

“O you who believe! When believing women come to you as emigrants, examine them...” (V.60:10)

So if anyone of those believing women accepted the above mentioned conditions, she accepted the conditions of Faith. When they agreed on those conditions and confessed that with their tongues, Allāh's Messenger ﷺ would say to them, “Go, I have accepted your *Bai'a* (pledge) (for Islām).” ‘Aishah added: By Allāh, the hand of Allāh's Messenger ﷺ never touched the hand of any woman, but he only used to take their *Bai'a* (pledge) orally. By Allāh, Allāh's Messenger ﷺ did not take the *Bai'a* (pledge) of the women except in accordance with what Allāh had ordered him. When he accepted their *Bai'a* (pledge) he would say to them. “I have accepted your *Bai'a* (pledge).” (See H.2713)

حَدَّثَنِي ابْنُ وَهَبٍ: حَدَّثَنِي يُونُسُ: قَالَ ابْنُ شَهَابٍ: أَخْبَرَنِي عُرْوَةُ بِنُ الزُّبَيْرِ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوَّجَ النَّبِيَّ ﷺ قَالَتْ: كَانَتْ الْمُؤْمِنَاتُ إِذَا هَاجَرْنَ إِلَى النَّبِيِّ ﷺ يَمْتَحِنُهُنَّ بِقَوْلِ اللَّهِ تَعَالَى: ﴿بِأَيْمَانِ الَّذِينَ ءَامَنُوا إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مَهَاجِرَاتٍ فَامْتَحِنُوهُنَّ﴾ إِلَى آخِرِ الْآيَةِ. قَالَتْ عَائِشَةُ: فَمَنْ أَقْرَبَ بِهَذَا الشَّرْطِ مِنَ الْمُؤْمِنَاتِ فَقَدْ أَقْرَبَ بِالْمِحْتَةِ. فَكَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَقْرَزَ بِذَلِكَ مِنْ قَوْلِيهِنَّ قَالَ لَهُنَّ رَسُولُ اللَّهِ ﷺ: «انْظُرْنَ فَقَدْ بَايَعْتُنَّ»، لَا وَاللَّهِ مَا مَسَّتْ يَدُ رَسُولِ اللَّهِ ﷺ يَدَ امْرَأَةٍ قَطُّ، غَيْرَ أَنَّهُ بَايَعَهُنَّ بِالْكَلَامِ، وَاللَّهُ مَا أَخَذَ رَسُولُ اللَّهِ ﷺ عَلَى النِّسَاءِ إِلَّا بِمَا أَمَرَهُ اللَّهُ، يَقُولُ لَهُنَّ إِذَا أَخَذَ عَلَيْهِنَّ: «قَدْ بَايَعْتُنَّ»، كَلَامًا.

[راجع: ٢٧١٣]

(21) CHAPTER. The Statement of Allāh تعالى:
“Those who take an oath, not to have sexual relations with their wives, must wait four months.” (V.2:226)

(٢١) بَابُ قَوْلِ اللَّهِ تَعَالَى: ﴿لِلَّذِينَ يُؤْثِرُونَ مِنْ نِسَائِهِمْ رَبُّضًا أَرْبَعَةَ أَشْهُرٍ﴾ [البقرة: ٢٢٦]

5289. Narrated Anas bin Mālik رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ took an oath that he would abstain from his wives, and at that time his leg had been sprained (dislocated). So he stayed in the *Mashruba* (an attic room) of his for 29 days. Then he came down, and they (the people) said, “O Allāh's Messenger! You took an oath to abstain

٥٢٨٩ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ، عَنْ أَخِيهِ، عَنْ سُلَيْمَانَ، عَنْ حُمَيْدِ الطَّوِيلِ: أَنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ يَقُولُ: أَلَى رَسُولِ اللَّهِ ﷺ مِنْ نِسَائِهِ وَكَانَتْ انْفَكَّت رِجْلُهُ، فَأَقَامَ فِي

from your wives for one month.” He said, “The month is of twenty-nine days.”

مَشْرُوبَةٌ لَهُ تِسْعًا وَعِشْرِينَ. ثُمَّ نَزَلَ
فَقَالُوا: يَا رَسُولَ اللَّهِ، آلَيْتَ شَهْرًا،
فَقَالَ: «الشَّهْرُ تِسْعٌ وَعِشْرُونَ».

[راجع: ٣٧٨]

5290. Narrated Nāfi': Ibn 'Umar used to say about *Al-'Īlā'*⁽¹⁾ which Allāh تعالى defined (in the Qur'ān), “If the period of 'Īlā' expires, then the husband has either to retain his wife in a handsome manner or to divorce her as Allāh تعالى has ordered.”

٥٢٩٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا
اللَّيْثُ، عَنْ نَافِعٍ: أَنَّ ابْنَ عُمَرَ رَضِيَ
اللَّهُ عَنْهُمَا كَانَ يَقُولُ فِي الْإِيلَاءِ الَّذِي
سَمَّى اللَّهُ تَعَالَى: لَا يَجِلُّ لِأَحَدٍ بَعْدَ
الْأَجَلِ إِلَّا أَنْ يُمَسِكَ بِالْمَعْرُوفِ أَوْ
يَعْزِمَ بِالطَّلَاقِ كَمَا أَمَرَ اللَّهُ عَزَّ وَجَلَّ.

٥٢٩١ - وَقَالَ لِي إِسْمَاعِيلُ:

5291. Ibn 'Umar added: “When the period of four months has expired, the husband should be put in prison so that he should divorce his wife, but the divorce does not occur unless the husband himself declares it. This has been mentioned by 'Uthmān, 'Alī, Abū Ad-Dardā, 'Āishah and twelve other Companions of the Prophet ﷺ.”

حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ ابْنِ
عُمَرَ: إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ يُوقَفُ
حَتَّى يُطَلَّقَ وَلَا يَقَعُ عَلَيْهِ الطَّلَاقُ حَتَّى
يُطَلَّقَ. وَيُذَكَّرُ ذَلِكَ عَنْ عُثْمَانَ وَعَلِيٍّ
وَأَبِي الدَّرْدَاءِ وَعَائِشَةَ وَاثْنَيْ عَشَرَ
رَجُلًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ.

(٢٢) بَابُ حُكْمِ الْمَقْضُودِ فِي أَهْلِهِ،
وَمَالِهِ،

(22) CHAPTER. What are the regulations concerning the property and the family of a lost person?

Ibn Al-Musaiyab said: If a person is lost from a file in a battle, his wife should wait for one year (before she re-marries).

Ibn Mas'ūd bought a slave-girl and searched for her owner for one year (in order to give him her price) but he could not find him for he was lost. So Ibn Mas'ūd started giving one or two Dirhams (to poor people), and said, “O Allāh! Accept this (alms) on behalf of such-and-such person; and if he returns, the reward for this giving

وَقَالَ ابْنُ الْمُسَيَّبِ: إِذَا فُقِدَ فِي
الصَّفِّ عِنْدَ الْقِتَالِ تَرَبَّصْ أَمْرَاتِهِ سَنَةً.
وَأَشْتَرَى ابْنُ مَسْعُودٍ جَارِيَةً فَالْتَمَسَ
صَاحِبَهَا سَنَةً فَلَمْ يَجِدْهُ وَفَقِدَ فَأَخَذَ
يُعْطِي الدَّرْهَمَ وَالذَّرْهَمَيْنِ، وَقَالَ:
اللَّهُمَّ عَنْ فُلَانٍ فَإِنْ أَتَى فُلَانٌ فَلِي
وَعَلَيَّ، وَقَالَ: هَكَذَا فَافْعَلُوا
بِاللُّقْطَةِ. وَقَالَ ابْنُ عَبَّاسٍ نَحْوَهُ.

(1) (H. 5290) *Īlā'* means the oath taken by a husband that he would not approach his wife for a certain period.

will come to me, and I shall pay that person the price of the slave-girl.” Ibn Mas‘ūd further said: “You should do so with a *Luqaṭa* (something found).” Ibn ‘Abbās narrated similarly.

Az-Zuhri said regarding a captive whose place (of stay) is known: His wife should not re-marry, nor should his property be distributed, but when news about him ceases to come, then his case is to be treated as the case of a lost person.

5292. Narrated Yazīd, the *Maulā* of Munba‘ith: The Prophet ﷺ was asked regarding the case of a lost sheep. He said, “You should take it, because it is for you, or for your brother, or for the wolf.” Then he was asked about a lost camel. He got angry and his face became red and he said (to the questioner), “You have nothing to do with it; it has its feet and its water container with it; it can go on drinking water and eating trees till its owner meets it.” And then the Prophet ﷺ was asked about a *Luqaṭa* (money found by somebody). He said, “Remember and recognize its tying material and its container, and make public announcement about it for one year. If somebody comes and identifies it (then give it to him), otherwise add it to your property.”

وَقَالَ الزُّهْرِيُّ فِي الْأَسِيرِ يُعْلَمُ مَكَانَهُ:
لَا تَتَزَوَّجُ امْرَأَتَهُ وَلَا يُنْسَمَ مَالُهُ، فَإِذَا
انْقَطَعَ خَبْرُهُ فَسِنَّهُ سَنَةً الْمَقْفُودِ.

٥٢٩٢ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ
اللَّهِ: حَدَّثَنَا سُفْيَانُ، عَنْ يَحْيَى بْنِ
سَعِيدٍ، عَنْ يَزِيدَ مَوْلَى الْمُتَّبِعِ: أَنَّ
النَّبِيَّ ﷺ سُئِلَ عَنْ ضَالَّةِ الْعَتَمِ،
فَقَالَ: «حُذَّهَا فَإِنَّمَا هِيَ لَكَ أَوْ
لَاخِيكَ أَوْ لِلذُّئْبِ». وَسُئِلَ عَنْ ضَالَّةِ
الْإِبِلِ، فَغَضِبَ وَأَحْمَرَّتْ وَجْنَتَاهُ،
وَقَالَ: «مَا لَكَ وَلَهَا؟ مَعَهَا الْحِذَاءُ
وَالسَّقَاءُ، تَشْرَبُ الْمَاءَ وَتَأْكُلُ الشَّجَرَ
حَتَّى يَلْقَاهَا رَبُّهَا». وَسُئِلَ عَنِ
الْقُفْطَةِ، فَقَالَ: «اعْرِفْ وَكِأَهَا
وَعِفَاصَهَا، وَعَرِّفْهَا سَنَةً، فَإِنِ جَاءَ
مَنْ يَعْرِفُهَا، وَإِلَّا فَاخْلِطْهَا بِمَالِكَ».
قَالَ سُفْيَانُ: فَلَقِيتُ رَبِيعَةَ بِنَ أَبِي عَبْدِ
الرَّحْمَنِ وَلَمْ أَحْفَظْ عَنْهُ شَيْئًا غَيْرَ هَذَا
فَقُلْتُ: أَرَأَيْتَ حَدِيثَ يَزِيدَ مَوْلَى
الْمُتَّبِعِ فِي أَمْرِ الضَّالَّةِ هُوَ عَنْ زَيْدِ
بِنِ خَالِدٍ؟ قَالَ: نَعَمْ، قَالَ يَحْيَى:
وَيَقُولُ رَبِيعَةُ عَنْ يَزِيدَ مَوْلَى
الْمُتَّبِعِ، عَنْ زَيْدِ بْنِ خَالِدٍ، قَالَ

سُفِيَانُ: فَلَقِيْتُ رَبِيعَةَ فَقُلْتُ لَهُ.

[راجع: ٩١]

(23) CHAPTER. *Az-Zihār*.⁽¹⁾

And the Statement of Allāh تعالى:

“Indeed Allāh has heard the statement of her (Khawla bint Tha’alaba) that disputes with you (O Muḥammad ﷺ) concerning her husband (Aus bin Aṣ-Ṣāmit)... (up to)... and for him who is unable to do so, he should feed sixty of the poor.” (V.58:1-4)

Narrated Mālik that he asked Ibn Shihāb about *Az-Zihār* of a slave. He said, “It is like *Az-Zihār* of a free man.” Mālik said: The fasting of a slave (in the above case) is two months.

And Al-Ḥasan bin Al-Ḥurr said: *Az-Zihār* of a free man or a slave towards a free lady or a slave lady is the same.

‘Ikrima said: If someone declares *Zihār* towards his slave girl, it has no significance, for *Zihār* is only valid in cases involving actual wives.

(24) CHAPTER. Using gestures to express the decision of divorcing and other matters.

Narrated Ibn ‘Umar: The Prophet ﷺ said, “Allāh will not punish (people) because of the tears they shed (over the dead) but He will punish (them) because of this,” pointing to his tongue.

Ka’b bin Mālik said: The Prophet ﷺ gestured to me with his hand, ordering me to take half (my due).

Asmā’ said: Once the Prophet ﷺ offered the eclipse *Ṣalāt* (prayer). I asked ‘Āishah while she was offering the *Ṣalāt* (prayer),

(٢٣) بَابُ الظَّهَارِ وَقَوْلِ اللَّهِ تَعَالَى:

﴿قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا﴾ إِلَى قَوْلِهِ: ﴿مَنْ لَمْ يَسْتَطِعْ فِطْعَامَ سِتِّينَ مِسْكِينًا﴾ [المجادلة: ١-٤].

وَقَالَ لِي إِسْمَاعِيلُ: حَدَّثَنِي

مَالِكٌ: أَنَّهُ سَأَلَ ابْنَ شِهَابٍ عَنِ ظَهَارِ الْعَبْدِ، فَقَالَ: نَحْوُ ظَهَارِ الْحُرِّ. قَالَ

مَالِكٌ: وَصِيَامُ الْعَبْدِ شَهْرَانِ. وَقَالَ

الْحَسَنُ بْنُ الْحُرِّ: ظَهَارُ الْحُرِّ وَالْعَبْدِ

مِنَ الْحُرَّةِ وَالْأَمَةِ سَوَاءً. وَقَالَ

عِكْرِمَةُ: إِنْ ظَاهَرَ مِنْ أُمَّتِهِ فَلَيْسَ

بِشَيْءٍ، إِنَّمَا الظَّهَارُ مِنَ النِّسَاءِ. وَفِي

الْعَرَبِيَّةِ: ﴿لَمَّا قَالُوا﴾ أَي فِيمَا قَالُوا

وَفِي نَقْصٍ مَا قَالُوا، وَهَذَا أَوْلَى لِأَنَّ

اللَّهُ لَمْ يَدَلَّ عَلَى الْمُتَكْرِرِ وَقَوْلِ الزُّورِ.

(٢٤) بَابُ الإِشَارَةِ فِي الطَّلَاقِ

وَالْأُمُورِ

وَقَالَ ابْنُ عُمَرَ: قَالَ النَّبِيُّ ﷺ:

«لَا يُعَذِّبُ اللَّهُ بِدَمْعِ الْعَيْنِ وَلَكِنْ

يُعَذِّبُ بِهَذَا»، وَأَشَارَ إِلَى لِسَانِهِ.

وَقَالَ كَعْبُ بْنُ مَالِكٍ: أَشَارَ النَّبِيُّ ﷺ

إِلَيَّ أَنْ أُخَذَ النُّصَفَ، وَقَالَتْ

أَسْمَاءُ: صَلَّى النَّبِيُّ ﷺ فِي

الْكُسُوفِ، فَقُلْتُ لِعَائِشَةَ: مَا شَأْنُ

النَّاسِ؟ فَأَوْمَأَتْ بِرَأْسِهَا إِلَى

(1) (Ch. 23) *Az-Zihār* is the saying of a husband to his wife, “You are to me like the back of my mother,” i.e., “you are unlawful for me to approach.”

“What is the matter with the people?” She pointed towards the sun with her head. I asked, “Is there a sign?” She nodded, agreeing.

Anas said: The Prophet ﷺ signalled to Bakr with his hand to lead the *Ṣalāt* (prayer).

Ibn ‘Abbās said: The Prophet ﷺ waved his hand, indicating that there was no harm (in a certain matter).

Abū Qatāda said: The Prophet ﷺ said (to his Companions) regarding hunting by a *Muḥrim*, “Did anyone of you (while in the state of *Iḥrām*) order him (a non-*Muḥrim*) to attack the game, or did anyone of you point at it (to draw his attention)?” They said, “No.” On that the Prophet ﷺ said: “Then eat of it.”⁽¹⁾

5293. Narrated Ibn ‘Abbās رَضِيَ اللهُ عَنْهُمَا: Allāh’s Messenger ﷺ performed the *Tawāf* (around the Ka’bah) while riding his camel, and every time he reached the corner (of the Black Stone) he pointed at it with his hand and said “*Allāhu Akbar*.”

(Zainab said: The Prophet ﷺ said, “An opening has been made in the wall of Gog and Magog like this and this,” forming the number 90 (with his thumb and index finger).

5294. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Abūl-Qāsim (the Prophet ﷺ) said, “There is an hour (or a moment) of particular significance on Friday. If it happens that a Muslim is offering a *Ṣalāt* (prayer) and

السُّنَنِ، فَقُلْتُ: آيَةٌ؟ فَأَوْمَأَتْ بِرَأْسِهَا وَهِيَ تَصَلِّي أَي نَعَمْ. وَقَالَ أَنَسٌ: أَوْمَأَ النَّبِيُّ ﷺ بِيَدِهِ إِلَى أَبِي بَكْرٍ أَنْ يَتَقَدَّمَ. وَقَالَ ابْنُ عَبَّاسٍ: أَوْمَأَ النَّبِيُّ ﷺ بِيَدِهِ لَا حَرَخَ. وَقَالَ أَبُو قَتَادَةَ: قَالَ النَّبِيُّ ﷺ فِي الصَّيْدِ لِلْمُحْرِمِ: «أَحَدٌ مِنْكُمْ أَمَرَهُ أَنْ يَخْمُولَ عَلَيْهَا، أَوْ أَشَارَ إِلَيْهَا؟» قَالُوا: لَا، قَالَ: «فَكُلُوا».

٥٢٩٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا أَبُو عَامِرٍ عَبْدُ الْمَلِكِ بْنُ عَمْرٍو: حَدَّثَنَا إِبْرَاهِيمُ، عَنْ خَالِدٍ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: طَافَ رَسُولُ اللَّهِ ﷺ عَلَى بَعِيرِهِ وَكَانَ كَلَّمَا أَتَى عَلَى الرُّكْنِ، أَشَارَ إِلَيْهِ وَكَبَّرَ. وَقَالَتْ زَيْنَبُ: قَالَ النَّبِيُّ ﷺ: «فَتَحَّ مِنْ رَذَمٍ يَأْجُوجَ وَمَأْجُوجَ مِثْلُ هَذِهِ وَهَذِهِ»، وَعَقَدَ تِسْعِينَ.

[راجع: ١٦٠٧]

٥٢٩٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَشْرُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا سَلَمَةُ بْنُ عَلْقَمَةَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ أَبُو الْقَاسِمِ

(1) (Chap. 24) This is part of a story where a non-*Muḥrim* had hunted game, and those who were in the state of *Iḥrām* hesitated to eat thereof, so the Prophet ﷺ asked them whether they had participated in its hunting with a word or a gesture. When they denied that, he allowed them to eat of it.

invoking Allāh for some good at that very moment, Allāh will grant him his request.” (The subnarrator placed the top of his finger on the palm of the other hand between the middle finger and the little one). (See H.935)

5295. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ : During the lifetime of Allāh’s Messenger ﷺ, a Jew attacked a girl and took some silver ornaments she was wearing and crushed her head. Her relatives brought her to the Prophet ﷺ while she was in her last breaths, and she was unable to speak. Allāh’s Messenger ﷺ asked her, “Who has hit you? So-and-so?”, mentioning somebody other than her murderer. She moved her head, indicating denial. The Prophet ﷺ mentioned another person other than the murderer, and she again moved her head indicating denial. Then he asked, “Was it so-and-so?”, mentioning the name of her killer. She nodded, agreeing. Then Allāh’s Messenger ﷺ ordered that the head of that Jew be crushed between two stones. (See H.2413)

5296. Narrated Ibn ‘Umar رَضِيَ اللهُ عَنْهُمَا : I heard the Prophet ﷺ saying, “*Al-Fitnah* (trial or affliction) will emerge from here,” pointing towards the East.

5297. Narrated ‘Abdullāh bin Abī Aufā : We were with Allāh’s Messenger ﷺ on a journey, and when the sun set, he said to a

ﷺ: « فِي الْجُمُعَةِ سَاعَةٌ لَا يُؤَفِّقُهَا عَبْدٌ مُسْلِمٌ قَائِمٌ يُصَلِّي، يَسْأَلُ اللَّهَ خَيْرًا إِلَّا أَعْطَاهُ»، وَقَالَ بِيَدِهِ وَوَضَعَ أَنْمُلَتَهُ عَلَى بَطْنِ الْوُسْطَى وَالْخِنْصِرِ، قُلْنَا: يُزْهَدُهَا. [راجع: ٩٣٥]

٥٢٩٥ - قَالَ: وَقَالَ الْأُوَيْسِيُّ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ شُعْبَةَ بْنِ الْحَجَّاجِ، عَنْ هِشَامِ بْنِ زَيْدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: عَدَا يَهُودِيٌّ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ عَلَى جَارِيَةٍ فَأَخَذَ أَوْصَاحًا كَانَتْ عَلَيْهَا، وَرَضَخَ رَأْسَهَا، فَاتَى بِهَا أَهْلَهَا رَسُولُ اللَّهِ ﷺ وَهِيَ فِي آخِرِ رَمَقٍ وَقَدْ أُضْمِتَتْ، فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «مَنْ قَتَلَكَ؟ فُلَانٌ؟» لَغَيْرِ الَّذِي قَتَلَهَا، فَأَشَارَتْ بِرَأْسِهَا أَنْ لَا، قَالَ: فَقَالَ لِرَجُلٍ آخَرَ غَيْرِ الَّذِي قَتَلَهَا فَأَشَارَتْ أَنْ لَا، فَقَالَ: «فَفُلَانٌ؟» لِقَاتِلِهَا، فَأَشَارَتْ أَنْ نَعَمْ. فَأَمَرَ بِهِ رَسُولُ اللَّهِ ﷺ فَرَضَخَ رَأْسَهُ بَيْنَ حَجَرَيْنِ. [راجع: ٢٤١٣]

٥٢٩٦ - حَدَّثَنَا قَبِيصَةُ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «الْفِتْنَةُ مِنْ هَاهُنَا»، وَأَشَارَ إِلَى الْمَشْرِقِ.

[راجع: ٣١٠٤]

٥٢٩٧ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ،

man, "Get down and prepare a drink of *Sawīq* for me." The man said, "O Allāh's Messenger! Will you wait till it is evening?" Allāh's Messenger ﷺ again said, "Get down and prepare a drink of *Sawīq*." The man said, "O Allāh's Messenger! Will you wait till it is evening, for it is still daytime." The Prophet ﷺ again said, "Get down and prepare a drink of *Sawīq*." So the third time the man got down and prepared a drink of *Sawīq* for him. Allāh's Messenger ﷺ drank thereof and pointed with his hand towards the East, saying, "When you see the night falling from this side, then a fasting person should break his fast." (See H. 1941)

عَنْ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى قَالَ: كُنَّا فِي سَفَرٍ مَعَ رَسُولِ اللَّهِ ﷺ فَلَمَّا عَرَبَتِ الشَّمْسُ قَالَ لِرَجُلٍ: «انزِلْ فَاجِدْخَ لِي»، قَالَ: يَا رَسُولَ اللَّهِ، لَوْ أَمْسَيْتَ، ثُمَّ قَالَ: «انزِلْ فَاجِدْخَ»، قَالَ: يَا رَسُولَ اللَّهِ، لَوْ أَمْسَيْتَ إِنَّ عَلَيْنِكَ نَهَارًا، ثُمَّ قَالَ: «انزِلْ فَاجِدْخَ»، فَنَزَلَ فَجِدْخَ لَهُ فِي الثَّالِثَةِ، فَشَرِبَ رَسُولُ اللَّهِ ﷺ ثُمَّ أَوْمَأَ بِيَدِهِ إِلَى الْمَشْرِقِ فَقَالَ: «إِذَا رَأَيْتُمُ اللَّيْلَ قَدْ أَقْبَلَ مِنْ هَاهُنَا فَقَدْ أَفْطَرَ الصَّائِمُ». [راجع: ١٩٤١]

5298. Narrated 'Abdullāh bin Mas'ūd رضي الله عنه: The Prophet ﷺ said, "The call (or the *Ādhān*) of Bilāl should not stop you from taking the *Sahūr*-meals, for Bilāl calls (or pronounces the *Ādhān*) so that the one who is offering the night prayer should take a rest, and it does not indicate the daybreak or dawn." The narrator, Yazīd, described (how dawn breaks) by stretching out his hands and then separating them wide apart.

٥٢٩٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ، عَنْ سُلَيْمَانَ، عَنْ أَبِي عَثْمَانَ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ: «لَا يَمْتَعَنَّ أَحَدًا مِنْكُمْ يَدَاءُ بِلَالٍ، أَوْ قَالَ: أَذَانُهُ مِنْ سَحُورِهِ، فَإِنَّمَا يُنَادِي، أَوْ قَالَ: يُؤَدِّنُ لِيُرْجِعَ قَائِمَكُمْ، وَلَيْسَ أَنْ يَقُولَ - كَأَنَّهُ يَعْنِي - الصُّبْحُ أَوْ الْفَجْرُ»، وَأَظْهَرَ يَزِيدُ يَدَيْهِ ثُمَّ مَدَّ إِحْدَاهُمَا مِنَ الْأُخْرَى. [راجع: ٦٢١]

5299. Narrated Abū Hurairah رضي الله عنه: Allāh's Messenger ﷺ said, "The example of a miser and a generous person is like that of two persons wearing iron cloaks from the breast up to the neck. When the generous person spends, the iron cloak enlarges and

٥٢٩٩ - وَقَالَ اللَّيْثُ: حَدَّثَنِي جَعْفَرُ ابْنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزٍ: سَمِعْتُ أَبَا هُرَيْرَةَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَثَلُ الْبَخِيلِ وَالْمُنْفِقِ

spread over his skin so much so that it covers his fingertips and obliterates his tracks. As for the miser, as soon as he thinks of spending, every ring of the iron cloak sticks to its place (against his body) and he tries to expand it, but it does not expand. The Prophet ﷺ pointed with his hand towards his throat.

كَمَثَلِ رَجُلَيْنِ عَلَيْهِمَا جُبَّتَانِ مِنْ حَدِيدٍ مِنْ لَدُنْ تَدْيِيهِمَا إِلَى تَرَاقِيهِمَا، فَأَمَّا الْمُتَفَقُّ فَلَا يُتَفَقُّ شَيْئًا إِلَّا مَادَتْ عَلَى جِلْدِهِ حَتَّى تُجَنِّ بَنَانُهُ وَتَعْفُو أَثَرَهُ، وَأَمَّا الْبَخِيلُ فَلَا يُرِيدُ يُتَفَقُّ إِلَّا لَزِمَتْ كُلُّ حَلْقَةٍ مَوْضِعَهَا فَهُوَ يُوسِعُهَا وَلَا تَتَّسِعُ، وَيُشِيرُ بِإِصْبَعِهِ إِلَى حَلْقِهِ.

[راجع: ١٤٤٣]

(25) CHAPTER. *Al-Li'ān*.⁽¹⁾

The Statement of Allāh تعالى:

“And for those who accuse their wives.. (up to) .. if he (her husband) speaks the truth.”
(V.24:6-9)

If a dumb man accuses his wife (of an illegal sexual intercourse) by means of writing, pointing or giving a familiar nod, then he is like the one who can speak, for the Prophet ﷺ has permitted the use of gestures in performing the orders prescribed by Allāh. That is the saying of some people of Hijāz and some learned men.

And Allāh تعالى said:

“Then she (Mary) pointed to him (Jesus). They said, ‘How can we talk to one who is a child in the cradle?’ ” (V.19:29)

And Ad-Dahhāk said: ‘*Illā-Ramzā*’ means ‘only with signals’.

Some scholars said: Neither a legal prescribed punishment, nor *Li'ān* (are permissible to be carried out through gestures). Yet he said: If somebody expresses his decision to divorce his wife by means of writing, pointing or nodding, it is permissible. But there is no difference between divorcing and accusing. If that scholar says that accusation can be only through speech, he will be answered that;

(٢٥) بَابُ اللَّعَانِ وَقَوْلِ اللَّهِ تَعَالَى:

﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ﴾ إِلَى قَوْلِهِ: ﴿إِنْ كَانَ مِنَ الصَّادِقِينَ﴾

فَإِذَا قَدَفَ الْأَخْرُسُ امْرَأَتَهُ بِكِتَابَةٍ أَوْ إِشَارَةٍ أَوْ إيمَاءٍ مَعْرُوفٍ، فَهُوَ كَالْمُتَكَلِّمِ لِأَنَّ النَّبِيَّ ﷺ قَدْ أَجَازَ الْإِشَارَةَ فِي الْفَرَائِضِ، وَهُوَ قَوْلُ بَعْضِ أَهْلِ الْحِجَازِ وَأَهْلِ الْعِلْمِ. وَقَالَ اللَّهُ تَعَالَى: ﴿فَأَشَارَتْ إِلَيْهِ قَالُوا كَيْفَ نُكَلِّمُ مَنْ كَانَ فِي الْمَهْدِ صَبِيًّا﴾ [مریم: ٢٩].

وَقَالَ الضَّحَّاكُ ﴿إِلَّا رَمَزًا﴾ [آل

عمران: ٤١]: إِشَارَةً. وَقَالَ بَعْضُ النَّاسِ: لَا حَدَّ وَلَا لِعَانَ، ثُمَّ رَعِمَ إِنْ طَلَّقَ بِكِتَابَةٍ أَوْ إِشَارَةٍ أَوْ إيمَاءٍ جَازٍ، وَلَيْسَ بَيْنَ الطَّلَاقِ وَالْقَدْفِ فَرْقٌ. فَإِنْ قَالَ: الْقَدْفُ لَا يَكُونُ إِلَّا بِكَلَامٍ، قِيلَ لَهُ: كَذَلِكَ الطَّلَاقُ لَا يَكُونُ إِلَّا بِكَلَامٍ، وَإِلَّا بَطَلَ الطَّلَاقُ

(1) (Ch. 25) See the glossary.

similarly, divorce cannot be given except through speech, otherwise both divorce and accusation are invalid. The same is true about the manumission of slaves. A deaf person is permitted to do *Li'an*.

Ash-Sha'bī and **Qatāda** said: If someone says, "You are divorced," and points with his fingers, his gesture is enough to bring about the divorce.

Ibrāhīm said: If a dumb person writes a divorce with his hand, it becomes valid.

And **Ḥamād** said: If a dumb or a deaf person gives a nod (to indicate something), it is sufficient.

5300. Narrated **Anas bin Mālik** رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Shall I tell you of the best families among the *Anṣār*?" They (the people) said, "Yes, O Allāh's Messenger! The Prophet ﷺ said, "The best are Banū An-Najjār, and after them are Banū 'Abd Al-Ash-hal, and after them are Banū Al-Ḥārith bin Al-Khazraj, and after them are Banū Sa'ida." The Prophet ﷺ then moved his hand by closing his fingers and then opening them like one throwing something, and then said, "Anyhow, there is good in all the families of the *Anṣār*."

5301. Narrated **Sahl bin Sa'd As-Sā'idi**, a Companion of Allāh's Messenger ﷺ: Allāh's Messenger ﷺ, holding out his middle and index fingers, said, "My advent and the Hour's are like this (or like these)," namely, the period between his era and the Hour is like the distance between those two fingers, i.e., very short.

وَالْقَذْفُ، وَكَذَلِكَ الْعِتْقُ، وَكَذَلِكَ الْأَصْمُ يُلَاعِنُ. وَقَالَ الشَّعْبِيُّ وَقَتَادَةُ: إِذَا قَالَ: أَنْتِ طَالِقٌ، فَأَشَارَ بِأَصَابِعِهِ؛ تَبَيَّنَ مِنْهُ بِإِشَارَتِهِ. وَقَالَ إِبْرَاهِيمُ: الْأَخْرَسُ إِذَا كَتَبَ الطَّلَاقَ بِيَدِهِ لَزِمَهُ. وَقَالَ حَمَّادٌ: الْأَخْرَسُ وَالْأَصْمُ إِنْ قَالَ بِرَأْسِهِ جَازَ.

٥٣٠٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا لَيْثٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ: أَنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَلَا أُخْبِرُكُمْ بِخَيْرِ دُورِ الْأَنْصَارِ؟» قَالُوا: بَلَى يَا رَسُولَ اللَّهِ، قَالَ: «بَنُو النَّجَّارِ، ثُمَّ الَّذِينَ يُلُونَهُمْ: بَنُو عَبْدِ الْأَشْهَلِ، ثُمَّ الَّذِينَ يُلُونَهُمْ: بَنُو الْحَارِثِ بْنِ الْخَزْرَجِ، ثُمَّ الَّذِينَ يُلُونَهُمْ بَنُو سَاعِدَةَ»، ثُمَّ قَالَ بِيَدِهِ، فَقَبَضَ أَصَابِعَهُ، ثُمَّ بَسَطَهُنَّ كَالرَّامِي بِيَدِهِ، ثُمَّ قَالَ: «وَفِي كُلِّ دُورِ الْأَنْصَارِ خَيْرٌ».

٥٣٠١ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: قَالَ أَبُو حَازِمٍ: سَمِعْتُ مِنْ سَهْلِ بْنِ سَعْدِ السَّاعِدِيِّ صَاحِبِ رَسُولِ اللَّهِ ﷺ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «بُعِثْتُ أَنَا وَالسَّاعَةَ»

5302. Narrated Ibn 'Umar: The Prophet ﷺ (holding out his ten fingers thrice) said, "The month is thus and thus and thus," namely thirty days. Then (holding out his ten fingers twice and then nine fingers) he said, "It may be thus and thus and thus," namely twenty-nine days. He meant once thirty days and once twenty-nine days.

5303. Narrated Abū Mas'ūd: The Prophet ﷺ pointed with his hand towards Yemen and said twice, "Faith is there," and then pointed towards the East, and said, "Verily, sternness and mercilessness are the qualities of those who are busy with their camels and pay no attention to their religion, from where comes out the two sides of the head of Satan, namely, the tribes of Rabī'a and Muḍar."

5304. Narrated Sahl: Allāh's Messenger ﷺ said, "I and the one who looks after an orphan will be like this in Paradise," showing his middle and index fingers and separating them.

(26) CHAPTER. If a husband hints that he suspects his paternity to a child.

5305. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: A man came to the Prophet ﷺ and said, "O Allāh's Messenger! A black child has been

كَهَذِهِ مِنْ هَذِهِ، أَوْ كَهَاتَيْنِ»، وَقَرَنَ بَيْنَ السَّبَابَةِ وَالْوُسْطَى. [راجع: ١٣٦]؛
٥٣٠٢ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا جَبَلَةُ بْنُ سُوَيْمٍ: سَمِعْتُ ابْنَ عَمَرَ يَقُولُ: قَالَ النَّبِيُّ ﷺ: «الشَّهْرُ هَكَذَا وَهَكَذَا وَهَكَذَا»، يَعْنِي ثَلَاثِينَ، ثُمَّ قَالَ: «وَهَكَذَا وَهَكَذَا وَهَكَذَا»، يَعْنِي تِسْعًا وَعِشْرِينَ. يَقُولُ: مَرَّةً ثَلَاثِينَ، وَمَرَّةً تِسْعًا وَعِشْرِينَ. [راجع: ١٩٠٨]

٥٣٠٣ - حَدَّثَنِي مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ إِسْمَاعِيلَ، عَنْ قَبِيصٍ، عَنْ أَبِي مَسْعُودٍ: قَالَ: وَأَشَارَ النَّبِيُّ ﷺ بِيَدِهِ نَحْوَ الْيَمَنِ: «الْإِيمَانُ هَاهُنَا - مَرَّتَيْنِ - أَوْ لَا وَإِنَّ الْقَسْوَةَ وَغِلْظَ الْقُلُوبِ فِي الْفَدَّادِينَ حَيْثُ يَطْلُعُ قَرْنَا الشَّيْطَانِ: رَبِيعَةَ وَمُضَرَ». [راجع: ٣٣٠٢]

٥٣٠٤ - حَدَّثَنَا عَمْرُو بْنُ زُرَّارَةَ: أَخْبَرَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ، عَنْ أَبِيهِ، عَنْ سَهْلِ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَنَا وَكَافِلُ الْيَتِيمِ فِي الْجَنَّةِ هَكَذَا»، وَأَشَارَ بِالسَّبَابَةِ وَالْوُسْطَى وَقَرَجَ بَيْنَهُمَا شَيْئًا. [انظر: ٦٠٠٥]

(٢٦) بَابٌ: إِذَا عَرَّضَ بِنْفِي الْوَلَدِ

٥٣٠٥ - حَدَّثَنَا يَحْيَى بْنُ قَزَعَةَ: حَدَّثَنَا مَالِكٌ، عَنْ ابْنِ شِهَابٍ، عَنْ