

Chapter 2 THE RELATIONS WITH THE WIVES

٢ - بَابُ عِشْرَةِ النِّسَاءِ

867. Narrated Abū Huraira رضي الله عنه: Allāh's Messenger ﷺ said, "He who has intercourse with a woman through her anus is accursed."^[1] [Abū Dā'ud and An-Nasā'i reported it and the wording is his (An-Nasā'i). Its narrators are reliable, but it was considered to be defective for being *Mursal* (a missing link after the *Tābi'i*)].

868. Narrated Ibn 'Abbās رضي الله عنه: Allāh's Messenger ﷺ said, "Allāh will not look at a man who has intercourse with a man or a woman through the anus." [Reported by At-Tirmidhi, An-Nasā'i and Ibn Hibbān, but it was considered to be defective for being *Mawqūf* (saying of a Companion, i.e. Ibn 'Abbas)].

869. Narrated Abū Huraira رضي الله عنه: The Prophet ﷺ said, "He who believes in Allāh and the last Day should not harm his neighbor;^[2] and take my advice regarding good treatment of women, for they were created from a rib. And indeed the most crooked part of the rib is its upper part. If you attempt to straighten it, you will break it,^[3] and if you leave it alone it will remain crooked. So, take my advice regarding good treatment of women." [Agreed upon; the wording is Al-Bukhārī's]. Muslim has: "So if you enjoy her you will do so while crookedness remains

(٨٦٧) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَلْعُونٌ مَنْ أَتَى امْرَأَةً فِي دُبُرِهَا». رَوَاهُ أَبُو دَاوُدَ وَالنَّسَائِيُّ، وَاللَّفْظُ لَهُ، وَرِجَالُهُ ثِقَاتٌ، لَكِنْ أَعْلَلُ بِالْإِسْرَالِ.

(٨٦٨) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَنْظُرُ اللَّهُ إِلَى رَجُلٍ أَتَى رَجُلًا، أَوْ امْرَأَةً فِي دُبُرِهَا». رَوَاهُ التِّرْمِذِيُّ وَابْنُ حِبَّانَ، وَأَعْلَلُ بِالْوَقْفِ.

(٨٦٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يُؤْذِ جَارَهُ، وَاسْتَوْصَا بِالنِّسَاءِ حَيْرًا، فَإِنَّهُنَّ خُلِقْنَ مِنْ ضَلْعٍ، وَإِنَّ أَعْوَجَ شَيْءٍ مِنَ الضَّلْعِ أَغْلَاهُ، فَإِنْ ذَهَبَتْ تَقِيمُهُ كَسَرْتَهُ، وَإِنْ تَرَكْتَهُ لَمْ يَزَلْ أَعْوَجَ، فَاسْتَوْصُوا بِالنِّسَاءِ حَيْرًا». مُتَّفَقٌ عَلَيْهِ، وَاللَّفْظُ لِلْبُخَارِيِّ. وَلِمُسْلِمٍ: «فَإِنْ اسْتَمْتَعَتْ بِهَا اسْتَمْتَعْتَ بِهَا وَبِهَا عَوْجٌ، وَإِنْ ذَهَبَتْ تَقِيمُهَا كَسَرْتَهَا، وَكَسَرُهَا طَلَاقُهَا».

[1] All the religious scholars are of the opinion that anal sexual intercourse with woman is unlawful.

[2] Harming or hurting a Muslim is absolutely unlawful, and harming the neighbor is a major sin.

[3] This *Hadith* teaches that women should be treated with kindness. The woman's temperament is different than man's, by nature. There are many reasons for its crookedness and it is very difficult to tackle her. The woman is like a rib, and a healthy rib is crooked by nature. Therefore, one should not try to straighten the rib otherwise it will break and cause pain. The nature of the woman can not be changed.

in her; but if you attempt to straighten her you will break her, and breaking her is divorcing her.”

870. Narrated Jābir ؓ: We were with the Prophet ﷺ on an expedition. Then, when we arrived at Al-Madīnah and were about to enter he said, “Wait^[1] so that you may enter by night – i.e. in the evening in order that the woman with disheveled hair may comb it and the woman whose husband has been away may shave her pubic hairs (getting ready for her husband).” [Agreed upon].

A narration by Al-Bukhāri has: “When one of you has been away from home for a long time, he must not come to his family during the night.”

871. Narrated Abū Sa’īd Al-Khudri ؓ: Allāh’s Messenger ﷺ said, “The worst of people in position before Allāh on the Day of Resurrection is the man who has intercourse with his wife, and she with him, and then spreads her secrets.”^[2] [Reported by Muslim].

872. Narrated Hākim bin Mu’āwiya on the authority of his father (ؓ): I asked, “O Messenger of Allāh, what are the rights of a wife of one of us on her husband?” He replied, “You should give her food when you eat, clothe her when you clothe yourself, not strike her on the face, and do not revile her or desert her except within the house.” [Reported by Ahmad, Abū Dā’ud, An-Nasā’i and Ibn Mājah. Al-Bukhāri mentioned part of it [the last sentence]

(٨٧٠) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ فِي غَزَاوَةٍ، فَلَمَّا قَدِمْنَا الْمَدِينَةَ، ذَهَبْنَا لِنَدْخُلَ، فَقَالَ ﷺ: «أْمَهَلُوا حَتَّى تَدْخُلُوا لَيْلًا، يَعْني عِشَاءً، لِكَيْ تَمْتَشِطَ الشَّعْبَةُ، وَتَسْتَجِدَّ الْمُغِيْبَةَ». مُتَّفَقٌ عَلَيْهِ.

وَفِي رِوَايَةٍ لِلْبُخَارِيِّ: «إِذَا أَطَالَ أَحَدُكُمْ وَالغَيْبَةَ، فَلَا يَطْرُقُ أَهْلَهُ لَيْلًا».

(٨٧١) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ شَرَّ النَّاسِ عِنْدَ اللَّهِ مَنْزِلَةَ يَوْمِ الْقِيَامَةِ الرَّجُلُ يُفْضِي إِلَى امْرَأَتِهِ، وَتُفْضِي إِلَيْهِ. ثُمَّ يَنْشُرُ سِرَّهَا». أَخْرَجَهُ مُسْلِمٌ.

(٨٧٢) وَعَنْ حَكِيمِ بْنِ مُعَاوِيَةَ، عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! مَا حَقُّ زَوْجِ أَحَدِنَا عَلَيْهِ؟ قَالَ: «تُطْعِمُهَا إِذَا أَكَلْتَ، وَتَكْسُوهَا إِذَا اكْتَسَيْتَ، وَلَا تُضْرِبُ الْوَجْهَ، وَلَا تُفْبِحَ، وَلَا تَهْجُرَ إِلَّا فِي الْبَيْتِ». رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ وَالنَّسَائِيُّ وَابْنُ مَاجَةَ، وَعَلَّقَ الْبُخَارِيُّ بَعْضَهُ، وَصَحَّحَهُ ابْنُ حِبَّانَ وَالْحَاكِمُ.

[1] It means that if anyone returns home from a long journey, he should not go directly to his house. It is better to send the information of arrival. There are many reasons for this. In the absence of the husband, a woman may not attend to her appearance, or give attention to certain personal matters like shaving the hair from the private areas of the body. This untidiness may disturb the husband and may be a cause of his disliking her, etc.

[2] It means that describing to others what has taken place between husband and wife regarding their private marital relations is a major sin.

as *Mu'allaq* (a broken chain from the side of the collector, i.e. Al-Bukhari). Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

873. Narrated Jābir bin 'Abdullāh ﷺ: The Jews used to say, "When a man has intercourse with his wife through the vagina, but from her back side, the child will be squint-eyed." Then, the Verse came down: "Your wives are a tilth to you, so come to your tilth however you wish" [Agreed upon; the wording is Muslim's].

874. Narrated Ibn 'Abbās ﷺ: Allāh's Messenger ﷺ said, "If anyone who intends to have intercourse with his wife says, 'In the Name of Allāh. O Allāh, keep us away from the devil and keep the devil away from what You have provided us (of children)', should it be ordained that a child be born to them thereby, Satan will never harm it." [Agreed upon].

875. Narrated Abū Huraira ﷺ: The Prophet ﷺ said, "When a man calls his wife to come to his bed (for marital relations), and she refuses to come, and he spends the night in anger, the angels curse her till the morning." [Agreed upon; the wording is Al-Bukhārī's]. Muslim has: "He Who is in heaven is displeased with her till her husband is pleased with her."

876. Narrated Ibn 'Umar ﷺ: The Prophet ﷺ cursed the woman^[1] who joins false hair to her real hair [extensions] and the one who asks for it to be done to her; and the woman who tattoos (others) and the one who has it done (for her). [Agreed upon].

(٨٧٣) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَتِ الْيَهُودُ تَقُولُ إِذَا أَتَى الرَّجُلُ امْرَأَتَهُ مِنْ دُبُرِهَا فِي قُبْلِهَا كَانَ الْوَلَدُ أَحْوَلَ، فَتَنَزَّلَتْ ﴿يَسْأَلُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنْ يَشْتُمَكُمْ﴾ الْآيَةَ. مُتَّفَقٌ عَلَيْهِ. وَاللَّفْظُ لِمُسْلِمٍ.

(٨٧٤) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ أَنَّ أَحَدَكُمْ إِذَا أَرَادَ أَنْ يَأْتِيَ أَهْلَهُ قَالَ: بِسْمِ اللَّهِ، اللَّهُمَّ جَنِّبْنَا الشَّيْطَانَ، وَجَنِّبِ الشَّيْطَانَ مَا رَزَقْتَنَا، فَإِنَّهُ إِنْ يَغْدُرَ بَيْنَهُمَا وَلَدٌ فِي ذَلِكَ، لَمْ يَضُرَّهُ الشَّيْطَانُ أَبَدًا». مُتَّفَقٌ عَلَيْهِ.

(٨٧٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا دَعَا الرَّجُلُ امْرَأَتَهُ إِلَى فِرَاشِهِ، فَأَبَتْ أَنْ تَجِيءَ، قَبَاتَ غَضَبَانَ، لَعَنَتَهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ». مُتَّفَقٌ عَلَيْهِ، وَاللَّفْظُ لِلْبُخَارِيِّ. وَلِمُسْلِمٍ: «كَانَ الَّذِي فِي السَّمَاءِ سَاحِطًا عَلَيْهَا، حَتَّى يَرْضَى عَنْهَا».

(٨٧٦) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ لَعَنَ الْوَاصِلَةَ وَالْمُسْتَوْصِلَةَ، وَالْوَأْسِمَةَ وَالْمُسْتَوْصِمَةَ. مُتَّفَقٌ عَلَيْهِ.

[1] In this *Hadith* four types of women have been cursed: Those who use extensions to make their hair look long and those who are involved in this business. Those who tattoo their bodies and those who are tattoo designers. These four types have been cursed. Nowadays the use of artificial hair is very common among the women for beautification.

877. Narrated Judāma^[1] ﷺ daughter of Wahb: I was with Allāh's Messenger ﷺ along with some people when he was saying, "I have intended to prohibit *Ghila* (sexual intercourse with a woman who is breast-feeding),^[2] but I considered the Romans and the Persians and saw that they engaged in *Ghila* without any injury being caused to their children thereby." Then they asked him about 'Azl^[3] (withdrawing the penis before emission of semen, to avoid conception), and Allāh's Messenger ﷺ replied, "That is the secret (way of) burying alive." [Reported by Muslim].

(٨٧٧) وَعَنْ جُدَامَةَ بِنْتِ وَهَبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَتْ: حَضَرْتُ رَسُولَ اللَّهِ ﷺ فِي أَنَاسِرٍ، وَهُوَ يَقُولُ: «لَقَدْ هَمَمْتُ أَنْ أَنْهَى عَنِ الْغَيْلَةِ، فَتَطَرْتُ فِي الرُّومِ وَفَارِسَ، فَإِذَا هُمْ يُغَيِّلُونَ أَوْلَادَهُمْ، فَلَا يَضُرُّ ذَلِكَ أَوْلَادَهُمْ شَيْئًا» ثُمَّ سَأَلُوهُ عَنِ الْعَزْلِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «ذَلِكَ الْوَأْدُ الْخَفِيُّ». رَوَاهُ مُسْلِمٌ.

878. Narrated Abū Sa'īd Al-Khudri ﷺ: A man said, "O Allāh's Messenger, I have a slave-girl and I withdraw the penis while having intercourse with her ('Azl). I dislike that she become pregnant, but I want (from her) what a man wants (from a woman). And the Jews say – withdrawing the penis to avoid conception is the minor (form of) burying alive." He replied, "The Jews told a lie, for if Allāh intended to create it you would not be able to turn it away." [Reported by Ahmad and Abū Dā'ud, the wording is Abū Dā'ud's. An-Nasā'i and At-Tahāwi also reported it. Its narrators are reliable].

(٨٧٨) وَعَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ! إِنَّ لِي جَارِيَةً، وَأَنَا أَغْزِلُ عَنْهَا، وَأَنَا أُكْرَهُ أَنْ تَحْمِلَ، وَأَنَا أُرِيدُ مَا يُرِيدُ الرَّجَالُ، وَإِنَّ الْيَهُودَ تَحَدَّثُ أَنَّ الْعَزْلَ الْمَوْؤَدَةَ الصَّغْرَى، قَالَ: «كَذَبَتِ الْيَهُودُ، لَوْ أَرَادَ اللَّهُ أَنْ يَخْلُقَهُ مَا اسْتَطَعْتَ أَنْ تَضْرِفَهُ». رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ، وَاللَّفْظُ لَهُ، وَالنَّسَائِيُّ وَالطَّحَاوِيُّ، وَرِجَالُهُ نَقَاتٌ.

879. Narrated Jābir ﷺ: In the lifetime of Allāh's Messenger ﷺ when the Qur'an

(٨٧٩) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ:

[1] She is Judāma, daughter of Wahb – also called Jundal Al-Asadiya, the maternal sister of 'Ukāsha bin Mihsan. She was a *Sababiya* among the early Muslims and she migrated to Al-Madīnah. She became a Muslim at Makkah and boycotted her people. She was married to Anis bin Qatāda.

[2] In Arabic, it is called *Ghila* (الغيلة) which means to have sexual intercourse with the wife during the period of the child's breast-feeding (before weaning the child). It is also said that *Ghila* means breast feeding a child during a new pregnancy.

[3] 'Azl (العزل) means coitus interruptus, i.e. withdrawing the penis from the vagina at the time of ejaculation of semen, for the purpose of birth control. As to whether 'Azl is lawful or unlawful, there are different *Abādīth* concerning this issue. If it is decided that 'Azl is not unlawful, as the same time it is also not recommended. In case of a woman who is in poor health, 'Azl may be resorted to, so that she is saved from undue hardship.

was being revealed, we used to engage in 'Azl. Hence, if it had been something to be forbidden, the Qur'an would have forbade us from doing it. [Agreed upon].

And Muslim has: "That (which we were doing) reached the Prophet ﷺ and he did not forbid us from doing it."

880. Narrated Anas bin Mālik ؓ: The Prophet ﷺ used to have intercourse with his wives (one after another), with a single bathing.^[1] [Agreed upon. The wording is Muslim's].

كُنَّا نَعْرِزُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَالْقُرْآنُ يَنْزِلُ، وَلَوْ كَانَ شَيْءٌ يَنْهَى عَنْهُ، لَنَهَانَا عَنْهُ الْقُرْآنُ. مُتَّفَقٌ عَلَيْهِ.

وَلِمُسْلِمٍ: فَلَبَّغَ ذَلِكَ نَبِيَّ اللَّهِ ﷺ فَلَمْ يَنْهَنَا عَنْهُ.

(٨٨٠) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ، أَنَّ النَّبِيَّ ﷺ كَانَ يَطُوفُ عَلَى نِسَائِهِ بِغُسْلٍ وَاحِدٍ. أَخْرَجَاهُ، وَاللَّفْظُ لِمُسْلِمٍ.

Chapter 3

THE BRIDAL GIFT (MAHR)

٣ - بَابُ الصَّدَاقِ

881. Narrated Anas ؓ: The Prophet ﷺ set Safiya^[2] ؓ free, and made her freedom her dowry.^[3] [Agreed upon].

(٨٨١) عَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ ﷺ، أَنَّهُ أَعْتَقَ صَفِيَّةَ، وَجَعَلَ عِتْقَهَا صَدَاقَهَا. مُتَّفَقٌ عَلَيْهِ.

882. Narrated Abū Salama bin 'Abdur-Rahmān^[4] (ؓ): I asked 'Aisha ؓ, "How much had Allāh's Messenger ﷺ given as dowry?"^[5] She replied, "His dowry to his wives was twelve *Uqiyā* and *Nasbsb*. She asked, "Do you know what a *An-Nasbsb* is?" I replied, "No." She said, "It is half an *Uqiyā*. Hence,

(٨٨٢) وَعَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، أَنَّهُ قَالَ: سَأَلْتُ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، كَمْ كَانَ صَدَاقُ رَسُولِ اللَّهِ ﷺ؟ قَالَتْ: كَانَ صَدَاقَهُ لِأَزْوَاجِهِ اثْنَتَيْ عَشْرَةَ أُوقِيَّةً، وَنَسْبًا، قَالَتْ: أَتَنْدَرِي مَا النَّسْبُ؟ قَالَ: قُلْتُ: لَا،

[1] The purpose of mentioning this *Hadīth* here is to show that the division of time for wives (in a plural marriage) was not obligatory for the Prophet ﷺ. If it were compulsory for him, as it is upon others, he would not have gone to all his wives in one night.

[2] She is the 'Mother of the Believers' Safiya bint Huyai bin Akhtab, from the descendants of Prophet Harun. She was married to Kināna bin Abū-Huqaiq who was killed during the battle of Khaibar. She was captured, then the Prophet ﷺ chose her and she became a Muslim. He then freed her and married her - making her freedom as her dowry. She died in 50 H. and was buried in Al-Baqi'.

[3] It means that non-financial things can also be the dowry; and it also clarifies that a master himself can marry his freed slave-girl, and there is no need of a guardian for this marriage.

[4] He is Abū Salama bin 'Abdur-Rahmān bin 'Auf Az-Zuhri Al-Qurashi, one of the seven most famous *Fiqh* scholars in Al-Madinah and also among the eminent *Tābi'in*. He narrated many *Abadīth* which he heard from a group of the *Sabāba* and also a group of people narrated from him. He died in 74 H. or 104 H. at the age of 70 years.

[5] There is no fixed limit of *Mahr* (dowry) in *Shari'a*, but keeping it to a small amount is preferred, to make marriage easy for the common people.

the total was five hundred Dirhams, and that was Allāh's Messenger's ﷺ dowry to his wives." [Reported by Muslim].

قَالَتْ: نِصْفُ أَوْقِيَّةٍ، فَبَلَكَ خَمْسِمِائَةَ دِرْهَمٍ، فَهَذَا صَدَاقُ رَسُولِ اللَّهِ ﷺ لِأَزْوَاجِهِ. رَوَاهُ مُسْلِمٌ.

883. Narrated Ibn 'Abbās ؓ: When 'Ali (ؓ) married Fatima ؓ Allāh's Messenger ﷺ said to him, "Give her something (as dowry)." He replied, "I have nothing." He said, "Where is your Hutamiya coat of mail?" [Reported by Abū Dā'ud and An-Nasā'i; Al-Hākim graded it *Sabih* (authentic)].

(٨٨٣) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: لَمَّا تَزَوَّجَ عَلِيٌّ فَاطِمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «أَعْطَيْهَا شَيْئًا» قَالَ: مَا عِنْدِي شَيْءٌ، قَالَ: «فَأَيْنَ دِرْعُكَ الطُّحْمِيَّةُ؟» رَوَاهُ أَبُو دَاوُدَ وَالتَّنَسَائِيُّ، وَصَحَّحَهُ الْحَاكِمُ.

884. Narrated 'Amr bin Shu'aib on his father's authority from his grandfather: Allāh's Messenger ﷺ said, "If any woman marries for a dowry, a gift, or a promise before contracting the marriage, it belongs to her.^[1] As for whatever is fixed to her after contracting the marriage, it belongs to whomever it has been given. The most worthy gift a man is honored with is what he gets on account of (the marriage of) his daughter or sister." [Reported by Ahmad and *Al-Arba'a* except At-Tirmidhi].

(٨٨٤) وَعَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّمَا امْرَأَةٍ نِكَحْتَ عَلَى صَدَاقٍ أَوْ جِبَاءٍ أَوْ عِدَّةٍ قَبْلَ عِصْمَةِ النِّكَاحِ، فَهِيَ لَهَا، وَمَا كَانَ بَعْدَ عِصْمَةِ النِّكَاحِ، فَهِيَ لِمَنْ أُعْطِيَ، وَأَحَقُّ مَا أُكْرِمَ الرَّجُلُ عَلَيْهِ ابْنَتُهُ أَوْ أُخْتُهُ». رَوَاهُ أَحْمَدُ وَالْأَزْهَرِيُّ إِلَّا التِّرْمِذِيُّ.

885. Narrated 'Alqama^[2] on the authority of Ibn Mas'ūd ؓ: He was asked about a man who had married a woman and had not fixed a dowry for her. And he did not consummate (the marriage) with her till he died. Ibn Mas'ūd replied, "She should receive a

(٨٨٥) وَعَنْ عَلْقَمَةَ، عَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً، وَلَمْ يَفْرُضْ لَهَا صَدَاقًا، وَلَمْ يَدْخُلْ بِهَا، حَتَّى مَاتَ، فَقَالَ ابْنُ مَسْعُودٍ: لَهَا مِثْلُ صَدَاقِ نِسَائِهَا، لَا وَكَسَنَ، وَلَا شَطَطًا، وَعَلَيْهَا الْعِدَّةُ،

[1] It means that whatever is decided before the marriage is a *Mahr* (dowry), and it belongs to the woman. Whether it is in form of money, gold, ornaments, clothes, land, a house or anything else, she is the sole owner of that thing. If anything is given to her relatives after the marriage, that will not be considered as part of the dowry, and it will not belong to her. It is a gift for him to whom it is given. Things decided before the marriage as dowry, and delivered later to her relatives, is dowry and she is the owner of all those things.

[2] He is 'Alqama bin Qais Abū Shibil bin Mālik from Banu Bakr bin An-Nakha'. He narrated from 'Umar and Ibn Mas'ūd. He was a great *Tābi'i* and was famous for narrating the *Abadith* of Ibn Mas'ūd and for accompanying him. He was the uncle of Al-Aswad An-Nakha'i. He died in the year 61 H.

dowry similar to what the women of her community receive without decrease or increase.^[1] She must observe the 'Iddah period (of waiting before re-marrying) and is entitled to a share of the inheritance." Ma'qil bin Sinān Al-Ashja'i^[2] then got up and said, "Allāh's Messenger ﷺ ruled the same as your ruling regarding Birwa', daughter of Wāshiq^[3], a woman of our tribe." Ibn Mas'ūd was delighted with it. [Reported by Ahmad and *Al-Arba'a*. At-Tirmidhi graded it *Sahih* (authentic), while a group (of *Hadīth* scholars) graded it *Hasan* (good)].

886. Narrated Jābir bin 'Abdullāh ؓ: The Prophet ﷺ said, "If anyone gives as a dowry to a woman some flour or dates, he has made her lawful for himself." [Abū Dā'ud reported it, and indicated that the stronger opinion is that it is *Mawqūf* (saying of a Companion)].

887. Narrated 'Abdullāh bin 'Aamir bin Rabi'a^[4] on the authority of his father: The Prophet ﷺ gave his approval of the marriage of a woman for two sandals as a dowry.^[5] [At-Tirmidhi reported it and graded it *Sahih* (authentic), but he was opposed in that (grading of the

وَلَهَا الْمِيرَاثُ، فَقَامَ مَعْقِلُ بْنُ سِنَانَ الْأَشْجَعِيِّ، فَقَالَ: قَضَى رَسُولُ اللَّهِ ﷺ فِي بَرُوعَ بِنْتِ وَاشِقِدَ امْرَأَةً مِثْلَ مَا قَضَيْتَ، فَفَرِحَ بِهَا ابْنُ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ. رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ، وَصَحَّحَهُ التِّرْمِذِيُّ، وَحَسَنَهُ جَمَاعَةٌ.

(٨٨٦) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ أَعْطَى فِي صَدَاقِ امْرَأَةٍ سَوِيْقًا أَوْ تَمْرًا فَقَدْ اسْتَحَلَّ». أَخْرَجَهُ أَبُو دَاوُدَ، وَأَشَارَ إِلَى تَرْجِيحِ وَفِيهِ.

(٨٨٧) وَعَنْ عَبْدِ اللَّهِ بْنِ عَامِرِ بْنِ رَبِيعَةَ، عَنْ أَبِيهِ، أَنَّ النَّبِيَّ ﷺ أَجَارَ بِنَاكَاحَ امْرَأَةٍ عَلَى نَعْلَيْنِ. أَخْرَجَهُ التِّرْمِذِيُّ، وَصَحَّحَهُ، وَخُوْلِفَ فِي ذَلِكَ.

[1] If the dowry is decided before marriage it is well and good, she will have whatever is decided. However, if it is not decided then the dowry will be the same as the dowry of other women of that family. This kind of dowry is called *Mabr Mithl* (peer dowry). If the man divorces a woman before sexual intercourse, then she will get half of the dowry decided before marriage, while if it was not decided before marriage, she will not get anything. In case of death of the man, the woman gets the full dowry whether it be a *Mabr Muqarrar* (fixed dowry) or *Mabr Mithl* (peer dowry). She is also a heir of the property of her late husband.

[2] He is Abū Muhammad Ma'qil bin Sinān Al-Ashja'i. He was a *Sabābi* who attended the conquest of Makkah and settled at Kufa. The people of Kufa narrated his *Abadīth*, and he was imprisoned and killed on the day of Al-Harra.

[3] Birwa', daughter of Wāshiq was a *Sabābiya*.

[4] He is Abū 'Imrān 'Abdullāh bin 'Aamir bin Rabi'a Al-Anzi. He was four or five years old when the Prophet ﷺ died and he died in the year 85 H. or 90 H.

[5] It means anything can be a dowry, if it has some value.

Hadith]).

888. Narrated Sahl bin Sa'd رضي الله عنه: The Prophet صلى الله عليه وسلم married a man to a woman for a dowry of an iron ring.^[1] [Al-Hākim reported it. It is a portion of the long *Hadīth* preceding in the beginning of the Book of Marriage].

889. Narrated 'Ali رضي الله عنه: The dowry should not be less than ten Dirhams. [Ad-Dāraquṭni reported it as *Mawqūf* (saying of a Companion, i.e. 'Ali). Also, there is a defect in its chain of narrators].

890. Narrated 'Uqba bin 'Aamir رضي الله عنه: Allāh's Messenger صلى الله عليه وسلم said, "The best dowry is that which is most easy." [Abū Dā'ud reported it and Al-Hākim graded it *Sahīb* (authentic)].

891. Narrated 'Aisha رضي الله عنها: 'Amra رضي الله عنها daughter of Al-Jaun^[2] sought refuge (in Allāh) from Allāh's Messenger صلى الله عليه وسلم when she was brought in to him – meaning when he married her – and he said, "You have sought refuge in the One Worthy of seeking refuge in."^[3] Then, he divorced her, and commanded Usāma who gave her three garments as a gift (i.e. her dowry). [Ibn Mājah reported it, but there is a rejected narrator in its chain of narrators]. The origin of the aforesaid story is found in the *Sahīb* of Al-

(٨٨٨) وَعَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: زَوَّجَ النَّبِيُّ ﷺ رَجُلًا أَمْرَاءَ بِحَاتِمٍ مِنْ حَيْدٍ. أَخْرَجَهُ الْحَاكِمُ، وَهُوَ طَرَفٌ مِنَ الْحَدِيثِ الطَّوِيلِ الْمُتَقَدِّمِ فِي أَوَائِلِ النِّكَاحِ.

(٨٨٩) وَعَنْ عَلِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: لَا يَكُونُ الْمَهْرُ أَقَلَّ مِنْ عَشْرَةِ دَرَاهِمٍ. أَخْرَجَهُ الدَّارِقُطْنِيُّ مُؤْتَوَفًا، وَفِي سَنَدِهِ مَقَالٌ.

(٨٩٠) وَعَنْ عُقْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «خَيْرُ الصَّدَاقِ أَيْسَرُهُ». أَخْرَجَهُ أَبُو دَاوُدَ، وَصَحَّحَهُ الْحَاكِمُ.

(٨٩١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ عَمْرَةَ بِنْتَ الْجَوْنِ تَعَوَّذَتْ مِنْ رَسُولِ اللَّهِ ﷺ، حِينَ أُدْخِلَتْ عَلَيْهِ، تَعْنِي لَمَّا تَزَوَّجَهَا، فَقَالَ: «لَقَدْ عُدْتُ بِمَعَاذِ، فَطَلَّقَهَا وَأَمَرَ أَسَامَةَ يُمْتَعَهَا بِثَلَاثَةِ أَنْوَابٍ». أَخْرَجَهُ ابْنُ مَاجَةَ، وَفِي إِسْنَادِهِ رَاوٍ مَثْرُوكٌ، وَأَضْلُ الْقِصَّةِ فِي الصَّحِيحِ مِنْ حَدِيثِ أَبِي أُسَيْدِ السَّاعِدِيِّ.

[1] This piece of narration is from the *Hadīth* in which a woman presented her person to the Prophet صلى الله عليه وسلم as a gift. Though she was not married for an iron ring, the Prophet صلى الله عليه وسلم accepted – in principle – that an iron ring could be given as her dowry, and this is the reason for relating this *Hadīth* at this place.

[2] 'Amra daughter of Al-Jaun's real name was disagreed upon for some said her name was Asmā' daughter of An-Nu'mān bin Abū Jaun bin Al-Hārith Al-Kindiya. While the most likely name was Umāima, daughter of An-Nu'mān bin Sharāhil.

[3] This *Hadīth* is mentioned here to show that the Prophet صلى الله عليه وسلم did not fix the dowry of that woman, and before having sexual relations with her divorced and gave her three pieces of clothes. It means that if the dowry is not decided and the woman is divorced before sexual intercourse, she must be given some clothing at least. The maximum she can be given a slave or a slave-girl. This is called *Mut'ab At-Talāq*.