

الكافي

AL-KAFI

ج 7

Volume 7

للمحدّث الجليل والعالم الفقيه الشيخ محمد بن يعقوب الكليني المعروف بثقة
الإسلام الكليني المتوفى سنة 329 هجرية

Of the majestic narrator and the scholar, the jurist, the Sheykh
Muhammad Bin Yaqoub Al-Kulayni

Well known as 'The trustworthy of Al-Islam Al-Kulayni'

Who died in the year 329 H

كِتَابُ الْقَضَاءِ وَ الْأَحْكَامِ

THE BOOK OF JUDGEMENTS AND THE
RULINGS

TABLE OF CONTENTS

THE BOOK OF JUDGEMENTS AND THE RULINGS.....	1
Chapter 1 – The government, but rather, it is for the Imamasws	3
Chapter 2 – Types of judges	4
Chapter 3 – The one who judges with other than what Allahazwj Mighty and Majestic Revealed	4
Chapter 4 – The Mufti (Fatwa issuer) is responsible.....	7
Chapter 5 – Taking the recompense and the bribery upon the judgement.....	7
Chapter 6 – One who is unjust in the judgement	8
Chapter 7 – Abhorrence of sitting by the inequitable judges	9
Chapter 8 – Abhorrence of raising (the matters) to the inequitable judges.....	9
Chapter 9 – Disciplines of the adjudication	12
Chapter 10 – The judgements are by the proofs and the oaths	14
Chapter 11 – The (burden of) the proof is upon the claimant, and (swearing of) the oath is upon the defendant.....	16
Chapter 12 – The one who claims upon a deceased	16
Chapter 13 – The one who does not happen to have a proof for himself, so the (swearing of) the oath is turned upon him.....	17
Chapter 14 – The one who has a proof for himself, so there is no swearing upon him when he establishes it	19
Chapter 15 – The one who is pleased with the oath, so it is sworn for him, so there is no claim for him after the swearing of the oath, even if there was proof for him	19
Chapter 16 – Two men both claiming, so each one of the two establishes the proof.....	20
Chapter 17 – Another chapter from it.....	23
Chapter 18 – Another chapter from it.....	23
Chapter 19 – The Miscellaneous	24

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَّمَ تَسْلِيمًا.

In the Name of Allah^{azwj} the Beneficent, the Merciful. The Praise is for Allah^{azwj} Lord^{azwj} of the Worlds, and Blessing be upon our Chief Muhammad^{saww} and his^{saww} Purified Progeny^{asws}, and greetings with abundant greetings.

بَابُ أَنَّ الْحُكُومَةَ إِنَّمَا هِيَ لِلْإِمَامِ (عَلَيْهِ السَّلَام)

Chapter 1 – The government, but rather, it is for the Imamasws

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ أَبِي عَبْدِ اللَّهِ الْمُؤْمِنِ عَنْ ابْنِ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ اتَّقُوا الْحُكُومَةَ فَإِنَّ الْحُكُومَةَ إِنَّمَا هِيَ لِلْإِمَامِ الْعَالِمِ بِالْقَضَاءِ الْعَادِلِ فِي الْمُسْلِمِينَ لِنَبِيِّ أَوْ وَصِيِّ نَبِيِّ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Isa, from Abu Abdullah Al Momin, from Ibn Muskan, from Suleyman Bin Khalid,

Abu Abdullah^{asws} has said: ‘Fear the governance, for the governance, but rather it is for the Imam^{asws}, the knowledgeable one with the just judgements regarding the Muslims. It is either for a Prophet^{as} or a successor^{as} of a Prophet^{as}’.¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنْ يَحْيَى بْنِ الْمُبَارَكِ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ أَبِي جَمِيلَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) لِشُرَيْحٍ يَا شُرَيْحُ قَدْ جَلَسْتَ مَجْلِسًا لَا يَجْلِسُهُ إِلَّا نَبِيٌّ أَوْ وَصِيٌّ نَبِيِّ أَوْ شَقِيٌّ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Yaqoub Bin Yazeed, from Yahya Bin Al Mubarak, from Abdullah Bin Jabala, from Abu Jameela, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Amir Al-Momineen^{asws} said to Shurayh (the judge): ‘O Shurayh! You are sitting in a seat none sits upon except for a Prophet^{as}, or a successor^{as} (of a Prophet^{as}) or a wretch (oppressor)’.²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَمَّا وَلى أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) شُرَيْحًا الْقَضَاءَ اشْتَرَطَ عَلَيْهِ أَنْ لَا يُنْفِذَ الْقَضَاءَ حَتَّى يَعْرضَهُ عَلَيْهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim,

Abu Abdullah^{asws} having said: ‘When Amir Al-Momineen^{asws} appointed Shurayh as the judge, stipulated upon him that he would not enforce the judgement without presenting it to him^{asws} (first)’.³

¹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 1 H 1

² Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 1 H 2

³ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 1 H 3

باب أصناف القضاة**Chapter 2 – Types of judges**

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ أَبِيهِ رَفَعَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الْقَضَاءُ أَرْبَعَةٌ ثَلَاثَةٌ فِي النَّارِ وَوَاحِدٌ فِي الْجَنَّةِ رَجُلٌ قَضَى بَجُورٍ وَهُوَ يَعْلَمُ فَهُوَ فِي النَّارِ وَرَجُلٌ قَضَى بِالْحَقِّ وَهُوَ لَا يَعْلَمُ فَهُوَ فِي النَّارِ وَرَجُلٌ قَضَى بِالْحَقِّ وَهُوَ لَا يَعْلَمُ فَهُوَ فِي النَّارِ وَرَجُلٌ قَضَى بِالْحَقِّ وَهُوَ يَعْلَمُ فَهُوَ فِي الْجَنَّةِ

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from his father,

(It has been) narrated from Abu Abdullah^{asws}: ‘The judges are four, three are in the Fire, and one in the Paradise – a man who judges with inequity and he knows, so he is in the Fire; and a man judges with inequity and he does not know, so he is in the Fire; and a man who judges with the truth and he does not know, so he is in the Fire; and a man who judges with the truth and he does know, so he is in the Paradise’.

وَ قَالَ (عَلَيْهِ السَّلَام) الْحُكْمُ حُكْمَانِ حُكْمُ اللَّهِ وَ حُكْمُ الْجَاهِلِيَّةِ فَمَنْ أَخْطَأَ حُكْمَ اللَّهِ حَكَمَ بِحُكْمِ الْجَاهِلِيَّةِ .

And he^{asws} said: ‘The judgements are two judgements – a judgement of Allah^{azwj}, and a judgement of the ignorance. So the one who errs in the Judgements of Allah^{azwj}, has judged by the judgement of the ignorance (disbelief)’.⁴

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدَ بْنِ عَبْدِ الْجَبَّارِ عَنِ ابْنِ فَضَّالٍ عَنْ ثَعْلَبَةَ بْنِ مَيْمُونٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ الْحُكْمُ حُكْمَانِ حُكْمُ اللَّهِ وَ حُكْمُ الْجَاهِلِيَّةِ وَ قَدْ قَالَ اللَّهُ عَزَّ وَ جَلَّ وَ مَنْ أَحْسَنُ مِنْ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ وَ اشْهَدُوا عَلَى زَيْدِ بْنِ ثَابِتٍ لَقَدْ حَكَمَ فِي الْفَرَائِضِ بِحُكْمِ الْجَاهِلِيَّةِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Ibn Fazzal, from Sa'alba Bin Maymoun, from Abu Baseer,

Abu Ja'far^{asws} has said: ‘The judgements are two judgements – a Judgement of Allah^{azwj} and a judgement of the ignorance, and Allah^{azwj} Mighty and Majestic has Said [5:50] **And who is better than Allah to Judge for a people who are certain?**, and (I^{asws}) bear witness that Zayd Bin Sabit had judged with regards to the Obligations by the judgement of the ignorance’.⁵

باب مَنْ حَكَمَ بغيرِ مَا أَنْزَلَ اللَّهُ عَزَّ وَ جَلَّ

Chapter 3 – The one who judges with other than what Allahazwj Mighty and Majestic Revealed

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ فَضَّالٍ عَنْ ثَعْلَبَةَ عَنْ صَبَّاحِ الْأَزْرَقِ عَنْ حَكَمِ الْحَنَاطِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) وَ حَكَمَ عَنِ ابْنِ أَبِي يَعْقُوبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَنْ حَكَمَ فِي دَرْهَمَيْنِ بغيرِ مَا أَنْزَلَ اللَّهُ عَزَّ وَ جَلَّ مِمَّنْ لَهُ سَوْطٌ أَوْ عَصَا فَهُوَ كَافِرٌ بِمَا أَنْزَلَ اللَّهُ عَزَّ وَ جَلَّ عَلَى مُحَمَّدٍ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) .

Ali Bin Ibrahim, from his father, from Ibn Fazzal, from Sa'alba, from Sabbah Al Azraq, from Hakam, from Abu Baseer,

⁴ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 2 H 1

⁵ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 2 H 2

(It has been narrated) from Abu Ja'far^{asws};

and Hakam Bin Yafour, from Abu Yafour,

from Abu Abdullah^{asws}; both^{asws} having said: 'The one who judges with regards to (even) two Dirhams by other than what Allah^{azwj} Mighty and Majestic Revealed, is from the ones for whom is a whip or a stick (ruling authority), so he is a disbeliever with what Allah^{azwj} Mighty and Majestic Revealed upon Muhammad^{saww},⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ حُمْرَانَ عَنْ أَبِي بَصِيرٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ مَنْ حَكَمَ فِي دِرْهَمَيْنِ بغيرِ مَا أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ فَهُوَ كَافِرٌ بِاللَّهِ الْعَظِيمِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Muhammad Bin Humran, from Abu Baseer who said,

'I heard Abu Abdullah^{asws} saying: 'The one who judges regarding two Dirhams by other than what Allah^{azwj} Mighty and Majestic Revealed, so he is a disbeliever with Allah^{azwj} the Magnificent'.⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانٍ رَفَعَهُ قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَنْ حَكَمَ فِي دِرْهَمَيْنِ بِحُكْمِ جَوْرٍ ثُمَّ جَبَّرَ عَلَيْهِ كَانَ مِنْ أَهْلِ هَذِهِ الْآيَةِ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ فَقُلْتُ وَ كَيْفَ يَجْبُرُ عَلَيْهِ فَقَالَ يَكُونُ لَهُ سَوْطٌ وَ سِجْنٌ فَيَحْكُمُ عَلَيْهِ فَإِذَا رَضِيَ بِحُكْمِهِ وَ إِلَّا ضَرَبَهُ بِسَوْطِهِ وَ حَبَسَهُ فِي سِجْنِهِ .

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from one of our companions, from Abdullah Bin Kaseer, from Abdullah Bin Muskan, raising it,

He^{asws} said: 'Rasool-Allah^{saww} said: 'The one who judges regarding (even) two Dirhams with an inequitable judgement, then is compulsive over it, would be from the deserving ones of this Verse **[5:44] and whoever did not judge by what Allah Revealed, those are they that are the unbelievers**'. So I said, 'And how is he compulsive over it?' So he^{asws} said: 'There happens to be for him a whip, and a prison, so he judges over it. So when they are happy with his judgement (fine), or else he whips them with his whip, and imprisons him in his prison'.⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ أَبِي عَبْدِ اللَّهِ الْمُؤْمِنِ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ أَيُّ قَاضٍ قَضَى بَيْنَ اثْنَيْنِ فَأَخْطَأَ سَقَطَ أَبْعَدَ مِنَ السَّمَاءِ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Isa, from Abu Abdullah Al Momin, from Muawiya Bin Wahab who said,

'I heard Abu Abdullah^{asws} saying: 'Whichever judge who judges between two, so he errs, falls from further than the sky'.⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ بْنِ أَيُّوبَ عَنْ دَاوُدَ بْنِ فَرْقَدٍ قَالَ حَدَّثَنِي رَجُلٌ عَنْ سَعِيدِ بْنِ أَبِي الْخَضِيِّبِ الْبَجَلِيِّ قَالَ كُنْتُ مَعَ ابْنِ أَبِي لَيْلَى مَرَامِلُهُ حَتَّى جِئْنَا إِلَى الْمَدِينَةِ فَبَيْنَا نَحْنُ فِي مَسْجِدِ

⁶ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 3 H 1

⁷ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 3 H 2

⁸ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 3 H 3

⁹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 3 H 4

الرَّسُولِ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) إِذْ دَخَلَ جَعْفَرُ بْنُ مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) فَقُلْتُ لِابْنِ أَبِي لَيْلَى تَقُومُ بِنَا إِلَيْهِ فَقَالَ وَ مَا نَصْنَعُ عِنْدَهُ فَقُلْتُ نُسَائِلُهُ وَ نُحَدِّثُهُ

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Fazalat Bin Ayoub, from Dawood Bin Farqad, from a man, from Saeed Bin Abu Al Khazeyb Al Bajaly who said,

'I was with Ibn Abu Layli (a judge) accompanying him until we came to Al-Medina. So while we were at the Masjid of the Rasool^{saww}, when Jafar^{asws} Bin Muhammad^{asws} entered. So I said to Ibn Abu Layli, 'Arise with us to go to him^{asws}'. So he said, 'And what shall we do in his^{asws} presence?' So I said, 'We would ask him^{asws} and discuss with him^{asws}'. So he said, 'Arise'.

فَقَالَ فَمَ فُقُمْنَا إِلَيْهِ فَسَاءَ لَنِي عَنْ نَفْسِي وَ أَهْلِي ثُمَّ قَالَ مَنْ هَذَا مَعَكَ فَقُلْتُ ابْنُ أَبِي لَيْلَى قَاضِي الْمُسْلِمِينَ فَقَالَ لَهُ أَنْتَ ابْنُ أَبِي لَيْلَى قَاضِي الْمُسْلِمِينَ قَالَ نَعَمْ قَالَ تَأْخُذُ مَالَ هَذَا فَتُعْطِيهِ هَذَا وَ تَقْتُلُ وَ تُفَرِّقُ بَيْنَ الْمَرْءِ وَ زَوْجِهِ لَا تَخَافُ فِي ذَلِكَ أَحَدًا

So he (the narrator) said, 'So we arose to go to him^{asws}. So he^{asws} asked me about myself and my family, then said: 'Who is this one with you?' So I said, 'Ibn Abu Layli, the judge of the Muslims'. So he^{asws} said to him: 'Are you Ibn Abu Layli, the judge of the Muslims?' He said, 'Yes'. He^{asws} said: 'You take the wealth of this one and give it to this one, and you kill, and effect separation between the man and his spouse, not fearing anyone in that?'

قَالَ نَعَمْ قَالَ فَبِأَيِّ شَيْءٍ تَقْضِي قَالَ بِمَا بَلَغَنِي عَنْ رَسُولِ اللَّهِ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) وَ عَنْ عَلِيٍّ (عَلَيْهِ السَّلَامُ) وَ عَنْ أَبِي بَكْرٍ وَ عُمَرَ

He said, 'Yes'. He^{asws} said: 'So by which thing do you judge by?' He said, 'With what has reached me from Rasool-Allah^{saww}, and from Ali^{asws}, and from Abu Bakr and Umar'.

قَالَ فَبَلَّغَكَ عَنْ رَسُولِ اللَّهِ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) أَنَّهُ قَالَ إِنَّ عَلِيًّا (عَلَيْهِ السَّلَامُ) أَقْضَاكُمْ قَالَ نَعَمْ قَالَ فَكَيْفَ تَقْضِي بغيرِ قَضَاءِ عَلِيٍّ (عَلَيْهِ السَّلَامُ) وَ قَدْ بَلَغَكَ هَذَا فَمَا تَقُولُ إِذَا جَاءَ بِأَرْضٍ مِنْ فِضَّةٍ وَ سَمَاءٍ مِنْ فِضَّةٍ ثُمَّ أَخَذَ رَسُولُ اللَّهِ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) بِيَدِكَ فَأَوْفَقَكَ بَيْنَ يَدَيْ رَبِّكَ فَقَالَ يَا رَبِّ إِنَّ هَذَا قَضَى بغيرِ مَا قَضَيْتَ

He^{asws} said: 'So has it reached you from Rasool-Allah^{saww} having said that: 'Ali^{asws} is your judge?' He said, 'Yes'. So how do you judge with other than the judgement of Ali^{asws}, and this has reached you? So what are you saying when they come with a land of silver and a sky of silver, then Rasool-Allah^{saww} seizes your hand, so he^{saww} would pause you in front of your Lord^{azwj}, so he^{saww} would say: 'O Lord^{azwj}! This one judged with other than what I^{saww} judged!'

قَالَ فَاصْفَرَ وَجْهُ ابْنِ أَبِي لَيْلَى حَتَّى عَادَ مِثْلَ الرَّعْفَرَانِ ثُمَّ قَالَ لِي التَّمَسْ لِنَفْسِكَ زَمِيلاً وَ اللَّهُ لَا أَكَلِمَةَ مِنْ رَأْسِي كَلِمَةً أَبَدًا.

He (the narrator) said, 'So the face of Ibn Abu Layli paled until it was like the saffron. He said to me, 'Seek for yourself (another) travelling companion. By Allah^{azwj}, I shall not speak a word from my head, ever'.¹⁰

¹⁰ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 3 H 5

بَابُ أَنَّ الْمُفْتِيَ ضَامِنٌ**Chapter 4 – The Mufti (Fatwa issuer) is responsible**

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ كَانَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَاعِدًا فِي حَلْفَةِ رَبِيعَةَ الرَّأْيِ فَجَاءَ أَعْرَابِيٌّ فَسَأَلَ رَبِيعَةَ الرَّأْيِ عَنْ مَسْأَلَةٍ فَأَجَابَهُ فَلَمَّا سَكَتَ قَالَ لَهُ الْأَعْرَابِيُّ أ هُوَ فِي عُنُقِكَ فَسَكَتَ عَنْهُ رَبِيعَةُ وَ لَمْ يَرُدَّ عَلَيْهِ شَيْئًا فَأَعَادَ عَلَيْهِ الْمَسْأَلَةَ فَأَجَابَهُ بِمِثْلِ ذَلِكَ فَقَالَ لَهُ الْأَعْرَابِيُّ أ هُوَ فِي عُنُقِكَ فَسَكَتَ رَبِيعَةُ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) هُوَ فِي عُنُقِهِ قَالَ أَوْ لَمْ يَقُلْ وَ كُلُّ مُفْتٍ ضَامِنٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj who said,

'Abu Abdullah^{asws} was seated in a circle of Rabi'e Al-Raie, so a Bedouin came over. So he asked Rabi'e Al-Raie a question. So he answered him. So when he was silent, the Bedouin said to him, 'It is upon your neck'. So Rabi'e was silent from it and did not respond anything over it. So he repeated the question to him. So he answered with similar to that (previously). So the Bedouin said to him, 'Is it upon your neck?' So Rabi'e was silent. So Abu Abdullah^{asws} said to him: 'It is upon his neck, or he should not be saying it; and every Mufti (Fatwa issuer) is responsible'.¹¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ عَنْ أَبِي عُبَيْدَةَ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) مَنْ أَفْتَى النَّاسَ بِغَيْرِ عِلْمٍ وَ لَا هُدًى مِنَ اللَّهِ لَعَنَتْهُ مَلَائِكَةُ الرَّحْمَةِ وَ مَلَائِكَةُ الْعَذَابِ وَ لِحْفَهُ وَ زُرُّ مَنْ عَمِلَ بِفُتْيَاهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Abu Ubeyda who said,

'Abu Ja'far^{asws} said: 'The one who issues Fatwas to the people without knowledge, and without Guidance from Allah^{azwj}, the Angels of the Mercy, and the Angels of the Punishment curse him, and attach the burden to him of the ones who acted by his Fatwa'.¹²

بَابُ اخْتِذِ الْأَجْرَةَ وَ الرِّشَاءَ عَلَى الْحُكْمِ**Chapter 5 – Taking the recompense and the bribery upon the judgement**

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ قَاضٍ بَيْنَ قَرْيَتَيْنِ يَأْخُذُ مِنَ السُّلْطَانِ عَلَى الْقَضَاءِ الرِّزْقَ فَقَالَ ذَلِكَ سُحْتٌ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Abdullah Bin Sinan who said,

'Abu Abdullah^{asws} was asked about a judge between two towns taking the livelihood from the ruling authorities upon the judgements. So he^{asws} said: 'That is the ill-gotten (forbidden)'.¹³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ أَخِيهِ الْحَسَنِ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الرِّشَاءُ فِي الْحُكْمِ هُوَ الْكُفْرُ بِاللَّهِ .

¹¹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 4 H 1

¹² Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 4 H 2

¹³ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 5 H 1

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from his brother Al Hassan, from Zurara, from sama'at,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The briber regarding the judgement, he is the disbeliever in Allah^{azwj}'.¹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنِ ابْنِ مُسْكَانَ عَنْ يَزِيدَ بْنِ فَرْقَدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ السُّحْتِ فَقَالَ هُوَ الرَّشَاءُ فِي الْحُكْمِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Sinan, from Ibn Muskam, from Yazeed Bin Farqad who said,

'I asked Abu Abdullah^{asws} about 'السُّحْتِ' (forbidden earnings). So he^{asws} said: 'The bribery in the judgement'.¹⁵

بَابُ مَنْ حَافَ فِي الْحُكْمِ

Chapter 6 – One who is unjust in the judgement

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) يَدُ اللَّهِ فَوْقَ رَأْسِ الْحَاكِمِ تُرْفَرُفُ بِالرَّحْمَةِ فَإِذَا حَافَ وَكَلَهُ اللَّهُ إِلَى نَفْسِهِ .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'The Hand of Allah^{azwj} is above the head of the ruler fluttering with the Mercy. So when he is unjust, Allah^{azwj} Leaves him upon himself'.¹⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي حَمَزَةَ الثَّمَالِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ كَانَ فِي بَنِي إِسْرَائِيلَ قَاضٍ كَانَ يَقْضِي بِالْحَقِّ فِيهِمْ فَلَمَّا حَضَرَهُ الْمَوْتُ قَالَ لِأَمْرَأَتِهِ إِذَا أَنَا مِتُّ فَأَغْسِلِينِي وَ كَفِّنِينِي وَ ضَعِينِي عَلَى سَرِيرِي وَ عْطِي وَجْهِي فَإِنَّكَ لَا تَرِينَ سَوْءاً

A number of our companions, from Sahl Bin Ziyad and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Abu Hamza Al Sumaly,

Abu Ja'far^{asws} has said: 'There used to be among the Children of Israel, a judge who used to judge with the truth. So when the death presented itself, he said to his wife, 'When I die, so wash me and shroud me, and place me upon my bed and cover up my face, so that you cannot see evil'.

فَلَمَّا مَاتَ فَعَلَتْ ذَلِكَ ثُمَّ مَكَتَتْ بِذَلِكَ حِينًا ثُمَّ إِنَّهَا كَشَفَتْ عَنْ وَجْهِهِ لِتَنْظُرَ إِلَيْهِ فَإِذَا هِيَ بِدُودَةٍ تَقْرُضُ مَنْخَرَهُ فَفَزِعَتْ مِنْ ذَلِكَ فَلَمَّا كَانَ اللَّيْلُ أَتَاهَا فِي مَنْامِهَا فَقَالَ لَهَا أَفْزَعُكَ مَا رَأَيْتِ قَالَتْ أَجَلٌ لَقَدْ فَرَعْتُ فَقَالَ لَهَا أَمَا لَئِنْ كُنْتِ فَرَعْتِ مَا كَانَ الَّذِي رَأَيْتِ إِلَّا فِي أَخِيكَ فَلَانَ أَتَانِي وَ مَعَهُ خَصْمٌ لَهُ فَلَمَّا جَلَسَا إِلَيَّ قُلْتُ اللَّهُمَّ اجْعَلِ الْحَقَّ لَهُ وَ وَجْهَ الْقَضَاءِ عَلَى صَاحِبِهِ

So when he died, she did that. Then she remained with that for a while, then she uncovered from his face in order to look at him. So there was an insect in his nostril. So she panicked from that. So when it was the night, he came in her dream, so he

¹⁴ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 5 H 2

¹⁵ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 5 H 3

¹⁶ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 6 H 1

said to her, 'What did you see (which) terrified you?' She said, 'Yes, I had panicked'. So he said to her, 'That which you panicked from what you saw was nothing except with regards to your brother. So and so came to me and with him was an adversary of his. So when they were seated to me, I said, 'O Allah^{azwj}! Make the truth be for him and the aspect of the judgement to be against his companion'.

فَلَمَّا اخْتَصَمَا إِلَيَّ كَانَ الْحَقُّ لَهُ وَرَأَيْتُ ذَلِكَ بَيِّنًا فِي الْقَضَاءِ فَوَجَّهْتُ الْقَضَاءَ لَهُ عَلَى صَاحِبِهِ فَأَصَابَنِي مَا رَأَيْتُ لِمَوْضِعِ هَوَايَ كَانَ مَعَ مُوَافَقَةِ الْحَقِّ .

So when they had disputed to me, and the truth was for him, and I saw that proof in the judgement, so I turned the judgement for him against his companion. Thus, what you saw, hit me, for the placing of my whim although it was in accordance with the truth'.¹⁷

باب كَرَاهِيَةِ الْجُلُوسِ إِلَى قُضَاةِ الْجَوْرِ

Chapter 7 – Abhorrence of sitting by the inequitable judges

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ مَرَّ بِي أَبُو جَعْفَرٍ وَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ أَنَا جَالِسٌ عِنْدَ قَاضٍ بِالْمَدِينَةِ فَدَخَلْتُ عَلَيْهِ مِنَ الْغَدِ فَقَالَ لِي مَا مَجْلِسٌ رَأَيْتَكَ فِيهِ أَمْسَ قَالَ قُلْتُ لَهُ جُعِلْتُ فِدَاكَ إِنَّ هَذَا الْقَاضِيَ لِي مُكْرَمٌ قَرِيبًا جَلَسْتُ إِلَيْهِ فَقَالَ لِي وَ مَا يُؤْمِنُكَ أَنْ تَنْزِلَ اللَّعْنَةُ فَتُعَمَّ مَنْ فِي الْمَجْلِسِ .

Ali Bin Ibrahim, from his father, from one of our companions, from Muhammad Bin Muslim who said,

'Abu Ja'far^{asws} and Abu Abdullah^{asws} passed by me, and I was seated in the presence of the judge of Al-Medina. So I went over to him^{asws} in the morning, so he^{asws} said to me: 'What sitting did I^{asws} see you to be in, yesterday?' I said, 'May I be sacrificed for you^{asws}! This judge is honourable to me, so sometimes I sit with him'. So he^{asws} said to me: 'And what would secure you if the Curse were to descend, so it would embrace (grip all) the ones in the gathering'¹⁸

باب كَرَاهِيَةِ الِارْتِفَاعِ إِلَى قُضَاةِ الْجَوْرِ

Chapter 8 – Abhorrence of raising (the matters) to the inequitable judges

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أَيَّمَا مُؤْمِنٍ قَدَّمَ مُؤْمِنًا فِي خُصُومَةٍ إِلَى قَاضٍ أَوْ سُلْطَانٍ جَائِرٍ فَفَضَى عَلَيْهِ بِغَيْرِ حُكْمٍ اللَّهُ فَقَدْ شَرِكَهُ فِي الْإِثْمِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Whichever Believer proceeds with a Believer regarding a dispute, to a judge or a tyrannous Sultan (ruling

¹⁷ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 6 H 2

¹⁸ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 7 H 1

authority), so he judges against him with other than the Judgement of Allah^{azwj}, so he would be his partner in the sin'.¹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ يَزِيدَ بْنِ إِسْحَاقَ عَنْ هَارُونَ بْنِ حَمَزَةَ الْعَنَوِيِّ عَنْ حَرِيْزِ عَنْ أَبِي بَصِيْرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَيُّمَا رَجُلٍ كَانَ بَيْنَهُ وَ بَيْنَ أَخٍ لَهُ مُمَارَاةً فِي حَقِّ فِدْعَاهُ إِلَى رَجُلٍ مِنْ إِخْوَانِهِ لِيَحْكُمَ بَيْنَهُ وَ بَيْنَهُ فَأَبَى إِلَّا أَنْ يُرَافِعَهُ إِلَى هَؤُلَاءِ كَانَ بِمَنْزِلَةِ الَّذِينَ قَالَ اللَّهُ عَزَّ وَ جَلَّ أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أَنْزَلَ إِلَيْكَ وَ مَا أَنْزَلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَ قَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ الْآيَةَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Yazeed Bin Is'haq, from Haroun Bin Hamza Al Ganawy, from Hareyz, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Whichever man who had a an argument with regards to a right between him and a (Believing) brother of his, so he summons him to a man from his brethren in order to judge between himself and him, but he refuses, except that he wishes to have it raised to those who are at the status of those for whom Allah^{azwj} Mighty and Majestic Says **[4:60] Have you not seen those who are alleging that they believe in what has been Revealed to you and what was Revealed before you? They desire to summon one another to the judgement of the tyrant, though they were Commanded to deny him – the Verse**'.²⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ عَبْدِ اللَّهِ بْنِ بَحْرٍ عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنْ أَبِي بَصِيْرٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَوْلُ اللَّهِ عَزَّ وَ جَلَّ فِي كِتَابِهِ وَ لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَ تَدُلُّوا بِهَا إِلَى الْحُكَّامِ فَقَالَ يَا أَبَا بَصِيْرٍ إِنَّ اللَّهَ عَزَّ وَ جَلَّ قَدْ عَلِمَ أَنَّ فِي الْأُمَّةِ حُكَّامًا يَجُورُونَ أَمَا إِنَّهُ لَمْ يَعْزِمْ حُكَّامَ أَهْلِ الْعَدْلِ وَ لَكِنَّهُ عَنَى حُكَّامَ أَهْلِ الْجَوْرِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Al Husayn Bin Saeed, from Abdullah Bin Bahr, from Abdullah Bin Muskan, from Abu Baseer who said,

'I said to Abu Abdullah^{asws}, 'The Words of Allah^{azwj} Mighty and Majestic in His^{azwj} book **[2:188] And do not swallow up your property among yourselves by false means, neither seek to gain access thereby to the judges**'. So he^{asws} said: 'O Abu Baseer! Allah^{azwj} Mighty and Majestic Knows that in the community are rulers who are tyrannous. But, He^{azwj} does not Mean the just rulers, but He^{azwj} Means the unjust rulers.

يَا أَبَا مُحَمَّدٍ إِنَّهُ لَوْ كَانَ لَكَ عَلَى رَجُلٍ حَقٌّ فَدَعَوْتَهُ إِلَى حُكَّامِ أَهْلِ الْعَدْلِ فَأَبَى عَلَيْكَ إِلَّا أَنْ يُرَافِعَكَ إِلَى حُكَّامِ أَهْلِ الْجَوْرِ لَيَقْضُوا لَهُ لَكَ أَنْ مِمَّنْ حَاكَمَ إِلَى الطَّاغُوتِ وَ هُوَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أَنْزَلَ إِلَيْكَ وَ مَا أَنْزَلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ .

O Abu Muhammad! If there was a right for you against a man, so you summon him to the just ruler, but he refuses except that you raise the matter to an unjust ruler in order to judge for you, would be from the ones who had gone for a ruling to the tyrant; and these are the Words of Allah^{azwj} Mighty and Majestic **[4:60] Have you not seen those who are alleging that they believe in what has been Revealed to**

¹⁹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 8 H 1

²⁰ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 8 H 2

you and what was Revealed before you? They desire to summon one another to the judgement of the tyrant²¹.

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبِي خَدِيجَةَ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِيَّاكُمْ أَنْ يُحَاكِمَ بَعْضُكُمْ بَعْضًا إِلَى أَهْلِ الْجَوْرِ وَ لَكِنْ انظُرُوا إِلَى رَجُلٍ مِنْكُمْ يَعْلَمُ شَيْئًا مِنْ قَضَائِنَا فَاجْعَلُوهُ بَيْنَكُمْ فَإِنِّي قَدْ جَعَلْتُهُ قَاضِيًا فَتَحَاكَمُوا إِلَيْهِ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Abu Khadeejah who said,

‘Abu Abdullah^{asws} said to me: ‘Beware of taking each other for judgement to the tyrannous people. But, look around for a man among you who knows something from our^{asws} judgements, so make him to be between you (as a judge), for I^{asws} have made him^{asws} as a judge, so go to him for a judgement’.²²

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ صَفْوَانَ عَنْ دَاوُدَ بْنِ الْحُصَيْنِ عَنْ عُمَرَ بْنِ حَنْظَلَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلَيْنِ مِنْ أَصْحَابِنَا يَكُونُ بَيْنَهُمَا مَنَازَعَةٌ فِي دَيْنٍ أَوْ مِيرَاثٍ فَتَحَاكَمَا إِلَى السُّلْطَانِ أَوْ إِلَى الْقَضَاةِ أَمْ يَجِزُ ذَلِكَ فَقَالَ مَنْ تَحَاكَمَ إِلَى الطَّاعُوتِ فَحَكَمَ لَهُ فَإِنَّمَا يَأْخُذُ سُخْتًا وَ إِنْ كَانَ حَقُّهُ تَابِتًا لِأَنَّهُ أَخَذَ بِحُكْمِ الطَّاعُوتِ وَ قَدْ أَمَرَ اللَّهُ أَنْ يُكْفَرَ بِهِ

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Isa, from Safwan, from Dawood Bin Al Husayn, from Umar Bin Hanzala who said,

‘I asked Abu Abdullah^{asws} about two men from our companions who happened to have a dispute between them regarding a debt, or inheritance. So they went to the Sultan (ruling authority) for judgement, or to the judge. Is that permissible?’ So he^{asws} said: ‘The one who goes for a judgement to the tyrant, so he judges for him, so he has rather taken ill-gotten gains, even if it was his right, proved, because he has taken it by a judgement of the tyrant. And Allah^{azwj} has Commanded that **[4:60] though they were Commanded to deny him**’.

قُلْتُ كَيْفَ يَصْنَعَانِ قَالَ انظُرُوا إِلَى مَنْ كَانَ مِنْكُمْ قَدْ رَوَى حَدِيثَنَا وَ نَظَرَ فِي حَلَالِنَا وَ حَرَامِنَا وَ عَرَفَ أَحْكَامَنَا فَارْضَوْا بِهِ حَكَمًا فَإِنِّي قَدْ جَعَلْتُهُ عَلَيْكُمْ حَاكِمًا فَإِذَا حَكَمَ بِحُكْمِنَا فَلَمْ يَقْبَلْهُ مِنْهُ فَإِنَّمَا بِحُكْمِ اللَّهِ قَدْ اسْتَحَفَّ وَ عَلَيْنَا رَدُّ وَ الرَّادُّ عَلَيْنَا الرَّادُّ عَلَى اللَّهِ وَ هُوَ عَلَى حَدِّ الشَّرْكِ بِاللَّهِ .

I said, ‘How should they both deal with it?’ He^{asws} said: ‘They should look around to the one who was among them who has reported our^{asws} Hadeeth, and has looked into our^{asws} Permissibles, and our^{asws} Prohibition, and recognises our^{asws} judgements. So they should present to him for the judgement, for I^{asws} have made him to be a judge over you. So when he judges by our^{asws} judgements, and it is not accepted from him, so rather it is the Judgement of Allah^{azwj} which has been taken lightly, and against us^{asws} is the rejection, and the rejection against us^{asws} is the rejection against Allah^{azwj}, and he (the rejecter) would be upon a legal penalty (Hadd) of the association with Allah^{azwj}’.²³

²¹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 8 H 3

²² Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 8 H 4

²³ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 8 H 5

Chapter 9 – Disciplines of the adjudication

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَمْرِو بْنِ أَبِي الْمَقْدَامِ عَنْ أَبِيهِ عَنِ سَلَمَةَ بْنِ كُهَيْلٍ قَالَ سَمِعْتُ عَلِيًّا (صَلَوَاتُ اللَّهِ عَلَيْهِ) يَقُولُ لِشُرَيْحٍ أَنْظِرْ إِلَى أَهْلِ الْمَعَكِ وَالْمَطَلِ وَدَفَعِ حُقُوقَ النَّاسِ مِنْ أَهْلِ الْمَقْدَرَةِ وَالْيَسَارِ مِمَّنْ يَدُلِّي بِأَمْوَالِ الْمُسْلِمِينَ إِلَى الْحُكَّامِ فَخَذَ لِلنَّاسِ بِحُقُوقِهِمْ مِنْهُمْ وَبِعَ فِيهَا الْعَقَارَ وَالذِّيَارَ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) يَقُولُ مَطَّلُ الْمُسْلِمِ الْمُوسِرِ ظَلَمٌ لِلْمُسْلِمِ وَمَنْ لَمْ يَكُنْ لَهُ عَقَارٌ وَلا دَارٌ وَلا مَالٌ فَلا سَبِيلَ عَلَيْهِ وَاعْلَمْ أَنَّهُ لا يَحْمِلُ النَّاسَ عَلَى الْحَقِّ إِلا مَنْ وَرَعَهُمْ عَنِ الْبَاطِلِ

Ali Bin Ibrahim, from his father, from Al Hassan Bin Mahboub, from Amro Bin Abu Al Miqdam, from his father, from Salma Bin Kuheyl who said,

'I heard Ali^{asws} saying to Shurayh (the judge): 'Look at the people of the spaciousness and delayers (of payments), and hand over the rights of the people from the able ones and the affluent, from the ones who are delaying the (payment) of the Muslims to the judges, so seize for the people with their rights from them, and sell with regards to it, the real estates and the houses, for I^{asws} heard Rasool-Allah^{saww} saying: 'The delayer affluent Muslim is unjust to the Muslim'. And the one who does not have any real estate for him, nor a house, nor wealth, so there is no way upon him. And know that he does not carry the people upon the truth, the one who scares them from the falsehood.

ثُمَّ وَاسِ بَيْنَ الْمُسْلِمِينَ بِوَجْهِكَ وَ مَنْطِقِكَ وَ مَجْلِسِكَ حَتَّى لا يَطْمَعَ قَرِيبُكَ فِي حَيْفِكَ وَ لا يَبْئَسَ عَدُوُّكَ مِنْ عَدْلِكَ وَ رُدِّ الْبَيْمِينَ عَلَى الْمُدْعَى مَعَ بَيِّنَةٍ فَإِنَّ ذَلِكَ أَجْلَى لِلْعَمَى وَ أَتَيْتُ فِي الْفَضَاءِ وَ اعْلَمْ أَنَّ الْمُسْلِمِينَ عُدُولٌ بَعْضُهُمْ عَلَى بَعْضٍ إِلا مَجْلُوداً فِي حَدِّ لَمْ يَنْبَغِ مِنْهُ أَوْ مَعْرُوفٌ بِشَهَادَةِ زُورٍ أَوْ ظَنِينٌ

Then be comforting with your face and your talk, and your seating, until the one close to you does not covet (desire) your injustice, and your enemy does not despair from your justice. And return the oath to be upon the claimant along with his proof, for in that is the expulsion of the blindness and affirmation in the judgement. And know that the Muslims are equal to each other, except for the whipped-one in a legal penalty (*Hadd*) which he has not repented upon, or one well-known for bearing false testimonies, or is a suspicious (character).

وَ إِيَّاكَ وَ التَّنَجُّرَ وَ التَّنَادِيَّ فِي مَجْلِسِ الْفَضَاءِ الَّذِي أَوْجَبَ اللَّهُ فِيهِ الْأَجْرَ وَ يُحْسِنُ فِيهِ الذُّخْرَ لِمَنْ قَضَى بِالْحَقِّ وَ اعْلَمْ أَنَّ الصُّلْحَ جَائِزٌ بَيْنَ الْمُسْلِمِينَ إِلا صُلْحاً حَرَّمَ حَلَالاً أَوْ أَحَلَّ حَرَاماً

And beware of being angry and hurting in the judicial council in which Allah^{azwj} has Obligated the Recompense with regards to it and good treasures for the one who judges with the truth. And know that the reconciliation is allowed between the Muslims, except for a reconciliation which prohibits a Permissible, or permits a Prohibition.

وَ اجْعَلْ لِمَنْ ادَّعى شُهُوداً غُيباً أَمْداً بَيْنَهُمَا فَإِنَّ أَحْضَرَ هُمْ أَخَذَتْ لَهُ بِحَقِّهِ وَ إِنْ لَمْ يُحْضِرْ هُمْ أَوْجِبَتْ عَلَيْهِ الْقَضِيَّةَ

And make a time limit upon the claimant to present absent witnesses between the two, so if he presents them, take his right for him, and if he does not present them, obligate the judgement against him.

فَأَيُّكَ أَنْ تُنْفَذَ فِيهِ قَضِيَّتَهُ فِي قِصَاصٍ أَوْ حَدٍّ مِنْ حُدُودِ اللَّهِ أَوْ حَقٍّ مِنْ حُقُوقِ الْمُسْلِمِينَ حَتَّى تَعْرِضَ ذَلِكَ عَلَيَّ إِنْ شَاءَ اللَّهُ وَ لَا تَفْعُدَنَّ فِي مَجْلِسِ الْقَضَاءِ حَتَّى تَطْعَمَ .

Therefore, beware of implementing a judgement regarding retaliation, or a legal penalty (*Hadd*) from the Limits of Allah^{azwj}, or a right from the rights of the Muslims, until you present that to me^{asws}, Allah^{azwj} Willing. And do not sit in the judicial council until you feed (serve food for everyone present)'.²⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَنْ ابْتُلِيَ بِالْقَضَاءِ فَلَا يَقْضِي وَهُوَ غَضَبَانُ .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'The one who is involved with the judging, so he should not judge while he is angry'.²⁵

وَ بِهَذَا الْإِسْنَادِ قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) مَنْ ابْتُلِيَ بِالْقَضَاءِ فَلْيُؤَاسِ بَيْنَهُمْ فِي الْإِسَارَةِ وَ فِي النَّظَرِ وَ فِي الْمَجْلِسِ .

And by this chain,

He^{asws} (The Imam^{asws}) said: 'Amir Al-Momineen^{asws} said: 'The one who is involved with the judging, so let him be comforting between them in his gestures, and in the looking, and in the sitting'.²⁶

وَ بِهَذَا الْإِسْنَادِ أَنَّ رَجُلًا نَزَلَ بِأَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَمَكَثَ عِنْدَهُ أَيَّامًا ثُمَّ تَقَدَّمَ إِلَيْهِ فِي خُصُومَةٍ لَمْ يَذْكُرْهَا لِأَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَقَالَ لَهُ أَا خَصَمٌ أَنْتَ قَالَ نَعَمْ قَالَ تَحَوَّلْ عَنَّا إِنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) نَهَى أَنْ يُضَافَ الْخَصْمُ إِلَّا وَ مَعَهُ خَصْمُهُ .

And by this chain that,

'A man lodged with Amir Al-Momineen^{asws}, so he remained with him^{asws} for days. Then he came to him^{asws} with a dispute which he had not mentioned it to Amir Al-Momineen^{asws} beforehand. So he^{asws} said to him: 'Are you the claimant?' He said, 'Yes'. He^{asws} said: 'You should transfer out (move out) from us^{asws}, as Rasool-Allah^{saww} has forbidden to entertain the claimant as a guest, unless the defendant is with him'.²⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ رَفَعَهُ قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) لِيُشْرِجَ لَا تُسَارَ أَحَدًا فِي مَجْلِسِكَ وَ إِنْ غَضِبْتَ فَقُمْ فَلَا تَقْضِيَنَّ فَأَنْتَ غَضَبَانُ

A number of our companions, from Ahmad Bin Abu Abdullah, raising it, said,

²⁴ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 9 H 1

²⁵ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 9 H 2

²⁶ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 9 H 3

²⁷ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 9 H 4

'Amir Al-Momineen^{asws} said to Shurayh (the judge): 'Do not whisper to anyone in your gathering, and if you are angry, so arise and do not issue a judgement while you are angry'.

قَالَ وَ قَالَ أَبُو عَبْدِ اللَّهِ (صلوات الله عليه) لِسَانُ الْقَاضِي وَرَاءَ قَلْبِهِ فَإِنْ كَانَ لَهُ قَالَ وَ إِنْ كَانَ عَلَيْهِ أَمْسَكَ .

He (the narrator) said, 'And Abu Abdullah^{asws} said: 'The tongue of a judge is behind his heart. So if it was for him he speaks, and if it was against him, he remains silent'.²⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَجَّالِ عَنْ دَاوُدَ بْنِ أَبِي بَزِيدٍ عَمَّنْ سَمِعَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا كَانَ الْحَاكِمُ يَقُولُ لِمَنْ عَنْ يَمِينِهِ وَ لِمَنْ عَنْ يَسَارِهِ مَا تَرَى مَا تَقُولُ فَعَلَى ذَلِكَ لَعْنَةُ اللَّهِ وَ الْمَلَائِكَةِ وَ النَّاسِ أَجْمَعِينَ أَلَا يَفُومُ مِنْ مَجْلِسِهِ وَ تُجْلِسُهُمْ مَكَانَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hajjal, from Dawood Bin Abu Yazeed, from the one who heard it,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the judge is saying to the one on his right, and to the one on his left, 'What is your view, what are you saying?', so upon that is the Curse of Allah^{azwj}, and the Angels, and the people altogether. Indeed, why does he not arise from his seat and makes them to sit in his own seat?'.²⁹

بَابُ أَنَّ الْقَضَاءَ بِالْبَيِّنَاتِ وَ الْإِيمَانِ

Chapter 10 – The judgements are by the proofs and the oaths

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ سَعْدِ بْنِ هِشَامِ بْنِ الْحَكَمِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) إِنَّمَا أَقْضِي بِالْبَيِّنَاتِ وَ الْإِيمَانِ وَ بَعْضُكُمْ أَلْحَنُ بِحُجَّتِهِ مِنْ بَعْضٍ فَأَيُّمَا رَجُلٍ قَطَعْتُ لَهُ مِنْ مَالِ أَخِيهِ شَيْئاً فَإِنَّمَا قَطَعْتُ لَهُ بِهِ قِطْعَةً مِنَ النَّارِ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, both together from Ibn Abu Umeyr, from Sa'ad Bin Hisham Bin Al Hakam,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'But rather I^{saww} judge among you with the proofs and the oath, and some of you are more mistaken in their arguments than the others. So whichever man I^{saww} cut off for him, anything from the wealth of his brother, so rather I^{asws} have cut-off for him, by it, a piece from the Fire'.³⁰

عَلِيُّ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ إِنَّ نَبِيًّا مِنَ الْأَنْبِيَاءِ شَكَأَ إِلَى رَبِّهِ كَيْفَ أَقْضِي فِي أُمُورٍ لَمْ أَخْبَرَ بِبَيِّنَاتِهَا قَالَ فَقَالَ لَهُ رُدُّهُمْ إِلَيَّ وَ أَضْفُهُمْ إِلَى اسْمِي يَخْلِفُونَ بِهِ .

Ali, from his father, from one of his companions, from Asim Bin Humey, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'A Prophet^{as} from the Prophets^{as} complained to his^{as} Lord^{azwj}: 'How can I^{as} judge in the matters and I^{as} am

²⁸ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 9 H 5

²⁹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 9 H 6

³⁰ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 10 H 1

not informed of its proofs?' So He^{azwj} Said to him^{as}: "Refer them to Me^{azwj}, and add them to My^{azwj} Name to swear by".³¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ بْنِ أَبِي يُوَيْبٍ عَنْ أَبَانَ بْنِ عُمَانَ عَمَّنْ أَخْبَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي كِتَابِ عَلِيٍّ (صَلَوَاتُ اللَّهِ عَلَيْهِ) أَنَّ نَبِيًّا مِنَ الْأَنْبِيَاءِ شَكَاَ إِلَى رَبِّهِ الْقَضَاءَ فَقَالَ كَيْفَ أَقْضِي بِمَا لَمْ تَرَ عَيْنِي وَ لَمْ تَسْمَعْ أذْني فَقَالَ أَقْضِ بَيْنَهُمْ بِالْبَيِّنَاتِ وَ أَضِفْهُمْ إِلَى اسْمِي يَخْلِفُونَ بِهِ

Muhammad Bin yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Fazalat Bin Ayoub, from Aban Bin Usman, from the one who informed him,

(It has been narrated) from Abu Abdullah^{asws} having said: 'In the book of Ali^{asws}, a Prophet^{as} from the Prophets^{as} complained to his^{as} Lord^{azwj} about the adjudication. So he^{as} said: 'How can I^{as} judge with I^{as} did not see with my^{as} own eyes, and did not hear with my^{as} own ears?' So He^{azwj} Said: "Judge between them by the proofs, and add them to My^{azwj} Name to swear by".

وَ قَالَ إِنَّ دَاوُدَ (عَلَيْهِ السَّلَام) قَالَ يَا رَبِّ أَرِنِي الْحَقَّ كَمَا هُوَ عِنْدَكَ حَتَّى أَقْضِي بِهِ فَقَالَ إِنَّكَ لَا تُطِيقُ ذَلِكَ فَالْحَقَّ عَلَى رَبِّهِ حَتَّى فَعَلَ

And he^{asws} said: 'Dawood^{as} said: 'O Lord^{azwj}! Show me^{as} the truth, just as it is with You^{azwj}, until I^{as} judge by it'. So He^{azwj} Said: "You^{as} will not be able to tolerate that". But he^{as} kept insisting to his^{as} Lord^{azwj} until He^{azwj} did it.

فَجَاءَهُ رَجُلٌ يَسْتَعْدِي عَلَى رَجُلٍ فَقَالَ إِنَّ هَذَا أَخَذَ مَالِي فَأَوْحَى اللَّهُ عَزَّ وَ جَلَّ إِلَى دَاوُدَ (عَلَيْهِ السَّلَام) أَنْ هَذَا الْمُسْتَعْدِي قَتَلَ أَبَا هَذَا وَ أَخَذَ مَالَهُ فَأَمَرَ دَاوُدَ (عَلَيْهِ السَّلَام) بِالْمُسْتَعْدِي فَقَتَلَ وَ أَخَذَ مَالَهُ فَدَفَعَهُ إِلَى الْمُسْتَعْدَى عَلَيْهِ

So a man came claiming upon a man, and he said, 'This one took my wealth'. So Allah^{azwj} Mighty and Majestic Revealed unto Dawood^{as} that this one, the claimant, killed the father of this one and took his wealth". So Dawood^{as} ordered for the claimant to be killed, and he^{as} took his wealth and handed it over to the defendant.

قَالَ فَعَجِبَ النَّاسُ وَ نَحَدَّتُوا حَتَّى بَلَغَ دَاوُدَ (عَلَيْهِ السَّلَام) وَ دَخَلَ عَلَيْهِ مِنْ ذَلِكَ مَا كَرِهَ فَدَعَا رَبَّهُ أَنْ يَرْفَعَ ذَلِكَ فَفَعَلَ ثُمَّ أَوْحَى اللَّهُ عَزَّ وَ جَلَّ إِلَيْهِ أَنْ أَحْكَمْ بَيْنَهُمْ بِالْبَيِّنَاتِ وَ أَضِفْهُمْ إِلَى اسْمِي يَخْلِفُونَ بِهِ .

He^{asws} said: 'So the people wondered and they discussed it until (their discussion) reached Dawood^{as}, and there entered into him^{as} what he^{as} disliked. So he^{as} supplicated to his^{as} Lord^{azwj} that He^{azwj} should Lift that (from him^{as}). So He^{azwj} did it. Then Allah^{azwj} Mighty and Majestic Revealed unto him^{as} that "Judge between them by the proofs, and add them to My^{azwj} Name to swear by".³²

وَ عَنْهُ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَام) أَنَّ نَبِيًّا مِنَ الْأَنْبِيَاءِ شَكَاَ إِلَى رَبِّهِ فَقَالَ يَا رَبِّ كَيْفَ أَقْضِي فِيْمَا لَمْ أَشْهَدْ وَ لَمْ أَرَّ قَالَ فَأَوْحَى اللَّهُ عَزَّ وَ جَلَّ إِلَيْهِ أَنْ أَحْكَمْ بَيْنَهُمْ بِكِتَابِي وَ أَضِفْهُمْ إِلَى اسْمِي فَخَلَفُوا بِهِ

And from him, from Al Nazar Bin Suweyd, from Hisham Bin Salim, from Suleyman, Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws} having said: 'In the Book of Ali^{asws}, a Prophet^{as} from the Prophets^{as} complained to his^{as} Lord^{azwj}, so he^{as} said: 'O Lord^{azwj}!

³¹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 10 H 2

³² Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 10 H 3

How can I^{as} judge with regards to what I^{as} did not witness and did not see?' So Allah^{azwj} Mighty and Majestic Revealed unto him^{as}: "Judge between them by My^{azwj} Book, and add them to My^{azwj} Name, so get them to swear by it'.

وَقَالَ هَذَا لِمَنْ لَمْ تَقُمْ لَهُ بَيِّنَةٌ .

And he^{asws} said: 'This is for the one for him the proof cannot be established'.³³

بَابُ أَنَّ الْبَيِّنَةَ عَلَى الْمُدَّعَى وَالْيَمِينَ عَلَى الْمُدَّعَى عَلَيْهِ

Chapter 11 – The (burden of) the proof is upon the claimant, and (swearing of) the oath is upon the defendant

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ جَمِيلٍ وَهَشَامِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) الْبَيِّنَةُ عَلَى مَنْ ادَّعَى وَالْيَمِينَ عَلَى مَنْ ادَّعِيَ عَلَيْهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby, from Jameel and Hisham,

Abu Abdullah^{asws} has said: 'Rasool-Allah^{saww} said: 'The (burden of) proof is upon the one who claims, and the (swearing of) the oath is upon the one who is claimed against (defendant)'.³⁴

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ إِنَّ اللَّهَ حَكَمَ فِي دِمَائِكُمْ بِغَيْرِ مَا حَكَمَ بِهِ فِي أَمْوَالِكُمْ حَكَمَ فِي أَمْوَالِكُمْ أَنَّ الْبَيِّنَةَ عَلَى الْمُدَّعَى وَالْيَمِينَ عَلَى الْمُدَّعَى عَلَيْهِ وَحَكَمَ فِي دِمَائِكُمْ أَنَّ الْبَيِّنَةَ عَلَى مَنْ ادَّعِيَ عَلَيْهِ وَالْيَمِينَ عَلَى مَنْ ادَّعِيَ لِكَيْلَا يَبْطُلَ دَمُ امْرِئٍ مُسْلِمٍ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Abdullah Bin Bukeyr, from Abu Baseer,

Abu Abdullah^{asws} has said: 'Allah^{azwj} Judged regarding your blood with other than what He^{azwj} Judged by regarding your wealth. A judgement regarding your wealth is that the (burden of) the proof is upon the claimant, and the (swearing of) the oath is upon the defendant; and a Judgement regarding your blood is that the (burden of) the proof is upon the defendant, and the (swearing of) the oath is upon the one who claims, lest the blood of a Muslim person be invalidated'.³⁵

بَابُ مَنْ ادَّعَى عَلَى مَيِّتٍ

Chapter 12 – The one who claims upon a deceased

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ يَاسِينَ الضَّرِيرِ قَالَ حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ أَبِي عَبْدِ اللَّهِ قَالَ قَالَ فُلْتُ لِلشَّيْخِ (عَلَيْهِ السَّلَام) حَبْرَنِي عَنِ الرَّجُلِ يَدْعِي قِبَلَ الرَّجُلِ الْحَقُّ فَلَا يَكُونُ لَهُ بَيِّنَةٌ بِمَا لَهُ قَالَ فَيَمِينُ الْمُدَّعَى عَلَيْهِ فَإِنْ حَلَفَ فَلَا حَقَّ لَهُ وَإِنْ لَمْ يَحْلِفْ فَعَلَيْهِ

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Muhammad Bin Isa Bin Ubeyd, from Yaseen Al Zareyr, from Abdul Rahman Bin Abu Abdullah who said,

³³ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 10 H 4

³⁴ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 11 H 1

³⁵ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 11 H 2

'I said to the Sheykh^{asws}, 'Inform me about the man who claims upon a man for the right, but there does not happen to a proof for him with what is for him'. He^{asws} said: 'The defendant would swear an oath. So if he were to swear then there is no right for him (the claimant), and if he does not swear, so it is upon him (to pay).

وَ إِنْ كَانَ الْمُطْلُوبُ بِالْحَقِّ فَذَمَّتْ عَلَيْهِ الْبَيِّنَةُ فَعَلَى الْمُدَّعِي الْيَمِينُ بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ لَقَدْ مَاتَ فُلَانٌ وَ إِنْ حَقَّهُ
لَعَلَّهِ فَإِنْ حَلَفَ وَ إِلَّا فَلَا حَقَّ لَهُ لِأَنَّا لَا نَدْرِي لَعَلَّهُ قَدْ أَوْفَاهُ بَيِّنَةً لَا نَعْلَمُ مَوْضِعَهَا أَوْ بَعِيرٍ بَيِّنَةً قَبْلَ الْمَوْتِ

And if the one sought with the right (defendant) had died, so the proof would be established against him, therefore it would be upon the claimant to swear an oath by Allah^{azwj}, the One, besides Whom there is no god except for Him^{azwj}, that so and so has died and that the right is for him (his right is due on him). So if he were to swear, (fine) or else there is no right for him, because we do not know that perhaps he (the deceased) has fulfilled it (the debt) with the proof which is not known, nor do we know its place, or with other proof before the (occurrence) death.

فَمِنْ تَمَّ صَارَتْ عَلَيْهِ الْيَمِينُ مَعَ الْبَيِّنَةِ فَإِنْ ادَّعَى بِهَا بَيِّنَةً فَلَا حَقَّ لَهُ لِأَنَّ الْمُدَّعَى عَلَيْهِ لَيْسَ بِحَيٍّ وَ لَوْ كَانَ حَيًّا لَأُزِمَ الْيَمِينَ
أَوْ الْحَقُّ أَوْ يَرُدُّ الْيَمِينَ عَلَيْهِ فَمِنْ تَمَّ لَمْ يَنْبُتْ لَهُ الْحَقُّ .

Thus, from then the (swearing of) the oath came to be upon him (the claimant), along with the (burden of) the proof. So if he were to claim without proof, so there is no right for him, because the defendant is not alive, and had he been alive, the (swearing of) the oath would be necessitated, or the (payment of the) right, or turning of the (swearing of the) oath upon him (the claimant). Thus, from then, his right is not proved'.³⁶

بَاب مَنْ لَمْ تَكُنْ لَهُ بَيِّنَةٌ فَيَرُدُّ عَلَيْهِ الْيَمِينَ

Chapter 13 – The one who does not happen to have a proof for himself, so the (swearing of) the oath is turned upon him

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) فِي
الرَّجُلِ يَدْعِي وَ لَا بَيِّنَةَ لَهُ قَالَ يُسْتَحْلَفُ فَإِنْ رَدَّ الْيَمِينَ عَلَى صَاحِبِ الْحَقِّ فَلَمْ يَحْلِفْ فَلَا حَقَّ لَهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Al A'ala, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding the man who claimed and there was no proof for him. He^{asws} said: 'He (defendant) would have to swear an oath, so if he were to turn the oath upon the owner of the right, and he does not swear, so there is no right for him'.³⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ عُبَيْدِ
بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يَدْعِي عَلَيْهِ الْحَقُّ وَ لَا بَيِّنَةَ لِلْمُدَّعِي قَالَ يُسْتَحْلَفُ أَوْ يَرُدُّ الْيَمِينَ عَلَى
صَاحِبِ الْحَقِّ فَإِنْ لَمْ يَفْعَلْ فَلَا حَقَّ لَهُ .

³⁶ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 12 H 1

³⁷ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 13 H 1

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Al Qasim Bin Suleyman, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who is claimed against (defendant), and there is no proof for the claimant. He^{asws} said: 'Either he swears an oath or he turns the oath to be upon the owner of the right. So if he does not do it, so there is no right for him'.³⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَمَّنْ رَوَاهُ قَالَ اسْتَخْرَجَ الْحُقُوقَ بِأَرْبَعَةٍ وَجُوهٍ بِشَهَادَةِ رَجُلَيْنِ عَدْلَيْنِ فَإِنْ لَمْ يَكُنْ رَجُلَيْنِ عَدْلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ فَإِنْ لَمْ تَكُنْ امْرَأَتَانِ فَرَجُلٌ وَبَيْمِينَ الْمُدَّعَى فَإِنْ لَمْ يَكُنْ شَاهِدًا فَالْبَيْمِينَ عَلَى الْمُدَّعَى عَلَيْهِ فَإِنْ لَمْ يَحْلِفْ [وَأَرَدَ الْبَيْمِينَ عَلَى الْمُدَّعَى فَهُوَ وَاجِبٌ عَلَيْهِ أَنْ يَحْلِفَ وَيَأْخُذَ حَقَّهُ فَإِنْ أَبَى أَنْ يَحْلِفَ فَلَا شَيْءَ لَهُ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from the one who reported it,

He^{asws} said, 'The extraction of the rights is by four ways – by the testimony of two just men; so if there do not happen to be two just men, so one man and two women. So if there do not happen to be two women, so a man and an oath of the claimant. So if there does not happen to be a witness, so the swearing of the oath is upon the defendant. So if he were not to swear, and return the oath upon the claimant, so it is obligatory upon him that he swears, and takes his right. But if he refuses to swear, so there is nothing for him'.³⁹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ يَعْضِ أَصْحَابِهِ عَنْ أَبَانَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَدَّعَى عَلَيْهِ الْحَقَّ وَ لَيْسَ لِصَاحِبِ الْحَقِّ بَيِّنَةٌ قَالَ يُسْتَحْلَفُ الْمُدَّعَى عَلَيْهِ فَإِنْ أَبَى أَنْ يَحْلِفَ وَ قَالَ أَنَا أَرُدُّ الْبَيْمِينَ عَلَيْكَ لِصَاحِبِ الْحَقِّ فَإِنَّ ذَلِكَ وَاجِبٌ عَلَى صَاحِبِ الْحَقِّ أَنْ يَحْلِفَ وَ يَأْخُذَ مَالَهُ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from one of his companions, from Aban, from a man,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who is claimed against (defendant) for the right, and there is no proof for the owner of the right. He^{asws} said: 'The defendant would swear an oath. So if he refuses to swear and says, 'I turn the swearing of the oath upon you', to the owner of the right, so that would be obligatory upon the owner of the right that he swears, and takes his wealth'.⁴⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ يُرَدُّ الْبَيْمِينَ عَلَى الْمُدَّعَى .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The swearing would be turned upon the claimant'.⁴¹

³⁸ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 13 H 2

³⁹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 13 H 3

⁴⁰ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 13 H 4

⁴¹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 13 H 5

بَابُ أَنْ مَنْ كَانَتْ لَهُ بَيِّنَةٌ فَلَا يَمِينُ عَلَيْهِ إِذَا أَقَامَهَا

Chapter 14 – The one who has a proof for himself, so there is no swearing upon him when he establishes it

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يُقِيمُ الْبَيِّنَةَ عَلَى حَقِّهِ هَلْ عَلَيْهِ أَنْ يُسْتَحْلَفَ قَالَ لَا .

Ali Bin Ibrahim, from his father, from one of his companions, from Aasim Bin Humejd, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{asws} about the man who establishes the proof upon his right, is there upon him that he should be swearing an oath?' He^{asws} said: 'No'.⁴²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ أَوْ غَيْرِهِ عَنْ أَبِيَانَ عَنْ أَبِي الْعَبَّاسِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا أَقَامَ الرَّجُلُ الْبَيِّنَةَ عَلَى حَقِّهِ فَلَيْسَ عَلَيْهِ يَمِينٌ فَإِنْ لَمْ يُقِمِ الْبَيِّنَةَ فَرَدَّ عَلَيْهِ الَّذِي ادَّعَى عَلَيْهِ الْيَمِينَ فَإِنْ أَبِي أَنْ يَحْلِفَ فَلَا حَقَّ لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, or someone else, from Aban, from Abu Al Abbas,

Abu Abdullah^{asws} has said: 'When the man establishes the proof upon his right, so there is no swearing of an oath upon him. So if there does not happen to be the proof, so the defendant turns the swearing upon him (the claimant). So if he were to refuse, so there is no right for him'.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِيَانَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مِثْلَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Aban, from a man,

(It has been narrated) from Abu Abdullah^{asws} – similar to it'.⁴³

بَابُ أَنْ مَنْ رَضِيَ بِالْيَمِينِ فَحَلَفَ لَهُ فَلَا دَعْوَى لَهُ بَعْدَ الْيَمِينِ وَإِنْ كَانَتْ لَهُ بَيِّنَةٌ

Chapter 15 – The one who is pleased with the oath, so it is sworn for him, so there is no claim for him after the swearing of the oath, even if there was proof for him

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ عُبَيْدَةَ عَنْ مُوسَى بْنِ أَكْبِيلِ النُّمَيْرِيِّ عَنْ ابْنِ أَبِي يَعْفُورٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا رَضِيَ صَاحِبُ الْحَقِّ بِالْيَمِينِ لِحَقِّهِ فَاسْتَحْلَفَهُ فَحَلَفَ أَنْ لَا حَقَّ لَهُ قَبْلَهُ ذَهَبَتْ الْيَمِينُ بِحَقِّ الْمُدَّعِي فَلَا دَعْوَى لَهُ

Ali Bin Ibrahim, from his father, from Ibn Fazal, from Ali Bin Uqba, from Musa Bin Akeyl Al Numeyri, from Ibn Abu Yafour,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the owner of the right is happy with the oath which would deny him his right, so the (defendant)

⁴² Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 1

⁴³ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 2

swears an oath that there is no right for him (the claimant), the swearing does away with the right of the claimant, so there is no claim for him’.

قُلْتُ لَهُ وَ إِنْ كَانَتْ عَلَيْهِ بَيِّنَةٌ عَادِلَةٌ قَالَ نَعَمْ وَ إِنْ أَقَامَ بَعْدَ مَا اسْتَحْلَفَهُ بِاللَّهِ خَمْسِينَ قَسَامَةً مَا كَانَ لَهُ وَ كَانَتْ الْيَمِينُ قَدْ أَبْطَلَتْ كُلَّ مَا ادَّعَاهُ قَبْلَهُ مِمَّا قَدْ اسْتَحْلَفَهُ عَلَيْهِ .

I said to him^{asws}, ‘And if there was just proof over it?’ He^{asws} said: ‘Yes, even if he were to establish after what has been sworn by Allah^{azwj}, sworn endorsements of fifty (men), it would not be for him, and the oath would have invalidated everything what he had claimed for before it, from what has been oathed against him’.⁴⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ خُضَيْرِ النَّخَعِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَكُونُ لَهُ عَلَى الرَّجُلِ الْمَالُ فَيَجْحَدُهُ قَالَ إِنْ اسْتَحْلَفَهُ فَلَيْسَ لَهُ أَنْ يَأْخُذَ شَيْئاً وَ إِنْ تَرَكَهُ وَ لَمْ يَسْتَحْلَفْهُ فَهُوَ عَلَى حَقِّهِ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Ismail, from AL Fazl Bin Shazaan, both together from Ibn Abu Umeyr, from Ibrahim Bin Abdul Hameed, from Khazar Al Nakhai'e,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who happened to have wealth for him over the man, but he argued it (disputed it). He^{asws} said: ‘If he (the defendant) were to swear, so it is not for him (the claimant) that he should take anything, and if he (the defendant) leaves it and does not swear, so he (the claimant) is upon his right’.⁴⁵

عَلِيُّ عَنْ أَبِيهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَمَّادٍ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ بَعْضِ أَصْحَابِهِ فِي الرَّجُلِ يَكُونُ لَهُ عَلَى الرَّجُلِ الْمَالُ فَيَجْحَدُهُ فَيَحْلِفُ لَهُ يَمِينٌ صَبْرٌ أَلَهُ عَلَيْهِ شَيْءٌ قَالَ لَيْسَ لَهُ أَنْ يَطْلُبَ مِنْهُ وَ كَذَلِكَ إِنْ احْتَسَبَهُ عِنْدَ اللَّهِ فَلَيْسَ لَهُ أَنْ يَطْلُبَهُ مِنْهُ .

Ali, from his father, from Abdul Rahman Bin Hammad, from Ibrahim Bin Abdul Hameed,

(It has been narrated) from one of his companions regarding the man who happened to have some wealth for him upon the man, but he (defendant) argued it, so he swore an oath. Should he (claimant) be patient or is there anything upon him’. He^{asws} said: ‘It is not for him that he should seek from it, and similar to that if he were to Reckon it with Allah^{azwj} (waives it), so it is not for him that he should seek it from him’.⁴⁶

بَابُ الرَّجُلَيْنِ يَدَّعِيَانِ فَيُقِيمُ كُلُّ وَاحِدٍ مِنْهُمَا الْبَيِّنَةَ

Chapter 16 – Two men both claiming, so each one of the two establishes the proof

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ شُعَيْبٍ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَأْتِي الْقَوْمَ فَيَدَّعِي دَاراً فِي أَيْدِيهِمْ وَ يُقِيمُ الَّذِي فِي يَدِهِ الدَّارَ الْبَيِّنَةَ أَنَّهُ وَرَثَتُهَا عَنْ أَبِيهِ وَ لَا يَدْرِي كَيْفَ كَانَ أَمْرُهَا فَقَالَ أَكْثَرُهُمْ بَيِّنَةٌ يَسْتَحْلِفُ وَ يَدْفَعُ إِلَيْهِ

⁴⁴ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 1

⁴⁵ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 2

⁴⁶ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 3

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Shuayb, from Abu Baseer who said,

'I asked Abu Abdullah^{asws} about the man who came to a group of people and claimed for a house which was in their hands, and the one in whose hand was the house established the proof and he had inherited it from his father, and it is not known how was his matter'. So he^{asws} said: 'The one with the most proof would have to swear an oath, and it would be handed over to him'.

وَذَكَرَ أَنَّ عَلِيًّا (عَلَيْهِ السَّلَامُ) أَنَّهُ قَوْمٌ يَخْتَصِمُونَ فِي بُعْلَةَ فَقَامَتِ الْبَيْتَةَ لَهُؤُلَاءِ أَنَّهُمْ أَنْجَوْهَا عَلَى مَذُودِهِمْ وَ لَمْ يَبِيعُوا وَ لَمْ يَهَبُوا وَ أَقَامَ هَؤُلَاءِ الْبَيْتَةَ أَنَّهُمْ أَنْجَوْهَا عَلَى مَذُودِهِمْ لَمْ يَبِيعُوا وَ لَمْ يَهَبُوا فَقَضَى بِهَا لِأَكْثَرِهِمْ بَيْتَةً وَ اسْتَحْلَفَهُمْ

And he^{asws} mentioned that they came to Ali^{asws} with a group of people disputing regarding a mule. So the proof was established for these ones that they had bred it in their stable, and neither had they sold it nor had they gifted it; and those ones established the proof that they had bred it in their stable, and neither had they sold it nor gifted it. So he^{asws} judged by it based upon the one with the most proof, and made them swear an oath'.

قَالَ فَسَأَلْتُهُ حِينَئِذٍ فَقُلْتُ أَرَأَيْتَ إِنْ كَانَ الَّذِي ادَّعَى الدَّارَ فَقَالَ إِنَّ أَبَا هَذَا الَّذِي هُوَ فِيهَا أَخَذَهَا بِغَيْرِ تَمَنٍّ وَ لَمْ يُعِمَّ الَّذِي هُوَ فِيهَا بَيْتَةً إِلَّا أَنَّهُ وَرَثَتُهَا عَنْ أَبِيهِ قَالَ إِذَا كَانَ أَمْرُهَا هَكَذَا فَهِيَ لِلَّذِي ادَّعَاهَا وَ أَقَامَ الْبَيْتَةَ عَلَيْهَا .

He (the narrator) said, 'So I asked him^{asws} at that time, 'What is your view that there was one who claimed for the house?' So he^{asws} said: 'If the father of the one who was (living) in it acquired it without a price and the one who was in it cannot establish (proof) except that he had inherited it from his father?' He^{asws} said: 'If it was like that, so it is for the one who claims it and establishes the proof for it'.⁴⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنِ الْخَشَّابِ عَنْ غِيَاثِ بْنِ كَلُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ رَجُلَيْنِ اخْتَصَمَا إِلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي دَابَّةٍ فِي أَيْدِيهِمَا وَ أَقَامَ كُلُّ وَاحِدٍ مِنْهُمَا الْبَيْتَةَ أَنَّهَا نُبِجَتْ عِنْدَهُ فَأَحْلَفَهُمَا عَلِيٌّ (عَلَيْهِ السَّلَامُ) فَحَلَفَ أَحَدُهُمَا وَ أَبِي الْآخَرُ أَنْ يَحْلِفَ فَقَضَى بِهَا لِلْحَالِفِ

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Al Khashab, from Gayas Bin Kuleyb, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws} that two men disputed to Amir Al-Momineen^{asws} regarding an animal which was in both their hands, and each one of them established the proof that he had bred it in his presence. So Ali^{azwj} made both of them to swear an oath. So one of them swore and the other one refuse to swear. So due to it he^{asws} judged for the one who swore the oath.

فَقِيلَ لَهُ فَلَوْ لَمْ تَكُنْ فِي يَدِ وَاحِدٍ مِنْهُمَا وَ أَقَامَا الْبَيْتَةَ قَالَ أَحْلِفُهُمَا فَأَيُّهُمَا حَلَفَ وَ نَكَلَ الْآخَرُ جَعَلْتُهَا لِلْحَالِفِ فَإِنْ حَلَفَا جَمِيعاً جَعَلْتُهَا بَيْنَهُمَا نِصْفَيْنِ قِيلَ فَإِنْ كَانَتْ فِي يَدِ أَحَدِهِمَا وَ أَقَامَا جَمِيعاً الْبَيْتَةَ قَالَ أَقْضِي بِهَا لِلْحَالِفِ الَّذِي هِيَ فِي يَدِهِ .

So it was said to him^{asws}, 'Supposing it was not in the hand of any one of them and they both established the proof?' He^{asws} said: 'They would both have to swear an oath. So whichever of the two swear, and the other one shirks from it, it would be made to be for the one who swore. So if both of them were to swear, it would be made to be for both of them together, (its price) in two halves'. So if it was in the

⁴⁷ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 1

hands of one of the two and they both establish the proof?' He^{asws} said: 'I^{asws} would judge by it to be for the one who swears in whose hand it is'.⁴⁸

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ كَانَ عَلِيٌّ (عَلَيْهِ السَّلَامُ) إِذَا آتَاهُ رَجُلَانِ بِشُهُودٍ عَدْلُهُمْ سِوَاءٍ وَ عَدَدُهُمْ أَقْرَعٌ بَيْنَهُمْ عَلَى أَيِّهِمْ تَصِيرُ الْيَمِينُ قَالَ وَ كَانَ يَقُولُ اللَّهُمَّ رَبَّ السَّمَاوَاتِ السَّبْعِ أَيُّهُمُ كَانَ لَهُ الْحَقُّ فَأَدِّهِ إِلَيْهِ ثُمَّ يَجْعَلُ الْحَقَّ لِلَّذِي تَصِيرُ إِلَيْهِ الْيَمِينُ إِذَا حَلَفَ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Aban, from Abdul Rahman Bin Abu Abdullah,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Whenever they came to Ali^{asws} with two men with witnesses equal in being just and in number, he^{asws} would draw a lot upon whichever the oath would come to be. And he^{asws} would be saying: 'O Allah^{azwj}, Lord^{azwj} of the seven skies! For whomever the right was, so Make it to be for him'. Then he^{asws} would make the right to be for the one to whom it (the lot) came to be, when he swore an oath'.⁴⁹

عَنْهُ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي شَاهِدَيْنِ شَهِدَا عَلَى أَمْرٍ وَاحِدٍ وَ جَاءَ آخَرَانِ فَشَهِدَا عَلَى غَيْرِ الَّذِي شَهِدَا وَ اخْتَلَفُوا قَالَ يُفْرَعُ بَيْنَهُمْ فَأَيُّهُمُ فُرِعَ عَلَيْهِ الْيَمِينُ فَهُوَ أَوْلَى بِالْقَضَاءِ .

From him, from Moala Bin Muhammad, from Al Washa, from Dawood Bin Sirham,

(It has been narrated) from Abu Abdullah^{asws} regarding two witnesses who testified upon one matter and two others came over, so they testified upon other than which they had testified, and they differed. He^{asws} said: 'Lots would be drawn between them, so whoever the lot comes out to for the swearing of the oath, so he would be the first to be judged for'.⁵⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ أَبِي جَمِيلَةَ عَنْ سِمَاكِ بْنِ حَرْبٍ عَنْ تَمِيمِ بْنِ طَرْفَةَ أَنَّ رَجُلَيْنِ عَرَفَا بَعِيرًا فَأَقَامَ كُلُّ وَاحِدٍ مِنْهُمَا بَيْنَهُ فَجَعَلَهُ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) بَيْنَهُمَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Abu Jameela, from Simak Bin Harb, from Tameem Bin Tarafa,

'Two men recognised a camel, so each one of the two established the proof. So Amir Al-Momineen^{asws} made it to be between both of them (equally)'.⁵¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ مُحَمَّدِ بْنِ يَحْيَى عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) اخْتَصَمَ إِلَيْهِ رَجُلَانِ فِي دَابَّةٍ وَ كِلَاهُمَا أَقَامَ الْبَيْئَةَ أَنَّهُ أَنْتَجَهَا فَقَضَى بِهَا لِلَّذِي هِيَ فِي يَدِهِ وَ قَالَ لَوْ لَمْ تَكُنْ فِي يَدِهِ جَعَلْتُهَا بَيْنَهُمَا نِصْفَيْنِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Giyas Bin Ibrahim,

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} (judged between) two men disputed to him regarding an animal, and each of the two established the proof that he had bred it. So he^{asws} judged by it to be for the one in

⁴⁸ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 2

⁴⁹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 3

⁵⁰ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 4

⁵¹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 5

whose hand it was, and said, 'And had it not been in his hand, I^{asws} would have made it (price) to be between both of them in two halves'.⁵²

بَاب آخَرٍ مِنْهُ

Chapter 17 – Another chapter from it

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ مُنْتَى الْحَنَاطِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ رَجُلٌ شَهِدَ لَهُ رَجُلَانِ بِأَنَّ لَهُ عِنْدَ رَجُلٍ خَمْسِينَ دِرْهَمًا وَ جَاءَ آخَرَانِ فَشَهِدَا بِأَنَّ لَهُ عِنْدَهُ مِائَةَ دِرْهَمٍ كُلُّهُمَا شَهِدُوا فِي مَوْقِفٍ قَالَ أَفْرَعُ بَيْنَهُمْ تَمْ اسْتَحْلِفِ الَّذِينَ أَصَابَهُمُ الْقَرْعُ بِاللَّهِ أَنَّهُمْ يَحْلِفُونَ بِالْحَقِّ .

Ali Bin Ibrahim, from his father, from one of our companions, from Musny Al Hannat, from Zurara,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I said to him^{asws}, 'Two witnesses testified for a man that there were fifty Dirhams with a man, and two others came and testified that there was for him one hundred Dirhams, all of them having testified in one standing'. He^{asws} said: 'Lots would be drawn between them, then the ones for whom the lot came would swear an oath by Allah^{azwj} that they are swearing with the truth'.⁵³

عَلِيُّ بْنُ أَبِيهِ عَنِ ابْنِ فَضَّالٍ عَنْ دَاوُدَ بْنِ أَبِي بَرِيْدٍ الْعَطَّارِ عَنْ بَعْضِ رَجَالِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ كَانَتْ لَهُ امْرَأَةٌ فَجَاءَ رَجُلٌ بِشُھُودٍ أَنَّ هَذِهِ الْمَرْأَةُ امْرَأَةُ فُلَانٍ وَ جَاءَ آخَرُونَ فَشَهِدُوا أَنَّهَا امْرَأَةُ فُلَانٍ فَاعْتَدَلَ الشُّھُودُ وَ عُدُّوا قَالَ يُفْرَعُ بَيْنَ الشُّھُودِ فَمَنْ خَرَجَ سَهْمُهُ فَهُوَ الْمُحِقُّ وَ هُوَ أَوْلَى بِهَا .

Ali, from his father, from Ibn Fazzal, from Dawood Bin Abu Yazeed Al Attar, from one of his men,

(It has been narrated) from Abu Abdullah^{asws} regarding a man for whom was a wife. So a man came over with witnesses that this woman is the wife of so and so, and others came over and testified that she is the wife of so and so. So the witnesses were all just'. He^{asws} said: 'A lot would be drawn between the witnesses, for the one for whom the lot comes out, so he is the rightful, and he would be the first (to have the right) with it'.⁵⁴

بَاب آخَرٍ مِنْهُ

Chapter 18 – Another chapter from it

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبَّابٍ عَنْ حُمْرَانَ بْنِ أَعْيَنٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ جَارِيَةٍ لَمْ تُدْرِكْ بِنْتِ سَبْعِ سِنِينَ مَعَ رَجُلٍ وَ امْرَأَةٍ ادَّعَى الرَّجُلُ أَنَّهَا مَمْلُوكَةٌ لَهُ وَ ادَّعَتِ الْمَرْأَةُ أَنَّهَا ابْنَتُهَا فَقَالَ قَدْ قَضَى فِي هَذَا عَلِيٌّ (عَلَيْهِ السَّلَامُ) قُلْتُ وَ مَا قَضَى فِي هَذَا عَلِيٌّ (عَلَيْهِ السَّلَامُ) قَالَ كَانَ يَقُولُ النَّاسُ كُلُّهُمْ أَحْرَارٌ إِلَّا مَنْ أَقْرَى عَلَى نَفْسِهِ بِالرَّقِّ وَ هُوَ مُدْرِكٌ وَ مَنْ أَقَامَ بَيْنَهُ عَلَى مَنْ ادَّعَى مِنْ عَبْدٍ أَوْ أَمَةٍ فَإِنَّهُ يُدْفَعُ إِلَيْهِ يَكُونُ لَهُ رِقًّا قُلْتُ فَمَا تَرَى أَنْتَ قَالَ أَرَى أَنْ أَسْأَلَ الَّذِي ادَّعَى أَنَّهَا مَمْلُوكَةٌ لَهُ عَلَى مَا ادَّعَى

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Ibn Ra'ib, from Humran Bin Ayn who said,

⁵² Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 14 H 6

⁵³ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 15 H 1

⁵⁴ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 15 H 2

'I asked Abu Ja'far^{asws} about a slave girl who has yet to become aware (attain adulthood), being a girl seven years of age who was with a man and a woman. The man claimed that she was his owned slave girl, and the woman claimed that she was her daughter. So he^{asws} said: 'Ali^{asws} had judged with regard to this'. I said, 'And what did Ali^{asws} judge regarding this?' He^{asws} said: 'He^{asws} was saying: 'All the people are free, except for the one who confesses upon himself with the slavery, and he is an adult, and the one upon whom the proof is established by the one who claims.

فَإِنْ أَحْضَرَ شُهَدَاءَ يَشْهَدُونَ أَنَّهَا مَمْلُوكَةٌ لَهُ لَا يَعْلَمُونَهُ بَاعَ وَلَا وَهَبَ دَفَعْتُ الْجَارِيَةَ إِلَيْهِ حَتَّى تُفَيِّمَ الْمَرْأَةُ مَنْ يَشْهَدُ لَهَا أَنَّ الْجَارِيَةَ ابْنَتُهَا حُرَّةً مِثْلَهَا فَلْتُدْفَعِ إِلَيْهَا وَ تُخْرَجَ مِنْ يَدِ الرَّجُلِ

So if witnesses are testifying that she is an owned slave girl of his, and it is not know her being sold or gifted, so I^{asws} would hand over the slave girl to him, until the woman establishes one who testifies for her that the slave girl is her daughter, free like her. So she should be handed over to her, and be taken out from the hand of the man'.

قُلْتُ فَإِنْ لَمْ يُفَيِّمِ الرَّجُلُ شُهَدَاءَ أَنَّهَا مَمْلُوكَةٌ لَهُ قَالَ تُخْرَجُ مِنْ يَدِهِ فَإِنْ أَقَامَتِ الْمَرْأَةُ الْبَيِّنَةَ عَلَى أَنَّهَا ابْنَتُهَا دُفِعَتْ إِلَيْهَا وَإِنْ لَمْ يُفَيِّمِ الرَّجُلُ الْبَيِّنَةَ عَلَى مَا ادَّعَاهُ وَ لَمْ يُفَيِّمِ الْمَرْأَةُ الْبَيِّنَةَ عَلَى مَا ادَّعَتْ خُلِّيَ سَبِيلُ الْجَارِيَةِ تَذْهَبُ حَيْثُ شَاءَتْ .

I said, 'So if the man does not establish witness that she is an owned slave girls of his?' He^{asws} said: 'She would be taken out from his hand. So if the woman establishes the proof upon that she is her daughter, she would be handed over to her. And if the man does not establish the proof upon what he claims, and the woman does not establish the proof upon what she claims, the way of the slave girl would be left open. She can go wherever she so desires to'.⁵⁵

باب النِّوَادِرِ

Chapter 19 – The Miscellaneous

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عَدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي حَمْرَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِنَّ دَاوُدَ (عَلَيْهِ السَّلَامُ) سَأَلَ رَبَّهُ أَنْ يُرِيَهُ قَضِيَّةً مِنْ قَضَايَا الْآخِرَةِ فَأَوْحَى اللَّهُ عَزَّ وَ جَلَّ إِلَيْهِ يَا دَاوُدُ أَنْ الَّذِي سَأَلْتَنِي لَمْ أُطَلِّعْ عَلَيْهِ أَحَدًا مِنْ خَلْقِي وَ لَا يَنْبَغِي لِأَحَدٍ أَنْ يَقْضِيَ بِهِ غَيْرِي

Ali Bin Ibrahim, from his father, and a number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub, from Abu Hamza,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Dawood^{as} asked his^{as} Lord^{azwj} that He^{azwj} Show him^{as} a Judgement from the Judgements of the Hereafter. So Allah^{azwj} Mighty and Majestic Revealed unto him^{as}: "O Dawood^{as}! That which you^{as} have asked Me^{azwj}, no one from My^{azwj} creatures has been notified of it, nor is it befitting for anyone that he judges by it, apart from Me^{azwj}".

قَالَ فَلَمْ يَمْنَعُهُ ذَلِكَ أَنْ عَادَ فَسَأَلَ اللَّهَ أَنْ يُرِيَهُ قَضِيَّةً مِنْ قَضَايَا الْآخِرَةِ قَالَ فَأَتَاهُ جِبْرِئِيلُ (عَلَيْهِ السَّلَامُ) فَقَالَ لَهُ يَا دَاوُدُ لَقَدْ سَأَلْتَ رَبَّكَ شَيْئًا لَمْ يَسْأَلْهُ قَبْلَكَ نَبِيٌّ يَا دَاوُدُ إِنَّ الَّذِي سَأَلْتَ لَمْ يُطَلِّعْ عَلَيْهِ أَحَدًا مِنْ خَلْقِهِ وَ لَا يَنْبَغِي لِأَحَدٍ أَنْ يَقْضِيَ بِهِ غَيْرَهُ قَدْ أَجَابَ اللَّهُ دَعْوَتَكَ وَ أَعْطَاكَ مَا سَأَلْتَ يَا دَاوُدُ إِنَّ أَوَّلَ خَصْمَيْنِ يَرِدَانِ عَلَيْكَ غَدًا الْقَضِيَّةُ فِيهِمَا مِنْ قَضَايَا الْآخِرَةِ

⁵⁵ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 16 H 1

He^{asws} said: 'So that did not prevent him^{as} to repeat, so he^{as} asked Allah^{azwj} that He^{azwj} Shows him^{as} a Judgement from the Judgements of the Hereafter. So Jibraeel^{as} came over to him^{as} and said to him^{as}: 'O Dawood^{as}! You^{as} have asked your^{as} Lord^{azwj} something which no Prophet^{as} before you^{as} has asked. O Dawood^{as}! That which you asked, none from His^{azwj} creatures has been notified with, nor is it befitting for anyone that he^{as} judged by it, apart from Him^{azwj}. However, Allah^{azwj} has Answered your^{as} supplication, and has Granted you^{as} what you^{as} asked for. O Dawood^{as}! The first two litigants who would intend to you tomorrow, judge regarding both of them from the Judgements of the Hereafter'.

قَالَ فَلَمَّا أَصْبَحَ دَاوُدُ (عَلَيْهِ السَّلَامُ) جَلَسَ فِي مَجْلِسِ الْقَضَاءِ أَنَّهُ شَيْخٌ مُتَعَلِّقٌ بِشَابٍّ وَمَعَ الشَّابِّ عُنُقُودٌ مِنْ عِنَبٍ فَقَالَ لَهُ الشَّيْخُ يَا نَبِيَّ اللَّهِ إِنَّ هَذَا الشَّابَّ دَخَلَ بُسْتَانِي وَخَرَبَ كَرْمِي وَأَكَلَ مِنْهُ بَعِيرَ إِذْنِي وَهَذَا الْعُنُقُودُ أَخَذَهُ بَعِيرَ إِذْنِي

He^{asws} said: 'So when it was the morning, Dawood^{as} sat is his^{as} judicial council. An old man came over to him concerning a youth, and with him was the youth with a bunch of grapes. So the old man said to him^{as}, 'O Prophet^{as} of Allah^{azwj}! This youth entered my garden and spoilt my vineyard, and ate from it without my permission. And this is the bunch which he took without my permission'.

فَقَالَ دَاوُدُ لِلشَّابِّ مَا تَقُولُ فَأَقْرَأَ الشَّابُّ أَنَّهُ قَدْ فَعَلَ ذَلِكَ فَأَوْحَى اللَّهُ عَزَّ وَجَلَّ إِلَيْهِ يَا دَاوُدُ إِنِّي إِذَا كَشَفْتُ لَكَ عَنْ قَضَايَا الْآخِرَةِ فَفَضَيْتُ بِهَا بَيْنَ الشَّيْخِ وَالْعُلَامِ

So Dawood^{as} said to the youth: 'What are you saying?' So the youth confessed that he had done that. So Allah^{azwj} Mighty and Majestic Revealed unto him^{as}: "O Dawood^{as}! I^{azwj} hereby Uncover for you^{as} from the Judgements of the Hereafter. Therefore, judge by it between the old man and the boy.

لَمْ يَحْتَمِلْهَا قَلْبُكَ وَ لَمْ يَرْضَ بِهَا قَوْمُكَ يَا دَاوُدُ إِنَّ هَذَا الشَّيْخَ افْتَحَمَ عَلَى أَبِي هَذَا الْعُلَامِ فِي بُسْتَانِهِ فَقَتَلَهُ وَ عَصَبَ بُسْتَانَهُ وَ أَخَذَ مِنْهُ أَرْبَعِينَ أَلْفَ دِرْهَمٍ فَدَفَنَهَا فِي جَانِبِ بُسْتَانِهِ فَادْفَعْ إِلَى الشَّابِّ سَيْفًا وَ مِرَّةً أَنْ يَضْرِبَ عُنُقَ الشَّيْخِ وَ ادْفَعْ إِلَيْهِ الْبُسْتَانَ وَ مِرَّةً أَنْ يَحْفِرَ فِي مَوْضِعِ كَذَا وَ كَذَا وَ يَأْخُذَ مَالَهُ

Your^{as} heart, (however) would not be able to bear it, and your^{as} people would not be pleased with it. O Dawood^{as}! This old man stormed upon the father of this boy in his garden, so he killed him, and usurped his garden, and seized forty thousand Dirhams from it. So he buried it by the side of his garden. So hand a sword to the youth and order him that he should strike the neck of the old man, and hand over the garden to him, and order him that he should dig in such and such a place and take his wealth".

قَالَ فَفَزِعَ مِنْ ذَلِكَ دَاوُدُ (عَلَيْهِ السَّلَامُ) وَ جَمَعَ إِلَيْهِ عُلَمَاءَ أَصْحَابِهِ وَ أَخْبَرَهُمُ الْخَبَرَ وَ أَمْضَى الْقَضِيَّةَ عَلَى مَا أَوْحَى اللَّهُ عَزَّ وَجَلَّ إِلَيْهِ .

He^{asws} said: 'So Dawood^{as} panicked from that and gathered to himself^{as}, his^{as} scholars, and his^{as} companions, and informed them of the news, and passed the Judgement upon what Allah^{azwj} Mighty and Majestic had Revealed unto him^{as}.⁵⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُوسَى بْنِ سَعْدَانَ عَنْ الْحُسَيْنِ بْنِ أَبِي الْعَلَاءِ عَنْ إِسْحَاقَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي الرَّجُلِ يُبْضِعُهُ الرَّجُلُ ثَلَاثِينَ دِرْهَمًا فِي تَوْبٍ وَ آخَرَ عَشْرِينَ دِرْهَمًا فِي تَوْبٍ فَبِعَتْ بِالتَّوْبَيْنِ فَلَمْ

⁵⁶ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 1

يَعْرِفُ هَذَا ثَوْبَهُ وَ لَا هَذَا ثَوْبَهُ قَالَ يُبَاغِ الثَّوْبَانِ فَيُعْطَى صَاحِبُ الثَّلَاثِينَ ثَلَاثَةَ أَخْمَاسِ الثَّمَنِ وَ الْآخِرُ خُمْسِي الثَّمَنِ قُلْتُ فَإِنَّ صَاحِبَ الْعِشْرِينَ قَالَ لِصَاحِبِ الثَّلَاثِينَ اخْتَرِ أَيُّهُمَا شِئْتَ قَالَ قَدْ أَنْصَفَهُ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Musa Bin Sa'dan, from Al Husayn Bin Abu Al A'la, from Is'haq,

(It has been narrated) from Abu Abdullah^{asws} having said regarding the man who merged a thirty Dirham piece of cloth, with another man with twenty Dirhams piece of cloth. So the two parcels were sent, and it was not recognised whether this was his cloth, or this was not his cloth. He^{asws} said: 'So the two pieces of cloth would be sold, so the owner of the thirty would be given three-fifths of the price, and the other one would be given two-fifths of the price'. I said, 'So if the owner of the twenty said to the owner of the thirty, 'Choose whichever of the two you so desire to?' He^{asws} said: 'He has been fair'.⁵⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنِ الْعَبَّاسِ بْنِ مَعْرُوفٍ عَنْ أَبِي شُعَيْبٍ الْمَحَامِلِيِّ الرَّفَاعِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قَبِلَ رَجُلًا عَنْ حَفْرٍ بِنْرِ عَشْرَ قَامَاتٍ بَعَشْرَةَ دَرَاهِمَ فَحَفَرَ قَامَةً ثُمَّ عَجَزَ عَنْهَا فَقَالَ لَهُ جُزْءٌ مِنْ خَمْسَةِ وَ خَمْسِينَ جُزْءًا مِنْ الْعَشْرَةِ دَرَاهِمَ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Al Abbas Bin Marouf, from Abu Shuayb Al Mahamily Al Rafaiy who said,

'I asked Abu Abdullah^{asws} about a man who accepted a man about digging of a well of a depth of ten statures for ten Dirhams. So he dug up to one stature then was frustrated from it (refused to dig further). So he^{asws} said: 'For him would be one part out of fifty-five parts from ten Dirhams'.⁵⁸ (See Hadeeth below - Ch 17 H 22 for calculation)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ يَزِيدَ عَنْ أَبِي الْمُعَلَّى عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أُتِيَ عُمَرُ بْنُ الْخَطَّابِ بِامْرَأَةٍ قَدْ تَعَلَّقَتْ بِرَجُلٍ مِنَ الْأَنْصَارِ وَ كَانَتْ تَهْوَاهُ وَ لَمْ تَقْدِرْ لَهُ عَلَى حِيلَةٍ فَذَهَبَتْ فَأَخَذَتْ بِيَضَّةَ فَأَخْرَجَتْ مِنْهَا الصُّفْرَةَ وَ صَدَّبَتِ الْبَيَاضَ عَلَى ثِيَابِهَا بَيْنَ فَخْذَيْهَا ثُمَّ جَاءَتْ إِلَى عُمَرَ فَقَالَتْ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّ هَذَا الرَّجُلَ أَخَذَنِي فِي مَوْضِعٍ كَذَا وَ كَذَا فَفَضَحَنِي

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Yazeed, from Abu Al Moala,

Abu Abdullah^{asws} has said: 'They came to Umar Bin Al-Khattab with a woman who had attached (her heart) to a man from the 'الأنصاري' (a local man of Medina), and had desired him, but she was not able to have a way to him. So she went (to him) and took an egg and extracted the yolk from it, and applied the albumen upon her clothes in between her thighs. Then she came over to Umar and said, 'O commander of the faithful! This man has disgraced me in such and such a place, so he shamed (raped) me'.

قَالَ فَهَمَّ عُمَرُ أَنْ يُعَاقِبَ الْأَنْصَارِيَّ فَجَعَلَ الْأَنْصَارِيُّ يَحْلِفُ وَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) جَالِسٌ وَ يَقُولُ يَا أَمِيرَ الْمُؤْمِنِينَ تَنَبَّتْ فِي أَمْرِي فَلَمَّا أَكْثَرَ الْقَتَى قَالَ عُمَرُ لِأَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) يَا أَبَا الْحَسَنِ مَا تَرَى فَنَظَرَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) إِلَى بَيَاضِ عَلَى ثَوْبِ الْمَرْأَةِ وَ بَيَّنَّ فَخْذَيْهَا فَاتَّهَمَهَا أَنْ تَكُونَ أَحْتَالَتْ لِذَلِكَ فَقَالَ ائْتُونِي بِمَاءٍ حَارٍّ قَدْ أَغْلَى غَلِيَانًا شَدِيدًا فَفَعَلُوا

⁵⁷ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 2

⁵⁸ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 3

So Umar understood that he should punish the 'الأنصاري' (a local man of Medina) Helper, so he made the Helper to swear an oath, and Amir Al-Momineen^{asws} was seated, and he was saying, 'O commander of the faithful, prove my matter'. So when the youth frequented it, Umar said to Amir Al-Momineen^{asws}, 'O Abu Al-Hassan^{asws}! What is your^{asws} view'. So Amir Al-Momineen^{asws} looked at the whiteness upon the clothes of the woman and between her thighs, so he^{asws} accused her that she was defrauding with that. So he^{asws} said: 'Come to me with hot water which has boiled with intense boiling'. So they did it.

فَلَمَّا أُتِيَ بِالْمَاءِ أَمَرَهُمْ فَصَبُّوا عَلَى مَوْضِعِ الْبَيَاضِ فَاشْتَوَى ذَلِكَ الْبَيَاضُ فَأَخَذَهُ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَأَلْقَاهُ فِي فِيهِ فَلَمَّا عَرَفَ طَعْمَهُ أَلْقَاهُ مِنْ فِيهِ ثُمَّ أَقْبَلَ عَلَى الْمَرْأَةِ حَتَّى أَقْرَبَتْ بِذَلِكَ وَدَفَعَ اللَّهُ عَزَّ وَجَلَّ عَنِ الْأَنْصَارِيِّ عُقُوبَةَ عَمْرٍ .

So when they came up with the water, he^{asws} ordered them, so they splashed it upon the place of the whiteness. So that whiteness solidified. So Amir Al-Momineen^{asws} took it and cast it in his^{asws} mouth. So when he^{asws} recognised its taste, he^{asws} threw it out from his^{asws} mouth. Then he^{asws} faced towards the woman until she confessed with that, and Allah^{azwj} Mighty and Majestic Defended the 'الأنصاري' (local resident of Medina) from the punishment of Umar'.⁵⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ عَشْرَةَ كَانُوا جُلُوسًا وَرَسَطَهُمْ كَيْسٌ فِيهِ أَلْفٌ دِرْهَمٍ فَسَأَلَ بَعْضُهُمْ بَعْضًا لَكُمْ هَذَا الْكَيْسُ فَقَالُوا كُلُّهُمْ لَا وَقَالَ وَاحِدٌ مِنْهُمْ هُوَ لِي فَلَمَنْ هُوَ قَالَ لِذِي أَدْعَاهُ .

Ali Bin Ibrahim, from his father, from one of his companions, from Mansour Bin Hazim,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said, 'Ten (people) were seated, and in the middle of them was a bag in which were a thousand Dirhams. So they asked each other, 'Is this bag yours?' So all of them said, 'No', and one of them said it is for him. So for whom is it?' He^{asws} said: 'For the one who claimed it'.⁶⁰

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ إِبْرَاهِيمَ بْنِ إِسْحَاقَ الْأَحْمَرِ قَالَ حَدَّثَنِي أَبُو عِيْسَى يُوسُفُ بْنُ مُحَمَّدٍ قَرَابَةُ لِسُوَيْدِ بْنِ سَعِيدِ الْأَمْرَانِيِّ قَالَ حَدَّثَنِي سُوَيْدُ بْنُ سَعِيدٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَحْمَدَ الْفَارِسِيِّ عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ أَبِي لَيْلَى عَنْ الْهَيْثَمِ بْنِ جَمِيلٍ عَنْ زُهَيْرٍ عَنْ أَبِي إِسْحَاقَ السَّبِيْعِيِّ عَنْ عَاصِمِ بْنِ حَمْرَةَ السَّلُولِيِّ قَالَ سَمِعْتُ غُلَامًا بِالْمَدِينَةِ وَهُوَ يَقُولُ يَا أَحْكَمَ الْحَاكِمِينَ أَحْكُمْ بَيْنِي وَبَيْنَ أُمِّي فَقَالَ لَهُ عَمْرُ بْنُ الْخَطَّابِ يَا غُلَامُ لِمَ تَدْعُو عَلَى أُمِّكَ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ إِنَّهَا حَمَلْتَنِي فِي بَطْنِهَا تِسْعَةَ أَشْهُرٍ وَارْضَعْتَنِي حَوْلَيْنِ فَلَمَّا تَرَعَرَعْتُ وَعَرَفْتُ الْخَيْرَ مِنَ الشَّرِّ وَبِمَيْنِي عَنْ شِمَالِي طَرَدْتَنِي وَانْتَفَتْ مِنِّي وَرَعَمَتْ أَنَّهَا لَا تَعْرِفُنِي

Ali Bin Muhammad, from Ibrahim Bin Is'haq Al Ahmar, from Isa Yusuf Bin Muhammad, a relative of Suweyd Bin saeed Al Amrany, from Suweyd Bin saeed, from Abdul Rahman Bin Ahmad Al Farsy, from Muhammad Bin Ibrahim Bin Abu Layli, from Al Haysam Bin Jameel, from zuheyr, from Abu Is'haq Al Sabi'e, from Aasim Bin Hamza Al Saluly who said,

'I heard a boy at Al-Medina and he was saying, 'O Judge of the Judges! Judge between me and my mother!' So Umar Bin Al-Khattab said to him, 'O boy! Why are you supplicating against your mother?' So he said, 'O commander of the faithful! She bore me in her belly for nine months, and weaned me for two years. So when I grew up and recognised the good from the evil, and my right from my left, she expelled me and negated me and alleged that she did not recognise me'.

⁵⁹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 4

⁶⁰ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 5

فَقَالَ عُمَرُ أَيَّنَ تَكُونُ الْوَالِدَةُ قَالَ فِي سَفِيْفَةِ بَنِي فَلَانَ فَقَالَ عُمَرُ عَلَيَّ بِأَمِّ الْغُلَامِ قَالَ قَاتُوا بِهَا مَعَ أَرْبَعَةِ إِخْوَةٍ لَهَا وَ أَرْبَعِينَ قَسَامَةً يَشْهَدُونَ لَهَا أَنَّهَا لَا تَعْرِفُ الصَّبِيَّ وَ أَنَّ هَذَا الْغُلَامَ غُلَامٌ مَدْعٍ ظَلُومٌ عَسُوْمٌ يُرِيدُ أَنْ يَفْضَحَهَا فِي عَشِيْرَتِهَا وَ أَنَّ هَذِهِ جَارِيَةٌ مِنْ فُرَيْشٍ لَمْ تَنْزَوِجْ قَطُّ وَ أَنَّهَا بِخَاتَمِ رَبِّهَا

So Umar said, 'Where does your mother happen to be?' He said, 'In a tent of the clan of so and so'. So Umar said, '(Come) to me with the mother of the boy!' So they came over with her, and with four brothers of hers, and forty (men) swearing on oath testifying for her, that she does not recognise the child, and that the boy is a claimant who is unjust and lewd (immoral), intending to shame her in her clan, and that this is a slave girl who is from Qureysh who had not married at all, and that she is with a seal of her Lord^{azwj} (a virgin)'.
 فَقَالَ عُمَرُ يَا غُلَامُ مَا تَقُولُ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ هَذِهِ وَاللَّهِ أُمِّي حَمَلْتَنِي فِي بَطْنِهَا تِسْعَةَ أَشْهُرٍ وَ أَرْضَعْتَنِي حَوْلَيْنِ فَلَمَّا تَرَعَرَعْتُ وَ عَرَفْتُ الْخَبَرَ مِنَ الشَّرِّ وَ يَمِينِي مِنْ شِمَالِي طَرَدْتَنِي وَ انْتَفَتْ مِنِّي وَ زَعَمَتْ أَنَّهَا لَا تَعْرِفُنِي

So Umar said, 'O boy! What are you saying?' So he said, 'O commander of the faithful! By Allah^{azwj}! This is my mother who bore me in her belly for nine months, and weaned me for two years. So when I grew up and recognised the good from the evil, and my right from my left, she expelled me and negated me, and she claims that she does not recognise me'.

فَقَالَ عُمَرُ يَا هَذِهِ مَا يَقُولُ الْغُلَامُ فَقَالَتْ يَا أَمِيرَ الْمُؤْمِنِينَ وَ الَّذِي احْتَجَبَ بِالنُّورِ فَلَا عَيْنَ تَرَاهُ وَ حَقٌّ مُحَمَّدٍ وَ مَا وَلَدَ مَا أَعْرَفُهُ وَ لَا أُدْرِي مِنْ أَيِّ النَّاسِ هُوَ وَ إِنَّهُ غُلَامٌ مَدْعٍ يُرِيدُ أَنْ يَفْضَحَنِي فِي عَشِيْرَتِي وَ إِنِّي جَارِيَةٌ مِنْ فُرَيْشٍ لَمْ أَنْزَوِجْ قَطُّ وَ إِنِّي بِخَاتَمِ رَبِّي فَقَالَ عُمَرُ أَلَيْكَ شَهَادَةٌ فَقَالَتْ نَعَمْ هُوَ لَاءٌ فَتَقَدَّمَ الْأَرْبَعُونَ الْقَسَامَةَ فَشَهِدُوا عِنْدَ عُمَرَ أَنَّ الْغُلَامَ مَدْعٍ يُرِيدُ أَنْ يَفْضَحَهَا فِي عَشِيْرَتِهَا وَ أَنَّ هَذِهِ جَارِيَةٌ مِنْ فُرَيْشٍ لَمْ تَنْزَوِجْ قَطُّ وَ أَنَّهَا بِخَاتَمِ رَبِّهَا

So Umar said, 'O you (woman)! What is this boy saying?' So she said, 'O commander of the faithful! By the One^{azwj} Who is Veiled by the Light, so no eye has seen Him^{azwj}, and right was Muhammad^{saww}, I do not recognise him nor do I know from which people he is, and he is a boy who is a claimant intending to shame me in my clan, and I am a slave girl from Qureysh, not being married at all, and I am with a seal from my Lord^{azwj}'. So Umar said, 'Are there witnesses for you?' So she said, 'Yes, they are'. So the forty (men) swearing on oath, so they testified in the presence of Umar that the boy is a claimant intending to shame her in her clan, and there this is a slave girl from Qureysh, not having been married at all, and she is with a seal from her Lord^{azwj}'.

فَقَالَ عُمَرُ خُذُوا هَذَا الْغُلَامَ وَ انْطَلِقُوا بِهِ إِلَى السِّجْنِ حَتَّى نَسْأَلَ عَنِ الشُّهُودِ فَإِنْ عَدَلْتُمْ شَهِدْتُهُمْ جَلَدْتُهُ حَدَّ الْمُفْتَرِي فَآخَذُوا الْغُلَامَ يَنْطَلِقُ بِهِ إِلَى السِّجْنِ فَتَلَقَاهُمْ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي بَعْضِ الطَّرِيقِ فَنَادَى الْغُلَامُ يَا ابْنَ عَمِّ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِنِّي غُلَامٌ مَظْلُومٌ وَ أَعَادَ عَلَيْهِ الْكَلَامَ الَّذِي كَلَّمَ بِهِ عُمَرَ ثُمَّ قَالَ وَ هَذَا عُمَرُ قَدْ أَمَرَ بِي إِلَى الْحَبْسِ فَقَالَ عَلَيَّ (عَلَيْهِ السَّلَامُ) رُدُّوهُ إِلَيَّ عُمَرَ

So Umar said, 'Seize this boy, and go with him to the prison until we ask about the witnesses. So if their testimonies were just, I will whip him with a legal penalty (Hadd) of the slanderer'. So they seized the boy went with him towards the prison. So they came across Amir Al-Momineen^{asws} in one of the roads. So the boy called out, 'O cousin of Rasool-Allah^{saww}! I am an oppressed boy', and he repeated the speech to him^{asws} which he had spoken with to Umar. Then he said, 'And this Umar has ordered regarding me (to be sent) to the prison'. So Ali^{asws} said: 'Return him to Umar'.

فَلَمَّا رَدُّهُ قَالَ لَهُمْ عُمَرُ أَمَرْتُ بِهِ إِلَى السِّجْنِ فَرَدَدْتُمُوهُ إِلَيَّ فَقَالُوا يَا أَمِيرَ الْمُؤْمِنِينَ أَمَرَنَا عَلِيُّ بْنُ أَبِي طَالِبٍ (عَلَيْهِ السَّلَام) أَنْ نَرُدَّهُ إِلَيْكَ وَ سَمِعْنَاكَ وَ أَنْتَ تَقُولُ لَا نَعْصُوا لِعَلِيِّ (عَلَيْهِ السَّلَام) أَمْرًا

So when they returned him, Umar said to them, 'I ordered with him to the prison, and you have returned him to me?' So they said, 'O commander of the faithful! Ali^{asws} Bin Abu Talib^{asws} ordered us that the be returned to you, and we heard you, and you were saying, 'Do not disobey to Ali^{asws} in any matter'.

فَبَيْنَمَا هُمْ كَذَلِكَ إِذْ أَقْبَلَ عَلِيُّ (عَلَيْهِ السَّلَام) فَقَالَ عَلِيُّ بِأَمِّ الْغُلَامِ فَاتُّوا بِهَا فَقَالَ عَلِيُّ (عَلَيْهِ السَّلَام) يَا غُلَامُ مَا تَقُولُ فَأَعَادَ الْكَلَامَ فَقَالَ عَلِيُّ (عَلَيْهِ السَّلَام) لِعُمَرَ أ تَأْذُنُ لِي أَنْ أَقْضِيَ بَيْنَهُمْ فَقَالَ عُمَرُ سُبْحَانَ اللَّهِ وَ كَيْفَ لَا وَ قَدْ سَمِعْتَ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) يَقُولُ أَعْلَمُكُمْ عَلِيُّ بْنُ أَبِي طَالِبٍ

So whilst they were in that, Ali^{asws} came over. So he^{asws} said: '(send to) me with the mother of the boy'. So they came over with her. So Ali^{asws} said: 'O boy, what are you saying?' So he repeated the speech. So Ali^{asws} said to Umar: 'Do you permit me^{asws} that I^{asws} judge between them?' So Umar said, 'Glory be to Allah^{azwj}! And how (can it be) no, and I have heard Rasool-Allah^{saww} saying: 'The most knowledgeable of you all is Ali^{asws} Bin Abu Talib^{asws}'.

ثُمَّ قَالَ لِلْمَرْأَةِ يَا هَذِهِ أَلَيْكَ شُهُودٌ قَالَتْ نَعَمْ فَتَقَدَّمَ الْأَرْبَعُونَ قَسَامَةً فَشَهِدُوا بِالشَّهَادَةِ الْأُولَى فَقَالَ عَلِيُّ (عَلَيْهِ السَّلَام) لِأَقْضِيَنَّ الْيَوْمَ بَقَضِيَّةٍ بَيْنَكُمَا هِيَ مَرْضَاةُ الرَّبِّ مِنْ فَوْقِ عَرْشِهِ عَلَمَانِيهَا حَبِيبِي رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ)

Then he^{asws} said to the woman: 'O you (woman)! Are there witnesses for you?' She said, 'Yes'. So the forty (men) swearing on oath testified with the first testimony. So Ali^{asws} said: 'I^{asws} shall judge today with a judgement between you two, being the Pleasure of the Lord^{azwj} from above His^{azwj} Throne, which my^{asws} beloved Rasool-Allah^{saww} had taught me^{asws}'.

ثُمَّ قَالَ لَهَا أَلَيْكَ وَلِيٌّ قَالَتْ نَعَمْ هُوَ لِإِخْوَتِي فَقَالَ لِإِخْوَتِي أَمْرِي فِيكُمْ وَ فِي أُنْحَيْكُمْ جَائِزٌ فَقَالُوا نَعَمْ يَا ابْنَ عَمِّ مُحَمَّدٍ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَمْرُكَ فِينَا وَ فِي أُنْحَيْنَا جَائِزٌ فَقَالَ عَلِيُّ (عَلَيْهِ السَّلَام) أَشْهَدُ اللَّهَ وَ أَشْهَدُ مَنْ حَضَرَ مِنَ الْمُسْلِمِينَ أَنِّي قَدْ رَوَّجْتُ هَذَا الْغُلَامَ مِنْ هَذِهِ الْجَارِيَةِ بِأَرْبَعِمِائَةِ دِرْهَمٍ وَ النِّقْدُ مِنْ مَالِي يَا قَنْبَرُ عَلِيُّ بِالْدَّرَاهِمِ فَأَتَاهُ قَنْبَرٌ بِهَا فَصَبَّهَا فِي يَدِ الْغُلَامِ قَالَ خُذْهَا فَصَبَّهَا فِي حَجْرِ أَمْرَاتِكَ وَ لَا تَأْتِنَا إِلَّا وَ بَكَ أُنْزِلُ الْعُرْسَ يَعْنِي الْغُسْلَ

Then he^{asws} said to her: 'Is there a guardian for you?' She said, 'Yes, they are, my brothers'. So he^{asws} said to her brothers: 'My^{asws} order regarding you and regarding your sister is allowed?' So they said, 'Yes, O cousin of Muhammad^{saww}, your^{asws} order regarding us and regarding our sister is allowed'. So Ali^{asws} said: 'I^{asws} am keeping Allah^{azwj} as a Witness, and the ones who are present from the Muslims, that I^{asws} hereby marry this boy to this slave girl, with (a dower of) four hundred Dirhams, and the cash is from my^{asws} wealth. O Qanbar! To me^{asws} with the Dirhams!' So Qanbar came over with it. So He^{asws} placed it in the hands of the boy, and said: 'Take it, and place it in the lap of your wife, and do not come to us except with you are the effects of the marriage, meaning the washing'.

فَقَامَ الْغُلَامُ فَصَبَّ الدَّرَاهِمَ فِي حَجْرِ الْمَرْأَةِ ثُمَّ تَلَبَّيْهَا فَقَالَ لَهَا قَوْمِي فَتَادَتِ الْمَرْأَةُ النَّارَ النَّارَ يَا ابْنَ عَمِّ مُحَمَّدٍ تُرِيدُ أَنْ تُزَوِّجَنِي مِنْ وَلَدِي هَذَا وَ اللَّهُ وَلَدِي زَوْجَنِي إِخْوَتِي هَجِينًا فَوَلَدْتُ مِنْهُ هَذَا الْغُلَامَ فَلَمَّا تَرَ عَرَعَ وَ سَبَّ أَمْرُونِي أَنْ أَنْتَقِي مِنْهُ وَ أَطْرُدَهُ وَ هَذَا وَ اللَّهُ وَلَدِي وَ فَوَادِي يَنْقَلِي أَسْفًا عَلَى وَلَدِي

So the boy stood up and placed the Dirhams in the lap of the woman, then addressed her, so he said to her, 'Stand up'. So the woman called out, 'The Fire!

The Fire! O cousin of Muhammad^{saww}, are you^{asws} intending to marry me to this son of mine? By Allah^{azwj} this is my son. My brothers married me off to a half-caste, so I gave birth to this boy from him. So when he grew up and became a youth, they ordered me that I should deny him and expel him, this, by Allah^{azwj}, (he) is my son, and my heart regrets over my son’.

قَالَ ثُمَّ أَخَذَتْ بِيَدِ الْغُلَامِ وَانْطَلَقَتْ وَ نَادَى عُمَرُ وَ أَعْمَرَاهُ لَوْ لَا عَلِيٌّ لَهْلَكَ عُمَرُ .

He (the narrator) said: ‘Then she grabbed the hand of the boy and went with him, and Umar called out: ‘Woe unto Umar! Had it not been for Ali^{asws}, Umar would be destroyed!’⁶¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أَبِي عُمَرُ بِامْرَأَةٍ تَزَوَّجَهَا شَيْخٌ فَلَمَّا أَنْ وَاقَعَهَا مَاتَ عَلَى بَطْنِهَا فَجَاءَتْ بِوَلَدٍ فَادَّعَى بَنُوهُ أَنَّهَا فَجَرَتْ وَ تَشَاهَدُوا عَلَيْهَا فَأَمَرَ بِهَا عُمَرُ أَنْ تُرْجَمَ

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Muhammad Bin Ali, from Muhammad Bin Al Fuzayl, from Abu Al Sabbah Al Kinany,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘They came to Umar with a woman who had been married to an old man. So when he had copulated with her, fell dead upon her belly. So she came up with a child, but his sons claimed that she had been immoral and testified against her. So Umar order with her to be stoned.

فَمَرَّ بِهَا عَلِيٌّ (عَلَيْهِ السَّلَامُ) فَقَالَتْ يَا ابْنَ عَمِّ رَسُولِ اللَّهِ إِنَّ لِي حُجَّةً قَالَ هَاتِي حُجَّتَكَ فَدَفَعَتْ إِلَيْهِ كِتَابًا فَقَرَأَهُ فَقَالَ هَذِهِ الْمَرْأَةُ تُعَلِّمُكُمْ بِيَوْمِ تَزَوَّجَهَا وَ يَوْمَ وَاقَعَهَا وَ كَيْفَ كَانَ جِمَاعُهُ لَهَا رُدُّوا الْمَرْأَةَ

So Ali^{asws} passed by her, so she said, ‘O cousin of Rasool-Allah^{saww}! There is a proof for me’. He^{asws} said: ‘Bring me^{asws} your proof’. So she handed over a letter to him^{asws}. So he^{asws} read it. So he^{asws} said: ‘This woman is letting you know of the day she was married, and the day she was copulated with and how her copulation was. Return the woman!’

فَلَمَّا أَنْ كَانَ مِنَ الْعَدِ دَعَا بِصِبْيَانِ أَتْرَابٍ وَ دَعَا بِالصَّبِيِّ مَعَهُمْ فَقَالَ لَهُمُ الْعُبُورَا حَتَّى إِذَا أَلْهَاهُمُ اللَّعِبُ قَالَ لَهُمْ اجْلِسُوا حَتَّى إِذَا تَمَكَّنُوا صَاحَ بِهِمْ فَقَامَ الصَّبِيَّانُ وَ قَامَ الْغُلَامُ فَاتَّكَأَ عَلَى رَاحَتَيْهِ فَدَعَا بِهِ عَلِيٌّ (عَلَيْهِ السَّلَامُ) وَ وَرَّثَهُ مِنْ أَبِيهِ وَ جَلَدَ إِخْوَتَهُ الْمُفْتَرِينَ حَدًّا حَدًّا فَقَالَ لَهُ عُمَرُ كَيْفَ صَنَعْتَ قَالَ (عَلَيْهِ السَّلَامُ) عَرَفْتُ ضَعْفَ الشَّيْخِ فِي اتِّكَاءِ الْغُلَامِ عَلَى رَاحَتَيْهِ.

So when it was the morning, he^{asws} called over some children of equal ages, and called the child (of the woman) along with them. So he^{asws} said to them: ‘Play’, until the playing was exhausting for them, he^{asws} said: ‘Sit down’. When they had taken their places, he^{asws} shouted at them. So the children stood up, and the boy (of the woman) leaned upon his hands (in order to stand up). So Ali^{asws} called him over and made him inherit him from his father, and whipped his brothers for the false accusation by a legal penalty (*Hadd*) each. So Umar said to him^{asws}, ‘How did you^{asws} do this?’ He^{asws} said: ‘I^{asws} recognised the weakness of the old man in the leaning of the boy upon his hands (when he tried to get up)’.⁶²

⁶¹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 6

⁶² Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 7

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ عُثْمَانَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ رَجُلًا أَقْبَلَ عَلَيَّ عَهْدًا عَلِيٍّ (عَلَيْهِ السَّلَامُ) مِنَ الْجَبَلِ حَاجًّا وَمَعَهُ غُلَامٌ لَهُ فَأَذْنَبَ فَضْرَبْتُهُ مَوْلَاهُ فَقَالَ مَا أَنْتَ مَوْلَايَ بَلْ أَنَا مَوْلَاكَ قَالَ فَمَا زَالَ دَا يَتَوَعَّدُ دَا وَدَا يَتَوَعَّدُ دَا وَيَقُولُ كَمَا أَنْتَ حَتَّى نَأْتِيَ الْكُوفَةَ يَا عَدُوَّ اللَّهِ فَأَذْهَبَ بِكَ إِلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ)

Ali Bin Ibrahim, from his father, from Abdullah Bin Usman, from a man,

(It has been narrated) from Abu Abdullah^{asws} that a man came down from the mountain for Hajj and with him was a slave of his. So he sinned, so his master struck him. So he said, 'You are not my master, but I am your master'. So this one did not cease to threaten that one, and that one did not cease to threaten this one, and he was saying, 'You wait until we come to Al-Kufa, O enemy of Allah^{azwj}', so I shall go with you to Amir Al-Momineen^{asws}.

فَلَمَّا أَتَيْتَا الْكُوفَةَ أَتَيْتَا أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فَقَالَ الَّذِي ضَرَبَ الْغُلَامَ أَصْلَحَكَ اللَّهُ هَذَا غُلَامٌ لِي وَ إِنَّهُ أَذْنَبَ فَضْرَبْتُهُ فَوَثَبَ عَلَيَّ وَ قَالَ الْآخَرُ هُوَ وَ اللَّهُ غُلَامٌ لِي إِنَّ أَبِي أَرْسَلَنِي مَعَهُ لِيُعَلِّمَنِي وَ إِنَّهُ وَثَبَ عَلَيَّ يَدَّ عَيْنِي لِيَذْهَبَ بِمَالِي

So when they both came to Al-Kufa, they both came to Amir Al-Momineen^{asws}. So the one who struck the slave said, 'May Allah^{azwj} Keep you^{asws} well! This is a slave of mine, and he sinned, so I struck him, but he leapt upon me'. And the other one said, 'By Allah^{azwj}, he is a slave of mine, My father had sent me with him for him to teach me, and he leapt upon me to claim and go away with my wealth'.

قَالَ فَأَخَذَ هَذَا يَحْلِفُ وَ هَذَا يَحْلِفُ وَ هَذَا يُكْذِبُ هَذَا وَ هَذَا يُكْذِبُ هَذَا قَالَ فَقَالَ أَنْطَلِقَا فَتَصَادَقَا فِي لَيْلَتِكُمَا هَذِهِ وَ لَا تَجِيبَانِي إِلَّا بِحَقٍّ

He^{asws} said: 'So this one swore an oath, and this one to swear an oath, and this one to belied this one, and this one to belied this one'. So he^{asws} said: 'Go away both of you, so be truthful in this night of your, and do not come to me except with the truth'.

قَالَ فَلَمَّا أَصْبَحَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) قَالَ لِقَنْبَرٍ انْفُذْ فِي الْحَائِطِ ثَقْبَيْنِ قَالَ وَ كَانَ إِذَا أَصْبَحَ عَقَبَ حَتَّى تَصِيرَ الشَّمْسُ عَلَيَّ رُوحٌ يَسْبُحُ فَجَاءَ الرَّجُلَانِ وَ اجْتَمَعَ النَّاسُ فَقَالُوا لَقَدْ وَرَدَتْ عَلَيْهِ قَضِيَّةٌ مَا وَرَدَ عَلَيْهِ مِثْلَهَا لَا يَخْرُجُ مِنْهَا فَقَالَ لَهُمَا مَا تَقُولَانِ فَحَلَفَ هَذَا أَنَّ هَذَا عَبْدُهُ وَ حَلَفَ هَذَا أَنَّ هَذَا عَبْدُهُ

He^{asws} said: 'So when it was the morning, Amir Al-Momineen^{asws} said to Qanbar: 'Pierce two holes in the wall'. So when it was morning he^{asws} Prayed and Glorified until the sun came out to (the length of a) spear. So the two men came over, and the people gathered, saying, 'A judgement has been referred to him^{asws} the like of which has not been referred to (before). He^{asws} would not be able to come out from it'. So he^{asws} said to both of them: 'What are you both saying?' So this one swore on oath that this one was his slave, and this one swore that this one was his slave.

فَقَالَ لَهُمَا قَوْمًا فَإِنِّي لَسْتُ أَرَاكُمَا تَصُدَّقَانِ ثُمَّ قَالَ لِأَحَدِهِمَا أَدْخِلْ رَأْسَكَ فِي هَذَا الثَّقْبِ ثُمَّ قَالَ لِلْآخَرِ أَدْخِلْ رَأْسَكَ فِي هَذَا الثَّقْبِ ثُمَّ قَالَ يَا قَنْبَرُ عَلَيَّ بِسَيْفِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَ آلِهِ) عَجَلْ اضْرِبْ رَقَبَةَ الْعَبْدِ مِنْهُمَا قَالَ فَأَخْرَجَ الْغُلَامَ رَأْسَهُ مُبَادِرًا فَقَالَ عَلِيٌّ (عَلَيْهِ السَّلَامُ) لِلْغُلَامِ أَلَسْتَ تَزْعُمُ أَنَّكَ لَسْتَ بَعِيدٌ وَ مَكَتَ الْآخَرُ فِي الثَّقْبِ فَقَالَ بَلَى وَ لَكِنَّهُ ضَرَبَنِي وَ تَعَدَى عَلَيَّ قَالَ فَتَوَقَّعْ لَهُ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) وَ دَفَعَهُ إِلَيْهِ .

So he^{asws} said to both of them: 'Arise, both of you, for I do not see both of you speaking the truth'. Then he^{asws} said to one of the two: 'Enter your head in the hole (in the wall)'. Then he^{asws} said to the other one: 'Enter your head in this hole (in the wall)'. Then he^{asws} said: 'O Qanbar! (Bring) to me^{asws} the sword of Rasool-Allah^{saww}

quickly, I^{asws} want to strike off the neck of the slave from these two'. So the slave brought out his head first. So Ali^{asws} said to the slave: 'Are you not alleging that you are not a slave?' And the other one remained in the hole. So he said, 'Yes, but he struck me and exceeded upon me'. So Amir Al-Momineen^{asws} authenticated (a document) for him and handed it over to him (the master)'.⁶³

عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أَتَيْتِي عُمَرُ بْنُ الْخَطَّابِ بِجَارِيَةٍ قَدْ شَهِدُوا عَلَيْهَا أَنَّهَا بَعْتُ وَكَانَ مِنْ قِصَّتِهَا أَنَّهَا كَانَتْ بَيْتِيمَةً عِنْدَ رَجُلٍ وَكَانَ الرَّجُلُ كَثِيرًا مَا يَغِيبُ عَنْ أَهْلِهِ فَشَبَّتِ الْبَيْتِيمَةَ فَتَخَوَّفَتِ الْمَرْأَةُ أَنْ يَنْزَوِّجَهَا زَوْجَهَا فَدَعَتْ بِنِسْوَةٍ حَتَّى أَمْسَكْنَهَا فَأَخَذَتْ عُذْرَتَهَا بِإِصْبِعِهَا فَلَمَّا قَدِمَ زَوْجُهَا مِنْ غَيْبِهِ رَمَتْ الْمَرْأَةُ الْبَيْتِيمَةَ بِالْفَاحِشَةِ وَاقَامَتِ الْبَيْتَةَ مِنْ جَارَاتِهَا اللَّائِي سَاعَدَتْهَا عَلَى ذَلِكَ

Ali, from his father, from Ibn Abu Umeyr, from Muawiya Bin Wahab,

(It has been narrated) from Abu Abdullah^{asws} having said: 'They came to Umar Bin Al-Khattab with a slave girl who had been testified against that she had committed adultery, and from her story was that she was an orphan (in the custody of) a man, and the man used to be frequently absent from his family. So the orphan girl matured, so the wife (of that man) feared that her husband may marry her. So she called women (friends) until they restrained her. So she took away her virginity by her fingers. So when the husband returned from his absence, the wife accused the orphan girl with the immorality, and established the proof from her neighbours who had aided her upon that.

فَرَفَعَ ذَلِكَ إِلَى عُمَرَ فَلَمْ يَدْرَ كَيْفَ يَفْضِي فِيهَا ثُمَّ قَالَ لِلرَّجُلِ أَنْتَ عَلِيٌّ بِنُ أَبِي طَالِبٍ (عَلَيْهِ السَّلَامُ) وَ أَذْهَبُ بِنَا إِلَيْهِ فَأَتُوا عَلِيًّا (عَلَيْهِ السَّلَامُ) وَ قَصُّوا عَلَيْهِ الْقِصَّةَ فَقَالَ لِامْرَأَةِ الرَّجُلِ أَلَيْكَ بَيْتَةٌ أَوْ بُرْهَانٌ قَالَتْ لِي شُهُودٌ هَؤُلَاءِ جَارَاتِي يَشْهَدُنَّ عَلَيْهَا بِمَا أَقُولُ فَأَحْضَرْتُهُنَّ

So that was raised to Umar, but he did not know how to judge with regards to it. Then he said to the man, 'Go to Ali^{asws} Bin Abu Talib^{asws}, and we will go with you to him^{asws}'. So they came over to Ali^{asws} and related to him^{asws} the story. So he^{asws} said to the wife of the man, 'Is there any proof for you, or evidence?' She said, 'There are witnesses for me, these neighbours of mine who are testifying against her with what I am saying, so I am presenting them.

فَأَخْرَجَ عَلِيٌّ بِنُ أَبِي طَالِبٍ (عَلَيْهِ السَّلَامُ) السَّيْفَ مِنْ غَمْدِهِ فَطَرَحَ بَيْنَ يَدَيْهِ وَ أَمَرَ بِكُلِّ وَاحِدَةٍ مِنْهُنَّ فَأَدْخَلَتْ بَيْتًا ثُمَّ دَعَا بِامْرَأَةِ الرَّجُلِ فَأَدَارَهَا بِكُلِّ وَجْهِ فَأَبَتْ أَنْ تَزُولَ عَنْ قَوْلِهَا فَرَدَّهَا إِلَى الْبَيْتِ الَّذِي كَانَتْ فِيهِ وَ دَعَا إِحْدَى الشُّهُودِ وَ جَنَّا عَلَى رُكْبَتَيْهِ ثُمَّ قَالَ تَعْرِفِينِي أَنَا عَلِيٌّ بِنُ أَبِي طَالِبٍ وَ هَذَا سَيْفِي وَ قَدْ قَالَتْ امْرَأَةُ الرَّجُلِ مَا قَالَتْ وَ رَجَعْتُ إِلَى الْحَقِّ وَ أُعْطِينِيهَا الْأَمَانَ وَ إِنْ لَمْ تَصْدُقِينِي لِأَمْلَانِ السَّيْفِ مِنْكَ فَالْتَفَتَتْ إِلَى عُمَرَ فَقَالَتْ يَا أَمِيرَ الْمُؤْمِنِينَ الْأَمَانَ عَلِيٌّ فَقَالَ لَهَا أَمِيرُ الْمُؤْمِنِينَ قَاصِدُفِي

So Ali^{asws} Bin Abu Talib^{asws} brought out the sword from its sheath, so he^{asws} placed it in front of him, and ordered for each one of them (women witnesses) to enter into a room. Then he called the wife of the man, so he^{asws} interrogated her with every aspect, but she refused to waver from her words. So he returned her to the room in which she was, and called for one of the witnesses, and sat upon his^{asws} knees. Then he^{asws} said: 'Do you recognise me^{asws}? I^{asws} am Ali^{asws} Bin Abu Talib^{asws}, and this is my^{asws} sword, and the wife of the man has said what she said, and returned to the truth, and I^{asws} gave her amnesty, and if you are not truthful to me, I^{asws} will fill the

⁶³ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 8

sword from you (your blood)'. So she turned around to Umar and said, 'O commander of the faithful! The amnesty for me'. So Amir Al-Momineen^{asws} said to her: 'So speak the truth to me^{asws}'.

فَقَالَتْ لَا وَاللَّهِ إِلَّا أَنَّهَا رَأَتْ جَمَالًا وَ هَيْبَةً فَخَافَتْ فَسَادَ زَوْجِهَا عَلَيْهَا فَسَقَتْهَا الْمُسْكَرَ وَ دَعَيْنَا فَأَمْسَكْنَاهَا فَأَقْتَضَتْهَا بِإِصْبَعِهَا فَقَالَ عَلِيٌّ (عَلَيْهِ السَّلَام) اللَّهُ أَكْبَرُ أَنَا أَوَّلُ مَنْ فَرَّقَ بَيْنَ الشَّاهِدَيْنِ إِلَّا دَانِيَالَ النَّبِيِّ

So she said, 'No, by Allah^{azwj}, except that she saw the (in the orphan girl) beauty and body, so she feared mischief of her husband upon her, so she gave her an intoxicating drink, and called us over, so we restrained her, and she deflowered her with her fingers'. So Ali^{asws} said: 'Allah^{azwj} is the Greatest! I^{asws} am the first one to differentiate between two witnesses, except for Danel^{as}, the Prophet^{asws}'.

فَأَلَزَمَ عَلِيٌّ الْمَرْأَةَ حَدَّ الْفَازِبِ وَ أَلَزَمَهُنَّ جَمِيعاً الْعُقْرَ وَ جَعَلَ عُقْرَهَا أَرْبَعِمِائَةَ دِرْهَمٍ وَ أَمَرَ الْمَرْأَةَ أَنْ تُنْفَى مِنَ الرَّجُلِ وَ يُطْلَقَهَا زَوْجِهَا وَ زَوْجَهُ الْجَارِيَةَ وَ سَأَقَ عَنْهُ عَلِيٌّ (عَلَيْهِ السَّلَام) الْمَهْرَ

So Ali^{asws} necessitated upon the woman the legal penalty (*Hadd*) of the slanderer, and necessitated upon all the women together, the dower, and made her dower to be four hundred Dirhams, and ordered the woman that be denied from the man and divorced her, and married the girl to him, and Ali^{asws} paid (contributed) the dower from himself^{asws}'.

فَقَالَ عُمَرُ يَا أَبَا الْحَسَنِ فَحَدِّثْنَا بِحَدِيثِ دَانِيَالَ فَقَالَ عَلِيٌّ (عَلَيْهِ السَّلَام) إِنَّ دَانِيَالَ كَانَ يَتِيمًا لَا أُمَّ لَهُ وَ لَا أَبَ وَ إِنَّ امْرَأَةً مِنْ بَنِي إِسْرَائِيلَ عَجُوزًا كَبِيرَةً ضَمَّتْهُ فَرَبَّتْهُ وَ إِنَّ مَلِكًا مِنْ مُلُوكِ بَنِي إِسْرَائِيلَ كَانَ لَهُ قَاضِيَانِ وَ كَانَ لَهُمَا صَدِيقٌ وَ كَانَ رَجُلًا صَالِحًا وَ كَانَتْ لَهُ امْرَأَةٌ بَهِيَّةً جَمِيلَةً وَ كَانَ يَأْتِي الْمَلِكَ فَيَحَدِّثُهُ

So Umar said, 'O Abu Al Hassan^{asws}! So narrate to us with a Hadeeth of Daniel^{as}'. So Ali^{asws} said: 'Danel^{as} was an orphan, not having a mother for him^{as} nor a father, and a woman from the Children of Israel, very old, cared for him^{asws} and loved him^{as}. And (there was a) a king from the kings of the Children of Israel who had two judges for him who had a friend who was a righteous man, for whom was a woman with a beautiful body, and he used to come to the king and discuss with him.

وَ اِحْتِاجَ الْمَلِكِ إِلَى رَجُلٍ يَبْعَثُهُ فِي بَعْضِ أُمُورِهِ فَقَالَ لِلْقَاضِيَيْنِ اخْتَارَا رَجُلًا أُرْسِلُهُ فِي بَعْضِ أُمُورِي فَقَالَ فُلَانٌ فَوَجَّهَهُ الْمَلِكُ فَقَالَ الرَّجُلُ لِلْقَاضِيَيْنِ أَوْصِيكُمْ بِامْرَأَتِي خَيْرًا فَقَالَ نَعَمْ فَخَرَجَ الرَّجُلُ

And the king had a need from that man, to send him regarding one of his matters. So he said to the two judges, 'Both of you choose a man to send him in one of my matters'. So they both said, 'So and so'. So the king diverted himself to him. So the man said to the two judges, 'I bequeath to both of you with my wife for her safety'. So they both said, 'Yes'. So the man went out.

فَكَانَ الْقَاضِيَانِ يَأْتِيَانِ بَابَ الصَّدِيقِ فَعَشِقَا امْرَأَتَهُ فَرَاوَدَاهَا عَنْ نَفْسِهَا فَأَبَتْ فَقَالَ لَهَا وَاللَّهِ لَنْ لَمْ تَفْعَلِي لِنَشْهَدَنَّ عَلَيْكَ عِنْدَ الْمَلِكِ بِالرُّبُوبِيِّ ثُمَّ لَنَرُجِمَنَّكَ فَقَالَتْ أَفْعَلَا مَا أَحْبَبْتُمَا فَأَتَى الْمَلِكَ فَأَخْبَرَاهُ وَ شَهِدَا عِنْدَهُ أَنَّهَا بَعَثَتْ فَدَخَلَ الْمَلِكُ مِنْ ذَلِكَ أَمْرٌ عَظِيمٌ وَ اسْتَدَّ بِهَا عَمَهُ وَ كَانَ بِهَا مُعْجَبًا

So the judges used to come to the door of the friend, so they both desired his wife, but she repulsed them both from herself and refused. So they both said to her, 'By Allah^{azwj}! If you were not to do it, we would testify against you in the presence of the king with the adultery, then we would have you stoned'. So she said, 'So do

whatever you both like to'. So they both went over to the king and informed him, and testified in his presence that she is an adulteress. So there entered a grievous matter into the king due to that, and his grief got aggravated by it, and he had also admired her.

فَقَالَ لَهُمَا إِنَّ قَوْلَكُمْ مَقْبُولٌ وَ لَكِنْ ارْجُمُوهَا بَعْدَ ثَلَاثَةِ أَيَّامٍ وَ نَادَى فِي الْبَلَدِ الَّذِي هُوَ فِيهِ احْضُرُوا قَتْلَ فُلَانَةَ الْعَابِدَةِ فَإِنَّهَا قَدْ بَعَثَتْ فَإِنَّ الْقَاضِيَيْنِ قَدْ شَهِدَا عَلَيْهَا بِذَلِكَ فَأَكْثَرَ النَّاسُ فِي ذَلِكَ وَ قَالَ الْمَلِكُ لَوَزِيرِهِ مَا عِنْدَكَ فِي هَذَا مِنْ حِيلَةٍ فَقَالَ مَا عِنْدِي فِي ذَلِكَ مِنْ شَيْءٍ

So he said to them both, 'Both your words are accepted, but, stone her after three days'. He called out in the city in which he (her husband) was, for (the people) to be present for the killing of so and so woman worshipper, for she had committed adultery, for the two judges has testified against her'. So there were a lot of people with regards to that, and the king said to his Vizier, 'What is with you with regards to this from an excuse?' So he said, 'There is nothing with me regarding that anything'.

فَخَرَجَ الْوَزِيرُ يَوْمَ الثَّلَاثِ وَ هُوَ آخِرُ أَيَّامِهَا فَإِذَا هُوَ بِعِلْمَانِ عُرَاةٍ يَلْعَبُونَ وَ فِيهِمْ دَانِيَالُ وَ هُوَ لَا يَعْرِفُهُ فَقَالَ دَانِيَالُ يَا مَعْشَرَ الصَّبِيَّانِ تَعَالَوْا حَتَّى أَكُونَ أَنَا الْمَلِكُ وَ تَكُونِ أَنْتَ يَا فُلَانُ الْعَابِدَةُ وَ يَكُونُ فُلَانٌ وَ فُلَانُ الْقَاضِيَيْنِ الشَّاهِدَيْنِ عَلَيْهَا ثُمَّ جَمَعَ ثُرَابًا وَ جَعَلَ سَيْفًا مِنْ قَصَبٍ وَ قَالَ لِلصَّبِيَّانِ خُذُوا بِيَدِ هَذَا فَخُوهُ إِلَى مَكَانٍ كَذَا وَ كَذَا وَ خُذُوا بِيَدِ هَذَا فَخُوهُ إِلَى مَكَانٍ كَذَا وَ كَذَا

So the Vizier went out on the third day, and it was the last of her days, and there were (some) little boys playing, and among them was Dainel^{as}, and he did not know him^{as}. So Daniel^{as} said: 'O group of children! Come, until I^{as} become (pretend) I^{as} am the king, and you become the so and so worshipper woman, and so and so, and so and so become the two judges testifying against her. Then he^{as} gathered dust and made a sword from a stick, and said to the children: 'Take this (pretend judge) by your hand and go to this such and such a place, and take the hand of this (the other pretend judge) and go to this such and such a place.

ثُمَّ دَعَا بِأَحَدِهِمَا وَ قَالَ لَهُ قُلْ حَقًّا فَإِنَّكَ إِنْ لَمْ تَقُلْ حَقًّا قَتَلْنَاكَ وَ الْوَزِيرُ قَائِمٌ يَنْظُرُ وَ يَسْمَعُ فَقَالَ أَشْهَدُ أَنَّهَا بَعَثَتْ فَقَالَ مَتَى قَالَ يَوْمَ كَذَا وَ كَذَا فَقَالَ رُدُّوهُ إِلَى مَكَانِهِ وَ هَاتُوا الْآخَرَ فَرُدُّوهُ إِلَى مَكَانِهِ وَ جَاءُوا بِالْآخَرَ فَقَالَ لَهُ بِمَا تَشْهَدُ فَقَالَ أَشْهَدُ أَنَّهَا بَعَثَتْ قَالَ مَتَى قَالَ يَوْمَ كَذَا وَ كَذَا قَالَ مَعَ مَنْ قَالَ مَعَ فُلَانِ بْنِ فُلَانٍ قَالَ وَ أَيْنَ قَالَ بِمَوْضِعٍ كَذَا وَ كَذَا

Then he^{as} called one of the two and said to him: 'Speak the truth. If you do not speak the truth, I^{as} will kill you'. And the Vizier was standing and listening'. So he (one pretend judge said) said, 'I testify that she has committed adultery'. So he^{as} said: 'When?' He said, 'On such and such a day'. He^{as} said: 'Return him to his place and bring the other one'. So he returned him to his place, and came with the other one. So he^{as} said to him: 'With what do you testify?' So he said, 'I testify that she has committed adultery'. He^{as} said: 'When?' He said, 'On such and such a day'. He^{as} said: 'With whom?' He said, 'With so and so, son of so and so'. He^{as} said: 'And where?' He said, 'At such and such a place'.

فَخَالَفَ أَحَدُهُمَا صَاحِبَهُ فَقَالَ دَانِيَالُ اللَّهُ أَكْبَرُ شَهِدَا بِزُورٍ يَا فُلَانُ نَادَى فِي النَّاسِ أَنَّهُمَا شَهِدَا عَلَى فُلَانَةَ بِزُورٍ فَاحْضُرُوا قَتْلَهُمَا فَذَهَبَ الْوَزِيرُ إِلَى الْمَلِكِ مُبَادِرًا فَأَخْبَرَهُ الْخَبَرَ فَبَعَثَ الْمَلِكُ إِلَى الْقَاضِيَيْنِ فَاخْتَلَفَا كَمَا اخْتَلَفَ الْعُلَمَاءُ فَنَادَى الْمَلِكُ فِي النَّاسِ وَ أَمَرَ بِقَتْلِهِمَا.

So one of the two contradicted his companions. So Daniel^{as} said: 'Allah^{azwj} is the Greatest! A false testimony. O so and so, call out among the people that these two

have testified against so and so woman with falsity, therefore present them and kill both of them'. So the Vizier went to the king quickly and informed him of the news. So the king sent for the two judges, and they both differed just as the two boys had differed. So the king called out among the people, and ordered with the killing of them both'.⁶⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ سَمِعْتُ ابْنَ أَبِي لَيْلَى يُحَدِّثُ أَصْحَابَهُ فَقَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) بَيْنَ رَجُلَيْنِ اصْطَحَبَا فِي سَفَرٍ فَلَمَّا أَرَادَا الْعَدَاءَ أَخْرَجَ أَحَدُهُمَا مِنْ زَادِهِ خَمْسَةَ أَرْغَفَةٍ وَأَخْرَجَ الْآخَرَ ثَلَاثَةَ أَرْغَفَةٍ فَمَرَّ بِهِمَا عَابِرُ سَبِيلٍ فَدَعَاوَاهُ إِلَى طَعَامِهِمَا فَأَكَلَ الرَّجُلُ مَعَهُمَا حَتَّى لَمْ يَبْقَ شَيْءٌ فَلَمَّا فَرَّغُوا أَعْطَاهُمَا الْعَابِرُ بِهِمَا ثَمَانِيَةَ دَرَاهِمٍ ثَوَابَ مَا أَكَلَهُ مِنْ طَعَامِهِمَا فَقَالَ صَاحِبُ الثَّلَاثَةِ أَرْغَفَةٍ لِصَاحِبِ الْخَمْسَةِ أَرْغَفَةٍ أَقْسِمُهَا بِبَيْنِي وَبَيْنِكَ وَ قَالَ صَاحِبُ الْخَمْسَةِ لَا بَلْ يَأْخُذُ كُلُّ وَاحِدٍ مِنَّا مِنَ الدَّرَاهِمِ عَلَى عَدَدِ مَا أَخْرَجَ مِنَ الزَّادِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Abdul Rahman Bin Al Hajjaj who said,

'I heard Ibn Abu Layli discussing with his companions, so he said, 'Amir Al-Momineen^{asws} judged between two men who had accompanied each other in a journey. So when they intended breakfast, one of them brought out from his provision, five loaves, and the other one brought out three loaves. So there passed by them a traveller. So they called him over to both their food. So the man was with them both until there did not remain anything (from the loaves). So when they were free, the traveller gave them both eight Dirhams as a reward of what he had eaten from both their food. So the owner of the three loaves said to the owner of the five loaves, 'Divide it in two halves between me and you', and the owner of the five (loaves) said, 'No, but each one of us should take from the Dirhams upon the number of whatever was brought out from the provisions.

قَالَ فَاتَيْنَا أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي ذَلِكَ فَلَمَّا سَمِعَ مَقَالَتَهُمَا قَالَ لَهُمَا اصْطَلِحَا فَإِنَّ قَضِيَّتُكُمَا دَنِيَّةٌ فَقَالَا أَقْضِ بَيْنَنَا بِالْحَقِّ

So they both came to Amir Al-Momineen^{asws} regarding that. So when he^{asws} heard both their speeches, said to them both: 'Settle with each other, for if I^{asws} were to judge between the two of you, it would be closer'. So they both said, 'Judge between us with the truth'.

قَالَ فَأَعْطَى صَاحِبَ الْخَمْسَةِ أَرْغَفَةَ سَبْعَةَ دَرَاهِمٍ وَأَعْطَى صَاحِبَ الثَّلَاثَةِ أَرْغَفَةَ دِرْهَمًا وَقَالَ أَلَيْسَ أَخْرَجَ أَحَدُكُمَا مِنْ زَادِهِ خَمْسَةَ أَرْغَفَةٍ وَأَخْرَجَ الْآخَرَ ثَلَاثَةَ أَرْغَفَةٍ فَقَالَا نَعَمْ قَالَ أَلَيْسَ أَكَلْتُ مَعَكُمْ صَنِيفُكُمْ مِثْلَ مَا أَكَلْتُمَا قَالَا نَعَمْ قَالَ أَلَيْسَ أَكَلْتُ كُلُّ وَاحِدٍ مِنْكُمَا ثَلَاثَةَ أَرْغَفَةٍ غَيْرَ ثَلَاثَةٍ قَالَا نَعَمْ قَالَ أَلَيْسَ أَكَلْتُ يَا صَاحِبَ الثَّلَاثَةِ ثَلَاثَةَ أَرْغَفَةٍ إِلَّا ثَلَاثًا وَأَكَلْتُ أَنْتَ يَا صَاحِبَ الْخَمْسَةِ ثَلَاثَةَ أَرْغَفَةٍ غَيْرَ ثَلَاثٍ وَأَكَلْتُ الصَّنِيفُ ثَلَاثَةَ أَرْغَفَةٍ غَيْرَ ثَلَاثٍ أَلَيْسَ بَقِيَ لَكَ يَا صَاحِبَ الثَّلَاثَةِ ثَلَاثُ رَغِيفٍ مِنْ زَادِكَ وَ بَقِيَ لَكَ يَا صَاحِبَ الْخَمْسَةِ رَغِيفَانِ وَ ثَلَاثُ وَ أَكَلْتُ ثَلَاثَةَ أَرْغَفَةٍ غَيْرَ ثَلَاثٍ

He (the narrator) said, 'So he^{asws} gave the owner of the five loaves seven Dirhams, and gave the owner of the three loaves one Dirham, and said: 'Did not one of you bring out five loaves from his provisions and the other one brought out three loaves?' So they both said: 'Yes'. He^{asws} said: 'Did not a guest eat with you both similar to what you both ate?' They both said, 'Yes'. He^{asws} said: 'Did not each one of you two each three loaves less a third of it (two and two-thirds of a loaf each)?' They both said: 'Yes'. Is it not that you, owner of the three (loaves) ate three less a third, and

⁶⁴ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 9

you O owner of the five (loaves) three loaves less a third, and the guest ate three loaves less a third. Is it not that there remains for you, O owner of the three (loaves), a third of a loaf from your provision, and there remains for you, O owner of the five (loaves) two loaves and a third, and you ate three loaves less a third?’

فَأَعْطَاهُمَا لِكُلِّ ثُلُثٍ رَغِيفٍ دِرْهَمًا فَأَعْطَى صَاحِبَ الرَّغِيفَيْنِ وَ ثُلُثِ سَبْعَةِ دِرَاهِمٍ وَ أَعْطَى صَاحِبَ ثُلُثِ رَغِيفٍ دِرْهَمًا .

Thus, he^{asws} gave them both, for every third of a loaf, one Dirham. So he gave the owner of the two loaves and a third, seven Dirhams, and gave the owner of a third of a loaf, one Dirham’.⁶⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ يُونُسَ بْنِ عَقِيلٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَكَلَ وَ أَصْحَابٍ لَهُ شَاةٌ فَقَالَ إِنْ أَكَلْتُمُوهَا فَهِيَ لَكُمْ وَ إِنْ لَمْ تَأْكُلُوهَا فَعَلَيْكُمْ كَذَا وَ كَذَا فَقَضَى فِيهِ أَنَّ ذَلِكَ بَاطِلٌ لَا شَيْءَ فِي الْمَوْأَكَلَةِ مِنَ الطَّعَامِ مَا قَلَّ مِنْهُ وَ مَا كَثُرَ وَ مَنَعَ عَرَامَتَهُ فِيهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Isa, from Yusuf Bin Aqeel, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja’far^{asws} having said: ‘Amir Al-Momineen^{asws} judged regarding a man who ate, and his companion had a sheep. So he said, ‘Eat it all, so it is for you, and if you do not eat it, so upon you would be such and such (an amount to pay). So he^{asws} judged with regards to it that, that is invalid. There is nothing in the eating from the good, what is less from it, and what is more, and prevented the fine from him’.⁶⁶

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ عَلِيٍّ الْكَاتِبِ عَنْ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ النَّقْفِيِّ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي شَيْبَةَ عَنْ حَرِيزٍ عَنْ عَطَاءِ بْنِ السَّائِبِ عَنْ زَادَانَ قَالَ اسْتَوْدَعَ رَجُلَانِ امْرَأَةً وَ دَبِيعَةً وَ قَالَا لَهَا لَا تَدْفَعِيهَا إِلَيَّ وَاحِدَةً مِنَّا حَتَّى نَجْتَمِعَ عِنْدَكَ ثُمَّ انْطَلَقَا فَعَجَبَا فَجَاءَ أَحَدُهُمَا إِلَيْهَا فَقَالَ أَعْطِينِي وَ دَبِيعَتِي فَإِنَّ صَاحِبِي قَدْ مَاتَ فَأَبَتْ حَتَّى كَثُرَ اخْتِلَافُهُ ثُمَّ أَعْطَتْهُ ثُمَّ جَاءَ الْآخَرُ فَقَالَ هَاتِي وَ دَبِيعَتِي فَقَالَتْ أَخَذَهَا صَاحِبُكَ وَ ذَكَرَ أَنَّكَ قَدْ مِتَّ

Al Husayn Bin Muhammad, from Ahmad Bin Ali, the scribe, from Ibrahim Bin Muhammad Al Saqafy, from Abdullah Bin Abu Shayba, from Hareyz, from Atiya Bin Al Saib, from Zadan who said,

‘Two men entrusted a woman with an entrustment and both said to her, ‘Do not hand it over to anyone one from us until we are gathered in your presence’. Then they both left. So they were both absent (for a time), and then one of the two came to her, so he said, ‘Give me my entrustment, for my companions has died’. But she refused, to the extent that their differing were numerous, then she gave it to him. Then the other one came over, so he said, ‘Give me my entrustment’. So she said, ‘You companions has taken it, and mentioned that you had died’.

فَارْتَفَعَا إِلَى عُمَرَ فَقَالَ لَهَا عُمَرُ مَا أَرَاكَ إِلَّا وَ قَدْ ضَمِنْتَ فَقَالَتْ الْمَرْأَةُ اجْعَلْ عَلَيَّ (عَلَيْهِ السَّلَامُ) بَيْنِي وَ بَيْنَهُ فَقَالَ عُمَرُ أَفْضُ بَيْنَهُمَا فَقَالَ عَلِيٌّ (عَلَيْهِ السَّلَامُ) هَذِهِ الْوَدِيعَةُ عِنْدِي وَ قَدْ أَمَرْتُمَا أَنْ لَا تَدْفَعَهَا إِلَيَّ وَاحِدَةً مِنكُمَا حَتَّى تَجْتَمِعَا عِنْدَهَا فَأَنْبَتِي بِصَاحِبِكَ فَلَمْ يُضْمَنْهَا وَ قَالَ (عَلَيْهِ السَّلَامُ) إِنَّمَا أَرَادَا أَنْ يَذْهَبَا بِمَالِ الْمَرْأَةِ .

So the matter was raised to Umar. So Umar said to her, ‘I do not see you except as one who is responsible’. So the woman said, ‘I make Ali^{asws} between me and him’. So Umar said, ‘Judge between the two’. So Ali^{asws} said: ‘This (woman) is the

⁶⁵ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 10

⁶⁶ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 11

entrustment in my^{asws} presence, and you had both instructed her that she should not hand it over to any one of you until you are both gathered in her presence. So come to me^{asws} with your companion (the other man who took the money)'. Thus he^{asws} did not hold her to be responsible, and Ali^{asws} said: 'But rather, they had both intended to go away with the wealth of the woman'.⁶⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ عُمَرَ بْنِ مُوسَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنْ أَبِيهِ عُقْبَةَ بْنِ خَالِدٍ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) لَوْ رَأَيْتَ غَيْلَانَ بْنَ جَامِعٍ وَاسْتَأْذَنَ عَلِيًّا فَأَذْنَتْ لَهُ وَ قَدْ بَلَغَنِي أَنَّهُ كَانَ يَدْخُلُ إِلَى بَنِي هَاشِمٍ

Abu Ali Al Ashary, from Imran Bin Musa, from Muhammad Bin Al Husayn Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Ali Bin Uqba, from his father Uqba Bin Khalid who said,

'Abu Abdullah^{asws} said to me: 'If you were Gaylan Bin Jamie and he seeks permission to see me^{asws}, so give permission to him, and it has reached me^{asws} that he used to go over to the Clan of Hashim'.

فَلَمَّا جَلَسَ قَالَ أَصْلَحَكَ اللَّهُ أَنَا غَيْلَانُ بْنُ جَامِعِ الْمُحَارَبِيِّ قَاضِي ابْنِ هُبَيْرَةَ قَالَ قُلْتُ يَا غَيْلَانُ مَا أَطُنُّ ابْنَ هُبَيْرَةَ وَضَعَّ عَلِيٌّ قَضَائِهِ إِلَّا فَيَّهِيَ قَالَ أَجَلٌ قُلْتُ يَا غَيْلَانُ تَجْمَعُ بَيْنَ الْمَرْءِ وَ زَوْجِهِ قَالَ نَعَمْ قُلْتُ وَ تَفَرِّقُ بَيْنَ الْمَرْءِ وَ زَوْجِهِ قَالَ نَعَمْ قُلْتُ وَ تَقْتُلُ قَالَ نَعَمْ قُلْتُ وَ تَضْرِبُ الْحُدُودَ قَالَ نَعَمْ قُلْتُ وَ تَحْكُمُ فِي أَمْوَالِ الْيَتَامَى قَالَ نَعَمْ قُلْتُ وَ يَقْضَاءُ مَنْ تَقْضِي قَالَ يَقْضَاءُ عَمْرٌ وَ يَقْضَاءُ ابْنُ مَسْعُودٍ وَ يَقْضَاءُ ابْنُ عَبَّاسٍ وَ أَقْضِي مِنْ قَضَاءِ أَمِيرِ الْمُؤْمِنِينَ بِالسَّيِّءِ

So when he was seated, he said, 'May Allah^{azwj} Keep you^{asws} well! I am Gaylan Bin Jamie Al Muharby, a judge of Ibn Hubeyra. He (the narrator) said, 'I said, 'O Gaylan! I did not think that Ibn Hubeyra would place upon his judgement, except for a jurist'. He said, 'Yes'. I said, 'O Gaylan! Do you bring togetherness between the man and his spouse?' He said, 'Yes'. I said, 'And separation between the man and his spouse?' He said, 'Yes'. I said, 'And you kill?' He said, 'Yes'. I said, 'And you whip the legal penalties (*Hadd*)?' He said, 'Yes'. I said, 'And you issue orders regarding the wealth of the orphans?' He said, 'Yes'. I said, 'By the judgement of whom do you judge?' He said, 'By the judgement of Umar, and by the judgement of Ibn Masoud, and by judgement of Ibn Abbas, and I (also) judge from the judgements of Amir Al-Momineen^{asws} with (some) things'.

قَالَ قُلْتُ يَا غَيْلَانُ أَلَسْتُمْ تَزْعُمُونَ يَا أَهْلَ الْعِرَاقِ وَ تَرُؤُونَ أَنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) قَالَ عَلِيٌّ أَقْضَاكُمْ فَقَالَ نَعَمْ قَالَ قُلْتُ وَ كَيْفَ تَقْضِي مِنْ قَضَاءِ عَلِيٍّ (عَلَيْهِ السَّلَام) زَعَمْتَ بِالسَّيِّءِ وَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) قَالَ عَلِيٌّ أَقْضَاكُمْ قَالَ وَ قُلْتُ كَيْفَ تَقْضِي يَا غَيْلَانُ قَالَ أَكْتُبُ هَذَا مَا قَضَى بِهِ فَلَانٌ بِنِ فَلَانٍ لِفَلَانٍ بِنِ فَلَانٍ يَوْمَ كَذَا وَ كَذَا مِنْ شَهْرِ كَذَا وَ كَذَا مِنْ سَنَةِ كَذَا ثُمَّ أَطْرَحُهُ فِي الدَّوَابِّ

He (the narrator) said, 'I said, 'O Gaylan! Are you all not thinking, O people of Iraq, and viewing that Rasool-Allah^{saww} said: 'Ali^{asws} is your judge?' So he said, 'Yes'. I said, 'And how can you judge from the Judgements of Ali^{asws} with some things, and Rasool-Allah^{saww} has said; 'Ali^{asws} is your judge?' He (the narrator) said, 'And I said, 'How come you are judging, O Gaylan?' He said, 'I write this down, whatever I have judged with, 'So and so, son of so and so, for so and so, son of so and so, on such and such a day, from such a such a month, from such a such a year, then I place it in the registers'.

⁶⁷ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 12

قَالَ قُلْتُ يَا غَيْلَانُ هَذَا الْحُتْمُ مِنَ الْقَضَاءِ فَكَيْفَ تَقُولُ إِذَا جَمَعَ اللَّهُ الْأَوَّلِينَ وَالْآخِرِينَ فِي صَعِيدٍ ثُمَّ وَجَدَكَ قَدْ خَالَفتَ قَضَاءَ رَسُولِ اللَّهِ (صلى الله عليه وآله) وَ عَلِيٍّ (عليه السلام) قَالَ فَأَقْسِمُ بِاللَّهِ لَجَعَلْتُ يَنْتَجِبُ قُلْتُ أَيُّهَا الرَّجُلُ أَفْصِدْ لِسَانَكَ

He (the narrator) said, 'I said, 'O Gaylan! This is the requirement from the judges, so how would you be saying when Allah^{azwj} Gathers the former ones and the later ones in one plain, then Finds you to have opposed the judgements of Rasool-Allah^{saww} and Ali^{asws}?' So he swore by Allah^{azwj} and sobbed loudly. I said, 'O you man, economise with your tongue!

قَالَ ثُمَّ قَدِمْتُ الْكُوفَةَ فَمَكَثْتُ مَا شَاءَ اللَّهُ ثُمَّ إِنِّي سَمِعْتُ رَجُلًا مِنَ الْحَيِّ يُحَدِّثُ وَ كَانَ فِي سَمْرِ ابْنِ هُبَيْرَةَ قَالَ وَ اللَّهُ إِنِّي لَعِنْدَهُ لَيْلَةً إِذْ جَاءَهُ الْحَاجِبُ فَقَالَ هَذَا غَيْلَانُ بْنُ جَامِعٍ فَقَالَ أَنْدِخُلُهُ قَالَ فَدَخَلَ فَسَأَلَهُ ثُمَّ قَالَ لَهُ مَا حَالُ النَّاسِ أَخْبِرْنِي لَوْ اضْطَرَبَ حَبْلٌ مِنْ كَانِ لَهَا قَالَ مَا رَأَيْتُ ثُمَّ أَحَدًا إِلَّا جَعْفَرَ بْنَ مُحَمَّدٍ (عليه السلام)

He (the narrator) said, 'Then I proceeded to Al-Kufa. So I remained there for as long as Allah^{azwj} so Desired to, then I heard a man from Al-Hayy discussing, and he was a friend of Ibn Hubeyra. He said, 'BY Allah^{azwj}! I was in his Ibn Hubeyra) presence one night when a guard came over, so he said, 'This is Gaylan Bin Jamie. So he said, 'Enter him'. He said, 'So he entered. So he asked him, then said to him, 'What is the state of the people. Inform me if the rope is turbulent for the one who has it'. He said, 'I did not see anyone except for Ja'far^{asws} Bin Muhammad^{asws}.'

قَالَ أَخْبِرْنِي مَا صَنَعْتَ بِالْمَالِ الَّذِي كَانَ مَعَكَ فَإِنَّهُ بَلَغَنِي أَنَّهُ طَلَبَهُ مِنْكَ فَأَبَيْتَ قَالَ فَسَمِعْتُهُ قَالَ أَفَلَا أُعْطِيْتَهُ مَا طَلَبَ مِنْكَ قَالَ كَرِهْتُ أَنْ أُخَالِفَكَ قَالَ فَسَأَلْتُكَ بِاللَّهِ أَمْرُتُكَ أَنْ تَجْعَلَهُ أَوْلَهُمْ قَالَ نَعَمْ قَالَ فَفَعَلْتُ قَالَ لَا قَالَ فَهَلَّا خَالَفتَنِي وَ أُعْطِيْتَهُ الْمَالَ كَمَا خَالَفتَنِي فَجَعَلْتُهُ آخِرَهُمْ أَمَا وَ اللَّهُ لَوْ فَعَلْتُ مَا زِلْتُ مِنْهَا سَيِّدًا ضَخْمًا حَاجِتُكَ قَالَ تُخَلِّينِي قَالَ تَكَلَّمْ بِحَاجَتِكَ قَالَ تُعْفِينِي مِنَ الْقَضَاءِ

He said, 'Inform me, what did you do with the wealth of the one who was with you, for it has reached me that he had sought it from you, but you refused?' He said, 'I swore an oath for him'. He said, 'So you did not give it to him what he sought from you?' He said, 'I disliked that I should oppose you'. He said, 'So I had asked you by Allah^{azwj}, ordering you that you should make him to be the first one'. He said, 'Yes'. He said, 'So did you do it?' He said, 'No'. He said, 'So is this not opposing me in giving him the wealth, just as you opposed me so you made him to be the last of them? But, by Allah^{azwj}, had you done it, your mastership would not have moved away from you due to it, and a great need for you'. He said, 'Free me'. He said, 'Speak with your need'. He said, 'Excuse me from being the judge'.

قَالَ فَحَسَرَ عَنِ ذِرَاعِيهِ ثُمَّ قَالَ أَنَا أَبُو خَالِدٍ لَوَيْتُهُ وَ اللَّهُ عَلِيًّا مُلْفَقًا نَعَمْ قَدْ أَعْفَيْتَاكَ وَ اسْتَعْمَلْنَا عَلَيْهِ الْحَجَّاجَ بْنَ عَاصِمٍ .

He (the narrator) said, 'So he rolled up his sleeves, then said, 'I am Abu Khalid. By Allah^{azwj} you have met him as a concocter. Yes, we have excused you, and we have appointed over you, Al-Hajjaj Bin Aasim'.⁶⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ أَبِي عَبْدِ اللَّهِ الْجَامُورَانِيِّ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ أَبِي حَمْرَةَ عَنْ عَبْدِ اللَّهِ بْنِ وَضَّاحٍ قَالَ كَانَتْ بَيْنِي وَ بَيْنَ رَجُلٍ مِنَ الْيَهُودِ مُعَامَلَةٌ فَخَانَنِي بِالْأَلْفِ دِرْهَمٍ فَقَدَّمْتُهُ إِلَى الْوَالِي فَاحْلَفْتُهُ فَحَلَفَ وَ قَدْ عَلِمْتُ أَنَّهُ حَلَفَ يَمِينًا فَاجْرَةٌ فَوَقَعَ لَهُ بَعْدَ ذَلِكَ عِنْدِي أَرْبَاحٌ وَ دَرَاهِمٌ كَثِيرَةٌ فَأَرَدْتُ أَنْ أَقْتَصَّ الْأَلْفَ دِرْهَمَ الَّتِي كَانَتْ لِي عِنْدَهُ وَ حَلَفَ عَلَيْهَا

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Abu Abdullah Al Jamourany, from Al Hassan Bin Ali Bin Abu Hamza, from Abdullah Bin Wazzah who said,

⁶⁸ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 13

'There was a deal between me and a man from the Jews, so he betrayed me by a thousand Dirhams. So I brought him to the governor, and he made him swear an oath, and I knew he had sworn a false oath. Then there occurred, after that, profits and many Dirhams. So I intended that I should avenge by a thousand Dirhams which were for me with him, and he had sworn over it.

فَكَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) وَ أَخْبَرْتُهُ أَنِّي قَدْ أَحْلَفْتُهُ فَحَلَفَ وَ قَدْ وَقَعَ لَهُ عِنْدِي مَالٌ فَإِنْ أَمَرْتَنِي أَنْ أَخْذَ مِنْهُ الْأَلْفَ دِرْهَمَ الَّتِي حَلَفَ عَلَيْهَا فَعَلْتُ فَكَتَبْتُ (عَلَيْهِ السَّلَام) لَا تَأْخُذْ مِنْهُ شَيْئاً إِنْ كَانَ قَدْ ظَلَمَكَ فَلَا تَظْلِمُهُ وَ لَوْ لَا أَنَّكَ رَضِيتَ بِبَيْمِينِهِ فَحَلَفْتَهُ لِأَمْرِنَا أَنْ تَأْخُذَهَا مِنْ تَحْتِ يَدِكَ وَ لَكِنَّكَ رَضِيتَ بِبَيْمِينِهِ فَقَدْ مَضَتْ الْيَمِينُ بِمَا فِيهَا فَلَمْ أَخْذْ مِنْهُ شَيْئاً وَ انْتَهَيْتُ إِلَى كِتَابِ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) .

So I wrote to Abu Al-Hassan^{asws} and informed him^{asws} that I have made him swear an oath, so he had sword, and there had occurred some wealth for him, with me. So If you^{asws} were to order me that I should take a thousand Dirhams from it which he had sworn upon, so I would do it'. So he^{asws} wrote: 'Do not take anything from it. If he has been unjust to you, so you do not be unjust to him. And had it not been that you were pleased with him taking the oath, so he took it, I^{asws} would have ordered you that you can take it from (what is) under your hand (control), but you were pleased with his oath. Thus the oath has gone with what was in it, therefore do not take anything from it'. And I was prevented by the letter of Abu Al-Hassan^{asws},⁶⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُونُسَ عَنْ بَعْضِ رِجَالِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ النَّبِيَّةِ إِذَا أُقِيمَتْ عَلَى الْحَقِّ أَيْحِلُّ لِلْقَاضِي أَنْ يَقْضِيَ بِقَوْلِ النَّبِيَّةِ إِذَا لَمْ يَعْرِفْهُمْ مِنْ غَيْرِ مَسْأَلَةٍ قَالَ فَقَالَ خَمْسَةٌ أَسْيَاءٌ يَجِبُ عَلَى النَّاسِ أَنْ يَأْخُذُوا بِهَا ظَاهِرَ الْحُكْمِ الْوَلَايَاتِ وَ التَّنَاقُحِ وَ الْمَوَارِيثِ وَ الذَّبَائِحِ وَ الشَّهَادَاتِ فَإِذَا كَانَ ظَاهِرُهُ ظَاهِراً مَأْمُوناً جَارَتْ شَهَادَتُهُ وَ لَا يُسْأَلُ عَنْ بَاطِنِهِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from one of his men,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the proof when it is established upon the truth, is it permissible for the judges to issue judgements by the proofs when they are not recognising without questioning it?' So he^{asws} said: 'There are five things which are obligated upon the people that these can be taken by the apparent for the decision – the guardianship, and the marriage, and the inheritors, and the slaughtered animals, and the testimonies. So when its apparent appears to be reliable, his testimony is allowed, and its esoteric (Batin) would not be questioned'.⁷⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَلِيِّ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ عَلِيِّ بْنِ الْحَسَنِ عَنْ حَرِيْزٍ عَنْ أَبِي عُبَيْدَةَ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) رَجُلٌ دَفَعَ إِلَى رَجُلٍ أَلْفَ دِرْهَمٍ يَخْلِطُهَا بِمَالِهِ وَ يَتَّجِرُ بِهَا فَلَمَّا طَلَبَهَا مِنْهُ قَالَ دَهَبَ الْمَالُ وَ كَانَ لِعَيْبَرِهِ مَعَهُ مِثْلُهَا وَ مَالٌ كَثِيرٌ لِغَيْرِهِ وَاحِدٍ فَقَالَ لَهُ كَيْفَ صَنَعَ أَوْلَيْكَ قَالَ أَخَذُوا أَمْوَالَهُمْ نَفَقَاتٍ فَقَالَ أَبُو جَعْفَرٍ وَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) جَمِيعاً يَرْجِعُ إِلَيْهِ بِمَالِهِ وَ يَرْجِعُ هُوَ عَلَى أَوْلَيْكَ بِمَا أَخَذُوا .

Muhammad Bin Yahya, from Ali Bin Ismail, from Muhammad Bin Amro, from Ali Bin Al Hassan, from Hareyz, from Abu Ubeyda who said,

'I said to Abu Ja'far^{asws} and Abu Abdullah^{asws}, 'A man handed over a thousand Dirhams to a man who mixed it with his own wealth and did some business with it. So when he sought it from him, he said, 'The wealth is gone, and there was for

⁶⁹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 14

⁷⁰ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 15

others (as well) with him, similar to it, and a lot of wealth for someone else'. So he said to him, 'What did they do?' So he said, 'They took their wealth, expenses'. So Abu Ja'far^{asws} and Abu Abdullah^{asws} both said: 'He has to return his wealth to him, and he has recourse to those with what they have taken'.⁷¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ يَزِيدَ بْنِ إِسْحَاقَ عَنْ هَارُونَ بْنِ حَمَزَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ اسْتَأْجَرَ أُجْبِرًا فَلَمْ يَأْمَنْ أَحَدُهُمَا صَاحِبَهُ فَوَضَعَ الْأَجْرَ عَلَى يَدِ رَجُلٍ فَهَلَكَ ذَلِكَ الرَّجُلُ وَ لَمْ يَدَعْ وَفَاءً فَاسْتَهْلَكَ الْأَجْرُ فَقَالَ الْمُسْتَأْجِرُ ضَامِنٌ لِأَجْرِ الْأَجْبِرِ حَتَّى يَفْضِي إِلَّا أَنْ يَكُونَ الْأَجْبِرُ دَعَاهُ إِلَى ذَلِكَ فَرَضِيَ بِالرَّجُلِ فَإِنْ فَعَلَ فَحَقَّهُ حَيْثُ وَضَعَهُ وَ رَضِيَ بِهِ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Yazeed Bin Si'haq, from Haroun Bin Hamza who said,

'I asked Abu Abdullah^{asws} about a man who employed an employee. But, one of the two does not trust his companion, so the wages were placed upon a (third) man. So that man died, and did not get the wages paid. Thus the wages were destroyed. So he^{asws} said: 'The employer is responsible of the wages to the employee until it is paid, except if it so happened that the employee called for it to be that, so he was pleased with the (third) man (holding it). So if he did it, so his right would be wherever he placed it and was pleased with it'.⁷²

مُحَمَّدُ بْنُ جَعْفَرِ الْكُوفِيِّ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ جَعْفَرِ بْنِ عَيْسَى قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) جُعِلْتُ فِدَاكَ الْمَرْأَةُ تَمُوتُ فَيَدَّعِي أَبُوهَا أَنَّهُ كَانَ أَعَارَهَا بَعْضَ مَا كَانَ عِنْدَهَا مِنْ مَتَاعٍ وَ خَدَمٍ أ تُقْبَلُ دَعْوَاهُ بِلَا بَيِّنَةٍ أَمْ لَا تُقْبَلُ دَعْوَاهُ إِلَّا بِبَيِّنَةٍ فَكَتَبَ إِلَيْهِ يَجُوزُ بِلَا بَيِّنَةٍ

Muhammad Bin Ja'far Al Kufy, from Muhammad Bin Al Ismail, from Ja'far Bin Isa who said,

'I wrote to Abu Al-Hassan^{asws}, 'May I be sacrificed for you^{asws}! The woman dies, so her father claims that he had lent to her what was with her, from the possessions, and a servant. Would his testimony be accepted for his claim without a proof, or his claim would not be acceptable except with the proof?' So he^{asws} wrote to him: 'It is allowed without proof'.

قَالَ وَ كَتَبْتُ إِلَيْهِ إِنْ أَدَّعَى زَوْجُ الْمَرْأَةِ الْمَيِّتَةِ أَوْ أَبُو زَوْجِهَا أَوْ أُمُّ زَوْجِهَا فِي مَتَاعِهَا أَوْ [فِي] خَدَمِهَا مِثْلَ الَّذِي أَدَّعَى أَبُوهَا مِنْ عَارِيَةٍ بَعْضَ الْمَتَاعِ أَوْ الْخَدَمِ أ تَكُونُ فِي ذَلِكَ بِمَنْزِلَةِ الْأَبِ فِي الدَّعْوَى فَكَتَبَ (عَلَيْهِ السَّلَام) لَا .

He^{asws} said: 'And I wrote to him^{asws} that if a husband of the deceased woman were to claim, or father of her husband, or mother of her husband, with regards to possessions, or regarding a servant, similar to what her father had claimed from having lent some of the possessions, or the servant. Would they be with regards to that, at the status of the father?' So he^{asws} wrote: 'No'.⁷³

مُحَمَّدُ بْنُ يَحْيَى رَفَعَهُ عَنْ حَمَادِ بْنِ عَيْسَى عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَتَى بِعَبْدٍ لِيَمِيٍّ قَدْ أَسْلَمَ فَقَالَ أَذْهَبُوا فَبِيعُوهُ مِنَ الْمُسْلِمِينَ وَ ادْفَعُوا ثَمَنَهُ إِلَى صَاحِبِهِ وَ لَا تُعْرُوهُ عِنْدَهُ .

Muhammad Bin Yahya, raising it from Hammad Bin Isa,

⁷¹ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 16

⁷² Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 17

⁷³ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 18

(It has been narrated) from Abu Abdullah^{asws} that they came to Amir Al-Momineen^{asws} with a slave of a *Zimmy* (under the responsibility) who had become a Muslim. So he said: 'Go and sell him to the Muslims and hand over his price to his owner, and do not leave him with him'.⁷⁴

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي جَمِيلَةَ عَنْ إِسْمَاعِيلَ بْنِ أَبِي إِدْرِيسَ عَنْ الْحُسَيْنِ بْنِ ضَمْرَةَ بْنِ أَبِي ضَمْرَةَ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) أَحْكَامُ الْمُسْلِمِينَ عَلَى ثَلَاثَةٍ شَهَادَةٍ عَادِلَةٍ أَوْ يَمِينٍ قَاطِعَةٍ أَوْ سُنَّةٍ مَاضِيَةٍ مِنْ أَيْمَةِ الْهُدَى .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Ahmad Bin Muhammad Bin Abdullah, from Abu Jameela, from Ismail Bin Abu Idrees, from Al Husayn Bin Zamara Bin Abu Zamara, from his father, from his grandfather who said,

'Amir Al-Momineen^{asws} said: 'The rulings of the Muslims are upon three – Just testimony, or a conclusive oath, or a past Sunnah of the Imams^{asws} of the Guidance'.⁷⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ بْنِ أَيُّوبَ عَنْ دَاوُدَ بْنِ فَرْقِدٍ عَنْ إِسْمَاعِيلَ بْنِ جَعْفَرٍ قَالَ اخْتَصَمَ رَجُلَانِ إِلَى دَاوُدَ (عَلَيْهِ السَّلَامُ) فِي بَقْرَةٍ فَجَاءَ هَذَا بَيِّنَةً عَلَى أَنَّهَا لَهُ وَجَاءَ هَذَا بَيِّنَةً عَلَى أَنَّهَا لَهُ قَالَ فَدَخَلَ دَاوُدُ (عَلَيْهِ السَّلَامُ) الْمِحْرَابَ فَقَالَ يَا رَبِّ إِنَّهُ قَدْ أَغْيَانِي أَنْ أَحْكَمَ بَيْنَ هَذَيْنِ فَكُنْ أَنْتَ الَّذِي تَحْكُمُ فَأَوْحَى اللَّهُ عَزَّ وَجَلَّ إِلَيْهِ اخْرُجْ فَخُذِ الْبَقْرَةَ مِنَ الَّذِي فِي يَدِهِ فَادْفَعْهَا إِلَى الْأَخْرِ وَاصْرِبْ عُنُقَهُ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Fazalat Bin Ayoub, from Dawood Bin Farqad,

(It has been narrated) from Ismail son of Ja'far^{asws} who said, 'Two men disputed to Dawood^{as} regarding a cow. So this one came with a proof upon that it belonged to him, and this one came with a proof that it belonged to him. So Dawood^{as} entered into the Prayer niche, so he^{as} said: 'O Lord^{azwj}! It has tired me^{as} to judge between these two, so You^{azwj} be the One Who Judged'. So Allah^{azwj} Mighty and Majestic Revealed unto him^{as}: "Take the cow from the one in whose hand it is and hand it over to the other one, and strike off his neck".

قَالَ فَضَجَّتْ بَنُو إِسْرَائِيلَ مِنْ ذَلِكَ وَقَالُوا جَاءَ هَذَا بَيِّنَةً وَجَاءَ هَذَا بَيِّنَةً وَكَانَ أَحَقُّهُمْ بِإِعْطَائِهَا الَّذِي فِي يَدِهِ فَأَخَذَهَا مِنْهُ وَضَرَبَ عُنُقَهُ وَأَعْطَاهَا هَذَا

He (the narrator) said: 'So the Children of Israel made a lot of noise from that, and they said: 'This one came with the proof, and this one came with the proof, and it would have been more rightful of giving it to the one in whose hand it was, but he took it from him and struck off his neck, and gave it to this one'.

قَالَ فَدَخَلَ دَاوُدُ الْمِحْرَابَ فَقَالَ يَا رَبِّ قَدْ ضَجَّتْ بَنُو إِسْرَائِيلَ مِمَّا حَكَمْتَ بِهِ فَأَوْحَى إِلَيْهِ رَبُّهُ أَنَّ الَّذِي كَانَتْ الْبَقْرَةُ فِي يَدِهِ لَقِيَ أَبَا الْأَخْرِ فَقَتَلَهُ وَأَخَذَ الْبَقْرَةَ مِنْهُ فَإِذَا جَاءَكَ مِثْلُ هَذَا فَاحْكُمْ بَيْنَهُمْ بِمَا تَرَى وَ لَا تَسْأَلْنِي أَنْ أَحْكُمَ حَتَّى الْجَسَابِ .

He (the narrator) said, 'So Dawood^{as} entered into the Prayer niche, so he^{as} said: 'O Lord^{azwj}! The Children of Israel made a lot of noise from what I^{as} judged with'. So his^{as} Lord^{azwj} Revealed unto him: "The one in whose hand was the cow met the father of the other one, so he killed him and seized the cow from him. So (from now

⁷⁴ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 19

⁷⁵ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 20

on) when they come to you^{as} with the likes of this, so judge between them with what you^{as} see, and do not ask Me^{azwj} that I^{azwj} should Judge, until the Reckoning (Day of Judgement).⁷⁶

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُعَاوِيَةَ بْنِ حُكَيْمٍ عَنْ أَبِي شُعَيْبٍ الْمَحَامِلِيِّ الرَّفَاعِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قَبَّلَ رَجُلًا أَنْ يَخْفِرَ لَهُ بِنِزَاءٍ عَشْرَ قَامَاتٍ بَعِشْرَةَ دِرَاهِمٍ فَخَفَرَ لَهُ قَامَةً ثُمَّ عَجَزَ قَالَ يُفَسَّمُ عَشْرَةَ عَلَى خَمْسَةٍ وَخَمْسِينَ جُزْءًا فَمَا أَصَابَ وَاحِدًا فَهُوَ لِلْقَامَةِ الْأُولَى وَالْاِثْنَانِ لِلثَّانِيَةِ وَالثَّلَاثَةُ لِلثَّلَاثَةِ عَلَى هَذَا الْحِسَابِ إِلَى عَشْرَةِ .

A number of our companions, from Sahl Bin Ziyad, from Muawiya Bin Hukeym, from Abu Shuayb Al Mahamily Al Rafaiy who said,

‘I asked Abu Abdullah^{asws} about a man who agreed with a man to dig a well for him ten statures deep for ten Dirhams. So he dug one stature for him, then was frustrated. He^{asws} said: ‘The ten (Dirhams) would be divided upon fifty five parts. So whatever he does one so it is for the first stature, and two for the second, and three for the third, upon this accounting up to the ten’. (1+2+3+4+5+6+7+8+9+10 = 55).⁷⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السُّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلَيْنِ ادَّعَى بَعْلَةً فَأَقَامَ أَحَدُهُمَا عَلَى صَاحِبِهِ شَاهِدَيْنِ وَالْآخَرُ خَمْسَةَ قَفْضَى لِصَاحِبِ الشُّهُودِ الْخَمْسَةَ خَمْسَةَ أَشْهُمٍ وَ لِصَاحِبِ الشَّاهِدَيْنِ سَهْمَيْنِ .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Amir Al-Momineen^{asws} said regarding two men who claimed a mule. So one of the two established two witnesses over his companion, and the other one, five. So he^{asws} judged for the one with the five witnesses, five portions, and for the one with two witnesses, two portions’.⁷⁸

هَذَا آخِرُ كِتَابِ الْقَضَايَا وَالْأَحْكَامِ مِنْ كِتَابِ الْكَافِي وَ يَتْلُوهُ كِتَابُ الْإِيمَانِ وَالنُّدُورِ وَالْكَفَّارَاتِ إِنْ شَاءَ اللَّهُ تَعَالَى

This is the end of the Book of the judgement and the ruling from the book Al Kafi, and it would be followed by the book of oaths, and the vows, and the expiations, Allah^{azwj} the Exalted Willing.

⁷⁶ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 21

⁷⁷ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 22

⁷⁸ Al Kafi - V 7 - The Book of Judgements and the Rulings Ch 17 H 23