

born for me.” The Prophet ﷺ asked him, “Have you got camels?” The man said, “Yes.” The Prophet ﷺ asked him, “What colour are they?” The man replied, “Red.” The Prophet ﷺ said, “Is there a grey one among them?” The man replied, “Yes.” The Prophet ﷺ said, “Whence comes that?” He said, “May be it is because of heredity.” The Prophet ﷺ said, “May be your (latest) son has this colour because of heredity.”

سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ، وُلِدَ لِي غُلَامٌ أَسْوَدٌ، فَقَالَ: «هَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ، قَالَ: «مَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ، قَالَ: «هَلْ فِيهَا مِنْ أَوْرَقٍ؟» قَالَ: نَعَمْ، قَالَ: «فَأَتَى ذَلِكَ؟» قَالَ: لَعَلَّ نَزَعَهُ عِرْقٌ، قَالَ: «فَلَعَلَّ ابْنَتَكَ هَذَا نَزَعَهُ». [انظر: ٦٨٤٧، ٧٣١٤]

(27) CHAPTER. Commanding those who are involved in a case of *Li'an*⁽¹⁾ to take the oath (of *Li'an*).

5306. Narrated 'Abdullah رَضِيَ اللهُ عَنْهُ: An *Anṣārī* man accused his wife (of committing illegal sexual intercourse). The Prophet ﷺ made both of them take the oath of *Li'an*, and separated them from each other (by divorce).

(٢٧) بَابُ إِخْلَافِ الْمَلَاعِنِ

٥٣٠٦ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَةُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ قَدَفَ امْرَأَتَهُ فَأَخْلَفَهُمَا النَّبِيُّ ﷺ ثُمَّ فَرَّقَ بَيْنَهُمَا. [راجع: ٤٧٤٨]

(28) CHAPTER. The man should start the process of *Li'an*.

5307. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا: Hilāl bin Umaiyya accused his wife of illegal sexual intercourse and came to the Prophet ﷺ to bear witness (against her), (taking the oath of *Li'an*). The Prophet ﷺ was saying, “Allāh knows that either of you is a liar. Will anyone of you repent (to Allāh)?” Then the lady got up and gave her witness.

٥٣٠٧ - حَدَّثَنِي مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ هِشَامِ بْنِ حَسَّانَ: حَدَّثَنَا عِكْرِمَةُ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ هِلَالَ بْنَ أُمَيَّةَ قَدَفَ امْرَأَتَهُ فَجَاءَ فَشَهِدَ وَالنَّبِيُّ ﷺ يَقُولُ: «إِنَّ اللَّهَ يَعْلَمُ أَنَّ أَحَدَكُمَا كَاذِبٌ، فَهَلْ مِنْكُمَا تَائِبٌ؟» ثُمَّ قَامَتْ فَشَهِدَتْ. [راجع: ٢٦٧١]

(1) (Chap. 27) *Li'an*: See the glossary.

(29) CHAPTER. *Al-Li'ān*, and whoever divorced (his wife) after the process of *Li'ān*.

5308. Narrated Sahl bin Sa'd As-Sā'idi: 'Uwaimir Al-'Ajlānī came to 'Āṣim bin Adī Al-Anṣārī and said to him, "O 'Āṣim! Suppose a man saw another man with his wife, would he kill him whereupon you would kill him; or what should he do? Please, O 'Āṣim, ask about this on my behalf." 'Āṣim asked Allāh's Messenger ﷺ about it. Allāh's Messenger ﷺ disliked that question and considered it disgraceful. What 'Āṣim heard from Allāh's Messenger ﷺ was hard on him. When 'Āṣim returned to his family, 'Uwaimir came to him and said, "O 'Āṣim! What did Allāh's Messenger ﷺ say to you?" 'Āṣim said to 'Uwaimir, "You never bring me any good. Allāh's Messenger ﷺ disliked the problem which I asked him about." 'Uwaimir said, "By Allāh, I will not give up this matter until I ask the Prophet ﷺ about it." So 'Uwaimir proceeded till he came to Allāh's Messenger ﷺ in the midst of people, and said, "O Allāh's Messenger! If a man sees another man with his wife, would he kill him, whereupon you would kill him, or what should he do?" Allāh's Messenger ﷺ said, "Allāh has revealed some decree as regards you and your wife's case. Go and bring her." So they carried out the process of *Li'ān* while I was present among the people with Allāh's Messenger ﷺ. When they had finished their *Li'ān*, 'Uwaimir said, "O Allāh's Messenger! If I should now keep her with me as a wife, then I have told a lie." So he divorced her thrice prior to being ordered by Allāh's Messenger ﷺ. (Ibn Shihāb said: So divorce was the tradition for all those who were involved in a case of *Li'ān*).

(٢٩) بَابُ اللَّعَانِ وَمَنْ طَلَّقَ بَعْدَ اللَّعَانِ

٥٣٠٨ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي 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، أَيَقْتُلُهُ فَتَقْتُلُونَهُ؟ أَمْ كَيْفَ يَفْعَلُ؟ سَلْ لِي يَا عَاصِمُ عَنْ ذَلِكَ رَسُولَ اللَّهِ، فَسَأَلَ عَاصِمٌ رَسُولَ اللَّهِ ﷺ عَنْ ذَلِكَ، فَكَّرَ رَسُولُ اللَّهِ ﷺ الْمَسَائِلَ وَعَابَهَا حَتَّى كَبُرَ عَلَى عَاصِمٍ مَا سَمِعَ مِنْ رَسُولِ اللَّهِ ﷺ. فَلَمَّا رَجَعَ عَاصِمٌ إِلَى أَهْلِهِ جَاءَهُ عُوَيْمِرٌ فَقَالَ: يَا عَاصِمُ، مَاذَا قَالَ لَكَ رَسُولُ اللَّهِ ﷺ؟ فَقَالَ عَاصِمٌ لِعُوَيْمِرٍ: لَمْ تَأْتِنِي بِخَيْرٍ، قَدْ كَرِهَ رَسُولُ اللَّهِ ﷺ الْمَسْأَلَةَ الَّتِي سَأَلْتَهُ عَنْهَا. فَقَالَ عُوَيْمِرٌ: وَاللَّهِ لَا أَنْتَهِيَ حَتَّى أَسْأَلَهُ عَنْهَا. فَأَقْبَلَ عُوَيْمِرٌ حَتَّى جَاءَ رَسُولَ اللَّهِ ﷺ وَسَطَ النَّاسِ فَقَالَ: يَا رَسُولَ اللَّهِ، أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا، أَيَقْتُلُهُ فَتَقْتُلُونَهُ؟ أَمْ كَيْفَ يَفْعَلُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «قَدْ أَنْزَلَ اللَّهُ فِيكَ وَفِي صَاحِبَتِكَ، فَادْهَبْ فَأْتِ بِهَا». قَالَ سَهْلٌ: فَتَلَاعَنَّا وَأَنَا مَعَ النَّاسِ عِنْدَ رَسُولِ اللَّهِ ﷺ، فَلَمَّا فَرَعَا مِنْ

تَلَاغِيهِمَا قَالَ عُوَيْمِرٌ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللَّهِ إِنَّ أَمْسَكْتُهَا، فَطَلَّقَهَا ثَلَاثًا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللَّهِ ﷺ. قَالَ ابْنُ شِهَابٍ: فَكَانَتْ سُنَّةَ الْمُتَلَاعِنِينَ. [راجع: ٤٢٣]

(٣٠) بَابُ التَّلَاغِينِ فِي الْمَسْجِدِ

(30) CHAPTER. To carry out *Li'ān*⁽¹⁾ in a mosque.

5309. Narrated Ibn Juraij: Ibn Shihāb informed me about *Li'ān* and the tradition related to it, referring to the narration of Sahl bin Sa'd, the brother of Banu Sā'ida. He said, "An *Anṣārī* man came to Allāh's Messenger ﷺ and said, 'O Allāh's Messenger! If a man saw another man with his wife, should he kill him, or what should he do?' So Allāh revealed concerning his affair what is mentioned in the Qur'an about the affair of those involved in a case of *Li'ān*. The Prophet ﷺ said, 'Allāh has given His Verdict regarding you and your wife.' So they carried out *Li'ān* in the mosque while I was present there. When they had finished, the man said, 'O Allāh's Messenger! If I should now keep her with me as a wife then I have told a lie about her.' Then he divorced her thrice without being ordered by Allāh's Messenger ﷺ, when they had finished the *Li'ān* process. So he divorced her in front of the Prophet ﷺ." Ibn Shihāb added, "After their case, it became a tradition that a couple involved in a case of *Li'ān* should be separated by divorce. That lady was pregnant then, and later on her son was called by his mother's name. The tradition concerning their inheritance was that she would be his heir and he would inherit of her property, the share Allāh had prescribed for

٥٣٠٩ - حَدَّثَنَا يَحْيَى بْنُ جَعْفَرٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي ابْنُ شِهَابٍ، عَنِ الْمَلَاعِنَةِ وَعَنِ السُّنَّةِ فِيهَا عَنْ حَدِيثِ سَهْلِ بْنِ سَعْدٍ أَخِي بَنِي سَاعِدَةَ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ جَاءَ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ، أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا، أَيْقَلُّهُ أَمْ كَيْفَ يَفْعَلُ؟ فَأَنْزَلَ اللَّهُ فِي شَأْنِهِ مَا ذَكَرَ فِي الْقُرْآنِ مِنْ أَمْرِ الْمُتَلَاعِنِينَ. فَقَالَ النَّبِيُّ ﷺ: «قَدْ قَضَى اللَّهُ فِيكَ وَفِي امْرَأَتِكَ»، قَالَ: فَتَلَاعَنَّا فِي الْمَسْجِدِ وَأَنَا شَاهِدٌ، فَلَمَّا فَرَغَا قَالَ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللَّهِ إِنَّ أَمْسَكْتُهَا، فَطَلَّقَهَا ثَلَاثًا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللَّهِ ﷺ حِينَ فَرَغَا مِنَ التَّلَاغِينِ، فَفَارَقَهَا عِنْدَ النَّبِيِّ ﷺ فَقَالَ: كَانَ ذَلِكَ تَفْرِيقًا بَيْنَ كُلِّ مُتَلَاعِنِينَ. قَالَ ابْنُ جُرَيْجٍ: قَالَ ابْنُ شِهَابٍ: فَكَانَتْ السُّنَّةُ بَعْدَهُمَا أَنْ

(1) (Chap. 30) *Li'ān*: See the glossary.

him." Ibn Shihāb said that Sahl bin Sa'd As-Sā'idi said that the Prophet ﷺ said (in the above narration), "If that lady delivers a small red child like a lizard, then the lady has spoken the truth and the man was a liar, but if she delivers a child with black eyes and huge lips, then her husband has spoken the truth." Then she delivered it in the shape one would dislike (as it proved her guilty).

يَفْرَقَ بَيْنَ الْمُتَلَاعِنِينَ، وَكَانَتْ حَامِلًا
وَكَانَ ابْنُهَا يُدْعَى لَأُمِّهِ، قَالَ: ثُمَّ
جَرَتْ السُّنَّةُ فِي مِيرَاثِهَا أَنَّهَا تَرَتْهُ
وَوَيْرَتْ مِنْهَا مَا قَرَضَ اللَّهُ لَهُ. قَالَ ابْنُ
جُرَيْجٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَهْلِ
ابْنِ سَعْدٍ السَّاعِدِيِّ فِي هَذَا الْحَدِيثِ:
أَنَّ النَّبِيَّ ﷺ قَالَ: «إِنْ جَاءَتْ بِه
أَحْمَرَ قَصِيرًا كَأَنَّهُ وَحَرَةٌ فَلَا أَرَاهَا إِلَّا
قَدْ صَدَقَتْ وَكَذَبَ عَلَيْهَا، وَإِنْ جَاءَتْ
بِهِ أَسْوَدَ أَعْيُنَ ذَا الْأَيْتِينَ فَلَا أَرَاهُ إِلَّا
قَدْ صَدَقَ عَلَيْهَا». فَجَاءَتْ بِه عَلَى
الْمَكْرُوهِ مِنْ ذَلِكَ. [راجع: ٤٢٣]

(31) CHAPTER. The statement of the Prophet ﷺ: "If I were to stone any person to death without witnesses."

(٣١) بَابُ قَوْلِ النَّبِيِّ ﷺ: «لَوْ كُنْتُ رَاجِمًا بِغَيْرِ بَيِّنَةٍ»

5310. Narrated Al-Qāsim bin Muḥammad: Ibn 'Abbās رضي الله عنهما said, "Once Li'ān was mentioned before the Prophet ﷺ whereupon 'Āṣim bin Adī said something and went away. Then a man from his tribe came to him, complaining that he had found a man with his wife. 'Āṣim said, 'I have not been put to task except for my statement (about Li'ān).' 'Āṣim took the man to the Prophet ﷺ and the man told him of the state in which he had found his wife. The man was pale, thin, and of lank hair, while the other man whom he claimed he had seen with his wife, was brown, fat and had much flesh on his calves. The Prophet ﷺ invoked, saying, 'O Allāh! Reveal the truth.' So that lady delivered a child resembling the man whom her husband had mentioned he had found her with. The Prophet ﷺ then made them carry out Li'ān." Then a man from that gathering asked Ibn 'Abbās, "Was she the

٥٣١٠ - حَدَّثَنَا سَعِيدُ بْنُ عُمَيْرٍ:
حَدَّثَنِي اللَّيْثُ، عَنْ يَحْيَى بْنِ سَعِيدٍ،
عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنِ
الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنِ ابْنِ عَبَّاسٍ:
أَنَّهُ ذَكَرَ التَّلَاغُ عِنْدَ النَّبِيِّ ﷺ فَقَالَ
عَاصِمُ بْنُ عَدِيٍّ فِي ذَلِكَ قَوْلًا ثُمَّ
انصَرَفَ. فَأَتَاهُ رَجُلٌ مِنْ قَوْمِهِ يَشْكُو
إِلَيْهِ أَنَّهُ قَدْ وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَقَالَ
عَاصِمٌ: مَا ابْتَلَيْتُ بِهَذَا إِلَّا لِقَوْلِي،
فَذَهَبَ بِهِ إِلَى النَّبِيِّ ﷺ فَأُخْبِرَهُ بِالَّذِي
وَجَدَ عَلَيْهِ امْرَأَتَهُ، وَكَانَ ذَلِكَ الرَّجُلُ
مُضْفَرًا قَلِيلَ اللَّحْمِ سَبَطَ الشَّعْرِ،
وَكَانَ الَّذِي ادَّعَى عَلَيْهِ أَنَّهُ وَجَدَهُ عِنْدَ
أَهْلِهِ آدَمَ حَدَلًا كَثِيرَ اللَّحْمِ، فَقَالَ

same lady regarding which the Prophet ﷺ had said, 'If I were to stone to death someone without witness, I would have stoned this lady?' Ibn 'Abbās said, "No, that was another lady who, though being a Muslim, used to arouse suspicion by her outright misbehaviour."

النَّبِيِّ ﷺ: «اللَّهُمَّ بَيْنَ»، فَجَاءَتْ شَيْبَةً بِالرَّجُلِ الَّذِي ذَكَرَ زَوْجَهَا أَنَّهُ وَجَدَهُ فَلَا عَنَ النَّبِيِّ ﷺ بَيْنَهُمَا، قَالَ رَجُلٌ لِابْنِ عَبَّاسٍ فِي الْمَجْلِسِ: هِيَ الَّتِي قَالَ النَّبِيُّ ﷺ: «لَوْ رَجَمْتُ أَحَدًا بَعِيرِ بَيْتِي، رَجَمْتُ هَذِهِ؟» فَقَالَ: لَا، تِلْكَ امْرَأَةٌ كَانَتْ تُظْهِرُ فِي الْإِسْلَامِ السُّوَاءَ. قَالَ أَبُو صَالِحٍ وَعَبْدُ اللَّهِ بْنُ يُوسُفَ: آدَمُ خَذَلًا. [انظر:

[٥٣١٦، ٦٨٥٦، ٦٨٥٥، ٧٢٣٨]

(٣٢) بَابُ صَدَاقِ الْمَلَاعَةِ

(32) CHAPTER. The *Mahr* in the case of *Li'an*.

5311. Narrated Sa'īd bin Jubair: I asked Ibn 'Umar, "(What is the verdict if) a man accuses his wife of illegal sexual intercourse?" Ibn 'Umar said, "The Prophet ﷺ separated (by divorce) the couple of Banī Al-'Ajlān, and said (to them), 'Allāh knows that one of you two is a liar; so will one of you repent?' But both of them refused. He again said, 'Allāh knows that one of you two is a liar; so will one of you repent?' But both of them refused. So he separated them by divorce." [Ayyūb, a sub-narrator said: 'Amr bin Dīnār said to me, "There is something else in this *Hadīth* which you have not mentioned. It goes thus: The man said, 'What about my money (i.e. the *Mahr* that I have given to my wife)?' It was said, 'You have no right to restore any money, for if you have spoken the truth (as regards the accusation), you have also consummated your marriage with her; and if you have told a lie, you are less rightful to have your money back'."]].

٥٣١١ - حَدَّثَنِي عَمْرُو بْنُ زُرَّارَةَ: أَخْبَرَنَا إِسْمَاعِيلُ، عَنِ أَيُّوبَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: قُلْتُ لِابْنِ عَمْرٍ: رَجُلٌ قَذَفَ امْرَأَتَهُ؟ فَقَالَ: فَفَرَّقَ النَّبِيُّ ﷺ بَيْنَ أَخَوَيْ بَنِي الْعَجْلَانِ، وَقَالَ: «اللَّهُ يَعْلَمُ أَنَّ أَحَدَكُمَا كَاذِبٌ، فَهَلْ مِنْكُمَا تَائِبٌ؟» فَأَيُّابُ. فَقَالَ: «اللَّهُ يَعْلَمُ أَنَّ أَحَدَكُمَا كَاذِبٌ، فَهَلْ مِنْكُمَا تَائِبٌ؟» فَأَيُّابُ. فَقَالَ: «اللَّهُ يَعْلَمُ أَنَّ أَحَدَكُمَا لِكَاذِبٌ، فَهَلْ مِنْكُمَا تَائِبٌ؟» فَأَيُّابُ، فَفَرَّقَ بَيْنَهُمَا. قَالَ أَيُّوبُ: فَقَالَ لِي عَمْرُو بْنُ دِينَارٍ: إِنَّ فِي الْحَدِيثِ شَيْئًا لَا أَرَاكَ تُحَدِّثُهُ، قَالَ: قَالَ الرَّجُلُ: مَالِي؟ قَالَ: قِيلَ: «لَا مَالَ لَكَ، إِنْ كُنْتَ صَادِقًا فَقَدْ دَخَلْتَ بِهَا، وَإِنْ كُنْتَ كَاذِبًا فَهِيَ أَبْعَدُ

مِنْكَ». [انظر: ٥٣١٢، ٥٣٤٩، ٥٣٥٠]

(33) CHAPTER. The saying of the *Imām* (ruler) to those who are involved in a case of *Li'an*: "Surely one of you two is a liar; so will one of you repent (to Allāh)?"

(٣٣) بَابُ قَوْلِ الْإِمَامِ لِلْمُتَلَاعِنِينَ: إِنَّ أَحَدَكُمَا كَاذِبٌ، فَهَلْ مِنْكُمَا مِنْ تَائِبٍ؟

5312. Narrated Sa'īd bin Jubair: I asked Ibn 'Umar about those who were involved in a case of *Li'an*. He said, "The Prophet ﷺ said to those who were involved in a case of *Li'an*, 'Your accounts are with Allāh. One of you two is a liar, and you (the husband) have no right over her (she is divorced)'. The man said, 'What about my property (*Mahr*)?' The Prophet ﷺ said, 'You have no right to get back your property. If you have told the truth about her then your property was for the consummation of your marriage with her; and if you told a lie about her, then you are less rightful to get your property back.'" Sufyān, a subnarrator said: I learned the *Hadīth* from 'Amr.

٥٣١٢ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: قَالَ عَمْرُو: سَمِعْتُ سَعِيدَ ابْنَ جُبَيْرٍ قَالَ: سَأَلْتُ ابْنَ عَمَرَ عَنِ الْمُتَلَاعِنِينَ فَقَالَ: قَالَ النَّبِيُّ ﷺ لِلْمُتَلَاعِنِينَ: «حِسَابُكُمَا عَلَى اللَّهِ، أَحَدُكُمَا كَاذِبٌ، لَا سَبِيلَ لَكَ عَلَيْهَا». قَالَ: مَالِي؟ قَالَ: «لَا مَالَ لَكَ، إِنْ كُنْتَ صَدَقْتَ عَلَيْهَا فَهُوَ بِمَا اسْتَحَلَّكَ مِنْ فَرْجِهَا، وَإِنْ كُنْتَ كَذَبْتَ عَلَيْهَا فَذَاكَ أَبْعَدُ لَكَ». قَالَ سُفْيَانُ: حَفِظْتُهُ مِنْ عَمْرُو. وَقَالَ أَيُّوبُ: سَمِعْتُ سَعِيدَ بْنَ جُبَيْرٍ قَالَ: قُلْتُ لِابْنِ عَمَرَ: رَجُلٌ لَاعَنَ امْرَأَتَهُ؟ فَقَالَ بِإِضْبَاعِهِ - وَفَرَّقَ سُفْيَانُ بَيْنَ إِضْبَاعِهِ السَّبَابَةِ وَالْوُسْطَى - فَرَّقَ النَّبِيُّ ﷺ بَيْنَ أَحْوَى بَنِي الْعَجْلَانِ. وَقَالَ: «اللَّهُ يَعْلَمُ إِنَّ أَحَدَكُمَا كَاذِبٌ فَهَلْ مِنْكُمَا تَائِبٌ؟» ثَلَاثَ مَرَّاتٍ. قَالَ سُفْيَانُ: حَفِظْتُهُ مِنْ عَمْرُو وَأَيُّوبَ كَمَا أَخْبَرْتُكَ. [راجع: ٥٣١١]

Narrated Ayyūb: I heard Sa'īd bin Jubair saying, "I asked Ibn 'Umar, 'If a man (accuses his wife for an illegal sexual intercourse and) carries out the process of *Li'an* (what will happen)?' Ibn 'Umar set two of his fingers apart. (Sufyān set his index finger and middle finger apart.) Ibn 'Umar said, 'The Prophet ﷺ separated the couple of Banī Al-'Ajlan by divorce and said thrice: Allāh knows that one of you two is a liar; so will one of you repent (to Allāh)?' "

(٣٤) بَابُ التَّفْرِيقِ بَيْنَ الْمُتَلَاعِنِينَ

(34) CHAPTER. The separation (divorce) between those who are involved in a case of *Li'an*.

5313. Narrated Ibn 'Umar رضي الله عنهما: Allāh's Messenger ﷺ separated (divorced) the wife from her husband who accused her

٥٣١٣ - حَدَّثَنِي إِبْرَاهِيمُ بْنُ الْمُنْذِرِ: حَدَّثَنَا أَنَسُ بْنُ عِيَاضٍ، عَنِ

for an illegal sexual intercourse, and made them take the oath of *Li'an*.

5314. Narrated Ibn 'Umar : The Prophet ﷺ made an *Anṣārī* man and his wife carry out *Li'an*, and then separated them by divorce.

(35) CHAPTER. The child is to be given to the lady (accused by her husband for an illegal sexual intercourse).

5315. Narrated Ibn 'Umar : The Prophet ﷺ made a man and his wife carry out *Li'an*, and the husband repudiated her child. So the Prophet ﷺ got them separated (by divorce) and decided that the child belonged to the mother only.

(36) CHAPTER. The statement of the *Imām* : "O Allāh! Reveal the truth."

5316. Narrated Ibn 'Abbās رضي الله عنهما : Those involved in a case of *Li'an* were mentioned before Allāh's Messenger ﷺ. 'Āṣim bin Adī said something about that and then left. Later on a man from his tribe came to him and told him that he had found another man with his wife. On that 'Āṣim said, "I have not been put to task except for what I have said (about *Li'an*)." 'Āṣim took the man to Allāh's Messenger ﷺ and he told him of the state in which he found his wife. The man was pale, thin and lank-haired, while the other man whom he had found with his wife was brown, fat with thick calves and

عُيِّدَ اللهُ، عَنْ نَافِعٍ: أَنَّ ابْنَ عُمَرَ رَضِيَ اللهُ عَنْهُمَا أَحْبَرَهُ: أَنَّ رَسُولَ اللهِ ﷺ فَرَّقَ بَيْنَ رَجُلٍ وَامْرَأَةٍ قَذَفَهَا وَأَحْلَفَهُمَا. [راجع: ٤٧٤٨]

٥٣١٤ - حَدَّثَنِي مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ عُيَيْدِ اللهِ: أَخْبَرَنِي نَافِعٌ، عَنْ ابْنِ عُمَرَ قَالَ: لَاعَنَ النَّبِيُّ ﷺ بَيْنَ رَجُلٍ وَامْرَأَةٍ مِنَ الْأَنْصَارِ وَفَرَّقَ بَيْنَهُمَا. [راجع: ٤٧٤٨]

(٣٥) بَابٌ: يُلْحَقُ الْوَلَدُ بِالْمَلَاعِئَةِ

٥٣١٥ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا مَالِكٌ قَالَ: حَدَّثَنِي نَافِعٌ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ لَاعَنَ بَيْنَ رَجُلٍ وَامْرَأَتِهِ فَانْتَفَى مِنْ وَلَدِهَا، فَفَرَّقَ بَيْنَهُمَا وَالْحَقُّ الْوَلَدَ بِالْمَرَأَةِ. [راجع: ٤٧٤٨]

(٣٦) بَابٌ قَوْلِ الْإِمَامِ: اللَّهُمَّ بَيِّنْ

٥٣١٦ - حَدَّثَنَا إِسْمَاعِيلُ، قَالَ: حَدَّثَنِي سُلَيْمَانُ بْنُ بِلَالٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ الْقَاسِمِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: ذَكَرَ الْمُتَلَاعِنَانِ عِنْدَ رَسُولِ اللهِ ﷺ فَقَالَ عَاصِمُ بْنُ عَدِيٍّ فِي ذَلِكَ قَوْلًا، ثُمَّ أَنْصَرَفَ فَأَتَاهُ رَجُلٌ مِنْ قَوْمِهِ فَذَكَرَ لَهُ أَنَّهُ وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا. فَقَالَ

curly hair. Allāh's Messenger ﷺ said, "O Allāh! Reveal the truth." Then the lady delivered a child resembling the man whom her husband had mentioned he had found with her. So Allāh's Messenger ﷺ ordered them to carry out *Li'an*. A man from that gathering said to Ibn 'Abbās, "Was she the same lady regarding whom Allāh's Messenger ﷺ said, 'If I were to stone to death someone without witnesses, I would have stoned this lady?'" Ibn 'Abbās said, "No, that was another lady who, though being a Muslim, used to arouse suspicion because of her outright misbehaviour."

عاصِمٌ: ما ابْتُلِيتُ بِهَذَا الْأَمْرِ إِلَّا لِقَوْلِي. فَذَهَبَ بِهِ إِلَى رَسُولِ اللَّهِ ﷺ فَأَخْبَرَهُ بِالَّذِي وَجَدَ عَلَيْهِ أَمْرَاتَهُ، وَكَانَ ذَلِكَ الرَّجُلُ مُضْفَرًا قَلِيلَ اللَّحْمِ سَبَطَ الشَّعْرَ، وَكَانَ الَّذِي وَجَدَهُ عِنْدَ أَهْلِهِ آدَمَ خَدْلًا كَثِيرَ اللَّحْمِ جَعْدًا قَطِطًا. فَقَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ بَيِّنْ». فَوَضَعَتْ شَبِيهَا بِالرَّجُلِ الَّذِي ذَكَرَ زَوْجَهَا أَنَّهُ وَجَدَ عِنْدَهَا. فَلَا عَن رَسُولِ اللَّهِ ﷺ بَيْنَهُمَا، فَقَالَ رَجُلٌ لِابْنِ عَبَّاسٍ فِي الْمَجْلِسِ: هِيَ الَّتِي قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ رَجِمْتُ أَحَدًا بغيرِ بَيِّنَةٍ لَرَجِمْتُ هَذِهِ؟» فَقَالَ ابْنُ عَبَّاسٍ: لا، تِلْكَ امْرَأَةٌ كَانَتْ تُظْهِرُ السُّوءَ فِي الْإِسْلَامِ. [راجع: ٥٣١٠]

(37) CHAPTER. If a person divorces his wife thrice and she marries another man after the completion of her *'idda* but the second husband does not consummate his marriage with her.

(٣٧) بَابُ: إِذَا طَلَّقَهَا ثَلَاثًا ثُمَّ تَزَوَّجَتْ بَعْدَ الْعِدَّةِ زَوْجًا غَيْرَهُ فَلَمْ يَمَسَّهَا

5317. Narrated 'Aishah رضي الله عنها Rifā'a Al-Qurazī married a lady and then divorced her whereupon she married another man. She came to the Prophet ﷺ and said that her new husband did not approach her, and that he was completely impotent. The Prophet ﷺ said (to her), "No (you cannot re-marry your first husband) till you taste the second husband and he tastes you (i.e. till he consummates his marriage with you.)"

٥٣١٧ - حَدَّثَنِي عُمَرُو بْنُ عَلِيٍّ: حَدَّثَنَا يَحْيَى: حَدَّثَنَا هِشَامٌ قَالَ: حَدَّثَنِي أَبِي، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ. حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ رِفَاعَةَ الْقُرَظِيَّ تَزَوَّجَ امْرَأَةً ثُمَّ طَلَّقَهَا فَتَزَوَّجَتْ آخَرَ. فَأَتَتْ النَّبِيَّ ﷺ فَذَكَرَتْ لَهُ أَنَّهُ لَا يَأْتِيهَا، وَأَنَّهُ لَيْسَ

مَعَهُ إِلَّا مِثْلَ هُدْيَةٍ، فَقَالَ: «لَا، حَتَّى تَذُوقِي عُسَيْلَتَهُ، وَيَذُوقَ عُسَيْلَتِكَ».

[راجع: ٢٦٣٩]

(38) CHAPTER. “And those of your women as have passed the age of monthly courses, for them the *Iddah* (prescribed period), if you have doubt, (about their periods)...”

(V.65:4)

Mujāhid said: If you have any doubt whether they still have monthly courses or not. The period of *Iddah* for those ladies who have reached the menopause, or have never menstruated, is three months.

(٣٨) بَابُ: «وَالَّتِي بَيِّنَ مِنَ الْمَحِيضِ مِنْ نَسَائِكِ إِنْ أَرْتَبْتَهُ».

قَالَ مُجَاهِدٌ: إِنْ لَمْ تَعْلَمُوا يَحِضْنَ أَوْ لَا يَحِضْنَ، وَاللَّائِي قَعْدَنَ عَنِ الْحَيْضِ وَاللَّائِي لَمْ يَحِضْنَ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ.

(39) CHAPTER. “For those who are pregnant (whether they are divorced or their husbands are dead) their *Iddah* (period) is until they laydown their burdens.” (V.65:4)

(٣٩) بَابُ: «وَأُولَئِكَ الْأَحْمَالُ إِنْ أَنْ يَضَعْنَ حَمْلَهُنَّ».

5318. Narrated Umm Salama, the wife of the Prophet ﷺ: A lady from Banī Aslam, called Subai‘a, became a widow while she was pregnant. Abū As-Sanābil bin Ba‘kak demanded her hand in marriage, but she refused to marry him and said, “By Allah, I cannot marry him unless I have completed one of the two prescribed periods.” About ten days later (after giving birth to her child), she went to the Prophet ﷺ and he said (to her), “You can marry now.”

٥٣١٨ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزِ الْأَعْرَجِ قَالَ: أَخْبَرَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ أَنَّ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ أَخْبَرَتْهُ عَنْ أُمِّهَا أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ ﷺ: أَنَّ امْرَأَةً مِنْ أَسْلَمَ يُقَالُ لَهَا: سُبَيْعَةُ، كَانَتْ تَحْتَ زَوْجِهَا، تُوفِّيَ عَنْهَا وَهِيَ حُبْلَى، فَخَطَبَهَا أَبُو السَّنَابِلِ بْنُ بَعَكَكٍ، فَأَبَتْ أَنْ تَتَكَحَّمَهُ، فَقَالَتْ: وَاللَّهِ مَا يَضْلُحُ أَنْ تَتَكَحَّمَهُ حَتَّى تَعْتَدِّي آخِرَ الْأَجَلِينَ. فَمَكَثَتْ قَرِيبًا مِنْ عَشْرِ لَيَالٍ ثُمَّ جَاءَتِ النَّبِيَّ ﷺ فَقَالَ: «انكِحِي». [راجع: ٤٩٠٩]

5319. Narrated 'Ubaidullāh bin 'Abdullāh that his father had written to Ibn Al-Arqam a letter asking him to ask Subai'a Al-Aslamīya how the Prophet ﷺ had given her the verdict. She said, "The Prophet ﷺ gave me his verdict that after I gave birth, I could marry."

٥٣١٩ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ، عَنِ اللَّيْثِ، عَنْ زَيْدِ بْنِ أَبِي عُبَيْدٍ، أَنَّ ابْنَ شِهَابٍ كَتَبَ إِلَيْهِ أَنَّ عُبَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ أَخْبَرَهُ عَنْ أَبِيهِ: أَنَّهُ كَتَبَ إِلَى ابْنِ الْأَرْقَمِ أَنَّ يَسْأَلُ سُبَيْعَةَ الْأَسْلَمِيَّةَ: كَيْفَ أَفْتَاهَا النَّبِيُّ ﷺ؟ فَقَالَتْ: أَفْتَانِي إِذَا وَضَعْتُ أَنْ أَنْكِحَ. [راجع: ٣٩٩١]

5320. Narrated Al-Miswar bin Makhrama: Subai'a Al-Aslamīya gave birth to a child a few days after the death of her husband. She came to the Prophet ﷺ and asked permission to re-marry, and the Prophet ﷺ gave her permission, and she got married.

٥٣٢٠ - حَدَّثَنَا يَحْيَى بْنُ قَزَعَةَ، حَدَّثَنَا مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ الْمِسْوَرِ بْنِ مَخْرَمَةَ: أَنَّ سُبَيْعَةَ الْأَسْلَمِيَّةَ نَفَسَتْ بَعْدَ وَفَاةِ زَوْجِهَا بَلِيَالٍ، فَجَاءَتِ النَّبِيَّ ﷺ فَاسْتَأْذَنَتْهُ أَنْ تَنْكِحَ، فَأَذِنَ لَهَا فَتَنَكَحَتْ.

(40) CHAPTER. The Statement of Allāh تعالى: "And divorced women shall wait (as regards their marriage) for three menstrual periods." (V.2:228)

Ibrāhīm said regarding such a woman as married during the period of *Idda* and had three monthly courses while with him (her second husband). She is regarded as divorced from her first husband.

(٤٠) بَابُ قَوْلِ اللَّهِ تَعَالَى: ﴿وَالْمُطَلَّقَاتُ يَرْجِعْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ﴾ [البقرة: ٢٢٨]

وقال إبراهيم فيمن تزوج في العدة فحاضت عنده ثلاث حيض: بانث من الأول ولا تحتسب به لمن بعده. وقال الزهري: تحتسب، وهذا أحب إلى سفيان، يعني قول الزهري. وقال معمر: يقال: أقرأت المرأة، إذا دنا حيضها، وأقرأت إذا دنا طهرها، ويقال: ما قرأت بسلى قط، إذا لم تجتمع ولداً في بطنها.

(41) CHAPTER. The story of Fāṭima bint Qais.

(٤١) قِصَّةُ فَاطِمَةَ بِنْتِ قَيْسٍ وَقَوْلِ اللَّهِ