

Al-Hasan (Al-Baṣrī) said: If a person mistakenly marries a lady from the forbidden degrees of consanguinity (i.e. *Mahram*) they should be separated with divorce, and she would keep what she has taken of the *Mahr*. And she would not be entitled to take anything else. Later on Al-Hasan said: She would be entitled to take her full *Mahr*. (See H. 2237)

5346. Narrated Abū Mas'ūd رضي الله عنه: The Prophet ﷺ prohibited taking the price of a dog, the earnings of a soothsayer and the money earned by prostitution. (See H.2237)

5347. Narrated Abū Juhaifa: The Prophet ﷺ cursed the lady who practises tattooing and the one who gets herself tattooed, and one who eats (takes) *Ribā*<sup>(1)</sup> (usury) and the one who gives it. And he prohibited taking the price of a dog, and the money earned by prostitution, and cursed the makers of pictures. (See H. 2086 and 2238)

5348. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ forbade taking the earnings of a slave-girl by prostitution.

(52) CHAPTER. (What is said regarding) the *Mahr* of the lady whose husband entered upon her to consummate his marriage. And does, just entering upon one's bride, and staying with her in seclusion mean the same as the consummation of marriage. And

وَقَالَ الْحَسَنُ: إِذَا تَزَوَّجَ مُحْرَمَةً وَهُوَ لَا يَشْعُرُ، فُرِّقَ بَيْنَهُمَا وَلَهَا مَا أَخَذَتْ، وَلَيْسَ لَهَا غَيْرُهُ، ثُمَّ قَالَ بَعْدُ: لَهَا صَدَاقُهَا.

٥٣٤٦ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى النَّبِيُّ ﷺ عَنِ ثَمَنِ الْكَلْبِ، وَحُلْوَانِ الْكَاهِنِ، وَمَهْرِ الْبَغِيِّ. [راجع: ٢٢٣٧]

٥٣٤٧ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا عَوْنُ بْنُ أَبِي جُحَيْفَةَ، عَنْ أَبِيهِ قَالَ: لَعَنَ النَّبِيُّ ﷺ الْوَأَشِمَةَ وَالْمُسْتَوَشِمَةَ، وَأَكَلَ الرِّبَا وَمُوكَلَّهُ. وَنَهَى عَنْ ثَمَنِ الْكَلْبِ، وَكَسْبِ الْبَغِيِّ، وَلَعَنَ الْمُصَوِّرِينَ. [راجع: ٢٠٨٦]

٥٣٤٨ - حَدَّثَنَا عَلِيُّ بْنُ الْجَعْدِ: أَخْبَرَنَا شُعْبَةُ، عَنْ مُحَمَّدِ بْنِ جُحَادَةَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ: نَهَى النَّبِيُّ ﷺ عَنْ كَسْبِ الْإِمَاءِ. [راجع: ٢٢٨٣]

(٥٢) بَابُ الْمَهْرِ لِلْمَدْخُولِ عَلَيْهَا، وَكَيْفَ الدُّخُولُ؟ أَوْ طَلَّقَهَا قَبْلَ الدُّخُولِ وَالْمَسِيِسِ

(1) (H. 5347) *Ribā*: See the glossary.

(what) if a man divorced his wife before entering upon her and before consummating his marriage with her.

5349. Narrated Sa'īd bin Jubair: I said to Ibn 'Umar, "If a man accuses his wife of illegal sexual intercourse (what is the judgement)?" He said, "Allāh's Prophet ﷺ separated the couple of Banī 'Ajlān (when the husband accused his wife for an illegal sexual intercourse). The Prophet ﷺ said, 'Allāh knows that one of you two is a liar; so will one of you repent?' But they refused. He then again said, 'Allāh knows that one of you two is a liar; so will one of you repent?' But they refused, whereupon he separated them by divorce." Ayyūb (a subnarrator) said: 'Amr bin Dīnār said to me, "In the narration there is something which I do not see you mentioning, i.e. the husband said, "What about my money (*Mahr*)?" The Prophet ﷺ said, "You are not entitled to take back your money, for if you told the truth you have already entered upon her (and consummated your marriage with her) and if you are a liar then you are less entitled to take it back."

٥٣٤٩ - حَدَّثَنَا عَمْرُو بْنُ زُرَّارَةَ:

أَخْبَرَنَا إِسْمَاعِيلُ، عَنْ أَيُّوبَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: قُلْتُ لِابْنِ عَمْرٍو: رَجُلٌ قَدَفَ امْرَأَتَهُ، فَقَالَ: فَرَّقَ نَبِيُّ اللَّهِ ﷺ بَيْنَ أَخْوَيِّ بَنِي الْعَجْلَانِ، وَقَالَ: «اللَّهُ يَعْلَمُ أَنَّ أَحَدَكُمَا كَاذِبٌ، فَهَلْ مِنْكُمَا تَائِبٌ؟» فَأَيُّبَا، فَقَالَ: «اللَّهُ يَعْلَمُ أَنَّ أَحَدَكُمَا كَاذِبٌ، فَهَلْ مِنْكُمَا تَائِبٌ؟» فَأَيُّبَا، فَفَرَّقَ بَيْنَهُمَا. قَالَ أَيُّوبُ: فَقَالَ لِي عَمْرُو بْنُ دِينَارٍ: فِي الْحَدِيثِ شَيْءٌ لَا أَرَاكَ تُحَدِّثُهُ، قَالَ: قَالَ الرَّجُلُ: مَالِي؟ قَالَ: «لَا مَالَ لَكَ، إِنْ كُنْتَ صَادِقًا فَقَدْ دَخَلْتَ بِهَا، وَإِنْ كُنْتَ كَاذِبًا فَهِيَ أَبْعَدُ مِنْكَ». [راجع: ٥٣١١]

(53) CHAPTER. The gift given by a husband to a divorced lady for whom *Mahr* has not been fixed, by virtue of the Statement of Allāh تعالى:

"There is no sin on you if you divorce women while yet you have not touched (had sexual relation with) them nor appointed unto them their *Mahr* (bridal money given by the husband to his wife at the time of marriage) (up to) All-Seer of what you do."

(V.2:236,237)

And Allāh also said:

"And for divorced women, maintenance (should be provided) on a reasonable (scale). This is a duty on *Al-Muttaqūn*<sup>(1)</sup>

(٥٣) بَابُ الْمُنْعَةِ لِلَّتِي لَمْ يُفْرَضْ لَهَا

لِقَوْلِهِ تَعَالَى: ﴿لَا جُنَاحَ عَلَيْكُمْ إِنْ

طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ تَفْرِسُوا

لَهُنَّ فَرِيضَةٌ ۖ إِلَى قَوْلِهِ: ﴿بَصِيرًا﴾

[البقرة: ٢٣٦-٢٣٧] وَقَوْلِهِ: ﴿وَاللَّطَّافَتِ

مَنْعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ﴾ (٢٤١)

كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ

لَعَلَّكُمْ تَعْقِلُونَ﴾ [البقرة: ٢٤١-٢٤٢]

وَلَمْ يَذْكُرِ النَّبِيُّ ﷺ فِي الْمُلَاعَنَةِ

مُنْعَةً حِينَ طَلَّقَهَا زَوْجَهَا.

(1) (Chap. 53) *Al-Muttaqūn* means pious and righteous persons who fear Allāh much=

(the pious). Thus Allāh makes clear His *Ayāt* (laws) to you in order that you may understand”. (V.2:241,242)

The Prophet ﷺ did not mention that the gift should be given to the lady whom her husband divorced after they had been involved in a case of *Li'an*.

5350. Narrated Ibn 'Umar رضي الله عنهما: 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. You (husband) have right on her (wife).” The husband said, “My money, O Allāh's Messenger!” The Prophet ﷺ said, “You are not entitled to take back any money. If you have told the truth, the *Mahr* that you paid, was for having sexual relations with her lawfully; and if you are a liar, then you are less entitled to get it back.”

٥٣٥٠ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرٍو، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ قَالَ لِلْمُتَلَاعِنِينَ: «حِسَابُكُمْ عَلَى اللَّهِ، أَحَدُكُمْ كَاذِبٌ، لَا سَبِيلَ لَكَ عَلَيْهَا». قَالَ: يَا رَسُولَ اللَّهِ، مَالِي؟ قَالَ: «لَا مَالَ لَكَ، إِنْ كُنْتَ صَدَقْتَ عَلَيْهَا فَهُوَ بِمَا اسْتَحْلَلْتَ مِنْ فَرْجِهَا، وَإِنْ كُنْتَ كَاذِبًا فَذَاكَ أَبْعَدُ، وَأَبْعَدُ لَكَ مِنْهَا». [راجع: ٥٣١١]

=(abstain from all kinds of sins and evil deeds which He has forbidden) and love Allāh much (perform all kinds of good deeds which He has ordained).

## 69 - THE BOOK OF PROVISION: (Outlay)

## ٦٩ - كتاب النفقات

(1) CHAPTER. And the superiority of providing for one's family.

And the Statement of Allāh عَزَّ وَجَلَّ:

“And they ask you what they ought to spend. Say: That which is beyond your needs. Thus Allāh make clear to you His laws in order that you may give thought in (to) this worldly life and the Hereafter.” (V.2:219,220)

And Al-Hasan said: “*Al-'Afwū*” means the surplus (i.e. beyond your needs).

5351. Narrated Abū Mas'ūd Al-Anṣārī: The Prophet ﷺ said, “When a Muslim spends something on his family intending to receive Allāh's reward, it is regarded as *Ṣadaqa* (act of charity) for him.”

5352. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, “Allāh said: ‘O son of Adam! Spend, and I shall spend on you’.”

5353. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, “The one who looks after a widow or a poor person is like a *Mujāhid* (warrior) who fights for Allāh's Cause, or like him who performs *Ṣalāt* (prayers) all the night and observes *Saum*

(١) وَفَضْلُ التَّمَقَّةِ عَلَى الْأَهْلِ، وَقَوْلُ اللَّهِ عَزَّ وَجَلَّ

﴿وَسْئَلُونَكَ مَاذَا يُنفِقُونَ قُلِ الْمَوْءُودُ كَذَلِكَ يبينُ اللهُ لَكُمْ الْآيَاتِ لِمَلِكِكُمْ تَنفِكُونَ، فِي الدُّنْيَا وَالْآخِرَةِ﴾ [البقرة: ٢١٩] وَقَالَ الْحَسَنُ: ﴿الْمَوْءُودُ﴾: الْفَضْلُ.

٥٣٥١ - حَدَّثَنَا آدَمُ بْنُ أَبِي إِمَامٍ: حَدَّثَنَا شُعْبَةُ، عَنْ عَدِيِّ بْنِ ثَابِتٍ قَالَ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ زَيْدِ الْأَنْصَارِيِّ، عَنْ أَبِي مَسْعُودِ الْأَنْصَارِيِّ: فَقُلْتُ: عَنِ النَّبِيِّ ﷺ؟ فَقَالَ: عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا أَنْفَقَ الْمُسْلِمُ نَفَقَةً عَلَى أَهْلِهِ وَهُوَ يَحْتَسِبُهَا كَانَتْ لَهُ صَدَقَةً».

٥٣٥٢ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «قَالَ اللهُ: أَنْفِقْ يَا ابْنَ آدَمَ أَنْفِقْ عَلَيَّ».

[راجع: ٤٦٨٤]

٥٣٥٣ - حَدَّثَنَا يَحْيَى بْنُ قَزَعَةَ: حَدَّثَنَا مَالِكٌ، عَنْ ثَوْرِ بْنِ زَيْدٍ، عَنْ أَبِي الْغَيْثِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ: «السَّاعِي

(fast) all the day.”

5354. Narrated Sa'd رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ visited me at Makkah while I was ill. I said (to him), “I have property; May I bequeath all my property in Allāh's Cause?” He said, “No.” I said, “Half of it?” He said, “No.” I said, “One-third of it?” He said, “One-third (is alright), yet it is still too much, for you'd better leave your inheritors wealthy than leave them poor, begging of others. Whatever you spend will be considered a *Sadaqa* (act of charity) for you, even the mouthful of food you put in the mouth of your wife. Anyhow Allāh may let you recover, so that some people may benefit by you and others be harmed by you.”

(2) CHAPTER. It is obligatory to spend for one's wife and household.

5355. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, “The best alms is that which is given when one is rich, and a giving hand is better than a taking one, and you should start first to support your dependants. A wife says, ‘You should either provide me with food or divorce me.’ A slave says, ‘Give me food and enjoy my service.’ A son says, ‘Give me food; to whom do you leave me?’” The people said, “O Abū Hurairah! Did you hear that from Allāh's Messenger ﷺ?” He said, “No, it is from my ownself.”

على الأزملة والمسكين كالمجاهد في سبيل الله، أو القائم الليل الصائم النهار». [انظر: ٦٠٠٦، ٦٠٠٧]

٥٣٥٤ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ سَعْدِ رَضِيَ اللهُ عَنْهُ قَالَ: كَانَ النَّبِيُّ ﷺ يَعُوذُنِي وَأَنَا مَرِيضٌ بِمَكَّةَ، فَقُلْتُ: لِي مَالٌ، أَوْصِي بِمَالِي كُلِّهِ؟ قَالَ: «لا»، قُلْتُ: فَالْشُّظْرُ؟ قَالَ: «لا»، قُلْتُ: فَالثُّلُثُ؟ قَالَ: «الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ. أَنْ تَدَعَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدْعَهُمْ عَالَةً يَتَكَفَّمُونَ النَّاسَ فِي أَيْدِيهِمْ، وَمَهْمَا أَنْفَقْتَ فَهُوَ لَكَ صَدَقَةٌ حَتَّى اللَّقْمَةَ تَرْفَعُهَا فِي فِي امْرَأَتِكَ، وَلَعَلَّ اللهُ يَرْفَعَكَ، يَنْتَفِعُ بِكَ نَاسٌ، وَيُضْرُّ بِكَ آخَرُونَ».

(٢) بَابُ وَجُوبِ النَّفَقَةِ عَلَى الْأَهْلِ وَالْعِيَالِ

٥٣٥٥ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا الْأَعْمَشُ. حَدَّثَنَا أَبُو صَالِحٍ قَالَ: حَدَّثَنِي أَبُو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ: «أَفْضَلُ الصَّدَقَةِ مَا تَرَكَ غَنَى، وَالْيَدُ الْعُلْيَا خَيْرٌ مِنَ الْيَدِ السُّفْلَى، وَأَبْدَأُ بِمَنْ تَعُولُ». تَقُولُ الْمَرْأَةُ: إِمَّا أَنْ تُطْعِمَنِي وَإِمَّا أَنْ تُطَلِّقَنِي، وَيَقُولُ الْعَبْدُ: أَطْعِمْنِي وَاسْتَعْمِلْنِي، وَيَقُولُ

الإبن: أَطْعِمْنِي، إِلَى مَنْ تَدْعُنِي؟  
فَقَالُوا: يَا أَبَا هُرَيْرَةَ، سَمِعْتَ هَذَا  
مِنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ: لَا، هَذَا  
مِنْ كَيْسِ أَبِي هُرَيْرَةَ. [راجع: ١٤٢٦]

5356. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "The best alms is that which you give when you are rich, and you should start first to support your dependants."

٥٣٥٦ - حَدَّثَنَا سَعِيدُ بْنُ عُمَيْرٍ  
قَالَ: حَدَّثَنِي اللَّيْثُ قَالَ: حَدَّثَنِي عَبْدُ  
الرَّحْمَنِ بْنُ خَالِدِ بْنِ مُسَافِرٍ عَنْ ابْنِ  
شِهَابٍ، عَنْ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي  
هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «خَيْرُ  
الصَّدَقَةِ مَا كَانَ عَنْ ظَهْرٍ عَنِّي، وَأَبْدَأُ  
بِمَنْ تَعُولُ». [راجع: ١٤٢٦]

(3) CHAPTER. To provide one's family with food sufficient for one year in advance. And how one should spend on his dependants.

5357. Narrated 'Umar رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ used to sell the dates of the garden of Banī An-Naḍīr and store food for his family that would cover their needs for a whole year.

(٣) بَابُ حَبْسِ الرَّجُلِ قُوَّتِ سَنَتِهِ  
عَلَى أَهْلِهِ، وَكَيْفَ نَفَقَاتِ الْعِيَالِ؟  
٥٣٥٧ - حَدَّثَنِي مُحَمَّدُ بْنُ  
سَلَامٍ: أَخْبَرَنَا وَكَيْعٌ، عَنِ ابْنِ عُيَيْنَةَ  
قَالَ: قَالَ لِي مَعْمَرٌ: قَالَ لِي  
الثَّوْرِيُّ: هَلْ سَمِعْتَ فِي الرَّجُلِ  
يَجْمَعُ لِأَهْلِهِ قُوَّتَ سَنَتِهِمْ أَوْ بَعْضَ  
السَّنَةِ؟ قَالَ مَعْمَرٌ: فَلَمْ يَحْضُرْنِي، ثُمَّ  
ذَكَرْتُ حَدِيثًا حَدَّثَنَا ابْنُ شِهَابٍ  
الزُّهْرِيُّ، عَنْ مَالِكِ بْنِ أَوْسٍ، عَنْ  
عُمَرَ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ  
كَانَ يَبِيعُ نَخْلَ بَنِي النَّضِيرِ وَيَحْسِبُ  
لِأَهْلِهِ قُوَّتَ سَنَتِهِمْ. [راجع: ٢٩٠٤]

5358. Narrated Mālik bin Aus bin Al-Hadathān: Once I set out to visit 'Umar (bin Al-Khattāb). (While I was sitting there with him) his gatekeeper, Yarfā', came and said, "Uthmān, 'Abdur-Rahmān (bin 'Auf), Az-Zubair and Sa'd (bin Abī Waqqāṣ) are

٥٣٥٨ - حَدَّثَنَا سَعِيدُ بْنُ عُمَيْرٍ  
قَالَ: حَدَّثَنِي اللَّيْثُ قَالَ: حَدَّثَنَا  
عُقَيْلٌ، عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي  
مَالِكُ بْنُ أَوْسِ ابْنِ الْحَدَثَانِ، وَكَانَ

seeking permission (to meet you).” ‘Umar said, “Yes.” So he admitted them and they entered, greeted, and sat down. After a short while Yarfā’ came again and said to ‘Umar, “Shall I admit ‘Alī and ‘Abbās?” ‘Umar said, “Yes.” He admitted them and when they entered, they greeted and sat down. ‘Abbās said, “O Chief of the believers! Judge between me and this (‘Alī).” The group, ‘Uthmān and his companions said, “O Chief of the believers! Judge between them and relieve one from the other.” ‘Umar said, “Wait! I beseech you by Allāh, by Whose Permission both the heaven and the earth stand fast! Do you know that Allāh’s Messenger ﷺ said, ‘Our (Messenger’s) property will not be inherited and whatever we leave is *ṣadaqa* (to be given in charity).’ And by that Allāh’s Messenger ﷺ meant himself?” The group said, “He did say so.” ‘Umar then turned towards ‘Alī and ‘Abbās and said, “I beseech you both by Allāh, do you know that Allāh’s Messenger ﷺ said that?” They said, “Yes.” ‘Umar said, “Now, let me talk to you about this matter. Allāh favoured His Messenger ﷺ with something of this property (war booty) which He did not give to anybody else. And Allāh said:

‘And what Allāh gave as booty (*Fai*) to His Messenger (Muhammad ﷺ) from them for which you made no expedition with either cavalry or camelry... Allāh is Able to do all things.’ (V.59:6)

“So this property was especially granted to Allāh’s Messenger ﷺ. But by Allāh he neither withheld it from you, nor did he keep it for himself and deprive you of it, but he gave it all to you and distributed it among you till only this remained out of it. And out of this property Allāh’s Messenger ﷺ used to provide his family with their yearly needs, and whatever remained, he would spend

مُحَمَّدُ بْنُ جُبَيْرٍ بْنِ مُطْعِمٍ ذَكَرَ لِي ذِكْرًا مِنْ حَدِيثِهِ فَأَنْطَلَقْتُ حَتَّى دَخَلْتُ عَلَى مَالِكِ بْنِ أُوَيْسٍ فَسَأَلْتُهُ فَقَالَ مَالِكٌ: أَنْطَلَقْتُ حَتَّى أَدْخَلَنِي عَلَى عُمَرَ إِذْ أَتَاهُ حَاجِبُهُ يَرْفَأُ فَقَالَ: هَلْ لَكَ فِي عُثْمَانَ وَعَبْدِ الرَّحْمَنِ وَالزُّبَيْرِ وَسَعْدِ يَسْتَأْذِنُونَ؟ قَالَ: نَعَمْ، فَأَذِنَ لَهُمْ. قَالَ: فَدَخَلُوا وَسَلَّمُوا فَجَلَسُوا. ثُمَّ لَبِثَ يَرْفَأُ قَلِيلًا، فَقَالَ لِعُمَرَ: هَلْ لَكَ فِي عَلِيٍّ وَعَبَّاسٍ؟ قَالَ: نَعَمْ، فَأَذِنَ لَهُمَا، فَلَمَّا دَخَلَا سَلَّمَا وَجَلَسَا.

فَقَالَ عَبَّاسٌ: يَا أَمِيرَ الْمُؤْمِنِينَ، أَفْضُ بَيْنِي وَبَيْنَ هَذَا، فَقَالَ الرَّهْطُ عُثْمَانُ وَأَصْحَابُهُ: يَا أَمِيرَ الْمُؤْمِنِينَ، أَفْضُ بَيْنَهُمَا وَأَرْحُ أَحَدَهُمَا مِنَ الْآخَرِ. فَقَالَ عُمَرُ: اتَّبِدُوا، أَتَشُدُّكُمْ بِاللَّهِ الَّذِي بِهِ تَقُومُ السَّمَاءُ وَالْأَرْضُ، هَلْ تَعْلَمُونَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا نُورَثُ، مَا تَرَكْنَا صَدَقَةٌ»، يُرِيدُ رَسُولُ اللَّهِ ﷺ نَفْسَهُ؟ قَالَ الرَّهْطُ: قَدْ قَالَ ذَلِكَ. فَأَقْبَلَ عُمَرُ عَلَى عَلِيٍّ وَعَبَّاسٍ فَقَالَ: أَتَشُدُّكُمَا بِاللَّهِ، هَلْ تَعْلَمَانِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ ذَلِكَ؟ قَالَا: قَدْ قَالَ ذَلِكَ، قَالَ عُمَرُ: فَإِنِّي أُحَدِّثُكُمْ عَنْ هَذَا الْأَمْرِ، إِنَّ اللَّهَ كَانَ حَصَّ رَسُولَهُ ﷺ فِي هَذَا الْمَالِ بِشَيْءٍ لَمْ يُعْطِهِ أَحَدًا غَيْرَهُ، قَالَ اللَّهُ: ﴿وَمَا آفَاةُ اللَّهِ عَلَى رَسُولِهِ مِنْهُمْ فَمَا أَوْجَفْتُمْ عَلَيْهِ

where Allāh's Property (the revenues of *Zakāt*) used to be spent. Allāh's Messenger ﷺ kept on acting like this throughout his lifetime. Now I beseech you by Allāh, do you know that?" They said, "Yes." Then 'Umar said to 'Alī and 'Abbās, "I beseech you by Allāh, do you both know that?" They said, "Yes." 'Umar added, "When Allāh had taken His Messenger ﷺ unto Him, Abū Bakr said, 'I am the successor of Allāh's Messenger ﷺ.' So he took charge of that property and did with it the same what Allāh's Messenger ﷺ used to do, and both of you knew all about it then." Then 'Umar turned towards 'Alī and 'Abbās and said, "You both claim that Abū Bakr was so-and-so! But Allāh knows that he was honest, sincere, pious and right (in that matter). Then Allāh caused Abū Bakr to die, and I said, 'I am the successor of Allāh's Messenger ﷺ and Abū Bakr.' So I kept this property in my possession for the first two years of my rule, and I used to do the same with it as Allāh's Messenger ﷺ and Abū Bakr used to do. Later both of you ('Alī and 'Abbās) came to me with the same claim and the same problem. (O 'Abbās!) You came to me demanding your share from (the inheritance of) the son of your brother, and he ('Alī) came to me demanding his wife's share from (the inheritance of) her father. So I said to you, 'If you wish I will hand over this property to you, on condition that you both promise me before Allāh that you will manage it in the same way as Allāh's Messenger ﷺ and Abū Bakr did, and as I have done since the beginning of my rule; otherwise you should not speak to me about it.' So you both said, 'Hand over this property to us on this condition.' And on this condition I handed it over to you. I beseech you by Allāh, did I hand it over to

مِنْ حَيْلٍ وَلَا رِكَابٍ إِلَى قَوْلِهِ: ﴿قَدِيرٌ﴾ فَكَانَتْ هَذِهِ خَالِصَةً لِرَسُولِ اللَّهِ ﷺ، وَاللَّهُ مَا اخْتَارَهَا دُونَكُمْ وَلَا اسْتَأْثَرَ بِهَا عَلَيْكُمْ. لَقَدْ أَعْطَاكُمْوهَا وَبَثَّهَا فِيكُمْ حَتَّى بَقِيَ مِنْهَا هَذَا الْمَالُ، فَكَانَ رَسُولُ اللَّهِ ﷺ يُنْفِقُ عَلَى أَهْلِهِ نَفَقَةً سَتَيْتَهُمْ مِنْ هَذَا الْمَالِ، ثُمَّ يَأْخُذُ مَا بَقِيَ، فَيَجْعَلُهُ مَجْعَلَ مَا لِلَّهِ، فَعَمِلَ بِذَلِكَ رَسُولُ اللَّهِ ﷺ حَيَاتِهِ. أَنْشُدْكُمْ بِاللَّهِ، هَلْ تَعْلَمُونَ ذَلِكَ؟ قَالُوا: نَعَمْ، قَالَ لِعَلِيِّ وَعَبَّاسٍ: أَنْشُدْكُمْ بِاللَّهِ، هَلْ تَعْلَمَانِ ذَلِكَ؟ قَالَا: نَعَمْ. ثُمَّ تَوَفَّى اللَّهُ نَبِيَّهُ ﷺ فَقَالَ أَبُو بَكْرٍ: أَنَا وَلِيُّ رَسُولِ اللَّهِ ﷺ فَقَبَضَهَا أَبُو بَكْرٍ فَعَمِلَ فِيهَا بِمَا عَمِلَ بِهِ فِيهَا رَسُولُ اللَّهِ ﷺ وَأَنْتُمَا حَيْتِيذٍ - وَأَقْبَلَ عَلِيٌّ عَلِيٌّ وَعَبَّاسٍ - تَرَعُمَانِ أَنَّ أَبَا بَكْرٍ كَذَّابٌ وَكَذَّابٌ وَاللَّهُ يَعْلَمُ، أَنَّهُ فِيهَا صَادِقٌ بَارٌّ رَاشِدٌ تَابِعٌ لِلْحَقِّ. ثُمَّ تَوَفَّى اللَّهُ أَبَا بَكْرٍ، فَقُلْتُ: أَنَا وَلِيُّ رَسُولِ اللَّهِ ﷺ وَأَبِي بَكْرٍ، فَقَبَضْتُهَا سَتَيْنِ أَعْمَلُ فِيهَا بِمَا عَمِلَ رَسُولُ اللَّهِ ﷺ وَأَبُو بَكْرٍ، ثُمَّ جِئْتُمَانِي وَكَلِمَتُكُمَا وَاحِدَةٌ وَأَمْرُكُمَا جَمِيعٌ، جِئْتَنِي تَسْأَلْنِي نَصِيكَ مِنْ ابْنِ أَخِيكَ، وَأَتَى هَذَا يَسْأَلُنِي نَصِيْبَ أَمْرَائِهِ مِنْ أَبِيهَا فَقُلْتُ: إِنَّ شَيْئًا دَفَعْتُهُ إِلَيْكُمَا عَلَى أَنَّ

them on that condition?" The group said, "Yes." 'Umar then faced 'Alī and 'Abbās and said, "I beseech you both by Allāh, did I hand it over to you both on that condition?" They both said, "Yes." 'Umar added, "Do you want me now to give a decision other than that? By Him with Whose Permission (Order) both the heaven and the earth stand fast, I will never give any decision other than that till the Hour is established! But if you are unable to manage it (that property), then return it to me and I will be sufficient for it on your behalf." (See H. 3094)

عَلَيْكُمَا عَهْدَ اللَّهِ وَمِيثَاقَهُ لَتَعْمَلَانِ فِيهَا بِمَا عَمِلَ بِهِ رَسُولُ اللَّهِ ﷺ وَبِمَا عَمِلَ بِهِ فِيهَا أَبُو بَكْرٍ، وَبِمَا عَمِلْتَ بِهِ فِيهَا مُنْذُ وُلِّيْتَهَا، وَإِلَّا فَلَا تُكَلِّمَانِي فِيهَا. فَقُلْتُمَا: اذْفَعُهَا إِلَيْنَا بِذَلِكَ، فَذَفَعْتُهَا إِلَيْكُمَا بِذَلِكَ. أَنْشَدُكُمْ بِاللَّهِ هَلْ ذَفَعْتُهَا إِلَيْهِمَا بِذَلِكَ؟ فَقَالَ الرَّهْطُ: نَعَمْ. قَالَ: فَأَقْبَلَ عَلِيَّ وَعَبَّاسٍ فَقَالَ: أَنْشَدُكُمَا بِاللَّهِ هَلْ ذَفَعْتُهَا إِلَيْكُمَا بِذَلِكَ؟ قَالَا: نَعَمْ. قَالَ: أَفَتَلْتَمِسانِ مِنِّي قَضَاءَ غَيْرِ ذَلِكَ؟ فَوَالَّذِي بِيَاذِهِ تَقُومُ السَّمَاءُ وَالْأَرْضُ لَا أَقْضِي فِيهَا قَضَاءَ غَيْرِ ذَلِكَ حَتَّى تَقُومَ السَّاعَةُ، فَإِنْ عَجَزْتُمَا عَنْهَا فَادْفَعَاهَا، فَأَنَا أَكْفِيكُمَاهَا. [راجع:

[٢٩٠٤

**(4) CHAPTER. The expenditure of a woman whose husband is away from her, and the expenditure of her child.**

5359. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا: Hind bint 'Utba came and said, "O Allāh's Messenger! Abū Sufyān is a miser so is it sinful of me to feed our children from his property?" Allāh's Messenger ﷺ said, "No except if you take for your needs what is just and reasonable."

**(٤) بَابُ نَفَقَةِ الْمَرَأَةِ إِذَا غَابَ عَنْهَا رَوْجُهَا، وَنَفَقَةِ الْوَالِدِ**

٥٣٥٩ - حَدَّثَنَا ابْنُ مِقَاتٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يُونُسُ، عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي عُرْوَةُ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: جَاءَتْ هِنْدُ بِنْتُ عُتْبَةَ فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنَّ أَبَا سُفْيَانَ رَجُلٌ مَسِيكٌ، فَهَلْ عَلَيَّ حَرَجٌ أَنْ أُطْعِمَ مِنَ الَّذِي لَهُ، عِيَالِنَا؟ قَالَ: «لا، إِلَّا بِالْمَعْرُوفِ».

[راجع: ٢٢١١]

5360. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "If the wife gives of her

٥٣٦٠ - حَدَّثَنَا يَحْيَى: حَدَّثَنَا

husband's property (something in charity) without his permission, he will get half the reward."

(5) CHAPTER. "The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling... (up to)... Allāh is All-Seeing of what you do". (V.2:233)

And Allāh also said :

"And the bearing of him (the child) and the weaning of him is (a period of) 30 months." (V.46:15)

And Allāh said :

"But if you make difficulties for one another, then some other woman may give suck for him (the child's father). Let the rich man spend according to his means and the man whose resources are restricted... (up to)... after hardship, ease." (V.65:6,7)

Az-Zuhri said : Allāh has forbidden that a (divorced) mother should hurt her child by saying, "I am not going to suckle it," for her milk is the best for it and she is usually kinder and more gentle to it than any other woman. Therefore she should not refuse (to suckle) it after her husband has provided her with what Allāh has enjoined upon him. And a father should not hurt his child and its mother by preventing the latter from suckling it just to harm her by giving it to some other woman. But there is no sin on them if both parents willingly agree to have their child suckled by some other woman; and there is no sin on them if they both want to wean their child on condition that their decision be based on mutual understanding and consultation.

عَبْدُ الرَّزَّاقِ، عَنِ مَعْمَرٍ، عَنِ هَمَّامٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا أَنْفَقَتِ الْمَرْأَةُ مِنْ كَسْبِ زَوْجِهَا مِنْ غَيْرِ أَمْرِهِ فَلَهُ يَصْفُ أَجْرِهِ». [راجع: ٢٠٦٦]

(٥) بَابُ: «وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِمَّ الرِّضَاعَةَ» إِلَى قَوْلِهِ: «بَصِيرًا» وَقَالَ: «وَحَمْلُهُ وَوَصْلُهُ ثَلَاثُونَ شَهْرًا» وَقَالَ: «وَإِنْ تَعَاسَرْتُمْ فَسَرِّضْ لَهُ أَخْرَى، لِئَلَّا يَكُونَ لِلنَّاسِ مَنَاسِكٌ مِنْ سَعْيِكَ، وَفِي ذَلِكَ حِكْمٌ لِقَوْمٍ يُفَكِّرُونَ» إِلَى قَوْلِهِ: «بَعْدَ عَسْرِ شَهْرًا»

وَقَالَ يُونُسُ عَنِ الزُّهْرِيِّ: نَهَى اللَّهُ تَعَالَى أَنْ تُضَارَّ وَالِدَةُ بَوْلِدِهَا، وَذَلِكَ أَنْ تَقُولَ الْوَالِدَةُ: لَسْتُ مُرْضِعَتُهُ، وَهِيَ أَثْمَلُ لَهُ غِذَاءً وَأَشْفَقُ عَلَيْهِ وَأَرْفَقُ بِهِ مِنْ غَيْرِهَا. فَلَيْسَ لَهَا أَنْ تَأْبَى بَعْدَ أَنْ يُعْطِيَهَا مِنْ نَفْسِهِ مَا جَعَلَ اللَّهُ عَلَيْهِ، وَلَيْسَ لِلْمَوْلُودِ لَهُ أَنْ يُضَارَّ بَوْلِدِهِ وَالِدَتَهُ، فَيَمْتَنِعَهَا أَنْ تُرْضِعَهُ ضَرَارًا لَهَا إِلَى غَيْرِهَا، فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يَسْتَرْضِعَا عَنْ طَيْبِ نَفْسِ الْوَالِدِ وَالْوَالِدَةِ، فَإِنْ أَرَادَا فَصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ، فَلَا جُنَاحَ عَلَيْهِمَا بَعْدَ أَنْ يَكُونَ ذَلِكَ عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ. «وَفِصْلُهُ»: فَطَامُهُ.