

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

[راجع: ٤٤٧٧]

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

(٢١) بَابُ رَجْمِ الْمُحْصَنِ،

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

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

وَقَالَ الْحَسَنُ: مَنْ زَنَى بِأُخْتِهِ
حَدُّهُ حَدُّ الزَّانِي.

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

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

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

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

[انظر: ٦٨٤٠]

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

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

[راجع: ٥٢٧٠]

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

(٢٢) بَابٌ: لَا يُرْجَمُ الْمَجْنُونُ وَالْمَجْنُونَةُ،

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

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

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

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

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

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

(1) A sleeping person till he wakes up.

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

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

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

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

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

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

[راجع: ٥٢٧٠]

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

(٢٣) بَابٌ: لِلْعَاهِرِ الْحَجَرُ

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

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

زَادَ لَنَا قُتَيْبَةُ عَنِ اللَّيْثِ: «وَلِلْعَاهِرِ

الْحَجَرُ». [راجع: ٢٠٥٣]

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

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

[راجع: ٦٧٥٠]

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

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

(٢٤) بَابُ الرَّجْمِ فِي الْبَلَاطِ

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

[راجع: ١٣٢٩]

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

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

(٢٥) بَابُ الرَّجْمِ بِالْمُصَلَّى

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

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

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

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

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

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

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

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

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

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

6821. Narrated Abū Hurairah عنه الله رضي الله عنه:

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

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

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

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

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

6823. Narrated Anas bin Mālik عنه رضي الله عنه:

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

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

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

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

٦٨٢٣ - حَدَّثَنَا عَبْدُ الْقُدُّوسِ بْنُ

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

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

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

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

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

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

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

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

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

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

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

(٢٩) بَابُ سُؤَالِ الْإِمَامِ الْمُقِرِّ: هَلْ أَحْصَنْتَ؟

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

[راجع: ٥٢٧١]

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

(٣٠) بَابُ الْإِغْتِرَافِ بِالزَّنَا

٦٨٢٧، ٦٨٢٨ - حَدَّثَنَا عَلِيُّ بْنُ

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

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

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

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

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

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

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

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

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

(٣١) بَابُ رَجْمِ الْحُبْلَى فِي الزَّانَا إِذَا أَحْصَنَتْ

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