

In the Name of Allāh,
the Merciful, the Beneficent

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

29. Chapters On *Walā'* And Gifts From The Messenger Of Allāh ﷺ

(المعجم ٢٩) - أَبْوَابُ الْوَلَاءِ وَالْهَبَةِ
عَنْ رَسُولِ اللَّهِ ﷺ (التحفة ٢٦)

Chapter 1. What Has Been Related About The *Walā'* Is For The One Who Frees

(المعجم ١) - بَابُ مَا جَاءَ أَنَّ الْوَلَاءَ
لِمَنْ أَعْتَقَ (التحفة ١)

2125. 'Āishah narrated that she wanted to buy Barīrah but (her owners) stipulated that they should have her *Walā'*, so the Prophet ﷺ said: "The *Walā'* is for the one who gives the price, or for the one who grants the favor." (*Ṣaḥīḥ*)

[Abū 'Eisā said:] There are narrations on this topic from Ibn 'Umar and Abū Hurairah.

This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*, and this is acted upon according to the people of knowledge.

٢١٢٥ - حَدَّثَنَا بُنْدَارٌ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا شَفِيَّانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ: أَنَّهَا أَرَادَتْ أَنْ تَشْتَرِيَ بَرِيرَةَ فَاشْتَرَطُوا الْوَلَاءَ، فَقَالَ النَّبِيُّ ﷺ: «الْوَلَاءُ لِمَنْ أَعْطَى الثَّمَنَ أَوْ لِمَنْ وَلِيَ النُّعْمَةَ».

[قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ ابْنِ عُمَرَ وَأَبِي هُرَيْرَةَ.

وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ.

تخريج: وأخرجه البخاري، الفرائض، باب ما يرث النساء من الولاء، ح: ٦٧٦٠ من حديث شفيان الثوري به ورواه مسلم، ح: ١٥٠٤ من حديث عائشة * وفي الباب عن ابن عمر [البخاري، ح: ٢١٦٩ ومسلم، ح: ٥/١٥٠٤] وأبي هريرة [مسلم، ح: ١٥٠٥].

Comments:

On the basis of this *Ḥadīth* the people of knowledge are unanimous in their view that *Walā'* belongs only to the person that frees the concerned slave or pays money for his freedom. In case the freed slave dies and leaves no heirs, then his emancipator shall inherit his/her property even in the presence of his 'Aṣabah (*Al-Mughnī*, v.9, p.215).

Chapter 2. What Has Been Related About The Prohibition From Selling The *Walā'* And (From) Conferring It

2126. 'Abdullāh bin 'Umar narrated that the Messenger of Allāh ﷺ prohibited selling the *Walā'* and [from] conferring it. (*Ṣaḥīḥ*)

[Abū 'Eīsā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. We do not know of it except as a narration of 'Abdullāh bin Dīnār from Ibn 'Umar from the Prophet ﷺ. *Shu'bah*, *Sufyān Ath-Thawrī*, and *Mālik bin Anas* (also) reported it from 'Abdullāh bin Dīnār. It has been related that *Shu'bah* said: "I so wished that 'Abdullāh bin Dīnār would permit me when he narrated this *Ḥadīth* that I stand-up, so that I kiss his head."^[1] And *Yahya bin Sulaim* reported this *Ḥadīth* from 'Ubaidullāh bin 'Umar from *Nāfi'*, from Ibn 'Umar from the Prophet ﷺ. But this is mistaken, *Yahya bin Sulaim* erred in it, what is correct is: "From 'Ubaidullāh bin 'Umar, from 'Abdullāh bin Dīnār, from Ibn 'Umar from the Prophet ﷺ. This is how it was reported by more than one narrator from 'Ubaidullah bin 'Umar.

[Abū 'Eīsā said:] And 'Abdullāh bin Dīnār is alone with this *Ḥadīth*.

(المعجم ٢) - بَابُ مَا جَاءَ فِي النَّهْيِ عَنْ بَيْعِ الْوَلَاءِ وَ[عَنْ] هَبَّتِهِ (التحفة ٢)

٢١٢٦ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ دِينَارٍ سَمِعَ عَبْدَ اللَّهِ بْنَ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ الْوَلَاءِ وَ[عَنْ] هَبَّتِهِ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ دِينَارٍ عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ. وَقَدْ رَوَاهُ شُعْبَةُ وَسُفْيَانُ الثَّوْرِيُّ وَمَالِكُ بْنُ أَنَسٍ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ. وَيُرْوَى عَنْ شُعْبَةَ قَالَ: لَوَدِدْتُ أَنَّ عَبْدَ اللَّهِ بْنَ دِينَارٍ حِينَ يُحَدِّثُ بِهَذَا الْحَدِيثِ أَذِنَ لِي حَتَّى كُنْتُ أَقُومُ إِلَيْهِ فَأَقْبِلُ رَأْسَهُ. وَرَوَى يَحْيَى بْنُ سُلَيْمٍ هَذَا الْحَدِيثَ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ، وَهُوَ وَهُمْ وَهُمْ فِيهِ يَحْيَى بْنُ سُلَيْمٍ. وَالصَّحِيحُ عَنْ عُبَيْدِ اللَّهِ ابْنِ عُمَرَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ. هَكَذَا رَوَاهُ غَيْرُ وَاحِدٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ.

[قَالَ أَبُو عِيسَى:] وَتَقَرَّرَ عَبْدُ اللَّهِ بْنُ دِينَارٍ بِهَذَا الْحَدِيثِ.

تخريج: متفق عليه، وأخرجه البخاري، الفرائض، باب إثم من تبرأ من مواليه، ح: ٦٧٥٦، ومسلم، ح: ١٥٠٦ من حديث سفیان بن عیینة به.

^[1] Because he is the only one who narrates it, so *Shu'bah* considered it of tremendous benefit to hear it from him.

Comments:

This *Hadīth* makes it impermissible to sell *Walā'* or confer it to someone else, or even to allow someone other than the emancipator to establish such a relationship. This is the view held by the vast majority of scholars including the Four *A'immaḥ* of Jurisprudence.

Chapter 3. What Has Been Related About Whoever Claims His *Walā'* to Be For Other Than His *Mawālī*, Or Claims Someone Else Other Than His Father

(المعجم ٣) - بَابُ مَا جَاءَ فِي مَنْ تَوَلَّى غَيْرَ مَوَالِيهِ أَوْ ادَّعَى إِلَى غَيْرِ أَبِيهِ (التحفة ٣)

2127. Ibrāhīm At-Taimī narrated from his father: “‘Alī delivered a *Khutbah* for us in which he said: ‘Whoever claims that we have some book to read other than Allāh’s Book and this paper, which includes camel’s ages and things related to (relatiation for) wounds, then he has lied.” And he said in it: “The Messenger of Allāh ﷺ said: ‘Al-Madinah is sacred, what is between ‘Aīr to Thawr, so whoever introduces in it any innovation or shelters an innovator^[1] then upon him is the curse of Allāh, the angels, and all people. On the Day of Judgement, Allāh will not accept his compulsory nor optional good deeds.^[2] And whoever claims someone else to be his father, or claims *Walā'* for someone other than his *Mawālī*, then upon him is the curse of Allāh, the angels, and all people; his compulsory and optional good deeds shall not be

٢١٢٧ - حَدَّثَنَا هَذَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ التَّيْمِيِّ، عَنْ أَبِيهِ قَالَ: خَطَبَنَا عَلِيٌّ فَقَالَ: مَنْ زَعَمَ أَنَّ عِنْدَنَا شَيْئًا نَقْرُؤُهُ إِلَّا كِتَابَ اللَّهِ وَهَذِهِ الصَّحِيفَةُ صَحِيفَةٌ فِيهَا أَسْنَانُ الْإِبِلِ وَأَشْيَاءٌ مِنَ الْجَرَاحَاتِ، فَقَدْ كَذَبَ، وَقَالَ فِيهَا: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمَدِينَةُ حَرَمٌ مَا بَيْنَ غَيْرِ إِلَى ثَوْرٍ، فَمَنْ أَخَذَتْ فِيهَا حَدَنًا أَوْ آوَى مُحْدِثًا فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يَقْبَلُ اللَّهُ مِنْهُ يَوْمَ الْقِيَامَةِ صَرْفًا وَلَا عَدْلًا، وَمَنْ ادَّعَى إِلَى غَيْرِ أَبِيهِ أَوْ تَوَلَّى غَيْرَ مَوَالِيهِ فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يَقْبَلُ مِنْهُ صَرْفٌ وَلَا عَدْلٌ، وَذِمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ يَسْعَى بِهَا أَذْنَاهُمْ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَرَوَى بَعْضُهُمْ عَنِ الْأَعْمَشِ، عَنْ

^[1] The word *Aḥādīth* in this narration refers to all sorts of *Munkar* (evil) as well as innovation. And: “Shelters an innovator.”; *Muḥdīth* is one who initiates either the evil or the innovation, it is also recited as *Muḥdath* which refers to the innovation itself. See *Minnat Al-Mun'im*.

^[2] *Ṣarf* and '*Adl*, and they say it means Allāh will not accept any repentance (*Ṣarf*) nor ransom (*Adl*).

accepted. The covenants of the Muslims are one, it covers the rest of them.”^[1] (*Ṣaḥīḥ*)

[Abū ‘Eīsā said:] This *Hadīth* is *Ḥasan Ṣaḥīḥ*. Some of them reported it similarly from Al-A‘mash, from Ibrāhīm At-Taimī, from Al-Ḥārith bin Suwaid from ‘Alī.

[Abū ‘Eīsā said:] It has been reported through more than one route from ‘Alī [from the Prophet ﷺ].

تخريج: متفق عليه، وأخرجه مسلم، الحج، باب فضل المدينة، ودعاء النبي ﷺ فيها بالبركة ... إلخ، ح: ١٣٧٠ من حديث أبي معاوية الضرير والبخاري، ح: ٣١٧٩ من حديث الأعمش به.

Comments:

The *Hadīth* proves that the *Haram* (inviolable status) of Al-Madinah extends from ‘Air to Thawr. Innovating things in religion or committing acts against the laws of *Shari‘ah*, especially in Al-Madinah would, therefore, be regarded as acts of great sin which would even deprive the person of the reward of all kinds of his virtuous deeds, whether obligatory or optional, and would attract the curse of Allāh, of angels and of all people. Similarly, misrepresenting one’s father’s parentage and clan, or assuming the clientage (*Walā’*) of someone other than one’s masters (*Mawālī*) is an accursed act.

Chapter 4. What Has Been Related About A Man Negating The Legitimacy Of His Child

2128. Abū Hurairah narrated that a man from [Banū] Fazārah came to the Prophet ﷺ and said: “O Messenger of Allāh! My wife gave birth to a black boy.” So the Prophet ﷺ said: “[Do you have any camels?]” He said: “Yes.” He said: “Then what are their colors?” He said: “Red.” He said: “Is there a grey one among them?” he said: “Yes, there is a grey one among them.” He said: “From where does

إِبْرَاهِيمَ التَّيْمِي، عَنِ الْحَارِثِ بْنِ سُوَيْدٍ، عَنْ عَلِيٍّ نَحْوَهُ.

[قَالَ أَبُو عِيْسَى:] وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهِ عَنْ عَلِيٍّ [عَنِ النَّبِيِّ ﷺ].

(المعجم ٤) - بَابُ مَا جَاءَ فِي الرَّجُلِ يَنْتَفِي مِنْ وَلَدِهِ (التحفة ٤)

٢١٢٨ - حَدَّثَنَا عَبْدُ الْجَبَّارِ بْنُ الْعَلَاءِ بْنُ عَبْدِ الْجَبَّارِ الْعَطَّارُ وَسَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ الْمَخْزُومِيُّ، قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ مِنْ [بَنِي] فَرَازَةَ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّ امْرَأَتِي وَلَدَتْ غُلَامًا أَسْوَدَ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «هَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ، قَالَ: «فَمَا

^[1] This last part appeared previously, see the discussion after no. 1579.

that come?" He said: "Perhaps it is hereditary." He said: "Then in the same way, perhaps it is his heredity." (*Ṣaḥīḥ*)

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

أَلَوْأُنْهَآ؟ قَالَ: حُمْرٌ، قَالَ: «فَهَلْ فِيهَا أَوْرَقٌ؟» قَالَ: نَعَمْ إِنَّ فِيهَا لَوُرْقًا، قَالَ: «أَنَّى أَتَاهَا ذَلِكَ؟» قَالَ: لَعَلَّ عِرْقًا نَزَعَهَا، قَالَ: «فَهَذَا لَعَلَّ عِرْقًا نَزَعَهُ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه مسلم، اللعان، ح: ١٥٠٠ من حديث سفيان بن عيينة والبخاري، ح: ٥٣٠٥ من حديث الزهري به.

Comments:

The *Ḥadīth* proves the fact that it is not necessary for children to take their features and complexion from their father alone, and it is not proper to attribute them to someone else simply on the basis of difference in features or color. A child may take the color of either the family of its father or of its mother.

Chapter 5. What Has Been Related About The *Qā'if* (Those Who Are Experts On Heredity)

(المعجم ٥) - بَابُ مَا جَاءَ فِي الْقَافَةِ
(التحفة ٥)

2129. 'Āishah narrated that the Prophet ﷺ visited her in a very happy mood, his face beaming with joy and said: "Don't you see that the Mujazziz looked just now at Zaid bin Hārithah and Usāmah bin Zaid, and said: 'These feet belong to each other.'" (*Ṣaḥīḥ*)

[Abū 'Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Sufyān bin 'Uyainah reported this *Ḥadīth* from Az-Zuhri, from 'Urwah, from 'Āishah and he added in it: "Don't you see that the Mujazziz passed by Zaid bin Hārithah and Usāmah bin Zaid while their heads were covered, and their feet were exposed, and he said: 'These feet belong to each other.'"

This is how Sa'eed bin 'Abdur-Raḥmān - and more than one

٢١٢٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَيْهَا مَسْرُورًا تَبَرَّقَ أَسَارِيرُ وَجْهِهِ، فَقَالَ: «أَلَمْ تَرَيَنَّ أَنَّ مُجَزَّزًا نَظَرَ أَنْفًا إِلَى زَيْدِ بْنِ حَارِثَةَ وَأُسَامَةَ بْنِ زَيْدٍ فَقَالَ: هَذِهِ الْأَقْدَامُ بَعْضُهَا مِنْ بَعْضٍ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رَوَى سُفْيَانُ بْنُ عُيَيْنَةَ هَذَا الْحَدِيثَ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ وَزَادَ فِيهِ: «أَلَمْ تَرَيَنَّ أَنَّ مُجَزَّزًا مَرَّ عَلَى زَيْدِ ابْنِ حَارِثَةَ وَأُسَامَةَ بْنِ زَيْدٍ وَقَدْ غَطَبَا رُءُوسَهُمَا وَبَدَتْ أَقْدَامُهُمَا فَقَالَ: إِنَّ هَذِهِ الْأَقْدَامَ بَعْضُهَا مِنْ بَعْضٍ» وَهَكَذَا حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ وَغَيْرُ وَاحِدٍ، عَنْ

narrator – narrated this *Hadīth* from Sufyān bin ‘Uyainah, from Az-Zuhri [from ‘Urwah, from ‘Āishah. And this *Hadīth* is *Hasan Ṣaḥīḥ*].

Some of the people of knowledge used this *Hadīth* to support the case of the *Qā’if*.

سُفْيَانُ بْنُ عُيَيْنَةَ هَذَا الْحَدِيثَ عَنِ الزُّهْرِيِّ
[عَنْ عُرْوَةَ، عَنْ عَائِشَةَ وَهَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ]. وَقَدْ اخْتَجَّ بَعْضُ أَهْلِ الْعِلْمِ بِهَذَا
الْحَدِيثِ فِي إِقَامَةِ أَمْرِ الْقَافَةِ.

تخريج: متفق عليه، وأخرجه مسلم، الرضاع، باب العمل بالحق القائف الولد، ح: ١٤٥٩
عن قتبية والبخاري، ح: ٣٧٣١ من حديث ابن شهاب الزهري به.

Comments:

Zaid ؓ was a man of fair complexion, while Usāmah ؓ had a very dark complexion. The infidels, therefore, used to scandalize his lineage. But when someone known for his expertise in heredity declared them as from one stock, the disbelievers lost the very basis of their taunt, and had to accept the truth that met their own criterion.

Chapter 6. Regarding The Prophet ﷺ Encouraging Gifts

(المعجم ٦) - بَابُ: فِي حَثِّ النَّبِيِّ
ﷺ عَلَى الْهَدِيَّةِ (التحفة ٦)

2130. Abū Hurairah narrated that the Prophet ﷺ said: “Give gifts, for indeed the gift removes bad feelings from the chest. And let the neighbor not look down upon (the gift of) her neighbor, even if it be the lower shanks of sheep.”^[1] (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb* from this route. Abū Ma’shar’s name is Najih, the freed slave of Banū Hāshim. Some of the people of knowledge criticized him due to his poor memory.

٢١٣٠ - حَدَّثَنَا أَزْهَرُ بْنُ مَرْوَانَ الْبَصْرِيُّ:
حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ: أَخْبَرَنَا أَبُو مَعْشَرٍ عَنْ
سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ:
«تَهَادَوْا فَإِنَّ الْهَدِيَّةَ تُذْهِبُ وَحَرَ الصَّدْرِ، وَلَا
تُحْقِرَنَّ جَارَةً لِحَارَتِهَا وَلَوْ شِقَ فَرْسِنٍ شَاةٍ».
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ غَرِيبٌ مِنْ
هَذَا الْوَجْهِ. وَأَبُو مَعْشَرٍ اسْمُهُ نَجِيحٌ مَوْلَى
بَنِي هَاشِمٍ، وَقَدْ تَكَلَّمَ فِيهِ بَعْضُ أَهْلِ الْعِلْمِ
مِنْ قِيلٍ حِفْظُهُ.

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٤٠٥/٢ من حديث أبي معشر به وهو ضعيف
وحديث: "ولا تحقرن جارة لجارتها ولو شق فرسن شاة" له شاهد عند البخاري، ح: ٦٠١٧
ومسلم، ح: ١٠٣٠.

[1] His ؓ saying: “Give gifts to spread love (among each other)” was recorded by Al-Bukhārī in *Al-Adab Al-Mufrad* no. 594, and graded *Hasan* by Shaikh Al-Albānī. The second half of this *Hadīth*: “Let the neighbor not look down upon...” is recorded by Al-Bukhārī (6017) and Muslim (2379) in their *Ṣaḥīḥ*.

Comments:

It is a social necessity and custom to exchange gifts and presents amongst neighbors and friends since it promotes mutual love and fellow-feeling. Such interactions also have the effect of healing the rifts in relations, if any, and removing mutual ill-feelings and misunderstandings.

Chapter 7. What Has Been Related About It Being Disliked To Take Back Gifts

2131. Ibn 'Umar narrated that the Messenger of Allāh ﷺ said: "The parable of the one who gives a gift, and then takes it back, is that of a dog who eats until he is full, and vomits, then he returns to [take back] his vomit." (*Ṣaḥīḥ*)

[Abū 'Eisā said:] There are narrations on this topic from Ibn 'Abbās and 'Abdullāh bin 'Amr.

(المعجم ٧) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ
الرُّجُوعِ فِي الْهَبَةِ (التحفة ٧)

٢١٣١ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا إِسْحَاقُ بْنُ يُونُسَ الْأَزْرَقِيُّ: أَخْبَرَنَا حُسَيْنُ الْمُكْبَبُ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ طَاوُسٍ، عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَثَلُ الَّذِي يُعْطِي الْعَطِيَّةَ ثُمَّ يَرْجِعُ فِيهَا كَمَثَلِ الْكَلْبِ أَكَلَ حَتَّى إِذَا شَبَعَ قَاءَ ثُمَّ عَادَ [فَرَجَعَ] فِي قَيْئِهِ».

[قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ وَعَبْدِ اللَّهِ بْنِ عَمْرٍو.

تخريج: [إسناده صحيح] وتقدم مختصراً: ١٢٩٩ * وفي الباب عن ابن عباس [يأتي: ٢١٣٢] وعبدالله بن عمرو [ابن ماجه، ح: ٢٣٧٨].

2132. Ibn 'Umar and Ibn 'Abbās narrated the *Marfū' Ḥadīth*: "It is not lawful for a man to give a gift and then take it back, except in the case of the father with what he gave to his son. And the parable of the one who gives a gift and then takes it back, is that of the dog who eats until he is full and vomits, then he returns to his vomit." (*Ṣaḥīḥ*)

[Abū 'Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Ash-Shāfi'i said: "It is not lawful for one who confers something to take it back, except in

٢١٣٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ حُسَيْنِ الْمُعَلِّمِ، عَنْ عَمْرِو ابْنِ شُعَيْبٍ: حَدَّثَنِي طَاوُسٌ عَنْ ابْنِ عُمَرَ وَابْنِ عَبَّاسٍ يَرْفَعَانِ الْحَدِيثَ قَالَ: «لَا يَحِلُّ لِرَجُلٍ أَنْ يُعْطِيَ عَطِيَّةً ثُمَّ يَرْجِعُ فِيهَا إِلَّا الْوَالِدَ فِيمَا يُعْطِي وَلَدَهُ، وَمَثَلُ الَّذِي يُعْطِي الْعَطِيَّةَ ثُمَّ يَرْجِعُ فِيهَا كَمَثَلِ الْكَلْبِ أَكَلَ حَتَّى إِذَا شَبَعَ قَاءَ ثُمَّ عَادَ فِي قَيْئِهِ».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. قَالَ الشَّافِعِيُّ: لَا يَحِلُّ لِمَنْ وَهَبَ

the case of the father. He may take back what he gave to his son” and he used this *Hadīth* as proof.

هَبَّةٌ أَنْ يَرْجِعَ فِيهَا إِلَّا الْوَالِدُ فَلَهُ أَنْ يَرْجِعَ
فِيمَا أُعْطِيَ وَلَدَهُ، وَاحْتَجَّ بِهَذَا الْحَدِيثِ.
تَخْرِيجُ: [إِسْنَادُهُ صَحِيحٌ] وَانْظُرِ الْحَدِيثَ السَّابِقَ.