

69. Adjudication

Allah, the Wise, has said:

وَاللَّهُ يَقْضِي بِالْحَقِّ

*“And Allah judges with the truth”*¹

Imam Sadiq (peace be upon him) said:

مَنْ حَكَمَ فِي دِرْهَمَيْنِ بغيرِ مَا أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ فَهُوَ كَافِرٌ بِاللَّهِ الْعَظِيمِ

*“One who passes a judgment with respect to (even) two dirhams in a manner other than what God has stipulated has exhibited ‘kufr’ with respect to God, the Great.”*²

Short Explanation

One of the most difficult of all worldly professions is adjudication; and if a judge tends to incline towards one of the disputing parties or issues a verdict out of ignorance or on the basis of one’s whims and desires – all of which result in violation of the rights of individuals, his task becomes all the more onerous.

Judgment that is based on knowledge and not on whims and personal inclinations is very productive and the abode of such a judge is paradise.

Despite the fact that every individual, as a result of friendship and attachment, is always inclined to rule in favour of his friend rather than for one who is truly deserving, yet if there happens to arise a dispute with respect to money, rights and privileges (such as the rights and privileges of a neighbour) or family

members, one must not judge falsely and wrongly in the slightest.

1) The Imam (peace be upon him) and the Jinn Judge

Imam Ali (peace be upon him) once was busy delivering a sermon from atop the pulpit in the city of Kufah when a python suddenly appeared from the side of the pulpit and slithered up the steps towards the Imam (peace be upon him).

Terrified, the people wanted to ward the reptile away from the Imam (peace be upon him) when he (peace be upon him) signaled them to stay away. As the python reached the last step of the pulpit, the people, in a state of silence and bewilderment, observed that Imam Ali (peace be upon him) had lowered himself a little while the python had raised its head and brought its mouth close to his (peace be upon him) ears. At that moment the python issued a loud sound, which was heard by most of those present; the Imam's (peace be upon him) lips then moved as if in conversation while the python listened to his words.

After a short time had passed, the python glided down the pulpit and suddenly disappeared from sight. The Imam (peace be upon him) continued his sermon and upon completing it, descended from the pulpit.

As he (peace be upon him) did so, the people crowded around him and began questioning him about the python. The Imam (peace be upon him) explained: *The issue is not what you had thought it to be. He was one of the judges from amongst the Jinn and he had found himself confused in connection with a judgment; so he approached me and sought to know the verdict. I explained the judgment to him, whereupon he prayed for me and departed.*³

2) The Inclination of the Judge and his Punishment

Imam Baqir (peace be upon him) has been reported to have related:

In the tribe of Bani Israel there lived a scholar, who used to adjudicate amongst the people. When he was about to die he instructed his wife: *When I have died, perform the ablutions, wrap me with the shroud, place me within the coffin and cover my face.*

When he died, his wife did as she had been instructed. However, after a short while, desiring to see her husband's face one last time, she moved aside the covering from over his face when she was shaken by the sight of a worm biting her husband's nose and eating it.

That night she witnessed her husband in her dreams and sought to know the reason for the presence of the worm.

The judge said: *Once, your brother, in the company of another person, had approached me for the*

*purpose of adjudicating a dispute that had developed between them. In my heart I felt inclined to pass the judgment in his favour. The trial nevertheless, proved that the truth was with him. However, it was that inclination to pass the judgment in his favour (before the trial) that brought upon me the punishment by means of the worm that you witnessed on my face.*⁴

3) The ‘Hereafterly’ Judgment

Prophet Dawood (peace be upon him) once prayed to God to make manifest for him one of His judgments that He would issue on the Day of Judgment.

God revealed to him: *You have sought from Me a thing which I have not manifested before anyone; it does not befit anyone to judge in that manner except Me.*

However, when Prophet Dawood (peace be upon him) once again repeated his request, Jibraeel descended and said: *You have requested God for something which none of the Prophets before you has ever requested; nonetheless God has answered your prayer. In the first case that shall come up before you for judgment, the ruling of the hereafter shall become manifest before you.*

The next morning as Prophet Dawood sat in his court, an old man entered bringing along with him a youth, who held a bunch of grapes in his hand.

The old man said: *O’ Prophet of God! This youth entered my garden, spoilt my trees and ate my grapes without my permission.*

Turning to the youth, Dawood (peace be upon him) questioned: *What do you have to say?* The youth confessed to having done so without the old man’s permission.

At that moment God revealed to Dawood (peace be upon him): *If you were to pass judgment according to the ruling of the hereafter, the Bani Israel would never accept it; (for) O’ Dawood! This garden belongs to the father of this youth. This old man had entered the garden, killed the youth’s father and stole forty thousand dirhams that belonged to them, which he has buried in the corner of the garden. So hand a sword to the youth and ask him to behead the old man as retaliation for the murder of his father, then hand over the garden to him and ask him to dig the garden at such and such location and extract the property which belongs to him.*

Prophet Dawood (peace be upon him) proceeded to execute the judgment as commanded to him by God, the Exalted.⁵

4) The Jew and the Imam in the Presence of the Judge

Imam Ali (peace be upon him) had been sitting in the mosque of Kufah when Abdullah Ibn Qufi, a Jew belonging to the tribe of Tameem, passed by him (peace be upon him) carrying a coat of mail.

As soon as the Imam's (peace be upon him) eyes fell upon the coat of mail, he exclaimed: *This belonged to Talhah Ibn Abdullah and had come into my possession as my share of the booty in the battle of Basrah. This is treachery* (on the part of the Jew).

The Jew agreed to accompany the Imam (peace be upon him) before the judge, who in reality had been appointed by the Imam (peace be upon him) himself. Both of them approached the judge whose name was Shuraih.⁶ When the Imam (peace be upon him) put forth his claim, Shuraih said: *Present witnesses to testify and corroborate your claim.* Imam Ali (peace be upon him) brought his son Hasan (peace be upon him) as his witness, but Shuraih said: *The testimony of one person is not sufficient* (according to one narration, he refused to accept the testimony of a son in favour of his father).⁷

The Imam (peace be upon him) then presented his slave Qanbar as his witness but Shuraih said: *I shall not issue a verdict based upon the testimony of a slave.*

Hearing these words, the Imam (peace be upon him) was disturbed and turning to the Jew he (peace be upon him) said: *Take the coat of mail and go your way for this judge has ruled falsely and incorrectly three times.*

Shuraih asked: *What are the three rulings that have been false and incorrect?*

The Imam (peace be upon him) replied: *Woe unto you! There is no need for witness in issues pertaining to treachery and disloyalty* (it is the responsibility of the owner to present witnesses to prove how he has come to become the owner of the possession.)

Secondly, I presented Hasan (peace be upon him) as my witness but you refused to accept him, whereas the Holy Prophet (peace be upon him and his holy progeny) used to pass judgments on the basis of one witness if the claimant would take an oath (testifying to his own truthfulness). Thirdly, Qanbar had testified but you said that you would not pass a ruling on the basis of a slave's testimony; however, the truth is that if a slave is just (and upright) his testimony needs to be accepted.

Woe unto you! The Imam of the Muslims, in important affairs, is trustworthy so how can his claim not be acceptable?

The Jew who had been a witness to the entire conversation, exclaimed: *Subhanallah! The Caliph of the Muslims accompanies me before a judge; the judgment is passed against him and he complies with the verdict! O' Amirul Mu'mineen (peace be upon him) you have spoken the truth. This coat of mail belongs to you; it had fallen down from your saddlebag and I had picked it up.*

He then testified to the Unity of God and the Prophethood of the Holy Prophet (peace be upon him and his holy progeny) and became a Muslim. Imam (peace be upon him) gifted him the coat of mail and also rewarded him with nine hundred dirhams.⁸

5) The Eyes Turned Blind

During the Caliphate of U'thman, his servant happened to slap a Bedouin as a result of which, he became blind in one eye. The Bedouin complained to U'thman, who said: *I shall pay you the compensation*. The Bedouin did not agree and said: *I seek retaliation*. U'thman doubled the compensation but the Bedouin refused and insisted on blinding him in one eye in retaliation.

U'thman sent the case to Amirul Mu'mineen (peace be upon him) so that he could pass a judgment in the case.

The Imam (peace be upon him) asked the Bedouin to take the compensation (for the injury) but he refused. The Imam (peace be upon him) doubled the compensation but again the Bedouin refused. When he (peace be upon him) saw that the Bedouin was unrelenting, he summoned the Caliph's slave and then ordered a mirror and some cotton-wool to be brought before him. Moistening the cotton, he (peace be upon him) placed them over and around the slave's eye-lids in order to keep them open.

Then, positioning the mirror under the sun such that the sunlight was reflected into the slave's open eyes, he (peace be upon him) instructed the slave: *Look into the mirror*. The slave was held for such time that his eye lost its vision, and in this manner the Imam (peace be upon him) extracted the retaliation for the eye.⁹

1. Holy Qur'an, ch. Al-Mu'min (40), vs. 20.

2. Safinah al-Bihaar, vol. 2, pg. 436.

3. Al-Irshaad, pg. 183.

4. Daastaan-ha Wa Pand-ha, vol. 1, pg. 55, Anwaar-e-Nu'maniyah, pg. 15.

5. Hayaat al-Quloob, vol. 1, pg. 333.

6. In the year 18 A.H. or 22 A.H., at the age of forty, he was appointed judge of Kufah by the second Caliph and continued to adjudicate for 60 years. He lived for 120 years.

7. But accepted the testimony of Qanbar.

8. Paighambar Wa Yaaraan, vol. 3, pg. 286; Bihaar al-Anwaar, vol. 4, pg. 302.

9. Qadhawatha-e-Amirul Mu'mineen (peace be upon him), pg. 103; Wafi, vol. 2.

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