

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

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

9. The Chapters On Marriage

(المعجم ٩) أَبْوَابُ النِّكَاحِ (التحفة ٧)

Comments:

- Nikāh* linguistically means (to unite and to bring together). The real literal meaning of *Nikāh* is 'to have sexual intercourse'; and the metaphorical meaning of *Nikāh* is 'the bond of marriage'.
- The noble jurists defined *Nikāh* through various definitions, and one of these is: "*Nikāh* is such a bond from which the act of sexual intercourse becomes lawful, and the bond of marriage takes place with the words like: *Inkāh* or *Tazwij* or other words derived from these roots."
- Nikāh* is the *Sunnah* of our Noble Prophet ﷺ, as well as of the previous Noble Prophets ﷺ. As the statement of Allāh, the Originator, the High is: "Indeed We sent Messengers before you (O Muhammad ﷺ) and made for them wives and offspring." (*Ar-Ra'd*: 13:38)
- Nikāh* is a compulsory duty for a person who is physically healthy and can afford the expenses of marriage and the living expenses of a wife; and also if he has the risk of indulging in adultery and other lustful desires which he is unable to get rid of even if he observes fasting.
- It is unlawful for such a person to marry who is physically unfit for marriage, or unable to afford the matrimonial expenses; or for he who wants to have a second marriage with the intention to oppress his first wife.
- If a person is naturally harsh and fears that he will be unjust with the wife after marriage; then marriage is disliked for such a person.
- The *Nikāh* is desirable for a person who is of moderate personality, he has no fear of indulging in adultery or other lustful desires, and he can afford matrimonial expenses.

Chapter 1. What Was Narrated Concerning The Virtue Of Marriage

1845. It was narrated that 'Alqamah bin Qais said: "I was with 'Abdullāh bin Mas'ud in Mina, and 'Uthmān took him aside. I was sitting near him. 'Uthmān said to him: 'Would you

(المعجم ١) - بَابُ مَا جَاءَ فِي فَضْلِ

النِّكَاحِ (التحفة ١)

١٨٤٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ غَامِرِ بْنِ زُرَّارَةَ:
حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الْأَعْمَشِ، عَنْ
إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ بْنِ قَيْسٍ قَالَ: كُنْتُ مَعَ
عَبْدِ اللَّهِ بْنِ مَسْعُودٍ بِمِنَى. فَخَلَا بِهِ عُثْمَانُ.

like that I marry you to a young virgin who will remind you of how you were in the past?' When 'Abdullâh saw that he did not want to say anything to him apart from that, he gestured to me, so I came and he said: 'As you say that, the Messenger of Allâh ﷺ said: "O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding one's chastity. Whoever cannot afford it, let him fast, for it will diminish his desire." (Sahih)

فَجَلَسْتُ قَرِيبًا مِنْهُ. فَقَالَ لَهُ عُثْمَانُ: هَلْ لَكَ أَنْ أُزَوِّجَكَ جَارِيَةً بِكَرًا تُذَكِّرُكَ مِنْ نَفْسِكَ بَعْضَ مَا قَدْ مَضَى؟ فَلَمَّا رَأَى عَبْدُ اللَّهِ أَنَّهُ لَيْسَ لَهُ حَاجَةٌ سِوَى هَذَا، أَشَارَ إِلَيَّ بِيَدِهِ. فَجِئْتُ وَهُوَ يَقُولُ: لَيْنَ قُلْتَ ذَلِكَ، لَقَدْ قَالَ رَسُولُ اللَّهِ ﷺ: «يَا مَعْشَرَ الشَّبَابِ مَنْ اسْتَطَاعَ مِنْكُمْ الْبَاءَةَ فَلْيَتَزَوَّجْ. فَإِنَّهُ أَغْضُ لِلْبَصْرِ وَأَحْصَنُ لِلْفَرْجِ. وَمَنْ لَمْ يَسْتَطِعْ، فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وَجَاءٌ».

تخريج: أخرجه البخاري، الصوم، باب الصوم لمن خاف على نفسه العزبة، ح: ١٩٠٥، ٥٠٦٥، ومسلم، النكاح، باب استحباب النكاح لمن تاقت نفسه إليه ووجد مؤنة... الخ، ح: ١٤٠٠ من حديث الأعمش به.

Comments:

- The greatest benefit of marriage is protection against a sinful life and the fulfillment of sexual desire through lawful means. This great benefit is the main objective of marriage and should be focused upon at the time of marriage; other benefits will then be achieved thereafter.
- A person can control evil thoughts and temptations with the observance of fasting, and thus the natural desire of sex does not get out of control. Therefore if the marriage of a young man or woman is delayed for any reason, he/she should observe fasts frequently; and they must also avoid the atmosphere that incites temptations, such as the study of certain literature and magazines, inciting songs, movies, films and other such seducing activities; so that the warmth of youth should not force one to commit sin.

1846. It was narrated from 'Aishah that the Messenger of Allâh ﷺ said: "Marriage is part of my *Sunnah*, and whoever does not follow my *Sunnah* has nothing to do with me. Get married, for I will boast of your great numbers before the nations. Whoever has the means, let him get married, and whoever does not, then he

١٨٤٦ - حَدَّثَنَا أَحْمَدُ بْنُ الْأَزْهَرِيِّ: حَدَّثَنَا أَدَمُ: حَدَّثَنَا عَيْسَى بْنُ مَيْمُونٍ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «النَّكَاحُ مِنْ سُنَّتِي. فَمَنْ لَمْ يَعْمَلْ بِسُنَّتِي فَلَيْسَ مِنِّي. وَتَزَوَّجُوا، فَإِنِّي مُكَاثِرٌ بِكُمْ الْأُمَمِ. وَمَنْ كَانَ ذَا طَوْلٍ فَلْيَتَنَكَّحْ وَمَنْ لَمْ

should fast, for it will diminish his desire.” (Hasan) . فَإِنَّ الصَّوْمَ لَهُ وَجَاءٌ .

تخريج: [حسن] وقال البوصيري: إسناده ضعيف لإتفاقهم على ضعف عيسى بن ميمون المدني، لكن له شاهد صحيح، يعني لفقرات الحديث شواهد من حديث أنس، ومعلق بن يسار، وابن مسعود وغيرهم.

Comments:

- The abundance of children from Muslims is a religious demand. Therefore, to strive for it, through getting married and keeping the matrimonial relationship established is also religiously recommended.
- Marriage is not a hindrance for spiritual betterment.

1847. It was narrated from Ibn ‘Abbās that the Messenger of Allāh ﷺ said: “There is nothing like marriage for two who love one another.” (Hasan)

١٨٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا سَعِيدُ بْنُ سَلِيمَانَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُسْلِمٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ مَيْسَرَةَ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَمْ يَرِ لِلْمُتَحَابِّينِ مِثْلَ النِّكَاحِ».

تخريج: [إسناده حسن] أخرجه البيهقي: ٧٨/٧ من حديث محمد بن مسلم الطائفي به، ووصحه الحاكم: ١٦٠/٢ على شرط مسلم، ووافقه الذهبي، وأورده الضياء في المختارة.

Chapter 2. Prohibition Of Celibacy

(المعجم ٢) - بَابُ النَّهْيِ عَنِ التَّبَتُّلِ
(التحفة ٢)

1848. It was narrated that Sa’d said: “The Messenger of Allāh ﷺ disapproved of ‘Uthmān bin Maz’un’s desire to remain celibate; if he had given him permission, we would have gotten ourselves castrated.” (Sahih)

١٨٤٨ - حَدَّثَنَا أَبُو مَرْوَانَ مُحَمَّدُ بْنُ عُثْمَانَ الْعُثْمَانِيُّ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ سَعْدِ قَالَ: لَقَدْ رَدَّ رَسُولُ اللَّهِ ﷺ عَلَى عُثْمَانَ بْنِ مَطْعُونِ التَّبَتُّلَ. وَلَوْ أَدِنَ لَهُ، لَأَخْصَيْنَا.

تخريج: أخرجه البخاري، النكاح، باب ما يكره من التبتل والخضاء، ح: ٥٠٧٣، ومسلم، النكاح، باب استحباب النكاح لمن تاقت نفسه إليه ووجد مؤنة... إلخ، ح: ١٤٠٢ من حديث إبراهيم بن سعد به.

Comments:

- Uthman bin Maz’un ﷺ was a very dedicated worshiper and was fond of it. He thought that due to the busy commitments with a wife and children after getting married, the opportunities of voluntary worship, i.e., observing voluntary fasts will be little. So it is better not to marry, but the Messenger of Allāh ﷺ did not allow him to live a life without marriage.

b. Seeking nearness to Allāh does not mean that one should avoid even lawful things like the Hindu and Christian monks; rather closeness to Allāh is earned by practising the guidance of *Shari'ah* in eating, drinking and through living the daily life. Depriving someone from sexual ability and desire, or to try to deprive oneself from this ability, is prohibited in accordance with the *Shari'ah*.

1849. It was narrated from Samurah that the Messenger of Allāh ﷺ forbade celibacy.

Zaid bin Akhzam added: "And Qatādah recited: 'And indeed We sent Messengers before you (O Muhammad ﷺ), and made for them wives and offspring.'"^[1] (*Sahih*)

١٨٤٩ - حَدَّثَنَا بِشْرُ بْنُ أَدَمَ وَ زَيْدُ بْنُ أَحْزَمَ . قَالَ : حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ : حَدَّثَنَا أَبِي عَنْ قَتَادَةَ ، عَنِ الْحَسَنِ ، عَنْ سُمْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ التَّبَتُّلِ .

زَادَ زَيْدُ بْنُ أَحْزَمَ : وَقَرَأَ قَتَادَةُ : ﴿وَلَقَدْ أَرْسَلْنَا رُسُلًا مِنْ قَبْلِكَ وَحَلَلْنَا لَهُمْ أَنْزُلًا وَمُزِينَةً﴾ . [الرعد : ٣٨]

تخريج : [صحيح] أخرجه الترمذي، النكاح، باب ماجاء في النهي عن التبتل، ح: ١٠٨٢ من حديث زيد بن اخزم به، وقال: حسن غريب * قتادة عنن، وأخرج النسائي: ٥٩/٦، ح: ٣٢١٥ وغيره من حديث الحسن عن سعد بن هشام عن عائشة رضي الله عنها، ونحوه، وصححه الترمذي، ح: ١٠٨٢، والحديث السابق شاهد له.

Comments:

- It is certainly wrong to regard celibacy a good deed; whether it is performed in the name of Sufism, monasticism or in any other name.
- Nikāh* (marriage) is a *Sunnah* of all the Prophets ﷺ.
- The noble Prophets ﷺ were not the beings created from light, but they were human beings, and the best of the creatures, and they married, and they had offspring too.

Chapter 3. The Wife's Rights Over The Husband

(المعجم ٣) - بَابُ حَقِّ الْمَرْأَةِ عَلَى الرَّوْجِ (التحفة ٣)

1850. It was narrated from Hakim bin Mu'awiyah, from his father, that a man asked the Prophet ﷺ: "What are the rights of the woman over her husband?" He said: "That he should feed her as he feeds himself and clothe her as he clothes himself; he should

١٨٥٠ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ : حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ ، عَنْ شُعْبَةَ ، عَنْ أَبِي قَزَعَةَ ، عَنْ حَكِيمِ بْنِ مُعَاوِيَةَ ، عَنْ أَبِيهِ أَنَّ رَجُلًا سَأَلَ النَّبِيَّ ﷺ : مَا حَقُّ الْمَرْأَةِ عَلَى الرَّوْجِ ؟ قَالَ : « أَنْ يُطْعِمَهَا إِذَا طَعِمَ . وَأَنْ يَكْسُوَهَا إِذَا

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

not strike her on the face nor disfigure her, and he should not abandon her except in the house (as a form of discipline).” (Hasan)

اِكْتَسَى. وَلَا يَضْرِبُ الْوَجْهَ. وَلَا يَقْعُحُ. وَلَا يَهْجُرُ إِلَّا فِي الْبَيْتِ».

تخريج: [إسناده حسن] أخرجه أبو داود، النكاح، باب: في حق المرأة على زوجها، ح: ٢١٤٢ من حديث أبي قرعة به.

Comments:

- It is the obligation of the husband to provide the daily and essential needs of the wife such as: food, clothes and accommodation.
- A husband has the authority to give an appropriate admonishment to the wife for her mistakes.
- If an ordinary admonishment is not affective, a light physical punishment may also be given, but hitting on the face is forbidden.
- It is permissible to stop talking to her temporarily in order to express anger as an admonishment, but to get her out of the house or the husband leaving the house for several days is not right. The presence of them both being at home together gives hope to getting rid of anger sooner.

1851. It was narrated that Sulaimân bin ‘Amr bin Ahwas said: “My father told me that he was present on the Farewell pilgrimage with the Messenger of Allâh ﷺ. He praised and glorified Allâh, and reminded and exhorted (the people). Then he said: ‘I enjoin good treatment of women, for they are prisoners with you, and you have no right to treat them otherwise, unless they commit clear indecency. If they do that, then forsake them in their beds and hit them, but without causing injury or leaving a mark. If they obey you, then do not seek means of annoyance against them. You have rights over your women and your women have rights over you. Your rights over your women are that they are not to allow anyone

١٨٥١ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا الْحُسَيْنُ بْنُ عَلِيٍّ، عَنْ زَائِدَةَ، عَنْ شَيْبِ بْنِ عَرَفَةَ الْبَارِقِيِّ، عَنْ سُلَيْمَانَ بْنِ عَمْرٍو بْنِ الْأَجْوَصِ: حَدَّثَنِي أَبِي أَنَّهُ شَهِدَ حَجَّةَ الْوَدَاعِ مَعَ رَسُولِ اللَّهِ ﷺ. فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ، وَذَكَرَ وَعَظَ، ثُمَّ قَالَ: «اسْتَوْصُوا بِالنِّسَاءِ خَيْرًا فَإِنَّهُنَّ عِنْدَكُمْ عَوَانٍ. لَيْسَ تَمْلِكُونَ مِنْهُنَّ شَيْئًا غَيْرَ ذَلِكَ. إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ. فَإِنْ فَعَلْنَ فَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ ضَرْبًا غَيْرَ مُبْرِحٍ. فَإِنْ أَطَعْتُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا. إِنْ لَكُمْ مِنْ نِسَائِكُمْ حَقًّا وَلِنِسَائِكُمْ عَلَيْكُمْ حَقًّا. فَأَتِمُّوا حَقَّكُمْ عَلَى نِسَائِكُمْ، فَلَا يُوطِئَنَّ فُرُشَكُمْ مَنْ تَكْرَهُونَ. وَلَا يَأْذَنَنَّ فِي بُيُوتِكُمْ لِمَنْ تَكْرَهُونَ. إِلَّا، وَحَقَّهُنَّ عَلَيْكُمْ أَنْ تُحْسِنُوا إِلَيْهِنَّ فِي كِسْوَتِهِنَّ

whom you dislike to tread on your bedding (furniture),^[1] nor allow anyone whom you dislike to enter your houses. And their rights over you are that you should treat them kindly with regard to their clothing and food." (*Sahih*)

وَطَعَامِهِنَّ».

تخریج: [إسناده صحيح] أخرجه الترمذی، الرضاع، باب ماجاء في حق المرأة على زوجها، ح: ۱۱۶۳ من حديث الحسين بن علي به، وقال: حسن صحيح .

Comments:

- The husband should supervise the manners and character of the wife, but being suspicious and doubtful for no reason is not right if there is no clear sign to cause doubt.
- Clear indecency means such activities which may increase the chance of committing adultery if they are not challenged and prevented. In case of adultery, there are other regulations which are mentioned in the Qur'ân and Hadith.
- Being respectful of guests is necessary, but if a person visits whom the husband, does not like, then the wife should care for the sentiments of her husband, and should make her apologies and not let the person in, or she should say that the men are not at home so come another time.

Chapter 4. The Husband's Rights Over His Wife

(المعجم ٤) - بَابُ حَقِّ الزَّوْجِ عَلَى
الْمَرْأَةِ (التحفة ٤)

1852. It was narrated from 'Āishah that the Messenger of Allāh ﷺ said: "If I were to command anyone to prostrate to anyone else, I would have commanded women to prostrate to their husbands. If a man were to command his wife to move (something) from a red mountain to a black mountain, and from a black mountain to a red mountain, her duty is to obey him." (*Da'if*)

۱۸۵۲ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَّانُ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، عَنْ عَلِيِّ بْنِ زَيْدِ بْنِ جُدْعَانَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَوْ أَمَرْتُ أَحَدًا أَنْ يَسْجُدَ لِأَحَدٍ، لَأَمَرْتُ الْمَرْأَةَ أَنْ تَسْجُدَ لِزَوْجِهَا. وَلَوْ أَنَّ رَجُلًا أَمَرَ امْرَأَةً أَنْ تَنْقُلَ مِنْ جَبَلٍ أَحْمَرَ إِلَى جَبَلٍ أَسْوَدَ، وَمِنْ جَبَلٍ أَسْوَدَ إِلَى جَبَلٍ أَحْمَرَ، لَكَانَ تَوَلَّيْتُهَا أَنْ تَفْعَلَ».

[1] Meaning, that they are not to let anyone you dislike in your home, as mentioned in the following statement. See *Tuhfatul-Ahwadhi* (no. 1162) and explanation by Sindi.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٧٦/٦ عن عفان وغيره به، وانظر، ح: ١١٦ لعلته.

1853. It was narrated that 'Abdullâh bin Abu Awfa said: "When Mu'âdh bin Jabal came from Shâm, he prostrated to the Prophet ﷺ, who said: 'What is this, O Mu'âdh?' He said: 'I went to Shâm and saw them prostrating to their bishops and patricians (i.e. aristocrats), and I wanted to do that for you.' The Messenger of Allâh ﷺ said: 'Do not do that. If I were to command anyone to prostrate to anyone other than Allâh, I would have commanded women to prostrate to their husbands. By the One in Whose Hand is the soul of Muhammad! No woman can fulfill her duty towards Allâh until she fulfills her duty towards her husband. If he asks her (for intimacy) even if she is on her camel saddle, she should not refuse.'" (*Hasan*)

١٨٥٣ - حَدَّثَنَا أَزْهَرُ بْنُ مَرْوَانَ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ أَيُّوبَ، عَنِ الْقَاسِمِ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى قَالَ: لَمَّا قَدِمَ مُعَاذٌ مِنَ الشَّامِ سَجَدَ لِلنَّبِيِّ ﷺ. قَالَ: «مَا هَذَا يَا مُعَاذُ؟» قَالَ: أَتَيْتُ الشَّامَ فَوَافَقْتُهُمْ يَسْجُدُونَ لِأَسَاقِفَتِهِمْ وَبَطَّارِقِهِمْ. فَوَدِدْتُ فِي نَفْسِي أَنْ نَفْعَلَ ذَلِكَ بِكَ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَلَا تَفْعَلُوا. فَإِنِّي لَوْ كُنْتُ أَمْرًا أَحَدًا أَنْ يَسْجُدَ لِغَيْرِ اللَّهِ، لَأَمَرْتُ الْمَرْأَةَ أَنْ تَسْجُدَ لِزَوْجِهَا. وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ لَا تُؤَدِّي الْمَرْأَةُ حَقَّ رَبِّهَا حَتَّى تُؤَدِّيَ حَقَّ زَوْجِهَا وَلَوْ سَأَلَهَا نَفْسُهَا، وَهِيَ عَلَى قَتَبٍ، لَمْ تَمْتَعَهُ».

تخريج: [إسناده حسن] أخرجه البيهقي: ٢٩٢/٧ من حديث حماد بن زيد به، وتابعه

إسماعيل ابن عليّة (أحمد: ٣٨١/٤)، وصححه ابن حبان (موارد)، ح: ١٢٩٠، وله شواهد كثيرة.

Comments:

- Making prostration in worship to any of the creatures is disbelief; the prostration of respect was allowed in the previous religions, but in our *Shari'ah* this is forbidden too.
- Some people say we do not prostrate to the saints but kiss their feet, or fall down on their feet to please them; this is also prostration. Unlawful acts do not become lawful by changing their name.
- A great objective of marriage is the protection of honor and chastity; therefore, the wife must not ignore the obligation of fulfilling the sexual desires of the husband. Also the husband should equally fulfill the desire of the wife as he feels that she desires it. The mention of the woman in the *Hadith* is mostly made, because the refusal of matrimonial relations is usually from woman and vice versa is very rare.

d. The wife should take care of the honor of the husband.

1854. It was narrated from Musâwir Al-Himyari from his mother that she heard Umm Salamah say: "I heard the Messenger of Allâh ﷺ say: 'Any woman who dies when her husband is pleased with her, will enter Paradise.'" (*Hasan*)

١٨٥٤ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ فَضِيلٍ، عَنْ أَبِي نَصْرِ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ مُسَاوِرِ الْجَمِيرِيِّ، عَنْ أُمِّهِ: قَالَتْ: سَمِعْتُ أُمَّ سَلَمَةَ تَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «أَيُّمَا امْرَأَةٍ مَاتَتْ، وَرَزَوُجُهَا عَنْهَا رَاضٍ، دَخَلَتْ الْجَنَّةَ».

تخریج: [حسن] أخرجه الترمذي، الرضاع، باب ما جاء في حق الزوج على المرأة، ح: ١١٦١ من حديث محمد بن فضيل بن به، وقال: حسن غريب، وصححه الحاكم: ١٧٣/٤، والذهبي، وقال الذهبي في الميزان، ترجمة مساور: فيه جهالة، والخبر منكر، وجهله صاحب التقریب * أم مساور: وثقها الترمذي، والحاكم وغيرهما والله أعلم، والحديث ضعفه ابن الجوزي وغيره، ولا أعلم وجه النكارة فيه.

Chapter 5. The Best Of Women

(المعجم ٥) - بَابُ أَفْضَلِ النِّسَاءِ

(التحفة ٥)

1855. It was narrated from 'Abdullâh bin 'Amr that the Messenger of Allâh ﷺ said: "This world is but provisions, and there is no provision in this world better than a righteous wife." (*Sahih*)

١٨٥٥ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ زِيَادِ ابْنِ أَنَسٍ، عَنْ عَبْدِ اللَّهِ بْنِ بَرِيدٍ، عَنْ عَبْدِ اللَّهِ ابْنِ عَمْرٍو أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّمَا الدُّنْيَا مَتَاعٌ. وَلَيْسَ مِنْ مَتَاعِ الدُّنْيَا شَيْءٌ أَفْضَلُ مِنَ الْمَرْأَةِ الصَّالِحَةِ».

تخریج: [صحيح] * عبدالرحمن بن زياد ضعيف كما تقدم، ح: ٥٤، وأخرج مسلم، ح: ١٤٦٩ وغيره من طريق شرحبيل بن شريك عن أبي عبدالرحمن عبدالله بن يزيد الحبلي به بلفظ: الدنيا متاع وخير متاع الدنيا المرأة الصالحة.

Comments:

- The righteous wife is a great favor, because she proves to be a good advisor in worldly matters; she is a good life partner and she assists her husband in matters of the Hereafter; thus both achieve high ranks.
- The righteous husband is a great favor for the wife too.

1856. It was narrated that Thawbân said: "When the Verse

١٨٥٦ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ سَمُرَةَ: حَدَّثَنَا وَكَيْعٌ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو بْنِ

concerning silver and gold was revealed, they said: 'What kind of wealth should we acquire?' Umar said: 'I will tell you about that.' So he rode on his camel and caught up with the Prophet ﷺ, and I followed him. He said: 'O Messenger of Allāh, what kind of wealth should we acquire?' He said: 'Let one of you acquire a thankful heart, a tongue that remembers Allāh and a believing wife who will help him with regard to the Hereafter.'" (*Hasan*)

مُرَّةً، عَنْ أَبِيهِ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ ثَوْبَانَ قَالَ: لَمَّا نَزَلَ فِي الْفِضَّةِ وَالذَّهَبِ مَا نَزَلَ، قَالُوا: فَأَيُّ الْمَالِ نَتَّخِذُ؟ قَالَ عُمَرُ: فَأَنَا أَعْلَمُ لَكُمْ ذَلِكَ. فَأَوْضَعَ عَلَيَّ بَعِيرَهُ. فَأَذْرَكَ النَّبِيَّ ﷺ، وَأَنَا فِي آثَرِهِ فَقَالَ: يَا رَسُولَ اللَّهِ أَيُّ الْمَالِ نَتَّخِذُ؟ فَقَالَ: «الْيَتَّخِذُ أَحَدُكُمْ قَلْبًا شَاكِرًا، وَلِسَانًا ذَاكِرًا، وَزَوْجَةً مُؤْمِنَةً، تُعِينُ أَحَدَكُمْ عَلَى أَمْرِ الْآخِرَةِ».

تخريج: [حسن] أخرجه الترمذي، تفسير القرآن، باب: ومن سورة التوبة، ح: ٣٠٩٤ من طريق منصور عن سالم به، وقال: حسن، وقال ما ملخصه: سألت البخاري: سالم سمع من ثوبان؟ فقال: لا، وكذا قال أحمد وغيره، وله شواهد، منها ما أخرجه أحمد: ٣٦٦/٥، وأطراف المستند: ٢٩٥/٨، ومن طريقه المزني في تهذيب الكمال: ٢٣١/١١ وهو في السنن الكبرى للنسائي، وفيه سلم بن عطية وثقه ابن حبان، وروى عنه شعبة وهو لا يروي إلا عن ثقة عنده، ولينه أبو حاتم الرازي.

Comments:

- The severe rule revealed in regard to gold and silver is this: "And those who hoard up gold and silver and spend them not in the way of Allāh, announce unto them a painful torment." *At-Taubah* 9:34.
- The woman who has faith in her heart, she herself would reflect upon the Hereafter, and she will also assist her husband to adopt the way of righteousness. Therefore, such a virtuous woman is a great favor of Allāh. Any Muslim man should value a woman like this.

1857. It was narrated from Abu Umâmah that the Prophet ﷺ used to say: "Nothing is of more benefit to the believer after *Taqwa* of Allāh than a righteous wife whom, if he commands her she obeys him, if he looks at her he is pleased, if he swears an oath concerning her she fulfills it, and when he is away from her she is sincere towards him with regard

١٨٥٧ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا صَدَقَةُ بْنُ خَالِدٍ: حَدَّثَنَا عُثْمَانُ بْنُ أَبِي الْعَائِكَةِ، عَنْ عَلِيِّ بْنِ يَزِيدَ، عَنِ الْقَاسِمِ، عَنْ أَبِي أُمَامَةَ، عَنِ النَّبِيِّ ﷺ أَنَّهُ كَانَ يَقُولُ: «مَا اسْتَفَادَ الْمُؤْمِنُ، بَعْدَ تَقْوَى اللَّهِ، خَيْرًا لَهُ مِنْ زَوْجَةٍ صَالِحَةٍ. إِنْ أَمَرَهَا أَطَاعَتْهُ. وَإِنْ نَظَرَ إِلَيْهَا سَرَّتْهُ. وَإِنْ أَقْسَمَ عَلَيْهَا أَبْرَأَتْهُ. وَإِنْ

to herself and his wealth.” (Da’if)

غَابَ عَنْهَا نَفْسُهَا وَمَالُهَا.

تخریج: [إسناده ضعيف جدًا] وانظر، ح: ٢٢٨ لعلته.

Chapter 6. Marrying A Religious Woman

(المعجم ٦) - بَابُ تَزْوِيجِ ذَاتِ الدِّينِ

(الصحفة ٦)

1858. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: “A woman may be married for four things: Her wealth, her lineage, her beauty or for her religion. Choose the religious, may your hands be rubbed with dust (i.e., may you prosper).” (Sahih)

١٨٥٨ - حَدَّثَنَا يَحْيَى بْنُ حَكِيمٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «تُنكَحُ النِّسَاءَ لِأَرْبَعٍ: لِمَالِهَا، وَلِحَسَبِهَا، وَلِجَمَالِهَا، وَلِدِينِهَا. فَاظْفَرْ بِذَاتِ الدِّينِ، تَرِبَتْ يَدَاكَ».

تخریج: أخرجه البخاري، النكاح، باب الأكلء في الدين ... إلخ، ح: ٥٠٩٠، ومسلم، الرضاع، باب استحباب نكاح ذات الدين، ح: ١٤٦٦ من حديث يحيى بن سعيد به.

Comments:

- The desire of having a good wife or good husband is a good and correct desire, so the procedure of choosing the spouses should be correct.
- The real reliable standard and procedure is righteousness and fear of Allāh. The righteous wife remains the symbol of honor even in poverty, and in the time of prosperity she does not become arrogant and disrespectful to the husband; the woman from a family of high status is sometimes known to have the bad habit of pride and arrogance.
- The Hereafter gets better too, because of a righteous wife, and the husband will be better off from all aspects.

1859. It was narrated from ‘Abdullāh bin ‘Amr that the Messenger of Allāh ﷺ said: ‘Do not marry women for their beauty, for it may lead to their doom.^[1] Do not marry them for their wealth, for it may lead them to fall into sin. Rather, marry them for their religion. A black slave woman with piercings who

١٨٥٩ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ الْمُحَارِبِيُّ وَجَعْفَرُ بْنُ عَوْنٍ، عَنِ الْإِفْرِيقِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، عَنْ عَبْدِ اللَّهِ ابْنِ عَمْرٍو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَزَوِّجُوا النِّسَاءَ لِجُسْنِهِنَّ. فَعَلَى خُسْنِهِنَّ أَنْ يُرْدِيَهُنَّ. وَلَا تَزَوِّجُوهُنَّ لِأَمْوَالِهِنَّ. فَعَلَى أَمْوَالِهِنَّ أَنْ تُطْعِمَهُنَّ. وَلَكِنْ تَزَوِّجُوهُنَّ عَلَى

[1] Because of self-admiration and vanity.

is religious is better.” (Da’if)

الدِّينِ. وَلَا أَمَّةٌ خَرَمَاءُ سَوْدَاءُ ذَاتُ دِينٍ،
أَفْضَلُ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٧/ ٨٠ من حديث عبدالرحمن الإفريقي به، وضعفه البوصيري، وانظر، ح: ٥٤ لعلته.

Chapter 7. Marrying Virgins

(المعجم ٧) - بَابُ تَزْوِيجِ الْأَبْكَارِ

(التحفة ٧)

1860. It was narrated that Jābir bin ‘Abdullāh said: “I married a woman during the time of the Messenger of Allāh ﷺ, then I met the Messenger of Allāh ﷺ and he said: ‘Have you got married, O Jābir?’ I said: ‘Yes.’ He said: ‘To a virgin or to a previously-married woman?’ I said: ‘A previously-married woman.’ He said: ‘Why not a virgin so you could play with her?’ I said: ‘I have sisters and I did not want her to create trouble between them and me.’ He said: ‘That is better then.’”

١٨٦٠ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ: حَدَّثَنَا عَبْدُ
ابْنِ سَلِيمَانَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ،
عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: تَزَوَّجْتُ امْرَأَةً
عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ. فَلَقِيتُ رَسُولَ اللَّهِ
ﷺ فَقَالَ: «أَتَزَوَّجْتَ يَا جَابِرُ؟» قُلْتُ: نَعَمْ.
قَالَ: «أَبْكَرًا أَوْ قَبِيئًا؟» قُلْتُ: قَبِيئًا. قَالَ:
«فَهَلَّا بِكَرًا ثَلَاثِهَا؟» قُلْتُ: كُنَّ لِي أَحْوَاتُ.
فَخَشِيتُ أَنْ تَدْخُلَ بَيْنِي وَبَيْنَهُنَّ. قَالَ: «فَدَاكَ
إِذْنٌ».

(Sahih)

تخريج: أخرجه مسلم، الرضاع، باب استحباب نكاح ذات الدين، ح: ٧١٥ من حديث عبدالملك بن أبي سليمان به.

Comments:

- The gathering of all the friends and relatives at the time of marriage ceremony is not necessary.
- It is not a bad thing to marry a widow or a divorcee. The word ‘Thayyib’ in the *Hadith* is used for both the widow and a divorced woman.
- The marriage of a young man with a young woman is better, because in such there is hope for more mutual understanding.

1861. It was narrated from ‘Abdur-Rahmān bin Sālim bin ‘Utbah bin ‘Uwaim bin Sā’idah Al-Ansāri, from his father, that his grandfather said: “The Messenger of Allāh ﷺ said: ‘You should

١٨٦١ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ الْحَرَامِيُّ:
حَدَّثَنَا مُحَمَّدُ بْنُ طَلْحَةَ التَّمِيمِيُّ: حَدَّثَنِي عَبْدُ
الرَّحْمَنِ بْنُ سَالِمِ بْنِ عُبَيْدَةَ بْنِ عَوْمِرِ بْنِ
سَاعِدَةَ الْأَنْصَارِيِّ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ:

marry virgins, for their mouths are sweeter, their wombs are more prolific and they are satisfied with less." (*Da'if*)

قَالَ رَسُولُ اللَّهِ ﷺ: «عَلَيْكُمْ بِالْبَنَاتِ. فَإِنَّهُنَّ أَعْدَبُ أَفْوَاهًا، وَأَتْقَى أَرْحَامًا، وَأَرْضَى بِالْيَسِيرِ».

تخريج: [إسناده ضعيف] أخرجه الطبراني (الكبير: ١٧/١٤١)، ح: ٣٥١ من طريق الحميدي عن محمد بن طلحة به، إلا أنه قال: عبد الرحمن بن سالم بن عبد الرحمن بن عويم بن ساعدة، وهو الصواب، وقال البغوي: عبد الرحمن بن عويم ليست له صحبة، فالحديث مرسل مع جهالة عبد الرحمن، وله شواهد ضعيفة، راجع التلخيص: ١٤٥/٣ وغيره.

Comments:

- a. Widows and divorced women should also be married; but if the hand of a widow and that of a woman who has never been married is available, the one who has never been married should be given preference; particularly, when the man is young.
- b. 'Sweet mouth' means those who have not previously been married are more bashful; they try more to keep their husbands happy, and they avoid harshness in conversation.
- c. Contentment is a good quality, and the woman who has this quality will prove to be a good wife.

Chapter 8. Marrying Free Women Who Are Fertile

(المعجم ٨) - بَابُ تَزْوِيجِ الْحَرَائِرِ وَالْوُلُودِ (التحفة ٨)

1862. It was narrated that Anas bin Málík said: "I heard the Messenger of Alláh ﷺ say: 'Whoever wants to meet Alláh pure and purified, let him marry free women.'" (*Da'if*)

١٨٦٢ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا سَلَامُ بْنُ سَوَّارٍ: حَدَّثَنَا كَثِيرُ بْنُ سَلِيمٍ، عَنِ الضَّحَّاكِ بْنِ مَرْجَمٍ قَالَ: سَمِعْتُ أَنَسَ بْنَ مَالِكٍ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ أَرَادَ أَنْ يَلْقَى اللَّهَ طَاهِرًا مُطَهَّرًا، فَلْيَتَزَوَّجِ الْحَرَائِرَ».

تخريج: [إسناده ضعيف جدًا] أخرجه ابن عدي في الكامل من حديث سلام به، ومن طريقه أورده ابن الجوزي في الموضوعات: ٢/٢٦١، وقال: لا يصح * وسلام هذا ضعيف (تقريب)، وكذا شيخه (أيضًا) بل قال ابن حبان: يروي عن أنس ما ليس من حديثه ويضع عليه، والحديث ضعفه البوصيري، والمنذري وغيرهما، وله شاهد عند البخاري في التاريخ الكبير: ٨/٤٠٤ بدون سند، والله أعلم بحاله.

Comments:

- a. *Nikâh* is from among the important Commandments of Islam; therefore it is not right to remain single without any valid reason.
- b. The abundance of children is a demand of the *Shari'ah* because this pleases the Messenger of Alláh ﷺ.

1863. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "Marry, for I will boast of your great numbers." (Sahih)

١٨٦٣ - حَدَّثَنَا يَحْيَى بْنُ حُمَيْدٍ بْنُ كَاسِبٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْحَارِثِ الْمُخَزُمِيُّ، عَنْ طَلْحَةَ، عَنْ عَطَاءٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «انكحوا. فَإِنِّي مُكَاثِرٌ بِكُمْ».

تخريج: [صحيح] انظر، ح: ٨٥٧ لعلته، وأخرج أبو داود، النكاح، باب النهي عن تزوج من لم يلد من النساء، ح: ٢٥٥٠ بإسناد حسن مرفوعاً: تزوجوا الودود الولود فإنني مكاثركم الأمم وصححه ابن حبان، والحاكم، والذهبي، وله شواهد كثيرة.

Chapter 9. Looking At A Woman When Wanting To Marry Her

(المعجم ٩) - بَابُ النَّظْرِ إِلَى الْمَرْأَةِ إِذَا أَرَادَ أَنْ يَتَزَوَّجَهَا (التحفة ٩)

1864. It was narrated that Muhammad bin Salamah said: "I proposed marriage to a woman, then I hid and waited to see her until I saw her among some date palm trees that belonged to her." It was said to him: "Do you do such a thing when you are a Companion of the Messenger of Allāh ﷺ?" He said: "I heard the Messenger of Allāh ﷺ saying: 'When Allāh causes a man to propose to a woman, there is nothing wrong with him looking at her.'" (Da'if)

١٨٦٤ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ حَجَّاجٍ، عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ، عَنْ عَمِّهِ سَهْلِ بْنِ أَبِي حَنْمَةَ، عَنْ مُحَمَّدِ بْنِ مَسْلَمَةَ قَالَ: خَطَبْتُ امْرَأَةً. فَجَعَلْتُ أَنْحَبًا لَهَا، حَتَّى نَظَرْتُ إِلَيْهَا فِي نَخْلِ لَهَا. فَقِيلَ لَهُ: أَتَفْعَلُ هَذَا وَأَنْتَ صَاحِبُ رَسُولِ اللَّهِ ﷺ؟ فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِذَا أَلْقَى اللَّهُ فِي قَلْبِ امْرَأَةٍ خِطْبَةَ امْرَأَةٍ، فَلَا بَأْسَ أَنْ يَنْظُرَ إِلَيْهَا».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤/٢٢٥ من حديث الحجاج بن أرطاة، ح: ٤٩٦، ١١٢٩ عن محمد بن سليمان به، وصححه ابن حبان (موارد)، ح: ١٢٣٥، وسقط ذكر الحجاج من سنده، إما خطأ وإما التدليس من أبي معاوية محمد بن خازم لأنه مذكور في المدلسين (المرتبة الثانية)، وانظر الحديث الآتي فإنه يغني عنه.

Comments:

- It is permissible to look at a woman whom one wants to marry.
- The woman is also allowed to see the man.

1865. It was narrated from Anas bin Mâlik that Mughirah bin Shu'bah wanted to marry a woman. The Prophet ﷺ said to him: "Go and look at her, for that is more likely to create love between you." So he did that, and he married her, and mentioned how well he got along with her. (Sahih)

١٨٦٥ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ، وَزُهَيْرُ بْنُ مُحَمَّدٍ، وَ مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ. قَالُوا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ، عَنْ مَعْمَرٍ، عَنْ ثَابِتٍ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ الْمُغِيرَةَ بْنَ شُعْبَةَ أَرَادَ أَنْ يَتَزَوَّجَ امْرَأَةً. فَقَالَ لَهُ النَّبِيُّ ﷺ: «اذْهَبْ فَانظُرْ إِلَيْهَا. فَإِنَّهُ أُخْرَى أَنْ يُؤَدِمَ بَيْنَكُمَا» ففعل. فترزوجها. فذكر من موافقتها.

تخریج: [إسناده صحيح] أخرجه البيهقي: ٨٤/٧ من حديث عبدالرزاق به، و صححه ابن حبان (موارد)، ح: ١٢٣٦، والحاكم: ١٥٦/٢، والذهبي، والبوصيري.

Comments:

Only one look is allowed; meeting each other in seclusion and to have long conversations, or to go together for a leisurely walk or on holidays, etc., are all contrary to the Islamic etiquettes of life. This *Hadith* does not allow the permission of such things.

1866. It was narrated that Mughirah bin Shu'bah said: "I came to the Prophet ﷺ and told him of a woman to whom I had to propose marriage. He said: 'Go and look at her, for that is more likely to create love between you.' So I went to a woman among the *Ansâr* and proposed marriage through her parents. I told them what the Prophet ﷺ had said, and it was as if they did not like that. Then I heard that woman, behind her curtain, say: 'If the Messenger of Allâh ﷺ has told you to do that, then do it, otherwise I adjure you by Allâh (not to do so)'. And it was as if she regarded that as a serious matter. So I looked at her and married her." And he mentioned

١٨٦٦ - حَدَّثَنَا الْحَسَنُ بْنُ أَبِي الرَّيِّعِ: أَنَّنَا عَبْدُ الرَّزَّاقِ، عَنْ مَعْمَرٍ، عَنْ ثَابِتِ الْبُنَائِيِّ، عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُرَيْيِّ، عَنِ الْمُغِيرَةَ بْنِ شُعْبَةَ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ، فَذَكَرْتُ لَهُ امْرَأَةً أَحْطَبُهَا فَقَالَ: «اذْهَبْ فَانظُرْ إِلَيْهَا. فَإِنَّهُ أَجْدَرُ أَنْ يُؤَدِمَ بَيْنَكُمَا» فَأَتَيْتُ امْرَأَةً مِنَ الْأَنْصَارِ. فَحَاطَبْتُهَا إِلَى آبَيْهَا. وَأَخْبَرْتُهُمَا بِقَوْلِ النَّبِيِّ ﷺ. فَكَأْتُهُمَا كَرَاهَا ذَلِكَ. قَالَ: فَسَمِعْتُ ذَلِكَ الْمَرْأَةَ، وَهِيَ فِي خِدْرِهَا، فَقَالَتْ: إِنْ كَانَ رَسُولُ اللَّهِ ﷺ أَمَرَكَ أَنْ تَنْظُرَ، فَانظُرْ. وَإِلَّا فَأَنْشُدُكَ. كَأَنَّهَا أَعْظَمَتْ ذَلِكَ. قَالَ: فَنَظَرْتُ إِلَيْهَا فَتَرَوُجُهَا. فَذَكَرَ مِنْ مُوَافَقَتِهَا.

how well he got along with her.

(*Sahih*)

تخریج: [إسناده صحيح] أخرجه الترمذي، النكاح، باب ماجاء في النظر إلى المخطوبة، ح: ١٠٨٧ من حديث بكر به، وقال: حسن، وصححه البوصيري.

Comments:

- The boy should look only at that girl whom he is really interested in marrying. Using this excuse unfairly in order to keep looking at the daughters of people in vain is a very bad habit. Allāh ﷻ is aware of the thoughts of the heart; no one's treachery is hidden from Him.
- The noble Companions; men and women had great respect of the Prophetic *Hadith* in their hearts. As the girl was informed about the statement of the Prophet ﷺ, she immediately agreed while she, before being informed, naturally disliked it.

Chapter 10. A Man Should Not Propose Marriage To A Woman To Whom His Brother Has Already Proposed

1867. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "A man should not propose marriage to a woman to whom his brother has already proposed." (*Sahih*)

(المعجم ١٠) - بَابُ: لَا يَخْطُبُ
الرَّجُلُ عَلَى خُطْبَةِ أَخِيهِ (التحفة ١٠)

١٨٦٧ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ، وَ سَهْلُ بْنُ أَبِي سَهْلٍ. قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَخْطُبُ الرَّجُلُ عَلَى خُطْبَةِ أَخِيهِ».

تخریج: أخرجه البخاري، البيوع، باب لا يبيع على بيع أخيه... الخ، ح: ٢١٤٠ وغيره، ومسلم، النكاح، باب تحريم الخطبة على خطبة أخيه حتى يأذن أو يترك، ح: ١٤١٣ من حديث سفیان به مطولاً.

1868. It was narrated from Ibn 'Umar that the Messenger of Allāh ﷺ said: "A man should not propose marriage to a woman to whom his brother has already proposed." (*Sahih*)

١٨٦٨ - حَدَّثَنَا يَحْيَى بْنُ حَكِيمٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَخْطُبُ الرَّجُلُ عَلَى خُطْبَةِ أَخِيهِ».

تخریج: أخرجه مسلم، النكاح، الباب السابق، ح: ١٤١٢ من حديث يحيى به، البيوع، باب تحريم بيع الرجل على بيع أخيه... الخ، ح: ٨/١٤١٢.

Comments:

If it is realised that the woman did not yet decide to accept the man, and she is not clearly inclined to him, then the second person may send the

proposal of marriage; so that the woman would be able to decide which of the two men is more suitable for her, and her guardians will also have a better chance to think about the matter.

1869. It was narrated that Abu Bakr bin Abu Jahm bin Sukhair Al-'Adawi said: "I heard Fâtimah bint Qais say: 'The Messenger of Allâh ﷺ said to me: "When you become lawful,^[1] tell me." So I told him.' Then Mu'âwiyah, Abu Jahm bin Sukhair and Usâmah bin Zaid proposed marriage to her. The Messenger of Allâh ﷺ said: 'As for Mu'âwiyah, he is a poor man who has no money. As for Abu Jahm, he is a man who habitually beats woman. But Usâmah (is good).' She gestured with her hand, saying: 'Usâmah, Usâmah!?' The Messenger of Allâh ﷺ said to her: 'Obedience to Allâh and obedience to His Messenger is better for you.' She said: 'So I married him and I was pleased with him.'" (*Sahih*)

١٨٦٩ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَ
عَلِيُّ بْنُ مُحَمَّدٍ. قَالَا: حَدَّثَنَا وَكَيْعٌ: حَدَّثَنَا
سُفْيَانُ عَنْ أَبِي بَكْرِ بْنِ أَبِي الْجَهْمِ بْنِ صُخَيْرِ
الْعَدَوِيِّ قَالَ: سَمِعْتُ فَاطِمَةَ بِنْتَ قَيْسٍ
تَقُولُ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «إِذَا حَلَلْتَ
فَأَنْبِيئِي» فَأَذَنَتْهُ. فَحَطَبَهَا مُعَاوِيَةُ وَأَبُو الْجَهْمِ
ابْنُ صُخَيْرٍ وَأُسَامَةُ بْنُ زَيْدٍ. فَقَالَ رَسُولُ اللَّهِ
ﷺ: «أَمَّا مُعَاوِيَةُ فَرَجُلٌ تَرِبْتُ، لَا مَالَ لَهُ.
وَأَمَّا أَبُو الْجَهْمِ فَرَجُلٌ صَرَابٌ لِلنِّسَاءِ. وَلَكِنْ
أُسَامَةُ». فَقَالَتْ يَدِيهَا هَكَذَا: أُسَامَةُ.
أُسَامَةُ. فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «طَاعَةُ اللَّهِ
وَطَاعَةُ رَسُولِهِ خَيْرٌ لَكَ» قَالَتْ: فَتَرَوُجْتُهُ
فَاعْتَبَطْتُ بِهِ.

تخریج: أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ٤٧/٤٨٠ عن ابن أبي

شيبه به.

Comments:

- If concealing the defect of someone puts another Muslim at risk of loss, then the demand of sincerity is that the defect should be disclosed. This type of disclosure will not be regarded as prohibited backbiting. The criticism about the narrators of the *Hadith* also has the same rationale, that a rule which is not proven from the Messenger of Allâh ﷺ should not be regarded a religious rule mistakenly. Therefore this type of criticism is also allowed.
- When a slave is freed, his status and position should not be less than those of other free individuals.
- The interpretation of Fâtimah's indication was to express the disagreement; because Zaid ﷺ, the father of Usâmah, had been a slave for sometime.

[1] Meaning when her *Idah* ends.

Chapter 11. Seeking The Consent Of Virgins And Previously-Married Women

(المعجم (١١) - بَابُ اسْتِئْذَانِ الْبِكْرِ
وَالثَّيِّبِ (التحفة ١١)

1870. It was narrated from Ibn 'Abbās that the Messenger of Allāh ﷺ said: "A widow has more right (to decide) concerning herself than her guardian, and a virgin should be consulted." It was said: "O Messenger of Allāh, a virgin may be too shy to speak." He said: "Her consent is her silence." (*Sahih*)

١٨٧٠ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ مُوسَى السُّدِّيُّ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ، عَنْ عَبْدِ اللَّهِ بْنِ الْفَضْلِ الْهَاشِمِيِّ، عَنْ نَافِعِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْأَيُّمُ أَوْلَى بِنَفْسِهَا مِنْ وَلِيِّهَا. وَالْبِكْرُ تُسْتَأْمَرُ فِي نَفْسِهَا» قِيلَ: يَا رَسُولَ اللَّهِ إِنَّ الْبِكْرَ تَسْتَحْيِي أَنْ تَتَكَلَّمَ. قَالَ: «إِذْنُهَا سُكُوتُهَا».

تخریج: أخرجه مسلم، النكاح، باب استئذان الثيب والبكر بالنطق والسكوت، ح: ١٤٢١. من حديث مالك به.

Comments:

- a. The consent of the girl must also be regarded in matters of her marriage, and at the same time, the permission of the guardian is necessary too.
- b. The virgin girl, if she does not express her consent verbally out of bashfulness, her silence will be regarded as her approval, provided that her silence was not because of anger.

1871. It was narrated from Abu Hurairah that the Prophet ﷺ said: "A previously-married woman should not be married until she is consulted, and a virgin should not be married until her consent is sought, and her consent is her silence." (*Sahih*)

١٨٧١ - حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ إِبْرَاهِيمَ الدَّمَشْقِيُّ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ: حَدَّثَنَا الْأَوْزَاعِيُّ: حَدَّثَنِي يَحْيَى بْنُ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُنْكَحُ الثَّيِّبُ حَتَّى تُسْتَأْمَرَ. وَلَا الْبِكْرُ حَتَّى تُسْتَأْذَنَ، وَإِذْنُهَا الصُّمُوتُ».

تخریج: أخرجه مسلم، النكاح، الباب السابق، ح: ٦٤/١٤١٩ من حديث الأوزاعي وغيره به، ورواه البخاري، ح: ٥١٣٦٦. من حديث يحيى بن أبي كثير به.

1872. It was narrated from 'Adi bin 'Adi Al-Kindi that his father said: "The Messenger of Allāh ﷺ said: 'A previously-married

١٨٧٢ - حَدَّثَنَا عِيسَى بْنُ حَمَادٍ الْمَصْرِيُّ: أَنَّ أَبَانَ اللَّيْثُ بْنُ سَعْدٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي حُسَيْنٍ، عَنْ عَدِيِّ بْنِ عَدِيٍّ

woman can speak for herself, and the consent of a virgin is her silence.”

الْكُنْدِيُّ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:
«الَّتِي تَعْرَبُ عَنْ نَفْسِهَا، وَالْبِكْرُ رِضَا مَا
صَمَتَهَا».

تخريج: [صحيح] أخرجه أحمد: ١٩٢/٤ من حديث الليث به، قيل: عدي لم يسمع من أبيه، ولكن للحديث شواهد صحيحة، عند أحمد وغيره.

Comments:

The woman is not allowed to conduct her marriage herself. Her marriage will be conducted by her guardian; however, her opinion will also be given importance. The marriage bond takes place with the consent of both.

Chapter 12. One Who Arranges His Daughter's Marriage When She Is Unwilling

1873. 'Abdur-Rahmân bin Yazid Al-Ansâri and Mujamma' bin Yazid Al-Ansâri said that a man among them who was called Khidâm arranged a marriage for his daughter, and she did not like the marriage arranged by her father. She went to the Messenger of Allâh ﷺ and told him about that, and he annulled the marriage arranged by her father. Then she married Abu Lubâbah bin 'Abdul-Mundhir. (Sahih)

(One of the narrators) Yahya mentioned that she was a previously-married woman.

تخريج: أخرجه البخاري، والنكاح، باب: إذا زوج الرجل ابنته وهي كارهة فنكاحه مردود،

ج: ٥١٣٩ من حديث يزيد به مختصراً.

Comments:

- If the marriage of a previously-married woman is conducted against her consent, the marriage does take place; but she has the right to dissolve this marriage through the court.
- To avoid this unpleasant consequence, it is better to reach an agreed compromise beforehand. So the marriage should take place where the girl is happy, as well as the guardian having no objection.

(المعجم ١٢) - بَابُ مِنَ زَوْجِ ابْنَتِهِ وَهِيَ
كَارِهَةٌ (التحفة ١١٢)

١٨٧٣ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا
يَزِيدُ بْنُ هَارُونَ، عَنْ يَحْيَى بْنِ سَعِيدٍ أَنَّ
الْقَاسِمَ بْنَ مُحَمَّدٍ أَخْبَرَهُ: أَنَّ عَبْدَ الرَّحْمَنِ
ابْنَ يَزِيدَ، وَ مُجَمِّعُ بْنُ يَزِيدَ الْأَنْصَارِيِّينِ
أَخْبَرَاهُ: أَنَّ رَجُلًا مِنْهُمْ يُدْعَى خِدَامًا أُنْكَحَ
ابْنَتَهُ لَهَا. فَكَرِهَتْ نِكَاحَ أَبِيهَا. فَأَتَتْ رَسُولَ
اللَّهِ ﷺ. فَذَكَرَتْ لَهُ. فَرَدَّ عَلَيْهَا نِكَاحَ أَبِيهَا.
فَنَكَحَتْ أَبَا لُبَابَةَ بْنَ عَبْدِ الْمُنْذِرِ.
وَذَكَرَ يَحْيَى أَنَّهَا كَانَتْ نِكَاحًا.

1874. It was narrated from Ibn Buraidah that his father said: "A girl came to the Prophet ﷺ and said: 'My father married me to his brother's son so that he might raise his status thereby.' The Prophet ﷺ gave her the choice, and she said: 'I approve of what my father did, but I wanted women to know that their fathers have no right to do that.'" (Sahih)

١٨٧٤ - حَدَّثَنَا هَنَادُ بْنُ السَّيِّدِيِّ: حَدَّثَنَا وَكَيْعٌ عَنْ كَهْمَسِ بْنِ الْحَسَنِ، عَنِ ابْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: جَاءَتْ فَتَاةٌ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: إِنَّ أَبِي زَوَّجَنِي ابْنَ أَخِيهِ لِيَرْفَعَ بِي حَيْسِنَتَهُ. قَالَ: فَجَعَلَ الْأَمْرَ إِلَيْهَا. فَقَالَتْ: قَدْ أَجَزْتُ مَا صَنَعَ أَبِي. وَلَكِنِّي أُرِيدُ أَنْ تَعْلَمَ النِّسَاءُ أَنَّ لَيْسَ إِلَى الْآبَاءِ مِنَ الْأَمْرِ شَيْءٌ.

تخريج: [إسناده صحيح] وقال البوصيري: [إسناده صحيح]، والخطيب الآتي شاهد له.

Comments:

'So that he might raise his status thereby'; this phrase gives two meanings: My father is poor and his nephew is well-off, so he wants to gain financial benefit because of this relation; and another possible meaning is that his nephew is poor and my father wants to elevate his status with the relation of my marriage.

1875. It was narrated from Ibn 'Abbâs that a virgin girl came to the Prophet ﷺ and told him that her father had arranged a marriage that she did not like, and the Prophet ﷺ gave her the choice. (Sahih)

Another chain of narrators with similar wording.

١٨٧٥ - حَدَّثَنَا أَبُو الشَّامِرِ يَحْيَى بْنُ يَزِيدَ الْعُسْكُرِيُّ: حَدَّثَنَا الْحُسَيْنُ بْنُ مُحَمَّدٍ الْمُرُوزِيُّ: حَدَّثَنِي جَرِيرُ بْنُ حَازِمٍ، عَنْ أَيُّوبَ، عَنْ عِكْرَمَةَ، عَنِ ابْنِ عَبَّاسٍ أَنَّ جَارِيَةَ بَكْرًا أَتَتْ النَّبِيَّ ﷺ. فَذَكَرَتْ لَهُ أَنَّ أَبَاهَا زَوَّجَهَا وَهِيَ كَارِهَةٌ. فَخَيَّرَهَا النَّبِيُّ ﷺ.

حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: أَنَّ أَبَانَا مُعَمَّرُ بْنُ سُلَيْمَانَ الرَّقِّيَّ، عَنْ زَيْدِ بْنِ حَبَّانَ، عَنْ أَيُّوبَ السَّخْتِيَّانِيِّ، عَنْ عِكْرَمَةَ، عَنِ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ ﷺ، مِثْلَهُ.

تخريج: [صحيح] أخرجه أبو داود، النكاح، باب: في البكر يزوجه أبوها ولا يستأمرها، ح ٢٠٩٦ من حديث الحسين بن محمد به * جرير بن حازم ثقة مدلس (رماه بالتدليس الإمام البيهقي وغيره) وعنن، وتابعه زيد بن حبان، وخالفهما الجبل حماد بن زيد فرواه مرسلًا وهو الصواب، والحديث السابق شاهد لحديث جرير وزيد، وبه صح الحديث.

Chapter 13. Marriage Of Minor Girls Arranged By Their Fathers

المعجم (١٣) - بَابُ نِكَاحِ الصَّغَارِ يُزَوِّجُهُنَّ الْآبَاءُ. (التحفة ١٣)

1876. It was narrated that Aishah said: "The Messenger of Allāh ﷺ married me when I was six years old. Then we came to Al-Madīnah and settled among Banu Hārith bin Khazraj. I became ill and my hair fell out, then it grew back and became abundant. My mother Umm Rumān came to me while I was on an *Urjuhah*^[1] with some of my friends, and called for me. I went to her, and I did not know what she wanted. She took me by the hand and made me stand at the door of the house, and I was panting. When I got my breath back, she took some water and wiped my face and head, and led me into the house. There were some woman of the *Ansār* inside the house, and they said: 'With the blessings and good fortune (from Allāh).' (My mother) handed me over to them and they tidied me up. And suddenly I saw the Messenger of Allāh ﷺ in the morning. And she handed me over to him and I was at that time, nine years old." (*Sahih*)

١٨٧٦ - حَدَّثَنَا سُؤْدُبُ بْنُ سَعِيدٍ: حَدَّثَنَا عَلِيُّ ابْنُ مُسْهِرٍ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللَّهِ ﷺ وَأَنَا بِنْتُ سِتِّ سِنِينَ. فَقَدِمْنَا الْمَدِينَةَ. فَتَزَلْنَا فِي بَيْتِ الْجَارِثِ بْنِ الْخَزْرَجِ: فَوَعَكَتُ. فَتَمَزَّقَ شَعْرِي حَتَّى وَفَى لِي جُمِيمَةٌ. فَأَتَنِي أُمِّي أُمُّ رُومَانَ وَإِنِّي لَفِي أَرْجُوحَةٍ وَمَعِيَ صَوَاحِبَاتٌ لِي. فَصَرَخَتْ بِي. فَأَتَيْتُهَا وَمَا أَدْرِي مَا تُرِيدُ. فَأَخَذَتْ يَدِي فَأَوْفَقْتَنِي عَلَى بَابِ الدَّارِ. وَإِنِّي لَأَهْجُحُ حَتَّى سَكَنَ بَعْضُ نَفْسِي. ثُمَّ أَخَذَتْ شَيْئًا مِنْ مَاءٍ فَمَسَحَتْ بِهِ عَلَى وَجْهِ وَرَأْسِي. ثُمَّ أَدْخَلَتْنِي الدَّارَ. فَإِذَا نِسْوَةٌ مِنَ الْأَنْصَارِ فِي بَيْتٍ. فَقُلْنَ: عَلَى الْحَبِيرِ وَالْبُرَيْكَةِ، وَعَلَى خَيْرِ طَائِرٍ. فَأَسْلَمْتَنِي إِلَيْهِنَّ. فَأَصْلَحْنَ مِنْ شَأْنِي. فَلَمْ يُرْعِنِي إِلَّا رَسُولُ اللَّهِ ﷺ ضَحَى. فَأَسْلَمْتَنِي إِلَيْهِ، وَأَنَا يَوْمَئِذٍ بِنْتُ تِسْعِ سِنِينَ.

تخريج: أخرجه البخاري، مناقب الأنصار، باب تزويج النبي ﷺ عائشة وقدمها المدينة وبنائه بها، ح: ٣٨٩٤ من حديث علي بن مسهر، ومسلم، النكاح، باب جواز تزويج الأب البكر الصغيرة، ح: ١٤٢٢ من حديث هشام به.

[1] A word used to refer to both a swing, and a seesaw.

Comments:

- a. The marriage bond of a girl who is not yet adult (has not reached the age of puberty) is perfectly valid in Islam.
- b. *Urjuhah* refers to both, a swing and a seesaw; it is a long piece of wood, its middle is placed at a high place and the children sit on both ends, when its one side goes down the other side goes up; it is called seesaw in English.
- c. It is recommended to beautify the bride when she leaves for her husband's home.

1877. It was narrated that 'Abdullāh said: "The Prophet ﷺ married 'Aishah when she was seven years old, and consummated the marriage with her when she was nine, and he passed away when she was eighteen." (*Sahih*)

١٨٧٧ - حَدَّثَنَا أَحْمَدُ بْنُ سَيَانَ: حَدَّثَنَا أَبُو أَحْمَدَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي عُبَيْدَةَ، عَنْ عَبْدِ اللَّهِ قَالَ: تَزَوَّجَ النَّبِيُّ ﷺ عَائِشَةَ وَهِيَ بِنْتُ سَبْعٍ وَوَبَّى بِهَا وَهِيَ بِنْتُ تِسْعٍ. وَتَوَفَّى عَنْهَا وَهِيَ بِنْتُ ثَمَانِي عَشْرَةَ سَنَةً.

تخریج: [صحیح] فیہ علتان، والحديث السابق شاهد له، وللحديث طرق كثيرة عن عائشة رضي الله عنها، وأجمع المحدثون على صحته، وهم عمدة في هذا الشأن.

Chapter 14. Marriage Of Minor Girls Arranged By Someone Other Than Their Fathers

(المعجم ١٤) - **بَابُ نِكَاحِ الصَّغَارِ يُزَوِّجُهُنَّ غَيْرُ الْآبَاءِ (التحفة: ١٤)**

1878. It was narrated from Ibn 'Umar that when 'Uthmān bin Maz'un died, he left behind a daughter. Ibn 'Umar said: "My maternal uncle Qudāmah, who was her paternal uncle, married me to her, but he did not consult her. That was after her father had died. She did not like this marriage, and the girl wanted to marry Mughirah bin Shu'bah, so she married him." (*Sahih*)

١٨٧٨ - حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ إِبْرَاهِيمَ الدَّمَشْقِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نَافِعٍ الصَّائِغُ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ نَافِعٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عُمَرَ أَنَّهُ جِئَ هَلَكَ عُثْمَانُ بْنُ مَطْعُونٍ تَرَكَ ابْنَةً لَهُ. قَالَ ابْنُ عُمَرَ: فَزَوَّجْنَاهَا خَالِي قُدَامَةَ، وَهِيَ عَمَّتَاهُ، وَلَمْ يُشَاوِرْهَا. وَذَلِكَ بَعْدَمَا هَلَكَ أَبُوهَا. فَكَرِهَتْ نِكَاحَهُ، وَأَحْبَبَتْ الْجَارِيَةَ أَنْ يُزَوِّجَهَا الْمُغِيرَةَ بْنَ شُعْبَةَ، فَزَوَّجَهَا إِيَّاهُ.

تخریج: [صحیح] وقال البوصيري: وفيه عبدالله بن نافع مولى ابن عمر: متفق على تضعيفه، وتابعه عمر بن حسين بن عبدالله مولى آل حاطب عند أحمد (١٣٠/٢)، ح: ٦١٣٦، وله شواهد عند

البيهقي ٧/١٢٠، ١٢١ وغيره.

Comments:

- The compiler indicated by classifying the title of this chapter that a father is allowed to conduct the marriage of his daughter, without her consent, who is not yet adult; any other guardian like maternal or paternal uncle etc., cannot do so.
- In case of her being adult, her consent is compulsory; because the first marriage took place without her consent being sought, therefore, it was dissolved. Apparently, it looks as if she was adult when her first marriage took place.

Chapter 15. No Marriage Except With A Guardian

(المعجم ١٥) - بَابُ: لَا نِكَاحَ إِلَّا

بِوَلِيِّ (التحفة ١٥)

1879. It was narrated from 'Aishah that the Messenger of Allāh ﷺ said: 'Any woman whose marriage is not arranged by her guardian, her marriage is invalid, her marriage is invalid, her marriage is invalid. If (the man) has had intercourse with her, then the *Mahr* belongs to her in return for his intimacy with her. And if there is any dispute then the ruler is the guardian of the one who does not have a guardian.' (Sahih)

١٨٧٩ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُعَاذٌ: حَدَّثَنَا ابْنُ جُرَيْجٍ، عَنْ سُلَيْمَانَ بْنِ مُوسَى، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّمَا امْرَأَةٍ لَمْ يُنْكَحْهَا الْوَلِيُّ، فَنِكَاحُهَا بَاطِلٌ، فَنِكَاحُهَا بَاطِلٌ، فَنِكَاحُهَا بَاطِلٌ، فَإِنْ أَصَابَهَا، فَلَهَا مَهْرُهَا بِمَا أَصَابَ مِنْهَا. فَإِنْ اشْتَجَرُوا، فَالسُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَّ لَهُ».

تخريج: [صحيح] أخرجه أبو داود، النكاح، باب: في الولي، ح: ٢٠٨٣ من حديث ابن جريج به، وصححه ابن حبان، والحاكم، وله شواهد كثيرة، وحديث: لا نكاح إلا بولي متواتر كما قال السيوطي (قطف الأزهار، ح: ٨٧) وغيره، وكذا تواتر عن الصحابة رضي الله عنهم من فتاويهم، راجع السنن الكبرى للبيهقي: ٧/١١١ وغيره.

Comments:

- As the consent of the girl is necessary for the marriage, likewise the permission of her guardian is necessary too. As indicated in *Hadith*. 1870: as well.
- The marriage without the permission of the guardian is religiously illegal. Nevertheless if the guardian refuses to give permission, the separation will be made between the husband and wife.
- In case of separation after consummating the marriage, the husband will be necessarily responsible for paying the full amount of dowry.

1880. It was narrated that 'Aishah and Ibn 'Abbās said: "The Messenger of Allāh ﷺ said: 'There is no marriage except with a guardian.'"

According to the *Hadīth* of 'Aishah: "And the ruler is the guardian of the one who does not have a guardian." (*Sahih*)

١٨٨٠ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ الْمُبَارَكِ، عَنْ حَجَّاجٍ، عَنِ الرَّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ، وَعَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ. قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نِكَاحَ إِلَّا بِوَلِيٍّ».

وَفِي حَدِيثِ عَائِشَةَ: «وَالسُّلْطَانُ وَلِيُّ مَنْ لَا وَلِيَّ لَهُ».

تخريج: [صحيح] انظر الحديث السابق.

1881. It was narrated from Abu Musa that the Messenger of Allāh ﷺ said: 'There is no marriage except with a guardian.' (*Sahih*)

١٨٨١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي الشَّوَارِبِ: حَدَّثَنَا أَبُو عَوَانَةَ: حَدَّثَنَا أَبُو إِسْحَاقَ التَّهْمَنَانِيُّ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نِكَاحَ إِلَّا بِوَلِيٍّ».

تخريج: [صحيح] أخرجه أبو داود، النكاح، باب: في الولي، ح: ٢٠٨٥ من حديث أبي إسحاق به، وتابعه يونس عنده، وانظر، ح: ١٨٧٩.

1882. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: 'No woman should arrange the marriage of another woman, and no woman should arrange her own marriage. The adulteress is the one who arranges her own marriage.' (*Sahih*)

١٨٨٢ - حَدَّثَنَا جَعْفَرُ بْنُ الْحَسَنِ الْعَتَكِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ مَرْوَانَ الْعَقِيلِيُّ: حَدَّثَنَا هِشَامُ بْنُ حَسَّانَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: «قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَزُوجُ الْمَرْأَةَ الْمَرْأَةَ. وَلَا تَزُوجُ الْمَرْأَةَ نَفْسَهَا. فَإِنَّ الزَّانِيَةَ هِيَ الَّتِي تَزُوجُ نَفْسَهَا».

تخريج: [صحيح] أخرجه الدارقطني، والبيهقي: ١١٠/٧ من طريق جميل به، وانظر، ح: ١٦٧٦ لغتته، وفيه علة أخرى، وأخرج البيهقي بإسناد صحيح عن أبي هريرة رضي الله عنه قال: لا تزوج المرأة المرأة ولا تزوج المرأة نفسها، فإن الزانية هي التي تزوج نفسها، والله حكيم الرفع.

Comments:

a: A woman cannot be a guardian for marriage.

b: The marriage of a woman does not take place without the guardian.

Chapter 16. Prohibition Of *Shighâr*

1883. It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ forbade *Shighâr*. *Shighâr* is when a man says to another man: 'Marry your daughter or sister to me, on condition that I will marry my daughter or sister to you,' and they do not give any dower (i.e., neither of them give the other the dower)." (*Sahih*)

(المعجم ١٦) - بَابُ النَّهْيِ عَنِ الشَّغَارِ
(التحفة ١٦)

١٨٨٣ - حَدَّثَنَا سُؤَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الشَّغَارِ وَالشَّغَارُ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ: زَوِّجْنِي ابْنَتَكَ أَوْ أُخْتَكَ، عَلَى أَنْ أُزَوِّجَكَ ابْنَتِي أَوْ أُخْتِي. وَلَيْسَ بَيْنَهُمَا صِدَاقٌ.

تخریج: أخرجه البخاري، النكاح، باب الشغار، ج: ٥١١٢، ومسلم، النكاح، باب تجريم نكاح الشغار وبطلانه، ج: ١٤١٥، من حديث مالك به.

Comments:

- Nikâh Shighâr* or, "Exchange Marriages" are the same thing, which are known in parts of Pakistan by the name of 'Watta. Satta'; its explanation has been mentioned in the narration.
- In the pre-Islamic period, the dowry was not fixed in case of *Nikâh Shighâr*, neither was it paid equal to the dowry of other women. In fact a woman was exchanged for a woman. In these days, although the dowry is fixed, but the flaws and defects of the ancient system still remain, the revenge of mistreatment by a man is often incorrectly taken by mistreating his daughter or sister.

1884. It was narrated that Abu Hurairah said: "The Messenger of Allâh ﷺ forbade *Shighâr*." (*Sahih*)

١٨٨٤ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ وَ أَبُو أُسَامَةَ، عَنْ [عَبِيدِ اللَّهِ، عَنْ أَبِي الزَّوَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الشَّغَارِ.

تخریج: أخرجه مسلم، النكاح، الباب السابق، ج: ١٤١٦، عن ابن أبي شيبة عن أبي أسامة وغيره به.

1885. It was narrated from Anas bin Mâlik that the Messenger of Allâh ﷺ said: "There is no *Shighâr* in Islam." (*Sahih*)

١٨٨٥ - حَدَّثَنَا الْحُسَيْنُ بْنُ مَهْدِيٍّ: أَنَّ بَنَانًا عَبْدَ الرَّزَّاقِ: أَنَّ بَنَانًا مَعْمَرٌ عَنْ ثَابِتٍ، عَنْ

أَنَسُ بْنُ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا شِعَارَ فِي الْإِسْلَامِ».

تخریج: [إسناده صحيح] أخرجه أحمد: ۱۶۵/۳ عن عبدالرزاق به عن معمر عن ثابت وأبان وغير واحد عن أنس به.

Comments:

It means it is a custom of non-Muslims. Muslims must abandon it because it is an un-Islamic custom.

Chapter 17. Dowries Of Women

(المعجم ۱۷) - بَابُ صَدَاقِ النِّسَاءِ

(التحفة ۱۷)

1886. It was narrated that Abu Salamah said: "I asked 'Aishah: 'How much was the dowry of the wives of the Prophet ﷺ?' She said: 'The dowry he gave to his wives was twelve *Uqiyah* and a *Nash* (of Silver). Do you know what a *Nash* is? It is one half of an *Uqiyah*. And that is equal to five hundred Dirham.'"^[1] (*Sahih*)

۱۸۸۶ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: أَنَّنَا عَبْدُ الْعَزِيزِ الدَّرَاوَرْدِيُّ، عَنْ زَيْدِ بْنِ عَبْدِ اللَّهِ ابْنِ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ قَالَ: سَأَلْتُ عَائِشَةَ: كَمْ كَانَ صَدَاقُ نِسَاءِ النَّبِيِّ ﷺ؟ قَالَتْ: كَانَ صَدَاقَهُ فِي أَزْوَاجِهِ اثْنَتَيْ عَشْرَةَ أُوقِيَةً وَنَشًّا. هَلْ تَدْرِي مَا النَّشُ؟ هُوَ نِصْفُ أُوقِيَةٍ. وَذَلِكَ خَمْسِمِائَةَ دِرْهَمٍ.

تخریج: أخرجه مسلم، النكاح، باب الصداق، وجواز كونه تعليم قرآن وخاتم حديد وغيره، ذلك... الخ، ج: ۱۴۲۶ من حديث عبدالعزیز بن محمد به.

Comments:

- The dowry fixed should not be excessive, such that it is difficult for a husband to pay, and it should also be not very little, such that it has no importance in the sight of a husband.
- If the husband is poor, the dowry fixed may be less; maybe an iron ring. (See *Hadith*: 1889).
- Five hundred Dirham are equal to one and three quarters of a kilo approximately.

1887. It was narrated that Abu 'Ajfá' As-Sulami said: "Umar bin Khattáb said: 'Do not go to extremes with regard to the

۱۸۸۷ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا زَيْدُ بْنُ هَارُونَ، عَنِ ابْنِ عَوْنٍ، ج: وَحَدَّثَنَا

[1] They say that *Nash* is twenty Dirham and it is also used to refer to half of something as in this case, half of an *Uqiyah*.

dowries of women, for if that were a sign of honor and dignity in this world or a sign of *Taqwa* before Allâh, then Muhammad ﷺ would have done that before you. But he did not give any of his wives and none of his daughters were given more than twelve *Uqiyyah*. A man may increase the dowry until he feels resentment against her and says: "You cost me everything I own," or, "You caused me a great deal of hardship." (*Hasan*)

And I was a man born among the Arabs,^[1] but I do not know the meaning of '*Alaqul-Qirbah* or '*Araqul-Qirbah*.'"^[2]

نَضْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا ابْنُ عَوْنٍ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي التَّخَفَاءِ السُّلَمِيِّ قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: لَا تُغَالُوا صَدَاقَ النِّسَاءِ، فَإِنَّهَا لَوْ كَانَتْ مَكْرَمَةً فِي الدُّنْيَا، أَوْ تَقْوَى عِنْدَ اللَّهِ، كَانَ أَوْلَاكُمْ وَأَحَقَّكُمْ بِهَا مُحَمَّدٌ ﷺ. مَا أَصْدَقَ امْرَأَةً مِنْ نِسَائِهِ وَلَا أَصْدَقْتَ امْرَأَةً مِنْ بَنَاتِهِ أَكْثَرَ مِنْ اثْنَتَيْ عَشْرَةَ أُوقِيَةً. وَإِنَّ الرَّجُلَ لَيَنْتَقِلُ صَدَقَةَ امْرَأَتِهِ حَتَّى يَكُونَ لَهَا عَدَاوَةٌ فِي نَفْسِهِ. وَيَقُولُ: قَدْ كَلِفْتُ إِلَيْكَ عَلَقُ الْقَرْيَةِ، أَوْ عَرَقُ الْقَرْيَةِ.

وَكُنْتُ رَجُلًا عَرَبِيًّا مَوْلِدًا، مَا أَدْرِي مَا عَلَقُ الْقَرْيَةِ، أَوْ عَرَقُ الْقَرْيَةِ.

تخريج: [حسن] أخرجه أبو داود، النكاح، باب الصداق، ح: ٢١١٦ من حديث محمد بن سيرين مختصراً، وقال الترمذي: حسن صحيح، ح: ١١١٤م، وصححه الحاكم، والذهبي.

Comments:

- a. The consequence of appointing a dowry more than one's ability is not good. A man works hard to pay it, and if he is unable to pay, it creates hatred in the heart. The man says to himself "I am trapped in difficulty because of this woman." Whereas a reasonable dowry is paid easily and thus the mutual love between husband and wife increases, which is a religious objective.

1888. It was narrated from 'Abdullâh bin 'Âmir bin Rabi'ah, from his father, that a man from

١٨٨٨ - حَدَّثَنَا أَبُو عُمَرَ الضَّرِيرُ وَ هَذَا مِنْ السَّرِيِّ. قَالَ: حَدَّثَنَا وَكَيْعٌ عَنْ شَفِيَّانَ، عَنْ

[1] In *Musnad Al-Humaidi* (23) it is: "And I was a young man."

[2] Meaning due to the ambiguity of the expressions: '*Alaqul-Qirbah* and '*Araqul-Qirbah*. A *Qirbah* is a very large water skin that only a very strong man could carry. So the meaning is that I gave you everything until I even carried a giant water skin to your family, or, did so much that I even sweated enough to fill such a water skin. In *Al-'Ilal wal-Ma'rifaatur-Rijâl* (no. 95), Ahmad reported regarding this, from Sufyân, who is one of those who narrated this *Hadith* as recorded by others: "Until I carried a *Qirbah* from far away."

among Banu Fazârah got married for a pair of sandals, and the Prophet ﷺ permitted his marriage. (*Da'if*)

عاصم بن عبيد الله، عن عبد الله بن عامر ابن ربيعة، عن أبيه أن رجلاً من بني فزارة تزوج على نعلين. فأجاز النبي ﷺ نكاحه.

تخريج: [إسناده ضعيف] أخرجه الترمذي، النكاح، باب ما جاء في مهر النساء، ح: ١٦١٣ من حديث عاصم به، وقال: حسن صحيح، وانظر، ح: ٩٠٧ لعلته.

1889. It was narrated that Sahl bin Sa'd said: "A woman came to the Prophet ﷺ and he said: 'Who will marry her?' A man said: 'I will.' The Prophet ﷺ said: 'Give her something, even if it is an iron ring.' He said: 'I do not have one.' He said: 'I marry her to you for what you know of the Qur'an.'" (*Sahih*)

١٨٨٩ - حَدَّثَنَا حَفْصُ بْنُ عَمْرٍو: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْلَبٍ، عَنْ سَفْيَانَ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: جَاءَتِ امْرَأَةٌ إِلَى النَّبِيِّ ﷺ. قَالَ: «مَنْ يَتَزَوَّجُهَا؟» فَقَالَ رَجُلٌ: أَنَا. فَقَالَ لَهُ النَّبِيُّ ﷺ: «أَعْطَيْهَا وَلَوْ خَاتماً مِنْ حَدِيدٍ» فَقَالَ: لَيْسَ مَعِيَ. قَالَ: «فَدِّ زَوَّجْتُهَا عَلَى مَا مَعَكَ مِنَ الْقُرْآنِ» -

تخريج: أخرجه البخاري، النكاح، باب المهر بالعروض، وباب ما جاء في مهر النساء، ح: ٥١٥٠ من طريق سفيان به، وأخرجه مسلم، النكاح، باب الضدائق وجواز كونه تعليم. قرآن ... الخ، ح: ١٤٢٥ من طريق آخر عن أبي حازم به.

Comments:

- There is no minimum amount of dowry fixed. An ordinary usable thing may be fixed as dowry as long as the woman agrees.
- A non-material benefit can also be a dowry, as Musa served his in laws and tended to their goats for ten years. (*Al-Qasas* 28: 27-29)

1890. It was narrated from Abu Sa'eed Al-Khudri that the Prophet ﷺ married 'Aishah with household goods the value of which was fifty Dirham. (*Da'if*)

١٨٩٠ - حَدَّثَنَا أَبُو هِشَامٍ الرَّقَاعِيُّ مُحَمَّدُ ابْنُ يَزِيدَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانَ: حَدَّثَنَا الْأَعْرَابِيُّ، عَنْ عَطِيَّةِ الْعَوْفِيَّةِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ عَائِشَةَ عَلَى مَتَاعِ بَيْتٍ، فِيمَتُهُ خَمْسُونَ دِرْهَمًا.

تخريج: [إسناده ضعيف] وانظر، ح: ٣٧ لعلته، وفيه علل أخرى، منها جهالة الرقاشي، راجع التقريب وغيره.

Chapter 18. A Man Who Gets Married Without Stipulating The Dowry And Then Dies

(المعجم ١٨) - بَابُ الرَّجُلِ يَتَزَوَّجُ وَلَا يَمْرُضُ لَهَا فَيَمُوتُ عَلَى ذَلِكَ

(التحفة ١٨)

1891 It was narrated from Masruq that 'Abdullāh was asked about a man who married a woman and died without having consummated the marriage with her, nor stipulating the dowry. 'Abdullāh said: "The dowry is hers, and the inheritance is hers, and she has to observe the waiting period." Ma'qil bin Sinān Al-Ashja'i said: "I saw the Messenger of Allāh ﷺ pass a similar ruling concerning Birwa' bint Wāshiq." (*Sahih*)

Another chain from 'Alqamah, from 'Abdullāh, with similar wording.

١٨٩١ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ فِرَاسِ بْنِ عَبْدِ اللَّهِ، عَنِ الشَّعْبِيِّ، عَنْ مَنْشُورِ بْنِ عَبْدِ اللَّهِ أَنَّهُ سَأَلَ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فَمَاتَ عَنْهَا، وَلَمْ يَدْخُلْ بِهَا، وَلَمْ يَمْرُضْ لَهَا، قَالَ فَقَالَ عَبْدُ اللَّهِ: لَهَا الصَّدَاقُ وَلَهَا الْمِيرَاثُ وَعَلَيْهَا الْعِدَّةُ. فَقَالَ مَعْوَلُ بْنُ سِنَانٍ الْأَشْجَعِيُّ: شَهِدْتُ رَسُولَ اللَّهِ ﷺ قَضَى فِي بَرُوعَ بِنْتِ وَاشِقٍ بِمِثْلِ ذَلِكَ.

حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ مَنْشُورِ بْنِ عَبْدِ اللَّهِ، عَنْ عِزْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ وَتَلَّهُ.

تخریج: [صحيح] أخرجه أبو داود، النكاح، باب: فيمن تزوج ولم يسم لها صداقاً حتى مات، ج: ٢١١٤، ٢١١٥ من حديث ابن مهدي به، وصححه الترمذي، والبيهقي.

Comments:

- The husband and wife get a share from the inheritance of each other provided the marriage bond has taken place, even though they did not consummate the marriage.
- The wife will necessarily spend her waiting period, four months and ten days after the death of husband, whether they had consummated the wedding or not. But if the divorce takes place before the consummation of the marriage, the woman will not be required to wait for any period (*Ahzāb* 33: 49); and in this case the amount of dowry will be specified in the light of the dowry of other women of her family.
- If the dowry is not specified at the time of the marriage, the marriage bond (*Nikāh*) is still valid; but it is better to specify it at the same time.

Chapter 19. Sermon Of Marriage

- بَابُ خُطْبَةِ النِّكَاحِ (المعجم ١٩)

(التحفة ١٩)

1892. It was narrated that 'Abdullâh bin Mas'ud said: "The Messenger of Allâh ﷺ was granted a combination of all manner of goodness, as well as its seal," or he said: "The opening (of the way to) all good. He taught us the *Khutbah* of prayer and *Khutbah* of need. "The *Khutbah* of prayer is: *At-tahiyyâtu lillâhi was-salawâtu wat-tayyibât. As-salâmu 'alaika ayyuhan-Nabiyyu wa rahmat-ullâhi wa barakâtuhu. As-salâmu 'alainâ wa 'ala 'ibâdillâhis-sâlihîn. Ashhadu an lâ ilâha illallâh. wa ashhadu anna Muhammadan 'abduhu wa rasuluh* (All compliments, prayers and pure words are due to Allâh. Peace be upon you, O Prophet, and the mercy of Allâh and His blessings. Peace be upon us and upon the righteous slaves of Allâh. I bear witness that none has the right to be worshiped but Allâh and I bear witness that Muhammad is His slave and Messenger). *Khutbah* of need is: *Al-hamdu lillâhi nahmaduhu wa nasta'inuhu wa nastaghfiruhu, wa na'udhu billâhi min shururi anfusinâ wa min sayi'âti a'mâlinâ. Man yahdihillâhu falâ mudilla lahu, wa man yudlil falâ hâdiya lahu. Wa ashhadu an lâ ilâha illallâhu wahdahu lâ sharika lahu, wa ashhadu anna Muhammadan 'abduhu wa rasuluhu* (Praise is to Allâh, we praise Him and we seek

١٨٩٢ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنِي أَبِي عَنْ جَدِّي أَبِي إِسْحَاقَ، عَنْ أَبِي الْأَخْوَصِ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: أَوْتِيَ رَسُولُ اللَّهِ ﷺ جَوَامِعَ الْخَيْرِ، وَخَوَاتِمَهُ. أَوْ قَالَ: فَوَاتِحَ الْخَيْرِ. فَعَلِمْنَا خُطْبَةَ الصَّلَاةِ وَخُطْبَةَ الْحَاجَةِ. خُطْبَةُ الصَّلَاةِ: التَّحِيَّاتُ لِلَّهِ وَالصَّلَوَاتُ وَالطَّيِّبَاتُ. السَّلَامُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ. السَّلَامُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ. أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ. وَخُطْبَةُ الْحَاجَةِ: أَنْ الْحَمْدُ لِلَّهِ نَحْمَدُهُ وَنَسْتَعِينُهُ وَنَسْتَغْفِرُهُ وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا وَمِنْ سَيِّئَاتِ أَعْمَالِنَا. مَنْ يَهْدِهِ اللَّهُ فَلَا مُضِلَّ لَهُ. وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ. وَأَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ. وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ. ثُمَّ تَصِلُ خُطْبَتَكَ بِثَلَاثِ آيَاتٍ مِنْ كِتَابِ اللَّهِ: ﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ﴾ [آل عمران: ١٠٢] إِلَى آخِرِ الْآيَةِ: ﴿وَاعْتَصِمُوا بِاللَّهِ الَّذِي فَتَنَكُمْ وَإِلَى إِلَهِكُمْ﴾ [النساء: ١] إِلَى آخِرِ الْآيَةِ: ﴿اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ﴾ [الأحزاب: ٧٠ - ٧١] إِلَى آخِرِ الْآيَةِ.

His help and His forgiveness. We seek refuge with Allāh from the evil of our own souls and from our bad deeds. Whomsoever Allāh guides, will never be led astray; and whomsoever is led astray, no one can guide. I bear witness that there is none worthy of worship but Allāh, alone with no partner or associate, and I bear witness that Muhammad is His slave and His Messenger). Then add to your *Khutbah* the following three Verses: 'O you who believe! Fear Allāh as He should be feared, and die not except in the state of Islam (as Muslims) with complete submission to Allāh.'^[1] And: 'O mankind! Be dutiful to your Lord, Who created you from a single person, and from him He created his wife, and from them both He created many men and women, and fear Allāh through Whom you demand your mutual (rights), and (do not cut the relations of) the wombs (kinship) Surely, Allāh is Ever an All-Watcher over you.'^[2] And: 'O you who believe! Keep your duty to Allāh and fear Him, and speak (always) the truth. He will direct you to do righteous good deeds and will forgive you your sins...'^[3] until the end of the Verse." (*Da'if*)

تخريج: [إسناده ضعيف] أخرجه أبو داود، النكاح، باب في خطبة النكاح، ح: ٢١١٨ من

[1] *Āl 'Imrān* 3:102.

[2] *An-Nisā'* 4:1.

[3] *Al-Ahzāb* 33:70-71.

حديث أبي إسحاق عن أبي الأحوص به، وحسنه الترمذي، ح: ٢٢٠٥، وانظر، ح: ٤٦: لعلته، وله طريق آخر منقطع، فالخير لم يصح، والله أعلم.

Comments:

- Al-Khutbah* is called an address (speech or sermon). *Khutbah* of prayer means the supplications through which a devotee speaks to his Lord.
- Khutbah* of need are the words which the Messenger of Allāh ﷺ read out before he would begin the speech at every important occasion. These words are also read in the Friday sermon.
- These Qur'ānic Verses consist of the fundamental teachings regarding the family and social life. The scholars should give brief and precise advice to the attendees in accordance with the *Sunnah*.
- It indicates that the *Khutbah* should be recited first, and then the acceptance of the marriage bond is to be declared.

1893. It was narrated from Ibn 'Abbās that the Prophet ﷺ said: "Al-hamdu lillāhi nahmaduhu wa nasta'inuhu wa na'udhu billāhi min shururi anfusinā wa min sayi'āti a'mālinā. Man yahdihillāhu falā mudilla lahu, wa man yudlil falā hādiya lahu. Wa ashhiadu an lā ilāha illallāhu wahdahu lā sharika lahu, wa anna Muhammadan 'abduhu wa rasuluhu. Ammā ba'd: (Praise is to Allāh, we praise Him and we seek His help. We seek refuge with Allāh from the evil of our own souls and from our bad deeds, Whomsoever Allāh guides will never be led astray; and whomsoever is led astray, no one can guide. I bear witness that none has the right to be worshiped but Allāh, alone with no partner or associate, and that Muhammad is His slave and His Messenger. To proceed:)" (*Sahih*)

١٨٩٣ - حَدَّثَنَا بَكْرُ بْنُ خَلْفٍ أَبُو بَشِيرٍ. حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا دَاوُدُ بْنُ أَبِي هِنْدٍ: حَدَّثَنِي عَمْرُو بْنُ سَعِيدٍ، عَنِ مَعْبُدِ بْنِ جَبْرِ، عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «الْحَمْدُ لِلَّهِ نَحْمَدُهُ وَنَسْتَعِينُهُ وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا وَمِنْ سَيِّئَاتِ أَعْمَالِنَا، مَنِ يَهْدِهِ اللَّهُ فَلَا مُضِلَّ لَهُ، وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ، وَأَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ. أَمَّا بَعْدُ».

تخريج: أخرجه مسلم، الجمعة، باب تخفيف الصلوة والجمعة، ح: ٨٦٨ من حديث داود به

مطولاً.

Comments:

- It is desirable to commence a good conversation with the Praise of Allāh.

b. Seeking Allâh's help in every matter and to seek ability only from Him is part of *Tauhid*.

1894. It was narrated from Abu Hurairah that the Messenger of Allâh ﷺ said: "Every important matter that does not start with praise of Allâh, is devoid (of blessings)." (*Da'if*)

١٨٩٤ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَ مُحَمَّدُ بْنُ يَحْيَى، وَ مُحَمَّدُ بْنُ خَلْفِ الْعَسْقَلَانِيُّ قَالُوا: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنِ الْأَوْزَاعِيِّ، عَنْ قُرَّةَ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ. قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلُّ أَمْرٍ ذِي بَالٍ، لَا يُبْدَأُ فِيهِ بِالْحَمْدِ، أَقْطَعُ».

تخریج: [إسناده ضعيف] أخرجه أبو داود، الأدب، باب الهدي في الكلام، ح: ٤٨٤٠ من حديث الأوزاعي به * قرة متكلم فيه، وخالفه الجبال الثقات، والزهرى عن تقدم، ح: ٧٠٧.

Chapter 20. Announcing Marriages

بابُ إِعْلَانِ النِّكَاحِ (المعجم ٢٠) (التحفة ٢٠)

1895. It was narrated from 'Aishah that the Prophet ﷺ said: "Announce this marriage, and beat the sieve for it."^[1] (*Da'if*).

١٨٩٥ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ وَ الْخَلِيلُ بْنُ عَمْرٍو. قَالَا: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ خَالِدِ بْنِ الْإِسْمِ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «أَعْلِنُوا هَذَا النِّكَاحَ، وَأَضْرِبُوا عَلَيْهِ بِالْفَرْتَالِ».

تخریج: [إسناده ضعيف جداً] أخرجه البيهقي: ٢٩٠/٧ من حديث عيسى بن يونس به، وانظر، ح: ٧٦٠ لعلته.

Comments:

Announcing a marriage bond means the acceptance should be declared in the gathering of Muslims, and the wedding feast (*Walimah*) should be arranged so that the people in general would know that so-and-so man is married to so-and-so lady. Thus the way to illegal affairs will be closed.

1896. It was narrated from Muhammad bin Hâtib that the

١٨٩٦ - حَدَّثَنَا عَمْرُو بْنُ رَافِعٍ: حَدَّثَنَا

[1] "Meaning with the *Daff*. He used a *Ghirbâl* (sieve) for it, because it resembles it in its roundness (and shape)." (Sindi).

Messenger of Allāh ﷺ said: "What differentiates between the lawful and the unlawful is (beating) the *Daff* and raising the voices (in song) at the time of marriage." (*Hasan*)

هَشِيمٌ، عَنْ أَبِي بَلْحٍ، عَنْ مُحَمَّدِ بْنِ حَاطِبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «فَضْلُ مَا بَيْنَ الْحَلَالِ وَالْحَرَامِ، الدَّفُّ وَرَفْعُ الصَّوْتِ فِي النِّكَاحِ».

تخريج: [حسن] أخرجه الترمذي، النكاح، باب ما جاء في إعلان النكاح، ح: ١٠٨٨ من حديث هشيم به، وقال: حسن، ووضحه الحاكم: ١٨٤/٢، والذهبي.

Comments:

Beating a *Daff* on the occasion of weddings serves the purpose that all the people will know about the marriage. Songs, poetry etc., may also be sung at this occasion so long as its wording is not contrary to the teachings of the *Shari'ah*; and only the young girls, who are not adult, are allowed to do so. This type of entertainment is allowed during the *'Eid* days too.

Chapter 21. Singing And (Beating) The *Daff*

(المعجم ٢١) - بَابُ الْغِنَاءِ وَالذَّفِّ

(التحفة ٢١)

1897. It was narrated that Abu Husain, whose name was Khâlid Al-Madani, said: "We were in Al-Madinah on the Day of 'Āshurâ', and the girls were beating the *Daff* and singing. We entered upon Rubai' bint Mu'awwidh and mentioned that to her. She said: "The Messenger of Allāh ﷺ entered upon me on the morning of my wedding, and there were two girls with me who were singing and mentioning the qualities of my forefathers who were killed on the Day of Badr. One of the things they were saying was: "Among us there is a Prophet who knows what will happen tomorrow." He ﷺ said: "Do not say this, for no one knows what will happen tomorrow except Allāh." (*Sahih*)

١٨٩٧ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ، عَنْ أَبِي الْحُسَيْنِ، اسْمُهُ خَالِدُ الْمَدَنِيُّ قَالَ: كُنَّا بِالْمَدِينَةِ يَوْمَ عَاشُورَاءَ. وَالْحِوَارِيُّ يَضْرِبُ بِالذَّفِّ. وَتَغَنَيْنَ. فَدَخَلْنَا عَلَى الرَّبِيعِ بِنْتِ مُعَاوِذٍ. فَذَكَرْنَا ذَلِكَ لَهَا. فَقَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ صَبِيحَةَ عُرْسِي وَعِنْدِي جَارِيَتَانِ تَغْنِيَانِ وَتَذْبَابَانِ الْآبَاءِ الَّذِينَ قُتِلُوا يَوْمَ بَدْرٍ. وَتَقُولَانِ، فِيمَا تَقُولَانِ: وَفِينَا نَبِيٌّ يَعْلَمُ مَا فِي غَدٍ. فَقَالَ: «أَمَّا هَذَا، فَلَا تَقُولُوهُ. مَا يَعْلَمُ مَا فِي غَدٍ إِلَّا اللَّهُ».

تخريج: [إسناده صحيح] أخرجه البخاري، المغازي، باب (١٢)، ح: ٤٠٠١، ٥١٤٧ من

حديث خالد به.

Comments:

- Young girls, who are not adult yet, are allowed to sing and beat the *Daff* at weddings.
- The elderly people should allow the young children to enjoy the rejoicing activities at occasions of happiness, but if the children do something which is impermissible, their attention should be drawn to the fact that it is not a good thing.
- Praise and singing the attributes of the Messenger of Allāh ﷺ is a blessed deed, but the exaggeration of it is not allowed. It is permissible to express the qualities of the righteous people which they in fact possess, and exaggeration must be avoided.
- The Prophet ﷺ did not have the knowledge of unseen.

1898. It was narrated that 'Aishah said: "Abu Bakr entered upon me, and there were two girls from the *Ansâr* with me, singing about what the *Ansâr* used to sing about the Day of Bu'âth."^[1] She said: "And they were not really singers. Abu Bakr said: 'The wind instruments of Satan in the house of the Prophet ﷺ?' That was on the day of 'Eid (*Al-Fitr*). But the Prophet ﷺ said: 'O Abu Bakr, every people has its festival and this is our festival.'" (*Sahih*)

١٨٩٨ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: دَخَلَ عَلَيَّ أَبُو بَكْرٍ، وَعِنْدِي جَارِيَتَانِ مِنْ جَوَارِي الْأَنْصَارِ. تَغْتَابَانِ بِمَا تَقَاوَلَتْ بِهِ الْأَنْصَارُ فِي يَوْمِ بَعَاثٍ. قَالَتْ وَلَيْسَتَا بِمَعْنِيَتَيْنِ. فَقَالَ أَبُو بَكْرٍ: أَبِمَزْمُورِ الشَّيْطَانِ فِي بَيْتِ النَّبِيِّ ﷺ؟ وَذَلِكَ فِي يَوْمِ عِيدِ [الْفِطْرِ]. فَقَالَ النَّبِيُّ ﷺ: «يَا أَبَا بَكْرٍ إِنَّ لِكُلِّ قَوْمٍ عِيدًا. وَهَذَا عِيدُنَا».

تخريج: أخرجه البخاري، العيدين، باب سنة العيدين لأهل الإسلام، ح: ٩٥٢، ومسلم،

صلاة العيدين، باب الرخصة في اللعب الذي لا معصية فيه في أيام العيد، ح: ٨٩٢ من حديث أبي أسامة به.

Comments:

- To read and say the poetry is allowed as long as it is within the limits of the *Shari'ah*.
- Adopting the profession of singing is regarded a condemned act in the Islamic society, and such people are not regarded respectable, instead these individuals are detested.
- Entertaining programs are allowed at wedding and 'Eid celebrations,

^[1] Bu'âth was a place about two miles from Al-Madinah where on that day before Islam a battle took place between the *Ansâr* tribes of Aus and Khazraj.

provided no such act is performed which is contrary to the teachings of the *Shari'ah*. However it is absolutely wrong to take this reasonable permission as proof for music with singing, indecent songs, and for the proof of mixed gatherings (male and female).

1899. It was narrated from Anas bin Mâlik that the Prophet ﷺ passed by some part of Al-Madinah and saw some girls beating their *Daff* and singing, saying:

"We are girls from Banu Najjâr
What an excellent neighbor is
Muhammad."

The Prophet ﷺ said: "Allâh knows that you are dear to me."
(*Sahih*)

تخریج: [إسناده صحيح] وقال البوصيري: إسناده صحيح ورجاله ثقات .

Comments:

- Respected elderly people may say suitable friendly and kind words to the young girls, so long as there is no risk of misunderstanding.
- The words 'Allâh knows' are regarded as an oath in this case. Speaking words of an oath for emphasis is permissible even though there is no doubt which has arisen.
- The Messenger of Allâh ﷺ liked the *Ansâr* because they offered lots of sacrifices for Islam; the love for the *Ansâr* by the believers is a requisite of their belief.

1900. It was narrated that Ibn 'Abbâs said: 'Aishah arranged a marriage for a female relative of hers among the *Ansâr*, and the Messenger of Allâh ﷺ came and said: Have you taken the girl (to her husband's house)?" They said: "Yes." He said: "Have you sent someone with her to sing?" She said: "No." The Messenger of Allâh ﷺ said: "The *Ansâr* are people with romantic feelings. Why don't you send someone with her to say: 'We have come to you we have come to you, may

١٨٩٩ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا عَيْسَى بْنُ يُونُسَ: حَدَّثَنَا عَوْفٌ عَنْ ثُمَامَةَ بِنِ عَبْدِ اللَّهِ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ النَّبِيَّ ﷺ مَرَّ بِبَعْضِ الْمَدِينَةِ. فَإِذَا هُوَ بِجَوَارٍ يَضْرِبْنَ بِدَفْفِهِنَّ وَيَتَغَنَّينَ وَيَقْلَنَ.

نَحْنُ جَوَارٍ مِنْ بَنِي النَّجَّارِ
يَا حَبِيبًا مُحَمَّدٌ مِنْ جَارِ
فَقَالَ النَّبِيُّ ﷺ: «اللَّهُ يَعْلَمُ إِنِّي لِأَحِبُّكُمْ».

تخریج: [إسناده صحيح] وقال البوصيري: إسناده صحيح ورجاله ثقات .

١٩٠٠ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَنَّ بَنَاتَنَا جَعْفَرُ بْنُ عَوْنٍ: أَنَّ بَنَاتَنَا الْأَجْلَحُ، عَنْ أَبِي الزُّبَيْرِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: أَتَكَحَّتْ عَائِشَةُ ذَاتَ قُرَابَةِ لَهَا مِنَ الْأَنْصَارِ. فَجَاءَ رَسُولُ اللَّهِ ﷺ فَقَالَ: «أَمَدَيْتُمْ الْفِتَاةَ؟» قَالُوا: نَعَمْ. [قَالَ]: «أُرْسَلْتُمْ مَعَهَا مِنْ يُغْنِي؟» قَالَتْ: لَا. فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ الْأَنْصَارَ قَوْمٌ فِيهِمْ غَزَلٌ. فَلَوْ بَعَثْتُمْ مَعَهَا مَنْ يَقُولُ: أَتَيْنَاكُمْ أَتَيْنَاكُمْ، فَحَبَّانَا وَحَبَّائِكُمْ».

Allâh bless you and us?" (Da'if)

تخريج: [إسناده ضعيف] أخرجه أحمد: ٣/٣٩١ من حديث الأجلح به، وله شاهد ضعيف عند الطبراني في الأوسط، وأصل الحديث في صحيح البخاري، ح: ٥١٦٢ وغيره، وله شواهد أخرى عند ابن حبان (موارد)، ح: ٢٠١٦ وغيره، وانظر المشكوة [بتحقيقي]، ح: ٣١٥٤.

1901. It was narrated that Mujâhid said: "I was with Ibn 'Umar, and he heard the sound of a drum, so he put his fingers in his ears and turned away. He did that three times, then he said: 'This is what I saw the Messenger of Allâh ﷺ do.'" (Da'if)

١٩٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا الْفَرَزَابِيُّ عَنْ ثَعْلَبَةَ بْنِ أَبِي مَالِكٍ التَّمِيمِيِّ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ قَالَ: كُنْتُ مَعَ ابْنِ عُمَرَ، فَسَمِعَ صَوْتَ طَبَلٍ فَأَدْخَلَ إِصْبَعَيْهِ فِي أُذُنَيْهِ. ثُمَّ تَنَحَّى. حَتَّى فَعَلَ ذَلِكَ ثَلَاثَ مَرَّاتٍ. ثُمَّ قَالَ: هَكَذَا فَعَلَ رَسُولُ اللَّهِ ﷺ.

تخريج: [إسناده ضعيف] انظر، ح: ٢٠٨٠ لعلته.

Chapter 22. Effeminate Men

(المعجم ٢٢) - بَابُ فِي الْمُخْتَلِينَ

(التحفة ٢٢)

1902. It was narrated from Umm Salamah that the Prophet ﷺ entered upon her, and he heard an effeminate man say to 'Abdullâh bin Abu Umayyah: "If Allâh enables you to conquer Tâ'if tomorrow, I will show you a woman who comes in on four (rolls of fat) and goes out on eight." The Messenger of Allâh ﷺ said: "Throw them out of your houses." (Sahih)

١٩٠٢ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعٌ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ رَبِيبِ بِنْتِ أُمِّ سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَيْهَا. فَسَمِعَ مُخْتَلًا وَهُوَ يَقُولُ لِعَبْدِ اللَّهِ بْنِ أَبِي أُمَيَّةَ: إِنْ يَفْتَحَ اللَّهُ الطَّائِفَ غَدًا، دَلَّلْتُكَ عَلَى امْرَأَةٍ تُقْبَلُ بِأَرْبَعٍ وَتُذَبَّرُ بِثَمَانٍ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَخْرِجُوهُ مِنْ بُيُوتِكُمْ».

تخريج: أخرجه البخاري، المغازي، باب غزوة الطائف في شوال سنة ثمان، ح: ٤٣٢٤، ٥٢٣٥ وغيرهما من حديث هشام به، ومسلم، السلام، باب منع المختن من الدخول على النساء الأجانب، ح: ٢١٨٠ عن ابن أبي شيبة وغيره وانظر، ح: ٢٦١٤.

Comments:

- The person who is born male, but wears the dress of women and adopts feminine behavior and imitation, should not be allowed to enter the home. Being a man who is imitating women is a type of curse.
- A stranger (who is not an immediate blood relative) or a hermaphrodite

should not go to women freely, if it does happen the women should veil themselves.

1903. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ cursed women who imitate men and men who imitate women. (*Sahih*)

١٩٠٣ - حَدَّثَنَا يَعْقُوبُ بْنُ حُمَيْدٍ بْنِ كَاسِبٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ، عَنْ شَهْبِيلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ لَعَنَ الْمَرْأَةَ تَشَبَّهُ بِالرِّجَالِ، وَالرَّجُلَ تَشَبَّهُ بِالنِّسَاءِ.

تخريج: [صحيح] انظر الحديث الآتي.

1904. It was narrated from Ibn 'Abbās that the Prophet ﷺ cursed men who imitate women and women who imitate men. (*Sahih*)

١٩٠٤ - حَدَّثَنَا أَبُو بَكْرِ بْنُ خَلَّادٍ الْبَاهِلِيُّ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ عِكْرَمَةَ، عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ لَعَنَ الْمُتَشَبِّهِينَ مِنَ الرِّجَالِ بِالنِّسَاءِ. وَلَعَنَ الْمُتَشَبِّهَاتِ مِنَ النِّسَاءِ بِالرِّجَالِ.

تخريج: [صحيح] أخرجه البخاري، لباس، باب المتشبهين بالنساء، والمتشبهات بالرجال،

ج: ٥٨٨٥، من طريق شعبة به.

Comments:

- a. The curse clarifies that it is a major sin.
- b. The imitation can be in dress, in matters of applying make up, and in the manners of walking and talking too. To practice such imitation, intentionally, is prohibited.

Chapter 23. Offering Congratulations On The Occasion Of Marriage

(المعجم ٢٣) - بَابُ تَهْنِئَةِ النِّكَاحِ
(النحفة ٢٣)

1905. It was narrated from Abu Hurairah that the Prophet ﷺ used to say, when offering congratulations on the occasion of marriage: "Bârak Allāhu lakum, wa bârak 'alaikum, wa jama'a bainakumâ fi khair (May Allāh bless you and bestow blessings upon you, and bring you together in harmony)." (*Sahih*)

١٩٠٥ - حَدَّثَنَا سُؤَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ الدَّرَاوَرْدِيُّ، عَنْ شَهْبِيلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا رَفَأَ قَالَ: «بَارَكَ اللَّهُ لَكُمْ، وَبَارَكَ عَلَيْكُمْ. وَجَمَعَ بَيْنَكُمَا فِي خَيْرٍ».

تخریج: [صحيح] أخرجه أبو داود، النكاح، باب ما يقال للمتزوج، ح: ٢١٣٠ من طريق عبد العزيز الدراوردي به، وصححه الترمذي، ح: ١٠٩١، وابن حبان، والحاكم، والذهبي.

1906. It was narrated from 'Aqil bin Abu Tâlib that he married a woman from Banu Jusham, and they said: "May you live in harmony and have many sons." He said: "Do not say that, rather say what the Messenger of Allâh ﷺ said: 'Allâhumma bârik lahum wa bârik alaihim (O Allâh, bless them and bestow blessings upon them.)'" (Hasan)

١٩٠٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا أَشْعَثُ، عَنِ الْحَسَنِ، عَنِ عَقِيلِ بْنِ أَبِي طَالِبٍ أَنَّهُ تَزَوَّجَ امْرَأَةً مِنْ بَنِي جُشَمٍ. فَقَالُوا: بِالرِّفَاءِ وَالنِّينِ. فَقَالَ: لَا تَقُولُوا لِهَذَا. وَلَكِنْ قُولُوا، كَمَا قَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ بَارِكْ لَهُمْ وَبَارِكْ عَلَيْهِمْ».

تخریج: [حسن] أخرجه الطبراني (كبير: ١٧: ١٩٤)، ح: ٥١٦ من طريق أشعث بن عبد الملك به، وله طرق عن الحسن عند أحمد: ٤٥١/٣ وغيره * والحسن عن تقدم، ح: ٧١ ولحديثه شواهد، منها حديث عبد الله بن محمد بن عقيل عند أحمد، وانظر الحديث السابق.

Comments:

- Congratulating the bridegroom, and the bride of marriage, and making supplication of good for them, is in accordance with the *Sunnah*.
- The best way to congratulate and supplicate is to say the blessed words which the noble Prophet ﷺ uttered with his blessed tongue.

Chapter 24. The *Walimah* (Wedding Feast)

(المعجم ٢٤) - بَابُ الْوَلِيمَةِ (التحفة ٢٤)

1907. It was narrated from Anas bin Mâlik that the Prophet ﷺ saw traces of yellow perfume on 'Abdur-Rahmân bin 'Awf, and he asked him: "What is this?" He said: "O Messenger of Allâh, I married a woman for the weight of a *Nawâh* (Stone) of gold.^[1] He said: "May Allâh bless you. Give a feast even if it is only with one sheep." (Sahih)

١٩٠٧ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدَةَ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ: حَدَّثَنَا ثَابِتُ الْبُنَّانِيُّ عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ النَّبِيَّ ﷺ رَأَى عَلَى عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَثَرَ صُفْرَةٍ. فَقَالَ: «مَا هَذَا؟ أَوْ مَهْ» فَقَالَ: يَا رَسُولَ اللَّهِ إِنِّي تَزَوَّجْتُ امْرَأَةً عَلَى وَزْنِ نَوَاقٍ مِنْ ذَهَبٍ. فَقَالَ: «بَارَكَ اللَّهُ لَكَ. أَوْلَمْ وَلَوْ بِشَاةٍ».

[1] They differ over its definition, between three Dînars to five

تخریج: أخرجه البخاري، النكاح، باب: كيف يدعى للمتزوج؟، ح: ٦٣٨٦، ٥١٥٥، ومسلم، النكاح، باب الصداق وجواز كونه تعليم قرآن وخاتم حديد ... الخ، ح: ١٤٢٧ من حديث حماد به

Comments:

- The Messenger of Allāh ﷺ noticed a mark of the fragrance of women on the dress of the Companion, so he ﷺ asked him the reason for using the fragrance of women. In this is a warning that the use of it for you is improper, and it also indicated that if there was a valid excuse, it should be explained.
- Stone means the date-stone. It was a known weight at the time; it is mentioned to be equal to five Dirham (approximately 15-16 grams). (*Mirqāt Sharh Mishkāt*: 3210)

1908. It was narrated that Anas bin Mālik said: "I never saw the Messenger of Allāh ﷺ give a wedding feast for any of his wives like the feast he gave for Zainab, for which he slaughtered a sheep." (*Sahih*)

١٩٠٨ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ اللَّهِ حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ ثَابِتِ الْبُنَانِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: مَا رَأَيْتُ رَسُولَ اللَّهِ ﷺ مَا أَوْلَمَ عَلَى شَيْءٍ مِنْ نِسَائِهِ مَا أَوْلَمَ عَلَى زَيْنَبَ. فَإِنَّهُ ذَبَحَ شَاةً.

تخریج: أخرجه البخاري، النكاح، باب الوليمة ولو بشاة، ح: ٥١٦٨، ٥١٧١، ومسلم، النكاح، باب زواج زينب بنت جحش، ونزول الحجاب، وإثبات وليمة العرس، ح: ١٤٢٨ من حديث حماد به، وفي رواية لمسلم وأطعمهم خيرًا ولحمًا حتى تركوه .

Comments:

- Zainab the daughter of Jahsh, the Mother of the Believers, was the daughter of the paternal aunt of Allāh's Messenger ﷺ; her mother was Umaymah the daughter of Abdul-Muttalib. The Messenger of Allāh ﷺ married her to his freed slave Zaid bin Hārithah. But they could not get on, and the divorce took place. Allāh ﷻ Himself married her to the Messenger ﷺ through the revelation after the waiting period had passed.
- Taking a loan for the *Walimah* (wedding feast) and to bear the burden of debt for no reason is not right; one should make affordable arrangement for the *Walimah*.
- No *Hadith* shows the mention of a gathering for the feast to take place at the bride's residence, or for any arrangement of food by the family of the bride; it is merely a custom, which has no relation with the *Shari'ah* and religious teachings.

1909. It was narrated from Anas bin Mālik that the Prophet ﷺ offered *Sawiq*^[1] and dates as a

١٩٠٩ - حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عُمَرَ الْعَدَنِيُّ، وَغِيَاثُ بْنُ جَعْفَرٍ الرَّحْبِيُّ. قَالَ: حَدَّثَنَا

[1] A kind of barley mash.

wedding feast for Safiyyah.
(*Hasan*)

سُفْيَانُ بْنُ عُيَيْنَةَ: حَدَّثَنَا وَائِلُ بْنُ دَاوُدَ، عَنْ
[أَبْنَيْهِ]، عَنِ الرَّهْرِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ
النَّبِيَّ ﷺ أَوْلَمَ عَلَى صَفِيَّةَ بِسَوِيقٍ وَتَمْرٍ.

تخریج: [حسن] أخرجه أبو داود، الأ طعمة، باب: في استحباب الوليمة، ح: ٣٧٤٤ من
حديث سفیان بن عیینة به، وحسنه الترمذی، ح: ١٠٩٥، وله شواهد عند البخاری، ومسلم
وغيرهما.

Comments:

- The cooked food is not necessary for the wedding feast. Anything which is used as food in a society may be offered in the hospitality of wedding feast.
- If the female slave is married after having been freed, she will have all the rights of a free wife.

1910. It was narrated from Sufyân (Ibn 'Uyainah) from 'Ali bin Zaid bin Ju'dân from Anas bin Mâlik who said: "I attended a wedding feast for the Prophet ﷺ, in which there was no meat and no bread." (*Da'if*)

Ibn Mâjah said: It was not narrated except by Ibn 'Uyainah.

١٩١٠ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ أَبُو حَنِيمَةَ:
حَدَّثَنَا سُفْيَانُ عَنْ عَلِيِّ بْنِ زَيْدِ بْنِ جُدْعَانَ،
عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: شَهِدْتُ لِلنَّبِيِّ ﷺ
وَلِيمَةً. مَا فِيهَا لَحْمٌ وَلَا خُبْزٌ.
قَالَ ابْنُ مَاجَهَ: لَمْ يُحَدِّثْ بِهِ إِلَّا ابْنُ
عُيَيْنَةَ.

تخریج: [إسناده ضعيف] وانظر، ح: ١١٦ لعلته، وقال أحمد في مسنده: ٩٩/٣ ثنا هشيم
أنا علي بن زيد عن أنس بن مالك، قال سمعته يحدث، قال شهدت وليمتين من نساء رسول الله
ﷺ، قال: فما أطعمنا فيها خبزاً ولا لحماً، قال: قلت: فمه؟ قال: الحيس يعني التمر والأفط
بالسمن، وللحديث شواهد ضعيفة عند أحمد (٢٥٥/٣، ٢٦٦) وغيره.

Comments:

Only barley and dates etc., were offered.

1911. It was narrated that 'Aishah and Umm Salamah said: "The Messenger of Allâh ﷺ commanded us to prepare Fâtimah (for her wedding) and take her in to 'Ali. We went to the house and sprinkled it with soft earth from the land of Bathâ'. Then we stuffed two pillows with (date - palm) fiber which we

١٩١١ - حَدَّثَنَا سُؤَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا
[الْمُفْضَلُ] بْنُ عَبْدِ اللَّهِ، عَنْ جَابِرٍ، عَنِ
الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ وَأُمِّ سَلَمَةَ
قَالَتَا: أَمَرَنَا رَسُولُ اللَّهِ ﷺ أَنْ نُجَهِّرَ فَاطِمَةَ
حَتَّى نُدْخِلَهَا عَلَى عَلِيٍّ. فَعَمَدْنَا إِلَى النَّيْتِ.
فَقَرَسْنَاهُ ثُرَابًا لُبْنًا مِنْ أَغْرَاضِ الْبُطْحَاءِ. ثُمَّ
حَشَوْنَا مِرْفَقَتَيْنِ لَيْفًا. فَفَقَسْنَاهُ بِأَيْدِينَا. ثُمَّ

picked with our own hands. Then we offered dates and raisins to eat, and sweet water to drink. We went and got some wood and set it up at the side of the room, to hang clothes and water skins on. And we never saw any wedding better than the wedding of Fâtimah." (Da'if)

أَطَعَمْنَا تَمْرًا وَرَيْبًا وَسَقَيْنَا مَاءً عَذْبًا وَعَمَدْنَا إِلَى عُوْدٍ، فَعَرَضْنَاهُ فِي بَجَانِبِ الْبَيْتِ لِئَلْفَى عَلَيْهِ الثَّوْبُ وَيَعْلُقُ عَلَيْهِ السَّقَاءُ. فَمَا رَأَيْنَا عُرْسًا أَحْسَنَ مِنْ عُرْسِ فَاطِمَةَ.

تخريج: [إسناده ضعيف جدًا] * جابر تقدم حاله، ح: ٣٥٦، والمفضل بن عبدالله ضعيف

كما في التقريب وغيره.

1912. It was narrated that Sahl bin Sa'd As-Sâ'idi said: "Abu Usaid As-Sâ'idi invited the Messenger of Allâh ﷺ to his wedding, and the bride herself served them. She said: 'Do you know what I gave the Messenger of Allâh ﷺ to drink? I had soaked some dates the night before, then in the morning I strained them and gave him that water to drink.'" (Sahih)

١٩١٢ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: أَنَّ ابْنَةَ عَبْدِ الْعَزِيزِ بْنِ أَبِي حَازِمٍ: حَدَّثَتْ أَبِي عَنْ سَهْلِ بْنِ سَعْدِ السَّاعِدِيِّ قَالَ: دَعَا أَبُو أُسَيْدٍ السَّاعِدِيُّ رَسُولَ اللَّهِ ﷺ إِلَى عُرْسِهِ. فَكَانَتْ خَادِمَهُمُ الْبَعْرُوسُ. قَالَتْ: تَدْرِي مَا سَقَيْتُ رَسُولَ اللَّهِ ﷺ؟ قَالَتْ: أَنْقَعْتُ تَمْرَاتٍ مِنَ اللَّيْلِ. فَلَمَّا أَصْبَحْتُ صَفَيْتُهُنَّ فَاسْقَيْتُهُنَّ إِيَّاهُ.

تخريج: أخرجه البخاري، النكاح، باب حق إجابة الوليمة والدعوة ومن أولم سبعة أيام ونحوه، ح: ٥١٧٦، ٦٦٨٥، ومسلم، الأشربة، باب إباحة النبيذ الذي لم يشتمد ولم يصر مسكرًا، ح: ٢٠٠٦ من حديث عبدالعزیز به.

Comments:

- Everybody's invitation should be accepted, whether one is poor or rich.
- A woman is allowed to serve the guests even if they are not immediate blood relatives, as long as she observes the veil in accordance with the Shari'ah.

Chapter 25. Accepting Invitations

(المعجم ٢٥) - بَابُ إِجَابَةِ الدَّاعِي

(التحفة ٢٥)

1913. It was narrated that Abu Hurairah said: "The worst of food is food of a wedding feast to which the rich are invited and the

١٩١٣ - حَدَّثَنَا عَلِيُّ بْنُ مُحَمَّدٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ الرَّحْمَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سُرُّ

poor are not. Whoever does not accept an invitation has disobeyed Allâh and His Messenger." (Sahih)

الطَّعَامِ طَعَامُ الْوَالِيْمَةِ. يُدْعَى لَهَا الْأَغْنِيَاءُ وَيَتْرَكُ الْفُقَرَاءُ وَمَنْ لَمْ يُجِبْ فَقَدْ عَصَى اللَّهَ وَرَسُوْلَهُ.

تخریج: أخرجه البخاري، النكاح، باب من ترك الدعوة فقد عصى الله ورسوله، ح: ٥١٧٧ من حديث الزهري به، ومسلم، النكاح، باب الأمر بإجابة الداعي إلى دعوة، ح: ١٤٣٢ من حديث سفيان به.

1914. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "If anyone of you is invited to a wedding feast, let him accept." (Sahih)

١٩١٤ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَنَّ أَبَانَ عَبْدَ اللَّهِ بْنَ نُمَيْرٍ: حَدَّثَنَا عُبَيْدُ اللَّهِ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا دُعِيَ أَحَدُكُمْ إِلَى وَالِيْمَةٍ عُرْسٍ، فَلْيُجِبْ».

تخریج: أخرجه مسلم، النكاح، الباب السابق، ح: ١٤٢٩ من حديث ابن نمير به، وأخرجه البخاري، ح: ٥١٧٣، ومسلم، ح: ١٤٢٩ من حديث مالك عن نافع به نحو المعنى.

Comments:

- Marriage is an important social celebration of Muslims; therefore attending the wedding feast is very important and useful for the establishment of social relations.
- One should not refuse to accept the invitation of a wedding feast without a genuine excuse.

1915. It was narrated from Abu Hurairah that the Messenger of Allâh ﷺ said: "The wedding feast on the first day is an obligation, on the second day is a custom and on the third day is showing off." (Da'if)

١٩١٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبَّادَةَ الْوَاسِطِيُّ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ حُسَيْنِ أَبُو مَالِكٍ النَّخَعِيُّ، عَنْ مَنْصُورٍ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْوَالِيْمَةُ أَوَّلُ يَوْمٍ حَقٌّ. وَالثَّانِي مَعْرُوفٌ. وَالثَّلَاثُ رِيَاءٌ وَسُمْعَةٌ».

تخریج: [إسناده ضعيف جدًا] قال البوصيري: في إسناده أبو مالك النخعي وهو ممن اتفقوا على ضعفه، وللحديث شواهد عند أبي داود، ح: ٣٧٤٥ وغيره، وكلها ضعيفة.

Chapter 26. Staying With A Virgin And A Previously-Married Woman

(المعجم ٢٦) - بَابُ الْإِقَامَةِ عَلَى الْبِكْرِ وَالثَّيِّبِ (التحفة ٢٦)

1916. It was narrated from Anas

١٩١٦ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ: حَدَّثَنَا عَبْدُ

that the Messenger of Allāh ﷺ said: "Three days for a previously-married woman and seven days for a virgin." (*Hasan*)

ابْنُ شَيْمَانَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ لِلثَّيْبِ ثَلَاثًا، وَلِلْبُكَرِ سَبْعًا».

تخریج: [حسن] انظر، ح: ۱۲۰۹ لعلته، وأخرج البخاري، ح: ۵۲۱۴، ومسلم، ح: ۱۴۶۱ من حديث أيوب عن أبي قلابة عن أنس قال: من السنة إذا تزوج الرجل البكر على الثيب أقام عندها سبعا وقسم، وإذا تزوج الثيب على البكر أقام عندها ثلاثا ثم قسم، والحديث حسن بالشواهد.

Comments:

After passing this time, the new wife will have the same rights as the wives before her. The new wife will have her turn as other wives have their turns. The husband will treat her equally in expenses and spending nights with her, just like the other wives. He will spend the night with her when she has her turn.

1917. It was narrated from Al-Hârith from his father that when the Messenger of Allāh ﷺ married Umm Salamah, he stayed with her for three days, then he said: "You are not insignificant in your husband's eyes. If you wish, I will stay with you for seven days, but then I will stay with my other wives for seven days too." (*Sahih*)

۱۹۱۷ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ عَنْ شُعْبَانَ، عَنْ مُحَمَّدِ بْنِ أَبِي بَكْرٍ، عَنْ عَبْدِ الْمَلِكِ يَعْغِي ابْنَ أَبِي بَكْرٍ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِيهِ، عَنْ أُمِّ سَلَمَةَ أَنَّ رَسُولَ اللَّهِ ﷺ لَمَّا تَزَوَّجَ أُمَّ سَلَمَةَ أَقَامَ عِنْدَهَا ثَلَاثًا. وَقَالَ: «لَيْسَ بِكَ عَلَى أَهْلِكَ هَوَانٌ. إِنْ شِئْتِ، سَبَعْتُ لَكَ. وَإِنْ سَبَعْتُ لَكَ، سَبَعْتُ لِنِسَائِي».

تخریج: أخرجه مسلم، الرضاع، باب قدر ما تستحقه البكر والثيب من إقامة الزوج عندها عقب الزفاف، ح: ۱۴۶۰ عن ابن أبي شيبة وغيره به.

Comments:

- a. If the bride is divorced or a widow, the husband is allowed to be with her for up to seven days; but in this case the husband will then spend seven days with each of his wives, and then he will begin the turns.
- b. In response to this offer of the Messenger of Allāh ﷺ, Umm Salamah, the Mother of the Believers, chose the period of three days. (*Sahih Muslim*: 1460). The most probable reason of it was the hope that her turn would then come sooner.

Chapter 27. What The Man Should Say When His Bride Comes In To Him

1918. It was narrated from 'Abdullâh bin 'Amr that the Prophet ﷺ said: "When anyone of you gets a new wife, a servant, or an animal, let him take hold of the forelock and say: 'Allâhumma inni as'abuka min khayriha wa khayri ma jubilat 'alaihi, wa 'audhu bika min sharriha wa sharri ma jubilat 'alaih (O Allâh, I ask You for the goodness within her and the goodness that she is inclined towards, and I seek refuge with You from the evil within her and the evil to which she is inclined).'" (Hasan)

(المعجم ٢٧) - بَابُ مَا يَقُولُ الرَّجُلُ إِذَا دَخَلَتْ عَلَيْهِ أَهْلُهُ (التحفة ٢٧)

١٩١٨ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى، وَصَالِحُ ابْنُ مُحَمَّدٍ بْنِ يَحْيَى الْقَطَّانُ. قَالَا: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى: حَدَّثَنَا سُفْيَانُ عَنْ مُحَمَّدِ ابْنِ عَجَلَانَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ عَمْرٍو، عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا أَقَادَ أَحَدُكُمْ امْرَأَةً أَوْ خَادِمًا، أَوْ دَابَّةً، فَلْيَأْخُذْ بِنَاصِيَتِهَا وَلْيَقُلْ: اللَّهُمَّ إِنِّي أَسْأَلُكَ مِنْ خَيْرِهَا وَخَيْرِ مَا جُبِلَتْ عَلَيْهِ. وَأَعُوذُ بِكَ مِنْ شَرِّهَا وَشَرِّ مَا جُبِلَتْ عَلَيْهِ.»

تخريج: [إسناده حسن] أخرجه أبوداود، النكاح، باب في جامع النكاح، ح: ٢١٦٠ من حديث ابن عجلان به، وصححه الحاكم، والذهبي * ابن عجلان صرح بالسماع عند البخاري في خلق أفعال العباد.

Comments:

- The wife, female slave, cow, buffalo and horse etc., are all the favors of Allâh to a man; but they may have such habits which can cause perpetual concerns. Therefore, one should invoke Allâh to have good from them, and for no harm to be inflicted.
- The head of a human or an animal is the most important part of the body, the objective of making supplication by placing the hand on the head of the human or an animal is that Allâh may make them useful for us. Allâh knows best!

1919. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "When anyone of you has intercourse with his wife, let him say: 'Allâhumma jannibnish-Shaitâna wa jannibish-Shaitâna ma razaqtani (O Allâh, keep Satan away from me and keep Satan away from that with which You

١٩١٩ - حَدَّثَنَا عَمْرُو بْنُ رَافِعٍ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ كُرَيْبٍ، عَنِ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَوْ أَنَّ أَحَدَكُمْ إِذَا أَتَى امْرَأَتَهُ قَالَ: اللَّهُمَّ جَنِّبْنِي الشَّيْطَانَ وَجَنِّبِ الشَّيْطَانَ مَا رَزَقْتَنِي ثُمَّ كَانَ بَيْنَهُمَا وَلَدٌ، لَمْ يَسْلُطِ اللَّهُ

bless me). Then if they have a child, Allāh will never allow Satan to gain control over him or he will never harm him." (*Sahih*)

تخریج: أخرجه البخاري، الوضوء، باب التسمية على كل حال وعند الوقاع، ح: ١٤١ وغيره، ومسلم، النكاح، باب يستحب أن يقوله عند الجماع، ح: ١٤٣٤ من حديث جرير به.

Comments:

- It is better to read the mentioned supplication before taking off the clothes.
- The benefit of this supplication is that due to its blessing, Satan keeps away when having intercourse; therefore, the risk of the effects of Satan on the children becomes less, and it is protection against some certain diseases also.

Chapter 28. Covering Oneself When Having Intercourse

1920. Bahz bin Hakim narrated from his father that his grandfather said: "I said: 'O Messenger of Allāh, with regard to our 'Aurah, what may we uncover of it and what must we conceal?' He said: 'Cover your 'Aurah except from your wife and those whom your right hand possesses.' I said: 'O Messenger of Allāh, what if the people live close together?' He said: 'If you can make sure that no one sees it, then do not let anyone see it.' I said: 'O Messenger of Allāh, what if one of us is alone?' He said: 'Allāh is more deserving that you should feel shy before Him than people.'" (*Hasan*)

تخریج: [إسناده حسن] أخرجه أبو داود، الحمام، باب: في التعري، ح: ٤٠١٧ من حديث بهز به، وحسنه الترمذي، ح: ٢٧٦٩، وعلقه البخاري في صحيحه، الغسل، باب من اغتسل عرياناً وحده في خلوة.

Comments:

- To keep the private parts preserved from anyone else, other than the wife and female slave, means to abstain from illegal affairs and adultery.
- This *Hadith* also indicates that if a husband and wife see each other's

(المعجم ٢٨) - بَابُ التَّسْتُرِ عِنْدَ

الْجِمَاعِ (التحفة ٢٨)

١٩٢٠ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا
 زَيْدُ بْنُ هَارُونَ، وَأَبُو أُسَامَةَ. قَالَ: حَدَّثَنَا
 بَهْزُ بْنُ حَكِيمٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ:
 قُلْتُ: يَا رَسُولَ اللَّهِ عَوْرَاتُنَا. مَا نَأْتِي مِنْهَا
 وَمَا نَنْدَرُ؟ قَالَ: «أَحْفَظْ عَوْرَتَكَ. إِلَّا مِنْ
 رَوْحِكَ أَوْ مَا مَلَكَتْ يَمِينُكَ» قُلْتُ: يَا
 رَسُولَ اللَّهِ! أَرَأَيْتَ إِنْ كَانَ الْقَوْمُ بَعْضُهُمْ فِي
 بَعْضٍ؟ قَالَ: «إِنْ اسْتَطَعْتَ أَنْ لَا تُرِيَهَا
 أَحَدًا، فَلَا تُرِيَهَا» قُلْتُ: يَا رَسُولَ اللَّهِ! إِنْ
 كَانَ أَحَدُنَا خَالِيًا؟ قَالَ: «فَاللَّهِ أَحَقُّ أَنْ
 يُسْتَحْيَى مِنْهُ مِنَ النَّاسِ».

private parts, it is not sinful. The following *Ahâdith* prohibited it but both narrations are Weak.

1921. It was narrated from 'Utbah bin 'Abd Sulami that the Messenger of Allâh ﷺ said: "When anyone of you has intercourse with his wife, let him cover himself and not be naked like donkeys." (*Da'if*)

١٩٢١ - حَدَّثَنَا إِسْحَاقُ بْنُ وَهَبِ الْوَأَسِطِيِّ: حَدَّثَنَا الْوَلِيدُ بْنُ الْقَاسِمِ الْهَمْدَانِيُّ: حَدَّثَنَا الْأَخْوَصُ بْنُ حَكِيمٍ، عَنْ أَبِيهِ. وَرَأَيْدُ بْنُ سَعْدٍ، وَعَبْدُ الْأَعْلَى بْنُ عَبْدِ، عَنْ عَثْبَةَ بْنِ عَبْدِ السَّلْمِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَتَى أَحَدُكُمْ أَهْلَهُ فَلْيَسْتَتِرْ وَلَا يَتَجَرَّدْ تَجَرُّدَ الْعَيْرَيْنِ».

تخریج: [إسناده ضعيف] وقال البوصيري: إسناده ضعيف * الأخوص بن حكيم ضعفه أحمد، وأبو حاتم، والنسائي وغيرهم، وقال صاحب التريب: ضعيف الحفظ، وللحديث شواهد ضعيفة.

1922. It was narrated from a freed slave of 'Āishah that 'Āishah said: "I never looked at or I never saw the private part of the Messenger of Allâh ﷺ." (*Da'if*)

(One of the narrators) Abu Bakr (Ibn Abu Shaibah) said: "Abu Nu'aim said: 'From a freed female slave of 'Āishah.'"

١٩٢٢ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ مُوسَى ابْنِ عَبْدِ اللَّهِ بْنِ يَزِيدٍ، عَنْ مَوْلَى لِعَائِشَةَ، عَنْ عَائِشَةَ قَالَتْ: مَا نَظَرْتُ، أَوْ مَا رَأَيْتُ فَرْجَ رَسُولِ اللَّهِ ﷺ قَطُّ.

قَالَ أَبُو بَكْرٍ: قَالَ أَبُو نُعَيْمٍ: عَنْ مَوْلَا لِعَائِشَةَ.

تخریج: [ضعيف] تقدم، ح: ٦٦٢.

Chapter 29. Prohibition Of Having Intercourse With Women In The Buttocks

1923. It was narrated from Abu Hurairah that the Prophet ﷺ said: "Allâh will not look at a man who has intercourse with his wife in her buttocks." (*Sahih*)

(المعجم ٢٩) - بَابُ التَّنْهِي عَنْ إِتْيَانِ النِّسَاءِ فِي أَدْبَارِهِنَّ (التحفة ٢٩)

١٩٢٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنُ أَبِي السَّوَّارِ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ الْمُخْتَارِ، عَنْ سَهْبِيلِ بْنِ أَبِي صَالِحٍ، عَنِ الْحَارِثِ بْنِ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَنْظُرُ اللَّهُ إِلَى رَجُلٍ جَامَعَ امْرَأَتَهُ فِي دُبْرِهَا».

تخريج: [صحيح] أخرجه أبو داود، النكاح، باب: في جامع النكاح، ح: ٢١٦٢ من حديث سهل به، وإسناده حسن، وصححه البوصيري، وله شواهد صحيحة، وهو من الأحاديث المتواترة.

Comments:

'Allâh ﷻ will not look towards him'; it means Allâh ﷻ will not cast a glance of mercy at him and his offence will not be forgiven on the Day of Judgement. It shows the prohibition of this act; another *Hadith* narrates that the perpetrator of this act is cursed too. The Prophetic statement is, 'He who has intercourse with a woman from her backside (anus) is cursed.' (*Sunan Abu Dawud: 2162*)

1924. It was narrated from Khuzaimah bin Thâbit that the Messenger of Allâh ﷺ said: "Allâh is not too shy to tell the truth," three times. "Do not have intercourse with women in their buttocks." (*Sahih*)

١٩٢٤ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ اللَّهِ: أَيْبَانَا عَبْدُ الْوَالِدِ بْنُ زَيْدٍ، عَنْ حَجَّاحِ بْنِ أَرْطَاةَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ هَرَمِيِّ بْنِ عَبْدِ اللَّهِ، عَنْ حُزَيْمَةَ بْنِ ثَابِتٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ لَا يَسْتَعْيِي مِنَ الْحَقِّ ثَلَاثَ مَرَّاتٍ وَلَا تَأْتُوا النِّسَاءَ فِي أَدْبَارِهِنَّ».

تخريج: [صحيح] انظر، ح: ١١٢٩، ٤٩٦، لعلته، وضعفه البوصيري وغيره، والحديث صحيح، وانظر الحديث السابق.

Comments:

The anus is a place of filth; therefore, a believer avoids it. Naturally, this is not the function and purpose of this place; and medically it has many affects and dark sides, one of these has recently appeared in the form of 'AIDS Disease'. The legal place of intercourse, the vagina, is even forbidden during the days of impurity; so how can the place which is just for filth be allowed!

1925. It was narrated from Muhammad bin Munkadir that he heard Jâbir bin 'Abdullâh say: "The Jews used to say that if a man has intercourse with a woman in her vagina from the back, the child would have a squint. Then Allâh, Glorious is He, revealed: 'Your wives are a filth for you, so go to your tilth, when or how you will.'"^[1] (*Sahih*)

١٩٢٥ - حَدَّثَنَا سَهْلُ بْنُ أَبِي سَهْلٍ، وَ جَمِيلُ بْنُ الْحُسَيْنِ. قَالَ: حَدَّثَنَا شُعْبَانُ عَنْ مُحَمَّدِ بْنِ الْمُثَنَّبِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: كَانَتْ يَهُودُ تَقُولُ: مَنْ أَتَى امْرَأَةً فِي قُبُلِهَا، مِنْ دُبُرِهَا، كَانَ الْوَلَدُ أَحْوَلَ. فَأَنْزَلَ اللَّهُ سُبْحَانَهُ: ﴿نِسَاءَكُمْ حَرْثٌ لَكُمْ فَأَتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ﴾ [البقرة: ٢٢٣].

[1] *Al-Baqarah 2:223.*

تخريج: أخرجه البخاري، التفسير، باب: ﴿نساؤكم حرث لكم فأتوا حرثكم أنى شئتم﴾ ح: ٤٥٢٨، ومسلم، النكاح، باب جواز جماعه امرأته في قبلها ... إلخ، ح: ١٤٣٥ من حديث سفيان به.

Comments:

The husband and wife are allowed to enjoy each other by all means, whether the woman is lying on her back, on the stomach or on the side. But the necessary thing is that only the legal and natural way according to *Shari'ah* should be used for intercourse.

Chapter 30. Coitus Interruptus (المعجم ٣٠) - بَابُ الْعَزْلِ (التحفة ٣٠)

1926. It was narrated that Abu Sa'eed Al-Khudri said: "A man asked the Messenger of Allāh ﷺ about coitus interruptus. He said: 'Do you do that? If you do not do so, it will not harm; for there is no soul that Allāh has decreed will exist but it will come into being.'" (*Sahih*)

١٩٢٦ - حَدَّثَنَا أَبُو مَرْوَانَ مُحَمَّدُ بْنُ عُثْمَانَ الْعُثْمَانِيُّ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنِ ابْنِ شِهَابٍ: حَدَّثَنِي عُبَيْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: سَأَلَ رَجُلٌ رَسُولَ اللَّهِ ﷺ عَنِ الْعَزْلِ؟ فَقَالَ: «أَوْ تَفْعَلُونَ؟ لَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا. فَإِنَّهُ لَيْسَ مِنْ نَسَمَةٍ، قَضَى اللَّهُ لَهَا أَنْ تَكُونَ، إِلَّا هِيَ كَائِنَةٌ».

تخريج: [إسناده صحيح] أخرجه النسائي في الكبرى، وأحمد: ٩٢/٣، ٩٣ من حديث إبراهيم بن سعد به، وله طرق أخرى عند مسلم، ح: ١٤٣٨ وغيره .

Comments:

- Coitus interruptus is, when having intercourse, to withdraw the penis before emission of semen to avoid the risk of conception.
- If you do not do so, it will not harm; it indicates that not doing coitus interruptus is better, but it is not forbidden strictly. Therefore, if woman is unable to bear the difficulty of pregnancy and childbirth due to sickness or weakness, then coitus interruptus may be practised.

1927. It was narrated that Jābir said: "We used to practice coitus interruptus during the time of the Messenger of Allāh ﷺ when the Qur'ān was being revealed." (*Sahih*)

١٩٢٧ - حَدَّثَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمْدَانِيُّ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو، عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: كُنَّا نَعْزِلُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، وَالْقُرْآنُ يَنْزِلُ.

تخريج: أخرجه البخاري، النكاح، باب العزل، ح: ٥٢٠٨، ومسلم، النكاح، باب حكم العزل، ح: ١٤٤٠ من حديث سفيان به.

Comments:

Its definite prohibition was not revealed during the period of revelation, which proves the permissibility of this action.

1928. It was narrated that 'Umar bin Khattâb said: "The Messenger of Allâh ﷺ forbade practicing coitus interruptus with a free woman except with her consent." (Da'if)

١٩٢٨ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا إِسْحَاقُ بْنُ عِيسَى: حَدَّثَنَا ابْنُ لَهْيَعَةَ: حَدَّثَنِي جَعْفَرُ بْنُ رَبِيعَةَ، عَنِ الزُّهْرِيِّ، عَن مُحَرَّرِ بْنِ أَبِي هُرَيْرَةَ، عَن أَبِيهِ، عَن عَمْرِو بْنِ الْخَطَّابِ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ يُعْرَلَ عَنِ الْحُرَّةِ إِلَّا بِإِذْنِهَا.

تخریج: [إسناده ضعيف] أخرجه أحمد: ٣١/١ عن إسحاق به، وقال البوصيري: هذا إسناد ضعيف لضعف ابن لهيعة، وفيه علة أخرى تقدم، ح: ٧٠٧، وليس له شاهد صحيح.

Chapter 31. A Man Should Not Be Married To A Woman Along With Her Paternal or Maternal Aunt At The Same Time

(المعجم ٣١) - بَابُ: لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتَيْهَا وَلَا عَلَى خَالَتَيْهَا (التحفة ٣١)

1929. It was narrated from Abu Hurairah that the Prophet ﷺ said: "A woman should not be married to a man who is married to her paternal aunt or maternal aunt (at the same time)." (Sahih)

١٩٢٩ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنِ هِشَامِ بْنِ حَسَّانٍ، عَن مُحَمَّدِ ابْنِ سَبْرِينَ، عَن أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتَيْهَا، وَلَا عَلَى خَالَتَيْهَا».

تخریج: وأخرجه مسلم، النكاح، باب تحريم الجمع بين المرأة وعمتها أو خالتها في النكاح، ح: ٣٨/١٤٠٨ عن أبي بكر بن أبي شيبة به، وله طرق أخرى عند البخاري، ح: ٥١٠٩ وغيره.

1930. It was narrated that Abu Sa'eed Al-Khudri said: "I heard the Messenger of Allâh ﷺ forbid two types of marriage: For a man to be married to a woman and her paternal aunt (at the same time), and to a woman and her maternal aunt (at the same time)." (Sahih)

١٩٣٠ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَن مُحَمَّدِ بْنِ إِسْحَاقَ، عَن يَعْقُوبِ ابْنِ عَتْبَةَ، عَن سُلَيْمَانَ بْنِ يَسَارٍ، عَن أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَنْهَى عَنِ نِكَاحَيْنِ. أَنْ يَجْمَعَ الرَّجُلُ بَيْنَ الْمَرْأَةِ وَعَمَّتَيْهَا، وَبَيْنَ الْمَرْأَةِ وَخَالَتَيْهَا.

تخريج: [صحيح] أخرجه أحمد: ٦٧/٣ من حديث ابن إسحاق به مطولاً، والحديث السابق

شاهد له.

1931. Abu Bakr bin Abu Musa narrated that his father said: "The Messenger of Allâh ﷺ said: "A man should not be married to a woman and her paternal aunt or maternal aunt at the same time." (Sahih)

١٩٣١ - حَدَّثَنَا جُبَارَةُ بْنُ الْمُغَلِّسِ: حَدَّثَنَا أَبُو بَكْرِ بْنُ النَّهْسَلِيِّ: حَدَّثَنِي أَبُو بَكْرٍ بْنُ أَبِي مُوسَى، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تُنْكَحُ الْمَرْأَةَ عَلَى عَمَّتِهَا وَلَا عَلَى خَالَئِهَا».

تخريج: [صحيح] انظر، ح: ٧٤٠ لعلته، ح: ١٩٢٩ شاهد له.

Comments:

After the death of a wife or after her divorce, her maternal aunt or the daughter of her sister, and her paternal aunt or the daughter of her brother, are permissible for the man to take as brides. Similarly, two sisters at one time cannot be in the marriage bond of one man; but after the divorce or death of the first sister, the marriage of the second sister is allowed with the same man. (An-Nisâ 4:23)

Chapter 32. A Man Divorces His Wife Thrice, Then Another Man Marries Her And Divorces Her Before Consummating The Marriage. Can She Go Back To The First Man?

1932. It was narrated from 'Aishah that the wife of Rifâ'ah Al-Qurazi came to the Messenger of Allâh ﷺ and said: "I was married to Rifâ'ah, and he divorced me and made it irrevocable. Then I married 'Abdur-Rahmân bin Zubair, and what he has is like the fringe of a garment." The Prophet ﷺ smiled and said: "Do you want to go back to Rifâ'ah? No, not until you taste his ('Abdur-Rahmân's) sweetness and he tastes your sweetness." (Sahih)

(المعجم ٣٢) - بَابُ الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ ثَلَاثًا فَتَرْوَجُ فَيُطَلِّقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا. أُنْزَجُ إِلَى الْأَوَّلِ (النصفه ٣٢)

١٩٣٢ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ. أَخْبَرَنِي عُرْوَةُ، عَنْ عَائِشَةَ أَنَّ امْرَأَةَ رِفَاعَةَ الْقُرْظِيِّ جَاءَتْ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: إِنِّي كُنْتُ عِنْدَ رِفَاعَةَ. فَطَلَّقَنِي فَبَتَّ طَلَاقِي. فَتَرْوَجْتُ عَبْدَ الرَّحْمَنِ بْنَ الزُّبَيْرِ. وَإِنَّ مَا مَعَهُ مِثْلُ هُدْبَةِ الثَّوْبِ. فَتَبَسَّمَ النَّبِيُّ ﷺ فَقَالَ: «أَتُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا. حَتَّى تَذُوقِي عُسَيْلَتَهُ وَيَذُوقَ عُسَيْلَتِكَ».

تخریج: أخرجه البخاري، الشهادات، باب شهادة المختبىء، ح: ٢٦٣٩، ومسلم، النكاح، لا تحل المطلقة ثلاثاً لمطلقها حتى تنكح زوجاً غيره ويطأها ثم يفارقها وتنقضي عدتها، ح: ١٤٣٣ من حديث سفيان به.

Comments:

- a. The permission of marrying the first man (who gave her final divorce) is with the condition that the second husband divorced her after having intercourse. If the second husband divorced her before having sexual intercourse, then remarrying the former husband is not yet permissible; but she may marry a third person.
- b. The third divorce is an absolute or final divorce after which the right of revocation is void. If a woman is divorced after the marriage ceremony without consummating the marriage, then this first divorce will be regarded as absolute and final. If one is married to a female slave, then the second divorce will be the absolute one. Any other case has the right to three divorces and the third divorce will be the last one.

1933. It was narrated from Ibn 'Umar, from the Prophet ﷺ, concerning a man who had a wife then divorced her, then another man married her but divorced her before consummating the marriage. Could she go back to the first man? He said: "No, not until he tastes her sweetness." (*Sahih*)

١٩٣٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عُلْقَمَةَ بِنِ مَرْثَدٍ قَالَتْ: سَمِعْتُ [سَالِمَ بْنَ رَزِينٍ] يُحَدِّثُ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ ابْنِ عَمْرٍ، عَنِ النَّبِيِّ ﷺ، فِي الرَّجُلِ تَكُونُ لَهُ الْمَرْأَةُ فَيُطَلِّقُهَا. فَيَتَزَوَّجُهَا رَجُلٌ فَيُطَلِّقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا. أَتُرْجَعُ إِلَى الْأَوَّلِ؟ قَالَتْ: «لَا. حَتَّى يَذُوقَ الْعُسَيْلَةَ».

تخریج: [صحيح] أخرجه النسائي: ١٤٨/٦، ١٤٩، ح: ٣٤٤٣، التعليقات السلفية: ٣٤٤٣، وأحمد: ٨٥/٢ عن محمد بن جعفر من حديث شعبة به، وخالفه سفيان الثوري فرواه عن علقمة عن رزين بن سليمان الأحمرى عن ابن عمر به * رزين أو ابن رزين مجهول كما في التقريب، ولحديثه شواهد كثيرة منها الحديث السابق، فائدة: وقع في المجتبى للنسائي: سلم بن زبير، وهو تصحيف كما حققه شيخنا الإمام الحجة المتقن الفقيه المحدث محمد عطاء الله حنيف الفوجياني رحمه الله عليه في التعليقات، ثم وجدته على الصواب في السنن الكبرى للنسائي، ح: ٥٦٠٧ فله دره.

Comments:

'Taste' means the performance of intercourse, as has been mentioned previously.

Chapter 33. The *Muhallil* And The *Muhallal Lahu*^[1]

(المعجم ٣٣) - بَابُ الْمُحَلِّلِ وَالْمُحَلَّلِ
لَهُ (التحفة ٣٣)

1934. It was narrated that Ibn 'Abbās said: "The Messenger of Allāh ﷺ cursed the *Muhallil* and the *Muhallal lahu*." (*Sahih*)

١٩٣٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو عَامِرٍ، عَنْ زَمْعَةَ بْنِ صَالِحٍ، عَنْ سَلْمَةَ بْنِ [وَهْرَامٍ]، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: لَعَنَ رَسُولُ اللَّهِ ﷺ الْمُحَلِّلَ وَالْمُحَلَّلَ لَهُ.

تخریج: [صحيح] * زمعة تقدم، ح: ٣٢٦، ولحديثه شاهد حسن عند أحمد وغيره من حديث أبي هريرة رضي الله عنه: ٣٢٣/٢، وضححه ابن الجارود، ح: ٦٨٤، وحسنه البخاري (التلخيص الحبير: ٣/١٧٠)، وللحديث شواهد كثيرة، ذكرت بعضها في نيل المقصود، ح: ٢٠٧٦، وثبت إنكار التحليل المذكور عن عمر وعثمان وابن عمر وغيرهم رضي الله عنهم أجمعين.

1935. It was narrated that 'Ali said: "The Messenger of Allāh ﷺ cursed the *Muhallil* and the *Muhallal lahu*." (*Da'if*)

١٩٣٥ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ [ابْنِ الْبَخْتَرِيِّ الْوَاسِطِيِّ]: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ ابْنِ عَوْنٍ وَ مَجَالِدٍ عَنِ الشَّعْبِيِّ، عَنِ الْحَارِثِ، عَنْ عَلِيِّ قَالَ: لَعَنَ رَسُولُ اللَّهِ ﷺ الْمُحَلِّلَ وَالْمُحَلَّلَ لَهُ.

تخریج: [ضعيف] أخرجه أبو داود، النكاح، باب: في التحليل، ح: ٢٠٧٦ من حديث الشعبي به * والحاثر تقدم، ح: ٩٥، وحديث أحمد (٣٢٣/٢)، ح: ٨٢٧٠ يغني عنه.

1936. 'Uqbah bin 'Āmir narrated that the Messenger of Allāh ﷺ said: "Shall I not tell you of a borrowed billy goat." They said: "Yes, O Messenger of Allāh!" He said: "He is *Muhallil*. May Allāh curse the *Muhallil* and the *Muhallal lahu*." (*Hasan*)

١٩٣٦ - حَدَّثَنَا يَحْيَى بْنُ عُمَرَ بْنِ صَالِحِ الْمِصْرِيِّ: حَدَّثَنَا أَبِي. قَالَ: سَمِعْتُ اللَّيْثَ ابْنَ سَعْدٍ يَقُولُ: قَالَ لِي أَبُو مُصْعَبٍ مِشْرُحُ ابْنِ هَاعَانَ، قَالَ عَقِبَةُ بْنُ عَامِرٍ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَلَا أُخْبِرُكُمْ بِالَّتَيْسِ الْمُسْتَعَارِ؟» قَالُوا: بَلَى. يَا رَسُولَ اللَّهِ. قَالَ: «هُوَ الْمُحَلِّلُ. لَعَنَ اللَّهُ الْمُحَلِّلَ وَالْمُحَلَّلَ لَهُ».

تخریج: [حسن] أخرجه الطبراني (الكبير: ١٧/٢٩٩)، ح: ٨٢٥ من حديث أبي صالح عن الليث به، وضححه الحاكم (٢/١٩٨)، والذهبي، وفيه علة قاذحة، وح: ١٩٣٤ شاهد له، وحسنه

[1] *Muhallil* is the man who marries a woman in order to divorce her, so that she can go back to her first husband. *Muhallal lahu* is the first husband for whom this is done.

الحافظ عبدالحق الإشبيلي، والحافظ ابن تيمية وغيرهما.

Comments:

- If a woman is divorced three times (the three divorces in accordance with the *Shari'ah*) and her husband wants to take her back, it is not allowed. If a second man marries her, and he has no intention to live a matrimonial or family life with her permanently; rather he intends to divorce her after marriage, and having sexual intercourse and this marriage is a trick, so that the former husband can remarry her, thus which was unlawful for the former husband will become lawful, this type of temporary marriage is called *Halalah*, it is declared a cursed deed in this *Hadith*.
- The curse proves the prohibition of *Halalah*, because a permissible deed never causes a curse.
- The person who performs *Halalah* is named, in the *Hadith*, a billy goat or a male goat, which stresses the gravity of evil in this act.

Chapter 34. What Is Unlawful Due To Lineage Is Unlawful Due To Breastfeeding

1937. It was narrated from 'Aishah that the Messenger of Allāh ﷺ said: 'Breastfeeding makes unlawful (for marriage) the same things that blood ties make unlawful.' (*Sahih*)

(المعجم ٣٤) - بَابُ: يُحْرَمُ مِنَ الرِّضَاعِ مَا يُحْرَمُ مِنَ النَّسَبِ (التحفة ٣٤)

١٩٣٧ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنِ الْحَجَّاجِ، عَنِ الْحَكَمِ، عَنِ عِرَاكِ بْنِ مَالِكٍ، عَنِ عُرْوَةَ، عَنِ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «يُحْرَمُ مِنَ الرِّضَاعِ مَا يُحْرَمُ مِنَ النَّسَبِ».

تخریج: أخرجه مسلم، الرضاع، باب تحريم الرضاعة من ماء الفحل، ح: ٩/١٤٤٥ من حديث يزيد بن أبي حبيب عن عراك به مطولاً، نحو المعنى، وأصله عند البخاري، ومسلم وغيرهما، وأنظر الحديث الآتي.

Comments:

The details of the women who are prohibited for marriage due to fosterage (suckling a baby) are the following:

- Foster Mother: Who suckled you during the foster period (first two years of infancy).
- Foster Sister: Your real or foster mother suckled her, along with you, before you or after you; or a woman whose real or foster mother suckled you; i.e., all blood related children and the foster children of a woman will become brothers and sisters of the suckling child.
- Foster maternal aunt: The sisters of the foster mother will become maternal aunts of the suckling child.
- Foster paternal aunt: The husband of the foster mother will be the father of

the suckling child; therefore, the sisters of the foster father will become paternal aunts and his brothers will be the paternal uncles of the suckling child.

Other real brothers and sisters of the suckling child, who did not suckle the same foster mother, will not have any foster relation with the woman and her children.

1938. It was narrated from Ibn 'Abbās that the Messenger of Allāh ﷺ was offered the daughter of Hamzah bin 'Abdul-Muttalib in marriage, and he said: "She is the daughter of my brother through breastfeeding, and breastfeeding makes unlawful (for marriage) the same things that blood ties make unlawful." (*Sahih*)

١٩٣٨ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ، وَ أَبُو بَكْرٍ ابْنُ خَلَّادٍ. قَالَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا سَعِيدٌ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ ﷺ أُرِيدَ عَلَى بِنْتِ حَمْزَةَ بْنِ عَبْدِ الْمُطَّلِبِ. فَقَالَ: «إِنَّهَا ابْنَةُ أَخِي مِنَ الرِّضَاعَةِ. وَإِنَّهُ يَحْرُمُ مِنَ الرِّضَاعَةِ مَا يَحْرُمُ مِنَ النَّسَبِ».

تخریج: أخرجه البخاري، الشهادات، باب الشهادة على الأنساب والرضاع المستفيض والموت القديم، ح: ٢٦٤٥، ٥١٠٠، ومسلم، الرضاع، باب تحريم ابنة الأخ من الرضاعة، ح: ١٤٤٧ من حديث قتادة به.

Comments:

- The chief of the martyrs, Hamzah ؓ was the real paternal uncle of Allāh's Messenger ﷺ. Therefore, the marriage of his daughter should have been legal with the Prophet; that is why 'Ali ؓ gave this proposal to the Prophet ﷺ. But the Messenger of Allāh ﷺ made it clear that it was possible because of the family lineage relation, but it was impossible due to the prohibition of fosterage.
- Thuwaibah, the female slave of Abu Lahab, suckled Hamzah ؓ; she also suckled the Messenger of Allāh ﷺ for a few days. (*Lama'ât Sharh Mishkât*, Book of *Nikâh*, chapter: The women prohibited for marriage)

1939. It was narrated from 'Urwah bin Zubair that Zainab bint Abi Salamah told him that Umm Habibah told her that she said to the Messenger of Allāh ﷺ: "Marry my sister 'Azzah." The Messenger of Allāh ﷺ said: "Would you like that?" She said: "Yes, O Messenger of Allāh. I am not the only one living with you and the one who most deserves to

١٩٣٩ - حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَنَّ بَنَاتَ اللَّيْثِ بْنِ سَعْدٍ، عَنْ بَرِيدِ بْنِ أَبِي حَبِيبٍ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ أَنَّ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ حَدَّثَتْهُ أَنَّ أُمَّ حَبِيبَةَ حَدَّثَتْهَا أَنَّهَا قَالَتْ لِرَسُولِ اللَّهِ ﷺ: انكِحْ أُخْتِي عَزَّةَ. قَالَ رَسُولُ اللَّهِ ﷺ: «أَتَعْجِبِينَ ذَلِكَ؟» قَالَتْ: نَعَمْ. يَا رَسُولَ اللَّهِ فَلَسْتُ لَكَ بِمُحَلِّيَةٍ.

share good things with me is my sister." The Messenger of Allāh ﷺ said: "But that is not permissible for me." She said: "But we thought that you wanted to marry Durrah bint Abi Salamah." The Messenger of Allāh ﷺ said: "The daughter of Umm Salamah?" She said: "Yes." The Messenger of Allāh ﷺ said: "Even if she were not my step-daughter who is under my care, she would not be permissible for me, because she is the daughter of my brother through breastfeeding. Thuwaibah breastfed both her father and I. So do not offer your sisters and daughters to me for marriage." (*Sahih*)

Another chain of narrator with similar wording.

وَأَحَقُّ مِنْ شُرَكَائِي فِي خَيْرِ أُخْتِي. قَالَ رَسُولُ اللَّهِ ﷺ: «فَإِنَّ ذَلِكَ لَا يَجِلُّ لِي» قَالَتْ: فَإِنَّا نَتَحَدَّثُ أَنَّكَ تُرِيدُ أَنْ تَنْكِحَ دُرَّةَ بِنْتِ أَبِي سَلَمَةَ. فَقَالَ: «بِنْتُ أُمِّ سَلَمَةَ؟» قَالَتْ: نَعَمْ. قَالَ رَسُولُ اللَّهِ ﷺ: «فَإِنَّهَا لَوْ لَمْ تَكُنْ رِبِيعِي فِي حَجْرِي مَا حَلَّتْ لِي. إِنَّهَا لِابْنَتُهُ أُخِي مِنْ الرِّضَاعَةِ. أَرْضَعْتَنِي وَأَبَاهَا ثُوَيْبَةُ. فَلَا تَعْرِضْنِ عَلَيَّ أَخَوَاتِكُنَّ وَلَا بَنَاتِكُنَّ».

حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ زَيْنَبِ بِنْتِ أُمِّ سَلَمَةَ، عَنْ أُمِّ حَبِيبَةَ، عَنِ النَّبِيِّ ﷺ، نَحْوَهُ.

تخریج: أخرجه البخاري، النكاح، باب ﴿وَأُمَّهَاتِكُمْ الَّتِي أَرْضَعْتَكُمْ﴾ ح: ٥١٠١ وغيره من حديث الزهري به، ومسلم، الرضاع، باب تحريم الربيبة وأخت المرأة، ح: ١٤٤٩ من حديث محمد بن رمح به، أخرجه البخاري، ح: ٥١٠٦، ومسلم، ح: ١٤٤٩ وغيرهما من حديث هشام بن عروة به .

Comments:

- Two sisters at one time are not allowed in the marriage bond with the same man.
- Marriage with the step daughter is not allowed.
- The marriage with a foster niece is as prohibited as with the real niece.
- The relations of fosterage must be kept identified lest the marriage mistakenly take place with such a woman that it is not allowed.

Chapter 35. Suckling Once Or Twice Does Not Make (Marriage) Unlawful

1940. It was narrated that Umm Fadl said that the Messenger of Allāh ﷺ said: "Breastfeeding once or twice, or suckling once or

(المعجم ٣٥) - بَابُ: لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ (التحفة ٣٥)

١٩٤٠ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ: حَدَّثَنَا ابْنُ أَبِي عُرْوَةَ، عَنْ قَتَادَةَ، عَنْ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ

twice, does not make (marriage) unlawful." (*Sahih*)

الْبَحَارِثِ أَنَّ أُمَّ الْفَضْلِ حَدَّثَتْهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تُحْرَمُ الرَّضْعَةُ وَلَا الرَّضْعَتَانِ أَوْ الْمَصَّةُ وَالْمَصَّتَانِ».

تخریج: أخرجه مسلم، الرضاع، باب في المصّة والمصتان، ح: ١٤٥١ عن أبي بكر بن أبي شيبة به.

Comments:

Some of the scholars understood from this *Hadith* that three cases of suckling establish the rules of fosterage, i.e. the relationship of fosterage is established. But the truth is that the fosterage is proven by suckling five times. As the saying of 'Āishah ؓ is narrated in *Sahih Muslim* that the first rule of suckling regarding the prohibition of marriage, revealed in the Qur'an, was of suckling ten times; later it was abrogated and the rule of fosterage prohibition due to suckling five times was revealed.

1941. It was narrated from 'Āishah that the Prophet ﷺ said: "Suckling once or twice does not make (marriage) unlawful." (*Sahih*)

١٩٤١ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ بْنُ خِدَاشٍ: حَدَّثَنَا ابْنُ أَبِي عُلَيْبَةَ، عَنْ أَبِي بَرْزَةَ، عَنْ ابْنِ أَبِي مُلَيْكَةَ عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُحْرَمُ الْمَصَّةُ وَالْمَصَّتَانِ».

تخریج: أخرجه مسلم، الرضاع، الباب السابق، ح: ١٤٥٠ من حديث إسماعيل ابن عليه وغيره به.

1942. It was narrated that 'Āishah said: "One of the things that Allāh revealed in the Qur'an and then abrogated was that nothing makes marriage prohibited except ten breastfeedings or five well-known (breastfeedings)." (*Sahih*)

١٩٤٢ - حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ ابْنُ عَبْدِ الْوَارِثِ: حَدَّثَنَا أَبِي: حَدَّثَنَا حَمَادُ ابْنُ سَلَمَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: كَانَ فِيمَا أَنْزَلَ اللَّهُ مِنَ الْقُرْآنِ، ثُمَّ سَقَطَ: لَا يُحْرَمُ إِلَّا عَشْرُ رَضَعَاتٍ أَوْ خَمْسُ مَعْلُومَاتٍ.

تخریج: [إسناده صحيح].

Comments:

This narration has uncertainty regarding the revealed rule if it was ten times or five times; but the aforementioned narration of *Sahih Muslim* made it clear that the rule was revealed for five times.

Chapter 36. Breastfeeding An Adult

1943. It was narrated that 'Aishah said: "Sahlah bint Suhail came to the Prophet ﷺ and said: 'O Messenger of Allāh, I see signs of displeasure on the face of Abu Hudhaifah when Sālim enters upon me.'" The Prophet ﷺ said: "Breastfeed him." She said: "How can I breastfeed him when he is a grown man?" The Messenger of Allāh ﷺ smiled and said: "I know that he is a grown man." So she did that, then she came to the Prophet ﷺ and said: "I have never seen any signs of displeasure on the face of Abu Hudhayfah after that." And he was present at (the battle of) Badr.^[1] (*Sahih*)

تخریج: أخرجه مسلم، الرضاع، باب رضاعة الكبير، ح: ١٤٥٣ من حديث سفیان به.

Comments:

Due to this *Hadith*, 'Aishah ﷺ had the opinion that the milk, in whatever age it is suckled, will prove the prohibition of fosterage. But other Mothers of the Believers did not agree with her; as appears in the following chapter. (See *Hadith*: 1947)

1944. It was narrated that 'Aishah said: "The Verse of stoning and of breastfeeding an adult ten times was revealed, and the paper was with me under my

(المعجم ٣٦) - بَابُ رِضَاعِ الْكَبِيرِ

(التحفة ٣٦)

١٩٤٣ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتْ سَهْلَةَ بِنْتُ سُهَيْلٍ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنِّي أَرَى فِي وَجْهِ أَبِي حَدِيثَةَ الْكَرَاهِيَةَ مِنْ دُحُولِ سَالِمِ عَلَيَّ. فَقَالَ النَّبِيُّ ﷺ: «أَرْضِعِيهِ» قَالَتْ: كَيْفَ أَرْضِعُهُ وَهُوَ رَجُلٌ كَبِيرٌ؟ فَتَبَسَّمَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «قَدْ عَلِمْتُ أَنَّهُ رَجُلٌ كَبِيرٌ». فَفَعَلْتُ. فَأَتَتِ النَّبِيَّ ﷺ فَقَالَتْ: مَا رَأَيْتُ فِي وَجْهِ أَبِي حَدِيثَةَ شَيْئًا أَكْرَهُهُ بَعْدُ. وَكَانَ شَهِدَ بَدْرًا.

١٩٤٤ - حَدَّثَنَا أَبُو سَلَمَةَ يَحْيَى بْنُ خَلْفٍ: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ

^[1] Nearly all of the scholars hold the view of the rest of the wives of the Prophet ﷺ, as recorded by *Muslim* and others (similar here under no. 1947), that Umm Salamah, the wife of the Prophet ﷺ would say: "The rest of the wives of the Prophet ﷺ refused to have anyone enter upon them based upon such suckling. They said to 'Aishah: 'By Allāh! We see that this is but an allowance that Allāh's Messenger ﷺ granted to Sālim specifically. So no one enters upon us based on this suckling, nor sees us.'" And regarding the suckling itself, Nawawi mentioned that Qādi 'Iyād said: "Perhaps she expressed the milk, then he drank it without touching."

pillow. When the Messenger of Allāh ﷺ died, we were preoccupied with his death, and a tame sheep came in and ate it.” (Hasan)

عَائِشَةَ. وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: لَقَدْ نَزَلَتْ آيَةُ الرَّجْمِ، وَرِضَاعَةُ الْكَبِيرِ عَشْرًا. وَلَقَدْ كَانَ فِي صَحْبِيهِ تَحْتَ سَرِيرِي. فَلَمَّا مَاتَ رَسُولُ اللَّهِ ﷺ وَتَشَاعَلْنَا بِمَوْتِهِ، دَخَلَ دَاجِنٌ فَأَكَلَهَا.

تخريج: [إسناده حسن] أخرجه أحمد: ٢٦٩/٦ من حديث ابن إسحاق حدثني عبدالله بن أبي بكر به، طريق عمره بنت عبدالرحمن فقط، واللفظ لهذا الطريق، أخرجه مالك: ٦٠٨/٢ موطأ، ومن طريقه مسلم، ح: ١٤٥٢ عن عبدالله بن أبي بكر به لم يذكر قصة الداجن، وهاتان الآيتان كانتا منسوختان القراءة فأكلتهما الداجن لأن لا تكتبها في القرآن، والقرآن كامل مكمل كما تركه رسول الله ﷺ لم يزد فيه حرف ولم ينقص منه شيء، والحمد لله.

Comments:

- a. These are such Verses that their recitation has been abrogated, while the rule remained in force; therefore, the Companions did not write it in the copy of the Qur’ân.
- b. It is proven from other *Ahâdith* that the latest rule regarding the prohibition of fosterage is for suckling five times, and this is the preferred view.

Chapter 37. There Is No Breastfeeding After Weaning

(المعجم ٣٧) - بَابُ: لَا رِضَاعَ بَعْدَ فَصَالٍ (التحفة ٣٧)

1945. It was narrated from ‘Aishah that the Prophet ﷺ entered upon her and there was a man with her. He said: “Who is this?” She said: “This is my brother.” He said: “Look at whom you allow to enter upon you, because the breastfeeding (that makes a person *Mahram*) is that which satisfies hunger.” (Sahih)

١٩٤٥ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعٌ عَنْ سُفْيَانَ، عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ، عَنْ أَبِيهِ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَيْهَا وَعِنْدَهَا رَجُلٌ. فَقَالَ: «مَنْ هَذَا؟» قَالَتْ: هَذَا أُخِي. قَالَ: «انظُرُوا مَنْ تُدْخِلْنَ عَلَيْنِ. فَإِنَّ الرِّضَاعَةَ مِنَ الْمَجَاعَةِ».

تخريج: أخرجه البخاري، الشهادات، باب الشهادة على الأنساب والرضاع المستفيض والموت القديم، ح: ٢٦٤٧، ومسلم، الرضاع، باب: إنما الرضاة من المجاعة، ح: ١٤٥٥ من حديث سفيان به.

Comments:

The prohibited relation due to fosterage will come about if the child is fostered in the first two years of age; and the child sucked milk five times to the fill; if a child is fostered after the first two years, then this suckling will

not be regarded as a prohibitive one, and it will not establish the relation of fosterage; except for in extreme circumstances.

1946. It was narrated from 'Abdullâh bin Zubair that the Messenger of Allâh ﷺ said: "There is no breastfeeding except that which fills the stomach." (Sahih)

١٩٤٦ - حَدَّثَنَا حَزْمَةُ بْنُ يَحْيَى: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ: أَخْبَرَنِي ابْنُ لَهِيْعَةَ عَنْ أَبِي الْأَسْوَدِ، عَنْ عُرْوَةَ، عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا رَضَاعَ إِلَّا مَا فَتَقَ الْأَمْعَاءُ».

تخریج: [صحیح] * ابن لهیعة عنن، ح: ٣٣٠ فيما أعلم، ولحديثه شواهد منها الحديث السابق، وقال البوصيري: في إسناده ابن لهيعة... والحديث رواه الترمذي، ح: ١١٥٢ من حديث أم سلمة، وقال: حسن صحيح، وبه صح الحديث.

Comments:

The meaning of the *Hadith* is, only that suckling will be taken into consideration in such early age of the baby when the milk of the mother serves the purpose of food for the baby. In normal circumstances, suckling an older child will not establish the relation of fosterage.

1947. It was narrated from Zainab bint Abi Salamah that the wives of the Prophet ﷺ all differed with 'Aishah and refused to allow anyone with ties of breastfeeding like Sâlim, the freed slave of Abu Hudhaifah, to enter upon them. They said: "How do we know? That may be a concession granted only to Sâlim." (Sahih)

١٩٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ الْمُصَرِّفِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ لَهِيْعَةَ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ وَعَقِيلِ بْنِ أَبِي شَهَابٍ: أَخْبَرَنِي أَبُو عُبَيْدَةَ بْنُ عَبْدِ اللَّهِ بْنِ زَمْعَةَ، عَنْ أُمِّهِ زَيْنَبِ بِنْتِ أَبِي سَلَمَةَ أَنَّهَا أَخْبَرَتْهُ أَنَّ أَرْوَاجَ النَّبِيِّ ﷺ كُلَّهُنَّ خَالَفْنَ عَائِشَةَ وَأَبِيْنَ أَنْ يَدْخُلَ عَلَيْهِنَّ أَحَدٌ يُمِثِلُ رَضَاعَةَ سَالِمٍ، مَوْلَى أَبِي حَذِيْفَةَ. وَقُلْنَ: وَمَا يَدْرِيْنَا؟ لَعَلَّ ذَلِكَ كَانَتْ رُخْصَةً لِسَالِمٍ وَحَدَهُ.

تخریج: أخرجه مسلم، الرضاع، باب رضاعة الكبير، ح: ١٤٥٤ من حديث عقيل بن ابن شهاب الزهري به.

Comments:

The same opinion of the Pure Wives of Prophet ﷺ is that of the majority scholars. Imam Bukhâri preferred it too; as mentioned in the comments of the previous *Ahâdith*. However some people are also in favor of effectiveness of suckling a grown up man; which may be practised in extreme circumstances. For further elaboration one may see in the appendix of *Tafsir Ahsanul-Bayân*, "Some Essential Rules of Fosterage," in the Urdu version.

Chapter 38. The Breast Milk Belongs To The Sire

(المعجم ٣٨) - بَابُ لَبَنِ الْفَحْلِ

(التحفة ٣٨)

1948. It was narrated that 'Aishah said: "My paternal uncle through breastfeeding, Aflah bin Abu Qu'ais, came and asked permission to visit me, after the ruling on veiling had been enjoined, and I refused to let him in, until the Prophet ﷺ came in and said: 'He is your paternal uncle; let him in.' I said: 'But it is the woman who breastfed me; the man did not breastfeed me.' He said: 'May your hands be rubbed with dust', or: 'May your right hand be rubbed with dust!'" (Sahih)

١٩٤٨ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: أَتَانِي عَمِّي مِنَ الرَّضَاعَةِ، أَفْلَحُ بْنُ أَبِي قُعَيْسٍ يَسْتَأْذِنُ عَلَيَّ، بَعْدَ مَا ضُرِبَ الْحِجَابُ. فَأَبَيْتُ أَنْ أَدْنَ لَهُ. حَتَّى دَخَلَ عَلَيَّ النَّبِيُّ ﷺ فَقَالَ: «إِنَّهُ عَمُّكَ، فَأَذْنِي لَهُ» فَقُلْتُ: «إِنَّمَا أَرْضَعْتَنِي الْمَرْأَةُ وَلَمْ يُرِضِعْنِي الرَّجُلُ؟ قَالَ: «تَرَبَّثَ يَدَاكَ، أَوْ يَمِينِكَ».

تخریج: أخرجه مسلم، الرضاع، باب تحريم الرضاعة من ماء الفحل، ح: ٤/١٤٤٥ عن ابن أبي شيبة به، وأخرجه البخاري، ح: ٣٧٩٦، ٥١٠٣، ٦١٥٦، ومسلم وغيرهما من طرق عن الزهري نحوه مطولاً.

1949. It was narrated that 'Aishah said: "My paternal uncle through breastfeeding came to visit me and I refused to let him in. The Messenger of Allāh ﷺ said: 'Let your paternal uncle visit you.' I said: 'But it is the woman who breastfed me; the man did not breastfeed me.' He said: 'He is your paternal uncle; let him visit you.'" (Sahih)

١٩٤٩ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَ عَمِّي مِنَ الرَّضَاعَةِ يَسْتَأْذِنُ عَلَيَّ، فَأَبَيْتُ أَنْ أَدْنَ لَهُ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَلْيَلِجْ عَلَيْكَ عَمُّكَ» فَقُلْتُ: «إِنَّمَا أَرْضَعْتَنِي الْمَرْأَةَ وَلَمْ يُرِضِعْنِي الرَّجُلُ. قَالَ: «إِنَّهُ عَمُّكَ. فَلْيَلِجْ عَلَيْكَ».

تخریج: أخرجه مسلم، الرضاع، باب تحريم الرضاعة من ماء الفحل، ح: ٧/١٤٤٥ عن ابن أبي شيبة وغيره به، وأخرجه البخاري، النكاح، باب ما يحل من الدخول والنظر إلى النساء في الرضاع، ح: ٥٢٣٩ من طريق مالك عن هشام به نحوه مطولاً.

Comments:

Foster relations are established from both sides, that of the foster mother and the foster father; resulting in foster maternal uncles and aunts etc. The husband of the suckling woman becomes the father of the foster child; so

his brothers and sisters will be child's foster paternal uncles and aunts etc.

Chapter 39. A Man Became Muslim And He Has (i.e., Is Married To) Two Sisters

1950. It was narrated that Dailami said: "I came to the Messenger of Allāh ﷺ, and I was married to two sisters whom I had married during the Ignorance period. He said: 'When you go back, divorce one of them.'" (Hasan)

(المعجم ٣٩) - بَابُ الرَّجُلِ يُسْلِمُ
وَعِنْدَهُ أُخْتَانِ (التحفة ٣٩)

١٩٥٠ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ ابْنِ أَبِي قُرُوءَةَ، عَنْ أَبِي وَهَبِ الْجَيْشَانِيِّ، عَنْ أَبِي خِرَاشِ الرُّعَيْنِيِّ، عَنِ الدَّيْلَمِيِّ قَالَ: قَدِمْتُ عَلَى رَسُولِ اللَّهِ ﷺ، وَعِنْدِي أُخْتَانِ تَزَوَّجْتُهُمَا فِي الْجَاهِلِيَّةِ. فَقَالَ: «إِذَا رَجَعْتَ فَطَلِّقْ إِحْدَاهُمَا».

تخريج: [حسن] فيه متروك، ولكن انظر الحديث الآتي، وأخرجه ابن أبي شيبة: ٣١٧/٤ به.

1951. Dahhâk bin Fairuz Dailami narrated that his father said: "I came to the Prophet ﷺ and said: 'O Messenger of Allāh! I have become Muslim and I am married to two sisters.' The Messenger of Allāh ﷺ said: 'Divorce whichever of them you want.'" (Hasan)

١٩٥١ - حَدَّثَنَا بُرَيْسُ بْنُ عَبْدِ الْأَعْلَى: حَدَّثَنَا ابْنُ وَهَبٍ: أَخْبَرَنِي ابْنُ لِهَيْعَةَ، عَنْ أَبِي وَهَبِ الْجَيْشَانِيِّ: حَدَّثَهُ أَنَّهُ سَمِعَ الضَّحَّاكَ بْنَ قَيْرُوزِ الدَّيْلَمِيِّ يُحَدِّثُ عَنْ أَبِيهِ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي أَسْلَمْتُ وَتَحْتِي أُخْتَانِ. قَالَ رَسُولُ اللَّهِ ﷺ لِي: «طَلِّقْ أَيَّتَهُمَا شِئْتَ».

تخريج: [حسن] أخرجه أبو داود، الطلاق، باب: في من أسلم وعنده نساء أكثر من أربع أو أختان، ح: ٢٢٤٣ من حديث أبي وهب نحوه، وحسنه الترمذي، ح: ١١٣٠، وصححه ابن حبان، وللحديث طرق عند الطبراني في الكبير: ٣٢٨/١٨، ٣٢٩، وغيره.

Comments:

- a. If a person is already married in accordance with his religion, before embracing Islam, and then the wife and husband become Muslims, their first marriage bond will be valid; they are not required to remarry.
- b. If a man is married, before embracing Islam, to such a woman with whom his marriage is unlawful according to Islam, then after embracing Islam he will have to separate from her.
- c. Before embracing Islam, the children born from this sort of marriage will be regarded lawful, and they will share the inheritance of the father.

Chapter 40. A Man Became Muslim And He Has More Than Four Wives

1952. It was narrated that Qais bin Hârith said: "I became Muslim and I had eight wives. I went to the Prophet ﷺ and told him about that. He said: 'Choose four of them.'" (Da'if)

(المعجم ٤٠) - بَابُ الرَّجُلِ يَسْلِمُ
وَعِنْدَهُ أَكْثَرُ مِنْ أَرْبَعِ نِسْوَةٍ (التحفة ٤٠)
١٩٥٢ - حَدَّثَنَا أَحْمَدُ بْنُ إِبْرَاهِيمَ الدُّورِيُّ :
حَدَّثَنَا هُشَيْمٌ عَنِ ابْنِ أَبِي لَيْلَى ، عَنْ حُمَيْصَةَ
بِنْتِ الشَّمْرَدَلِ ، عَنْ قَيْسِ بْنِ الْحَارِثِ قَالَ :
أَسْلَمْتُ وَعِنْدِي ثَمَانِي نِسْوَةٍ . فَأَخْبَتُ النَّبِيَّ
ﷺ فَقُلْتُ ذَلِكَ لَهُ . فَقَالَ : «اخْتَرِ مِنْهُنَّ
أَرْبَعًا» .

تخريج: [إسناده ضعيف] أخرجه أبو داود، الطلاق، باب في من أسلم وعنده نساء أكثر من أربع أو أختان، ح: ٢٢٤١ من حديث هشيم به، وانظر، ح: ٨٥٤ لعلته * حميصة بن (وفي كتاب ابن ماجه: بنت، وهو وهم قديم) الشمردل مستور لا يعرف.

1953. It was narrated that Ibn 'Umar said: "Ghailân bin Salamah became Muslim and he had ten wives. The Prophet ﷺ said to him: 'Choose four of them.'" (Da'if)

١٩٥٣ - حَدَّثَنَا يَحْيَى بْنُ حَكِيمٍ : حَدَّثَنَا
مُحَمَّدُ بْنُ جَعْفَرٍ : حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ ،
عَنْ سَالِمٍ ، عَنْ ابْنِ عُمَرَ قَالَ : أَسْلَمَ غَيْلَانُ
ابْنُ سَلَمَةَ وَنَحْتَهُ عَشْرُ نِسْوَةٍ . فَقَالَ لَهُ النَّبِيُّ
ﷺ : «خُذْ مِنْهُنَّ أَرْبَعًا» .

تخريج: [إسناده ضعيف] أخرجه الترمذي، النكاح، باب ماجاء في الرجل يسلم وعنده عشر نساء، ح: ١١٢٨ من حديث معمر به، ونقل عن البخاري قال: هذا حديث غير محفوظ، وفيه علة أخرى، وهي عننة الزهري، ح: ٧٠٧.

Comments:

- If a person is married to more than four women before embracing Islam, after embracing Islam he has the right to keep only four women in marriage, and he will necessarily divorce the rest.
- A person married to more than four women has the privilege to choose any four of them to keep in marriage bond, and there is no condition of choosing the first four or the last four.

Chapter 41. Conditions In Marriage

1954. It was narrated from 'Uqbah bin 'Âmir that the Prophet

(المعجم ٤١) - بَابُ الشَّرْطِ فِي النِّكَاحِ
(التحفة ٤١)

١٩٥٤ - حَدَّثَنَا عَمْرُو بْنُ عَبْدِ اللَّهِ ، وَ مُحَمَّدٌ

ﷺ said: "The conditions most deserving to be fulfilled are those by means of which the private parts become permissible for you." (*Sahih*)

ابْنُ إِسْمَاعِيلَ . قَالَ : حَدَّثَنَا أَبُو أُسَامَةَ ، عَنْ عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ ، عَنْ مَرْثَدِ بْنِ عَبْدِ اللَّهِ ، عَنْ عُقْبَةَ بْنِ غَامِرٍ ، عَنِ النَّبِيِّ ﷺ قَالَ : «إِنَّ أَحَقَّ الشَّرْطِ أَنْ يُوفَى بِهِ مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوجَ» .

تخريج: أخرجه البخاري، الشروط، باب الشروط في المهر عند عقدة النكاح، ح: ٢٧٤١ من حديث يزيد به، ومسلم، النكاح، باب الوفاء بالشروط في النكاح، ح: ١٤١٨ من حديث عبدالحميد به.

Comments:

- Marriage is a contract between a man and woman; both have rights and obligations to discharge. A man and woman both should take care of their obligations.
- According to the circumstances, more conditions may be stipulated at the time of marriage.

1955. It was narrated from 'Amr bin Shu'aib, from his father, that his grandfather said: "The Messenger of Allâh ﷺ said: 'Whatever is given as a dowry or gift before the marriage, it belongs to her. Whatever is given after the marriage belongs to the one to whom it was given. And the most deserving matter for which a man is honored is (the marriage of) his daughter or sister.'" (*Hasan*)

١٩٥٥ - حَدَّثَنَا أَبُو كُرَيْبٍ : حَدَّثَنَا أَبُو خَالِدٍ ، عَنِ ابْنِ جُرَيْجٍ ، عَنْ عَمْرِو بْنِ شُعَيْبٍ ، عَنْ أَبِيهِ ، عَنْ جَدِّهِ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : «مَا كَانَ مِنْ صَدَاقٍ أَوْ جِوَاءٍ أَوْ هِيَّةٍ قَبْلَ عِضْمَةِ النِّكَاحِ فَهِيَ لَهَا . وَمَا كَانَ بَعْدَ عِضْمَةِ النِّكَاحِ فَهِيَ لِمَنْ أُعْطِيَهِ أَوْ حُبِّي . وَأَحَقُّ مَا يُكْرَمُ الرَّجُلُ بِهِ ، ابْنَتُهُ أَوْ أُخْتُهُ» .

تخريج: [إسناده حسن] أخرجه أبو داود، النكاح، باب: في الرجل يدخل بامرأته قبل أن ينقدها شيئاً، ح: ٢١٢٩ من حديث ابن جريج به، وصرح بالسماع عند النسائي: ٦/١٢٠، ح: ٣٣٥٥.

Chapter 42. A Man Setting Free His Slave Woman Then Marrying Her

1956. It was narrated from Abu Musa that the Messenger of Allâh ﷺ said: "Whoever has a slave woman and teaches her good

(المعجم ٤٢) - بَابُ الرَّجُلِ يُعْتِقُ أَمَتَهُ ثُمَّ يَتَزَوَّجُهَا (التحفة ٤٢)
١٩٥٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ ، أَبُو سَعِيدٍ الْأَشْجِيُّ : حَدَّثَنَا عَبْدُ بْنُ سَلِيمَانَ عَنْ صَالِحِ ابْنِ صَالِحِ بْنِ حَيٍّ ، عَنِ الشَّعْبِيِّ ، عَنْ أَبِي

manners and educates her, then sets her free and marries her, will have two rewards. Any man from among the People of the Book who believed in his Prophet and believed in Muhammad will have two rewards. Any slave who does his duty towards Allāh and towards his masters will have two rewards." (*Sahih*)

(One of the narrators) Sâlih said: "Sha'bi said: 'I have given this (*Hadith*) to you for little effort on your part. A rider would travel to Al-Madinah for less than this.'"

بُرْدَةَ، عَنْ أَبِي مُوسَى قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَتْ لَهُ جَارِيَةٌ فَأَدَّبَهَا فَأَحْسَنَ أَدَبَهَا. وَعَلَّمَهَا فَأَحْسَنَ تَعْلِيمَهَا. ثُمَّ أَعْتَقَهَا وَتَزَوَّجَهَا، فَلَهُ أَجْرَانِ. وَأَيُّمَا رَجُلٍ مِنْ أَهْلِ الْكِتَابِ آمَنَ بِنَبِيِّهِ وَآمَنَ بِمُحَمَّدٍ فَلَهُ أَجْرَانِ. وَأَيُّمَا عَبْدٍ مَمْلُوكٍ آدَى حَقَّ اللَّهِ عَلَيْهِ وَحَقَّ مَوَالِيهِ، فَلَهُ أَجْرَانِ».

قَالَ صَالِحٌ: قَالَ الشَّعْبِيُّ: قَدْ أَعْطَيْتُكَهَا بِعَيْرِ شَيْءٍ. إِنْ كَانَ الرَّابِئُ لَيَرَكِبُ فِيهَا دُونَهَا إِلَى الْمَدِينَةِ.

تخریج: أخرجه البخاري، العلم، باب تعليم الرجل أمته وأهله، ح: ٩٧ وغيره، ومسلم، الإيمان، باب وجوب الإيمان برسالة نبينا محمد ﷺ إلى جميع الناس ونسخ الملل بملته، ح: ١٥٤ من حديث صالح به مطولاً.

Comments:

- Male and female slaves are bought for service; the arrangement of their education and professional training is a great favor to them; and then setting the female slave free is another favor unto her. Thereafter, she should not be ignored for marriage just because she was a slave in the past; it will be the negation of her freedom. Instead, it will be the perfection of favor that a freed female slave acquires the rights of a free wife.
- If a Jew remaining firm on *Tauhid* believes in Musa ﷺ, or a Christian believes in 'Eisa ﷺ (Jesus), so long as he is unaware of the prophethood of Muhammad ﷺ, he (Jew or Christian) is correct. Whenever he knows about the advent of the Prophet ﷺ and believes in him, thus he secures a double reward, as is the story of Najāshi.

1957. It was narrated that Anas said: "Safiyah was given to Dihyah Al-Kalbi (as his share of the war booty), then she was given to the Messenger of Allāh ﷺ after that. He married her, and made her ransom (i.e., freedom from slavery) her dowry." (*Sahih*)

Hammād said: "Abdul-'Aziz said to Thābit: 'O Abu Muhammad! Did you ask Anas

١٩٥٧ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدَةَ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ: حَدَّثَنَا ثَابِتٌ وَعَبْدُ الْعَزِيزِ عَنْ أَنَسٍ قَالَ: صَارَتْ صَفِيَّةُ لِدِيحِيَةِ الْكَلْبِيِّ. ثُمَّ صَارَتْ لِرَسُولِ اللَّهِ ﷺ بَعْدُ. فَتَزَوَّجَهَا وَجَعَلَ عِقَّتَهَا صَدَاقَهَا.

قَالَ حَمَادٌ: فَقَالَ عَبْدُ الْعَزِيزِ لِثَابِتٍ: يَا أَبَا مُحَمَّدٍ أَنْتَ سَأَلْتَ أَنَسًا مَا أَمْرُهَا؟ قَالَ:

what her bridal-money was?' He said: 'Her bridal-money was her freedom.'"

أَمَهْرَهَا نَفْسَهَا.

تخريج: أخرجه البخاري، صلوة الخوف، باب التكبير والغسل بالصبح والصلوة عند الإغارة والحرب، ح: ٩٤٧ مطولاً، ٥٠٨٦، ومسلم، النكاح، باب فضيلة إعتاقه أمته ثم يتزوجها، ح: ١٣٦٥ من حديث حماد بن زيد به.

Comments:

- Safiyyah became a war prisoner when the Muslims attacked Banu Nadir, a tribe of Jews. For further details see *Hadith*: 1909 and its comments.
- The freedom of a female slave can be declared as her dower.

1958. It was narrated from 'Aishah that the Messenger of Allāh ﷺ set Safiyyah free, and made her ransom her dowry, and he married her. (*Sahih*)

١٩٥٨ - حَدَّثَنَا حَبِيشُ بْنُ مُبَشَّرٍ: حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ أَعْتَقَ صَفِيَّةَ، وَجَعَلَ عِتْمَهَا صَدَاقَهَا، وَتَزَوَّجَهَا.

Comments:

As it is Islamically forbidden for a woman to marry without the permission of her father or *Wali* (the guardian), likewise a slave is not allowed to marry without the permission of the master. The logic of it is that, after marriage, the slave will have to look after his wife and children, and it will undermine the service to his master; but if the master, with a goodwill gesture, is prepared to decrease his duties then the slave should marry, otherwise he should observe patience. Morally, the master should allow the slave to marry so that he can protect his chastity.

تخريج: [صحيح] والحديث السابق شاهد له.

Chapter 43. A Slave Marrying Without His Master's Permission

1959. It was narrated from Ibn 'Umar that the Messenger of Allāh ﷺ said: "If a slave gets married without his master's permission, he is a fornicator." (*Da'if*)

(المعجم ٤٣) - بَابُ تَزْوِيجِ الْعَبْدِ بِغَيْرِ إِذْنِ سَيِّدِهِ (التحفة ٤٣)

١٩٥٩ - حَدَّثَنَا أَبُو زُهَيْرٍ بْنُ مَرْوَانَ: حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ: حَدَّثَنَا الْقَاسِمُ بْنُ عَبْدِ الْوَاحِدِ، عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ عَقِيلٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا تَزَوَّجَ الْعَبْدُ بِغَيْرِ إِذْنِ سَيِّدِهِ، كَانَ عَاهِرًا».

تخريج: [إسناده ضعيف] أخرجه الحاكم: ١٩٤/٢ من حديث عبدالوارث به، وصححه،

وواقفه الذهبي * ابن عقيل ضعيف تقدم، ح: ٣٩٠.

1960. It was narrated from Ibn 'Umar that the Messenger of Allāh ﷺ said: "Any slave who gets married without his master's permission, is a fornicator." (Da'if)

١٩٦٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى وَصَالِحُ ابْنُ مُحَمَّدِ بْنِ يَحْيَى بْنِ سَعِيدٍ. قَالَ: حَدَّثَنَا أَبُو عَسَانَ، مَالِكُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا مَنْدَلٌ عَنِ ابْنِ جُرَيْجٍ، عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّمَا عَبْدٍ تَزَوَّجَ بِغَيْرِ إِذْنِ مَوْلِيهِ، فَهُوَ زَانٍ».

تخريج: [إسناده ضعيف] انظر، ح: ١٢٤٧ لعلته.

Chapter 44. Prohibition Of Temporary Marriage (Mut'ah)

(المعجم ٤٤) - بَابُ النَّهْيِ عَنِ نِكَاحِ الْمُتَعَةِ (التحفة ٤٤)

1961. It was narrated from 'Ali bin Abu Tālib that the Messenger of Allāh ﷺ forbade on the Day of Khaibar, the temporary marriage of women and (he forbade) the flesh of domestic donkeys. (Sahih)

١٩٦١ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا يَشْرُ بْنُ عُمَرَ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ اللَّهِ وَالحَسَنِ، ابْنَيْ مُحَمَّدِ ابْنِ عَلِيٍّ، عَنْ أَبِيهِمَا، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ مُتَعَةِ النِّسَاءِ يَوْمَ خَيْبَرَ، وَعَنْ لُحُومِ الْحُمْرِ الْإِنْسِيَّةِ.

تخريج: أخرجه البخاري، المغازي، باب غزوة خيبر، ح: ٤٢١٦، ومسلم، باب نكاح المتعة وبيان أنه أبيض ثم نسخ ثم أبيض ثم نسخ واستقر تحريمه إلى يوم القيامة، ح: ١٤٠٧ من حديث مالك به، وهو في الموطأ: ٥٤٢/٢.

Comments:

- In a temporary or short-term marriage, a man and a woman agree to live together as wife and husband for a temporary appointed term; and as soon as this term comes to end, the marriage ends too. This kind of marriage was permissible, later it was forbidden, and now it is absolutely unlawful.
- The Islamic bond of marriage is a contract between man and woman to live together for their whole life. Because the objective of the temporary marriage is not to live together permanently, therefore it is prohibited too.
- Domestic donkey is unlawful (to eat); an animal very similar to a donkey is found in the jungle, and it is called a wild ass in Arabic.

1962. It was narrated from Rabi' bin Sabrah that his father said: "We went out with the Messenger of Allāh ﷺ on the Farewell pilgrimage, and they said: 'O Messenger of Allāh, celibacy has become too difficult for us.' He said: 'Then make temporary marriages with these women.' So we went to them, but they insisted on setting a fixed time between us and them. They mentioned that to the Prophet ﷺ and he said: 'Set a fixed time between you and them.' So I went out with a cousin of mine. He had a cloak and I had a cloak, but his cloak was finer than mine, and I was younger than him. We came to a woman and she said: 'One cloak is like another.' So I married her and stayed with her that night. Then the next day I saw the Messenger of Allāh ﷺ standing between the *Rukn* (corner) and the door (of the Ka'bah), saying: 'O people, I had permitted temporary marriage for you, but Allāh has forbidden it until the Day of Resurrection. Whoever had any temporary wives, he should let them go, and do not take back anything that you had given to them.'" (*Sahih*)

تخريج: أخرجه مسلم، النكاح، باب نكاح المتعة وبيان أنه أبيض ثم نسخ ثم أبيض ثم نسخ... الخ، ح: ٢١/١٤٠٦ عن ابن أبي شيبة به مختصراً، وله طرق عنده ولم يذكر قوله: في حجة الوداع، والصواب أنه في غزوة الفتح كما في صحيح مسلم وغيره.

Comments:

- Shaykh Albāni said: This *Hadith* is authentic but the mention of the Farewell pilgrimage in it is incorrect. The truth is that it was made unlawful forever at the conquest of Makkah; as mentioned in *Sahih Muslim*: 1406.
- The temporary marriage was allowed during a limited time for certain

١٩٦٢ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ الْعَزِيزِ بْنِ عُمَرَ، عَنِ الرَّبِيعِ بْنِ سَبْرَةَ، عَنْ أَبِيهِ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ فِي حَجَّةِ الْوَدَاعِ. فَقَالُوا: يَا رَسُولَ اللَّهِ! إِنَّ الْعُرْبَةَ قَدْ اشْتَدَّتْ عَلَيْنَا. قَالَ: «فَاسْتَمْتِعُوا مِنْ هَذِهِ النِّسَاءِ». فَأَتَيْنَاهُنَّ. فَأَبَيْنَ أَنْ يَنْكِحُنَنَا إِلَّا أَنْ نَجْعَلَ بَيْنَنَا وَبَيْنَهُنَّ أَجَلًا. فَذَكَرُوا ذَلِكَ لِلنَّبِيِّ ﷺ. فَقَالَ: «اجْعَلُوا بَيْنَكُمْ وَبَيْنَهُنَّ أَجَلًا». فَخَرَجْتُ أَنَا وَابْنُ عَمِّ لِي. مَعَهُ بُرْدٌ وَمَعِيَ بُرْدٌ. وَبُرْدُهُ أَجْوَدُ مِنْ بُرْدِي وَأَنَا أَشَبُّ مِنْهُ. فَأَتَيْنَا عَلَى امْرَأَةٍ، فَقَالَتْ: بُرْدٌ كَبِيرٌ. فَتَرَوُجُهَا فَمَكِّثُ عِنْدَهَا تِلْكَ اللَّيْلَةَ. ثُمَّ عَدَوْتُ وَرَسُولُ اللَّهِ ﷺ قَائِمٌ بَيْنَ الرُّكْنِ وَالْبَابِ، وَهُوَ يَقُولُ: «أَيُّهَا النَّاسُ! إِنِّي قَدْ كُنْتُ أَذْنُتُ لَكُمْ فِي الْإِسْتِمْتَاعِ. أَلَا وَإِنَّ اللَّهَ قَدْ حَرَمَهَا إِلَيَّ يَوْمَ الْقِيَامَةِ. فَمَنْ كَانَ عِنْدَهُ مِنْهُنَّ شَيْءٌ فَلْيُخْلِ سَبِيلَهَا. وَلَا تَأْخُذُوا بِمَا آتَيْتُمُوهُنَّ شَيْئًا».

circumstances and thereafter it was declared unlawful forever.

1963. It was narrated that Ibn 'Umar said: "When 'Umar bin Khattâb was appointed caliph, he addressed the people and said: 'The Messenger of Allâh ﷺ permitted temporary marriage for us three times, then he forbade it. By Allâh, if I hear of any married person entering a temporary marriage, I will stone him to death, unless he can bring me four witnesses who will testify that the Messenger of Allâh ﷺ allowed it after he forbade it.'" (Hasan)

١٩٦٣ - حَدَّثَنَا مُحَمَّدُ بْنُ حَلْفِ الْعَسْقَلَانِيُّ: حَدَّثَنَا الْفُرَيْيَابِيُّ عَنْ أَبَانَ بْنِ أَبِي حَازِمٍ، عَنْ أَبِي بَكْرٍ بْنِ حَفْصٍ، عَنْ ابْنِ عُمَرَ قَالَ: لَمَّا وَلِيَ عُمَرُ بْنُ الْخَطَّابِ، حَطَبَ النَّاسَ فَقَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ أَذِنَ لَنَا فِي الْمُنْعَةِ ثَلَاثًا، ثُمَّ حَرَّمَهَا. وَاللَّهِ لَا أَعْلَمُ أَحَدًا يَتَمَتَّعُ وَهُوَ مُحْصَنٌ إِلَّا رَجَمْتُهُ بِالْحِجَارَةِ. إِلَّا أَنْ يَأْتِيَنِي بِأَرْبَعَةٍ يَشْهَدُونَ أَنَّ رَسُولَ اللَّهِ ﷺ أَحَلَّهَا بَعْدَ إِذْ حَرَّمَهَا.

تخریج: [إسناده حسن] أخرجه البزار (البحر الزخار)، ح: ١٨٣ من حديث الفريابي به * أبو بكر بن حفص بن عمر بن سعد بن أبي وقاص: اسمه عبدالله، ثقة بالاتفاق، من رجال السنة، وتلميذه حسن الحديث وثقه الجمهور، أخطأ في حديث واحد، راجع الميزان: ٩٠/١ وغيره.

Comments:

- 'Umar ﷺ did not deny the fact that temporary marriage was lawful at some time; instead he made it clear that the final verdict of the Messenger of Allâh ﷺ regarding it was absolute prohibition forever.
- The marriage bonds that were regarded lawful in the pre-Islamic era, and then were prohibited in Islam, have no legal status in Islamic *Shari'ah*. Now if someone does this kind of marriage, it will not be regarded as marriage, rather it will be an act of adultery; and this individual will be declared a criminal and will be given the prescribed punishment.

Chapter 45. Marriage Of A *Muhrim*

(المعجم ٤٥) - بَابُ الْمُحْرِمِ يَتَزَوَّجُ

(التحفة ٤٥)

1964. Maimunah bint Hârith narrated that the Messenger of Allâh ﷺ married her when he was *Halâl* (not in *Ihrâm*). (*Sahih*)

He (one of the narrators—Yazid) said: "And she was my maternal aunt and the maternal aunt of Ibn 'Abbâs also."

١٩٦٤ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا جَرِيرٌ بْنُ حَازِمٍ: حَدَّثَنَا أَبُو فَرَازَةَ، عَنْ يَزِيدَ بْنِ الْأَصَمِّ: حَدَّثَنِي مَيْمُونَةُ بِنْتُ الْحَارِثِ أَنَّ رَسُولَ اللَّهِ ﷺ تَزَوَّجَهَا وَهُوَ حَلَالٌ.

قَالَ: وَكَانَتْ خَالَتِي وَخَالَةَ ابْنِ عَبَّاسٍ.

تخريج: أخرجه مسلم، النكاح، باب تحريم نكاح المحرم وكراهة خطبته، ح: ١٤١١ عن ابن أبي شيبة به.

Comments:

Imam Albâni رحمته stated this narration as Contradictory (*Shâdhah*). The truth is that the Prophet ﷺ was not in the state of *Ihrâm* at the time of the marriage.

1965. It was narrated from Ibn 'Abbâs that the Prophet ﷺ got married while he was a *Muhrim* (in *Ihrâm*). (*Sahih*)

١٩٦٥ - حَدَّثَنَا أَبُو بَكْرِ بْنُ خَلَّادٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ [رَزِيدٍ]، عَنْ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ نَكَحَ وَهُوَ مُحْرِمٌ.

تخريج: أخرجه البخاري، النكاح، باب نكاح المحرم، ح: ٥١١٤، ومسلم، النكاح، الباب السابق، ح: ١٤١٠ من حديث سفیان به.

1966. It was narrated from Abân bin 'Uthmân bin 'Affân that his father said: "The Messenger of Allâh ﷺ said: "The one in *Ihrâm* should not get married, nor arrange a marriage for anyone else, nor propose marriage."
(*Sahih*)

١٩٦٦ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَجَاءِ الْمَكِّيُّ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ نَافِعٍ، عَنْ نَبِيِّ بْنِ وَهْبٍ، عَنْ أَبَانَ بْنِ عُثْمَانَ بْنِ عَفَّانَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمُحْرِمُ لَا يَنْكِحُ وَلَا يُنْكَحُ وَلَا يَخْطُبُ».

تخريج: أخرجه مسلم، النكاح، باب تحريم نكاح المحرم وكراهة خطبته، ح: ١٤٠٩ من حديث مالك به.

Comments:

- a. Getting married or making a marriage contract whilst in the state of *Ihrâm* is not allowed.
- b. The person in *Ihrâm* cannot marry himself, neither can he be an attorney for someone's marriage, nor can he act as a guardian for the marriage of his daughter or sister etc.
- c. A woman in *Ihrâm* also cannot be married, nor should a proposal be sent to her.

Chapter 46. Compatibility

(المعجم ٤٦) - بَابُ الْأُكْفَاءِ (التحفة ٤٦)

1967. It was narrated from Abu Hurairah that the Messenger of Allâh ﷺ said: "If there comes to

١٩٦٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ سَابُورٍ الرَّقِّيُّ: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ سُلَيْمَانَ

you one with whose character and religious commitment you are pleased, then marry (your daughter or female relative under your care) to him, for if you do not do that there will be *Fitnah* in the land and widespread corruption.'" (*Da'if*)

الْأَنْصَارِيُّ، أَحُو فُلَيْحٍ، عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنِ ابْنِ وَثِيْمَةَ الْبَصْرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَنْتُمْ مَنْ تَرْضَوْنَ خُلُقَهُ وَدِينَهُ فَرُجُوهُ. إِلَّا تَفْعَلُوا تَكُنْ فِتْنَةً فِي الْأَرْضِ وَفَسَادٌ عَرِيضٌ».

تخريج: [إسناده ضعيف] أخرجه الترمذي، النكاح، باب ماجاء فيمن ترضون دينه فزوجوه، ح: ١٠٨٤ من حديث عبدالحميد به، ونقل عن البخاري بأنه لم يعد حديث عبدالحميد محفوظاً * عبدالحميد بن سليمان ضعيف (تقريب)، وخالفه الثقة الليث بن سعد فرواه عن ابن عجلان عن أبي هريرة به منقطعاً، وابن عجلان مدلس (المرتبة الثالثة عند الحافظ في طبقات المدلسين)، وعنن، ومع ذلك صححه الحاكم ١٦٤/٢، ١٦٥، وتقبيه الذهبي، وله شاهد عند الترمذي من حديث أبي حاتم المزني، وحسنه، وفيه ضعيف ومجهولان، ولهما شاهد من حديث ابن عمر، ولا يستشهد به إنما ذكرته لأئبه عليه، وقال النسائي فيه: هذا كذب، وأبطله ابن عدي مخرجه.

1968. It was narrated from 'Aishah that the Messenger of Allāh ﷺ said: "Choose the best for your sperm, and marry compatible women and propose marriage to them.'" (*Da'if*)

١٩٦٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ: حَدَّثَنَا الْحَارِثُ بْنُ عِمْرَانَ الْجَعْفَرِيُّ، عَنْ هِشَامِ بْنِ غُرُؤَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «تَخَيَّرُوا لِنُطْفِئِكُمْ وَأَنْكِحُوا الْأَكْفَاءَ وَأَنْكِحُوا إِلَيْهِمْ».

تخريج: [إسناده ضعيف جداً منكر] أخرجه الدارقطني: ٩٩/٣ من حديث عبدالله بن سعيد الأشج به * الحارث بن عمران ضعيف، رماه ابن حبان بالوضع (تقريب)، وتابعه عكرمة بن إبراهيم ضعيف، منكر الحديث، ليس بشيء، ليس بثقة، راجع اللسان وغيره، وتابعهما الضعفاء مثل أبي أمية بن يعلى وغيره، وذكر بعض العلماء طريقاً آخر من تاريخ دمشق لابن عساكر، ولم أقف على سند الكامل، والله أعلم.

Comments:

- The manners, good conduct and religion should be given preference when looking for a spouse. This is the meaning of the compatibility of the spouses.
- Many righteous girls will remain without marriage if the family status and wealth etc, is given precedence to religion; and this will cause them suffering and hardship.

Chapter 47. Dividing One's Time Among Wives

1969. It was narrated from Abu Hurairah that the Messenger of Allâh ﷺ said: "Whoever has two wives and favors one of them over the other, he will come on the Day of Resurrection with one of his sides leaning." (*Da'if*)

(المعجم ٤٧) - بَابُ الْقِسْمَةِ بَيْنَ النِّسَاءِ
(التحفة ٤٧)

١٩٦٩ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعٌ عَنْ هَمَّامٍ، عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهْيِكٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَتْ لَهُ امْرَأَتَانِ، يَمِيلُ مَعَ إِحْدَاهُمَا عَلَى الْأُخْرَى، جَاءَ يَوْمَ الْقِيَامَةِ، وَأَحَدُ شِقَيْهِ سَاقِطٌ».

تخریج: [إسناده ضعيف] أخرجه أبو داود، النكاح، باب: في القسم بين النساء، ح: ٢١٣٣ من حديث همام به، وصححه ابن حبان، والحاكم، والذهبي وغيرهم * قتادة عنن تقدم، ح: ١٧٥، وله شاهد ضعيف.

Comments:

- If one has two or more wives, it is possible that the inclination of the heart is towards just one, but this inclination must not cause injustice.
- In matters of matrimonial desire, there can be lack of interest in cohabitation according to love and desire, but it is unlawful to ignore the fulfillment of matrimonial desire of any of them.

1970. It was narrated from 'Āishah that whenever the Messenger of Allâh ﷺ was to travel, he would cast lots among his wives. (*Sahih*)

١٩٧٠ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانَ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ إِذَا سَافَرَ أَفْرَجَ بَيْنَ نِسَائِهِ.

تخریج: أخرجه البخاري، الهبة وفضلها والتحريض عليها، باب هبة المرأة لغير زوجها وعقها إذا كان لها زوج ... الخ، ح: ٢٥٩٣ وغيره، ومسلم، التوبة، باب في حديث الإفك وقبول توبة القاذف، ح: ٢٧٧٠ من طرق عن الزهري به مطولاً، وحديث ابن ماجه مختصراً جداً.

Comments:

- In matters of wives, equality and justice must be observed to the maximum possibility.
- If more than one individual has a right to something, and the thing cannot be divided into shares, then the decision can be made by drawing lots.

1971. It was narrated that 'Āishah said: "The Messenger of Allâh ﷺ used to divide his time

١٩٧١ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَ مُحَمَّدٌ بْنُ يَحْيَى. قَالَ: حَدَّثَنَا يَزِيدُ بْنُ

equally among his wives, then he would 'O Allāh, this is what I am doing with regard to that which is within my control, so do not hold me accountable for that which is under Your control and is beyond my control.'" (Sahih)

هَارُونَ: أَتَيْنَا حَمَادَ بْنَ سَلَمَةَ، عَنْ أَبِي يَزِيدٍ، عَنْ أَبِي قِلَابَةَ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدٍ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَقْسِمُ بَيْنَ نِسَائِهِ، فَيَعْدِلُ، ثُمَّ يَقُولُ: «اللَّهُمَّ هَذَا فِعْلِي فِيمَا أَمْلِكُ. فَلَا تَلْمَنِي فِيمَا تَمْلِكُ وَلَا أَمْلِكُ».

تخريج: [إسناده صحيح] أخرجه أبو داود، النكاح، باب: في القسم بين النساء، ح: ٢١٣٤ من حديث حماد به، وصححه الحاكم، والذهبي، وأرسله حماد بن زيد، وابن علي عن أيوب عن أبي قلابه به، وهذا لا يضر، والطريقان محفوظان، وصححه ابن حبان (موارد)، ح: ١٣٠٥، وابن كثير.

Chapter 48. A Woman Giving Her Day To Her Co-Wife

(المعجم ٤٨) - بَابُ الْمَرْأَةِ تَهَبُ يَوْمَهَا لِصَاحِبَتَيْهَا (التحفة ٤٨)

1972. 'Urwah narrated from 'Āishah that when Saudah bint Zam'ah grew old, she gave her day to 'Āishah, and the Messenger of Allāh ﷺ went to 'Āishah on Saudah's day. (Sahih)

١٩٧٢ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عُقْبَةُ بْنُ خَالِدٍ: ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: أَنَّ أَبَانَ عَبْدَ الْعَزِيزِ بْنَ مُحَمَّدٍ، جَمِيعًا عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا كَبُرَتْ سَوْدَةُ بِنْتُ زَمْعَةَ وَهَبَتْ يَوْمَهَا لِعَائِشَةَ. فَكَانَ رَسُولُ اللَّهِ ﷺ يَقْسِمُ لِعَائِشَةَ يَوْمَ سَوْدَةَ.

تخريج: أخرجه مسلم، الرضاع، باب جواز هبتها نويتها لضررتها، ح: ١٤٦٣ عن ابن أبي

شيبه وغيره به.

Comments:

- It is right of the wife that according to the turn, the husband spends the night with her. She may withdraw from her right, and she is also allowed to give her right to any of her co - wives.
- The Messenger of Allāh ﷺ was not obliged to stay with his wives according to their turns. Allāh says: "You (O Muhammad) can postpone (the turn of) whom you will of them (your wives), and you may receive whom you will. And whomsoever you desire of those whom you have set aside (her turn temporarily), it is no sin on you (to receive her again)." (Al-Ahzāb 33:51). Despite that the Prophet ﷺ would take a great care of their turns; it was the highness of his best manners.

1973. It was narrated from 'Aishah that the Messenger of Allâh ﷺ became angry with Safiyyah bint Huyai for something, and Safiyyah said: "O 'Aishah, can you make the Messenger of Allâh ﷺ be pleased with me, and I will give you my day?" She said: "Yes." So she took a headcover of hers that was dyed with saffron, and sprinkled it with water so that its fragrance would become stronger, then she sat beside the Messenger of Allâh ﷺ. The Prophet ﷺ said: "O 'Aishah, go away, because it is not your day." She said: "That is the Grace of Allâh which He bestows on whom He pleases."^[1] Then she told him about that matter and he was pleased with her. (*Sahih*)

١٩٧٣ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَ مُحَمَّدُ بْنُ يَحْيَى. قَالَ: حَدَّثَنَا عَفَانُ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ، عَنْ ثَابِتٍ، عَنْ سُمَيْهَ، عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ وَجَدَ عَلَى صَفِيَّةَ بِنْتِ حَيْبِي فِي شَيْءٍ. فَقَالَتْ صَفِيَّةُ: يَا عَائِشَةُ هَلْ لَكَ أَنْ تُرْضِي رَسُولَ اللَّهِ ﷺ عَنِّي، وَلَكَ يَوْمِي؟ قَالَتْ: نَعَمْ. فَأَخَذَتْ خِمَارًا لَهَا مَضْبُوعًا بِرَعْفَرَانٍ. فَرَشَّتُهُ بِالْمَاءِ لِيُفَوِّحَ رِيحُهُ. قَالَ: فَعَدَدْتُ إِلَى جَنْبِ رَسُولِ اللَّهِ ﷺ. فَقَالَ النَّبِيُّ ﷺ: «يَا عَائِشَةُ إِلَيْكَ عَنِّي. إِنَّهُ لَيْسَ يَوْمُكَ» فَقَالَتْ: «ذَلِكَ فَضْلُ اللَّهِ يُؤْتِيهِ مَنْ يَشَاءُ» فَأَخْبَرْتُهُ بِالْأَمْرِ، فَرَضِي عَنْهَا.

تخريج: [إسناده صحيح] أخرجه أحمد (١٤٥/٦) وغيره) عن عفان وغيره به، أخرجه مرة أخرى: ١٣٢، ١٣١/٦، وقال: شميصة وفيه: قالت: فبينما أنا يوماً بنصف النهار إذا أنا بظل رسول الله ﷺ مقبل * سمية (شميسة) وثقها ابن معين (انظر الجرح والتعديل) وروى عنها شعبة، وهو لا يروي إلا عن ثقة عنده.

1974. It was narrated that 'Aishah said: "This Verse 'And making peace is better.'^[2] was revealed concerning a man who had been married to a woman for a long time, and she had given birth to his children and he wanted to exchange her (for a new wife). She agreed that he would stay with her (the new wife) and would not give her (the

١٩٧٤ - حَدَّثَنَا حَفْصُ بْنُ عَمْرٍو: حَدَّثَنَا عُمَرُ بْنُ عَلِيٍّ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: تَزَلَّتْ هَذِهِ الْآيَةُ: ﴿وَالصُّلْحُ خَيْرٌ﴾ فِي رَجُلٍ كَانَتْ تَحْتَهُ امْرَأَةً قَدْ طَلَّقَتْ صُحْبَتَهَا. وَوَلَدَتْ مِنْهُ أَوْلَادًا. فَأَرَادَ أَنْ يَسْتَبَدِّلَ بِهَا. فَرَأَيْتُهُ عَلَى أَنْ يُؤَيِّمَ عِنْدَهَا وَلَا يُسَيِّمَ لَهَا.

[1] *Al-Hadid* 57:21.

[2] *Ant-Nisâ'* 4:128.

first wife) a share of his time. (i.e., not spend the nights with her).”
(*Sahih*)

تخريج: [صحيح] * عمر بن علي المقدمي ثقة وكان يدلّس شديداً (تقريب) وعنن، ولحديثه شواهد منها حديث رافع بن خديج، وأخرجه الحاكم: ٣٠٨، ٣٠٩، وصححه على شرط الشيخين، ووافقه الذهبي، وانظر تفسير ابن كثير: ١/٥٣٢، ٥٣٣ وغيره إن شئت.

Chapter 49. Intercession Concerning Marriage

(المعجم ٤٩) - بَابُ الشَّفَاعَةِ فِي التَّرْوِيجِ (التحفة ٤٩)

1975. It was narrated that Abu Ruhm said: "The Messenger of Allāh ﷺ said: 'One of the best kinds of intercession is interceding between two people concerning marriage.'" (*Da'if*)

١٩٧٥ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا مُعَاوِيَةُ بْنُ يَحْيَى: حَدَّثَنَا مُعَاوِيَةُ بْنُ يَزِيدَ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ أَبِي رَهْمٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مِنْ أَفْضَلِ الشَّفَاعَةِ أَنْ يُشْفَعَ بَيْنَ الْإِثْنَيْنِ فِي النِّكَاحِ».

تخريج: [إسناده ضعيف] انظر، ح: ٨٤٢ لعلته، وفيه علة أخرى.

1976. It was narrated that 'Aishah said: "Usâmah stumbled at the threshold of the door and cut his face. The Messenger of Allāh ﷺ said: 'Remove the harm (the blood) from him,' but I was repulsed by that. He started to suck the blood and remove it from his face, then he said: 'If Usâmah were a girl, I would have adorned him and dressed him until I married him off.'" (*Da'if*)

١٩٧٦ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا شَرِيكٌ عَنِ الْعَبَّاسِ بْنِ ذَرِيحٍ، عَنِ الْبُهَيِّ، عَنْ عَائِشَةَ قَالَتْ: عَنَرْتُ أُسَامَةَ بِعَتَبَةِ الْبَابِ. فَفُشِحَ فِي وَجْهِهِ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَمِيطِي عَنْهُ الْأَذَى» فَتَقَدَّرَتْهُ. فَجَعَلَ يَمَصُّ عَنْهُ الدَّمَ وَيَمُجُّهُ عَنْ وَجْهِهِ. ثُمَّ قَالَ: «لَوْ كَانَ أُسَامَةُ جَارِيَةً لَحَلَيْتُهُ وَكَسَوْتُهُ حَتَّى أَتُنْفِقَهُ».

تخريج: [إسناده ضعيف] أخرجه أحمد: ١٣٩/٦، ٢٢٢ من حديث شريك به * شريك عنن تقدم، ح: ١٤٩، وتابعه مجالد ضعيف تقدم، ح: ١١، وفي سماع البهي من عائشة كلام.

Comments:

It is permissible to adorn girls with jewelry and nice clothes. But this should not be a frequent habit, so they have the inclination to simplicity as well. Of

course, there is no harm in dressing up nicely for weddings and 'Eid celebrations etc., and to use the relevant adornment up to a certain limit.

Chapter 50. Good Treatment Of Women

(المعجم ٥٠) - بَابُ حُسْنِ مُعَاشَرَةِ

النِّسَاءِ (التحفة ٥٠)

1977. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "The best of you is the one who is best to his wife, and I am the best of you to my wives." (*Hasan*)

١٩٧٧ - حَدَّثَنَا أَبُو بَشِيرٍ بَكْرُ بْنُ خَلْفٍ، وَ مُحَمَّدٌ بْنُ يَحْيَى. قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ عَنْ جَعْفَرِ بْنِ يَحْيَى بْنِ تُوْبَانَ، عَنْ عَمِّهِ عُمَارَةَ بْنِ تُوْبَانَ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «خَيْرُكُمْ خَيْرُكُمْ لِأَهْلِيهِ. وَأَنَا خَيْرُكُمْ لِأَهْلِي.»

تخریج: [حسن] أخرجه البزار من حديث أبي عاصم به، وصححه ابن حبان (موارد)، ح: ١٣١٥، والحاكم ١٧٣/٣، والذهبي، وضعفه البوصيري، وللحديث شواهد عند الترمذي، وابن حبان، ح: ١٣١١، ١٣١٢ وغيرهما.

1978. It was narrated from 'Abdullâh bin 'Amr that the Messenger of Allâh ﷺ said: "The best of you are those who are best to their womenfolk." (*Sahih*)

١٩٧٨ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو نَخَالِدٍ عَنِ الْأَعْمَشِ، عَنْ شَقِيبٍ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «خَيْرُكُمْ خَيْرُكُمْ لِنِسَائِهِمْ.»

تخریج: [صحيح] وصححه البوصيري، والحديث السابق شاهد له.

Comments:

Due to the good relationship between husband and wife, the children also learn and adopt good manners and habits. Once they are grown up, they prove to be a mercy for themselves as well as for their parents; but if the husband and wife have an unpleasant relationship, the children are affected too, and by learning bad habits, they cause hardships and worry to the parents as well. They also cause mischief and trouble in the society.

1979. It was narrated that 'Aishah said: "The Prophet ﷺ raced with me and I beat him." (*Sahih*)

١٩٧٩ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: سَابَقَنِي النَّبِيُّ ﷺ فَسَبَقْتُهُ.

تخریج: [صحیح] أخرجه أحمد: ۳۹/۶ عن سفیان به مطولاً، وصححه ابن حبان (موارد)، ح: ۱۳۱۰، وللحديث طرق كثيرة عند أبي داود، ح: ۲۵۷۸ وغيره.

Comments:

- When 'Aishah ﷺ was honored with the kind company of Allāh's Messenger ﷺ, she was then very young. The Messenger of Allāh ﷺ would take great care of her young age, he ﷺ would avail her occasions of amusement.
- It is not appropriate to keep the household atmosphere formal and strict all the time; having a good sense of humor with the wife and children, and trying to amuse them, is not contrary to the status of righteousness.

1980. It was narrated that 'Aishah said: "When the Messenger of Allāh ﷺ came to Al-Madinah, he had just married Safiyyah bint Huyai, and the women of the *Ansār* came and told us about that. My expression changed and I covered my face and went away. The Messenger of Allāh ﷺ looked at my eyes and recognized me. I turned away and walked quickly, but he caught up with me and put his arm around me and said: 'What did you see?' I said: 'Let me go, (I saw) a Jewish woman among other Jewish women.'" (*Da'if*)

۱۹۸۰ - حَدَّثَنَا أَبُو بَدْرٍ، عَبَادُ بْنُ الْوَلِيدِ: حَدَّثَنَا حَبَّانُ بْنُ هِلَالٍ: حَدَّثَنَا مُبَارَكُ بْنُ فَضَالَةَ، عَنْ عَلِيِّ بْنِ زَيْدٍ، عَنْ أُمِّ مُحَمَّدٍ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا قَدِمَ رَسُولُ اللَّهِ ﷺ الْمَدِينَةَ، وَهُوَ عَرُوسٌ بِصَفِيَّةَ بِنْتِ حَيْبٍ، جِئْنَا نِسَاءَ الْأَنْصَارِ فَأَخْبِرْنَ عَنْهَا. قَالَتْ، فَتَنَكَّرْتُ وَتَمَثَّلْتُ فَذَهَبْتُ. فَطَظَرَ رَسُولُ اللَّهِ ﷺ إِلَيَّ عَيْنِي فَعَرَفَنِي. قَالَتْ: فَالْتَمَسْتُ فَاسْرَعْتُ الْمُسْمِي. فَأَدْرَكَنِي فَاحْتَضَنَنِي. فَقَالَ: «كَيْفَ رَأَيْتِ؟» قَالَتْ، قُلْتُ: أُرْسِلُ، يَهُودِيَّةً وَسَطَ يَهُودِيَّاتٍ.

تخریج: [إسناده ضعيف] انظر، ح: ۱۱۶ لعلته، وفيه علتان أخریان.

1981. 'Urwah bin Zubair narrated that 'Aishah said: "I did not know until Zainab burst in on me without permission, and she was angry. Then she said: 'O Messenger of Allāh, is it enough for you that the young daughter of Abu Bakr waves her hands in front of you?' Then she turned to me, but I ignored her until the Prophet ﷺ said: 'You should say something to defend yourself.' So I turned on her, (and replied to

۱۹۸۱ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ، عَنْ زَكَرِيَّا، عَنْ خَالِدِ بْنِ سَلَمَةَ، عَنْ الْبَيْهَقِيِّ، عَنْ عُرْوَةَ بْنِ الرُّبَيْعِ قَالَ: قَالَتْ عَائِشَةُ: مَا عَلِمْتُ حَتَّى دَخَلْتُ عَلَيَّ زَيْنَبُ بِنْتُ أَبِي بَكْرٍ، وَهِيَ غَضَبِي. ثُمَّ قَالَتْ: يَا رَسُولَ اللَّهِ! أَحْسَبُكَ إِذَا قَلَبْتَ لَكَ بِنْتَهُ أَبِي بَكْرٍ ذُرَيْعَتَهَا. ثُمَّ أَقْبَلْتُ عَلَيَّ. فَأَعْرَضْتُ عَنْهَا. حَتَّى قَالَ النَّبِيُّ: «دُونِكَ، فَانْتَصِرِي»

her) until I saw that her mouth had become dry, and she did not say anything back to me. And I saw the Prophet ﷺ with his face shining." (Hasan)

فَأَقْبَلْتُ عَلَيْهَا، حَتَّى رَأَيْتُهَا وَقَدْ يَبَسَ رِيفُهَا فِي فِيهَا، مَا تَرُدُّ عَلَيَّ شَيْئًا. فَرَأَيْتَ النَّبِيَّ ﷺ يَهْلَلُ وَجْهَهُ.

تخریج: [حسن] أخرجه أحمد: ۹۳/۶ عن ابن أبي شيبه به، وصححه البوصيري على شرط مسلم، وهو في السنن الكبرى، ح: ۸۹۱۶۸۹۱۴ من حديث زكريا به، وهو مدلس (المرتبة الثانية)، ولم أجد تصريح سماعه، وله شاهد عند مسلم، ح: ۲۴۴۲.

Comments:

- a. The expression of anger by Zainab ؓ against 'Aishah ؓ was because of natural sentiment, which is normal among co-wives.
- b. This permission to 'Aishah ؓ by the Messenger of Allāh ﷺ was on the basis of justice; so 'Aishah ؓ made Zainab ؓ quiet and the Prophet ﷺ became pleased.

1982. It was narrated that 'Aishah said: "I used to play with dolls when I was with the Messenger of Allāh ﷺ, and he used to bring my friends to me to play with me." (Sahih)

۱۹۸۲ - حَدَّثَنَا حَفْصُ بْنُ عَمْرٍو: حَدَّثَنَا عُمَرُ بْنُ حَبِيبِ الْقَاضِي. قَالَ: حَدَّثَنَا هِشَامُ ابْنُ عُرْوَةَ عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كُنْتُ أَلْعَبُ بِالْبَائِتَاتِ وَأَنَا عِنْدَ رَسُولِ اللَّهِ ﷺ. فَكَانَ يُسْرِبُ إِلَيَّ صَوَاجِحَاتِي يُلَاعِبُنِي.

تخریج: أخرجه البخاري، الأدب، باب الانسباط إلى الناس، ح: ۶۱۳۰، ومسلم، فضائل الصحابة، باب: في فضائل عائشة أم المؤمنين رضي الله عنها، ح: ۲۴۴۰ من حديث هشام به * عمر بن حبيب تابعه غير واحد.

Chapter 51. Hitting Women

(المعجم ۵۱) - بَابُ ضَرْبِ النِّسَاءِ

(التحفة ۵۱)

1983. It was narrated that 'Abdullāh bin Zam'ah said: "The Prophet ﷺ delivered a sermon then he made mention of women, and exhorted (the men) concerning them. Then he said: 'How long will one of you whip his wife like a slave, then lie with her at the end of the day?'" (Sahih)

۱۹۸۳ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ زَمْعَةَ قَالَ: خَطَبَ النَّبِيُّ ﷺ. ثُمَّ ذَكَرَ النِّسَاءَ. فَوَعَّظَهُمْ فِيهِنَّ. ثُمَّ قَالَ: «إِلَّامٌ يَجْلِدُ أَحَدَكُمْ امْرَأَتَهُ جَلْدَ الْأَمَةِ؟ وَلَعَلَّهُ أَنْ يُضَاجِعَهَا مِنْ آخِرِ يَوْمِهِ».

تخریج: أخرجه البخاري، التفسير، سورة ﴿والشمس وضحاها﴾ ح: ۴۹۴۲، ح: ۵۲۰۴ وغيرهما من حديث هشام به، ومسلم، الجنة وصفة نعيمها، باب: النار يدخلها الجبارون والجنة

يدخلها الضعفاء، ح: ٢٨٥٥ عن ابن أبي شيبه به.

Comments:

The rebuke to women for a mistake is necessary but it should be only verbal; if she is very careless and defiantly disobedient, then the husband should get angry; this punishment is enough. Physical light punishment is allowed only at a certain stage when there is no alternative.

1984. It was narrated that 'Aishah said: "The Messenger of Allâh ﷺ never beat any of his servants, or wives, and his hand never hit anything." (*Sahih*)

١٩٨٤ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعٌ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: مَا ضَرَبَ رَسُولُ اللَّهِ ﷺ خَادِمًا لَهُ، وَلَا امْرَأَةً، وَلَا ضَرَبَ يَدَيْهِ شَيْئًا.

تخریج: أخرجه مسلم، الفضائل، باب مباحته ﷺ للآثام واختياره من المباح أسهله ... الخ، ح: ٢٣٢٨ عن ابن أبي شيبه به مختصراً.

Comments:

- Kindness and compassion are admirable qualities.
- The physical punishment to the wife, children and servants should be avoided to the maximum possibility.

1985. It was narrated that Iyâs bin 'Abdullâh bin Abu Dhubâb said: "The Prophet ﷺ said: 'Do not beat the female slaves of Allâh.' Then 'Umar came to the Prophet ﷺ and said: 'O Messenger of Allâh, the woman have become bold towards their husbands? So order the beating of them,' and they were beaten. Then many women went around to the family of Muhammad ﷺ. The next day he said: 'Last night seventy women came to the family of Muhammad, each woman complaining about her husband. You will not find that those are the best of you.'" (*Sahih*)

١٩٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: أَنبَأَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ [عُبَيْدِ] اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ إِبَّاسِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي دُبَابٍ قَالَ: قَالَ النَّبِيُّ ﷺ: «لَا تَضْرِبَنَّ إِمَاءَ اللَّهِ» فَجَاءَ عُمَرُ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ قَدْ ذَرَّ النِّسَاءَ عَلَى أَرْوَاجِهِنَّ. فَأَمُرُ بِضَرْبِهِنَّ. فَضْرِبْنَ. فَطَافَ بِأَلِ مُحَمَّدٍ ﷺ طَائِفٌ نِسَاءً كَثِيرٍ. فَلَمَّا أَصْبَحَ قَالَ: «لَقَدْ طَافَ اللَّيْلَةَ بِأَلِ مُحَمَّدٍ سَبْعُونَ امْرَأَةً. كُلُّ امْرَأَةٍ تَشْتَكِي زَوْجَهَا. فَلَا تَجِدُونَ أَوْلِيَّكَ خَيْرًاكُمْ».

تخریج: [صحیح] أخرجه أبو داود، النكاح، باب: في ضرب النساء، ح: ٢١٤٦ من حديث سفیان به، وصححه ابن حبان، والحاكم، والذهبي، والعسقلاني.

1986. It was narrated that Ash'ath bin Qais said: "I was a guest (at the home) of 'Umar one night, and in the middle of the night he went and hit his wife, and I separated them. When he went to bed he said to me: 'O Ash'ath, learn from me something that I heard from the Messenger of Allâh ﷺ: "A man should not be asked why he beats his wife, and do not go to sleep until you have prayed the *Witr*.'" And I forgot the third thing." (Hasan)

Another chain with similar wording.

١٩٨٦ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى، وَ الْحَسَنُ ابْنُ مُدْرِكِ الطَّحَّانُ. قَالَ: حَدَّثَنَا يَحْيَى بْنُ حَمَّادٍ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ دَاوُدَ بْنِ عَبْدِ اللَّهِ الْأَوْدِيِّ، عَنْ عَبْدِ الرَّحْمَنِ [الْمُسْلِيِّ]، عَنْ الْأَشْعَثِ بْنِ قَيْسٍ قَالَ: ضِفْتُ عُمَرَ لَيْلَةً. فَلَمَّا كَانَ فِي جَوْفِ اللَّيْلِ قَامَ إِلَيَّ امْرَأَتُهُ يَضْرِبُهَا. فَحَجَزْتُ بَيْنَهُمَا. فَلَمَّا أُوِيَ إِلَيَّ فَرَّاشِهِ قَالَ لِي: يَا أَشْعَثُ! احْفَظْ عَنِّي شَيْئًا سَمِعْتُهُ عَنْ رَسُولِ اللَّهِ ﷺ: «لَا يُسْأَلُ الرَّجُلُ فِيمَ يَضْرِبُ امْرَأَتَهُ. وَلَا تَنَمُ إِلَّا عَلَى وَتْرٍ» وَنَسِيتُ الثَّالِثَةَ.

حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدِ بْنِ خَدَّاشٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا أَبُو عَوَانَةَ بِإِسْنَادِهِ، نَحْوَهُ.

تخريج: [حسن] أخرجه أبو داود، النكاح، باب: في ضرب النساء، ح: ٢١٤٧ من حديث أبي عوانة به * وصححه الحاكم (١٧٥/٤)، ووافقه الذهبي.

Chapter 52. Those Who Put Extensions In Hair And Those Who Make Tattoos

1987. It was narrated from Ibn 'Umar that the Prophet ﷺ cursed the woman who does hair extensions and the one who has that done, and the woman who does tattoos and the one who has that done. (Sahih)

(المعجم ٥٢) - بَابُ الْوَاصِلَةِ وَالْوَأْشِمَةِ

(التحفة ٥٢)

١٩٨٧ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ وَ أَبُو أُسَامَةَ، عَنْ عَبْدِ اللَّهِ ابْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنِ النَّبِيِّ ﷺ أَنَّهُ لَعَنَ الْوَاصِلَةَ وَالْمُسْتَوْصِلَةَ، وَالْوَأْشِمَةَ وَالْمُسْتَوْشِمَةَ.

تخريج: أخرجه مسلم، اللباس والزينة، باب تحريم فعل الواصلة والمستوصلة والواشمة والمستوشمة ... إلخ، ح: ٢١٢٤ من حديث ابن نمير وغيره به، أخرجه البخاري، ح: ٥٩٤٧، ومسلم وغيرهما من طريق يحيى القطان عن عبيدالله به.

Comments:

- The woman is recommended to adorn herself for the pleasure of her husband; but must be careful about what is lawful and unlawful.
- If a woman has less hair, she should not add artificial hair to show more; and also the men should avoid wearing a wig to hide baldness. For this purpose one may wear a cap, hat or turban etc.
- As for the art of making tattoos on the body; the print of tattoos remain permanent on the body and do not get deleted; the Arab women used to practise this fashion; but having tattoos and making tattoos are prevented alike.

1988. It was narrated that Asmâ' said: "A woman came to the Prophet ﷺ and said: 'My daughter is going to get married, and she had the measles and her hair has fallen out. Can I put extensions in her hair?' The Messenger of Allâh ﷺ said: 'Allâh has cursed the one who does hair extensions and the one who has that done.'" (*Sahih*)

١٩٨٨ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ بْنُ سُلَيْمَانَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ فَاطِمَةَ، عَنْ أَسْمَاءَ قَالَتْ: جَاءَتِ امْرَأَةٌ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: إِنَّ ابْنَتِي عُرِيْسٌ. وَقَدْ أَصَابَتْهَا الْحَصْبَةُ. فَمَزَّقَ شَعْرَهَا. فَأَصَلَ لَهَا فِيهِ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَعَنَ اللَّهُ الْوَاصِلَةَ وَالْمُسْتَوْصِلَةَ».

تخریج: أخرجه البخاري، اللباس، باب وصل الشعر، ح: ٥٩٣٦، ٥٩٤١ من حديث هشام به، ومسلم، اللباس والزينة، الباب السابق، ح: ٢١٢٢ عن ابن أبي شيبة وغيره.

Comments:

Despite the excuse, the Messenger of Allâh ﷺ did not allow her to add artificial hair, even though the adornment for the pleasure of the husband is a religious demand. It informs us that this prohibition is not of that of dislike, instead it is a definite unlawful thing. The curse on it is also a proof of its total prohibition, because a curse is not spelt out just for something disliked.

1989. It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ cursed the woman who does tattoos and the one who has them done, and those who pluck their eyebrows and file their teeth for the purpose of beautification, and those who change the creation of Allâh." News of that reached a woman of Banu Asad who was called Umm Ya'qub. She came to him and

١٩٨٩ - حَدَّثَنَا أَبُو عُمَرَ، حَفْصُ بْنُ عَمْرٍو، وَ عَبْدِ الرَّحْمَنِ بْنُ عُمَرَ. قَالَا: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا شُعْبَانُ عَنْ مَنُصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ قَالَ: لَعَنَ رَسُولُ اللَّهِ ﷺ الْوَائِمَاتِ وَالْمُسْتَوْشِمَاتِ وَالْمُسْتَمِصَاتِ وَالْمَتَلَجَّاتِ لِلْحُسْنِ، الْمُعْتَبِرَاتِ لِخَلْقِ اللَّهِ. فَبَلَغَ ذَلِكَ

said: "I have heard that you said such and such." He said: "Why should I not curse those whom the Messenger of Allāh ﷺ cursed? And it is in the Book of Allāh." She said: "I read what is between its two covers and I have not found that." He said: "If you read it properly you would have found it. Have you not read the words: 'And whatsoever the Messenger (Muhammad) gives you, take it; and whatsoever he forbids you, abstain (from it).'"^[1] She said: "Of course." He said: "The Messenger of Allāh ﷺ forbade that." She said: 'I think that your wife does it.' He said: "Go and look." So she went and looked and she did not see what she wanted. She said: "I have not seen anything." 'Abdullāh said: "If she was as you say, I would not have kept her with me." (*Sahih*)

امرأة من بني أسد، يقال لها أم يعقوب. فجاءت إليه. فقالت: بلغني عنك أنك قلت كيت وكيت. قال: وما لي لا ألعن من لعن رسول الله ﷺ. وهو في كتاب الله؟ قالت: إني لأقرأ ما بين لوحيه فما وجدته. قال: إن كنت قرأته فقد وجدته. أما قرأت: ﴿وما آتاكم الرسول فخذوه وما نهاكم عنه فانتهوا﴾ [الحشر: ٧] قالت: بلى. قال: فإن رسول الله ﷺ قد نهى عنه. قالت: فإني لأظن أهلك يفعلون. قال: اذهبي فانظري. فذهبت فنظرت فلم تر من حاجبها شيئاً. قالت: ما رأيت شيئاً. قال عبد الله: لو كانت كما تقولين ما جامعتنا.

تخريج: أخرجه البخاري، اللباس، باب المستوشمة، ح: ٥٩٤٨ مختصراً، ومسلم، اللباس والزينة، باب تحريم فعل الواصلة والمستوصلة . . . الخ، ح: ٢١٢٥ من حديث ابن مهدي به، وله عندهما طرق.

Comments:

- Removing and plucking hair is about the facial hair, which does not look good on the faces of women; plucking, removing them is not allowed Islamically. But some sort of color may be used that they do not look outstanding.
- Some people have their eyebrows naturally join together and they create a gap between them by shaving; or some women make their eyebrows thinner by using different techniques; these are all forbidden and part of this prohibition.
- This custom also used to be that it was regarded as a sign of beauty if the front teeth were not joined together; and for this purpose women would make artificial spaces in between the teeth filing them. This is not allowed.

^[1] Al-Hashr 59:7.

Chapter 53. Recommended Time For Consummating Marriage

1990. It was narrated that 'Aishah said: "The Prophet ﷺ married me in Shawwâl, and he consummated the marriage with me in Shawwâl, and which of his wives was more favored to him than I." 'Aishah used to like marriage to be consummated with her female relatives in Shawwâl. (*Sahih*)

(المعجم ٥٣) - بَابُ: مَتَى يُسْتَحَبُّ
الْبِنَاءُ بِالنِّسَاءِ (التحفة ٥٣)

١٩٩٠ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعُ بْنُ الْجَرَّاحِ؛ ح: وَحَدَّثَنَا أَبُو يَشْرِ بَكْرُ ابْنُ خَلْفٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، جَمِيعاً عَنْ سُفْيَانَ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنْ عَبْدِ اللَّهِ بْنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي النَّبِيُّ ﷺ فِي شَوَّالٍ. وَبَيَّ فِي فِي شَوَّالٍ. فَأَيُّ نِسَائِهِ كَانَ أَحْظَى عِنْدَهُ مِنِّي، وَكَانَتْ عَائِشَةُ تَسْتَجِبُ أَنْ تُدْخَلَ نِسَاءَهَا فِي شَوَّالٍ.

تخریج: أخرجه مسلم، النكاح، باب استحباب النزوج والتزويج في شوال واستحباب الدخول فيه، ح: ١٤٢٣ عن ابن أبي شيبة وغيره به.

Comments:

In the pre-Islamic era, the month of Shawwâl used to be considered unblest; therefore the people would avoid marrying in it. 'Aishah ﷺ refuted this wrong belief by giving her own example.

1991. It was narrated from 'Abdul-Malik bin Hârith bin Hishâm, from his father, that the Prophet ﷺ married Umm Salamah in Shawwâl, and consummated the marriage with her in Shawwâl. (*Da'if*)

١٩٩١ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَسْوَدُ بْنُ غَامِرٍ: حَدَّثَنَا زُهَيْرٌ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، عَنْ عَبْدِ الْمَلِكِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِيهِ أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ أُمَّ سَلَمَةَ فِي شَوَّالٍ. وَجَمَعَهَا إِلَيْهِ فِي شَوَّالٍ.

تخریج: [إسناده ضعيف] أخرجه الطبراني (الكبير: ٣/٢٩٤، ٢٩٥) من طريق ابن أبي شيبة به، وانظر، ح: ١٢٠٩ لعلته.

Chapter 54. A Man Consummating The Marriage With His Wife Before Giving Her Anything

1992. It was narrated from 'Āishah that the Messenger of Allāh ﷺ told her to take a woman to her husband before he had given her anything (i.e., bridal-money). (*Da'if*)

تخريج: [إسناده ضعيف] أخرجه أبو داود، النكاح، باب: في الرجل يدخل بامرأته قبل أن يقدها شيئاً، ح: ٢١٢٨ من حديث شريك به * شريك عنن تقدم، ح: ١٤٩، وخيشمة لم يسمع من عائشة رضي الله عنها.

Chapter 55. Omens And Good Fortune

1993. It was narrated from Hakim bin Mu'āwiyah that his paternal uncle Mikhmar bin Mu'āwiyah said: "I heard the Messenger of Allāh ﷺ say: 'Do not believe in omens, and good fortune is only to be found in three things: A woman, a horse and a house.'" (*Hasan*)

تخريج: [حسن] أخرجه الطبراني في الكبير: ٣٣٦/٢٠، ٣٣٧، ح: ٧٩٦ من حديث هشام به (وسقط يحيى بن جابر من سنده) إلا أنه قال: مخمر بن حيدة، وللحديث شواهد كثيرة.

Comments:

'Omens and good fortune' is the trouble or harmony caused by something or by a person. For example: a woman, if she is of good conduct, obedient and well-mannered, then it is a mercy and blessing; but if she is abusive, disobedient and ill-mannered, then it is ominousness. Similarly if the horse (ride) is healthy, fast and obedient to the master, then it is a blessing but if it is stubborn and ungovernable, it will be a problem. A big and wide house and a good neighbor are a blessing.

(المعجم ٥٤) - بَابُ الرَّجُلِ يَدْخُلُ بِأَهْلِهِ قَبْلَ أَنْ يُعْطِيَهَا شَيْئًا (التحفة ٥٤)

١٩٩٢ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا الْهَيْثَمُ بْنُ جَمِيلٍ: حَدَّثَنَا شَرِيكٌ، عَنْ مَنْصُورٍ أَطْنَهُ عَنْ طَلْحَةَ، عَنْ خَيْثَمَةَ، عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ ﷺ أَمَرَهَا أَنْ تَدْخُلَ عَلَى رَجُلٍ أَمْرَأَتَهُ قَبْلَ أَنْ يُعْطِيَهَا شَيْئًا.

(المعجم ٥٥) - بَابُ مَا يَكُونُ فِيهِ الْيَمْنُ وَالشُّؤْمُ (التحفة ٥٥)

١٩٩٣ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ: حَدَّثَنِي سَلِيمَانُ بْنُ سَلِيمِ الْكَلْبِيِّ، عَنْ يَحْيَى بْنِ جَابِرٍ، عَنْ حَكِيمِ بْنِ مُعَاوِيَةَ، عَنْ عَمِّهِ وَمَخْمَرِ بْنِ مُعَاوِيَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا شُؤْمَ. وَقَدْ يَكُونُ الْيَمْنُ فِي ثَلَاثَةٍ: فِي الْمَرْأَةِ وَالْفَرَسِ وَالِدَّارِ».

1994. It was narrated from Sahl bin Sa'd that the Messenger of Allāh ﷺ said: "If it exists, it is in three things: a horse, and woman and a house," meaning omens. (Sahih)

١٩٩٤ - حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ عَاصِمٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نَافِعٍ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنْ كَانَ، فِيهِ الْفَرَسِ وَالْمَرْأَةُ وَالْمَسْكَنُ». يَعْنِي الشُّؤْمَ.

تخريج: أخرجه البخاري، النكاح، باب ما يتقى من شؤم المرأة... إلخ، ح: ٥٠٩٥، ومسلم، السلام، باب الطيرة والفأل وما يكون فيه الشؤم، ح: ٢٢٢٦ من حديث مالك به.

1995. It was narrated from Sâlim, from his father, that the Messenger of Allāh ﷺ said: "Omens are only to be found in three things: a horse, a woman and a house." (Sahih)

١٩٩٥ - حَدَّثَنَا يَحْيَى بْنُ خَلْفٍ، أَبُو سَلَمَةَ: حَدَّثَنَا بَشْرُ بْنُ الْمُفَضَّلِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ إِسْحَاقَ، عَنِ الرَّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الشُّؤْمُ فِي ثَلَاثٍ: فِي الْفَرَسِ وَالْمَرْأَةِ وَالذَّارِ».

(One of the narrators) Az-Zuhri said: "Abu 'Ubaidah bin 'Abdullāh bin Zam'ah said that his mother, Zainab, narrated to him, from Umm Salamah, that she used to list these three, and add to them "the sword."

قَالَ الرَّهْرِيُّ: فَحَدَّثَنِي أَبُو عُبَيْدَةَ بْنُ عَبْدِ اللَّهِ بْنِ زَمْعَةَ أَنَّ أُمَّهُ، زَيْنَبَ حَدَّثَتْهُ عَنْ أُمِّ سَلَمَةَ أَنَّهَا كَانَتْ تَعُدُّ هَؤُلَاءِ الثَّلَاثَةَ. وَتَزِيدُ مَعَهُنَّ، السَّيْفَ.

تخريج: أخرجه البخاري، الطب، باب الطيرة، ح: ٥٧٥٣، ومسلم، السلام، الباب السابق، ح: ٢٢٢٥ وغيرهما من طريق الزهري نحوه، إلا أن البخاري قال: والدابة دون الفرس، وهذا الحديث مختصراً، والحديث السابق قاضٍ عليه، لأن فيه زيادة، والله أعلم.

Chapter 56. Jealousy

(المعجم ٥٦) - بَابُ الْعَيْرَةِ (التحفة ٥٦)

1996. It was narrated from Abu Hurairah that the Messenger of Allāh ﷺ said: "There is a kind of protective jealousy that Allāh loves and a kind that Allāh hates. As for that which Allāh loves, it is protective jealousy when there are grounds for suspicion. And as for

١٩٩٦ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وَكَيْعٌ عَنْ شَيْبَانَ أَبِي مُعَاوِيَةَ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَهْمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مِنَ الْعَيْرَةِ مَا يُحِبُّ اللَّهُ. وَمِنْهَا مَا يَكْرَهُ اللَّهُ. فَأَمَّا مَا يُحِبُّ اللَّهُ فَالْعَيْرَةُ فِي الرَّبِيَّةِ. وَأَمَّا مَا يَكْرَهُ، فَالْعَيْرَةُ

that which He hates, it is protective jealousy when there are no grounds for suspicion.”

في غَيْرِ رَيْبَةٍ.

(*Sahih*)

تخريج: [صحيح] * أبو شهيم، قال الحافظ في التقریب: كذا وقع: عنده أي عند ابن ماجه، والصواب: أبو سلمة وهو ابن عبدالرحمن، وأبوسلمة ثقة مشهور، ولحديثه شاهد عند أبي داود، ح: ٢٦٥٩ وغيره، وصححه ابن حبان (موارد)، ح: ١٣١٣، والحافظ في الإصابة.

Comments:

- If the conduct of wife looks doubtful, she should be given proper admonishment, in order to prevent her from stepping forward into bad conduct.
- One should not have doubts in his chaste and bashful wife just by hearing nonsense from irresponsible individuals; it is possible that out of jealousy, grudge and enmity, they want to spoil his family.

1997. It was narrated that 'Āishah said: "I never felt as jealous of any woman as I did of Khadijah, because I saw how the Messenger of Allāh ﷺ remembered her, and his Lord had told him to give her the glad tidings of a house in Paradise made of *Qasab*." [1] (*Sahih*)

Meaning of gold; Ibn Mājah said that.

تخريج: أخرجه البخاري، مناقب الأنصار، باب تزويج النبي ﷺ خديجة وفضلها رضي الله عنها، ح: ٣٨١٦، ٣٨١٧، ٥٢٢٩، ومسلم، فضائل الصحابة، باب: من فضائل خديجة (أم المؤمنين) رضي الله تعالى عنها، ح: ٢٤٣٥ من حديث هشام به، وصححه البوصيري.

Comments:

- It means the jealousy for good, which a woman normally has about the co - wife. This is a natural sentiment among women, and it expresses their love for the husband; so it should be tolerated so long as no wrong doing happens because of it.
- This *Hadith* shows the virtuousness and high status of Khadijah ؓ.

1998. It was narrated that حَدَّثَنَا عِيسَى بْنُ حَمَّادٍ الْبُصَيْرِيُّ: ١٩٩٨ -

[1] *Qasab* refers to thread, cane, or reed. In other narrations it is mentioned that it is made of hollow pearl.

Mishwar bin Makhramah said: "I heard the Messenger of Allāh ﷺ, when he was on the pulpit, say: 'Banu Hishām bin Mughirah asked me for permission to marry their daughter to 'Ali bin Abu Tālib, but I will not give them permission, and I will not give them permission, and I will not give them permission, unless 'Ali bin Abu Tālib wants to divorce my daughter and marry their daughter, for she is a part of me, and what bothers her bothers me, and what upsets her upsets me.'" (Sahih)

أَنْبَأَنَا اللَّيْثُ بْنُ سَعْدٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي مُلَيْكَةَ، عَنِ الْمُسَوَّرِ بْنِ مَخْرَمَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ، وَهُوَ عَلَى الْمِنْبَرِ، يَقُولُ: «إِنَّ بَنِي هِشَامِ بْنِ الْمُغِيرَةِ اسْتَأْذَنُونِي أَنْ يُنْكَحُوا ابْنَتَهُمْ عَلِيَّ بْنَ أَبِي طَالِبٍ. فَلَا أَذْنُ لَهُمْ، ثُمَّ لَا أَذْنُ لَهُمْ، ثُمَّ لَا أَذْنُ لَهُمْ. إِلَّا أَنْ يُرِيدَ عَلِيٌّ ابْنَ أَبِي طَالِبٍ أَنْ يُطَلِّقَ ابْنَتِي وَيُنْكَحَ ابْنَتَهُمْ. فَإِنَّمَا هِيَ بَضْعَةٌ مِنِّي. يَرِيْبِي مَا رَابَهَا، وَيُؤْذِنِي مَا آذَاهَا».

تخریج: أخرجه البخاري، النكاح، باب ذب الرجل عن ابنته في الغيرة والإنصاف، ح: ٥٢٣٠، ومسلم، فضائل الصحابة، باب: من فضائل فاطمة (بنت النبي ﷺ) رضي الله عنها، ح: ٢٤٤٩ من حديث الليث به.

Comments:

- a. It is not allowed to worry the noble Prophet ﷺ by any means even though the concern may be about what is lawful; but perhaps it would be displeasing to the Messenger of Allāh ﷺ for a certain reason.
- b. The Messenger of Allāh, prohibited 'Ali ؑ from marrying the daughter of Abu Jahl because it would be troublesome for Fātimah ؑ, and it would hurt the Prophet ﷺ too; consequently 'Ali ؑ would earn the displeasure of Allāh for bothering the Prophet ﷺ. This prohibition, in fact, was a means of kindness towards 'Ali ؑ.

1999. 'Ali bin Husain said that Miswar bin Makhramah told him that 'Ali bin Abu Tālib proposed to the daughter of Abu Jahl, when he was married to Fātimah the daughter of the Prophet ﷺ. When Fātimah heard of that she went to the Prophet ﷺ and said: "Your people are saying that you do not feel angry for your daughters. This 'Ali is going to marry the daughter of Abu Jahl." Miswar

١٩٩٩ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا أَبُو الْيَمَانِ: أَنَّبَأَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ. أَخْبَرَنِي عَلِيُّ بْنُ الْحُسَيْنِ أَنَّ الْمُسَوَّرَ بْنَ مَخْرَمَةَ أَخْبَرَهُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ خَطَبَ بِنْتَ أَبِي جَهْلٍ وَعِنْدَهُ فَاطِمَةُ بِنْتُ النَّبِيِّ ﷺ. فَلَمَّا سَمِعَتْ بِذَلِكَ فَاطِمَةُ أَتَتْ النَّبِيَّ ﷺ فَقَالَتْ: إِنَّ قَوْمَكَ يَتَحَدَّثُونَ أَنَّكَ لَا تَغَضَبُ لِبَنَاتِكَ. وَهَذَا عَلِيٌّ نَاكِحًا ابْنَةَ أَبِي جَهْلٍ.

said: "The Prophet ﷺ stood up, and I heard him when he bore witness (i.e., said the *Shahâdah*), then he said: 'I married my daughter (Zainab) to Abul-Âs bin Rabi', and he spoke to me and was speaking the truth. Fâtimah bint Muhammad is a part of me, and I hate to see her faced with troubles. By Allâh, the daughter of the Messenger of Allâh and the daughter of the enemy of Allâh will never be joined together in marriage to one man.'"

He said: So, 'Ali abandoned the marriage proposal. (*Sahih*)

قَالَ الْمُسَوِّرُ: فَقَامَ النَّبِيُّ ﷺ. فَسَمِعْتُهُ جَمِينَ تَشَهَّدَ، ثُمَّ قَالَ: «أَنَا بَعْدُ. فَإِنِّي قَدْ أَنْكَحْتُ أَبَا الْعَاصِ بْنِ الرَّبِيعِ فَحَدَّثَنِي فَصَدَّقَنِي. وَإِنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ بَضْعَةٌ مِنِّي. وَأَنَا أَكْرَهُ أَنْ تَفْتِنُوهَا. وَإِنَّهَا، وَاللَّهِ لَا تَجْتَمِعُ بِنْتُ رَسُولِ اللَّهِ وَبِنْتُ عَدُوِّ اللَّهِ، عِنْدَ رَجُلٍ وَاحِدٍ أَبَدًا».

قَالَ: فَتَزَلَّ عَلَيَّ عَنِ الْخُطْبَةِ.

تخريج: أخرجه البخاري، فضائل أصحاب النبي ﷺ، باب ذكر أصحاب النبي ﷺ منهم أبو العاص بن الربيع، ح: ٣٧٢٩، ومسلم، فضائل الصحابة، الباب السابق، ح: ٩٦/٢٤٤٩ من حديث أبي اليمان به * رواه البخاري عنه.

Chapter 57. The Woman Who Offered Herself (In Marriage) To The Prophet ﷺ

2000. It was narrated from Hishâm bin 'Urwah, from his father that 'Aishah used to say: "Wouldn't a woman feel too shy to offer herself to the Prophet ﷺ?" Until Allâh revealed: "You (O Muhammad) can postpone (the turn of) whom you will of them (your wives), and you may receive whom you will."^[1] She said: "Then I said: 'Your Lord is quick to make things easy for you.'" (*Sahih*)

(المعجم ٥٧) - بَابُ الَّتِي وَهَبَتْ نَفْسَهَا لِلنَّبِيِّ ﷺ (التحفة ٥٧)

٢٠٠٠ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّهَا كَانَتْ تَقُولُ: أَمَا تَسْتَحْيِي الْمَرْأَةُ أَنْ تَهَبَ نَفْسَهَا لِلنَّبِيِّ ﷺ؟ حَتَّى أَنْزَلَ اللَّهُ: «تُرْجَى مَنْ نَشَاءُ مِنْهُنَّ وَتُؤْتَى إِلَيْكَ مَنْ نَشَاءُ» [الأحزاب: ٥١] قَالَتْ: فَقُلْتُ: إِنَّ رَبَّكَ لَيْسَارٌ فِي هَوَاكَ.

تخريج: أخرجه البخاري، النكاح، باب: هل للمرأة أن تهب نفسها لأحد؟، ح: ٥١١٣ من

[1] Al-Ahzâb 33:51.

حديث هشام به، ومسلم، الرضاع، باب جواز هبتها نوبتها لضررتها، ح: ١٤٦٤ عن ابن أبي شيبة به من حديث هشام به، [وعلقه البخاري من طريق عبدة].

Comments:

It is not regarded a good thing in an Islamic society that a woman offers herself to a man for marriage; the right procedure is that this offer should be made by the guardian of woman. The distinctive highness of Allāh's Messenger ﷺ looked strange to 'Āishah ؓ, that the women themselves would request the Messenger of Allāh ﷺ to marry with them.

2001. Thâbit said: "We were sitting with Anas bin Mâlik, and a daughter of his was with him. Anas said: 'A woman came to the Prophet ﷺ and offered herself to him. She said: "O Messenger of Allāh, do you have any need of me?"' His daughter said: 'How little modesty she had!' He said: 'She was better than you, because she wanted (to marry) the Messenger of Allāh ﷺ, and she offered herself to him.'" (*Sahih*)

٢٠٠١ - حَدَّثَنَا أَبُو بَشِيرٍ، بَكْرُ بْنُ خَلْفٍ وَمُحَمَّدُ بْنُ بَشَّارٍ. قَالَ: حَدَّثَنَا مَرْحُومُ بْنُ عَبْدِ الْعَزِيزِ: حَدَّثَنَا ثَابِتٌ قَالَ: كُنَّا جُلُوسًا مَعَ أَنَسِ بْنِ مَالِكٍ، وَعِنْدَهُ ابْنَتُهُ لَهُ. فَقَالَ أَنَسٌ: جَاءَتِ امْرَأَةٌ إِلَى النَّبِيِّ ﷺ. فَعَرَّضَتْ نَفْسَهَا عَلَيْهِ. فَقَالَتْ: يَا رَسُولَ اللَّهِ هَلْ لَكَ فِيَّ حَاجَةٌ؟ فَقَالَتْ ابْنَتُهُ: مَا أَقَلَّ حَيَاءَهَا. فَقَالَ: هِيَ خَيْرٌ مِنْكَ. رَغِبْتَ فِي رَسُولِ اللَّهِ ﷺ، فَعَرَّضْتَ نَفْسَهَا عَلَيْهِ.

تخريج: أخرجه البخاري، النكاح، باب عرض المرأة نفسها على الرجل الصالح، ح: ٥١٢٠ من حديث مرحوم به.

Comments:

Men and women alike may attend a gathering (or circle) of knowledge, but the women should have their place separate, and the mixing of men and women is not allowed apart from immediate blood relatives.

Chapter 58. A Man Who Has Doubts Concerning His Child

(المعجم ٥٨) - **بَابُ الرَّجُلِ يَشْكُ فِي وُلْدِهِ** (التحفة ٥٨)

2002. It was narrated that Abu Hurairah said: "A man from Banu Fazârah came to the Messenger of Allāh ﷺ and said: 'O Messenger of Allāh, my wife has given birth to a black boy.' The Messenger of Allāh ﷺ said: 'Do you have camels?' He said: 'Yes.' He said: 'What color are they?' He said:

٢٠٠٢ - حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي سَيِّبَةَ وَ مُحَمَّدُ بْنُ الصَّبَّاحِ. قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عَيْسَةَ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ مِنْ بَنِي فَزَارَةَ إِلَى رَسُولِ اللَّهِ ﷺ. فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّ امْرَأَتِي وَوَلَدَتْ غُلَامًا أَسْوَدًا. فَقَالَ رَسُولُ اللَّهِ

'Red.' He said: 'Are there any grey ones among them?' He said: 'Yes, there are some grey ones among them.' He said: 'Where does that come from?' He said: 'Perhaps it is hereditary.' He said: 'Likewise, perhaps this is hereditary.'" (*Sahih*)

عَلَيْهِ: «هَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ. قَالَ: «فَمَا أَلْوَانُهَا؟» [قَالَ: حُمْرًا]. قَالَ: «هَلْ فِيهَا مِنْ أَوْرَقٍ؟» قَالَ: إِنَّ فِيهَا لَوُرْقًا. قَالَ: «فَأَنَّى أَتَاهَا ذَلِكَ؟» قَالَ: عَسَى عِرْقُ نَزَعَهَا. قَالَ: «وَهَذَا، لَعَلَّ عِرْقًا نَزَعَهُ».

وَاللَّفْظُ لِابْنِ الصَّبَاحِ،

تخريج: أخرجه مسلم، اللعان، ح: ١٥٠٠ عن ابن أبي شيبة وغيره به، أخرجه البخاري، الطلاق، باب: إذا عرض بنفي الولد، ح: ٦٨٤٧، ٥٣٠٥، ومسلم وغيرهما من طرق عن الزهري . ٤.

Comments:

'Perhaps it is hereditary' means the child took the resemblance of a maternal or paternal ancestor, i.e., genes transmitted from a paternal grandfather and grandmother, maternal grandfather and grandmother or any of the ancestors.

2003. It was narrated from Ibn 'Umar that a man from the desert people came to the Prophet ﷺ and said: "O Messenger of Allâh, my wife has given birth on my bed to a black boy, and there are no black people among my family." He said: "Do you have camels?" He said: "Yes." He said: "What color are they?" He said: "Red." He said: "Are there any black ones among them?" He said, "No." He said: "Are there any grey ones among them?" He said: "Yes." He said: "How is that?" He said: "Perhaps it is hereditary." He said: "Perhaps (the color of) this son of yours is also hereditary." (*Hasan*)

٢٠٠٣ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا [عَبَّاءُ] ابْنُ كُثَيْبٍ اللَّيْثِيُّ، أَبُو عَسَّانَ، عَنْ جُوَيْرِيَةَ ابْنِ أَسْمَاءَ، عَنْ نَافِعٍ، عَنِ ابْنِ عَمْرٍ أَنَّ رَجُلًا مِنْ أَهْلِ الْبَادِيَةِ أَتَى النَّبِيَّ ﷺ. فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّ امْرَأَتِي وَلَدَتْ عَلَيَّ فِرَاشِي غُلَامًا أَسْوَدًا. وَإِنَّا، أَهْلُ بَيْتِ، لَمْ يَكُنْ فِيْنَا أَسْوَدٌ قَطُّ. فَقَالَ: «هَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ. قَالَ: «فَمَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ. قَالَ: «هَلْ فِيهَا أَسْوَدٌ؟» قَالَ: لَا. قَالَ: «فِيهَا أَوْرَقٌ؟» قَالَ: نَعَمْ. قَالَ: «فَأَنَّى كَانَ ذَلِكَ؟» قَالَ: عَسَى أَنْ يَكُونَ نَزَعُهُ عِرْقٌ. قَالَ: «فَلَعَلَّ ابْنَكَ هَذَا نَزَعُهُ عِرْقٌ».

تخريج: [إسناده حسن] والحديث السابق شاهد له.

Chapter 59. The Child Is For The Bed And The Fornicator Gets Nothing

2004. It was narrated that 'Aishah said: Ibn Zam'ah and Sa'd (Ibn Abu Waqqâs) referred a dispute to the Prophet ﷺ concerning the son of Zam'ah's slave woman. Sa'd said: "O Messenger of Allâh, my brother (Utbah bin Abu Waqqâs) left instructions in his will that when I come to Makkah, I should look for the son of the slave woman of Zam'ah and take him into my care." 'Abd bin Zam'ah said: "He is my brother and the son of the slave woman of my father; he was born on my father's bed." The Prophet ﷺ saw that he resembled 'Utbah, and said: "He belongs to you, O 'Abd bin Zam'ah. The child is for the bed.^[1] Observe *Hijâb* before him, O Saudah." (*Sahih*)

(المعجم ٥٩) - بَابُ: الْوَلَدُ لِلْفِرَاشِ
وَلِلْعَاهِرِ الْحَجَرُ (التحفة ٥٩)
٢٠٠٤ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا
سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ،
عَنْ عَائِشَةَ قَالَتْ: إِنَّ ابْنَ زَمْعَةَ وَسَعْدًا
اِخْتَصَمَا إِلَى النَّبِيِّ ﷺ فِي ابْنِ أُمِّ زَمْعَةَ.
فَقَالَ سَعْدٌ: يَا رَسُولَ اللَّهِ! أَوْصَانِي أَخِي،
إِذَا قَدِمْتُ مَكَّةَ، أَنْ أَنْظُرَ إِلَيَّ ابْنُ أُمِّ زَمْعَةَ
فَأَقْبِضَهُ. وَقَالَ عَبْدُ بْنُ زَمْعَةَ: أَخِي وَابْنُ أُمِّ
أَبِي. وَوُلِدَ عَلَى فِرَاشِ أَبِي. فَرَأَى النَّبِيُّ ﷺ
شَبَّهُهُ بِعُتْبَةَ. فَقَالَ: «هُوَ لَكَ يَا عَبْدُ بْنُ
زَمْعَةَ. الْوَلَدُ لِلْفِرَاشِ. وَاحْتَجِي عَنْهُ يَا
سَوْدَةَ».

تخريج: أخرجه البخاري، الخصومات، باب دعوى الوصي للميت، ح: ٢٤٢١ من حديث
سفيان به، ومسلم، الرضاع، باب الولد للفراش وتوقي الشبهات، ح: ١٤٥٧ عن ابن أبي شيبة
وغيره.

Comments:

- In the pre-Islamic period, a child born because of illegal affairs used to be considered of the same man due to whose affairs it was born. Following the same custom of pre-Islamic Ignorance, Sa'd bin Abu Waqqâs wanted to have the guardianship of the child born to a female slave of Zam'ah 'a legal child of his brother'.
- Abd bin Zam'ah had the opinion that legally the child was his brother, regardless who the child's real father should be, because he (the child) was a son of the female slave of his father.
- The apparent look and facial features showed that the child was born of

[1] 'The child is for the bed' means that the child is attributed to the husband or the man who owns the slave women who gave birth to that child, even if the child resembles someone else.

Sa'd's brother; but legally, according to the Islamic *Shari'ah*, he was regarded the brother of Abd bin Zam'ah.

- d. It looked clear that the child being a legal brother of Saudah ﷺ was not yet her real blood brother, so the Messenger of Allâh ﷺ told the mother of the Believers 'Saudah' to observe *Hijâb* before him.

2005. It was narrated from 'Umar that the Messenger of Allâh ﷺ ruled that the child belonged to the bed. (*Sahih*)

٢٠٠٥ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُهَيْبَانُ بْنُ عُيَيْنَةَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي يَزِيدَ، عَنْ أَبِيهِ، عَنْ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى بِالْوَلَدِ لِلْفِرَاشِ.

تخریج: [صحيح] أخرجه أحمد: ٢٥/١، وأطراف المسند: ٨٨/٥، ومسند الفاروق: ١/٤٢٥، ٤٢٦ عن سفيان به، وقال الحميدي (ديوبندية: ٢٤) ثنا سفيان ثني عبيدالله بن أبي يزيد أخبرني أبي به مطولاً، وإسناده حسن، وصححه البوصيري، والحديث السابق شاهد له.

Comments:

"The child belonged to the bed" means the person who owns the bed; i.e., to the husband of the woman or the master of the female slave. The child will be considered his, and the relation of inheritance etc., would also be related to him; no relation will be connected with the man due to whose illegal affairs the child was born.

2006. It was narrated from Abu Hurairah that the Prophet ﷺ said: "The child is for the bed (i.e., belongs to the husband) and the fornicator gets nothing." (*Sahih*)

٢٠٠٦ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا سُهَيْبَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «الْوَلَدُ لِلْفِرَاشِ. وَلِلْعَاهِرِ الْحَجَرُ».

تخریج: أخرجه مسلم، الرضاع، باب الولد للفراش وللعاهر الحجر، ح: ١٤٥٨ من حديث سفيان به، وذكر اختلاف الرواة فيه.

Comments:

"The fornicator gets nothing" or 'the fornicator will have the stone' means he has nothing to do with the child, i.e., he is deprived of legal benefits from the child, like: inheritance etc. Another meaning is that he deserves the punishment and should be stoned to death.

2007. Shurahbil bin Muslim said: "I heard Abu Umamah Al-Bâhili say: 'I heard the Messenger of Allâh ﷺ say: "The child is for the bed and the fornicator gets nothing." (*Hasan*)

٢٠٠٧ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ: حَدَّثَنَا شُرَحْبِيلُ بْنُ مُسْلِمٍ قَالَ: سَمِعْتُ أَبَا أُمَامَةَ الْبَاهِلِيَّ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْوَلَدُ

لِلْفِرَاشِ، وَلِلْعَاهِرِ الْحَجْرِ».

تخريج: [إسناده حسن] أخرجه أحمد: ٢٦٧/٥ من حديث إسماعيل به مطولاً، و صححه البوصيري .

Chapter 60. When One Spouse Becomes Muslim Before The Other

(المعجم ٦٠) - بَابُ الرَّوْحَيْنِ يُسْلِمُ
أَحَدُهُمَا قَبْلَ الْآخَرِ (التحفة ٦٠)

2008. It was narrated from Ibn 'Abbās that a woman came to the Prophet ﷺ and became Muslim, and a man married her. Then her first husband came and said: "O Messenger of Allāh, I became Muslim with her, and she knew that I was Muslim." So the Messenger of Allāh ﷺ took her away from her second husband and returned her to her first husband. (*Da'if*)

٢٠٠٨ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا حَفْصُ بْنُ جَمِيعٍ: حَدَّثَنَا سِمَاكُ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ أَنَّ امْرَأَةً جَاءَتْ إِلَى النَّبِيِّ ﷺ فَأَسْلَمَتْ. فَتَزَوَّجَهَا رَجُلٌ. قَالَ: فَجَاءَ زَوْجُهَا الْأَوَّلُ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي قَدْ كُنْتُ أَسْلَمْتُ مَعَهَا، وَعَلِمْتُ بِإِسْلَامِي. قَالَ: فَانْتَزَعَهَا رَسُولُ اللَّهِ ﷺ مِنْ زَوْجِهَا الْآخِرِ، وَرَدَّهَا إِلَى زَوْجِهَا الْأَوَّلِ.

تخريج: [إسناده ضعيف] أخرجه أبو داود، الطلاق، باب: إذا أسلم أحد الزوجين، ح: ٢٢٣٨، ٢٢٣٩ من حديث سماك به، و صححه الترمذي، ح: ١١٤٤، والحاكم، والذهبي، وانظر، ح: ١٧١ لعلته.

Comments:

- If a wife embraces Islam before her husband, she is not allowed to have matrimonial relationship with him anymore. After passing one menstruation cycle as her waiting period, she is allowed to marry another man. (*Sahih Al-Bukhâri*: 5286).
- If she does not marry another man, and waits for her husband to embrace Islam, then this is allowed. Even if the husband embraces a long time after, they are still allowed to live a spouses' life under the previous marriage bond. But Imam Bukhâri quoted the verdicts of some Companions and the Successors that if a woman becomes Muslim first and then the husband embraces Islam, even though the waiting period has not yet finished, the new marriage contract is still necessary.

2009. It was narrated from Ibn 'Abbās that the Messenger of Allāh ﷺ returned his daughter to Abul-'Ās bin Rabi' after two years, on the basis of the first marriage contract. (*Da'if*)

٢٠٠٩ - حَدَّثَنَا أَبُو بَكْرِ بْنُ خَلَّادٍ وَ يَحْيَى ابْنُ حَكِيمٍ. قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَنَّ ابْنَةَ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ أَنَّ

رَسُولَ اللَّهِ ﷺ رَدَّ ابْنَتَهُ عَلَى أَبِي الْعَاصِ بْنِ الرَّبِيعِ، بَعْدَ سَتْنَيْنِ، يَبْكَاجُهَا الْأَوَّلَ.

تخریج: [إسناده ضعيف] أخرجه أبو داود، الطلاق، باب: إلی متى ترد علیه امرأته إذا أسلم بعدها، ح: ۲۲۴۰ من حدیث یزید به، أخرجه الترمذی، ح: ۱۱۴۲، ۱۱۴۳، وذكر كلامًا، وصححه الحاكم وغيره، وما روى داود عن عكرمة منكر كما قال ابن المديني وغيره (تهذيب)، وقال في التقريب في داود بن الحصين: ثقة إلا في عكرمة، ورمى برأى الخوارج .

2010. It was narrated from 'Amr bin Shu'aib, from his father, from his grandfather, that the Messenger of Allāh ﷺ returned his daughter Zainab to Abul-'As bin Rabi', with a new marriage contract. (*Da'if*)

۲۰۱۰ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ رَسُولَ اللَّهِ ﷺ رَدَّ ابْنَتَهُ زَيْنَبَ عَلَى أَبِي الْعَاصِ بْنِ الرَّبِيعِ، بِنِكَاحٍ جَدِيدٍ.

تخریج: [إسناده ضعيف] أخرجه الترمذی، النكاح، باب ماجاء في الزوجين المشركين يسلم أحدهما، ح: ۱۱۴۲ من حدیث أبي معاوية به، وانظر، ح: ۴۹۶، ۱۱۲۹ لعلته .

Chapter 61. Intercourse With A Nursing Mother

(المعجم ۶۱) - بَابُ الْغَيْلِ (التحفة ۶۱)

2011. It was narrated that Judamah bint Wahb Al-Asadiyyah said: "I heard the Messenger of Allāh ﷺ say: 'I wanted to forbid intercourse with a nursing mother, but then (I saw that) the Persians and the Romans do this, and it does not kill their children.' And I heard him say, when he was asked about coitus interruptus: 'It is the disguised form of burying children alive.'"
(*Sahih*)

۲۰۱۱ - حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى بْنُ إِسْحَاقَ: حَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ نَوْفَلٍ الْقُرَشِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنْ جَدَامَةَ بِنْتِ وَهْبِ الْأَسَدِيَّةِ أَنَّهَا قَالَتْ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «قَدْ أَرَدْتُ أَنْ أَنْهَى عَنِ الْغَيْالِ. فَإِذَا فَارَسَ وَالرُّومُ يُغِيلُونَ فَلَا يَقْتُلُونَ أَوْلَادَهُمْ» وَسَمِعْتُهُ يَقُولُ، وَسُئِلَ عَنِ الْعَزْلِ، فَقَالَ: «هُوَ الْوَأْدُ الْحَقْفِيُّ».

تخریج: أخرجه مسلم، النكاح، باب جواز الغيلة، ح: ۱۴۴۲ من حدیث محمد بن عبدالرحمن بن نوفل به .

Comments:

Having sexual intercourse during the breastfeeding period carries the risk of conception; and due to it, the milk of the mother decreases, and the child

who is already breastfeeding would get weak for not having proper nutrition.

2012. It was narrated from Muhājir bin Abu Muslim, from Asmá' bint Yazid bin Sakan, who was his freed slave woman, that she heard the Messenger of Allāh ﷺ say: "Do not kill your children secretly, for by the One in Whose Hand is my soul, intercourse with a breastfeeding woman catches up with people when they are riding their horses (in battle) and wrestles them to the ground." (Da'if)

٢٠١٢ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا يَحْيَى بْنُ حَمَزَةَ، عَنْ عَمْرِو بْنِ مَهَاجِرٍ أَنَّهُ سَمِعَ أَبَاهُ الْمُهَاجِرَ بْنَ أَبِي مُسْلِمٍ يُحَدِّثُ عَنْ أَسْمَاءَ بِنْتِ يَزِيدَ بْنِ السَّكَنِ. وَكَانَتْ مَوْلَانَهُ أَنَّهَا سَمِعَتْ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا تَقْتُلُوا أَوْلَادَكُمْ سِرًّا. فَوَالَّذِي نَفْسِي بِيَدِهِ إِنْ الْغَيْلَ لَيُذْرِكُ الْفَارِسَ عَلَى ظَهْرِ فَرَسِهِ حَتَّى يَضْرَعَهُ».

تخريج: [إسناده ضعيف] أخرجه أبو داود، الطب، باب: في الغيل، ح: ٣٨٨١ من حديث المهاجر به، وصححه ابن حبان * مهاجر الأنصاري وثقه ابن حبان وحده فيما أعلم.

Comments:

'Wrestles them to the ground' means the affect of weakness caused by intercourse with a breastfeeding woman remains affective for the whole life, even if such a child becomes a good horse rider after having grown up, he will not yet be able to compete with a child without such history. However this *Hadith* is Weak; therefore such concern is not necessary.

Chapter 62. A Woman Who Annoys Her Husband

(المعجم ٦٢) - بَابُ: فِي الْمَرْأَةِ تُوْذِي زَوْجَهَا (التحفة ٦٢)

2013. It was narrated that Abu Umamah said: "A woman came to the Prophet ﷺ with two of her children, carrying one and leading the other. The Messenger of Allāh ﷺ said: 'They carry children and give birth to them and are compassionate. If they do not annoy their husbands, those among them who perform prayer will enter Paradise.'" (Da'if)

٢٠١٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُؤَمَّلٌ: حَدَّثَنَا سُفْيَانُ عَنِ الْأَعْمَشِ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ أَبِي أُمَامَةَ قَالَ: أَتَتِ النَّبِيَّ ﷺ امْرَأَةٌ مَعَهَا صَبِيَّانِ لَهَا. فَذُ حَمَلَتْ أَحَدَهُمَا وَهِيَ تَقُودُ الْآخَرَ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «حَامِلَاتٌ، وَاللِّدَاتُ، وَرَحِيمَاتٌ. لَوْلَا مَا يَأْتِيَنَّ إِلَى أَرْوَاجِهِنَّ، دَخَلَ مَصْلِيَاتُهُنَّ الْجَنَّةَ».

تخريج: [إسناده ضعيف] أخرجه الحاكم: ١٧٣/٤، ١٧٤ من حديث مؤمل بن إسماعيل به، وصححه على شرط الشيخين، ووافقه الذهبي * الأعمش تابعه منصور عند أحمد: ٢٦٩، ٢٥٧/٥، وغيره، وأخرجه أحمد: ٢٥٢/٥ بإسناد صحيح عن سالم بن أبي الجعد قال: ذكر لي عن أبي أمامة به، فالسند منقطع، والواسطة بينهما مجهولة.

2014. It was narrated from Mu'adh bin Jabal that the Messenger of Allāh ﷺ said: "No woman annoys her husband but his wife among houris (of Paradise) says: 'Do not annoy him, may Allāh destroy you, for he is just a temporary guest with you and soon he will leave you and join us.'" (Hasan)

٢٠١٤ - حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ الصَّحَّاحِ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ، عَنْ بَجِيرِ بْنِ سَعْدٍ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ كَثِيرِ بْنِ مُرَّةَ، عَنْ مُعَاذِ بْنِ جَبَلٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تُؤْذِي امْرَأَةً زَوْجَهَا إِلَّا قَالَتْ زَوْجَتُهُ مِنَ الْخُورِ الْعَيْنِ: لَا تُؤْذِيهِ. قَاتَلِكِ اللَّهُ فَإِنَّمَا هُوَ عِنْدَكَ دَخِيلٌ أَوْشَكُ أَنْ يُفَارِقَكَ إِلَيْنَا».

تخريج: [إسناده حسن] أخرجه الترمذي، الرضاع، باب الوعيد للمرأة على إيداء المرأة زوجها، ح: ١١٧٤ من حديث إسماعيل به، وقال: حسن غريب * إسماعيل بن عياش صرح بالسماع عند أبي نعيم في الحلية: ٢٢٠/٥، وباقي السند صحيح.

Comments:

- Not to obey the correct orders of the husband is a major sin.
- If a woman annoys her good husband, this annoys the maids of Paradise.
- Houri literally means the woman of white color and beautiful black eyes. They are the women whom Allāh created in Paradise for the men of Paradise. The righteous Muslim women, who lives their live according to the commandments of Allāh, their status in Paradise will be higher than that of the maids of Paradise.

Chapter 63. What Is *Harâm* Does Not Make What Is *Halâl* A *Harâm*

(المعجم ٦٣) - بَابُ: لَا يُحَرِّمُ الْحَرَامُ الْحَلَالَ (التحفة ٦٣)

2015. It was narrated from Ibn 'Umar that the Prophet ﷺ said: "What is *Harâm* does not make what is *Halâl* into what is *Harâm*."^[1] (Da'if)

٢٠١٥ - حَدَّثَنَا يَحْيَى بْنُ مَعْلَى بْنِ مَنصُورٍ: حَدَّثَنَا إِسْحَاقُ بْنُ مُحَمَّدٍ الْقُرَوِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يُحَرِّمُ الْحَرَامُ الْحَلَالَ».

[1] Meaning either: If one prohibits something for himself, it does not make the thing unlawful, or the commission of an unlawful act will not, by itself, makes something else unlawful.

تخريج: [إسناده ضعيف] أخرجه الدارقطني: ٣/٢٦٨، والبيهقي: ٧/١٦٨ من حديث الفروي به * الفروي ضعفه النجدهور، وروى عنه البخاري ثلاثة أحاديث: كأنها مما أخذه عنه من كتابه قبل ذهاب بصره، وأما العمري فتقدم حاله، ح: ٣٦٦، ١٢٩٩.

Comments:

According to the majority of the scholars, if a man committed adultery with a woman, his marriage with this woman will not be unlawful because of the illegal sex; neither the mother of this woman will be unlawful as mother-in-law for the man, nor the daughter of this woman will be unlawful like the stepdaughter. Similarly, if a man commits adultery with his mother-in-law or stepdaughter, then due to this, his wife will not become unlawful for him; because this relation, legally, is not a relationship of wife and husband. The mentioned commandments are related to the wife. The sin of adultery and the entitlement to its punishment is one thing, and it being prohibited is another thing. (For further information see: *Tafsir Ahsanul-Bayân* by Hâfiz Salâh-uddin Yusuf, *Surah : An-Nisâ* 4: 23)