

knows... (up to)... Oft-Forgiving, Most Forbearing.” (V2:235)

النِّسَاءَ أَوْ أَكْتَنَمُ فِي أَنْفُسِكُمْ عَلِمَ  
اللَّهُ ﴿الآيَةَ إِلَى قَوْلِهِ: ﴿عَفْوَرٌ حَلِيمٌ﴾

[البقرة: ٢٣٥]

أَكْتَنَمُ: أَضْمَرْتُمْ فِي أَنْفُسِكُمْ،  
وَكُلُّ شَيْءٍ صُنْتُهُ وَأَضْمَرْتَهُ فَهُوَ  
مَكْنُونٌ.

5124. Ibn ‘Abbās said: “Hint your intention of marrying” is made by saying (to the widow) for example: ‘I want to marry, and I wish that Allāh will make a righteous lady available for me’. Al-Qāsim said: One may say to the widow: ‘I hold all respect for you, and I am interested in you; Allāh will bring you much good,’ or something similar.

‘Aṭā said: One should hint his intention, and should not declare it openly. One may say: ‘I have some need. Have good tidings. Praise is to Allāh; you are fit to remarry.’ She (the widow) may say in reply: ‘I am listening to what you say,’ but she should not make a promise. Her guardian should not make a promise (to somebody to get her married to him) without her knowledge. But if, while still in the ‘Iddat period, she makes a promise to marry somebody, and he ultimately marries her, they are not to be separated by divorce (i.e., the marriage is valid).

٥١٢٤ - وَقَالَ لِي طَلَّقَ: حَدَّثَنَا  
زَائِدَةٌ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ،  
عَنِ ابْنِ عَبَّاسٍ ﴿فِيمَا عَرَضْتُمْ بِهِ مِنْ  
خُطْبَةِ النِّسَاءِ﴾ يَقُولُ: إِنِّي أُرِيدُ التَّزْوِيجَ  
وَلَوْ دِدْتُ أَنَّهُ يَسَّرَ لِي امْرَأَةً صَالِحَةً.  
وَقَالَ الْقَاسِمُ: يَقُولُ: إِنَّكَ عَلَيَّ  
كَرِيمَةٌ وَإِنِّي فِيكَ لِرَاغِبٌ، وَإِنَّ اللَّهَ  
لَسَاتِقٌ إِلَيْكَ خَيْرًا أَوْ نَحْوَ هَذَا. وَقَالَ  
عَطَاءٌ: يُعَرِّضُ وَلَا يُبُوحُ، يَقُولُ: إِنَّ  
لِي حَاجَةً وَأُبَشِّرِي وَأَنْتِ بِحَمْدِ اللَّهِ  
نَافِقَةٌ، وَتَقُولُ هِيَ: قَدْ أَسْمَعُ مَا  
تَقُولُ، وَلَا تَعِدُّ شَيْئًا. وَلَا يُوَاعِدُ  
وَلِيهَا بَعِيرٌ عَلِمَهَا، وَإِنْ وَاَعَدْتَ رَجُلًا  
فِي عِدَّتِهَا ثُمَّ نَكَحَهَا بَعْدَ لَمْ يَفْرُقْ  
بَيْنَهُمَا. وَقَالَ الْحَسَنُ ﴿لَا تُوَاعِدُوهُنَّ  
سِرًّا﴾ الرَّنَا: وَيُذَكَّرُ عَنِ ابْنِ عَبَّاسٍ  
﴿حَتَّى يَبْلُغَ الْكُتُبَ أَجَلَهُ﴾ انْقِضَاءُ  
الْعِدَّةِ.

(36) CHAPTER. (It is permissible) to look at a woman before marrying her.

(٣٦) بَابُ النَّظَرِ إِلَى الْمَرْأَةِ قَبْلَ  
التَّزْوِيجِ

5125. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: Allāh’s Messenger ﷺ said (to me), “You were shown to me in a dream. An angel

٥١٢٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا  
حَمَادُ ابْنُ زَيْدٍ، عَنْ هِشَامٍ، عَنْ أَبِيهِ،

brought you to me, wrapped in a piece of silken cloth, and said to me, 'This is your wife.' I removed the piece of cloth from your face, and there you were. I said to myself, 'If it is from Allāh, then it will surely be accomplished'."

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «أُرَيْتُكَ فِي الْمَنَامِ يَجِيءُ بِكَ الْمَلَكُ فِي سَرَقَةٍ مِنْ حَرِيرٍ فَقَالَ لِي: هَذِهِ أَمْرَاتُكَ، فَكَشَفْتُ عَنْ وَجْهِكَ التُّوبَ فَإِذَا أَنْتِ هِيَ، فَقُلْتُ: إِنَّ يَكُ هَذَا مِنْ عِنْدِ اللَّهِ يُمِضِهِ».

[راجع: ٣٨٩٥]

5126. Narrated Sahl bin Sa'd: A woman came to Allāh's Messenger ﷺ and said, "O Allāh's Messenger! I have come to you to present myself to you (for marriage)." Allāh's Messenger ﷺ glanced at her. He looked at her carefully and fixed his glance on her and then lowered his head. When the lady saw that he did not say anything, she sat down. A man from his companions got up and said, "O Allāh's Messenger! If you are not in need of her, then marry her to me."

٥١٢٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا

يَعْقُوبُ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ: أَنَّ امْرَأَةً جَاءَتْ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ، جِئْتُ لَأَهَبَ لَكَ نَفْسِي. فَتَنَظَرَ إِلَيْهَا رَسُولُ اللَّهِ ﷺ فَصَعَّدَ النَّظَرَ إِلَيْهَا وَصَوَّبَهُ ثُمَّ طَاطَأَ رَأْسَهُ، فَلَمَّا رَأَتِ الْمَرْأَةَ أَنَّهُ لَمْ يَقْبِضْ فِيهَا شَيْئًا جَلَسَتْ. فَقَامَ رَجُلٌ مِنْ أَصْحَابِهِ فَقَالَ: أَيُّ رَسُولِ اللَّهِ، إِنْ لَمْ تَكُنْ لَكَ بِهَا حَاجَةٌ فَرَوِّجْنِيهَا، فَقَالَ: «وَهَلْ عِنْدَكَ مِنْ شَيْءٍ؟» قَالَ: لَا، وَاللَّهِ يَا رَسُولَ اللَّهِ. قَالَ: «أَذْهَبَ إِلَى أَهْلِكَ فَاَنْظُرْ هَلْ تَجِدُ شَيْئًا»، فَذَهَبَ ثُمَّ رَجَعَ فَقَالَ: لَا، وَاللَّهِ يَا رَسُولَ اللَّهِ مَا وَجَدْتُ شَيْئًا. قَالَ: «انْظُرْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ»، فَذَهَبَ ثُمَّ رَجَعَ فَقَالَ: لَا، وَاللَّهِ يَا رَسُولَ اللَّهِ وَلَا خَاتَمَ مِنْ حَدِيدٍ، وَلَكِنْ هَذَا إِزَارِي - قَالَ سَهْلٌ: مَا لَهُ رِذَاءٌ - فَلَهَا بِنَفْسِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَا تَصْنَعُ بِإِزَارِكَ؟ إِنْ لَبِسْتَهُ لَمْ يَكُنْ

The Prophet ﷺ said, "Have you got anything to offer?" The man said, "No, by Allāh, O Allāh's Messenger!" The Prophet ﷺ said (to him), "Go to your family and try to find something." So the man went and returned, saying, "No, by Allāh, O Allāh's Messenger! I have not found anything." The Prophet ﷺ said, "Go again and look for something, even if it were an iron ring." He went and returned, saying, "No, by Allāh, O Allāh's Messenger! I could not find even an iron ring, but this is my *Izār* (waistsheet)." He had no *Ridā* (upper garment). He added, "I give half of it to her." Allāh's Messenger ﷺ said, "What will she do with your *Izār*? If you wear it, she will have nothing over herself thereof (will be naked); and if she wears it, then you will have nothing over yourself thereof." So the man sat for a long period and then got up (to leave). When Allāh's Messenger ﷺ saw him leaving, he ordered

that he be called back. When he came, the Prophet ﷺ asked (him), "How much of the Qur'an do you know (by heart)?" The man replied, "I know such *Sūrah* and such *Sūrah* and such *Sūrah*," naming the *Sūrah*. The Prophet ﷺ said, "Can you recite them by heart?" He said, "Yes." The Prophet ﷺ said, "Go, I let you marry her for what you know of the Qur'an."

عَلَيْهَا مِنْهُ شَيْءٌ، وَإِنْ لَيْسَتْ لَهُ يَكُنْ عَلَيْكَ شَيْءٌ. فَجَلَسَ الرَّجُلُ حَتَّى طَالَ مَجْلِسُهُ، ثُمَّ قَامَ فَرَأَهُ رَسُولُ اللَّهِ ﷺ مُوَلِّيًا فَأَمَرَ بِهِ فَدَعَا، فَلَمَّا جَاءَ قَالَ: «مَاذَا مَعَكَ مِنَ الْقُرْآنِ؟» قَالَ: «مَعِيَ سُورَةٌ كَذَا، وَسُورَةٌ كَذَا، وَسُورَةٌ كَذَا، عَادَهَا. قَالَ: «أَتَقْرَأُ هُنَّ عَنْ ظَهْرِ قَلْبِكَ؟» قَالَ: نَعَمْ، قَالَ: «أَذْهَبَ فَقَدْ مَلَكَتْكَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ». [راجع: ٢٣١٠]

(37) CHAPTER. Whoever said, A marriage is not valid except through the *Wali* (i.e. her father or her brother or her relative etc.)

(٣٧) بَابُ مَنْ قَالَ: لَا نِكَاحَ إِلَّا بِوَالِيٍّ،

By virtue of the Statement of Allāh تعالى :

لَقَوْلِ اللَّهِ تَعَالَى: ﴿وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَلَنْ يَأْتِيَنَّكُمْ أَجْلَهُنَّ فَلَا تَعْضُلُوهُنَّ﴾ [البقرة: ٢٣٢] فَدَخَلَ فِيهِ النَّيْبُ وَكَذَلِكَ الْبِكْرُ. وَقَالَ: ﴿وَلَا تُنكِحُوا الْمُشْرِكِينَ حَتَّى يُؤْمِنُوا﴾ [البقرة: ٢٢١] وَقَالَ: ﴿وَأَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ﴾ [النور: ٣٢].

“And when you have divorced women and they have fulfilled the term of their prescribed period, then do not prevent them...” (V.2:232)

And this order includes the matron as well as the virgin. Allāh also said :

“Do not marry *Al-Mushrikāt* (idolatresses etc.) till they believe (i.e., worship Allāh Alone).” (V.2:221)

And Allāh also said :

“Marry those among you who are single.” (V.24:32)

5127. Narrated ‘Urwa bin Az-Zubair: ‘Āishah, the wife of the Prophet ﷺ told him that there were four types of marriage during the Pre-Islāmic Period of Ignorance. One type was similar to that of the present day, i.e., a man used to ask somebody else for the hand of a girl under his guardianship or for his daughter's hand, and give her *Mahr* and then marry her. The second type was that a man would say to his wife after she had become clean from her period, “Send for so-

٥١٢٧ - حَدَّثَنَا يَحْيَىٰ بْنُ سُلَيْمَانَ: حَدَّثَنَا ابْنُ وَهْبٍ، عَنْ يُونُسَ. وَحَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْسَةُ: حَدَّثَنَا يُونُسُ، عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ أَنَّ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ أَخْبَرَتْهُ: أَنَّ النِّكَاحَ فِي الْجَاهِلِيَّةِ كَانَ عَلَىٰ أَرْبَعَةٍ

and-so and have sexual relations with him.” Her husband would then keep away from her and would never sleep with her till she got pregnant from the other man with whom she was sleeping. When her pregnancy became evident, her husband would sleep with her if he wished. Her husband did so (i.e., let his wife sleep with some other man) so that he might have a child of noble breed. Such marriage was called *Al-Istibdā'*. Another type of marriage was that a group of less than ten men would assemble and enter upon a woman, and all of them would have sexual relation with her. If she became pregnant and delivered a child and some days had passed after her delivery, she would sent for all of them and none of them would refuse to come, and when they all gathered before her, she would say to them, “You (all) know what you have done, and now I have given birth to a child. So, it is your child, O so-and-so!” naming whoever she liked, and her child would follow him and he could not refuse to take him. The fourth type of marriage was that many people would enter upon a lady and she would never refuse anyone who came to her. Those were the prostitutes who used to fix flags at their doors as signs, and he who wished, could have sexual intercourse with them. If anyone of them got pregnant and delivered a child, then all those men would be gathered for her and they would call the *Qā'if* (persons skilled in recognizing the likeness of a child to his father) to them and would let the child follow the man (whom they recognized as his father) and she would let him adhere to him and be called his son. The man could not refuse all that. But when Muḥammad ﷺ was sent with the Truth, he abolished all the types of marriages observed in the Pre-Islāmic Period of Ignorance except the type of

أنحاء: فَنِكَاحُ مِنْهَا نِكَاحُ النَّاسِ الْيَوْمَ، يَخْطُبُ الرَّجُلُ إِلَى الرَّجُلِ وَيَلْتَهُ أَوْ ابْنَتَهُ فَيُضِدُّهَا ثُمَّ يَنْكِحُهَا. وَنِكَاحُ الْآخَرِ: كَانَ الرَّجُلُ يَقُولُ لِأَمْرَاتِهِ إِذَا طَهَّرَتْ مِنْ طَمَئِثِهَا: أَرْسِلِي إِلَى فُلَانٍ فَاسْتَبْضِعِي مِنْهُ، وَبِعْتَرِزْهَا زَوْجَهَا وَلَا بَسْئَهَا أَبَدًا حَتَّى يَتَبَيَّنَ حَمْلُهَا مِنْ ذَلِكَ الرَّجُلِ الَّذِي تَسْتَبْضِعُ مِنْهُ، فَإِذَا تَبَيَّنَ حَمْلُهَا أَصَابَهَا زَوْجُهَا إِذَا أَحَبَّ، وَإِنَّمَا يَفْعَلُ ذَلِكَ رَغْبَةً فِي نَجَابَةِ الْوَلَدِ، فَكَانَ هَذَا النِّكَاحُ نِكَاحَ الْاسْتِبْضَاعِ. وَنِكَاحُ آخَرَ: يَجْتَمِعُ الرَّهْطُ مَا دُونَ الْعَشْرَةِ فَيَدْخُلُونَ عَلَى الْمَرْأَةِ كُلُّهُمْ يُصِيبُهَا فَإِذَا حَمَلَتْ وَوَضَعَتْ وَمَرَّ لَيَالٍ بَعْدَ أَنْ تَضَعَ حَمْلَهَا أَرْسَلَتْ إِلَيْهِمْ فَلَمْ يَسْتَطِعْ رَجُلٌ مِنْهُمْ أَنْ يَمْتَنِعَ حَتَّى يَجْتَمِعُوا عِنْدَهَا، تَقُولُ لَهُمْ: قَدْ عَرَفْتُمُ الَّذِي كَانَ مِنْ أَمْرِكُمْ وَقَدْ وَكَلْتُ فَهُوَ ابْنُكَ يَا فُلَانُ، تُسَمِّي مِنْ أَحَبَّتْ بِاسْمِهِ فَيَلْتَقُ بِهِ وَلَدُهَا، لَا يَسْتَطِعُ أَنْ يَمْتَنِعَ بِهِ الرَّجُلُ. وَنِكَاحُ الرَّابِعِ: يَجْتَمِعُ النَّاسُ الْكَثِيرُ فَيَدْخُلُونَ عَلَى الْمَرْأَةِ لَا تَمْتَنِعُ مِنْ جَاءِهَا، وَهِنَّ الْبَغَايَا كُنَّ يَنْصِبْنَ عَلَى أَبْوَابِهِنَّ رَايَاتٍ تَكُونُ عَلَمًا لِمَنْ أَرَادَهُنَّ دَخَلَ عَلَيْهِنَّ. فَإِذَا حَمَلَتْ إِخْدَاهُنَّ وَوَضَعَتْ حَمْلَهَا جُمِعُوا لَهَا وَدَعَوَا

marriage the people recognize today.

5128. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا as regards the Verse -

“And about what is recited unto you in the Book, concerning the orphan girls whom you give not the prescribed portions (as regards *Mahr* and inheritance) and yet, whom you desire to marry...” (V.4:127):

This Verse is about the female orphan who is under the guardianship of a man with whom she shares her property and he has more right over her (than anybody else) but does not like to marry her, so he prevents her, from marrying somebody else, lest he should share the property with him.

5129. Narrated ('Abdullāh) bin 'Umar: When Ḥaḥṣa, 'Umar's daughter became a widow because of the death of her (husband) Ibn Hudhāfa As-Sahmī, who was one of the companion of the Prophet ﷺ and the one of the Badr warriors and died at Al-Madīna, 'Umar said, “I met 'Uthmān bin 'Affān and gave him an offer saying, 'If you wish, I will marry Ḥaḥṣa to you.' He said, 'I will think it over.' I waited for a few days, then he met me and said, 'I have made up my mind not to marry at present'.” 'Umar added, “Then I met Abū Bakr and said to him, 'If you wish, I will marry Ḥaḥṣa to you'.” (See H. 5122)

لَهُمُ الْقَافَةُ ثُمَّ أَلْحَقُوا وَلَدَهَا بِالَّذِي يَرُونَ فَالْتَأَطَّنَتْ بِهِ وَدَعِيَ ابْنَهُ، لَا يَمْتَنِعُ مِنْ ذَلِكَ. فَلَمَّا بُعِثَ مُحَمَّدٌ ﷺ بِالْحَقِّ هَدَمَ نِكَاحَ الْجَاهِلِيَّةِ كُلَّهُ إِلَّا نِكَاحَ النَّاسِ الْيَوْمَ.

٥١٢٨ - حَدَّثَنَا يَحْيَى: حَدَّثَنَا

وكيع، عن هشام بن عروة، عن أبيه، عن عائشة ﴿وَمَا يَتْلَى عَلَيْكُمْ فِي الْكِتَابِ فِي يَتْلَى الْإِنْسَاءِ الَّتِي لَا تُوْتُوهُنَّ مَا كُتِبَ لَهُنَّ وَرَغِبُونَ أَنْ تَنكِحُوهُنَّ﴾ [النساء: ١٢٧] قَالَتْ: هَذَا فِي الْيَتِيمَةِ الَّتِي تَكُونُ عِنْدَ الرَّجُلِ لَعَلَّهَا أَنْ تَكُونَ شَرِيكَتَهُ فِي مَالِهِ وَهُوَ أَوْلَى بِهَا، فَيَرْغَبُ عَنْهَا أَنْ يَنْكِحَهَا فَيَعْضُلُهَا لِمَالِهَا وَلَا يُنْكِحُهَا غَيْرَهُ، كَرَاهِيَةً أَنْ يَشْرَكَهُ أَحَدٌ فِي مَالِهَا.

[راجع: ٢٤٩٤]

٥١٢٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ

مُحَمَّدٍ: حَدَّثَنَا هِشَامٌ: أَخْبَرَنَا مَعْمَرٌ: حَدَّثَنَا الزُّهْرِيُّ قَالَ: أَخْبَرَنِي سَالِمٌ: أَنَّ ابْنَ عُمَرَ أَخْبَرَهُ: أَنَّ عُمَرَ جِئَ تَأَيَّمَتْ حَفْصَةُ بِنْتُ عُمَرَ مِنْ ابْنِ حُدَافَةَ السَّهْمِيِّ، وَكَانَ مِنْ أَصْحَابِ النَّبِيِّ ﷺ مِنْ أَهْلِ بَدْرِ تُوْفِّيَ بِالْمَدِينَةِ، فَقَالَ عُمَرُ: لَقِيتُ عُثْمَانَ بْنَ عَفَانَ فَعَرَضْتُ عَلَيْهِ فَقُلْتُ: إِنْ شِئْتَ أَنْكِحْتُكَ حَفْصَةَ. فَقَالَ: سَأَنْظُرُ فِي أَمْرِي. فَلَبِثْتُ لِيَالِي ثُمَّ لَقِيتُ فَقَالَ:

بَدَا لِي أَنْ لَا أَتَزَوَّجَ يَوْمِي هَذَا. قَالَ  
عُمَرُ: فَلَقِيْتُ أَبَا بَكْرٍ فَقُلْتُ: إِنَّ  
شَيْئًا أَنْكَحْتِكَ حَفْصَةَ. [راجع: ٤٠٠٥]

٥١٣٠ - حَدَّثَنَا أَحْمَدُ بْنُ أَبِي  
عُمَرَ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي  
إِبْرَاهِيمُ، عَنْ يُوسُفَ، عَنِ الْحَسَنِ  
قَالَ: ﴿فَلَا تَمَّضُواهُمْ﴾ قَالَ: حَدَّثَنِي  
مَعْقِلُ بْنُ يَسَارٍ أَنَّهَا نَزَلَتْ فِيهِ، قَالَ:  
رَزَّجْتُ أَخْتًا لِي مِنْ رَجُلٍ فَطَلَّقَهَا،  
حَتَّى إِذَا انْقَضَتْ عِدَّتُهَا جَاءَ يَحْطُبُهَا.  
فَقُلْتُ لَهُ: رَزَّجْتُكَ وَأَفْرَسْتُكَ  
وَأَكْرَمْتُكَ فَطَلَّقْتَهَا، ثُمَّ جِئْتَ تَحْطُبُهَا؟  
لَا، وَاللَّهِ لَا تَعُودُ إِلَيْكَ أَبَدًا. وَكَانَ  
رَجُلًا لَا بَأْسَ بِهِ وَكَانَتِ الْمَرْأَةُ تُرِيدُ  
أَنْ تَرْجِعَ إِلَيْهِ، فَأَنْزَلَ اللَّهُ هَذِهِ الْآيَةَ  
﴿فَلَا تَمَّضُواهُمْ﴾ فَقُلْتُ: الْآنَ أَفْعَلُ يَا  
رَسُولَ اللَّهِ، قَالَ: فَزَوَّجْهَا يَاَهُ.  
[راجع: ٤٥٢٩]

5130. Narrated Al-Hasan concerning the Verse -

“...do not prevent them [from marrying their (former) husbands]...” (V.2:232):

Ma'quīl bin Yasār told me that it was revealed in his connection. He said, “I married my sister to a man and he divorced her, and when her days of 'Idda (three menstrual periods) were over, the man came again and asked for her hand, but I said to him, 'I married her to you and made her your bed (your wife) and favoured you with her, but you divorced her. Now you come to ask for her hand again? No, by Allāh, she will never go back to you (again)!’ That man was not a bad man and his wife wanted to go back to him. So Allāh revealed this Verse:

‘...do not prevent them [from marrying their (former) husbands]...’ (V.2:232)

So I said, ‘Now I will do it (let her go back to him), O Allāh’s Messenger’. So he married her to him again.

(38) CHAPTER. If the guardian himself is the suitor (of the lady in his charge) (can he marry her to himself or should another guardian marry her to him)?

Al-Mughīra bin Shu‘ba asked for the hand of a lady in marriage and he was the nearest guardian to her, so he asked another man to marry her to him. And ‘Abdur-Raḥmān bin ‘Auf asked Umm Ḥakīm, Qarīz’s daughter, “Do you entrust the question of your marriage to me?” She said, “Yes.” He said to her, “I have married you.” ‘Aṭā [being asked about a lady whom the only (near) relative she had wanted to marry] said, “Let

(٣٨) بَابُ: إِذَا كَانَ الْوَلِيُّ هُوَ  
الْحَاطِبُ،

وَخَطَبَ الْمُغِيرَةُ بْنُ شُعْبَةَ امْرَأَةً  
هُوَ أَوْلَى النَّاسِ بِهَا فَأَمَرَ رَجُلًا  
فَزَوَّجَهُ. وَقَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ  
لَأُمِّ حَكِيمِ بِنْتِ قَارِظٍ: أَتَجْعَلِينَ أَمْرَكَ  
إِلَيَّ؟ قَالَتْ: نَعَمْ، فَقَالَ: قَدْ  
تَزَوَّجْتُكَ. وَقَالَ عَطَاءُ: لِيُشْهَدَ: أَنِّي  
قَدْ نَكَحْتُكَ، أَوْ لِيَأْمُرَ رَجُلًا مِنْ

him make some people witness his saying, 'I have married you,' or ask a man from her kinsfolk (to marry her to him)." And Sahl said, "A woman said to the Prophet ﷺ, 'I present myself (for marriage) to you.' Then a man said, 'O Allāh's Messenger! If you are not in need of her then please marry her to me'."

5131. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا (regarding His Statement) -

"They ask your legal instruction concerning women. Say: Allāh instructs you about them..." (V.4:127):

It is about the female orphan who is under the guardianship of a man with whom she shares her property and he does not want to marry her and dislikes that someone else should marry her, lest he should share the property with him, so he prevents her from marrying. So Allāh forbade such a guardian to do so (i.e. to prevent her from marrying).

5132. Narrated Sahl bin Sa'd: While we were sitting in the company of the Prophet ﷺ a woman came to him and presented herself (for marriage) to him. The Prophet ﷺ looked at her, lowering his eyes and raising them, but did not give a reply. One of his Companions said, "Marry her to me. O Allāh's Messenger!" The Prophet ﷺ asked (him), "Have you got anything?" He said, "I have got nothing." The Prophet (ﷺ) said, "Not even an iron ring?" He said, "Not even an iron ring, but I will tear my garment into two halves and give her one half and keep the other half." The Prophet ﷺ said, "No. Do you know some of the Qur'ān (by heart)?" He said, "Yes." The Prophet ﷺ said, "Go, I have agreed to marry her to you with what you know of the Qur'ān (by heart)."

عَشِيرَتِهَا. وَقَالَ سَهْلٌ: قَالَتْ امْرَأَةٌ لِلنَّبِيِّ ﷺ: أَهْبُ لَكَ نَفْسِي، فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ، إِنْ لَمْ تَكُنْ لَكَ بِهَا حَاجَةٌ فَزَوِّجْنِيهَا.

٥١٣١ - حَدَّثَنَا ابْنُ سَلَامٍ:

أَخْبَرَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا هِشَامٌ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا فِي قَوْلِهِ: ﴿وَيَسْتَفْتُونَكَ فِي النِّسَاءِ قُلِ اللَّهُ يُنَبِّئُكُمْ فِيهِنَّ﴾ إِلَى آخِرِ الْآيَةِ [النساء: ١٢٧] قَالَ: هِيَ الْيَتِيمَةُ تَكُونُ فِي حَجْرِ الرَّجُلِ قَدْ سَرَّكَتْهُ فِي مَالِهِ فَيُرْعَبُ عَنْهَا أَنْ يَتَزَوَّجَهَا وَيَكْرَهُ أَنْ يُزَوَّجَهَا غَيْرَهُ فَيَدْخُلُ عَلَيْهِ فِي مَالِهِ فَيَحْسِبُهَا. فَتَهَاؤُمُ اللَّهِ عَنْ ذَلِكَ.

٥١٣٢ - حَدَّثَنَا أَحْمَدُ بْنُ

المِقْدَامِ: حَدَّثَنَا فُضَيْلُ بْنُ سُلَيْمَانَ: حَدَّثَنَا أَبُو حَازِمٍ: حَدَّثَنَا سَهْلُ بْنُ سَعْدٍ قَالَ: كُنَّا عِنْدَ النَّبِيِّ ﷺ جُلُوسًا فَبَجَاءَتْ امْرَأَةٌ تَعْرِضُ نَفْسَهَا عَلَيْهِ، فَحَفَّصَ فِيهَا الْبَصَرَ وَرَفَعَهُ فَلَمْ يَرِدْهَا. فَقَالَ رَجُلٌ مِنْ أَصْحَابِهِ: زَوِّجْنِيهَا يَا رَسُولَ اللَّهِ، قَالَ: «أَعْنَدُكَ مِنْ شَيْءٍ؟» قَالَ: مَا عِنْدِي مِنْ شَيْءٍ، قَالَ: «وَلَا خَاتَمَ مِنْ حَدِيدٍ؟» قَالَ: «وَلَا خَاتَمَ، وَلَكِنْ أَشَقُّ بُرْدَتِي هَذِهِ فَأَعْطِيهَا النَّصْفَ وَأَخْذُ النَّصْفَ». قَالَ: «لَا،

هَلْ مَعَكَ مِنَ الْقُرْآنِ شَيْءٌ؟» قَالَ:  
نَعَمْ، قَالَ: «أَذْهَبَ فَقَدْ زَوَّجْتُكَهَا بِمَا  
مَعَكَ مِنَ الْقُرْآنِ». [راجع: ٢٣١٠]

**(39) CHAPTER. Giving one's young children in marriage (is permissible).**

By virtue of the Statement of Allāh تعالى:  
“...and for those who have no (monthly)  
courses (i.e. they are still immature)...”  
(V.65:4)

And the 'Idda for the girl before puberty is  
three months (in the above Verse).

5133. Narrated 'Āishah رضي الله عنها that  
the Prophet ﷺ wrote the marriage contract  
with her when she was six years old and he  
consummated his marriage when she was  
nine years old, and then she remained with  
him for nine years (i.e. till his death).

**(٣٩) بَابُ إِنْكَاحِ الرَّجُلِ وَلَدَهُ  
الصَّغَارَ،**

لِقَوْلِ اللَّهِ تَعَالَى: ﴿وَالَّتِي لَمْ  
يَحْضُ عَ﴾ [الطلاق: ٤] فَجَعَلَ عِدَّتَهَا  
ثَلَاثَةَ أَشْهُرٍ قَبْلَ الْبُلُوغِ.

٥١٣٣ - حَدَّثَنَا مُحَمَّدُ بْنُ  
يُوسُفَ: حَدَّثَنَا سُفْيَانُ، عَنْ هِشَامٍ،  
عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا:  
أَنَّ النَّبِيَّ ﷺ تَزَوَّجَهَا وَهِيَ بِنْتُ سِتِّ  
سِنِينَ، وَأَدْخَلْتُ عَلَيْهِ وَهِيَ بِنْتُ  
تِسْعِ، وَمَكَثْتُ عِنْدَهُ تِسْعًا.  
[راجع: ٣٨٩٤]

**(40) CHAPTER. The marrying of a daughter by her father to a ruler.**

And 'Umar said, “The Prophet ﷺ asked  
for the hand of (my daughter) Hafsa, and I  
married (her to) him.”

5134. Narrated 'Āishah رضي الله عنها that  
the Prophet ﷺ wrote the marriage contract  
with her when she was six years old and he  
consummated his marriage when she was  
nine years old. Hishām said: “I have been  
informed that 'Āishah رضي الله عنها remained  
with the Prophet ﷺ for nine years (i.e. till his  
death).”

**(٤٠) بَابُ تَزْوِيجِ الْأَبِ ابْنَتَهُ مِنَ  
الإمام،**

وَقَالَ عُمَرُ: خَطَبَ النَّبِيُّ ﷺ إِلَيَّ  
حَفْصَةَ فَأَنْكَحْتَهُ.

٥١٣٤ - حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ:  
حَدَّثَنَا وَهَيْبٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ،  
عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّ النَّبِيَّ ﷺ  
تَزَوَّجَهَا وَهِيَ بِنْتُ سِتِّ سِنِينَ، وَبَنَى  
بِهَا وَهِيَ بِنْتُ تِسْعِ سِنِينَ. فَقَالَ  
هِشَامٌ: وَأُنْبِئْتُ أَنَّهَا كَانَتْ عِنْدَهُ تِسْعَ  
سِنِينَ. [راجع: ٣٨٩٤]

**(41) CHAPTER. The ruler is regarded as a guardian (of the lady who has no relative to**

**(٤١) بَابُ: السُّلْطَانُ وَلِيُّ لِقَوْلِ**

be her guardian) as is inferred from the statement of the Prophet ﷺ : “We have married her (that lady) to you for what you know of the Qur’ān (by heart).”

5135. Narrated Sahl bin S’ad: A woman came to Allāh’s Messenger ﷺ and said, “I present myself (to you) (for marriage).” She stayed for a long while, then a man said, “If you are not in need of her, then marry her to me.” The Prophet ﷺ said, “Have you got anything in order to pay her *Mahr*?” He said, “I have nothing with me except my *Izār* (waistsheet).” The Prophet ﷺ said, “If you give her your *Izār*, you will have no *Izār* to wear, (so go) and search for something.” He said, “I could not find anything.” The Prophet ﷺ said, “Try (to find something), even if it were an iron ring.” But he was not able to find (even that). The Prophet ﷺ said (to him), “Have you in your memory something of the Qur’ān?” He said, “Yes, such *Sūrah* and such *Sūrah*,” naming those *Sūrah*. The Prophet ﷺ said, “We have married her to you for what you know of the Qur’ān (by heart).”

(42) CHAPTER. The father or the guardian cannot give a virgin or matron in marriage without her consent.

5136. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, “A matron should not be given in marriage except after consulting her; and a virgin should not be given in marriage except after her permission.” The people asked, “O Allāh’s Messenger! How can we know her permission?” He said, “Her silence (indicates her permission).”

النَّبِيِّ ﷺ: «رَوَّجْنَاكَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ»

٥١٣٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: إِنِّي وَهَبْتُ مِنْ نَفْسِي، فَقَامْتُ طَوِيلًا فَقَالَ رَجُلٌ: رَوَّجْنَاهَا إِنْ لَمْ تَكُنْ لَكَ بِهَا حَاجَةٌ، فَقَالَ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ: «هَلْ عِنْدَكَ مِنْ شَيْءٍ تُصَدِّقُهَا؟» قَالَ: مَا عِنْدِي إِلَّا إِزَارِي. فَقَالَ: «إِنْ أَعْطَيْتَهَا إِيَّاهُ جَلَسْتَ لَا إِزَارَ لَكَ، فَالْتَمِسْ شَيْئًا.» فَقَالَ: مَا أَجِدُ شَيْئًا، فَقَالَ: «الْتَمِسْ وَلَوْ كَانَ خَاتَمًا مِنْ حَدِيدٍ»، فَلَمْ يَجِدْ، فَقَالَ: «أَمَعَكَ مِنَ الْقُرْآنِ شَيْءٌ؟» قَالَ: نَعَمْ، سُورَةٌ كَذَا وَسُورَةٌ كَذَا، لِسُورٍ سَمَّاهَا. فَقَالَ: «رَوَّجْنَاكَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ.»

[راجع: ٢٣١٠]

(٤٢) بَابٌ: لَا يُنْكَحُ الْأَبُ وَغَيْرُهُ الْبِكْرَ وَالنَّبِيَّةَ إِلَّا بِرِضَاهُمَا

٥١٣٦ - حَدَّثَنَا مُعَاذُ بْنُ فَضَالَةَ: حَدَّثَنَا هِشَامٌ، عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ: أَنَّ أَبَا هُرَيْرَةَ حَدَّثَهُمْ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا تُنْكَحُ الْأَيِّمُ حَتَّى تُسْتَأْمَرَ، وَلَا تُنْكَحُ الْبِكْرُ حَتَّى

تُسْتَأْذَنَ». قَالُوا: يَا رَسُولَ اللَّهِ،  
وَكَيْفَ إِذْنُهَا؟ قَالَ: «أَنْ تَسْكُتَ».

[انظر: ٦٩٦٨، ٦٩٧٠]

5137. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: I said, "O Allāh's Messenger! A virgin feels shy." He said, "Her consent is (expressed by) her silence."

٥١٣٧ - حَدَّثَنَا عَمْرُو بْنُ الرَّبِيعِ  
بِ بْنِ طَارِقٍ: حَدَّثَنَا اللَّيْثُ، عَنِ ابْنِ  
أَبِي مُلَيْكَةَ، عَنْ أَبِي عَمْرٍو مَوْلَى  
عَائِشَةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا:  
أَنَّهَا قَالَتْ: يَا رَسُولَ اللهِ إِنَّ الْبِكْرَ  
تَسْتَحْيِي، قَالَ: «رِضَاهَا صَمْتُهَا».

[انظر: ٦٩٤٦، ٦٩٧١]

(43) CHAPTER. If a man gives his daughter in marriage while she is averse to it (in disagreement), then such marriage is invalid.

(٤٣) بَابُ: إِذَا زَوَّجَ الرَّجُلُ ابْنَتَهُ  
وَهِيَ كَارِهَةٌ فَنِكَاحُهُ مَرْدُودٌ،

5138. Narrated Khansā bint Khidām Al-Anṣāriya that her father gave her in marriage when she was a matron and she disliked that marriage. So she went to Allāh's Messenger ﷺ and he declared that marriage invalid.

٥١٣٨ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ:  
حَدَّثَنِي مَالِكٌ عَنْ عَبْدِ الرَّحْمَنِ بْنِ  
الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَبْدِ الرَّحْمَنِ  
وَمُجَمِّعِ ابْنِي يَزِيدَ بْنِ جَارِيَةَ، عَنْ  
خَنَسَاءَ بِنْتِ خِدَامِ الْأَنْصَارِيَّةِ: أَنَّ  
أَبَاهَا زَوَّجَهَا وَهِيَ تَيْبٌ فَكَرِهَتْ  
ذَلِكَ، فَأَتَتْ رَسُولَ اللهِ ﷺ فَرَدَّ  
نِكَاحَهُ. [انظر: ٥١٣٩، ٦٩٤٥، ٦٩٦٩]

5139. Narrated 'Abdur-Raḥmān bin Yazīd and Majammī' bin Yazīd. The same Hadīth No. 5138 above: A man called Khidām married a daughter of his (to somebody) against her consent.

٥١٣٩ - حَدَّثَنَا إِسْحَاقُ: أَخْبَرَنَا  
يَزِيدُ: أَخْبَرَنَا يَحْيَى: أَنَّ الْقَاسِمَ بْنَ  
مُحَمَّدٍ حَدَّثَهُ أَنَّ عَبْدِ الرَّحْمَنِ بْنَ يَزِيدَ  
وَمُجَمِّعَ بْنَ يَزِيدَ حَدَّثَاهُ أَنَّ رَجُلًا  
يُدْعَى خِدَامًا أَنْكَحَ ابْنَتَهُ لَهُ، نَحْوَهُ.

[راجع: ٥١٣٨]

(44) CHAPTER. The giving of an orphan girl in marriage.

(٤٤) بَابُ تَزْوِيجِ الْيَتِيمَةِ،