

إِبْرَاهِيمُ بْنُ أَبِي الْوَزِيرِ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ، عَنْ حَمْرَةَ، عَنْ أَبِيهِ، وَعَنْ عَبَّاسِ بْنِ سَهْلِ بْنِ سَعْدِ بْنِ أَبِيهِ بِهَذَا. [انظر: ٥٦٣٧]

5258. Narrated Abū Ghallāb Yūnus bin Jubair: I asked Ibn 'Umar, "(What is said regarding) a man divorces his wife during her period?" He said, "Do you know Ibn 'Umar? Ibn 'Umar divorced his wife while she was menstruating. 'Umar then went to the Prophet ﷺ and mentioned that to him. The Prophet ﷺ ordered him to take her back and when she becomes clean, he could divorce her if he wanted." I asked (Ibn 'Umar), "Was that divorce counted as one legal divorce?"⁽¹⁾ He said, "If one becomes helpless and foolish (will he be excused? Of course not)."

٥٢٥٨ - حَدَّثَنَا حَجَّاجُ بْنُ مِثَالٍ: حَدَّثَنَا هَمَّامُ بْنُ يَحْيَى، عَنْ قَتَادَةَ، عَنْ أَبِي غَلَّابِ يُونُسَ بْنِ جُبَيْرٍ قَالَ: قُلْتُ لِابْنِ عُمَرَ: رَجُلٌ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ؟ فَقَالَ: أَتَعْرِفُ ابْنَ عُمَرَ؟ إِنَّ ابْنَ عُمَرَ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَأَتَى عُمَرَ النَّبِيَّ ﷺ فَذَكَرَ ذَلِكَ لَهُ، فَأَمَرَهُ أَنْ يُرَاجِعَهَا فَإِذَا طَهَّرَتْ فَأَرَادَ أَنْ يُطَلِّقَهَا فَلِيُطَلِّقَهَا. قُلْتُ: فَهَلْ عَدَّ ذَلِكَ طَلَاقًا؟ قَالَ: أَرَأَيْتَ إِنْ عَجَزَ وَاسْتَحَمَقَ؟. [راجع: ٤٩٠٨]

(4) CHAPTER. Whoever thinks it permissible to divorce one's wife thrice (at a time), depending on the Statement of Allāh تعالى:

"The divorce is twice; after that either you retain her on reasonable terms or release her with kindness." (V.2:229)

(٤) بَابٌ مِّنْ جَوَازِ الطَّلَاقِ الثَّلَاثِ. لِقَوْلِ اللَّهِ تَعَالَى: ﴿الطَّلَاقُ مَرَّتَيْنِ فَمَا مَسَاكُ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ﴾ [البقرة: ٢٢٩]

Ibn Az-Zubair said regarding a patient divorcing his wife: I am not of the opinion that his irrevocably divorced wife will be his heir.

Ash-Sha'bī said: I think she will be his heir. Ibn Shubruma said: If the prescribed period ('Idda - legal period after the divorce) is over, can she marry? Ash-Sha'bī said: Yes. Ibn Shubruma said: If her second husband

وَقَالَ ابْنُ الزُّبَيْرِ فِي مَرِيضٍ طَلَّقَ: لَا أَرَى أَنْ تَرِثَ مَبْتُوتَةٌ. وَقَالَ الشَّعْبِيُّ: تَرِثُهُ. وَقَالَ ابْنُ شُبْرَمَةَ: تَزَوُّجٌ إِذَا انْقَضَتِ الْعِدَّةُ؟ قَالَ: نَعَمْ، قَالَ: أَرَأَيْتَ إِنْ مَاتَ الزَّوْجُ الْآخَرُ؟ فَوَجَعَ عَنْ ذَلِكَ.

(1) (H. 5258) i.e., one of the three divorces? (See *Fatḥ Al-Bārī*).

should die too (would she be the heir of two husbands)? On that Ash-Sha'bī withdrew his verdict.

5259. Narrated Sahl bin Sa'd As-Sā'idī: 'Uwaimir Al-'Ajlānī came to 'Āṣim bin Adī Al-Anṣārī and asked, "O 'Āṣim! Tell me, if a man sees his wife with another man, should he kill him, whereupon you would kill him in *Qiṣās*⁽¹⁾, or what should he do? O 'Āṣim! Please ask Allāh's Messenger ﷺ about that." 'Āṣim asked Allāh's Messenger ﷺ about that. Allāh's Messenger ﷺ disliked that question and considered it disgraceful. What 'Āṣim heard from Allāh's Messenger ﷺ was hard on him. When he returned to his family, 'Uwaimir came to him and said, "O 'Āṣim! What did Allāh's Messenger ﷺ say to you?" 'Āṣim said, "You never bring me any good. Allāh's Messenger ﷺ disliked to hear the problem which I asked him about." 'Uwaimir said, "By Allāh, I will not leave the matter till I ask him about it." So 'Uwaimir proceeded till he came to Allāh's Messenger ﷺ who was in the midst of the people and said, "O Allāh's Messenger! If a man finds with his wife another man, should he kill him, whereupon you would kill him (in *Qiṣās*): or otherwise, what should he do?" Allāh's Messenger ﷺ said, "Allāh has revealed something concerning the question of you and your wife. Go and bring her here." So they both carried out the judgement of *Li'an*, while I was present among the people (as a witness). When both of them had finished, 'Uwaimir said, "O Allāh's Messenger! If I should now keep my wife with me, then I have told a lie". Then he pronounced his decision to divorce her thrice, before Allāh's Messenger ﷺ ordered him to do so. (Ibn Shihāb said, "That was the

٥٢٥٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنِ ابْنِ
شِهَابٍ، أَنَّ سَهْلَ بْنَ سَعْدِ السَّاعِدِيِّ
أَخْبَرَهُ: أَنَّ عُوَيْمِرَ الْعَجْلَانِيَّ جَاءَ إِلَى
عَاصِمِ بْنِ عَدِيِّ الْأَنْصَارِيِّ، فَقَالَ
لَهُ: يَا عَاصِمُ، أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ
امْرَأَتِهِ رَجُلًا، أَيْقَتْلُهُ فَتَقْتُلُونَهُ أَمْ كَيْفَ
يَفْعَلُ؟ سَلْ لِي يَا عَاصِمُ عَنْ ذَلِكَ
رَسُولَ اللَّهِ ﷺ. فَسَأَلَ عَاصِمٌ عَنْ
ذَلِكَ رَسُولَ اللَّهِ ﷺ، فَكَّرَ رَسُولُ اللَّهِ
ﷺ الْمَسَائِلَ وَعَابَهَا. حَتَّى كَبُرَ عَلَى
عَاصِمٍ مَا سَمِعَ مِنْ رَسُولِ اللَّهِ ﷺ،
فَلَمَّا رَجَعَ عَاصِمٌ إِلَى أَهْلِهِ جَاءَ
عُوَيْمِرٌ فَقَالَ: يَا عَاصِمُ، مَاذَا قَالَ
لَكَ رَسُولُ اللَّهِ ﷺ، فَقَالَ عَاصِمٌ: لَمْ
تَأْتِنِي بِخَيْرٍ، فَذَكَرَ رَسُولُ اللَّهِ ﷺ
الْمَسْأَلَةَ الَّتِي سَأَلْتُهُ عَنْهَا. قَالَ
عُوَيْمِرٌ: وَاللَّهِ لَا أَنْتَهِيَ حَتَّى أَسْأَلَهُ
عَنْهَا، فَأَقْبَلَ عُوَيْمِرٌ حَتَّى أَتَى رَسُولَ
اللَّهِ ﷺ وَ سَطَّ النَّاسَ فَقَالَ: يَا
رَسُولَ اللَّهِ، أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ
امْرَأَتِهِ رَجُلًا، أَيْقَتْلُهُ فَتَقْتُلُونَهُ، أَمْ
كَيْفَ يَفْعَلُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ:
«قَدْ أَنْزَلَ اللَّهُ فِيكَ وَفِي صَاحِبَيْكَ
فَاذْهَبْ فَأْتِ بِهَا». قَالَ سَهْلٌ:

(1) (H. 5259) See the glossary.

tradition for all those who are involved in a case of *Li'an*.”⁽¹⁾

فَتَلَاعَنَا وَأَنَا مَعَ النَّاسِ عِنْدَ رَسُولِ اللَّهِ ﷺ، فَلَمَّا فَرَعَا قَالَ غُويِمِرٌ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللَّهِ إِنْ أَمْسَكْتُهَا، فَطَلَّقَهَا ثَلَاثًا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللَّهِ ﷺ.

قَالَ ابْنُ شِهَابٍ: فَكَانَتْ تِلْكَ سَنَةَ الْمُتَلَاعِنِينَ. [راجع: ٤٢٣]

5260. Narrated ‘Aishah رَضِيَ اللهُ عَنْهَا: The wife of Rifā‘a Al-Quraẓī came to Allāh’s Messenger ﷺ and said, “O Allāh’s Messenger! Rifā‘a divorced me irrevocably. After him I married ‘Abdur-Raḥmān bin Az-Zubair Al-Quraẓī who proved to be impotent.” Allāh’s Messenger ﷺ said to her, “Perhaps you want to return to Rifā‘a? Nay (you cannot return to Rifā‘a) until you enjoy the sexual relation (consummate your marriage) with Abdur-Raḥmān and he with you.”

٥٢٦٠ - حَدَّثَنَا سَعِيدُ بْنُ عَفْمِيرٍ قَالَ: حَدَّثَنِي اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ عَائِشَةَ أَخْبَرَتْهُ: أَنَّ امْرَأَةَ رِفَاعَةَ الْقُرَظِيِّ جَاءَتْ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنَّ رِفَاعَةَ طَلَّقَنِي فَبِتَّ طَلَاقِي، وَإِنِّي نَكَحْتُ بَعْدَهُ عَبْدَ الرَّحْمَنِ بْنَ الزُّبَيْرِ الْقُرَظِيَّ، وَإِنَّمَا مَعَهُ مِثْلُ الْهُدْبَةِ. قَالَ رَسُولُ اللَّهِ ﷺ: «لَعَلَّكَ تُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا، حَتَّى يَذُوقَ عُسْبَلَتَكَ وَتَذُوقِي عُسْبَلَتَهُ». [راجع: ٢٦٣٩]

5261. Narrated ‘Aishah رَضِيَ اللهُ عَنْهَا: A man divorced his wife thrice (by expressing his decision to divorce her thrice), then she married another man who also divorced her. The Prophet ﷺ was asked if she could legally marry the first husband (or not). The Prophet ﷺ replied, “No, she cannot marry the first husband unless the second husband enjoys the sexual relation (consummate his marriage) with her, just as the first husband had done.”

٥٢٦١ - حَدَّثَنِي مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى، عَنْ عُبَيْدِ اللَّهِ قَالَ: حَدَّثَنِي الْقَاسِمُ بْنُ مُحَمَّدٍ، عَنْ عَائِشَةَ: أَنَّ رَجُلًا طَلَّقَ امْرَأَتَهُ ثَلَاثًا، فَتَزَوَّجَتْ فَطَلَّقَ، فَسُئِلَ النَّبِيُّ ﷺ: أَتَحِلُّ لِلأَوَّلِ؟ قَالَ: «لَا، حَتَّى يَذُوقَ عُسْبَلَتَهَا كَمَا ذَاقَ الأَوَّلُ». [راجع: ٢٦٣٩]

(1) (H. 5259) See the glossary for ‘*Li'an*.’

(5) CHAPTER. Whoever gave option to his wives. And the Statement of Allāh تعالى: "O Prophet (Muḥammad ﷺ)! Say to your wives: 'If you desire the life of this world and its glitter, - then come! I will make a provision for you and set you free in a handsome manner (divorce)'. (V.33:28)

5262. Narrated 'Āishah رضي الله عنها: Allāh's Messenger ﷺ gave us the option (to remain with him or to be divorced), and we selected Allāh and His Messenger ﷺ. So, giving us that option was not regarded as divorce.

5263. Narrated Masrūq: I asked 'Āishah about the option: She said, "The Prophet ﷺ gave us the option. Do you think that that option was considered as a divorce?" I said, "It matters little to me if I give my wife the option once or a hundred times after she has chosen me."

(6) CHAPTER. If a man says (to his wife): "I have parted with you," or "I have released you," or any other expression which may indicate divorce, then the real meaning of what he says depends on his intention.

The Statement of Allāh عزَّ وجلَّ:

"And set them free (divorce them) in a handsome manner." (V.33:49)

"And set you free in a handsome manner (divorce)". (V.33:28)

(The divorce is twice) "After that, either you retain her on reasonable terms or release her with kindness." (V.2:229)

"Or part with them in a good manner." (V.65:2)

(٥) بَابُ مَنْ خَيَّرَ أَزْوَاجَهُ وَقَوْلِ اللَّهِ تَعَالَى: ﴿قُلْ لِأَزْوَاجِكُمْ إِنْ كُنْتُمْ تُحِبُّونَ الْحَيَاةَ الدُّنْيَا وَرَبْتَهَا فَذَعِبْنَ وَأَسْرِحْنَ سَرَكَامًا جَمِيلًا﴾ [الأحزاب: ٢٨]

٥٢٦٢ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ: حَدَّثَنَا أَبِي، حَدَّثَنَا الْأَعْمَشُ: حَدَّثَنَا مُسْلِمٌ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: خَيْرَنَا رَسُولُ اللَّهِ ﷺ فَاخْتَرْنَا اللَّهَ وَرَسُولَهُ فَلَمْ يَعُدَّ ذَلِكَ عَلَيْنَا شَيْئًا. [انظر: ٥٢٦٣]

٥٢٦٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ إِسْمَاعِيلَ: حَدَّثَنَا عَامِرٌ، عَنْ مَسْرُوقٍ قَالَ: سَأَلْتُ عَائِشَةَ عَنِ الْخَيْرَةِ فَقَالَتْ: خَيْرَنَا النَّبِيُّ ﷺ، أَفَكَانَ طَلَاقًا؟ قَالَ مَسْرُوقٌ: لَا أَبَالِي أَخَيْرُهَا وَاحِدَةٌ أَوْ مِائَةٌ بَعْدَ أَنْ تَخْتَارَنِي. [راجع: ٥٢٦٢]

(٦) بَابُ: إِذَا قَالَ: فَارْقُتْكِ، أَوْ سَرَّحْتُكِ، أَوْ الْخَلَيْتُ، أَوْ الْبَرَيْتُ، أَوْ مَا غَنِيَّ بِهِ الطَّلَاقُ فَهُوَ عَلَى نِيَّتِهِ، وَقَوْلُ اللَّهِ عَزَّ وَجَلَّ: ﴿وَسَرِّحُوهُنَّ سَرَكَامًا جَمِيلًا﴾ [الأحزاب: ٤٩] وَقَالَ:

﴿وَأَسْرِحْنَ سَرَكَامًا جَمِيلًا﴾ [الأحزاب: ٢٨] وَقَالَ تَعَالَى: ﴿فَأَمْسَاكُ بِمَعْرُوفٍ أَوْ تَسْرِيحُ بِالْإِحْسَانِ﴾ [البقرة: ٢٢٩] وَقَالَ:

﴿أَوْ فَارْقُوهُنَّ بِمَعْرُوفٍ﴾ [الطلاق: ٢] وَقَالَتْ عَائِشَةُ: قَدْ عَلِمَ النَّبِيُّ ﷺ أَنَّ

And 'Aishah said: The Prophet ﷺ knew that my parents would never order me to part with him.

(7) CHAPTER. Whoever said to his wife: "You are *Harām* (unlawful) for me."

And Al-Ḥasan said: Its meaning depends on his intention.

And a religious learned man said: If somebody divorces (his wife) thrice then she becomes unlawful for him. So it is called '*Harām*' (unlawful) by virtue of divorce and separation. This is not like the one who bans certain food for himself because one cannot call lawful food unlawful, but a divorced lady can be called unlawful.

And some (learned men) said regarding a woman divorced thrice: She will not be lawful for that husband till she marries somebody else (and her new husband divorces her).

5264. Nāfi' said: When Ibn 'Umar was asked about a person who had given three divorces, he said, "Would that you gave one or two divorces, for the Prophet ﷺ ordered me to do so. If you give three divorces then she cannot be lawful for you until she has married another husband (and is divorced by him)."

5265. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: A man divorced his wife and she married another man who proved to be impotent and divorced her. She could not get her satisfaction from him, and after a while he divorced her. Then she came to the Prophet ﷺ and said, "O Allāh's Messenger! My first husband divorced me and then I married another man who entered upon me to consummate his marriage but he proved to be impotent and did not approach me except once during which he benefited nothing from

أَبُوِّي لَمْ يَكُونَا بِأَمْرَانِي بِفِرَاقِهِ.

(٧) بَابٌ مَنْ قَالَ لِامْرَأَتِهِ: أَنْتِ عَلَيَّ حَرَامٌ،

وَقَالَ الْحَسَنُ: نَبِيَّهُ، وَقَالَ أَهْلُ الْعِلْمِ: إِذَا طَلَّقَ ثَلَاثًا فَقَدْ حُرِّمَتْ عَلَيْهِ. فَسَمَّوْهُ حَرَامًا بِالطَّلَاقِ وَالْفِرَاقِ. وَلَيْسَ هَذَا كَالَّذِي يُحَرِّمُ الطَّعَامَ لِأَنَّهُ لَا يُقَالُ لِلطَّعَامِ الْحِلُّ: حَرَامٌ، وَيُقَالُ لِلْمُطَلَّقَةِ: حَرَامٌ. وَقَالَ فِي الطَّلَاقِ ثَلَاثًا: لَا تَحِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ.

٥٢٦٤ - وَقَالَ اللَّيْثُ عَنْ نَافِعٍ قَالَ: كَانَ ابْنُ عُمَرَ إِذَا سُئِلَ عَمَّنْ طَلَّقَ ثَلَاثًا قَالَ: لَوْ طَلَّقْتَ مَرَّةً أَوْ مَرَّتَيْنِ، فَإِنَّ النَّبِيَّ ﷺ أَمَرَنِي بِهَذَا، فَإِنْ طَلَّقْتَهَا ثَلَاثًا حُرِّمَتْ عَلَيْكَ حَتَّى تَنْكِحَ زَوْجًا غَيْرَكَ. [راجع: ٤٩٠٨]

٥٢٦٥ - حَدَّثَنَا مُحَمَّدٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: طَلَّقَ رَجُلٌ امْرَأَتَهُ فَتَزَوَّجَتْ زَوْجًا غَيْرَهُ فَطَلَّقَهَا وَكَانَتْ مَعَهُ مِثْلُ الْهُدْبَةِ فَلَمْ تَصِلْ مِنْهُ إِلَى سَبْعِ تَرْبِيدِهِ، فَلَمْ يَلْبَثْ أَنْ طَلَّقَهَا فَآتَتْ النَّبِيَّ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنَّ زَوْجِي طَلَّقَنِي، وَإِنِّي

me. Can I re-marry my first husband in this case?" Allāh's Messenger ﷺ said, "It is unlawful to marry your first husband till the other husband consummates his marriage with you."

تَزَوَّجْتُ زَوْجًا غَيْرَهُ فَدَخَلَ بِي وَلَمْ يَكُنْ مَعَهُ إِلَّا مِثْلُ الْهُدْبَةِ فَلَمْ يَقْرَنْبِي إِلَّا هَنَّةً وَاحِدَةً لَمْ يَصِلْ مِنِّي إِلَى شَيْءٍ، أَفَأَحِلُّ لَزَوْجِي الْأَوَّلِ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَحْلِلِينَ لَزَوْجِكَ الْأَوَّلِ حَتَّى يَذُوقَ الْآخَرَ عُسَيْلَتِكَ وَتَذُوقِي عُسَيْلَتَهُ». [راجع: ٢٦٣٩]

(8) CHAPTER. "O Prophet! Why do you forbid (for yourself) that which Allāh has allowed to you...?" (V.66:1)

(٨) بَابُ: ﴿لِمَ تَحْرِمُ مَا أَحَلَّ اللَّهُ لَكَ﴾ [التحریم: ١]

5266. Narrated Sa'īd bin Jubair that he heard Ibn 'Abbās saying, "If a man makes his wife unlawful for him,⁽¹⁾ it does not mean that she is divorced." He added, "Indeed in the Messenger of Allāh (Muhammad ﷺ), you have a good example to follow..." (V.33:21)

٥٢٦٦ - حَدَّثَنِي الْحَسَنُ بْنُ الصَّبَّاحِ: سَمِعَ الرَّبِيعَ بْنَ نَافِعٍ: حَدَّثَنَا مُعَاوِيَةُ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ يَعْلَى بْنِ حَكِيمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ: أَنَّهُ أَخْبَرَهُ أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ يَقُولُ: إِذَا حَرَّمَ امْرَأَتَهُ لَيْسَ بِشَيْءٍ. وَقَالَ: لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ. [راجع: ٤٩١١]

5267. Narrated 'Ubaid bin 'Umair: I heard 'Āishah رضي الله عنها saying, "The Prophet ﷺ used to stay for a long while with Zainab bint Jahsh and drink honey at her house. So Ḥafṣa and I decided that if the Prophet ﷺ came to any one of us, she should say to him, 'I detect the smell of *Maghāfir* (a nasty smelling gum) in you. Have you eaten *Maghāfir*? So the Prophet ﷺ visited one of them and she said to him similarly. The Prophet ﷺ said, 'Never mind, I have taken some honey at the house of Zainab bint Jahsh, but I shall never drink of it anymore.' So there was revealed: 'O Prophet! Why do

٥٢٦٧ - حَدَّثَنِي الْحَسَنُ بْنُ مُحَمَّدٍ ابْنِ الصَّبَّاحِ: حَدَّثَنَا حَجَّاجٌ، عَنِ ابْنِ جُرَيْجٍ قَالَ: زَعَمَ عَطَاءٌ: أَنَّهُ سَمِعَ عُيَيْدَ ابْنَ عُمَيْرٍ يَقُولُ: سَمِعْتُ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ النَّبِيَّ ﷺ كَانَ يَمْكُثُ عِنْدَ زَيْنَبِ ابْنَةِ جَحْشٍ وَيَشْرَبُ عِنْدَهَا عَسَلًا، فَتَوَاصَيْتُ أَنَا وَحَفْصَةُ: أَنَّ أَتَيْنَا دَخَلَ عَلَيْهَا النَّبِيُّ ﷺ فَلْتَقَلَّ: إِنِّي لِأَجِدُ مِنْكَ رِيحَ مَغَافِيرٍ، أَكَلْتُ

(1) (H. 5266) By saying to her, "You are unlawful for me."

you forbid (for yourself) that which Allāh has allowed to you... (up to)... If you two (wives of Prophet ﷺ) turn in repentance to Allāh,' (V.66:1-4) addressing 'Āishah and Ḥafṣa. 'When the Prophet ﷺ disclosed a matter in confidence to one of his wives (Ḥafṣa),' (V.66:3) namely his saying: 'But I have taken some honey'."

5268. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ was fond of honey and sweet edible things and (it was his habit) that after finishing the 'Aṣr prayer he would visit his wives and stay with one of them at that time. Once he went to Ḥafṣa, the daughter of 'Umar and stayed with her more than usual. I got jealous and asked the reason for that. I was told that a lady of her folk had given her a skin filled with honey as a present, and that she made a syrup from it and gave it to the Prophet ﷺ to drink (and that was the reason for the delay). I said, "By Allāh, we will play a trick on him (to prevent him from doing so)." So I said to Sauda bint Zam'a, "The Prophet ﷺ will approach you, and when he comes near you, say: 'Have you taken *Maghāfir* (a bad-smelling gum)?" He will say, 'No.' Then say to him: 'Then what is this bad smell which I smell from you?' He will say to you, 'Ḥafṣa made me drink honey syrup.' Then say: 'Perhaps the bees of that honey had sucked the juice of the tree of *Al-'Urfut*.'⁽¹⁾ I shall also say the same. O you, Ṣāfiyya, say the same." Later Sauda said, "By Allāh, as soon as he (the Prophet ﷺ) stood at the door, I was about to say to him what you had ordered me to say because I

مَغَايِرٍ؟ فَدَخَلَ عَلَى إِحْدَاهُمَا فَقَالَتْ لَهُ ذَلِكَ، فَقَالَ: «لَا بَأْسَ، شَرِبْتُ عَسَلًا عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ وَلَنْ أَعُودَ لَهُ»، فَتَرَلْتُ ﴿يَأْتِيهَا النَّبِيُّ لِرَدِّ حُرْمٍ مَا أَحَلَّ اللَّهُ لَكَ﴾ إِلَى ﴿إِنْ نُوِيَ إِلَى اللَّهِ﴾ لِعَائِشَةَ وَحَفْصَةَ ﴿وَإِذَا أَسْرَ النَّبِيُّ إِلَى بَعْضِ أَزْوَاجِهِ حَدِيثًا﴾ لِقَوْلِهِ: «بَلْ شَرِبْتُ عَسَلًا». [راجع: ٤٩١٢]

٥٢٦٨ - حَدَّثَنَا قُرُوءَةُ بْنُ أَبِي الْمَعْرَاءِ: حَدَّثَنَا عَلِيُّ بْنُ مُسَهِّرٍ، عَنِ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يُحِبُّ الْعَسَلَ وَالْحَلْوَى، وَكَانَ إِذَا انْصَرَفَ مِنَ الْعَصْرِ دَخَلَ عَلَى نِسَائِهِ، فَيَذْنُو مِنْ إِحْدَاهُنَّ، فَدَخَلَ عَلَى حَفْصَةَ بِنْتِ عُمَرَ، فَاحْتَبَسَ أَكْثَرَ مَا كَانَ يَحْتَبِسُ فَعِزْتُ فَسَأَلْتُ عَنْ ذَلِكَ، فَقِيلَ لِي: أَهَدَتْ لَهَا امْرَأَةٌ مِنْ قَوْمِهَا عُكَّةَ عَسَلٍ فَسَقَتِ النَّبِيَّ ﷺ مِنْهُ شَرْبَةً، فَقُلْتُ: أَمَا وَاللَّهِ لَنُحْتَالَنَّ لَهُ: فَقُلْتُ لِسَوْدَةَ بِنْتِ زَمْعَةَ: إِنَّهُ سَيَذْنُو مِنْكَ، فَإِذَا دَنَا مِنْكَ فَقُولِي: أَكَلْتُ مَغَايِرٍ؟ فَإِنَّهُ سَيَقُولُ لَكَ: لَا. فَقُولِي لَهُ: مَا هَذَا الرِّيحُ الَّتِي أَجِدُ مِنْكَ؟ فَإِنَّهُ سَيَقُولُ لَكَ: سَقَتْنِي حَفْصَةُ شَرْبَةَ عَسَلٍ، فَقُولِي لَهُ: جَرَسَتْ نَحْلُهُ الْعُرْفُطُ، وَسَأَقُولُ ذَلِكَ. وَقُولِي أَنْتِ

(1) (H. 5268) *Al-'Urfut* is the tree which produces *Maghāfir*.

was afraid of you.” So when the Prophet ﷺ came near Sauda, she said to him, “O Allāh’s Messenger! Have you taken *Maghāfir*?” He said, “No.” She said, “Then what is this bad smell which I detect on you?” He said, “Ḥafṣa made me drink honey syrup.” She said, “Perhaps its bees had sucked the juice of *Al-Urfut* tree.” When he came to me, I also said the same, and when he went to Ṣafīyya, she also said the same. And when the Prophet ﷺ again went to Ḥafṣa, she said, “O Allāh’s Messenger! Shall I give you more of that drink?” He said, “I am not in need of it.” Sauda said, “By Allāh, we deprived him (of it).” I said to her, “Keep quiet.”

يا صَفِيَّةَ ذَاكَ، قَالَتْ: تَقُولُ سَوْدَةُ: فَوَاللَّهِ مَا هُوَ إِلَّا أَنْ قَامَ عَلَى الْبَابِ فَأَرَدْتُ أَنْ أَبَادِيَهُ بِمَا أَمَرْتَنِي بِهِ فَرَقَا مِنْكَ، فَلَمَّا دَنَا مِنْهَا قَالَتْ لَهُ سَوْدَةُ: يَا رَسُولَ اللَّهِ، أَكَلْتَ مَغَافِيرَ؟ قَالَ: «لَا»، قَالَتْ: فَمَا هَذِهِ الرِّيحَ الَّتِي أَجِدُ مِنْكَ؟ قَالَ: «سَقَيْتَنِي حَفْصَةُ شَرْبَةَ عَسَلٍ»، فَقَالَتْ: جَرَسَتْ نَحْلُهُ الْعُرْفُطُ. فَلَمَّا دَارَ إِلَيَّ قُلْتُ لَهُ نَحْوَ ذَلِكَ، فَلَمَّا دَارَ إِلَى صَفِيَّةَ قَالَتْ لَهُ مِثْلَ ذَلِكَ. فَلَمَّا دَارَ إِلَى حَفْصَةَ قَالَتْ: يَا رَسُولَ اللَّهِ، أَلَا أَسْقِيكَ مِنْهُ؟ قَالَ: «لَا حَاجَةَ لِي فِيهِ». قَالَتْ: تَقُولُ سَوْدَةُ: وَاللَّهِ لَقَدْ حَرَمْنَا، قُلْتُ لَهَا: اسْكُتِي.

[راجع: ٤٩١٢]

(9) CHAPTER. There is no divorce before marriage. And the Statement of Allāh تعالى:

“O you who believe! When you marry believing women and then divorce them before you have sexual intercourse with them, no *Idda* [divorce prescribed period (V.65:4)] have you to count in respect of them. So give them a present and set them free i.e. divorce in handsome manner.” (V.33:49)

Ibn ‘Abbās said: Allāh has mentioned the divorce after the wedding. It is reported that ‘Alī, Sa‘īd bin Al-Musaiyab, ‘Urwa bin Az-Zubair, and many others said that a woman cannot be divorced before being married.⁽¹⁾

(٩) بَابُ: لَا طَلَاقَ قَبْلَ نِكَاحٍ، وَقَوْلِ اللَّهِ تَعَالَى: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْدُونَهَا فَمَعَهُنَّ وَسِرْحُونَهُنَّ سَرَاحًا جَمِيلًا ﴿٤٩﴾﴾ [الأحزاب: ٤٩]

وَقَالَ ابْنُ عَبَّاسٍ: جَعَلَ اللَّهُ الطَّلَاقَ بَعْدَ النِّكَاحِ. وَيُرْوَى فِي ذَلِكَ عَنْ عَلِيٍّ وَسَعِيدِ ابْنِ الْمُسَيَّبِ وَعُرْوَةَ بْنِ الزُّبَيْرِ وَأَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ وَعُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ وَأَبَانَ

(1) (Ch. 9) i.e., If one says: “If I marry so-and-so, she will be divorced,” his saying will not be of any effect if he marries her.

ابن عُثْمَانَ وَعَلِيَّ ابْنِ حُسَيْنٍ وَشُرَيْحَ
وَسَعِيدَ بْنَ جُبَيْرٍ وَالْقَاسِمَ وَسَلِّمَ
وَطَاوُسَ وَالْحَسَنَ وَعِزَّةَ وَعَطَاءَ
وَعَامِرَ بْنَ سَعْدٍ وَجَابِرَ ابْنَ زَيْدٍ وَنَافِعَ
بْنَ جُبَيْرٍ وَمُحَمَّدَ بْنَ كَعْبٍ وَسُلَيْمَانَ
ابْنَ يَسَارٍ وَمُجَاهِدَ وَالْقَاسِمَ بْنَ عَبْدِ
الرَّحْمَنِ وَعَمْرُو بْنَ هَرَمٍ وَالشَّعْبِيَّ:
أَنَّهُ لَا تَطْلُقُ.

(10) CHAPTER. If, under compulsion somebody says about his wife, "She is my sister," there is no blame on him.

The Prophet ﷺ said: "Prophet Abraham said about his wife Sārah: 'She is my sister'. He meant his sister in Allāh's religion."

(١٠) **بَابُ**: إِذَا قَالَ لِامْرَأَتِهِ وَهُوَ
مُكْرَهًا: هَذِهِ أُخْتِي، فَلَا شَيْءَ عَلَيْهِ،
قَالَ النَّبِيُّ ﷺ: «قَالَ إِبْرَاهِيمُ
لِسَارَةَ: هَذِهِ أُخْتِي، وَذَلِكَ فِي ذَاتِ
اللَّهِ عَزَّ وَجَلَّ».

(11) CHAPTER. (What is said regarding) a divorce given in a state of anger, under compulsion or under the effect of intoxicants or insanity. And what is the verdict about them. And what if one ascribes partners to Allāh or divorces his wife or does other things by mistake or through forgetfulness. We may refer to the saying of the Prophet ﷺ: "The deeds are evaluated according to one's intentions, and everybody will receive the reward of what he has intended."

Ash-Sha'bī recited:

"(Our Lord)! Punish us not if we forget or fall into error." (V.2:286)

And what is not valid of the confession of a person suffering from whispers in his heart.

And the Prophet ﷺ said to the man who confessed against himself: "Are you mad?"

And 'Alī said: Ḥamza cut open the flanks of my two she-camels and then the Prophet ﷺ started admonishing Ḥamza. But behold, Ḥamza was heavily drunk and his eyes were red. Ḥamza then said: "Are not all of you

(١١) **بَابُ الطَّلَاقِ فِي الْإِغْلَاقِ،
وَالْكُرْهِ، وَالسَّكْرَانِ، وَالْمَجْنُونِ،
وَأَمْرِهِمَا، وَالغَلَطِ، وَالتَّسْيَانِ فِي
الطَّلَاقِ وَالشُّرْكَ وَغَيْرِهِ، لِقَوْلِ النَّبِيِّ
ﷺ: «الْأَعْمَالُ بِالنِّيَّةِ وَلِكُلِّ أَمْرٍ مَا
نَوَى»**

وَتَلَا الشَّعْبِيُّ ﴿لَا تُؤَاخِذْنَا إِنْ
دَسَيْنَا أَوْ أَخْطَأْنَا﴾ [البقرة: ٢٨٦]
وَمَا لَا يَجُوزُ مِنْ إِقْرَارِ
الْمُؤَسَّسِينَ.

(وَقَالَ) النَّبِيُّ ﷺ لِلَّذِي أَقْرَأَ عَلَيَّ
نَفْسِيهِ: «أَبُكَ جُنُونٌ؟» وَقَالَ عَلِيٌّ: بَقَرٌ
حَمَزَةٌ خَوَاصِرَ شَارِفِي فَطَفِقَ النَّبِيُّ ﷺ
يَلُومُ حَمَزَةً، فَإِذَا حَمَزَةٌ قَدْ تَمَلَّ مُحَمَّرَةٌ
عَيْنَاهُ. ثُمَّ قَالَ حَمَزَةٌ: وَهَلْ أَنْتُمْ إِلَّا

but the slaves of my father?" Thereupon the Prophet ﷺ realized that Ḥamza was not in his senses, so he came out and we too, came out along with him.

'Uthmān said: A divorce given by an insane man or a drunk is not valid.

Ibn 'Abbās said: A divorce given by a drunk or given under compulsion is not valid.

And 'Uqba bin 'Amir said: A divorce meditated by a man because of the whisperings of his heart is not valid.

And 'Aṭā said: If some started with (the word of) divorce only then there is its conditions (otherwise not).

And Nāfi' said: A man declared that if his wife went out of her house, she would be irrevocably divorced.

Ibn 'Umar said (regarding the above case): If she went out, her divorce would be irrevocable, but if she did not go out, nothing would happen to her.

Regarding a man saying: "If I do such-and-such a thing, then my wife is divorced thrice." Az-Zuhrī said: Such a man is to be asked as to what he had said, and what he had really intended in his mind while swearing the above oath. If he had mentioned a fixed time and he had really intended what he said when he took the oath, then his statement would be taken into account and would be considered as his religion and his honesty.

And Ibrāhīm said: If someone says (to his wife), "I am not in need of you," then the verdict is to be given according to his intention. And a divorce is valid when expressed in the language of the nation to which the person belongs.

And Qatāda said: If someone says (to his wife), "If you become pregnant, then you are divorced thrice," he should have sexual intercourse with her once only every time

عبيد لأبي؟ فَعَرَفَ النَّبِيُّ ﷺ أَنَّهُ قَدْ تَمَلَّ. فَخَرَجَ وَخَرَجْنَا مَعَهُ.

وَقَالَ عُثْمَانُ: لَيْسَ لِمَجْنُونٍ وَلَا

لِسَكْرَانَ طَلَاقٌ. وَقَالَ ابْنُ عَبَّاسٍ:

طَلَاقُ السَّكْرَانِ وَالْمُسْتَكْرَهِ لَيْسَ

بِحَائِزٍ. وَقَالَ عُقْبَةُ بْنُ عَامِرٍ: لَا

يَجُوزُ طَلَاقُ الْمَوْسُوسِ. وَقَالَ

عَطَاءٌ: إِذَا بَدَأَ بِالطَّلَاقِ فَلَهُ شَرْطُهُ.

وَقَالَ نَافِعٌ: طَلَّقَ رَجُلٌ امْرَأَتَهُ الْبَتَّةَ إِنْ

خَرَجَتْ، فَقَالَ ابْنُ عُمَرَ: إِنْ خَرَجَتْ

فَقَدْ بَتَّتْ مِنْهُ، وَإِنْ لَمْ تَخْرُجْ فَلَيْسَ

بَشَيْءٍ. وَقَالَ الزُّهْرِيُّ - فِيمَنْ قَالَ:

إِنْ لَمْ أَفْعَلْ كَذَا وَكَذَا فامرأتي طالق

ثلاثاً -: يُسْأَلُ عَمَّا قَالَ وَعَقَدَ عَلَيْهِ

قَلْبُهُ حِينَ حَلَفَ بِتِلْكَ الْيَمِينِ، فَإِنْ

سَمِيَ أَجْلًا أَرَادَهُ وَعَقَدَ عَلَيْهِ قَلْبُهُ

حِينَ حَلَفَ جُعِلَ ذَلِكَ فِي دِينِهِ

وَأَمَانَتِهِ. وَقَالَ إِبْرَاهِيمُ: إِنْ قَالَ: لَا

حاجة لي فيك، نيته، وطلاق كل

قوم بلسانهم. وَقَالَ قَتَادَةُ: إِذَا قَالَ:

إِذَا حَمَلْتُ فَأَنْتِ طالقٌ ثلاثاً، يَعْشَاهَا

عِنْدَ كُلِّ طَهْرٍ مَرَّةً، فَإِنْ اسْتَبَانَ حَمَلُهَا

فَقَدْ بَاتَتْ مِنْهُ. وَقَالَ الْحَسَنُ: إِذَا

قَالَ: الْحَقِي بِأَهْلِكَ، نِيَّتُهُ. وَقَالَ ابْنُ

عَبَّاسٍ: الطَّلَاقُ عَنْ وَطَرٍ، وَالْعِتَاقُ

مَا أُرِيدَ بِهِ وَجْهُ اللَّهِ. وَقَالَ الزُّهْرِيُّ:

إِنْ قَالَ: مَا أَنْتِ بامرأتي، نِيَّتُهُ. وَإِنْ

نَوَى طَلَاقًا فَهُوَ مَا نَوَى. قَالَ عَلِيٌّ: