

86 – THE BOOK OF AL-HUDŪD⁽¹⁾

٨٦ - كتاب الحدود

CHAPTER. What *Hudūd* one should beware of.

بَابُ مَا يُخَذَّرُ مِنَ الْحُدُودِ

(1) CHAPTER. (The crimes of) illegal sexual intercourse and the drinking of alcoholic drinks.

(١) بَابُ الزَّوْنَا وَشُرْبِ الْخَمْرِ،

And Ibn ‘Abbās said, “The light of Faith is taken away from the one who commits illegal sexual intercourse.”

وَقَالَ ابْنُ عَبَّاسٍ: يُنْزَعُ مِنْهُ نُورُ

الْإِيمَانِ فِي الزَّوْنَا.

6772. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh’s Messenger ﷺ said, “When an adulterer commits illegal sexual intercourse, then he is not a believer at the time he is doing it; and when somebody drinks an alcoholic drink, then he is not a believer at the time of drinking; and when a thief steals, he is not a believer at the time when he is stealing; and when a robber robs and the people look at him, then he is not a believer at the time of doing it.” Abū Hurairah, in another narration, narrated the same from the Prophet ﷺ with the exclusion of robbery.

٦٧٧٢ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ:

حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَزْنِي الزَّانِي حِينَ يَزْنِي وَهُوَ مُؤْمِنٌ، وَلَا يَشْرَبُ الْخَمَرَ حِينَ يَشْرَبُ وَهُوَ مُؤْمِنٌ، وَلَا يَسْرِقُ حِينَ يَسْرِقُ وَهُوَ مُؤْمِنٌ، وَلَا يَنْتَهَبُ نَهْبَةً يَرْفَعُ النَّاسُ إِلَيْهِ فِيهَا أَبْصَارَهُمْ وَهُوَ مُؤْمِنٌ».

وَعَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ إِلَّا النَّهْبَةَ. [راجع: ٢٤٧٥]

(2) CHAPTER. What is said regarding the beating (lashing) of a drunk.

(٢) بَابُ مَا جَاءَ فِي ضَرْبِ شَارِبِ الْخَمْرِ

6773. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ beat a drunk with palm-leaf stalks and shoes. And Abū Bakr gave

٦٧٧٣ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ:

حَدَّثَنَا هِشَامٌ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ:

(1) (Book 86) ‘*Al-Hudūd*’ is the plural of *Hadd*. *Al-Hudūd* are the limits which Allāh has set, and if somebody violates them, he is to be punished according to certain penalties prescribed by Allāh. These penalties are also called *Hudūd*.

(such a sinner) forty lashes.

(3) CHAPTER. Whoever ordered that the legal punishment was to be carried out at home.

6774. Narrated 'Uqba bin Al-Hārith: An-Nu'mān or the son of An-Nu'mān was brought to the Prophet ﷺ on a charge of drinking intoxicating drinks. So the Prophet ﷺ ordered all the men present in the house, to beat him. So all of them beat him, and I was also one of them who beat him with shoes.

أَنَّ النَّبِيَّ ﷺ ح. وَحَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا قَتَادَةُ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ ضَرَبَ فِي الْخَمْرِ بِالْجَرِيدِ وَالنُّعَالِ، وَجَلَدَ أَبُو بَكْرٍ أَرْبَعِينَ. [انظر: ٦٧٧٦]

(٣) بَابُ مَنْ أَمَرَ بِضَرْبِ الْحَدِّ فِي الْبَيْتِ

٦٧٧٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْوَهَّابِ، عَنْ أُيُوبَ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بْنِ الْحَارِثِ قَالَ: جِيءَ بِالنُّعَيْمَانِ أَوْ بِابْنِ النُّعَيْمَانِ شَارِبًا، فَأَمَرَ النَّبِيُّ ﷺ مَنْ كَانَ بِالْبَيْتِ أَنْ يَضْرِبُوهُ. قَالَ: فَضْرِبُوهُ، فَكُنْتُ أَنَا فِيمَنْ ضَرَبَهُ بِالنُّعَالِ.

[راجع: ٢٣١٦]

(4) CHAPTER. Beating with stalks of date-palm leaves and shoes.

6775. Narrated 'Uqba bin Al-Hārith: An-Nu'mān or the son of An-Nu'mān was brought to the Prophet ﷺ in a state of intoxication. The Prophet ﷺ felt it hard (was angry) and ordered all those who were present in the house, to beat him. And they beat him with stalks of date-palm leaves and shoes, and I was among those who beat him.

(٤) بَابُ الضَّرْبِ بِالْجَرِيدِ وَالنُّعَالِ

٦٧٧٥ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا وَهْبُ بْنُ خَالِدٍ، عَنْ أُيُوبَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بْنِ الْحَارِثِ: أَنَّ النَّبِيَّ ﷺ أَتِيَ بِنُّعَيْمَانَ أَوْ بِابْنِ نُّعَيْمَانَ وَهُوَ سَكْرَانٌ، فَشَقَّ عَلَيْهِ، وَأَمَرَ مَنْ فِي الْبَيْتِ أَنْ يَضْرِبُوهُ، فَضْرِبُوهُ بِالْجَرِيدِ وَالنُّعَالِ، وَكُنْتُ فِيمَنْ ضَرَبَهُ.

[راجع: ٢٣١٦]

6776. Narrated Anas عنه رضي الله عنه: The Prophet ﷺ lashed a drunk with stalks of date-palm leaves and shoes. And Abū Bakr

٦٧٧٦ - حَدَّثَنَا مُسْلِمٌ: حَدَّثَنَا هِشَامٌ: حَدَّثَنَا قَتَادَةُ، عَنْ أَنَسِ قَالَ:

gave a drunk forty lashes.

6777. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ:

A man who drank wine was brought to the Prophet ﷺ. The Prophet ﷺ said, "Beat him!" Abū Hurairah added, "So some of us beat him with our hands, and some with their shoes, and some with their garments (by twisting it) like a lash, and then when we finished, someone said to him, 'May Allāh disgrace you!' On that the Prophet ﷺ said, 'Do not say so, for you are helping Satan to overpower him.'"

6778. Narrated 'Alī bin Abī Tālib رَضِيَ اللهُ عَنْهُ:

I would not feel sorry for one who dies because of receiving a legal punishment, except the drunk, for if he should die (when being punished), I would give blood money to his family because no fixed punishment has been ordered by Allāh's Messenger ﷺ for the drunk.

6779. Narrated As-Sā'ib bin Yazīd: We

used to strike the drunks with our hands, shoes, clothes (by twisting it into the shape of lashes) during the lifetime of the Prophet ﷺ, Abū Bakr and the early part of 'Umar's caliphate. But during the last period of 'Umar's caliphate, he used to give the drunk forty lashes; and when drunks

جَلَدَ النَّبِيُّ ﷺ فِي الْخَمْرِ بِالْحَجْرِ وَالنَّعَالِ، وَجَلَدَ أَبُو بَكْرٍ أَرْبَعِينَ.

[راجع: ٦٧٧٣]

٦٧٧٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو

ضَمْرَةَ أَنَسٍ، عَنْ يَزِيدَ بْنِ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أُنِيَ النَّبِيُّ ﷺ بِرَجُلٍ قَدْ شَرِبَ قَالَ: «اضْرِبُوهُ»، قَالَ أَبُو هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: فَمِمَّا الضَّارِبُ بِيَدِهِ، وَالضَّارِبُ بِنَعْلِهِ، وَالضَّارِبُ بِثَوْبِهِ، فَلَمَّا انصَرَفَ قَالَ بَعْضُ الْقَوْمِ: أَحْزَاكَ اللهُ، قَالَ: «لَا تَقُولُوا هَكَذَا، لَا تُعِينُوا عَلَيْهِ

الشَّيْطَانَ». [انظر: ٦٧٨١]

٦٧٧٨ - حَدَّثَنَا عَبْدُ اللهِ بْنُ عَبْدِ

الْوَهَّابِ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا أَبُو حَصِينٍ: سَمِعْتُ عُمَيْرَ بْنَ سَعِيدِ النَّخَعِيِّ قَالَ: سَمِعْتُ عَلِيَّ بْنَ أَبِي طَالِبٍ رَضِيَ اللهُ عَنْهُ قَالَ: مَا كُنْتُ لِأَقِيمَ حَدًّا عَلَى أَحَدٍ فَيَمُوتَ فَأَجِدَ فِي نَفْسِي، إِلَّا صَاحِبَ الْخَمْرِ فَإِنَّهُ لَوْ مَاتَ وَدَيْتُهُ، وَذَلِكَ أَنَّ رَسُولَ اللهِ ﷺ لَمْ يَسْتَه.

٦٧٧٩ - حَدَّثَنَا مَكِّيُّ بْنُ

إِبْرَاهِيمَ، عَنِ الْجُعَيْدِ، عَنْ يَزِيدَ بْنِ حُصَيْفَةَ، عَنِ السَّائِبِ بْنِ يَزِيدَ قَالَ: كُنَّا نُؤْتَى بِالشَّارِبِ عَلَى عَهْدِ رَسُولِ اللهِ ﷺ وَإِمْرَةَ أَبِي بَكْرٍ وَصَدْرًا مِنْ

became mischievous and disobedient, he used to scourge them eighty lashes.

(5) CHAPTER. Cursing is disliked against the drunkard and the fact that he is not regarded as a non-Muslim.

6780. Narrated 'Umar bin Al-Khaṭṭāb رضي الله عنه: During the lifetime of the Prophet ﷺ there was a man called 'Abdullāh whose nickname was Donkey, and he used to make Allāh's Messenger ﷺ laugh. The Prophet ﷺ lashed him because of drinking (alcohol). And one day he was brought to the Prophet ﷺ on the same charge and was lashed. On that, a man among the people said, "O Allāh, curse him! How frequently he has been brought (to the Prophet ﷺ on such a charge)!" The Prophet ﷺ said, "Do not curse him; for by Allāh, I know he loves Allāh and His Messenger."

6781. Narrated Abū Hurairah رضي الله عنه: A drunk was brought to the Prophet ﷺ and he ordered him to be beaten (lashed). Some of us beat him with our hands, and some with their shoes, and some with their garments (twisted in the form of a lash). When that drunk had left, a man said, "What is wrong with him? May Allāh disgrace him!" Allāh's Messenger ﷺ said, "Do not help Satan against your (Muslim) brother."

خِلَافَةَ عُمَرَ، فَنَقَمُوا إِلَيْهِ بِأَيْدِينَا وَنَعَالِنَا وَأَزْدِيَّتِنَا، حَتَّى كَانَ آخِرَ إِمْرَةِ عُمَرَ فَجَلَدَ أَرْبَعِينَ، حَتَّى إِذَا عَتَوْا وَفَسَقُوا جَلَدَ ثَمَانِينَ.

(5) بَابُ مَا يُكْرَهُ مِنْ لَعْنِ شَارِبِ الْخَمْرِ، وَإِنَّهُ لَيْسَ بِخَارِجٍ مِنَ الْمِلَّةِ ٦٧٨٠ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنِي اللَّيْثُ قَالَ: حَدَّثَنِي خَالِدُ بْنُ زَيْدٍ، عَنْ سَعِيدِ بْنِ أَبِي هِلَالٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ، عَنْ عُمَرَ بْنِ الْخَطَّابِ: أَنَّ رَجُلًا عَلَى عَهْدِ النَّبِيِّ ﷺ كَانَ اسْمُهُ عَبْدَ اللَّهِ، وَكَانَ يُلَقَّبُ حِمَارًا، وَكَانَ يُضْحِكُ رَسُولَ اللَّهِ ﷺ، وَكَانَ النَّبِيُّ ﷺ قَدْ جَلَدَهُ فِي الشَّرَابِ، فَأَتَيْتُ بِهِ يَوْمًا فَأَمَرَ بِهِ فَجُلِدَ، قَالَ رَجُلٌ مِنَ الْقَوْمِ: اللَّهُمَّ الْعَنَهُ، مَا أَكْثَرَ مَا يُؤْتَى بِهِ، فَقَالَ النَّبِيُّ ﷺ: «لَا تَلْعَنُوهُ، فَوَاللَّهِ مَا عَلِمْتُ، أَنَّهُ يُحِبُّ اللَّهَ وَرَسُولَهُ».

٦٧٨١ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ: حَدَّثَنَا أَنَسُ بْنُ عِيَاضٍ: حَدَّثَنَا ابْنُ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ بِسَكَرَانَ فَأَمَرَ بِضَرْبِهِ، فَمِمَّا مَن يَضْرِبُهُ بِيَدِهِ، وَمِمَّا مَن يَضْرِبُهُ بِتَوْبِهِ. فَلَمَّا انْصَرَفَ قَالَ رَجُلٌ: مَا لَهُ أَحْزَاهُ اللَّهُ، فَقَالَ رَسُولُ

الله ﷺ: «لا تَكُونُوا عَوْنَ الشَّيْطَانِ عَلَىٰ أُخْيِكُمْ». [راجع: ٦٧٧٧]

(6) CHAPTER. The thief while stealing.

6782. Narrated Ibn ‘Abbās رضي الله عنهما: The Prophet ﷺ said, “When (a person) an adulterer commits illegal sexual intercourse, then he is not a believer at the time he is doing it; and when somebody steals, then he is not a believer at the time he is stealing.”

(٦) بَابُ السَّارِقِ حِينَ يَسْرِقُ
٦٧٨٢ - حَدَّثَنِي عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ دَاوُدَ: حَدَّثَنَا فَضِيلُ بْنُ غَزْوَانَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يُزْنِي الزَّانِي حِينَ يُزْنِي وَهُوَ مُؤْمِنٌ، وَلَا يَسْرِقُ حِينَ يَسْرِقُ وَهُوَ مُؤْمِنٌ». [انظر: ٦٨٠٩]

(7) CHAPTER. (It is permissible) to curse thieves (generally) without mentioning names.

6783. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, “Allāh curses a man who steals an egg and gets his hand cut off, or steals a rope and gets his hand cut off.”

Al-A‘mash said, “People used to interpret the *Baiḍa* (egg) as an iron helmet, and they used to think that the rope may cost a few Dirham.”

(٧) بَابُ لَعْنِ السَّارِقِ إِذَا لَمْ يُسَمَّ
٦٧٨٣ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ بْنُ غِيَاثٍ: حَدَّثَنِي أَبِي: حَدَّثَنَا الْأَعْمَشُ قَالَ: سَمِعْتُ أَبَا صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَعَنَ اللَّهُ السَّارِقَ يَسْرِقُ الْبَيْضَةَ فَتُقَطَّعُ يَدُهُ، وَيَسْرِقُ الْحَبْلَ فَتُقَطَّعُ يَدُهُ». قَالَ الْأَعْمَشُ: كَانُوا يَرَوْنَ أَنَّهُ بَيْضُ الْحَدِيدِ، وَالْحَبْلُ كَانُوا يَرَوْنَ أَنَّهُ مِنْهَا مَا يُسَاوِي دَرَاهِمًا. [انظر: ٦٧٩٩]

(8) CHAPTER. Al-Hudūd (legal punishment) are expiation (for the sin one has been punished for).

6784. Narrated ‘Ubāda bin Aṣ-Ṣāmit رضي الله عنه: We were with the Prophet ﷺ in a gathering and he said, “Give me the *Bai’a* (pledge) that you will not worship anything besides Allāh, will not steal, and will not commit illegal sexual intercourse.” And then (the Prophet ﷺ) recited the whole Verse (V.60:12). The Prophet ﷺ added, “And

(٨) بَابُ: الْحُدُودُ كَقَارَةِ
٦٧٨٤ - حَدَّثَنَا مُحَمَّدُ بْنُ يُونُسَ أَخْبَرَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي إِدْرِيسَ الْحَوْلَانِيِّ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا عِنْدَ النَّبِيِّ ﷺ فِي مَجْلِسٍ فَقَالَ: «بَايَعُونِي

whoever among you fulfils his pledge, his reward is with Allāh; and whoever commits something of such sins and Allāh screens him, it is up to Allāh whether to excuse or punish him.”

عَلَىٰ أَنْ لَا تَشْرِكُوا بِاللَّهِ شَيْئًا، وَلَا تَسْرِقُوا، وَلَا تَزْنُوا - وَقَرَأْ هَذِهِ الْآيَةَ كُلَّهَا - فَمَنْ وَفَىٰ مِنْكُمْ فَأَجْرُهُ عَلَى اللَّهِ، وَمَنْ أَصَابَ مِنْ ذَلِكَ شَيْئًا فَعُوقِبَ بِهِ فَهُوَ كَفَّارَتُهُ، وَمَنْ أَصَابَ مِنْ ذَلِكَ شَيْئًا فَسَتَرَهُ اللَّهُ عَلَيْهِ، إِنْ شَاءَ غَفَرَ لَهُ، وَإِنْ شَاءَ عَذَّبَهُ.

[راجع: ٨١]

(9) CHAPTER. A believer is safe except if he transgresses Allāh's legal limits or takes others' rights.

(٩) بَابٌ: ظَهَرَ الْمُؤْمِنِ حِمَىٰ إِلَّا فِي حَدٍّ أَوْ حَقٍّ

6785. Narrated 'Abdullāh: Allāh's Messenger ﷺ said in *Hajjat-ul-Wadā'* "Which month (of the year) do you think is most sacred?" The people said, "This (current) month of ours (the month of Dhul-Hijja)." He said, "Which town (country) do you think is the most sacred?" They said, "This city of ours (Makkah)." He said, "Which day do you think is the most sacred?" The people said, "This day of ours." He then said, "Allāh, the Blessed, the Supreme has made your blood, your property and your honour as sacred as this day of yours, in this town of yours, in this month of yours (and such protection cannot be slighted) except rightfully."⁽¹⁾ He then said thrice, "Have I conveyed Allāh's Message (to you)?" The people answered him each time, saying, "Yes." The Prophet ﷺ added, "May Allāh be Merciful to you (or, woe on you)! Do not revert to disbelief after me by cutting the necks of each other."

٦٧٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا عَاصِمُ بْنُ عَلِيٍّ: حَدَّثَنَا عَاصِمُ بْنُ مُحَمَّدٍ، عَنْ وَاقِدِ بْنِ مُحَمَّدٍ: سَمِعْتُ أَبِي: قَالَ عَبْدُ اللَّهِ: قَالَ رَسُولُ اللَّهِ ﷺ فِي حَجَّةِ الْوَدَاعِ: «أَلَا أَيُّ شَهْرٍ تَعْلَمُونَهُ أَعْظَمَ حُرْمَةً؟» قَالُوا: «أَلَا شَهْرُنَا هَذَا.» قَالَ: «أَلَا أَيُّ بَلَدٍ تَعْلَمُونَهُ أَعْظَمَ حُرْمَةً؟» قَالُوا: «أَلَا بَلَدُنَا هَذَا.» قَالَ: «أَلَا أَيُّ يَوْمٍ تَعْلَمُونَهُ أَعْظَمَ حُرْمَةً؟» قَالُوا: «أَلَا يَوْمُنَا هَذَا.» قَالَ: «فَإِنَّ اللَّهَ تَبَارَكَ وَتَعَالَى قَدْ حَرَّمَ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ إِلَّا بِحَقِّهَا كَحُرْمَةِ يَوْمِكُمْ هَذَا، فِي بَلَدِكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا، أَلَا هَلْ بَلَغْتُ؟» ثَلَاثًا، كُلُّ ذَلِكَ يُجِيبُونَهُ: أَلَا نَعَمْ. قَالَ: «وَيَحْكُمُ أَوْ وَيُلْكُمُ، لَا تَرْجِعَنَّ بَعْدِي

(1) (H. 6785) If somebody commits a crime, he is to be punished legally otherwise nobody and no authority can wrong him.

كُفَّاراً يَضْرِبُ بَعْضُكُمْ رِقَابَ بَعْضٍ» .

[راجع: ١٧٤٢]

(10) CHAPTER. To carry out the legal punishment; and to take revenge on those who transgress Allāh's limits and boundaries.

6786. Narrated 'Āishah رضي الله عنها: Whenever the Prophet ﷺ was given an option between two things, he used to select the easier of the two, as long as it was not sinful; but if it was sinful, he would remain far from it. By Allāh, he never took revenge for himself concerning any matter that was presented to him, but when Allāh's limits were transgressed, he would take revenge for Allāh's sake.

٦٧٨٦ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ، حَدَّثَنَا اللَّيْثُ، عَنِ عُقَيْلٍ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: مَا خَيْرَ النَّبِيِّ ﷺ بَيْنَ أَمْرَيْنِ إِلَّا اخْتَارَ أَيْسَرَهُمَا مَا لَمْ يَأْتُمْ، فَإِذَا كَانَ الْإِثْمُ كَانَ أَبْعَدَهُمَا مِنْهُ، وَاللَّهُ مَا انْتَقَمَ لِنَفْسِهِ فِي شَيْءٍ يُؤْتَى إِلَيْهِ قَطُّ حَتَّى تُنْتَهَكَ حُرْمَاتُ اللَّهِ فَيَنْتَقِمُ اللَّهُ. [راجع: ٣٥٦٠]

(11) CHAPTER. To inflict the legal punishment on the noble and the weak people (impartially).

6787. Narrated 'Āishah رضي الله عنها: Usāma approached the Prophet ﷺ on behalf of a woman (who had committed theft). The Prophet ﷺ said, "The people before you (past nations) were destroyed because they used to inflict the legal punishments on the poor and forgive the rich. By Him in Whose Hand my soul is! If Fāṭima (the daughter of the Prophet ﷺ) did that (i.e., stole), I would cut off her hand."

(١١) بَابُ إِقَامَةِ الْحُدُودِ عَلَى الشَّرِيفِ وَالْوَضِيعِ
٦٧٨٧ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا اللَّيْثُ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ أُسَامَةَ كَلَّمَ النَّبِيَّ ﷺ فِي أَمْرَةِ فَقَالَ: «إِنَّمَا هَلَكَ مَنْ كَانَ قَبْلَكُمْ، أَنَّهُمْ كَانُوا يُقِيمُونَ الْحَدَّ عَلَى الْوَضِيعِ وَيَتْرُكُونَ عَلَى الشَّرِيفِ، وَالَّذِي نَفْسِي بِيَدِهِ لَوْ فَاطَمَتُهُ فَعَلْتُ ذَلِكَ لَقَطَعْتُ يَدَهَا» .

[راجع: ٢٦٤٨]

(12) CHAPTER. Intercession is not recommended in the matter of legal punishment after the case has been filed with the authorities.

(١٢) بَابُ كَرَاهِيَةِ الشَّفَاعَةِ فِي الْحَدِّ إِذَا رُفِعَ إِلَى السُّلْطَانِ

6788. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: The Quraish people became very worried about the Makhzūmiya lady who had committed theft. They said, "Nobody can speak (in favour of the lady) to Allāh's Messenger ﷺ, and nobody dares do that except Usāma who is the favourite of Allāh's Messenger ﷺ." When Usāma spoke to Allāh's Messenger ﷺ about that matter, Allāh's Messenger ﷺ said, "Do you intercede (with me) to violate one of the legal punishment of Allāh?" Then he got up and addressed the people, saying, "O people! The nations before you went astray because if a noble person committed theft, they used to leave him, but if a weak person among them committed theft, they used to inflict the legal punishment on him. By Allāh, if Fāṭima, the daughter of Muḥammad (ﷺ) committed theft, Muḥammad will cut off her hand!"

٦٧٨٨ - حَدَّثَنَا سَعِيدُ بْنُ سَلِيمَانَ: حَدَّثَنَا اللَّيْثُ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ قُرَيْشًا أَهَمَّتْهُمُ الْمَرْأَةُ الْمَخْزُومِيَّةُ الَّتِي سَرَقَتْ فَقَالُوا: مَنْ يَكَلِّمُ رَسُولَ اللَّهِ ﷺ وَمَنْ يَجْتَرِئُ عَلَيْهِ إِلَّا أَسَامَةُ بْنُ جَبْرِ رَسُولِ اللَّهِ ﷺ؟ فَكَلَّمَ رَسُولَ اللَّهِ ﷺ فَقَالَ: «أَتَشْفَعُ فِي حَدِّ مَنْ مِنْ حُدُودِ اللَّهِ؟» ثُمَّ قَامَ فَحَطَبَ، فَقَالَ: «يَا أَيُّهَا النَّاسُ، إِنَّمَا ضَلَّ مَنْ كَانَ قَبْلَكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ الشَّرِيفُ تَرَكَوهُ، وَإِذَا سَرَقَ الضَّعِيفُ فِيهِمْ أَقَامُوا عَلَيْهِ الْحَدَّ، وَإِنَّمَا اللَّهُ لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعَ مُحَمَّدٌ يَدَهَا». [راجع: ٢٦٤٨]

(13) CHAPTER. The Statement of Allāh

تعالى:

"Cut off (from the wrist joint) the (right) hand of the thief, male or female..." (V.5:38)

And what is the minimum theft because of which the thief's right hand will be cut off (from the wrist joint).

And 'Alī cut off the hand at the wrist. And Qatāda said concerning a woman who had committed theft and whose left hand had consequently been cut off: "Cut off nothing else."⁽¹⁾

(١٣) بَابُ قَوْلِ اللَّهِ تَعَالَى: ﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا﴾ [المائدة: ٣٨] وَفِي كَيْفِ يَقْطَعُ؟ وَقَطَعَ عَلَيَّ مِنَ الْكَفِّ. وَقَالَ قَتَادَةُ فِي امْرَأَةٍ سَرَقَتْ فَقُطِعَتْ شِمَالُهَا: لَيْسَ إِلَّا ذَلِكَ.

6789. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ said, "The hand should be cut off for stealing something that is worth a quarter of a Dinār or more."

٦٧٨٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُمَرَ، عَنْ عَائِشَةَ:

(1) (Ch. 13) The right hand is actually to be cut off. But if the left hand was cut off by mistake, Qatāda thinks that the right hand should then not be cut off.

قَالَ النَّبِيُّ ﷺ: «تُقَطَّعُ الْيَدُ فِي رُبْعِ دِينَارٍ فَصَاعِدًا».

وَتَابَعَهُ عَبْدُ الرَّحْمَنِ بْنُ خَالِدٍ،
وَابْنُ أَخِي الزُّهْرِيِّ، وَمَعْمَرٌ عَنِ
الزُّهْرِيِّ. [انظر: ٦٧٩٠، ٦٧٩١]

6790. Narrated 'Aishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ said, "The hand of a thief should be cut off for stealing a quarter of a Dīnār."

٦٧٩٠ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي
أُوَيْسٍ، عَنِ ابْنِ وَهْبٍ، عَنْ يُونُسَ،
عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ
وَعَمْرَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ
قَالَ: «تُقَطَّعُ يَدُ السَّارِقِ فِي رُبْعِ
دِينَارٍ». [راجع: ٦٧٨٩]

6791. Narrated 'Aishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ said, "The hand should be cut off for stealing a quarter of a Dīnār."

٦٧٩١ - حَدَّثَنَا عِمْرَانُ بْنُ
مَيْسَرَةَ: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا
الْحُسَيْنُ، عَنْ يَحْيَى ابْنِ أَبِي كَثِيرٍ،
عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ
الْأَنْصَارِيِّ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ
الرَّحْمَنِ: حَدَّثَتْهُ: «أَنَّ عَائِشَةَ رَضِيَ
اللهُ عَنْهَا حَدَّثَتْهُمْ عَنِ النَّبِيِّ ﷺ
قَالَ: «تُقَطَّعُ الْيَدُ فِي رُبْعِ دِينَارٍ».
[راجع: ٦٧٨٩]

6792. Narrated 'Aishah رَضِيَ اللهُ عَنْهَا: The hand of a thief was not cut off during the lifetime of the Prophet ﷺ except for stealing something equal to a shield in value.⁽¹⁾

٦٧٩٢ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي
شَيْبَةَ: حَدَّثَنَا عَبْدُ عَزَّزٍ، عَنْ هِشَامِ بْنِ
عُرْوَةَ، عَنْ أَبِيهِ قَالَ: أَخْبَرْتَنِي عَائِشَةُ
أَنَّ يَدَ السَّارِقِ لَمْ تُقَطَّعْ عَلَى عَهْدِ
النَّبِيِّ ﷺ إِلَّا فِي ثَمَنِ مِجَنٍّ حَجَفَةٍ أَوْ
ثُرَيْسٍ.
حَدَّثَنَا عُثْمَانُ: حَدَّثَنَا حُمَيْدُ بْنُ

(1) (H. 6792) A shield was worth one Dīnār at that time.

6793. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: A thief's hand was not cut off for stealing something cheaper than a *Hajafa* or a *Turs* (two kinds of shields), each of which was worth a (respectable) price.

عَبْدُ الرَّحْمَنِ: حَدَّثَنَا هِشَامٌ، عَنْ أَبِيهِ،
عَنْ عَائِشَةَ مِثْلَهُ. [انظر: ٦٧٩٣، ٦٧٩٤]

٦٧٩٣ - حَدَّثَنَا مُحَمَّدُ بْنُ
مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا هِشَامُ
بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ
قَالَتْ: لَمْ تَكُنْ تُقَطَّعُ يَدُ السَّارِقِ فِي
أَدْنَى مِنْ حَجَفَةٍ أَوْ ثُرَيْسٍ، كُلُّ وَاحِدٍ
مِنْهُمَا ذُو ثَمَنٍ. [راجع: ٦٧٩٢]

رَوَاهُ وَكَيْعٌ وَابْنُ إِدْرِيسَ، عَنْ
هِشَامٍ، عَنْ أَبِيهِ مُرْسَلًا.

6794. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: A thief's hand was not cut off for stealing something worth less than the price of a shield, whether a *Turs* or *Hajafa* (two kinds of shields), each of which was worth a (respectable) price.

٦٧٩٤ - حَدَّثَنِي يُونُسُ بْنُ
مُوسَى: حَدَّثَنَا أَبُو أَسَامَةَ قَالَ: هِشَامُ
بْنُ عُرْوَةَ أَخْبَرَنَا عَنْ أَبِيهِ، عَنْ عَائِشَةَ
رَضِيَ اللهُ عَنْهَا قَالَتْ: لَمْ تُقَطَّعْ يَدُ
سَارِقٍ عَلَى عَهْدِ النَّبِيِّ ﷺ فِي أَدْنَى
مِنْ ثَمَنِ الْمَجَنِّ: ثُرَيْسٍ أَوْ حَجَفَةٍ
وَكَانَ كُلُّ وَاحِدٍ مِنْهُمَا ذَا ثَمَنٍ.
[راجع: ٦٧٩٢]

6795. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا: Allāh's Messenger ﷺ cut off the hand of a thief for stealing a shield that was worth three Dirham.

٦٧٩٥ - حَدَّثَنَا إِسْمَاعِيلُ:
حَدَّثَنِي مَالِكُ بْنُ أَنَسٍ، عَنْ نَافِعِ
مَوْلَى عَبْدِ اللَّهِ بْنِ عَمْرٍ، عَنْ عَبْدِ اللَّهِ
بْنِ عَمْرٍ رَضِيَ اللهُ عَنْهُمَا: أَنَّ رَسُولَ
اللَّهِ ﷺ قَطَعَ فِي مِجَنٍّ ثَمَنُهُ ثَلَاثَةُ
دِرَاهِمٍ. تَابَعَهُ مُحَمَّدُ بْنُ إِسْحَاقَ وَقَالَ
اللَّيْثُ: حَدَّثَنِي نَافِعٌ: قِيَمَتُهُ. [انظر:
٦٧٩٧، ٦٧٩٨]

6796. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ cut off the hand of a thief for stealing a shield that was worth three Dirham.

٦٧٩٦ - حَدَّثَنَا مُوسَى بْنُ
إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَةُ، عَنْ نَافِعِ،

عَنْ ابْنِ عُمَرَ قَالَ: قَطَعَ النَّبِيُّ ﷺ فِي مِجَنٍّ تَمَنَّهُ ثَلَاثَةُ دَرَاهِمٍ. [راجع: ٦٧٩٥]

٦٧٩٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي نَافِعٌ، عَنْ عَبْدِ اللَّهِ قَالَ: قَطَعَ النَّبِيُّ ﷺ فِي مِجَنٍّ سَمَنَّهُ ثَلَاثَةَ دَرَاهِمٍ.

[راجع: ٦٧٩٥]

6797. Narrated ‘Abdullāh (bin ‘Umar رَضِيَ اللهُ عَنْهُمَا): The Prophet ﷺ cut off the hand of a thief for stealing a shield that was worth three Dirham.

٦٧٩٨ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ: حَدَّثَنَا أَبُو ضَمْرَةَ: حَدَّثَنَا مُوسَى بْنُ عُقْبَةَ عَنْ نَافِعٍ: أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَطَعَ النَّبِيُّ ﷺ يَدَ سَارِقٍ فِي مِجَنٍّ تَمَنَّهُ ثَلَاثَةَ دَرَاهِمٍ.

تَابِعَهُ مُحَمَّدُ بْنُ إِسْحَاقَ. وَقَالَ اللَّيْثُ: حَدَّثَنِي نَافِعٌ: قَيْمَتُهُ.

[راجع: ٦٧٩٥]

6798. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ cut off the hand of a thief for stealing a shield that was worth three Dirham.

٦٧٩٩ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا الْأَعْمَشُ قَالَ: سَمِعْتُ أَبَا صَالِحٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَعَنَ اللَّهُ السَّارِقَ يَسْرِقُ الْبَيْضَةَ فَتُقَطَّعُ يَدُهُ، وَيَسْرِقُ الْحَبْلَ فَتُقَطَّعُ يَدُهُ». [راجع: ٦٧٨٣]

6799. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh’s Messenger ﷺ said, “Allāh curses the thief who steals an egg (or a helmet) for which his hand is to be cut off, or steals a rope, for which his hand is to be cut off.”

(١٤) بَابُ تَوْبَةِ السَّارِقِ

٦٨٠٠ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي ابْنُ وَهْبٍ، عَنْ يُونُسَ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ قَطَعَ يَدَ

(14) CHAPTER. The repentance of a thief.

6800. Narrated ‘Āishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ cut off the hand of a lady, and that lady used to come to me, and I used to convey her message to the Prophet ﷺ, and she repented, and her repentance was sincere.

امراً. قَالَتْ عَائِشَةُ: وَكَانَتْ تَأْتِي
بَعْدَ ذَلِكَ فَأَرْفَعُ حَاجَتَهَا إِلَى النَّبِيِّ ﷺ
فَتَأْتِي وَحَسُنْتَ تَوْبَتُهَا. [راجع: ٢٦٤٨]

٦٨٠١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
مُحَمَّدٍ الْجُعْفِيُّ: حَدَّثَنَا هِشَامُ بْنُ
يُوسُفَ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ،
عَنْ أَبِي إِدْرِيسَ، عَنْ عُبَادَةَ بْنِ
الصَّامِتِ رَضِيَ اللَّهُ عَنْهُ قَالَ: بَايَعْتُ
رَسُولَ اللَّهِ ﷺ فِي رَهْطٍ فَقَالَ:
«أَبَايِعُكُمْ عَلَى أَنْ لَا تُشْرِكُوا بِاللَّهِ
شَيْئاً، وَلَا تَسْرِقُوا، وَلَا تَقْتُلُوا
أَوْلَادَكُمْ، وَلَا تَأْتُوا بِبُهْتَانٍ تَفْتَرُونَهُ
بَيْنَ أَيْدِيكُمْ وَأَرْجُلِكُمْ، وَلَا تَعْصُونِي
فِي مَعْرُوفٍ، فَمَنْ وَفَى مِنْكُمْ فَأَجْرُهُ
عَلَى اللَّهِ، وَمَنْ أَصَابَ مِنْ ذَلِكَ شَيْئاً
فَأَخَذَ بِهِ فِي الدُّنْيَا فَهُوَ كَفَّارَةٌ لَهُ
وَطَهْرٌ، وَمَنْ سَتَرَهُ اللَّهُ، فَذَلِكَ إِلَى
اللَّهِ إِنْ شَاءَ عَذَبَهُ، وَإِنْ شَاءَ غَفَرَ لَهُ».

قَالَ أَبُو عَبْدِ اللَّهِ: إِذَا تَابَ
السَّارِقُ بَعْدَمَا قُطِعَ يَدُهُ قُبِلَتْ
شَهَادَتُهُ. وَكُلُّ مُحَدُودٍ كَذَلِكَ إِذَا تَابَ
قُبِلَتْ شَهَادَتُهُ. [راجع: ١٨]

(١٥) بَابُ الْمُحَارِبِينَ مِنْ أَهْلِ الْكُفْرِ
وَالرَّدَّةِ،

وَقَوْلِ اللَّهِ تَعَالَى: ﴿إِنَّمَا جَزَاءُ
الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ﴾ الْآيَةُ.

[المائدة: ٣٣].

6801. Narrated 'Ubāda bin Aṣ-Ṣāmit رَضِيَ اللَّهُ عَنْهُ: I gave the *Bai'a* (pledge) to the Prophet ﷺ with a group of people, and he said, "I take your pledge that you will not ascribe partners to Allāh, will not steal, will not commit infanticide, will not slander others by forging false statements and spreading it, and will not disobey me in ordering you *Ma'ruf* (Islāmic Monotheism and all that Islām ordains). And whoever among you fulfils all these (obligations of the pledge), his reward is with Allāh. And whoever commits any of the above crimes and received his legal punishment in this world, that will be his expiation and purification. But if Allāh screens his sin, it will be up to Allāh, Who will either punish or forgive him according to His Wish."

Abū 'Abdullāh said, "If a thief repents after his hand has been cut off, then his witness will be accepted. Similarly, if any person upon whom any legal punishment has been inflicted repents, his witness will be accepted."

(15) CHAPTER. The Chapter of (the punishment for) those who wage war (against Allāh and His Messenger) from the people who are disbelievers and from those who have turned renegades (converted from Islām).

And the Statement of Allāh تَعَالَى:

"The recompense of those who wage war against Allāh and His Messenger, and do mischief in the land is only that they shall be

killed or crucified, or their hands and their feet be cut off on the opposite sides, or be exiled from the land..." (V.5:33)

6802. Narrated Anas رَضِيَ اللهُ عَنْهُ: Some people from the tribe of 'Ukl came to the Prophet ﷺ and embraced Islām. The climate of Al-Madīna did not suit them, so the Prophet ﷺ ordered them to go to the (herd of milch) camels of charity and to drink their milk and urine (as a medicine). They did so, and after they had recovered from their ailment (became healthy) they turned renegades (reverted from Islām) and killed the shepherd of the camels and took the camels away. The Prophet ﷺ sent (some people) in their pursuit and so they were (caught and) brought, and the Prophet ﷺ ordered that their hands and legs should be cut off and their eyes should be branded with heated pieces of iron, and that their cut hands and legs should not be cauterized, till they died.

(16) CHAPTER. The Prophet ﷺ did not cauterize (the amputated limbs of) those who fought (against Allāh and His Messenger) and of those who were renegades (reverted from Islām) (therefore they bled) till they died.

6803. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ cut off the hands and feet of the men belonging to the tribe of 'Uraina and did not cauterize (their bleeding limbs) till they died.

(17) CHAPTER. No water was given to drink to those who turned renegades and fought (against Allāh and His Messenger), till they died.

٦٨٠٢ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ: حَدَّثَنَا الْأَوْزَاعِيُّ: حَدَّثَنِي يَحْيَى بْنُ أَبِي كَثِيرٍ قَالَ: حَدَّثَنِي أَبُو قِلَابَةَ الْجَرْمِيُّ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَدِمَ عَلَى النَّبِيِّ ﷺ نَفَرٌ مِنْ عُكْلٍ فَأَسْلَمُوا، فَاجْتَوُوا الْمَدِينَةَ، فَأَمَرَهُمْ أَنْ يَأْتُوا إِبِلَ الصَّدَقَةِ فَيَشْرَبُوا مِنْ أَبْوَالِهَا وَالْبَانِيَا، فَمَعَلُوا فَصَحُوا، فَارْتَدُّوا وَقَتَلُوا رُعَاتَهَا وَاسْتَأْفُوا الْإِبِلَ فَبَعَثَ فِي آثَارِهِمْ فَأَتَى بِهِمْ فَقَطَعَ أَيْدِيَهُمْ وَأَرْجُلَهُمْ وَسَمَلَ أَعْيُنَهُمْ، ثُمَّ لَمْ يَحْسِمَهُمْ حَتَّى مَاتُوا. [راجع: ٢٣٣]

(١٦) بَابُ: لَمْ يَحْسِمِ النَّبِيُّ ﷺ الْمُحَارِبِينَ مِنْ أَهْلِ الرِّدَّةِ حَتَّى هَلَكُوا

٦٨٠٣ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّلْتِ أَبُو يَعْلَى: حَدَّثَنَا الْوَلِيدُ: حَدَّثَنِي الْأَوْزَاعِيُّ، عَنْ يَحْيَى، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسِ أَنَّ النَّبِيَّ ﷺ قَطَعَ الْعُرَيْبِينَ وَلَمْ يَحْسِمَهُمْ حَتَّى مَاتُوا. [راجع: ٢٣٣]

(١٧) بَابُ لَمْ يُسَقِ الْمُرْتَدُونَ الْمُحَارِبُونَ حَتَّى مَاتُوا

6804. Narrated Anas رَضِيَ اللهُ عَنْهُ: A group of people from 'Ukl (tribe) came to the Prophet ﷺ and they were living with the people of *As-Suffa*, but they became ill as the climate of Al-Madīna did not suit them, so they said, "O Allāh's Messenger! Provide us with milk." The Prophet ﷺ said, "I see no other way for you than to use the camels of Allāh's Messenger (ﷺ)." So they went and drank the milk and urine of the camels (as medicine), and became healthy and fat. Then they killed the shepherd and took the camels away. When a help-seeker came to Allāh's Messenger ﷺ, he sent some men in their pursuit, and they were captured and brought before mid-day. The Prophet ﷺ ordered for some iron pieces to be made red hot, and their eyes were branded with them and their hands and feet were cut off and were not cauterized. Then they were put at a place called Al-Ḥarra, and when they asked for water to drink they were not given till they died.

Abū Qilāba said, "Those people committed theft and murder and fought against Allāh and His Messenger."

(18) CHAPTER. The Prophet ﷺ branded the eyes of those who fought (against Allāh and His Messenger ﷺ).

6805. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: A group of people from 'Ukl (or 'Uraina) tribe — but I think he said that they were from 'Ukl — came to Al-Madīna and (they became ill, so) the Prophet ﷺ ordered them to go to the herd of (milch) she-camels and told them to go out and drink the camels' urine and milk (as a medicine). So they went and drank it, and when they became healthy, they killed the shepherd and drove away the camels. This news reached the Prophet ﷺ

٦٨٠٤ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ، عَنْ وَهَيْبٍ، عَنْ أَبِي يُؤُوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسِ بْنِ رَضِيَ اللهُ عَنْهُ قَالَ: قَدِمَ رَهْطٌ مِنْ عُكْلٍ عَلَى النَّبِيِّ ﷺ، كَانُوا فِي الصُّفَّةِ، فَاجْتَوَوْا الْمَدِينَةَ فَقَالُوا: يَا رَسُولَ اللهِ، أَبْغِنَا رِشْلًا، فَقَالَ: «مَا أَجِدُ لَكُمْ إِلَّا أَنْ تَلْحَقُوا بِأَبْلِ رَسُولِ اللهِ ﷺ»، فَاتَوَّاهَا فَشَرَبُوا مِنْ أَلْبَانِهَا وَأَبْوَالِهَا، حَتَّى صَحُّوا وَسَمِنُوا، وَقَتَلُوا الرَّاعِيَ وَاسْتَأْفَقُوا الدَّوْدَ. فَآتَى النَّبِيُّ ﷺ الصَّرِيخُ، فَبَعَثَ الطَّلَبَ فِي آثَارِهِمْ فَمَا تَرَ جَلَّ النَّهَارُ حَتَّى أُتِيَ بِهِمْ، فَأَمَرَ بِمَسَامِيرَ فَأَحْمِيَتْ فَكَحَلَهُمْ وَقَطَعَ أَيْدِيَهُمْ وَأَرْجُلَهُمْ وَمَا حَسَمَهُمْ، ثُمَّ أُلْفُوا فِي الْحَرَّةِ يَسْتَسْفُونَ فَمَا سَفُّوا حَتَّى مَاتُوا.

قَالَ أَبُو قِلَابَةَ: سَرَقُوا وَقَتَلُوا، وَحَارَبُوا اللَّهَ وَرَسُولَهُ. [راجع: ٢٣٣]

(١٨) بَابُ سَمْرِ النَّبِيِّ ﷺ أَعْيُنِ الْمُحَارِبِينَ

٦٨٠٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا حَمَّادٌ، عَنْ أَبِي يُؤُوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ رَهْطًا مِنْ عُكْلٍ - أَوْ قَالَ: عُرَيْتَةَ، وَلَا أَعْلَمُهُ إِلَّا قَالَ: مِنْ عُكْلٍ - قَدِمُوا الْمَدِينَةَ، فَأَمَرَ لَهُمُ النَّبِيُّ ﷺ بِإِلْقَاحِ وَأَمَرَهُمْ أَنْ يَخْرُجُوا، فَيَشْرَبُوا مِنْ

early in the morning, so he sent (some) men in their pursuit and they were captured and brought to the Prophet ﷺ before mid-day. He ordered to cut off their hands and legs and their eyes to be branded with heated iron pieces, and they were thrown at Al-Ḥarra, and when they asked for water to drink, they were not given water.

Abū Qilāba said, "Those were the people who committed theft and murder and reverted to disbelief after being believers (Muslims), and fought against Allāh and His Messenger ﷺ."

أَبُوهَا وَأَلْبَانِهَا، فَسَرَبُوا حَتَّى إِذَا
بَرَّثُوا قَتَلُوا الرَّاعِيَّ وَاسْتَأْفُوا النَّعَمَ،
فَبَلَغَ النَّبِيَّ ﷺ غَدْوَةً فَبَعَثَ الطَّلَبَ فِي
إِثْرِهِمْ، فَمَا ارْتَفَعَ النَّهَارُ حَتَّى جِيءَ
بِهِمْ، فَأَمَرَ بِهِمْ فَقَطَعَ أَيْدِيَهُمْ
وَأَرْجُلَهُمْ وَسَمَّرَ أَعْيُنَهُمْ، فَأَلْقُوا
بِالْحَرَّةِ يَسْتَسْقُونَ فَلَا يُسْقَوْنَ.
[راجع: ٢٣٣]

قَالَ أَبُو قِلَابَةَ: هُوَ لَاءِ قَوْمٍ سَرَفُوا
وَقَتَلُوا، وَكَفَرُوا بَعْدَ إِيمَانِهِمْ،
وَحَارَبُوا اللَّهَ وَرَسُولَهُ.

(١٩) بَابُ فَضْلِ مَنْ تَرَكَ الْفَوَاحِشَ

(19) CHAPTER. The superiority of the person who leaves *Al-Fawahish* (all kinds of illegal sexual acts and evil deeds).

6806. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "Seven (people) will be shaded by Allāh under His Shade on the Day of Resurrection when there will be no shade except His. (They will be:) (1) a just ruler, (2) a youth who has been brought up in the worship of Allāh (i.e., worships Allāh عزوجل Alone, sincerely from his childhood), (3) a man who remembers Allāh in seclusion and his eyes are then flooded with tears, (4) a man whose heart is attached to mosques [offers his compulsory congregational *Ṣalāt* (prayers) in the mosques], (5) two men who love each other for Allāh's sake, (6) a man who refused the call of a charming lady of noble birth for illegal sexual intercourse with her, and he says, 'I fear Allāh,' and (finally), (7) a man who practises charity so (secretly) that his left hand does not know what his right hand has given (i.e., nobody knows how much he has given in charity)."

[See *Ḥadīth* No. 660, 1423]

٦٨٠٦ - حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا
عَبْدُ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍ، عَنْ
خُبَيْبِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ حَفْصِ
بْنِ عَاصِمٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ
ﷺ قَالَ: «سَبْعَةٌ يُظِلُّهُمُ اللَّهُ يَوْمَ
الْقِيَامَةِ فِي ظِلِّهِ يَوْمَ لَا ظِلَّ إِلَّا ظِلُّهُ:
إِمَامٌ عَادِلٌ، وَشَابٌّ نَشَأَ فِي عِبَادَةِ
اللَّهِ، وَرَجُلٌ ذَكَرَ اللَّهَ فِي خَلَاءٍ
فَفَاضَتْ عَيْنَاهُ، وَرَجُلٌ قَلْبُهُ مُعَلَّقٌ فِي
الْمَسْجِدِ، وَرَجُلَانِ تَحَابَبَا فِي اللَّهِ،
وَرَجُلٌ دَعَتْهُ امْرَأَةٌ ذَاتُ مَنْصِبٍ
وَجَمَالٍ إِلَى نَفْسِهَا قَالَ: إِنَّي أَخَافُ
اللَّهَ، وَرَجُلٌ تَصَدَّقَ بِصَدَقَةٍ فَأَخْفَاهَا
حَتَّى لَا تَعْلَمَ شِمَالُهُ مَا صَنَعَتْ
يَمِينُهُ». [راجع: ٦٦٠]

6807. Narrated Sahl bin Sa'd: The Prophet ﷺ said, "Whoever guarantees me (the chastity of) what is between his legs (i.e., his private parts), and what is between his jaws (i.e., his mouth, his tongue) I guarantee him Paradise." (See the footnote of H. 6474)

٦٨٠٧ - حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي بَكْرٍ: حَدَّثَنَا عُمَرُ بْنُ عَلِيٍّ ح. وَحَدَّثَنِي خَلِيفَةُ: حَدَّثَنَا عُمَرُ بْنُ عَلِيٍّ: حَدَّثَنَا أَبُو حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدِ السَّاعِدِيِّ: قَالَ النَّبِيُّ ﷺ: «مَنْ تَوَكَّلَ لِي مَا بَيْنَ رِجْلَيْهِ وَمَا بَيْنَ لَحْيَيْهِ تَوَكَّلْتُ لَهُ بِالْجَنَّةِ». [راجع: ٦٤٧٤]

(20) CHAPTER. The sin of illegal sexual intercourse. And the Statement of Allāh تعالى:

“... Nor commit illegal sexual intercourse...” (V.25:68).

“And come not near to unlawful sexual intercourse. Verily, it is a *Fahishah* [i.e., anything that transgresses its limits (a great sin)], and an evil way (that leads one to Hell unless Allāh forgives him).” (V.17:32).

(٢٠) بَابُ إِثْمِ الزُّنَا، وَقَوْلُ اللَّهِ تَعَالَى: ﴿وَلَا يَزْنُوا﴾ [الفرقان: ٦٨] ﴿وَلَا يَفْرُوا الزِّنَىٰ إِنَّهُمْ كَانَ فَحِشَةً وَسَاءَ سَبِيلًا﴾ [الإسراء: ٣٢]

6808. Anas said: I will narrate to you a narration which nobody will narrate to you after me. I heard that from the Prophet ﷺ. I heard the Prophet ﷺ saying, “The Hour will not be established,” or said, “From among the portents of the Hour (are the following):

1. Religious knowledge will be taken away (by the death of religious scholars).
2. (Religious) ignorance will prevail.
3. Drinking of alcoholic drinks (will be very common).
4. There will be prevalence of open illegal sexual intercourse.
5. And men will decrease in number while women will increase so much so that, for fifty women there will be only one man to look after them.” (See H. 81, 1036)

٦٨٠٨ - حَدَّثَنَا دَاوُدُ بْنُ شَيْبٍ: حَدَّثَنَا هَمَّامٌ، عَنْ قَتَادَةَ: أَخْبَرَنَا أَنَسٌ قَالَ: لَأَحَدِنَاكُمْ حَدِيثًا لَا يُحَدِّثُكُمْوهُ أَحَدٌ بَعْدِي، سَمِعْتُهُ مِنَ النَّبِيِّ ﷺ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «لَا تَعْمُ السَّاعَةُ - وَإِنَّمَا قَالَ: مِنْ أَشْرَاطِ السَّاعَةِ - أَنْ يُرْفَعَ الْعِلْمُ، وَيُظْهَرَ الْجَهْلُ، وَيُشْرَبَ الْخَمْرُ، وَيُظْهَرَ الزُّنَا، وَيَقِلَّ الرِّجَالُ، وَيَكْثُرَ النِّسَاءُ حَتَّى يَكُونَ لِلْخَمْسِينَ امْرَأَةً الْقِيَمُ الْوَاحِدُ». [راجع: ٨٠]

6809. Narrated 'Ikrima: Ibn 'Abbās رضي الله عنهما said: Allāh's Messenger ﷺ said, “When a slave (of Allāh) commits illegal

٦٨٠٩ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: أَخْبَرَنَا إِسْحَاقُ بْنُ يُونُسَ:

sexual intercourse then he is not a believer at the time of committing it; and when he steals then he is not a believer at the time of stealing; and when he drinks an alcoholic drink, then he is not a believer at the time of drinking it, and he is not a believer when he commits a murder.” ‘Ikrima said: I asked Ibn Abbās, “How is Faith taken away from him?” He said, “Like this,” by clasping his hands and then separating them, and added, “But if he repents, Faith returns to him like this,” by clasping his hands again.

أخبرنا الفضيل بن عَزْوَانَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَزِيهِ الْعَبْدُ حِينَ يَزْنِي وَهُوَ مُؤْمِنٌ، وَلَا يَسْرِقُ حِينَ يَسْرِقُ وَهُوَ مُؤْمِنٌ. وَلَا يَشْرَبُ حِينَ يَشْرَبُ وَهُوَ مُؤْمِنٌ، وَلَا يَقْتُلُ وَهُوَ مُؤْمِنٌ». قَالَ عِكْرِمَةُ، قُلْتُ لِابْنِ عَبَّاسٍ: كَيْفَ يُنْزَعُ الْإِيمَانُ مِنْهُ؟ قَالَ: هَكَذَا، وَشَبَّكَ بَيْنَ أَصَابِعِهِ ثُمَّ أَخْرَجَهَا، فَإِنْ تَابَ عَادَ إِلَيْهِ هَكَذَا، وَشَبَّكَ بَيْنَ أَصَابِعِهِ.

[راجع: ٦٧٨٢]

6810. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, “The one who commits an illegal sexual intercourse is not a believer at the time of committing illegal sexual intercourse; and a thief is not a believer at the time of committing theft; and a drinker of alcoholic drink is not a believer at the time of drinking. Yet, (the gate of) repentance is open thereafter.”

٦٨١٠ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ، عَنِ الْأَعْمَشِ، عَنْ ذَكْوَانَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ النَّبِيُّ ﷺ: «لَا يَزْنِي الزَّانِي حِينَ يَزْنِي وَهُوَ مُؤْمِنٌ، وَلَا يَسْرِقُ حِينَ يَسْرِقُ وَهُوَ مُؤْمِنٌ، وَلَا يَشْرَبُ حِينَ يَشْرَبُهَا وَهُوَ مُؤْمِنٌ، وَالتَّوْبَةُ مَعْرُوضَةٌ بَعْدُ».

[راجع: ٢٤٧٥]

6811. Narrated ‘Abdullāh (bin Mas‘ud): I said, “O Allāh’s Messenger! Which is the biggest sin?” He said, “To set up a rival unto Allāh, though He Alone has created you.” I asked, “What is next (biggest sin)?” He said, “To kill your son lest he should share your food with you.” I asked, “What is next?” He said, “To commit illegal sexual intercourse with the wife of your neighbour.” (See H. 6001)

٦٨١١ - حَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا يَحْيَى: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنِي مَنْصُورٌ وَسُلَيْمَانُ عَنْ أَبِي وَائِلٍ، عَنْ أَبِي مَيْسَرَةَ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، أَيُّ الذَّنْبِ أَعْظَمُ؟ قَالَ: «أَنْ تَجْعَلَ لِلَّهِ نِدَاءً وَهُوَ خَلَقَكَ». قُلْتُ: ثُمَّ أَيُّ؟ قَالَ: «أَنْ تَقْتُلَ وَلَدَكَ أَجَلَ

أَنْ يَطْعَمَ مَعَكَ». قُلْتُ: ثُمَّ أَيُّ؟
قَالَ: «أَنْ تُزَانِيَ حَلِيلَةَ جَارِكَ».

[راجع: ٤٤٧٧]

قَالَ يَحْيَى: وَحَدَّثَنَا سُفْيَانُ:
حَدَّثَنِي وَاصِلٌ، عَنْ أَبِي وَائِلٍ، عَنْ
عَبْدِ اللَّهِ: قُلْتُ: يَا رَسُولَ اللَّهِ، مِثْلَهُ.
قَالَ عَمْرُو: فَذَكَرْتُهُ لِعَبْدِ الرَّحْمَنِ
وَكَانَ حَدَّثَنَا عَنْ سُفْيَانَ، عَنْ
الْأَعْمَشِ وَمَنْصُورٍ وَوَاصِلٍ، عَنْ أَبِي
وَائِلٍ، عَنْ أَبِي مَيْسَرَةَ قَالَ: دَعَا
دَعَاهُ.

(٢١) بَابُ رَجْمِ الْمُحْصَنِ،

(21) CHAPTER. The *Rajm* (stoning to death) of a married person who commits illegal sexual intercourse.

And Al-Ḥasan said: If somebody commits illegal sexual intercourse with his sister, his punishment is the same as for any other persons who commits such a crime.

6812. Narrated Ash-Sha'bī: When 'Alī stoned a lady to death on a Friday, he (Alī) said, "I have stoned her according to the *Sunna* (legal way) of Allāh's Messenger ﷺ."

٦٨١٢ - حَدَّثَنَا آدَمُ: حَدَّثَنَا
شُعْبَةُ: حَدَّثَنَا سَلَمَةُ بْنُ كَهْمَلٍ قَالَ:
سَمِعْتُ الشَّعْبِيَّ عَنْ عَلِيِّ رَضِيَ اللَّهُ
عَنْهُ حِينَ رَجِمَ الْمَرْأَةُ يَوْمَ الْجُمُعَةِ
وَقَالَ: قَدْ رَجَمْتُهَا بِسُنَّةِ رَسُولِ اللَّهِ
ﷺ.

6813. Narrated Ash-Shaibāni: I asked Abdullah bin Abi Aufā: "Did Allāh's Messenger ﷺ carry out the *Rajm* penalty (i.e., stoning to death)?" He said, "Yes." I said, "Before the revelation of *Sūrat An-Nūr* or after it?" He replied, "I don't know."

٦٨١٣ - حَدَّثَنِي إِسْحَاقُ: حَدَّثَنَا
خَالِدٌ، عَنِ الشَّيْبَانِيِّ: سَأَلْتُ عَبْدَ اللَّهِ
بْنَ أَبِي أَوْفَى: هَلْ رَجِمَ رَسُولُ اللَّهِ
ﷺ؟ قَالَ: نَعَمْ، قُلْتُ: قَبْلَ سُورَةِ
النُّورِ أَمْ بَعْدُ؟ قَالَ: لَا أَدْرِي.

[انظر: ٦٨٤٠]

6814. Narrated Jābir bin ‘Abdullāh Al-Anṣārī: A man from the tribe of Banī Aslam came to Allāh’s Messenger ﷺ and informed him that he had committed illegal sexual intercourse; and he bore witness four times against himself. Allāh’s Messenger ﷺ ordered him to be stoned to death as he was a married person.

٦٨١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ مِقَاتٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يُونُسُ، عَنِ ابْنِ شِهَابٍ قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ الْأَنْصَارِيِّ: أَنَّ رَجُلًا مِنْ أَسْلَمَ أَتَى رَسُولَ اللَّهِ ﷺ، فَحَدَّثَهُ أَنَّهُ قَدْ زَنَى، فَشَهِدَ عَلَى نَفْسِهِ أَرْبَعَ شَهَادَاتٍ، فَأَمَرَ بِهِ رَسُولُ اللَّهِ ﷺ فَرُجِمَ وَكَانَ قَدْ أُحْصِنَ.

[راجع: ٥٢٧٠]

(22) CHAPTER. An insane male or female should not be stoned to death.

(٢٢) بَابٌ: لَا يُرْجَمُ الْمَجْنُونُ وَالْمَجْنُونَةُ،

And ‘Ali said to ‘Umar, “Don’t you know that no deed, good or evil, are recorded by the pen (for the following) and are not responsible for what they do:”(1)

وَقَالَ عَلِيٌّ رَضِيَ اللَّهُ عَنْهُ لِعُمَرَ رَضِيَ اللَّهُ عَنْهُ: أَمَا عَلِمْتَ أَنَّ الْقَلَمَ رُفِعَ عَنِ الْمَجْنُونِ حَتَّى يُفِيقَ، وَعَنِ الصَّبِيِّ حَتَّى يُدْرِكَ، وَعَنِ النَّائِمِ حَتَّى يَسْتَيْقِظَ؟

- (1) an insane person till he becomes sane,
- (2) a child till he grows to the age of puberty,
- (3) a sleeping person till he wakes up.”

6815. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: A man came to Allāh’s Messenger ﷺ while he was in the mosque, and he called him, saying, “O Allāh’s Messenger! I have committed illegal sexual intercourse.” The Prophet ﷺ turned his face to the other side, but that man repeated his statement four times, and after he bore witness against himself four times, the Prophet ﷺ called

٦٨١٥ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ وَسَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَتَى رَجُلٌ رَسُولَ اللَّهِ ﷺ وَهُوَ فِي الْمَسْجِدِ فَنَادَاهُ فَقَالَ: يَا

(1) (Ch. 22): Quoted An-Nasa’i in the Book of Divorce Ch. 21. Narrated Aishah : The Prophet ﷺ said: The deeds of the following three persons are not recorded by the pen:

(1) A sleeping person till he wakes up.

(2) A child till he reaches the age of puberty.

(3) An insane person till he becomes sane. [See the footnote of (V. 50:17) the Noble Qur’an]

him, saying, "Are you mad?" The man said, "No." The Prophet ﷺ said, "Are you married?" The man said, "Yes." Then the Prophet ﷺ said, "Take him away and stone him to death."

رَسُولَ اللَّهِ، إِنِّي زَنَيْتُ، فَأَعْرَضَ عَنْهُ حَتَّى رَدَدَ عَلَيْهِ أَرْبَعَ مَرَّاتٍ، فَلَمَّا شَهِدَ عَلَى نَفْسِهِ أَرْبَعَ شَهَادَاتٍ دَعَاهُ النَّبِيُّ ﷺ فَقَالَ: «أَيْكَ جُنُونَ؟» قَالَ: لَا، قَالَ: «فَهَلْ أَحْصَنْتَ؟» قَالَ: نَعَمْ، فَقَالَ النَّبِيُّ ﷺ: «ادْهَبُوا بِهِ فَارْجُمُوهُ». [راجع: ٥٢٧١]

6816. (H. 6815 contd.) Jābir bin ‘Abdullāh said, "I was among the ones who participated in stoning him and we stoned him at the *Muṣallā*. When the stones troubled him, he fled, but we overtook him at Al-Ḥarra and stoned him to death."

٦٨١٦ - قَالَ ابْنُ شِهَابٍ: فَأَخْبَرَنِي مَنْ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ، قَالَ: فَكُنْتُ فِيمَنْ رَجَمَهُ، فَرَجَمْنَاهُ بِالْمُصَلَّى، فَلَمَّا أَدْلَقْتُهُ الْجِجَارَةَ هَرَبَ، فَأَدْرَكْنَاهُ بِالْحَرَّةِ فَرَجَمْنَاهُ.

[راجع: ٥٢٧٠]

(23) CHAPTER. The stone is for a person who committed illegal sexual intercourse.

(٢٣) بَابٌ: لِلْعَاهِرِ الْحَجَرُ

6817. Narrated ‘Aīshah رَضِيَ اللَّهُ عَنْهَا Sa’d (bin Abī Waqqāṣ) and ‘Abd bin Zam’a quarrelled with each other (regarding a child). The Prophet ﷺ said, "The boy is for you, O ‘Abd bin Zam’a, for the boy is (for the owner) of the bed. O Sauda! Screen yourself from the boy." The subnarrator, Al-Laiṭh added (that the Prophet ﷺ also said), "And the stone (i.e., the punishment of stoning to death) is for the person who commits an illegal sexual intercourse."

٦٨١٧ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا اللَّيْثُ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: اخْتَصَمَ سَعْدُ وَأَبْنُ زَمْعَةَ، فَقَالَ النَّبِيُّ ﷺ: «هُوَ لَكَ يَا عَبْدُ بْنُ زَمْعَةَ، الْوَلَدُ لِلْفِرَاشِ، وَاحْتَجَبِي مِنْهُ يَا سَوْدَةُ».

زَادَ لَنَا قُتَيْبَةُ عَنِ اللَّيْثِ: «وَلِلْعَاهِرِ

الْحَجَرُ». [راجع: ٢٠٥٣]

6818. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "The boy is for (the owner of) the bed; and the stone (i.e., the punishment of stoning to death) is for the person who commits illegal sexual intercourse."

٦٨١٨ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا مُحَمَّدُ بْنُ زَيْدٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ: قَالَ النَّبِيُّ ﷺ: «الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ».

[راجع: ٦٧٥٠]

(24) CHAPTER. The *Rajm* (stoning to death) at the *Balāṭ* (a tiled courtyard opposite the gate of the Prophet's Mosque).

6819. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا: A Jew and a Jewess were brought to Allāh's Messenger ﷺ on a charge of committing an illegal sexual intercourse. The Prophet ﷺ asked them, "What is the legal punishment (for this sin) in your Book (the Torah)?" They replied, "Our priests have innovated the punishment of blackening the faces with charcoal and *Tajbiya*."⁽¹⁾ 'Abdullāh bin Salām said, "O Allāh's Messenger, tell them to bring the *Taurāt* (Torah)." The *Taurāt* was brought, and then one of the Jews put his hand over the verse of the *Rajm* (stoning to death) and started reading what preceded and what followed it. On that, Ibn Salām said to the Jew, "Lift up your hand." Behold! The verse of the *Rajm* was under his hand. Allāh's Messenger ﷺ ordered that the two (sinners) be stoned to death, and so they were stoned. Ibn 'Umar added: Both of them were stoned at the *Balāṭ* and I saw the Jew sheltering the Jewess.

(٢٤) بَابُ الرَّجْمِ فِي الْبَلَاطِ

٦٨١٩ - حَدَّثَنَا مُحَمَّدُ بْنُ عُثْمَانَ: حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ، عَنْ سُلَيْمَانَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ دِينَارٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا قَالَ: أَتَيْتُ رَسُولَ اللهِ ﷺ بِيَهُودِيٍّ وَيَهُودِيَّةٍ قَدْ أَحَدْتَا جَمِيعًا، فَقَالَ لَهُمْ: «مَا تَجِدُونَ فِي كِتَابِكُمْ؟» قَالُوا: إِنَّ أَحْبَابَنَا أَحَدْتُوا تَحْمِيمَ الْوَجْهِ وَالتَّجْبِيَةَ. قَالَ عَبْدُ اللهِ بْنُ سَلَامٍ: ادْعُهُمْ يَا رَسُولَ اللهِ بِالتَّوْرَةِ، فَأْتِي بِهَا فَوَضِعَ أَحَدُهُمْ يَدَهُ عَلَى آيَةِ الرَّجْمِ وَجَعَلَ يَقْرَأُ مَا قَبْلَهَا وَمَا بَعْدَهَا، فَقَالَ لَهُ ابْنُ سَلَامٍ: ازْفَعْ يَدَكَ، فَإِذَا آيَةُ الرَّجْمِ تَحْتَ يَدِهِ، فَأَمَرَ بِهِمَا رَسُولُ اللهِ ﷺ فَرَجِمَا. قَالَ ابْنُ عُمَرَ: فَرَجِمَا عِنْدَ الْبَلَاطِ، فَرَأَيْتُ الْيَهُودِيَّ أَجْنَأَ عَلَيْهَا.

[راجع: ١٣٢٩]

(25) CHAPTER. The *Rajm* (stoning to death) at the *Mušallā* (the open place where 'Eid prayers take place).

6820. Narrated Jābir رَضِيَ اللهُ عَنْهُ: A man from the tribe of Aslam came to the Prophet ﷺ and confessed that he had committed an illegal sexual intercourse. The Prophet ﷺ turned his face away from him till the man bore witness against himself, four times. The

(٢٥) بَابُ الرَّجْمِ بِالْمُصَلَّى

٦٨٢٠ - حَدَّثَنَا مُحَمَّدٌ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ: أَنَّ رَجُلًا مِنْ أَسْلَمٍ جَاءَ النَّبِيَّ ﷺ

(1) (H. 6819) *Tajbiya* means that the person (male and female) committing illegal sexual intercourse are mounted on a donkey with their faces in opposite directions, and then they are mortified in public.

Prophet ﷺ said to him, "Are you mad?" He said "No." He asked, "Are you married?" He said, "Yes." Then the Prophet ﷺ ordered that he be stoned to death, and he was stoned to death at the *Muṣallā*. When the stones troubled him, he fled, but he was caught and was stoned till he died. The Prophet ﷺ spoke well of him and offered his funeral prayer.

فَاعْتَرَفَ بِالرُّنَا فَأَعْرَضَ عَنْهُ النَّبِيُّ ﷺ حَتَّى شَهِدَ عَلَى نَفْسِهِ أَرْبَعَ مَرَّاتٍ، قَالَ لَهُ النَّبِيُّ ﷺ: «أَبُكَ جُنُونٌ؟» قَالَ: لَا، قَالَ: «أَخَصَّنْتَ؟» قَالَ: نَعَمْ، فَأَمَرَ بِهِ فَرَجِمَ بِالْمُصَلَّى، فَلَمَّا أَدْلَقْتَهُ الْحِجَارَةُ فَرَّ، فَأَذْرَكَ فَرَجِمَ حَتَّى مَاتَ. فَقَالَ لَهُ النَّبِيُّ ﷺ خَيْرًا وَصَلَّى عَلَيْهِ.

لَمْ يَقُلْ يُؤَسُّ وَابْنُ جُرَيْجٍ عَنِ الزُّهْرِيِّ: فَصَلَّى عَلَيْهِ. [راجع: ٥٢٧٠] سئل أبو عبد الله ﷺ هل قوله: فَصَلَّى عَلَيْهِ يَصِحُّ أَمْ لَا؟ قَالَ: رَوَاهُ مَعْمَرٌ. قِيلَ لَهُ: هَلْ رَوَاهُ غَيْرُ مَعْمَرٍ؟ قَالَ: لَا.

(26) CHAPTER. If somebody commits a sin which is less than what deserves the legal punishment; and then he informs the ruler, no punishment is to be inflicted on him after his repentance to Allāh if he comes to the ruler with the intention of asking for a verdict about his sin.

And 'Aṭā said, "The Prophet ﷺ did not punish such a person." Ibn Juraij said, "The Prophet ﷺ did not punish a man who had sexual relations with his wife during Ramaḍān."

And 'Umar did not punish the person who hunted a deer while he was in the state of *Ihrām*. A similar verdict is reported from the Prophet ﷺ on the authority of Ibn Mas'ūd.

(٢٦) بَابُ مَنْ أَصَابَ ذَنْبًا دُونَ الْحَدِّ فَأَخْبَرَ الْإِمَامَ فَلَا عُقُوبَةَ عَلَيْهِ بَعْدَ التَّوْبَةِ إِذَا جَاءَ مُسْتَفْتِيًا،

قَالَ عَطَاءٌ: لَمْ يُعَاقِبْهُ النَّبِيُّ ﷺ. وَقَالَ ابْنُ جُرَيْجٍ: وَلَمْ يُعَاقِبِ الَّذِي جَامَعَ فِي رَمَضَانَ، وَلَمْ يُعَاقِبْ عُمَرُ صَاحِبَ الظَّنْبِيِّ. وَفِيهِ عَنْ أَبِي عُمَانَ، عَنِ ابْنِ مَسْعُودٍ عَنِ النَّبِيِّ ﷺ.

6821. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ:

A person had sexual relation with his wife in the month of Ramaḍān (while he was observing fast), and he came to Allāh's Messenger ﷺ seeking his verdict concerning

٦٨٢١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ

that action. The Prophet ﷺ said (to him), "Can you afford to manumit a slave?" The man said, "No." The Prophet said, "Can you observe *Ṣaum* (fast) for two successive months?" He said, "No." The Prophet ﷺ said, "Then feed sixty poor persons."

6822. Narrated 'Āishah: A man came to the Prophet ﷺ in the mosque and said, "I am burnt (ruined)!" The Prophet ﷺ asked him, "With what (what have you done)?" He said, "I have had sexual relation with my wife in (the month of) Ramaḍān (while observing fast)." The Prophet ﷺ said to him, "Give in charity." He said, "I have nothing." The man sat down, and in the meantime there came a person driving a donkey carrying food to the Prophet ﷺ. (The subnarrator, 'Abdur Raḥmān added: I do not know what kind of food it was). On that the Prophet ﷺ asked, "Where is the burnt person?" The man said, "Here I am." The Prophet ﷺ said to him, "Take this (food) and give it in charity (to someone)." The man said, "To a poorer person than I? My family has nothing to eat." Then the Prophet ﷺ said to him, "Then eat it yourselves."

(27) CHAPTER. If a person confesses that he has committed a sin that is punishable with one of the legal punishments but does not specify what sin it has been, can the ruler screen it for him?

6823. Narrated Anas bin Mālik عنه رضي الله عنه:

رَضِيَ اللهُ عَنْهُ: أَنَّ رَجُلًا وَقَعَ بِأَمْرَاتِهِ فِي رَمَضَانَ فَاسْتَقْتَى رَسُولَ اللهِ ﷺ فَقَالَ: «هَلْ تَجِدُ رَقَبَةً؟» قَالَ: لَا، قَالَ: «هَلْ تَسْتَطِيعُ صِيَامَ شَهْرَيْنِ؟» قَالَ: لَا، قَالَ: «فَأَطْعِمْ سِتِّينَ مِسْكِينًا». [راجع: ١٩٣٦]

٦٨٢٢ - وَقَالَ اللَّيْثُ: عَنْ عَمْرِو بْنِ الْحَارِثِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ مُحَمَّدِ بْنِ جَعْفَرِ بْنِ الزُّبَيْرِ، عَنْ عَبَّادِ بْنِ عَبْدِ اللهِ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ: أَتَى رَجُلٌ النَّبِيَّ ﷺ فِي الْمَسْجِدِ قَالَ: اخْتَرَقْتُ. قَالَ: «مِمَّ ذَاكَ؟» قَالَ: وَقَعْتُ بِأَمْرَاتِي فِي رَمَضَانَ. قَالَ لَهُ: «تَصَدَّقْ». قَالَ: مَا عِنْدِي شَيْءٌ. فَجَلَسَ وَأَتَاهُ إِنْسَانٌ يَسُوقُ حِمَارًا وَمَعَهُ طَعَامٌ - فَقَالَ عَبْدُ الرَّحْمَنِ: مَا أَدْرِي مَا هُوَ؟ إِلَى النَّبِيِّ ﷺ فَقَالَ: «أَيْنَ الْمُحْتَرَقُ؟» فَقَالَ: هَا أَنَا ذَا. قَالَ: «خُذْ هَذَا فَتَصَدَّقْ بِهِ»، قَالَ: عَلَى أَحْوَجَ مِنِّي؟ مَا لِأَهْلِي طَعَامٌ. قَالَ: «فَكُلُوهُ». [راجع: ١٩٣٥]

قال أبو عبد الله: الحديث الأول أئيب: قَوْلُهُ: «أَطْعِمْ أَهْلَكَ».

(٢٧) بَابٌ: إِذَا أَقْرَبَ بِالْحَدِّ وَلَمْ يُبَيِّنْ، هَلْ لِلْإِمَامِ أَنْ يَسْتُرَ عَلَيْهِ؟

٦٨٢٣ - حَدَّثَنَا عَبْدُ الْقُدُّوسِ بْنُ

While I was with the Prophet ﷺ a man came and said, "O Allāh's Messenger! I have committed a legally punishable sin; please inflict the legal punishment on me." The Prophet ﷺ did not ask him what he had done. Then the time for *Aṣ-Ṣalāt* (the prayer) became due and the man offered *Ṣalāt* (prayer) along with the Prophet ﷺ, and when the Prophet ﷺ had finished his *Ṣalāt*, (prayer) the man again got up and said, "O Allāh's Messenger! I have committed a legally punishable sin; please inflict the punishment on me according to Allāh's Laws." The Prophet ﷺ said, "Haven't you offered *Ṣalāt* (prayer) with us?" He said, "Yes." The Prophet ﷺ said, "Allāh has forgiven your sin." Or said, "...your legally punishable sin."

(28) CHAPTER. Can a ruler say to the one who confesses his crime of adultery, "Can't be that you have only touched the lady or winked at her?"

6824. Narrated Ibn 'Abbās رضي الله عنهما: When Mā'iz bin Mālik came to the Prophet ﷺ (in order to confess), the Prophet ﷺ said to him, "Probably you have only kissed (the lady), or winked, or looked at her?" He said, "No, O Allāh's Messenger!" The Prophet ﷺ said, using no euphemism, "Did you had sexual intercourse with her?" The narrator added: At that, (i.e., after his confession) the Prophet ﷺ ordered that he be stoned (to death).

مُحَمَّدٍ: حَدَّثَنِي عَمْرُو بْنُ عَاصِمٍ الْكِلَابِيُّ: حَدَّثَنَا هَمَامُ بْنُ يَحْيَى: حَدَّثَنَا إِسْحَاقُ بْنُ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنْتُ عِنْدَ النَّبِيِّ ﷺ فَجَاءَهُ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي أَصَبْتُ حَدًّا فَأَقِمْهُ عَلَيَّ، قَالَ: وَلَمْ يَسْأَلْهُ عَنْهُ، قَالَ: وَحَضَرَتِ الصَّلَاةُ فَصَلَّى مَعَ النَّبِيِّ ﷺ، فَلَمَّا قَضَى النَّبِيُّ ﷺ الصَّلَاةَ قَامَ إِلَيْهِ الرَّجُلُ فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي أَصَبْتُ حَدًّا فَأَقِمْ فِيَّ كِتَابَ اللَّهِ. قَالَ: «أَلَيْسَ قَدْ صَلَّيْتَ مَعَنَا؟» قَالَ: نَعَمْ، قَالَ: «فَإِنَّ اللَّهَ قَدْ غَفَرَ لَكَ ذَنْبَكَ، أَوْ قَالَ: حَدَّكَ».

(٢٨) بَابٌ: هَلْ يَقُولُ الْإِمَامُ لِلْمُقْرَبِ: لَعَلَّكَ لَمَسْتَ أَوْ عَمَرْتَ

٦٨٢٤ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ الْجُعْفِيُّ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا أَبِي قَالَ: سَمِعْتُ يَعْلَى بْنَ حَكِيمٍ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: لَمَّا أَتَى مَاعِزُّ بْنُ مَالِكٍ النَّبِيَّ ﷺ قَالَ لَهُ: «لَعَلَّكَ قَبَّلْتَ أَوْ عَمَرْتَ أَوْ نَظَرْتَ؟» قَالَ: لَا يَا رَسُولَ اللَّهِ، قَالَ: «أَبْنَيْتَهَا؟» لَا يَكْنِي، قَالَ: فَعِنْدَ ذَلِكَ أَمَرَ بِرَجْمِهِ.

(29) CHAPTER. The question of the ruler to the confessing person, “Are you married?”

6825. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: A man from among the people came to Allāh’s Messenger ﷺ while Allāh’s Messenger ﷺ was sitting in the mosque, and addressed him, saying, “O Allāh’s Messenger! I have committed illegal sexual intercourse.” The Prophet ﷺ turned his face away from him. The man came to that side to which the Prophet ﷺ had turned his face, and said, “O Allāh’s Messenger! I have committed illegal sexual intercourse.” The Prophet ﷺ turned his face to the other side, and the man came to that side, and when he confessed his sin four times, the Prophet called him and said, “Are you mad?” He said, “No, O Allāh’s Messenger!” The Prophet ﷺ asked, “Are you married?” He said, “Yes, O Allāh’s Messenger.” The Prophet ﷺ said (to the people), “Take him away and stone him to death.”

6826. [H. 6825 (contd.)] Ibn Shihāb added, ‘I was told by one who heard Jābir, that Jābir said, ‘I was among those who stoned the man, and we stoned him at the *Muṣallā*, and when the stones troubled him, he jumped quickly and ran away, but we overtook him at Al-Ḥarra and stoned him to death (there).’

(30) CHAPTER. To confess being guilty of an illegal sexual intercourse.

6827, 6828. Narrated Abū Hurairah and Zaid bin Khālid رَضِيَ اللهُ عَنْهُمَا: While we were

(٢٩) بَابُ سُؤَالِ الْإِمَامِ الْمُقِرِّ: هَلْ أَحْصَنْتَ؟

٦٨٢٥ - حَدَّثَنَا سَعِيدُ بْنُ عَفِيرٍ قَالَ: حَدَّثَنِي اللَّيْثُ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ خَالِدٍ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ: أَنَّ أَبَا هُرَيْرَةَ قَالَ: أَتَى رَسُولَ اللَّهِ ﷺ رَجُلٌ مِنَ النَّاسِ وَهُوَ فِي الْمَسْجِدِ، فَنَادَاهُ: يَا رَسُولَ اللَّهِ إِنِّي زَنَيْتُ، يُرِيدُ نَفْسَهُ. فَأَعْرَضَ عَنْهُ النَّبِيُّ ﷺ فَتَنَحَّى لِشِقِّ وَجْهِهِ الَّذِي أَعْرَضَ قِبَلَهُ فَقَالَ: يَا رَسُولَ اللَّهِ إِنِّي زَنَيْتُ، فَأَعْرَضَ عَنْهُ فَجَاءَ لِشِقِّ وَجْهِ النَّبِيِّ ﷺ الَّذِي أَعْرَضَ عَنْهُ، فَلَمَّا شَهِدَ عَلَى نَفْسِهِ أَرْبَعَ شَهَادَاتٍ دَعَاهُ النَّبِيُّ ﷺ فَقَالَ: «أَبْكَ جُنُونَ؟» قَالَ: لَا يَا رَسُولَ اللَّهِ، فَقَالَ: «أَحْصَنْتَ؟» قَالَ: نَعَمْ يَا رَسُولَ اللَّهِ، قَالَ: «اذْهَبُوا فَارْجُمُوهُ».

[راجع: ٥٢٧١]

٦٨٢٦ - قَالَ ابْنُ شِهَابٍ: أَخْبَرَنِي مَنْ سَمِعَ جَابِرًا قَالَ: فَكُنْتُ فِيْمَنْ رَجَمَهُ فَرَجَمْنَاهُ بِالْمُصَلَّى، فَلَمَّا أَدْلَقْتَهُ الْحِجَارَةَ جَمَزَ، حَتَّى أَدْرَكْنَاهُ بِالْحَرَّةِ فَرَجَمْنَاهُ. [راجع: ٥٢٧٠]

(٣٠) بَابُ الْإِغْتِرَافِ بِالزَّنَا

٦٨٢٧، ٦٨٢٨ - حَدَّثَنَا عَلِيُّ بْنُ

with the Prophet ﷺ, a man stood up and said (to the Prophet ﷺ), "I beseech you by Allāh, that you should judge us according to Allāh's Laws." Then the man's opponent, who was wiser than him, got up saying, (to Allāh's Messenger ﷺ), "Judge us according to Allāh's Laws, and kindly allow me (to speak)." The Prophet ﷺ said, "Speak". He said, "My son was a labourer working for this man and he committed an illegal sexual intercourse with his wife, and I gave one hundred sheep and a slave as a ransom for my son's sin. Then I asked a learned man about this case and he informed me that my son should receive one hundred lashes and be exiled for one year, and the man's wife should be stoned to death." The Prophet ﷺ said, "By Him in Whose Hand my soul is, I will judge you according to the Laws of Allāh عزوجل. Your one hundred sheep and the slave are to be returned to you, and your son has to receive one hundred lashes and be exiled for one year. O Unais! Go to the wife of this man, and if she confesses, then stone her to death." Unais went to her and she confessed. He then stoned her to death.

عَبْدُ اللَّهِ: حَدَّثَنَا سُفْيَانُ قَالَ: حَفِظْنَاهُ مِنْ فِي الرَّهْرِيِّ. قَالَ أَخْبَرَنِي عُبَيْدُ اللَّهِ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ وَرَيْدَ بْنَ خَالِدٍ قَالَا: كُنَّا عِنْدَ النَّبِيِّ ﷺ فَقَامَ رَجُلٌ فَقَالَ: أَنْشُدْكَ اللَّهَ إِلَّا مَا قَضَيْتَ بَيْنَنَا بِكِتَابِ اللَّهِ، فَقَامَ حَضَمُهُ وَكَانَ أَفْقَهُ مِنْهُ فَقَالَ: أَقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ وَأَذِّنْ لِي. قَالَ: «قُلْ»، قَالَ: إِنَّ ابْنِي كَانَ عَسِيفًا عَلَى هَذَا، فَزَنَى بَامْرَأَتِهِ، فَأَقْتَدَيْتُ مِنْهُ بِمِائَةِ شَاةٍ وَخَادِمٍ، ثُمَّ سَأَلْتُ رِجَالًا مِنْ أَهْلِ الْعِلْمِ، فَأَخْبَرُونِي أَنَّ عَلَى ابْنِي جَلْدَ مِائَةٍ وَتَغْرِيبَ عَامٍ، وَعَلَى امْرَأَتِهِ الرَّجْمَ. فَقَالَ النَّبِيُّ ﷺ: «وَالَّذِي نَفْسِي بِيَدِي لَأَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللَّهِ جَلًّا ذِكْرُهُ، الْمِائَةَ شَاةٍ وَالْخَادِمَ رَدًّا، وَعَلَى ابْنِكَ جَلْدَ مِائَةٍ وَتَغْرِيبَ عَامٍ، وَاعْدُ يَا أُنَيْسُ عَلَى امْرَأَةٍ هَذَا فَإِنِ اعْتَرَفَتْ فَأَرْجُمُهَا»، فَعَدَا عَلَيْهَا فَاعْتَرَفَتْ فَارْجَمَهَا.

قُلْتُ لِسُفْيَانَ، لَمْ يَقُلْ: فَأَخْبَرُونِي أَنَّ عَلَى ابْنِي الرَّجْمَ، فَقَالَ: أَشْكُ فِيهَا مِنَ الرَّهْرِيِّ، فَرُبَّمَا قُلْتَهَا وَرُبَّمَا سَكَتَ. [راجع: ٢٣١٤، ٢٣١٥]

6829. Narrated Ibn 'Abbās رضي الله عنهما: 'Umar said, "I am afraid that after a long time has passed, people may say, 'We do not find the Verses of the *Rajm* (stoning to death) in Allāh's Book (the Qur'ān)', and consequently they may go astray by leaving an

٦٨٢٩ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ، عَنِ الرَّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ عُمَرُ: لَقَدْ

obligation that Allāh has revealed. Lo! I confirm that the penalty of *Rajm* be inflicted on him who commits illegal sexual intercourse if he is already married and the crime is proved by witnesses, or pregnancy, or confessions.” Sufyān added, “I have memorized this narration in this way.” ‘Umar added, “Surely Allāh’s Messenger ﷺ carried out the penalty of *Rajm*, and so did we after him.”

(31) CHAPTER. The *Rajm* (stoning to death) of a married lady who has become pregnant through illegal sexual intercourse.

6830. Narrated Ibn ‘Abbās رَضِيَ اللهُ عَنْهُمَا: I used to teach (the Qur’ān to) some people of the *Muhājirin* (emigrants), among whom there was ‘Abdur-Rahmān bin ‘Auf. While I was in his house at Mina, and he was with ‘Umar bin Al-Khattāb during ‘Umar’s last *Hajj*, ‘Abdur-Rahmān came to me and said, “Would that you had seen the man who came today to the Chief of the believers (‘Umar), saying, ‘O Chief of the believers! What do you think about so-and-so who says: ‘If ‘Umar should die, I will give the *Bai’a* (pledge) to such-and-such person, as by Allāh, the *Bai’a* to Abū Bakr was nothing but a prompt sudden action which got established afterwards.’ ‘Umar became angry and then said, ‘If Allāh will, I will stand before the people tonight and warn them against those people who want to deprive others of their rights (the question of rulership).’” ‘Abdur-Rahmān said, “I said, ‘O Chief of the believers! Do not do that, for the season of *Hajj* gathers the riffraff and the rabble, and it will be they who will gather around you when you stand to address the people. And I am afraid that you will get up and say something, and some people will

حَشِيْتُ أَنْ يُطَوَّلَ بِالنَّاسِ زَمَانٌ حَتَّى يَقُولَ قَائِلٌ: لَا نَجِدُ الرَّجْمَ فِي كِتَابِ اللَّهِ، فَيَضِلُّوا بِتَرْكِ قَرِيضَةِ أَنْزَلَهَا اللَّهُ، أَلَا وَإِنَّ الرَّجْمَ حَقٌّ عَلَى مَنْ زَنَى وَقَدْ أَحْصَنَ إِذَا قَامَتِ الْبَيْتَةُ، أَوْ كَانَ الْحَمْلُ أَوْ الْإِعْتِرَافُ. قَالَ سُفْيَانُ: كَذَا حَفِظْتُ، أَلَا وَقَدْ رَجَمَ رَسُولُ اللَّهِ ﷺ وَرَجَمْنَا بَعْدَهُ. [راجع: ٢٤٦٢]

(٣١) بَابُ رَجْمِ الْحُبْلَى فِي الزَّانَا إِذَا أَحْصَنَتْ

٦٨٣٠ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ صَالِحٍ، عَنِ الزُّهْرِيِّ، عَنْ عُبيدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: كُنْتُ أُقْرِئُ رِجَالًا مِنَ الْمُهَاجِرِينَ مِنْهُمْ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ فَبَيْنَمَا أَنَا فِي مَنْزِلِهِ بِمَنَى وَهُوَ عِنْدَ عَمْرِ بْنِ الْحَطَّابِ فِي آخِرِ حَجَّةِ حَجَّهَا، إِذْ رَجَعَ إِلَيَّ عَبْدُ الرَّحْمَنِ فَقَالَ: لَوْ رَأَيْتَ رَجُلًا أَتَى أَمِيرَ الْمُؤْمِنِينَ الْيَوْمَ، فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ، هَلْ لَكَ فِي فُلَانٍ يَقُولُ: لَوْ قَدْ مَاتَ عَمْرٌ لَقَدْ بَايَعْتُ فُلَانًا؟ قَوَّالِهِ مَا كَانَتْ بَيْعَةُ أَبِي بَكْرٍ إِلَّا فَلْتَةً فَتَمَّتْ. فَغَضِبَ عَمْرٌ، ثُمَّ قَالَ: إِنِّي إِنْ شَاءَ اللَّهُ لَقَائِمُ الْعَشِيَّةِ فِي النَّاسِ فَمَحَذَرُهُمْ هُوَ لَاءِ الَّذِينَ يُرِيدُونَ أَنْ يَغْصِبُوهُمْ أُمُورَهُمْ. قَالَ عَبْدُ

spread your statement and may not say what you have actually said and may not understand its meaning, and may interpret it incorrectly, so you should wait till you reach Al-Madīna as it is the place of emigration and the place of Prophet's *Sunna*; and there you can come in touch with the learned and noble people, and tell them your ideas with confidence, and the learned people will understand your statement and put it in its proper place.' On that, 'Umar said 'By Allāh! If Allāh will, I will do this in the first speech I will deliver before the people in Al-Madīna.'" Ibn 'Abbās added: We reached Al-Madīna by the end of the month of *Dhūl-Hijja*, and when it was Friday, we went quickly (to the mosque) as soon as the sun had declined, and I saw Sa'īd bin Zaid bin 'Amr bin Nufail sitting at the corner of the pulpit, and I, too, sat close to him so that my knee was touching his knee, and after a short while, 'Umar bin Al-Khaṭṭāb came out, and when I saw him coming towards us, I said to Sa'īd bin Zaid bin 'Amr bin Nufail, "Today, 'Umar will say such a thing as he has never said since he was chosen as caliph." Sa'īd denied my statement with astonishment and said, "What thing do you expect 'Umar to say the like of which he has never said before?" In the meantime, 'Umar sat down on the pulpit and when the *Muadh-dhin* had finished their call for *Ṣalāt* (prayer), 'Umar stood up, and having glorified and praised Allāh, as He deserved, he said, "*Amma Ba'du* (then after), I am going to tell you something which (Allāh) has written for me to say. I do not know; perhaps it portends my death, so whoever understands and remembers it, must narrate it to the others wherever his mount takes him, but if somebody is afraid that he does not understand it, then it is

الرَّحْمَنِ: فَقُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ، لَا تَفْعَلْ، فَإِنَّ الْمَوْسِمَ يَجْمَعُ رِعَاعَ النَّاسِ وَغَوَاءَهُمْ، فَإِنَّهُمْ هُمُ الَّذِينَ يَغْلِبُونَ عَلَى قُرْبِكَ حِينَ تَقُومُ فِي النَّاسِ، وَأَنَا أَخْشَى أَنْ تَقُومَ فَتَقُولَ مَقَالَهَ يَطِيرُهَا عَنْكَ كُلُّ مُطَيِّرٍ، وَأَنْ لَا يَتُوهَا وَأَنْ لَا يَضَعُوهَا عَلَى مَوَاضِعِهَا فَأَمْهَلْ حَتَّى تَقْدَمَ الْمَدِينَةَ فَإِنَّهَا دَارُ الْهَجْرَةِ وَالسُّنَّةِ، فَتَخْلُصُ بِأَهْلِ الْفِقْهِ وَأَشْرَافِ النَّاسِ فَتَقُولَ مَا قُلْتَ مُتَمَكِّنًا، فَيَجِيءُ أَهْلَ الْعِلْمِ مَقَالَتَكَ وَيَضَعُونَهَا عَلَى مَوَاضِعِهَا. فَقَالَ عُمَرُ: أَمْ وَاللَّهِ إِنْ شَاءَ اللَّهُ، لِأَقُومَنَّ بِذَلِكَ أَوَّلَ مَقَامٍ أَقُومُهُ بِالْمَدِينَةِ. قَالَ ابْنُ عَبَّاسٍ: فَقَدِمْنَا الْمَدِينَةَ فِي عَقَبِ ذِي الْحِجَّةِ، فَلَمَّا كَانَ يَوْمَ الْجُمُعَةِ عَجَلْتُ الرِّوَاحَ حِينَ زَاعَتِ الشَّمْسُ حَتَّى أَجِدَ سَعِيدَ بْنِ زَيْدِ بْنِ عَمْرٍو بْنِ نُفَيْلٍ جَالِسًا إِلَى رُكْنِ الْمِنْبَرِ، فَجَلَسْتُ حَوْلَهُ تَمَسُّ رُكْبَتِي رُكْبَتَهُ. فَلَمَّ أَنْشَبَ أَنْ خَرَجَ عُمَرُ بْنُ الْخَطَّابِ، فَلَمَّا رَأَيْتُهُ مُقْبِلًا قُلْتُ لِسَعِيدِ ابْنِ زَيْدِ بْنِ عَمْرٍو بْنِ نُفَيْلٍ: لَيَقُولَنَّ الْعَشِيَّةَ مَقَالَهَ لَمْ يَقُلْهَا مِنْذُ اسْتُخْلِفتَ. فَأَنْكَرَ عَلَيَّ وَقَالَ: مَا عَسَيْتَ أَنْ يَقُولَ مَا لَمْ يَقُلْ قَبْلَهُ؟ فَجَلَسَ عُمَرُ عَلَى الْمِنْبَرِ، فَلَمَّا سَكَتَ الْمُؤَدِّنُونَ قَامَ فَأَثْنَى عَلَى اللَّهِ بِمَا هُوَ

unlawful for him to tell lies about me. Allāh sent Muḥammad ﷺ with the Truth and revealed the Book (the Qur'an) to him, and among what Allāh revealed, was the Verse of the *Rajm* (the stoning to death) of married person (male and female) who commits illegal sexual intercourse, and we did recite this Verse and understood and memorized it. Allāh's Messenger ﷺ did carry out the punishment of stoning and so did we after him. I am afraid that after a long time has passed, somebody will say, 'By Allāh, we do not find the Verse of the *Rajm* in Allāh's Book,' and thus they will go astray by leaving an obligation which Allāh has revealed. And the punishment of the *Rajm* is to be inflicted to any married person (male and female) who commits illegal sexual intercourse if the required evidence is available or there is conception or confession. And then we used to recite among the Verses in Allāh's Book: 'O people! Do not claim to be the offspring of other than your fathers, as it is disbelief on your part that you claim to be the offspring of other than your real father.' Then Allāh's Messenger ﷺ said, 'Do not praise me excessively as (Prophet) 'Isā bin Maryam (Jesus, son of Mary) was praised, but call me Allāh's slave and His Messenger'. (O people!) I have been informed that a speaker amongst you says, 'By Allāh, if 'Umar should die, I will give the *Bai'a* (pledge) to such and such person.' One should not deceive oneself by saying that the *Bai'a* given to Abū Bakr was given suddenly and it was successful. No doubt, it was like that, but Allāh saved (the people) from its evil, and there is none among you who has the qualities of Abū Bakr. Remember that whoever gives the *Bai'a* to anybody among you without consulting the other Muslims, neither that person, nor the

أهلُهُ، ثُمَّ قَالَ: أَمَا بَعْدُ فَإِنِّي قَائِلٌ لَكُمْ مَقَالَةً قَدْ فُذِّرَ لِي أَنْ أَقُولَهَا، لَا أُدْرِي لَعَلَّهَا بَيْنَ يَدَيَّ أَجَلِي، فَمَنْ عَقَلَهَا وَوَعَاها فَلْيُحَدِّثْ بِهَا حَيْثُ انْتَهَتْ بِهِ رَاحِلَتُهُ. وَمَنْ حَشِيَ أَنْ لَا يَعْقِلَهَا فَلَا أُحِلُّ لِأَحَدٍ أَنْ يَكْذِبَ عَلَيَّ. إِنَّ اللَّهَ بَعَثَ مُحَمَّدًا ﷺ بِالْحَقِّ، وَأَنْزَلَ عَلَيْهِ الْكِتَابَ، فَكَانَ مِمَّا أَنْزَلَ اللَّهُ آيَةَ الرَّجْمِ. فَقَرَأْنَاهَا وَعَقَلْنَاهَا وَوَعَيْنَاهَا. رَجَمَ رَسُولُ اللَّهِ ﷺ وَرَجَمْنَا بَعْدَهُ. فَأَخْشَى إِنْ طَالَ بِالنَّاسِ زَمَانٌ أَنْ يَقُولَ قَائِلٌ: وَاللَّهِ مَا نَجِدُ آيَةَ الرَّجْمِ فِي كِتَابِ اللَّهِ، فَيَضِلُّوا بِتَرْكِ فَرِيضَةٍ أَنْزَلَهَا اللَّهُ. وَالرَّجْمُ فِي كِتَابِ اللَّهِ حَقٌّ عَلَى مَنْ زَنَى إِذَا أُحْصِنَ مِنَ الرِّجَالِ وَالنِّسَاءِ، إِذَا قَامَتِ الْبَيْتَةُ، أَوْ كَانَ الْحَبْلُ، أَوْ الْإِعْتِرَافُ، ثُمَّ إِنَّا كُنَّا نَقْرَأُ فِيهَا نَقْرَأُ مِنْ كِتَابِ اللَّهِ أَنْ لَا تَرْغَبُوا عَنْ آبَائِكُمْ فَإِنَّهُ كُفْرٌ بِكُمْ أَنْ تَرْغَبُوا عَنْ آبَائِكُمْ، أَوْ إِنْ كُفِرَ بِكُمْ أَنْ تَرْغَبُوا عَنْ آبَائِكُمْ. أَلَا تُمْ إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تُظْرُونِي كَمَا أَظْرِي عَيْسَى بْنُ مَرْيَمَ، وَقُولُوا: عَبْدُ اللَّهِ وَرَسُولُهُ». ثُمَّ إِنَّهُ بَلَغَنِي أَنَّ قَائِلًا مِنْكُمْ يَقُولُ: وَاللَّهِ لَوْ قَدْ مَاتَ عَمْرُ بَايَعْتُ فُلَانًا، فَلَا يَعْتَرَنَّ أَمْرًا أَنْ يَقُولَ: إِنَّمَا كَانَتْ بَيْعَةٌ أَبِي بَكْرٍ فَلْتَةً

person to whom the *Bai'a* was given are to be supported, lest they both should be killed. And no doubt, after the death of the Prophet ﷺ we were informed that the *Anṣār* disagreed with us and gathered in the shed of Banī Sā'ida. 'Alī and Az-Zubair, and whoever was with them, opposed us, while the emigrants gathered with Abū Bakr. I said to Abū Bakr, 'Let's go to these *Anṣārī* brothers of ours.' So we set out seeking them, and when we approached them, two of their pious men met us and informed us of the final decision of the *Anṣār*, and said, 'O group of *Muhājirīn* (emigrants)! Where are you going?' We replied, 'We are going to these *Anṣārī* brothers of ours.' They said to us, 'You shouldn't go near them. Carry out whatever we have already decided.' I said, 'By Allāh, we will go to them.' And so we proceeded until we reached them at the shed of Banī Sā'ida. Behold! There was a man sitting amongst them, wrapped in something. I asked, 'Who is that man?' They said, 'He is Sa'd bin 'Ubāda'. I asked, 'What is wrong with him?' They said, 'He is sick.' After we sat for a while, the *Anṣār's* speaker said, '*Lā lāha illallāh* (none has the right to be worshipped but Allāh)' and praising Allāh as He deserved, he added, '*Amma B. 'adu*, we are Allāh's *Anṣār* (helpers) and the majority of the Muslim army, while you, the emigrants, are a small group and some people among you came with the intention of preventing us from practising this matter (of caliphate) and depriving us of it.' When the speaker had finished, I intended to speak as I had prepared speech which I liked and which I wanted to deliver in the presence of Abū Bakr, and I used to avoid provoking him. So, when I wanted to speak, Abū Bakr said, 'Wait a while.' I disliked to make him angry. So Abū Bakr himself gave a speech,

وَمَمَّتْ، أَلَا وَإِنَّهَا قَدْ كَانَتْ كَذَلِكَ، وَلَكِنَّ اللَّهَ وَفَى شَرِّهَا، وَلَيْسَ فِيكُمْ مَنْ تَقْطَعُ الْأَعْنَاقَ إِلَيْهِ مِثْلَ أَبِي بَكْرٍ. مَنْ بَايَعَ رَجُلًا مِنْ غَيْرِ مَشُورَةٍ مِنَ الْمُسْلِمِينَ فَلَا يُبَايِعُ هُوَ وَلَا الَّذِي بَايَعَهُ تَعْرِةً أَنْ يُقْتَلَ، وَإِنَّهُ قَدْ كَانَ مِنْ حَبْرِنَا حِينَ تَوَفَّى اللَّهُ نَبِيَّهُ ﷺ أَنْ الْأَنْصَارَ خَالَفُونَا وَاجْتَمَعُوا بِأَسْرِهِمْ فِي سَقِيفَةِ بَنِي سَاعِدَةَ، وَخَالَفَ عَنَّا عَلِيُّ وَالزُّبَيْرُ وَمَنْ مَعَهُمَا، وَاجْتَمَعَ الْمُهَاجِرُونَ إِلَى أَبِي بَكْرٍ. فَقُلْتُ لِأَبِي بَكْرٍ: يَا أَبَا بَكْرٍ، أَنْظِلْنَا إِلَى إِخْوَانِنَا هَؤُلَاءِ مِنَ الْأَنْصَارِ، فَأَنْظِلْنَا نُرِيدُهُمْ. فَلَمَّا دَنَوْنَا مِنْهُمْ، لَقِينَا مِنْهُمْ رَجُلَانِ صَالِحَانِ، فَذَكَرَا مَا تَتَمَالَأُ عَلَيْهِ الْقَوْمُ، فَقَالَا: أَيْنَ تُرِيدُونَ يَا مَعْشَرَ الْمُهَاجِرِينَ؟ فَقُلْنَا: نُرِيدُ إِخْوَانِنَا هَؤُلَاءِ مِنَ الْأَنْصَارِ، فَقَالَا: لَا، عَلَيْنَكُمُ أَنْ لَا تَقْرُبُوهُمْ، أَفْضُوا أَمْرَكُمْ، فَقُلْتُ: وَاللَّهِ لِنَأْتِيَنَّهُمْ. فَأَنْظِلْنَا حَتَّى آتَيْنَاهُمْ فِي سَقِيفَةِ بَنِي سَاعِدَةَ، فَإِذَا رَجُلٌ مُزْمَلٌ بَيْنَ ظَهْرَانِيهِمْ، فَقُلْتُ: مَنْ هَذَا؟ فَقَالُوا: هَذَا سَعْدُ بْنُ عُبَادَةَ، فَقُلْتُ: مَا لَهُ؟ قَالُوا: يُوعَكُ. فَلَمَّا جَلَسْنَا قَلِيلًا تَشَهَّدَ خَطِيئَتَهُمْ، فَأَتَيْتُ عَلَى اللَّهِ بِمَا هُوَ أَهْلُهُ، ثُمَّ قَالَ: أَمَّا بَعْدُ فَخَحْنُ أَنْصَارُ اللَّهِ وَكُتَيْبَةُ الْإِسْلَامِ، وَأَنْتُمْ

and he was wiser and more patient than I. By Allāh, he never missed a sentence that I liked in my own prepared speech, but he said the like of it or better than it spontaneously. After a pause he said, 'O *Anṣār!* You deserve all (the qualities) that you have attributed to yourselves, but this question (of caliphate) is only for the *Quraish* as they are the best of the Arabs as regards their descent and homeland, and I am pleased to suggest that you choose either of these two men, so give the *Bai'a* to either of them as you wish. And then Abū Bakr held my hand and Abū 'Ubāida bin Al-Jarrāh's hand who was sitting amongst us. I hated nothing of what he had said except that proposal, for by Allāh, I would rather have my neck chopped off as expiation for a sin than become the ruler of a nation, one of whose member is Abū Bakr, unless at the time of my death my ownself suggests something I don't feel at present.' And then one of the *Anṣār* said, 'I am the pillar on which the camel with a skin disease (eczema) rubs itself to satisfy the itching (i.e., I am a noble), and I am as a high class palm-tree! O *Quraish*, there should be one ruler from us and one from you.' Then there was a hue and cry among the gathering and their voices rose so that I was afraid there might be great disagreement, so I said, 'O Abū Bakr! Hold your hand out.' He held his hand out and I gave the *Bai'a* to him, and then all the emigrants gave the *Bai'a* and so did the *Anṣār* afterwards. And so we became victorious over Sa'd bin 'Ubāda (whom *Al-Anṣār* wanted to make a ruler). One of the *Anṣār* said, 'You have killed⁽¹⁾ Sa'd bin 'Ubāda.' I replied, 'Allāh has killed Sa'd bin 'Ubāda.'" 'Umar added, "By Allāh, apart from the great tragedy that had happened to us (i.e.,

مَعَشَرَ الْمُهَاجِرِينَ رَهْطًا، وَقَدْ دَفَّتْ دَافَّةً مِنْ قَوْمِكُمْ، فَإِذَا هُمْ يُرِيدُونَ أَنْ يَخْتَرُوا مِنَّا مِنْ أَصْلَانَا، وَأَنْ يَحْضُنُونَا مِنَ الْأَمْرِ. فَلَمَّا سَكَتَ أَرَدْتُ أَنْ أَتَكَلَّمَ، وَكُنْتُ زَوَّرْتُ مَقَالَةَ أَعْجَبْتَنِي أَرَدْتُ أَنْ أَقْدِمَهَا بَيْنَ يَدَيْ أَبِي بَكْرٍ، وَكُنْتُ أَدَارِي مِنْهُ بَعْضَ الْحَدِّ. فَلَمَّا أَرَدْتُ أَنْ أَتَكَلَّمَ، قَالَ أَبُو بَكْرٍ: عَلَيَّ رِسْلِكَ، فَكْرَهْتُ أَنْ أُغْضِبَهُ، فَتَكَلَّمْتُ أَبُو بَكْرٍ فَكَانَ هُوَ أَحْلَمَ مِنِّي وَأَوْفَرُ، وَاللَّهِ مَا تَرَكَ مِنْ كَلِمَةٍ أَعْجَبْتَنِي فِي تَرْوِيرِي إِلَّا قَالَ فِي بَدِيهِتِهِ مِثْلَهَا أَوْ أَفْضَلَ حَتَّى سَكَتَ. فَقَالَ: مَا ذَكَرْتُمْ فِيكُمْ مِنْ خَيْرٍ فَأَنْتُمْ لَهُ أَهْلٌ، وَلَنْ يُعْرَفَ هَذَا الْأَمْرُ إِلَّا لِهَذَا الْحَيِّ مِنْ قُرَيْشٍ، هُمْ أَوْسَطُ الْعَرَبِ نَسَبًا وَدَارًا، وَقَدْ رَضِيتُ لَكُمْ أَحَدَ هَذَيْنِ الرَّجُلَيْنِ، فَبَايَعُوا أَيُّهُمَا شِئْتُمْ. فَأَخَذَ بِيَدِي وَبِيدَ أَبِي عُبَيْدَةَ بْنِ الْجَرَّاحِ، وَهُوَ جَالِسٌ بَيْنَنَا، فَلَمْ أَكْرَهُ مِمَّا قَالَ غَيْرَهَا. كَانَ وَاللَّهِ أَنْ أَقْدَمَ فَضْضَرَبَ عُنُقِي لَا يُقْرَبُنِي ذَلِكَ مِنْ إِثْمٍ أَحَبَّ إِلَيَّ مِنْ أَنْ أَتَأَمَّرَ عَلَيَّ قَوْمٌ فِيهِمْ أَبُو بَكْرٍ، اللَّهُمَّ إِلَّا أَنْ تَسْؤَلَ إِلَيَّ نَفْسِي عِنْدَ الْمَوْتِ شَيْئًا لَا أَجِدُهُ الْآنَ. فَقَالَ قَائِلُ الْأَنْصَارِ: أَنَا جُذَيْلُهَا الْمُحَكِّكُ، وَعَدْبُوقُهَا الْمَرْجَبُ، وَمِنَّا

(1) (H. 6830) i.e., you have prevented him from being caliph.

the death of the Prophet (ﷺ), there was no greater problem than the *Bai'a* given to Abū Bakr because we were afraid that if we left the people, they might give the *Bai'a* after us to one of their men, in which case we would have given them our consent for something against our real wish, or would have opposed them and caused great trouble. So, if any person gives the *Bai'a* to somebody (to become a caliph) without consulting the other Muslims, then the one he has selected should not be given the *Bai'a* lest both of them should be killed.”

أَمِيرٌ وَمِنْكُمْ أَمِيرٌ، يَا مَعْشَرَ قُرَيْشٍ .
فَكَتَرَ اللَّغْطُ، وَارْتَفَعَتِ الْأَصْوَاتُ،
حَتَّى فَرِقْتُ مِنَ الْاِخْتِلَافِ، فَقُلْتُ:
اِبْسُطْ يَدَكَ يَا أَبَا بَكْرٍ، فَبَسَطَ يَدَهُ
فَبَايَعْتُهُ وَبَايَعَهُ الْمُهَاجِرُونَ ثُمَّ بَايَعْتُهُ
الْأَنْصَارُ. وَنَزَوْنَا عَلَى سَعْدِ بْنِ
عُبَادَةَ، فَقَالَ قَائِلٌ مِنْهُمْ: قَتَلْتُمْ سَعْدَ
بْنَ عُبَادَةَ، فَقُلْتُ: قَتَلَ اللَّهُ سَعْدَ بْنَ
عُبَادَةَ. قَالَ عُمَرُ: وَإِنَّا وَاللَّهِ مَا وَجَدْنَا
فِيهَا حَضْرًا مِنْ أَمْرِ أَقْوَى مِنْ مُبَايَعَةِ
أَبِي بَكْرٍ خَشِينَا إِنْ فَارَقْنَا الْقَوْمَ وَلَمْ
تَكُنْ بَيْعَةٌ أَنْ يُبَايَعُوا رَجُلًا مِنْهُمْ
بَعَدْنَا، فَأَمَّا بَايَعْنَاهُمْ عَلَى مَا لَا
نَرْضَى وَإِنَّمَا نَخَالِفُهُمْ فَيَكُونُ فَسَادًا.
فَمَنْ بَايَعَ رَجُلًا عَلَى غَيْرِ مَشُورَةٍ مِنَ
الْمُسْلِمِينَ فَلَا يُتَابِعُ هُوَ وَلَا الَّذِي
بَايَعَهُ نَعْرَةً أَنْ يُقْتَلَ. [راجع: ٢٤٦٢]

(32) CHAPTER. Unmarried males and females (committing illegal sexual intercourse) should be flogged and exiled.

(And the Statement of Allāh (تعالى):

“The woman and the man guilty of illegal sexual intercourse, flog each of them with a hundred stripes. Let not pity withhold you in their case, in a punishment prescribed by Allāh, if you believe in Allāh and the Last Day. And let a party of the believers witness their punishment. (This punishment is for unmarried persons guilty of the above crime, but if married persons commit it, the punishment is to stone them to death, according to Allāh’s Law). The adulterer marries not but an adultress or a *Mushrikah*; and the adultress, none

(٣٢) **بَابُ**: الْبِكْرَانِ يُجْلَدَانِ وَيُنْفَيَانِ
﴿الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِائَةَ
جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ﴾ .
قَالَ ابْنُ عُيَيْنَةَ: رَأْفَةٌ فِي إِقَامَةِ
الْحَدِّ.

marries her except an adulterer or a *Mushrik* [and that means that the man who agrees to marry (have a sexual relation with) a *Mushrikah* (female polytheist, pagan or idolatress) or a prostitute, then surely, he is either an adulterer or a *Mushrik* (polytheist, idolater or pagan). And the woman who agrees to have a sexual relation with a *Mushrik* or an adulterer, then she is either a prostitute or a *Mushrikah*]. Such a thing is forbidden to the believers (of Islāmic Monotheism).” (V.24:2,3)

Ibn ‘Uyaina said, “You should not take pity in establishing the legal punishment.”

6831. Narrated Zaid bin Khālid Al-Juhānī: I heard the Prophet ﷺ ordering that an unmarried person guilty of illegal sexual intercourse, be flogged one hundred stripes and be exiled for one year.

٦٨٣١ - حَدَّثَنَا مَالِكُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ: أَخْبَرَنَا ابْنُ شِهَابٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَأْمُرُ فِيمَنْ زَنَى وَلَمْ يُحْصَنْ: جَلْدَ مِائَةً وَتَغْرِبَ عَامًا. [راجع: ٢٣١٤]

6832. Narrated Urwa bin Zubair: ‘Umar bin Al-Khattāb also exiled such a person, and this *Sunna* (legal punishment) is still valid.

٦٨٣٢ - قَالَ ابْنُ شِهَابٍ: وَأَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ غَرَبَ ثُمَّ لَمْ تَزَلْ تِلْكَ السُّنَّةُ.

6833. Narrated Abū Hurairah رضي الله عنه: Allāh’s Messenger ﷺ judged that the unmarried person who was guilty of illegal sexual intercourse be exiled for one year and receive the legal punishment (i.e., be flogged with one hundred stripes).

٦٨٣٣ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى فِيمَنْ زَنَى وَلَمْ يُحْصَنْ يَنْفِي عَامًا بِإِقَامَةِ الْحَدِّ عَلَيْهِ. [راجع: ٢٣١٥]

(33) CHAPTER. Exiling the sinners and effeminate men [those men who assume the similitude (manners) of women].

6834. Narrated Ibn 'Abbās رضي الله عنهما: The Prophet ﷺ cursed the effeminate men and those women who assume the similitude (manners) of men. He ﷺ also said, "Turn them out of your houses." He turned such and such person out, and 'Umar also turned out such and such person.

(34) CHAPTER. Whoever ordered somebody other than the ruler to carry out the legal punishment in the absence of the ruler.

6835, 6836. Narrated Abū Hurairah and Zaid bin Khalid: A bedouin came to the Prophet ﷺ while he (the Prophet ﷺ) was sitting, and said, "O Allāh's Messenger! Give your verdict according to Allāh's Laws (in our case)." Then his opponent got up and said, "He has told the truth, O Allāh's Messenger! Decide his case according to Allāh's Laws: My son was a labourer working for this person, and he committed illegal sexual intercourse with his wife, and the people told me that my son should be stoned to death, but I offered one hundred sheep and a slave-girl as a ransom for him. Then I asked the religious learned men, and they told me that my son should be flogged with one hundred stripes and be exiled for one year." The Prophet ﷺ said, "By Him in Whose Hand my soul is, I will judge between you according to Allāh's Laws: The sheep and the slave-girl will be returned to you and your son will be flogged one hundred stripes and be exiled for one year. And you, O Unais! Go to the wife of this man (and if she confesses), stone her to death." So Unais went in the morning and stoned her to death

(٣٣) بَابُ نَفْيِ أَهْلِ الْمَعَاصِي وَالْمُخْتَلِينَ

٦٨٣٤ - حَدَّثَنَا مُسْلِمٌ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا هِشَامٌ: حَدَّثَنَا يَحْيَى، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: لَعَنَ النَّبِيُّ ﷺ الْمُخْتَلِينَ مِنَ الرِّجَالِ وَالْمُتَرَجَّلَاتِ مِنَ النِّسَاءِ، وَقَالَ: «أَخْرِجُوهُمْ مِنْ بُيُوتِكُمْ»، وَأَخْرَجَ فُلَانًا، وَأَخْرَجَ عُمَرَ فُلَانًا.

(٣٤) بَابُ مَنْ أَمَرَ غَيْرَ الْإِمَامِ بِإِقَامَةِ الْحَدِّ غَائِبًا عَنْهُ

٦٨٣٥، ٦٨٣٦ - حَدَّثَنَا عَاصِمٌ بْنُ عَلِيٍّ: حَدَّثَنَا ابْنُ أَبِي ذَنْبٍ، عَنِ الرَّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ: أَنَّ رَجُلًا مِنَ الْأَعْرَابِ جَاءَ إِلَى النَّبِيِّ ﷺ وَهُوَ جَالِسٌ فَقَالَ: يَا رَسُولَ اللَّهِ، أَقْضِ بِكِتَابِ اللَّهِ. فَقَامَ خَصْمُهُ فَقَالَ: صَدَقَ، أَقْضِ لَهُ يَا رَسُولَ اللَّهِ بِكِتَابِ اللَّهِ، إِنَّ ابْنِي كَانَ عَسِيفًا عَلَى هَذَا فَرَزَمَنِي بِأَمْرَاتِي فَأَخْبَرُونِي أَنَّ عَلَى ابْنِي الرَّجْمَ فَأَقْتَدَيْتُ بِمِائَةِ مِنَ الْعَنْمِ وَوَلِيدَةٍ، ثُمَّ سَأَلْتُ أَهْلَ الْعِلْمِ، فَرَعَمُوا أَنَّ مَا عَلَى ابْنِي جَلْدُ مِائَةٍ وَتَعْرِيبُ عَامٍ، فَقَالَ: «وَالَّذِي نَفْسِي بِيَدِهِ لَا أَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللَّهِ، أَمَّا الْعَنْمُ وَالْوَلِيدَةُ فَرَدُّ عَلَيْكَ، وَعَلَى ابْنِكَ جَلْدُ مِائَةٍ وَتَعْرِيبُ عَامٍ، وَأَمَّا

(after she had confessed).

(35) CHAPTER. The Statement of Allāh

تعالى:

“And whoever of you have not the means wherewith to wed free believing women, they may wed believing girls from among those (captives and slaves) whom their right hands possess, and Allāh has full knowledge about your Faith. You are one from another. Wed them with the permission of their own folk, (*Auliya* — guardians or masters) and give them their *Mahr* according to what is reasonable; they (the above said captive and slave-girls), should be chaste, not adulterous, nor taking boyfriends. And after they have been taken in wedlock, if they commit illegal sexual intercourse, their punishment is half that for free (unmarried) women. ⁽¹⁾ This is for him among you who is afraid of being harmed in his religion or in his body; but it is better for you that you practise self-restraint, and Allāh is Oft-Forgiving, Most Merciful.” (V.4:25)

CHAPTER. If a lady-slave commits illegal sexual intercourse (then what is her legal punishment?)

6837, 6838. Narrated Abū Hurairah and Zaid bin Khālīd رَضِيَ اللهُ عَنْهُمَا: The verdict of Allāh’s Messenger ﷺ was sought about an unmarried slave-girl guilty of illegal sexual intercourse. He replied, “If she commits illegal sexual intercourse, then flog her (fifty stripes), and if she commits illegal sexual intercourse (after that for the second time), then flog her (fifty stripes), and if she commits illegal sexual intercourse (for the

أَنْتِ يَا أَنْثَى فَاغْدُ عَلَى امْرَأَةٍ هَذَا فَارْجُمِيهَا»، فَغَدَا أَنْثَى فَرَجَمَهَا.

[راجع: ٢٣١٤، ٢٣١٥]

(٣٥) بَابُ قَوْلِ اللَّهِ تَعَالَى: ﴿وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكَحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مِمَّا مَلَكَتْ أَيْمَانُكُمْ مِنْ فِتْنَتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ مِنْ بَعْضٍ فَانْكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَءَاثُوهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسَفِّحَاتٍ - زَوَانِي - وَلَا مُتَّخِذَاتِ أَخْدَانٍ - أَخْلَاءَ - فَإِذَا أَحْصَيْنَ فَإِنْ آتَيْتُمْ بِمُحْصَنَةٍ فَلْيَنْهِنَّ نَيْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ حَسِنَ أَلَمَتَهُ مِنْكُمْ وَأَنْ تَصِيرُوا خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ﴾ [النساء: ٢٥].

بَابُ: إِذَا زَنَّتِ الْأَمَةُ

٦٨٣٧، ٦٨٣٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ سُئِلَ عَنِ الْأَمَةِ إِذَا زَنَّتْ وَلَمْ تُحْصَنَ، قَالَ: «إِذَا زَنَّتْ فَاجْلِدُوهَا، ثُمَّ إِنْ

(1) (Ch. 35) Female or male slaves (married or unmarried); if they commit adultery, their punishment is fifty (50) lashes; neither stoning to death nor exile.

third time), then flog her (fifty stripes) and sell her for even a hair rope."

Ibn *Shihāb* said, "I am not sure whether the Prophet ﷺ ordered that she be sold after the third or fourth time of committing illegal sexual intercourse."

(36) CHAPTER. If a lady-slave commits illegal sexual intercourse then she should neither be admonished nor exiled.

6839. Narrated *Abū Hurairah* رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "If a lady-slave commits illegal sexual intercourse and she is proved guilty of illegal sexual intercourse, then she should be flogged (fifty stripes) but she should not be admonished; and if she commits illegal sexual intercourse again, then she should be flogged again but should not be admonished, and if she commits illegal sexual intercourse for the third time then she should be sold even for a hair rope."

(37) CHAPTER. The legal regulation for non-Muslims under the protection of a Muslim state. The fact that a non-Muslim is married, is to be taken into consideration when he commits illegal sexual intercourse and is brought to the *Imān* (Muslim ruler).

6840. Narrated *Ash-Shaibānī*: I asked 'Abdullāh bin *Abī Aufā* about the *Rajm* (stoning to death for committing illegal sexual intercourse). He replied, "The Prophet ﷺ carried out the penalty of *Rajm*." I asked, "Was that before or after the revelation of *Sūrat An-Nūr*?" He replied, "I do not know."

زَنْتَ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنْتَ فَاجْلِدُوهَا، ثُمَّ يَبِعُوهَا وَلَوْ بِضَفِيرٍ.

قَالَ ابْنُ شِهَابٍ: لَا أَدْرِي بَعْدَ الثَّالِثَةِ أَوْ الرَّابِعَةِ. [راجع: ٢١٥٢،

[٢١٥٤

(٣٦) بَابٌ: لَا يُتْرَبُ عَلَى الْأَمَةِ إِذَا زَنْتَ وَلَا تُنْفَى

٦٨٣٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا اللَّيْثُ، عَنْ سَعِيدِ الْمَقْبَرِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّهُ سَمِعَهُ يَقُولُ: قَالَ النَّبِيُّ ﷺ: «إِذَا زَنْتِ الْأَمَةَ فَتَبَيَّنَ زِنَاهَا فَلْيَجْلِدْهَا وَلَا يُتْرَبْ، ثُمَّ إِنْ زَنْتِ فَلْيَجْلِدْهَا وَلَا يُتْرَبْ، ثُمَّ إِنْ زَنْتِ الثَّلَاثَةَ فَلْيَبِيعْهَا وَلَوْ بِحَبْلِ مِنْ شَعْرِ». تَابَعَهُ إِسْمَاعِيلُ بْنُ أُمَيَّةَ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ.

(٣٧) بَابٌ أَحْكَامِ أَهْلِ الذِّمَّةِ وَإِخْصَانِهِمْ إِذَا زَنَوْا، وَرَفَعُوا إِلَى الْإِمَامِ

٦٨٤٠ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا الشَّيْبَانِيُّ، سَأَلْتُ عَبْدَ اللَّهِ بْنَ أَبِي أَوْفَى عَنِ الرَّجْمِ فَقَالَ: رَجَمَ النَّبِيُّ ﷺ، فَقُلْتُ: أَقْبَلَ التَّوْرَ أَمْ بَعْدَ؟ قَالَ: لَا أَدْرِي. [راجع: ٦٨١٣

تَابَعَهُ عَلِيُّ بْنُ مُسْهِرٍ، وَخَالِدُ بْنُ

عَبْدُ اللَّهِ، وَالْمُحَارِبِيُّ، وَعَبِيدَةُ بْنُ حُمَيْدٍ عَنِ الشَّيْبَانِيِّ. وَقَالَ بَعْضُهُمْ: الْمَائِدَةُ، وَالْأَوَّلُ أَصْحُ.

[راجع: ٦٨١٣]

6841. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُمَا: The Jews came to Allāh’s Messenger ﷺ and mentioned to him that a man and a woman among them had committed illegal sexual intercourse. Allāh’s Messenger ﷺ said to them, “What do you find in the *Taurāt* (Torah) regarding the *Rajm*?” They replied, “We only disgrace and flog them with stripes.” ‘Abdullāh bin Salām said to them, “You have told a lie. The penalty of *Rajm* is in the *Taurāt* (Torah).” They brought the Torah and opened it. One of them put his hand over the verse of *Rajm* and read what was before and after it. ‘Abdullāh bin Salām said to him, “Lift up your hand.” When he lifted it there appeared the verse of *Rajm*. So they said, “O Muḥammad! He has said the truth, the verse of *Rajm* is in it (the *Taurāt*-Torah).” Then Allāh’s Messenger ﷺ ordered that the two persons (guilty of illegal sexual intercourse) be stoned to death, and so they were stoned, and I saw the man bending over the woman so as to protect her from the stones.

٦٨٤١ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنِي مَالِكٌ، عَنِ نَافِعٍ، عَنِ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّهُ قَالَ: إِنَّ الْيَهُودَ جَاءُوا إِلَى رَسُولِ اللَّهِ ﷺ، فَذَكَرُوا لَهُ أَنَّ رَجُلًا مِنْهُمْ وَامْرَأَةً زَنِيًا، فَقَالَ لَهُمْ رَسُولُ اللَّهِ ﷺ: «مَا تَجِدُونَ فِي التَّوْرَةِ فِي شَأَنِ الرَّجْمِ؟» فَقَالُوا: نَفَضَحُهُمْ وَيُجْلِدُونَ. قَالَ عَبْدُ اللَّهِ بْنُ سَلَامٍ: كَذَبْتُمْ، إِنَّ فِيهَا الرَّجْمَ. فَأَتَوْا بِالتَّوْرَةِ فَتَشَرُّوْهَا فَوَضَعَ أَحَدُهُمْ يَدَهُ عَلَى آيَةِ الرَّجْمِ فَقَرَأَ مَا قَبْلَهَا وَمَا بَعْدَهَا، فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ سَلَامٍ: ارْفَعْ يَدَكَ، فَرَفَعَ يَدَهُ فَإِذَا فِيهَا آيَةُ الرَّجْمِ. قَالُوا: صَدَقَ يَا مُحَمَّدُ، فِيهَا آيَةُ الرَّجْمِ، فَأَمَرَ بِهِمَا رَسُولُ اللَّهِ ﷺ فَرَجِمَا، فَرَأَيْتَ الرَّجُلَ يَحْنِي عَلَى الْمَرْأَةِ يَقِيهَا الْحِجَارَةَ.

[راجع: ١٣٢٩]

(38) CHAPTER. If someone accuses his wife or another person’s wife of committing illegal sexual intercourse in the presence of the ruler and the people, should the ruler send for the lady and ask her about what she has been accused of?

(٣٨) بَابٌ: إِذَا رَمَى امْرَأَتَهُ أَوْ امْرَأَةَ غَيْرِهِ بِالزَّنَا عِنْدَ الْحَاكِمِ وَالتَّائِسِ، هَلْ عَلَى الْحَاكِمِ أَنْ يَبْعَثَ إِلَيْهَا فَيَسْأَلَهَا عَمَّا رُمِيَتْ بِهِ؟

6842, 6843. Narrated Abū Hurairah and Zaid bin Khalīd رَضِيَ اللَّهُ عَنْهُمَا: Two men had a

٦٨٤٢، ٦٨٤٣ - حَدَّثَنَا عَبْدُ اللَّهِ

dispute in the presence of Allāh's Messenger ﷺ. One of them said, "Judge us according to Allāh's Laws." The other who was more wise said, "Yes, O Allāh's Messenger, judge between us according to Allāh's Laws; and allow me to speak (first)." The Prophet ﷺ said to him, "Speak." He said, "My son was a labourer working for this man, and he committed illegal sexual intercourse with his wife, and the people told me that my son should be stoned to death, but I have given one hundred sheep and a slave-girl as a ransom (expiation) for my son's sin. Then I asked the religious learned people (about it), and they told me that my son should be flogged one hundred stripes and should be exiled for one year, and only the wife of this man should be stoned to death." Allāh's Messenger ﷺ said, "By Him in Whose Hand my soul is, I will judge between you according to Allāh's Laws. O man, as for your sheep and slave-girl, they are to be returned to you." Then the Prophet ﷺ had the man's son flogged one hundred stripes and exiled for one year, and ordered Unais Al-Aslamī to go to the wife of the other man, and if she confessed, stone her to death. She confessed and was stoned to death.

بُنْ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ: أَنَّهُمَا أَخْبَرَاهُ أَنَّ رَجُلَيْنِ اخْتَصَمَا إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ أَحَدُهُمَا: أَقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ، وَقَالَ الْآخَرُ وَهُوَ أَقْفَهُهُمَا: أَجَلْ يَا رَسُولَ اللَّهِ، فَأَقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ، وَافْذَنْ لِي أَنْ أَتَكَلَّمَ. قَالَ: «تَكَلَّمْ». قَالَ: إِنَّ ابْنِي كَانَ عَسِيفًا عَلَى هَذَا - قَالَ مَالِكٌ: وَالْعَسِيفُ الْأَجِيرُ - فَزَنَى بِامْرَأَتِهِ، فَأَخْبَرُونِي إِنَّمَا عَلَى ابْنِي الرَّجْمُ، فَأَفْتَدَيْتُ مِنْهُ بِمِائَةِ شَاةٍ وَبِجَارِيَةٍ لِي، ثُمَّ إِنِّي سَأَلْتُ أَهْلَ الْعِلْمِ فَأَخْبَرُونِي أَنَّ مَا عَلَى ابْنِي جَلْدُ مِائَةٍ وَتَعْرِيبُ عَامٍ، وَإِنَّمَا الرَّجْمُ عَلَى امْرَأَتِهِ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَمَا وَالَّذِي نَفْسِي بِيَدِهِ لَأَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللَّهِ، أَمَا غَنَمُكَ وَجَارِيَتُكَ فَرَدُّ عَلَيْكَ»، وَجَلَدَ ابْنَهُ مِائَةً وَغَرَبَهُ عَامًا. وَأَمَرَ أَنْ يُنْسَأَ الْأَسْلَمِيُّ أَنْ يَأْتِيَ امْرَأَةَ الْآخَرِ «فَإِنْ اعْتَرَفَتْ فَأَرْجَمَهَا»، فَأَعْتَرَفَتْ فَارْجَمَهَا. [راجع:

[٢٣١٤، ٢٣١٥]

(39) CHAPTER. Whoever teaches manners to (or inflicts punishment on) his family or others without taking the ruler's permission.

Narrated Abū Sa'īd: The Prophet ﷺ said, "If one is offering *Ṣalāt* (prayer) and someone tries to pass in front of him, one

(٣٩) بَابٌ مَن أَدَبَ أَهْلَهُ أَوْ غَيْرَهُ دُونَ السُّلْطَانِ،

وَقَالَ أَبُو سَعِيدٍ عَنِ النَّبِيِّ ﷺ: «إِذَا صَلَّى فَأَرَادَ أَحَدٌ أَنْ يَمُرَّ بَيْنَ يَدَيْهِ

should push him back, and if he insists on passing, one should fight with him.”⁽¹⁾ And Abū Sa‘īd did the same.

6844. Narrated ‘Āishah رَضِيَ اللهُ عَنْهَا: Abū Bakr came to me while Allāh’s Messenger ﷺ was sleeping with his head on my thigh. Abū Bakr said (to me), “You have detained Allāh’s Messenger ﷺ and the people, and there is no water in this place.” So he admonished me and struck my flanks with his hand, and nothing could stop me from moving except the reclining of Allāh’s Messenger ﷺ (on my thigh), and then Allāh revealed the Divine Verse of *Tayammum* (V.5:6).

6845. Narrated ‘Āishah رَضِيَ اللهُ عَنْهَا: Abū Bakr came towards me and struck me violently with his fist and said, “You have detained the people because of your necklace.” But I remained motionless as if I was dead lest I should make Allāh’s Messenger ﷺ wake up although that hit was very painful.

(40) CHAPTER. Whoever saw his wife (committing illegal sexual intercourse) with another man and killed him.

6846. Narrated Al-Mughhira: Sa‘d bin ‘Ubāda said, “If I found a man with my wife, I would kill him with the sharp side of my sword.” When the Prophet ﷺ heard that he said, “Do you wonder at Sa‘d’s sense of

فَلْيَدْفَعُهُ، فَإِنْ أْبَى فْلْيُقَاتِلْهُ». وَفَعَلَهُ أَبُو سَعِيدٍ.

٦٨٤٤ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَ أَبُو بَكْرٍ رَضِيَ اللهُ عَنْهُ وَرَسُولُ اللهِ ﷺ وَاصْبَعُ رَأْسَهُ عَلَى فِخْذِي، فَقَالَ: حَبَسْتَ رَسُولَ اللهِ ﷺ وَالنَّاسَ وَلَيْسُوا عَلَى مَاءٍ، فَعَاتَبَنِي وَجَعَلَ يَطْعُنُ بِيَدِهِ فِي خَاصِرَتِي، وَلَا يَمْنَعُنِي مِنَ التَّحْرُكِ إِلَّا مَكَانَ رَسُولِ اللهِ ﷺ، فَأَنْزَلَ اللهُ آيَةَ التَّيْمُمِ. [راجع: ٣٣٤]

٦٨٤٥ - حَدَّثَنَا يَحْيَى بْنُ سُلَيْمَانَ: حَدَّثَنِي ابْنُ وَهَبٍ: أَخْبَرَنِي عَمْرُو أَنَّ عَبْدَ الرَّحْمَنِ بْنِ الْقَاسِمِ حَدَّثَهُ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: أَقْبَلَ أَبُو بَكْرٍ فَلَكَزَنِي لَكْرَةً شَدِيدَةً وَقَالَ: حَبَسْتَ النَّاسَ فِي قِلَادَةٍ، فِيهَا الْمَوْتُ لِمَكَانِ رَسُولِ اللهِ ﷺ وَقَدْ أَوْجَعَنِي، نَحْوَهُ.

لَكَزَ، وَكَزَزَ وَاجِدٌ. [راجع: ٣٣٤]

(٤٠) بَابٌ مَنْ رَأَى مَعَ امْرَأَتِهِ رَجُلًا فَقَتَلَهُ

٦٨٤٦ - حَدَّثَنَا مُوسَى: حَدَّثَنَا أَبُو عَوَانَةَ: حَدَّثَنَا عَبْدُ الْمَلِكِ، عَنْ وَرَادٍ عَنِ الْمُغِيرَةِ قَالَ: قَالَ سَعْدُ بْنُ عُبَادَةَ: لَوْ رَأَيْتُ رَجُلًا مَعَ امْرَأَتِي

(1) (Ch. 39) ‘Fight’ here means pushing away with violence.

Ghaira?⁽¹⁾ Verily, I have more sense of Ghaira than Sa'd, and Allāh has more sense of Ghaira than me."

لَضَرَبْتُهُ بِالسَّيْفِ غَيْرَ مُصْفَحٍ. فَبَلَغَ ذَلِكَ النَّبِيَّ ﷺ فَقَالَ: «أَتَعَجَّبُونَ مِنْ غَيْرَةٍ سَعِدًا! لَأَنَا أَعْبَرُ مِنْهُ، وَاللَّهِ أَغْيَرُ مِنِّي». [انظر: ٧٤١٦]

(41) CHAPTER. What is said regarding *At-Ta'arid* (i.e., a roundabout way of saying something).

(٤١) بَابُ مَا جَاءَ فِي التَّعْرِيفِ

6847. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: A bedouin came to Allāh's Messenger ﷺ and said, "My wife has delivered a black child."⁽²⁾ The Prophet ﷺ said to him, "Have you got camels?" He replied, "Yes." The Prophet ﷺ said, "What colour are they?" He replied, "They are red." The Prophet ﷺ further asked, "Are any of them grey in colour?" He replied, "Yes." The Prophet ﷺ asked him, "When did that greyness come?" He said, "I think it descended from the camel's ancestors." Then the Prophet ﷺ said (to him), "Therefore, this child of yours has most probably inherited the colour from his ancestors."

٦٨٤٧ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ جَاءَهُ أَعْرَابِيٌّ فَقَالَ: يَا رَسُولَ اللهِ، إِنَّ امْرَأَتِي وُلِدَتْ غُلَامًا أَسْوَدًا. فَقَالَ: «هَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ. قَالَ: «مَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ. قَالَ: «فِيهَا مِنْ أَوْرَقٍ؟» قَالَ: نَعَمْ. قَالَ: «فَأَتَى كَانَ ذَلِكَ؟» قَالَ: أَرَاهُ عِرْقٌ نَزَعَهُ. قَالَ: «فَلَعَلَّ ابْنَكَ هَذَا نَزَعَهُ عِرْقٌ». [راجع: ٥٣٠٥]

(42) CHAPTER. What punishment may be inflicted on the person so that he may not commit the same sin again, or so that he may learn good manners.

(٤٢) بَابُ كَمْ التَّعْزِيرُ وَالْأَدَبُ؟

6848. Narrated Abū Burda رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ used to say, "Nobody should be flogged more than ten stripes except if he is guilty of a crime the legal punishment of which is assigned by Allāh."

٦٨٤٨ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: حَدَّثَنَا اللَّيْثُ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَبِيبٍ، عَنْ بُكَيْرِ بْنِ عَبْدِ اللهِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ جَابِرِ بْنِ عَبْدِ اللهِ، عَنْ

(1) (H. 6846) Ghaira : See the glossary.

(2) (H. 6847) The bedouin was white and by talking about his child, he hinted that his wife must have been disloyal to him.

أَبِي بُرْدَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ النَّبِيُّ ﷺ يَقُولُ: «لَا يُجْلَدُ فَوْقَ عَشْرِ جَلْدَاتٍ إِلَّا فِي حَدٍّ مِنْ حُدُودِ اللَّهِ».

[انظر: ٦٨٤٩، ٦٨٥٠]

6849. Narrated ‘Abdur-Rahmān bin Jābir on the authority of others, that the Prophet ﷺ said, “No punishment exceeds the flogging of the ten stripes except if one is guilty of a crime necessitating a legal punishment prescribed by Allāh.

٦٨٤٩ - حَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا فَضِيلُ بْنُ سُلَيْمَانَ: حَدَّثَنَا مُسْلِمُ بْنُ أَبِي مَرْيَمَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ جَابِرٍ، عَمَّنْ سَمِعَ النَّبِيَّ ﷺ قَالَ: «لَا عُقُوبَةَ فَوْقَ عَشْرِ ضَرْبَاتٍ إِلَّا فِي حَدٍّ مِنْ حُدُودِ اللَّهِ».

[راجع: ٦٨٤٨]

6850. Narrated Abū Burda Al-Anṣārī: I heard the Prophet ﷺ saying, “Do not flog anyone more than ten stripes except if he is involved in a crime necessitating Allāh’s legal punishment.”

٦٨٥٠ - حَدَّثَنَا يَحْيَى بْنُ سُلَيْمَانَ: حَدَّثَنِي ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو: أَنَّ بَكْرًا حَدَّثَهُ قَالَ: بَيْنَمَا أَنَا جَالِسٌ عِنْدَ سُلَيْمَانَ بْنِ يَسَارٍ إِذْ جَاءَ عَبْدُ الرَّحْمَنِ بْنُ جَابِرٍ فَحَدَّثَ سُلَيْمَانَ بْنَ يَسَارٍ. ثُمَّ أَقْبَلَ عَلَيْنَا سُلَيْمَانُ بْنُ يَسَارٍ فَقَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ جَابِرٍ: أَنَّ أَبَاهُ حَدَّثَهُ أَنَّهُ سَمِعَ أَبَا بُرْدَةَ الْأَنْصَارِيَّ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «لَا تَجْلِدُوا فَوْقَ عَشْرَةِ أَسْوَاطٍ إِلَّا فِي حَدٍّ مِنْ حُدُودِ اللَّهِ».

[راجع: ٦٨٤٨]

6851. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: Allāh’s Messenger ﷺ forbade *Al-Wiṣāl* (observing fasting continuously for more than one day without taking any meals). A man from the Muslims said, “But you do *Al-Wiṣāl*, O Allāh’s Messenger!” Allāh’s Messenger ﷺ said, “Who among you is similar to me? I sleep and my Lord (Allāh)

٦٨٥١ - حَدَّثَنَا يَحْيَى بْنُ بَكْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عَقِيلٍ، عَنْ ابْنِ شِهَابٍ: حَدَّثَنَا أَبُو سَلَمَةَ أَنَّ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْوِصَالِ، فَقَالَ لَهُ رِجَالٌ

makes me eat and drink.” When the people refused to give up *Al-Wiṣāl*, the Prophet ﷺ observed fasting along with them for one day, and did not break his fast but continued his fast for another day, and when they saw the crescent, the Prophet ﷺ said, “If the crescent had not appeared, I would have made you continue your fast (for a third day),” as if he wanted to punish them for they had refused to give up *Al-Wiṣāl*.

مِنَ الْمُسْلِمِينَ: فَإِنَّكَ يَا رَسُولَ اللَّهِ تَوَاصِلُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّكُمْ مِثْلِي؟ إِنِّي أَبِيْتُ يُطْعِمُنِي رَبِّي وَيَسْقِينِ». فَلَمَّا أَبَوْا أَنْ يَنْتَهُوا عَنِ الْوِصَالِ وَاصَلَ بِهِمْ يَوْمًا ثُمَّ يَوْمًا ثُمَّ رَأَوْا الْهَيْلَالَ. فَقَالَ: «لَوْ تَأَخَّرَ لَزِدْتُمْ»، كَالْمُنْكَلِ بِهِمْ حِينَ أَبَوْا.

تَابِعَهُ شُعَيْبٌ، وَيَحْيَى بْنُ سَعِيدٍ. وَيُونُسُ، عَنِ الزُّهْرِيِّ وَقَالَ عَبْدُ الرَّحْمَنِ بْنُ خَالِدٍ: عَنِ ابْنِ شِهَابٍ، عَنِ سَعِيدٍ، عَنِ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ. [راجع: ١٩٦٥]

6852. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما: Those people who used to buy foodstuff at random (without weighing or measuring it) were beaten in the lifetime of Allāh’s Messenger ﷺ if they sold it at the very place where they had bought it, till they carried it to their dwelling places.

٦٨٥٢ - حَدَّثَنِي عَيَّاشُ بْنُ الْوَلِيدِ: حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنِ سَالِمٍ، عَنِ عَبْدِ اللَّهِ بْنِ عَمْرٍو أَنَّهُمْ كَانُوا يُصْرَبُونَ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ إِذَا اشْتَرَوْا طَعَامًا جِزَافًا أَنْ يَبِيعُوهُ فِي مَكَانِهِمْ حَتَّى يُؤْوُوهُ إِلَى رِحَالِهِمْ. [راجع: ٢١٢٣]

6853. Narrated ‘Aishah رضي الله عنها: Allāh’s Messenger ﷺ never took revenge for his ownself in any matter presented to him till Allāh’s limits were exceeded, in which case he would take revenge for Allāh’s sake.

٦٨٥٣ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يُونُسُ، عَنِ الزُّهْرِيِّ: أَخْبَرَنِي عُرْوَةُ، عَنِ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: مَا انْتَقَمَ رَسُولُ اللَّهِ ﷺ لِنَفْسِهِ فِي شَيْءٍ يُؤْتَى إِلَيْهِ حَتَّى يُنْتَهَكَ مِنْ حُرْمَاتِ اللَّهِ فَيَنْتَقِمَ اللَّهُ. [راجع: ٣٥٦٠]

(43) CHAPTER. What is the legal verdict in the case of somebody who behaves in such a

(٤٣) بَابٌ مِّنْ أَظْهَرَ الْفَاحِشَةَ

وَاللَّظَحِ وَالتَّهْمَةِ بِغَيْرِ بَيِّنَةٍ

suspicious and dishonest way that he may be suspected of adultery; and the case of one who accuses others of evil deeds without any evident proof.

6854. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ : I witnessed the case of *Li'an* (the case of a man who charged his wife of committing illegal sexual intercourse⁽¹⁾) when I was fifteen years old. The Prophet ﷺ ordered that they be divorced, and the husband said, "If I kept her, I would be a liar." I remember that Az-Zubair also said, "(It was said) that if that women brought forth the child with such and such description, her husband would prove truthful, but if she brought it with such and such description looking like a *Wahara* (a red insect), he would prove untruthful." I heard Az-Zubair also saying, "Finally she gave birth to a child of description which her husband disliked."

6855. Narrated Al-Qāsim bin Muḥammad: Ibn 'Abbās mentioned the couple who had taken the oath of *Li'an*. 'Abdullāh bin Shaddād said (to him), "Was this women the same about whom Allāh's Messenger ﷺ said, 'If I were ever to stone to death any woman without witnesses. (I would have stoned that woman to death)?'" Ibn 'Abbās replied, "No, that lady exposed herself (by her suspicious behaviour)."

6856. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا : *Li'an* was mentioned in the presence of the Prophet ﷺ. 'Aṣim bin 'Adī said a statement about it, and when he left, a man from his tribe came to him complaining that he had seen a man with his wife. 'Aṣim said, "I have been put to trial only because of my statement." So he took the man to the

٦٨٥٤ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: قَالَ الزُّهْرِيُّ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: شَهِدْتُ الْمُتَلَاعِنِينَ وَأَنَا ابْنُ خَمْسِ عَشْرَةَ فَفَرَّقَ بَيْنَهُمَا، فَقَالَ زَوْجُهَا: كَذَبْتُ عَلَيْهَا إِنْ أَمْسَكْتُهَا، قَالَ: فَحَفِظْتُ ذَلِكَ مِنَ الزُّهْرِيِّ: إِنْ جَاءَتْ بِهِ كَذَا وَكَذَا فَهُوَ، وَإِنْ جَاءَتْ بِهِ كَذَا وَكَذَا كَأَنَّهُ وَحَرَّةٌ، فَهُوَ. وَسَمِعْتُ الزُّهْرِيَّ يَقُولُ: جَاءَتْ بِهِ لِلَّذِي يُكْرَهُ.

[راجع: ٤٢٣]

٦٨٥٥ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا أَبُو الزَّنَادِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ قَالَ: ذَكَرَ ابْنُ عَبَّاسٍ الْمُتَلَاعِنِينَ فَقَالَ عَبْدُ اللَّهِ بْنُ شَدَادٍ: هِيَ الَّتِي قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ كُنْتُ رَاجِعًا امْرَأَةً عَنْ غَيْرِ بَيِّنَةٍ؟» قَالَ: لَا، تِلْكَ امْرَأَةٌ أَغْلَنْتُ. [راجع: ٥٣١٠]

٦٨٥٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا اللَّيْثُ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا: ذَكَرَ

(1) (H. 6854) See *Hadith* No. 6748 and the chapter preceding it.

Prophet ﷺ and the man told the Prophet ﷺ about the incident. The man (husband) was of yellow complexion, thin, and of lank hair; while the man whom he had accused of having been with his wife was reddish brown with fat thick legs and fat body. The Prophet ﷺ said, "O Allāh! Reveal the truth." Later on the lady delivered a child resembling the man whom the husband had accused of having been with her. So the Prophet ﷺ made them take the oath of *Li'ān*. A man said to Ibn 'Abbās in the gathering, "Was that the same lady about whom the Prophet ﷺ said, 'If I were to stone any lady (for committing illegal sexual intercourse) to death without witnesses, I would have stoned that lady to death?'" Ibn 'Abbās said, "No, that was another lady who used to behave in such a suspicious way among the Muslims that one might accuse her of committing illegal sexual intercourse."

الْمُتَلَاعِنَانِ عِنْدَ النَّبِيِّ ﷺ فَقَالَ عَاصِمٌ
بُنُ عَدِيٍّ فِي ذَلِكَ قَوْلًا، ثُمَّ انصَرَفَ،
وَأَتَاهُ رَجُلٌ مِنْ قَوْمِهِ يَشْكُو أَنَّهُ وَجَدَ
مَعَ أَهْلِهِ رَجُلًا. فَقَالَ عَاصِمٌ: مَا
ابْتُلَيْتُ بِهَذَا إِلَّا لِقَوْلِي، فَذَهَبَ بِهِ إِلَى
النَّبِيِّ ﷺ فَأَخْبَرَهُ بِالَّذِي وَجَدَ عَلَيْهِ
امْرَأَتَهُ، وَكَانَ ذَلِكَ الرَّجُلُ مُضْفَرًا،
قَلِيلَ اللَّحْمِ، سَبِطَ الشَّعْرِ. وَكَانَ
الَّذِي ادَّعَى عَلَيْهِ أَنَّهُ وَجَدَهُ عِنْدَ أَهْلِهِ
آدَمَ خَدَلًا، كَثِيرَ اللَّحْمِ. فَقَالَ النَّبِيُّ
ﷺ: «اللَّهُمَّ بَيِّنْ»، فَوَضَعَتْ شَيْهًا
بِالرَّجُلِ الَّذِي ذَكَرَ زَوْجَهَا أَنَّهُ وَجَدَهُ
عِنْدَهَا، فَلَاعَنَ النَّبِيُّ ﷺ بَيْنَهُمَا.
فَقَالَ رَجُلٌ لِابْنِ عَبَّاسٍ فِي الْمَجْلِسِ:
هِيَ الَّتِي قَالَ النَّبِيُّ ﷺ: «لَوْ رَجِمْتُ
أَحَدًا بِغَيْرِ بَيِّنَةٍ رَجِمْتُ هَذِهِ؟» فَقَالَ:
لَا، تِلْكَ امْرَأَةٌ كَانَتْ تُظْهِرُ فِي
الإسلامِ السُّوءَ. [راجع: ٥٣١٠]

(44) CHAPTER. To accuse the chaste women.

And the Statement of Allāh تعالى:

"And those who accuse chaste women, and produce not four witnesses, flog them with eighty stripes, and reject their testimony forever, they indeed are *Fasiqūn* (liars, rebellious, disobedient to Allāh). Except those who repent thereafter and do righteous deeds, (for such) verily, Allāh is Oft-Forgiving, Most Merciful." (V.24:4,5)

And also the Statement of Allāh عز وجل:

"Verily, those who accuse chaste women, who never even think of anything touching their chastity and are good believers, are

(٤٤) **بَابُ رَمَى الْمُحْصَنَاتِ وَقَوْلِ**
اللهِ عَزَّ وَجَلَّ ﴿وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ
يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ﴾ الآية. [النور:
٤-٥]، ﴿إِنَّ الَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ
الَّتِي لَمْ يَكُنَّ بِهِنَّ بَيِّنَةٌ لَمْ يَكُنَّ لَهُنَّ
أَلْفَنَاتٍ الْمُؤْمِنَاتِ لَعْنَةُ﴾ [النور: ٢٣]،
وَقَوْلِ اللهُ ﴿وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ
يَأْتُوا﴾ الآية.

cursed in this life and in the Hereafter, and for them will be a great torment.” (V.24:23)

6857. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, “Avoid seven great destructive sins.” They (the people) asked, “O Allāh’s Messenger! What are they?” He said, (they are :)

- (1) To join partners in worship with Allāh;
- (2) To practise sorcery;
- (3) To kill the life which Allāh has forbidden, except for a just cause (according to Islāmic law);
- (4) To eat up *Ribā* (usury);
- (5) To eat up the property of an orphan;
- (6) To show one’s back to the enemy and fleeing from the battlefield at the time of fighting;

(7) And to accuse chaste women who never even think of anything touching their chastity and are good believers.

(45) CHAPTER. Slandering the slaves (accusing them for committing illegal sexual intercourse).

6858. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: I heard Abūl-Qāsim (the Prophet ﷺ) saying, “If somebody slanders his slave (by accusing them of committing illegal sexual intercourse) and the slave is free from what he says, he (the master) will be flogged on the Day of Resurrection, unless the slave is really as he has described him.”

(46) CHAPTER. Can a ruler order somebody to inflict the legal punishment on someone without himself being present? ‘Umar did so (during his caliphate).

6859, 6860. Narrated Abū Hurairah and Zaid bin Khālid Al-Juhanī: A man came to the Prophet ﷺ and said, “I beseech you by

٦٨٥٧ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ: حَدَّثَنِي سُلَيْمَانُ، عَنْ ثَوْرِ بْنِ زَيْدٍ، عَنْ أَبِي الْغَيْثِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «اجْتَنِبُوا السَّبْعَ الْمُوبِقَاتِ». قَالُوا: يَا رَسُولَ اللَّهِ، وَمَا هُنَّ؟ قَالَ: «الشِّرْكُ بِاللَّهِ، وَالسَّحَرُ، وَقَتْلُ النَّفْسِ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ، وَأَكْلُ الرِّبَا، وَأَكْلُ مَالِ الْيَتِيمِ، وَالتَّوَلَّى يَوْمَ الرَّحْفِ، وَقَدْفُ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ الْغَافِلَاتِ».

[راجع: ٢٧٦٦]

(٤٥) بَابُ قَذْفِ الْعَبِيدِ

٦٨٥٨ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ فَضِيلِ بْنِ غَزْوَانَ، عَنِ ابْنِ أَبِي نُعْمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: سَمِعْتُ أَبَا الْقَاسِمِ ﷺ يَقُولُ: «مَنْ قَذَفَ مَمْلُوكَهُ وَهُوَ بَرِيءٌ مِمَّا قَالَ جُلِدَ يَوْمَ الْقِيَامَةِ إِلَّا أَنْ يَكُونَ كَمَا قَالَ».

(٤٦) بَابُ: هَلْ يَأْمُرُ الْإِمَامُ رَجُلًا فَيَضْرِبُ الْحَدَّ غَايِبًا عَنْهُ؟ وَقَدْ فَعَلَهُ عُمَرُ

٦٨٥٩، ٦٨٦٠ - حَدَّثَنَا مُحَمَّدٌ

بْنُ يُوسُفَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ

Allāh to judge between us according to Allāh's Laws." Then his opponent, who was wiser than he, got up and said, "He has spoken the truth. So judge between us according to Allāh's Laws; and please allow me (to speak first), O Allāh's Messenger." The Prophet ﷺ said, "Speak." He said, "My son was a labourer for the family of this man and he committed illegal sexual intercourse with his wife, and I gave one hundred sheep and a slave as a ransom (expiation) (for my son), but I asked the religious learned people (regarding this case), and they informed me that my son should be flogged one hundred stripes, and be exiled for one year, and the wife of this man should be stoned (to death)". The Prophet ﷺ said, "By Him in Whose Hand my soul is, I will judge between you (in this case) according to Allāh's Laws. The one hundred (sheep) and the slave shall be returned to you, and your son shall be flogged one hundred stripes and be exiled for one year. And O Unais! Go in the morning to the wife of this man and ask her, and if she confesses, stone her to death." She confessed and he stoned her to death.

الرُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُثْمَةَ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ قَالَا: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: أُنشِدُكَ اللَّهَ إِلَّا قَضَيْتَ بَيْنَنَا بِكِتَابِ اللَّهِ، فِقَامَ نَحْضَمُهُ وَكَانَ أَفْقَهُ مِنْهُ، فَقَالَ: صَدَقَ، اقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ، وَائْتِدْ لِي يَا رَسُولَ اللَّهِ. فَقَالَ النَّبِيُّ ﷺ: «قُلْ»، فَقَالَ: إِنَّ ابْنِي كَانَ عَسِيفًا فِي أَهْلِ هَذَا، فَزَنَى بِامْرَأَتِهِ فَأَقْتَدَيْتُ مِنْهُ بِمِائَةِ شَاةٍ وَخَادِمٍ، وَإِنِّي سَأَلْتُ رِجَالًا مِنْ أَهْلِ الْعِلْمِ فَأَخْبَرُونِي أَنَّ عَلَى ابْنِي جَلْدَ مِائَةٍ وَتَعْرِيبَ عَامٍ، وَأَنَّ عَلَى امْرَأَةِ هَذَا الرَّجْمِ. فَقَالَ: «وَالَّذِي نَفْسِي بِيَدِهِ لَأَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللَّهِ: الْمِائَةُ وَالْخَادِمُ رَدٌّ عَلَيْكَ، وَعَلَى ابْنِكَ جَلْدُ مِائَةٍ وَتَعْرِيبُ عَامٍ، وَيَا أُتَيْسُ: اغْدُ عَلَى امْرَأَةِ هَذَا فَسَلِّهَا، فَإِنِ اعْتَرَفَتْ فَارْجُمِهَا، فَاعْتَرَفَتْ فَارْجَمَهَا».

[راجع: ٢٣١٤، ٢٣١٥]