

a disbeliever be the heir of a Muslim.”

(27) CHAPTER. The Inheritance of a Christian slave and a *Mukātab* Christian slave.

And the sin of the person who denies being the father of his children.

(28) CHAPTER. Whoever claims that somebody is his brother or his nephew.

6765. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Sa'd bin Abī Waqqāṣ and 'Abd bin Zam'a had a dispute over a boy. Sa'd said, "O Allāh's Messenger! This (boy) is the son of my brother, 'Utba bin Abī Waqqāṣ, who told me to be his custodian as he was his son. Please notice to whom he bears affinity." And 'Abd bin Zam'a said, "This is my brother, O Allāh's Messenger! He was born on my father's bed by his slave-girl." Then the Prophet ﷺ looked at the boy and noticed evident resemblance between him and 'Utba, so he said, "He (the boy) is for you, O 'Abd bin Zam'a, for the boy is for the owner of the bed, and the stone is for the adulterer. Screen yourself before the boy, O Sauda bint Zam'a." 'Āishah added: Since then he never saw Sauda.

عَلِيِّ بْنِ حُسَيْنٍ، عَنْ عَمْرِو بْنِ عُثْمَانَ، عَنْ أُسَامَةَ بْنِ زَيْدٍ رَضِيَ اللهُ عَنْهُمَا أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ، وَلَا الْكَافِرُ الْمُسْلِمَ». [راجع: ١٥٨٨]

(٢٧) بَابُ مِيرَاثِ الْعَبْدِ النَّصْرَانِيِّ وَالْمُكَاتَبِ النَّصْرَانِيِّ.

بَابُ إِنْ مَنِ انْتَفَى مِنْ وُلْدِهِ

(٢٨) بَابُ مَنْ ادَّعَى أَخًا أَوْ ابْنَ أَخٍ

٦٧٦٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا أَنَّهَا قَالَتْ: اخْتَصَمَ سَعْدُ بْنُ أَبِي وَقَّاصٍ وَعَبْدُ بْنُ زَمْعَةَ فِي غُلَامٍ، فَقَالَ سَعْدُ: هَذَا يَا رَسُولَ اللهِ ابْنُ أُخِي عْتَبَةَ بْنِ أَبِي وَقَّاصٍ، عَهْدَ إِلَيَّ أَنَّهُ ابْنُهُ، أَنْظُرْ إِلَى شَبْهِهِ. وَقَالَ عَبْدُ بْنُ زَمْعَةَ: هَذَا أُخِي يَا رَسُولَ اللهِ، وُلِدَ عَلَيَّ فِرَاشٍ أَبِي مِنْ وِلْدَتِهِ. فَنَظَرَ رَسُولُ اللهِ ﷺ إِلَى شَبْهِهِ فَرَأَى شَبْهًا بَيْنًا بَعْتَبَةَ، فَقَالَ: «هُوَ لَكَ يَا عَبْدُ بْنُ زَمْعَةَ، الْوَلَدُ لِلْفِرَاشِ وَاللِّعَاطِرِ الْحَجَرِ، وَاخْتَجِبِي مِنْهُ يَا سَوْدَةُ بِنْتُ زَمْعَةَ». قَالَتْ: فَلَمْ يَرَ سَوْدَةَ بَعْدُ.

[راجع: ٢٠٥٣]

(29) CHAPTER. Whoever claims to be the son of a person other than his father.

(٢٩) بَابُ مَنْ ادَّعَى إِلَى غَيْرِ أَبِيهِ

6766. Narrated Sa'd رضي الله عنه: I heard the Prophet ﷺ saying, "Whoever claims to be the son of a person other than his father, and he knows that, that person is not his father, then Paradise (will be) forbidden for him."

6767. (Sa'd added:) I mentioned that to Abū Bakra, and he said, "My ears heard that, and my heart memorized it from Allāh's Messenger ﷺ."

6768. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, "Do not deny your fathers (i.e., claim to be the sons of persons other than your fathers), and whoever denies his father, is charged with disbelief."

(30) CHAPTER. If a lady claims to be the mother of a son.

6769. Narrated Abū Hurairah رضي الله عنه: Allāh's Messenger ﷺ said, "There were two women and with them were their two sons. A wolf came and took away the son of one of them. That lady said to her companion, 'The wolf has taken your son.' The other said, 'But it has taken your son.' So both of them sought the judgement of (the Prophet) Dāwūd (David) عليه السلام who judged that the boy should be given to the older lady. Then both of them went to (the Prophet) Sulaimān (Solomon), son of Dāwūd and informed him of the case. Sulaimān said, 'Give me a knife so that I may cut the child into two portions and give half to each of

٦٧٦٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا خَالِدٌ هُوَ ابْنُ عَبْدِ اللَّهِ: حَدَّثَنَا خَالِدٌ عَنْ أَبِي عُثْمَانَ، عَنْ سَعِيدِ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ ادَّعَى إِلَى غَيْرِ أَبِيهِ وَهُوَ يَعْلَمُ أَنَّهُ غَيْرُ أَبِيهِ فَالْجَنَّةُ عَلَيْهِ حَرَامٌ».

[راجع: ٤٣٢٦]

٦٧٦٧ - فَذَكَرْتُهُ لِأَبِي بَكْرَةَ فَقَالَ: وَأَنَا سَمِعْتُهُ أُذْنَايَ وَوَعَاهُ قَلْبِي مِنْ رَسُولِ اللَّهِ ﷺ. [راجع: ٤٣٢٧]

٦٧٦٨ - حَدَّثَنَا أَصْبَغُ بْنُ الْفَرَجِ: حَدَّثَنَا ابْنُ وَهَبٍ: أَخْبَرَنِي عَمْرُو، عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، عَنْ عِرَاكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تَرْغُبُوا عَنْ آبَائِكُمْ، فَمَنْ رَغِبَ عَنْ أَبِيهِ فَهُوَ كُفْرٌ».

(٣٠) بَابُ: إِذَا ادَّعَتِ الْمَرْأَةُ ابْنًا

٦٧٦٩ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ قَالَ: حَدَّثَنَا أَبُو الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «كَانَتِ امْرَأَتَانِ، مَعَهُمَا ابْنَاهُمَا، جَاءَ الذِّئْبُ فَذَهَبَ بِأَيِّنِ إِحْدَاهُمَا فَقَالَتْ لِصَاحِبَتَيْهَا: إِنَّمَا ذَهَبَ بِأَيِّنِكَ، فَقَالَتِ الْأُخْرَى: إِنَّمَا ذَهَبَ بِأَيِّنِكَ، فَتَحَاكَمَتَا إِلَى دَاوُدَ - عَلَيْهِ السَّلَامُ - فَقَضَى بِهِ لِلْكَبْرَى، فَخَرَجَتَا عَلَى سُلَيْمَانَ بْنِ

you.' The younger lady said, 'Do not do so; may Allāh bless you! He is her child.' On that, (Prophet) Sulaimān gave the child to the younger lady." Abū Hurairah added: By Allāh! I had never heard the word '*Sikkīn*' as meaning knife, except on that day, for we used to call it '*Mudya*.'

داوُد - عَلَيْهِمَا السَّلَامُ - فَأَخْبَرْتَاهُ فَقَالَ: اتُّنُونِي بِالسَّكِّينِ أَشَقُّهُ بَيْنَهُمَا، فَقَالَتِ الصُّغْرَى: لَا تَفْعَلْ، يَرْحَمَكَ اللَّهُ، هُوَ ابْنُهَا، فَقَضَى بِهِ لِلصُّغْرَى. قَالَ أَبُو هُرَيْرَةَ: وَاللَّهِ إِنْ سَمِعْتُ بِالسَّكِّينِ قَطُّ إِلَّا يَوْمَئِذٍ، وَمَا كُنَّا نَقُولُ إِلَّا: الْمُدْيَةُ. [راجع: ٣٤٧]

**(31) CHAPTER. The *Qā'if* (one who is expert in noticing resemblance between persons belonging to the same lineage).**

**(٣١) بَابُ الْقَائِفِ**

6770. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا: Allāh's Messenger ﷺ once entered upon me in a very happy mood, with his features glittering with joy, and said, "O 'Āishah! Don't you see that Mujazziz (a *Qā'if*) looked just now at Zaid bin Hāritha and Usāma bin Zaid and said, 'These feet (or Usāma and his father) belong to each other.'"<sup>(1)</sup>

[See Vol. 4, *Hadīth* No. 3555]

٦٧٧٠ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: إِنَّ رَسُولَ اللَّهِ ﷺ دَخَلَ عَلَيَّ مَسْرُورًا تَبْرُقُ أَسَارِيرُ وَجْهِهِ فَقَالَ: «أَلَمْ تَرَيَ أَنَّ مُجَزَّزًا نَظَرَ آيْنًا إِلَى زَيْدِ بْنِ حَارِثَةَ وَأَسَامَةَ بْنِ زَيْدٍ فَقَالَ: إِنَّ هَذِهِ الْأَقْدَامَ بَعْضُهَا مِنْ بَعْضٍ.» [راجع: ٣٥٥٥]

6771. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا: Once Allāh's Messenger ﷺ entered upon me and he was in a very happy mood and said, "O 'Āishah: Don't you know that Mujazziz Al-Mudlijī entered and saw Usāma and Zaid with a velvet covering on them and their heads were covered while their feet were uncovered. He said: These feet belong to each other."

٦٧٧١ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ ذَاتَ يَوْمٍ وَهُوَ مَسْرُورٌ فَقَالَ: «يَا عَائِشَةُ، أَلَمْ تَرَيَ أَنَّ مُجَزَّزًا الْمُدَلِجِيَّ دَخَلَ عَلَيَّ فَرَأَى أُسَامَةَ وَزَيْدًا وَعَلَيْهِمَا قَطِيفَةً قَدْ غَطَّيَا رُؤُسَهُمَا وَبَدَّتْ أَقْدَامُهُمَا فَقَالَ: إِنَّ هَذِهِ الْأَقْدَامَ بَعْضُهَا مِنْ بَعْضٍ.» [راجع: ٣٥٥٥]

(1) (H. 6770) The *Qā'if* learned through examining their feet, that they were father and son.

86 – THE BOOK OF AL-HUDŪD<sup>(1)</sup>

## ٨٦ - كتاب الحدود

CHAPTER. What *Hudūd* one should beware of.

بَابُ مَا يُخَذَرُ 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 الْمُسَيَّبِ 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.

(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.

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

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 قُتَيْبَةَ: 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]

(٤) بَابُ الضَّرْبِ بِالْجَرِيدِ وَالنُّعَالِ

٦٧٧٥ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا وَهَيْبُ 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]

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 صَمْرَةَ أَنَسُ، 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 نُوْتِي بِالسَّارِبِ عَلَى عَهْدِ رَسُولِ اللهِ ﷺ وَإِمْرَةَ أَبِي بَكْرٍ وَصَدْرًا مِنْ

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

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

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

(٥) بَابُ مَا يُكْرَهُ مِنْ لَعْنِ شَارِبِ  
الْخَمْرِ، وَإِنَّهُ لَيْسَ بِخَارِجٍ مِنَ الْمِلَّةِ  
٦٧٨٠ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ:

6780. Narrated 'Umar bin Al-Khattāb 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."

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  
جَمَارًا، وَكَانَ يُضْحِكُ رَسُولَ اللَّهِ  
ﷺ، وَكَانَ النَّبِيُّ ﷺ قَدْ جَلَدَهُ فِي  
الشَّرَابِ، فَأَتَيْتُ بِهِ يَوْمًا فَأَمَرَ بِهِ  
فَجُلِدَ، قَالَ رَجُلٌ مِنَ الْقَوْمِ: اللَّهُمَّ  
العَنَّهُ، مَا أَكْثَرَ مَا يُؤْتَى بِهِ، فَقَالَ  
النَّبِيُّ ﷺ: «لَا تَلْعَنُوهُ، فَوَاللَّهِ مَا  
عَلِمْتُ، أَنَّهُ يُحِبُّ اللَّهَ وَرَسُولَهُ».

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."

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 بِتَعْلِيهِ، وَمِمَّا مَن  
يَضْرِبُهُ بِشَوْبِهِ. فَلَمَّا انْصَرَفَ قَالَ  
رَجُلٌ: مَا لَهُ أَخْزَاهُ 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

بْنِ 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 حَفْصِ

بْنِ 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 عَبَادَةَ 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."<sup>(1)</sup> 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 أْبَعْدَهُمَا مِنْهُ، وَاللَّهِ 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 فَاطَمَةُ فَعَلَتْ 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