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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

كتاب الحُدُودِ

THE BOOK OF LEGAL PENALTIES (2)

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَي سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَّم 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 حَدِّ الْقَافِيفِ

Chapter 26 – The Penalty (Hadd) of the slanderer

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) أَنَّ الْفَرْيَةَ ثَلَاثَةٌ يُعْنِي ثَلَاثٌ وَجُوهٌ إِذْ رَمَى الرَّجُلُ الرَّجُلَ بِالزُّنَى وَإِذَا قَالَ إِنَّ أُمَّهُ زَانِيَةٌ وَإِذَا دُعِيَ لِغَيْرِ أَبِيهِ فَذَلِكَ فِيهِ حَدٌّ ثَمَانُونَ .

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

Abu Abdullah^{asws} said: 'Amir Al-Momineen^{asws} judged that the fabrications are three, meaning three aspects of it – when the man accuses the man with the adultery, and when he says that his mother is an adulteress, and when he claims that he is for other than his father. So that, regarding it is a Penalty (*Hadd*) of eighty (lashes)'¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي الرَّجُلِ إِذَا قَدَفَ الْمُحْصَنَةَ قَالَ يُجْلَدُ ثَمَانِينَ خَرًّا كَانَ أَوْ مَمْلُوكًا .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Zurara, from Sama'at,

(It has been narrated) from Abu Abdullah^{asws} having said regarding the man when he slanders the married woman. He^{asws} said: 'He would be whipped eighty lashes, whether he is free or a slave'²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَغْذِفُ الرَّجُلَ بِالزُّنَى قَالَ يُجْلَدُ هُوَ فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ وَ سُنَّةِ نَبِيِّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ)

A number of our companions, from Sahl Bin Ziyad, from Abdul Rahman Bin Abu Najran, from Aasim Bin Humejd, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who slanders the man with the adultery. He^{asws} said: 'He would be whipped, and it is in the Book of Allah^{azwj} Mighty and Majestic and a Sunnah of His^{azwj} Prophet^{saww}'.

قَالَ وَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَغْذِفُ الْجَارِيَةَ الصَّغِيرَةَ فَقَالَ لَا يُجْلَدُ إِلَّا أَنْ يَكُونَ قَدْ أَدْرَكَتْ أَوْ قَارَبَتْ .

He (the narrator) said, 'And I asked Abu Abdullah^{asws} about the man who slanders the young slave girl. So he^{asws} said: 'He would not be whipped except if she happened to have matured, or near to it'³

¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 1

² Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 2

³ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 3

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) فِي امْرَأَةٍ قَذَفَتْ رَجُلًا قَالَ تُجَدُّ ثَمَانِينَ جَلْدَةً .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Maalik Bin Atiyya, from Abu Baseer,

(It has been narrated) from Abu Ja'far^{asws} regarding a woman who slandered a man. He^{asws} said: 'She would be whipped eighty lashes'.⁴

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ أَبِي مَرْيَمَ الْأَنْصَارِيِّ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عليه السلام) عَنِ الْغُلَامِ لَمْ يَحْتَلِمَ يَذْفُ الرِّجْلَ هَلْ يُجَدُّ قَالَ لَا وَ ذَلِكَ لَوْ أَنَّ رَجُلًا قَذَفَ الْغُلَامَ لَمْ يُجَدِّ .

Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Al Qasim Bin Suleyman, from Abu Maryam Al Ansary who said,

'I asked Abu Ja'far^{asws} about the boy who had not yet bed wetted, slanders the man, would he be whipped?' He^{asws} said: 'No, and that, had the man slandered the boy, he would not be whipped (either)'.⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنِ الْحَكَمِ الْأَعْمَى وَ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ السَّبَّاطِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ قَالَ لِرَجُلٍ يَا ابْنَ الْفَاعِلَةِ يَعْنِي الزَّانِيَ قَالَ فَإِنْ كَانَتْ أُمُّهُ حَيَّةً شَاهِدَةً ثُمَّ جَاءَتْ تَطْلُبُ حَقَّهَا ضَرْبَ ثَمَانِينَ جَلْدَةً وَ إِنْ كَانَتْ غَائِبَةً انْتَضَرَ بِهَا حَتَّى تَقْدَمَ فَتَطْلُبَ حَقَّهَا وَ إِنْ كَانَتْ قَدْ مَاتَتْ وَ لَمْ يُعْلَمَ مِنْهَا إِلَّا خَيْرٌ ضَرْبَ الْمُفْتَرِي عَلَيْهَا الْحَدَّ ثَمَانِينَ جَلْدَةً .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether from Ibn Mahboub, from Al Hakam Al A'ama and Hisham Bin Salim, from Ammar Al Sabaty,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who said to a man, 'O son of the done with', meaning the adultery. He^{asws} said: 'If his mother was alive, present, then she came seeking her right, he would be whipped eighty lashes; and if she was absent, she would be awaited with until she proceeds, so she seeks her right; and if she had died and nothing was known about her except for the goodness, the fabricator, upon him would be eighty lashes'.⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَمْرِو بْنِ عُثْمَانَ الْخَزَّازِ عَنِ الْفَضْلِ بْنِ إِسْمَاعِيلَ الْهَاشِمِيِّ عَنْ أَبِيهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ وَ أَبَا الْحَسَنِ (عليه السلام) عَنِ امْرَأَةٍ زَانَتْ فَأَتَتْ بِوَلَدٍ وَ أَفْرَتْ عِنْدَ إِمَامِ الْمُسْلِمِينَ بِأَنَّهَا زَانَتْ وَ أَنَّ وَلَدَهَا ذَلِكَ مِنَ الزَّانِي فَأَقِيمَ عَلَيْهَا الْحَدَّ وَ إِنْ ذَلِكَ الْوَلَدُ نَشَأَ حَتَّى صَارَ رَجُلًا فَأَفْرَى عَلَيْهِ رَجُلٌ هَلْ يُجَدُّ مَنْ أَفْرَى عَلَيْهِ فَقَالَ يُجَدُّ وَ لَا يُجَدُّ فَقُلْتُ كَيْفَ يُجَدُّ وَ لَا يُجَدُّ

Ali Bin Ibrahim, from his father, from Amro Bin Usman Al Khazaz, from Al Fazl Bin Ismail Al Hashimy, from his father who said,

'I asked Abu Abdullah^{asws} and Abu Al-Hassan^{asws} about a woman who committed adultery, so she came with a child, and accepted in the presence of an Imam of the Muslims, of her having committed adultery, and that, that child of hers, is from the adultery. So the Penalty (*Hadd*) was established upon her and that child grew up until he became a man. So a man fabricated against him, would he be whipped, the

⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 4

⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 5

⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 6

one who fabricated upon him?’ So he^{asws} said: ‘He would be whipped, and not whipped’. So I said, ‘How can he be whipped and not whipped?’

فَقَالَ مَنْ قَالَ لَهُ يَا وَلَدَ الزَّانِي لَمْ يُجْلَدْ إِنَّمَا يُعَزَّرُ وَ هُوَ دُونَ الْحَدِّ وَ مَنْ قَالَ لَهُ يَا ابْنَ الزَّانِيَةِ جُلِدَ الْحَدَّ تَامًا فَقُلْتُ كَيْفَ يُجْلَدُ هَذَا هَكَذَا فَقَالَ إِنَّهُ إِذَا قَالَ يَا وَلَدَ الزَّانِي كَانَ قَدْ صَدَّقَ فِيهِ وَ عَزَّرَ عَلَى تَعْيِيرِهِ أُمَّهُ ثَانِيَةً وَ قَدْ أُقِيمَ عَلَيْهَا الْحَدُّ وَ إِذَا قَالَ لَهُ يَا ابْنَ الزَّانِيَةِ جُلِدَ الْحَدَّ تَامًا لِفِرْيَتِهِ عَلَيْهَا بَعْدَ إِظْهَارِهَا التَّوْبَةَ وَ إِقَامَةِ الْإِمَامِ عَلَيْهَا الْحَدَّ .

So he^{asws} said: ‘The one who says to him, ‘O son of the adultery’, would not be whipped, but rather he would be rebuked, and it is less than the Penalty (*Hadd*); and the one who says to him, ‘O son of the adulteress’, would be whipped the complete Penalty (*Hadd*)’. So I said, ‘How come this one would be whipped like this?’ So he^{asws} said: ‘He, when he said, ‘O son of the adultery, he would have spoken the truth in it, and he would be rebuked upon his mother having been scolded the second time, and the Penalty (*Hadd*) has already been established upon her; and when he says to her, ‘O son of the adulteress, he would be whipped the complete Penalty (*Hadd*) for being malicious upon her after her repentance having purified her and the Imam having established the Penalty (*Hadd*) upon her’.⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ قَدَفَتْ مَلَاعَنَةً قَالَ عَلَيْهِ الْحَدُّ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al halby,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who slandered a woman cursed by her husband. He^{asws} said: ‘Upon him is the Penalty (*Hadd*)’.⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ حَرِيْزٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سُئِلَ عَنِ ابْنِ الْمَعْصُوبَةِ يَفْتَرِي عَلَيْهِ الرَّجُلُ فَيَقُولُ يَا ابْنَ الْفَاعِلَةِ فَقَالَ أَرَى أَنَّ عَلَيْهِ الْحَدَّ ثَمَانِينَ جَلْدَةً وَ يَتُوبُ إِلَى اللَّهِ عَزَّ وَ جَلَّ مِمَّا قَالَ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Abu Ayoub, from Hareyz,

(It has been narrated) from Abu Abdullah^{asws}, said, ‘He^{asws} was asked about a son of the raped woman, the man having fabricated against her, so he was saying, ‘O son of the (sexually) active’. So he^{asws} said: ‘I^{asws} view that upon him is the Penalty (*Hadd*) of eighty lashes, and he should repent to Allah^{azwj} Mighty and Majestic from what he said’.⁹

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي امْرَأَةٍ وَهَبَتْ جَارِيَتَهَا لِرَوْحِهَا فَوَقَعَ عَلَيْهَا فَحَمَلَتْ الْأُمَّةُ فَانْكُرَتِ الْمَرْأَةُ أَنَّهَا وَهَبَتْهَا لَهُ وَ قَالَتْ هِيَ خَادِمِي فَلَمَّا حَشِيَتْ أَنْ يُقَامَ عَلَى الرَّجُلِ الْحَدُّ أَقْرَتْ بِأَنَّهَا وَهَبَتْهَا لَهُ فَلَمَّا أَقْرَتْ بِأَلْهَبَةِ جَلْدَهَا الْحَدَّ بِقَدْفِهَا رَوْحَهَا .

Ali, from his father, from Ibn Abu Najran, from Aasim Bin Humejd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja’far^{asws} having said: ‘Amir Al-Momineen^{asws} had judged regarding a woman who gifted her maid to her husband, so he fell upon her. So the slave girl became pregnant and the woman denied that she had gifted her to

⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 7

⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 8

⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 9

him, and she said, 'She is my servant'. So when she feared that the Penalty (*Hadd*) would be established upon the man, she confessed that she had gifted her to him'. (He^{asws} said): 'So when she has accepted having gifted, she should be whipped the Penalty (*Hadd*) due to her having slandered her husband'.¹⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنِ الْحَكَمِ الْأَعْمَى وَهَشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ السَّابِطِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فِي رَجُلٍ قَالَ لِرَجُلٍ يَا ابْنَ الْفَاعِلَةِ يَعْني الزَّوْنِي قَالَ إِنْ كَانَتْ أُمُّهُ حَيَّةً شَاهِدَةً ثُمَّ جَاءَتْ تَطْلُبُ حَقَّهَا ضَرْبَ ثَمَانِينَ جَلْدَةً وَإِنْ كَانَتْ غَائِبَةً أَنْتَظِرْ بِهَا حَتَّى تَقْدَمَ فَتَطْلُبْ حَقَّهَا وَإِنْ كَانَتْ قَدْ مَاتَتْ وَلَمْ يُعْلَمْ مِنْهَا إِلَّا خَيْرٌ ضَرْبَ الْمُفْتَرِي عَلَيْهَا الْحَدَّ ثَمَانِينَ جَلْدَةً .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Al Hakam Al A'ama and Hisham Bin Salim, from Ammar Al Sabaty,

(It has been narrated) from Abu Abdullah^{asws} having said regarding a man who said to a man, 'O son of the (sexually) active', meaning the adultery. He^{asws} said: 'If his mother was alive, present, then she comes seeking her right, he would be whipped eighty lashes; and if she was absent, she would be awaited with until she proceeds, so she seeks her right; and if she had died and nothing was known from her except for the goodness, the fabricator would be whipped, upon him being eighty lashes'.¹¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى بْنِ عُنَيْدٍ عَنْ يُونُسَ عَنْ بَعْضِ أَصْحَابِهِ رَفَعَهُ قَالَ كَانَ عَلَى عَهْدِ أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) رَجُلَانِ مُتَوَاحِبَانِ فِي اللَّهِ عَزَّ وَجَلَّ فَمَاتَ أَحَدُهُمَا وَأَوْصَى إِلَى الْأُخْرَى فِي حِفْظِ بَنِيَّةٍ كَانَتْ لَهُ فَحَفِظَهَا الرَّجُلُ وَأَنْزَلَهَا مَنْزِلَةً وَلَدِيهِ فِي اللَّطْفِ وَالْإِكْرَامِ وَالتَّعَاهُدِ ثُمَّ حَضَرَهُ سَفَرٌ فَخَرَجَ وَأَوْصَى امْرَأَتَهُ فِي الصَّبِيَّةِ فَأَطَالَ السَّفَرَ حَتَّى إِذَا أَدْرَكَتِ الصَّبِيَّةُ وَكَانَ لَهَا جَمَالٌ وَكَانَ الرَّجُلُ يَكْتُبُ فِي حِفْظِهَا وَالتَّعَاهُدِ لَهَا فَلَمَّا رَأَتْ ذَلِكَ امْرَأَتُهُ خَافَتْ أَنْ يُقَدَّمَ فَيَرَاهَا قَدْ بَلَغَتْ مَبْلَغَ النِّسَاءِ فَيَعْجِبُهُ جَمَالُهَا فَيَنْزَوِجَهَا

Ali Bin Ibrahim, from Muhammad Bin Isa Bin Ubeyd, from Yunus, from one of his companions, raising it, said,

'It was in the era of Amir Al-Momineen, two men had established brotherhood between themselves for the Sake of Allah^{azwj} Mighty and Majestic. So, one of the two died and bequeathed to the other regarding the protection of a daughter he had. So the man protected her and made her status to be of the status of his children with regards to the kindness, and the honour, and the care. Then a journey presented itself, so he went out, and bequeathed to his wife with regards to the young girl. His journey got prolonged to the extent that the young girl matured, and she had beauty for her, and the man had been contracted with regard to her protection and the care for her. So when his wife saw that, she feared that he would proceed, and he would see her to have reached the age of the women, so he would be astounded by her beauty, so he would marry her.

فَعَمَدَتْ إِلَيْهَا هِيَ وَ نِسْوَةٌ مَعَهَا قَدْ كَانَتْ أَعَدَّتْهُنَّ فَأَمْسَكْنَهَا لَهَا ثُمَّ افْتَرَعَتْهَا بِإِصْبَعِهَا فَلَمَّا قَدِمَ الرَّجُلُ مِنْ سَفَرِهِ وَ صَارَ فِي مَنْزِلِهِ دَعَا الْجَارِيَةَ فَأَبَتْ أَنْ تُجِيبَهُ اسْتِحْيَاءً مِمَّا صَارَتْ إِلَيْهِ فَأَلَحَّ عَلَيْهَا بِالِدَّعَاءِ كُلِّ ذَلِكَ تَأْبَى أَنْ تُجِيبَهُ فَلَمَّا أَكْثَرَ عَلَيْهَا قَالَتْ لَهُ امْرَأَتُهُ دَعَهَا فَإِنَّهَا تَسْتَحْيِي أَنْ تَأْتِيكَ مِنْ ذَنْبٍ كَانَتْ فَعَلْتَهُ قَالَ لَهَا وَ مَا هُوَ قَالَتْ كَذَا وَ كَذَا وَ رَمَتْهَا بِالْفُجُورِ فَاسْتَرْجَعَ الرَّجُلُ

So she and the women who were with her pre-conceived malice against her, a number of whom held her down, then she destroyed her virginity by her fingers. So

¹⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 10

¹¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 11

when the man came over from his journey and came to be in his house, called the young girl. But, she refused to answer him being too embarrassed from what had happened. So he insisted calling her, she refused to answer him with all of that. So when he had frequented that, his wife said to him, 'Leave her, for she is too embarrassed as she had come to a sin which she has done'. He said to her, 'And what is it?' She said, 'Such and such', and accused her with the immorality. So the man said, 'We are for Allah^{azwj} and to Him^{azwj} we are returning'.

ثُمَّ قَامَ إِلَى الْجَارِيَةِ فَوَبَّخَهَا وَقَالَ لَهَا وَيْحَكَ أَمَا عَلِمْتَ مَا كُنْتُ أَصْنَعُ بِكَ مِنَ الْأَطَافِ وَاللَّهِ مَا كُنْتُ أَعْدُكَ إِلَّا لِيَعِضَ وَوَلَدِي أَوْ إِخْوَانِي وَإِنْ كُنْتُ لِأَبْنَتِي فَمَا دَعَاكَ إِلَى مَا صَنَعْتَ فَقَالَتِ الْجَارِيَةُ أَمَا إِذَا قِيلَ لَكَ مَا قِيلَ فَوَاللَّهِ مَا فَعَلْتُ الَّذِي رَمَيْتَنِي بِهِ أَمْرًا تَكُ وَالْقَدْ كَذَبْتَ عَلَيَّ وَإِنَّ الْفِصَّةَ لَكَذَا وَكَذَا وَوَصَفْتُ لَهُ مَا صَنَعْتَ بِهَا أَمْرًا

Then he stood up to the girl, so he rebuked her and said to her, 'Woe be unto you! Do you not know what I have done with you from the kindness? By Allah^{azwj}! I had not promised you except to one of my sons or my brothers, even if you were my own daughter. So what called you to what you did?' So the girl said, 'But when she said to you what she said, by Allah^{azwj}, I did not do what your wife is accusing me with, and she had lied against me, and that the story is such and such', and she described to him what his wife had done with her.

قَالَ فَأَخَذَ الرَّجُلُ بِيَدِ امْرَأَتِهِ وَبِيدِ الْجَارِيَةِ فَمَضَى بِهِمَا حَتَّى اجْلَسَهُمَا بَيْنَ يَدَيْ أَمِيرِ الْمُؤْمِنِينَ (عليه السلام) وَ أَخْبَرَهُ بِالْفِصَّةِ كُلِّهَا وَ أَقْرَبَتِ الْمَرْأَةُ بِذَلِكَ

He^{asws} said: 'So the man grabbed the hand of his wife and a hand of the girl, so he went with the two of them until he sat both of them down in front of Amir Al-Momineen^{asws}, and informed him^{asws} of the story, all of it, and the woman accepted with that.

قَالَ وَ كَانَ الْحَسَنُ (عليه السلام) بَيْنَ يَدَيْ أَبِيهِ فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) أَفِضْ فِيهَا فَقَالَ الْحَسَنُ (عليه السلام) نَعَمْ عَلَى الْمَرْأَةِ الْحُدُّ لِقَدْفِهَا الْجَارِيَةَ وَ عَلَيَّهَا الْقِيمَةُ لِأَفْتِرَاعِهَا إِيَّاهَا قَالَ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) صَدَقْتَ ثُمَّ قَالَ أَمَا لَوْ كَلَّفَ الْجَمَلُ الطَّحْنَ لَفَعَلَ .

He^{asws} said: 'And Al-Hassan^{asws} was in front of his^{asws} father^{asws}. So Amir Al-Momineen^{asws} said to him^{asws}: 'Judge with regards to it!' So Al-Hassan^{asws} said: 'Yes. Upon the woman is the Penalty (*Hadd*) due to her slandering the girl, and upon her is the price of deflowering her'. So Amir Al-Momineen^{asws} said: 'You^{asws} have spoken the truth'. Then he^{asws} said: 'If the camel is tasked with the grinding, it does it'.¹²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنِ ابْنِ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ سُلَيْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ يُجْلَدُ قَاذِفُ الْمَلَاعَنَةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, and a number of our companions, from Sahl Bin Ziyad, altogether from Ibn Mahboub, from Maalik Bin Atiyya, from Suleyman,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The slanderer of the woman cursed by her husband, would be whipped'.¹³

¹² Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 12

¹³ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 13

ابْنُ مَحْبُوبٍ عَنْ نَعِيمِ بْنِ إِبرَاهِيمَ عَنْ عَبَّادِ النَّصْرِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ (عليه السلام) قَالَ إِذَا قَدَفَ الرَّجُلُ الرَّجُلَ فَقَالَ إِنَّكَ لَتَعْمَلُ عَمَلَ قَوْمِ لوطٍ تَنْكِحُ الرَّجَالَ قَالَ يُجَادُّ حَذَّ الْقَافِزِ ثَمَانِينَ جَلْدَةً .

Ibn Mahboub, from Naeem Bin Ibrahim, from Abbad Al Basry,

(It has been narrated) from Ja'far^{asws} Bin Muhammad^{asws} having said: 'When the man slanders the man, so he says, 'You have done the deed of the people of Lot^{as}, having copulated with the men'. He^{asws} said: 'He would be whipped the Penalty (*Hadd*) of the slanderer, eighty lashes'.¹⁴

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ وَ ابْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) فِي الرَّجُلِ يَفْذِفُ الرَّجُلَ فَيُجَادُّ فَيَعُودُ عَلَيْهِ بِالْفَذْفِ قَالَ إِنْ قَالَ لَهُ إِنْ الَّذِي قُلْتُ لَكَ حَقٌّ لَمْ يُجَادِّ وَإِنْ قَدَفَهُ بِالرَّزِيِّ بَعْدَ مَا جُلِدَ فَعَلَيْهِ الْحَدُّ وَإِنْ قَدَفَهُ قَبْلَ أَنْ يُجَادِّ بِعَشْرِ قَدَفَاتٍ لَمْ يَكُنْ عَلَيْهِ إِلَّا حَدٌّ وَاحِدٌ .

Ibn Mahboub, from Abu Ayoub and Ibn Bakeyr, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} regarding the man who slanders the man, so he is whipped, and he repeats the slander against him. He^{asws} said: 'If he says to him, 'That which I said to you was true', he would not be whipped; and if he were to slander with the adultery after having been whipped, so upon him would be the Penalty (*Hadd*); and if he slanders him before he is whipped, by ten slanders, there would not happen to be upon him, except for one Penalty (*Hadd*)'.¹⁵

ابْنُ مَحْبُوبٍ عَنْ عَبَّادِ بْنِ صُهَيْبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَمِعْتُهُ يَقُولُ كَانَ عَلِيٌّ (عليه السلام) يَقُولُ إِذَا قَالَ الرَّجُلُ لِلرَّجُلِ يَا مَعْفُوجَ وَ يَا مَنْكُوحَ فِي دُبُرِهِ فَإِنَّ عَلَيْهِ الْحَدَّ حَذَّ الْقَافِزِ .

Ibn Mahboub, from Abbad Bin Suheyb,

(It has been narrated) from Abu Abdullah^{asws}, (the narrator says), 'I heard him^{asws} saying: 'Ali^{asws} was saying: 'When the man says to the man, 'O passive sodomist!', and 'O one copulated with in his backside!', so upon him is the Penalty (*Hadd*), a Penalty (*Hadd*) of the slanderer'.¹⁶

ابْنُ مَحْبُوبٍ عَنْ عَبْدِ الْعَزِيزِ الْعَبْدِيِّ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ لَوْ أُتَيْتُ بِرَجُلٍ قَدَفْتَهُ عَبْدًا مُسْلِمًا بِالرَّزِيِّ لَا نَعْلَمُ مِنْهُ إِلَّا خَيْرًا لَضَرْبُهُ الْحَدَّ حَذَّ الْحُرِّ إِلَّا سَوَطًا .

Ibn Mahboub, from Abdul Aziz, from Ubeyd Bin Zurara who said,

'I heard Abu Abdullah^{asws} saying: 'If they come up to me^{asws} with a man who slandered a Muslim servant with the adultery, not being known from him except for the goodness, I^{asws} would strike him with the Penalty (*Hadd*), a Penalty (*Hadd*) of the free (man) except for one lash (less)'.¹⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ حَمْرَةَ بْنِ حُمْرَانَ عَنْ أَحَدِهِمَا (عليهما السلام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَعْتَقَ نِصْفَ جَارِيَتِهِ ثُمَّ قَدَفَهَا بِالرَّزِيِّ قَالَ فَقَالَ أَرَى عَلَيْهِ خَمْسِينَ جَلْدَةً وَ يَسْتَعْفِرُ اللَّهُ عَزَّ وَ جَلَّ مِنْ فِعْلِهِ قُلْتُ أَرَأَيْتَ إِنْ جَعَلْتَهُ فِي حِلٍّ مِنْ قَدْوِهِ إِيَّاهَا وَ عَفَّتْ عَنْهُ قَالَ لَا ضَرْبَ عَلَيْهِ إِذَا عَفَّتْ عَنْهُ مِنْ قَبْلِ أَنْ تَرْفَعَهُ .

¹⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 14

¹⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 15

¹⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 16

¹⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 17

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hisham Bin Salim, from Hamza Bin Humran,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}), said, 'I asked him^{asws} about a man who emancipated (librated) half of his slave girl, then accused her with the adultery. So he^{asws} said: 'I^{asws} view upon him being fifty lashes, and he should repent to Allah^{azwj} Mighty and Majestic for his deed'. I said, 'What is your^{asws} view of her having freed him from his accusation and forgiven him about it?' He^{asws} said: 'There is no whipping upon him if she has forgiven him before it (the matter) is raised (before a judge)'.¹⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ يُحَدِّثُ قَائِدُ الْقَائِدِ وَالْمَلَأَعَنَةُ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from one of his companions,

Abu Abdullah^{asws} has said: 'The slanderer of the bastard would be penalised (by the Penalty (*Hadd*)), and the slanderer of the son of a woman cursed by her husband would be penalised (by the Penalty (*Hadd*))'.¹⁹

عَنْهُ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) إِذَا سُئِلَتْ الْفَاجِرَةُ مَنْ فَجَرَ بِكَ فَقَالَتْ فُلَانٌ فَإِنَّ عَلَيْهَا حَدَّيْنِ حَدًّا لِفُجُورِهَا وَحَدًّا لِفِرْيَتِهَا عَلَى الرَّجُلِ الْمُسْلِمِ .

From him, from his father, from Al Nowfaly, from Al Sakuny,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'When an immoral woman is asked, 'Who has been immoral with you?', so she says, 'So and so', so upon her would be two Penalties – a Penalty (*Hadd*) for her immorality, and a Penalty (*Hadd*) for her accusation upon the Muslim man'.²⁰

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ النَّصْرَانِيَّةُ وَالْيَهُودِيَّةُ تَكُونُ تَحْتَ الْمُسْلِمِ فَتُجْلَدُ فَيَقْدَفُ ابْنُهَا قَالَ تُضْرَبُ حَدًّا لِأَنَّ الْمُسْلِمَ حَصَّنَهَا .

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}, said: 'If a Christian woman, and/or the Jewish woman are under the Muslim man (married to him), so if she is subjected to Penalty, and (if) he slanders her son?' He^{asws} said: 'He would be whipped the Penalty (*Hadd*) because being (legal wife of a) 'Muslim' has given her protected'.²¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ بَعْضِ أَصْحَابِهِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يُذْفُ الْجَارِيَةَ الصَّغِيرَةَ قَالَ لَا يُجْلَدُ إِلَّا أَنْ تَكُونَ قَدْ أَدْرَكْتَ أَوْ قَارَبْتِ .

Ali Bin Ibrahim, from his father, from one of his companions, from Aasim Bin Humejd, from Abu Baseer who said,

¹⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 18

¹⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 19

²⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 20

²¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 21

'I asked Abu Abdullah ^{asws} about the man who slanders the young girl. He ^{asws} said: 'He would not be whipped except if she happens to have matured or near to it'.²²

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي نَصْرِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يَفْذِفُ الصَّبِيَّةَ يُجَادُّ قَالَ لَا حَتَّى تَبْلُغَ .

A number of our companions, from Ahmad Bin Muhammad, from Ibn Abu Nasr, from Aasim Bin Jumejd, from Abu Baseer,

(It has been narrated) from Abu Abdullah ^{asws} regarding the man who slanders the young girl. He ^{asws} said: 'No, until she is an adult'.²³

بَابُ الرَّجُلِ يَفْذِفُ جَمَاعَةً

Chapter 27 – The man slanders a group

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ افْتَرَى عَلَى قَوْمٍ جَمَاعَةً قَالَ إِنْ أَتَوْا بِهِ مُجْتَمِعِينَ ضُرِبَ حَدًّا وَاحِدًا وَإِنْ أَتَوْا بِهِ مُتَفَرِّقِينَ ضُرِبَ لِكُلِّ وَاحِدٍ مِنْهُمْ حَدًّا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj,

(It has been narrated) from Abu Abdullah ^{asws}, said, 'I asked him ^{asws} about a man who fabricated upon a group of people. He ^{asws} said: 'If they come with it altogether, he would be whipped with one Penalty (*Hadd*), and if they come to be separately, he would be whipped a Penalty (*Hadd*) for each one of them'.²⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِيَانَ بْنِ عُمَانَ عَنْ الْحَسَنِ الْعَطَّارِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) رَجُلٌ فَذَفَ قَوْمًا قَالَ قَالَ بِكَلِمَةٍ وَاحِدَةٍ قُلْتُ نَعَمْ قَالَ يُضْرَبُ حَدًّا وَاحِدًا فَإِنْ فَرَّقَ بَيْنَهُمْ فِي الْقَذْفِ ضُرِبَ لِكُلِّ وَاحِدٍ مِنْهُمْ حَدًّا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Aban Bin Usman, form Al Hassan Al Ataar who said,

'I said to Abu Abdullah ^{asws}, 'A man who slanders a people?' He ^{asws} said: 'With one speech?' I said, 'Yes'. He ^{asws} said: 'He would be whipped one Penalty (*Hadd*). So if he had differentiated between them with regards to the slander, he would be whipped a Penalty (*Hadd*) for each one of them'.²⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ حُمَرَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ افْتَرَى عَلَى قَوْمٍ جَمَاعَةً قَالَ فَقَالَ إِنْ أَتَوْا بِهِ مُجْتَمِعِينَ ضُرِبَ حَدًّا وَاحِدًا وَإِنْ أَتَوْا بِهِ مُتَفَرِّقِينَ ضُرِبَ لِكُلِّ رَجُلٍ حَدًّا .

Ali Bin Ibrahim, form Muhammad Bin Isa, from Yunus, from Muhammad Bin Humran,

(The narrator) says, 'I asked Abu Abdullah ^{asws} about a man who fabricated upon a group of people. So he ^{asws} said: 'If they come with it altogether, he would be whipped

²² Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 22

²³ Al Kafi – V 7 – The Book of Legal Penalties Ch 26 H 23

²⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 27 H 1

²⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 27 H 2

one Penalty (*Hadd*), and if they come with it separately, he would be whipped for each man, one Penalty (*Hadd*)'.²⁶

عَنْهُ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مِثْلَهُ .

From him, from Sama'at,

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

باب فِي نَحْوِهِ

Chapter 28 – A chapter regarding approximately it (the above one)

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنِ ابْنِ مَحْبُوبٍ عَنْ نَعِيمِ بْنِ إِبْرَاهِيمَ عَنْ عَبْدِ النَّبْرِ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ ثَلَاثَةِ شَهَدَاءَ عَلَى رَجُلٍ بِالزَّوْنَى وَقَالُوا الْآنَ نَأْتِي بِالرَّابِعِ قَالَ يُجْلَدُونَ حَدَّ الْقَافِزِ ثَمَانِينَ جَلْدَةً كُلُّ رَجُلٍ مِنْهُمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether from Ibn Mahboub, from Naeem Bin Ibrahim, from Abbad Al basry who said,

'I asked Abu Ja'far^{asws} about three testimonies upon a man, with the adultery, and they said, 'We will now be coming with the fourth'. He^{asws} said: 'They would be whipped with the Penalty (*Hadd*) of the slander, eighty lashes, each man among them'.²⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) لَا أَكُونُ أَوَّلَ الشُّهُودِ الْأَرْبَعَةِ عَلَى الزَّوْنَى أَحْسَى أَنْ يَنْكَلَّ بَعْضُهُمْ فَأَجْلَدَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws}: 'Amir Al Momineen^{asws} said: 'May I^{asws} not be the first of the witnessed upon the adultery, for fear that one of them might withdraw, so I^{asws} would be whipped'.²⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ عَنْ عَمْرِو بْنِ سَعِيدٍ عَنْ مُصَدِّقِ بْنِ صَدَقَةَ عَنْ عَمَّارِ بْنِ مُوسَى عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ شَهِدَ عَلَيْهِ ثَلَاثَةٌ أَنَّهُ زَنَى بِفُلَانَةٍ وَشَهِدَ الرَّابِعُ أَنَّهُ لَا يَدْرِي بِمَنْ زَنَى قَالَ لَا يُجْلَدُ وَلَا يُرْجَمُ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Ahmad Bin Al Hassan, from Amro Bin Saeed, from Musaddaq Bin Sadaqa, from Ammar Bin Musa,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man against whom three testified that he had committed adultery with so and so woman, and the fourth one testified that he does not know who he committed adultery with. He^{asws} said: 'He (the accused) would neither be whipped, nor stoned'.²⁹

²⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 27 H 3

²⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 28 H 1

²⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 28 H 2

²⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 28 H 3

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ عَنِ أَبِيهِ (عَلَيْهِ السَّلَام) فِي ثَلَاثَةِ شَهَدُوا عَلَى رَجُلٍ بِالزَّوْنِيِّ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَيْنَ الرَّابِعُ فَقَالُوا الْآنَ يَجِيءُ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) حُدُومَهُمْ فَلَيْسَ فِي الْحُدُودِ نَظْرَةٌ سَاعَةً .

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

(It has been narrated) from Abu Abdullah^{asws}, from his^{asws} father^{asws} regarding three witnesses upon one man with the adultery. So Amir Al-Momineen^{asws} said: 'Where is the fourth?' So they said, 'He is coming just now'. So Amir Al-Momineen^{asws} said: 'Apply the Penalty (*Hadd*) upon them, for there is nothing in the Penalties, waiting for a moment'.³⁰

بَابُ الرَّجُلِ يَفْذِفُ امْرَأَتَهُ وَوَلَدَهُ

Chapter 29 – The man slanders his wife and his child

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيْسَى عَنْ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ وَ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي رَجُلٍ قَالَ لِامْرَأَتِهِ يَا زَانِيَةٌ أَنَا زَنْيْتُ بِكَ قَالَ عَلَيْهِ حَدٌّ وَاحِدٌ لِقَدْفِهِ إِيَّاهَا وَ أَمَا قَوْلُهُ أَنَا زَنْيْتُ بِكَ فَلَا حَدٌّ فِيهِ إِلَّا أَنْ يَشْهَدَ عَلَى نَفْسِهِ أَرْبَعَ شَهَادَاتٍ بِالزَّوْنِيِّ عِنْدَ الْإِمَامِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Al A'ala Bin Razeyn and Abu Ayoub, form Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} regarding a man who said to his wife, 'O adulteress, I have committed adultery with you'. He^{asws} said: 'Upon him is one Penalty (*Hadd*) due to slandering her, and as for his words, 'I have committed adultery with you', so there is no Penalty (*Hadd*) with regards to it, except if he were to testify against her with four testimonies with the adultery in the presence of the Imam^{asws},³¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِهِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) الرَّجُلُ يَفْذِفُ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ يُضْرَبُ الْحَدَّ وَ يُخْلَى بَيْنَهُ وَ بَيْنَهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from one of his companions who said,

'I said to Abu Abdullah^{asws}, 'The man accuses his wife before he copulates with her. He^{asws} said: 'He would be whipped the Penalty (*Hadd*), and there would be separation between him and her'.³²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى بْنِ عُبَيْدٍ عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ مُضَارِبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَنْ قَدَفَ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا جُلِدَ الْحَدَّ وَ هِيَ امْرَأَتُهُ .

Ali Bin Ibrahim, from Muhammad Bin Isa Bin Ubeyd, from Yunus, from Muhammad Bin Muzarab,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The one who accuses his wife before he copulates with her would be whipped one Penalty (*Hadd*), and she would (still) be his wife'.³³

³⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 28 H 4

³¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 1

³² Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 2

عَنْهُ عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا قَدَفَ الرَّجُلُ امْرَأَتَهُ ثُمَّ أَكْذَبَ نَفْسَهُ جُلِدَ الْحَدَّ وَ كَانَتْ امْرَأَتُهُ وَ إِنْ لَمْ يُكْذِبْ عَلَى نَفْسِهِ تَلَاعَنَا وَ يُفْرَقُ بَيْنَهُمَا .

From him, from Yunus, from Abdullah Bin Sinan,

Abu Abdullah^{asws} has said: 'When the man accuses his wife, then admits having lied to himself, would be whipped the Penalty (*Hadd*), and she would be his wife; but if he did not admit lying to himself, there would be cursing and separation between the two of them'.³⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ مُنْتَنَى الْحَنَاطِ عَنْ زُرَّارَةَ قَالَ قَالَ سُوَيْلٌ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ الَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَ لَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ قَالَ هُوَ الَّذِي يَقْذِفُ امْرَأَتَهُ فَإِذَا قَدَفَهَا ثُمَّ أَقْرَبَ بَأْتَهُ كَذَبَ عَلَيْهَا جُلِدَ الْحَدَّ وَ رُدَّتْ إِلَيْهِ امْرَأَتُهُ وَ إِنْ أَبِي إِلَّا أَنْ يَمْضِيَ فَشَهِدَ عَلَيْهَا أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ وَ الْخَامِسَةَ يَلْعَنُ فِيهَا نَفْسَهُ إِنْ كَانَ مِنَ الْكَاذِبِينَ

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Musny Al Hanaat, from Zurara who said,

'Abu Abdullah^{asws} was asked about the Words of Allah^{azwj} Mighty and Majestic [24:6] **And (as for) those who accuse their wives and have no witnesses except for themselves**, he^{asws} said: 'He is the one who accuses his wife, so when he has accused her, then he accepts that he had lied against her, would be whipped the Penalty (*Hadd*), and his wife would be returned to him. So if he refuses (to admit having lied) and stands by it, so **the testimony of one of these (should be taken) four times, bearing Allah to Witness that he is from the truthful ones [24:7] And the fifth (time) then the Curse of Allah be on him if he is one of the liars.**

وَ إِنْ أَرَادَتْ أَنْ تَدْرَأَ عَنْ نَفْسِهَا الْعَذَابَ وَ الْعَذَابُ هُوَ الرَّجْمُ شَهِدَتْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ وَ الْخَامِسَةَ أَنْ غَضَبَ اللَّهُ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ وَ إِنْ لَمْ تَفْعَلْ رُجِمَتْ فَإِنْ فَعَلَتْ دَرَأَتْ عَنْ نَفْسِهَا الْحَدَّ ثُمَّ لَا تَحِلُّ لَهُ إِلَى يَوْمِ الْقِيَامَةِ.

And if she intends to stave off the punishment from herself, and the punishment, it is the stoning, she should testify by four testimonies with Allah^{azwj} that he is from the liars, and during the fifth that the Anger of Allah^{azwj} would be upon her if he was from the truthful ones. And if she does not do it, she would be stoned; and if she were to do it, the Penalty (*Hadd*) would be staved off from herself, then she would not be Permissible for him up to the Day of Judgement'.³⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبَّادِ بْنِ صُهَيْبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَوْقَفَهُ الْإِمَامُ لِلْعَانَ فَشَهِدَ شَهَادَتَيْنِ ثُمَّ نَكَلَ وَ أَكْذَبَ نَفْسَهُ قَبْلَ أَنْ يُفْرَعَ مِنَ اللَّعَانِ قَالَ يُجْلَدُ حَدَّ الْفَازِفِ وَ لَا يُفْرَقُ بَيْنَهُ وَ بَيْنَ الْمَرْأَةِ .

Ali Bin Ibrahim, from his and Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, altogether from Ibn Mahboub, from Abbad Bin Suheyb,

(It has been narrated) from Abu Abdullah^{asws} regarding a man paused by the Imam^{asws} for the cursing. So he testifies with two testimonies, then withdraws, and admits lying by himself before he is free from the cursing. He^{asws} said: 'He would be

³³ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 3

³⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 4

³⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 5

whipped a Penalty (*Hadd*) of the slanderer, and there would be no separation between him and his wife'.³⁶

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ عَبْدِ الْكَرِيمِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ لَاعَنَ امْرَأَتَهُ وَ هِيَ حُبْلَى ثُمَّ ادَّعَى وَلَدَهَا بَعْدَ مَا وُلِدَتْ وَ زَعَمَ أَنَّهُ مِنْهُ قَالَ يُرَدُّ إِلَيْهِ الْوَلَدُ وَ لَا يُجْلَدُ لِأَنَّهُ قَدْ مَضَى التَّلَاعُنُ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Abdul Kareem, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who cursed his wife, and she was pregnant. Then he called her child, after it had been born, and alleged that it was from him'. He^{asws} said: 'The child would be return to him, and he would not be whipped because the cursing has passed'.³⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادٍ عَنْ حَرِيزٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَفْتَرِي عَلَى امْرَأَتِهِ قَالَ يُجْلَدُ ثُمَّ يُخْلَى بَيْنَهُمَا وَ لَا يُلَاعِنُهَا حَتَّى يَقُولَ أَشْهَدُ أَنِّي رَأَيْتُكَ تَفْعَلِينَ كَذَا وَ كَذَا .

Ali Bin Ibrahim, from his father, from Hammad, from Hareyz, from Muhammad Bin Muslim who said,

'I asked him^{asws} about the man who fabricated upon his wife. He^{asws} said: 'He would be whipped, then there would be separation between the two, and he would not curse her until he is saying, 'I testify that I saw you, such and such being done with you'.³⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الرَّجُلِ يَفْتَرُ امْرَأَتَهُ يُجْلَدُ ثُمَّ يُخْلَى بَيْنَهُمَا وَ لَا يُلَاعِنُهَا حَتَّى يَقُولَ إِنَّهُ قَدْ رَأَى مَنْ يَفْجُرُ بِهَا بَيْنَ رِجْلَيْهَا .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said regarding the man who slandered his wife: 'He would be whipped, then there would be separation between the two, and he would not curse her until he is saying that he had seen someone being immoral with her between her two legs'.³⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ شُعَيْبٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ قَذَفَ امْرَأَتَهُ فَتَلَاعَنَّا ثُمَّ قَذَفَهَا بَعْدَ مَا تَفَرَّقَا أَيْضًا بِالزَّنَى أَعَلَيْهِ حَدٌّ قَالَ نَعَمْ عَلَيْهِ حَدٌّ .

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

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who accused his wife, so he cursed, then accused her after the separation as well, with the adultery, is there a Penalty (*Hadd*) upon him?' He^{asws} said: 'Yes, upon him is the Penalty (*Hadd*)'.⁴⁰

³⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 6

³⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 7

³⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 8

³⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 9

⁴⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 10

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ يُونُسَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ قَالَ لِامْرَأَتِهِ لَمْ أَجِدْكَ عَذْرَاءَ قَالَ يُضْرَبُ قُلْتُ فَإِنَّهُ عَادَ قَالَ يُضْرَبُ فَإِنَّهُ يُوشِكُ أَنْ يَنْتَهِيَ .

Ali Bin Ibrahim, from Muhammad Bin Isa Bin Ubeyd, from Yunus, from Is'haq Bin Ammar, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who said to his wife, 'I did not find you as a virgin'. He^{asws} said: 'He would be whipped'. I said, 'So if he were to repeat it?' He^{asws} said: 'He would be whipped, for he would probably stop'.⁴¹

يُونُسُ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ قَالَ لِامْرَأَتِهِ لَمْ تَأْتِي عَذْرَاءَ قَالَ لَيْسَ عَلَيْهِ شَيْءٌ لِأَنَّ الْعُدْرَةَ نَدَّهْبٌ بغيرِ جَمَاعٍ .

Yunus, from Zurara,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who says to his wife, 'You did not come to me as a virgin'. He^{asws} said: 'There is nothing upon him because the virginity can go away without copulation'.⁴²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرَ (عليه السلام) عَنْ رَجُلٍ قَدَفَ ابْنَهُ بِالزَّانِي قَالَ لَوْ قَتَلَهُ مَا قُتِلَ بِهِ وَإِنْ قَدَفَهُ لَمْ يُجَدَّ لَهُ قُلْتُ فَإِنْ قَدَفَ أَبُوهُ أُمُّهُ فَقَالَ إِنْ قَدَفَهَا وَانْتَقَى مِنْ وَلَدِهَا تَلَاعَنَا وَ لَمْ يَلْزَمْ ذَلِكَ الْوَلَدَ الَّذِي انْتَقَى مِنْهُ وَ فُرِّقَ بَيْنَهُمَا وَ لَمْ تَحِلَّ لَهُ أَبَدًا

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah^{asws} about a man who accused his son with the adultery. He^{asws} said: 'Had he (father) killed him, he would not be killed due to it, and if he has accused him, he would not be whipped for it'. I said, 'So if his father accused his mother?' So he^{asws} said: 'If he had accused her and negates himself from her child, then there is cursing, and that child which he had negated from would not be necessitated upon him, and there would be separation between the two, and she would not be Permissible for him, ever.

قَالَ وَ إِنْ كَانَ قَالَ لِابْنِهِ وَ أُمُّهُ حَيَّةٌ يَا ابْنَ الزَّانِيَةِ وَ لَمْ يَنْتَفِ مِنْ وَلَدِهَا جُلِدَ الْحَدَّ لَهَا وَ لَمْ يَفْرُقْ بَيْنَهُمَا قَالَ وَ إِنْ كَانَ قَالَ لِابْنِهِ يَا ابْنَ الزَّانِيَةِ وَ أُمُّهُ مَيِّتَةٌ وَ لَمْ يَكُنْ لَهَا مَنْ يَأْخُذُ بِحَقِّهَا مِنْهُ إِلَّا وَلَدُهَا مِنْهُ فَإِنَّهُ لَا يُقَامُ عَلَيْهِ الْحَدُّ لِأَنَّ حَقَّ الْحَدِّ قَدْ صَارَ لَوْلَادِهِ مِنْهَا وَ إِنْ كَانَ لَهَا وَلَدٌ مِنْ غَيْرِهِ فَهُوَ وَلِيُّهَا يُجَدُّ لَهُ وَ إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ مِنْ غَيْرِهِ وَ كَانَ لَهَا قَرَابَةٌ بِقَوْمُونَ بِأَخْذِ الْحَدِّ جُلِدَ لَهُمْ .

He^{asws} said: 'And if he had said to his son and his mother was alive, 'O son of the adulteress', and does not negated from her child, he would be whipped the Penalty (Hadd) for her, and there would not be separation between the two. And if he had said to his son, 'O son of the aduteress', and his mother had died, and there does not happen to be anyone who can take with her right from him except for her child from him, so the Penalty (Hadd) would not be established upon him, because the right of the Penalty (Hadd) has gone to a son from her, and if there was a son for her from other than him, so he would be her guardian, the whipping would be for him, and if there does not happen to be a child from other than him, and for her are

⁴¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 11

⁴² Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 12

relatives, they would be standing for taking the Penalty (*Hadd*), the whipping would be for them'.⁴³

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبِيَانَ عَنِ ابْنِ مُضَارِبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَنْ قَدَفَ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا ضَرْبَ الْحَدِّ وَ هِيَ امْرَأَتُهُ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Aban, from Ibn Muzarab,

Abu Abdullah^{asws} has said: 'The one who accuses his wife before he copulates with her would be whipped the Penalty (*Hadd*), and she would (still) be his wife'.⁴⁴

بَابُ صِفَةِ حَدِّ الْقَازِفِ

Chapter 30 – Description of the Penalty (*Hadd*) of the slanderer

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ بْنِ مَهْرَانَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ يَفْتَرِي كَيْفَ يَنْبَغِي لِلْإِمَامِ أَنْ يَضْرِبَهُ قَالَ جُلْدَ بَيْنَ الْجُلْدَيْنِ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Usman Bin Isa, from Sama'at Bin Mahran who said,

'I asked him^{asws} about a man who fabricated, how would it befit the Imam^{asws} that he^{asws} whips him?' He^{asws} said: 'He^{asws} would whip him between the two whippings (between the highest and the lowest Penalty (*Hadd*))'.⁴⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) (أَمَرَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَنْ لَا يُنَزَعَ شَيْءٌ مِنْ ثِيَابِ الْقَازِفِ إِلَّا الرِّدَاءُ .

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: 'Rasool-Allah^{saww} ordered that nothing should be removed from the clothes of the slanderer except for the robe'.⁴⁶

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ يُجْلَدُ الْمُفْتَرِي ضَرْبًا بَيْنَ الضَّرْبَيْنِ يُضْرَبُ جَسَدُهُ كُلُّهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Is'haq Bin Ammar,

(It has been narrated) from Abu Al-Hassan^{asws} having said: 'The fabricator would be whipped with a whipping between the two whippings. All of his body would be whipped'.⁴⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ يُونُسَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ الْمُفْتَرِي يُضْرَبُ بَيْنَ الضَّرْبَيْنِ يُضْرَبُ جَسَدُهُ كُلُّهُ فَوْقَ ثِيَابِهِ .

⁴³ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 13

⁴⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 29 H 14

⁴⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 30 H 1

⁴⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 30 H 2

⁴⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 30 H 3

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Is'haq Bin Ammar,

(It has been narrated) from Abu Al-Hassan^{asws} having said: 'The fabricator would be whipped between the two whippings. His whole body would be whipped, over his clothes'.⁴⁸

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مِسْمَعِ بْنِ عَبْدِ الْمَلِكِ
عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) الزَّانِي أَشَدُّ ضَرْبًا مِنْ شَارِبِ الْخَمْرِ وَ شَارِبِ
الْخَمْرِ أَشَدُّ ضَرْبًا مِنَ الْفَافِيفِ وَ الْفَافِيفُ أَشَدُّ ضَرْبًا مِنَ التَّعْزِيرِ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Hassan Bin Shamoun, from Abdullah Bin Abdul Rahman, from Misma'a Bin Abdul Mallik,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'The adulterer would be whipped more intensely than the drinker of the wine, and the drinker of the wine would be whipped more intensely than the slanderer, and the slanderer would be whipped more intensely than the rebuker (of a sinner)'.⁴⁹

بَاب مَا يَجِبُ فِيهِ الْحَدُّ فِي الشَّرَابِ

Chapter 31 – What is Obligated in the Penalty (*Hadd*) regarding the drinking (of wine)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا
عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ شَرِبَ حُسْوَةَ خَمْرٍ قَالَ يُجْلَدُ ثَمَانِينَ جَلْدَةً قَلِيلًا وَ كَثِيرًا حَرَامٌ .

Ali Bin Ibrahim, from his father and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether, from Ibn Mahboub, from Is'haq Bin Ammar who said,

'I asked Abu Abdullah^{asws} about a man who drank a sip of wine. He^{asws} said: 'He would be whipped eighty lashes. A little of it or more of it, is Prohibited'.⁵⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ يُونُسَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ كَيْفَ كَانَ
يُجْلَدُ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) قَالَ فَقَالَ كَانَ يَضْرِبُ بِالنَّعَالِ وَ يَزِيدُ كُلَّمَا آتَى بِالشَّرَابِ ثُمَّ لَمْ يَزَلِ النَّاسُ يَزِيدُونَ
حَتَّى وَقَفَ عَلَى ثَمَانِينَ أَشَارَ بِذَلِكَ عَلِيٌّ (عَلَيْهِ السَّلَام) عَلَى عَمْرٍ فَرَضِي بِهَا .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws}, (the narrator) says, 'I said to him^{asws}, 'How did Rasool-Allah^{saww} used to whip?' So he^{asws} said: 'He^{saww} used to whip by the slippers (feet) and he^{saww} increased, every time they came with a drinker. Then the people did not cease to increase until it paused at eighty (lashes). Ali^{asws} pointed that out to Umar, so he was pleased with it'.⁵¹

⁴⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 30 H 4

⁴⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 30 H 5

⁵⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 1

⁵¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 2

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) يَقُولُ أَقِيمَ عُبَيْدُ اللَّهِ بْنُ عُمَرَ وَ قَدْ شَرِبَ الْخَمْرَ فَأَمَرَ بِهِ عُمَرُ أَنْ يُضْرَبَ فَلَمْ يَتَقَدَّمْ عَلَيْهِ أَحَدٌ يَضْرِبُهُ حَتَّى قَامَ عَلِيٌّ (عَلَيْهِ السَّلَامُ) بِنِيسَعَةٍ مَنِيئَةٍ فَضْرَبَهُ بِهَا أَرْبَعِينَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazaal, from Ibn Bukeyr, from Zurara who said,

'I heard Abu Ja'far^{asws} saying: 'Ubeydullah Bin Umar was made to stand, and he had drunk the wine. So Umar instructed that he should be whipped. But no one proceeded anyone to whip him until Ali^{asws} arose with a doubled belt, so he^{asws} whipped him with it'.⁵²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عَثْمَانَ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ إِنَّ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَامُ) يَضْرَبُ شَارِبُ الْخَمْرِ ثَمَانِينَ وَ شَارِبُ النَّبِيذِ ثَمَانِينَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from hammad Bin Usman, from Bureyd Bin Muawiyah who said,

'I heard Abu Abdullah^{asws} saying that in the Book of Ali^{asws}, the drinker of the wine is to be whipped eighty (lashes) and the drinker of *Al-Nabeez* is to be whipped eighty (lashes)'.⁵³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عَثْمَانَ عَنْ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ أَرَأَيْتَ النَّبِيَّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) كَيْفَ كَانَ يَضْرِبُ فِي الْخَمْرِ فَقَالَ كَانَ يَضْرِبُ بِالنَّعَالِ وَ يَزِيدُ إِذَا أَتَى بِالشَّارِبِ ثُمَّ لَمْ يَزَلِ النَّاسُ يَزِيدُونَ حَتَّى وَقَفَ ذَلِكَ عَلَى ثَمَانِينَ أَشَارَ بِذَلِكَ عَلِيٌّ (صَلَوَاتُ اللَّهِ عَلَيْهِ) عَلَى عُمَرَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad Bin Usman, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, (the narrator) said, 'I said to him^{asws}, What is your^{asws} view how the Prophet^{saww} used to whip regarding the wine?' So he^{asws} said: 'He^{saww} used to whip by the slippers (feet), and he^{saww} increase when they came with the drinker. Then the people did not cease increasing until that paused at eighty. Ali^{asws} pointed that out to Umar'.⁵⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) يَقُولُ إِنَّ الْوَلِيدَ بْنَ عُقْبَةَ حِينَ شَهِدَ عَلَيْهِ بِشُرْبِ الْخَمْرِ قَالَ عُثْمَانُ لِعَلِيٍّ (عَلَيْهِ السَّلَامُ) أَقْضِ بَيْنَهُ وَ بَيْنَ هَؤُلَاءِ الَّذِينَ زَعَمُوا أَنَّهُ شَرِبَ الْخَمْرَ فَأَمَرَ عَلِيٌّ (عَلَيْهِ السَّلَامُ) فَجَلِدَ بِسَوْطٍ لَهُ شُعْبَتَانِ أَرْبَعِينَ جَلْدَةً .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara who said,

'I heard Abu Ja'far^{asws} saying that Al-Waleed Bin Uqba, when he was witnessed with the drinking of the wine, Usman said to Ali^{asws}, 'Judge between him and those who are alleging that he as drunk the wine. So Ali^{asws} ordered, so he was whiped by a whip which had two stripes, forty lashes'.⁵⁵

⁵² Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 3

⁵³ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 4

⁵⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 5

⁵⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 6

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَالَ إِنَّ عَلِيًّا (عَلَيْهِ السَّلَام) كَانَ يَقُولُ إِنَّ الرَّجُلَ إِذَا شَرِبَ الْخَمْرَ سَكِرَ وَإِذَا سَكِرَ هَدَى وَإِذَا هَدَى أَفْتَرَى فَاجْلُدُوهُ حَدَّ الْمُفْتَرِي .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Ali^{asws} was saying that the man, when he drinks the wine, gets intoxicated, and when he is intoxicated, raves, and when he raves, he fabricates, therefore he would be whipped a Penalty (*Hadd*) of the fabricator'.⁵⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ كَانَ عَلِيٌّ (عَلَيْهِ السَّلَام) يَضْرِبُ فِي الْخَمْرِ وَالنَّبِيذِ ثَمَانِينَ الْحَرَّ وَالْعَبْدَ وَالْيَهُودِيَّ وَالنَّصْرَانِيَّ فَلَتْ وَ مَا شَأْنُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ قَالَ لَيْسَ لَهُمْ أَنْ يُظْهِرُوا شَرْبَهُ يَكُونُ ذَلِكَ فِي بُيُوتِهِمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali, from Is'haq Bin Ammar, from Abu Baseer,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'Ali^{asws} used to whip regarding the wine and Al-Nabeez, eighty (lashes), and the slave, and the Jew, and the Christian'. I said, 'And what is the relevance of the Jew and the Christian?' He^{asws} said: 'it is not for them that they should be displaying their drinking. That can happen to be in their homes'.⁵⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ قَالَ كَانَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) يَجْلُدُ الْحَرَّ وَالْعَبْدَ وَالْيَهُودِيَّ وَالنَّصْرَانِيَّ فِي الْخَمْرِ وَالنَّبِيذِ ثَمَانِينَ فَقُلْتُ مَا بَالُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ فَقَالَ إِذَا أَظْهِرُوا ذَلِكَ فِي مِصْرٍ مِنَ الْأَمْصَارِ لِأَنَّهُمْ لَيْسَ لَهُمْ أَنْ يُظْهِرُوا شَرْبَهَا .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Sama'at, from Abu Baseer who said,

'Amir Al-Momineen^{asws} whipped the free, and the slave, and the Jew, and the Christian regarding the wine and Al-Nabeez, eighty (lashes)'. So I said, 'What has it to do with the Jew and the Christian?' So he^{asws} said: 'When they display that in a city from the cities, because it is not for them that they should be displaying their drinking of it'.⁵⁸

يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) الْحَدُّ فِي الْخَمْرِ إِنْ شَرِبَ مِنْهَا قَلِيلًا أَوْ كَثِيرًا قَالَ ثُمَّ قَالَ أَنِّي عُمَرُ بَقْدَامَةَ بْنِ مَطْعُونٍ وَقَدْ شَرِبَ الْخَمْرَ وَقَامَتْ عَلَيْهِ الْبَيِّنَةُ فَسَأَلَ عَلِيًّا (عَلَيْهِ السَّلَام) فَأَمَرَهُ أَنْ يَجْلِدَهُ ثَمَانِينَ فَقَالَ قَدَامَةُ يَا أَمِيرَ الْمُؤْمِنِينَ لَيْسَ عَلَيَّ حَدٌّ أَنَا مِنْ أَهْلِ هَذِهِ الْأَيَةِ لَيْسَ عَلَى الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ جُنَاحٌ فِيمَا طَعَمُوا قَالَ فَقَالَ عَلِيُّ (عَلَيْهِ السَّلَام) لَسْتُ مِنْ أَهْلِهَا إِنَّ طَعَامَ أَهْلِهَا لَهُمْ حَلَالٌ لَيْسَ يَأْكُلُونَ وَلَا يَشْرَبُونَ إِلَّا مَا أَحَلَّهُ اللَّهُ لَهُمْ ثُمَّ قَالَ عَلِيُّ (عَلَيْهِ السَّلَام) إِنَّ الشَّارِبَ إِذَا شَرِبَ لَمْ يَدْرِ مَا يَأْكُلُ وَلَا مَا يَشْرَبُ فَاجْلُدُوهُ ثَمَانِينَ جَلْدَةً .

Yunus, from Abdullah Bin Sinan who said,

'Abu Abdullah^{asws} said: 'The Penalty (*Hadd*) (would be established) regarding the wine, if it is drunk from it, a little or more'. Then he^{asws} said: 'They came to Umar with Qadamat Bin Mazoun, and he had drunk the wine, and the proof was established upon him. So he (Umar) asked Ali^{asws}, so he^{asws} ordered that he should be whipped

⁵⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 7

⁵⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 8

⁵⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 9

eighty (lashes). So Qadamat said, 'O Amir Al-Momineen^{asws}! There is no Penalty (*Hadd*) upon me. I am from the ones rightful of this Verse [5:93] **On those who believe and do righteous deeds there is no blame for what they eat**. So Ali^{asws} said: 'You are not from its rightful ones. The food of its rightful ones is Permissible unto them. They are not eating and drinking except what Allah^{azwj} has Permitted to them'. Then Ali^{asws} said: 'The drinker, when he drinks (wine), he does not know what he eats and what he drinks'. So he^{asws} whipped him eighty lashes'.⁵⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَام) يُضْرَبُ شَارِبُ الْخَمْرِ وَ شَارِبُ الْمُسْكِرِ قُلْتُ كَمْ قَالَ حَدُّهُمَا وَاحِدٌ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from hammad Bin Usman, from Umar Bin Yazeed who said,

'I heard Abu Abdullah^{asws} saying: 'In the Book of Ali^{asws}, a drinker of the wine is to be whipped, and a drinker of the intoxicant'. I said, 'How much?' He^{asws} said: 'Their Penalty (*Hadd*) is one (and the same)'.⁶⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي الْمَغْرَاءِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كَانَ عَلِيٌّ (عَلَيْهِ السَّلَام) يَجِدُ الْحُرَّ وَالْعَبْدَ وَالْيَهُودِيَّ وَالنَّصْرَانِيَّ فِي الْخَمْرِ ثَمَانِينَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abu Al Magra, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Ali^{asws} used to whipe the free, and the slave, and the Jew, and the Christian, regarding the wine, eighty (lashes)'.⁶¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ النُّعْمَانِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كُلُّ مُسْكِرٍ مِنَ الْأَشْرِبَةِ يَجِبُ فِيهِ كَمَا يَجِبُ فِي الْخَمْرِ مِنَ الْحَدِّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Noman, from Abu Al Sabbah Al Kanany,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Every intoxicant from the drinks Obligates the Penalty (*Hadd*) with regards to it, just as it Obligates regarding the wine'.⁶²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ ابْنِ مُسْكَانَ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ حَدُّ الْيَهُودِيِّ وَالنَّصْرَانِيِّ وَالْمَمْلُوكِ فِي الْخَمْرِ وَالْفَرِيَّةِ سَوَاءٌ وَإِنَّمَا صَوْلِحَ أَهْلُ الذِّمَّةِ أَنْ يَشْرَبُوهَا فِي بُيُوتِهِمْ

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus Bin Abdul Rahman, from Ibn Muskan, from Abu Baseer who said,

'He^{asws} (6th Imam^{asws}) said: 'The Penalty (*Hadd*) of the Jew, and the Christian, and the slave regarding the wine, and the fabrication, is the same. But rather, it is correct

⁵⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 10

⁶⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 11

⁶¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 12

⁶² Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 13

for the people under the responsibility (Al-Zimmy), that they can drink it in their own houses’.

قَالَ وَ سَأَلْتُهُ عَنِ السُّكْرَانِ وَ الزَّانِي قَالَ يُجْلَدَانِ بِالسِّيَاطِ مُجَرَّدَيْنِ بَيْنَ الْكَتِفَيْنِ فَأَمَّا الْحَدُّ فِي الْقَذْفِ فَيُجْلَدُ عَلَى تَيَابِهِ ضَرْبًا بَيْنَ الضَّرْبَيْنِ .

He (the narrator) said, ‘And I asked him^{asws} about the intoxicated ones and the adulterers. He^{asws} said: ‘They would both be whipped with the whips, without clothes, between the two shoulders. So, as for the Penalty (*Hadd*) regarding the slander, so he should be whipped upon his clothes, a Penalty (*Hadd*) between the two Penalty (*Hadd*)’.⁶³

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ سَالِمٍ عَنْ أَحْمَدَ بْنِ النَّضْرِ عَنْ عَمْرِو بْنِ شِمْرٍ عَنْ جَابِرِ رَفَعَهُ عَنْ أَبِي مَرْيَمَ قَالَ قَالَ أَبُو مِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) بِالنَّجَاشِيِّ الشَّاعِرِ قَدْ شَرِبَ الْخَمْرَ فِي شَهْرِ رَمَضَانَ فَضْرِبَهُ تَمَانِينَ ثُمَّ حَبَسَهُ لَيْلَةً ثُمَّ دَعَا بِهِ مِنَ الْعَدِّ فَضْرِبَهُ عَشْرِينَ سَوْطًا فَقَالَ لَهُ يَا أَمِيرَ الْمُؤْمِنِينَ فَقَدْ ضَرَبْتَنِي فِي شَرِبِ الْخَمْرِ وَ هَذِهِ الْعِشْرُونَ مَا هِيَ فَقَالَ هَذَا لِتَجْرِيكَ عَلَى شَرِبِ الْخَمْرِ فِي شَهْرِ رَمَضَانَ .

Abu Ali Al Ashary, from Muhammad Bin Salim, from Ahmad Bin Al Nazar, from Amro Bin Shimr, from Jabid, raising it, from Abu Maryam who said,

‘They came to Amir Al-Momineen^{asws} with Al-Najjashy the poet who had drunk the wine during the Month of Ramazan. So he^{asws} whipped him eighty (lashes). Then he^{asws} held him in custody for one night. The he^{asws} called for him in the morning, so he^{asws} whipped him twenty lashes’. So he said to him^{asws}, ‘O Amir Al-Momineen^{asws}! You^{asws} have already whipped me with regards to drinking the wine, and these twenty, what are they for?’ So he^{asws} said: ‘This is for your audacity on drinking of the wine during the Month of Ramazan’.⁶⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ فَضَّالٍ عَنْ ابْنِ بُكَيْرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ شَرِبَ رَجُلٌ الْخَمْرَ عَلَى عَهْدِ أَبِي بَكْرٍ فَرُفِعَ إِلَيَّ أَبِي بَكْرٍ فَقَالَ لَهُ أ شَرِبْتَ خَمْرًا قَالَ نَعَمْ قَالَ وَ لِمَ وَ هِيَ مُحَرَّمَةٌ قَالَ فَقَالَ لَهُ الرَّجُلُ إِنِّي أَسْلَمْتُ وَ حَسَنٌ إِسْلَامِي وَ مَنْزِلِي بَيْنَ ظَهْرَانِي قَوْمٌ يَشْرَبُونَ الْخَمْرَ وَ يَسْتَجِلُّونَهَا وَ لَوْ عَلِمْتُ أَنَّهَا حَرَامٌ اجْتَنَبْتُهَا

Ali Bin Ibrahim, from his father, from Ibn Fazzal, from Ibn Bukeyr,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘A man drank the wine in the era of Abu Bakr, so it was raised to Abu Bakr. So said to him, ‘Did you drink the wine?’ He said, ‘Yes’. He said, ‘And why did you, and it is Prohibited?’ So the man said to him, ‘I became a Muslim, and my Islam was good, and my house is among a people who are drinking the wine, and they are permitting it, and had I know that it is Prohibited, I would have kept away from it’.

فَأْتَفَتَ أَبُو بَكْرٍ إِلَى عُمَرَ فَقَالَ مَا تَقُولُ فِي أَمْرِ هَذَا الرَّجُلِ فَقَالَ عُمَرُ مُعْضِلَةٌ وَ لَيْسَ لَهَا إِلَّا أَبُو الْحَسَنِ قَالَ فَقَالَ أَبُو بَكْرٍ ادْعُ لَنَا عَلِيًّا فَقَالَ عُمَرُ يُؤْتِي الْحَكْمَ فِي بَيْتِهِ

So Abu Bakr turned to Umar, so he said, ‘So what are you saying regarding the matter of this man?’ So Umar said, ‘And there is none for it except for Abu Al-Hassan^{asws}’. So Abu Bakr said, ‘Call Ali^{asws} for us’. So Umar said, ‘He^{asws} gives the judgement in his^{asws} home’.

⁶³ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 14

⁶⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 15

فَقَامَا وَ الرَّجُلُ مَعَهُمَا وَ مَنْ حَضَرَهُمَا مِنَ النَّاسِ حَتَّى أَتَوْا أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَأَخْبَرَاهُ بِقِصَّةِ الرَّجُلِ وَ قَصَّ الرَّجُلُ قِصَّتَهُ قَالَ فَقَالَ ابْعَثُوا مَعَهُ مَنْ يَدُورُ بِهِ عَلَى مَجَالِسِ الْمُهَاجِرِينَ وَ الْأَنْصَارِ مَنْ كَانَ تَلَا عَلَيْهِ آيَةَ التَّحْرِيمِ فَلْيَشْهَدْ عَلَيْهِ فَفَعَلُوا ذَلِكَ بِهِ فَلَمْ يَشْهَدْ عَلَيْهِ أَحَدٌ بِأَنَّهُ قَرَأَ عَلَيْهِ آيَةَ التَّحْرِيمِ فَخَلَّى عَنْهُ وَ قَالَ لَهُ إِنَّ شَرِبْتَ بَعْدَهَا أَقْمَنَا عَلَيْكَ الْحَدَّ .

So they both stood up, and the man was with the two of them, along with the ones who were present with them both, until they all came to Amir Al-Momineen^{asws}. So they informed him of the story of the man, and the man related his own story. So he^{asws} said: 'Send (some people) with him who would go around with him at the gatherings of the Emigrants and the Helpers, (to find) one who had recited to him the Verse of the Prohibition, so let him testify against him'. So they did that with him, but no one testified against him that he had recited the Verse of the Prohibition to him. So he^{asws} freed him and said to him: 'If you drink wine after it, we would establish the Penalty (*Hadd*) upon you'.⁶⁵

باب الأوقات التي يُحد فيهما من وجب عليه الحد

Chapter 32 – The timings during which the Penalty (*Hadd*) is applied on the one upon whom it is Obligated

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ أَبِي دَاوُدَ الْمُسْتَرْقِ قَالَ حَدَّثَنِي بَعْضُ أَصْحَابِنَا قَالَ مَرَرْتُ مَعَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) بِالْمَدِينَةِ فِي يَوْمٍ بَارِدٍ وَ إِذَا رَجُلٌ يُضْرَبُ بِالسَّوِطِ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) سُبْحَانَ اللَّهِ فِي مِثْلِ هَذَا الْوَقْتِ يُضْرَبُ قُلْتُ لَهُ وَ لِلضَّرْبِ حَدٌّ قَالَ نَعَمْ إِذَا كَانَ فِي الْبَرْدِ ضَرْبٌ فِي حَرِّ النَّهَارِ وَ إِذَا كَانَ فِي الْحَرِّ ضَرْبٌ فِي بَرْدِ النَّهَارِ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Abu Dawood Al Mustaraq who said, 'One of our companions narrated to me saying,

'I passed by Al-Medina with Abu Abdullah^{asws} during a cold night, and there was a man being whipped with the lash. So Abu Abdullah^{asws} said: 'Glory be to Allah^{azwj}! It is during a time similar to this that they are whipping him?' I said to him^{asws}, 'And is there for the whipping, a Penalty (*Hadd*)?' He^{asws} said: 'Yes. Whenever it was during the cold (season), whipping should be during the heat of the day; and whenever it was during the hot (season), whipping should be during the cold part of the day'.⁶⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَفْوَانَ عَنِ الْحُسَيْنِ بْنِ عَطِيَّةَ عَنْ هِشَامِ بْنِ أَحْمَرَ عَنِ الْعَبْدِ الصَّالِحِ (عَلَيْهِ السَّلَام) قَالَ كَانَ جَالِسًا فِي الْمَسْجِدِ وَ أَنَا مَعَهُ فَسَمِعَ صَوْتَ رَجُلٍ يُضْرَبُ صَلَاةَ الْغَدَاةِ فِي يَوْمٍ شَدِيدِ الْبَرْدِ قَالَ فَقَالَ مَا هَذَا فَقَالُوا رَجُلٌ يُضْرَبُ فَقَالَ سُبْحَانَ اللَّهِ فِي مِثْلِ هَذِهِ السَّاعَةِ إِنَّهُ لَا يُضْرَبُ أَحَدٌ فِي شَيْءٍ مِنَ الْحُدُودِ فِي الشِّتَاءِ إِلَّا فِي آخِرِ سَاعَةٍ مِنَ النَّهَارِ وَ لَا فِي الصَّيْفِ إِلَّا فِي أَوَّلِ مَا يَكُونُ مِنَ النَّهَارِ .

Ali Bin Ibrahim, from his father, from Safwan, from Al Husayn Bin Atiyya, from Hisham Bin Ahmad,

from Al-Abd Al-Salih^{asws} (7th Imam^{asws}), said, 'He^{asws} was seated in the Masjid, and I was with him, so he^{asws} heard the voice of a man being whipped, at the morning Prayer on a day of intense cold. So he^{asws} said: 'What is this?' So they said, 'A man being whipped'. So he^{asws} said: 'Glory be to Allah^{azwj}! During a time like this? They should not whip anyone with regards to anything from the Penalties during the winter

⁶⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 31 H 16

⁶⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 32 H 1

except during the last hour of the day, nor in the summer except during the coldest time of what happens from the day'.⁶⁷

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَرْدَاسٍ عَنْ سَعْدَانَ بْنِ مُسْلِمٍ عَنْ بَعْضِ أَصْحَابِنَا قَالَ خَرَجَ أَبُو الْحَسَنِ (عَلَيْهِ السَّلَامُ) فِي بَعْضِ حَوَائِجِهِ فَمَرَّ بِرَجُلٍ يُحَدِّثُ فِي الشِّتَاءِ فَقَالَ سُبْحَانَ اللَّهِ مَا يَنْبَغِي هَذَا فَقُلْتُ وَ لِهَذَا حَدٌّ قَالَ نَعَمْ يَنْبَغِي لِمَنْ يُحَدِّثُ فِي الشِّتَاءِ أَنْ يُحَدِّثَ فِي حَرِّ النَّهَارِ وَ لِمَنْ حَدٌّ فِي الصَّيْفِ أَنْ يُحَدِّثَ فِي بَرْدِ النَّهَارِ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Ali Bin Mardas, from Sa'dan Bin Muslim, from one of our companions who said,

'Abu Al-Hassan^{asws} went out for one of his^{asws} needs, so he^{asws} passed by a man being penalised during the winter. So he^{asws} said: 'Glory be to Allah^{azwj}! This is not befitting!' So I said, 'And for this is a Penalty (*Hadd*)?' He^{asws} said: 'It befits the man applying the Penalty (*Hadd*) during the winter that he applies ip during the heat of the day, and for the one who applies a Penalty (*Hadd*) during the summer, is that he should apply it during the coldness of the day'.⁶⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) لَا يُقَامُ عَلَى أَحَدٍ حَدٌّ بِأَرْضِ الْعَدُوِّ .

Ali Bin Ibrahim, from his father, from Ibn Fazzal, from Yunus Bin Yaqoub, from Abu Maryam,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} said: 'A Penalty (*Hadd*) would not be established upon anyone in the land of the enemy'.⁶⁹

بَابُ أَنْ شَارِبَ الْخَمْرِ يُقْتَلُ فِي الثَّلَاثَةِ

Chapter 33 – The drinker of the wine would be killed during the third (offence)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ يُونُسَ بْنِ الْمُعَلَّى عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ كَانَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِذَا أَتَى بِشَارِبِ الْخَمْرِ ضَرَبَهُ ثُمَّ إِنْ أَتَى بِهِ تَأْيِيَةً ضَرَبَهُ ثُمَّ إِنْ أَتَى بِهِ ثَلَاثَةً ضَرَبَ عُنُقَهُ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Al Moala, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww}, whenever they came with a drinker of the wine, would whip him. Then if they came with him for a second time, he^{saww} would whip him. They if they came up with him for a third time, he^{saww} would strike his neck'.⁷⁰

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ مَنْ شَرِبَ الْخَمْرَ فَاجْلِدُوهُ فَإِنْ عَادَ فَاجْلِدُوهُ فَإِنْ عَادَ فَاقْتُلُوهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Mansour Bin Hazim, from Abu Ubeyda,

⁶⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 32 H 2

⁶⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 32 H 3

⁶⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 32 H 4

⁷⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 33 H 1

(It has been narrated) from Abu Abdullah^{asws} having said: 'The one who drinks the wine, so whip him. So if he repeats, so whip him. So if he repeats, so kill him'.⁷¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَنْ شَرِبَ الْخَمْرَ فَاجْلِدُوهُ فَإِنْ عَادَ فَاجْلِدُوهُ فَإِنْ عَادَ الثَّلَاثَةَ فَاقْتُلُوهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Hisham Bin Salim, from Suleyman Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'The one who drinks the wine, so whip him. So if he repeats, so whip him. So if he repeats for the third time, so kill him'.⁷²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَدِيدٍ وَابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي شَارِبِ الْخَمْرِ إِذَا شَرِبَ ضَرْبَ فَإِنْ عَادَ ضَرْبَ فَإِنْ عَادَ قُتِلَ فِي الثَّلَاثَةِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Hadeed, and Ibn Abu Umeyr, from Jameel Bin Darraj,

(It has been narrated) from Abu Abdullah^{asws} having said with regards to the drinker of the wine: 'When he drinks, he is whipped. So if he repeats, he is whipped. So if he repeats, he is killed during the third (offence)'.⁷³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بصيرٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ مَنْ شَرِبَ الْخَمْرَ فَاجْلِدُوهُ فَإِنْ عَادَ فَاجْلِدُوهُ فَإِنْ عَادَ فَاقْتُلُوهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali, from Is'haq Bin Ammar, from Abu Baseer,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'The one who drinks the wine, so whip him. So if he repeats, so whip him. So if he repeats, so kill him'.⁷³

مُحَمَّدُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ صَفْوَانَ عَنْ يُونُسَ عَنْ أَبِي الْحَسَنِ الْمَاضِي (عَلَيْهِ السَّلَام) قَالَ أَصْحَابُ الْكِبَائِرِ كُلِّهَا إِذَا أُقِيمَ عَلَيْهِمُ الْحُدُودُ مَرَّتَيْنِ قُتِلُوا فِي الثَّلَاثَةِ .

Muhammad, from Ahmad Bin Muhammad, from Safwan, from Yunus,

(It has been narrated) from Abu Al-Hassan Al-Maazy^{asws} (7th Imam^{asws}) having said: 'The committers of the major sins, all of them, the Penalty (*Hadd*) would be established upon them twice. They would be killed during the third'.⁷⁴

بَاب مَا يَجِبُ عَلَى مَنْ أَقْرَّ عَلَى نَفْسِهِ بِحَدٍّ وَ مَنْ لَا يَجِبُ عَلَيْهِ الْحَدُّ

⁷¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 33 H 2

⁷² Al Kafi – V 7 – The Book of Legal Penalties Ch 33 H 3

⁷³ Al Kafi – V 7 – The Book of Legal Penalties Ch 33 H 5

⁷⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 33 H 6

Chapter 34 – What Penalty (*Hadd*) is Obligated upon the one who accepts upon himself (confesses), and the one upon whom the Penalty (*Hadd*) is not Obligated

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَقْرَّ عَلَى نَفْسِهِ بِحَدٍّ وَ لَمْ يُسَمِّ أَيَّ حَدٍّ هُوَ قَالَ أَمَرَ أَنْ يُجْلَدَ حَتَّى يَكُونَ هُوَ الَّذِي يَنْهَى عَنْ نَفْسِهِ [فِي] الْحَدِّ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, altogether from Ibn Abu Najran, from Aaim Bin Humejd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws}, from Amir Al-Momineen^{asws} regarding a man who accepted upon himself with a Penalty (*Hadd*), and he did not name which Penalty (*Hadd*) it was. He^{asws} said: 'He would be whipped until it so happens that he is the one who prevents the Penalty (*Hadd*) from himself'.⁷⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَدِيدٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي رَجُلٍ أَقْرَّ عَلَى نَفْسِهِ بِالزَّانِي أَرْبَعَ مَرَّاتٍ وَ هُوَ مُحْصَنٌ يُرْجَمُ إِلَى أَنْ يَمُوتَ أَوْ يُكَدِّبَ نَفْسَهُ قَبْلَ أَنْ يُرْجَمَ فَيَقُولَ لَمْ أَفْعَلْ فَإِنْ قَالَ ذَلِكَ تَرَكَ وَ لَمْ يُرْجَمَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Hadeed, from Jameel Bin Darraj, from one of our companions,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding a man who accepted upon himself with the adultery, four times, and he was married, that he would he be stoned until he dies, or he (admits) lying before he is stoned, so he is saying, 'I did not do it'. So if he were to say that, he would be left alone and would not be stoned'.

وَ قَالَ لَا يُفْطَعُ السَّارِقُ حَتَّى يُقَرَّ بِالسَّرِقَةِ مَرَّتَيْنِ فَإِنْ رَجَعَ ضَمِنَ السَّرِقَةَ وَ لَمْ يُفْطَعْ إِذَا لَمْ يَكُنْ شَهِودٌ

And he^{asws} said: 'The thief would not be cut until he accepts with the theft, twice. So if he retracts responsibility of the theft, he would not be cut if there do not happen to be any witnesses'.

وَ قَالَ لَا يُرْجَمُ الزَّانِي حَتَّى يُقَرَّ أَرْبَعَ مَرَّاتٍ بِالزَّانِي إِذَا لَمْ يَكُنْ شَهِودٌ فَإِنْ رَجَعَ تَرَكَ وَ لَمْ يُرْجَمَ .

And he^{asws} said: 'The adulter would not be stoned until he accepts four times with the adultery, when there do not happen to be witnesses. So if he were to retract, he would be left alone and would not be stoned'.⁷⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا أَقْرَّ الرَّجُلُ عَلَى نَفْسِهِ بِحَدٍّ أَوْ فَرِيَةٍ تَمَّ جَدُّ جُلْدٍ فَلْتُ أَرَأَيْتَ إِنْ أَقْرَّ بِحَدٍّ عَلَى نَفْسِهِ يَبْلُغُ فِيهِ الرَّجْمُ أَ كُنْتَ تَرَجُمُهُ قَالَ لَا وَ لَكِنْ كُنْتُ ضَارِبَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad Bin Usman, from Al Halby,

⁷⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 34 H 1

⁷⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 34 H 2

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man accepts upon himself with a Penalty (Hadd), or fabrication, then denies it, would be whipped'. I said, 'What is your view that if he accepts with a Penalty (Hadd) upon himself, in which stoning is reached, would you^{asws} have him stoned?' He^{asws} said: 'No. But, I^{asws} would have whipped him'.⁷⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ أَبِي عَدِيٍّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَقْرَ عَلَى نَفْسِهِ بِحَدٍّ ثُمَّ جَدَّ بَعْدَ فَقَالَ إِذَا أَقْرَ عَلَى نَفْسِهِ عِنْدَ الْإِمَامِ أَنَّهُ سَرَقَ ثُمَّ جَدَّ قَطَعَتْ يَدُهُ وَإِنْ رَغِمَ أَنْفُهُ فَإِنْ أَقْرَ عَلَى نَفْسِهِ أَنَّهُ شَرِبَ خَمْرًا أَوْ بَفَرِيَةٍ فَاجْلِدُوهُ ثَمَانِينَ جَلْدَةً فَلْتُ فَإِنْ أَقْرَ عَلَى نَفْسِهِ بِحَدٍّ يَجِبُ فِيهِ الرَّجْمُ أَ كُنْتُ رَاجِمَهُ قَالَ لَا وَ لَكِنْ كُنْتُ ضَارِبَهُ الْحَدَّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Aban, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who accepted upon himself with a Penalty (Hadd), then denied it afterwards. So he^{asws} said: 'When he accepted upon himself in the presence of the Imam^{asws} that he had stolen, then denie, his hand would be cut in spite of his nose (haughtiness). So if he were to accept upon himself that he has drunk wine, or fabricated, so he would be whipped eighty lashes'. I said, 'So if he were to accept upon himself with a Penalty (Hadd) in which the stoning is Obligated, would you^{asws} have him stoned?' He^{asws} said: 'No. But I^{asws} would have whipped him the Penalty (Hadd)'.⁷⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ مَنْ أَقْرَ عَلَى نَفْسِهِ بِحَدٍّ أَقْمَنُ عَلَيْهِ إِلَّا الرَّجْمَ فَإِنَّهُ إِذَا أَقْرَ عَلَى نَفْسِهِ ثُمَّ جَدَّ لَمْ يُرْجَمَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abu Ayoub, from Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The one who accepts upon himself with a Penalty (Hadd), it would be established upon him, except for the stoning. So if he were to accept upon himself, then deny, he would not be stoned'.⁷⁹

عَلِيُّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) أَنَّهُ قَالَ إِذَا أَقْرَ الرَّجُلُ عَلَى نَفْسِهِ بِالْقَتْلِ قَتِلَ إِذَا لَمْ يَكُنْ عَلَيْهِ شَهُودٌ فَإِنْ رَجَعَ وَ قَالَ لَمْ أَفْعَلْ تُرِكَ وَ لَمْ يُقْتَلْ .

Ali, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, from one of his companions,

(It has been narrated) from one of the two^{asws} (5th or 6th Imam^{asws}) having said: 'When the man accepts upon himself with the murder, he would be killed if there do not happen to be witnessed. So if he were to retract (his confession), and says, 'I did not do it', he would be left alone and would not be killed'.⁸⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ عَنْ ضَرِيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الْعَبْدُ إِذَا أَقْرَ عَلَى نَفْسِهِ عِنْدَ الْإِمَامِ مَرَّةً أَنَّهُ قَدْ سَرَقَ قَطَعَهُ وَ الْأَمَةُ إِذَا أَقْرَتْ عَلَى نَفْسِهَا بِالسَّرِقَةِ قَطَعَهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Zureys,

⁷⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 34 H 3

⁷⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 34 H 4

⁷⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 34 H 5

⁸⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 34 H 6

(It has been narrated) from Abu Ja'far^{asws} having said: 'The slave, when he accepts once upon himself in the present of the Imam^{asws} that he has stolen, he would be cut, and the slave girl, when she accepts upon herself with the theft, would be cut'.⁸¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ السَّارِقُ إِذَا جَاءَ مِنْ قَبْلِ نَفْسِهِ تَائِبًا إِلَى اللَّهِ عَزَّ وَجَلَّ وَرَدَّ سِرْقَتَهُ عَلَى صَاحِبِهَا فَلَا قَطْعَ عَلَيْهِ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The thief, when he comes from his own self, repentant to Allah^{azwj} Mighty and Majestic, and returns the stolen goods to its owner, so there is not cutting (of the hand) upon him'.⁸²

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنِ الْفُضَيْلِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ مَنْ أَقْرَّ عَلَى نَفْسِهِ عِنْدَ الْإِمَامِ بِحَقِّ أَحَدٍ مِنْ حُقُوقِ الْمُسْلِمِينَ فَلَيْسَ عَلَى الْإِمَامِ أَنْ يُقِيمَ عَلَيْهِ الْحَدَّ الَّذِي أَقْرَّ بِهِ عِنْدَهُ حَتَّى يَحْضُرَ صَاحِبُ حَقِّ الْحَدِّ أَوْ وَلِيُّهُ فَيُطْلَبُهُ بِحَقِّهِ .

Ibn Mahboub, from Abu Ayoub, from Al Fuzayl Bin Yasaar,

(It has been narrated) from Abu Abdullah^{asws}: 'The one who accepts upon himself in the presence of the Imam^{asws} with a right of someone from the rights of the Muslims, so it is not upon the Imam^{asws} that he^{asws} should established the Penalty (*Hadd*) upon him, the one who accepted with it in his^{asws} presence, until the owner of the right is present, or his guardian, so he seeks his right'.⁸³

بَابُ قِيَمَةِ مَا يُقَطَّعُ فِيهِ السَّارِقُ

Chapter 35 – The value with regards to which the thief would be cut

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ يُونُسَ عَنْ سَمَاعَةَ بْنِ مَهْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَطَّعَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي بَيْضَةٍ قُلْتُ وَ مَا بَيْضَةٌ قَالَ بَيْضَةٌ قِيَمَتُهَا رُبْعُ دِينَارٍ وَ قُلْتُ هُوَ أَذْنَى حَدِّ السَّارِقِ فَسَكَتَ .

Ali Bin Ibrahim, from Muhammad Bin Isa Bin Ubeyd, from Yunus, from Sama'at Bin Mahran,

Abu Abdullah^{asws} has said: 'Amir Al-Momineen^{asws} used to cut regarding a 'Bayza'. I said, 'And what is a 'Bayza' (a helmet)?' He^{asws} said: 'A Bayza, its value is a quarter Dinar'. And I said, 'Is it the lowest (value) for a Penalty (*Hadd*) of a thief?' So he^{asws} was silent (in agreement)'.⁸⁴

عَنْهُ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا يُقَطَّعُ يَدُ السَّارِقِ إِلَّا فِي شَيْءٍ تَبْلُغُ قِيَمَتُهُ مَجْتًا وَ هُوَ رُبْعُ دِينَارٍ .

From him, from Abdullah Bin Sinan,

⁸¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 34 H 7

⁸² Al Kafi – V 7 – The Book of Legal Penalties Ch 34 H 8

⁸³ Al Kafi – V 7 – The Book of Legal Penalties Ch 34 H 9

⁸⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 35 H 1

(It has been narrated) from Abu Abdullah^{asws} having said: ‘The hand of the thief would not be cut regards to anything except if it reaches the value of a *Mijanna*, and it is a quarter of a Dinar’.⁸⁵

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يُفْطَعُ يَدُ السَّارِقِ حَتَّى تَبْلُغَ سِرْقَتُهُ رُبْعَ دِينَارٍ وَ قَدْ قَطَعَ عَلِيُّ (صَلَوَاتُ اللَّهِ عَلَيْهِ) فِي بَيْضَةِ حَدِيدٍ

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Qasim Bin Muhammad, from Ali Bin Abu Hamza,

Abu Abdullah^{asws} has said: ‘The hand of the thief must not be cut until his theft reaches a quarter of a Dinar; and Ali^{asws} had cut regarding an iron helmet (Bayza)’.

قَالَ عَلِيُّ وَ قَالَ أَبُو بَصِيرٍ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ أَدْنَى مَا يُفْطَعُ فِيهِ السَّارِقُ فَقَالَ فِي بَيْضَةِ حَدِيدٍ قُلْتُ وَ كَمْ تَمَنَّا قَالَ رُبْعَ دِينَارٍ .

Ali (Bin Abu Hamza) said, and Abu Baseer said, ‘I asked Abu Abdullah^{asws} about the lower of what regards to which the thief’s (hand) is cut, so he^{asws} said: ‘An iron helmet (Bayza)’. I said, ‘And how much is its price?’ He^{asws} said: ‘A quarter of a Dinar’.⁸⁶

عَلِيُّ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ حُمْرَانَ وَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ جَمِيعاً عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ أَدْنَى مَا يُفْطَعُ فِيهِ يَدُ السَّارِقِ خُمْسُ دِينَارٍ .

Ali, from Muhammad Bin Isa, from Yunus, from Muhammad Bin Humran, and from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, altogether from Muhammad Bin Muslim,

Abu Ja’far^{asws} has said: ‘The lowest of that with regards to which the hand of the thief would be cut, is five Dinars’.⁸⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبَانَ بْنِ عُمَانَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ أَقَلُّ مَا يُفْطَعُ فِيهِ الرَّجُلُ خُمْسُ دِينَارٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from one of his companions, from Aban Bin Usman, from Zurara,

(It has been narrated) from Abu Ja’far^{asws} having said: ‘The lowest of what with regards to which the man is cut, is five Dinars’.⁸⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي كَمْ يُفْطَعُ السَّارِقُ فَقَالَ فِي رُبْعِ دِينَارٍ قَالَ قُلْتُ لَهُ فِي دَرَمَيْنِ فَقَالَ فِي رُبْعِ دِينَارٍ بَلَعَ الدِّينَارُ مَا بَلَغَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub, from Muhammad Bin Muslim who said,

‘I said to Abu Abdullah^{asws}, ‘Regarding how much would the thief’s (hand) be cut?’ So he^{asws} said: ‘Regarding a quarter of a Dinaar’. I said to him^{asws}, ‘Regarding to

⁸⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 35 H 2

⁸⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 35 H 3

⁸⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 35 H 4

⁸⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 35 H 5

Dirhams?’ So he^{asws} said: ‘Regarding a quarter of a Dinar, the (value of the) Dinar reaching what it reaches’.

قَالَ فَقُلْتُ لَهُ أَرَأَيْتَ مَنْ سَرَقَ أَقْلَ مِنْ رُبْعِ دِينَارٍ هَلْ يَفْعُ عَلَيْهِ حِينَ سَرَقَ اسْمُ السَّارِقِ وَ هَلْ هُوَ عِنْدَ اللَّهِ سَارِقٌ فِي تِلْكَ الْحَالِ فَقَالَ كُلُّ مَنْ سَرَقَ مِنْ مُسْلِمٍ شَيْئاً قَدْ حَوَاهُ وَ أَحْرَزَهُ فَهُوَ يَفْعُ عَلَيْهِ اسْمُ السَّارِقِ وَ هُوَ عِنْدَ اللَّهِ سَارِقٌ وَ لَكِنْ لَا يُقَطُّ إِلَّا فِي رُبْعِ دِينَارٍ أَوْ أَكْثَرَ وَ لَوْ قُطِعَتْ أَيْدِي السَّرَاقِ فِيمَا هُوَ أَقْلٌ مِنْ رُبْعِ دِينَارٍ لَأَلْفَيْتَ عَامَّةَ النَّاسِ مُقَطَّعِينَ .

He (the narrator) said, ‘So I said to him^{asws}, ‘What is your^{asws} view of the one who steals less than a quarter of a Dinar when he steals, he would be named as a thief, and is he a thief in the Presence of Allah^{azwj} in that state?’ So he^{asws} said: ‘Every one who steals anything from a Muslim, so he has taken it and kept it in his possession, so upon him would occur the name of the thief, and he would be a thief in the Presence of Allah^{azwj}, but, his hand would not be cut except with regards to a quarter of a Dinar, or more. And if the hands of the thief were to be cut regarding what is less than a quarter of a Dinar, you would find the generality of the people as being (hand) cut’.⁸⁹

بَابُ حَدِّ الْقَطْعِ وَ كَيْفَ هُوَ

Chapter 36 – Penalty (Hadd) of the cutting, and how it is to be

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ مِنْ أَيْنَ يَجِبُ الْقَطْعُ فَبَسَطَ أَصَابِعَهُ وَ قَالَ مِنْ هَاهُنَا يَعْنِي مِنْ مَفْصِلِ الْكَفِّ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Abu Umeyr, from Hammad, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, said, ‘I said to him^{asws}, ‘From where is the cutting (of the hand) Obligated?’ So he^{asws} extended his fingers and said: ‘For over here, meaning from the hinge of the palm’.⁹⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الْقَطْعُ مِنْ وَسْطِ الْكَفِّ وَ لَا يُقَطُّ الْإِبْهَامُ وَ إِذَا قُطِعَتِ الرَّجْلُ تَرَكَ الْعُقُوبَ لَمْ يُقَطَّعْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ali Bin Abu Hamza, from Abu baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘The cutting (of the hand) is from the middle of the palm, and the thumb is not cut; and when the foot is cut, the heel is not cut’.⁹¹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبَانَ بْنِ عُمَانَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ كَانَ عَلِيٌّ (صَلَوَاتُ اللَّهِ عَلَيْهِ) لَا يَزِيدُ عَلَى قَطْعِ الْيَدِ وَ الرَّجْلِ وَ يَقُولُ إِنِّي لَأَسْتَحْيِي مَنْ رَبِّي أَنْ أَدْعَهُ لَيْسَ لَهُ مَا يَسْتَنْجِي بِهِ أَوْ يَنْظُرُ بِهِ

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama’at, from someone else, from Aban Bin Usman, from Zurara,

⁸⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 35 H 6

⁹⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 1

⁹¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 2

(It has been narrated) from Abu Ja'far^{asws} having said: 'Ali^{asws} did not increased upon cutting of the hand and the leg, and he^{asws} was saying, I^{asws} am embarassed from my^{asws} Lord^{azwj} that I^{asws} should leave him not having for him what he can wash himself with (from toilet), or clean himself with'.

قَالَ وَ سَأَلْتُهُ إِنْ هُوَ سَرَقَ بَعْدَ قَطْعِ الْيَدِ وَالرَّجْلِ فَقَالَ أَسْتَوِدِعُهُ السِّجْنَ أَبَدًا وَ أُغْنِي عَنِ النَّاسِ شَرَّهُ .

He (the narrator) said, 'And I asked him^{asws}, 'If he were to steal after cutting of the hand and the leg?' So he^{asws} said: 'I^{asws} would leave him in the prison forever, and make the people to be free from his evil'.⁹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعًا عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي السَّارِقِ إِذَا سَرَقَ قَطَعْتُ يَمِينَهُ وَ إِذَا سَرَقَ مَرَّةً أُخْرَى قَطَعْتُ رِجْلَهُ الْيُسْرَى ثُمَّ إِذَا سَرَقَ مَرَّةً أُخْرَى سَجَّنْتُهُ وَ تَرَكْتُ رِجْلَهُ الْيُمْنَى يَمْشِي عَلَيْهَا إِلَى الْغَائِطِ وَ يَدُهُ الْيُسْرَى يَأْكُلُ بِهَا وَ يَسْتَنْجِي بِهَا وَ قَالَ إِنِّي لَأَسْتَحْيِي مِنَ اللَّهِ أَنْ أَتْرُكَهُ لَا يَنْتَفِعُ بِشَيْءٍ وَ لَكِنِّي أَسْجُنُهُ حَتَّى يَمُوتَ فِي السِّجْنِ

Ali Bin Ibrahim, from his father, and a number of our companions, from Sahl Bin Ziyad, altogether from Ibn Abu Najran, from Aasim Bin Humeid, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding the thief: 'When he steals, cut off his right hand, and when he steals again, cut off his left leg. Then if he were to steal again, imprison him and leave his right leg to walk upon it to the WC, and his left hand, he can eat with it, and wash himself (from the WC) with it'. And he^{asws} said: 'I^{asws} am embarassed from Allah^{azwj} that I^{asws} would leave him not being able to do anything, but I^{asws} would imprison him until he dies in the prison'.

وَ قَالَ مَا قَطَعُ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مِنْ سَارِقٍ بَعْدَ يَدِهِ وَ رِجْلِهِ .

And he^{asws} said: 'Rasool-Allah^{saww} did not cut (anymore) from a thief after (having cut) his hand and his leg'.⁹³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنِ الْقَاسِمِ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ سَرَقَ فَقَالَ سَمِعْتُ أَبِي يَقُولُ أَتَيْتُ عَلِيًّا (عَلَيْهِ السَّلَامُ) فِي زَمَانِهِ بِرَجُلٍ قَدْ سَرَقَ فَقَطَعُ يَدَهُ ثُمَّ أَتَيْتُ بِهِ ثَانِيَةً فَقَطَعُ رِجْلَهُ مِنْ خِلَافِ ثُمَّ أَتَيْتُ بِهِ ثَالِثَةً فَخَلَدَهُ فِي السِّجْنِ وَ أَنْفَقَ عَلَيْهِ مِنْ نَيْتِ مَالِ الْمُسْلِمِينَ وَ قَالَ هَكَذَا صَنَعَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا أَخَالَفُهُ .

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd, from Al Qasim,

(the narrator) says, 'I asked Abu Abdullah^{asws} about a man who stole, so he^{asws} said: 'I^{asws} heard my^{asws} father^{asws} saying, 'They came with a man who had stolen, to Ali^{asws} during his^{asws} era. So he^{asws} cut his hand. They came with him for a second time, so he^{asws} cut his opposite leg (left leg). Then they came with him for a third time, so he^{asws} imprisoned him for life, and spent upon him from the public treasury

⁹² Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 3

⁹³ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 4

of the Muslims and said: 'This is what Rasool-Allah^{saww} used to do. I^{asws} will not oppose him^{saww}'.⁹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ شُعَيْبِ بْنِ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَطَعَ رَجُلٌ السَّارِقَ بَعْدَ قَطْعِ الْيَدِ ثُمَّ لَا يُقَطَعُ بَعْدَ فَإِنْ عَادَ حَبَسَ فِي السِّجْنِ وَ أَنْفَقَ عَلَيْهِ مِنْ بَيْتِ مَالِ الْمُسْلِمِينَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan Bin Yahy, from Shuayb, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Cut the thieving man after cutting the hand, then do not cut afterwards. So if he repeats, withhold him in the prison, and spend upon him from the public treasury of the Muslims'.⁹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي رَجُلٍ أَمَرَ بِهِ أَنْ يُقَطَعَ يَمِينُهُ فَقَدَّمَتْ شِمَالُهُ فَقَطَعُوهَا وَ حَسَبُوهَا يَمِينَهُ وَ قَالُوا إِنَّمَا قَطَعْنَا شِمَالَهُ أَوْ قَطَعُ يَمِينَهُ قَالَ فَقَالَ لَا يُقَطَعُ يَمِينُهُ وَ قَدْ قَطَعَتْ شِمَالَهُ وَ قَالَ فِي رَجُلٍ أَخَذَ بَيْضَهُ مِنَ الْمَعْنَمِ وَ قَالُوا قَدْ سَرَقَ اقْطَعُوهُ فَقَالَ إِنِّي لَمْ أَقْطَعْ أَحَدًا لَهُ فِيمَا أَخَذَ شِرْكًا .

Ali Bin Ibrahim, from his father, and a number of our companions, from Sahl Bin Ziyad, altogether from Ibn Abu Najran, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a man whom he^{asws} ordered for his right hand to be cut. So he placed forward his left hand, so they cut it off, and reckoned it as his right, and they said, 'But rather, we have cut off his left, shall his right be cut off (as well)?' So he^{asws} said: 'His right hand would not be cut off, and his left has already been cut'. And he^{asws} said regarding a man who took a helmet from the war booty, and they said, 'He has stolen, so cut him'. So he^{asws} said: 'I^{asws} would not cut any who is a participant in what he has taken'.⁹⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ بْنِ مِهْرَانَ قَالَ إِذَا أَخَذَ السَّارِقُ قُطِعَتْ يَدُهُ مِنْ وَسْطِ الْكَفِّ فَإِنْ عَادَ قُطِعَتْ رِجْلُهُ مِنْ وَسْطِ الْقَدَمِ فَإِنْ عَادَ اسْتُودِعَ السِّجْنَ فَإِنْ سَرَقَ فِي السِّجْنِ قُتِلَ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from usman Bin Isa, from Sama'at Bin Mahran who said,

'When the thief is seized, cut his hand from the middle of the palm. So if he were to repeat, cut his left foot from the middle. So if he repeats, leave him in the prison. So if he steals in the prison, kill (him)'.⁹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ سَرَقَ سَرِقَةً فَكَابَرَ عَنْهَا فَضْرِبَ فَجَاءَ بِهَا بِعَيْنَيْهَا هَلْ يَجِبُ عَلَيْهِ الْقَطْعُ قَالَ نَعَمْ وَ لَكِنْ لَوْ اعْتَرَفَ وَ لَمْ يَجِئْ بِالسَّرِقَةِ لَمْ نُقَطِعْ يَدَهُ لِأَنَّهُ اعْتَرَفَ عَلَى الْعَذَابِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim, from Suleyman Bin Khalid who said,

⁹⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 5

⁹⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 6

⁹⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 7

⁹⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 8

'I asked Abu Abdullah^{asws} about a man who stole something, but he argued from it. So he was whipped. So he came with it (the stolen item) exactly. Would the cutting be Obligated upon him?' He^{asws} said: 'Yes. But, had he acknowledged, and did not come with the stolen item, his hand would not be cut, because he would have acknowledged (his theft) upon the punishment'.⁹⁸

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ نَقَبَ بَيْتًا فَأَخَذَ قَبْلَ أَنْ يَصِلَ إِلَى شَيْءٍ قَالَ يُعَاقَبُ فَإِنْ أَخَذَ وَ قَدْ أَخْرَجَ مَتَاعًا فَعَلَيْهِ الْقَطْعُ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby who said,

'I asked Abu Abdullah^{asws} about a man who pierced a hole in a house (to steal), but he was seized before he could arrive to anything. He^{asws} said: 'He would be punished. So if he was seized and he had extracted goods (from the house), so upon him would be the cutting (of the hand)'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ أَخَذُوهُ وَ قَدْ حَمَلَ كَارَةً مِنْ تِيَابٍ وَ قَالَ صَاحِبُ الْبَيْتِ أَعْطَانِيهَا قَالَ يُدْرَأُ عَنْهُ الْقَطْعُ إِلَّا أَنْ يَفُومَ عَلَيْهِ النَّبِيَّةُ فَإِنْ قَامَتِ النَّبِيَّةُ عَلَيْهِ فَطُوعَ

He (the narrator) said, 'And I asked him^{asws} about a man who was seized and he was carrying a bundle of clothes, and said that the owner of the house had given these to him'. He^{asws} said: 'The cutting would be staved off from him except if the proof is established upon him. So if the proof is established upon him, his (hand) would be cut'.

قَالَ وَ يُطَعُّ الْيَدُ وَ الرَّجُلُ ثُمَّ لَا يُطَعُّ بَعْدَ وَ لَكِنْ إِنْ عَادَ حُبَسَ وَ أَنْفَقَ عَلَيْهِ مِنْ بَيْتِ مَالِ الْمُسْلِمِينَ .

He^{asws} said: 'The hand and the leg would be cut, then no other (parts) of his be cut afterwards, but if he were to repeat, he would be imprisoned and would be expended upon from the public treasury of the Muslims'.⁹⁹

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي السَّارِقِ إِذَا أَخَذَ وَ قَدْ أَخَذَ الْمَتَاعَ وَ هُوَ فِي الْبَيْتِ لَمْ يَخْرُجْ بَعْدُ فَقَالَ لَيْسَ عَلَيْهِ الْقَطْعُ حَتَّى يَخْرُجَ بِهِ مِنَ الدَّارِ .

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 the thief: 'When he is seized and he has taken the goods, and he is in the house and not having come out. So he^{asws} said: 'There is no cutting upon him until he comes out with it (the goods) from the house'.¹⁰⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ بُكَيْرِ بْنِ أَعْيَنَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي رَجُلٍ سَرَقَ فَلَمْ يُقَدَّرْ عَلَيْهِ ثُمَّ سَرَقَ مَرَّةً أُخْرَى فَلَمْ يُقَدَّرْ عَلَيْهِ وَ سَرَقَ مَرَّةً أُخْرَى فَأَخَذَ فَجَاءَتِ النَّبِيَّةُ فَشَهِدُوا عَلَيْهِ بِالسَّرِقَةِ الْأُولَى وَ السَّرِقَةِ الْأُخَيْرَةِ فَقَالَ تُقَطَّعُ يَدُهُ بِالسَّرِقَةِ الْأُولَى وَ لَا تُقَطَّعُ رِجْلُهُ بِالسَّرِقَةِ الْأُخَيْرَةِ فَبَيَّنَ كَيْفَ ذَلِكَ فَقَالَ لِأَنَّ الشُّهُودَ شَهِدُوا جَمِيعاً فِي مَقَامٍ وَاحِدٍ بِالسَّرِقَةِ الْأُولَى وَ الْأُخَيْرَةِ قَبْلَ أَنْ يُقَطَّعَ بِالسَّرِقَةِ الْأُولَى وَ لَوْ أَنَّ الشُّهُودَ شَهِدُوا عَلَيْهِ بِالسَّرِقَةِ الْأُولَى ثُمَّ أَمْسَكُوا حَتَّى يُقَطَّعَ ثُمَّ شَهِدُوا عَلَيْهِ بِالسَّرِقَةِ الْأُخَيْرَةِ فَطُوعَتْ رِجْلُهُ الْيُسْرَى .

⁹⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 9

⁹⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 10

¹⁰⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 11

A number of our companions, from Sahl Bin Ziyad and Ali Bi Ibrahim, from his father, altogether from Ibn Mahboub, from Abdul Rahman Bin Al Hajjaj, from Bukeyr Bin Ayn,

(It has been narrated) from Abu Ja'far^{asws} regarding a man who stole but they were not able over (catching him). Then he stole again but they were not able over (catching) him, and he stole again, so he was seized. So the proof came, and they (witnesses) testified against him with the earlier ones and the last theft. So he^{asws} said: 'His hand would be cut due to the first theft and his leg would not be cut due to the second theft'. So it was said, 'So how come that is so?' So he^{asws} said: 'Because the witnessed testified together in one place with the first theft and the last one, before he had been cut due to the first theft. And had the witnesses testified against him with the first theft, then waited until he was cut, then testified against him with the last theft, his left leg would be cut'.¹⁰¹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي إِبْرَاهِيمَ (عَلَيْهِ السَّلَام) قَالَ نُقَطَعُ يَدُ السَّارِقِ وَ يَنْزَعُ إِيَّاهُ وَ صَدْرُ رَاحَتِهِ وَ تُقَطَعُ رِجْلُهُ وَ تَنْزَعُ لَهُ عَقِبُهُ يَمْشِي عَلَيْهَا .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Is'haq Bin Ammar,

(It has been narrated) from Abu Ibrahim^{asws} (7th Imam^{asws}) having said: 'The hand of the thief would be cut and his thumb would be left alone along with the centre of the palm; and his leg would be cut and his sole would be left alone so he can walk upon it'.¹⁰²

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَتَيْتُ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) بِرَجَالٍ قَدْ سَرَقُوا فَفَطَعْتُ أَيْدِيَهُمْ ثُمَّ قَالَ إِنَّ الَّذِي بَانَ مِنْ أَجْسَادِكُمْ قَدْ وَصَلَ إِلَى النَّارِ فَإِنْ تَتُوبُوا تَجْرُوهَا وَ إِنْ لَمْ تَتُوبُوا تَجْرَكُمْ .

A number of our companions, from Ahmad Bin Abu Abdullah, from Usman Bin Isa, from Sama'at who said,

'Abu Abdullah^{asws} said: 'They came to Amir Al-Momineen^{asws} with men who had stolen. So he cut their hands, then said: 'That which has spearated from your bodies has arrived to the fire. So if you were to repent, you would pull it (out from the Fire of Hell), and if you do not repent, it would pull you (into the Fire of Hell)'.¹⁰³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ يُونُسَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِذَا سَرَقَ السَّارِقُ قُطِعَتْ يَدُهُ وَ عُرِّمَ مَا أَخَذَ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Mansour Bin Hazim, from Suleyman Bin Khalid who said,

'Abu Abdullah^{asws} said: 'When thief steals, his hand it cut, and he has to compensate for whatever he has taken (stolen)'.¹⁰⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ أَشَلَّ الْيَدَ الْيُمْنَى أَوْ أَشَلَّ الْيَدَ الشَّمَالِ سَرَقَ قَالَ نُقَطَعُ يَدُهُ الْيُمْنَى عَلَى كُلِّ حَالٍ .

¹⁰¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 12

¹⁰² Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 13

¹⁰³ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 14

¹⁰⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 15

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} regarding a man with a crippled right hand, or a crippled left hand, steals'. He^{asws} said: 'His right hand would be cut upon every state'.¹⁰⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ أَبِيهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ أَخْبِرْنِي عَنِ السَّارِقِ لِمَ تُقَطَّعُ يَدُهُ الْيُمْنَى وَرِجْلُهُ الْيُسْرَى وَ لَا تُقَطَّعُ يَدُهُ الْيُمْنَى وَ رِجْلُهُ الْيُمْنَى فَقَالَ (عَلَيْهِ السَّلَام) مَا أَحْسَنَ مَا سَأَلْتَ إِذَا قُطِعَتْ يَدُهُ الْيُمْنَى وَ رِجْلُهُ الْيُمْنَى سَقَطَ عَلَى جَانِبِهِ الْاَيْسَرِ وَ لَمْ يَقْدِرْ عَلَى الْقِيَامِ فَإِذَا قُطِعَتْ يَدُهُ الْيُمْنَى وَ رِجْلُهُ الْيُسْرَى اعْتَدَلَ وَ اسْتَوَى قَائِمًا

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from his father,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said to him^{asws}, 'Inform me about the thief, why is his right hand and his left leg cut, and his right hand and his right leg is not cut?' So he^{asws} said: 'How good is what you have asked. When his right hand and right leg is cut, he would fall upon his left side, and he would not be able to stand. So when his right hand and his left leg are cut, he would balance and be able to stand straight'.

قُلْتُ لَهُ جُعِلَتْ فِدَاكَ وَ كَيْفَ يَقُومُ وَ قَدْ قُطِعَتْ رِجْلُهُ قَالَ إِنَّ الْأَقْطَعَ لَيْسَ مِنْ حَيْثُ رَأَيْتَ يُقَطَّعُ إِنَّمَا يُقَطَّعُ الرَّجُلُ مِنَ الْكُعْبِ وَ يُنْرَكَ مِنْ قَدَمِهِ مَا يَقُومُ عَلَيْهِ يُصَلِّي وَ يَعْبُدُ اللَّهَ

I said to him^{asws}, 'May I be sacrificed for you^{asws}! And how can he stand and his leg has been cut?' He^{asws} said: 'The cutting is not from where you view as him being cut. But rather, the man would be cut from the lower part of the foot, and there would be left from his foot upon which he can stand to Pray and worship Allah^{azwj}'.

قُلْتُ لَهُ مِنْ أَيْنَ تُقَطَّعُ الْيَدُ قَالَ تُقَطَّعُ الْأَرْبَعُ أَصَابِعَ وَ تُنْرَكَ الْإِبْهَامُ يَعْتَمِدُ عَلَيْهَا فِي الصَّلَاةِ وَ يَغْسِلُ بِهَا وَجْهَهُ لِلصَّلَاةِ

I said to him^{asws}, 'From where would the hand be cut?' He^{asws} said: 'The four fingers would be cut, and the thumb would be left, so he can depend upon it during the Prayer, and he can wash his face with it for the Prayer'.

قُلْتُ فَهَذَا الْقَطُّعَ مَنْ أَوَّلُ مَنْ قَطَّعَ قَالَ قَدْ كَانَ عُمَانُ بْنُ عَفَّانَ حَسَنَ ذَلِكَ لِمُعَاوِيَةَ .

I said, 'So this is the cutting from the first one who was cut (in such a manner)?' He^{asws} said: 'It was Usman Bin Affan who made that good for Muawiya'.¹⁰⁶

¹⁰⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 16

¹⁰⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 36 H 17

بَاب مَا يَجِبُ عَلَى الطَّرَارِ وَالْمُخْتَلِسِ مِنَ الْحَدِّ

Chapter 37 – What Penalty (*Hadd*) is Obligated upon the villain and the embezzler

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) قَالَ سَمِعْتُهُ يَقُولُ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) لَا أَقْطَعُ فِي الدَّغَارَةِ الْمُعْلَنَةِ وَ هِيَ الْخُلْسَةُ وَ لَكِنْ أَعَزُّهُ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Is'haq Bin Ammar, from Abu Baseer,

from one of the two (5th or 6th Imam^{asws}), said, 'I heard him^{asws} saying: 'Amir Al-Momineen^{asws} said: 'I^{asws} do not cut regarding *Al-Dagara* (picking up somebody else's belongings) openly and it is stealth, but I^{asws} reprimand him'.¹⁰⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ اخْتَلَسَ ثَوْباً مِنَ السُّوقِ فَقَالُوا قَدْ سَرَقَ هَذَا الرَّجُلُ فَقَالَ إِنِّي لَا أَقْطَعُ فِي الدَّغَارَةِ الْمُعْلَنَةِ وَ لَكِنْ أَقْطَعُ يَدَ مَنْ يَأْخُذُ نَمَ يُخْفِي .

Ali Bin Ibrahim, from his father, and a number of our companions, from Sahl Bin Ziyad altogether, from Ibn Abu Najran, from Aasim Bin Humeyd, from Muhammad Bin Qasy,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a man who pilfered clothes from the market. So they said, 'This man has stolen'. So he^{asws} said, 'I^{asws} do not cut with regards in the *Al-Dagara* (picking up somebody else's belongings) openly, but I^{asws} cut a hand of the one who takes, then hides'.¹⁰⁸

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَيْسَ عَلَى الَّذِي يَسْتَلْبِقُ قَطْعَ وَ لَيْسَ عَلَى الَّذِي يَطْرُقُ الدَّرَاهِمَ مِنْ ثَوْبِ الرَّجُلِ قَطْعٌ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from a number of our companions, from Aban Bin Usman, from Abdul Rahma Bin Abu Abdullah,

(It has been narrated) from Abu Abdullah^{asws} having said: 'There is no cutting upon the one who embezzles, and there is no cutting upon the one who displaces the Dirhams from a cloth of the man'.¹⁰⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ قَالَ مَنْ سَرَقَ خُلْسَةً اخْتَلَسَهَا لَمْ يُقْطَعْ وَ لَكِنْ يُضْرَبُ ضَرْباً شَدِيداً .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Usman Bin Isa, from Sama'at who said,

'He^{asws} said: 'The one who steals with stealthy embezzlement, he would not be cut, but he would be whipped with an intense whipping'.¹¹⁰

¹⁰⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 37 H 1

¹⁰⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 37 H 2

¹⁰⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 37 H 3

عَلِيُّ بْنُ إِبرَاهِيمَ عَنِ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَتَيْتُ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) بِطَرَّارٍ قَدْ طَرَّ دَرَاهِمَ مِنْ كُمْ رَجُلٍ قَالَ فَقَالَ إِنْ كَانَ قَدْ طَرَّ مِنْ قَمِيصِهِ الْأَعْلَى لَمْ أَقْطَعُهُ وَإِنْ كَانَ طَرَّ مِنْ قَمِيصِهِ الدَّخْلِ قَطَعْتُهُ .

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

Abu Abdullah^{asws} has said: 'They came with a pick-pocket who had picked some Dirhams from a man. So he^{asws} said: 'If he has picked it from his outer shirt, I^{asws} would not cut his (hand), but if he picked is from his inner shirt, I^{asws} would cut his (hand)'.¹¹¹

عَلِيُّ عَنِ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَرْبَعَةٌ لَا قَطْعَ عَلَيْهِمُ الْمُخْتَلِسُ وَالْغُلُولُ وَمَنْ سَرَقَ مِنَ الْعَنِيمَةِ وَسَرِقَهُ الْأَجْبِرُ فَإِنَّهَا خِيَانَةٌ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'Four, there is no cutting upon them – the embezzler, and the unfaithful (of trust), and the one who steals from the war booty, and the employee thief, for these are treachery'.¹¹²

وَبِهَذَا الْإِسْنَادِ أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَتَى بِرَجُلٍ اخْتَلَسَ دُرَّةً مِنْ أُذُنِ جَارِيَةٍ قَالَ هَذِهِ الدَّغَارَةُ الْمُعْلَنَةُ فَضْرَبَهُ وَحَبَسَهُ .

And by this chain, that,

'They came with a man to Amir Al-Momineen^{asws} who had picked ear rings from the ears of a girl. He^{asws} said: 'This is open snatching'. So he^{asws} whipped him and imprisoned him'.¹¹³

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مَسْمَعِ أَبِي سَيَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَتَى بِطَرَّارٍ قَدْ طَرَّ مِنْ رُدْنِهِ دَرَاهِمَ قَالَ إِنْ كَانَ طَرَّ مِنْ قَمِيصِهِ الْأَعْلَى لَمْ نَقْطَعُهُ وَإِنْ كَانَ طَرَّ مِنْ قَمِيصِهِ الْأَسْفَلِ قَطَعْنَاهُ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Hassan Bin Shamoun, from Abdullah Bin Abdul Rahman, from Misma'a Abu Sayyar,

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws}, they came to him^{asws} with a pick-pocket who had picked some Dirhams from the sleeve of a man. He^{asws} said: 'If he has picked it from his outer shirt, we^{asws} will not cut him; and if he has stolen from his inner shirt, we^{asws} would cut him'.¹¹⁴

¹¹⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 37 H 4

¹¹¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 37 H 5

¹¹² Al Kafi – V 7 – The Book of Legal Penalties Ch 37 H 6

¹¹³ Al Kafi – V 7 – The Book of Legal Penalties Ch 37 H 7

¹¹⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 37 H 8

Chapter 38 – The employed and the guest

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّهُ قَالَ فِي رَجُلٍ اسْتَأْجَرَ أَجِيرًا فَأَقْعَدَهُ عَلَى مَتَاعِهِ فَسَرَقَهُ قَالَ هُوَ مُؤْتَمَنٌ

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

(It has been narrated) from Abu Abdullah^{asws} having said regarding a man employed a man for wages, so he seated him upon his belongings, but he stole it. He^{asws} said: 'He was a trustee'.

وَقَالَ فِي رَجُلٍ أَتَى رَجُلًا فَقَالَ أَرْسَلَنِي فَلَانٌ إِلَيْكَ لِتُرْسِلَ إِلَيْهِ بِكَذَا وَكَذَا فَأَعْطَاهُ وَصَدَّقَهُ فَلَقِيَ صَاحِبَهُ فَقَالَ لَهُ إِنَّ رَسُولَكَ أَتَانِي فَبَعَثْتُ إِلَيْكَ مَعَهُ بِكَذَا وَكَذَا فَقَالَ مَا أَرْسَلْتُهُ إِلَيْكَ وَمَا أَتَانِي بِشَيْءٍ وَرَعَمَ الرَّسُولُ أَنَّهُ قَدْ أَرْسَلَهُ وَقَدْ دَفَعَهُ إِلَيْهِ

And he^{asws} said regarding a man who came to a man, so he said, 'So and so has sent me to you, to send to him such and such' So he gave it to him, and regarded him as truthful. So (when) he met his companions, he said to him, 'Your messenger came to me, so I sent such and such with him, to you'. So he said, 'I did not send him to you, and he has not come to me with anything. And the messenger claim that he has sent him, and he had handed over (the items) to him.

فَقَالَ إِنَّ وَجَدَ عَلَيْهِ بَيِّنَةٌ أَنَّهُ لَمْ يُرْسَلْهُ فُطِعَتْ يَدُهُ وَ مَعْنَى ذَلِكَ أَنْ يَكُونَ الرَّسُولُ قَدْ أَقْرَمَ مَرَّةً أَنَّهُ لَمْ يُرْسَلْهُ وَ إِنْ لَمْ يَجِدْ بَيِّنَةً فَيَمِينُهُ بِاللَّهِ مَا أَرْسَلَهُ وَ يَسْتَوْفِي الْأَخْرُ مِنَ الرَّسُولِ الْمَالُ

So he^{asws} said: 'If proof is found against him that he did not send him, his (messenger's) hand would be cut, and the meaning of that is he happened to be the messenger who has accepted once that he (the sender) did not send him; and if proof is not found, so he (the sender) would have to swear by Allah^{azwj} that he did not send him (the messenger), and the other one can retrieve the goods from the messenger'.

قُلْتُ أَرَأَيْتَ إِنْ رَعَمَ أَنَّهُ إِنَّمَا حَمَلَهُ عَلَى ذَلِكَ الْحَاجَةِ فَقَالَ يُفْطَعُ لِأَنَّهُ سَرَقَ مَالَ الرَّجُلِ .

I said, 'What is your^{asws} view if he (the messenger) claims that he had carried it away due to the need'. So he^{asws} said: 'His hand would be cut because he stole the goods of the man'.¹¹⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ عَلِيِّ بْنِ سَعِيدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ أَكْتَرَى حِمَارًا ثُمَّ أَقْبَلَ بِهِ إِلَى أَصْحَابِ الثِّيَابِ فَاثْبَاعَ مِنْهُمْ تَوْبًا أَوْ تَوْبِينَ وَ تَرَكَ الْحِمَارَ فَقَالَ يَرُدُّ الْحِمَارُ عَلَى صَاحِبِهِ وَ يَتْبَعُ الَّذِي دَهَبَ بِالتَّوْبِينَ وَ لَيْسَ عَلَيْهِ قَطْعٌ إِنَّمَا هِيَ خِيَانَةٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Ali Bin Saeed who said,

'I asked Abu Abdullah^{asws} about a man who hired a donkey. Then he went to the owners of the clothes (shop), so he bought a cloth or two clothes from them, and left the donkey (with them). So he^{asws} said: 'The donkey would be returned to its owner,

¹¹⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 38 H 1

and the one who went away with the two clothes would be followed, and there is no cutting upon him, but rather, it is betrayal (of trust)'.¹¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَسْتَأْجِرُ أَجِيرًا فَيَسْرِقُ مِنْ بَيْتِهِ هَلْ تُقَطَّعُ يَدُهُ قَالَ هَذَا مُؤْتَمَنٌ لَيْسَ بِسَارِقٍ هَذَا خَائِنٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub Al Khazaz, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{asws} about the man who employed someone on wages, so he stole from his house. Would his hand be cut?' He^{asws} said: 'This one was a trustee, he is not with a theft. This is treachery'.¹¹⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الضَّيْفُ إِذَا سَرَقَ لَمْ يُقَطَّعْ وَ إِنْ أَضَافَ الضَّيْفُ ضَيْفًا فَسَرَقَ قُطِعَ ضَيْفُ الضَّيْفِ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, altogether from Ibn Mahboub, from Ali Bin Raib, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The guest, when he steals, his hand would not be cut, and if the guest invites a guest and his guest steals, so the (hand of the) guest of the guest would be cut'.¹¹⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اسْتَأْجَرَ أَجِيرًا فَأَخَذَ الْأَجِيرُ مَتَاعَهُ فَسَرَقَهُ فَقَالَ هُوَ مُؤْتَمَنٌ ثُمَّ قَالَ الْأَجِيرُ وَ الضَّيْفُ أَمْنَاءُ لَيْسَ يَقَعُ عَلَيْهِمْ حَدُّ السَّرِقَةِ .

A number of our companions, from Ahmad Bin Muhammad, from Usman Bin Isa, from Sama'at who said,

'I asked him^{asws} about a man who employed someone on wages, so the employee took his belongings and stole it. So he^{asws} said: 'He is a trustee'. Then he^{asws} said: 'The employee and the guest are trustees, there is no cutting upon them, the Penalty (Hadd) of the thief'.¹¹⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ قَوْمٍ اصْطَحَبُوا فِي سَفَرٍ رُفَقَاءَ فَسَرَقَ بَعْضُهُمْ مَتَاعَ بَعْضٍ فَقَالَ هَذَا خَائِنٌ لَا يُقَطَّعُ وَ لَكِنْ يُتَّبَعُ بِسَرِقَتِهِ وَ خِيَانَتِهِ

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Abu Ayoub, from Abu Baseer who said,

'I asked Abu Ja'far^{asws} about a group of people who accompany each other on a journey of friends, so one of them steals the belongings of the other. So he^{asws} said: 'This is treachery, he would not be cut, but he would be followed due to his theft and his treachery'.

قِيلَ لَهُ فَإِنْ سَرَقَ مِنْ مَنْزِلِ أَبِيهِ فَقَالَ لَا يُقَطَّعُ لِأَنَّ ابْنَ الرَّجُلِ لَا يُحْجَبُ عَنِ الدُّخُولِ إِلَى مَنْزِلِ أَبِيهِ هَذَا خَائِنٌ وَ كَذَلِكَ إِنْ سَرَقَ مِنْ مَنْزِلِ أَخِيهِ وَ أُخْتِهِ إِذَا كَانَ يَدْخُلُ عَلَيْهِمْ لَا يَحْجَبَانِهِ عَنِ الدُّخُولِ .

¹¹⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 38 H 2

¹¹⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 38 H 3

¹¹⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 38 H 4

¹¹⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 38 H 5

It was said to him^{asws}, ‘So if one steals from the house of his own father?’ So he^{asws} said: ‘He would not be cut, because a son of the man is not barred from entering the house of his father. This is treachery, and similar to that is the one who steals from the house of his brother, and his sister, when he enters (their house), as he is not barred from the entering’.¹²⁰

بَابُ حَدِّ النَّبَاشِ

Chapter 39 – Penalty (*Hadd*) of the grave robber

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبُخْتَرِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ حَدُّ النَّبَاشِ حَدُّ السَّارِقِ .

Ali Bin Ibraahim, from his father and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Ibn Abu Umeyr, from Hafs Bin Al Bakhtary who said,

‘I heard Abu Abdullah^{asws} saying: ‘Penalty (*Hadd*) of the grave robber is the Penalty (*Hadd*) of the thief’.¹²¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ آدَمَ بْنِ إِسْحَاقَ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ الْجُعْفِيِّ قَالَ كُنْتُ عِنْدَ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) وَ جَاءَهُ كِتَابُ هِشَامِ بْنِ عَبْدِ الْمَلِكِ فِي رَجُلٍ نَبَشَ امْرَأَةً فَسَلَبَهَا ثِيَابَهَا ثُمَّ نَكَحَهَا فَإِنَّ النَّاسَ قَدِ اخْتَلَفُوا عَلَيْنَا هَاهُنَا فَطَائِفَةٌ قَالُوا أَقْتُلُوهُ وَ طَائِفَةٌ قَالُوا أَحْرِقُوهُ

Ali Bin Ibrahim, from his father, from Adam Bin Is’haq, from Abdullah Bin Muhammad Al Ju’fy who said,

‘I was in the presence of Abu Ja’far^{asws} and there came to him^{asws} a letter of Hisham Bin Abdul Malik (the Caliph) regarding, (saying), ‘A man robbed the grave of a woman, so he took her clothes, then copulated with her. So the people have differed against us over here. So there is a group which are saying, ‘Kill him’, and a group is saying, ‘Burn him’.

فَكَتَبَ إِلَيْهِ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) إِنَّ حُرْمَةَ الْمَيِّتِ كَحُرْمَةِ الْحَيِّ حُدُّهُ أَنْ تُقَطَعَ يَدُهُ لِنَبَشِهِ وَ سَلْبِهِ الثِّيَابَ وَ يُقَامَ عَلَيْهِ الْحُدُّ فِي الزَّوْنِ إِنْ أَحْصِيَ رُجْمَ وَ إِنْ لَمْ يَكُنْ أَحْصِيَ جُلْدَ مِائَةٍ .

So Abu Ja’far^{asws} wrote to him: ‘The sanctity of the deceased is like the sanctity of the living. His Penalty (*Hadd*) is that his hand would be cut due to his robbing the grave and stealing the clothes, and the Penalty (*Hadd*) with regards to adultery would be established upon him – if he was married, stoning, and if he was not married, one hundred lashes’.¹²²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ غَيْرِ وَاحِدٍ مِنْ أَصْحَابِنَا قَالَ أَتَى أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) بِرَجُلٍ نَبَشَ فَأَخَذَ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) بِشَعْرِهِ فَضْرَبَ بِهِ الْأَرْضَ ثُمَّ أَمَرَ النَّاسَ أَنْ يَطُونَهُ بِأَرْجُلِهِمْ فَوَطُونُوهُ حَتَّى مَاتَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from someone else from our companions who said,

¹²⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 38 H 6

¹²¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 39 H 1

¹²² Al Kafi – V 7 – The Book of Legal Penalties Ch 39 H 2

'They came to Amir Al-Momineen^{asws} with a grave robber man. So Amir Al-Momineen^{asws} grabbed him by his hair, and struck him down on the ground. Then he^{asws} ordered the people that they should trample upon him with their feet. So he was trampled until he died'.¹²³

حَبِيبُ بْنُ الْحَسَنِ عَنْ مُحَمَّدِ بْنِ الْوَلِيدِ عَنْ عَمْرِو بْنِ تَابِتٍ عَنْ أَبِي الْجَارُودِ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) يُقَطُّ سَارِقُ الْمَوْتَى كَمَا يُقَطُّ سَارِقُ الْأَحْيَاءِ .

Habeen Bin Al Hassan, from Muhammad Bin Al Waleed, from Amro Bin Sabit, from Abu Al Jaroud,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} said: 'The thief of the dead would be cut just as the thief of the living is cut'.¹²⁴

عَنْهُ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْحَمِيدِ الْعَطَّارِ عَنْ سَيَّارٍ عَنْ زَيْدِ الشَّحَامِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أَخَذَ نَبَّاشٌ فِي زَمَنِ مُعَاوِيَةَ فَقَالَ لِأَصْحَابِهِ مَا تَرَوْنَ فَقَالُوا تُعَاقِبُهُ وَتُحْلِي سَبِيلَهُ فَقَالَ رَجُلٌ مِنَ الْقَوْمِ مَا هَكَذَا فَعَلَّ عَلِيُّ بْنُ أَبِي طَالِبٍ (عَلَيْهِ السَّلَامُ) قَالَ وَ مَا فَعَلَ قَالَ فَقَالَ يُقَطُّ النَّبَّاشُ وَ قَالَ هُوَ سَارِقٌ وَ هَتَاكَ لِلْمَوْتَى .

From him, from Muhammad Bin Abdul Hameed Al Attar, from Sayyar, from Zayd Al Shahaam,

(It has been narrated) from Abu Abdullah^{asws} having said: 'A grave robber was seized in the era of Muawiya, so he said to his companions, 'What are your views?' So they said, 'Punish him and free his way'. So a man from the people said, 'This is not what Ali^{asws} Bin Abu Talib^{asws} did'. He (Muawiya) said, 'So what did he^{asws} do?' So he said, 'He cut (the hand) of the grave robber and said, 'He is a thief, and a desecrator of the dead'.¹²⁵

مُحَمَّدُ بْنُ جَعْفَرِ الْكُوفِيِّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْحَمِيدِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ يُقَطُّ النَّبَّاشُ وَ الطَّرَارُ وَ لَا يُقَطُّ الْمُخْتَلِسُ .

Muhammad Bin Ja'far Al Kufy, from Muhammad Bin Abdul Hameed, from Sayf Bin Umeyra, from Mansour Bin Hazim who said,

'I heard Abu Abdullah^{asws} saying: 'The grave robber, and the pick-pocket would be cut, and the embezzler would not be cut'.¹²⁶

بَابُ حَدِّ مَنْ سَرَقَ حُرًّا فَبَاعَهُ

Chapter 40 – The one who steals a free (kidnaps a free person), so he sells him

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ حَنَانَ عَنْ مُعَاوِيَةَ بْنِ طَرِيفٍ عَنْ سُفْيَانَ الثَّوْرِيِّ قَالَ سَأَلْتُ جَعْفَرَ بْنَ مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ سَرَقَ حُرًّا فَبَاعَهُ قَالَ فَقَالَ فِيهَا أَرْبَعَةُ حُدُودٍ أَمَّا أَوْلَاهَا فَسَارِقٌ تُقَطُّ يَدُهُ وَ الثَّانِيَةُ إِنْ كَانَ وَطَنُهَا جُلْدَ الْحَدِّ وَ عَلَى الَّذِي اسْتَرَى إِنْ كَانَ وَطَنُهَا وَ قَدْ عَلِمَ إِنْ كَانَ مُحْصَنًا رَجَمَ وَ إِنْ كَانَ غَيْرَ مُحْصَنٍ جُلْدَ الْحَدِّ وَ إِنْ كَانَ لَمْ يَعْلَمْ فَلَا شَيْءَ عَلَيْهِ وَ عَلَيْهَا هِيَ إِنْ كَانَ اسْتَكْرَهَهَا فَلَا شَيْءَ عَلَيْهَا وَ إِنْ كَانَتْ أَطَاعَتْهُ جُلِدَتْ الْحَدُّ .

¹²³ Al Kafi – V 7 – The Book of Legal Penalties Ch 39 H 3

¹²⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 39 H 4

¹²⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 39 H 5

¹²⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 39 H 6

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Hanan, from Muawiya Bin Tareyf, from Sufyan Al Sowry who said,

'I asked Ja'far^{asws} Bin Muhammad^{asws} about a man who stole a free woman, so he sold her. So he^{asws} said: 'Four Penalties (are applicable) – as for the first one, so he is a thief, his hand would be cut; and the second if he had copulated with her, he would be whipped the Penalty (*Hadd*), and (a Penalty (*Hadd*)) upon the one who bought, if he had knowingly copulated with her, if he was married, stoning, and if he was not married, the Penalty (*Hadd*) of whipping; and if he had not known, then there is nothing upon him; and upon her, if she was coerced (forced), so there is nothing upon her, and if she had obeyed him, she would be whipped the Penalty (*Hadd*)'.¹²⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَتَى بِرَجُلٍ قَدْ بَاعَ حُرًّا فَقَطَعَ يَدَهُ .

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

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws}, they came to him^{asws} with a man who had sold a free man. He^{asws} cut his hand'.¹²⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ حَفْصِ بْنِ عَبْدِ اللَّهِ بْنِ طَلْحَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَبِيعُ الرَّجُلَ وَهُمَا حُرَّانِ يَبِيعُ هَذَا هَذَا وَهَذَا هَذَا وَ يَفْرَانِ مِنْ بَلَدٍ إِلَى بَلَدٍ فَيَبِيعَانِ أَنْفُسَهُمَا وَ يَفْرَانِ بِأَمْوَالِ النَّاسِ فَقَالَ تَقَطُّعُ يَدَيْهِمَا لِأَنَّهُمَا سَارِقَانِ أَنْفُسَهُمَا وَ أَمْوَالِ النَّاسِ .

Ali Bin Ibrahim, from his father, from Muhammad Bin Hafsa, from Abdullah Bin Talha who said,

'I asked Abu Abdullah^{asws} about the man who sells the man, and they are both free. This one sells this one, and this one (sells) this one, and they both run from city to city, so they sell themselves, and they both run with the wealth of the people. So he^{asws} said: 'Then hands of them both would be cut, because they are both thieves stealing themselves, and the wealth of the people'.¹²⁹

باب نَفْيِ السَّارِقِ

Chapter 41 – Exiling the thief

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيْسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ بْنِ رَبِاطٍ عَنِ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا أُقِيمَ عَلَى السَّارِقِ الْحَدُّ نُفِيَ إِلَى بَلَدٍ أُخْرَى .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Ali Bin Al Hassan Bin Rabat, from Ibn Muskaan, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the Penalty (*Hadd*) is established upon the thief, he is exiled for another city'.¹³⁰

¹²⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 40 H 1

¹²⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 40 H 2

¹²⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 40 H 3

¹³⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 41 H 1

بَاب مَا لَا يُقَطَّعُ فِيهِ السَّارِقُ**Chapter 42 – With regards to what the thief is not cut**

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) لَا قَطْعَ فِي رِيشِ الطَّيْرِ كُلِّهِ .

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: ‘(There would be) no cutting-off (the hand) with regards to a feather, meaning the whole bird’.¹³¹

وَبِهَذَا الْإِسْنَادِ قَالَ قَالَ النَّبِيُّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا قَطْعَ عَلَى مَنْ سَرَقَ الْحَجَارَةَ يَعْنِي الرُّخَامَ وَ أَشْبَاهَ ذَلِكَ .

And by this chain,

He^{asws} said: ‘The Prophet^{saww} did not cut, upon the one who stole stones, meaning the marble and similar to that’.¹³²

وَبِهَذَا الْإِسْنَادِ قَالَ قَضَى النَّبِيُّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي مَنْ سَرَقَ الثَّمَارَ فِي كُمَّهِ فَمَا أَكَلَ مِنْهُ فَلَا شَيْءَ عَلَيْهِ وَ مَا حَمَلَ فَيَعْرُزُ وَ يَعْرَمُ قِيمَتَهُ مَرَّتَيْنِ .

And by this chain,

He^{asws} said: ‘The Prophet^{saww} judged regarding the one who stole the fruits being in their clusters. So whatever he ate from it, there was nothing upon him; and whatever he carried, so he was rebuked and made to compensate its price, twice (double)’.¹³³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيسَى عَنْ مُحَمَّدَ بْنِ يَحْيَى الْخَزَّازِ عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ عَلِيًّا (صَلَوَاتُ اللَّهِ عَلَيْهِ) أَتَى بِالْكُوفَةِ بِرَجُلٍ سَرَقَ حَمَامًا فَلَمْ يَفْطَعْهُ وَ قَالَ لَا قَطْعَ فِي الطَّيْرِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Yahya Al Khazzaz, from Gayas Bin Ibrahim,

(It has been narrated) from Abu Abdullah^{asws} that Ali^{asws}, they came to him^{asws} with a man at Al-Kufa who had stolen a dove. So he^{asws} did not cut him, and said: ‘There is no cutting (of the hand) regarding the bird’.¹³⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) كُلُّ مَدْخَلٍ يَدْخُلُ فِيهِ بِغَيْرِ إِذْنِ صَاحِبِهِ فَسَرَقَ مِنْهُ السَّارِقُ فَلَا قَطْعَ عَلَيْهِ يَعْنِي الْحَمَامَاتِ وَ الْخَانَاتِ وَ الْأَرْحِيَةَ .

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: ‘Every place which can be entered without permission of its owner, so a thief

¹³¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 42 H 1

¹³² Al Kafi – V 7 – The Book of Legal Penalties Ch 42 H 2

¹³³ Al Kafi – V 7 – The Book of Legal Penalties Ch 42 H 3

¹³⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 42 H 4

steals from it, so there would be no cutting upon him, meaning the (public) baths, and the hotels, and the resting places'.¹³⁵

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعِ بْنِ عَدِيٍّ الْمَلِكِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ عَلِيًّا (عَلَيْهِ السَّلَام) أَتَى بِرَجُلٍ سَرَقَ مِنْ بَيْتِ الْمَالِ فَقَالَ لَا يُقَطَعُ فَإِنَّ لَهُ فِيهِ نَصِيبًا .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Hassan Bin Shamoun, from Abdullah Bin Abdul Rahman Al Asamma, from Misma'a Bin Abdul Malik,

(It has been narrated) from Abu Abdullah^{asws} that they came to Ali^{asws} with a man who had stolen from the public treasury, so he^{asws} said: 'He would not be cut, for there is a share for him in it'.¹³⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا قَطْعَ فِي ثَمَرٍ وَلَا كَثْرٍ وَلَا كَثْرُ شَحْمِ النَّخْلِ .

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: 'There would be no cutting regarding a fruit, nor a *Kasar*, and the *Kasar* is a sap of the palm tree'.¹³⁷

بَابُ أَنَّهُ لَا يُقَطَعُ السَّارِقُ فِي الْمَجَاعَةِ

Chapter 43 – The thief would not be cut during the famine

مُحَمَّدُ بْنُ يَحْيَى وَغَيْرُهُ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ زِيَادِ الْقَنْدِيِّ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا يُقَطَعُ السَّارِقُ فِي سَنَةِ الْمَحْلِ فِي كُلِّ شَيْءٍ يُؤْكَلُ مِثْلَ الْخُبْزِ وَاللَّحْمِ وَأَشْبَاهِ ذَلِكَ .

Muhammad Bin Yahya, and someone else, from Muhammad Bin Ahmad, from Muhammad Bin Isa Bin Ubeyd, from Ziyad Al Qindy, from the one who mentioned it,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The thief would not be cut during a year of drought with regards to everything he eats, like the bread, and the meat, and the likes of that'.¹³⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ لَا يُقَطَعُ السَّارِقُ فِي عَامِ سَنَةٍ يُعْنِي فِي عَامِ مَجَاعَةٍ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The thief would not be cut during a year of inactivity, meaning during a year of famine'.¹³⁹

¹³⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 42 H 5

¹³⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 42 H 6

¹³⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 42 H 7

¹³⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 43 H 1

¹³⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 43 H 2

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدٍ بْنِ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَمَّنْ أَخْبَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كَانَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) لَا يَقْطَعُ السَّارِقَ فِي أَيَّامِ الْمَجَاعَةِ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ali Bin Al Hakam, from Aasim Bin Humeyd, from the one who informed him,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Amir Al-Momineen^{asws} did not cut the thief during the days of famine’.¹⁴⁰

بَابُ حَدِّ الصَّبِيَّانِ فِي السَّرْفَةِ

Chapter 44 – Penalty (*Hadd*) of the children regarding the theft

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الصَّبِيِّ يَسْرِقُ قَالَ يُعْفَى عَنْهُ مَرَّةً وَ مَرَّتَيْنِ وَ يُعَزَّرُ فِي الثَّلَاثَةِ فَإِنْ عَادَ قُطِعَتْ أُطْرَافُ أَصَابِعِهِ فَإِنْ عَادَ قُطِعَ أَسْفَلُ مِنْ ذَلِكَ .

Ali Bin Ibrahim, from Muhammad Bin Isa Bin Ubeyd, from Yunus, from Abdullah Bin Sinan who said,

‘I asked Abu Abdullah^{asws} about the child who steals. He^{asws} said: ‘He would be excused from it once, and twice, and he would be rebuked during the third. So if he repeats, a bit of his finger would be cut. So if he repeats, lower than that would be cut’.¹⁴¹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ سَأَلْتُهُ عَنِ الصَّبِيِّ يَسْرِقُ قَالَ إِذَا سَرَقَ مَرَّةً وَ هُوَ صَغِيرٌ عُفِيَ عَنْهُ فَإِنْ عَادَ عُفِيَ عَنْهُ فَإِنْ عَادَ قُطِعَ بَنَانُهُ فَإِنْ عَادَ قُطِعَ أَسْفَلُ مِنْ ذَلِكَ .

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

(It has been narrated) from one of the two (5th or 6th Imam^{asws}), said, ‘I asked him^{asws} about the child who steals. He^{asws} said: ‘When he steals once and he is small, he would be excused from it. So if he repeats, he would be excused from it. So if he repeats, his fingertip would be cut. So if he repeats, he would be cut lower than that’.¹⁴²

عَنْهُ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي إِبْرَاهِيمَ (عَلَيْهِ السَّلَام) الصَّبِيَّانُ إِذَا أَتَى بِهِمْ عَلِيُّ (عَلَيْهِ السَّلَام) قَطَعَ أُنَامِلَهُمْ مِنْ أَيْنَ قَطَعَ فَقَالَ مِنَ الْمَفْصِلِ الْمَفْصِلِ الْأَنَامِلِ .

From him, from Safwan, from Is'haq Bin Ammar, said,

‘I said to Abu Ibrahim^{asws} (7th Imam^{asws}), ‘The children, when they came with them, Ali^{asws} cut their fingertips from where did he^{asws} cut?’ So he^{asws} said: ‘From the joints, the joints of the fingertips’.¹⁴³

¹⁴⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 43 H 3

¹⁴¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 1

¹⁴² Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 2

¹⁴³ Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 3

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا سَرَقَ الصَّبِيُّ عُفِيَ عَنْهُ فَإِنْ عَادَ قُطِعَ أَطْرَافُ الْأَصَابِعِ فَإِنْ عَادَ قُطِعَ أَسْفَلُ مِنْ ذَلِكَ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad Bin Usman, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the child steals, he would be excused from it. So if he repeats, he is rebuked. So if he repeats, the ends of the fingers are cut. So if he repeats, he would be cut lower than that'.

وَقَالَ أُتِيَ عَلِيُّ بْنُ عَبْدِ اللَّهِ بِغُلَامٍ يُسْكَئُ فِي اخْتِلَامِهِ فَقَطَعَ أَطْرَافَ الْأَصَابِعِ .

And he^{asws} said: 'They came to Ali^{asws} with a boy, there was doubt with regards to him having bed-wetted yet. So he^{asws} cut the ends of the fingers'.¹⁴⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أُتِيَ عَلِيُّ (عَلَيْهِ السَّلَام) بِجَارِيَةٍ لَمْ تَحِضْ قَدْ سَرَقَتْ فَضَرَبَهَا أَسْوِاطًا وَ لَمْ يَقْطَعْهَا .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'They came to Ali^{asws} with an unmarried girl who had stolen. So he^{asws} lashed her with a whip and did not cut her'.¹⁴⁵

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الصَّبِيِّ يَسْرِقُ قَالَ يُعْفَى عَنْهُ مَرَّةً فَإِنْ عَادَ قُطِعَتْ أُنْمُلُهُ أَوْ حُكَّتْ حَتَّى تَنْدَمَى فَإِنْ عَادَ قُطِعَتْ أَصَابِعُهُ فَإِنْ عَادَ قُطِعَ أَسْفَلُ مِنْ ذَلِكَ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} regarding the child who steals. He^{asws} said: 'He would be excused from it once. So if he repeats, his fingertips would be cut, or they would be scratched until they bleed. So he if repeats, his fingers would be cut. So if he repeats, he would be cut lower than that'.¹⁴⁶

حُمَيْدُ بْنُ زِيَادٍ عَنْ ابْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ مِنْ أَصْحَابِهِ عَنْ أَبِيَانَ بْنِ عُمَانَ عَنْ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) يَقُولُ أُتِيَ عَلِيُّ (عَلَيْهِ السَّلَام) بِغُلَامٍ قَدْ سَرَقَ فَطَرَفَ أَصَابِعَهُ ثُمَّ قَالَ أَمَا لئنْ عُدْتُ لَأَقْطَعَنَّهَا ثُمَّ قَالَ أَمَا إِنَّهُ مَا عَمَلَهُ إِلَّا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ أَنَا .

Humeyd Bin Ziyad, from Ibn Sama'at, from someone else, from his companion, from Aban Bin Usman, from Zurara who said,

'I heard Abu Ja'far^{asws} saying: 'They came to Ali^{asws} with a boy who had stolen. So he^{asws} scratched his fingers, then said: 'But, if you were to repeat, I would cut these'. Then he^{asws} said: 'But it has not been done except by Rasool-Allah^{saww} and myself^{asws}'.¹⁴⁷

¹⁴⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 4

¹⁴⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 5

¹⁴⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 6

¹⁴⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 7

أَبَانٌ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا سَرَقَ الصَّبِيُّ وَ لَمْ يَحْتَلَمْ قُطِعَتْ أَطْرَافُ أَصَابِعِهِ قَالَ وَ قَالَ [عَلِيٌّ ع] لَمْ يَصْنَعُهُ إِلَّا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ أَنَا .

Aban, from Abdul Rahman Bin Abu Abdullah,

Abu Abdullah^{asws} has said: 'When the child steals and he has yet to bed-wet, the ends of his fingers would be cut'. And Ali^{asws} said: 'It has not been done except by Rasool-Allah^{saww} and myself^{asws}'.¹⁴⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ بَعْضِ أَصْحَابِهِ عَنِ الْعَلَاءِ بْنِ رَزِينِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الصَّبِيِّ يَسْرِقُ فَقَالَ إِنْ كَانَ لَهُ تِسْعُ سِنِينَ قُطِعَتْ يَدُهُ وَ لَا يُضَيِّعُ حَدٌّ مِنْ حُدُودِ اللَّهِ عَزَّ وَ جَلَّ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from one of his companions, from Al A'la Bin Razeyn, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{asws} about the child who stole, so he^{asws} said: 'If he was nine years of age, his hand would be cut, and a Penalty (*Hadd*) from the Penalties of Allah^{azwj} would not be wasted'.¹⁴⁹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ عَنْ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) يَقُولُ أَتَى عَلِيٌّ (عَلَيْهِ السَّلَامُ) بَغْلَامٌ قَدْ سَرَقَ قَطْرَفَ أَصَابِعِهِ ثُمَّ قَالَ أَمَا لَيْنُ عُدَّتْ لِأَقْطَعَنَّهَا قَالَ ثُمَّ قَالَ أَمَا إِنَّهُ مَا عَمِلَهُ إِلَّا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ أَنَا .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Aban, from Razeyn who said,

'I heard Abu Ja'far^{asws} saying: 'They came to Ali^{asws} with a boy who had stolen, so he^{asws} scratched his fingers, then said: 'But, if you were to repeat, I^{asws} would cut these'. Then he^{asws} said: 'But, it was not done except by Rasool-Allah^{saww} and myself^{asws}'.¹⁵⁰

حُمَيْدُ بْنُ زِيَادٍ عَنْ عَبْدِ اللَّهِ بْنِ أَحْمَدَ النَّهْيكِيِّ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ مُحَمَّدِ بْنِ خَالِدِ بْنِ عَبْدِ اللَّهِ الْقَسْرِيِّ قَالَ كُنْتُ عَلَى الْمَدِينَةِ فَأَتَيْتُ بَغْلَامٌ قَدْ سَرَقَ فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْهُ فَقَالَ سَلُّهُ حَيْثُ سَرَقَ كَانَ يَعْلَمُ أَنْ عَلَيْهِ فِي السَّرِقَةِ عُقُوبَةٌ فَإِنْ قَالَ نَعَمْ قِيلَ لَهُ أَيُّ شَيْءٍ تِلْكَ الْعُقُوبَةُ فَإِنْ لَمْ يَعْلَمْ أَنَّ عَلَيْهِ فِي السَّرِقَةِ قَطْعًا فَخَلَّ عَنْهُ

Humeyd Bin ziyad, from Ubeydullah Bin Ahmad Al Naheyki, from Ibn Abu Umeyr, from a number of companions, from Muhammad Bin Khalid Bin Abdullah Al Qasary who said,

'I was at Al-Medina, so they came with a boy who had stolen. So I asked Abu Abdullah^{asws} about it, so he^{asws} said: 'Ask him that when he stole, did he know that with regards to the stealing there would be punishment upon him? So if he says yes, so say to him, 'Which is that punishment?' So if he does not know that upon him, with regards to the theft, is the cutting, so free him from it'.

قَالَ فَأَخَذْتُ الْبَغْلَامَ فَسَأَلْتُهُ وَ قُلْتُ لَهُ أ كُنْتَ تَعْلَمُ أَنَّ فِي السَّرِقَةِ عُقُوبَةٌ قَالَ نَعَمْ قُلْتُ أَيُّ شَيْءٍ هُوَ قَالَ الضَّرْبُ فَخَلَّيْتُ عَنْهُ .

¹⁴⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 8

¹⁴⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 9

¹⁵⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 10

He said, 'So I seized the boy and asked him, and said to him, 'Did you know that regarding the theft is punishment?' He said, 'Yes'. I said, 'Which thing is it?' He said, 'The whipping'. So I freed him from it'.¹⁵¹

بَاب مَا يَجِبُ عَلَى الْمَمَالِكِ وَ الْمَكَاتِبِينَ مِنَ الْحَدِّ

Chapter 45 – What Penalty (*Hadd*) is Obligated upon the owned (slaves) and the contracted (slaves)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ عَثْمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا قَدَفَ الْعَبْدُ الْحُرَّ جُلْدًا ثَمَانِينَ وَ قَالَ هَذَا مِنْ حُقُوقِ النَّاسِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad Bin Usman, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the slave slanders the free, he would be whipped eighty (lashes)'. And he^{asws} said: 'This is from the rights of the people'.¹⁵²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الْمَمْلُوكِ يَفْتَرِي عَلَى الْحُرِّ قَالَ يُجْلَدُ ثَمَانِينَ قُلْتُ فَإِنَّهُ رَأَى قَالَ يُجْلَدُ خَمْسِينَ .

A number of our companions, from Ahmad Bin Muhammad, from Usman Bin Isa, from Sama'at who said,

'I asked him^{asws} about the slave who fabricates upon the free. He^{asws} said: 'He would be whipped eighty (lashes)'. I said, 'So if it was adultery?' He^{asws} said: 'he would be whipped fifty (lashes)'.¹⁵³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفَضِيلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ عَدِيٍّ افْتَرَى عَلَى حُرٍّ قَالَ يُجْلَدُ ثَمَانِينَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Ismail, from Muhammad Bin Al Fazeyl, from Abu Al Sabbah Al Kinany,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a slave who fabricates upon a free. He^{asws} said: 'He would be whipped fifty (lashes)'.¹⁵⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنِ الْحَارِثِ بْنِ الْأَحْوَلِ عَنْ بُرَيْدٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي الْأُمَةِ تَزْنِي قَالَ تُجْلَدُ نِصْفَ حَدِّ الْحُرِّ كَأَنَّ لَهَا زَوْجًا أَوْ لَمْ يَكُنْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Al Haris Bin Al Ahowl, from Bureyd,

(It has been narrated) from Abu Ja'far^{asws} regarding the slave woman who committed adultery. He^{asws} said: 'She would be whipped half the Penalty (*Hadd*) of the free, whether she had a husband for her, or there did not happen to be one'.¹⁵⁵

¹⁵¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 44 H 11

¹⁵² Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 1

¹⁵³ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 2

¹⁵⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 3

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِي عَبْدٍ سَرَقَ وَ اخْتَانَ مِنْ مَالِ مَوْلَاهُ قَالَ لَيْسَ عَلَيْهِ قَطْعٌ .

A number of our companions, from Sahl Bin Ziyad and Ali Bin Ibrahim, from his father, altogether from Abdul Rahman Bin Abu Najran, from Aasim Bin Humejd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a slave who stole and betrayed from the wealth of his master. He^{asws} said: 'There is no cutting upon him'.¹⁵⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عليهما السلام) قَالَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ تَعَالَى فَإِذَا أَحْصَنَ قَالَ إِحْصَانُهُمْ أَنْ يُدْخَلَ بِهِمْ فَلْتٌ إِنْ لَمْ يُدْخَلَ بِهِمْ أَمَا عَلَيْهِمْ حَدٌّ قَالَ بَلَى .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from one of the two^{asws}, said, 'I asked him^{asws} about the Words of Allah^{azwj} the High **[4:25] and when they are taken in marriage**. He^{asws} said: 'Their being married is that they have been copulated with'. I said, 'If he has not copulated with them, is there no Penalty (*Hadd*) on them?' He^{asws} said: 'Yes (there is)'.¹⁵⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الْأَصْبَغِ بْنِ الْأَصْبَغِ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ مَرْوَانَ بْنِ مُسْلِمٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ أَوْ عَنْ بُرَيْدِ الْعَجَلِيِّ الشُّكُّ مِنْ مُحَمَّدٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) أَمَةٌ زَنَتْ قَالَ تُجْلَدُ خَمْسِينَ قُلْتُ فَإِنْ عَادَتْ قَالَ تُجْلَدُ خَمْسِينَ قُلْتُ فَيَجِبُ عَلَيْهَا الرَّجْمُ فِي شَيْءٍ مِنَ الْحَالَاتِ قَالَ إِذَا زَنَتْ ثَمَانَ مَرَّاتٍ يَجِبُ عَلَيْهَا الرَّجْمُ قُلْتُ كَيْفَ صَارَ فِي ثَمَانَ مَرَّاتٍ قَالَ لِأَنَّ الْحُرَّ إِذَا زَنَى أَرْبَعَ مَرَّاتٍ وَ أَقِيمَ عَلَيْهِ الْحَدُّ قُتِلَ فَإِذَا زَنَتْ الْأَمَةُ ثَمَانَ مَرَّاتٍ رُجِمَتْ فِي التَّاسِعَةِ

Ali Bin Ibrahim, from his father, from Al Asbagh Bin Asbagh, from Muhammad Bin Suleyman, from Marwan Bin Muslim, from Ubeyd Bin Zurara, or from Bureyd Al Ajaly, the doubt is, from Muhammad who said,

'I said to Abu Abdullah^{asws}, 'A slave woman commits adultery'. He^{asws} said: 'She would be whipped fifty'. I said, 'So if she repeats?' He^{asws} said: 'She would be whipped fifty'. I said, 'Would stoning be Obligated upon her from any of the situations?' He^{asws} said: 'If she were to commit adultery eight times, the stoning would be Obligated upon her'. I said, 'How did it come to be eight times?' He^{asws} said: 'Because the free man when he commits adultery four times, and the Penalty (*Hadd*) is established upon him, he is killed. So when the slave woman commits adultery eight times, she would be stoned during the ninth'.

قُلْتُ وَ مَا الْعِلَّةُ فِي ذَلِكَ فَقَالَ إِنَّ اللَّهَ رَجَمَهَا أَنْ يَجْمَعَ عَلَيْهَا رِبْقَ الرَّقِّ وَ حَدَّ الْحُرِّ ثُمَّ قَالَ وَ عَلَى إِمَامِ الْمُسْلِمِينَ أَنْ يَدْفَعَ تَمَنَّهُ إِلَى مَوْلَاهُ مِنْ سَهْمِ الرَّقَابِ .

I said, 'And what is the reason with regards to that?' So he^{asws} said: 'Allah^{azwj} has been Merciful to her that He^{azwj} would Gather upon her the rope of slavery and the

¹⁵⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 4

¹⁵⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 5

¹⁵⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 6

Penalty (*Hadd*) of the free'. Then he^{asws} said: 'And it is upon the Imam^{asws} of the Muslims that he hand over her price to her master from the portion of the slaves'.¹⁵⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عَنبَسَةَ بْنِ مُصْعَبِ الْعَابِدِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) كَأَنْتَ لِي جَارِيَةٌ فَزَنْتُ أَحَدَهَا قَالَ نَعَمْ وَ لَكِنْ لِيَكُونَ ذَلِكَ فِي سِرِّ لِحَالِ السُّلْطَانِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Bukeyr, from Anbasat Bin Mus'ab Al Aabid who said,

'I said to Abu Abdullah^{asws}, 'There was a slave girl for me, so she committed adultery. Shall I (apply the) Penalty (*Hadd*) on her?' He^{asws} said: 'Yes, but that should happen in secret, due to the state of the authorities'.¹⁵⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي مَمْلُوكٍ قَدَفَ مُحْصَنَةً حُرَّةً قَالَ يُجْلَدُ ثَمَانِينَ لِأَنَّهُ إِنَّمَا يُجْلَدُ لِحَقِّهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} regarding an owned (slave) who slandered a married free woman. He^{asws} said: 'He would be whipped eighty (lashes) because, but rather he is being whipped for her rights'.¹⁶⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَصْرٍ عَنْ حُمَيْدِ بْنِ زِيَادٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا زَنَى الْعَبْدُ ضَرْبَ خَمْسِينَ فَإِنْ عَادَ ضُرِبَ خَمْسِينَ فَإِنْ عَادَ ضُرِبَ خَمْسِينَ إِلَى ثَمَانِي مَرَّاتٍ فَإِنْ زَنَى ثَمَانِي مَرَّاتٍ قُتِلَ وَ أَدَى الْإِمَامُ قِيمَتَهُ إِلَى مَوْلَاهُ مِنْ نَيْتِ الْمَالِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Nasr, from Humeyd Bin Ziyad,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the slave commits adultery, he would be whipped fifty (lashes). So if he repeats, he would be whipped fifty (lashes). So if he repeats, he would be whipped fifty (lashes), up to eight times. So if he commits adultery eight times, he would be killed (for the ninth time), and the Imam^{asws} would pay his price to his master from the public treasury'.¹⁶¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي مَمْلُوكٍ طَلَّقَ أَمْرَأَتَهُ تَطْلِيقَتَيْنِ ثُمَّ جَامَعَهَا بَعْدُ فَأَمَرَ رَجُلًا يَضْرِبُهُمَا وَ يُفَرِّقُ مَا بَيْنَهُمَا يَجْلُدُ كُلَّ وَاحِدٍ مِنْهُمَا خَمْسِينَ جَلْدَةً .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ibn Abu najran, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding an owned (slave) who divorced his wife with two divorces, then copulated

¹⁵⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 7

¹⁵⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 8

¹⁶⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 9

¹⁶¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 10

with her afterwards. So he^{asws} ordered a man to whip both of them, and separate what is between the two of them. He whipped each one of the two with fifty lashes'.¹⁶²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الْمُكَاتَبِ يَزْنِي قَالَ يُجْلَدُ فِي الْحَدِّ بِقَدْرِ مَا أُعْتِقَ مِنْهُ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding the contracted (slave) who committed adultery. He^{asws} said: 'He would be whipped regarding the Penalty (*Hadd*) by the measurement of what he has been emancipated (librated) from it (the contract)'.¹⁶³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ يُجْلَدُ الْمُكَاتَبُ إِذَا زَنَى عَلَى قَدْرِ مَا أُعْتِقَ مِنْهُ فَإِنْ قَدَفَ الْمُحْصَنَةَ فَعَلَيْهِ أَنْ يُجْلَدَ ثَمَانِينَ حُرًّا كَانَ أَوْ مَمْلُوكًا .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from usman Bin Isa, from Sama'at who said,

'The contracted (slave) would be whipped when he commits adultery, upon the measurement of what he has been emancipated from it. So if he were to slander a married woman, so upon him would be that he would be whipped eighty (lashes), whether he was free or an owned (slave)'.¹⁶⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ حَمَّادِ بْنِ عِيسَى عَنْ حَرِيزٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ يُجْلَدُ الْمُكَاتَبُ عَلَى قَدْرِ مَا أُعْتِقَ مِنْهُ وَ ذَكَرَ أَنَّهُ يُجْلَدُ بِبَعْضِ السَّوْطِ وَ لَا يُجْلَدُ بِهِ كُلَّهُ .

Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Hareyz, from Muhammad Bin Muslim,

Abu Ja'far^{asws} has said: 'The contracted (slave) would be whipped upon the measurement of what he has been emancipated (librated) from it'. And he^{asws} mentioned that he would be whipped with part of the whip and would not be whipped with all of it'.¹⁶⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ يُونُسَ بْنِ عَقِيلٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي مُكَاتَبَةٍ زَنَتْ قَالَ يُنْظَرُ مَا أَخَذَ مِنْ مُكَاتَبَتِهَا فَيَكُونُ فِيهَا حَدُّ الْحُرَّةِ وَ مَا لَمْ يُقْضَ فَيَكُونُ فِيهِ حَدُّ الْأَمَةِ

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a contracted (slave girl) who committed adultery. He^{asws} said: 'Look at what is taken from her contract, for there happens to be in it a Penalty (*Hadd*) of the free, and whatever has not been fulfilled, so there would happen to be in it a Penalty (*Hadd*) of the slave girl'.

¹⁶² Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 11

¹⁶³ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 12

¹⁶⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 13

¹⁶⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 14

وَقَالَ فِي مُكَاتَبَةِ زَنْتٍ وَ قَدْ أُعْتِقَ مِنْهَا ثَلَاثَةُ أَرْبَاعٍ وَ بَقِيَ رُبْعٌ فَجَلِدَتْ ثَلَاثَةَ أَرْبَاعِ الْحَدِّ حِسَابَ الْحُرَّةِ عَلَى مِائَةِ فَدَلِكِ خَمْسَةَ وَ سَبْعُونَ سَوْطاً وَ جَلَدَ رُبُعَهَا حِسَابَ خَمْسِينَ مِنَ الْأُمَّةِ اثْنِي عَشَرَ سَوْطاً وَ نِصْفاً فَدَلِكِ سَبْعَةٌ وَ ثَمَانُونَ جَلْدَةً وَ نِصْفٌ وَ أَبِي أَنْ يَرْجُمَهَا وَ أَنْ يَنْفِيَهَا قَبْلَ أَنْ يُبَيِّنَ عِنْفَهَا .

And he^{asws} said regarding a contracted (slave girl) who committed adultery, and she had been emancipated (librated) from three-quarters of it, and there remained one quarter (to be fulfilled). So she would be whipped three-quarters of the Penalty (*Hadd*) of the free woman upon a hundred, so that would be seventy five lashes. And she would be whipped a quarter of the number of fifty from the (Penalty (*Hadd*) of the) slave girl, being twelve and a half lashes. So that come to eighty seven and a half lashes. And he^{asws} refused to stone her and exile her before her emancipation is manifested'.¹⁶⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ وَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ جَمِيعاً عَنْ عَاصِمِ بْنِ جُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) مِثْلَهُ إِلَّا أَنَّ يُونُسَ قَالَ يُؤْخَذُ السَّوْطُ مِنْ نِصْفِهِ فَيُضْرَبُ بِهِ وَ كَذَلِكَ الْأَقْلُ وَ الْأَكْثَرُ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, and from his father, from Ibn Abu Najran, altogether from Aasim Bin Humeid, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} similar to it, except that Yunus said, 'The whip would be grabbed from its halfway, so he would whip with it, and similar to that is for the lesser (amount of lashes) and the more'.¹⁶⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ حَمَّادٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ سُئِلَ عَنِ الْمُكَاتَبِ أَفْتَرَى عَلَى رَجُلٍ مُسْلِمٍ قَالَ يُضْرَبُ حَدُّ الْحُرِّ ثَمَانِينَ إِنْ أَدَّى مِنْ مُكَاتَبَتِهِ شَيْئاً أَوْ لَمْ يُؤَدِّ قِيلَ لَهُ فَإِنْ زَنَى وَ هُوَ مُكَاتَبٌ وَ لَمْ يُؤَدِّ شَيْئاً مِنْ مُكَاتَبَتِهِ قَالَ هُوَ حَقُّ اللَّهِ يُطْرَحُ عَنْهُ مِنَ الْحَدِّ خَمْسُونَ جَلْدَةً وَ يُضْرَبُ خَمْسِينَ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Hammad, from Suleyman Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws} having been asked about the contracted (slave) who fabricated upon a Muslim man. He^{asws} said: 'He would be whipped a Penalty (*Hadd*) of the free, eighty (lashes), whether he has paid anything from his contract or has not paid'. It was said to him^{asws}, 'So if he commits adultery and he is contracted, and has not paid anything from his contract?' He^{asws} said: 'It is a Right of Allah^{azwj}. Fifty lashes would be staved off from him, and he would be whipped fifty'.¹⁶⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبَائِعٍ عَنْ ضُرَيْبِ بْنِ الْكُنَاسِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الْعَبْدُ إِذَا أَقْرَأَ عَلَى نَفْسِهِ عِنْدَ الْإِمَامِ مَرَّةً أَنَّهُ سَرَقَ قَطَعَهُ وَ الْأُمَّةُ إِذَا أَقْرَأَتْ عَلَى نَفْسِهَا عِنْدَ الْإِمَامِ بِالسَّرِقَةِ قَطَعَهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Zureys Al Kunasy,

Abu Ja'far^{asws} has said: 'The slave, when he accepts upon himself in the presence of the Imam^{asws}, once, that he has stolen, and the slave girl, when she accpets upon herself in the presence of the Imam^{asws} with the theft, they would both be cut'.¹⁶⁹

¹⁶⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 15

¹⁶⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 16

¹⁶⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 17

¹⁶⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 18

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ أَبِي بَكْرٍ الْخَضْرَمِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ عَبْدٍ مَمْلُوكٍ فَذَنَّفَ حُرًّا قَالَ يُجْلَدُ ثَمَانِينَ هَذَا مِنْ حُقُوقِ النَّاسِ فَأَمَّا مَا كَانَ مِنْ حُقُوقِ اللَّهِ عَزَّ وَجَلَّ فَإِنَّهُ يُضْرَبُ نِصْفَ الْحَدِّ فُلْتُ الَّذِي مِنْ حُقُوقِ اللَّهِ عَزَّ وَجَلَّ مَا هُوَ قَالَ إِذَا زَنَى أَوْ شَرِبَ خَمْرًا فَهَذَا مِنَ الْحُقُوقِ الَّتِي يُضْرَبُ فِيهَا نِصْفَ الْحَدِّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Sayf Bin Umeyr, from Abu Bakr Al Hazramy who said,

'I asked Abu Abdullah^{asws} about an owned slave who slandered a free (person). He^{asws} said: 'He would be whipped eighty (lashes). This is from the rights of the people. So as for what was from the Rights of Allah^{azwj} Mighty and Majestic, so he would be whipped half the Penalty (*Hadd*)'. I said, 'That which is from the Right of Allah^{azwj}, what is it?' He^{asws} said: 'When he commits adultery or drinks wine, so these are from the Rights for which he would be whipped half the Penalty (*Hadd*) with regards to it'.¹⁷⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) (عَلَيْهِ السَّلَام) عِبْدِي إِذَا سَرَقَنِي لَمْ أَقْطَعُهُ وَ عِبْدِي إِذَا سَرَقَ غَيْرِي قَطَعْتُهُ وَ عَبْدُ الْإِمَارَةِ إِذَا سَرَقَ لَمْ أَقْطَعُهُ لِأَنَّهُ فِيَّ .

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: 'If my^{asws} slave steals from me^{asws}, I^{asws} would not cut him, and if my^{asws} slave steals from others, I^{asws} would cut him, and a slave of the emirate, if he were to steal, I^{asws} would not cut him because he is 'Fey' (war booty)'.¹⁷¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَالِحِ بْنِ سَعِيدٍ عَنِ الْحُسَيْنِ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ عَنْ رَجُلٍ كَانَتْ لَهُ أَمَةٌ فَكَاتَبَتْهَا فَقَالَتْ مَا أَدْبَيْتُ مِنْ مَكَاتِبَتِي فَأَنَا بِهِ حُرَّةٌ عَلَى حِسَابِ ذَلِكَ فَقَالَ لَهَا نَعَمْ فَأَدْبَيْتُ بَعْضَ مَكَاتِبَتِهَا وَ جَامَعَهَا مَوْلَاهَا بَعْدَ ذَلِكَ فَقَالَ إِنْ كَانَ اسْتَكْرَهَهَا عَلَى ذَلِكَ ضَرْبٌ مِنَ الْحَدِّ بِقَدْرِ مَا أَدْبَيْتُ مِنْ مَكَاتِبَتِهَا وَ دَرَى عَنْهُ مِنَ الْحَدِّ بِقَدْرِ مَا بَقِيَ مِنْ مَكَاتِبَتِهَا وَ إِنْ كَانَتْ تَابَعَتْهُ كَانَتْ شَرِيكَتَهُ فِي الْحَدِّ ضَرْبَتْ مِثْلَ مَا يُضْرَبُ .

Ali Bin Ibrahim, from his father, from Salih Bin Saeed, from Al Husayn Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws} having been asked about a man who had a slave girl, so he contracted her. So she said, 'Whatever I pay off from my contract, so I would be free by it upon that accounting'. So he said to her, 'Yes'. So she paid off some of her contract, and her master copulated with her after that. So he^{asws} said: 'If she was unwilling upon that, he would be whipped from the Penalty (*Hadd*) by the measurement of whatever she has paid off from her contract, and the Penalty (*Hadd*) would be staved off from him by the measurement of whatever remained from her contract. And if she had obeyed him, she would be his participant with regards to the Penalty (*Hadd*). She would be whipped similar to what he would be whipped'.¹⁷²

عَلِيُّ عَنْ أَبِيهِ عَنْ صَالِحِ بْنِ سَعِيدٍ عَنْ يُونُسَ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الْمَمْلُوكُ إِذَا سَرَقَ مِنْ مَوَالِيهِ لَمْ يُقْطَعْ فَإِذَا سَرَقَ مِنْ غَيْرِ مَوَالِيهِ قُطِعَ .

¹⁷⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 19

¹⁷¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 20

¹⁷² Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 21

Ali, from his father, from Salih Bin Saeed, from Yunus, from one of our companions,

Abu Abdullah^{asws} has said: 'The owned (slave), when he steals from his master, he would not be cut. So if he steals from other than his master, he would be cut'.¹⁷³

عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي الْعَبِيدِ وَالْإِمَاءِ إِذَا زَنَى أَحَدُهُمْ أَنْ يُجْلَدَ خَمْسِينَ جَلْدَةً إِنْ كَانَ مُسْلِمًا أَوْ كَافِرًا أَوْ نَصْرَانِيًّا وَ لَا يُرْجَمَ وَ لَا يُنْفَى .

Ali, from his father, from Ibn Abu Najran, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding the slave men and the slave women when one of them committed adultery, that he would be whipped eighty lashes whether he was a Muslim, or an Infidel, or a Christian, and would neither be stoned nor exiled'.¹⁷⁴

¹⁷³ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 22

¹⁷⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 45 H 23