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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 الحدود

THE BOOK OF LEGAL PENALTIES (3)

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بسم الله الرحمن الرحيم الحمد لله رب العالمين، وصلى الله على سيدنا محمد وآله الطاهرين، وسلم تسليماً.

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.

بَاب مَا يَجِبُ عَلَى أَهْلِ الذِّمَّةِ مِنَ الْخُدُودِ

Chapter 46 – What Penalty (*Hadd*) is Obligated upon the *Ahl Al-Zimma* (people under responsibility)

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ كَانَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) يَجْلِدُ الْحُرَّ وَالْعَبْدَ وَالْيَهُودِيَّ وَالنَّصْرَانِيَّ فِي الْخَمْرِ وَالْمُسْكِرِ النَّبِيذِ ثَمَانِينَ فَقِيلَ مَا بَالُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ قَالَ إِذَا أَظْهَرُوا ذَلِكَ فِي مِصْرٍ مِنَ الْأَمْصَارِ لِأَنَّهُمْ لَيْسَ لَهُمْ أَنْ يُظْهَرُوا.

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

'Amir Al-Momineen^{asws} used to whip the free, and the slave, and the Jew, and the Christian, regarding the wine and the intoxicant *Al-Nabeez*, eighty (lashes). So it was said, 'What is the matter (with whipping) the Jew and the Christian?' He^{asws} said: 'When they (openly) display that in a city from the cities, because it is not for them that they should be displaying (openly drinking)'¹.

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدَ بْنِ أَحْمَدَ عَنْ جَعْفَرِ بْنِ رَزْقٍ اللَّهِ أَوْ رَجُلٍ عَنْ جَعْفَرِ بْنِ رَزْقٍ اللَّهِ قَالَ قُدِّمَ إِلَى الْمُتَوَكِّلِ رَجُلٌ نَصْرَانِيٌّ فَجَرَّ بِأَمْرَةِ مُسْلِمَةٍ فَأَرَادَ أَنْ يُقِيمَ عَلَيْهِ الْحَدَّ فَاسْتَلَمَ فَقَالَ يَحْيَى بْنُ أَكْثَمَ قَدْ هَدَمَ إِيْمَانَهُ شِرْكُهُ وَفَعَلَهُ وَقَالَ بَعْضُهُمْ يُضْرَبُ ثَلَاثَةَ خُدُودٍ وَقَالَ بَعْضُهُمْ يُفْعَلُ بِهِ كَذَا وَكَذَا

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Ja'far Bin Rizqallah or a man from Ja'far Bin Rizqallah who said,

'A Christian man who had been immoral with a Muslim woman, was brought before Al-Mutawakkal (the Caliph). So he wanted to establish the Penalty (*Hadd*) upon him, but he became a Muslim. So Yahya Bin Aksam said, 'His belief (has now) demolished his Polytheism and his deed'. And some of them said, 'Whip him with three Penalties', and some of them said, 'Do with him such and such'.

فَأَمَرَ الْمُتَوَكِّلُ بِالْكِتَابِ إِلَى أَبِي الْحَسَنِ الثَّالِثِ (عليه السلام) وَ سَأَلَهُ عَنْ ذَلِكَ فَلَمَّا قَرَأَ الْكِتَابَ كَتَبَ بِضَرْبِ حَتَّى يَمُوتَ فَأَنْكَرَ يَحْيَى بْنُ أَكْثَمَ وَ أَنْكَرَ فَقَهَاءُ الْعَسْكَرِ ذَلِكَ وَ قَالُوا يَا أَمِيرَ الْمُؤْمِنِينَ سَلْ عَنْ هَذَا فَإِنَّهُ شَيْءٌ لَمْ يَنْطِقْ بِهِ كِتَابٌ وَ لَمْ تَجِ بِهِ سُنَّةٌ

So Al-Mutawakkal instructed for a letter (to be written to) Abu Al-Hassan^{asws} the 3rd and ask him^{asws} about that. So when he^{asws} read the letter, he^{asws} wrote: 'Whip him until he dies'. But, Yahya Bin Aksam disagreed, and the jurists of Al-Askar disagreed with that, and they said, 'O commander of the faithful! Ask about this, for it is a thing which the Book (Quran) does not Speak of and a Sunnah has not come with it'.

¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 46 H 1

فَكَتَبَ إِلَيْهِ أَنَّ فَقَهَاءَ الْمُسْلِمِينَ قَدْ أَنْكَرُوا هَذَا وَ قَالُوا لَمْ يَجِئْ بِهِ سُنَّةٌ وَ لَمْ يُنْطِقْ بِهِ كِتَابٌ فَبَيَّنَ لَنَا لَمْ أَوْجِبَتْ عَلَيْهِ الضَّرْبَ حَتَّى يَمُوتَ فَكَتَبَ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ [فَلَمَّا أَحْسَوْا] فَلَمَّا رَأَوْا بَأْسَنَا قَالُوا آمَنَّا بِاللَّهِ وَ حَذَهُ وَ كَفَرْنَا بِمَا كُنَّا بِهِ مُشْرِكِينَ فَلَمْ يَكُ يَنْفَعُهُمْ إِيْمَانُهُمْ لَمَّا رَأَوْا بَأْسَنَا سُنَّتَ اللَّهِ الَّتِي قَدْ خَلَتْ فِي عِبَادِهِ وَ خَسِرَ هُنَالِكَ الْكَافِرُونَ

So the jurists of the Muslims who had disagreed this wrote saying, 'A Sunnah has not come with it, and the Book (Quran) does not speak of it. Therefore, explain for us why is the whipping until death Obligated upon him?' So he^{asws} wrote: 'In the Name of Allah^{azwj} the Beneficent, the Merciful. **[40:84] But when they saw Our Punishment, they said: We believe in Allah alone and we deny what we used to associate with Him [40:85] But their belief was not going to profit them when they had seen Our Punishment; (this is) Allah's Way, which has been excluded regarding His servants, and there the unbelievers are in loss**'.

قَالَ فَأَمَرَ بِهِ الْمُتَوَكَّلُ فَضُرِبَ حَتَّى مَاتَ .

He (the narrator) said, 'So Al-Mutawakkil ordered by it, and he was whipped until he died'.²

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ حَنَانِ بْنِ سَدِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ يَهُودِيٍّ فَجَرَ بِمُسْلِمَةٍ قَالَ يُقْتَلُ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Hanan Bin Sudeyr,

(The narrator) says, 'I asked Abu Abdullah^{asws} about a Jew who had been immoral with a Muslim woman. He^{asws} said: 'He should be killed'.³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ ابْنِ مُسْكَانَ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ حَدُّ الْيَهُودِيِّ وَ النَّصْرَانِيِّ وَ الْمَمْلُوكِ فِي الْخَمْرِ وَ الْفُرْيَةِ سَوَاءٌ وَ إِنَّمَا صَوْلِحَ أَهْلُ الذِّمَّةِ عَلَى أَنْ يَشْرَبُوا فِي بُيُوتِهِمْ .

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

'He^{asws} said: 'The Penalty of the Jew, and the Christian, and the owned (slaves) regarding the wine and the fabrication is the same. But rather, it is correct for the *Ahl Al-Zimma* (people under responsibility) that they can drink it in their houses'.⁴

يُونُسُ عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ الْيَهُودِيِّ وَ النَّصْرَانِيِّ يَفْذِفُ صَاحِبَهُ مِلَّةً عَلَى مِلَّةٍ وَ الْمَجُوسِيِّ يَفْذِفُ الْمُسْلِمَ قَالَ يُجْلَدُ الْحَدُّ .

Yunus, from Sama'at who said,

I asked him^{asws} about the Jew, and the Christian who slandered his companion of a same religion, and the Magian who slandered the Muslim. He^{asws} said: 'He would be whipped the Penalty (*Hadd*)'.⁵

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

³ Al Kafi – V 7 – The Book of Legal Penalties Ch 46 H 3

⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 46 H 4

⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 46 H 5

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ بْنِ صُهَيْبٍ قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ نَصْرَانِيٍّ قَذَفَ مُسْلِمًا فَقَالَ لَهُ يَا زَانٍ جُلْدُ ثَمَانِينَ جَلْدَةً لِحَقِّ الْمُسْلِمِ وَ ثَمَانِينَ سَوْطًا إِلَّا سَوْطًا لِحُرْمَةِ الْإِسْلَامِ وَ يُحْلَقُ رَأْسُهُ وَ يُطَافُ بِهِ فِي أَهْلِ دِينِهِ لِكَيْ يُنْكَلَ غَيْرُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abbad Bin Suheyb who said,

‘Abu Abdullah^{asws} was asked about a Christian who had slandered a Muslim, so he said to him, ‘O adulterer!’ So he^{asws} said: ‘He would be whipped eighty lashes due to a right of the Muslim, and eighty lashes except for one due to the sanctity of Al-Islam, and his head would be shaved off, and he would be paraded with among the people of his religion as a lesson for others’.⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ الْوَشَاءِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَنْ يُجْلَدَ الْيَهُودِيُّ وَ النَّصْرَانِيُّ فِي الْخَمْرِ وَ النَّبِيذِ الْمُسْكِرِ ثَمَانِينَ جَلْدَةً إِذَا أَظْهَرُوا شَرْبَهُ فِي مَصْرٍ مِنْ أَمْصَارِ الْمُسْلِمِينَ وَ كَذَلِكَ الْمَجُوسِيُّ وَ لَمْ يَعْزِضْ لَهُمْ إِذَا شَرِبُوهَا فِي مَنَازِلِهِمْ وَ كَنَائِسِهِمْ حَتَّى يَصِيرُوا بَيْنَ الْمُسْلِمِينَ .

Ali Bin Ibrahim, from his father, from Al Washa, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: ‘Amir Al-Momineen^{asws} judged that the Jew, and the Christian would be whipped regarding the wine and *Al-Nabeez* the intoxicant (drink), eighty lashes, when they display drinking it in a city from the cities of the Muslims. And similar to that is the Magian; and they would not be treated harshly when they drink it in their houses and their churches, until they come to be in between the Muslims’.⁷

بَابُ كَرَاهِيَةِ قَذْفِ مَنْ لَيْسَ عَلَى الْإِسْلَامِ

Chapter 47 – Abhorrence of slandering one who is not upon Al-Islam

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ نَهَى عَنْ قَذْفِ مَنْ لَيْسَ عَلَى الْإِسْلَامِ إِلَّا أَنْ يَطْلُعَ عَلَى ذَلِكَ مِنْهُمْ وَ قَالَ أَيْسَرُ مَا يَكُونُ أَنْ يَكُونَ قَدْ كَذَبَ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} that he^{asws} forbid from slandering one who is not upon Al-Islam except that he emerges upon that, from them’. And he^{asws} said: ‘The easiest of what could happen is that he would happen to have lied’.⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ نَهَى عَنْ قَذْفِ مَنْ كَانَ عَلَى غَيْرِ الْإِسْلَامِ إِلَّا أَنْ يَكُونَ قَدْ أَطْلَعَتْ عَلَى ذَلِكَ مِنْهُ .

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

⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 46 H 6

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

⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 47 H 1

(It has been narrated) from Abu Abdullah^{asws} that he^{asws} forbid from slandering one who was upon other than Al-Islam, except that he happened to have been notified upon that, from him'.⁹

عَلِيٌّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي الْحَسَنِ الْحَدَّاءِ قَالَ كُنْتُ عِنْدَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَسَأَلَنِي رَجُلٌ مَا فَعَلَ غَرِيمُكَ فَقُلْتُ ذَلِكَ ابْنُ الْفَاعِلَةِ فَظَنَرْتُ إِلَيَّ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) نَظَرًا شَدِيدًا قَالَ فَقُلْتُ جُعِلْتُ فِدَاكَ إِنَّهُ مَجُوسِيٌّ أُمُّهُ أُخْتُهُ فَقَالَ أَوْ لَيْسَ ذَلِكَ فِي دِينِهِمْ نِكَاحًا .

Ali, from his father, from Ibn Abu Umeyr, from Abu Al Hassan Al Haza'a who said,

'I was in the presence of Abu Abdullah^{asws}, so a man said to me, 'What did your creditor do?' I said, 'That one is a son of a 'sexually active (immoral) woman'. So Abu Abdullah^{asws} looked at me with a harsh look. So I said, 'May I be sacrificed for you^{asws}! He is a Magian. His mother is his sister'. So he^{asws} said: 'Or is that not (considered a valid) marriage in their religion?'¹⁰

بَاب مَا يَجِبُ فِيهِ التَّعْزِيرُ فِي جَمِيعِ الْحُدُودِ

Chapter 48 – Regarding what the discretion is Obligated in the entirety of the Penalties

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ التَّعْزِيرِ كَمْ هُوَ قَالَ بِضْعَةَ عَشَرَ سَوْطًا مَا بَيْنَ الْعَشْرَةِ إِلَى الْعِشْرِينَ .

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

'I asked Abu Abdullah^{asws} about the reprimanding, how much is it?' He^{asws} said: 'A part of (about) ten lashes, what is between the ten to the twenty'.¹¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُونُسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلَيْنِ افْتَرَى كُلُّ وَاحِدٍ مِنْهُمَا عَلَى صَاحِبِهِ فَقَالَ يُدْرَأُ عَنْهُمَا الْحَدُّ وَ يُعَزَّرَانِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunush, from Abdullah Bin Sinan who said,

'I asked Abu Abdullah^{asws} about two men, each one of the two fabricated upon his companion. So he^{asws} said: 'The Penalty (*Hadd*) would be staved off from them, and they would both be reprimanded'.¹²

عَنْهُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ سَبَّ رَجُلًا بِغَيْرِ قَذْفٍ يُعَرِّضُ بِهِ هَلْ يُجْلَدُ قَالَ عَلَيْهِ تَعْزِيرٌ .

From him, from Abdul Rahman Bin Abu Abdullah who, said,

'I asked Abu Abdullah^{asws} about a man who insulted a man without slander, would he be treated harshly? Would he be whipped?' He^{asws} said: 'Upon him is a reprimand'.¹³

⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 47 H 2

¹⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 47 H 3

¹¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 1

¹² Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 2

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ عَنْ أَبِي بَانَ بْنِ عُثْمَانَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الْإِفْتِرَاءِ عَلَى أَهْلِ الذِّمَّةِ وَ أَهْلِ الْكِتَابِ هَلْ يُجْلَدُ الْمُسْلِمُ الْحَدَّ فِي الْإِفْتِرَاءِ عَلَيْهِمْ قَالَ لَا وَ لَكِنْ يُعَزَّرُ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ja'far Bin Sama'at, from Aban Bin Usman, from Ismail Bin Al Fazl who said,

'I asked Abu Abdullah^{asws} about the fabrication upon the *Ahl Al-Zimma* (under the responsibility), and the people of the Book (Jews and Christians), would the Muslim be whipped the Penalty (*Hadd*) with regards to the fabrication against them?' He^{asws} said: 'No, but he would be reprimanded'.¹⁴

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ حَمَّادِ بْنِ عُثْمَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) كَمْ النَّعْزِيرُ فَقَالَ دُونَ الْحَدِّ قَالَ ثَمَانِينَ قَالَ فَقَالَ لَا وَ لَكِنْ دُونَ الْأَرْبَعِينَ فَإِنَّهُ حَدُّ الْمَمْلُوكِ قَالَ قُلْتُ وَ كَمْ ذَلِكَ قَالَ قَالَ عَلَى قَدْرِ مَا يَرَى الْوَالِي مِنْ ذَنْبِ الرَّجُلِ وَ قُوَّةِ بَدَنِهِ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al hassan Bin Ali, from Hammad Bin Usman who said,

'I said to Abu Abdullah^{asws}, 'How much is the reprimand?' So he^{asws} said: 'Less than the Penalty (*Hadd*)'. I said, 'Less than eighty (lashes)?' So he^{asws} said: 'No, but it is less than the forty (lashes), for it is a Penalty (*Hadd*) of the owned (slaves)'. I said, 'And how much is that?' He^{asws} said: 'Upon the measurement of what the guardian sees fit from a sin of the man, and strength of his body'.¹⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ جَرَّاحِ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا قَالَ الرَّجُلُ لِلرَّجُلِ أَنْتَ حَبِيبٌ وَ أَنْتَ خِنْزِيرٌ فَلَيْسَ فِيهِ حَدٌّ وَ لَكِنْ فِيهِ مَوْعِظَةٌ وَ بَعْضُ الْعُقُوبَةِ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man says to the man, 'You are filthy', and 'You are a pig', so there is no Penalty (*Hadd*) with regards to it, but in it is advising, and part of the punishment'.¹⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدٍ بْنِ عِيْسَى عَنْ يُونُسَ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ شُهُودِ الزُّوْرِ قَالَ فَقَالَ يُجْلَدُونَ حَدًّا لَيْسَ لَهُ وَقْتُ وَ ذَلِكَ إِلَى الْإِمَامِ وَ يُطَافُ بِهِمْ حَتَّى يَعْرِفَهُمُ النَّاسُ

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

'I asked him^{asws} about false testifiers'. So he^{asws} said: 'They would be whipped the Penalty (*Hadd*). There is not (fixed) time for it, and that is upon the Imam^{asws}, and they would be paraded with until the the people recognise them'.

وَ أَمَّا قَوْلُ اللَّهِ عَزَّ وَ جَلَّ وَ لَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا... إِلَّا الَّذِينَ تَابُوا قَالَ قُلْتُ كَيْفَ تُعْرِفُ تَوْبَتَهُ قَالَ يُكْذِبُ نَفْسَهُ عَلَى رُءُوسِ النَّاسِ حَتَّى يُضْرَبَ وَ يَسْتَغْفِرَ رَبَّهُ وَ إِذَا فَعَلَ ذَلِكَ فَقَدْ ظَهَرَتْ تَوْبَتُهُ .

¹³ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 3

¹⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 4

¹⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 5

¹⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 6

And as for the Words of Allah^{azwj} Mighty and Majestic [24:4] **and do not accept any testimony from them ever [24:5] Except those who repent**, I said, 'How is their repentance recognised?' He^{asws} said: 'He would belie himself (confess) to the chiefs of the people until he is whipped, and he would seek Forgiveness of his Lord^{azwj}. And when he does that, so his repentance would have been manifested'.¹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَالِحِ بْنِ سَعِيدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ ذِمِّيَّةً عَلَى مُسْلِمَةٍ وَ لَمْ يَسْتَأْمَرْهَا قَالَ وَ يُفَرِّقُ بَيْنَهُمَا قَالَ فَقُلْتُ فَعَلَيْهِ أَدَبٌ قَالَ نَعَمْ أَتَانَا عَشْرَ سَوَاطٍ وَ نِصْفُ ثَمْنٍ حَذِّ الزَّانِي وَ هُوَ صَاغِرٌ قُلْتُ فَإِنْ رَضِيَتْ الْمَرْأَةُ الْحُرَّةُ الْمُسْلِمَةُ بِفِعْلِهِ بَعْدَ مَا كَانَ فَعَلَ قَالَ لَا يُضْرَبُ وَ لَا يُفَرَّقُ بَيْنَهُمَا يَنْقِيَانِ عَلَى النِّكَاحِ الْأَوَّلِ .

Ali Bin Ibrahim, from his father, from Salih Bin Saeed, from one of his companions, from Mansour Bin Hazam,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who married a *Zimmi* woman (woman under the responsibility of the Islamic government) over a Muslim woman, (as a second wife) and did not have her instructions (permission). He^{asws} said: 'And there would be separation between the two of them'. So I said, 'So is there disciplining upon him?' He^{asws} said: 'Yes, twelve lashes, and half of eighty being a Penalty (*Hadd*) of the adulterer, and he would be belittled'. I said, 'So if the free Muslim woman were to be happy with his deed after what he had done?' He^{asws} said: 'He would not be whipped, nor would there be separation between the two. They would both remain upon the first marriage'.¹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنْ يَحْيَى بْنِ الْمُبَارَكِ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ أَبِي جَمِيلَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ وَ سَمَاعَةَ عَنْ أَبِي بصيرٍ قَالَ قُلْتُ أَكَلِ الرَّبَا بَعْدَ الْبَيْئَةِ قَالَ يُؤَدَّبُ فَإِنْ عَادَ أُدْبَ فَإِنْ عَادَ قُتِلَ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Yaqoub Bin Yazeed, from Yahya Bin Ali Mubarak, from Abdullah Bin Jabala, from Abu Jameela, from Is'haq Bin Ammar and Sama'at, from Abu Baseer who said,

'I said, 'The consumer of the interest after the evidence (is clarified to him)?' He^{asws} said: 'He would be disciplined. So if he repeats, he would be disciplined. So if he repeats, he would be killed'.¹⁹

وَ بِهِذَا الْإِسْنَادِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ أَكَلِ الْمَيْتَةِ وَ الدِّمِ وَ لَحْمِ الْخَنزِيرِ عَلَيْهِ أَدَبٌ فَإِنْ عَادَ أُدْبَ فَإِنْ عَادَ أُدْبَ وَ لَيْسَ عَلَيْهِ حَدٌّ .

And by this chain, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The consumer of the dead (animals, fish etc.), and the blood, and the flesh of the swine, upon him is the disciplining. So if he repeats, he is disciplined. So if he repeats, he is disciplined, and there is no Penalty (*Hadd*) upon him'.²⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ صَالِحِ بْنِ السُّنْدِيِّ عَنْ جَعْفَرِ بْنِ بَشِيرٍ عَنِ الْحُسَيْنِ بْنِ أَبِي الْعَلَاءِ عَنْ أَبِي مَخْلَدٍ السَّرَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي رَجُلٍ دَعَا آخَرَ ابْنَ الْمَجْنُونِ فَقَالَ لَهُ الْآخَرُ أَنْتَ ابْنُ

¹⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 7

¹⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 8

¹⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 9

²⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 10

الْمَجْنُونِ فَأَمَرَ الْأَوَّلَ أَنْ يَجْلِدَ صَاحِبَهُ عَشْرِينَ جَلْدَةً وَ قَالَ لَهُ ااعْلَمْ أَنَّهُ مُسْتَحَقٌّ مِثْلَهَا عَشْرِينَ فَلَمَّا جَلَدَهُ أَعْطَى الْمَجْلُودَ السَّوْطَ فَجَلَدَهُ نَكَالًا يُنْكَلُ بِهِمَا .

Ali Bin Ibrahim, from Salih Bin Al Sindy, from Ja'far Bin Basheer, from Al Husayn Bin Abu Al A'la, from Abu Makhlad Al Sarraj,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a man who called another, 'Son of the insane'. So the other one said to him, 'You are a son of the insane'. So he^{asws} ordered that the first one (who was slandered) to whip his companion with twenty lashes, and said to him, 'Know that he is also deserving the like of it, twenty'. So when he had whipped him, he^{asws} gave the whip to the whipped one, so he whipped him, being a lesson to be learnt by both of them'.²¹

عَلِيُّ بْنُ مُحَمَّدٍ بْنِ بُنْدَارٍ عَنْ إِبْرَاهِيمَ بْنِ إِسْحَاقَ الْأَحْمَرِ عَنْ عَبْدِ اللَّهِ بْنِ حَمَّادٍ الْأَنْصَارِيِّ عَنْ مُضَظَّلِ بْنِ عُمَرَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَتَى امْرَأَتَهُ وَ هِيَ صَائِمَةٌ وَ هُوَ صَائِمٌ قَالَ إِنْ كَانَ قَدْ اسْتَكْرَهَهَا فَعَلَيْهِ كَفَّارَتَانِ وَ إِنْ لَمْ يَسْتَكْرَهَهَا فَعَلَيْهِ كَفَّارَةٌ وَ إِنْ كَانَ أَكْرَهَهَا فَعَلَيْهِ ضَرْبُ خَمْسِينَ سَوْطًا نِصْفَ الْحَدِّ وَ إِنْ كَانَتْ طَوَّعَتْهُ ضَرْبُ خَمْسَةٍ وَ عَشْرِينَ سَوْطًا وَ ضَرْبَتْ خَمْسَةً وَ عَشْرِينَ سَوْطًا .

Ali Bin Muhammad Bin Bandaar, from Ibrahim Bin Is'haq Al Ahmar, from Abdullah Bin Hammad Al Ansary, from Mufazzal Bin Umar,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who came to his wife and she was Fasting, and he was Fasting'. He^{asws} said: 'If she was forced, so upon him would be two expiations, and if she was not forced, so upon him is an expiation and upon her is an expiation, and if she had abhorred it, so upon him would be a whipping of fifty lashes, half the Penalty (*Hadd*), and if she had obeyed him, he would be whipped twenty five lashes, and she would be whipped fifty lashes'.²²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ صَالِحِ بْنِ سَعِيدٍ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ الْهَاشِمِيِّ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَتَى أَهْلَهُ وَ هِيَ حَائِضٌ قَالَ يَسْتَغْفِرُ اللَّهُ وَ لَا يَعُودُ قُلْتُ فَعَلَيْهِ أَدَبٌ قَالَ نَعَمْ خَمْسَةٌ وَ عَشْرِينَ سَوْطًا رُبْعَ حَدِّ الزَّانِي وَ هُوَ صَاحِرٌ لِأَنَّهُ أَتَى سِفَاحًا .

Ali Bin Ibrahim, from his father, from Salih Bin Saeed, from Ismail Bin Al Fazl Al Hasimy who said,

'I asked Abu Al-Hassan^{asws} about a man who came to his wife and she was in menstruation. He^{asws} said: 'He should seek Forgiveness of Allah^{azwj}, and should not repeat it'. I said, 'So upon him would be the disciplining?' He^{asws} said: 'Yes, twenty five lashes, being a quarter of the Penalty (*Hadd*) of the adulterer, and he would be belittled, because he came unlawfully'.²³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَ لَادٍ الْخَنَاطِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ أَتَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) بِرَجُلَيْنِ قَدْ قَذَفَ كُلُّ وَاحِدٍ مِنْهُمَا صَاحِبَهُ بِالزَّانِي فِي بَدَنِهِ فَقَرَأَ عَنْهُمَا الْحَدَّ وَ عَزَّرَهُمَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Abu Wallad Al hannat who said,

²¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 11

²² Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 12

²³ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 13

'I heard Abu Abdullah^{asws} saying, 'They came to Amir Al-Momineen^{asws} with two men, each one of them had slandered his companion with the adultery in his body. So he^{asws} staved off the Penalty (*Hadd*) from both of them, and reprimanded them both'.²⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ الْمَنْقَرِيِّ عَنِ النُّعْمَانِ بْنِ عَبْدِ السَّلَامِ عَنْ أَبِي حَنِيفَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ قَالَ لِأَخْرَ يَا فَاسِيقُ قَالَ لَا حَدَّ عَلَيْهِ وَ يُعَزَّرُ .

Ali Bin Ibrahim, from his father, from Al Qasim Bin Muhammad Al Miqary, from Al Noman Bin Abdul Salam, from Abu Haneefa who said,

'I asked Abu Abdullah^{asws} about a man who said to another, 'O wicked!' He^{asws} said: 'There is no Penalty (*Hadd*) upon him, and he would be reprimanded'.²⁵

مُحَمَّدُ بْنُ بَحْيٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ سَمَاعَةَ قَالَ شُهِدُوا الزُّورَ يُجْلَدُونَ حَدًّا لَيْسَ لَهُ وَقْتُ ذَلِكَ إِلَى الْإِمَامِ وَ يُطَافُ بِهِمْ حَتَّى يُعَرَّفُوا فَلَا يَعُودُوا قُلْتُ لَهُ فَإِنْ تَابُوا وَ أَصْلَحُوا تُقْبَلُ شَهَادَتُهُمْ بَعْدُ قَالَ إِذَا تَابُوا تَابَ اللَّهُ عَلَيْهِمْ وَ قُبِلَتْ شَهَادَتُهُمْ بَعْدُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub, from Sama'at who said,

'The false testifiers would be whipped a Penalty (*Hadd*), there being no timing for it, that is up to the Imam^{asws}, and they would be paraded with until they are recognised as such, so they would not repeat'. I said to him^{asws}, 'So if they repent and be correct, would their testimonies be accepted afterwards?' He^{asws} said: 'When they repent, Allah^{azwj} would Turn to them (with Mercy), and their testimonies would be accepted afterwards'.²⁶

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ سَبَّ رَجُلًا بَغَيْرِ قَذْفٍ عَرَضَ بِهِ هَلْ عَلَيْهِ حَدٌّ قَالَ عَلَيْهِ تَعْزِيرٌ .

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} regarding a man who insulted a man without slander, would he be treated harshly? Is there a Penalty (*Hadd*) upon him?' He^{asws} said: 'Upon him is the reprimanding'.²⁷

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمَيْثَمِيِّ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْإِفْتِرَاءِ عَلَى أَهْلِ الذِّمَّةِ هَلْ يُجْلَدُ الْمُسْلِمُ الْحَدَّ فِي الْإِفْتِرَاءِ عَلَيْهِمْ قَالَ لَا وَ لَكِنْ يُعَزَّرُ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ahmad Bin Al Hassan Al Maysami, from Aban Bin Usman, from Ismail Bin Al Fazal who said,

²⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 14

²⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 15

²⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 16

²⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 17

'I asked Abu Abdullah^{asws} about the fabricating upon the *Ahl al-Zimma*, would the Muslim be whipped the Penalty (*Hadd*) with regards to the fabrication against them?' He^{asws} said: 'No, but he would be reprimanded'.²⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ فَضَّالٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي مَرْيَمَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي الْهَجَاءِ التَّعْزِيرَ .

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding the defamation, (to be) the reprimanding'.²⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ أَبِي حَبِيبٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَأْتِي الْمَرْأَةَ وَهِيَ حَائِضٌ قَالَ يَجِبُ عَلَيْهِ فِي اسْتِغْبَالِ الْحَيْضِ دِينَارٌ وَفِي اسْتِدْبَارِهِ نِصْفُ دِينَارٍ قَالَ قُلْتُ جُعِلَتْ فِدَاكَ يَجِبُ عَلَيْهِ شَيْءٌ مِنَ الْحَدِّ قَالَ نَعَمْ خُمُسَةٌ وَعِشْرِينَ سَوْطاً رُبْعَ حَدِّ الزَّانِي لِأَنَّهُ أَتَى سِفَاحاً .

Ali Bin Ibrahim, from his father, from Muhammad Bin Ja'far, from Abu Habeeb, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{asws} about the man who came to the woman and she was Fasting. He^{asws} said: 'It would be Obligated upon him, during the beginning of the menstruation, one Dinar, and during its ending, half a Dinar'. I said, 'May I be sacrificed for you^{asws}! Is something from the Penalty (*Hadd*) Obligated upon him?' He^{asws} said: 'Yes, twenty five lashes, being a quarter of the Penalty (*Hadd*) of the adulterer, because he came unlawfully'.³⁰

بَابُ الرَّجُلِ يَجِبُ عَلَيْهِ الْحَدُّ وَهُوَ مَرِيضٌ أَوْ بِهِ قُرُوحٌ

Chapter 49 – The man upon whom the Penalty (*Hadd*) is Obligated, and he is ill or with injuries

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عِيسَى بْنِ ابْنِ مَحْبُوبٍ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ بَزِيعٍ عَنْ حَنَانِ بْنِ سَدِيرٍ عَنْ يَحْيَى بْنِ عَبَادٍ الْمَكِّي قَالَ قَالَ لِي سُفْيَانُ الثَّوْرِيُّ إِنِّي أَرَى لَكَ مِنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مَنَزَلَةً فَسَلُّهُ عَنْ رَجُلٍ زَنَى وَهُوَ مَرِيضٌ إِنْ أُقِيمَ عَلَيْهِ الْحَدُّ مَاتَ مَا نَقُولُ فِيهِ فَسَأَلْتُهُ فَقَالَ هَذِهِ الْمَسْأَلَةُ مِنْ تَلْقَاءِ نَفْسِكَ أَوْ قَالَ لَكَ إِنْسَانٌ أَنْ تَسْأَلَنِي عَنْهَا فَقُلْتُ سُفْيَانُ الثَّوْرِيُّ سَأَلَنِي أَنْ أَسْأَلَكَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub and Muhammad Bin Ismail Bin Bazie, from Hanan Bin Sudeyr, from Yahya Bin Abbad Al Makky who said,

'Sufyan said to me, 'I see for you having a status from Abu Abdullah^{asws}, so ask him^{asws} about a man who commits adultery and he is sick. If the Penalty (*Hadd*) were to be established upon him, he would die. What are you^{asws} saying with regards to it?' So I asked him^{asws}, so he^{asws} said: 'Is this from yourself or a person told you to ask me^{asws} about it?' So I said, 'Sufyan Al-Sowry asked me that I should ask you^{asws}'.

²⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 18

²⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 19

³⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 48 H 20

فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَتَى بِرَجُلٍ اخْتَبَنَ مُسْتَسْقَى الْبَطْنِ قَدْ بَدَتْ عُرُوقُ فَخَذَيْهِ وَ قَدْ زَنَى بِامْرَأَةٍ مَرِيضَةٍ فَأَمَرَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بِعَذْقِ فِيهِ مِائَةَ شِمْرَاحٍ فَضُرِبَ بِهِ الرَّجُلُ ضَرْبَةً وَ ضُرِبَتْ بِهِ الْمَرْأَةُ ضَرْبَةً ثُمَّ خَلَّى سَبِيلَهُمَا ثُمَّ قَرَأَ هَذِهِ الْآيَةَ وَ خَذَ بِيَدِكَ ضِغْتًا فَاضْرِبْ بِهِ وَ لَا تُحْنُثْ .

So Abu Abdullah^{asws} said: 'They came with a man to Rasool-Allah^{saww} who suffered from illness of the belly and the veins of his thighs were visible, and he had committed adultery with a sick woman. So Rasool-Allah^{saww} ordered a palm branch which had a hundred stalks to it, so the man was whipped with it by one lash, and the woman was whipped with it with one lash, then he^{saww} freed both their ways. Then he^{saww} recited this Verse [38:44] **And take in your hand a green branch and beat with it and do not break your oath**'.³¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ يَحْيَى بْنِ أَبِي عِمْرَانَ عَنْ يُونُسَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَحَدَهُمَا (عَلَيْهِمَا السَّلَام) عَنْ حَدِّ الْأَخْرَسِ وَالْأَصَمِّ وَالْأَعْمَى فَقَالَ عَلَيْهِمُ الْحُدُودُ إِذَا كَانُوا يَعْقِلُونَ مَا يَأْتُونَ .

Ali Bin Ibrahim, from his father, from Yahya Bin Abu Imran, from Yunus, from Is'haq Bin Ammar who said,

'I asked one of the two (5th or 6th Imam^{asws}) about a Penalty (Hadd) of the speechless, the deaf and the blind, so he^{asws} said: 'Upon them are the Penalties, when they they have the intellect of what they are coming to'.³²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِي هَمَّامٍ عَنْ مُحَمَّدِ بْنِ سَعِيدٍ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَنِّي أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) بِرَجُلٍ أَصَابَ حَدًّا وَ بِهِ قُرُوحٌ فِي جَسَدِهِ كَثِيرَةٌ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَخْرَوْهُ حَتَّى يَبْرَأَ لَا تَنْكُوهَا عَلَيْهِ فَقَتَلُوهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Abu Hammam, from Muhammad Bin Saeed, from Al Sakuny,

Abu Abdullah^{asws} has said: 'They came to Amir Al-Momineen^{asws} with a man who had numerous sores in his body. So Amir Al-Momineen^{asws} said: 'Delay it until he is cured. Do not peel these off (by beating him) for you would kill him'.³³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُونُسَ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ أَبِي الْعَبَّاسِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَتَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بِرَجُلٍ دَمِيمٍ قَصِيرٍ قَدْ سَقَى بَطْنَهُ وَ قَدْ دَرَّتْ عُرُوقُ بَطْنِهِ قَدْ فَجَرَ بِامْرَأَةٍ فَقَالَتِ الْمَرْأَةُ مَا عَلِمْتُ بِهِ إِلَّا وَ قَدْ دَخَلَ عَلَيَّ فَقَالَ لَهُ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَرَنْبِتَ فَقَالَ نَعَمْ وَ لَمْ يَكُنْ أَحْصِينَ فَصَعَدَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بَصْرَهُ وَ خَفَضَهُ ثُمَّ دَعَا بِعَذْقِ فَعَدَّهُ مِائَةَ ثُمَّ ضَرَبَهُ بِشِمَارِيخِهِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Aban Bin Usman, from Abu Al Abbas,

Abu Abdullah^{asws} has said: 'They came to Rasool-Allah^{saww} with a short, ugly man who had illness in his belly, and the veins of his belly had turned around. He had been immoral with a woman, so she said, 'I did not know of him except that he entered into me'. So Rasool-Allah^{saww} said to him: 'Did you commit adultery?' So he said, 'Yes', and he was not married. So Rasool-Allah^{saww} raised his^{saww} gaze and

³¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 49 H 1

³² Al Kafi – V 7 – The Book of Legal Penalties Ch 49 H 2

³³ Al Kafi – V 7 – The Book of Legal Penalties Ch 49 H 3

lowered it. Then he^{saww} called for a palm branch, counted a hundred, then whipped him with its stalk'.³⁴

عَدَّةً مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) أَتَى بِرَجُلٍ أَصَابَ حَدًّا وَ بِهِ فُرُوحٌ وَ مَرَضٌ وَ أَشْبَاهُ ذَلِكَ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) أَخْرُوه حَتَّى يَبْرَأَ لَا تَنْكَأ فُرُوحُهُ عَلَيْهِ فَيَمُوتَ وَ لَكِنْ إِذَا بَرَأَ حَدَّنَاهُ .

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

(It has been narrated) from Abu Abdullah^{asws} that they came to Amir Al-Momineen^{asws} with a man who was due a Penalty (*Hadd*), and with him were blisters and an illness, and such like that. So Amir Al-Momineen^{asws} said: 'Delay it until he is cured. Do not peel off his blisters (by beating him), for he would die, but when he is cured, we^{asws} shall Penalty (*Hadd*) him'.³⁵

بَابُ حَدِّ الْمُحَارِبِ

Chapter 50 – Penalty (*Hadd*) of the combatant

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ وَ حُمَيْدُ بْنُ زِيَادٍ عَنْ ابْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ مِنْ أَصْحَابِهِ جَمِيعاً عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ أَبِي صَالِحٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَدِمَ عَلَى رَسُولِ اللَّهِ قَوْمٌ مِنْ بَنِي ضَبَّةَ مَرْضَى فَقَالَ لَهُمْ رَسُولُ اللَّهِ (صلى الله عليه وآله) أَقِيمُوا عِنْدِي فَإِذَا بَرَأْتُمْ بَعَثْنَاكُمْ فِي سَرِيَّةٍ فَقَالُوا أَخْرَجْنَا مِنَ الْمَدِينَةِ فَبَعَثَ بِهِمْ إِلَى إِبِلِ الصَّدَقَةِ يَشْرَبُونَ مِنْ أَبْوَالِهَا وَ يَأْكُلُونَ مِنْ أَلْبَانِهَا فَلَمَّا بَرَّعُوا وَ اسْتَدْبَرُوا قَتَلُوا ثَلَاثَةً مِمَّنْ كَانُوا فِي الْإِبِلِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam and Humejd Bin Ziyad, from Ibn Sama'at, from someone else from his companions, altogether from Aban Bin Usman, from Abu Salih,

Abu Abdullah^{asws} has said: 'A group of sick people from the Clan of Zabbat came to Rasool-Allah^{saww}. So Rasool-Allah^{saww} said to them: 'Stay with me^{saww}, so whenever you are cured, I^{saww} will send you with an escort, secretly. So they said, 'Get us out from Al-Medina'. So he^{saww} sent them to the charity camels. They were drinking from their urine and eating from their milk. So when they were cured and became strong, they killed three people who were tending the camels.

فَبَلَغَ رَسُولُ اللَّهِ (صلى الله عليه وآله) فَبَعَثَ إِلَيْهِمْ عَلِيًّا (عليه السلام) فَهُمْ فِي وَادٍ قَدْ تَحَيَّرُوا لَيْسَ يَقْدِرُونَ أَنْ يَخْرُجُوا مِنْهُ قَرِيباً مِنْ أَرْضِ الْيَمَنِ فَأَسْرَهُمْ وَ جَاءَ بِهِمْ إِلَى رَسُولِ اللَّهِ (صلى الله عليه وآله) فَنَزَلَتْ هَذِهِ الْآيَةُ عَلَيْهِ إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَ رَسُولَهُ وَ يَسْعَوْنَ فِي الْأَرْضِ فَسَاداً أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَ أَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ فَاخْتَارَ رَسُولُ اللَّهِ (صلى الله عليه وآله) الْقَطْعَ فَقَطَّعَ أَيْدِيَهُمْ وَ أَرْجُلَهُمْ مِنْ خِلَافٍ .

So (the news) reached Rasool-Allah^{saww}, so he^{saww} sent Ali^{asws} to them, and they were in a valley and were confused (of their way) and did not have the ability to come out from it, near to the land of Al-Yemen. So he^{asws} captured them and came with them to Rasool-Allah^{saww}. So this Verse was Revealed unto him^{saww} [5:33] **But rather, the Recompense of those who wage war against Allah and His Rasool and strive to make mischief in the land is only this, that they should be killed or crucified or their hands and their feet should be cut off on opposite sides or**

³⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 49 H 4

³⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 49 H 5

they should be exiled from the land. So Rasool-Allah^{saww} chose the cutting, so he^{saww} cut their hands, and their feet from opposite sides'.³⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ أَبِي عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ جَمِيعاً عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ طَلْحَةَ النَّهْدِيِّ عَنْ سُرَّةَ بْنِ كُلَيْبٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) رَجُلٌ يَخْرُجُ مِنْ مَنْزِلِهِ يُرِيدُ الْمَسْجِدَ أَوْ يُرِيدُ الْحَاجَةَ فَيَلْقَاهُ رَجُلٌ أَوْ يَسْتَقْفِيهِ فَيَضْرِبُهُ وَ يَأْخُذُ تَوْبَهُ قَالَ أَيْ شَيْءٍ يَقُولُ فِيهِ مَنْ قَبْلَكُمْ قُلْتُ يَقُولُونَ هَذِهِ دَعَارَةٌ مُعَلَّنَةٌ وَ إِنَّمَا الْمُحَارَبُ فِي فُرَى مُشْرِكِيَّةٍ فَقَالَ أَكْبَرُ حُرْمَةٍ دَارُ الْإِسْلَامِ أَوْ دَارُ الشِّرْكِ قَالَ قُلْتُ دَارُ الْإِسْلَامِ فَقَالَ هَؤُلَاءِ مِنْ أَهْلِ هَذِهِ الْآيَةِ إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَ رَسُولَهُ إِلَى آخِرِ الْآيَةِ .

Ali Bin Ibrahim, from his father and Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, altogether from Safwan Bin Yahya, from Talha Al Nahdy, from Sowrat Bin Kuleyb who said,

'I said to Abu Abdullah^{asws}, 'A man comes out from his house intending (to go to) the Masjid, or he intends the need, so he meets a man or he is followed by him, and he beats him up and takes his clothes'. He^{asws} said: 'Which thing are they saying with regards to it, the ones who are around you?' I said, 'They are saying, 'This is an open violation, but rather the warrior is in the town of the Polytheists'. So he^{asws} said: 'Which one is greater in sanctity, the house of Al-Islam or the house of the Polytheism?' I said, 'The house of Al-Islam'. He^{asws} said: 'These are the ones who are rightful of this Verse **[5:33] But rather, the Recompense of those who wage war against Allah and His Rasool** – up to the end of the Verse'.³⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَ رَسُولَهُ وَ يَسْعَوْنَ فِي الْأَرْضِ فَسَاداً أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ إِلَى آخِرِ الْآيَةِ فَقُلْتُ أَيْ شَيْءٍ عَلَيْهِمْ مِنْ هَذِهِ الْخُدُودِ الَّتِي سَمَّى اللَّهُ عَزَّ وَ جَلَّ قَالَ ذَلِكَ إِلَى الْإِمَامِ إِنْ شَاءَ قَطَعَ وَ إِنْ شَاءَ صَلَبَ وَ إِنْ شَاءَ نَفَى وَ إِنْ شَاءَ قَتَلَ قُلْتُ النَّفْيُ إِلَى أَيْنَ قَالَ يُنْفَى مِنْ مِصْرٍ إِلَى مِصْرٍ آخَرَ وَ قَالَ إِنْ عَلِيًّا (عَلَيْهِ السَّلَام) نَفَى رَجُلَيْنِ مِنَ الْكُوفَةِ إِلَى الْبَصْرَةِ .

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

'I asked Abu Abdullah^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[5:33] But rather, the Recompense of those who wage war against Allah and His Rasool and strive to make mischief in the land is only this, that they should be killed or crucified or their hands and their feet should be cut off** – up to the end of the Verse'. So I said, 'Which thing is upon them from these Penalties which Allah^{azwj} Mighty and Majestic has Mentioned?' He^{asws} said: 'That is upon the Imam^{asws}, if he^{asws} so desires to, he^{asws} cuts, and if he^{asws} so desires to he^{asws} crucifies, and if he^{asws} so desires to he^{asws} exiles, and if he^{asws} so desires to he^{asws} kills'. I said, 'The exiling is to where?' He^{asws} said: 'He would be exiled from a city to another city'. And he^{asws} said: 'Ali^{asws} exiled two men from Al-Kufa to Al-Basra'.³⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَ رَسُولَهُ إِلَى آخِرِ الْآيَةِ قَالَ لَا يُبَاعِ وَ لَا يُؤْوَى وَ لَا يُتَصَدَّقُ عَلَيْهِ .

Ali Bin Ibrahim, from his father, from Hanan,

³⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 1

³⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 2

³⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 3

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic **[5:33] But rather, the Recompense of those who wage war against Allah and His Rasool** – up to the end of the Verse. He^{asws} said: ‘Neither pledge your allegiance to him, nor shelter him, nor give charity to him’.³⁹

عَنْهُ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ يَحْيَى الْحَلْبِيِّ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ سَأَلَ رَجُلٌ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ قَالَ ذَلِكَ إِلَى الْإِمَامِ يَفْعَلُ بِهِ مَا يَشَاءُ قُلْتُ فَمَقْضُ ذَلِكَ إِلَيْهِ قَالَ لَا وَ لَكِنْ نَحْوُ الْجَنَاحَةِ .

From him, from Muhammad Bin Isa, from Yunus, from Yahya Al Halby, from Bureyd Bin Muawiya who said,

‘A man asked Abu Abdullah^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[5:33] But rather, the Recompense of those who wage war against Allah and His Rasool**. He^{asws} said: ‘That is up to the Imam^{asws}. He^{asws} can do with him whatever he^{asws} so desires to’. I said, ‘ So it has been delegated to him^{asws}?’ He^{asws} said: ‘No, but, it is roughly (like dealing with) the crime’.⁴⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَاطٍ عَنْ ضُرَيْسٍ الْكُنَاسِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ مَنْ حَمَلَ السَّلَاحَ بِاللَّيْلِ فَهُوَ مُحَارِبٌ إِلَّا أَنْ يَكُونَ رَجُلًا لَيْسَ مِنْ أَهْلِ الرِّيَّةِ .

A number of our companions, from Sahl Bin Ziyad, from Al Hassan Bin Mahboub, from Ali Bin Raib, from Zureys Al Kunasy,

Abu Ja'far^{asws} has said: ‘The one who carries the weapon at night, so he is a combatant, except if he happens to be a man who is not from the doubtful people’.⁴¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ النَّوْفَلِيِّ عَنْ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) صَلَّبَ رَجُلًا بِالْحِيرَةِ ثَلَاثَةَ أَيَّامٍ ثُمَّ أَنْزَلَهُ يَوْمَ الرَّابِعِ فَصَلَّى عَلَيْهِ وَ دَفَنَهُ .

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} curcified a man at Al-Hira, for three days. Then he^{asws} brought him down on the fourth day, so he^{asws} Prayed over him and buried him’.⁴²

عَلِيُّ عَنْ أَبِيهِ عَنْ عَمْرٍو بْنِ عُثْمَانَ عَنْ عُبَيْدِ اللَّهِ بْنِ إِسْحَاقَ الْمَدَائِنِيِّ عَنْ أَبِي الْحَسَنِ الرِّضَا (عَلَيْهِ السَّلَامُ) قَالَ سُئِلَ عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَ يَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا الْآيَةَ فَمَا الَّذِي إِذَا فَعَلَهُ اسْتَوْجِبَ وَاحِدَةً مِنْ هَذِهِ الْأَرْبَعِ

Ali, from his father, from Amro Bin Usman, from Ubeydullah Bin Is'haq Al madainy, from Abu Al Hassan Al Reza^{asws}, said,

‘He^{asws} was asked about the Words of Allah^{azwj} Mighty and Majestic **[5:33] But rather, the Recompense of those who wage war against Allah and His Rasool and strive to make mischief in the land is only this, that they should be killed** – the Verse. So what is that which Obligates one from these four?’

³⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 4

⁴⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 5

⁴¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 6

⁴² Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 7

فَقَالَ إِذَا حَارَبَ اللَّهُ وَ رَسُولُهُ وَ سَعَى فِي الْأَرْضِ فَسَاداً فَقَتَلَ قَتْلَ بِهِ وَ إِنْ قَتَلَ وَ أَخَذَ الْمَالَ قَتْلَ وَ صُلِبَ وَ إِنْ أَخَذَ الْمَالَ وَ لَمْ يَقْتُلْ قُطِعَتْ يَدُهُ وَ رِجْلُهُ مِنْ خِلَافٍ وَ إِنْ شَهَرَ السَّيْفَ فَحَارَبَ اللَّهَ وَ رَسُولَهُ وَ سَعَى فِي الْأَرْضِ فَسَاداً وَ لَمْ يَقْتُلْ وَ لَمْ يَأْخُذِ الْمَالَ يُنْفَى مِنَ الْأَرْضِ

So he^{asws} said: 'When he wages war against Allah^{azwj} and His^{azwj} Rasool^{saww}, and strives to make mischief in the land and he kills, so he would be killed due to it. And if he kills and take the wealth (steals), he would be killed and crucified. And if he were to take the wealth (steal) and does not kill, his hand and his leg would be cut from opposite sides. And if he were to brandish the sword, so he wages war against Allah^{azwj} and His^{azwj} Rasool^{saww}, and strives in the land to make mischief, and does not kill and does not take the wealth (steals), he would be exiled from the land'.

قُلْتُ كَيْفَ يُنْفَى وَ مَا حَدُّ نَفْيِهِ قَالَ يُنْفَى مِنَ الْمِصْرِ الَّذِي فَعَلَ فِيهِ مَا فَعَلَ إِلَى مِصْرٍ غَيْرِهِ وَ يُكْتَبُ إِلَى أَهْلِ ذَلِكَ الْمِصْرِ أَنَّهُ مَنُفًى فَلَا تُجَالِسُوهُ وَ لَا تُبَايَعُوهُ وَ لَا تُنَاجِحُوهُ وَ لَا تُؤَاكِلُوهُ وَ لَا تُشَارِبُوهُ فَيُفْعَلُ ذَلِكَ بِهِ سَنَةً فَإِنْ خَرَجَ مِنْ ذَلِكَ الْمِصْرِ إِلَى غَيْرِهِ كُتِبَ إِلَيْهِمْ بِمِثْلِ ذَلِكَ حَتَّى تَتِمَّ السَّنَةُ قُلْتُ فَإِنْ تَوَجَّهَ إِلَى أَرْضِ الشَّرْكِ لِيَدْخُلَهَا قَالَ إِنْ تَوَجَّهَ إِلَى أَرْضِ الشَّرْكِ لِيَدْخُلَهَا قُوتِلَ أَهْلُهَا .

I said, 'How would he be exiled, and what is the boundary of his exile?' He^{asws} said: 'He would be exiled from the city in which he did what he did, to another city, and it would be written to the people of that city that he is in exile, so that they should neither sit with him, nor pledge allegiance to him, nor inter-marry with him, nor eat with him, nor drink with him. So that is done with him for a year. So if he were to go out from that city to another, it would be written to them with similar to that, until the year is completed'. I said, 'So if he were to divert himself to the land of the Polytheism in order to enter it?' He^{asws} said: 'If he were to divert himself to the land of the Polytheism in order to enter into it, its people, he would be fought against (and killed)'.⁴³

عَلِيٌّ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ يُؤُنُسَ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ عُبَيْدِ اللَّهِ بْنِ إِسْحَاقَ عَنْ أَبِي الْحَسَنِ (عليه السلام) مِنْهُ إِلَّا أَنَّهُ قَالَ فِي آخِرِهِ يُفْعَلُ بِهِ ذَلِكَ سَنَةً فَإِنَّهُ سَيُتَوَبُّ قَبْلَ ذَلِكَ وَ هُوَ صَاحِرٌ قَالَ قُلْتُ فَإِنْ أَمَّ أَرْضَ الشَّرْكِ يَدْخُلَهَا قَالَ يَقْتُلُ .

Ali Bin Muhammad Bin Isa, from Yunus, from Muhammad Bin Suleyman, from Ubeydullah Bin Is'haq,

(It has been narrated) from Abu Al-Hassan^{asws}, similar to it, except that he^{asws} said at the end of it: 'That would be done with him for a year. So if he were to repent before that, he would be belittled'. I said, 'If he were to enters the land of the Ploytheism?' He^{asws} said: 'He would be killed'.⁴⁴

عَلِيٌّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ حَفْصٍ عَنْ عَبْدِ اللَّهِ بْنِ طَلْحَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَ رَسُولَهُ وَ يَسْعَوْنَ فِي الْأَرْضِ فَسَاداً أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مُخَالَفَةً وَ هَذَا نَفْيُ الْمُحَارَبَةِ غَيْرُ هَذَا النَّفْيِ قَالَ يَحْكُمُ عَلَيْهِ الْحَاكِمُ بِقَدْرِ مَا عَمِلَ وَ يُنْفَى وَ يُحْمَلُ فِي الْبَحْرِ ثُمَّ يَقْدَفُ بِهِ لَوْ كَانَ النَّفْيُ مِنْ بَلَدٍ إِلَى بَلَدٍ كَانَ يَكُونُ إِخْرَاجُهُ مِنْ بَلَدٍ إِلَى بَلَدٍ آخَرَ عَدَلَ الْقَتْلِ وَ الصَّلْبِ وَ الْقَطْعِ وَ لَكِنْ يَكُونُ حَدًّا يُوَافِقُ الْقَطْعَ وَ الصَّلْبَ .

Ali Bin Ibrahim, from his father, from Muhammad Bin Hafs, from Abdullah^{asws} Bin Talha,

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic **[5:33] But rather, the Recompense of those who wage war against Allah and His Rasool and strive to make mischief in the land is only this, that**

⁴³ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 8

⁴⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 9

they should be killed – the Verse. This is an exiling of the combatant, it is other than the (general) exiling'. He^{asws} said: 'The ruler would issue a ruling upon him in accordance with what he had done, and he would be exiled, and he would be carried in the sea, then thrown by it, if it was the exiling from a city to another city, as if his exit happens to be from a city to another city, being justice, of the killing, and the crucifixion, and the cutting, but the Penalty (*Hadd*) happens to be in accordance with the cutting and the crucifixion'.⁴⁵

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ النَّيْمِيِّ عَنْ عَلِيِّ بْنِ أَصْبَاطٍ عَنْ دَاوُدَ بْنِ أَبِي بَرِيزَةَ عَنْ عُبيدَةَ بْنِ بِشِيرٍ الْخَنْعَمِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ قَاطِعِ الطَّرِيقِ وَ قُلْتُ إِنَّ النَّاسَ يَقُولُونَ إِنَّ الْإِمَامَ فِيهِ مُخَبَّرٌ أَيْ شَيْءٌ صَنَعَ قَالَ لَيْسَ أَيْ شَيْءٌ صَنَعَ وَ لَكِنَّهُ يَصْنَعُ بِهِمْ عَلَى قَدَرِ جُنَايَاتِهِمْ مَنْ قَطَعَ الطَّرِيقَ فَقَتَلَ وَ أَخَذَ الْمَالَ قُطِعَتْ يَدُهُ وَ رِجْلُهُ وَ صَلَبٌ وَ مَنْ قَطَعَ الطَّرِيقَ فَقَتَلَ وَ لَمْ يَأْخُذْ الْمَالَ قَتِلَ وَ مَنْ قَطَعَ الطَّرِيقَ وَ أَخَذَ الْمَالَ وَ لَمْ يَقْتُلْ قُطِعَتْ يَدُهُ وَ رِجْلُهُ [مِنْ خِلَافِهِ] وَ مَنْ قَطَعَ الطَّرِيقَ وَ لَمْ يَأْخُذْ مَالًا وَ لَمْ يَقْتُلْ نَفِيَ مِنَ الْأَرْضِ .

Ali Bin Muhammad, from Ali Bin Al Hassan Al Taymi, from Ali Bin Asbat, from Dawood Bin Abu Yazeed, from Ubeyda Bin Basheer Al Khash'amy who said,

'I asked Abu Abdullah^{asws} about the cutter of the way (bandit), and I said, 'The people are saying that the Imam^{asws} has a choice in it which thing he^{asws} so desires to do'. He^{asws} said: 'It is not which thing he^{asws} so desires to do, but he^{asws} would deal with them in accordance with their crimes. The one who cuts off the way, so he kills and seizes the property, his hand and his leg would be cut, and he would be crucified. And the one who cuts off the way, so he kills and does not seize the property, he would be killed. And the one who cuts off the way, and seizes the property, and does not kill, his hand and his leg would be cut (from opposite sides). And the one who cuts off the way and does not seize the property, and does not kill, he would be exiled from the land'.⁴⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ مَنْ شَهَرَ السَّلَاحَ فِي مِصْرٍ مِنَ الْأَمْصَارِ فَقَعَرَ اقْتِصَصَ مِنْهُ وَ نَفِيَ مِنْ تِلْكَ الْبَلَدَةِ وَ مَنْ شَهَرَ السَّلَاحَ فِي غَيْرِ الْأَمْصَارِ وَ ضَرَبَ وَ عَقَرَ وَ أَخَذَ الْمَالَ وَ لَمْ يَقْتُلْ فَهُوَ مُحَارِبٌ فَجَزَاؤُهُ جَزَاءُ الْمُحَارِبِ وَ أَمْرُهُ إِلَى الْإِمَامِ إِنْ شَاءَ قَتَلَهُ وَ [إِنْ شَاءَ] صَلَبَهُ وَ إِنْ شَاءَ قَطَعَ يَدَهُ وَ رِجْلَهُ

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

Abu Ja'far^{asws} has said: 'The one who brandishes the weapon in a city from the cities, so he injures, he would be retaliated due to it, and he would be exiled from that city. And the one who brandishes the weapon in another city and strikes and injures, and takes the property, and does not kill, so he is a combatant, and his recompense is the Recompense of the combatant, and his matter is up to the Imam^{asws}, if he^{asws} so desire to he^{asws} kills him, and if he^{asws} so desires to, he^{asws} crucifies him, and if he^{asws} so desires to, he^{asws} cuts his hand and his leg'.

قَالَ وَ إِنْ ضَرَبَ وَ قَتَلَ وَ أَخَذَ الْمَالَ فَعَلَى الْإِمَامِ أَنْ يَقْطَعَ يَدَهُ الْيُمْنَى بِالسَّرِقَةِ ثُمَّ يَدْفَعُهُ إِلَى أَوْلِيَاءِ الْمَقْتُولِ فَيَتَّبِعُونَهُ بِالْمَالِ ثُمَّ يَقْتُلُونَهُ

⁴⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 10

⁴⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 11

He^{asws} said: 'And if he strikes and kills, and takes the property, so it is upon the Imam^{asws} that he^{asws} cuts his right hand due to the theft, then hands him over to the guardians of the murdered one, to pursue him for the property, then they kill him'.

قَالَ فَقَالَ أَبُو عُبَيْدَةَ أَصْلَحَكَ اللَّهُ أَرَأَيْتَ إِنْ عَفَا عَنْهُ أَوْلِيَاءُ الْمَقْتُولِ قَالَ فَقَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) إِنْ عَفَوْا عَنْهُ فَإِنَّ عَلَى الْإِمَامِ أَنْ يَقْتُلَهُ لِأَنَّهُ قَدْ حَارَبَ وَ قَتَلَ وَ سَرَقَ

He (the narrator) said, 'So Abu Ubeyda said, 'May I be sacrificed for you^{asws}! What is your^{asws} view if he is forgiven by the guardians of the murdered one?' So Abu Ja'far^{asws} said: 'If they excuse him from it, so it is up to the Imam^{asws} that he^{asws} kills him, because he has waged war, and killed, and stolen'.

قَالَ فَقَالَ أَبُو عُبَيْدَةَ أَرَأَيْتَ إِنْ أَرَادَ أَوْلِيَاءُ الْمَقْتُولِ أَنْ يَأْخُذُوا مِنْهُ الدِّيَّةَ وَ يَدَعُونَهُ أَ لَهُمْ ذَلِكَ قَالَ فَقَالَ لَا عَلَيْهِ الْقَتْلُ .

He (the narrator) said, 'So Abu Ubeyda said, 'What is your^{asws} view if the guardians of the murdered one intend that the wergild (blood money) should be taken from it, and then leave him, is that for them (to do)?' So he^{asws} said: 'No. Upon him is the killing'.⁴⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ دَاوُدَ الطَّائِيِّ عَنْ رَجُلٍ مِنْ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْمُحَارِبِ فَقُلْتُ لَهُ إِنْ أَصْحَابِنَا يَقُولُونَ إِنَّ الْإِمَامَ مُخَيَّرٌ فِيهِ إِنْ شَاءَ قَطَعَ وَ إِنْ شَاءَ صَلَبَ وَ إِنْ شَاءَ قَتَلَ فَقَالَ لَا إِنَّ هَذِهِ أَشْيَاءُ مَحْدُودَةٌ فِي كِتَابِ اللَّهِ عَزَّ وَ جَلَّ فَإِذَا مَا هُوَ قَتَلَ وَ أَخَذَ قَتْلَ وَ صَلَبَ وَ إِذَا قَتَلَ وَ لَمْ يَأْخُذْ قَتَلَ وَ إِذَا أَخَذَ وَ لَمْ يَقْتُلْ قَطَعَ وَ إِذَا هُوَ قَرَّ وَ لَمْ يُقَدَّرْ عَلَيْهِ ثُمَّ أَخَذَ قَطَعَ إِلَّا أَنْ يَتُوبَ فَإِنْ تَابَ لَمْ يُقَطَعْ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Dawood Al Tai'y, from a man from our companions,

(The narrator) says, 'I asked Abu Abdullah^{asws} about the combatant, so I said to him^{asws}, 'Our companions are saying that the Imam^{asws} has a choice in it, if he^{asws} so desires to he^{asws} cuts, and if he^{asws} so desires to he^{asws} crucifies, and if he^{asws} so desires to, he^{asws} kills'. So he^{asws} said: 'No! These things are Limited in the Book of Allah^{azwj} Mighty and Majestic. So if it is such that he has killed and seized (property), he would be killed and crucified; and when he has killed and die not seize (property), he would be killed; and when he seizes (property) and doe not kill, so he would be cut; and when he flees and is not able to be caught, then he is seized, he would be cut, except if he were to repent. So if he were to repent, he would not be cut'.⁴⁸

بَابُ مَنْ زَنَى أَوْ سَرَقَ أَوْ شَرِبَ الْخَمْرَ بِجَهَالَةٍ لَا يَعْلَمُ أَنَّهَا مُحَرَّمَةٌ

Chapter 51 – The one who commits adultery, or theft, or drinks the wine due to ignorance, not knowing it is Prohibited

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيْسَى بْنِ عُبَيْدٍ عَنْ يُونُسَ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) رَجُلٌ دَعَوْنَاهُ إِلَى جُمْلَةٍ مَا نَحْنُ عَلَيْهِ مِنْ جُمْلَةِ الْإِسْلَامِ فَأَقَرَّ بِهِ ثُمَّ شَرِبَ الْخَمْرَ وَ زَنَى وَ أَكَلَ الرِّبَا وَ لَمْ يَتَبَيَّنْ لَهُ شَيْءٌ مِنَ الْحَلَالِ وَ الْحَرَامِ أَقِيمَ عَلَيْهِ الْحَدُّ إِذَا جَهَلَهُ قَالَ لَا إِلَّا أَنْ تَقُومَ عَلَيْهِ بَيِّنَةٌ أَنَّهُ قَدْ كَانَ أَقَرَّ بِتَحْرِيمِهَا .

Ali Bin Ibrahim, from Muhammad Bin Isa Bin Ubeyd, from Yunus, from Abu Ayoub Al Khazzaz, from Muhammad Bin Muslim who said,

⁴⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 12

⁴⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 50 H 13

'I said to Abu Ja'far^{asws}, 'We invited a man to the entirety of what we are upon, from the entirety of Al-Islam, so he accepted with it, then he drank the wine, and committed adultery, and consumed the usury, and nothing from the Permissibles and the Prohibitions had been explained to him. Would the Penalty (*Hadd*) be established upon him, when he was ignorant of it?' He^{asws} said: 'No, except if the proof were to be established upon him that he had previously accepted with these prohibitions'.⁴⁹

عَلِيٌّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَمَّنْ رَوَاهُ عَنْ أَبِي عُبَيْدَةَ الْحَدَّاءِ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) لَوْ وَجَدْتُ رَجُلًا مِّنَ الْعَجَمِ أَقَرَّ بِجُمْلَةِ الْإِسْلَامِ لَمْ يَأْتِهِ شَيْءٌ مِّنَ التَّنْظِيرِ زَنَى أَوْ سَرَقَ أَوْ شَرِبَ الْخَمْرَ لَمْ أَقِمَّ عَلَيْهِ الْحَدَّ إِذَا جَهِلَهُ إِلَّا أَنْ تَقُومَ عَلَيْهِ بَيِّنَةٌ أَنَّهُ قَدْ أَقَرَّ بِذَلِكَ وَ عَرَفَهُ .

Ali, from his father, from Ibn Abu Umeyr, from the one who reported it, from Abu Ubeyda who said,

'Abu Ja'far^{asws} said: 'If I^{asws} were to find a man from the non-Arabs who accepted with the entirety of Al-Islam, not been given anything from the explanation of adultery, or theft, or drinking the wine, I^{asws} would not establish the Penalty (*Hadd*) upon him when he is ignorant, except if the proof were to be established that he had previously accepted with that, and recognised it'.⁵⁰

عَلِيٌّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي رَجُلٍ دَخَلَ فِي الْإِسْلَامِ فَشَرِبَ خَمْرًا وَ هُوَ جَاهِلٌ قَالَ لَمْ أَكُنْ أَقِمُّ عَلَيْهِ الْحَدَّ إِذَا كَانَ جَاهِلًا وَ لَكِنْ أَخْبَرُهُ بِذَلِكَ وَ أَعْلَمُهُ فَإِنْ عَادَ أَقَمْتُ عَلَيْهِ الْحَدَّ .

Ali, from his father, from Ibn Abu Umeyr, from Jameel, from one of his companion,

(It has been narrated) from one of the two (5th or 6th Imam^{asws} regarding a man who entered into Al-Islam, so he drank the wine, and he was ignorant. He^{asws} said: 'I^{asws} would not happen to be the one who establishes the Penalty (*Hadd*) upon him, when he was ignorant, but I^{asws} would inform him with that, and teach him. So if he were to repeat, I^{asws} would establish the Penalty (*Hadd*) upon him'.⁵¹

عِدَّةٌ مِّنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ عَمْرِو بْنِ عُثْمَانَ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَقَدْ قَضَى أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) بِقَضِيَّةٍ مَا قَضَى بِهَا أَحَدٌ كَانَ قَبْلَهُ وَ كَانَتْ أَوَّلَ قَضِيَّةٍ قَضَى بِهَا بَعْدَ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ ذَلِكَ أَنَّهُ لَمَّا قَبِضَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ أَقْضَى الْأَمْرُ إِلَى أَبِي بَكْرٍ أَتَى بِرَجُلٍ قَدْ شَرِبَ الْخَمْرَ فَقَالَ لَهُ أَبُو بَكْرٍ أَ شَرِبْتَ الْخَمْرَ فَقَالَ الرَّجُلُ نَعَمْ فَقَالَ وَ لِمَ شَرَبْتَهَا وَ هِيَ مُحَرَّمَةٌ فَقَالَ إِنِّي لَمَّا أَسْلَمْتُ وَ مَنْزِلِي بَيْنَ ظَهْرَانِي قَوْمٌ يَشْرَبُونَ الْخَمْرَ وَ يَسْتَحْلُونَهَا وَ لَوْ أَعْلَمْتُ أَنَّهَا حَرَامٌ فَأَجْتَنِبَهَا

A number of our companions, from Ahmad Bin Abu Abdullah, from Amro Bin Usman, from Ali Bin Abu Hamza, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} had judged with a judgement which no one else had judged with it before him, and he^{asws} was the first one to have judged with it after Rasool-Allah^{saww}, and that was that after the passing away of Rasool-Allah^{saww} resulting in the command going to Abu Bakr, they came with a man to Abu Bakr who had drunk the wine. So Abu Bakr said to him, 'Did you drink the wine?' So the man said, 'Yes'. So he said, 'And why did you drink it and it is a Prohibition?' So he said, 'When I became a Muslim, and my house

⁴⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 51 H 1

⁵⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 51 H 2

⁵¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 51 H 3

was in the midst of a people who were drinking the wine, and they were permitting it, and had I known that it was Prohibited, I would have avoided it’.

قَالَ فَالْتَفَتَ أَبُو بَكْرٍ إِلَى عُمَرَ فَقَالَ مَا تَقُولُ يَا أَبَا حَفْصٍ فِي أَمْرِ هَذَا الرَّجُلِ فَقَالَ مُعْضِلَةٌ وَ أَبُو الْحَسَنِ لَهَا فَقَالَ أَبُو بَكْرٍ يَا غُلَامُ ادْعُ لَنَا عَلِيًّا قَالَ عُمَرُ بَلْ يُؤْتَى الْحَكَمُ فِي مَنْزِلِهِ فَأَتَوْهُ وَمَعَهُ سَلْمَانُ الْفَارِسِيُّ

He^{asws} said: ‘So Abu Bakr turned towards Umar, so he said, ‘What are you saying, O Abu Hafs, regarding the matter of this man?’ So he said, ‘It is a dilemma, and Abu Al-Hassan^{asws} is (right) for it’. So Abu Bakr said, ‘O slave, call Ali^{asws} for us’. Umar said, ‘But he^{asws} gives the judgement in his^{asws} house’. So they came over to him^{asws} and with him^{asws} was Salman Al-Farsy^{as}.

فَأَخْبَرَهُ بِقِصَّةِ الرَّجُلِ فَأَقْتَصَّ عَلَيْهِ قِصَّتَهُ فَقَالَ عَلِيٌّ (عَلَيْهِ السَّلَام) لِأَبِي بَكْرٍ ابْعَثْ مَعَهُ مَنْ يَدُورُ بِهِ عَلَى مَجَالِسِ الْمُهَاجِرِينَ وَالْأَنْصَارِ فَمَنْ كَانَ تَلَا عَلَيْهِ آيَةَ النَّحْرِيمِ فَلْيَشْهَدْ عَلَيْهِ فَإِنْ لَمْ يَكُنْ تَلَا عَلَيْهِ آيَةَ النَّحْرِيمِ فَلَا شَيْءَ عَلَيْهِ

So he (Abu Bakr) informed him^{asws} of the story of the man, and the man related his own story to him^{asws}. So Ali^{asws} said to Abu Bakr: ‘Send someone who would go around with him at the gatherings of the Emigrants and the Helpers. So the one who had recited the Verse of the Prohibition to him, so let him testify. So if there does not happen to be anyone who had recited the Verse of the Prohibition to him, so there is nothing upon him’.

فَفَعَلَ أَبُو بَكْرٍ بِالرَّجُلِ مَا قَالَ عَلِيٌّ (عَلَيْهِ السَّلَام) فَلَمْ يَشْهَدْ عَلَيْهِ أَحَدٌ فَخَلَّى سَبِيلَهُ فَقَالَ سَلْمَانُ لِعَلِيٍّ (عَلَيْهِ السَّلَام) لَقَدْ أَرَشَدْتَهُمْ فَقَالَ عَلِيٌّ (عَلَيْهِ السَّلَام) إِنَّمَا أَرَدْتُ أَنْ أَجِدَّ تَأْكِيدَ هَذِهِ الْآيَةِ فِي وَ فِيهِمْ أَ فَمَنْ يَهْدِي إِلَى الْحَقِّ أَحَقُّ أَنْ يُتَّبَعَ أَمْ لَا يَهْدِي إِلَّا أَنْ يَهْدَى فَمَا لَكُمْ كَيْفَ تَحْكُمُونَ .

So Abu Bakr did that with the man, what Ali^{asws} said. But no one testified upon him, so he freed his way. So, Salman^{as} said to Ali^{asws}, ‘You^{asws} have guided them’. So Ali^{asws} said: ‘But rather, I^{asws} wanted renewal of the confirmation of this Verse of war booty, **[10:35] Is He then Who Guides to the Truth more worthy to be followed, or he who does not find Guidance unless he is himself Guided? So what is the matter with you; how are you judging?**’.⁵²

بَاب مَنْ وَجِبَتْ عَلَيْهِ حُدُودُ أَحَدِهَا الْقَتْلُ

Chapter 52 – The one upon whom (several) Penalties are applicable, one of these being the killing

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يُؤْخَذُ وَ عَلَيْهِ حُدُودُ أَحَدِهَا الْقَتْلُ فَقَالَ كَانَ عَلِيٌّ (عَلَيْهِ السَّلَام) يُقِيمُ عَلَيْهِ الْحُدُودَ ثُمَّ يَقْتُلُهُ وَ لَا يَخَالِفُ عَلِيٌّ (عَلَيْهِ السَّلَام) .

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 Abu Abdullah^{asws} regarding the man who was seized and upon him were (several) Penalties, one of these being the killing. So he^{asws} said:

⁵² Al Kafi – V 7 – The Book of Legal Penalties Ch 51 H 4

'Ali^{asws} used to establish upon him the (other) Penalties, then he^{asws} would kill him, and Ali^{asws} will not be opposed'.⁵³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي الرَّجُلِ يَكُونُ عَلَيْهِ الْحُدُودُ مِنْهَا الْقَتْلُ قَالَ يُقَامُ عَلَيْهِ الْحُدُودُ ثُمَّ يُقْتَلُ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding the man who happens to have (several) Penalties due upon him, from these is the killing. He^{asws} said: 'The (other) Penalties would be established (first), then he would be killed'.⁵⁴

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ أَخِيهِ الْحَسَنِ عَنْ زُرْعَةَ بْنِ مُحَمَّدٍ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قُضِيَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فِيمَنْ قَتَلَ وَ شَرِبَ خَمْرًا وَ سَرَقَ فَأَقَامَ عَلَيْهِ الْحَدَّ فَجَلَدَهُ لِشُرْبِهِ الْخَمْرَ وَ قَطَعَ يَدَهُ فِي سَرِقَتِهِ وَ قَتَلَهُ بِقَتْلِهِ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding the one who murdered, and drank wine, and stole, so he^{asws} established the Penalty (*Hadd*) upon him. So he^{asws} whipped him due to his drinking the wine, and cut his hand regarding his theft, and killed him due to his committing murder'.⁵⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ وَ ابْنِ بُكَيْرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ اجْتَمَعَتْ عَلَيْهِ حُدُودٌ فِيهَا الْقَتْلُ قَالَ يُبَدَأُ بِالْحُدُودِ الَّتِي هِيَ دُونَ الْقَتْلِ ثُمَّ يُقْتَلُ بَعْدُ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man upon whom (several) Penalties had gathered, among these being the killing. He^{asws} said: 'He would be begun with the Penalties which are besides the killing, then he would be killed afterwards'.⁵⁶

بَابُ مَنْ أَتَى حَدًّا فَلَمْ يُعَمَّ عَلَيْهِ الْحَدُّ حَتَّى تَابَ

Chapter 53 – The one to whom a Penalty (*Hadd*) is applicable, so it was not established upon him, until he (had already) repented

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَبِيبٍ وَ ابْنِ أَبِي عُمَيْرٍ جَمِيعًا عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ رَجُلٍ عَنْ أَحَدِهِمَا (عليهما السلام) فِي رَجُلٍ سَرَقَ أَوْ شَرِبَ الْخَمْرَ أَوْ زَنَى فَلَمْ يَعْلَمْ بِذَلِكَ مِنْهُ وَ لَمْ يُؤْخَذْ حَتَّى تَابَ وَ صَلَحَ فَقَالَ إِذَا صَلَحَ وَ عُرِفَ مِنْهُ أَمْرٌ جَمِيلٌ لَمْ يُعَمَّ عَلَيْهِ الْحَدُّ

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

⁵³ Al Kafi – V 7 – The Book of Legal Penalties Ch 52 H 1

⁵⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 52 H 2

⁵⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 52 H 3

⁵⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 52 H 4

(It has been narrated) from one of the two (5th or 6th Imam^{asws}), regarding a man who steals, or drinks the wine, or commits adultery, so he was not know to be with that and he was not seized, until he repented and corrected (himself). So he^{asws} said: 'When his correctness is recognised from him, it is a beautiful matter, the Penalty (*Hadd*) would not be established upon him'.

قَالَ مُحَمَّدُ بْنُ أَبِي عُمَيْرٍ قُلْتُ فَإِنْ كَانَ أَمْرًا قَرِيبًا لَمْ يُعَمَّ قَالَ لَوْ كَانَ خَمْسَةَ أَشْهُرٍ أَوْ أَقَلَّ مِنْهُ وَ قَدْ ظَهَرَ أَمْرٌ جَمِيلٌ لَمْ يُعَمَّ عَلَيْهِ الْحُدُودُ .

Muhammad Bin Abu Umeyr said, 'I said, 'So if it was a matter close by (just been committed), (the Penalty (*Hadd*)) would not be established?' He^{asws} said: 'If it was five or six months from it, and he had manifested a beautiful matter (reformed himself), the Penalties would not be established upon him'.

و رُوِيَ ذَلِكَ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) .

And that has been reported from some of our companions,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}).⁵⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ أُقِيمَتْ عَلَيْهِ النَّبِيَّةُ بِأَنَّهُ زَنَى ثُمَّ هَرَبَ قَبْلَ أَنْ يُضْرَبَ قَالَ إِنْ تَابَ فَمَا عَلَيْهِ شَيْءٌ وَ إِنْ وَقَعَ فِي يَدِ الْإِمَامِ أَقَامَ عَلَيْهِ الْحَدَّ وَ إِنْ عَلِمَ مَكَانَهُ بَعَثَ إِلَيْهِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from one of his companions, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} regarding a man upon whom the proof is established of his having committed adultery, then he flees before he is whipped. He^{asws} said: 'So if he repents, there is nothing upon him, and if he falls in the hands of the Imam^{asws}, he^{asws} would establish the Penalty (*Hadd*) upon him, and if his whereabouts are known, he^{asws} would send (a summoner) to him'.⁵⁸

بَابُ الْعَفْوِ عَنِ الْحُدُودِ

Chapter 54 – The excusing from the Penalties

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ بْنِ مِهْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَنْ أَخَذَ سَارِقًا فَعَفَا عَنْهُ فَذَلِكَ لَهُ فَإِنْ رُفِعَ إِلَى الْإِمَامِ قُطِعَ فَإِنْ قَالَ الَّذِي سُرِقَ مِنْهُ أَنَا أَهْبَ لَهُ لَمْ يَدْعُهُ الْإِمَامُ حَتَّى يَقْطَعَهُ إِذَا رُفِعَ إِلَيْهِ وَ إِنَّمَا الْهَبَةُ قَبْلَ أَنْ يُرْفَعَ إِلَى الْإِمَامِ وَ ذَلِكَ قَوْلُ اللَّهِ عَزَّ وَ جَلَّ وَ الْحَافِظُونَ لِحُدُودِ اللَّهِ فَإِذَا انْتَهَى الْحَدُّ إِلَى الْإِمَامِ فَلَيْسَ لِأَحَدٍ أَنْ يَتْرُكَهُ .

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

Abu Abdullah^{asws} has said: 'The one who seizes a thief, and he excuses him from it, so that is up to him. But, if it is raised to the Imam^{asws}, he^{asws} would cut him. So if the one who had been stolen from were to say, 'I gift it to you', the Imam^{asws} would not

⁵⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 53 H 1

⁵⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 53 H 2

leave him until he^{asws} cuts him, (after) it is raised to him. But rather, the gifting is before he raises it to the Imam^{asws}, and these are the Words of Allah^{azwj} mighty and Majestic **[9:112] and the preservers of the Penalties of Allah**. So when the Penalty (*Hadd*) ends up with the Imam^{asws}, so it is not for anyone that he^{asws} should leave him'.⁵⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَأْخُذُ اللَّصَّ يَرْفَعُهُ أَوْ يَتْرُكُهُ فَقَالَ إِنَّ صَفْوَانَ بْنَ أُمَيَّةَ كَانَ مُضْطَجِعاً فِي الْمَسْجِدِ الْحَرَامِ فَوَضَعَ رِدَاءَهُ وَخَرَجَ يُهْرِيقُ الْمَاءَ فَوَجَدَ رِدَاءَهُ قَدْ سُرِقَ حِينَ رَجَعَ إِلَيْهِ فَقَالَ مَنْ ذَهَبَ بِرِدَائِي فَذَهَبَ يَطْلُبُهُ فَأَخَذَ صَاحِبَهُ

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

(The narrator) says, 'I asked Abu Abdullah^{asws} about the man who seized the thief, should he raise it (the matter to the Imam^{asws}) or should he leave him?' So he^{asws} said: 'Sufyan Bin Amayya was lying down in the Sacred Masjid, so he placed down his robe, and went out to wash with the water. He found that his robe had been stolen, when he returned to it. So he said, 'Who has gone away with my robe?' So he went seeking it, and he seized the one who was with it.

فَرَفَعَهُ إِلَى النَّبِيِّ (صلى الله عليه وآله) فَقَالَ النَّبِيُّ (صلى الله عليه وآله) أَفَطَعُوا يَدَهُ فَقَالَ صَفْوَانُ أَ تَقْطَعُ يَدَهُ مِنْ أَجْلِ رِدَائِي يَا رَسُولَ اللَّهِ قَالَ نَعَمْ قَالَ فَأَنَا أَهْبُهُ لَهُ فَقَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) فَهَلَا كَانَ هَذَا قَبْلَ أَنْ تَرْفَعَهُ إِلَيَّ

So he raised it to the Prophet^{saww}. So the Prophet^{saww} said: 'Cut off his hand'. So Sufyan said, 'You^{saww} will cut his hand due to the reason of my robe, O Rasool-Allah^{saww}? He^{saww} said: 'Yes'. He said, 'So I have gifted it to him'. So Rasool-Allah^{saww} said: 'So why didn't you? This should have been done before you raised it to me^{saww}'.

قُلْتُ فَإِلَإِمَامٍ بِمَنْزِلَتِهِ إِذَا رُفِعَ إِلَيْهِ قَالَ نَعَمْ قَالَ وَ سَأَلْتُهُ عَنِ الْعُفْوِ قَبْلَ أَنْ يَنْتَهِيَ إِلَى الْإِمَامِ فَقَالَ حَسَنٌ .

I said, 'So the Imam^{asws} is at his^{saww} status when it is raised to him^{asws}? He^{asws} said: 'Yes'. And I asked him^{asws} about the excusing before it ends up to the Imam^{asws}, so he^{asws} said: 'Better'.⁶⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْحُسَيْنِ بْنِ أَبِي الْعَلَاءِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الرَّجُلِ يَأْخُذُ اللَّصَّ يَدْعُهُ أَفْضَلُ أَمْ يَرْفَعُهُ فَقَالَ إِنَّ صَفْوَانَ بْنَ أُمَيَّةَ كَانَ مُتَكِناً فِي الْمَسْجِدِ عَلَى رِدَائِهِ فَقَامَ يَبْئُولُ فَرَجَعَ وَ قَدْ ذَهَبَ بِهِ فَطَلَبَ صَاحِبَهُ فَوَجَدَهُ فَقَدَّمَهُ إِلَى رَسُولِ اللَّهِ (صلى الله عليه وآله) فَقَالَ أَفَطَعُوا يَدَهُ فَقَالَ صَفْوَانُ يَا رَسُولَ اللَّهِ أَنَا أَهْبُ ذَلِكَ لَهُ فَقَالَ لَهُ رَسُولُ اللَّهِ (صلى الله عليه وآله) أَلَا كَانَ ذَلِكَ قَبْلَ أَنْ تَنْتَهِيَ بِهِ إِلَيَّ

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ali Bin Al Hakam, from Al Husayn Bin Abu Al A'ala who said,

'I asked Abu Abdullah^{asws} about the man who seized the thief. Is leaving him better or raising it (the matter to the Imam^{asws})?' So he^{asws} said: 'Sufyan Bin Amayya was reclining upon his robe in the Masjid. So he arose to urinate, and when he returned it was gone with. So he sought the one with it and found him. So he proceeded with him to Rasool-Allah^{saww}. So he^{saww} said: 'Cut his hand'. So Sufyan said, 'O Rasool-

⁵⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 54 H 1

⁶⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 54 H 2

Allah^{saww}! I am gifting that to him'. So Rasool-Allah^{saww} said to him: 'Nay! That should be before you ended with it to me^{saww}'.

قَالَ وَ سَأَلْتُهُ عَنِ الْعَفْوِ عَنِ الْحُدُودِ قَبْلَ أَنْ يَنْتَهِيَ إِلَى الْإِمَامِ فَقَالَ حَسَنٌ .

He (the narrator) said, 'And I asked him^{asws} about the excusing from the Penalty (Hadd) before it ends up to the Imam^{asws}, so he^{asws} said: 'Better'.⁶¹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رِئَابٍ عَنْ ضُرَيْسِ الْكُنَاسِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ لَا يُعْفَى عَنِ الْحُدُودِ الَّتِي لِلَّهِ دُونَ الْإِمَامِ فَأَمَّا مَا كَانَ مِنْ حَقِّ النَّاسِ فِي حَدٍّ فَلَا بَأْسَ أَنْ يُعْفَى عَنْهُ دُونَ الْإِمَامِ .

A number of our companions, from Sahl Bin Ziyad and Ali Bin Ibrahim, from his father, altogether from Ibn Mahboub, from Ibn Raib, from Zureys Al Kunasy,

Abu Ja'far^{asws} has said: 'None can excuse from the Penalties which are for the Sake of Allah^{azwj}, besides the Imam^{asws}. So as for what was from the rights of the people regarding a Penalty (*Hadd*), so there is no problem if one excuses from it, besides the Imam^{asws}.⁶²

مُحَمَّدُ بْنُ بَحْيٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ رَجُلٌ جَنَى عَلَيَّ أَعْفُو عَنْهُ أَوْ أَرْفَعُهُ إِلَى السُّلْطَانِ قَالَ هُوَ حَقُّكَ إِنْ عَفَوْتَ عَنْهُ فَحَسَنٌ وَإِنْ رَفَعْتَهُ إِلَى الْإِمَامِ فَإِنَّمَا طَلَبْتَ حَقَّكَ وَ كَيْفَ لَكَ بِالْإِمَامِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Al A'ala, from Muhammad Bin Muslim,

(The narrator) says, 'I said to Abu Ja'far^{asws}, 'A man committed a crime upon me. Shall I excuse him from it, or raise it to the authorities?' He^{asws} said: 'It is your right. If you were to excuse from it, so it is better, and if you were to raise it to the Imam^{asws}, so rather you would be seeking your right, and how would it be (dealt) for you by the Imam^{asws}.⁶³

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَفْذِفُ الرَّجُلَ بِالزَّانِي فَيَعْفُو عَنْهُ وَ يَجْعَلُهُ مِنْ ذَلِكَ فِي حِلٍّ ثُمَّ إِنَّهُ بَعْدُ يَبْذُو لَهُ فِي أَنْ يُقَدِّمَهُ حَتَّى يَجْلِدَهُ قَالَ فَقَالَ لَيْسَ لَهُ حَدٌّ بَعْدَ الْعَفْوِ فَقُلْتُ لَهُ أَرَأَيْتَ إِنْ هُوَ قَالَ يَا ابْنَ الزَّانِيَةِ فَعَفَا عَنْهُ وَ تَرَكَ ذَلِكَ لِلَّهِ فَقَالَ إِنْ كَانَتْ أُمُّهُ حَيَّةً فَلَيْسَ لَهُ أَنْ يَعْفُوَ الْعَفْوُ إِلَى أُمِّهِ مَتَى شَاءَتْ أَخَذَتْ بِحَقِّهَا قَالَ فَإِنْ كَانَتْ أُمُّهُ قَدْ مَاتَتْ فَإِنَّهُ وَلِيُّ أُمِّهَا يَجُوزُ عَفْوُهُ .

Ibn Mahboub, from Abu Ayoub, from Sama'at who said,

'I asked Abu Abdullah^{asws} about the man who slandered the man with the adultery. So he excused him from it and he made him to be free from that. Is it for him to begin (proceedings) that he can bring him up until he is whipped (for it)?' So he^{asws} said: 'There is no Penalty (*Hadd*) for him after the excusing'. So I said to him^{asws}, 'What is your view that he said, 'O son of the adulteress', so he excused from it and left that to Allah^{azwj}. So he^{asws} said: 'If his mother was alive, so it is not for him that he should excuse. The excusing it is for his mother whenever she so desires to take her right'.

⁶¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 54 H 3

⁶² Al Kafi – V 7 – The Book of Legal Penalties Ch 54 H 4

⁶³ Al Kafi – V 7 – The Book of Legal Penalties Ch 54 H 5

He^{asws} said: 'If his mother had died, so he would be the guardian of her affairs, his excusing would be allowed'.⁶⁴

باب الرَّجُلِ يَعْفُو عَنِ الْخُدِّ ثُمَّ يَرْجِعُ فِيهِ وَ الرَّجُلُ يَقُولُ لِلرَّجُلِ يَا ابْنَ الْفَاعِلَةِ وَ لَأُمِّهِ وَلَيَّانِ

Chapter 55 – The man excuses from the Penalty (*Hadd*), then retracts with regards to it, and the man is saying to the man, 'O son of the 'sexually active' (prostitute), and for his mother are two guardians

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ أَخِيهِ الْحَسَنِ عَنْ زُرْعَةَ بْنِ مُحَمَّدٍ عَنْ سَمَاعَةَ بْنِ مِهْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَقْتَرِي عَلَى الرَّجُلِ فَيَعْفُو عَنْهُ ثُمَّ يُرِيدُ أَنْ يَجْلِدَهُ بَعْدَ الْعَفْوِ قَالَ لَيْسَ لَهُ أَنْ يَجْلِدَهُ بَعْدَ الْعَفْوِ .

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

(The narrator) says, 'I asked Abu Abdullah^{asws} about the man who fabricated upon the man, so he excused him from it. Then he wanted him to be whipped after the excusing. He^{asws} said: 'It is not for him that he should be whipped after the excusing'.⁶⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى جَمِيعاً عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ السَّابَّاطِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) لَوْ أَنَّ رَجُلًا قَالَ لِرَجُلٍ يَا ابْنَ الْفَاعِلَةِ يَعْفِي الزَّنى وَ كَانَ لِلْمَفْدُوفِ أَخٌ لِأَبِيهِ وَ أُمُّهُ فَقَعَا أَحَدُهُمَا عَنِ الْقَاذِبِ وَ أَرَادَ أَحَدُهُمَا أَنْ يُقَدِّمَهُ إِلَى الْوَالِي وَ يَجْلِدَهُ أ كَانَ ذَلِكَ لَهُ فَقَالَ أ لَيْسَ أُمُّهُ هِيَ أُمُّ الَّذِي عَفَا قُلْتُ نَعَمْ ثُمَّ قَالَ إِنَّ الْعَفْوَ إِلَيْهِمَا جَمِيعاً إِذَا كَانَتْ أُمُّهُمَا مَيِّتَةً فَأَلَامَرُ إِلَيْهِمَا فِي الْعَفْوِ فَإِنْ كَانَتْ حَيَّةً فَأَلَامَرُ إِلَيْهَا فِي الْعَفْوِ .

Ali Bin Ibrahim, form his father and Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, altogether from Al Hassan Bin Mahboub, from Hisham Bin Salim, from Ammar Al Sabaty who said,

'I said to Abu Abdullah^{asws}, 'If a man says to a man, 'O son of the 'sexually active', meaning the adultery, and for the slandered one is a brother of his father and his mother, so one of the two excused the slanderer and one of the two wanted that he should be brought to the ruler, and he would be whipped. Is that for him?' So he^{asws} said: 'Is his mother not alive, the mother who excused him?' I said, 'Yes'. He^{asws} said: 'The excusing is for the both of them together when the mother is dead, so the matter would be for the both of them with regards to the excusing. So if she was alive, so the matter is for her, with regards to the excusing'.⁶⁶

⁶⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 54 H 6

⁶⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 55 H 1

⁶⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 55 H 2

باب أَنَّهُ لَا حَدَّ لِمَنْ لَا حَدَّ عَلَيْهِ

Chapter 56 – There is no Penalty (*Hadd*) for the one upon whom there is no Penalty (*Hadd*)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا حَدَّ لِمَنْ لَا حَدَّ عَلَيْهِ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Is'haq Bin Ammar,

Abu Abdullah^{asws} has said: 'There is no Penalty (*Hadd*) for the one upon whom there is no Penalty (*Hadd*)'.⁶⁷

ابْنُ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ فَضِيلِ بْنِ يَسَارٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ لَا حَدَّ لِمَنْ لَا حَدَّ عَلَيْهِ يَعْنِي لَوْ أَنَّ مَجْنُونًا قَذَفَ رَجُلًا لَمْ أَرْ عَلَيْهِ شَيْئًا وَلَوْ قَذَفَهُ رَجُلٌ فَقَالَ لَهُ يَا زَانٍ لَمْ يَكُنْ عَلَيْهِ حَدٌّ .

Ibn Mahboub, from Abu Ayoub, from Fuzeyl Bin Yasaar who said,

'I heard Abu Abdullah^{asws} saying: 'There is no Penalty (*Hadd*) for the one upon whom there is no Penalty (*Hadd*), meaning, if an insane person were to slander a man, I^{asws} do not see anything upon him, and if a man were to slander him, so he says to him, 'O adulterer', there would be no Penalty (*Hadd*) upon him (either)'.⁶⁸

باب أَنَّهُ لَا يُشْفَعُ فِي حَدٍّ

Chapter 57 – There is no intercession regarding a Penalty (*Hadd*)

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ سَلَمَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ كَانَ أَسَامَةُ بْنُ زَيْدٍ يَشْفَعُ فِي الشَّيْءِ الَّذِي لَا حَدَّ فِيهِ فَأَتَى رَسُولُ اللَّهِ (صلى الله عليه وآله) بِإِنْسَانٍ قَدْ وَجِبَ عَلَيْهِ حَدٌّ فَشَفَعَ لَهُ أَسَامَةُ فَقَالَ لَهُ رَسُولُ اللَّهِ (صلى الله عليه وآله) لَا يُشْفَعُ فِي حَدٍّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Aban Bin Usman, from Salma,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Asama Bin Zayd used to intercede regarding the thing in which there was no Penalty (*Hadd*) (applicable). So they came to Rasool-Allah^{saww} with a person upon whom a Penalty (*Hadd*) was Obligated, so Asama interceded for him. So Rasool-Allah^{saww} said to him: 'There is not intercession regarding a Penalty (*Hadd*)'.⁶⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَاعٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ كَانَ لِأُمِّ سَلَمَةَ زَوْجَةُ النَّبِيِّ (صلى الله عليه وآله) أَمَةٌ فَسَرَقَتْ مِنْ قَوْمٍ فَأَتَى بِهَا النَّبِيُّ (صلى الله عليه وآله) فَكَلَّمَتْهُ أُمُّ سَلَمَةَ فِيهَا فَقَالَ النَّبِيُّ (صلى الله عليه وآله) يَا أُمُّ سَلَمَةَ هَذَا حَدٌّ مِنْ حُدُودِ اللَّهِ عَزَّ وَ جَلَّ لَا يُضْنَعُ فَقَطَعَهَا رَسُولُ اللَّهِ (صلى الله عليه وآله) .

⁶⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 56 H 1

⁶⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 56 H 2

⁶⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 57 H 1

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

Abu Ja'far^{asws} has said: 'There was a mother for Umm Salma^{as}, wife of the Prophet^{saww}, so she stole from a people. So they came with her to the Prophet^{saww}. So Umm Salma^{as} spoke to him^{saww} with regards to it. O Umm Salma^{as}! This is a Penalty (*Hadd*) from the Penalties of Allah^{azwj} Mighty and Majestic, not to be wasted'. So Rasool-Allah^{saww} cut her'.⁷⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) (لَا تَشْفَعَنَّ أَحَدٌ فِي حَدٍّ إِذَا بَلَغَ الْإِمَامَ فَإِنَّهُ يَمْلِكُهُ وَاشْفَعُ فِيمَا لَمْ يَبْلُغِ الْإِمَامَ إِذَا رَأَيْتَ النَّدَمَ وَاشْفَعُ عِنْدَ الْإِمَامِ فِي غَيْرِ الْحَدِّ مَعَ الرُّجُوعِ مِنَ الْمَشْفُوعِ لَهُ وَ لَا تَشْفَعُ فِي حَقِّ امْرِئٍ مُسْلِمٍ وَ لَا غَيْرِهِ إِلَّا بِإِذْنِهِ .

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 is no interceding for anyone regarding a Penalty (*Hadd*) when it (the matter) reaches the Imam^{asws}, for he^{asws} controls it, and intercession is in what does not reach the Imam^{asws}, when the (accused) shows the remorse, and the intercession in the presence of the Imam^{asws} can be in other (matters) than the Penalty (*Hadd*), with the reference of the interceded to him, and one cannot intercede regarding a right of a Muslim person, nor others, except by his^{asws} permission'.⁷¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ مُنْتَى الْحَنَاطِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) (لَأَسَامَةَ بْنِ زَيْدٍ يَا أَسَامَةَ لَا تَشْفَعُ فِي حَدٍّ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Najran, from Musanna Al Hanaat,

Abu Abdullah^{asws} has said: 'Rasool-Allah^{saww} said to Asama Bin Zayd: 'You cannot intercede regarding a Penalty (*Hadd*)'.⁷²

بَابُ أَنَّهُ لَا كَفَالَةَ فِي حَدٍّ

Chapter 58 – There is no bail regarding a Penalty (*Hadd*)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) (لَا كَفَالَةَ فِي حَدٍّ .

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

Abu Abdullah^{asws} has said: 'Rasool-Allah^{saww} said: 'There is no bail regarding a Penalty (*Hadd*)'.⁷³

بَابُ أَنَّ الْحَدَّ لَا يُورَثُ

⁷⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 57 H 2

⁷¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 57 H 3

⁷² Al Kafi – V 7 – The Book of Legal Penalties Ch 57 H 4

⁷³ Al Kafi – V 7 – The Book of Legal Penalties Ch 58 H 1

Chapter 59 – The Penalty (*Hadd*) is not inherited

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ السَّابَاطِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَمِعْتُهُ يَقُولُ إِنَّ الْحَدَّ لَا يُورَثُ كَمَا تَوَرَّثَ الدِّيَةُ وَالْمَالُ وَالْعَقَارُ وَلَكِنْ مَنْ قَامَ بِهِ مِنَ الْوَرَثَةِ فَطَلَبَهُ فَهُوَ وَلِيُّهُ وَمَنْ تَرَكَهُ فَلَمْ يَطْلُبْهُ فَلَا حَقَّ لَهُ وَذَلِكَ مِثْلُ رَجُلٍ قَذَفَ رَجُلًا وَلِلْمَقْذُوفِ أَخٌ فَإِنْ عَفَا عَنْهُ أَحَدُهُمَا كَانَ لِلْآخَرِ أَنْ يَطْلُبَهُ بِحَقِّهِ لِأَنَّهَا أُمُّهُمَا جَمِيعًا وَالْعَفْوُ لَهُمَا جَمِيعًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Hisham Bin Salim, from Ammar Al Sabaty,

(The narrator) says, 'I heard Abu Abdullah^{asws} saying that the Penalty (*Hadd*) is not inheritance just as the wergil is inherited, and the wealth, and the real estate. But the one from the inheritors stands by it, so he seeks it, so he is his guardian (has a right to do so), and the one who leaves it and does not seek it, so there is no right for him, and that is similar to a man who slanders a man, and for the slandered one is a brother. So if one of the two were to excuse him (the slanderer), that would be (a right) for the other one to seek his right, because she is a mother to both of them together, and the excusing is for both of them together'.⁷⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ الْحَدُّ لَا يُورَثُ .

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

Abu Abdullah^{asws} has said: 'The Penalty (*Hadd*) is not inherited'.⁷⁵

بَابُ أَنَّهُ لَا يَمِينُ فِي حَدٍّ

Chapter 60 – There is no swearing (of an oath) regarding a Penalty (*Hadd*)

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ أَتَى رَجُلٌ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) بِرَجُلٍ فَقَالَ هَذَا قَدْ قَذَفَنِي وَ لَمْ تَكُنْ لَهُ بَيِّنَةٌ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ اسْتَحْلِفْهُ فَقَالَ لَا يَمِينُ فِي حَدٍّ وَ لَا قِصَاصٍ فِي عَظْمٍ .

A number of our companions, from Sahl Bin ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from one of our companions,

Abu Abdullah^{asws} has said: 'A man came to Amir Al-Momineen^{asws} with a man, so he said, 'This one has slandered me', and there did not happen to be any proof for him. So he said, 'O Amir Al-Momineen^{asws}! Make me swear an oath'. So he^{asws} said: 'There is no swearing of an oath regarding a Penalty (*Hadd*), and there is no retaliation regarding a bone'.⁷⁶

⁷⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 59 H 1

⁷⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 59 H 2

⁷⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 60 H 1

بَابُ حَدِّ الْمُرْتَدِّ

Chapter 61 – Penalty (*Hadd*) of the apostate

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عليه السلام) عَنِ الْمُرْتَدِّ فَقَالَ مَنْ رَغِبَ عَنِ الْإِسْلَامِ وَ كَفَرَ بِمَا أُنْزِلَ اللَّهُ عَلَى مُحَمَّدٍ (صلى الله عليه وآله) بَعْدَ إِسْلَامِهِ فَلَا تَوْبَةَ لَهُ وَ قَدْ وَجِبَ قَتْلُهُ وَ بَانَتْ مِنْهُ أَمْرَتُهُ وَ يُقَسَّمُ مَا تَرَكَ عَلَى وَلَدِهِ .

Ali Bin Ibrahim, from his father and a number of our companions, from Sahl Bin Ziyad, altogether from Ibn Mahboub, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{asws} about the apostate, so he^{asws} said: 'The one who aspires away from Al-Islam and rejects with what Allah^{azwj} Revealed unto Muhammad^{saww} after his Islam, so there is no repentance for him, and it would Obligate his killing, and his wife would be irrevocably divorced from him, and whatever he leaves (as legacy) would be distributed upon his children'.⁷⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ الْفَضْلِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّ رَجُلًا مِنَ الْمُسْلِمِينَ تَنَصَّرَ فَأَتَى بِهِ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فَاسْتَنَابَهُ فَأَبَى عَلَيْهِ فَقَبِضَ عَلَى شَعْرِهِ ثُمَّ قَالَ طُؤُوا يَا عِبَادَ اللَّهِ قُوْطِي حَتَّى مَاتَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Al Fuzayl Bin Yasaar,

(It has been narrated) from Abu Abdullah^{asws} that a man from the Muslims became a Christian, so they came with him to Amir Al-Momineen^{asws}. So he^{asws} told him to repent, but he refused him^{asws}. So he^{asws} grabbed his hair, then said: 'Trample him, O servants of Allah^{azwj}! So they trampled him until he died'.⁷⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ غَيْرِ وَاحِدٍ مِنْ أَصْحَابِنَا عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي الْمُرْتَدِّ يُسْتَنَابُ فَإِنْ تَابَ وَ إِلَّا قُتِلَ وَ الْمَرْأَةُ إِذَا ارْتَدَّتْ عَنِ الْإِسْلَامِ اسْتَنْتَبَتْ فَإِنْ تَابَتْ وَ رَجَعَتْ وَ إِلَّا خُلِدَتْ فِي السَّجْنِ وَ ضُيقَ عَلَيْهَا فِي حَبْسِهَا .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from someone else from our companions,

(It has been narrated) from Abu Ja'far^{asws} and Abu Abdullah^{asws} regarding the apostate: 'He would be asked to repent. So if he repents (fine), or else he would be killed, and the wife, when she reneges from Al-Islam, would (also) be asked to repent. So if she repents and returns (fine), or else she would be imprisoned for ever, and her imprisonment would be constricted upon her'.⁷⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ عُبيدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي الصَّبِيِّ يَخْتَارُ الشِّرْكَ وَ هُوَ بَيْنَ أَبَوَيْهِ قَالَ لَا يَتْرُكُ وَ ذَلِكَ إِذَا كَانَ أَحَدُ أَبَوَيْهِ نَصْرَانِيًّا .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Al nazar Bin Suweyd, from Al Qasim Bin Suleyman, from Ubeyd Bin Zurara,

⁷⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 1

⁷⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 2

⁷⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 3

(It has been narrated) from Abu Abdullah^{asws} regarding the child who chose the Polytheism, and he is among his two parents. He^{asws} said: 'He would not be left (alone), and that is when one of his parents is a Christian'.⁸⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيسَى عَنْ عَلِيِّ بْنِ حَدِيدٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ وَغَيْرِهِ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) فِي رَجُلٍ رَجَعَ عَنِ الْإِسْلَامِ قَالَ يُسْتَتَابُ فَإِنْ تَابَ وَإِلَّا قُتِلَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ali Bin Hadeed, from Jameel Bin Darraj, and others,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding a man who retracted from Al-Islam. He^{asws} said: 'He would be told to repent, so if he does repent (fine), or else killed'.⁸¹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَتَى بِزَنْدِيقٍ فَضَرَبَ عِلَاقَتَهُ .

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,

(It has been narrated) from Abu Abdullah^{asws} that they came to Amir Al-Momineen^{asws} with an atheist, so he^{asws} struck his neck'.⁸²

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ مِنْ أَصْحَابِهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الصَّبِيِّ إِذَا شَبَّ فَاخْتَارَ النَّصْرَانِيَّةَ وَ أَحَدُ أَبَوَيْهِ نَصْرَانِيٌّ أَوْ مُسْلِمِينَ قَالَ لَا يُتْرَكُ وَ لَكِنْ يُضْرَبُ عَلَى الْإِسْلَامِ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else from his companions, from Aban Bin Usman, from one of his companions,

(It has been narrated) from Abu Abdullah^{asws} regarding the child, when he becomes a youth, so he chooses the Christianity, and one of his parents is a Christian, or they are both Muslims. He^{asws} Said: 'He would not be left, but he would be whipped upon Al-Islam'.⁸³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ أَتَى قَوْمٌ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَقَالُوا السَّلَامُ عَلَيْكَ يَا رَبَّنَا فَاسْتَتَابَهُمْ فَلَمْ يَتُوبُوا فَحَفَرُوا لَهُمْ حُفِيرَةً وَ أَوْقَدَ فِيهَا نَاراً وَ حَفَرَ حُفِيرَةً أُخْرَى إِلَى جَانِبِهَا وَ أَفْضَى بَيْنَهُمَا فَلَمَّا لَمْ يَتُوبُوا أَلْفَاهُمْ فِي الْحُفِيرَةِ وَ أَوْقَدَ فِي الْحُفِيرَةِ الْأُخْرَى حَتَّى مَاتُوا .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'A group of people came to Amir Al-Momineen^{asws}, so they said, 'السَّلَامُ عَلَيْكَ يَا رَبَّنَا' 'Peace be upon you^{asws}, O our Lord!' So he^{asws} told them to repent, but they did not repent. So he^{asws} dug out a pit for them, and kindle a fire in it, and dug out another pit to its side, and bore a hole

⁸⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 4

⁸¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 5

⁸² Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 6

⁸³ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 7

between the two. So when they did not repent, he^{asws} cast them into the pit, and inflamed (the fire) in the other pit, until they died'.⁸⁴

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ سَالِمٍ عَنْ أَحْمَدَ بْنِ النَّضْرِ عَنْ عَمْرِو بْنِ شَيْمِرٍ عَنْ جَابِرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَتَى أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) بِرَجُلٍ مِنْ بَنِي ثَعْلَبَةَ قَدْ تَنَصَّرَ بَعْدَ إِسْلَامِهِ فَشَهِدُوا عَلَيْهِ فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) مَا يَقُولُ هَؤُلَاءِ الشُّهُودُ قَالَ صَدَقُوا وَ أَنَا أَرْجِعُ إِلَى الْإِسْلَامِ فَقَالَ أَمَا إِنَّكَ لَوْ كَذَبْتَ الشُّهُودَ لَضَرَبْتُ عَنْقَكَ وَ قَدْ قَبِلْتُ مِنْكَ وَ لَا تُعْذِرُ فَإِنَّكَ إِنْ رَجَعْتَ لَمْ أَقْبَلَ مِنْكَ رُجُوعاً بَعْدَهُ .

Abu Ali Al Ashary, from Muhammad Bin Salim, from Ahmad Bin Al Nazar, from Amro Bin Shimr, from Jabir,

Abu Abdullah^{asws} has said: 'They came to Amir Al-Momineen^{asws} with a man from the Clan of Sa'alba who had become Christian after his Islam, so they testified against him. So, Amir Al-Momineen^{asws} said: 'What are these witnesses saying?' He said, 'They are speaking the truth, and I have returned to Al-Islam'. So he^{asws} said: 'But, had you belied the witnesses, I^{asws} would have struck your neck, and I^{asws} have accepted from you, and do not repeat, for if you were to return, I^{asws} will not accept the returning from you, after it'.⁸⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ الْعُمَرَكِيِّ بْنِ عَلِيٍّ النَّيْسَابُورِيِّ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ مُسْلِمٍ تَنَصَّرَ قَالَ يَقْتُلُ وَ لَا يُسْتَنْابُ قُلْتُ فَتَنْصُرَانِي أَسْلَمْتُ ثُمَّ ارْتَدَّ عَنِ الْإِسْلَامِ قَالَ يُسْتَنْابُ فَإِنْ رَجَعَ وَ لَا قُتِلَ .

Muhammad Bin Yahya, from Al Amraky Bin Ali Al Neysabouri,

(It has been narrated) from Ali son of Ja'far^{asws}, from his brother^{asws} Abu Al-Hassan^{asws}, said, 'I asked him^{asws} about a Muslim who became a Christian. He^{asws} said: 'He would be killed, and would not be told to repent'. I said, 'So if a Christian became a Muslim, then reneged from Al-Islam?' He^{asws} said: 'He would be told to repent, so if he were to return (fine) or else killed'.⁸⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ السَّابَاطِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ كُلُّ مُسْلِمٍ بَيْنَ مُسْلِمَيْنِ ارْتَدَّ عَنِ الْإِسْلَامِ وَ جَدَّ مُحَمَّدًا (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) نُبُوَّتُهُ وَ كَذِبُهُ فَإِنَّ دَمَهُ مَبَاحٌ لِكُلِّ مَنْ سَمِعَ ذَلِكَ مِنْهُ وَ أَمْرَاتُهُ بَاطِلَةٌ مِنْهُ يَوْمَ ارْتَدَّ فَلَا تَقْرَبُهُ وَ يُقْسَمُ مَالُهُ عَلَى وَرَثَتِهِ وَ تَعْدُ أَمْرَاتُهُ [بَعْدُ] عِدَّةُ الْمُتَوَفَّى عَنْهَا زَوْجُهَا وَ عَلَى الْإِمَامِ أَنْ يَقْتُلَهُ وَ لَا يُسْتَنْبِيَهُ .

A number of our companions, from Sahl Bin Ziyad and Ali Bin Ibrahim, from his father and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Hisham Bin Salim, from Ammar Al Sabaty who said,

'I heard Abu Abdullah^{asws} saying: 'Every Muslim, in between two Muslims reneges from Al-Islam (becomes an apostate), and denies Muhammad^{saww} of his^{saww} Prophet-hood, and belies him^{saww}. So his blood is Permissible to be shed for every one who hears that from him, and his wife is irrevocably divorced from him the day he reneges, so she cannot go near him, and his wealth is distributed upon his inheritors, and his wife would observe the waiting period of the one widowed from her husband,

⁸⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 8

⁸⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 9

⁸⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 10

and it would be upon the Imam^{asws} that he kills him, and does not give him (the opportunity) to repent'.⁸⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ يُونُسَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ مَنْ أَخَذَ فِي شَهْرِ رَمَضَانَ وَ قَدْ أَفْطَرَ فَرَفَعَ إِلَى الْإِمَامِ يُقْتَلُ فِي الثَّالِثَةِ .

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

Abu Abdullah^{asws} has said: 'The one who is seized in a Month of Ramazan and he had broken his Fast, so it is raised to the Imam^{asws}, he^{asws} would kill him during the third (offence)'.⁸⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنْ ابْنِ أَبِي يَعْفُورٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) إِنْ بَزِيْعًا يَزْعُمُ أَنَّهُ نَبِيٌّ فَقَالَ إِنْ سَمِعْتَهُ يَقُولُ ذَلِكَ فَاقْتُلْهُ قَالَ فَجَلَسْتُ لَهُ غَيْرَ مَرَّةٍ فَلَمْ يُمْكِنِّي ذَلِكَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Hammad Bin Usman, from Ibn Abu Yafour who said,

'I said to Abu Abdullah^{asws} that, Baziya alleges that he is a Prophet. So he^{asws} said: 'If you were to hear him saying that, you should kill him'. He said, 'So I sat with (awaiting) for him many a time, but was not able over that'.⁸⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ عَبْدِ الرَّحْمَنِ الْأَبْزَارِيِّ الْكُنَاسِيِّ عَنْ الْحَارِثِ بْنِ الْمُغِيرَةِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) أَرَأَيْتَ لَوْ أَنَّ رَجُلًا أَتَى النَّبِيَّ (صلى الله عليه وآله) فَقَالَ وَ اللَّهُ مَا أَدْرِي أ نَبِيٌّ أَنْتَ أَمْ لَا كَانَ يَقْبَلُ مِنْهُ قَالَ لَا وَ لَكِنْ كَانَ يَقْتُلُهُ إِنَّهُ لَوْ قِيلَ ذَلِكَ مِنْهُ مَا أَسْلَمَ مُنَافِقٌ أَبَدًا .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Abul Rahman Al Abzary Al Kunasy, from Al Haris Bin Al Mugheira who said,

'I said to Abu Abdullah^{asws}, 'What is your^{asws} view if a man came to the Prophet^{saww}, so he said, 'By Allah^{azwj}! I do not know whether you^{saww} are a Prophet^{saww} or not, would he^{saww} have accepted from him?' He^{asws} said: 'No! But, he^{saww} would have killed him. If he^{saww} had accepted from him, no hypocrite would ever become a Muslim'.⁹⁰

عِدَّةٌ 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 (عليه السلام) قَالَ أَتَى أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) بَزَنْدِيقٍ فَضَرَبَ عِلَاوَتَهُ فَقِيلَ لَهُ إِنَّ لَهُ مَا لَا كَثِيرًا فَلَمَنْ يُجْعَلُ مَالُهُ قَالَ لَوْلَدِهِ وَ لَوْرَثَتِهِ وَ لَزَوْجَتِهِ .

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: 'They came to Amir Al-Momineen^{asws} with an atheist, so he^{asws} struck his neck. So it was said to him^{asws}, 'He

⁸⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 11

⁸⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 12

⁸⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 13

⁹⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 14

had a lot of wealth for him, so for whom would his wealth be for?' He^{asws} said: 'For his children, and for his inheritors, and for his wife'.⁹¹

وَبِهَذَا الْإِسْنَادِ أَنَّ أَمِيرَ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) كَانَ يَحْكُمُ فِي زَنْدِيقٍ إِذَا شَهِدَ عَلَيْهِ رَجُلَانِ عَدْلَانِ مَرْضِيَّانِ وَ شَهِدَ لَهُ أَلْفٌ بِالْبَرَاءَةِ جَازَتْ شَهَادَةُ الرَّجُلَيْنِ وَ أَبْطَلَ شَهَادَةُ أَلْفٍ لِأَنَّهُ دِينٌ مَكْنُونٌ .

And by this chain,

'Amir Al-Momineen^{asws} had judged regarding an atheist when two just, acceptable witnesses testify against him, they testify for him a thousand with the freeing him. He^{asws} allowed the testimony of two men and invalidated the testimonies of a thousand because it is an undisclosed religion'.⁹²

وَبِهَذَا الْإِسْنَادِ قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) الْمُرْتَدُّ تَعَزَّلَ عَنْهُ امْرَأَتُهُ وَ لَا تُؤْكَلُ ذَبِيحَتُهُ وَ يُسْتَنْتَابُ ثَلَاثَةَ أَيَّامٍ فَإِنْ تَابَ وَ إِلَّا قُتِلَ يَوْمَ الرَّابِعِ .

And by this chain, said,

'Amir Al-Momineen^{asws} said: '(As for the) apostate, his wife should isolate herself from him, and she should not eat meat slaughtered by him, and he would be given three days to repent, so if he does repent (fine), or else he would be killed on the fourth day'.⁹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أَتَى قَوْمٌ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فَقَالُوا السَّلَامُ عَلَيْكَ يَا رَبَّنَا فَاسْتَنْتَابَهُمْ فَلَمْ يَتُوبُوا فَحَفَرَ لَهُمْ حَفِيرَةً وَ أَوْقَدَ فِيهَا نَاراً وَ حَفَرَ حَفِيرَةً أُخْرَى إِلَى جَانِبِهَا وَ أَفْضَى مَا بَيْنَهُمَا فَلَمَّا لَمْ يَتُوبُوا أَلْقَاهُمْ فِي الْحَفِيرَةِ وَ أَوْقَدَ فِي الْحَفِيرَةِ الْأُخْرَى [نَاراً] حَتَّى مَاتُوا .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'A group of people came to Amir Al-Momineen, so they said, 'Peace be upon you'^{asws}, 'السَّلَامُ عَلَيْكَ يَا رَبَّنَا', O our Lord! So he told them to repent, but they did not repent. So he^{asws} dug out a pit for them and ignited a fire in it, and dug out another pit to its side, and bore a hole between these two. So when they did not repent, he^{asws} cast them into the pit, and ignited fire in the other pit, until they died'.⁹⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الْعَبْدُ إِذَا أَبَقَ مِنْ مَوَالِيهِ ثُمَّ سَرَقَ لَمْ يُقْطَعَ وَ هُوَ أَبَقٍ لِأَنَّهُ مُرْتَدُّ عَنِ الْإِسْلَامِ وَ لَكِنْ يُدْعَى إِلَى الرُّجُوعِ إِلَى مَوَالِيهِ وَ الدُّخُولِ فِي الْإِسْلَامِ فَإِنْ أَبَى أَنْ يَرْجِعَ إِلَى مَوَالِيهِ قُطِعَتْ يَدُهُ بِالسَّرِقَةِ ثُمَّ قُتِلَ وَ الْمُرْتَدُّ إِذَا سَرَقَ بِمَنْزِلَتِهِ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Ibn Raib, from Abu Ubeyda,

Abu Abdullah^{asws} has said: 'The slave, when he is a fugitive from his master, then steals, he would not be cut, and he is a fugitive, because he is a renegade from Al-Islam, but he would be called to the return to his master, and the entry into the fold of

⁹¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 15

⁹² Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 16

⁹³ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 17

⁹⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 18

Al-Islam. So if he were to refuse to return to his master, his hand would be cut due to the theft, then he would be killed; and the apostate, when he steals is at his status'.⁹⁵

ابْنُ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ بُرَيْدِ الْعَجَلِيِّ قَالَ سَأَلَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ شَهِدَ عَلَيْهِ شُهُودٌ أَنَّهُ أَفْطَرَ مِنْ شَهْرِ رَمَضَانَ ثَلَاثَةَ أَيَّامٍ فَقَالَ يُسْأَلُ هَلْ عَلَيْكَ فِي إِفْطَارِكَ إِنَّمَا قَالَ لَا فَإِنَّ عَلَى الْإِمَامِ أَنْ يَقْتُلَهُ وَ إِنْ هُوَ قَالَ نَعَمْ فَإِنَّ عَلَى الْإِمَامِ أَنْ يَنْهَكَ ضَرْبًا .

Ibn Mahboub, from Hisham Bin Salim, from Bureyd Al Ajaly who said,

'Abu Ja'far^{asws} was asked about a man against whom witnesses testified that he had broken a Fast from the Month of Ramazan for three days. He^{asws} said: 'He would be asked, 'Is there a sin upon you with regards to your breaking the Fast?' So if he says, 'No', then it would be upon the Imam^{asws} that he^{asws} should kill him; and if he were to say, 'Yes', so it would be upon the Imam^{asws} that he^{asws} blights him with the whipping'.⁹⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ سَأَلَ عَنْ شَتَمِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالَ يَقْتُلُهُ الْأَدْنَى فَإِلَّا الْأَدْنَى قَبْلَ أَنْ يَرْفَعَهُ إِلَى الْإِمَامِ .

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

(It has been narrated) from Abu Abdullah^{asws} having been asked about the one who insults Rasool-Allah^{saww}. So he^{asws} said: 'He should be killed for the lowest (of insults), as a minimum, before he is brought to the Imam^{asws}'.⁹⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ ابْنِ أَبِي يَعْفُورٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنْ بَزِيعًا يَزْعُمُ أَنَّهُ نَبِيٌّ قَالَ فَإِنْ سَمِعْتَهُ يَقُولُ ذَلِكَ فَاقْتُلْهُ قَالَ فَجَلَسْتُ غَيْرَ مَرَّةٍ فَلَمْ يُمْكِنِي ذَلِكَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Hammad Bin usman, from Ibn Abu Yafour who said,

'I said to Abu Abdullah^{asws} that Bazi'a is claiming that he is a Prophet. He^{asws} said: 'So if you were to hear him saying that, so kill him'. He (the narrator) said, 'I sat awaiting more than once, but I was not able to do that'.⁹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ صَالِحِ بْنِ سَهْلٍ عَنْ كَرْدَيْنَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ وَ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِنْ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) لَمَّا فَرَّغَ مِنْ أَهْلِ الْبَصْرَةِ أَتَاهُ سَبْعُونَ رَجُلًا مِنَ الرُّطِّ فَسَلَّمُوا عَلَيْهِ وَ كَلَّمُوهُ بِلِسَانِهِمْ فَرَدَّ عَلَيْهِمْ بِلِسَانِهِمْ ثُمَّ قَالَ لَهُمْ إِنِّي لَسْتُ كَمَا قُلْتُمْ أَنَا عَبْدُ اللَّهِ مَخْلُوقٌ فَأَبُوا عَلَيْهِ وَ قَالُوا أَنْتَ هُوَ فَقَالَ لَهُمْ لَئِنْ لَمْ تَنْتَهُوا وَ تَرْجِعُوا عَمَّا قُلْتُمْ فِي وَ تَتَوْبُوا إِلَى اللَّهِ عَزَّ وَ جَلَّ لَا أَقْتُلُكُمْ

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Salih Bin Sahl, from Kirdayn,

(It has been narrated) from a man from Abu Abdullah^{asws} and Abu Ja'far^{asws} having said that when Amir Al-Momineen^{asws} was free from the people of Al-Basra (Battle of the Camel), seventy men from Al-Zat came over. So they greeted him^{asws} and spoke to him^{asws} in their own language. So he^{asws} responded to them in their language.

⁹⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 19

⁹⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 20

⁹⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 21

⁹⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 22

Then he^{asws} said to them: 'I^{asws} am not as you are saying it to be. I^{asws} am a servant of Allah^{azwj}, a Created being'. But they refused to him^{asws} and said, 'أَنْتَ هُوَ' 'You^{asws} are He^{azwj}!' So he^{asws} said to them: 'If you do not cease and retract from what you are saying regarding me^{asws}, and repent to Allah^{azwj} Mighty and Majestic, I^{asws} will kill you all'.

فَأَبَوْا أَنْ يَرْجِعُوا وَ يُتُوبُوا فَأَمَرَ أَنْ تُحْفَرَ لَهُمْ أَبَارٌ فَحُفِرَتْ ثُمَّ خَرَقَ بَعْضُهَا إِلَى بَعْضٍ ثُمَّ قَذَفَهُمْ فِيهَا ثُمَّ خَمَرَ رُءُوسَهَا ثُمَّ أَلْهَبَتِ النَّارُ فِي بَنَرٍ مِنْهَا لَيْسَ فِيهَا أَحَدٌ مِنْهُمْ فَدَخَلَ الدُّخَانُ عَلَيْهِمْ فِيهَا فَمَاتُوا .

But, they refused to retract and repent. So he^{asws} ordered for wells to be dug out for them. So they dug them. Then he^{asws} bore holes connecting each of these. Then he^{asws} threw them into it. Then he^{asws} covered the top of the wells. Then he^{asws} inflamed a fire in the well in which there was no one from them. So the smoke entered upon them in those (wells). So they died'.⁹⁹

باب حَدِّ السَّاحِرِ

Chapter 62 – Penalty (Hadd) of the sorcerer

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) سَاحِرُ الْمُسْلِمِينَ يُقْتَلُ وَ سَاحِرُ الْكُفَّارِ لَا يُقْتَلُ قِيلَ يَا رَسُولَ اللَّهِ وَ لِمَ لَا يُقْتَلُ سَاحِرُ الْكُفَّارِ قَالَ لِأَنَّ الْكُفْرَ أَعْظَمُ مِنَ السِّحْرِ وَ لِأَنَّ السِّحْرَ وَ الشِّرْكَ مَقْرُونَانِ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'The Muslim sorcerer would be killed, and the Infidel sorcerer would not be killed'. It was said, 'O Rasool-Allah^{saww}! And why would the Infidel sorcerer not be killed?' He^{saww} said: 'Because the infidelity is more grievous than the sorcery, and because the sorcery and the Polytheism are pairs'.¹⁰⁰

مُحَمَّدُ بْنُ يَحْيَى وَ مُحَمَّدُ بْنُ الْحُسَيْنِ وَ حَبِيبُ بْنُ الْحَسَنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْحَمِيدِ الْعَطَّارِ عَنْ بَشَّارٍ عَنْ زَيْدِ الشَّحَّامِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ السَّاحِرُ يُضْرَبُ بِالسَّيْفِ ضَرْبَةً وَاحِدَةً عَلَى [أَمٍّ] رَأْسِهِ .

Muhammad Bin Yahya and Muhammad Bin Al Husayn and Habeeb Bin Al Hassan, from Muhammad Bin Abdul Hameed Al Attar, from Bashar, from Zayd Al Shahham,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The sorcerer would be struck with one strike of the sword on top of his head'.¹⁰¹

باب النُّوَادِرِ

Chapter 63 – The Miscellananeous

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ الْحَسَنِ بْنِ صَالِحٍ الثَّوْرِيِّ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ إِنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) أَمَرَ قَنْبَرًا أَنْ يَضْرِبَ رَجُلًا حَدًّا فَغَلَطَ قَنْبَرٌ فَرَادَهُ ثَلَاثَةَ أَسْوَاطٍ فَأَقَادَهُ عَلَيْهِ (عليه السلام) مِنْ قَنْبَرٍ ثَلَاثَةَ أَسْوَاطٍ .

⁹⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 61 H 23

¹⁰⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 62 H 1

¹⁰¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 62 H 2

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Al Hassan Bin Salih Al Sowry,

(It has been narrated) from Abu Ja'far^{asws} having said that Amir Al-Momineen^{asws} ordered Qanbar that he should whip a man, a Penalty (*Hadd*). So Qanbar was harsh, and increased by three lashes. So Ali^{asws} caused retaliation from Qanbar of the three (excessive) lashes'.¹⁰²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِنَّ أَبْعَضَ النَّاسِ إِلَى اللَّهِ عَزَّ وَجَلَّ رَجُلٌ جَرَدَ ظَهْرَ مُسْلِمٍ بِغَيْرِ حَقٍّ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'The most hateful of the people to Allah^{azwj} Mighty and Majestic is a man who bares the back of a Muslim without a right (to do so)'.¹⁰³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ بَعْضِ أَصْحَابِنَا قَالَ نَهَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) عَنِ الْأَنْدَبِ عِنْدَ الْغَضَبِ .

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

'Rasool-Allah^{saww} forbade from the disciplining during the anger'.¹⁰⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ أَحْمَدَ بْنِ عُمَرَ الْحَلَّالِ قَالَ قَالَ يَاسِرٌ عَنْ بَعْضِ الْعُلَمَاءِ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ لَا يَزَالُ الْعَبْدُ يَسْرِقُ حَتَّى إِذَا اسْتَوْفَى ثَمَنَ يَدِهِ أَظْهَرَهَا اللَّهُ عَلَيْهِ .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Muhammad Bin Isa, from Ahmad Bin Umar Al Hallal, from Yasir, from one of the slaves,

From Abu Al-Hassan^{asws} having said: 'If a servant does not stop from stealing even after he is satisfied with his wages, Allah^{azwj} Exposes it against him'.¹⁰⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ فِي مَسَائِلِ إِسْمَاعِيلَ بْنِ عِيسَى عَنِ الْأَخِيرِ فِي مَمْلُوكٍ يَعْصِي صَاحِبَهُ أَوْ يَجْلُ ضَرْبُهُ أَمْ لَا فَقَالَ لَا يَجْلُ لَكَ أَنْ تَضْرِبَهُ إِنْ وَافَقَكَ فَأَمْسِكْهُ وَإِلَّا فَخَلَّ عَنْهُ .

A number of our companions, from Ahmad Bin Muhammad, in the questions of Ismail Bin Isa,

(It has been narrated) from Al-Akheer regarding an owned (slave) who disobeys his master, is it Permissible to whip him or not?' So he^{asws} said: 'It is not Permissible for you that you should whip him, if he is compatible with you, so keep him, or else release him'.¹⁰⁶

عَلِيُّ بْنُ مُحَمَّدٍ بْنُ بُنْدَارٍ عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنِ أَبِي الْبَخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) قَالَ مَنْ أَقْرَ عِنْدَ تَجْرِيدٍ أَوْ تَخْوِيفٍ أَوْ حَبْسٍ أَوْ تَهْدِيدٍ فَلَا حَدَّ عَلَيْهِ .

¹⁰² Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 1

¹⁰³ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 2

¹⁰⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 3

¹⁰⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 4

¹⁰⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 5

Ali Bin Muhammad Bin Bandar, from Ahmad Bin Abu Abdullah, from his father, from Abu Al Bakhtary,

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} said, 'The one who confesses during the stripping, or frightening, or imprisonment, or imposition of a Penalty (*Hadd*), so there is no Penalty (*Hadd*) upon him (Due to being under duress/pressure)'.¹⁰⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ الْجَبَلِيِّ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ امْرَأَةٍ ذَاتِ بَعْلِ زَنْتٌ فَحَبِلَتْ فَلَمَّا وَلَدَتْ قَتَلَتْ وَلَدَهَا سِرًّا قَالَ تُجْلَدُ مِائَةً [جُلْدَةً] لِقَتْلِهَا وَلَدَهَا وَ تُرْجَمُ لِأَنَّهَا مُحْصَنَةٌ

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Aslam Al Jabaly, from Aasim Bin Humejd, from Muhammad Bin Qays,

(The narrator) says, 'I asked Abu Ja'far^{asws} about a woman who was with a husband, committed adultery, so she became pregnant. So when she gave birth, she killed her child secretly. He^{asws} said: 'She would be whipped one hundred lashes due to killing her child, and she would be stoned (to death) because she was married (while committing immorality)'.

قَالَ وَ سَأَلْتُهُ عَنْ امْرَأَةٍ غَيْرِ ذَاتِ بَعْلِ زَنْتٌ فَحَبِلَتْ فَقَتَلَتْ وَلَدَهَا سِرًّا قَالَ تُجْلَدُ مِائَةً لِأَنَّهَا زَنْتٌ وَ تُجْلَدُ مِائَةً لِأَنَّهَا قَتَلَتْ وَلَدَهَا.

He (the narrator) said, 'And I asked him^{asws} about a woman who was not with a husband, committed adultery. So she killed her child secretly. He^{asws} said: 'She would be whipped one hundred (lashes) because she committed adultery, and she would be whipped one hundred (lashes) because she killed her child'.¹⁰⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) قَالَ مَنْ أَقْرَبَ بَوْلَدٍ ثُمَّ نَفَاهُ جُلْدَ الْحَدِّ وَالزِّمَّ الْوَلَدَ .

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} said: 'The one who confesses with (ownership of) a child, then denies it, would be whipped the Penalty (*Hadd*), and the child would be enforced upon him'.¹⁰⁹

عَلِيُّ عَنْ أَبِيهِ عَنْ صَالِحِ بْنِ سَعِيدٍ رَفَعَهُ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ يَسْرِقُ فَنُقِطَعُ يَدُهُ بِإِقَامَةِ الْبَيِّنَةِ عَلَيْهِ وَ لَمْ يَرُدَّ مَا سَرَقَ كَيْفَ يُصْنَعُ بِهِ فِي مَالِ الرَّجُلِ الَّذِي سَرَقَ مِنْهُ أَوْ لَيْسَ عَلَيْهِ رَدُّهُ وَ إِنْ أَدْعَى أَنَّهُ لَيْسَ عِنْدَهُ قَلِيلٌ وَ لَا كَثِيرٌ وَ عَلِمَ ذَلِكَ مِنْهُ قَالَ يُسْتَسْعَى حَتَّى يُؤَدِّيَ آخِرَ دِرْهِمٍ سَرَقَهُ .

Ali, from his father, from Salih Bin Saeed,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}), said, 'I asked him^{asws} about a man who stole, so his hand was cut by the establishment of the proof against him, but he did not return what he had stolen. So how should one deal with the property of the man whom it had been stolen from, or is there not the returning

¹⁰⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 6

¹⁰⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 7

¹⁰⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 8

upon him? And if he were to claim that there is nothing in his possession anymore, neither less nor more, and that is known to be from him?' He^{asws} said: 'He would be made to work until he pays back the last Dirham he had stolen'.¹¹⁰

عَلِيٌّ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) أَخْبِرْنِي عَنِ الْقَوَادِ مَا حَدُّهُ قَالَ لَا حَدَّ عَلَى الْقَوَادِ إِلَّا لَيْسَ إِنَّمَا يُعْطَى الْأَجْرَ عَلَى أَنْ يَقُودَ قُلْتُ جُعِلَتْ فِدَاكَ إِنَّمَا يَجْمَعُ بَيْنَ الذَّكَرِ وَالْأُنْثَى حَرَامًا قَالَ ذَلِكَ الْمُؤَلَّفُ بَيْنَ الذَّكَرِ وَالْأُنْثَى حَرَامًا فَقُلْتُ هُوَ ذَلِكَ جُعِلَتْ فِدَاكَ قَالَ يُضْرَبُ ثَلَاثَةَ أَرْبَاعٍ حَدُّ الزَّانِي خُمُسَةً وَسَبْعِينَ سَوْطًا وَ يُنْفَى مِنَ الْمِصْرِ الَّذِي هُوَ فِيهِ

Ali, from his father, from Muhammad Bin Suleyman, from Abdullah Bin Sinan who said,

'I said to Abu Abdullah^{asws}, 'Inform me about the pimp, what is his Penalty (*Hadd*)?' He^{asws} said: 'There is no Penalty (*Hadd*) upon the pimp. Is it not, rather, he is given the wages upon what he procures?' I said, 'May I be sacrificed for you^{asws}! But rather, he gathers between the male and the female unlawfully'. He^{asws} said: 'That is the joiner between the male and the female unlawfully?' So I said, 'He is that, may I be sacrificed for you^{asws}'. He^{asws} said: 'He would be whipped three quarters of a Penalty (*Hadd*) of the adulterer, seventy five lashes, and he would be exiled from the city in which he is in'.

فَقُلْتُ جُعِلَتْ فِدَاكَ فَمَا عَلَى رَجُلٍ الَّذِي وَتَبَ عَلَى امْرَأَةٍ فَحَلَقَ رَأْسَهَا قَالَ يُضْرَبُ ضَرْبًا وَجِيعًا وَ يُحْبَسُ فِي سِجْنِ الْمُسْلِمِينَ حَتَّى يُسْتَبْرَأَ شَعْرُهَا فَإِنْ نَبَتَ مِنْهُ مَهْرٌ نِسَائِهَا وَ إِنْ لَمْ يَنْبُتْ أُخِذَتْ مِنْهُ الدِّيَّةُ كَامِلَةً خُمُسَةُ أَلْفٍ بِرَّهْمٍ فَقُلْتُ فَكَيْفَ صَارَ مَهْرٌ نِسَائِهَا إِنْ نَبَتَ شَعْرُهَا قَالَ يَا ابْنَ سِنَانَ إِنَّ شَعْرَ الْمَرْأَةِ وَ عُذْرَتَهَا يَشْتَرِكَانِ فِي الْجَمَالِ فَإِذَا ذَهَبَ بِأَحَدِهِمَا وَجَبَ لَهَا الْمَهْرُ كَامِلًا .

So I said, 'May I be sacrificed for you^{asws}! So what is upon a man who pounces upon a woman and shaves off her head?' He^{asws} said: 'He would be whipped painful lashes, and he would be imprisoned in a prison of the Muslims until her hair grows back. So when it does grows back, (an amount equal to) a dower of his womenfolk would be taken from him. And if it does not grow back, the complete wergild of five thousand Dirhams is taken from him'. So I said, 'So how did it come to be a dower of his womenfolk, if her hair does grows back?' He^{asws} said: 'O Ibn Sinan! Hair of the woman, and her virginity are two associates in the beauty. So if one of the two goes away, the complete dower is Obligated for her'.¹¹¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عِيسَى عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنِ الْعَلَاءِ بْنِ الْفَضْلِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قُلْتُ لَهُ الرَّجُلُ يَنْتَفِي مِنْ وَلَدِهِ وَ قَدْ أَقْرَبَ بِهِ فَقَالَ إِنْ كَانَ الْوَلَدُ مِنْ حُرَّةٍ جُلِدَ الْحَدَّ خَمْسِينَ سَوْطًا حَدُّ الْمَمْلُوكِ وَ إِنْ كَانَ مِنْ أَمَةٍ فَلَا شَيْءَ عَلَيْهِ .

Muhammad Bin yahya, from Muhammad Bin Ahmad, from Muhammad Bin Isa, from Muhammad Bin Sinan, from Al A'la Bin Al Fuzayl,

(The narrator) says, 'I said to Abu Abdullah^{asws}, 'The man denies from his child, and he had previously acknowledge with it. So he^{asws} said: 'If the child was from a free woman, he would be whipped the Penalty (*Hadd*) of fifty lashes, a Penalty (*Hadd*) of the owned (slaves), and if it was from a slave girl, so there is nothing upon him'.¹¹²

¹¹⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 9

¹¹¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 10

¹¹² Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 11

مُحَمَّدُ بْنُ أَحْمَدَ عَنْ أَبِي عَبْدِ اللَّهِ الرَّازِيِّ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي عَبْدِ اللَّهِ الْمُؤْمِنِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) الرَّزَى أَشَرُّ أَوْ شَرُّبُ الْخَمْرِ وَكَيْفَ صَارَ فِي الْخَمْرِ ثَمَانِينَ وَفِي الرَّزَى مِائَةٌ فَقَالَ يَا إِسْحَاقُ الْحَدُّ وَاحِدٌ وَلكِنْ زَيْدٌ هَذَا لِتَضْيِيعِهِ النُّطْفَةَ وَلِوَضْعِهِ إِيَّاهَا فِي غَيْرِ مَوْضِعِهَا الَّذِي أَمَرَهُ اللَّهُ عَزَّ وَجَلَّ بِهِ .

Muhammad Bin Ahmad, from Abu Abdullah Al Razy, from Al Hassan Bin Ali Bin Abu Hamza, from Abu Abdullah Al Momin, from Is'haq Bin Ammar who said,

'I said to Abu Abdullah^{asws}, 'Is the adulterer more evil or drinker of the wine? And how did eighty lashes come to be with regards to the wine, and a hundred regarding adultery?' So he^{asws} said: 'O Is'haq! The Penalty (*Hadd*) is one, but there is an increase in this due to his wasting of the sperm and placing it in other than its (rightful) place which Allah^{azwj} Mighty and Majestic has Commanded it with'.¹¹³

مُحَمَّدُ بْنُ أَحْمَدَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ النَّقْفِيِّ عَنْ إِبْرَاهِيمَ بْنِ يَحْيَى الثَّوْرِيِّ عَنْ هَيْثَمِ بْنِ بَشِيرٍ عَنْ أَبِي بَشِيرٍ عَنْ أَبِي رَوْحٍ أَنَّ امْرَأَةً تَشَبَّهَتْ بِأَمَةٍ لِرَجُلٍ وَ ذَلِكَ لَيْلًا فَوَاقَعَهَا وَ هُوَ يَرَى أَنَّهَا جَارِيَتُهُ فَرَفَعَ إِلَى عُمَرَ فَأَرْسَلَ إِلَى عَلِيٍّ (عليه السلام) فَقَالَ اضْرِبِ الرَّجُلَ حَدًّا فِي السَّرِّ وَ اضْرِبِ الْمَرْأَةَ حَدًّا فِي الْعَلَانِيَةِ .

Muhammad Bin Ahmad, from one of his companions, from Ibrahim Bin Muhammad Al Saqafy, from Ibrahim Bin Yahya Al Sowry, from Haysam Bin Basheer, from Abu Basheer, from Abu Rawh that,

'A woman resembled herself with a slave girl for a man, and that was at night. So he fell upon her, and he took her for his slave girl. So the matter was raised to Umar. So he sent a messenger to Ali^{asws}, so he^{asws} said: 'Whip the man a Penalty (*Hadd*) in the secrecy, and whip the woman a Penalty (*Hadd*) in the open'.¹¹⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الثَّوْقَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا يُقَامُ الْحَدُّ عَلَى الْمُسْتَخَاضَةِ حَتَّى يَنْقَطَعَ الدَّمُ عَنْهَا .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The Penalty would not be established upon the menstruating woman until the (flow of) blood is cut off from her'.¹¹⁵

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ الْمُحْمُودِيِّ عَنْ أَبِيهِ عَنْ يُونُسَ عَنِ الْحُسَيْنِ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَمِعْتُهُ يَقُولُ الْوَاجِبُ عَلَى الْإِمَامِ إِذَا نَظَرَ إِلَى رَجُلٍ يَزْنِي أَوْ يَشْرِبُ الْخَمْرَ أَنْ يُقِيمَ عَلَيْهِ الْحَدَّ وَ لَا يَخْتِاجُ إِلَى بَيِّنَةٍ مَعَ نَظَرِهِ لِأَنَّهُ أَمِينُ اللَّهِ فِي خَلْقِهِ وَ إِذَا نَظَرَ إِلَى رَجُلٍ يَسْرِقُ فَالْوَاجِبُ عَلَيْهِ أَنْ يَرْبُرَهُ وَ يَنْهَاهُ وَ يَمْضِي وَ يَدْعُوهُ قُلْتُ كَيْفَ ذَاكَ قَالَ لِأَنَّ الْحَقَّ إِذَا كَانَ لِلَّهِ فَالْوَاجِبُ عَلَى الْإِمَامِ إِقَامَتُهُ وَ إِذَا كَانَ لِلنَّاسِ فَهُوَ لِلنَّاسِ .

Ali Bin Muhammad, from Muhammad Bin Ahmad Al Mahmoudy, from his father, from Yunus, from Al Husayn Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I heard him^{asws} saying: 'It is Obligatory upon the Imam^{asws} when he^{asws} finds a man committing adultery, or drinking the wine, that he^{asws} should established the Penalty (*Hadd*) upon him, and he^{asws} is not needy of any proof along with his^{asws} vision, because he^{asws} is a Trustee of Allah^{azwj} among His^{azwj} creatures. And when he^{asws} looks at a man who steals, so it is Obligatory upon him^{asws} that he^{asws} reprimands him, and forbids him, and goes and

¹¹³ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 12

¹¹⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 13

¹¹⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 14

leaves him'. I said, 'How can that be so?' He^{asws} said: 'Because the truth, if it was for the Sake of Allah^{azwj}, so it is Obligatory upon the Imam^{asws} to stand by it, and when it was for the people, so it is for the people (to stand by it)'.¹¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ رَفَعَهُ قَالَ كَانَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) يُؤَلِّي الشُّهُودَ الْحُدُودَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, raising it, said,

'Amir Al-Momineen^{asws} used to give the authority to the witnesses for (execution of) the Penalties'.¹¹⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ مَنْ ضَرَبَ مَمْلُوكًا حَدًّا مِنْ الْحُدُودِ مِنْ غَيْرِ حَدٍّ أَوْجَبَهُ الْمَمْلُوكُ عَلَى نَفْسِهِ لَمْ يَكُنْ لِضَارِبِهِ كَفَّارَةٌ إِلَّا عَفْوَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hisham Bin Salim, from Abu Baseer,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The one who whips an owned (slave), a Penalty (*Hadd*) from the Penalties, without a Penalty (*Hadd*) having been Obligated upon himself, there would not be an expiation except for his emancipation (libration)'.¹¹⁸

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمِثَمِيِّ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ ابْنِ أَبِي يَغْفُورٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ جَاءَ رَجُلٌ إِلَى النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالَ يَا رَسُولَ اللَّهِ إِنِّي سَأَلْتُ رَجُلًا بِوَجْهِ اللَّهِ فَضَرَبَنِي خَمْسَةَ أَسْوَاطٍ فَضَرَبَهُ النَّبِيُّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) خَمْسَةَ أَسْوَاطٍ أُخْرَى وَ قَالَ سَلْ بِوَجْهِكَ اللَّيْمِ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ahmad Bin Al Hassan Al Maysami, from Aban Bin Usman, from Ibn Abu Yafour,

Abu Abdullah^{asws} has said: 'A man came to the Prophet^{saww}, so he said, 'O Rasool-Allah^{saww}! I asked a man by the Face of Allah^{azwj}, so he whipped me five lashes'. So the Prophet^{saww} whipped him another five lashes and said: 'Ask by your own ignoble face'.¹¹⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ قَالَ إِنَّ رَجُلًا قَالَ لِرَجُلٍ عَلَى عَهْدِ أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) إِنِّي اخْتَلَمْتُ بِأَمِّكَ فَرَفَعَهُ إِلَى أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) قَالَ إِنَّ هَذَا افْتَرَى عَلَى أُمِّي فَقَالَ لَهُ وَمَا قَالَ لَكَ قَالَ زَعَمَ أَنَّهُ اخْتَلَمَ بِأُمِّي فَقَالَ لَهُ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي الْعَدْلِ إِنَّ شَيْئًا أَقَمْتَهُ لَكَ فِي الشَّمْسِ فَاجِذْ ظِلَّهُ فَإِنَّ الْحُلُمَ مِثْلُ الظِّلِّ وَ لَكِنْ سَنَضْرِبُهُ حَتَّى لَا يَعُودَ يُؤْذِي الْمُسْلِمِينَ .

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

'A man said to a man, during the era of Amir Al-Momineen^{asws}, 'I bed-wetted with your mother (in mind)'. So it was raised to Amir Al-Momineen^{asws}. He said, 'This one has fabricated upon my mother'. So he^{asws} said to him: 'And what did he say to you?' He said, 'He claims that he bed-wetted by (having) my mother (in mind)'. So Amir Al-Momineen^{asws} said to him: 'With regards to the justice, if I^{asws} so desire to, for you,

¹¹⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 15

¹¹⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 16

¹¹⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 17

¹¹⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 18

asws would make him stand in the (heat of) the sun, and whip his shadow, for the dream is similar to the shadow. But, we^{asws} shall be whipping him until he does not repeat hurting the Muslims’.

و فِي رَوَايَةٍ أُخْرَى ضَرْبَهُ ضَرْبًا وَجِيعًا .

And in another report, he^{asws} whipped him with a painful whipping’.¹²⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) رَأَى قَاصًّا فِي الْمَسْجِدِ فَضْرَبَهُ بِالْذَّرَّةِ وَطَرَدَهُ .

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

(It has been narrated) from Abu Abdullah^{asws} having said that: ‘Amir Al-Momineen^{asws} saw a story-teller in the Masjid, so he^{asws} hit him with the whip and expelled him’.¹²¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ رَفَعَهُ أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) كَانَ لَا يَرَى الْكَبْسَ إِلَّا فِي ثَلَاثِ رَجُلٍ أَكَلَ مَالَ الْيَتِيمِ أَوْ غَصَبَهُ أَوْ رَجُلٍ أَوْثَمَنَ عَلَى أَمَانَةٍ فَذَهَبَ بِهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj, raising it,

(It has been narrated) that Amir Al-Momineen^{asws} would never imprison anyone except regarding three – a man who consumed the property of the orphan, or usurped it (property), or a man who was entrusted upon a trust, so he went away (absconded) with it’.¹²²

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَرْدَاسٍ عَنْ سَعْدَانَ بْنِ مُسْلِمٍ عَنْ بَعْضِ أَصْحَابِنَا عَنِ الْحَارِثِ بْنِ حَصِيرَةَ قَالَ مَرَرْتُ بِحَبَشِيِّ وَهُوَ يَسْتَسْقِي بِالْمَدِينَةِ وَإِذَا هُوَ أَقْطَعُ فَقُلْتُ لَهُ مَنْ قَطَعَكَ فَقَالَ قَطَعَنِي خَيْرُ النَّاسِ إِنَّا أَخَذْنَا فِي سَرِيقَةٍ وَنَحْنُ ثَمَانِيَةٌ نَفَرٌ فَذَهَبَ بِنَا إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ (عليه السلام) فَأَقْرَرْنَا بِالسَّرِيقَةِ فَقَالَ لَنَا تَعْرِفُونَ أَنَّهَا حَرَامٌ قُلْنَا نَعَمْ فَأَمَرَ بِنَا فَقَطَعَتْ أَصَابِعُنَا مِنَ الرَّاحَةِ وَخَلَّتِ الْإِبْهَامُ

Al Husayn Bin Muhammad, from Mola Bin Muhammad, from Ali Bin Mardas, from Sa’adan Bin Muslim, from one of our companions, from Al Haris Bin Haseyra who said,

‘I passed my an Ethiopian man, and he used to supply water at Al-Medina, and he had been cut. So I said to him, ‘Who cut you?’ So he said, ‘It was the best of the people who cut me. We were seized during a robbery and we were eight persons. So they went with us to Ali^{asws} Bin Abu Talib^{asws}, and we confessed with the theft. So he^{asws} said to us: ‘Do you recognise that it is Prohibited?’ We said, ‘Yes’. So he^{asws} ordered for our fingers to be cut from the palm and left the thumb.

ثُمَّ أَمَرَ بِنَا فَحُبِسْنَا فِي بَيْتٍ يُطْعَمُنَا فِيهِ السَّمْنُ وَالْعَسَلُ حَتَّى بَرَأَتْ أَيْدِينَا ثُمَّ أَمَرَ بِنَا فَأَخْرَجَنَا وَكَسَانَا فَأَحْسَنَ كِسْوَتَنَا ثُمَّ قَالَ لَنَا إِنْ تَتُوبُوا وَتَصْلَحُوا فَهُوَ خَيْرٌ لَكُمْ يُلْحَقُكُمْ اللَّهُ بِأَيْدِيكُمْ فِي الْجَنَّةِ وَإِنْ لَا تَفْعَلُوا يُلْحَقُكُمْ اللَّهُ بِأَيْدِيكُمْ فِي النَّارِ .

Then he^{asws} ordered with us, for he^{asws} withheld us in a house wherein we were fed the butter and the honey until our hands were cured. Then he^{asws} ordered with us, so we were brought out, and clothed us, so we had the best of the clothes. Then he^{asws}

¹²⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 19

¹²¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 20

¹²² Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 21

said to us: 'If you were to repent and correct yourselves, it would be better for you all, Allah^{azwj} would Attach you with your fingers in the Paradise, but if you do not do it, Allah^{azwj} would Attach you with your fingers in the Fire'.¹²³

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 رَجُلٍ جَاءَ بِهِ رَجُلَانِ وَقَالَ إِنَّ هَذَا سَرَقَ دِرْعًا فَجَعَلَ الرَّجُلُ يُنَاشِدُهُ لَمَّا نَظَرَ فِي النَّبِيَّةِ وَجَعَلَ يَقُولُ وَاللَّهِ لَوْ كَانَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَا قَطَعَ يَدَيَّ أَبَدًا قَالَ وَلِمَ قَالَ يُخْبِرُهُ رَبُّهُ أَنِّي بَرِيءٌ فَيَبْرَأَنِي بَرَاءَتِي فَلَمَّا رَأَى مُنَاشِدَتَهُ إِيَّاهُ دَعَا الشَّاهِدَيْنِ وَقَالَ اتَّقِيَا اللَّهَ وَلَا تَقْطَعَا يَدَ الرَّجُلِ ظُلْمًا وَنَاشِدُهُمَا

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} having said: 'Amir Al-Momineen^{asws} judged regarding a man who was brought by two men who both said, 'This one stole an armour'. When the man saw the proof he started adjuring and went on saying, 'By Allah^{azwj}! If Rasool-Allah^{saww} was around, my hand would not be cut, ever!' He^{asws} said: 'And why not?' He said, 'His^{saww} Lord^{azwj} would have Informed him^{saww} that I was innocent, so he^{saww} would have freed me due to my innocence'. So when he^{asws} saw his adjuring, he^{asws} called the two witnesses and said: 'Both of you fear Allah^{azwj} and do not cut the hand of the man unjustly', and he^{asws} adjured both of them.

ثُمَّ قَالَ لِيَقْطَعَ أَحَدُكُمَا يَدَهُ وَيُمْسِكَ الْآخَرُ يَدَهُ فَلَمَّا تَقَدَّمَا إِلَى الْمُصْطَبَةِ لِيَقْطَعَ يَدَهُ ضَرَبَ النَّاسَ حَتَّى اخْتَلَطُوا فَلَمَّا اخْتَلَطُوا أَرْسَلَ الرَّجُلَ فِي غَمَارِ النَّاسِ حَتَّى اخْتَلَطَ بِالنَّاسِ فَجَاءَ الَّذِي شَهِدَا عَلَيْهِ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ شَهِدَ عَلَيَّ الرَّجُلَانِ ظُلْمًا فَلَمَّا ضَرَبَ النَّاسَ وَخَلَطُوا أَرْسَلَنِي وَفَرَا وَ لَوْ كُنَّا صَادِقِينَ لَمْ يُرْسَلَنِي فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) مَنْ يَذُلْنِي عَلَى هَذَيْنِ أَنْكَلُهُمَا .

Then he^{asws} said, 'Let one of you cut his hand, while the other one holds his hand'. So when they both went to the outdoor place to cut his hand, the people crowded until they got mixed. So when they were mixed with the people, they sent the man away in the crowd of the people until he was mixed with the people. So the one against who they had testified came over, so he said, 'O Amir Al-Momineen^{asws}! Two men testified against me unjustly. So when the people crowded and mixed, they sent me and fled, and had they both been truthful they would never have sent me away'. So Amir Al-Momineen^{asws} said: 'The one who can point me to these two, I^{asws} will treat them harshly'.¹²⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الْوَشَاءِ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي رَجُلَيْنِ سَرَقَا مِنْ مَالِ اللَّهِ أَحَدُهُمَا عَبْدٌ لِمَالِ اللَّهِ وَالْآخَرُ مِنْ عُرْضِ النَّاسِ فَقَالَ أَمَّا هَذَا فَمِنْ مَالِ اللَّهِ لَيْسَ عَلَيْهِ شَيْءٌ مِنْ مَالِ اللَّهِ أَكَلَ بَعْضُهُ بَعْضًا وَ أَمَّا الْآخَرُ فَقَدَّمَهُ فَقَطَعَ يَدَهُ ثُمَّ أَمَرَ أَنْ يُطْعَمَ السَّمْنُ وَاللَّحْمُ حَتَّى بَرَأَتْ مِنْهُ .

Ali Bin Ibrahim, from his father, from Al Washa, 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 two men who had stolen from the wealth of Allah^{azwj}. One of the two was a slave of the wealth of Allah^{azwj}, and the other one was from among the (ordinary) people. So he^{asws} said: 'As for this one who is from the wealth of Allah^{azwj}, there is nothing upon him from the wealth of Allah^{azwj}. One part has eaten the other part. And

¹²³ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 22

¹²⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 23

as for the other one, so bring him'. So he^{asws} cut his hand, then ordered that he should be fed the butter and the meat, until he is cured from it'.¹²⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ سِنَانٍ عَنْ طَلْحَةَ بْنِ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) أَتَى بِرَجُلٍ عَيْتَ بِذِكْرِهِ فَضَرَبَ يَدَهُ حَتَّى احْمَرَّتْ ثُمَّ زَوَّجَهُ مِنْ بَيْتِ الْمَالِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Sinan, from Talha Bin Zayd,

(It has been narrated) from Abu Abdullah^{asws} having said that they came with a man to Amir Al-Momineen^{asws}, who had tampered with his manhood. So he^{asws} hit his hand until it was red. Then he^{asws} got him married from the public treasury'.¹²⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ الْوَلِيدِ عَنْ مُحَمَّدِ بْنِ الْفُرَاتِ عَنِ الْأَصْبَغِ بْنِ نُبَاتَةَ رَفَعَهُ قَالَ أَتَى عُمَرُ بِخَمْسَةِ نَفَرٍ أَخَذُوا فِي الزَّنى فَأَمَرَ أَنْ يُقَامَ عَلَى كُلِّ وَاحِدٍ مِنْهُمْ الْحَدُّ وَكَانَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) حَاضِرًا فَقَالَ يَا عُمَرُ لَيْسَ هَذَا حُكْمُهُمْ قَالَ فَأَقِمِ أَنْتَ عَلَيْهِمُ الْحُكْمَ فَقَدِمَ وَاجِدًا مِنْهُمْ فَضَرَبَ عُنُقَهُ وَ قَدَّمَ الثَّانِي فَرَجَمَهُ وَ قَدَّمَ الثَّالِثَ فَضَرَبَهُ الْحَدَّ وَ قَدَّمَ الرَّابِعَ فَضَرَبَهُ نِصْفَ الْحَدِّ وَ قَدَّمَ الْخَامِسَ فَعَزَّرَهُ

Ali Bin Ibrahim, from his father, from Muhammad Bin Al Waleed, from Muhammad Bin Al Furaat, from Al Asbagh Bin Nubata, raising it, said,

'They came to Umar with five people who had committed adultery. So he ordered that the Penalty (*Hadd*) be established upon each one of them, and Amir Al-Momineen^{asws} was present. So he^{asws} said: 'O Umar! This is not (supposed to be) their judgement'. So he said, 'So you^{asws} establish the judgement upon them'. So they brought forward one of them, so he^{asws} struck his neck; and they brought the second one, so he^{asws} stoned him; and they brought the third one, so he^{asws} whipped him the Penalty (*Hadd*); and they brought the fourth, so he^{asws} whipped him half the Penalty (*Hadd*); and they brought the fifth, so he^{asws} reprimanded him'.

فَتَحَبَّرَ عُمَرُ وَ تَعَجَّبَ النَّاسُ مِنْ فِعْلِهِ فَقَالَ عُمَرُ يَا أَبَا الْحَسَنِ خَمْسَةُ نَفَرٍ فِي قَضِيَّةٍ وَاحِدَةٍ أَقِمْتَ عَلَيْهِمْ خَمْسَ حُدُودٍ لَيْسَ شَيْءٌ مِنْهَا يُشْبِهُ الْآخَرَ فَقَالَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) أَمَّا الْأَوَّلُ فَكَانَ ذِمِّيًّا خَرَجَ عَنْ ذِمَّتِهِ لَمْ يَكُنْ لَهُ حُكْمٌ إِلَّا السَّيْفُ وَ أَمَّا الثَّانِي فَرَجُلٌ مُحْصَنٌ كَانَ حَدُّهُ الرَّجْمُ وَ أَمَّا الثَّالِثُ فَغَيْرُ مُحْصَنٍ جُلِدَ الْحَدَّ وَ أَمَّا الرَّابِعُ فَعَبْدٌ ضَرَبْنَاهُ نِصْفَ الْحَدِّ وَ أَمَّا الْخَامِسُ فَمَجْنُونٌ مَغْلُوبٌ عَلَى عَقْلِهِ .

So Umar was confounded and the people were astounded from his^{asws} actions. So Umar said, 'O Abu Al-Hassan^{asws}, five people in one judgement, five judgements being established upon them, not a thing from it resembling the other!' So Amir Al-Momineen^{asws} said: 'As for the first one, he was a *Zimmi* (under the responsibility) who had exited from the responsibility (of the government), there was no judgement for him except for the sword. And as for the second one, so he was a married man, his Penalty (*Hadd*) was the stoning. And as for the third one, so he was not married, was whipped the Penalty (*Hadd*). And as for the fourth one, so he was a slave, we whipped him half the Penalty (*Hadd*); and as for the fifth, so he was an insane, his intellect had been overcome'.¹²⁷

¹²⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 24

¹²⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 25

¹²⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 26

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ حُمْرَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ أَوْ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ أَقِيمَ عَلَيْهِ الْحَدُّ فِي الدُّنْيَا أَوْ يُعَاقَبُ فِي الْآخِرَةِ فَقَالَ اللَّهُ أَكْرَمُ مِنْ ذَلِكَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ibn Bukeyr, from Zurara, from Humran who said,

(It has been narrated) 'I asked Abu Abdullah^{asws} or Abu Ja'far^{asws} about a man, upon whom the Penalty (*Hadd*) was established in the world, would he be Punished in the Hereafter?' So he^{asws} said: 'Allah^{azwj} is more benevolent than that (to Punish twice)'.¹²⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَنْ أَحْدَثَ فِي الْكُفَّةِ حَدَّثًا قُتِلَ .

Ali Bin Ibrahim, from his father, from one of our companions, from Abu Al Sabbah Al Kinany,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The one who excretes in the Kaaba with an excretion, would be killed'.¹²⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ الْحَجَّالِ عَنْ عَلِيِّ بْنِ مُحَمَّدٍ بْنِ عَبْدِ الرَّحْمَنِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ أَتَيْتُ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) بِرَجُلٍ نَصْرَانِيٍّ كَانَ أَسْلَمَ وَمَعَهُ خِنْزِيرٌ قَدْ شَوَاهُ وَأُذْرَجَهُ بِرِيحَانٍ قَالَ مَا حَمَلَكَ عَلَى هَذَا الرَّجُلُ مَرَضْتُ فَقَرَمْتُ إِلَى اللَّحْمِ فَقَالَ أَيُّنَ أَنْتَ مِنْ لَحْمِ الْمَغْرِبِ وَكَانَ خَلْفًا مِنْهُ ثُمَّ قَالَ لَوْ أَنَّكَ أَكَلْتَهُ لَأَقَمْتُ عَلَيْكَ الْحَدَّ وَ لَكِنْ سَأَضْرِبُكَ ضَرْبًا فَلَا تَعُدُّ فَضْرَبَهُ حَتَّى شَعَرَ بِبَوْلِهِ .

Ali Bin Ibrahim, from his father, from Al Hajjal, from Ali Bin Muhammad Bin Abdul Rahman, from Al Nowfaly, from Al Sakuny,

Abu Abdullah^{asws} has said: 'They came to Amir Al-Momineen^{asws} with a Christian man who had become a Muslim, and with him was a pig which he had roasted, and seasoned it with basil. He^{asws} said: 'What carried you upon that?' The man said, 'I was sick, so I longed for the meat'. So he^{asws} said: 'Where are you from the meat of the goat?' And it was following him. Then he^{asws} said: 'If you were to eat it, I^{asws} will establish the Penalty (*Hadd*) upon you, but I^{asws} would be hitting you with a strike. So he^{asws} hit him until his urine trickled out'.¹³⁰

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوُشَّاءِ قَالَ سَمِعْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) يَقُولُ شَتَمَ رَجُلٌ عَلَى عَهْدِ جَعْفَرِ بْنِ مُحَمَّدٍ (عَلَيْهِ السَّلَام) رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَأَتَيْتُ بِهِ عَامِلَ الْمَدِينَةِ فَجَمَعَ النَّاسَ فَدَخَلَ عَلَيْهِ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) وَهُوَ قَرِيبُ الْعَهْدِ بِالْعِلَّةِ وَ عَلَيْهِ رِدَاءٌ لَهُ مُورَدٌ

Al Husayn Bin Muhammad, from Ali Bin Muhammad, from Al Hassan Bin Ali Al Washa who said,

'I heard Abu Al-Hassan^{asws} saying: 'In the era of Ja'far^{asws} Bin Muhammad^{asws}, a man insulted Rasool-Allah^{saww}. So they came with him to the governor of Al-Medina, and the people gathered. And it was near to the time of his^{asws} illness, and upon him^{asws} was a robe of his^{asws}, wrapped around him^{asws}.

فَاجْلَسَ فِي صَدْرِ الْمَجْلِسِ وَ اسْتَأْذَنَهُ فِي الْإِتِّكَاءِ وَ قَالَ لَهُمْ مَا تَرَوْنَ فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ الْحَسَنِ وَ الْحَسَنُ بْنُ زَيْدٍ وَ غَيْرُهُمَا نَرَى أَنَّ يُقَطَّعَ لِسَانُهُ فَالْتَفَتَ الْعَامِلُ إِلَى رَبِيعَةِ الرَّأْيِ وَ أَصْحَابِهِ فَقَالَ مَا تَرَوْنَ فَقَالَ يُؤَدَّبُ

¹²⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 27

¹²⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 28

¹³⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 29

So they got him^{asws} to be seated in the centre of the gathering and permitted him^{asws} regarding the reclining, and (the governor) said to them, 'What are your views?' So Abdullah Bin Al-Hassan, and Al-Hassan Bin Zayd, and others said to him, 'We view that his tongue should be cut'. So the governor turned towards Rabi'e Al-Rai'y and his companions, so he said, 'What is your view?' So he said, 'He should be disciplined'.

فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) سُبْحَانَ اللَّهِ فَلَيْسَ بَيْنَ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَبَيْنَ أَصْحَابِهِ فَرْقٌ .

So, Abu Abdullah^{asws} said to him: 'Glory be to Allah^{azwj}! So there is no difference between Rasool-Allah^{saww} and his^{saww} companions?'¹³¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ الدَّيْلَمِيِّ عَنْ هَارُونَ بْنِ الْجَهْمِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ أَتَى أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) بِقَوْمٍ لَصُوصٍ قَدْ سَرَقُوا فَقَطَعَ أَيْدِيَهُمْ مِنْ نِصْفِ الْكَفِّ وَتَرَكَ الْإِبْهَامَ وَ لَمْ يَقْطَعْهَا وَ أَمَرَهُمْ أَنْ يَدْخُلُوا دَارَ الضِّيَافَةِ وَ أَمَرَ بِأَيْدِيهِمْ أَنْ تُعَالَجَ فَأَطْعَمَهُمُ السَّمْنَ وَ الْعَسَلَ وَ اللَّحْمَ حَتَّى بَرَّءُوا قَدَعَاهُمْ وَ قَالَ يَا هَؤُلَاءِ إِنَّ أَيْدِيَكُمْ قَدْ سَبَقَتْ إِلَى النَّارِ فَإِنْ تَنْبَتُمْ وَ عَلِمَ اللَّهُ مِنْكُمْ صِدْقَ النَّيَّةِ تَابَ اللَّهُ عَلَيْكُمْ وَ جَرَرْتُمْ أَيْدِيَكُمْ إِلَى الْجَنَّةِ وَ إِنْ لَمْ تُقْلِعُوا وَ لَمْ تَنْتَهُوا عَمَّا أَنْتُمْ عَلَيْهِ جَرَرْتُكُمْ أَيْدِيَكُمْ إِلَى النَّارِ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Suleyman Al Daylami, from Haroun Bin Al Jahm, from Muhammad Bin Muslim,

Abu Ja'far^{asws} has said: 'They came to Amir Al-Momineen^{asws} with a group who had stolen. So he^{asws} cut their hands from half the palm, and left the thumb and did not cut it, and ordered them that they should enter the guest house, and ordered for the healing of their hands. So they were fed the butter, and the honey, and the meat, until they were cured. So he^{asws} called them over and said: 'O you all! Your hands have preceded you to the Fire. So if you were to repent, and Allah^{azwj} Knows from you the sincerity of the intention, He^{azwj} would Turn towards you (with Mercy) and your hands would join you in the Paradise. And if you do not improve and do not stop from what you are upon, your hands would drag you into the Fire'.¹³²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ عَلِيِّ بْنِ جَعْفَرٍ قَالَ أَخْبَرَنِي أَخِي مُوسَى (عَلَيْهِ السَّلَام) قَالَ كُنْتُ وَاقِفًا عَلَى رَأْسِ أَبِي حِينَ أَتَاهُ رَسُولُ زِيَادِ بْنِ عُبَيْدِ اللَّهِ الْحَارِثِيُّ عَامِلَ الْمَدِينَةِ قَالَ يَقُولُ لَكَ الْأَمِيرُ أَنْهَضْ إِلَيَّ فَاغْتَلَّ بِعِلَّةٍ فَعَادَ إِلَيْهِ الرَّسُولُ فَقَالَ لَهُ قَدْ أَمَرْتُ أَنْ يَفْتَحَ لَكَ بَابُ الْمَقْصُورَةِ فَهُوَ أَقْرَبُ لِحُطُوتِكَ

A number of our companions, from Sahl Bin Ziyad, from Ali Bin Asbaat,

(It has been narrated) from Ali son of Ja'far^{asws} who said, 'My brother^{asws} Musa^{asws} said: 'I^{asws} was standing next to the head of my^{asws} father^{asws}, when a messenger of Ziyad Bin Ubeydulla, the governor of Al-Medina came over. He said, 'The commander is saying to you^{asws}, 'Arise to come over to me'. So he^{asws} excused himself^{asws} due to illness. So the messenger reiterated to him, so he said to him^{asws}, 'He has ordered that the shorter door be opened up for you, it would be nearer for your^{asws} steps'.

قَالَ فَتَنَهَضَ أَبِي وَ اعْتَمَدَ عَلَيَّ وَ دَخَلَ عَلَى الْوَالِي وَ قَدْ جَمَعَ فُقَهَاءَ الْمَدِينَةِ كُلَّهُمْ وَ بَيْنَ يَدَيْهِ كِتَابٌ فِيهِ شَهَادَةٌ عَلَى رَجُلٍ مِنْ أَهْلِ وَادِي الْقُرَى فَذَكَرَ النَّبِيُّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالَ مِنْهُ

¹³¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 30

¹³² Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 31

He^{asws} said: 'So my^{asws} father^{asws} arose and leaned upon me^{asws}, and entered upon the governor, and there had gathered therein the jurists of Al-Medina, all of them, and there was a letter in front of him in which was a testimony upon a man from the people of the valley of Al-Qura, in which he mentioned the Prophet^{saww} having been maligned (defamed) in it.

فَقَالَ لَهُ الْوَالِي يَا أَبَا عَبْدِ اللَّهِ أَنْظِرْ فِي الْكِتَابِ قَالَ حَتَّى أَنْظِرَ مَا قَالُوا فَالْتَفَتَ إِلَيْهِمْ فَقَالَ مَا قُلْتُمْ قَالُوا قُلْنَا يُؤَدَّبُ وَ يُضْرَبُ وَ يُعْزَرُ وَ يُحْبَسُ قَالَ فَقَالَ لَهُمْ أَرَأَيْتُمْ لَوْ ذَكَرَ رَجُلًا مِنْ أَصْحَابِ النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بِمِثْلِ مَا ذَكَرَ بِهِ النَّبِيُّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَا كَانَ الْحُكْمُ فِيهِ قَالُوا مِثْلَ هَذَا قَالَ سُبْحَانَ اللَّهِ فَقَالَ فَلَيْسَ بَيْنَ النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ بَيْنَ رَجُلٍ مِنْ أَصْحَابِهِ فَرْقٌ

So the governor said to him^{asws}, 'O Abu Abdullah^{asws}! Look in the letter'. He^{asws} said: '(Not) until I^{asws} look at what they said'. So he turned towards them, so he said, 'What are you saying?' They said, 'We say he should be disciplined, and whipped, and reprimanded, and imprisoned'. So he^{asws} said to them: 'What is your view if he had mentioned a man from the companions of the Prophet^{saww} with similar to what he has mentioned the Prophet^{saww} by. What would have been the judgement regarding it?' They said, 'Similar to this'. He^{asws} said: 'Glory be to Allah^{azwj}! So there is not between the Prophet^{saww} and a man from his^{saww} companions, a difference?'

قَالَ فَقَالَ الْوَالِي دَعْ هَؤُلَاءِ يَا أَبَا عَبْدِ اللَّهِ لَوْ أَرَدْنَا هَؤُلَاءِ لَمْ نُرْسِلْ إِلَيْكَ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) (أَخْبَرَنِي أَبِي (عَلَيْهِ السَّلَامُ) أَنَّ رَسُولَ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ [إِنَّ] النَّاسَ فِي أَسْوَةِ سَوَاءٍ مَنْ سَمِعَ أَحَدًا يَذْكُرُنِي فَأَلْوَاجِبُ عَلَيْهِ أَنْ يَقْتُلَ مَنْ سَتَمَنِي وَ لَا يُرْفَعُ إِلَى السُّلْطَانِ وَ الْوَاجِبُ عَلَى السُّلْطَانِ إِذَا رُفِعَ إِلَيْهِ أَنْ يَقْتُلَ مَنْ نَالَ مِنِّي

He (7th Imam^{asws}) said: 'So the governor said: 'Leave them, O Abu Abdullah^{asws}! Had we intended them, we would not have sent a messenger to you^{asws}'. So Abu Abdullah^{asws} said: 'My^{asws} father^{asws} informed me^{asws} that Rasool-Allah^{saww} said: 'The people are all equal in example. The one who hears anyone mentioning me^{saww} (maliciously) so it is Obligatory upon him that he kills the one who insults me, and not raise it to the authorities, and it is Obligatory upon the authorities when it is raised to them that they should kill the one who maligns (slanders) me^{asws}.'

فَقَالَ زِيَادُ بْنُ عُبَيْدٍ اللَّهُ أَخْرِجُوا الرَّجُلَ فَأَقْتُلُوهُ بِحُكْمِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) .

So Ziyad Bin Ubeydullah said, 'Bring out the man, so kill him, by the judgement of Abu Abdullah^{asws}'¹³³.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ رُبَيْعٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِنَّ رَجُلًا مِنْ هَذَيْلٍ كَانَ يَسُبُّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَبَلَغَ ذَلِكَ النَّبِيَّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالَ مَنْ لِهَذَا فَقَامَ رَجُلَانِ مِنَ الْأَنْصَارِ فَقَالَ نَحْنُ يَا رَسُولَ اللَّهِ فَأَنْطَلَقَا حَتَّى أَتَيَا عَرَبَةَ فَسَالَا عَنْهُ فَإِذَا هُوَ يَتَلَقَّى غَنَمَهُ فَلَحِقَاهُ بَيْنَ أَهْلِهِ وَ غَنَمِهِ فَلَمْ يَسْلَمَا عَلَيْهِ فَقَالَ مَنْ أَنْتُمَا وَ مَا اسْمُكُمَا فَقَالَا لَهُ أَنْتَ فَلَانُ بْنُ فَلَانٍ فَقَالَ نَعَمْ فَتَزَلَا وَ ضَرَبَا عُنُقَهُ

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

Abu Ja'far^{asws} has said: 'A man from Huzayl insulted Rasool-Allah^{saww}. So that reached the Prophet^{saww}, so he^{saww} said: 'Who is for this one?' So two men from the Helpers stood up, so they both said, 'Us, O Rasool-Allah^{saww}!' So they both went until they came over to Bedouins. So they asked about him, so there he was tending his

¹³³ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 32

sheep. So they met him between his family and his sheep. So they did not greet him, so he said, 'Who are you two, and what are both your names?' So they both said to him, 'Are you so and so, son of son and so?' So he said, 'Yes'. So they descended and struck off his neck.

قَالَ مُحَمَّدُ بْنُ مُسْلِمٍ فَقُلْتُ لِأَبِي جَعْفَرٍ (عليه السلام) أَرَأَيْتَ لَوْ أَنَّ رَجُلًا أَلَانَ سَبَّ النَّبِيِّ (صلى الله عليه وآله) أَيْ قُتِلَ قَالَ إِنْ لَمْ تَخَفْ عَلَى نَفْسِكَ فَأَقْتُلْهُ .

Muhammad Bin Muslim (the narrator) said, 'So I said to Abu Ja'far^{asws}, 'What is your^{asws} view if a man now were to insult the Prophet^{saww}, should he be killed?' He^{asws} said: 'If you do not fear for yourself, so kill him'.¹³⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) رُبَّمَا ضَرَبْتُ الْعَلَامَ فِي بَعْضِ مَا يَحْرُمُ فَقَالَ وَ كَمْ تَضْرِبُهُ فَقُلْتُ رُبَّمَا ضَرَبْتُهُ مِائَةً فَقَالَ مِائَةً فَأَعَادَ ذَلِكَ مَرَّتَيْنِ ثُمَّ قَالَ حَدِّ الزَّئِي أَنْتَ اللَّهُ فَقُلْتُ جُعِلْتُ فِدَاكَ فَكَمْ يَنْبَغِي لِي أَنْ أَضْرِبَهُ فَقَالَ وَاحِدًا فَقُلْتُ وَاللَّهِ لَوْ عَلِمَ أَنِّي لَا أَضْرِبُهُ إِلَّا وَاحِدًا مَا تَرَكَ لِي شَيْئًا إِلَّا أَفْسَدَهُ فَقَالَ فَاتْنِثْنِثِينَ فَقُلْتُ جُعِلْتُ فِدَاكَ هَذَا هُوَ هَلَاكِي إِذَا قَالَ فَلَمْ أَزَلْ أَمَاسُهُ حَتَّى بَلَغَ خَمْسَةً ثُمَّ غَضِبَ فَقَالَ يَا إِسْحَاقُ إِنْ كُنْتَ تَذَرِي حَدَّ مَا أَجْرَمَ فَأَقِمِ الْحَدَّ فِيهِ وَلَا تَعُدَّ خُدُودَ اللَّهِ .

A number of our companions, from Ahmad Bin Muhammad, from Usman Bin Isa, from Is'haq Bin Ammar who said,

'I said to Abu Abdullah^{asws}, 'Sometimes I hit the slave regarding something which is Prohibited'. So he^{asws} said: 'And how much do you hit him?' So I said, 'Sometimes I hit him one hundred (hits)'. So he^{asws} said: 'One hundred, one hundred?' So he^{asws} repeated that twice. Then he^{asws} said: 'The Penalty (*Hadd*) of the adulterer, fear Allah^{azwj}'. So I said, 'May I be sacrificed for you^{asws}! So how much is befitting for me that I should hit him?'

So he^{asws} said: 'One'. So I said, 'By Allah^{azwj}! If he comes to know, that I would not be hitting him except for one, he would not leave anything for me except that he would spoil it'. So he^{asws} said: 'So, twice'. So I said, 'May I be sacrificed for you^{asws}! This is my destruction', when he^{asws} said it. So I did not stop haggling until it reached five. Then he^{asws} got angered, so he^{asws} said: 'O Is'haq! If you know a Penalty (*Hadd*) of what crime has been committed, so establish the Penalty (*Hadd*), and do not exceed the Penalties of Allah^{azwj}!¹³⁵

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ حَمَادِ بْنِ عُثْمَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) فِي أَذْيِ الصَّبِيِّ وَالْمَمْلُوكِ فَقَالَ خَمْسَةً أَوْ سِتَّةً وَارْفُقْ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Hammad Bin Usman who said,

'I spoke to Abu Abdullah^{asws} regarding disciplining of the child and the owned (slave), so he^{asws} said: 'Five, or six, and be kind'.¹³⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) (إِذَا كَانَ الرَّجُلُ كَلَامُهُ كَلَامَ النِّسَاءِ وَ مِشْيَتُهُ مِشْيَةَ النِّسَاءِ وَ يُمَكِّنُ مِنْ نَفْسِهِ فَيُنَكِّحُ كَمَا تُنَكِّحُ الْمَرْأَةُ فَرَجْمُوهُ وَ لَا تَسْتَحْيُوهُ .

¹³⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 33

¹³⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 34

¹³⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 35

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 the man was speaking the speech of the women, and his walking was the walking of the women, and he is abling (men) upon himself, so he is being copulated with like the copulation of the women, so stone him and do not let him live'.¹³⁷

وَبِهَذَا الْإِسْنَادِ قَالَ قَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) مَنْ بَلَغَ حَدًّا فِي غَيْرِ حَدِّ فَهُوَ مِنَ الْمُعْتَدِينَ .

And by this chain, said, 'Rasool-Allah^{saww} said: 'The one who reaches a Penalty (*Hadd*) regarding (something) in which there is no Penalty (*Hadd*) (applicable), so he is from the exceeders'.¹³⁸

وَبِهَذَا الْإِسْنَادِ أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) أَلْقَى صُتَيَّانِ الْكِتَابِ أَلْوَا حُهُمْ بَيْنَ يَدَيْهِ لِيُخِيرَ بَيْنَهُمْ فَقَالَ أَمَا إِنَّهَا حُكُومَةٌ وَ الْجَوْرُ فِيهَا كَالْجَوْرِ فِي الْحُكْمِ أَيْلُغُوا مُعَلِّمَكُمْ إِنْ ضَرَبَكُمْ فَوْقَ ثَلَاثِ ضَرْبَاتٍ فِي الْأَدَبِ اقْتَصَصَ مِنْهُ .

And by this chain,

'Amir Al-Momineen^{asws} - two children threw their books and their tablets in front of him^{asws} in order for him^{asws} to choose between them. So he^{asws} said: 'But it is a judgement, and the tyranny in it is like the tyranny in the judgement. Deliver (what I^{asws} am saying) to your teacher that if he were to hit you over three hits during the disciplining, there would be compensation from it'.¹³⁹

وَبِهَذَا الْإِسْنَادِ أَنَّ رَسُولَ اللَّهِ (صلى الله عليه وآله) قَالَ لَا تَدْعُوا الْمَضْلُوبَ بَعْدَ ثَلَاثَةِ أَيَّامٍ حَتَّى يُنْزَلَ فَيُذَفَّنَ .

And by this chain,

'Rasool-Allah^{saww} said: 'Do not leave the crucified one after three days until you get him down, so he would be buried'.¹⁴⁰

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ بَعَثَ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) إِلَى بِشْرِ بْنِ عَطَارِدِ التَّمِيمِيِّ فِي كَلَامٍ بَلَغَهُ فَمَرَّ بِهِ رَسُولُ أَمِيرِ الْمُؤْمِنِينَ (عليه السلام) فِي بَنِي أَسَدٍ وَ أَخَذَهُ فَقَامَ إِلَيْهِ نُعَيْمُ بْنُ دَجَاجَةَ الْأَسَدِيُّ فَأَقْلَنَهُ

A number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub, from one of his companions,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} sent someone to Bishr Bin Utaradi Al-Tameemy regarding a speech which reached him^{asws}. So the messenger of Amir Al-Momineen^{asws} passed by him among the Clan of Asad and seized him. So Nuaym Bin Dajaja Al-Asady stood up to him and had him released.

فَبَعَثَ إِلَيْهِ أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فَاتَّوَهُ بِهِ وَ أَمَرَ بِهِ أَنْ يُضْرَبَ فَقَالَ لَهُ نُعَيْمٌ أَمَا وَ اللَّهِ إِنَّ الْمَقَامَ مَعَكَ لَذُلٌّ وَ إِنَّ فِرَاقَكَ لَكُفْرٌ قَالَ فَلَمَّا سَمِعَ ذَلِكَ مِنْهُ قَالَ لَهُ يَا نُعَيْمُ قَدْ عَفَوْنَا عَنْكَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ ادْفَعْ بِالَّتِي هِيَ أَحْسَنُ السَّيِّئَةِ أَمَا قَوْلُكَ إِنَّ الْمَقَامَ مَعَكَ لَذُلٌّ فَسَيِّئَةٌ اكْتَسَبَتْهَا وَ أَمَا قَوْلُكَ إِنَّ فِرَاقَكَ لَكُفْرٌ فَحَسَنَةٌ اكْتَسَبَتْهَا فَهَذِهِ بِهِذِهِ ثُمَّ أَمَرَ أَنْ يُخْلَى عَنْهُ .

¹³⁷ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 36

¹³⁸ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 37

¹³⁹ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 38

¹⁴⁰ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 39

So Amir Al-Momineen^{asws} sent someone to him, so he came up with him, and he^{asws} ordered for him to be whipped. So Nuaym said to him^{asws}, 'But, by Allah^{azwj}, the staying with you^{asws} is a disgrace, and in separation from you^{asws} is infidelity'. So when he^{asws} heard that from him, he^{asws} said to him: 'O Nuaym! We^{asws} have excused you, for Allah^{azwj} Mighty and Majestic is Saying **[23:96] Repel evil by what is best.** As for your words that, 'Staying with you^{asws} is disgrace', so it is an evil which you have attained; and as for your words, 'In separation from you^{asws} is infidelity', so it is a good deed which you have attained. So this here (compensates) for this'. Then he^{asws} ordered that he be released from it'.¹⁴¹

الْحُسَيْنُ بْنُ مُحَمَّدٍ الْأَشْعَرِيُّ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَاءِ عَنْ أَبَانَ عَنْ عَلِيِّ بْنِ إِسْمَاعِيلَ عَنْ عَمْرِو بْنِ أَبِي الْمَقْدَامِ عَنْ رَجُلٍ قَالَ كُنْتُ أَتَوَضَّأُ فِي مَبِيطَاةِ الْكُوفَةِ فَإِذَا رَجُلٌ قَدْ جَاءَ فَوَضَعَ نَعْلَيْهِ وَوَضَعَ دِرْتَهُ فَوْقَهَا ثُمَّ دَنَا فَتَوَضَّأَ مَعِيَ فَرَحَمْتُهُ فَوَقَعَ عَلَى يَدَيْهِ فَقَامَ فَتَوَضَّأَ فَلَمَّا فَرَغَ ضَرَبَ رَأْسِي بِالْذَرَّةِ ثَلَاثًا ثُمَّ قَالَ إِيَّاكَ أَنْ تَدْفَعَ فَتَكْسِرَ فَتَعْرَمَ فَقُلْتُ مَنْ هَذَا فَقَالُوا أَمِيرُ الْمُؤْمِنِينَ (عليه السلام) فَذَهَبْتُ أَعْتَذِرُ إِلَيْهِ فَمَضَى وَلَمْ يَلْتَفِتْ إِلَيَّ .

Al Husayn Bin Muhammad Al Ashary, from Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa, from Aban, from Ali Bin Ismail, from Amro Bin Abu Al Maqdam, from a man, from Razeyn who said,

'I was performing ablution in the washing facilities of Al-Kufa, so there was a man who had come over. So he took-off his shoes, and placed his whip upon it. Then he approached me, so he performed ablution along with me. So I bumped him, and he fell upon his hands. So he arose and performed ablution. So when he was free, he struck my head with the whip, three times, then said: 'Beware of bumping, so if you break (somebody's bone), you will (have to pay) compensation'. So I said, 'Who is this?' So they (people) said, 'Amir Al-Momineen^{asws}'. So I went to offer my excuses, but he^{asws} went and did not turn towards me'.¹⁴²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ مَطَرِ بْنِ أَرْقَمٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ إِنَّ عَبْدَ الْعَزِيزِ بْنَ عُمَرَ الْوَالِيَّ بَعَثَ إِلَيَّ فَاتَيْتُهُ وَبَيْنَ يَدَيْهِ رَجُلَانِ قَدْ تَنَاوَلَ أَحَدُهُمَا صَاحِبَهُ فَمَرَسَ وَجْهَهُ وَقَالَ مَا تَقُولُ يَا أَبَا عَبْدِ اللَّهِ فِي هَذَيْنِ الرَّجُلَيْنِ قُلْتُ وَمَا قَالَا قَالَ أَحَدُهُمَا لَيْسَ لِرَسُولِ اللَّهِ (صلى الله عليه وآله) فَضْلٌ عَلَى أَحَدٍ مِنْ بَنِي أُمَيَّةٍ فِي الْحَسَبِ وَقَالَ الْآخَرُ لَهُ الْفَضْلُ عَلَى النَّاسِ كُلِّهِمْ فِي كُلِّ حِينٍ وَغَضِبَ الَّذِي نَصَرَ رَسُولَ اللَّهِ (صلى الله عليه وآله) فَصَنَعَ بِوَجْهِهِ مَا تَرَى فَهَلْ عَلَيْهِ شَيْءٌ

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Yunus Bin Yaqoub, from Matar Bin Arqam who said,

'I heard Abu Abdullah^{asws} saying that Abul Aziz Bin Umar the governor sent an escort to me, so I^{asws} went over to him, and in front of him were two men, one of them had grabbed his companions, so he scratched his face, and he (the governor) said, 'What are you^{asws} saying, O Abu Abdullah^{asws} regarding these two men?' I^{asws} said, 'And what did they both say?' He said, 'One of them said, 'There is not merit for Rasool-Allah^{saww} over anyone from the Clan of Umayya with regards to the nobility', and the other one said to him, 'He^{saww} has the merit over the people, all of them, regarding every thing', and the one who supported Rasool-Allah^{saww} got angered, so he did with his face what you^{asws} see. So is there anything upon him?'

فَقُلْتُ لَهُ إِنِّي أَطُتُّكَ قَدْ سَأَلْتُ مَنْ حَوْلَكَ فَأَخْبَرُوكَ فَقَالَ أَقْسَمْتُ عَلَيْكَ لَمَّا قُلْتُ فَقُلْتُ لَهُ كَانَ يَنْبَغِي لِلَّذِي رَعِمَ أَنْ أَحَدًا مِثْلَ رَسُولِ اللَّهِ (صلى الله عليه وآله) فِي الْفَضْلِ أَنْ يُقْتَلَ وَلَا يُسْتَحْيَا قَالَ فَقَالَ أَوْ مَا الْحَسَبُ بِوَاحِدٍ فَقُلْتُ إِنَّ الْحَسَبَ لَيْسَ

¹⁴¹ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 40

¹⁴² Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 41

النَّسَبُ أَوْ لَا تَرَى لَوْ نَزَلَتْ بِرَجُلٍ مِنْ بَعْضِ هَذِهِ الْأَجْنَاسِ فَقَرَأَكَ فَقُلْتَ إِنَّ هَذَا الْحَسْبُ [لَجَارَ ذَلِكَ] فَقَالَ أَوْ مَا النَّسَبُ بِوَاجِدٍ قُلْتُ إِذَا اجْتَمَعَ إِلَى آدَمَ (عَلَيْهِ السَّلَام) فَإِنَّ النَّسَبَ وَاحِدٌ إِنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَمْ يَخْلُطْهُ شِرْكٌ وَلَا بَغْيٌ فَأَمَرَ بِهِ الْوَالِي فَقُتِلَ .

So I^{asws} said to him: 'I^{asws} think you have already asked the ones around you, so they have informed you'. So he said, 'I swear to you^{asws}, I have not said it'. So I^{asws} said: 'It would be befitting for the one who alleges that anyone is similar to Rasool-Allah^{azwj} with regards to the merits, that he should be killed, and not be left to live'. So he said, 'Or is not the nobility of descent, one?' So I^{asws} said: 'The nobility is not the lineage. Do you not see, if I^{asws} were to lodge a man from some of these races, your poor ones, so I said, 'This is the nobility (that would be allowed)'. So he said, 'Is not the lineage, one?' I^{asws} said: 'When it is gathered to Adam^{as}, so the lineage is one, (except that) Rasool-Allah^{saww} did not mix with Polytheism, nor unchasteness'. So the governor ordered it, so he was killed'.¹⁴³

عَنْهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ رَبِيعِ بْنِ مُحَمَّدٍ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ الْعَامِرِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَيُّ شَيْءٍ تَقُولُ فِي رَجُلٍ سَمِعْتُهُ يَشْتُمُ عَلِيًّا (عَلَيْهِ السَّلَام) وَ يَنْبَرُأُ مِنْهُ قَالَ فَقَالَ لِي وَ اللَّهُ حَلَالُ الدَّمِ وَ مَا أَلْفَ مِنْهُمْ بِرَجُلٍ مِنْكُمْ دَعَا لَا تَعْرَضُ لَهُ إِلَّا أَنْ تَأْمَنَ عَلَى نَفْسِكَ .

From him, from Ahmad Bin Muhamamd, from Ali Bin Al Hakam, from Rabie Bin Muhammad, from Abdullah Bin Suleyman Al Aamiry who said,

'I said to Abu Abdullah^{asws}, 'Which thing are you^{asws} saying regarding a man who was heard insulting Ali^{asws} and disavowed from him^{asws}?' So he^{asws} said to me: 'By Allah^{azwj}, the blood is Permissible, and (there are) a thousand from them with one man from you. Leave him and do not meddle with him, except if you are secure upon yourself'.¹⁴⁴

وَ عَنْهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ هِشَامِ بْنِ سَالِمٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مَا تَقُولُ فِي رَجُلٍ سَبَّابَةٍ لِعَلِيٍّ (عَلَيْهِ السَّلَام) قَالَ فَقَالَ لِي حَلَالُ الدَّمِ وَ اللَّهُ لَوْ لَا أَنْ تَعُمَّ بِهِ بَرِيئاً قَالَ فَقُلْتُ فَمَا تَقُولُ فِي رَجُلٍ مُؤَذِّ لَنَا قَالَ فَقَالَ فِيمَاذَا قُلْتُ مُؤَذِّبًا فِيكَ بِذِكْرِكَ قَالَ فَقَالَ لِي لَهُ فِي عَلِيٍّ (عَلَيْهِ السَّلَام) نَصِيبٌ قُلْتُ إِنَّهُ لَيَقُولُ ذَلِكَ وَ يُظْهِرُهُ قَالَ لَا تَعْرَضُ لَهُ .

And from him, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Hisham Bin Salim who said,

'I said to Abu Abdullah^{asws}, 'What are you^{asws} saying regarding a man who pointed a finger at Ali^{asws} (used foul language)?' So he^{asws} said to me: 'The blood is Permissible, by Allah^{azwj}, if it is not permeated by presumed innocence'. So I said, 'So what are you^{asws} saying regarding a man who is hurting us?' He^{asws} said: 'With regards to what?' I said, 'He is hurting us regarding you^{asws}, by mentioning you^{asws} (in derogatory terms)?' So he^{asws} said to me: 'Is there a share for him with regards to Ali^{asws}? I said, 'He is saying that and manifesting it'. He^{asws} said: 'Do not meddle with him'.¹⁴⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ حَمَّادٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا يُخْلَدُ فِي السَّجَنِ إِلَّا ثَلَاثَةٌ الَّذِي يُمَثَلُ وَ الْمَرْأَةُ تَرْتَدُّ عَنِ الْإِسْلَامِ وَ السَّارِقُ بَعْدَ قَطْعِ الْيَدِ وَ الرَّجُلُ .

¹⁴³ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 42

¹⁴⁴ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 43

¹⁴⁵ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 44

Ali Bin Ibrahim, from his father, from one of his companions, from Hammad,

(It has been narrated) from Abu Abdullah^{asws} having said: 'No one is to be imprisoned for ever except for three – One who severely tortures someone, and the woman who reneges from Al-Islam, and the thief (who steals) after the cutting of the hand and the leg'.¹⁴⁶

تَمَّ كِتَابُ الْحُدُودِ مِنَ الْكَافِي وَ يَتْلُوهُ كِتَابُ الدِّيَّاتِ إِنْ شَاءَ اللَّهُ .

The Book of the Penalty (Hadd)s from Al Kafi is completed, and would be followed by the Book of Wergild, Allah^{azwj} Willing.

¹⁴⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 63 H 45