

2645. Narrated Ibn 'Abbās رضي الله عنهما: The Prophet ﷺ said about Ḥamza's daughter, "I am not legally permitted to marry her, as foster suckling relations are treated like blood relations (in marital affairs). She is the daughter of my foster brother."

٢٦٤٥ - حَدَّثَنَا مُسْلِمٌ بْنُ
إِبْرَاهِيمَ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا قَتَادَةُ،
عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ
رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ النَّبِيُّ ﷺ
فِي بِنْتِ حَمْرَةَ: «لَا تَحِلُّ لِي، يَحْرُمُ
مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ النَّسَبِ،
هِيَ ابْنَةُ أُخِي مِنَ الرَّضَاعَةِ».
[انظر: ٥١٠٠]

2646. Narrated 'Āishah رضي الله عنها، the wife of the Prophet ﷺ: While the Prophet ﷺ was with me (in my house), I heard a man asking Ḥafṣa's permission to enter her house. 'Āishah رضي الله عنها further said, "I said, 'O Allāh's Messenger! I think the man is Ḥafṣa's foster uncle.'" 'Āishah added, "O Allāh's Messenger! There is a man asking the permission to enter your house." Allāh's Messenger ﷺ replied, "I think the man is Ḥafṣa's foster uncle." 'Āishah said, "If so-and-so were living (i.e., her foster uncle) would he be allowed to visit me?" Allāh's Messenger ﷺ said, "Yes, he would, as the foster suckling relations are treated like blood relations (in marital affairs)." [i.e., those things which are illegal because of blood relations are to be considered as illegal because of the corresponding foster suckling relations].

٢٦٤٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ عَبْدِ اللَّهِ
بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ
الرَّحْمَنِ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا
رَوَى النَّبِيُّ ﷺ أَخْبَرْتَهَا: أَنَّ النَّبِيَّ
ﷺ كَانَ عِنْدَهَا وَأَنَّهَا سَمِعَتْ صَوْتَ
رَجُلٍ يَسْتَأْذِنُ فِي بَيْتِ حَفْصَةَ، قَالَتْ
عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا: فَقُلْتُ: يَا
رَسُولَ اللَّهِ، أَرَاهُ فُلَانًا، لِعَمِّ حَفْصَةَ
مِنَ الرَّضَاعَةِ. فَقَالَتْ عَائِشَةُ: يَا
رَسُولَ اللَّهِ، هَذَا رَجُلٌ يَسْتَأْذِنُ فِي
بَيْتِكَ. قَالَتْ: فَقَالَ رَسُولُ اللَّهِ ﷺ:
«أَرَاهُ فُلَانًا لِعَمِّ حَفْصَةَ مِنَ الرَّضَاعِ،
فَقَالَتْ عَائِشَةُ: لَوْ كَانَ فُلَانٌ - حَيًّا
لِعَمِّهَا مِنَ الرَّضَاعَةِ - دَخَلَ عَلَيَّ؟
فَقَالَ رَسُولُ اللَّهِ ﷺ: «نَعَمْ إِنَّ
الرَّضَاعَةَ يَحْرُمُ مِنْهَا مَا يَحْرُمُ مِنَ
الْوِلَادَةِ». [انظر: ٣١٠٥، ٥٠٩٩]

2647. Narrated 'Āishah رضي الله عنها: Once the Prophet ﷺ came to me while a man was in my house. He said, "O 'Āishah! Who is

٢٦٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ:
أَخْبَرَنَا سُفْيَانٌ، عَنْ أَشْعَثَ بْنِ أَبِي

praised the deceased. 'Umar said, "It has been affirmed (Paradise)." Then a third funeral procession passed by and the people talked badly of the deceased. 'Umar said, "It has been affirmed (Hell)." I asked 'Umar, "O chief of the believers! What has been affirmed?" He said, "I have said what the Prophet ﷺ said. He ﷺ said, 'Allāh will admit into Paradise any Muslim whose good character is attested by four persons.' We asked the Prophet ﷺ, 'If there were three witnesses only?' He said, 'Even three.' We asked, 'If there were two only?' He said, 'Even two.' But we did not ask him about one witness."

دَرَبِعَا فَجَلَسْتُ إِلَى عُمَرَ رَضِيَ اللَّهُ عَنْهُ فَمَرَّتْ جَنَازَةٌ فَأْتَنِي خَيْرًا، فَقَالَ عُمَرُ: وَجِبَتْ. ثُمَّ مَرَّ بِأُخْرَى فَأْتَنِي خَيْرًا فَقَالَ: وَجِبَتْ. ثُمَّ مَرَّ بِالثَّالِثِ فَأْتَنِي شَرًّا فَقَالَ: وَجِبَتْ، فَقُلْتُ: مَا (وَجِبَتْ) يَا أَمِيرَ الْمُؤْمِنِينَ؟ قَالَ: قُلْتُ كَمَا قَالَ النَّبِيُّ ﷺ: «أَيُّمَا مُسْلِمٍ شَهِدَ لَهُ أَرْبَعَةٌ بِخَيْرٍ أَدْخَلَهُ اللَّهُ الْجَنَّةَ». قُلْنَا: وَثَلَاثَةٌ؟ قَالَ: «وِثَلَاثَةٌ»، قُلْنَا: وَاثْنَانِ؟ قَالَ: «وَاثْنَانِ»، ثُمَّ لَمْ نَسْأَلْهُ عَنِ الْوَاحِدِ.

[راجع: ١٣٦٨]

(7) CHAPTER. To give witness concerning lineage, foster suckling relations and dead persons, who died long before.

The Prophet ﷺ said, "I and Abū Salama were suckled by Thuwaiba."

The necessity of being sure of the witness in such cases.

(٧) بَابُ الشَّهَادَةِ عَلَى الْأَنْسَابِ وَالرِّضَاعِ الْمُسْتَقْبِضِ وَالْمَوْتِ الْقَدِيمِ وَقَالَ النَّبِيُّ ﷺ: «أَرْضَعْتَنِي وَأَبَا سَلَمَةَ تُوَيْبَةَ»، وَالثَّبْتُ فِيهِ.

2644. Narrated 'Āishah رضي الله عنها Aflah asked the permission to visit me but I did not allow him. He said, "Do you veil yourself before me although I am your uncle?" 'Āishah said, "How is that?" Aflah replied, "You were suckled by my brother's wife with my brother's milk." I asked Allāh's Messenger ﷺ about it, and he said, "Aflah is right, so permit him to visit you."

٢٦٤٤ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنَا الْحَكَمُ، عَنْ عِرَاكِ بْنِ مَالِكٍ، عَنْ عُرْوَةَ ابْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: اسْتَأْذَنَ عَلِيٌّ أَفْلَحَ فَلَمْ أَذْنِ لَهُ. فَقَالَ: أَتَحْتَجِبِينَ مِنِّي وَأَنَا عَمَّكَ؟ فَقُلْتُ: وَكَيْفَ ذَلِكَ؟ فَقَالَ: أَرْضَعْتِكِ امْرَأَةً أَخِي بِلَبَنِ أَخِي. فَقَالَتْ: سَأَلْتُ عَنْ ذَلِكَ رَسُولَ اللَّهِ ﷺ فَقَالَ: «صَدَقَ أَفْلَحُ، أَثَدَّنِي لَهُ». [انظر: ٤٧٩٦،

٥١٠٣، ٥١١١، ٥٢٣٩، ٦١٥٦]

you practise publicly, so we will trust and favour the one who does good deeds in front of us, and we will not call him to account about what he is really doing in secret, for Allāh will judge him for that; but we will not trust or believe the one who presents to us with an evil deed even if he claims that his intentions were good.

سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: إِنَّ أَنَسًا كَانُوا يُؤَخِّدُونَ بِالْوَحْيِ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ وَإِنَّ الْوَحْيَ قَدْ انْقَطَعَ، وَإِنَّمَا نَأْخِذُكُمُ الْآنَ بِمَا ظَهَرَ لَنَا مِنْ أَعْمَالِكُمْ، فَمَنْ أَظْهَرَ لَنَا خَيْرًا أَمِنَاهُ وَقَرَّبْنَاهُ، وَلَيْسَ إِلَيْنَا مِنْ سَرِيرَتِهِ شَيْءٌ، اللَّهُ يُحَاسِبُ فِي سَرِيرَتِهِ، وَمَنْ أَظْهَرَ لَنَا سُوءًا لَمْ نَأْمَنَّهُ وَلَمْ نُصَدِّقْهُ، وَإِنْ قَالَ: إِنَّ سَرِيرَتَهُ حَسَنَةٌ.

(6) CHAPTER. How many witnesses are sufficient to attest one's good or bad record?

(٦) بَابُ تَعْدِيلِ كَمَّ يَجُوزُ؟

2642. Narrated Anas رَضِيَ اللَّهُ عَنْهُ: A funeral procession passed in front of the Prophet ﷺ and the people praised the deceased. The Prophet ﷺ said, "It has been affirmed (Paradise)." Then another funeral procession passed by and the people talked badly of the deceased. The Prophet ﷺ said, "It has been affirmed (Hell)." Allāh's Messenger ﷺ was asked, "O Allāh's Messenger! You said it has been affirmed for both?" The Prophet ﷺ said, "The testimony of the people (is accepted), (for) the believers are Allāh's witnesses on the earth."

٢٦٤٢ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ ثَابِتٍ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: مَرَّ عَلَى النَّبِيِّ ﷺ بِجَنَازَةٍ فَأُتِنُوا عَلَيْهَا خَيْرًا، فَقَالَ: «وَجِبَتْ». ثُمَّ مَرَّ بِأُخْرَى فَأُتِنُوا عَلَيْهَا شَرًّا، أَوْ قَالَ: غَيْرَ ذَلِكَ. فَقَالَ: «وَجِبَتْ». فَقِيلَ: يَا رَسُولَ اللَّهِ، قُلْتَ لِهَذَا: «وَجِبَتْ» وَلِهَذَا: «وَجِبَتْ» قَالَ: «شَهَادَةُ الْقَوْمِ، الْمُؤْمِنُونَ شُهَدَاءُ اللَّهِ فِي الْأَرْضِ». [راجع: ١٣٦٧]

2643. Narrated Abū Al-Aswad: Once I went to Al-Madīna and at that time there was an outbreak of disease and the people were dying rapidly. I was sitting with 'Umar رَضِيَ اللَّهُ عَنْهُ and a funeral procession passed by. The people praised the deceased. 'Umar said, "It has been affirmed (Paradise)." Then another funeral procession passed by. The people

٢٦٤٣ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا دَاوُدُ بْنُ أَبِي الْفَرَاتِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ عَنْ أَبِي الْأَسْوَدِ قَالَ: أَتَيْتُ الْمَدِينَةَ وَقَدْ وَقَعَ بِهَا مَرَضٌ وَهُمْ يَمُوتُونَ مَوْتًا

(prayer) inside the Ka'bah while Al-Faḍl said that he had not offered *Ṣalāt*, so the people accepted Bilāl's assertion. Similarly, if two persons give witness that such a person owes another one thousand Dirham, but two other witnesses state that he owes him one thousand and five hundred Dirham then the judgement will be based on the higher amount.

2640. Narrated 'Abdullāh bin Abū Mulaika from 'Uqba bin Al-Ḥārith: 'Uqba married the daughter of Abū Ihāb bin 'Azīz, and then a woman came and said, "I suckled 'Uqba and his wife." 'Uqba said to her, "I do not know that you have suckled me, and you did not inform me." He then sent someone to the house of Abū Ihāb to enquire about that but they did not know that she had suckled their daughter. Then 'Uqba went to the Prophet ﷺ in Al-Madīna and asked him about it. The Prophet ﷺ said to him, "How (can you keep your wife) after it has been said (that both of you were suckled by the same woman)?" So, he divorced her and she was married to another man.

شَاهِدَانِ أَنَّ لِفُلَانٍ عَلَى فُلَانٍ أَلْفَ
دِرْهَمٍ وَشَهِدَ آخَرَانِ بِأَلْفٍ وَخَمْسَمِائَةٍ
يُقْضَى بِالزِّيَادَةِ.

٢٦٤٠ - حَدَّثَنَا جِبَّانُ: أَخْبَرَنَا

عَبْدُ اللَّهِ: أَخْبَرَنَا عَمْرُو بْنُ سَعِيدٍ
بْنِ أَبِي حُسَيْنٍ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ
بْنُ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بْنِ الْحَارِثِ:
أَنَّهُ تَزَوَّجَ ابْنَةَ لَأْبِي إِهَابِ بْنِ عَزِيزٍ
فَاتَتْهُ امْرَأَةٌ فَقَالَتْ: قَدْ أَرْضَعْتُ
عُقْبَةَ وَالَّتِي تَزَوَّجَ، فَقَالَ لَهَا
عُقْبَةُ: مَا أَعْلَمُ أَنَّكَ أَرْضَعْتِي
وَلَا أَخْبَرْتِي، فَأَرْسَلَ إِلَى آلِ
أَبِي إِهَابٍ يَسْأَلُهُمْ، فَقَالُوا:
مَا عَلِمْنَا أَرْضَعْتَ صَاحِبَتِنَا،
فَرَكِبَ إِلَى النَّبِيِّ ﷺ بِالْمَدِينَةِ
فَسَأَلَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ:
«كَيْفَ وَقَدْ قِيلَ؟» فَفَارَقَهَا
وَنَكَحَتْ زَوْجًا غَيْرَهُ.

[راجع: ٨٨]

(5) CHAPTER. The just witnesses. And the Statement of Allāh تعالى:

"And take as witness two just persons from among you (Muslims)..." (V.65:2)
"... such as you agree for witnesses..." (V.2:282)

2641. Narrated 'Umar bin Al-Khattāb رضي الله عنه: People were (sometimes) judged by the revealing of a Divine Revelation during the lifetime of Allāh's Messenger ﷺ, but now there is no longer any more (new revelation). Now, we judge you by the deeds

(٥) بَابُ الشُّهَدَاءِ الْعُدُولِ،

وَقَوْلِ اللَّهِ تَعَالَى: ﴿وَأَشْهِدُوا ذَوَى
عَدْلٍ مِّنكُمْ﴾ [الطلاق: ٢] و﴿مَنْ
رَضَوْنَ مِنَ الشُّهَدَاءِ﴾ [البقرة: ٢٨٢].

٢٦٤١ - حَدَّثَنَا الْحَكَمُ بْنُ نَافِعٍ،

أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ:
حَدَّثَنِي حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ
عَوْفٍ: أَنَّ عَبْدَ اللَّهِ بْنَ عُقْبَةَ قَالَ:

would have revealed his reality.”

[See Vol. 4, *Hadith* No.3055, 3056, for details]

2639. Narrated ‘Aishah رَضِيَ اللهُ عَنْهَا: The wife of Rifā‘a Al-Qurazī came to the Prophet ﷺ and said, “I was Rifā‘a’s wife, but he divorced me and it was a final irrevocable divorce. Then I married ‘Abdur-Rahmān bin Az-Zubair but he is impotent.” The Prophet ﷺ asked her, “Do you want to re-marry Rifā‘a? You cannot, unless you enjoy a complete sexual relation with your present husband and he enjoys a complete sexual relation with you.” Abū Bakr was sitting with Allāh’s Messenger ﷺ and Khālīd bin Sa‘īd bin Al-‘Āṣ was at the door waiting to admitted. He said, “O Abū Bakr! Do you hear what this (woman) is revealing frankly before the Prophet ﷺ?”

(4) CHAPTER. When a witness or witnesses give an evidence.

And some people say that they do not know such an evidence, then the case will be decided according to the statement of the witnesses. A-Hūmaidī said, “This (judgement) was adopted when Bilāl said that the Prophet ﷺ had offered *Ṣalāt*

رَمَزَمَةً. فَرَأَتْ أُمَّ ابْنِ صَيَّادِ النَّبِيِّ ﷺ وَهُوَ يَتَّقِي بِجُدُوعِ النَّخْلِ، فَقَالَتْ لِابْنِ صَيَّادٍ: أَيُّ صَافٍ، هَذَا مُحَمَّدٌ، فَتَنَاهَى ابْنَ صَيَّادٍ. قَالَ النَّبِيُّ ﷺ: «لَوْ تَرَكَتُهُ بَيْنَ». [راجع: ١٣٥٥]

٢٦٣٩ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا سُفْيَانُ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: جَاءَتِ امْرَأَةُ رِفَاعَةَ الْفَرَزِيِّ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: كُنْتُ عِنْدَ رِفَاعَةَ فَطَلَّقَنِي فَأَبَتْ طَلَاقِي، فَتَزَوَّجْتُ عَبْدَ الرَّحْمَنِ بْنِ الرَّبِيعِ، إِنَّمَا مَعَهُ مِثْلُ هُدْبَةِ الثَّوْبِ. فَقَالَ: «أَتُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا، حَتَّى تَذُوقِي عُسَيْلَتَهُ وَيَذُوقِ عُسَيْلَتِكَ»، وَأَبُو بَكْرٍ جَالِسٌ عِنْدَهُ وَخَالِدُ بْنُ سَعِيدِ بْنِ الْعَاصِ بِالْبَابِ يَنْتَظِرُ أَنْ يُؤَدَّنَ لَهُ. فَقَالَ: يَا أَبَا بَكْرٍ، أَلَا تَسْمَعُ إِلَى هَذِهِ مَا تَجْهَرُ بِهِ عِنْدَ النَّبِيِّ ﷺ؟. [انظر: ٥٢٦٠، ٥٢٦١، ٥٢٦٥، ٥٣١٧، ٥٧٩٢، ٥٨٢٥، ٦٠٨٤]

(٤) بَابُ إِذَا شَهِدَ شَاهِدٌ، أَوْ شُهُودٌ بِشَيْءٍ. وَقَالَ آخَرُونَ: مَا عَلِمْنَا بِذَلِكَ؛ يُحْكَمُ بِقَوْلِ مَنْ شَهِدَ.

قَالَ الْحُمَيْدِيُّ. هَذَا كَمَا أَخْبَرَ بِلَالٌ أَنَّ النَّبِيَّ ﷺ صَلَّى فِي الْكَعْبَةِ. وَقَالَ الْفَضْلُ: لَمْ يُصَلِّ، فَأَخَذَ النَّاسُ بِشَهَادَةِ بِلَالٍ. كَذَلِكَ إِنْ شَهِدَ

harmed me by defaming the reputation of my family? By Allāh, I have not known about my family anything except good, and they mentioned (i.e., accused) a man about whom I did not know anything except good.”

نَعْلَمُ إِلَّا خَيْرًا، وَقَالَتْ بَرِيرَةُ: إِنَّ رَأَيْتُ عَلَيْهَا أَمْرًا أَعْمِصُهُ أَكْثَرَ مِنْ أَنَّهَا جَارِيَةٌ حَدِيثُهُ السَّنَّ تَنَامُ عَنْ عَجِينِ أَهْلِهَا، فَتَأْتِي الدَّاجِنُ فَتَأْكُلُهُ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ يَغْذِرْنَا فِي رَجُلٍ بَلَّغْنِي أَذَاهُ فِي أَهْلِ بَيْتِي؟ فَوَاللَّهِ مَا عَلِمْتُ مِنْ أَهْلِي إِلَّا خَيْرًا، وَلَقَدْ ذَكَرُوا رَجُلًا مَا عَلِمْتُ عَلَيْهِ إِلَّا خَيْرًا». [راجع: ٢٥٩٣]

(3) CHAPTER. The witness of an eavesdropper.

‘Amr bin Huraith allowed such a witness and said, “This is the way to be followed to discover the reality of an evil person.” Ibn Sirin, ‘Aṭā and Qatāda said, “A witness can be based on hearing only (i.e., even if the hearer does not see the speaker.)” Al-Ḥasan used to say at the time of giving evidence, “They did not make me a witness but I heard such and such.”

(٣) بَابُ شَهَادَةِ الْمُخْتَبِي

وَأَجَازَهُ عَمْرُو بْنُ حُرَيْثٍ قَالَ: وَكَذَلِكَ يُفَعَلُ بِالكَاذِبِ الْفَاجِرِ، وَقَالَ الشَّعْبِيُّ وَابْنُ سِيرِينَ وَعَطَاءٌ وَقَتَادَةُ: السَّمْعُ شَهَادَةٌ. وَكَانَ الْحَسَنُ يَقُولُ: لَمْ يُشْهَدُونِي عَلَى شَيْءٍ وَلَكِنْ سَمِعْتُ كَذَا وَكَذَا.

2638. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما: Allāh’s Messenger ﷺ and Ubaī bin Ka’b Al-Anṣārī went to the garden where Ibn Ṣaiyyād used to live. When Allāh’s Messenger ﷺ entered (the garden), he (i.e., Allāh’s Messenger ﷺ) started hiding himself behind the date-palms as he wanted to hear secretly the talk of Ibn Ṣaiyyād before the latter saw him. Ibn Ṣaiyyād wrapped with a soft decorated sheet was lying on his bed murmuring. Ibn Ṣaiyyād’s mother saw the Prophet ﷺ hiding behind the stems of the date-palms. She addressed Ibn Ṣaiyyād saying, “O Ṣāf, this is Muḥammad.” Hearing that Ibn Ṣaiyyād stopped murmuring (or got cautious), the Prophet ﷺ said, “If she had left him undisturbed, he

٢٦٣٨ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ: قَالَ سَالِمٌ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: انْطَلَقَ رَسُولُ اللَّهِ ﷺ وَأَبِي ابْنُ كَعْبِ الْأَنْصَارِيِّ يُؤْمَانِ النَّخْلَ الَّتِي فِيهَا ابْنُ صَيَّادٍ حَتَّى إِذَا دَخَلَ رَسُولُ اللَّهِ ﷺ طَلِقَ رَسُولُ اللَّهِ ﷺ يَتَّقِي بِجُذُوعِ النَّخْلِ وَهُوَ يَخْتَلِ أَنْ يَسْمَعَ مِنْ ابْنِ صَيَّادٍ شَيْئًا قَبْلَ أَنْ يَرَاهُ، وَابْنُ صَيَّادٍ مُضْطَجِعٌ عَلَى فِرَاشِهِ فِي قَطِيفَةٍ لَهُ فِيهَا زَمْرَمَةٌ، أَوْ

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٥٢ - كتاب الشهادات

(1) CHAPTER. What is said regarding the rule that the plaintiff has to produce a proof. The Statement of Allāh تعالى:

“O you who believe! When you contract a debt for a fixed period, write it down...” (V.2:282)

And the Statement of Allāh جل جلاله:

“O you who believe! Stand out firmly for justice, as witnesses to Allāh... (to the end of the verse) Ever Well-Acquainted with what you do.” (V.4:135)

(2) CHAPTER. If a person attests the honourable record of a witness by saying, “I do not know except good about him.”

In the narration of the forged story (i.e., the accusation of ‘Āishah رَضِيَ اللهُ عَنْهَا when the Prophet ﷺ consulted Usāma (regarding ‘Āishah), Usāma said, “Keep your wife, as we know nothing about her except good.”

2637. Narrated ‘Urwa bin Al-Musaiyab, ‘Alqama bin Waqqāsh and ‘Ubaidullāh bin ‘Abdullāh رَضِيَ اللهُ عَنْهُمْ about the story of ‘Āishah رَضِيَ اللهُ عَنْهَا and their narrations were similar attesting each other, when the liars said what they invented about ‘Āishah, and the Divine Revelation was delayed, Allāh’s Messenger ﷺ sent for ‘Alī and Usāma to consult them in divorcing his wife (i.e., ‘Āishah). Usāma said, “Keep your wife, as we know nothing about her except good.” Barira said, “I cannot accuse her of any defect except that she is still a young girl who sleeps, neglecting her family’s dough which the domestic goats come to eat (i.e., she was too simple-minded to deceive her husband).” Allāh’s Messenger ﷺ said, “Who can help me to take revenge over the man who has

(١) بَابٌ مَا جَاءَ فِي الْبَيِّنَةِ عَلَى الْمُدَّعِي، لِقَوْلِهِ تَعَالَى: ﴿يَتَأَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدِينٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ﴾ [البقرة: ٢٨٢].

وَقَوْلِ اللَّهِ عَزَّ وَجَلَّ: ﴿يَتَأَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ إِلَىٰ قَوْلِهِ ﴿بِمَا تَعْمَلُونَ خَيْرًا﴾ [النساء: ١٣٥].

(٢) بَابٌ إِذَا عَدَلَ رَجُلٌ رَجُلًا فَقَالَ: لَا نَعْلَمُ إِلَّا خَيْرًا، أَوْ: مَا عَلِمْتُ إِلَّا خَيْرًا.

وساق حديث الإفك فقال النبي ﷺ لأسامة حين استشاره فقال: أهلك ولا نعلم إلا خيراً.

٢٦٣٧ - حَدَّثَنَا حَجَّاجٌ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ النَّمِيرِيُّ: حَدَّثَنَا ثوبان. وقال الليث: حدثني يونس، عن ابن شهاب قال: أخبرني عروة بن الزبير وابن المسيب وعلقمة بن وقاص وعبيد الله بن عبد الله عن حديث عائشة رضي الله عنها، وبعض حديثهم يصدق بعضاً حين قال لها أهل الإفك ما قالوا، فدعا رسول الله ﷺ علياً وأسامة حين استلبت الوحي يستأمرهما في فراق أهله، فأما أسامة فقال: أهلك ولا

2635. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The Prophet Ibrāhīm (Abraham عليه السلام) migrated with Sārah. The people (of the town where they migrated) gave her Ājar (i.e., Ḥajar). Sārah returned and said to Ibrāhīm, "Do you know that Allāh has humiliated that disbeliever and he has given a slave-girl for my service?"

٢٦٣٥ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ: حَدَّثَنَا أَبُو الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «هَاجَرَ إِبْرَاهِيمُ بِسَارَةَ فَأَعْطَوْهَا آجَرَ فَرَجَعَتْ فَقَالَتْ: أَشَعَرْتُ أَنْ اللَّهَ كَبَتَ الْكَافِرَ وَأُخْذَمَ وَلِيدَةٌ؟».

وقال ابن سيرين، عن أبي هريرة عن النبي ﷺ: «فأخذمها هاجر».

[راجع: ٢٢١٧]

(37) CHAPTER. If somebody gives another person a horse (as a gift) then the rule is the same as that concerning the 'Umra or Sadaqa (i.e., the giver has no right to claim restitution).

Some people said, "The giver retains the right to claim restitution."

2636. Narrated 'Umar bin Al-Khaṭṭāb رَضِيَ اللهُ عَنْهُ: Once I gave a horse (for riding) in Allāh's Cause. Later, I saw it being sold. I asked Allāh's Messenger ﷺ (whether I could buy it). He said, "Don't buy it, for you should not get back what you have given in charity."

(٣٧) بَابُ إِذَا حَمَلَ رَجُلٌ عَلَى فَرَسٍ فَهُوَ كَالْعُمْرَى وَالصَّدَقَةِ
وقال بعض الناس: له أن يرجع فيها.

٢٦٣٦ - حَدَّثَنَا الْحُمَيْدِيُّ: أَخْبَرَنَا سُفْيَانُ قَالَ: سَمِعْتُ مَالِكًا يَسْأَلُ زَيْدَ بْنَ أَسْلَمَ فَقَالَ: سَمِعْتُ أَبِي يَقُولُ: قَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ: حَمَلْتُ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ فَرَأَيْتُهُ يُبَاعُ، فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ فَقَالَ: «لَا تَشْتَرِهِ وَلَا تَعُدْ فِي صَدَقَتِكَ».

[راجع: ١٤٩٠]

bedouin came to the Prophet ﷺ and asked him about emigration. The Prophet ﷺ said to him, "May Allāh be Merciful to you. The matter of emigration is difficult. Have you got some camels?" He replied in the affirmative. The Prophet ﷺ asked him, "Do you pay their *Zakāt*?" He replied in the affirmative. He asked, "Do you lend (give) some of them to others (as gratis) so that their milk may be utilized by others?" The bedouin said, "Yes." The Prophet ﷺ asked, "Do you milk them on the day of watering them?" He replied, "Yes." The Prophet ﷺ said, "Do good deeds beyond the merchants (or the sea) and Allāh will never disregard any of your deeds." (See *Hadīth* No.3923, Vol.5)

2634. Narrated Ṭāwūs that he was told by the most learned one amongst them, i.e., Ibn 'Abbās رضي الله عنهما, that the Prophet ﷺ went towards some land which was flourishing with vegetation and asked to whom it belonged. He was told that such and such a person took it on rent. The Prophet ﷺ said, "If he had given it to him gratis rather than charging him a fixed rent."

(36) CHAPTER. It is permissible if somebody says, "I give this slave-girl to you for your service according to the prevalent convention known amongst the people."

Some people said, "She is regarded as something lent temporarily, but if someone says, 'I give you this garment to wear,' then it is a gift."

يُوسُفَ: حَدَّثَنَا الْأَوْزَاعِيُّ: حَدَّثَنِي
الزُّهْرِيُّ: حَدَّثَنِي عَطَاءُ ابْنُ يَزِيدَ:
حَدَّثَنِي أَبُو سَعِيدٍ قَالَ: جَاءَ أَعْرَابِيٌّ
إِلَى النَّبِيِّ ﷺ فَسَأَلَهُ عَنِ الْهَجْرَةِ
فَقَالَ: «وَوَحَكَ إِنَّ الْهَجْرَةَ شَأْنُهَا
شَدِيدٌ فَهَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ.
قَالَ: «فَتُعْطِي صَدَقَتَهَا؟» قَالَ: نَعَمْ،
قَالَ: «فَهَلْ تَمْنَحُ مِنْهَا شَيْئًا؟» قَالَ:
نَعَمْ، قَالَ: «فَتَحْلُبُهَا يَوْمَ وِرْدِهَا؟»
قَالَ: نَعَمْ. قَالَ: «فَاعْمَلْ مِنْ وَرَاءِ
الْبَحَارِ فَإِنَّ اللَّهَ لَنْ يَتْرَكَ مِنْ عَمَلِكَ
شَيْئًا».

٢٦٣٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ:
حَدَّثَنَا عَبْدُ الْوَهَّابِ: حَدَّثَنَا أَيُّوبُ،
عَنْ عَمْرٍو، عَنْ طَاوُسٍ قَالَ: حَدَّثَنِي
أَعْلَمُهُمْ بِذَلِكَ، يَعْغِي ابْنَ عَبَّاسٍ
رَضِيَ اللَّهُ عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ خَرَجَ
إِلَى أَرْضٍ تَهْتَرُ زُرْعًا، فَقَالَ: «لِمَنْ
هَذِهِ؟» فَقَالُوا: اكْتَرَاهَا فُلَانٌ. فَقَالَ:
«أَمَا إِنَّهُ لَوْ مَنَحَهَا إِيَّاهُ كَانَ خَيْرًا لَهُ
مِنْ أَنْ يَأْخُذَ عَلَيْهَا أَجْرًا مَعْلُومًا».

[راجع: ٢٣٣٠]

(٣٦) بَابُ إِذَا قَالَ: أَخْدَمْتُكَ هَذِهِ
الْجَارِيَّةَ، عَلَى مَا يَتَعَارَفُ النَّاسُ،
فَهُوَ جَائِزٌ

وقال بعض الناس: هذه عارية.
وإن قال: كسوتك هذا الثوب، فهذه
هبة.

أبي، عَنْ يُونُسَ بِهَذَا، وَقَالَ:
مَكَانَهُنَّ مِنْ خَالِصِهِ. [انظر: ٣١٢٨،
٤٠٣٠، ٤١٢٠]

2631. Narrated 'Abdullāh bin 'Amr رَضِيَ اللهُ عَنْهُ that Allāh's Messenger ﷺ said, "There are forty good qualities (virtuous deeds) and the best of them is the *Maniḥa* of a she-goat; and anyone who does one of these virtuous deeds, hoping for Allāh's Reward with firm confidence that he will get it, then Allāh will make him enter Paradise because of it."

Hassan (a subnarrator) said, "We tried to count those good deeds below the *Maniḥa*; we mentioned replying to the sneezer, removing harmful things from the road, etc., but we failed to count even fifteen."

٢٦٣١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عِيسَى ابْنُ يُونُسَ: حَدَّثَنَا الْأَوْزَاعِيُّ، عَنْ حَسَّانَ بْنِ عَطِيَّةَ، عَنْ أَبِي كَبْشَةَ السَّلُولِيِّ سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَمْرٍو رَضِيَ اللهُ عَنْهُمَا يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «أَرْبَعُونَ حَصَلَةً أَعْلَاهُنَّ مَنِيحَةُ الْعَنْزِ. مَا مِنْ عَامِلٍ يَعْمَلُ بِحَصَلَةٍ مِنْهَا رَجَاءَ ثَوَابِهَا وَتَصَدِيقَ مَوْعِدِهَا إِلَّا أَدْخَلَهُ اللهُ بِهَا الْجَنَّةَ». قَالَ حَسَّانٌ: فَعَدَدْنَا مَا دُونَ مَنِيحَةِ الْعَنْزِ مِنْ رَدِّ السَّلَامِ، وَتَشْمِيَةِ الْعَاطِسِ، وَإِمَاطَةِ الْأَدَى عَنِ الطَّرِيقِ وَنَحْوِهِ، فَمَا اسْتَطَعْنَا أَنْ نَبْلُغَ خَمْسَ عَشْرَةَ حَصَلَةً.

2632. Narrated Jābir رَضِيَ اللهُ عَنْهُ: Some men had excess land (more than they can cultivate themselves) and they said that they would give it to others to cultivate on the condition that they would get one-third or one-fourth or half of its yield. The Prophet ﷺ said "Whoever has land should cultivate it himself or give it free to his brother for cultivation, but if his brother refuses then he should or keep it uncultivated."⁽¹⁾

٢٦٣٢ - حَدَّثَنَا مُحَمَّدُ بْنُ يُونُسَ: حَدَّثَنَا الْأَوْزَاعِيُّ: حَدَّثَنِي عَطَاءٌ، عَنْ جَابِرِ رَضِيَ اللهُ عَنْهُ قَالَ: كَانَتْ لِرِجَالٍ مِنَّا فُضُولٌ أَرْضِيْنَ فَقَالُوا: نُوَاجِرُهَا بِالثُّلْثِ وَالرُّبْعِ وَالنِّصْفِ، فَقَالَ النَّبِيُّ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيَمْنَحْهَا أَخَاهُ فَإِنْ أَبِي فَلْيَمْسِكْ أَرْضَهُ».

[انظر: ٢٣٤٠]

2633. Narrated Abū Sa'īd رَضِيَ اللهُ عَنْهُ: A

٢٦٣٣ - وَقَالَ مُحَمَّدُ بْنُ

(1) (H. 2632) It is said that to rent the land for its yield was not allowed by the Prophet ﷺ but to rent it for money was allowed. [See *Hadith* No. 2346]