

9292 - Was Maa'iz married?

the question

Was Ma'iz ibn Malik married or unmarried and if he was a bachelor, why was he stoned? I ask this because I have read that he was not married and was stoned for persistent fornication. However, there are other ahadith about "a man from Bani Aslam" which match the case of Ma'iz (who was from the Aslam) in every detail but do not give the name of the man. Was this man Ma'iz?.

Detailed answer

The ahaadeeth which tell the story of Maa'iz (may Allaah be pleased with him) and are narrated in al-Saheehayn were narrated through numerous isnaads. In some of them his name is given as Maa'iz, and in these it does not say that he was married. And in some he is mentioned by the name of his tribe - "a man from Aslam" - and in these it says that he was married.

The context of the ahaadeeth is the same which makes us certain that they are speaking of the same story, which is the story of Maa'iz (may Allaah be pleased with him) and that he was married. This is stated in the text of one hadeeth which is narrated by al-Bayhaqi as we shall see below. There follow some of the reports:

According to the version narrated by Muslim, they took Maa'iz to the Harrah, and this report states his name. According to a version narrated by al-Bukhaari, they stoned a man from (the tribe of) Aslam - and Maa'iz was a man from the tribe of Aslam as we shall see in the hadeeth from Abu Sa'eed below - so they took him to the Harrah. We also draw your attention to the similarity between the two hadeeth which both say that the Prophet (peace and blessings of Allaah be upon him) turned away from him four times, etc. This makes us certain that the two hadeeths are telling the story of the same

man. Based on that, it says in the report narrated by al-Bukhaari that he was married. The two reports are as follows:

(a)

Muslim (1694) narrated:

From Abu Sa'eed: that a man called Maa'iz ibn Maalik came to the Messenger of Allaah (peace and blessings of Allaah be upon him) and said: "I have committed adultery. Carry out (the hadd punishment) on me." The Messenger of Allaah (peace and blessings of Allaah be upon him) ignored him several times, then he asked his people (about him). They said: "We do not know of anything wrong with him, 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 punishment is carried out on him." So he went back to the Prophet (peace and blessings of Allaah be upon him) and he commanded us to stone him. So we took him out to Baqee' al-Gharqad and we did not tie him up or dig a hole for him. We stoned him with bones, clods and pebbles. He ran away and we ran after him until he came to 'Arad al-Harrah (a place in Madeenah), where he stopped, and we stoned him with the rocks of the Harrah until he stopped moving (i.e., died).

(b)

The report narrated by al-Bukhaari (4969):

It was narrated from Jaabir that a man from (the tribe of) Aslam came to the Prophet (peace and blessings of Allaah be upon him) when he was in the mosque and he said, "I have committed adultery." The Prophet (peace and blessings of Allaah be upon him) turned his face away from him. The man came to that side to which the Prophet had turned his face, and testified against himself four times. The Prophet (peace and blessings of Allaah be upon him) said, "Are you mad? Are you married?" He said, "Yes." So he commanded that he be stoned in the Musalla (Eid prayer place). When the

stones troubled him, he ran away, until he was caught in al-Harrah and killed.

And it was narrated that Abu Hurayrah said: A man from (the tribe of Aslam) came to the Messenger of Allaah (peace and blessings of Allaah be upon him) when he was in the mosque and called him. He said, "O Messenger of Allaah, This man has committed zina," meaning himself. [The Prophet (peace and blessings of Allaah be upon him)] turned his face away from him. The man came to that side to which the Prophet had turned his face, and said, "O Messenger of Allaah, this man has committed zina." The Prophet (peace and blessings of Allaah be upon him) turned his face to the other side, and the man came to that side, and said the same thing. When he had testified against himself four times, the Prophet called him and said, "Are you mad?" He said, "No." The Prophet (peace and blessings of Allaah be upon him) said, "Take him away and stone him to death." And he was married. When the stones troubled him, he ran away, but we caught up with him at al-Harrah and stoned him to death (there)."

Narrated by al-Bukhaari, 4970

This is also stated clearly in Sunan al-Bayhaqi:

It was narrated from Jaabir from the Messenger of Allaah (peace and blessings of Allaah be upon him): a man from (the tribe of) Aslam testified against himself four times in his presence, admitting zina, so he ordered that he be stoned, as he was married. He said: they said that that was Maa'iz.

Sunan al-Bayhaqi al-Kubra, 8/218

Al-Haafiz ibn Hajar stated in Fath al-Baari that these ahaadeeth tell the story of one man, namely Maa'iz (may Allaah be pleased with him).

The phrase “a man from Aslam” means a man from the famous tribe of Banu Aslam. The name of this man was Maa’iz ibn Maalik as we shall see below; he was named as such by Ibn ‘Abbaas (may Allaah be pleased with him).

Al-Haafiz also said:

The hadeeth which says that the Prophet (peace and blessings of Allaah be upon him) stoned Maa’iz, who was married, appears in al-Saheehayn from Abu Hurayrah. He said to him: “Are you married?” and he said, “Yes.”

This was also narrated by al-Bukhaari from Jaabir.

Al-Diraayah fi Takhreej Ahaadeeth al-Hidaayah, 2/96.

These ahaadeeth when taken together make us certain that when Maa’iz was stoned, he was married.

Maa’iz was not stoned because he frequently committed the sin of zina; there is no evidence to indicate that Maa’iz was one of those who frequently commit zina.

The previously-married person who commits zina deserves to be stoned, whether he got married and divorced, or his wife passed away, or he is still married.

There is no difference between one who commits zina once and one who commits this sin repeatedly. Whoever has been previously married must be stoned. In the case of one who has not been previously married, the hadd punishment is one hundred lashes and exile for one year.

And Allaah knows best.