



## **Dakkatol-Qada in the Mosque of Kufa from an Ancient Point of View and Judging at the Beginning of Islam**

***“Looking at the Judicial Jurisprudence of Ayatollah Mousavi Ardabili”***

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**Abstract:** Dakkato al-Qadaa is a place in the Kufa mosque where, according to historical narration, Hazrat Ali (pbuh) used to judge and many of his judgments were narrated in this place. The study of this place is important in terms of the role that mosques have played in various aspects of the spiritual and material life of Muslims. This place can be researched in several ways: the historical reference of the place; the ancient aspect of the remaining signs; Jurisprudential rulings related to judgment in the mosque. According to the studies that were carried out, such a place definitely existed in the history of Islam, and even now there are signs of it in the mosque of Kufa, which is honored and celebrated by the Shiites of the Prophet, which is one of the characteristics of The richness of Islamic civilization is in terms of judicial functions. The knowledge of this specific place depends on the knowledge of the mosque of Kufa on the one hand and the examination of the place of mosques in the Islamic culture and civilization and how proceedings were conducted in the early ages of Islam. This article is organized with a descriptive and analytical method using the remaining written documents and physical works available in the place.

**Keywords:** *Dakkatol-Qada, Kufa Mosque, the Rules of Mosques, Judicial Jurisprudence, Ayatollah Mousavi Ardabili.*

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## **Introduction**

Undoubtedly, one of the great human civilizations has been Islamic civilization, which has had a history full of ups and downs in different eras. Islamic civilization has two material and spiritual dimensions. Its material dimension is the physical manifestations of civility such as schools, mosques and architecture. But its spiritual aspect is manifested in the Holy Qur'an and the Sunnah of the Prophet (pbuh), imams (pbuh) and the righteous. Mosques are one of the most significant buildings of Islamic civilization, which were realized from the early days of the formation of the Islamic nation in Medina. Mosques are both perfect examples of visual beauty and manifestations of deep religious beliefs. The mosque has various functions in Islam, and the common feature of all of them is the element of "social solidarity". Praying in the mosque and in congregation is preferred over the morning prayer at home. Friday prayer is held in the mosque, which itself is the center of the social organization of Muslims. In the early ages, the mosque served as an educational institution for the education of the new Muslims, and the religious scholars explained opinions and issued fatwas. Wayans and rulers in the mosque try to make political and religious speeches. During his brief caliphate, Ali (pbuh) delivered most of his famous sermons in the mosque of Kufa. After Masjid al-Haram and Masjid al-Nabi in Mecca and Medina, Kufa Grand Mosque is considered one of the oldest and most important mosques in Islam. According to historical reports, this mosque was founded in the 17th year of Hijri by Saad bin Abi Waqqas, and later became one of the important scientific, educational, political and cultural centers of the Islamic world. Judging is one of the things that were common in early mosques. The Holy Prophet (pbuh) used to judge in the mosque sometimes. Also, there is a place in Kufa Grand Mosque called Dakkatol-Qada, where Hazrat Ali (pbuh) used to judge and arbitrate between people. Iranians have always loved their imams and their mosques and shrines have been places to express this love. One of the places that has always attracted the attention of Shiites is the mosque of Kufa and Dakkatol-Qada, which Iranian architects played an important role in building.<sup>1</sup>

In the present article, which has been provided through descriptive and analytical methods and using library tools, documents, books, signs and photographs left behind, regarding the Dakkatol-Qada, from the archaeological point of view and the judicial function of the mosque. In Head of Islam, it has been examined and some of the opinions of Islamic jurists regarding the rulings of judgment in the mosque have been analyzed. In this article, the following questions are answered.

A) Is the existence of such a place with this special function documented? b) How much of this tangible cultural and ancient heritage remains? c) What is the role of Dakkatol-Qada in the Islamic judicial system in the first century? d) Do the jurists agree on the correctness of the verdict in the mosque, and what is the opinion of Ayatollah Mousavi Ardabili as the first judge of the Islamic Republic of Iran in this regard?

## **Concepts of Research**

### *The Concept of Dakkah*

The word "Dakkah" comes from "D K K" which means to beat and flatten underfoot (Zubaidi, 1994: 13/559; Johari, 1987: 4/1583), to destroy mountains and walls and the like (Ibn Manzoor, 1985: 10/424), To knock something down to the level of the ground (Abd al-Qader, 1994: 115).

This material has been used several times in the Holy Quran. Once he describes the earth to be crushed when the Day of Judgment is established: it is not as they think! When the earth is crushed hard (Ibid 89). And once he uses the word "Dakkah" in an infinitive sense: and the earth and the mountains will be removed from their place and they will be crushed and disintegrated

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1. So far, no research has been done about Dakka al-Qada from this point of view



at once (Haaqa, 14). However, the meanings mentioned by lexicographers for this word "Dakkah" are: a high place where people sit and its plural is "dokak" (Toraihi, 1988: 2/47); in the sense of the shop (Abd al-Qader, 1994: 115); Unhewn stone, smooth stone, gravel under the base, bench, gravel under the iron line (Azranush, 2014: 201). From all the words of lexicographers as well as common usages, we can conclude that "stall" is a place where a person or people are placed for a specific purpose, and usually this place is either a smooth or non-smooth stone. or soil that has been flattened. Today, we use "Dakkah" in Persian language, which means a small shop, a booth and a place prepared for any kind of service.

#### *The Concept of Qada*

Qada has many meanings in the Arabic language, such as judgment, knowledge, declaration, speech, certainty, order, creation, verb, completion and Graduates (Johari, 1987: 6/2463; Abu Hilal Askari, 1992: 431; Ibn Athir, 1985: 4/78). But perhaps it can be said that its most famous meaning is ruling and judging (Johari, 1987: 2463/6). In Persian dictionaries, almost the same themes are mentioned for Qada: commanding and decreeing, dying, sudden Qada; Sudden and sudden death (Dehkhoda, under the term Qada). The word "judgment" has been used many times in the Holy Qur'an in different meanings such as ruling, taking life. They swear by your Lord that they will not be believers unless they ask you to judge in their disputes; And then do not feel discomfort in their hearts from your judgment; And completely surrender (Nesa', 65).

But in the term of the science of jurisprudence and law, Qada means to judge and settle the enmity between people in a matter of matters. In the definition of Qada, the first Shahid writes: "Judgment is the guardianship of having a Shariah mujtahid on the verdict" (Shahid 1, al-Doruos, 2/65). Shahid Thani also defined Qada in this way: "The jurisdiction of the sharia mujtahid is to judge according to sharia laws and apply those laws to certain people from the people by proving their rights and enforcing them" (Shahid Thani, Masalek, 1990: 323/13). Others have also defined "Qada" in the same terms (Yazdi, 1997: 2/1; Khomeini, 1970: 2/404). In these definitions, some have made a problem with the term "Qada" which, for example, does not include limits, punishments, retribution, and issues (Mousavi Ardabili, 1988: 37) or includes the rulings of children, madmen, and absentees (ibid). Therefore, it is better to say the following in the definition of "Qada": it is a position of the government, and a guardianship is from someone who has guardianship over the people (Mousavi Ardabili, 1988: 38).

#### *The concept of the Dakkatol-Qada*

In many historical, supplication, jurisprudential and theological books, a place in the Kufa mosque is mentioned, which is known as "Dakkatol-Qada". This place, which has no shade, is usually used for the judgments of Hazrat Ali (pbuh). In the rest of the article, we will discuss this issue in detail. But for now, we will briefly say: historical and narrative sources mention a place called "Dakkatol-Qada" which was located in a corner of Kufa Grand Mosque. It does not have a shade and next to it, "Dakkato- al-Tasht" is located. It seems that what exists today is exactly where it existed in the past. According to historical and narrative reports, many judgments have been made by Hazrat Ali (pbuh) in the place of Dakkatol-Qada, although his judgments were not limited to this place. In this place, Imam Ali (pbuh) sometimes dealt with matters other than judgment. For example, it has been reported that some have come to the Prophet in this place to confess their sins and purify themselves. In the books of narratives and supplications, many virtues have been entered for the mosque of Kufa and Dakkatol-Qada, and also certain actions have been entered. One of the most important topics in jurisprudence is the issue of judging in the mosque. Those who consider judging in the mosque as permissible and even recommended, have referred to this place, Dakkatol-Qada.



### ***Mosque in the Islamic city***

In the ups and downs history of Islam, "Mosque" has always had a noble position. Basically, Islamic culture and civilization cannot be imagined without the concept of "mosque". As the most important element of the Islamic city, the mosque has had a colorful presence. As soon as the Prophet of Islam (pbuh) entered Medina, he started to establish a mosque, which became a model for other cities in the Islamic world. After this, the mosque became the center of the Islamic city and found other functions in addition to the religious role. Mosques were also the first universities of Muslims. Many teaching and educational circles are organized in mosques. Also, many large libraries were formed near mosques.

### **The City of Kufa from an Ancient Perspective:**

In the works of Islamic and non-Islamic historians and geographers, there is no sign of the existence of a city called Kufa in the pre-Islamic history, and the existence of any civil society has not been reported there, and they all date back to the year 17 Hijri. They have recorded the date of construction of this city. Of course, about six kilometers from Kufa, there was the ancient city of Hayra, which was once the capital of "Maluk Lakhmi". The name of the area in which Kufa is located was called "Surestan" during the Sassanid period. This shows that before Islam, Kufa was not more than a desert and because there was sand and gravel mixed together, it was called Kufa (Rahbari, 2012: 123). The reasons for naming Kufa are: place, gathering, place of red sands, circular place. According to religious traditions, the history of Kufa dates back to the time of Adam, Noah, Abraham and Hud. In some Persian historical books, the founder of this city is considered to be Hoshang Pishdadi, one of the Persian kings during the Achaemenid period. In the ancient excavations of the past years in the western area of Karbala, 40 kilometers away from Kufa, they found artifacts such as axes and stone knives from the prehistoric era. If it continues in more depth, it may prove some religious traditions about its habitation and prosperity at that time (Khulosi Rad, 2014: 16).

### ***Urbanization of Kufa***

Kufa is a city in Iraq on the right side of the Kufa river (one of the branches of the Euphrates), which is located 10 kilometers from Najaf. An important historical city built by Saad bin Abi Waqqas in 638 AD (17 AH). After Medina and Abyssinia, Kufa became the third center of Muslim migration in 17 AH (Rahbary, 2012: 124). We can say that Basra was the city of science and Kufa was the city of art. Basra established the rules of Arabic science and Kufa strengthened the principles of Arabic art, but neither of them was without need of each other. Ibn Anbari has written a book comparing the two cities called "Alensaf in the Differences of Basrieyn a and Kufiyejn". Ibn Masoud is the leader in the scientific movement of Kufa because Ali (a.s.) was involved in political affairs during his caliphate in Kufa and was not free from the intrigues and malice of the ignorant even for a single day (Al-Bayumi, 1983: 322-325).

### ***Kufa Mosque Building***

According to history, in the first centuries of Hijri, the procedure was that in urban planning, the location of the Grand Mosque was determined first, and then the map of the streets and neighborhoods was considered in accordance with the possibility of easy access to the Grand Mosque. The foundation of the city of Kufa was also established on the same basis, and first they chose the location and area of the city's Grand Mosque. After the walling of the mosque, the canopy, roof and portico were built with marble columns. These stones and bricks, which were hidden under the soil in the ruins of Khosravan Palace in the ancient city of Hira, were extracted and transported to Kufa Mosque. A moat was also dug around the mosque so that the enemy would not attack it

or someone could seize the mosque and build a house or business in it. It is said that Qaliph II ordered Saad to make the area of the mosque proportional to the number of soldiers. Therefore, Saad founded it to accommodate forty thousand people. The next governors of Kufa during the time of Mu'awiya, who were Mughira bin Sha'bah and Ziyad bin Abiyya, increased the area of the mosque to accommodate sixty thousand people (Rahbari, 2012: 124-126). Ibn Jubayr, who visited the city of Kufa in 580 AH, wrote in his travelogue: "The old Grand Mosque is at the eastern end of the city, and it has five porticoes from the Qibla side, and two porticoes each on the other sides, and these porticoes There are hard-hewn stone pillars that are placed on top of each other and connected with lead... These pillars are raised very high and connected to the ceiling, as seen from the sky. Its height is astounding and I have not seen a mosque on earth with taller columns and a higher ceiling than that mosque (Rahbari, 2012: 126).

Historical books are used in such a way that the mosque of Kufa was first built and then the city of Kufa was founded around it (Ibn Mozahm, 1990: 3). The mosque of Kufa was built in the 17th year of Hijri and rebuilt in the 50th year by Ziyad bin Abiyeh (Ghonaimah, 2018: 64). Before Ali (a.s.) migrated to Kufa, Abdullah bin Masoud was in charge of teaching the Qur'an and rules in this mosque. People like Shoraih Ghazi, Shaabi, Alqamah bin Qays, Ibn Jubeir were among his students (Farahati, 2008: 238 and 268). Also, Huzaifah bin Yaman, a great companion of the Holy Prophet (pbuh), had a circle of lessons and debates in this mosque and gave fatwas to the people (Amin, 1406: 4/594). Abu Hanifa was one of the others who worked as a teacher in this mosque, who taught and gave fatwas for 30 years (Farahati, 2017: 234). Ali (a.s.) entered the city of Kufa with the welcome of the people, almost twenty years after establishing and finding political centrality. At that time, the Kufa mosque was the center of Prophet's preaching and he made the people benefit from his blessings at every opportunity. The famous sermons of the Prophet were often delivered in this mosque (Farahati, 2003: 239).

The mosque of Kufa expanded and expanded to such an extent that it became one of the important scientific centers during the Abbasid government and was in close competition with the Basra Mosque (Ghonaimah, 2018: 64 and 215). The judges used to sit among the people in the mosques to give verdicts, and whenever the litigants came to the court, they would judge them there. During his caliphate, Hazrat Ali (pbuh) used to sit to judge between the parties in a dispute in a place known as Dakkatol-Qada'at and next to a place known as Bayt al-Tasht. There was a small pillar on which the sentence (God commands justice and charity) was written, but the oppressive rulers destroyed it and today there is no sign of it left (Boraghi Najafi, 2009: 292-293). According to the news of books of biography and history, Kufa mosque is older than all mosques except the Masjedol-Haram. It is narrated that Kufa Mosque was a place of worship and a blessed place that God blessed before the creation of Adam (pbuh). The traveler should pray brokenly except in four positions, one of which is the Kufa Mosque. It is good for a traveler to pray in it, complete or broken, and this is considered one of the virtues of the mosque of Kufa (Boraghi Najafi, 2009: 32). Many people, including Sheikh Sadouq, have spoken about the antiquity of the Kufa mosque in his book *Man La Yahdoroh al-Faqih*. The last person who spoke about the antiquity of the Kufa Mosque is Seyyed Muhammad bin Seyyed Abdul Karim Tabatabai, the grandfather of Allameh Bahrul Uloom, who wrote a treatise on the virtues of the Kufa Mosque. Also, an incident has been narrated from the Prophet (pbuh) on the night of his ascension in the mosque of Kufa. According to the famous and transmitted saying, Hazrat Adam (pbuh) is the first person who founded the mosque of Kufa and has made many changes over the years (Boraghi, 2009: 44). The great traveler Ibn Battuta also describes Kufa in his travelogue. He entered the city of Kufa at the end of 725 AH. He says: Kufa is one of the major cities in Iraq, which is distinguished from other cities by having several features. Kufa is the tomb of the Companions and followers, the place of scholars and the righteous,



and the place of Hazrat Ali (pbuh) (Boraghi, 2009: 148). Someone asked Imam Baqir (a.s.): After Masjid al-Haram and Masjid al-Nabi (pbuh), which land is more virtuous? Hazrat said: It is a pure and pure land, in which are the graves of the Prophets and the Messengers of God, and the Suhail Mosque (Kufa), in which God did not send any prophet except that he prayed in that mosque, and in it, divine justice appears (al-Mashhadi, 2008: 11-12).

Also, Imam Sadiq (a.s.) said: Prayer in Mecca, the sanctuary of God, His Messenger and Ali (pbuh), is equal to one hundred thousand prayers and one dirham of charity in it is equal to ten thousand dirhams, and Medina is the sanctuary of God and Ali (pbuh). In Kufa, the shrine of God, His Messenger and Ali (pbuh) is equal to a thousand prayers and one dirham in charity is equal to a thousand dirhams (same). Imam Baqir (pbuh) says: If people knew about the (virtues) of the Kufa mosque, they would have prepared money and luggage from distant places to go there. Obligatory prayer in the mosque of Kufa is equal to one Hajj and recommended prayer is equal to one Umrah. It is mentioned in Bihar book that Imam Sadiq (pbuh) says: The city of Kufa is one of the gardens of heaven, and in it are the graves of Noah, Abraham, 370 prophets and 600 heirs, including Seyyed al-Awsiya, the Amir Momenan (pbuh) (Al-Borraqi, 2009: 62-64). Kufa Grand Mosque is the first building that was built in this city in 17 AH. This mosque, which was relatively simple, was built with strength and better materials after the life of the congregation and the second mosque. The builder of the mosque was an Iranian named Rouzbeh, son of Bouzarjomehr. The mosque has a capacity of 40 thousand people with 12100 meters. The roof of the nave is made of raw clay or brick, which is provided from Hirah, and arching is done on those surfaces. During the time of Hazrat Amir (pbuh) in the years 36 to 40 AH, this mosque was built in the same form as the mosque built during the time of Saad bin Abi Waqqas and had a mosque (Khulosi Rad, 2014: 21).

### ***Date of Dakka al-Qadaa***

Historical, jurisprudential and hadith books are used in such a way that a place was built in Kufa Grand Mosque where Ali (pbuh) used to sit to judge between people and this place became known as "Dakkatol-Qada". It means the platform of judgment. With all the changes and transformations that have taken place in the mosque of Kufa during the past fourteen hundred years, but this place is still known and known so that it is recommended to recite special prayers that came from the leaders of Imamia in this place. It is stated in the book of Fadael Shazan bin Jabreel Qomi: Safwan Akhal says that it was narrated from Ammar bin Yasir that Ali (pbuh) was sitting on the daqa of the court when a man named Safwan bin Akhal said to him: I am one of your Shiites and I have sins on my neck and I want you to purify me in this world before I die... (74-76). This news has also been mentioned in some other books and it is considered as one of the miracles of the Prophet (Qomi, 1997: 48-50; Majlesy, 1983: 42/43-44). From this news, it appears that the Prophet has usually come to the Judiciary to deal with people's judicial issues. In some narrations, it is mentioned that before delivering the sermon of Sheqsheqiyyah, the Prophet was sitting on the Dakkatol-Qada in the mosque of Kufa, and Ammar was next to him and the people surrounded them (Al-Bahrani, 1/548).

Ammar Yasir says that on Monday, the 17th of Safar, I was in the presence of my teacher Amir Mominan (pbuh) when a noise disturbed the people. The Prophet said, "Bring me Zulfiqar, whose weight was seven and two thirds of a Makki man (Majlesy, 1983: 40/277-278). It has been narrated from Jabir bin Abdullah Ansari that one day after the battle of Safin and the matter of rulers, Ali (pbuh) was sitting on the Dakkatol-Qada, when four tall men entered him (Tabary, 1990: 30-31). Prayers from imams (pbuh) have entered next to the Judiciary tent. It is recommended to recite this dua after two rak'ahs of prayer in the Dakkatol-Qada: Ya Maliki and Momaliki and..., the grace of al-Kufah and mosques (Mashhadhi, 2008: 82). Allama Majlesy also considers two rak'ats of prayer

and supplication next to the dakkatol -Qada as mustahabb in Bihar: Ya Maliki and Momaleki (Majlisi, 1983: 97/411). Namazi Shahroudi, after explaining the literal meaning of "stall", considers Dakkatol-Qada as a place in the mosque of Kufa, where some of Ali's judgments are located, referring to (Namazi, 1998: 3/336). According to Seyyed Mohsen Amin, a scholar named Mirza Mahmoud Tabatabaei Tabrizi, who died in Mecca in 1310 A.H., wrote a book entitled "Dakkatol-Qada fi al-Shahada wa Al-Qada" about Dakkatol-Qada (Amin, 1986: 10 /107).

### ***The Jurisprudence of Judging in the Mosque***

Mohaghegh Helli writes: Constant judgment in the mosque is abhorrent, but if it happens by chance, it is not abhorrent. Some have said that there is absolutely no malice due to what has become famous from the judgments of Ali (a.s.) in the Jama Mosque of Kufa (Mohaghegh, 1983: 4/74). It should be noted that this issue has three views (Mousavi Ardabili 1988: 244).

#### *First Istehbab's Point of View*

The reason for this promise is that the Prophet (pbuh) performed judgments in the mosque (Sahib Jawahar, 1986: 40/80) and Ali (pbuh) (Mousavi Ardabili, 1988: 224) and the Dakkatol-Qada is still famous to this day. This is why the Mohaghegh Helli said: If it happens rarely, it is not makruh. Therefore, judgment in the mosque is abominable if it is permanent and not absolute. Rather, it may sometimes be obligatory, such as when a judgment takes place in the mosque and its delay conflicts with the urgency or other matter. Some jurists also absolutely did not consider judging in the mosque to be abhorrent, such as Sheikh Tusi, and their reason was the well-known judgments of Ali (pbuh) in the mosque of Kufa (Majlesy, 1983: 277/40; 167/62). Rather, from the appearance of the mask and the end, its approval is obtained because judgment is the best of obedience and the mosque is also one of the most honorable places. It is mentioned in some books that when Ali (pbuh) came to know that Shurih was judging in his house, he said: O Shuraih! Sit in the mosque because it is more suitable for justice among the people, and judging at home is the cause of the judge's humiliation (Sahib Jawahar, 1986: 80/40).

#### *Second Disgusting point of view*

The reason for this statement is that the mosque was built only for prayer and remembrance of God, and the Prophet (pbuh) also said: Keep children, madmen, enmity and raising your voices away from the mosque (Sahib Jawahar, 1986: 40/80), and judging Doing often entails these things. Rather, sometimes it is necessary to summon children and madmen and even polytheists and those who do not avoid impurity (Mousavi Ardabili, 1988: 225). Sheikh Sadouq is disgusted because of acting on the public of the previous news and the fact that he carried the actual events on the basis of necessity and the principle of permissibility (Mousavi Ardabili, 1988: 226). In the decrees of the mosque in the book Salat (Sahib Jawahar 1986: 115-14/117) quoting from a number of books of the Companions, this matter (the abhorrence of judging in the mosque) has been specified, although some have said that the meaning of the abhorrence is imprisonment in the mosque because of It is the payment of rights (Mousavi Ardabili, 1988: 226). Some have said that judgment is not abominable because it is judgment, and its superiority is not unlikely. Yes, sometimes it is accompanied by things that should not be done in the mosque; Which of course is out of the question (Mousavi Ardabili, 1988: 226). It should be noted that it has not been heard that today in one of the Islamic countries, the mosque has been placed as a place of judgment and proceedings (ibid). Shahid Thani writes about judging in the mosque: One of the abominations of the mosque is judging in the mosque, either absolutely or on the condition that it is accompanied by arguments and hostility, or sitting in the mosque for the purpose of judging, or permanently. accept And there is a special reason for Ali (pbuh) to judge in the mosque. Therefore, if the judge is sitting in the



mosque and by chance a case is referred to him, the judgment will not be abominable because this judgment is from speeding up the good that was ordered and of course the action of Hazrat Ali (pbuh) should be carried on one of these three forms, especially the last one, although the existence of "Dakkatol-Qada" is not compatible with this bearing (Shahid Thani, 1990: 1/546-547).

One of the abominations of the mosque is judging between people and establishing boundaries in the mosque, and it has been argued according to the narration of Ali Ibn Asbat. Ruling on hatred is well-known among the Imami jurists, but Sheikh in Khilaf and Ibn Idris have ruled against hatred, and Allama has considered it almost right in various cases with the argument that judging is a type of obedience, according to It is permissible to do it in a mosque that was founded for obedience, and secondly, Amir al-Mu'minan (pbuh) judged in the mosque of Kufa, and "Dakkatol-Qada" is still famous today. Allamah has given the following answer from the narration of Ali Ibn Asbat that its evidence is weak and it is also possible that what is abominable is the execution of rulings such as imprisoning people for rights in the mosque, not the judgment itself. Saheb Madarek said: Allameh,s words is good. And Rawandi has assigned the prohibition to a case that is accompanied by judgment, controversy and hostility. Some people have said that the verdict of disgust is a judgment if it is permanent, and if it is accidental, then it is not disgust. However, the narration of "Dakkatol-Qada" rejects these two justifications because the appearance of Dakkatol-Qada was such that people often went to the Prophet in the mosque for intercession, and basically no other place for his judgment was mentioned (Bahrani, 7 /286-277). One of the abominations of the mosque is the enforcement of judgments and proceedings, and this issue has been mentioned in various books, and it is mentioned in the margins of the documents that this sentence is famous because of the message of the sender, and on the other hand, judging in the mosque causes arguments, noise and inappropriate events in the mosque. It is possible that it has been prohibited. But in Nahayeh, Mabusut, Montaha, Tahrir, Nahayah Al-Ahkam and Dorus, only ruling is mentioned, not the enforcement and execution of the rulings, which either means that the aversion is only related to doing it once, or it means the enforcement of the execution of the rulings such as imprisonment, Hodood And Tazeer and the like. However, in the book of Sharia, Irshad, Talkhis, Mafatih, Salat al-Bayan and Hashie Irshad, it is considered abominable to continue judging in the mosque, and the Shahid called it good in Masalek. Allameh believes in Tahrir that a rare and occasional ruling in the mosque is not makruh, but what is the meaning of making a permanent ruling? It has been said that it is not an abomination to judge Hazrat Amir (pbuh) in the mosque of Kufa. Also, it is not considered makruh to judge in the Masjid in the Mabsout, Khilaf, Saraer, Mohktalaf, and Jami Al-Maqasad, and it is said in the Saraer that it is more worthy of the Imamiyyah religion, because the Amir (pbuh) used to judge in the Jami Mosque of Kufa without any dispute. And "Dakkatol-Qada" is known to this day as it is located in the middle of Kufa Mosque and it is also known as "Dakkatol-Tasht" and there is no shadow over it. Sheikh Tusi writes: Without any dispute, the Prophet (pbuh) used to judge in the mosque, and if it was abominable, he would not do it, and Ali (pbuh) used to judge in the mosque of Kufa, and the courthouse until today (the time of Sheikh Tusi). It is known and this matter is the consensus of the Companions. It is stated in the book Talkhis al-Talkhis: The Companions of the Imamiyyah have absolutely accepted the permissibility of judging in the mosque, but the appearance of their words is to Estehbab it, such as Sheikhin, Taqi, Salar, Qazi and Fadel. In my opinion (the author of Miftah al-Karamah), even if the continuation of Ali's (pbuh) judgment on the Judiciary in the Grand Mosque of Kufa and the fact that the "Dakkatol-Qada" was for strange events is denied, but there is a way to deny the Prophet's (pbuh) vigilance on the judgment. It does not exist in the mosque. On the other hand, there is no reputation for the abomination of judgment in the mosque to compensate for the weakness of the news, in addition to the fact that this news can be interpreted in several ways (Aamili, 1999: 6/288-293).





Mirza Qomi knows best among the traditions that judging is abominable if it leads to bloodshed, and he does not see it as incompatible with the topic of "Dakkatol-Qada" because it is possible that the Dakkatol-Qada was placed in the mosque for this reason. or it was from the coordinates of Ali (AS) (Qomi,1997: 2/241).

What is meant by the enforcement of the rulings that the author and others have said is the giving of rulings and making judgments in proceedings, not the expression of Shariah rulings for the purpose of education. The reason for the prohibition of judging in the mosque is the same explanation that is stated in some narrations that mosques are built for prayer and Quran, but judging in the mosque causes arguments and debates that are not compatible with the dignity of the mosque. Of course, this argument has been challenged that judging is one of the acts of worship that belong in the mosque, and the judgment of Ali (pbuh) is famous in the mosque of Kufa, and even Dakkatol-Qada is famous to this day. Sheikh Tusi writes: There is nothing wrong with the fact that the Prophet (pbuh) used to make judgments in the Grand Mosque, which he would not have done if it was makruh. Likewise, Ali (pbuh) used to make judgments in the mosque of Kufa, and Dakkatol-Qada is still famous (sheikh) to this day. I even remember that the famous sentence of Dawood took place in the mosque (Sahib Jawaher, 1986: 14/115-117; 40/79-81).

Sitting in the mosque to listen to lawsuits and make judgments constantly, according to the researcher and author, is abominable because of the saying of the Prophet (pbuh): Avoid buying and selling, bringing children and madmen, and judging in the mosques, as well as the saying of the Prophet (pbuh) : Mosques are only for prayer and remembrance of God. Of course, there is a problem in the implication of this hadith, not because it is the qada, the remembrance of Allah, but because it does not imply the abhorrence of other than the remembrance of Allah and prayer. And for this reason, the jurists have not ruled on the abhorrence of other actions other than dhikr and salat. The next point is that the appearance of these narrations is absolute disgust and that some have said that if the judgment is scattered, there is no disgust, it is because of the actions of the Prophet (pbuh) and Ali (pbuh) and Dakkatol-Qada stall in the famous mosque of Kufa. Is. But maybe this judgment was only once in a special event that was obligatory or mustahab for some reason, and maybe it is for this reason that Saduq gave a fatwa on absolute hatred in Faqih and muqne, but from Mabusut and khilaf, the absence of absolute hatred is mentioned. and it is possible that it is due to the shortcomings of the mentioned traditions. On the contrary, it is from the Moqne, nahaye, Marasem and saraer that It turns out that judging in the mosque is recommended judging in the mosque is desirable because judging is one of the best acts of obedience and the mosque is also one of the most honorable places, and also because of the famous "judgment shop" in the mosque of Kufa. It is mentioned in Kashf al-Latham that Ali (pbuh) was informed that Shoraih was judging in his house. The Prophet said to him: O Shoraih, sit in the mosque because it is more just for the people and it is not acceptable for the judge to judge at home. Of course, the problem with the first reason is that we agree that judging in the mosque is not abominable per se, as if the preliminaries of the verdict are fulfilled outside the mosque and the verdict is given in the mosque; Therefore, it is important that the mosque is considered as a place for people to benefit. And the problem with the second reason is that the transmitted narration in the case of Shoraih lacks authenticity; In addition, perhaps what is meant by "justice between people" is that it is easier for people because some may not know the judge's house. But the popularity of "Dakkatol-Qada" may be due to the occurrence of some strange judgments like what happened in the "Bait al-Tasht" case, which does not indicate the continuity of Imam (a.s.). In any case, the issue is a source of problems and it is better to leave it (Ansari, 1995: 85-88).



### *Judging in the Mosque in Sunni Jurisprudence*

Sunnis also differ on the issue of judgment in the mosque. The Ahnaf and Hanbali consider it permissible and their reason is the actions of the righteous predecessors such as Shoraih, Hasan, Shaabi, Mohareb bin Dinar, Yahya bin Yamor, Ibn Abi Layli and Ibn Khaldah Qazi Omar bin Abdul Aziz and also from Omar, Uthman and Ali (pbuh) It was narrated that they used to judge in the mosque (Ibn Qodamah, 10/41). But the Malekeis only allow judging in the mosque's rehab, and when Imam Malik was asked the reason for it, he said: Judging in the mosque has been right since ancient times. Judges will find their hands (Malik bin Anas,1994: 4/13). However, Shafi'i consider judging in the mosque to be abominable except in two cases, one where the disputants agree before the judge in the mosque, or in order to intensify the oaths on the disputants while they are unhappy with the ruling in the mosque (Noor, 2016: 218). It should be noted that today, with the evolution of society, the judicial situation has also changed, and countries have special courts that are responsible for judging, and therefore, the principle is that the judge should judge in court, and there is no need to judge in court. It is not a mosque. But it is possible for some good people to judge or arbitrate in a corner of the mosque in an enmity between two people or two families, provided that raising the voice and disrespecting the mosque is avoided.

### **Notes**

1. The city of Kufa was founded in the seventeenth year of the Hijri by Saad Abi Waqqas, although in religious texts, its original construction is attributed to the era of the great prophets.
2. Kufa Grand Mosque was founded at the same time or even before the city of Kufa was founded and quickly became one of the important scientific, religious and political centers of the Islamic world.
3. The building of Kufa mosque was very simple in the beginning and was influenced by Sassanid architecture in Iraq.
4. There were many positions in the mosque of Kufa, one of which was a place called "Dakkatol-Qadaa". There are many narrations that Hazrat Ali (AS) has passed judgment in this place. This place, which did not have a shade and a stone platform, was used for other purposes, such as resolving people's affairs.
5. The investigations carried out indicate that this place still exists in the Grand Mosque of Kufa, and because of the many virtues that have been mentioned about it, it is highly regarded by Shiites.
6. Judging Ali (pbuh) in this place indicates the permissibility of judging in the mosque, while there are narrations from the Prophet (pbuh) condemning judging in the mosque. Shia and Sunni jurists have expressed different views on this matter.

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