ said: "Whoever says in his oath: 'By Al-Lāt! By Al-'Uzza!' Then let him say: 'Lā ilāha illallāh (None has the right to be worshipped but Allāh)'."

[Abū 'Eīsā said:] This is similar to what has been reported from the Prophet ﷺ saying: "Indeed *Riyā*' is *Shirk*."

Some of the people of knowledge explained this *Āyah*: So whoever hopes in meeting his Lord, then let him work righteous deeds^[1] and

(المعجم ٩) - بَابُ [مَا جَاءَ فِي أَنْ مَنْ حَلَفَ بِغَيْرِ اللَّهِ فَقَدْ أَشْرَكَ] (التحفة ٩)

١٥٣٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ عَنِ الْحَسَنِ بْنِ عُبَيْدِ اللَّهِ، عَنْ سَعْدِ ابْنِ عُيَيْدَةَ: أَنَّ ابْنَ عُمَرَ سَمِعَ رَجُلًا يَقُولُ: لَا وَالْكُعبَةِ، فَقَالَ ابْنُ عُمَرَ: لَا يُحْلَفُ بِغَيْرِ اللَّهِ، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ حَلَفَ بِغَيْرِ اللَّهِ فَقَدْ كَفَرَ أَوْ أَشْرَكَ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ.

وَتَفْسِيرُ هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ: أَنَّ قَوْلَهُ: فَقَدْ كَفَرَ أَوْ أَشْرَكَ، عَلَى التَّعْلِيلِ. وَالْحُجَّةُ فِي ذَلِكَ حَدِيثُ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ سَمِعَ عُمَرَ يَقُولُ: وَأَبِي! وَأَبِي!، فَقَالَ: «أَلَا إِنَّ اللَّهَ يَنْهَأكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ». وَحَدِيثُ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «مَنْ قَالَ فِي حَلْفِهِ وَاللَّاتِ وَالْعُزَّى! فَلْيُقَلِّ لَا إِلَهَ إِلَّا اللَّهُ».

[قَالَ أَبُو عِيسَى:] هَذَا مِثْلُ مَا رُوِيَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «إِنَّ الرِّيَاءَ شِرْكٌ». وَقَدْ فَسَّرَ بَعْضُ أَهْلِ الْعِلْمِ هَذِهِ الْآيَةَ: ﴿مَنْ كَانَ يَرْجُوا لِقَاءَ رَبِّهِ فَلْيَعْمَلْ عَمَلًا صَالِحًا﴾ الْآيَةَ [الكهف: ١١٠] قَالَ: لَا يُرَائِي.

[1] *Al-Kahf* 18:110.

they said it means: “Do not commit *Riyā’*.”

تخريج: [إسناده صحيح] وأخرجه أبو داود، الأيمان والتنذور، باب كراهية الحلف بالآباء، ح: ٣٢٥١ من حديث الحسن بن عبيد الله به وصححه ابن حبان، ح: ١١٧٧ والحاكم: ٤/٢٩٧ والذهبي سعد بن عبيدة سمعه من ابن عمر عند البيهقي: ١٠/٢٩ ورواه عن أبي عبد الرحمن السلمي عنه به والطريقان محفوظان.

Comments:

Intentionally taking an oath by false gods is a pure act of polytheism and whoever takes an oath by a false god as habit from the period of *Jahiliyyah*, he should say “*Lā ilāha illallāh*” - none has the right to be worshipped but Allāh.

Chapter 10. (What Has Been Related) About One Who Takes An Oath To Walk And He Is Not Able To

1536. Anas narrated: “A woman vowed to walk to the House of Allāh, so the Prophet ﷺ was asked about that, and he said: ‘Verily Allāh is in no need of her walking, order her to ride.’” (*Ṣaḥīḥ*)

[He said:] There are narrations on this topic from Abū Hurairah, ‘Uqbah bin ‘Āmir and Ibn ‘Abbās.

[Abū ‘Eīsā said:] The *Ḥadīth* of Anas is a *Ḥasan Ṣaḥīḥ Gharīb Ḥadīth* [from this route].

(المعجم ١٠) - بَابُ [مَا جَاءَ] فِيمَنْ يَحْلِفُ بِالْمَشْيِ وَلَا يَسْتَطِيعُ (التحفة ١٠)

١٥٣٦ - حَدَّثَنَا عَبْدُ الْقُدُّوسِ بْنُ مُحَمَّدٍ الْعَطَّارُ الْبُصْرِيُّ: حَدَّثَنَا عَمْرُو بْنُ عَاصِمٍ عَنْ عِمْرَانَ الْقَطَّانِ، عَنْ حُمَيْدٍ، عَنْ أَنَسِ قَالَ: نَذَرَتْ امْرَأَةٌ أَنْ تَمْشِيَ إِلَى بَيْتِ اللَّهِ، فَسُئِلَ نَبِيُّ اللَّهِ ﷺ، عَنْ ذَلِكَ، فَقَالَ: «إِنَّ اللَّهَ لَغَنِيٌّ عَنْ مَشْيِهَا، مُرُوهَا فَلْتَرْكَبْ».

[قَالَ:] وفي الباب عن أبي هريرة، وعقبة بن عامر، وابن عباس.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ [مِنْ هَذَا الْوَجْهِ].

تخريج: [صحيح] وللحديث شواهد عند البخاري، ح: ١٨٦٦ ومسلم، ح: ١٦٤٤/١١، ١٢ وغيرهما* وفي الباب عن أبي هريرة [مسلم، ح: ١٦٤٣] وعقبة بن عامر [يأتي: ١٥٤٤] وابن عباس [أبو داود، ح: ٣٢٩٥].

1537. Anas narrated: “The Prophet ﷺ passed by an old man walking (while supported) between his two sons, so he said: ‘What is the matter with this one?’ They said: “O Messenger of Allāh! He vowed to walk.’ He said: ‘Verily Allāh [the Mighty and Sublime] is

١٥٣٧ - حَدَّثَنَا أَبُو مُوسَى مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا حُمَيْدٌ عَنْ ثَابِتٍ، عَنْ أَنَسِ قَالَ: مَرَّ النَّبِيُّ ﷺ بِشَيْخٍ كَبِيرٍ يَتَهَادَى بَيْنَ ابْنَيْهِ، فَقَالَ: «مَا بَالُ هَذَا؟» قَالُوا: [يَا رَسُولَ اللَّهِ] نَذَرَ أَنْ

in no need of this person punishing himself.” He said: “So he ordered him to ride.” (*Ṣaḥīḥ*)

(Another chain) from Anas that the Messenger of Allāh ﷺ saw a man, and he mentioned similarly. This *Ḥadīth* is *Ṣaḥīḥ*, and this is acted upon according to some of the people of knowledge. They say that when a woman vows to walk, she is to ride and offer a sheep as *Ḥadī* (sacrifice as atonement).

يَمْسِي، قَالَ: «إِنَّ اللَّهَ [عَزَّ وَجَلَّ] لَعَنِي عَنْ تَعْدِيْبِ هَذَا نَفْسَهُ»، قَالَ: فَأَمَرَهُ أَنْ يَرْكَبَ.

حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ رَأَى رَجُلًا فَذَكَرَ نَحْوَهُ. هَذَا حَدِيثٌ صَحِيحٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، وَقَالُوا: إِذَا نَذَرَتِ الْمَرْأَةُ أَنْ تَمْشِيَ فَلْتَرْكَبْ وَلْتَهْدِ شَاةً.

تخريج: [صحيح] وأخرجه النسائي: ٣٠/٧، ح: ٣٨٨٤ (الأيمان والنذور، باب ما الواجب على من أوجب على نفسه نذرًا فعجز عنه؟) عن محمد بن المثنى به رواه البخاري، ح: ١٨٦٥ ومسلم، ح: ١٦٤٢ من حديث حميد الطويل به، وحديث حميد عن أنس عند النسائي، ح: ٣٨٨٥.

Comments:

If someone vows to perform *Hajj* or *Umrah* on foot, according to Ibn Al-Mundhir it is unanimously agreed upon that he has to fulfill his vow. Imām Mālik, Ash-Shāfi‘ī, Awzā‘ī, and Aḥmad support this view. If he cannot walk he is allowed to ride. In the view of Imām Ash-Shāfi‘ī and Aḥmad, if he rides he will have to sacrifice an animal as atonement.

Chapter 11. About Vows Being Disliked

1538. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Do not vow, for the vow does not prevent what is decreed at all, and it only causes the miser to spend (of his wealth).” (*Ṣaḥīḥ*)

[He said:] There is something about this from Ibn ‘Umar.

[Abū ‘Eisā said:] The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others, they disliked vows. ‘Abdullāh bin Al-Mubāarak said: “It is disliked to

(المعجم ١١) - بَابُ: فِي كَرَاهِيَّةِ

النُّذُورِ (التحفة ١١)

١٥٣٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ ابْنُ مُحَمَّدٍ عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَنْذُرُوا، فَإِنَّ النَّذْرَ لَا يُغْنِي مِنَ الْقَدْرِ شَيْئًا، وَإِنَّمَا يُسْتَخْرَجُ بِهِ مِنَ الْبَخِيلِ».

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ.

[قَالَ أَبُو عِيْسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ كَرَهُوا النَّذْرَ. وَقَالَ عَبْدُ اللَّهِ بْنُ

make vows related to obedience and disobedience. So if he vows to do some obedience and fulfills it, then he will get a reward, while it was disliked for him to make a vow.”

الْمُبَارَكِ: مَعْنَى الْكَرَاهَةِ فِي النَّذْرِ فِي الطَّاعَةِ وَالْمَعْصِيَةِ، فَإِنَّ نَذَرَ الرَّجُلِ بِالطَّاعَةِ فَوْقَى بِهِ فَلَهُ فِيهِ أَجْرٌ وَيُكْرَهُ لَهُ النَّذْرُ.

تخریج: وأخرجه مسلم، النذر، باب النهي عن النذر، وأنه لا يرد شيئاً، ح: ١٦٤٠ عن قتبية به * وفي الباب عن ابن عمر [البخاري، ح: ٦٦٠٨ ومسلم، ح: ١٦٣٩].

Comments:

Even though Allāh has ordered fulfilling vows, this narration proves that taking a vow is disliked. So just as it is praiseworthy to pay back a loan quickly—yet no one claims a reward is due for merely taking a loan—then in the same way, taking a vow is not praiseworthy, but fulfilling it is required and praise—worthy in the event of its occurrence just as in the case of a loan.

Chapter 12. (What Has Been Related) About Fulfilling Vows

(المعجم ١٢) - بَابُ [مَا جَاءَ] فِي وَفَاءِ النَّذْرِ (التحفة ١٢)

1539. ‘Umar narrated: “I said, ‘O Messenger of Allāh! I had vowed to perform *I’tikāf* in *Al-Masjid Al-Harām* for a night during the era of *Jāhiliyyah*.’ He said: ‘Fulfill your vow.’” (*Ṣaḥīh*)

١٥٣٩ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَّانُ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: [قُلْتُ: يَا رَسُولَ اللَّهِ، إِنِّي كُنْتُ نَذَرْتُ أَنْ أَعْتَكِفَ لَيْلَةً فِي الْمَسْجِدِ الْحَرَامِ فِي الْجَاهِلِيَّةِ، قَالَ: «أَوْفِ بِنَذْرِكَ».

[He said:] There are narrations on this topic from ‘Abdullāh bin ‘Amr, and Ibn ‘Abbās.

[قَالَ:] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، وَابْنِ عَبَّاسٍ.

[Abū ‘Eisā said:] The *Ḥadīth* of ‘Umar is a *Ḥasan Ṣaḥīh Ḥadīth*.

[قَالَ أَبُو عِيْسَى:] وَحَدِيثُ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا الْحَدِيثِ، قَالُوا إِذَا أَسْلَمَ الرَّجُلُ وَعَلَيْهِ نَذْرٌ طَاعَةٌ فَلَيْفَ بِهِ.

Some of the people of knowledge followed this *Ḥadīth*. They said that when a man accepts Islām and he had (previously) made a vow to do some act of obedience, then he is obliged to fulfill it.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: لَا اِعْتِكَافَ إِلَّا بِصَوْمٍ. وَقَالَ آخَرُونَ مِنْ أَهْلِ الْعِلْمِ: لَيْسَ عَلَى الْمُعْتَكِفِ

Some of the people of knowledge among the Companions of the Prophet ﷺ, and others, said that there is no *I’tikāf* without fasting. Others among the people of knowledge said that it is not

required for the person performing *I'tikāf* to fast, unless he made fasting obligatory upon himself. They used the *Hadīth* of 'Umar as proof, in which he had vowed during *Jāhiliyyah* to perform *I'tikāf* for a night, and the Prophet ﷺ ordered him to fulfill it. This is the view of Aḥmad and Ishāq.

صَوْمٌ إِلَّا أَنْ يُوجِبَ عَلَى نَفْسِهِ صَوْمًا،
وَاحْتَجُّوا بِحَدِيثِ عُمَرَ أَنَّهُ نَذَرَ أَنْ يَعْتَكِفَ
لَيْلَةً فِي الْجَاهِلِيَّةِ، فَأَمَرَهُ النَّبِيُّ ﷺ بِالْوَفَاءِ.
وَهُوَ قَوْلُ أَحْمَدَ، وَإِسْحَاقَ.

تخریج: متفق عليه وأخرجه مسلم، الأيمان، باب نذر الكافر، وما يفعل فيه إذا أسلم، ح: ١٦٥٦ من حديث يحيى القطان والبخاري، ح: ٢٠٤٢ من حديث عبيدالله بن عمر به * وفي الباب عن عبدالله بن عمرو [أبو داود، ح: ٣٣١٢] وابن عباس [أبو داود، ح: ٣٣٢٢].

Comments:

Most of the scholars agree that even a vow of a virtuous deed brings no benefit to a disbeliever. This narration proves that if a disbeliever vows for something good and virtuous in nature, he will have to fulfill his vow if he accepts Islam.

Chapter 13. [What Has Been Related] About How The Prophet ﷺ Would Swear

(المعجم ١٣) - بَابُ [مَا جَاءَ] كَيْفَ
كَانَ يَمِينُ النَّبِيِّ ﷺ (التحفة ١٣)

1540. Sālim bin 'Abdullāh narrated from his father (Ibn 'Umar) who said: "The Messenger of Allāh ﷺ often would swear with this oath: 'No! By the Changer of the Hearts.'" (*Ṣaḥīḥ*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*.

١٥٤٠ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا
عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ وَعَبْدُ اللَّهِ بْنُ جَعْفَرٍ، عَنْ
مُوسَى بْنِ عُقْبَةَ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ
أَبِيهِ قَالَ: كَثِيرًا مَا كَانَ رَسُولُ اللَّهِ ﷺ يَحْلِفُ
بِهَذِهِ الْيَمِينِ: «لَا وَمَقَلَّبِ الْقُلُوبِ».
[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

تخریج: وأخرجه البخاري، القدر، باب: يحول بين المرء وقلبه، ح: ٦٦١٧ و ٧٣٩١ من حديث ابن المبارك به.

Comments:

It is lawful to swear by Allāh's Names and Attributes. It is Allāh only Who changes the state of the heart and only He brings changes in the attitudes of people. (*Al-Mughnī* v. 13. p. 452-453.)

Chapter 14. (What Has Been Related) About The Reward For Freeing A Slave

(المعجم ١٤) - بَابُ [مَا جَاءَ] فِي ثَوَابِ مَنْ أَعْتَقَ رَقَبَةً (التحفة ١٤)

1541. Abū Hurairah narrated: "I heard the Messenger of Allāh ﷺ saying: 'Whoever frees a believing slave, then Allāh frees a limb from the Fire for each of his limbs, such that he frees his private parts in lieu of his private parts.'" (*Ṣaḥīḥ*)

١٥٤١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ الْهَادِ، عَنْ عُمَرَ بْنِ عَلِيٍّ بْنِ الْحُسَيْنِ [بْنِ عَلِيٍّ بْنِ أَبِي طَالِبٍ]، عَنْ سَعِيدِ بْنِ مَرْجَانَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ أَعْتَقَ رَقَبَةً مُؤْمِنَةً أَعْتَقَ اللَّهُ مِنْهُ بِكُلِّ عَضْوٍ مِنْهُ عَضْوًا مِنَ النَّارِ، حَتَّى يُعْتَقَ فَرْجُهُ بِفَرْجِهِ».

[He said:] There are narrations on this topic from 'Āishah, 'Amr bin 'Abasah, Ibn 'Abbās, Wāthilah bin Al-Ashqa', Abū Umāmah, 'Uqbah bin 'Āmir, [and Ka'b bin Murrah].

[قَالَ:] وفي البابِ عَنْ عَائِشَةَ، وَعُمَرُو ابْنِ عَبَّسَةَ، وَابْنِ عَبَّاسٍ، وَوَائِلَةَ بِنِ الْأَسْفَعِ، وَأَبِي أُمَامَةَ، وَعُقْبَةَ بِنِ عَامِرٍ [وَكَعْبَ بِنِ مُرَّةٍ].

[Abū 'Eisā said:] The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Gharīb Ḥadīth* from this route. Ibn Al-Hād's (a narrator in the chain of this *Ḥadīth*) name is Yazīd bin 'Abdullāh bin Usāmah bin Al-Hād, from Al-Madīnah, and he is trustworthy. Mālik bin Anas and more than one of the people of knowledge reported from him.

[قَالَ أَبُو عِيْسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ. وَابْنُ الْهَادِ اسْمُهُ: يَزِيدُ بْنُ عَبْدِ اللَّهِ بْنِ أُسَامَةَ ابْنِ الْهَادِ وَهُوَ مَدَنِيٌّ ثِقَّةٌ. وَقَدْ رَوَى عَنْهُ مَالِكُ بْنُ أَنَسٍ وَعَبْدُ الرَّحْمَنِ بْنُ أَبِي عَدُوٍّ وَغَيْرُ وَاحِدٍ مِنْ أَهْلِ الْعِلْمِ.

تخريج: متفق عليه، أخرجه مسلم، العتق، باب فضل العتق، ح: ٢٣/١٥٠٩ عن قتيبة والبخاري، ح: ٦٧١٥ من حديث سعيد بن مرجانة به * وفي الباب عن عائشة [الطحاوي في مشكل الآثار: ٣١٠/١] وعمرو بن عبسة (أبو نجیح) [أبو داود، ح: ٣٩٦٦] وابن عباس [الطبراني في الكبير: ٣٣٢، ٣٣١/١٠، ح: ١٠٦٤١، ١٠٦٤٠] وسنده ضعيف [ووائله بن الأسقع [أبو داود، ح: ٣٩٦٤] وأبي أمامة [يأتي: ١٥٤٧] وعقبة بن عامر [أحمد: ١٤٧/٤، ١٥٠] وكعب بن مرة [أبو داود، ح: ٣٩٦٧].

Comments:

This narration suggests that an honest and physically fit slave should be freed in expiation for breaking an oath. This will cause freedom of every limb of the person who manumits him from the Hellfire.

Chapter 15. (What Has Been Related) About A Man Who Slaps His Servant

1542. Suwaid bin Muqarrin Al-Muzanī said: “We were seven brothers without a servant except one, and one of us slapped her, so the Prophet ﷺ ordered us to free her.” (*Ṣaḥīḥ*)

[He said:] There is something on this topic from Ibn ‘Umar.

[Abū ‘Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

This *Ḥadīth* has been reported by more than one from Ḥuṣain bin ‘Abdur-Raḥmān by others, and some of them mentioned in it: “Slapped her on her face.”

(المعجم ١٥) - بَابُ [مَا جَاءَ] فِي الرَّجُلِ يَلْطِمُ خَادِمَهُ (التحفة ١٥)

١٥٤٢ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا الْمُحَارِبِيُّ عَنْ شُعْبَةَ، عَنْ حُصَيْنٍ، عَنْ هِلَالِ بْنِ يَسَافٍ، عَنْ سُؤَيْدِ بْنِ مِقْرَانَ الْمُرَبِّيِّ قَالَ: لَقَدْ رَأَيْتُنَا سَبْعَةَ إِخْوَةٍ مَا لَنَا خَادِمٌ إِلَّا وَاحِدَةٌ فَلَطَمَهَا أَحَدُنَا، فَأَمَرَنَا النَّبِيُّ ﷺ أَنْ نُعْتِقَهَا.

[قَالَ:] [وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ.

وَقَدْ رَوَى غَيْرُ وَاحِدٍ هَذَا الْحَدِيثَ عَنْ حُصَيْنِ بْنِ عَبْدِ الرَّحْمَنِ، وَذَكَرَ بَعْضُهُمْ فِي هَذَا الْحَدِيثِ فَقَالَ: لَطَمَهَا عَلَى وَجْهِهَا.

تخريج: وأخرجه مسلم، الأيمان، باب صحبة المماليك، وكفارة من لطم عبده، ح: ١٦٥٨

من حديث شعبة به * وفي الباب عن ابن عمر [مسلم، ح: ١٦٥٧].

Comments:

Word ‘*Khādim*’ is used both for a male or female slave or servant. This narration shows that a slave or a slave woman should be treated with kindness. He or she should not be abused.

Chapter 16. What Has Been Related About It Being Disliked To Swear By A Religion Other Than Islām

1543. Thābit bin Aḍ-Ḍaḥḥāk narrated that the Messenger of Allāh ﷺ said: “Whoever swears by a religion other than Islām while lying, then he is as he said.” (*Ṣaḥīḥ*)

[Abū ‘Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

The people of knowledge differed about this: When a man swears by

(المعجم ١٦) - بَابُ [مَا جَاءَ فِي كَرَاهِيَةِ الْحَلْفِ بِغَيْرِ مِلَّةِ الْإِسْلَامِ] (التحفة ١٦)

١٥٤٣ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا إِسْحَاقُ بْنُ يُونُسَ الْأَزْرُقِيُّ عَنْ هِشَامِ الدُّسْتَوَائِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي قِلَابَةَ، عَنْ ثَابِتِ بْنِ الضَّحَّاكِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ بِمِلَّةٍ غَيْرِ الْإِسْلَامِ كَادِبًا فَهُوَ كَمَا قَالَ».

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ

a religion other than Islam, saying he is a Jew or a Christian if he were to do this or that. Then he does that thing. Some of them said that he has committed an atrocity and there is no atonement due from him. This is the view of the people of Al-Madīnah, and it is the saying of Mālik bin Anas, and Abū ‘Ubaid followed this view.

Some of the people of knowledge among the Companions of the Prophet ﷺ, the *Tābi‘īn*, as well as others, said that he has to atone for that. This is the view of Sufyān, Aḥmad and Ishāq.

صَحِيحٌ .
وَقَدْ اِخْتَلَفَ أَهْلُ الْعِلْمِ فِي هَذَا: إِذَا حَلَفَ الرَّجُلُ بِمِلَّةٍ سِوَى الْإِسْلَامِ، فَقَالَ: هُوَ يَهُودِيٌّ أَوْ نَصْرَانِيٌّ إِنْ فَعَلَ كَذَا وَكَذَا، فَفَعَلَ ذَلِكَ الشَّيْءَ، فَقَالَ بَعْضُهُمْ: قَدْ أَتَى عَظِيمًا وَلَا كَفَّارَةَ عَلَيْهِ. وَهُوَ قَوْلُ أَهْلِ الْمَدِينَةِ. وَبِهِ يَقُولُ مَالِكُ بْنُ أَنَسٍ. وَإِلَى هَذَا الْقَوْلِ ذَهَبَ أَبُو عُبَيْدٍ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَالتَّابِعِينَ وَغَيْرِهِمْ: عَلَيْهِ فِي ذَلِكَ الْكَفَّارَةُ. وَهُوَ قَوْلُ سُفْيَانَ، وَأَحْمَدَ، وَإِسْحَاقَ.

تخريج: متفق عليه، وأخرجه مسلم، الإيمان، باب بيان غلط تحريم قتل الإنسان نفسه ... الخ، ح: ١٧٦/١١٠ من حديث هشام الدستوائي، والبخاري، ح: ٦٠٤٧ من حديث يحيى بن أبي كثير به وانظر، ح: ١٥٢٧.

Comments:

If a Muslim swears—when taking an oath—by another religion and says if he does this he would be a Christian or a Jew, then according to this narration, he surely is one of them. But if he vows to show the severity and abomination of the deed, even then it is strictly prohibited and strongly disapproved.

Chapter 17. What Has Been Related About One Who Vows To Perform *Hajj* By Walking

1544. ‘Uqbah bin ‘Āmir narrated: “I said: ‘O Messenger of Allāh! My sister vowed that she would walk to the House barefoot and without any *Khimār* (covering).’ The Prophet ﷺ said: ‘Verily Allāh will not do anything with the misery of your sister. She should ride, and cover, and fast three days.’” (*Da‘if*)

[He said:] There is something on this topic from Ibn ‘Abbās.

[Abū ‘Eisā said:] This *Hadīth* is

(المعجم ١٧) - بَابُ [مَا جَاءَ فِيمَنْ نَذَرَ أَنْ يَحُجَّ مَا شِئًا] (التحفة ١٧)

١٥٤٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عَلِيَانَ: حَدَّثَنَا وَكَيْعٌ عَنْ سُفْيَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ زَحْرٍ، عَنْ أَبِي سَعِيدِ الرَّعِينِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ مَالِكِ الْيَحْصَبِيِّ، عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ؛ إِنَّ أُخْتِي نَذَرَتْ أَنْ تَمْشِيَ إِلَى الْبَيْتِ حَافِيَةً غَيْرَ مُخْتَوِرَةٍ، فَقَالَ النَّبِيُّ ﷺ: «إِنَّ اللَّهَ لَا يَصْنَعُ بِسَقَاءِ أُخْتِكَ شَيْئًا فَلْتَرْكَبْ وَلْتَحْتَمِرْ وَلْتَصُمْ ثَلَاثَةَ أَيَّامٍ».

Hasan. This is acted upon according to the people of knowledge, and it is the view of Aḥmad and Ishāq.

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عَبَّاسٍ .
[قَالَ أَبُو عِيَسَى:] وَهَذَا حَدِيثٌ حَسَنٌ .
وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ .
وَهُوَ قَوْلُ أَحْمَدَ، وَإِسْحَاقَ .

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الأيمان والنذور، باب من رأى عليه كفارة إذا كان في معصية، ح: ٣٢٩٣ وابن ماجه، ح: ٢١٣٤ والنسائي، ح: ٣٨٤٦ من حديث يحيى بن سعيد به * عبيدالله بن زحر: ضعيف ضعفه الجمهور وله متابعة ضعيفة عند أحمد: ١٤٧/٤ * وفي الباب عن ابن عباس [لعله يشير إلى حديث أبي داود، ح: ٣٣٢٢].

Chapter 18. The Mention Of What Eliminates Swearing By Al-Lāt And Al-'Uzza

(المعجم ١٨) - بَابُ ذِكْرِ مَا يُلْغِي الْحَلْفَ بِاللَّاتِ وَالْعُزَّى (التحفة ١٨)

1545. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Whoever among you swears, saying in his oath: 'By Al-Lāt! By Al-'Uzza!' Then let him say 'Lā ilāha illallāh (None has the right to the worshipped but Allāh).' And whoever says: 'Come let me gamble with you!' Then let him give in charity." (*Ṣaḥīḥ*)

١٥٤٥ - حَدَّثَنَا إِسْحَاقُ بْنُ مَثُورٍ: حَدَّثَنَا أَبُو الْمُغِيرَةِ: حَدَّثَنَا الْأَوْزَاعِيُّ: حَدَّثَنَا الزُّهْرِيُّ عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ مِنْكُمْ فَقَالَ فِي حَلْفِهِ وَاللَّاتِ وَالْعُزَّى! فَلْيَقُلْ: لَا إِلَهَ إِلَّا اللَّهُ، وَمَنْ قَالَ: تَعَالَ أَقَامِرَكَ فَلْيَصَدَّقْ» .

[Abū 'Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Abū Al-Mughīrah is Al-Khawlānī, Al-Ḥimṣī, and his name is 'Abdul-Quddūs bin Al-Ḥajjāj.

[قَالَ أَبُو عِيَسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو الْمُغِيرَةِ: هُوَ الْخَوْلَانِيُّ الْحِمِصِيُّ، وَاسْمُهُ عَبْدُ الْقُدُوسِ بْنُ الْحَجَّاجِ .

تخريج: متفق عليه، وأخرجه البخاري، الأدب، باب من لم ير إكفار من قال ذلك متأولاً أو جاهلاً، ح: ٦١٠٧ عن إسحاق بن منصور ومسلم، ح: ١٦٤٧ من حديث الأوزاعي به .

Comments:

Before the advent of Islam, the people of Arabia used to take oaths by 'Al-Lāt' and 'Al-'Uzzā', and after accepting Islam, sometimes while taking an oath they uttered these words unintentionally. For this reason they were advised to say "lā ilāha illallāh" (none has the right to be worshipped but Allāh), to explain and confirm their faith.

Chapter 19. (What Has Been Related) About Fulfilling The Vow Of The Deceased

1546. Ibn ‘Abbās narrated that Sa’d bin ‘Ubādah asked the Messenger of Allāh ﷺ about a vow that was due from his mother, who died before fulfilling it. The Prophet ﷺ said: “Fulfill it for her.” (Saḥīḥ)

[Abū ‘Eīsā said:] This *Hadīth* is *Ḥasan Ṣaḥīḥ*.

(المعجم ١٩) - بَابُ [مَا جَاءَ] فِي قَضَاءِ النَّذْرِ عَنِ الْمَيِّتِ (التحفة ١٩)

١٥٤٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ سَعْدَ بْنَ عَبَادَةَ اسْتَمْتَى رَسُولَ اللَّهِ ﷺ فِي نَذْرِ كَانَ عَلَى أُمِّهِ تُوْفِيَتْ قَبْلَ أَنْ تَقْضِيَهُ، فَقَالَ النَّبِيُّ ﷺ: «اقْضِيْهِ عَنْهَا».

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، الحيل، باب: في الزكاة وأن لا يفرق بين مجتمع، ولا يجمع بين متفرق خشية الصدقة، ح: ٦٩٥٩ ومسلم، ح: ١٦٣٨ عن قتيبة به.

Comments:

According to the view of most of the scholars, if the vow is regarding money, and the deceased had left enough inheritance, it is an obligation upon the heirs to fulfill his vow. But if the inheritance is not enough, the heirs should try to fulfill his vow, but it is not an obligation. If the vow is about fasting, freeing a slave, sitting for *I'tikaf* or performing *Hajj* or *'Umrah*, they should try to fulfill it, though it is not an obligation on the heirs. According to the *Zāhiriyyah* it is an obligation. (See for details *Al-Mughnī* v. 13. p. 655-657.)

Chapter 20. What Has Been Related About The Virtue Of Freeing Slaves

1547. Abū Umāmah, and other than him from the Companions of the Prophet ﷺ, narrated that the Prophet ﷺ said: “Any Muslim man who frees a Muslim man, then it is his salvation from the Fire – each of his limbs suffices for a limb of himself. And any Muslim man that frees two Muslim women, they are his salvation from the Fire – each of their limbs suffices for a limb of

(المعجم ٢٠) - بَابُ مَا جَاءَ فِي فَضْلِ مَنْ أَعْتَقَ (التحفة ٢٠)

١٥٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى: حَدَّثَنَا عِمْرَانُ بْنُ عُيَيْنَةَ - هُوَ أَخُو سُفْيَانَ بْنِ عُيَيْنَةَ - عَنْ حُصَيْنٍ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ أَبِي أُمَامَةَ وَعَبْرِهِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ عَنِ النَّبِيِّ ﷺ قَالَ: «أَيُّمَا امْرِئٍ مُسْلِمٍ أَعْتَقَ امْرَأً مُسْلِمًا كَانَ فِكَاهُ مِنَ النَّارِ يُجْزِي كُلَّ عَضْوٍ مِنْهُ عَضْوًا مِنْهُ، وَأَيُّمَا

himself. And any Muslim woman that frees a Muslim woman, then she is her salvation from the Fire – each of her limbs suffices for a limb of herself.” (*Ṣaḥīḥ*)

[Abū ‘Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ Gharīb* from this route.

[Abū ‘Eisā said: In this *Ḥadīth* is the proof that freeing males is more virtuous for a man than freeing females, due to the saying of the Messenger of Allāh ﷺ: “Any Muslim man who frees a Muslim man, then it is his salvation from the Fire – each of his limbs suffices for a limb of himself.” And the *Ḥadīth* is correct in its routes of transmission.]

أَمْرِيءٌ مُسْلِمٍ أَعْتَقَ امْرَأَتَيْنِ مُسْلِمَتَيْنِ كَانَتَا فِكَأَكُهُ مِنَ النَّارِ، يُجْزَىءُ كُلُّ عُضْوٍ مِنْهُمَا عُضْوًا مِنْهُ. وَأَيُّمَا امْرَأَةً مُسْلِمَةً أَعْتَقَتِ امْرَأَةٌ مُسْلِمَةً كَانَتْ فِكَأَكَهَا مِنَ النَّارِ، يُجْزَىءُ كُلُّ عُضْوٍ مِنْهَا عُضْوًا مِنْهَا.»

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

[قَالَ أَبُو عِيْسَى:] وَفِي الْحَدِيثِ مَا يَدُلُّ عَلَى أَنَّ عِتْقَ الذُّكُورِ لِلرِّجَالِ أَفْضَلُ مِنْ عِتْقِ الْإِنَاثِ لِقَوْلِ رَسُولِ اللَّهِ ﷺ: «مَنْ أَعْتَقَ امْرَأَةً مُسْلِمَةً كَانَ فِكَأَكُهُ مِنَ النَّارِ يُجْزَىءُ كُلُّ عُضْوٍ مِنْهُ عُضْوًا مِنْهُ» الْحَدِيثُ صَحَّ فِي طُرُقِهِ.]

تخريج: [صحيح] وله شواهد كثيرة وانظر، ح: ١٥٤١.

Comments:

This narration is a proof that manumission of a slave is a cause of freedom from the Hellfire for a Muslim. Freedom of a slave will not save an infidel from the Hellfire. Freedom of a male slave brings more reward than freeing a slave woman.