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Of the majestic narrator and the scholar, the jurist, the Sheykh
Muhammad Bin Yaqoub Al-Kulayni

Well known as 'The trustworthy of Al-Islam Al-Kulayni'

Who died in the year 329 H

كِتَابُ الشَّهَادَاتِ

THE BOOK OF TESTIMONIES

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَّمَ تَسْلِيمًا.

In the Name of Allah^{azwj} the Beneficent, the Merciful. The Praise is for Allah^{azwj} Lord^{azwj} of the Worlds, and Blessing be upon our Chief Muhammad^{saww} and his^{saww} Purified Progeny^{asws}, and greetings with abundant greetings.

بَابُ أَوَّلِ صَكِّ كُتِبَ فِي الْأَرْضِ

Chapter 1 – The first promissory note written in the earth

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ أَبِيهِ عَنْ خَلْفِ بْنِ حَمَادٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ لَمَّا قَدِمَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَلَى أَبِي الْعَبَّاسِ وَ هُوَ بِالْحَبِيرَةِ خَرَجَ يَوْمًا يُرِيدُ عَيْسَى بْنِ مُوسَى فَاسْتَقْبَلَهُ بَيْنَ الْحَبِيرَةِ وَ الْكُوفَةِ وَ مَعَهُ ابْنُ شُبْرُمَةَ الْقَاضِي فَقَالَ لَهُ إِلَى أَيِّنَ يَا أَبَا عَبْدِ اللَّهِ فَقَالَ أَرَدْتُكَ فَقَالَ قَدْ قَصَرَ اللَّهُ خَطُوكَ

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from his father, from Khalaf Bin Hammad, from Abdullah Bin Sinan who said,

‘One day when Abu Abdullah^{asws} proceeded to Abu Al-Abbas, and he was at Al-Hira having come out intending (to meet) Isa Bin Musa, so he^{asws} met him between Al-Hira and Al-Kufa, and with him was Ibn Shubruma, the judge. So he said to him^{asws}, ‘Where are you (going) to, O Abu Abdullah^{asws}?’ So he^{asws} said: ‘I intended (meeting) you’. So he said, ‘Allah^{azwj} has Shortened your steps (Reduced your^{asws} journey)’.

قَالَ فَمَضَى مَعَهُ فَقَالَ لَهُ ابْنُ شُبْرُمَةَ مَا تَقُولُ يَا أَبَا عَبْدِ اللَّهِ فِي شَيْءٍ سَأَلَنِي عَنْهُ الْأَمِيرُ فَلَمْ يَكُنْ عِنْدِي فِيهِ شَيْءٌ فَقَالَ وَ مَا هُوَ قَالَ سَأَلَنِي عَنْ أَوَّلِ كِتَابٍ كُتِبَ فِي الْأَرْضِ قَالَ نَعَمْ إِنَّ اللَّهَ عَزَّ وَ جَلَّ عَرَضَ عَلَى آدَمَ (عَلَيْهِ السَّلَامُ) ذُرِّيَّتَهُ عَرْضَ الْعَيْنِ فِي صُورِ الذَّرِّ نَبِيًّا فَنَبِيًّا وَ مَلَكًا فَمَلَكًا وَ مُؤْمِنًا فَمُؤْمِنًا وَ كَافِرًا فَكَافِرًا

He (the narrator) said, ‘So he went with him^{asws}’. So Ibn Shubruma said to him^{asws}, ‘What are you^{asws} saying, O Abu Abdullah^{asws}, regarding something which the Emir has asked about from me, so there did not happen to be anything with me with regards to it?’ So he^{asws} said: ‘And what is it?’ He said, ‘He asked me about the first letter written in the earth’. He^{asws} said: ‘Yes. Allah^{azwj} Mighty and Majestic Presented to Adam^{as}, his^{as} offspring to his^{as} eyes, in the form of particles, a Prophet^{as} (after) a Prophet^{as}, a king (after) a king, a Believer (after) a Believer, and an Infidel (after) an Infidel.

فَلَمَّا انْتَهَى إِلَى دَاوُدَ (عَلَيْهِ السَّلَامُ) قَالَ مَنْ هَذَا الَّذِي نَبَّأْتَهُ وَ كَرَّمْتَهُ وَ قَصَّرْتَ عُمُرَهُ قَالَ فَأَوْحَى اللَّهُ عَزَّ وَ جَلَّ إِلَيْهِ هَذَا ابْنُكَ دَاوُدُ عُمُرُهُ أَرْبَعُونَ سَنَةً وَ إِنِّي قَدْ كَتَبْتُ الْأَجَالَ وَ قَسَمْتُ الْأَرْزَاقَ وَ أَنَا أَمْحُو مَا أَشَاءُ وَ أَثْبِتُ وَ عِنْدِي أُمُّ الْكِتَابِ فَإِنْ جَعَلْتَ لَهُ شَيْئًا مِنْ عُمْرِكَ أَلْحَقْتُ لَهُ قَالَ يَا رَبِّ قَدْ جَعَلْتُ لَهُ مِنْ عُمْرِي سِتِّينَ سَنَةً تَمَامَ الْمِائَةِ

So when He^{azwj} Ended up at Dawood^{as}, he (Adam^{as}) said, ‘Who is this whom You^{azwj} have Granted Prophet-hood, and Honoured him^{as}, and Shortened his^{as} age?’ So Allah^{azwj} Mighty and Majestic Revealed unto him^{as}: “This is your^{as} son^{as} Dawood^{as}. His^{as} age is forty years, and I^{azwj} had Ordained the terms, Divided the sustenances, and I^{azwj} Obliterate whatever I^{azwj} so Desire to, and Affirm, and with Me^{azwj} is the Mother of the Book. So if you^{asws} want to make something for him from your^{as} age, I^{azwj} shall Attach it to him^{as}! He^{as} said: ‘O Lord^{azwj}! I^{as} have made it for him^{as}, from my^{as} age, sixty years, to complete one hundred (for him^{as})’.

قَالَ فَقَالَ اللَّهُ عَزَّ وَجَلَّ لِجِبْرَائِيلَ وَ مِيكَائِيلَ وَ مَلَكِ الْمَوْتِ اكْتُبُوا عَلَيْهِ كِتَابًا فَإِنَّهُ سَيَنْسَى قَالَ فَكَتَبُوا عَلَيْهِ كِتَابًا وَ خَتَمُوهُ بِأَجْنِحَتِهِمْ مِنْ طِينَةِ عَالِيَيْنَ

He^{asws} said: 'So Allah^{azwj} Mighty and Majestic Said to Jibraeel^{as} and Mikaeel^{as}, and the Angel of Death: "Write upon him (Adam^{as}) a letter, for he^{as} would be forgetting". He^{asws} said: 'So they wrote a letter upon him^{as}, and sealed it with their seals from the clay of Illiyeen'.

قَالَ فَلَمَّا حَضَرَتْ آدَمَ الْوَفَاةَ أَنَّهُ مَلَكُ الْمَوْتِ فَقَالَ آدَمُ يَا مَلَكُ الْمَوْتِ مَا جَاءَ بِكَ قَالَ جِئْتُ لِأَقْبِضَ رُوحَكَ قَالَ قَدْ بَقِيَ مِنْ عُمْرِي سِتُونَ سَنَةً فَقَالَ إِنَّكَ جَعَلْتَهَا لِابْنِكَ دَاوُدَ قَالَ وَ نَزَلَ عَلَيْهِ جِبْرَائِيلُ وَ أَخْرَجَ لَهُ الْكِتَابَ

He^{asws} said: 'So when death presented itself to Adam^{as}, the Angel of Death came over to him^{as}, so Adam^{as} said: 'O Angel of Death! What have you come for?' He said: 'To capture your soul'. He^{as} said: 'But there still remain sixty years from my^{as} age'. So he said: 'You^{as} had made it for your^{as} son^{as} Dawood^{as}'. He^{asws} said: 'And Jibraeel^{as} descended unto him^{as} and brought out for him^{as} the letter'.

فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فَمِنْ أَجْلِ ذَلِكَ إِذَا خَرَجَ الصَّكُّ عَلَى الْمَدْيُونِ ذَلَّ الْمَدْيُونُ فَقَبِضَ رُوحَهُ .

So Abu Abdullah^{asws} said: 'So for that reason, when the promissory note is brought out upon the debtor, the debtor is humbled'. Thus he captured his^{as} soul'.¹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ عِيْسَى بْنِ أَيُّوبَ عَنْ عَلِيِّ بْنِ مَهْزِيَارٍ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَمَّا عُرِضَ عَلَى آدَمَ وُلْدُهُ نَظَرَ إِلَى دَاوُدَ فَأَعْجَبَهُ فَرَادَهُ خَمْسِينَ سَنَةً مِنْ عُمْرِهِ قَالَ وَ نَزَلَ عَلَيْهِ جِبْرَائِيلُ وَ مِيكَائِيلُ فَكَتَبَ عَلَيْهِ مَلَكُ الْمَوْتِ صَكًّا بِالْخَمْسِينَ سَنَةً فَلَمَّا حَضَرَتْهُ الْوَفَاةُ أَنْزَلَ عَلَيْهِ مَلَكُ الْمَوْتِ فَقَالَ آدَمُ قَدْ بَقِيَ مِنْ عُمْرِي خَمْسُونَ سَنَةً قَالَ فَأَيُّنَ الْخَمْسُونَ الَّتِي جَعَلْتَهَا لِابْنِكَ دَاوُدَ

Abu Ali Al Ashary, from Isa Bin Ayoub, from Ali Bin Mahziyar, from the one who mentioned it,

Abu Abdullah^{asws} has said: 'When there were presented to Adam^{as}, his^{as} children, he^{as} looked at Dawood. So he^{as} marvelled at him^{as}. So he^{as} increased fifty years for him^{as}, from his^{as} own age. And Jibraeel^{as} and Mikaeel^{as} descended unto him, so the Angel of Death wrote a promissory note upon him, with fifty years. So when the death presented itself to him^{as}, the Angel of Death descended unto him^{as}. So Adam^{as} said: '(But) there remain fifty years from my^{as} age'. He said, 'So what about the fifty (years) you^{as} had made it to be for your^{as} son^{as} Dawood^{as}?'

قَالَ فَإِمَّا أَنْ يَكُونَ نَسِيهَا أَوْ أَنْكَرَهَا فَنَزَلَ عَلَيْهِ جِبْرَائِيلُ وَ مِيكَائِيلُ (عَلَيْهِمَا السَّلَام) فَشَهِدَا عَلَيْهِ وَ قَبِضَهُ مَلَكُ الْمَوْتِ

He^{asws} said: 'But, he^{as} had forgotten it, or denied it. So Jibraeel^{as} and Mikaeel^{as} descended, so they both testified against him, and the Angel of death captured him^{as}'.

فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) كَانَ أَوَّلَ صَكِّ كُتِبَ فِي الدُّنْيَا .

So Abu Abdullah^{asws} said: 'It was the first promissory note written in the world'.²

¹ Al Kafi – V 7 – The Book of Testimonies Ch 1 H 1

² Al Kafi – V 7 – The Book of Testimonies Ch 1 H 2

باب الرَّجُلِ يُدْعَى إِلَى الشَّهَادَةِ**Chapter 2 – The man summoned to the testimony**

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ لَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا فَقَالَ لَا يَنْبَغِي لِأَحَدٍ إِذَا دُعِيَ إِلَى الشَّهَادَةِ يَشْهَدُ عَلَيْهَا أَنْ يَقُولَ لَا أَشْهَدُ لَكُمْ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic [2:282] **and the witnesses should not refuse when they are summoned**. So he^{asws} said: 'It is not befitting for anyone when he is summoned to testify upon what he had witnessed, that he should be saying, 'I shall not testify for you all'.³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيسَى عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ لَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا فَقَالَ لَا يَنْبَغِي لِأَحَدٍ إِذَا دُعِيَ إِلَى شَهَادَةٍ يَشْهَدُ عَلَيْهَا أَنْ يَقُولَ لَا أَشْهَدُ لَكُمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Al Fuzayl, from Abu Al Sabbah Al Kinany,

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic [2:282] **and the witnesses should not refuse when they are summoned**. So he^{asws} said: 'It is not befitting for anyone when he is summoned to testify upon what he had witnessed, that he should be saying, 'I shall not testify for you'.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مِثْلَهُ وَ قَالَ فَذَلِكَ قَبْلَ الْكِتَابِ .

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

(It has been narrated) from Abu Abdullah^{asws}, similar to it, and said: 'So that is before the writing (documenting)'.⁴

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ لَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا فَقَالَ إِذَا دَعَاكَ الرَّجُلُ لِتَشْهَدَ لَهُ عَلَى دِينٍ أَوْ حَقٍّ لَمْ يَنْبَغِ لَكَ أَنْ تَقَاعَسَ عَنْهُ .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Muhammad Bin Al Fuzayl,

(It has been narrated) from Abu Al-Hassan^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic [2:282] **and the witnesses should not refuse when they are**

³ Al Kafi – V 7 – The Book of Testimonies Ch 2 H 1

⁴ Al Kafi – V 7 – The Book of Testimonies Ch 2 H 2

summoned. So he^{asws} said: 'When the man summons you in order to testify for him, or a right, it is not befitting for you that you balk from it'.⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَ لَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا قَالَ قَبْلَ الشَّهَادَةِ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic [2:282] and the witnesses should not refuse when they are **summoned.** He^{asws} said: 'Before the testimony'.⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ جَرَّاحِ الْمَدَائِنِيِّ قَالَ إِذَا دُعِيَتْ إِلَى الشَّهَادَةِ فَأُجِبْ .

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

He^{asws} said: 'When you are summoned to the testimony, so answer'.⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرِ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا يَأْبَ الشُّهَدَاءُ أَنْ تُجِيبَ حِينَ تُدْعَى قَبْلَ الْكِتَابِ .

A number of our companions, from sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Dawood Bin Sirhan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The witnesses should not refuse to answer when they are summoned before the writing (documenting)'.⁸

بَابُ كِتْمَانِ الشَّهَادَةِ

Chapter 3 – Concealing the testimony

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ وَ مُحَمَّدَ بْنَ عَلِيٍّ عَنْ أَبِي جَمِيلَةَ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ قَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) مَنْ كَتَمَ شَهَادَةً أَوْ شَهِدَ بِهَا لِيُهْدَرَ لَهَا بِهَا دَمٌ أَمْرِي مُسْلِمٌ أَوْ لِيُزَوِيَ مَالٌ أَمْرِي مُسْلِمٌ أَتَى يَوْمَ الْقِيَامَةِ وَ لَوَجْهِهِ ظُلْمَةٌ مَدَّ الْبَصَرَ وَ فِي وَجْهِهِ كُدُوحٌ تَعْرِفُهُ الْخَلَائِقُ بِاسْمِهِ وَ نَسَبِهِ

A number of our companions, from Ahmad Bin Abu Abdullah, from Abdul Rahman Bin Abu Najran, and Muhammad Bin Ali, from Abu Jameela, from Jabir,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Rasool-Allah^{saww} said: 'The one who conceals a testimony, or testifies with it in order to waste by it the blood of a Muslim person, or to block the wealth of a Muslim person, would come on the Day of Judgement, and for his face would be darkness to the extent of the vision, and in his face would (signs of) toil (labour). The creatures would recognise him by his name and his lineage.

⁵ Al Kafi – V 7 – The Book of Testimonies Ch 2 H 3

⁶ Al Kafi – V 7 – The Book of Testimonies Ch 2 H 4

⁷ Al Kafi – V 7 – The Book of Testimonies Ch 2 H 5

⁸ Al Kafi – V 7 – The Book of Testimonies Ch 2 H 6

وَمَنْ شَهِدَ شَهَادَةً حَقًّا لِيُحْيِيَ بِهَا حَقًّا أَمْرًا مُسْلِمًا أَتَى يَوْمَ الْقِيَامَةِ وَ لَوَجْهِهِ نُورٌ مَدَّ الْبَصَرَ تَعْرِفُهُ الْخَلَائِقُ بِاسْمِهِ وَ نَسَبِهِ

And the one who testified with a true testimony, reviving by it a right of a Muslim person, would come on the Day of Judgement, and for his face would be light to the extent of the vision. The creatures would recognise him by his name and his lineage.

ثُمَّ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) أَلَا تَرَى أَنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ وَ أَقِيمُوا الشَّهَادَةَ لِلَّهِ .

Then Abu Ja'far^{asws} said: 'Do you not see that Allah^{azwj} Blessed and High is Saying **[65:2] and establish the testimony for the Sake of Allah**'.⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ مَنْ يَكْتُمُهَا فَإِنَّهُ آثِمٌ قَلْبُهُ قَالَ بَعْدَ الشَّهَادَةِ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic **[2:283] and whoever conceals it, so he has a sinful heart**. He^{asws} said: 'After the witnessing'.¹⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ إِسْمَاعِيلَ بْنِ مِهْرَانَ عَنْ مُحَمَّدِ بْنِ مَنْصُورِ الْخَزَاعِيِّ عَنْ عَلِيِّ بْنِ سُوَيْدِ السَّائِي عَنِ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ كَتَبْتُ أَبِي فِي رِسَالَتِهِ إِلَيَّ وَ سَأَلْتُهُ عَنِ الشَّهَادَةِ لَهُمْ فَأَقِيمِ الشَّهَادَةَ لِلَّهِ وَ لَوْ عَلَى نَفْسِكَ أَوْ الْوَالِدَيْنِ وَ الْأَقْرَبِينَ فِيمَا بَيْنَكَ وَ بَيْنَهُمْ فَإِنْ خَفْتَ عَلَى أَحَبِّكَ ضَيْمًا فَلَا .

A number of our companions, from Sahl Bin Ziyad, from Ismail Bin Mihran, from Muhammad Bin Mansour Al Khazaie, from Ali Bin Suweyd Al Saie,

(It has been narrated) from Abu Al-Hassan^{asws}, said: 'My father wrote in his letter to me^{asws}, and I asked him^{asws} about the testimony for them: 'So establish the testimony for the Sake of Allah^{azwj} even though it be against yourself, or the parents, and the near-relatives, with regards to what is between you and them. So if you fear injustice against your brother, so no (don't come forward)'.¹¹

الْحُسَيْنِ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ النَّهْدِيِّ عَنْ إِسْمَاعِيلَ بْنِ مِهْرَانَ مِثْلَهُ .

Al Husayn Bin Muhammad, from Muhammad Bin Ahmad Al Nahdy, from Ismail Bin Mihran – similar to it'.

باب الرَّجُلِ يَسْمَعُ الشَّهَادَةَ وَ لَمْ يُشْهَدْ عَلَيْهَا

Chapter 4 – The man who heard the testimony and did not witness upon it

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا سَمِعَ الرَّجُلُ الشَّهَادَةَ وَ لَمْ يُشْهَدْ عَلَيْهَا فَهُوَ بِالْخَيْرِ إِنْ شَاءَ شَهِدَ وَ إِنْ شَاءَ سَكَتَ وَ قَالَ إِذَا أُشْهِدَ لَمْ يَكُنْ لَهُ إِلَّا أَنْ يَشْهَدَ .

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

⁹ Al Kafi – V 7 – The Book of Testimonies Ch 3 H 1

¹⁰ Al Kafi – V 7 – The Book of Testimonies Ch 3 H 2

¹¹ Al Kafi – V 7 – The Book of Testimonies Ch 3 H 3

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man hears the testimony but did not witness upon it, so he is with the choice, if he so desires to he testifies, and if he so desires to he remains silent'. And he^{asws} said: 'When he witnessed it, there would not happen to be for him except that he testified'.¹²

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ الْعَلَاءِ بْنِ رَزِينِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا سَمِعَ الرَّجُلُ الشَّهَادَةَ وَ لَمْ يُشْهَدْ عَلَيْهَا فَهُوَ بِالْخِيَارِ إِنْ شَاءَ شَهِدَ وَ إِنْ شَاءَ سَكَتَ .

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'When the man hears the testimony and did not witness upon it, so he is with the choice, if he so desires to he testifies, and if he so desires to he remains silent'.¹³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ الْعَلَاءِ بْنِ رَزِينِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا سَمِعَ الرَّجُلُ الشَّهَادَةَ وَ لَمْ يُشْهَدْ عَلَيْهَا فَهُوَ بِالْخِيَارِ إِنْ شَاءَ شَهِدَ وَ إِنْ شَاءَ سَكَتَ إِلَّا إِذَا عَلِمَ مِنَ الظَّالِمِ فَلْيُشْهَدْ وَ لَا يَحِلُّ لَهُ إِلَّا أَنْ يُشْهَدْ .

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'When the man hears the testimony but did not witness upon it, so he is with the choice, if he so desires to he testifies, and if he so desires to he remains silent, except when he knows from the oppressor, so let him testify, and there is no way out for him except that he testifies'.¹⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ وَ غَيْرِهِ عَنْ يُونُسَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا سَمِعَ الرَّجُلُ الشَّهَادَةَ فَلَمْ يُشْهَدْ عَلَيْهَا فَهُوَ بِالْخِيَارِ إِنْ شَاءَ شَهِدَ وَ إِنْ شَاءَ سَكَتَ إِلَّا إِذَا عَلِمَ مِنَ الظَّالِمِ فَيُشْهَدْ وَ لَا يَحِلُّ لَهُ أَنْ لَا يُشْهَدْ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, and someone else from Yunus, from one of his companions,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When a man hears the testimony, so he was not a witness upon it, so he is with the choice, if he so desires to he testifies, and if he so desires to he remains silent, except when he knows from the oppressor, so he testifies, and there is no way out for him that he does not testify'.¹⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا سَمِعَ الرَّجُلُ الشَّهَادَةَ وَ لَمْ يُشْهَدْ عَلَيْهَا فَهُوَ بِالْخِيَارِ إِنْ شَاءَ شَهِدَ وَ إِنْ شَاءَ سَكَتَ .

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

¹² Al Kafi – V 7 – The Book of Testimonies Ch 4 H 1

¹³ Al Kafi – V 7 – The Book of Testimonies Ch 4 H 2

¹⁴ Al Kafi – V 7 – The Book of Testimonies Ch 4 H 3

¹⁵ Al Kafi – V 7 – The Book of Testimonies Ch 4 H 4

(It has been narrated) from Abu Ja'far^{asws} having said: 'When a man hears the testimony, and he was not a witness upon it, so he is with the choice, if he so desires to he testifies, and if he so desires to, he remains silent'.¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَحْضُرُ حِسَابَ الرَّجُلِ فَيَطْلُبَانِ مِنْهُ الشَّهَادَةَ عَلَى مَا سَمِعَ مِنْهُمَا فَقَالَ ذَلِكَ إِلَيْهِ إِنْ شَاءَ شَهِدَ وَإِنْ شَاءَ لَمْ يَشْهَدْ فَإِنْ شَهِدَ بِحَقٍّ قَدْ سَمِعَهُ وَإِنْ لَمْ يَشْهَدْ فَلَا شَيْءَ عَلَيْهِ لِأَنَّهُمَا لَمْ يُشْهَدَا .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{asws} about the man who was present at the accounting of the man, so they both sought the testimony from him upon what had heard from them both. So he^{asws} said: 'That is up to him, if he so desires to he testifies, and if he so desires to he does not testify. So if he testifies it would be the truth what he had heard, and if he does not testify, so there is nothing upon him, because the two of them did not make him a witness (beforehand)'.¹⁷

باب الرَّجُلِ يُنْسِي الشَّهَادَةَ وَ يَعْرِفُ حَطَّهُ بِالشَّهَادَةِ

Chapter 5 – The man forgets the testimony but recognises his handwriting with the testimony

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ النُّعْمَانِ عَنْ حَمَادِ بْنِ عُثْمَانَ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يُشْهَدُنِي عَلَى الشَّهَادَةِ فَأَعْرِفُ حَطِّي وَ خَاتَمِي وَ لَا أَذْكَرُ شَيْئاً مِنَ الْبَاقِي قَلِيلاً وَ لَا كَثِيراً قَالَ فَقَالَ لِي إِذَا كَانَ صَاحِبُكَ تَقَهُ وَ مَعَكَ رَجُلٌ تَقَهُ فَاشْهَدْ لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali Bin Al Numan, from Hammad Bin Usman, from Umar Bin Yazeed who said,

'I said to Abu Abdullah^{asws}, 'The man made me a witness upon the testimony. So I recognised my handwriting and my seal, and did not remember anything from the remainder, neither less nor more'. So he^{asws} said to me: 'When it was such that your companions was reliable, and with you is a man who is reliable, so testify for him'.¹⁸

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ قَالَ كَتَبَ إِلَيْهِ جَعْفَرُ بْنُ عِيسَى جُعِلَتْ فِدَاكَ جَاءَنِي جِيرَانٌ لَنَا بِكِتَابٍ زَعَمُوا أَنَّهُمْ أَشْهَدُونِي عَلَى مَا فِيهِ وَ فِي الْكِتَابِ اسْمِي بِحَطِّي قَدْ عَرَفْتُهُ وَ لَسْتُ أَذْكَرُ الشَّهَادَةَ وَ قَدْ دَعَوَنِي إِلَيْهَا فَأَشْهَدُ لَهُمْ عَلَى مَعْرِفَتِي أَنَّ اسْمِي فِي الْكِتَابِ وَ لَسْتُ أَذْكَرُ الشَّهَادَةَ أَوْ لَا تَجِبُ لَهُمْ الشَّهَادَةُ عَلَيَّ حَتَّى أَذْكَرَهَا كَانَ اسْمِي فِي الْكِتَابِ بِحَطِّي أَوْ لَمْ يَكُنْ فَكُنْتُ لَا تَشْهَدُ .

A number of our companions, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed who said,

'Ja'far Bin Isa wrote to him^{asws}, 'May I be sacrificed for you^{asws}! A neighbour or ours came to me with a document alleging that he had made me a witness upon whatever was in it, and in the document was my name and my handwriting. I had recognised it, but I did not remember the testimony, and he has summoned me to it. So shall I testify for them upon my recognition that my name is in the document and I do not

¹⁶ Al Kafi – V 7 – The Book of Testimonies Ch 4 H 5

¹⁷ Al Kafi – V 7 – The Book of Testimonies Ch 4 H 6

¹⁸ Al Kafi – V 7 – The Book of Testimonies Ch 5 H 1

remember the testimony, or not answer to them the testimony, until I remember it, regardless of whether my name was in the document with my handwriting, or not happened to be in it?' So he^{asws} wrote: 'Do not testify (until you remember it)'.¹⁹

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ حَسَّانَ عَنْ إِدْرِيسَ بْنِ الْحَسَنِ عَنْ عَلِيِّ بْنِ غِيَاثٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا تَشْهَدَنَّ بِشَهَادَةٍ حَتَّى تَعْرِفَهَا كَمَا تَعْرِفُ كَفَّكَ .

Ahmad Bin Muhammad, from Muhammad Bin Hassan, from Idrees Bin Al Hassan, from Ali Bin Giyas,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Do not testify with a testimony until you recognise it just as you recognise your palm'.²⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا تَشْهَدُ بِشَهَادَةٍ لَا تَذْكُرُهَا فَإِنَّهُ مِنْ شَاءٍ كَتَبَ كِتَابًا وَنَفَسَ خَاتَمًا .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'Do not testify with a testimony (which) you do not remember, for it is such, if one so desires to, he writes a writing and draws a seal (forgery)'.²¹

بَابُ مَنْ شَهِدَ بِالزُّورِ

Chapter 6 – The one who testifies with the falsity

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ رَجُلٍ عَنْ صَالِحِ بْنِ مَيْمَنٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ مَا مِنْ رَجُلٍ يَشْهَدُ بِشَهَادَةٍ زُورٍ عَلَى مَالِ رَجُلٍ مُسْلِمٍ لِيَقْطَعَهُ إِلَّا كَتَبَ اللَّهُ لَهُ مَكَانَهُ صَكًّا إِلَى النَّارِ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Ali Bin Al Hakam, from Aban Bin Usman, from a man, from Salih Bin Maysam,

Abu Ja'far^{asws} has said: 'There is none from a man who testifies with a false testimony upon the wealth of a Muslim man in order to cut him off, except that Allah^{azwj} Writes for him, a deed, for his place to the Fire'.²²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ شَهِدُ الزُّورِ لَا تَزُولُ قَدَمَاهُ حَتَّى تَجِبَ لَهُ النَّارُ .

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

Abu Abdullah^{asws} has said: 'The false testifier, his foot does not move, and (immediately) the Fire is Obligated for him'.²³

¹⁹ Al Kafi – V 7 – The Book of Testimonies Ch 5 H 2

²⁰ Al Kafi – V 7 – The Book of Testimonies Ch 5 H 3

²¹ Al Kafi – V 7 – The Book of Testimonies Ch 5 H 4

²² Al Kafi – V 7 – The Book of Testimonies Ch 6 H 1

²³ Al Kafi – V 7 – The Book of Testimonies Ch 6 H 2

عَلِيُّ بْنُ مُحَمَّدٍ بْنِ بَنْدَارٍ عَنِ إِبْرَاهِيمَ بْنِ إِسْحَاقَ الْأَحْمَرِ عَنْ عَبْدِ اللَّهِ بْنِ حَمَّادٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا يَنْقُضِي كَلَامَ شَاهِدِ الزُّورِ مِنْ بَيْنِ يَدَيْ الْحَاكِمِ حَتَّى يَتَّبِعُوا مَفْعَدَهُ مِنَ النَّارِ وَكَذَلِكَ مَنْ كَتَمَ الشَّهَادَةَ .

Ali Bin Muhammad Bin Bandar, from Ibrahim Bin Is'haq Al Ahmar, from Abdullah Bin Hammad, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'The speech of the false testifier does not finish in front of the judge, until (immediately) he assumes his seat in the Fire, and similar to that is the one who conceals the testimony'.²⁴

بَابُ مَنْ شَهِدَ ثُمَّ رَجَعَ عَنِ شَهَادَتِهِ

Chapter 7 – The one who testifies, then retract from his testimony

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَمَّنْ أَخْبَرَهُ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي الشُّهُودِ إِذَا شَهِدُوا عَلَى رَجُلٍ ثُمَّ رَجَعُوا عَنْ شَهَادَتِهِمْ وَفَدَّ قُضِيَ عَلَى الرَّجُلِ ضَمْنُوا مَا شَهِدُوا بِهِ وَغَرَّمُوا وَإِنْ لَمْ يَكُنْ قُضِيَ طَرَحَتْ شَهَادَتُهُمْ وَ لَمْ يُغْرَمِ الشُّهُودُ شَيْئًا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, from the one who informed him,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding the witnesses when they testify upon a man, then they retract from their testimonies, and the judgement has been passed upon the man, they would be responsible for what they had testified with, and be fined. However, if the judgement has not been passed, their testimonies would be dropped, and the witnesses would not be fined anything'.²⁵

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنِ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي شَاهِدِ الزُّورِ مَا تَوَبَّنَهُ قَالَ يُؤَدِّي مِنَ الْمَالِ الَّذِي شَهِدَ عَلَيْهِ بِقَدْرِ مَا ذَهَبَ مِنْ مَالِهِ إِنْ كَانَ النِّصْفَ أَوْ الثَّلَاثَ إِنْ كَانَ شَهِدَ هَذَا وَ آخَرَ مَعَهُ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding the false testifier, what is his repentance?' He^{asws} said: 'He would pay from his wealth to the one whom he had testified against by the measurement of what had gone from his wealth, whether it was the half, or the third, if this one had testified and another one was with him'.²⁶

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنْ جَمِيلِ بْنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي شَاهِدِ الزُّورِ قَالَ إِنْ كَانَ الشَّيْءُ قَائِمًا بِعَيْنِهِ رُدَّ عَلَى صَاحِبِهِ وَإِنْ لَمْ يَكُنْ قَائِمًا ضَمِنَ بِقَدْرِ مَا أَتْلَفَ مِنْ مَالِ الرَّجُلِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Jameel,

²⁴ Al Kafi – V 7 – The Book of Testimonies Ch 6 H 3

²⁵ Al Kafi – V 7 – The Book of Testimonies Ch 7 H 1

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

(It has been narrated) from Abu Abdullah^{asws} regarding the false testifier. He^{asws} said: 'If the thing remains exactly as it was, it would be returned to its owner, and if it has not remains as such, he would be responsible by the measurement of what had deteriorated from the wealth of the man'.²⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي أَرْبَعَةٍ شَهِدُوا عَلَى رَجُلٍ مُخْصَنٍ بِالزَّوْنَى ثُمَّ رَجَعَ أَحَدُهُمْ بَعْدَ مَا قُتِلَ الرَّجُلُ قَالَ إِنْ قَالَ الرَّابِعُ أَوْ هَمَّتْ ضَرْبَ الْحَدِّ وَ عُرِمَ الدِّيَّةَ وَ إِنْ قَالَ تَعَمَّدَتْ قُتِلَ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding four witnesses upon a married man with the adultery. Then one of them retracts after the man had been killed. He^{asws} said: 'If the fourth was deluded, he would be whipped by the legal penalty (*Hadd*), and fined the wergild; but if he were to say it was deliberate, he would be killed'.²⁸

ابْنُ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ بْنِ نُعَيْمٍ الْأَزْدِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ أَرْبَعَةٍ شَهِدُوا عَلَى رَجُلٍ بِالزَّوْنَى فَلَمَّا قُتِلَ رَجَعَ أَحَدُهُمْ عَنْ شَهَادَتِهِ قَالَ فَقَالَ يُقْتَلُ الرَّابِعُ وَ يُؤَدَّى الثَّلَاثَةُ إِلَى أَهْلِهِ ثَلَاثَةَ أَرْبَاعِ الدِّيَّةِ .

Ibn Mahboub, from Ibrahim Bin Nuaym Al Azdy, who said,

'I asked Abu Abdullah^{asws} about four witnesses upon a man with the adultery. So when he was killed, one of them retracted from his testimony. So he^{asws} said: 'The fourth would be killed, and the three would pay to his family three-quarters of the wergild'.²⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي شَهَادَةِ الزَّوْرِ إِنْ كَانَ الشَّيْءُ قَائِمًا بَعَيْنِهِ رُدَّ عَلَى صَاحِبِهِ وَ إِلَّا ضَمِنَ بِقَدْرِ مَا أَتْلَفَ مِنْ مَالِ الرَّجُلِ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding the false testimony: 'If it was something which remains exactly (as it used to be), it would be returned to its owner, or else he would be responsible by the measurement of what had deteriorated from the wealth of the man'.³⁰

ابْنُ أَبِي عُمَيْرٍ عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الْحَمِيدِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي شَاهِدَيْنِ شَهِدَا عَلَى امْرَأَةٍ بِأَنَّ زَوْجَهَا طَلَّقَهَا فَزَوَّجَتْ ثُمَّ جَاءَ زَوْجُهَا فَانْكَرَ الطَّلَاقَ قَالَ يُضْرَبَانِ الْحَدَّ وَ يُضْمَنَانِ الصَّدَاقَ لِلزَّوْجِ ثُمَّ تَعَنَّدَتْ ثُمَّ تَرَجَعَتْ إِلَى زَوْجِهَا الْأَوَّلِ .

Ibn Abu Umeyr, from Ibrahim Bin Abdul Hameed,

(It has been narrated) from Abu Abdullah^{asws} regarding two witnesses testifying upon a woman that her husband has divorced her. So she re-married. Then her husband came and denied the divorce. He^{asws} said: 'They would both be whipped the legal

²⁷ Al Kafi – V 7 – The Book of Testimonies Ch 7 H 3

²⁸ Al Kafi – V 7 – The Book of Testimonies Ch 7 H 4

²⁹ Al Kafi – V 7 – The Book of Testimonies Ch 7 H 5

³⁰ Al Kafi – V 7 – The Book of Testimonies Ch 7 H 6

penalty (*Hadd*), and would both be responsible for the dowry to the husband. Then she would observe the waiting period, then return to her first husband'.³¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ شَهِدَ عَلَيْهِ رَجُلَانِ بِأَنَّهُ سَرَقَ فَقَطَعَ يَدَهُ حَتَّى إِذَا كَانَ بَعْدَ ذَلِكَ جَاءَ الشَّاهِدَانِ بِرَجُلٍ آخَرَ فَقَالَا هَذَا السَّارِقُ وَ لَيْسَ الَّذِي قَطَعَتْ يَدَهُ إِنَّمَا شَبَّهْنَا ذَلِكَ بِهِذَا فَقَضَى عَلَيْهِمَا أَنْ غَرَمَهُمَا نِصْفَ الدِّيَةِ وَ لَمْ يُجْزَ شَهَادَتُهُمَا عَلَى الْآخَرِ .

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a man upon whom two witnesses testified for theft. So his hand was cut until when it was after that, the two witnesses came over with another man, so they both said, 'This is the thief, and it is not the one who hand has been cut. But rather, that one resembled with this one. So he^{asws} judged upon them both, that they would both be fined half the wergild, and both their testimonies would not be allowed upon the other one'.³²

بَابُ شَهَادَةِ الْوَاحِدِ وَ يَمِينِ الْمُدَّعِي

Chapter 8 – The one testimony and the oath of the claimant

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَاءِ عَنْ حَمَّادِ بْنِ عَثْمَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ كَانَ عَلِيٌّ (عَلَيْهِ السَّلَامُ) يُجِيزُ فِي الدَّيْنِ شَهَادَةَ رَجُلٍ وَ يَمِينِ الْمُدَّعِي .

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

'I heard Abu Abdullah^{asws} Saying; 'Ali^{asws} used to allow, with regards to the debt, the testimony of a man and an oath of the claimant'.³³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ حَدَّثَنِي أَبِي أَنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) قَضَى بِشَاهِدٍ وَ يَمِينٍ .

Ali Bin Ibrahim, from his father, from Hammad Bin Isa who said,

'I heard Abu Abdullah^{asws} saying: 'My^{asws} father^{asws} narrated to me^{asws} that Rasool-Allah^{saww} judged with a witness and an oath'.³⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) (عَنْ الرَّجُلِ يَكُونُ لَهُ عِنْدَ الرَّجُلِ الْحَقُّ وَ لَهُ شَاهِدٌ وَاحِدٌ قَالَ فَقَالَ كَانَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) يَقْضِي بِشَاهِدٍ وَاحِدٍ وَ يَمِينِ صَاحِبِ الْحَقِّ وَ ذَلِكَ فِي الدَّيْنِ .

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

³¹ Al Kafi – V 7 – The Book of Testimonies Ch 7 H 7

³² Al Kafi – V 7 – The Book of Testimonies Ch 7 H 8

³³ Al Kafi – V 7 – The Book of Testimonies Ch 8 H 1

³⁴ Al Kafi – V 7 – The Book of Testimonies Ch 8 H 2

'I asked Abu Abdullah^{asws} about the man who happened to have a right for him, with a man, and for him was one witness'. So he^{asws} said: 'Rasool-Allah^{saww} used to judge with one witness and an oath of the owner of the right, and that is regarding the debt'.³⁵

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ كَانَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) يَقْضِي بِشَاهِدٍ وَاحِدٍ مَعَ يَمِينِ صَاحِبِ الْحَقِّ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} judged with one witness along with an oath from the owner of the right'.³⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ دَخَلَ الْحَكَمُ بْنُ عُثَيْبَةَ وَ سَلَّمَهُ بِنُ كُهَيْلٍ عَلَى أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فَسَأَلَهُ عَنْ شَاهِدٍ وَ يَمِينٍ فَقَالَ قَضَى بِهِ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ قَضَى بِهِ عَلِيُّ (عَلَيْهِ السَّلَام) عِنْدَكُمْ بِالْكَوْفَةِ فَقَالَ هَذَا خِلَافُ الْقُرْآنِ فَقَالَ وَ أُبَيٌّ وَ جَدُّنَا خِلَافَ الْقُرْآنِ فَقَالَ إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ وَ أَشْهَدُوا ذَوِي عَدْلٍ مِنْكُمْ فَقَالَ لَهُمَا أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) فَقَوْلُهُ وَ أَشْهَدُوا ذَوِي عَدْلٍ مِنْكُمْ هُوَ أَنْ لَا تَقْبَلُوا شَهَادَةَ وَاحِدٍ وَ يَمِينًا

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj who said,

'Al-Hakm Bin Uteyba and Salmat Bin Kuheyl came over to Abu Ja'far^{asws}. So they both asked him about a witness and an oath. So he^{asws} said: 'Rasool-Allah^{saww} had judged by it, and Ali^{asws} had judged by it in your presence at Al-Kufa'. So they both said, 'This is opposing the Quran!' So he^{asws} said: 'And where did you find it to be opposing the Quran?' So they both said, 'Allah^{azwj} Blessed and High is Saying **[65:2] and call to witness two (men) of justice from among you**'. So Abu Ja'far said to both of them: 'So His^{azwj} Words **two (men) of justice from among you**, it is that you should accept the testimony of one and an oath'.

ثُمَّ قَالَ إِنَّ عَلِيًّا (عَلَيْهِ السَّلَام) كَانَ قَاعِدًا فِي مَسْجِدِ الْكُوْفَةِ فَمَرَّ بِهِ عَبْدُ اللَّهِ بْنُ قُفْلٍ التَّمِيمِيُّ وَ مَعَهُ دِرْعٌ طَلْحَةَ فَقَالَ عَلِيُّ (عَلَيْهِ السَّلَام) هَذِهِ دِرْعٌ طَلْحَةَ أُخِذَتْ غُلُولًا يَوْمَ الْبَصْرَةِ فَقَالَ لَهُ عَبْدُ اللَّهِ بْنُ قُفْلٍ فَاجْعَلْ بَيْنِي وَ بَيْنَكَ قَاضِيكَ الَّذِي رَضِيئُهُ لِلْمُسْلِمِينَ فَجَعَلَ بَيْنَهُ وَ بَيْنَهُ شُرَيْحًا

Then he^{asws} said: 'Ali^{asws} was seated in Masjid of Al-Kufa, so there passed by him^{asws} Abdullah Bin Fuql Al-Tameemy, and with him was a shield of Talha. So Ali^{asws} said to him: 'This a shield of Talha. It was taken deceptively (from war booty) on the day of Al-Basra (Battle of the camel)'. So Abdullah Bin Fuql said to him^{asws}, 'So make a judge to be in between me and you^{asws}, one whom you^{asws} are pleased with for the Muslims'. So he^{asws} made Shurayh to be between himself^{asws} and him.

فَقَالَ عَلِيُّ (عَلَيْهِ السَّلَام) هَذِهِ دِرْعٌ طَلْحَةَ أُخِذَتْ غُلُولًا يَوْمَ الْبَصْرَةِ فَقَالَ لَهُ شُرَيْحٌ هَاتِي عَلِيٌّ مَا تَقُولُ بَيْنَهُ فَاتَاهُ بِالْحَسَنِ (عَلَيْهِ السَّلَام) فَشَهِدَ أَنَّهَا دِرْعٌ طَلْحَةَ أُخِذَتْ غُلُولًا يَوْمَ الْبَصْرَةِ فَقَالَ شُرَيْحٌ هَذَا شَاهِدٌ وَاحِدٌ فَلَا أَقْضِي بِشَهَادَةِ شَاهِدٍ حَتَّى يَكُونَ مَعَهُ آخَرَ فَدَعَا قَنْبِرًا فَشَهِدَ أَنَّهَا دِرْعٌ طَلْحَةَ أُخِذَتْ غُلُولًا يَوْمَ الْبَصْرَةِ فَقَالَ شُرَيْحٌ هَذَا مَمْلُوكٌ وَ لَا أَقْضِي بِشَهَادَةِ مَمْلُوكٍ

³⁵ Al Kafi – V 7 – The Book of Testimonies Ch 8 H 3

³⁶ Al Kafi – V 7 – The Book of Testimonies Ch 8 H 4

So Ali^{asws} said: 'This is a shield of Talha. I^{asws} had seized it on the day of Al-Basra'. So Shurayh said to him^{asws}, 'Come with a proof upon what you^{asws} are saying'. So he^{asws} came with Al-Hassan^{asws}. So he^{asws} testified that this is a shield of Talha taken deceptively (from war booty) on the day of Al-Basra'. So Shurayh said, 'This is one witness, so I shall not judge with the testimony of one witness until there happens to be another one with him'. So he^{asws} called Qanbar. So he testified that it was a shield of Talha taken deceptively (from war booty) on the day of Al-Basra. So Shurayh said, 'This is an owned slave, and I will not judge with a testimony of an owned slave'.

قَالَ فَغَضِبَ عَلَيَّ (عليه السلام) فَقَالَ خُدُومًا فَإِنَّ هَذَا قَضَى بِجُورٍ ثَلَاثَ مَرَّاتٍ قَالَ فَتَحَوَّلَ شُرَيْحٌ ثُمَّ قَالَ لَا أَقْضِي بَيْنَ اثْنَيْنِ حَتَّى تُخْبِرَنِي مِنْ أَيْنَ قَضَيْتُ بِجُورٍ ثَلَاثَ مَرَّاتٍ فَقَالَ لَهُ وَيْلَكَ أَوْ وَيْحَكَ إِنِّي لَمَّا أَخْبَرْتُكَ أَنَّهَا دِرْعٌ طَلْحَةَ أُخَذْتُ غُلُولًا يَوْمَ الْبُصْرَةِ فَقُلْتَ هَاتِ عَلَيَّ مَا تَقُولُ بَيِّنَةً وَ قَدْ قَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) حَيْثُمَا وَجِدَ غُلُولٌ أُخِذَ بِغَيْرِ بَيِّنَةٍ فَقُلْتُ رَجُلٌ لَمْ يَسْمَعْ الْحَدِيثَ فَهَذِهِ وَاحِدَةٌ

He (the narrator) said, 'So Ali^{asws} was furious, so he^{asws} said: 'Take it, for this one had judged with inequity', three times. So Shurayh turned around, then said, 'I will not judge between two until you^{asws} inform me from where I have judged with inequity, three times'. So he^{asws} said to him: 'Woe be unto you!, or 'Fie be on you!, When I^{asws} informed you that it was a shield of Talha taken deceptively (from war booty) on the day of Al-Basra, so you said, 'Come with proof upon what you^{asws} are saying', and Rasool-Allah^{saww} had said: 'Wherever a stolen (war booty) is found, it would be retrieved without proof'. So I^{asws} said: 'A man has not heard the Hadeeth'. So this is once.

ثُمَّ أَنْتَيْتُكَ بِالْحَسَنِ فَشَهِدَ فَقُلْتَ هَذَا وَاحِدٌ وَ لَا أَقْضِي بِشَهَادَةِ وَاحِدٍ حَتَّى يَكُونَ مَعَهُ آخَرٌ وَ قَدْ قَضَى رَسُولُ اللَّهِ (صلى الله عليه وآله) بِشَهَادَةِ وَاحِدٍ وَ يَمِينٍ فَهَذِهِ تَنْتَانٌ

Then I^{asws} came to you with Al-Hassan^{asws}, so he^{asws} testified, so you said, 'This is one, and I will not judge with the testimony of one until there happens to be another one with him^{asws}', and Rasool-Allah^{saww} had judged with the testimony of one and an oath. So this is twice'.

ثُمَّ أَنْتَيْتُكَ بِقَنْبَرٍ فَشَهِدَ أَنَّهَا دِرْعٌ طَلْحَةَ أُخَذْتُ غُلُولًا يَوْمَ الْبُصْرَةِ فَقُلْتَ هَذَا مَمْلُوكٌ وَ لَا أَقْضِي بِشَهَادَةِ مَمْلُوكٍ وَ مَا بَأْسُ بِشَهَادَةِ الْمَمْلُوكِ إِذَا كَانَ عَدْلًا

Then I^{asws} came over with Qanbar, so he testified that it was a shield of Talha taken by deception (from war booty) on the day of Al-Basra, so you said, 'This is an owned slave, and I will not judge with the testimony of an owned slave; and what is wrong with the testimony of the owned slave when it was just?'

ثُمَّ قَالَ وَيْلَكَ أَوْ وَيْحَكَ إِمَامُ الْمُسْلِمِينَ يُؤْمَنُ مِنْ أُمُورِهِمْ عَلَيَّ مَا هُوَ أَعْظَمُ مِنْ هَذَا .

Then he^{asws} said: 'Woe be unto you!', or 'Fie be upon you! An Imam^{asws} of the Muslims is trusted upon their affairs upon what is greater than this'.³⁷

بَعْضُ أَصْحَابِنَا عَنْ مُحَمَّدِ بْنِ عَبْدِ الْحَمِيدِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ مَنْصُورِ بْنِ حَارِمٍ قَالَ حَدَّثَنِي الثَّقَفِيُّ عَنْ أَبِي الْحَسَنِ (عليه السلام) قَالَ إِذَا شَهِدَ لِصَاحِبِ الْحَقِّ امْرَأَتَانِ وَ يَمِينُهُ فَهُوَ جَائِزٌ .

³⁷ Al Kafi – V 7 – The Book of Testimonies Ch 8 H 5

One of our companions, from Muhammad Bin Abdul Hameed, from Sayf Bin Umeyra, from Mansour Bin Hazim who said,

‘The reliable one narrated to me from Abu Al-Hassan^{asws} having said: ‘When two women testify for the owner of the right, and he swears an oath, so it is allowed’.³⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ حَمَادٍ عَنِ الْحَلْبِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَجَازَ شَهَادَةَ النِّسَاءِ مَعَ يَمِينِ الطَّالِبِ فِي الدَّيْنِ يَحْلِفُ بِاللَّهِ إِنَّ حَقَّهُ لَحَقٌّ .

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

(It has been narrated) from Abu Abdullah^{asws} that Rasool-Allah^{saww} allowed the testimony of the women with an oath of the seeker regarding the debt, swearing by Allah^{azwj} that he is rightful for the right’.³⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيسَى عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ كَانَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) يُجِيزُ فِي الدَّيْنِ شَهَادَةَ رَجُلٍ وَاحِدٍ وَ يَمِينِ صَاحِبِ الدَّيْنِ وَ لَمْ يَكُنْ يُجِيزُ فِي الْهَلَالِ إِلَّا شَاهِدَيْ عَدْلٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ali Bin Al Hakam, from Abu Ayoub Al Khazzaz, from Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Rasool-Allah^{saww} had allowed regarding the debt, a testimony of one man and an oath of the owner of the debt, and it does not happen to be permissible regarding the (sighting of) the new moon except for two just witnesses’.⁴⁰

باب

Chapter 9 – A chapter

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عَلِيِّ بْنِ مُحَمَّدِ الْقَاسِمِيِّ جَمِيعاً عَنِ الْقَاسِمِ بْنِ يَحْيَى عَنْ سُلَيْمَانَ بْنِ دَاوُدَ عَنْ حَفْصِ بْنِ غِيَاثٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ لَهُ رَجُلٌ إِذَا رَأَيْتُ فِي يَدِي رَجُلًا أَيْجُوزُ لِي أَنْ أَشْهَدَ أَنَّهُ لَهُ قَالَ نَعَمْ قَالَ الرَّجُلُ أَشْهَدُ أَنَّهُ فِي يَدِهِ وَ لَا أَشْهَدُ أَنَّهُ لَهُ فَلَعَلَّهُ لِعَیْرِهِ فَقَالَ لَهُ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَوْ فَبِجْلِ الشَّرَاءِ مِنْهُ قَالَ نَعَمْ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَلَعَلَّهُ لِعَیْرِهِ فَمِنْ أَيْنَ جَازَ لَكَ أَنْ تَشْتَرِيَهُ وَ بَصِيرَ مَلِكًا لَكَ ثُمَّ تَقُولُ بَعْدَ الْمَلِكِ هُوَ لِي وَ تَحْلِفُ عَلَيْهِ وَ لَا يَجُوزُ أَنْ تَنْسِبَهُ إِلَى مَنْ صَارَ مَلِكُهُ مِنْ قَبْلِهِ إِنَّكَ تَمَّ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لَوْ لَمْ يَجُزْ هَذَا لَمْ يَقُمْ لِلْمُسْلِمِينَ سُوقٌ .

Ali Bin Ibrahim, from his father, and Ali Bin Muhammad Al Qasany, both together from Al Qasim Bin Yahya, from Suleyman Bin Dawood, from Hafs Bin Giyas,

(It has been narrated) from Abu Abdullah^{asws}, said, ‘A man said to him^{asws}, ‘What is your^{asws} view if I were to see something in the hands of a man, is it allowable for me that I should testify that it is for him?’ He^{asws} said: ‘Yes’. The man said, ‘I can testify that it is in his hand, and I cannot testify that it is for him, for perhaps it is for someone else?’ So Abu Abdullah^{asws} said to him: ‘Is it permissible to buy it from him?’ He said, ‘Yes’. So Abu Abdullah^{asws} said: ‘So, perhaps it is for someone else,

³⁸ Al Kafi – V 7 – The Book of Testimonies Ch 8 H 6

³⁹ Al Kafi – V 7 – The Book of Testimonies Ch 8 H 7

⁴⁰ Al Kafi – V 7 – The Book of Testimonies Ch 8 H 8

so from where it is allowed for you that you buy it and the ownership comes to you? Then you would be saying after the ownership, 'It is for me', and whereas you have (taken the) oath over it, and it would not be permissible for you to link it to the one from whom the ownership came to be, from before him'. Then he^{asws} said: 'If this was not allowed, a market would not be established for the Muslims'.⁴¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ قُلْتُ لَهُ إِنَّ ابْنَ أَبِي لَيْلَى يَسْأَلُنِي الشَّهَادَةَ عَلَيَّ أَنَّ هَذِهِ الدَّارَ مَاتَ فُلَانٌ وَتَرَكَهَا مِيرَاثَهُ وَ أَنَّهُ لَيْسَ لَهُ وَارِثٌ غَيْرُ الَّذِي شَهِدْنَا لَهُ فَقَالَ أَشْهَدُ بِمَا هُوَ عِلْمُكَ قُلْتُ إِنَّ ابْنَ أَبِي لَيْلَى يُحْلِفُنَا الْعَمُوسَ قَالَ أَحْلِفْ إِنَّمَا هُوَ عَلَيَّ عِلْمُكَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Muawiya Bin Wahab who said,

'I said to him^{asws}, 'Ibn Abu Layli asked me to testify upon that this is the house in which a man died and left his inheritance, and that there not inheritors for him other than those we have testified for'. So he^{asws} said: 'Testify with what is in your knowledge'. I said, 'Ibn Abu Layli made us swear a false oath'. He^{asws} said: 'Swear upon what is in your knowledge'.⁴²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ يَكُونُ لِلرَّجُلِ مِنْ إِخْوَانِي عِنْدِي شَهَادَةٌ وَ لَيْسَ كُلُّهَا يُجِزُهَا الْفَضَاءُ عِنْدَنَا قَالَ فَإِذَا عَلِمْتَ أَنَّهَا حَقٌّ فَصَحَّحْهَا بِكُلِّ وَجْهِ حَتَّى يَصِحَّ لَهُ حَقُّهُ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Usman Bin Isa, from one of his companions,

(The narrator) says, Abu Abdullah^{asws}, said, 'I said, 'There happened to be for the man from my brethren, a testimony with me, and the judges among us did not allow all of it'. He^{asws} said: 'So when you know that it is true, so correct it with each aspect of it, to achieve his right for him'.⁴³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَكُونُ فِي دَارِهِ ثُمَّ يَغِيبُ عَنْهَا ثَلَاثِينَ سَنَةً وَ يَدْعُ فِيهَا عِيَالَهُ ثُمَّ يَأْتِينَا هَلَاكُهُ وَ نَحْنُ لَا نَدْرِي مَا أَحْدَثَ فِي دَارِهِ وَ لَا نَدْرِي مَا حَدَّثَ لَهُ مِنَ الْوَلَدِ إِلَّا أَنَّا لَا نَعْلَمُ نَحْنُ أَنَّهُ أَحْدَثَ فِي دَارِهِ شَيْئًا وَ لَا حَدَّثَ لَهُ وَلَدٌ وَ لَا يُقَسِّمُ هَذِهِ الدَّارَ بَيْنَ وَرَثَتِهِ الَّذِينَ تَرَكَ فِي الدَّارِ حَتَّى يَشْهَدَ شَاهِدًا عَدْلٍ أَنَّ هَذِهِ الدَّارَ دَارُ فُلَانِ بْنِ فُلَانٍ مَاتَ وَ تَرَكَهَا مِيرَاثًا بَيْنَ فُلَانٍ وَ فُلَانٍ أ فَتَشْهَدُ عَلَيَّ هَذَا قَالَ نَعَمْ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus, from Muawiya Bin Wahab who said,

'I said to Abu Abdullah^{asws}, 'A man happened to be in his house, then he was absent from it for thirty years, and left his family in it. Then came to us (news of) his death, and we do not know what occurred in his house, nor do we know what occurred for him from the children except that we know that we do not know something was in his house nor some birth occurred for him, nor had this house been divided between his inheritors whom he had left in the house, until there testified two just witnesses that this is the house of so and so, son of so and so, who died and left it as an

⁴¹ Al Kafi – V 7 – The Book of Testimonies Ch 9 H 1

⁴² Al Kafi – V 7 – The Book of Testimonies Ch 9 H 2

⁴³ Al Kafi – V 7 – The Book of Testimonies Ch 9 H 3

inheritance between so and so, and so and so. Should we testify upon this?’ He^{asws} said: ‘Yes’.

قُلْتُ الرَّجُلُ يَكُونُ لَهُ الْعَبْدُ وَالْأَمَةُ فَيَقُولُ أَبَقَ غُلَامِي وَابَقَتْ أَمَّتِي فَيُوجَدُ فِي الْبَلَدِ فَيُكَلِّفُهُ الْفَاضِي الْبَيْتَةَ أَنَّ هَذَا غُلَامٌ فَلَانَ لَمْ يَبِعْهُ وَ لَمْ يَهْبَهُ أَ فَتَشْهَدُ عَلَيَّ هَذَا إِذَا كَلَّفْنَاهُ وَ نَحْنُ لَمْ نَعْلَمْ أَحَدًا شَيْئًا قَالَ فَكَلَّمَا عَبَابَ مِنْ يَدِ الْمَرْءِ الْمُسْلِمِ غُلَامُهُ أَوْ أَمَتُهُ أَوْ عَبَابَ عَنْكَ لَمْ تَشْهَدْ عَلَيْهِ .

I said, ‘The man happened to have the slave and the slave girl for him. So he is saying, ‘My slave absconded, and my slave girl absconded’. So they were found in the city. So the judge assigned for it the production of the proof that this is a slave of so and so, not being sold nor being gifted. Should we testify upon this, when he assigns us and we do not know anything of the event?’ He^{asws} said: ‘For everything which is absent from the hand of the Muslim person, his slave or slave girl, or absent from you, do not testify upon it’.⁴⁴

باب فِي الشَّهَادَةِ لِأَهْلِ الدِّينِ

Chapter 10 – Regarding the testimony of the owners of the debts

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَكُونُ لَهُ عَلَى الرَّجُلِ الْحَقُّ فَيَجْحَدُهُ حَقَّهُ وَ يَحْلِفُ أَنَّهُ لَيْسَ عَلَيْهِ شَيْءٌ وَ لَيْسَ لِصَاحِبِ الْحَقِّ عَلَى حَقِّهِ بَيِّنَةٌ يَجُوزُ لَنَا إِحْبَاءُ حَقِّهِ بِشَهَادَةِ الزَّوْرِ إِذَا حُتِبِي ذَهَابُهُ فَقَالَ لَا يَجُوزُ ذَلِكَ لِغَلَّةِ التَّنْذِيلِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from one of his companions,

(The narrator) says, ‘I asked Abu Abdullah^{asws} about the man for whom there was the right upon the man, so he struggled for his right and he oathed that there was nothing upon him, and there was no proof for the owner of the right. Is it permissible for us to revive his right by the false testimony, when there is fear of (his right) going away?’ So he^{asws} said: ‘That is not permissible, perhaps it is the fraud’.⁴⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ خَالِدٍ عَنْ سَعْدِ بْنِ سَعْدٍ عَنْ مُحَمَّدِ بْنِ الْقَاسِمِ بْنِ الْفَضِيلِ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ قُلْتُ لَهُ رَجُلٌ مِنْ مَوَالِيكَ عَلَيْهِ دَيْنٌ لِرَجُلٍ مُخَالَفٍ يُرِيدُ أَنْ يَعْسِرَهُ وَ يَحْبِسَهُ وَ قَدْ عَلِمَ أَنَّهُ لَيْسَ عِنْدَهُ وَ لَا يَقْدِرُ عَلَيْهِ وَ لَيْسَ لِعَرَبِيهِ بَيِّنَةٌ هَلْ يَجُوزُ لَهُ أَنْ يَحْلِفَ لَهُ لِيُدْفَعَهُ عَنْ نَفْسِهِ حَتَّى يُبَيِّسَ اللَّهُ لَهُ وَ إِنْ كَانَ عَلَيْهِ الشُّهُودُ مِنْ مَوَالِيكَ قَدْ عَرَفُوا أَنَّهُ لَا يَقْدِرُ هَلْ يَجُوزُ أَنْ يَشْهَدُوا عَلَيْهِ قَالَ لَا يَجُوزُ أَنْ يَشْهَدُوا عَلَيْهِ وَ لَا يَنْوِي ظَلْمَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Khalid, from Sa’ad Bin Sa’d, from Muhammad Bin Al Qasim Bin Al Fuzayl,

(It has been narrated) from Abu Al Hassan^{asws}, ‘I asked him^{asws}, ‘A man from your^{asws} Wilayah, upon him is a debt of a man (from the) adversaries. He wants to bankrupt him and have him imprisoned, and it is known that there is nothing with him, and he has no ability over (paying) it, and there is no proof for his creditors. Is it allowed for him that he should swear an oath in order to repel them from himself until Allah^{azwj} Makes solvency for him, and if there are witnesses from the ones in your^{asws} Wilayah who recognise that he has no ability (to pay), is it allowed for them that they would

⁴⁴ Al Kafi – V 7 – The Book of Testimonies Ch 9 H 4

⁴⁵ Al Kafi – V 7 – The Book of Testimonies Ch 10 H 1

be testifying upon it?' He^{asws} It is not allowed that they should be testifying upon it, and he (the creditor) is not intending injustice to him'.⁴⁶

باب شَهَادَةِ الصِّبْيَانِ

Chapter 11 – Testimony of the children

عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَجُوزُ شَهَادَةُ الصِّبْيَانِ قَالَ نَعَمْ فِي الْقَتْلِ يُؤْخَذُ بِأَوَّلِ كَلَامِهِ وَ لَا يُؤْخَذُ بِالثَّانِي مِنْهُ .

Ali, from his father, from Ibn Abu Umeyr, from Jameel who said,

'I said to Abu Abdullah^{asws}, 'Is the testimony of the children allowed?' He^{asws} said: 'Yes, regarding the killing, he would be taken with the first of his speech, and he would not be taken from the second one from it'.⁴⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ مُحَمَّدِ بْنِ عَيْسَى عَنِ يُونُسَ عَنِ مُحَمَّدِ بْنِ حُمْرَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ شَهَادَةِ الصِّبْيَانِ قَالَ قَالَ لَا إِلَّا فِي الْقَتْلِ يُؤْخَذُ بِأَوَّلِ كَلَامِهِ وَ لَا يُؤْخَذُ بِالثَّانِي .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Muhammad Bin Humran who said,

'I asked Abu Abdullah^{asws} about the testimony of the child. So he^{asws} said: 'No, except regarding the killing. He would be taken by the first of his speech, and he would not be taken by the second'.⁴⁸

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ بْنِ رَزِينِ عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) قَالَ فِي الصِّبْيَانِ يُشْهَدُ عَلَى الشَّهَادَةِ قَالَ إِنْ عَقَلَهُ حِينَ يُدْرِكُ أَنَّهُ حَقٌّ جَازَتْ شَهَادَتُهُ .

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

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said regarding the child testifying upon the witnessing, said: 'If his intellect as become aware that it is true, his testimony is allowed'.⁴⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) إِنْ شَهَادَةُ الصِّبْيَانِ إِذَا أَشْهَدُوهُمْ وَ هُمْ صِغَارٌ جَازَتْ إِذَا كَبُرُوا مَا لَمْ يَنْسَوْهَا .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} that the testimony of the children, when they are called as witnesses, and they are young, is allowed when they get older, what they have not forgotten'.⁵⁰

⁴⁶ Al Kafi – V 7 – The Book of Testimonies Ch 10 H 1

⁴⁷ Al Kafi – V 7 – The Book of Testimonies Ch 11 H 2

⁴⁸ Al Kafi – V 7 – The Book of Testimonies Ch 11 H 3

⁴⁹ Al Kafi – V 7 – The Book of Testimonies Ch 11 H 4

⁵⁰ Al Kafi – V 7 – The Book of Testimonies Ch 11 H 5

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ جَمِيلٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الصَّبِيِّ هَلْ تَجُوزُ شَهَادَتُهُ فِي الْقَتْلِ قَالَ يُؤْخَذُ بِأَوَّلِ كَلَامِهِ وَ لَا يُؤْخَذُ بِالثَّانِي .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Jameel who said,

'I asked Abu Abdullah^{asws} about the child, is his testimony allowed regarding the killing?' He^{asws} said: 'He would be taken by the first of his speech, and he would not be taken by the second (if he changes his statement)',⁵¹

بَابُ شَهَادَةِ الْمَمَالِكِ

Chapter 12 – Testimony of the owned slaves

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) لَا بَأْسَ بِشَهَادَةِ الْمَمْلُوكِ إِذَا كَانَ عَدْلًا .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'There is no problem with the testimony of the owned slave when it was just'.⁵²

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ وَ الْحُسَيْنِ بْنِ سَعِيدٍ جَمِيعاً عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنْ عَبْدِ الْحَمِيدِ الطَّائِيِّ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي شَهَادَةِ الْمَمْلُوكِ قَالَ إِذَا كَانَ عَدْلًا فَهُوَ جَائِزُ الشَّهَادَةِ إِنَّ أَوَّلَ مَنْ رَدَّ شَهَادَةَ الْمَمْلُوكِ عُمَرُ بْنُ الْخَطَّابِ وَ ذَلِكَ أَنَّهُ تَقَدَّمَ إِلَيْهِ مَمْلُوكٌ فِي شَهَادَةٍ فَقَالَ إِنَّ أَقَمْتُ الشَّهَادَةَ تَخَوَّفْتُ عَلَى نَفْسِي وَ إِنَّ كَتَمْتُهَا أَثِمْتُ بِرَبِّي فَقَالَ هَاتِ شَهَادَتَكَ أَمَا إِنَّا لَا نُجِيزُ شَهَادَةَ مَمْلُوكٍ بَعْدَكَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Khalid and Al Husayn Bin Saeed, both together, from Al Qasim Bin Urwat, from Abdul Hameed Al Taiy, from Muhammad Bin Muslim,

(It has been narrated) from Abu Abdullah^{asws} regarding the testimony of the owned slave, having said: 'When it was just, so the testimony is allowed. The first one to reject a testimony of the owned slave was Umar Bin Al-Khattab, and that is (when) a slave was brought to him regarding a testimony, so he (the slave) said, 'If the testimony is established, I fear for myself, and if I were to conceal it, I would have a sinful heart with my Lord^{azwj}'. So he (Umar) said, 'Give your testimony. But, after you we will not allow any slave to testify'.⁵³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنْ بُرَيْدٍ [بْنِ مُعَاوِيَةَ] عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ الْمَمْلُوكِ تَجُوزُ شَهَادَتُهُ قَالَ نَعَمْ إِنَّ أَوَّلَ مَنْ رَدَّ شَهَادَةَ الْمَمْلُوكِ لِفُلَانٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Al Qasim Bin Urwar, from Bureyd Bin Muawiya,

⁵¹ Al Kafi – V 7 – The Book of Testimonies Ch 11 H 5

⁵² Al Kafi – V 7 – The Book of Testimonies Ch 12 H 1

⁵³ Al Kafi – V 7 – The Book of Testimonies Ch 12 H 2

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the owned slave, is his testimony allowed?' He^{asws} said: 'Yes, the first one who rejected a testimony of the owned slave was so and so (Umar)'.⁵⁴

بَاب مَا يَجُوزُ مِنْ شَهَادَةِ النِّسَاءِ وَمَا لَا يَجُوزُ

Chapter 13 – What is allowed from the testimony of the women, and what is not allowed

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ وَ مُحَمَّدِ بْنِ حُمَرَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْنَا أ تَجُوزُ شَهَادَةُ النِّسَاءِ فِي الْحُدُودِ فَقَالَ فِي الْقَتْلِ وَحْدَهُ إِنَّ عَلِيًّا (عَلَيْهِ السَّلَام) كَانَ يَقُولُ لَا يَبْطُلُ دَمُ امْرِئٍ مُسْلِمٍ .

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

(It has been narrated) from Abu Abdullah^{asws}, said, 'We said, 'Is a testimony of the women allowed regarding the legal penalties (*Hadd*)?' So he^{asws} said: 'Regarding the killing alone. Ali^{asws} was saying: 'The blood of a Muslim person would not be invalidated'.⁵⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ سُئِلَ هَلْ تُقْبَلُ شَهَادَةُ النِّسَاءِ فِي النِّكَاحِ فَقَالَ تَجُوزُ إِذَا كَانَ مَعَهُنَّ رَجُلٌ وَ كَانَ عَلِيٌّ (عَلَيْهِ السَّلَام) يَقُولُ لَا أُجِيزُهَا فِي الطَّلَاقِ

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

(It has been narrated) from Abu Abdullah^{asws} having been asked, 'Is the testimony of the women accepted regarding the marriage?' So he^{asws} said: 'It is allowed if there was a man with them; and Ali^{asws} was saying: 'I^{asws} would not allow it regarding the divorce'.

قُلْتُ تَجُوزُ شَهَادَةُ النِّسَاءِ مَعَ الرَّجُلِ فِي الدَّيْنِ قَالَ نَعَمْ

I said, 'Is the testimony of the women with the man allowed regarding the debts?' He^{asws} said: 'Yes'.

وَ سَأَلْتُهُ عَنْ شَهَادَةِ الْقَابِلَةِ فِي الْوِلَادَةِ قَالَ تَجُوزُ شَهَادَةُ الْوَاحِدَةِ وَ قَالَ تَجُوزُ شَهَادَةُ النِّسَاءِ [فِي الدَّيْنِ وَ] فِي الْمَنُفُوسِ وَ الْعُدْرَةِ

And I asked him^{asws} about the testimony of the midwife regarding the birth. He^{asws} said: 'Testimony of the one is acceptable'. And he^{asws} said: 'Testimony of the women regarding the debts, and regarding the childbirth, and (for establishing) the virginity is allowed.

وَ حَدَّثَنِي مَنْ سَمِعَهُ يُحَدِّثُ أَنَّ أَبَاهُ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَجَازَ شَهَادَةَ النِّسَاءِ فِي الدَّيْنِ مَعَ يَمِينِ الطَّالِبِ يَخْلِفُ بِاللَّهِ إِنَّ حَقَّهُ لِحَقٌّ .

And my father narrated to me, from the one who heard it, that his forefathers informed him that,

⁵⁴ Al Kafi – V 7 – The Book of Testimonies Ch 12 H 2

⁵⁵ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 1

'Rasool-Allah^{saww} allowed the testimony of the women regarding the debts, with an oath of the seeker, swearing by Allah^{azwj} that he is deserving of the right'.⁵⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ شَهَادَةِ النِّسَاءِ فِي الرَّجْمِ فَقَالَ إِذَا كَانَ ثَلَاثَةٌ رِجَالٍ وَ أَمْرَاتَانِ وَ إِذَا كَانَ رَجُلَانِ وَ أَرْبَعُ نِسْوَةٍ لَمْ يَجْزُ فِي الرَّجْمِ .

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

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the testimony of the women regarding the stoning. So he^{asws} said: 'If there were three men and two women (then yes), and when there were two men and four women, it is not allowed regarding the stoning'.⁵⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُهُ عَنْ شَهَادَةِ النِّسَاءِ فَقَالَ تَجُوزُ شَهَادَةُ النِّسَاءِ وَ حَذَهُنَّ عَلَى مَا لَا يَسْتُطِيعُ الرَّجَالُ يَنْظُرُونَ إِلَيْهِ وَ تَجُوزُ شَهَادَةُ النِّسَاءِ فِي النِّكَاحِ إِذَا كَانَ مَعَهُنَّ رَجُلٌ وَ لَا تَجُوزُ فِي الطَّلَاقِ وَ لَا فِي الدَّمِ غَيْرَ أَنَّهُا تَجُوزُ شَهَادَتُهَا فِي حَدِّ الزَّانِي إِذَا كَانَ ثَلَاثَةٌ رِجَالٍ وَ أَمْرَاتَانِ وَ لَا تَجُوزُ شَهَادَةُ رَجُلَيْنِ وَ أَرْبَعِ نِسْوَةٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ali Bin Abu Hamza, from Abu Baseer who said,

'I asked him^{asws} about the testimony of the women. So he^{asws} said: 'Testimony of one woman is allowed upon what the men are not able to be looking into; and the testimony of the women is allowed regarding the marriage if there was a man with them, and it is not allowed regarding the divorce, nor regarding the blood, besides that her testimony is allowed regarding the legal penalty (*Hadd*) of the adulterer when there were three men and two women; and the testimony of two men and four women is not allowed'.⁵⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ مُحَمَّدِ بْنِ الْفَضِيلِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ الرِّضَا (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ تَجُوزُ شَهَادَةُ النِّسَاءِ فِي نِكَاحٍ أَوْ طَلَاقٍ أَوْ فِي رَجْمٍ قَالَ تَجُوزُ شَهَادَةُ النِّسَاءِ فِيمَا لَا يَسْتُطِيعُ الرَّجَالُ أَنْ يَنْظُرُوا إِلَيْهِ وَ لَيْسَ مَعَهُنَّ رَجُلٌ وَ تَجُوزُ شَهَادَتُهُنَّ فِي النِّكَاحِ إِذَا كَانَ مَعَهُنَّ رَجُلٌ وَ تَجُوزُ شَهَادَتُهُنَّ فِي حَدِّ الزَّانِي إِذَا كَانَ ثَلَاثَةٌ رِجَالٍ وَ أَمْرَاتَانِ وَ لَا تَجُوزُ شَهَادَةُ رَجُلَيْنِ وَ أَرْبَعِ نِسْوَةٍ فِي الزَّانِي وَ الرَّجْمِ وَ لَا تَجُوزُ شَهَادَتُهُنَّ فِي الطَّلَاقِ وَ لَا فِي الدَّمِ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, both together from Ibn Mahboub, from Muhammad Bin Al Fuzayl who said,

'I asked Abu Al-Hassan Al-Reza^{asws}, saying to him^{asws}, 'Is the testimony of the women allowed regarding marriage, or divorce, or regarding stoning?' He^{asws} said: 'The testimony of the women is allowed regarding what the men are not able over that they look at it and there is no men with them; and the testimony of two of them (women) is allowed regarding the marriage when there was a man with them; and the testimony of two of them (women) is allowed regarding the legal penalty (*Hadd*) of the adulterer where there were three men and two women; but the testimony two

⁵⁶ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 2

⁵⁷ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 3

⁵⁸ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 4

men and four women is not allowed regarding the adultery, and the stoning; and their testimony is not allowed regarding the divorce, nor regarding the blood'.⁵⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قَالَ لَا تَجُوزُ شَهَادَةُ النِّسَاءِ فِي الْهَلَالِ وَلَا فِي الطَّلَاقِ

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

'He^{asws} said: 'The testimony of the women is not allowed regarding the (sighting of the) new moon, nor regarding the divorce'.

وَقَالَ سَأَلْتُهُ عَنِ النِّسَاءِ تَجُوزُ شَهَادَتُهُنَّ قَالَ فَقَالَ نَعَمْ فِي الْعُدْرَةِ وَالنَّفْسَاءِ .

And he (the narrator) said, 'And I asked him^{asws} about the women, is their testimony allowed?' So he^{asws} said: 'Yes, regarding (establishing) the virginity, and the childbirth'.⁶⁰

يُونُسُ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ أَبِي عَبْدِ اللَّهِ (صَلَوَاتُ اللَّهِ عَلَيْهِ) قَالَ تَجُوزُ شَهَادَةُ النِّسَاءِ فِي الْعُدْرَةِ وَكُلِّ عَيْبٍ لَا يَرَاهُ الرَّجَالُ .

Yunus, from Abdullah Bin Bukeyr,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The testimony of the women is allowed regarding (establishment of) the virginity, and every shame which the men cannot look at'.⁶¹

عَنْهُ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ لَا تَجُوزُ شَهَادَةُ النِّسَاءِ فِي رُؤْيَةِ الْهَلَالِ وَلَا تَجُوزُ فِي الرَّجْمِ شَهَادَةُ رَجُلَيْنِ وَأَرْبَعِ نِسْوَةٍ وَتَجُوزُ فِي ذَلِكَ ثَلَاثَةُ رَجَالٍ وَامْرَأَتَانِ

From him, from Abdullah Bin Sinan who said,

'I heard Abu Abdullah^{asws} saying: 'The testimony of the women is not allowed regarding sighting of the new moon, and the testimony of the two men and four women is not allowed regarding the stoning, but regarding that (testimonies of) three men and two women is allowed'.

وَقَالَ تَجُوزُ شَهَادَةُ النِّسَاءِ وَحَدَهُنَّ بِلَا رَجَالٍ فِي كُلِّ مَا لَا يَجُوزُ لِلرَّجَالِ النَّظَرُ إِلَيْهِ وَتَجُوزُ شَهَادَةُ الْقَابِلَةِ وَحَدَهَا فِي الْمُنْفُوسِ .

And he^{asws} said: 'The testimony of one woman without a man is allowed with regards to everything what is not allowed for the men to look at; and the testimony of the midwife alone is allowed regarding the childbirth'.⁶²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ مُتْنَى الْحَنَاطِ عَنْ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنْ شَهَادَةِ النِّسَاءِ تَجُوزُ فِي النِّكَاحِ قَالَ نَعَمْ وَلَا تَجُوزُ فِي الطَّلَاقِ

⁵⁹ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 5

⁶⁰ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 6

⁶¹ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 7

⁶² Al Kafi – V 7 – The Book of Testimonies Ch 13 H 8

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Najran, from Musny Al Hannat who said,

'I asked Abu Ja'far^{asws} about the testimony of the women, it is allowed regarding the marriage?' He^{asws} said: 'Yes, but it is not allowed regarding the divorce'.

قَالَ وَقَالَ عَلِيُّ (عَلَيْهِ السَّلَام) تَجُوزُ شَهَادَةُ النِّسَاءِ فِي الرَّجْمِ إِذَا كَانَ ثَلَاثَةُ رِجَالٍ وَ امْرَأَتَانِ وَإِذَا كَانَ أَرْبَعُ نِسْوَةٍ وَ رَجُلَانِ فَلَا تَجُوزُ فِي الرَّجْمِ

He^{asws} said: 'And Ali^{asws} said: 'The testimony of the women is allowed regarding the stoning when there were three men and two women, but when there were four women and two men, so it is not allowed regarding the stoning'.

فُلْتُ تَجُوزُ شَهَادَةُ النِّسَاءِ مَعَ الرِّجَالِ فِي الدَّمِ قَالَ لَا .

I said, 'Is the testimony of the women allowed with the men regarding the blood?'

He^{asws} said: 'No'.⁶³

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبِي بَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْمَرْأَةِ يَحْضُرُهَا الْمَوْتُ وَ لَيْسَ عِنْدَهَا إِلَّا امْرَأَةٌ أ تَجُوزُ شَهَادَتُهَا أَمْ لَا تَجُوزُ فَقَالَ تَجُوزُ شَهَادَةُ النِّسَاءِ فِي الْمَنُفُوسِ وَ الْعُدْرَةِ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the women to whom death had presented itself, and there was no one in her presence except for a woman. Would her testimony be allowed or not allowed?' So he^{asws} said: 'The testimony (of a woman) is allowed regarding the childbirth and the (establishment of the) virginity'.⁶⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ الْحَارِثِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ تَجُوزُ شَهَادَةُ النِّسَاءِ فِيمَا لَا يَسْتَطِيعُ الرِّجَالُ أَنْ يَنْظُرُوا إِلَيْهِ وَ يَشْهَدُوا عَلَيْهِ وَ تَجُوزُ شَهَادَتُهُنَّ فِي النِّكَاحِ وَ لَا تَجُوزُ فِي الطَّلَاقِ وَ لَا فِي الدَّمِ وَ تَجُوزُ فِي حَدِّ الزَّنى إِذَا كَانَ ثَلَاثَةُ رِجَالٍ وَ امْرَأَتَانِ وَ لَا تَجُوزُ إِذَا كَانَ رَجُلَانِ وَ أَرْبَعُ نِسْوَةٍ وَ لَا تَجُوزُ شَهَادَتُهُنَّ فِي الرَّجْمِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibrahim Al Harshy who said,

'I heard Abu Abdullah^{asws} saying: 'The testimony of the women is allowed with regards to what the men are not able to look at and testify upon it; and their testimony is acceptable regarding the marriage, and it is not allowed regarding the divorce, nor regarding the blood; it is allowed regarding the legal penalty (*Hadd*) of the adulterer when there were three men and two women; and it is not allowed when there were two men and four women; and their testimony is not allowed regarding the stoning'.⁶⁵

⁶³ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 9

⁶⁴ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 10

⁶⁵ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 11

ابْنُ مَحْبُوبٍ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَاتَ وَتَرَكَ امْرَأَتَهُ وَهِيَ حَامِلٌ فَوَضَعَتْ بَعْدَ مَوْتِهِ غُلَامًا ثُمَّ مَاتَ الْغُلَامُ بَعْدَ مَا وَقَعَ إِلَى الْأَرْضِ فَشَهِدَتِ الْمَرْأَةُ الَّتِي قَبِلَتْهَا أَنَّهُ اسْتَهَلَ وَصَاحَ حِينَ وَقَعَ إِلَى الْأَرْضِ ثُمَّ مَاتَ قَالَ عَلَى الْإِمَامِ أَنْ يُجِيزَ شَهَادَتَهَا فِي رُبْعِ مِيرَاثِ الْغُلَامِ .

Ibn Mahboub, from Umar Bin Yazeed who said,

'I asked Abu Abdullah^{asws} about a man who died and left his wife and she was pregnant. So she placed (gave birth) after his death, to a boy. Then the boy died after falling to the ground. So the woman who was the midwife testified that he had lived, and cried when he fell to the ground, then died'. He^{asws} said: 'It is upon the Imam^{asws} that he^{asws} allows her testimony with regards to a quarter of the inheritance of the boy'.⁶⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ أَبِي نَصْرِ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أُجِيزُ شَهَادَةَ النِّسَاءِ فِي الْغُلَامِ صَاحٍ أَمْ لَمْ يَصِحَّ وَ فِي كُلِّ شَيْءٍ لَا يَنْظُرُ إِلَيْهِ الرَّجَالُ تَجُوزُ شَهَادَةُ النِّسَاءِ فِيهِ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, from Dawood Bin Sirhan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'I^{asws} do allow the testimony of the woman regarding the (new-born) boy whether he cried or not cried, and regarding everything which the men cannot look at, the testimony is allowed with regards to it'.⁶⁷

بَابُ شَهَادَةِ الْمَرْأَةِ لِزَوْجِهَا وَ الزَّوْجِ لِلْمَرْأَةِ

Chapter 14 – Testimony of the wife for her husband, and of the husband for the wife

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي الْمَعْرَاءِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ تَجُوزُ شَهَادَةُ الرَّجُلِ لِامْرَأَتِهِ وَ الْمَرْأَةِ لِزَوْجِهَا إِذَا كَانَ مَعَهَا غَيْرُهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Abu Al Magra, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The testimony of the man is allowed for his wife, and of the woman for her husband, when there was someone else with her'.⁶⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ بْنِ مَرْوَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَوْ قَالَ سَأَلَهُ بَعْضُ أَصْحَابِنَا عَنِ الرَّجُلِ يَشْهَدُ لِامْرَأَتِهِ قَالَ إِذَا كَانَ خَيْرًا جَازَتْ شَهَادَتُهُ لِامْرَأَتِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Hisham Bin Salim, from Ammar Bin Marwan who said,

'I asked Abu Abdullah^{asws}, or said, 'One of our companions asked him^{asws} about the man who testified for his wife'. He^{asws} said: 'If it was good, his testimony for his wife is allowed'.⁶⁹

⁶⁶ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 12

⁶⁷ Al Kafi – V 7 – The Book of Testimonies Ch 13 H 13

⁶⁸ Al Kafi – V 7 – The Book of Testimonies Ch 14 H 1

باب شَهَادَةِ الْوَالِدِ لِلْوَالِدِ وَ شَهَادَةِ الْأَخِ لِأَخِيهِ

Chapter 15 – Testimony of the father for the son, and the testimony of the son for the father, and testimony of the brother for his brother

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ شَهَادَةِ الْوَالِدِ لِلْوَالِدِ وَ الْأَخِ لِأَخِيهِ قَالَ فَقَالَ تَجُوزُ .

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

'I asked Abu Abdullah^{asws} about the testimony of the son for his parent and of the parent for his son, and of the brother for his brother'. So he^{asws} said: 'Allowed'.⁷⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ شَهَادَةِ الْوَالِدِ لِلْوَالِدِ وَ الْأَخِ لِأَخِيهِ فَقَالَ تَجُوزُ .

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

(The narrator) says, 'I asked Abu Abdullah^{asws} about the testimony of the father for his son, and of the son for his father, and of the brother for his brother. So he^{asws} said: 'Allowed'.⁷¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي الْمُغْرَاءِ عَنِ الْحَلْبِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) تَجُوزُ شَهَادَةُ الْوَالِدِ لِلْوَالِدِ وَ الْأَخِ لِأَخِيهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Abu Al Magra, from Al Halby who said,

'Abu Abdullah^{asws} said: 'It is allowed, the testimony of the son for his father, and of the father for his son, and of the brother for his brother'.⁷²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ بْنِ مَرْوَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَوْ قَالَ سَأَلَهُ بَعْضُ أَصْحَابِنَا عَنِ الرَّجُلِ يَشْهَدُ لِأَبِيهِ أَوْ الْأَبِ يَشْهَدُ لِأَبْنِهِ أَوْ الْأَخِ لِأَخِيهِ قَالَ لَا بَأْسَ بِذَلِكَ إِذَا كَانَ خَيْرًا جَازَتْ شَهَادَتُهُ لِأَبِيهِ وَ الْأَبِ لِأَبْنِهِ وَ الْأَخِ لِأَخِيهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hisham Bin Salim, from Ammar Bin Marwan who said,

'I asked Abu Abdullah^{asws}, or said, 'One of our companions asked him^{asws} about the man who testifies for his father, or the father testifies for his son, or the brother for his brother. He^{asws} said: 'There is no problem with that when it was good, it would be

⁶⁹ Al Kafi – V 7 – The Book of Testimonies Ch 14 H 2

⁷⁰ Al Kafi – V 7 – The Book of Testimonies Ch 15 H 1

⁷¹ Al Kafi – V 7 – The Book of Testimonies Ch 15 H 2

⁷² Al Kafi – V 7 – The Book of Testimonies Ch 15 H 3

allowed, his testimony for his father, and of the father for his son, and of the brother for his brother'.⁷³

بَابُ شَهَادَةِ الشَّرِيكِ وَالْأَجِيرِ وَالْوَصِيِّ

Chapter 16 – The testimony of the partner, and the employee, and the trustee

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى وَ حَمِيدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ جَمِيعاً عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمَيْمَنِيِّ عَنْ أَبَانَ بْنِ عُمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ ثَلَاثَةِ شُرَكَاءَ شَهِدَ اثْنَانِ عَلَى وَاحِدٍ قَالَ لَا يَجُوزُ شَهَادَتُهُمَا .

Abu Ali Al Ashary, from Ahmad Bin Muhammad Bin Isa, and Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, both together from Ahmad Bin Al Hassan Al Maysami, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah who said,

'I asked Abu Abdullah^{asws} about three partners, two testified against one. He^{asws} said: 'Both their testimonies are not allowed'.⁷⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَلِيِّ بْنِ أَصْبَاطٍ عَنْ مُحَمَّدِ بْنِ الصَّلْتِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ رَفْقَةٍ كَانُوا فِي طَرِيقٍ فَقَطَعَ عَلَيْهِمُ الطَّرِيقَ فَأَخَذُوا اللُّصُوصَ فَشَهِدَ بَعْضُهُمْ لِبَعْضٍ قَالَ لَا تُقْبَلُ شَهَادَتُهُمْ إِلَّا بِإِقْرَارٍ مِنَ اللُّصُوصِ أَوْ شَهَادَةٍ مِنْ غَيْرِهِمْ عَلَيْهِمْ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Ali Bin Asbaat, from Muhammad Bin Al Salt who said,

'I asked Abu Al-Hassan Al-Reza^{asws} about friends who were on a road, and it was cut off to them (by bandits). So the thieves were seized, so they testified against each other. He^{asws} said: 'Their testimonies are not acceptable except by the confession from the thieves, or a witness from others against them'.⁷⁵

مُحَمَّدُ بْنُ يَحْيَى قَالَ كَتَبَ مُحَمَّدُ بْنُ الْحَسَنِ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَام) هَلْ تُقْبَلُ شَهَادَةُ الْوَصِيِّ لِلْمَيْتِ بِدَيْنٍ لَهُ عَلَى رَجُلٍ مَعَ شَاهِدٍ آخَرَ عَدْلٍ فَوَقَعَ (عَلَيْهِ السَّلَام) إِذَا شَهِدَ مَعَهُ آخَرُ عَدْلٍ فَعَلَى الْمُدَّعِي يَمِينٍ

Muhammad Bin Yahya who said,

'Muhammad Bin Al-Hassan wrote to Abu Muhammad^{asws}, 'Would the testimony of the trustee for the deceased be accepted with the debts for him upon a man with another just witness. So he^{asws} wrote: 'When another just witness is with him, so it is upon the claimant to swear an oath'.

وَ كَتَبَ أَيْ يَجُوزُ لِلْوَصِيِّ أَنْ يَشْهَدَ لَوَارِثِ الْمَيْتِ صَغِيرٍ أَوْ كَبِيرٍ بِحَقِّ لَهُ عَلَى الْمَيْتِ أَوْ عَلَى غَيْرِهِ وَ هُوَ الْقَابِضُ لِلْوَارِثِ الصَّغِيرِ وَ أَيْسَ لِلْكَبِيرِ بِقَابِضٍ فَوَقَعَ (عَلَيْهِ السَّلَام) نَعَمْ يَنْبَغِي لِلْوَصِيِّ أَنْ يَشْهَدَ بِالْحَقِّ وَ لَا يَكُنْ الشَّهَادَةُ

And he wrote, 'Is it allowed for the trustee that he should testify for the inheritors of the deceased, young or old, with a right of his upon the deceased, or upon someone else, and he is the holder for the young inheritors, and he is not a holder for the elder

⁷³ Al Kafi – V 7 – The Book of Testimonies Ch 15 H 4

⁷⁴ Al Kafi – V 7 – The Book of Testimonies Ch 16 H 1

⁷⁵ Al Kafi – V 7 – The Book of Testimonies Ch 16 H 2

ones?' So he^{asws} wrote: 'Yes. It is befitting for the trustee that he should testify with the truth, and he should not conceal the testimony'.

وَ كَتَبَ أَوْ تَقْبَلُ شَهَادَةُ الْوَصِيِّ عَلَى الْمَيِّتِ مَعَ شَاهِدٍ آخَرَ عَدْلٍ فَوَقَعَ (عليه السلام) نَعَمْ مِنْ بَعْدِ يَمِينٍ .

And he wrote, 'Or is the testimony of the trustee acceptable against the deceased, with another just witness?' So he^{asws} wrote: 'Yes, from after an oath'.⁷⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ مُوسَى عَنْ أَحْمَدَ بْنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبِيهِ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنْ مُوسَى بْنِ أَكْبِيلِ النَّمَيْرِيِّ عَنِ الْعَلَاءِ بْنِ سَيَابَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ كَانَ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) لَا يُجِيزُ شَهَادَةَ الْأَجِيرِ .

Muhammad Bin Yahya, from Muhammad Bin Musa, from Ahmad Bin Al Hassan Bin Ali, from his father, from Ali Bin Uqba, from Musa Bin Akeyl Al Numeyri, from Al A'ala Bin Sayabat,

(It has been narrated) from Abu Abdullah^{asws} who said: 'Amir Al-Momineen^{asws} had said: 'The testimony of the employee would not be allowed'.⁷⁷

باب مَا يُرَدُّ مِنَ الشُّهُودِ

Chapter 17 – What are rejected, from the witnesses

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) مَا يُرَدُّ مِنَ الشُّهُودِ قَالَ فَقَالَ الظَّنِينُ وَ الْمُتَّهَمُ قَالَ قُلْتُ فَأَلْفَاسِقُ وَ الْخَائِنُ قَالَ ذَلِكَ يَدْخُلُ فِي الظَّنِينِ .

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

'I said to Abu Abdullah^{asws}, 'What are rejected, from the witnesses?' So he^{asws} said: 'The suspicious, and the accused (of being a bastard)'. I said, 'So (what about) the immoral and the treacherous?' He^{asws} said: 'That is included in the suspicious'.⁷⁸

عَنْهُ عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الَّذِي يُرَدُّ مِنَ الشُّهُودِ فَقَالَ الظَّنِينُ وَ الْخَصْمُ قَالَ قُلْتُ فَأَلْفَاسِقُ وَ الْخَائِنُ قَالَ فَهَذَا يَدْخُلُ فِي الظَّنِينِ .

From him, from Abdullah Bin Muskan, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{asws} about those from the witnesses who are rejected. So he^{asws} said: 'The suspicious, and the adversary'. I said, 'So (what about) the immoral and the treacherous?' So he^{asws} said: 'This is included in the suspicious'.⁷⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ شُعَيْبِ بْنِ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَمَّا يُرَدُّ مِنَ الشُّهُودِ فَقَالَ الظَّنِينُ وَ الْمُتَّهَمُ وَ الْخَصْمُ قَالَ قُلْتُ فَأَلْفَاسِقُ وَ الْخَائِنُ قَالَ فَهَذَا يَدْخُلُ فِي الظَّنِينِ .

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

⁷⁶ Al Kafi – V 7 – The Book of Testimonies Ch 16 H 3

⁷⁷ Al Kafi – V 7 – The Book of Testimonies Ch 16 H 4

⁷⁸ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 1

⁷⁹ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 2

'I asked Abu Abdullah^{asws} about what from the witnesses are rejected. So he^{asws} said: 'The suspicious, and the accused (of being a bastard), and the adversary' (opponents). I said, '(What about) the immoral and the treacherous?' He^{asws} said: 'All this is included in the suspicious'.⁸⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ أَبَانَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ وَلَدِ الزَّوْنِيِّ أَ تَجُوزُ شَهَادَتُهُ فَقَالَ لَا فَقُلْتُ إِنَّ الْحَكَمَ بْنَ عُنَيْبَةَ يَزْعُمُ أَنَّهَا تَجُوزُ قَالَ اللَّهُمَّ لَا تَغْفِرْ ذَنْبَهُ مَا قَالَ اللَّهُ عَزَّ وَجَلَّ لِلْحَكَمِ بْنِ عُنَيْبَةَ وَ إِنَّهُ لَذِكْرٌ لَكَ وَ لِقَوْمِكَ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Aban, from Abu Baseer who said,

'I asked Abu Ja'far^{asws} about the son of the adultery, is his testimony allowed?' So he^{asws} said: 'No'. So I said, 'Al-Hakam Bin Uteyba is alleging that it is allowed'. He^{asws} said: 'O Allah^{azwj}! Do not Forgive his sin. Allah^{azwj} Mighty and Majestic did not Say to Al-Hakm Bin Uteyba **[43:44] And it is a Reminder for you and your people**'.⁸¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ جَرَّاحِ الْمَدَائِنِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ لَا أَقْبَلُ شَهَادَةَ الْفَاسِقِ إِلَّا عَلَى نَفْسِهِ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The testimony of the immoral cannot be accepted except against himself (confession)'.⁸²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لَا تَجُوزُ شَهَادَةُ وَلَدِ الزَّوْنِيِّ .

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

'Abu Abdullah^{asws} said: 'The testimony of the son of adultery is not allowed'.⁸³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) كَانَ لَا يَقْبَلُ شَهَادَةَ فَحَّاشٍ وَ لَا ذِي مُخْرَبَةٍ فِي الدِّينِ .

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

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} did not use to accept the testimony of a shameful, nor of one disgraced in the Religion'.⁸⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنِ ابْنِ فَضَّالٍ عَنْ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ الْأَشْعَرِيِّ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِيهِ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) يَقُولُ لَوْ أَنَّ أَرْبَعَةَ شَهِدُوا عِنْدِي عَلَى رَجُلٍ بِالزَّوْنِيِّ وَ فِيهِمْ وَلَدُ الزَّوْنِيِّ لَحَدَدْنَهُمْ جَمِيعاً لِأَنَّهُ لَا تَجُوزُ شَهَادَتُهُ وَ لَا يُؤْمُ النَّاسُ .

⁸⁰ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 3

⁸¹ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 4

⁸² Al Kafi – V 7 – The Book of Testimonies Ch 17 H 5

⁸³ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 6

⁸⁴ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 7

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Ibn Fazzal, from Ibrahim Bin Muhammad Al Ashary, from Ubeyd Bin Zurara, from his father who said,

'I heard Abu Ja'far^{asws} saying: 'If four were to testify in my^{asws} presence against a man, with the adultery, and among them is a son of the adultery (bastard), I^{asws} would apply the legal penalty (*Hadd*) upon them all, because he (the bastard), his testimony is not allowed, nor can he lead the people (in Prayer)'.⁸⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ مُوسَى عَنْ أَحْمَدَ بْنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبِيهِ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنْ مُوسَى بْنِ أَكْبِيلِ النَّمِيرِيِّ
عَنِ الْعَلَاءِ بْنِ سَيَابَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ لَا تُقْبَلُ شَهَادَةُ صَاحِبِ النَّرْدِ وَالْأَرْبَعَةَ عَشَرَ وَصَاحِبِ
الشَّاهِينَ يَقُولُ لَا وَاللَّهِ وَبَلَى وَاللَّهِ مَاتَ وَاللَّهِ شَاهٌ وَقُتِلَ وَاللَّهِ شَاهٌ وَمَا مَاتَ وَمَا قُتِلَ .

Muhammad Bin Yahya, from Muhammad Bin Musa, from Ahmad Bin Al Hassan Bin Ali, from his father, from Ali Bin Uqba, from Musa Bin Akeyl Al Nameyri, from Al A'ala Bin Sayaba who said,

'I heard Abu Abdullah^{asws} saying: 'The testimony of the (following) people are not acceptable: The one who plays the dice and the (game) played with fourteen (pieces of token), and the owner of the two Shah's (Chess). He (the player of chess) is saying, 'No, by Allah^{azwj}', and 'Yes', by Allah^{azwj}'. Died, by Allah^{azwj}, the Shah'. And 'Killed, by Allah^{azwj}, the Shah', and he did not die, and was not killed'.⁸⁶

وَبِهَذَا الْإِسْنَادِ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ لَا تُقْبَلُ شَهَادَةُ سَابِقِ الْحَاجِّ لِأَنَّهُ قَتَلَ رَاحِلَتَهُ وَأَفْنَى زَادَهُ وَاتَّعَبَ نَفْسَهُ وَ
اسْتَحْفَ بِصَلَاتِهِ

And by this chain,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The testimony of 'سَابِقِ الْحَاجِّ' (the *Salaar* of Hajj) the one who walks in the front, the organiser of the group on wages) the precursor of the Pilgrims (for the Hajj) is not acceptable because he kills his ride, and annihilates his provisions, and exhausts himself, and takes his Prayers lightly'.

قُلْتُ فَأَلْمُكَارِي وَالْجَمَّالُ وَالْمَلَّاحُ قَالَ فَقَالَ وَمَا بَأْسُ بِهِمْ تُقْبَلُ شَهَادَتُهُمْ إِذَا كَانُوا صُلَحَاءَ .

I said, 'So (what about) the hirer of the camels, and the camel-driver, and the navigator?' He^{asws} said: 'And what is the problem with them? Their testimonies would be accepted when they were righteous'.⁸⁷

وَبِهَذَا الْإِسْنَادِ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ لَا يُصَلَّى خَلْفَ مَنْ يَبْتَغِي عَلَى الْأَذَانِ وَالصَّلَاةِ الْأَجْرَ وَلَا تُقْبَلُ
شَهَادَتُهُ.

And by this chain,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Do not Pray behind the one who wants the payment upon the *Azaan* and the Prayer, and do not accept his testimony'.⁸⁸

⁸⁵ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 8

⁸⁶ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 9

⁸⁷ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 10

⁸⁸ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 11

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مَسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) لَمْ يَكُنْ يُجِيزُ شَهَادَةَ سَابِقِ الْحَاجِّ .

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

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} did not happen to allowed the testimony of 'سَابِقِ الْحَاجِّ' the precursor of the Pilgrims (for Hajj)⁸⁹.

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنِ ابْنِ فَضَّالٍ عَنْ حَمَّادِ بْنِ عَثْمَانَ عَنْ حَرِيزِ بْنِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ رَدَّ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) شَهَادَةَ السَّائِلِ الَّذِي يَسْأَلُ فِي كَفِّهِ

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Ibn Fazzal, from Hammad Bin Usman, from Hareyz, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Rasool-Allah^{saww} rejected the testimony of the beggar, the one who begs by his palm'.

قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) لِأَنَّهُ لَا يُؤْمَنُ عَلَى الشَّهَادَةِ وَ ذَلِكَ لِأَنَّهُ إِنْ أُعْطِيَ رَضِيَ وَ إِنْ مَنِعَ سَخِطَ .

Abu Ja'far^{asws} said: 'Because he is not to be trusted upon the testimony, and that is because if he is given, he is pleased, and if he is prevented, he gets angry'.⁹⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ الْعَمْرِكِيِّ بْنِ عَلِيِّ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ السَّائِلِ الَّذِي يَسْأَلُ فِي كَفِّهِ هَلْ تُقْبَلُ شَهَادَتُهُ فَقَالَ كَانَ أَبِي (عَلَيْهِ السَّلَامُ) لَا يَقْبَلُ شَهَادَتَهُ إِذَا سَأَلَ فِي كَفِّهِ .

Muhammad Bin Yahya, from Al Amarakhy Bin Ali,

(It has been narrated) from Ali son of Ja'far^{asws}, from his brother^{asws} Abu Al-Hassan^{asws}, said, 'I asked him^{asws} about the beggar who begs by his palm, would his testimony be accepted?' So he^{asws} said: 'His testimony is not acceptable when he begs by his palm'.⁹¹

باب شَهَادَةِ الْقَافِظِ وَ الْمَحْدُودِ

Chapter 18 – Testimony of the slanderer and the penalised

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفَضِيلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْقَافِظِ بَعْدَ مَا يُقَامُ عَلَيْهِ الْحَدُّ مَا تَوْبَتُهُ قَالَ يُكْذِبُ نَفْسَهُ قُلْتُ أَرَأَيْتَ إِنْ أَكْذَبَ نَفْسَهُ وَ تَابَ أَوْ تَقْبَلُ شَهَادَتَهُ قَالَ نَعَمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Ismail, from Muhammad Bin Al Fuzayl, from Abu Al Sabbah Al Kinany who said,

'I asked Abu Abdullah^{asws} about the slanderer after the legal penalty (*Hadd*) having been established upon him, what is his repentance?' He^{asws} said: 'He should belie

⁸⁹ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 12

⁹⁰ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 13

⁹¹ Al Kafi – V 7 – The Book of Testimonies Ch 17 H 14

himself'. I said, 'What is your^{asws} view if he belies himself and repents, would his testimony be accepted?' He^{asws} said: 'Yes'.⁹²

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ وَحَمَّادِ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَفْذِفُ الرَّجُلَ فَيَجْلُدُ حَدًّا ثُمَّ يَتُوبُ وَ لَا يُعْلَمُ مِنْهُ إِلَّا خَيْرًا أَوْ تَجَوُّزُ شَهَادَتِهِ قَالَ نَعَمْ مَا يُقَالُ عِنْدَكُمْ قُلْتُ يَقُولُونَ تَوْبَتُهُ فِيمَا بَيْنَهُ وَ بَيْنَ اللَّهِ وَ لَا تُقْبَلُ شَهَادَتُهُ أَبَدًا فَقَالَ بِنَسِّ مَا قَالُوا كَانَ أَبِي يَقُولُ إِذَا تَابَ وَ لَمْ يُعْلَمْ مِنْهُ إِلَّا خَيْرًا جَازَتْ شَهَادَتُهُ .

Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al nazr Bin Suweyd, and Hammad, from Al Qasim Bin Suleyman who said,

'I asked Abu Abdullah^{asws} about the man who slandered the man, so he was whipped a legal penalty (*Hadd*). Then he repented and it was not known from him except for the goodness. Would his testimony be accepted?' He^{asws} said: 'Yes. What are they saying among you all?' I said, 'They are saying that his repentance is between him and Allah^{azwj}, and his testimony would not be accepted, ever'. So he^{asws} said: 'Evil is what they are saying. My^{asws} father^{asws} was saying: 'When one repents, and nothing is known from him except for the goodness, his testimony is allowed'.⁹³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) شَهِدَ عِنْدَهُ رَجُلًا وَ قَدْ قُطِعَتْ يَدُهُ وَ رِجْلُهُ بِشَهَادَةٍ فَأَجَازَ شَهَادَتَهُ وَ قَدْ كَانَ تَابَ وَ [قَدْ] عُرِفَتْ تَوْبَتُهُ .

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

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws}, a man testified in his^{asws} presence with a testimony, and his hand and his leg had been cut. So he^{asws} allowed his testimony, and he had repented and his repentance had been recognised'.⁹⁴

وَ بِهَذَا الْإِسْنَادِ قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) لَيْسَ يُصِيبُ أَحَدًا حَدًّا فَيَقَامُ عَلَيْهِ ثُمَّ يَتُوبُ إِلَّا جَازَتْ شَهَادَتُهُ .

And by this chain,

(It has been narrated) he^{asws} said: 'Amir Al-Momineen^{asws} said: 'There is none upon whom a legal penalty (*Hadd*) was applicable, so it is established upon him, then he repents, except that his testimony is allowed'.⁹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنِ يُونُسَ عَنِ بَعْضِ أَصْحَابِهِ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الَّذِي يَفْذِفُ الْمُحْصَنَاتِ تُقْبَلُ شَهَادَتُهُ بَعْدَ الْحَدِّ إِذَا تَابَ قَالَ نَعَمْ قُلْتُ وَ مَا تَوْبَتُهُ قَالَ يَجِيءُ وَ يُكْذِبُ نَفْسَهُ عِنْدَ الْإِمَامِ وَ يَقُولُ قَدْ افْتَرَيْتُ عَلَى فُلَانَةٍ وَ يَتُوبُ مِمَّا قَالَ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus, from one of his companions,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the one who slanders the married woman, would his testimony be accepted after the legal penalty (*Hadd*) (having been applied upon him), when he repents?' He^{asws} said: 'Yes'. I said, 'So what is his repentance?' He^{asws} said: 'He would come and belie

⁹² Al Kafi – V 7 – The Book of Testimonies Ch 18 H 1

⁹³ Al Kafi – V 7 – The Book of Testimonies Ch 18 H 2

⁹⁴ Al Kafi – V 7 – The Book of Testimonies Ch 18 H 3

⁹⁵ Al Kafi – V 7 – The Book of Testimonies Ch 18 H 4

himself in the presence of the Imam^{asws}, and would be saying, 'I had forged upon so and so woman', and he would repent from what had said'.⁹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ سِنَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْمَحْدُودِ إِنْ تَابَ تَقَبَّلُ شَهَادَتَهُ فَقَالَ إِذَا تَابَ وَ تَوْبَتُهُ أَنْ يَرْجِعَ مِمَّا قَالَ وَ يُكْذِبَ نَفْسَهُ عِنْدَ الْإِمَامِ وَ عِنْدَ الْمُسْلِمِينَ فَإِذَا فَعَلَ فَإِنَّ عَلَى الْإِمَامِ أَنْ يَقْبَلَ شَهَادَتَهُ بَعْدَ ذَلِكَ .

Muhammad Bin Yahya, from Ahmad Bin Muhamad, from Ibn Mahboub, from Ibn Sinan who said,

'I asked Abu Abdullah^{asws} about the penalised one (by the *Hadd*), if he were to repent, would his testimony be accepted?' So he^{asws} said: 'When he repents, and his repentance is that he should retract from what he had said, and belie himself in the presence of the Imam^{asws}, and in the presence of the Muslims. So when he does it, so it would be upon the Imam^{asws} that he accept his testimony after that'.⁹⁷

بَابُ شَهَادَةِ أَهْلِ الْمِلَّةِ

Chapter 19 – Testimony of people of the other religions

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَاطٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ تَجُوزُ شَهَادَةُ الْمُسْلِمِينَ عَلَى جَمِيعِ أَهْلِ الْمِلَّةِ وَ لَا تَجُوزُ شَهَادَةُ أَهْلِ الذِّمَّةِ عَلَى الْمُسْلِمِينَ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, both together from Ibn Mahboub, from Ali Bin Raib, from Abu Ubeyda,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The testimony of the Muslims would be accepted over the entirety of the people of (other) religions, and the testimony of the people under the responsibility (*Ahl Al-Zimma*) is not allowed against the Muslims'.⁹⁸

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ شَهَادَةِ أَهْلِ الْمِلَّةِ قَالَ فَقَالَ لَا تَجُوزُ إِلَّا عَلَى أَهْلِ مِلَّتِهِمْ فَإِنْ لَمْ تَجِدْ غَيْرَهُمْ جَازَتْ شَهَادَتُهُمْ عَلَى الْوَصِيَّةِ لِأَنَّهُ لَا يَصْلُحُ ذَهَابُ حَقِّ أَحَدٍ .

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

'I asked Abu Abdullah^{asws} about the testimony of the people of the (other) religions. So he^{asws} said: 'Not allowed, except against the people of their own religions. So if others cannot be found, their testimony would be allowed upon the bequest, because it is not correct for a right of anyone to go away'.⁹⁹

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) (الْيَهُودُ وَ النَّصَارَى إِذَا شَهِدُوا تَمَّ أَسْلَمُوا جَازَتْ شَهَادَتُهُمْ .

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

⁹⁶ Al Kafi – V 7 – The Book of Testimonies Ch 18 H 5

⁹⁷ Al Kafi – V 7 – The Book of Testimonies Ch 18 H 6

⁹⁸ Al Kafi – V 7 – The Book of Testimonies Ch 19 H 1

⁹⁹ Al Kafi – V 7 – The Book of Testimonies Ch 19 H 2

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Amir Al-Momineen^{asws} said: ‘The Jews and the Christians, when they testify, then they becomes Muslims, their testimonies are accepted’.¹⁰⁰

عَلِيُّ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ سَأَلْتُهُ عَنِ الصَّبِيِّ وَالْعَبْدِ وَالنَّصْرَانِيِّ يَشْهَدُونَ بِشَهَادَةِ قَيْسَلِمِ النَّصْرَانِيِّ أَوْ تَجُوزُ شَهَادَتُهُ قَالَ نَعَمْ .

Ali Bin Muhammad Bin Isa, from Yunus, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}), said, ‘I asked him^{asws} about the child, and the slave, and the Christian, testify with a testimony. So the Christian becomes a Muslim, would his testimony be allowed?’ He^{asws} said: ‘Yes’.¹⁰¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ مُحَمَّدِ بْنِ حُمَرَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ نَصْرَانِيٍّ أَشْهَدَ عَلَى شَهَادَةٍ ثُمَّ أَسْلَمَ بَعْدُ أَوْ تَجُوزُ شَهَادَتُهُ قَالَ نَعَمْ هُوَ عَلَى مَوْضِعِ شَهَادَتِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Najran, from Muhammad Bin Humran,

(The narrator) says, ‘I asked Abu Abdullah^{asws} about a Christian who testified upon a testimony, then became a Muslim afterwards, would his testimony be allowed?’ He^{asws} said: ‘Yes. He is in a position to testify’.¹⁰²

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ الْحَكَمِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ أَوْ آخِرَانِ مِنْ غَيْرِكُمْ قَالَ إِذَا كَانَ الرَّجُلُ فِي أَرْضِ غُرَبَةٍ لَا يُوجَدُ فِيهَا مُسْلِمٌ جَازَتْ شَهَادَتُهُ مَنْ لَيْسَ بِمُسْلِمٍ عَلَى الْوَصِيَّةِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Al Hakam,

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic **[5:106] or two others from among others than you**. He^{asws} said: ‘If the man was in a land of strangers, not finding a Muslim in it, the testimony of one who is not a Muslim would be allowed upon the bequest’.¹⁰³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ ضُرَيْبِ بْنِ الْكُنَّاسِيِّ قَالَ سَأَلْتُ أَبَا جَعْفَرَ (عَلَيْهِ السَّلَام) عَنْ شَهَادَةِ أَهْلِ الْمِلَّةِ هَلْ تَجُوزُ عَلَى رَجُلٍ مِنْ غَيْرِ أَهْلِ مِلَّتِهِمْ فَقَالَ لَا إِلَّا أَنْ لَا يُوجَدَ فِي تِلْكَ الْحَالِ غَيْرُهُمْ فَإِنْ لَمْ يُوجَدَ غَيْرُهُمْ جَازَتْ شَهَادَتُهُمْ فِي الْوَصِيَّةِ لِأَنَّهُ لَا يَصْلُحُ ذَهَابُ حَقِّ امْرِئٍ مُسْلِمٍ وَلَا تَبْطُلُ وَصِيَّتُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub, from Abu Ayoub Al Khazzaz, from Zureys Al Kunasy who said,

‘I asked Abu Ja’far^{asws} about the testimony of the people of (other) religions, is it allowed upon a man from other than their religion?’ So he^{asws} said: ‘No, except that others cannot be found in that situation. So if others cannot be found, their testimonies are allowed regarding the bequest, because it is not correct for the right of a Muslim person to go away, and his bequest would not be invalidated’.¹⁰⁴

¹⁰⁰ Al Kafi – V 7 – The Book of Testimonies Ch 19 H 3

¹⁰¹ Al Kafi – V 7 – The Book of Testimonies Ch 19 H 4

¹⁰² Al Kafi – V 7 – The Book of Testimonies Ch 19 H 5

¹⁰³ Al Kafi – V 7 – The Book of Testimonies Ch 19 H 6

¹⁰⁴ Al Kafi – V 7 – The Book of Testimonies Ch 19 H 7

إِبْنُ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنْ حَمْرَةَ بْنِ حُمْرَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ دَوَا عَدْلٍ مِنْكُمْ أَوْ آخِرَانِ مِنْ غَيْرِكُمْ قَالَ فَقَالَ اللَّذَانِ مِنْكُمْ مُسْلِمَانِ وَاللَّذَانِ مِنْ غَيْرِكُمْ مِنْ أَهْلِ الْكِتَابِ قَالَ فَإِنَّمَا ذَلِكَ إِذَا مَاتَ الرَّجُلُ الْمُسْلِمُ فِي أَرْضٍ غُرَبَاءَ فَيَطْلُبُ رَجُلَيْنِ مُسْلِمَيْنِ لِيُشْهَدَهُمَا عَلَى وَصِيَّتِهِ فَلَمْ يَجِدْ مُسْلِمَيْنِ فَلْيُشْهَدْ عَلَى وَصِيَّتِهِ رَجُلَيْنِ دِمِّيِّينِ مِنْ أَهْلِ الْكِتَابِ مَرْضِيَّيْنِ عِنْدَ أَصْحَابِهِمَا .

Ibn Mahboub, from Jameel Bin Salih, from Hamza Bin Humran,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the Words of Allah^{azwj} Mighty and Majestic [5:106] **two just persons from among you, or two others from among others than you**. So he^{asws} said: 'Those **from among you** are the Muslims, and those **from among others than you** are from people of the Book. But rather, that is when the Muslim man dies in a land of strangers, so he seeks two Muslim men to bear witness his bequest. But if he cannot find two Muslims, so let two men bear witness upon his bequest, the ones under the responsibility (*Ahl Al-Zimma*) from the people of the Book, both of whom are acceptable among their own companions'.¹⁰⁵

باب

Chapter 20 – A chapter

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ بْنِ ابْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ شَهِدَ عَلَى شَهِادَةِ رَجُلٍ فَجَاءَ الرَّجُلُ فَقَالَ لَمْ أَشْهَدُهُ فَقَالَ تَجُوزُ شَهِادَةُ أَعْدَلِهِمَا وَ لَوْ كَانَ أَعْدَلَهُمَا وَاحِدًا لَمْ تَجُزْ شَهِادَتُهُ عَدَالَةً فِيهِمَا .

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man who testified upon a testimony of another man. So the man comes over, so he said to him, 'I did not (appoint him) as a witness (on my behalf)'. So he^{asws} said: 'The one who is more just from the two would be allowed (to give testimony), but if (there is only) one just (to be found), his testimony would not be allowed in fairness to both of them'.¹⁰⁶

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ شَهِدَ عَلَى شَهِادَةِ رَجُلٍ فَجَاءَ الرَّجُلُ فَقَالَ لَمْ أَشْهَدُهُ فَقَالَ تَجُوزُ شَهِادَةُ أَعْدَلِهِمَا .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who testified upon the testimony of a man, so the man came over, so he said, 'I did not (appoint) him as a witness'. So he^{asws} said: 'The testimony of the more just of the two would be acceptable'.¹⁰⁷

¹⁰⁵ Al Kafi – V 7 – The Book of Testimonies Ch 19 H 8

¹⁰⁶ Al Kafi – V 7 – The Book of Testimonies Ch 20 H 1

¹⁰⁷ Al Kafi – V 7 – The Book of Testimonies Ch 20 H 2

باب شَهَادَةِ الْأَعْمَى وَالْأَصَمِّ**Chapter 21 – Testimony of the blind and the deaf**

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرِ عَنْ نَعْلَبَةَ بْنِ مَيْمُونٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ شَهَادَةِ الْأَعْمَى فَقَالَ نَعَمْ إِذَا أُتْبِتَ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Sa'alba Bin Maymoun, from Muhammad Bin Qays,

(The narrator) says, 'I asked Abu Ja'far^{asws} testimony of the blind. So he^{asws} said: 'Yes, when it is proved'.¹⁰⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيْسَى عَنِ الْحَجَّالِ عَنْ نَعْلَبَةَ بْنِ مَيْمُونٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الْأَعْمَى تَجُوزُ شَهَادَتُهُ قَالَ نَعَمْ إِذَا أُتْبِتَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Al Hajjal, from Sa'albat Bin Maymoun, from Muhammad Bin Qays who said,

'I asked Abu Abdullah^{asws} about the blind, is his testimony allowed?' He^{asws} said: 'Yes, when it is proved'.¹⁰⁹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ إِسْمَاعِيلَ بْنِ مَهْرَانَ عَنْ دُرُسْتٍ عَنْ جَمِيلٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ شَهَادَةِ الْأَصَمِّ فِي الْقَتْلِ قَالَ يُؤْخَذُ بِأَوَّلِ قَوْلِهِ وَ لَا يُؤْخَذُ بِالثَّانِي .

A number of our companions, from Sahl Bin Ziyad, from Ismail Bin Mahran, from Dorost, from Jameel who said,

'I asked Abu Abdullah^{asws} about the testimony of the deaf regarding the killing. He^{asws} said: 'He would be taken with the first of his speech, and would not be taken by the second'.¹¹⁰

باب الرَّجُلِ يَشْهَدُ عَلَى الْمَرْأَةِ وَ لَا يَنْظُرُ وَجْهَهَا**Chapter 22 – The man testifies upon the woman and does not look at her face**

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عِيْسَى عَنْ أَخِيهِ جَعْفَرِ بْنِ عِيْسَى بْنِ يَفْطِينَ عَنْ أَبِي الْحَسَنِ الْأَوَّلِ (عَلَيْهِ السَّلَامُ) قَالَ لَا بَأْسَ بِالشَّهَادَةِ عَلَى إِفْرَارِ الْمَرْأَةِ وَ لَيْسَتْ بِمُسْفِرَةٍ إِذَا عُرِفَتْ بِعَيْنِهَا أَوْ حَضَرَ مَنْ يَعْرِفُهَا فَأَمَّا إِنْ لَا تُعْرَفُ بِعَيْنِهَا وَ لَا يَحْضُرُ مَنْ يَعْرِفُهَا فَلَا يَجُوزُ لِلشُّهُودِ أَنْ يَشْهَدُوا عَلَيْهَا وَ عَلَى إِفْرَارِهَا دُونَ أَنْ تُسْفَرَ وَ يَنْظُرُوا إِلَيْهَا .

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Muhammad Bin Isa, from his brother Ja'far Bin Isa Bin Yaqteen,

(It has been narrated) from Abu Al-Hassan^{asws} the 1st having said: 'There is no problem with the testimony upon the confession of the woman, and it is not with an uncovered face, when she is recognised by her eyes, or there is present someone

¹⁰⁸ Al Kafi – V 7 – The Book of Testimonies Ch 21 H 1

¹⁰⁹ Al Kafi – V 7 – The Book of Testimonies Ch 21 H 2

¹¹⁰ Al Kafi – V 7 – The Book of Testimonies Ch 21 H 3

who recognises her. So if she cannot be recognised by her eyes, and there is none present who recognises her, so it is not allowable for the witnesses that they should testify upon her, and upon her confession, besides if she is covered and one looks at her (for identification)'.¹¹¹

باب النُّوَادِر

Chapter 23 – The miscellaneous

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ كَانَ الْبَلَاطُ حَيْثُ بُصِّلَى عَلَى الْجَنَائِزِ سُوقًا عَلَى عَهْدِ رَسُولِ اللَّهِ (صلى الله عليه وآله) يُسَمَّى الْبَطْحَاءَ يُبَاعُ فِيهَا الْحَلِيبُ وَالسَّمْنُ وَالْأَقِطُ وَإِنَّ أَعْرَابِيًّا أَتَى بِفَرَسٍ لَهُ فَأَوْتَقَهُ فَأَشْتَرَاهُ مِنْهُ رَسُولُ اللَّهِ (صلى الله عليه وآله) ثُمَّ دَخَلَ لِيَأْتِيَهُ بِالثَّمَنِ فَقَامَ نَاسٌ مِنَ الْمُنَافِقِينَ فَقَالُوا بِكُمْ بَعْتُمْ فَرَسَكُمْ قَالَ بِكَذَا وَكَذَا قَالُوا بِنَسٍّ مَا بَعْتُمْ فَرَسَكُمْ خَيْرٌ مِنْ ذَلِكَ وَإِنَّ رَسُولَ اللَّهِ (صلى الله عليه وآله) خَرَجَ إِلَيْهِ بِالثَّمَنِ وَافِيًّا طَيِّبًا

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Muawiya Bin Wahab who said,

'The courtyard where the marketers used to Pray over the funerals in the era of Rasool-Allah^{saww} was called Al-Bat'ha. There used to be sold therein, the milk, and the butter, and the cheese; and a Bedouin came over with a horse of his, so he fastened it. So Rasool-Allah^{saww} bought it from him. Then he^{saww} entered (went home) in order to fetch the price of it. So the hypocritical people arose and said to him, 'For how much did you sell your horse?' He said, 'For such and such'. They said, 'Bad (price) is what you sold it. Your horse is better than that, and Rasool-Allah^{saww} came out to him with the price, loyally, in a goodly manner.

فَقَالَ الْأَعْرَابِيُّ مَا بَعْتُكَ وَاللَّهِ فَقَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) سُبْحَانَ اللَّهِ بَلَى وَاللَّهِ لَقَدْ بَعْتَنِي وَارْتَفَعَتِ الْأَصْوَاتُ فَقَالَ النَّاسُ رَسُولُ اللَّهِ يُقَاوِلُ الْأَعْرَابِيَّ فَاجْتَمَعَ نَاسٌ كَثِيرٌ

So the Bedouin said, 'I did not sell it, by Allah^{azwj!}' So Rasool-Allah^{saww} said: 'Glory be to Allah^{azwj!} But, by Allah^{azwj}, you have sold it to me^{saww}'; and the voices got raised. So the people said, 'Rasool-Allah^{saww} is bargaining with the Bedouin'. So a lot of people gathered around.

فَقَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) وَمَعَ النَّبِيِّ (صلى الله عليه وآله) أَصْحَابُهُ إِذْ أَقْبَلَ خُرَيْمَةُ بْنُ ثَابِتِ الْأَنْصَارِيِّ فَفَرَجَ النَّاسَ بِيَدِهِ حَتَّى انْتَهَى إِلَى النَّبِيِّ (صلى الله عليه وآله) فَقَالَ أَشْهَدُ يَا رَسُولَ اللَّهِ لَقَدْ اشْتَرَيْتَهُ مِنْهُ فَقَالَ الْأَعْرَابِيُّ أَ تَشْهَدُ وَ لَمْ تَحْضُرْنَا وَقَالَ لَهُ النَّبِيُّ (صلى الله عليه وآله) أَ شَهِدْتَنَا فَقَالَ لَهُ لَا يَا رَسُولَ اللَّهِ وَ لَكِنِّي عَلِمْتُ أَنَّكَ قَدْ اشْتَرَيْتَ أَ فَأَصْدُقُكَ بِمَا جِئْتَ بِهِ مِنْ عِنْدِ اللَّهِ وَ لَا أُصَدِّقُكَ عَلَى هَذَا الْأَعْرَابِيِّ الْخَبِيثِ

So Abu Abdullah^{asws} said: 'And with the Prophet^{saww} were his^{saww} companions, when Khuzayma Bin Sabit Al-Ansari came over, and he cleared the people by his hands until he ended up to the Prophet^{saww}. So he said, 'I hereby testify, O Rasool-Allah^{saww}, that you have bought it from him'. So the Bedouin said, 'You are testifying and were not present with us?' And the Prophet^{saww} said to him: 'Did you witness us?' So he said, 'No, O Rasool-Allah^{saww}! But, I know that you^{saww} have bought it. I have ratified you^{saww} with what you have come with from the Presence of Allah^{saww}, and I should not ratify you^{saww} against this wicked Bedouin?'

قَالَ فَعَجِبَ لَهُ رَسُولُ اللَّهِ (صلى الله عليه وآله) وَقَالَ يَا خُرَيْمَةُ شَهِدْتُكَ شَهَادَةَ رَجُلَيْنِ .

¹¹¹ Al Kafi – V 7 – The Book of Testimonies Ch 22 H 1

He^{asws} said: 'So Rasool-Allah^{saww} was amazed at him and said: 'O Khuzeyma! Your testimony is the testimony of two men'.¹¹²

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُوسَى بْنِ جَعْفَرِ بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ الْحُسَيْنِ بْنِ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ أَبِيهِ (عَلَيْهِ السَّلَام) قَالَ أَبِي عُمَرُ بْنُ الْخَطَّابِ بِقَدَامَةِ بْنِ مَطْعُونٍ وَقَدْ شَرِبَ الْخَمْرَ فَشَهِدَ عَلَيْهِ رَجُلَانِ أَحَدُهُمَا خَصِيٌّ وَهُوَ عُمَرُو التَّمِيمِيُّ وَالْآخَرُ الْمَعْلِيُّ بْنُ الْجَارُودِ فَشَهِدَ أَحَدُهُمَا أَنَّهُ رَأَاهُ يَسْرِبُ وَشَهِدَ الْآخَرُ أَنَّهُ رَأَاهُ يَتَيْءُ الْخَمْرَ

Muhammad Bin Yahya, from Muhammad Bin Ahmad, from Musa Bin Ja'far Al Baghdady, from Ja'far Bin Yahya, from Abdullah Bin Abdul Rahman, from Al Husayn Bin Zayd,

(It has been narrated) from Abu Abdullah^{asws}, from his^{asws} father^{asws} having said: 'They came to Umar Bin Al-Khattab with Qudama Bin Maz'oun, and he had drunk the wine. So two men testified against him, one of them was a eunuch (castrated) and he was Amro Al-Tameemy, and the one one was Al-Moalla Bin Al-Jaroud. So, one of them testified that he had seen him drinking, and the other one testified that he had seen him throwing out the wine.

فَأَرْسَلَ عُمَرُ إِلَى أَنَاسٍ مِنْ أَصْحَابِ رَسُولِ اللَّهِ فِيهِمْ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فَقَالَ لِأَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) مَا تَقُولُ يَا أَبَا الْحَسَنِ فَإِنَّكَ الَّذِي قَالَ فِيكَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَنْتَ أَعْلَمُ هَذِهِ الْأُمَّةَ وَأَفْضَاهَا بِالْحَقِّ فَإِنَّ هَذَيْنِ قَدْ اخْتَلَفَا فِي شَهَادَتَيْهِمَا قَالَ مَا اخْتَلَفَ فِي شَهَادَتَيْهِمَا وَمَا قَاءَهَا حَتَّى شَرِبَهَا فَقَالَ هَلْ تَجُوزُ شَهَادَةُ الْخَصِيِّ قَالَ مَا ذَهَابَ لِخَبِيئِهِ إِلَّا كَذَهَابِ بَعْضِ أَعْضَائِهِ .

So Umar sent for some people from the companions of Rasool-Allah^{saww} among them was Amir Al-Momineen^{asws}. So he said to Amir Al-Momineen^{asws}, 'What are you^{asws} saying, O Abu Al-Hassan^{asws}, for you^{asws} are the one regarding whom Rasool-Allah^{saww} said: 'You^{asws} are the knowledgeable one of this community, and its judge, with the truth'. So these two have differed in their testimonies'. He^{asws} said: 'There is no differing in both their testimonies, and he could not have chucked it until he had drunk it (first)'. So he said, 'Is the testimony of the eunuch (castrated) is allowed?' He^{asws} said: 'His losing his beard is just like the loss of certain parts of his body'¹¹³

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مَنْصُورِ بْنِ يُونُسَ عَنْ مُوسَى بْنِ بُكْرٍ عَنِ الْحَكَمِ بْنِ أَبِي عَقِيلٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِنْ لِي خَصْمًا يَنْكَتُرُ عَلَيَّ بِالشُّهُودِ الزُّورِ وَقَدْ كَرِهْتُ مُكَافَأَتَهُ مَعَ أَنِّي لَا أُدْرِي أَيْصَلُّحُ لِي ذَلِكَ أَمْ لَا قَالَ لِي أَمَا بَلَغَكَ عَنْ أَمِيرِ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) أَنَّهُ كَانَ يَقُولُ لَا تُؤْسِرُوا أَنْفُسَكُمْ وَأَمْوَالَكُمْ بِشَهَادَاتِ الزُّورِ فَمَا عَلَى امْرِئٍ مِنْ وَكَفٍ فِي دِينِهِ وَلَا مَاتَمٍ مِنْ رَبِّهِ أَنْ يَدْفَعَ ذَلِكَ عَنْهُ كَمَا أَنَّهُ لَوْ دَفَعَ بِشَهَادَتِهِ عَنْ فَرَجٍ حَرَامٍ وَسَفَكٍ دَمٍ حَرَامٍ كَانَ ذَلِكَ خَيْرًا لَهُ وَكَذَلِكَ مَالُ الْمَرْءِ الْمُسْلِمِ .

A number of our companions, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Mansour Bin Yunus, from Musa Bin Bakr, from Al Hakam Bin Abu Aqeel who said,

'I said to Abu Abdullah^{asws}, 'For me there is an adversary (enemy) who frequently bears false testimony upon me, and I do not like to fight him, along with that I do not know whether that is correct for me or not?' So he^{asws} said to me: 'But has it not reached you that Amir Al-Momineen^{asws} was saying: 'Do not imprison yourselves and your wealth by the false testimonies, for it is not upon a person to restrain himself in his Religion, nor a sin from his Lord^{azwj} that he should defend that from him, just as if

¹¹² Al Kafi – V 7 – The Book of Testimonies Ch 23 H 1

¹¹³ Al Kafi – V 7 – The Book of Testimonies Ch 23 H 2

he were to defend by the testimony about unlawful relationships, and shedding of the unlawful blood, if that was good for him, and similar to that is the wealth of the Muslim person'.¹¹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحَسَنِ أَنَّهُ كَتَبَ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ بَاعَ ضَيْعَتَهُ مِنْ رَجُلٍ آخَرَ وَ هِيَ قِطَاعُ أَرْضَيْنِ وَ لَمْ يُعَرِّفِ الْخُدُودَ فِي وَفْتِ مَا أَشْهَدَهُ وَ قَالَ إِذَا مَا أَتَوَكَ بِالْحُدُودِ فَاشْهَدْ بِهَا هَلْ يَجُوزُ لَهُ ذَلِكَ أَوْ لَا يَجُوزُ لَهُ أَنْ يَشْهَدَ فَوْقَ (عَلَيْهِ السَّلَامُ) نَعَمْ يَجُوزُ وَ الْحَمْدُ لِلَّهِ

Muhammad Bin Yahya,

(It has been narrated) from Muhammad Bin Al-Hassan that he wrote to Abu Muhammad^{asws}, regarding a man who sold his estate to another man, and it was a piece of land, and its boundaries were unknown in a time, and did not have it witnessed, and he said, 'When I come to you with the boundaries, so bear witness with it'. Is that allowed for him, or it is not allowed for him that he should testify?' So he^{asws} wrote: 'Yes, he is allowed, and the Praise is for Allah^{azwj}'.

وَ كَتَبَ إِلَيْهِ رَجُلٌ كَانَ لَهُ قِطَاعُ أَرْضَيْنِ فَحَضَرَهُ الْخُرُوجُ إِلَى مَكَّةَ وَ الْقَرْيَةَ عَلَى مَرَّاجِلٍ مِنْ مَنْزِلِهِ وَ لَمْ يُؤْتِ يَحُدُودَ أَرْضِهِ وَ عَرَّفَ حُدُودَ الْقَرْيَةِ الْأَرْبَعَةَ فَقَالَ لِلشُّهُودِ اشْهَدُوا أَنِّي قَدْ بَعْتُ مِنْ فُلَانٍ جَمِيعَ الْقَرْيَةِ الَّتِي حَدَّ مِنْهَا كَذَا وَ الثَّانِي وَ الثَّلَاثِ وَ الرَّابِعِ وَ إِنَّمَا لَهُ فِي هَذِهِ الْقَرْيَةِ قِطَاعُ أَرْضَيْنِ فَهَلْ يَصْلُحُ لِلْمُسْتَرِي ذَلِكَ وَ إِنَّمَا لَهُ بَعْضُ هَذِهِ الْقَرْيَةِ وَ قَدْ أَقْرَأَ لَهُ بِكُلِّهَا فَوْقَ (عَلَيْهِ السَّلَامُ) لَا يَجُوزُ بَيْعُ مَا لَيْسَ يَمْلِكُ وَ قَدْ وَجِبَ الشَّرَاءُ عَلَى الْبَائِعِ عَلَى مَا يَمْلِكُ

And a man wrote to him who had two (pieces) of land for him. So he had to go out to Al-Makkah, and the town was on the way from his house, and he did not come with the boundaries of his land, and the four boundaries of the town were known. So he said to the witnesses, 'Bear witness that I have sold to so and so the entirety of the town which had such and such a boundary, and the second, and the third, and the fourth (boundary)'. But rather, for him in this town were two pieces of land. So is the (buying of) that correct for the buyer, rather for him was part of this town, and he has accepted for him, the whole of it?' So he^{asws} wrote: 'He is not allowed to sell what he does not own, and it obligates upon the buyer (to buy) and upon the seller (to sell) what he owns'.

وَ كَتَبَ هَلْ يَجُوزُ لِلشَّاهِدِ الَّذِي أَشْهَدَهُ بِجَمِيعِ هَذِهِ الْقَرْيَةِ أَنْ يَشْهَدَ بِحُدُودِ قِطَاعِ الْأَرْضِ الَّتِي لَهُ فِيهَا إِذَا تَعَرَّفَ حُدُودَ هَذِهِ الْقِطَاعِ بِقَوْمٍ مِنْ أَهْلِ هَذِهِ الْقَرْيَةِ إِذَا كَانُوا عُدُولًا فَوْقَ (عَلَيْهِ السَّلَامُ) نَعَمْ يَشْهَدُونَ عَلَى شَيْءٍ مَفْهُومٍ مَعْرُوفٍ

And he wrote, 'Is it allowed for the witness whom he has called to witness with the entirety of this town that he testified with the boundaries of the piece of land which is for him in it, when the boundaries of this piece are recognised by a people from the inhabitants of this town, when they are just?' So he^{asws} wrote: 'Yes, they can bear witness upon something which is understood, recognised'.

وَ كَتَبَ رَجُلٌ قَالَ لِرَجُلٍ اشْهَدْ أَنَّ جَمِيعَ الدَّارِ الَّتِي لَهُ فِي مَوْضِعِ كَذَا وَ كَذَا بِحُدُودِهَا كُلِّهَا لِفُلَانِ بْنِ فُلَانٍ وَ جَمِيعَ مَا لَهُ فِي الدَّارِ مِنَ الْمَتَاعِ هَلْ يَصْلُحُ لِلْمُسْتَرِي مَا فِي الدَّارِ مِنَ الْمَتَاعِ أَي شَيْءٍ هُوَ فَوْقَ (عَلَيْهِ السَّلَامُ) يَصْلُحُ لَهُ مَا أَحَاطَ الشَّرَاءُ بِجَمِيعِ ذَلِكَ إِنْ شَاءَ اللَّهُ .

And he wrote, 'A man says to a man to bear witness that the entire of the house which was for him in such a such a place, with all of its boundaries is for so and so,

¹¹⁴ Al Kafi – V 7 – The Book of Testimonies Ch 23 H 3

son of so and so, and the entire of what is for him in the house from the chattels. Would it be correct for the buyer whatever was in the house from the chattels, which things would these be?’ So he^{asws} wrote: ‘It is correct for him whatever the buying has encompassed, with the entirety of that, Allah^{azwj} Willing’.¹¹⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ حَرِيْزٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي أَرْبَعَةٍ شَهِدُوا عَلَى رَجُلٍ مُحْصَنٍ بِالزَّوْنِيِّ فَعَدَلَ مِنْهُمْ اثْنَانِ وَ لَمْ يُعَدَّلِ الْأَخْرَانِ فَقَالَ إِذَا كَانُوا أَرْبَعَةً مِنَ الْمُسْلِمِينَ لَيْسَ يُعْرَفُونَ بِشَهَادَةِ الزَّوْرِ أُجِيزَتْ شَهَادَتُهُمْ جَمِيعاً وَ أَقِيمَ الْحَدُّ عَلَى الَّذِي شَهِدُوا عَلَيْهِ إِنَّمَا عَلَيْهِمْ أَنْ يَشْهَدُوا بِمَا أَبْصَرُوا وَ عَلِمُوا وَ عَلَى الْوَالِي أَنْ يُجِيزَ شَهَادَتَهُمْ إِلَّا أَنْ يَكُونُوا مَعْرُوفِينَ بِالْفِسْقِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Abu Ayoub, from Hareyz,

(It has been narrated) from Abu Abdullah^{asws} regarding four who testified against a married man with the adultery. So two of them altered it, and the other two did not alter it (their testimonies). So he^{asws} said: ‘When there were four from the Muslim, not known for their false testimonies, all their testimonies would be allowed, and the legal penalty (*Hadd*) would be established upon the one whom they had testified against. But rather, it is upon them that they should be testifying with what they had seen and known, and it is upon the ruler that he should allow their testimonies except if they happen to be well known with the mischief’.¹¹⁶

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ الْحُسَيْنِ بْنِ سَيْفٍ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ أَبِي جَعْفَرِ الثَّانِي (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ كَيْفَ صَارَ الزَّوْجُ إِذَا قَدَفَ امْرَأَتَهُ كَانَتْ شَهَادَتُهُ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ وَ كَيْفَ لَا يَجُوزُ ذَلِكَ لِغَيْرِهِ وَ صَارَ إِذَا قَدَفَهَا غَيْرُ الزَّوْجِ جُلْدَ الْحَدِّ وَ لَوْ كَانَ وَلِداً أَوْ أَخاً

Ali Bin Ibrahim, from his father, from Al Husayn Bin Sayf, from Muhammad Bin Suleyman,

(It has been narrated) from Abu Ja’far^{asws} the 2nd, said, ‘I said to him^{asws}, ‘How did it come to be that when the husband accuses his wife, his testimony would be four testimonies with Allah^{azwj}, and how come that is not allowed for other, and became that is someone other than the husband were to accuse her, he would be whipped the legal penalty (*Hadd*), even if it was a son, or a brother’.

فَقَالَ قَدْ سَأَلْتُ [أَبُو] جَعْفَرَ (عَلَيْهِ السَّلَامُ) عَنْ هَذَا فَقَالَ أَلَا تَرَى أَنَّهُ إِذَا قَدَفَ الزَّوْجُ امْرَأَتَهُ قِيلَ لَهُ وَ كَيْفَ عَلِمْتَ أَنَّهَا فَاعِلَةٌ فَإِنْ قَالَ رَأَيْتَ ذَلِكَ مِنْهَا بَعِيْنِي كَانَتْ شَهَادَتُهُ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ وَ ذَلِكَ أَنَّهُ قَدْ يَجُوزُ لِلرَّجُلِ أَنْ يَدْخُلَ الْمُدْخَلَ فِي الْخَلْوَةِ الَّتِي لَا تَصْلُحُ لِغَيْرِهِ أَنْ يَدْخُلَهَا وَ لَا يَشْهَدُهَا وَلَدٌ وَ لَا وَالِدٌ فِي اللَّيْلِ وَ النَّهَارِ فَلِذَلِكَ صَارَتْ شَهَادَتُهُ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِذَا قَالَ رَأَيْتَ ذَلِكَ بَعِيْنِي وَ إِذَا قَالَ إِنِّي لَمْ أَعْيُنْ صَارَ قَادِفاً فِي حَدِّ غَيْرِهِ وَ ضَرِبَ الْحَدَّ إِلَّا أَنْ يُقِيمَ عَلَيْهَا النَّبِيَّةَ

So he^{asws} said: ‘Abu Ja’far^{asws} was asked about this, so he^{asws} said: ‘Do you not see that when the husband accuses his wife, it is said to him, ‘And how did you know that she has done it?’ So if he says, ‘I saw that from her with my own eyes’, his testimony would be four testimonies with Allah^{azwj}, and that is because it is allowed for him that he should enter the entrance in private which is not correct for the others to enter into, and neither a son nor a parent would witness it during the night and the day. Therefore, it is due to that, his testimony came to be four testimonies with Allah^{azwj}, when he says, ‘I saw that with my own eyes’. And when he says, ‘I did not see it, he would become an accuser, with regards to a legal penalty (*Hadd*) like the others, and

¹¹⁵ Al Kafi – V 7 – The Book of Testimonies Ch 23 H 4

¹¹⁶ Al Kafi – V 7 – The Book of Testimonies Ch 23 H 5

he would be whipped the legal penalty (*Hadd*) except if he were to establish the proof against her.

وَإِنْ زَعَمَ غَيْرُ الزَّوْجِ إِذَا قَدَفَ وَادَّعَى أَنَّهُ رَأَاهُ بِعَيْنَيْهِ قِيلَ لَهُ وَكَيْفَ رَأَيْتَ ذَلِكَ وَمَا أَدخَلَكَ ذَلِكَ الْمُدْخَلَ الَّذِي رَأَيْتَ فِيهِ هَذَا وَحَدِّكَ أَنْتَ مُتَّهَمٌ فِي دَعْوَاكَ وَإِنْ كُنْتَ صَادِقًا فَأَنْتَ فِي حَدِّ التَّهْمَةِ فَلَا بُدَّ مِنْ أَدْبِكَ بِالْحَدِّ الَّذِي أَوْجَبَهُ اللَّهُ عَلَيْكَ

And if someone other than the husband alleges, when he accuses, and claim that he saw it with his own eyes, it would be said to him, ‘And how did you (manage to) see that? And what made you to enter into that entrance where you saw this alone? You are an accused in your claim even if you were truthful, for you are in a legal penalty (*Hadd*) of the slander. Thus, it is inevitable that you be disciplined with the legal penalty (*Hadd*) which Allah^{azwj} has Obligated to be upon you’.

قَالَ وَ إِنَّمَا صَارَتْ شَهَادَةُ الزَّوْجِ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ لِمَكَانِ الْأَرْبَعَةِ شُهَدَاءَ مَكَانَ كُلِّ شَاهِدٍ يَمِينٌ

He^{asws} said: ‘But rather, the testimony of the husband came to be four testimonies with Allah^{azwj} in place of the four witnessed, in place of each of the witnesses being an oath’.¹¹⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ مُحَمَّدِ بْنِ أَسْلَمَ عَنْ بَعْضِ الْقَمِيَّيْنَ عَنْ أَبِي الْحَسَنِ الرِّضَا (عَلَيْهِ السَّلَام) مِثْلُهُ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Muhammad Bin Aslam, from one of the (people of Qum),

(It has been narrated) from Abu Al Hassan Al-Reza^{asws} – similar to it’.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ إِسْمَاعِيلَ بْنِ أَبِي حَنِيفَةَ عَنْ أَبِي حَنِيفَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) كَيْفَ صَارَ الْقَتْلُ يَجُوزُ فِيهِ شَاهِدَانِ وَالزَّرْنَى لَا يَجُوزُ فِيهِ إِلَّا أَرْبَعَةٌ شُهُودٍ وَالْقَتْلُ أَشَدُّ مِنَ الزَّرْنَى فَقَالَ لِأَنَّ الْقَتْلَ فِعْلٌ وَاحِدٌ وَالزَّرْنَى فِعْلَانِ فَمَنْ تَمَّ لَا يَجُوزُ إِلَّا أَرْبَعَةٌ شُهُودٍ عَلَى الرَّجُلِ شَاهِدَانِ وَعَلَى الْمَرْأَةِ شَاهِدَانِ

Ali Bin Ibrahim, from his father, from Ahmad Bin Muhammad Bin Abu Nasr, from Ismail Bin Abu Haneefa, from Abu Haneefa who said,

‘I said to Abu Abdullah^{asws}, ‘How did it come to be that regarding the killing two witnesses are allowed in it, and regarding the adultery, there are not allowed in it except for four witnesses, and the killing is more harsher than the adultery?’ So he^{asws} said: ‘Because the killed is one act, but the adultery are two acts, thus it is not allowed except for four witnesses, upon the man being two witnesses, and upon the woman being two witnesses’.

وَ رَوَاهُ بَعْضُ أَصْحَابِنَا عَنْهُ قَالَ فَقَالَ لِي مَا عِنْدَكُمْ يَا أَبَا حَنِيفَةَ قَالَ قُلْتُ مَا عِنْدَنَا فِيهِ إِلَّا حَدِيثُ عُمَرَ أَنَّ اللَّهَ أَخَذَ فِي الشَّهَادَةِ كَلِمَتَيْنِ عَلَى الْعِبَادِ قَالَ فَقَالَ لِي لَيْسَ كَذَلِكَ يَا أَبَا حَنِيفَةَ وَ لَكِنَّ الزَّرْنَى فِيهِ حَدَّانِ وَ لَا يَجُوزُ إِلَّا أَنْ يَشْهَدَ كُلُّ اثْنَيْنِ عَلَى وَاحِدٍ لِأَنَّ الرَّجُلَ وَ الْمَرْأَةَ جَمِيعًا عَلَيْهِمَا الْحَدُّ وَ الْقَتْلُ إِنَّمَا يَقَامُ عَلَى الْقَاتِلِ وَ يُدْفَعُ عَنِ الْمُقْتُولِ .

And it is reported from one of our companions, from him (Abu Haneefa), who said,

‘So he^{asws} said to me: ‘So what is with you, O Abu Haneefa?’ I said, ‘There is nothing with me with regards to it except a Hadeeth of Umar, that Allah^{azwj} would Seize,

¹¹⁷ Al Kafi – V 7 – The Book of Testimonies Ch 23 H 6

regarding the testimony, two words upon the servants'. So he^{asws} said to me: 'It is not like that, O Abu Haneefa! But, the adultery, in it are two legal penalties, and it is not allowed except that two should testify upon (each) one, because the man and the woman both together, upon them both is the legal penalty, while the killing, rather is established upon the killer, and averted from the killer'.¹¹⁸

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنِ السَّيَّارِيِّ عَنْ مُحَمَّدِ بْنِ جُمُهورٍ عَمَّنْ حَدَّثَهُ عَنِ ابْنِ أَبِي يَعْفُورٍ قَالَ لَزِمْتُهُ شَهَادَةً فَشَهِدَ بِهَا عِنْدَ أَبِي يُوسُفَ الْقَاضِي فَقَالَ أَبُو يُوسُفَ مَا عَسَيْتُ أَنْ أَقُولَ فِيكَ يَا ابْنَ أَبِي يَعْفُورِ وَأَنْتَ جَارِي مَا عَلِمْتُكَ إِلَّا صَدُوقاً طَوِيلَ اللَّيْلِ وَ لَكِنْ تِلْكَ الْخَصْلَةُ قَالَ وَمَا هِيَ قَالَ مِثْلُكَ إِلَى التَّرْفُضِ فَبَكَى ابْنُ أَبِي يَعْفُورٍ حَتَّى سَأَلْتِ دُمُوعَهُ ثُمَّ قَالَ يَا أَبَا يُوسُفَ تَنْسِبُنِي إِلَى قَوْمٍ أَخَافُ أَنْ لَا أَكُونَ مِنْهُمْ قَالَ فَأَجَازَ شَهَادَتَهُ .

Al Husayn Bin Muhammad, from Al Sayyari, from Muhammad Bin Jamhour, from the one who narrated it, from Ibn Abu Yafour who said,

'The testimony was necessitated, so I testified by it in the presence of Abu Yusuf, the judge. So Abu Yusuf said, 'What is there for me so be saying with regards to you, O Ibn Abu Yafour, and you are my neighbour. I do not know you except as truthful, of lengthy nights (in Prayer), but for that characteristic'. (Abu Yafour) said, 'And what is it'. He said, 'Your tendency towards the rejecters (Shiah)'. So Ibn Abu Yafour wept until his tears flowed, then said, 'O Abu Yusuf! You are linking me to a people, I fear that I might not be one of them'. He (the narrator) said, 'So he allowed his testimony'.¹¹⁹ (P.s. – This is not a Hadeeth)

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شُمُونَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مَسْمَعِ بْنِ عَبْدِ الْمَلِكِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) كَانَ يَحْكُمُ فِي زَنْدِيقٍ إِذَا شَهِدَ عَلَيْهِ رَجُلَانِ عَدْلَانِ مَرْضِيَانِ وَ شَهِدَ لَهُ أَلْفٌ بِالْبِرَاءَةِ يُجِيزُ شَهَادَةَ الرَّجُلَيْنِ وَ يُبْطِلُ شَهَادَةَ الْأَلْفِ لِأَنَّهُ دِينٌ مَكْتُومٌ .

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

(It has been narrated) from Abu Abdullah^{asws} that Amir Al-Momineen^{asws} had judged regarding an Atheist when two just men had testified against him of their own free will, and a thousand had testified for him with the disavowing, he^{asws} allowed the testimony of the two men and invalidated the testimony of the thousand, because it (Atheism) is a concealed religion'.¹²⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أَتَى أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) بِأَمْرَةٍ بَكَرَ زَعَمُوا أَنَّهَا زَنْتٌ فَأَمَرَ النَّسَاءَ فَنظَرْنَ إِلَيْهَا فَقَلْنَ هِيَ عَذْرَاءٌ فَقَالَ مَا كُنْتُ لِأَضْرِبَ مَنْ عَلَيْهَا خَاتَمٌ مِنَ اللَّهِ عَزَّ وَ جَلَّ وَ كَانَ يُجِيزُ (عَلَيْهِ السَّلَامُ) شَهَادَةَ النَّسَاءِ فِي مِثْلِ هَذَا .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'They came to Amir Al-Momineen^{asws} with an unmarried woman alleging that she had committed adultery. So he^{asws} ordered the women to look at her, so they said, 'She is a virgin'. So he^{asws} said: 'I^{asws} would not be the one to whip one upon whom is a seal from Allah^{azwj}

¹¹⁸ Al Kafi – V 7 – The Book of Testimonies Ch 23 H 7

¹¹⁹ Al Kafi – V 7 – The Book of Testimonies Ch 23 H 8

¹²⁰ Al Kafi – V 7 – The Book of Testimonies Ch 23 H 9

Mighty and Majestic'. And he^{asws} used to allow the testimony of the women in (cases) similar to this'.¹²¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ إِبْرَاهِيمَ بْنِ أَبِي الْبَلَادِ عَنِ سَعْدِ الْإِسْكَافِ قَالَ لَا أَعْلَمُهُ إِلَّا قَالَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قَدْ كَانَ فِي بَنِي إِسْرَائِيلَ عَابِدٌ فَأَعْجَبَ لَهُ دَاوُدُ (عَلَيْهِ السَّلَام) فَأَوْحَى اللَّهُ عَزَّ وَجَلَّ إِلَيْهِ لَا يُعْجِبُكَ شَيْءٌ مِنْ أَمْرِهِ فَإِنَّهُ مُرَاءٍ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Ibrahim, Bin Abu Al Balaad, from Sa'ad Al Askaaf who said,

'I have no knowledge of it except that Abu Ja'far^{asws} said: 'There used to be a worshipper among the Children of Israel to whom Dawood^{as} used to marvel (be amazed) at. So Allah^{azwj} Mighty and Majestic Revealed unto him^{as}: "Do not marvel at anything from his affairs, for he is a show-off".

قَالَ فَمَاتَ الرَّجُلُ فَأَتَى دَاوُدُ (عَلَيْهِ السَّلَام) وَ قِيلَ لَهُ مَاتَ الرَّجُلُ فَقَالَ دَاوُدُ (عَلَيْهِ السَّلَام) اذْفِنُوا صَاحِبَكُمْ قَالَ فَاتَّكَرَتْ بَنُو إِسْرَائِيلَ وَ قَالُوا كَيْفَ لَمْ يَحْضُرْهُ

He^{asws} said: 'So the man died, so they came to Dawood^{as} and said to him^{as}, 'The man died'. So Dawood^{as} said: 'Bury your companion'. But, the Children of Israel refused and they said, 'How come you^{as} are not attending it (funeral)?'

قَالَ فَلَمَّا غُسِّلَ قَامَ خَمْسُونَ رَجُلًا فَشَهِدُوا بِاللَّهِ مَا يَعْلَمُونَ مِنْهُ إِلَّا خَيْرًا قَالَ فَلَمَّا صَلُّوا عَلَيْهِ قَامَ خَمْسُونَ آخَرُونَ فَشَهِدُوا بِاللَّهِ مَا يَعْلَمُونَ إِلَّا خَيْرًا فَلَمَّا دَفَنُوهُ قَامَ خَمْسُونَ فَشَهِدُوا بِاللَّهِ مَا يَعْلَمُونَ مِنْهُ إِلَّا خَيْرًا

He^{asws} said: 'So when he had been washed, fifty men arose and testified with Allah^{azwj} that they did not know from him except for goodness. So when they had Prayed over him, fifty other men arose, so they testified with Allah^{azwj} that they did not know from his except for the goodness. So when they had buried him, fifty testified with Allah^{azwj} that they did not know from him except for the goodness'.

فَأَوْحَى اللَّهُ عَزَّ وَجَلَّ إِلَى دَاوُدَ (عَلَيْهِ السَّلَام) مَا مَنَعَكَ أَنْ تَشْهَدَ فَلَانًا فَقَالَ دَاوُدُ (عَلَيْهِ السَّلَام) يَا رَبِّ لِلَّذِي أَطَّلَعْتَنِي عَلَيْهِ مِنْ أَمْرِهِ قَالَ فَأَوْحَى اللَّهُ عَزَّ وَجَلَّ إِلَيْهِ أَنْ ذَلِكَ كَذَلِكَ وَ لَكِنَّهُ قَدْ شَهِدَ قَوْمٌ مِنَ الْأَحْبَارِ وَ الرَّهْبَانِ مَا يَعْلَمُونَ مِنْهُ إِلَّا خَيْرًا فَاجْرَتْ شَهَادَتُهُمْ عَلَيْهِ وَ عَفَرْتُ لَهُ عِلْمِي فِيهِ .

So Allah^{azwj} Mighty and Majestic Revealed unto Dawood^{as}: "What prevented you^{as} to testify for so and so?" So Dawood^{as} said: 'O Lord^{azwj}! That which You^{azwj} Notified me^{as} of, from his affairs'. So Allah^{azwj} Mighty and Majestic Revealed unto him^{as}: "That is like that, but a group of Rabbis and Monks have testified that they do not know from him except for the goodness, so I^{azwj} Allowed their testimonies over him, and Forgave for him (whatever was) in My^{azwj} Knowledge regarding him".¹²²

هَذَا آخِرُ كِتَابِ الشَّهَادَاتِ مِنَ الْكَافِي تَأْلِيفِ أَبِي جَعْفَرٍ مُحَمَّدِ بْنِ يَعْقُوبَ الْكُلَيْنِيِّ رَحِمَهُ اللَّهُ وَ يَتْلُوهُ كِتَابُ الْفَضَاءِ وَ الْأَحْكَامِ إِنَّ شَاءَ اللَّهُ تَعَالَى .

¹²¹ Al Kafi – V 7 – The Book of Testimonies Ch 23 H 10

¹²² Al Kafi – V 7 – The Book of Testimonies Ch 23 H 11

This is the end of the Book of the Testimonies from Al-Kafi, a compilation of Abu Ja'far Muhammad Bin Yaqoub Al-Kulayni, may Allah^{azwj} have Mercy on him, and it would be followed by the Book of the adjudication and the rulings, Allah^{azwj} Willing.