Judging over People

Table of Contents

Summary: 3

The position of a judge appointed by the government: 3

Judgement of a fallible Judge is always flawed: 6

A Fallible cannot be Just in his judgement 8

It is beyond a fallible person to establish justice : 8

An Aide of a Government will be Punished in the Hell: 15

Do not Judge over people as a lord: 15

Appendix: Additional Ahadith on condemnation of issuing wrong judgements 16

Fairness in dealing with an aggressor: 17

وَسَلَّمَ تَسْلِيماً., وَ صَلَّى اللَّهُ عَلى سَيِّدِنَا مُحَمَّدٍ وَ آلِهِ الطَّاهِرِين,بِسْمِ اللَّهِ الرَّحْمنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِ الْعالَمِين

In the Name of Allah-azwj the Beneficent, the Merciful. The Praise is for Allah-azwj Lord-azwj of the Worlds, and Blessing be upon our Chief Muhammad-saww and his-saww Purified Progeny-asws, and greetings with abundant greetings.
اَللَّهُمَّ صَلِّ عَلى مُحَمَّدٍ وَّآلِ مُحَمَّدٍ وَّعَجِّلْ فَرَجَهُمْ وَالْعَنْ أَعْدَائَهُمْ اَجْمَعِيْن

Judging over People

Summary:

The believers of the Ahl Al-Bayt-asws are advised, in general, not to work for the rulers – and in particular, not to take up the position of a judge, as it's challenging for a fallible person to pass a fair judgment. However, people think that their supporting ones (the ruling elite) will always remain in power and no harm in the world will afflict them, and the work they are carrying out on behalf of the government is just and fair. However, it's an illusion; with two background Ahadith below, we present further Ahadith on the difficulties and status of a judge.

تفسير العياشي عَنْ سُلَيْمَانَ بْنِ جَعْفَرٍ الْجُعْفَرِيِّ قَالَ: قُلْتُ لِأَبِي الْحَسَنِ الرِّضَا ع مَا تَقُولُ فِي أَعْمَالِ السُّلْطَانِ

Tafseer Al Ayyashi – from Suleyman Bin Ja'far Al Ja'fari who said,

'I said to Abu Al-Hassan Al-Reza-asws, 'What are you-asws saying regarding working for the ruler?'

فَقَالَ يَا سُلَيْمَانُ الدُّخُولُ فِي أَعْمَالِهِمْ وَ الْعَوْنُ لَهُمْ وَ السَّعْيُ فِي حَوَائِجِهِمْ عَدِيلُ الْكُفْرِ وَ النَّظَرُ إِلَيْهِمْ عَلَى الْعَمْدِ مِنَ الْكَبَائِرِ الَّتِي يُسْتَحَقُّ بِهِ [بِهَا] النَّارُ.

'He-asws said: 'O Suleyman! The entering into their work, and assisting them, and striving regarding their needs equates to Kufr, and the looking at them deliberately is from the major sins due to which the Fire is deserved.''[1]

وَ قَدْ قَتَلَ اللَّهُ الْجَبَابِرَةَ عَلَى أَفْضَلِ أَحْوَالِهِمْ وَ آمَنِ مَا كَانُوا .

(Amir Al-Momineen-asws said in a Hadith): 'And Allah-azwj has Killed the tyrants upon the best of their states, and (when they were) as safe as they could have been…' (An extract).[2]

The position of a judge appointed by the government:

دَعَائِمُ الْإِسْلَامِ، رُوِّينَا عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ صَلَوَاتُ اللَّهِ عَلَيْهِ أَنَّهُ قَالَ يَوْماً لِابْنِ أَبِي لَيْلَى أَ تَقْضِي بَيْنَ النَّاسِ يَا عَبْدَ الرَّحْمَنِ

(The book) 'Da'aim Al Islam' -

[1] Bihar Al-Anwaar V 71 - The book of relationships - Ch 82 H 25
[2] Al Kafi V 2 – The Book Of Belief and Disbelief CH 133 H 4

We are reporting from Ja'far-asws Bin Muhammad-asws, may the Salawaat of Allah-azwj be upon him-asws. One day, he-asws said to Ibn Abu Layla, 'Are you judging between the people, O Abdul Rahman?'

فَقَالَ نَعَمْ يَا ابْنَ رَسُولِ اللَّهِ

He said, 'Yes, O son-asws of Rasool-Allah-saww!'

قَالَ تَنْزِعُ مَالًا مِنْ يَدَيْ هَذَا فَتُعْطِيهِ هَذَا وَ تَنْزِعُ امْرَأَةً مِنْ يَدَيْ هَذَا فَتُعْطِيهَا هَذَا قَالَ نَعَمْ

He-asws said: 'You snatch the wealth from the hands of this one and cut this one off, and you snatch a woman from the hands of this one and you give her to this one?'

قَالَ بِمَ ذَا تَفْعَلُ ذَلِكَ كُلَّهُ

He-asws said: 'By what do you do all of that?'

قَالَ بِكِتَابِ اللَّهِ

He said, 'By the Book of Allah-azwj.'

قَالَ كُلُّ شَيْءٍ تَفْعَلُهُ تَجِدُهُ فِي كِتَابِ اللَّهِ

He-asws said: 'Everything you do, you find it in the Book of Allah-azwj?'

قَالَ لَا

He said, 'No.'

قَالَ فَمَا لَمْ تَجِدْهُ فِي كِتَابِ اللَّهِ فَمِنْ أَيْنَ تَأْخُذُهُ

He-asws said: 'So what you do not find in the Book of Allah-azwj, from where do you take it?'

قَالَ فَآخُذُهُ عَنْ رَسُولِ اللَّهِ ص

He said, 'I take it from Rasool-Allah-saww.'

قَالَ وَ كُلُّ شَيْءٍ تَجِدُهُ فِي كِتَابِ اللَّهِ وَ سُنَّةِ رَسُولِ اللَّهِ

He-asws said: 'And everything you find, being in the Book of Allah-azwj and Sunnah of Rasool-Allah-saww?'

قَالَ مَا لَمْ أَجِدْهُ فِي كِتَابِ اللَّهِ وَ لَا فِي سُنَّةِ رَسُولِ اللَّهِ ص أَخَذْتُهُ عَنْ أَصْحَابِ رَسُولِ اللَّهِ

He said, 'Whatever I do not find in the Book of Allah-azwj nor being in Sunnah of Rasool-Allah-saww, I take it from companions of Rasool-Allah-saww.'

قَالَ عَنْ أَيِّهِمْ تَأْخُذُ

He-asws said: 'From which of them do you take?'

قَالَ عَنْ أَبِي بَكْرٍ وَ عُمَرَ وَ عَلِيٍّ وَ عُثْمَانَ وَ طَلْحَةَ وَ الزُّبَيْرِ وَ عَدَّ أَصْحَابَ رَسُولِ اللَّهِ ص

He said, 'From Abu Bakr, and Umar, and Ali-asws, and Usman, and Talha, and Al-Zubeyr, and a number of companions of Rasool-Allah-saww.'

قَالَ وَ كُلُّ شَيْءٍ تَأْخُذُهُ عَنْهُمْ تَجِدُهُمْ قَدِ اجْتَمَعُوا عَلَيْهِ

He-asws said: 'And everything you take from them you are finding them to have had a consensus upon it?'

قَالَ لَا

He said, 'No.'

قَالَ فَإِذَا اخْتَلَفُوا فَبِقَوْلِ مَنْ تَأْخُذُ مِنْهُمْ

He-asws said: 'So when they are differing, by whose word from them do you take?'

قَالَ بِقَوْلِ مَنْ رَأَيْتُ أَنْ آخُذَ مِنْهُمْ أَخَذْتُ

He said, 'By the word of the one I opine I should be taking from.'

قَالَ وَ لَا تُبَالِي أَنْ تُخَالِفَ الْبَاقِينَ

He-asws said: 'And you don't care if the rest of them differ?'

قَالَ لَا

He said, 'No.'

قَالَ فَهَلْ تُخَالِفُ عَلِيّاً فِيمَا بَلَغَكَ أَنَّهُ قَضَى بِهِ

He-asws said: 'So do you oppose Ali-asws among what has reached you that he had judged with?'

قَالَ رُبَّمَا خَالَفْتُهُ إِلَى غَيْرِهِ

He said, 'Sometimes I do oppose him-asws (Imam Ali-asws) to (prefer) others.'

فَسَكَتَ أَبُو عَبْدِ اللَّهِ ع سَاعَةً يَنْكُتُ فِي الْأَرْضِ ثُمَّ رَفَعَ رَأْسَهُ إِلَيْهِ فَقَالَ لَهُ يَا عَبْدَ الرَّحْمَنِ فَمَا تَقُولُ يَوْمَ الْقِيَامَةِ إِنْ أَخَذَ رَسُولُ اللَّهِ ص بِيَدِكَ وَ أَوْقَفَكَ بَيْنَ يَدَيِ اللَّهِ وَ قَالَ أَيْ رَبِّ إِنَّ هَذَا بَلَغَهُ عَنِّي قَوْلٌ فَخَالَفَهُ

Abu Abdullah[-asws] was silent for a while tapping on the ground, then he[-asws] raised his[-asws] head towards him. He[-asws] said to him: 'O Abdul Rahman! So, what would you say regarding the Day of Qiyamah if Rasool-Allah[-saww] were to hold you by your hand and pause you in front of Allah[-saww] and says: 'Yes, Lord[-azwj]! This one, a word had reached him from me[-saww] but he opposed it!''

قَالَ وَ أَيْنَ خَالَفْتُ قَوْلَهُ يَا ابْنَ رَسُولِ اللَّهِ

He said, 'And where have I opposed his[-saww] word, O son[-asws] of Rasool-Allah[-saww]?'

قَالَ أَ لَمْ يَبْلُغْكَ قَوْلُهُ ص لِأَصْحَابِهِ أَقْضَاكُمْ عَلِيٌّ

He[-asws] said: 'Has it not reached you, his[-saww] word to his[-saww] companions: 'The most just of you is Ali[-asws]!''

قَالَ نَعَمْ

He said, 'Yes.'

قَالَ فَإِذَا خَالَفْتَ قَوْلَهُ أَ لَمْ تُخَالِفْ رَسُولَ اللَّهِ ص

He[-asws] said: 'So when you oppose his[-asws] word do you not oppose Rasool-Allah[-saww]!?'

فَاصْفَرَّ وَجْهُ ابْنِ أَبِي لَيْلَى حَتَّى عَادَ كَالْأُتْرُجَّةِ وَ لَمْ يُحِرْ جَوَاباً.

The face of Ibn Abu Layla paled to the extent it became like a citron, and he could not give an answer.[3]

Judgement of a fallible Judge is always flawed:

الإحتجاج عَنْ سَعْدِ بْنِ أَبِي الْخَصِيبِ قَالَ: دَخَلْتُ أَنَا وَ ابْنُ أَبِي لَيْلَى الْمَدِينَةَ فَبَيْنَا نَحْنُ فِي مَسْجِدِ الرَّسُولِ ص إِذْ دَخَلَ جَعْفَرُ بْنُ مُحَمَّدٍ ع فَقُمْنَا إِلَيْهِ فَسَاءَلَنِي عَنْ نَفْسِي وَ أَهْلِي ثُمَّ قَالَ مَنْ هَذَا مَعَكَ

(The book) 'Al Ihtijaj' – From Sa'ad Bin Abu Al Khaseyb who said,

'I and Ibn Abu Layla entered Al-Medina. We were in Masjid of the Rasool[-saww] when Ja'far[-asws] Bin Muhammad[-asws] entered. We stood up to him[-asws]. He[-asws] asked me about myself and my family, then said: 'Who is this one with you?'

[3] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 3 a

فَقُلْتُ ابْنُ أَبِي لَيْلَى قَاضِي الْمُسْلِمِينَ

'I said, 'Ibn Abu Layla, judge of the Muslims!'

فَقَالَ نَعَمْ

'He[-asws] said: 'Yes.'

ثُمَّ قَالَ لَهُ تَأْخُذُ مَالَ هَذَا فَتُعْطِيهِ هَذَا وَ تُفَرِّقُ بَيْنَ الْمَرْءِ وَ زَوْجِهِ وَ لَا تَخَافُ فِي هَذَا أَحَداً

'Then he[-asws] said to him: 'You take the wealth of this one and give it to this one, and you separate between the man and his wife and you don't fear anyone in this?'

قَالَ نَعَمْ

'He said, 'Yes.'

قَالَ فَبِأَيِّ شَيْءٍ تَقْضِي

'He[-asws] said: 'So by which thing do you judge?'

قَالَ بِمَا بَلَغَنِي عَنْ رَسُولِ اللَّهِ ص وَ عَنْ أَبِي بَكْرٍ وَ عُمَرَ

'He said, 'With whatever has reached me from Rasool-Allah[-saww], and from Abu Bakr and Umar.'

قَالَ فَبَلَغَكَ أَنَّ رَسُولَ اللَّهِ ص قَالَ أَقْضَاكُمْ عَلِيٌّ

'He[-asws] said: 'Has it reached you that Rasool-Allah[-saww] had said that your most judicial is Ali[-asws]?'

قَالَ نَعَمْ

'He said, 'Yes.'

قَالَ فَكَيْفَ تَقْضِي بِغَيْرِ قَضَاءِ عَلِيٍّ ع وَ قَدْ بَلَغَكَ هَذَا

'He[-asws] said: 'So how come you are judging with other than the judgment of Ali[-asws], and this has reached you?''

قَالَ فَاصْفَرَّ وَجْهُ ابْنِ أَبِي لَيْلَى ثُمَّ قَالَ الْتَمِسْ لِنَفْسِكَ زَمِيلًا وَ اللَّهِ لَا أُكَلِّمُكَ مِنْ رَأْسِي كَلِمَةً أَبَداً.

He (the narrator) said, 'The face of Ibn Abu Layla paled. Then he-asws said: 'Seek a companion for yourself. By Allah-azwj, I-asws will not speak to you from my-asws head a single word, ever!''[4]

الخصال ابْنُ الْمُتَوَكِّلِ عَنِ السَّعْدَآبَادِيِّ عَنِ الْبَرْقِيِّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ رَفَعَهُ إِلَى أَبِي عَبْدِ اللَّهِ ع قَالَ: الْقُضَاةُ أَرْبَعَةٌ قَاضٍ قَضَى بِالْحَقِّ وَ هُوَ لَا يَعْلَمُ أَنَّهُ حَقٌّ فَهُوَ فِي النَّارِ وَ قَاضٍ قَضَى بِالْبَاطِلِ وَ هُوَ لَا يَعْلَمُ أَنَّهُ بَاطِلٌ فَهُوَ فِي النَّارِ وَ قَاضٍ قَضَى بِالْبَاطِلِ وَ هُوَ يَعْلَمُ أَنَّهُ بَاطِلٌ فَهُوَ فِي النَّارِ وَ قَاضٍ قَضَى بِالْحَقِّ وَ هُوَ يَعْلَمُ أَنَّهُ حَقٌّ فَهُوَ فِي الْجَنَّةِ.

(The book) 'Al Khisaal' – Ibn Al Mutawakkil, from Al Sa'dabady, from Al Barqy, from his father, from Ibn Abu Umeyr raising it to,

Abu Abdullah-asws said: 'The judgments are four – a judge judges with the truth and he does not know that it is the truth, so, he would be in the Hellfire; and a judge judging with the falsehood and he does not know that it is false, so he would be in the Hellfire; and a judge judging with the falsehood and he knows that is it false, he would be in the Hellfire; and a judge judging with the truth and he knows that it is true, he would be in the Paradise.'[5]

A Fallible cannot be Just in his judgement

فقه الرضا عليه السلام اعْلَمْ أَنَّ الْقُضَاةَ أَرْبَعَةٌ قَاضٍ يَقْضِي بِالْبَاطِلِ وَ هُوَ يَعْلَمُ أَنَّهُ بَاطِلٌ فَهُوَ فِي النَّارِ وَ قَاضٍ يَقْضِي بِالْبَاطِلِ وَ هُوَ لَا يَعْلَمُ أَنَّهُ بَاطِلٌ فَهُوَ فِي النَّارِ وَ قَاضٍ قَضَى بِالْحَقِّ وَ هُوَ لَا يَعْلَمُ أَنَّهُ حَقٌّ فَهُوَ فِي النَّارِ وَ قَاضٍ قَضَى بِالْحَقِّ وَ هُوَ يَعْلَمُ أَنَّهُ حَقٌّ فَهُوَ فِي الْجَنَّةِ فَاجْتَنِبِ الْقَضَاءَ فَإِنَّكَ لَا تُقِيمُ بِهِ.

(The book) 'Fiqh Al-Reza-asws' – 'Know that the judgments are four – a judge judging with the falsehood and he knows that it is false, so he would be in the Hellfire; and a judge judging with the falsehood and he does not know that it is false, he would be in the Hellfire; and a judge judging with the truth and he does not know it is true, he would be in the Hellfire; and a judge judging with the truth and he knows it is true, he would be in the Paradise! Therefore, shun the judging for you cannot stand with it (uphold it)!'[6]

It is beyond a fallible person to establish justice :

وَ رُوِّينَا عَنْ عُمَرَ بْنِ أُذَيْنَةَ وَ كَانَ مِنْ أَصْحَابِ أَبِي عَبْدِ اللَّهِ جَعْفَرِ بْنَ مُحَمَّدٍ ع أَنَّهُ قَالَ: دَخَلْتُ يَوْماً عَلَى عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى بِالْكُوفَةِ وَ هُوَ قَاضٍ فَقُلْتُ أَرَدْتُ أَصْلَحَكَ اللَّهُ أَنْ أَسْأَلَكَ عَنْ مَسَائِلَ وَ كُنْتُ حَدِيثَ السِّنِّ

And we are reporting from Umar Bin Azina, and he was from the companions of Abu Abdullah Ja'far-asws Bin Muhammad-asws, he said, 'One day I entered to see Abdul Rahman Bin Abu Layla at Al-Kufa, and he was a judge. I said, 'May Allah-azwj Keep you well! I want to ask you about issues, and I was a young person'.

فَقَالَ سَلْ يَا ابْنَ أَخِي عَمَّا شِئْتَ

[4] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 2
[5] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 4
[6] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 5 H 6

He said, 'Ask, O son of my brother, about whatever you like!'

فَقُلْتُ أَخْبِرْنِي عَنْكُمْ مَعَاشِرَ الْقُضَاةِ تَرِدُ عَلَيْكُمُ الْقَضِيَّةُ فِي الْمَالِ وَ الْفَرْجِ وَ الدَّمِ فَتَقْضِي أَنْتَ فِيهَا بِرَأْيِكَ ثُمَّ تَرِدُ تِلْكَ الْقَضِيَّةُ بِعَيْنِهَا عَلَى قَاضِي مَكَّةَ فَيَقْضِي فِيهَا بِخِلَافِ قَضِيَّتِكَ وَ تَرِدُ عَلَى قَاضِي الْبَصْرَةِ وَ قُضَاةِ الْيَمَنِ وَ قَاضِي الْمَدِينَةِ فَيَقْضُونَ فِيهَا بِخِلَافِ ذَلِكَ

I said, 'Inform about you all, community of judges. Cases are referred to you for judgment regarding the wealth, the private parts (relationship), and the blood (murder), so you judge in it with your opinion. Then that very case is referred to the judge of Makkah, so he judges in it differently to your judgment, and it is referred to the judge of Al-Basra and the judges of Al-Yemen and judge of Al-Medina, so they are judging regarding it differently to that.

ثُمَّ تَجْتَمِعُونَ عِنْدَ خَلِيفَتِكُمُ الَّذِي اسْتَقْضَاكُمْ فَتُخْبِرُونَهُ بِاخْتِلَافِ قَضَايَاكُمْ فَيُصَوِّبُ قَوْلَ كُلِّ وَاحِدٍ مِنْكُمْ وَ إِلَهُكُمْ وَاحِدٌ وَ نَبِيُّكُمْ وَاحِدٌ وَ دِينُكُمْ وَاحِدٌ

'Then you are gathering in the presence of your caliph, the one who appointed you as judges and you are informing him of your differing judgments. He deems the word of each one of you as correct, and although your God-azwj is One, and your Prophet-saww is one, and your religion is one.

فَأَمَرَكُمُ اللَّهُ عَزَّ وَ جَلَّ بِالاخْتِلَافِ فَأَطَعْتُمُوهُ أَمْ نَهَاكُمْ عَنْهُ فَعَصَيْتُمُوهُ أَمْ كُنْتُمْ شُرَكَاءَ اللَّهِ فِي حُكْمِهِ فَلَكُمْ أَنْ تَقُولُوا وَ عَلَيْهِ أَنْ يَرْضَى أَمْ أَنْزَلَ اللَّهُ دِيناً نَاقِصاً فَاسْتَعَانَ بِكُمْ عَلَى إِتْمَامِهِ أَمْ أَنْزَلَهُ اللَّهُ تَامّاً فَقَصَّرَ رَسُولُ اللَّهِ ص عَنْ أَدَائِهِ أَمْ مَا ذَا تَقُولُونَ

'Did Allah-azwj Mighty and Majestic Command you with the differing so you are obeying Him-azwj, or did He-azwj Forbid you from it, so you are disobeying Him-azwj? Or are you partners of Allah-azwj in His-azwj Judgments, so for you is to say and upon Him-azwj is to Agree? Or did Allah-azwj Reveal a deficient religion so He-azwj is Seeking your assistance upon completing it, or did Allah-azwj Reveal it as completed but Rasool-Allah-saww was deficient from delivering it? Or what is that you are saying?'

فَقَالَ مِنْ أَيْنَ أَنْتَ يَا فَتَى

He said, 'Where are you from, O youth?'

قُلْتُ مِنْ أَهْلِ الْبَصْرَةِ

I said, 'From the people of Basra.'

قَالَ مِنْ أَيِّهَا

He said, 'From which of its tribes?'

قُلْتُ مِنْ عَبْدِ الْقَيْسِ

I said, 'From Abdul Qays.'

قَالَ مِنْ أَيِّهِمْ

He said, ‘From which (clan) of theirs?’

قُلْتُ مِنْ بَنِي أُذَيْنَةَ

I said, ‘From the clan of Uzina.’

قَالَ مَا قَرَابَتُكَ مِنْ عَبْدِ الرَّحْمَنِ بْنِ أُذَيْنَةَ

He said, ‘What is your relationship with Abdul Rahman Bin Uzina?’

قُلْتُ هُوَ جَدِّي

I said, ‘He is my grandfather.’

فَرَحَّبَ لِي وَ قَرَّبَنِي وَ قَالَ أَيْ فَتَى لَقَدْ سَأَلْتَ فَغَلَّظْتَ وَ انْهَمَكْتَ فَعَوَّصْتَ وَ سَأُخْبِرُكَ إِنْ شَاءَ اللَّهُ

He was welcoming to me and drew me closer and said, ‘Yes, youth! You have asked harshly and delved deeply, making it difficult, and I will be informing you, if Allah-azwj so Desires.

أَمَّا قَوْلُكَ فِي اخْتِلَافِ الْقَضَايَا فَإِنَّهُ مَا وَرَدَ عَلَيْنَا مِنْ أَمْرِ الْقَضَايَا مِمَّا لَهُ فِي كِتَابِ اللَّهِ أَصْلٌ وَ فِي سُنَّةِ نَبِيِّهِ فَلَيْسَ لَنَا أَنْ نَعْدُوَ الْكِتَابَ وَ السُّنَّةَ وَ مَا وَرَدَ عَلَيْنَا لَيْسَ فِي كِتَابِ اللَّهِ وَ لَا فِي سُنَّةِ رَسُولِهِ فَإِنَّا نَأْخُذُ فِيهِ بِرَأْيِنَا

‘As for your word regarding differing judgments, it is what has been referred to us from the matters of the cases, from what there is an origin for it in the Book of Allah-azwj and in the Sunnah of His-azwj Prophet-saww. It isn’t for us to leave the Book and the Sunnah; and what has been referred to us which is neither in the Book of Allah-azwj nor in the Sunnah of His-azwj Rasool-saww, we take with our opinion.’

قُلْتُ مَا صَنَعْتَ شَيْئاً لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ ما فَرَّطْنا فِي الْكِتابِ مِنْ شَيْءٍ وَ قَالَ فِيهِ تِبْيَانُ كُلِّ شَيْءٍ أَ رَأَيْتَ لَوْ أَنَّ رَجُلًا عَمِلَ بِمَا أَمَرَهُ اللَّهُ بِهِ وَ انْتَهَى عَمَّا نَهَاهُ اللَّهُ عَنْهُ أَ بَقِيَ لِلَّهِ شَيْءٌ يُعَذِّبُهُ عَلَيْهِ إِنْ لَمْ يَفْعَلْهُ أَوْ يُثِيبُهُ عَلَيْهِ إِنْ فَعَلَهُ

I said, ‘You have not done anything, because Allah-azwj Mighty and Majestic: ***We have not neglected in the Book of anything [6:38]***, and Said in it is ***a clarification of all things [16:89]***. What is your view if a man works with what Allah-azwj has Commanded him with and desists from what Allah-azwj has Forbidden from, does there remain anything for Allah-azwj to Punish him upon if he does not do it, or Reward him upon if he does it?’

قَالَ وَ كَيْفَ يُثِيبُهُ عَلَى مَا لَمْ يَأْمُرْهُ بِهِ أَوْ يُعَاقِبُهُ عَلَى مَا لَمْ يَنْهَهُ عَنْهُ

He said, ‘And how can He-azwj Reward him upon what He-azwj did not Command him with, or Punish him upon what He-azwj did not Forbid him from?’

قُلْتُ وَ كَيْفَ يَرِدُ عَلَيْكَ مِنَ الْأَحْكَامِ مَا لَيْسَ لَهُ فِي كِتَابِ اللَّهِ أَثَرٌ وَ لَا فِي سُنَّةِ نَبِيِّهِ خَبَرٌ

I said, 'And how can the rulings be referred to you, when there is neither any trace of it in the Book of Allah-azwj nor any Hadeeth in the Sunnah of His-azwj Prophet-saww?'

قَالَ أُخْبِرُكَ يَا ابْنَ أَخِي حَدِيثاً حَدَّثَنَاهُ بَعْضُ أَصْحَابِنَا يَرْفَعُ الْحَدِيثَ إِلَى عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ قَضَى قَضِيَّةً بَيْنَ رَجُلَيْنِ فَقَالَ لَهُ أَدْنَى الْقَوْمِ إِلَيْهِ مَجْلِساً أَصَبْتَ يَا أَمِيرَ الْمُؤْمِنِينَ فَعَلَاهُ عُمَرُ بِالدِّرَّةِ وَ قَالَ ثَكِلَتْكَ أُمُّكَ وَ اللَّهِ مَا يَدْرِي عُمَرُ أَصَابَ أَمْ أَخْطَأَ إِنَّمَا هُوَ رَأْيٌ اجْتَهَدْتُهُ فَلَا تُزَكُّونَا فِي وُجُوهِنَا

He said, 'I will inform you, O son of my brother, a Hadeeth one of our companions has narrated to us, raising the Hadeeth to Umar Bin Al-Khattab who had judged a case between two men. The closest of the people in the seat said to him, 'You are correct, O commander of the faithful!' Umar pained him with the whip and said, 'May your mother be bereft of you! By Allah-azwj, Umar does not know whether he is correct or mistaken, but rather it is an opinion I have strived with, so do not praise us in our faces!'

قُلْتُ أَ فَلَا أُحَدِّثُكَ حَدِيثاً

I said, 'Shall I narrate a Hadeeth to you?'

قَالَ وَ مَا هُوَ

He said, 'And what is it?'

قُلْتُ أَخْبَرَنِي أَبِي عَنْ أَبِي الْقَاسِمِ الْعَبْدِيِّ عَنْ أَبَانٍ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ ع أَنَّهُ قَالَ الْقُضَاةُ ثَلَاثَةٌ هَالِكَانِ وَ نَاجٍ فَأَمَّا الْهَالِكَانِ فَجَائِرٌ جَارَ مُتَعَمِّداً وَ مُجْتَهِدٌ أَخْطَأَ وَ النَّاجِي مَنْ عَمِلَ بِمَا أَمَرَهُ اللَّهُ بِهِ فَهَذَا نَقْضُ حَدِيثِكَ يَا عَمِّ

I said, 'My father informed me from Abu Al-Qasim Al-Abdy, from Aban, from Ali-asws Bin Abu Talib-asws, having said: 'The judgments are three – two are destroyed and one is saved. As for the two destroyed, a tyrant is tyrannical deliberately, and a striver (making a decision after a long arbitration and deep thinking) is mistaken, while the saved is the one who works with what Allah-azwj has Commanded him with. So, this contradicts your Hadeeth, O uncle!'

قَالَ أَجَلْ وَ اللَّهِ يَا ابْنَ أَخِي فَتَقُولُ إِنَّ كُلَّ شَيْءٍ فِي كِتَابِ اللَّهِ

He said, 'Yes, by Allah-azwj, O son of my brother! So, you are saying that all things are in the Book of Allah-azwj?'

قُلْتُ اللَّهَ قَالَ ذَلِكَ وَ مَا مِنْ حَلَالٍ وَ لَا حَرَامٍ وَ لَا أَمْرٍ وَ لَا نَهْيٍ إِلَّا وَ هُوَ فِي كِتَابِ اللَّهِ عَرَفَ ذَلِكَ مَنْ عَرَفَهُ وَ جَهِلَهُ مَنْ جَهِلَهُ وَ لَقَدْ أَخْبَرَنَا اللَّهُ عَزَّ وَ جَلَّ فِيهِ بِمَا لَا نَحْتَاجُ إِلَيْهِ فَكَيْفَ بِمَا نَحْتَاجُ إِلَيْهِ

I said, 'Allah-azwj Said that, and there is none from a Halal nor from a Haraam, nor a Command nor a Prohibition except, and it is in the Book of Allah-azwj. The one who recognises it has recognised it, and the one who is ignorant of it, is ignorant of it, and Allah-azwj Mighty and Majestic has Informed us in it with what we are not even needy of, so how can it be with what we are in need of (that which is not in the Book)?'

قَالَ كَيْفَ قُلْتَ

He said, ‘How can you say so?’

قُلْتُ قَوْلُهُ- فَأَصْبَحَ يُقَلِّبُ كَفَّيْهِ عَلى ما أَنْفَقَ فِيها

I said, ‘His Words: ***So in the morning he was wringing his hands upon what he had spent in these [18:42].***’[7]

قَالَ فَعِنْدَ مَنْ يُوجَدُ عِلْمُ ذَلِكَ

He said, ‘So with whom can one find knowledge of that?’

قُلْتُ عِنْدَ مَنْ عَرَفْتُ

I said, ‘With the one who recognises.’

قَالَ وَدِدْتُ لَوْ أَنِّي عَرَفْتُهُ فَأَغْسِلُ قَدَمَيْهِ وَ أَخْدُمُهُ وَ أَتَعَلَّمُ مِنْهُ

He said, ‘I would love it if I could know him, so I would wash his feet and serve him, and learn from him!’

قُلْتُ أُنَاشِدُكَ اللَّهَ هَلْ تَعْلَمُ رَجُلًا كَانَ إِذَا سَأَلَ رَسُولَ اللَّهِ ص أَعْطَاهُ وَ إِذَا سَكَتَ عَنْهُ ابْتَدَأَهُ

I said, ‘I adjure you with Allah-azwj! Do you know of any man whenever he had asked Rasool-Allah-saww, he-saww gave him, and when he was silent, he-saww initiated him?’

قَالَ نَعَمْ ذَلِكَ عَلِيُّ بْنُ أَبِي طَالِبٍ ع

He said, ‘Yes, that is Ali-asws Bin Abu Talib-asws.’

قُلْتُ فَهَلْ عَلِمْتَ أَنَّ عَلِيّاً سَأَلَ أَحَداً بَعْدَ رَسُولِ اللَّهِ ص عَنْ حَلَالٍ أَوْ حَرَامٍ

I said, ‘Do you know that after Rasool-Allah-saww, Ali-asws had asked anyone about a Halal or Haraam?’

قَالَ لَا

He said, ‘No.’

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[7] {42} وَأُحِيطَ بِثَمَرِهِ فَأَصْبَحَ يُقَلِّبُ كَفَّيْهِ عَلَىٰ مَا أَنْفَقَ فِيهَا وَهِيَ خَاوِيَةٌ عَلَىٰ عُرُوشِهَا وَيَقُولُ يَا لَيْتَنِي لَمْ أُشْرِكْ بِرَبِّي أَحَدًا
And his fruits were ruined. So in the morning he was wringing his hands upon what he had spent in these, and these had collapsed upon its top, and he was saying, ‘Woe be unto me! Had I not associated anyone with my Lord!’ [18:42]

قُلْتُ فَهَلْ عَلِمْتَ أَنَّهُمْ كَانُوا يَحْتَاجُونَ إِلَيْهِ وَ يَأْخُذُونَ عَنْهُ

I said, 'Do you know they (companions) were needed to him-asws and were taking from him-asws?'

قَالَ نَعَمْ

He said, 'Yes.'

قُلْتُ فَذَلِكَ عِنْدَهُ

I said, 'So that (knowledge) is with him-asws.'

قَالَ فَقَدْ مَضَى فَأَيْنَ لَنَا بِهِ

He said, 'He-asws has passed away, so where can it be for us with him-asws?'

قُلْتُ تَسْأَلُ فِي وُلْدِهِ فَإِنَّ ذَلِكَ الْعِلْمَ فِيهِمْ وَ عِنْدَهُمْ

I said, 'You can ask his-asws sons-asws, for that knowledge is among them-asws and with them-asws.'

قَالَ وَ كَيْفَ لِي بِهِمْ

He said, 'And how can it be for me with them-asws?'

قُلْتُ أَ رَأَيْتَ قَوْماً كَانُوا فِي مَفَازَةٍ مِنَ الْأَرْضِ وَ مَعَهُمْ أَدِلَّاءُ فَوَثَبُوا عَلَيْهِمْ فَقَتَلُوا بَعْضَهُمْ وَ أَخَافُوا بَعْضَهُمْ فَهَرَبَ وَ اسْتَتَرَ مَنْ بَقِيَ لِخَوْفِهِ فَلَمْ يَجِدُوا مَنْ يَدُلُّهُمْ فَتَاهُوا فِي تِلْكَ الْمَفَازَةِ حَتَّى هَلَكُوا مَا تَقُولُ فِيهِمْ

I said, 'What is your view of a people who were in a wilderness of the earth and with them were guides, but they pounced upon them and killed some of them and some of them feared so one who remained went into hiding due to his fear, so they could no longer find one who could guide them. So, they wandered in that wilderness until they were destroyed (died). What do you say regarding them?'

قَالَ إِلَى النَّارِ وَ اصْفَرَّ وَجْهُهُ وَ كَانَتْ فِي يَدِهِ سَفَرْجَلَةٌ فَضَرَبَ بِهَا الْأَرْضَ فَتَهَشَّمَتْ وَ ضَرَبَ بَيْنَ يَدَيْهِ وَ قَالَ إِنَّا لِلَّهِ وَ إِنَّا إِلَيْهِ راجِعُونَ.

He said, 'To the Hellfire!' And his face paled, and in his hand was a quince. He threw it on the ground and it shattered, and he struck upon his own hand and said: ***We are for Allah and we are returning to Him [2:156]***.'[8]

نهج، نهج البلاغة قَالَ أَمِيرُ الْمُؤْمِنِينَ ع لَا يُقِيمُ أَمْرَ اللَّهِ سُبْحَانَهُ تَعَالَى إِلَّا مَنْ لَا يُصَانِعُ وَ لَا يُضَارِعُ وَ لَا يَتَّبِعُ الْمَطَامِعَ.

[8] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 3 b

(The book) ‘Nahj Al-Balagah’ -

Amir Al-Momineen[-asws] said: ‘The Commands of Allah[-azwj] the Glorious cannot be established except by the one who neither takes a bribe, nor does he resemble (the wrongdoers) nor follows the greed.’[9]

الأمالي للشيخ الطوسي الْجِعَابِيُّ عَنِ ابْنِ عُقْدَةَ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ مُعَاوِيَةَ بْنِ سُفْيَانَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ الْحَكَمِ عَنْ أَبِي جَعْفَرٍ ع قَالَ: كَانَ فِي بَنِي إِسْرَائِيلَ قَاضٍ وَ كَانَ يَقْضِي بَيْنَهُمْ

(The book) ‘Al Amaali’ of the sheykh Al Tusi – Al Jiany, from Ibn Uqdah, from Ali Bin Al Husayn Bin Abdullah, from his father, from Muawiya Bin Sufyan, from Muhammad Bin Ismail Bin Al Hakam,

From Abu Ja’far[-asws] having said: ‘There was a judge among the children of Israel and he used to judge between them.’

قَالَ فَلَمَّا حَضَرَهُ الْمَوْتُ قَالَ لِامْرَأَتِهِ إِذَا مِتُّ فَاغْسِلِينِي وَ كَفِّنِينِي وَ ضَعِينِي عَلَى سَرِيرِي وَ غَطِّي وَجْهِي فَإِنَّكِ لَا تَرَيْنَ سواء [سُوءاً]

He[-asws] said: ‘When the death presented to him, he said to his wife, ‘When I am dead, wash me and shroud me and place me upon my bier and cover my face, for you will not see any evil.’

قَالَ فَلَمَّا أَنْ مَاتَ فَعَلَتْ بِهِ ذَلِكَ ثُمَّ مَكَثَتْ حِيناً وَ كَشَفَتْ عَنْ وَجْهِهِ لِتَنْظُرَ إِلَيْهِ فَإِذَا هِيَ بِدُودَةٍ تَقْرِضُ مَنْخِرَهُ فَفَزِعَتْ لِذَلِكَ فَلَمَّا كَانَ اللَّيْلُ أَتَاهَا فِي مَنَامِهَا فَقَالَ لَهَا أَفْزَعَكِ مَا رَأَيْتِ

He[-asws] said: ‘When he died, that was done with him. Then she remained for a while and she uncovered from his face to look at him, and there was an insect biting his nostril. She panicked at that. When it was night, he came to her in her dream. He said to her, ‘It alarmed you what you saw?’

فَقَالَتْ أَجَلْ لَقَدْ فَزِعْتُ

‘She said, ‘Yes, I did panic.’

قَالَ أَمَا إِنَّكِ إِنْ كُنْتِ فَزِعْتِ مَا كَانَ مَا رَأَيْتِ إِلَّا فِي أَخِيكِ فُلَانٍ أَتَانِي وَ مَعَهُ خَصْمٌ لَهُ فَلَمَّا جَلَسَا إِلَيَّ قُلْتُ اللَّهُمَّ اجْعَلِ الْحَقَّ لَهُ وَ وَجِّهِ الْقَضَاءَ لَهُ عَلَى صَاحِبِهِ

‘He said, ‘Indeed, if you were startled, it was only because of your brother so and so. He came to me with an opponent, and when they both sat before me, I said, ‘O Allah[-azwj] Grant him the truth and Direct the judgment in his favour against his opponent!’

فَلَمَّا اخْتَصَمَا إِلَيَّ كَانَ الْحَقُّ لَهُ وَ رَأَيْتُ ذَلِكَ بَيِّناً فِي الْقَضَاءِ فَوَجَّهْتُ الْقَضَاءَ لَهُ عَلَى صَاحِبِهِ فَأَصَابَنِي مَا رَأَيْتِ لِمَوْضِعِ هَوَايَ كَانَ مَعَهُ وَ إِنْ وَافَقَهُ الْحَقُّ.

[9] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 6 H 4

‘‘When they disputed before me, the truth was indeed with him, and I saw that clearly in the judgment, so I directed the judgment in his favour against his opponent. What you saw happened because of the position of my desire, even though the truth was with him.’’[10]

وَ قَدْ رُوِيَ عَنْ أَبِي عَبْدِ اللَّهِ ع أَنَّهُ قَالَ: فَأَيُّ قَضِيَّةٍ أَعْدَلُ مِنَ الْقُرْعَةِ إِذَا فُوِّضَ الْأَمْرُ إِلَى اللَّهِ لِقَوْلِهِ- فَساهَمَ فَكانَ مِنَ الْمُدْحَضِينَ.

And it is reported from Abu Abdullah[-asws] having said: ‘Which judgment can be more just than drawing of the lots when the matter is delegated to Allah[-azwj] due to His[-azwj] Words: ***So he drew lots with them and he was the one to be thrown off [37:141]***.’[11]

An Aide of a Government will be Punished in the Hell:

الأمالي للصدوق فِي خَبَرِ الْمَنَاهِي أَنَّهُ قَالَ النَّبِيُّ ص مَنْ تَوَلَّى خُصُومَةَ ظَالِمٍ أَوْ أَعَانَ عَلَيْهَا ثُمَّ نَزَلَ بِهِ مَلَكُ الْمَوْتِ قَالَ لَهُ أَبْشِرْ بِلَعْنَةِ اللَّهِ وَ نَارِ جَهَنَّمَ وَ بِئْسَ الْمَصِيرُ

(The book) ‘Al Amaali’ of Al Sadouq -

In a Hadeeth of the prohibitions, the Prophet[-saww] said: ‘One who takes charge of a dispute of an unjust one, or assists upon it, then the Angel of death descends to him, will say to him: ‘Receive news of the Curse of Allah[-azwj] and Fire of Hell, and the evil destination!’’

وَ قَالَ مَنْ دَلَّ جَائِراً عَلَى جَوْرٍ كَانَ قَرِينَ هَامَانَ فِي جَهَنَّمَ.

And the one who points (guides/assists) a tyrant upon tyranny would be paired with Haman[-la] in Hell.’[12]

It is forbidden to help a believer and accept a gift:

عيون أخبار الرضا عليه السلام بِالْأَسَانِيدِ الثَّلَاثَةِ عَنِ الرِّضَا عَنْ آبَائِهِ عَنْ عَلِيٍّ ع فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ- أَكَّالُونَ لِلسُّحْتِ قَالَ هُوَ الرَّجُلُ يَقْضِي لِأَخِيهِ الْحَاجَةَ ثُمَّ يَقْبَلُ هَدِيَّتَهُ.

(The book) ‘Uyoun Akhbar Al-Reza[-asws],’ may the greeting be upon him[-asws], by the three chains from Al-Reza[-asws], from his[-asws] forefathers[-asws], from Ali[-asws] regarding Words of Allah[-azwj] Mighty and Majestic: ***devouring the ill-gotten gains [5:42]***. He[-asws] said: ‘He is the man who fulfils the need for his brother, then he accepts a gift.’[13]

Do not Judge over people as a lord:

يَا عِيسَى انْظُرْ فِي عَمَلِكَ نَظَرَ الْعَبْدِ الْمُذْنِبِ الْخَاطِئِ وَ لَا تَنْظُرْ فِي عَمَلِ غَيْرِكَ بِمَنْزِلَةِ الرَّبِّ كُنْ فِيهَا زَاهِداً وَ لَا تَرْغَبْ فِيهَا فَتَعْطَبَ

[10] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 8 H 4
[11] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 6
[12] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 14 H 1
[13] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 5

(Allah-azwj said) 'O Isa-as! Look into your-as affairs with a consideration of the sinful servant, the erroneous one, and do not look into the affairs of the other with the position of the Lord-azwj. Become an ascetic therein and do not be allured with regards to it, for you-as would be corrupted.'[14]

مُحَمَّدُ بْنُ أَبِي عَبْدِ اللَّهِ وَ مُحَمَّدُ بْنُ الْحَسَنِ جَمِيعاً عَنْ صَالِحِ بْنِ أَبِي حَمَّادٍ عَنْ أَبِي جَعْفَرٍ الْكُوفِيِّ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ جَعَلَ الدِّينَ دَوْلَتَيْنِ دَوْلَةً لِآدَمَ (عليه السلام) وَ دَوْلَةً لِإِبْلِيسَ فَدَوْلَةُ آدَمَ هِيَ دَوْلَةُ اللَّهِ عَزَّ وَ جَلَّ فَإِذَا أَرَادَ اللَّهُ عَزَّ وَ جَلَّ أَنْ يُعْبَدَ عَلَانِيَةً أَظْهَرَ دَوْلَةَ آدَمَ وَ إِذَا أَرَادَ اللَّهُ أَنْ يُعْبَدَ سِرّاً كَانَتْ دَوْلَةُ إِبْلِيسَ فَالْمُذِيعُ لِمَا أَرَادَ اللَّهُ سَتْرَهُ مَارِقٌ مِنَ الدِّينِ

Muhammad Bin Abu Abdullah, and Muhammad Bin Al-Hassan, altogether from Saleh Biin Abu Hammaad, who has narrated the following:

Abu Abdullah-asws said that: 'Allah-azwj Mighty and Majestic Made two governments for the Religion. The government of Adam-as and the government of Iblees-la. The government of Adam-as is the government of Allah-azwj Mighty and Majestic. So, if Allah-azwj Mighty and Majestic Intends to be worshipped publicly, He-azwj Makes apparent the government of Adam-as, but if He-azwj Intends that He-azwj should be worshipped in secret, it would be the government of Iblees-la. So, the broadcaster of what Allah-azwj has Intended to be a secret, is a renegade from the Religion.'[15]

Appendix: Additional Ahadith on condemnation of issuing wrong judgements

الخصال أَبِي عَنْ سَعْدٍ عَنِ ابْنِ عِيسَى عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ عَمَّارِ بْنِ مَرْوَانَ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع السُّحْتُ أَنْوَاعٌ كَثِيرَةٌ مِنْهَا مَا أُصِيبَ مِنْ أَعْمَالِ الْوُلَاةِ الظَّلَمَةِ وَ مِنْهَا أُجُورُ الْقُضَاةِ وَ أُجُورُ الْفَوَاجِرِ وَ ثَمَنُ الْخَمْرِ وَ النَّبِيذُ الْمُسْكِرُ وَ الرِّبَا بَعْدَ الْبَيِّنَةِ فَأَمَّا الرِّشَا يَا عَمَّارُ فِي الْأَحْكَامِ فَإِنَّ ذَلِكَ الْكُفْرُ بِاللَّهِ الْعَظِيمِ وَ بِرَسُولِهِ.

(The book) 'Al Khisaal' – My father, from Sa'ad, from Ibn Isa, from Ibn Mahboub, from Abu Ayoub, from Ammar Bin Marwan who said,

'Abu Abdullah-asws said: 'The ill-gotten gains are of many types. From these is what is achieved from office bearers of the unjust governors, and from these is recompense of the judges, and recompense of the prostitutes, and the price of wine, and the intoxicating Al-Nabeez, and the usury after the clarification. As for the bribe in the judgment O Ammar, that is the blaspheming (Kufr) with Allah-azwj the Magnificent and with His-azwj Rasool-saww!'[16]

جامع الأخبار قَالَ النَّبِيُّ ص الرَّاشِي وَ الْمُرْتَشِي وَ الْمَاشِي بَيْنَهُمَا مَلْعُونُونَ.

(The book) 'Jamie Al Akhbaar' -

[14] Al-Kafi, Vol. 8, hadith, 14551
[15] Al-Kafi, Vol. 8, hadith, 14601
[16] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 3

The Prophet-saww said: 'The briber and the bribed, and the walker (mediator) between the two are accursed!'[17]

Fairness in dealing with an aggressor:

وَ [يُرْوَى] رُوِيَ أَنَّهُ ع كَانَ جَالِساً فِي أَصْحَابِهِ- [إِذْ مَرَّتْ] فَمَرَّتْ بِهِمُ امْرَأَةٌ جَمِيلَةٌ فَرَمَقَهَا الْقَوْمُ بِأَبْصَارِهِمْ فَقَالَ ع- إِنَّ أَبْصَارَ هَذِهِ الْفُحُولِ طَوَامِحُ وَ إِنَّ ذَلِكَ سَبَبُ هِبَابِهَا فَإِذَا نَظَرَ أَحَدُكُمْ إِلَى امْرَأَةٍ تُعْجِبُهُ فَلْيُلَامِسْ أَهْلَهُ فَإِنَّمَا هِيَ امْرَأَةٌ كَامْرَأَتِهِ

And it is reported that he-asws (Ali Amir Al-Momineen-asws) was seated among his-asws companions when a beautiful woman passed by him-asws. The people gazed at her with their eyes. He-asws said: 'The eyes of these stallions are covetous, and that is the cause of their looking. So, whenever one of you looks at a woman who fascinates him, then let him touch his wife, for rather she is a woman like his woman.'

فَقَالَ رَجُلٌ مِنَ الْخَوَارِجِ قَاتَلَهُ اللَّهُ كَافِراً مَا أَفْقَهَهُ- [قَالَ] فَوَثَبَ الْقَوْمُ لِيَقْتُلُوهُ فَقَالَ ع رُوَيْداً إِنَّمَا هُوَ سَبٌّ بِسَبٍّ أَوْ عَفْوٌ عَنْ ذَنْبٍ

A man from the Kharijites said, 'May Allah-azwj Kill him-asws a Kafir! How understanding he-asws is!' The people leapt up to kill him. He-asws said: 'Gently! But rather it is an insult (reviling) for an insult (reviling) or pardoning from a sin.'[18]

كِتَابُ الْغَارَاتِ، لِإِبْرَاهِيمَ بْنِ مُحَمَّدٍ الثَّقَفِيِّ عَنْ إِسْمَاعِيلَ بْنِ أَبَانٍ عَنْ عَمْرِو بْنِ شِمْرٍ عَنْ سَالِمٍ الْجُعْفِيِّ عَنِ الشَّعْبِيِّ قَالَ: وَجَدَ عَلِيٌّ ع دِرْعاً لَهُ عِنْدَ نَصْرَانِيٍّ فَجَاءَ بِهِ إِلَى شُرَيْحٍ يُخَاصِمُهُ إِلَيْهِ فَلَمَّا نَظَرَ إِلَيْهِ شُرَيْحٌ ذَهَبَ يَتَنَحَّى وَ قَالَ مَكَانَكَ فَجَلَسَ إِلَى جَنْبِهِ وَ قَالَ يَا شُرَيْحُ أَمَا لَوْ كَانَ خَصْمِي مُسْلِماً مَا جَلَسْتُ إِلَّا مَعَهُ وَ لَكِنَّهُ نَصْرَانِيٌّ

(The book) 'Kitab Al Gharaat' of Ibrahim Bin Muhammad Al Saqafy, from Ismail Bin Aban, from Amro Bin Shimr, from Salim Al Jufy, from Al Shaby who said,

'(Imam) Ali-asws found a shield of his-asws in the possession of a Christian. He-asws came with him to Shureyh (the judge), bringing his-asws dispute to him. When Shureyh looked at him he went on to move aside, and he-asws said: 'Stay in your place!' He-asws sat to his side and said: 'O Shureyh! If a Muslim had disputed me-asws, I-asws would not have sat except with him, but he is a Christian.

وَ قَالَ رَسُولُ اللَّهِ ص إِذَا كُنْتُمْ وَ إِيَّاهُمْ فِي طَرِيقٍ فَأَلْجِئُوهُمْ إِلَى مَضَايِقِهِ وَ صَغِّرُوا بِهِمْ كَمَا صَغَّرَ اللَّهُ بِهِمْ فِي غَيْرِ أَنْ تَظْلِمُوا

And Rasool-Allah-saww had said: 'When you and them were in a road, drive them to its narrowness and belittle them just as Allah-azwj has Belittled them without being oppressive.'

ثُمَّ قَالَ عَلِيٌّ ع إِنَّ هَذَا دِرْعِي لَمْ أَبِعْ وَ لَمْ أَهَبْ

Then Ali-asws said: 'This is my-asws shield, I-asws did not sell nor did I-asws gift!'

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[17] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 7 H 9
[18] Nahj Al Balagah – Saying 420

فَقَالَ لِلنَّصْرَانِيِّ مَا يَقُولُ أَمِيرُ الْمُؤْمِنِينَ

He (Shureyh) said to the Christian, 'What is Amir Al-Momineen-asws saying?'

فَقَالَ النَّصْرَانِيُّ مَا الدِّرْعُ إِلَّا دِرْعِي وَ مَا أَمِيرُ الْمُؤْمِنِينَ عِنْدِي إِلَّا بِكَاذِبٍ

The Christian said, 'The shield is not except my shield, and Amir Al-Momineen-asws is not in my view except a liar!'

فَالْتَفَتَ شُرَيْحٌ إِلَى عَلِيٍّ ع فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ هَلْ مِنْ بَيِّنَةٍ

Shureyh turned to Ali-asws. He said, 'O Amir Al-Momineen-asws! Is there any proof?'

قَالَ لَا

He-asws said: 'No!'

فَقَضَى بِهَا لِلنَّصْرَانِيِّ فَمَشَى هُنَيْئَةً ثُمَّ أَقْبَلَ فَقَالَ أَمَّا أَنَا فَأَشْهَدُ أَنَّ هَذِهِ أَحْكَامُ النَّبِيِّينَ أَمِيرُ الْمُؤْمِنِينَ يَمْشِي بِي إِلَى قَاضِيهِ وَ قَاضِيهِ يَقْضِي عَلَيْهِ أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَ أَنَّ مُحَمَّداً عَبْدُهُ وَ رَسُولُهُ الدِّرْعُ وَ اللَّهِ دِرْعُكَ يَا أَمِيرَ الْمُؤْمِنِينَ

So, he judged with it to be for the Christian. The man walked a while, then came back. He said, 'As for me, I testify that this is the ruling of the Prophet-as! Amir Al-Momineen-asws walked with me to his-asws judge, and his-asws judged judges against him-asws. I hereby testify that there is no god except Allah-azwj Alone, there is no associate for Him-azwj, and that Muhammad-saww is His-azwj servant and His-azwj Rasool-saww! By Allah-azwj, the shield is your-asws shield), O Amir Al-Momineen-asws!'

فَخَرَجَ مَعَ أَمِيرِ الْمُؤْمِنِينَ ع إِلَى صِفِّينَ فَأَخْبَرَنِي مَنْ رَآهُ يُقَاتِلُ مَعَ عَلِيٍّ ع الْخَوَارِجَ فِي النَّهْرَوَانِ.

He went out with Amir Al-Momineen-asws to (the battle of) Siffeen. The one who saw him informed me, he fought the Kharijites along with Ali-asws in (the battle of) Al-Naharwan.'[19]

[19] Bihar Al-Anwaar V 101 – The Book of Rulings – CH 12 H 4