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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

كتاب الطلاق

THE BOOK OF DIVORCE (2)

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَّم 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 الْوَقْتِ الَّذِي تَبَيَّنَ مِنْهُ الْمُطَلَّاقَةُ وَالَّذِي يَكُونُ فِيهِ الرَّجْعَةُ مَتَى يَجُوزُ لَهَا أَنْ تَتَزَوَّجَ

Chapter 26 – The time which she becomes irrevocably divorced from him, and in which there happens to be the reversion, when is it allowed for her to re-marry?

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُذَيْنَةَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ أَصْلَحَكَ اللَّهُ رَجُلٌ طَلَّقَ امْرَأَتَهُ عَلَى طَهْرٍ مِنْ غَيْرِ جَمَاعٍ بِشَهَادَةِ عَدْلَيْنِ فَقَالَ إِذَا دَخَلَتْ فِي الْحَيْضَةِ الثَّلَاثَةِ فَقَدْ انْقَضَتْ عِدَّتُهَا وَحَلَّتْ لِلْأَزْوَاجِ قُلْتُ لَهُ أَصْلَحَكَ اللَّهُ إِنْ أَهْلَ الْعِرَاقِ يَرَوُونَ عَنْ عَلِيٍّ (صَلَوَاتُ اللَّهِ عَلَيْهِ) أَنَّهُ قَالَ هُوَ أَحَقُّ بِرَجْعَتِهَا مَا لَمْ تَغْتَسِلْ مِنَ الْحَيْضَةِ الثَّلَاثَةِ فَقَالَ فَقَدْ كَذَبُوا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Zurara,

(The narrator says) 'I said to Abu Ja'far^{asws}, 'May Allah^{azwj} Keep you^{asws} well! A man divorces his wife upon purity, from without sleeping with her, with two just witnesses. So he^{asws} said; 'When she enters into the third menstruation, so she has fulfilled her waiting period, and she is Permissible for her husband'. I said to him^{asws}, 'May Allah^{azwj} Keep you^{asws} well! The people of Al-Iraq are reporting from Ali^{asws} that he^{asws} said: 'He is more rightful with reverting back to her for as long as she has not washed from her third menstruation'. So he said, 'They are lying'.¹

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ أَبِي نَصْرٍ جَمِيعاً عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الْمُطَلَّاقَةُ إِذَا رَأَتْ الدَّمَ مِنَ الْحَيْضَةِ الثَّلَاثَةِ فَقَدْ بَانَتْ مِنْهُ .

Ali, from his father, from Ibn Abu Umeyr, and a number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, both together, from Jameel Bin Darraj, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The divorced woman, when she sees the blood from her third menstruation, so she is irrevocably divorced from him'.²

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ ابْنِ بُكَيْرٍ وَ جَمِيلِ بْنِ دَرَّاجٍ وَ عُمَرَ بْنِ أُذَيْنَةَ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الْمُطَلَّاقَةُ تَبَيَّنَ عِنْدَ أَوَّلِ قَطْرَةٍ مِنَ الْحَيْضَةِ الثَّلَاثَةِ قَالَ قُلْتُ بَلَّغَنِي أَنَّ رَبِيعَةَ الرَّأْيِ قَالَ مِنْ رَأْيِي أَنَّهَا تَبَيَّنَ عِنْدَ أَوَّلِ قَطْرَةٍ فَقَالَ كَذَبَ مَا هُوَ مِنْ رَأْيِهِ إِنَّمَا هُوَ شَيْءٌ بَلَّغَهُ عَنْ عَلِيٍّ (عَلَيْهِ السَّلَامُ) .

Ali, from his father, from Ibn Abu Umeyr, from Ibn Bukeyr, and Jameel Bin Darraj, and Umar Bin Azina, from Zurara,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The divorced woman becomes irrevocably divorced during the first drop from the third menstruation'. I said, 'It has reached me that Rabi'e Al-Raiy said, 'It is from my opinion that she

¹ Al Kafi – V 7 – The Book of Divorce Ch 26 H 1

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

becomes irrevocably divorced during the first drop of blood'. So he^{asws} said: 'A lie! It is not from his opinion. But rather, it is a thing which reached him from Ali^{asws}'.³

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ إِسْمَاعِيلَ الْجُعْفِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ رَجُلٌ طَلَّقَ امْرَأَتَهُ قَالَ هُوَ أَحَقُّ بِرَجْعِهَا مَا لَمْ تَقَعْ فِي الدَّمِّ مِنَ الْحَيْضَةِ الثَّلَاثَةِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Ishaq Bin Ammar, from Ismail Al Ju'fy,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I said to him^{asws}, 'A man divorces his wife'. He^{asws} said: 'He is more rightful with reverting back to her for as long as blood has not fallen from the third menstruation'.⁴

وَ عَنْهُ عَنْ صَفْوَانَ عَنْ ابْنِ مُسْكَانَ عَنْ زُرَّارَةَ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) قَالَ الْمُطَلَّقَةُ تَرِثُ وَ تُورَثُ حَتَّى تَرَى الدَّمَ الثَّلَاثَ فَإِذَا رَأَتْهُ فَقَدْ انْقَطَعَ .

And from him, from Safwan, from Ibn Muskan, from Zurara,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'The divorced woman inherits and is inherited (from) until she sees the third blood. So when she sees it, so she is cut-off'.⁵

حُمَيْدُ بْنُ زِيَادٍ عَنْ ابْنِ سَمَاعَةَ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ جَمِيلِ بْنِ دَرَّاجٍ وَ صَفْوَانَ بْنِ يَحْيَى عَنْ ابْنِ بُكَيْرٍ وَ جَعْفَرَ بْنِ سَمَاعَةَ عَنْ ابْنِ بُكَيْرٍ وَ جَمِيلِ كُلِّهِمْ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ أَوَّلُ دَمٍ رَأَتْهُ مِنَ الْحَيْضَةِ الثَّلَاثَةِ فَقَدْ بَانَتْ مِنْهُ .

Humeyd Bin Ziyad, from Ibn Sama'at, from Abdullah Bin Jabala, from Jameel Bin Darraj, and Safwan Bin Yahya, from Ibn Bukeyr, and Ja'far Bin Sama'at, from Ibn Bukeyr, and Jameel, all of them from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The first blood she sees from the third menstruation, so she is irrevocably divorced from him'.⁶

حُمَيْدُ بْنُ زِيَادٍ عَنْ ابْنِ سَمَاعَةَ عَنْ صَفْوَانَ عَنْ ابْنِ مُسْكَانَ عَنْ زُرَّارَةَ مِثْلَهُ .

Humeyd Bin Ziyad, from Ibn Sama'at, from Safwan, from Ibn Muskan, from Zurara – similar to it'.

صَفْوَانَ عَنْ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَمِعْتُهُ يَقُولُ الْمُطَلَّقَةُ تَبِينُ عِنْدَ أَوَّلِ قَطْرَةٍ مِنَ الدَّمِّ فِي الْفُرْءِ الْأَخِيرِ .

Safwan, from Ibn Bukeyr, from Zurara, from Abu Ja'far^{asws}, said,

'I heard him^{asws} saying: 'The divorced woman is irrevocably divorced during the first drop of the blood in the last menstruation'.⁷

³ Al Kafi – V 7 – The Book of Divorce Ch 26 H 3

⁴ Al Kafi – V 7 – The Book of Divorce Ch 26 H 4

⁵ Al Kafi – V 7 – The Book of Divorce Ch 26 H 5

⁶ Al Kafi – V 7 – The Book of Divorce Ch 26 H 6

⁷ Al Kafi – V 7 – The Book of Divorce Ch 26 H 7

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ إِسْمَاعِيلَ الْجُعْفِيِّ عَنْ أَبِي جَعْفَرٍ (عليه السلام) فِي الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ فَقَالَ هُوَ أَحَقُّ بِرَجْعَتِهَا مَا لَمْ تَقَعْ فِي الدَّمِ الثَّلَاثِ .

Humeyd Bin Ziyad, from Ibn Sama'at, from Abdullah Bin Jabala, from Is'haq Bin Ammar, from Ismail Al Ju'fy,

(It has been narrated) from Abu Ja'far^{asws} regarding the man who divorces his wife, so he^{asws} said: 'He is more rightful with reverting back to her, for as long as the blood has not fallen regarding the third (menstruation)'.⁸

عَنْهُ عَنْ صَفْوَانَ عَنْ مُوسَى بْنِ بَكْرٍ عَنْ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عليه السلام) إِنِّي سَمِعْتُ رَبِيعَةَ الرَّأْيِي يَقُولُ إِذَا رَأَتْ الدَّمَ مِنَ الْحَيْضَةِ الثَّلَاثَةِ بَانَ مِنْهُ وَإِنَّمَا الْفَرْءُ مَا بَيْنَ الْحَيْضَتَيْنِ وَزَعَمَ أَنَّهُ إِنَّمَا أَخَذَ ذَلِكَ بِرَأْيِهِ فَقَالَ أَبُو جَعْفَرٍ (عليه السلام) كَذَبَ لِعَمْرِي مَا قَالَ ذَلِكَ بِرَأْيِهِ وَ لَكِنَّهُ أَخَذَهُ عَنْ عَلِيٍّ (عليه السلام)

From him, from Safwan, from Musa Bin Bakr, from Zurara who said,

'I said to Abu Ja'far^{asws}, 'I heard Rabi'at Al-Ra'iy saying, 'When she sees the blood from the third menstruation, she is irrevocably divorced from him, and rather the period is what is between the two menstruations', and claimed that he rather took that by his own opinion'. So Abu Ja'far^{asws} said: 'He lied! By my^{asws} life, he did not say that by his own opinion, but he took it from Ali^{asws}'.

قَالَ قُلْتُ لَهُ وَمَا قَالَ فِيهَا عَلِيٌّ (عليه السلام) قَالَ كَانَ يَقُولُ إِذَا رَأَتْ الدَّمَ مِنَ الْحَيْضَةِ الثَّلَاثَةِ فَقَدْ انْقَضَتْ عِدَّتُهَا وَلَا سَبِيلَ لَهُ عَلَيْهَا وَإِنَّمَا الْفَرْءُ مَا بَيْنَ الْحَيْضَتَيْنِ وَ لَيْسَ لَهَا أَنْ تَتَزَوَّجَ حَتَّى تُغْتَسَلَ مِنَ الْحَيْضَةِ الثَّلَاثَةِ .

He (the narrator) said, 'I said to him^{asws}, 'And what did Ali^{asws} say with regards to it?' He^{asws} said: 'He^{asws} was saying: 'When she sees the blood from the third menstruation, so she has fulfilled her waiting period, and there is no way for him upon her, and rather the period is what is between the two menstruations, and it is not for her that she should re-marry until she has washed from the third menstruation'.⁹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الْمَرْأَةِ إِذَا طَلَّقَهَا زَوْجُهَا مَتَى تَكُونُ هِيَ أَمْلَكَ بِنَفْسِهَا فَقَالَ إِذَا رَأَتْ الدَّمَ مِنَ الْحَيْضَةِ الثَّلَاثَةِ فَهِيَ أَمْلَكَ بِنَفْسِهَا

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Aban Bin Usman, from Abdul Rahman Bin Abu Abdullah who said,

'I asked Abu Abdullah^{asws} about the woman when her husband divorces her, when would she come to be in control of herself?' So he^{asws} said: 'When she sees the blood from the third menstruation, so she is in control of herself'.

قُلْتُ فَإِنْ عَجَلَ الدَّمُ عَلَيْهَا قَبْلَ أَيَّامِ قُرْبِهَا فَقَالَ إِذَا كَانَ الدَّمُ قَبْلَ عَشْرَةِ أَيَّامٍ فَهِيَ أَمْلَكَ بِهَا وَ هُوَ مِنَ الْحَيْضَةِ الَّتِي طَهَّرَتْ مِنْهَا وَ إِنْ كَانَ الدَّمُ بَعْدَ الْعَشْرَةِ الْأَيَّامِ فَهِيَ مِنَ الْحَيْضَةِ الثَّلَاثَةِ وَ هِيَ أَمْلَكَ بِنَفْسِهَا .

I said, 'So if the blood hastens to her before the days of the period?' So he^{asws} said: 'When the blood was before ten days, so he is in control of her, and it would be from

⁸ Al Kafi – V 7 – The Book of Divorce Ch 26 H 8

⁹ Al Kafi – V 7 – The Book of Divorce Ch 26 H 9

the menstruation that she had been purified from; and if the blood was after the ten days, so it is from the third menstruation, and she is in control of herself'.¹⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ بَعْضِ أَصْحَابِهِ أَظُنُّهُ مُحَمَّدَ بْنَ عَبْدِ اللَّهِ بْنِ هِلَالٍ أَوْ عَلِيَّ بْنَ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ مَتَى تَبِينُ مِنْهُ قَالَ جِبِينَ يَطْلُعُ الدَّمَ مِنَ الْحَيْضَةِ الثَّلَاثَةِ تَمَلِكُ نَفْسَهَا فَلَهَا أَنْ تَنْزَوِجَ فِي تِلْكَ الْحَالِ قَالَ نَعَمْ وَ لَكِنْ لَا تُمَكِّنُ مِنْ نَفْسِهَا حَتَّى تَطْهَرَ مِنَ الدَّمِ .

Muhammad Bin Yahya, from Muhammad Bin Al Husay, from one of his companions, he thinks it was Muhammad Bin Abdullah Bin Hilal or Ali Bin Al Hakam, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I asked him^{asws} about the man who divorces his wife, when would she be irrevocably divorced from him?' He^{asws} said: 'When the blood emerges from the third menstruation, she would be in control of herself'. I said, 'So, for her is that she can re-marry during that state?' He^{asws} said: 'Yes, but she cannot let her husband able over herself until she has purified from the blood'.¹¹

باب مَعْنَى الْأَقْرَاءِ

Chapter 27 – Meaning of Al-Aqra'a (the menses-free period)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُذَيْنَةَ عَنْ زُرَّارَةَ قَالَ سَمِعْتُ رَبِيعَةَ الرَّائِي يَقُولُ مِنْ رَأْيِي أَنَّ الْأَقْرَاءَ الَّتِي سَمَّى اللَّهُ عَزَّ وَ جَلَّ فِي الْقُرْآنِ إِنَّمَا هُوَ الطَّهْرُ فِيمَا بَيْنَ الْحَيْضَتَيْنِ فَقَالَ كَذَبَ لَمْ يَقُلْهُ بِرَأْيِهِ وَ لَكِنَّهُ إِنَّمَا بَلَغَهُ عَنِ عَلِيٍّ (صَلَوَاتُ اللَّهِ عَلَيْهِ) فَقُلْتُ أَصْلَحَكَ اللَّهُ أ كَانَ عَلِيٌّ (عَلَيْهِ السَّلَامُ) يَقُولُ ذَلِكَ فَقَالَ نَعَمْ إِنَّمَا الْقُرْءُ الطَّهْرُ يَقْرِي فِيهِ الدَّمُ فَيَجْمَعُهُ فَإِذَا جَاءَ الْمَحِيضُ دَفَّقَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Zurara who said,

'I heard Rabiat Al-Raiy saying, 'It is from my opinion that *Al-Quroo* is that which Allah^{azwj} Mighty and Majestic Specified in the Quran, but rather it is the clean period in what is between the two menstruations'. So he^{asws} said: 'He lied! He did not say it by his own opinion, but rather it reached him from Ali^{asws}'. So, I said, 'May Allah^{azwj} Keep you^{asws} well! Ali^{asws} was saying that?' So he^{asws} said: 'Yes, rather *Al-Quroo* is the pure, during which the blood stops, so it coagulates. So when the menstruation comes, it streams out'.¹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ أَبِي نَصْرٍ جَمِيعاً عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الْقُرْءُ هُوَ مَا بَيْنَ الْحَيْضَتَيْنِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, and a number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, altogether from Jameel Bin Darraj, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: '*Al-Quroo*, it is what is between the two menstruations'.¹³

¹⁰ Al Kafi – V 7 – The Book of Divorce Ch 26 H 10

¹¹ Al Kafi – V 7 – The Book of Divorce Ch 26 H 11

¹² Al Kafi – V 7 – The Book of Divorce Ch 27 H 1

¹³ Al Kafi – V 7 – The Book of Divorce Ch 27 H 2

عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الْقُرْءُ هُوَ مَا بَيْنَ الْحَيْضَتَيْنِ .

Ali, from his father, from Ibn Abu Umeyr, from Jameel, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Al-Quroo is what is between the two menstruations'.¹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَجَّالِ عَنِ ثَعْلَبَةَ عَنِ زُرَّارَةَ عَنِ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الْأَقْرَاءُ هِيَ الْأَطْهَارُ.

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hajjal, from sa'alba, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'A- Aqra'a, these are the pure ones'.¹⁵

بَابُ عِدَّةِ الْمُطَلَّقَةِ وَ أَيْنَ تَعْتَدُ

Chapter 28 – Waiting period of the divorced woman, and where she waits

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَنْبَغِي لِلْمُطَلَّقَةِ أَنْ تَخْرُجَ إِلَّا بِإِذْنِ زَوْجِهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا ثَلَاثَةَ فُرُوءٍ أَوْ ثَلَاثَةَ أَشْهُرٍ إِنْ لَمْ تَحِضْ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'It is not befitting for the divorced woman that she goes out except by the permission of her husband until she fulfils her waiting period of three Quroos (pure periods), or three months if she does not menstruate'.¹⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ أَبِي نَصْرِ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ عِدَّةُ الْمُطَلَّقَةِ ثَلَاثَةُ فُرُوءٍ أَوْ ثَلَاثَةُ أَشْهُرٍ إِنْ لَمْ تَكُنْ تَحِضُ .

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: 'The waiting period of the divorced woman is three Quroos (pure periods), or three months if she does not happen to menstruate'.¹⁷

حُمَيْدٌ عَنِ ابْنِ سَمَاعَةَ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مِثْلَهُ .

Humeyd, from Ibn Sama'at, from Ja'far Bin Sama'at, from Dawood Bin Sirhan, from Abu Abdullah^{asws} – similar to it.

¹⁴ Al Kafi – V 7 – The Book of Divorce Ch 27 H 3

¹⁵ Al Kafi – V 7 – The Book of Divorce Ch 27 H 4

¹⁶ Al Kafi – V 7 – The Book of Divorce Ch 28 H 1

¹⁷ Al Kafi – V 7 – The Book of Divorce Ch 28 H 2

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عُمَانَ بْنِ عَيْسَى عَنْ سَمَاعَةَ بْنِ مِهْرَانَ قَالَ سَأَلْتُهُ عَنِ الْمُطَلَّقَةِ أَيَّنَ تَعْتَدُ قَالَ فِي بَيْتِهَا لَا تَخْرُجُ وَإِنْ أَرَادَتْ زِيَارَةَ خَرَجَتْ بَعْدَ نِصْفِ اللَّيْلِ وَ لَا تَخْرُجُ نَهَاراً وَ لَيْسَ لَهَا أَنْ تَحُجَّ حَتَّى تُنْقِضِيَ عِدَّتَهَا

Ali Bin Ibrahim, from his father, from Usman Bin Isa, from sama'at Bin Mihran who said,

'I asked him^{asws} about the divorced woman, from where she waits. He^{asws} said: 'In her house, she should not go out; and if she wants to visit, she should go out from after midnight, and not to go out by day, and it is not for her that she should go for Hajj until she has fulfilled her waiting period'.

وَ سَأَلْتُهُ عَنِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا أَ كَذَلِكَ هِيَ قَالَ نَعَمْ وَ تَحُجُّ إِنْ شَاءَتْ .

And I asked him^{asws} about the one widowed from her husband, is she like that?' He^{asws} said: 'Yes, but she can go to Hajj if she so desires to'.¹⁸

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الْمُطَلَّقَةُ تَعْتَدُ فِي بَيْتِهَا وَ لَا يَنْبَغِي لَهَا أَنْ تَخْرُجَ حَتَّى تُنْقِضِيَ عِدَّتَهَا وَ عِدَّتُهَا ثَلَاثَةُ قُرُوءٍ أَوْ ثَلَاثَةُ أَشْهُرٍ إِلَّا أَنْ تَكُونَ تَحِيضٌ .

Ali, from his father, from Ibn Abu Najran, from Aasim Bin Humeid, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The divorced woman waits in her house and it is not befitting for her that she goes out until she has fulfilled her waiting period; and her waiting period is of three *Quroos* (pure periods), or three months, except if she happens to menstruate'.¹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ سَعْدِ بْنِ أَبِي خَلْفٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى بْنَ جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ شَيْءٍ مِنَ الطَّلَاقِ فَقَالَ إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ طَلَاقاً لَا يَمْلِكُ فِيهِ الرَّجْعَةَ فَقَدْ بَانَتْ مِنْهُ سَاعَةٌ طَلَّقَهَا وَ مَلَكَتْ نَفْسَهَا وَ لَا سَبِيلَ لَهُ عَلَيْهَا وَ تَعْتَدُ حَيْثُ شَاءَتْ وَ لَا نَفَقَةَ لَهَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from sa'ad Bin Abu Khalaf who said,

'I asked Abu Al-Hassan Musa^{asws} Bin Ja'far^{asws} about something from the divorce. So he^{asws} said: 'When the man divorces his wife with a divorce in which he has no control regarding the reversion, so she is irrevocably divorced from him the moment he divorces her, and she is in control of herself, and there is no way for him upon her, and she would wait wherever she so desires to, and there is no expenses for her'.

قَالَ قُلْتُ أَلَيْسَ اللَّهُ عَزَّ وَ جَلَّ يَقُولُ لَا تَخْرُجُوهُنَّ مِنْ بُيُوتِهِنَّ وَ لَا يَخْرُجْنَ قَالَ فَقَالَ إِنَّمَا عَنَى بِذَلِكَ الَّتِي تُطَلِّقُ تَطْلِيقَةً بَعْدَ تَطْلِيقَةٍ فَتِلْكَ الَّتِي لَا تَخْرُجُ وَ لَا تَخْرُجُ حَتَّى تُطَلِّقَ الثَّلَاثَةَ فَإِذَا طَلَّقْتَ الثَّلَاثَةَ فَقَدْ بَانَتْ مِنْهُ وَ لَا نَفَقَةَ لَهَا وَ الْمَرْأَةُ الَّتِي يُطَلِّقُهَا الرَّجُلُ تَطْلِيقَةً ثُمَّ يَدْعُهَا حَتَّى يَخْلُوَ أَجْلَهَا فَهَذِهِ أَيْضاً تَعْتَدُ فِي مَنْزِلِ زَوْجِهَا وَ لَهَا النِّفَقَةُ وَ السُّكْنَى حَتَّى تُنْقِضِيَ عِدَّتَهَا .

He (the narrator) said: 'Is not Allah^{azwj} Mighty and Majestic Saying [65:1] **Do not drive them out of their houses, nor should they themselves go forth?**' So he^{asws} said: 'But rather it Means by that who is divorced with a divorce after a divorce, so she is the one who should not be driven out nor go out until she is divorced by the third divorce. So when she is divorced with the third, so she is irrevocably divorced

¹⁸ Al Kafi – V 7 – The Book of Divorce Ch 28 H 3

¹⁹ Al Kafi – V 7 – The Book of Divorce Ch 28 H 4

from him, and there is no expenses for her, and the woman who the man divorces with a divorce, then leaves her until she is free from her term, so this one as well should sit a house of her husband, and for her is the expenses, and the dwelling until she fulfills her waiting period'.²⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ تَعْتَدُ الْمَطْلُوقَةُ فِي بَيْتِهَا وَ لَا يَنْبَغِي لِزَوْجِهَا إِخْرَاجُهَا وَ لَا تَخْرُجُ هِيَ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The divorced woman would wait in her house, and it is not befitting for her husband that he should exit her nor should she go out'.²¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ أَبِي نَصْرٍ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ الْمَطْلُوقَةُ تَسُوِّفُ لِزَوْجِهَا مَا كَانَ لَهُ عَلَيْهَا رَجْعَةً وَ لَا يَسْتَأْذِنُ عَلَيْهَا .

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, from Aasim Bin Humeyd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The divorced woman should yearn (beautify herself) for her husband for as long as there is reversion for him upon her, and he does not need permission to go to her'.²²

حُمَيْدُ بْنُ زِيَادٍ عَنْ ابْنِ سَمَاعَةَ عَنْ ابْنِ رَبَاطٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي الْحَسَنِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الْمَطْلُوقَةِ أَيَّنَ تَعْتَدُ فَقَالَ فِي بَيْتِ زَوْجِهَا .

Humeyd Bin Ziyad, from Ibn sama'at, from Ibn Rabat, from Is'haq Bin Ammar,

(It has been narrated) from Abu Al-Hassan^{asws}, said, 'I asked about the divorced woman, where she should wait'. So he^{asws} said: 'In the house of her husband'.²³

عَنْهُ عَنْ وَهَيْبِ بْنِ حَفْصٍ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا (عليهما السلام) فِي الْمَطْلُوقَةِ أَيَّنَ تَعْتَدُ فَقَالَ فِي بَيْتِهَا إِذَا كَانَ طَلَاقاً لَهُ عَلَيْهَا رَجْعَةٌ لَيْسَ لَهُ أَنْ يُخْرِجَهَا وَ لَا لَهَا أَنْ تَخْرُجَ حَتَّى تَنْقُضِيَ عِدَّتَهَا .

From him, from Wuheyb Bin Hafs, from Abu Baseer,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding the divorced woman, where she should wait'. So he^{asws} said: 'In her house, when it was a divorce with a reversion being for him, it is not for him that he should exit her, nor for her that she should go out until she fulfils her husband'.²⁴

عَنْهُ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ مِثْلَهُ .

²⁰ Al Kafi – V 7 – The Book of Divorce Ch 28 H 5

²¹ Al Kafi – V 7 – The Book of Divorce Ch 28 H 6

²² Al Kafi – V 7 – The Book of Divorce Ch 28 H 7

²³ Al Kafi – V 7 – The Book of Divorce Ch 28 H 8

²⁴ Al Kafi – V 7 – The Book of Divorce Ch 28 H 9

From him, from Abdullah Bin Jabala, from Ali Bin Abu Hamza, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al hakam, from Ali Bin Abu Hamza, from Abu Baseer – similar to it.

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ وَهَيْبِ بْنِ حَفْصٍ عَنْ أَبِي بَصِيرٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) فِي الْمُطَلَّاقَةِ تَعَنُّدُ فِي بَيْتِهَا وَتُظْهِرُ لَهُ زِينَتَهَا لَعَلَّ اللَّهَ يُحْدِثَ بَعْدَ ذَلِكَ أَمْرًا .

Humejd Bin Ziyad, from Ibn Sama'at, from Wuheyb Bin Hafs, from Abu Baseer,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}): 'Regarding the divorced woman, she should wait in her house and manifest her adornments for him, **[65:1] Perhaps Allah may after that bring about reunion**'.²⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ خَالِدٍ وَ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنْ أَبِي الْعَبَّاسِ قَالَ لَا يَنْبَغِي لِلْمُطَلَّاقَةِ أَنْ تَخْرُجَ إِلَّا بِإِذْنِ زَوْجِهَا حَتَّى تَنْقُضِيَ عِدَّتَهَا بِثَلَاثَةِ فُرُوعٍ أَوْ ثَلَاثَةِ أَشْهُرٍ إِنْ لَمْ تَحِضْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Khalid, and al Husayn Bin saeed, from Al Wasim Bin Urwat, from Abu Al Abbas,

He^{asws} said: 'It is not befitting for the divorced woman that she goes out except by the permission from her husband, until she has fulfilled her waiting period by three *Al-Quroo* (pure periods), or three months if she does not menstruate'.²⁶

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَمِعْتُهُ يَقُولُ الْمُطَلَّاقَةُ تَحُجُّ فِي عِدَّتِهَا إِنْ طَابَتْ نَفْسُ زَوْجِهَا .

Humejd Bin Ziyad, from Ibn Sama'at, from Muhammad Bin Ziyad, from Muawiya Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I heard him^{asws} saying: 'The divorced woman can perform Hajj during her waiting period if she appeals herself for her husband'.²⁷

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ وَ أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ الْمُطَلَّاقَةُ تَحُجُّ وَ تَشْهَدُ الْحُقُوقَ .

Muhammad Bin Ismail, from Al Fazal Bin Shazan, and Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Al A'la, from Muhammad Bin Muslim,

He^{asws} said: 'The divorced woman can perform Hajj, and testify for the rights'.²⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ خَالِدٍ عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الْمُطَلَّاقَةُ تَكْتَحِلُ وَ تَخْتَضِبُ وَ تَطِيبُ وَ تَلْبَسُ مَا شَاءَتْ مِنَ الثِّيَابِ لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ لَعَلَّ اللَّهَ يُحْدِثَ بَعْدَ ذَلِكَ أَمْرًا لَعَلَّهَا أَنْ تَقَعَ فِي نَفْسِهِ فَيَرَا جَعَهَا .

Muhammad Bin yahya, from Ahmad Bin Muhammad, from Muhammad Bin Khalid, from Al Qasim Bin Urwat, from Zurara,

²⁵ Al Kafi – V 7 – The Book of Divorce Ch 28 H 10

²⁶ Al Kafi – V 7 – The Book of Divorce Ch 28 H 11

²⁷ Al Kafi – V 7 – The Book of Divorce Ch 28 H 12

²⁸ Al Kafi – V 7 – The Book of Divorce Ch 28 H 13

(It has been narrated) from Abu Abdullah^{asws} having said: 'The divorced woman should apply Kohl, and hair dye, and perfume, and wear whatsoever she so desires to from the clothes, because Allah^{azwj} Mighty and Majestic is Saying **[65:1] Perhaps Allah may after that bring about reunion**. Perhaps she would occur in his self so he would revert back to her'.²⁹

باب فِي تَأْوِيلِ قَوْلِهِ تَعَالَى لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ

Chapter 29 – The explanation of the Words of the High [65:1] Do not drive them out of their houses, nor should they themselves go forth

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنِ الرَّضَا (عَلَيْهِ السَّلَام) فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ قَالَ أَذَاهَا لِأَهْلِ الرَّجُلِ وَ سَوْءُ خَلْقِهَا .

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

(It has been narrated) from Al-Reza^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic **[65:1] Do not drive them out of their houses, nor should they themselves go forth, unless they commit an open indecency**. He^{asws} said: 'Her hurting the family of the man and her evil manners'.³⁰

بَعْضُ أَصْحَابِنَا عَنْ عَلِيِّ بْنِ الْحَسَنِ التَّيْمِيِّ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ مُحَمَّدِ بْنِ عَلِيٍّ بْنِ جَعْفَرٍ قَالَ سَأَلَ الْمَأْمُونُ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ قَالَ يَعْنِي بِالْفَاحِشَةِ الْمُبَيَّنَةِ أَنْ تُؤْذِيَ أَهْلَ زَوْجِهَا فَإِذَا فَعَلَتْ فَإِنْ شَاءَ أَنْ يُخْرِجَهَا مِنْ قَبْلِ أَنْ تَنْقُضِيَ عِدَّتَهَا فَعَلَّ .

One of our companions, from Ali Bin Al Hassan Al Taymuly, from Ali Bin Asbaat, from Muhammad Bin Ali Bin Ja'far who said,

'Al-Mamoun asked Al-Reza^{asws} about the Words of Allah^{azwj} Mighty and Majestic **[65:1] Do not drive them out of their houses, nor should they themselves go forth, unless they commit an open indecency**, he^{asws} said: 'It Means by the 'open indecency', if she hurts the family of her husband. So when she does that, so if he so desires to exit her from before the completion of her waiting period, so he can do it'.³¹

باب طَلَاقِ الْمُسْتَرَابَةِ

Chapter 30 – Divorce of the irregularly menstruating woman

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْبَرْقِيِّ عَنْ دَاوُدَ بْنِ أَبِي يَزِيدَ الْعَطَّارِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْمَرْأَةِ يُسْتَرَابُ بِهَا وَ مِثْلَهَا تَحْمِلُ وَ مِثْلَهَا لَا تَحْمِلُ وَ لَا تَحِيضُ وَ قَدْ وَاقَعَهَا زَوْجُهَا كَيْفَ يُطَلِّقُهَا إِذَا أَرَادَ طَلَاقَهَا قَالَ لِيَمْسِكُ عَنْهَا ثَلَاثَةَ أَشْهُرٍ ثُمَّ يُطَلِّقُهَا .

A number of our companions, from Ahmad Bin Muhammad, from Al Barqy, from Dawood Bin Abu Yazeed Al Attar, from one of our companions,

²⁹ Al Kafi – V 7 – The Book of Divorce Ch 28 H 14

³⁰ Al Kafi – V 7 – The Book of Divorce Ch 29 H 1

³¹ Al Kafi – V 7 – The Book of Divorce Ch 29 H 2

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the woman who he is suspicious with, and the likes of her become pregnant, and the likes of her do not get pregnant and do not menstruate, and her husband has slept with her, how should he divorce her when he intends to divorce her?' He^{asws} said: 'He should withhold from her for three months, then divorces her'.³²

بَاب طَلَاقِ الَّتِي تَكْتُمُ حَيْضَهَا

Chapter 31 – Divorce of the one who conceals her menstruation

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ كَيْسَانَ قَالَ كَتَبْتُ إِلَى الرَّجُلِ (عَلَيْهِ السَّلَامُ) أَسْأَلُهُ عَنْ رَجُلٍ لَهُ امْرَأَةٌ مِنْ نِسَاءِ هَوْلَاءِ الْعَامَةِ وَ أَرَادَ أَنْ يُطَلِّقَهَا وَ قَدْ كَتَمَتْ حَيْضَهَا وَ طَهَّرَهَا مَخَافَةَ الطَّلَاقِ فَكَتَبْتُ (عَلَيْهِ السَّلَامُ) يَعْتَرِلَهَا ثَلَاثَةَ أَشْهُرٍ وَ يُطَلِّقَهَا .

Muhammad Bin Yahya, from Abdullah Bin Ja'far, from Al Hassan Bin Ali Bin Ali Bin Kaysan who said,

'I wrote to Al-Reza^{asws} asking him^{asws} about a man who had a wife from the women of these general Muslims, and he wanted to divorce her, and she had concealed her menstruation, and her purity fearing the divorce. So he^{asws} wrote: 'He should retire her for three months and divorce her'.³³

بَاب فِي الَّتِي تَحِيضُ فِي كُلِّ شَهْرَيْنِ وَ ثَلَاثَةَ

Chapter 32 – Regarding the woman who menstruates every two months or three

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَّارِ السَّابَّاطِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سُئِلَ عَنْ رَجُلٍ عِنْدَهُ امْرَأَةٌ شَابِيَةٌ وَ هِيَ تَحِيضُ كُلَّ شَهْرَيْنِ أَوْ ثَلَاثَةَ أَشْهُرٍ حَيْضَةً وَاحِدَةً كَيْفَ يُطَلِّقُهَا زَوْجُهَا فَقَالَ أَمْرُهَا شَدِيدٌ تُطَلِّقُ طَلَاقَ السَّنَةِ تَطْلِيْقَهُ وَاحِدَةً عَلَى طَهْرٍ مِنْ غَيْرِ جِمَاعٍ بِشَهْوَةٍ ثُمَّ تُتْرَكُ حَتَّى تَحِيضَ ثَلَاثَ حِيضٍ مَتَى حَاضَتْ فَإِذَا حَاضَتْ ثَلَاثًا فَقَدْ أَنْقَضَتْ عِدَّتَهَا

Ali Bin Ibrahim, from his father, from Al Hassan Bin Mahboub, from Hisham Bin Salim, from Ammar Al Sabatany,

(It has been narrated) from Abu Abdullah^{asws}, said, 'He^{asws} was asked about a man with whom was a young woman and she was menstruating every two months or three months with one menstruation, how should her husband divorce her?' He^{asws} said: 'Her matter is difficult. She would be divorced by a divorce of the Sunnah, with one divorce upon purity, from without copulation, with witnesses. Then she would be left until she menstruates with three menstruations, whenever she menstruates. So when she has menstruated thrice, so she has fulfilled her waiting period'.

قِيلَ لَهُ وَ إِنْ مَضَتْ سَنَةٌ وَ لَمْ تَحِضْ فِيهَا ثَلَاثَ حِيضٍ قَالَ إِذَا مَضَتْ سَنَةٌ وَ لَمْ تَحِضْ ثَلَاثَ حِيضٍ يُتْرَبِّصُ بِهَا بَعْدَ السَّنَةِ ثَلَاثَةَ أَشْهُرٍ ثُمَّ قَدْ أَنْقَضَتْ عِدَّتَهَا قِيلَ فَإِنْ مَاتَ أَوْ مَاتَتْ فَقَالَ أَيُّهُمَا مَاتَ وَرِثَ صَاحِبُهُ مَا بَيْنَهُ وَ بَيْنَ خَمْسَةِ عَشَرَ شَهْرًا .

It was said to him^{asws}, 'And if a year passes by and she has not menstruated therein with three menstruations?' He^{asws} said: 'When a year passes by and she has not

³² Al Kafi – V 7 – The Book of Divorce Ch 30 H 1

³³ Al Kafi – V 7 – The Book of Divorce Ch 31 H 1

menstruation with three menstruation, she would be observed with after the year, for three months. Then she has fulfilled her waiting period'. It was said, 'Supposing he dies or she dies?' So he^{asws} said: 'Whichever of the two dies, the other would inherit, during what is between it and fifteen months'.³⁴

باب عِدَّةِ الْمُسْتَرَابَةِ

Chapter 33 – Waiting period of the woman with irregular menstruations

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ أَمْرَانِ أَيُّهُمَا سَبَقَ بَانَتْ مِنْهُ الْمَطْلَقَةُ الْمُسْتَرَابَةُ تَسْتَرِيبُ الْحَيْضِ إِنْ مَرَّتْ بِهَا ثَلَاثَةُ أَشْهُرٍ بِيَضٍ لَيْسَ فِيهَا دَمٌ بَانَتْ بِهِ وَإِنْ مَرَّتْ بِهَا ثَلَاثُ حَيْضٍ لَيْسَ بَيْنَ الْحَيْضَتَيْنِ ثَلَاثَةُ أَشْهُرٍ بَانَتْ بِالْحَيْضِ .

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'Two matters, whichever of the two precedes, she would be irrevocably divorced from him, the divorced woman with irregular menstruation. The menstruation is irregular if a white month passes by her, not being any blood therein, she would be irrevocably divorced from him; and if three menstruations pass by her, there not being three months between the two menstruation, she would be irrevocably divorced by the menstruation'.³⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرِ بْنِ زِيَادٍ عَنْ عَبْدِ الْكَرِيمِ عَنْ مُحَمَّدِ بْنِ حَكِيمٍ عَنْ عَبْدِ صَالِحٍ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ الْجَارِيَةُ الشَّابَّةُ الَّتِي لَا تَحِيضُ وَ مِثْلَهَا تَحْمِلُ طَلَقَهَا زَوْجُهَا قَالَ عِدَّتُهَا ثَلَاثَةُ أَشْهُرٍ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr Al Bazanty, from Abdul Kareem, from Muhammad Bin Hakeem,

(It has been narrated) from Abd Salih^{asws} (7th Imam^{asws}), said, 'I said to him^{asws}, 'The young girl who does not menstruate, and the likes of her get pregnant, her husband divorced her'. He^{asws} said: 'Her waiting period is of three months'.³⁶

سَهْلُ بْنُ زِيَادٍ عَنْ أَحْمَدَ بْنِ عَبْدِ الْكَرِيمِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ عِدَّةُ الَّتِي لَمْ تَحِيضْ وَ الْمُسْتَحَاضَةِ الَّتِي لَا تَطْهَرُ ثَلَاثَةُ أَشْهُرٍ وَ عِدَّةُ الَّتِي تَحِيضُ وَ يَسْتَقِيمُ حَيْضُهَا ثَلَاثَةُ قُرُوءٍ وَ الْقُرُوءُ جَمْعُ الدَّمِ بَيْنَ الْحَيْضَتَيْنِ .

Sahl Bin Ziyad, from Ahmad, from Abdul Kareem, from Abu Baseer, from

Abu Abdullah^{asws} having said: 'The waiting period of the woman who does not menstruate and the woman suffering from menstrual bleeding from which she is not pure, is of three months; and the waiting period of the woman who menstruates, and her menstruation is straight, is of three *Quroo* (pure periods), and *Al-Quroo* is the coagulation of the blood between the two menstruations'.³⁷

³⁴ Al Kafi – V 7 – The Book of Divorce Ch 32 H 1

³⁵ Al Kafi – V 7 – The Book of Divorce Ch 33 H 1

³⁶ Al Kafi – V 7 – The Book of Divorce Ch 33 H 2

³⁷ Al Kafi – V 7 – The Book of Divorce Ch 33 H 3

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفَضْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الَّتِي تَحِيضُ كُلَّ ثَلَاثَةِ أَشْهُرٍ مَرَّةً كَيْفَ تَعْتَدُ قَالَ تَنْتَظِرُ مِثْلَ قُرْبِهَا الَّتِي كَانَتْ تَحِيضُ فِيهِ فِي الإِسْقَامَةِ فَلْتَعْتَدُ ثَلَاثَةَ فُرُوعٍ ثُمَّ لَتَزَوِّجَ إِنْ شَاءَتْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Muhammad Bin Al Fazeyl, from Abu Al Sabbah Al Kinany,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the woman who menstruates once every three months, how should she wait'. He^{asws} said: 'She should wait with the likes of her *Quroo* (pure periods) which she used to menstruate with the straight menstruation. So let her wait for three *Quroos*, then let her re-marry if she so desires to'.³⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عليهما السلام) أَنَّهُ قَالَ فِي الَّتِي تَحِيضُ فِي كُلِّ ثَلَاثَةِ أَشْهُرٍ مَرَّةً أَوْ فِي سِنَةٍ أَوْ فِي سَبْعَةِ أَشْهُرٍ وَ الْمُسْتَحَاضَةِ الَّتِي لَمْ تَبْلُغِ الْحَيْضَ وَ الَّتِي تَحِيضُ مَرَّةً وَ تَرْتَفِعُ مَرَّةً وَ الَّتِي لَا تَطْمَعُ فِي الْوَالِدِ وَ الَّتِي قَدْ ارْتَفَعَ حَيْضُهَا وَ زَعَمَتْ أَنَّهَا لَمْ تَيْأَسْ وَ الَّتِي تَرَى الصُّفْرَةَ مِنْ حَيْضٍ أَيْسَ بِمُسْتَوِيمٍ فَذَكَرَ أَنَّ عِدَّةَ هَوْلَاءِ كُلِّهِنَّ ثَلَاثَةُ أَشْهُرٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A'ala, from Muhammad Bin Muslim,

(It has been narrated) from one of the two^{asws} (5th or 6th Imam^{asws}) having said regarding the woman who menstruates once in every three months, or in one year, or in seven months, and the woman suffering from vaginal bleeding and she has not reached the menstruations, and the woman who menstruates once, and it is lifted once, and the woman who has no hope of the child, and the woman whose menstruation is lifted and she claims that she has not despaired (in menopause), and the woman who sees the yellowness from a menstruation which is not with regularity. So he^{asws} mentioned that the waiting period of all of these is of three months'.³⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ حَمَّادِ بْنِ عِيسَى عَنْ شُعَيْبٍ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّهُ قَالَ فِي الْمَرْأَةِ يُطَلِّقُهَا زَوْجُهَا وَ هِيَ تَحِيضُ كُلَّ ثَلَاثَةِ أَشْهُرٍ حَيْضَةً فَقَالَ إِذَا انْقَضَتْ ثَلَاثَةُ أَشْهُرٍ انْقَضَتْ عِدَّتُهَا يُحْسَبُ لَهَا لِكُلِّ شَهْرٍ حَيْضَةً .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Hammad Bin Isa, from Shuayb, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said regarding the two whose husband divorced her and she was menstruating every three months with a menstruation. So he^{asws} said: 'When she fulfils three months, her waiting period is fulfilled. Each month would be counted for her as a menstruation'.⁴⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَصْرٍ عَنْ دَاوُدَ بْنِ الْحُصَيْنِ عَنْ أَبِي الْعَبَّاسِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ بَعْدَ مَا وَلَدَتْ وَ طَهَّرَتْ وَ هِيَ امْرَأَةٌ لَا تَرَى دَمًا مَا دَامَتْ تُرَضِعُ مَا عَدَّتْهَا قَالَ ثَلَاثَةَ أَشْهُرٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Nasr, from Dawood Bin Al Husayn, from Abu Al Abbas who said,

³⁸ Al Kafi – V 7 – The Book of Divorce Ch 33 H 4

³⁹ Al Kafi – V 7 – The Book of Divorce Ch 33 H 5

⁴⁰ Al Kafi – V 7 – The Book of Divorce Ch 33 H 6

'I asked Abu Abdullah^{asws} about a man who divorced his wife after having given birth, and purified, and she is a woman who does not see blood for as long as she breast-feeds. What is her waiting period?' He^{asws} said: 'Three months'.⁴¹

عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ عَثْمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ عِدَّةُ الْمَرْأَةِ الَّتِي لَا تَحِيضُ وَالْمُسْتَحَاضَةِ الَّتِي لَا تَطْهُرُ ثَلَاثَةَ أَشْهُرٍ وَعِدَّةُ الَّتِي تَحِيضُ وَيَسْتَقِيمُ حَيْضُهَا ثَلَاثَةَ فُرُوعٍ

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The waiting period of the woman who does not menstruate, and the woman suffering from vaginal bleeding and is not pure, is of three months; and the waiting period of the menstruating woman, and her menstruation is regular, is of three *Quroo* (pure periods)'.

قَالَ وَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ إِنْ ارْتَبْتُمْ مَا الرِّيبَةُ فَقَالَ مَا زَادَ عَلَيَّ شَهْرٌ فَهُوَ رِيْبَةٌ فَلْتَعِدَّةُ ثَلَاثَةَ أَشْهُرٍ وَ لَتَتْرُكِ الْحَيْضَ وَ مَا كَانَ فِي الشَّهْرِ لَمْ تَزِدْ فِي الْحَيْضِ عَلَيْهِ ثَلَاثَ حَيْضٍ فَعِدَّتُهَا ثَلَاثَ حَيْضٍ .

He (the narrator) said, 'And I asked him^{asws} about the Words of Allah^{azwj} Mighty and Majestic [65:4] **if you have a doubt** – what is the doubt?' So he^{asws} said: 'What is increased upon a month, so it is a doubtful, therefore let her wait three months, and neglects the menstruation, and whatever was in the month does not exceed in the menstruation upon it for three menstruation, so her waiting period is of three menstruations'.⁴²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ أَيُّ الْأَمْرَيْنِ سَبَقَ إِلَيْهَا فَقَدْ انْقَضَتْ عِدَّتُهَا إِنْ مَرَّتْ ثَلَاثَةَ أَفْرَاءٍ فَقَدْ انْقَضَتْ عِدَّتُهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali Bin Fazzal, from Ibn Bukeyr, from Zurara,

(It has been narrated) from one of the two^{asws} (5th or 6th Imam^{asws}) having said: 'Whichever of the two matters precedes to her, so she has fulfilled her waiting period – if three months pass by and she does not see blood therein, so she has fulfilled her waiting period; and if three *Quroo* (pure periods) pass by, so she has fulfilled her waiting period'.⁴³

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ عَلِيٍّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ قَالَ إِذَا نَظَرْتَ فَلَمْ تَجِدِ الْأَفْرَاءَ إِلَّا ثَلَاثَةَ أَشْهُرٍ فَإِذَا كَانَتْ لَا يَسْتَقِيمُ لَهَا حَيْضٌ تَحِيضٌ فِي الشَّهْرِ مِرَاراً فَإِنَّ عِدَّتُهَا عِدَّةُ الْمُسْتَحَاضَةِ ثَلَاثَةَ أَشْهُرٍ وَإِذَا كَانَتْ تَحِيضُ حَيْضًا مُسْتَقِيمًا فَهُوَ فِي كُلِّ شَهْرٍ حَيْضَةٌ بَيْنَ كُلِّ حَيْضَتَيْنِ شَهْرٌ وَ ذَلِكَ الْفَرَاءُ .

Muhammad, from Ahmad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara who said,

'When she looks, so she does not find the *Quroos* (pure periods) except for three months, so it was such that her menstruations were not regular for her, she being menstruating time and again during the month, so her waiting period is the waiting period of the one suffering from vaginal bleeding, three months; and when it was

⁴¹ Al Kafi – V 7 – The Book of Divorce Ch 33 H 7

⁴² Al Kafi – V 7 – The Book of Divorce Ch 33 H 8

⁴³ Al Kafi – V 7 – The Book of Divorce Ch 33 H 9

such that her menstruations were regular menstruations, so it is one menstruation during each month, between every two menstruations being a month, and that is the *Quroo* (pure period)'.⁴⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ يَزِيدَ بْنِ إِسْحَاقَ شَعْرٍ عَنْ هَارُونَ بْنِ حَمْرَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي امْرَأَةٍ طَلَّقَتْ وَ قَدْ طَعَنْتْ فِي السِّنِّ فَحَاضَتْ حَيْضَةً وَاحِدَةً ثُمَّ ارْتَفَعَتْ حَيْضَتُهَا فَقَالَ تَعَدُّ بِالْحَيْضَةِ وَ شَهْرَيْنِ مُسْتَقْبَلَيْنِ فَإِنَّهَا قَدْ بَيَّسَتْ مِنَ الْمَحِيضِ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Yazeed Bin Is'haq Shaeer, from Haroun Bin Hamza,

(It has been narrated) from Abu Abdullah^{asws} regarding a woman who is divorced, and she is advanced in the age. So she menstruated with one menstruation, then her menstruations were lifted. So he^{asws} said: 'She should wait with the menstruation and two months, consecutively, so she is one who has despaired from the menstruation (reached menopause)'.⁴⁵

بَابُ أَنَّ النِّسَاءَ يُصَدَّقْنَ فِي الْعِدَّةِ وَ الْحَيْضِ

Chapter 34 – The women are ratified with regards to the waiting period and the menstruation

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ الْعِدَّةُ وَ الْحَيْضُ لِلنِّسَاءِ إِذَا ادَّعَتْ صَدَّقَتْ .

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

(It has been narrated) from Abu Ja'far^{asws} having said: 'The waiting period, and the menstruation are for the women; when they claim, they would be ratified'.⁴⁶

بَابُ الْمُسْتَرَابَةِ بِالْحَبْلِ

Chapter 35 – The woman of irregular menstruation with the pregnancy

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ سَمِعْتُ أَبَا إِبْرَاهِيمَ (عَلَيْهِ السَّلَام) يَقُولُ إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ فَادَّعَتْ حَبلاً أَنْتَظِرُ تِسْعَةَ أَشْهُرٍ فَإِنْ وُلِدَتْ وَ إِلَّا اعْتَدْتُ ثَلَاثَةَ أَشْهُرٍ ثُمَّ قَدْ بَانَتْ مِنْهُ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj who said,

'I heard Abu Ibrahim^{asws} (7th Imam^{asws}) saying: 'When the man divorces his wife, so she waits while pregnant, she should wait for nine months. So if she were to give

⁴⁴ Al Kafi – V 7 – The Book of Divorce Ch 33 H 10

⁴⁵ Al Kafi – V 7 – The Book of Divorce Ch 33 H 11

⁴⁶ Al Kafi – V 7 – The Book of Divorce Ch 34 H 1

birth, or else she should wait three months, then she is irrevocably divorced from him'.⁴⁷

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ عَنْ مُحَمَّدِ بْنِ حَكِيمٍ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ الْمَرْأَةُ الشَّابَّةُ الَّتِي تَحِيضُ مِثْلَهَا يُطَلِّقُهَا زَوْجُهَا فَيَرْتَفِعُ طَمَنُهَا كَمْ عِدَّتُهَا قَالَ ثَلَاثَةٌ أَشْهُرٍ قُلْتُ فَإِنَّهَا أَدْعَتِ الْحَبْلَ بَعْدَ ثَلَاثَةِ أَشْهُرٍ قَالَ عِدَّتُهَا تِسْعَةٌ أَشْهُرٍ قُلْتُ فَإِنَّهَا أَدْعَتِ الْحَبْلَ بَعْدَ تِسْعَةِ أَشْهُرٍ قَالَ إِنَّمَا الْحَبْلُ تِسْعَةٌ أَشْهُرٍ قُلْتُ تَزَوُّجُ قَالَ تَحْتَاطُ بِثَلَاثَةِ أَشْهُرٍ قُلْتُ فَإِنَّهَا أَدْعَتِ بَعْدَ ثَلَاثَةِ أَشْهُرٍ قَالَ لَا رَيْبَةَ عَلَيْهَا تَزَوُّجٌ إِنْ شَاءَتْ .

Humeyd Bin Ziyad, from Ibn Sama'at, from Muhammad Bin Abu Hamza, from Muhammad Bin Hakeem,

(It has been narrated) from Abu Al-Hassan^{asws}, said, 'I said to him^{asws}, 'A young woman the likes of whom menstruate, her husband divorces her, and her menstruations are lifted. How much is her waiting period?' He^{asws} said: 'Three months'. I said, 'So if she claims to be pregnant after three months?' He^{asws} said: 'Her waiting period is nine months'. I said, 'So if she claims to be pregnant after nine months?' He^{asws} said: 'But rather, the pregnancy is of nine months'. I said, 'She can marry?' He^{asws} said: 'She should be precautionary for three months'. I said, 'So if she claimed after three months?' He^{asws} said: 'There is no doubt upon her. She can marry if she so desires to'.⁴⁸

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ ابْنِ حَكِيمٍ عَنْ أَبِي إِبْرَاهِيمَ أَوْ أَبِيهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الْمَطْلُوقَةِ يُطَلِّقُهَا زَوْجُهَا فَتَقُولُ أَنَا حُبْلَى فَنَمُكْتُ سَنَةً قَالَ إِنْ جَاءَتْ بِهِ لِأَكْثَرَ مِنْ سَنَةٍ لَمْ تُصَدَّقْ وَ لَوْ سَاعَةً وَاحِدَةً فِي دَعْوَاهَا .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Aban, from Ibn Hakeem,

(It has been narrated) from Abu Ibrahim^{asws} (7th Imam^{asws}), or from his^{asws} father^{asws} having said with regards to the divorced woman, her husband divorces her so she is saying, 'I am pregnant'. So she remains for a year', he^{asws} said: 'If she comes with him after more than a year, she would not be ratified, even if it is one hour in her claim'.⁴⁹

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ وَ أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ مُحَمَّدِ بْنِ حَكِيمٍ عَنِ الْعَبْدِ الصَّالِحِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ الْمَرْأَةُ الشَّابَّةُ الَّتِي تَحِيضُ مِثْلَهَا يُطَلِّقُهَا زَوْجُهَا فَيَرْتَفِعُ طَمَنُهَا مَا عِدَّتُهَا قَالَ ثَلَاثَةٌ أَشْهُرٍ قُلْتُ جُعِلَتْ فِدَاكَ فَإِنَّهَا تَزَوَّجَتْ بَعْدَ ثَلَاثَةِ أَشْهُرٍ فَتَبَيَّنَ بِهَا بَعْدَ مَا دَخَلَتْ عَلَى زَوْجِهَا أَنَّهَا حَامِلٌ قَالَ هَبْهَاتِ مِنْ ذَلِكَ يَا ابْنَ حَكِيمٍ رَفَعِ الطَّمَنُ صَرَبَانَ إِمَّا فَسَادٌ مِنْ حَيْضَةٍ فَقَدْ حَلَّ لَهَا الْأُرُوجُ وَ لَيْسَ بِحَامِلٍ وَ إِمَّا حَامِلٌ فَهُوَ تَسْتَبِينٌ فِي ثَلَاثَةِ أَشْهُرٍ لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ قَدْ جَعَلَهُ وَقْتًا يَسْتَبِينُ فِيهِ الْحَمْلُ

Humeyd Bin Ziyad, from Ibn Sama'at, and Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Muhammad Bin Hakeem,

(It has been narrated) from Al-Abd Al-Salih^{asws} (7th Imam^{asws}), said, 'I said to him^{asws}, 'The young woman, the likes of whom menstruate, her husband divorces her, so her menstruations are lifted. What is her waiting period?' He^{asws} said: 'Three months'. I said, 'May I be sacrificed for you^{asws}! Supposing she were to get married after three months, so it is manifested by her after having entered upon her husband, that she is

⁴⁷ Al Kafi – V 7 – The Book of Divorce Ch 35 H 1

⁴⁸ Al Kafi – V 7 – The Book of Divorce Ch 35 H 2

⁴⁹ Al Kafi – V 7 – The Book of Divorce Ch 35 H 3

pregnant?’ He^{asws} said: ‘Far be it from that, O Ibn Hakeem! The lifting of the menstruations is of two types – either a spoiling of a menstruation, so the husbands are Permissible for her and she is not pregnant, or if she is pregnant it would have become apparent during three months, because Allah^{azwj} Mighty and Majestic has Made a time during which the pregnancy becomes apparent’.

قَالَ قُلْتُ فَإِنَّمَا ارْتَابْتُ قَالَ عِدَّتُهَا تِسْعَةُ أَشْهُرٍ قُلْتُ فَإِنَّمَا ارْتَابْتُ بَعْدَ تِسْعَةِ أَشْهُرٍ قَالَ إِنَّمَا الْحَمْلُ تِسْعَةُ أَشْهُرٍ قُلْتُ فَتَزَوَّجُ قَالَ تَحْتَاطُ بِثَلَاثَةِ أَشْهُرٍ قُلْتُ فَإِنَّمَا ارْتَابْتُ بَعْدَ ثَلَاثَةِ أَشْهُرٍ قَالَ لَيْسَ عَلَيْهَا رِيْبَةٌ تَتَزَوَّجُ .

He (the narrator) said, ‘I said, ‘Suppose she is of irregular menstruations?’ He^{asws} said: ‘Her waiting period is of nine months’. I said, ‘So if she became irregular after nine months?’ He^{asws} said: ‘But rather, the pregnancy is of nine months’. I said, ‘So if she were to marry?’ He^{asws} said: ‘She should be precautionary for three months’. I said, ‘So if she is irregular after three months?’ He^{asws} said: ‘There is no doubt upon her. She can get married’.⁵⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُحَمَّدِ بْنِ حَكِيمٍ عَنْ أَبِي عَبْدِ اللَّهِ أَوْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ رَجُلٌ طَلَّقَ امْرَأَتَهُ فَلَمَّا مَضَتْ ثَلَاثَةُ أَشْهُرٍ ادَّعَتْ حَبْلًا قَالَ يُنْتَظَرُ بِهَا تِسْعَةَ أَشْهُرٍ قَالَ قُلْتُ فَإِنَّمَا ادَّعَتْ بَعْدَ ذَلِكَ حَبْلًا قَالَ هِيَ هَاتِ هِيَ هَاتِ إِنَّمَا يَرْتَفِعُ الطَّمْتُ مِنْ ضَرْبَيْنِ إِمَّا حَبْلٍ بَيْنٍ وَ إِمَّا فَسَادٍ مِنَ الطَّمْتِ وَ لَكِنَّمَا تَحْتَاطُ بِثَلَاثَةِ أَشْهُرٍ بَعْدُ

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Sia, from Yunus, from Muhammad Bin Hakeem,

(It has been narrated) from Abu Abdullah^{asws}, or Abu Al-Hassan^{asws}, said, ‘I said to him^{asws}, ‘A man divorces his wife. So when three months pass by, she claims to be pregnant’. He^{asws} said: ‘He should wait with her for nine months’. I said, ‘So if she claim after to be pregnant?’ He^{asws} Far be it! Far be it! But rather, the lifting of the menstruation is of two types – Either a pregnancy is manifested, or there is a spoiling from the menstruations. But, she should be precautionary by three months afterwards’.

وَ قَالَ أَيْضاً فِي الَّتِي كَانَتْ تَطْمُتُ ثُمَّ يَرْتَفِعُ طَمُّهَا سَنَةً كَيْفَ تُطَلَّقُ قَالَ تُطَلَّقُ بِالشُّهُودِ

And he (the narrator) said as well: ‘Regarding the woman who menstruates, then her menstruation is lifted for a year, how would she be divorced?’ He^{asws} said: ‘She would be divorced by the witnesses?’⁵¹

بَابُ نَفَقَةِ الْخُبْلَى الْمُطَلَّاقَةِ

Chapter 36 – Expenses of the pregnant divorced woman

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الْخَامِلُ أَجْلُهَا أَنْ تَضَعَ حَمْلَهَا وَ عَلَيْهِ نَفَقَتُهَا بِالْمَعْرُوفِ حَتَّى تَضَعَ حَمْلَهَا .

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

⁵⁰ Al Kafi – V 7 – The Book of Divorce Ch 35 H 4

⁵¹ Al Kafi – V 7 – The Book of Divorce Ch 35 H 5

(It has been narrated) from Abu Ja'far^{asws} having said: 'The pregnant woman, her term is that she places her load (gives birth), and upon him is her expenses which are reasonable until she places her load (gives birth)'.⁵²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا طَلَّقَ الرَّجُلُ الْمَرْأَةَ وَهِيَ حُبْلَى أَنْفَقَ عَلَيْهَا حَتَّى تَضَعَ حَمْلَهَا فَإِذَا وَضَعَتْهُ أُعْطَاهَا أَجْرَهَا وَ لَا يُضَارُّهَا إِلَّا أَنْ يَجِدَ مَنْ هُوَ أَرْخَصُ أَجْرًا مِنْهَا فَإِنْ هِيَ رَضِيَتْ بِذَلِكَ الْأَجْرِ فَهِيَ أَحَقُّ بِابْنِهَا حَتَّى تَفْطَمَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Muhammad Bin Al Fazal, from Abu Al Sabbah Al Kinany,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man divorces the woman and she is pregnant, he has to spend upon her until she places her load (gives birth). So when she has place it, he gives her recompense, and should not harm her except if he finds one who is of a cheaper recompense than her (for the breast-feeding). So if she (agrees to) breast-feed with that recompense, she is more deserving with (breast-feeding) her son until she weans him'.⁵³

عَلِيُّ بْنُ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ الْحُبْلَى الْمُطَلَّغَةُ يُنْفَقُ عَلَيْهَا حَتَّى تَضَعَ حَمْلَهَا وَ هِيَ أَحَقُّ بِوَلَدِهَا إِنْ تُرَضِعُهُ بِمَا تَقْبَلُهُ امْرَأَةٌ أُخْرَى إِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ لَا تُضَارُّ وَالِدَةَ بِوَلَدِهَا وَ لَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَ عَلَى الْوَارِثِ مِثْلُ ذَلِكَ

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The pregnant divorced woman, he should spend upon her until she places her load, and she is more deserving with her son that she breast-feeds him with what another woman is accepting to do it for. Allah^{azwj} Mighty and Majestic is Saying **[2:233] neither shall a mother be made to suffer harm on account of her child, nor a father on account of his child, and upon the heir is similar to that**

قَالَ كَانَتْ الْمَرْأَةُ مِمَّا تَرْفَعُ يَدَهَا إِلَى زَوْجِهَا إِذَا أَرَادَ مُجَامَعَتَهَا فَتَقُولُ لَا أَدْعُكَ لِأَنِّي أَخَافُ أَنْ أَحْمَلَ عَلَى وِلْدِي وَ يَقُولُ الرَّجُلُ لَا أَجْمَعُكَ إِنِّي أَخَافُ أَنْ تَعْلُقِي فَأَقْتُلُ وِلْدِي فَهَيَّ اللَّهُ عَزَّ وَ جَلَّ أَنْ تُضَارَّ الْمَرْأَةُ الرَّجُلَ وَ أَنْ يُضَارَّ الرَّجُلَ الْمَرْأَةَ

He^{asws} said: 'The woman from us used to raise her hands to her husband when he wanted to approach her, so she was saying, 'I will not let you, because I fear that I would be pregnant upon my child', and the man was saying, 'I will not sleep with you. I fear my instinct, so I would kill my child'. So Allah^{azwj} Mighty and Majestic Prohibited that the woman should harm the man, and he man should harm the woman.

وَ أَمَّا قَوْلُهُ وَ عَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنَّهُ نَهَى أَنْ يُضَارَّ بِالصَّبِيِّ أَوْ يُضَارَّ أُمُّهُ فِي رَضَاعِهِ وَ لَيْسَ لَهَا أَنْ تَأْخُذَ فِي رَضَاعِهِ فَوْقَ حَوْلَيْنِ كَامِلَيْنِ وَ إِنْ أَرَادَا فِصَالًا عَنْ تَرَاوِضٍ مِنْهُمَا قَبْلَ ذَلِكَ كَانَ حَسَنًا وَ الْفِصَالُ هُوَ الْفِطَامُ .

And as for His^{azwj} Words **and upon the heir is similar to that**, so He^{azwj} has Forbidden that the child be harmed, or his mother would harm him with regards to him being breast-fed. And it is not for her that she should take (recompense) with regards to his breast-feeding for more than two years complete. And if they both

⁵² Al Kafi – V 7 – The Book of Divorce Ch 36 H 1

⁵³ Al Kafi – V 7 – The Book of Divorce Ch 36 H 2

intend a wet-nurse to feed on both their behalves before that, it would be better, and the feeding, it is the weaning'.⁵⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ حَمَّادِ بْنِ عِيسَى عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ وَ هِيَ حُبْلَى قَالَ أَجْلَهَا أَنْ تَضَعَ حَمْلَهَا وَ عَلَيْهِ نَفَقَتُهَا حَتَّى تَضَعَ حَمْلَهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Hammad Bin Isa, from Abdullah Bin Al Mugheira, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who divorces his wife and she is pregnant. He^{asws} said: 'Her term is that she places her burden, and upon him is her expenses until she places her load'.⁵⁵

بَابُ أَنَّ الْمُطَلَّاقَةَ ثَلَاثًا لَا سُكْنَى لَهَا وَلَا نَفَقَةَ

Chapter 37 – The woman divorced thrice, there is neither a dwelling for her nor expenses

أَبُو الْعَبَّاسِ الرَّزَّازُ عَنْ أَيُّوبَ بْنِ نُوحٍ وَ أَبِي عَلِيٍّ الْأَشْعَرِيِّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ وَ حُمَيْدِ بْنِ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ كُلِّهِمْ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ إِنَّ الْمُطَلَّاقَةَ ثَلَاثًا لَيْسَ لَهَا نَفَقَةٌ عَلَى زَوْجِهَا إِنَّمَا هِيَ لِلَّتِي لِرُزْجِهَا عَلَيْهَا رَجْعَةٌ .

Abu Al Abbas Al Razzaz, from Ayoub Bin Nuh, and Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Muhammad Bin Ismail, from Al Fazal Bin Shazaan, and Humejd Bin Ziyad, from Ibn Sama'at, all of them, from Safwan Bin yahya, from Musa Bin Bakr, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The thrice divorced woman, there are no expenses for her upon her husband. But rather it is for her husband, upon whom is (the right of) reversion'.⁵⁶

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الْمُطَلَّاقَةِ ثَلَاثًا عَلَى السُّنَّةِ هَلْ لَهَا سُكْنَى أَوْ نَفَقَةٌ قَالَ لَا .

Humejd Bin Ziyad, from Ibn Sama'at, from Muhammad Bin Ziyad, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the woman divorced thrice upon the Sunnah, is there a dwelling for her, or expenses?' He^{asws} said: 'No'.⁵⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عِيسَى أَوْ رَجُلٍ عَنْ حَمَّادٍ عَنْ شُعَيْبٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) أَنَّهُ سُئِلَ عَنِ الْمُطَلَّاقَةِ ثَلَاثًا أَلَيْسَ لَهَا سُكْنَى وَ نَفَقَةٌ قَالَ حُبْلَى هِيَ قُلْتُ لَا قَالَ لَا .

Ali Bin Ibrahim, from his father, from Hammad Bin Isa, or a man, from Hammad, from Shuayb, from Abu Baseer,

⁵⁴ Al Kafi – V 7 – The Book of Divorce Ch 36 H 3

⁵⁵ Al Kafi – V 7 – The Book of Divorce Ch 36 H 4

⁵⁶ Al Kafi – V 7 – The Book of Divorce Ch 37 H 1

⁵⁷ Al Kafi – V 7 – The Book of Divorce Ch 37 H 2

(It has been narrated) from Abu Abdullah^{asws} having been asked about the woman divorced thrice, is there a dwelling for her and expenses?' He^{asws} said: 'Is she pregnant?' I said, 'No'. He^{asws} said: 'No'.⁵⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ الْمَطْلُوقَةُ ثَلَاثًا لَيْسَ لَهَا نَفَقَةٌ عَلَى زَوْجِهَا إِنَّمَا ذَلِكَ لِلَّتِي لَزَّجَهَا عَلَيْهَا رَجْعَةً .

Muhammad Bin yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The woman divorced three times, there are no expenses for her upon her husband. But rather, that is for the woman upon whom her husband has a right of reversion'.⁵⁹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ قُلْتُ الْمَطْلُوقَةُ ثَلَاثًا أَلَهَا سُكْنَى أَوْ نَفَقَةٌ فَقَالَ حُبْلَى هِيَ فَقُلْتُ لَا قَالَ لَيْسَ لَهَا سُكْنَى وَلَا نَفَقَةٌ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, and Ali Bin Ibrahim, from his father, from usman Bin Isa, from Sama'at who said,

'I said, 'The thrice divorced woman, is there dwelling for her, or expenses?' So he^{asws} said: 'Is she pregnant?' So I said, 'No'. He^{asws} said: 'There is neither a dwelling for her nor expenses'.⁶⁰

بَابُ مَنَعَةِ الْمَطْلُوقَةِ

Chapter 38 – Providing for the divorced woman

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبُخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يُطْلَقُ امْرَأَتَهُ أَيْمَنُهَا قَالَ نَعَمْ أَمَا يُجِبُ أَنْ يَكُونَ مِنَ الْمُحْسِنِينَ أَمْ يُجِبُ أَنْ يَكُونَ مِنَ الْمُتَّقِينَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hafs Bin Al Bakhtary,

(It has been narrated) from Abu Abdullah^{asws} regarding the man who divorces his wife, shall he provide for her?' He^{asws} said: 'Yes. Does he not love to become one of the do-gooders? Does he not want to become one of the pious?'⁶¹

أَحْمَدُ بْنُ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ الْبَزَنْطِيُّ عَنْ عَبْدِ الْكَرِيمِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ لِلْمَطْلُوقَاتِ مَتَاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ قَالَ مَتَاعُهَا بَعْدَ مَا تَنْقُضِي عِدَّتَهَا عَلَى الْمَوْسِعِ قَدْرُهُ وَ عَلَى الْمُقْتِرِ قَدْرُهُ وَ كَيْفَ لَا يَمْتَنَعُهَا وَ هِيَ فِي عِدَّتِهَا تَرْجُوهُ وَ يَرْجُوهَا وَ يُحْدِثُ اللَّهُ عَزَّ وَ جَلَّ بَيْنَهُمَا مَا يَشَاءُ

Ahmad Bin Muhammad Bin Abu Nasr Al Bazanty, from Abdul Kareem, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic [2:241] **And for the divorced women a provision with the goodness; this is a right upon the pious.** He^{asws} said: 'He provides for her after the fulfillment of her waiting period upon the financial solvent in accordance to his

⁵⁸ Al Kafi – V 7 – The Book of Divorce Ch 37 H 3

⁵⁹ Al Kafi – V 7 – The Book of Divorce Ch 37 H 4

⁶⁰ Al Kafi – V 7 – The Book of Divorce Ch 37 H 5

⁶¹ Al Kafi – V 7 – The Book of Divorce Ch 38 H 1

ability, and upon the poor according to his ability. And how can he not provide for her and she is in her waiting period, she is hoping for him and he is hoping for her; and Allah^{azwj} Mighty and Majestic would bring about whatever He^{azwj} so Desires to’.

وَقَالَ إِذَا كَانَ الرَّجُلُ مُوسِعًا عَلَيْهِ مَتَّعَ امْرَأَتَهُ بِالْعَبِيدِ وَالْأَمَةِ وَالْمُقْتَرِ يُمْتَعُ بِالْحِنْطَةِ وَالشَّعِيرِ وَالزَّبِيبِ وَالنُّوبِ وَالذَّرَاهِمِ وَإِنَّ الْحَسَنَ بْنَ عَلِيٍّ (عَلَيْهِ السَّلَام) مَتَّعَ امْرَأَةً لَهُ بِأَمَةٍ وَ لَمْ يُطَلِّقْ امْرَأَةً إِلَّا مَتَّعَهَا .

And he^{asws} said: ‘If the man was affluent upon him is the provision for his wife with the slave and the maid, and the poor should provide with the wheat, and the barley, and the raisins, and the clothes, and the Dirhams; and Al-Hassan^{asws} Bin Ali^{asws} provided for a wife of his^{asws} with a maid, and he^{asws} did not divorce his^{asws} woman except that he^{asws} provided for her’.⁶²

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ جَمِيعًا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ لِلْمُطَلَّاتِ مَتَاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ قَالَ مَتَاعُهَا بَعْدَ مَا تَنْقُضِي عِدَّتَهَا عَلَى الْمَوْسِعِ قَدْرُهُ وَ عَلَى الْمُقْتَرِ قَدْرُهُ

Humejd Bin Ziyad, from Ibn Sama’at, from Muhammad Bin Ziyad, from Abdullah Bin Sinan, and Ali Bin Ibrahim, from his father, from Usman Bin Isa, from Sama’at, altogether,

(It has been narrated) from Abu Abdullah^{asws} having said regarding the Words of Allah^{azwj} Mighty and Majestic [2:241] **And for the divorced women a provision with the goodness; this is a right upon the pious**, he^{asws} said: ‘Her provision is what her fulfillment of her waiting period, upon the affluent in accordance to his ability, and upon the poor according to his ability’.

قَالَ كَيْفَ يُمْتَعُهَا فِي عِدَّتِهَا وَ هِيَ تَرْجُوهُ وَ يَرْجُوهَا وَ يُحَدِّثُ اللَّهُ مَا يَشَاءُ أَمَا إِنَّ الرَّجُلَ الْمَوْسِعَ يُمْتَعُ الْمَرْأَةَ بِالْعَبِيدِ وَالْأَمَةِ وَ يُمْتَعُ الْفَقِيرُ بِالْحِنْطَةِ [بِالنَّمْرِ] وَ الزَّبِيبِ وَ النُّوبِ وَ الذَّرَاهِمِ وَ إِنَّ الْحَسَنَ بْنَ عَلِيٍّ (عَلَيْهِ السَّلَام) مَتَّعَ امْرَأَةً طَلَّقَهَا بِأَمَةٍ وَ لَمْ يَكُنْ يُطَلِّقْ امْرَأَةً إِلَّا مَتَّعَهَا .

He^{asws} said: ‘How can he provide for her during her waiting period and she is hoping for him and Allah^{azwj} would Bring about whatever He^{azwj} so Desires to. As for the affluent man, he should provide with the slave and the maid, and the poor should provide with the wheat, and the dates, and the raisins, and the clothes, and the Dirhams; and Al-Hassan^{asws} Bin Ali^{asws} provided a woman he^{asws} divorced with a slave girl, and he^{asws} did not divorce a woman except that he^{asws} provided for her’.

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنِ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مِثْلَهُ إِلَّا أَنَّهُ قَالَ وَ كَانَ الْحَسَنُ بْنُ عَلِيٍّ (عَلَيْهِ السَّلَام) يُمْتَعُ نِسَاءَهُ بِالْأَمَةِ .

Humejd Bin Ziyad, from Ibn Sama’at, from Muhammad Bin Ziyad, from Muawiya Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws}, similar to it except that he^{asws} said: ‘And Al-Hassan^{asws} Bin Ali^{asws} used to provide his^{asws} women with the maid’.⁶³

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ أَبِي نَصْرٍ عَنْ عَبْدِ الْكَرِيمِ عَنْ أَبِي بَصِيرٍ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) أَخْبَرْنِي عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ لِلْمُطَلَّاتِ مَتَاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ مَا أَذْنَى ذَلِكَ الْمَتَاعِ إِذَا كَانَ مُعْسِرًا لَا يَجِدُ قَالَ خِمَارٌ أَوْ شِبْهُهُ .

⁶² Al Kafi – V 7 – The Book of Divorce Ch 38 H 3

⁶³ Al Kafi – V 7 – The Book of Divorce Ch 38 H 4

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, from Abdul Kareem, from Abu Baseer who said,

'I said to Abu Ja'far^{asws}, 'Inform me about the Words of Allah^{azwj} Mighty and Majestic **[2:241] And for the divorced women a provision with the goodness; this is a right upon the pious.** What is the lowest of that provision when he was financially tight, he cannot find it?' He^{asws} said: 'A scarf or something resembling it'.⁶⁴

بَاب مَا لِلْمُطَلَّقَةِ الَّتِي لَمْ يَدْخُلْ بِهَا مِنَ الصَّدَاقِ

Chapter 39 – What is for the divorced woman who has not been touched with, from the dower

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ أَبُو الْعَبَّاسِ مُحَمَّدُ بْنُ جَعْفَرِ الرَّزَّازِ عَنْ أَيُّوبَ بْنِ نُوحٍ وَ حُمَيْدُ بْنُ زَيْادٍ عَنْ ابْنِ سَمَاعَةَ جَمِيعاً عَنْ صَفْوَانَ عَنْ ابْنِ مُسْكَانَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا فَقَدْ بَانَتْ مِنْهُ وَ تَنَزَّوَجَ إِنْ شَاءَتْ مِنْ سَاعَتِهَا وَ إِنْ كَانَ فَرَضَ لَهَا مَهْرًا فَلَهَا نِصْفُ الْمَهْرِ وَ إِنْ لَمْ يَكُنْ فَرَضَ لَهَا مَهْرًا فَلِيَمَّتُّعَهَا .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Abu Al Abbas Muhammad Bin Ja'far Al Razzaz, from Ayoub Bin Nuh, and Humeyd Bin Ziyad, from Ibn Sama'at, altogether from Safwan, from Ibn Muskan, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man divorces his woman before he sleeps with her, so she is irrevocably divorced from him, and she can marry if she so desires to from that very moment; and if a dower was Obligated for her, so for her would be half the dower; and if a dower was not Obligated for her, so let him provide for her'.⁶⁵

صَفْوَانُ عَنْ ابْنِ مُسْكَانَ عَنْ أَبِي بَصِيرٍ وَ عَلِيٍّ عَنْ أَبِيهِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ جَمِيعاً عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ إِنْ طَلَّقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ وَ قَدْ فَرَضْتُمْ لَهُنَّ فَرِيضَةً فَنِصْفُ مَا فَرَضْتُمْ إِلَّا أَنْ يَعْفُونَ أَوْ يَعْفُوا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ قَالَ هُوَ الْأَبُ أَوْ الْأَخُ أَوْ الرَّجُلُ يُوصَى إِلَيْهِ وَ الَّذِي يَجُوزُ أَمْرُهُ فِي مَالِ الْمَرْأَةِ فَيَبْتِئُغُ لَهَا فَتُجِيرُ فَإِذَا عَفَا فَقَدْ جَارَ .

Safwan, from Ibn Muskan, from Abu Baseer and Ali from his father, and a number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Usman Bin Isa, from Sama'at, altogether,

(It has been narrated) from Abu Abdullah^{asws} regarding the Words of Allah^{azwj} Mighty and Majestic **[2:237] And if you divorce them before you have touched them and you have appointed for them a portion, then (pay to them) half of what you have appointed, unless they relinquish or he should relinquish in whose hand is the marriage tie.** He^{asws} said: 'He is the father, or the brother, or the man who has been bequeathed for it and his instructions are allowed with regards to the wealth of the woman, so he should provide for her. So it would be allowed, when he excuses in accordance to what is allowed'.⁶⁶

عَلِيٌّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ عَلَيْهِ نِصْفُ الْمَهْرِ إِنْ كَانَ فَرَضَ لَهَا شَيْئًا وَ إِنْ لَمْ يَكُنْ فَرَضَ لَهَا فَلِيَمَّتُّعَهَا عَلَى نَحْوِ مَا يُمْتَعُ مِثْلَهَا مِنَ النِّسَاءِ

⁶⁴ Al Kafi – V 7 – The Book of Divorce Ch 38 H 5

⁶⁵ Al Kafi – V 7 – The Book of Divorce Ch 39 H 1

⁶⁶ Al Kafi – V 7 – The Book of Divorce Ch 39 H 2

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man who divorces his wife before he sleeps with her. He^{asws} said: 'Upon him is half the dower, if something was Obligated for her; and if it was not Obligated for her, so let him provide for her approximately to what he would provide for the likes of her from the women'.

قَالَ وَ قَالَ فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ أَوْ يَعْفُوا الَّذِي بِيَدِهِ عُقْدَةُ النِّكَاحِ قَالَ هُوَ الْأَبُ وَ الْأَخُ وَ الرَّجُلُ يُوصَى إِلَيْهِ وَ الرَّجُلُ يَجُوزُ أَمْرُهُ فِي مَالِ الْمَرْأَةِ فَيَبِيعُ لَهَا وَ يَشْتَرِي لَهَا فَإِذَا عَفَا فَقَدْ جَازَ .

He (the narrator) said, 'And he^{asws} said regarding the Words of Allah^{azwj} Mighty and Majestic [2:237] or he should relinquish in whose hand is the marriage tie. He^{asws} said: 'He is the father, or the brother, and the man who has been bequeathed to it, and the man whose instructions are allowed in the wealth of the woman, so he buys for her and he sells for her. So when he excuses, so it is allowed'.⁶⁷

عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) رَجُلٌ تَزَوَّجَ امْرَأَةً عَلَى مِائَةِ شَاةٍ ثُمَّ سَاقَ إِلَيْهَا الْعَنَمَ ثُمَّ طَلَقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا وَ قَدْ وُلِدَتِ الْعَنَمُ قَالَ إِنْ كَانَتِ الْعَنَمُ حَمَلَتْ عِنْدَهُ رَجَعَ بِنَصْفِهَا وَ نَصْفِ أَوْلَادِهَا وَ إِنْ لَمْ يَكُنِ الْحَمْلُ عِنْدَهُ رَجَعَ بِنَصْفِهَا وَ لَمْ يَرْجِعْ مِنَ الْأَوْلَادِ بِشَيْءٍ .

Ali, from his father, from Ibn Abu Umeyr, from Ibn Bukeyr, from Ubeyd Bin Zurara who said,

'I said to Abu Abdullah^{asws}, 'A man who married a woman upon one hundred sheep, then ushers the sheep to her. Then he divorces her before sleeping with her, and the sheep have given birth'. He^{asws} said: 'If the sheep were impregnated when they were with him, half of these would be returned with half of the children; and they were not impregnated when they were with him, half of these (sheep) would be returned and nothing from the children would be returned'.

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) مِثْلَهُ إِلَّا أَنَّهُ قَالَ سَاقَ إِلَيْهَا عَنَمًا وَ رَقِيقًا فَوُلِدَتِ الْعَنَمُ وَ الرَّقِيقُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ibn Bukeyr, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdullah^{asws}, similar to it except that he said, 'He ushered to her sheep and a slave. So the sheep and the slave gave birth'.⁶⁸

مُحَمَّدٌ عَنْ أَحْمَدَ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَتَزَوَّجُ الْمَرْأَةَ الرَّبْقَاءَ أَوْ الْجَارِيَةَ الْبُكَرَ فَيُطَلِّقُهَا سَاعَةً يُدْخَلُ عَلَيْهِ فَقَالَ هَاتَانِ يَنْظُرُ إِلَيْهِمَا مَنْ يُوثِقُ بِهِ مِنَ النِّسَاءِ فَإِنْ كُنَّ عَلَى حَالِهِنَّ كَمَا أُدْخِلْنَ عَلَيْهِ فَإِنَّ لَهُنَّ نِصْفَ الصَّدَاقِ الَّذِي فَرَضَ لَهَا وَ لَا عِدَّةَ عَلَيْهَا مِنْهُ .

Muhammad, from Ahmad, from Ibn Mahboub, from Ibn Bukeyr, from Ali Bin Raib, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} regarding the man who married the woman, the non-virgin or the virgin slave girl, so he divorced her the moment she came over to him. So he^{asws} said: 'This is where she would be examined by the reliable ones from the women. So if she was upon her state just as she had come

⁶⁷ Al Kafi – V 7 – The Book of Divorce Ch 39 H 3

⁶⁸ Al Kafi – V 7 – The Book of Divorce Ch 39 H 4

over to him, so for her would be half the dower which was Obligated for her, and there is no waiting period for her from it'.⁶⁹

مُحَمَّدٌ عَنْ أَحْمَدَ عَنِ ابْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنِ الْفُضَيْلِ بْنِ يَسَارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً بِالْفِ دِرْهَمٍ فَأَعْطَاهَا عَبْدًا لَهُ أَبْقَاً وَ بُرْدَ حَبْرَةَ بِالْأَلْفِ الَّتِي أَصَدَّقَهَا فَقَالَ إِذَا رَضِيَتْ بِالْعَبْدِ وَ كَانَ قَدْ عَرَفْتَهُ فَلَا بَأْسَ إِذَا هِيَ قَبِضَتْ التَّوْبَ وَ رَضِيَتْ بِالْعَبْدِ فَلْتُ فَإِنْ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ لَا مَهْرَ لَهَا وَ تَرُدُّ عَلَيْهِ خَمْسِمِائَةَ دِرْهَمٍ وَ يَكُونُ الْعَبْدُ لَهَا .

Muhammad, from Ahmad, from Ibn Mahboub, from Jameel Bin Salih, from Al Fuzayl Bin Yasaar who said,

'I asked Abu Abdullah^{asws} about a man who married a woman by a thousand Dirhams. So he gives her a fugitive slave of his, and a garment, a veil, with a thousand (Dirhams) which is her dower. So he^{asws} said: 'When she is pleased with the slave, and he had recognised it, so there is no problem when she takes possession of the clothes, and she is pleased with the slave'. I said, 'Supposing he were to divorce her before he sleeps with her?' He^{asws} said: 'There is no dower for her, and she would return to him five hundred Dirhams, and the slave would be for her'.⁷⁰

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ عَيْرٍ وَاجِدٍ عَنْ أَبِيانِ بْنِ عَثْمَانَ عَنِ ابْنِ أَبِي يَعْفُورٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً وَ جَعَلَ صَدَاقَهَا أَبَاهَا عَلَى أَنْ تَرُدُّ عَلَيْهِ أَلْفَ دِرْهَمٍ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا مَا يَنْبَغِي لَهَا أَنْ تَرُدُّ عَلَيْهِ وَ إِنَّمَا لَهَا نِصْفُ الْمَهْرِ وَ أَبُوهَا شَيْخٌ قِيمَتُهُ خَمْسِمِائَةَ دِرْهَمٍ وَ هُوَ يَقُولُ لَوْ لَا أَنْتُمْ لَمْ أَبِغُهُ بِثَلَاثَةِ آلَافٍ دِرْهَمٍ فَقَالَ لَا يُنْظَرُ فِي قَوْلِهِ وَ لَا تَرُدُّ عَلَيْهِ شَيْئًا .

Humeyd Bin Ziyad, from Ibn Sama'at, from someone else, from Aban Bin usman, from Ibn Abu Yafour who said,

'I asked Abu Abdullah^{asws} about a man who married a woman and made her dower to be her father upon that a thousand Dirhams would be returned to him. Then he divorces her before he sleeps with her. What is befitting for her that she should return to him? And rather, for her is half the dower, and her father is an old man. His value is five hundred Dirhams, and he is saying, 'Were it not for you, I would not sell him with three thousand Dirhams'. So he^{asws} said: 'There would be no consideration for his words, and nothing would be returned to him'.⁷¹

مُحَمَّدٌ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ صَالِحِ بْنِ رَزَيْنٍ عَنْ شِهَابٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً بِالْفِ دِرْهَمٍ فَأَدَّاهَا إِلَيْهَا فَوَهَبَتْهَا لَهُ وَ قَالَتْ أَنَا فِيكَ أَرْغَبُ فَطَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ يَرْجِعُ عَلَيْهَا بِخَمْسِمِائَةِ دِرْهَمٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Salih Bin Razeyn, from Shahaab who said,

'I asked Abu Abdullah^{asws} about a man who married a woman by a thousand Dirhams. So he pays it to her, but she gifts it to him and she says, 'I am desirous of

⁶⁹ Al Kafi – V 7 – The Book of Divorce Ch 39 H 5

⁷⁰ Al Kafi – V 7 – The Book of Divorce Ch 39 H 6

⁷¹ Al Kafi – V 7 – The Book of Divorce Ch 39 H 7

you'. So he divorces her before he sleeps with her. He^{asws} said: 'There would be returned to her, five hundred Dirhams'.⁷²

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مَنْصُورِ بْنِ يُونُسَ عَنِ ابْنِ أُذَيْنَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فَأَمَّهَرَهَا أَلْفَ دِرْهَمٍ وَ دَفَعَهَا إِلَيْهَا فَوَهَبَتْ لَهُ خَمْسِمِائَةَ دِرْهَمٍ وَ رَدَّتْهَا عَلَيْهِ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ تَرُدُّ عَلَيْهِ الْخَمْسِمِائَةَ دِرْهَمٍ الْبَاقِيَةَ لِأَنَّهَا إِنَّمَا كَانَتْ لَهَا خَمْسِمِائَةَ دِرْهَمٍ فَهَبْتُهَا إِيَّاهَا لَهُ وَ لِعَيرِهِ سِوَاءٍ .

Muhammad Bin Ahmad, from Muhammad Bin Ismail, from Mansour Bin Yunus, from Ibn Azina, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah^{asws} about a man who married a woman, so her dowry was set at a thousand Dirhams and he handed it over to her. But she gifted five hundred Dirhams to him and returned it to him. Then he divorced her before he slept with her. He^{asws} said: 'The remaining five hundred would be returned back to him, because for her were five hundred Dirhams. So her gifting these to him and to someone else is the same'.⁷³

مُحَمَّدٌ عَنْ أَحْمَدَ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ عُبيدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ تَزَوَّجَ امْرَأَةً وَ أَمَّهَرَهَا أَبَاهَا وَ قِيمَةَ أَبِيهَا خَمْسِمِائَةَ دِرْهَمٍ عَلَى أَنْ تُعْطِيَهُ أَلْفَ دِرْهَمٍ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ لَيْسَ عَلَيْهَا شَيْءٌ .

Muhammad, from Ahmad, from Al Husayn Bin Saeed, from Al Nazar Bin Suwed, from Al Qasim Bin Suleyman, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who married a woman, and set her father as her dower, and the value of her father was five hundred Dirhams upon that she would give him a thousand Dirhams. Then he divorced her before he slept with her. He^{asws} said: 'There is nothing upon her'.⁷⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بصيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ عَلَيْهِ نِصْفُ الْمَهْرِ إِنْ كَانَ فَرَضَ لَهَا شَيْئًا وَ إِنْ لَمْ يَكُنْ فَرَضَ لَهَا شَيْئًا فَلْيَمْتَعَهَا عَلَى نَحْوِ مَا يَمْتَعُ بِهِ مِثْلَهَا مِنَ النِّسَاءِ .

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

'I asked Abu Abdullah^{asws} about a man who divorces his wife before he sleeps with her. He^{asws} said: 'Upon him is half the dower, if anything was Obligated for her; and if nothing was Obligated for her, so let him provide for her upon an approximation of what similar to her from the women are provided with'.⁷⁵

مُحَمَّدُ بْنُ يَحْيَى رَفَعَهُ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي الْحَسَنِ الْأَوَّلِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ تَزَوَّجَ امْرَأَةً عَلَى عَبْدِ وَ امْرَأَتِهِ فَسَاقَهُمَا إِلَيْهَا فَمَاتَتِ امْرَأَةُ الْعَبْدِ عِنْدَ الْمَرْأَةِ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ إِنْ كَانَ قَوْمُهَا عَلَيْهَا يَوْمَ تَزَوَّجَهَا فَإِنَّهُ يُقَوِّمُ الْعَبْدَ الْبَاقِي بِقِيمَتِهِ ثُمَّ يُنْظَرُ مَا بَقِيَ مِنَ الْقِيَمَةِ الَّتِي تَزَوَّجَهَا عَلَيْهَا فَتَرُدُّ الْمَرْأَةُ عَلَى الرَّجُلِ ثُمَّ يُعْطِيهَا الرَّجُلُ النِّصْفَ مِمَّا صَارَ إِلَيْهِ .

Muhammad Bin Yahya, fraising it from Is'haq Bin Ammar,

⁷² Al Kafi – V 7 – The Book of Divorce Ch 39 H 8

⁷³ Al Kafi – V 7 – The Book of Divorce Ch 39 H 9

⁷⁴ Al Kafi – V 7 – The Book of Divorce Ch 39 H 10

⁷⁵ Al Kafi – V 7 – The Book of Divorce Ch 39 H 11

(It has been narrated) from Abu Al-Hassan^{asws} the 1st regarding a man who marries a woman upon a slave and his wife. So he sends them to her. So the wife of the slave dies in the presence of the woman. Then he divorces her before he sleeps with her. He^{asws} said: 'If she had been evaluated on the day he married her, so the remaining slave would be evaluated with his price. Then he would look at what remains from the price which he had married her upon, so the woman would return to the husband. Then the husband would give her the half from what had come to him'.⁷⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) قَالَ فِي الْمَرْأَةِ تَزَوَّجَ عَلَى الْوَصِيفِ فَيَكْبُرُ عِنْدَهَا فَيَزِيدُ أَوْ يَنْقُصُ ثُمَّ يُطَلِّقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ عَلَيْهَا نِصْفُ قِيمَتِهِ يَوْمَ دُفِعَ إِلَيْهَا لَا يُنْظَرُ فِي زِيَادَةٍ وَلَا نَقْصَانٍ .

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} said regarding the woman who marries upon the domestic servant. So he grew older with her, so he increased (in price) or decreased. Then he divorces her before he sleeps with her. He^{asws} said: 'Upon her is half the price on the day he was handed over to her. The increase and the decreased would not be considered'.⁷⁷

وَ بِهَذَا الْإِسْنَادِ فِي الرَّجُلِ يُعْتَقُ أُمَّتَهُ فَيَجْعَلُ عَتَقَهَا مَهْرَهَا ثُمَّ يُطَلِّقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ تَرُدُّ عَلَيْهِ نِصْفَ قِيمَتِهَا تُسْتَسْعَى فِيهَا .

And by this chain –

Regarding the man who emancipates (liberates) his slave girl, so he makes her emancipation as her dower. Then he divorces her before he sleeps with her. He^{asws} said: 'She would return to him half of her price. She would have to work with regards to it'.⁷⁸

بَاب مَا يُوجِبُ الْمَهْرَ كَمَلًا

Chapter 40 – What Obligates the complete dower

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ دَخَلَ بِامْرَأَةٍ قَالَ إِذَا التَّقَى الْخِتَانَانَ وَجَبَ الْمَهْرُ وَالْعِدَّةُ .

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man who slept with his woman. He^{asws} said: 'When two circumcisions meet, it Obligates the dower and the waiting period'.⁷⁹

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبُخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا التَّقَى الْخِتَانَانَ وَجَبَ الْمَهْرُ وَالْعِدَّةُ وَالْغُسْلُ .

⁷⁶ Al Kafi – V 7 – The Book of Divorce Ch 39 H 12

⁷⁷ Al Kafi – V 7 – The Book of Divorce Ch 39 H 13

⁷⁸ Al Kafi – V 7 – The Book of Divorce Ch 39 H 14

⁷⁹ Al Kafi – V 7 – The Book of Divorce Ch 40 H 1

Ali, from his father, from Ibn Abu Umeyr, from Hafs Bin Al Bakhtary,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the two circumcisions meet, it Obligates the dower, and the waiting period, and the washing'.⁸⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنِ ابْنِ أَبِي نَصْرِ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا أَوْلَجَهُ فَقَدْ وَجِبَ الْغُسْلُ وَ الْجُلْدُ وَ الرَّجْمُ وَ وَجِبَ الْمَهْرُ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, both together from Ibn Abu Nasr, from Dawood Bin Sirhan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When he drives in, so the washing has been Obligated, and the whipping, and stoning, and it Obligates the dower'.⁸¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مُلَامَسَةُ النِّسَاءِ هُوَ الْإِيقَاعُ بِهِنَّ .

Muhammad Bin Yahy, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Touching the women, it is the rhythm with them'.⁸²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ يُونسَ بْنِ يَعْقُوبَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فَأَغْلَقَ بَاباً وَ أَرخَى سِتْرًا وَ لَمَسَ وَ قَبَّلَ ثُمَّ طَلَّقَهَا أَوْ يُوْجِبُ عَلَيْهِ الصَّدَاقَ قَالَ لَا يُوْجِبُ عَلَيْهِ الصَّدَاقَ إِلَّا الْوُقَاعُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Yunus Bin Yaqoub who said,

'I asked Abu Abdullah^{asws} about a man who married a woman, so he locked the door, and pulled the curtain, and touched, and kissed. Then he divorced her. Is the dower Obligated upon him?' He^{asws} said: 'The dower is not Obligated upon him except by the copulation'.⁸³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلَهُ أَبِي وَ أَنَا حَاضِرٌ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً فَأَدْخَلَتْ عَلَيْهِ فَلَمْ يَمَسَّهَا وَ لَمْ يَصِلْ إِلَيْهَا حَتَّى طَلَّقَهَا هَلْ عَلَيْهَا عِدَّةٌ مِنْهُ فَقَالَ إِنَّمَا الْعِدَّةُ مِنَ الْمَاءِ قِيلَ لَهُ فَإِنْ كَانَ وَاقَعَهَا فِي الْفَرْجِ وَ لَمْ يُنْزَلْ فَقَالَ إِذَا أَدْخَلَهُ وَجِبَ الْغُسْلُ وَ الْمَهْرُ وَ الْعِدَّةُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws}, said, 'My father asked him, and I was present, about a man who married a woman. So she came over to him, but he did not touch her and did not arrive to her until he divorced her. Is there a waiting period upon her from it?' So he^{asws} said: 'But rather, the waiting period is from the water'. He said to him, 'So if he has copulated with her but it (seed) did not descend?' So he^{asws}

⁸⁰ Al Kafi – V 7 – The Book of Divorce Ch 40 H 2

⁸¹ Al Kafi – V 7 – The Book of Divorce Ch 40 H 3

⁸² Al Kafi – V 7 – The Book of Divorce Ch 40 H 4

⁸³ Al Kafi – V 7 – The Book of Divorce Ch 40 H 5

said: 'When he entered into her, it Obligated the washing, and the dower, and the waiting period'.⁸⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُطَلِّقُ الْمَرْأَةَ وَقَدْ مَسَّ كُلَّ شَيْءٍ مِنْهَا إِلَّا أَنَّهُ لَمْ يُجَامِعْهَا أَلَيْهَا عِدَّةٌ فَقَالَ ابْنُ أَبِي جَعْفَرٍ (عليه السلام) بِذَلِكَ فَقَالَ لَهُ أَبُو عَلِيٍّ بْنُ الْحُسَيْنِ (عليه السلام) إِذَا أَعْلَقَ بَاباً وَارْحَى سِتْرًا وَجَبَ الْمَهْرُ وَالْعِدَّةُ .

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 man who divorces the woman and he had touched everything from her except that he did not copulate with her, is there a waiting period for her?' So he^{asws} said: 'When the door is locked, and the curtain is pulled, it Obligates the dower and the waiting period'.⁸⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ رَبَائِعٍ عَنْ أَبِي بَصِيرٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) الرَّجُلُ يَتْرُوجُ الْمَرْأَةَ فَيُرْخِي عَلَيْهَا السِّتْرَ وَيُعْلِقُ الْبَابَ تَمَّ يُطَلِّقُهَا فَتُسَالُ الْمَرْأَةُ هَلْ أَتَاكَ فَتَقُولُ مَا أَتَانِي وَ يُسْأَلُ هُوَ هَلْ أَتَيْتَهَا فَيَقُولُ لَمْ أَتَهَا فَقَالَ لَا يُصَدِّقَانِ وَ ذَلِكَ أَنَّهَا تُرِيدُ أَنْ تَدْفَعَ الْعِدَّةَ عَنْ نَفْسِهَا وَ يَرِيدُ هُوَ أَنْ يَدْفَعَ الْمَهْرَ عَنْ نَفْسِهِ . يَعْنِي إِذَا كَانَا مُتَّهَمَيْنِ

A number of our companions, from Sahl Bin Ziyad, from Ibn Raib, from Abu Baseer who said,

'I said to Abu Abdullah^{asws}, 'The man married the woman, so he loosened (his clothes) upon it, and upon her was a veil, and he locked the door. Then he divorced her. So the woman was asked, 'Did he come to you?' So she is saying, 'He did not come to me'. And he was asked, 'Did you go to her?' So he is saying, 'I did not go to her?' So he^{asws} said: 'Both of them would not be ratified, and that is because she want to repel the waiting period from herself, and he wants to repel the dower from himself – meaning if they were accused'.⁸⁶

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي الْحَسَنِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَتْرُوجُ الْمَرْأَةَ فَيَدْخُلُ بِهَا فَيُعْلِقُ بَاباً وَ يُرْخِي سِتْرًا عَلَيْهَا وَ يَزْعُمُ أَنَّهُ لَمْ يَمَسَّهَا وَ تُصَدِّقُهَا هِيَ بِذَلِكَ عَلَيْهَا عِدَّةٌ قَالَ لَا قُلْتُ فَإِنَّهُ شَيْءٌ دُونَ شَيْءٍ قَالَ إِنْ أُخْرِجَ الْمَاءُ اعْتَدْتُ . يَعْنِي إِذَا كَانَا مَأْمُونَيْنِ صِدْقًا .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Is'haq Bin Ammar,

(It has been narrated) from Abu Al-Hassan^{asws}, said, 'I asked him^{asws} about the man who married the woman. So he slept with her, and he locked the door, and drew the veil upon her, and he alleged that he did not touch her, and she ratified him with that. Is there a waiting period upon her?' He^{asws} said: 'No'. I said, 'So it is something less than something'. He^{asws} said: 'If the water came out, she would have to observe the waiting period – meaning if they were both trusted, they would both be ratified'.⁸⁷

⁸⁴ Al Kafi – V 7 – The Book of Divorce Ch 40 H 6

⁸⁵ Al Kafi – V 7 – The Book of Divorce Ch 40 H 7

⁸⁶ Al Kafi – V 7 – The Book of Divorce Ch 40 H 8

⁸⁷ Al Kafi – V 7 – The Book of Divorce Ch 40 H 9

بَابُ أَنَّ الْمُطَلَّقَةَ وَ هُوَ غَائِبٌ عَنْهَا تَعْتَدُ مِنْ يَوْمِ طَلَّقَتْ

Chapter 41 – The divorced woman, and he is absent from her, would observe the waiting period from the day she is divorced

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ وَ هُوَ غَائِبٌ عَنْهَا مِنْ أَيِّ يَوْمٍ تَعْتَدُ فَقَالَ إِنْ أَقَامَتْ لَهَا بَيِّنَةٌ عَدْلٍ أَنَّهَا طَلَّقَتْ فِي يَوْمٍ مَعْلُومٍ وَ تَيَقَّنَتْ فَلْتَعْتَدُ مِنْ يَوْمِ طَلَّقَتْ وَ إِنْ لَمْ تَحْفَظْ فِي أَيِّ يَوْمٍ وَ فِي أَيِّ شَهْرٍ فَلْتَعْتَدُ مِنْ يَوْمِ يَبْلُغُهَا .

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 man who divorces his woman and he is absent from her, from which day should she observe the waiting period?' So he^{asws} said: 'If she establishes the just proof that he divorced her during a known day, and she is convinced, so let her observe the waiting period from the day she was divorced; and if she did not memorise from which days, and during which month, so let her observe the waiting period from the day it (news) reached her'.⁸⁸

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنْ زُرَّارَةَ وَ مُحَمَّدَ بْنَ مُسْلِمٍ وَ بُرَيْدِ بْنِ مُعَاوِيَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الْغَائِبِ إِذَا طَلَّقَ امْرَأَتَهُ إِذَا طَلَّقَ امْرَأَتَهُ تَعْتَدُ مِنَ الْيَوْمِ الَّذِي طَلَّقَهَا .

Ali, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Zurara and Muhammad Bin Muslim, and Bureyd Bin Muawiya,

(It has been narrated) from Abu Ja'far^{asws} having said: 'With regards to the absentee, when he divorces his wife, she should observe the waiting period from the day he divorces her'.⁸⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ أَبِي نَصْرٍ عَنِ الْمُتَنَّبِيِّ عَنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ طَلَّقَ امْرَأَتَهُ وَ هُوَ غَائِبٌ عَنْهَا مَتَى تَعْتَدُ قَالَ إِذَا قَامَتْ لَهَا بَيِّنَةٌ أَنَّهَا طَلَّقَتْ فِي يَوْمٍ مَعْلُومٍ وَ شَهْرٍ مَعْلُومٍ فَلْتَعْتَدُ مِنْ يَوْمِ طَلَّقَتْ وَ إِنْ لَمْ تَحْفَظْ فِي أَيِّ يَوْمٍ وَ أَيِّ شَهْرٍ فَلْتَعْتَدُ مِنْ يَوْمِ يَبْلُغُهَا .

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, from Al Musna, from Zurara who said,

'I asked Abu Abdullah^{asws} about a man who divorces his wife and he is absent from her, from when should she observe the waiting period?' He^{asws} said: 'When the proof is established for her that she is divorced during a known day, and a known month. So let her observe the waiting period from the day she is divorced; and if she has not memorised during which day, and which months, so let her observe the waiting period from the day it (news) reaches her'.⁹⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ شُعَيْبِ بْنِ يَعْقُوبَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ سُئِلَ عَنِ الْمُطَلَّقَةِ يُطَلِّقُهَا رَوْجَهَا فَلَا يَعْلَمُ إِلَّا بَعْدَ سَنَةٍ فَقَالَ إِنْ جَاءَ شَاهِدًا عَدْلًا فَلَا تَعْتَدُ وَ إِلَّا فَلْتَعْتَدُ مِنْ يَوْمِ يَبْلُغُهَا .

⁸⁸ Al Kafi – V 7 – The Book of Divorce Ch 41 H 1

⁸⁹ Al Kafi – V 7 – The Book of Divorce Ch 41 H 2

⁹⁰ Al Kafi – V 7 – The Book of Divorce Ch 41 H 3

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Hammad Bin Isa, from Shuayb Bin Yaquob, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having been asked about the divorced woman, her husband divorces her but he does not let her know except after a year. So he^{asws} said: 'If two just witnesses come up so she should not observe the waiting period, or else let her observe it from the day it (news) reaches her'.⁹¹

مُحَمَّدٌ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) إِذَا طَلَّقَ الرَّجُلُ وَهُوَ غَائِبٌ فَلْيُشْهَدْ عَلَى ذَلِكَ فَإِذَا مَضَى ثَلَاثَةٌ أَقْرَأَ مِنْ ذَلِكَ الْيَوْمِ فَقَدْ انْقَضَتْ عِدَّتُهَا .

Muhammad, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim who said,

'Abu Ja'far^{asws} said: 'When the man divorces and he is absent, so let him keep witnesses upon that. So when three *Quroo* (pure periods) pass by from that day, so she has fulfilled her waiting period'.⁹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَصْرٍ عَنْ أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَامُ) قَالَ قَالَ فِي الْمُطَلَّاقَةِ إِذَا قَامَتِ الْبَيِّنَةُ أَنَّهُ قَدْ طَلَّقَهَا مِنْذُ كَذَا وَكَذَا فَكَانَتْ عِدَّتُهَا قَدْ انْقَضَتْ فَقَدْ بَانَتُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Nasr,

(It has been narrated) from Abu Al-Hassan Al-Reza^{asws} having said regarding the divorced woman: 'When the proof is established for her that he has divorced her since such and such (a day), so her waiting period had passed, so she is irrevocably divorced'.⁹³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ الْوَاسِطِيِّ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ وَهُوَ غَائِبٌ فَقَامَتِ الْبَيِّنَةُ عَلَى ذَلِكَ فَعِدَّتُهَا مِنْ يَوْمِ طَلَّقَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr Al Wasity, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'When the man divorces his woman, and he is absent, so the proof established for her upon that, so she observes the waiting period from that day'.⁹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا طَلَّقَ الرَّجُلُ وَهُوَ غَائِبٌ فَقَامَتِ لَهَا الْبَيِّنَةُ أَنَّهُ طَلَّقَهَا فِي شَهْرٍ كَذَا وَكَذَا اعْتَدَّتْ مِنَ الْيَوْمِ الَّذِي كَانَ مِنْ زَوْجِهَا فِيهِ الطَّلَاقُ وَإِنْ لَمْ تَحْفَظْ ذَلِكَ الْيَوْمَ اعْتَدَّتْ مِنْ يَوْمِ عَلِمَتْ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man divorces and he is absent, so the proof is established for her that he divorced her during such

⁹¹ Al Kafi – V 7 – The Book of Divorce Ch 41 H 4

⁹² Al Kafi – V 7 – The Book of Divorce Ch 41 H 5

⁹³ Al Kafi – V 7 – The Book of Divorce Ch 41 H 6

⁹⁴ Al Kafi – V 7 – The Book of Divorce Ch 41 H 7

and such a month, she would observe her waiting period from the day which therein was the divorce from her husband; and if she has not memorised that day, she would observe the waiting period from the day she knows'.⁹⁵

بَابُ عِدَّةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا وَهُوَ غَائِبٌ

Chapter 42 – Waiting period of the woman widowed from her husband, and he was absent (when he died)

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) فِي الرَّجُلِ يَمُوتُ وَتَحْتَهُ امْرَأَةٌ وَهُوَ غَائِبٌ قَالَ تَعَدُّ مِنْ يَوْمِ يَبْلُغُهَا وَفَاتُهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding the man who dies and under him (married to him) is a woman, and he is absent. He^{asws} said: 'She should observe the waiting period from the day (the news) of his death reaches her'.⁹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الَّتِي يَمُوتُ عَنْهَا زَوْجُهَا وَهُوَ غَائِبٌ فَعِدَّتُهَا مِنْ يَوْمِ يَبْلُغُهَا إِنْ قَامَتِ النَّبِيَّةُ أَوْ لَمْ تَقُمْ .

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

(It has been narrated) from Abdu Abdullah^{asws} having said: 'The woman from whom her husband dies and he is absent, so her waiting period is from the day (the news) reaches her, whether the proof is established or not established'.⁹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدْنَانَ عَنْ زُرَّارَةَ وَ مُحَمَّدِ بْنِ مُسْلِمٍ وَ بَرِيدِ بْنِ مُعَاوِيَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي الْغَائِبِ عَنْهَا زَوْجُهَا إِذَا تُوفِّيَ قَالَ الْمَتَوَفَّى عَنْهَا زَوْجُهَا تَعَدُّ مِنْ يَوْمِ يَأْتِيهَا الْخَبْرُ لِأَنَّهَا تُحْدِ عَلَيْهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Zurara and Muhammad Bin Muslim, and Bureyd Bin MUawiya,

(It has been narrated) from Abu Ja'far^{asws} having said regarding the woman whose husband is absent from her, when he dies. He^{asws} said: 'The woman widowed from her husband should observe the waiting period from the day the news comes to her, because she mourns over him'.⁹⁸

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ أَبُو الْعَبَّاسِ الرَّزَّازُ عَنْ أَيُّوبَ بْنِ نُوحٍ جَمِيعاً عَنْ صَفْوَانَ عَنِ ابْنِ مُسْكَانَ عَنِ الْحَسَنِ بْنِ زِيَادٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي الْمَرَأَةِ إِذَا بَلَغَهَا نَعْيُ زَوْجِهَا قَالَ تَعَدُّ مِنْ يَوْمِ يَبْلُغُهَا أَنَّهَا تَرِيدُ أَنْ تُحْدَ لَهُ .

⁹⁵ Al Kafi – V 7 – The Book of Divorce Ch 41 H 9

⁹⁶ Al Kafi – V 7 – The Book of Divorce Ch 42 H 1

⁹⁷ Al Kafi – V 7 – The Book of Divorce Ch 42 H 2

⁹⁸ Al Kafi – V 7 – The Book of Divorce Ch 42 H 3

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Abu Al Abbas Al Razzaz, from Ayoub Bin Nuh, both together, from Safwan, from Ibn Muskan, from Al Hassan Bin Ziyad,

(It has been narrated) from Abu Abdullah^{asws} having said regarding the woman, when the (news of the) death of her husband reaches her. He^{asws} said: 'She should observe the waiting period from the day it (news) reaches her, she would want to mourn herself for him'.⁹⁹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ أَبِي نَصْرٍ عَنْ رِفَاعَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْمُنَوِّفِي عَنِّي زَوْجَهَا وَهُوَ غَائِبٌ مَتَى تَعْتَدُّ فَقَالَ يَوْمَ يَبْلُغُهَا وَذَكَرَ أَنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) قَالَ إِنَّ إِحْدَاكُنَّ كَانَتْ تَمُكُّتُ الْحَوْلَ إِذَا تُوَفِّي زَوْجَهَا وَهُوَ غَائِبٌ تَمَّ تَرْمِي بِبَعْرَةٍ وَرَاءَهَا .

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, from Rafa'at who said,

'I asked Abu Abdullah^{asws} about the one widowed from her husband and he is absent, when should she observe her waiting period from?' So he^{asws} said: 'The day it (news) reaches her'. And he^{asws} mentioned that Rasool-Allah^{saww} said: 'One of you women used to remain waiting for a year when her husband died and he was absent, then she would throw her desires behind her back'.¹⁰⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ إِنْ مَاتَ عَنْهَا زَوْجُهَا يَعْنِي وَهُوَ غَائِبٌ فَقَامَتِ الْبَيْتَةُ عَلَى مَوْتِهِ فَعِدَّتُهَا مِنْ يَوْمِ يَأْتِيهَا الْخَبَرُ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا لِأَنَّ عَلَيْهَا أَنْ تُحَدَّ عَلَيْهِ فِي الْمَوْتِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا فَتُمْسِكَ مِنَ الْكُحْلِ وَالطَّيْبِ وَالْأَصْبَاغِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'When her husband dies from her, meaning and he is absent, so the proof is established upon his death, so her waiting period is from the day the news comes to her, four months and ten (days), because upon her is that she would mourn over him with regards to the death, four months and ten days. So she should restrain from the Kohl, and the perfume, and the dyes'.¹⁰¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَصْرٍ عَنْ أَبِي الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) قَالَ الْمُنَوِّفِي عَنْهَا زَوْجَهَا تَعْتَدُّ حِينَ يَبْلُغُهَا لِأَنَّهَا تُرِيدُ أَنْ تُحَدَّ عَلَيْهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Nasr,

(It has been narrated) from Abu Al-Hassan Al-Reza^{asws} having said: 'The woman widowed from her husband should observe the waiting period when it (news) reaches her because she would want to mourn over him'.¹⁰²

⁹⁹ Al Kafi – V 7 – The Book of Divorce Ch 42 H 4

¹⁰⁰ Al Kafi – V 7 – The Book of Divorce Ch 42 H 5

¹⁰¹ Al Kafi – V 7 – The Book of Divorce Ch 42 H 6

¹⁰² Al Kafi – V 7 – The Book of Divorce Ch 42 H 7

بَابُ عِلَّةِ اخْتِلَافِ عِدَّةِ الْمُطَلَّقَةِ وَ عِدَّةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا

Chapter 43 – Reason for the difference is the waiting period of the divorced woman, and the waiting period of the woman widowed from her husband

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الْحُسَيْنِ بْنِ سَيْفٍ عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ عَنْ أَبِي جَعْفَرٍ الثَّانِي (عليه السلام) قَالَ قُلْتُ لَهُ جُعِلَتْ فِدَاكَ كَيْفَ صَارَتْ عِدَّةُ الْمُطَلَّقَةِ ثَلَاثَ حَيِضٍ أَوْ ثَلَاثَةَ أَشْهُرٍ وَ صَارَتْ عِدَّةُ الْمُتَوَفَّى عَنْهَا زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا فَقَالَ أَمَّا عِدَّةُ الْمُطَلَّقَةِ ثَلَاثَةُ فُرُوعٍ فَلِاسْتِبْرَاءِ الرَّجْمِ مِنَ الْوَلَدِ وَ أَمَّا عِدَّةُ الْمُتَوَفَّى عَنْهَا زَوْجُهَا فَإِنَّ اللَّهَ عَزَّ وَ جَلَّ شَرَطَ لِلنِّسَاءِ شَرْطًا وَ شَرَطَ عَلَيْهِنَّ شَرْطًا فَلَمْ يَجَأْ بِهِنَّ فِيمَا شَرَطَ لَهُنَّ وَ لَمْ يَجْرُ فِيمَا اشْتَرَطَ عَلَيْهِنَّ

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}, 'May I be sacrificed for you^{asws}! How come the waiting period of the divorced woman is three menstruations, or three months, and the waiting period of the woman widowed from her husband came to be four months and ten (days)?' So he^{asws} said: 'As for the waiting period of the divorced woman being three *Quroos* (pure periods), so it is for the freeing of the womb from the child, and as for the waiting period of the woman widowed from her husband, so Allah^{azwj} Mighty and Majestic Stipulated a condition for the women, and Stipulated a condition against them. So He^{azwj} did not Seize them with regards to what He^{azwj} stipulated for the, and was not Unjust with regards to what He^{azwj} Stipulated against them.

شَرَطَ لَهُنَّ فِي الْإِبْلَاءِ أَرْبَعَةَ أَشْهُرٍ إِذْ يَقُولُ اللَّهُ عَزَّ وَ جَلَّ لِلَّذِينَ يُؤْلُونَ مِنْ نِسَائِهِمْ تَرَبُّصُ أَرْبَعَةِ أَشْهُرٍ فَلَمْ يُجَازَ لِأَحَدٍ أَكْثَرَ مِنْ أَرْبَعَةِ أَشْهُرٍ فِي الْإِبْلَاءِ لِعِلْمِهِ تَبَارَكَ وَ تَعَالَى أَنَّهُ غَايَةُ صَبْرِ الْمَرْأَةِ مِنَ الرَّجُلِ

A condition for them regarding the oath (by the husband not to copulate) is four months as Allah^{azwj} Mighty and Majestic is Saying **[2:226] Those who swear that they will not go in to their wives should wait four months.** Thus, it is not allowed for anyone, more than four months regarding the oath, for the Blessed and High Knows that it is the limit of the patience of the woman from the man.

وَ أَمَّا مَا شَرَطَ عَلَيْهِنَّ فَإِنَّهُ أَمَرَهَا أَنْ تَعْتَدَ إِذَا مَاتَ عَنْهَا زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا فَأَخَذَ مِنْهَا لَهُ عِنْدَ مَوْتِهِ مَا أَخَذَ لَهَا مِنْهُ فِي حَيَاتِهِ عِنْدَ إِبْلَائِهِ قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا وَ لَمْ يَذْكَرِ الْعَشْرَةَ الْأَيَّامَ فِي الْعِدَّةِ إِلَّا مَعَ الْأَرْبَعَةِ أَشْهُرِ وَ عَلِمَ أَنَّ غَايَةَ صَبْرِ الْمَرْأَةِ الْأَرْبَعَةَ أَشْهُرِ فِي تَرْكِ الْجَمَاعِ فَمِنْ تَمَّ أَوْجَبَهُ عَلَيْهَا وَ لَهَا .

And as for what He^{azwj} Stipulated against them, so He^{azwj} Commanded her that she should wait, when her husband dies from her, for four months and ten (days). Thus, He^{azwj} Took from her for him during his death, what he Took for her from him during his lifetime with the oathing. Allah^{azwj} Says **[2:234] they should keep themselves in waiting for four months and ten,** and did not Mention the 'ten days' in the waiting period except with the four months, and Knows that the limit of the patience of the woman is four months regarding the neglect of the copulation, So from then it Obligates against her and for her'.¹⁰³

¹⁰³ Al Kafi – V 7 – The Book of Divorce Ch 43 H 1

بَابُ عِدَّةِ الْحُبْلَى الْمُتَوَفَّى عَنْهَا زَوْجُهَا وَنَفَقَتِهَا

Chapter 44 – Waiting period of the pregnant woman widowed from her husband, and her expenses

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ خَالِدٍ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ قَالَ قَالَ الْمُنَوَّفَى عَنْهَا زَوْجُهَا الْحَامِلُ أُجْلُهَا آخِرُ الْأَجَلَيْنِ إِذَا كَانَتْ حُبْلَى فَتَمَّتْ لَهَا أَرْبَعَةُ أَشْهُرٍ وَعَشْرٌ وَلَمْ تَضَعْ فَإِنَّ عِدَّتَهَا إِلَى أَنْ تَضَعَ وَإِنْ كَانَتْ تَضَعُ حَمْلَهَا قَبْلَ أَنْ يَمَّ لَهَا أَرْبَعَةَ أَشْهُرٍ وَعَشْرٌ تَعْتَدُ بَعْدَ مَا تَضَعُ تَمَامَ أَرْبَعَةِ أَشْهُرٍ وَعَشْرٍ وَ ذَلِكَ أَبْعَدُ الْأَجَلَيْنِ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, and Ali Bin Ibrahim, from his father, from Usman Bin Isa, from Sama'at who said,

'He^{asws} said: 'The woman widowed from her husband, the pregnant, her term is the later of the two terms when she was pregnant. So when there would be completed for her four months and ten (days) and she had not placed (given birth), so her waiting period would be to placing it (giving birth); if it was that she places her load (gives birth) before the completion of her four months and ten (days), she would wait after what she placed (gave birth to), the complete four months and ten (days), and that is the further of the two terms'.¹⁰⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الْمُنَوَّفَى عَنْهَا زَوْجُهَا تَنْقُضِي عِدَّتَهَا آخِرَ الْأَجَلَيْنِ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Regarding the woman widowed from her husband, she would fulfill her waiting period as the later one of the two terms'.¹⁰⁵

عَلِيُّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الْحُبْلَى الْمُنَوَّفَى عَنْهَا زَوْجُهَا إِنَّهُ لَا تَنْقُضُ لَهَا .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Regarding the pregnant woman widowed from her husband, there is not expenses for her'.¹⁰⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ عِدَّةُ الْمُنَوَّفَى عَنْهَا زَوْجُهَا آخِرُ الْأَجَلَيْنِ لِأَنَّ عَلَيْهَا أَنْ تُحَدَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا وَ لَيْسَ عَلَيْهَا فِي الطَّلَاقِ أَنْ تُحَدَّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Musa Bin Bakr, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The waiting period of the woman widowed from her husband is the later of the two terms, because upon her is

¹⁰⁴ Al Kafi – V 7 – The Book of Divorce Ch 44 H 1

¹⁰⁵ Al Kafi – V 7 – The Book of Divorce Ch 44 H 2

¹⁰⁶ Al Kafi – V 7 – The Book of Divorce Ch 44 H 3

that she would mourn for four months and ten (days), and it is not upon her with the divorce that she should mourn'.¹⁰⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي امْرَأَةٍ تُوَفِّي عَنْهَا زَوْجُهَا وَ هِيَ حُبْلَى فَوَلَدَتْ قَبْلَ أَنْ تَنْقَضِيَ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرٌ فَتَزَوَّجَتْ فَقَضَى أَنْ يُحْلَى عَنْهَا ثُمَّ لَا يَخْطُبَهَا حَتَّى يَنْقَضِيَ آخِرُ الْأَجَلَيْنِ فَإِنْ شَاءَ أَوْلِيَاءُ الْمَرْأَةِ أَنْكَحُوهَا وَ إِنْ شَاءُوا أَمْسَكُوهَا فَإِنْ أَمْسَكُوهَا رُدُّوا عَلَيْهِ مَالَهُ .

Ali Bin Ibrahim, from his father and a number of our companions, from Sahl Bin Ziyad, from Ibn Abu Najran, from Aasim Bin Humejd, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a woman widowed from her husband, and she was pregnant. So she gave birth before the passing of four months and ten (days). So she re-married. So he^{asws} judged that he should isolate himself from her, then not propose to her until the passing of the later of the two terms. So if the guardians of the woman so desire to, get her married, and if they so desire to, then restrain her. So if they restrain her, his wealth would be returned to him'.¹⁰⁸

حُمَيْدُ بْنُ زِيَادٍ عَنْ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الْحُبْلَى الْمُتَوَفَّى عَنْهَا زَوْجُهَا عِدَّتُهَا آخِرُ الْأَجَلَيْنِ .

Humejd Bin Ziyad, from Ibn Sama'at, from Muhammad Bin Ziyad, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The pregnant woman widowed from her husband, her waiting period is the later of the two terms'.¹⁰⁹

عَنْهُ عَنْ صَفْوَانَ بْنِ بَحْبِئِي عَنْ ابْنِ مُسْكَانَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الْمَرْأَةُ الْحُبْلَى الْمُتَوَفَّى عَنْهَا زَوْجُهَا تَضَعُ وَ تَزَوَّجُ قَبْلَ أَنْ تَخْلُوَ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرٌ قَالَ إِنْ كَانَ زَوْجُهَا الَّذِي تَزَوَّجَهَا دَخَلَ بِهَا فُرْقَ بَيْنَهُمَا وَ اعْتَدَّتْ مَا بَقِيَ مِنْ عِدَّتِهَا الْأُولَى وَ عِدَّةٌ أُخْرَى مِنَ الْآخِرِ وَ إِنْ لَمْ يَكُنْ دَخَلَ بِهَا فُرْقَ بَيْنَهُمَا وَ اعْتَدَّتْ مَا بَقِيَ مِنْ عِدَّتِهَا وَ هُوَ خَاطِبٌ مِنَ الْخُطَابِ .

From him, from Safwan Bin Yahya, from Ibn Muskan, from Muhammad Bin Muslim who said,

'I said to Abu Abdullah^{asws}, 'The pregnant woman widowed from her husband, places (gives birth) and re-marries before the vacation of four months and ten (days)'. He^{asws} said: 'If her husband who had married her had slept with her, separation would be effected between the two of them and she would observe the waiting period of whatever remained from her first waiting period, and another waiting period from the later one; and if he had not slept with her, separation would be effected between the two of them and she would observe the waiting period of whatever remained from her waiting period, and he would be a proposer from the proposers'.¹¹⁰

وَ عَنْهُ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ وَ عَلِيِّ بْنِ خَالِدِ الْعَاقُولِيِّ عَنْ كَرَامٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) مِثْلَهُ .

¹⁰⁷ Al Kafi – V 7 – The Book of Divorce Ch 44 H 4

¹⁰⁸ Al Kafi – V 7 – The Book of Divorce Ch 44 H 5

¹⁰⁹ Al Kafi – V 7 – The Book of Divorce Ch 44 H 6

¹¹⁰ Al Kafi – V 7 – The Book of Divorce Ch 44 H 7

And from him, from Ja'far Bin Sama'at, and Ali Bin Khalid Al Aqouly, from Karram, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} – similar to it'.

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي الْمَرْأَةِ الْحَامِلِ الْمُتَوَفَّى عَنْهَا زَوْجَهَا هَلْ لَهَا نَفَقَةٌ قَالَ لَا .

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

(It has been narrated) from Abu Abdullah^{asws} regarding the pregnant woman widowed from her husband, are there expenses for her?' He^{asws} said: 'No'.¹¹¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ ابْنِ أَبِي نَصْرٍ عَنْ مُثَنَّى الْحَنَاطِ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي الْمَرْأَةِ الْحَامِلِ الْمُتَوَفَّى عَنْهَا زَوْجَهَا هَلْ لَهَا نَفَقَةٌ قَالَ لَا .

A number of our companions, from Sahl Bin Ziyad, from Ibn Abu Nasr, from Musna Al Hannat, from Zurara,

(It has been narrated) from Abu Abdullah^{asws} regarding the pregnant woman widowed from her husband, are there expenses for her?' He^{asws} said: 'No'.

وَ رُوِيَ أَيْضاً أَنَّ نَفَقَتَهَا مِنْ مَالِ وَلَدِهَا الَّذِي فِي بَطْنِهَا . رَوَاهُ .

And it is reported as well that her expenses are from the wealth of her child which is in her belly. (He) reported it.¹¹²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَرِيعٍ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ الْمَرْأَةُ الْحَبْلَى الْمُتَوَفَّى عَنْهَا زَوْجَهَا يَنْفِقُ عَلَيْهَا مِنْ مَالِ وَلَدِهَا الَّذِي فِي بَطْنِهَا .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The pregnant woman widowed from her husband, her expenses are from the wealth of her child which is in her belly'.¹¹³

بَابُ الْمُتَوَفَّى عَنْهَا زَوْجَهَا الْمُدْخُولُ بِهَا أَيَّنَ تَعْتَدُ وَ مَا يَجِبُ عَلَيْهَا

Chapter 45 – The woman widowed from her husband who has been slept with, where should she wait from and what is Obligated upon her

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ أَوْ غَيْرِهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ الْمُتَوَفَّى عَنْهَا زَوْجَهَا أَمْ تَخْرُجُ إِلَى بَيْتِ أَبِيهَا وَ أُمِّهَا مِنْ بَيْتِهَا إِنْ شَاءَتْ فَتَعْتَدُ فَقَالَ إِنْ شَاءَتْ أَنْ تَعْتَدَ فِي بَيْتِ زَوْجِهَا اعْتَدَتْ وَ إِنْ شَاءَتْ اعْتَدَتْ فِي أَهْلِهَا وَ لَا تَكْتَحِلُ وَ لَا تَلْبَسُ حُلِيًّا .

¹¹¹ Al Kafi – V 7 – The Book of Divorce Ch 44 H 8

¹¹² Al Kafi – V 7 – The Book of Divorce Ch 44 H 9

¹¹³ Al Kafi – V 7 – The Book of Divorce Ch 44 H 10

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, or someone else from Aban Bin Usman, from Abdullah Bin Suleyman who said,

'I asked Abu Abdullah^{asws} about the woman widowed from her husband, should she go out to the house of her father and her mother from her house if she so desires to, so she observes the waiting period?' So he^{asws} said: 'If she so desires to she observes the waiting period in the house of her husband, and if she so desires to she observes the waiting period among her family, and she should not apply Kohl nor wear jewellery'.¹¹⁴

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ أَبِيَانَ عَنِ ابْنِ أَبِي يَعْفُورٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُ عَنْ الْمُتَوَفَّى عَنْهَا زَوْجَهَا فَقَالَ لَا تَكْتَحِلُ لِلزَّيْنَةِ وَلَا تَطْيِبُ وَلَا تَلْبَسُ ثَوْبًا مَصْبُوعًا وَلَا تَبِيْتُ عَنْ بَيْتِهَا وَ تَقْضِي الْحُقُوقَ وَ تَمْتَسِطُ بِغَسَلَةٍ وَ تَحُجُّ وَ إِنْ كَانَتْ فِي عَدَّتِهَا .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Muhammad Bin Ismail, from Aban, from Ibn Abu Yafour,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the woman widowed from her husband. So he^{asws} said: 'She should neither apply Kohl for the adornment, nor perfume, nor wear coloured clothes, nor spend the night away from her house, and fulfill her rights, and lotion with her washing, and perform Hajj, even though she may be in her waiting period'.¹¹⁵

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنِ ابْنِ بُكَيْرٍ عَنْ عُيَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الْمُتَوَفَّى عَنْهَا زَوْجَهَا أَوْ تَحُجُّ وَ تَشْهَدُ الْحُقُوقَ قَالَ نَعَمْ .

Humeyd Bin Ziyad, from Ibn Sama'at, from Abdullah Bin Jabala, from Ibn Bukeyr, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdullah^{asws} regarding the woman widowed from her husband, can she perform Hajj, or testify for the rights?' He^{asws} said: 'Yes'.¹¹⁶

حُمَيْدُ عَنِ ابْنِ سَمَاعَةَ عَنِ ابْنِ رَبَاطٍ عَنِ ابْنِ مُسْكَانَ عَنْ أَبِي الْعَبَّاسِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الْمُتَوَفَّى عَنْهَا زَوْجَهَا قَالَ لَا تَكْتَحِلُ لِلزَّيْنَةِ وَ لَا تَطْيِبُ وَ لَا تَلْبَسُ ثَوْبًا مَصْبُوعًا وَ لَا تَخْرُجُ نَهَارًا وَ لَا تَبِيْتُ عَنْ بَيْتِهَا قُلْتُ أَرَأَيْتَ إِنْ أَرَادَتْ أَنْ تَخْرُجَ إِلَى حَقِّ كَيْفَ تَصْنَعُ قَالَ تَخْرُجُ بَعْدَ بَصْفِ اللَّيْلِ وَ تَرْجِعُ عِشَاءً .

Humeyd, from Ibn Sama'at, from Ibn Rabat, from Ibn Muskan, from Abu Al Abbas who said,

'I said to Abu Abdullah^{asws}, 'The woman widowed from her husband. He^{asws} said: 'She should neither apply the Kohl for the adornment, nor perfume, nor wear coloured clothes, nor go out during the day, nor spend the night away from her house'. I said, 'What is your^{asws} view if she wanted to go out to a right, how should she do it?' He^{asws} said: 'She should go out after midnight, and she should return by late evening'.¹¹⁷

حُمَيْدُ عَنِ ابْنِ سَمَاعَةَ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنِ ابْنِ بُكَيْرٍ عَنْ عُيَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الْمُتَوَفَّى عَنْهَا زَوْجَهَا أَوْ تَخْرُجُ مِنْ بَيْتِ زَوْجِهَا قَالَ تَخْرُجُ مِنْ بَيْتِ زَوْجِهَا وَ تَحُجُّ وَ تَنْتَقِلُ مِنْ مَنْزِلٍ إِلَى مَنْزِلٍ .

¹¹⁴ Al Kafi – V 7 – The Book of Divorce Ch 45 H 3

¹¹⁵ Al Kafi – V 7 – The Book of Divorce Ch 45 H 4

¹¹⁶ Al Kafi – V 7 – The Book of Divorce Ch 45 H 5

¹¹⁷ Al Kafi – V 7 – The Book of Divorce Ch 45 H 6

Humeyd, from Ibn Sama'at, from Abdullah Bin Jabala, from Ibn Bukeyr, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdullah^{asws}, said, I asked him^{asws} about the woman widowed from her husband, can she go out from the house of her husband?' He^{asws} said: 'She can go out from the house of her husband, and perform Hajj, and transfer from a house to a house'.¹¹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْمَتَوَفَى عَنْهَا زَوْجَهَا أَيُّنَ تَعْتَدُ قَالَ حَيْثُ شَاءَتْ وَ لَا تَبِيتُ عَنْ بَيْتِهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A'ala Bin Razeyn, 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 woman widowed from her husband, where should she observe her waiting period?' He^{asws} said: 'Wherever she so desires to, and she should not spend a night away from her house'.¹¹⁹

مُحَمَّدٌ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ عَنِ مُحَمَّدِ بْنِ عَيْسَى عَنِ يُونُسَ عَنِ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الْمَتَوَفَى عَنْهَا زَوْجَهَا أ تَعْتَدُ فِي بَيْتِ تَمَكَّتْ فِيهِ شَهْرًا أَوْ أَقَلَّ مِنْ شَهْرٍ أَوْ أَكْثَرَ ثُمَّ تَنْحَوِلُ مِنْهُ إِلَى غَيْرِهِ فَتَمَكَّتْ فِي الْمَنْزِلِ الَّذِي تَحَوَّلَتْ إِلَيْهِ مِثْلَ مَا مَكَّنْتُ فِي الْمَنْزِلِ الَّذِي تَحَوَّلْتُ مِنْهُ كَذَا صَنِيعُهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا قَالَ يَجُوزُ ذَلِكَ لَهَا وَ لَا بَأْسَ .

Muhammad Bin Ahmad Bin Muhammad, from Al Husayn, from Muhammad Bin Isa, from Yunus, from a man,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the woman widowed from her husband, should she wait in a house, remaining in it for a month, or less than a month, or more, then transfer from it to another, so she remains in the house which she moved to similar to what she remained in the house she moved from. Such is what she does until she fulfils her waiting period. He^{asws} said: 'That is allowed for her, and there is no problem'.¹²⁰

حُمَيْدٌ عَنِ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ جَاءَتْ امْرَأَةٌ إِلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) تَسْتَفْتِيهِ فِي الْمَبِيتِ فِي غَيْرِ بَيْتِهَا وَ قَدْ مَاتَ زَوْجُهَا فَقَالَ إِنَّ أَهْلَ الْجَاهِلِيَّةِ كَانَ إِذَا مَاتَ زَوْجُ الْمَرْأَةِ أَحَدَتْ عَلَيْهِ امْرَأَتُهُ اثْنَيْ عَشَرَ شَهْرًا فَلَمَّا بَعَثَ اللَّهُ مُحَمَّدًا (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) رَحِمَ ضَعْفَهُنَّ فَجَعَلَ عِدَّتَهُنَّ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا وَ أَنْتُنَّ لَا تَصْبِرْنَ عَلَى هَذَا .

Humeyd, from Ibn Sama'at, from Muhammad Bin Abu Hamza, from Abu Ayoub, from Muhammad Bin Muslim who said,

'A woman who came over to Abu Abdullah^{asws} to seek a verdict regarding the spending of a night in other than her own house, and her husband had died. So he^{asws} said: 'In the Pre-Islamic period, when a husband of a woman died, his wife would mourn over him for twelve months. So when Allah^{azwj} Sent Muhammad^{saww},

¹¹⁸ Al Kafi – V 7 – The Book of Divorce Ch 45 H 7

¹¹⁹ Al Kafi – V 7 – The Book of Divorce Ch 45 H 8

¹²⁰ Al Kafi – V 7 – The Book of Divorce Ch 45 H 9

was Merciful on their weak ones, so He^{azwj} Made their waiting period being of four months and ten (days), and you all are not being patient upon this?¹²¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سُئِلَ عَنِ الْمَرْأَةِ يَمُوتُ عَنْهَا زَوْجُهَا أَوْ يَصْلِحُ لَهَا أَنْ تَخْرُجَ أَوْ تَعُودَ مَرِيضًا قَالَ نَعَمْ تَخْرُجُ فِي سَبِيلِ اللَّهِ وَ لَا تَكْتَجِلُ وَ لَا تَطْيِبُ .

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

(It has been narrated) from Abu Abdullah^{asws}, said, 'He^{asws} was asked about the woman whose husband died, would it be correct for her that she performs Hajj, or visits to console the sick?' He^{asws} said: 'Yes, she can go out in the Way of Allah^{azwj}, and she should not apply Kohl, nor perfume'.¹²²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ خَالِدٍ عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الْمُنُوفَى عَنْهَا زَوْجُهَا لَيْسَ لَهَا أَنْ تَطْيِبَ وَ لَا تَزَيَّنَ حَتَّى تَنْقُضِيَ عِدَّتَهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرَةَ أَيَّامٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Khalid, from Al Qasim Bin Urwat, from Zurara,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The woman widowed from her husband, it is not for her that she perfumes, nor adorns until she fulfils her waiting period of four months and ten days'.¹²³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الْمَرْأَةِ يَمُوتُ عَنْهَا زَوْجُهَا وَ تَكُونُ فِي عِدَّتِهَا أَوْ تَخْرُجُ فِي حَقِّ فَقَالَ إِنْ بَعَضَ نِسَاءَ النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) سَأَلْتُهُ فَقَالَتْ إِنْ فَلَانَةَ تُؤَفِّي عَنْهَا زَوْجُهَا فَتَخْرُجُ فِي حَقِّ يَنْوِبُهَا فَقَالَ لَهَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَفَ لَكِنَّ فَذَ كُنْتِ مِنْ قَبْلِ أَنْ أُبْعَثَ فَيَكُنَّ وَ أَنَّ الْمَرْأَةَ مِنْكَ إِذَا تَوَفَّى عَنْهَا زَوْجُهَا أَخَذَتْ بَعْرَةَ فَرَمَتْ بِهَا خَلْفَ ظَهْرِهَا

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Ali Bin Raib, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the woman widowed from her husband, and she happens to be in her waiting period, can she go out regarding a right?' So he^{asws} said: 'One of the wives of the Prophet^{saww} asked him^{saww} saying, 'So and so woman has been widowed from her husband, so she wants to go out regarding a right on his behalf'. So Rasool-Allah^{saww} said to her: 'Uff! You (women), before I^{saww} was Sent, whenever a woman from you was widowed from her husband, would take cow dung and, so she would throw it behind her back.

تَمَّ قَالَتْ لَا أَمْتَشِطُ وَ لَا أَكْتَجِلُ وَ لَا أَخْتَضِبُ حَوْلًا كَامِلًا وَ إِنَّمَا أَمْرُكَ بَارَبَعَةَ أَشْهُرٍ وَ عَشْرًا ثُمَّ لَا تَصْبِرِينَ لَا تَمْتَشِطُ وَ لَا تَكْتَجِلُ وَ لَا تَخْتَضِبُ وَ لَا تَخْرُجُ مِنْ بَيْتِهَا نَهَارًا وَ لَا لَيْلًا عَنْ بَيْتِهَا فَقَالَتْ يَا رَسُولَ اللَّهِ فَكَيْفَ تَصْنَعُ إِنْ عَرَضَ لَهَا حَقٌّ فَقَالَ تَخْرُجُ بَعْدَ زَوَالِ اللَّيْلِ وَ تَرْجِعُ عِنْدَ الْمَسَاءِ فَتَكُونُ لَمْ تَبْتَ عَنْ بَيْتِهَا

Then she said, 'I shall neither comb (hair), nor apply Kohl, nor dye, for a whole year. But rather, I^{saww} have ordered you all (women) with four months and ten (days), then she is not being patient from not combing, nor applying Kohl, nor dye, nor going out from her house during the day, nor spending a night away from her house?' So she said, 'O Rasool-Allah^{saww}! So how should she act if a right presented itself to her?'

¹²¹ Al Kafi – V 7 – The Book of Divorce Ch 45 H 10

¹²² Al Kafi – V 7 – The Book of Divorce Ch 45 H 11

¹²³ Al Kafi – V 7 – The Book of Divorce Ch 45 H 12

So he^{saww} said: ‘She can go out after the decline of the night (midnight), and return during the evening, thus she would become not having spent a night away from her house’.

قُلْتُ لَهُ فَتَخْرُجُ قَالَ نَعَمْ .

I said to him^{asws}, ‘Can she perform Hajj?’ He^{asws} said: ‘Yes’.¹²⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْمَرْأَةِ الَّتِي تُؤْفَى عَنْهَا زَوْجُهَا أَوْ تَخْرُجُ وَتَنْتَقِلُ مِنْ مَنْزِلٍ إِلَى مَنْزِلٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Ibn Bukeyr who said,

‘I asked Abu Abdullah^{asws} about the woman who is widowed from her husband, can she perform Hajj?’ He^{asws} said: ‘Yes, and go out, and move from a house to a house’.¹²⁵

بَابُ الْمُتَوَفَّى عَنْهَا زَوْجُهَا وَ لَمْ يَدْخُلْ بِهَا وَ مَا لَهَا مِنَ الصَّدَاقِ وَ الْعِدَّةِ

Chapter 46 – The woman widowed from her husband and not having been slept with, and what is for her from the dower, and the waiting period

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي الرَّجُلِ يَمُوتُ وَ تَحْتَهُ امْرَأَةٌ لَمْ يَدْخُلْ بِهَا قَالَ لَهَا نِصْفُ الْمَهْرِ وَ لَهَا الْمِيرَاثُ كَامِلًا وَ عَلَيْهَا الْعِدَّةُ كَامِلَةٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A’ala Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding the man who dies and under him was a woman he had not slept with. He^{asws} said: ‘For her is half the dower, and for her is the complete inheritance, and upon her is the waiting period, complete’.¹²⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عُيَيْدِ بْنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً وَ لَمْ يَدْخُلْ بِهَا قَالَ إِنْ هَلَكَتْ أَوْ هَلَكَتْ أَوْ طَلَّقَهَا فَلَهَا النِّصْفُ وَ عَلَيْهَا الْعِدَّةُ كَامِلًا وَ لَهَا الْمِيرَاثُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ibn Bukeyr, from Ubeyd Bin Zurara who said,

‘I asked Abu Abdullah^{asws} about a man who married a woman and did not sleep with her. He^{asws} said: ‘If she were to die, or he were to divorce her, so for her would be half (dower), and upon her is the complete waiting period, and for her is the inheritance’.¹²⁷

¹²⁴ Al Kafi – V 7 – The Book of Divorce Ch 45 H 13

¹²⁵ Al Kafi – V 7 – The Book of Divorce Ch 45 H 14

¹²⁶ Al Kafi – V 7 – The Book of Divorce Ch 46 H 1

¹²⁷ Al Kafi – V 7 – The Book of Divorce Ch 46 H 2

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ جَمِيعاً عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ رَجُلٍ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي الْمَتَوَفَّى عَنْهَا زَوْجُهَا وَ لَمْ يَدْخُلْ بِهَا إِنَّ لَهَا نِصْفَ الصَّدَاقِ وَ لَهَا الْمِيرَاثُ وَ عَلَيْهَا الْعِدَّةُ .

Ali Bin Ibrahim, from his father, and Muhammad Bin Ismail from Al Fazl Bin Shazaan, altogether from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj, from a man,

(It has been narrated) from Ali^{asws} Bin Al-Husayn^{asws} having said: 'With regards to the woman widowed from her husband and he had not touched her, for her is half the dower, and for her is the inheritance, and upon her is the waiting period'.¹²⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِنْ لَمْ يَكُنْ قَدْ دَخَلَ بِهَا وَ قَدْ فَرَضَ لَهَا مَهْرًا فَلَهَا نِصْفُ مَا فَرَضَ لَهَا وَ لَهَا الْمِيرَاثُ وَ عَلَيْهَا الْعِدَّةُ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'If she did not happen to have been slept with, and the dower was obligated for her, so for her is half of what had been obligated for her, and for her is the inheritance, and upon her is the waiting period'.¹²⁹

عَلِيُّ عَنْ أَبِيهِ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ زُرَّارَةَ قَالَ سَأَلْتُهُ عَنِ الْمَرْأَةِ تَمَوَّتَ قَبْلَ أَنْ يَدْخُلَ بِهَا أَوْ يَمُوتَ الزَّوْجُ قَبْلَ أَنْ يَدْخُلَ بِهَا فَقَالَ أُيْهِمَا مَاتَ فَلِلْمَرْأَةِ نِصْفُ مَا فَرَضَ لَهَا وَ إِنْ لَمْ يَكُنْ فَرَضَ لَهَا فَلَا مَهْرَ لَهَا .

Ali, from his father, and a number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub, from Ali Bin Raib, from Zurara who said,

'I asked him^{asws} about the wife who died before she had been slept with, or the husband died before he had slept with her. So he^{asws} said; 'Whichever of the two dies, so for the woman is half of what was obligated for her, and if it was not obligated for her, so there is no dower for her'.¹³⁰

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنِ أَبَانَ عَنِ ابْنِ أَبِي يَعْقُوبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّهُ قَالَ فِي امْرَأَةٍ تُوَفِّيَتْ قَبْلَ أَنْ يَدْخُلَ بِهَا مَا لَهَا مِنَ الْمَهْرِ وَ كَيْفَ مِيرَاثُهَا فَقَالَ إِذَا كَانَ قَدْ فَرَضَ لَهَا صَدَاقًا فَلَهَا نِصْفُ الْمَهْرِ وَ هُوَ بَرِئَتُهَا وَ إِنْ لَمْ يَكُنْ فَرَضَ لَهَا صَدَاقًا فَلَا صَدَاقَ لَهَا

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa, from Aban, from Ibn Abu Yafour,

(It has been narrated) from Abu Abdullah^{asws} having said regarding a wife who died before she had been slept with, what is for her from the dower, and how is her inheritance to be? So he^{asws} said: 'If the dower had been obligated for her, so for her is half the dower, and he would inherit her; and if a dower was not obligated for her, so there is no dower for her'.

وَ قَالَ فِي رَجُلٍ تُوَفِّيَ قَبْلَ أَنْ يَدْخُلَ بِامْرَأَتِهِ قَالَ إِنْ كَانَ فَرَضَ لَهَا مَهْرًا فَلَهَا نِصْفُ الْمَهْرِ وَ هِيَ تَرِثُهُ وَ إِنْ لَمْ يَكُنْ فَرَضَ لَهَا مَهْرًا فَلَا مَهْرَ لَهَا .

¹²⁸ Al Kafi – V 7 – The Book of Divorce Ch 46 H 3

¹²⁹ Al Kafi – V 7 – The Book of Divorce Ch 46 H 4

¹³⁰ Al Kafi – V 7 – The Book of Divorce Ch 46 H 5

And he^{asws} said regarding a man who died before he had slept with his wife. He^{asws} said; 'If a dower had been obligated for her, so for her is half, and she would inherit him; and if a dower had not been obligated for her, so there is no dower for her'.¹³¹

وَ بِإِسْنَادِهِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ وَ فَضْلِ أَبِي الْعَبَّاسِ قَالَا قُلْنَا لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مَا تَقُولُ فِي رَجُلٍ تَزَوَّجَ امْرَأَةً ثُمَّ مَاتَ عَنْهَا وَ قَدْ فَرَضَ لَهَا الصَّدَاقَ فَقَالَ لَهَا نِصْفُ الصَّدَاقِ وَ تَرْتَهُ مِنْ كُلِّ شَيْءٍ وَ إِنْ مَاتَتْ فَهِيَ كَذَلِكَ.

And by his chain, from Aban Bin Usman, from Ubeyd Bin Zurara, and Fazl Abu Al Abbas both said,

'We said to Abu Abdullah^{asws}, 'What are you^{asws} saying regarding a man who marries a woman, then dies from her, and the dower was obligated for her?' So he^{asws} said: 'For her is half the dower, and she would inherit him from everything, and if she had died, so it would be like that'.¹³²

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي الْمُنَوَّفَى عَنْهَا زَوْجَهَا وَ لَمْ يَمَسَّهَا قَالَ لَا تَنْكُحُ حَتَّى تَعْتَدَ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا عِدَّةَ الْمُنَوَّفَى عَنْهَا زَوْجَهَا .

Humeyd Bin Ziyad, from Ibn Sama'at, from Muhammad Bin Ziyad, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding the woman widowed from her husband and he had not touched her. He^{asws} said: 'She cannot get married until she observes the waiting period of four months and ten (days), a waiting period of the woman widowed from her husband'.¹³³

حُمَيْدُ عَنِ ابْنِ سَمَاعَةَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الْمُنَوَّفَى عَنْهَا زَوْجَهَا وَ لَمْ يَدْخُلْ بِهَا قَالَ هِيَ بِمَنْزِلَةِ الْمُطَلَّاقَةِ الَّتِي لَمْ يَدْخُلْ بِهَا إِنْ كَانَ سَمَى لَهَا مَهْرًا فَلَهَا نِصْفُهُ وَ هِيَ تَرْتَهُ وَ إِنْ لَمْ يَكُنْ سَمَى لَهَا مَهْرًا فَلَا مَهْرَ لَهَا وَ هِيَ تَرْتَهُ قُلْتُ وَ الْعِدَّةُ قَالَ كُفَّ عَنْ هَذَا .

Humeyd, from Ibn Sama'at, from Ahmad Bin Al Hassan, from Muawiya Bin Wahab, from Ubeyd Bin Zurara,

(It has been narrated) from Abu Abdullah^{asws} regarding the woman widowed from her husband, and he had not slept with her. He^{asws} said: 'She is at a status of the divorced woman who had not been slept with, If a dower had been specified for her, so for her is half, and she would inherit him; and if a dower had not been specified for her, so there is no dower for her, and she would inherit him'. I said, 'And the waiting period?' He^{asws} said: 'Refrain from this'.¹³⁴

حُمَيْدُ عَنِ ابْنِ سَمَاعَةَ وَ أَبُو الْعَبَّاسِ الرَّزَّازُ عَنْ أَيُّوبَ بْنِ نُوحٍ وَ مُحَمَّدَ بْنَ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ جَمِيعًا عَنْ صَفْوَانَ بْنِ بَحْبِيٍّ عَنِ ابْنِ مُسْكَانَ عَنِ الْحَسَنِ الصَّنِيقِلِيِّ وَ أَبِي الْعَبَّاسِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي الْمَرْأَةِ يَمُوتُ عَنْهَا زَوْجُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا قَالَ لَهَا نِصْفُ الْمَهْرِ وَ لَهَا الْمِيرَاثُ وَ عَلَيْهَا الْعِدَّةُ .

¹³¹ Al Kafi – V 7 – The Book of Divorce Ch 46 H 6

¹³² Al Kafi – V 7 – The Book of Divorce Ch 46 H 7

¹³³ Al Kafi – V 7 – The Book of Divorce Ch 46 H 8

¹³⁴ Al Kafi – V 7 – The Book of Divorce Ch 46 H 9

Humeyd, from Ibn Sama'at, and Abu Al Abbas Al Razzaz, from Ayoub Bin Nuh, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, altogether from Safwan Bin Yahya, from Ibn Muskan, from Al Hassan Al Sayqal, and Abu Al Abbas,

(It has been narrated) from Abu Abdullah^{asws} regarding the woman whose husband died from her before he had slept with her. He^{asws} said: 'For her is half the dower, and for her is the inheritance, and upon her is the waiting period'.¹³⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ امْرَأَةٍ هَلَكَ زَوْجُهَا وَ لَمْ يَدْخُلْ بِهَا قَالَ لَهَا الْمِيرَاثُ وَ عَلَيْهَا الْعِدَّةُ كَامِلَةٌ وَ إِنْ سَمِيَ لَهَا مَهْرٌ فَلَهَا نِصْفُهُ وَ إِنْ لَمْ يَكُنْ سَمِيَ لَهَا مَهْرٌ فَلَا شَيْءَ لَهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Ibn Bukeyr, from Ubeyd Bin Zurara who said,

'I asked Abu Abdullah^{asws} about a woman whose husband died and he had not slept with her. He^{asws} said: 'For her is the inheritance, and upon her is the waiting period; and if a dower has been specified for her, so for her would be half of it, and if a dower has not been specified for her, so there is nothing for her'.¹³⁶

بَابُ الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ ثُمَّ يَمُوتُ قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا

Chapter 47 – The man divorces his wife, then he dies before the fulfilment of her waiting period

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ طَلَاقًا يَمْلِكُ فِيهِ الرَّجْعَةَ ثُمَّ مَاتَ عَنْهَا قَالَ تَعَدُّ بِأَبْعَدِ الْأَجَلَيْنِ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, from one of our companions,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) regarding a man who divorces his wife with a divorce in which he has control over the reversion. Then he dies from her. He^{asws} said: 'She would observe the waiting period with the further of the two terms, four months and ten (days)'.¹³⁷

عَنْهُ عَنْ بَعْضِ أَصْحَابِنَا فِي الْمَطْلُوقَةِ الْبَائِنَةِ إِذَا تُوُفِّيَ عَنْهَا وَ هِيَ فِي عِدَّتِهَا قَالَ تَعَدُّ بِأَبْعَدِ الْأَجَلَيْنِ .

From him, from one of our companions,

'With regards to the irrevocably divorced woman, when (her husband) dies from her, and she is in her waiting period, he^{asws} said: 'She should observe the waiting period by the further of the two terms'.¹³⁸

حُمَيْدُ بْنُ زَيْدٍ عَنِ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ زَيْدٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ ثُمَّ تُوُفِّيَ وَ هِيَ فِي عِدَّتِهَا قَالَ تَرْتَهُ وَ إِنْ تُوُفِّيَتْ وَ هِيَ فِي عِدَّتِهَا فَإِنَّهُ يَرْتَهَا وَ كُلُّ وَاحِدٍ مِنْهُمَا يَرْتُ مِنْ دِيَةِ صَاحِبِهِ مَا لَمْ يَقْتُلْ أَحَدُهُمَا الْآخَرَ

¹³⁵ Al Kafi – V 7 – The Book of Divorce Ch 46 H 10

¹³⁶ Al Kafi – V 7 – The Book of Divorce Ch 46 H 11

¹³⁷ Al Kafi – V 7 – The Book of Divorce Ch 47 H 1

¹³⁸ Al Kafi – V 7 – The Book of Divorce Ch 47 H 2

Humejd Bin Ziyad, from Ibn Sama'at, from Muhammad Bin Ziyad, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} judged regarding a man who divorced his wife, then he died and she was in her waiting period. He^{asws} said: 'She would inherit him, and if she had died while she was in her waiting period, so he would have inherited her, and each one of the two would inherit from the wergild of the other for as long as one of the two has not killed the other'.

وَرَادَ فِيهِ مُحَمَّدُ بْنُ أَبِي حَمْزَةَ وَتَعْنُدُ عِدَّةَ الْمُتَوَفَّى عَنْهَا زَوْجُهَا .

And there was an increase in it by Muhammad Bin Abu Hamza,

'And she would observe the waiting period of the woman widowed from her husband'.¹³⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) قَالَ الْمُتَوَفَّى عَنْهَا زَوْجُهَا يُنْفَقُ عَلَيْهَا مِنْ مَالِهِ .

Muhammad Bin Yahy, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from al A'ala, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'The woman widowed from her husband, would be spent upon from his wealth'.¹⁴⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ كَانَتْ تَحْتَهُ امْرَأَةٌ فَطَلَّقَهَا ثُمَّ مَاتَ عَنْهَا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا قَالَ تَعْنُدُ أَبَعَدَ الْأَجَلَيْنِ عِدَّةَ الْمُتَوَفَّى عَنْهَا زَوْجُهَا .

Muhammad Bin Yahya, from Abdullah Bin Muhammad Bin Isa, from Ibn Abu Umejr, from Hisham Bin Salim,

(It has been narrated) from Abu Abdullah^{asws} regarding a man under whom was a woman (wife), so he divorced her, then died from her before she had fulfilled her waiting period. He^{asws} said: 'She would observe the waiting period being the further of the two terms, a waiting period of the woman widowed from her husband'.¹⁴¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي نَجْرَانَ وَ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرٍ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَمِعْتُهُ يَقُولُ أَيُّمَا امْرَأَةٍ طَلَّقْتَ ثُمَّ تَوَفَّى عَنْهَا زَوْجُهَا قَبْلَ أَنْ تَنْقَضِيَ عِدَّتُهَا وَ لَمْ تَحْرُمْ عَلَيْهِ فَإِنَّهَا تَرْتَهُ ثُمَّ تَعْنُدُ عِدَّةَ الْمُتَوَفَّى عَنْهَا زَوْجُهَا وَ إِنْ تَوَفَّيْتَ وَ هِيَ فِي عِدَّتِهَا وَ لَمْ تَحْرُمْ عَلَيْهِ فَإِنَّهُ يَرْتَهَا .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, and Ahmad Bin Muhammad Bin Abu Nasr, from Aasim Bin Humejd Bin Qays,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I heard him^{asws} saying: 'Whichever woman was divorced, then her husband died from her before she had fulfilled her waiting period and she had not been forbidden unto him, so she would inherit him, then she would observe the waiting period of the woman widowed from her husband;

¹³⁹ Al Kafi – V 7 – The Book of Divorce Ch 47 H 3

¹⁴⁰ Al Kafi – V 7 – The Book of Divorce Ch 47 H 4

¹⁴¹ Al Kafi – V 7 – The Book of Divorce Ch 47 H 5

and if she had died while she was in her waiting period and was not forbidden unto him, so he would inherit her'.¹⁴²

¹⁴² Al Kafi – V 7 – The Book of Divorce Ch 47 H 6