

*Partial Translation of Sahih Muslim, Book 16:*

## ***Pertaining To Punishments Prescribed By Islam (Kitab Al-Hudud)***

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*Book 16, Number 4190:*

Narrated Jabir ibn Abdullah:

A woman from the tribe of Makhzum committed theft. She was brought to Allah's Apostle (peace\_be\_upon\_him) and she sought refuge (intercession) from Umm Salamah, the wife of Allah's Apostle (peace\_be\_upon\_him). Thereupon Allah's Apostle (peace\_be\_upon\_him) said: By Allah, even if she were Fatimah, I would have her hand cut off. And thus her hand was cut off.

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*Book 16, Number 4191:*

Narrated Ubadah ibn as-Samit:

Allah's Messenger (peace\_be\_upon\_him) said: Receive (teaching) from me, receive (teaching) from me. Allah has ordained a way for those (women).

When an unmarried male commits adultery with an unmarried female (they should receive) one hundred lashes and banishment for one year. And in case of married male committing adultery with a married female, they shall receive one hundred lashes and be stoned to death.

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*Book 16, Number 4198:*

Narrated Jabir ibn Samurah:

As he was being brought to Allah's Apostle (peace\_be\_upon\_him), I saw Ma'iz - a short-statured person with strong sinews, having no cloak around him. He bore witness against his own self four times that he had committed adultery, whereupon Allah's Messenger (peace\_be\_upon\_him) said: Perhaps (you kissed her or embraced her). He said: No, By God, one deviating (from the path of virtue) has committed adultery.

He then got him stoned (to death), and then delivered the address: Behold, as we set out for Jihad in the cause of Allah, one of you lagged behind and shrieked like the bleating of a male goat, and gave a small quantity of milk. By Allah, in case I get hold of him, I shall certainly punish him.

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*Book 16, Number 4201:*

Narrated Abdullah ibn Abbas:

Allah's Apostle (peace\_be\_upon\_him) said to Ma'iz ibn Malik: Is it true what has reached me about you? He said: What has reached you about me? He said: It has reached me that you have committed (adultery) with the slave girl of so and so? He said: Yes.

He (the narrator) said: He testified four times. He (the Prophet) then made pronouncement about him and he was stoned (to death).

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*Book 16, Number 4202:*

Narrated AbuSa'id:

A person belonging to the clan of Aslam, who was called Ma'iz ibn Malik, came to Allah's Messenger (peace\_be\_upon\_him) and said: I have committed an immoral crime (adultery), so inflict punishment upon me. Allah's Apostle (peace\_be\_upon\_him) turned him away again and again. He then asked his people (about the state of his mind). They said: We do not know of any ailment of his except that he has committed some crime and he thinks that he will not be able to relieve himself of its burden unless the Hadd is imposed upon him.

He (Ma'iz) came back to Allah's Apostle (peace\_be\_upon\_him) who commanded us to stone him. We took him to the Baqi' al-Gharqad (the graveyard of Medina). We neither tied him nor dug any ditch for him. We attacked him with bones, clods and pebbles. He ran away and we ran after him until he reached the stony ground (al-Harrah) and stopped there and we stoned him with the heavy stones of the Harrah until he became motionless (he died).

He (the Holy Prophet) then addressed (us) in the evening saying: Whenever we set forth on an expedition in the cause of Allah, some of those connected with us shrieked (under the pressure of sexual lust) like the bleating of a billy-goat. It is essential that if a person having committed such a deed is brought to me, I should punish him. He neither begged forgiveness for him nor cursed him.

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*Book 16, Number 4205:*

Narrated Buraydah:

Ma'iz ibn Malik came to Allah's Apostle (peace\_be\_upon\_him) and said to him: Messenger of Allah, purify me. Thereupon he said: Woe to you, go back, ask forgiveness of Allah and turn to Him in repentance. He (the narrator) said that he went off a little way, then came and said: Messenger of Allah purify me. The Messenger of Allah said: Woe be upon you, go back and ask forgiveness of Allah and turn to Him in repentance. He (the narrator) said that he went off a little way, then he came and said: Allah's Messenger, purify me. Allah's Apostle (peace\_be\_upon\_him) said as he had said before.

When it was the fourth time, Allah's Messenger (peace\_be\_upon\_him) said: From what am I to purify you? He said: From adultery. Allah's Messenger (peace\_be\_upon\_him) asked if he had been mad. He was informed that he was not mad. He said: Has he drunk wine? someone stood up and smelt his breath but

noticed no smell of wine. Thereupon Allah's Messenger (may peace) be upon him) said: Have you committed adultery? He said: Yes. He made a pronouncement about him and he was stoned to death.

The people had been (divided) into two groups about him (Ma'iz). One of them said: He has been undone for his sins have encompassed him, whereas another said: There is no repentance more excellent than the repentance of Ma'iz, for he came to Allah's Apostle (peace\_be\_upon\_him) and placing his hand in his (in the Holy Prophet's) hand said: Kill me with stones.

(This controversy about Ma'is) remained for two or three days. Then came Allah's Messenger (peace\_be\_upon\_him) to them (his companions) as they were sitting. He greeted them with a salutation and then sat down and said: Ask forgiveness for Ma'iz ibn Malik. They said: May Allah forgive Ma'iz ibn Malik. Thereupon Allah's Messenger (peace\_be\_upon\_him) said: He (Ma'iz) has made such a repentance that if that were to be divided among a people, it would have been enough for all of them.

He (the narrator) said: Then a woman of Ghamid, a branch of Azd, came to him and said: Messenger of Allah, purify me. Thereupon he said: Woe to you; go back and beg forgiveness from Allah and turn to Him in repentance. She said: I find that you intend to send me back as you sent back Ma'iz ibn Malik. He (the Holy Prophet) said: What has happened to you? She said that she had become pregnant as a result of fornication. He (the Holy Prophet) said: Is it you (who has done that)? She said: Yes. He (the Holy Prophet) said to her: (You will not be punished) until you give birth to that which is there in your womb.

One of the Ansar became responsible for her until she was delivered (of the child). He (that Ansar) came to Allah's Apostle (peace\_be\_upon\_him) and said: The woman of Ghamid has given birth to a child. He (the Holy Prophet) said: In that case we shall not stone her and so leave her infant with none to breast-feed him. One of the Ansar got up and said: Allah's Apostle, let the responsibility of his nursing be upon me. She was then stoned to death.

*Book 16, Number 4207:*

Narrated Imran ibn Husayn:

A woman from Juhaynah came to Allah's Apostle (peace\_be\_upon\_him) and she had become pregnant because of adultery. She said: Allah's Apostle, I have done something for which (prescribed punishment) must be imposed upon me, so impose that. Allah's Apostle (peace\_be\_upon\_him) called her master and said: Treat her well, and when she gives birth bring her to me. He did accordingly. Then Allah's Apostle (peace\_be\_upon\_him) pronounced judgment on her. Her clothes were tied around her and then he gave the order and she was stoned to death. He then prayed over her (dead body).

Thereupon Umar said to him: Allah's Apostle, you offer prayer for her although she had committed adultery! Thereupon he said: She has made such a repentance that if it were to be divided among seventy men of Medina, it would be enough. Have you found any repentance better than that she sacrificed her life for Allah, the Majestic?

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*Book 16, Number 4214:*

Narrated Al-Bara' ibn Azib:

There happened to pass by Allah's Apostle (peace\_be\_upon\_him) a Jew blackened and lashed. Allah's Apostle (peace\_be\_upon\_him) called them (the Jews) and said: Is this the punishment that you find in your Book (Torah) as a prescribed punishment for adultery? They said: Yes. He (the Holy Prophet) called one of the scholars amongst them and said: I ask you in the name of Allah Who sent down the Torah to Moses if that is the prescribed punishment for adultery, which you find in your Book. He said: No. Had you not asked me in the name of Allah, I should not have given you this information. We find stoning to death (as the punishment prescribed in the Torah).

However, this (crime) became quite common amongst our aristocratic class. So when we caught hold of any rich person (indulging in this offence) we spared him, but when we caught hold of a helpless person we imposed the prescribed punishment upon him. We then said: Let us agree (on a punishment) which we can inflict upon both the rich and the poor. So we decided to blacken the face with coal and flog as a substitute punishment for stoning.

Thereupon Allah's Messenger (peace\_be\_upon\_him) said: O Allah, I am the first to revive Thy command when they had cancelled it. He then gave the order and he (the offender) was stoned to death. Allah, the Majestic and Glorious, sent down (this verse): "O Messenger, (the behaviour of) those who vie with one another in denying the truth should not grieve you..." up to "is vouchsafed unto you, accept it" (v.41).

It was said (by the Jews): Go to Muhammad; if he commands you to blacken the face and award flogging (as punishment for adultery), then accept it, but if he gives the verdict of stoning, then avoid it. It was (then) that Allah, the Majestic and Great, sent down (these verses: "...And they who do not judge in accordance with what Allah has revealed, are indeed deniers of the truth" (v.44); "And they who do not judge in accordance with what Allah has revealed--they, they indeed are the wrongdoers" (v.45); "And they who do not judge in accordance with what God has revealed--they are the iniquitous" (v.47). (All these verses) were revealed in connection with the nonbelievers.

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*Book 16, Number 4216:*

Narrated Jabir ibn Abdullah:

Allah's Apostle (peace\_be\_upon\_him) stoned (to death) a person from Banu Aslam, and a Jew and his wife.

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*Book 16, Number 4224:*

Narrated Ali ibn AbuTalib:

Ali, while delivering the address said: O people, impose the prescribed punishment

upon your slaves, those who are married and those not married, for a slave-woman belonging to Allah's Messenger (peace\_be\_upon\_him) had committed adultery, and he committed me to flog her. But she had recently given birth to a child and I was afraid that if I flogged her I might kill her. So I mentioned that to Allah's Apostle (peace\_be\_upon\_him) and he said: You have done well.

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*Book 16, Number 4231:*

Narrated Ali ibn AbuTalib:

Hudayn ibn al-Mundhir AbuSasan reported: I saw that Walid was brought to Uthman ibn Affan as he had prayed two rak'ahs of the dawn prayer. He said: I make an increase for you. And two men bore witness against him. One of them was Humran who said that he had drunk wine. The second one gave evidence that he had seen him vomiting. Uthman said: He would not have vomited (wine) unless he had drunk it.

He said: Ali, stand up and lash him. Ali said: Hasan, stand up and lash him. Thereupon Hasan said: Let him suffer the heat (of Caliphate) who has enjoyed its coolness. (Ali felt annoyed at this remark) and he said: Abdullah ibn Ja'far, stand up and flog him, and he began to flog him and Ali counted the stripes until these were forty.

He (Ali) said: Stop now, and then said: Allah's Apostle (peace\_be\_upon\_him) gave forty stripes, AbuBakr also gave forty stripes, and Umar gave eighty stripes. All these fall under the category of the Sunnah, but this one (forty stripes) is dearer to me.

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