Al-Islam.org
Ahlul Bayt Digital Islamic Library Project
Published on *Al-Islam.org* (https://www.al-islam.org)

Legal Punishments

Legal Punishments1 الحُدود

Everything Has a Bound

لِكُلِّ شَيءٍ حَدٌّ

1ـ الإمامُ الباقرُ (عَلَيهِ السَّلامُ) : إنّ اللّهَ تباركَ وتعالى ... جَعلَ لكُلِّ شيءٍ حَدّا ، و جَعلَ علَيهِ دَليلاً يَدُلُّ علَيهِ ، وجَعلَ على مَن تَعدّى ذلك الحَدَّ حَدّاً.

1– Imam al-Baqir (a.s.) said, 'Truly Allah, Blessed and most High ... has set a bound for everything, and has made for each one a sign indicating to it, and He has designated a punishment for whoever transgresses that bound.'[al-Kafi, v. 1, p. 59, no. 2]

Averting the Punishments

دَرءُ الحُدودِ

2ـ رسولُ اللهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) : ادْرَؤوا الحُدودَ عنِ المسلِمينَ ما اسْتَطَعْتُم ، فإنْ وَجَدتُم للمسلِمِ مَخْرَجاً فَخَلّوا سبيلَهُ ؛ فإنَّ الإمامَ لَأنْ يُخْطِئَ في العَفوِ خَيرٌ مِن أنْ يُخْطئَ في العُقوبَةِ.

2– The Prophet (S) said, 'Avert the punishments from the Muslims as much as you can, and if you can find a way out for a Muslim, then make way for him, for it is better for the Imam to err in reprieving than in punishment.'[Kanz al-'Ummal, no. 12971]

ـ رسولُ اللهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) : ادْرَؤوا الحُدودَ بالشُّبُهاتِ3

3– The Prophet (S) said, ‘Avert the punishments through uncertainties.’[al–Faqih, v. 4, p. 74, no. 5146, Kanz al–’Ummal, no. 12972]

Upholding the Penal Laws

إقامَةُ الحُدودِ

ـ رسولُ اللهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) : إقامَةُ حَدٍّ مِن حُدودِ اللّه ِخَيرٌ مِن مَطَرِ أربَعينَ لَيلةً في بِلادِ اللّهِ4

4– The Prophet (S) said, ‘Upholding one of the penal laws of Allah is superior to forty nights of rain on Allah’s land.’[Kanz al–’Ummal, no. 14599, al–Kafi, v. 7, p. 174, no. 1]

. ـ رسولُ اللهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) : حَدٌّ يُقامُ في الأرضِ أزْكى مِن عِبادَةِ سِتّينَ سَنةً5

5– The Prophet (S) said, ‘A penal law that is exercised on earth is purer than sixty years of worship.’[Mustadrak al–Wasa’il, v. 18, p. 9, no. 21843]

ـ الإمامُ الصّادقُ عن آبائه ^: إنّ رسولَاللّهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) أُتيَ بامْرأةٍ لَها شَرَفٌ في قَومِها قَد سَرَقَتْ ، فأمَرَ6 بقَطْعِها ، فاجْتَمعَ إلى رسولِ اللّهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) ناسٌ مِن قُرَيشٍ وقالوا : يا رسولَ اللّه، تُقْطَعُ امْرأةٌ شَريفةٌ مثلُ فُلانَةَ في خَطَرٍ يَسيرٍ؟!

قالَ : نَعَم ، إنّما هَلكَ مَن كانَ قَبْلَكُم بمِثْلِ هذا، كانوا يُقيمونَ الحُدودَ على ضُعَفائهِم ويَتْرُكونَ أقْوِياءهُم وأشْرافَهُم فهَلَكوا.

6– Imam al–Sadiq (a.s.) said, ‘A woman who was honoured amongst her people was once brought to the Prophet (S) charged with theft. He ordered her [hand] to be cut. A group from the tribe of Quraysh came to the Prophet (S) and said, ‘O Messenger of Allah! Must [the hand of] a noble lady such as her be cut like that of so and so for such a small mistake?!’ He replied, ‘Yes! Indeed those before you perished because of such a deed. People used to uphold the punishments for the weak ones among them and exempt the strong and the noble ones of them, and therefore they perished.’[Mustadrak al–Wasa’il, p. 7, no. 21834]

No Intercession, Bail or Oath in a Legal Punishment

لا شَفاعَةَ وَ لا كَفالَةَ وَ لا يَمِينَ في حَدٍّ

7ـ رسولُ اللهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) : أيُّما رجُلٍ حالَتْ شَفاعَتُهُ دُونَ حَدٍّ مِن حُدودِ اللّهِ ، لَم يَزَلْ في سَخَطِ اللّهِ حتّى يَنْزِعَ.

7– The Prophet (S) said, ‘Every man who stops the exercise of one of Allah’s punishments on himself by intercession [of someone influential], will continue to be exposed to Allah’s anger until he ceases.’[Kanz al–’Ummal, no. 43837]

8ـ رسولُ اللهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) : لا شَفاعَةَ ولا كفالَةَ ولايَمينَ في حَدٍّ ـ

8– The Prophet (S) said, ‘There is no intercession, bail, or oath in a legal punishment.’[al–Faqih, v. 4, p. 74, no. 5146]

9ـ الإمامُ عليٌّ (عَلَيهِ السّلامُ) : لا كَفالَةَ في حَدٍّ مِن الحُدودِ ـ

9– Imam Ali (a.s.) said, ‘There is no bail for any of Allah’s punishments.’[Mustadrak al–Wasa’il, v. 13, p. 439, no. 15846]

10ـ الإمامُ الصّادقُ (عَلَيهِ السّلامُ) عن أبيهِ عن آبائهِ (عَلَيهِم السّلام) عن رسولِ اللّهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) : أ نَّهُ نَهى عنِ الشَّفاعَةِ في الحُدودِ، وقالَ : مَن شَفَعَ في حَدٍّ مِن حُدودِ اللّهِ لِيُبْطِلَهُ وسَعى في إبْطالِ حُدودِهِ عَذّبَهُ اللّهُ تَعالى يَومَ القِيامَةِ .

10– Imam al–Sadiq (a.s.) said, narrating on the authority of his father, from his forefathers, from the Prophet (S) – ‘He prohibited the use of intercession against the punishments and that he (S) said, ‘He who intercedes against one of Allah’s punishments in order to annul it, and tries to abolish His punishments will be chastised by Allah, most High, on the Day of Resurrection.’[Mustadrak al–Wasa’il, v. 18, p. 24, no. 21901]

Prohibition of Postponement of Legal Punishments

النَّهيُ عَنِ النَّظِرَةِ فِي الحُدودِ

11؛ ـ الإمامُ الباقرُ (عَلَيهِ الّسَلامُ) : في ثلاثةٍ شَهِدوا على رجُلٍ بالزّنى، فقالَ أميرُ المؤمنينَ (عَلَيهِ الّسَلامُ) : أينَ الرّابِعُ ؟ فقالوا : الآنَ يَجيءُ ، فقالَ أميرُالمؤمنينَ (عَلَيهِ الّسَلامُ) : حُدُّوهُم ، فليسَ في الحُدودِ نَظِرَةُ ساعَةٍ .

11– Imam al–Baqir (a.s.) narrated, saying, ‘Three people gave witness against a man for committing adultery. Then the Commander of the Faithful (a.s.) asked, ‘Where is the fourth [witness]?’ They said, ‘He is arriving just now.’ The Commander of the Faithful said, ‘Punish them, for there is not even one hour of respite to be given in punishments.’[al–Kafi, v. 7, p. 210, no. 4]

Prohibition of Transgressing the Bounds

النَّهيُ عَن تَعَدّي الحُدودِ

12: ـ رسولُ اللهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) : يُؤتى بوالٍ نَقَصَ مِن الحَدّ سَوطاً فيقولُ : ربّ رَحمَةً لعِبادِكَ ، فيقالُ لَهُ : أنتَ أرحَمُ بهِم مِنّي؟! فيُؤمَرُ بِهِ إلى النّارِ ، ويُؤتى بمَن زادَ سَوطاً فيقولُ : لِيَنْتَهوا عَن مَعاصيكَ! فيُؤمَرُ بِهِ إلى النّارِ.

12– The Prophet (S) said, ‘On the Day of Resurrection a ruler will be brought forth who had inflicted one lash less than the punishment prescribed. He will plead, ‘O my Lord! I did it out of mercy for Your servants.’ He will be told, ‘Are you [trying to be] more merciful to them than Me?’ Then he will be ordered into the Fire. Another man who had added one lash [to the punishment] will be brought forth, and he will plead, ‘[O Allah! I did it] to make them stop committing acts of disobedience to You.’ Then he too will be ordered into the Fire.’[Mustadrak al–Wasa’il, v. 18, p. 37, no. 21948]

13ـ الإمامُ الباقرُ (عَلَيهِ الّسَلامُ) : إنّ أميرَ المؤمنينَ (عَلَيهِ الّسَلامُ) أمرَ قَنْبراً أنْ يَضرِبَ رجُلاً حَدّاً، فغَلُظَ قَنبرٌ فَزادَهُ ثلاثةَ أسْواطٍ، فأقادَهُ عليٌّ (عَلَيهِ الّسَلامُ) مِن قَنبرٍ ثلاثةَ أسْواطٍ.

13– Imam al–Baqir (a.s.) said, ‘The Commander of the Faithful (a.s.) had ordered Qanbar to execute a man’s punishment. Qanbar was rough and beat him three more lashes. So Ali (a.s.) forfeited on his behalf by beating Qanbar three lashes.’[al–Kafi, v. 7, p. 260, no. 1]

The Role of Implementing the Penal Law in Atonement for the Sin

دَورُ إقامَةِ الحَدّ في تَكفيرِ الذَّنبِ

14ـ رسولُ اللهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) : مَن أذْنَبَ ذَنباً فأُقيمَ علَيهِ حَدُّ ذلكَ الذَّنبِ فهُو كَفّارَتُهُ .

14– The Prophet (S) said, ‘Whoever commits a sin and then bears the punishment meted out for that particular sin, then that shall be his atonement.’[Kanz al–’Ummal, nos. 12964, 12966, 13366, 13367]

15ـ الإمامُ عليٌّ (عَلَيهِ الّسَلامُ) : ما عاقَبَ اللّهُ عَبداً مؤمناً في هذه الدُّنيا إلّا كانَ أجْوَدَ وأمْجَدَ مِن أنْ يَعودَ في عِقابِهِ يَومَ القِيامَةِ .

15– Imam Ali (a.s.) said, ‘When Allah punishes a faithful servant in this world, He is too Bountiful and too Glorious to re–punish him [for the same sin] on the Day of Resurrection.’[Tuhaf al–’Uqul, no. 12966]

Prohibition of Insulting the One Being Punished

النَّهيُ عَن إهانَةِ المَحدودِ

16ـ لمّا رَجمَ رسولُ اللّهِ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) الرّجُلَ في الزِّنا قالَ رجُلٌ لصاحِبِهِ : هذا قَعَصَ كَما يَقْعصُ الكَلبُ ، فمَرَّ النّبيُّ (صَلَّيَ اللهُ عَلَيهِ وَ آلِهِ) معَهُما بجيفَةٍ فقالَ : انْهَشا مِنها ، قالا: يا رسولَ اللّهِ صلّى اللّهُ عليكَ نَنْهَشُ جيفَةً؟! قالَ : ما أصَبْتُما مِن أخيكُما أنْتَنُ مِن هذهِ.

16– When the Prophet (S) stoned a man for adultery, a man said to his friend, ‘He died on the spot like a dog.’ So when the Prophet (S) was passing with them by the carcass of a dead animal he told them to take a bite out of it. They said, ‘O Messenger of Allah! May Allah bless you. How can we bite a carcass?!’ He replied, ‘What you have bitten from your brother is fouler than that.’[Tanbih al–Khawatir, v. 1, p. 116]

17ـ عن عبد الرحمن بن أبي ليلى : إنّ عليّاً أقامَ على رجُلٍ حَدّاً فجَعلَ النّاسُ يَسُبّونَهُ ويَلْعَنونَهُ ، فقالَ عليٌّ : أمّا عَن ذَنبِهِ هذا فلا يُسْألُ.

17– ‘Abd al–Rahman b. Abi Layla narrated: ‘Once Ali punished a man who people then began abusing and cursing. So Ali said, ‘Now this man will not even be questioned with regard to his sin [i.e. your abuse has expiated him of it].’[Kanz al–’Ummal, no. 14002]

1. The Arabic word ‘Hadd (pl. Hudud) is a word referring specifically to the punishments prescribed in Islamic law for various crimes. Lexically the word means ‘limit, boundary, border’, and refers to any such boundary. In Islamic law therefore, the same word applies to both the cause and the effect, where the transgression of Allah’s boundaries and overstepping of His limits (Hudud) necessitates the meting out of due legal punishments (Hudud) set out in the Islamic penal law. In this chapter therefore, both legal punishment and boundary or limit have been used to translate the same word depending on the individual context (ed.)

Source URL: https://www.al-islam.org/mizan-al-hikmah-scale-wisdom/legal-punishments#comment-0