

## 29. The Book Of *Hudûd* (Legal Punishments)

١٤ - (المعجم ٢٩) - كتاب الحدود  
(التحفة ...)

### Chapter 1. The *Hadd* For Stealing And The Minimum Threshold

(المعجم ١) - (بَابُ حَدِّ السَّرِقَةِ)  
ونصابها (التحفة ١٢)

[4398] 1 - (1684) It was narrated that ‘Āishah said: “The Messenger of Allāh ﷺ would cut off the thief’s hand for one-quarter of a Dīnār or more.”

[٤٣٩٨] ١ - (١٦٨٤) حَدَّثَنَا يَحْيَى  
ابْنُ يَحْيَى وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي  
عُمَرَ - وَاللَّفْظُ لِيَحْيَى - قَالَ ابْنُ أَبِي  
عُمَرَ: حَدَّثَنَا، وَقَالَ الْأَخْرَاقِيُّ: أَخْبَرَنَا  
سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عَمْرَةَ،  
عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ  
يَقْطَعُ السَّارِقَ فِي رُبْعِ دِينَارٍ فَصَاعِدًا.

[4399] (...) A similar report (as no. 4398) was narrated from Az-Zuhrī with this chain.

[٤٣٩٩] (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ  
إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ قَالَا: أَخْبَرَنَا عَبْدُ  
الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ  
أَبِي شَيْبَةَ: حَدَّثَنَا يَزِيدُ بْنُ هَرُونَ: أَخْبَرَنَا  
سُلَيْمَانُ بْنُ كَثِيرٍ وَإِبْرَاهِيمُ بْنُ سَعْدٍ، كُلُّهُمُ  
عَنِ الزُّهْرِيِّ. بِمِثْلِهِ، فِي هَذَا الْإِسْنَادِ.

[4400] 2 - (...) It was narrated from ‘Āishah that the Messenger of Allāh ﷺ said: “The hand of a thief should not be cut off, except for one-quarter of a Dīnār or more.”

[٤٤٠٠] ٢ - (...) حَدَّثَنِي أَبُو  
الطَّاهِرِ وَحَرَمَلَةُ بْنُ يَحْيَى؛ وَحَدَّثَنَا الْوَلِيدُ  
ابْنُ شُجَاعٍ - وَاللَّفْظُ لِلْوَلِيدِ وَحَرَمَلَةَ -  
قَالُوا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ

[1] *Hudûd*: Plural; *Hadd*: Singular

عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ وَعَمْرَةَ، عَنْ عَائِشَةَ، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «لَا تُقَطَّعُ يَدُ السَّارِقِ إِلَّا فِي رُبْعِ دِينَارٍ فَصَاعِدًا».

[4401] 3 - (...) 'Āishah narrated that she heard the Messenger of Allāh ﷺ say: "The hand should not be cut off except for one-quarter of a Dīnār or more."

[٤٤٠١] ٣- (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ وَهَرُونَ بْنُ سَعِيدِ الْأَيْلِيِّ وَأَحْمَدُ بْنُ عَيْسَى - وَاللَّفْظُ لَهُرُونَ وَأَحْمَدُ، قَالَ أَبُو الطَّاهِرِ: أَخْبَرَنَا، وَقَالَ الْأَخْرَانِ: حَدَّثَنَا - ابْنُ وَهَبٍ: أَخْبَرَنِي مَحْرَمُهُ عَنْ أَبِيهِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَمْرَةَ أَنَّهَا سَمِعَتْ عَائِشَةَ تُحَدِّثُ، أَنَّهَا سَمِعَتْ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا تُقَطَّعُ الْيَدُ إِلَّا فِي رُبْعِ دِينَارٍ فَمَا فَوْقَهُ».

[4402] 4 - (...) It was narrated from 'Āishah that she heard the Prophet ﷺ say: "The hand of the thief should not be cut off except for one-quarter of a Dīnār or more."

[٤٤٠٢] ٤- (...) حَدَّثَنِي بِشْرُ بْنُ الْحَكَمِ الْعَبْدِيُّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِ، عَنْ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ أَنَّهَا سَمِعَتْ النَّبِيَّ ﷺ يَقُولُ: «لَا تُقَطَّعُ يَدُ سَارِقٍ إِلَّا فِي رُبْعِ دِينَارٍ فَصَاعِدًا».

[4403] (...) A similar report (as no. 4402) was narrated from Yazīd bin 'Abdullāh bin Al-Hādī with this chain.

[٤٤٠٣] (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ الْمُثَنَّى وَإِسْحَاقُ بْنُ مَنْصُورٍ، جَمِيعًا عَنْ أَبِي عَامِرٍ الْعَقَدِيِّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ مِنْ وَلَدِ الْمِسْوَرِ ابْنِ مَحْرَمَةَ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِي بِهِذَا الْإِسْنَادِ، مِثْلَهُ.

[4404] 5 - (1685) It was narrated that ‘Aishah said: “At the time of the Messenger of Allāh ﷺ the hand of a thief was not cut off for less than the price of a shield made of leather or iron (steel?), both of which were valuable.”

[4405] (...) A *Ḥadīth* like that of Ibn Numair from Ḥumaid bin ‘Abdur-Raḥmān Ar-Ru’âsî (no. 4404) was narrated from Hishâm with this chain. In the *Ḥadīth* of ‘Abdur-Raḥīm and Abū Usâmah it says: “At that time it was valuable.”

[4406] 6 - (1686) It was narrated from Ibn ‘Umar that the Messenger of Allāh ﷺ cut off the hand of a thief for a shield, the value of which was three Dirham.

[4407] (...) A *Ḥadīth* like that of Yahyâ bin Mâlik (no. 4406) was narrated from Nâfi’ from Ibn ‘Umar, from the Prophet ﷺ, except that some of them

[٤٤٠٤] ٥ - (١٦٨٥) وَحَدَّثَنَا مُحَمَّدُ

ابْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ الرَّوَّاسِيُّ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: لَمْ تَقُطَّ يَدُ سَارِقٍ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فِي أَقْلٍ مِنْ ثَمَنِ الْمِجَنِّ، حَجَفَةٍ أَوْ تُرْسٍ، وَكِلَاهُمَا دُو ثَمَنِ.

[٤٤٠٥] (...) وَحَدَّثَنَا عُثْمَانُ بْنُ

أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ بَنِي سُلَيْمَانَ وَحُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو أُسَامَةَ كُلُّهُمْ عَنْ هِشَامٍ بِهَذَا الْإِسْنَادِ، نَحْوَ حَدِيثِ ابْنِ نُمَيْرٍ عَنْ حُمَيْدِ [ابْنِ عَبْدِ الرَّحْمَنِ] الرَّوَّاسِيِّ، وَفِي حَدِيثِ عَبْدِ الرَّحِيمِ وَأَبِي أُسَامَةَ: وَهُوَ يَوْمئِذٍ دُو ثَمَنِ.

[٤٤٠٦] ٦ - (١٦٨٦) حَدَّثَنَا يَحْيَى

ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَطَعَ سَارِقًا فِي مِجَنٍّ قِيمَتُهُ ثَلَاثَةُ دَرَاهِمٍ.

[٤٤٠٧] (...) وَحَدَّثَنَا قُتَيْبَةُ [بْنُ

سَعِيدٍ] وَابْنُ رُمَيْحٍ عَنِ اللَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ وَابْنُ الْمُثَنَّى

said: 'Its value,' and some of them said: "Its price was three Dirham."

قَالَ: حَدَّثَنَا يَحْيَىٰ وَهُوَ الْقَطَّانُ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، كُلُّهُمْ عَنْ عَبْدِ اللَّهِ؛ وَحَدَّثَنِي زُهَيْرُ [بْنِ حَرْبٍ]: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ عَلِيَّةَ؛ وَحَدَّثَنَا أَبُو الرَّيِّعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَادٌ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا سُفْيَانُ عَنْ أَيُّوبَ السَّخْتِيَّانِيِّ وَأَيُّوبَ بْنِ مُوسَىٰ وَإِسْمَاعِيلَ ابْنِ أُمِيَّةَ؛ وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيُّ: أَخْبَرَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا سُفْيَانُ عَنْ أَيُّوبَ وَإِسْمَاعِيلَ بْنِ أُمِيَّةَ، وَعَبِيدَ اللَّهِ وَمُوسَىٰ بْنِ عُقْبَةَ؛ وَحَدَّثَنَا [مُحَمَّدُ] بْنُ رَافِعٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي إِسْمَاعِيلُ بْنُ أُمِيَّةَ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ حَنْظَلَةَ ابْنِ أَبِي سُفْيَانَ الْجُمَحِيِّ، وَعَبْدِ اللَّهِ بْنِ عُمَرَ، وَمَالِكِ بْنِ أَنَسٍ وَأَسَامَةَ بْنِ زَيْدٍ اللَّيْثِيِّ، كُلُّهُمْ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ يَحْيَىٰ عَنِ مَالِكِ، غَيْرَ أَنَّ بَعْضَهُمْ قَالَ: قِيمَتُهُ، وَبَعْضُهُمْ قَالَ: ثَمَنٌ ثَلَاثَةُ دَرَاهِمٍ.

[4408] 7 - (1687) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said:

حَدَّثَنَا أَبُو بَكْرِ (١٦٨٧) - ٧ [٤٤٠٨] حَدَّثَنَا أَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا أَبُو

‘May Allāh curse the thief, for he steals an egg and his hand is cut off, or he steals a rope and his hand is cut off.’”

[4409] (...) A similar report (as no. 4408) was narrated from Al-A‘mash with this chain, except that he said: “If he steals a rope, if he steals an egg.”

## Chapter 2. Cutting off the hand of a thief from the nobility and others; the prohibition Of interceding with regard to *Hudūd* punishments

[4410] 8 - (1688) It was narrated from ‘Aishah that Quraish were concerned about the case of the Makhzūmī woman who had stolen. They said: “Who will speak to the Messenger of Allāh ﷺ concerning her?” Then they said: “Who would dare to do that but Usāmah, the beloved of the Messenger of Allāh ﷺ?” So Usāmah spoke to him, and the Messenger of Allāh ﷺ said: “Are you interceding about one of the *Hadd* punishments of Allāh?” Then he stood up and delivered a speech in which he said: “O people, those who came before you were doomed because if a nobleman among them stole, they let him off, but if a lowly

مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَعَنَ اللَّهُ السَّارِقَ، يَسْرِقُ النَّبِيضَةَ فَتُقَطَّعُ يَدُهُ، وَيَسْرِقُ الْحَبْلَ فَتُقَطَّعُ يَدُهُ».

[٤٤٠٩] (...) وَحَدَّثَنَا عَمْرُو النَّاقِدُ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَلِيُّ بْنُ خَشْرَمٍ، كُلُّهُمْ عَنْ عَيْسَى بْنِ يُونُسَ، عَنِ الْأَعْمَشِ بِهَذَا الْإِسْنَادِ مِثْلَهُ، غَيْرَ أَنَّهُ يَقُولُ: «إِنْ سَرَقَ حَبْلًا، وَإِنْ سَرَقَ نَبِيضَةً».

(المعجم ٢) - (باب قطع السارق الشريف وغيره، والنهي عن الشفاعة في الحدود) (التحفة ١٣)

[٤٤١٠] ٨ - (١٦٨٨) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ، وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّ قُرَيْشًا أَهَمَّهُمْ شَأْنُ الْمَرْأَةِ الْمَخْزُومِيَّةِ الَّتِي سَرَقَتْ، فَقَالُوا: مَنْ يُكَلِّمُ فِيهَا رَسُولَ اللَّهِ ﷺ؟ فَقَالُوا: وَمَنْ يَجْتَرِئُ عَلَيْهِ إِلَّا أُسَامَةُ، حَبِّ رَسُولِ اللَّهِ ﷺ؟ فَكَلَّمَهُ أُسَامَةُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَتَشْفَعُ فِي حَدٍّ مِنْ حُدُودِ اللَّهِ؟»، ثُمَّ قَامَ فَاخْتَطَبَ فَقَالَ: «أَيُّهَا النَّاسُ! إِنَّمَا أَهْلَكَ الَّذِينَ قَبْلَكُمْ، أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ

person stole, they carried out the punishment on him. By Allāh, if Fâtimah the daughter of Muḥammad were to steal, I would cut off her hand."

[4411] 9 - (...) It was narrated from 'Āishah, the wife of the Prophet ﷺ, that Quraish were concerned about the case of the woman who had stolen, at the time of the Messenger of Allāh ﷺ, during the conquest of Makkah. They said: "Who will speak to the Messenger of Allāh ﷺ concerning her?" Then they said: "No one would dare to do that but Usāmah bin Zaid, the beloved of the Messenger of Allāh ﷺ." She was brought to the Messenger of Allāh ﷺ, and Usāmah bin Zaid spoke concerning her. The color of the face of the Messenger of Allāh ﷺ changed, and he said: "Are you interceding concerning one of the *Hadd* punishments of Allāh?" Usāmah said to him: Pray for forgiveness for me, O Messenger of Allāh! When evening came, the Messenger of Allāh ﷺ stood up and delivered a speech. He praised Allāh as He deserves to be praised, then he said: "Those who came before you were doomed because, if a nobleman among them stole, they

تَرَكَوهُ، وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ، وَإِنَّمِ اللَّهُ! لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا".

وَفِي حَدِيثِ ابْنِ رُمَحٍ: «إِنَّمَا هَلَكَ الَّذِينَ مِنْ قَبْلِكُمْ».

[٤٤١١] ٩ - (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرَمَلَةُ بْنُ يَحْيَى - وَاللَّفْظُ لِحَرَمَلَةَ - قَالَا: أَخْبَرَنَا ابْنُ وَهَبٍ: أَخْبَرَنِي يُونُسُ بْنُ زَيْدٍ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ: أَنَّ فُرَيْشًا أَهَمَّهُمْ شَأْنُ الْمَرْأَةِ الَّتِي سَرَقَتْ، فِي عَهْدِ رَسُولِ اللَّهِ ﷺ، فِي غَزْوَةِ الْفَتْحِ، فَقَالُوا: مَنْ يُكَلِّمُ فِيهَا رَسُولَ اللَّهِ ﷺ؟ فَقَالُوا: وَمَنْ يَجْتَرِيءُ عَلَيْهِ إِلَّا أُسَامَةُ بْنُ زَيْدٍ، حُبُّ رَسُولِ اللَّهِ ﷺ؟ فَأَتَى بِهَا رَسُولُ اللَّهِ ﷺ، فَكَلَّمَ فِيهَا أُسَامَةَ بْنَ زَيْدٍ، فَتَلَوْنَ وَجْهَ رَسُولِ اللَّهِ ﷺ، فَقَالَ: «أَتَشْفَعُ فِي حَدِّ مَنْ حُدِدَ اللَّهُ؟» فَقَالَ [لَهُ] أُسَامَةُ: اسْتَعْفِزْ لِي يَا رَسُولَ اللَّهِ! فَلَمَّا كَانَ الْعِشِيِّ، قَامَ رَسُولُ اللَّهِ ﷺ فَاخْتَطَبَ، فَأَنْتَبَى عَلَى اللَّهِ بِمَا هُوَ أَهْلُهُ، ثُمَّ قَالَ: «أَمَّا بَعْدُ، فَإِنَّمَا أَهْلَكَ الَّذِينَ مِنْ قَبْلِكُمْ، أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ،

would let him off, but if a lowly person stole, they would carry out the *Hadd* punishment on him. By the One in Whose Hand is my soul, if Fāṭimah the daughter of Muḥammad were to steal, I would cut off her hand.” Then he ordered that the hand of that woman who had stolen be cut off.

Yūnus said: Ibn Shihāb said: ‘Urwah said: ‘Āishah said: “She repented properly after that, and got married, and after that she used to come and speak to me, and I would convey what she said to the Messenger of Allāh ﷺ.”

[4412] 10 - (...) It was narrated that ‘Āishah said: “A Makhzūmī woman used to borrow things and then deny it. The Prophet ﷺ ordered that her hand be cut off, and her family came to Usāmah bin Zaid and spoke to him, and he spoke to the Messenger of Allāh ﷺ about her...” then he (the sub-narrator) mentioned a *Hadīth* like that of Al-Laith and Yūnus (no. 4411).

[4413] 11 - (1689) It was narrated from Jūbair that a woman from Banū Makhzūm stole, and she was brought to the Prophet ﷺ. She sought refuge with Umm Salamah, the wife of the Prophet ﷺ, but the Prophet ﷺ said: “If Fāṭimah were to steal I would cut off her hand.” And her hand was cut off.

تَرَكَوهُ، وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ، أَقَامُوا عَلَيْهِ الْحَدَّ، وَإِنِّي، وَالَّذِي نَفْسِي بِيَدِهِ! لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا» ثُمَّ أَمَرَ بِتِلْكَ الْمَرْأَةِ الَّتِي سَرَقَتْ فَقَطَعْتُ يَدَهَا .

قَالَ يُونُسُ: قَالَ ابْنُ شِهَابٍ: قَالَ عُرْوَةُ: قَالَتْ عَائِشَةُ: فَحَسَنْتُ تَوْبَتُهَا بَعْدُ، وَتَزَوَّجْتُ، وَكَانَتْ تَأْتِي بَعْدَ ذَلِكَ، فَأَرْفَعُ حَاجَتَهَا إِلَى رَسُولِ اللَّهِ ﷺ.

[٤٤١٢] ١٠- (...) وَحَدَّثَنَا عَبْدُ ابْنِ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَتْ امْرَأَةً مَخْزُومِيَّةً تَسْتَعِيرُ الْمَتَاعَ وَتَجْحَدُهُ، فَأَمَرَ النَّبِيُّ ﷺ بِقَطْعِ يَدِهَا، فَأَتَى أَهْلَهَا أُسَامَةُ [بْنُ زَيْدٍ] فَكَلَّمُوهُ، فَكَلَّمَ رَسُولُ اللَّهِ ﷺ فِيهَا، ثُمَّ ذَكَرَ نَحْوَ حَدِيثِ اللَّيْثِ وَيُونُسَ.

[٤٤١٣] ١١- (١٦٨٩) وَحَدَّثَنِي سَلْمَةُ بِنْتُ شَيْبٍ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ: حَدَّثَنَا مَعْقِلٌ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ؛ أَنَّ امْرَأَةً مِنْ بَنِي مَخْزُومٍ سَرَقَتْ، فَأَتَى بِهَا النَّبِيُّ ﷺ، فَعَادَتْ بِأَمِّ سَلْمَةَ زَوْجِ النَّبِيِّ ﷺ، فَقَالَ النَّبِيُّ ﷺ: «لَوْ كَانَتْ فَاطِمَةُ لَقَطَعْتُ يَدَهَا» فَقَطَعَتْ.

### Chapter 3. The *Hadd* punishment for *Zinâ* (fornication, adultery)

[4414] 12 - (1690) It was narrated that 'Ubâdah bin Aş-Şâmit said: "Learn from me, learn from me, learn from me (the *Hadd* punishment for *Zinâ*). Allâh has ordained a way for them. For an unmarried person with an unmarried person, one hundred lashes and exile for one year. For a married person with a married person, one hundred lashes and stoning."

[4415] (...) Manşûr narrated a similar report (as no. 4414) with this chain.

[4416] 13 - (...) It was narrated that 'Ubâdah bin Aş-Şâmit said: "When the Revelation came upon him, the Prophet ﷺ would feel some distress because of that, and his face would change color. It came to him one day, and he felt that distress, then when it was over, he said: 'Learn from me (the *Hadd* punishment for *Zinâ*). Allâh has ordained a way for them, for a married person with a married person and for an unmarried person with an unmarried person. For a married person, one hundred lashes then

(المعجم ٣) - (بَابُ حَدِّ الزَّانِي)

(التحفة ١٤)

[٤٤١٤] ١٢ - (١٦٩٠) وَحَدَّثَنَا

يَحْيَى بْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا هُشَيْمٌ عَنْ مَنْصُورٍ، عَنْ الْحَسَنِ، عَنْ حِطَّانَ بْنِ عَبْدِ اللَّهِ الرَّقَاشِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ الصَّامِتِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «خُذُوا عَنِّي، خُذُوا عَنِّي، فَكَقَدْ جَعَلَ اللَّهُ لَهُنَّ سَبِيلًا، الْبِكْرُ بِالْبِكْرِ جَلْدٌ مِائَةٌ وَتَفْئِي سَنَةٍ، وَالثَّيْبُ بِالثَّيْبِ، جَلْدٌ مِائَةٌ وَالرَّجْمُ».

[٤٤١٥] (...) وَحَدَّثَنَا عَمْرُو النَّاقِدُ:

حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا مَنْصُورٌ بِهِذَا الْإِسْنَادِ، مِثْلَهُ.

[٤٤١٦] ١٣ - (...) حَدَّثَنَا مُحَمَّدٌ

ابْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ، جَمِيعًا عَنْ عَبْدِ الْأَعْلَى، قَالَ ابْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ حِطَّانَ بْنِ عَبْدِ اللَّهِ [الرَّقَاشِيِّ]، عَنْ عَبْدِ اللَّهِ بْنِ الصَّامِتِ قَالَ: كَانَ النَّبِيُّ ﷺ إِذَا أَنْزَلَ عَلَيْهِ الْوَحْيَ كُرِبَ لِذَلِكَ وَتَرَبَّدَ لَهُ وَجْهُهُ، قَالَ: فَأَنْزَلَ عَلَيْهِ ذَاتَ يَوْمٍ، فَلَقِيَنِي كَذَلِكَ، فَلَمَّا سُرِّيَ عَنْهُ قَالَ: «خُذُوا عَنِّي، فَكَقَدْ جَعَلَ اللَّهُ لَهُنَّ



stoning, and for an unmarried person, one hundred lashes then exile for one year.”

[4417] 14 - (...) It was narrated from Qatâdah with this chain (a *Hadîth* similar to no. 4416), except that in their (the sub-narrators) *Hadîth* it says: “An unmarried person should be whipped then exiled, and a married person should be whipped then stoned” and they did not mention (exile for) one year or one hundred (lashes).

#### Chapter 4. Stoning of a married person for *Zinâ*

[4418] 15 - (1691) It was narrated that ‘Abdullâh bin ‘Abbâs said: “‘Umar bin Al-Khaṭṭâb said, when he was sitting on the *Minbar* of the Messenger of Allâh ﷺ: Allâh sent Muḥammad ﷺ with the truth, and He revealed the Book to him. One of the things that Allâh revealed to him was the Verse of stoning. We recited it, memorized it and understood it, The Messenger of Allâh ﷺ stoned (adulterers) and we stoned them after him. But I am afraid that with the passage of time, people will say, we do not find (the Verse of) stoning in the Book of Allâh, so they will go astray and forsake an

سَيْلًا، الثَّيْبُ بِالثَّيْبِ وَالْبِكْرُ بِالْبِكْرِ، الثَّيْبُ جُلْدٌ مِائَةٌ، ثُمَّ رَجْمًا بِالْحِجَارَةِ، وَالْبِكْرُ جُلْدٌ مِائَةٌ ثُمَّ نَفْيٌ سَنَةً.

[٤٤١٧] ١٤ - (...) وَحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي، كِلَاهُمَا عَنْ قَتَادَةَ بِهَذَا الْإِسْنَادِ، غَيْرَ أَنَّ فِي حَدِيثِهِمَا: «الْبِكْرُ يُجْلَدُ وَيُنْفَى، وَالثَّيْبُ يُجْلَدُ وَيُرْجَمُ» وَلَا يَذْكُرَانِ: سَنَةً وَلَا مِائَةً.

(المعجم ٤) - (بَابُ رَجْمِ الثَّيْبِ فِي الزَّوْنِ) (التحفة ١٥)

[٤٤١٨] ١٥ - (١٦٩١) حَدَّثَنِي أَبُو الطَّاهِرِ وَحَزْمَلَةُ بْنُ يَحْيَى قَالَا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُبَيْدُ اللَّهِ ابْنُ عَبْدِ اللَّهِ بْنِ عُثَيْبَةَ أَنَّهُ سَمِعَ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ يَقُولُ: قَالَ عُمَرُ بْنُ الْخَطَّابِ، وَهُوَ جَالِسٌ عَلَى مِثْبَرِ رَسُولِ اللَّهِ ﷺ: إِنَّ اللَّهَ [قَدْ] بَعَثَ مُحَمَّدًا ﷺ بِالْحَقِّ، وَأَنْزَلَ عَلَيْهِ الْكِتَابَ، فَكَانَ مِمَّا أَنْزَلَ اللَّهُ عَلَيْهِ: آيَةُ الرَّجْمِ، قَرَأْنَاهَا وَوَعَيْنَاهَا وَعَقَلْنَاهَا، فَرَجَمَ رَسُولُ اللَّهِ ﷺ وَرَجَمْنَا بَعْدَهُ،

obligation that Allâh revealed. Stoning (is mentioned) in the Book of Allâh as a duty which much be carried out on those who commit *Zinâ* if they are married, men and women alike, if proof is established or if there is pregnancy or a confession.”

[4419] (...) It was narrated from Az-Zuhrî (a *Hadîth* similar to no. 4418) with this chain.

### Chapter 5. One who confesses to *Zinâ*

[4420] 16 - (...) It was narrated that Abû Hurairah said: “A Muslim man came to the Messenger of Allâh ﷺ when he was in the *Masjid* and called out to him, saying: O Messenger of Allâh, I have committed *Zinâ*. He turned away from him, so he came around to face him and said to him: O Messenger of Allâh, I have committed *Zinâ*. He turned away from him, until he had repeated that four times. When he had testified against himself four times, the Messenger of Allâh ﷺ called him and said: ‘Are you insane?’ He said: No. He said: ‘Are you married?’ He said: Yes.

فَأَحْسَىٰ إِنْ طَالَ بِالنَّاسِ زَمَانٌ، أَنْ يَقُولَ قَائِلٌ: مَا نَجِدُ الرَّجْمَ فِي كِتَابِ اللَّهِ تَعَالَى، فَضَلُّوا بِتَرْكِ فَرِيضَةِ أَنْزَلَهَا اللَّهُ، وَإِنَّ الرَّجْمَ فِي كِتَابِ اللَّهِ حَقٌّ عَلَى مَنْ زَنَى إِذَا أَحْصَنَ، مِنَ الرِّجَالِ وَالنِّسَاءِ، إِذَا قَامَتِ الْبَيِّنَةُ، أَوْ كَانَ الْحَبْلُ أَوْ الْأَعْتِرَافُ.

[٤٤١٩] (...) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ وَابْنُ أَبِي عُمَرَ، قَالُوا: حَدَّثَنَا سُفْيَانُ عَنِ الرَّهْرِيِّ بِهَذَا الْإِسْنَادِ.

(المعجم ٥) - (بَابُ مَنْ اعْتَرَفَ عَلَى نَفْسِهِ بِالزُّنَى) (التحفة ١٦)

[٤٤٢٠] ١٦ - (...) وَحَدَّثَنِي عَبْدُ الْمَلِكِ بْنُ شُعَيْبٍ بْنُ اللَّيْثِ بْنِ سَعْدٍ: حَدَّثَنِي أَبِي عَنْ جَدِّي قَالَ: حَدَّثَنِي عُقَيْلٌ عَنِ ابْنِ شَهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَسَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: أَتَى رَجُلٌ مِنَ الْمُسْلِمِينَ رَسُولَ اللَّهِ ﷺ وَهُوَ فِي الْمَسْجِدِ، فَتَادَاهُ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي زَنَيْتُ، فَأَعْرَضَ عَنْهُ، فَتَنَحَّى تَلْقَاءَ وَجْهِهِ، فَقَالَ لَهُ: يَا رَسُولَ اللَّهِ! إِنِّي زَنَيْتُ، فَأَعْرَضَ عَنْهُ حَتَّى تَنَى ذَلِكَ عَلَيْهِ

The Messenger of Allâh ﷺ said: "Take him and stone him."

Ibn Shihâb said: "Someone told me that he heard Jâbir bin 'Abdullâh say: I was one of those who stoned him. We stoned him in the prayer place, and when the stones hurt him he ran away. We caught up with him in the *Ḥarrah* and we stoned him."

[4421] (...) A similar report (as no. 4420) was narrated from Ibn Shihâb.

[4422] (...) Ibn Shihâb said: "Someone told me that he heard Jâbir bin 'Abdullâh say..." a report like that mentioned by 'Uqail (no. 4420).

[4423] (...) It was narrated from Jâbir bin 'Abdullâh from the Prophet ﷺ - a report like that of 'Uqail from Az-Zuhrî, from Sa'eed, from Abû Salamah, from Abû Hurairah (no. 4420).

أَرْبَعَ مَرَّاتٍ، فَلَمَّا شَهِدَ عَلَيَّ نَفْسِيهِ أَرْبَعَ شَهَادَاتٍ، دَعَاهُ رَسُولُ اللَّهِ ﷺ، فَقَالَ: «أَيْكَ جُنُونَ؟» قَالَ: لَا، قَالَ: «فَهَلْ أَحْصَنْتَ؟» قَالَ: نَعَمْ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «ادْهَبُوا بِهِ فَارْجُمُوهُ».

قَالَ ابْنُ شِهَابٍ: فَأَخْبَرَنِي مَنْ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: فَكُنْتُ فِي مَنْ رَجَمَهُ، فَرَجَمَنَاهُ بِالْمُصَلَّى فَلَمَّا أَدْلَقْتُهُ الْحِجَارَةَ هَرَبَ، فَأَذْرَكْنَاهُ بِالْحَرَّةِ فَرَجَمَنَاهُ.

[٤٤٢١] (...) قَالَ مُسْلِمٌ: وَرَوَاهُ اللَّيْثُ أَيْضًا، عَنْ عَبْدِ الرَّحْمَنِ ابْنِ خَالِدِ ابْنِ مُسَافِرٍ، عَنِ ابْنِ شِهَابٍ بِهَذَا الْإِسْنَادِ. مِثْلُهُ.

[٤٤٢٢] (...) وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ الدَّارِمِيُّ: حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ أَيْضًا، وَفِي حَدِيثِهِمَا جَمِيعًا: قَالَ ابْنُ شِهَابٍ: أَخْبَرَنِي مَنْ سَمِعَ جَابِرَ ابْنَ عَبْدِ اللَّهِ، كَمَا ذَكَرَ عُقَيْلٌ.

[٤٤٢٣] (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ ابْنُ يَحْيَى قَالَا: أَخْبَرَنَا ابْنُ وَهَبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرُ

وَابْنُ جَرِيحٍ، كُلُّهُمَ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ، نَحْوَ رِوَايَةِ عَقِيلِ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ.

[4424] 17 - (1692) It was narrated that Jâbir bin Samurah said: "I saw Mâ'iz bin Mâlik when he was brought to the Prophet ﷺ, a short, well built man who was not wearing a *Ridâ'* (upper garment). He testified against himself four times, saying that he had committed *Zinâ*, and the Messenger of Allâh ﷺ said: 'Perhaps you (kissed her or embraced her)?' He said: 'No, by Allâh, this ignoble one has committed *Zinâ*.' So he stoned him, then he gave a speech in which he said: 'Every time we set out on a campaign for the sake of Allâh, one of them stayed behind and bleated like a male goat, and gave a small amount of milk or food (in return for sexual favors). By Allâh, if I get hold of one of them I will certainly make an example of him.'"

[4425] 18 - (...) Jâbir bin Samurah said: "A short man, muscular, with unkempt hair who was wearing an *Izâr* (lower garment) and who had committed *Zinâ* was brought to the Messenger of Allâh ﷺ. He turned him away twice, then he ordered that he be stoned. The Messenger of Allâh

أَبُو كَامِلٍ فَضَيْلُ بْنُ حُسَيْنِ الْجَحْدَرِيُّ: حَدَّثَنَا أَبُو عَوَّانَةَ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ جَابِرِ بْنِ سَمُرَةَ قَالَ: رَأَيْتُ مَاعِزَّ بْنَ مَالِكٍ حِينَ جِيءَ بِهِ إِلَى النَّبِيِّ ﷺ، رَجُلٌ قَصِيرٌ أَغْضَلٌ، لَيْسَ عَلَيْهِ رِدَاءٌ، فَشَهِدَ عَلَى نَفْسِهِ أَرْبَعَ مَرَّاتٍ أَنَّهُ زَنَى، فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَلَعَلَّكَ؟» قَالَ: لَا، وَاللَّهِ! إِنَّهُ قَدْ زَنَى الْأَجْرُ، قَالَ: فَرَجَمَهُ، ثُمَّ خَطَبَ فَقَالَ: «أَلَا كَلَّمَا نَفَرْنَا [عَازِينَ] فِي سَبِيلِ اللَّهِ، خَلَفَ أَحَدُهُمْ لَهُ نَيْبٌ كَنَيْبِ النَّبِيِّ، يَمْنَحُ أَحَدَهُمُ الْكُثْبَةَ، أَمَا وَاللَّهِ إِنْ يُمْكِنِي مِنْ أَحَدِهِمْ لَأُنَكِّلَنَّهُ عَنْهُ».

[4425] 18 - (...) وَحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّى - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ سِمَاكِ بْنِ حَرْبٍ قَالَ: سَمِعْتُ جَابِرَ بْنَ سَمُرَةَ قَالَ: أُنِيَ رَسُولُ اللَّهِ ﷺ بِرَجُلٍ قَصِيرٍ أَشْعَثٍ، ذِي

ﷺ said: 'Every time we went out on a campaign for the sake of Allâh, one of you stayed behind and bleated like a male goat, and gave a small amount of milk or food (in return for sexual favors). If Allâh enables me to get hold of one of them, I will make an example of him.'"

He (the narrator) said: I narrated it to Sa'eed bin Jubair and he said: He turned him away four times.

[4426] (...) A *Hadith* like that of Ibn Ja'far (no. 4425) was narrated from Jâbir bin Samurah from the Prophet ﷺ. Shabâbah agreed with his saying: he turned him away twice. "In the *Hadith* of Abû 'Âmir it says: "He (ﷺ) turned him away two or three times."

[4427] 19 - (1693) It was narrated from Ibn 'Abbâs that the Prophet ﷺ said to Mâ'iz bin Mâlik: "Is it true what I have heard about you?" He said: "What have you heard about me?" He said: "I heard that you committed *Zinâ* with the slave woman of the family of so-and-so." He said: "Yes." He (the narrator) said: "He testified to that four times, then he (ﷺ) ordered that he be stoned."

عَصَلَاتٍ، عَلَيْهِ إِزَارٌ، وَقَدْ زَنَى، فَرَدَّهُ مَرَّتَيْنِ، ثُمَّ أَمَرَ بِهِ فَرَجِمَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «كُلَّمَا نَفَرْنَا غَازِينَ فِي سَبِيلِ اللَّهِ، تَخَلَّفَ أَحَدُكُمْ يَنْبُ نَيْبِ النَّيْسِ، يَمْنَحُ إِحْدَاهُنَّ الْكُتْبَةَ، إِنْ اللَّهُ لَا يُمَكِّنِي مِنْ أَحَدٍ مِنْهُمْ إِلَّا جَعَلْتُهُ نَكَالًا - أَوْ نَكَلْتُهُ -» .  
قَالَ: فَحَدَّثْتُهُ سَعِيدَ بْنَ جُبَيْرٍ فَقَالَ: إِنَّهُ رَدَّهُ أَرْبَعَ مَرَّاتٍ .

[٤٤٢٦] (...) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا شَبَابَةُ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا أَبُو عَامِرٍ الْعَقَدِيُّ، كِلَاهُمَا عَنْ شُعْبَةَ، عَنْ سِمَاكٍ، عَنْ جَابِرِ بْنِ سَمُرَةَ عَنْ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ ابْنِ جَعْفَرٍ، وَوَافَقَهُ شَبَابَةُ عَلَى قَوْلِهِ: فَرَدَّهُ مَرَّتَيْنِ، وَفِي حَدِيثِ أَبِي عَامِرٍ: فَرَدَّهُ مَرَّتَيْنِ أَوْ ثَلَاثًا .

[٤٤٢٧] ١٩ - (١٦٩٣) وَحَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ وَأَبُو كَامِلٍ الْجَحْدَرِيُّ - وَاللَّفْظُ لِقُتَيْبَةَ - قَالَ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ سِمَاكٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ؛ أَنَّ النَّبِيَّ ﷺ قَالَ لِمَاعِزِ بْنِ مَالِكٍ: «أَحَقُّ مَا بَلَغَنِي عَنْكَ؟» قَالَ: وَمَا بَلَغَكَ عَنِّي؟ قَالَ: «بَلَغَنِي أَنَّكَ وَقَعْتَ بِجَارِيَةِ آلِ فُلَانٍ» قَالَ: نَعَمْ، قَالَ: فَشَهِدَ أَرْبَعَ شَهَادَاتٍ، ثُمَّ أَمَرَ بِهِ فَرَجِمَ .

[4428] 20 - (1694) It was narrated from Abû Sa'eed that a man from Aslam who was called Mâ'iz bin Mâlik came to the Messenger of Allâh ﷺ and said: "I have committed an immoral deed, carry out (the punishment) on me." The Prophet ﷺ turned him away (from him) several times, then he asked his people about him, and they said: "We do not know of anything wrong with him, except that he has done something, and we think that he feels there is no way out except having the *Hadd* punishment carried out on him." He went back to the Messenger of Allâh ﷺ, and he commanded us to stone him. We took him to Baqî' Al-Gharqad, and we did not tie him up or dig a pit for him. We threw bones, clods of earth and pebbles at him, and he ran away, so we ran after him, until he reached the stony ground of the Harrah. He stopped there for us, and we threw the heavy stones of the Harrah at him until he stopped moving. Then the Messenger of Allâh ﷺ stood up and delivered a speech in the evening and said: "Every time we went out on a campaign for the sake of Allâh, a man would stay behind amongst our families and bleat like a male goat. It is my duty, if a man who has done that is brought to me, to make an example of him." And he (ﷺ) did not pray for forgiveness for him or curse him.

[٤٤٢٨] ٢٠ - (١٦٩٤) وَحَدَّثَنِي مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنِي عَبْدُ الْأَعْلَى: حَدَّثَنَا دَاوُدُ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ: أَنَّ رَجُلًا مِنْ أَسْلَمَ يُقَالُ لَهُ: مَا عِزُّ بْنُ مَالِكٍ، أَتَى رَسُولَ اللَّهِ ﷺ، فَقَالَ: إِنِّي أَصَبْتُ فَاحِشَةً، فَأَقِمُّهُ عَلَيَّ، فَوَدَّهَ النَّبِيُّ ﷺ مِرَارًا، قَالَ: ثُمَّ سَأَلَ قَوْمَهُ؟ فَقَالُوا: مَا نَعْلَمُ بِهِ بَأْسًا، إِلَّا أَنَّهُ أَصَابَ شَيْئًا، نَرَى أَنَّهُ لَا يُخْرِجُهُ مِنْهُ إِلَّا أَنْ يُقَامَ فِيهِ الْحَدُّ، قَالَ: فَرَجَعَ إِلَى رَسُولِ اللَّهِ ﷺ، فَأَمَرْنَا أَنْ نَرْجُمَهُ، قَالَ: فَانْطَلَقْنَا بِهِ إِلَى بَيْعِ الْعُرْقِدِ، قَالَ: فَمَا أَوْثَقَانَهُ وَلَا حَفَرْنَا لَهُ، قَالَ: فَرَمَيْنَاهُ بِالْعِظَامِ وَالْمَدَرِ وَالْحَرْفِ، قَالَ: فَاشْتَدَّ وَاشْتَدَّدْنَا خَلْفَهُ، حَتَّى أَتَى عُرْضَ الْحَرَّةِ، فَانْتَصَبَ لَنَا، فَرَمَيْنَاهُ بِجَلَامِيدِ الْحَرَّةِ يَعْنِي الْحِجَارَةَ، حَتَّى سَكَتَ، قَالَ: ثُمَّ قَامَ رَسُولُ اللَّهِ ﷺ خَطِيبًا مِنَ الْعِشِيِّ قَالَ: «أَوْ كُلَّمَا انْطَلَقْنَا غُرَاةً فِي سَبِيلِ اللَّهِ تَخَلَّفَ رَجُلٌ فِي عِيَالِنَا، لَهُ نَيْبٌ كَنَيْبِ النَّيْسِ، عَلَيَّ أَنْ لَا أُوتَى بِرَجُلٍ فَعَلَ ذَلِكَ إِلَّا نَكَلْتُ بِهِ»، قَالَ: فَمَا اسْتَعْفَرَ لَهُ وَلَا سَبَّهُ.

[4429] 21 - (...) Dâwûd narrated a similar report (as no. 4428) with this chain, and he said in the *Hadîth*: “The Prophet ﷺ stood up in the afternoon and praised and glorified Allâh, then he said: ‘What is the matter with people who, when we go out on a campaign, one of them stays behind and bleats like a male goat?’ and he did not say: ‘Who stays behind amongst our families.’”

[٤٤٢٩] ٢١- (...) وَحَدَّثَنِي مُحَمَّدُ ابْنُ حَاتِمٍ: حَدَّثَنَا بِهِزٌ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا دَاوُدُ بِهَذَا الْإِسْنَادِ، مِثْلَ مَعْنَاهُ، وَقَالَ فِي الْحَدِيثِ: فَقَامَ النَّبِيُّ ﷺ مِنَ الْعِشِيِّ فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ، ثُمَّ قَالَ: «أَمَّا بَعْدُ: فَمَا بَالُ أَقْوَامٍ، إِذَا غَزَوْنَا، يَتَخَلَّفُ أَحَدُهُمْ عَنَّا، لَهُ نَيْبٌ كَنَيْبِ التَّيْسِ»، وَلَمْ يَقُلْ «فِي عِيَالِنَا».

[4430] (...) Part of this *Hadîth* was narrated from Dâwûd (as *Hadîth* no. 4429) with this chain, except that in the *Hadîth* of Sufyân (a sub-narrator) it says: “He confessed to *Zinâ* three times.”

[٤٤٣٠] (...) وَحَدَّثَنَا سُرَيْجُ بْنُ يُونُسَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَاءَ بْنِ أَبِي زَائِدَةَ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُعَاوِيَةُ بْنُ هِشَامٍ: حَدَّثَنَا سُفْيَانُ، كِلَاهُمَا، عَنْ دَاوُدَ بِهَذَا الْإِسْنَادِ، بَعْضَ هَذَا الْحَدِيثِ، غَيْرَ أَنَّ فِي حَدِيثِ سُفْيَانَ: فَأَعْتَرَفَ بِالزَّيْنِ ثَلَاثَ مَرَّاتٍ.

[4431] 22 - (1695) It was narrated from Sulaimân bin Buraidah that his father said: “Mâ'iz bin Mâlik came to the Prophet ﷺ and said: ‘O Messenger of Allâh, purify me! He said: ‘Woe to you, go back and seek forgiveness from Allâh and repent to Him.’ He came back shortly after that and said: ‘O Messenger of Allâh, purify me!’ He said: ‘Woe to you, go back and seek forgiveness from

[٤٤٣١] ٢٢- (١٦٩٥) حَدَّثَنَا مُحَمَّدُ ابْنُ الْعَلَاءِ الْهَمْدَانِيُّ: حَدَّثَنَا يَحْيَى بْنُ يَعْلَى وَهُوَ ابْنُ الْحَارِثِ الْمُحَارِبِيُّ، عَنْ غَيْلَانَ وَهُوَ ابْنُ جَامِعِ الْمُحَارِبِيِّ، عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: جَاءَ مَاعِزُ بْنُ مَالِكٍ إِلَيَّ النَّبِيِّ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ! طَهِّرْنِي، فَقَالَ: «وَيْحَكَ أَرْجِعْ فَاسْتَغْفِرِ اللَّهَ وَتُبْ».

Allâh and repent to Him.' He came back shortly after that and said: 'O Messenger of Allâh, purify me!' The Prophet ﷺ said something similar, then when it was the fourth time the Messenger of Allâh ﷺ said to him: 'From what should I purify you?' He said: 'From *Zinâ*.' The Messenger of Allâh ﷺ asked, 'Is he insane?' and he was told that he was not insane. He said: Has he drunk wine? A man got up and smelt his breath, and he did not find any smell of wine. The Messenger of Allâh ﷺ said: 'Did you commit *Zinâ*?' He said: 'Yes.' So he ordered that he be stoned. The people were of two minds about him. Some said: 'He is doomed, he has been encompassed by his sin.' Others said: 'There is no repentance better than that of *Mâ'iz*, he came to the Prophet ﷺ and put his hand in his, and said: Kill me with stones.' This (controversy) carried on for two or three days, then the Messenger of Allâh ﷺ came when they were sitting. He greeted them with *Salâm* then sat down, and said: 'Pray for forgiveness for *Mâ'iz* bin *Mâlik*.' They said: 'May Allâh forgive *Mâ'iz* bin *Mâlik*.' The Messenger of Allâh ﷺ said: 'He has repented in such a way that if it were to be divided among a nation it would be sufficient for them.'"

إِلَيْهِ» قَالَ: فَرَجَعَ غَيْرَ بَعِيدٍ، ثُمَّ جَاءَ فَقَالَ: يَا رَسُولَ اللَّهِ! طَهِّرْنِي، فَقَالَ النَّبِيُّ ﷺ: «وَيَحْكُ أَزْجَعُ فَاسْتَغْفِرِ اللَّهَ وَتُبْ إِلَيْهِ» قَالَ: فَرَجَعَ غَيْرَ بَعِيدٍ، ثُمَّ جَاءَ فَقَالَ: يَا رَسُولَ اللَّهِ! طَهِّرْنِي، فَقَالَ النَّبِيُّ ﷺ: «مِثْلَ ذَلِكَ، حَتَّى إِذَا كَانَتِ الرَّابِعَةَ فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «فِيمَ أَطَهَّرُكَ؟» فَقَالَ: مِنَ الزُّنَى، فَسَأَلَ رَسُولُ اللَّهِ ﷺ: «أَبِي جُنُونٌ؟» فَأُخْبِرَ أَنَّهُ لَيْسَ بِمَجْنُونٍ، فَقَالَ: «أَشْرَبَ خَمْرًا؟» فَقَامَ رَجُلٌ فَاسْتَنَكَّهُ فَلَمْ يَجِدْ مِنْهُ رِيحَ خَمْرٍ، قَالَ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَزْنَيْتَ؟» فَقَالَ: نَعَمْ، فَأَمَرَ بِهِ فَرَجِمَ، فَكَانَ النَّاسُ فِيهِ فِرْقَتَيْنِ: قَائِلٌ يَقُولُ: لَقَدْ هَلَكَ، لَقَدْ أَحَاطَتْ بِهِ خَطِيئَتُهُ، وَقَائِلٌ يَقُولُ: مَا تَوْبَةٌ أَفْضَلَ مِنْ تَوْبَةِ مَا عَزِرَ: أَنَّهُ جَاءَ إِلَى النَّبِيِّ ﷺ فَوَضَعَ يَدَهُ فِي يَدِهِ، ثُمَّ قَالَ: اقْتُلْنِي بِالْحِجَارَةِ، قَالَ: فَلَبِثُوا بِذَلِكَ يَوْمَيْنِ أَوْ ثَلَاثَةً، ثُمَّ جَاءَ رَسُولُ اللَّهِ ﷺ، وَهُمْ جُلُوسٌ فَسَلَّمَ ثُمَّ جَلَسَ، فَقَالَ: «اسْتَغْفِرُوا لِمَاعِزِ بْنِ مَالِكٍ»، قَالَ: فَقَالُوا: غَفَرَ اللَّهُ لِمَاعِزِ بْنِ مَالِكٍ، قَالَ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَقَدْ تَابَ تَوْبَةً لَوْ قُسِمَتْ بَيْنَ أُمَّةٍ لَوَسِعَتْهُمْ».



“Then a woman from Ghâmid from Al-Azd came to him and said: ‘O Messenger of Allâh, purify me.’ He said: ‘Woe to you! Go back and seek forgiveness from Allâh and repent to Him.’ She said: I think that you want to turn me away as you turned Mâ’iz away. He said: ‘Why is that?’ She said: “I am pregnant as a result of *Zinâ*.” He said: ‘You have done that?’ She said: ‘Yes.’ He said to her: ‘Not until you give birth to that which is in your womb.’ A man among the *Anşâr* sponsored her until she gave birth, then he came to the Prophet ﷺ and said: ‘The Ghâmidi woman has given birth.’ He said: ‘We will not stone her and leave her young child with no one to breast-feed him.’ A man among the *Anşâr* said: ‘I will take responsibility for his breast-feeding, O Prophet of Allâh.’ Then he had her stoned.”

[4432] 23 - (...) ‘Abdullâh bin Buraidah narrated from his father that Mâ’iz bin Mâlik Al-Aslamî came to the Messenger of Allâh ﷺ and said: “O Messenger of Allâh, I have wronged myself and committed *Zinâ*, and I want you to purify me.” But he turned him away. The next day he came to him and said: “O Messenger of Allâh, I have committed *Zinâ*,” but he turned him away a second time, and the Messenger of Allâh ﷺ sent word to his

قَالَ: ثُمَّ جَاءَتْهُ امْرَأَةٌ مِنْ غَامِدٍ مِنَ الْأَزْدِ، فَقَالَتْ: يَا رَسُولَ اللَّهِ! طَهِّرْنِي، فَقَالَ: «وَيْحَكَ ارْجِعِي فَاسْتَغْفِرِي اللَّهَ وَتُوبِي إِلَيْهِ»، فَقَالَتْ: أَرَأَيْكَ تُرِيدُ أَنْ تُرَدِّدَنِي كَمَا رَدَدْتَ مَاعِزَ بْنِ مَالِكٍ، قَالَ: «وَمَا ذَالِكُ؟» قَالَتْ: إِنَّهَا حُبْلَى مِنَ الرَّزْلِ، فَقَالَ: «أَنْتِ؟» قَالَتْ: نَعَمْ، فَقَالَ لَهَا: «حَتَّى تَضْعِيَ مَا فِي بَطْنِكَ»، قَالَ: فَكَفَّلَهَا رَجُلٌ مِنَ الْأَنْصَارِ حَتَّى وَضَعَتْ، قَالَ: فَأَتَى النَّبِيَّ ﷺ فَقَالَ: قَدْ وَضَعَتِ الْعَامِدِيَّةُ، فَقَالَ: «إِذَا لَا نَرْجُمُهَا وَنَدَعُ وَلَدَهَا صَغِيرًا لَيْسَ لَهُ مَنْ يُرِضِعُهُ» فَقَامَ رَجُلٌ مِنَ الْأَنْصَارِ فَقَالَ: إِنِّي رِضَاعُهُ، يَا نَبِيَّ اللَّهِ! قَالَ: فَرَجَمَهَا.

[٤٤٣٢] ٢٣ - (...) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ - وَتَقَارَبَا فِي لَفْظِ الْحَدِيثِ - : حَدَّثَنَا أَبِي: حَدَّثَنَا بُسَيْرُ بْنُ الْمُهَاجِرِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ عَنْ أَبِيهِ: أَنَّ مَاعِزَ بْنَ مَالِكٍ الْأَسْلَمِيَّ أَتَى رَسُولَ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي قَدْ ظَلَمْتُ نَفْسِي وَرَزَيْتُ وَإِنِّي أُرِيدُ أَنْ تُطَهِّرَنِي، فَرَدَّهُ،

people saying: "Do you know whether there is anything wrong with his mind?" They said: "All we know is that he is of sound mind, and he is one of our righteous men as far as we can tell." He came to him (ﷺ) a third time, and he sent word to them again asking them, and they told him: "There is nothing wrong with him or his mind." When he came a fourth time, he had a pit dug for him then he ordered that he be stoned.

Then the Ghâmîdî woman came and said: "O Messenger of Allâh, I have committed *Zinâ*, purify me;" but he turned her away. The next day she said: "O Messenger of Allâh, why are you turning me away? Perhaps you are turning me away as you turned Mâ'iz away. But by Allâh, I am pregnant." He said: "Then no (not now), go away until you give birth." When she gave birth, she brought the child to him wrapped in a cloth, and said: "Here he is, I have given birth." He said: "Go away and breast-feed him until he is weaned." When she had weaned him, she brought the boy to him, with a piece of bread in his hand and said: "Here, O Prophet of Allâh, I have weaned him, and he is eating food." He handed the boy over to one of the Muslim men, then he ordered that a pit be dug for her, up to her chest, and he

فَلَمَّا كَانَ مِنَ الْعِدِّ أَتَاهُ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي قَدْ زَنَيْتُ، فَرَدَّهَ الثَّانِيَةَ، فَأَرْسَلَ رَسُولُ اللَّهِ ﷺ إِلَى قَوْمِهِ فَقَالَ: «أَتَعْلَمُونَ بِعَقْلِهِ بِأَسَا تُنْكِرُونَ مِنْهُ شَيْئًا؟» فَقَالُوا: مَا نَعْلَمُهُ إِلَّا وَفِي الْعَقْلِ، مِنْ صَالِحِينَ، فِيمَا نُرَى، فَأَتَاهُ الثَّلَاثَةَ، فَأَرْسَلَ إِلَيْهِمْ أَيْضًا فَسَأَلَ عَنْهُ فَأَخْبَرُوهُ: أَنَّهُ لَا بَأْسَ بِهِ وَلَا بِعَقْلِهِ، فَلَمَّا كَانَ الرَّابِعَةَ حَفَرَ لَهُ حُفْرَةً ثُمَّ أَمَرَ بِهِ فَرَجِمَ.

قَالَ: فَجَاءَتِ الْعَامِدِيَّةُ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنِّي قَدْ زَنَيْتُ فَطَهِّرْنِي، وَإِنَّهُ رَدَّهَا، فَلَمَّا كَانَ الْعِدِّ قَالَتْ: يَا رَسُولَ اللَّهِ! لِمَ تَرُدُّنِي؟ لَعَلَّكَ أَنْ تَرُدَّنِي كَمَا رَدَدْتَ مَاعِزًّا، فَوَاللَّهِ! إِنِّي لِحُبْلَى، قَالَ: «إِنَّمَا لَا، فَأَذْهَبِي حَتَّى تَلِدِي» قَالَ فَلَمَّا وَلَدَتْ أَتَتْهُ بِالصَّبِيِّ فِي خِرْقَةٍ، قَالَتْ: هَذَا قَدْ وَلَدْتُهُ، قَالَ: «أَذْهَبِي فَأَرْضِعِيهِ حَتَّى تَطْمِئِنِّيهِ»، فَلَمَّا فَطَمَتْهُ أَتَتْهُ بِالصَّبِيِّ فِي يَدِهِ كِسْرَةٌ خُبِزٍ فَقَالَتْ: هَذَا، يَا نَبِيَّ اللَّهِ! قَدْ فَطَمْتُهُ، وَقَدْ أَكَلَ الطَّعَامَ، فَدَفَعَ الصَّبِيَّ إِلَى رَجُلٍ مِنَ الْمُسْلِمِينَ، ثُمَّ أَمَرَ بِهَا فَحَفَرَ لَهَا إِلَى صَدْرِهَا، وَأَمَرَ النَّاسَ فَرَجَمُوهَا، فَيُقْبَلُ خَالِدُ بْنُ الْوَلِيدِ بِحَجَرٍ، فَرَمَى رَأْسَهَا، فَتَنَصَّحَ الدَّمُ عَلَى وَجْهِ

ordered the people to stone her. *Khâlid bin Al-Walid* came forward with a stone, which he flung at her head. The blood spurted onto *Khâlid's* face and he cursed her. The Prophet of Allâh ﷺ heard him cursing her and he said: "Calm down, O *Khâlid*! By the One in Whose Hand is my soul, she has repented in such a manner that if the *Maks*<sup>[1]</sup> - collector repented like that, he would be forgiven."

Then he ordered that the funeral prayer be offered for her, and she was buried.

[4433] 24 - (1696) It was narrated from 'Imrân bin *Huṣain* that a woman from *Juhainah* came to the Prophet of Allâh ﷺ and she was pregnant as the result of *Zinâ*. She said: O Prophet of Allâh, I have done something that incurs a *Hadd* punishment, so carry it out on me. The Prophet of Allâh ﷺ called her guardian and said: "Treat her well, then when she has given birth, bring her to me." He did that, and the Prophet of Allâh ﷺ ordered that her clothes be tied around her, then he ordered that she be stoned. Then he offered the funeral prayer for her, and 'Umar said to him: "Will you offer the funeral prayer for her, O Prophet of Allâh, when she has committed *Zinâ*?" He said:

خَالِدٍ، فَسَبَّهَا، فَسَمِعَ نَبِيَّ اللَّهِ ﷺ سَبَّهُ  
إِيَّاهَا، فَقَالَ: «مَهْلًا يَا خَالِدُ! فَوَالَّذِي  
نَفْسِي بِيَدِهِ! لَقَدْ تَابَتْ تَوْبَةً، لَوْ تَابَهَا  
صَاحِبُ مَكْسٍ لُغْفِرَ لَهُ».  
ثُمَّ أَمَرَ بِهَا فَصَلَّى عَلَيْهَا وَدُفِنَتْ.

[٤٤٣٣] ٢٤ - (١٦٩٦) حَدَّثَنِي أَبُو  
عَسَانَ مَالِكُ بْنُ عَبْدِ الْوَاحِدِ الْمِصْمَعِيُّ:  
حَدَّثَنَا مُعَاذُ يَعْنِي ابْنَ هِشَامٍ: حَدَّثَنِي أَبِي،  
عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنِي أَبُو قِلَابَةَ:  
أَنَّ أَبَا الْمُهَلَّبِ حَدَّثَهُ، عَنْ عِمْرَانَ بْنِ  
حُصَيْنٍ: أَنَّ امْرَأَةً مِنْ جُهَيْنَةَ أَتَتْ نَبِيَّ  
اللَّهِ ﷺ، وَهِيَ حُبْلَى مِنَ الرَّثَى، فَقَالَتْ: يَا  
نَبِيَّ اللَّهِ! أَصَبْتُ حَدًّا فَأَقِمَهُ عَلَيَّ، فَدَعَا نَبِيَّ  
اللَّهِ ﷺ وَلِيَّهَا، فَقَالَ: «أَحْسِنِ إِلَيْهَا، فَإِذَا  
وَضَعَتْ فَاتْنِي بِهَا» فَفَعَلَ، فَأَمَرَ بِهَا نَبِيَّ  
اللَّهِ ﷺ، فَشَكَتْ عَلَيْهَا ثِيَابُهَا، ثُمَّ أَمَرَ بِهَا  
فَرُجِمَتْ، ثُمَّ صَلَّى عَلَيْهَا، فَقَالَ لَهُ عُمَرُ:  
تُصَلِّي عَلَيْهَا يَا نَبِيَّ اللَّهِ! وَقَدْ زَنْتِ؟ قَالَ:

[1] *Maks*: an unjust tax collected by the helpers of the wrongdoers when people buy and sell.

“She has repented in such a manner that if it were divided among seventy of the people of Al-Madīnah, it would be sufficient for them. Have you seen any repentance better than that of one who sacrificed herself to Allāh, Exalted is He?”

[4434] (...) Yaḥyâ bin Abî Kathîr narrated a similar report (as *Hadîth* no. 4433) with this chain.

[4435] 25 - (1697/1698) It was narrated that Abû Hurairah and Zaid bin Khâlîd Al-Juhanî said: “A man from among the Bedouin came to the Messenger of Allāh ﷺ and said: ‘O Messenger of Allāh, I adjure you by Allāh to judge me according to the Book of Allāh.’ The second claimant - who was wiser than him - said: ‘Yes, judge between us according to the Book of Allāh, but let me speak.’ The Messenger of Allāh ﷺ said: ‘Speak.’ He said: ‘My son was employed by this man, and he committed *Zinâ* with his wife. I was told that my son should be stoned, but I ransomed him for one hundred sheep and a slave girl. I asked the people of knowledge and they told me that my son should be given one hundred lashes and be exiled for one year, and that this man’s wife should be stoned.’ The Messenger of Allāh ﷺ said: ‘By the One in Whose Hand is my

«لَقَدْ تَابَتْ تَوْبَةً لَوْ قُسِمَتْ بَيْنَ سَبْعِينَ مِنْ أَهْلِ الْمَدِينَةِ لَوَسِعَتْهُمْ، وَهَلْ وَجَدْتَ تَوْبَةً أَفْضَلَ مِنْ أَنْ جَادَتْ بِنَفْسِهَا لِلَّهِ تَعَالَى؟» .

[٤٤٣٤] (...) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَّانُ بْنُ مُسْلِمٍ: حَدَّثَنَا أَبِي بَانَ الْعَطَّارُ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ بِهَذَا الْإِسْنَادِ، مِثْلَهُ .

[٤٤٣٥] ٢٥ - (١٦٩٧/١٦٩٨) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ ابْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ أَنَّهُمَا قَالَا: إِنَّ رَجُلًا مِنَ الْأَعْرَابِ أَتَى رَسُولَ اللَّهِ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ! أُنْشِدُكَ اللَّهَ إِلَّا فَضَيْتَ لِي بِكِتَابِ اللَّهِ، فَقَالَ اللَّهُ الْخَضْمُ الْآخَرُ، - وَهُوَ أَفْقَهُ مِنْهُ -: نَعَمْ، فَأَقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ، وَائْذَنْ لِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «قُلْ»، قَالَ: إِنَّ ابْنِي كَانَ عَسِيفًا عَلَيَّ هَذَا، فَزَنَى بِأَمْرَأَتِي، وَإِنِّي أُخْبِرْتُ أَنَّ عَلَيَّ ابْنِي الرَّجْمَ، فَأَقْتَدَيْتُ مِنْهُ بِمِائَةِ شَاةٍ وَوَلِيدَةٍ، فَسَأَلْتُ أَهْلَ الْعِلْمِ فَأَخْبَرُونِي أَنَّ مَا عَلَيَّ

soul, I will judge between you according to the Book of Allâh. The slave girl and the sheep should be given back, and your son should be given one hundred lashes and exiled for one year. Tomorrow, O Unais, go to the wife of this man, and if she admits it, then stone her.’

“The next day he went to her, and she admitted it, so the Messenger of Allâh ﷺ ordered that she be stoned.”

ابْنِي جَلْدُ مِائَةٍ وَتَغْرِيْبُ عَامٍ، وَأَنَّ عَلِيَّ امْرَأَةَ هَذَا الرَّجْمِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَالَّذِي نَفْسِي بِيَدِهِ! لَأَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللَّهِ، الْوَالِدَةُ وَالْغَنَمُ رَدٌّ، وَعَلَى ابْنِكَ جَلْدُ مِائَةٍ وَتَغْرِيْبُ عَامٍ، اغْدُ، يَا أُنَيْسُ! إِلَى امْرَأَةِ هَذَا، فَإِنْ اعْتَرَفَتْ فَارْجُمُهَا».

قَالَ: فَغَدَا عَلَيْهَا، فَاعْتَرَفَتْ، فَأَمَرَ بِهَا رَسُولُ اللَّهِ ﷺ، فَرَجِمَتْ.

[4436] (...) A similar report (as no. 4435) was narrated from Az-Zuhrî with this chain.

[٤٤٣٦] (...) وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرَمَلَةُ، قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي عَمْرُو النَّاقِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي، عَنْ صَالِحٍ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، كُلُّهُمُ عَنِ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ، نَحْوَهُ.

### Chapter 6. Stoning Jews and *Ahl Adh-Dhimmah* for *Zinâ*

(المعجم ٦) - (باب رجم اليهود، أهل الذمة، في الزنى) (التحفة ١٧)

[4437] 26 - (1699) ‘Abdullâh bin ‘Umar narrated that a Jewish man and Jewish woman who had committed *Zinâ* were brought to the Messenger of Allâh ﷺ. The Messenger of Allâh ﷺ went to the Jews and said: “What do you find in the *Tawrât* (Torah) about

[٤٤٣٧] ٢٦ - (١٦٩٩) حَدَّثَنِي الْحَكَمُ بْنُ مُوسَى أَبُو صَالِحٍ: حَدَّثَنَا شُعَيْبُ بْنُ إِسْحَاقَ: أَخْبَرَنَا عُبَيْدُ اللَّهِ عَنْ نَافِعٍ؛ أَنَّ عَبْدَ اللَّهِ بْنَ عَمَرَ أَخْبَرَهُ؛ أَنَّ رَسُولَ اللَّهِ ﷺ أَتَى يَهُودِيٍّ وَيَهُودِيَّةً قَدْ

the one who commits *Zinâ*?" They said: "We make them sit backwards (on mounts) and parade them around." He said: "Bring the *Tawrât* (Torah) if you are telling the truth." They brought it and read it, and when they reached the Verse of stoning, the person who was reading placed his hand over the Verse of stoning and read that which came before it and that which came after it. 'Abdullâh bin Salâm - who was with the Messenger of Allâh ﷺ - said to him: "Tell him to lift his hand," so he lifted it, and there beneath it was the Verse of stoning. So the Messenger of Allâh ﷺ ordered that they be stoned."

"'Abdullâh bin 'Umar said: 'I was among those who stoned them, and I saw him shielding her from the stones with his body.'"

[4438] 27 - (...) It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ stoned two Jews, a man and a woman, for *Zinâ*. The Jews brought them to the Messenger of Allâh ﷺ... and he quoted a similar *Hādīth* (as no. 4437).

زَيْنَا، فَانطَلَقَ رَسُولُ اللَّهِ ﷺ حَتَّى جَاءَ يَهُودَ، فَقَالَ: «مَا تَجِدُونَ فِي التَّوْرَةِ عَلَى مَنْ زَنَى؟» قَالُوا: نُسُودٌ وَجُوهَهُمَا وَنَحْمَلُهُمَا، وَنُخَالِفُ بَيْنَ وَجُوهِهِمَا، وَيُطَافُ بِهِمَا، قَالَ: «فَأْتُوا بِالتَّوْرَةِ، إِنْ كُنْتُمْ صَادِقِينَ» فَجَاءُوا بِهَا فَقَرَأُوهَا، حَتَّى إِذَا مَرُّوا بِآيَةِ الرَّجْمِ، وَضَعَ الْفَتَى الَّذِي يَقْرَأُ يَدَهُ عَلَى آيَةِ الرَّجْمِ، وَقَرَأَ مَا بَيْنَ يَدَيْهَا وَمَا وَرَاءَهَا، فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ سَلَامٍ، - وَهُوَ مَعَ رَسُولِ اللَّهِ ﷺ - : مُرَّهُ فَلْيَرْفَعْ يَدَهُ، فَرَفَعَهَا، فَإِذَا تَحْتَهَا آيَةُ الرَّجْمِ، فَأَمَرَ بِهِمَا رَسُولُ اللَّهِ ﷺ، فَرَجَمَا.

قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ: كُنْتُ فِيْمَنْ رَجَمَهُمَا، فَلَقَدْ رَأَيْتُهُ يَقِيهَا مِنَ الْحِجَارَةِ بِنَفْسِهِ.

[٤٤٣٨] ٢٧- (... ) وَحَدَّثَنِي زُهَيْرُ ابْنِ حَرْبٍ: أَخْبَرَنَا إِسْمَاعِيلُ - يَعْنِي ابْنَ عَلِيَّةٍ عَنْ أَبِي بَرْزَةَ - وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ: أَخْبَرَنِي رَجُلٌ مِنْ أَهْلِ الْعِلْمِ مِنْهُمْ مَالِكُ [ابْنُ أَنَسٍ] أَنَّ نَافِعًا أَخْبَرَهُمْ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللَّهِ ﷺ رَجَمَ فِي الرِّثْنِ يَهُودِيَيْنِ، رَجُلًا وَامْرَأَةً زَيْنَا، فَأَتَتِ الْيَهُودُ إِلَى رَسُولِ اللَّهِ ﷺ بِهِمَا، وَسَاقُوا الْحَدِيثَ بِنَحْوِهِ.

[4439] (...) It was narrated from Ibn 'Umar that the Jews brought a man - of their own people - and a woman who had committed *Zinâ*, to the Messenger of Allâh ﷺ... and he quoted a *Hadīth* like that of 'Ubaidullâh from Nâfi' (no. 4437).

[4440] 28 - (1700) It was narrated that Al-Barâ' bin 'Âzib said: A Jew whose face had been blackened and who had been whipped passed by the Messenger of Allâh ﷺ. He called them and said: "Is this how you find the punishment for *Zinâ* in your Book?" They said: "Yes." He called one of their scholars and said: "I adjure you by Allâh Who sent down the *Tawrât* (Torah) to Mûsâ, is this how you find the punishment for *Zinâ* in your Book?" He said: "No. Had you not adjured me (by Allâh), I would not have told you. We find (that the punishment) is stoning, but it became common among our nobles, so, if we caught a noble we would let him go, but if we caught a lowly person we would carry out the punishment on him. We said: Come, let us agree on something that we can impose on noble and lowly alike. So we made (the punishment of) blackening of the face and whipping instead of stoning." The Messenger of Allâh ﷺ said: "O Allâh, I am the first to

[٤٤٣٩] (...) وَحَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا مُوسَى ابْنُ عُقْبَةَ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ الْيَهُودَ جَاءُوا إِلَى رَسُولِ اللَّهِ ﷺ بِرَجُلٍ - مِنْهُمْ - وَامْرَأَةٍ قَدْ زَنَيَا، وَسَأَى الْحَدِيثَ بِنَحْوِ حَدِيثِ عُبَيْدِ اللَّهِ عَنْ نَافِعٍ.

[٤٤٤٠] [٢٨- (١٧٠٠)] وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، كِلَاهُمَا عَنْ أَبِي مُعَاوِيَةَ، قَالَ يَحْيَى: أَخْبَرَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: مَرَّ عَلَيَّ النَّبِيُّ ﷺ بِيَهُودِيٍّ مُحَمَّمًا مَجْلُودًا، فَدَعَاهُمْ فَقَالَ: «هَلْ كَذَا تَجِدُونَ حَدَّ الزَّانِي فِي كِتَابِكُمْ؟» قَالُوا: نَعَمْ، فَدَعَا رَجُلًا مِنْ عُلَمَائِهِمْ، فَقَالَ: «أَتَشُدُّكَ بِاللَّهِ الَّذِي أَنْزَلَ التَّوْرَةَ عَلَى مُوسَى! أَهَلْ كَذَا تَجِدُونَ حَدَّ الزَّانِي فِي كِتَابِكُمْ؟» قَالَ: لَا، وَلَوْلَا أَنَّكَ نَشَدْتَنِي بِهَذَا لَمْ أُخْبِرِكَ، نَجِدُهُ الرَّجْمَ، وَلَكِنَّهُ كَثُرَ فِي أَشْرَافِنَا، فَكُنَّا إِذَا أَخَذْنَا الشَّرِيفَ تَرَكْنَاهُ، وَإِذَا أَخَذْنَا الضَّعِيفَ، قَمْنَا عَلَيْهِ الْحَدَّ، قُلْنَا: تَعَالَوْا فَلْتَجْتَمِعَ عَلَيَّ شَيْءٌ نُقِيمُهُ عَلَى الشَّرِيفِ

revive Your command which they had made dead.” Then he (ﷺ) ordered that he be stoned, and Allâh revealed: “O Messenger! Let not those who hurry to fall into disbelief grieve you... If you are given this, take it...” (*Al-Mâ'idah* 5:41). He (the Jew) said: Go to Muḥammad (ﷺ), and if he orders you to blacken the face and whip him, then accept it, but if he tells you to stone him, then beware. Then Allâh revealed the words: “And whosoever does not judge by what Allâh has revealed, such are the disbelievers (*Al-Mâ'idah* 5:44), “...And whosoever does not judge by that which Allâh has revealed, such are the wrongdoers (*Al-Mâ'idah* 5:45), “And whosoever does not judge by what Allâh has revealed (then) such (people) are the rebellious to Allâh” (*Al-Mâ'idah* 5:47), all concerning the disbelievers.

[4441] (...) Al-A'mash narrated a similar *Hadîth* (as no. 4440) with this chain, as far as the words: “Then the Prophet ﷺ ordered that he be stoned,” and he did not mention what comes after that about the revelation of the Verse.

[4442] 28B - (1701) Jâbir bin 'Abdullâh said: The Prophet ﷺ

وَالْوَضِيعِ، فَجَعَلْنَا التَّحْمِيمَ وَالْجَلْدَ  
مَكَانَ الرَّجْمِ، فَقَالَ رَسُولُ اللَّهِ ﷺ:  
«اللَّهُمَّ إِنِّي أَوَّلُ مَنْ أَخْبَا أَمْرَكَ إِذْ  
أَمَاتُوهُ» فَأَمَرَ بِهِ فَرَجِمَ، فَأَنْزَلَ اللَّهُ عَزَّ  
وَجَلَّ: ﴿يَأْتِيهَا الرَّسُولُ لَا يَحْزَنُكَ  
الَّذِينَ يُسْرِعُونَ فِي الْكُفْرِ إِلَى  
قَوْلِهِ: ﴿إِنْ أُوْتِيتُمْ هَذَا فَخُذُوهُ﴾  
[المائدة: ٤١] يَقُولُ: ائْتُوا مُحَمَّدًا ﷺ،  
فَإِنْ أَمَرَكُمْ بِالتَّحْمِيمِ وَالْجَلْدِ فَخُذُوهُ،  
وَإِنْ أَفْتَاكُمْ بِالرَّجْمِ فَاخْذَرُوا، فَأَنْزَلَ اللَّهُ  
تَعَالَى: ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ  
اللَّهُ فَأُولَئِكَ هُمُ الْكٰفِرُونَ﴾ [المائدة:  
٤٤]. ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ  
اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾ [المائدة:  
٤٥]. ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ  
فَأُولَئِكَ هُمُ الْفٰسِقُونَ﴾ [المائدة:  
٤٧]. فِي الْكُفٰرِ كُلِّهَا.

[٤٤٤١] (...) حَدَّثَنَا ابْنُ نُمَيْرٍ وَأَبُو  
سَعِيدٍ الْأَشْجِيُّ قَالَا: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا  
الْأَعْمَشُ بِهَذَا الْإِسْنَادِ، نَحْوَهُ، إِلَى  
قَوْلِهِ: فَأَمَرَ بِهِ النَّبِيُّ ﷺ فَرَجِمَ، وَلَمْ  
يَذْكَرْ: مَا بَعْدَهُ مِنْ نَزُولِ الْآيَةِ.

[٤٤٤٢] ٢٨م - (١٧٠١) وَحَدَّثَنِي  
هَرُونَ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا حَجَّاجُ ابْنِ



stoned a man from Aslam, and a Jewish man and his wife.

[4443] (...) Ibn Jurajj narrated a similar report (as no. 4442) with this chain, except that he said: "And a woman."

[4444] 29 - (1702) It was narrated that Ishâq Ash-Shaibânî said: "I asked 'Abdullâh bin Abî Awfa: 'Did the Messenger of Allâh ﷺ stone anyone?' He said: 'Yes.' I said: Was that after the Verse in *Sûrat An-Nûr* or before it? 'He said: I do not know."

[4445] 30 - (1703) It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'If the slave woman of one of you commits *Zinâ* and it becomes clear, then carry out the *Hadd* punishment of whipping on her, but do not rebuke her. Then if she commits *Zinâ* (a second time) and it becomes clear, then

مُحَمَّدٍ: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الرُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: رَجَمَ النَّبِيُّ ﷺ رَجُلًا مِنْ أَسْلَمَ، وَرَجُلًا مِنَ الْيَهُودِ وَامْرَأَتَهُ.

[٤٤٤٣] (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا رَوْحُ بْنُ عُبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجٍ، بِهَذَا الْإِسْنَادِ. مِثْلَهُ غَيْرَ أَنَّهُ قَالَ: وَامْرَأَةً.

[٤٤٤٤] ٢٩ - (١٧٠٢) وَحَدَّثَنَا أَبُو كَامِلٍ الْحَدْرِيُّ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا سُلَيْمَانُ الشَّيْبَانِيُّ قَالَ: سَأَلْتُ عَبْدَ اللَّهِ بْنَ أَبِي أَوْفَى؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ قَالَ: سَأَلْتُ عَبْدَ اللَّهِ بْنَ أَبِي أَوْفَى: هَلْ رَجَمَ رَسُولُ اللَّهِ ﷺ؟ قَالَ: نَعَمْ، قَالَ: قُلْتُ: بَعْدَ مَا أَنْزِلَتْ سُورَةُ النُّورِ أَمْ قَبْلَهَا؟ قَالَ: لَا أَذْرِي.

[٤٤٤٥] ٣٠ - (١٧٠٣) وَحَدَّثَنِي عَيْسَى بْنُ حَمَادٍ الْمِصْرِيُّ: أَخْبَرَنَا اللَّيْثُ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ أَنَّهُ سَمِعَهُ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِذَا زَنَّتْ أَمَةٌ أَحَدِكُمْ فَتَبَيَّنَ زَنَاهَا، فَلْيَجْلِدْهَا الْحَدَّ،

carry out the *Hadd* punishment of whipping on her, but do not rebuke her. Then if she commits *Zinâ* a third time, and it becomes clear, sell her, even for a rope of hair.”

[4446] 31 - (...) It was narrated from the Prophet ﷺ concerning the whipping of a slave woman (a *Hadîth* similar to no. 4445) if she commits *Zinâ* three times: “Then let him sell her the fourth time.”

وَلَا يُتْرَبُ عَلَيْهَا، ثُمَّ إِنْ زَنَتْ، فَلْيَجْلِدْهَا  
الْحَدَّ، وَلَا يُتْرَبُ عَلَيْهَا، ثُمَّ إِنْ زَنَتْ  
الثَّالِثَةَ، فَتَبَيَّنَ زِنَاهَا، فَلْيَبِعْهَا، وَلَوْ بِحَبْلِ  
مِنْ شَعْرٍ».

[٤٤٤٦] ٣١- (...) حَدَّثَنَا أَبُو بَكْرِ  
ابْنُ أَبِي شَيْبَةَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ جَمِيعًا  
عَنِ ابْنِ عُيَيْنَةَ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ:  
أَخْبَرَنَا مُحَمَّدُ بْنُ بَكْرِ الْبُرْسَانِيُّ: حَدَّثَنَا  
هِشَامُ بْنُ حَسَّانَ، كِلَاهُمَا عَنْ أَيُّوبَ بْنِ  
مُوسَى؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ:  
حَدَّثَنَا أَبُو أُسَامَةَ وَابْنُ نُمَيْرٍ، عَنْ عُبَيْدِ  
اللَّهِ بْنِ عُمَرَ؛ وَحَدَّثَنِي هَرُونَ بْنُ سَعِيدِ  
الْأَيْلِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ: حَدَّثَنِي أُسَامَةُ  
ابْنُ زَيْدٍ؛ وَحَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ وَأَبُو  
كُرَيْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ، عَنْ عَبْدِ  
ابْنِ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، كُلُّ  
هَؤُلَاءِ عَنْ سَعِيدِ الْمُقْبِرِيِّ، عَنْ أَبِي  
هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، إِلَّا أَنَّ ابْنَ إِسْحَاقَ  
قَالَ فِي حَدِيثِهِ: عَنْ سَعِيدٍ، عَنْ أَبِيهِ عَنْ  
أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، فِي جَلْدِ الْأَمَةِ  
إِذَا زَنَتْ ثَلَاثًا: «ثُمَّ لَيَبِعْهَا فِي الرَّابِعَةِ».

[4447] 32 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ was asked

[٤٤٤٧] ٣٢- (...) وَحَدَّثَنَا عَبْدُ  
اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ: حَدَّثَنَا

about a slave woman who commits *Zinâ* and is not married. He said: "If she commits *Zinâ*, whip her; then if she commits *Zinâ* (again), whip her; then if she commits *Zinâ*, whip her, then sell her, even if it is for a rope."

Ibn *Shihâb* said: I do not know whether it (the selling) was after the third time or the fourth.

مَالِكُ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى - وَاللَّفْظُ لَهُ - قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ: سُئِلَ عَنِ الْأَمَةِ إِذَا زَنَتْ وَلَمْ تُحْصِنْ؟ قَالَ: «إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ يَبِيعُوهَا وَلَوْ بِضَفِيرٍ».

قَالَ ابْنُ شِهَابٍ: لَا أَذْرِي، أَبَعَدَ الثَّلَاثَةِ أَوْ الرَّابِعَةَ.

وَقَالَ الْقَعْنَبِيُّ فِي رَوَاتِيهِ: قَالَ ابْنُ شِهَابٍ: وَالضَّفِيرُ: الْحَبْلُ.

[4448] 33 - (1704) It was narrated from Abû Hurairah and Zaid bin Khâlid Al-Juḥanî that the Messenger of Allâh ﷺ was asked about a slave woman... a similar report (as no. 4447).

[٤٤٤٨] ٣٣- (١٧٠٤) وَحَدَّثَنَا أَبُو الطَّاهِرِ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: سَمِعْتُ مَالِكًا يَقُولُ: حَدَّثَنِي ابْنُ شِهَابٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ ابْنِ خَالِدِ الْجُهَنِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ سُئِلَ عَنِ الْأَمَةِ بِمِثْلِ حَدِيثِهِمَا، وَلَمْ يَذْكُرْ قَوْلَ ابْنِ شِهَابٍ: وَالضَّفِيرُ: الْحَبْلُ.

[4449] (...) A *Ḥadīth* like that of Mâlik (no. 4448) was narrated from Abû Hurairah and Zaid bin Khâlid Al-Juḥanî from the Prophet ﷺ. The uncertainty as to whether she is to be sold after the third time or the fourth appears in all the reports.

[٤٤٤٩] (...) وَحَدَّثَنِي عَمْرُو النَّاقِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي، عَنْ صَالِحٍ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كِلَاهُمَا عَنِ الزُّهْرِيِّ، عَنْ

عُبَيْدُ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ [الْجُهَيْنِي] عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ مَالِكٍ. وَالشُّكُّ فِي حَدِيثِهِمَا جَمِيعًا، فِي بَيْعِهَا فِي الثَّالِثَةِ أَوْ الرَّابِعَةِ.

(المعجم ٧) - (بَابُ تَأْخِيرِ الْحَدِّ عَنِ

النِّسَاءِ) (التحفة ١٨)

**Chapter 7. Delaying the *Hadd* punishment in the case of women who have just given birth**

[4450] 34 - (1705) It was narrated that Abû ‘Abdur-Rahmân said: “‘Alî (may Allâh honor his face) gave a speech and said: ‘O people, carry out the *Hadd* punishments on your slaves, those who are married and those who are not married. A slave woman of the Messenger of Allâh ﷺ committed *Zinâ*, and he told me to whip her, but she had recently given birth, and I was afraid that if I whipped her, I would kill her. I mentioned that to the Prophet ﷺ and he said: You have done well.”

[٤٤٥٠] ٣٤ - (١٧٠٥) حَدَّثَنَا مُحَمَّدُ ابْنُ أَبِي بَكْرٍ الْمُقَدَّمِيُّ: حَدَّثَنَا سُلَيْمَانُ أَبُو دَاوُدَ: حَدَّثَنَا زَائِدَةُ عَنِ السُّدِّيِّ، عَنْ سَعْدِ بْنِ عُبَيْدَةَ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ قَالَ: حَطَبَ عَلَيَّ كَرَّمَ اللَّهُ وَجْهَهُ فَقَالَ: يَا أَيُّهَا النَّاسُ أَقِيمُوا عَلَيَّ أَرْقَائِكُمُ الْحَدَّ، مَنْ أَحْصَنَ مِنْهُمْ وَمَنْ لَمْ يُحْصِنْ، فَإِنَّ أُمَّةَ رَسُولِ اللَّهِ ﷺ زَنَتْ، فَأَمَرَنِي أَنْ أَجْلِدَهَا، فَإِذَا هِيَ حَدِيثُ عَهْدٍ بِنَفَاسٍ، فَحَشِيبْتُ إِنَّ أَنَا جَلَدْتُهَا، أَنْ أَقْتُلَهَا، فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ ﷺ، فَقَالَ: «أَحْسَنْتَ».

[4451] (...) It was narrated from As-Suddî with this chain (a similar *Hadîth* as no. 4450), but he did not mention: “Those who are married and those who are not married.” And he added in the *Hadîth*: “Leave her until she recovers.”

[٤٤٥١] (...) وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا إِسْرَائِيلُ عَنِ السُّدِّيِّ بِهَذَا الْإِسْنَادِ، وَلَمْ يَذْكَرْ: مَنْ أَحْصَنَ مِنْهُمْ وَمَنْ لَمْ يُحْصِنْ. وَزَادَ فِي الْحَدِيثِ: «اتْرُكْهَا حَتَّى تَمَاطِلَ».

### Chapter 8. *Hadd* punishment for drinking alcohol

[4452] 35 - (1706) It was narrated from Anas bin Mâlik that a man who had drunk wine was brought to the Prophet ﷺ and he whipped him with two palm branches approximately forty times.

He said: "And Abû Bakr did that, but when 'Umar was caliph he consulted the people and 'Abdur-Raḥmân said: 'The least of the *Hadd* punishments is eighty,' so 'Umar enjoined that."

[4453] (...) Qatâdah said: I heard Anas say: A man was brought to the Prophet ﷺ... and he mentioned a similar report (as no. 4452)."

[4454] 36 - (...) It was narrated from Anas bin Mâlik that the Prophet of Allâh ﷺ whipped people for drinking wine with palm branches and shoes, then Abû Bakr ordered that forty lashes be given, but when 'Umar was caliph, the people drew near to countryside and cities. He said: "What do you think about whipping for drinking wine?" 'Abdur-Raḥmân bin 'Awf said: "I think you should make it like the

(المعجم ٨) - (بَابُ حَدِّ الْخَمْرِ)

(التحفة ١٩)

[٤٤٥٢] ٣٥ - (١٧٠٦) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّى وَمُحَمَّدُ بْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ قَتَادَةَ يُحَدِّثُ عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ: أَتَى بِرَجُلٍ قَدْ شَرِبَ الْخَمْرَ فَجَلَدَهُ بِجَرِيدَتَيْنِ نَحْوِ أَرْبَعِينَ. قَالَ: وَفَعَلَهُ أَبُو بَكْرٍ، فَلَمَّا كَانَ عُمَرُ اسْتَشَارَ النَّاسَ، فَقَالَ عَبْدُ الرَّحْمَنِ: أَخَفَّ الْحُدُودِ ثَمَانِينَ، فَأَمَرَ بِهِ عُمَرُ.

[٤٤٥٣] (...) وَحَدَّثَنِيهِ يَحْيَى بْنُ حَبِيبٍ الْحَارِثِيُّ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ،: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا قَتَادَةُ قَالَ: سَمِعْتُ أَنَسًا يَقُولُ: أَتَى رَسُولُ اللَّهِ ﷺ بِرَجُلٍ، فَذَكَرَ نَحْوَهُ.

[٤٤٥٤] ٣٦ - (...) وَحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّى: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي، عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ نَبِيَّ اللَّهِ ﷺ جَلَدَ فِي الْخَمْرِ بِالْجَرِيدِ وَالنَّعَالِ، ثُمَّ جَلَدَ أَبُو بَكْرٍ أَرْبَعِينَ، فَلَمَّا كَانَ عُمَرُ، وَدَنَا النَّاسُ مِنَ الرَّيْفِ وَالْقَرْيِ، قَالَ: مَا تَرَوْنَ فِي جَلْدِ الْخَمْرِ؟ فَقَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ:

lightest of the *Hadd* punishments” so ‘Umar ordered that eighty lashes be given.

[4455] (...) Hishâm narrated a similar report (as no. 4454) with this chain.

[4456] 37 - (...) It was narrated from Anas that the Prophet ﷺ used to give forty lashes with palm branches and shoes for (drinking) wine; then he mentioned a similar *Hadîth* (as no. 4454), but he did not mention countryside and cities.

[4457] 38 - (1707) Hudayn bin Al-Mundhir Abû Sasân said: “I saw when Al-Walîd was brought to ‘Uthmân bin ‘Affân after he had led two *Rak‘ah* of *Fajr* prayer and then said: ‘Shall I lead you in further prayers?’ Two men bore witness against him. One of them was Humrân, who said that he had drunk wine, and the other testified that he had seen him vomiting. ‘Uthmân said: ‘He would not have vomited unless he drank it.’ He said: ‘O ‘Alî, get up and whip him.’ ‘Alî said: ‘O Hasan, get up and whip him. Al-Hasan said: ‘Let those who are enjoying the position of leadership carry out the punishment.’ It was as if he (‘Alî) got upset with him and he said: ‘Get up, O ‘Abdullâh bin

أَرَى أَنْ تَجْعَلَهَا كَأَخْفِ الْحُدُودِ، قَالَ: فَجَلَدَ عُمَرُ ثَمَانِينَ.

[٤٤٥٥] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا هِشَامٌ بِهَذَا الْإِسْنَادِ، مِثْلَهُ.

[٤٤٥٦] ٣٧- (...) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكَيْعٌ عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ كَانَ يَضْرِبُ فِي الْخَمْرِ بِالنَّعَالِ وَالْجَرِيدِ أَرْبَعِينَ، ثُمَّ ذَكَرَ نَحْوَ حَدِيثِهِمَا، وَلَمْ يَذْكُرِ: الرَّيْفَ وَالْقُرَى.

[٤٤٥٧] ٣٨- (١٧٠٧) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَرُهَيْبُ بْنُ حَرْبٍ وَعَلِيُّ بْنُ حُجْرٍ، قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ - وَهُوَ ابْنُ عَلِيَّةَ - عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ عَبْدِ اللَّهِ الدَّانَاجِ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ - وَاللَّفْظُ لَهُ-: أَخْبَرَنَا يَحْيَى بْنُ حَمَّادٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ الْمُحْتَارِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ قَيْرُورَ مَوْلَى ابْنِ عَامِرِ الدَّانَاجِ: حَدَّثَنَا حُضَيْنُ بْنُ الْمُنْذِرِ أَبُو سَاسَانَ قَالَ: شَهِدْتُ عُثْمَانَ بْنَ عَفَّانَ أُتِيَ بِالْوَلِيدِ قَدْ صَلَّى الصُّبْحَ رَكْعَتَيْنِ، ثُمَّ قَالَ: أَرِيدُكُمْ؟ فَشَهِدَ عَلَيْهِ رَجُلَانِ: أَحَدُهُمَا حُمْرَانُ؛ أَنَّهُ شَرِبَ الْخَمْرَ وَشَهِدَ آخَرُ؛ أَنَّهُ

Ja'far! Get up and whip him.' So he whipped him, and 'Alî counted until he had reached forty, then he said: 'Stop.' Then he said: "The Prophet ﷺ gave forty lashes, and Abû Bakr gave forty, and 'Umar gave eighty. All are *Sunnah* but this is dearer to me."

رَأه يَتَمَيَّأً، فَقَالَ عُثْمَانُ: إِنَّهُ لَمْ يَتَمَيَّأَ حَتَّى شَرِبَهَا، فَقَالَ: يَا عَلِيُّ! قُمْ فَاجْلِدْهُ، فَقَالَ عَلِيُّ: قُمْ، يَا حَسَنُ! فَاجْلِدْهُ. فَقَالَ الْحَسَنُ: وَلَّ حَارَّهَا مَنْ تَوَلَّى قَارَّهَا فَكَأَنَّهُ وَجَدَ عَلَيْهِ، فَقَالَ: قُمْ يَا عَبْدَ اللَّهِ بْنِ جَعْفَرٍ! قُمْ فَاجْلِدْهُ، فَجَلَدَهُ، وَعَلِيُّ يُعِدُّ حَتَّى بَلَغَ أَرْبَعِينَ، فَقَالَ: أَمْسِكْ، ثُمَّ قَالَ: جَلَدَ النَّبِيُّ ﷺ أَرْبَعِينَ، وَأَبُو بَكْرٍ أَرْبَعِينَ، وَعُمَرُ ثَمَانِينَ، وَكُلُّ سُنَّةٍ، وَهَذَا أَحَبُّ إِلَيَّ.

زَادَ عَلِيُّ بْنُ حُجْرٍ فِي رِوَايَتِهِ: قَالَ إِسْمَاعِيلُ: وَقَدْ سَمِعْتُ حَدِيثَ الدَّانَاجِ مِنْهُ فَلَمْ أَحْفَظْهُ.

[4458] 39 - (...) It was narrated that 'Alî said: "I did not carry out any *Hadd* punishment on a person who died as a result, but I did not mind, except in the case of one who had drunk wine, because if he died I would pay the *Diyah*, because the Messenger of Allâh ﷺ did not specify any number."

[٤٤٥٨] ٣٩- (...) وَحَدَّثَنِي مُحَمَّدُ ابْنُ مِنْهَالِ الضَّرِيرُ: حَدَّثَنَا يَزِيدُ ابْنُ زُرَيْعٍ: حَدَّثَنَا سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي حَصِينٍ، عَنْ عُمَيْرِ بْنِ سَعِيدٍ، عَنْ عَلِيِّ قَالَ: مَا كُنْتُ أَقِيمُ عَلَى أَحَدٍ حَدًّا فَيَمُوتَ فِيهِ، فَاجِدَ مِنْهُ فِي نَفْسِي، إِلَّا صَاحِبَ الْحَمْرِ، لِأَنَّهُ إِنْ مَاتَ وَدَيْتُهُ، لِأَنَّ رَسُولَ اللَّهِ ﷺ لَمْ يَسُنَّهُ.

[4459] (...) Sufyân narrated a similar report (as no. 4458), with this chain.

[٤٤٥٩] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الرَّحْمَنِ: حَدَّثَنَا سُفْيَانُ بِهَذَا الْإِسْنَادِ، مِثْلَهُ.

### Chapter 9. Number of lashes in the case of *Ta'zir*

[4460] 40 - (1708) It was narrated from Abû Burdah Al-Anṣarî that he heard the Messenger of Allâh ﷺ say: "No one should be given more than ten lashes except in the case of one of the *Hadd* punishments prescribed by Allâh."

(المعجم ٩) - (بَابُ قَدْرِ أَسْوَاطِ)

(التحفة ٢٠)

[٤٤٦٠] ٤٠ - (١٧٠٨) حَدَّثَنَا أَحْمَدُ

ابْنُ عَيْسَى: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو عَنْ بُكَيْرِ بْنِ الْأَشَجِّ قَالَ: بَيْنَا نَحْنُ عِنْدَ سُلَيْمَانَ بْنِ يَسَارٍ، إِذْجَاءَهُ عَبْدُ الرَّحْمَنِ بْنُ جَابِرٍ، فَحَدَّثَهُ، فَأَقْبَلَ عَلَيْنَا سُلَيْمَانُ، فَقَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ جَابِرٍ عَنْ أَبِيهِ، عَنْ أَبِي بُرْدَةَ [الْأَنْصَارِيِّ] أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا يُجْلَدُ أَحَدٌ فَوْقَ عَشْرَةِ أَسْوَاطٍ، إِلَّا فِي حَدٍّ مِنْ حُدُودِ اللَّهِ».

### Chapter 10. The *Hadd* punishments are an expiation for those on whom they are carried out

[4461] 41 - (1709) It was narrated that 'Ubâdah bin Aṣ-Ṣâmit said: "We were with the Messenger of Allâh ﷺ in a gathering, and he said: 'Swear allegiance to me, pledging that you will not associate anything with Allâh, you will not commit *Zinâ*, you will not steal and you will not kill any soul whom Allâh has forbidden killing except in cases dictated by (Islamic) law. Whoever among you fulfills that, his reward will be with Allâh, and whoever does any of those things

(المعجم ١٠) - (بَابُ الْحُدُودِ كَفَارَاتِ)

(أَهْلِهَا) (التحفة ٢١)

[٤٤٦١] ٤١ - (١٧٠٩) حَدَّثَنَا يَحْيَى

ابْنُ يَحْيَى التَّمِيمِيُّ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرُو النَّاقِدُ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ نُمَيْرٍ، كُلُّهُمْ عَنِ ابْنِ عُيَيْنَةَ - وَاللَّفْظُ لِعَمْرُو - قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ، عَنْ عَبَادَةَ بْنِ الصَّامِتِ قَالَ: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ فِي مَجْلِسٍ، فَقَالَ: «بِأَيْمُونِي عَلَى أَنْ لَا تُشْرِكُوا بِاللَّهِ شَيْئًا،



and is punished for it, that will be an expiation for him. Whoever does any of those things and Allāh conceals him, his case will rest with Allāh: if He wills He will forgive him and if He wills He will punish him.”

[4462] 42 - (...) It was narrated from Az-Zuhrī with this chain (a *Hadīth* similar to no. 4461). He added in the *Hadīth*: “And he recited to us the Verse of (*Sūrat An-Nisā*): ‘...That they will not associate anything in worship with Allāh...” (*Al-Mumtahanah* 60:12).

[4463] 43 - (...) It was narrated that ‘Ubādah bin Aṣ-Ṣāmit said: “The Messenger of Allāh ﷺ took a pledge from us as he took from the women: That we would not associate anything in worship with Allāh, we would not steal, we would not commit *Zinā*, we would not kill our children and we would not slander one another. (The Messenger of Allāh ﷺ would say:) among you fulfills that, his reward is with Allāh, and whoever among you does any of these things and is punished for it, that will be his expiation. If Allāh conceals anyone, his case will rest with Allāh: if He wills He will punish him and if He wills He will forgive him”

وَلَا تَزْنُوا، وَلَا تَسْرِفُوا، وَلَا تَقْتُلُوا  
النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ، فَمَنْ  
وَفَى مِنْكُمْ فَأَجْرُهُ عَلَى اللَّهِ، وَمَنْ أَصَابَ  
شَيْئًا مِنْ ذَلِكَ فَعُوقِبَ بِهِ، فَهُوَ كَفَّارَةٌ لَهُ،  
وَمَنْ أَصَابَ شَيْئًا مِنْ ذَلِكَ فَسَتَرَهُ اللَّهُ  
عَلَيْهِ، فَأَمْرُهُ إِلَى اللَّهِ عَزَّ وَجَلَّ إِنْ شَاءَ  
عَقَابَ عَنَّهُ، وَإِنْ شَاءَ عَذَّبَهُ». [انظر: ٤٧٦٨]

[٤٤٦٢] ٤٢ - (...) وَحَدَّثَنَا عَبْدُ بْنُ  
حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ  
عَنِ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ. وَرَدَّ فِي  
الْحَدِيثِ: فَتَلَا عَلَيْنَا آيَةَ النِّسَاءِ: ﴿أَنْ لَا  
يُشْرَكَ بِاللَّهِ شَيْئًا﴾ الْآيَةَ [الممتحنة: ١٢].

[٤٤٦٣] ٤٣ - (...) وَحَدَّثَنِي  
إِسْمَاعِيلُ بْنُ سَالِمٍ: أَخْبَرَنَا هُشَيْمٌ:  
أَخْبَرَنَا خَالِدٌ عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي  
الْأَشْعَثِ الصَّنَعَانِيِّ، عَنْ عُبَادَةَ بْنِ  
الصَّامِتِ قَالَ: أَخَذَ عَلَيْنَا رَسُولُ اللَّهِ ﷺ  
كَمَا أَخَذَ عَلَى النِّسَاءِ: أَنْ لَا نُشْرِكَ بِاللَّهِ  
شَيْئًا، وَلَا نَسْرِقَ، وَلَا نَزْنِيَ، وَلَا نَقْتُلَ  
أَوْلَادَنَا، وَلَا بَعْضَهُ بَعْضًا بَعْضًا: «فَمَنْ  
وَفَى مِنْكُمْ فَأَجْرُهُ عَلَى اللَّهِ، وَمَنْ أَتَى  
مِنْكُمْ حُدًّا فَأُقِيمَ عَلَيْهِ فَهُوَ كَفَّارَتُهُ، وَمَنْ  
سَتَرَهُ اللَّهُ عَلَيْهِ فَأَمْرُهُ إِلَى اللَّهِ، إِنْ شَاءَ  
عَذَّبَهُ، وَإِنْ شَاءَ عَفَرَ لَهُ».

[4464] 44 - (...) It was narrated that 'Ubâdah bin Aş-Şâmit said: I am one of the leaders who swore allegiance to the Messenger of Allâh ﷺ. He said: "We swore allegiance to him, pledging that we would not associate anything in worship with Allâh, we would not commit *Zinâ*, we would not steal, we would not kill any soul whom Allâh has forbidden killing except in cases dictated by (Islamic) law, we would not plunder and we would not disobey. Paradise (would be ours) if we did that, but if we committed any of these actions then the judgment would be decided by Allâh, exalted and glorified is He."

### Chapter 11. There is no *Diyah* for injuries caused by animals or by falling into a mine or well

[4465] 45 - (1710) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "There is no *Diyah* for injuries caused by animals. There is no *Diyah* for injuries caused by falling into a well. There is no *Diyah* for injuries suffered when working in a mine. And the *Khumus* is due on buried treasure."

[4466] (...) A similar *Hadîth* (as no. 4465) was narrated from Az-Zuhri with the chain of Al-Laith.

[٤٤٦٤] ٤٤ - (...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ، وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنِ الصُّنَابِحِيِّ، عَنْ عَبَادَةَ بْنِ الصَّامِتِ أَنَّهُ قَالَ: إِنِّي مِنَ النَّبِيِّ الَّذِينَ بَايَعُوا رَسُولَ اللَّهِ ﷺ، وَقَالَ: بَايَعَنَاهُ عَلَى أَنْ لَا نُشْرِكَ بِاللَّهِ شَيْئًا، وَلَا نَزْنِي، وَلَا نَسْرِقَ، وَلَا نَقْتُلَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ، وَلَا نَنْتَهَبَ، وَلَا نَعْصِي، فَالْجَنَّةُ، إِنْ فَعَلْنَا ذَلِكَ، فَإِنْ عَشِينَا مِنْ ذَلِكَ شَيْئًا، كَانَ قَضَاءُ ذَلِكَ إِلَى اللَّهِ، وَقَالَ ابْنُ رُمْحٍ: كَانَ قَضَاؤُهُ إِلَى اللَّهِ عَزَّ وَجَلَّ.

(المعجم ١١) - (باب جرح العجماء  
والمعدن والبئر جبار) (التحفة ٢٢)

[٤٤٦٥] ٤٥ - (١٧١٠) وَحَدَّثَنَا يَحْيَى ابْنُ يَحْيَى وَمُحَمَّدُ بْنُ رُمْحٍ قَالَا: أَخْبَرَنَا اللَّيْثُ؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ ابْنِ شَهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «الْعَجْمَاءُ جَرَحُهَا جُبَارٌ، وَالْبُئْرُ جُبَارٌ، وَالْمَعْدِنُ جُبَارٌ، وَفِي الرِّكَازِ الْخُمْسُ».

[٤٤٦٦] (...) وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَرُحَيْمُ بْنُ

حَرْبٍ وَعَبْدُ الْأَعْلَى بْنُ حَمَادٍ كُلُّهُم، عَنْ  
ابْنِ عُيَيْنَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا  
إِسْحَاقُ - يَعْنِي: ابْنَ عَيْسَى-: حَدَّثَنَا  
مَالِكٌ، كِلَاهُمَا، عَنِ الرَّهْرِيِّ بِإِسْنَادِ  
اللَّيْثِ، مِثْلَ حَدِيثِهِ.

[4467] (...) A similar report (as  
no. 4465) was narrated from Abū  
Hurairah, from the Messenger of  
Allāh ﷺ.

[٤٤٦٧] (...) وَحَدَّثَنَا أَبُو الطَّاهِرِ  
وَحَرَمَلَةُ قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي  
يُونُسُ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ  
الْمُسَيَّبِ وَعُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي  
هُرَيْرَةَ عَنِ رَسُولِ اللَّهِ ﷺ. بِمِثْلِهِ.

[4468] 46 - (...) It was narrated  
from Abū Hurairah that the  
Messenger of Allāh ﷺ said:  
“There is no *Diyah* for injuries  
caused by falling into a well. There  
is no *Diyah* for injuries suffered  
when working in a mine. There is  
no *Diyah* for injuries caused by an  
animal. And the *Khums* is due on  
buried treasure.”

[٤٤٦٨] ٤٦- (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ  
رُمَحٍ بْنِ الْمُهَاجِرِ: أَخْبَرَنَا اللَّيْثُ عَنْ أُيُوبَ  
ابْنَ مُوسَى، عَنِ الْأَسْوَدِ بْنِ الْعَلَاءِ، عَنْ أَبِي  
سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ عَنِ  
رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «الْبُرُّ جَرْحُهَا  
جُبَارٌ، وَالْمَعْدِنُ جَرْحُهُ جُبَارٌ، وَالْعَجْمَاءُ  
جَرْحُهَا جُبَارٌ، وَفِي الرِّكَازِ الْخُمْسُ».

[4469] (...) A similar report (as  
no. 4468) was narrated from Abū  
Hurairah from the Prophet ﷺ.

[٤٤٦٩] (...) وَحَدَّثَنَا عَبْدُ الرَّحْمَنِ  
ابْنُ سَلَامٍ [الْجَمْعِيُّ]: حَدَّثَنَا الرَّبِيعُ يَعْنِي  
ابْنَ مُسْلِمٍ؛ وَحَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُعَاذٍ:  
حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا ابْنُ بَشَّارٍ: حَدَّثَنَا  
مُحَمَّدُ بْنُ جَعْفَرٍ قَالَا: حَدَّثَنَا شُعْبَةُ،  
كِلاهُمَا، عَنْ مُحَمَّدِ بْنِ زِيَادٍ، عَنْ أَبِي  
هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ. بِمِثْلِهِ.