

SELECTIONS FROM JUDGEMENTS OF

Ali

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(AS)



Chapter 1

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Chapter 2

Introduction

1. The need of English version of the 'Judgments' delivered in extraordinarily complicated cases, by Ameerul Momineen Hazrat Ali (a.s.) Ibne Abi Taalib (a.s.) was being felt by many among the English reading public since long. The number of these judgments being very large, we have selected some very important ones for this booklet.

2. These selections are made from various books on the subject in Arabic and some other languages, particularly Qazae Amirul Momineen compiled by the celebrated Scholar, Allamah al-Shaikh Mohammad Taqi al-Tustari published, Najaf, 1963, duly acknowledged in this compilation and they speak by themselves of the rare wisdom, quick with marvelous power of judgment and knowledge of Hazrat Ali (a.s.) with regard to Mathematics, Ancient History, Geography, Chemistry, Physics, Metaphysics Astronomy, Medical Science and even some of the modern sciences unknown to mankind in those days.

3. If Hazrat Ali (a.s.)'s judgments contained in the following pages are thoroughly gone through they will be sufficient to convince the readers of the claim of almost all the great scholars that his unique judgments although delivered by him long ago are still indispensable for those courts of law which desire their judgments to be most righteous in each case.

4. Published at the very beginning of this book are some instructions of Hazrat Ali (a.s.) for the judges appointed by him or by the Chief Justice of a particular province in his jurisdiction. Although the number of these instructions is small, they are self-sufficient as well as self-contained in as much as the duties and the path to be adopted by the judges while delivering judgments in various cases even today is concerned and will, we believe, be appreciated not only by those who belong to the sphere of judicature but all others such as the accused, complainants, defendants and plaintiffs as well as the general public till Qiyamat (the day of Judgment).

5. It is expected that this humble effort will be received with the same zeal with which it is presented and will also serve the purpose it is brought out for. It would be ingratitude on my part if I do not thank the trustees of the Peer Mahomed Ebrahim Trust, Karachi, for without their moral and material help as well as encouragement, this humble effort on the part of the writer would not have seen the light of the day. In fact they are the people under whose patronage and sincere support such publications, which are most beneficial to the generality of Allah's creatures are being presented at a definitely below the cost price (free publications being mostly wasted and lose their value.)

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(Kaukab Shadani)

Part 1
Instructions to Judges

1. Oath and Evidence

The plaintiff should be first put on oath and the responsibility of proof should be made his own. This brings the case fully to light and makes the judgments easy.

2. Presentation of Evidence

Anyone who desires to present evidence in a case before you he should be given opportunity therefore and allowed sufficient time for presenting the witnesses in due course of time. If he fails to do it during the time scheduled therefore, you are free to deal with the case according to your own power of judgements. However the benefit of doubt and full facilities of defence should be allowed to the accused.

3. Conditions of Witnesses

It be known to you that all the Muslims are supposed to be just. Therefore, they should be accepted as witnesses except those who are already convicted in some previous case and have not offered penitence therefore or are accused of mischief-making and goondaism.

4. Anxiety when in the Court of Law

You should not feel pressure of anxiety in delivering judgements this way or that way according to your power of Judgement save that your judgements should in all cases be the righteous ones, which is a **must** in view of your high office for which there is a good reward with Allah provided the judgement in each case is the righteous one.

5. How to go to the Court of Law

You should not go to your Court when you are hungry. You must first satisfy your hunger and then take up the hearing of cases brought to your Court therefore.

6. Undue Haste in Decisions

Judges should not make haste in delivering the judgement in any case. When a case is taken up for judgement it should never be left uncompleted and should not, however, be delayed as according to a general saying "Justice Delayed is Justice Denied". If there is a delay in some case, it should not be insisted upon and in case it is quite evident no weakness should be shown in delivering the judgement according to the provision of law. Everything should be decided according to the Schedule and should be kept in its proper place.

7. Judgement without Fury

You should keep control over your anger, fury and your tongue. No case should in any case be decided under the pressure of fury or anger. When you feel no iota of anger in your heart of hearts you are free to decide the case according to the provision of law. This only is possible when you are sure of your return to Allah.

8. Judgements without Bias

When your judgement is righteous you should not be afraid of its going even against your near relatives. In such a case you should only keep the pleasure of Allah before you and should exercise your complete will-power therein. If it goes against your relations or your companions you shall have to bear with it, it would although be heavy on you, but you shall have to keep only the result in view, which will certainly be good after all.

9. Sentence to Death and Other Deterrent Punishments

Sentences to death should not be executed and other exemplary punishments should not be awarded until all such sentences are referred to and are confirmed by me.

10. The Jury

Your jury should not consist of those who are greedy, coward and paupers because such persons are not expected to arrive at a correct decision in any case or deliver a righteous judgement without being impartial.

11. Disposal of Work without Delay

The work of a particular day should be disposed of according to the schedule at the proper time without any delay, because pressure of daily work demands it.

12. Watch and Check on the Lower Courts by Chief Justice

To keep a proper watch and checking of the work of the lower courts is one of your main responsibilities. The Qazis sitting there should be allowed freedom of decision but should in no case be allowed to remain needy so that no body should have the courage to make them accept unlawful gratifications and put any kind of pressure on them.

13. Appointment of Judges

For propagation and keeping of justice in the country it is imperative and essential that due care should be taken with regard to the appointment of the Qazis. For this office only class one people and who are the best in your eyes should be selected. They should be only such people who may not be afraid of pressure of work, should not insist on their wrong decisions and should not stick to them after manifestation and revelation of facts in a case. They should not either be greedy but should be in the habit of pondering over all cases without any exception. They should also stop at doubtful cases and should give due consideration and attach importance to only clear proof. They should not as well feel tired of any long examinations of the plaintiffs and the defendants of going to the depth of each case and should be courageous enough to deliver the righteous judgements after coming of the facts to light. They should be only such persons who may not be swayed with flattery, although such people are rare in the society and are difficult to be had.[1]

[1] Waafi & Nahjul Balagha

14. Mistakes in Judgements

In case someone is put to death as a result of a mistake in judgement which is beyond the control of the judge such as on the basis of witnesses the compensation money would be paid from the Government Exchequer (Baitul Maal).[1]

[1] Abu Turab, vol. 2, p. 238

15. Justice and Generosity

Mercy is a good thing, but justice is, however, better and should never be lost sight of that is justice should not be sacrificed for mercy.[1]

[1] Qazaa, p. 186

16. The Holy Qur'an and the Traditions

The Qur'anic commandments must be followed in each case but where explanation is required traditions of the Holy Prophet (s.a.w.a.) should invariably be referred to because without referring to the traditions it is at times impossible to arrive at a correct judgement. Besides, the carrying out of religious obligations without referring to traditions would not be possible through the Holy Qur'an only, which lays down only principles for the Holy Prophet (s.a.w.a.). As for example, there is no mention of the number of Raka't of the Namaz and the detailed Masails (Rules) of the performance of Hajj etc. in the Holy Qur'an.

17. In Case of a Zindiq

The case of a Zindiq (one who argues against the Qur'anic commandments and the religious law) should be decided on the statements of two male prosecution witnesses who are pious and of proved good character notwithstanding a thousand defence witnesses of his class (Zindiq).

18. If a Judge himself is an Eye-Witness

Even if a judge himself is an eye-witness in a case of adultery his witness is not acceptable, because in such cases at least four witnesses are required according to the provisions of law.[1]

In case of the use of discretion (in some case) the path to be adopted should be the one which is most truthful and most just and satisfying to the general policy.[2]

[1] Abu Turab, p. 201

[2] Abu Turab, p. 24

Part 2
Orders of Punishment should not be Ex-
ecuted on the Lands of the Enemy

Orders of punishment should not be executed within the boundaries of lands possessed by an enemy, lest the accused should run to the enemy's camp for shelter and then fight on his behalf against our country in any way.[1]

[1] Waafi, vol. 9, p. 45

Part 3
Judgements, Decisions and Answers to
Difficult Questions

1. The Case of a Woman who did not accept a young man to be her own son

Kulaini and Sheikh Mohiyyuddin ibne Arabi have described on the authority of Aasim Bin Hamza Alsalooli, who said that he saw a young man crying in a street of Medina, "O' God decide the case between me and my mother". Umar, who was passing by admonished the youth: 'Don't call your mother's name'. The man said, "O' Ameer ul-Momineen! My mother gave me birth and then nursed me for two years, but now when I have grown up, she refuses to own me as her son. She also denies to have ever been married to my father, who is dead, but wants to keep his whole property with the claim that my father was her only brother and thus deprives me of my due share therein". Hearing this Umar called the woman, who produced about forty persons from her tribe as witnesses. They all gave evidence in her favour. Thereupon Umar decided the case against the youth and ordered him to be imprisoned for 'iftara' (wrong accusation). When the youth was being carried away to the prison; Hazrat Ali (a.s.) happened to pass by that way. The young boy implored him to come to his rescue and related his story to him also. Hazrat Ali (a.s.) asked his escort to take him back to Umar which they did. Umar asked them as to why they had brought him back. They told him that it was done at the order of Hazrat Ali (a.s.). Hazrat Ali (a.s.) who had also by the time, reached the scene asked Umar, whether he consented if he decided the case. To this Umar replied. "By all means, what would be better than this? I have heard the Holy Prophet (s.a.w.a.) saying that your knowledge is the best than that of all of us. Hazrat Ali (a.s.) then called the woman and all the witnesses again. They all repeated turn by turn, what they had said before Umar. Hazrat Ali (a.s.) then asked the woman and her near relatives if they agreed to his marrying her to somebody to which they all agreed. Thereupon, Hazrat Ali (a.s.) asked his personal servant Qambar to bring 400 dirhams and said to the woman, "*I marry you to this young man for 400 dirhams as your dower.*" When the dirhams were brought, he handed them over to the young man and ordered him to go away with the woman and give the dirhams to her. When the young man was about to leave Hazrat Ali (a.s.) added: "*Come to me again but not before you both have passed the night as husband and wife*". Hearing this, the woman cried out: 'Fie, Fie.' Then she said, "O brother of the Holy Prophet (s.a.w.a.) you have married me to my own son". Hazrat Ali (a.s.) said: "*Why did you deny the fact before?*" The woman apologized took the hand of the young man in her hand and

went away. When she was gone, Umar exclaimed, "Had not there been Ali, Umar would have perished".

The above event has also been described by Saheb Fazail ibne Shazan who has carried it from Waqadi from Jaabir and from Salman turn by turn with some difference.

2. The case of a Slave who claimed to be the Master of his Master

It has been described by Kulaini (r.a.) and Sheikh on the authority of Imam Ja'far Sadiq (a.s.) that during the 'Khilafat' (Caliphate) of Hazrat Ali (a.s.) two men, a slave and his master, were travelling to Kufa after performing Hajj (Pilgrimage). The slave committed some mistake and the master beat him for that. The slave said to his master: "You are my slave, but still you are beating me for nothing." Some other people wanted to decide between the two, but the slave did not admit his mistake but went on repeating that he was the master of the man accompanying him till they all entered Kufa. The master then said to his slave: "Let us go to Ameerul Momineen (a.s.) for judgement". To that the slave agreed and they both went to Hazrat Ali (a.s.), but while giving their statements before him both claimed to be the master of each other. The one who was actually the master started weeping that he was the real master and that his father had sent him on pilgrimage to Mecca. He had taken his slave with him who committed a mistake on his way back home and he therefore beat him. By saying that he was the master he wanted to take away wrongfully all his possessions. But the slave also repeated the same story on oath. Hazrat Ali (a.s.) after hearing both ordered them to present themselves before him the next day. Meanwhile, he ordered two holes to be made in a wall, each one quite enough for the head of a man to pass through. When the two men came to him the following day he ordered each of them to put his head into the two holes. This done, he ordered his personal servant "Cut off the head of the slave". No sooner the slave heard this order he pulled out his head from the hole while the one who was the master did not move even slightly. Hazrat Ali (a.s.) then reprimanded the slave, who went away with his master hanging his head in shame.

3. The Case of Two Women, each of whom Claimed to be the Mother of One and the Same Child

Sarui has described in Irshad that during the caliphate of Umar two women were produced before Hakim, the then Qazi of Medina. Both of them claimed the same child to be her own. Hakim was puzzled and did not know what to do. The case was therefore, taken to Umar for decision, but he also could not decide it. Hazrat Ali (a.s.) was then requested to decide the case. Hazrat Ali (a.s.) asked the women as to whether they had any objection if the child were cut into two and one part given to each of them. One of the women agreed to it, but the other started crying. She said to Hazrat Ali (a.s.): "O' Abul Hasan! I forego my claim. Give the child to this woman". Thus the child was restored to its real mother.

4. The Case of Two Men who Left some Money with a Woman

It has been described by Kulaini (r.a.) and Sheikh (r.a.) on the authority of Zazan that two men entrusted a woman with some money with the instructions that she should not return it unless they come to claim it back together. After some time one of them came back and demanded the money saying that his companion had died. The woman believed him and returned the money to him. But soon thereafter the other man came to her, repeated the same story and demanded the money back from her. When apprised of actual facts he filed a suit in the court of Umar who was a caliph then, but he did not know what to do and referred the case to Hazrat Ali (a.s.) for judgement. Hazrat Ali (a.s.) called the parties and said to the man that the money was with him, but it could not be given to either of them unless they came together according to their joint instructions. He further asked the man to go and bring his companion so that the money could be given to them. As the man had no answer to that, he felt much ashamed and went away.

5. A Strange Cruelty on an Orphan Girl and Hazrat Ali (a.s.)'s Judgement therein

It has been stated by Kulaini (r.a.) and Sheikh Saduq (r.a.) as incorporated in Sahih Bukhari on the authority of Hazrat Imam Ja'far Sadiq (a.s.) that a slave girl was brought to the court of Umar with the accusation that she had not proved loyal to her master.

The Story is this:

A man had given shelter to an orphan girl. As he more often than not used to go out of his home town on business trips, he had given the girl in the care of his wife.

When a few years passed like this, the girl became mature and also looked extremely good in appearance. The wife of the man with the whim that he might not marry the girl, once got her intoxicated, with some thing or other, with the help of some woman from the neighbourhood and also got removed the sign of her chastity with the help of the same woman.

When the man returned from his business tour abroad, he asked his wife as to where the girl was. Thereupon she replied with complete innocence: "She has eloped with a young man in the neighbourhood".

Then the man went out in search of the girl, caught hold of her and dragged her to the court of Umar, who was then a Caliph.

Umar finding the case to be considerably difficult referred it to Ameerul Momineen (a.s.), as he had invariably done previously in such cases.

Hazrat Ali (a.s.) sent for the man, his wife and the girl, together with the witnesses, if any. The man and his wife related the same story before Ameerul Momineen (a.s.), which they had previously related in the court of Umar, and also produced the four women who had been named by the wife of the appellant as witnesses.

Hazrat Ali (a.s.) called the first witness, unsheathed his sword and keeping it between the woman and himself, said to her: "*Do you know, I am Ali Ibne Abi Taalib? Tell me the truth, the truth and nothing but the truth*".

The woman who was exceedingly clever gave the same false evidence she had given in the court of Umar and insisted thereon.

Hazrat Ali (a.s.) seeing this, ordered her to be kept in confinement, separate from other witness. He (a.s.) then called the second witness before him and pointing to his sword, said to her: "*Do you see this sword? If you do not tell the truth I shall behead you with this sword. And remember that the woman who has just gone out has told me the truth and, therefore, I have*

given her pardon. If you tell me the true story, the same you shall get". Hearing this, the second women related the true story of the case, out of fear of her life, of course! Having heard the truth from the second witness Ameerul Momineen (a.s.) said, *"After Daniel, the Prophet. I am the first man who has forced different statements from two witnesses"*.

Thereafter, he ordered punishment to be accorded to the wife of the man in question. He also ordered the man to divorce his wife and marry the innocent girl. When his orders were carried out, he paid the dowry to the girl from his own pocket. He also fined the four women who had stood witnesses in the case, one hundred Dirhams each, and gave the whole amount of penalty also to the girl.

After this strange but righteous judgement Umar besought the favour of Ameerul Momineen (a.s.) of telling him the story of Hazrat Daniel (a.s.). Hazrat Ali (a.s.) acceding to his request told him the following story:

"Hazrat Daniel (a.s.) was an orphan, who had lost his father and mother both. At the time the ruler was from Bani Israel, the ruler or the king had two Qazis among his courtiers. Both of these Qazis used to visit the court of the king accompanied by a very pious and godly man of the day.

Once upon a time the king wanted to send some trustworthy person on an urgent piece of business outside the dominion of his empire and requested the two Qazis to help him in selecting somebody for the purpose.

The Qazis advised the king to entrust the work to the same pious and godly man who used to visit his court every now and then along with themselves.

Acting on their advice the king sent the pious man with necessary instructions on the fateful journey.

Now per chance the pious man had a very pretty and beautiful wife who was also pious and godly like her husband. However, the man while going out of the country gave her in the care of the aforesaid Qazis saying: I give her in your care with the will that you will treat her with virtue and will take care of her daily needs. Then he set off at his journey.

Thereafter, once the two Qazis happened to go to the house of the pious man and by chance saw his pretty wife. Seeing her they both madly fell in love with her.

When they expressed their carnal desire the good woman flatly refused to fall prey to their desire.

Thereupon they threatened her to complain against her to the king and said that she had committed adultery with the result that she would be stoned to death.

In reply she said: 'Say whatever you like, but I would not give my consent to this act of sin.'

Thereupon both the wicked Qazis went to the king and reported to him that the wife of the pious man whom he had sent on journey had committed adultery. The king was very much surprised on the report because the woman had a reputation for piety. He bent his head for a while and then lifting his head he said to them:

"I believe you and accept your witness but give me three days time for issuing orders in the matter".

The king then consulted his Vizier in the matter and said to him:

"I don't think she is guilty of the act of adultery, what do you say about it?"

The Vizier also on hearing the report, said to the king: "I am also surprised".

However, on the 3rd day the Vizier happened to pass by a lane where some children were playing, Hazrat Daniel (a.s.) being among them.

Hazrat Daniel (a.s.) said to one of the children:

"Let us stage the drama of the wife of the pious man and the two Qazis; you play the part of the wife of the pious man and two other of you, the part of the Qazis".

He then turned to the two boys and said to them:

"You present the case of this woman to me as the two Qazis have presented it to the king".

The king meanwhile has proclaimed with the beating of the drums as was the custom those days that the wife of the pious man had committed adultery and the two Qazis had reported the matter to the king and, therefore, the woman was going to be stoned to death.

Hazrat Daniel (a.s.) called one of the boys who was playing the part of one of the Qazis and asked him:

"What do you say in the matter?" He also pointed to a wooden sword wrapped in a cloth, if you tell a lie I shall behead you with this sword".

The boy replied:

"Sir, the wife of the pious man has committed adultery and I am a witness to it".

Hazrat Daniel (a.s.) asked him:

"Where, when on which day and at what time?"

The boy answered all the questions of Hazrat Daniel (a.s.). Then, Hazrat Daniel (a.s.) called the other boy and put the same questions to him but his answers were quite contrary to the answers of the other boy.

After hearing the second boy Hazrat Daniel (a.s.) said: "God is great, you have given false witness in the case".

He then acquitted the woman honourably and sentenced the boys who were playing the role of the Qazis to death.

The Vizier who saw (his play of the boys and the judgement of Hazrat Daniel (a.s.) in the play reported the whole thing to the king who decided the case accordingly.[1]

[1] Waafi, vol. 9, p. 161; Manaajib, vol. 7, p. 193; Turuq-e-Hikmia, p. 60

6. The Case of a Man whose Son Differed in Colour with him

A Negro once came to Umar. His wife was also of black colour. The Negro complained to Umar that he and his wife were both of black colours, but his wife in contrast to their colour had given birth to a child of red colour. He also said that his wife had obviously committed adultery with some man who was of the colour of the child.

Umar could not decide the case and referred the matter to Hazrat Ali (a.s.) who in turn asked the Negro: *“If I ask you a question, will you answer it correctly?”* The Negro replied:

“Yes sir, by all means and quite correctly if I could”. Hazrat Ali (a.s.) asked the negro:

“Did you ever go to your wife i.e., had you ever had intercourse with her during her monthly course?”

The Negro replied: *“Yes sir, I think I have”*.

Hazrat Ali (a.s.) said to him: *“The colour of the child is the result of that very act of yours. You are therefore, yourself at fault and not your wife”*. Negro got ashamed and went away.[1]

[1] Turuq-e-Hikmia by Ibne Qayyum, p. 47

7. The First Case after the Demise of the Holy Prophet (s.a.w.a.)

It has been reported by Kulaini on the authority of Hazrat Imam Ja'far Sadiq (a.s.) that a case was decided by Hazrat Ali (a.s.) in such a way that it was never decided before and that it was the first case after the demise of the Holy Prophet (s.a.w.a.).

During the caliphate of Abu Bakr a man was found drunk and brought before the Caliph, Abu Bakr. The Caliph asked him as to whether he had drunk wine. In reply the man admitted to have drunk.

The Caliph asked him: "Why did you drink when it has been prohibited in Islam?"

The man replied: "I am residing in the neighbourhood of some people who are habitual drinkers. Although I am a Muslim, but I have never heard that wine has been prohibited in Islam".

Hearing this, Abu Bakr looked at Umar with a question mark in his eyes.

Umar said: "This is just one of the cases that no one else than Ali could decide".

When the case was referred to Hazrat Ali (a.s.), he sent the man round in the city with some persons to ask the people as to whether anyone had recited to him the verse of the Holy Quran whereby wine was totally prohibited. And when it was proved that none had done so, the man was released with a warning never to drink in future.[1]

[1] Also carried by Naasekhut Tawaarikh, vol. 2, p. 731; Buharij, vol. 9, p. 483; Manaajib, vol. 2, p. 178

8. A Case which was decided wrongly by Qazi Shurayh

It has been recorded in Ajaeabul Ahkaam that once when Hazrat Ali (a.s.) entered the Mosque of Kufa, he saw a young man who was weeping pitiably. Hazrat Ali (a.s.) asked him about the cause of such a weeping.

The man replied: "O Ameerul Momineen (a.s.)! I have come to you for appeal against the decision of Qazi Shurayh in my case".

Hazrat Ali (a.s.) asked him as to what the case was? The young man said:

"My father had gone on journey with some persons. When these persons returned from the journey, I asked them about my father. They said: He died during the journey. When I asked them about the money my father had taken with him, they said he left no money, but I know for certain that he had good amount of money with him".

The young man further said to Hazrat Ali (a.s.): "As I was certain about the money my father had carried with him, I reported the matter to Qazi Shurayh and besought a judgement from him in the case. Qazi Shurayh further said the young man, 'Call those persons' and took oath from them one by one. They all said unanimously on oath that my father had no cash at the time of his death. Therefore, Qazi Shurayh ordered for their release".

Relating the above story to Hazrat Ali (a.s.), the young man said: "O Ameerul Momineen (a.s.)! I have now come to you for a righteous judgement".

Ameerul Momineen, Hazrat Ali (a.s.) said: "*I shall deliver judgement in this case as none has ever before delivered in any case other than Hazrat Dawood (David) (a.s.).*"

Hazrat Ali (a.s.) then asked Qambar, his personal servant, to call some men of Shurtatul Khamees[1]. When these officers arrived, Ameerul Momineen Hazrat Ali (a.s.) ordered them to ask the young man the names of the persons who had accompanied his father on the journey and present them before him immediately and the orders of Hazrat Ali (a.s.) were carried out forthwith.

When all those persons were brought before Hazrat Ali (a.s.), he cast a glance over them all and ordered them each to be tied with the pillars of the mosque separately and asked the people present in the mosque to join him in Takbeer (Greatest is God) loudly when he said it, Hazrat Ali (a.s.) then called one of the persons and asked him as to what he had to

say in the matter. He said what he had said to Qazi Shurayh. Qazi Shurayh was also present there.

Hazrat Ali (a.s.) said to the man: *“Don’t think that I do not know anything about this case. Go ahead now. When did you all start on the fateful journey; tell me the year, the month, the day and the exact time when you all started on your journey with the father of this young man? And when was he taken ill, where and what day and at what time? What was his disease? Who treated him and with which medicine? When did he die? Give me the date and the time. Who gave him bath after his death? Who wrapped him in the coffin? How many people attended his funeral? Name any of them, if possible. Who lowered him in his grave?”*

The man was first baffled by this volley of the most relevant questions, but he tried to answer them one by one obviously at random. When he had finished, Ameerul Momineen Hazrat Ali (a.s.) said the Takbeer aloud. All the other people present in the mosque repeated it as they were ordered before. Hazrat Ali (a.s.) then sent the man to prison and called the second man.

The second man being now certain because of the Takbeer of the people following Hazrat Ali (a.s.) and his sending the first man to the prison that his companion had confessed, told Hazrat Ali (a.s.) that he was from the very beginning against the murder of their companion, the father of the young man, and taking away his cash and that none of the others listened to him.

He then besought forgiveness and mercy at the hands of Ameerul Momineen (a.s.) as he was only compelled to become an accomplice in the case. Thereafter, all the rest also had to confess their crime of murder and loot.

Ameerul Momineen Hazrat Ali (a.s.) then made them to return the money of the deceased to his son, together with the penalty for the murder.

Qazi Shurayh, who was called to attend the hearing of the case was reprimanded and warned to be careful in serious cases such as murder. Very politely rather humbly he asked Ameerul Momineen Hazrat Ali (a.s.) as to what the case decided by Hazrat Dawood (a.s.) referred to by him as a similar case was.

Hazrat Ali (a.s.) described the case thus:

Hazrat Dawood (a.s.) was once passing through a lane when he heard some children playing therein calling one of their playmates by the name of ‘Maatad Deen’. The boy was also answering to this name. Hazrat Dawood (a.s.) was very much surprised at hearing this queer name which

meant, “religion died”. Therefore, the Prophet Dawood (a.s.) called the boy and asked him as to who had given him that name”. The boy said: “My father, Sir”. “Where is your father”? Asked the prophet. “He is dead”, replied the boy. Hazrat Dawood (a.s.) then asked the boy to take him to his mother, which he did.

When asked about the name, the mother of the boy told the prophet that the name was given to the boy under the last will of his father.

When asked about the details, she told him that the father of the boy had gone on a journey with some persons, but he did not return from that journey which was his last.

The mother of the boy when asked about her husband, his companions told her that he had died on his way back home. “What about the money he had taken with him?” asked she. “He left no money”, they replied innocently.

Telling this much Ameerul Momineen Hazrat Ali (a.s.) said to Qazi Shurayh and the people then present in the mosque that Hazrat Dawood (a.s.) had decided the case as he himself decided that day. He also told them that after delivering the judgement in that identical case Hazrat Dawood (a.s.) asked the woman to call her son by the name “Ashad Deen”, which meant the “religion has survived”.

According to Kaafi there also started a dispute between the young man and the murderers of his father regarding the amount of the money carried by his father from home for the journey. Hazrat Ali (a.s.) then asked the people present in the mosque to give him for a while their rings. He then silently removed his own ring from his finger and mixing it with the other rings borrowed from the people placed them all before the two parties and said: “Whoever picks up my ring from these is true, because this is the arrow of God and the arrow of Allah never misses its target i.e. it never fails”.[2]

[1] A contingent of the officers in command of an army

[2] Saduq has also reported it on the authority of Imam Baqir (a.s.).
Qazaa, p. 14

9. The Case of Three Dinars

It has been reported by Saduq and Sheikh on the authority of Imam Ja'far Sadiq (a.s.) who reported it on the authority of his father and forefathers that a man had deposited two Dinars with a person and another man had deposited only one Dinar with the same person. One of the Dinars was stolen. When the case was brought to Ameerul Momineen Hazrat Ali (a.s.), he ordered one Dinar to be given to the first person and the equal division of the second between both the depositors.

Explanation:

The first man who had deposited two Dinars had one of his two Dinars still safe whether or not one of his own Dinars was stolen, while the other one, in case his only Dinar was stolen, had none. As the theft in each case affected the second Dinar the second man had to share both the loss and the gain.[1]

[1] Qazaa, p. 29

10. The Case of a Woman who had given Birth to a Child within Six Months of her Pregnancy and Umar had ordered her to be stoned to Death

A soldier in the Army returned home. When he had stayed with his wife for only six months, his wife gave birth to a male child and claimed that it was his child. The soldier refused to accept her claim and brought her to Umar who ordered the woman to be stoned to death. By chance Hazrat Ali (a.s.) also happened to be there and he pointed out to Umar that the Holy Quran had fixed the time of pregnancy and the time of nursing of a child as thirty months, and at another place the time of nursing as complete two years. These two years if deducted from the time of nursing the time of pregnancy remained only six months, i.e., the minimum.[1]

Hearing this Umar said: "Had not there been Ali, Umar must have gone to dust" and released the woman.

[1] Qazaa, p. 35

11. The Case of a Woman who gave Birth to a Child within Six Months of her Pregnancy and was Stoned to Death under the Orders of Usman

It has been carried from Mowatta Imam Malik and from Arbaeen by Khateeb and also from Thalabi on the authority of the formers that Noja Tehni said that a man of his tribe married a woman, who gave birth to a child after six months of her marriage. The man took her to Usman who was then the Caliph and complained to him against his wife. Usman ordered her to be stoned to death.

When this matter was reported to Hazrat Ali (a.s.), he went to Usman and said that according to the Holy Quran the times of pregnancy and nursing of a child when put together were thirty months, while the time of nursing alone as fixed by the Holy Quran was complete two years. Thus the time of pregnancy when deducted from the total remained only six months, i.e., the minimum.

Hearing this Usman sent for the woman, but when the messenger reached the place where the woman was being stoned, she had breathed her last.

The judgement of Hazrat Ali (a.s.) is still remembered and followed in such cases to this day.[1]

[1] Qazaa, p.35

Part 4

Adultery

1. Adultery and its Seriousness

Hazrat Ali (a.s.) has reported from the Holy Prophet (s.a.w.a.) who said, *“When the crime of adultery in my followers will be appalling, the number of premature deaths will be on increase.”*[1]

Imam Ja’far Sadiq (a.s.) has said, *“A man who indulges in adultery must be ready for six things, he will face three things in this world and the other three in the world hereafter.*

The three things he will face in this world are:

1. *His face will go ugly*
2. *Will be penniless*
3. *Will die soon*

The three things he will face in the world hereafter are:

1. *The rage of Allah*
2. *Very hard questioning*
3. *Will remain in the hell forever.”*

A man came to Imam Ali bin Husain (a.s.) and told him: *“I am addicted to adultery, commit copulation with a woman every night and keep fast the next day.”*

The Holy Imam (a.s.) said to him, *“The obedience to Allah is best of everything, neither commit adultery nor keep fast.”*

Imam Baqir (a.s.) who was also present there pulled the man by collar and said to him, *“O you bad man! Your actions are hellish, but you hope for Paradise.”*[2]

[1] Waafi, vol. 9, p. 34

[2] Waafi, vol. 9, p. 34

2. Adultery by an Unmarried Person

Hazrat Ali (a.s.) used to punish those unmarried men who committed adultery by hundred whips and exile.[1]

[1] Waafi, vol. 9, p. 39

3. If a Married Man or Woman Committed Adultery

If a married man or woman committed adultery Hazrat Ali (a.s.) awarded them the punishment of stoning to death.[1]

[1] Waafi, vol. 9, p. 39

4. Rajm (Stoning to Death purifies the one who commits Adultery)

When Hazrat Ali (a.s.) went to see Sharaha Hamadania being stoned to death there was such a huge crowd that it was feared that people would be trampled by one another.

Hazrat Ali (a.s.) therefore, ordered the closure of the City gates. When the punishment was over and the gates were reopened for the people who had accompanied Hazrat Ali (a.s.) to the scene to come in, people started passing remarks on the deceased. Hazrat Ali (a.s.) said to them, *“Hold your tongue now the deceased has been purified by the punishment awarded to her.”*

5. No Dower for the Woman who is raped from the Man Involved in the Rape Case nor Punishment for the Woman Involved Therein

Said Hazrat Ali (a.s.), *“If a man is involved in a rape case he would not have to pay the dower to the woman he committed rape with but would be stoned to death for the crime. However, there would be no punishment for the woman, because in such cases force is invariably used.”*[1]

[1] Waafi, vol. 9, p. 46

6. No Stoning to Death for a Mustabreha (a compelled woman)

It has been reported by Imam Muhammad Baqir (a.s.) that a man and a woman were brought to Hazrat Ali (a.s.). They were accused of adultery.

The woman said to Hazrat Ali (a.s.) that she was not guilty of adultery but was raped by the man in question.

Hazrat Ali (a.s.) did not award any punishment to her and said, *“These so called masters of the religious law would say that she deserved punishment but Hazrat Ali (a.s.) allowed her to go unpunished, because he believed her.”*[1]

[1] Waafi, vol. 9, p. 42

7. Adultery with a Woman who agrees to the Crime under Adverse Circumstances

It has been carried from Arbaeen Khateeb Baghdadi that a woman was brought to Umar. She was found committing adultery on the bank of certain river of Arbistan.

After examining the witnesses Umar awarded her punishment of stoning to death

Hearing this judgement of Umar she uttered the following words, "O! God! You know that I am not guilty."

These words of her enraged Umar further. He said to her, "You committed adultery and still you dare belie the witnesses."

When she was being carried to the place where she was going to be stoned to death she met Hazrat Ali (a.s.) who was passing by that way.

Seeing her he (a.s.) asked the executioners to take her back to Umar for further investigation.

When she was taken back to Umar, Hazrat Ali (a.s.) asked her to relate her story to him (Hazrat Ali (a.s.)).

The woman in question related her story to Hazrat Ali (a.s.) as follows:

"My family has some camels. Yesterday I took them out to the desert for grazing. At about noon I felt thirsty, but I had no water with me to drink, neither there was any water in the vicinity with which I could quench my thirst."

"A little way off from there," she continued, there was another man, who had water with him. But when I asked him for a little water to drink he refused to give a single drop of it to me unless I agreed to commit adultery with him, "but I refused."

"When I felt very thirsty and was about to die of thirst," further continued the woman, "I agreed, under compulsion though, to allow him to fulfil his carnal desire.

Having heard the story of the woman Hazrat Ali (a.s.) exclaimed, "The one who is compelled by circumstances in case he or she is not disobedient and does not exceed the limits of law and go beyond the restrictions put on him or her by Allah they are not responsible for any crime committed under such circumstance."

Hearing this Umar released the woman.[1]

[1] Manaaqib, vol. 2, p. 190; Behaarul Anwaar, vol. 9, p. 484; Riaz, vol. 2, p. 259; Zakheeratul Uqbaaa, p. 81; Turuqi Hikmia by Ibne Qaiyum

8. Stoning to Death of a Pregnant Woman

A pregnant woman who was accused of adultery was once brought to Umar. When she was asked as to whether she had committed the crime and after she had confessed her crime she was ordered by Umar to be put to death by stoning.

When she was being carried to be stoned to death, Hazrat Ali (a.s.) arrived on the scene and enquired of the people who were accompanying her as to what was the matter. The woman herself, to the query of Hazrat Ali (a.s.), told him that she was being carried to be stoned to death.

Hearing this Hazrat Ali (a.s.) said to Umar, *“No doubt she has committed a crime, but what is the crime of the unborn child she is bearing?”*

Thereupon, Umar uttered the following words three times: *“Everybody knows the ecclesiastical law better than me.”*

Finally, Hazrat Ali (a.s.) himself stood a surety for the woman till after she gave birth to a child. When it was over, the woman went to Umar and was stoned to death under his orders.[1]

[1] Zakheeratul Uqbaaa, p. 81; Riaz, vol. 2, p. 259; Qazaa, p. 33

9. Children of Unknown Fathers

1. Zaid bin Arqam has reported that three persons had an equal share each in a slave girl. They committed the act of coition with the slave girl on separate occasions apparently being ignorant of the punishment thereof.

Hazrat Ali (a.s.) handed over the child to one of them by drawing a lot and ordered him to pay 2/3 of the price of the slave girl for payment equally to the other two.

When the Holy Prophet (s.a.w.a.) heard of this decision of Hazrat Ali (a.s.) he (s.a.w.a.) said, *“All praise is for Allah who has bestowed knowledge on us, the Ahlul Bait.”*[1]

2. Similarly another such incident happened wherein two men were involved.

Hazrat Ali (a.s.) drew a lot in that case also, ordered one of the men to pay half of the price of the slave girl for payment to the other one and handed over the child to the former.

When the Holy Prophet (s.a.w.a.) heard of this, he (s.a.w.a.) said, *“All Praise is for God who has created among (the Ahlul Bait) the one who decides cases after Hazrat Dawood (a.s.).”*[2]

3. Kulaini has reported that a case was brought to Hazrat Ali (a.s.) when he was at Yemen. The case was that a house had fallen from the debris of which two children were found. One of them was free while the other was a slave.

Hazrat Ali (a.s.) drew a lot and gave what was found from the debris of the fallen house and the ownership of the vacant plot to the free child and set free the other who was a slave.[3]

[1] Zakheeratul Uqbaa, p. 13; Manaaqib, vol. 2, p. 176

[2] Ajaeabul Ahkaam by Ibrahim Qummi

[3] Qazaa, p. 133

10. If a Woman Commits Adultery when her Husband is in Prison

A woman was once accused of adultery while her husband was in prison. Hazrat Ali (a.s.) punished her by whipping instead of stoning her to death.[1]

[1] Wasaael, vol. III, p. 427

11. Different Punishments for One and the Same Crime

Asbagh bin Nabata has reported that five persons who were accused of adultery were once brought to Umar. He ordered for their punishment by stoning them all to death.

Hazrat Ali (a.s.) when heard of that said that the judgement was wrong.

He then heard them separately and awarded them different punishments as follows;

To the first he awarded the punishment of beheading, stoning to death to the second, whipping to the third and half of the full punishment to the fourth. He set free the fifth after awarding him an ordinary punishment.

When Umar asked Hazrat Ali (a.s.) to explain his above decision, he (a.s.) said to him:

“The first of them is a Zimmi (the one who pays a certain amount to an Islamic State for the safety of his life) who has committed adultery with a Muslim woman; the second is a married man whose punishment under the religious law is stoning to death; the third is an unmarried man, who stands to be punished under the same law by whipping; the fourth is a slave whose punishment in case of adultery as fixed day the religious law is half of the full punishment fixed by the religious law for that crime; the fifth of them is half-mad and has therefore, been awarded an ordinary punishment for one and the same crime committed by others as this punishment has been fixed for such men and women by the religious law.”

Umar while accepting the above judgement of Hazrat Ali (a.s.) said, “May I not live in the nation wherein there is no Abul Hasan for solving such problems.”[1]

[1] Manaaqib, vol. 2, p. 183; Naasekhut Tawaarikh, vol. III, p. 732; Be-haarul Anwaar, vol. 9, p. 478

12. If Adultery is Committed by a man whose Wife is away from him

Hazrat Ali (a.s.) was on pilgrimage to Mecca when a man who was accused of adultery was produced before him.

The judgement by Umar who was a caliph then, was to stone the man to death.

On hearing of the above judgement delivered by Umar in the case in question, Hazrat Ali (a.s.) said to him; "The total punishment fixed by the religious law in such a case is whipping and not stoning to death, because the wife, of the man involved therein is away from him."

Hearing of this decision by Hazrat Ali (a.s.), Umar said. "May not Allah allow me to survive the time when I am in a difficulty and Abul Hasan is not there to solve it." [1]

[1] Manaaqib Khawarزمi through Behaarul Anwaar, vol. 9, p. 478; Manaaqib Shahr-e-Aashob, vol. 2, p. 183

13. Adultery with a Christian or a Jewish woman

Hazrat Muhammad bin Abu Bakr once wrote to Hazrat Ali (a.s.) asking him that if a male Muslim commits adultery with a Christian or a Jewish woman what punishment should be awarded to them.

Hazrat Ali (a.s.) wrote back to him, "If the Muslim male is a married one, stone him to death, if unmarried, he should be punished by hundred whips. The Christian or Jewish woman, if involved in such a case should be deported to the people to treat her as they liked." [1]

[1] Waafi, vol. 9, p. 39

14. Adultery by a Matured Woman with an Unmatured Boy

A case of adultery by a matured woman with an unmatured boy was decided by Umar as under.

He ordered the woman to be punished by stoning to death.

Hazrat Ali (a.s.) when heard of it said, "The woman involved in the case should not be stoned to death but should only be whipped because the boy involved therein has not reached the age of maturity and could not, therefore, decide what is wrong and what is right." [1]

[1] Manaaqib, vol. 2, p. 183; Naasekhut Tawarikh, vol. 2, p. 732

15. Punishment for Repeating the Act of Adultery

Hazrat Ali (a.s.) decided in a case of adultery committed by a man several times during a day that if he had committed adultery repeatedly with one and the same woman he should be punished for that crime only once, but if he has committed the act with several different women the punishment would vary according to the number of the crimes committed by him.

16. A Cunning Old Man and his Virgin Wife

A cunning old man had married a virgin who became pregnant by him after marriage, but the old man believing himself to be incapable of the act of coition thought that she had committed adultery with some young man took her to Usman for a decision.

Usman asked the woman if the old man had, by the act of coition, removed her sign of virginity.

When the woman replied in the negative, Usman ordered that she should be stoned to death.

When Hazrat Ali (a.s.) heard of the above decision by Usman in the case in question, he told him, "Don't make haste in seeing that your orders for her punishment are carried out, because every woman, may she be a virgin or a married one, has two outlets in her womb or uterus, one each for urine and menses. In case the fecundating fluid of a male (semen) enters uterus through the outlet of menses (the monthly course) of a woman with the seed or the worm of productivity it is quite possible if a woman produces a child therewith despite the fact that the sign of her virginity is not removed."

Thereafter, the cunning old man also admitted to have discharged several times in the organ of generation of his wife before full erection of his penis.

When Hazrat Ali (a.s.) heard the old man saying this, he said, "The woman (wife of the old man) has certainly become pregnant by this old man."

He (a.s.) then asked Usman to punish the old man for making false accusation against his wife and his wife should not be punished but released.

Usman did accordingly.[1]

[1] Irshaad of Shaikh Mufeed (r.a.); Qazaa and Tehaa, p. 94; Manaajib Shahr-e- Aashob, vol. 2, p. 192

17. A Man and a Woman both Accused of Adultery

A man and his wife both, when he had accused his wife of adultery, came quarrelling to Usman.

The man addressed his wife calling her 'adulterous'.

His wife replied, "You are a more adulterous than myself."

Hearing this discourse between the husband and wife, Usman ordered for punishing both by whipping.

Hazrat Ali (a.s.) then said to Usman, "Do not make haste in ordering such a punishment, because it is not correct. The correct judgement is that the woman who has herself confessed her crime indirectly by her talk to her husband should be awarded double punishment. One for committing adultery and the second for making false accusation against her husband but the punishment for adultery would be a little less than the total punishment fixed by the religious law for that crime, because she has not admitted it four times which is a necessary requirement in such a case, while the husband should be acquitted, because he has neither admitted his crime i.e., four times, nor is there any evidence thereof against him."

Usman then revised his previous orders and decided the case as advised by Hazrat Ali (a.s.).[1]

[1] Manaajib, vol. 2, p. 182

18. A Novel Way of Satisfying One's Carnal Desire

A woman had fallen in love with a man. She invented a novel way of satisfying her carnal desire. She slept in his bed at night disguised as his slave girl.

When the man in question went to bed he found the woman sleeping there.

As he did not want to lose the chance, he committed adultery with her.

When the case was brought to Hazrat Ali (a.s.), he ordered for punishment of the woman publicly, but ordered that the man involved in the case of adultery should be stoned to death secluded corner where there was none to see him stoned, apparently because his crime was a little less serious than that of hers, as she had created all the means of the crime in question. He was punished because he had recognised the woman before committing the shameful act otherwise would have been released without being punished.[1]

[1] Manaaqib Shahr-e-Aashob, vol. 2, p 201

19. If an Old Man and an Old Woman Commit Adultery

An old man and an old woman committed adultery, Hazrat Ali (a.s.) got both of them punished with hundred whips each and stoned them to death.[1]

[1] Waafi, vol. 9, p. 39

20. If Adultery is Committed by those who are dangerously Ill

A man was once brought to Hazrat Ali (a.s.) who was to be punished under the religious law for committing a certain crime, but as he had several wounds on his body, Hazrat Ali (a.s.) said that he should be spared for some time till he recovered from those wounds. However, his wounds were healed. And when it was so, he ordered for his total punishment.[1]

It has been reported by Imam Ja'far Sadiq (a.s.) that a man who was suffering from dropsy was presented before the Holy Prophet (s.a.w.a.). He was accused of adultery.

The Holy Prophet (s.a.w.a.) asked the woman involved in the case as to whether she had agreed to the crime to which she replied that she became aware of the fact when he had attacked her and overpowered her. Thereafter, the Holy Prophet (s.a.w.a.) asked the man as to whether he admitted his crime, to which he replied in the affirmative, but he was not a married man. The Holy Prophet (s.a.w.a.), therefore, sent for a branch of the palm tree! Then, he (a.s.) caught hold of a hundred thin straws from that branch and beat the man therewith.

From both the above reports, if taken jointly, it would be clear that a Muslim judge has the discretion of awarding either of the two punishments in such cases, i.e., he may award the punishment there and then as was done by the Holy Prophet (s.a.w.a.) or he may wait till the person recovers from illness.

In case the one and the only way adopted by the holy Prophet (s.a.w.a.) is followed by the judges in all such cases the fear of punishment would vanish from the minds of the people.

However, the judge must decide each case on individual merits and award the required punishment accordingly.

In case there is no hope of the survival of the person from that disease as was surely the case decided by the Holy Prophet (s.a.w.a.), he may follow the Holy Prophet (s.a.w.a.) in his judgement, but in case there is hope of survival of the accused from a certain disease or wounds as in the case decided by Hazrat Ali (a.s.) wherein there was a certainty that the accused would survive his wounds which were expected to heal sooner or later, the judge may follow the latter with discretion which is allowed to him in such cases.[2]

[1] Waafi, vol. 9, p. 45

[2] Note by Allamah Jazaari; Abu Turab (Urdu), vol. 2, p. 88

21. If Adultery is Committed with an insane Woman

A question was put to Hazrat Ali (a.s.) about an insane woman with whom adultery was committed and she had become pregnant also, to which the Holy Imam (a.s.) replied,

“An insane woman is just like an animal and is out of the control of her mind. Therefore, there is no punishment for her if she is involved in a case of adultery i.e., neither stoning to death nor even whipping or exile.”[1]

Allamah Jazaari in his collection of judgements of Hazrat Ali (a.s.) titled ‘Abu Turab’ (Urdu) Vol. 2, p. 89, has added the following note to the above judgement:

“The above judgement is particularly meant for an insane woman. If an insane man who is either completely mad or his brain is slightly deranged or he is only crack is involved in such a case he cannot escape the punishment fixed for adultery for the reason as explained in the following tradition of Imam Ja’far Sadiq (a.s.) who has said as follows.”

Thereafter, the Allamah has quoted the following tradition of Imam Ja’far Sadiq (a.s.) says the Holy Imam (a.s.),

“If an insane man or a woman whose brain is half deranged indulges in adultery, he would be stoned to death, provided he has a wife, otherwise he would be whipped.”

The person who has reported the above tradition of the Holy Imam (a.s.) proceeding further says as under:

“When I asked the Holy Imam (a.s.) as to why those were two different punishment for an insane man and an insane woman, he (a.s.) replied,

“It is because the man involved in such a case commits the crime deliberately and sensibly i.e., with full knowledge of his sensual feelings and as to how he should do it, whereas the woman with whom the crime is committed and who is only an object in the case and has no sense at all as to what is being done with her but at times she is totally ignorant of it.”[2]

[1] Waafi, vol. 9, p. 46

[2] Waafi, vol. 9, p. 46

22. If a Man Commits Adultery with his Mother

Says Hazrat Ali (a.s.), "If a person commits adultery with his mother, one hundred whips should be struck on his naked body and then he should be beheaded." [1]

Explaining the case Allamah Jazaaeri says as under: -

"In the reports regarding other persons with whom marriage is prohibited by Allah in the Holy Quran the cases of adultery came under the same order as Imam Ali bin Husain (a.s.) has said, "If a wretched person commits adultery with his real sister his head should be cut with a sword to the extent the sword cuts his neck in one stroke. In case he still survives, he should be imprisoned for the rest of his life." [2]

[1] Qazaa & Tehaa; p. 61

[2] Waafi, vol. 9, p. 46 through Abu Turab (Urdu), vol. 2, p. 90

23. Adultery in Dream

A man brought another man, holding him by the opening in his shirt, to the first caliph – Abu Bakr – and said to the caliph, “This man says that he was discharged by dreaming adultery with my mother last night.”

The caliph wondered as to what he should say in the matter.

Hazrat Ali (a.s.) who was also present in the mosque at the time said to the caliph. “In such a case the justice is this that the man who has described his dream to the other man should be made to stand in the sunshine and the punishment orders should be carried out on his shadow as he dreamt adultery only in a shade but the man should also be struck with one or two whips, so that he should not trouble people with such loose talk in future.”[1]

[1] Manaaqib Shahr-e-Aashob, vol. 2, p. 179

24. Murder and Adultery, a Corpse in the Niche of a Mosque

It has been reported that one day early in the morning when Umar went to the mosque as usual to lead the morning prayers there, he saw that someone was sleeping right in the niche of the mosque.

The caliph asked his slave to wake up the man. When the slave went near the sleeping man, the first glance showed him that it was not a man as he and the caliph had considered the person to be but a woman.

Later, when the slave removed the cover from the body of the sleeping person, he found that it was the corpse of a man dressed in woman clothes and with hands coloured with henna. The man was murdered by cutting of his throat.

The caliph asked his slave to put the corpse in a corner of the mosque and lead the prayer as usual. Thereafter, he asked Hazrat Ali (a.s.) as to what he was to do with the corpse.

Hazrat Ali (a.s.) said to him, "Let him be buried normally." Then he (a.s.) added: "After some time you would see a new-born child at the same place."

Umar asked Hazrat Ali (a.s.) as to how was it possible for him to say that.

Hazrat Ali (a.s.) replied, "My friend and cousin Muhammad Mustafa (s.a.w.a.) has apprised me about that."

After about nine months had passed over the first incident and Umar one day was as usual in the mosque to lead the morning prayers when he heard the voice of a new-born child. No sooner Umar heard the voice of the baby, he uttered the following words:

"True is Allah, His Prophet Muhammad (s.a.w.a.) and the son of Muhammad (s.a.w.a.)'s uncle."

Umar then asked his slave to take the baby to Hazrat Ali (a.s.).

When the child was taken to Hazrat Ali (a.s.), he said to the slave, "Request Umar on my behalf to appoint a nurse to feed the child on her breast."

When the age of the child was nine months, one day which was the day of Eid-ul-Fitr, Hazrat Ali (a.s.) ordered that the child and the nurse who suckled her should be brought to the mosque after the Eid Prayers. Further, he ordered as under: -

"If some woman comes to the nurse and the child and if she kisses the child uttering the words: 'O you the oppressed! The son of an oppressor and an oppressed,' that woman should be brought to me at once."

When the nurse was taking the child to the mosque, she heard the voice of a woman who was following her and saying, "Stop for a while for the sake of Muhammad (s.a.w.a.), the messenger of Allah, and listen to me." When the nurse stopped, she saw that a very beautiful woman was following her. When she reached the place where the nurse was standing, she took the baby from the nurse, kept kissing her repeatedly for some time and uttering the same words and further said, "How much you resemble my deceased child."

When the nurse heard the woman saying the words which she was told by Hazrat Ali (a.s.) she would hear, she caught hold of the woman by her hand and despite her protest she said, "I shall take you to Hazrat Ali (a.s.)."

When the woman heard the name of Hazrat Ali (a.s.) she began trembling and requesting the nurse again and again to let her go away. But when the nurse seemed adamant in her decision she said to her, "If you take me to Hazrat Ali (a.s.) I would be very much defamed. Therefore, you better accompany me to my house where I would give you very costly clothes and two invaluable embroidered head-covers made at Yemen, together with three hundred Dirhams."

The nurse who was a greedy woman agreed to it, accompanied the woman in question, to her house where the latter gave her what she had promised to give and asked her to bring the child again to her on the day of Eid-ul-Azha and receive the same things rather more as a reward therefore. The nurse agreeing to the request of the woman and promising to her to take the child again to her house on the appointed day went to Hazrat Ali (a.s.).

When she was asked if she had seen the woman she was told about, she cunningly denied seeing any such woman.

Therefore, Hazrat Ali (a.s.) pointing out to the tomb of the Holy Prophet (s.a.w.a.) said to her, "I take oath of the person who is taking rest in his tomb that you saw the woman in question, accompanied her to her house, took such and such things from her, promised her to take the child to her again on the day of Eid-ul-Azha and receive a reward from her again."

When the nurse heard this from Hazrat Ali (a.s.), she asked him if he knew all the things other than those which meet the eyes. To that Hazrat Ali (a.s.) replied that he did not but the Holy Prophet (s.a.w.a.) had apprised him of what had happened with her since she met the woman on her way to the mosque till after she left her house.

Thereafter, the nurse admitting her fault told the whole story to Hazrat Ali (a.s.) and asked him as to whether he still wanted the woman to be brought to him.

Hazrat Ali (a.s.) said to her, "That would be a double mistake because you have promised to wait till the ensuing Eid-ul-Azha and that on that day you should show her the child again. Therefore, you must now wait till that day."

On the day of Eid-ul-Azha when the nurse was taking the child to the mosque again, the same woman met her on her way to the mosque, stopped her, took the child from her, kissed him repeatedly and said to him what she had said once before. Thereafter, she asked the nurse to accompany her to her house, so that she could give her reward for her courtesy. But this time the nurse did not accede to her request, but instead caught hold of the shirt with which she had covered her body and said to her, "Now I can't let you go, because Hazrat Ali (a.s.) has come to know of the whole affair. So I must take you to him and what you want to say you may say now in his presence."

The woman said with a sigh of grief, "O' the One Who helps those who seek Thy help and Who gives reward to those who deserve it." Thereafter, she looked up towards the sky and accompanied the nurse to Hazrat Ali (a.s.).

When Hazrat Ali (a.s.) saw her, he asked her if she wanted him to tell her whole story or would she tell it to him herself.

The woman said to Hazrat Ali (a.s.), "O Ameer al Momineen! I shall relate my story to you myself which is this."

"I am an Ansari girl. The name of my father was Aamir bin Saad Khazraji, who died the death of a martyr in the company of the Holy Prophet (s.a.w.a.)".

Proceeding further, she said, "After the death of my father my mother also died during the caliphate of Abu Bakr when my age was very small."

"However," she said, "I grew up in the company of other girls in the neighbourhood."

Continuing her story she said, "One day, when I was playing with some other young girls in my house, a very old woman, who had a rosary in one hand and a walking stick in the other entered my house and asked me, 'What is your name, my dear girl?'"

"Jamila", I replied.

"What is the name of your father?"

"Aamir Ansari."

“Is not your father alive?”

“No.”

“Are you married?”

“I felt shy”, the woman told Hazrat Ali (a.s.), “and replied slowly in the negative”.

Then, the woman proceeding further said, “The old woman put her hand on my head, wept in sympathy with me, wished me blessing of Allah and then said to me, ‘You need a woman for service as well as for company’.”

“I said,” the woman told Hazrat Ali (a.s.), “What was better than that?” “To that she replied,” said the girl, “If that is that I am myself prepared to serve you, take me to be your mother”.

“When I heard this from the old woman” said the woman to Hazrat Ali (a.s.), “I felt very happy and said to her”.

“By all means, take this house to be your own house, live here as far as you like and feel at home.”

Further said the young woman to Hazrat Ali (a.s.), “Then she asked me to give her water for ablution. Thereafter, she said her prayer. Meanwhile, I brought some dales, fresh milk and bread for her.”

“When the old woman,” further said the young woman to Hazrat Ali (a.s.), “saw these things, she wept bitterly and said to me, ‘Take away this rich food from here, because I am not used to it; my food is the bread of barley and a little salt’.”

“Then”, said the young woman, “she busied herself in prayers again.”

“When the prayer was over”, said the woman to Hazrat Ali (a.s.), “I served her the food she had desired, i.e., the bread of barley and some salt therewith. And when it was served to her she also asked for some ash”.

“I was surprised,” said the woman to Hazrat Ali (a.s.) “but I obeyed her and gave her some ash also, which she mixed with the salt, took only three morsels of the barley bread, together with salt and the ash and then pushed the food away, drank some water and started saying her prayers again and remained busy therein till the next morning.”

“Seeing this,” said the woman, “I was very much impressed by her piety.”

“After the sunrise”, said the woman to Hazrat Ali (a.s.), “When I went to her to wish her good morning I kissed her head and requested her for praying for my deliverance on the Day of Judgement in the world hereafter because,” I said to her, “your praying for me would certainly be granted by Allah”.

"After some time," said the woman to Hazrat Ali (a.s.), "the old woman said to me, such girl I have ever seen and I do not like to leave you alone when I go out. I think there should be a companion for you".

Then, she said, "I have a daughter who is a little older than you. If you agree I can bring her to your house to keep your company and also to serve you."

I said, "It would be my pleasure and I would feel honoured in her company."

"Then", said the woman to Hazrat Ali (a.s.), "she went out and came back alone."

"When I asked her as to why she had not brought her daughter, she replied that her daughter had refused to come to my house she was afraid there would be disturbance in her prayers by the girls of the neighbourhood who used to come daily to my house and played with me."

"So that I said that I would not allow any girl to come to my house so that the prayers of my sister should not be disturbed." "I then," said the woman to Hazrat Ali (a.s.), "requested her to go back and bring her daughter with her at once."

"So she went out again", said the woman to Hazrat Ali (a.s.), "and came back, after some time, with a tall woman, who was covered in a sheet from head to foot and had also a thick veil on her face."

"As the daughter of the old woman was standing at my door, I asked her to come in and I closed the door so that no girl from the neighbour should enter and disturb her, as I had already promised."

Proceeding further with her story the young woman said to Hazrat Ali (a.s.): "I then, asked the daughter of the old woman to put off her cover and veil and feel at home. I also impressed her to make her free with me. But when she put off her cover and veil I was about to faint, because the person behind there was a young man with a black beard and with henna on his both hands and feet. He was also dressed in the clothes of female."

"Although I had become afraid", said the young woman to Hazrat Ali (a.s.), "I did not lose my senses and I very sternly asked them both, i.e., the young man and the old woman to get out of my house, otherwise", I told them, "if the caliph – Umar – hears of all this he would give you severe punishment".

"Having said this", said the young woman to Hazrat Ali (a.s.), "I got a little back so that I could run away, if necessary." "But the young man

became aware of my intention and jumped at me and overpowered me with the extra ordinary power of his body”.

“After some time”, said the young woman to Hazrat Ali (a.s.), with tears in her eyes, “I was weeping over the loss of my chastity at the hands of that wicked young man as I lay on the ground.”

She said further, weeping bitterly and uttering each word with great difficulty; “The young man, who had seduced me, was perhaps intoxicated with wine as he on his success in satisfying his carnal desire also lay a little further from me.”

“Suddenly”, said the young woman, “I became conscious of the presence of a dagger with him, snatched it from him and cut his throat there-with with all the force under my command. I then prayed to Allah thus:

“O Allah! Thou art the benefactor of all. Thou know well that I am a powerless woman and oppressed one. Thou also know that this man whom I have murdered has desecrated my chastity and I have only re-vengeed my disrespect and the loss of my chastity by this murder.”

“At the night fall”, said the woman further to Hazrat Ali (a.s.), ‘I somehow or other removed the corpse of the young man and placed it in the niche of the mosque.”

“After some time had passed over the incident,” said the young woman, “I felt that I was pregnant and after giving birth to the child I was bearing I also placed him at the same place where I had placed the corpse of his father, thinking that if I killed the child it would be another mistake.”

“This is my story,” concluded the young woman, addressing Hazrat Ali (a.s.) as the cousin of the Holy Prophet (s.a.w.a.).

Hearing the above story from the young woman Umar said aloud:

“I stand a witness that the Holy Prophet (s.a.w.a.) has said: ‘I am the city of knowledge and Ali (a.s.) is its gate’.”

“Also said the Holy Prophet (s.a.w.a.)”, further exclaimed Umar: ‘My brother Ali (a.s.) always talks what is correct’.”

Thereafter, Umar requested Hazrat Ali (a.s.) to advise him as to what was the next step to be taken in the case.

Hazrat Ali (a.s.) said to the young woman: “If you bring the old woman to us, she would be duly punished for the crime she has committed”.

The young woman said to him in reply: “O Ali (a.s.)! Give me three days’ time during which I shall try to make a search for her in the city and bring her to you, if I could catch hold of her.”

Hazrat Ali (a.s.) then said to the nurse: “Give this child to her mother”.

Thereafter, the woman took the child home and then went out again in search of the cunning old woman. Fortunately, the next day she saw her walking in one of the streets of Medina caught her and took her to Hazrat Ali (a.s.) by force.

Hazrat Ali (a.s.) asked the old woman if she knew the woman who had caught her and brought her to him.

The old woman refused and said that she did not know at all who she was.

Hazrat Ali (a.s.) then asked her if she was ready to take an oath to that effect to which she agreed.

Then Hazrat Ali (a.s.) asked her to put her right hand on the grave of the Holy Prophet (s.a.w.a.) and say what she had said before. But as soon as she put her hand on the grave of the Holy Prophet (s.a.w.a.) and took the oath, her face went jet black.

Then a looking-glass was brought and given to her under the orders of Hazrat Ali (a.s.) to see her face therein.

When the old woman saw her face in the looking glass, she began crying in penitence. Seeing this Hazrat Ali (a.s.) prayed to Allah that in case the old woman was true in offering her penitence to Him, may He allow her face to return to its original colour but her face remained as black as before.

Hazrat Ali (a.s.) then said to her, "How did you offer the penitence that it has not been accepted by Allah."

Thereafter, Umar ordered that she should be taken out of the city and stoned to death.[1]

[1] Qazaa, p. 201-204

25. If a Woman Commits Adultery and Destroys the Illegitimate Child

A woman committed adultery and then destroyed the child born thereby.

Ameerul Momineen Hazrat Ali (a.s.) ordered that she should be punished by one hundred whips and then she should be stoned to death.[1]

[1] Qazaa & Tehaa, p. 171

26. Murder of an Adulterer

It has been reported by Ibne Musayyab that once Muaviya wrote to him to enquire from Hazrat Ali (a.s.) as to what punishment should be awarded to a man who had murdered another man whom he had seen committing adultery with his wife.

In reply to the above enquiry Hazrat Ali (a.s.) said as follows:-

“If the man who was involved in adultery was a married one the murderer should be acquitted, because the man who has been murdered deserved the same punishment under the religious law.”[1]

[1] Manaaqib Shahr-e-Aashob, vol. 2, p. 200 through Abu Turab (Urdu) by Allamah Jazaari, vol. 2, p. 104

Part 5

Confession

1. Confession by a Man of having Committed Adultery

It has been reported by Sheikh Saduq (a.r.) that a man once came to Hazrat Ali (a.s.) and confessed that he had committed adultery and requested him to purify him of his sin, but Hazrat Ali (a.s.) turned his face to another direction.

The man stood up again and said: "O Ali! I have committed adultery".

Hazrat Ali (a.s.) again turned his face from his side to another direction and engaged himself in talking with some other people present there. But the man once again addressed Hazrat Ali (a.s.) in the same way, confessed again before him of having committed adultery and requested Hazrat Ali (a.s.) earnestly to purify him of his sin.

Hazrat Ali (a.s.) asked him: "Why are you saying this"?

"For purification of my sin", said the man.

At first Hazrat Ali (a.s.) said without addressing any man in particular, "Why people don't hide their own sins as Allah hides them from the eyes of other people?"

The second time when the man requested him again to purify him of his sin, Hazrat Ali (a.s.) remarked: "What else is there which is better than penitence?"

When the man stressed the point for the third time, Hazrat Ali (a.s.) told him that if he repeated his words of confession once again he would have to punish him as had been ordered by Allah. But when the man, despite the warning by Hazrat Ali (a.s.), repeated the words of confession once again, he asked him as to whether he was physically sound and if his brain was working all right and mind alfresco.

When the man replied in the affirmative, Hazrat Ali (a.s.) said to him, "All right, let me make an enquiry about the soundness of your brain at my own as you have told me now. Therefore you better wait a bit and come to me after some time when I have completed my enquiry."

After Ameerul Momineen Hazrat Ali (a.s.) had made his private enquiry about the soundness of the man's brain and it proved to be in proper form, the man appeared before him again and insisted on the punishment for his above mentioned crime and for his purification thereby.

Hazrat Ali (a.s.) then asked the people to gather next day outside Kufa with the condition that all of them had each a veil on their faces.

On the subsequent day when most of the residents of Kufa had collected outside the city of Kufa, Hazrat Ali (a.s.) addressed them as follows:

“O the people of Kufa! You have all collected and come here to witness this man to be stoned to death, but I bind you in the name of Allah to do so only if none of you has committed a crime for which punishment was necessary.”

Hearing the above words of Hazrat Ali (a.s.) most of the spectators left the scene. But according to the report of Kulaini (r.a.) only three persons were left on the scene. They were Hazrat Ali (a.s.) himself and his two sons, Hazrat Imam Hasan (a.s.) and Hazrat Imam Husain (a.s.).

When all other people had left, Hazrat Ali (a.s.) hit the man with a big and heavy stone first, sounding the words of ‘Takbeer’ (God is the greatest of all). Thereafter, Hazrat Imam Hasan (a.s.) and Hazrat Imam Husain (a.s.) hit him with stones turn by turn till the man was dead and his soul (in all probability) had reached paradise.

Thereafter, Hazrat Ali (a.s.) pulled the dead body of the man out of the ditch which was dug previously for the purpose of stoning him to death, brought him to the city of Kufa, led his funeral prayer and buried him.

When people asked him as to why he had not given him the last bath, Hazrat Ali (a.s.) replied as under: -

“The patience he manifested while being stoned to death gave him such a bath of purity that he did not require any bath thereafter.”[1]

[1] Behaarul Anwaar, vol. 9, p. 494 through Abu Turab (Urdu) by Al-lamah Jazaaeri, vol. 2, pp. 129-132

2. Confession by a Woman of having Committed Adultery

Similarly as already mentioned in the case of a man a woman also came to Hazrat Ali (a.s.) and requested him for purification from the sin of adultery she had committed.

When asked if she was married she replied in the affirmative.

Thereafter, Hazrat Ali (a.s.) asked if her husband was present in the city or had he gone on some journey.

To that question of Hazrat Ali (a.s.) she replied that her husband was present in the city.

The next question of Hazrat Ali (a.s.) was: "Are you pregnant?"

"Yes," promptly came the reply from the woman. Thereafter, Hazrat Ali (a.s.) said to her:

"Go now and come back to me after you have given birth to the child you are bearing."

When the woman had gone out of sight Hazrat Ali (a.s.) uttered the following words:

'O Allah! This was the one witness – the woman – who was just here and has given witness against herself."

After some time the same woman came to Hazrat Ali (a.s.) again and said,

"O Ali! I have already given birth to the child I was bearing. Now please purify me of my sin because I don't want to go to Allah without purification." Thereafter, the woman remarked:

"I believe the course and the pains of death in this world are far less than the pains in the world hereafter if one go there without purifying soul". Therefore, she added, "I prefer to be punished in this world for my sin and purified than to face the curse and pain of this sin in the world hereafter."

After hearing the above remark from the woman, Hazrat Ali (a.s.) said to the woman,

"Go and feed this child on your breast for complete two years as it has been ordered by Allah in the Holy Quran and then come to me thereafter."

When the suckling time was over, the woman in question came once again to Hazrat Ali (a.s.) and repeated her request for purification.

Hazrat Ali (a.s.) again asked her to go back and turn up again when her child was old enough to walk without the help of anybody else and was not apt to fall in any well or otherwise.

When the woman was going back with tears in her eyes she met Amr bin Harees who asked the cause of her crying. She related her story to him adding that as she was afraid of facing the punishment of her sin in the world hereafter she had requested Hazrat Ali (a.s.) to purify her in this very world.

Having heard her story Amr said to her: "I am prepared to take care of your child. Therefore, you go back to Hazrat Ali (a.s.) and request him once again for purifying you, telling him that I have taken charge of the child and will bring him up after you are stoned to death."

Happy with this situation she went back to Hazrat Ali (a.s.) again accompanied this time by Amr bin Harees who showed his willingness to bring up the child after the death of his mother.

Hazrat Ali (a.s.) said to Amr bin Harees:

"Curse of God be on you, O Amr bin Harees! I had shown her a way of escaping the punishment in this world as well as in the world hereafter, but you closed the door to that way. However now! You shall have to take care of and bring up the child as you have promised."

As it was quite apparent from the face of Hazrat Ali (a.s.) that he was too much angry with what Amr bin Harees had done. He – Amr bin Harees – therefore apologized to Hazrat Ali (a.s.) and wanted to take back his promise in question, but Hazrat Ali (a.s.) would not then agree to that. He instead asked the woman to repeat what she had said three times before about her committing adultery i.e., her husband was alive and present in the city when she had committed that offence, etc.

Hazrat Ali (a.s.) then addressed Allah thus:

"O Allah! I have examined this woman four times as witness against herself. You have said to Your Prophet, Muhammad (s.a.w.a.), that whoever rejected your order of punishment he or she is your enemy. You are witness to it that I have not rejected your order of punishment against any crime in any case including this one that I am not the one who rejects your orders and that I obey you in every way."

Thereafter, Ameerul Momineen Hazrat Ali (a.s.) went to the pulpit and asked Qambar to call people for prayers.

When people had come to the mosque for saying their prayers, Hazrat Ali (a.s.) addressed them as follows:

"Gentlemen, I want to punish this woman for adultery tomorrow morning behind the wall of the city. Therefore, you should all come there to stone her, but you should also take care that you have wrapped your faces to such an extent that you do not recognize one another among yourselves till you go back home."

The next day at the appointed time, it has been reported, people collected behind the back wall of Kufa as it was ordered by Hazrat Ali (a.s.) who was then a caliph. People had stones in the skirts of their garments and in their sleeves to stone the woman therewith. When the people were ready to stone the woman in question to death Hazrat Ali (a.s.) addressed them as follows:

“O the human beings! Allah has taken promise from the Holy Prophet (s.a.w.a.) that none who is himself punishable for any crime but has escaped it somehow or other would even punish another for his or her crime. Therefore, anyone of you who in his heart of hearts knows that he has himself committed some crime for which he has not been punished should not stone this woman.”

Hearing this all the people, except three left the scene. The three persons who remained on the scene were Hazrat Ali (a.s.) himself and his two sons – Hazrat Iman Hasan (a.s.) and Hazrat Imam Husain (a.s.) and it were they who stoned the woman in question to death.[1]

[1] Behaarul Anwaar, vol. 9, p. 493; Kaafi; Tehzib and Mahaasin of Barqi

3. An Innocent Murderer

A man was found in some ruins in the condition that sleeves were both turned up, he had a blood stained knife in his hand and the dead body of another man who appeared to have been murdered in cold blood was lying before him.

The man with the blood stained knife in hand, when questioned by the people who had seen and caught him, confessed to have murdered the deceased whose body was found lying before him.

The people who had caught him wanted to kill him but some of them suggested taking him to Ameerul Momineen Hazrat Ali (a.s.).

So the accused was brought to Hazrat Ali (a.s.) who asked him if he had already admitted his crime before the people who had caught him.

The man admitted before Hazrat Ali (a.s.) to have confessed his crime before the people, but denied to have murdered the man with whose body he was caught.

When Hazrat Ali (a.s.) ordered him to relate the full story of the case to him, he said:

“O Ameerul Momineen! I had sacrificed a goat near the river mentioned by the people but I had gone to the river only to urinate there as after sacrificing the goat I felt too much pressure on my bladder.”

Hazrat Ali (a.s.) asked him as to why then he had admitted to have murdered. The man replied that he had admitted to have murdered the man because if he did not, the people would have beaten him to death to extort confession from him.

Having heard the story from the accused Hazrat Ali (a.s.) asked the people to take him to Hazrat Imam Hasan (a.s.) for decision in the case.

When the people in question approached Hazrat Imam Hasan (a.s.) for judgement and related the story to him, he (a.s.) said,

“Tell Ameerul Momineen that the murderer has although murdered a man, yet he has also saved another from being murdered as has Allah said in the Holy Quran:

‘The one who has saved one life he is as though has saved the lives of all the human beings.’

“Therefore”, said Imam Hasan (a.s.),

“The order in such a case wherein another man has been caught in place of the actual murderer, the accused and the murderer both should be released”.

When the news of the above decision by Hazrat Imam Hasan (a.s.) reached Hazrat Ali (a.s.) he said:

“This was the only righteous judgement in this case”.^[1]

[1] Behaarul Anwaar, vol. 9, p. 498; Turaq-e-Hikmia, p. 55 through Abu Turab (Urdu) by Allamah Jazaari, vol. 2, pp. 141-142

4. Confession without going in Details

If someone admits to have committed a crime but does not name the crime he has, according to a decision of Hazrat Ali (a.s.), to be whipped till he names the crime for awarding the punishment therefore.[1]

[1] Waafi, vol. 9, p, 76

5. Conditions of Confession

Besides mentioning the perfect frame of mind, freedom to confess or not to confess and maturity as conditions of confession Hazrat Ali (a.s.) has also said:

“If an accused in some case of theft admits to have committed the crime in question, his hand is not to be cut off.”[1]

[1] Waafi, vol. 9, p. 64

Part 6

Cases of Theft

1. Hazrat Ali (a.s.) as a Plaintiff in the case of Theft of an Armour

Kulaini has reported in Kaafi authentically that once Hazrat Ali (a.s.) was sitting in the mosque of Kufa when Abdullah Tamimi passed before him with an armour. Hazrat Ali (a.s.) said to someone:

“Go and fetch that armour from him, because, I am sure, it belongs to Talha and it was stolen at the time of Jang-e-Jamal (the war of the Camel).”

When the man sent by Hazrat Ali (a.s.) asked Abdullah Tamimi to hand over the armour in question to him as was ordered by Hazrat Ali (a.s.) – who was the caliph then – Tamimi said to the messenger: “Qazi Shurayh is judge appointed by Hazrat Ali (a.s.) himself. Let him decide the cases between me and Hazrat Ali (a.s.).”

When the case was sent to Qazi Shurayh, he first asked Hazrat Ali (a.s.) to produce a witness. Hazrat Ali (a.s.) produced Hazrat Imam Hasan (a.s.) as a witness, but Qazi Shurayh did not accept only one witness and asked for two.

Then, Hazrat Ali (a.s.) produced Qambar as a second witness in the above case but Qazi Shurayh refused to accept Qambar as a witness under the plea that Qambar was a slave. But Hazrat Ali (a.s.) did not conform with the judgement of Qazi Shurayh and asked some people to take the armour from the person concerned by force, saying that the decision given by Qazi Shurayh was not only wrong but that he had slipped in one and the same case three times.

When Qazi Shurayh heard of that decision of Hazrat Ali (a.s.), he said to him, “Please explain as to how I have slipped in this case three times and until and unless you do not explain it to me I shall not sit as a judge in this court and will not decide any case hereafter in this or any other court.”

Then, Hazrat Ali (a.s.) explained the case to Qazi Shurayh as follows:

“I pity you, because I told you personally that the armour in question originally belonged to Talha but it was snatched from him during Jang-e-Jamal and that it was stolen thereafter. But you asked for evidence.”

Proceeding further Hazrat Ali (a.s.) said to Qazi Shurayh,

“Although in this case no evidence whatsoever was require because according to what the Holy Prophet (s.a.w.a.) has said anything which is snatched from the enemy during war is stolen and found with anybody later, it should be snatched at once without taking the case to a court of law as in such cases no evidence or witness was required at all. But

thinking that you might not have heard of that tradition of the Holy Prophet (s.a.w.a.), I produced Hasan (a.s.) as a witness, but you did not accept that and asked for two witnesses as required by the religious law forgetting again that the Holy Prophet (s.a.w.a.) had allowed acceptance of any one witness under such special circumstances.”

Proceeding further in his explanation of the case to Qazi Shurayh Hazrat Ali (a.s.) said to him, “The third mistake in the case you made was that you did not accept Qambar as a witness, saying that as he was a slave, his witness was not acceptable, but you forgot once again that according to a tradition of the Holy Prophet (s.a.w.a.) a slave who is otherwise of good character and has proved himself as such is acceptable as a witness.”

After Hazrat Ali (a.s.) had explained the case to Qazi Shurayh he dismissed him from his post and expelled him from the city but re-nominated him as a Qazi (Judge) after sometime thereafter.[1]

[1] Kaafi; Mataalibus Saul, p. 4

2. A Thief and a House-Wife

A thief entered a house with the intention of committing theft, but when he saw the house-wife his carnal feelings were roused and he raped her instead of stealing anything there from.

When the house-wife made a hue and cry, her son woke up and came to her help. The thief attacked him and killed him. Meanwhile, the house-wife who had become steady after the criminal attack of the thief on her attacked the thief from behind and killed him with some weapon.

Next morning the relations of the thief went to Hazrat Ali (a.s.) and requested him to penalize the house-wife for the murder of their relative. Their plea was that their relative – the thief – had apparently killed the son of the house-wife in his own defence, whereas she killed the thief intentionally to take revenge of the death of her son.

Hazrat Ali (a.s.) in turn got all of them arrested, made them pay the penalty of the murder of the young boy, i.e., the son of the house-wife to her.

Hazrat Ali (a.s.) also penalized them for the thief's raping the house-wife and ordered them to pay four hundred Dirhams to her therefore.[1]

[1] Qazaa & Tehaaa, p. 164

3. The Eight Thieves

Hars bin Hasira has described that he was once passing through some town when he saw a Negro, who had one of his hands amputated.

Hars bin Hasira says further: "When I asked the negro as to who had cut off his hand?" he replied, "The one who is the best of all creatures."

Proceeding further with his story Hars bin Hasira says:

"When I asked the Negro to describe to me what had happened to him he related his story to me thus:"

"We were eight persons who had taken to theft. One day we were arrested and taken to Hazrat Ali (a.s.) who asked us if we had committed theft and we unanimously replied in the affirmative, he enquired as to whether we knew that theft was forbidden by religious and when we admitted possessing the knowledge, he ordered for cutting off our hands."

The Negro proceeding further with his story related it to Hars bin Hasira as follows:

"But our hands were not cut off from the wrist as it is usually done in such cases but only four fingers of each hands of all of us were cut off, leaving the thumb and the palm."

"Then", said the Negro, "We were kept in a house where we were fed on pure Ghee and Honey and when we were allowed to go, Hazrat Ali (a.s.) gave us all fine clothes and said:

'If you offer penitence and abstain from committing theft henceforth, you would all go to paradise; otherwise you would all go to hell with your hands cut off'." [1]

Allamah Jazaari who has rendered the above story from Arabic into Urdu has added the following explanation to it:-

"In Islam the punishment for committing theft is the cutting off our hand. This is such a nice commandment of Allah in the "Holy Quran" that in almost all the cases the possibility of repetition of the offence ends therewith. Moreover a thief is always easily recognized thereafter and wherever this practice is in force people very seldom dare commit the offence."

"However", says the Allamah, "the question which arises with regard to the punishment itself is that whether the hand of the thief should be cut off from the wrist, the elbow or the forearm? Because the 'Holy Quran' is silent after the main verse in this regard i.e.,

"Cut off the hand of the thief, male or female."

Allamah explains, "Those who argue in favour of cutting off the hand of the thief up to the wrist only cite the verse of the 'Holy Quran'

wherein the word 'hand' applies up to that portion only, while some others cite another verse of the Holy Book regarding ablution the word hand precedes the words 'up to the elbow'."

"Therefore, the second group of theologians has recommended that the hand of a thief should be cut 'up to' the elbow, which in the Arabic language means 'including'.

Proceeding further with his explanation regarding the orders of Hazrat Ali (a.s.) for cutting off the hand of the thief by which only four fingers were cut off as in the case of the Negro, Allamah Jazaari of Lahore has reproduced[2] the account of an incident from Muntahiul Aamaal[3] relating the same question, which once took place in the court of Mo'tasim Abbasi, the Abbasid Caliph.

The incident described by the author of Muntahiul Aamaal and reproduced by Allamah Jazaari is as follows:

"Once a thief was produced in the court of Mo'tasim Abbasi and he admitted that he had committed theft."

"The Abbasid Caliph turned to the theologians then present at the time in his court and asked them as to what portion of the thief's hand should be cut off according to the religious law."

"One of the groups of theologians referred to the first verse of the Holy Quran mentioned above and another to the second also cited above. Then the Caliph consulted Imam Muhammad Taqi (a.s.) who also happened to be present at that time in his court, and asked him as to what he had to say in the matter."

The Holy Imam (a.s.) exclaimed:

"You have already heard what the two opposite groups of the theologians have said about it."

But the caliph said to him (a.s.), 'I want your opinion, Sir.'

Thereupon, the Holy Imam (a.s.) referred to the order of Hazrat Ali (a.s.) in that respect i.e.

"If only four fingers of the culprit are cut off, the commandment of Allah in the Holy Quran is fulfilled."

When called upon to explain how it was so, the Holy Imam (a.s.) elaborated the point as follows:

"In so far as the comments on the two verses of the Holy Quran by the theologians present here are concerned they are correct and quite relevant in their respective places, but the words of the Holy Quran which were kept in view by Hazrat Ali (a.s.) while awarding punishment to a thief were neither of the first verse thereof nor of the second but of

another verse which I submit, have escaped the sight of the honourable theologians present here.”

The Holy Imam (a.s.) recited the following verse of the ‘Holy Quran’:

“The parts (of the body) with which Sajdah (putting of head on the ground while offering prayers to Allah) is performed are all for Allah.”

Explaining the above verse of the ‘Holy Quran’ Imam Muhammad Taqi (a.s.) said to Mo’tasim Abbasi, the then Abbasid Caliph:

“If besides the forehead palms of both the hands are not used while performing ‘Sajdah’ the ‘Sajdah’ would be incomplete and consequently the prayers also. This is what is meant by ‘the verse I have just recited and completely followed by Hazrat Ali (a.s.) when awarding punishment to a thief i.e., cutting off only four fingers of his or her hand”.

When enlightened by the Holy Imam (a.s.) on the point of punishment to a thief, Motasim did not only agree with the views presented to him by the Holy Imam (a.s.) but liked them in as much as the thief concerned was awarded the punishment accordingly.

[1] Behaarul Anwaar, vol. 9, p. 498 through Abu Turab (Urdu) by Allamah Jazaari, vol. 2, pp. 111-12

[2] Abu Turab, vol. 2, p. 113

[3] Vol. 2, p. 234

4. The One whose Hand is amputated as Punishment for Committing Theft

As reported by Imam Ja'far Sadiq (a.s.) some thieves were brought to Hazrat Ali (a.s.).

The thieves admitted their crime and Hazrat Ali (a.s.) ordered for cutting off their hands and when the order was carried out he said to them:

“Your hands have gone to Hell. If you offer penitence and abstain from committing theft in future, you can get them out; otherwise they would pull you all therein.”[1]

[1] Waafi, vol. 9, p. 66

5. It is not Forbidden if one, in whose House enters a Thief and is ready to Fight, kills him

Said Ameerul Momineen Hazrat Ali (a.s.):

“If a thief enters your house and is ready to fight with you, kill him at once without caring for any thing at all; I am responsible for his blood.”[1]

A man once reported to Hazrat Ali (a.s.) that a thief had entered his house the previous night snatched the ornaments his wife was wearing and ran away.

Having heard the above report Hazrat Ali (a.s.) said to him:

“Had it happened with my son, Muhammad bin Hanafia, he would not have allowed him to run away without giving him a blow of his sword.”[2]

It has also been said by Hazrat Ali (a.s.) that Allah keeps enmity with the one who does not fight a thief who enters one’s house.

[1] Waafi, vol. 9, p. 31

[2] Waafi, vol. 9, p. 31

6. A Clever Thief who had Committed Theft One Hundred Times

Once a very handsome and well dressed young man belonging to the tribe of Bani Kauda, had committed theft one hundred times was brought to Hazrat Ali (a.s.).

Hazrat Ali (a.s.) addressed the accused as follows:

“You are a beautiful young man and are so well dressed. You also belong to a respectable tribe. Apart from that of your own you did not care for the respect commanded by your tribe while committing the theft. Your hand will now be cut off for the crime you have committed.”

When the young man accused of theft, heard the above speech of Hazrat Ali (a.s.) he hung his head low as if by shame and then said to Hazrat Ali (a.s.): “O Ameer al Momineen! For God’s sake take mercy on me. It is the first time to commit theft.”

Hazrat Ali (a.s.) said to him:

“Allah does not defame any person for the first time. Tell me truly how many times you have committed theft previously with the result that you have been finally arrested and your hand is now being amputated?”

Hearing Hazrat Ali (a.s.)’s speech thus, the young man burst into tears, caught hold the skirt of Hazrat Ali (a.s.)’s garment and said:

“O Ali! Take mercy on me and my family. I have to feed thirteen mouths. I am the only earning member in my family. If my hand is amputated, there will be none to take care of them and they would be left without any means of their livelihood.”

Hearing this Hazrat Ali (a.s.) bent his head for a little while and then lifting it said:

“Take the prisoner away and cut off his hand. We can’t help it.”

When the hand of the thief was cut off and he was presented before Hazrat Ali (a.s.) again, he himself said to Hazrat Ali (a.s.):

“I admit with great shame that I had committed theft 99 times before this. The present case makes my theft cases complete one hundred which has resulted in the cutting off my hand. Allah was allowing me time of which I have been taking undue advantage.”

Hazrat Ali (a.s.) then said to him:

“Verily Allah is forgiver and merciful. He does not punish one on the first mistake committed by one.”

Seeing this people rushed to kiss the hands of Hazrat Ali (a.s.) saying with one voice: "Allah save you, O Ali! Till a benefactor like you is with us we are quite safe".[1]

[1] Behaarul Anwaar, vol. 9, p. 493 through Abu Turab, vol. 2, pp. 116-117

7. Acquits an Accused who admits his Crime of Theft

A certain person came to Hazrat Ali (a.s.) and admitted before him that he had committed a theft.

Hazrat Ali (a.s.) asked him if he could read the Holy Quran.

The man said that he could read Surah Baqarah (the first of 30 parts of Holy Book of Allah).

Hazrat Ali (a.s.) said to him:

“I acquit you of the crime for the sake of that part of the Holy Quran”.

Hearing these words of Hazrat Ali (a.s.) Ashas bin Qais who happened to be present there at that time said to him: “O Ali! Do you want to suspend the order passed by Allah for this crime?”

Hazrat Ali (a.s.) replied:

O’ ye ignorant! You don’t know that an Imam who is just, can acquit the accuses who admit their crime themselves, but if they do not and two witnesses who are also just and of good moral character are produced against each of them, he cannot.”[1]

[1] Waafi, vol. 9, p. 78 through Abu Turab (Urdu), vol. 2, p. 118

8. Punishment for Committing Theft for a Second and a Third Time

A thief was produced before Umar. Umar punished him by cutting off his right hand.

The same thief committed theft again and Umar punished him by cutting off his left foot for committing the same crime for a second time.

The same man when brought before Umar with the accusation that he had committed theft again, he ordered that his left hand also should be cut off.

Hazrat Ali (a.s.) who happened to be present there said to Umar:

“You have already cut off his one hand and one foot. Now he would have to be imprisoned for life.”[1]

Hazrat Imam Muhammad Baqir (a.s.) has reported that Hazrat Ali (a.s.)’s decision for cutting the hand of a thief for committing theft for the first time, cutting his left foot for committing theft again and sending him to prison if he committed the same crime was based on his just policy of allowing the thief at least to walk, take his food, cleaning after going to privy, making ablution and offering prayers.

Having said the above, Imam Mohammad Baqir (a.s.) quoted Hazrat Ali (a.s.) saying as follows:

“I should feel ashamed of myself before Allah if I make him (a thief) incapable for using any part of his body. In case he commits theft repeatedly I shall send him to prison for life so that he may die there.”

Imam Mohammad Baqir (a.s.) also quoted Hazrat Ali (a.s.) saying that the Holy Prophet (s.a.w.a.) also never ordered for cutting off the second hand and the second foot for his committing theft for the third time but he sent him to prison thereafter.[2]

Allamah Jazaeri has in this connection also quoted Hazrat Imam Ja’far Sadiq (a.s.) on the authority of Hilal.

Says Hilal: “I once requested Hazrat Imam Ja’far Sadiq (a.s.) to kindly explain the secret of cutting off the right hand and the left foot of a thief if he commits theft twice and not the right hand and the right foot for punishing him for the first and the second case of theft against him respectively.”

The Holy Imam (a.s.) replied as follows:

“If some person is accused of committing theft twice and the case is proved against him as required by the religious law, his right hand and left foot are cut off for the first and the second offence respectively so that he could stand up by keeping balance of his body.”

Proceeding further in this respect, Hilal has recorded as follows: "When I requested the Holy Imam (a.s.) Kindly to elicit for my benefit as to how one could stand even with one foot and one hand, he explained it as follows:"

"The cutting off of one hand and one foot is not actually as you think it to be, because only four fingers of the culprit are cut off if the case is brought against him only once. But if he is charged and case is proved against him again his left foot is cut off but again not in the manner as you think as only a portion of the left foot is cut off starting from the heel to the rising of the back of the foot and it is left to the extent that he could stand and also offer his prayers and do other necessities of life."

"Only four fingers of the right hand are cut off so that he could make ablution and say his prayers properly." [3]

[1] Behaarul Anwaar, vol. 9, p. 478; Manaajib, vol. 2, p. 185 through Abu Turab (Urdu), vol. 2, p. 119

[2] Waafi, vol. 9, p. 65

[3] Waafi, vol. 9, p. 65 through Abu Turab (Urdu) vol. 2, pp. 120 and 121

9. Shroud Stealers

According to an order of Hazrat Ali (a.s.) a shroud stealer is also to be punished by cutting off his hand.[1]

Once a shroud stealer was brought to Hazrat Ali (a.s.), he (a.s.) caught him by the hair and threw him on the ground. Then he (a.s.) ordered people to trample him under their feet. Obeying the orders of Hazrat Ali (a.s.) people trampled him to death.[2]

On another time a shroud stealer was brought to Hazrat Ali (a.s.). He postponed his punishment to the coming Friday. On Friday after the prayers were over, he (a.s.) ordered the congregation to trample the shroud stealer under their feet, where after he was found dead.[3]

Explanation:

Punishment by cutting off the hand is awarded in the first and the second cases, but when sentence to death is found necessary the Imam is authorised to use his discretion i.e., to choose the way of his death.[4]

[1] Waafi, vol. 9, p. 67

[2] Waafi, vol. 9, p. 67

[3] Waafi, vol. 9, p. 67

[4] Allamah Jazaari

10. Slave Trade

A trafficker in children i.e., a man who used to pick up free children from the streets and then sell them as slaves was brought to Hazrat Ali (a.s.). He punished that criminal also by cutting off his hand.[1]

[1] Waafi, vol. 9, p. 67

11. The Stage when Punishment to a Thief is Necessary

A thief entered the house of some body, collected some articles to carry them away, but was caught by the people who had collected there after hearing the noise of the owner of the house or the house wife.

When he was brought before Hazrat Ali (a.s.) he said that cutting of his hand was not necessary, because he had not taken away the articles he had collected to carry away from the house.[1]

It was the practice of Hazrat Ali (a.s.) to punish the thief by cutting off his hand if he had stolen $\frac{1}{4}$ or more of a Dinar.

A Dinar is equal to 18 grams of gold.[2]

[1] Qazaa, p. 82

[2] Waafi, vol. 9, p. 61

12. Punishment for a Sharp Practiser — Pickpocket

(1) Hazrat Ali (a.s.) once said:

The punishment for a sharp practiser is not the cutting of his hand. We shall cut the hand of the one who steals something and goes underground and not of the one who snatches something from some body.

(2) A pick-pocket was once brought to Hazrat Ali (a.s.) with the accusation that he had picked the pocket of a certain person who had also accompanied him.

Hazrat Ali (a.s.) said to the people present before him, then:

“If he has picked the inner pocket of this man his hand would be cut off but in case he has picked the complainant’s outer pocket his hand would not be cut off.”[1]

Note: Hazrat Ali (a.s.) only beat them and sent them to prison.

Note by the Compiler

“It would be interesting to note in this connection a discourse in Arabic poetry between Abulula Moarri and Syed Murtaza Ibne Huda (brother of Syed Razi, the compiler of Nahjul Balagha) which we have rendered in English prose for the benefit of our readers.

Abulula: How is that the hand, the penalty whereof is five hundred Dinars, is cut off for $\frac{1}{4}$ Dinar only.

Syed Murtaza: The penalty has been fixed at a higher rate for the hand of an honest man, whereas a thief lowers its price by degrading it by dishonesty.

[1] Waafi, vol. 9, p. 64

13. A Thief who had snatched an Earring from a Girl

A man who had run away after snatching an earring from a girl was brought to Hazrat Ali (a.s.). Hazrat Ali (a.s.) said:

“He has not stolen but has snatched the earring.”

Thereafter, the Holy Imam (a.s.) beat the Thief and sent him to prison.

14. Committing Theft during Famine

It has been reported by Hazrat Imam Ja'far Sadiq (a.s.) that Hazrat Ali (a.s.) did not order for cutting off the hand of thief during a famine.[1]

Explanation

Allamah Jazaaeri of Lahore has explained the above order as follows:

According to the meaning derived from reports recorded through some other Imams it has been calculated that such judgements mostly had been delivered by Hazrat Ali (a.s.) only when somebody would have had stolen some articles of food only and that too, under compulsion of hunger during a famine otherwise he always awarded total punishment.[2]

[1] Waafi, vol. 9, p. 64

[2] Abu Turab (Urdu), vol. 2, p. 126-127

15. Plucking of Fruits from Fruit Trees for Food

Hazrat Ali (a.s.) did not also order for cutting hand of the one who had plucked a fruit from some fruit tree. Further, he said:

“If a person is passing by a fruit tree there is no harm if he plucks a few fruits from that tree for eating provided he or she does not destroy them”.[1]

A man who was found hiding under the cot of someone else was once brought before Hazrat Ali (a.s.) for punishing him for his above mentioned action. Hazrat Ali (a.s.) ordered:

“Take him to some privy and push him inside it headlong so that his face is spoiled in the rubbish therein and then release him’.[2]

[1] Waafi, vol. 9, p. 64

[2] Waafi, vol. 9, p. 53

Part 7

Cheating and Forgery

1. Cheating by Hanzala

When the Holy Prophet (s.a.w.a.) migrated from Mecca to Medina he left all the things with Hazrat Ali (a.s.) with the advice that they should be returned to those who had deposited them with him for keeping in safe custody.

Taking opportunity of this situation, Hanzala – the son of Abu Sufyan and brother of Moaviya – called Amir bin Wail Saqafi and said to him. “Go to Ali (a.s.) and tell him that you had deposited eighty Misqals of Gold with Mohammad (s.a.w.a.) and ask him to return that quantity of gold to you.”

In exchange of this cheating Hanzala promised to give Amir bin Wail a great reward and offered him a golden necklace belonging to his mother, Hinda. The necklace weighed ten Misqal and was very precious. Hanzala also offered Amir bin Wail Saqafi one hundred Misqal gold, besides the necklace.

Amir bin Wail was led away by this great offer which was made to him as an advance of the reward which Hanzala had promised to give him if he succeeded in his effort.

As advised by Hanzala, Amir bin Wail went to Hazrat Ali (a.s.) and asked him to return the eighty Misqals of gold which, he said, he had kept in the safe custody of the Holy Prophet (s.a.w.a.).

It may be mentioned here that the Holy Prophet (s.a.w.a.) had himself pasted a slip of paper on each and every thing deposited with him with the name of the depositor written legibly thereon.

Accordingly, Hazrat Ali (a.s.) searched for the eighty Misqals of gold alleged to have been deposited with the Holy Prophet (s.a.w.a.) by Amir bin Wail, but it was found nowhere among the other deposits all of which were quite safe and were being duly returned by Hazrat Ali (a.s.) to their owners.

Hazrat Ali (a.s.) then tried to make Amir bin Wail to tell him the truth by giving him a lecture on honesty and morality, but Amir bin Wail Saqafi would not listen to any such thing and insisted on the return of his deposit adding that he could even produce witnesses such as Abu Jehl, his son Akram, Aqba bin Moit, Abu Sufyan and his son Hanzala in support of his deposit and demand.

Hazrat Ali (a.s.) knew very well that Amir bin Wail was a cheat and that he was misled by the same persons whom he had named as witnesses of his deposit. He therefore, asked Amir bin Wail to produce the witnesses he had named.

The persons named above except Abu Jehl when asked by Amir bin Wail readily came as they had already agreed to it, to stand as witnesses in the case.

Hazrat Ali (a.s.) called Amir bin Wail first of all alone and asked him to tell him the time and day of his depositing what he had alleged to have deposited with the Holy Prophet (s.a.w.a.).

Having recorded that, Hazrat Ali (a.s.) called the witnesses one by one in the presence of Amir bin Wail and put the same questions to them, but their statements about the time and date of the deposit were all contradictory to one another.

Seeing this Amir bin Wail was very much confused and perplexed.

Hazrat Ali (a.s.) said to him:

“How is it with you? Why the colour of your face has changed altogether? How are you feeling?”

Amir bin Wail then admitted before Ali (a.s.) that he had deceitfully come to Amir to demand the deposit, because he had, as a matter of fact, deposited nothing with the Holy Prophet (s.a.w.a.). He then showed the necklace Hanzala had given him to play that fraud.

As the name of Hinda, the wife of Abu Sufyan, was clearly inscribed on the necklace, all the witnesses bent down their heads in shame including all the relations of Abu Sufyan, who happened to be present on the scene.

Hazrat Ali (a.s.) then asked some body to fetch his (Hazrat Ali (a.s.)’s) sword which was lying in a corner of the house. When the sword was brought to him, he showed it to Abu Sufyan and asked him as to whom it belonged.

Abu Sufyan recognized the sword at once and said that it belonged to his son, Hanzala.

When Hanzala was asked as to whom he had given his sword? He said to Hazrat Ali (a.s.) that he had given to his slave.

When asked as to where was his slave? He said that he had sent him to Taif for some work.

Hazrat Ali (a.s.) then said to Hanzala, “*You will never see your slave now.*” “Why?” asked Hanzala.

In reply Hazrat Ali (a.s.) took Hanzala, Abu Sufyan and other witnesses together with all other people present there at that time to a place on the skirts of the city of Mecca, dug the ground and brought out the slave of Hanzala who was buried a few feet deep therein.

All were surprised when they saw the dead body of the slave and asked Hazrat Ali (a.s.) as to what had happened to him.

Hazrat Ali (a.s.) told them that the slave of Hanzala was in hiding near that place and when he passed by it he attacked him under the orders of his master – Hanzala – but was killed in the fight and buried by Hazrat Ali (a.s.) himself at the dead of night.

Further, Hazrat Ali (a.s.) told the people that when the first trick of Abu Sufyan and his son, Hanzala, failed they tried to play a second i.e., they sent Amir bin Wail to him under a plot made by the father and the son to demand fraudulently from him eighty Misqal of gold saying that he had deposited that with his brother, the Holy Prophet (s.a.w.a.).

No sooner Amir bin Wail Saqafi heard that from Hazrat Ali (a.s.) he at once recited the Kalemah (there is no God but Allah and Muhammad is His Prophet) and thus embraced Islam as the light of the faith had dawned on him.[1]

[1] Behaarul Anwaar, vol. 2, p. 476 through Waqdi and Ishaq and Tabari; Manaaqib, vol. 2, p. 176 and Naasekhut Tawaarikh, vol. 2, p. 230 through Abu Turab (Urdu) by Allamah Jazaari, pp. 147-151

2. A Case of Forgery

During the Caliphate of Umar a man named Moin bin Zaeda got the seal of the Caliphate prepared fraudulently and affixing it to several forged documents received ample money from different parties. Finally he was arrested and presented before Umar as a prisoner. When Umar consulted his advisers, some of them counselled him to cut off the hand of the prisoner, while some others advised that he should be hanged in public, but Ali (a.s.) kept silent.

Having heard the advices of them all, Umar turned to Hazrat Ali (a.s.) and asked him: "O Abul Hasan! What do you say in the matter?" Hazrat Ali (a.s.) replied:

"It is a case of telling a lie therefore, he should be whipped on his naked body."

Umar accepted the advice of Hazrat Ali (a.s.) and ordered that the prisoner should be whipped hard and then sent to prison.[1]

[1] Fatuhul Balazai through Qazaa, p. 59

3. The Two Cheats

Ibrahim Alqami has reported in his book 'Ajach Qazaya' that there were two cheats who used to sell themselves to people as slaves in different cities one after another turn by turn.

When they were caught and brought to Hazrat Ali (a.s.), he ordered for the cutting of their hands saying that they had cheated themselves as well as the public.[1]

[1] Qazaa, p. 57, also Turuq-e-Hikmia by Ibn-e-Qaiyyum, p. 4, through Abu Turab (Urdu), vol. 2, p. 154

4. Cheating in Marriage

A man had two daughters one of them was from an Arab wife and the other from another wife who hailed from some country other than Arabia.

A young man contracted to marry the girl who was the daughter of the man's Arab wife. The marriage performed, he brought her to his house and paid her the dower.

The day after the night they had passed as husband and wife, he came to know that he was deceived by the father of his wife, who had married to him his other daughter instead of the one who was from his Arab wife and whom he had contracted to give to him (the young man) in wedlock.

When the case regarding that deceitful marriage was taken to Moaviya, he found it difficult as to how to decide the case and, therefore, referred it to Hazrat Ali (a.s.) who was then at Kufa.

When the case was presented before Ali (a.s.) he ordered the father of the girl to give his second daughter to the young man in marriage together with a dower equal to the dower the young man had paid to his first daughter. He also ordered the young man to divorce his first wife and live separate from her till the expiry of her probation period and then remarry her, if he liked. Besides, the father of the two girls was also ordered to pay the penalty for cheating the young man.[1]

[1] Mustadrak, vol. 2, p. 603; Manaaqib, vol. 2, p. 197; Naasekhut Tawaarikh, vol. 3, p. 738 through Abu Turab (Urdu), vol. 2, p. 155

5. An Impotent Man who married a Woman Deceitfully

An impotent man married a woman deceitfully. When the woman came to know of it, she took the matter to Hazrat Ali (a.s.) who separated them and ordered that he should pay to the woman, the amount of dower fixed at the time of the marriage.

Besides, Hazrat Ali (a.s.) ordered for the punishment of the man by whipping for his cheating the woman.[1]

[1] Wasail, vol. 2, p. 101

6. Marriage of a Woman with White Spots

A woman with white spots on her body was married to a man.

When her husband came to know of it, he took the matter to Hazrat Ali (a.s.) for a decision.

Ameerul Momineen Hazrat Ali (a.s.) ordered that the woman be paid her dower by her guardian and separated them, adding that as the man had married her without knowledge of the white spots, no dower was due to her from him.[1]

[1] Qazaa and Tehaa, p. 181

1. A Clear Order Regarding Drinking Alcohol

According to an order of Hazrat Ali (a.s.) if someone drinks once, twice or thrice he will be punished by eighty whips each time, but if he repeats the crime for the fourth time he will be beheaded.[1]

[1] Qazaa and Tehaa, p. 162

2. Deriving Wrong Meaning from the Verses of the Holy Quran with regard to Drinking

During the Caliphate of Umar Qudama bin Mazoon drank wine.

The Caliph wanted to punish him by whipping, but the accused Qudama recited the following verse from the Holy Quran:

“There is no harm if the believers and those who do good deeds eat and drink according to their (own) choice, provided they continue fearing Allah and doing good deeds.”

Having heard the above verse beautifully pronounced by Qudama as an argument in his favour, Umar forgave him and acquitted him of the charge of drinking.

When Hazrat Ali (a.s.) heard of it, he said to Umar:

“Qudama does not come under the definition of those who have been mentioned in the verse in question and therefore certainly not under declaration made therein as the very first words of the verse refers to those who do not lead a prohibited way of life and abstain from what has been forbidden by Allah.”

Proceeding further Hazrat Ali (a.s.) asked Umar as to how a person who does not care for the commandments of Allah could come under this declaration by Allah in the Holy Quran. Therefore, Qudama must offer penitence; otherwise he does not remain a Muslim and has to be beheaded.

When Qudama heard of this he came at once and offered penitence.

Umar hearing this well-argued point from Hazrat Ali (a.s.) wanted to punish Qudama for drinking, as he had already offered penitence for deriving wrong meaning from a verse of the Holy Quran, but he did not know the number of blows of whip to be struck on the body of a person accused of drinking. He therefore, consulted Hazrat Ali (a.s.) in the matter.

Hazrat Ali (a.s.) explained it as under:

“After drinking one becomes intoxicated and under intoxication one is edicted to slandering. As the punishment for slandering is eighty strokes of a whip, the punishment for drinking if calculated in this way amounts to the same number of strokes by a whip i.e., eighty strokes.”

Umar punished Qudama accordingly.[1]

[1] Behaarul Anwaar, Vol. 9, p. 4

3. Drinking during the Holy Month of Ramazan

It has been reported by Kulaini (r.a.) on the authority of Jabir (r.a.) that once the poet Najjashi was brought to Hazrat Ali (a.s.) with the accusation that he was found drunk during in the Holy Month of Ramazan.

The accusation when proved, Hazrat Ali (a.s.) ordered for whipping the poet by eighty lashes which was carried out.

The next morning the poet was ordered for another twenty lashes. When Najjashi asked Hazrat Ali (a.s.) the cause of the extra twenty lashes as the order of the Holy Quran in such cases was only eighty, the Holy Imam Hazrat Ali (a.s.) replied:

“Twenty for discarding the respect of the Holy Month of Ramazan”.[1]

[1] Qazaa, p. 40

Part 8

Murders

1. The Murder of Husband

It has been reported by Asbagh bin Nabata that a woman had illicit relation with a man when she was married to another man. She, on the very first night of her marriage, induced her lover to come stealthily in her private room. When her husband wanted to go to bed with her, her lover attacked him, but her husband did not only repulse the attack but also killed him in the fight which ensued thereafter. Seeing this, the woman attacked her husband from behind and killed him. When the case was brought to Hazrat Ali (a.s.), he gave the decision that the blood-money for the murder of the first man, that is, the lover of the woman should be paid by herself and she should be stoned to death for the murder of the second man, that is, her husband.[1]

Allamah Jazaeri of Lahore has added the following note to the above judgement: "The great scholar Allamah Syed Mohsin Aamli has said with regard to this Judgement that it has been reported in the same words as quoted above, but according to the religious law the compensation for the murder of the lover of the woman was not due from her, because he had come to the house of her husband, who killed him in his defence at his own will and on his own feet."

What Ailama Syed Mohsin has said may be correct, but the blood money was, as a matter of fact, due from the woman in question because it was she who had induced her lover to enter her bed-room at the dark of night which was otherwise impossible, hence the above decision by Hazrat Ali (a.s.).[2]

[1] Manaaqib Shahr-e-Aashob, vol. 11, p. 200; Turaq-e-Hikmia, p. 50

[2] Abu Turab, vol. 2, p. 54

2. If Several Persons Are Involved In A Murder Case

It has been recorded in Ajaeabul Ahkam that a man was murdered by his step-mother with the help of several men. When the case was presented in the Court of the then Caliph, Umar he could not decide as to whether only the woman in question had to be punished for the murder of her son or her accomplices had also to be punished with her therefore. Hazrat Ali (a.s.) who was present in the Court of Umar at that time asked him if several persons were involved in the theft of a camel would be cut the hand of only one thief or the hands of all the thieves involved in one and the same theft case. Umar's reply being that the hands of all the camel stealers had to be cut in that case. Hazrat Ali (a.s.) advised him that the same decision would apply to all such identical cases.[1]

Fazal Ibne Yasir once put a question to Hazrat Imam Muhammad Baqir (a.s.) that in case ten persons murder jointly another person what was the punishment for them all? According to Fazal Ibne Yasir Hazrat Imam Muhammad Baqir (a.s.) had replied that it was upto the inheritors of the murdered to kill all of the ten persons or to kill only one, but in the previous case they had to compensate the blood of the nine accomplices of the actual murderer. In the latter case all the nine persons would pay 1/10th each of the blood-money to the inheritors of the murdered man. Thereafter the authority concerned would give them a warning and would imprison them according to the provision of law.[2]

After quoting the above reply of Hazrat Imam Muhammad Baqir (a.s.) from Waafi, Allamah Jazaeri has provided the following explanation thereto: -

A question arises that when there is a provision in the religious law for the killing of all the persons involved in a murder case why then compensation on the part of the persons other than the actual murderer is allowed. The answer to the above question is that the loss on the part of the inheritors of the murdered is that of one person only which is duly compensated by putting to death the murderer. Therefore, compensation on the part of his accomplices is allowed, otherwise the penalty would be ten times of the actual penalty fixed by the law of the religion. As far as putting to death all of them is concerned it is also correct – according to the provisions of the same law, because they all committed the crime of the murder jointly.[3]

[1] Kaafi; Tehzeeb; Qazaa and Teha-e-Ameerul Momineen, p. 84

[2] Waafi, vol. 9, p. 90

[3] Abu Turab, vol. 2, p. 56

3. A Man Killed By His Step Mother

It has been reported in 'Ajaaibul Ahkaam' that the stepmother of a man had got him murdered with the help of several other men.

When the case of the above mentioned murder was brought to Umar who was then Caliph, he thought whether only one person was to be punished for that crime or all who were involved therein.

Hazrat Ali (a.s.) who was present at that time in the court of Umar asked him if several people had stolen a camel how many of them were to be punished by cutting their hands?

"I shall punish them all".

"Similar is this case," said Hazrat Ali (a.s.)[1]

[1] Kaafi; Tehzib; Qazaa and Tehaa, p. 84

4. Punishment of Killing, Helping the Killer and Seeing Some One Killed

Haji Nasai (r.a.) has carried from 'Ajaabul Ahkaam' that Hazrat Ali (a.s.) once awarded the punishment to a killer, a helper of the killer and the one who saw the person being killed as follows: -

1. Killer was killed in place of the murdered one.
2. The helper was imprisoned for life.
3. The man who saw the crime being committed was made blind.[1]

[1] Behaarul Anwaar, vol. 2, p. 254; Manaaqib vol. 2, 196; Taraq-e-Hikmia p. 50

5. One who is saved by Allah

A man murdered the son of an Ansari. The father of the murdered boy caught hold of the murderer and brought him to Umar, who allowed the Ansari to kill the murderer by sword as his son was killed.

The Ansari gave two strokes of his sword on the neck of the murderer and thinking him to be dead went away from the scene.

The relations of the murderer who wanted to take his corpse for burial found him still breathing.

They took him to some surgeon who succeeded in saving his life with great efforts.

When this man who had murdered once saw him walking through a street, he caught hold of him again and brought him to Umar.

Umar ordered for his punishment again till he was dead.

Hazrat Ali (a.s.) asked Umar,

“Had you not ordered for his punishment to death once before?”

“Yes”, said Umar, “but as he is still alive, he should be struck with sword again till he is dead.”

Hazrat Ali (a.s.) said to Umar why twice? The Ansari who struck him before with his sword twice, was satisfied therewith and had left him thinking him dead. He was punished as far the punishment under law was concerned. It would be a crime to punish him for the same crime again and again.”

Umar was thinking over what Hazrat Ali (a.s.) had said when the Ansari said to him: “O Ali! You are allowing the blood of my son to go in vain.”

“How?” enquired Hazrat Ali (a.s.)

“You are allowing the murderer to go away free before I have avenged the murder of my son.”

“*Alright*”, said Hazrat Ali (a.s.), “*let him strike your neck twice with his sword as you struck him before as penalty, then you strike him as many time with your sword as you like till he is dead.*”

The Ansari hearing this became afraid of the result, forgave the man involved in the murder of his son and went away.

Thereafter, Umar said to Hazrat Ali (a.s.), “All praise is for God O Abul Hasan! You are mercy personified from Ahlul Bait. Had not there been Ali, Umar would have been ruined.[1]

[1] Naasekhut Tawaarikh; Manaqqib, vol. 00, p. 187

6. The Murder of Son

According to Hazrat Ali (a.s.)'s judgement if father murders his son he will not be killed as punishment therefore, but in case a son murders his father, he will be killed.[1]

Note: - The punishment for the father in a case of murdering his son would be whipping and exile.[2]

[1] Waafi, vol. 9, p. 93

[2] Allamah Jazaari

Part 9

Other Punishments

1. Playing of Chess

Once Hazrat Ali (a.s.) was passing by a place where people were playing chess. He asked as to what they were playing with.

When the people told Hazrat Ali (a.s.) it was chess and explained the game to him, he punished the players by making them stand in the scorching sun.[1]

[1] Qazaa & Tehaa, p. 172

2. Magic

Hazrat Ali (a.s.) has reported from the Holy Prophet (s.a.w.a.) who said:

If two persons stand witness to the fact that somebody has indulged in magic, judge who is just and of proved good moral character can punish him by sentence to death.[1]

[1] Waafi, vol. 9, p. 69

3. Arson

A man was brought to Hazrat Ali (a.s.). He had set on fire the house of another man under malice Hazrat Ali (a.s.) ordered the accused to pay a fine equal to the cost of the house and the effects of the house-hold. Then he ordered that he should be beheaded.[1]

[1] Waafi, vol. 3, p. 122 through Abu Turab (Urdu), vol. 2, p. 189

4. Punishment for Several Crimes in One and the Same Case

A man was once brought to Hazrat Ali (a.s.) who had committed three crimes successively i.e., murder, theft and drinking.

Hazrat Ali (a.s.) ordered for his punishment in the following order:

1. Eighty strokes of a whip for drinking.
2. Cutting hand for theft.
3. Beheading for murder.[1]

[1] Qazaa & Tehaa, p. 183 through Abu Turab (Urdu), vol. 2, pp. 189-190

5. Slander

It has been reported by Imam Ja'far Sadiq (a.s.) that the punishment awarded by Hazrat Ali (a.s.) for slandering was whipping ordinarily, but when the crime went to the extent of false imputation he used to award full punishment therefore.[1]

[1] Waafi, vol. 9, p. 74

6. Fore-Warning

According to an order of Hazrat Ali (a.s.) if an accused involved in a case wherein one or more parts of someone's body are damaged or destroyed or one is even killed, no penalty is due from him if he has given a caution before accident such as in games.[1]

[1] Waafi, vol. 3, p. 123 through Abu Turab, vol. 2, p. 194

7. Insanity in Crimes

Muhammad bin Abu Bakr once wrote to Hazrat Ali (a.s.): “An insane man has committed murder intentionally. Please write to tell me as to what punishment should be awarded to that man?”

Hazrat Ali (a.s.) wrote back to him:

“The responsibility for paying penalty for the murder rests with the tribe of the insane man, because the mistake and intention of a mad man are equal to each other.”

8. Punishment as Reprimand or Warning

According to a report by Asbagh bin Nobata, Hazrat Ali (a.s.) never suspended punishment even in the cases of minor children before maturity and slaves, but the punishment varied according to the ages of children and the quality of crime in case of slaves, but that too, was awarded as a warning to save them of major punishments in future.[1]

[1] Qazaa & Tehaa, p. 164; Waafi, vol. 9, p. 66 through Abu Turab (Urdu), vol. 2, pp. 195-199

9. Punishment of Sodomy

Once Khalid bin Valeed wrote to Abu Bakr that there was a man who was in the habit of getting the act of Sodomy committed on him. Abu Bakr who was the caliph then asked for Hazrat Ali (a.s.)'s advice in the matter saying that the Arabs viewed the cutting of a person into pieces a very bad thing. Hazrat Ali (a.s.) advised that the man in question should be burnt to death. The punishment was carried out accordingly.[1]

Similarly during the caliphate of Umar two men were seen committing the act of sodomy. When apprehended, one of them ran away, but the other was caught and brought to the court of the caliph.

Umar when sought advice of the people in the matter, all of them first remained probing in the darkness and then proposed different punishments to be awarded to the accused. Umar then turned to Hazrat Ali (a.s.) and asked for his advice in deciding the case according to the ecclesiastical law. Hazrat Ali (a.s.) advised the caliph to behead the man. When the punishment was carried out according to the advice of Hazrat Ali (a.s.) and under the orders of Umar and the body of the accused was being carried away, Hazrat Ali (a.s.) stopped the people and said that there was another punishment yet which was to be awarded to the man who had committed such a serious crime. He then ordered the people to collect firewood and burn the dead body of the man thereby. The orders of Hazrat Ali (a.s.) were accordingly carried out with the consent of the caliph – Umar.[2]

Ameerul Momineen Hazrat Ali (a.s.) has said that had the stoning to death been allowed by the religion twice in one and the same case the sodomite would have been put to death by stoning twice.[3]

[1] Arjahul Mataalib, p. 126

[2] Waafi, vol. 9, p. 51

[3] Waafi, vol. 9, p. 50

10. The Story of Hazrat Lut (Lot) (a.s.)

Syed Nematullah Jazaari has recorded the story of Hazrat Lut[1] (a.s.) in his Qasasul Anbiya as follows:-

Hazrat Lut (a.s.) was a cousin brother of Hazrat Ibrahim (a.s.) as well as his brother-in-law, because Hazrat Saarah (a.s.) was his real sister. In Kitab-e-Sawaab-e-Aamaal it has been recorded on the authority of Hazrat Imam Muhammad Baqir (a.s.) that the nation called Lut after the name of Hazrat Lut (a.s.) was much ahead of all other nations of the time in so far as good deeds and devotions are concerned. Seeing this Satan who is a dead enemy of the mankind (especially the pious ones) became much more jealous of them and tried to pull them down in the eyes of Allah. He therefore made a plan for the purpose. He first used to disturb their household articles when they were away from their residential places for work. They therefore dithered together once and invited suggestions as to how to put an end to the trouble once and for all. For this they unanimously decided to look for the intruder from a distance first and then to catch and punish him therefore. The subsequent day they saw from their hiding places that the intruder was a beautiful boy. When they caught him red-handed, he made a confession to the effect that it was he who used to disturb their household articles every day. As night had fallen, they gave the boy in the custody of a man for awarding him a deterrent punishment the next morning. The man took the boy home and laid a separate bed for him to sleep in. But the boy started crying at midnight. When the man asked him the reason thereof, he said he was not used to go to bed at night alone but invariably slept on the chest of his father in one and the same bed. The man was moved on this utterance and allowed him to sleep on his, chest out of sympathy. But the cunning Satan who had taken shape of a handsome boy would not naturally stop at that. He raised the carnal passions of the man to the highest possible pitch and compelled him through so many ways to indulge in the act of carnal copulation with him against nature. But early next morning Satan disappeared, leaving the man only to tell his comrades as to what had happened between him and the boy during the night. This, instead of a warning for others, unfortunately proved to be an encouragement which ultimately led them all to the path of sodomy and they followed it so passionately that crossing the limit of satisfying their carnal desires against nature with one another of their own nation, they began stopping the caravans from far off lands and ransacking them they chose pretty young boys from among the others in each of them. This introduced

sodomy to other nations also. But the Satan would not stop even at that. He introduced Sahq. [2]The women folks whom their husbands had left to burn in the fire of eternal separation fell easy prey to this inducement. Hazrat Lut (a.s.) made all possible efforts to dissuade his nation from the un-natural acts they had been indulged in but they did not avail of. Then the opportune time for the curse of Allah reached nearer.

One day, when Hazrat Lut (a.s.) was working in his fields he saw three extremely good looking boys passing by that side. He asked as to whom they were and where had they come from? To which they replied that they had come to the head of his nation under the orders of their master. Thereupon, Hazrat Lut (a.s.) asked them as to whether they were aware of the bad habit of his nation and thereafter apprised them thereof, and also tried to dissuade them from going to the town, but they would not agree arguing that they had to obey the orders of their master. Now these three most beautiful boys were actually the angels – Gabriel, Mikaael and Israafil – and were sent to earth by Allah. When they insisted on going to the town and pass through the crowded street, Hazrat Lut (a.s.) made the offer to take them to his house which was in the centre of the town when it was a little dark after sun-set to which they agreed. But when they were going to the house of Hazrat Lut (a.s.), they insisted on passing by the main centres and through the crowded streets of the town as, they said, that was the order of their master and they actually did what they had said despite the repeated warnings of Hazrat Lut (a.s.).

In the meantime, the Satan had played another mischief. He had pushed the child of a neighbour of Hazrat Lut (a.s.) in the well near his house and the people of the vicinity had collected there to pull the child up. When they saw the three angels who were in the form of extremely beautiful boys accompanying Hazrat Lut (a.s.) they said unto him. “So at last you have also followed suit and started practising sodomy like all of us. But while we congratulate you on coming to our fold, could we ask you as to what will you do with all these three boys. Keep one for you and let us have the other two”. Hazrat Lut (a.s.) pleaded with them to his best saying that **“his daughters[3] were a better lot for them than the boys who were his guests and should not (therefore) be molested”[4]**, but no argument worked with the addicts of sodomy.

Seeing no way out, Hazrat Lut (a.s.) pushed the angels into a room and locked it from outside, but this last resort also did not bear any fruit, as the crowd broke open the door and attacked Hazrat Lut (a.s.). Then, Hazrat Jibrael (a.s.) threw a handful of dust into their eyes, which made

them blind. The angles then disclosed their identity to Hazrat Lut (a.s.) and said to him:

“You leave this place during the night with all your household people without turning back your faces. You will all be saved (by Allah), but not your wife who shall face the same curse as others.”[5]

When Hazrat Lut (a.s.) asked the angels as to when the curse was to befall on his nation, they replied that that was to happen in the morning. “Why not now?” asked Hazrat Lut (a.s.) to which the angles replied,

“The curse is promised in the morning. Is not the morning near (at hand)?”[6]

When the time of curse came, the wrath of Allah befall on them. It has been described in the Holy Qur’an thus: -

“When the time of Our command (curse) approached, we turned the (whole) inhabitation upside down and rained rough stones on it”.[7]

The state of the raining of stones was such that even those who were outside the town could not escape it. The wife of Hazrat Lut (a.s.), was running after him. When the worst curse sounded in her ear she turned her face back and cried loudly, “Oh My nation!” The very moment a stone hit her and she was lying like a dead mackerd in the debris. Her crime was that she was a double faced woman and conveyed what her husband said about his enemies.

However, this was a gist of a long narration relating to the nation of Hazrat Lut (a.s.), of which there is a mention at several places in the Holy Qur’an as a warning for the coming generations of man-kind. It is also a manifestation of the fact as to how serious is the crime of sodomy.

Hazrat Imam Ja’far Sadiq (a.s.) has said:

“None from among men, who considers sodomy a correct action and having religious sanction, passes his life on earth without being hit by one of the stones from Allah by which He hit the nation of Lot, and he dies of it, but the people do not see it”.[8]

[1] This story is being reproduced here, for it is an eye-opener and throws light on the seriousness of the crime in question before Allah as well as it provides justification for the punishment awarded by Hazrat Ali (a.s.) therefore.

[2] Carnal copulation between two women against natural means

[3] Baizavi and other Mufasserin have explained that by the word ‘daughters’ occurring in the Holy Qur’an, Hazrat Lut (a.s.) had meant the daughters of his Ummat.

[4] Al Qur’an

- [5] Al Qur'an
- [6] Al Qur'an
- [7] Al Qur'an
- [8] Qasasul Ambiya, p. 162

11. Punishment of Sahq

A group of people came to Hazrat Ali (a.s.) to get an ecclesiastical problem solved by him. As Hazrat Ali (a.s.) was not present at the moment and they were about to go back when Hazrat Imam Hasan (a.s.) asked them as to what the problem was adding that he would try to solve it with the condition that in case he was correct in the solution thereof it would be deemed to have been solved by Allah and the Ameerul Momineen Hazrat Ali (a.s.) and if he went wrong therein the responsibility would be only his. He also said that Hazrat Ali (a.s.) was about to reach the place, but if they narrated the problem to him, he was sure to solve it (by the Grace of Allah) correctly. The people thereupon narrated the problem to him as follows:

“A man copulated with his wife whereafter she copulated with a virgin whereby the virgin girl became pregnant obviously with the creative germs of semen of the man which were still in her womb.”

No sooner Hazrat Imam Hasan (a.s.) heard the problem, he said to the effect that the dower of the virgin should be exorted from the wife of the man, because no child is born unless the curtain of virginity in the uterus of a woman is already removed. Thereafter, he advised them to wait till after the birth of the baby when her mother would be punished according to provisions of the religious law. The baby after she is born, he said, was to be handed over to her father, the husband of the woman concerned, who (the woman) would be stoned to death as provided in the religious law.

After this decision by Hazrat Imam Hasan (a.s.) the people in question returned to their respective places, but while going back they met Hazrat Ali (a.s.) and apprised him of the decision of Hazrat Imam Hasan (a.s.) in their case. When Hazrat Ali (a.s.) heard of the decision of Hazrat Imam Hasan (a.s.), in such difficult case he exclaimed: “By God, had you met Abul Hasan (meaning himself), he would have nothing to say in the case except what Hasan has said.”[1]

[1] Waafi, vol. 9, p. 52; Wasaael, vol. 3, p. 438; Mustadrak, vol. 3, p. 254

12. Doubtful Cases Regarding Sahq and Sodomi

An explanation

Hazrat Imam Ja'far Sadiq (a.s.) has narrated that whenever two men or two women were presented before Hazrat Ali (a.s.) with the accusation that they were found under a sheet in objectionable state, he issued orders for a part of the full punishment provided by law in such cases for their being doubtful.[1]

The part of the full punishment in such cases as will appear from the following report is thirty whips to ninety-nine whips provided the crime is not actually committed and the case remains doubtful, otherwise full punishment will have to be awarded as provided in the religious law.

[1] Waafi, vol. 9, p. 47

13. A Further Explanation

A man requested Imam Ja'far Sadiq (a.s.) to kindly explain if there was any harm in two men sleeping together under one and the same sheet. Imam Ja'far Sadiq (a.s.) asked him to clarify as to whether they were related to each other. Getting the reply from the questioner in the negative, he (a.s.) asked if they had slept together under the pressure of any necessity, i.e., there being only one sheet available with them. When he (a.s.) got the reply from the man again in the negative, he (a.s.) said that both of them would be punished by thirty whips each. The man then asked as to what the religious law said in the matter had they committed the crime in question? *"In that case"* replied Imam Ja'far Sadiq (a.s.), *"both of them would be sword cut on the neck to the extent it goes into the neck in one blow."* Thereupon the man exclaimed that, that could result in the murder of the men in question. To that the Imam (a.s.) replied that was the law.

The man then asked as to what was the law if two women were involved in such a case. Hazrat Imam Ja'far Sadiq (a.s.) repeated the above two answers in that case also and when he was asked as to what would the law say had the women committed carnal copulation with each other, he (a.s.) exclaimed,

"Oh! In that case both of the accused women would be stoned to death."[1]

Explanation

It should be realised that Sahq and sodomy are such grave and serious crimes against humanity that the Muslim law has provided equally deterrent punishment therefore and has totally prohibited sleeping of two men or two women together except in very special cases as mentioned above – Compiler.

1. Imam Ja'far Sadiq (a.s.) once ordered that two women should not sleep together unless there was a certain relation between them. If they do it they should initially be warned, but in case they insist thereon they should be punished therefore. And if they repeat the same action for the fourth time they should be stoned to death.[2]

2. Imam Ja'far Sadiq (a.s.) was once asked by some women about the punishment of carnal copulation between two women. He replied that the punishment for such a crime was just the same as has been ordained by Allah in the Holy Qur'an for adultery i.e. one hundred whips for an unmarried woman and stoning to death for a married one. And when those women said to the effect that there was no mention of such a

case in the Holy Qur'an, he exclaimed: *"Why not" "The people of Ras[3]" occurring in the Holy Quran indicated the persons who were indulged in this very crime.[4]*

[1] Waafi, vol. 9, p. 48

[2] Abu Turab, vol. 2, p. 176

[3] 'Ras' was the name of a channel near which 'Ashab-e-Ras' mentioned in the Holy Qur'an were residing before their complete destruction for committing the crime mentioned above – Compiler.

[4] Waafi, vol. 9, p. 52

Part 10
Compensation and Penalties

1. If a Woman aborts after she is beaten

A certain person beat a woman, who aborted in the shape of 'Alqa', Hazrat Ali (a.s.) fixed its compensation at forty Dinar.[1]

Explaining he (a.s.) said that the penalty for abortion in various forms according to the command of Allah in the Holy Quran is:

Penalty for Nutfa (time of Contact of the worms of production)	20 Dinars
Penalty for Alqa	40
Penalty when it is in the shape of flesh and blood	60
Penalty for full structure before taking shape	80
Penalty after the structure takes human shape	100[2]

[1] Qazaa, p. 163

[2] Qazaa, p. 43; Abu Turab, vol. 2, pp. 220-223

2. The Loss of an Eye

A certain man who was one-eyed was once presented before Aimr-ul-Momineen Hazrat Ali (a.s.). He had lost his second eye by hitting by someone else. The penalty for this fixed by Hazrat Ali (a.s.) was that either the person concerned should be ready to lose one eye and pay half penalty of 500 Dinars or he should pay full penalty and save his eye, the choice being his own.[1]

[1] Qazaa, p. 43

3. Penalty for a Single Part of the Human Body and Life

Life	10000 Dinars
Sight	1000
Power of Hearing	1000
Nose	1000
Power of Talking	1000
Both Lips	1000
Both Hands	1000
Feet	1000
Backbone	1000
Testicles	1000
Male Organ	1000
Hips, if urine or stool become uncontrollable	1000

The penalty for parts which are in pair is 1000 Dinars and for one part of the pair is 500 Dinars, but testicles and lips are exempted from this because the penalty for the upper lip is 500 Dinar, but the penalty for the lower one is 600 Dinars. Similarly the penalty for the right testicle is 2/3 of the full penalty and for the left it is 1/3 thereof.

Explanation

1. The lower lip helps prevent the food or any liquid coming out of the mouth.
2. The right testicle helps the birth of a male child.[1]

[1] Wasaael - Kitab Diyyat

4. Compensation for Wounds on the Head

If it only bleeds	10 Dinars
If some bone becomes visible	50
If bone comes out	150
If the attack reaches the brain	333-1/3 Dinars[1]

[1] Waafi and Wasaael - Kitab Diyyat

5. Penalties for the Face

If mouth becomes visible	200 Dinars
If the wound defaces any part of the face after healing	50
If the wound reaches the jaw	150
If both the cheeks are pierced	100
For an infillable hole in one of the cheeks	100
If a bone is cracked or fractured	80
If some bone becomes visible by a wound	150
If flesh above one Dirham or more is removed	30
If the wound becomes a mark	12½
For an ordinary wound	10

6. Penalty for a Slap

If the cheek goes black 6 Dinars

If it goes blue 3

If it becomes red $1\frac{1}{2}$

7. Penalty for Teeth

If a tooth is completely uprooted	50 Dinars
If it goes black and the same condition continues for one year	50
For shaking of a tooth	50
For a black (Worm-eaten) tooth	12½[1]

[1] Wasaael & Waafi

8. Lobes and Nostrils

For cutting the lobe $666\frac{2}{3}$ Dinars

For burst in the nostril $333\frac{1}{3}$

9. Collar-Bone

For fracture	40 Dinars
For burst	32
If the bone becomes visible	25
If bone comes out by fracture	20
For a hole	10

10. Beard

If the beard could not grow again 1000 Dinars

If it grows again $333\frac{1}{3}$ Dinars

11. Shoulder

If correctly fitted after fracture	100 Dinars
For a burst	80
If the bone becomes visible	25
If the bone is removed	50
For a hole	25
If not fitted after fracture	333-1/3 Dinars
For dislocation	30 Dinars

12. Arm

For fracture	100 Dinars
If the bone becomes visible by a wound	25
If the bone is removed	50
For a hole	25

13. Elbow

If fitted after fracture	100 Dinars
For a burst	32
If bone becomes visible	25
If bone is removed	50
For a hole	25
If not fitted after fracture	333-1/3 Dinars
For dislocation only	30 Dinars

14. Wrist

If fitted after fracture	100 Dinars
For a burst	80
If bone becomes visible	25
If the bone is removed	100
For a hole	25
If the wound reaches the bone	50
If the forearm is fractured	50
For fracture of the wrist	100

15. Hand

For fracture	100 Dinars
For visibility of bone	25
If the bone is removed	50
For a hole	25
If the wound reaches the bone	100
For dislocation	166-2/3 Dinars

16. Thumb

The thumb has two parts, the upper and the lower and for each part there is a different penalty:

If the upper part is fractured and fitted again	16-2/3 Dinars
For a burst	13-1/3
If the bone becomes visible	4-1/6
If the bone is removed	5
For a hole	4-1/6
If the lower part is fractured and fitted again	33-1/3
For a burst	26-2/3
For a hole	8-1/3
If the bone becomes visible	8
If the bone is removed	16-2/3
For dislocation	10
For cutting of the whole thumb the penalty will be 1/3 of the hand i.e.	166-1/3

If only a portion of the thumb is cut the penalty will have to be awarded proportionately

17. Fingers and the Nails

Every finger has three different parts and the penalty is also different for each of them: -

1. The lower part which is joined to the palm

If fractured	16-2/3 Dinars
For a burst	13-1/3
For visibility of the bone	4-1/6
If the bone is removed	8-1/3
For a hole	4-1/6
For dislocation	5
If the whole finger is cut, the penalty will be 1/6 of the hand, i.e.	83-2/3 Dinars

2. The middle part if fractured

If the bone becomes visible	2-2/3
If the bone is removed	5-1/3
For a hole	2-2/3
For dislocation	3-2/3
If the whole is cut	55-1/3

3. The upper part if fractured

	5-4/5 Dinars
For a burst	4-1/5
If the bone becomes visible	2-1/3
If the bone is removed	5-1/3
For a hole	2-2/3
For dislocation	3-2/3
If wholly cut	27

4. If the nails grow again the penalty for each nail will be 5 Dinars, but in case it does not grow at all or grows black the penalty will be 10 Dinars for each nail.

18. The Chest and the Back

If chest is fractured and bent both side	500 Dinars
If fractured and bent only one side	250
If the ribs are also fractured together with the chest on both sides	1000
For one side only	500
For inability in moving on any side	500
For fracture of the back bone if refitted	500
For male breast	125
For female breast	500
For both	1000
For each of the ribs in the sphere of the heart	25
For burst	12½
For visibility of the bone	6¼
If the bone is removed	7½
For a hole	6½
For each rib in the sphere of the arms if fractured	10
For a burst	2½
If the bone is removed	5
For a hole	2½
If the weapon goes deep into the chest or the belly	333-1/3
If it pierces through	432-1/3

19. Hips

If bone of the hip is fractured	200 Dinars
For a burst	160
For visibility of the bone	50
If the bone is removed	175
For dislocation	30
If bent after refitting	333-1/3

20. Thighs

If the thigh is fractured	200 Dinars
For a burst	160
If the bone becomes visible	50
If the bone is removed	100
For only a hole	50
If the bone is bent after fracture	333-1/3

21. The Knees

If the bone is fractured	200 Dinars
For a burst	160
If the bone becomes visible by a wound	50
If the cap is removed	50
For dislocation	30
For a hole	50
If fractured and could not be refitted	333-1/3

22. The Legs

If the leg is fractured	200 Dinars
If the bone is burst	160
If the bone becomes visible	50
If the bone is removed	50
For a hole	25
If could not be refitted after fracture	333-1/3

23. The Feet

If broken	200 Dinars
If the bone becomes visible	50
If the bone is removed	100
For a hole	50

24. Foot Fingers

For the whole of thumb	333-1/3 Dinars
The part of the thumb which is joined to the foot if broken	66-2/3
If burst	26-2/3
If the bone becomes visible	8-1/3
If the bone is removed	26-2/3
For a hole	4-1/6
For dislocation	10
The upper part of the thumb having the nail if broken	16-2/3
For a burst	13-1/3
If the bone becomes visible	4-1/6
For a hole	4-1/6
If the bone is removed	8 1/3
For dislocation	5
If wholly cut the penalty will be half of what is for the whole foot.	
For nail of the thumb	30
For the part of each finger which is joined to the foot if broken	16-1/3
For a burst	13-1/3
If the bone becomes visible	4-1/6
If the bone is removed	8-1/3
For a hole	4-1/6
Penalty for the whole finger	83-1/8
For lower part of each finger if broken	16-2/3
For a burst	13-1/3
If the bone becomes visible	4-1/6
If the bone is removed	8-1/3
For a hole	4-1/6
For dislocation	5
The middle part of the finger if broken	11-2/3
For a burst	8-4/5
If the bone becomes visible	2
If the bone is removed	5-2/3
For a hole	2-2/3
For dislocation	8

If the whole finger is cut down	55-2/3
The upper part which has the nail if broken	5-4/5
For a burst of the same	4-1/5
If the bone becomes visible	1-1/3
If the bone is removed	2-1/5
For a hole	3-1/3
For dislocation	2-4/5
In case it is cut down	27-4/5
Penalty for each nail	10[1]

[1] Waafi & Wasaael, Kitab-e-Diyyat

25. The Tongue: Compensation of a Part of the Tongue

It has been described in the 'Majmua' by Ibn-e-Maizaban that a certain man came to Umar and complained to him that a man had cut a part of his tongue with the result that he could not speak properly thereafter.

Umar found it difficult to fix the penalty for that crime. He therefore turned to Hazrat Ali (a.s.) who was present at the time for a solution as to whether penalty for the whole tongue should be fixed or for the part which was cut and as to what should be the amount of the penalty?

Hazrat Ali (a.s.) advised him to let the man pronounce all the alphabets. The number of the alphabets he could not pronounce or pronounced with difficulty should be deducted from the total number of the alphabets of the Arabic language and the penalty should be fixed accordingly.

26. Penalty to the Inheritors of a Murdered Man whose One Hand was already cut

It has been reported by Kulaini (r.a.) who reported it from Imam Ja'far Sadiq (a.s.) and the latter reported it from 'Kitab-e-Ali' that a man murdered another man intentionally, but one hand of the murdered man was already cut down either for penalty or by someone out of enmity.

Hazrat Ali (a.s.) said that if the hand of the murdered man was cut down for penalty, he still stood responsible for it, but if it was cut down by someone out of enmity and as a mark of cruelty, the inheritors of the murdered man should return the amount of penalty, if already received by him as penalty, to the inheritors of the murderer before murdering him. In the former case they may not pay any thing and murder the murderer for murdering their legator or alternatively they can receive full penalty in cash from the murderer for the murder.

27. A Case of Penalty with Regard to Drunkards

Four persons drank wine, quarrelled among themselves and stabbed one another with the result that two of them died on the spot and the two other who survived were wounded in the brawl. Hazrat Ali (a.s.) ordered for eighty whips each to the wounded and also ordered them to pay the penalty to the inheritors of the deceased after deducting the penalty for their! wounds. He also added that in case any of the wounded persons or both of them died then inheritors had nothing to pay to the inheritors of the murdered.

According to another report he said that the penalty was due from all the four tribes of the persons concerned. The amount of penalty which had to be paid to the wounded would however, be deducted from the total amount of penalty to be paid to the inheritors of the murdered because it was quite possible that they might have murdered, each other.[1]

[1] Manaaqib Shahr-e-Aashob, vol. 2, p. 200 through Abu Turab, p. 227

28. The Case of the Two One of Whom Foregoes the Compensation of the Murder of his Legator and the Other who Does Not

A murder case was brought to Hazrat Ali (a.s.) wherein one of the inheritors of the murdered was ready to forego the penalty whereas the other partner was not. He ordered that let the other one murder the murderer and pay half of the penalty to his inheritors.[1]

[1] Waafi, vol. 3, p. 129

29. The Compensation with Regard to a Drowned Man

Six persons were once swimming in the Euphrates. One of them was drowned. Two of them came to Ameerul Momineen Hazrat Ali (a.s.), and complained to him that the three other had drowned him, while they complained the two who had complained to him previously had themselves drowned him and were simply accusing them to save their own skin.

Hazrat Ali (a.s.) ordered that the total amount of the penalty should be shared equally by all the five of them and paid to the inheritors of the sixth man, who was drowned.[1]

[1] Manaaqib Shahr-e-Aashob, vol. 2, p. 200

30. Four Persons Who Fell Pray to the Paws and Jaws of a Lion

It has been reported by Ali bin Ibrahim Qummi (r.a.) on the authority of Imam Ja'far Sadiq (a.s.) that when the Holy Prophet (s.a.w.a.) sent Hazrat Ali (a.s.) to Yemen a very extraordinary case was brought to him there which he decided wonderfully.

The residents of Yemen had dug a deep hole like a well in the ground in the vicinity of the town to corner a lion who had become a danger for them and the herds of their cattle and the lion fell therein one night as was intended by them. The next morning a huge crowd gathered together near the deep hole to see the lion caught therein. The crowd was willing to have a glance of the lion before everyone else with the result that the first man who was ahead fell in the hole. He caught another man behind him to save himself from falling in the hole and escape the jaws of the lion caught therein. The second man in turn caught hold of another one behind him and similarly the third one also caught hold of another for the same purpose resulting in the fall of all the four in the deep and big hole and a prey to the paws and jaws of the angry lion.

Consequently the relations of the first man demanded penalty from the relations of the second man and those of the second from those of the third and similarly those of the third man from the relations of the fourth man and all of them put the blame on the other turn by turn.

As the matter could not be decided by argument they were about to decide it by swords. Then someone among them said: "Let us go to Hazrat Ali (a.s.) and get the case decided by him."

So they all came to Hazrat Ali (a.s.), who decided the case as follows:

"The relations of the first man should be paid $\frac{1}{4}$ of the penalty from the crowd, the second $\frac{1}{2}$, the third $\frac{3}{4}$ and the crowd should pay full penalty to the relations of the fourth one."

A part of the crowd agreed to the decision of Hazrat Ali (a.s.) whereas others did not. Therefore, Ameerul Momineen Hazrat Ali (a.s.) said to them:

"If you do not accept my decision unanimously let the Holy Prophet (s.a.w.a.) decide the case at the time of the next pilgrimage at Mecca."

To this they unanimously agreed. But when the case was presented before the Holy Prophet (s.a.w.a.) at Mecca and he was about to give his judgement, one of the parties told him that it had already been decided by Hazrat Ali (a.s.). On asking as to what decision was previously given by Hazrat Ali (a.s.), the party informed the Holy Prophet (s.a.w.a.) of the decision given by Hazrat Ali (a.s.) to which the Holy Prophet (s.a.w.a.)

said that it was the only righteous decision which could be given in the case.

According to some other report the Holy Prophet (s.a.w.a.) had said that the decision given by Hazrat Ali (a.s.) was the one commanded by Allah.[1]

Kulaini (r.a.) has also reported this with some difference.

Explanation

There were four causes of the death of the first man: The Push of the pressure of the crowd and the fall of the three other persons on him. But had he not pulled the second man, he and the other two would not have fallen on him. Thus he was himself responsible for $\frac{3}{4}$ cause of his death, hence $\frac{1}{4}$ of the penalty. Similarly, the causes of the second man were three: The push of the crowd and the fall of two persons on him, hence $\frac{3}{4}$ of the penalty. The cause of the death of the third person being two, i.e. the push or pressure by the crowd and the pull by the second man, hence the amount of penalty ordered to be paid to him was fixed at $\frac{1}{2}$.

The cause of the death of the fourth and the last man was only the push or the pressure of the crowd and in view of the fact that he did not pull any body, the crowd and only the crowd was responsible for his death. He therefore, deserved full penalty.

It may, however, be argued that the crowd was responsible for the death of all the four persons why then a part of the penalty should be deducted proportionately from the full amount of penalty due to each of them. The answer is that the first and the two other persons had on their parts created a cause for their deaths while the fourth had not. Therefore, the amount of responsibility for the cause of death rested proportionately on their shoulders, hence the proportionate deduction. The fourth has no such cause except the push or the pressure of the crowd. Therefore, his relations were duly ordered to be paid full amount of the penalty of his death.

[1] Zakhaer-ul-Uqba, p. 84; Manaaqib Shahr-e-Aashob, vol. 2, p. 176

31. The Three Acrobat Girls

Ali bin Ibrahim Qummi (r.a.) has reported in 'Ajae'bul Ahkaam' that a young girl was playing with some of her playmates. She ascended the shoulders of one of her playmates during the play. Another girl among them pinched the girl on whose shoulders the first girl has ascended. She jumped up and threw the girl on her shoulders on the ground. Unfortunately, the girl who fell on the ground could not survive the hurt.

When the case was brought to Hazrat Ali (a.s.), he ordered:

"The penalty should be divided into three equal parts. The first part should be paid by the one who threw the girl and the second part should be paid by the girl who pinched the girl who had the deceased on her shoulders and threw her on account of her pinch. As for the third part, none owed it to the parents of the girl, because she had herself ascended on the shoulder of her playmate out of fondness of the acrobatic feats.'[1]

[1] Irshaad-e-Mufeed; Manaajib Shahr-e-Aashob, vol. 2, p. 177; Naasekhut Tawaarikh, vol. 11, p. 730

32. Compensation for Hurt or Death by Quadrupeds

Hazrat Ali (a.s.) also declared:

“If some one is hurt and dies by the forelegs of a quadruped the owner is responsible to pay the penalty, if by the hind he is not. In case the animal is teased or hit by any one, the one who teases or hits him is responsible for the penalty.”

33. Orders in Case of Dog-bite

Ameerul Momineen Ali (a.s.) decided the cases of dog-bites as follows: -

1. The owner is responsible for paying the penalty to the person concerned if his dog bites someone during day time, if (the dog bites) at night he is not responsible because he has the right for the safety of self and the safe-guard of his property by keeping a dog and unchaining him at night.[1]

2. He (a.s.) also declared that if any one enters the house of the owner of the dog with his permission he (the owner) is responsible for the bite and the penalty therefore, is due from him.[2]

[1] Waafi, vol. 3, p. 126

[2] Wasaael; Waafi, vol. 3, p. 125

34. Compensation for Loss by Grazing or Trampling by the Quadrupeds

If some farmer sustained a loss by grazing or trampling of his crops by the quadrupeds of another at day he (a.s.) did not hold the owner of the quadruped responsible for it and get the farmer compensated therefore. But if such a case occurred at night, he held the owner of the quadruped responsible for it, his plea being that the night is meant for rest and the owner of the crop is not responsible for keeping watch over his farms then. He therefore, ordered the owners of the quadruped to take care of them at night and compensate the one who had sustained any loss by his carelessness.[1]

[1] Wasaael, vol. 3, p. 493

35. Cases of Trampling under the Feet of a Crowd and Loss of Life Thereby

Hazrat Ali (a.s.) declared that in case some person is trampled and killed and the one who trampled and killed him is not traceable, the relations of the deceased should be compensated by the Government Treasury.[1]

[1] Waafi, vol. 3, p. 124

36. Mistake in Judgement

If someone was sentenced to death by mistake and under the circumstances beyond the control of a Qaazi (Judge) and it was later proved that the sentence awarded was wrong, the amount of penalty for the death of the deceased was paid to his inheritors from Government treasury under the orders of Hazrat Ali (a.s.).

[1]

[1] Waafi; vol. 3, p. 127

37. Penalty for the Eye of a Horse

Someone hit the eye of a horse. Hazrat Ali (a.s.) ordered the accused to pay $\frac{1}{4}$ of the price of the horse to the owner.

The price was calculated at the prevailing rates on the day when the horse had lost its eye.[1]

[1] Waafi, vol. 3, p. 130

38. Compensation for a Pig

A Muslim killed the pig owned by some Christian. Hazrat Ali (a.s.) ordered the Muslim to pay the penalty therefore to the owner of the pig.

Part 11

Witnesses

1. Eye Witness of a Judge is not sufficient for punishing an Accused in a Case of Adultery

It has been reported by Umme Kulsoom, daughter of Abu Bakr on the authority of Umar who said that he was once patrolling at night in Medina when he saw a couple in a half demolished house engaged in the act of adultery. Next morning, he asked the people if the Caliph sees some body committing adultery, could he punish the culprit at his own accord, i.e., would that one eye witness of the Caliph himself be sufficient for framing the charge of adultery against the culprit and punish on that account.

All the people present in the court of the Caliph including his advisers and some of the senior companions of the Holy Prophet (s.a.w.a.) said with one voice: "What more witness than the eye-witness of the Caliph himself is required for punishing the culprit in a case of adultery?"

Hazrat Ali (a.s.) when heard the above unanimous advice of all the people present in the court of Umar, he said to him (Omar):

"In that case you would yourself be punished for false imputation, for full evidence required in each case of adultery under the religious law is equal to four witnesses without any exemption whatsoever."

The report adds that the same question was put to people by Umar and they replied in the affirmative except Hazrat Ali (a.s.) who replied in the negative.[1]

[1] Qazaa & Tehaa, p. 43 through Abu Turab (Urdu), vol. 2, p. 201

2. When Witnesses Find No Way Out

Three persons once came to Hazrat Ali (a.s.) to record their witnesses in a case of adultery. Their statements were recorded. Hazrat Ali (a.s.) asked them as to where was the fourth witness. They replied: "He would come just now."

Hazrat Ali (a.s.) ordered them to be punished for false imputation saying that four witnesses were required in a case of adultery as commanded by Allah in the Holy Quran and that the punishment in a case cannot be suspended for a moment for want of a witness which is said to appear in the court later.[1]

[1] Qazaa, p. 55 through Abu Turab, vol. 2, p. 202

3. Four Unjust Witnesses

Four persons once came to Hazrat Ali (a.s.) to stand as witnesses and record evidence in a case of adultery.

Ameerul Momineen Hazrat Ali (a.s.) when made a private enquiry about them they were found to be unjust and also not of good moral character. Hazrat Ali (a.s.) ordered for their punishment for false accusation.[1]

[1] Qazaa and Tehaa, p. 166; Qazaa, p. 55; Abu Turab, vol. 2, p. 202

4. Cases Wherein Only One Witness is Acceptable

It has been reported by Imam Ja'far Sadiq (a.s.) that Hazrat Ali (a.s.) used to decide the cases of loan against only one witness also as well as on taking oath by the appellant.[1]

Explanation

About cases as the one above, Hazrat Imam Muhammad Baqir (a.s.) says as follows:

If the administration of a state is in our hands i.e., the Muslims we can decide a case even on the production of one good witness only provided the case belonged to rights of the masses, but if the case concerned the rights of Allah or the visibility of Moon, one witness would not suffice.[2]

[1] Waafi, vol. 3, p. 148

[2] Waafi, vol. 3, p. 148

5. Witness by Women

According to what Hazrat Ali (a.s.) has said, witnesses of women are acceptable in cases of marriage but not in cases of divorce.

Also Hazrat Ali (a.s.) said: -

“If three men and two women are produced as witnesses they are acceptable in a case wherein the culprit has to be sentenced to death by stoning, but if the number of men in such cases is only two and that of women four they are not acceptable.”[1]

[1] Waafi, vol. 3, p. 142

6. Witnesses of Women in Cases Particular to Females

A virgin girl who was accused of having committed adultery was once brought to Hazrat Ali (a.s.). He ordered a few women to examine her in private and say as to whether she was still virgin or the sign of her chastity was removed.

The women appointed by Hazrat Ali (a.s.) for examination of the accused girl reported to him that the girl was still virgin. Hazrat Ali (a.s.) then exclaimed: -

“How can I punish a girl accused of adultery when she has been found still virgin according to the report of her own sex?”[1]

[1] Waafi vol. 3, p. 143

7. Witness of a Women in Case of Will

In a case of a Will left by some deceased person, a woman was produced as witness. Hazrat Ali (a.s.) decided that in such a case if only one woman is produced as witness, her witness will be acceptable only with regard to 1 part of the will concerned.[1]

[1] Waafi vol. 3, p. 144

8. Witness of Children

According to what Hazrat Ali (a.s.) said, witness of minor children is acceptable in cases concerning themselves provided they come direct to report the matter to the authorities concerned before they see their elders who are their guardian.[1]

[1] Waafi, vol. 3, p. 145

9. Witness of Enemy

According to what Hazrat Ali (a.s.) said the witness of an enemy of the one accused in a case is not acceptable.[1]

[1] Waafi, vol. 3, p. 148

10. Witness of a Spy, Face Reader or a Thief

Hazrat Ali (a.s.) said,

“I would not accept the witness of spy, face-reader or a thief unless they stand witnesses in their own cases wherein they do admit their crimes.”[1]

[1] Waafi, vol. 3, p. 148

11. Contradictory Witnesses

If two or more witnesses appeared in one and the same case and their evidences were recorded by Hazrat Ali (a.s.) and all the witnesses appeared to be of good moral character and following justice by experience in public, but their statements were found to be contradictory to one another. Hazrat Ali (a.s.) decided the case by ballot, and also took oath from the one in whose favour the ballot was drawn.[1]

[1] Qazaa, p. 133

12. Contradiction in Evidence

It has been reported on the authority of Imam Baqir (a.s.) that when Qudama bin Mazoon was brought before Umar with the accusation that the poet named above was found drunk in public and two witnesses were produced against him as evidence to his crime, one of the witnesses happened to be a castrate. Besides the statements of the two witnesses in so far as the evidence with regard to drinking of wine by the famous poet Qudama was concerned, happened to be contradictory to each other.

Umar finding it difficult to decide the case called the companions of the Holy Prophet (s.a.w.a.) including Hazrat Ali (a.s.) for consultation and said to Ali (a.s.): "O Abul Hasan! What do you say In this case, because what you will say in the matter will be most welcome and acceptable as according to a tradition of the Holy Prophet (s.a.w.a.) you are the most learned among us all and your decisions are all the righteous ones. I, therefore, implore you to kindly decide this case for me."

Hazrat Ali (a.s.) advised Umar as follows:

"Although apparently there is contradiction in the statement of the two witnesses with regard to the evidence to drinking by Qudama bin Mazoon i.e., according to the one he was found drinking whereas according to the other he was found vomiting Wine, but if the two things are put in proper perspective they would appear to be equal to each other because as far as the religious law about drinking is concerned, drinking of wine and vomiting it is just one and the same."

When Umar further asked Hazrat Ali (a.s.) if the witness of a castrate was acceptable under the religious and ecclesiastical law? Hazrat Ali (a.s.) replied as follows:-

"Why not, the penis (male organ) is just equal to any other part of the body. Therefore, if a man is castrated it is just as if any other part of his body was cut off. Hence the witness of a castrate is as well acceptable as that of any other man without a limb." [1]

[1] Qazaa, p. 42; also see Kaafi

13. Punishment for a False Witness

If a person accused of standing as a false witness in a case when brought to Hazrat Ali (a.s.), he punished him by parading him as a public example through the streets of Kufa if he belonged to it otherwise in case of his being a traveller through the streets of the city to which he belonged.[1]

[1] Waafi, vol. 9, p. 73 through Abu Turab (Urdu), vol. 1, p. 208

Part 12
Psychological Points

1. How to Recognize the Status of a Person

It has been reported by Imam Ja'far Sadiq (a.s.) that during the caliphate of Hazrat Ali (a.s.) a man went on pilgrimage to Mecca accompanied by his slave. During the journey the master punished his slave for some mistake on the latter's part. The slave took it so ill that he became deadly against his master so much so that he refused to be his slave. He instead claimed to be the master of his own master and the quarrel continued throughout the journey till they both reached Kufa on their way back home.

On their arrival at Kufa the master said to his slave: "O you, the enemy of Allah! Let us go to Amir-ul-Momineen Hazrat Ali (a.s.) and let him decide the case between the two of us."

When Hazrat Ali (a.s.) granted them audience the master said to Ameerul Momineen: "O Ameerul Momineen! This is my slave. I had punished him for some mistake on his part while going to Mecca on pilgrimage. Ever since he refused to be my slave and instead says that I am his slave."

When ordered by Hazrat Ali (a.s.) the slave took an oath to the effect that he was the master and not the slave and his father had sent him on pilgrimage to Mecca with him as a guide for performing 'Haj'.

"Now," further preceded the slave, "this man claims to be my master instead of being my slave with the intention of taking possession of my property."

The master when ordered by Hazrat Ali (a.s.) to tell the truth, he also said on oath that he was the master and that his companion was telling a lie.

Hearing them both, Hazrat Ali (a.s.) ordered them to attend his court the subsequent day for a decision in the case. Meanwhile, Amirul Momineen Hazrat Ali (a.s.) ordered his orderly Qambar to make two holes in a wall of his court.

People who had heard the two persons pleading their cases before Hazrat Ali (a.s.) become very much interested to see as to what decision Hazrat Ali (a.s.) would give the next day in such a complicated case. So, they and many others who heard of that strange case assembled and went to the court of Hazrat Ali (a.s.) to see as to what judgement he would deliver therein.

The next day when the master and the slave went to Hazrat Ali (a.s.) for a decision in their case as promised by him the previous day, he

ordered them to put their heads across the holes in a wall, Qambar had already made under his orders.

When both of them had put their heads across the holes in the wall as had been ordered by Hazrat Ali (a.s.), he ordered Qambar dramatically as he had brought him home the previous day.

“Qambar cut off the head of the slave with one stroke of your sword.”

No sooner heard, the man who actually was the slave pulled back his head from the hole in the wall.

Seeing this Hazrat Ali (a.s.) said to him:

“Were you not saying yesterday that you were the master and not the slave and had you not even taken an oath to that effect?”

The slave replied apologetically: “O Ameerul Momineen, I am no doubt the slave of this man, but as he had beaten me red and blue for a very slight mistake I refused to be his slave.”

Hazrat Ali (a.s.) while reprimanding the slave in very strong language added;

“If you do such a thing in future I shall cut off your head”[1]

[1] Kaafi, Naasekhut Tawaarikh, vol. 3, p. 738; Manaaqib, vol. 2, p. 200

2. How to Recognize a Mother

During the caliphate of Umar two women had a dispute over a child. Each of them claimed that the baby was her own and not that of the other woman who also claimed herself to be her mother.

When they could not come to a compromise, they went to Umar for a decision in their case.

Umar being at a loss how to decide the case referred it to Hazrat Ali (a.s.).

Hazrat Ali (a.s.) called the two women and advised them for a compromise, but they did not agree and both of them persisted in their claim against each other.

Hazrat Ali (a.s.) seeing both of them adamant on what they had said previously sent for a small hand saw and said to the women:

“If you don’t compromise I cannot but saw the child into two equal pans and give one each to you instead of the whole of it.”

As soon as one of the woman heard Hazrat Ali (a.s.) speak the above words, she implored him not to saw the child but give the child to the other woman who claimed him to be her child.

On the other hand the other claimant of the child kept silent. Seeing this Hazrat Ali (a.s.) exclaimed: -

“God is Great!”

Then he (a.s.) said to the woman who had surrendered her claim in favour of the other woman:

“The child is actually yours. Had he been of the other woman, she would certainly have had the motherly love for the child as you have shown. Take the child away. God bless you.”

The case was over; the other woman admitted apologetically that the child was actually not her but that of the other woman.

Umar was very much pleased with the above decision of Hazrat Ali (a.s.) in the above mentioned case and the anxiety he had about it was finally removed thereby.

3. The Refusal of a Mother to Own Her Son

Asim bin Zaura has been quoted by the author of Hadaaeq-e-Abu Tur-aab as follows:-

“I saw a young man at Medina making a hue and cry and saying aloud, ‘O God! You are the One Who can decide between me and my mother’.”

According to Asim bin Zaura Umar was passing by the place where the above mentioned young man was addressing Allah as quoted above.

When Umar asked him as to why he was cursing his mother, the young man said as follows: “O the Caliph of the Muslims! My mother bore me in her belly for nine months. Then she gave me birth and nursed me on her breast for two years. But now when I have grown up a man she refuses to be my mother. Not only that she has turned me out of her house and says that I am not her son.”

On enquiry by Umar as to where his mother lived the young man gave him the address of her house.

When Umar sent for the woman in question, she came to him accompanied by her four brothers and forty other persons of her tribe.

When she was asked by Umar as to why she had turned out her son, she told him that the young man was a liar and that she did not even know as to who he was.

Preceding further the woman told Umar that she was a virgin haling from a tribe of Quraish and that the young man most probably desired to defame her.

When asked by Umar her four brothers and the forty men of her tribe who had accompanied her also confirmed on oath what she had told him.

Although the young man said repeatedly and also took oath before Umar that the woman in question was his real mother yet she denied it on oath, that she was not. Moreover, the young man had no evidence to prove and support his claim, while the woman had not only her four brothers but also the forty men who confirmed unanimously what she had said. Therefore, Umar could not but order for punishing the young man by whipping him for false imputation against a virgin.

When the young man was being carried for punishment under the orders of Umar, he saw Hazrat Ali (a.s.) who happened to pass by that way only by chance and yelled: “O the cousin of the Holy Prophet (s.a.w.a.)! I am an oppressed man, kindly help me”.

Hazrat Ali (a.s.) asked him as to what had happened to him. And when the young man related his story to Ameerul Momineen Hazrat Ali (a.s.), he ordered the people who were taking him for whipping to take him back to Umar and he himself also accompanied them.

When the people took the young man back to Umar, he asked as to why they had come back. They told him that they had done that under the orders of Hazrat Ali (a.s.).

Hazrat Ali (a.s.) said to Umar:

“Could you allow me to reopen and decide the case on your behalf?”

“With pleasure”, said Umar and also added: “How could I deny you that right when I have heard the Holy Prophet (s.a.w.a.) saying that you were the most learned man among us all.”

Then, Hazrat Ali (a.s.) sent for the woman in question who came accompanied again as before by her four brothers and the same forty men of her tribe. And when ordered by Ameerul Momineen Hazrat Ali (a.s.) she repeated the same statement which she had given before Umar. Her four brothers and the forty men of her tribe also confirmed her statement, again on Oath.

Finding her adamant, Hazrat Ali (a.s.) said to her,

“Do you know who am I, and do you also know that nothing remains hidden from me when I turn to Allah to let me know it?”

In turn the woman although affirmed that she knew Hazrat Ali (a.s.) well and also his qualities as an Imam, yet she remained adamant in her previous statement i.e., she was a virgin and that the young man simply wanted to share her property fraudulently.

Seeing no other way out Hazrat Ali (a.s.) asked the young man if he objected to his adopting him as his son, so that he could become and treated as his two other sons, Hasan and Husain (a.s.). The young man did not only agree to the proposal of Hazrat Ali (a.s.) but also thanked him a great many times therefore.

Hazrat Ali (a.s.) then asked the four brothers of the woman, who were also her guardians as to whether they agreed to his marrying the woman whom they had stated to be a virgin to the young man to which they agreed. Hazrat Ali (a.s.) had already asked the woman as to who her guardians were and she had pointed to her brothers. Thereafter, Hazrat Ali (a.s.) said to the people present there at that time, including Umar:

“With the witness of Allah and all of you present here I marry this girl, with the permission of her guardians to this young man and fix four hundred Dirhams as her dower which I shall pay from my own pocket.”

Saying this Hazrat Ali (a.s.) ordered Qambar – his personal servant – to bring four hundred Dirhams from his (Hazrat Ali (a.s.)’s) house and give to the young man.

He then asked the young man to put those four hundred Dirhams in the skirt of the garment of the woman in question and take her home and pass the night with her as her husband.

Hazrat Ali (a.s.) also ordered the young man to report to him the next morning that he had complied with his orders.

Hearing all this, the woman yelled: “Fie, O Ali! Fie, do you want me to go to Hell? This young man is my real son! Allah will not forgive me if I go with him as his wife and how on earth could I?”

Thereafter she told Hazrat Ali (a.s.) that her husband was a man of very ordinary means to whom her brothers had married her in order to usurp the share she had inherited from her father and then they wanted to deprive her son of whatever little property her husband who had died in some other country while on journey had left.

“Therefore”, she proceeded further, “they had forced me to state before Umar as well as before you.”

“However”, she said, “I offer penitence to Allah for what I have wrongly stated and hope that you would also forgive me therefore.”

Having said this, she held the hand of the young man and went away.

Note: Allamah Majlisi (r.a.) has also incorporated in his records regarding the judgments of Hazrat Ali (a.s.) a similar story on another authority with the only difference that the witnesses produced by the woman mentioned in that story were seven women and they were all bribed by that man as well as the woman examined her under the orders of Hazrat Ali (a.s.).

However, both the above records which are most authentic ones bear a clear proof of the rare psychological wisdom possessed by Hazrat Ali (a.s.).

Part 13
Mathematical Problems

1. The Equal Division of Seventeen Camels without Friction

Three persons had a dispute about the division of seventeen camels. The ratio of their share seriatim was $\frac{1}{2}$, $\frac{1}{3}$ & $\frac{1}{9}$ and they could not divide the figure of seventeen proportionately without friction.

Finding no way out they wanted to cut one camel into pieces for the purpose of the correct division, but before acting upon this last alternative they took their problem to Hazrat Ali (a.s.), for they were sure it was he who was capable of solving their problem.

Hearing their problem Hazrat Ali (a.s.) asked them if it was agreeable to them if he added one of his own camels to their camels to make their total eighteen. As they agreed to it, he gave half of the total number of the camels i.e., nine to the first man and $\frac{1}{3}$ thereof i.e., six to the second man and $\frac{1}{9}$ to the third man according to respective shares, the total amounting to seventeen only. Thereafter, he took away his own camel. Thus he solved the problem of dividing the seventeen camels proportionately according to their respective shares to their satisfaction and displeasing none of them and without cutting one of the camels into pieces.[1]

[1] Naasekhut Tawaarikh, vol. 3, p. 757

The Problem of Eight Breads

Two persons while travelling on a road, sat under the shade of a tree for lunch.

One of them, one took out of his big five breads and the other took out three breads and put them near the five breads of his companion making the total number of the breads eight.

They had not yet started eating when a third person happened to pass by them.

Invited by the first two the third man also sat with them and shared their lunch. While going away, he gave them eight Dirhams against the share of the food he had taken with them.

After he had gone, the first two travellers started quarrelling about their portions in the eight Dirhams. One of them who had five breads claimed to have five Dirhams reasoning that it was his due, but his companion who had three breads did not agree to such a division also reasoning that the stranger who had shared their food had not given them the eight Dirhams to them to share proportionately according to the number of breads they had. Moreover, he argued that the share of the stranger was equal to each of their own. Therefore, he claimed that what the stranger had given them had to be divided equally. Finally they decided to approach Hazrat Ali (a.s.) for a decision between the two.

Having heard the case Hazrat Ali (a.s.) first advised them for a compromise and when they did not agree, particularly the one who had three breads, he solved the problem as under:

He said to the one who had three breads and had taken the case to him with the claim that half of the eight Dirhams was his due share:

“If you want a righteous decision in the case you should have only one Dirham which is your due actually.”

When requested to explain, he (a.s.) enlightened him as follows:

He (a.s.) asked him: *Had you not had only three breads and your companion five of them?* When he replied in the affirmative he (a.s.) said:

The total of the breads you both had i.e., eight divided into three bits comes to twenty four. And as you say the stranger shared your food equally he should have eaten eight bits, i.e., only one of the nine bits of your breads, seven of them eaten from other's, that is why you should have only one Dirham for only one bit of the eight bits of breads which the stranger ate.

Feeling uneasy at the above decision of Hazrat Ali (a.s.), the claimant who had taken the case to him agreed to the compromise he had advised for and to the offer of three Dirhams made by his companion.[1]

[1] Zakhaaerul Uqbaa, p. 84, also Kaafi

Part 14

Physics

Following are a few cases relating to physics decided by Hazrat Ali (a.s.):

1. Compensation Judgement in Case of the Loss of an Eye

Once a slave of Usman hit the eye of a Bedouin resulting in the loss of his eye. The Bedouin took the matter to Usman who tried to patch up the matter by offering full penalty of the eye of the complainant, but he would not agree. Usman then offered him the double of the amount fixed as penalty for an eye by the religious law, but the Bedouin would not still agree to the offer but insisted on taking the eye of the slave out as an exchange of his eye which was lost by the hit of the slave.

Usman was confused as what to do thereafter and referred the case to Hazrat Ali (a.s.) who first tried to make the Bedouin to accept the offer, but when he would not agree despite all the possible efforts of even the Holy Imam (a.s.), he sent for a patch of cotton put in the water and placed it in the eye of the slave, leaving the pupil open. Then, he sent for a looking glass and put it in the sun and ordered the slave to see the sun therein with that eye till the sight thereof was lost, but the eye ball remained intact.[1]

[1] Waafi, vol. 9, p. 99

2. Medical Examination of an Eye

A man's head was hit by somebody also where after the man who was hit claimed that his eye sight had become weak thereby. Hazrat Ali (a.s.) examined his eye in the following way: He held an egg in his hand and asked the man to stand at some distance and say as to whether he could see the egg. When the man in question replied in the affirmative, he made the man to get back to a certain further distance and again to a little more. Hazrat Ali (a.s.) repeated this action till after the man said he could not see the egg. He also repeated this action keeping the egg in the circumference of a horizontal line and marking the target in each case. He then measured the various distances in each case and found all the distances i.e., right and left and up and down and announced that the claim of the man was correct otherwise there must have been a difference in the various distances measured by him.

He then repeated this action in respect of another man, who had hit the first man in question whose eye sight had become defective as a result of his hit, to pay him penalty according to the difference of his eye sight as compared with the man whose eye sight was normal.[1]

[1] Wasaael, vol. 3, p. 405; Mustadrak, vol. 3, p. 285 through Abu Turab (Urdu), vol. 2, p. 308

3. Examination of Eye Sight the Power of Talking and that of Smelling

It has been reported in the book 'Ajaeabul Ahkaam' that a man struck the head of some other with something. Where after the man who was struck claimed that he had lost his eye-sight as well as his power of talking and that of smelling as a result of that stroke.

Hazrat Ali (a.s.) said if the man was correct, he deserved to receive penalty on all the three counts. When asked as to how was it possible to check that the claim of the man in question was correct. Hazrat Ali (a.s.) said as follows:

(i) As regards his eye-sight the man will be made to stand in the open and cast his eyes on the sun. In case he could and did not shut his eyes his claim of losing his eye sight would be correct.

(ii) In the case of the power of smelling he would be made to inhale the smoke of a patch of burning cotton. If he does not make signs of feeling sensation in his nose and also does not shed tears by the effect thereof, his claim of losing his power of smelling would be deemed as correct.

(iii) In the case of power of talking, the tip of his tongue would be pricked with a small needle. If the drop of blood which would come out of his tongue is red he would be deemed to possess power of talking and only as malingering there about. But if the drop of blood is black he would be deemed as correct in his claim.

He also advised to examine all the dumb in the same manner.[1]

[1] Waafi, Kaafi and Turaq-e-Hikmia, p. 49

4. Counting of the Beats of Breathing

A man struck the chest of another man who claimed that it had affected the regularity of his breathing.

Hazrat Ali (a.s.) decided the case by counting the beats of his breath in the following manner.

According to Hazrat Ali (a.s.) the breath of a person remains for some-time in ones right nostril and sometimes in the left. In the early morning till sunrises he said it remains in the right nostril. Therefore he counted the breath of the man in question while it was in the right nostril and then the next morning that of another man supposed to possess regular breathing and then made the man who had struck the complainant pay the latter a penalty therefore according to the difference between normality and irregularity of the latter's breathing.[1]

[1] Qazaa, p. 150

5. The Sign of Chastity in a Virgin

A man filed a suit against his wife in the court of Hazrat Ali (a.s.) accusing her that she did not possess the sign of virginity in her uterus.

Hazrat Ali (a.s.) told the man that thin skin in the womb of a virgin, which is usually supposed to be the sign of her virginity sometime bursts automatically in jumping and also during a play wherein jumping is freely required and dismissed the case he had taken to his court against his wife.[1]

[1] Qazaa-wa-Tehaa, p, 165

Part 15
Cases wherein Knowledge of Geometry
was displayed

1. The Weight of a Fetter

Two men saw a slave walking through a street with a fetter on one of his feet. One of the men said: "The weight of the fetter on the foot of the slave is so much and if it was not, my wife stands divorced."

The other man suggested that the weight of the fetter was different one and he also made a bet that if the weight thereof was that which was suggested by his companion his wife would stand divorced.

Agreeing to the bet they both went to the master of the slave and requested him to take out the chain from the foot of his slave so that it could be weighed. They also mentioned to him the bet they had made.

The master of the slave when heard of the bet told the two men that he had taken an oath that the fetter would be removed from the foot of the slave after completion of a certain period of time and that if he removed it before the expiry of that period of time his wife would also stand divorced. Therefore he could not remove the fetter from the foot of his slave before the expiry of that period of time.

When the case was taken to Umar he ordered the two men (to remove the fetter) who had made the bet to divorce their wives, because he could not order the master of slave to remove the fetter from the foot of his slave before the expiry of the period of time in question under any rule or practice of human society or under any clause of the religious law.

When Hazrat Ali (a.s.) heard of this decision of Umar in the case, he (a.s.) said to them that it was quite easy to take the weight of the fetter without removing it from the foot of the slave.

He then sent for a big pot open on all sides and deep enough to contain sufficient water for drowning the foot and the fetter of the slave therein.

When the slave put his foot with the fetter thereon in the pot containing the fixed quantity of water, the water rose to a certain point in the pot which was marked.

When the fetter of the slave was raised towards the knee of the slave with the help of thread tied to it, the level of the water fell down to a certain point in the pot, which was also duly marked under the orders of Hazrat Ali (a.s.).

Then he ordered for putting iron dust in the pot slowly and gradually so that the water could rise to the first mark. Thereafter, he ordered the slave to take out his foot from the pot to let the water fall down to its original level in the pot where after he ordered the weighing of the iron-dust saying that that was the weight of the fetter.[1]

[1] Tehzibul Ahkaam; Behaarul Anwaar, vol. 9, p. 465

2. How he weighed an Iron Gate

Once a dispute arose between some persons who had ordered for an iron gate and the blacksmith who had made it, about the weight of the iron used therein. The man who had ordered for it said it was not the weight he had ordered for, whereas the blacksmith said that it was. They could not obviously weigh such a huge gate there being no means available then to weigh such big things as there are today.

When the case was taken to Hazrat Ali (a.s.) for a decision between the two opposite parties, he ordered them to place the gate on a boat and mark the point to which the water of the river rose on either side of the boat. The gate was then removed from the boat and some bags full of dates were loaded on the boat allowing the water to rise up to the point of her sides to which it had risen under the weight of the gate.

He (a.s.) then ordered them to weigh the bags of the dates in an ordinary scale and find out the weight of the gate thereby because he (a.s.) said that the weight of the gate would be the same as that of the weight of the total number of bags of the dates.

Part 16

Finance

1. A Camel Shared by Three

Three men shared a camel equally. One of them tied his forelegs and went away for some work. In the meantime, the other two returned to their place of stay and untied one leg and they also went away together. The camel in their absence walked with one untied leg off the place where the first man had tied him and fell in a well and wounded himself by the fall.

The two men returned again, saw the camel fallen in the well, got him out some-how or other, and butchered him and sold the meat for collecting some money in view of a little compensation for the loss.

When the first partner returned, he saw the skin of the camel. On enquiry, the two other partners told him what had happened. He took an objection to it and rather complained against their untying the camel which resulted in the heavy loss to him.

He then took the case to Hazrat Ali (a.s.), who ordered for payment of $\frac{1}{3}$ of the actual price of the camel to him. When the cash which was collected by selling the meat of the camel was counted it was one third of the cost price of the camel. This amount was paid in full to the first partner of the camel and the other two went away empty handed.

While they were about to leave, Hazrat Ali (a.s.) told them that as they had not taken proper care for the safety of the camel and the safe-guard of their shares, whereas their first partner had by tying his two legs, hence their loss.[1]

[1] Manaaqib, vol. 2, p. 201

2. Decision in the Case of a Cow and a Camel

A man catching hold of the opening of the shirt of another man came to Umar and told him that the other man's cow had torn off the belly of the camel of the appellant which resulted in its death.

Saying this he requested Umar for ordering the accused to pay full penalty of his camel to him.

Umar said: "No penalty on the quadrupeds".

Hearing this order Hazrat Ali (a.s.) said to Umar:

"I have heard the Holy Prophet (s.a.w.a.) saying: "No man can put another man to loss".

He (a.s.) then added:

"If the accused person had tied his cow on the way of the camel, he has to pay the penalty, otherwise not".

On enquiry it was revealed that the owner of the cow had actually tied his cow on the way of the camel.

Umar then ordered the accused to pay full penalty of the camel to his owner.[1]

[1] Qazaa and Tehaa, p. 80; Qazaa, p. 158; 'Abu Turab' (Urdu translation), vol. 2, p. 244

3. Decision about a Donkey and a Cow

Once a man came to the Holy Prophet (s.a.w.a.) with the complaint that the cow of another man who had also accompanied him had killed his donkey. The Holy Prophet (s.a.w.a.) sent both of them to Abu Bakr.

Abu Bakr asked them as to why they had not gone to the Holy Prophet (s.a.w.a.). They replied that the Holy Prophet (s.a.w.a.) had himself sent them to him and that the case in the first instance was duly taken to the Prophet of Allah (s.a.w.a.).

Having heard the initial report Abu Bakr said: "If an animal kills another animal there is no penalty on the animal or his owner".

Saying this Abu Bakr told the parties to go to the Holy Prophet (s.a.w.a.) again and inform him of his decision.

In compliance of the orders of Abu Bakr both the men went back to the Holy Prophet (s.a.w.a.) and informed him of Abu Bakr's decision in their case.

The Holy Prophet (s.a.w.a.) then sent them to Umar. He also gave the same decision as was previously given by Abu Bakr. When they apprised the Holy Prophet (s.a.w.a.) of the decision by Umar, the Holy Prophet (s.a.w.a.) finally sent them to Hazrat Ali (a.s.) for a decision.

When the two men went to Hazrat Ali (a.s.), he put a few questions to them.

The first question was: "*Were both the animals untied at the time of occurrence of the incident?*"

"No", said both of them.

Hazrat Ali (a.s.) then put a second question to them: "*Were both of them tied?*"

"No", replied they.

Then Hazrat Ali (a.s.) put a third question to them: "*Was the cow tied and the donkey untied?*" "No", replied the two men again.

The fourth and the last question of Hazrat Ali (a.s.) was: "*Was the donkey tied and the cow untied?*"

"Yes", came the reply from both the parties.

"Then", Hazrat Ali (a.s.) said,

"The owner of the cow has to pay the penalty to the owner of the donkey whom the cow has killed".

When the report of the decision by Hazrat Ali (a.s.) in the above case reached the Holy Prophet (s.a.w.a.), he exclaimed:

"Lo! Ali has given the same decision as Allah Himself would have given in this case".[1]

[1] Mataalebus Soal, p. 85; Irshaad-e-Mufid; Manaaqib, vol. 2, p. 177;
Naasekhut Tawaarikh, vol. 2, p. 731

4. A Game Bird

A man saw some game bird and followed her till she flew from the ground and sat on a tree.

Meanwhile, another hunter came on the scene and hunted the bird.

The first man protesting to his action said: "As I had seen the bird first, I must get it."

When the case was taken to Ameerul Momineen Hazrat Ali (a.s.), he said to the first man:

"It was your luck only to see the bird and you have been successful therein in seeing. The man who has hunted it has the right to possess it. Therefore, your claim to the hunted bird is quite invalid".

The first man accepted this decision of Hazrat Ali (a.s.), and went away without any grumble and even murmur.[1]

[1] Qazaa and Tehaa, p. 181

Part 17

Inheritance

1. The Son of an Old Man

An old man married a woman and died on the very first night of his marriage with her. The woman, who had become pregnant, gave birth to a male child. The sons and daughters of the old man from his first wife accused their step mother of adultery and dragged her to the court of Umar. He heard the case and ordered that the woman should be punished for the crime of adultery and stoned to death.

By chance Hazrat Ali (a.s.) happened to pass by the place where she was being stoned. When he heard of the case, he went to Umar and desired that the case should be reopened and heard again in his presence. Umar gave permission therefore.

Hazrat Ali (a.s.) then asked Umar as to whether he had taken the statement of the woman regarding the date of the marriage, the time of their remaining together as man and wife and the date and time of her husband's death.

Umar informed Hazrat Ali (a.s.) that he had put all these questions to the woman and recorded her statement in all respects.

Thereafter, Hazrat Ali (a.s.) sought permission of Umar, who was the Caliph at that time, to order the woman to present in the court of the Caliph, the child whom she claimed to be the old man's son born by her.

Umar ordered therefore and the child was brought before him

Hazrat Ali (a.s.) sent the child to go and play with some other children who were playing nearby. Then he said to Umar:

"Let us also go and see him play".

Umar followed Hazrat Ali (a.s.) to the place with other people present in the court. When all of them had arrived, Hazrat Ali (a.s.) asked all the children to sit down. The children sat down, the child in question also being among them. Then, Hazrat Ali (a.s.) asked them to stand up. The children did accordingly and all of them stood up all at once, except the child in question who also stood up, but not before the support of his hands by putting them on the ground.

Seeing this Hazrat Ali (a.s.) said to Umar:

"Did you observe how the child stood up? Is it not the clear proof of the fact that the child is not an illegitimate one? His weakness is sufficient proof that he is son of the dead old man."

Umar appreciated the wisdom of Hazrat Ali (a.s.) and acquitted the woman honourably. He also ordered for the punishment of the sons and daughters of the old man from his first wife for false accusation as was advised by Hazrat Ali (a.s.).[1]

Allamah Jazaeri in his Urdu translation[2] adds: “Apparently Hazrat Ali (a.s.) had decided the case with the help of his natural instinct and his particular inner sight which guided him to reach the conclusion that the child was the old man’s son. Therefore, this case should not be cited as an instance in similar cases now.”

[1] Kaafi; Ajaeabul Ahkaam; Manaajib, vol. 2, p, 90

[2] Abu Turab, vol. 2, p. 252

2. The Effect of Blood

Once a lad appeared in the court of Umar and preferred a claim that his father had died in another city and his movable and immovable property may be transferred in his name.

As the lad had no evidence to support his claim Umar turned him out.

While going back, he met Hazrat Ali (a.s.), and related his story to him.

Hazrat Ali (a.s.) asked the lad to accompany him to the court of Umar, who was the Caliph.

Reaching there, Hazrat Ali (a.s.) advised Umar to reopen the case which the latter did. Satisfied with this, Hazrat Ali (a.s.) asked the lad to inform him of the place where his father was buried.

When he was informed of the place, he requested Umar to accompany him to that place together with the lad and a group of people. Reaching there, Hazrat Ali (a.s.) got the corpse of the lad's father exhumed, took out one rib and asked the boy to smell it. No sooner the boy smelt the bone his nose started bleeding.

Hazrat Ali (a.s.) told Umar that the statement of the boy was correct and that the property of the deceased should be transferred in his name.

Umar asked him with surprise: "Should I do it in view of the mere fact that the boy's nose started bleeding by smelling the dead man's bone?"

Hazrat Ali (a.s.) said: "*Wait a bit*". He (a.s.) then asked several other persons to smell the bone, but no one's nose bleed at all.

He (a.s.) then asked the boy again to smell the bone. When he did this his nose started bleeding again.

Hazrat Ali (a.s.) then turned to Umar and said:

"Do you see? This boy is actually the son of the dead man. Otherwise his nose also would not bleed as others did not. By God! I never told a lie as Allah Who gave me this knowledge did not." [1]

[1] Manaajib Shahr-e-Aashob, vol. 2, p. 182 through Abu Turab, vol. 2, p. 253

3. Hashmia and Ansaria

A man had two wives, a Hashmia and an Ansaria. He divorced the Ansaria and died thereafter.

After sometime, the Ansaria came to Usman and preferring her claim said: "I have complied with all the restrictions placed on me by religion for the duration of probation time. I, therefore have every right to claim my share in the property of the deceased."

Usman was at a loss to understand as to how he should decide the case to the satisfaction of all the people involved therein. Therefore, he referred the case to Hazrat Ali (a.s.) for a righteous judgement.

Hazrat Ali (a.s.) called the Ansaria and asked her to tell him on oath that the time of her three menses had not till then elapsed after the death of her deceased husband and get her claim satisfied.

At this, Usman asked the Hashmia if she agreed to the decision of Hazrat Ali (a.s.) who happened to be her cousin by blood.

The Hashimite said: "Let the Ansaria say on oath what Hazrat Ali (a.s.) has asked her to say and then inherit her share in the property of the deceased as his widow."

As the Ansari women did not take the oath, so the Hashmia inherited the whole property of the deceased as her only widow.[1]

[1] Boharij, vol. IX, p. 483; Manaaqib Shahr-e-Aashob, vol. 2, p. 193; Naasekhut Tawaarikh, vol. 3, p. 737; Arjahul Mataaleb, p. 126; Abu Turab, vol. 2, pp. 254-255

4. A Child with Two Heads

1. Once a question was put to Hazrat Ali (a.s.) about the inheritance of a child having two heads, two chests, but only one back. Hazrat Ali (a.s.) replied:

“Let him go to sleep and then call him by name his parents have given him. If one of them wakes up, take him to be only one, otherwise two and let him inherit accordingly.”[1]

2. Once a lad was brought to Umar. The lad has had two heads, two mouths, four eyes, four hands, four feet and two separate organs for passing urine and stool. Umar was requested to solve the problem of his inheritance. Being puzzled he called Hazrat Ali (a.s.) and sought for his advice in the matter.

Hazrat Ali (a.s.) said:

“Let him go to sleep. If the two heads snore simultaneously, the inheritance would be equal to one man’s share, otherwise equal to two (two joined together) men’s share.”

After some time when the twins grew up they wanted to marry.

Hazrat Ali (a.s.) was called again by Umar to solve the problem. He said:

“The Cohabitation of man and wife before a human eye other than of themselves is unnatural and against the will of God.”

Further he (a.s.) said:

“As they have now come of age and possess sexual feelings, they would soon die.”

And after a while it happened what was prophesied by the Holy Imam (a.s.).

[1] Behaarul Anwaar, vol. 9, p. 486; Turaq-e-Hikmah by Ibn-e-Qayyim, p. 53; Abu Turab, vol. 2

[2] He proved to be two joined together

5. The Inheritance of a Mother and Her Child

After Jang-e-Jamal (the war of the Camel) Hazrat Ali (a.s.) was passing by a place where he saw the corpse of a woman whose new born child – also dead – was lying near her. When asked about them he was told that the woman had aborted after seeing the Army in action.

Hazrat Ali (a.s.) asked the people of the vicinity as to who died first the mother or the child. He was told that the child died first.

Hazrat Ali (a.s.) ordered for penalty for both as follows:

1. He divided the penalty for the child into three equal parts, kept one part for the mother and gave two of them to the father of the child.

2. He again divided the share of the mother of the child by two and handed over the dividend equally to her husband and her near relations.

3. He then divided the amount of penalty for the woman also by two and handed over the dividend again equally to the husband of the woman and her near relatives as before.

Thus they were all compensated as commanded by Allah in the Holy Quran. The penalty was paid from Baitul Maal (Public Exchequer).[1]

[1] Manaaqib Shahr-e-Aashob, vol. 2, p. 194; Naasekhut Tawaarikh, vol. 2, p. 738

Part 18
The Problems of Slaves and the Slave
Girls

1. A Slave Husband

A man copulated with his slave girl who gave birth to a male child. Then he separated and married her to his slave where after he (the man) died. After his death the slave girl became a free woman, because his son, who was also the son of the slave girl inherited his properties and the slave girl being his mother could be his property (but she being his mother would not be kept as an inherited property).

After sometime this son of the deceased and the slave girl also died. Thus the slave girl inherited all the properties of her son, including the slave, who was still her husband.

Consequently, a dispute arose between the two. The slave said to the slave girl who was now a free woman: "You are my wife and must obey me as a wife obeys her husband", whereas his wife said: "You are my slave. You should, therefore, obey me as the slaves obey their masters."

When the verbal dispute took a bad turn, both of them came to Usman and besought a decision from him. Usman finding no solution of the problem referred it to Hazrat Ali (a.s.). He asked the slave if he lived with the woman as man i.e., practically as her husband after the death of his master.

The slave replied in negative. Thereafter Hazrat Ali (a.s.) said to him:

"Thank God because if you had I would have both of you stoned to death as after the death of your master she became a free woman, and after the death of her son she inherited you as slave of her son."

Proceeding, he (a.s.) said to the woman:

"You are at liberty to keep him as slave or sell him or set him free at will".[1]

[1] Manaaqib Shahr-e-Aashob, vol. 2, p. 192; Naasekhut Tawaarikh, vol. 3, p. 737, Behaarul Anwaar, vol. 9, p. 484 also Abu Turab, vol. 2, p. 261

2. If a Slave kills someone under the Orders of His Master

A man ordered his slave to kill another man and his orders were carried out by the slave.

Hazrat Ali (a.s.) ordered that the master of the slave be killed as a punishment of the murder, saying that the position of the slave was just as a hunter or a sword in the hands of his master.[1]

Sheikh AI-Taefa (a.r.) taking this decision of Hazrat Ali (a.s.) against the clear commandment of the Holy Quran “Annafs Binnafs” (life for life) has tried to explain it away.

Mullah Mohsin Faiz Kashani (a.r.) says: “I doubt if this decision is against what has been commanded in this respect in the Holy Quran, as the Holy Imam himself has explained by saying that the position of the slave in the hands of his master is that of a hunter only and he is not more than only an instrument. The slave is not also wise; he is always afraid of his master; he is duly bound and always remains under the command of his master, be it fair or foul; if his master kills him, he could not be killed as a punishment therefore (the punishment being hundred chips (Dirham) and imprisonment for one year and he is to pay as penalty the price of the slave for charitable funds).

In view of these compulsions and under such circumstances his position is very weak and he is not supposed to be more than a lifeless instrument.

Therefore, if he kills some one under the orders of his master, the responsibility thereof would rest with the master and not with the slave which would be not against the Quran. (God knows the best).[2]

[1] Manaaqib Shahr-e-Aashob, vol. 2, p. 196; Waafi, vol. 9. p. 92

[2] Note by Allamah Jazaeri-Abu-Turab, vol. 2, p. 263

3. Half Punishment for a Slave accused of Adultery

In a case of adultery committed by a slave, Hazrat Ali (a.s.) ordered that he should be awarded half of the punishment fixed for the crime. In case he repeats the crime, then half punishment again, but after the eighth time, he must be stoned to death. Somebody requested the Holy Imam to explain as to why this rebate was allowed to a slave while a man who is free is awarded total punishment fixed for such a crime.

Hazrat Ali (a.s.) replied.

“Because Allah has shown him mercy for his being a slave i.e., He did not will to put a double weight on him.”

4. Full Punishment for a Slave

A slave falsely accused a free man. Hazrat Ali (a.s.) awarded him full punishment fixed for the crime. When requested to explain as to why he was awarded full punishment in that case while in other cases such as drinking, stealing and adultery a slave is awarded only half of the punishment fixed for those crimes?

The case was explained by Hazrat Ali (a.s.) as follows:

“The other crimes you have just enumerated are the rights of Allah wherein He has given the rebate in question to the slaves and the slave-girls, but this case is the one wherein the rights of people are directly concerned. In such cases Allah does not want to interfere.”[1]

[1] Wasaael, vol. 3, chapter Qasaf (false accusation); Waafi, vol. 2, p. 57

5. A Man who was accused of Adultery with a Slave Girl

A man was brought to Hazrat Ali (a.s.) with the accusation of committing adultery with a slave girl who belonged to his wife. The slave girl was also said to have become pregnant by that man.

When questioned, the man slated that his wife had given the slave girl to him as a gift, but his wife denied it.

Hazrat Ali (a.s.) ordered him to produce an evidence to that effect, otherwise he would be stoned to death.

The wife of the accused being afraid of the result admitted to have falsely accused her husband and was consequently punished for that crime.[1]

[1] Wasaael, vol. 3, p. 427

6. A Child of Three Fathers

Zaid bin Arqam has reported that three persons who had copulated with one and the same slave-girl by mistake during the time when she was off-menses resulting in the birth of a child, were brought to Hazrat Ali (a.s.), for, they all claimed to be the fathers of the Child and preferred their claim for the possession of the child. Hazrat Ali (a.s.) at first advised them for a mutual compromise but not succeeding therein decided the case by ballot and handed over the child to the one and the two were compensated by payment of 2/3 of the amount fixed for the child which was equally divided between the two. When the news of this decision by Hazrat Ali (a.s.) reached the Holy Prophet (s.a.w.a.) he said to the following effect:

“All praise goes to Allah Who gave us the Ahlul-Bait (People of the Holy Household) wisdom.”[1]

Allamah Jazaeri has provided the following explanation to the above decision of Hazrat Ali (a.s.). He says, “These persons had coition with the slave-girl in question, possessed equally by all of them against the terms by mistake or else they would have been punished therefore. Besides, she had given birth to the child at a different place other than the places occupied by her three masters otherwise the child would have been given to the one at whose place she would have given birth to the child as provided in the religious law.[2]

Ali bin Ibrahim Qummi (r.a.) has recorded in *Ajaaebul Akhaam* a similar incident wherein two men had copulated with a common slave-girl in the similar way and their case was also decided by Hazrat Ali (a.s.) by ballot accordingly and when the news of that decision had reached the Holy Prophet (s.a.w.a.) he had said to the following effect:

“All Praise goes to Allah Who Has Created amongst us a person who delivers judgements on the Sunnah (Tradition) of Hazrat Dawood (David) (a.s.)”[3]

Kulaini (r.a.) has reported that a house had collapsed in Yemen and two children were picked up alive from the debris thereof. One of those children was free while the other one was a slave. When the case was brought to Hazrat Ali (a.s.) for a decision, he decided that case too by ballot. The child who was free succeeded in the balloting and the whole property was given to him. The child who was a slave was set free.[4]

[1] Zakhaaerul Uqba, p. 13; Manaajib, vol. 2, p. 176

[2] Abu Turab, vol. 2, p. 69

- [3] Abu Turab, vol. 2, p. 69
- [4] Qazaa, p. 133

Part 19
**Rare Cases of Insight Regarding Ecclesi-
astical Law**

1. A Rare example of Insight regarding Ecclesiastical Law

A man brought his slave to Hazrat Ali (a.s.) and said: "O Ameerul Momineen! This slave of mine has married a woman without my permission."

Hazrat Ali (a.s.) said to him,

"Why don't you separate them"?

Thereupon, the man ordered his slave: "O you bad man! Divorce your wife." When Hazrat Ali (a.s.) heard these words, he said to the slave that whether he was at will to divorce or not to divorce his wife.

The master of the slave was taken aback when heard these words of Hazrat Ali (a.s.) and said to him: "O Ameerul Momineen! You just said to me that I could separate the two. But now you are saying to the slave that he was at liberty to divorce or not divorce his wife".

Saying this he solicited favour of the holy Imam (a.s.) kindly to explain to him his two different orders in one and the same case.

Hazrat Ali (a.s.) enlightened the man thus:

"When you ordered your slave you admitted interalia that you had permitted him to marry otherwise the marriage would have been unlawful and in that case you need not have to order him to divorce his wife, because divorce was necessary after only a lawful marriage. The result: The marriage was lawful as you have indirectly admitted. Therefore, your slave is now at liberty to divorce his wife or not." [1]

[1] Behaarul Anwaar, vol. 9, p. 492

2. The Case of a Marriage wherein a Woman had married a Man with the condition that the matter of Divorce would remain in her hands

It has been reported by Hazrat Imam Muhammad Baqir (a.s.) that once a man during the period of Hazrat Ali (a.s.) married a woman who had placed the condition of the marriage that the matter of divorce would remain in her hands in case he lived separately or marry another woman.

The man when sought advice of Hazrat Ali (a.s.) in the matter he (a.s.) told him that the conditions of Allah in the case of a marriage were superior over all other conditions and all other conditions become null and void in comparison with the conditions of Allah.

“Allah has put the condition on a marriage i.e., has commanded that the matter of divorce in case of each and every marriage would remain in the hands of man and not the woman.”

Further he (a.s.) said to the man:

“You have surrendered your right to the one who does not deserve it.”[1]

Allamah Jazaari while translating the above into Urdu from Arabic vide Vol. 2, page 272 of his book *Abu Turab*, has added a note thereto as follows:

“The above decision of Hazrat Ali (a.s.) throws light on the question as to whether the matter of divorce could religiously be the right of a woman or not.”

Allamah Jazaari has discussed the point at length in his book referred above, but we leave it for want of space in this small book.[2]

[1] Waafi, vol. 3, p. 70

[2] Kaukab Shadani

3. Second Marriage during the Probation Time of a Woman

Qarezi Abu Yusuf and Imam Ahmad Hambal reported that a woman who had married during probation was brought to Umar

Umar ordered that she should be separated from her husband and her dower be deposited in the Baitul Maal (Public Exchequer). He added that he did not think that the dower was correctly connected with the marriage in question. Therefore, the man and the woman have both been deprived of each other in this case.

When Hazrat Ali (a.s.) heard of the decision of Umar in the above case, he said:

“If these people were ignorant of the religious law in this connection, none could deprive the woman of her right to the dower, because the man has already utilized his matrimonial rights.”

He said further,

“Let them separate for the duration of the probation period but he has the right to marry her again if he likes like others, and the marriage would then be lawful religiously.”

When Umar heard of this, he went to the pulpit and addressed the audience as follows: “If any of you have contracted such a marriage out of ignorance of Sunnah (religious law) he should correct it under the light of the decision of Ali”.

Umar then decided the case in question himself accordingly.[1]

[1] Manaaqib Shahr-e-Aashob, vol. 2, p. 183; Zakhaaerul Uqbaa, p. 85; Arjahul Mataalib, p. 124

4. Coition Before and After the End of the Probation Period

If a man is charged of coition with his divorced wife after the end of the probation period he will be awarded punishment as fixed by ecclesiastical law according to a decision of Hazrat Ali (a.s.), but if he is charged of the same act before the end of the probation period after divorce, it would be deemed to be return to the original position and no punishment will have to be awarded therefore.[1]

[1] Mustadrak, vol. 3, p. 126

5. No Pardon after an Accusation is proved to be False

A woman accused her husband to have committed adultery. When the man was going to be punished therefore under the orders of Hazrat Ali (a.s.), she said that she had pardoned him. Hazrat Ali (a.s.) remarked.

“Now there is no use of your pardoning him because the charge has been proved. He must, therefore, be punished for the crime.”[1]

[1] Qazaa and Tehaa, p. 165

6. Accusing a Group of People

Said Hazrat Ali (a.s.):

“If some one accuses a group of people and the accusation is on investigation proved to be false, the number of punishment would be according to the number of persons in the group so accused, provided the accuser has named all the persons in the group otherwise the number of the punishment would be according to the number of the people the person concerned has named.”[1]

[1] Qazaa and Tehaa, p. 165

7. A Beautiful Expression of Divorce

A woman came to Umar and said the following in verse: "O Amir! What do you say in the case of a young woman who is married but still desired a husband and her father has also given his consent to her second marriage in spite of life fact that her first husband is still alive and has not even divorced her. Is she allowed to fulfil her desire?"

Hearing this all the people present said with one voice: "How is it possible?"

But Hazrat Ali (a.s.) said to the woman:

"Bring your husband to me."

When the man came to Hazrat Ali (a.s.) accompanied by his young wife, he (a.s.) asked him to divorce his wife, which he did without any obligation. Thereafter, the Holy Imam (a.s.) said to the audience, including Umar: "*This man is impotent*". Then he married the woman with another man without any restriction of probation which is a must in all the cases of divorce.[1]

[1] Manaaqib, vol. 2, p. 182

8. A Gift for Usman

Once Usman was on his way to pilgrimage to Mecca and attired in the restricted costume (Ehram) of Haj (pilgrimage to Mecca). Meanwhile, a man happened to bring a roasted bird to him as a gift for him and for his friends.

Usman did not seem to feel any restriction connected therewith, but his companions did not touch the meat. Thereupon, Usman exclaimed: "Brothers! This meat of the bird is not prohibited for us, because we did not hunt the bird nor anyone else who is dressed in the restricted clothe of the pilgrimage. Therefore, I don't see any harm in eating this meat". But the people present in his tent said, "You may not, but Hazrat Ali (a.s.) does not like it despite all the explanation you have given in this connection."

Then Usman called Hazrat Ali (a.s.) through some one.

Hazrat Ali (a.s.) who was marking the camels there seemed a bit annoyed but still he accompanied the man to the tent of Usman.

Usman said to him: "O Ali (a.s.)! You always seem to go against me in all the religious matters."

On this Hazrat Ali (a.s.) said to the people present there,

"I ask you to tell on oath whether the Holy Prophet (s.a.w.a.) had not one refused the meat of a roasted wild donkey with the excuse that he and his companions were dressed in the restricted clothes of Haj and if the meat was not given to those who were not?"

About twelve persons present there said on oath that it had actually happened what had been described by Hazrat Ali (a.s.).

Then Hazrat Ali (a.s.) asked the people present there again to say on oath as to whether five eggs of the camel bird were not once brought to the Holy Prophet (s.a.w.a.) as a gift when he was on his way to Mecca for Haj and also whether had he not refused to eat them on the same place.

About a dozen of people again said on oath that it had happened the same way as was described by Hazrat Ali (a.s.). Thereupon, Usman went inside his tent, leaving the gift with those who had brought it.[1]

[1] Musnad Ahmad bin Hambal, vol. 1, pp. 100-104; Manaaqib vol. 2, p. 194; Naasekhut Tawaarikh, vol. 3, p. 738; Kitabul Um lil Shafai, vol. 7, p. 257; Sunan-e-Baihaqi, vol. 5, p. 194; Kanzul Ummaal, vol. 3, p. 53, Abu Turab, vol. 2, pp. 280-281

9. How to Put a Dumb on Oath

Hazrat Ali (a.s.) was once requested to describe how to put a dumb on Oath.

He (a.s.) said;

“Praise is for Allah that He did not make me depart from this world before I had solved all the religious problems of the Muslim nation wherein they needed my help.”

Thereafter, he described the way of putting a dumb on oath in a case wherein he or she is a dependent in the following manner.

He (a.s.) said:

“If a dumb person is accused of borrowing anything from somebody and when he or she is called to a court of law and required to say on oath as to whether he or she had or had not borrowed in kind or cash from the complainant in the case in question, he or she shown the Holy Quran and asked as to what it was. He would certainly raise his or her finger towards the sky, there is to say, that it was the Book of Allah.”

He then asked Qambar to bring a pen and an inkpot and wrote on a piece of paper the following words:

“I take oath of the one and only Allah there is no God except Him; Who knows all the visible and the hidden things; He desires His creature to be true and virtuous and is the most powerful; He who has the power to benefit and harm all. He Who is kind and merciful; He Who has the power to ruin and catch anybody He likes to; He Who is aware of what is said and what is not said; I do not owe (such a such man or woman) here the person concerned has to be named anything and he or she (name of the person concerned) has no right to ask me to refund (name the thing or the amount of cash whatever the case may be).”

He then asked Qambar to wash the words from the piece of the paper and take the water to the last drop in a tumbler.

Then he said to the people who had requested him to describe the manner in which a dumb was to be put on oath to let the dumb involved in such a case to swallow the liquid prepared like this and the oath would be over.

Further, he (a.s.) said:

“If the dumb person refuses to drink that water the charge is proved.”[1]

[1] Qazaa, p. 147

10. The Funeral Prayer for a Deserter or a Fugitive from War not allowed

When Hazrat Ali (a.s.) reached the dead of his side in the wars of Jamal, Siffeen and Nehrawan, he (a.s.) did not allow the funeral prayers for those who were wounded on the back, but he allowed the prayer for those who were wounded on the front side of their bodies and got them burried like the dead Muslims.[1]

[1] Qazaa, p. 179

11. No Ransom Money for the Fugitives

It has been reported by Asbagh bin Nabaatah that Hazrat Ali (a.s.) used to pay ransom money only for those prisoners of war who were wounded on the front side of their bodies and get them freed thereby, but not those who were wounded in their backs.[1]

[1] Qazaa, p. 179

12. A case against the Holy Prophet (s.a.w.a.)

A Bedouin once came to the Holy Prophet (s.a.w.a.) with a camel and asked him whether he wanted to buy the animal. The Holy Prophet (s.a.w.a.) asked him the price of the camel.

The Bedouin said, "Two hundred Dirhams."

The Holy Prophet (s.a.w.a.) told him that the price he asked for the camel was very small.

The Bedouin then added some Dirhams to the original price, but the Holy Prophet (s.a.w.a.) said to him that, that was too small. This was repeated by the Holy Prophet (s.a.w.a.) and the Bedouin raised the price of the camel till it reached to four hundred Dirhams, and the Holy Prophet (s.a.w.a.) bought it for that price. But no sooner the price of the camel was handed over by the Holy Prophet (s.a.w.a.) to the Bedouin, he (the Bedouin) denied to have received it and catching hold of the reins of the camel he said to the Holy Prophet (s.a.w.a.):

"Have you any proof that the Dirhams in the skirt of my cloak are yours."

In the meantime, Abu Bakr happened to pass by that way.

The Holy Prophet (s.a.w.a.) said to the Bedouin: "Let this old man decide the case between you and me,"

Saying this, the Holy Prophet (s.a.w.a.) turned to Abu Bakr and related the whole story to him.

Abu Bakr said to the Holy Prophet (s.a.w.a.), "The case is quite manifest. The Bedouin has both the camel and the money in his possession. If you claim to having paid the price of the camel to the Bedouin is correct, you should produce witnesses to this effect, which are acceptable to the religion."

Meanwhile, Umar also happened to pass by that way. The Holy Prophet (s.a.w.a.) asked the Bedouin if he agreed to the decision of the second man also to which he replied in the affirmative. Then the Holy Prophet (s.a.w.a.) related the same story to Umar also.

Umar asked the Bedouin what he had to say in the matter.

The Bedouin said to Umar that both the camel and the Dirhams in his pocket belonged to him. However, if what the Holy Prophet (s.a.w.a.) had said was correct let him produce the witness to that effect.

Umar said to the Holy Prophet (s.a.w.a.). The Bedouin has said on oath that both the camel and the price, which you say you have paid, belong to him. This is acceptable under the law of the religion. But if what you say is correct, you should produce witnesses under the same law.

Only a few moments thereafter, Hazrat Ali (a.s.) also appeared on the scene by chance and asked the Holy Prophet (s.a.w.a.) as to what was the dispute about. Then having heard both the parties involved in the case, i.e., the Holy Prophet (s.a.w.a.) and the Bedouin, he brought out his sword from its sheath and cut the head of the Bedouin with one stroke. And when the Holy Prophet (s.a.w.a.) asked him as to why he had done that, he replied,

“We have accepted in to what you have said about the existence of Allah, the revelation, the Day of Judgement, the reward by Allah for good deeds and punishment for evil deeds on that day, the Hell and the Paradise, what is allowed by the religion and what is forbidden thereby. How could we then reject what you say about the daily affairs in this world? As the Bedouin had rejected your claim and had even ventured to blame you of telling a lie, he deserved what I did into him.”

Hearing this, the Holy Prophet (s.a.w.a.) turned to Abu Bakr and Umar and said:

“This decision of Ali (a.s.) is the righteous one and not that which both of you had taken previously,”[1]

[1] Abu Turab, vol. 2, p. 35; Qazaa, p. 89

13. Kills of a Muslim who had a Dispute with a Jew

Once the Holy Prophet (s.a.w.a.) asked his companions as who had the previous right gained the favour of Allah and his Prophet (s.a.w.a.) by killing a man and who is the one who was arraigned for the sake of Allah and his Prophet?

Hazrat Ali (a.s.) who was present at the time told the Holy Prophet (s.a.w.a.) it was he (Hazrat Ali (a.s.) who had committed the act described by the Holy Prophet (s.a.w.a.) and that the relations of the one who was killed were expected to reach him soon for punishment of the accused or for demanding a penalty from him.

The Holy Prophet (s.a.w.a.) asked Hazrat Ali (a.s.) to describe the incident to him. In response to the desire of the Holy Prophet (s.a.w.a.) Hazrat Ali (a.s.) described the incident to him as follows:

“Two persons were quarrelling about something. One of them was a Jew and the other an Ansari Muslim. After sometime they both came to me for a decision.”

“The Jew said to me; ‘O Abul Hasan! We had a dispute about something and had taken the case to your cousin, Muhammad Mustafa (s.a.w.a.), who decided the case in my favour. Thereon the Ansari said to me: ‘I do not agree to the decision of Muhammad (s.a.w.a.) because he has taken your side. His decision is not therefore (God forbid) a righteous one.’”

“The Ansari further said to the Jew to accompany him to Ka’ab bin Ashraf for a decision in the matter.”

Hazrat Ali (a.s.) further told the Holy Prophet (s.a.w.a.) that the Jew did not agree to the Ansari’s advice and took him to him (Hazrat Ali (a.s.)) for a further decision, if it was at all necessary, because the Ansari believed in the man, who had previously decided the case, as a messenger of God and called him prophet.

“*What happened then?*” The Holy Prophet (s.a.w.a.) asked Hazrat Ali (a.s.).

Hazrat Ali (a.s.) said continuing the story:

“When the story of the Jew was confirmed by the Ansari, I went inside my house, brought out a sword and killed the Ansari therewith.”

“*That was my decision in the case,*” concluded Hazrat Ali (a.s.).

Shortly thereafter the relative of the deceased Ansari came to the Holy Prophet (s.a.w.a.) and requested him either to kill the killer of the Ansari i.e., Hazrat Ali (a.s.) under the religious law or ask him to compensate them by paying them the penalty therefore.

The Holy Prophet (s.a.w.a.) told them that there was neither punishment nor a penalty for that killing and that it was quite proper for Hazrat Ali (a.s.) to kill him.[1]

Note: In this case also the person concerned i.e., the Ansari had clearly denied the Prophethood of the Holy Prophet (s.a.w.a.) and had not, therefore, remained a Muslim; he had rather apostatised the punishment for which was death and only death.[2]

[1] Behaarul Anwaar, vol. 9; Abu Turab, vol. 2, p. 39

14. Punishment for the Denial of Prophethood

Kulaini (r.a.) has reported in 'Kaafi' on the authority of Imam Jafar-e-Sadiq (a.s.) that Hazrat Ali (a.s.) was once sitting in the Juma Mosque of Kufa when four persons were presented to him as prisoners with the crime that they were taking food during day time although they knew it that it was the Holy month of Ramazan.

Hazrat Ali (a.s.) talked to them as follows:

"Did you take your food during day knowing that it was the month of Ramazan?"

"Yes sir."

"Are You Jews?"

"No Sir"

"Christians?"

"No, Sir."

"What religions do you then belongs to?"

"We are Muslims, Sir."

"Then you must be travellers?"

"No, Sir, we are the residents of this very city."

"Then you must be suffering from certain diseases of which others might not be aware, but you might know them well. As the Holy Quran says:

"A man knows about himself and when a disease befalls him he knows it."

"Thank God, we are not suffering from any disease whatsoever," replied the prisoners.

Hearing this Hazrat Ali (a.s.) smiled and asked the prisoners.

"Do you believe in the Unity of God and the Prophethood of Muhammad (s.a.w.a.)"?

The prisoners replied, "We believe in the Unity of God, but we do not believe in Muhammad (s.a.w.a.) as a Prophet of God; we rather believe that Muhammad (s.a.w.a.) was only an Arab, who had invited people to gather round him."

Hazrat Ali (a.s.) then said to them,

"If you denied the Prophethood of Muhammad (s.a.w.a.) after calling yourselves Muslims, I shall kill you all."

To this they replied: "You may do whatever you like."

Thereafter, no way out was left for Hazrat Ali (a.s.) except killing them for the crime of apostasy. But he killed them gradually by smoke i.e., putting them in a covered ditch blocked on all the four corners except a

hole to a similar ditch wherein they were put and through which smoke was passing to their ditch from the adjacent one where a fire was burning and putting the question to them as to whether they agreed for penitence for their crime of apostasy. But the prisoners were adamant enough not to agree to penitence with the result that all died without a word till they breathed their last.

When the news of the above incident spread to other cities, a group of Jews came from Medina to Kufa and requested for audience with Hazrat Ali (a.s.) and it was duly granted.

When they were presented to Hazrat Ali (a.s.), they said to him: "Sir, we have heard that you have invented a punishment for killing people who is against all the tents of Islam as well as those of Christianity and the religion of the Jews. We have, therefore, come to ask you, Sir, whether it is true or not."

Thereafter, they waited for an answer from Hazrat Ali (a.s.) and it came as follows:

"It put you on oath by the signs which were shown to Hazrat Musa (a.s.) (Moses) and by the one who does not need anything but is the whole and sole monarch of the Day of Judgement i.e. Allah, to say as to after departure of Moses (a.s.) a group of people was not brought to Yoosha bin Noon with the accusation that they believed in the Unity of God, but they had denied the Prophethood of Moses (a.s.), although they had accepted him as a Prophet earlier and to whether the latter had not awarded the same punishment to them as I have awarded to these so called Muslims now?"

All the Jews then said with one voice: "We now believe that you know the Secrets of Moses (a.s.)". Thereafter their leader took out a document from under his cloak and showed to Hazrat Ali (a.s.).

After Hazrat Ali (a.s.) had gone through the document he began weeping bitterly.

The leader of the Jews asked him as to whether he could read Hebrew being an Arab, Hazrat Ali (a.s.) replied in the affirmative and told his own name was written in the document and that was the reason of his shedding tears.

The Grand Jew requested Hazrat Ali (a.s.) to show where his name was written in the document. Hazrat Ali (a.s.) Showed him his name and told him Elia stood for Ali in the Hebrew language.

Thereafter, the Grand Jew together with his followers recited the Kalma and became Muslims.[1]

[1] Behaarul Anwaar, vol. 9. p. 492

15. Decision that Penitence Purifies a Sinner

It has been described by Saduq (r.a.) on the authority of Saad Bin Tarif who has carried it from Asbagh that a man came to Hazrat Ali (a.s.) and submitted to him that he had committed a major crime and asked him to purify him. Hazrat Ali (a.s.) asked him whether he was suffering from any major disease. When he replied in the affirmative, Hazrat Ali (a.s.) asked him to go away, get the disease treated and then come back to him. When he came back Hazrat Ali (a.s.) asked him whether he repented over what he had done. The man said, "Yes" and wept bitterly. Then Hazrat Ali (a.s.) told him that repentance had purified him as sincere repentance and penitence was sufficient for purification. But it has been unanimously accepted that nobody else than an Imam can grant forgiveness like this.[1]

[1] Abu Turab, vol. 2, p. 118

Chapter 3

Hazrat Ali (a.s.)

Ali! Thou art the rarest gem
That the world has ever seen;
Thou art the embodiment great
Of godliness, beauty and love;
Thy spotless life so pure and good
Inspires men to tread their upward path
To the horis land of calm and bliss
First in battle and first in truth
Thou stood's stately, sure and firm
By Muhammad's dark and sunny days,
Dined with him that Meraj night,
And slept on his hallowed bed that perilous night
From whence the Islamic age began
Full of wisdom and full of lore art thou
As truly said the Holy Prophet great
For at thy feet the two worlds sat
Praising thee for thy talents rare;
Ali! Thou shouldst be the first Caliph!
Immortal Ka'aba thy place of birth
Immortal Kufa-Mosque thy place of death;
Ali – Thou art a blessed God's own being!
Thou wert to thine murderer extremely kind
Who clapped in chains was before thee brought!
Even as the sandal tree its fragrance yields
To the wood-cutter that strikes it hard
Thou set him free with a glorious grace
And offered him thy bread and milk
These eternal charity deeds of thine
The living world remembers and reveres sure!
Cursed be the men that envied thee

And those that thought and spoke low of thee,
Despite the virtuous birth and heritage divine;
Aided thus by false and impure men
Did jarring sect into Islam creep
But thou shinest above these all
O Lord Like a steadfast star of the skies!
These numbers are but a frail tribute to thee
My Lord, I implore thee cast once thy gracious smile on me
One and one only, I implore thee, I am blessed.

By the Courtesy of Mirza Ghulam Raza (Masolipatam)

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IN THE AGE OF INFORMATION
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*"Wisdom is the lost property of the Believer,
let him claim it wherever he finds it"*

Imam Ali (as)