

Lesson 28

Point Number 33

And stoning is true.

The Explanation:

Allaah, the Perfect and Most High, has forbidden some things relating to matters affecting peoples' honour or relating to dealings and other than that; and these forbidden matters are divided into categories.

- Forbidden things which are major sins
- Forbidden matters which are lesser sins

And then with regard to the punishment upon the one who commits them, they are divided into three categories.

The first category: forbidden things for which Allaah has laid down prescribed punishments. They are called *al-hudood* prescribed punishments from the word *al-hadd* (limit); it means prevention. They are called that because they prevent from falling into these sins.

The second category: forbidden things which Allaah has not laid down prescribed punishments for, however there is *ta'zeer* (discretionary) punishments for them; and it is left to the discretion of the ruler in accordance with whatever he sees will be a deterrent from them. And this is called *ta'zeer* and it is a correctional punishment.

The third category: that which does not have a laid down prescribed punishment nor does it have a discretionary punishment from those forbidden things. However, there does occur with regard to it a threat and a mention of anger and curse and Fire and other than that from the types of threat; such as consuming usury and gambling and other than that. With regard to this there is a severe threat which will deter whoever has *eemaan* (true faith) in his heart. And whoever does not have *eemaan* in his heart or he is weak in faith, then in front of him there will be a reckoning and a punishment in the Hereafter. So Allaah, the Majestic and Most High, has made forbidden these forbidden matters.

The Prophet ṣallAllaahu `alayhi wa sallam said:

Allaah made obligatory duties obligatory, so do not neglect them. And He made some things forbidden, so do not commit them. And He remained silent about some things as a mercy upon you, not out of forgetfulness, so do not ask about them. ¹

And from these prescribed punishments is the prescribed punishment for fornication. And fornication is to commit illicit sexual intercourse in the private part of one not lawful for him, except through correct legislated marriage contract.

He, the Most High, said:

¹ This ḥadeeth occurs as no. 30 in an-Nawawiyy's Forty Ḥadeeth. It is reported by at-Ṭabaraaniyy in al-Mu'jamul-Kabeer, Ibn Jareer in his Tafseer, ad-Daaraqutniyy in his Sunan, al-Ḥaakim in his Mustadrak, al-Bayhaqiyy in as-Sunanul-Kubraa and others. It was declared ḥasan good by an-Nawawiyy in Riyaadus-Ṣaaliheen.

Translators side point: It occurs as a ḥadeeth of Aboo Tha'labah al-Khushaniyy radiyAllaahu `anh and Shaykh al-Albaaniyy rahimahullaah said with regard to this narration in Ghaayatul-Maraam (no. 4), "This narration is actually *da'eef* (weak). Makḥool did not meet Aboo Tha'labah." However in the same book Shaykh al-Albaaniyy declares ḥasan (good) the narration which bears some resemblance with this one, which is the ḥadeeth of Abud-Dardaa radiyAllaahu `anh that the Prophet ṣallAllaahu `alayhi wa sallam said,

"Whatever Allaah made lawful in His book, then it is lawful. And whatever He made forbidden, then it is forbidden. And whatever He remained silent about, then it is pardoned. So accept from Allaah that which He has pardoned for Allaah would not forget anything."

And he recited:

﴿وَمَا كَانَ رَبُّكَ نَسِيًّا﴾

(Explanation)

And your Lord never forgets.

(Soorah Maryam (19), aayah 64)

Ḥadeeth reported by al-Ḥaakim and declared ḥasan by Shaykh al-Albaaniyy.

﴿ وَالَّذِينَ هُمْ لِأَفْوَاجِهِمْ حَافِظُونَ ﴿٢٩﴾ إِلَّا عَلَىٰ أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ

فَإِنَّهُمْ غَيْرُ مُلُومِينَ ﴿٣٠﴾ فَمَنْ أَبْغَىٰ وَرَاءَ ذَلِكَ فَأُولَٰئِكَ هُمُ الْعَادُونَ ﴿٣١﴾ ﴾

(Explanation)

And those who guard their private parts, except upon their wives or the slaves whom their right hands possess. For they are not blameworthy. And whoever seeks something beyond that, then they are the transgressors.

(Sooratul- Ma'aarij (70), aayah 29 - 31)

Meaning those who go beyond what is lawful and enter into that which is forbidden. So whoever enters into fornication, then he will be one of two categories. Either if he is a virgin, meaning he has not had relations with a woman in a lawful marriage which kept him chaste, he is a virgin, then his punishment will be that he will be lashed one hundred times.

He, the Most High said:

﴿ الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُم بِهِمَا رَأْفَةٌ فِي دِينِ

اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلْيَشْهَدْ عَذَابَهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ



(Explanation)

And the female fornicator and the male fornicator, lash each one of them with a hundred lashes. And let not pity deter you from obedience to Allaah, if you truly believe in Allaah and in the Last Day. And let a group of the believers witness their punishment.

(Sooratun-Noor (24), aayah 2)

And there occurs in the authentic Sunnah that he should be exiled, meaning banished from his land where he committed the illicit sexual relations and sent to another land for a the period of one year. He ṣallAllaahu `alayhi wa sallam said:

For a virgin committing it with a virgin, then the punishment is one hundred lashes and exile for one year. ²

So exile is confirmed in the Sunnah. As for lashing then it is established in the Qur'aan. And the scholars are agreed in consensus upon lashing, and the majority of them also agree upon exile. This is with regard to the punishment for the virgin.

As for the previously married person, and he is the one who has had relations already with the wife in a correct marriage, and he recognizes the value of peoples honour and the sanctity of peoples honour. And this person, he is stoned with stones until he dies. And this is established in the Qur'aan whose wording was abrogated, but whose ruling remained.

Just as `Umar *radīyAllaahu `anhu* said upon the *mimbar* of the Messenger ṣallAllaahu `alayhi wa sallam,

“The aayah of stoning came down and we comprehended it and we preserved it. And Allaah’s Messenger ṣallAllaahu `alayhi wa sallam stoned. And I fear that if a time becomes prolonged for the people, that they will start to say, ‘We do not find stoning in the Book of Allaah’. Indeed it is in the Book of Allaah. ³

This was Qur'aan whose wording was abrogated, but whose ruling remained. And Allaah’s Messenger ṣallAllaahu `alayhi wa sallam stoned and he commanded stoning. And the Muslims are agreed in consensus upon that. And no one disagreed about it, except for the people of innovations, those whose disagreement is not taken account of such as the Khawaarij.

² Reported by Muslim in his *Saḥeeḥ* (no. 1690) as a ḥadeeth of `Ubaadah ibnuṣ-Ṣaamit *radīyAllaahu `anh*.

Translator’s side point: You also find that same narration from a different Companion reported by al-Bukhaariyy, also by Aboo Daawood, at-Timithiyy and Ibn Maajah. This wording actually occurring in the text is the wording of Ibn Maajah. Shaykh al-Albaaniyy declared it likewise *saḥeeḥ*.

³ Reported by al-Bukhaariyy in his *Saḥeeḥ* (no. 6829). Also reported by Muslim in his *Saḥeeḥ* (no. 1691) from a narration of `Umar *radīyAllaahu `anh*.

So stoning is established in the Book and in the Sunnah of the Prophet *ṣallAllaahu `alayhi wa sallam* sayings (*Sunnah qowliyyah*) and his actions (*Sunnah `amaliyyah*) and by consensus. So whoever denies it is a disbeliever, because he is denying that which Allaah has said and His Messenger and the consensus of the Muslims. So stoning is established. There is no scope for speech about it. And therefore he stated it here and said **“Stoning is true”**. This is the creed and belief of the *Ahlus-Sunnah wal-Jamaa`ah* in refutation of the innovators, those who deny stoning without knowledge and without clear insight, because of their ignorance and because of their childishness in regards to knowledge; and they are relying upon their intellect and their own thinking. And those people are not counted. No notice is taken of them and their sayings are not looked at. So sometimes an ignorant person can come claiming awareness and to have researched and say, “There is disagreement about this.”

So it is said to him, “Is it the case that every disagreement is taken account of?! There are matters of disagreement which are totally discarded and not counted. And from them is this disagreement.

And therefore the writer of the lines of poetry said:

Not every disagreement that comes about is taken account of, except that which has of correct examination.

So the matter is not just claims of disagreement. The matter is one of verification of what is correct and tying it to the proof. So whoever goes against the proof, then he is defeated in the argument and there is no weight given to his disagreeing, and he is not counted.

And Allaah, the Majestic and Most High, says:

﴿ فَإِنْ نَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ

الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴾

So if you disagree about anything, then refer it back to Allaah and the Messenger, if you truly believe in Allaah and the last day, that is the better and finer in its outcome.

(Sooratun-Nisaa· (4), aayah 59)

So we do not just remain upon there being disagreement, rather we refer back to the proof, because of His saying, He, the Most High:

﴿فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ

وَأَحْسَنُ تَأْوِيلًا﴾

Then refer it back to Allaah and the Messenger, if you truly believe in Allaah and in the last day, that is the better and finer regarding its outcome.

(Sooratun-Nisaa· (4), aayah 59)

So therefore the author *rahimahullaah* he stated the issue of stoning even though this book is a book of creeds and beliefs, because it is obligatory to believe in the obligation of stoning; and whoever denies it has become a disbeliever. So therefore he stated it as a refutation of the innovators who deny stoning. ⁴

Point Number 34

And wiping over the leather socks is Sunnah.

The Explanation:

“And wiping over the leather socks is Sunnah.” He stated this matter, even though it is from the matters of *fiqh* then it has a connection to *`aqeedah*. For whoever denies wiping upon the leather socks, then he will be outside the *Ahlu-Sunnah wal-Jamaa`ah*, contradicting the correct creed and belief; because wiping over the leather socks is established from the Messenger *sallAllaahu `alayhi wa sallam* in many *ahaaadeeth* which reach the level of being *mutawaatir* (reported by a huge numbers of people at every single level of transmission, so many that it would be impossible to gather together

⁴ Translator’s side point: Shaykh Ahmad an-Najmiyy *rahimahullaah* said in his explanation that from the established Sunnah of Allaah’s Messenger *sallAllaahu `alayhi wa sallam* is that: Indeed he stoned Maa’iz [reported by al-Bukhaariyy (no. 6824)] and the woman connected with the employee [al-Bukhaariyy (no. 6828)] and the woman of the Juhaniyy tribe, al-Juhaniyyah [Muslim (no. 1696)]. And he stoned two Jews who had committed fornication [al-Bukhaariyy (no. 6841)]. And the Prophet *sallAllaahu `alayhi wa sallam* passed away and this ruling remained being acted upon. And the *khulafaa* stoned after him.”

upon a lie).⁵ Wiping over the leather socks is a concession and acting upon a concession is a Sunnah, because of his saying *ṣallAllaahu `alayhi wa sallam*,

“Allaah loves that His concessions should be taken up, just as He hates that acts of disobedience to Him are committed.”⁶

So wiping over the leather socks, and wiping over whatever takes the places of the leather socks with regard to normal socks, is established in the Prophetic Sunnah. And no one disagrees about it except for the Raafidah (Shee`ah), whilst they affirm wiping upon the feet. So in the view of the Raafidah the feet are not to be washed, rather they are to be wiped over using as evidence the *aayah* (of wudoo):

﴿وَأَمْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلِكُمْ إِلَى الْكَعْبَيْنِ﴾

And wipe your heads and wipe your feet (أرجلكم) up to the ankles

(Sooratul-Maa'idah (5), *aayah* 6)

And in their view the *ka'baan* (two ankle bones) it doesn't mean the two well known ankle bones at the bottom of the shins, rather in their view it refers to what comes under the strap of the shoe or sandal, and it is where the foot joins the heel – that which is called the throne of the foot (i.e. the arch or ridge on top of the foot). This is the *ka'b* (ankle bone) in the view of the Raafidah. It is other than *ka'b* which is with the people of *Ahlus-Sunnah wal-Jamaa'ah*.

And there is no proof for them even with the recitation with *kasrah* in the *aayah* (*wa arjulikum*), because the well-known recitation is with it being *mansoob*:

⁵ Translator's side point: Imaam an-Nawawiyy stated that some of the reports contain from eighty Companions including the ten promised Paradise.

⁶ Reported by Imaam Ahmad in his Musnad, by at-Tabaraaniyy in al-Mu`jamus-Sagheer, Ibn Khuzaymah in his Saheeh and Ibn Hibbaan in his Saheeh, from the hadeeth of `Abdullaah Ibn `Umar *radiyAllaahu `anhumaa*. And it is declared *saheeh* by al-Munthiriyy in at-Targheeb wat-Tarheeb, and he declared the chain of narration of Ahmad to be authentic.

Translator's side point: And Shaykh al-Albaaniyy in his checking of at-Targheeb wat-Tarheeb declared this hadeeth to be *hasan saheeh*.

'*Wa arjulakum*' joining it to those things (which are to be washed), '*faghsiloo wujoohakum...*' (i.e. wash your faces and your feet).

And with regards to the recitation where there is a *kasrah*, then it is on account of the word being next to His saying '*wamsahoo bi ru·oosikum*' (i.e. wipe your heads and also your feet). And the proof is that the Prophet *sallAllaahu `alayhi wa sallam* used to wash his feet, and he had not used to wipe except upon the leather socks. ⁷

It.haaful-Qaaree bit-Ta`leeqaat `alaa Sharhis-Sunnah

by Shaykh Saalih ibn Fowzaan al-Fowzaan hafizhullaah

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Points discussed by Shaykh Saalih al-Fowzaan hafizhullaah in this excerpt include:

- The types of punishment in Islaam.
- The punishment for *zinaa* (fornication) for a virgin is 100 lashes and being exiled for a year.
- The punishment for *zinaa* for someone previously married is stoning to death. That this was is in the text of the Qur'aan whose wording in this regard was abrogated but whose ruling was not. The Sunnah confirms the validity of stoning.
- The danger of denying stoning.
- Not every type of disagreement is valid.
- One should refer back to the proofs when there is disagreement.

⁷ Translator's side point: Shaykh Ahmad an-Najmiyy rahimahullaah said: "Wiping over the leather socks is from the Sunnahs. And wiping upon the leather socks has entered upon the matters of creed and belief, because some of the innovators deny it; and they are the Khawaarij and the Shee`ah, using as proof that it does not occur in the Qur'aan. But it is established from the Prophet *sallAllaahu `alayhi wa sallam* through the narration of a group of the Companions. And denying it has become a distinguishing sign of the people of innovations. And the *Ahlus-Sunnah wal-Jamaa`ah* affirm it, because of the proofs for it."

- Wiping over the socks is from the Sunnah, which is a concession which should be acted upon.