

مصنف ابن أبي شيبة

# Musannaf Ibn Abi Shaybah

VOLUME [ 29 ]

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## Note

Muṣannaf Ibni Abī Shaybah—formally titled “al-Kitāb al-Muṣannaf fī al-Āḥādīth wa al-Āthār”—stands among the greatest monuments of early Islamic scholarship. Compiled by the eminent ḥadīth expert and great Imam Abū Bakr ‘Abdullāh ibn Muḥammad ibn Ibrāhīm ibn ‘Uthmān al-‘Absī, widely known as Ibni Abī Shaybah (159–235 AH), this expansive work preserves the intellectual, legal, devotional, and spiritual heritage of the first centuries of Islam. A teacher of al-Bukhārī, Muslim, and the leading imams of his generation, Ibni Abī Shaybah authored a collection that has served for over a millennium as a foundational reference for jurists, muḥaddithūn, historians, and researchers.

This edition contains 37,943 narrations, spanning Prophetic ḥadīth, Companion reports (mawqūf), and Successor traditions (maqtū'). The work is arranged topically, covering all major areas of Islamic practice—prayer, purification, ethics, commerce, society, governance, jihad, and thousands of detailed jurisprudential issues. Its scope reflects not only the Sunnah of the Prophet ﷺ but also the early legal culture of Kūfa, the opinions of leading Companions, and the interpretive frameworks of the first generations.

Many rare narrations preserved here do not appear in other major collections, making this Muṣannaf an indispensable source for reconstructing early Islamic thought. The edition most widely used today is the seven-volume Maktabat al-Rushd (Riyadh) publication, edited by Sheikh Kamāl Yūsuf al-Ḥūt, based on verified manuscripts and aligned with the printed arrangement. Digital access to the full text is also available at: <https://ketabonline.com/ar/books/6996> For contemporary students and researchers, Muṣannaf Ibni Abī Shaybah offers far more than a repository of narrations.

It grants direct access to the living intellectual world of the 2nd and 3rd Islamic centuries—the debates of jurists, the devotional practices of the righteous, the understandings of the Companions, and the transmission networks that shaped Sunni orthodoxy. Its vast content provides context for the development of fiqh schools, sheds light on doctrinal issues, and helps preserve countless early traditions that might otherwise have been lost. This work before you has been carefully cleaned, structured, and standardized into a modern digital format, enabling readers to navigate all 37,943 reports with ease.

May it serve as a valuable tool for scholars, students, and seekers of sacred knowledge, continuing the legacy of one of Islam's earliest and most prolific hadith masters.

**[28001]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mughirah, from Ibrāhīm, regarding the saying of the Exalted: " {And whoever kills a believer by mistake - then the freeing of a believing slave and a compensation payment presented to the deceased's family}" [An-Nisa: 92]. If a Muslim is killed, this belongs to him and his Muslim heirs. " {But if the deceased was from a people at war with you and he was a believer}" [An-Nisa: 92] - A man is killed while his people are polytheists, with no covenant between them and the Messenger of Allah ﷺ - upon him is " {the freeing of a believing slave}" [An-Nisa: 92]. And if a Muslim is killed from a polytheist people who have a covenant between them and the Messenger of Allah ﷺ, his inheritance belongs to the Muslims, and his blood money belongs to the polytheists who have a covenant between them and the Messenger of Allah ﷺ. So the Muslims inherit his inheritance, and his blood money belongs to his people because they pay blood money on his behalf

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي قَوْلِهِ تَعَالَى: " {وَمَنْ قَتَلَ مُؤْمِنًا خَطًّا فَخَرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسْلِمَةٌ إِلَى أَهْلِهِ} إِذَا قُتِلَ الْمُسْلِمُ فَهَذَا لَهُ وَلِوَرَثَتِهِ الْمُسْلِمِينَ {فَإِنْ كَانَ مِنْ قَوْمٍ الرَّجُلُ يُقْتَلُ [92]: عَدُوُّ لَكُمْ وَهُوَ مُؤْمِنٌ} [النَّسَاءَ وَقَوْمُهُ مُشْرِكُونَ ، لَيْسَ بَيْنَهُمْ وَبَيْنَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَهْدٌ - - فَعَلَيْهِ {تَخْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ} ، وَإِنْ قُتِلَ مُسْلِمٌ مِنْ قَوْمٍ مُشْرِكِينَ بَيْنَهُمْ [92]: [النَّسَاءَ وَبَيْنَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَهْدٌ، فَيَكُونُ مِيرَاثُهُ لِلْمُسْلِمِينَ ، وَبَيْكُونُ عَقْلُهُ لِلْمُشْرِكِينَ الَّذِينَ بَيْنَهُمْ وَبَيْنَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَهْدٌ ، فَيَرِثُ الْمُسْلِمُونَ مِيرَاثَهُ ، وَبَيْكُونُ عَقْلُهُ لِقَوْمِهِ لِأَنَّهُمْ يَعْتَقِلُونَ عَهْدَهُ}

**[28002]** Abu Bakr narrated to us, saying: Ibn Idrīs narrated to us, from ʻIsā ibn Mughīrah, from Al-Sha'bī, regarding His saying: "{And if he was from a people between you and whom is a treaty}" [An-Nisa: 92], he said: "From the people of the covenant, and he is not a

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عَيْسَى بْنِ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، فِي قَوْلِهِ: {وَإِنْ كَانَ مِنْ قَوْمٍ ، قَالَ: مِنْ أَهْلِ[92: بَيْنَكُمْ وَبَيْنَهُمْ مِيَانَقُ} [النساء العَهْدِ وَلَيْسَ بِمُؤْمِنٍ

**[28003]** Abu Bakr narrated to us, saying: Mu‘āwiyah ibn Hishām narrated to us, saying: ‘Ammār ibn Ruzayq narrated to us, from ‘Atā’ ibn al-Sā’ib, from Abū Yahyā, from Ibn ‘Abbās: “{But if the deceased was from a people at war with you and he was a believer - then [only] the freeing of a believing slave}” [An-Nisa: 92]. He said: A man would come to the Prophet (peace be upon him) and accept Islam, then return to his people and be among them while they were polytheists. Then the Muslims would kill him by mistake in a raiding party or expedition. So the one who killed him would free a slave. “{And if he was from a people between you and whom is a treaty}” [An-Nisa: 92], he said: “He is a man who has a covenant, and his people are people of a covenant. So the blood money is delivered to them, and the one who killed him frees a slave.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعَاوِيَةُ بْنُ هِشَامٍ، قَالَ: حَدَّثَنَا عَمَّارُ بْنُ رُزَيْقٍ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ أَبِي يَحْيَى، عَنْ ابْنِ عَبَّاسٍ: {فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوًّا لَّكُمْ 92: وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقْبَةٍ مُؤْمِنَةٍ} [النساء] كَانَ الرَّجُلُ يَأْتِي النَّبِيَّ عَلَيْهِ السَّلَامُ فَيُسْلِمُ ، ثُمَّ يَرْجُعُ إِلَى قَوْمِهِ فَيَكُونُ فِيهِمْ وَهُمْ مُشْرِكُونَ ، فَيُصِيبُهُ الْمُسْلِمُونَ حَطَّاً فِي سَرِيَّةٍ أَوْ غَرَّاءً ، فَيُعْتَقُ الَّذِي يُصِيبُهُ رَقْبَةً {وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيَانَةٍ} ، قَالَ: هُوَ الرَّجُلُ يَكُونُ مُعَاهَدًا وَبَخْلُونَ 92: [النساء] قَوْمُهُ أَهْلٌ عَهْدٍ، فَيُسْلِمُ إِلَيْهِمُ الدِّيَةَ وَيُعْتَقُ الَّذِي أَصَابَهُ رَقْبَةً

**[28004]** Abu Bakr narrated to us, saying: Yahyā ibn ‘Abd al-Malik ibn Abī Ghaniyyah narrated to us, from Al-Ḥakam: That Al-‘Abbās ibn ‘Abd al-Muṭṭalib slapped a man, so the Prophet ﷺ ordered retaliation against Al-‘Abbās, but the man pardoned him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الْمَالِكِ بْنِ أَبِي عَنْهُ، عَنِ الْحَكْمِ: أَنَّ الْعَبَّاسَ بْنَ عَبْدِ الْمُطَّلِبِ، لَطَمَ رَجُلًا فَأَقَادَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنَ الْعَبَّاسِ، فَعَفَاهُ عَنْهُ

**[28005]** Abu Bakr narrated to us, saying: Abū ‘Abd al-Rahmān al-Mas‘ūdī narrated to us, from ‘Abd Allāh ibn ‘Abd al-Malik ibn Abī ‘Ubaydah, from Nājiyah Abū al-Hasan, from his father: That ‘Alī was brought regarding a man who slapped another man. He said to the slapped one: "Take retaliation."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو عَبْدِ الرَّحْمَنِ الْمَسْعُودِيُّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الْمَالِكِ بْنِ أَبِي عَبِيدَةَ، عَنْ نَاجِيَةَ أَبِي الْحَسَنِ، عَنْ أَبِيهِ: أَنَّ عَلِيًّا أُتِيَ فِي رَجُلٍ لَطَمَ رَجُلًا، فَقَالَ لِلْمَلْطُومِ: افْتَصَّ

**[28006]** Abu Bakr narrated to us, saying: Wakī‘ narrated to us, from Al-Ḥasan ibn Ṣalīḥ, from Mukhāriq, from Ṭāriq ibn Shihāb: "That Khālid ibn al-Walīd allowed a man from Murād to take retaliation for a slap he gave to his nephew."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الْحَسَنِ بْنِ صَالِحٍ، عَنْ مُخَارِقٍ، عَنْ طَارِقِ بْنِ شِهَابٍ: أَنَّ خَالِدَ بْنَ الْوَلِيدِ أَفَادَ رَجُلًا مِنْ مُرَادٍ مِنْ لَطْمَةٍ لَطَمَ ابْنَ أَخِيهِ

**[28007]** Abu Bakr narrated to us, saying: Sharīk narrated to us, from Abū Ishāq, from Shurayḥ: "That he ordered retaliation for a slap."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ أَبِي إِسْحَاقَ،  
عَنْ شُرَيْحٍ: أَنَّهُ أَقَادَ مِنْ لَطْمَةٍ

**[28008]** Abu Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from ‘Amr, from Ibn al-Zubayr: "That he ordered retaliation for a slap."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرٍو، عَنْ  
ابْنِ الرُّبِّيْرِ: أَنَّهُ أَقَادَ مِنْ لَطْمَةٍ

**[28009]** Abu Bakr narrated to us, saying: Abū ‘Abd al-Rahmān al-Mas‘ūdī narrated to us, from Zurārah ibn Yaḥyā, from his father: "That Al-Mughīrah ibn ‘Abd Allāh ordered retaliation for a slap."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو عَبْدِ الرَّحْمَنِ الْمَسْعُودِيُّ،  
عَنْ زُرَارَةَ بْنِ يَحْيَى، عَنْ أَبِيهِ: أَنَّ الْمُغَيْرَةَ بْنَ عَبْدِ  
اللَّهِ أَقَادَ مِنْ لَطْمَةٍ

**[28010]** Abu Bakr narrated to us, saying: Shabābah narrated to us, from Yaḥyā ibn al-Ḥuṣayn, who said: I heard Ṭāriq ibn Shihāb saying: Abu Bakr one day slapped a man. It was said: "We have never seen anything like today, a mark (from illness) and a slap." Abu Bakr said: "This man came to me asking for a mount, so I gave him a mount. Then I saw him following them, so I swore not to give him a mount: 'By Allah, I will not give him a mount,' three times. Then he said to him: 'Take retaliation.'" But the man pardoned him.

**[28011]** Abu Bakr narrated to us, saying: Wakī‘ narrated to us, from Ḥasan ibn Ṣalīḥ, who said: I said to Ibn Abī Laylā: "Did you order retaliation for a slap?" He said: "Yes, and for slaps."

**[28012]** Abu Bakr narrated to us, saying: Yaḥyā ibn Yamān narrated to us, from Sufyān, from Jābir, from Al-Sha‘bī, from Masrūq: "That he ordered retaliation for a slap."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ، عَنْ يَحْيَى بْنِ الْحُصَينِ، قَالَ: سَمِعْتُ طَارِقَ بْنَ شِهَابٍ، يَقُولُ: لَطَمَ أَبُو بَكْرٍ يَوْمًا رَجُلًا لَطْمَةً، فَقَيلَ: مَا رَأَيْنَا كَالْيَوْمِ قَطُّ هَنْعَةً وَلَطْمَةً، فَقَالَ أَبُو بَكْرٍ: إِنَّ هَذَا أَثَانِي يَسْتَحْمِلُنِي، فَحَمَلْتُهُ، فَإِذَا هُوَ يَتَبَعَّهُمْ فَحَافَتُ أَنْ لَا أَحْمِلَهُ: وَاللَّهِ لَا أَحْمِلُهُ ثَلَاثَ مَرَّاتٍ، ثُمَّ قَالَ لَهُ: افْتَصَّ فَعَفَا الرَّجُلُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ، قَالَ: قُلْتُ لِابْنِ أَبِي لَيْلَى: أَقْدَتْ مِنْ لَطْمَةٍ، قَالَ: نَعَمْ وَمِنْ لَطَمَاتٍ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانٍ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ: أَنَّهُ أَقَادَ مِنْ لَطْمَةٍ

**[28013]** Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Sufyān narrated to us, from Mughīrah, from Ibrāhīm: "That a policeman struck a man on the head with a whip, so Shurayh ordered retaliation from him."

**[28014]** Abu Bakr narrated to us, saying: Abū Khālid narrated to us, from Ash'ath, from Fuḍayl, from 'Abd Allāh ibn Ma'qil, who said: I was sitting with 'Alī, and a man came to him and whispered something to him. 'Alī said: "O Qanbar!" The people said: "O Qanbar!" He said: "Take this man out and flog him." Then the flogged man came and said: "He added three lashes to me." 'Alī said: "What do you say?" He said: "He spoke the truth, O Commander of the Faithful." He said: "Take the whip and flog him three lashes." Then he said: "O Qanbar, when you flog, do not exceed the limits."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ: أَنَّ جَلْوَازًا فَتَحَ رَجُلًا بِالسَّوْطِ ، فَأَقَادَهُ مِنْهُ شُرَيْحٌ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ أَشْعَثَ، عَنْ فُضَيْلٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْقِلٍ، قَالَ: كُنْتُ جَالِسًا عِنْدَ عَلَيِّ، فَجَاءَهُ رَجُلٌ فَسَارَهُ فَقَالَ عَلَيْ: يَا فَتَنْبُرُ، فَقَالَ النَّاسُ: يَا فَتَنْبُرُ ، قَالَ: أَخْرُجْ هَذَا فَاجْلِدْهُ ، ثُمَّ جَاءَ الْمَجْلُودُ، فَقَالَ: إِنَّهُ قَدْ زَادَ عَلَيَّ ثَلَاثَةَ أَسْوَاطٍ ، فَقَالَ عَلَيْ: مَا تَثُولُ؟ قَالَ: صَدَقَ يَا أَمِيرَ الْمُؤْمِنِينَ ، قَالَ: حُذِ السَّوْطُ فَاجْلِدْهُ ثَلَاثَةَ أَسْوَاطٍ ، ثُمَّ قَالَ: يَا فَتَنْبُرُ ، إِذَا جَلَدْتَ فَلَا تَعْدُ الْحُدُودَ

**[28015]** Abu Bakr narrated to us, saying: Ḥafṣ narrated to us, from Al-Shaybānī, from Al-Sha'bī, Al-Ḥakam, and Ḥammād, who said: "Whatever injury is caused by a whip, a stick, or a stone, and is less than killing, it is intentional; its compensation is retaliation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبَانِيِّ، وَالْحَكَمِ، وَحَمَادٍ، قَالُوا: مَا أَصَبَّ بِهِ مِنْ سَوْطٍ أَوْ عَصَّاً أَوْ حَجَرٍ فَكَانَ دُونَ النَّفْسِ فَهُوَ عَمْدٌ ،  
بِيَتِهِ الْوَقْدُ

**[28016]** Abu Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, regarding a man who borrowed a horse from another man and galloped it until it died. He said: "He is not liable, because a man gallops his horse."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ اسْتَعَارَ مِنْ رَجُلٍ فَرَسًا فَرَكَضَهُ حَتَّى مَاتَ ، قَالَ: لَيْسَ عَلَيْهِ ضَمَانٌ لِأَنَّ الرَّجُلَ يُرْكِضُ فَرَسَهُ

**[28017]** Abu Bakr narrated to us, saying: Wakī' narrated to us, from Isrā'il, from Jābir, from 'Āmir, regarding a man who gave another man a horse and he killed it. He said: "He is not liable unless he is a slave or a child."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي رَجُلٍ أَعْطَى رَجُلاً فَرَسًا فَقَتَلَهُ ، قَالَ: لَا يَضْمَنُ إِلَّا أَنْ يَكُونَ عَبْدًا أَوْ صَبَّيًا

**[28018]** Abu Bakr narrated to us, saying: Yahyā ibn Ādām narrated to us, saying: Zuhayr narrated to us, from Jābir, from ‘Āmir, regarding a man who killed a man whose soul had departed from half his body (paralyzed). He said: "He is liable for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: حَدَّثَنَا زُهْيْرٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي رَجُلٍ قُتِلَ رَجُلًا فَدَّ دَهَبَتِ الرُّوحُ مِنْ نِصْفِ جَسَدِهِ، قَالَ: يَضْمِنُهُ

**[28019]** Abu Bakr narrated to us, saying: Ibn Fuḍayl narrated to us, from Ash‘ath, from Al-Sha‘bī, who said: "Whoever stops his beast in the Muslims' road or places something there, he is liable for its crime (damage caused)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَشْعَثَ، عَنْ الشَّعْبَانِيِّ، قَالَ: مَنْ أَوْقَفَ دَابَّةً فِي طَرِيقِ الْمُسْلِمِينَ أَوْ وَضَعَ شَيْئًا، فَهُوَ ضَامِنٌ لِجِنَاتِهِ

**[28020]** Abu Bakr narrated to us, saying: ‘Abd Allāh ibn Numayr narrated to us, from Ash‘ath, and from Hammād, from Ibrāhīm, who said: "Whoever ties a beast in a road is liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ ثُمَيْرٍ، عَنْ أَشْعَثَ، وَعَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: مَنْ رَبَطَ دَابَّةً فِي طَرِيقٍ فَهُوَ ضَامِنٌ

**[28021]** Abu Bakr narrated to us, saying: Muḥammad ibn Abī ‘Adī narrated to us, from Ash‘ath, from Al-Ḥasan: "That he did not set a specific time limit for the Hāshimah (a wound that crushes bone)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ: أَنَّهُ كَانَ لَا يُوقَتُ فِي الْهَاشِمَةِ شَيْئًا

**[28022]** Abu Bakr narrated to us, saying: Zayd ibn al-Ḥubāb narrated to us, from Ḥammād ibn Salamah, from Qatādah: "That ‘Abd al-Malik ibn Marwān judged for the Dāmiyah (wound that bleeds) one camel, for the Bādi‘ah (wound that cuts skin) two camels, and for the Mutalāhimah (wound that cuts into flesh) three camels."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ: أَنَّ عَبْدَ الْمَالِكَ بْنَ مَرْوَانَ، قَضَى فِي الدَّامِيَةِ بِبَعِيرٍ ، وَفِي الْبَاضِعَةِ بِبَعِيرَيْنِ ، وَقَضَى فِي الْمُتَلَاحِمَةِ بِتَلَاثَةِ أَبْعَرَةِ

**[28023]** Abu Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ibrāhīm, and from Ḥammād, from Ibrāhīm, regarding two slaves, one of whom gouges out the eye of his companion. He said: "If their value is equal, then eye for eye. And if the value of one of them is more than the other, the one with more value returns [the difference] to the one with less."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي الْعَبْدَيْنِ يَقُولُ أَحَدُهُمَا عَيْنٌ صَاحِبِهِ ، قَالَ: إِنْ كَانَتْ قِيمَتُهُمَا سَوَاءً فَالْعَيْنُ بِالْعَيْنِ ، وَإِنْ كَانَتْ قِيمَةُ أَحَدِهِمَا أَكْثَرَ مِنَ الْأُخْرِ رَدَّ الْأَكْثَرَ عَلَى الْأَقْلَ

**[28024]** Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I said to ‘Atā’: "A slave kills another slave intentionally, and the killed one is better than the killer?" He said: "The masters of the killed slave are entitled to nothing but the killer of their slave. If they wish, they can kill him, and if they wish, they can enslave him."

**[28025]** Abu Bakr narrated to us, saying: Ibn Mubārak narrated to us, from Ma‘mar: That a man from the people of India came with a pledge of security, and a Muslim man killed him in retaliation for his brother. This was written to ‘Umar ibn ‘Abd al-‘Azīz, and he wrote back: "Do not kill him, but take the blood money from him and send it to his heirs." And he ordered him to be imprisoned.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءَ: الْعَبْدُ يَقْتُلُ الْعَبْدَ عَمْدًا ، الْمَقْتُولُ خَيْرٌ مِنَ الْفَاعِلِ؟ قَالَ: لَيْسَ لِسَادَةِ الْمَقْتُولِ إِلَّا فَاعِلٌ عَبْدُهُمْ ، إِنْ شَاءُوا قَتْلُوهُ ، وَإِنْ شَاءُوا اسْتَرْقُوهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ: أَنَّ رَجُلًا مِنْ أَهْلِ الْهِنْدِ قَدَمَ بِأَمْانٍ ، فَقَتَلَهُ رَجُلٌ مِنَ الْمُسْلِمِينَ بِأَخِيهِ ، فَكَتَبَ فِي ذَلِكَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فَكَتَبَ أَنْ: لَا تَقْتُلْهُ وَخُذْ مِنْهُ الدِّيَةَ، فَبَعْثَ بِهَا إِلَى وَرَثَتِهِ ، وَأَمْرَ بِهِ فَسِيْحَنَ

**[28026]** Abu Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Sufyān, from Yūsuf ibn Ya‘qūb: "That a man from the polytheists killed a Muslim man, then entered with a pledge of security, and his brother killed him. So ‘Umar ibn ‘Abd al-‘Azīz judged against him for the blood money and made it payable from his own wealth, imprisoned him, and sent his blood money to his heirs among the people of war."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ يُوسُفَ بْنِ يَعْقُوبَ: أَنَّ رَجُلًا مِنَ الْمُشْرِكِينَ قَتَلَ رَجُلًا مِنَ الْمُسْلِمِينَ، ثُمَّ دَخَلَ بِأَمْانٍ فَقَتَلَهُ أخْرُوهُ، فَقُضِيَ عَلَيْهِ عُمُرُ بْنُ عَبْدِ الْغَزِيزِ بِالدِّيَةِ وَجَعَلَهُ عَلَيْهِ فِي مَالِهِ، وَحَبَسَهُ فِي السَّجْنِ، وَبَعَثَ بِدِيَتِهِ إِلَى وَرَتَتِهِ مِنْ أَهْلِ الْحَرْبِ

**[28027]** Abu Bakr narrated to us, saying: Al-Thaqafī narrated to us, from Ḥabīb al-Mu‘allim, from Al-Ḥasan: "That a man from the polytheists performed Hajj. When he returned, leaving, a Muslim man met him and killed him. So the Prophet ﷺ ordered that his blood money be paid to his family."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الثَّقَافِيُّ، عَنْ حَبِيبِ الْمُعَلَّمِ، عَنِ الْحَسَنِ: أَنَّ رَجُلًا مِنَ الْمُشْرِكِينَ حَجَّ، فَلَمَّا رَجَعَ صَادَرَ الْقِيَةَ رَجُلٌ مِنَ الْمُسْلِمِينَ فَقَتَلَهُ، فَأَمَرَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُؤَدَّى دِيَتُهُ إِلَى أَهْلِهِ

**[28028]** Abu Bakr narrated to us, saying: Abū Dāwūd narrated to us, from Abū Ḥurrah, from Al-Ḥasan, regarding a people who met an enemy and asked for a respite of five days, and a person was killed among them. He said: "His blood money is upon the Muslims."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤِدَ، عَنْ أَبِي حُرَّةَ، عَنِ الْحَسَنِ، فِي قَوْمٍ لَفُوا عَدُوا، فَاسْتَأْجَلُوهُمْ خَمْسَةً أَيَّامٍ فَقُتِلَ بَيْنَهُمْ قَتِيلٌ، قَالَ: عَلَى الْمُسْلِمِينَ دِيْنُهُ

**[28029]** Abu Bakr narrated to us, saying: Ḥafṣ narrated to us, from Abū Talq, from his sister Hind bint Talq, who said: I was among some women, and a boy was covered up. She said: A woman passed by and stepped on him. The boy's mother said: "She killed him, by Allah!" She said: So ten women testified before 'Alī, and I was the tenth of them. He judged against her for the blood money and helped her with two thousand.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَبِي طَلْقٍ، عَنْ أُخْتِهِ هِنْدَ بِنْتِ طَلْقٍ، قَالَتْ: كُنْتُ فِي نِسْوَةٍ وَصَبِيًّا مُسَاجِيًّا، قَالَتْ: فَمَرَأَتِ امْرَأَةً فَوَطَّأَهُ، قَالَتْ أُمُ الصَّبِيِّ: قَتَلَهُ اللَّهُ، قَالَتْ: فَشَهَدْنَا عِنْدَ عَلَيٍ عَشْرُ نِسْوَةً وَأَنَا عَاشِرُهُنَّ: فَقَضَى عَلَيْهَا بِالْدِيْنِ وَأَعَانَهَا بِالْأَفْئِنِ

**[28030]** Abu Bakr narrated to us, saying: Ibn Mubārak narrated to us, from Abū Ḥanīfah, from Ḥammād, from Ibrāhīm, who said: "There is no aggravation in any part of the blood money except in camels, and the aggravation is in the female camels."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ أَبِي حَيْفَةَ،  
عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يَكُونُ التَّغْلِيلُ فِي  
شَيْءٍ مِنَ الدِّيَةِ إِلَّا فِي الْأَبْلِيلِ، وَالْتَّغْلِيلُ فِي إِنَاثِ الْأَبْلِيلِ

**[28031]** Abu Bakr narrated to us, saying: Ma‘n ibn ‘Isā narrated to us, from Ibn Abī Dhi’b, from Al-Zuhrī, regarding a woman who was struck and miscarried three fetuses. He said: "I see that for each one of them there is a Ghurrah (a slave or its value), just as for each one of them there is blood money."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي  
ذِئْبٍ، عَنِ الزُّهْرِيِّ، فِي امْرَأَةٍ ضُرِبَتْ، فَأَسْقَطَتْ ثَلَاثَةَ  
أَسْقَاطٍ، قَالَ: أَرَى أَنَّ فِي كُلِّ وَاحِدٍ مِنْهُمْ غُرَّةً كَمَا أَنَّ  
فِي كُلِّ وَاحِدٍ مِنْهُمْ الدِّيَةَ

**[28032]** Abu Bakr narrated to us, saying: Ma‘n ibn ‘Isā narrated to us, from Ibn Abī Dhi’b, from Al-Zuhrī, who said: "I consider sneezing to be Istihlāl (signs of life at birth)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي  
ذِئْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: أَرَى الْعُطَاسَ اسْتِهْلَالًا

**[28033]** Abu Bakr narrated to us, saying: Waki‘ narrated to us, saying: Isrā’īl narrated to us, from Simāk, from ‘Ikrimah, from Ibn ‘Abbās, who said: "His Istihlāl is his crying."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ،  
عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ:  
اسْتِهْلَالُ صَيَاخٌ

**[28034]** Abu Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Sulaymān ibn Bilāl, from Yahyā ibn Sa‘īd, from Al-Qāsim ibn Muḥammad, who said: "Istihlāl is calling out or sneezing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُلَيْمَانَ بْنِ  
بِلَالٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ الْفَاقِسِ بْنِ مُحَمَّدٍ، قَالَ:  
الإِسْتِهْلَالُ: النَّدَاءُ أَوْ الْعُطَاسُ

**[28035]** Abu Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Zā’idah, from Mughīrah, from Ibrāhīm, who said: "Istihlāl is crying."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ زَائِدَةَ، عَنْ  
مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: الإِسْتِهْلَالُ الصَّيَاخُ

**[28036]** Abu Bakr narrated to us, saying: ‘Isā ibn Yūnus narrated to us, from Ṣā‘id ibn Muslim, from Al-Sha‘bī: "There is blood money for the beard if it is plucked and does not grow back."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ  
صَاعِدِ بْنِ مُسْلِمٍ، عَنْ الشَّعْبِيِّ: فِي الْلَّحْيَةِ الدَّيْنُ إِذَا  
نُتَقَّتْ، فَلَمْ تَنْبُتْ

**[28037]** Abu Bakr narrated to us, saying: Ghundar narrated to us, from Shu'bah, from 'Āsim, from Ibn Sīrīn, who said: 'Umar ibn al-Khaṭṭāb used to grant retaliation to a slave against his master if he sought it. Muḥammad said: My father sought retaliation against Ibn 'Umar.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ عَاصِمٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: كَانَ عُمَرُ بْنُ الْخَطَّابَ يُعَدِّي الْمَمْلُوكَ عَلَى سَيِّدِهِ إِذَا اسْتَعْدَاهُ "قَالَ مُحَمَّدٌ: اسْتَعْدِي أَبِي عَلَى ابْنِ عُمَرَ

**[28038]** Abu Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Muṭarrif, from Al-Ḥārith: "That a slave came to 'Alī whom his owners had branded, so he freed him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ مُطَرِّفٍ، عَنْ الْحَارِثِ: أَنَّ عَبْدًا أَتَى عَلَيْاً قَدْ وَسَمَهُ أَهْلُهُ، فَأَعْنَقَهُ

**[28039]** Abu Bakr narrated to us, saying: Jarīr narrated to us, from Mughīrah, from Ḥammād, from Ibrāhīm, who said: "If a thief enters a man's house and he kills him, there is no harm upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا دَخَلَ اللَّصُّ دَارَ الرَّجُلِ فَقَتَلَهُ، فَلَا ضَرَارٌ عَلَيْهِ

**[28040]** Abu Bakr narrated to us, saying: Sharīk narrated to us, from Jābir, from 'Āmir, who said: "Kill the thief, and I guarantee that no consequence will follow you from it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: افْتُلُ الْلَّصَّ وَأَنَا ضَامِنٌ، أَلَا تَتَبَعَّكَ تَبَعَّهُ مِنْهُ

**[28041]** Abu Bakr narrated to us, saying: 'Abdah narrated to us, from Muḥammad ibn Ishāq, from Al-Zuhri, from Sālim ibn 'Abd Allāh, from Ibn 'Umar: "That he found a thief in his house, so he drew his sword against him, and if we had left him, he would have killed him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ،  
عَنِ الرُّهْبَرِيِّ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عُمَرَ:  
أَنَّهُ وَجَدَ سَارِقًا فِي بَيْتِهِ، فَأَصْلَتْ عَلَيْهِ بِالسَّيْفِ، وَلَوْ  
تَرَكْنَاهُ لَقْتَلَهُ

**[28042]** Abu Bakr narrated to us, saying: Ibn 'Ulayyah narrated to us, from Ayyūb, from Ḥumayd ibn Hilāl, from Ḥujayr ibn al-Rabī', who said: I said to 'Imrān ibn Ḥuṣayn: "What do you think if someone enters upon me wanting my life and my wealth?" He said: "If someone entered upon me wanting my life and my wealth, I would consider it lawful for me to kill him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ أَئْوَبَ، عَنْ  
حُمَيْدِ بْنِ هِلَالٍ، عَنْ حُجَيْرِ بْنِ الرَّبِيعِ، قَالَ: قُلْتُ  
لِعُمَرَانَ بْنَ حُصَيْنٍ: أَرَأَيْتَ إِنْ دَخَلَ عَلَيَّ دَاخِلٌ يُرِيدُ  
نَفْسِي وَمَالِيِّ ، فَقَالَ: لَوْ دَخَلَ عَلَيَّ دَاخِلٌ يُرِيدُ نَفْسِي  
وَمَالِيِّ لَرَأَيْتُ أَنْ قَدْ حَلَّ لِي قَتْلَهُ

**[28043]** Abu Bakr narrated to us, saying: Abū al-Āḥwāṣ narrated to us, from Simāk, from Qābūs ibn al-Mukhāriq, from his father, who said: A man came to the Prophet ﷺ and said: "O Messenger of Allah, a man comes to me wanting my wealth." He said: "Remind him of Allah." He said: "What if he does not remember?" He said: "Seek help against him from the Muslims around you." He said: "What if there is no Muslim around me?" He said: "Seek help against him from the ruler." He said: "What if the ruler is far from me?" He said: "Then fight for your wealth until you protect your wealth or become one of the martyrs of the Hereafter."

**[28044]** Abu Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Hishām, from Ibñ Sīrīn, who said: I heard him say: "I do not know of any Muslim who refrained from fighting a man who waylays him or attacks him in his house out of fear of sinning."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكٍ، عَنْ قَابُوسَ بْنِ الْمُخَارِقِ، عَنْ أَبِيهِ، قَالَ: أَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلٌ، فَقَالَ: يَا رَسُولَ اللَّهِ، الرَّجُلُ يَأْتِينِي يُرِيدُ مَالِيِّ، قَالَ: ذَكْرُهُ بِاللَّهِ، قَالَ: فَإِنْ لَمْ يَذْكُرْ، قَالَ: فَاسْتَعِنْ عَلَيْهِ بِمَنْ حَوْلَكَ مِنَ الْمُسْلِمِينَ، قَالَ: فَإِنْ لَمْ يَكُنْ حَوْلَيَ أَحَدٌ مِنَ الْمُسْلِمِينَ، قَالَ: فَاسْتَعِنْ عَلَيْهِ بِالسُّلْطَانِ، قَالَ: فَإِنْ نَأَيْ عَنِي السُّلْطَانُ؟ قَالَ: فَقَاتِلْ دُونَ مَالِكٍ حَتَّى تَمْتَعَ مَالِكٍ أَوْ تَكُونَ فِي شُهَادَةِ الْآخِرَةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، قَالَ: سَمِعْتُهُ يَقُولُ: مَا عَلِمْتُ أَنَّ أَحَدًا مِنَ الْمُسْلِمِينَ تَرَكَ قِتَالَ رَجُلٍ يَقْطُعُ عَلَيْهِ الطَّرِيقَ أَوْ يَطْرُقُهُ فِي بَيْتِهِ ثَلَاثًا مِنْ ذَلِكَ

**[28045]** Abu Bakr narrated to us, saying: 'Abbād ibn 'Awf narrated to us, from Al-Ḥasan, who said: "Kill the thief, the Haruri (Khajjite), and the one who attacks indiscriminately."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ عَوْفٍ، عَنِ الْحَسَنِ، قَالَ: اقْتُلُ الْلَّصَّ وَالْحَرُورِيَّ وَالْمُسْتَعْرِضَ

**[28046]** Abu Bakr narrated to us, saying: Ibn Idrīs narrated to us, from 'Ubayd Allāh ibn 'Umar, from Nāfi', who said: "Ibn 'Umar drew his sword against a thief, and if we had left him, he would have killed him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، قَالَ: أَصْلَتْ ابْنُ عُمَرَ عَلَى لِصَّ بِالسَّيْفِ، فَلَوْ تَرَكْنَاهُ لَقْتَاهُ

**[28047]** Abu Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from Al-Zuhri, from Talḥah ibn 'Abd Allāh, from Sa'īd ibn Zayd, who said: The Messenger of Allah ﷺ said: "Whoever is killed protecting his property is a martyr."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ، عَنْ سَعِيدِ بْنِ زَيْدٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ

**[28048]** Abu Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from 'Amr ibn Dīnār, from 'Amr ibn Shu'ayb, from 'Abd Allāh ibn 'Amr, from the Prophet ﷺ, who said: "Whoever is killed protecting his property is a martyr."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ

**[28049]** Abu Bakr narrated to us, saying: Marwān narrated to us, from Yazīd ibn Sinān, from Maymūn ibn Mihrān, from Ibn ‘Umar, who said: The Messenger of Allah ﷺ said: "Whoever is killed protecting his property is a martyr."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَرْوَانُ، عَنْ يَزِيدَ بْنِ سِنَانٍ، عَنْ مَيْمُونَ بْنِ مِهْرَانَ، عَنْ ابْنِ عُمَرَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ

**[28050]** Abu Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Jābir, from ‘Āmir, who said: Ibn Hubayrah asked him whether the blood money (Aqilah) is upon the heads of men or upon the stipends. He said: "No, rather upon the heads of men."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، جَابِرٍ، عَنْ عَامِرٍ، قَالَ: سَأَلَهُ ابْنُ هُبَيْرَةَ عَنِ الْعُقْلِ عَلَى رُؤُوسِ الرِّجَالِ أَوْ عَلَى الْأَعْطِيَةِ، قَالَ: لَا، بَلْ عَلَى رُؤُوسِ الرِّجَالِ

**[28051]** Abu Bakr narrated to us, saying: Wakī‘ narrated to us, saying: I heard Sufyān say: "Blood money (Aql), oaths (Qasāmah), and preemption (Shuf‘ah) are upon the heads of men."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: سَمِعْتُ سُفْيَانَ، يَقُولُ: الْعُقْلُ وَالْقَسَامَةُ وَالشُّفْعَةُ عَلَى رُؤُوسِ الرِّجَالِ

**[28052]** Abu Bakr narrated to us, saying: Jarīr narrated to us, from Raqabah, from Ḥammād, from Ibrāhīm, regarding a jar placed on a wall that hits a person. He said: "If the base of the wall belongs to the owner of the jar, he is not liable for what it hit, regarding something placed on something he owns."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ رَقِيَّةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي الْجَرَّةِ تُوضَعُ عَلَى الْجِدَارِ فَتُصِيبُ إِنْسَانًا ، قَالَ: إِنْ كَانَ أَصْلُ الْجِدَارِ لِصَاحِبِ الْجَرَّةِ لَمْ يَضْمِنْ مَا أَصَابَتْ فِي الشَّيْءِ يُوضَعُ عَلَى الشَّيْءِ مِنْ مِلْكِهِ

**[28053]** Abu Bakr narrated to us, saying: Mu‘ādh ibn Mu‘ādh narrated to us, saying: Ash‘ath informed me, from Al-Ḥasan: "That he did not see that a man should take retaliation from two men for anything less than life."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعَادُ بْنُ مَعَادٍ، قَالَ: أَخْبَرَنِي أَشْعَثُ، عَنْ الْحَسَنِ: أَنَّهُ كَانَ لَا يَرَى أَنْ يَقْتَصِرَ الرَّجُلُ مِنَ الرَّجُلَيْنِ فِيمَا دُونَ النَّفْسِ

**[28054]** Abu Bakr narrated to us, saying: ‘Abd al-A’lā narrated to us, from Ma’mar, from Al-Zuhri, who used to say: "If a pregnant woman is killed, there is a ransom and a Ghurrah (indemnity for the fetus), even if she did not expel it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، كَانَ يَقُولُ: إِذَا قُتِلَتِ الْمُرْأَةُ وَهِيَ حَامِلٌ فِي بَيْهُ وَغُرَّةٌ وَإِنْ لَمْ تُتْفَقِهِ

**[28055]** Abu Bakr narrated to us, saying: Muḥammad ibn Sawā' narrated to us, from Sa'īd, from Qatādah, regarding a pregnant woman being killed, is there anything for her fetus? He said: "He used to say: There is nothing for it unless she expels it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءً، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، فِي الْمَرْأَةِ الْمُتُقْتَلَةِ وَهِيَ حَامِلٌ فِي جَنِينِهَا شَيْءٌ؟ قَالَ: "كَانَ يَقُولُ: لَيْسَ فِيهَا شَيْءٌ حَتَّى تَقْذِفَهُ

**[28056]** Abu Bakr narrated to us, saying: Ḥumayd ibn 'Abd al-Rahmān narrated to us, from Mūsā ibn Abī al-Furāt: That 'Umar ibn 'Abd al-'Azīz said: "Whichever slave kills another slave intentionally, kill him for it, and take the price of the first one from the Bayt al-Mal and give it to his masters."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ مُوسَى بْنِ أَبِي الْفُرَاتِ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، قَالَ: إِيمَا عَبْدٌ قَتَلَ عَبْدًا عَمَدًا فَاقْتُلُهُ بِهِ، وَثَمَنُ الْأَوَّلِ فَأَخْرُجْهُ مِنْ بَيْتِ الْمَالِ فَأَعْطِهِ مَوَالِيَةَ

**[28057]** Abu Bakr narrated to us, saying: Abū Bakr ibn 'Ayyāsh narrated to us, from 'Āsim, who said: 'Adī ibn Arṭāh, the judge of Basra, wrote to 'Umar ibn 'Abd al-'Azīz saying: "I found a murdered person in the butchers' market." He said: "As for the murdered person, his blood money is from the Bayt al-Mal."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ، عَنْ عَاصِمٍ، قَالَ: كَتَبَ عَدِيُّ بْنُ أَرْطَاطَةَ قَاضِي الْبَصْرَةِ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ أَنِّي وَجَدْتُ قَتِيلًا فِي سُوقِ الْجَزَارِيَّنِ، قَالَ: أَمَّا الْقَتِيلُ فَدِيَتُهُ مِنْ بَيْتِ الْمَالِ

**[28058]** Abu Bakr narrated to us, saying: Shabābah ibn Sawwār narrated to us, saying: I asked Al-Ḥakam and Ḥammād about a muleteer driving a woman (on a mount). To the best of my knowledge, they both said: "He is not liable."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَّارٍ، قَالَ: سَأَلْتُ الْحَكَمَ وَهَمَّادًا عَنِ الْمُكَارِي يَسُوقُ بِالْمَرْأَةِ فَأَكْتَرُ عِلْمِي أَنَّهُمَا قَالَا: لَيْسَ عَلَيْهِ ضَمَانٌ

[28059] Abu Bakr narrated to us, saying: Abū Usāmah narrated to us, from Al-Mujālid, who said: A leader of Juhaynah narrated to me: That a prisoner was brought to the Prophet ﷺ in winter. He said to some people from Juhaynah: "Take him and keep him warm (adfu'uhu)." He said: "Dafw" in their dialect meant killing. So they took him and killed him. The Prophet ﷺ asked them later, and they said: "O Messenger of Allah, did you not order us to kill him?" He said: "And how did I say it to you?" They said: "You said: 'Take him and keep him warm (adfu'uhu).' " He said: "I have shared with you; so pay the blood money, and I am your partner." He said: I narrated this hadith to 'Āmir, and he said: "He spoke the truth," and he recognized the hadith.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنِ الْمُجَالِدِ،  
قَالَ: حَدَّثَنِي عَرِيفٌ لِجُهَيْنَةِ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ  
وَسَلَّمَ أُوتِيَ بِأَسِيرٍ فِي الشَّتَاءِ فَقَالَ لِأَنْاسٍ مِنْ جُهَيْنَةِ:  
اذْهَبُوا بِهِ فَادْفُوهُ قَالَ: فَكَانَ الدَّفْوُ بِلِسَانِهِمْ عِنْدُهُمُ الْقُتْلَ  
فَذَهَبُوا بِهِ فَقَتَلُوهُ، فَسَأَلَهُمُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ  
وَكَيْفَ قُلْتُ لَكُمْ؟ قَالَ: قُلْتُ: اذْهَبُوا بِهِ فَادْفُوهُ، قَالَ:  
فَقَالَ: قَدْ شَرِكْنُوكُمْ، إِذَا أَعْقَلُوهُ وَأَنَا شَرِيكُكُمْ، قَالَ:  
فَحَدَّثْتُ هَذَا الْحَدِيثَ عَامِرًا، قَالَ: صَدِيقٌ، وَعَرَفَ  
الْحَدِيثَ

**[28060]** Abu Bakr narrated to us, saying: Hātim ibn Ismā‘il narrated to us, from Ja‘far, from his father, who said: A woman vowed to be led by a rein in her nose. Her camel fell, and her rein broke, tearing her nose. She came to ‘Alī seeking her right. He annulled it and said: "You only vowed it to Allah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، قَالَ: نَدَرَتِ امْرَأَةٌ أَنْ تُقَادَ مَزْمُومَةً بِزِمَامٍ فِي أَنْفُهَا، فَوَقَعَ بَعِيرُهَا، فَانْطَطَعَ زِمَامُهَا، فَخُرِمَ أَنْفُهَا، فَأَتَتْ عَلَيْنَا تَطْلُبَ حَقَّهَا، فَأَبْطَلَهُ وَقَالَ: إِنَّمَا نَدَرْتِيهِ لِلَّهِ

**[28061]** Abu Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: ‘Atā’ said: "If a man kills another man by mistake, then another intentionally, he said: Let him pay for the mistake because its blood money was established before the intentional killing. A person said to him: What if he killed intentionally then killed by mistake? He said: He does not pay because he has forfeited his blood."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قَالَ عَطَاءُ: "إِنْ قَتَلَ رَجُلٌ رَجُلاً خَطَاً ثُمَّ آخَرَ عَمَدًا، قَالَ: فَلْيُؤَدِّدْ الْخَطَا مِنْ أَجْلِ أَنَّهُ قَدْ تَبَتَّ عَقْلُهُ قَبْلَ الْعَمَدِ، قَالَ لَهُ إِنْسَانٌ: وَقَاتَلَ عَمَدًا ثُمَّ قَتَلَ خَطَاً، قَالَ: فَلَا يُؤَدِّدْ مِنْ أَجْلِ أَنَّهُ قَدْ أَغْلَقَ دَمَهُ"

**[28062]** Abu Bakr narrated to us, saying: Muḥammad ibn Bakr narrated to us, from Ibn Jurayj, who said: I said to ‘Atā’: "A man killed another man intentionally and fled, and was not caught until he died, leaving wealth?" He said: "His blood money is from his wealth, the blood money of the killed person." It was said to him: "The killer was imprisoned until he died?" He said: "They killed him; they imprisoned him until he died in prison."

**[28063]** Abu Bakr narrated to us, saying: Marwān ibn Mu‘awiyah narrated to us, from Shā‘id ibn Muslim, from Al-Sha‘bī, who said: He was asked about a slain person found in three neighborhoods: his head in one neighborhood, his legs in another, and his torso in another. Al-Sha‘bī said: "The funeral prayer is performed over the torso, and the blood money and the oath (Qasāmah) stating 'We did not kill nor do we know a killer' are upon the people of the torso."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: فُلُتُ لِعَطَاءً: رَجُلٌ قَتَلَ رَجُلًا عَمْدًا فَرَأَ فَلَمْ يُفْدَرْ عَلَيْهِ حَتَّى مَاتَ وَتَرَكَ مَالًا؟ قَالَ: فَدِيَتُهُ فِي مَالِهِ دِيَةُ الْمَقْتُولِ، قَبِيلَةُ لَهُ: سُجْنُ الْقَاتِلِ حَتَّى مَاتَ، قَالَ: قَدْ قَتَلُوهُ، حَبَسُوهُ حَتَّى مَاتَ فِي السَّجْنِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ صَاعِدِ بْنِ مُسْلِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: سُئِلَ عَنْ قَتْبَلٍ وُجِدَ فِي ثَلَاثَةِ أَحْيَاءٍ: رَأْسُهُ فِي حَيٍّ، وَرِجْلَاهُ فِي حَيٍّ، وَوَسْطُهُ فِي حَيٍّ، قَالَ الشَّعْبِيُّ: يُصَنَّى عَلَى الْوَسْطِ، وَعَلَى أَهْلِ الْوَسْطِ الدِّيَةُ وَقَسَامَةُ مَا قَتَلَنَا وَلَا عِلْمُنَا قَاتِلًا

**[28064]** Abu Bakr narrated to us, saying: Mu‘āwiyah ibn Hishām narrated to us, saying: Sufyān narrated to us, from Ma‘mar, from a man, from ‘Ikrimah, who said: "There is no aggravation in the blood money of dinars and dirhams; aggravation is only in camels."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعاوِيَةُ بْنُ هِشَامٍ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَعْمَرٍ، عَنْ رَجُلٍ، عَنْ عِكْرَمَةَ، قَالَ: لَيْسَ فِي دِيَةِ الدَّنَارِ وَالدَّرَاهِمِ مُغَلَّظَةٌ، إِنَّمَا الْمُغَلَّظَةُ فِي الْأَيْلِ

**[28065]** Abu Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Al-Qāsim ibn al-Faḍl, from Hārūn, from ‘Ikrimah, regarding a man who kills after accepting the blood money. He said: "He is killed. Did you not hear Allah say: '{For him is a painful punishment}' [Al-Baqarah: 178]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنِ الْقَاسِمِ بْنِ الْفَضْلِ، عَنْ هَارُونَ، عَنْ عِكْرَمَةَ، فِي رَجُلٍ قُتِلَ بَعْدَ أَخْذِ الدِّيَةِ، قَالَ: "يُقْتَلُ، أَمَا سَمِعْتَ اللَّهَ يَقُولُ: {فَلَمَّا  
178] : عَذَابُ أَلِيمٌ} [البقرة]

**[28066]** Abu Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Ḥammād ibn Salamah, from Yūnus, from Al-Ḥasan, regarding one who kills after accepting the blood money. He said: "Blood money is taken from him, and he is not killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِيمَنْ قُتِلَ بَعْدَ أَخْذِ الدِّيَةِ ، قَالَ: يُؤْخَذُ مِنْهُ الدِّيَةُ وَلَا يُقْتَلُ

**[28067]** Abu Bakr narrated to us, saying: Abū Dāwūd narrated to us, from Wahb, from Yūnus, from Al-Hasan, regarding a man whose relative was killed and he pardoned him (the killer), then went and killed him. Al-Hasan said: "He is not killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو دَاؤِدَ، عَنْ وَهْبٍ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي رَجُلٍ قُتِلَ لَهُ قَتِيلٌ فَعَفَاهُ ، ثُمَّ رَاحَ فَقَتَلَهُ ، قَالَ الْحَسَنُ: لَا يُقْتَلُ

**[28068]** Abu Bakr narrated to us, saying: Ḥumayd ibn ‘Abd al-Rahmān narrated to us, from Zuhayr, from Jābir, regarding a woman who became pregnant from adultery and was imprisoned to give birth before being stoned, then a man entered upon her and killed her. He said: ‘Āmir said: "I do not know anything about it except that the child belongs to the ruler to decide regarding it whatever he wishes." He said: And Ḥammād narrated to me from Ibrāhīm, who said: "None of the Muslims has more right to her than another." And Ḥammād said: "There is a Ghurrah for the child."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ زُهْبَرٍ، عَنْ جَابِرٍ، فِي امْرَأَةٍ حَلِيلَتْ مِنَ الزَّنَاءِ، فَحُسِنَتْ إِلَصَاعَةُ مَا فِي بَطْنِهَا ثُمَّ تُرْجَمُ ، فَدَخَلَ عَلَيْهَا رَجُلٌ فَقَتَلَهَا ، قَالَ: قَالَ عَامِرٌ: لَا أَعْلَمُ فِيهَا شَيْئًا غَيْرَ أَنَّ الْوَلَدَ لِلْسُّلْطَانِ يَحْكُمُ فِيهِ مَا شَاءَ قَالَ: وَحَدَّثَنِي حَمَادٌ، عَنْ إِبْرَاهِيمَ، قَالَ: لَيْسَ أَحَدٌ مِنَ الْمُسْلِمِينَ بِأَحَقَّ بِهَا بَعْضُهُمْ مِنْ بَعْضٍ ، وَقَالَ حَمَادٌ: فِي الْوَلَدِ غُرَّةٌ

**[28069]** Abu Bakr narrated to us, saying: Ḥumayd ibn ‘Abd al-Rahmān narrated to us, from Ḥasan, from Jābir, from ‘Āmir, regarding a ferry owner who transports animals and they drown. He said: "He is not liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنٍ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي صَاحِبِ الْمَعْبَرِ يَعْبُرُ بِدَوَابَ فَغَرَقَتْ، قَالَ: لَا ضَمَانَ عَلَيْهِ

**[28070]** Abu Bakr narrated to us, saying: ‘Abd al-Rahīm and Ibn Numayr narrated to us, from Ḥajjāj, from Makhūl, from Zayd ibn Thābit, who said: "In the earlobe is one-third of the blood money for the ear."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، وَابْنُ نُمَيْرٍ، عَنْ حَجَاجٍ، عَنْ مَكْحُولٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ، قَالَ: فِي شَحْمَةِ الْأَذْنِ ثُلُثُ دِيَةِ الْأَذْنِ

**[28071]** Abu Bakr narrated to us, saying: ‘Abd Allāh ibn Idrīs narrated to us, from Ḥuṣayn, from ‘Āmir, who said: A dispute was brought to ‘Alī regarding a bull that gored a donkey and killed it. ‘Alī said: "If the bull entered upon the donkey and killed it, he is liable. But if the donkey entered upon the bull and he killed it, he is not liable."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ حُصَيْنٍ، عَنْ عَامِرٍ، قَالَ: اخْتَصِمْ إِلَى عَلَيِّ فِي ثُورٍ نَطَحَ حِمَارًا، فَقَتَلَهُ فَقَالَ عَلَيْهِ: إِنْ كَانَ الثُّورُ دَخَلَ عَلَى الْحِمَارِ، فَقَتَلَهُ فَقَدْ ضَمَنَ، وَإِنْ كَانَ الْحِمَارُ دَخَلَ عَلَى الثُّورِ فَقَتَلَهُ، فَلَا ضَمَانَ عَلَيْهِ

**[28072]** Abu Bakr narrated to us, saying: Sharīk narrated to us, from Jābir, from ‘Āmir, who said: "Retaliation is taken for some of them from others, then the prescribed punishments are carried out." Meaning regarding a people who wound each other.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: يُعْتَصِمُ الْعَذَابُ بَعْضُهُمْ مِنْ بَعْضٍ، ثُمَّ تَقَاتُ الْحُدُودُ يَعْنِي فِي الْقَوْمِ يَجْرُحُ بَعْضُهُمْ بَعْضًا

**[28073]** Abu Muhammad ‘Abd Allāh ibn Yūnus narrated to us, saying: Baqī ibn Makhlad narrated to us, saying: ‘Abd Allāh ibn Muḥammad ibn Abī Shaybah narrated to us, saying: Ḥafṣ ibn Ghiyāth narrated to us, from Ja‘far, from his father: That the Prophet ﷺ said to Usāmah: "O Usāmah, do not intercede in a prescribed punishment (Hadd)." And whenever he interceded, he would accept his intercession.

حَدَّثَنَا أَبُو مُحَمَّدٍ عَبْدُ اللَّهِ بْنُ يُونُسَ قَالَ: حَدَّثَنَا بَقِيُّ بْنُ مَخْلُدٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غَيَاثٍ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لِأَسَامَةَ: يَا أَسَامَةً، لَا تَشْفَعْ فِي حَدٍّ وَكَانَ إِذَا شَفَعَ شَفَعَهُ

**[28074]** Abu Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from Wāṣil, from Abū Wā'il, from Ka‘b, who said: "Do not intercede in a prescribed punishment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ وَاصِلٍ، عَنْ أَبِي وَائِلٍ، عَنْ كَعْبٍ، قَالَ: لَا تَشْفَعْ فِي حَدٍّ

**[28075]** Abu Bakr narrated to us, saying: Wakī‘ narrated to us, from Hishām ibn ‘Urwah, from ‘Abd Allāh ibn ‘Urwah, from Al-Furāfiṣah al-Hanafī, who said: They passed by Al-Zubayr with a thief, and he interceded for him. They said: "Do you intercede for a thief?" He said: "Yes, as long as he has not been brought to the Imam. But if he is brought to the Imam, may Allah not pardon him if he pardons him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ،  
عَنْ عَبْدِ اللَّهِ بْنِ عُرْوَةَ، عَنْ الْفُرَافِصَةِ الْحَنْفِيِّ، قَالَ:  
مَرُوا عَلَى الرُّبَّيْرِ بِسَارِقٍ فَتَسْفَعُ لَهُ، قَالُوا: أَتَشْفَعُ  
لِسَارِقٍ؟ قَالَ: نَعَمْ، مَا لَمْ يُؤْتَ بِهِ إِلَى الْإِمَامِ، فَإِذَا أُتِيَ  
بِهِ إِلَى الْإِمَامِ، فَلَا عَفَا اللَّهُ عَنْهُ إِنْ عَفَّا عَنْهُ

**[28076]** Ḥumayd ibn ‘Abd al-Raḥmān narrated to us, from Hishām, from ‘Abd Allāh ibn ‘Urwah, from Al-Furāfiṣah, from Al-Zubayr, similar to it.

حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ هِشَامٍ، عَنْ عَبْدِ اللَّهِ  
بْنِ عُرْوَةَ، عَنْ الْفُرَافِصَةِ، عَنِ الرُّبَّيْرِ، مِثْلُهُ

**[28077]** Abu Bakr narrated to us, saying: Ḥumayd ibn ‘Abd al-Raḥmān al-Ru’āsī narrated to us, from Hishām, from Abū Ḥāzim: That ‘Alī interceded for a thief. It was said to him: "Do you intercede for a thief?" He said: "Yes, that is done as long as it has not reached the Imam. But if it reaches the Imam, may Allah not pardon him if he pardons him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ  
الرُّوَاسِيُّ، عَنْ هِشَامٍ، عَنْ أَبِي حَازِمٍ: أَنَّ عَلِيًّا شَفَعَ  
لِسَارِقٍ فَقِيلَ لَهُ: تَشْفَعُ لِسَارِقٍ؟ قَالَ: نَعَمْ، إِنَّ ذَلِكَ  
يُفْعَلُ مَا لَمْ يَبْلُغِ الْإِمَامَ، فَإِذَا بَلَغَ الْإِمَامَ، فَلَا أَعْفَاهُ اللَّهُ  
إِذَا عَفَاهُ

**[28078]** Abu Bakr narrated to us, saying: Wakī‘ narrated to us, from Sa‘īd ibn ‘Ubayd, from Sulaymān ibn Abī Kabshah: That a thief was passed by Sa‘īd ibn Jubayr and ‘Atā’, and they interceded for him. It was said to them: "Do you see that as permissible?" They said: "Yes, as long as he has not been brought to the Imam."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سَعِيدِ بْنِ عَبْدٍ، عَنْ سُلَيْمَانَ بْنِ أَبِي كَبْشَةَ: أَنَّ سَارِقًا مُرَأً بِهِ عَلَى سَعِيدِ بْنِ جُبَيْرٍ وَعَطَاءِ فَسَعَاهُ لَهُ فَقِيلَ لَهُمَا: وَتَرَيَانِ ذَلِكَ؟ فَقَالَا: نَعَمْ، مَا لَمْ يُؤْتَ بِهِ إِلَى الْإِمَامِ

**[28079]** Abu Bakr narrated to us, saying: ‘Abdah narrated to us, from Yahyā ibn Sa‘īd, from ‘Abd al-Wahhāb, from Ibn ‘Umar, who said: "Whoever's intercession prevents a prescribed punishment of Allah, he has opposed Allah regarding His creation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ الْوَهَابِ، عَنْ ابْنِ عُمَرَ، قَالَ: مَنْ حَالَ شَفَاعَتَهُ دُونَ حَدًّا مِنْ حُدُودِ اللَّهِ، فَقَدْ ضَادَ اللَّهَ فِي حُكْمِهِ

**[28080]** Abu Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from Al-Zuhri, from ‘Urwah, from ‘Ā’ishah: That the Prophet ﷺ was spoken to regarding something. He said: "If it were Fātimah bint Muḥammad, I would have carried out the punishment on her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كُلَّمْ فِي شَيْءٍ، قَالَ: لَوْ كَانَتْ فَاطِمَةُ ابْنَةُ مُحَمَّدٍ لَأَفْتَحَ عَلَيْهَا الْحَدَّ

**[28081]** Abu Bakr narrated to us, saying: Ibn Numayr narrated to us, saying: Muhammad ibn Ishāq narrated to us, from Muhammad ibn Ṭalḥah, from his mother ‘Ā’ishah bint Mas‘ūd ibn al-Aswad, from her father Mas‘ūd, who said: When the woman stole that velvet garment from the house of the Messenger of Allah ﷺ, we considered it a grave matter, and the woman was from Quraysh. So we came to the Prophet ﷺ to speak to him, and we said: "We will ransom her for forty Uqiyahs." The Messenger of Allah ﷺ said: "Purification is better for her." When we heard the leniency in the statement of the Messenger of Allah ﷺ, we went to Usāmah and said: "Speak to the Messenger of Allah ﷺ." When the Messenger of Allah ﷺ saw that, he stood up to deliver a sermon and said: "Why do you persist with me regarding a prescribed punishment of Allah that has befallen a female slave among the slaves of Allah? By the One in Whose hand is my soul, if Fātimah bint Rasūlillāh ﷺ had committed

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ إِسْحَاقَ، عَنْ مُحَمَّدٍ بْنِ طَلْحَةَ، عَنْ أُمِّهِ عَائِشَةَ بِنْتِ مَسْعُودٍ بْنِ الْأَسْوَدِ، عَنْ أُبِيَّهَا مَسْعُودٍ، قَالَ: لَمَّا سَرَقَتِ الْمَرْأَةُ تِلْكَ الْقَطِيفَةَ مِنْ بَيْتِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَعْظَمْنَا ذَلِكَ، وَكَانَتِ الْمَرْأَةُ مِنْ قُرَيْشٍ، فَجِئْنَا إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نُكَلِّمُهُ وَقُلْنَا: نَحْنُ نَعْذِيْهَا بِإِرْبَعَيْنِ أُوقِيَّةً، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: تَطَهَّرْ خَيْرٌ لَهَا فَلَمَّا سَمِعْنَا لِيْنَ قَوْلَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَلَمَّا رَأَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَلِكَ قَامَ خَطِيبًا، قَالَ: مَا إِكْتَارُكُمْ عَلَيَّ فِي حَدْ مِنْ حُدُودِ اللَّهِ وَقَعَ عَلَى أَمَّةٍ مِنْ إِمَاءِ اللَّهِ، وَالَّذِي نَفْسِي بِيَدِهِ، لَوْ كَانَتْ فَاطِمَةُ بِنْتُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَزَلَّتْ بِالَّذِي تَزَلَّتْ بِهِ لَقْطَعَ مُحَمَّدٌ يَدَهَا

**[28082]** Abu Bakr narrated to us, saying: ‘Abd al-Rahmān ibn Mahdī narrated to us, from Al-Ḥārith ibn Shaddād, from Yaḥyā ibn Abī Kathīr, from Muḥammad ibn ‘Abd al-Rahmān ibn Thawbān, from Zubayd ibn al-Ṣalt, who said: I heard Abū Bakr al-Ṣiddīq say: "If I caught a drinker, I would love for Allah to cover him; and if I caught a thief, I would love for Allah to cover him."

**[28083]** Abu Bakr narrated to us, saying: Sharīk narrated to us, from Sa‘īd ibn Masrūq, from ‘Ikrimah, who said: A leather bag belonging to ‘Ammār was stolen at Muzdalifah. He put his she-camel on its trail and called the trackers. They said: "An Abyssinian." They followed his trail until they reached a garden where he was turning it over. He took it and left him. It was said to him, so he said: "I cover him so that perhaps Allah will cover me."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنِ الْحَارِثِ بْنِ شَدَّادٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ نَوْبَانَ، عَنْ رُبَيْدَ بْنِ الصَّلَتِ، قَالَ: سَمِعْتُ أَبَا بَكْرَ الصَّدِيقَ، يَقُولُ: لَوْ أَخَذْتُ شَارِبًا لِأَحْبَبْتُ أَنْ يَسْتَرَهُ اللَّهُ، وَلَوْ أَخَذْتُ سَارِقًا لِأَحْبَبْتُ أَنْ يَسْتَرَهُ اللَّهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ سَعِيدِ بْنِ مَسْرُوقٍ، عَنْ عَكْرَمَةَ، قَالَ: سُرِقَتْ عَيْنِيَّةُ لِعَمَارٍ بِالْمُرْدِلَفَةِ، فَوَضَعَ فِي أَثْرِهَا حِقْنَةً، وَدَعَا الْقَافَةَ، فَقَالُوا: حَبَشِيُّ، وَاتَّبَعُوا أَثْرَهُ حَتَّى اتَّهَى إِلَى حَائِطٍ وَهُوَ يُقْلِبُهَا، فَأَخَذَهَا وَتَرَكَهُ، فَقَيْلَ لَهُ، قَالَ: أَسْتَرُ عَلَيْهِ لَعَلَّ اللَّهُ أَنْ يَسْتَرَ عَلَيَّ

**[28084]** Abu Bakr narrated to us, saying: Abū Mu‘āwiyah narrated to us, from ‘Āsim, from ‘Ikrimah, from Ibn ‘Abbās, ‘Ammār, and Al-Zubayr, that they caught a thief and let him go. I said to Ibn ‘Abbās: "You did badly when you let him go." He said: "May you be bereft of your mother! If it were you, you would have been pleased to be let go."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ عَاصِمٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، وَعَمَّارٍ، وَالرَّبَّيْرِ، أَخْدُوا سَارِقًا فَخَلَوْا سَبِيلَهُ، فَقُلْتُ لِابْنِ عَبَّاسٍ: إِنَّمَا صَنَعْتُمْ حِينَ خَلَيْتُمْ سَبِيلَهُ، قَالَ: لَا أَمُّ لَكَ، أَمَّا لَوْ كُنْتَ أَنْتَ أَسْرَكَ أَنْ يُخَالِي سَبِيلَكَ

**[28085]** Abu Bakr narrated to us, saying: ‘Alī ibn Mushir narrated to us, from ‘Ubayd Allāh ibn ‘Umar, from Nāfi‘, from Ibn ‘Umar, who said: "The Messenger of Allah ﷺ cut off the hand for a shield whose price was three dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: قَطَعَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي مَجْنُونَةِ تَلَانَةَ دَرَاهِمَ

**[28086]** Abu Bakr narrated to us, saying: Yazīd ibn Hārūn narrated to us, saying: Sulaymān ibn Kathīr and Ibrāhīm ibn Sa‘d informed us, both saying: Al-Zuhrah informed us, from ‘Urwah, from ‘A’ishah, from the Prophet ﷺ, who said: "Cutting off the hand is for a quarter of a dinar and above."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا سُلَيْمَانُ بْنُ كَثِيرٍ، وَإِبْرَاهِيمُ بْنُ سَعْدٍ، قَالَ أَجْمِيعًا: أَخْبَرَنَا الزُّهْرَيُّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: الْقَطْعُ فِي رُبْعِ دِينَارٍ فَصَاعِدًا

**[28087]** Abu Bakr narrated to us, saying: Ibn Mahdī narrated to us, from Sufyān, from ‘Isā ibn Abī ‘Azzah, from Al-Sha'bī, from ‘Abd Allāh: "That the Messenger of Allah ﷺ cut off the hand for five dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ عِيسَى بْنِ أَبِي عَرَّةَ، عَنْ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَطَعَ فِي خَمْسَةِ دَرَاهِمَ

**[28088]** Abu Bakr narrated to us, saying: Aḥmad ibn Ishāq narrated to us, from Wuhayb, who said: Abū Wāqid narrated to us, from ‘Āmir ibn Sa‘d, from his father, from the Prophet ﷺ, who said: "The thief's hand is cut off for the price of a shield."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَحْمَدُ بْنُ إِسْحَاقَ، عَنْ وَهَيْبٍ، قَالَ: حَدَّثَنَا أَبُو وَاقِدٍ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: يُقْطَعُ السَّارِقُ فِي ثَمَنِ الْمِجْنَ

**[28089]** Abu Bakr narrated to us, saying: Ḥātim ibn Ismā‘il narrated to us, from Ja‘far, from his father, from ‘Alī: "That he cut off the hand of a thief for an iron helmet whose price was a quarter of a dinar."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ عَلَيِّ: أَنَّهُ قَطَعَ يَدَ سَارِقٍ فِي بَيْضَةٍ حَدِيدٍ تَمُنُّهَا رُبْعُ دِينَارٍ

**[28090]** Abu Bakr narrated to us, saying: 'Abd al-Rahīm ibn Sulaymān narrated to us, from Muḥammad ibn Ishaq, from 'Amr ibn Shu'ayb, from his father, from his grandfather, who said: I heard the Prophet ﷺ say: "Cutting off the hand is for the price of a shield."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَمْرُو بْنِ شُعْبَيْنِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ: سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: الْقَطْعُ فِي تَمَنِ الْمِجَنِ

**[28091]** Abu Bakr narrated to us, saying: 'Abd al-Rahīm narrated to us, from Yahyā ibn Sa'īd, from 'Amrah, from 'Ā'ishah, the Mother of the Believers, who said: "Cutting off the hand is for a quarter of a dinar and above."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، قَالَتْ: الْقَطْعُ فِي رُبْعِ دِينَارٍ فَصَاعِدًا

**[28092]** Abu Bakr narrated to us, saying: Marwān ibn Mu'āwiya narrated to us, from Humayd, who said: Anas was asked: "For how much is the hand of a thief cut off?" He said: "Abu Bakr cut off the hand for something I would not be pleased to own for five dirhams or three dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ حُمَيْدٍ، قَالَ: سُئِلَ أَنَّسُ فِي كَمْ يُقْطَعُ يَدُ السَّارِقِ؟، قَالَ: قُدْ قَطَعَ أَبُو بَكْرٌ فِيمَا لَا يَسْرُنِي أَنَّهُ لِي بِخَمْسَةِ دَرَاهِمٍ أَوْ ثَلَاثَةِ دَرَاهِمٍ

**[28093]** Abu Bakr narrated to us, saying: Wakī‘ narrated to us, from Shu‘bah, from Qatādah, from Anas:

"That a man stole a shield during the time of Abu Bakr, and his hand was cut off."

**[28094]** Abu Bakr narrated to us, saying: ‘Abd al-Wahhāb al-Thaqafī narrated to us, from Khālid, from ‘Ikrimah, who said: "The hand is cut off for the price of a shield." He said: I said to him: "Did he mention its price to you?" He said: "Four or five."

**[28095]** Abu Bakr narrated to us, saying: Ghundar narrated to us, from Shu‘bah, from Dāwūd ibn Farāhīj, that he heard Abū Hurayrah and Abū Sa‘īd al-Khudrī saying: "The hand is not cut off except for four dirhams and above."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ: أَنَّ رَجُلًا سَرَقَ مِنْهَا عَلَى عَهْدٍ أَيْسِيَ بَكْرٍ فَقُطِّعَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ الثَّقَفِيُّ، عَنْ خَالِدٍ، عَنْ عِكْرِمَةَ، قَالَ: تُقْطَعُ الْيَدُ فِي ثَمَنِ الْمِجَنِ، قَالَ: فُلْتُ لَهُ: ذَكَرَ لَكَ ثَمَنَهُ؟، قَالَ: أَرْبَعَةُ أَوْ خَمْسَةُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ دَاؤَدَ بْنِ فَرَاهِيجَ، أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ، وَأَبَا سَعِيدِ الْخُدْرِيِّ، يَقُولُانِ: لَا تُقْطَعُ الْيَدُ إِلَّا فِي أَرْبَعَةِ دَرَاهِمٍ فَصَاعِدًا

**[28096]** Abu Bakr narrated to us, saying: Ibn ‘Uyaynah narrated to us, from ‘Abd Allāh ibn Abī Bakr, from ‘Amrah, who said: "I knew that ‘Uthmān cut off the hand for a citron valued at three dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، قَالَتْ: قَدْ عَلِمْتُ أَنَّ عُثْمَانَ قَطَعَ فِي أُثْرُجَةٍ فُوْمَتْ تَلَائِةً دَرَاهِمَ

**[28097]** Abu Bakr narrated to us, saying: Wakī‘ narrated to us, from Sufyān, from ‘Abd Allāh ibn Abī Bakr, from ‘Amrah, from ‘Ā’ishah, who said: "It is cut off for a quarter of a dinar." And ‘Amrah said: "'Umar cut off the hand for a citron."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ، قَالَتْ: تُقْطَعُ فِي رُبْعِ دِينَارٍ وَقَالَتْ عَمْرَةُ: قَطَعَ عُمَرُ فِي أُثْرُجَةٍ

**[28098]** Abu Bakr narrated to us, saying: ‘Abd al-A‘lā narrated to us, from Burd, from Makhūl, who said: "The thief's hand is cut off for the price of a shield."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، قَالَ: يُقْطَعُ السَّارِقُ فِي ثَمَنِ الْمِجْنَ

**[28099]** Abu Bakr narrated to us, saying: Ibn Idrīs narrated to us, from Ibn Abī ‘Arūbah and Ismā‘il, from Qatādah, from Sa‘īd ibn al-Musayyib, from ‘Umar, who said: "The five (fingers/hand) are not cut off except for five (dirhams)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ ابْنِ أَبِي عَرْوَبَةَ، وَإِسْمَاعِيلَ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عُمَرَ، قَالَ: لَا تُقْطَعُ الْخَمْسُ إِلَّا فِي خَمْسٍ

**[28100]** Abu Bakr narrated to us, saying: Yahyā ibn Sa‘id narrated to us, from ‘Abd al-Rahmān ibn al-Qāsim, from his father: "That Ibn al-Zubayr cut off the hand for two sandals."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ: أَنَّ ابْنَ الزُّبَيْرِ قَطَعَ فِي تَعْلِينَ

**[28101]** Ibn Umar said: "They used to steal whips on the road to Mecca." Uthman said: "If you return [to doing this], I will surely cut [the hand] for it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: كَانُوا يَسْأَرُونَ السَّيَاطِيرَ فِي طَرِيقِ مَكَّةَ فَقَالَ عُثْمَانُ: لَئِنْ عُدْتُمْ لِأَقْطَعَنَّ فِيهِ

**[28102]** Abu Hurayrah reported that the Messenger of Allah (saw) said: "May Allah curse the thief who steals an egg and has his hand cut off, and steals a rope and has his hand cut off."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَعَنَ اللَّهِ السَّارِقِ يَسْرِقُ الْبَيْضَةَ فَنَفْطَعُ بِهَا، وَيَسْرِقُ الْحَبْلَ فَنَفْطَعُ بِهَا

**[28103]** Abu Bakr ibn Muhammad said: "A man was brought to Uthman who had stolen a citron. He valued it at a quarter of a dinar, so he cut off his hand."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ، قَالَ: أُتِيَ عُثْمَانُ بِرَجُلٍ سَرَقَ أُثْرَاجَةً فَقَوَّمَهَا رُبْعَ دِينَارٍ، فَقَطَعَ يَدَهُ

**[28104]** Ibn Abbas said: "The thief's hand is not cut off for less than the price of a shield, and the price of a shield is ten dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، قَالَ: حَدَّثَنِي أَبْيُوبُ بْنُ مُوسَى، عَنْ عَطَاءٍ، عَنْ أَبْنِ عَبَّاسٍ: لَا يُقْطَعُ السَّارِقُ فِي دُونِ ثَمَنِ الْمِجْنَ، وَثَمَنُ الْمِجْنٌ عَشْرَةُ دَرَاهِمٍ

**[28105]** 'Amr ibn Shu'ayb reported from his father, from his grandfather, who used to say: "The price of a shield is ten dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، وَعَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَمْرُو بْنِ شَعْبَيْ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ: كَانَ يَقُولُ: ثَمَنُ الْمِجْنٌ عَشْرَةُ دَرَاهِمٍ

**[28106]** Ibn Mas'ud said: "[The hand] is not cut off except for a dinar or ten dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، وَكَبِيعٌ، عَنْ الْمَسْعُودِيِّ، عَنْ الْفَاسِمِ، عَنْ ابْنِ مَسْعُودٍ، أَنَّهُ، قَالَ: لَا يُقْطَعُ إِلَّا فِي دِينَارٍ أَوْ عَشْرَةِ دَرَاهِمٍ

**[28107]** Abu Ja'far said: "The value of the shield for which the hand is cut off is a dinar."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَمْزَةَ الزَّيَاتِ، عَنِ الْحَكَمِ، عَنْ أَبِي جَعْفَرٍ، قَالَ: قِيمَةُ الْمِجْنَ دِينَارٌ، الَّذِي يُقْطَعُ فِيهِ الْيَدُ

**[28108]** Ata said: "The minimum for which a thief's hand is cut off is the price of a shield, and the shield was valued in their time at a dinar or ten dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي سُلَيْمَانَ، عَنْ عَطَاءٍ، قَالَ: أَذْنَى مَا يُقْطَعُ فِيهِ السَّارِقُ ثَمَنُ الْمِجْنَ، وَكَانَ يُوقَمُ الْمِجْنُ فِي زَمَانِهِمْ دِينَارًا أَوْ عَشْرَةَ دَرَاهِمٍ

**[28109]** Abdullah said: "The hand is not cut off except for a shield or buckler." I asked Ibrahim: "What is its value?" He said: "A dinar."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عَبْدُ اللَّهِ: لَا تُقْطَعُ الْيَدُ إِلَّا فِي ثُرْسٍ أَوْ حَجَفَةٍ، قَالَ: قُلْتُ لِإِبْرَاهِيمَ: كُمْ قِيمَتُهُ؟، قَالَ: دِينَارٌ

**[28110]** Urwah ibn al-Zubayr said: "The thief during the time of the Prophet (saw) used to have his hand cut off for the price of a shield, and the shield in those days had value. The hand was not cut off for something insignificant."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، قَالَ: كَانَ السَّارِقُ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُقْطَعُ فِي ثَمَنِ الْمِجْنَ، وَكَانَ الْمِجْنُ يَوْمَئِذٍ لَهُ ثَمَنٌ، وَلَمْ يَكُنْ يُقْطَعُ فِي الشَّيْءِ التَّالِفِ

**[28111]** Tawus said: "[The hand] is cut off for the price of a shield."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ ابْنِ طَلْوُسٍ، عَنْ أَبِيهِ، قَالَ: يُقْطَعُ فِي ثَمَنِ الْمِجْنَ

**[28112]** Al-Qasim reported that a thief was brought to Umar, and he ordered his hand cut off. Uthman said: "What he stole is not worth ten dirhams." Umar ordered it to be valued, and it was valued at eight dirhams, so he did not cut off his hand.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ عَطِيَّةَ بْنِ عَنْدَ الرَّحْمَنِ، عَنْ الْفَاسِيمِ، قَالَ: أَتَيَ عُمَرُ بِسَارِقِ فَأَمْرَ بِيُقْطَعِهِ، قَالَ عُثْمَانُ: إِنَّ سَرِقَتَهُ لَا تُسَلَّوْيَ عَشَرَةَ دَرَاهِمَ، قَالَ: فَأَمْرَ بِهِ عُمَرُ فَقُوْمَتْ ثَمَانِيَّةَ دَرَاهِمَ فَأَمْرَ بِيُقْطَعِهِ

**[28113]** 'Amr ibn Shu'ayb said: I entered upon Sa'id ibn al-Musayyib and said to him: "Your companions Urwah ibn al-Zubayr, Muhammad ibn Muslim al-Zuhri, and Ibn Yasir say that the price of a shield is five dirhams." He said: "As for this, the Sunnah of the Messenger of Allah (saw) established it as ten dirhams."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا التَّقْفِيُّ، عَنْ الْمُتَّنَّ، عَنْ عَمْرُو بْنِ شُعْبِينَ، قَالَ: تَخَلَّتُ عَلَى سَعِيدِ بْنِ الْمُسَيَّبِ فَقُلْتُ لَهُ: إِنَّ أَصْحَابَكَ عُرْوَةَ بْنَ الْزُّبَيرِ، وَمُحَمَّدَ بْنَ مُسْلِمَ الْزُّهْرَىِّ، وَابْنَ يَسَارِ، يَقُولُونَ: ثَمَنُ الْمِجْنَ خَمْسَةُ دَرَاهِمٍ، قَالَ: أَمَّا هَذَا فَقَدْ مَضَتْ فِيهِ سَنَةُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَشَرَةُ دَرَاهِمٍ

**[28114]** Aisha said: "[The hand] was not cut off during the time of the Prophet (saw) for something insignificant."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ: لَمْ يَكُنْ يُقْطَعُ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي الشَّيْءِ إِلَّا فِي الشَّيْءِ

**[28115]** Uthman said: "There is no cutting [of the hand] until he takes the goods out of the house."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ سُلَيْمَانَ بْنِ مُوسَى، عَنْ عُثْمَانَ، قَالَ: لَيْسَ عَلَيْهِ قَطْعٌ حَتَّى يَخْرُجَ بِالْمَتَاعِ مِنَ الْبَيْتِ

**[28116]** Ibn Umar said: "There is no cutting [of the hand] until he takes the goods out of the house."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ ابْنِ عُمَرَ، قَالَ: لَيْسَ عَلَيْهِ قَطْعٌ حَتَّى يَخْرُجَ بِالْمَتَاعِ مِنَ الْبَيْتِ

**[28117]** Umar ibn Abd al-Aziz said: "[The hand] is not cut off until he takes the goods out of the house."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ مُوسَى بْنِ أَبِي الْفَرَاتِ، عَنْ عُمَرَ بْنِ عَبْدِ الْغَزِيزِ، قَالَ: لَا يُقْطَعُ حَتَّى يَخْرُجَ بِالْمَتَاعِ مِنَ الْبَيْتِ

**[28118]** Ali was brought a man who had dug a hole [to steal] and was caught in that state, but he did not cut off his hand.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجِ، عَنْ حُصَيْنِ الْحَارِثِيِّ، عَنْ الشَّعْبِيِّ، عَنْ الْحَارِثِ، عَنْ عَلَيِّ، قَالَ: أُتِيَ بِرَجُلٍ قَدْ نَقَبَ، فَأَخْذَ عَلَى تِلْكَ الْحَالِ، فَلَمْ يُقْطَعْهُ

**[28119]** Al-Sha'bi was asked about a man who stole something and bundled it up but was caught before leaving the house. He said: "There is no cutting [of the hand] for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ عَاصِمٍ، عَنْ الشَّعْبِيِّ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ سَرَقَ سَرَقَةً، ثُمَّ كَوَرَهَا، فَأَدْرَكَ قَبْلَ أَنْ يَخْرُجَ مِنَ الْبَيْتِ، قَالَ: لَيْسَ عَلَيْهِ قَطْعٌ

**[28120]** Al-Sha'bi said: "There is no cutting [of the hand] for him until he takes the goods out of the house."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُسْهِرٍ، عَنْ زَكْرِيَّاَ، عَنِ الشَّعْبِيِّ، قَالَ: لَيْسَ عَلَيْهِ قَطْعٌ حَتَّى يُخْرُجَ الْمَنَاعَ مِنِ الْبَيْتِ

**[28121]** Ibn Jurayj said: I asked Ata: "A thief is caught having taken the goods and gathered them in the house?" He said: "There is no cutting [of the hand] for him until he takes it out, they claimed." 'Amr ibn Dinar also said to me: "I do not see any cutting for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: قُلْتُ لِعَطَاءَ: يُؤْخَذُ السَّارِقُ قَدْ أَخْدَى الْمَنَاعَ وَقَدْ جَمَعَهُ فِي الْبَيْتِ؟، قَالَ: لَا قَطْعٌ عَلَيْهِ حَتَّى يُخْرُجَ بِهِ زَعْمُوا، قَالَ لِي عَمْرُو بْنُ دِينَارٍ: مَا أَرَى عَلَيْهِ قَطْعًا

**[28122]** Abu Harb ibn Abi al-Aswad reported that a thief dug a hole into a people's house, but the guards caught him and took him. He was brought to Abu al-Aswad, who asked: "Did you find anything with him?" They said: "No." He said to the people: "He wanted to steal, but you hurried him." So he flogged him twenty-five lashes.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ دَاؤَدَ، عَنِ أَبِي حَرْبٍ بْنِ أَبِي الْأَسْوَدِ: أَنَّ لِصَانِ نَقْبَ بَيْتَ قَوْمٍ، فَأَدْرَكَهُ الْحُرَّاسُ فَأَخَذُوهُ، فَرُفِعَ إِلَى أَبِي الْأَسْوَدِ، قَالَ: وَجَدْتُمْ مَعَهُ شَيْئًا، فَقَالُوا: لَا، قَالَ لِلنَّاسِ: أَرَادَ أَنْ يَسْرِقَ فَأَعْجَلْتُمُوهُ فَجَلَّهُ خَمْسَةً وَعِشْرِينَ سَوْطًا

**[28123]** Umar ibn Abd al-Aziz wrote regarding a thief: "He is not cut until he takes the goods out of the house; perhaps he might repent before leaving the house."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حُمَيْدٍ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ كَتَبَ فِي سَارِقٍ: لَا يُقطَعُ حَتَّى يَخْرُجَ بِالْمَتَاعِ مِنَ الدَّارِ، لَعَلَّهُ يَعْرِضُ تَوْبَةً قَبْلَ أَنْ يَخْرُجَ مِنَ الدَّارِ

**[28124]** Abd al-Rahman ibn al-Qasim said: It reached Aisha that they were saying: "If he does not take the goods out, he is not cut." She said: "If I found nothing but a knife [on him], I would cut him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْفَاسِمِ، قَالَ: بَلَغَ عَائِشَةَ أَنَّهُمْ يَقُولُونَ: إِذَا لَمْ يَخْرُجْ بِالْمَتَاعِ لَمْ يُقطَعْ، فَقَالَتْ: لَوْلَمْ أَجِدْ إِلَّا سِكِّينًا لَقَطَعْنَاهُ

**[28125]** Ibrahim said: "If someone commits adultery, steals, kills, and commits multiple offenses punishable by Hadd, he is killed, and nothing more is added to that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا زَنَى وَسَرَقَ وَقَتَلَ وَعَمِلَ حُدُودًا، قَالَ: يُقْتَلُ، وَلَا يُزَادُ عَلَى ذَلِكَ

**[28126]** Abdullah said: "If two Hadd punishments combine, one of which is death, death encompasses the other."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ مُجَالِدٍ، عَنْ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، قَالَ، قَالَ عَبْدُ اللَّهِ: إِذَا اجْتَمَعَ حَدَانٌ أَحْدُهُمَا الْفَتْلُ أَتَى الْفَتْلُ عَلَى الْآخَرِ

**[28127]** Al-Hasan said: "If Hadd punishments combine, they are all carried out on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ عَمْرِو، عَنْ الْحَسَنِ، قَالَ: إِذَا اجْتَمَعَتْ حُدُودٌ أُقِيمَتْ كُلُّهَا عَلَيْهِ

**[28128]** Husayn ibn Hazim said: "I saw Umar ibn Abd al-Aziz execute a thief after his four limbs had been cut off."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزَ بْنُ مُحَمَّدٍ الدَّرَأوْرِدِيُّ، عَنْ حُسَيْنِ بْنِ حَازِمٍ، قَالَ: رَأَيْتُ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ ضَرَبَ عُنْقَ سَارِقٍ بَعْدَ أَنْ قُطِعَتْ أَرْبَعُهُ

**[28129]** A man from the people of Al-Shifa reported that Uthman ibn Affan executed Qabbas after his four limbs had been cut off.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ الدَّرَأوْرِدِيِّ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ رَجُلٍ، مِنْ أَهْلِ الشَّفَاءِ: أَنَّ عُثْمَانَ بْنَ عَفَانَ ضَرَبَ عُنْقَ قَبَّاسٍ بَعْدَ أَنْ قُطِعَتْ أَرْبَعُهُ

**[28130]** Ata used to say: "If someone steals, drinks alcohol, and then kills, the punishment is death. He is neither cut nor flogged."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: كَانَ عَطَاءً، يَقُولُ: إِنْ سَرَقَ وَشَرَبَ الْخَمْرَ، ثُمَّ قُتِلَ فَهُوَ الْمُقْتَلُ، لَا يُقْطَعُ وَلَا يُحَدُّ

**[28131]** Ibn Abi Mulaykah said: "The Hadd punishments are carried out on him, then he is killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: سَمِعْتُ ابْنَ أَبِي مُلِينَكَ، يَقُولُ: يُقْامُ عَلَيْهِ الْحُدُودُ، ثُمَّ يُقْتَلُ

**[28132]** Al-Hasan said: "The Hadd punishments are carried out on him, then he is killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ، قَالَ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرْوَةَ، عَنْ فَتَاهَةَ، عَنْ الْحَسَنِ، قَالَ: تُقْامُ عَلَيْهِ الْحُدُودُ، ثُمَّ يُقْتَلُ

**[28133]** Ibrahim said: "If there are Hadd punishments involving death, death encompasses all of that."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ، قَالَ: حَدَّثَنَا سَعِيدٌ، عَنْ أَبِي مَعْسِرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا كَانَتْ حُدُودُ فِيهَا الْمُقْتَلُ، فَإِنَّ الْمُقْتَلَ يَأْتِي عَلَى ذَلِكَ أَجْمَعَ

**[28134]** Al-Sha'bi said regarding a man who steals and has his hand cut off: "He is not liable for anything unless the item itself is found with him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: الرَّجُلُ يَسْرُقُ فَتُقطَعُ يَدُهُ، قَالَ: لَيْسَ عَلَيْهِ شَيْءٌ إِلَّا أَنْ يُوجَدَ مَعَهُ شَيْءٌ بِعِينِهِ

**[28135]** Al-Sha'bi said regarding the thief: "If the stolen item is found with him intact, it is taken from him and his hand is cut off. If he has consumed it, his hand is cut off and there is no liability on him." Hammad said: "He is pursued for it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ أَنَّهُ، قَالَ فِي السَّارِقِ: إِنْ وُجِدَتِ السَّرِقَةُ عِنْدَهُ بِعِينِهَا أَخِذْتُ مِنْهُ وَقُطِعَتْ يَدُهُ، وَإِنْ كَانَ قَدْ اسْتَهَلَّكَاهَا قُطِعَتْ يَدُهُ وَلَا ضَمَانٌ عَلَيْهِ وَقَالَ حَمَادٌ: يُتَبَعُ بِهَا

**[28136]** Al-Sha'bi and Ibn Sirin said: "He is not liable for anything if his hand is cut off, unless the item itself is found."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، وَأَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَا: لَيْسَ عَلَيْهِ شَيْءٌ إِذَا قُطِعَتْ يَدُهُ إِلَّا أَنْ يُوجَدَ شَيْءٌ بِعِينِهِ

**[28137]** Similar narration from Ibrahim and Ibn Sirin.

حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَأَشْعَثَ، عَنْ ابْنِ سِيرِينَ، مِثْلُهُ

**[28138]** Ata said: "The thief does not pay compensation after his right hand is cut off, unless the stolen item is found intact, in which case it is taken from him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلُدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَا يَعْرُمُ السَّارِقُ بَعْدَ قَطْعِ يَمِينِهِ إِلَّا أَنْ ثُوَجَ الدَّسْرِقَةُ بِعِينِهَا، فَتُؤْخَذُ مِنْهُ

**[28139]** Al-Hasan used to hold the thief liable [for compensation] after he was cut.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو، عَنْ الْحَسَنِ: أَنَّهُ كَانَ يُضَمِّنُ السَّارِقَ بَعْدَمَا يُقْطَعُ

**[28140]** Sa'id ibn Jubayr was asked about a man who steals and has his hand cut off: "Does he pay compensation for the theft?" He said: "The cutting is sufficient compensation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ - وَلَيْسَ بِالْأَحْمَرِ -، عَنْ قَرَيْشِ بْنِ حَيَّانَ الْعَجْلِيِّ، عَنْ مَطْرِ الْوَرَاقِ، قَالَ: سُئِلَ سَعِيدُ بْنُ جُبَيْرٍ عَنِ الرَّجُلِ يَسْرِقُ السَّرِقَةَ فَتُقْطَعُ يَدُهُ، أَيْغَرَمُ السَّرِقَةَ؟، قَالَ: كَفَى بِالْقِطْعِ عَرْمًا

**[28141]** Al-Zuhri said: I entered upon Umar ibn Abd al-Aziz, and he asked me about a runaway slave who steals: "Is he cut?" I said: "I have not heard anything about it." When I arrived in Medina, I met Salim ibn Abd Allah, and he informed me that Abdullah ibn Umar cut off the hand of a runaway

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: دَخَلْتُ عَلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، فَسَأَلْنَاهُ عَنِ الْعَبْدِ الْأَبِقِ السَّارِقِ يُقْطَعُ، فَقُلْنَا: مَا بَلَغْنَا فِيهِ شَيْءً، فَلَمَّا قَدِمْتُ الْمَدِينَةَ أَفِيتُ سَالِمَ بْنَ عَبْدِ اللَّهِ فَلَأْخِبَرَنِي: أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ قَطَعَ عَدْنًا لَهُ سَارِقًا أَبِقًا

**[28142]** Ibn Umar said regarding a runaway slave who steals: "He is cut."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ فِي الْعَبْدِ الْأَبِقِ يَسْرِقُ، قَالَ: يُقْطَعُ

**[28143]** 'Amir said: "He is cut."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلٍ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: يُقْطَعُ

[28144] Urwah said: "He is cut."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكِينَ، عَنْ حَسَنِ  
بْنِ صَالِحٍ، عَنْ إِبْرَاهِيمَ بْنِ عَامِرٍ: أَنَّ عُمَرَ بْنَ عَبْدِ  
الْعَزِيزِ، سَأَلَ عُرْوَةَ عَنْهُ فَقَالَ: يُقطَعُ

[28145] Umar ibn Abd al-Aziz and Al-Qasim said: "If a runaway slave steals, he is cut."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَسْوَدُ بْنُ عَامِرٍ، عَنْ حَمَادِ  
بْنِ سَلَمَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ: أَنَّ عُمَرَ بْنَ عَبْدِ  
الْعَزِيزِ، وَالْفَاسِمَ، قَالَا: الْعَبْدُ الْأُبِيقُ إِذَا سَرَقَ قُطِعَ

[28146] Al-Hasan was asked about a runaway slave who steals: "Is his hand cut off?" He said: "Yes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَحْبُوبُ الْقَوَارِبِيُّ، عَنْ  
سُفْيَانَ، عَنْ خَالِدِ الْحَدَّاءِ، عَنْ الْحَسَنِ، سُئِلَ عَنِ الْعَبْدِ  
الْأُبِيقِ يَسْرِقُ يُقطَعُ يَدُهُ؟، قَالَ: نَعَمْ

[28147] Ibn Abbas said: "A runaway slave is not cut if he steals while running away."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ،  
عَنْ عَمْرُو، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَا يُقطَعُ  
الْعَبْدُ الْأُبِيقُ إِذَا سَرَقَ فِي إِبَاقَةِ

[28148] Uthman and Marwan used to say: "He is not cut."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِبِيعُ، عَنْ ابْنِ أَبِي ذِئْبٍ،  
عَنِ الزُّهْرِيِّ، قَالَ: كَانَ عُثْمَانُ وَمَرْوَانُ، يَقُولَانِ: لَا  
يُقطَعُ

[28149] Uthman, Umar ibn Abd al-Aziz, and Marwan used to not cut the runaway slave if he stole.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَمَادُ بْنُ خَالِدٍ، عَنْ ابْنِ أَبِي  
ذِئْبٍ، عَنِ الزُّهْرِيِّ: "أَنَّ عُثْمَانَ، وَعُمَرَ بْنَ عَبْدِ  
الْعَزِيزِ، وَمَرْوَانَ: كَانُوا لَا يَقْطَعُونَ الْعَبْدَ الْأُبِيقَ إِذَا  
سَرَقَ"

**[28150]** Nafi' reported that a slave of Ibn Umar stole, so he sent him to Sa'id ibn al-'As and said: "This one stole." He [Sa'id] said: "Cut him." He [Ibn Umar?] said: "The runaway slave is not cut."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عُبَيْدِ اللَّهِ،  
وَيَحْيَى، عَنْ نَافِعٍ، قَالَ: سَرَقَ عَبْدٌ لِابْنِ عُمَرَ فَبَعَثَ بِهِ  
إِلَى سَعِيدِ بْنِ الْعَاصِ، فَقَالَ: إِنَّ هَذَا سَرَقَ، قَالَ  
فَاقْطَعَهُ، قَالَ: لَا يُقْطَعُ الْعَبْدُ الْأَبِيقُ

**[28151]** Aisha said: "There is no cutting for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ، عَنْ حَنْظَلَةَ، عَنْ  
سَالِمٍ، عَنْ عَائِشَةَ، قَالَتْ: لَيْسَ عَلَيْهِ قَطْعٌ

**[28152]** Abdullah said: "A boy was brought to Uthman who had stolen. He said: 'Check his pubic area to see if he has grown hair.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ أَبِي حُصَيْنِ،  
عَنْ عَبْدِ اللَّهِ، قَالَ: أُتِيَ عُثْمَانُ بِغُلَامٍ فَدَسَرَقَ، قَالَ:  
انْظُرُوهُ إِلَى مُؤْتَرِرِهِ هُلْ أَنْبَتَ

**[28153]** Similar narration from Uthman.

حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، وَمَسْرُوقٍ، عَنْ أَبِي حُصَيْنِ،  
عَنْ عَبْدِ اللَّهِ بْنِ عُبَيْدِ بْنِ عُمَيرٍ، عَنْ عُثْمَانَ، بِمِثْلِهِ

**[28154]** Yahya said: "A boy from among us slandered a woman in poetry. He was brought to Umar, who doubted him and found he had not grown hair. He said: 'If I found you had grown hair, I would have flogged you or applied the Hadd on you.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَلَيَّ، عَنْ إِسْمَاعِيلَ بْنِ  
أُمِيَّةَ، عَنْ يَحْيَى، قَالَ: ابْتَهَرَ غُلَامٌ مِنَّا فِي شِعْرٍ بِإِمْرَأَةٍ،  
فَرُفِعَ إِلَى عُمَرَ فَشَكَ فِيهِ، فَلَمْ يَجِدْهُ أَنْبَتَ، فَقَالَ: لَوْ  
وَجَدْتُكَ أَنْبَتَ لَجَلَّتْكَ أَوْ لَحَدَّنْتَكَ

**[28155]** Anas said: "A boy who had stolen was brought to Abu Bakr. His puberty was not evident, so he measured him [by hand span] and found him short by a fingertip, so he let him go and did not cut him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: أَنَّ أَبَا بَكْرٍ أَتَى بِغُلَامٍ قَدْ سَرَقَ، فَأَمْ يَتَبَيَّنُ احْتِلَامُهُ فَشَبَرَهُ فَنَقَصَ الْمُلْمَهُ، فَنَرَكَهُ، فَلَمْ يَقْطُعْهُ

**[28156]** Ali said: "When the boy reaches puberty."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ حَمَادٍ بْنِ سَلَمَهُ، عَنْ فَتَاهَهُ، عَنْ خَلَاسٍ، عَنْ عَلَيٍّ، قَالَ: إِذَا بَلَغَ الْغُلَامُ

**[28157]** Ibn Abi Mulaykah said: "A slave of Umar ibn Abi Rabi'ah was brought to Ibn al-Zubayr for stealing. He ordered him to be measured, and he was a young servant. He measured six spans, so he cut him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ ابْنِ أَبِي مُلَيْكَهُ، قَالَ: أَتَيَ ابْنُ الرُّبَّيْرِ بِعَدْ لِعُمَرَ بْنِ أَبِي رَبِيعَهُ سَرَقَ فَأَمْرَ بِهِ فَشُبِّرَ وَهُوَ وَصِيفٌ، فَلَمْ يَكُنْ سِنَّهُ أَشْبَارٌ، فَقَطَعْهُ

**[28158]** Umar ibn Abd al-Aziz and Al-Hasan would not apply the Hadd on a boy until he reached puberty.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ هَمَامٍ، عَنْ فَتَاهَهُ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، وَالْحَسَنَ كَانَا لَا يُقِيمَانِ عَلَى الْغُلَامِ حَدًّا حَتَّى يَحْلِمُ

**[28159]** Ata said regarding a boy who steals: "There is no cutting for him until he reaches puberty." 'Amr ibn Dinar said: "I do not see any cutting for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ فِي الصَّبَّيِّ يَسْرِقُ، قَالَ: "لَا قَطْعَ عَلَيْهِ حَتَّى يَحْلِمَ وَقَالَ عَمْرُو بْنُ دِينَارٍ: مَا أَرَى عَلَيْهِ قَطْعًا

**[28160]** Ibrahim said: "He is not cut until he understands," meaning until he reaches puberty.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَنِ، عَنْ حَسَنٍ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يُقْطَعُ حَتَّى يَعْقِلَ يَعْنِي يَحْلِمُ

**[28161]** Sulayman ibn Musa said: "There is no Hadd or retaliation on one who has not reached puberty."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ سُلَيْمَانَ بْنِ مُوسَى، قَالَ: لَا حَدْ وَلَا قَوْدٌ عَلَى مَنْ لَمْ يَأْتِيْنَ الْحُلْمُ

**[28162]** Sulayman ibn Yasar said: "A boy who had stolen was brought to Umar. He ordered him to be measured, and he was found to be six spans minus a fingertip, so he let him go. The boy was named Namilah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ يَحْيَى، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، قَالَ: أُتِيَ عُمَرُ بِغُلَامٍ قَدْ سَرَقَ، فَأَمْرَ بِهِ فَشِيرَ، فَوُجِدَ سِتَّةُ أَشْبَارٍ إِلَّا أُنْمَلَةً، فَتَرَكَهُ فَسُمِّيَ الْغُلَامُ نَمِيلَةً

**[28163]** Al-Qasim said: "A girl who had stolen but not menstruated was brought to Abdullah, and he did not cut her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مَسْعُرٍ، عَنْ الْفَالِسِمِ، قَالَ: أُتِيَ عَبْدُ اللَّهِ بِجَارِيَةٍ سَرَقَتْ لَمْ تَحْضُنْ، فَلَمْ يَقْطَعْهَا

**[28164]** Ibrahim said regarding a girl who marries and consummates the marriage, then commits an indecency: "There is no Hadd on her until she menstruates."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ فِي الْجَارِيَةِ تَرَوَجُ فَيُدْخَلُ بِهَا ثُمَّ تُصِيبُ فَاجِشَةً، قَالَ: لَيْسَ عَلَيْهَا حَدْ حَتَّى تَحِيضَ

**[28165]** Al-Hakam said: "There is no Hadd on a girl until she menstruates."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُنْدَرُ، عَنْ شُعْبَةَ، عَنِ الْحَكْمِ، قَالَ: لَيْسَ عَلَى الْجَارِيَةِ حُدُودٌ حَتَّى تَحِيضَ

**[28166]** Al-Zuhri said: "There is no Hadd on a girl until she menstruates or her peers menstruate."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، وَمَعْمَرُ، عَنِ الرُّهْرِيِّ، قَالَ: لَيْسَ عَلَى الْجَارِيَةِ حُدُودٌ حَتَّى تَحِيضَ أَوْ تَحِيضَ لِذَلِكَهَا

**[28167]** Al-Dahhak said: "There is no Hadd on a girl until she menstruates or her peers menstruate."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ جُوَيْبِرٍ، عَنِ الصَّحَّاْكِ، قَالَ: لَيْسَ عَلَى الْجَارِيَةِ حُدُودٌ حَتَّى تَحِيضَ أَوْ تَحِيضَ لِذَلِكَهَا

**[28168]** Abu Bakr ibn 'Amr ibn Hazm was brought a girl who had not reached puberty. She took a boy, killed him, and hid what he had on him. When he saw that she had planned like an adult, he ordered her to be executed.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرٍ بْنِ عَمْرٍو بْنِ حَزِيرٍ: أَنَّهُ أَتَيَ بِجَارِيَةً لَمْ تَبْلُغْ، أَخْتَهُ غُلَامًا فَقَتَلَهُ وَغَيَّبَ مَا عَلَيْهِ، فَلَمَّا رَأَاهَا قَدْ اخْتَالَتْ حِيلَةً الْكَبِيرَ أَمْرَ بِهَا، فَقُتِلَتْ

**[28169]** Makhul said: "When a boy reaches fifteen years, his testimony is accepted, and Hadd punishments become obligatory on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ أَبِي بَكْرٍ، قَالَ: سَمِعْتُ مَكْحُولاً، يَقُولُ: إِذَا بَلَغَ الْعُلَامُ خَمْسَ عَسْرَةَ سَنَةً جَازَتْ شَهَادَتُهُ، وَوَجَبَتْ عَلَيْهِ الْحُدُودُ

**[28170]** Ibrahim said: "If someone steals multiple times, only one hand is cut off. If he drinks alcohol multiple times, or slanders multiple times, he only receives one Hadd punishment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا سَرَقَ مِرَارًا، فَإِنَّمَا تُقطَعُ يَدٌ وَاحِدَةٌ، وَإِذَا شَرِبَ الْخَمْرَ مِرَارًا وَإِذَا قَدَفَ مِرَارًا، فَإِنَّمَا عَلَيْهِ حَدٌّ وَاحِدٌ

**[28171]** Al-Hasan said regarding a man caught having committed adultery more than once with one woman or more: "He receives one Hadd punishment. The same applies to a thief caught having stolen multiple times."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، فِي الرَّجُلِ يُؤْخَذُ وَقَدْ رَأَى غَيْرَ مَرَأَةً بِإِمْرَأَةٍ وَاحِدَةٍ أَوْ أَكْثَرَ مِنْ ذَلِكَ مِنَ النِّسَاءِ، قَالَ: عَلَيْهِ حَدٌّ وَاحِدٌ، وَالسَّارِقُ يُؤْخَذُ وَقَدْ سَرَقَ مِرَارًا مُثْلِ ذَلِكَ

**[28172]** Ibn Sirin said: "If a man steals from different people and is cut for one of them, it counts for all of them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُونَ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَ: كَانَ يَقُولُ أَوْ يُقَالُ: إِذَا سَرَقَ الرَّجُلُ مِنْ شَتَّى، ثُمَّ يُقطَعُ لِوَاحِدٍ كَانَ لَهُمْ جَمِيعًا

**[28173]** Hammad said: "If he steals multiple times but is not caught until later, only one hand is cut off."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ، عَنْ هِشَامِ الدَّسْتُوَائِيِّ، عَنْ حَمَادٍ، قَالَ: إِذَا سَرَقَ مِرَارًا، فَلَمْ يَقْدِرُوا عَلَيْهِ إِلَّا بَعْدُ، فَإِنَّمَا تُقطَعُ يَدٌ وَاحِدَةٌ

**[28174]** Ibn Sirin said: "If he steals from different people and is cut for some of them, he is not cut afterwards unless he commits a new theft."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَ: إِذَا سَرَقَ مِنْ شَتَّى فَقُطِعَ لِبَعْضِهِمْ لَمْ يُقطَعْ بَعْدُ إِلَّا أَنْ يُحْدَثَ سَرْقةً

**[28175]** Ata said: "If he steals and steals again, then is brought, it is one Hadd punishment. The same applies to adultery."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُمَرُ، عَنِ ابْنِ جُرَيْجِ، عَنْ عَطَاءٍ، قَالَ: إِذَا سَرَقَ ثُمَّ سَرَقَ، ثُمَّ أُتِيَ بِهِ فَحُدُّ وَاحِدٌ، وَكَذَلِكَ فِي الزِّنَى

**[28176]** Ibn Shihab said regarding a man who stole, then it was testified that he had stolen multiple times before and confessed due to punishment: "His hand is cut off." He also said regarding a man who committed adultery and it was testified against him or he confessed: "One Hadd punishment is carried out on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجِ، قَالَ: قَالَ ابْنُ شِهَابٍ فِي رَجُلٍ سَرَقَ، ثُمَّ شُهِدَ عَلَيْهِ أَنَّهُ قَدْ سَرَقَ قَبْلَ ذَلِكَ مِرَارًا وَاعْتَرَفَ مِنْ عُقُوبَتِهِ، قَالَ: تُقطَعُ يَدُهُ وَقَالَ ابْنُ شِهَابٍ فِي رَجُلٍ زَانَ فَشُهِدَ عَلَيْهِ أَوْ اعْتَرَفَ بِذَلِكَ، قَالَ: يُقَامُ عَلَيْهِ حُدُّ وَاحِدٌ

**[28177]** Al-Hasan said: "A slave's confession is valid regarding a Hadd punishment to be carried out on him, but whatever he confesses to that would lead to his execution is not valid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي حُرَّةَ، عَنْ الْحَسَنِ، قَالَ: يَجُوزُ إِقْرَارُ الْعَبْدِ فِيمَا أَفْرَ بِهِ مِنْ حَدًّا يُقَامُ عَلَيْهِ، وَمَهْمَا أَفْرَ بِهِ مِمَّا نَذَهَبُ رَقْبَتُهُ فِيهِ، فَلَا يَجُوزُ

**[28178]** Abu Ishaq reported that a slave confessed to theft before Shurayh, but he did not cut him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عَيَّاشٍ، عَنِ الْأَعْمَشِ، عَنْ أَبِي إِسْحَاقَ: أَنَّ عَبْدًا أَفْرَ عِنْدَ شُرَيْحٍ بِالسَّرْقَةِ، فَلَمْ يَقْطُعْهُ

[28179] Al-Sha'bi said: "There is no cutting for a slave who confesses to theft."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُقْيَانَ، عَنْ جَابِرٍ، وَعُبَيْدِ اللَّهِ بْنِ مُوسَى، عَنِ الشَّعْبِيِّ، أَنَّهُ، قَالَ: لَيْسَ عَلَى الْعَبْدِ يُؤْفَرُ بِالسَّرْقَةِ قُطْعٌ

[28180] Sulayman ibn Musa said: "A slave's confession is not valid."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلُدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ سُلَيْمَانَ بْنِ مُوسَى، قَالَ: لَا يَجُوزُ اعْتِرَافُ الْعَبْدِ

[28181] Abu al-Duha and Al-Sha'bi said: "No Hadd is carried out on a slave based on confession unless there is proof."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ أَبِي الصُّحَى، وَالشَّعْبِيِّ، قَالَا: لَا يُقْلَمُ عَلَى الْعَبْدِ حَدٌّ بِالإِعْتِرَافِ إِلَّا بِبَيِّنَةٍ

[28182] Al-Hasan used to say: "A slave's confession against himself is not valid if it involves life, whether accidental or intentional."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعَادٌ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ أَنَّهُ كَانَ يَقُولُ: لَا يَجُوزُ إِفْرَارُ الْعَبْدِ عَلَى نَفْسِهِ إِذَا بَلَغَ النَّفْسَ فِي حَطَّاً وَلَا عَمْدٍ

[28183] Hurmuz came to Ali and said: "I have committed a Hadd offense." He said: "Repent to Allah and conceal yourself." He said: "O Commander of the Faithful, purify me." He said: "O Qanbar, carry out the Hadd on him, but let him determine it for himself. If he stops you, then stop." He was a slave.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ أَبِي مَالِكِ الْأَشْجَعِيِّ، قَالَ: حَدَّثَنِي أَهْلُ هُرْمَزَ وَالْحَيِّ، عَنْ هُرْمَزَ: أَنَّهُ أَتَى عَلَيْهِ، فَقَالَ: إِنِّي أَصَبَّتُ حَدًّا، فَقَالَ: ثُبُّ إِلَى اللَّهِ وَاسْتَثْرِ، قَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ، طَهَرْنِي، قَالَ: يَا قَنْبِرُ فَاضْرِبْهُ الْحَدًّا، وَلَكِنْ هُوَ يَحْدُّ لِنَفْسِهِ، فَإِذَا هَاهَاكَ فَاثْنَهُ، وَكَانَ مَمْلُوكًا

**[28184]** Yusuf ibn Mahik reported that a slave belonging to some people of Mecca stole a cloak from Safwan ibn Umayyah. He brought him to the Prophet (saw), who ordered his hand cut off. Safwan said: "O Messenger of Allah, you cut him for my garment?" He said: "Why not before he came to me?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي بَشْرٍ، عَنْ يُوسُفَ بْنِ مَاهِكٍ: أَنَّ عَبْدًا لِبَعْضِ أَهْلِ مَكَّةَ سَرَقَ رِذَاءً لِصَفْوَانَ بْنِ أُمَيَّةَ فَأَتَى بِهِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَمْرَ بِقَطْعِهِ، فَقَالَ: يَا رَسُولَ اللَّهِ، تَقْطَعُهُ مِنْ أَجْلِ تَوْبِي، قَالَ: فَهَلَا قَبْلَ أَنْ يَأْتِيَنِي

**[28185]** Ata said regarding a slave who steals: "He is cut."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي سُلَيْمَانَ، عَنْ عَطَاءِ فِي الْعَبْدِ يَسْرِقُ، قَالَ: يُقطَعُ

**[28186]** Abdullah ibn 'Amir reported that Abu Bakr cut off the hand of a slave who stole.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: أَخْبَرَنِي أَبُو بَكْرٌ بْنُ عَبْدِ اللَّهِ، عَنْ أَبِي الزَّنَادِ، أَنَّهُ أَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَامِرٍ أَخْبَرَهُ أَنَّ أَبَا بَكْرٍ: قَطَعَ يَدَ عَبْدِ سَرَقَ

**[28187]** Al-Sha'bi said regarding four men who testified against a man for adultery, but one of them was not trustworthy: "The Hadd punishment is warded off from them because they are four."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ إِسْمَاعِيلَ، عَنْ الشَّعْبِيِّ، فِي أَرْبَعَةِ شَهْدُوا عَلَى رَجُلٍ بِالزَّنَادِ فَكَانَ أَحَدُهُمْ لَيْسَ بِعَدْلٍ، قَالَ: يُنْرَأُ عَنْهُمُ الْحُدُّ لِأَنَّهُمْ أَرْبَعَةٌ

**[28188]** Al-Sha'bi said: "If four testify to adultery but are not trustworthy, I do not flog them."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبْنُ فُضَيْلٍ، عَنْ أَسْعَثَ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا شَهَدَ أَرْبَعَةٌ بِالزَّنَادِ، ثُمَّ لَمْ يَكُونُوا عُذُولًا لَمْ أَجْلِدْهُمْ

**[28189]** Al-Hasan said: "If four testify to adultery against a man but are not deemed trustworthy, the Hadd punishment is warded off from them, and none of them is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: إِذَا شَهُدُوا أَرْبَعَةٌ بِالرِّتْنَاعِ عَلَى رَجُلٍ فَإِنْ يُعَذَّلُوْا دُرِّيَ عَنْهُمُ الْحَدُّ، وَلَمْ يُجْلَدْ مِنْهُمْ أَحَدٌ

**[28190]** Abd al-Rahman said: I was sitting with Ali when a man came and said: "O Commander of the Faithful, I have stolen." He rebuked him. Then he returned a second time and said: "I have stolen." Ali said to him: "You have testified against yourself twice." He ordered his hand to be cut off, and I saw it hanging from his neck.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنِ الْأَعْمَشِ، عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، قَالَ: كُنْتُ قَاعِدًا عِنْدَ عَلَيِّ فَجَاءَ رَجُلٌ، فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ، إِنِّي قَدْ سَرَقْتُ فَانْتَهَرَهُ، ثُمَّ عَادَ الثَّانِيَةَ، فَقَالَ: إِنِّي قَدْ سَرَقْتُ، فَقَالَ لَهُ عَلِيُّ: قَدْ شَهَدْتَ عَلَى نَفْسِكَ شَهَادَتَيْنِ، قَالَ: فَأَمَرْتُ بِهِ فَقُطِّعَتْ يَدُهُ، فَرَأَيْتَهَا مُعَلَّقَةً يَعْنِي فِي عُنْقِهِ

**[28191]** Subay' Abu Salim said: I witnessed Al-Hasan ibn Ali when a man was brought who confessed to theft. Al-Hasan said to him: "Perhaps you snatched it?" trying to make him say no, until he confessed twice or thrice. Then he ordered him to be cut.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ غَالِبِ أَبِي الْهُدَيْلِ، قَالَ: سَمِعْتُ سُبْيِعًا أَبَا سَالِمٍ، يَقُولُ: شَهَدْتُ الْحَسَنَ بْنَ عَلَيِّ وَأَتَيَ بِرَجُلٍ أَقْرَأَ بِسَرْقَةٍ، قَالَ لَهُ الْحَسَنُ: "فَلَعَلَّكَ اخْتَلَسْتَ لِكَيْ يَقُولُ: لَا" حَتَّى أَقْرَأَ عِنْدَهُ مَرَّتَيْنِ أَوْ ثَلَاثَاتَ، فَأَمَرْتُ بِهِ فَقُطِّعَ

**[28192]** Ibn Jurayj said: I asked Ata: "A man testified against himself once that he stole." He said: "That is enough for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: فَلْتُ لِعَطَاءً: رَجُلٌ شَهَدَ عَلَى نَفْسِهِ مَرَّةً وَاحِدَةً بِأَنَّهُ سَرَقَ، قَالَ: حَسْبُهُ

**[28193]** Al-Sha'bi and Al-Hasan said: "If he slanders a group all at once, he is flogged one Hadd punishment. But if he slanders them separately, he is flogged a Hadd for each one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، وَعَنْ هِشَامٍ، عَنِ الْحَسَنِ، أَنَّهُمَا قَالَا: إِذَا كَذَّفَ قَوْمًا جَمِيعًا جُلِدَ حَدًّا وَاحِدًا، وَإِذَا كَذَّفَ شَيْئًا جُلِدَ لِكُلِّ وَاحِدٍ مِنْهُمْ حَدًّا

**[28194]** Al-Hasan said regarding a man who slanders a group all at once: "He is flogged a Hadd for each one of them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، فِي الرَّجُلِ يَقْذِفُ الْقَوْمَ جَمِيعًا: يُجْلَدُ لِكُلِّ وَاحِدٍ مِنْهُمْ حَدًّا

**[28195]** Ibrahim said regarding a man who slanders a group collectively with one statement: "He receives one Hadd punishment." Qatadah reported from Al-Hasan: "For each man among them is a Hadd."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَقْذِفُ الْقَوْمَ مُجْتَمِعَنِ بِقَذْفٍ وَاحِدٍ، قَالَ: عَلَيْهِ حَدًّا وَاحِدًّا وَقَالَ قَنَادُهُ، عَنِ الْحَسَنِ: لِكُلِّ رَجُلٍ مِنْهُمْ حَدًّا

**[28196]** Hammad said: "He is flogged one Hadd punishment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيْعُ، عَنْ سُفْيَانَ، عَنْ حَمَادٍ، قَالَ: يُجْلَدُ حَدًّا وَاحِدًّا

**[28197]** Ibrahim said: "If he slanders multiple times, it is one Hadd punishment." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيْرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا قَنَفَ مِرَارًا فَحُدُّ وَاحِدٌ

**[28198]** Al-Zuhri used to say: "If a man slanders a group with one statement, he only receives one Hadd punishment." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، أَنَّهُ كَانَ يَقُولُ: إِذَا قَدَّفَ الرَّجُلُ الْقَوْمَ بِقَدْفٍ وَاحِدٍ، فَإِنَّمَا عَلَيْهِ حُدُّ وَاحِدٌ

**[28199]** Qatadah and Abu Hashim said regarding a man who slandered a group collectively: "He receives one Hadd punishment." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ زَيْدٍ، عَنْ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ، وَأَبِي هَاشِمٍ فِي الرَّجُلِ افْتَرَى عَلَى الْقَوْمِ جَمِيعًا، قَالَ: عَلَيْهِ حُدُّ وَاحِدٌ

**[28200]** Ata said regarding a man who entered upon a household and slandered them: "One Hadd punishment." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الصَّحَّافُ بْنُ مَخْلِدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي الرَّجُلِ دَخَلَ عَلَى أَهْلِ بَيْتٍ فَقَدَّفَهُمْ، قَالَ: حُدُّ وَاحِدٌ

**[28201]** Tawus said: "One Hadd punishment." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الصَّحَّافُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ طَاوُسٍ، قَالَ: حُدُّ وَاحِدٌ

**[28202]** Hammad said: "He is flogged one Hadd punishment." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَبِيهِ، عَنْ حَمَادٍ، قَالَ: يُجْلَدُ حَدًّا وَاحِدًا

**[28203]** Hisham ibn Urwah's father said regarding a man who slanders a group collectively: "If it is in one statement, it is one Hadd. But if he separates [the slanders], then for each man among them is a Hadd. The thief is treated similarly."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامَ بْنِ عُرْوَةَ، عَنْ أَبِيهِ: فِي الرَّجُلِ يَقْذِفُ الْقَوْمَ جَمِيعًا، قَالَ: إِنْ كَانَ فِي كَلَامٍ وَاحِدٍ فَحَدٌ وَاحِدٌ: وَإِذَا فَرَقَ فَعَلَيْهِ لِكُلِّ رَجُلٍ مِنْهُمْ حَدٌ، وَالسَّارِقُ مِثْلُ ذَلِكَ

**[28204]** Ibrahim said: "Whoever slanders a Jew or a Christian, there is no Hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمُ بْنُ بَشِيرٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ أَنَّهُ، قَالَ: مَنْ قَذَفَ يَهُودِيًّا أَوْ نَصْرَانِيًّا، فَلَا حَدٌ عَلَيْهِ

**[28205]** Al-Sha'bi said the same.

حَدَّثَنَا هُشَيْمٌ، عَنْ مُطَرِّفٍ، عَنْ الشَّعْبِيِّ، أَنَّهُ، قَالَ: مِثْلُ ذَلِكَ،

**[28206]** Al-Hasan used to say that.

حَدَّثَنَا هُشَيْمٌ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، أَنَّهُ كَانَ يَقُولُ ذَلِكَ

**[28207]** Urwah said: "There is no Hadd punishment on the slanderer of the People of the Dhimma."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، وَابْنُ ثُمَّيْرٍ عَنْ هِشَامٍ، عَنْ أَبِيهِ، قَالَ: لَيْسَ عَلَى قَاتِلِ أَهْلِ الدَّمَّةِ حَدٌ

**[28208]** Tawus, Mujahid, Al-Sha'bi, Al-Hakam, and Ibrahim said: "If a Jewish or Christian woman is married to a Muslim, there is no Li'an between them, and there is no Hadd punishment on her

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْمَرٌ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، وَمُجَاهِدٍ، وَالشَّعْبِيِّ، وَالْحَكَمَ، عَنْ إِبْرَاهِيمَ، قَالُوا: إِذَا كَانَتِ الْيَهُودِيَّةُ وَالنَّصْرَانِيَّةُ تَحْتَ مُسْلِمٍ، فَلَيْسَ بَيْنَهُمَا مُلَاقَةٌ، وَلَيْسَ عَلَى قَاتِلِهِمَا حَدٌ

**[28209]** Al-Hakam said: "If a man slanders another man who has a Jewish or Christian mother, there is no Hadd on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الْمَالِكِ بْنُ أَبِي غَنِيَّةَ، عَنْ أَبِيهِ، عَنْ الْحَكْمِ، قَالَ: إِذَا قَدَّفَ الرَّجُلُ الرَّجُلَ وَلَهُ أُمٌّ يَهُودِيَّةً أَوْ نَصْرَانِيَّةً، فَلَا حَدٌ عَلَيْهِ

**[28210]** Al-Zuhri said: "If a Jew or Christian is slandered, his slanderer is disciplined (Ta'zir)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الزُّهْرِيِّ، قَالَ: إِذَا قَدَّفَ الْيَهُودِيُّ وَالنَّصْرَانِيُّ عُزْرَ قَانِفَةٍ

**[28211]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Abu Khaldah, from 'Ikrimah, who said: "If I were brought a man who slandered a Jew or a Christian, and I was a governor, I would have beaten him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي خَلْدَةَ، عَنْ عِكْرَمَةَ، قَالَ: لَوْ أُوتِيتُ بِرَجُلٍ قَدَّفَ يَهُودِيًّا أَوْ نَصْرَانِيًّا، وَأَنَا وَالِّيُّ لَضَرَبَتِهِ

**[28212]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Yunus, from Al-Hasan, who was asked about a man who slandered a Christian woman. He said: "He is beaten if she has a Muslim husband."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنْ الْحَسَنِ، سُلِّلَ عَنْ رَجُلٍ قَدَّفَ نَصْرَانِيَّةً، قَالَ: يُضْرَبُ إِنْ كَانَ لَهَا زَوْجٌ مُسْلِمٌ

**[28213]** Abu Bakr narrated to us, saying: Ibn Numayr narrated to us, from Sa'id, from Qatadah, from Sa'id ibn al-Musayyib, regarding a Christian or Jewish woman who is slandered, and she has a Muslim husband and a child from him. He said: "The slanderer is subject to the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، فِي النَّصْرَانِيَّةِ وَالْيَهُودِيَّةِ تُقْذَفُ وَلَهَا زَوْجٌ مُسْلِمٌ وَلَهَا مِنْهُ وَلْدٌ، قَالَ: عَلَى فَادِفَهَا الْحَدُّ

**[28214]** Abu Bakr narrated to us, saying: Ibn Numayr narrated to us, from Sa'id, from Abu Ma'shar, from Ibrahim, who said: "If a Jewish or Christian woman is married to a Muslim man, and a man slanders her, there is no hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا كَانَتْ الْيَهُودِيَّةُ وَالنَّصْرَانِيَّةُ تَحْتَ رَجُلٍ مُسْلِمٍ، فَقَذَفَهَا رَجُلٌ، فَلَا حَدُّ عَلَيْهِ

**[28215]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Sufyan, from Al-Shaybani, from Abu Bakr ibn Hafs: "That a man slandered a Christian woman who had a Muslim son, so 'Umar ibn 'Abd al-'Aziz whipped him thirty-four lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ الشَّيْبَانِيِّ، عَنْ أَبِي بَكْرِ بْنِ حَفْصٍ: أَنَّ رَجُلًا قَذَفَ نَصْرَانِيَّةً وَلَهَا ابْنٌ مُسْلِمٌ، فَضَرَبَهُ 'أَمْرُ بْنُ عَبْدِ الْعَزِيزِ أَرْبَعَةً وَثَلَاثِينَ سُوْطًا

**[28216]** Abu Bakr narrated to us, saying: Muhammad ibn Abi 'Adi narrated to us, from Ash'ath, from Al-Hasan, regarding a Christian who slanders a Muslim. He said: "He is flogged eighty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ أَسْعَثَ، عَنِ الْحَسَنِ، فِي النَّصْرَانِيِّ يُفَدِّفُ الْمُسْلِمَ، قَالَ: يُجْلَدُ ثَمَانِينَ

**[28217]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Sufyan, from Tariq, who said: "I witnessed Al-Sha'bi whipping a Christian who slandered a Muslim eighty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ طَارِقٍ، قَالَ: شَهِدْتُ الشَّعْبَانِيَّ ضَرَبَ نَصْرَانِيًّا قَذَفَ مُسْلِمًا ثَمَانِينَ

**[28218]** Abu Bakr narrated to us, saying: Abu Mu'awiyah narrated to us, from Hisham ibn 'Urwah, from his father, who said: "If a Christian slanders a Muslim, he is flogged the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، قَالَ: إِذَا قَذَفَ النَّصْرَانِيُّ الْمُسْلِمَ جُلَادَ الْحَدِّ

**[28219]** Abu Bakr narrated to us, saying: Ma'n ibn 'Isa narrated to us, from Ibn Abi Dhi'b, from Al-Zuhri, who said regarding the People of the Covenant (Ahl al-Dhimmah): "They are flogged for slandering Muslims."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الرُّهْبَرِيِّ، قَالَ: فِي أَهْلِ الدِّمَّةِ: يُجْلَدُونَ فِي الْفِرْيَةِ عَلَى الْمُسْلِمِينَ

**[28220]** Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Mutarrif, from 'Amir, who said: "A Muslim and a Jurmuqani came to me, each having slandered the other. I flogged the Jurmuqani and left the Muslim. He went to 'Umar ibn 'Abd al-'Aziz and mentioned that to him. He said: 'He did well.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ مُطَرِّفٍ، عَنْ عَامِرٍ، قَالَ: أَتَانِي مُسْلِمٌ وَجُرْمُقَانِيٌّ قَدْ افْتَرَى كُلُّ وَاحِدٍ مِنْهُمَا عَلَى صَاحِبِهِ، فَجَلَّتُ الْجُرْمُقَانِيَّ وَتَرَكْتُ الْمُسْلِمَ، فَأَتَى عُمَرَ بْنَ عَبْدِ الْعَزِيزَ فَذَكَرَ ذَلِكَ لَهُ، قَالَ: أَحْسَنَ

**[28221]** Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from 'Asim, who said: "I witnessed Al-Sha'bi whipping a Christian who slandered a Muslim. He said: 'Whip, and let not your armpit be seen.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ عَاصِمٍ، قَالَ: شَهِدْتُ الشَّعْبِيَّ فَصَرَبَ نَصْرَانِيًّا فَنَفَّ مُسْلِمًا، قَالَ: اضْرِبْ، وَلَا يُرَى إِبْطُوكَ

**[28222]** Abu Bakr narrated to us, saying: Makhlad ibn Yazid narrated to us, from Ibn Jurayj, from 'Umar ibn 'Ata' ibn Abi al-Khuwar, from 'Ikrimah, the freed slave of Ibn 'Abbas, regarding a slave who slanders a free person. He said: "He is flogged forty lashes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَخْلَدُ بْنُ يَزِيدَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عُمَرَ بْنِ عَطَاءِ بْنِ أَبِي الْخُوارِ، عَنْ عِكْرِمَةَ، مَوْلَى ابْنِ عَبَّاسٍ فِي الْمَمْلُوكِ يَقْرِفُ الْحَرَّ، قَالَ: يُجلَّدُ أَرْبَعينَ

**[28223]** Abu Bakr narrated to us, saying: 'Abd al-Salam narrated to us, from Ishaq ibn Abi Farwah, from Makhul and 'Ata': That 'Umar and 'Ali used to whip the slave who slandered a free person forty lashes.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ إِسْحَاقَ بْنِ أَبِي فَرْوَةَ، عَنْ مَكْحُولٍ، وَعَطَاءً: أَنَّ عُمَرَ، وَعَلِيًّا: كَانَا يَضْرِبَانِ الْعَبْدَ يَقْذِفُ الْجُرَّ أَرْبَعينَ

**[28224]** Abu Bakr narrated to us, saying: 'Abd al-Rahim ibn Sulayman narrated to us, from Sufyan, from 'Abd Allah ibn Dhakwan, from 'Abd Allah ibn 'Amir ibn Rabi'ah, who said: "Abu Bakr al-Siddiq, 'Umar ibn al-Khattab, and 'Uthman ibn 'Affan used to flog the slave for slander only forty lashes, then I saw them increasing it beyond that."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ بْنِ ذَكْوَانَ، عَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ بْنِ رَبِيعَةَ، قَالَ: كَانَ أَبُو بَكْرٌ الصَّدِيقُ، وَعُمَرُ بْنُ الْخَطَّابُ، وَعُثْمَانُ بْنُ عَفَانَ لَا يَجْلِدُونَ الْعَبْدَ فِي الْقَنْفِ إِلَّا أَرْبَعينَ، ثُمَّ رَأَيْتُهُمْ يَرْبِدُونَ عَلَى ذَلِكَ

**[28225]** Abu Bakr narrated to us, saying: Abu Usamah narrated to us, from Abu Ma'shar, from Ibrahim, who said: "He is beaten forty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ أَبِي مَعْشَرِ، عَنْ إِبْرَاهِيمَ، قَالَ: يُضْرِبُ أَرْبَعينَ

**[28226]** Abu Bakr narrated to us, saying: 'Abdah ibn Sulayman narrated to us, from Sa'id, from Qatadah, from 'Ali, who said: "He is beaten forty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ، عَنْ قَتَادَةَ، عَنْ عَلَيٍّ، قَالَ: يُضْرِبُ أَرْبَعينَ

**[28227]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Yunus, from Al-Hasan, who said: "He is beaten forty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، يُونُسُ، عَنِ الْحَسَنِ، قَالَ: يُضْرَبُ أَرْبَعِينَ

**[28228]** Abu Bakr narrated to us, saying: Ibn Numayr narrated to us, from Hanzalah, from Al-Qasim, who said: "He is beaten forty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ حَنْظَلَةَ، عَنِ الْقَاسِمِ، قَالَ: يُضْرَبُ أَرْبَعِينَ

**[28229]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Hasan ibn Hassan, from Mujahid, who said: "Forty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ بْنِ حَسَانٍ، عَنْ مُجَاهِدٍ، قَالَ: أَرْبَعِينَ

**[28230]** Abu Bakr narrated to us, saying: Abu Dawud narrated to us, from Jarir, from Qays ibn Sa'd, from Tawus, who said: "He is beaten forty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ، عَنْ جَرِيرٍ، عَنْ قَيْسِ بْنِ سَعْدٍ، عَنْ طَاؤُسٍ، قَالَ: يُضْرَبُ أَرْبَعِينَ

**[28231]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Shu'bah, who said: "I asked Al-Hakam and Hammad, and they said: 'He is beaten forty lashes.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ وَهَمَادًا، فَقَالَا: يُضْرَبُ أَرْبَعِينَ

**[28232]** Abu Bakr narrated to us, saying: 'Abd al-Rahman ibn Mahdi narrated to us, from Muhammad ibn Rashid, from Makhul, who said: "He is beaten forty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ مُحَمَّدِ بْنِ رَاشِدٍ، عَنْ مَكْحُولٍ، قَالَ: يُضْرَبُ أَرْبَعِينَ

**[28233]** Abu Bakr narrated to us, saying: 'Abd al-Wahhab al-Thaqafi narrated to us, from Yahya ibn Sa'id, who said: "Abu Bakr ibn Muhammad ibn 'Amr ibn Hazm flogged a slave who slandered a free person eighty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ الثَّقَفِيُّ، عَنْ يَحْيَى بْنِ سَعِيدٍ، قَالَ: جَلَّ أَبُو بَكْرٌ بْنُ مُحَمَّدٍ بْنِ عَمْرٍو بْنِ حَزْمٍ عَبْدًا قَذَفَ حُرًّا لَّمَائِينَ

**[28234]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri, who said: "He is beaten eighty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: يُضْرَبُ ثَمَائِينَ

**[28235]** Abu Bakr narrated to us, saying: Abu Dawud narrated to us, from Al-Mas'udi, from Al-Qasim ibn 'Abd al-Rahman, who said: "He is beaten eighty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ، عَنْ الْمَسْعُودِيِّ، عَنْ الْفَالَّسِيمِ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: يُضْرَبُ ثَمَائِينَ

**[28236]** Abu Bakr narrated to us, saying: Abu Usamah narrated to us, saying: Jarir ibn Hazim narrated to me, saying: I read the letter of 'Umar ibn 'Abd al-'Aziz to 'Adi ibn Artah: "To proceed, you wrote asking about a slave who slanders a free person, how many lashes should he be given? You mentioned that it reached you that I used to lash him forty lashes when I was in Medina, then I lashed him eighty lashes towards the end of my work. My first lashing was an opinion I held, but my later lashing agreed with the Book of Allah, so lash him eighty lashes."

**[28237]** Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Sufyan, from 'Abd Allah ibn Abi Bakr, who said: "Umar ibn 'Abd al-'Aziz whipped a slave who slandered eighty lashes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، قَالَ: حَدَّثَنِي جَرِيرُ بْنُ حَازِمٍ، قَالَ: قَرَأْتُ كِتَابَ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ إِلَى عَدِيِّ بْنِ أَرْطَاهَ: أَمَا بَعْدُ، كَتَبْتَ تَسْأَلَ عَنِ الْعَبْدِ يَعْذِفُ الْحُرَّ كَمْ يُجَلَّدُ؟ وَذَكَرْتُ اللَّهَ بِأَعْلَاقِ أَنِّي كُنْتُ أَجْلَدُهُ إِذْ أَنَا بِالْمَدِينَةِ أَرْبَعِينَ جَلْدًا، ثُمَّ جَلَدْتُهُ فِي آخِرِ عَمَلِي ثَمَانِينَ جَلْدًا، وَأَنَّ جِلْدِي الْأَوَّلَ كَانَ رَأِيًّا رَأَيْتُهُ، وَأَنَّ جِلْدِي الْآخِرَ وَاقْتَصَرَ كِتَابَ اللَّهِ فَاجْلَدْتُهُ ثَمَانِينَ جَلْدًا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، قَالَ: ضَرَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ الْعَبْدَ يَعْذِفُ ثَمَانِينَ

**[28238]** Abu Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from Ruzayq, who said: I wrote to 'Umar ibn 'Abd al-'Aziz concerning a man who slandered his son. His son said: "If my father is whipped, I will confess." 'Umar wrote back to him: "Whip him unless he forgives him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ رُزَيْقٍ، قَالَ: كَتَبْتُ إِلَى عُمَرَ بْنَ عَبْدِ الْعَزِيزِ فِي رَجُلٍ قَدَّفَ ابْنَهُ، قَالَ ابْنُهُ: إِنْ جُلَدَ أَبِي اعْتَرَفْتُ، فَكَتَبَ إِلَيْهِ عُمَرُ: اجْلُدْهُ إِلَّا أَنْ يَغْفِرَ عَنْهُ

**[28239]** Abu Bakr narrated to us, saying: Al-Dahhak ibn Makhlad narrated to us, from Ibn Jurayj, from 'Ata' regarding a man who slanders his son. He said: "He is not whipped."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ فِي الرَّجُلِ يَقْذِفُ ابْنَهُ، قَالَ: لَا يُجلَدُ

**[28240]** Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Mubarak, from Al-Hasan, regarding a man who slanders his son. He said: "There is no hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ مُبَارَكٍ، عَنْ الْحَسَنِ، فِي الرَّجُلِ يَقْذِفُ ابْنَهُ، قَالَ: أَيْسَرَ عَلَيْهِ حَدْ

**[28241]** Abu Bakr narrated to us, saying: Sharik narrated to us, from Jabir, from Al-Qasim, from his father, who said: 'Abd Allah said: "There is no hadd punishment except for two men: a man who slanders a chaste woman or denies a man's lineage from his father, even if his mother is a slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنِ الْقَاسِمِ، عَنْ أَبِيهِ، قَالَ: قَالَ عَبْدُ اللَّهِ: «لَا حَدٌ إِلَّا عَلَى رَجُلٍ قَدْ فَعَلَ مُحْسَنًا أَوْ نَفَرَ رَجُلًا مِنْ أَبِيهِ، وَإِنْ كَانَتْ أُمُّهُ أَمَّةً

**[28242]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri, who said: "If a man denies someone's lineage from his father, he is subject to the hadd punishment, even if she (the mother) is a slave."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: إِذَا نَفَرَ الرَّجُلُ عَنْ أَبِيهِ، فَإِنَّ عَلَيْهِ الْحَدَّ، وَإِنْ كَانَتْ مَمْلُوكَةً

**[28243]** Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Sufyan, from Sa'id al-Zubaydi, from Hammad, from Ibrahim, regarding a man who says to another: "You are not your father's son," and his mother is a slave, Jewish, or Christian. He said: "He is not whipped."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ سَعِيدِ الرُّبَيْدِيِّ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: لَسْتَ لِأَبِيكَ، وَأُمُّهُ أَمَّةٌ أَوْ يَهُودِيَّةٌ أَوْ نَصْرَانِيَّةٌ، قَالَ: لَا يُجَدَّ

**[28244]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Sufyan, from a sheikh from Azd: That Ibn Hubayrah asked Al-Hasan and Al-Sha'bi about it, and they said: "He is whipped the hadd punishment." He said concerning a man who denies another man's lineage from his father while his mother is a slave.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِيَّانَ، عَنْ شَيْخٍ،  
مِنَ الْأَرْدِ: أَنَّ ابْنَ هُبَيْرَةَ، سَأَلَ عَنْهُ الْحَسَنَ، وَالشَّعْبِيَّ،  
فَقَالَا: يُضْرَبُ الْحَدَّ يَقُولُ فِي الرَّجُلِ يَنْهَا الرَّجُلُ عَنْ  
أَبِيهِ وَأُمِّهِ أُمَّةً

**[28245]** Abu Bakr narrated to us, saying: Ibn 'Ulayyah narrated to us, from Yunus, from Al-Hasan, who said: "The slanderer of a mother of a child (umm al-walad) is not whipped."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ  
الْحَسَنِ، قَالَ: أُمُّ الْوَلَدِ لَا يُجَلَّدُ قَادِفُهَا

**[28246]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Hisham ibn 'Urwah, from his father, and from Ash'ath, from Al-Hasan and Ibn Sirin, who said: "There is no hadd punishment on the slanderer of a mother of a child."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُنَ، عَنْ هِشَامِ بْنِ عُرْوَةَ،  
عَنْ أَبِيهِ، وَعَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ،  
قَالُوا: لَيْسَ عَلَى قَادِفِ أُمِّ الْوَلَدِ حَدًّ

**[28247]** Abu Bakr narrated to us, saying: 'Abbad narrated to us, from 'Abd al-Malik, from 'Ata', regarding a man who slanders another man whose mother is a mother of a child. He said: "There is no hadd punishment on him until she is freed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ عَبْدِ الْمَالِكِ، عَنْ عَطَاءٍ، فِي رَجُلٍ قَذَفَ رَجُلًا أُمًّا مُّوْلَدٍ، قَالَ: لَيْسَ عَلَيْهِ حُدُودٌ حَتَّى تَعْتَقَ

**[28248]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Sufyan, from Mughirah, from Ibrahim and Al-Sha'bi, who said: "There is nothing upon the slanderer of a mother of a child."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، قَالَا: لَيْسَ عَلَى قَاتِفٍ أُمُّ الْوَلَدِ شَيْءٌ

**[28249]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri, who said: "The slanderer of a mother of a child is not flogged the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: لَا يُجَدُّ قَاتِفُ أُمُّ الْوَلَدِ حَدًّا

**[28250]** Abu Bakr narrated to us, saying: 'Abbad narrated to us, from Ash'ath, from Al-Hasan and Muhammad, who said: "There is no hadd punishment on the slanderer of a mother of a child."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، وَمُحَمَّدٍ، قَالَا: لَيْسَ عَلَى قَاتِفٍ أُمُّ الْوَلَدِ حُدُودٌ

**[28251]** Abu Bakr narrated to us, saying: Isma'il ibn Ibrahim narrated to us, from Ayyub, from Nafi', from one of the rulers of the Fitnah: He asked Ibn 'Umar about a mother of a child who was slandered. He ordered that her slanderer be flogged eighty lashes.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنْ بَعْضِ أَمْرَاءِ الْفِتْنَةِ: سَأَلَ ابْنَ عُمَرَ عَنْ أُمٍّ وَلَدٍ فُدِيَّتْ، فَأَمَرَ بِقَادِفِهَا أَنْ يُجْلَدَ ثَمَانِينَ

**[28252]** Abu Bakr narrated to us, saying: Abu Khalid al-Ahmarr narrated to us, from Yahya ibn Sa'id, from Nafi', from Ibn 'Umar, who said: "The slanderer of a mother of a child is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدُ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: يُجْلَدُ قَادِفُ أُمٍّ الْوَلَدِ

**[28253]** Abu Bakr narrated to us, saying: Abu Khalid al-Ahmarr narrated to us, from Yahya ibn Sa'id, from Sa'id ibn al-Musayyib, who said: "Abu Sariyah and the son of a mother of a child reviled each other. Abu Sariyah insulted the son of the mother of a child, so he was flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدُ الْأَحْمَرُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، قَالَ: اسْتَبَّ أَبُو صَرِيْحَةَ وَابْنُ أُمٍّ وَلَدٍ، فَسَبَّ أَبُو صَرِيْحَةَ ابْنَ أُمٍّ الْوَلَدِ فَجُلِدَ

**[28254]** Abu Bakr narrated to us, saying: 'Abd al-Wahhab ibn 'Ata' narrated to us, from Sa'id, from Abu Yazid al-Madini: "That 'Umar ibn 'Abd al-'Aziz flogged a man who slandered a man's mother of a child who had not been freed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءَ، عَنْ سَعِيدٍ، عَنْ أَبِي يَزِيدَ الْمَدِينِيِّ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ جَلَدَ رَجُلًا قَدْفَتْ أُمُّهُ وَلَدٌ رَجُلٌ لَمْ تَعْتَقْ

**[28255]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Sa'id: "That 'Adi wrote to 'Umar ibn 'Abd al-'Aziz, so he wrote back: 'Flog him the hadd

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ: أَنَّ عَدِيًّا كَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فَكَتَبَ أَنْ اجْلِدَ الْحَدَّ

**[28256]** Abu Bakr narrated to us, saying: Isma'il ibn Ibrahim narrated to us, from Ayyub, who said: I wrote to Abu Qilabah asking him about a woman who is slandered, and she had been owned (as a slave). He wrote to me: "That her slanderer is flogged eighty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَيُوبَ، قَالَ: كَتَبْتُ إِلَى أَبِي قِلَابَةَ أَسْأَلَهُ عَنِ الْمَرْأَةِ قُدْفَتْ، وَقَدْ كَانَتْ مُلَكَّتْ، فَكَتَبَ إِلَيَّ: أَنَّ قَادِفَهَا يُجلَدُ ثَمَانِينَ

**[28257]** Abu Bakr narrated to us, saying: 'Abdah narrated to us, from Sa'id, from Abu Ma'shar, from Ibrahim, regarding the mother of a child: "If she is freed and then slandered, her slanderer is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، فِي أُمِّ الْوَلَدِ: إِذَا أُعْتَقَتْ، ثُمَّ قُدْفَتْ جُلَادَ قَادِفَهَا

**[28258]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri, that he used to say: "If a woman was once owned and then freed, the hadd punishment is upon her slanderer."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الزُّهْرِيِّ، أَنَّهُ كَانَ يَقُولُ: إِذَا مُلِكَتِ الْمَرْأَةُ مَرَّةً، ثُمَّ أَعْنِقْتُ، فَإِنَّ عَلَى قَاتِلِهَا الْحَدَّ

**[28259]** Abu Bakr narrated to us, saying: Abu Dawud al-Tayalisi narrated to us, from Hisham, from Qatadah, from Al-Hasan, regarding a woman who was once owned and then slandered. He said: "Her slanderer is not flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤُدَ الطَّيَالِسِيُّ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، فِي امْرَأَةٍ مُلِكَتْ مَرَّةً ثُمَّ قُتِفَتْ، قَالَ: لَا يُجْلَدُ قَاتِلُهَا

**[28260]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mansur, from Abu al-Duha, and from Mughirah, from Al-Sha'bi, who both said: 'Ali used to say: "If a thief steals multiple times, his hand and foot are cut off. Then if he returns [to stealing], I put him in prison."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ أَبِي الصُّخْرَى، وَعَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ، قَالَ: كَانَ عَلَيِّ، يَقُولُ: إِذَا سَرَقَ السَّارِقُ مِرَارًا قُطِعَتْ يَدُهُ وَرِجْلُهُ، ثُمَّ إِنْ عَادَ اسْتَوْدَعْتُهُ السَّجْنَ

**[28261]** Abu Bakr narrated to us, saying: Hatim ibn Isma'il narrated to us, from Ja'far, from his father, who said: "Ali would not cut off more than a hand and a foot for a thief. If he was brought after that, he would say: 'I am ashamed that he cannot purify himself for his prayer. However, restrain him entirely from the Muslims and spend on him from the treasury."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، قَالَ: "كَانَ عَلَيْهِ لَا يَزِيدُ عَلَى أَنْ يَقْطُعَ لِسَارِقَ يَدًا وَرِجْلًا، فَإِذَا أُتِيَ بِهِ بَعْدَ ذَلِكَ، قَالَ: إِنِّي لَأَسْتَحِي أَنْ لَا يَتَطَهَّرَ لِصَلَاتِهِ، وَلَكِنْ أَمْسِكُوا كُلَّهُ عَنِ الْمُسْلِمِينَ، وَأَنْفِقُوا عَلَيْهِ مِنْ بَيْتِ الْمَالِ

**[28262]** Abu Bakr narrated to us, saying: 'Isa ibn Yunus narrated to us, from Al-Awza'i, from Al-Zuhri, who said: "Abu Bakr stopped at cutting off the hand and the foot for a thief."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، قَالَ: اتَّهَى أَبُو بَكْرٍ فِي قَطْعِ السَّارِقِ إِلَى الْيَدِ وَالرِّجْلِ

**[28263]** Abu Bakr narrated to us, saying: Abu Usamah narrated to us, from 'Abd al-Rahman ibn Yazid ibn Jabir, from Makhul: That 'Umar said: "If he steals, cut off his hand. Then if he returns [to stealing], cut off his foot. Do not cut off his other hand; leave it for him to eat with and clean himself from excrement. However, imprison him from the Muslims."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ بْنِ جَابِرٍ، عَنْ مَكْحُولٍ: أَنَّ عُمَرَ قَالَ: إِذَا سَرَقَ فَاقْطَعُوا يَدَهُ، ثُمَّ إِنْ عَادَ فَاقْطَعُوا رِجْلَهُ، وَلَا تَقْطَعُوا يَدَهُ الْأُخْرَى وَذَرُوهُ يَأْكُلُ بِهَا الطَّعَامَ، وَيَسْتَغْشِي بِهَا مِنَ الْغَائِطِ، وَلَكِنْ احْبِسُوهُ عَنِ الْمُسْلِمِينَ

**[28264]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mansur, from Ibrahim, who said: "Do not leave the son of Adam like a beast. Something should be left for him to eat with."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَنْزِعُوا ابْنَ آدَمَ كَالْبَهِيمَةِ، يُثْرُكُ لَهُ يَأْكُلُ بِهَا

**[28265]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Sufyan, from 'Abd al-Rahman ibn al-Qasim, from his father: That Abu Bakr wanted to cut off the foot after the hand. 'Umar said: "The Sunnah is the hand."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ: أَنَّ أَبَا بَكْرٍ أَرَادَ أَنْ يَقْطَعَ الرِّجْلَ بَعْدَ الْأَيْدِيِّ، قَالَ عُمَرُ: السُّنْنَةُ الْأَيْدِيُّ

**[28266]** Abu Bakr narrated to us, saying: Ibn 'Ulayyah narrated to us, from Khalid al-Hadhdha', from 'Ikrimah, from Ibn 'Abbas, who said: "I saw 'Umar ibn al-Khattab cut off a man's hand after his hand and foot."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ خَالِدِ الْحَدْذَاءِ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: رَأَيْتُ عُمَرَ بْنَ الْخَطَّابِ قَطَعَ يَدَ رَجُلٍ بَعْدَ يَدِهِ وَرَجْلِهِ

**[28267]** Abu Bakr narrated to us, saying: Ibn Numayr narrated to us, from 'Abd al-Malik, from 'Ata', who was asked: "Should a thief have more than his hand and foot cut off?" He said: "No, but he should be imprisoned."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عَبْدِ الْمَالِكِ، عَنْ عَطَاءِ سُنْلَ: أَيْقُطْعُ السَّارِقَ أَكْثَرَ مِنْ يَدِهِ وَرَجْلِهِ؟، قَالَ: لَا، وَلَكِنَّهُ يُحْبَسُ

**[28268]** Abu Bakr narrated to us, saying: 'Isa ibn Yunus narrated to us, from Al-Awza'i, from Yahya ibn Abi Kathir, who said: "Najdah wrote to 'Umar asking him: 'Did the Prophet ﷺ cut off the foot after the hand?' He wrote back to him that the Prophet ﷺ had cut off the foot after the hand."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، قَالَ: "كَتَبَ نَجْدَةً إِلَى عُمَرَ يَسْأَلُهُ: هَلْ قَطَعَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرِّجْلَ بَعْدَ الْأَيْدِ، فَكَتَبَ إِلَيْهِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: قَدْ قَطَعَ الرِّجْلَ بَعْدَ الْأَيْدِ"

**[28269]** Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: 'Abd Rabbih ibn Abi Umayyah ibn al-Harith informed me, from Al-Harith ibn 'Abd Allah ibn Abi Rabi'ah, that he narrated to him, and 'Abd al-Rahman ibn Sabit also narrated to him: "That the Prophet ﷺ was brought a slave who had stolen, so he cut off his hand. Then a second time, he cut off his foot. Then he was brought again, and he cut off his hand. Then he was brought again, and he cut off his foot."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي عَبْدُ رَبِّهِ بْنُ أَبِي أَمِيَّةَ بْنَ الْحَارِثِ، عَنِ الْحَارِثِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي رَبِيعَةَ، أَنَّهُ حَدَّثَهُ وَعَدْ الرَّحْمَنَ بْنَ سَابِطٍ، أَيْضًا حَدَّثَهُ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أُتِيَ بِعَبْدٍ قَدْ سَرَقَ فَقَطَعَ يَدَهُ، ثُمَّ أَتِيَ بِهِ فَقَطَعَ رِجْلَهُ، ثُمَّ أُتِيَ بِهِ فَقَطَعَ يَدَهُ ثُمَّ أُتِيَ بِهِ فَقَطَعَ رِجْلَهُ

**[28270]** Abu Bakr narrated to us, saying: Ibn Idris narrated to us, from Husayn, from Al-Sha'bi, and from Shu'bah, from 'Amr ibn Murrah, from 'Abd Allah ibn Salamah: That 'Ali was brought a thief, so he cut off his right hand. Then he was brought again, and he cut off his left foot. Then he was brought a third time, and he said: "I am ashamed to cut off his hand with which he eats and cleans himself." In the hadith of some of them: He whipped him and imprisoned him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ حُصَيْنِ، عَنِ الشَّعْبِيِّ، وَعَنْ شُعْبَةَ، عَنْ عَمْرُو بْنِ مُرَّةَ، عَنْ عَبْدِ اللَّهِ بْنِ سَلَمَةَ: أَنَّ عَلَيْهِ أُتِيَ بِسَارِقٍ فَقُطِّعَ يَدُهُ الْيُمْنَى، ثُمَّ أُتِيَ بِهِ فَقُطِّعَ رِجْلُهُ الْأَيْسَرَى، ثُمَّ أُتِيَ بِهِ التَّالِئَةَ، قَالَ: إِنِّي أَسْتَحِي أَنْ أَفْطِعَ يَدَهُ يَأْكُلُ بِهَا وَيَسْتَحِي بِهَا وَفِي حَدِيثِ بَعْضِهِمْ: ضَرَبَهُ وَحَبَسَهُ

**[28271]** Abu Bakr narrated to us, saying: Abu Khalid narrated to us, from Hajjaj, from 'Amr ibn Murrah, from 'Abd Allah ibn Salamah, who said: 'Ali used to say regarding the thief: "If he steals, I cut off his hand. If he returns, I cut off his foot. If he returns again, I put him in prison."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ حَاجَاجٍ، عَنْ عَمْرُو بْنِ مُرَّةَ، عَنْ عَبْدِ اللَّهِ بْنِ سَلَمَةَ، قَالَ: كَانَ عَلَيْهِ يَقُولُ فِي السَّارِقِ: إِذَا سَرَقَ قَطَعْتُ يَدَهُ، فَإِنْ عَادَ قَطَعْتُ رِجْلَهُ، فَإِنْ عَادَ اسْتُوْدَعْتُهُ السَّجْنَ

**[28272]** Abu Khalid narrated to us, from Hajjaj, from 'Amr ibn Dinar, that Najdah wrote to Ibn 'Abbas asking him about the thief. He wrote back to him with the like of 'Ali's opinion.

حَدَّثَنَا أَبُو خَالِدٌ، عَنْ حَجَاجٍ، عَنْ عَمْرِو بْنِ دِينَارٍ، أَنَّ نَجْدَةَ كَتَبَ إِلَى ابْنِ عَبَّاسٍ يَسْأَلُهُ عَنِ السَّارِقِ، فَكَتَبَ إِلَيْهِ يَمِثُلُ قَوْلَ عَلَيْ

**[28273]** Abu Khalid narrated to us, from Hajjaj, from Simak, from some of his companions: That 'Umar consulted them about a thief, and they agreed on the like of 'Ali's opinion.

حَدَّثَنَا أَبُو خَالِدٌ، عَنْ حَجَاجٍ، عَنْ سِمَاكٍ، عَنْ بَعْضِ أَصْحَابِهِ: أَنَّ عُمَرَ اسْتَشَارَهُمْ فِي سَارِقٍ، فَأَجْمَعُوا عَلَى مِثْلِ قَوْلِ عَلَيْ

**[28274]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Sa'id, from Thumamah: "That Anas ibn Malik, when his slave committed adultery, would flog him the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ ثُمَامَةَ: أَنَّ أَنَّسَ بْنَ مَالِكٍ كَانَ إِذَا رَأَى مَمْلُوكًا ضَرَبَهُ الْحَدَّ

**[28275]** Abu Bakr narrated to us, saying: Sufyan ibn 'Uyaynah narrated to us, from Al-Zuhri, from 'Ubayd Allah, from Abu Hurayrah, Zayd ibn Khalid, and Shibl, who said: We were with the Prophet ﷺ, and a man asked him about a slave girl who commits adultery before she is married. He said: "Flog her. If she commits adultery again, flog her." He said on the third or fourth time: "Then sell her, even for a hair rope."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفِيَّانُ بْنُ عُيَيْنَةَ، عَنِ الرَّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ، وَزَيْدِ بْنِ خَالِدٍ، وَشِبْلٍ، قَالُوا: كُنَّا عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَسَأَلَهُ رَجُلٌ عَنِ الْأُمَّةِ تَرْزَنِي قَبْلَ أَنْ تُحْصَنَ، قَالَ: "اجْلِدُوهَا، فَإِنْ زَانَتْ فَاجْلِدُوهَا، قَالَ فِي التَّالِثَةِ أَوْ فِي الرَّابِعَةِ: فَبِيعُوهَا وَلَوْ بِضَافِرٍ

[28276] Abu Bakr narrated to us, saying: Abu al-Ahwas narrated to us, from 'Abd al-A'la, from Abu Jamilah, from 'Ali, who said: The Prophet ﷺ was informed about a slave girl of theirs who had committed immorality. He sent me to her and said: "Go and establish the hadd punishment on her." I went and found that she had not yet dried from her blood (post-partum bleeding). He said: "Have you finished?" I said: "I found her not yet dried from her blood." He said: "When she dries from her blood, then flog her." Then the Messenger of Allah ﷺ said: "Establish the hadd punishments on those whom your right hands possess."

حَدَّنَا أَبُو بَكْرٍ قَالَ: حَدَّنَا أَبُو الْأَخْوَصِ، عَنْ عَبْدِ الْأَعْلَى، عَنْ أَبِي جَمِيلَةَ، عَنْ عَلَىٰ، قَالَ: أَخْبَرَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِإِمَامَةِ لَهُمْ فَجَرَتْ، فَأَرْسَلَنِي إِلَيْهَا، فَقَالَ: اذْهَبْ، فَأَقِمْ عَلَيْهَا الْحَدَّ فَانْطَلَقْتُ فَوَجَدْنَاهَا لَمْ تَحِفَّ مِنْ دِمَائِهَا، فَقَالَ: إِذَا حَفَّتْ مِنْ دِمَائِهَا فَاجْلِدُوهَا، ثُمَّ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: وَأَقِيمُوا الْحُدُودَ عَلَىٰ مَا مَلَكَتْ أَيْمَانُكُمْ

**[28277]** Abu Mu'awiyah narrated to us, from Al-A'mash, from Ibrahim, from Hammam, from 'Amr ibn Shurahbil, who said: Ma'qil al-Muzani came to 'Abd Allah. Abu Bakr narrated to us, saying: "My slave girl committed adultery, shall I flog her?" He said: 'Abd Allah said: "Flog her fifty lashes." He said: "She returned (to it)." He said: "Flog her."

حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ هَمَّامٍ، عَنْ عَمْرِو بْنِ شُرَحْبِيلَ، قَالَ: جَاءَ مَعْقُلُ الْمُزَانِيُّ إِلَى عَبْدِ اللَّهِ حَدَّثَنَا أَبُو بَكْرٍ قَالَ:: جَارِيَتِي زَئْتُ فَأَجْلَدُهَا؟، قَالَ: قَالَ عَبْدُ اللَّهِ: اجْلِدُهَا خَمْسِينَ، قَالَ: عَادَتْ، قَالَ: اجْلِدُهَا

**[28278]** Abu Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from 'Amr, from Al-Hasan ibn Muhammad ibn 'Ali: "That Fatimah carried out the hadd punishment on a slave girl of hers."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ الْخَسَنِ بْنِ مُحَمَّدٍ بْنِ عَلَيٍّ: أَنَّ فَاطِمَةَ حَدَّتْ جَارِيَةً لَهَا

**[28279]** Abu Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from Abu al-Zinad, from Kharijah ibn Zayd, from Zayd: "That he carried out the hadd punishment on a slave girl of his."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَبِي الزِّنَادِ، عَنْ خَارِجَةَ بْنِ زَيْدٍ، عَنْ زَيْدٍ: أَنَّهُ حَدَّ جَارِيَةً لَهُ

**[28280]** Abu Bakr narrated to us, saying: Ibn 'Ulayyah narrated to us, from Khalid, from Abu Qilabah: "That Abu al-Muhallab used to flog his slave girl if she committed immorality in the assembly of his people."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ: أَنَّ أَبَا الْمُهَلَّبِ كَانَ يَجْلِدُ أَمْنَةً إِذَا فَجَرَتْ فِي مَجْلِسِ قَوْمِهِ

**[28281]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mughirah, from Fudayl, from Ibrahim, who said: "They used to send for their servants if they committed adultery to flog them in the assemblies."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ فُضَيْلٍ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانُوا يُرْسِلُونَ إِلَى خَدْمِهِمْ إِذَا زَنَبْنَ يَجْلِدُوهُنَّ فِي الْمَجَالِسِ

**[28282]** Abu Bakr narrated to us, saying: 'Abd al-Wahhab al-Thaqafi narrated to us, from Ayyub, from Nafi', from Ibn 'Umar: "That he used to whip his slave girl if she committed immorality."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ الثَّقَافِيُّ، عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ يَضْرِبُ أَمْنَةً إِذَا فَجَرَتْ

**[28283]** Abu Bakr narrated to us, saying: 'Abbad ibn al-'Awwam narrated to us, from Ash'ath, from his father, who said: "I witnessed Abu Barzah whip a slave girl of his who committed immorality. He said: She had a sheet covering her. He said: And a group of people were with him. He recited: {And let a group of the believers witness their punishment} [An-Nur: 2]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ أَشْعَثَ، عَنْ أَبِيهِ، قَالَ: "شَهِدْتُ أَبَا بَرْزَةَ ضَرَبَ أَمَّةً لَهُ فَجَرَتْ، قَالَ: وَعَلَيْهَا مِلْحَفَةٌ قَدْ جُلِّتْ، قَالَ: وَعِنْدَهُ طَائِفَةٌ مِنَ النَّاسِ، قَالَ: {وَلِيُشَهِّدُ عَذَابَهُمَا طَائِفَةٌ مِنَ الْمُؤْمِنِينَ} [النور: 2]

**[28284]** Abu Bakr narrated to us, saying: Waki' and Ghundar narrated to us, from Shu'bah, from 'Amr ibn Murrah, from 'Abd al-Rahman ibn Abi Layla, who said: "I met the elders of the Ansar; when a slave girl committed adultery, they would whip her in their assemblies."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، وَغُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، قَالَ: أَدْرَكْتُ أَشْيَاخَ الْأَنْصَارِ إِذَا رَأَتِ الْأَمَّةَ يَضْرِبُونَهَا فِي مَجَالِسِهِمْ

**[28285]** Abu Bakr narrated to us, saying: Abu Khalid narrated to us, from Al-A'mash, from Ibrahim, from 'Alqamah and Al-Aswad: "That they used to carry out the hadd punishments on the slave girls of the tribe if they committed adultery in the assemblies."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، وَالْأَسْوَدِ: أَنَّهُمَا كَانَا يُقِيمَانِ الْحُدُودَ عَلَى جَوَارِي الْحَيِّ إِذَا رَأَيْنَ فِي الْمَجَالِسِ

**[28286]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Isra'il, from Jabir, from Abu Ja'far, who said: "You do not establish the hadd punishment except on what your right hand possesses."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: لَا تَظْفِرُ الْحَدَّ إِلَّا مَا مَلَكْتُ يَمِينَكَ

**[28287]** Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Sufyan, from Abu Ishaq, from Abu Maysarah: "That he used to whip the slave girls of his people to purify them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي مَيْسَرَةَ: أَنَّهُ كَانَ يَضْرِبُ إِمَاءَ قَوْمِهِ بِطَهْرٍ هُنَّ

**[28288]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mansur, who said: I met 'Abd al-Rahman ibn Ma'qil. He said: "What do you think about the slave girl about whom your father asked 'Abd Allah, that she committed immorality, and he ordered him to whip her, if she was married?" He said: "No."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، قَالَ: لَقِيَتُ عَبْدَ الرَّحْمَنَ بْنَ مَعْقِلٍ، قَالَ: أَرَأَيْتَ الْأُمَّةَ الَّتِي سَأَلَ عَنْهَا أَبُوكَ عَبْدَ اللَّهِ أَنَّهَا فَجَرَتْ فَأَمْرَهُ بِجُلْدِهِ إِنْ كَانَتْ تَزَوَّجْتُ؟، قَالَ: لَا

**[28289]** Abu Bakr narrated to us, saying: Abu Khalid narrated to us, from Al-A'mash, from Habib, from Abu Salih, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "If the servant of one of you commits adultery, let him flog her. If she returns (to it), let him flog her. If she returns (to it), let him sell her, even for a rope of hair."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنِ الْأَعْمَشِ، عَنْ حَبِيبٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا زَانَتْ حَادِمٌ أَحَدِكُمْ فَلْيَجْلِدْهَا، فَإِنْ عَادَتْ فَلْيَجْلِدْهَا، فَإِنْ عَادَتْ فَلْيَبْعَثْهَا، وَلَوْ بَخْلٌ مِنْ شِعْرٍ

**[28290]** Abu Bakr narrated to us, saying: Waki' narrated to us, from 'Ali ibn Mubarak, from Yahya ibn Abi Kathir, from 'Ikrimah, from Ibn 'Abbas, who said: "The hadd punishment of the Mukatab (slave with a contract for freedom) is the hadd of a slave as long as anything remains of his contract."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَلِيٍّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: حَدْ الْمُكَاتِبِ حَدُّ الْمَفْلُوكِ مَا بَقَيَ عَلَيْهِ شَيْءٌ مِنْ مُكَاتِبَتِهِ

**[28291]** Abu Bakr narrated to us, saying: 'Abdah narrated to us, from Salih ibn Hayy, from Al-Sha'bi, who said: "The Mukatab is beaten the hadd of a slave until he is freed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ صَالِحِ بْنِ حَيِّ، عَنِ الشَّعْبِيِّ، قَالَ: يُضْرَبُ الْمُكَاتِبُ حَدَّ الْعَبْدِ حَتَّى يُعْنَقَ

**[28292]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Muhammad, from Ma'mar, from Al-Zuhri, who said: "His hadd punishment is the hadd of a slave."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مُحَمَّدٍ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: حَذْهُ حَذْهُ الْعَبْدِ

**[28293]** Abu Bakr narrated to us, saying: Ghundar narrated to us, from Shu'bah, from Mansur, from Ibrahim, from 'Ali, regarding the Mukatab if he incurs a hadd punishment. He said: "He is beaten according to what he has paid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلَيِّ، فِي الْمُكَاتَبِ إِذَا أَصَابَ حَذَّا، قَالَ: يُضْرَبُ بِحَسْبِ مَا أَدَى

**[28294]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Sufyan, from Habib, from Ibn 'Abbas, and from Sufyan, from Mansur, from Mujahid, and from Shu'bah, from 'Amr ibn Murrah, from Sa'id ibn Jubayr, who said: "There is no hadd punishment on the slave girl until she is married."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِينَانَ، عَنْ حَبِيبٍ، عَنْ ابْنِ عَبَّاسٍ، وَعَنْ سُفِينَانَ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، وَعَنْ شُعْبَةَ، عَنْ عَمْرُو بْنِ مُرَّةَ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، قَالُوا: لَيْسَ عَلَى الْأَمَةِ حَذْهُ حَذَّتِ نِرَوَجَ

**[28295]** Abu Bakr narrated to us, saying: Ibn Yaman narrated to us, from Ash'ath, from Ja'far, from Sa'id ibn Jubayr, who said: "The slave girl is not flogged until she is married (muhsan)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ يَمَانٍ، عَنْ أَشْعَثَ، عَنْ جَعْفَرٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ: لَا تُجْلِدُ الْأَمَةَ حَتَّى تُحْصَنَ

**[28296]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mansur, from Mujahid, who said: "The people of Mecca say: If a slave girl commits immorality and has not been married before that, the hadd punishment is not carried out on her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، قَالَ: "يَقُولُ أَهْلُ مَكَّةَ: إِذَا فَجَرَتِ الْأَمَةُ، وَلَمْ تَكُنْ تَرَوْجَتْ قَبْلَ ذَلِكَ، لَا يُقَامُ عَلَيْهَا الْحَدُّ

**[28297]** Abu Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from 'Amr, from Mujahid, from Ibn 'Abbas, who said: "There is no hadd punishment on a slave girl until she is protected by marriage (muhsan)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَيْسَ عَلَى الْأَمَةِ حُدُودٌ تُحْصَنَ بِزَوْجٍ

**[28298]** Abu Bakr narrated to us, saying: Hushaym and 'Abd al-Rahman narrated to us, from Mujalid, from 'Amir, who said: "There is no testing in hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، وَعَبْدُ الرَّحْمَنِ، عَنْ مُجَالِدٍ، عَنْ عَامِرٍ، قَالَ: لَا امْتِحَانٌ فِي حُدُودٍ

**[28299]** Abu Bakr narrated to us, saying: Waki' narrated to us, from 'Imran ibn Hudayr, from Abu Mijlaz, who said: "Testing is in the description, that he be threatened and pressured. If you whip him even one lash, his confession is nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عِمْرَانَ بْنِ حُدَيْرٍ، عَنْ أَبِي مِجْلَزٍ، قَالَ: الْمِحْنَةُ فِي الصَّفَةِ أَنْ يُوعَدَ وَيُجْلَبَ عَلَيْهِ، وَإِنْ ضَرَبْتَهُ سَوْطًا وَاحِدًا فَلَيْسَ اعْتِرَافُهُ بِشَيْءٍ

**[28300]** Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Sa'id ibn Zayd, from Wasil, the freed slave of Abu 'Uyaynah, from Abu 'Uyaynah ibn al-Muhallab, who said: I heard 'Umar ibn 'Abd al-'Aziz say: "Whoever confesses after being whipped even one lash, he is a liar."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سَعِيدِ بْنِ زَيْدٍ، عَنْ وَاصِلٍ، مَوْلَى أَبِي عُيْنَةَ، عَنْ أَبِي عُيْنَةَ بْنِ الْمُهَلَّبِ، قَالَ: سَمِعْتُ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، يَقُولُ: مَنْ أَقْرَأَ بَعْدَمَا ضُرِبَ سَوْطًا وَاحِدًا، فَهُوَ كَذَابٌ

**[28301]** 'Amir and Al-Hakam said: "The ordeal (Mihnah) is an innovation (Bid'ah)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَالْحَكَمَ قَالَا: الْمِحْنَةُ بِدْعَةٌ

**[28302]** Shurayh said: "Shackling is coercion, imprisonment is coercion, and threats are coercion."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ الْمَسْعُودِيِّ، عَنْ الْفَاسِمِ، عَنْ شُرَيْحٍ، قَالَ: الْفَيْدُ كَرْهٌ، وَالسَّجْنُ كَرْهٌ، وَالْأُوْعَدُ كَرْهٌ

**[28303]** Umar said: "A man is not trustworthy over himself if you starve him, frighten him, or imprison him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ الشِّيْبَانِيِّ، عَنْ عَلِيِّ بْنِ حَنْظَلَةَ، عَنْ أَبِيهِ، قَالَ: قَالَ عُمَرُ: لَيْسَ الرَّجُلُ بِأَمْيَنٍ عَلَى نَفْسِهِ إِنْ أَجْعَلْتَهُ، أَوْ أَخْفَتَهُ أَوْ حَبَسْتَهُ

**[28304]** Ibn Shihab said regarding a man who confessed after being flogged: "There is no Hadd punishment on him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجِ، قَالَ: قَالَ ابْنُ شِهَابٍ فِي رَجُلٍ اعْتَرَفَ بَعْدَمَا جُلِدَ، قَالَ: لَيْسَ عَلَيْهِ حَدٌّ

**[28305]** Umar said: "Startle the thief, but do not intimidate him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُبَارَكٍ، عَنْ الْحَسَنِ، قَالَ: قَالَ عُمَرُ: رَوْغُ السَّارِقَ، وَلَا تُرَاوِعْهُ

**[28306]** Tariq al-Shami reported that a man was brought to him who was caught for theft. He beat him, and he confessed. He sent to Ibn Umar asking about it. Ibn Umar said to him: "Do not cut his hand, for he only confessed after you beat him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا ابْنُ أَبِي ذِئْبٍ، عَنْ الزُّهْرِيِّ، عَنْ طَارِقِ الشَّامِيِّ: أَنَّهُ أَتَى بِرَجُلٍ أَخْذَ فِي سَرْقَةٍ فَضَرَبَهُ فَاقَرَّ، فَبَعَثَ إِلَى ابْنِ عُمَرَ يَسْأَلُهُ عَنْ ذَلِكَ، فَقَالَ لَهُ ابْنُ عُمَرَ: لَا تَنْقِطْعُهُ، فَإِنَّهُ إِنَّمَا أَقَرَّ بَعْدَ ضَرْبِكِ إِيَّاهُ

**[28307]** Ata was asked about a man who says to his wife: "I did not find you a virgin." He said: "There is nothing upon him. Virginity can be lost through jumping, illness, and prolonged spinsterhood."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَجَاجِ، عَنْ عَطَاءٍ، قَالَ: سَأَلْتُ عَنِ الرَّجُلِ يَقُولُ لِإِمْرَأَتِهِ: لَمْ أَجِدْكِ عَذْرَاءً، قَالَ: لَيْسَ عَلَيْهِ شَيْءٌ، إِنَّ الْعُذْرَةَ تَهَبُ مِنَ الْوَثْبَةِ، وَالْمَرْضِ، وَطُولِ التَّعْنِيْسِ

**[28308]** Salim was asked about a man who says to his wife: "I did not find you a virgin." He said: "There is no harm. Virginity is lost through jumping and [other] things."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقَ، عَنْ مَعْمِرٍ،  
عَنْ الْحَكَمِ بْنِ أَبْيَانَ، عَنْ سَالِمٍ، قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ  
يَقُولُ لِامْرَأَتِهِ: لَمْ أَجِدْكِ عَذْرَاءً، قَالَ: لَا بَأْسَ، الْعُذْرَةُ  
تُذَهِّبُهَا الْوَثْبَةُ وَالشَّيْءُ

**[28309]** Al-Sha'bi said regarding a man who marries a virgin and then says: "I did not find you a virgin": "It is nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ الشَّيْبَانِيُّ، عَنِ  
الشَّعْبِيِّ، فِي الرَّجُلِ يَتَرَوَّجُ الْبِكْرَ ثُمَّ يَقُولُ: لَمْ أَجِدْكِ  
عَذْرَاءً، قَالَ: لَيْسَ بِشَيْءٍ

**[28310]** Al-Hasan used to not consider that as Qadhf (slander).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ  
الْحَسَنِ، قَالَ: كَانَ لَا يَرَى ذَلِكَ قَذْفًا

**[28311]** Ibrahim said regarding a man who marries a woman and says: "I did not find her a virgin": "There is no Hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ مُغِيرَةَ، عَنِ  
إِبْرَاهِيمَ، فِي الرَّجُلِ يَتَرَوَّجُ الْمُرَأَةَ فَيَقُولُ: لَمْ أَجِدْهَا  
عَذْرَاءً، قَالَ: لَا حَدَّ عَلَيْهِ

**[28312]** Ibrahim said: "It is not Qadhf."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنِ  
الْحَكَمِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَيْسَ بِقَذْفٍ

**[28313]** Sulayman ibn Yasar, Ata, and Al-Hasan said regarding a man who says to his wife: "I did not find you a virgin": "Virginity is removed by Al-Naytah (prolonged maidenhood) and Al-Litah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ  
سَلَمَةَ، عَنْ قَنَادَةَ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، وَعَطَاءَ،  
وَالْحَسَنِ، فِي الرَّجُلِ يَقُولُ لِامْرَأَتِهِ: لَمْ أَجِدْكِ عَذْرَاءً،  
قَالُوا: إِنَّ الْعُذْرَةَ تُذَهِّبُهَا النَّيَطَةُ وَاللَّيْطَةُ

**[28314]** Aisha said: "There is nothing upon him. Virginity is lost through jumping, menstruation, and ablution."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ أَبِي حَيْنَةَ، عَنِ الْهَيْمَمِ، عَمِّنْ أَخْبَرَهُ: أَنَّ عَائِشَةَ، قَالَتْ: لَيْسَ عَلَيْهِ شَيْءٌ إِنَّ الْعُدْرَةَ تَذَهَّبُ مِنَ الْوَتْبَةِ وَالْحَيْضَةِ وَالْوُضُوءِ

**[28315]** Sa'id ibn al-Musayyib said regarding a man who says to his wife: "I did not find you a virgin": "[It entails] Hadd punishment, but no Li'an."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدِ، عَنْ فَتَاهَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، فِي الرَّجُلِ يَقُولُ لِأَمْرَاتِهِ: لَمْ أَجِدْكِ عَذْرَاءَ، قَالَ سَعِيدٌ: حَذْ وَلَا مُلَاعَةَ

**[28316]** Zayd ibn Thabit and Ibn Umar were asked about a man who said to his wife: "I did not find you a virgin." He said: "If he retracts, he is flogged the Hadd, and she remains his wife. If he does not retract, he performs Li'an with her, and they are separated."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحَبَابِ، عَنِ ابْنِ لَبِيعَةَ، عَنْ عَبْدِ اللَّهِ بْنِ هُبَيْرَةَ، عَنْ رَجُلٍ، قَدْ سَمِّاهُ: أَنَّ زَيْدَ بْنَ ثَابِتٍ، وَابْنَ عُمَرَ سُلَيْلًا عَنْ رَجُلٍ، قَالَ لِأَمْرَاتِهِ: لَمْ أَجِدْكِ عَذْرَاءَ، قَالَ: إِنْ ثَبَرَأَ جُلَادُ الْحَدَّ وَكَانَتِ امْرَأَتُهُ، وَإِنْ لَمْ يَتَبَرَّأْ لَا عَنَّهَا وَفَرَّقَ بَيْنَهُمَا

**[28317]** Al-Zuhri said: "If a man consummates the marriage with a woman and then says: 'I did not find her a virgin,' he is flogged the Hadd punishment and does not perform Li'an, because he did not say: 'I saw you committing adultery.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَمَادُ بْنُ خَالِدٍ، عَنِ ابْنِ أَبِي ذِئْبٍ، عَنِ الرُّهْبَرِيِّ، قَالَ: إِذَا دَخَلَ الرَّجُلُ بِالْمَرْأَةِ ثُمَّ قَالَ: لَمْ أَجِدْهَا عَذْرَاءَ، قَالَ: يُضْرَبُ الْحَدُّ وَلَا يُلَاقِعُ لِإِنَّهُ لَمْ يَقُلْ: إِنِّي رَأَيْتُكِ تَرْبَيْنِ

**[28318]** Ibn Shubrumah said: I was with Al-Sha'bi when a man was brought who had been caught for a Hadd offense or slander. He flogged him the Hadd while he was wearing a shirt; I don't know what was underneath it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنِ ابْنِ شُبْرُمَةَ،  
قَالَ: كُنْتُ عِنْدَ الشَّعْبِيِّ فَأُتِيَ بِرَجُلٍ قَدْ أَخْدَفَ فِي حَدًّا أَوْ  
قَدْفَ، فَضَرَبَهُ الْحَدُّ وَعَلَيْهِ قَمِيصٌ، مَا أَذْرَى مَا تَحْتَهُ

**[28319]** Mujahid and Ibrahim said: "The slanderer is flogged while wearing his clothes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ لَيْثٍ، عَنْ  
مُجَاهِدٍ، وَعَنْ الْمُغَيْرَةِ، عَنْ إِبْرَاهِيمَ، قَالَا: يُضْرَبُ  
الْقَادِفُ وَعَلَيْهِ ثِيَابُهُ

**[28320]** Sa'd ibn Ibrahim's father said: "I remember the skin of a sheep I ordered to be slaughtered when Umar flogged Abu Bakrah. He placed its skin on his back due to the severity of the flogging."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَلَيَّةَ، عَنْ إِسْمَاعِيلَ بْنِ  
أُمِيَّةَ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِيهِ، قَالَ: إِنِّي لَأَذْكُرُ  
مَسْكَ شَاةً أَمْرَتُ بِهَا، فَذَبَحْتُهُ حِينَ ضَرَبَ عُمَرُ أَبَا  
بَكْرَةَ، فَجَعَلَ مَسْكَهَا عَلَى ظَهْرِهِ مِنْ شِدَّةِ الضَّرَبِ

**[28321]** Al-Sha'bi said: "The slanderer is flogged with his clothes on, unless he is wearing fur or a padded coat, so that he feels the touch of the strike."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ  
مُطَرِّفٍ، عَنِ الشَّعْبِيِّ، قَالَ: يُضْرَبُ الْقَادِفُ وَعَلَيْهِ  
ثِيَابُهُ، إِلَّا أَنْ يَكُونَ عَلَيْهِ فَرْوُ، أَوْ قَبَاءً مَحْشُوْ حَتَّى يَجِدَ  
مَسَّ الضَّرَبِ

**[28322]** Al-Walid ibn Abi Malik reported that Abu Ubaydah ibn al-Jarrah was brought a man. The man went to remove his shirt, saying: "It is not fitting for this sinful body of mine to be flogged while wearing a shirt." Abu Ubaydah said: "Do not let him remove his shirt." So he flogged him while he was wearing it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْحَجَاجِ،  
عَنِ الْوَلِيدِ بْنِ أَبِي مَالِكٍ: أَنَّ أَبَا عُبَيْدَةَ بْنَ الْجَرَاحَ أَتَى  
بِرَجُلٍ فَدَهَبَ الرَّجُلُ يَنْزَعُ قَمِيصَهُ وَقَالَ: مَا يَنْبَغِي  
لِجَسَدِي هَذَا الْمُذْنِبُ أَنْ يُضْرَبَ وَعَلَيْهِ الْقَمِيصُ، قَالَ:،  
فَقَالَ أَبُو عُبَيْدَةَ: لَا تَدْعُوهُ يَنْزَعُ قَمِيصَهُ فَضَرَبَهُ عَلَيْهِ

**[28323]** Hammad said: "The slanderer is flogged while wearing his clothes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدُرُ، عَنْ شُعْبَةَ، عَنْ  
حَمَادٍ، قَالَ: يُضْرَبُ الْقَافِذُ وَعَلَيْهِ ثِيَابُهُ

**[28324]** Al-Hasan said: "If a man slanders in winter, he is not dressed in summer clothes, but is flogged in the clothes in which he slandered. If he slanders in summer, he is not dressed in winter clothes; he is flogged in what he slandered in."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ إِسْمَاعِيلِ،  
عَنِ الْحَسَنِ، قَالَ: إِذَا قَدَّفَ الرَّجُلُ فِي الشَّتَاءِ لَمْ يَلْبِسْ  
ثِيَابَ الصَّيْفِ، وَلَكِنْ يُضْرَبُ فِي ثِيَابِهِ الَّتِي قَدَّفَ فِيهَا،  
إِذَا قَدَّفَ فِي الصَّيْفِ لَمْ يَلْبِسْ ثِيَابَ الشَّتَاءِ، يُضْرَبُ  
فِيمَا قَدَّفَ فِيهِ

**[28325]** Ghundar narrated from Shu'bah, from Sa'd ibn Ibrahim, from his father, from his mother who said: "I remember the skin of a sheep..." then mentioned similar to the hadith of Ibn Ulayyah.

حَدَّثَنَا غُنْدُرُ، عَنْ شُعْبَةَ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ  
أَبِيهِ، عَنْ أَمَّهِ، قَالَتْ: إِنِّي لَا ذُكْرُ مَسْنُكْ شَاةً ثُمَّ ذَكَرَ  
نَحْنُوا مِنْ حِدِيثِ ابْنِ عَلَيَّةَ

**[28326]** Salamah ibn al-Majnun said: I said to a man: "O you who does such-and-such with his mother!" They brought me to Abu Hurayrah, and he flogged me. He said: "Nothing hurt me except a whip that landed on [another] whip mark."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ سَلَمَةَ بْنِ الْمَجْنُونِ، قَالَ: قُلْتُ لِرَجُلٍ: يَا فَاعِلُ بِأُمِّهِ، قَالَ: فَقَدَّمْتُونِي إِلَى أُبِي هُرَيْرَةَ فَضَرَبَنِي، قَالَ: وَمَا أَوْجَعَنِي إِلَّا سَوْطٌ وَقَعَ عَلَى سَوْطٍ

**[28327]** Al-Hasan reported that a woman from the Dubayriyyin committed adultery. Her family dressed her in an iron coat of mail. She was brought to Ali, and he flogged her while she was wearing it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْحَسَنِ: أَنَّ امْرَأَةً مِنَ الصَّبَرِيِّينَ زَانَتْ، فَأَلْبَسَهَا أَهْلُهَا دِرْعًا مِنْ حَدِيدٍ، فَرُفِعَتْ إِلَى عَلَيِّ فَضَرَبَهَا وَهُوَ عَلَيْهَا

**[28328]** Ash'ath ibn al-Sawwar reported from his father: "I witnessed Abu Barzah flogging a slave girl of his who committed immorality while she was wearing a wrap."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ أَشْعَثَ بْنِ السَّوَارِ، عَنْ أَبِيهِ، قَالَ: شَهِدْتُ أَبَا بَرْزَةَ يَضْرِبُ أُمَّةً لَهُ فَجَرَتْ وَعَلَيْهَا مُلْحَفٌ

**[28329]** Hammad said: "As for the adulterer, his clothes are removed." And he recited: {And let not pity for them overtake you in the religion of Allah} [An-Nur: 2]. I said: "This is regarding the judgment." He said: "This is regarding the judgment and the flogging."

**[28330]** Al-Walid ibn Abi Malik reported that Abu Ubaydah was brought a man who had committed adultery. He said: "This sinful body deserves to be beaten." He removed his coat, but then refused to beat [him?] and returned his coat to him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُنْدُرٌ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ، قَالَ: "إِنَّمَا الرَّازِيَ فَيُخَلِّعُ عَنْهُ ثِيَابَهُ وَتَلَأْ: {وَلَا فُلْتُ}: 2] تَأْخُذُكُمْ بِهِمَا رَأْفَةً فِي دِينِ اللَّهِ} [النُّورِ هَذَا فِي الْحُكْمِ، قَالَ: هَذَا فِي الْحُكْمِ وَالْجَلْدِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ، عَنْ حَاجَاجٍ، عَنْ الْوَلِيدِ بْنِ أَبِي مَالِكٍ، قَالَ: أَتَيَ أَبُو عُيْنَةَ بِرَجُلٍ قَدْ رَأَى، قَالَ: إِنَّ هَذَا الْجَسَدَ الْمُذْنِبُ لِأَهْلٍ أَنْ يُصْرَبَ، فَنَزَعَ عَنْهُ قَبَاءَهُ، فَأَبَى أَنْ يَصْرِبَ وَرَدَ عَلَيْهِ قَبَاءَهُ

**[28331]** Al-Qasim reported from his father that Abdullah was brought a man found with a woman under one garment. He flogged both of them forty lashes each. They went to Umar seeking redress against him. Umar met Abdullah and said: "Some people sought redress against you regarding such and such." He told him the story. He said to Abdullah: "Is that what you saw fit?" He said: "Yes." He said: "We came to seek redress from him, but behold, he is asking him for a

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ،  
عَنِ الْقَاسِمِ، عَنْ أَبِيهِ، قَالَ: أَتَيَ عَبْدُ اللَّهِ بِرَجُلٍ وُجِدَ  
مَعَ امْرَأَةً فِي تُوبِ، قَالَ: فَضَرَبَهُمَا أَرْبَعِينَ أَرْبَعِينَ،  
قَالَ: فَخَرَجُوا إِلَى عُمَرَ فَاسْتَعْدُوا عَلَيْهِ، فَأَقَى عُمَرُ عَبْدَ  
اللَّهِ، قَالَ: قَوْمٌ اسْتَعْدُوا عَلَيْكَ فِي كَذَا وَكَذَا، فَأَخْبَرَهُ  
بِالْفِصَّةِ قَالَ لِعَبْدِ اللَّهِ: كَذَلِكَ رَأَيْتَ، قَالَ: نَعَمْ، قَالَ:  
حَدَّثَنَا سَتْعَدِيَةُ، فَإِذَا هُوَ يَسْتَقْتِيَهُ

**[28332]** Ali said: "If a man is found with a woman, each of them is flogged one hundred lashes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمٌ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ،  
عَنْ عَلَيٍّ، قَالَ: إِذَا وُجِدَ الرَّجُلُ مَعَ الْمَرْأَةِ جُلِدَ كُلُّ  
وَاحِدٍ مِنْهُمَا مِائَةً

**[28333]** Abd al-Rahman ibn Abi Layla reported that a man had a hired worker. He found a man with his wife under a quilt, so he flogged him forty lashes.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ سَلَمَةَ،  
عَنِ الْحَسَنِ الْعَرَنِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى: أَنَّ  
رَجُلًا كَانَ لَهُ عَسِيفٌ فَوَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فِي لِحَافٍ  
فَضَرَبَهُ أَرْبَعِينَ

**[28334]** Zabyan ibn 'Umarah reported that Ali was brought a man and a woman. A man said: "We found them under one quilt, with wine and basil." Ali said: "Two vile sights." He flogged them but did not specify a Hadd punishment.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ سُوَيْدِ بْنِ نَجِيْحٍ، عَنْ طَبِيَّانَ بْنِ عُمَارَةَ، قَالَ: أَتَيْتَ عَلَيْ بِرَجُلٍ وَامْرَأَةً، قَالَ رَجُلٌ: إِنَّا وَجَدْنَاهُمَا فِي لَحَافٍ وَاحِدٍ، وَعِنْدَهُمَا خَمْرٌ وَرَيْخَانٌ، قَالَ عَلِيُّ: مَرْبِيَّانٌ حَبِيَّانٌ، فَجَلَّدُهُمَا، وَأَمْ يَذْكُرُ حَدًّا

**[28335]** Al-Hasan said: "Their heads are shaved and they are flogged." He mentioned a number of lashes which I do not recall.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آمِّمَةَ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ الْحَسَنِ، قَالَ: ثُجْزٌ رُءُوسُهُمَا وَيُجْلَدُانَ فَذَكَرَ جَلْدًا لَا أَحْفَظُهُ

**[28336]** Abu Rawh reported that a woman disguised herself as a man's slave girl at night, and he had intercourse with her thinking she was his slave. This was raised to Umar, who sent to Ali. Ali said: "Flog the man a Hadd punishment in secret, and flog the woman in public."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي بِشْرٍ، عَنْ أَبِي رَوْحٍ: أَنَّ امْرَأَةً تَشَبَّهَتْ بِأَمْمَةِ لِرَجُلٍ، وَذَلِكَ لَيْلًا، فَوَاقَعَهَا وَهُوَ يَرَى أَنَّهَا أَمْنَهُ، قَالَ: فَرُفِعَ ذَلِكَ إِلَى عُمَرَ، قَالَ: فَأَرْسَلَ إِلَى عَلِيٍّ، فَقَالَ: اصْرِبْ الرَّجُلَ حَدًّا فِي السَّرِّ، وَاصْرِبْ الْمَرْأَةَ فِي الْعَلَانِيَةِ

**[28337]** Abu Nadrah said: Ibn Abbas was asked about the punishment for the sodomite. He said: "Look for the highest building in the village, throw him down headfirst, then pelt him with stones."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غَسَانُ بْنُ مُضَرَّ، عَنْ سَعِيدِ  
بْنِ يَزِيدَ، عَنْ أَبِي نَضْرَةَ، قَالَ: سُئِلَ ابْنُ عَبَّاسٍ: مَا حَدُّ  
الْوُطِيْرِ؟، قَالَ: يُنْظَرُ أَعْلَى بَنَاءٍ فِي الْفَرْيَادِ فَيُرْمَى بِهِ  
مُنْكَسًا، ثُمَّ يُتَبَّعُ بِالْحَجَّارَةِ

**[28338]** Mujahid and Sa'id ibn Jubayr heard Ibn Abbas say regarding a man found or caught committing sodomy: "He is stoned."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ  
جُرَيْجٍ، قَالَ: أَخْبَرَنِي ابْنُ خُثْمٍ، عَنْ مُجَاهِدٍ، وَسَعِيدِ بْنِ  
جُبَيْرٍ، أَنَّهُمَا سَمِعَا ابْنَ عَبَّاسٍ يَقُولُ فِي الرَّجُلِ يُوجَدُ أَوْ  
يُؤْخَذُ عَلَى الْوُطِيْرَةِ: إِنَّهُ يُرْجَمُ

**[28339]** Yazid ibn Qays reported that Ali stoned a sodomite.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِبِيعٌ، عَنْ ابْنِ أَبِي لَيْلَى،  
عَنْ الْقَاسِمِ بْنِ الْوَلِيدِ، عَنْ يَزِيدِ بْنِ قَيْسٍ: أَنَّ عَلِيًّا رَجَمَ  
لَوْطِيَّا

**[28340]** Ata said regarding a man who commits sodomy with another man: "His Sunnah (ruling) is the Sunnah of the woman [i.e., same punishment as adultery]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ  
جُرَيْجٍ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يَأْتِي الرَّجُلَ، قَالَ: سُنْنَةُ  
سُنْنَةُ الْمَرْأَةِ

**[28341]** 'Amir said: "He is stoned whether married or unmarried."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِبِيعٌ، عَنْ سُفْيَانَ، عَنْ  
جَابِرٍ، عَنْ عَامِرٍ، قَالَ: يُرْجَمُ أَحْصَنُ أَوْ لَمْ يُحْصَنُ

**[28342]** Ibrahim said: "The punishment for the sodomite is the punishment for the adulterer: if married, stoning; if unmarried, flogging."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: حَدُّ الْوُطِيْرِ حَدُّ الزَّانِي، إِنْ كَانَ مُحْسِنًا فَالرَّجْمُ، وَإِنْ كَانَ بِكْرًا فَالْجَلْدُ

**[28343]** Al-Hasan said: "The sodomite is in the position of the adulterer."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: الْلُّوْطِيْرُ بِمَنْزِلَةِ الزَّانِي

**[28344]** Al-Hasan and Ibrahim said: "The sodomite is in the position of the adulterer."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ، قَالَ: أَخْبَرَنِي سَعِيدُ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، وَعَنْ أَبِي مَعْشِرٍ، عَنْ إِبْرَاهِيمَ، قَالَا: الْلُّوْطِيْرُ بِمَنْزِلَةِ الزَّانِي

**[28345]** Ibrahim said regarding the sodomite: "If anyone were to be stoned twice, it would be this one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ، قَالَ: أَخْبَرَنَا حَمَادُ بْنُ سَلَمَةَ، عَنْ حَمَادِ بْنِ أَبِي سُلَيْمَانَ، عَنْ إِبْرَاهِيمَ، فِي الْلُّوْطِيْرِ، قَالَ: لَوْ كَانَ أَحَدُ يُرْجَمُ مَرَّتَيْنِ رُجِمَ هَذَا

**[28346]** Al-Zuhri said: "The sodomite is stoned if he is married; if unmarried, he is flogged one hundred lashes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: يُرْجَمُ الْلُّوْطِيْرُ إِذَا كَانَ مُحْسِنًا، وَإِنْ كَانَ بِكْرًا جُلَدٌ مِائَةً

**[28347]** Ibrahim and Al-Hakam said regarding the sodomite: "He is beaten less than the Hadd punishment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، وَعَنْ سُفْيَانَ، عَنِ الشَّيْبَانِيِّ، عَنِ الْحَكَمِ، فِي الْلُّوْطِيْرِ: يُضَرَبُ دُونَ الْحَدِّ

**[28348]** 'Ubayd Allah ibn 'Abd Allah ibn Ma'mar said: "Stoning is upon him; the act of the people of Lot killed him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ مَعْمَرٍ، قَالَ: عَلَيْهِ الرَّجْمُ قَتَلَهُ عَمَلُ قَوْمٍ لُوتٍ

**[28349]** Jabir ibn Zayd said: "The sanctity of the anus is greater than the sanctity of such-and-such [vagina]." Qatadah said: "We interpret it as stoning."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنْ جَابِرِ بْنِ رَيْدٍ، قَالَ: حُرْمَةُ الدُّبْرِ أَعْظَمُ مِنْ حُرْمَةِ كَذَا قَالَ قَنَادَةُ: نَحْنُ نَحْمِلُهُ عَلَى الرَّجْمِ

**[28350]** Uthman looked out at the people on the Day of the House (siege) and said: "Do you not know that the blood of a Muslim is not lawful except for four [reasons]? ... [One of them is] a man who commits the act of the people of Lot."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فَيْسٍ، عَنْ أَبِي حُصَيْنٍ: أَنَّ عُثْمَانَ، أَشْرَفَ عَلَى النَّاسِ يَوْمَ الدَّارِ، فَقَالَ: إِنَّمَا عَلِمْتُمْ أَنَّهُ لَا يَحِلُّ ذَمَّ امْرِئٍ مُسْلِمٍ إِلَّا بِأَرْبَعَةِ: رَجُلٌ عَمِلَ عَمَلَ قَوْمٍ لُوتٍ

**[28351]** Sinan ibn Salamah said to him: "What a good man, even if he were a sodomite."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غَسَانُ بْنُ مُضْرَبَ، عَنْ سَعِيدٍ بْنِ يَزِيدَ، عَنْ سِنَانَ بْنِ سَلَمَةَ، أَنَّهُ، قَالَ لَهُ: نِعْمَ الرَّجُلِ إِنْ كَانَ لُوطِيًّا

**[28352]** Tawus used to say: "There is a Hadd punishment upon him unless he says: 'You do the act of the people of Lot.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ لَيْثٍ، عَنْ طَاؤُسٍ، أَنَّهُ كَانَ يَقُولُ: "عَلَيْهِ حَدٌّ إِلَّا أَنْ يَقُولَ: تَعْمَلُ بِعَمَلِ قَوْمٍ لُوتٍ

**[28353]** Similar to the saying of حَدَّثَنَا يَحْيَى بْنُ وَاضِحٍ، عَنْ عُبَيْدِ بْنِ سُلَيْمَانَ، عَنِ الضَّحَّاكِ، بِنَحْرٍ مِّنْ قَوْلِ طَاؤِسٍ Tawus, from Al-Dahhak.

**[28354]** Al-Sha'bi said: "I do not know of any Hadd punishment upon him." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ شُعْبَةَ، عَنْ أَبِي خَالِدِ الْوَاسِطِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: لَا أَعْلَمُ عَلَيْهِ حَدًّا

**[28355]** Farqad al-Sabakhi reported that a man said to another: "O sodomite!" He asked Al-Hasan and Muhammad, and they said: "There is no Hadd punishment upon him." Al-Hasan added: "Unless he says: 'You do the act of the people of Lot.'" حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ فَرْقَدِ السَّبَّاكِيِّ، أَنَّ رَجُلًا قَالَ لِرَجُلٍ: يَا لُوطِيُّ، فَسَأَلَ الْحَسَنَ وَمُحَمَّدًا، فَقَالَا: لَيْسَ عَلَيْهِ حَدٌّ وَقَالَ الْحَسَنُ: إِلَّا أَنْ يَقُولَ: إِنَّكَ تَعْمَلُ بِعَمَلِ قَوْمٍ لُوتٍ

**[28356]** Qatadah said: "There is nothing upon him." Abu Hashim said: "If he says: 'You are having intercourse with So-and-so in his anus,' flog him the Hadd." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءَ، عَنْ قَتَادَةَ، قَالَ: لَيْسَ عَلَيْهِ شَيْءٌ، وَقَالَ أَبُو هَاشِمٍ: إِذَا قَالَ: إِنَّكَ تَنْكِحُ فُلَانًا فِي دُبْرِهِ، قَالَ: اجْلِدْهُ الْحَدًّا

**[28357]** Qatadah said: A man said to Abu al-Aswad: "O sodomite!" He replied: "May Allah have mercy on Lot," and he did not consider it anything [punishable]. حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي هِلَالٍ، عَنْ قَتَادَةَ، قَالَ: قَالَ رَجُلٌ لِأَبِي الْأَسْوَدِ: يَا لُوطِيُّ، فَقَالَ: يَرْحَمُ اللَّهُ لُوطًا، وَلَمْ يَرَهُ شَيْئًا

**[28358]** Ibrahim said: "The one who does it is flogged, and the one who accuses of it is flogged." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنٍ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: يُجْلَدُ مَنْ فَعَلَهُ، وَمَنْ رَمَى بِهِ

**[28359]** Ibrahim said: "Whoever accuses a person of it is flogged, and it requires witnesses just as witnesses are required for adultery." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: مَنْ قَدَّفَ بِهِ إِنْسَانًا جُلَدَ، وَيَبْيَغِي فِيهِ مِنَ الشُّهُودِ كَمَا يَبْيَغِي فِي شُهُودِ الزُّنَاقِ

**[28360]** Al-Zuhri said: "If a man accuses another man of the act of the people of Lot or bestiality, he is flogged." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، قَالَ: إِذَا قَدَّفَ الرَّجُلُ الرَّجُلَ بِعَمْلٍ قَوْمٌ لُوتٍ أَوْ بِالْبَهِيمَةِ جُلَدَ

**[28361]** 'Abd al-Hamid ibn Jubayr reported that a man said to another: "O sodomite!" He was brought to Umar ibn Abd al-Aziz, who kept saying: "O sodomite, O Muhammadan!" He flogged him a dozen lashes, then brought him out the next day and completed the Hadd for him. حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سَعِيدِ بْنِ حَسَانَ، عَنْ عَبْدِ الْحَمِيدِ بْنِ جُبَيْرٍ: أَنَّ رَجُلًا قَالَ لِرَجُلٍ: يَا لُوطِي، فَرُفِعَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فَجَعَلَ يَقُولُ: يَا لُوطِي يَا مُحَمَّدِي، قَالَ: فَضَرَبَهُ بِضَعْعَةِ عَشَرَ سَوْطًا، ثُمَّ أَخْرَجَهُ مِنَ الْعَدِ فَأَكْمَلَ لَهُ الْحَدَّ

**[28362]** Al-Hasan said: "There is no Hadd upon him." Ikrimah said: "There is a Hadd upon him." حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي هَلَالٍ، عَنْ الْحَسَنِ، وَعِكْرِمَةَ، قَالَ الْحَسَنُ: "لَيْسَ عَلَيْهِ حُدُودٌ" وَقَالَ عِكْرِمَةُ: "عَلَيْهِ حُدُودٌ"

**[28363]** Al-Hasan said: "If a man slanders [someone] and the Hadd is carried out on him, if he repeats the slander against him, there is no [new] Hadd on him unless he brings a new accusation."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ،  
عَنْ الْحَسَنِ، قَالَ: إِنَّمَا قَدْفَ الرَّجُلُ أَقْبَمَ عَلَيْهِ الْحَدُّ، فَإِنْ  
أَعْدَ عَلَيْهِ الْقَدْفَ فَلَا حَدَّ عَلَيْهِ إِلَّا أَنْ يَحْدُثُ لَهُ قَدْفٌ  
آخَرُ

**[28364]** When Umar ordered Abu Bakrah and his companions to be flogged, Abu Bakrah repeated: "Al-Mughirah committed adultery." Umar wanted to flog him [again]. Ali said: "For what will you flog him? Did he say anything other than what he already said?" So he left him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عَلَيْهِ، عَنْ عُيَيْنَةَ بْنِ عَبْدِ  
الرَّحْمَنِ، عَنْ أَبِيهِ: أَنَّ عُمَرَ لَمَّا أَمْرَ بِأَبِي بَكْرَةَ  
وَأَصْحَابِهِ فَجُلِدُوا، فَعَادَ أَبُو بَكْرَةَ، قَالَ: رَزَّى الْمُغَيْرَةُ،  
فَأَرَادَ عُمَرُ أَنْ يَجْلِدَهُ، قَالَ عَلَيْهِ: "عَلَى مَا تَجْلِدُ؟"  
وَهُلْ، قَالَ: إِلَّا مَا قَدْ قَالَ، فَتَرَكَهُ

**[28365]** Ibrahim reported regarding a man who slandered another man and was flogged, then slandered him again.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَفَانُ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ  
سَلَمَةَ، عَنْ حَجَاجٍ، عَنْ فُضَيْلٍ، عَنْ إِبْرَاهِيمَ: فِي رَجُلٍ  
قَدْفَ رَجُلًا فَجُلِدَ، ثُمَّ قَدْفَهُ

**[28366]** Al-Sha'bi said: "There is no oath upon the slanderer."

حَدَّثَنَا هُشَيْمٌ، عَنْ بَعْضِ أَصْحَابِهِ، عَنْ الشَّعْبِيِّ، قَالَ:  
لَيْسَ عَلَى الْفَانِفِ يَمِينٌ

**[28367]** Umar ibn Abd al-Aziz made a man swear an oath who had slandered.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ  
ابْنِ أَبِي ذِئْبٍ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ حَلَفَ رَجُلًا  
قَدْفَهُ

**[28368]** Al-Qasim was asked about a man who says to another: "O son of the tailor!" or "O son of the copper!" or "O son of the butcher!" while his father is not such. Al-Qasim said: "We have lived to see that Hadd punishments are only established for clear slander or clear denial [of paternity]."

**[28369]** Sa'id ibn al-Musayyib said: "There is no Hadd except on one who explicitly states the Hadd offense."

**[28370]** Isma'il ibn Salim reported that two men were arguing. One said: "No child of adultery was born in Kufa without bearing a resemblance to the other." The other said: "If what the other has was revealed... no immoral woman exists who wouldn't recognize him." Al-Sha'bi was asked about this and said: "There is no Hadd on either of them."

**[28371]** Tawus used to not consider there to be a Hadd for insinuations.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُهُ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، قَالَ: سُلِّمَ الْفَاسِمُ عَنْ رَجُلٍ يَقُولُ لِلرَّجُلِ: يَا ابْنَ الْخِيَاطِ، أَوْ يَا ابْنَ الْحَاجَامِ، أَوْ يَا ابْنَ الْجَرَارِ، وَلَيْسَ أَبُوهُ كَذَلِكَ، فَقَالَ الْفَاسِمُ: قَدْ أَدْرَكْنَا وَمَا نُفِّقْنَا الْحُدُودُ إِلَّا فِي الْقَدْفِ الْبَيْنِ أَوْ فِي النَّفْيِ الْبَيْنِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، وَعَبْدُ الرَّزَاقِ، عَنْ مَعْمِرٍ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، قَالَ: لَا حَدٌ إِلَّا عَلَى مَنْ نَصَبَ الْحَدَّ نَصَبًا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلِ بْنِ سَالِمٍ: أَنَّ رَجُلَيْنِ كَانَ بَيْنَهُمَا لِحَاءٌ، فَقَالَ أَحَدُهُمَا، مَا وُلِدَ بِالْكُوْفَةِ وَلُدُّ زَنَّا إِلَّا فِي الْأُخْرَ شَبَّهَ مِنْهُ، وَقَالَ الْأُخْرُ: لَوْ كُشِّفَ مَا عِنْدَ الْأُخْرِ فَلَجِرَةٌ إِلَّا عَرَفْتُهُ فَسَلَّمَ عَنْ ذَلِكَ الشَّعْبِيِّ، فَقَالَ: لَيْسَ عَلَى وَاحِدٍ مِنْهُمَا حَدٌ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ، عَنْ زَمْعَةَ، عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ: أَنَّهُ كَانَ لَا يَرَى فِي التَّعْرِيضِ حَدًّا

**[28372]** Al-Hasan said: "There is no Hadd on him until he says: 'O adulterer!' or 'O son of an adulteress!'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مَنْصُورٍ، عَنِ الْحَسَنِ، قَالَ: أَلَيْسَ عَلَيْهِ حَدٌّ حَتَّى يَقُولَ: يَا زَانِ، أَوْ يَا ابْنَ الزَّانِيَةِ

**[28373]** Hammad said regarding a man who says to another: "On your back is the Hadd of adultery." He said: If he wishes, he can say: "I only said: 'There is indeed a place on your back.'" He said: "There is no Hadd on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدُرٌ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: إِنَّ فِي ظَهْرِكَ حَدًّا الرِّزْنَا، قَالَ: إِنْ شَاءَ، قَالَ: إِنَّمَا قُلْتُ: "إِنَّ فِي ظَهْرِكَ لِمَوْضِعًا، قَالَ: أَلَيْسَ عَلَيْهِ حَدًّا

**[28374]** Al-Hasan said: "The Hadd is not applied except for explicit slander."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدُرٌ، عَنْ عَوْفٍ، عَنِ الْحَسَنِ أَنَّهُ، قَالَ: لَا يُحَدُّ الْحَدَّ إِلَّا فِي الْقَذْفِ الْمُصَرَّحِ

**[28375]** Sa'id ibn al-Musayyib said regarding a man who said to another: "O son of Abu Kiranah!" [implying something bad]: "He is flogged the Hadd."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ إِبْرَاهِيمَ بْنِ عَامِرٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: أَنَّ رَجُلًا قَالَ لِرَجُلٍ: يَا ابْنَ أَبِي كَرَاتِهِ، قَالَ: يُضْرَبُ الْحَدَّ

**[28376]** 'Amrah said: Two men swore at each other. One of them said: "My mother is not an adulteress and my father is not an adulterer." Umar consulted the people, and they said: "He praised his father and mother." He said: "There was other praise for them than this." So he flogged him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي الرِّجَالِ، عَنْ أُمِّهِ عَمْرَةَ، قَالَتِ اسْنَبْ رَجُلًا، قَالَ أَحَدُهُمَا: مَا أُمِّي بِزَانِيَةٍ وَمَا أَبِي بِزَانِ، فَشَأْوَرَ عُمَرَ الْقَوْمَ، فَقَالُوا: مَدْخَ أَبَاهُ وَأُمَّهُ، فَقَالَ: لَدْ كَانَ لَهُمَا مِنَ الْمَدْحُ غَيْرُ هَذَا فَضَرَبَهُ

**[28377]** Mu'awiyah ibn Qurrah reported that a man said to another: "O son of Shammah al-Wadhr!" He complained to Uthman ibn Affan. He said: "I only meant such and such." Uthman ordered him to be flogged the Hadd.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنِ الْجَلْدِ بْنِ أَبْيَوبَ، عَنْ مُعَاوِيَةَ بْنِ قُرَّةَ: أَنَّ رَجُلًا، قَالَ لِرَجُلٍ: يَا ابْنَ شَامَةَ الْوَدْرِ، فَاسْتَغْفِرَ عَلَيْهِ عُثْمَانَ بْنَ عَفَانَ، فَقَالَ: إِنَّمَا عَنِيتُ كَذَا وَكَذَا، فَأَمْرَ بِهِ عُثْمَانٌ فَجَلَّ الْحَدَّ

**[28378]** Ibrahim said: "There is a punishment for insinuation."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا هِشَامٌ، عَنْ مُعِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: فِي التَّعْرِيْضِ عُوْبَةٌ

**[28379]** Urwah said: "In it [insinuation] is the Hadd."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، قَالَ: فِيهِ الْحَدُّ

**[28380]** Samurah said: "Whoever insinuates, we insinuate for him [punish him accordingly?]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَاصِمٍ، عَنْ ابْنِ سِيرِينَ: أَنَّ سَمُرَةَ، قَالَ: مَنْ عَرَضَ عَرَضْنَا لَهُ

[28381] Umar and Uthman used to punish for satire (Hija').

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعاذٌ، عَنْ عَوْفٍ، عَنْ أَبِي رَجَاءِ أَنَّ عُمَرَ، وَعُثْمَانَ: كَانَا يُعَاقِبَانِ فِي الْهَجَاءِ

[28382] Ata used to believe in beating for insinuation.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ ابْنِ جُرَيْحٍ،  
عَنْ عَطَاءٍ: أَنَّهُ كَانَ يَرَى الضَّرْبَ فِي التَّعْرِيضِ

**[28383]** Al-Zuhri used to flog the Hadd for insinuation.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنِ الْأَوْزَاعِيِّ،  
عَنِ الرُّهْبَرِيِّ: أَنَّهُ كَانَ يَجْلِدُ الْحَدَّ فِي التَّعْرِيْضِ

**[28384]** Ibn Abi Rabi'ah said:  
"Umar called us among the youths  
of Quraysh regarding slave girls  
from the state's property who had  
committed adultery. We flogged  
them fifty [lashes] each."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُهُ بْنُ سُلَيْمَانَ، عَنْ يَحْيَى  
بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ ابْنِ أَبِي رَبِيعَةِ،  
قَالَ: دَعَانَا عُمَرُ فِي فِتْيَانِ مِنْ فِتْيَانِ فَرِیشِ فِي إِمَاءِ  
رَزَّئَنِ مِنْ رَفِيقِ الْإِمَارَةِ، فَضَرَبَنَا هَذَا حَمْسِينَ حَمْسِينَ

**[28385]** Ma'qil al-Muzani came to Abdullah and said: "My slave girl committed adultery." He said: "Flog her fifty [lashes]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ،  
عَنْ إِبْرَاهِيمَ، عَنْ هَمَّامٍ، عَنْ عَمْرِو بْنِ شُرَحْبِيلٍ، قَالَ:  
جَاءَ مَعْقِلُ الْمَزْنِيُّ إِلَى عَبْدِ اللَّهِ قَالَ: إِنَّ جَارِيَتِي رَأَتْ،  
قَالَ: اجْلِدْهَا حَمْسِينَ

**[28386]** Al-Hasan said: "If a slave confesses to adultery, his master flogs him fifty lashes."

**حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: إِذَا اعْتَرَفَ الْعَبْدُ بِالزَّنَى جَلَّهُ سَيِّدُهُ خَمْسِينَ سَوْطًا**

**[28387]** Al-Hasan said: "If a slave confesses to drinking alcohol, his master flogs him forty lashes."

**حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ وَرْدَانَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ: إِذَا اعْتَرَفَ الْعَبْدُ بِشَرْبِ الْخَمْرِ جَلَّهُ سَيِّدُهُ أَرْتَعِينَ سَوْطًا**

**[28388]** Al-Zuhri said: It reached me that Umar, Uthman, and Ibn Umar used to flog the slave eighty lashes for drinking alcohol.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَانُ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنِ الزُّهْرِيِّ، قَالَ: بَلَغْنِي عَنْ عُمَرَ، وَعُثْمَانَ، وَأَبْنِ عُمَرَ: أَنَّهُمْ كَانُوا يَصْرِبُونَ الْعَبْدَ فِي الْخَمْرِ تَمَانِينَ

**[28389]** Ali ibn Rabah said regarding people who were stealing people's slaves in Africa: "There is no cutting [of hands] for them. This happened during the time of Umar ibn al-Khattab, and he did not see cutting for them, saying: 'These are deceivers.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُبَارَكٍ، عَنْ سَعِيدِ بْنِ أَبِي أَبْيَوبَ، عَنْ مَعْرُوفِ بْنِ سُوِيدٍ: أَنَّ قَوْمًا كَانُوا يَسْرِفُونَ رَقِيقَ النَّاسِ بِأَفْرِيقِيَّةَ، قَالَ عَلَيْهِ بْنُ رَبَاحٍ: لَيْسَ عَلَيْهِمْ قَطْعٌ، فَذَكَرَ هَذَا عَلَى عَهْدِ عُمَرَ بْنِ الْخَطَّابِ فَلَمْ يَرَ عَلَيْهِمْ قَطْعًا وَقَالَ: هُوَلَاءِ خَلَابُونَ

**[28390]** Al-Hasan said: "Whoever steals a boy is cut."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، قَالَ: مَنْ سَرَقَ صَبِيبًا قُطِعَ

**[28391]** Al-Zuhri said regarding the one who steals children and non-Arabs: "His hand is cut off."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنِ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، فِي الَّذِي يَسْرِقُ الصَّبْيَانَ وَالْأَعَاجِمَ: قُطْعَ يَدَهُ

**[28392]** Ibn Jurayj was informed that Umar ibn al-Khattab cut a man's hand for stealing a boy.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرْتُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ: قُطْعَ رَجُلًا فِي غُلَامٍ سَرَقةً

**[28393]** Ali said: "He is flogged eighty [lashes] for little or much wine."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ الْحَاجَاجِ، عَنْ حُصَيْنٍ، عَنِ الشَّعْبِيِّ، عَنِ الْحَارِثِ، عَنْ عَلَيِّ، قَالَ: يُجْلَدُ فِي قَلِيلِ الْخَمْرِ وَكَثِيرِهِ تَمَانِينَ

**[28394]** Al-Hasan said: "Regarding wine, little or much, even a sip, there is the Hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، قَالَ: فِي الْخَمْرِ قَلِيلٌ وَكَثِيرٌ، وَإِنْ حُسْنَةً فِيهَا الْحَدُّ

**[28395]** Al-Sha'bi said: "Whoever drinks wine, little or much, is flogged the Hadd."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: مَنْ شَرَبَ الْخَمْرَ قَلِيلًا أَوْ كَثِيرًا ضُرِبَ حَدًّا

**[28396]** Ata said: "If a man drinks from Sukkar (an intoxicant) what reaches the level of intoxication, the Hadd is obligatory upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: قَالَ عَطَاءُ: إِنْ شَرَبَ رَجُلٌ مِنَ السُّكَّرِ مَا بَلَغَ أَنْ يُسْكِرَ فَقَدْ وَجَبَ عَلَيْهِ الْحَدُّ

**[28397]** Umar said: "Whoever drinks wine, little or much, is flogged the Hadd."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعاوِيَةً بْنُ هِشَامٍ، عَنْ سُفْيَانَ، عَنْ حُصَيْنِ بْنِ عَبْدِ الرَّحْمَنِ، يَرْفَعُهُ إِلَى عُمَرَ، قَالَ: مَنْ شَرَبَ مِنَ الْخَمْرِ قَلِيلًا أَوْ كَثِيرًا ضُرِبَ الْحَدُّ

**[28398]** Ata said: "There is no Hadd for any drink until it intoxicates, except for wine (Khamr)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَيْسَ فِي شَيْءٍ مِنَ الشَّرَابِ حَدًّا حَتَّى يُسْكِرَ إِلَّا فِي الْخَمْرِ

**[28399]** Ibrahim said: "He is flogged for wine, whether little or much."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ رَجُلٍ، عَنْ إِبْرَاهِيمَ، قَالَ: يُضْرَبُ فِي الْخَمْرِ فِي قَلِيلِهِ أَوْ كَثِيرِهَا

**[28400]** Ali said: "The Hadd for Nabidh (intoxicating drink) is eighty."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَاجَاجٍ، عَنْ حُصَيْنِ، عَنِ الشَّعْبِيِّ، عَنِ الْحَارِثِ، عَنْ عَلَيٍّ، قَالَ: حَدُّ النَّبِيذِ ثَمَانُونَ

**[28401]** Hassan ibn Mukhariq said: It reached me that Umar ibn al-Khattab was traveling with a man who was fasting. When he broke his fast, he reached for a waterskin of Umar containing Nabidh that had been shaken by the camel. He drank from it and became intoxicated. Umar flogged him the Hadd. He said: "I only drank from your waterskin." Umar said: "We only flogged you for your intoxication."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ حَسَانَ بْنِ مُخَارقٍ، قَالَ: بَلَغْنِي أَنَّ عُمَرَ بْنَ الْخَطَّابِ، سَافَرَ رَجُلًا فِي سَفَرٍ وَكَانَ صَائِمًا، فَلَمَّا أَفْطَرَ أَهْوَى إِلَى قَرْبَةِ لِعُمَرَ مُعْلَقَةٌ فِيهَا نَبِيْذٌ فَذَخَنَهُ أَنْفَضَهَا الْتَّعِيرُ، فَشَرَبَ مِنْهَا فَسَكَرَ، فَصَنَرَهُ عُمَرُ الْحَدَّ، فَقَالَ لَهُ: إِنَّمَا شَرِبْتُ مِنْ قَرْبَتِكَ، فَقَالَ لَهُ عُمَرُ: إِنَّمَا جَلَّدْنَاكَ لِسُكُرِكَ

**[28402]** Al-Hasan said regarding one intoxicated from Nabidh: "He is flogged eighty [lashes]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، فِي السَّكْرَانِ مِنَ النَّبِيْذِ، قَالَ: يُضْرَبُ ثَمَانِينَ

**[28403]** Abu Wa'il said: "There is no Hadd in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ عُيَيْدَةَ، عَنْ أَبِي وَائِلٍ: لَيْسَ فِيهِ حَدٌّ

**[28404]** Ibn Abbas said: "For intoxication from Nabidh, it is eighty [lashes]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُعْمَىِّ، عَنْ حَاجَاجٍ، عَنْ أَبِي عَوْنَى، عَنْ عَبْدِ اللَّهِ بْنِ شَدَادٍ، عَنْ ابْنِ عَبَاسٍ، قَالَ: فِي السُّكْرِ مِنَ النَّبِيْذِ ثَمَانُونَ

**[28405]** Shaqiq al-'Absi said: "There is a Hadd in it; he is flogged eighty [lashes]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَبِيهِ، عَنْ شَقِيقِ الْعَبْسِيِّ، قَالَ: فِيهِ الْحَدُّ يُضْرَبُ ثَمَانِينَ

**[28406]** Al-Sha'bi said: Ali used to distribute Tila' (cooked wine) to the people in small jars. A man became intoxicated from it, so Ali flogged him eighty lashes. They testified before him that he got intoxicated from what he [Ali] had distributed to them. He said: "Why did he drink from it until he became intoxicated?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ مُجَالِدٍ، عَنْ الشَّعْبِيِّ، قَالَ: كَانَ عَلَيْهِ يَرْزُقُ النَّاسَ الطَّلَاءَ فِي دَنَانِ صِغَارٍ، فَسَكَرَ مِنْهُ رَجُلٌ فَجَلَّدَهُ عَلَيْهِ تَمَانِينَ، قَالَ: "فَشَهُدُوا عِنْدَهُ أَنَّهُ سَكَرَ مِنَ الَّذِي رَزَقَهُمْ، قَالَ: وَلِمَ شَرِبَ مِنْهُ حَتَّى سَكَرَ؟

**[28407]** Husayn Abu Sasan reported that people from Kufa went to Uthman and informed him about Al-Walid ibn 'Uqbah drinking wine. Ali was spoken to about this. Uthman said: "Take your cousin and carry out the Hadd on him." He said: "Stand up, O Hasan, and flog him." He said: "What have you to do with this? Let someone else handle this." He said: "Rather, you are weak and incapable. Stand up, O Abdullah ibn Ja'far." So he began flogging him while Ali counted until he reached forty. He said: "Stop and hold back. The Messenger of Allah (saw) flogged forty, Abu Bakr forty, and Umar completed it to eighty. And all is Sunnah."

**[28408]** Al-Hasan reported that Umar flogged eighty [lashes] for drinking wine.

حَدَّثَنَا أَبْنُ عُلَيَّةَ، عَنْ أَبْنِ أَبِي عَرْوَةَ، عَنْ عَبْدِ اللَّهِ الدَّانَاجَ، عَنْ حُصَيْنِ أَبِي سَاسَانَ، أَنَّهُ رَكِبَ النَّاسُ مِنْ أَهْلِ الْكُوفَةِ إِلَى عُتْمَانَ، فَأَخْبَرَهُ بِمَا كَانَ مِنْ أَمْرِ الْوَلِيدِ بْنِ عَفْبَةَ مِنْ شُرْبِ الْخَمْرِ، فَكَلَّمَ فِي ذَلِكَ عَلَيٌّ، قَالَ عُتْمَانُ: دُونَكَ أَبْنُ عَمَّكَ فَاقْفَمْ عَلَيْهِ الْحَدَّ، قَالَ: قُمْ يَا حَسَنُ، فَلَجَلَدْهُ، قَالَ: فَيْمَ أَنْتَ مِنْ هَذَا؟ أَوْلَى هَذَا غَيْرَكَ، قَالَ: بَلْ ضَعْفُتُ وَهُنْتُ وَعَجَزْتُ، قُمْ يَا عَبْدَ اللَّهِ بْنَ جَعْفَرٍ، فَجَعَلَ يَجْلِدُهُ وَيَعْدُ عَلَيٌّ حَتَّى بَلَغَ أَرْبَعينَ، قَالَ: كُفَّ وَأَمْسِكْ، جَلَدَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَرْبَعينَ، وَأَبُو بَكْرٍ أَرْبَعينَ، وَكَمْلَهَا عُمَرُ ثَمَانِينَ، وَكُلُّ سُنَّةٍ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ: أَنَّ عُمَرَ ضَرَبَ فِي الْخَمْرِ ثَمَانِينَ

**[28409]** Ali said: People from Syria drank wine under the command of Yazid ibn Abi Sufyan. They claimed it was lawful for them, interpreting the verse: {There is not upon those who believe and do righteousness [any] blame concerning what they have eaten [in the past]} [Al-Ma'idah: 93]. He wrote to Umar about them, and Umar wrote back: "Send them to me before they corrupt those around you." When they arrived, Umar consulted the people. They said: "O Commander of the Faithful, we see that they have lied against Allah and legislated in their religion what Allah has not permitted, so strike their necks." Ali was silent. Umar said: "What do you say, O Abu al-Hasan?" He said: "I think you should ask them to repent. If they repent, flog them eighty lashes for drinking wine. If they do not repent, strike their necks, for they have lied against Allah and legislated in their religion what Allah has not permitted." So he asked them to repent, and they repented, and he flogged them eighty lashes each.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ عَطَاءَ بْنِ السَّائِبِ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ عَلَيِّ، قَالَ: شَرَبَ قَوْمٌ مِنْ أَهْلِ الشَّامِ الْخَمْرَ وَعَلَيْهِمْ يَزِيدُ بْنُ أَبِي سُفْيَانَ، وَقَالُوا: هِيَ لَنَا حَلَالٌ، وَتَأْوِلُوا هَذِهِ الْآيَةَ: {لَيْسَ عَلَى الَّذِينَ آتَيْنَا وَعَمِلُوا الصَّالِحَاتِ جُنَاحٌ فِيمَا طَعَمُوا}، قَالَ: وَكَتَبَ فِيهِمْ إِلَى عُمَرَ فَكَتَبَ أَنْ [المائدة 93]: إِنَّمَا يُبَعْثَثُ بِهِمْ إِلَيَّ قَبْلَ أَنْ يُفْسِدُوا مِنْ قِبْلِكَ، فَلَمَّا قَدِمُوا عَلَى عُمَرَ اسْتَشَارَ فِيهِمُ النَّاسُ، فَقَالُوا: يَا أَمِيرَ الْمُؤْمِنِينَ، نَرَى أَنَّهُمْ قَدْ كَذَّبُوا عَلَى اللَّهِ وَشَرَعُوا فِي دِينِهِمْ، مَا لَمْ يَأْذِنْ بِهِ اللَّهُ فَاضْرِبْ رِقَابَهُمْ، وَعَلَيْهِمْ سَاكتُ، فَقَالَ: مَا تَشْوِلُ بِأَبَا الْحَسَنِ فِيهِمْ؟، قَالَ: أَرَى أَنْ تَسْتَبِّئُهُمْ، فَإِنْ تَابُوا جَلَّتْهُمْ ثَمَانِينَ لِشَرْبِ الْخَمْرِ، وَإِنْ لَمْ يَتُوبُوا ضَرَبْ رِقَابَهُمْ، قَدْ كَذَّبُوا عَلَى اللَّهِ وَشَرَعُوا فِي دِينِهِمْ مَا لَمْ يَأْذِنْ بِهِ اللَّهُ، فَاسْتَبَّاهُمْ فَتَابُوا، فَضَرَبَهُمْ ثَمَانِينَ ثَمَانِينَ

**[28410]** Abd al-Rahman ibn al-Azhar said: A drinker was brought to the Prophet (saw) on the day of Hunayn. The Messenger of Allah (saw) said to the people: "Get up to him." So they beat him with their sandals.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ، قَالَ: حَدَّثَنَا  
مُحَمَّدُ بْنُ عَمْرُو، قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ، وَمُحَمَّدُ بْنُ  
إِبْرَاهِيمَ، وَالزُّهْرِيُّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَزْهَرِ،  
قَالَ: أُتِيَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِشَارِبٍ يَوْمَ  
حُنَيْنٍ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلنَّاسِ:  
قُومُوا إِلَيْهِ فَضَرِبُوهُ بِنِعَالِهِمْ

**[28411]** Abu Bakr narrated to us, saying: Yazid ibn Harun narrated to us, saying: Al-Mas'udi informed us, from Zayd al-'Ammi, from Abu Nadrah, from Abu Sa'id al-Khudri: "That the Messenger of Allah ﷺ beat for [drinking] alcohol with two sandals forty times. So 'Umar made in place of each sandal a lash (whip)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ:  
أَخْبَرَنَا الْمَسْعُودِيُّ، عَنْ رَبِيعِ الْعَمَّيِّ، عَنْ أَبِي نَضْرَةَ،  
عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ  
وَسَلَّمَ ضَرَبَ فِي الْخَمْرِ بِتَعْلِيْنِ أَرْبَعِينَ، فَجَعَلَ عُمَرُ  
مَكَانَ كُلَّ تَغْلِيْسَةٍ سَوْطًا

**[28412]** Abu Bakr narrated to us, saying: Yazid ibn Harun narrated to us, saying: 'Imran ibn Hudayr narrated to us, from Al-Sumayt ibn 'Umayr, who said: A man entered the mosque on Friday and prayed four [Rak'ahs]. A man said to his companion: "Did you see what I saw?" He said: "Yes." So they took him and brought him to Abu Musa al-Ash'ari and said: "This man entered the mosque and prayed four [Rak'ahs]." He said: "Did he change [anything]?" They said: "No." He said: "This is indeed suspicious." He asked [the man]: "What led you to do what you did?" He said: "I had not drunk it before today." So he flogged him eighty lashes.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: حَدَّثَنَا  
عِمْرَانُ بْنُ حُدَيْرٍ، عَنِ السُّمَيْطِ بْنِ عُمَيْرٍ، قَالَ: دَخَلَ  
رَجُلٌ يَوْمَ الْجُمُعَةِ الْمَسْجِدَ، فَصَلَّى أَرْبَعاً، فَقَالَ رَجُلٌ  
إِصَاحِبِهِ: رَأَيْتُ مَا رَأَيْتُ؟، قَالَ: نَعَمْ، فَلَاحَدَاهُ، فَأَتَيْنَا بِهِ  
أَبَا مُوسَى الْأَشْعَرِيَّ، فَقَالَ: إِنَّ هَذَا دَخَلَ الْمَسْجِدَ  
فَصَلَّى أَرْبَعاً، فَقَالَ: هُنَّ غَيْرُهُ؟، فَقَالَ: لَا، قَالَ: إِنَّ هَذِهِ  
لَرِبَّهُ، قَالَ: مَا حَمَلْتَ عَلَى مَا صَنَعْتَ؟، قَالَ: مَا  
شَرِبْنَا قَبْلَ الْيَوْمِ فَجَلَهُ ثَمَانِينَ

**[28413]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Mis'ar, from Zayd al-'Ammi, from Abu al-Siddiq al-Naji, from Abu Sa'id, from the Prophet ﷺ: "That he beat for [drinking] alcohol forty times."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ زَيْدِ  
الْعَمَّيِّ، عَنْ أَبِي الصَّدِيقِ النَّاجِيِّ، عَنْ أَبِي سَعِيدٍ، عَنْ  
النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَنَّهُ ضَرَبَ فِي الْخَمْرِ  
أَرْبَعينَ

**[28414]** Abu Bakr narrated to us, saying: Ibn Mubarak narrated to us, from Ma'mar, who said: 'Abd al-Halim ibn Qilab ibn Ya'la narrated to me, from his father: That Ya'la ibn Umayyah said to 'Umar ibn al-Khattab or wrote to him: "We are brought people who have drunk alcohol; on whom should we carry out the hadd punishment?" He said: "Ask him to recite the Qur'an and throw his cloak among other cloaks. If he does not recite the Qur'an and does not recognize his cloak, then carry out the hadd punishment on him."

**[28415]** Abu Bakr narrated to us, saying: Muhammad ibn Bishr narrated to us, from Mis'ar, who said: Abu Bakr ibn 'Amr ibn 'Utbah narrated to us, saying: I think he mentioned it from 'Umar, that he said: "There is no hadd punishment except in what snatches away the intellect (intoxicates)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، قَالَ:  
حَدَّثَنِي عَبْدُ الْحَلِيمِ بْنُ قِلَابٍ بْنِ يَعْلَى، عَنْ أَبِيهِ: أَنَّ  
يَعْلَى بْنُ أُمَيَّةَ، قَالَ: لِعَمَرَ بْنِ الْخَطَّابِ أَوْ كَتَبَ إِلَيْهِ: إِنَّ  
نُؤْثِي بِقُوْمٍ فَدْ شَرِبُوا الشَّرَابَ، فَعَلَى مَنْ تُقْبِلُ الْحَدَّ،  
فَقَالَ: اسْتَقْرِئُهُ الْقُرْآنَ وَالْأَقِرْبَاءُ بَيْنَ أَرْدَبَيْهِ، فَإِنْ لَمْ  
يَقْرَأْ الْقُرْآنَ وَلَمْ يَعْرِفْ رِدَاءَهُ، فَاقْتُلْ عَلَيْهِ الْحَدَّ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، عَنْ مِسْعَرٍ،  
قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَمْرُو بْنُ عُثْنَةَ، قَالَ: أَرَاهُ  
ذَكْرَهُ عَنْ عُمَرَ، أَنَّهُ، قَالَ: لَا حَدَّ إِلَّا فِيمَا خَلَسَ الْعُقْلُ

**[28416]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Mis'ar, from Abu Bakr ibn 'Amr ibn 'Utbah, from 'Abd Allah ibn 'Utbah, saying: I think [he narrated] from 'Umar, who said: "There is no hadd punishment except in what snatches away the intellect."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مِسْعَرٍ، عَنْ أَبِي بَكْرِ بْنِ عَمْرُو بْنِ عُثْنَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عُثْنَةَ، قَالَ: أَرَاهُ عَنْ عُمَرَ، قَالَ: لَا حَدًّا إِلَّا فِيمَا خَلَسَ الْعُقْلُ

**[28417]** Abu Bakr narrated to us, saying: Ibn 'Uyaynah narrated to us, from Sa'id ibn Sa'id, from 'Ata', who said: "If a Muslim steals alcohol from a Dhimmi, [his hand] is cut off. But if he steals it from a Muslim, it is not cut off."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ سَعِيدِ بْنِ سَعِيدٍ، عَنْ عَطَاءٍ، قَالَ: إِذَا سَرَقَ الْمُسْلِمُ مِنَ الْذِمَّيِّ حَمْرًا قُطِعَ، وَإِذَا سَرَقَهَا مِنْ مُسْلِمٍ لَمْ يُقطَعْ

**[28418]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Mujalid, from 'Amir: "That Shurayh made a Muslim liable for alcohol he spilled belonging to a Dhimmi."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ مُجَالِدٍ، عَنْ عَامِرٍ: أَنَّ شُرَيْحًا ضَمَّنَ مُسْلِمًا حَمْرًا أَهْرَاقَهَا لِذِمَّيِّ

**[28419]** Abu Bakr narrated to us, saying: Al-Dahhak ibn Makhlad narrated to us, from Ash'ath, from Al-Hasan, who said: "Whoever steals from a Jew or a Christian, or takes from the People of the Covenant (Ahl al-Dhimma), [his hand] is cut off."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنْ أَسْعَثَ، عَنِ الْحَسَنِ، قَالَ: مَنْ سَرَقَ مِنْ يَهُودِيًّا أَوْ نَصْرَانِيًّا أَوْ أَخْذَ مِنْ أَهْلِ الدِّمَةِ فَطُعِنَ

**[28420]** Abu Bakr narrated to us, saying: Mu'tamir ibn Sulayman al-Zuraqi narrated to us, from Hajjaj, from 'Abd al-Jabbar ibn Wa'il, from his father, who said: "A woman was coerced (raped) during the time of the Messenger of Allah ﷺ, so he averted the hadd punishment from her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْمَرُ بْنُ سُلَيْمَانَ الزُّرَقِيَّ، عَنْ حَجَّاجٍ، عَنْ عَبْدِ الْجَبَارِ بْنِ وَائِلٍ، عَنْ أَبِيهِ، قَالَ: اسْتَكْرَهَتْ امْرَأَةٌ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَنَرَأِي عَنْهَا الْحَدَّ

**[28421]** Abu Bakr narrated to us, saying: Hafs narrated to us, from 'Ubayd Allah, from Nafi', from Ibn 'Umar: "That 'Umar was brought slave girls from the governorate whom young men from the governorate had coerced. So he beat the young men and did not beat the slave girls."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ عُبَيْدِ اللَّهِ، عَنْ تَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ عُمَرَ أَتَيَ بِإِمَاءِ مِنْ إِمَاءَ الْإِمَارَةِ، اسْتَكْرَهُهُنَّ غِلْمَانٌ مِنْ غِلْمَانِ الْإِمَارَةِ، فَضَرَبَ الْغِلْمَانَ وَلَمْ يَضْرِبْ الْإِمَاءَ

**[28422]** Abu Bakr narrated to us, saying: Ibn Numayr narrated to us, from 'Ubayd Allah, from Nafi': "That a man was hosted by a household, and he coerced a woman from among them. That was referred to Abu Bakr, so he beat him and exiled him, but he did not beat the woman."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ عُبَيْدِ اللَّهِ،  
عَنْ نَافِعٍ: أَنَّ رَجُلًا أَصَافَ أَهْلَ بَيْتٍ، فَاسْتَكَرَهُ مِنْهُمْ  
إِمْرَأً، فَرُفِعَ ذَلِكَ إِلَى أَبِي بَكْرٍ فَصَرَبَهُ وَنَفَاهُ، وَلَمْ  
يَضْرِبْ الْمَرْأَةَ

**[28423]** Abu Bakr narrated to us, saying: Ma'mar ibn Sulayman al-Raqi narrated to us, from Hajjaj: "That an Abyssinian coerced a woman from them. So 'Umar ibn 'Abd al-'Aziz carried out the hadd punishment on him and empowered her over his neck (gave her rights over him)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعْمُرُ بْنُ سُلَيْمَانَ الرَّقِيِّ،  
عَنْ حَاجَاجٍ: أَنَّ حَبْشَيَّاً اسْتَكَرَهُ امْرَأَةً مِنْهُمْ، فَاقْتَامَ عَلَيْهِ  
عُمَرُ بْنُ عَبْدِ الْعَزِيزِ الْحَدَّ، وَأَمْكَنَهَا مِنْ رَقْبَتِهِ

**[28424]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Ash'ath, from Al-Zuhri, Al-Sha'bi, and Al-Hasan, who said: "There is no hadd punishment on a coerced woman."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُونَ، عَنْ أَشْعَثَ، عَنْ  
الزُّهْرِيِّ، وَالشَّعْبِيِّ، وَالْحَسَنِ، قَالُوا: لَيْسَ عَلَى  
مُسْتَكَرَّهِهِ حَدُّ

**[28425]** Abu Bakr narrated to us, saying: Ibn Numayr narrated to us, from Ash'ath, from Al-Hasan and Al-Zuhri, who said: "There is no hadd punishment on a coerced woman."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُعْمَانَ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، وَالزُّهْرِيِّ، قَالَا: لَيْسَ عَلَى مُسْتَكْرَهَةٍ حَدْ

**[28426]** Abu Bakr narrated to us, saying: Hushaym narrated to us, from Abu Hurrah, from Al-Hasan, who said: "A slave coerced a woman and had intercourse with her. They disputed before Al-Hasan, who was a judge at that time. So he flogged him the hadd punishment and judged that the slave belonged to the woman."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي حَرَّةَ، عَنِ الْحَسَنِ، قَالَ: اسْتَكْرَهَ عَبْدًا امْرَأَةً فَوَطِنَاهَا، فَاخْتَصَمَا إِلَى الْحَسَنِ وَهُوَ قَاضٍ يَوْمَئِذٍ فَضَرَبَهُ الْحَدَّ، وَقَضَى بِالْعَدْلِ لِلْمَرْأَةِ

**[28427]** Abu Bakr narrated to us, saying: Shababah ibn Sawwar narrated to us, from Shu'bah, who said: I asked Al-Hakam and Hammad about a slave who snatched (raped) a slave girl. They said: "Upon him is the hadd punishment, and there is no dowry upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَارٍ، عَنْ شُعبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنْ مَثْلُوكٍ انْتَزَعَ جَارِيهَ، قَالَا: عَلَيْهِ الْحَدُّ، وَلَيْسَ عَلَيْهِ الصَّدَاقُ

**[28428]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Hisham, from Al-Hasan and Muhammad, who said: "If a drunk person kills, he is killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، قَالَا: إِذَا قُتِلَ السَّكِّرَانُ قُتِلَ

**[28429]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri, who said: "He is killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، قَالَ: يُقْتَلُ

**[28430]** Abu Bakr narrated to us, saying: Abu Dawud narrated to us, from Hammad ibn Salamah, from Yahya ibn Sa'id: That two drunk men killed one another. He said: "So Mu'awiyah killed him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ يَحْيَى بْنِ سَعِيدٍ: أَنَّ سَكْرَانَيْنِ قَتَلَ أَحَدُهُمَا صَاحِبَهُ، قَالَ: فَقَتَلَهُ مُعَاوِيَةُ

**[28431]** Abu Bakr narrated to us, saying: 'Abd al-Wahhab narrated to us, from Burd, from Makhul and Al-Zuhri, who said: "The divorce of a drunk person is valid, and his hand is cut off if he steals."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ، عَنْ بُرْدٍ، عَنْ مَكْحُولٍ، وَالزُّهْرِيِّ، قَالَا: يَجُوزُ طَلاقُ السَّكِّرَانَ، وَيُقْطَعُ إِنْ سَرَقَ

**[28432]** Abu Bakr narrated to us, saying: Ibn Numayr narrated to us, from Hanzalah ibn Abi Sufyan, from Al-Qasim: He was asked about a drunk person who steals. He said: "If he was known for stealing before that, then cut off his hand; otherwise, do not."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ حَنْظَلَةَ بْنِ أَبِي سُفْيَانَ، عَنِ الْقَاسِمِ: سُئِلَ عَنِ السَّكُرَانِ يَسْرِقُ، فَقَالَ: إِنْ كَانَ يُعْرَفُ بِالسَّرْقَةِ قَبْلَ ذَلِكَ فَاقْطُعْهُ، وَإِلَّا فَلَا

**[28433]** Abu Bakr narrated to us, saying: 'Abd al-Rahim ibn Sulayman narrated to us, from Muhammad ibn Salim, from Al-Sha'bi, regarding the intoxicated person: "His hand is cut off if he steals, and he is held accountable for all his crimes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، فِي النَّسْوَانِ: يُقطَعُ إِنْ سَرَقَ، وَيُؤْخَذُ لِجِنَاحِهِ كُلُّهَا

**[28434]** Abu Bakr narrated to us, saying: 'Isa ibn Yunus narrated to us, from Al-Awza'i, from Al-Zuhri, regarding the drunk person: "If he frees a slave or divorces, it is effective upon him, and the hadd punishment is carried out on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأُوزَاعِيِّ، عَنِ الرُّهْبَرِيِّ، فِي السَّكُرَانِ: إِنْ أَعْنَقَ أَوْ طَلَقَ جَارَ عَلَيْهِ، وَأَقْيَمَ عَلَيْهِ الْحَدُّ

**[28435]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri, who said: "If he steals, his hand is cut off, and if he kills, he is killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الزُّهْرِيِّ، قَالَ: إِنْ سَرَقَ فُطِعَ، وَإِنْ قَتَلَ قُتِلَ

**[28436]** Abu Bakr narrated to us, saying: 'Abd al-Salam narrated to us, from Mughirah, from Ibrahim, who said: "Whatever the drunk person says is held against him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ مُغِيرَةَ، عَنِ إِبْرَاهِيمَ، قَالَ: مَا تَكَلَّمَ بِهِ السَّكْرَانُ مِنْ شَيْءٍ أُقْبِلَ عَلَيْهِ

**[28437]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Hisham, from Al-Hasan and Muhammad, who said: "If he steals, his hand is cut off."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، وَمُحَمَّدٍ، قَالَا: إِنْ سَرَقَ فُطِعَ

**[28438]** Abu Bakr narrated to us, saying: 'Abdah narrated to us, from 'Asim, from Al-Hasan, who said: "Four things belong to the ruler: Zakat, Prayer, Hadd punishments, and Judging."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ عَاصِمٍ، عَنِ الْحَسَنِ، قَالَ: "أَرْبَعَةٌ إِلَى السُّلْطَانِ: الْزَّكَاةُ وَالصَّلَاةُ وَالْحُدُودُ وَالْقَضَاءُ"

**[28439]** Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Hammad ibn Salamah, from Jabalah ibn 'Atiyyah, from Ibn Muhayriz, who said: "Jumu'ah, Hadd punishments, Zakat, and Fay' (booty) belong to the ruler."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ جَبَلَةَ بْنِ عَطِيَّةَ، عَنْ ابْنِ مُحَيْرِيزٍ، قَالَ: الْجُمُعَةُ وَالْحُدُودُ وَالزَّكَاةُ وَالْفَيْءُ إِلَى السُّلْطَانِ

**[28440]** Abu Bakr narrated to us, saying: 'Umar ibn Ayyub narrated to us, from Mughirah ibn Ziyad, from 'Ata' al-Kurasani, who said: "To the ruler belong Zakat, Jumu'ah, and Hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُمَرُ بْنُ أَئْوَبَ، عَنْ مُغِيرَةَ بْنِ زَيَادٍ، عَنْ عَطَاءِ الْخُرَاسَانِيِّ، قَالَ: إِلَى السُّلْطَانِ الرَّزْكَةُ، وَالْجُمُعَةُ، وَالْحُدُودُ

**[28441]** Abu Bakr narrated to us, saying: Abu Usamah narrated to us, from Muhammad ibn 'Umar ibn 'Abd al-'Aziz, who said: "The ruler is the guardian of the one who wages war against the religion, even if he killed a person's brother or father."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ مُحَمَّدِ بْنِ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، قَالَ: السُّلْطَانُ وَلِيُّ مَنْ حَارَبَ الدِّينَ، وَإِنْ قُتِلَ أَخَا امْرِيِّيًّا أَوْ أَبَاهُ

**[28442]** Abu Bakr narrated to us, saying: Abu al-Ahwas narrated to us, from Mughirah, from Ibrahim, regarding a man who says to another: "O wine drinker," he said: "There is no hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ مُغِيرَةَ،  
عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ، قَالَ لِرَجُلٍ: يَا شَارِبَ حَمْرٍ،  
قَالَ: لَيْسَ عَلَيْهِ حَدٌّ

**[28443]** Abu Bakr narrated to us, saying: Mu'adh ibn Mu'adh narrated to us, from Ash'ath, regarding a man who says to another: "O wine drinker, O drunkard," he said: "He did not see any hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعاذُ بْنُ مَعَادٍ، عَنْ أَشْعَثَ،  
فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: يَا شَارِبَ حَمْرٍ يَا سَكْرَانُ،  
قَالَ: كَانَ لَا يَرَى عَلَيْهِ حَدًّا

**[28444]** Abu Bakr narrated to us, saying: Al-Dahhak ibn Makhlad narrated to us, from Ibn Jurayj, from 'Ata', regarding a man who says to another: "O wine drinker, O thief," he said: "There is no hadd punishment upon him, but lashes (Ta'zir)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الصَّحَّافُ بْنُ مَخْلَدٍ، عَنْ ابْنِ  
جُرَيْجٍ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: يَا شَارِبَ  
حَمْرٍ، يَا سَارِقٍ، قَالَ: لَيْسَ عَلَيْهِ حَدٌّ، وَلَكِنْ سِيَاطٌ

**[28445]** Abu Bakr narrated to us, saying: Al-Dahhak ibn Makhlad narrated to us, from Ibn Jurayj, from Sulayman ibn Musa, who said: We asked 'Umar ibn 'Abd al-'Aziz about a man who said to another: "O wine drinker, O polytheist, O drunkard." We said: "He should be punished (hadd)." He said: "Glory be to Allah! Only the one who slanders a Muslim (with adultery) receives the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ ابْنِ جُرَيْحٍ، عَنْ سُلَيْمَانَ بْنِ مُوسَى، قَالَ: سَأَلْنَا عُمَرَ بْنَ عَبْدِ الْعَزِيزِ عَنْ رَجُلٍ قَالَ لِرَجُلٍ: يَا شَارِبَ حَمْرٍ، وَيَا مُشْرِكَ، وَيَا سَكُرَانُ، قُلْنَا: يُحَدُّ، قَالَ: سُبْحَانَ اللَّهِ، مَا يُحَدُّ إِلَّا مَنْ قَدَّفَ مُسْلِمًا

**[28446]** Abu Bakr narrated to us, saying: Ibn Yaman narrated to us, from Sufyan, from Jabir, from 'Amir, regarding a man who says to another: "O wine drinker," he said: "He is not beaten."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ يَمَانٍ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: يَا شَارِبَ حَمْرٍ، قَالَ: لَا يُضْرَبُ

**[28447]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mansur, from Ibrahim, regarding a man who invoked curses (li'an) against his wife and they were separated, then he belied himself. He said: "He is whipped, and the child is attributed to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، فِي رَجُلٍ لَا عَنِ امْرَأَتِهِ فَفَرَّقَ بَيْنَهُمَا، ثُمَّ أَكْتَبَ نَفْسَهُ، قَالَ: يُجْلَدُ وَيُنْلَذُ بِهِ الْوَلَدُ

**[28448]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Dawud, from Sa'id ibn al-Musayyib, regarding the one who invokes curses (li'an) and belies himself. He said: "He is beaten, and he is a suitor (can remarry her)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ دَاؤِدَ، عَنْ سَعِيدِ  
بْنِ الْمُسَيَّبِ، فِي الْمُلَائِكَةِ يُكَذِّبُ نَفْسَهُ، قَالَ: يُضْرَبُ  
وَهُوَ خَاطِبٌ

**[28449]** Abu Bakr narrated to us, saying: Abu Bakr ibn 'Ayyash narrated to us, from Mutarrif, who said: "If a man slanders his wife, he invokes curses (li'an) against her. If he belies himself after that, he is whipped, the child is attributed to him, and his wife is returned to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ  
مُطَرَّفٍ، قَالَ: إِذَا قَذَفَ الرَّجُلُ امْرَأَةً لِأَعْنَاهَا، فَإِنْ  
أَكَدَّبَ نَفْسَهُ بَعْدَ ذَلِكَ جُلْدٌ، وَيُلْزَقُ بِهِ الْوَلَدُ، وَرُدَّتْ إِلَيْهِ  
امْرَأَةُ

**[28450]** Abu Bakr narrated to us, saying: From Mughirah, from Ibrahim, regarding the one who invokes curses (li'an) and belies himself. He said: "He is whipped the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي  
الْمُلَائِكَةِ يُكَذِّبُ نَفْسَهُ، قَالَ: يُجْلَدُ الْحَدَّ

**[28451]** Abu Bakr narrated to us, saying: Ghundar narrated to us, from Shu'bah, from Al-Hakam, who said: I asked him about a man who invokes curses (li'an) against his wife and then acknowledges the child. He said: "He is whipped the hadd punishment, and the child is attributed to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، قَالَ: سَأَلْتُهُ عَنِ الرَّجُلِ يُلَأِّعِنُ امْرَأَتَهُ ثُمَّ أَقْرَأَ بِالْوَلَدِ، قَالَ: يُضْرَبُ الْحَدَّ وَيُلَزَّقُ بِهِ الْوَلَدُ

**[28452]** Abu Bakr narrated to us, saying: Abu 'Asim narrated to us, from Ibn Jurayj, from 'Ata', regarding a man who slanders his wife or denies his wife's child, then belies himself. He said: "He is given the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يَقْنِفُ امْرَأَتَهُ، أَوْ يَنْتَقِي مِنْ وَلَدِ امْرَأَتِهِ ثُمَّ يُكَذِّبُ نَفْسَهُ، قَالَ: يُحَدُّ

**[28453]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Sufyan, from Ibn Shubrumah, from Al-Harith, and from Sufyan, from Ibn Jurayj, from 'Ata', and from Sufyan, from Jabir, from Al-Sha'bi, regarding the one who invokes curses (li'an) and belies himself. They said: "He is beaten."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ شُبْرُمَةَ، عَنِ الْحَارِثِ، وَعَنْ سُفْيَانَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، وَعَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الشَّعْبَيِّ، فِي الْمَلَائِكَةِ يُكَذِّبُ نَفْسَهُ، قَالُوا: يُضْرَبُ

**[28454]** Abu Bakr narrated to us, saying: Mu'tamir ibn Sulayman narrated to us, from Muhammad ibn al-Zubayr, from Makhul, who said: "If a man invokes curses (li'an) and the woman refuses to invoke curses, she is stoned."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ الزُّبَيْرِ، عَنْ مَكْحُولٍ، قَالَ: إِذَا لَأْعَنَ الرَّجُلَ، وَأَبْتَ المَرْأَةَ أَنْ تُلَاعِنَ رُجْمَتْ

**[28455]** Abu Bakr narrated to us, saying: Mu'adh ibn Mu'adh narrated to us, from Ash'ath, from Al-Hasan, who said: "She is imprisoned."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعَاذُ بْنُ مَعَادٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، قَالَ: ثُحبَسْ

**[28456]** Abu Bakr narrated to us, saying: 'Abd al-Rahman al-Muharibi narrated to us, from Juwaybir, from Al-Dahhak, regarding a man who slanders his wife, and she refuses to invoke curses against him. He said: "She is lashed a hundred times and stoned."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ الْمُهَارِبِيُّ، عَنْ جُوَيْبِرٍ، عَنِ الصَّحَّاْكِ، فِي الرَّجُلِ يَقْدِفُ امْرَأَةً، فَتَأْبَى أَنْ تُلَاعِنَهُ، قَالَ: ثُجْلُدٌ مِائَةٌ وَتُرْجَمْ

**[28457]** Abu Bakr narrated to us, saying: Mu'tamir narrated to us, from 'Isa al-Khayyat, from Al-Sha'bi, who said: "Whoever is subject to li'an and refuses to swear, the hadd punishment is carried out on him." 'Isa said: I heard Al-Sha'bi say: "They are compelled to li'an and imprisoned until they invoke curses against each other."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ عِيسَى الْخَيَّاطِ، عَنِ الشَّعْبِيِّ، قَالَ: مَنْ وَقَعَ عَلَيْهِ اللَّعْنُ فَأَبْيَانٌ أَنْ يَحْلِفَ أُقِيمَ عَلَيْهِ الْحَدُّ وَقَالَ عِيسَى: سَمِعْتُ عِنْدَ الشَّعْبِيِّ، يَقُولُ: يُجْبَرَانِ عَلَى اللَّعْنِ وَيُجْبَسَانِ حَتَّى يَتَلَاقَنَا

**[28458]** Abu Bakr narrated to us, saying: Yahya ibn Yaman narrated to us, from Sufyan, from Mutarrif and Jabir, from Al-Sha'bi, and from Sufyan, from Layth, from Mujahid and 'Ata', who said: "If the li'an is averted, the child is attributed to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانٍ، عَنْ سُفْيَانَ، عَنْ مُطَرِّفٍ، وَجَابِرٍ، عَنِ الشَّعْبِيِّ، وَعَنْ سُفْيَانَ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، وَعَطَاءً، قَالُوا: إِذَا دُرِيَ فِي اللَّعْنِ الْأَزْقَ بِهِ الْوَلَدُ

**[28459]** Abu Bakr narrated to us, saying: 'Abd al-Salam narrated to us, from Mughirah, from Ibrahim, regarding a man who invokes curses (li'an) against his wife and then slanders her. He said: "He is beaten." 'Amir said: "He is not beaten."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، فِي الرَّجُلِ يُلَاعِنُ امْرَأَهُ، ثُمَّ يَنْدِفُهَا، قَالَ: يُضْرَبُ، وَقَالَ عَامِرٌ: لَا يُضْرَبُ

**[28460]** Abu Bakr narrated to us, saying: Shababah ibn Sawwar narrated to us, from Shu'bah, who said: I asked Al-Hakam and Hammad about a man who invokes curses (li'an) against his wife, then she gives birth, and he says: "This is not from me." They said: "He is beaten." And he had belied himself. He said: "He is not given the hadd punishment; he has incurred the curse of Allah in the Book of Allah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَارٍ، عَنْ شُعْبَةَ،  
قَالَ: سَأَلْتُ الْحَكَمَ، وَحَمَادًا عَنِ الرَّجُلِ يُلَاعِنُ امْرَأَةً  
ثُمَّ تَلَدُّ، فَيَقُولُ: لَيْسَ هَذَا مِنِّي، قَالَا: يُضْرَبُ وَقَدْ أَكْبَرَ  
نَفْسَهُ، قَالَ: لَا يُحَدُّ، قَدْ بَاءَ بِلَعْنَةِ اللَّهِ فِي كِتَابِ اللَّهِ

**[28461]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Ash'ath, from Al-Hakam, from Ibrahim, who said: "If a flogged person slanders his wife, he is flogged, and there is no li'an between them." He said: I asked Al-Hasan and 'Amir, and they said: "He invokes li'an."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ  
الْحَكَمَ، عَنْ إِبْرَاهِيمَ، قَالَ: "إِذَا قَدَّفَ الْمَجْلُوذُ امْرَأَةً  
جُلَدَ، وَلَا لِعَانَ بَيْنَهُمَا، قَالَ: وَسَأَلْتُ الْحَسَنَ وَعَامِرًا  
فَقَالَا: يُلَاعِنُ

**[28462]** Abu Bakr narrated to us, saying: Abu Khalid al-Ahmar narrated to us, from Ash'ath, from Mansur and Hammad, from Ibrahim, who said: "If a man slanders his wife and he had previously been flogged the hadd punishment, he is flogged, and he does not invoke li'an because his testimony is not accepted."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ أَسْعَثَ، عَنْ مَنْصُورٍ، وَهَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا قَدَّفَ الرَّجُلُ امْرَأَتَهُ وَقَدْ كَانَ جُلْدُ الْحَدَّ جُلْدٌ، وَلَا يُلَائِعُ لِأَنَّهَا لَا تَجُوزُ شَهادَةً

**[28463]** Abu Bakr narrated to us, saying: 'Abbad ibn al-'Awwam narrated to us, from 'Umar ibn 'Amir, from Hammad, from Ibrahim, who said: "If a man belies himself before anything remains of his li'an against her, he is flogged, and she remains his wife."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عُمَرَ بْنِ عَامِرٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا أَكْذَبَ الرَّجُلُ نَفْسَهُ قَبْلَ مَا بَقِيَ مِنْ مُلَاقَتِهَا شَيْءٌ جُلْدٌ وَهِيَ امْرَأَةٌ

**[28464]** Abu Bakr narrated to us, saying: 'Abbad narrated to us, from Sa'id, from Abu Ma'shar, from Ibrahim, similar to it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، مِثْلُهُ

**[28465]** Abu Bakr narrated to us, saying: Abu Usamah narrated to us, from Hisham, from Al-Hasan, who said: "If he belies himself before the li'an is completed, he is flogged and she remains his wife. But if he belies himself after the li'an, there is nothing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: إِذَا أَكَدَّ بَنْفَسَهُ قَبْلَ أَنْ تَنْفَضِيَ الْمُلَاعِنَةُ جُلْدٌ وَهِيَ امْرَأَتُهُ، وَإِنْ أَكَدَّ بَنْفَسَهُ بَعْدَ الْمُلَاعِنَةِ فَلَا شَيْءٌ

**[28466]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Bayan, from Al-Sha'bi, who said: "Whoever slanders the son of the woman involved in li'an or slanders his mother is beaten."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ بَيَانٍ، عَنْ الشَّعْبِيِّ، قَالَ: مَنْ قَذَفَ ابْنَ الْمُلَاعِنَةَ أَوْ قَذَفَ أُمَّهَةَ ضُربٌ

**[28467]** Abu Bakr narrated to us, saying: Sharik narrated to us, from Mughirah, from Ibrahim, and from Layth, from Mujahid and Tawus, regarding a man who says to the son of a woman involved in li'an: "O son of an adulteress," or slanders his mother. They said: "He is beaten."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ أَلْيَثٍ، عَنْ مُجَاهِدٍ، وَطَاؤُسٍ فِي الرَّجُلِ يُقُولُ لِابْنِ الْمُلَاعِنَةِ يَا ابْنَ الزَّانِيَةِ أَوْ قَذَفَ أُمَّهَةً: ضُربٌ

**[28468]** Abu Bakr narrated to us, saying: Sharik narrated to us, from Mughirah, from Ibrahim, and from Layth, from Mujahid, and from Jabir and Ibn Salim, from 'Amir, who all said: "Whoever slanders the son of a woman involved in li'an is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، وَعَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، وَعَنْ جَابِرٍ، وَابْنِ سَالِمٍ، عَنْ عَامِرٍ قَالُوا: مَنْ قَدَّفَ ابْنَ الْمُلَاقَةِ جُلَادَةً

**[28469]** Abu Bakr narrated to us, saying: 'Abd al-Salam narrated to us, from Layth, from Mujahid and Tawus, regarding a man who says to the son of a woman involved in li'an: "O son of an adulteress." They said: "He is flogged eighty lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ لَيْثٍ، عَنْ مُجَاهِدٍ، وَطَاؤُسٍ، فِي الرَّجُلِ يَقُولُ لِابْنِ الْمُلَاقَةِ: يَا ابْنَ الزَّانِيَةِ، قَالَ: يُجْلَدُ ثَمَانِينَ

**[28470]** Abu Bakr narrated to us, saying: Abu Bakr ibn 'Ayyash narrated to us, from Musa ibn 'Ubaydah, from Nafi', from Ibn 'Umar, who said: "Whoever slanders the son of a woman involved in li'an is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو بَكْرٌ بْنُ عَيَّاشٍ، عَنْ مُوسَى بْنِ عُبيْدَةَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: مَنْ قَدَّفَ ابْنَ الْمُلَاقَةِ جُلَادَةً

**[28471]** Abu Bakr narrated to us, saying: Mu'adh ibn Mu'adh narrated to us, from 'Imran, from 'Ikrimah, who said: "Whoever says to the son of a woman involved in li'an: 'O son of the lowly one,' is flogged the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعَاذُ بْنُ مَعَاذٍ، عَنْ عِمْرَانَ، عَنْ عِكْرِمَةَ، قَالَ: "مَنْ قَالَ لِابْنِ الْمُلَاقِعَةِ: يَا ابْنَ الْهَمَةِ جُلَادُ الْحَدَّ

**[28472]** Abu Bakr narrated to us, saying: Asbat ibn Muhammad narrated to us, from Mutarrif, from 'Amir, who said: If it is said to the son of a woman involved in li'an: "You are not the son of so-and-so who invoked curses against your mother," he said: "The one who says that to him is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ مُطَرِّفٍ، عَنْ عَامِرٍ، قَالَ: إِذَا قِيلَ لِابْنِ الْمُلَاقِعَةِ: لَسْتَ بِابْنِ فُلَانٍ الَّذِي لَأَعْنَ أُمَّكَ، قَالَ: يُجْلَدُ الَّذِي يَقُولُ لَهُ ذَلِكَ

**[28473]** Abu Bakr narrated to us, saying: Waki' narrated to us, from 'Abbad ibn Mansur, from 'Ikrimah, from Ibn 'Abbas, who said: "Whoever accuses the son of a woman involved in li'an or his mother is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَبَادِ بْنِ مَنْصُورٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: مَنْ رَمَى ابْنَ الْمُلَاقِعَةِ أَوْ أُمَّةَ جُلَادَ

**[28474]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Al-Fadl ibn Dalham, from Al-Hasan, who said: "The slanderer of the son of a woman involved in li'an is beaten."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الْفَضْلِ بْنِ دَلْهَمٍ،  
عَنِ الْحَسَنِ، قَالَ: يُضْرِبُ قَادِفُ ابْنِ الْمُلَاقِعَةِ

**[28475]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mughirah, from Ibrahim, who said: "If a person slanders her, her slanderer is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ  
إِبْرَاهِيمَ، قَالَ: إِنْ قَذَفَهَا إِنْسَانٌ جُلَادٌ قَادِفُهَا

**[28476]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Ash'ath, from Al-Hakam and Hammad, from Ibrahim, regarding a slave woman married to a free man who slanders her. He said: "He does not strike the hadd punishment, nor does he invoke li'an."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ  
الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي الْأُمَّةِ تَكُونُ تَحْتَ  
الْحُرُّ فَيَقْذِفُهَا، قَالَ: لَا يُضْرِبُ الْحَدَّ، وَلَا يُلَاعِنُ

**[28477]** Abu Bakr narrated to us, saying: 'Abd al-Salam narrated to us, from Mutarrif, from 'Amir, regarding a slave woman married to a free man who slanders her. He said: "There is no hadd punishment on her, nor li'an."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ، عَنْ مُطَرِّفٍ،  
عَنْ عَامِرٍ، فِي الْأُمَّةِ تَكُونُ تَحْتَ الْحُرُّ فَيَقْذِفُهَا، قَالَ: لَا  
حَدَّ عَلَيْهَا، وَلَا لِعَانَ

**[28478]** Abu Bakr narrated to us, saying: Mu'tamir narrated to us, from Layth, from Tawus, Mujahid, Al-Hakam, from Ibrahim and Al-Sha'bi, regarding a man who has a slave woman (as a wife) and slanders her. They said: "There is no li'an between them, and there is no hadd punishment on her slanderer."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، وَمُجَاهِدٍ، وَالْحَكَمِ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ فِي الرَّجُلِ يَكُونُ تَحْتَهُ الْأَمْمَةُ فَيَقْذِفُهَا، قَالُوا: لَيْسَ بَيْنَهُمَا ثَلَاعْنُ، وَلَيْسَ عَلَى قَانِفِهَا حَدْ

**[28479]** Abu Bakr narrated to us, saying: Ghundar narrated to us, from Shu'bah, from Al-Hakam and Hammad, regarding a slave who has a free woman (as a wife) and slanders her. They said: "There is no li'an between them, and he is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرٌ، عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، وَحَمَادٍ، فِي الْعَبْدِ تَكُونُ تَحْتَهُ الْحُرَّةُ فَيَقْذِفُهَا، قَالَا: لَيْسَ بَيْنَهُمَا مُلَاقَةٌ، وَيُجَلَّ

**[28480]** Abu Bakr narrated to us, saying: Muhammad ibn 'Ubayd narrated to us, from 'Abd al-Malik, from 'Ata', regarding a Jewish woman engaging in li'an with a Muslim. He said: "No, nor a slave with a free woman, but the slave is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، فِي الْيَهُودِيَّةِ ثَلَاعْنُ الْمُسْلِمِ، قَالَ: لَا، وَلَا الْعَبْدُ الْحُرَّةُ، وَلَكِنْ يُجَلَّ الْعَبْدُ

**[28481]** Abu Bakr narrated to us, saying: Humayd ibn 'Abd al-Rahman narrated to us, from Hasan, from Mutarrif, from Al-Hakam and 'Amir, regarding a slave who has a free wife, and she brings a child, and he denies it. He said: "He is beaten, there is no li'an between them, and the child is attributed to him." 'Amir and Al-Hakam said regarding a free man who has a slave wife, and she brings a child, and he denies it: "There is no li'an between them, and the child is attributed to him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنٍ، عَنْ مُطَرِّفٍ، عَنْ الْحَكَمِ، وَعَامِرٍ، فِي الْمُمْلُوكِ تَكُونُ لَهُ امْرَأةً حُرَّةً، فَتَجِيءُ بِوَلَدٍ فَيَنْتَقِي مِنْهُ، قَالَ: يُضْرَبُ وَلَا لِعَانَ بَيْنَهُمَا، وَيُلْرَقُ بِهِ الْوَلَدُ وَقَالَ عَامِرٌ وَالْحَكَمُ فِي الْحُرُّ تَحْتَهُ الْأَمْمَةُ، فَجَاءَتْ بِوَلَدٍ فَأَنْتَقَى مِنْهُ، قَالَ: لَيْسَ بَيْنَهُمَا لِعَانٌ، وَيُلْزَقُ بِهِ الْوَلَدُ

**[28482]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri, regarding a slave who has a free wife: "If he slanders her, he is flogged, and he does not invoke li'an. If a free man has a slave wife and slanders her, he is neither flogged nor invokes li'an. If a slave has a slave wife and slanders her, he is punished (hadd), and he does not invoke li'an."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، فِي الْعَبْدِ إِذَا كَانَ تَحْتَهُ الْحُرَّةُ اللَّهُ أَعْلَمُ، إِذَا قَدَّفَهَا جُلْدٌ، وَلَا يُلَاعِنُ، وَإِذَا كَانَ حُرٌّ تَحْتَهُ أَمْمَةً، فَقَنَفَهَا فَإِنَّهُ لَا يُجَلَّدُ وَلَا يُلَاعِنُ، وَإِذَا كَانَ عَبْدٌ تَحْتَهُ أَمْمَةً فَقَنَفَهَا، فَإِنَّهُ يُحَدُّ، وَلَا يُلَاعِنُ

**[28483]** Abu Bakr narrated to us, saying: Sahl ibn Yusuf narrated to us, from 'Amr, from Al-Hasan, regarding four witnesses who testified that a man divorced his wife three times, but he denied it and admitted to having intercourse with the woman. He said: "There is no hadd punishment on him because he is a disputant."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو، عَنِ الْحَسَنِ، فِي أَرْبَعَةِ شَهْدُوا عَلَى رَجُلٍ أَنَّهُ طَلَقَ امْرَأَهُ ثَلَاثًا، فَانْكَرَ وَأَفَرَّ بِغَشْيَانِ الْمَرْأَةِ، فَقَالَ: لَا حَدٌّ عَلَيْهِ لِأَنَّهُ مُخَاصِّمٌ

**[28484]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Sa'id, from Qatadah, from Jabir ibn Zayd, and it is the opinion of Qatadah, that they both said: "They are separated by the testimony of two or three, and he is stoned by the testimony of four."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، وَهُوَ قَوْلُ قَتَادَةِ إِنَّهُمَا قَالَا: يُفَرَّقُ بَيْنَهُمَا بِشَهَادَةِ الْثَّنَيْنِ وَثَلَاثَةِ، وَيُرْجَمُ بِشَهَادَةِ أَرْبَعَةِ

**[28485]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Sa'id, who said: They reported from Sa'id ibn Abi Dhi'b, from 'Umar, who said: "They are separated by the testimony of two or three, and he is stoned by the testimony of four or more. If he returns, he is stoned."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، قَالَ: نَبَأُوا عَنْ سَعِيدِ بْنِ أَبِي ذِئْبٍ، عَنْ عُمَرَ، قَالَ: يُفَرَّقُ بَيْنَهُمَا بِشَهَادَةِ الْثَّنَيْنِ أَوْ ثَلَاثَةِ، وَيُرْجَمُ بِشَهَادَةِ أَرْبَعَةِ وَأَكْثَرَ، فَإِنْ عَادَ رُجْمَ

**[28486]** Abu Bakr narrated to us, saying: Hushaym narrated to us, from Muhammad ibn Salim, from Al-Sha'bi, that he was asked about a man against whom witnesses testified that he divorced his wife three times, but he denied it although he was having intercourse with her. He said: "The hadd punishment is averted from him due to his denial."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُحَمَّدِ بْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ، شَهَدَ عَلَيْهِ شُهُودٌ أَنَّهُ طَلَقَ امْرَأَهُ ثَلَاثَةً، فَجَحَدَ ذَلِكَ وَإِنْ كَانَ يَعْشَاهَا، قَالَ: فَقَالَ: يُذْرَأُ عَنْهُ الْحُدُّ لِإِنْكَارِهِ

**[28487]** Abu Bakr narrated to us, saying: Al-Dahhak ibn Makhlad narrated to us, from Ibn Jurayj, from 'Ata', regarding a man who divorced his wife and made two witnesses testify, then came to the village where the woman was, had intercourse with her, admitted that he had intercourse with her, but denied that he had divorced her. 'Ata' said: "Their testimony is accepted, they are separated, and he is not punished."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلِدٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي رَجُلٍ طَلَقَ امْرَأَهُ، فَأَسْهَدَ شَاهِدَيْنِ، ثُمَّ قَدِمَ الْفَرْيَةُ الَّتِي بِهَا الْمَرْأَةُ، فَعَشَّيْهَا وَأَقْرَبَ بِأَنْ قَدْ أَصَابَهَا، وَأَنْكَرَ أَنْ يَكُونَ قَدْ طَلَقَهَا، فَقَالَ عَطَاءُ: تَجُوزُ شَهَادَتُهُمَا، وَيُفَرَّقُ بَيْنَهُمَا، وَلَا يُحَدُّ

**[28488]** Abu Bakr narrated to us, saying: 'Abdah narrated to us, from Sa'id, from Qatadah: That a man divorced his wife three times, then began to have intercourse with her after that. 'Ammar was asked about that, and 'Ammar said: "If I catch this one, I will stone him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ:  
أَنَّ رَجُلًا، طَلَقَ امْرَأَتَهُ تَلَاقَ، ثُمَّ جَعَلَ يَغْشَاهَا بَعْدَ ذَلِكَ،  
فَسُئِلَ عَنْ ذَلِكَ عَمَّارٌ، فَقَالَ عَمَّارٌ: لَيْنَ قَدَرْتُ عَلَى هَذَا  
لَأَرْجِعُنَّهُ

**[28489]** Abu Bakr narrated to us, saying: Muhammad ibn Sawa' narrated to us, from Sa'id, from Qatadah, from Khilas, from 'Ammar, with something similar.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ، عَنْ سَعِيدٍ،  
عَنْ قَتَادَةَ، عَنْ خِلَاصٍ، عَنْ عَمَّارٍ، بِنَحْوِهِ

**[28490]** Humayd ibn 'Abd al-Rahman narrated to us, from Jarir ibn Hazim, from 'Isa ibn 'Asim, who said: A group went out on a journey and passed by a man, so they stayed with him. He divorced his wife three times. The group continued on their journey, then returned and found him with her. They brought him before Shurayh and said: "This man divorced his wife three times, and we found him with her." He denied it. He (Shurayh) said: "Do you testify that he is an adulterer?" They repeated their statement against him. So he separated them, did not punish them, and accepted their testimony.

**[28491]** Abu Bakr narrated to us, saying: Muhammad ibn 'Abd Allah al-Ansari narrated to us, from Ash'ath, from Al-Hasan, regarding a man who says to another: "So-and-so told me that you committed adultery." He said: "There is no hadd punishment on him because he attributed it to someone else."

حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ عِيسَى بْنِ عَاصِمٍ، قَالَ: خَرَجَ قَوْمٌ فِي سَفَرٍ، فَمَرُوا بِرَجُلٍ فَتَرَلَوْا بِهِ، فَطَلَقَ امْرَأَةً ثَلَاثَةَ مَرَاجِعٍ، فَمَضَى الْقَوْمُ فِي سَفَرٍ هُمْ، ثُمَّ عَادُوا فَوَجَدُوهُ مَعَهَا، فَقَمَمُوهُ إِلَى شُرَيْحٍ، فَقَالُوا: إِنَّ هَذَا طَلَقَ امْرَأَةً ثَلَاثَةَ وَجَدَنَاهُ مَعَهَا، فَلَكُنْ، قَالَ: تَشْهَدُونَ أَنَّهُ زَانٍ، فَأَعْدَوْا عَلَيْهِ، فَفَرَقَ بَيْنَهُمَا، وَلَمْ يَحْدُهُمَا، وَأَجَازَ شَهَادَتَهُمْ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: أَخْبَرَنِي فُلَانٌ أَنَّكَ زَانَتِ، قَالَ: لَيْسَ عَلَيْهِ حُدُودٌ، لِأَنَّهُ أَصَافَةٌ إِلَى غَيْرِهِ

**[28492]** Abu Bakr narrated to us, saying: Hushaym narrated to us, from some of his companions, from Al-Sha'bi: That a man said to another: "So-and-so claims that you are an adulterer." He said: "If he brings proof [he is truthful], otherwise he is beaten the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ بَعْضِ أَصْحَابِهِ، عَنِ السَّعْيَيِّ: أَنَّ رَجُلًا قَالَ لِرَجُلٍ: رَعَمْ فُلَانْ أَنَّكَ زَانِ، قَالَ: إِنْ جَاءَ بِالْبَيِّنَاتِ، وَإِلَّا ضُرِبَ الْحَدَّ

**[28493]** Abu Bakr narrated to us, saying: Hushaym narrated to us, from Mansur, from Al-Harith, from Ibrahim, who said: 'Umar ibn al-Khattab said: "Suspending the hadd punishments due to doubts is more beloved to me than carrying them out with doubts."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مَنْصُورٍ، عَنِ الْحَارِثِ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: لَئِنْ أَعَطَلَ الْحُدُودَ بِالشُّبُهَاتِ أَحَبُّ إِلَيَّ مِنْ أَنْ أُفِيهَا بِالشُّبُهَاتِ

**[28494]** Abu Bakr narrated to us, saying: 'Abd al-Salam narrated to us, from Ishaq ibn Abi Farwah, from 'Amr ibn Shu'ayb, from his father: That Mu'adh, 'Abd Allah ibn Mas'ud, and 'Uqbah ibn 'Amir said: "If the hadd punishment is doubtful to you, avert it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ إِسْحَاقَ بْنِ أَبِي فَرْوَةَ، عَنْ عَمْرُو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ: أَنَّ مُعَاذًا، وَعَبْدَ اللَّهِ بْنَ مَسْعُودٍ، وَعُقْبَةَ بْنَ عَامِرٍ، قَالُوا: إِذَا اشْتَبَهَ عَلَيْكَ الْحَدُّ، فَادْرِأْهُ

**[28495]** Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Sufyan, from Qays ibn Muslim, from Tariq ibn Shihab: That a woman committed adultery. 'Umar said: "I think she was praying at night, humbled herself, bowed, and prostrated, then a seducer came to her and overwhelmed her." 'Umar sent for her, and she said as 'Umar had said. So he let her go.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ طَارِقِ بْنِ شِهَابٍ: أَنَّ امْرَأَةً رَأَتْ، فَقَالَ عُمَرُ: أَرَاهَا كَانَتْ تُصَلِّي مِنَ اللَّيْلِ فَخَشَعَتْ فَرَكَعَتْ فَسَجَدَتْ، فَأَتَاهَا غَوِّي مِنَ الْغُواةِ فَتَحَمَّمَهَا، فَأَرْسَلَ عُمَرُ إِلَيْهَا فَقَالَتْ كَمَا، قَالَ عُمَرُ: فَخَلَى سَبِيلَهَا

**[28496]** Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Al-A'mash, from Ibrahim, who said: They used to say: "Avert the hadd punishments from the servants of Allah as much as you can."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: كَانُوا يَقُولُونَ: اذْرُءُوا الْحُدُودَ عَنْ عِبَادِ اللَّهِ، مَا اسْتَطَعْنَا

**[28497]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Burd, from Al-Zuhri, who said: "Push away the hadd punishments with every doubt."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ بُرْدٍ، عَنْ الرُّهْبَرِيِّ، قَالَ: اذْفَعُوا الْحُدُودَ بِكُلِّ شُبُهَةٍ

**[28498]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Sufyan, from 'Asim, from Abu Wa'il, from 'Abd Allah, who said: "Avert killing and flogging from the Muslims as much as you can."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَاصِمٍ، عَنْ أَبِي وَائِلٍ، عَنْ عَبْدِ اللَّهِ، قَالَ: اذْرُعُوا الْقَتْلَ وَالْجَلْدَ عَنِ الْمُسْلِمِينَ، مَا اسْتَطَعْتُمْ

**[28499]** Abu Bakr narrated to us, saying: Waki' narrated to us, saying: Al-A'mash narrated to us, from Ibrahim, who said: 'Umar said: "Dismiss those who confess."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عُمَرُ: اطْرُدُوا الْمُعْتَرِفِينَ

**[28500]** Abu Bakr narrated to us, saying: Ibn Idris narrated to us, from 'Asim ibn Kulayb, from his father, who said: Abu Musa said: "While I was in Yemen, a pregnant woman was brought to me. I asked her, and she said: 'Why do you ask about a pregnant woman who has been previously married but has no husband? By Allah, I have not taken a lover nor a secret companion since I embraced Islam. But while I was sleeping in the courtyard of my house, by Allah, nothing woke me except a man lifting me and throwing something like a shooting star into my belly. Then I looked at him as he walked away, not knowing who he was among Allah's creation.' So I wrote about her to 'Umar. 'Umar wrote: 'Bring her to me along with some people from her tribe.' He said: So we met him during the season (Hajj). He said, seemingly angry: 'Perhaps you have preceded me in something regarding the woman's affair?' I said: 'No, she is with me along with people from her tribe.' So he asked her, and she told him what she had

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عَاصِمِ بْنِ كُلَيْبٍ، عَنْ أَبِيهِ، قَالَ: قَالَ أَبُو مُوسَى: أُوتِيتْ وَأَنَا بِالْيَمَنِ، امْرَأَةٌ حُبْلَى فَسَأَلْتُهَا، فَقَالَتْ: مَا سَأَلْتَ عَنِ امْرَأَةٍ حُبْلَى تَبَيَّبَ مِنْ غَيْرِ بَعْلٍ، أَمَا وَاللَّهِ مَا خَالَتْ خَلِيلًا وَلَا حَادَتْ خِذْلًا مُنْذَ أَسْلَمْتُ، وَلَكِنْ بَيْنَا أَنَا نَائِمٌ بِفِنَاءِ بَيْتِي وَاللَّهِ مَا أَيْقَظَنِي إِلَّا رَجُلٌ رَفَعَنِي وَأَلْقَى فِي بَطْنِي مِثْلَ الشَّهَابَ، ثُمَّ نَظَرَتْ إِلَيْهِ مُقْفَى مَا أَدْرِي مَنْ هُوَ مِنْ حَلْقِ اللَّهِ، فَكَتَبَتْ فِيهَا إِلَى عُمَرَ فَكَتَبَ عُمَرُ: أَتَتِنِي بِهَا وَبَنَاسٍ مِنْ قَوْمِهَا، قَالَ: فَوَافَيْنَاهُ بِالْمَوْبِسِمِ، فَقَالَ شَبَّهَ الْغَصْبَانَ: لَعَلَّكَ قَدْ سَبَقْتَنِي بِشَيْءٍ مِنْ أَمْرِ امْرَأَةٍ؟، قَالَ: قُلْتُ: لَا، وَهِيَ مَعِي وَنَاسٌ مِنْ قَوْمِهَا فَسَأَلَهَا فَأَخْبَرَتْهُ كَمَا أَخْبَرَتْنِي، ثُمَّ سَأَلَ قَوْمَهَا فَأَنْتَوْا خَيْرًا، قَالَ: فَقَالَ عُمَرُ: شَابَةٌ تَهَامِيَّةٌ قَدْ تُؤْمِنْتُ، قَدْ كَانَ يَفْعُلُ قِمَارُهَا وَكَسَاهَا، وَأَوْصَى بِهَا قَوْمَهَا خَيْرًا

**[28501]** Abu Bakr narrated to us, saying: Ibn Idris narrated to us, from Shu'bah, from 'Abd al-Malik ibn Maysarah, from Al-Nazzal ibn Sabrah, who said: "While we were at Mina with 'Umar, a large woman on a female donkey was crying, and the people were almost killing her from crowding, saying: 'She committed adultery.' When she reached 'Umar, he said: 'What makes you cry? A woman may be coerced.' She said: 'I was a heavy sleeper, and Allah blessed me with night prayer. I prayed one night and then slept. By Allah, nothing woke me except a man on top of me. I saw him leaving, not knowing who he was among Allah's creation.' 'Umar said: 'If she had been killed, I would have feared fire for the two mountains (of Mecca).' Then he wrote to the regions that no soul should be killed without his permission."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ شُعْبَةَ، عَنْ  
عَبْدِ الْمَلِكِ بْنِ مَيْسَرَةَ، عَنْ النَّرَالِ بْنِ سَبْرَةَ، قَالَ: بَيْنَمَا  
نَحْنُ بِمَنِي مَعَ عُمَرَ إِذَا امْرَأَةً ضَخْمَةً عَلَى حَمَارٍ  
تَبَكَّيَ فَذَكَّادَ النَّاسُ أَنْ يَقْتُلُوهَا مِنَ الرَّحَامِ يَقُولُونَ:  
رَأَيْتُهُنَّا. فَلَمَّا انتَهَتِ إِلَى عُمَرَ، قَالَ: مَا يُبَيِّكِيكَ؟ إِنَّ امْرَأَةَ  
رُبَّمَا اسْتُغْرِهَتْ، فَقَالَتْ: كُنْتُ امْرَأَةً لَقِيلَةَ الرَّأْسِ،  
وَكَانَ اللَّهُ يَرْزُقُنِي مِنْ صَلَاةِ اللَّيلِ، فَصَلَّيْتُ لَيْلَةً ثُمَّ  
نِمْتُ، فَوَاللَّهِ مَا أَيْقَظَنِي إِلَّا الرَّجُلُ فَذَرَكَنِي، فَرَأَيْتُ  
إِلَيْهِ مُقْفِيًّا مَا أَدْرِي مَنْ هُوَ مِنْ خَلْقِ اللَّهِ، فَقَالَ عُمَرُ:  
لَوْ قُتِلَتْ هَذِهِ حَشِيشَةُ عَلَى الْأَخْسَيْنِ النَّارَ ثُمَّ كَتَبَ إِلَى  
الْأَمْصَارِ أَلَا تُقْتَلَ نَفْسُ دُونَهُ

**[28502]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Yazid ibn Ziyad al-Basri, from Al-Zuhri, from 'Urwah, from 'A'ishah, who said: "Avert the hadd punishments from the Muslims as much as you can. If you find a way out for a Muslim, let him go. For the Imam to err in pardon is better than for him to err in punishment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ يَزِيدَ بْنِ زَيَادٍ الْبَصْرِيِّ، عَنِ الرُّهْبَرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، قَالَتْ: ادْرِءُوا الْحُدُودَ عَنِ الْمُسْلِمِينَ، مَا اسْتَطَعْتُمْ، فَإِذَا وَجَدْتُمُ الْمُسْلِمَ مَخْرَجًا فَخُلُوا سَبِيلَهُ، فَإِنَّ الْإِمَامَ إِذَا أَخْطَأَ فِي الْعُفْرِ خَيْرٌ مِنْ أَنْ يُخْطِئَ فِي الْعُقُوبَةِ

**[28503]** Abu Bakr narrated to us, saying: Abu Bakr ibn 'Ayyash and Abu al-Ahwas narrated to us, from 'Asim, from Abu Razin, from Ibn 'Abbas, who said: "Whoever has intercourse with an animal, there is no hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَاشٍ، وَأَبُو الْأَحْوَصِ، عَنْ عَاصِمٍ، عَنْ أَبِي رَزِينٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: مَنْ أَتَى بَهِيمَةً فَلَا حَدَّ عَلَيْهِ

**[28504]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mansur, from Al-Hakam, regarding someone who has intercourse with an animal. He said: "He is flogged, but not up to the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ الْحَكَمِ، فِيمَنْ أَتَى بَهِيمَةً، قَالَ: يُجْلَدُ وَلَا يَتْلُغُ بِهِ الْحَدَّ

**[28505]** Abu Bakr narrated to us, saying: 'Abbad ibn al-'Awwam narrated to us, from Hajjaj, from 'Ata', regarding the one who has intercourse with an animal. He said: "He is chastised (Ta'zir)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ حَجَاجٍ، عَنْ عَطَاءٍ، فِي الَّذِي يَأْتِي الْبَهِيمَةَ، قَالَ: يُعَزَّرُ

**[28506]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Sufyan, from Jabir, from 'Amir, who said: "There is no hadd punishment on the one who has intercourse with an animal, nor on the one who accuses someone of it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: لَيْسَ عَلَى مَنْ أَتَى بَهِيمَةً حُدُودٌ، وَلَا عَلَى مَنْ رَمَى بِهَا

**[28507]** Abu Bakr narrated to us, saying: 'Isa ibn Yunus narrated to us, from Abu Hanifah, from Hammad, from Ibrahim, who said: 'Umar said: "There is no hadd punishment on the one who has intercourse with an animal."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ أَبِيهِ حَنِيفَةَ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: قَالَ عُمَرُ: لَيْسَ عَلَى مَنْ أَتَى بَهِيمَةً حُدُودٌ

**[28508]** Abu Bakr narrated to us, saying: Hafs narrated to us, from 'Ubaydah, from Ibrahim, who said: "Whoever has intercourse with an animal, there is no hadd punishment on him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ عَبِيدَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: مَنْ أَتَى بَهِيمَةً فَلَا حُدُودٌ عَلَيْهِ

**[28509]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Sa'id, from Budayl, from Jabir ibn Zayd, that he said: "If a man has intercourse with an animal, the hadd punishment is carried out on him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ بُدْيِلٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، أَنَّهُ، قَالَ: إِذَا أَتَى الرَّجُلُ الْبَهِيمَةَ أُقْيِمَ عَلَيْهِ الْحَدُّ

**[28510]** Abu Bakr narrated to us, saying: Yazid ibn Harun narrated to us, saying: Sufyan ibn Husayn narrated to us, from Abu 'Ali al-Rahabi, from 'Ikrimah, who said: Al-Hasan ibn 'Ali was asked about a man who had intercourse with an animal. He said: "If he is muhsan (married), he is stoned."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ حُسَيْنٍ، عَنْ أَبِيهِ عَلَيِّ الرَّحِيْمِ، عَنْ عِكْرِمَةَ، قَالَ: سُئِلَ الْحَسَنُ بْنُ عَلَيِّ عَنْ رَجُلٍ أَتَى بَهِيمَةً، قَالَ: إِنْ كَانَ مُحْصَنًا رُجِمَ

**[28511]** Sulayman ibn Yasar used to carry out the Hadd punishment on him (i.e., someone who committed bestiality).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ ابْنِ أَبِي فَرْوَةَ، عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشْجَحِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ: أَنَّهُ كَانَ يُقْيِمُ عَلَيْهِ الْحَدُّ

**[28512]** Al-Hasan said regarding one who commits bestiality or sodomy: "The Hadd punishment is upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، فِيمَنْ يَأْتِي الْبَهِيمَةَ وَالْأَعْلَامَ، قَالَ: عَلَيْهِ الْحَدُّ

**[28513]** Al-Zuhri said: "If a man commits bestiality, he is flogged the full Hadd punishment. And whoever accuses a man of bestiality, the Hadd punishment is upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: إِذَا وَقَعَ الرَّجُلُ بِالْبَهِيمَةِ جِلْدُ الْحَدَّ ثَامِنًا، وَمَنْ رَمَى امْرَأً بِالْبَهِيمَةِ فَعَلَيْهِ الْحَدُّ

**[28514]** Masruq said regarding the one who commits bestiality: "If he does it with her [the animal], she is slaughtered."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ لَيْثٍ، عَنْ يَزِيدَ، عَنْ مَسْرُوقٍ، فِي الَّذِي يَأْتِي الْبَهِيمَةَ، قَالَ: "إِذَا فَعَلَ بِهَا، قَالَ: دُبِحْتُ

**[28515]** Masruq said regarding the one who commits bestiality: "He is stoned, and she [the animal] is stoned with the stones he was stoned with, and his trace is wiped out."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ دَاؤَدَ، قَالَ: قَالَ مَسْرُوقٌ: يُرْجَمُ وَتُرْجَمُ بِالْحِجَارَةِ الَّتِي رُجَمَ بِهَا، وَيُعْقَى أَنْرُهُ يَعْنِي فِي الَّذِي يَأْتِي الْبَهِيمَةَ

**[28516]** Al-Hakam said: "Whoever commits bestiality, the Hadd punishment is carried out on him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُونَ، عَنْ لَيْثٍ، عَنْ الْحَكَمِ، قَالَ: مَنْ أَتَى الْبَهِيمَةَ أُقْيِمَ عَلَيْهِ الْحَدُّ

**[28517]** Al-Musayyib said: "Whoever commits bestiality will have no standing [on the Day of Judgment]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنِ الْعَلَاءِ بْنِ الْمُسَيْبِ، عَنْ أَبِيهِ، قَالَ: مَنْ أَتَى بَهِيمَةً لَمْ تَقْعُدْ لَهُ قِيَامَةً

**[28518]** Al-Zuhri said regarding the one who commits bestiality: "Upon him is the lesser of the two Hadd punishments, whether he is married (Muhsan) or unmarried."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ الرُّهْرِيِّ، فِي الَّذِي يَأْتِي الْبَهِيمَةَ، قَالَ: عَلَيْهِ أَذْنَى الْحَدَّيْنِ أَحْسِنَ أَمْ لَمْ يُحْسِنْ

**[28519]** Ibn Abbas reported from the Prophet (saw): "Kill the one who commits bestiality and the animal."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ إِبْرَاهِيمَ بْنِ إِسْمَاعِيلَ، عَنْ دَاؤَدَ بْنِ حُصَيْنٍ، عَنْ عَكْرِمَةَ، عَنْ ابْنِ عَبَاسٍ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: افْتُلُوا الْفَاعِلِ بِالْبَهِيمَةِ وَالْبَهِيمَةَ

**[28520]** Ibn Umar was asked about a slave girl shared between two men, and one of them had intercourse with her. He said: "There is no Hadd punishment on her. He is treacherous; her value is estimated against him, and he takes her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ عُمَيْرٍ بْنِ نُمَيْرٍ، قَالَ: سُنْنَ ابْنُ عُمَرَ عَنْ جَارِيَةٍ كَانَتْ بَيْنَ رَجُلَيْنِ، فَوَقَعَ عَلَيْهَا أَحَدُهُمَا، قَالَ: لَيْسَ عَلَيْهَا حُدُودٌ، هُوَ حَائِنٌ يُؤْقَمُ عَلَيْهِ قِيمَتُهَا وَيَأْخُذُهَا

**[28521]** Sa'id ibn al-Musayyib said regarding a slave girl shared between two men, and one of them had intercourse with her: "He is flogged ninety-nine lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ دَاؤَدَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، فِي جَارِيَةٍ كَانَتْ بَيْنَ رَجُلَيْنِ فَوَقَعَ عَلَيْهَا أَحَدُهُمَا، قَالَ: يُضْرَبُ نِسْعَةً وَتِسْعِينَ سُوْطًا

**[28522]** Shurayh warded off the Hadd punishment from him and made him liable [for

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ عَبْدَةَ، عَنْ شُرَيْبٍ أَنَّهُ: دَرَأَ عَنْهُ الْحَدَّ وَضَمَّنَهُ

**[28523]** Al-Zuhri said regarding a slave girl shared among partners, and one of them has intercourse with her: "He is flogged one hundred lashes."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَاقِ، عَنْ مَعْمِرِ،  
عَنِ الزُّهْرِيِّ، فِي الْأَمْمَةِ تَكُونُ بَيْنَ الشُّرَكَاءِ فَيَقُولُ عَلَيْهَا  
أَحَدُهُمْ، قَالَ: يُضْرَبُ مِائَةً

**[28524]** Makhul said regarding a slave girl shared among three men, and one of them had intercourse with her: "Upon him is the lesser of the two Hadd punishments, one hundred lashes. And he owes two-thirds of her price, her dowry (Uqr), and two-thirds of the value of the child if there is one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا رَوَادُ بْنُ الْجَرَاحِ، عَنِ  
الْأَوْزَاعِيِّ، عَنْ مَكْحُولٍ، فِي جَارِيَةٍ بَيْنَ ثَلَاثَةِ وَقَعَ  
عَلَيْهَا أَحَدُهُمْ، قَالَ: عَلَيْهِ أَدْنَى الْحَدَّيْنِ مِائَةً، وَعَلَيْهِ ثُلَاثَةٌ  
لَمْنِهَا وَعُقْرُهَا وَثُلَاثَةٌ قِيمَةُ الْوَلَدِ إِنْ كَانَ

**[28525]** Al-Hasan said: "He is disciplined (Ta'zir) and her value is estimated against him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ، عَنْ هِشَامٍ، عَنِ  
الْحَسَنِ، قَالَ: يُعَزَّرُ وَيُؤَقَّمُ عَلَيْهِ

**[28526]** Ja'far ibn Burqan reported: We were informed that Umar ibn Abd al-Aziz was brought a case of a slave girl shared between two men, one of whom had intercourse with her. He consulted Sa'id ibn al-Musayyib and Urwah ibn al-Zubayr regarding it. They said: "We see that he should be flogged less than the Hadd punishment, and they should value her, and he pays half the value to his partner."

**[28527]** Yunus said regarding a man who has intercourse with a slave girl shared between him and his partner: "She is valued against him."

**[28528]** Ibrahim said regarding a slave girl shared between two men, and one of them had intercourse with her and she became pregnant: "She is valued against him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ  
بْنِ بُرْقَانَ، قَالَ: بَلَغْنَا أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، أَتَيَ  
بِجَارِيَةٍ كَانَتْ بَيْنَ رَجُلَيْنِ، فَوَطَّهَا أَحَدُهُمَا، وَاسْتَشَارَ  
فِيهَا سَعِيدَ بْنَ الْمُسَيَّبِ، وَعُرْوَةَ بْنَ الرُّبَّيْرِ، فَقَالَا: نَرَى  
أَنْ يُجْلَدَ دُونَ الْحَدِّ وَيُقَيِّمُونَهَا قِيمَةً فَيَنْدَفعُ إِلَى شَرِيكِهِ  
نِصْفَ الْقِيمَةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، فِي  
رَجُلٍ يَقْعُدُ عَلَى جَارِيَةٍ بَيْنَهُ وَبَيْنَ شَرِيكِهِ، قَالَ: تُعَوَّمُ  
عَلَيْهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ مُغِيرَةَ،  
عَنْ إِبْرَاهِيمَ، فِي جَارِيَةٍ كَانَتْ بَيْنَ رَجُلَيْنِ فَوَقَعَ عَلَيْهَا  
أَحَدُهُمَا فَحَمَلَتْ، قَالَ: تُقَوَّمُ عَلَيْهِ

**[28529]** Tawus said regarding a slave girl shared between two men, and one of them has intercourse with her: "He owes the dowry (Uqr) according to the share."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنٍ، عَنْ لَيْثٍ، عَنْ طَاؤِسٍ، فِي الْجَارِيَةِ تَكُونُ بَيْنَ الرَّجُلَيْنِ فَيَطْوُهَا أَحَدُهُمَا، قَالَ: عَلَيْهِ الْعُفْرُ بِالْحِصَّةِ

**[28530]** Al-Hakam said regarding a man who had intercourse with a slave girl from the booty (Fay'): "There is no Hadd punishment on him; he has a share in her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنِ الْحَكَمِ، أَنَّهُ، قَالَ فِي رَجُلٍ وَطِيْ جَارِيَةٍ مِنَ الْفَيْءِ، قَالَ: لَيْسَ عَلَيْهِ حَدٌّ، لَهُ فِيهَا نَصِيبٌ

**[28531]** Sa'id ibn al-Musayyib said: "There is no Hadd punishment on him if he has a share in her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، قَالَ: لَيْسَ عَلَيْهِ حَدٌّ إِذَا كَانَ لَهُ فِيهَا نَصِيبٌ

**[28532]** Bakr ibn Dawud reported that Ali carried out the Hadd punishment on a man who had intercourse with a slave girl from the Khums (one-fifth share of booty).

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُوسَى بْنِ عُبَيْدَةَ، عَنْ بَكْرِ بْنِ دَاؤِدَ: أَنَّ عَلَيًّا أَقَامَ عَلَى رَجُلٍ وَقَعَ عَلَى جَارِيَةٍ مِنَ الْخُمُسِ الْحَدِّ

**[28533]** Al-Hasan said: "If he has a share in the Fay', he is excused [from Hadd] and her value is estimated against him. The same applies to a slave girl shared between him and two other men."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنِ الْحَسَنِ، قَالَ: إِذَا كَانَ لَهُ فِي الْفَيْءِ شَيْءٌ عُذْرَ، وَيُقَوَّمُ عَلَيْهِ، وَكَذَلِكَ فِي جَارِيَةٍ بَيْنَهُ وَبَيْنَ رَجُلَيْنِ

**[28534]** Habib ibn Salim reported that a man had intercourse with his wife's slave girl. His wife came to Al-Nu'man ibn Bashir and informed him. He said: "I have a decisive report from the Messenger of Allah (saw) regarding this: If you permitted him, I will flog him one hundred lashes. If you did not permit him, I will stone him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ أَبِي بِشْرٍ، عَنْ حَبِيبِ بْنِ سَالِمٍ: أَنَّ رَجُلًا وَقَعَ بِجَارِيَةِ امْرَأَتِهِ، فَأَنْتَ امْرَأَتُهُ النُّعْمَانُ بْنُ بَشِيرٍ فَأَخْبَرَهُ، قَالَ: أَمَا إِنْ عِنْدِي فِي ذَلِكَ خَبَرًا شَافِيًّا عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، إِنْ كُنْتَ أَذِنْتَ لَهُ جَلَدَتُهُ مِائَةً، وَإِنْ كُنْتَ لَمْ تَأْذِنْ لَهُ رَجْمَتُهُ

**[28535]** Ikrimah said: A woman came to Ali and said: "My husband had intercourse with my slave girl." He said: "If you are telling the truth, we will stone him. If you are lying, we will flog you." Then the people waited patiently until they mixed, and the woman left.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ عَكْرَمَةَ، قَالَ: جَاءَتِ امْرَأَةٌ إِلَى عَلِيٍّ، فَقَالَتْ: إِنَّ زَوْجِي وَقَعَ عَلَى وَلِيَتِي، فَقَالَ: إِنْ تَكُونِي صَادِقَةً رَجَمْنَاهُ، وَإِنْ تَكُونِي كَاذِبَةً جَلَدَنَاكَ ثُمَّ تَصَبَّرْتِ النَّاسَ حَتَّى اخْتَلَطُوا، فَذَهَبَتِ الْمَرْأَةُ

**[28536]** Mubarak ibn 'Umarah reported that a woman came to Ali saying: "Woe to her! Her husband had intercourse with her slave girl." He said: "If you are truthful, we will stone him. If you are lying, we will flog you."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلِ بْنِ أَبِي حَالِدٍ، عَنْ مُبَارَكِ بْنِ عُمَارَةَ، قَالَ: جَاءَتِ امْرَأَةٌ إِلَى عَلِيٍّ، فَقَالَتْ: يَا وَيْلَاهَا إِنَّ زَوْجَهَا وَقَعَ عَلَى جَارِيَتِهَا، فَقَالَ: إِنْ كُنْتِ صَادِقَةً رَجَمْنَاهُ، وَإِنْ كُنْتِ كَاذِبَةً جَلَدَنَاكَ

**[28537]** Umar said: "I will not be brought a man who had intercourse with his wife's slave girl except that I will do such and such [punish him severely]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مَعَاوِيَةَ، عَنْ حَجَاجِ، عَنْ مَكْحُولٍ، قَالَ: قَالَ عُمَرُ: لَا أُوْتَى بِرَجُلٍ وَقَعَ عَلَى جَارِيَةٍ امْرَأَتِهِ إِلَّا فَعَلْتُ وَفَعَلْتُ

**[28538]** Al-Hasan and Ibn Sirin, when asked about a man having intercourse with his wife's slave girl, would recite this verse: "And they who guard their private parts. Except from their wives or those their right hands possess, for indeed, they will not be blamed" (Al-Mu'minun: 5-6).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَابْنِ سِيرِينَ كَانَا إِذَا سُئِلَا عَنِ الرَّجُلِ يَقُولُ عَلَى جَارِيَةٍ امْرَأَتِهِ يَتَلَوَانَ هَذِهِ الْآيَةَ: " {وَالَّذِينَ هُمْ لِفُرُوجِهِمْ حَافِظُونَ إِلَّا عَلَى أَزْوَاجِهِمْ أَوْ مَا مَلَكُتْ 6] أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مُلَوِّمِينَ} [الْمُؤْمِنُونَ

**[28539]** Ibrahim said: "He is disciplined (Ta'zir) but there is no Hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ بَشْرِ بْنِ سُلَيْمَانَ، قَالَ: سَمِعْتُ إِبْرَاهِيمَ، يَقُولُ: يُعَزَّرُ وَلَا حَدٌ

**[28540]** Ibn Mas'ud flogged him less than the Hadd punishment.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ سِمَاكٍ، عَنْ مَعْبَدٍ، وَعُبْدِيٍّ، ابْنَيْ حُمْرَانَ، عَنْ ابْنِ مَسْعُودٍ: أَنَّهُ ضَرَبَهُ ذُونَ الْحَدِّ

**[28541]** Alqamah said: "It makes no difference to me whether I have intercourse with my wife's slave girl or the slave girl of 'Awsajah, a man from the tribe [it is equally forbidden]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ الْأَعْمَشِ، قَالَ: قَالَ عَلْقَمَةً: "مَا أُبَالِي وَقَعْتُ عَلَى جَارِيَةٍ امْرَأَتِي أَوْ جَارِيَةٍ عَوْسَاجَةً: رَجُلٌ مِنَ الْحَيَّ

**[28542]** Abu Maysarah said regarding a man who has intercourse with his wife's slave girl: "It makes no difference to me whether I have intercourse with her or a slave girl from the road."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدُرٌ، عَنْ شُعْبَةَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي مَيْسَرَةَ، فِي رَجُلٍ يَأْتِي جَارِيَةً امْرَأَتِهِ أَنَّهُ، قَالَ: مَا أَبَلَى أَتَيْتُهَا أَوْ جَارِيَةً مِنَ الْطَّرِيقِ

**[28543]** Al-Hasan said: "The Hadd punishment is upon him." الحَسَنُ، قَالَ: عَلَيْهِ الْحَدُّ

**[28544]** Umar said: "If a man who had intercourse with his wife's slave girl were brought to me, I would stone him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَامِرٍ، عَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ، قَالَ: قَالَ عُمَرُ: لَوْ أُتِيتُ بِرَجُلٍ وَقَعَ عَلَى جَارِيَةٍ امْرَأَتِهِ لَرَجَمْتُهُ

**[28545]** Nafi' reported that a slave girl came to Umar and said: "O Commander of the Faithful, Al-Mughirah is having intercourse with me, and his wife calls me an adulteress. If I belong to her, forbid him from being intimate with me; if I belong to him, forbid his wife from slandering me." He sent for Al-Mughirah and said: "Do you have intercourse with this slave girl?" He said: "Yes." He said: "How?" He said: "My wife gifted her to me." He said: "By Allah, if she did not gift her to you, you will return to your family stoned." ... He said: "Go to Al-Mughirah's wife and tell her: 'If you did not gift her, we will stone him.'" They went to her and informed her. She said: "Woe is me! Do you want my husband to be stoned? By Allah, I have gifted her to him." So he let him go.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: حَدَّثَنَا  
ابْنُ أَبِي عَرْوَبَةَ، عَنْ إِيَاسِ بْنِ مُعَاوِيَةَ، عَنْ نَافِعٍ، قَالَ:  
جَاءَتْ جَارِيَةً إِلَى عُمَرَ، فَقَالَتْ: يَا أَمِيرَ الْمُؤْمِنِينَ، إِنَّ  
الْمُغَيْرَةَ يَطُوْنِي، وَإِنَّ امْرَأَهُ تَدْعُونِي زَانِيَةً، فَإِنْ كُنْتُ  
لَهَا فَانِيهُ عَنْ عَشِيَّانِي، وَإِنْ كُنْتُ لَهُ فَانِهُ امْرَأَهُ عَنْ  
فَذِيفِي، فَأَرْسَلَ إِلَى الْمُغَيْرَةِ، فَقَالَ: تَطَأُ هَذِهِ الْجَارِيَةَ؟،  
قَالَ: نَعَمُ، قَالَ: مِنْ أَيْنَ؟، قَالَ: وَهَبَّنِهَا لِي امْرَأَتِي،  
قَالَ: وَاللَّهِ لَئِنْ لَمْ تَكُنْ وَهَبَّنِهَا لَكَ لَتَرْجِعُ إِلَى أَهْلِكَ  
مَرْجُومًا لَمْ.....، وَقَالَ: انْطَلِقْ إِلَى امْرَأَةِ الْمُغَيْرَةِ  
فَأَعْلَمُهَا لَئِنْ لَمْ تَكُنْ وَهَبَّنِهَا لَنْرَجْمَةً، قَالَ: فَأَتَيَاهَا  
فَأَخْبَرَاهَا، فَقَالَتْ: يَا لَهْفَاهَا، أَتَرِيدُ أَنْ يُرْجَمَ بَعْلِي لَاهَا  
اللَّهُ إِذَا لَدَنْ وَهَبَّنِهَا لَهُ، قَالَ: فَخَلَى عَنْهُ

**[28546]** Mughirah reported that a man came to Ibn Mas'ud and said: "I had intercourse with my wife's slave girl." He said: "Allah has concealed you, so conceal yourself." This reached Ali, who said: "If the one who came to Ibn Umm Abd had come to me, I would have smashed his head with stones."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ مُعِيرَةَ، قَالَ: أَتَى رَجُلٌ ابْنُ مَسْعُودٍ، فَقَالَ: إِنِّي وَقَعْتُ عَلَى جَارِيَةَ امْرَأَتِي، فَقَالَ: فَذَسَرَ اللَّهُ عَلَيْكَ فَاسْتُرْ، فَبَلَغَ ذَلِكَ عَلِيًّا، فَقَالَ: لَوْ أَتَانِي الَّذِي أَتَى ابْنَ أُمِّ عَبْدٍ لَرَضَخْتُ رَأْسَهُ بِالْحَجَرَةِ

**[28547]** Ali warded off the Hadd punishment from a man who had intercourse with his wife's slave girl.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِيَّانَ، عَنْ مُعِيرَةَ، عَنْ الْهَيْمَمَ بْنِ بَدْرٍ، عَنْ حُرْقُوصٍ، عَنْ عَلِيٍّ: أَنَّ رَجُلًا وَقَعَ عَلَى جَارِيَةَ امْرَأَتِهِ، فَدَرَأَ عَنْهُ الْحَدَّ

**[28548]** A man came to Abdullah and said: "I had intercourse with my wife's slave girl." He said: "Fear Allah and do not do it again."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، عَنْ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ، أَنَّهُ جَاءَ إِلَيْهِ رَجُلٌ، فَقَالَ: إِنِّي وَقَعْتُ عَلَى جَارِيَةَ امْرَأَتِي، فَقَالَ: اتَّقِ اللَّهَ، وَلَا تَعْدُ

**[28549]** Abdullah said: "There is no Hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: حَدَّثَنَا سُفِيَّانَ، عَنْ مُنْصُورٍ، عَنْ رَبِيعٍ، عَنْ عُبْدَةَ بْنَ حَيَّانَ، عَنْ عَبْدِ اللَّهِ، قَالَ: لَا حَدَّ عَلَيْهِ

**[28550]** Abdullah said regarding a man who has intercourse with his wife's slave girl: "If he forced her, she is free, and he owes a similar one to her mistress. If she consented, she becomes his, and he owes a similar one to her mistress."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَانُ، عَنْ سُفِيَّانَ، عَنْ الشَّيْبَانِيِّ، عَنْ الشَّعْبِيِّ، عَنْ عَامِرِ بْنِ مَطْرٍ، عَنْ عَبْدِ اللَّهِ، فِي الرَّجْلِ يَقْعُ عَلَى جَارِيَةَ امْرَأَتِهِ، قَالَ: إِنْ اسْتَكْرَهَهَا فَهِيَ حُرَّةٌ، وَعَلَيْهِ مِثْلُهَا لِسَيْدِرَتِهَا، وَإِنْ كَانَتْ طَاؤَ عَنْهُ فَهِيَ لَهُ وَعَلَيْهِ مِثْلُهَا لِسَيْدِرَتِهَا

[28551] Ata said: "There is no Hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو ذَاُودَ الطِّيَالِسِيُّ، عَنْ جَرِيرٍ، عَنْ قَيْسٍ، عَنْ عَطَاءٍ، قَالَ: لَا حَدَّ عَلَيْهِ

[28552] Salamah ibn Muhabbiq reported that a man had intercourse with his wife's slave girl, and the Prophet (saw) warded off the Hadd punishment from him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، عَنْ سَلَمَةَ بْنِ مُحَبَّقٍ: أَنَّ رَجُلًا وَقَعَ عَلَى جَارِيَةٍ امْرَأَتِهِ، فَدَرَأَ عَنْهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْحَدَّ

[28553] Sa'id ibn al-Musayyib reported that a woman married during her waiting period (Iddah), and Umar flogged her as discipline (Ta'zir) less than the Hadd.

حَدَّثَنَا أَبُو مُحَمَّدٍ عَبْدُ اللَّهِ بْنُ يُونُسَ قَالَ: حَدَّثَنَا أَبُو عَبْدِ الرَّحْمَنِ بَقِيُّ بْنُ مَخْلُدٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامٍ، عَنْ قَنَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ: أَنَّ امْرَأَةً تَرَوَجَتْ فِي عِدَّتِهَا فَضَرَبَهَا عُمَرُ تَعْزِيرًا دُونَ الْحَدَّ

[28554] Qatadah said: I asked Sa'id ibn al-Musayyib: "If he marries her intentionally during her Iddah?" He said: "The Hadd punishment is carried out on her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، قَالَ: قُلْتُ لِسَعِيدِ بْنِ الْمُسَيْبِ: إِنَّ تَرَوَجَهَا فِي عِدَّتِهَا عَمْدًا؟، قَالَ: يُقَامُ عَلَيْهَا الْحَدَّ

[28555] Al-Zuhri reported that Marwan flogged them forty lashes each and separated them. Qabisah ibn Dhu'ayb said to him: "If only you had lightened it and flogged them twenty each."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ الرُّهْبَرِيِّ: أَنَّ مَرْوَانَ جَلَدَهُمَا أَرْبَعِينَ أَرْبَعِينَ، وَفَرَّقَ بَيْنَهُمَا، فَقَالَ لَهُ قَبِيسَةُ بْنُ دُؤَيْبٍ: لَوْ حَفَّتُ فَجَلَدْتُهُمَا عِشْرِينَ عِشْرِينَ

**[28556]** 'Amir and Ibrahim said regarding a woman who married during her Iddah: "There is no Hadd punishment upon her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَعَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، فِي امْرَأَةٍ نَكَحْتُ فِي عِدَّتِهَا، قَالًا: لَيْسَ عَلَيْهَا حَدٌ

**[28557]** Ibrahim said: "No Hadd punishment is carried out on the People of the Book for drinking wine or adultery."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يُقَامُ عَلَى أَهْلِ الْكِتَابِ حَدٌ فِي شُرْبَ حَمْرٍ، وَلَا زِنَى

**[28558]** Ibn Abbas said: "There is no Hadd punishment on the People of the Book."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ عَمْرِو، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَيْسَ عَلَى أَهْلِ الْكِتَابِ حَدٌ

**[28559]** Qabisah ibn Dhu'ayb reported that a man had intercourse with his slave girl who was married. Umar ibn al-Khattab flogged him one hundred lashes as an exemplary punishment.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ ابْنِ أَبِي عَرْوَةَ، عَنْ فَتَاهَةَ، عَنْ رَجَاءِ، عَنْ قَبِيْصَةَ بْنَ ذُؤْيَبٍ: أَنَّ رَجُلًا وَقَعَ عَلَى جَارِيَتِهِ وَلَهَا زَوْجٌ، فَضَرَبَهُ عُمَرُ بْنُ الْخَطَّابِ مِائَةً نَكَالًا

**[28560]** Zayd ibn Aslam said: "Umar was brought a man who had intercourse with his slave girl whom he had married off. He beat him severely but did not reach the extent of the Hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَامِعٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، قَالَ: أُوتِيَ عُمَرُ بِرَجُلٍ وَقَعَ عَلَى امْتِهِ وَقَدْ رَوَّجَهَا، فَضَرَبَهُ ضَرْبًا وَلَمْ يَتْلُغْ بِهِ الْحَدٌ

**[28561]** Al-Zuhri said: "If a man has intercourse with his slave girl who has a husband, he is flogged one hundred lashes, whether he is married or not. If she becomes pregnant, the child belongs to the bed (husband)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الرِّهْرِيِّ، قَالَ: إِذَا وَقَعَ الرَّجُلُ عَلَى امْتِهِ وَلَهَا زَوْجٌ، فَإِنَّهُ يُجْلَدُ مِائَةً أَحْصَنَ أَمْ لَمْ يُحْسِنْ، فَإِنْ حَمَلْتُ فَالْوَلَدُ لِلْفِرَاشِ

**[28562]** Shu'bah asked Hammad about a man who steals from the public treasury (Bayt al-Mal). He said: "He is cut." Al-Hakam said: "He is not cut."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْتَرُ، عَنْ شُعبَةَ، قَالَ: سَأَلْتُ حَمَادًا عَنِ الرَّجُلِ يَسْرِقُ مِنْ بَيْتِ الْمَالِ، قَالَ: يُقطَعُ وَقَالَ الْحَكَمُ: لَا يُقطَعُ

**[28563]** Al-Qasim reported that a man stole from the public treasury. Sa'd wrote to Umar about him, and Umar wrote back to Sa'd: "There is no cutting for him; he has a share in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ الْمَسْعُودِيِّ، عَنِ الْفَالِسِيمِ: أَنَّ رَجُلًا سَرَقَ مِنْ بَيْتِ الْمَالِ، فَكَتَبَ فِيهِ سَعْدٌ إِلَى عُمَرَ، فَكَتَبَ عُمَرُ إِلَى سَعْدٍ: لَيْسَ عَلَيْهِ قَطْعٌ، لَهُ فِيهِ نَصِيبٌ

**[28564]** Shu'bah asked Al-Hakam about stealing from the public treasury. He said: "There is no cutting for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ يَسْرِقُ مِنْ بَيْتِ الْمَالِ، قَالَ: لَيْسَ عَلَيْهِ قَطْعٌ

**[28565]** Sa'id ibn al-Musayyib said regarding a man who steals from the spoils of war: "There is no Hadd punishment upon him if he has a share in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ فَتَاهَةَ، عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ فِي الرَّجُلِ يَسْرِقُ مِنَ الْمُغْنِمِ، قَالَ: لَيْسَ عَلَيْهِ حَدٌ إِذَا كَانَ لَهُ فِيهِ نَصِيبٌ

**[28566]** Al-Hasan said: "If a man steals from the booty and has a share in it, he is not cut. If he steals from it and has no share in it, he is cut."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، قَالَ: إِذَا سَرَقَ الرَّجُلُ مِنَ الْغَنِيمَةِ وَلَهُ فِيهَا شَيْءٌ لَمْ يُقْطَعْ، فَإِنْ سَرَقَ مِنْهَا وَلَيْسَ لَهُ فِيهَا نَصِيبٌ قُطِّعَ

**[28567]** Abu 'Ubayd ibn al-Abrras reported that Ali was distributing weapons in the courtyard. A man took a helmet and hid it under his wrap. Another man found him and brought him to Ali. Ali did not cut him and said: "He has a share in it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ سِمَاكٍ، عَنْ أَبِي عُبَيْدَ بْنِ الْأَبْرَاصِ: أَنَّ عَلَيْاً كَانَ يَقْسِمُ سِلَاحًا فِي الرَّحْبَةِ، فَأَخَذَ رَجُلٌ مِغْفَرًا فَالْتَحَفَ عَلَيْهِ، فَوَجَدَهُ رَجُلٌ، فَأَتَى بِهِ عَلَيْاً فَلَمْ يَقْطَعْهُ، وَقَالَ: لَهُ فِيهِ شِرِيكٌ

**[28568]** Abdullah ibn 'Amr ibn al-Hadrami said: I brought a slave of mine to Umar and said: "Cut him." He asked: "What did he do?" I said: "He stole a mirror belonging to my wife worth more than sixty dirhams." Umar said: "Your slave stole your goods."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنِ السَّائِبِ بْنِ يَزِيدٍ: أَنَّ عَبْدَ اللَّهِ بْنَ عَمْرُو بْنَ الْحَاضِرَمِيِّ، قَالَ: أَتَيْتُ عُمَرَ بِغُلَامٍ لِي فَقْتُ: افْطَعْهُ، قَالَ: وَمَا لَهُ؟ قُلْتُ: سَرَقَ مِرْأَةً لِأَمْرَأَتِي خَيْرٌ مِنْ سِتِّينَ دِرْهَمًا، قَالَ عُمَرُ: غُلَامُكُمْ سَرَقَ مَئَاعُكُمْ

**[28569]** Ma'qil al-Muzani came to Abdullah and said: "My slave stole my cloak. Should I cut him?" Abdullah said: "No, your wealth is part of one another."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ،  
عَنْ إِبْرَاهِيمَ، عَنْ هَمَامٍ، عَنْ عَمْرُو بْنِ شَرَحْبِيلٍ، قَالَ:  
جَاءَ مَعْقُلُ الْمُرْنَى إِلَى عَبْدِ اللَّهِ، فَقَالَ: غُلَامِي سَرَقَ  
قَبَائِي فَاقْطَعَهُ؟، قَالَ عَبْدُ اللَّهِ: لَا ، مَالُكُ بَعْضُهُ مِنْ  
بَعْضٍ

**[28570]** Ali said: "If my slave steals from my wealth, I do not cut him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ  
حَجَاجٍ، عَنِ الْحَكَمِ: أَنَّ عَلَيًّا، قَالَ: إِذَا سَرَقَ عَبْدِي مِنْ  
مَالِي لَمْ أَقْطَعْهُ

**[28571]** Sa'id ibn Mina said: Abdullah ibn al-Zubayr was in charge of the charity of Al-Zubayr, which was in a house that no one entered except him and a slave girl of his. Some money went missing. He said to the slave girl: "No one entered this house except me and you. Who took this money?" The slave girl confessed. He said to me: "O Sa'id, take her and cut off her hand. For if the money were mine, there would be no cutting for her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَيَّانَ، قَالَ: حَدَّثَنَا  
سَعِيدُ بْنُ مِينَاءَ، قَالَ: كَانَ عَبْدُ اللَّهِ بْنُ الزُّبَيْرِ يَلِي  
صَدَقَةَ الزُّبَيْرِ، وَكَانَتْ فِي بَيْتِهِ لَا يَدْخُلُهُ أَحَدٌ غَيْرُهُ  
وَغَيْرُ جَارِيَّةِ لَهُ، فَفَقَدَ شَيْئًا مِنَ الْمَالِ، فَقَالَ لِلْجَارِيَّةِ: مَا  
كَانَ يَدْخُلُ هَذَا الْبَيْتَ غَيْرِيْ وَغَيْرِكَ، فَمَنْ أَخَذَ هَذَا  
الْمَالَ؟ فَأَفْرَتِ الْجَارِيَّةُ، فَقَالَ لِي: يَا سَعِيدُ انْطَلَقْ بِهَا  
فَاقْطَعْ يَدَهَا، فَإِنَّ الْمَالَ لَوْ كَانَ لِي لَمْ يَكُنْ عَلَيْهَا قَطْعٌ

**[28572]** Shu'bah asked Hammad and Al-Hakam about a man who has intercourse with his mother's slave girl. They said: "The Hadd punishment is upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُنْدُرُ، عَنْ شُبَّابَةَ، قَالَ:  
سَأَلْتُ حَمَادًا، وَالْحَكَمَ عَنِ الرَّجُلِ يَقْعُ عَلَى جَارِيَّةِ أُمِّهِ،  
قَالَا: عَلَيْهِ الْحَدُّ

**[28573]** Al-Hasan said: "There is no Hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عُنْدُرٌ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: لَيْسَ عَلَيْهِ حَدٌّ

**[28574]** Yazid ibn Abi Kabshah reported that Abu al-Darda' was brought a woman named Salamah who had stolen. He said to her: "O Salamah, did you steal? Say: No."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِيَّاً، عَنْ عَلَيِّ بْنِ الْأَقْمَرِ، عَنْ يَزِيدِ بْنِ أَبِي كَبْشَةَ: أَنَّ أَبَا الدَّرْدَاءِ، أُتِيَ بِامْرَأَةٍ قَدْ سَرَقَتْ، فَقَالَ لَهَا: "سَلَامَةً أَسَرَّقْتِ؟ فُولِي: لَا

**[28575]** Abu Mas'ud was brought a man who had stolen. He said: "Did you steal? Say: 'I found it.'" The man said: "I found it." So he let him go.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ جَابِرٍ، عَنْ مَوْلَى لِأَبِي مَسْعُودٍ، عَنْ أَبِي مَسْعُودٍ، قَالَ: أُتِيَ بِرَجُلٍ سَرَقَ، فَقَالَ: "أَسَرَّقْتَ؟ قُلْ: وَجَدْتُهُ، قَالَ: وَجَدْنَاهُ، فَخَلَى سَبِيلُهُ

**[28576]** Abu al-Mutawakkil reported that Abu Hurayrah, when he was governor, was brought a thief. He said: "Did you steal? Did you steal? Say: No. Say: No," twice or thrice.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، قَالَ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرْوَبَةَ، عَنْ سُلَيْمَانَ النَّاجِيِّ، عَنْ أَبِي المُؤَوِّكِلِ: أَنَّ أَبَا هُرَيْرَةَ، أُتِيَ بِسَارِقٍ وَهُوَ يَوْمَئِذٍ أَمِيرٌ، فَقَالَ: "أَسَرَّقْتَ؟ أَسَرَّقْتَ؟ قُلْ: لَا قُلْ: لَا مَرَّتَنِي أَوْ ثَلَاثَةً

**[28577]** Muhammad ibn 'Abd al-Rahman ibn Thawban reported that a man stole a cloak and was brought to the Prophet (saw). They said: "O Messenger of Allah, this man stole a cloak." He said: "I do not think he stole."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ يَزِيدِ بْنِ حُصَيْفَةَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ تَوْبَانَ: أَنَّ رَجُلًا سَرَقَ شَمْلَةً، فَأُتِيَ بِهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالُوا: يَا رَسُولَ اللَّهِ. هَذَا سَرَقَ شَمْلَةً، فَقَالَ: مَا أَخَالُهُ سَرَقَ

**[28578]** Subay' Abu Salim said: I witnessed Al-Hasan ibn Ali when a man was brought who confessed to theft. Al-Hasan said to him: "Perhaps you snatched it?" trying to make him say no.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ غَالِبِ أَبِي الْهُدَيْلِ، قَالَ: سَمِعْتُ سُبَيْعًا أَبَا سَالِمٍ، يَقُولُ: شَهِدْتُ الْحَسَنَ بْنَ عَلَيْ وَأَتَيَ بِرَجُلٍ أَفَرِ بِسَرِقَةٍ، فَقَالَ لَهُ الْحَسَنُ: "الْعَلَّاكَ اخْلَسْتَ لِكَيْ يَقُولُ: لَا"

**[28579]** Ikrimah ibn Khalid reported that Umar was brought a thief who had confessed. Umar said: "I see the hand of a man that is not the hand of a thief." The man said: "By Allah, I am not a thief." So Umar released him and did not cut his hand.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عِكْرَمَةَ بْنِ خَالِدٍ، قَالَ: أَتَيَ عُمَرُ بِسَارِقٍ قَدْ اعْتَرَفَ، فَقَالَ عُمَرُ: إِنِّي لَأَرَى يَدَ رَجُلٍ مَا هِيَ بِيَدِ سَارِقٍ، قَالَ الرَّجُلُ: وَاللَّهِ مَا أَنَا بِسَارِقٍ، فَأَرْسَلَهُ عُمَرُ وَلَمْ يَقْطُعْهُ

**[28580]** Ata used to say: "Those who have passed used to be brought a thief, and they would say: 'Did you steal? Say: No.'" He said: I only know him to name Abu Bakr and Umar.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، يَقُولُ: "كَانَ مَنْ مَضَى يُؤْتَى بِالسَّارِقِ فَيَقُولُ: أَسْرَقْتَ؟ قُلْ: لَا وَلَا أَعْلَمُ إِلَّا سَمَى أَبَا بَكْرٍ وَعُمَرَ

**[28581]** Miskin said: I witnessed Ali being brought a man and a woman found in a ruin. Ali said to him: "Did you approach her?" Ali's companions started saying to him: "Say: No." He said: "No." So he released him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ ابْنِ عَوْنَ، قَالَ: حَدَّثَنِي مِسْكِينٌ، رَجُلٌ مِنْ أَهْلِي، قَالَ: شَهِدْتَ عَلَيَا أَتَيَ بِرَجُلٍ وَامْرَأَةٍ وُجِدَا فِي حَرَبَةٍ، فَقَالَ لَهُ عَلِيٌّ: أَفَرَبَّهَا؟ فَجَعَلَ أَصْحَابُ عَلِيٍّ يَقُولُونَ لَهُ: قُلْ: لَا، فَقَالَ: لَا، فَخَلَى سِيلَةً

**[28582]** Ibn Abbas reported that the Prophet (saw) said to Ma'iz ibn Malik: "Perhaps you kissed, or touched, or were intimate [without penetration]?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مَعْمِرٍ، عَنْ يَحْيَى، عَنْ عِرْمَةَ، عَنْ ابْنِ عَبَّاسٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ لِمَاعِزَ بْنِ مَالِكٍ: لَعَلَّكَ قَبَّلْتَ أَوْ لَمْسْتَ أَوْ بَاشَرْتَ؟

**[28583]** Rafi' ibn Khadij reported that the Messenger of Allah (saw) said: "There is no cutting [of the hand] for fruit or palm pith."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدٍ بْنِ يَحْيَى بْنِ حِيَانَ، عَنْ رَافِعٍ بْنِ حَدِيجٍ، قَالَ: رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا قَطْعٌ فِي ثَمَرٍ، وَلَا كُثْرٌ

**[28584]** Amr ibn Shu'ayb reported from his father from his grandfather: "There is no cutting for any animal until it is kept in the pen, and no cutting for any fruit until it is kept in the drying place."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنْ حَجَاجٍ، عَنْ عَمْرُو بْنِ شَعِيبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ: لَيْسَ فِي شَيْءٍ مِنَ الْحَيَّانِ قَطْعٌ حَتَّى يَأْوِي الْمُرَاحُ، وَلَيْسَ فِي شَيْءٍ مِنَ النَّمَارِ قَطْعٌ حَتَّى يَأْوِي الْجَرِينَ

**[28585]** Ibn Umar said: "There is no cutting for any fruit except what is kept in the drying place, and no cutting for any livestock except what is kept in the pen."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْحَاقَ بْنِ سَعِيدٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عُمَرَ، قَالَ: لَيْسَ فِي شَيْءٍ مِنَ النَّمَارِ قَطْعٌ إِلَّا مَا أَوَى الْجَرِينَ، وَلَيْسَ فِي شَيْءٍ مِنَ الْمَاشِيَةِ قَطْعٌ إِلَّا فِيمَا أَوَى الْمَرَاحُ

**[28586]** Umar said: "[The hand] is not cut for a date cluster, nor in a year of famine."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ مَعْمِرٍ، قَالَ: قَالَ يَحْيَى بْنُ أَبِي كَثِيرٍ، قَالَ: قَالَ عُمَرُ: لَا يُقْطَعُ فِي عَذْقٍ، وَلَا فِي عَامِ سَنَةٍ

**[28587]** Al-Hasan reported that a man who stole food was brought to the Prophet (saw), and he did not cut his hand.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ جَرِيرِ بْنِ حَازِمٍ،  
وَالسَّرِيْبِ بْنِ يَحْيَى، عَنِ الْحَسَنِ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ  
عَلَيْهِ وَسَلَّمَ أُتِيَ بِرَجُلٍ سَرَقَ طَعَامًا، فَلَمْ يَقْطُعْهُ

**[28588]** Al-Hasan reported similarly.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ بْنِ عَبْدِ  
الْمَلِكِ، وَعَمْرُو، عَنِ الْحَسَنِ: أَنَّ النَّبِيَّ عَلَيْهِ السَّلَامُ أُتِيَ  
بِرَجُلٍ سَرَقَ طَعَامًا، فَلَمْ يَقْطُعْهُ

**[28589]** Shu'bah asked Al-Hakam about a man who steals food or a donkey from the desert. He said: "There is no cutting for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعبَةَ، قَالَ:  
سَأَلَتُ الْحَكَمَ عَنِ الرَّجُلِ يَسْرِقُ الطَّعَامَ أَوِ الْجِمَارَ مِنِ  
الصَّحْرَاءِ، فَقَالَ: لَيْسَ عَلَيْهِ قِطْعَةٌ

**[28590]** Abd al-Rahman ibn al-Qasim said: "Umar ibn Abd al-Aziz cut [the hand] for a Mudd or Mudds of food."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدُرٌ، عَنْ شُعبَةَ، قَالَ:  
سَمِعْتُ عَبْدَ الرَّحْمَنَ بْنَ الْفَالِسِ، قَالَ: قَطَعَ عُمَرُ بْنُ  
عَبْدِ الْعَزِيزِ فِي مَدَدٍ أَوْ أَمْدَادٍ مِنْ طَعَامٍ

**[28591]** Umar said: "There is no cutting for a date cluster, nor in a year of famine."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ الدَّسْنُوَائِيِّ،  
عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ ابْنِ زَاهِرٍ، عَنْ حُصَيْنِ  
بْنِ جَرِيرٍ، قَالَ: سَمِعْتُ عُمَرَ، يَقُولُ: لَا قَطْعَ فِي عَدْقٍ،  
وَلَا فِي عَامِ سَنَةٍ

**[28592]** Al-Zuhri said: "There is no cutting for fruit or grazing livestock, but there is punishment and double compensation. If it is kept in a pen or drying place, [the hand] is cut if he steals the value of a quarter of a dinar."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الرُّهْرِيِّ، أَنَّهُ قَالَ: لَيْسَ فِي التَّمَرَةِ قَطْعٌ، وَلَا فِي الْمَاشِيَةِ الرَّاعِيَةِ، وَلَكِنْ فِيهَا نَكَالٌ وَتَضْعِيفُ الْغَرْمِ، فَإِذَا آوَاهُ الْمَرَاحُ أَوِ الْجَرِينُ يُقْطَعُ إِذَا سَرَقَ قَدْرَ رُبْعِ دِينَارٍ

**[28593]** Al-Nu'man ibn Murrah reported that Ali cut a thief from the instep of the foot.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ حَكَمِ بْنِ حَكِيمٍ بْنِ حَنْيفٍ، عَنْ النُّعْمَانَ بْنِ مُرَّةِ الزُّرْقَيِّ: أَنَّ عَلَيْهَا قَطْعَ سَارِقًا مِنَ الْحَفْرِ حَفْرِ الْقَدْمِ

**[28594]** Abu Razin said: I heard Ibn Abbas say: "Are our leaders incapable of cutting as this Bedouin - meaning Najdah - did? He cut and did not err; he cuts the foot and leaves the heel."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ إِسْمَاعِيلِ الْحَنْقَنِيِّ، عَنْ أَبُو رَزِينِ، قَالَ: سَمِعْتُ أَبْنَ عَبَاسَ، يَقُولُ: أَيْعِجْرُ أُمَرَاؤُنَا هُؤُلَاءِ أَنْ يَقْطَعُوا كَمَا قَطَعَ هَذَا الْأَعْرَابِيُّ، يَعْنِي نَجْدَةَ فَلَقْدَ قَطَعَ فَمَا أَخْطَأَ الرَّجُلَ وَيَنْدِرُ عَاقِبَهَا

**[28595]** Ata was asked about cutting. He said: "As for the foot, his heel is left for him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ هَاشِمٍ، وَعَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ الْمَالِكِ، عَنْ عَطَاءٍ، قَالَ: سُئِلَ عَنِ الْقَطْعِ، قَالَ: أَمَّا الرَّجُلُ، فَيُتْرُكُ لَهُ عَقِبَهَا

**[28596]** Abu Ja'far said: "The foot is cut from the middle of the foot at a joint."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَهُ، عَنِ الْعَلَاءِ بْنِ عَبْدِ الْكَرِيمِ، عَنْ أَبِي جَعْفَرٍ، قَالَ: الرَّجُلُ يُفْطَعُ مِنْ وَسْطِ الْقَدْمِ عَنْ مَفْصِلٍ

**[28597]** Similar narration from Abu Ja'far.

حَدَّثَنَا وَكِيعٌ، عَنِ الْعَلَاءِ، عَنْ أَبِي جَعْفَرٍ، يَنْحُوهُ

**[28598]** 'Ikrimah said: "Umar ibn al-Khattab cut the hand from the joint, and Ali cut the foot." 'Amr pointed to its middle.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُيسَرٍ، عَنْ ابْنِ جُرَيْجِ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عِكْرِمَةَ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَطَعَ الْيَدَ مِنَ الْمَفْصِلِ، وَقَطَعَ عَلَيِّ الْقَدَمَ، وَأَشَارَ عَمْرُو إِلَى شَطْرِهَا

**[28599]** Raja' ibn Haywah said: "The Prophet (saw) cut a man['s hand] from the joint."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مَسْرَةَ بْنِ مَعْبِدٍ الْلَّخْمِيِّ، قَالَ: سَمِعْتُ عَدِيَّ بْنَ عَدِيًّا، يُحَدِّثُ عَنْ رَجَاءِ بْنِ حَيْوَةَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَطَعَ رَجُلًا مِنَ الْمَفْصِلِ

**[28600]** Samurah ibn Abd al-Rahman said: I saw a man in Al-Hirah whose hand was cut from the joint. I asked: "Who cut you?" He said: "The righteous man Ali cut me. Indeed, he did not wrong me."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سَمْرَةَ بْنِ عَبْدِ الرَّحْمَنِ، قَالَ: رَأَيْتُ بِالْحِيرَةِ مَفْطُوحاً مِنَ الْمَفْصِلِ، فَقُلْتُ: مَنْ قَطَعَكَ؟، قَالَ: قَطَعَنِي الرَّجُلُ الصَّالِحُ عَلَيُّ أَمَا إِنَّهُ لَمْ يَظْلِمْنِي

**[28601]** 'Ikrimah said: "Umar cut the hand from the joint."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو سَعْدٍ، عَنْ ابْنِ جُرَيْجِ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عِكْرِمَةَ: أَنَّ عُمَرَ قَطَعَ الْيَدَ مِنَ الْمَفْصِلِ

**[28602]** Ibn Thawban reported that the Prophet (saw) cut off a man's hand and then cauterized it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مَسْرَةَ بْنِ مَعْبِدٍ الْلَّخْمِيِّ، قَالَ: سَمِعْتُ سُفْيَانَ، عَنْ يَزِيدَ بْنِ حُصَيْفَةَ، عَنْ ابْنِ تَوْبَانَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَطَعَ يَدَ رَجُلٍ ثُمَّ حَسَمَهُ

**[28603]** Similar narration from Muhammad ibn Abd al-Rahman.

حَدَّثَنَا ابْنُ عَيْنَةَ، عَنْ يَزِيدَ بْنِ حُصَيْفَةَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، مِثْلُهُ

**[28604]** 'Amr ibn Abi Sufyan reported that Ibn al-Zubayr cut a thief's hand. Aban ibn Uthman said to him: "Cauterize him." He replied: "You are merciful to him." He said: "No, but it is from the Sunnah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَمْرِو بْنِ أَبِي سُفْيَانَ: "أَنَّ ابْنَ الْزُّبَيْرِ أَتَيَ السَّارِقَ فَقْطَعَهُ، فَقَالَ لَهُ أَبْنُ ابْنِ عُثْمَانَ: أَحْسُمُ، فَقَالَ لَهُ: إِنَّكَ بِهِ لَرَحِيمٍ، قَالَ: لَا، وَلَكِنَّهُ مِنَ السُّنَّةِ

**[28605]** Al-Hasan said: "It is from the Sunnah to cauterize the thief."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو، عَنْ الْحَسَنِ، قَالَ: مِنَ السُّنَّةِ حَسْنُ السَّارِقِ

**[28606]** Hujayyah reported that Ali used to cut thieves' hands, cauterize them, imprison them, and treat them. When they healed, he would say: "Raise your hands." They would raise them like donkey penises. People would ask: "Who cut you?" They would say: "Ali." They would ask: "Why?" They would say: "We stole." He would say: "O Allah, bear witness. O Allah, bear witness. Go."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبْجَرَ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ حُجَّيَّةَ: أَنَّ عَلِيًّا كَانَ يَقْطَعُ الْلَّصُوصَ وَيَحْسِمُهُمْ وَيَدْأُوبُهُمْ، فَإِذَا بَرُّوا، قَالَ: ارْفَعُوا أَيْدِيْكُمْ فَيَرْفَعُونَهَا كَانَهَا أُبُورُ الْحُمْرَ، يَقُولُونَ: مَنْ قَطَعَكُمْ، فَيَقُولُونَ: عَلِيٌّ، فَيَقُولُونَ: وَلَمْ؟ فَيَقُولُونَ: إِنَّا سَرَقْنَا، فَيَقُولُ: اللَّهُمَّ اشْهُدْ، اللَّهُمَّ اشْهُدْ، وَادْهُبُوا

**[28607]** Yazid ibn Khusayfah reported that Umar ibn Abd al-Aziz was brought a man who stole a bird. He asked Al-Sa'ib ibn Yazid for a ruling. He said: "I have never seen anyone cut [a hand] for a bird, and there is no cutting for that." So Umar ibn Abd al-Aziz let him go and did not cut him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنَ بْنُ مَهْدِيٍّ، عَنْ رُهْبَرِ بْنِ مُحَمَّدٍ، عَنْ يَزِيدَ بْنِ حُصَيْفَةَ، قَالَ: أَتَيَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ بِرَجُلٍ سَرَقَ طَيْرًا، فَاسْتَفْتَهُ فِي ذَلِكَ السَّائِبَ بْنَ يَزِيدَ، فَقَالَ: مَا رَأَيْتُ أَحَدًا قَطَعَ فِي الطَّيْرِ، وَمَا عَلِمْتُ فِي ذَلِكَ قَطْعًا فَتَرَكَهُ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ وَلَمْ يَقْطُعْهُ

**[28608]** Abdullah ibn Yasar reported that Umar ibn Abd al-Aziz was brought a man who stole a chicken. He wanted to cut his hand, but Abu Salamah ibn Abd al-Rahman said to him: "Uthman said: 'There is no cutting for a bird.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَسَارٍ، قَالَ: أَتَيَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ فِي رَجُلٍ سَرَقَ نَجَاجَةً، فَأَرَادَ أَنْ يَقْطُعَهُ، فَقَالَ لَهُ أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ: قَالَ عُثْمَانُ: لَا قَطْعٌ فِي الطَّيْرِ

**[28609]** Ali used to not cut [the hand] for a bird.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ رَجُلٍ، عَنْ عَلَيِّ: أَنَّهُ كَانَ لَا يَقْطُعُ فِي الطَّيْرِ

**[28610]** Ibn Jurayj said: I heard someone I approve of saying: "There is no cutting for a stolen falcon, even if its price is a dinar or more."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ: سَمِعْتُ بَعْضًا مِنْ أَرْضَى، يَقُولُ: لَا قَطْعٌ فِي بَازٍ سُرِقَ وَإِنْ كَانَ تَمَثُّلَهُ دِينَارًا فَأَكْثَرَ مِنْ ذَلِكَ

**[28611]** 'Amr ibn Shu'ayb used to say it.

حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَمْرُو بْنِ شُعَيْبٍ، قَالَ: كَانَ يَقُولُ

**[28612]** Abu Bakr narrated to us, saying: Isa ibn Yunus narrated to us, from Ma'mar, from Al-Zuhri, who said: "People were brought to Marwan ibn al-Hakam who were exhuming graves–meaning digging them up. He beat them and exiled them while the Companions of the Messenger of Allah ﷺ were present in large numbers."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ مَعْمَرٍ، عَنِ الرُّهْرِيِّ، قَالَ: أُتِيَ مَرْوَانُ بْنُ الْحَكَمَ بِقَوْمٍ يَخْتَفِئُونَ الْقُبُورَ يَعْنِي يَنْبِشُونَ فَصَرَبَهُمْ وَنَفَاهُمْ وَأَصْحَابُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُؤَافِرُونَ

**[28613]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Ash'ath, from Al-Zuhri, who said: A grave robber (Nabbash) was caught during the time of Mu'awiyah when Marwan was [governor] over Medina. He asked those present from the Companions of the Messenger of Allah ﷺ in Medina and the jurists, but they did not find anyone who had cut off his hand. He said: "Their opinion agreed that he should be beaten and paraded around."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الرُّهْرِيِّ، قَالَ: أُخِذَ نَبَاشٌ فِي زَمَانِ مُعاوِيَةَ زَمَانَ كَانَ مَرْوَانُ عَلَى الْمَدِينَةِ، فَسَأَلَ مَنْ كَانَ بِحَضْرَتِهِ مِنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْمَدِينَةِ وَالْفُقَهَاءِ، فَلَمْ يَجِدُوا أَحَدًا قَطَعَهُ، قَالَ: فَاجْمَعُ رَأْيَهُمْ عَلَى أَنْ يَضْرِبَهُ وَيُطَافِنَ بِهِ

**[28614]** Abu Bakr narrated to us, saying: Isa ibn Yunus narrated to us, from Ma'mar, who said: "It reached me that 'Umar ibn 'Abd al-'Aziz cut off the hand of a grave robber."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ مَعْمَرٍ، قَالَ: بَلَغْنِي أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، قَطَعَ تَبَاشًا

**[28615]** Abu Bakr narrated to us, saying: Abu Mu'awiyah narrated to us, from Al-Hajjaj, from Al-Hakam, from Ibrahim and Al-Sha'bi, who said: "The thief of our dead is cut (punished) just as the thief of our living is cut."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْحَجَاجِ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، وَالشَّعْبِيِّ، قَالَا: يُقْطَعُ سَارِقُ أَمْوَاتِنَا، كَمَا يُقْطَعُ سَارِقُ أَحْيَانَا

**[28616]** Abu Bakr narrated to us, saying: Ali ibn Mushir narrated to us, from 'Abd al-Malik, from 'Ata', regarding the grave robber. He said: "He is in the status of a thief; he is cut."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ عَبْدِ الْمَالِكِ، عَنْ عَطَاءٍ، فِي التَّبَاشِ، قَالَ: هُوَ مَنْزَلَةُ السَّارِقِ يُقْطَعُ

**[28617]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Ash'ath, who said: I asked Al-Hasan about the grave robber. He said: "He is cut." And I asked Al-Sha'bi, and he said: "He is cut."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ أَشْعَثَ، قَالَ: سَأَلْتُ الْحَسَنَ عَنِ التَّبَاشِ، قَالَ: يُقْطَعُ، وَسَأَلْتُ الشَّعْبِيَّ، قَالَ: يُقْطَعُ

**[28618]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Ash'ath, from Al-Hakam and Hammad, from Ibrahim regarding the grave robber. He said: "He is cut."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ فِي النَّبَاشِ، قَالَ: يُقْطَعُ

**[28619]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mughirah, from Hammad and his companions, who said: "The grave robber is cut because he entered the house of the dead person."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، وَاصْحَابِهِ، قَالُوا: يُقْطَعُ النَّبَاشُ، لِأَنَّهُ قَدْ دَخَلَ عَلَى الْمَيِّتِ بَيْتَهُ

**[28620]** Abu Bakr narrated to us, saying: Ibn Yaman narrated to us, from a shaykh, from Makhul, who said: "He is not cut unless the grave has a door."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ يَمَانٍ، عَنْ شَيْخٍ، عَنْ مَكْحُولٍ، قَالَ: لَا يُقْطَعُ إِلَّا أَنْ يَكُونَ لِلْقَبْرِ بَابٌ

**[28621]** Abu Bakr narrated to us, saying: Yahya ibn Yaman narrated to us, from Isra'il, from 'Abd Allah ibn al-Mukhtar, from 'Abd Allah ibn Murrah, who said: "The grave robber is a thief, so cut him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَمَانٍ، عَنْ إِسْرَائِيلَ، عَنْ عَبْدِ اللَّهِ بْنِ الْمُخْتَارِ، عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، قَالَ: النَّبَاشُ لِصٌّ فَاقْطَعْهُ

**[28622]** Abu Bakr narrated to us, saying: Ibn Mahdi narrated to us, from Hammad ibn Salamah, from Hajjaj: That Masruq, Ibrahim al-Nakha'i, Al-Sha'bi, Zadhan, and Abu Zur'ah ibn 'Amr ibn Jarir used to say regarding the grave robber: "He is cut."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حَجَاجٍ: أَنَّ مَسْرُوقًا، وَإِبْرَاهِيمَ النَّخَعِيَّ، وَالشَّعْبِيَّ، وَزَادَانَ، وَأَبَا زُرْعَةَ بْنَ عَمْرُو بْنَ جَرِيرٍ كَانُوا يَقُولُونَ فِي النَّبَاشِ: يُفْطَلُ

**[28623]** Abu Bakr narrated to us, saying: A shaykh I met at Mina narrated to us, from Rawh ibn al-Qasim, from Mutarrif, from 'Ikrimah, from Ibn 'Abbas, who said: "There is no cutting (amputation) for the grave robber, but upon him is something similar to cutting (a severe punishment)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَيْخٌ، لَقِيْتُهُ بِمِنَى، عَنْ رَوْحٍ بْنِ الْفَالِسِ، عَنْ مُطَرْفٍ، عَنْ عَكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: لَيْسَ عَلَى النَّبَاشِ قَطْعٌ، وَعَلَيْهِ شَبِيهٌ بِالْقَطْعِ

**[28624]** Abu Bakr narrated to us, saying: Abu Mu'awiyah narrated to us, from Hajjaj, from Abu Mus'ab 'Ata' ibn Abi Marwan, from his father: That Al-Najashi was brought to 'Ali drunk on wine during Ramadan. He left him until he sobered up, then beat him eighty lashes. Then he ordered him to prison. The next day, he brought him out and beat him twenty lashes, saying: "Eighty for the wine, and twenty for your audacity against Allah during Ramadan."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ حَجَّاجٍ، عَنْ أَبِيهِ مُصْبِعٍ عَطَاءِ بْنِ أَبِيهِ مَرْوَانَ، عَنْ أَبِيهِ: أَنَّ عَلِيًّا، أَتَى بِالنَّجَاشِيِّ سَكْرَانَ مِنَ الْخَمْرِ فِي رَمَضَانَ، فَتَرَكَهُ حَتَّى صَحَا، ثُمَّ ضَرَبَهُ ثَمَانِينَ، ثُمَّ أَمْرَ بِهِ إِلَى السَّجْنِ، ثُمَّ أَخْرَجَهُ مِنَ الْغَدِ فَضَرَبَهُ عِشْرِينَ، فَقَالَ: ثَمَانِينَ لِلْخَمْرِ، وَعِشْرِينَ لِجُرْأَتِكَ عَلَى اللَّهِ فِي رَمَضَانَ

**[28625]** Abu Bakr narrated to us, saying: Abu al-Ahwas narrated to us, from Abu al-Harith al-Taymi, from Abu Majid al-Hanafi, who said: I was sitting with 'Abd Allah ibn Mas'ud when a Muslim man came to him with his nephew and said to him: "O Abu 'Abd al-Rahman, I found my nephew drunk." 'Abd Allah said: "Shake him, move him, and smell his breath." So they shook him and smelled his breath, and he was found to be drunk. He was sent to prison. When it was the next day, I came and he was brought.

**[28626]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mughirah, from Ibrahim, who said: "If a person gets drunk, he is left until he sobers up, then he is flogged."

**[28627]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mughirah, from Al-Sha'bi, who said: "If the Imam gets drunk, he is flogged while he is senseless, for if he regains his senses, he will resist."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي الْحَارِثِ النَّيْمَىِّ، عَنْ أَبِي مَاجِدِ الْحَنَفِىِّ، قَالَ: كُنْتُ عِنْدَ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَاعِدًا، فَجَاءَهُ رَجُلٌ مِنَ الْمُسْلِمِينَ بِابْنِ أَخِ لَهُ، فَقَالَ لَهُ: يَا أَبَا عَبْدِ الرَّحْمَنِ، إِنَّ ابْنَ أَخِي وَجَدْنَاهُ سَكْرًا، فَقَالَ عَبْدُ اللَّهِ: تَرْتِرُوهُ وَمَزْمِرُوهُ وَاسْتَنْكُهُوهُ، فَتَرْتِرُوهُ وَاسْتَنْكُهُوهُ، فَوُجِدَ سَكْرًا، فَرُفِعَ إِلَى السَّجْنِ، فَلَمَّا كَانَ الْغُدُ جِنْتُ وَجِيءَ بِهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا سَكَرَ الْإِنْسَانُ ثُرِكَ حَتَّى يُفِيقَ، ثُمَّ جُلَدَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا سَكَرَ الْإِمَامُ جُلِدَ وَهُوَ لَا يَعْقُلُ، فَإِنَّهُ إِنْ عَقَلَ امْتَنَعَ

**[28628]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Ibn Abi Dhi'b, from Al-Zuhri, from Al-Sa'ib ibn Yazid: That 'Umar used to beat based on the smell (of alcohol).

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ ابْنِ أَبِي ذِئْبٍ،  
عَنِ الرُّهْبَرِيِّ، عَنِ السَّائِبِ بْنِ يَزِيدَ: أَنَّ عُمَرَ كَانَ  
يَضْرِبُ فِي الرِّيحِ

**[28629]** Abu Bakr narrated to us, saying: Abu Mu'awiyah narrated to us, from Al-A'mash, from Ibrahim, from 'Alqamah, who said: 'Abd Allah recited Surah Yusuf in Homs. A man said: "It was not revealed like this." 'Abd Allah approached him and smelled the odor of wine on him. He said to him: "You deny the truth and drink filth? By Allah, it is as the Messenger of Allah ﷺ taught it to me. I will not leave you until I apply the hadd punishment on you." So he flogged him the hadd

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الْأَعْمَشِ،  
عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، قَالَ: قَرَأَ عَبْدُ اللَّهِ سُورَةَ  
يُوسُفَ بِحِمْصَنَ، فَقَالَ رَجُلٌ: مَا هَكَذَا أُنْزَلَتْ، فَدَنَّ مِنْهُ  
عَبْدُ اللَّهِ فَوَجَدَ مِنْهُ رِيحَ الْخَمْرِ، فَقَالَ لَهُ: تُكَذِّبُ بِالْحَقِّ  
وَتَشْرَبُ الرِّجْسَ، وَاللَّهُ لَهُوَ كَمَا أَفْرَأَنِي هَا رَسُولُ اللَّهِ  
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا أُذْعَنُكَ حَتَّى أُخْذَكَ، فَجَاءَهُ الْحَدَّ

**[28630]** Abu Bakr narrated to us, saying: Kathir ibn Hisham narrated to us, from Ja'far ibn Burqan, from Yazid ibn al-Asamm: That a relative of Maymunah entered upon her, and she smelled the odor of drink on him. she said: "If you do not go out to the Muslims so they can apply the hadd punishment on you or purify you, never enter my house again."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ، عَنْ جَعْفَرِ  
بْنِ بُرْقَانَ، عَنْ يَزِيدَ بْنِ الْأَصَمَّ، أَنَّ ذَاهِرَةَ لَمِيْمُونَةَ  
دَخَلَ عَلَيْهَا، فَوَرَجَتْ مِنْهُ رِيحُ شَرَابٍ، فَقَالَتْ: إِنْ لَمْ  
تَخْرُجْ إِلَى الْمُسْلِمِينَ، فَيَحُدُّونَكَ أَوْ يُطَهِّرُونَكَ لَا تَدْخُلَ  
عَلَيَّ بَيْتِي أَبَدًا

**[28631]** Abu Bakr narrated to us, saying: Yahya ibn Sa'id narrated to us, from Ibn Jurayj, from Ibn Abi Mulaykah, who said: I wrote to Ibn al-Zubayr asking him about a man from whom the smell of drink is found. He said: "If he is an addict, apply the hadd punishment on him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ  
جُرَيْحٍ، عَنْ ابْنِ أَبِي مُلِيْكَةَ، قَالَ: كَتَبْتُ إِلَى ابْنِ الزُّبَيْرِ  
أَسْأَلْتُه عَنِ الرَّجُلِ يُوجَدُ مِنْهُ رِيحُ الشَّرَابِ، فَقَالَ: إِنْ  
كَانَ مُدْمِنًا فَحُدَّدْهُ

**[28632]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Muhammad ibn Sharik, from Ibn Abi Mulaykah, who said: A man was brought to me from whom the smell of wine was found, and I was judge over Ta'if. I wanted to beat him, but he said: "I only ate fruit." So I wrote to Ibn al-Zubayr, and he wrote back to me: "If there is fruit that resembles the smell of wine, then avert the hadd punishment from him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُحَمَّدِ بْنِ شَرِيكٍ، عَنْ ابْنِ أَبِي مُلِيْكَةَ، قَالَ: أَتَيْتُ بِرَجُلٍ يُوجَدُ مِنْهُ رِيحُ الْخَمْرِ، وَأَنَا قَاضٌ عَلَى الطَّائِفِ، فَأَرَدْتُ أَنْ أَضْرِبَهُ، فَقَالَ: إِنَّمَا أَكَلْتُ فَاكِهَةًا، فَكَتَبْتُ إِلَى ابْنِ الْزُّبَيْرِ فَكَتَبَ إِلَيَّ: إِنْ كَانَ مِنَ الْفَاكِهَةِ مَا يُشْبِهُ رِيحَ الْخَمْرِ، فَأَذْرَأْتُ عَنْهُ الْحَدَّ

**[28633]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Ibn Jurayj, from 'Ata' and 'Amr ibn Dinar, who said: "There is no hadd punishment for [merely] a smell."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، وَعَمْرُو بْنِ دِينَارٍ، قَالَا: لَا حَدًّا فِي رِيحِ

**[28634]** Abu Bakr narrated to us, saying: Yahya ibn Sa'id narrated to us, from Ibn Jurayj, from 'Ata': "That he did not see any hadd punishment for a smell."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: أَنَّهُ كَانَ لَا يَرَى فِي الرِّيحِ حَدًّا

**[28635]** Abu Bakr narrated to us, saying: Marwan ibn Mu'awiyah narrated to us, from Isma'il ibn Sumay', from Malik ibn 'Umayr al-Hanafi, who said: Ibn Maz'un was brought to 'Umar having drunk wine. He said: "Who are your witnesses?" He said: "So-and-so, so-and-so, and Ghiyath ibn Salamah"—and Ghiyath was called the Truthful Shaykh. He said: "I saw him vomiting it, but I did not see him drinking it." So 'Umar flogged him the hadd punishment.

**[28636]** Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Isma'il ibn Sumay', from Malik ibn 'Umayr, from Ghiyath ibn Salamah: That 'Umar beat him the hadd punishment and exposed him to the people, except that he said: "Hafs ibn 'Umar was brought."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ إِسْمَاعِيلَ بْنِ سُمَيْعٍ، عَنْ مَالِكِ بْنِ عُمَيْرِ الْحَنَفِيِّ، قَالَ: أُتِيَ عُمَرُ بِابْنِ مَظْعُونٍ قَدْ شَرَبَ حَمْرًا، فَقَالَ: مَنْ شُهُودُكَ؟، قَالَ: فُلَانٌ، وَفُلَانٌ، وَغِيَاثُ بْنُ سَلَمَةَ وَكَانَ يُسَمَّى غِيَاثُ الشَّيْخَ الصَّدُوقَ، قَالَ: رَأَيْتُهُ يَقِيُّهَا وَلَمْ أَرَهُ يَشْرَبُهَا، فَجَاءَهُ عُمَرُ الْحَدَّ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ إِسْمَاعِيلَ بْنِ سُمَيْعٍ، عَنْ مَالِكِ بْنِ عُمَيْرٍ، عَنْ غِيَاثَ بْنِ سَلَمَةَ: أَنَّ عُمَرَ ضَرَبَهُ الْحَدَّ وَنَصَبَهُ لِلنَّاسِ إِلَّا أَنَّهُ، قَالَ: أُتِيَ بِحَفْصٍ بْنِ عُمَرَ

**[28637]** Abu Bakr narrated to us, saying: 'Abd al-Wahhab al-Thaqafi narrated to us, from Ayyub, from Abu Qilabah, from Ibn 'Abbas: That he was asked about shaving (the head as punishment). He said: "Allah made it a rite and a Sunnah, but people made it a punishment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ، عَنْ أَئْيُوبَ، عَنْ أَبِي قِلَبَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ سُئِلَ عَنِ الْحَلْقِ، فَقَالَ: جَعَلَهُ اللَّهُ نُسُكًا وَسُنَّةً، وَجَعَلَهُ النَّاسُ عُقوبةً

**[28638]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Al-Awza'i, from Rawh ibn Yazid, from Bishr, from his father, from 'Umar ibn 'Abd al-'Aziz, who said: "Beware of shaving the head and the beard [as punishment]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الْأَوْزَاعِيِّ، عَنْ رَوْحِ بْنِ يَزِيدَ، عَنْ بِشْرٍ، عَنْ أَبِيهِ، عَنْ عُمَرَ بْنِ عَنْدِ الْعَزِيزِ، قَالَ: إِيَّاهُ وَحْلُقَ الرَّأْسَ وَالْحَنْجَةَ

**[28639]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Muhammad ibn Muslim, from Ibrahim ibn Maysarah, who said: Al-Rida—meaning Tawus—narrated to me, saying: The Messenger of Allah ﷺ said: "Whoever mutilates the hair is not one of us."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ، عَنْ إِبْرَاهِيمَ بْنِ مَيْسَرَةَ، قَالَ: حَدَّثَنِي الرَّضَا يَعْنِي طَاؤُسًا، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ مَنَّ بِالشَّعْرِ فَلَيْسَ مِنَّا

**[28640]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Muhammad ibn Muslim, from Ibrahim ibn Maysarah, from Tawus, using Muhammad ibn Muslim's phrasing, who said: "Allah made it purification, and you have made it a punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ، عَنْ إِبْرَاهِيمَ بْنِ مَيْسَرَةَ، عَنْ طَاؤِسٍ بِمِرْطِ مُحَمَّدِ بْنِ مُسْلِمٍ، قَالَ: جَعَلَ اللَّهُ طَهُورًا، وَجَعَلْنَاهُ عُفُوبَةً

**[28641]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Isra'il, from Jabir, from 'Amir, who said: "Shaving the head as a punishment is an innovation (Bid'ah)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: حَلْقُ الرَّأْسِ فِي الْعُقُوبَةِ بِدُعْيَةٍ

**[28642]** Abu Bakr narrated to us, saying: 'A'idh ibn Habib narrated to us, from Ibn Abi 'Arubah, from Qatadah, from Khilas, who said: "A man was brought with four people. Three of them testified to adultery, but the fourth did not proceed. So 'Ali flogged the three and shaved the head of the one testified against."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَائِدُ بْنُ حَبِيبٍ، عَنْ ابْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ خَلَاسٍ، قَالَ: جِيءَ بِرَجُلٍ مَعَهُ أَرْبَعَةٌ، فَشَهَدَ تَلَاثَةٌ مِنْهُمْ بِالزِّنَاءِ، وَلَمْ يَمْضِ الرَّابِعُ، فَجَلَّدَ عَلَيِّ التَّلَاثَةَ، وَجَزَّ رَأْسَ الشَّهُودِ عَلَيْهِ

**[28643]** Abu Bakr narrated to us, saying: Abu Khalid narrated to us, from Hajjaj, from Makhul and Al-Walid ibn Abi Malik, from 'Umar, who wrote regarding the false witness: "He is whipped forty lashes, his face is blackened, his head is shaved, and his imprisonment is prolonged."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ حَاجَاجٍ، عَنْ مَكْحُولٍ، وَالْوَلِيدِ بْنِ أَبِي مَالِكٍ، عَنْ عُمَرَ كَتَبَ فِي شَاهِدِ الرُّورِ: يُضْرَبُ أَرْبَعِينَ سَوْطًا، وَيُسَخَّمُ وَجْهُهُ، وَيُحَاقِّ رَأْسُهُ، وَيُطَالَ حَبْسُهُ

**[28644]** Abu Bakr narrated to us, saying: 'Uthman ibn 'Uthman narrated to us, from 'Umar ibn Mus'ab, who said: "Abd Allah ibn al-Zubayr was brought a man from Tamim, and he ordered his head to be shaved."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُثْمَانُ بْنُ عُثْمَانَ، عَنْ عُمَرَ بْنِ مُصْعَبٍ، قَالَ: أُتِيَ عَبْدُ اللَّهِ ابْنُ الرُّبَّيرَ بِرَجُلٍ مِنْ تَمِيمٍ، فَأَمَرَ بِحَلْقَهِ

**[28645]** Abu Bakr narrated to us, saying: Abu Khalid narrated to us, from Ash'ath, from Fudayl, from Ibn Ma'qil: That a man came to 'Ali and whispered to him. He said: "O Qanbar, take him out of the mosque and establish the hadd punishment on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ أَشْعَثَ، عَنْ فُضَيْلٍ، عَنْ أَبْنِ مَعْقِلٍ: أَنَّ رَجُلًا جَاءَ إِلَى عَلَيِّ فَسَارَةً، قَالَ: يَا قَنْبُرُ أَخْرِجْهُ مِنَ الْمَسْجِدِ، فَأَقِمْ عَلَيْهِ الْحَدَّ

**[28646]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Sufyan, from Qays ibn Muslim, from Tariq ibn Shihab: That 'Umar was brought a man for something. He said: "Take him out of the mosque and beat him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ قَيْسِ  
بْنِ مُسْلِمٍ، عَنْ طَارِقِ بْنِ شِهَابٍ: أَنَّ عُمَرَ أَتَى بِرَجُلٍ  
فِي شَيْءٍ، فَقَالَ: أَخْرِجْهُ مِنَ الْمَسْجِدِ فَأَصْرِبْهُ  
فِي شَيْءٍ، فَقَالَ: أَخْرِجْهُ مِنَ الْمَسْجِدِ فَأَصْرِبْهُ

**[28647]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Muhammad ibn 'Abd Allah al-Shu'aythi, from Al-'Abbas ibn 'Abd al-Rahman, from Hakim ibn Hizam, who said: The Messenger of Allah ﷺ said: "Hadd punishments are not to be established in the mosques, nor is retaliation (Qisas) to be taken in them."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ  
الشُّعَيْثِيِّ، عَنِ الْعَبَّاسِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ حَكِيمِ بْنِ  
حِزَامٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا  
تُقْرَأُ الْحُدُودُ فِي الْمَسَاجِدِ، وَلَا يُسْتَقَدُ فِيهَا

**[28648]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Mubarak, from Zabyan ibn Subayh, who said: Ibn Mas'ud said: "Hadd punishments are not to be established in the mosques."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ مُبَارَكٍ، عَنْ  
ظَبَيَّانَ بْنِ صُبَيْحٍ، قَالَ: قَالَ ابْنُ مَسْعُودٍ: لَا تُقْرَأُ الْحُدُودُ  
فِي الْمَسَاجِدِ

**[28649]** Abu Bakr narrated to us, saying: Sharik narrated to us, from Layth, and from Jabir, from 'Amir, who said: "They used to dislike establishing hadd punishments in the mosques."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ لَبِثٍ، وَعَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: كَانُوا يَكْرُهُونَ أَنْ يُقِيمُوا الْحُدُودَ فِي الْمَسَاجِدِ

**[28650]** Abu Bakr narrated to us, saying: Yahya ibn Sa'id narrated to us, from Ibn Jurayj, from 'Ata': "That he disliked, or used to dislike, whipping in the mosques."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: أَنَّهُ كَرِهَ أَوْ كَانَ يَكْرُهُ الْجَلْدَ فِي الْمَسَاجِدِ

**[28651]** Abu Bakr narrated to us, saying: 'Abd al-Rahim ibn Sulayman narrated to us, from Isma'il, from 'Amr ibn Dinar, from Tawus, who raised it (to the Prophet ﷺ), saying: "Hadd punishments are not to be established in the mosques."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ إِسْمَاعِيلَ، عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ طَاؤِسٍ، رَفَعَهُ، قَالَ: لَا تَقْاتِلُ الْحُدُودَ فِي الْمَسَاجِدِ

**[28652]** Abu Bakr narrated to us, saying: Waki' narrated to us, from Isma'il, from 'Isa ibn Abi 'Azzah, from Al-Sha'bi, who said: "I witnessed him when he beat a man who slandered another man regarding a shirt, and he did not beat him in the mosque."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ، عَنْ عِيسَى بْنِ أَبِي عَزَّةَ، عَنْ الشَّعْبِيِّ قَالَ: شَهَدْتُهُ وَضَرَبَ رَجُلًا افْتَرَى عَلَى رَجُلٍ فِي قَمِيصٍ، وَلَمْ يَضْرِبْهُ فِي الْمَسْجِدِ

**[28653]** Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Muhammad ibn Khalid al-Dabbi, from Makhul, who said: The Messenger of Allah ﷺ said: "Keep the establishment of your hadd punishments away from your mosques."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ مُحَمَّدِ بْنِ خَالِدِ الضَّبَّيِّ، عَنْ مَكْحُولٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: جَنِبُوا مَسَاجِدَكُمْ إِقَامَةً حُدُودَكُمْ

**[28654]** Abu Bakr narrated to us, saying: Ibn Yaman narrated to us, from Sufyan, from Jabir, from Abu al-Duha, from Masruq, who said: "The mosque has sanctity."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ يَمَانٍ، عَنْ سُفِيَّانَ، عَنْ جَابِرٍ، عَنْ أَبِي الضُّحَىِّ، عَنْ مَسْرُوقٍ، قَالَ: لِلْمَسْجِدِ حُرْمَةٌ

**[28655]** Abu Bakr narrated to us, saying: Ibn Yaman narrated to us, from Sufyan, from Jabir, from Abu al-Duha: "That he disliked beating in the mosque."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ يَمَانٍ، عَنْ سُفِيَّانَ، عَنْ جَابِرٍ، عَنْ أَبِي الضُّحَىِّ: أَنَّهُ كَرِهَ الضَّرَبَ فِي الْمَسْجِدِ

**[28656]** Abu Bakr narrated to us, saying: Sahl ibn Yusuf narrated to us, from 'Amr, from Al-Hasan, who said: "All hadd punishments are established in the mosque except killing."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو، عَنْ الْحَسَنِ، قَالَ: تُقَامُ الْحُدُودُ فِي الْمَسْجِدِ كُلُّهَا إِلَّا الْقُتْلَةِ

**[28657]** Abu Bakr narrated to us, saying: Sahl ibn Yusuf narrated to us, from 'Amr, who said: "Hadd punishments are established in the mosque."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرِو، قَالَ: ثُقَامُ الْحُدُودُ فِي الْمَسْجِدِ

**[28658]** Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Isma'il, from Ibn Sirin, from Shurayh: "That he used to establish hadd punishments in the mosque."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ إِسْمَاعِيلَ، عَنْ ابْنِ سِيرِينَ، عَنْ شُرَيْحٍ: أَنَّهُ كَانَ يُقْرِئُ الْحُدُودَ فِي الْمَسْجِدِ

**[28659]** Abu Bakr narrated to us, saying: 'Abd al-Rahim ibn Sulayman narrated to us, from 'Abd al-Malik, from 'Ata', regarding a man who said to another: "You only come to your wife unlawfully." He said: "He lied, there is no hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ عَبْدِ الْمَالِكِ، عَنْ عَطَاءٍ، فِي رَجُلٍ، قَالَ لِرَجُلٍ: "مَا تَأْتِي امْرَأَكَ إِلَّا حَرَاماً، قَالَ: كَذَبَ، أَلِيسَ عَلَيْهِ حَدْ

**[28660]** Abu Bakr narrated to us, saying: 'Isa ibn Yunus narrated to us, from Ibn Jurayj, from Abu al-Zubayr, from Jabir, who said: "There is no cutting (of the hand) for the snatcher, the plunderer, or the betrayer."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الرُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: لَيْسَ عَلَى الْمُخْتَلِسِ وَلَا عَلَى الْمُسْتَلِبِ وَلَا الْخَائِنِ قَطْعُ

**[28661]** Abu 'Asim narrated to us, from Ibn Jurayj, from Abu al-Zubayr, from Jabir, who raised it (to the Prophet ﷺ) similarly.

حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، رَفَعَهُ بِنْحُوهُ

**[28662]** Abu Bakr narrated to us, saying: Ibn Mubarak narrated to us, from Ma'mar, from Al-Zuhri: That Marwan asked Zayd ibn Thabit about snatching (Khilsah), and he did not see cutting (of the hand) for it.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ: أَنَّ مَرْوَانَ سَأَلَ زَيْدَ بْنَ ثَابِتٍ عَنِ الْخِلْسَةِ: فَلَمْ يَرَ فِيهَا قَطْعًا

**[28663]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Hajjaj, from Al-Hakam, who said: 'Ali said: "There is no cutting (of the hand) for the snatcher."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ الْحَكَمِ، قَالَ عَلَيْهِ لَيْسَ عَلَى الْمُخْنَثِ قَطْعُ

**[28664]** Abu Bakr narrated to us, saying: Muhammad ibn Bishr narrated to us, from Sa'id, from Qatadah, from Khilas: "That 'Ali did not use to cut (the hand) for snatching."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ خِلَاسٍ: أَنَّ عَلِيًّا لَمْ يَكُنْ يَقْطَعُ فِي الْخِلْسَةِ

**[28665]** Abu Bakr narrated to us, saying: Muhammad ibn Bishr narrated to us, from Sa'id, from Qatadah: That a boy snatched a necklace and was brought to 'Adi ibn Artah. He asked Al-Hasan about it, and he said: "There is no cutting for him." He asked Iyas ibn Mu'awiyah about it, and he ordered his hand to be cut. When they disagreed, he wrote about it to 'Umar ibn 'Abd al-'Aziz. 'Umar wrote back to him: "The Arabs used to call it 'the run of the noon.' There is no cutting for him, but hurt his back (whip him) and prolong his imprisonment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ، عَنْ سَعِيدٍ،  
عَنْ فَتَادَةَ أَنَّ عَلَامًا اخْتَلَسَ طُوقًا فَرُفِعَ إِلَى عَدِيِّ بْنِ  
أَرْطَاهَ، فَسَأَلَ الْحَسَنَ عَنْ ذَلِكَ، فَقَالَ: لَا قَطْعَ عَلَيْهِ،  
وَسَأَلَ عَنْ ذَلِكَ إِيَّاسَ بْنَ مُعَاوِيَةَ فَأَمْرَ بِقَطْعِهِ، فَلَمَّا  
اخْتَلَسَ كَتَبَ فِي ذَلِكَ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فَكَتَبَ  
إِلَيْهِ عُمَرُ: إِنَّ الْعَرَبَ كَانُوا تَدْعُونَهَا عَنْوَةَ الظَّهِيرَةِ، لَا  
قَطْعَ عَلَيْهِ، وَلَكِنْ أَوْجُنْ ظَهَرَهُ، وَأَطْلَنْ حَبْسَهُ

**[28666]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Hisham: That 'Adi was presented with a man who had snatched something. Iyas said: "Cutting is upon him." Al-Hasan said: "There is no cutting upon him." So 'Adi wrote to 'Umar ibn 'Abd al-'Aziz, and he said: "There is no cutting upon him." He said: The Arabs used to call it 'the run of the noon.'

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ: أَنَّ عَدِيًّا، رُفِعَ إِلَيْهِ رَجُلٌ احْتَسَرَ خَلْسَةً، فَقَالَ إِيَّاسُ: عَلَيْهِ الْقِطْعُ، وَقَالَ الْحَسَنُ: لَا قِطْعٌ عَلَيْهِ، فَكَتَبَ عَدِيًّا إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، فَقَالَ: لَيْسَ عَلَيْهِ قِطْعٌ، قَالَ: وَكَانَتُ الْعَرَبُ تُسَمِّيَّهَا عَدْوَةَ الطَّهِيرَةِ

**[28667]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Hisham, from Al-Hasan and Muhammad, who said: "There is no cutting for snatching."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَمُحَمَّدٍ، قَالَا: لَيْسَ فِي الْخِلْسَةِ قِطْعٌ

**[28668]** Abu Bakr narrated to us, saying: Al-Dahhak ibn Makhlad narrated to us, from Ibn Jurayj, from Abu al-Zubayr, from Jabir, who said: The Messenger of Allah ﷺ said: "There is no cutting (of the hand) for the betrayer."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الصَّحَافُ بْنُ مَخْلَدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ أَبِي الرَّبَّيْرِ، عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَيْسَ عَلَى الْخَائِنِ قِطْعٌ

**[28669]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Ash'ath, from Abu al-Zubayr, from Jabir, who said: "There is no cutting (of the hand) for the betrayer."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ أَبِي الرُّزْبَّارِ، عَنْ جَابِرٍ، قَالَ: لَيْسَ عَلَى الْخَائِنِ قَطْعٌ

**[28670]** Abu Bakr narrated to us, saying: Abu Khalid narrated to us, from Ash'ath, from Al-Sha'bi, who said: A man came to Shurayh and said: "This man stole from me." He asked: "Who is this?" He said: "My hired worker." He said: "The one whom you entrusted with your house is not a thief."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ أَشْعَثَ، عَنِ الشَّعْبِيِّ، قَالَ: جَاءَ رَجُلٌ إِلَى شُرَيْحٍ، فَقَالَ: إِنَّ هَذَا سَرَقَ مِنِّي، قَالَ: وَمَنْ هَذَا؟، قَالَ: أَجْبَرِي، قَالَ: لَيْسَ بِسَارِقٍ مِنْ اتَّهَمْتُهُ عَلَى بَيْنَكَ

**[28671]** Abu Bakr narrated to us, saying: Al-Dahhak ibn Makhlad narrated to us, from Ibn Jurayj, from 'Ata', who said: "There is no cutting (of the hand) for betrayal."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: لَيْسَ فِي الْخِيَانَةِ قَطْعٌ

**[28672]** Abu Bakr narrated to us, saying: Abu Dawud al-Tayalisi narrated to us, from Abu Hurrah, from Al-Hasan, regarding a boy who was with some people in the market and stole some of their goods. He said: "He is a betrayer, and there is no cutting upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو دَاؤِدَ الطَّيَالِسِيُّ، عَنْ أَبِي حَرَّةَ، عَنِ الْحَسَنِ فِي غُلَامٍ كَانَ مَعَ قَوْمٍ فِي السُّوقِ، فَسَرَقَ بَعْضَ مَتَاعِهِمْ، فَقَالَ: هُوَ خَائِنٌ وَلَا قَطْعٌ عَلَيْهِ

**[28673]** Abu Bakr narrated to us, saying: Marwan ibn Mu'awiyah narrated to us, from 'Asim, from Abu 'Uthman, who said: A man was brought to 'Umar for a hadd punishment. A whip was brought, and he said: "I want one softer than this." A whip with some softness was brought, and he said: "I want one harder than this." So a whip between the two was brought. He said: "Beat, but let not your armpit be seen, and give every limb its due."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ، عَنْ عَاصِمٍ، عَنْ أَبِي عُثْمَانَ، قَالَ: أَتَيْتُ أَمْرُرَ بِرْجُلٍ فِي حَدَّ، فَأَتَيْتُ بِسَوْطٍ، فَقَالَ: أُرِيدُ أَلْيَنَ مِنْ هَذَا، فَأَتَيْتُ بِسَوْطٍ فِيهِ لِيْنٌ، فَقَالَ: أُرِيدُ أَشَدَّ مِنْ هَذَا، فَأَتَيْتُ بِسَوْطٍ بَيْنَ السَّوْطَيْنِ، فَقَالَ: اصْرِبْ وَلَا يُرَى إِبْطُكُ، وَأَعْطِ كُلَّ عُضُوٍ حَقَّةً

**[28674]** Abu Bakr narrated to us, saying: Abu al-Ahwas narrated to us, from Abu al-Harith al-Taymi, from Abu Majid, from 'Abd Allah: That he called an executioner and said: "Flog and raise your hand, and give every limb its due." He said: So he flogged him the hadd punishment without severe beating.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ أَبِي الْحَارِثِ التَّنِيمِيِّ، عَنْ أَبِي مَاجِدٍ، عَنْ عَبْدِ اللَّهِ: أَنَّهُ دَعَا جَلَادًا، فَقَالَ: "اجْلِدْ وَارْفِعْ يَدَكَ، وَأَعْطِ كُلَّ عُضُوٍّ حَقَّهُ، قَالَ: فَضَرَبَهُ الْحَدْ ضَرْبًا غَيْرَ مُبِرِّحٍ

**[28675]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Ibn Abi Layla, from 'Adi ibn Thabit, from Al-Muhajir ibn 'Amirah, from 'Ali, who said: A drunk man or someone due for a hadd punishment was brought. He said: "Beat, and give every limb its due, but avoid the face and the genitals."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنِ ابْنِ أَبِي لَيْلَى، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنِ الْمُهَاجِرِ بْنِ عَمِيرَةَ، عَنْ عَلَيِّ، قَالَ: أُتِيَ بِرَجُلٍ سَكُرًا أَوْ فِي حَدٍ، فَقَالَ: اضْرِبْ، وَأَعْطِ كُلَّ عُضُوٍّ حَقَّهُ، وَاتَّقِ الْوَجْهَ وَالْمَذَاقَ

**[28676]** Abu Bakr narrated to us, saying: Isma'il ibn Ibrahim narrated to us, from Ash'ath, from his father, who said: I witnessed Abu Barzah carrying out the hadd punishment on a slave girl of his in his hallway, and with him were a group of his companions. He said: "Flog her moderately, neither stretching out nor lightly."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَشْعَثَ، عَنْ أَبِيهِ، قَالَ: شَهِدْتُ أَبَا بَرْزَةَ أَقَامَ الْحَدَّ عَلَى أَمَّةٍ لَهُ فِي دِهْلِيزِهِ وَعِنْدَهُ نَفَرٌ مِنْ أَصْحَابِهِ، قَالَ: أَجْلِدُهَا جَلْدًا بَيْنَ الْجَلْدَيْنِ، وَلَيْسَ بِالْمُمْطَبِي وَلَا بِالْخَفِيفِ

**[28677]** Abu Bakr narrated to us, saying: Waki' narrated to us, from 'Imran, from Abu al-Mijlaz, who said: "The flogger should not show his armpit."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عَمْرَانَ، عَنْ أَبِي الْمِجَازِ، قَالَ: الْجَلَادُ لَا يُخْرِجُ إِبْطَهُ

**[28678]** Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from 'Asim, who said: I witnessed Al-Sha'bi beating a Christian who slandered a Muslim. He said: "Give every limb its due, and do not show your armpit."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ عَاصِمٍ، قَالَ: شَهِدْتُ الشَّعْبِيَّ وَضَرَبَ نَصْرَانِيَّا فَدَفَ مُسْلِمًا، قَالَ: وَأَعْطِ كُلَّ عُضُوٍّ حَفَّةً، وَلَا تُرِينَ إِبْطَكَ

**[28679]** Abu Bakr narrated to us, saying: Al-Dahhak ibn Makhlad narrated to us, from Ibn Jurayj, from 'Ata', who said: "The hadd punishment for slander and the hadd punishment for alcohol is that you flog without raising your hand."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: حُدُّ الْفِرْيَةِ، وَحُدُّ الْخَمْرِ أَنْ تَجْلِدَ، وَلَا تَرْفَعَ يَدَكَ

**[28680]** Abu Bakr narrated to us, saying: Jarir narrated to us, from Mughirah, from Ibrahim, who said: "The adulterer is beaten severely, and the beating is distributed among his limbs."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُضَرَّبُ الزَّانِي ضَرْبًا شَدِيدًا، وَيُقَسَّمُ الضَّرْبُ بَيْنَ أَعْصَانِهِ

**[28681]** Abu Bakr narrated to us, saying: Abu 'Asim narrated to us, from Ibn Jurayj, from 'Ata', who said: "The hadd punishment for adultery is more severe than the hadd punishment for alcohol, and alcohol and slander are the same."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، قَالَ: حُدُّ الزَّنَا أَشَدُّ مِنْ حُدُّ الْخَمْرِ، وَالْخَمْرُ وَالْفِرْيَةُ وَاحِدٌ

**[28682]** Abu Bakr narrated to us, saying: Abu Mu'awiyah narrated to us, from Isma'il, from Al-Hasan, who said: "The adulterer is beaten more severely than the drinker, and the drinker is beaten more severely than the slanderer."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنْ إِسْمَاعِيلَ، عَنِ الْحَسَنِ، قَالَ: يُضْرِبُ الرَّانِي أَشَدَّ مِنْ ضَرْبِ الشَّارِبِ، وَيُضْرِبُ الشَّارِبُ أَشَدَّ مِنْ ضَرْبِ الْقَادِفِ

**[28683]** Abu Bakr narrated to us, saying: 'Isa ibn Yunus narrated to us, from Hanzalah al-Sadusi, who said: I heard Anas ibn Malik say: The whip used to be ordered, its thong cut off, then beaten between two stones until it became soft, then used for beating. I said to Anas: "In whose time was this?" He said: "In the time of 'Umar ibn al-Khattab."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ حَنْظَلَةَ السَّدُوسِيِّ، قَالَ: سَمِعْتُ أَنَّسَ بْنَ مَالِكٍ يَقُولُ: كَانَ يُؤْمِرُ بِالسَّوْطِ، فَقُطِعَ ثَمَرَتُهُ، ثُمَّ يُدْقَ بَيْنَ حَجَرَيْنِ حَتَّى يَلِينَ، ثُمَّ يُضْرَبُ بِهِ، فَقُلْتُ لِأَنَّسٍ: فِي زَمَانٍ مَنْ كَانَ هَذَا؟، قَالَ: فِي زَمَانِ عُمَرَ بْنِ الْخَطَّابِ

**[28684]** Abu Bakr narrated to us, saying: Abu al-Ahwas narrated to us, from Abu al-Harith al-Taymi, from Abu Majid, from 'Abd Allah: "That he called for a whip and pounded its thong until it was suitable for him, then waved it, and called for an executioner, saying: 'Flog.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَخْوَصِ، عَنْ أَبِي الْحَارِثِ التَّيْمِيِّ، عَنْ أَبِي مَاجِدٍ، عَنْ عَبْدِ اللَّهِ: "إِنَّهُ دَعَاهُ بِسَوْطٍ فَدَقَّ ثَمَرَتَهُ حَتَّى أُصِيبَ لَهُ فَحَقَّهُ، وَدَعَاهُ بِجَلَّدٍ، فَقَالَ: اجْلِدْ

**[28685]** Abu Bakr narrated to us, saying: Abu Khalid al-Ahmar narrated to us, from Muhammad ibn 'Ajlan, from Zayd ibn Aslam: That the Prophet ﷺ was brought a man who had incurred a hadd punishment. A new, hard whip was brought, and he said: "Lesser than this." Then a broken, frayed whip was brought, and he said: "Greater than this." Then a whip that had been ridden (softened) was brought, meaning it had been softened, and he said: "This one."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ مُحَمَّدِ  
بْنِ عَجْلَانَ، عَنْ زَيْدِ بْنِ أَسْلَمَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ  
وَسَلَّمَ أُتِيَ بِرَجُلٍ قَدْ أَصَابَ حَدًّا، فَأَتَيْتَهُ بِسَوْطٍ جَدِيدٍ  
شَدِيدٍ، فَقَالَ: دُونَ هَذَا فَأَتَيْتَهُ بِسَوْطٍ مُنْكَسِرٍ مُنْتَشِرٍ،  
فَقَالَ: فَوْقَ هَذَا فَأَتَيْتَهُ بِسَوْطٍ قَدْ رُكِبَ يَعْنِي: قَدْ لَيْنَ،  
فَقَالَ: هَذَا

**[28686]** Abu Bakr narrated to us, saying: 'Abd al-Wahhab al-Thaqafi narrated to us, from Al-Muthanna, from 'Amr ibn Shu'ayb, who said: "If stolen booty (Ghulul) is found with a man, he is taken and flogged one hundred lashes, his head and beard are shaved, whatever is in his saddlebag except for animals is taken, his saddlebag is burned, and he never receives a share among the Muslims again. He said: It reached me that Abu Bakr and 'Umar used to do this."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ الثَّقَفِيُّ، عَنْ  
الْمُتَّنَّى، عَنْ عَمْرُو بْنِ شُعَيْبٍ، قَالَ: "إِذَا وُجِدَ الْغُلُولُ  
عِنْدَ الرَّجُلِ أَخْدَ وَجْهَهُ مِائَةً، وَحُلِقَ رَأْسُهُ وَلْحِيَّتُهُ، وَأَخْدَ  
مَا كَانَ فِي رَحْلِهِ مِنْ شَيْءٍ إِلَّا الْحَيَّانَ، وَأَحْرَقَ رَحْلَهُ  
وَلَمْ يَأْخُذْ سَهْمًا فِي الْمُسْلِمِينَ أَبَدًا، قَالَ: وَبَلَغَنِي أَنَّ أَبَا  
بَكْرٍ وَعُمَرَ كَانَا يَفْعَلُانِيهِ

**[28687]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Ash'ath, from Abu al-Zubayr, from Jabir, who said: The Messenger of Allah ﷺ said: "There is no cutting (of the hand) for stealing from the booty (Ghulul)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَيْسَ فِي الْغُلُولِ قُطْعٌ

**[28688]** Abu Bakr narrated to us, saying: Hafs narrated to us, from Hajjaj, from Abu al-Zubayr, from Jabir, who said: "There is no cutting (of the hand) for stealing from the booty."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجٍ، عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرٍ، قَالَ: لَيْسَ فِي الْغُلُولِ قُطْعٌ

**[28689]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Yunus, from Al-Hasan regarding stolen booty if found with a man: "His saddlebag is burned."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ: عَنْ الْحَسَنِ فِي الْغُلُولِ إِذَا وُجِدَ عِنْدَ رَجُلٍ: يُحْرَقُ رَحْلُهُ

**[28690]** Abu Bakr narrated to us, saying: Dawud ibn 'Abd Allah narrated to us, saying: 'Abd al-Aziz ibn Muhammad narrated to us, from Salih ibn Muhammad ibn Za'idah, from Salim ibn 'Abd Allah, from his father, from 'Umar ibn al-Khattab, that the Messenger of Allah ﷺ said: "Whoever you find stealing from the booty, burn his belongings."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا دَاوُدُ بْنُ عَبْدِ اللَّهِ، قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ، عَنْ صَالِحٍ بْنِ مُحَمَّدٍ بْنِ زَائِدَةَ، عَنْ سَالِيمَ بْنَ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، عَنْ عُمَرَ بْنَ الْخَطَّابِ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: مَنْ وَجَدْتُمُوهُ قُدْرَةً غَلَّ، فَحَرَقُوهَا مَتَاعَهُ

**[28691]** Abu Bakr narrated to us, saying: Abu Khalid al-Ahmar narrated to us, from Hajjaj, from 'Ata' ibn Abi Marwan, from his father, who said: "Ali was brought a man who drank wine during Ramadan. He flogged him eighty lashes and chastised him with twenty."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدَ الْأَحْمَرَ، عَنْ حَاجَاجٍ، عَنْ عَطَاءِ بْنِ أَبِي مَرْوَانَ، عَنْ أَبِيهِ، قَالَ: أُوتِيَ عَلَيْهِ بِرَجُلٍ شَرِبَ حَمْرًا فِي رَمَضَانَ، فَجَلَّهُ تَمَانِينَ وَعَزْرَةً عِشْرِينَ

**[28692]** Abu Bakr narrated to us, saying: Abu Khalid narrated to us, from Hajjaj, from Abu Sinan al-Bakri, who said: "Umar was brought a man who drank wine during Ramadan. He beat him eighty lashes and chastised him with twenty."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ، عَنْ حَاجَاجٍ، عَنْ أَبِي سِنَانِ الْبَكْرِيِّ، قَالَ: أُتِيَ عُمَرُ بِرَجُلٍ شَرِبَ حَمْرًا فِي رَمَضَانَ، فَصَرَبَهُ تَمَانِينَ وَعَزْرَةً عِشْرِينَ

**[28693]** Abu Khalid narrated to us, from Hajjaj, from Abu Ishaq, from Al-Aswad ibn Hilal, from 'Abd Allah, similar to it.

حَدَّثَنَا أَبُو حَالِدٍ، عَنْ حَاجَاجٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ  
الْأَسْوَدِ بْنِ هِلَالٍ، عَنْ عَبْدِ اللَّهِ، مِثْلُهُ

**[28694]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri, regarding a Jew and a Christian: "If he was married (Muhsan) while a polytheist, then became Muslim, then committed adultery before being married as a Muslim, he said: He is stoned."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنْ  
الرُّهْبَرِيِّ، فِي الْيَهُودِيِّ وَالنَّصْرَانِيِّ: "إِنْ كَانَ أَحْسَنَ  
فِي شَرْكِهِ ثُمَّ أَسْلَمَ، ثُمَّ أَصَابَ فَاحِشَةً قَبْلَ أَنْ يُحْسَنَ  
فِي الْإِسْلَامِ، قَالَ: يُرْجَمُ"

**[28695]** Abu Bakr narrated to us, saying: Ibn Idris narrated to us, from Hisham, from Al-Hasan, who said: "The marriage (Ihsan) of a Jew and a Christian in their polytheism is considered Ihsan, but the Magian's is not considered Ihsan."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ  
الْحَسَنِ، قَالَ: إِحْسَانُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ فِي  
شَرْكِهِمَا إِحْسَانٌ، وَلَيْسَ الْمَجُوسِيُّ بِإِحْسَانٍ

**[28696]** Abu Bakr narrated to us, saying: 'Ali ibn Mushir narrated to us, from Sa'id, from Qatadah, from Jabir ibn Zayd, from Ibn 'Abbas regarding four men who testified against a woman for adultery, one of them being her husband. He said: "She performs Li'an with her husband, and the three are flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ فِي أَرْبَعَةِ شَهْدُوا عَلَى امْرَأَةٍ بِالزَّنَنَ أَحْدُهُمْ زَوْجُهَا، قَالَ: ثُلَّا عَنْ زَوْجَهَا وَيُضْرَبُ التَّلَاثَةُ

**[28697]** Abu Bakr narrated to us, saying: Ibn Mushir narrated to us, from Sa'id, from Qatadah, from Sa'id ibn al-Musayyib, similar to it.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُسْهِرٍ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، مِثْلُهُ

**[28698]** Abu Bakr narrated to us, saying: 'Ali ibn Mushir and 'Abdah narrated to us, from Sa'id, from Qatadah, from Al-Hasan, who said: "If they all come together, the husband is the best of them in testimony."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، وَعَبْدَهُ، عَنْ سَعِيدٍ، عَنْ فَتَادَةَ، عَنْ الْحَسَنِ، قَالَ: إِذَا جَاءُوكُمْ جَمِيعًا مَعًا فَالزَّوْجُ أَجْوَدُهُمْ شَهَادَةً

**[28699]** Abu Bakr narrated to us, saying: Abu Mu'awiyah narrated to us, from Al-Shaybani, from Al-Sha'bi, who said: "The hadd punishment is established upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبَانِيِّ، قَالَ: يُقَامُ عَلَيْهِ الْحَدُّ

**[28700]** Abu Bakr narrated to us, saying: Abu Mu'awiyah narrated to us, from Al-Shaybani, from Hammad, from Ibrahim, who said: "The husband performs Li'an, and the three are flogged."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الشَّيْبَانِيِّ،  
عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: يُلَأِّعُنُ الرَّزْوُجُ وَيُضْرَبُ  
الْتَّلَائِهُ

**[28701]** Abu Bakr narrated to us, saying: Ibn Fudayl narrated to us, from Sa'id, from Qatadah, from Al-Hasan and Ibn 'Abbas regarding a man who sells his wife. They said: "They are punished and made an example of."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ سَعِيدٍ، عَنْ  
قَتَادَةَ، عَنِ الْحَسَنِ، وَابْنِ عَبَّاسٍ فِي الرَّجُلِ يَبْيَعُ  
امْرَأَتَهُ، قَالَا: يُعَاقَبُونَ وَيُنَكَّلُنَّ

**[28702]** Abu Bakr narrated to us, saying: Zayd ibn Hubab narrated to us, from Hammad ibn Salamah, from Qatadah, regarding a man who sold a woman while both were free. They were caught by Al-Hasan with Zenars (belts worn by non-Muslims) around their waists. He wrote to 'Umar ibn 'Abd al-'Aziz, and he wrote back concerning them: "That they be chastised and put in prison."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ حَمَادِ بْنِ  
سَلَمَةَ، عَنْ قَتَادَةَ، فِي رَجُلٍ بَاعَ امْرَأَةً وَهُمَا حُرَّانٌ  
فَلَخِذَا عِنْدَ الْحَسَنِ فِي أَوْسَاطِهِمَا الزَّنَانِيرُ فَكَتَبَ إِلَى  
عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، فَكَتَبَ فِيهِمَا: أَنْ يُعَذَّرَ،  
وَيُسْتَوْدَعَا السَّجْنَ

**[28703]** Abu Bakr narrated to us, saying: Muhammad ibn Yazid narrated to us, from Abu al-'Ala', from Qatadah, from 'Ikrimah, from Ibn 'Abbas regarding two men, one of whom sold the other. He said: "The sale is annulled, and they are punished, but there is no cutting (of the hand) for them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ، عَنْ أَبِي الْعَلَاءِ، عَنْ قَتَادَةَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ فِي رَجُلَيْنِ بَاعَا أَحَدُهُمَا الْآخَرَ، قَالَ: يُرَدُّ الْبَيْعُ وَيُعَاقَبُانَ، وَلَا قَطْعٌ عَلَيْهِمَا

**[28704]** Abu Bakr narrated to us, saying: 'Abd al-Wahhab narrated to us, from Ibn Abi 'Arubah, from Qatadah, from Khilas, from 'Ali, who said: "His hand is cut off."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَابِ، عَنْ ابْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ خَلَاسٍ، عَنْ عَلَيٍّ، قَالَ: تُقْطَعُ يَدُهُ

**[28705]** Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, from Ma'mar, from Ibn Shihab regarding a man who sold a free man. He said: "They are both punished—the one who sold him and the one who acknowledged the sale—with a painful punishment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ مَعْنَى، عَنْ ابْنِ شِهَابٍ فِي رَجُلٍ بَاعَ رَجُلًا حُرًّا، قَالَ: يُعَاقَبَانَ الَّذِي بَاعَهُ، وَالَّذِي أَفَرَّ بِالْبَيْعِ عُقُوبَةً مُوجَعَةً

**[28706]** Abu Bakr narrated to us, saying: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Ma'mar informed me, from Ibn Shihab, regarding a man who sold his daughter, and the buyer had intercourse with her. Her father said: 'Need drove me to sell her.' He said: "They are both flogged, the father and his daughter, one hundred lashes each, if she has reached puberty. The price is returned to the buyer, and the buyer must pay her dowry for having intercourse with her. Then the father is made to pay the dowry to him (the buyer), unless the buyer knew she was free, in which case the dowry is upon him, and the father does not pay it to him, and he (the buyer) is flogged one hundred lashes. If she was a young girl who did not understand, then the exemplary punishment is upon the father."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي مَعْمَرٌ، عَنِ ابْنِ شِهَابٍ، فِي رَجْلٍ  
بَاعَ ابْنَتَهُ فَوْقَعَ الْمُبْتَأَغُ عَلَيْهَا، فَقَالَ أَبُوهَا: حَمَلْنِي عَلَى  
بَيْعِهَا الْحَاجَةُ، قَالَ: يُجْلَدُانِ، الْأَبُ وَابْنَتُهُ مِائَةً إِنْ  
كَانَتْ قَدْ بَلَغَتْ، وَيُرَدُّ إِلَى الْمُبْتَأَغِ التَّمَنُّ، وَعَلَى الْمُبْتَأَغِ  
صَدَاقُهَا بِمَا أَصَابَهُ مِنْهَا، ثُمَّ يُغَرَّمُ لَهُ الْأَبُ الصَّدَاقَ إِنْ  
أُنْ يَكُونَ الْمُبْتَأَغُ قَدْ عَلِمَ أَنَّهَا حُرَّةٌ فَعَلَيْهِ الصَّدَاقُ، وَلَا  
يُغَرَّمُهُ الْأَبُ لَهُ، وَيُجْلَدُ مِائَةً، وَإِنْ كَانَتْ جَارِيَةً لَا تَعْقِلُ  
فَعَلَى الْأَبِ النَّكَالُ

**[28707]** Abu Bakr narrated to us, saying: Jarir ibn 'Abd al-Hamid narrated to us, from Mughirah, from Hammad, regarding a woman who sold her sister with her consent, and a man bought her and had intercourse with her. He said: "His money is returned to the man, the woman and her sister are punished, and he gives her

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ، فِي امْرَأَةٍ بَاعَتْ أخْهَهَا عَنْ أَمْرِهَا فَأَشْتَرَاهَا رَجُلٌ فَوَطَّهَا، قَالَ: يَرُدُّ عَلَى الرَّجُلِ مَالُهُ، وَتُعَاقَبُ الْمَرْأَةُ وَأخْهَهَا، وَيَرْضَحُ لَهَا شَيْئًا

**[28708]** Abu Bakr narrated to us, saying: 'Abbad ibn al-'Awwam narrated to us, from Yunus, from Al-Hasan, who said: "The false witness is beaten somewhat and exposed to the people, and it is said: 'This person bore false witness.'"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: "شَاهِدُ الزُّورِ يُضْرَبُ شَيْئًا، وَيُعَرَّفُ لِلنَّاسِ وَيُقَالُ: إِنَّ هَذَا شَهِيدًا بِزُورٍ

**[28709]** Abu Bakr narrated to us, saying: 'Abbad narrated to us, from Ash'ath, from Al-Sha'bi, who said: "The false witness is beaten less than forty: thirty-five, thirty-six, thirty-seven."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، قَالَ: شَاهِدُ الزُّورِ يُضْرَبُ مَا دُونَ الْأَرْبَعينَ خَمْسَةً وَتَلَاثِينَ، سِنَّةً وَتَلَاثِينَ، سَبْعَةً وَتَلَاثِينَ

**[28710]** Abu Bakr narrated to us, saying: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri, who said: "The false witness is chastised (Ta'zir)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمِرٍ، عَنِ الرُّهْرِيِّ، قَالَ: شَاهِدُ الزُّورِ يُعَزَّرُ

**[28711]** Shurayh, when a false witness was brought to him, would whip him several times.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ الْمُحَارِبِيُّ، عَنِ أَبِي الْجَعْدِ أَبِي عُمَرٍ، قَالَ: كَانَ شُرَيْحٌ إِذَا أُتِيَ بِشَاهِدٍ لِلْزُورِ حَفَّةً حَفَّاتٍ

**[28712]** Umar ibn Abd al-Aziz flogged a false witness seventy lashes.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْمُحَارِبِيُّ، عَنْ عَبْدِ اللَّهِ بْنِ سَعِيدٍ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ جَلَّ شَاهِدَ الزُّورِ سَبْعينَ سَوْطًا

**[28713]** Umar ibn al-Khattab wrote concerning the false witness that he should be flogged forty lashes, his face blackened, his head shaved, paraded around, and his imprisonment prolonged.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ، عَنْ حَاجَاجٍ، عَنْ مَكْحُولٍ، وَالْوَلِيدِ بْنِ أَبِي مَالِكٍ، قَالَ: كَتَبَ عُمَرُ بْنُ الْخَطَّابِ فِي شَاهِدِ الزُّورِ يُضْرَبُ أَرْبَعينَ سَوْطًا، وَيُسَخَّمُ وَجْهُهُ، وَيُحْلَقُ رَأْسُهُ، وَيُطَافُ بِهِ، وَيُطَالَ بَنْسُهُ

**[28714]** Al-Zuhri said: "The Sunnah passed from the Messenger of Allah (saw) and the two Caliphs after him that the testimony of women is not accepted in Hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، وَعَبَادُ بْنُ الْعَوَامِ، عَنْ حَاجَاجٍ، عَنِ الرُّهْرِيِّ، قَالَ: "مَضَتِ السُّنْنَةُ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْخَلِيفَتَيْنِ مِنْ بَعْدِهِ: أَلَا تَجُوزُ شَهَادَةُ النِّسَاءِ فِي الْحُدُودِ

**[28715]** Ibrahim was asked about three men and two women testifying against a man for adultery. He said: "It is not accepted until they are four [men]."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا بَيْانٌ، عَنْ إِبْرَاهِيمَ: سُئِلَ عَنْ تَلَائِهِ شَهُودًا عَلَى رَجُلٍ بِالزِّنَا وَأَمْرَأَتَانِ، قَالَ: لَا تَجُوزُ حَتَّى يَكُونُوا أَرْبَعَةً

**[28716]** Ibrahim said: "The testimony of women is not accepted in divorce and Hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شَعْبَةَ، عَنِ الْحَكْمِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَجُوزُ شَهادَةُ النِّسَاءِ فِي الطَّلاقِ وَالْحُدُودِ

**[28717]** 'Amir said: "The testimony of women is not accepted in Hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سُلَيْمَانَ، عَنْ مُجَالِدٍ، عَنْ عَامِرٍ، قَالَ: لَا تَجُوزُ شَهادَةُ النِّسَاءِ فِي الْحُدُودِ

**[28718]** Al-Sha'bi said: "The testimony of a woman is not accepted in a Hadd punishment, nor the testimony of a slave."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلَيُّ بْنُ هَاشِمٍ، وَوَكِيعٌ، عَنْ زَكَرِيَا، عَنِ الشَّعْبِيِّ، قَالَ: لَا تَجُوزُ شَهادَةُ امْرأَةٍ فِي حَدٍّ، وَلَا شَهادَةُ عَبْدٍ

**[28719]** Al-Hasan said: "The testimony of women is not accepted in Hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: لَا تَجُوزُ شَهادَةُ النِّسَاءِ فِي الْحُدُودِ

**[28720]** Al-Dahhak said: "The testimony of women is not accepted in a Hadd punishment or blood (case)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ جُوَيْبِرٍ، عَنِ الضَّحَّاكِ، قَالَ: لَا تَجُوزُ شَهادَةُ النِّسَاءِ فِي حَدٍّ وَلَا دَمِّ

**[28721]** Sufyan said: I heard Hammad say: "The testimony of women is not accepted in Hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، قَالَ: سَمِعْتُ حَمَادًا يَقُولُ: لَا تَجُوزُ شَهَادَةُ النِّسَاءِ فِي الْحُدُودِ

**[28722]** Al-Zuhri said: "Flogging is not carried out in any Hadd punishment except with the testimony of two men."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: لَا يُجَلَّدُ فِي شَيْءٍ مِنَ الْحُدُودِ إِلَّا بِشَهَادَةِ رَجُلَيْنِ

**[28723]** Mujahid said regarding {And let a group of the believers witness their punishment}: "The minimum is one man." Ata said: "Two men."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ: "وَأَيْشَهُدْ عَذَابَهُمَا طَائِفَةٌ مِنْ ، قَالَ: أَدْنَاهَا رَجُلٌ، وَقَالَ [2: الْمُؤْمِنِينَ] [النور عَطَاءً: رَجُلَانِ

**[28724]** Al-Hasan said regarding {And let a group of the believers witness their punishment}: "Ten."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ هَشَامٍ، عَنِ الْحَسَنِ: "وَأَيْشَهُدْ عَذَابَهُمَا طَائِفَةٌ مِنَ الْمُؤْمِنِينَ" ، قَالَ: عَشَرَةً [2: الْنور]

**[28725]** Al-Zuhri said: "Three and more."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: ثَلَاثَةٌ فَصَاعِدًا

**[28726]** Ash'ath's father said: "I witnessed Abu Barzah beat a slave girl of his who had committed immorality. She was covered with a sheet, and a group of people were present. Then he recited: {And let a group of the believers witness their punishment} [An-Nur: 2]."

**[28727]** Muhammad ibn Ka'b said regarding {If We pardon a group of you}: "It was one man."

**[28728]** Al-Hasan and Ibrahim said: "Whoever slanders a child, there is no Hadd punishment on him."

**[28729]** Al-Zuhri said: "There is no Hadd punishment regarding a young boy who is slandered while he is young until Hadd punishments become obligatory on him."

**[28730]** Al-Zuhri said: "There is no Hadd punishment on one who claims [someone] for other than his mother."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادٌ، عَنْ أَشْعَثَ، عَنْ أَبِيهِ،  
قَالَ: شَهِدْتُ أَبَا بَرْزَةَ ضَرَبَ أَمَّةً لَهُ فَجَرَتْ وَعَلَيْهَا  
مِلْحَفَةٌ قَدْ جُلِّتْ، وَعِنْهَا طَائِفَةٌ مِنَ النَّاسِ ثُمَّ، قَالَ: "  
وَلَيُشَهِّدَ عَذَابَهُمَا طَائِفَةٌ مِنَ الْمُؤْمِنِينَ" [النور: 2]

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ، عَنْ مُوسَى  
بْنِ عُيَيْدَةَ، عَنْ مُحَمَّدِ بْنِ كَعْبٍ، قَالَ: سَمِعْتُهُ يَقُولُ: "  
قَالَ: كَانَ [66]: {إِنْ نَعْفُ عَنْ طَائِفَةٍ مِنْكُمْ} [التوبَة]  
رَجُلٌ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هَشَمٌ، عَنْ يُونُسَ، عَنِ  
الْحَسَنِ، وَعَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، أَنَّهُمَا قَالَا: مَنْ  
قَذَفَ صَغِيرًا، فَلَا حَدَّ عَلَيْهِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي  
ذِئْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: لَا حَدَّ فِي غُلَامٍ صَغِيرٍ  
أَفْتَرَيَ عَلَيْهِ وَهُوَ صَغِيرٌ حَتَّى يَجِدَ عَلَيْهِ الْحُدُودَ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي  
ذِئْبٍ، عَنِ الزُّهْرِيِّ، قَالَ: لَيْسَ عَلَى مَنْ أَدْعَى لِغَيْرِ  
أَنَّهُ حَدٌّ

**[28731]** Qatadah said regarding a man who says to another: "You are not the son of So-and-so [female]": "No Hadd punishment is imposed on him; it is merely a lie."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ فِي رَجُلٍ، قَالَ لِرَجُلٍ: لَسْتَ لِفُلَانَةَ بِابْنِ، قَالَ: كَانَ لَا يُجْعَلُ عَلَيْهِ الْحُدُدُ، إِنَّمَا هِيَ كَذِبٌ

**[28732]** Similar narration from Hammad.

حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ، عَنْ سَعِيدٍ، عَنْ رَجُلٍ، عَنْ حَمَادٍ، مِثْلُهُ

**[28733]** 'Amir said: "There is no Hadd punishment on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: لَيْسَ عَلَيْهِ حَدٌّ

**[28734]** Ibrahim said regarding {And let not pity for them overtake you in the religion of Allah}: "In flogging."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ فَضَّلٍ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: فِي الضَّرْبِ

**[28735]** Abu Mijlaz said regarding His saying: {And let not pity for them overtake you in the religion of Allah} [An-Nur: 2]: "Establishing Hadd punishments when they are raised to the authority."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ عِمْرَانَ بْنِ حُدَيْرٍ، عَنْ أَبِي مَجْلِزٍ: فِي قَوْلِهِ تَعَالَى: {وَلَا تَخْدُمُوهُمْ، قَالَ: إِقَامَةُ الْحُدُودِ}[2]: بِهِمَا رَأَفَةٌ فِي دِينِ اللَّهِ] [النُّورِ إِذَا رُفِعْتُ إِلَى السُّلْطَانِ

**[28736]** Al-Sha'bī said: "In flogging."

حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ عَطَاءِ بْنِ السَّائِبِ، مِثْلُهُ عَنْ الشَّعْبِيِّ، قَالَ: فِي الضَّرْبِ

[28737] ‘Atā’ and Mujāhid said regarding {And let not pity for them overtake you in the religion of Allah}: “It does not mean killing, but in establishing the Hadd punishment.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدٌ الْأَحْمَرُ، عَنْ حَجَاجٍ، عَنْ عَطَاءٍ، وَعَنْ ابْنِ أَبِي تَحْبِيْحٍ، عَنْ مُجَاهِدٍ: فِي قَوْلِهِ تَعَالَى: {وَلَا تَأْخُذُكُمْ بِهِمَا رَأْفَةً فِي دِينِ اللَّهِ} فَالا: لَيْسَ بِالْقُتْلِ، وَلَكِنْ فِي إِقْلَامَةِ الْحَدِّ [2: [النور

[28738] ‘Atā’ said: “Establishing the Hadd; however, it is not about the severity of the flogging.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُعَيْرٍ، عَنْ حَجَاجٍ، عَنْ عَطَاءٍ، قَالَ: إِقْلَامَةُ الْحَدِّ، أَمَّا إِنَّهُ لَيْسَ بِشَدَّةِ الْجَلْدِ

[28739] Mujāhid said regarding {And let not pity for them overtake you in the religion of Allah}: “In establishing the Hadd; it should be established and not suspended.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ ابْنِ أَبِي تَحْبِيْحٍ، عَنْ مُجَاهِدٍ: {وَلَا تَأْخُذُكُمْ بِهِمَا رَأْفَةً فِي دِينِ ، قَالَ: فِي إِقْلَامَةِ الْحَدِّ، يُقْلَمُ وَلَا يُعَطَّلُ} [2: الله] [النور

[28740] Sulaymān ibn Yasār said regarding a man who marries a slave woman and has not married a free woman before her, then commits adultery: “He is stoned.” ‘Ikrimah said: “He is flogged.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ، عَنْ عَلِيِّ بْنِ مُبَارَكٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عَكْرَمَةَ، وَسُلَيْمانَ بْنَ يَسَارِ: فِي الرَّجُلِ يَتَرَوَّجُ الْأُمَّةُ، وَلَمْ يَكُنْ تَزَوَّجَ حُرَّةً قَبْلَهَا، ثُمَّ يَفْجُرُ، قَالَ سُلَيْمانُ بْنُ يَسَارِ: يُرْجَمُ، وَقَالَ عَكْرَمَةُ: يُجْلَدُ

[28741] ‘Atā’ was asked about a man who committed adultery and has concubines (Sarārī). He said: “He is flogged and not stoned.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، قَالَ: سُلَيْلَ عَنْ رَجُلٍ زَوَّى وَلَهُ سَرَارِي، قَالَ: يُجْلَدُ وَلَا يُرْجَمُ

**[28742]** Ibrāhīm said: “A free man is not made Muḥṣan (protected from stoning, i.e., married) by a Jewish woman, a Christian woman, or a slave woman.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ أَشْعَثَ، عَنِ الْحَكْمِ، وَحَمَادِ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا يُحْصَنُ الْحُرْ  
بِيَهُودِيَّةٍ وَلَا نَصْرَانِيَّةٍ وَلَا بِأُمَّةٍ

**[28743]** ‘Ubayd Allāh ibn ‘Abd Allāh ibn ‘Utbah (or ‘Abd Allāh ibn ‘Utbah) was asked by Ibn Marwān about a free man married to a slave woman who then commits indecency (adultery). He said: “He is stoned.” He asked: “From whom do you take this?” He said: “We found the Companions of the Messenger of Allah ﷺ saying it.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُثْنَةَ، أَوْ عَبْدِ اللَّهِ بْنِ عُثْنَةَ: أَنَّ ابْنَ مَرْوَانَ سَأَلَهُ عَنِ الْحُرْ، يَكُونُ  
تَحْنَةً الْأُمَّةُ ثُمَّ يُصِيبُ فَاحِشَةً، قَالَ: يُرْجَمُ، قَالَ: عَمَّنْ  
تَلْخُذُ هَذَا؟، قَالَ: أَدْرَكْنَا أَصْحَابَ رَسُولِ اللَّهِ صَلَّى اللَّهُ  
عَلَيْهِ وَسَلَّمَ يَقُولُونَهُ

**[28744]** Al-Ḥasan used to say: “A slave woman does not make a free man Muḥṣan, nor does a slave man make a free woman Muḥṣan.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ  
الْحَسَنِ أَنَّهُ كَانَ يَقُولُ: لَا تُحْصِنُ الْأُمَّةُ الْحُرْ وَلَا الْعَبْدُ  
الْحُرَّةَ

**[28745]** Al-Ḥasan and Qatādah used to say regarding a free woman married to a slave who commits adultery: “According to the Sunnah, she is stoned. But regarding a free man married to a slave woman: He is not stoned.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سُفْيَانَ،  
عَنْ فَتَادَةَ، عَنِ الْحَسَنِ، وَهُوَ قَوْلُ فَتَادَةَ: “أَنَّهُمَا كَانَا  
يَقُولَانِ فِي الْحُرَّةِ تَحْتَ الْعَبْدِ تَرْزِنِي، السُّنْنَةُ بِهَا تُرْجَمُ،  
وَفِي الْحُرِّ تَحْتَهُ الْأُمَّةُ: لَا يُرْجَمُ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ  
الْفَضْلِ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: أَنَّ سُلَيْمَانَ بْنَ يَسَارٍ،  
قَالَ: أَحْسَنَهَا وَأَحْسَنَتُهُ

[28746] Sulaymān ibn Yasār said: “He made her Muhsan and she made him Muhsan.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ  
فَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: ”أَحْسَنَهَا  
وَأَحْسَنَتُهُ، قَالَ: الْآنَ مَرْجُومٌ

[28747] Sa‘id ibn al-Musayyib said: “He made her Muhsan and she made him Muhsan. Now he is to be stoned.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُهُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ،  
عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ فِي الْعَبْدِ تَكُونُ تَحْتَهُ  
الْحُرَّةُ وَالْحُرُّ تَكُونُ تَحْتَهُ الْأَمَةُ، فَيَرْبِّي أَحَدُهُمَا، قَالَ:  
لَيْسَ عَلَى وَاحِدٍ مِّنْهُمَا رَجْمٌ حَتَّى يَكُونَا حُرَّيْنَ مُسْلِمَيْنِ

[28748] Ibrāhīm said regarding a slave married to a free woman and a free man married to a slave woman, if either commits adultery: “Neither is stoned until they are both free Muslims.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ  
مُجَاهِدٍ، قَالَ: إِحْسَانُ الْأَمَةِ أَنْ تَنْكِحَ الْحُرَّ، وَإِحْسَانُ  
الْعَبْدِ أَنْ يَنْكِحَ الْحُرَّةَ

[28749] Mujāhid said: “The Ihṣān of a slave woman is to marry a free man, and the Ihṣān of a slave man is to marry a free woman.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ  
إِبْرَاهِيمَ، وَالشَّعْبِيِّ فِي الْحُرَّ يَتَرَوَّجُ الْيَهُودِيَّةَ  
وَالنَّصَرَانِيَّةَ، ثُمَّ يَقْجُرُ، فَقَالَ: يُجْلَدُ وَلَا يُرْجَمُ

[28750] Ibrāhīm and Al-Sha'bī said regarding a free man who marries a Jewish or Christian woman and then commits adultery: “He is flogged and not stoned.”

[28751] Ṭāwūs used to hold that only a free Muslim woman makes a free man Muḥṣan.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنْ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ: أَنَّهُ كَانَ لَا يَرَى أَنْ يُحْصِنَ الْحُرَّ إِلَّا الْحُرَّةُ الْمُسْلِمَةُ

[28752] Ka'b intended to marry a Jewish or Christian woman. He asked the Prophet ﷺ about it, and he forbade him, saying: "She does not make you Muḥṣan."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي مَرْيَمَ، عَنْ عَلَيِّ بْنِ أَبِي طَلْحَةَ، عَنْ كَعْبٍ: أَنَّهُ أَرَادَ أَنْ يَتَرَوَّجَ يَهُودِيَّةً أَوْ نَصْرَانِيَّةً، فَسَأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ذَلِكَ فَنَهَاهُ عَنْهَا وَقَالَ: إِنَّهَا لَا تُحْصِنُكَ

[28753] Ibn 'Umar did not consider a polytheist woman to be Muḥṣanah.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ لَا يَرَى مُشْرِكَةً مُحْصَنَةً

[28754] Ibn 'Umar said: "Whoever associates partners with Allah is not Muḥṣan."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعُ بْنُ الْجَرَاحَ، عَنْ سُفِيَّانَ، عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: مَنْ أَشْرَكَ بِاللَّهِ، فَلَيْسَ بِمُحْصَنٍ

[28755] Al-Ḥasan used to say: "If he marries her while he is not Muslim, she does not make him Muḥṣan until he has intercourse with her in Islam."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ: أَنَّهُ كَانَ يَقُولُ: إِذَا تَرَوَجَهَا وَهُوَ غَيْرُ مُسْلِمٍ لَمْ تُحْصِنْهُ حَتَّى يَطَّافَهَا فِي الإِسْلَامِ

[28756] Jābir ibn Zayd and Sa'īd ibn al-Musayyib said regarding a Muslim man married to a Jewish or Christian woman who then commits adultery: "He is stoned."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعُ، عَنْ سَعِيدِ بْنِ بَشِيرٍ، عَنْ فَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، وَسَعِيدِ بْنِ الْمُسَيْبِ فِي الْيَهُودِيَّةِ وَالنَّصْرَانِيَّةِ تَكُونُ تَحْتَ الْمُسْلِمِ ثُمَّ يَتَجْرُ، قَالَ: يُرْجَمُ

**[28757]** Al-Hasan used to say: “A Jewish or Christian woman makes a Muslim man Muhsan.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ، قَالَ: كَانَ يَقُولُ: ثُحْصِنُ الْيَهُودِيَّةَ وَالنَّصْرَانِيَّةَ الْمُسْلِمَ

**[28758]** ‘Atā’ said regarding a man who marries a woman from the People of the Book: “She makes him Muhsan.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلُدٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: فِي الرَّجُلِ يَتَرَوَّجُ الْمَرْأَةُ مِنْ أَهْلِ الْكِتَابِ أَنَّهَا تُحْصِنُهُ

**[28759]** Sālim asked Sa‘īd ibn Jubayr: “Does a man who marries a Jewish woman, a Christian woman, or a slave woman become Muhsan by them?” He said: “Yes, even if for a day.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ إِسْرَائِيلَ، عَنْ سَالِمٍ، قَالَ: سَأَلْتُ سَعِيدَ بْنَ جُبَيرٍ عَنِ الرَّجُلِ يَتَرَوَّجُ الْيَهُودِيَّةَ وَالنَّصْرَانِيَّةَ وَالْأَمَةَ أَيْحُسْنُ بِهِنَّ؟، قَالَ: نَعَمْ وَلَوْ يَوْمًا

**[28760]** Bakr said: A woman married her slave. When questioned, she said: “Doesn’t Allah say: {or those your right hands possess}? This one is possessed by my right hand.” Another woman married without witnesses or guardian. When questioned, she said: “I am a Thayyib (previously married) and I own my affair.” They were brought to ‘Umar. He gathered people and asked them. They said: “We have disputed with you using the Book of Allah.” ‘Alī said: “I have disputed with you using the Book of Allah.” So he flogged each of them one hundred lashes, then wrote to the provinces: “Any woman who marries her slave or marries without a guardian is in the status of an adulteress.”

**[28761]** Al-Hakam reported that ‘Umar wrote concerning a woman who married her slave: “They should be separated and the Hadd established upon her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ حُسَيْنٍ، عَنْ بَكْرٍ، قَالَ: تَرَوَجَتِ امْرَأَةٌ عَبْدَهَا، فَقَيْلَ لَهَا، فَقَالَتْ: أَلِيْسَ اللَّهُ يَقُولُ: {أَوْ مَا مَلَكْتُ أَيْمَانَكُمْ} فَهَذَا يَمْلُكُ يَمْنِينِي، وَتَرَوَجَتِ امْرَأَةٌ مِنْ [3]: [النساء] غَيْرُ بَيْنَهُ وَلَا وَلِيٌّ، فَقَيْلَ لَهَا فَقَالَتْ: أَنَا نَيْبٌ وَقَدْ مَلَكْتُ امْرِي، فَرُفِعَتْ إِلَى عُمَرَ، فَجَمَعَ النَّاسَ فَسَلَّمُ، فَقَالُوا: قَدْ خَاصَّنَاكِ بِكِتَابِ اللَّهِ جَلَّ جَلَالَهُ، وَقَالَ عَلِيٌّ: قَدْ خَاصَّنَنَاكِ بِكِتَابِ اللَّهِ، فَجَلَدَ كُلَّ وَاحِدٍ مِنْهُمَا مِائَةً جَلْدًا، ثُمَّ كَتَبَ إِلَى الْأَمْصَارِ: أَيْمَانًا تَرَوَجَتْ عَبْدَهَا أُوْ تَرَوَجَتْ بِغَيْرٍ وَلِيٌّ فَوْهِيَ بِمَثْرَلَةِ الزَّانِيَةِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ الْحَكَمِ: أَنَّ عُمَرَ كَتَبَ فِي امْرَأَةٍ تَرَوَجَتْ عَبْدَهَا: أَنْ يُفَرَّقَ بَيْنَهُمَا وَيُقَاتَمَ عَلَيْهَا الْحَدُّ

**[28762]** Ismā‘il ibn Muslim asked ‘Atā’, ‘Abd Allāh ibn ‘Ubayd ibn ‘Umayr, and Mujāhid about a woman who had a slave and wanted to free him on condition he marry her. ‘Atā’ and ‘Abd Allāh ibn ‘Ubayd said: “She frees him without conditions.” Mujāhid said: “In this there is punishment from Allah and from the authority; she separates from him and the Hadd is established upon her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ مُسْلِمٍ، قَالَ: سَأَلْتُ عَطَاءً، وَعَبْدَ اللَّهِ بْنَ عُبَيْدِ بْنَ عُمَيْرٍ وَمُجَاهِدًا عَنْ امْرَأَةٍ كَانَ لَهَا عَبْدٌ، فَأَرَادَتْ أَنْ تُعْنِقَهُ عَلَى أَنْ يَتَزَوَّجَهَا، فَقَالَ عَطَاءُ وَعَبْدُ اللَّهِ بْنُ عُبَيْدٍ: تُعْنِقُهُ وَلَا تُشَارِطُهُ، قَالُ مُجَاهِدٌ: فِي هَذَا عُثُوبَةٌ مِنَ اللَّهِ وَمِنَ السُّلْطَانِ، تُقْلِفُهُ وَيَقْاتِلُهُ عَلَيْهَا الْحَدُّ

**[28763]** Abū Nawfal ibn Abī ‘Aqrab said: A woman came to ‘Umar ibn al-Khattāb and said: “O Commander of the Faithful, I am a woman as you see, and other women are more beautiful than me. I have a slave whose religion and trust I am pleased with, and I wanted to marry him.” He called for the young man and beat them severely, and ordered the slave to be sold in a foreign land.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الْأَسْوَدِ بْنِ شَبِيْبَيْأَنَ، عَنْ أَبِي نَوْفَلِ بْنِ أَبِي عَقْرَبٍ، قَالَ: جَاءَتِ امْرَأَةٌ إِلَى عُمَرَ بْنِ الْخَطَّابِ، فَقَالَتْ: يَا أَمِيرَ الْمُؤْمِنِينَ، إِنِّي امْرَأَةٌ كَمَا تَرَى، وَغَيْرِي مِنَ النِّسَاءِ أَجْمَلُ مِنِّي، وَلِي عَبْدٌ قَدْ رَضِيَتِ دِينَهُ وَأَمَانَتْهُ، فَأَرَدْتُ أَنْ أَتَزَوَّجَهُ فَدَعَاهُ بِالْغُلَامَ فَصَرَبَهُمَا ضَرْبًا مُبَرَّحًا، وَأَمَرَ بِالْعِبْدِ فَبَيْعَهُ فِي أَرْضِ عُرْبِيَّةٍ

**[28764]** Al-Hasan said: “If he says: ‘O son of two adulterers,’ he is flogged two Hadds.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ أَسْعَثَ، عَنِ الْحَسَنِ، قَالَ: إِذَا قَالَ: يَا ابْنَ الزَّانِيَّيْنَ، قَالَ يُجْلِدُ حَدَّيْنِ

**[28765]** Makhūl said regarding a man who says to another: “O adulterer, O son of an adulteress”: “He is beaten two Hadds.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ حُسْنِيْنِ، عَنْ مَكْحُولٍ فِي رَجُلٍ قَالَ لِرَجُلٍ: يَا زَانِ، يَا ابْنَ الزَّانِيَةِ، قَالَ: يُضْرَبُ حَدِّيْنِ

**[28766]** Jābir said: Mā‘iz ibn Mālik came to the Prophet ﷺ and said he had committed adultery. He said: “Is there no one for this man?” He turned him away. He came three times. He said: “Is there no one for this man?” He turned him away. When it was the fourth time, he said: “Stone him.” He threw stones at him, and we threw stones at him. He fled, and we followed him. ‘Āmir said: Jābir said to me: “So we killed him.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ الْأَحْمَرُ، عَنْ الْمُجَالِدِ، عَنْ الشَّعْبِيِّ، عَنْ جَابِرٍ، قَالَ: جَاءَ مَاعِزُ بْنُ مَالِكٍ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: إِنَّهُ قَدْ رَأَى، فَقَالَ: أَمَا لِهَا أَحَدٌ؟ فَرَدَّهُ ثُمَّ جَاءَ ثَلَاثَ مِرَارٍ، فَقَالَ: مَا لِهَا أَحَدٌ فَرَدَّهُ، فَلَمَّا كَانَتِ الرَّابِعَةُ، قَالَ: ارْجُمُوهُ فَرَمَاهُ وَرَمِيَّاهُ، وَفَرَّ وَاتَّبَعْنَاهُ، قَالَ عَامِرٌ: فَقَالَ لِي جَابِرٌ: فَهَا قَتَّلْنَاهُ

[28767] Hazzāl said: Mā'iz ibn Mālik was under my father's care. He had relations with a girl from the tribe. My father said to him: "Go to the Messenger of Allah ﷺ and tell him what you did so he may ask forgiveness for you." He only intended by that to find a way out for him. He went to him and said: "O Messenger of Allah, I have committed adultery, so establish the Book of Allah upon me." He turned away from him. He came again until he mentioned it four times. Then he came the fourth time and said: "O Messenger of Allah, I have committed adultery, so establish the Book of Allah upon me." The Messenger of Allah ﷺ said: "Have you not said it four times? With whom?" He said: "With so-and-so." He said: "Did you lie with her?" He said: "Yes." He said: "Did you touch her?" He said: "Yes." He said: "Did you have intercourse with her?" He said: "Yes." He ordered him to be stoned. He was taken out to the Harrah. When he felt the touch of the stones, he ran away quickly. 'Abd Allāh ibn Unavas met him, as he

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ هِشَامِ بْنِ سَعْدٍ،  
قَالَ: حَدَّثَنِي يَزِيدُ بْنُ نُعَيْمٍ بْنُ هَرَالِ، عَنْ أَبِيهِ، قَالَ:  
كَانَ مَاعِزُ بْنُ مَالِكٍ فِي حِجْرٍ أَبِي، فَأَصَابَهُ جَارِيَةٌ مِنَ  
الْحَيِّ، فَقَالَ لَهُ أَبِي: أَنْتَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ  
وَسَلَّمَ فَأَخْيِرُهُ بِمَا صَنَعْتَ يَسْتَغْفِرُ لَكَ، وَإِنَّمَا يُرِيدُ بِذَلِكَ  
لِيَجْعَلَ لَهُ مَخْرَجًا، فَأَنَا، فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي فَذَ  
رَتْتُ فَاقِمَ عَلَيَّ كِتَابَ اللَّهِ، فَأَغْرَضَ عَنْهُ، ثُمَّ أَتَاهُ حَتَّى  
ذَكَرَ أَرْبَعَ مَرَاتٍ، ثُمَّ أَتَاهُ الرَّابِعَةَ، فَقَالَ: يَا رَسُولَ اللَّهِ،  
إِنِّي فَذَرَتْتُ فَاقِمَ عَلَيَّ كِتَابَ اللَّهِ، فَقَالَ رَسُولُ اللَّهِ  
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَلَيْسَ فُلْتُهَا أَرْبَعَ مَرَاتٍ؟ فَبِمَنْ؟  
قَالَ: بِفُلَانَةً، قَالَ: هَلْ ضَاجَعْتَهَا؟، قَالَ: نَعَمْ، قَالَ:  
بَاشَرْتَهَا؟، قَالَ: نَعَمْ، قَالَ: هَلْ جَامَعْتَهَا؟، قَالَ: نَعَمْ،  
قَالَ: فَأَمَرَ بِهِ لِيُرْجَمَ، فَأَخْرَجَ إِلَى الْحَرَّةِ، فَلَمَّا وَجَدَ مَسَنَ  
الْحِجَارَةَ خَرَّجَ يَسْتَدِّ، فَلَقِيَهُ عَبْدُ اللَّهِ بْنُ أَنَيْسٍ وَقَدْ  
أَعْجَزَ أَصْحَابَهُ، فَأَنْتَرَعَ لَهُ بِوَظِيفَ بَعِيرٍ فَرَمَاهُ بِهِ  
فَقَتَلَهُ، ثُمَّ أَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَذَكَرَ ذَلِكَ لَهُ،  
فَقَالَ: هَلَا تَرْكُمُوهُ، لَعَلَّهُ يَتُوبُ فَيَتُوبَ اللَّهُ عَلَيْهِ

**[28768]** Abū Hurayrah reported that Mā'iz ibn Mālik came to the Prophet ﷺ and said: "I have committed adultery." He turned away from him until he came four times. He ordered him to be stoned. When the stones hit him, he ran away quickly. A man met him with a camel's jawbone in his hand and struck him, knocking him down. His flight when the stones touched him was mentioned to the Prophet ﷺ. He said: "Why did you not leave him?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ مُحَمَّدِ بْنِ عَمْرِو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: جَاءَ مَاعِزٌ بْنُ مَالِكٍ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: إِنِّي قَدْ زَنِيْتُ، فَأَعْرَضْ عَنْهُ حَتَّى أَتَاهُ أَرْبَعَ مِرَارٍ، فَأَمْرَ بِهِ أَنْ يُرْجَمَ، فَلَمَّا أَصَابَنَاهُ الْحِجَارَةُ أَذْبَرَ يَشَّدَّ، فَأَفْقَيْهُ رَجُلٌ بِيَدِهِ لَحْيَ جَمَلٍ، فَضَرَبَهُ فَصَرَعَهُ، فَذَكَرَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِرَارُهُ حِينَ مَسَّتُهُ الْحِجَارَةُ، فَقَالَ: هَلَا تَرْكُمُوهُ

**[28769]** Abū Bakr said: Mā'iz ibn Mālik came to the Prophet ﷺ and confessed three times. I said: "If you confess a fourth time..." He ordered him to be detained, meaning stoned.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ ابْنِ أَبْرَى، عَنْ أَبِي بَكْرٍ، قَالَ: أَتَى مَاعِزٌ بْنُ مَالِكٍ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَأَقْرَأَ عِنْدَهُ ثَلَاثَ مَرَاتٍ، فَقُلْتُ: إِنْ أَفْرَرْتَ عِنْدَهُ الرَّابِعَةَ: فَأَمْرَ بِهِ فَحُبِسَ، يَعْنِي تُرْجَمَ

**[28770]** Al-Sha'bī said: Mā'iz testified against himself four times that he had committed adultery. So the Messenger of Allah ﷺ ordered him to be stoned.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ، قَالَ: "شَهَدَ مَاعِزٌ عَلَى نَفْسِهِ أَرْبَعَ مَرَاتٍ أَنَّهُ قَدْ زَنِيَ: فَأَمْرَ بِهِ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُرْجَمَ

[28771] Jābir ibn Samurah said: I saw the Messenger of Allah ﷺ when Mā'iz ibn Mālik was brought. A hairy, muscular man in an Izaar was brought. He turned him away twice, then ordered his stoning.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَارٍ، قَالَ: حَدَّثَنَا شُعْبَةُ، عَنْ سِيمَاكٍ، عَنْ جَابِرِ بْنِ سَمْرَةَ، قَالَ: رَأَيْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حِينَ أُتَيَ بِمَاعِزٍ بْنِ مَالِكٍ أُتَيَ بِرَجُلٍ أَشْعَرَ ذِي عَصَلَاتٍ فِي إِزَارِهِ فَرَدَهُ مَرَّتَيْنِ، ثُمَّ أَمْرَ بِرْجُمِهِ

**[28772]** Buraydah reported that Mā'iz ibn Mālik al-Aslāmī came to the Messenger of Allah ﷺ and said: "I have wronged myself and committed adultery, and I want you to purify me." He turned him away. The next morning he came again and said: "O Messenger of Allah, I have committed adultery." He turned him away a second time. The Messenger of Allah ﷺ sent to his people and said: "Do you know any problem with his mind? Do you disapprove of anything about him?" They said: "We only know him to be of sound mind, one of our righteous ones as far as we see." He came a third time, and he sent to them again and asked about him. They informed him that there was nothing wrong with him or his mind. When it was the fourth time, he dug a pit for him, then ordered him to be stoned.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ ثُمَيْرٍ، قَالَ: حَدَّثَنَا بَشِيرُ بْنُ مُهَاجِرٍ، قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ، عَنْ أَبِيهِ: أَنَّ مَاعِزَ بْنَ مَالِكَ الْأَسْلَمِيَّ أَتَى رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: إِنِّي قَدْ ظَلَمْتُ نَفْسِي وَرَزَّيْتُ، وَإِنَّمَا أُرِيدُ أَنْ تُطَهِّرْنِي، فَرَدَّهُ، فَلَمَّا كَانَ الْعَدَدُ أَثَاءً أَيْضًا، قَالَ: يَا رَسُولَ اللَّهِ، إِنِّي قَدْ زَانَتْ فَرَدَّهُ التَّانِيَةَ، فَأَرْسَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى قَوْمِهِ، قَالَ: أَتَعْلَمُونَ بِعَقْلِهِ بَاسًا؟ ثُنِكُرُونَ مِنْهُ شَيْئًا؟، فَقَالُوا: لَا نَعْلَمُهُ إِلَّا وَفِي الْعُقْلِ مِنْ صَالِحِينَا فِيمَا نَرَى، قَالَ: فَأَثَاءُ الثَّالِثَةَ فَأَرْسَلَ إِلَيْهِمْ أَيْضًا فَسَأَلَ عَنْهُ فَأَخْبَرُوهُ أَنَّهُ - لَا يَأْسَ بِهِ وَلَا يَعْقِلُهُ، فَلَمَّا كَانَ الرَّابِعُ حَفَرَ لَهُ حُفْرَةً ثُمَّ أَمْرَ بِهِ فَرُجمَ

**[28773]** Abū Sa‘īd al-Khudrī said: Mā‘iz ibn Mālik came and confessed to adultery three times. He asked about him, then ordered him to be stoned. We stoned him with pottery shards, stones, and [something else?]. We did not dig a pit for him nor bind him. He outran us to the Harrah, and we followed him. He stood facing us, and we threw at him until he was silenced. The Prophet ﷺ did not ask forgiveness for him nor curse him.

**[28774]** Abū Dharr said: We were with the Prophet ﷺ on a journey. A man came and confessed that he had committed adultery. The Prophet ﷺ turned him away three times. When it was the fourth time and he dismounted, the Prophet ﷺ ordered him to be stoned. That was hard on him, as I recognized from his face. When the anger left him, he said: “O Abū Dharr, your companion has been forgiven.” He said: It used to be said that his repentance is that the Hadd is established upon him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعاوِيَةُ بْنُ هِشَامٍ، قَالَ: حَدَّثَنَا سُفِّيَانُ، عَنْ دَاؤِدَ، عَنْ أَبِي نَصْرَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، قَالَ: جَاءَ مَا عَزَّ بْنُ مَالِكٍ فَاعْتَرَفَ بِالرِّزْنَى تَلَاثَ مَرَّاتٍ، فَسَأَلَ عَنْهُ، ثُمَّ أَمْرَ بِهِ فَرُجِمَ، فَرَمَيْنَاهُ بِالْحَزَفِ وَالْجَنْدُلِ وَالْغَلَامِ، وَمَا حَفَرْنَا لَهُ وَلَا أَوْتَقَاهُ، فَسَبَقْنَا إِلَى الْحَرَّةِ وَاتَّبَعْنَا، فَقَامَ إِلَيْنَا، فَرَمَيْنَاهُ حَتَّى سَكَّتْ: فَمَا اسْتَغْفَرَ لَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَلَا سَبَّهُ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ حَجَّاجٍ، عَنْ عَبْدِ الْمَالِكِ بْنِ مُغِيرَةِ الطَّائِفِيِّ، عَنْ أَبْنِ شَدَّادٍ، عَنْ أَبِي ذَرٍّ، قَالَ: كُنَّا مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي سَفَرٍ، فَجَاءَ رَجُلٌ فَاقَرَّ أَنَّهُ قَدْ رَأَى، فَرَدَهُ وَسَلَّمَ لِلَّهِ عَلَيْهِ وَسَلَّمَ تَلَاثًا، فَلَمَّا كَانَتِ الرَّابِعَةُ وَنَزَلَ، أَمْرَ بِهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَرُجِمَ، وَشَقَّ ذَلِكَ عَلَيْهِ حَتَّى عَرَفْتُ فِي وَجْهِهِ، فَلَمَّا سُرِّيَ عَنْهُ الْغَضَبُ، قَالَ: ”يَا أَبَا ذَرٍّ إِنَّ صَاحِبَكُمْ قَدْ غُفِرَ لَهُ، قَالَ: وَكَانَ يُقَالُ: إِنَّ تَوْبَتَهُ أَنْ يُقَامَ عَلَيْهِ الْحَدُّ“

**[28775]** Al-Shaybānī asked Ibn Abī Awfā: “Did the Messenger of Allah ﷺ stone?” He said: “Yes.” I asked: “After Surah An-Nur was revealed or before?” He said: “I do not know.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الشَّيْبَانِيِّ، عَنْ ابْنِ أَبِي أُوفَى، قَالَ: قُلْتُ لَهُ: "رَجَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟، قَالَ: نَعَمْ. قُلْتُ: بَعْدَمَا نَزَّلْتُ سُورَةَ النُّورِ أَوْ قَبْلَهَا؟، قَالَ: لَا أَدْرِي

**[28776]** Ibn ‘Abbās reported that ‘Umar said: “I fear that a time will come when people will say: 'We do not find stoning in the Book of Allah,' and they will go astray by abandoning an obligation revealed by Allah. Verily, stoning is a right if one is Muhsan and proof is established, or if there is pregnancy or confession. I used to read it: 'The old man and the old woman, if they commit adultery, stone them absolutely.' The Messenger of Allah ﷺ stoned, and we stoned after him.” Sufyān was asked: “Did the Messenger of Allah ﷺ stone?” He said: “Yes.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عَيْنَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: قَالَ عُمَرُ: قَدْ خَشِيتُ أَنْ يَطُولَ بِالنَّاسِ زَمَانٌ حَتَّى يَقُولُ الْقَاتِلُ مَا نَحْدُ الرَّجْمَ فِي كِتَابِ اللَّهِ، فَيَضْلُّوا بِتَرْكِ فَرِيضَةٍ أُنْزَلَهَا اللَّهُ: أَلَا وَإِنَّ الرَّجْمَ حَقٌّ إِذَا أَحْسَنَ وَقَامَتِ الْبَيِّنَاتُ أَوْ كَانَ حَمْلٌ أَوْ اعْتِرَافٌ وَقَدْ فَرَأُتُهَا: (الشَّيْخُ وَالشَّيْخَةُ إِذَا زَرَّيَا، فَارْجُمُوهُمَا أَلْبَتَهُ) رَجَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَرَجَمْنَا بَعْدَهُ، قِيلَ لِسُعْيَانَ: رَجَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟، قَالَ: نَعَمْ

**[28777]** Shu'bah asked Ḥammād about a man who confesses to adultery: How many times is he turned away? He said: "Once." I asked Al-Ḥakam, and he said: "Four times."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُنْدُرُ، عَنْ شُعْبَةَ، عَنْ حَمَادٍ، قَالَ: سَأَلَنَا اللَّهُ عَنِ الرَّجُلِ يُقْرَأُ بِالرِّزْنَا، كَمْ يُرَدُُ؟، قَالَ: مَرَّةً، وَسَأَلْتُ الْحَكَمَ، فَقَالَ: أَرْبَعَ مَرَّاتٍ

**[28778]** Sa'īd ibn al-Musayyib said: Mā'iz ibn Mālik came to Abū Bakr and informed him that he had committed adultery. Abū Bakr said to him: "Cover yourself with Allah's covering and repent to Allah... Allah accepts repentance from His servants." He was not satisfied until he came to 'Umar and mentioned the same. 'Umar said to him the same as Abū Bakr. He was not satisfied until he came to the Messenger of Allah ﷺ... When he persisted, he sent to his people... They said: "No, by Allah, O Messenger of Allah, he is healthy." He said: "Is he a virgin or a Thayyib?" They said: "Rather, a Thayyib." So he ordered him to be stoned.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ: أَنَّ مَاعِزَ بْنَ مَالِكٍ، أَتَى أَبِي بَكْرٍ فَأَخْبَرَهُ أَنَّهُ رَذَى، فَقَالَ لَهُ أَبُو بَكْرٌ: اسْتَغْفِرْ لِلَّهِ، وَتَبَّ إِلَى اللَّهِ، فَإِنَّ النَّاسَ يُعَيِّرُونَ وَلَا يُعَيِّرُونَ، وَاللَّهُ يَقْبِلُ التَّوْبَةَ عَنِ عِبَادِهِ، فَلَمْ تَقْرَأْ نَفْسَهُ، حَتَّى أَتَى عُمَرَ فَذَكَرَ مِثْلَ مَا ذَكَرَ لِأَبِي بَكْرٍ، فَقَالَ لَهُ عُمَرُ مِثْلَ مَا قَالَ لَهُ أَبُو بَكْرٌ: فَلَمْ تَقْرَأْ نَفْسَهُ حَتَّى أَتَى رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَخْبَرُهُ أَنَّهُ قَدْ رَذَى، فَأَعْرَضَ عَنْهُ حَتَّى قَالَ ذَلِكَ مِرَارًا، فَلَمَّا أَكَثَرَ بَعَثَ إِلَى قَوْمِهِ، فَقَالَ لَهُمْ: هَلِ اشْتَكَى؟ أَيْهُ جِنَّةً؟، فَقَالُوا: لَا وَاللَّهِ يَا رَسُولَ اللَّهِ إِنَّهُ لصَحِيحٌ، قَالَ: أَبْكُرُ أَمْ تَبَّ؟، قَالُوا: بَلْ تَبَّ، فَأَمَرَ بِهِ فَرِجَمَ

[28779] ‘Umar said: “The Messenger of Allah ﷺ stoned, Abū Bakr stoned, and I stoned.”

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا دَاؤُدُّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبَ، عَنْ عُمَرَ، قَالَ: رَجَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَرَجَمَ أُبُو بَكْرٍ، وَرَجَمْتُ أَنَا

[28780] ‘Umar said: “Stoning is a limit from the limits of Allah, so do not be deceived about it. That is because the Messenger of Allah ﷺ stoned, Abū Bakr stoned, and I stoned.”

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ أَشْعَثَ، عَنْ عَلَيِّ بْنِ زَيْدٍ، عَنْ يُوسُفَ بْنِ مَهْرَانَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: قَالَ عُمَرُ: الرَّجْمُ حَدٌّ مِنْ حُدُودِ اللَّهِ، فَلَا تُخْدِعُوا عَنْهُ، وَأَنَّهُ دَلِيلَكَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجَمَ، وَرَجَمَ أُبُو بَكْرٍ، وَرَجَمْتُ أَنَا

[28781] Abū al-Haytham ibn Naṣr reported from his father: I was among those who stoned Mā’iz. When he felt the touch of the stones, he said: “Return me to the Messenger of Allah ﷺ.” ... He said: “Return me to the Messenger of Allah ﷺ, for my people harmed me and said: ‘Go to the Messenger of Allah ﷺ, for he will not kill you.’” We did not stop until we killed him. When his affair was mentioned to the Prophet ﷺ, he said: “Why did you not leave him so I could look into his affair?”

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا أُبُو خَالِدٍ الْأَحْمَرُ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي الْهَيْمَنِ بْنِ نَصْرٍ، عَنْ أَبِيهِ، قَالَ: كُنْتُ فِيمَنْ رَجَمَ مَاعِزًا، فَلَمَّا وَجَدَ مَسَّ الْحِجَارَةِ، قَالَ: رُدُونِي إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَأَتَيْتُ عَاصِمَ بْنَ عُمَرَ، فَقَالَ: قَالَ الْحَسَنُ بْنُ مُحَمَّدٍ ابْنَ الْحَنْفِيَّةَ: لَقَدْ بَلَغْنِي فَانْكَرْتُهُ، فَأَتَيْتُ جَابِرًا فَقُلْتُ: لَقَدْ ذَكَرَ الْأَسْلَمِيُّ شَيْئًا مِنْ قَوْلِ مَاعِزِ بْنِ مَالِكٍ: رُدُونِي، فَانْكَرْتُهُ، فَقَالَ: أَنَا فِيمَنْ رَجَمْتُهُ، فَقَالَ: إِنَّهُ وَجَدَ مَسَّ الْحِجَارَةِ، قَالَ: رُدُونِي إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَإِنَّ قَوْمِي آذُونِي، وَقَالُوا: أَنْتِ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَإِنَّهُ غَيْرُ قَاتِلِكَ، فَمَا أَفْلَغْنَا عَنْهُ حَتَّى قَتَلْنَاهُ، فَلَمَّا ذَكَرَ شَانَهُ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: أَلَا تَرَكْتُمُوهُ حَتَّى أُنْظُرَ فِي شَانِهِ

**[28782]** Abū Barzah said: “The Messenger of Allah ﷺ stoned a man from us called Mā'iz ibn Mālik.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هَوْدَةُ بْنُ خَلِيفَةَ، قَالَ: حَدَّثَنَا عَوْفٌ، عَنْ مُسَاوِرِ بْنِ عُبَيْدٍ، عَنْ أَبِي بَرْزَةَ، قَالَ: رَجَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلًا مِنَ الْمَنَّا يُقَالُ لَهُ مَاعِزُ بْنُ مَالِكٍ

**[28783]** Najīḥ said: “The Messenger of Allah ﷺ stoned, Abū Bakr stoned, and ‘Umar stoned, and their command is Sunnah.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ الْحَسَنَ، عَنْ مُحَمَّدِ بْنِ سُلَيْمَانِ، عَنْ أَبِي هَلَالٍ، عَنْ تَجْيِحٍ، قَالَ: رَجَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَرَجَمَ أَبُو بَكْرٍ، وَعُمَرُ، وَأَمْرُهُمَا سُنَّةٌ

**[28784]** Mā'iz ibn Mālik came to the Prophet... The Prophet ﷺ said: “Why did you not leave him? Perhaps he would have repented and Allah would have accepted his repentance. O Hazzāl, if you had covered him with your garment, it would have been better for you than what you did.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آذَمَ، عَنْ سُفْيَانَ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ يَزِيدِ بْنِ نَعِيمٍ، عَنْ أَبِيهِ، قَالَ: جَاءَ مَاعِزُ بْنُ مَالِكٍ إِلَى النَّبِيِّ، فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي قَدْ رَأَيْتُ فَأَقْمَ فِي كِتَابِ اللَّهِ، فَأَعْرَضَ عَنْهُ، ثُمَّ قَالَ: إِنِّي قَدْ رَأَيْتُ فَأَقْمَ فِي كِتَابِ اللَّهِ، فَأَعْرَضَ عَنْهُ حَتَّى ذَكَرَ أَرْبَعَ مَرَاتٍ، قَالَ: اذْهِبُوا بِهِ فَارْجُمُوهُ فَلَمَّا مَسَّهُ الْحِجَارَةُ أَشْتَدَّ، فَخَرَجَ عَنْ دَارِهِ بِأَنْسِ أَوْ أَبْنِي أَنْسٍ مِنْ بَادِيَتِهِ، فَرَمَاهُ بِوَظِيفِ جَمَلٍ فَصَرَعَهُ، فَرَمَاهُ النَّاسُ حَتَّى قَتَلُوهُ، فَذُكِرَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِرَارُهُ، فَقَالَ: فَهَلَا ثَرْكُمْهُ فَلَعْلَةً يَتُوبُ فَيُتُوبَ اللَّهُ عَلَيْهِ، يَا عَزَّالُ، أَوْ يَا هَرَازُ، لَوْ سَتَرْتُهُ بِتَوْبَكَ كَانَ خَيْرًا لَكَ مِمَّا صَنَعْتَ

**[28785]** Abū Hurayrah, Zayd ibn Khālid, and Shibl reported that they were with the Prophet ﷺ. A man stood up and said: “I adjure you by Allah to judge between us according to the Book of Allah.” His opponent, who was more knowledgeable, said: “Judge between us according to the Book of Allah and allow me to speak.” He said: “Speak.” He said: “My son was a hired laborer for this man, and he committed adultery with his wife. I ransomed him with one hundred sheep and a servant. I asked men of knowledge, and they informed me that my son should receive one hundred lashes and exile for a year, and that this man’s wife should be stoned.” The Prophet ﷺ said: “By the One in Whose Hand is my soul, I will judge between you according to the Book of Allah. The one hundred sheep and the servant are returned to you. Your son shall receive one hundred lashes and exile for a year. Go, O Unays, to this man’s wife; if she confesses, stone her.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سُفِيَّانُ بْنُ عُيَيْنَةَ، عَنِ الرَّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ، وَرَيْدُ بْنِ خَالِدٍ، وَشِبْلٍ، أَنَّهُمْ قَالُوا: كُنَّا عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَامَ رَجُلٌ، فَقَالَ: أُشْدِعُكُمُ اللَّهُ أَلَا قَضَيْتُ بَيْنَنَا بِكِتَابِ اللَّهِ، فَقَالَ حَصْمُهُ وَكَانَ أَفْقَهَ مِنْهُ: افْضِ بَيْنَنَا بِكِتَابِ اللَّهِ وَأَنْدَنْ لِي حَتَّى أُقُولُ، قَالَ: قُلْ، قَالَ: إِنَّ أَبْنِي كَانَ عَسِيفًا عَلَى هَذَا، وَإِنَّهُ زَنِي بِإِمْرَاتِهِ، فَأَفْتَنَنِي مِنْهُ بِمِائَةِ شَاءٍ وَخَادِمٍ، فَسَأَلْتُ رِجَالًا مِنْ أَهْلِ الْعِلْمِ فَأَخْبَرْتُ أَنَّ عَلَى أَبْنِي جَلْدٌ مِائَةٌ وَتَغْرِيبٌ عَامٌ، وَأَنَّ عَلَى امْرَأَةِ هَذَا الرَّجْمَ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: وَالَّذِي نَفْسِي بِيَدِهِ لَا قَضَيْنَ بَيْنَكُمَا بِكِتَابِ اللَّهِ، الْمِائَةُ شَاءٌ وَالْخَادِمُ رَدٌ عَلَيْكُ، وَعَلَى ابْنِكَ جَلْدٌ مِائَةٌ وَتَغْرِيبٌ عَامٌ، وَأَغْدِيَ أَنِيسُ عَلَى امْرَأَةٍ هَذَا، فَإِنْ أَعْتَرْفَتْ فَارْجُمْهَا

**[28786]** ‘Ubādah ibn al-Ṣāmit reported that the Messenger of Allah ﷺ said: “Take from me, Allah has made a way for them. The Thayyib with the Thayyib and the virgin with the virgin. The virgin is flogged and exiled, and the Thayyib is flogged and stoned.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَارٍ، عَنْ شَعْبَةِ، عَنْ فَتَادَةَ، عَنْ الْحَسَنِ، عَنْ جِطَانَ بْنِ عَبْدِ اللَّهِ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: حُذُوا عَنِي فَذَجَعَ اللَّهُ أَهْنَ سَبِيلًا، التَّيْبُ بِالْتَّيْبِ وَالْبَكْرُ بِالْبَكْرِ، الْبَكْرُ يُجْلَدُ وَيُنْفَى، وَالتَّيْبُ يُجْلَدُ وَيُرْجَمُ

**[28787]** Ubayy said: “If two virgins commit adultery, they are flogged and exiled. If two Thayyibs commit adultery, they are flogged and stoned.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكُ بْنُ عَبْدِ اللَّهِ، عَنْ فِرَاسٍ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، عَنْ أَبِيِّ، قَالَ: إِذَا زَانِ الْبِكْرَانِ يُجْلَدَانِ وَيُنْفَيَانِ، وَإِذَا زَانِ التَّيْبَانِ يُجْلَدَانِ وَيُرْجَمَانِ

**[28788]** Ubayy held regarding the Thayyib: “He is flogged and stoned.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ إِسْمَاعِيلَ، عَنْ الشَّعْبِيِّ، عَنْ أَبِيِّ: “أَنَّهُ كَانَ يَرَى فِي التَّيْبِ: يُجْلَدُ وَيُرْجَمُ

**[28789]** Masrūq said: “The two virgins are flogged and stoned.” (Possibly an error in text, usually exiled)

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ، قَالَ: الْبِكْرَانِ يُجْلَدَانِ وَيُرْجَمَانِ

**[28790]** Ibn Sirīn said: “‘Umar used to stone and flog, and ‘Alī used to stone and flog.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنْ ابْنِ سِيرِينَ، قَالَ: كَانَ عُمَرُ يُرْجُمُ وَيَجْلَدُ، وَكَانَ عَلِيُّ يُرْجُمُ وَيَجْلَدُ

**[28791]** Abū Dharr said: “The two old Thayyibs are flogged and stoned, and the two virgins are flogged and exiled.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنِ الْمَسْعُودِيِّ، عَنِ الْفَاسِمِ، قَالَ: قَالَ أَبُو ذَرٍّ: الشَّيْخَانُ التَّبَيَّانُ يُجْلَدُانُ وَبُرْجَمَانُ وَالْكِرَانُ يُجْلَدُانُ وَيُنْفَيَانُ

**[28792]** Tāwūs said: “Upon the Muhsan if he commits adultery is stoning, and upon the virgin is flogging and exile.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ زَمْعَةَ، عَنِ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: عَلَى الْمُحْسَنِ إِذَا رَأَى الرَّجُمُ، وَعَلَى الْبِكْرِ الْجَلْدُ وَالنَّفْيُ

**[28793]** ‘Āmir said regarding the virgin: “If he commits adultery, he is exiled for a year.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ مُحَمَّدِ بْنِ سَلَمٍ، عَنْ عَامِرٍ فِي الْبِكْرِ: إِذَا رَأَى يُنْفَى سَنَةً

**[28794]** ‘Alī flogged and stoned; he flogged on Thursday and stoned on Friday.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الْأَعْمَشِ، عَنِ الْفَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ: أَنَّ عَلِيًّا جَلَدَ وَرَجَمَ، جَلَدَ يَوْمَ الْخَمِيسِ وَرَجَمَ يَوْمَ الْجُمُعَةِ

**[28795]** Jābir ibn Samurah said: “The Prophet ﷺ stoned Mā’iz ibn Mālik, and he did not mention flogging.”

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَادَانُ، وَعَفَانُ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ سِمَاكٍ، عَنْ جَابِرِ بْنِ سَمْرَةَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجَمَ مَاعِزَ بْنَ مَالِكٍ وَلَمْ يَذْكُرْ جَلْدًا

**[28796]** Ṣafiyah bint Abī ‘Ubayd reported from her father that he flogged a man who had intercourse with a virgin girl and made her pregnant. He confessed and was not Muḥṣan. Abū Bakr ordered him to be flogged, then exiled.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سَبَابِهُ، عَنْ لَيْثٍ، عَنْ نَافِعٍ، عَنْ صَفِيهَةِ بِنْتِ أَبِي عَبْدٍ، عَنْ أَبِي: أَنَّهُ جَلَدَ رَجُلًا وَقَعَ عَلَى جَارِيَةٍ بِكْرٍ، فَأَحْبَلَهَا فَاعْتَرَفَ وَلَمْ يَكُنْ أَحْسَنَ فَأَمْرَ بِهِ أَبُو بَكْرٌ فَجِلَّهُ، ثُمَّ نَفَيَ

**[28797]** Aslam reported that ‘Umar exiled [someone] to Fadak.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ: أَنَّ عُمَرَ نَفَى إِلَى فَدَكَ

**[28798]** Ibn Yasār reported that ‘Uthmān flogged a woman for adultery, then sent her with a freed slave of his named Al-Muhrī to Khaybar, exiling her there.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ ابْنِ يَسَارٍ مَوْلَى لِعُثْمَانَ، قَالَ: جَلَدَ عُثْمَانُ امْرَأَةً فِي زِنَاءٍ، ثُمَّ أَرْسَلَ بِهَا مَوْلَى لَهُ يُقَالُ لَهُ الْمُهْرِيُّ إِلَى خَيْبَرَ فَنَفَاهَا إِلَيْهَا

**[28799]** Yahyā reported that ‘Alī exiled [someone] to Basra.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنْ يَحْيَى: أَنَّ عَلِيًّا نَفَى إِلَى الْبَصْرَةِ

**[28800]** Abū Ishāq said: ‘Alī was brought a girl from Hamdān. He flogged her and exiled her to Basra for a year.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سُلَيْمَانَ، عَنْ الْأَجْلَحِ، عَنْ أَبِي إِسْحَاقَ، قَالَ: أُتَّيَ عَلَيُّ بِجَارِيَةٍ مِنْ هَمْدَانَ، فَضَرَبَهَا وَسَيَرَهَا إِلَى الْبَصْرَةِ سَنَةً

**[28801]** Ismā‘il ibn Sālim said: I asked Al-Sha'bī during the time of Ibn Hubayrah: “From where is one exiled for adultery?” He said: “From his province to another.”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ سَالِمٍ، عَنْ الشَّعْبِيِّ، قَالَ: قُلْتُ لَهُ فِي زَمَانِ ابْنِ هُبَيْرَةَ مِنْ أَيْنَ يُنْفَى فِي الرِّزْنَاءِ، قَالَ: مِنْ عَمَلِهِ إِلَى غَيْرِهِ

**[28802]** Al-Hasan reported that the Prophet ﷺ exiled to Khaybar.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ رَجُلٍ، عَنِ الْحَسَنِ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَفَى إِلَى خَيْبَرَ

**[28803]** Ibn ‘Umar reported that Abū Bakr exiled a man and a woman for a year.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ: أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْحَاقَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ أَبَا بَكْرٍ نَفَى رَجُلًا وَامْرَأَةً حَوْلًا

**[28804]** Al-Zuhri reported that ‘Umar exiled to Basra.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ ابْنِ جُرَيْجٍ، عَنِ الرُّهْبَرِيِّ: أَنَّ عُمَرَ نَفَى إِلَى الْبَصْرَةِ

**[28805]** Abū Bakrah reported that the Prophet ﷺ stoned a woman and dug a pit for her up to the breast.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ رَجَرِيَا أَبِي عُمَرَانَ، قَالَ: سَمِعْتُ شِيخًا، يُحَدِّثُ عَنْ ابْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجَمَ امْرَأَةً، فَحَفَرَ لَهَا إِلَى الثَّنْدُوَةِ

**[28806]** ‘Āmir reported that ‘Alī stoned a woman and dug a pit for her up to the navel.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَّانِ، عَنْ مُجَالِدٍ، عَنْ عَامِرٍ: أَنَّ عَلِيًّا رَجَمَ امْرَأَةً، فَحَفَرَ لَهَا إِلَى السُّرَّةِ، وَأَقَامَ شَاهِدَ دَلِيلَ

**[28807]** Buraydah reported that the Ghāmidiyyah woman came to the Prophet ﷺ and confessed to adultery. He ordered for her, and a pit was dug up to her chest. He ordered the people and they stoned her. Then he ordered regarding her, prayed over her, and she was buried.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ تُمِيرٍ، عَنْ بَشِيرِ  
بْنِ الْمُهَاجِرِ، قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ، عَنْ أَبِيهِ:  
أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَتَهُ الْغَامِدِيَّةُ، فَأَفَرَّتْ  
عِنْهُ بِالزَّنَبِ فَأَمْرَرَ بِهَا، فَحُفِرَ لَهَا إِلَى صَدْرِهَا، وَأَمْرَرَ  
النَّاسَ فَرَجَمُوا، ثُمَّ أَمْرَرَ بِهَا فَصَلَّى عَلَيْهَا، ثُمَّ دُفِنَتْ

**[28808]** Al-Hasan said: A woman from Bāriq came to the Messenger of Allah ﷺ... When she gave birth... he ordered regarding her and she was stoned. Some of her blood hit Khālid ibn al-Walīd and he cursed her. The Prophet ﷺ forbade him and said: "She has repented a repentance that if a tax collector repented it, it would be accepted from him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَاصِ، عَنْ سِمَاكِ،  
عَنْ الْحَسَنِ، قَالَ: جَاءَتِ امْرَأَةٌ مِنْ بَارِقَ إِلَى رَسُولِ  
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَتْ: إِنِّي قَدْ رَنَيْتُ فَأَقْمَ فِي  
حَدَّ اللَّهِ، قَالَ: فَرَدَّهَا النَّبِيُّ عَلَيْهِ السَّلَامُ حَتَّى شَهَدَتْ  
عَلَى نَفْسِهَا شَهَادَاتٍ، فَقَالَ لَهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ  
وَسَلَّمَ: ارْجِعِي فَلَمَّا وَضَعَتْ حَمْلَهَا أَمْرَرَهَا النَّبِيُّ صَلَّى  
اللَّهُ عَلَيْهِ وَسَلَّمَ فَنَطَهَرَتْ، وَلَبِسَتْ أَكْفَانَهَا، ثُمَّ أَمْرَرَ بِهَا  
فَرُجِمَتْ، فَأَصَابَ خَالِدَ بْنَ الْوَلِيدِ مِنْ دَمِهَا فَسَبَّهَا، فَنَهَاهُ  
النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: لَقَدْ تَابَتْ تَوْبَةً لَوْ  
تَابَهَا صَاحِبُ مَكْسٍ لَقُلْ مِنْهُ

**[28809]** Buraydah reported that the Ghāmidiyyah woman came and said: “O Messenger of Allah, I have committed adultery and want you to purify me.”... He said: “Go until you give birth.”... He said: “Go and breastfeed him until you wean him.”... He ordered regarding her and a pit was dug up to her chest... Khālid ibn al-Walīd cursed her... He said: “Gently, O Khālid! By the One in Whose Hand is my soul, she has repented a repentance that if a tax collector repented it, he would be forgiven.” Then he prayed over her and she was buried.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ نُعْمَى، قَالَ: حَدَّثَنَا بَشِيرُ بْنُ الْمُهَاجِرِ، قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ، عَنْ أَبِيهِ، قَالَ: جَاءَتِ الْغَامِدِيَّةُ، فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنِّي قَدْ رَئَيْتُ وَإِنِّي أُرِيدُ أَنْ تُطَهِّرَنِي، وَأَنَّهُ رَدَّهَا، فَلَمَّا كَانَ الْغُدُ، قَالَتْ: يَا نَبِيَّ اللَّهِ، لِمَ تَرُدُّنِي؟، فَلَعْلَكَ تُرِيدُ أَنْ تُرُدَّنِي كَمَا رَدَدْتَ مَا عَزَّبَنِي مَالِكٍ، فَوَاللَّهِ إِنِّي لِحَبْلِي، قَالَ: إِنَّمَا لَا فَادْهِي حَتَّى تَلِيَ فَلَمَّا وَلَدَتْ أُنْثَى بِالصَّبِيِّ فِي حِرْقَةٍ، قَالَتْ: هَذَا وَقْدَ وَلَدْتُهُ، قَالَ: اذْهِبِي فَارْضِعِيهِ، حَتَّى تُنْظِمِيهِ فَلَمَّا قَطَعْتُهُ أُنْثَى بِالصَّبِيِّ وَفِي يَدِهِ كِسْرَةُ حُبْزٍ، فَقَالَتْ: هَذَا يَا نَبِيَّ اللَّهِ قَدْ قَطَعْتُهُ، وَقَدْ أَكَلَ الطَّعَامَ، فَدَفَعَ الصَّبِيَّ إِلَى رَجُلٍ مِنَ الْمُسْلِمِينَ، ثُمَّ أَمْرَ بِهَا فَحُفِرَ لَهَا إِلَى صَدْرِهَا، وَأَمْرَ النَّاسَ فَرَجَمُوا، فَأَقْبَلَ خَالِدُ بْنُ الْوَلَيدِ بِحَجَرٍ فَرَمَى رَأْسَهَا، فَانْتَسَخَ الدَّمُ عَلَى وَجْهِ خَالِدٍ بْنِ الْوَلَيدِ، فَسَمِعَ نَبِيُّ اللَّهِ سَبَبًا إِيَاهَا، فَقَالَ: مَهْلًا يَا خَالِدُ بْنُ الْوَلَيدِ، فَوَاللَّهِ تَفْسِي بِنِيَّهُ، لَقَدْ ثَابَتْ تَوْبَةً لَوْ تَابَهَا صَاحِبُ مَكْسٍ لِغَفْرَانِهِ، ثُمَّ أَمْرَ بِهَا فَصَلَّى عَلَيْهَا وَدُفِنتَ

**[28810]** ‘Imrān ibn Huṣayn reported that a woman from Juhaynah came to the Prophet ﷺ... He said: “She has repented a repentance that if it were divided among seventy of the people of Medina, it would suffice them. Did she find anything better than offering her life?”

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَفَّانُ بْنُ مُسْلِمٍ، قَالَ: حَدَّثَنَا أَبْنُ الْعَطَّارِ، قَالَ: حَدَّثَنِي يَحْيَى بْنُ أَبِي كَثِيرٍ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْمُهَاجِرِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ امْرَأَةً مِنْ جِهَيْنَةَ أَنْتَتِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَتْ: إِنِّي أَصَبَّتُ حَدَّا فَأَقْمَهُ عَلَيَّ، وَهِيَ حَامِلٌ، فَأَمَرَ بِهَا أَنْ يُحْسِنَ إِلَيْهَا حَتَّى تَضَعَ، فَلَمَّا أَنْ وَضَعَتْ جِيَاءَ بِهَا إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَمَرَ بِهَا، فَسَلَّبَ عَنْهَا ثَيَابَهَا، ثُمَّ رَجَمَهَا وَصَلَّى عَلَيْهَا، فَقَالَ عُمَرُ: يَا نَبِيَّ اللَّهِ، أَصَلَّى عَلَيْهَا وَقَدْ زَرَتْ؟، فَقَالَ: لَقَدْ ثَابَتْ تَوْبَةً لَوْ قُسِّمَتْ بَيْنَ سَبْعِينَ مِنْ أَهْلِ الْمَدِينَةِ لَوْسِعُهُمْ، وَهُلْ وَجَدَتْ أَفْضَلَ مِنْ أَنْ جَاءَتْ بِنَفْسِهَا

**[28811]** Al-Sha'bī said: Shurāḥah, a woman from Hamdān, was brought to 'Alī pregnant from adultery. 'Alī ordered her to be imprisoned. When she delivered what was in her womb, he brought her out on Thursday, flogged her one hundred lashes, and stoned her on Friday.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنِ الْأَجْلَحِ،  
عَنِ الشَّعْبِيِّ، قَالَ: أُتِيَ عَلِيُّ بِشَرَاحَةَ، امْرَأَةً مِنْ  
هَمْدَانَ، وَهِيَ حُبْلَى مِنْ زَنَ، فَأَمْرَرَ بِهَا عَلِيُّ فَخِسْتَ فِي  
السَّجْنِ: فَلَمَّا وَضَعَتْ مَا فِي بَطْنِهَا أَخْرَجَهَا يَوْمَ  
الْحَمِيسِ، فَضَرَبَهَا مِائَةَ سَوْطٍ وَرَجَمَهَا يَوْمَ الْجُمُعَةِ

**[28812]** Abu Bakr narrated to us: Abu Mu'awiyah narrated to us, from Al-A'mash, from Abu Sufyan, from his shaykhs: A woman's husband was absent from her, then he returned while she was pregnant. He referred her to 'Umar, who ordered her to be stoned. Mu'adh said: "Even if you have authority over her, you have no authority over what is in her womb." So 'Umar said: "Imprison her until she gives birth." She gave birth to a boy who had two incisors. When his father saw him, he said: "My son." This reached 'Umar, and he said: "Women are incapable of giving birth to the likes of Mu'adh. Were it not for Mu'adh, 'Umar would have perished."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنِ الْأَعْمَشِ،  
عَنْ أَبِي سُفْيَانَ، عَنْ أَشْيَاعِهِ: أَنَّ امْرَأَةً غَابَ عَنْهَا  
رَوْجُهَا، ثُمَّ جَاءَ وَهِيَ حَامِلٌ فَرَفَعَهَا إِلَى عُمَرَ: فَأَمْرَرَ  
بِرَجْمِهَا، فَقَالَ مُعَاذٌ: إِنْ يَكُنْ لَكَ عَلَيْهَا سَبِيلٌ، فَلَا  
سَبِيلٌ لَكَ عَلَى مَا فِي بَطْنِهَا، فَقَالَ عُمَرُ: احْسُنُوهَا حَتَّى  
تَضَعَ، فَوَضَعَتْ غُلَامًا لَهُ تَبِيتَانِ، فَلَمَّا رَأَاهُ أَبُوهُ، قَالَ:  
أَبْنِي، فَبَلَغَ ذَلِكَ عُمَرَ، فَقَالَ: عَجَزَتِ النِّسَاءُ أَنْ يَلِدْنَ  
مِثْلَ مُعَاذٍ، لَوْلَا مُعَاذٌ هَلَكَ عُمَرُ

**[28813]** Abu Bakr narrated to us: Abu Khalid Al-Ahmar narrated to us, from Hajjaj, from Al-Qasim, from his father, from 'Ali, similar to it.

**[28814]** Abu Bakr narrated to us: 'Ubayd Allah ibn Musa narrated to us, from Al-Hasan ibn Salih, from Simak, who said: Fadl ibn Ka'b narrated to me, saying: 'Umar wanted to stone a woman who had committed adultery while she was pregnant. Mu'adh said to him: "Then you would be wronging her. What is the sin of the one in her womb? Why kill two souls for one soul?" So he left her until she delivered her load, then he stoned her.

**[28815]** Abu Bakr narrated to us: Waki' narrated to us, from Shu'bah, from Al-Minhal, from Zadhan: That 'Ali ordered regarding her, so she was wrapped in a cloak.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرَ، عَنْ حَاجَاجٍ، عَنْ الْفَاسِمِ، عَنْ أَبِيهِ، عَنْ عَلَيِّ، مِنْهُ حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْيَدُ اللَّهِ بْنُ مُوسَى، عَنِ الْحَسَنِ بْنِ صَالِحٍ، عَنْ سِمَاكٍ، قَالَ: حَدَّثَنِي فَضْلُ بْنُ كَعْبٍ، قَالَ: أَرَادَ عُمَرُ أَنْ يَرْجِمَ الْمُرْأَةَ الَّتِي فَجَرَتْ وَهِيَ حَامِلٌ، فَقَالَ لَهُ مُعَاذٌ: إِذَا تَظْلَمْتُهَا، أَرَأَيْتَ الَّذِي فِي بَطْنِهَا مَا ذَنَبَهُ؟ عَلَامَ تَقْتُلُ نَفْسَيْنِ بِنَفْسٍ وَاحِدَةٍ؟ فَتَرَكَهَا حَتَّى وَضَعَتْ حَمْلَهَا، ثُمَّ رَجَمَهَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ الْمِنْهَالِ، عَنْ زَادَانَ: أَنَّ عَلِيًّا أَمْرَ بِهَا فَلَفَتْ فِي عَبَاءٍ

**[28816]** Abu Bakr narrated to us: 'Abd al-Rahim narrated to us, from Salih ibn Salih, from 'Abd al-Rahman ibn Sa'id al-Hamdani, from Mas'ud, a man from the family of Abu al-Darda': When 'Ali stoned Shurahah, the people began to curse her. He said: "O people, do not curse her, for whoever has a prescribed punishment (hadd) carried out on them, it is their expiation, recompense for debt with debt."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ، عَنْ صَالِحِ بْنِ صَالِحٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَعِيدِ الْهَمْدَانِيِّ، عَنْ مَسْعُودٍ، رَجُلٍ مِنْ آلِ أَبِي الدَّرْدَاءِ: أَنَّ عَلِيًّا، لَمَّا رَجَمْ شُرَاحَةً جَعَلَ النَّاسُ يَلْعَنُونَهَا، فَقَالَ: أَيُّهَا النَّاسُ لَا تَلْعَنُوهَا، فَإِنَّ مَنْ أُقِيمَ عَلَيْهِ عَصَا حَدًّا فَهُوَ كَفَارَةً لِجَزَاءِ الدِّينِ بِالدِّينِ

**[28817]** Abu Bakr narrated to us: 'Abd Allah ibn Idris narrated to us, from Yazid, from 'Abd al-Rahman ibn Abi Layla: That when witnesses testified before 'Ali regarding adultery, he would order the witnesses to stone [first], then he would stone, then the people would stone. And if it was a confession, he would begin by stoning, then the people would stone.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ يَزِيدَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى: أَنَّ عَلِيًّا كَانَ إِذَا شَهَدَ عِنْدُهُ الشُّهُودُ عَلَى الزَّنَنَ أَمَرَ الشُّهُودَ أَنْ يَرْجُمُوا، ثُمَّ رَجَمَ هُوَ ثُمَّ رَجَمَ النَّاسُ، وَإِذَا كَانَ إِفْرَارًا بَدَا هُوَ فَرَجَمَ ثُمَّ رَجَمَ النَّاسُ

**[28818]** Abu Bakr narrated to us: Abu Khalid Al-Ahmar narrated to us, from Hajjaj, from Al-Hasan ibn Sa'id, from 'Abd al-Rahman ibn 'Abd Allah ibn Mas'ud, from 'Ali, who said: "O people, adultery is of two kinds: secret adultery and public adultery. Secret adultery is when witnesses testify, so the witnesses are the first to throw, then the Imam, then the people. Public adultery is when pregnancy appears or there is a confession, so the Imam is the first to throw." He said: And in his hand were three stones. He said: He threw a stone at her and hit her earhole, so she turned around, and the people threw.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ حَاجَاجٍ، عَنْ الْحَسَنِ بْنِ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، عَنْ عَلَيِّ، قَالَ: "إِنَّ إِلَيْهَا النَّاسُ، إِنَّ الرِّزْنَا زَيَاءً: زَرْنَا سِرْ وَزَرْنَا عَلَانِيَةً، فَزَرْنَا السَّرْ أَنْ يَشْهَدَ الشَّهُودُ فَيَكُونُ الشَّهُودُ أَوَّلُ مَنْ يَرْمِي، ثُمَّ الْإِمَامُ ثُمَّ النَّاسُ، وَزَرْنَا الْعَلَانِيَةَ أَنْ يَظْهَرَ الْحَبْلُ أَوِ الْإِعْتِرَافُ، فَيَكُونُ الْإِمَامُ أَوَّلُ مَنْ يَرْمِي"، قَالَ: وَفِي يَدِهِ ثَلَاثَةُ أَحْجَارٍ، قَالَ: فَرَمَاهَا بِحَجَرٍ فَأَصَابَ صِمَاحَهَا فَاسْتَدَارَتْ، وَرَمَى النَّاسُ

**[28819]** Abu Khalid Al-Ahmar narrated to us, from Hajjaj, from Al-Qasim, from his father, from 'Ali, similar to it.

حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ، عَنْ حَاجَاجٍ، عَنِ الْقَاسِيمِ، عَنْ أَبِيهِ، عَنْ عَلَيِّ، مِثْلُهُ

**[28820]** Abu Bakr narrated to us: Ghundar narrated to us, from Shu'bah, from Al-Hakam, who said: I heard 'Amr ibn Nafi' narrating from 'Ali, who said: "Stoning is of two types: the Imam stones then the people, and stoning where the witnesses stone, then the Imam, then the people." I said to Al-Hakam: "What is the stoning of the Imam?" He said: "When she gives birth or confesses. And the stoning of the witnesses is when they testify."

**[28821]** Abu Bakr narrated to us: Waki' narrated to us, from Shu'bah, who said: I said to Al-Hakam: "What is the stoning of the Imam?" He said: "When she gives birth or confesses. And if witnesses testify, the witnesses begin."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، قَالَ: سَمِعْتُ عَمْرَو بْنَ نَافِعَ، يُحَدِّثُ عَنْ عَلَيِّ، قَالَ: الرَّجْمُ رَجْمَانٍ، يَرْجُمُ الْإِمَامُ ثُمَّ النَّاسُ، وَرَجْمٌ يَرْجُمُ الشُّهُودُ ثُمَّ الْإِمَامُ ثُمَّ النَّاسُ، فَقُلْتُ لِلْحَكَمِ: مَا رَجْمُ الْإِمَامِ؟، قَالَ: إِذَا وَلَدْتُ أُو أَفَرَّتُ، وَرَجْمُ الشُّهُودِ إِذَا شَهُدُوا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ: قُلْتُ لِلْحَكَمِ: مَا رَجْمُ الْإِمَامِ؟، قَالَ: إِذَا وَلَدْتُ أُو أَفَرَّتُ، وَإِذَا شَهَدَ الشُّهُودُ بَدَا الشُّهُودُ

**[28822]** Abu Bakr narrated to us: Ibn 'Ulayyah narrated to us, from Al-Taymi, from Abu 'Uthman, who said: When Abu Bakrah and his two companions testified against Al-Mughirah, Ziyad came. 'Umar said to him: "A man will not testify, if Allah wills, except to the truth." He said: "I saw breathless panting and an evil assembly." 'Umar said: "Did you see the applicator enter the kohl container?" He said: "No." He said: "So he ordered regarding them, and they were flogged."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عَلِيَّةَ، عَنِ النَّيْمَىِّ، عَنْ أَبِي عُثْمَانَ، قَالَ: لَمَّا قَدِمَ أَبُو بَكْرَةَ وَصَاحِبَاهُ عَلَى الْمُغِيرَةِ جَاءَ زَيْدٌ، فَقَالَ لَهُ عُمَرُ: رَجُلٌ لَنْ يَشْهَدْ إِنْ شَاءَ اللَّهُ إِلَّا بِحَقٍّ، قَالَ: رَأَيْتُ أَنْهَارًا وَمَجَلِّسًا سَيِّئًا، فَقَالَ عُمَرُ: هَلْ رَأَيْتَ الْمِرْوَدَ دَخَلَ الْمُكْحَلَةَ، قَالَ: لَا، قَالَ: فَأَمْرَ بِهِمْ، فَجُلِّدُوا

**[28823]** Abu Bakr narrated to us: Yahya ibn Adam narrated to us, saying: Hammad ibn Zayd narrated to us, from Yahya ibn 'Atiq, from Ibn Sirin: That people testified against a man regarding adultery. He said: 'Uthman gestured with his hand: "Like this do you testify?" And he began inserting his index finger into his left fingers while clasping them.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ يَحْيَى بْنِ عَتِيقٍ، عَنْ ابْنِ سِيرِينَ: "أَنَّ أَنَاسًا شَهُدُوا عَلَى رَجُلٍ فِي زِنَى، قَالَ:، فَقَالَ عُثْمَانُ بْنِ عَيْدَةَ: هَكَذَا تَشْهُدُونَ أَنَّهُ وَجَعَلَ يُدْخِلُ إِصْبَاعَهُ السَّبَابَةَ فِي إِصْبَاعِهِ أَلْيُسْرَى وَقَدْ عَقَدَهَا عَشْرًا

**[28824]** Abu Bakr narrated to us: Abu Usamah narrated to us, from 'Awf, from Qasamah ibn Zuhayr, who said: When the matter of Abu Bakrah and Al-Mughirah ibn Shu'bah happened as it did, Abu Bakrah said: "Avoid or step aside from our prayer, for we will not pray behind you." He said: So he wrote to 'Umar about his affair. He said: So 'Umar wrote to Al-Mughirah: "To proceed, a report about you has reached me. If it is true about you, then it would have been better for you to have died before today." He said: So he wrote to him and to the witnesses to come to him. When they reached him, he called the witnesses, and they testified. Abu Bakrah, Shibl ibn Ma'bad, and Abu 'Abd Allah Nafi' testified. 'Umar said when these three testified: "Four have ruined Al-Mughirah." His affair was very distressing to 'Umar. When Ziyad stood up, he said: "You will testify, if Allah wills, only to the truth." Then he testified, saying: "As for adultery, I do not testify to it, but I saw a repulsive matter." So 'Umar said:

حَدَّثَنَا أُبُو بَكْرٍ قَالَ: حَدَّثَنَا أُبُو أَسَامَةَ، عَنْ عَوْفٍ، عَنْ قَسَامَةَ بْنِ رُهْبَنْ، قَالَ: لَمَّا كَانَ مِنْ شَأْنِ أَبِي بَكْرَةِ، وَالْمُغَيْرَةِ بْنِ شُعْبَةِ الَّذِي كَانَ، قَالَ أُبُو بَكْرَةُ: اجْتَبِ أَوْ تَحَجَّ عَنْ صَلَاتِنَا، فَإِنَّا لَا نُصَلِّي خَفْكَ، قَالَ: فَكَتَبَ إِلَى عُمَرَ فِي شَأْنِهِ، قَالَ: فَكَتَبَ عُمَرُ إِلَى الْمُغَيْرَةِ: أَمَا بَعْدُ، فَإِنَّهُ قَدْ رَقَى إِلَيَّ مِنْ حَدِيبِيَّةِ حَدِيبَةَ، فَإِنْ يَكُنْ مَصْدُوفًا عَلَيْكَ فَلَأَنْ تَكُونَ مِثْ قَبْلَ الْيَوْمِ خَيْرٌ لَكَ، قَالَ: فَكَتَبَ إِلَيْهِ وَإِلَى الشَّهُودِ أَنْ يُقْبِلُوا إِلَيْهِ، فَلَمَّا انْتَهَوْا إِلَيْهِ دَعَا الشَّهُودَ، فَشَهَدُوا، فَشَهَدَ أُبُو بَكْرَةُ وَشِبْلُ بْنُ مَعْبُدٍ، وَأُبُو عَبْدِ اللَّهِ، نَافِعٌ، فَقَالَ عُمَرُ حِينَ شَهَدَ هَؤُلَاءِ التَّلَاثَةَ: "أَوْدُ الْمُغَيْرَةَ أَرْبَعَةً، وَشَقَّ عَلَى عُمَرَ شَأْنَهُ جِدًا، فَلَمَّا قَامَ زَيَادٌ، قَالَ: إِنْ تَشْهَدَ إِنْ شَاءَ اللَّهُ إِلَّا بِحَقِّ ثُمَّ شَهَدَ، قَالَ: أَمَا الرِّزْنَا فَلَا أَشْهَدُ بِهِ، وَلَكِي رَأَيْتُ أَمْرًا قَبِيحًا، فَقَالَ عُمَرُ: اللَّهُ أَكْبَرُ، حُدُوْهُمْ، فَجَلَّوْهُمْ فَلَمَّا فَرَغَ مِنْ جَلْدِ أَبِي بَكْرَةَ قَامَ أُبُو بَكْرَةَ، فَقَالَ: أَشْهَدُ أَنَّهُ زَانِ، فَهَمَّ عُمَرُ أَنْ يُعِيدَ عَلَيْهِ الْحَدَّ، فَقَالَ عَلِيُّ: إِنْ جَلَدَهُ فَارْجُمْ صَاحِبَكَ، فَتَرَكَهُ فَلَمْ يُجْدَ، فَمَا قَدَّفَ مَرَّتَيْنِ بَعْدَ

**[28825]** Abu Bakr narrated to us: Abu Dawud Al-Tayalisi narrated to us, from Abu Khaldah, who said: Sa'id ibn Artah, the uncle of Abu 'Awn, met me and said: "Do you want to go to Abu Al-'Aliyah?" I said: "Yes." He said: "Then tell him: Al-Hasan, Ibn Sirin, and Thabit Al-Bunani testified against a woman and a man that they committed adultery. The woman confessed, but the man denied it." So I asked Abu Al-'Aliyah about that, and he said: "She met a man from the people of desires. He flogs Al-Hasan eighty lashes, Muhammad eighty, and Thabit eighty. The woman is stoned due to her confession, and the man goes free with nothing upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو دَاؤِدَ الطَّيَالِسِيُّ، عَنْ أَبِي حَلْدَةَ، قَالَ: لَقِينِي سَعِيدُ بْنُ أَرْطَاهُ عَمُ أَبِي عَوْنَ، فَقَالَ: تُرِيدُ أَنْ تَأْتِيَ أَبَا الْعَالِيَّةَ؟، قَالَ: نَعَمْ، قَالَ: فَقُلْ لَهُ: شَهَدَ الْحَسْنُ، وَابْنُ سِيرِينَ، وَثَابِثُ الْبَنَانِيُّ عَلَى امْرَأَةٍ وَرَجُلٍ أَنَّهُمَا زَنَيَا، وَأَفَرَّتِ الْمَرْأَةُ، وَأَنْكَرَ الرَّجُلُ فَسَأَلْتُ أَبَا الْعَالِيَّةَ عَنْ ذَلِكَ، فَقَالَ: لَقِيَتْ رَجُلًا مِنْ أَهْلِ الْأَهْوَاءِ، يَجْلِدُ الْحَسْنَ ثَمَانِينَ، وَمُحَمَّدًا ثَمَانِينَ، وَثَابِثًا ثَمَانِينَ، وَتُرْجَمُ الْمَرْأَةُ بِاعْتِزَارِهَا، وَيَذْهَبُ الرَّجُلُ لَيْسَ عَلَيْهِ شَيْءٌ

**[28826]** Abu Bakr narrated to us: Hushaym narrated to us, from Mughirah, from Al-Sha'bi: That the Jews said to the Prophet (peace be upon him): "What is the limit regarding that?" meaning stoning. He said: "If four witnesses testify that they saw it enter as the kohl stick enters the kohl container, then stoning becomes obligatory."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنْ الشَّعْبِيِّ: أَنَّ الْيَهُودَ قَالُوا لِلَّهِيَّ عَلَيْهِ السَّلَامُ: مَا حَدَّدَ لِكُمْ؟ يَعْنُونَ الرَّجْمَ، قَالَ: إِذَا شَهَدُوا أَرْبَعَةً أَنَّهُمْ رَأَوُهُ يَدْخُلُ كَمَا يَدْخُلُ الْمِيلُ فِي الْمُكْحَلَةِ، فَفَدَ وَجَبَ الرَّجْمُ

**[28827]** Abu Bakr narrated to us: Ibn Fudayl narrated to us, from Al-Shaybani, from Al-Sha'bi, who said: "If four testify to something, they protect their backs (from punishment), and their testimony is valid."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، قَالَ: إِذَا شَهَدَ أَرْبَعَةٌ عَلَى شَيْءٍ مَنْتَعَوا ظُهُورَهُمْ، وَجَازَتْ شَهَادَتُهُمْ

**[28828]** Abu Bakr narrated to us: Hafs ibn Ghiyath narrated to us, from Ja'far, from his father, who said: He said: "I would not like to be the first of the four witnesses."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غَيَاثٍ، عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، قَالَ: مَا أَحِبُّ أَنْ أَكُونَ أَوَّلَ شَهُودَ الْأَرْبَعَةِ

**[28829]** Abu Bakr narrated to us: Hafs ibn Ghiyath narrated to us, from Ibn Jurayj, who said: 'Ali was brought a man against whom two men testified that he stole. Something of the people's affairs took hold of him, and he threatened false witnesses, saying: "I will not be brought a false witness except that I will do such and such to him." He said: Then he sought the two witnesses but did not find them, so he let him go.

**[28830]** Abu Bakr narrated to us: Hafs ibn Ghiyath narrated to us, from Hajjaj, from Al-Hasan ibn Sa'd, from 'Abd Allah ibn Shaddad: A woman was brought to 'Umar and confessed to adultery four times. He said: "If you retract, we will not carry out the punishment on you." She said: "Two things shall not combine upon me: that I commit indecency and the punishment is not carried out on me." So he carried it out on her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: "أَتَيْتَ عَلَيِّ بِرَجُلٍ وَشَهَدَ عَلَيْهِ رَجُلٌ أَنَّهُ سَرَقَ، فَأَخَذَهُ شَيْءٌ مِنْ أُمُورِ النَّاسِ، وَتَهَدَّدَ شُهُودُ الرُّورِ، فَلَا أُوتَى بِشَاهِدٍ زُورٍ إِلَّا فَعَلْتُ بِهِ كَذَا وَكَذَا، قَالَ: ثُمَّ طَلَّبَ الشَّاهِدِينَ فَلَمْ يَجِدْهُمَا، فَخَلَّ سَبِيلًا

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ حَجَّاجٍ، عَنْ الْحَسَنِ بْنِ سَعْدٍ، عَنْ عَبْدِ اللَّهِ بْنِ شَدَّادٍ: أَنَّ امْرَأَةً رُفِعَتْ إِلَى عُمَرَ أَقْرَأَتْ بِالزِّنَاءِ أَرْبَعَ مَرَاتٍ، فَقَالَ: إِنْ رَجَعْتَ لَمْ نُقْمِدْ عَلَيْكَ، فَقَالَتْ: لَا يَجْمِعُ عَلَيَّ أَمْرَانِ: أَتَيْتَ بِالْفَاحِشَةِ وَلَا يُقْامُ عَلَيَّ الْحُدُُوْلُ، قَالَ: فَأَقْامَهُ عَلَيْهَا

**[28831]** Abu Bakr narrated to us: Hafs narrated to us, from Hajjaj, from Sulayman ibn Yasar: That 'Umar sent Abu Waqid to her, and he mentioned something similar.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ حَاجَاجِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، أَنَّ أَبَا وَاقِدِ، بَعْنَهُ عُمَرُ إِلَيْهَا فَذَكَرَ مِثْلَهُ

**[28832]** Abu Bakr narrated to us: Waki' narrated to us, from Isra'il, from Jabir, from 'Amir and 'Ata', who both said: "If someone confesses to a hadd offense of adultery or theft, then denies it, the hadd is averted from him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، وَعَطَاءٍ، قَالَا: إِذَا أَقَرَّ بِهِدْ رِنَّا أَوْ سَرِقَةٍ ثُمَّ جَحَدَ، دُرِئَ عَنْهُ الْحَدُّ

**[28833]** Abu Bakr narrated to us: Ibn Mubarak narrated to us, from Hammad ibn Salamah, from Qatadah, from Yahya ibn Ya'mar, who said: "If he has confessed, he has denied" - meaning the one who confesses to a hadd offense and then retracts.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ، عَنْ يَحْيَى بْنِ يَعْمَرَ، قَالَ: إِنْ كَانَ قَدْ أَقَرَّ، فَقَدْ أَنْكَرَ يَعْنِي الَّذِي يُقْرَرُ بِالْحَدُّ ثُمَّ يَرْجِعُ

**[28834]** Abu Bakr narrated to us: Zayd ibn Al-Hubab narrated to us, from Hammad ibn Salamah, from Humayd, from Al-Hasan: Concerning a man who confesses regarding people's contracts then denies it, he said: "He is held accountable for it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حُمَيْدٍ، عَنِ الْحَسَنِ: فِي الرَّجُلِ يُقْرُرُ عَدْهُ النَّاسُ ثُمَّ يَجْحَدُ، قَالَ: يُؤْخَذُ بِهِ

**[28835]** Abu Bakr narrated to us: Muhammad ibn Abi 'Adi narrated to us, from Ash'ath, from Al-Hasan: Regarding a man who confesses to a hadd offense other than before the authority, then denies it when referred, he did not consider it binding on him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ: فِي الرَّجُلِ يُقْرُرُ بِالْحَدِّ دُونَ السُّلْطَانِ، ثُمَّ يَجْحَدُ إِذَا رُفِعَ لَمْ يَرَ أَنْ يُلْزَمَهُ

**[28836]** Abu Bakr narrated to us: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Isma'il informed me, from Ibn Shihab, who said: "Whoever confesses many times to theft or a hadd offense, then denies it, is not punished."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي إِسْمَاعِيلُ، عَنْ ابْنِ شِهَابٍ، قَالَ: مَنْ اعْتَرَفَ مِرَارًا كَثِيرًا بِسَرِقةٍ أَوْ بِحَدًّ، ثُمَّ أَنْكَرَ لَمْ يُحَدَّ

**[28837]** Abu Bakr narrated to us: 'Abd al-Rahim ibn Sulayman narrated to us, from Al-Mujalid, from Al-Sha'bi, from Suwayd ibn Ghaflah: That a man from the People of the Dhimmah, from the Nabataeans of the people of Sham, pricked a woman on a riding beast, but she did not fall. So he pushed her with his hand and knocked her down, and her clothes were uncovered. He sat down to have intercourse with her. He was brought to 'Umar ibn Al-Khattab, and evidence was established against him. So he ordered him to be crucified and said: "We did not make a covenant with you for this."

**[28838]** Abu Bakr narrated to us: Aswad ibn 'Amir narrated to us, from Hammad ibn Salamah, from Qatadah: That 'Abd al-Malik ibn Marwan was brought a man from the People of the Dhimmah who had forced a Muslim woman, so he castrated him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنِ الْمُجَالِدِ، عَنِ الشَّعْبِيِّ، عَنْ سُوَيْدِ بْنِ غَفْلَةَ أَنَّ رَجُلًا مِنْ أَهْلِ الدِّمَّةِ مِنْ ثُبَيْطٍ أَهْلِ الشَّامِ تَخَسَّ بِإِمْرَأَةَ عَلَى دَابَّةٍ، فَلَمْ تَقْعُ فَدَفَعَهَا بِيَدِهِ فَصَرَّ عَهَا، فَانْكَسَفَتْ عَنْهَا ثُبَيْطَاهَا فَجَلَسَ لِيُجَامِعُهَا، فَرُفِعَ إِلَى عُمَرَ بْنِ الْخَطَّابِ وَقَامَتْ عَلَيْهِ الْبَيِّنَةُ، فَأَمَرَ بِهِ فَصُلِّبَ وَقَالَ: لَيْسَ عَلَى هَذَا عَاهَدْنَاكُمْ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَسْوَدُ بْنُ عَامِرٍ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَنَادَةَ أَنَّ عَبْدَ الْمَلِكِ بْنَ مَرْوَانَ أَتَيَ بِرَجُلٍ مِنْ أَهْلِ الدِّمَّةِ اسْتَكْرَهَ امْرَأَةً مُسْلِمَةً فَأَخْصَاهُ

**[28839]** Abu Bakr narrated to us: Al-Bakrawi narrated to us, from Isma'il ibn Muslim, from Al-Hasan, who said: "If a Dhimmi forces a Muslim woman, he is killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْبَكْرَاوِيُّ، عَنْ إِسْمَاعِيلَ بْنِ مُسْلِمٍ، عَنِ الْحَسَنِ، قَالَ: إِذَا اسْتَهْرَهُ الدَّمْيُ الْمُسْلِمَةَ قُتِلَ

**[28840]** Abu Bakr narrated to us: Isma'il ibn Ibrahim narrated to us, from Muhammad ibn Ishaq, from Muhammad ibn Ibrahim, from 'Ata' ibn Yasar: That Ma'iz ibn Malik came to the Prophet (peace be upon him) and confessed to adultery. He asked: "With whom?" He said: "With so-and-so, the freed slave of so-and-so." He sent for her, but she denied it, so he let her go and punished him based on his confession against himself. He did not mention that he flogged him the punishment for slander regarding her.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ: أَنَّ مَاعِزَ بْنَ مَالِكٍ أَشَى النَّبِيِّ عَلَيْهِ السَّلَامُ، فَأَفَرَّ عَلَى نَفْسِهِ بِالرِّزْنَاءِ، قَالَ: وَبِمَنْ؟، قَالَ: بِفُلَانَةَ مَوْلَةَ بْنِ فُلَانٍ فَأَرْسَلَ إِلَيْهَا فَأَنْكَرَتْ، فَخَلَّى سَبِيلَهَا، وَأَخْذَهَا بِمَا أَفَرَّ عَلَى نَفْسِهِ، وَلَمْ يَذْكُرْ أَنَّهُ جَلَدَ حَدَّ الْفَرِيزَةِ فِيهَا

**[28841]** Abu Bakr narrated to us: Ibn Abi 'Adi narrated to us, from Ash'ath, from Al-Hasan concerning a man who said: "I committed adultery with so-and-so." He said: "He is liable for the punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ فِي رَجْلٍ، قَالَ: زَنِيْتُ بِفُلَانَةَ، قَالَ: عَلَيْهِ الْحُدُّ

**[28842]** Abu Bakr narrated to us: Ibn 'Ulayyah narrated to us, from Salih ibn Muslim, from Al-Sha'bi concerning a man who said to a woman: "I testify that I have committed adultery with you." He said: "Flog him for what he slandered her with, but do not flog him for what he slandered himself with unless there is proof."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ صَالِحِ بْنِ مُسْلِمٍ، عَنِ الشَّعْبِيِّ فِي رَجُلٍ، قَالَ لِامْرَأَةً: أَشْهُدُ أَنِّي قَذَرَيْتُ بِكِ، قَالَ: اضْرِبْهُ بِمَا افْتَرَى عَلَيْهَا، وَلَا اضْرِبْهُ بِمَا افْتَرَى عَلَى نَفْسِهِ إِلَّا بِبَيِّنَةٍ

**[28843]** Abu Bakr narrated to us: 'Abd al-A'la narrated to us, from Sa'id, from Qatadah, who said: "He is flogged with two punishments." I said: "What if he lied?" He said: "He is flogged one punishment, and the other is averted from him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، قَالَ: يُجَلَّدُ حَدِينٌ، قُلْتُ: إِنَّدَى كَذَبَ؟، قَالَ: يُجَلَّدُ حَدًّا وَيُنْدَرُ أَعْنَهُ آخَرُ

**[28844]** Abu Bakr narrated to us: Yahya ibn Ya'la Al-Taymi narrated to us, from Mansur, from Ibrahim, who said: "If a woman says: 'So-and-so committed adultery with me,' she is flogged and he is not flogged."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَعْلَى التَّمِيميُّ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، قَالَ: إِنَّدَى قَالَتِ الْمَرْأَةُ: زَوْجِي بِي فُلَانٌ، تُجَلَّدُ وَلَا يُجَلَّدُ

**[28845]** Abu Bakr narrated to us: 'Abdah ibn Sulayman narrated to us, from Sa'id, from Qatadah, from Sa'id ibn al-Musayyib, concerning a man who said to his wife: "I saw you committing adultery before you were with me." Sa'id said: "Punishment, and no mutual cursing (li'an)." Al-Hasan said: "No punishment and no mutual cursing," because he said that to her while she was with him.

**[28846]** Abu Bakr narrated to us: Ibn Mubarak narrated to us, from Ibn Jurayj, from 'Ata', concerning a man who said to his wife: "You committed adultery while you were a slave." He said: "He is punished."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، فِي رَجُلٍ، قَالَ لِإِمْرَأَةٍ: رَأَيْتُكِ تَرْنَيْنَ قَبْلَ أَنْ تَكُونِي عِنْدِي، قَالَ سَعِيدٌ: حَدُّ، وَلَا مُلَائِعَةَ، وَقَالَ الْحَسَنُ: لَا حَدُّ، وَلَا مُلَائِعَةَ لِأَنَّهُ، قَالَ لَهَا ذَلِكَ وَهِيَ عِنْدَهُ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، فِي رَجُلٍ قَالَ لِإِمْرَأَتِهِ: زَيَّتْ وَأَنْتِ أَمْمَةً، قَالَ: يُحَدُّ

**[28847]** Abu Bakr narrated to us: Zayd ibn Al-Hubab narrated to us, from Abu 'Awana, from Abu Bishr, from 'Amr ibn Hiram, from Jabir ibn Zayd, from Ibn 'Abbas, concerning a man who divorced his wife once then slandered her. He said: "He is flogged the punishment," not like one who has not divorced. Ibn 'Umar said: "He engages in mutual cursing if he possesses the right of return."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ، عَنْ أَبِي عَوَانَةَ، عَنْ أَبِي شِرٍّ، عَنْ عَمْرِو بْنِ هِرَمٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ، فِي رَجْلٍ طَلَقَ امْرَأَتَهُ وَاحِدَةً ثُمَّ قَذَفَهَا، قَالَ: يُجْلَدُ الْحَدَّ، لَيْسَ كَمَنْ لَمْ يُطْلَقْ، وَقَالَ ابْنُ عُمَرَ: يُلَأِّعْنُ إِذَا كَانَ يَمْلِكُ الرَّجْعَةَ

**[28848]** Abu Bakr narrated to us: Ibn 'Ulayyah narrated to us, from Yunus, from Al-Hasan, who said: If a man divorces his wife three times, then slanders her, he said: "He is flogged the punishment unless she is pregnant. If she is pregnant, he engages in mutual cursing with her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ الْحَسَنِ، قَالَ: إِذَا طَلَقَ الرَّجُلُ امْرَأَتَهُ ثَلَاثَةً، ثُمَّ قَذَفَهَا، قَالَ: يُجْلَدُ الْحَدَّ إِلَّا أَنْ تَكُونَ حَامِلًا، فَإِنْ كَانَتْ حَامِلًا لَا عَنْهَا

**[28849]** Abu Bakr narrated to us: Jarir narrated to us, from Mansur, from Al-Hakam concerning a man who divorced his wife three times while she was pregnant, then denied what was in her womb. He said: "He is flogged, and the child is attributed to him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ الْحَكَمِ فِي رَجْلٍ طَلَقَ امْرَأَتَهُ ثَلَاثَةً وَهِيَ حُلْبَى، ثُمَّ انْتَفَى مِمَّا فِي بَطْنِهَا، قَالَ: يُجْدَدُ وَيُلْزَقُ بِهِ الْوَلَدُ

**[28850]** Abu Bakr narrated to us: Jarir narrated to us, from Mughirah, from Ibrahim, who said: "If he divorces three times, then denies his child while he does not possess the right of return, he is flogged and the child is attributed to him. If he denies his child while he possesses the right of return, he engages in mutual cursing and denies the child, even if he had never acknowledged it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا طَلَقَ ثَلَاثَةً، ثُمَّ انْتَفَى مِنْ وَلَدِهِ وَهُوَ لَا يَمْلِكُ الرَّجْعَةَ جُلْدٌ وَالْأُلْزَقُ بِهِ الْوَلَدُ، وَإِذَا انْتَفَى مِنْ وَلَدِهِ وَهُوَ يَمْلِكُ الرَّجْعَةَ لَا عَنْ وَنَفِي عَنْهُ الْوَلَدَ، وَإِنْ كَانَ لَمْ يُقْرَ بِهِ قَطُّ

**[28851]** Abu Bakr narrated to us: Ibn Idris narrated to us, from Al-Shaybani, from Al-Sha'bi concerning a man who divorced his wife irrevocably, and she claimed pregnancy, but he denied it. He said: "He engages in mutual cursing with her."

**[28852]** Abu Bakr narrated to us: Hushaym narrated to us, from Mughirah, from Al-Sha'bi, that he was asked about a man who divorced his wife three times, then she became pregnant by him, but he denied it. He said: "He engages in mutual cursing." Al-Harith said: "O Abu 'Amr, Allah said in His Book: {Those who accuse their wives} [An-Nur: 6]. Do you see her as his wife?" He said: "Yes." Al-Sha'bi said: "I am ashamed if I see the truth not to return to it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنِ الشَّيْبَانِيِّ،  
عَنِ الشَّعْبِيِّ فِي رَجُلٍ طَلَقَ امْرَأَهُ طَلَاقًا بَارِئًا فَادَعَتْ  
حَمْلًا فَانْتَفَى مِنْهُ، قَالَ: يُلَأِّعِنُهَا

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ مُغِيرَةَ، عَنِ  
الشَّعْبِيِّ، أَنَّهُ سُئِلَ عَنْ رَجُلٍ طَلَقَ امْرَأَهُ ثَلَاثَةً فَجَاءَتْ  
مِنْهُ بِحَمْلٍ فَانْتَفَى مِنْهُ، قَالَ: فَقَالَ: "يُلَأِّعِنُ، قَالَ: فَقَالَ  
الْحَارِثُ: "يَا أَبَا عَمْرِو إِنَّ اللَّهَ، قَالَ فِي كِتَابِهِ: {الَّذِينَ  
أَفْتَرَاهَا لَهُ رَوْجَهُ؟}"، [6] بِيَرْمُونَ أَزْوَاجَهُمْ} [النور]  
قَالَ: نَعَمْ، قَالَ: فَقَالَ الشَّعْبِيُّ: إِنِّي لَأَسْتَحِي إِذَا رَأَيْتُ  
الْحَقَّ إِلَّا رَجَعْتُ إِلَيْهِ

**[28853]** Abu Bakr narrated to us: 'Abbad narrated to us, from Al-Shaybani, from Al-Hakam and Hammad, from Ibrahim, regarding a man who divorces his wife irrevocably and then slanders her. He said: "He is beaten."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادٌ، عَنِ الشَّيْبَانِيِّ، عَنِ الْحَكَمِ، وَحَمَادٍ، عَنْ إِبْرَاهِيمَ فِي الرَّجُلِ يُطْلَقُ امْرَأَةً طَلَاقًا بَيْنَهَا ثَمَّ يَقْذِفُهَا، قَالَ: يُضْرَبُ

**[28854]** Abu Bakr narrated to us: 'Uthman ibn 'Uthman Al-Qurashi narrated to us, from 'Uthman Al-Laythi, who said: Al-Qasim ibn Muhammad used to say regarding a man who divorced his wife and then said to her: "You committed adultery while you were my wife." He said: "He engages in mutual cursing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عُثْمَانُ بْنُ عُثْمَانَ الْقُرَشِيِّ، عَنْ عُثْمَانَ الْلَّيْثِيِّ، قَالَ: كَانَ الْفَاسِدُ بْنُ مُحَمَّدٍ يَقُولُ فِي رَجُلٍ طَلَقَ امْرَأَةً ثَمَّ قَالَ لَهَا: زَنَيْتِ وَأَنْتَ امْرَأَتِي، قَالَ: يُلَأِّعْنُ

**[28855]** Abu Bakr narrated to us: Waki' narrated to us, from Isma'il ibn Abi Khalid, from Al-Sha'bi concerning a man who slandered and then divorced three times. He said: "He engages in mutual cursing with her as long as she is in the waiting period ('Iddah)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ فِي رَجُلٍ قَدْفَ، ثُمَّ طَلَقَ تَلَاقِ، قَالَ: يُلَأِّعْنُهَا مَا كَانَتْ فِي الْعِدَّةِ

**[28856]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan, from Mughirah, from Ibrahim, who said: "If he possesses the right of return, he engages in mutual cursing. If he does not possess the right of return, he is flogged."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ مُغِيرَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: إِذَا كَانَ يَمْلِكُ الرَّجْعَةَ لَا يَعْنِي، وَإِنْ كَانَ لَا يَمْلِكُ الرَّجْعَةَ جُلَادٌ

**[28857]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan, from Ghaylan, from Al-Hakam, who said: "He is beaten."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ غَيْلَانَ، عَنْ الْحَكَمِ، قَالَ: يُضْرَبُ

**[28858]** Abu Bakr narrated to us: 'Abd al-A'la narrated to us, from Ibn Abi 'Arubah, from 'Amir, from Makhul, that he said: "If he slanders and then divorces, he engages in mutual cursing."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ ابْنِ أَبِي عَرْوَبَةَ، عَنْ عَامِرٍ، عَنْ مَكْحُولٍ أَنَّهُ، قَالَ: إِذَا فَدَفَ تُمْ طَلَقَ لَا يَعْنِي

**[28859]** Abu Bakr narrated to us: Ibn Abi 'Adi narrated to us, from Ash'ath, from Al-Hasan regarding the pledge (Rahn): "He did not see any punishment for him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ فِي الرَّهْنِ: لَمْ يَرَ عَلَيْهِ حَدًّا

**[28860]** Abu Bakr narrated to us: Asbat ibn Muhammad narrated to us, from Mutarrif, from Al-Sha'bi, who said: "If you pledge your slave girl, do not have intercourse with her until you redeem her."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَسْبَاطُ بْنُ مُحَمَّدٍ، عَنْ مُطَرِّفٍ، عَنْ الشَّعْبِيِّ، قَالَ: إِذَا رَهْنْتَ وَلِيدَتَكَ، فَلَا تَقْعُدُ عَلَيْهَا حَتَّى تُقْتَكَهَا

**[28861]** Abu Bakr narrated to us: Ibn Mubarak narrated to us, from Abu Bakr ibn Abi Maryam, from Hakim ibn 'Umayr, who said: 'Umar ibn Al-Khattab wrote: "No commander of an army or expedition should flog anyone until he returns to the path, lest the zeal of Satan drives him to join the disbelievers."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ أَبِي بَكْرِ بْنِ أَبِي مَرْيَمٍ، عَنْ حَكِيمِ بْنِ عَمِيرٍ، قَالَ: كَتَبَ عُمَرُ بْنُ الْخَطَّابَ: أَلَا يَجْلَدَنَّ أَمِيرُ جَيْشٍ وَلَا سَرِيَّةٌ أَحَدًا حَتَّى يَطْلُعَ عَلَى الدَّرْبِ لِنَلَّا تَحْمِلَهُ حَمِيمَةُ الشَّيْطَانِ أَنْ يَلْحَقَ بِالْكُفَّارِ

**[28862]** Abu Bakr narrated to us: Ibn Mubarak narrated to us, from Abu Bakr ibn 'Abd Allah ibn Abi Maryam, from Humayd ibn Fulan ibn Ruman: That Abu Al-Darda' forbade establishing any hadd punishment on anyone in enemy territory.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مُبَارَكٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي مَرْيَمٍ، عَنْ حُمَيْدِ بْنِ فُلَانِ بْنِ رُومَانَ: أَنَّ أَبَا الدَّرْدَاءِ نَهَى أَنْ يُقَامَ عَلَى أَحَدٍ حَدٌّ فِي أَرْضِ الْعُدُوِّ

**[28863]** Abu Bakr narrated to us: 'Isa ibn Yunus narrated to us, from Al-A'mash, from Ibrahim, from 'Alqamah, who said: We invaded the land of the Romans, and Hudhayfah was with us. A man from Quraysh was over us, and he drank wine. We wanted to punish him, but Hudhayfah said: "Will you punish your commander when you have approached your enemy, causing them to covet you?" So he said: "I will surely drink it even if it is forbidden, and I will drink it despite those who dislike it."

**[28864]** Abu Bakr narrated to us: Muhammad ibn Sawa' narrated to us, from Khalid, from Jabir ibn Zayd regarding one who has intercourse with a mahram. He said: "Strike his neck."

**[28865]** Abu Bakr narrated to us: Yazid ibn Harun narrated to us, from 'Abbad ibn Mansur, from 'Ikrimah, from Ibn 'Abbas, who said: "Kill everyone who has intercourse with a mahram."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْفَمَةَ، قَالَ: غَزَّوْنَا أَرْضَ الرُّومِ وَمَعَنَا حُدَيْفَةُ وَعَلَيْنَا رَجُلٌ مِنْ قُرَيْشٍ فَشَرَبَ الْخَمْرَ، فَأَرَدْنَا أَنْ نَحْدَهُ، فَقَالَ حُدَيْفَةُ: "اَنْحَدُوْنَ اَمِيرَكُمْ وَقَدْ دَنَوْنَا مِنْ عَدُوْكُمْ فَيَطْمَعُونَ فِيهِمْ، فَقَالَ: لَا شَرَبَنَّاهَا وَإِنْ كَانَتْ مُحَرَّمَةً، وَلَا شَرِبَنَّ عَلَى رَغْمِ مَنْ أَرْغَمَهَا

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ، عَنْ خَالِدٍ، عَنْ جَابِرِ بْنِ زَيْدٍ فِيمَنْ أَتَى ذَاتَ مَحْرَمٍ مِنْهُ، قَالَ: ضَرْبَةٌ عُنْقٌ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ عَبَادِ بْنِ مَنْصُورٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: افْتُلُوا كُلَّ مَنْ أَتَى ذَاتَ مَحْرَمٍ

**[28866]** Abu Bakr narrated to us: Hafs ibn Ghiyath narrated to us, from Ash'ath, from 'Adi ibn Thabit, from Al-Bara' ibn 'Azib: That the Prophet (peace be upon him) sent someone to a man who married his father's wife, ordering him to bring his head.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَسْعَثٍ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ الْبَرَاءِ بْنِ عَازِبٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: بَعَثَ إِلَى رَجُلٍ تَزَوَّجَ امْرَأَةً أُبِيهِ، فَأَمْرَأَهُ أَنْ يَأْتِيهِ بِرَأْسِهِ

**[28867]** Abu Bakr narrated to us: Waki' narrated to us, from Hasan ibn Salih, from Al-Sa'di, from 'Adi ibn Thabit, from Al-Bara', who said: I met my maternal uncle carrying a banner. I asked him, and he said: "The Prophet (peace be upon him) sent me to a man who married his father's wife to kill him or strike his neck."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ السَّعْدِيِّ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ الْبَرَاءِ، قَالَ: أَقِيتُ خَالِي وَمَعْهُ الرَّأْيَةُ، فَقُلْتُ لَهُ، فَقَالَ: بَعَثَنِي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى رَجُلٍ تَزَوَّجَ امْرَأَةً أُبِيهِ أَنْ أَفْتَلَهُ أَوْ أَضْرِبَ عُنْقَهُ

**[28868]** Abu Bakr narrated to us: Ibn Abi 'Adi narrated to us, from Humayd, from Bakr, who said: A man who committed incest with his daughter was brought to Al-Hajjaj. He said: "I do not know with which method I should kill this one?" and he intended to crucify him. 'Abd Allah ibn Mutarrif and Abu Burdah said to him: "Allah has concealed this nation with the best of what Islam conceals; kill him." He said: "You have spoken the truth." So he ordered him to be killed.

**[28869]** Abu Bakr narrated to us: Hafs narrated to us, from 'Amr, who said: I asked him what Al-Hasan used to say about someone who marries a mahram while knowing it. He said: "He is subject to the hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ حُمَيْدٍ،  
عَنْ بَكْرٍ، قَالَ: رُفِعَ إِلَى الْحَجَاجَ رَجُلٌ رَأَى بِابْنَتِهِ،  
فَقَالَ: مَا أَدْرِي بِأَيِّ قِتْلَةٍ أَفْتُلُ هَذَا؟ وَهُمْ أَنْ يَصْلِبُهُ،  
فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ مُطَرْفٍ، وَأَبُو بُرْدَةَ: "سَتَرَ اللَّهُ  
هَذِهِ الْأُمَّةَ بِأَحَبَّ مَا سَتَرَ الْإِسْلَامُ أَفْتُلُهُ، قَالَ: صَدَقْتُمَا،  
فَأَمَرْتُ بِهِ قَتْلِهِ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصٌ، عَنْ عَمْرٍو، قَالَ:  
سَأَلَّتُهُ مَا كَانَ الْحَسَنُ يَقُولُ فِيمَنْ تَرَوْجَ ذَاتَ مَحْرَمٍ مِنْهُ  
وَهُوَ يَعْلَمُ، قَالَ: عَلَيْهِ الْحُدُودُ

**[28870]** Abu Bakr narrated to us: Sufyan ibn 'Uyaynah narrated to us, from Humayd Al-A'raj, from Yahya ibn 'Abd Allah ibn Sayfi: That 'Umar wrote to Abu Musa: "Do not reach more than thirty lashes in ta'zir (discretionary punishment)."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ حُمَيْدِ الْأَعْرَجِ، عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ صَيْفِيِّ: أَنَّ عُمَرَ كَتَبَ إِلَى أَبِي مُوسَى: أَلَا تَنْبُلُ فِي تَعْزِيرٍ أَكْثَرَ مِنْ ثَلَاثَيْنَ

**[28871]** Abu Bakr narrated to us: Ibn 'Uyaynah narrated to us, from Jami', from Abu Wa'il: That a man wrote to Umm Salamah regarding a debt she owed him, rebelling against her regarding it. So 'Umar ibn Al-Khattab ordered him to be flogged thirty lashes. Some of our companions said: All of them cut and bruise.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ جَامِعِ، عَنْ أَبِي وَائِلٍ: أَنَّ رَجُلًا كَتَبَ إِلَى أُمِّ سَلَمَةَ فِي دِيْنِ لَهُ قِيلَاهَا يَخْرُجُ عَلَيْهَا فِيهِ: فَأَمَرَ عُمَرُ بْنُ الْخَطَّابِ أَنْ يُضْرَبَ ثَلَاثَيْنَ جَلْدًا، قَالَ بَعْضُ أَصْحَابِنَا: كُلُّهَا يُبْسِطُ وَيَحْدُرُ

**[28872]** Abu Bakr narrated to us: Hafs narrated to us, from Ash'ath, from Al-Sha'bi, who said: "Ta'zir is between one lash and forty."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ أَشْعَثَ، عَنْ الشَّعْبِيِّ، قَالَ: التَّعْزِيرُ مَا بَيْنَ السُّوْطِ إِلَى الْأَرْبَعِينَ

**[28873]** Abu Bakr narrated to us: Ibn 'Ulayyah narrated to us, from Sadaqah ibn 'Abd Allah, from Al-Harith ibn 'Utbah: That 'Umar ibn 'Abd al-'Aziz was brought a man who cursed 'Uthman. He said: "What led you to curse him?" He said: "I hate him." He said: "And if you hate a man, do you curse him?" He said: So he ordered him to be flogged thirty lashes.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُلَيْهِ، عَنْ صَدَقَةَ بْنِ عَبْدِ اللَّهِ، عَنْ الْحَارِثِ بْنِ عُثْنَةَ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ: أُتِيَ بِرَجُلٍ يَسْبُّ عُثْمَانَ، فَقَالَ: مَا حَمَلْتَ عَلَى أَنْ سَبَبَتَهُ؟، قَالَ: أُبْغَضُهُ، قَالَ: "وَإِنْ أَبْغَضْتَ رَجُلاً سَبَبَتَهُ؟، قَالَ: فَأَمْرَ بِهِ فَجُلِدَ ثَلَاثَيْنَ جَلْدًا

**[28874]** Abu Bakr narrated to us: Ibn Idris narrated to us, from Talhah ibn Yahya, who said: I was sitting with 'Umar ibn 'Abd al-'Aziz when a man came to him and asked him for an obligatory share. He did not assign him one. He said: "He is a disbeliever in Allah if he does not assign him one." He said: So he flogged him between ten and fifteen lashes.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ طَلْحَةَ بْنِ يَحْيَى، قَالَ: كُنْتُ جَالِسًا عِنْدَ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ فَجَاءَهُ رَجُلٌ فَسَأَلَهُ الْفَرِيضَةَ، فَأَمْ يَفْرَضُ لَهُ، فَقَالَ: هُوَ كَافِرٌ بِاللَّهِ إِنْ لَمْ يَفْرَضْ لَهُ، قَالَ: فَضَرَبَهُ مَا بَيْنَ الْعَشَرَةِ إِلَى الْخَمْسَةِ عَشَرَ

**[28875]** Abu Bakr narrated to us: Shababah narrated to us, saying: Layth ibn Sa'd narrated to us, from Yazid ibn Abi Habib, from Bukayr ibn 'Abd Allah, from Sulayman ibn Yasar, from 'Abd al-Rahman ibn Jabir, from Abu Burdah ibn Niyar, who said: The Messenger of Allah (peace be upon him) said: "No one should be flogged more than ten lashes except in a hadd punishment."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَبَابَةُ، قَالَ: حَدَّثَنَا لَيْثُ بْنُ سَعْدٍ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ جَابِرٍ، عَنْ أَبِي بُرْدَةَ بْنِ نَيَارٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا يُجَلَّ فَوْقَ عَشَرَةِ أَسْوَاطٍ إِلَّا فِي حَد\*

**[28876]** Abu Bakr narrated to us: Ibn Numayr narrated to us, from Isma'il ibn Abi Khalid, from 'Imran, from Al-Sha'bi: That he was asked about four who testified against a man that he was not the son of so-and-so, and four testified that he was the son of so-and-so. He said: "Avert [punishment] from these because they are four, and believe the others."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ نُمَيْرٍ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ عِمْرَانَ، عَنْ الشَّعْبِيِّ: أَنَّهُ سُئِلَ عَنْ أَرْبَعَةِ شَهِدُوا عَلَى رَجُلٍ أَنَّهُ لَيْسَ ابْنَ فُلَانٍ: وَشَهَدَ أَرْبَعَةً أَنَّهُ ابْنُ فُلَانٍ، فَقَالَ: ادْرِأْ عَنْ هُؤُلَاءِ، لِأَنَّهُمْ أَرْبَعَةٌ وَصَدَّقُ الْأَخْرَيْنَ

**[28877]** Abu Bakr narrated to us: Sharik narrated to us, from 'Abd Allah, from 'Ikrimah, who said: 'Umar said to 'Abd al-Rahman ibn 'Awf: "If I were the judge and governor, and then I saw a person committing a hadd offense, would I carry it out on him?" He said: "No, until someone else testifies with me." He said: "You are correct, and if you had said otherwise, you would not have found (agreement)."

**[28878]** Abu Bakr narrated to us: Ibn Mahdi narrated to us, from Sufyan, who said: I heard Hammad saying: "We heard that the judge accepts his own statement regarding what is confessed before him, except for hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ عَبْدِ اللَّهِ، عَنْ عِكْرِمَةَ، قَالَ: قَالَ عُمَرُ لِعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ: أَرَأَيْتَ لَوْ كُنْتُ الْقَاضِيَ وَالْوَالِيَ، ثُمَّ أَبْصَرْتُ إِنْسَانًا عَلَى حَدٍّ، أَكْنُتُ مُقِيمًا عَلَيْهِ؟، قَالَ: لَا. حَتَّى يَشْهَدَ مَعِي غَيْرِي، قَالَ: أَصَبْتَ، وَلَوْ فَلَّتُ غَيْرَ لَمْ تَجِدْ

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، قَالَ: سَمِعْتُ حَمَادًا، يَقُولُ: سَمِعْنَا أَنَّ الْحَاكِمَ يُجَوِّزُ قَوْلَهُ فِيمَا اعْتَرَفَ عِنْدَهُ إِلَّا الْحُدُودَ

**[28879]** Abu Bakr narrated to us: Hafs ibn Ghiyath narrated to us, from Ash'ath, from Al-Hasan: That he was asked about a woman who clings to a man and says: "He did [it] to me." Al-Hasan said: "She has slandered a Muslim man; she is subject to the hadd punishment." He said: Ibrahim said: "She is claiming a right, how can you say that?"

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ: أَنَّهُ سُئِلَ عَنِ الْمَرْأَةِ تَعْلَقُ بِالرَّجُلِ فَتَقُولُ: فَعَلَ بِي، فَقَالَ الْحَسَنُ: قَدْفَتْ رَجُلًا مِنَ الْمُسْلِمِينَ، عَلَيْهَا الْحُدُودُ، قَالَ: وَقَالَ إِبْرَاهِيمُ: هِيَ طَالِبَةٌ حَقًّ، كَيْفَ تَقُولُ

**[28880]** Abu Bakr narrated to us: 'Abd al-Rahman narrated to us, from Al-Ash'ath, from Al-Hasan, regarding a man about whom a woman said: "This man committed adultery with me." He said: "She is flogged for slandering the man, and the man is not flogged."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ، عَنِ الْأَشْعَثِ، عَنِ الْحَسَنِ، فِي رَجُلٍ قَالَتْ لَهُ امْرَأً: إِنَّ هَذَا زَوْجِي بِي، قَالَ: تُجْلَدْ بِقَذْفِهَا الرَّجُلُ، وَلَا يُجْلَدُ الرَّجُلُ

**[28881]** Abu Bakr narrated to us: Ibn Idris narrated to us, from his father, his uncle, and Yahya ibn Abi Al-Haytham, from his father, from his grandfather: That he witnessed 'Ali being brought a man and a woman found in the ruins of Murad. They were brought to 'Ali, and the man said: "My cousin and stepdaughter under my care." His companions began saying: "Say 'my husband'." So she said: "He is my husband." 'Ali said: "Take your wife's hand."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِنْرِيسَ، عَنْ أَبِيهِ،  
وَعَمَّهِ، وَيَحْيَى بْنُ أَبِي الْهَيْثَمِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّهُ  
شَهِدَ عَلَيْهِ وَأُتْيَ بِرَجُلٍ وَامْرَأَةٍ وُجِدَا فِي حَرَبٍ مُرَادٍ،  
فَأُتْيَ بِهِمَا عَلَيْهِ، فَقَالَ: "إِنْتُ عَمِّي وَرَبِّي فِي  
حِجْرِي، فَجَعَلَ أَصْحَابُهُ يَقُولُونَ: قُولِي زَوْجِي، فَقَالَتْ:  
هُوَ زَوْجِي، فَقَالَ عَلَيْهِ: خُذْ بِيَدِ امْرَأَتِكَ

**[28882]** Abu Bakr narrated to us: Waki' narrated to us, from Shu'bah, from Al-Hakam and Hammad, who said: "It is averted from him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، عَنْ  
الْحَكَمِ، وَحَمَادٍ، قَالَا: يُدْرَأُ عَنْهُ

**[28883]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan, from Jabir, from 'Amir, who said: "It is averted from him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ  
جَابِرٍ، عَنْ عَامِرٍ، قَالَ: يُدْرَأُ عَنْهُ

**[28884]** Abu Bakr narrated to us: Ibn Fudayl narrated to us, from Ibrahim, regarding a woman caught with a man, and she says: "He married me." Ibrahim said: "If this were true, there would be no hadd punishment on any adulterer."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ إِبْرَاهِيمَ، فِي الْمَرْأَةِ تُؤْخَذُ مِنَ الرَّجُلِ فَتَشُوُّلُ: تَرْوَجَنِي، فَقَالَ إِبْرَاهِيمُ: لَوْ كَانَ هَذَا حَقًّا مَا كَانَ عَلَى زَانِ حَدُّ

**[28885]** Abu Bakr narrated to us: 'Isa ibn Yunus narrated to us, from Al-Awza'i, who said: I asked Al-Zuhri about a man who denied another man's lineage from a father he had in polytheism. He said: "He is subject to the hadd punishment because he denied his lineage."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، قَالَ: سَأَلْتُ الزُّهْرِيَّ عَنْ رَجُلٍ نَفَرَ رَجُلًا مِنْ أَبِيهِ لِهِ فِي الشَّرْكِ، فَقَالَ: عَلَيْهِ الْحَدُّ لِأَنَّهُ نَفَاهُ مِنْ نَسِيْهِ

**[28886]** Abu Bakr narrated to us: 'Abd al-A'la narrated to us, from Ma'mar, from Al-Zuhri: That a man from the Muhajirun was slandered during the time of 'Umar ibn Al-Khattab, and his mother had died in the pre-Islamic period. 'Umar flogged him for the sanctity of the Muslim.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ: أَنَّ رَجُلًا مِنَ الْمُهَاجِرِينَ افْتَرَى عَلَيْهِ عَلَيْهِ عَهْدٍ عُمَرَ بْنِ الْخَطَّابِ، وَكَانَتْ أُمُّهُ مَاتَتْ فِي الْجَاهِلِيَّةِ: فَجَلَّهُ عُمَرُ لِحُرْمَةِ الْمُسْلِمِ

**[28887]** Abu Bakr narrated to us: Ibn Idris narrated to us, from his uncle, from Al-Sha'bi: That he was asked about a man who slandered another man whose mother was a polytheist. He said: "Do you see if a man slandered Al-Ash'ath? Would he not be beaten?"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ عَمِّهِ، عَنِ الشَّعْبِيِّ: أَنَّهُ سُئِلَ عَنْ رَجُلٍ قَدَفَ رَجُلًا وَأُمُّهُ مُشْرِكَةً، قَالَ: أَرَأَيْتَ لَوْ أَنَّ رَجُلًا قَدَفَ الْأَشْعَثَ؟ أَلَمْ يُضْرِبْ؟

**[28888]** Abu Bakr narrated to us: Ibn Mahdi narrated to us, from Sufyan, from Sa'id Al-Zubaydi, from Hammad, from Ibrahim regarding a man who says to another: "You are not your father's son," while his mother is a Jewish or Christian slave. He said: "There is no hadd punishment on him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفيَانَ، عَنْ سَعِيدِ الزُّبَيْدِيِّ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ فِي الرَّجُلِ يَقُولُ لِرَجُلٍ: لَسْتَ لِأَبِيكَ، وَأُمُّهُ أَمَّةُ يَهُودٍ أَوْ نَصْرَانِيَّةٍ، قَالَ: لَا حَدَّ عَلَيْهِ

**[28889]** Abu Bakr narrated to us: Ibn Abi Ghaniyyah narrated to us, from his father, from Al-Hakam, who said: "If a man slanders another man who has a Jewish or Christian mother, there is no hadd punishment on him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي غَنَيْمَةَ، عَنْ أَبِيهِ، عَنِ الْحَكَمِ، قَالَ: إِذَا قَدَفَ الرَّجُلُ الرَّجُلَ وَلَهُ أُمٌّ يَهُودِيَّةً أَوْ نَصْرَانِيَّةً، فَلَا حَدَّ عَلَيْهِ

**[28890]** Abu Bakr narrated to us: Jarir narrated to us, from Mughirah, from Hammad regarding a man who is absent from his wife and has not consummated the marriage, but she becomes pregnant or gives birth. He said: "If his absence was in a distant land, she is not believed and the hadd punishment is carried out on her. If he was in a nearby land where they believe he could visit her secretly, she is believed regarding the child being from her husband."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُغِيرَةَ، عَنْ حَمَادٍ فِي الرَّجُلِ يَغِيبُ عَنْ امْرَأَتِهِ وَلَمْ يَدْخُلْ بِهَا، فَتَجِيءُ بِحَمْلٍ أَوْ بِوَلَدٍ، قَالَ: إِنْ كَانَتْ عَيْنِتُهُ بِأَرْضٍ بَعِيدَةٍ لَمْ تُصَدَّقْ وَيُقَامُ عَلَيْهَا الْحَدُّ، وَإِنْ كَانَ فِي أَرْضٍ قَرِيبَةٍ يَرَوْنَ اللَّهَ يَأْتِيهَا سِرًا صُدِّقَتْ بِالْوَلَدِ أَنَّهُ مِنْ زَوْجِهَا

**[28891]** Abu Bakr narrated to us: 'Isa ibn Yunus narrated to us, from Al-Awza'i, from Al-Zuhri, who said: "If a man slanders another man, and he pardons him and calls witnesses, then brings him to the Imam after that, he takes his right from him even if thirty years have passed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنْ الْأُوزَاعِيِّ، عَنِ الزُّهْرِيِّ، قَالَ: لَوْ أَنَّ رَجُلًا قَدْفَ رَجُلًا فَعَفَّا وَأَشْهَدَ، ثُمَّ جَاءَ بِهِ إِلَى الْإِمَامَ بَعْدَ ذَلِكَ، أَخْذَ لَهُ بِحَقِّهِ وَلَوْ مَكَثَ تَلَاثِينَ سَنَةً

**[28892]** Abu Bakr narrated to us: Waki' narrated to us, from Ibn 'Awn, who said: "I asked Al-Hasan and Ibn Sirin about a man who slanders another man and he pardons him. Al-Hasan said: 'No.' Ibn Sirin said: 'I do not know.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ ابْنِ عَوْنِ، قَالَ:  
سَأَلْتُ الْحَسَنَ، وَابْنَ سِيرِينَ عَنِ الرَّجُلِ يَقْتُلُ عَلَى  
الرَّجُلِ فَيَعْفُو، قَالَ الْحَسَنُ: لَا، وَقَالَ ابْنُ سِيرِينَ: مَا  
أَنْدَرِي

**[28893]** Abu Bakr narrated to us: Ibn 'Uyaynah narrated to us, from Ruzayq, who said: I wrote to 'Umar ibn 'Abd al-'Aziz about a man who slandered his son, [saying]: "If my father is flogged, I will confess." 'Umar wrote to me: "Flog him, unless he pardons him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عَيْنَةَ، عَنْ رُزَيْقٍ، قَالَ:  
كَتَبْتُ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فِي رَجُلٍ قَدَّفَ ابْنَهُ: إِنْ  
جُلَدَ أَبِي اعْتَرَفْتُ: فَكَتَبَ إِلَيَّ عُمَرُ أَنْ اجْلُدْهُ، إِلَّا أَنْ  
يَعْفُو عَنْهُ

**[28894]** Abu Bakr narrated to us: 'Abd al-Rahim ibn Sulayman narrated to us, from Zakariyya, from Jabir, from 'Amir: That he was asked about a man whose right hand they wanted to cut off, but he offered his left hand and it was cut off. He said: "The right hand is not cut off."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ  
رَجَرِيَا، عَنْ جَابِرٍ، عَنْ عَامِرٍ: أَنَّهُ سُئِلَ عَنْ رَجُلٍ  
أَرَادُوا أَنْ يَقْطَعُوا يَدَهُ الْيُمَنِيَّ، فَقَدَّمَ يَدَهُ الْيُسْرَى  
فَقُطِعَتْ، قَالَ: لَا تُقْطِعُ الْيُمَنِيَّ

**[28895]** Abu Bakr narrated to us: 'Isa ibn Yunus narrated to us, from Al-Awza'i, from Yahya ibn Abi Kathir: That 'Ali allowed that.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: أَنَّ عَلَيْهَا أَمْضَى ذَلِكَ

**[28896]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan, from Jabir, from 'Amir regarding an Imam who was brought a thief and was carried away, so his left hand was cut off. He said: "He is left alone."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ فِي إِمَامٍ أُتِيَ بِسَارِقٍ فَحُمِلَ، فَقُطِعَ يَسَارُهُ، قَالَ: يُثْرَك

**[28897]** Abu Bakr narrated to us: Muhammad ibn Muyassar narrated to us, from Ibn Jurayj, from someone who narrated to him from Al-Qasim ibn Muhammad, who said: Sa'id ibn al-Musayyib and I agreed regarding a man who is ordered to have his right hand cut off, if he offers his left hand to the copper and he cuts it off. They said: "His hand is disabled, and the retaliation remains in its place."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُيَسَّرٍ، عَنْ ابْنِ جُرَيْجٍ، عَمَّنْ حَدَّثَهُ عَنِ الْفَاسِمِ بْنِ مُحَمَّدٍ، قَالَ: اجْتَمَعْتُ أَنَا وَسَعِيدُ بْنُ الْمُسَيَّبٍ، فِي الرَّجُلِ إِذَا أُمِرَ بِقَطْعِ يَمِينِهِ إِنْ دَسَ إِلَى الْحَجَامِ يَسَارُهُ فَقَطَعُهَا، قَالَا: يَدُهُ ثُعَّلْنَ وَالْقَرْدُ فِي مَوْضِعِهِ

**[28898]** Abu Bakr narrated to us: Hatim ibn Isma'il narrated to us, from 'Abd al-Rahman ibn Harmalah, who said: A neighbor of mine divorced while drunk, so he ordered me to ask Sa'id ibn al-Musayyib. He said: "If the truth is applied to him, he is flogged eighty lashes and separated from his wife."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ، قَالَ: طَلَقَ جَارٌ لِي سَكْرَانُ، فَأَمَرَنِي أَنْ أَسْأَلَ سَعِيدَ بْنَ الْمُسَيْبِ، قَالَ: إِنْ أَصِيبَ فِيهِ الْحَقُّ، جِلْدٌ ثَمَانِينَ وَفُرِّقَ بَيْنَهُ وَبَيْنَ أَهْلِهِ

**[28899]** Abu Bakr narrated to us: Mu'tamir ibn Sulayman narrated to us, from Layth, from 'Abd al-Rahman ibn 'Anbasah: That 'Umar ibn 'Abd al-'Aziz validated his divorce and flogged him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ لَيْثٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَنْبَسَةَ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ أَجَازَ طَلاقَهُ وَجَلَّدَهُ

**[28900]** Abu Bakr narrated to us: Isma'il ibn Ibrahim narrated to us, from Ayyub, from Al-Hasan and Ibn Sirin, who both said: "The divorce of a drunkard is valid, and his back is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ أَيُوبَ، عَنِ الْحَسَنِ، وَابْنِ سِيرِينَ أَنَّهُمَا قَالَا: طَلاقُ السَّكْرَانِ جَائِزٌ، وَيُجْلَدُ ظَهْرُهُ

**[28901]** Abu Bakr narrated to us: Waki' narrated to us, from Ja'far, from Maymun, who said: "His divorce is valid, and he is flogged."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ جَعْفَرٍ، عَنْ مَيْمُونِ، قَالَ: يَجُوزُ طَلاقُهُ وَيُجْلَدُ

**[28902]** Abu Bakr narrated to us: 'Isa ibn Yunus narrated to us, from Al-Awza'i, from Al-Zuhri, who said: "If a drunkard frees a slave or divorces, his divorce is valid, and the hadd punishment is carried out on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ، عَنِ الْأَوْزَاعِيِّ، عَنِ الرُّهْرِيِّ، قَالَ: إِذَا أَعْتَقَ أَوْ طَلَقَ السَّكْرَانَ جَازَ طَلَاقُهُ، وَأُقْيِمَ عَلَيْهِ الْحَدُّ

**[28903]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan, from someone who heard Al-Sha'bi say: "His divorce is valid, and his back is hurt (flogged)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَمَّنْ سَمِعَ الشَّعْبِيَّ، يَقُولُ: يَجُوزُ طَلَاقُهُ وَيُوجَعُ ظَهْرُهُ

**[28904]** Abu Bakr narrated to us: 'Abbad ibn Al-'Awwam narrated to us, from 'Umar ibn 'Amir, from Hammad, from Ibrahim: That 'Ali and 'Abd Allah differed regarding a slave mother who committed adultery. 'Ali said: "She is flogged and not exiled." 'Abd Allah said: "She is flogged and exiled."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ عُمَرَ بْنِ عَامِرٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ: أَنَّ عَلَيًّا، وَعَبْدَ اللَّهِ اخْتَلَفَا فِي أُمٍّ وَلَدٍ بَغْتَ، فَقَالَ عَلَيٌّ: تُجَلَّدُ وَلَا نَفِي عَلَيْهَا، وَقَالَ عَبْدُ اللَّهِ: تُجَلَّدُ وَتَنْفَقُ

**[28905]** Abu Bakr narrated to us: Yahya ibn Adam narrated to us, saying: Isra'il narrated to us, from Mansur, from Ibrahim regarding a slave mother who commits immorality. He said: "The hadd punishment of a slave girl is carried out on her, and she remains in her status."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، قَالَ حَدَّثَنَا إِسْرَائِيلُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ فِي أُمِّ الْوَلَدِ تَفْجُرُ، قَالَ: يُقَامُ عَلَيْهَا حُدُّ الْأُمَّةِ، وَهِيَ عَلَى مَنْزِلَتِهَا

**[28906]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan, who said: I heard Hammad saying: "Testimony on testimony is not accepted in hadd punishments."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، قَالَ: سَمِعْتُ حَمَادًا، يَقُولُ: لَا تَحُجُّرُ شَهَادَةً عَلَى شَهَادَةٍ فِي حُدُّ

**[28907]** Abu Bakr narrated to us: Ibn Abi Za'idah narrated to us, from Ibn Salim, from Al-Sha'bi, who said: "Testimony on testimony is not accepted in retaliation (Qisas) or hadd punishments."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَيْدَةَ، عَنْ ابْنِ سَالِمٍ، عَنِ الشَّعْبِيِّ، قَالَ: لَا تَحُجُّرُ شَهَادَةً عَلَى شَهَادَةٍ فِي قِصَاصٍ وَلَا حُدُّ

**[28908]** Abu Bakr narrated to us: Al-Fadl ibn Dukayn narrated to us, from Hisham, from Muhammad, from Hammad, from Ibrahim, who said: "A man's testimony against another man is not accepted in hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنِ، عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، عَنْ حَمَادٍ، عَنْ إِبْرَاهِيمَ، قَالَ: لَا تَجُوزُ شَهَادَةُ الرَّجُلِ عَلَى الرَّجُلِ فِي الْحُدُودِ

**[28909]** Abu Bakr narrated to us: Humayd ibn 'Abd al-Rahman narrated to us, from Hasan, from Layth, from Tawus and 'Ata', who said: "Testimony on testimony is not accepted in hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَسَنٍ، عَنْ لَيْثٍ، عَنْ طَاؤُسٍ، وَعَطَاءٍ، قَالَا: لَا تَجُوزُ شَهَادَةُ عَلَى شَهَادَةِ فِي حَدٍّ

**[28910]** Abu Bakr narrated to us: Waki' narrated to us, from Isra'il, from Jabir, from 'Amir, from Shurayh and Masruq, that they said: "Testimony on testimony is not accepted in hadd punishments, and bail is not accepted in hadd punishments."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلٍ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، عَنْ شَرِيعٍ، وَمَسْرُوقٍ، أَنَّهُمَا قَالَا: لَا تَجُوزُ شَهَادَةُ عَلَى شَهَادَةِ فِي حَدٍّ، وَلَا يُكْفَلُانِ فِي حَدٍّ

**[28911]** Abu Bakr narrated to us: 'Abd Allah ibn Idris narrated to us, from Mutarrif, from 'Amir, who said: "If he flees to the Haram (Sanctuary), he is safe. But if he committed it in the Haram, the hadd punishment is carried out on him in the Haram."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ مُطَرِّفٍ، عَنْ عَامِرٍ، قَالَ: إِذَا هَرَبَ إِلَى الْحَرَمِ فَقَدْ أَمِنَ، فَإِنْ أَصَابَهُ فِي الْحَرَمِ أُقْيِمَ عَلَيْهِ الْحَدُّ فِي الْحَرَمِ

**[28912]** Abu Bakr narrated to us: Ibn Idris narrated to us, from Layth, from 'Ata': That Al-Walid wanted to carry out a hadd punishment on a man in the Haram. 'Ubayd ibn 'Umayr said to him: "Do not carry it out unless he committed it therein."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ لَيْثٍ، عَنْ عَطَاءً: أَنَّ الْوَلِيدَ أَرَادَ أَنْ يُقْيِمَ عَلَى رَجُلٍ الْحَدَّ فِي الْحَرَمِ، فَقَالَ لَهُ عُبَيْدُ بْنُ عُمَيْرٍ: لَا تُقْمِنْ إِلَّا أَنْ يَكُونَ أَصَابَةً فِيهِ

**[28913]** Abu Bakr narrated to us: 'Abd Allah ibn Idris narrated to us, from Hisham, from Al-Hasan and 'Ata', who said: "If he committed a hadd offense outside the Haram, then came to the Haram, he is taken out of the Haram so that it can be carried out on him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ الْحَسَنِ، وَعَطَاءً، قَالَا: إِذَا أَصَابَ حَدًّا فِي غَيْرِ الْحَرَمِ، ثُمَّ جَاءَ إِلَى الْحَرَمِ أُخْرَجَ مِنَ الْحَرَمِ حَتَّى يُقْامَ عَلَيْهِ

**[28914]** Abu Bakr narrated to us: Abu Al-Ahwas narrated to us, from Khusayf, from Mujahid, who said: "If a man commits a hadd offense outside the Haram, then comes to the Haram, he is taken out of the Haram and the hadd punishment is carried out on him. If he commits it in the Haram, it is carried out on him in the Haram."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ حُصَيْفٍ، عَنْ مُجَاهِدٍ، قَالَ: إِذَا أَصَابَ الرَّجُلُ الْحَدُّ فِي غَيْرِ الْحَرَمِ، ثُمَّ آتَى الْحَرَمَ، أَخْرَجَ مِنَ الْحَرَمِ، وَأُقْيِمَ عَلَيْهِ الْحَدُّ، وَإِذَا أَصَابَهُ فِي الْحَرَمِ أُقْيِمَ عَلَيْهِ فِي الْحَرَمِ

**[28915]** Abu Bakr narrated to us: 'Abd al-Salam ibn Harb narrated to us, from Khusayf, from Mujahid: That a man killed another man, then entered the Haram. He said: "He is taken and brought out of the Haram, then the hadd punishment is carried out on him," meaning execution.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ، عَنْ حُصَيْفٍ، عَنْ مُجَاهِدٍ: أَنَّ رَجُلًا قَتَلَ رَجُلًا، ثُمَّ دَخَلَ الْحَرَمَ، قَالَ: يُؤْخَذُ فَيُخْرَجُ بِهِ مِنَ الْحَرَمِ، ثُمَّ يُقَاتَلُ عَلَيْهِ الْحَدُّ، يَقُولُ: الْفَتْنَةُ

**[28916]** Abu Bakr narrated to us: 'Abd al-Salam narrated to us, from 'Ata' ibn Al-Sa'ib, from Sa'id and 'Abd al-Malik, from 'Ata', regarding a man who kills and then enters the Haram. He said: "The people of Mecca should not trade with him, nor buy from him, nor give him drink, nor feed him, nor shelter him, nor marry him until he leaves and is seized."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدُ السَّلَامَ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ سَعِيدٍ، وَعَبْدِ الْمَالِكِ، عَنْ عَطَاءٍ، فِي الرَّجُلِ يَقْتُلُ ثُمَّ يَدْخُلُ الْحَرَمَ، قَالَ: لَا تُبَلِّغُهُ أَهْلُ مَكَّةَ وَلَا يَسْتَرُونَهُ، وَلَا يَسْقُونَهُ، وَلَا يُطْعَمُونَهُ، وَلَا يُؤْوَونَهُ، وَلَا يُنْكِحُونَهُ حَتَّى يَخْرُجَ فَيُؤْخَذَ بِهِ

**[28917]** Abu Bakr narrated to us: Abu Mu'awiyah narrated to us, from Hajjaj, from 'Ata', from Ibn 'Umar and Ibn 'Abbas, who said: "If we found the killer of our fathers in the Haram, we would not kill him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو مُعاوِيَةَ، عَنْ حَاجَاجٍ، عَنْ عَطَاءٍ، عَنْ أَبْنَى عُمَرَ، وَأَبْنَى عَبَّاسٍ، قَالَا: لَوْ وَجَدْنَا قَاتِلَ آبَائِنَا فِي الْحَرَمِ لَمْ نَفْتَلْهُ

**[28918]** Abu Bakr narrated to us: Waki' narrated to us, from Shu'bah, who said: I asked Al-Hakam and Hammad about a man who kills and then enters the Haram. Hammad said: "He is taken out and the hadd punishment is carried out on him." Al-Hakam said: "He is not traded with nor eaten with."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ شُعْبَةَ، قَالَ: سَأَلْتُ الْحَكَمَ وَحَمَادًا عَنِ الرَّجُلِ يَقْتُلُ، ثُمَّ يَدْخُلُ الْحَرَمَ، قَالَ حَمَادٌ: يُخْرَجُ فَيُقَاتَلُ عَلَيْهِ الْحَدُّ، وَقَالَ الْحَكَمُ: وَلَا يُبَايِعُ وَلَا يُؤَاكِلُ

**[28919]** Abu Bakr narrated to us: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Abu Bakr ibn 'Abd Allah informed me that Khalid ibn Sa'id narrated to him from Sa'id ibn Al-Musayyib and 'Ubayd Allah ibn 'Abd Allah ibn 'Utbah: That they were asked about a thief who steals, throws his stolen goods outside the house, and is caught inside the house where he stole the goods. Is he subject to cutting (of the hand)? They said: "He is subject to cutting."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي أَبُو بَكْرٍ بْنُ عَبْدِ اللَّهِ: أَنَّ خَالِدَ بْنَ سَعِيدٍ، حَدَّثَهُ عَنْ سَعِيدِ بْنِ الْمُسِيَّبِ، وَعُبَيْدَ اللَّهَ بْنَ عَبْدِ اللَّهِ بْنَ عُثْمَانَ: أَنَّهُمَا سُئلَا عَنِ السَّارِقِ يَسْرُقُ، فَيَطْرُحُ سَرْقَتَهُ خَارِجًا مِنَ الْبَيْتِ، وَيُؤْخَذُ فِي الْبَيْتِ الَّذِي يَسْرُقُ فِيهِ الْمَنَاعُ، أَعْلَمُهُ الْقَطْعُ، فَقَالَا: عَلَيْهِ الْقَطْعُ

**[28920]** Abu Bakr narrated to us: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Ma'mar informed me, from Khusayf, who said: Some people lost goods from their house. They saw a breach in the house and went out looking, and behold, two men were running. They caught one of them with their goods, while the other escaped. He said: So we brought him, and he said: "I did not steal anything. The one who escaped hired me and gave me these goods to carry for him. I do not know where he got them from." Khusayf said: So he wrote about him to 'Umar ibn 'Abd al-'Aziz, and he wrote back: "Punish him and keep him in prison perpetually, but do not cut his

حَدَّنَا أَبُو بَكْرٍ قَالَ: حَدَّنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: أَخْبَرَنِي مَعْمَرٌ، عَنْ حُصَيْفٍ، قَالَ: فَقَدْ قَوْمٌ مَنَاعُوا لَهُمْ مِنْ بَيْتِهِمْ، فَرَأَوْا نَقْبًا فِي الْبَيْتِ فَخَرَجُوا يَنْظُرُونَ، فَإِذَا رَجُلًا يَسْعَى، فَأَدْرَكُوا أَحَدُهُمَا مَعَهُ مَنَاعُهُمْ وَأَفْلَتُهُمُ الْآخَرُ، قَالَ: فَأَتَنَا بِهِ، قَالَ: لَمْ أَسْرِقْ شَيْئًا، وَإِنَّمَا اسْتَأْجَرْنِي هَذَا الَّذِي أَفْلَتَ وَدَفَعَ إِلَيَّ هَذَا الْمَنَاعَ لِأَحْمِلَهُ لَهُ، لَا أَدْرِي مِنْ أَيْنَ جَاءَ بِهِ؟، قَالَ حُصَيْفٌ: فَكَتَبَ بِهِ إِلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فَكَتَبَ: أَنْ يُنَكَّلَ وَيُؤْلَدَ السَّجْنُ، وَلَا يَقْطَعُهُ

**[28921]** Abu Bakr narrated to us: Hushaym narrated to us, from Isma'il ibn Abi Khalid, from 'Amir regarding a man who took a garment from another man and said: "You stole it." He replied: "I only took it as a right due to me from him." Al-Sha'bi said: "There is no hadd punishment on him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا هُشَيْمٌ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَالِدٍ، عَنْ عَامِرٍ فِي رَجُلٍ أَخَدَ مِنْ رَجُلٍ تَوْبَةً، فَقَالَ: سَرْفَتْهُ، قَالَ: إِنَّمَا أَخْدَثُهُ بِحَقٍّ لِي عَلَيْهِ، فَقَالَ الشَّعْبِيُّ: لَا حَدَّ عَلَيْهِ

**[28922]** Abu Bakr narrated to us: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: 'Ata' said: "If you find stolen goods with an evil man who is accused, and he says: 'I bought it,' but does not establish from whom he bought it, or says: 'I found it,' his hand is not cut nor is he punished."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْحٍ، قَالَ: قَالَ عَطَاءُ: "إِنْ وَجَدْتَ سَرْفَةً مَعَ رَجُلٍ سَوْءٍ يُنَهِّمُ، فَقَالَ: ابْتَغُنُهَا، فَلَمْ يَنْفُذْ مِنْ ابْتَاغَهَا مِنْهُ، أَوْ، قَالَ: وَجَدْنُهَا، لَمْ يُفْطِعْ وَلَمْ يُعَافَ"

**[28923]** Abu Bakr narrated to us: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: 'Umar ibn 'Abd al-'Aziz wrote a letter which I read: "If goods are found with a man and he says: 'I bought it,' do not cut his hand. Bind him tightly in prison and do not release him based on anyone's word until the command of Allah comes regarding him." He said: I mentioned that to 'Ata', and he disapproved of it.

**[28924]** Abu Bakr narrated to us: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, from Ibn Tawus, from his father, who said: I heard Ibn Al-Zubayr say: "Whoever raises a weapon then puts it down, his blood is permissible." He said: And Tawus held that view.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ بِكِتَابٍ قَرَأْنَاهُ: إِذَا وُجِدَ الْمَتَّاعُ مَعَ الرَّجُلِ، فَقَالَ: ابْتَعْثُهُ، فَلَمْ يَطْعَهُ، فَأَشْدَدَهُ فِي السَّجْنِ وَثَاقًا وَلَا تُخْلِهِ بِكَلَامٍ أَحَدٍ حَتَّى يَأْتِي فِيهِ أَمْرُ اللَّهِ"، قَالَ: فَدَكَرْتُ ذَلِكَ لِعَطَاءٍ فَأَنْكَرَهُ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ طَاؤِسٍ، عَنْ أَبِيهِ، قَالَ: سَمِعْتُ ابْنَ الرُّبَّيرِ، يَقُولُ: مَنْ رَفَعَ السَّلَاحَ، ثُمَّ وَضَعَهُ فَدَمَهُ هَذَرُ، قَالَ: وَكَانَ طَاؤِسٌ يَرَى ذَلِكَ

**[28925]** Abu Bakr narrated to us: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Ma'mar informed me, from Ibn Shihab: That a man struck another man with a sword, and Marwan ibn Al-Hakam did not cut off his hand. And that 'Umar ibn 'Abd al-'Aziz cut off a man's hand for that based on a letter from Al-Walid ibn 'Abd al-Malik.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي مَعْمَرٌ، عَنِ ابْنِ شِهَابٍ: أَنَّ رَجُلًا ضَرَبَ رَجُلًا بِالسَّيْفِ، فَلَمْ يَقْطَعْ مَرْوَانُ بْنُ الْحَكَمِ يَدَهُ، وَأَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ: قَطَعَ يَدَ رَجُلٍ فِي ذَلِكِ بِكِتَابِ الْوَلِيدِ بْنِ عَبْدِ الْمَالِكِ

**[28926]** Abu Bakr narrated to us: Muhammad ibn Bakr narrated to us, from Ibn Jurayj, who said: Ziyad informed me: That Ibn Shihab informed him, saying: Safwan ibn Al-Mu'attal struck Hassan ibn Al-Furay'ah with a sword because of satire he directed at him. "The Messenger of Allah (peace be upon him) did not cut off his hand."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنِ ابْنِ جُرَيْجٍ، قَالَ: أَخْبَرَنِي زِيَادٌ: أَنَّ ابْنَ شِهَابٍ أَخْبَرَهُ، قَالَ: ضَرَبَ صَفْوَانُ بْنُ الْمُعَطَّلِ حَسَانَ بْنَ الْفُرَيْعَةَ بِالسَّيْفِ فِي هِجَاءِ هَجَاءٍ: فَلَمْ يَقْطَعْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدَهُ

**[28927]** Abu Bakr narrated to us: Abu Usamah narrated to us, from 'Ubayd Allah, from Nafi', from Ibn 'Umar, who said: The Messenger of Allah (peace be upon him) said: "Whoever raises a weapon against us is not one of us."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو أُسَامَةُ، عَنْ عُبَيْدِ اللَّهِ،  
عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى  
اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ رَفَعَ عَلَيْنَا السَّلَاحَ، فَلَيْسَ مِنَ

**[28928]** Abu Bakr narrated to us: Jarir narrated to us, from Al-'Ala' ibn Al-Musayyib, from Khaythamah, who said: 'Umar said: "Whoever brandishes a weapon against us is not one of us."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ الْعَلَاءِ بْنِ  
الْمُسَيَّبٍ، عَنْ خَيْثَمَةَ، قَالَ: قَالَ عُمَرُ: لَيْسَ مِنْ مَنْ  
شَهَرَ السَّلَاحَ عَلَيْنَا

**[28929]** Abu Bakr narrated to us: Jarir ibn 'Abd al-Hamid narrated to us - or I was told from him - from Mansur, from Ibrahim, from 'Alqamah, similarly.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ، أَوْ  
حَدَّثَنِي عَنْهُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ،  
بِلَحْوِهِ

**[28930]** Abu Bakr narrated to us: Mus'ab ibn Al-Miqdam narrated to us, from 'Ikrimah ibn 'Ammar, from Iyas ibn Salamah, from his father, who said: The Messenger of Allah (peace be upon him) said: "Whoever draws a sword against us is not one of us."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُصْبَعُ بْنُ الْمِقْدَامَ، عَنْ  
عَكْرِمَةَ بْنِ عَمَارٍ، عَنْ إِيَاسِ بْنِ سَلَمَةَ، عَنْ أَبِيهِ، قَالَ:  
قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ سَلَّ عَلَيْنَا  
السَّيْفَ، فَلَيْسَ مِنَ

**[28931]** Abu Bakr narrated to us: Yahya ibn Adam narrated to us, from Sharik, from Muhammad ibn 'Ajlan, from his father, from Abu Hurayrah, who said: The Messenger of Allah (peace be upon him) said: "Whoever raises a weapon against us is not one of us."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ، عَنْ شَرِيكٍ،  
عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ:  
قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ رَفَعَ عَلَيْنَا  
السَّلَاحَ فَلَيْسَ مِنَّا

**[28932]** Abu Bakr narrated to us: Abu Khalid Al-Ahmar Sulayman ibn Hayyan narrated to us, from Al-A'mash, from Abu Zabyan, from Usamah, who said: The Messenger of Allah (peace be upon him) sent us on an expedition, and we attacked Al-Huraqat from Juhaynah in the morning. I caught up with a man, and he said: "There is no god but Allah," but I stabbed him. I felt uneasy about it, so I mentioned it to the Prophet (peace be upon him). The Messenger of Allah said: "Did he say 'There is no god but Allah' and you killed him?" I said: "O Messenger of Allah, he only said it out of fear of the weapon." He said: "Did you tear open his heart to know whether he said it (sincerely) or not?" He kept repeating it to me until I wished I had embraced Islam that day.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرَ سُلَيْمَانُ بْنُ حَيَّانَ، عَنْ الْأَعْمَشِ، عَنْ أَبِي طْبَيْبَيْنَ، عَنْ أَسَامَةَ، قَالَ: بَعَثَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي سَرِيرَةٍ فَصَبَّحْنَا الْحُرْقَاتِ مِنْ جُهَيْنَةَ، فَأَدْرَكْتُ رَجُلًا، فَقَالَ: لَا إِلَهَ إِلَّا اللَّهُ، فَطَعَنْتُهُ، فَوَقَعَ فِي نَفْسِي مِنْ ذَلِكَ، فَذَكَرَهُ لِلنَّبِيِّ عَلَيْهِ السَّلَامُ فَقَالَ رَسُولُ اللَّهِ: قَالَ: لَا إِلَهَ إِلَّا اللَّهُ وَقَتَلَهُ؟، قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّمَا قَالَهَا فَرَقًا مِنَ السَّلَاحِ، قَالَ: أَفَلَا شَفِقْتَ عَنْ قَلْبِهِ حَتَّى تَعْلَمَ قَالَهَا أَمْ لَا؟، قَالَ: فَمَا زَالَ يُكَرِّرُهَا عَلَيَّ حَتَّى شَهَدَتِي أَنِّي أَسْلَمْتُ يَوْمَئِذٍ

**[28933]** Abu Mu'awiyah narrated to us, from Al-A'mash, from Abu Zabyan, from Usamah, who said:

The Messenger of Allah (peace be upon him) sent us on an expedition... and he mentioned similar to it.

حَدَّثَنَا أَبُو مُعَاوِيَةُ، عَنِ الْأَعْمَشِ، عَنْ أَبِي طَبْيَانَ، عَنْ أَسَامَةَ، قَالَ: بَعَثْنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي سَرِيَّةٍ فَذَكَرَ نَحْوَهُ

**[28934]** Abu Bakr narrated to us: Hafs ibn Ghiyath narrated to us, from Al-A'mash, from Abu Sufyan, from Jabir, and from Abu Salih, from Abu Hurayrah, who said: The Messenger of Allah (peace be upon him) said: "I have been ordered to fight people until they say 'There is no god but Allah.' If they say it, they have protected their blood and wealth from me except for its right, and their reckoning is with Allah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الْأَعْمَشِ، عَنْ أَبِي سُفْيَانَ، عَنْ جَابِرٍ، وَعَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا: لَا إِلَهَ إِلَّا اللَّهُ، فَإِذَا قَالُوهَا مَنَعْنَا مِنِي دِمَاءُهُمْ وَأَمْوَالُهُمْ إِلَّا بِحَقِّهَا وَحِسَابُهُمْ عَلَى اللَّهِ"

**[28935]** Abu Bakr narrated to us: Abu Khalid Al-Ahmar narrated to us, from Abu Malik, from his father, who said: I heard the Prophet (peace be upon him) say: "Whoever professes the Oneness of Allah and disbelieves in what is worshipped besides Him, his blood becomes inviolable, and his reckoning is with Allah."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو خَالِدُ الْأَحْمَرُ، عَنْ أَبِي مَالِكٍ، عَنْ أَبِيهِ، قَالَ: سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: مَنْ وَحَدَ اللَّهَ وَكَفَرَ بِمَا يُعْبَدُ مِنْ دُونِهِ فَقَدْ حَرُمَ دَمُهُ، وَجَسَابَهُ عَلَى اللَّهِ

**[28936]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan, from Abu Al-Zubayr, from Jabir, who said: The Messenger of Allah (peace be upon him) said: "I have been ordered to fight people until they say 'There is no god but Allah.' If they say it, they have protected their blood and wealth from me except for its right, and their reckoning is with Allah." Then he recited: {So remind, you are only a reminder. You are not over them a controller.} [Al-Ghashiyah: 22].

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِبْعٌ، قَالَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي الرُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا: لَا إِلَهَ إِلَّا اللَّهُ، فَإِذَا قَالُوهَا عَصَمُوا مِنِي دِمَاءُهُمْ وَأَمْوَالُهُمْ إِلَّا بِحَقِّهَا، وَجَسَابُهُمْ عَلَى اللَّهِ، ثُمَّ قَرَأَ {فَذَكَرْ إِنَّمَا أَنْتَ مُذَكَّرٌ لَسْتَ عَلَيْهِمْ بِمُصَيْطِرٍ} [الغاشية 22]

**[28937]** Abu Bakr narrated to us: 'Abd Allah ibn Bakr Al-Sahmi narrated to us, from Hatim ibn Abi Saghirah, from Al-Nu'man ibn Salim: That 'Amr ibn Aws informed him from his father: That the Messenger of Allah (peace be upon him) said: "I have been ordered to fight people until they say 'There is no god but Allah.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بَكْرٍ السَّهْمِيُّ،  
عَنْ حَاتِمِ بْنِ أَبِي صَغِيرَةَ، عَنْ النُّعْمَانِ بْنِ سَالِمٍ: أَنَّ  
عَمْرَو بْنَ أَوْسٍ، أَخْبَرَهُ عَنْ أَبِيهِ: أَنَّ رَسُولَ اللَّهِ صَلَّى  
اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: "أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى  
يَقُولُوا: لَا إِلَهَ إِلَّا اللَّهُ

**[28938]** Abu Bakr narrated to us: Al-Fadl ibn Dukayn narrated to us, from Aban ibn 'Abd Allah, from Ibrahim ibn Jarir, who said: The Messenger of Allah (peace be upon him) said: "I have been ordered to fight people until they say 'There is no god but Allah.'"

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَينٍ، عَنْ أَبْنَاءِ  
بْنِ عَبْدِ اللَّهِ، عَنْ إِبْرَاهِيمَ بْنِ جَرِيرٍ، قَالَ: قَالَ رَسُولُ  
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى  
يَقُولُوا: لَا إِلَهَ إِلَّا اللَّهُ

**[28939]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan, from Abu Salih Mawla Al-Taw'amah, from Abu Hurayrah, who said: The Messenger of Allah (peace be upon him) said: "I have been ordered to fight people until they say 'There is no god but Allah.' If they say it, their blood and wealth are forbidden to me except for its right, and their reckoning is with Allah."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي صَالِحٍ مَوْلَى التَّوَامَةِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا: لَا إِلَهَ إِلَّا اللَّهُ، فَإِذَا قَالُوهَا حُرِّمَتْ عَلَيَّ دِمَاؤُهُمْ وَأَمْوَالُهُمْ إِلَّا بِحَقِّهَا، وَجِسَابُهُمْ عَلَى اللَّهِ

**[28940]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan, from Habib ibn Abi 'Amrah, from Sa'id ibn Jubayr, who said: Al-Miqdad ibn Al-Aswad went out on an expedition. They passed by a man with a small flock of sheep, and they wanted to kill him. He said: "There is no god but Allah." Al-Miqdad said: "He wished to save his family and wealth." When they returned, they mentioned that to the Prophet (peace be upon him), and the verse was revealed: {O you who have believed, when you go forth [to fight] in the cause of Allah, investigate; and do not say to one who gives you [a greeting of] peace 'You are not a believer,' aspiring for the goods of worldly life} [An-Nisa': 94]. He said: The spoils. {For with Allah are many acquisitions. You [yourselves] were like that before} [An-Nisa': 94]. He said: You used to conceal your faith from the polytheists. {Then Allah conferred His favor upon you} [An-Nisa': 94]. So Islam became manifest. {So investigate} [An-Nisa': 94]. A warning from Allah. {Indeed Allah is

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا سُفْيَانُ،  
عَنْ حَبِيبِ بْنِ أَبِي عَمْرَةَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، قَالَ:  
خَرَجَ الْمُقْدَادُ بْنُ الْأَسْوَدَ فِي سَرِيَّةٍ، فَمَرُوا بِرَجُلٍ فِي  
غُنْيَمَةِ لَهُ، فَأَرْادُوا قَتْلَهُ، فَقَالَ: لَا إِلَهَ إِلَّا اللَّهُ، فَقَالَ  
الْمُقْدَادُ: وَدَلُو قَرْبَ أَهْلَهُ وَمَالَهُ، قَالَ: فَلَمَّا قَدِمُوا  
ذَكَرُوا ذَلِكَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَتَرَأَّسَ: "إِنَّ  
أَئُلُّهَا الَّذِينَ آمَنُوا إِذَا ضَرَبُوكُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا  
تَقُولُوا لِمَنْ أَلْقَى إِلَيْكُمُ السَّلَامَ أَسْتَ مُؤْمِنًا تَبَعُّونَ  
(فَعَنْدَ اللَّهِ مَعَانِيمُ كَثِيرَةٌ كَذِلِكَ كُثُنُّمٌ مِنْ قَبْلِ)  
، قَالَ: تَكُثُّمُونَ إِيمَانَكُمْ مِنَ الْمُشْرِكِينَ (فَمَنْ أَنْهَا  
فَأَظْهَرَ الْإِسْلَامَ (فَتَبَيَّنُوا) [94]: عَلَيْكُمْ} [النساء  
وَعِيدًا مِنَ اللَّهِ {إِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ [94]:  
خَبِيرًا} [النساء 94]

**[28941]** Abu Bakr narrated to us: 'Abd al-Rahim ibn Sulayman narrated to us, from Isra'il, from Simak, from 'Ikrimah, from Ibn 'Abbas, who said: A man from Banu Sulaym passed by a group of the Messenger of Allah's (peace be upon him) companions with some sheep, and he greeted them. They said: "He only greeted you to seek protection from you." So they proceeded to kill him and took his sheep. They brought them to the Messenger of Allah (peace be upon him), and Allah revealed: {O you who have believed, when you go forth [to fight] in the cause of Allah, investigate; and do not say to one who gives you [a greeting of] peace 'You are not a believer,' aspiring for the goods of worldly life...} [An-Nisa': 94] to the end of the verse.

حَدَّثَنَا أُبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ، عَنْ إِسْرَائِيلَ، عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: مَرَّ رَجُلٌ مِنْ بَنِي سُلَيْمَانَ عَلَى نَفْرٍ مِنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمَعْهُ غَنَمٌ فَسَأَمَ عَلَيْهِمْ، فَقَالُوا: مَا سَأَمَ عَلَيْكُمْ إِلَّا لِيَتَعَوَّذُ مِنْكُمْ، فَعَمِدُوا إِلَيْهِ فَقَتَلُوهُ وَأَخْذُوا غَنَمَهُ، فَأَتَوْهُ بِهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَنْزَلَ اللَّهُ: "إِنَّمَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا ضَرَبُوكُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا تَقُولُوا لِمَنْ أَلَقَ إِلَيْكُمُ السَّلَامَ لَسْتَ مُؤْمِنًا تَبَعُونَ عَرَضَ الْحَيَاةِ الدُّنْيَا فَعَنْدَ إِلَى آخرِ الْآيَةِ" [النَّسَاءُ: 94]

**[28942]** Waki' narrated to us: Isra'il narrated to us, from Simak, from 'Ikrimah, from Ibn 'Abbas, similar to it, but he did not mention "They brought them to the Prophet (peace be upon him)."

حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، بِمِثْلِهِ وَلَمْ يَذْكُرْ، فَأَتَوْهُ بِهَا النَّبِيَّ عَلَيْهِ السَّلَامُ

**[28943]** Abu Bakr narrated to us: Shababah ibn Sawwar narrated to us: Layth ibn Sa'd narrated to us, from Ibn Shihab, from 'Ata' ibn Yazid Al-Laythi, from 'Ubayd Allah ibn 'Adi ibn Al-Khiyar, from Al-Miqdad: That he informed him saying: "O Messenger of Allah, what if I met a disbelieving man and we fought, and he struck one of my hands with his sword and cut it off, then took refuge from me behind a tree and said: 'I have submitted to Allah (become Muslim).' Should I kill him, O Messenger of Allah, after he said that?" The Messenger of Allah (peace be upon him) said: "Do not kill him." I said: "O Messenger of Allah, he cut off my hand, then said that afterwards. Should I kill him if he cut it off?" He said: "Do not kill him, for he is in your position before you kill him, and you are in his position before he said the word he said."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَارٍ، قَالَ: حَدَّثَنَا  
لَيْثٌ بْنُ سَعْدٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَطَاءٍ بْنِ يَزِيدَ  
اللَّيْثِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَدَىِّ بْنِ الْخِيَارِ، عَنِ الْمِقْدَادِ:  
أَنَّهُ أَخْبَرَهُ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ أَرَأَيْتَ إِنْ لَقِيتُ رَجُلًا  
مِنَ الْكُفَّارِ فَقَاتَلَنِي فَصَرَبَ إِحْدَى يَدَيَ بِالسَّيْفِ فَقَطَعَهَا،  
 ثُمَّ لَأَذَّ مِنْيَ شَجَرَةً، فَقَالَ: أَسْلَمْتُ لِلَّهِ، أَفْتَلْهُ يَا رَسُولَ  
اللَّهِ بَعْدَ أَنْ قَالَهَا؟، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ  
وَسَلَّمَ: لَا تَقْتُلْهُ فَقُتُلْتُ: يَا رَسُولَ اللَّهِ، قَطَعَ يَدِي ثُمَّ، قَالَ  
بَعْدَ ذَلِكَ، إِنْ قَطَعَهَا فَأَقْتُلُهُ، قَالَ: لَا تَقْتُلْهُ فَإِنَّهُ بِمُنْزِلَتِكَ  
قَبْلَ أَنْ تَقْتُلَهُ، وَأَنْتَ بِمُنْزِلِهِ قَبْلَ أَنْ يَقُولَ الْكَلِمَةُ الَّتِي  
قَالَ

**[28944]** Abu Bakr narrated to us: Shababah ibn Sawwar narrated to us: Sulayman ibn Al-Mughirah narrated to us, from Humayd ibn Hilal, who said: Abu Al-'Aliyah came to me and a companion of mine and said: "Come, for you are younger than me or more retaining of hadith than me." So we went until we came to Bishr ibn 'Asim Al-Laythi, who said: The Prophet (peace be upon him) sent an expedition which raided a people. A man separated from the people, and a man from the expedition followed him with a drawn sword. The separated man said: "I am a Muslim." But he did not pay attention to what he said and struck him, killing him. The report reached the Prophet (peace be upon him), and he spoke severely. This reached the killer. While the Prophet (peace be upon him) was giving a sermon, the killer said: "By Allah, O Prophet of Allah, he only said what he said to seek refuge from being killed." The Prophet (peace be upon him) turned away from him and those near him. He did this twice, each time the

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَارٍ، قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ الْمُغِيرَةَ، عَنْ حُمَيْدِ بْنِ هَلَلٍ، قَالَ: جَاءَ أَبُو الْعَالِيَّةَ إِلَيَّ وَإِلَى صَاحِبِ لِي، قَالَ: هَلْمًا فَإِنَّكُمَا أَشَبُّ مِنِّي أَوْ أَوْعَى لِلْحَدِيثِ مِنِّي، فَانْطَلَقُنَا حَتَّى أَتَيْنَا بِشَرَبَةَ بْنَ عَاصِمِ الْأَنْبِيَّةِ، قَالَ: بَعَثَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سَرِيَّةً فَأَغَارَتْ عَلَى الْقَوْمِ: فَشَدَّ رَجُلٌ مِنَ الْقَوْمِ فَاتَّبَعَهُ رَجُلٌ مِنَ السَّرِيَّةِ مَعَهُ سَيْفٌ شَاهِرٌ، فَقَالَ الشَّاهِدُ مِنَ الْقَوْمِ إِلَيْيَ مُسْلِمٌ، فَلَمْ يَنْظُرْ فِيمَا - - ، قَالَ: فَضَرَبَهُ فَقَتَلَهُ، فَأَتَمَّ الْحَدِيثَ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ النَّبِيُّ عَلَيْهِ السَّلَامُ قُولًا شَدِيدًا، فَبَلَغَ الْقَاتِلَ، فَبَيْنَمَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَخْطُبُ إِذَا، قَالَ الْقَاتِلُ: وَاللَّهِ يَا نَبِيَّ اللَّهِ مَا، قَالَ النَّبِيُّ قَالَ إِلَّا تَعْوِدُ مِنَ الْقَتْلِ: فَأَعْرَضَ النَّبِيُّ عَلَيْهِ السَّلَامُ عَنْهُ وَعَمِّنْ يَلِيهِ مِنَ النَّاسِ، وَقَعَ دَلِيلُ مَرَّتَيْنِ كُلُّ دَلِيلٍ يُعْرَضُ عَنْهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِوْجُوهِهِ، فَلَمْ يَصِيرْ أَنْ، قَالَ الْثَالِثَةِ مِثْلَ ذَلِيلٍ، وَأَقْبَلَ النَّبِيُّ عَلَيْهِ السَّلَامُ بِوْجُوهِهِ ثُعَرَفُ الْمَسَاءَةُ فِي وَجْهِهِ، فَقَالَ: إِنَّ اللَّهَ أَبِي عَلَيَّ فِيمَنْ قَتَلَ مُؤْمِنًا ثَلَاثَ مَرَّاتٍ يَقُولُ ذَلِيلٌ

[28945] Abu Bakr narrated to us: Yazid ibn Harun narrated to us: Sufyan ibn Husayn informed us, from Al-Zuhri, from 'Ubayd Allah ibn 'Abd Allah ibn 'Utba, who said: When those who apostatized did so during the time of Abu Bakr, Abu Bakr wanted to fight them. 'Umar said: "Will you fight them when I heard the Messenger of Allah (peace be upon him) saying: 'Whoever testifies that there is no god but Allah and that Muhammad is the Messenger of Allah, his wealth is forbidden except by right, and his reckoning is with Allah Almighty'?" Abu Bakr said: "By Allah, I will fight anyone who differentiates between prayer and Zakat. By Allah, I will fight anyone who differentiates between them until I unite them." 'Umar said: "So we fought with him, and it was guidance." When he prevailed over those of them whom he prevailed over, he said: "Choose two options from me: either devastating war or humiliating submission." They said: "We know this devastating war, but what is humiliating submission?" He said:

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، قَالَ:  
أَخْبَرَنَا سُعْيَانُ بْنُ حُسْنٍ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ  
بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، قَالَ: لَمَّا ارْتَدَ مَنْ ارْتَدَ عَلَى عَهْدِ  
أَبِي بَكْرٍ أَرَادَ أَبُو بَكْرٍ أَنْ يُجَاهِدُهُمْ، فَقَالَ عُمَرُ: أَنْفَاتُهُمْ  
وَقَدْ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ:  
مَنْ شَهَدَ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَنَّ مُحَمَّداً رَسُولُ اللَّهِ،  
حَرَمَ مَالُهُمْ إِلَّا بِحَقٍّ وَجِسَابُهُمْ عَلَى اللَّهِ تَعَالَى، فَقَالَ أَبُو  
بَكْرٍ: وَاللَّهِ لَا يُقْاتِلُنَّ مَنْ فَرَقَ بَيْنَ الصَّلَاةِ وَالزَّكَاةِ، وَاللَّهِ  
لَا يُقْاتِلُنَّ مَنْ فَرَقَ بَيْنَهُمَا حَتَّى أَجْمَعُهُمَا، قَالَ عُمَرُ:  
فَقَاتَلْنَا مَعَهُ وَكَانَ رُشْدًا، فَلَمَّا ظَفَرَ بِهِ مِنْهُمْ،  
قَالَ: اخْتَارُوا مِنِي خَصْلَتَيْنِ: إِمَّا الْحَرْبُ الْمُجْلِيَّةُ وَإِمَّا  
الْحِطَّةُ الْمُخْزِيَّةُ، قَالُوا: هَذِهِ الْحَرْبُ الْمُجْلِيَّةُ قَدْ  
عَرَفْنَا هَاهَا فَمَا الْحِطَّةُ الْمُخْزِيَّةُ؟، قَالَ: تَشْهُدُونَ عَلَى  
قَتْلَنَا أَنَّهُمْ فِي الْجَنَّةِ وَعَلَى قَتْلَكُمْ أَنَّهُمْ فِي النَّارِ فَعَلُوا

**[28946]** Abu Bakr narrated to us: Al-Fadl ibn Dukayn narrated to us, saying: Aban ibn 'Abd Allah Al-Bajali narrated to us, saying: Ibrahim ibn Jarir narrated to me, from Jarir, who said: "The Prophet of Allah sent me to Yemen to fight them and invite them. If they say 'There is no god but Allah,' their wealth and blood become forbidden to you."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دُكَيْنٍ، قَالَ: حَدَّثَنَا أَبْنُ بْنِ عَبْدِ اللَّهِ الْبَجْلِيُّ، قَالَ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ جَرِيرٍ، عَنْ جَرِيرٍ، قَالَ: "إِنَّ نَبِيَّ اللَّهِ بَعَثَنِي إِلَى الْيَمَنِ أَفَاتِلُهُمْ وَأَذْعُوهُمْ، فَإِذَا قَالُوا: لَا إِلَهَ إِلَّا اللَّهُ، حُرِّمَتْ عَلَيْكُمْ أَمْوَالُهُمْ وَدِمَاءُهُمْ

**[28947]** Abu Bakr narrated to us: Mu'awiyah ibn Hisham narrated to us, saying: Muhammad ibn 'Abd al-Rahman ibn Abi Dhi'b narrated to us, from Khalid, from Sa'id ibn Al-Musayyib, who said: A son of his was beaten for drinking wine and paraded around. He said: "I do not fault him for beating him, but I fault him for parading him, as that is something the Muslims did not do."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعاوِيَةُ بْنُ هِشَامٍ، قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ بْنُ أَبِي ذِئْبٍ، عَنْ خَالِدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، قَالَ: ضُرِبَ ابْنُ لَهُ فِي الشَّرَابِ وَطِيفَ بِهِ، فَقَالَ: مَا أَجِدُ عَلَيْهِ فِي ضَرْبِهِ إِلَيْهِ وَلَكِنِي أَجِدُ عَلَيْهِ إِنْ طِيفَ بِهِ، وَهُوَ شَيْءٌ لَمْ يَفْعَلُهُ الْمُسْلِمُونَ

**[28948]** Abu Bakr narrated to us: Ibn Fudayl narrated to us, from Isma'il ibn Sumay', who said: I heard Malik ibn 'Umayr say: I heard 'Attab ibn Salamah say: 'Umar ibn Al-Khattab asked me about a man, saying: "Did you see him drinking it?" I said: "I did not see him drinking it, but I saw him vomiting it." He said: "So he flogged him the limit and exposed him to the people."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ إِسْمَاعِيلَ بْنِ سُمِيعٍ، قَالَ: سَمِعْتُ مَالِكَ بْنَ عُمَيْرٍ، يَقُولُ: سَمِعْتُ عَثَابَ بْنَ سَلَمَةَ، يَقُولُ: سَأَلْنِي عُمَرُ بْنُ الْخَطَّابِ عَنْ رَجُلٍ، قَالَ: رَأَيْتُهُ يَسْرُبُهَا، فَقُلْتُ: لَمْ أَرَهُ يَسْرُبُهَا وَلَكِنْ رَأَيْتُهُ يَقِيهَا، قَالَ: فَضَرَبَهُ الْحَدَّ وَنَصَبَهُ لِلنَّاسِ

**[28949]** Abu Bakr narrated to us: Ghundar narrated to us, from Shu'bah, from Al-Hakam, regarding a man who says to another: "You committed adultery while you were a polytheist." He said: "He is not punished."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنِ الْحَكَمِ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: رَأَيْتَ وَأَنْتَ مُشْرِكًا، قَالَ: لَا يُحَدُّ

**[28950]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan: That he said: If he says "You committed adultery while you were a polytheist," the limit is carried out on him.

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفِيَّانَ: أَنَّهُ، قَالَ: إِذَا قَالَ: رَأَيْتَ وَأَنْتَ مُشْرِكًا، يُقَامُ عَلَيْهِ الْحَدُّ

**[28951]** Abu Bakr narrated to us: Sahl ibn Yusuf narrated to us, from 'Amr, from Al-Hasan regarding a disbeliever who commits adultery and is punished, then converts to Islam, and a man slanders him saying: "I meant his adultery which was during his disbelief." He said: "The limit is carried out on his slanderer."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ يُوسُفَ، عَنْ عَمْرٍو، عَنِ الْحَسَنِ فِي الْكَافِرِ يَزْنِي فَيُقَاتَمُ عَلَيْهِ الْحَدُّ، ثُمَّ يُسْلِمُ فَيَقْتَلُهُ رَجُلٌ وَيَقُولُ: إِنَّمَا عَيْتُ زِنَاهُ الَّذِي كَانَ فِي كُفْرٍ، قَالَ: يُقَاتَمُ عَلَى قَاتِلِهِ الْحَدُّ

**[28952]** Abu Bakr narrated to us: Ma'n ibn 'Isa narrated to us, from Ibn Abi Dhi'b, who said: I asked Al-Zuhri about a woman who committed adultery while she was Jewish, Christian, or Magian, then she converted to Islam, and a man slandered her. Ibn Shihab said: "There is no limit on the one who slandered her, but he is punished exemplarily."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، عَنْ ابْنِ أَبِي ذِئْبٍ، قَالَ: سَأَلْتُ الرُّهْرِيَّ عَنْ امْرَأَةٍ زَنَتْ وَهِيَ يَهُودِيَّةً أَوْ نَصْرَانِيَّةً أَوْ مَجُوسِيَّةً، ثُمَّ أَسْلَمَتْ فَقَدَّفَهَا رَجُلٌ، فَقَالَ ابْنُ شِهَابٍ: لَيْسَ عَلَى مَنْ قَدَّفَهَا حَدٌّ وَلَكِنْ يُنَكَّلُ

**[28953]** Abu Bakr narrated to us: Waki' narrated to us, from Isra'il, from Jabir, from 'Amir regarding a man who denies another man from his clan (thigh). He said: "He is not beaten unless he denies him from his father."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْرَائِيلَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ فِي الرَّجُلِ يَنْفِي الرَّجُلَ مِنْ فَخْذِهِ، قَالَ: لَا يُضْرِبُ إِلَّا أَنْ يَنْفِيَهُ مِنْ أَبِيهِ

**[28954]** Abu Bakr narrated to us: Waki' narrated to us, from Sufyan, from a man, from Al-Hakam, who said: If he says: "I am not from Banu Tamim," he said: "He is beaten."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ رَجُلٍ، عَنْ الْحَكَمِ، قَالَ: إِذَا قَالَ: لَسْتُ مِنْ بَنِي تَمِيمٍ، قَالَ: يُضْرِبُ

**[28955]** Abu Bakr narrated to us: Ghundar narrated to us, from Shu'bah, from 'Abd al-Malik, who said: I heard Al-Sha'bi say regarding a man who says to another: "O adulterer," while knowing that he has committed adultery, is he punished? He said: "Yes, for Allah says: {Then they do not produce four witnesses} [Al-Nur: 4]."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا غُنْدَرُ، عَنْ شُعْبَةَ، عَنْ عَبْدِ الْمَالِكِ، قَالَ: سَمِعْتُ الشَّعْبِيَّ، قَالَ فِي رَجُلٍ يَقُولُ لِلرَّجُلِ: يَا زَانِ، وَهُوَ يَعْلَمُ أَنَّهُ قَدْ رَأَى أَيْحَدُ؟، قَالَ: لَعَمْ، إِنَّ اللَّهَ يَقُولُ: {ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ} [النور: 4]

**[28956]** Abu Husayn reported that a man said to another: "O Rusbayh [a Persian name]." 'Urwah ibn al-Mughirah flogged him the Hadd punishment, and Al-Sha'bi was pleased with that.

**[28957]** Ash'ath ibn Sulaym reported that a man was brought to Al-Qasim ibn 'Abd al-Rahman, who was a judge. Witnesses testified against him that he said to a man: "O Rusbayh." So he flogged him the Hadd punishment.

**[28958]** Al-Sha'bi said regarding a man who says to another: "O exposed one!" (Ya Mafduh): "The Hadd punishment is upon him."

**[28959]** Yahya ibn al-Walid said: I witnessed Ibn Ashwa' being brought a man who said to another: "O passive homosexual!" So he flogged him the Hadd punishment.

**[28960]** Ibrahim said: "He is flogged."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِي حُصَيْنٍ: أَنَّ رَجُلًا قَالَ لِرَجُلٍ: يَا رَوْسِيَّهُ، فَضَرَبَهُ عُرْوَةُ بْنُ الْمُغِيرَةِ الْحَدَّ، فَأَعْجَبَ ذَلِكَ الشَّعْبِيَّ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ يَعْلَى بْنُ الْحَارِثِ، قَالَ: حَدَّثَنَا أَبِي، عَنْ عَيْلَانَ بْنِ جَامِعٍ: أَنَّ أَشْعَثَ بْنَ سُلَيْمَ، قَالَ: جَيْءَ بِرَجُلٍ إِلَى الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ وَهُوَ قَاضٍ، قَالَ: فَسَهَدَ عَلَيْهِ اللَّهُ قَالَ لِرَجُلٍ: يَا رَوْسِيَّهُ فَجَلَّهُ الْحَدَّ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ صَالِحِ بْنِ مَعْبِدٍ، عَنِ الشَّعْبِيِّ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: يَا مَفْضُوخُ، قَالَ: عَلَيْهِ الْحَدَّ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مُهْدِيٍّ، عَنْ يَحْيَى بْنِ الْوَلِيدِ، قَالَ: شَهَدْتُ ابْنَ أَشْوَعَ أُتْيَ بِرَجُلٍ، قَالَ لِرَجُلٍ: يَا مَعْوُلُ بِهِ: فَجَلَّهُ الْحَدَّ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو حَالِدٍ الْأَحْمَرُ، عَنْ عُبَيْدَةَ، عَنْ إِبْرَاهِيمَ، قَالَ: يُجَلَّ

**[28961]** Al-Hasan and 'Ikrimah differed regarding a man who says to another: "O effeminate one!" 'Ikrimah said: "The Hadd punishment is upon him." Al-Hasan said: "There is no Hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ أَبِي هِلَالٍ، عَنِ الْحَسَنِ، وَعَكْرَمَةَ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: يَا مُخَنَّثُ، قَالَ عَكْرَمَةُ: عَلَيْهِ الْحَدُّ، وَقَالَ الْحَسَنُ: لَيْسَ عَلَيْهِ الْحَدُّ

**[28962]** Al-Hasan said: "There is no Hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ أَبِي هِلَالٍ، عَنِ الْحَسَنِ، قَالَ: لَيْسَ عَلَيْهِ حَدُّ

**[28963]** 'Amir said: "If he says: 'O effeminate one!', there is no Hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ جَابِرٍ، عَنْ عَامِرٍ، قَالَ: إِذَا قَالَ: يَا مُخَنَّثُ: فَلَيْسَ عَلَيْهِ حَدُّ

**[28964]** Ali said regarding a man saying to another: "O evil one! O immoral one!": "These are obscenities, and there is punishment for them. Do not say them lest you get used to them."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ، عَنْ عَبْدِ الْمَالِكِ بْنِ عُمَيْرٍ، قَالَ: قَالَ عَلَيْيِ قَوْلُ الرَّجُلِ لِلرَّجُلِ: يَا حَبِيبُ يَا فَاسِقُ، قَالَ: هُنَّ فَوَاحِشٌ، وَفِيهِنَّ عُقُوبَةٌ وَلَا تَقُولُهُنَّ فَتَعَوَّدُهُنَّ

**[28965]** Abu Bakr said regarding a man who says to another: "O evil one! O immoral one!": "He has said a bad word, but there is no punishment or Hadd for it."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ أَشْعَثَ، عَنِ الْحَسَنِ: أَنَّ أَبَا بَكْرٍ، قَالَ فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: يَا حَبِيبُ يَا فَاسِقُ، قَالَ: قَدْ قَالَ قَوْلًا سَيِّئًا، لَيْسَ فِيهِ عُقُوبَةٌ وَلَا حَدُّ

**[28966]** 'Abd al-Rahman ibn Ishaq said: I witnessed Salim and Al-Qasim being asked by the governor of Medina about a man who said to another: "O immoral one!" He recited the verse: {If there comes to you a disobedient one with information, investigate} [Al-Hujurat: 6]. They both said: "The immoral liar is disciplined with lashes."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ مَهْدِيٍّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ إِسْحَاقَ، قَالَ: شَهِدْتُ سَالِمًا، وَالْقَاسِمَ وَسَأَلْهُمَا أَمِيرُ الْمَدِينَةِ عَنْ رَجُلٍ، قَالَ لِرَجُلٍ: يَا فَاسِقٍ، فَقَرَأَ هَذِهِ آيَةً: {إِنْ جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا} [الحجرات: 6] وَقَالَا: الْفَاسِقُ الْكَذَابُ يُعَذَّرُ أَسْوَاطًا

**[28967]** Jabir ibn Abd Allah said regarding a man who says to another: "O evil one!": "It is a bad word, but there is no punishment for it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سُلَيْمَانَ، عَنْ أَشْعَثَ، عَنْ أَبِي الرُّبَيْرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: يَا حَبِيبُ، قَالَ: هُوَ قَوْلُ سَيِّئٍ، وَلَيْسَ فِيهِ عُقُوبَةٌ

**[28968]** Al-Sha'bi said: "If a man says to another: 'Ten men claimed you,' there is no Hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ، عَنْ إِسْمَاعِيلَ، عَنْ الشَّعْبِيِّ، قَالَ: لَوْ أَنَّ رَجُلًا قَالَ لِرَجُلٍ: ادْعَاكَ عَشَرَةً: لَمْ يَكُنْ عَلَيْهِ حُدُودٌ

**[28969]** Hammad said regarding a man who says to another: "You are an illegitimate child/adopted (Da'i)": "There is no Hadd punishment upon him."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنْ رُفِيَّةَ، عَنْ حَمَادٍ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ: أَنْتَ دَعِيْتُ لَيْسَ عَلَيْهِ حُدُودٌ

**[28970]** Al-Zuhri said regarding a man who says to an Arab man: "You are a freed slave (Mawla)": "He is flogged the Hadd punishment."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو عِصَامٍ، عَنِ الْأَوْزَاعِيِّ،  
عَنِ الرَّهْرِيِّ، فِي الرَّجُلِ يَقُولُ لِلرَّجُلِ مِنَ الْعَرَبِ: إِنَّكَ  
لِمَوْلَى، قَالَ: يُضْرَبُ الْحَدَّ

**[28971]** Al-Hasan said: "If a man commits Zina with a young girl, he is flogged and not stoned, and there is nothing upon the girl. If a boy commits Zina with a woman, she is flogged and not stoned, and the boy is disciplined (Ta'zir)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، عَنْ سُفْيَانَ  
بْنِ حُسَيْنٍ، عَنِ الْحَسَنِ، قَالَ: إِذَا رَأَى الرَّجُلُ بِالصَّبِيَّةِ  
جُلْدٌ وَلَمْ يُرْجَمْ، وَلَيْسَ عَلَى الصَّبِيَّةِ شَيْءٌ، وَإِذَا رَأَى  
غُلَامٌ بِإِمْرَأَةٍ جُلْدٌ وَلَمْ يُرْجَمْ، وَعَلَى الْغُلَامِ تَعْزِيزٌ

**[28972]** Ibrahim said regarding a man who deflowers a young girl: "He owes her dowry ('Uqr)."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ، عَنِ الْمُغَيْرَةِ، عَنْ  
إِبْرَاهِيمَ فِي رَجُلٍ افْتَضَ صَبِيَّةً، قَالَ: عَلَيْهِ عُقْرُهَا

**[28973]** Fadalah ibn 'Ubayd was asked about hanging the thief's hand around his neck. He said: "It is the Sunnah. The Messenger of Allah (saw) cut off a man's hand and then hung it around his neck."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَمْرُو بْنُ عَلَيٍّ بْنُ عَطَاءِ بْنِ  
مُقَدَّمٍ، عَنْ حَاجَاجٍ، عَنْ مَكْحُولٍ، عَنْ ابْنِ مُحَبَّرِيزٍ، عَنْ  
فَضَالَّةَ بْنِ عُبَيْدٍ، قَالَ: سَأَلْتُهُ عَنْ تَعْلِيقِ يَدِ السَّارِقِ فِي  
عُنْقِهِ، فَقَالَ: السُّنْنَةُ قَطْعُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ  
وَسَلَّمَ يَدَ رَجُلٍ، ثُمَّ عَلَّفَهَا فِي عُنْقِهِ

**[28974]** His father (Abd al-Rahman ibn 'Abdullah) said: "Ali cut off a thief's hand, and I saw it hanging," meaning around his neck.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنِ الْأَعْمَشِ،  
عَنِ الْفَاسِمِ، عَنْ أَبِيهِ: أَنَّ عَلِيًّا قَطَعَ يَدَ سَارِقٍ فَرَأَيْتُهَا  
مُعَلَّقَةً يَعْزِي فِي عُنْقِهِ

**[28975]** His father said: "Ali cut off a man's hand, then hung it around his neck."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنِ الْأَعْمَشِ، عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ: أَنَّ عَلِيًّا قَطَعَ يَدَ رَجُلٍ، ثُمَّ عَلَقَهَا فِي عُنْقِهِ

**[28976]** Al-Hasan said: "Sorcerers are killed and are not asked to repent."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعاذُ بْنُ مُعاذٍ، قَالَ أَخْبَرَنَا أَشْعَثُ، عَنِ الْحَسَنِ أَنَّهُ قَالَ: يُقْتَلُ السُّحَارُ، وَلَا يُسْتَأْتُوا

**[28977]** Harithah ibn Mudarrib reported that Jundab killed a sorcerer, or wanted to kill him.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنْ حَارِثَةَ بْنِ مُضْرِبٍ: أَنَّ جُنْدَبًا قَتَلَ سَاحِرًا أَوْ أَرَادَ أَنْ يَقْتُلَهُ

**[28978]** Qays ibn Sa'd killed a sorcerer.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبْنُ عُيْنَةَ، عَنْ عَمْرِو، عَنْ سَالِمٍ، عَنْ قَيْسِ بْنِ سَعْدٍ: أَنَّهُ قَتَلَ سَاحِرًا

**[28979]** Yahya reported that the governor of Amman wrote to Umar ibn Abd al-Aziz regarding a sorceress he had captured. Umar wrote back: "If she confesses or evidence is established against her, kill her."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ الطَّيَالِسِيُّ، عَنْ هَمَّامٍ، عَنْ يَحْيَى، أَنَّ عَامِلَ عَمَانَ كَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ الْغَزِيزِ فِي سَاحِرَةٍ أَخْذَهَا، فَكَتَبَ إِلَيْهِ عُمَرُ: إِنْ اعْتَرَفَتْ أَوْ قَامَتْ عَلَيْهَا الْبَيِّنَاتُ فَاقْتُلْهَا

**[28980]** Ibn Umar reported that a slave girl of Hafsa bewitched her. They found her magic and she confessed to it. Abd al-Rahman ibn Zayd ordered her execution. This reached Uthman, who disapproved of it strongly. Ibn Umar came to him and informed him that she bewitched her, confessed, and they found her magic. Uthman only disapproved because she was killed without his permission.

**[28981]** A police officer of Sinan ibn Salamah reported that Sinan was brought a sorceress, and he ordered her to be thrown into the sea.

**[28982]** Bajalah said: I was a scribe for Juz' ibn Mu'awiyah. A letter came from Umar ibn al-Khattab saying: "Kill every sorcerer and sorceress." He said: "So we killed three sorceresses."

**[28983]** Sa'id ibn al-Musayyib said: "If the sorcerer confesses, he is killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ جَارِيَةً لِحَفْصَةَ سَحَرَتْهَا، وَوَجَدُوا سِحْرَهَا، وَاعْتَرَفَتْ بِهِ، فَأَمْرَرَ عَبْدَ الرَّحْمَنَ بْنَ رَيْدٍ فَقَاتَلَهَا فَبَلَغَ ذَلِكَ عُثْمَانَ فَأَنْكَرَهُ وَاشْتَدَّ عَلَيْهِ، فَأَتَاهُ ابْنُ عُمَرَ فَأَخْبَرَهُ أَنَّهَا سَحَرَتْهَا وَاعْتَرَفَتْ بِهِ وَوَجَدُوا سِحْرَهَا: فَكَانَ عُثْمَانُ إِنَّمَا أَنْكَرَ ذَلِكَ لِأَنَّهَا قُتِلَتْ بِغَيْرِ إِنْذِنِهِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ رَيْدِ أَبِي الْمُعَلَّى، قَالَ: حَدَّثَنِي شُرْطِي لِسَنَانُ بْنُ سَلَمَةَ: أَنَّ سِنَانًا أُتِيَ بِسَاحِرَةٍ، فَأَمْرَرَ بِهَا أَنْ تُنْقَى فِي الْبَحْرِ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، وَسَمِعَ بَجَالَةَ، يَقُولُ: كُنْتُ كَاتِبًا لِجُزْءِ بْنِ مُعَاوِيَةَ: فَأَتَانَا كِتَابٌ عُمَرَ بْنُ الْخَطَّابِ: أَنْ افْتُلُوا كُلَّ سَاحِرٍ وَسَاحِرَةٍ، قَالَ: فَفَتَّلْنَا ثَلَاثَ سَوَاحِرَ

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا التَّقْفِيُّ، عَنْ الْمُتَّنَّى، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: فِي السَّاحِرِ إِذَا اعْتَرَفَ يُقْتَلُ

**[28984]** Al-Hasan said regarding the sorcerer: "He is killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَمْرُو،  
عَنِ الْحَسَنِ فِي السَّاحِرِ، قَالَ: يُقْتَلُ

**[28985]** When news of the conquest of Tustar reached Umar, he asked: "Is there any strange news?" They said: "A Muslim man joined the polytheists, and we captured him." He said: "What did you do with him?" They said: "We killed him." He said: "Why didn't you put him in a house, close the door on him, feed him a loaf of bread every day, then ask him to repent for three days? If he repented, [good]; otherwise, you could have killed him." Then he said: "O Allah, I did not witness it, nor did I order it, nor was I pleased when it reached me."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، قَالَ: لَمَّا قَدِمَ عَلَى عُمَرَ فَتَحُ  
شَّهْرَ وَسَنَّثُ مِنْ أَرْضِ الْبَصْرَةِ سَالِّهُمْ: هَلْ مِنْ  
مُغْرِبَةٍ؟ قَالُوا: رَجُلٌ مِنَ الْمُسْلِمِينَ لَحِقَ بِالْمُشْرِكِينَ  
فَأَخْذَنَاهُ، قَالَ: مَا صَنَعْتُمْ بِهِ؟ قَالُوا: قَتَلْنَاهُ، قَالَ: أَفَلَا  
أَدْخِلْنُمُوهُ بَيْنَنَا وَأَغْلَقْنُمُ عَلَيْهِ بَابًا وَأَطْعَمْنُمُوهُ كُلَّ يَوْمٍ  
رَغِيفًا ثُمَّ اسْتَبَّنُمُوهُ ثَلَاثًا، فَإِنْ تَابَ وَإِلَّا قَاتَلْنُمُوهُ، ثُمَّ  
قَالَ: "اللَّهُمَّ لَمْ أَشْهَدُ وَلَمْ أَمْرُ وَلَمْ أَرْضَ إِذْ بَلَغْنِي أَوْ  
قَالَ: حِينَ بَلَغْنِي

**[28986]** Ali said: "The apostate is asked to repent three times. If he returns [to disbelief], he is killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غَيَاثٍ، عَنْ  
أَسْعَثَ، عَنِ الشَّعْبِيِّ، قَالَ: قَالَ عَلِيُّ: يُسْتَأْبَ المُرْتَدُ  
ثَلَاثًا، فَإِنْ تَابَ ثُرِكَ، وَإِنْ أَبِي قُتِلَ

**[28987]** Ibn Umar used to say: "The apostate is asked to repent three times. If he repents, he is left alone; if he refuses, he is killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ عَبْدِ  
الْكَرِيمِ، عَمَّنْ سَمِعَ ابْنَ عُمَرَ، يَقُولُ: يُسْتَأْبَ المُرْتَدُ  
ثَلَاثًا، فَإِنْ تَابَ ثُرِكَ، وَإِنْ أَبِي قُتِلَ

[**28988**] Humayd ibn Hilal reported that Mu'adh ibn Jabal came to Abu Musa, who had a Jewish man with him. Mu'adh asked: "Who is this?" Abu Musa said: "This is a Jew who accepted Islam and then apostatized." Abu Musa had asked him to repent for two months. Mu'adh said: "I will not sit until I strike his neck. Allah has decreed, and His Messenger has decreed."

**حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ، عَنْ سَعِيدِ،**  
**عَنْ قَتَادَةَ، عَنْ حُمَيْدِ بْنِ هِلَالٍ: أَنَّ مُعَاذَ بْنَ جَبَلَ أَتَى**  
**أَبَا مُوسَى وَعِنْدُهُ رَجُلٌ يَهُودِيٌّ، فَقَالَ: مَا هَذَا؟، فَقَالَ:**  
**هَذَا يَهُودِيٌّ أَسْلَمَ، ثُمَّ ارْتَدَ وَقَدْ اسْتَابَهُ أَبُو مُوسَى**  
**شَهْرَيْنِ، قَالَ: فَقَالَ مُعَاذٌ: لَا أَجْلِسْ حَتَّى أَضْرِبَ**  
**عُنْقَهُ، قَضَى اللَّهُ وَقَضَى رَسُولُهُ**

**[28989]** Ibn Shihab said: "He is invited to Islam three times. If he refuses, his neck is struck."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ أَبْنِ جُرَيْجِ، عَنْ حَيَّانَ، عَنْ أَبْنِ شِهَابٍ، قَالَ: يُذْعَى إِلَى الْأَسْلَامِ تَلَاثَ مَرَّاتٍ، فَإِنْ أَتَى ضُرِبَتْ عَفْفَةُ

**[28990]** Ata said regarding a person who disbelieves after his Islam: "He is invited to Islam. If he refuses, he is killed."

**حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ بَكْرٍ، عَنْ ابْنِ جُرَيْجٍ،**  
**قَالَ: قَالَ عَطَاءً فِي الْإِنْسَانِ يَكْفُرُ بَعْدَ إِسْلَامِهِ: يُدْعَى**  
**إِلَى الْإِسْلَامِ، فَإِنْ أَبَى قُتْلَ**

[28991] 'Ubayd ibn 'Umayr said regarding a man who disbelieves after his faith: "He is killed."

**حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ، عَنْ أَبْنِ جُرَيْجِ، قَالَ: أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ، فِي الرَّاجُلِ يَكْفُرُ بِعِلْمِ إِيمَانِهِ، قَالَ: سَمِعْتُ عُيَيْنَةَ بْنَ عُمَيْرَ، يَقُولُ: يُعْلَمُ**

**[28992]** Ibn Abbas reported that the Messenger of Allah (saw) said: "Whoever changes his religion, kill him."

**حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا ابْنُ عُبَيْدَةَ، عَنْ أَئِبْوَبَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَاسٍ، قَالَ: فَلَمَّا رَأَى رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ يَذَلُّ دِينَهُ فَاقْتُلُوهُ**

**[28993]** Khilas said regarding the female apostate: "She is asked to repent for days." And he said: "Until she is killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ فَتَاهَةَ، عَنْ خِلَاسٍ فِي الْمُرْتَدَةِ: شُسْتَابُ أَيَّامًا وَقَالَ: حَتَّى تُقْتَلَ

**[28994]** Ibn Abbas said: "Women are not killed if they apostatize from Islam, but they are imprisoned and invited to Islam, and compelled to accept it."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمانَ، وَوَكِيعٌ، عَنْ أَبِي حَنِيفَةَ، عَنْ عَاصِمٍ، عَنْ أَبِي رَزِينَ، عَنْ أَبْنِ عَبَّاسٍ، قَالَ: لَا يُقْتَلُ النِّسَاءُ إِذَا هُنَّ ارْتَدْنَ عَنِ الْإِسْلَامِ، وَلَكِنْ يُحْبَسْ وَيُذْعَنْ إِلَى الْإِسْلَامِ فَيَجْرِنَ عَلَيْهِ

**[28995]** Ata said regarding the female apostate: "She is not killed."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ، عَنْ لَيْثٍ، عَنْ عَطَاءٍ فِي الْمُرْتَدَةِ، قَالَ: لَا تُقْتَلَ

**[28996]** Al-Hasan said: "Do not kill women if they apostatize from Islam, but invite them to Islam. If they refuse, enslave them and make them slave girls for the Muslims, but do not kill them."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمانَ، عَنْ أَشْعَثَ، عَنْ الْحَسَنِ، قَالَ: لَا تَقْتُلُوا النِّسَاءَ إِذَا هُنَّ ارْتَدْنَ عَنِ الْإِسْلَامِ، وَلَكِنْ يُذْعَنْ إِلَى الْإِسْلَامِ، فَإِنْ هُنَّ أَبْيَانَ سُبِّينَ فَيُجْعَلْنَ إِمَاءَ الْمُسْلِمِينَ، وَلَا يُقْتَلْنَ

**[28997]** Al-Hasan said regarding the woman who apostatizes from Islam: "She is not killed, she is imprisoned."

حَدَّثَنَا أَبُو بَكْرٌ قَالَ: حَدَّثَنَا أَبُو دَاؤَدَ، عَنْ أَبِي حَرَّةَ، عَنْ الْحَسَنِ فِي الْمَرْأَةِ تَرْنَدَ عَنِ الْإِسْلَامِ، قَالَ: لَا تُقْتَلَ، تُحْبَسُ

**[28998]** Al-Hasan said regarding the female apostate: "She is asked to repent. If she repents, [good]; otherwise, she is killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ، عَنْ هِشَامٍ، عَنْ  
الْحَسَنِ فِي الْمُرْتَدَةِ: تُسْتَنَابُ، فَإِنْ تَابَتْ وَإِلَّا قُتِلَتْ

**[28999]** Umar ibn Abd al-Aziz sold an Umm Walad (slave mother of a child) belonging to a Muslim man who apostatized, in Dumat al-Jandal, to people other than her own.

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ يَحْيَى  
بْنِ سَعِيدٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: أَنَّ أُمَّ وَلَدٍ لِرَجُلٍ  
مِنَ الْمُسْلِمِينَ ارْتَدَتْ فَبَاعَهَا بِنَوْمَةِ الْجَنْدِ مِنْ غَيْرِ  
أَهْلِهَا

**[29000]** Ibrahim said regarding the woman who apostatizes from Islam: "She is asked to repent. If she repents, [good]; otherwise, she is killed."

حَدَّثَنَا أَبُو بَكْرٍ قَالَ: حَدَّثَنَا وَكِيعٌ، قَالَ: حَدَّثَنَا سُفْيَانَ،  
عَنْ سَعِيدٍ، عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، فِي الْمُرْأَةِ  
تَرْتَدُ عَنِ الْإِسْلَامِ، قَالَ: تُسْتَنَابُ، فَإِنْ تَابَتْ وَإِلَّا قُتِلَتْ