

Imprisonment

الحبس Imprisonment

Those Who May Be Imprisoned

مَنْ يَجُوزُ حَبْسُهُ

- الإمام عليّ (عليه السلام) : يَجِبُ عَلَى الْإِمَامِ أَنْ يَحْبِسَ الْفُسَّاقَ مِنَ الْعُلَمَاءِ ، وَالْجُهَّالَ مِنَ الْأَطِبَّاءِ ، وَالْمَفَالِيسَ مِنَ الْأَكْرِيَاءِ.

1— Imam Ali (a.s.) said, ‘It is incumbent upon the Imam to imprison the reckless from among the scholars, the ignorant from among the physicians, and the bankrupt from among the lease-holders.’[al-Faqih, v. 3, p. 31, no. 3266]

.. الإمام عليّ (عليه السلام) : إِذَا ارْتَدَّتِ الْمَرْأَةُ عَنِ الْإِسْلَامِ لَمْ تُقْتَلْ ، وَلَكِنْ تُحْبَسُ أَبَدًا

2— Imam Ali (a.s.) said, ‘If a Muslim woman becomes an apostate, abandoning Islam, she is not killed but is imprisoned for life.’[Tahdhib al-Ahkam, v. 10, p. 142, no. 569]

- الكافي : إِنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) كَانَ لَا يَرَى الْحَبْسَ إِلَّا فِي ثَلَاثٍ : رَجُلٌ أَكَلَ مَالَ الْيَتِيمِ ، أَوْ غَصَبَهُ ، أَوْ رَجُلٌ أَوْثُمِنَ عَلَى أَمَانَةٍ فَذَهَبَ بِهَا.

3— It is narrated in al-Kafi: Verily the Commander of the Faithful (a.s.) restricted imprisonment to only three cases: a man consuming the property of an orphan unlawfully, or usurping it, or a man who takes off with what he has been entrusted with.[al-Kafi, v. 7, p. 263, no. 21]

Jailing the Warrantor until the Return of the Warranted

حَبَسُ الْكَفِيلِ إِلَى حِينَ حُضُورِ الْمَكْفُولِ

- الإمامُ الصَّادِقُ (عَلَيْهِ السَّلَامُ) : أَتَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) بِرَجُلٍ قَدْ تَكَفَّلَ بِنَفْسِ رَجُلٍ، فَحَبَسَهُ وَقَالَ: اطْلُبْ⁴ صَاحِبَكَ.

4— Imam al-Sadiq (a.s.) said, 'A man was brought to the Commander of the Faithful (a.s.), who had bailed the life of another man. He imprisoned him, saying, 'Ask for your companion now.' [Wasa'il al-Shi'ah, v. 13, p. 156, no. 1]

The One Imprisoned for Life

مَنْ يُخَلَّدُ فِي السِّجْنِ

- الإمامُ الباقرُ (عَلَيْهِ السَّلَامُ) - فِي رَجُلٍ أَمَرَ رَجُلًا بِقَتْلِ رَجُلٍ فَقَتَلَهُ - : يُقْتَلُ بِهِ الَّذِي قَتَلَهُ ، وَيُحَبَسُ الْأَمْرُ بِقَتْلِهِ فِي⁵ السِّجْنِ حَتَّى يَمُوتَ.

5— Imam al-Baqir (a.s.) said, about a man who had ordered another man to kill someone, which he had done – 'He who killed him must be killed, and he who ordered the killing must be imprisoned until he dies.' [al-Kafi, v. 7, p. 285, no. 1]

- الإمامُ الصَّادِقُ (عَلَيْهِ السَّلَامُ) : قَضَى عَلَيَّ (عَلَيْهِ السَّلَامُ) فِي رَجُلَيْنِ أَمْسَكَ أَحَدُهُمَا وَقَتَلَ الْآخَرَ فَقَالَ : يُقْتَلُ الْقَاتِلُ⁶ وَيُحَبَسُ الْآخَرُ حَتَّى يَمُوتَ غَمًّا كَمَا حَبَسَهُ عَلَيْهِ حَتَّى مَاتَ غَمًّا.

6— Imam al-Sadiq (a.s.) said, 'Only three types of people are imprisoned for life: he who holds another hostage to prevent himself from being killed, the woman who becomes an apostate, and the one who steals even after having had his hand and foot cut [as corporal punishment for previous thefts].' [al-Faqih, v. 3, p. 31, no. 3264]

Imprisonment after Punishment and Acknowledgment of the Truth

الْحَبْسُ بَعْدَ إِقَامَةِ الْحَدِّ وَمَعْرِفَةِ الْحَقِّ

.. الإمامُ عليُّ (عليه السَّلامُ) : حَبَسُ الإمامُ بَعْدَ الحَدِّ ظُلْمٌ⁷

7– Imam Ali (a.s.) said, ‘It is unjust for the Imam to imprison the culprit after punishment.’[Tahdhib al-Ahkam, v. 6, p. 314, no. 870]

.. الإمامُ عليُّ (عليه السَّلامُ) : الحَبْسُ بَعْدَ مَعْرِفَةِ الحَقِّ ظُلْمٌ⁸

8– Imam Ali (a.s.) said, ‘Imprisonment after acknowledgment of the truth is injustice.’[Mustadrak al-Wasa'il, v. 17, p. 403, no. 21672]

The Rights of the Prisoner

حُقُوقُ المَحْبُوسِ

- الإمامُ عليُّ (عليه السَّلامُ) : أَنَّهُ [عَلِيًّا] كَانَ يَعْزِضُ السَّجُونَ فِي كُلِّ يَوْمٍ جُمُعَةٍ؛ فَمَنْ كَانَ عَلَيْهِ حَدٌّ أَقَامَهُ، وَمَنْ لَمْ يَكُنْ عَلَيْهِ حَدٌّ خَلَّى سَبِيلَهُ.

9– Imam Ali (a.s.) used to inspect the prisons every Friday; he punished the convicts and released those who had no charge against them.’[Mustadrak al-Wasa'il, v. 18, p. 36, no. 21943]

- الإمامُ الصَّادِقُ (عليه السَّلامُ) : عَلَى الإمامِ أَنْ يُخْرِجَ المَحْبُوسِينَ فِي الدِّينِ يَوْمَ الجُمُعَةِ إِلَى الجُمُعَةِ ، وَيَوْمَ العِيدِ¹⁰ . إِلَى العِيدِ ، فَيُرْسِلَ مَعَهُمْ ، فَإِذَا قَضَوْا الصَّلَاةَ وَالْعِيدَ رَدَّهُمْ إِلَى السِّجَنِ .

10– Imam al-Sadiq (a.s.) said, ‘It is the duty of the Imam to release the prisoners on financial charges on Fridays and ‘Ayd [religious festivals] to observe the congregational prayer. He may send them guarded, and when they complete the prayers and the feast, he should return them to the prison.’[al-Faqih, v. 3, p. 31, no. 3265]

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