

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

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

[٢٣١٤، ٢٣١٥]

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

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

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

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

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

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

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

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

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

فَلْيَدْفَعُهُ، فَإِنْ أْبَى فَلْيُقَاتِلْهُ». وَفَعَلَهُ أَبُو سَعِيدٍ.

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

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

لَكَزَ، وَكَزَرَ وَاجِدٌ. [راجع: ٣٣٤]

(٤٠) بَابٌ مَنْ رَأَى مَعَ امْرَأَتِهِ رَجُلًا فَقَتَلَهُ

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

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

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

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

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

(٤١) بَابُ مَا جَاءَ فِي التَّعْرِيفِ

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

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

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

(٤٢) بَابُ كَمْ التَّعْزِيرُ وَالْأَدَبُ؟

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

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

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

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

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

[انظر: ٦٨٤٩، ٦٨٥٠]

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

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

[راجع: ٦٨٤٨]

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

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

[راجع: ٦٨٤٨]

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

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

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

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

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

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

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

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

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

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

(٤٣) بَابٌ مَنْ أَظْهَرَ الْفَاحِشَةَ

وَاللَّظَحِ وَالتَّهْمَةِ بِغَيْرِ بَيِّنَةٍ

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

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

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

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

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

[راجع: ٤٢٣]

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

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

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

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

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

(44) CHAPTER. To accuse the chaste women.

And the Statement of Allāh تعالى:

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

And also the Statement of Allāh عز وجل:

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

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

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

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

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

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

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

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

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

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

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

[راجع: ٢٧٦٦]

(٤٥) بَابُ قَذْفِ الْعَبِيدِ

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

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

٦٨٥٩، ٦٨٦٠ - حَدَّثَنَا مُحَمَّدٌ

بْنُ يُوسُفَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ

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

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

[راجع: ٢٣١٤، ٢٣١٥]