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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 (4)

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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.

باب الظَّهَارِ

Chapter 72 – Al-Zahaar (likening the wife as a mother)

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَرَّادٍ الْحَنَاطِ عَنْ حُمْرَانَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِنَّ أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) قَالَ إِنَّ امْرَأَةً مِنَ الْمُسْلِمِينَ أَتَتْ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالَتْ يَا رَسُولُ اللَّهِ إِنَّ فُلَانًا زَوْجِي قَدْ نَثَرْتُ لَهُ بَطْنِي وَاعْتَنَيْتُهُ عَلَى دُنْيَاهُ وَآخِرَتِهِ فَلَمْ يَرِ مِنِّي مَكْرُوهًا وَ أَنَا أَشْكُوهُ إِلَى اللَّهِ عَزَّ وَجَلَّ وَ إِلَيْكَ قَالَ مِمَّا تَشْتَكِينَهُ قَالَتْ لَهُ إِنَّهُ قَالَ لِي الْيَوْمَ أَنْتِ حَرَامٌ كَظَهْرِ أُمِّي وَ قَدْ أَخْرَجَنِي مِنْ مَنْزِلِي فَانظُرْ فِي أَمْرِي

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Abu Wallad Al Hannat, from Humran,

(It has been narrated) from Abu Ja'far^{asws} having said that Amir Al-Momineen^{asws} said: 'A woman came over to Rasool-Allah^{saww}, so she said, 'O Rasool-Allah^{saww}! So and so husband of mine had married me. I gave him my belly for seeding (giving birth), and I supported him upon his world and his Hereafter, so he did not see from me anything he disliked, and I complain about him to Allah^{azwj} Mighty and Majestic, and to you^{saww}. He^{saww} said: 'From what are you complaining?' She said to him^{saww}, 'He said to me today, 'You are prohibited unto me like the back of my mother', and he has thrown me out from my house. So look into my matter'.

فَقَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَا أَنْزَلَ اللَّهُ عَلَيَّ كِتَابًا أَقْضِي بِهِ بَيْنَكَ وَ بَيْنَ زَوْجِكَ وَ أَنَا أَكْرَهُ أَنْ أَكُونَ مِنَ الْمُتَكَلِّفِينَ فَجَعَلَتْ تَبْكِي وَ تَشْتَكِي مَا بَهَا إِلَى اللَّهِ وَ إِلَى رَسُولِهِ وَ أَنْصَرَفَتْ

So Rasool-Allah^{saww} said: 'Allah^{azwj} has not yet Revealed a Book to me^{saww} to judge with between you and your husband, and I^{saww} dislike that I^{saww} become from the pretenders'. So she went on weeping and complaining of what was with her, to Allah^{azwj} and His^{azwj} Rasool^{saww}, and dispersed.

فَسَمِعَ اللَّهُ عَزَّ وَجَلَّ مُحَاوَرَتَهَا لِرَسُولِهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي زَوْجِهَا وَ مَا شَكَتْ إِلَيْهِ فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ بِذَلِكَ قُرْآنًا بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَ تَشْتَكِي إِلَى اللَّهِ وَ اللَّهُ يَسْمَعُ تَحَاوَرَكُمَا يَعْني مُحَاوَرَتَهَا لِرَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي زَوْجِهَا إِنَّ اللَّهَ سَمِيعٌ بَصِيرٌ. الَّذِينَ يُظَاهِرُونَ مِنْكُمْ مِنْ نِسَائِهِمْ مَا هُنَّ أُمَّهَاتِهِمْ إِنْ أُمَّهَاتُهُمْ إِلَّا اللَّائِي وَلَدْنَهُمْ وَ إِنَّهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَ زُورًا وَ إِنْ اللَّهُ لَعَفُوٌّ غَفُورٌ

So Allah^{azwj} Mighty and Majestic Heard her argument to His^{azwj} Rasool^{saww} regarding her husband, and what she complained to him^{saww}. So Allah^{azwj} Mighty and Majestic Revealed with that a Quranic (Verse) **[58:1] Allah has Heard the words of her who pleaded with you about her husband and complained to Allah, and Allah Knows the contentions of both of you; surely Allah is Hearing, Seeing. [58:2] (As for) those of you who put away their wives by likening their backs to the backs of their mothers, they are not their mothers; their mothers are no others than those who gave them birth; and most surely they utter a hateful word and a falsehood and most surely Allah is Pardoning, Forgiving.**

فَبَعَثَ رَسُولُ اللَّهِ (صلى الله عليه وآله) إِلَى الْمَرْأَةِ فَاتَتْهُ فَقَالَ لَهَا جِئِيْنِي بِرَوْجِكَ فَاتَتْهُ فَقَالَ لَهُ أ قُلْتَ لِامْرَأَتِكَ هَذِهِ أَنْتِ عَلَيَّ حَرَامٌ كَطَهْرٍ أُمِّي قَالَ قَدْ قُلْتُ لَهَا ذَلِكَ فَقَالَ لَهُ رَسُولُ اللَّهِ (صلى الله عليه وآله) قَدْ أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ فِيكَ وَ فِي امْرَأَتِكَ فُرْأناً فَقَرَأَ عَلَيْهِ مَا أَنْزَلَ اللَّهُ مِنْ قَوْلِهِ قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا إِلَى قَوْلِهِ إِنَّ اللَّهَ لَعَفُوٌّ غَفُورٌ فَضُمَّ امْرَأَتَكَ إِلَيْكَ فَإِنَّكَ قَدْ قُلْتَ مُكْرَماً مِنَ الْقَوْلِ وَ زوراً قَدْ عَفَا اللَّهُ عَنْكَ وَ عَفَرَ لَكَ فَلَا تُعَدِّ

So Rasool-Allah^{saww} sent for the woman, so she came over. So he^{saww} said to her: 'Come to me^{saww} with your husband'. So she came with him. So he^{saww} said to him: 'Did you say to this wife of yours, 'You are prohibited unto me like the back of my mother'? He said, 'I had said that to her'. So Rasool-Allah^{saww} said to him: 'Allah^{azwj} Mighty and Majestic has Revealed regarding you and regarding your wife, a Quran'. So he^{saww} recited to him what Allah^{azwj} had Revealed from His^{azwj} Words **[58:1] Allah has Heard the words of her who pleaded with you about her husband up to His^{azwj} Words and most surely Allah is Pardoning, Forgiving.** So cuddle your wife to yourself, for you have spoken an evil from the speech and a fallacy. Allah^{azwj} has Pardoned you and Forgiven for you, therefore do not repeat'.

فَانصَرَفَ الرَّجُلُ وَ هُوَ نَادِمٌ عَلَى مَا قَالَ لِامْرَأَتِهِ وَ كرهَ اللَّهُ ذَلِكَ لِلْمُؤْمِنِينَ بَعْدَ فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ وَ الَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا يَعْنِي لِمَا قَالَ الرَّجُلُ الْأَوَّلُ لِامْرَأَتِهِ أَنْتِ عَلَيَّ حَرَامٌ كَطَهْرٍ أُمِّي قَالَ فَمَنْ قَالَهَا بَعْدَ مَا عَفَا اللَّهُ وَ عَفَرَ لِلرَّجُلِ الْأَوَّلِ فَإِنَّ عَلَيْهِ فَتْحَرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا يَعْنِي مُجَامَعَتَهَا ذَلِكَ لَكُمْ نُوعُظُونَ بِهِ وَ اللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ.

So the man left and he was regretful upon what he had said to his wife, and Allah^{azwj} Disliked that for the believers afterwards, so Allah^{azwj} Mighty and Majestic Revealed **[58:3] And (as for) those who put away their wives by likening their backs to the backs of their mothers then withdraw what they said,** Meaning what the man first said to his wife, 'You are prohibited unto me like the back of my mother', so the one who says it after what Allah^{azwj} had Pardoned him and Forgiven to the man firstly, so upon him **should free a captive before they touch them** Meaning copulate with them **that is what you are Advised for; and Allah is Aware of what you doing.**

فَمَنْ لَمْ يَجِدْ فَصِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا فَمَنْ لَمْ يَسْتَطِعْ فَإِطْعَامُ سِتِّينَ مِسْكِيناً فَجَعَلَ اللَّهُ عُقُوبَةَ مَنْ ظَاهَرَ بَعْدَ النَّهْيِ هَذَا وَ قَالَ ذَلِكَ لِنُؤْمِنُوا بِاللَّهِ وَ رَسُولِهِ وَ تِلْكَ حُدُودُ اللَّهِ فَجَعَلَ اللَّهُ عَزَّ وَجَلَّ هَذَا حَدَّ الظَّهَارِ

[58:4] But whoever has not the means, let him Fast for two months successively before they touch them; then as for him who is not able, let him feed sixty needy ones. So Allah^{azwj} Made a Punishment or the one who does Zahaar after this Prohibition, and Said **that is in order that you may have faith in Allah and His Rasool; and these are Allah's Limits.** So Allah^{azwj} Mighty and Majestic Made this a Limit for the Zahaar'.

قَالَ حُمْرَانُ قَالَ أَبُو جَعْفَرٍ (عليه السلام) وَ لَا يَكُونُ ظَهَارٌ فِي يَمِينٍ وَ لَا فِي إِضْرَارٍ وَ لَا فِي غَضَبٍ وَ لَا يَكُونُ ظَهَارٌ إِلَّا عَلَى طَهْرٍ بَعِيرٍ جَمَاعٍ بِشَهَادَةِ شَاهِدَيْنِ مُسْلِمَيْنِ .

Humran (the narrator) said, 'Abu Ja'far^{asws} said: 'And Zahaar does not happen during a vow, nor during harming, nor during anger, and Zahaar does not happen except upon purity without copulation, with two Muslim witnesses'.¹

¹ Al Kafi – V 7 – The Book of Divorce Ch 72 H 1

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عَبْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا طَلَّاقَ إِلَّا مَا أُرِيدَ بِهِ الطَّلَاقُ وَلَا ظَهْرًا إِلَّا مَا أُرِيدَ بِهِ الظَّهْرُ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'There is no divorce except what is intended by it is the divorce, nor a *Zahaar* except what is intended by it is the *Zahaar*'.²

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبِيبٍ عَنِ ابْنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا جَعْفَرَ (عَلَيْهِ السَّلَامُ) عَنِ الظَّهْرِ فَقَالَ هُوَ مِنْ كُلِّ ذِي مَحْرَمٍ أُمَّ أَوْ أُخْتٍ أَوْ عَمَّةٍ أَوْ خَالَهٍ وَلَا يَكُونُ الظَّهْرُ فِي يَمِينٍ قُلْتُ فَكَيْفَ يَكُونُ قَالَ يَقُولُ الرَّجُلُ لِامْرَأَتِهِ وَ هِيَ طَاهِرَةٌ مِنْ غَيْرِ جَمَاعٍ أَنْتَ عَلَيَّ حَرَامٌ مِثْلُ ظَهْرِ أُمِّي أَوْ أُخْتِي وَ هُوَ يُرِيدُ بِذَلِكَ الظَّهْرَ .

Ali, from his father, from Ibn Mahboub, from Ibn Raib, from Zurara who said,

'I asked Abu Ja'far^{asws} about the *Zahaar*, so he^{asws} said: 'It is from everyone who is with close un-marriageable relationship, a mother, or a sister, or a paternal aunt, or a maternal aunt, and *Al Zahaar* does not happen during a vow'. I said, 'So how does it happen?' He^{asws} said: 'The man is saying to his wife, and she is pure (from menstruation) from without copulation, 'You are prohibited unto me like a back of my mother', or 'my sister', and he is intending the *Zahaar* by that'.³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ رَجُلٍ مِنْ أَصْحَابِنَا عَنْ رَجُلٍ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) إِنِّي قُلْتُ لِامْرَأَتِي أَنْتَ عَلَيَّ كَظَهْرِ أُمِّي إِنْ خَرَجْتَ مِنْ بَابِ الْحُجْرَةِ فَخَرَجْتَ فَقَالَ لَيْسَ عَلَيْكَ شَيْءٌ فَقُلْتُ إِنِّي قَوِيٌّ عَلَى أَنْ أَكْفُرَ فَقَالَ لَيْسَ عَلَيْكَ شَيْءٌ قُلْتُ إِنِّي قَوِيٌّ عَلَى أَنْ أَكْفُرَ رَقَبَةً وَ رَقَبَتَيْنِ قَالَ لَيْسَ عَلَيْكَ شَيْءٌ قَوِيَّتَ أَوْ لَمْ تَقُو .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Ibn Bukeyr, from a man from our companions, from a man who said,

'I said to Abu Al-Hassan^{asws}, 'I said to my wife, 'You would be unto me like the back of my mother if you go out from the door of the chamber'. So she went out. He^{asws} said: 'There is nothing upon you'. So I said, 'I am (financially) strong enough to expiate'. So he^{asws} said: 'There is nothing upon you'. I said, 'I am strong enough to expiate by freeing a neck and two necks'. He^{asws} said: 'There is nothing upon you, whether you are (financially) strong or not strong'.⁴

ابْنُ فَضَّالٍ عَمَّنْ أَخْبَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَكُونُ الظَّهْرُ إِلَّا عَلَى مِثْلِ مَوْضِعِ الطَّلَاقِ .

Ibn Fazzal, from the one who informed him,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The *Zahaar* does not happen except upon the similar place of the divorce'.⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي نَجْرَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةِ وَ غَيْرِهِ قَالَ تَزَوَّجَ حَمْرَةَ ابْنِ حُمْرَانَ ابْنَةً بُكَيْرٍ فَلَمَّا كَانَ فِي اللَّيْلَةِ الَّتِي أُدْخِلَ بِهَا عَلَيْهِ قَلْنَ لَهُ النِّسَاءُ أَنْتَ لَا تَبَالِي الطَّلَاقَ وَ لَيْسَ هُوَ عِنْدَكَ

² Al Kafi – V 7 – The Book of Divorce Ch 72 H 2

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

⁴ Al Kafi – V 7 – The Book of Divorce Ch 72 H 4

⁵ Al Kafi – V 7 – The Book of Divorce Ch 72 H 5

بِشَيْءٍ وَ أَلَيْسَ نُدْخِلُهَا عَلَيْكَ حَتَّى تُظَاهِرَ مِنْ أُمَّهَاتٍ أَوْ أَوْلَادِكَ قَالَ فَفَعَلَ فَذَكَرَ ذَلِكَ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) فَأَمَرَهُ أَنْ يُفْرَبَهُنَّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Najran, from Ibn Abu Umeyr, from Abdullah Bin Al Mugheira and someone else who said,

'Hamza Bin Humran married a daughter of Bukeyr, So when it was the night of consummation, the women said to him, 'You do not care about the divorce, and it is not with anything in your presence, and we will not let her come to you until you do *Zahaar* from the mothers of your children'. So he did it. So he mentioned that to Abu Abdullah^{asws}. So he^{asws} ordered him that he should go near them'.⁶

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ أَبُو الْعَبَّاسِ الرَّزَّازُ عَنْ أَبِي يُؤَبِّ بْنِ نُوحٍ جَمِيعاً عَنْ صَفْوَانَ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ الْمُجِيرَةِ قَالَ تَزَوَّجَ حَمْرَةَ ابْنِ حُمْرَانَ ابْنَةَ بُكَيْرٍ فَلَمَّا أَرَادَ أَنْ يَدْخُلَ بِهَا قَالَ لَهُ النِّسَاءُ لَسْنَا نُدْخِلُهَا عَلَيْكَ حَتَّى تَخْلِفَ لَنَا وَ لَسْنَا نَرْضَى أَنْ تَخْلِفَ بِالْعِنُقِ لِأَنَّكَ لَا تَرَاهُ شَيْئاً وَ لَكِنْ أَخْلَفَ لَنَا بِالظَّهَرِ وَ ظَاهِرَ مِنْ أُمَّهَاتٍ أَوْلَادِكَ وَ جَوَارِيكَ فَظَاهَرَ مِنْهُنَّ ثُمَّ ذَكَرَ ذَلِكَ لِأَبِي عَبْدِ اللَّهِ (عليه السلام) فَقَالَ لَيْسَ عَلَيْكَ شَيْءٌ ارْجِعْ إِلَيْهِنَّ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Abu Al Abbas Al Razzaz, from Ayoub Bin Nuh, altogether from Safwan, from Ibn Abu Umeyr, from Abdullah Bin Al Mugheira who said,

'Hamza Bin Humran married a daughter of Bukeyr. So when he intended to copulate with her, the women said to him, 'We will not let her come over to you until you swear an oath to us, and we will not be pleased if you oath with the emancipation (liberation of a slave), because you do not see it as anything, but oath for us with the *Zahaar*, and do *Zahaar* from the mothers of your children, and your neighbours'. So he did *Zahaar* from them. Then he mentioned that to Abu Abdullah^{asws}, so he^{asws} said: 'There is nothing upon you. Return to them'.⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ أَبِي الْحَسَنِ (عليه السلام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُصَلِّي الصَّلَاةَ أَوْ يَتَوَضَّأُ فَيَبْسُكُ فِيهَا بَعْدَ ذَلِكَ فَيَقُولُ إِنْ أَعَدْتُ الصَّلَاةَ أَوْ أَعَدْتُ الْوُضُوءَ فَأَمْرَأَتُهُ عَلَيْهِ كَظْهِرِ أُمِّهِ وَ يَخْلِفُ عَلَى ذَلِكَ بِالطَّلَاقِ فَقَالَ هَذَا مِنْ خَطَوَاتِ الشَّيْطَانِ لَيْسَ عَلَيْهِ شَيْءٌ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan,

(It has been narrated) from Abu Al-Hassan^{asws}, said, 'I asked him^{asws} about the man who Prayed the Prayer, or performed ablution, so he doubted with regards to it after that, so he is saying that if he were to repeat his Prayer or repeat his ablution, so his wife would be unto him like the back of his mother, and he swears upon that with the divorce'. So he^{asws} said: 'This is from the footsteps of the Satan^{la}. There is nothing upon him'.⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَمِعْتُهُ يَقُولُ جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ (صلى الله عليه وآله) فَقَالَ يَا رَسُولَ اللَّهِ ظَاهَرْتُ مِنْ أَمْرَأَتِي قَالَ أَذْهَبَ فَأَعْتِقَ رَقَبَةً قَالَ لَيْسَ عِنْدِي شَيْءٌ قَالَ أَذْهَبَ فَصُمُّ شَهْرَيْنِ مُتَتَابِعَيْنِ قَالَ لَا أَقْوَى قَالَ أَذْهَبَ فَأَطْعَمُ سِتِّينَ مِسْكِيناً قَالَ لَيْسَ عِنْدِي قَالَ فَقَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) أَنَا أَتَصَدَّقُ عَنْكَ فَأَعْطَاهُ تَمْرًا لِإِطْعَامِ سِتِّينَ مِسْكِيناً قَالَ أَذْهَبَ فَتَصَدَّقُ بِهَا فَقَالَ وَ الَّذِي بَعَثَكَ بِالْحَقِّ مَا أَعْلَمُ بَيْنَ لَابَنَيْهَا أَحَدًا أَحْوَجَ إِلَيْهِ مِنِّي وَ مِنْ عِيَالِي قَالَ فَأَذْهَبَ فَكُلْ وَ أَطْعَمْ عِيَالَكَ .

⁶ Al Kafi – V 7 – The Book of Divorce Ch 72 H 6

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

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

Ali Bin Ibrahim, from his father, and a number of our companions, from Ahmad Bin Muhammad, from Usman Bin Isa, from Sama'at, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I heard him^{asws} saying, 'A man came over to Rasool-Allah^{saww}, so he said, 'O Rasool-Allah^{saww}! I have done *Zahaar* from my wife'. He^{saww} said: 'Go, so emancipate a neck'. He said, 'There isn't anything with me'. He^{saww} said: 'Go, so Fast for two months consecutively'. He said, 'I am not strong enough'. He^{saww} said: 'Go, so feed sixty poor ones'. He said, 'There isn't with me (enough money)'. So Rasool-Allah^{saww} said: 'I^{saww} shall give charity on your behalf'. So he^{saww} gave him some dates for feeding sixty poor ones. He^{saww} said: 'Go, so give in charity with it'. So he said, 'By the One Who^{azwj} Sent you^{saww} with the truth, I do not know anyone between these mountains anyone more needy for it than myself and my family'. He^{saww} said: 'So, go, eat and feed your family'.⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) الرَّجُلُ يَقُولُ لِامْرَأَتِهِ أَنْتِ عَلَيَّ كَظَهْرِ عَمَّتِي أَوْ خَالَتِي قَالَ هُوَ الظَّهَارُ

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

'I said to Abu Abdullah^{asws}, 'The man is saying to his wife, 'You are unto me like the back of' – either his paternal aunt or his maternal aunt'. He^{asws} said: 'It is the *Zahaar*'.

قَالَ وَ سَأَلْنَاهُ عَنِ الظَّهَارِ مَتَى يَقَعُ عَلَى صَاحِبِهِ الْكُفَّارَةُ فَقَالَ إِذَا أَرَادَ أَنْ يُوَاقِعَ امْرَأَتَهُ قُلْتُ فَإِنْ طَلَّقَهَا قَبْلَ أَنْ يُوَاقِعَهَا أَعَلَيْهِ كُفَّارَةٌ قَالَ لَا سَقَطَتْ عَنْهُ الْكُفَّارَةُ

He (the narrator) said, 'And we asked him about the *Zahaar*, when does the expiation occur upon its perpetrator?' So he^{asws} said: 'When he intends to copulate with his wife'. I said, 'Supposing he divorces her before he copulates with her, would there be an expiation upon him?' He^{asws} said: 'The expiation does not drop off from him'.

قُلْتُ فَإِنْ صَامَ بَعْضًا فَمَرِضَ فَأَفْطَرَ أَمْ يَسْتَقْبِلُ أَمْ يُنْمِ مَا بَقِيَ عَلَيْهِ فَقَالَ إِنْ صَامَ شَهْرًا فَمَرِضَ اسْتَقْبَلَ وَ إِنْ زَادَ عَلَى الشَّهْرِ الْآخِرِ يَوْمًا أَوْ يَوْمَيْنِ بَنَى عَلَى مَا بَقِيَ

I said, 'So if he were to Fast some, so he falls sick, so he breaks the Fasting, shall he start again or he has to complete what remains upon him?' So he^{asws} said: 'If he Fasted a month, so he fell sick, he starts again, and if he exceeded upon the month by one day or two days, he builds upon what remains'.

قَالَ وَ قَالَ الْحُرَّةُ وَ الْمَمْلُوكَةُ سَوَاءٌ غَيْرَ أَنَّ عَلَى الْمَمْلُوكِ نِصْفَ مَا عَلَى الْحُرِّ مِنَ الْكُفَّارَةِ وَ لَيْسَ عَلَيْهِ عِتْقٌ وَ لَا صَدَقَةٌ إِنَّمَا عَلَيْهِ صِيَامُ شَهْرٍ .

He (the narrator) said, 'He^{asws} said: 'The free woman and the owned (slave) woman are equal, apart from that upon the owned is half of what is upon the free, from the expiation, and there is no emancipation upon him nor a charity, but rather upon him is the Fasting for a month'.¹⁰

⁹ Al Kafi – V 7 – The Book of Divorce Ch 72 H 9

¹⁰ Al Kafi – V 7 – The Book of Divorce Ch 72 H 10

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ الرَّزَّازِ عَنْ أَبِي بِنِ نُوحٍ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا إِبْرَاهِيمَ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يُظَاهِرُ مِنْ جَارِيَتِهِ فَقَالَ الْحُرَّةُ وَالْأَمَةُ فِي ذَلِكَ سَوَاءٌ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Razzaz, from Ayoub Bin Nuh, from Safwan Bin Yahya, from Is'haq Bin Ammar who said,

'I asked Abu Ibrahim^{asws} (7th Imam^{asws}) about the man who did *Zahaar* from his slave girl. So he^{asws} said: 'The free woman and the slave woman with regards to that, are equal'.¹¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ ظَاهَرَ مِنْ امْرَأَتِهِ خَمْسَ مَرَّاتٍ أَوْ أَكْثَرَ فَقَالَ قَالَ عَلِيُّ (عَلَيْهِ السَّلَام) مَكَانَ كُلِّ مَرَّةٍ كَفَّارَةٌ

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 (5th or 6th Imam^{asws}), said, 'I asked him^{asws} about a man who did *Zahaar* from his wife five times, or more. So he^{asws} said: 'Ali^{asws} said: 'In place of each time, is an expiation'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ ظَاهَرَ مِنْ امْرَأَتِهِ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يُوَاقِعَهَا عَلَيْهِ كَفَّارَةٌ قَالَ لَا

He (the narrator) said, 'And I asked him^{asws} about a man who did *Zahaar* from his wife, then divorced her before he copulated with her, does an expiation occur upon him?' He^{asws} said: 'No'.

قَالَ وَ سَأَلْتُهُ عَنِ الظَّهَارِ عَلَى الْحُرَّةِ وَالْأَمَةِ فَقَالَ نَعَمْ قَبْلَ فَإِنْ ظَاهَرَ فِي شَعْبَانَ وَ لَمْ يَجِدْ مَا يُعْتِقُ قَالَ يَنْتَظِرُ حَتَّى يَصُومَ شَهْرَ رَمَضَانَ ثُمَّ يَصُومُ شَهْرَيْنِ مُتَتَابِعَيْنِ وَ إِنْ ظَاهَرَ وَ هُوَ مُسَافِرٌ أَنْتَظِرُ حَتَّى يَقْدَمَ فَإِنْ صَامَ فَأَصَابَ مَالًا فَلْيَمُضِ الَّذِي ابْتَدَأَ فِيهِ .

He (the narrator) said, 'And I asked him^{asws} about the *Zahaar* upon the free woman and the slave woman. So he^{asws} said: 'Yes'. It was said, 'Supposing if he did *Zahaar* in Shaban and did not find what he could emancipate?' He^{asws} said: 'He should wait until he Fasts the Month of Ramazaan, then he should Fast for two months consecutively. And if he had done *Zahaar* and he is a traveller, he should wait until he returns home. So if he Fasts and attains wealth, so let him fulfill that which he had begun with'.¹²

مُحَمَّدٌ عَنْ أَحْمَدَ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ مُحَمَّدِ بْنِ حُمْرَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْمَمْلُوكِ أَعَلَيْهِ ظَهَارٌ فَقَالَ عَلَيْهِ نِصْفُ مَا عَلَى الْحُرِّ صَوْمُ شَهْرٍ وَ لَيْسَ عَلَيْهِ كَفَّارَةٌ مِنْ صَدَقَةٍ وَ لَا عِتْقٍ .

Muhammad, from Ahmad, from Ibn Abu Najran, from Muhammad Bin Humran who said,

'I asked Abu Abdullah^{asws} about the owned slave, is there *Zahaar* upon him?' So he^{asws} said: 'Upon him is half of what is upon the free. He should Fast a month, and

¹¹ Al Kafi – V 7 – The Book of Divorce Ch 72 H 11

¹² Al Kafi – V 7 – The Book of Divorce Ch 72 H 12

there is no expiation upon him from neither a charity nor an emancipation (of a slave)'.¹³

عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ ظَاهَرَ مِنْ امْرَأَتِهِ ثَلَاثَ مَرَّاتٍ قَالَ يُكْفَرُ ثَلَاثَ مَرَّاتٍ فُئْتُ فَإِنْ وَقَعَ قَبْلَ أَنْ يُكْفَرَ قَالَ يَسْتَغْفِرُ اللَّهُ وَ يُمْسِكُ حَتَّى يُكْفَرَ .

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

'I asked Abu Abdullah^{asws} about a man who did *Zahaar* from his wife three times. He^{asws} said: 'He has to expiate three times'. I said, 'Supposing he copulated before he had expiated?' He^{asws} said: 'He should seek Forgiveness of Allah^{azwj}, and restrain until he has expiated'.¹⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي حَمَزَةَ الثَّمَالِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الْمَمْلُوكِ أَوْ عَلَيْهِ ظَهَرَ فَقَالَ نِصْفُ مَا عَلَى الْحُرِّ مِنَ الصَّوْمِ وَ لَيْسَ عَلَيْهِ كَفَّارَةٌ صَدَقَةٌ وَ لَا عِتْقٌ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub, from Abu Hamza Al Sumaly,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I asked him^{asws} about the owned slave, is there *Zahaar* upon him?' So he^{asws} said: 'Half of what is upon the free, from the Fasting, and there is no expiation upon him of a charity, nor an emancipation (of a slave)'.¹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبَخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ أَوْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ كَانَ لَهُ عَشْرُ جَوَارٍ فَظَاهَرَ مِنْهُنَّ كُلَّهُنَّ جَمِيعاً بِكَلَامٍ وَاحِدٍ قَالَ عَلَيْهِ عَشْرُ كَفَّارَاتٍ .

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

(It has been narrated) from Abu Abdullah^{asws} or Abu Al-Hassan^{asws} regarding a man who had ten slave girls, so he did *Zahaar* from all of them together by one speech. He^{asws} said: 'Upon him are ten expiations'.¹⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنْ زُرَّارَةَ وَ غَيْرِ وَاحِدٍ عَنْ أَبِي بصيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ إِذَا وَقَعَ الْمَرَّةَ الثَّانِيَةَ قَبْلَ أَنْ يُكْفَرَ فَعَلَيْهِ كَفَّارَةٌ أُخْرَى قَالَ لَيْسَ فِي هَذَا اخْتِلَافٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Zurara, and someone else, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When he copulates for a second time before he has expiated, so upon him is another expiation'. He^{asws} said: 'There is no differing in this'.¹⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ سَيْفِ الثَّمَارِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَقُولُ لِامْرَأَتِهِ أَنْتِ عَلَيَّ كَظَهَرِ أُخْتِي أَوْ عَمَّتِي أَوْ خَالَتِي قَالَ فَقَالَ إِنَّمَا ذَكَرَ اللَّهُ الْأُمَّهَاتِ وَإِنَّ هَذَا لِحَرَامٌ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Sayf Al Tammar who said,

¹³ Al Kafi – V 7 – The Book of Divorce Ch 72 H 13

¹⁴ Al Kafi – V 7 – The Book of Divorce Ch 72 H 14

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

¹⁶ Al Kafi – V 7 – The Book of Divorce Ch 72 H 16

¹⁷ Al Kafi – V 7 – The Book of Divorce Ch 72 H 17

'I said to Abu Abdullah^{asws}, 'The man is saying to his wife, 'You are unto me like the back of my sister', or 'my paternal aunt', or 'my maternal aunt'. So he^{asws} said: 'But rather, Allah^{azwj} Mentioned the 'mothers', and in this is the Prohibition'.¹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَهْرَبَارٍ قَالَ كَتَبَ عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) جُعِلَتْ فِدَاكَ إِنَّ بَعْضَ مَوَالِيكَ يَزْعُمُ أَنَّ الرَّجُلَ إِذَا تَكَلَّمَ بِالظَّهَارِ وَجَبَتْ عَلَيْهِ الْكَفَّارَةُ حَيْثُ أَوْ لَمْ يَحْنُثْ وَيَقُولُ حَيْثُ كَلَامُهُ بِالظَّهَارِ وَ إِنَّمَا جُعِلَتْ عَلَيْهِ الْكَفَّارَةُ عُقُوبَةً لِكَلَامٍ وَ بَعْضُهُمْ يَزْعُمُ أَنَّ الْكَفَّارَةَ لَا تَلْزِمُهُ حَتَّى يَحْنُثَ فِي الشَّيْءِ الَّذِي حَلَفَ عَلَيْهِ فَإِنْ حَنْثَ وَجَبَتْ عَلَيْهِ الْكَفَّارَةُ وَ إِلا فَلَا كَفَّارَةَ عَلَيْهِ فَوَقَعَ (عَلَيْهِ السَّلَام) بِخَطِّهِ لَا تَجِبُ الْكَفَّارَةُ حَتَّى يَجِبَ الْحَنْثُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Mahziyar who said,

'Abu Abdullah Bin Muhammad wrote to Abu Al-Hassan^{asws}, 'May I be sacrificed for you^{asws}! Some of the ones in your^{asws} Wilayah are alleging that the man, when he speaks with the *Zahaar*, the expiation is Obligated upon him, violating an oath or not violating an oath, and they are saying that his lie is his speaking with the *Zahaar*, and rather the expiation is made to be upon him as a Punishment for the speech; and one of them is alleging that the expiation does not necessitate until he is lying regarding something which he has sworn upon, for the lying Obligates the expiation upon him, or else there is no expiation upon him'. So he^{asws} signed by his^{asws} own handwriting: 'The expiation is not Obligated until the violation of a vow occurs'.¹⁹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ قَالَ سَأَلَ الْحُسَيْنُ بْنُ مِهْرَانَ أَبَا الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ ظَاهَرَ مِنْ أَرْبَعِ نِسْوَةٍ فَقَالَ يُكْفَرُ لِكُلِّ وَاحِدَةٍ مِنْهُنَّ كَفَّارَةٌ

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan who said,

'Al-Husayn Bin Mahran asked Abu Al-Hassan Al-Reza^{asws} about a man who did *Zahaar* from four women. So he^{asws} said: 'He would expiate for each one of them with the expiation'.

وَ سَأَلَهُ عَنْ رَجُلٍ ظَاهَرَ مِنْ امْرَأَتِهِ وَ جَارِيَّتِهِ مَا عَلَيْهِ قَالَ عَلَيْهِ لِكُلِّ وَاحِدَةٍ مِنْهُمَا كَفَّارَةٌ عَنْقُ رَقَبَةٍ أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ إِطْعَامُ سِتِّينَ مِسْكِينًا .

And I asked him^{asws} about a man who did *Zahaar* from his wife, and his slave girl. What is upon him?' He^{asws} said: 'Upon him for each one of them is an expiation of either emancipating a neck, or Fasting of two months consecutively, or feeding sixty poor ones'.²⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ جَمِيلِ بْنِ صَالِحٍ عَنِ الْفَضِيلِ بْنِ بَسَارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ رَجُلٍ مَمْلُوكٍ ظَاهَرَ مِنْ امْرَأَتِهِ فَقَالَ لِي لَا يَكُونُ ظَاهراً وَ لَا إِيْلاءَ حَتَّى يَدْخُلَ بِهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether from Ibn Mahboub, from Jameel Bin Salih, from Al Fuzayl Bin Yasaar who said,

¹⁸ Al Kafi – V 7 – The Book of Divorce Ch 72 H 18

¹⁹ Al Kafi – V 7 – The Book of Divorce Ch 72 H 19

²⁰ Al Kafi – V 7 – The Book of Divorce Ch 72 H 20

'I asked Abu Abdullah^{asws} about an owned man who did *Zahaar* from his wife. So he^{asws} said to me: '*Zahaar* does not happen, nor a swearing, until he copulates with her'.²¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَقُولُ لِامْرَأَتِهِ هِيَ عَلَيَّ كَظَهْرٍ أُمِّهِ قَالَ تَحْرِيرُ رَقَبَةٍ أَوْ صِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ إِطْعَامُ سِتِّينَ مَسْكِينًا وَ الرَّقَبَةُ يُجْزَى عَنْهُ صَبِيٌّ مِمَّنْ وُلِدَ فِي الْإِسْلَامِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Muawiya Bin Wahab who said,

'I asked him^{asws} about Abu Abdullah^{asws} about the man who is saying to his wife that she is unto him like the back of his mother. He^{asws} said: 'He should free a neck or Fast for two months consecutively, or feed sixty poor ones, and the freeing would suffice from it a child from the ones who were born in Al-Islam'.²²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلٍ وَ ابْنِ بُكَيْرٍ وَ حَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الْمُظَاهَرُ إِذَا طَلَّقَ سَقَطَتْ عَنْهُ الْكُفَّارَةُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel, and Ibn Bukeyr, and Hammad Bin Usman,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The perpetrator (committer) of the *Zahaar*, when he divorces, the expiation drops off from him'.²³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ الزِّيَّاتِ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) إِنِّي ظَاهَرْتُ مِنْ امْرَأَتِي فَقَالَ كَيْفَ قُلْتَ قَالَ قُلْتَ أَنْتِ عَلَيَّ كَظَهْرٍ أُمِّي إِنْ فَعَلْتِ كَذَا وَ كَذَا فَقَالَ لَا شَيْءَ عَلَيْكَ وَ لَا تُعَدِّ .

A number of our companions, from Sahl Bin Ziyad, from Al Wasim Bin Muhammad Al Zayyat who said,

'I said to Abu Al-Hassan^{asws}, 'I did *Zahaar* from my wife'. So he^{asws} said: 'How?' I said, 'I said (to her), 'You would be unto me like the back of my mother, if you were to do such and such'. So he^{asws} said: 'There is nothing upon you, and do not repeat'.²⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي نَصْرٍ عَنِ الرِّضَا (عَلَيْهِ السَّلَام) قَالَ الظَّهَارُ لَا يَقَعُ عَلَى الْعَضْبِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Nasr,

(It has been narrated) from Al-Reza^{asws} having said: 'The *Zahaar* does not occur upon the anger'.²⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ الْحَسَنِ عَنْ عَمْرٍو بْنِ سَعِيدٍ عَنْ مُصَدِّقِ بْنِ صَدَقَةَ عَنْ عَمَّارِ بْنِ مُوسَى عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الظَّهَارِ الْوَاجِبِ قَالَ الَّذِي يُرِيدُ بِهِ الرَّجُلُ الظَّهَارَ بَعِيْهِ .

²¹ Al Kafi – V 7 – The Book of Divorce Ch 72 H 21

²² Al Kafi – V 7 – The Book of Divorce Ch 72 H 22

²³ Al Kafi – V 7 – The Book of Divorce Ch 72 H 23

²⁴ Al Kafi – V 7 – The Book of Divorce Ch 72 H 24

²⁵ Al Kafi – V 7 – The Book of Divorce Ch 72 H 25

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ahmad Bin Al Hassan, from Amro Bin Saeed, from Musaddaq Bin Sadaqa, from Ammar Bin Musa,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the *Zahaar*, the obligatory. He^{asws} said: 'That which the man intends by it, exactly'.²⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) إِذَا قَالَتِ الْمَرْأَةُ زَوْجِي عَلَيَّ حَرَامٌ كَظَهْرِ أُمِّي فَلَا كَفَّارَةَ عَلَيْهَا

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'When the woman says, 'My husband is prohibited unto me like the back of my mother', so there is no expiation upon her'.

قَالَ وَجَاءَ رَجُلٌ مِنَ الْأَنْصَارِ مِنْ بَنِي النَّجَّارِ إِلَى رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالَ إِنِّي ظَاهَرْتُ مِنْ امْرَأَتِي فَوَاقَعْتُهَا قَبْلَ أَنْ أَكْفَرَ فَقَالَ وَمَا حَمَلَكَ عَلَى ذَلِكَ قَالَ لَمَّا ظَاهَرْتُ رَأَيْتُ بَرِيقَ خَلْخَالِهَا وَبَيَاضَ سَاقِهَا فِي الْقَمَرِ فَوَاقَعْتُهَا قَبْلَ أَنْ أَكْفَرَ فَقَالَ لَهُ اعْتَزِلْهَا حَتَّى تُكْفَرَ وَآمَرَهُ بِكَفَّارَةٍ وَاحِدَةٍ وَأَنْ يَسْتَغْفِرَ اللَّهَ .

He^{asws} said: 'And a man from the Helpers from the Clan of Najjar came over to Rasool-Allah^{saww}, so he said, 'I did *Zahaar* from my wife, then I copulated with her before I expiated'. So he^{saww} said: 'And what carried you upon that?' He said, 'When I did *Zahaar*, I saw the glitter of her anklets and the whiteness of her legs in the moonlight, so I copulated with her before I expiated'. So he^{saww} said to him: 'Alienate her until you expiate', and he^{saww} ordered him with one expiation, and that he should seek Forgiveness of Allah^{azwj},²⁷

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ أَوْ غَيْرِهِ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ عَلِيِّ بْنِ عُقْبَةَ عَنْ مُوسَى بْنِ أَكْبِيلِ النَّمَيْرِيِّ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ ظَاهَرَ ثُمَّ طَلَّقَ قَالَ سَقَطَتْ عَنْهُ الْكَفَّارَةُ إِذَا طَلَّقَ قَبْلَ أَنْ يُعَاوَدَ الْمُجَامَعَةَ قِيلَ فَإِنَّهُ رَاجِعُهَا قَالَ إِنْ كَانَ إِذَا طَلَّقَهَا لِإِسْقَاطِ الْكَفَّارَةِ عَنْهُ ثُمَّ رَاجِعَهَا فَالْكَفَّارَةُ لَزِمَتْ لَهُ أَبَدًا إِذَا عَاوَدَ الْمُجَامَعَةَ وَ إِنْ كَانَ طَلَّقَهَا وَ هُوَ لَا بَنُوِي شَيْئًا مِنْ ذَلِكَ فَلَا بَأْسَ أَنْ يُرَاجِعَ وَ لَا كَفَّارَةَ عَلَيْهِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, or someone else, from Al Hassan Bin Ali, from Ali Bin Uqba, from Musa Bin Akeyl Al Numeiry, from one of our companions,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who did *Zahaar*, then divorced'. He^{asws} said: 'The expiation is dropped off from him when he divorces before he repeats the copulation'. It was said, 'Supposing he reverts to her?' He^{asws} said: 'If it was such, rather he divorced her in order for the dropping off of the expiation from him, then he reverted back to her. So the expiation is necessitated for him, ever, whenever he repeats the copulation; and if it was that he divorced her and he did not intend anything from that, so there is no problem if he reverts back to her, and there is no expiation upon him'.²⁸

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَ الرَّزَّازِ عَنْ أَيُّوبَ بْنِ نُوحٍ جَمِيعًا عَنْ صَفْوَانَ قَالَ حَدَّثَنَا أَبُو عُبَيْدَةَ عَنْ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) إِنِّي ظَاهَرْتُ مِنْ أُمَّ وَلَدِي لِي ثُمَّ وَاقَعْتُ عَلَيْهَا ثُمَّ كَفَرْتُ فَقَالَ هَكَذَا يَصْنَعُ الرَّجُلُ الْفَقِيهُ إِذَا وَاقَعَ كَفَرَ .

²⁶ Al Kafi – V 7 – The Book of Divorce Ch 72 H 26

²⁷ Al Kafi – V 7 – The Book of Divorce Ch 72 H 27

²⁸ Al Kafi – V 7 – The Book of Divorce Ch 72 H 28

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Al Razzaz, from Ayoub Bin Nuh, altogether, from Safwan, narrated from Abu Uyayna, from Zurara who said,

'I said to Abu Ja'far^{asws}, 'I did *Zahaar* from a mother of a child of mine, then I copulated upon her, then I expiated'. So he^{asws} said: 'This is how the understanding man (*Faqih*) does, when an expiation occurs (meaning he always pays the expiation if he does *Zahaar*)'.²⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُذَيْنَةَ عَنْ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) رَجُلٌ ظَاهَرَ ثُمَّ وَقَعَ قَبْلَ أَنْ يُكَفِّرَ فَقَالَ لِي أَوْ لَيْسَ هَكَذَا يَفْعَلُ الْفَقِيهُ .

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

'I said to Abu Abdullah^{asws}, 'A man did *Zahaar*, then copulated before he expiated. So he^{asws} said to me: 'Is this not how the understanding man (*Faqih*) acts?'³⁰

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ ابْنِ أَبِي عَمْرٍاءَ عَنِ الْحَسَنِ الصَّقْفِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ الرَّجُلِ يَظَاهِرُ مِنْ أَمْرَاتِهِ قَالَ فَلْيُكَفِّرْ قَبْلَ أَنْ يَكْفُرَ قَالَتْ فَإِنَّهُ وَقَعَ قَبْلَ أَنْ يُكَفِّرَ قَالَ أَتَى حَدًّا مِنْ حُدُودِ اللَّهِ عَزَّ وَجَلَّ وَ لَيْسَتْغْفِرَ اللَّهُ وَ لَيْكُفَّ حَتَّى يُكَفِّرَ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Aban, from Al Hassan Al Sayqal who said,

'I spoke to Abu Abdullah^{asws} about the man who did *Zahaar* from his wife. He^{asws} said: 'So let him expiate'. I said, 'Supposing he copulates before he expiates?' He^{asws} said: 'He would have exceeded a Limit from the Limits of Allah^{azwj} Mighty and Majestic, and let him seek Forgiveness of Allah^{azwj}, and let him refrain (from his wife) until he has expiated'.³¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ الظَّهَارُ ضَرْبَانِ أَحَدُهُمَا فِيهِ الْكُفَّارَةُ قَبْلَ الْمُوَاقَعَةِ وَ الْآخَرُ بَعْدَهَا فَالَّذِي يُكَفِّرُ قَبْلَ الْمُوَاقَعَةِ الَّذِي يَقُولُ أَنْتِ كَظْهَرِ أُمِّي وَ لَا يَقُولُ إِنْ فَعَلْتُ بِكَ كَذَا وَ كَذَا وَ الَّذِي يُكَفِّرُ بَعْدَ الْمُوَاقَعَةِ هُوَ الَّذِي يَقُولُ أَنْتِ عَلَيَّ كَظْهَرِ أُمِّي إِنْ قَرَّبْتُكَ .

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

(It has been narrated) from Abu Abdullah^{asws} having said: 'The *Zahaar* is of two types. In one of them there is the expiation before the copulation, and the other one after it. So that which he has to expiate before the copulation is the one in which he is saying, 'You are unto me like the back of my mother', and is not saying, 'If you were to do such and such'. And that which he has to expiate after the copulation, it is which he is saying, 'You are unto me like the back of my mother if I approach you'.³²

مُحَمَّدُ بْنُ أَبِي عَبْدِ اللَّهِ الْكُوفِيُّ عَنْ مُعَاوِيَةَ بْنِ حُكَيْمٍ عَنْ صَفْوَانَ عَنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ إِذَا حَلَفَ الرَّجُلُ بِالظَّهَارِ فَحَنِثَ فَعَلَيْهِ الْكُفَّارَةُ قَبْلَ أَنْ يُوَاقِعَ وَ إِنْ كَانَ مِنْهُ الظَّهَارُ فِي غَيْرِ يَمِينٍ فَأَيُّمَا عَلَيْهِ الْكُفَّارَةُ بَعْدَ مَا يُوَاقِعُ .

²⁹ Al Kafi – V 7 – The Book of Divorce Ch 72 H 29

³⁰ Al Kafi – V 7 – The Book of Divorce Ch 72 H 30

³¹ Al Kafi – V 7 – The Book of Divorce Ch 72 H 31

³² Al Kafi – V 7 – The Book of Divorce Ch 72 H 32

Muhammad Bin Abu Abdullah Al Kufy, from Muawiya Bin Hukeym, from Safwan, from Abdul Rahman Bin Al Hajjaj who said,

'I heard Abu Abdullah^{asws} saying: 'When the man swears an oath with the *Zahaar*, so he has sinned. So upon him is the expiation before he copulates; and if it was such from him, the *Zahaar* without a swear, so rather upon him is the expiation after he copulates'.³³

مُحَمَّدُ بْنُ يَحْيَىٰ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعًا عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ يَزِيدَ الْكُنَّاسِيِّ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ ظَاهَرَ مِنْ أَمْرَأَتِهِ ثُمَّ طَلَّقَهَا تَطْلِيقَةً فَقَالَ إِذَا طَلَّقَهَا تَطْلِيقَةً فَقَدْ بَطَلَ الظَّهَارُ وَهَدَمَ الطَّلَاقُ الظَّهَارَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether from Ibn Mahboub, from Abu Ayoub Al Khazzaz, from Yazeed Al Kunasy who said,

'I asked Abu Ja'far^{asws} about a man who did *Zahaar* from his wife, then divorced her with a divorce. So he^{asws} said: 'When he divorced her with a divorce, so it invalidated the *Zahaar*, and divorce demolishes the *Zahaar*'.

قَالَ فَقُلْتُ فَلَهُ أَنْ يُرَاجِعَهَا قَالَ نَعَمْ هِيَ أَمْرَأَتُهُ فَإِنْ رَاجَعَهَا وَجَبَ عَلَيْهِ مَا يَجِبُ عَلَى الْمُظَاهِرِ مِنْ قَبْلِ أَنْ يَتَمَاسَا قُلْتُ فَإِنْ تَرَكَهَا حَتَّى يَخْلُوَ أَجْلُهَا وَتَمَلَّكَ نَفْسَهَا ثُمَّ تَزَوَّجَهَا بَعْدَ ذَلِكَ هَلْ يَلْزِمُهُ الظَّهَارُ قَبْلَ أَنْ يَمَسَّهَا قَالَ لَا قَدْ بَانَتْ مِنْهُ وَ مَلَكَتْ نَفْسَهَا قُلْتُ فَإِنْ ظَاهَرَ مِنْهَا فَلَمْ يَمَسَّهَا وَ تَرَكَهَا لَا يَمَسُّهَا إِلَّا أَنَّهُ يَرَاهَا مُتَجَرِّدَةً مِنْ غَيْرِ أَنْ يَمَسَّهَا هَلْ يَلْزِمُهُ فِي ذَلِكَ شَيْءٌ فَقَالَ هِيَ أَمْرَأَتُهُ وَ لَيْسَ بِحُرْمٍ عَلَيْهِ مُجَامَعَتُهَا وَ لَكِنْ يَجِبُ عَلَيْهِ مَا يَجِبُ عَلَى الْمُظَاهِرِ قَبْلَ أَنْ يُجَامِعَهَا وَ هِيَ أَمْرَأَتُهُ

He (the narrator) said, 'So I said, 'So is there for him to revert to her?' He^{asws} said: 'Yes, she is his wife. So if he were to revert back to her, it would Obligated upon him what Obligates upon the perpetrator of *Zahaar* from before they touch each other'. I said, 'So if he were to leave her until she is free from her term and she is in control of herself, then he marries her after that, would the *Zahaar* necessitate upon him before he touches her?' He^{asws} said: 'No. She was irrevocably divorced from him, and in control of herself'. I said, 'So if her does *Zahaar* from her, and does not touch her, and leaves her, not touching her except that he sees her naked from without touching her, would anything from that necessitate upon him?' So he^{asws} said: 'She is his wife, and it is not prohibited on him copulating with her, but it Obligates upon him what Obligates upon the perpetrator of *Zahaar*, before he copulates with her, and she is his wife'.

قُلْتُ فَإِنْ رَفَعْتُهُ إِلَى السُّلْطَانِ وَ قَالَتْ هَذَا زَوْجِي وَ قَدْ ظَاهَرَ مِنِّي وَ قَدْ أَمْسَكَنِي لَا يَمَسُّنِي مَخَافَةَ أَنْ يَجِبَ عَلَيْهِ مَا يَجِبُ عَلَى الْمُظَاهِرِ قَالَ فَقَالَ لَيْسَ عَلَيْهِ أَنْ يُجْبَرَ عَلَى العِنْتِ وَ الصِّيَامِ وَ الإِطْعَامِ إِذَا لَمْ يَكُنْ لَهُ مَا يُعْتَقُ وَ لَمْ يَقْرَ عَلَى الصِّيَامِ وَ لَمْ يَجِدْ مَا يَتَصَدَّقُ بِهِ قَالَ فَإِنْ كَانَ يَقْدِرُ عَلَى أَنْ يُعْتَقَ فَإِنَّ عَلَى الإِمَامِ أَنْ يُجْبِرَهُ عَلَى العِنْتِ وَ الصَّدَقَةِ مِنْ قَبْلِ أَنْ يَمَسَّهَا وَ مِنْ بَعْدِ مَا يَمَسَّهَا .

I said, 'Supposing if she were to raise it (the matter) to the Sultan (ruler) and says, 'This is my husband, and he had done *Zahaar* from me, and has kept me, not touching me fearing that it would Obligate upon him what Obligates upon the perpetrator of *Zahaar*'. So he^{asws} said: 'It is not upon him that he should be completed upon the emancipation, and the Fasting, and the feeding when there does

³³ Al Kafi – V 7 – The Book of Divorce Ch 72 H 33

not happen to be for him what he can emancipate with, and give charity with, from before he touches her, and from after having touched her'.³⁴

إِبْنُ مَحْبُوبٍ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ ظَاهَرَ مِنْ امْرَأَتِهِ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يُوَاقِعَهَا فَبَأْنَتْ مِنْهُ أَعْلَى كَفَّارَةٌ قَالَ لَا .

Ibn Mahboub, from Al Aa'la, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{asws} about a man who did *Zahaar* from his wife, then divorced her before he copulated with her. So she was irrevocably divorced from him. Is there an expiation upon him?' He^{asws} said: 'No'.³⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنْ صَالِحِ بْنِ سَعِيدٍ عَنْ يُونُسَ عَنْ بَعْضِ رَجَالِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ قَالَ لِامْرَأَتِهِ أَنْتَ عَلَيَّ كَظْهَرِ أُمِّي أَوْ كَيْدِهَا أَوْ كَبَطْنِهَا أَوْ كَفَرْجِهَا أَوْ كَنَفْسِهَا أَوْ كَكَعْبِهَا أَوْ يَكُونُ ذَلِكَ الظَّهَرَ وَ هَلْ يَلْزِمُهُ فِيهِ مَا يَلْزِمُ الْمُظَاهِرَ فَقَالَ الْمُظَاهِرُ إِذَا ظَاهَرَ مِنْ امْرَأَتِهِ فَقَالَ هِيَ كَظْهَرِ أُمِّهِ أَوْ كَيْدِهَا أَوْ كَرَجْلِهَا أَوْ كَشَعْرِهَا أَوْ كَشَيْءٍ مِنْهَا بَنُوِي بِذَلِكَ التَّحْرِيمِ فَقَدْ لَزِمَهُ الْكُفَّارَةُ فِي كُلِّ قَلِيلٍ مِنْهَا أَوْ كَثِيرٍ وَ كَذَلِكَ إِذَا هُوَ قَالَ كَبَعْضِ ذَوَاتِ الْمَحَارِمِ فَقَدْ لَزِمَتْهُ الْكُفَّارَةُ .

Ali Bin Ibrahim, from his father, from Salih Bin Saeed, from Yunus, from one of his men,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who said to his wife, 'You are unto me like the back of my mother', or 'like her hand', or 'like her belly', or like her private part', or like herself', or 'like her heels', does that happen to be *Zahaar*, and does it necessitate him in it what necessitates the perpetrator of *Zahaar*?' So he^{asws} said: 'The perpetrator of *Zahaar*, when he does *Zahaar* from his wife, so he says she is like the back of his mother, or her hand, or like her feet, or like her hair, or anything from her, meaning by that the prohibition, so the expiation necessitates upon him in everything little from it or more, and similar to that is when he says it to some close relatives, so the expiation is necessitated upon him'.³⁶

باب اللعان

Chapter 73 – The cursing

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَصْرِ عَنْ عَبْدِ الْكَرِيمِ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَفْعُ اللَّعَانُ حَتَّى يَدْخُلَ الرَّجُلُ بِأَهْلِهِ .

A number of our companions, from Sahl Bin Ziyad and Ali Bin Ibrahim, from his father, from Ibn Abu Nasr, from Abdul Kareem, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The cursing does not occur until the man copulates with his wife'.³⁷

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ ابْنِ أَبِي نَصْرِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ لَا تَكُونُ الْمَلَاعَنَةُ وَ لَا الْإِيْلَاءُ إِلَّا بَعْدَ الدُّخُولِ .

³⁴ Al Kafi – V 7 – The Book of Divorce Ch 72 H 34

³⁵ Al Kafi – V 7 – The Book of Divorce Ch 72 H 35

³⁶ Al Kafi – V 7 – The Book of Divorce Ch 72 H 36

³⁷ Al Kafi – V 7 – The Book of Divorce Ch 73 H 1

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Aban, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Neither does cursing happen, nor the swearing except after the copulation'.³⁸

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنِ الْمُتَنِّيِّ عَنْ زُرَّارَةَ قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ قَالَ هُوَ الْقَاضِي الَّذِي يُقْذِفُ امْرَأَتَهُ فَإِذَا قَذَفَهَا تَمَّ أَقْرَبُ أَنَّهُ كَذَبَ عَلَيْهَا جُلْدَ الْحَدِّ وَرُدَّتْ إِلَيْهِ امْرَأَتُهُ وَإِنْ أَبِي إِلَّا أَنْ يَمْضِيَ فَيَشْهَدُ عَلَيْهَا أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ وَالْخَامِسَةَ يَلْعَنُ فِيهَا نَفْسَهُ إِنْ كَانَ مِنَ الْكَاذِبِينَ

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

'Abu Abdullah^{asws} was asked about the Words of Allah^{azwj} Mighty and Majestic [24:6] **And (as for) those who accuse their wives and have no witnesses except for themselves.** He^{asws} said: 'He is the slanderer who slanders his wife. So when he has slandered her, then he accepts that he had lied against her. He would be whipped the legal penalty (*Hadd*), and his wife would be returned to him. And if he refuses except that he stands by it, so he should testify against her with four testimonies by Allah^{azwj} that he is from the truthful ones, and fifthly he should curse himself in it, if he was from the liars.

فَإِنْ أَرَادَتْ أَنْ تَنْدَفِعَ عَنْ نَفْسِهَا الْعَذَابَ وَالْعَذَابُ هُوَ الرَّجْمُ شَهِدَتْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ وَالْخَامِسَةَ أَنْ غَضِبَ اللَّهُ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ فَإِنْ لَمْ تَفْعَلْ رُجِمَتْ وَإِنْ فَعَلَتْ دَرَأَتْ عَنْ نَفْسِهَا الْحَدَّ تَمَّ لَا تَحِلُّ لَهُ إِلَى يَوْمِ الْقِيَامَةِ

So if she intends to repel the punishment from herself, and the punishment is the stoning, she should testify with four testimonies with Allah^{azwj} that he is from the liars, and the fifth that the Wrath of Allah^{azwj} would be upon her if he was from the truthful ones. So if she does not do that, she would be stoned, and if she does do it, it would stave off the legal penalty (*Hadd*) from her, then she would not be Permissible for him until the Day of Judgement'.

قُلْتُ أَرَأَيْتَ إِنْ فُرِّقَ بَيْنَهُمَا وَ لَهَا وَلَدٌ فَمَاتَ قَالَ تَرْتُهُ أُمُّهُ وَإِنْ مَاتَتْ أُمُّهُ وَرْتُهُ أَحْوَالُهُ وَمَنْ قَالَ إِنَّهُ وَلَدُ زَنَى جُلْدَ الْحَدِّ قُلْتُ يَرُدُّ إِلَيْهِ الْوَلَدُ إِذَا أَقْرَبَ بِهِ قَالَ لَا وَ لَا كَرَامَةً وَ لَا يَرِثُ الْإِبْنُ وَ يَرْتُهُ الْإِبْنُ .

I said, 'What is your^{asws} view if there is separation between the two of them and for her is a child, so it dies'. He^{asws} said: 'Its mother would inherit it, and if its mother dies, its maternal uncles would inherit it, and the one who says that he is a son of adultery would be whipped the legal penalty (*Hadd*)'. I said, 'Would the child be returned to him if he accepts it?' He^{asws} said: 'No, and there is no honour, and the father would not inherit it, but the son would inherit him'.³⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ قَالَ إِنَّ عَبَادَ الْبَصْرِيِّ سَأَلَ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ أَنَا حَاضِرٌ كَيْفَ يُلَاعِنُ الرَّجُلُ الْمَرْأَةَ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّ رَجُلًا مِنَ الْمُسْلِمِينَ أَتَى رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالَ يَا رَسُولَ اللَّهِ أَرَأَيْتَ لَوْ أَنَّ رَجُلًا دَخَلَ مَنْزِلَهُ فَوَجَدَ مَعَ امْرَأَتِهِ رَجُلًا يُجَامِعُهَا مَا كَانَ يَصْنَعُ قَالَ فَأَعْرَضَ عَنْهُ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ انْصَرَفَ ذَلِكَ الرَّجُلُ وَ كَانَ ذَلِكَ الرَّجُلُ هُوَ الَّذِي ابْتُلِيَ بِذَلِكَ مِنْ امْرَأَتِهِ

³⁸ Al Kafi – V 7 – The Book of Divorce Ch 73 H 2

³⁹ Al Kafi – V 7 – The Book of Divorce Ch 73 H 3

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Abdul Rahman Bin Hajjaj who said,

‘Abbad Al-Basry asked Abu Abdullah^{asws} and I was present, ‘How does the man curse the woman?’ So Abu Abdullah^{asws} said: ‘A man from the Muslims came over to Rasool-Allah^{saww}, so he said, ‘O Rasool-Allah^{saww}! What is your^{saww} view, if a man were to enter into his house, so he finds a man copulating with his wife, what should he do?’ So Rasool-Allah^{saww} turned away from him, and that man went away, and that was the man who was afflicted by that from his wife.

قَالَ فَنَزَلَ عَلَيْهِ الْوَحْيُ مِنْ عِنْدِ اللَّهِ عَزَّ وَجَلَّ بِالْحُكْمِ فِيهِمَا فَأَرْسَلَ رَسُولُ اللَّهِ (صلى الله عليه وآله) إِلَى ذَلِكَ الرَّجُلِ فَدَعَاهُ فَقَالَ لَهُ أَنْتَ الَّذِي رَأَيْتَ مَعَ امْرَأَتِكَ رَجُلًا فَقَالَ نَعَمْ فَقَالَ لَهُ انْطَلِقْ فَأَتَيْتَنِي بِامْرَأَتِكَ فَإِنَّ اللَّهَ عَزَّ وَجَلَّ قَدْ أَنْزَلَ الْحُكْمَ فِيكَ وَفِيهَا

He^{asws} said: ‘So a Revelation descended upon him^{saww} from the Presence of Allah^{azwj} Mighty and Majestic with the judgement regarding both of them. So Rasool-Allah^{saww} sent a message to that man calling him over. So he^{saww} said to him: ‘Are you the one who saw a man with your wife?’ So he said, ‘Yes’. So he^{saww} said: ‘Go and come to me^{saww} with your wife, for Allah^{azwj} Mighty and Majestic has Revealed the Judgement with regards to you and regarding her’.

قَالَ فَأَحْضَرَهَا زَوْجَهَا فَأَوْفَقَهُمَا رَسُولُ اللَّهِ (صلى الله عليه وآله) ثُمَّ قَالَ لِلزَّوْجِ اشْهَدْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّكَ لَمِنَ الصَّادِقِينَ فِيمَا رَمَيْتَهَا بِهِ قَالَ فَشَهِدْتُ ثُمَّ قَالَ لَهُ رَسُولُ اللَّهِ (صلى الله عليه وآله) أَمْسِكْ وَوَعِظَهُ ثُمَّ قَالَ اتَّقِ اللَّهَ فَإِنَّ لَعْنَةَ اللَّهِ شَدِيدَةٌ ثُمَّ قَالَ لَهُ اشْهَدْ الْخَامِسَةَ أَنْ لَعْنَةَ اللَّهِ عَلَيْكَ إِنْ كُنْتَ مِنَ الْكَاذِبِينَ قَالَ فَشَهِدْتُ ثُمَّ أَمَرَ بِهِ فَنُحِيَ

He^{asws} said: ‘So her husband presented her. So Rasool-Allah^{saww} paused both of them, then said to the husband: ‘Testify with four testimonies by Allah^{azwj}, that you are from the truthful ones, regarding what you are accusing her with’. So he testified. The Rasool-Allah^{saww} said to him: ‘Wait’, and he^{saww} advised him, then said: ‘Fear Allah^{azwj}, for the Curse of Allah^{azwj} is intense’. Then he^{saww} said to him: ‘Testify the fifth that the Curse of Allah^{azwj} be upon you if you were from the liars’. So he testified. Then he^{saww} commanded for him to stand aside.

ثُمَّ قَالَ لِلْمَرْأَةِ اشْهَدِي أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّ زَوْجَكَ لَمِنَ الْكَاذِبِينَ فِيمَا رَمَاكَ بِهِ قَالَ فَشَهِدْتُ ثُمَّ قَالَ لَهَا أَمْسِكِي فَوَعِظَهَا وَ قَالَ لَهَا اتَّقِي اللَّهَ فَإِنَّ غَضَبَ اللَّهِ شَدِيدٌ ثُمَّ قَالَ لَهَا اشْهَدِي الْخَامِسَةَ أَنْ غَضَبَ اللَّهِ عَلَيْكَ إِنْ كَانَ زَوْجُكَ مِنَ الصَّادِقِينَ فِيمَا رَمَاكَ بِهِ قَالَ فَشَهِدْتُ

Then he^{saww} said to the woman: ‘Testify four testimonies that your husband is from the liars with regards to what he is accusing you with’. So she testified. Then he^{saww} said to her: ‘Wait’. So he^{saww} advised her and said to her: ‘Fear Allah^{azwj}, for the Wrath of Allah^{azwj} is intense’. Then he^{saww} said: ‘Testify the fifth that the Wrath of Allah^{azwj} be upon you if your husband was from the truthful ones with regards to what he is accusing you with’. So she testified’.

قَالَ فَفَرَّقَ بَيْنَهُمَا وَ قَالَ لَهُمَا لَا تَجْتَمِعَا بِنِكَاحٍ أَبَدًا بَعْدَ مَا تَلَاعَنْتُمَا .

He^{asws} said: ‘So he^{saww} separated the two of them and said to both of them: ‘Do not copulate by marriages, ever, after what you both have cursed with’.⁴⁰

⁴⁰ Al Kafi – V 7 – The Book of Divorce Ch 73 H 4

الْحَسَنُ بْنُ مَحْبُوبٍ عَنْ عَبْدِ بْنِ صُهَيْبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ أَوْقَفَهُ الْإِمَامُ لِلْعَانِ فَشَهِدَ شَهَادَتَيْنِ ثُمَّ نَكَرَ فَأَكْذَبَ نَفْسَهُ قَبْلَ أَنْ يُفْرَعَ مِنَ اللَّعَانِ قَالَ يُجْلَدُ حَدَّ الْقَائِفِ وَلَا يُفْرَقُ بَيْنَهُ وَبَيْنَ امْرَأَتِهِ .

Al Hassan Bin Mahboub, from Abbad Bin Suheyb,

(It has been narrated) from Abu Abdullah^{asws} regarding a man whom the leader had paused for the cursing, so he testified with two testimonies, then changed, so he belied himself before he was free from the cursing. He^{asws} said: 'He would be whipped a legal penalty (*Hadd*) of the slanderer, and there would be no separation between him and his wife'.⁴¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا قَذَفَ الرَّجُلُ امْرَأَتَهُ فَإِنَّهُ لَا يُلَاعِنُهَا حَتَّى يَقُولَ رَأَيْتُ بَيْنَ رِجْلَيْهَا رَجُلًا يَزْنِي بِهَا

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: 'When the man slanders his wife, so he cannot curse her unless he is saying, 'I saw a man between her legs committing adultery with her'.

قَالَ وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُقَذِّفُ امْرَأَتَهُ قَالَ يُلَاعِنُهَا ثُمَّ يُفْرَقُ بَيْنَهُمَا فَلَا تَحِلُّ لَهُ أَبَدًا فَإِنْ أَقَرَّ عَلَى نَفْسِهِ قَبْلَ الْمَلَاعَنَةِ جُلِدَ حَدًّا وَ هِيَ امْرَأَتُهُ

He (the narrator) said, 'And he^{asws} was asked about the man who slanders his wife. He^{asws} said: 'He curses her, then there would be separation between the two, so she would not be Permissible for him, ever'. So if he were to confess upon himself before the cursing, he would be whipped a legal penalty (*Hadd*), and she would be his wife'.

قَالَ وَ سَأَلْتُهُ عَنِ الْمَرْأَةِ الْحُرَّةِ يُقَذِّفُهَا زَوْجَهَا وَ هُوَ مَمْلُوكٌ قَالَ يُلَاعِنُهَا ثُمَّ يُفْرَقُ بَيْنَهُمَا فَلَا تَحِلُّ لَهُ أَبَدًا فَإِنْ أَقَرَّ عَلَى نَفْسِهِ بَعْدَ الْمَلَاعَنَةِ جُلِدَ حَدًّا وَ هِيَ امْرَأَتُهُ

He (the narrator) said, 'And I asked him^{asws} about the free woman, her husband accused her, and he was an owned slave. He^{asws} said: 'He would curse her, then there would be separation between the two, so she would not be Permissible for him, ever. So if he were to confess upon himself after the cursing, he would be whipped a legal penalty, and she would be his wife'.

قَالَ وَ سَأَلْتُهُ عَنِ الْحُرِّ تَحَنَّنَهُ أُمَّةٌ فَيَقْذِفُهَا قَالَ يُلَاعِنُهَا

He (the narrator) said, 'And I asked him^{asws} about the free man under whom is a slave girl, so he slanders her. He^{asws} said: 'He would curse her'.

قَالَ وَ سَأَلْتُهُ عَنِ الْمَلَاعَنَةِ الَّتِي يَرْمِيهَا زَوْجُهَا وَ يَنْتَفِي مِنْ وِلْدَانِهَا وَ يُلَاعِنُهَا وَ يُفَارِقُهَا ثُمَّ يَقُولُ بَعْدَ ذَلِكَ الْوَلَدُ وَلَدِي وَ يُكْذِبُ نَفْسَهُ فَقَالَ أَمَّا الْمَرْأَةُ فَلَا تَرْجِعُ إِلَيْهِ أَبَدًا وَ أَمَّا الْوَلَدُ فَإِنِّي أَرُدُّهُ إِلَيْهِ إِذَا ادَّعَاهُ وَ لَا ادَّعُ وِلْدَهُ وَ لَيْسَ لَهُ مِيرَاثٌ وَ يَرِثُ الْإِبْنُ الْأَبَ وَ لَا يَرِثُ الْأَبُ الْإِبْنَ وَ يَكُونُ مِيرَاثُهُ لِأَخْوَالِهِ فَإِنْ لَمْ يَدَّعِهِ أَبُوهُ فَإِنَّ أَحْوَالَهُ يَرِثُونَهُ وَ لَا يَرِثُهُمْ فَإِنْ دَعَاهُ أَحَدُ ابْنِ الزَّانِيَةِ جُلِدَ حَدًّا .

He (the narrator) said, 'And I asked him^{asws} about the cursed woman who was accused by her husband, and denies from her child, and he curses her, and

⁴¹ Al Kafi – V 7 – The Book of Divorce Ch 73 H 5

separates her. Then he is saying after that, 'The child is my child', and he belies himself. So he^{asws} said: 'As for the woman, so she would not return to him, ever; and as for the child, so I^{asws} would return it to him when he claims it, and I^{asws} would not call it as his child, and there is no inheritance for him, and the son would inherit from the father, and the father would not inherit the son, and there would happen to be its inheritance of its maternal uncles. So if its father does not claim it, so its maternal uncles would inherit it, and it shall not inherit them. So if anyone were to call him as a son of adultery, would be whipped the legal penalty (*Hadd*)'.⁴²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الْحُرِّ بَيْنَهُ وَ بَيْنَ الْمَمْلُوكَةِ لِعَانٍ فَقَالَ نَعَمْ وَ بَيْنَ الْمَمْلُوكِ وَ الْحُرَّةِ وَ بَيْنَ الْعَبْدِ وَ الْأَمَةِ وَ بَيْنَ الْمُسْلِمِ وَ الْيَهُودِيَّةِ وَ النَّصْرَانِيَّةِ وَ لَا يَتَوَارَثَانِ وَ لَا يَتَوَارَثُ الْحُرُّ وَ الْمَمْلُوكَةُ .

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

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the free man, between him and the slave girl is a cursing?' So he^{asws} said: 'Yes, and between the slave man and the free woman, and between the slave and the slave woman, and between the Muslim and the Jews, and the Christians; and they would not be inheriting each other, nor does the free and the slave girl inherit each other'.⁴³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَصْرٍ عَنْ عَبْدِ الْكَرِيمِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ لَاعَنَ امْرَأَتَهُ وَ هِيَ حُبْلَى ثُمَّ ادَّعَى وَلَدَهَا بَعْدَ مَا وَلَدَتْ وَ زَعَمَ أَنَّهُ مِنْهُ قَالَ يُرَدُّ إِلَيْهِ الْوَلَدُ وَ لَا يُجَدُّ لِأَنَّهُ قَدْ مَضَى التَّلَاعُنُ .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, from Ibn Abu Nasr, from Abdul Kareem, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who cursed his wife and she was pregnant. Then he claimed her child after she had given birth, and claimed that it was from him. He^{asws} said: 'The child would be returned to him, and he would not be whipped, because the cursing had passed'.⁴⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ قَذَفَ امْرَأَتَهُ وَ هِيَ حُرْسَاءُ قَالَ يُفَرَّقُ بَيْنَهُمَا .

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

(It has been narrated) from Abu Abdullah^{asws} regarding a man who slandered his wife, and she was mute'. He^{asws} said: 'There would be separation between them'.⁴⁵

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَصْرٍ عَنْ جَمِيلِ بْنِ مُحَمَّدٍ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرَ (عَلَيْهِ السَّلَامُ) عَنِ الْمَلَاعِينِ وَ الْمَلَاعِنَةِ كَيْفَ يَصْنَعَانِ قَالَ بَجَلْسِ الْإِمَامِ مُسْتَنْدَبِ الْأَقْبَلَةِ فَيَقِيمُهُمَا بَيْنَ يَدَيْهِ مُسْتَقْبِلًا الْأَقْبَلَةَ بِجَدَانِهِ وَ يَبْدَأُ بِالرَّجُلِ ثُمَّ الْمَرْأَةَ وَ الَّتِي يَجِبُ عَلَيْهَا الرَّجْمُ تُرْجَمُ مِنْ وَرَائِهَا وَ لَا يُرْجَمُ مِنْ وَجْهِهَا لِأَنَّ الضَّرْبَ وَ الرَّجْمَ لَا يُصِيبَانِ الْوَجْهَ يُضْرَبَانِ عَلَى الْجَسَدِ عَلَى الْأَعْضَاءِ كُلِّهَا .

⁴² Al Kafi – V 7 – The Book of Divorce Ch 73 H 6

⁴³ Al Kafi – V 7 – The Book of Divorce Ch 73 H 7

⁴⁴ Al Kafi – V 7 – The Book of Divorce Ch 73 H 8

⁴⁵ Al Kafi – V 7 – The Book of Divorce Ch 73 H 9

Ali, from his father, from Ibn Abu Nasr, from Jameel, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{asws} about a cursing man and a cursing woman how should they both be dealt with?' He^{asws} said: 'The Imam^{asws} would sit with his^{asws} back towards the *Qiblah*, so he^{asws} would be pausing both of them in front of him^{asws} facing the *Qiblah* with his^{asws} shoes (towards them), and he^{asws} would begin with the man, then the woman, and the one woman upon whom the stoning is Obligated, would be stoned from behind her back, and would not be stoned from her face, because the striking, and the stoning cannot be hitting the face, but both can be stoned upon the body, upon all of the parts'.⁴⁶

أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ الرَّضَا (عَلَيْهِ السَّلَام) قُلْتُ لَهُ أَصْلَحَكَ اللَّهُ كَيْفَ الْمَلَاعِنَةُ قَالَ فَقَالَ يَقْعُدُ الْإِمَامُ وَ يَجْعَلُ ظَهْرَهُ إِلَى الْقِبْلَةِ وَ يَجْعَلُ الرَّجُلَ عَنْ يَمِينِهِ وَ الْمَرْأَةَ عَنْ يَسَارِهِ .

Ahmad Bin Muhammad Bin Abu Nasr who said,

'I asked Abu Al-Hassan Al-Reza^{asws}, I said to him^{asws}, 'May Allah^{azwj} Keep you^{asws} well! How is the cursing?' So he^{asws} said: 'The Imam^{asws} would be seated and make his^{asws} back towards the *Qiblah*, and he^{asws} would make the man to be upon his^{asws} right, and the woman to be upon his^{asws} left (facing the *Qiblah*)'.⁴⁷

مُحَمَّدُ بْنُ يَحْيَى عَنِ الْعُمَرَكَيِّ بْنِ عَلِيٍّ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ لَاعَنَ امْرَأَتَهُ فَحَلَفَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ ثُمَّ نَكَلَ فِي الْخَامِسَةِ قَالَ إِنْ نَكَلَ فِي الْخَامِسَةِ فَهِيَ امْرَأَتُهُ وَ جِلْدٌ وَ إِنْ نَكَلَتْ الْمَرْأَةُ عَنْ ذَلِكَ إِذَا كَانَتْ الْيَمِينُ عَلَيْهَا فَعَلَيْهَا مِثْلُ ذَلِكَ

Muhammad Bin Yahya, from Al Amraky Bin Ali,

(It has been narrated) from Ali son of Ja'far^{asws}, from his brother^{asws} Abu Al-Hassan^{asws}, said, 'I asked him^{asws} about a man who cursed his wife, so he swore on oath by Allah^{azwj} with four testimonies, then abstained regarding the fifth. He^{asws} said: 'If he abstained regarding the fifth, so she is his wife, and he would be whipped, and if the woman abstained from that, when there was a swear against her, so upon her is similar to that'.

قَالَ وَ سَأَلْتُهُ عَنِ الْمَلَاعِنَةِ قَائِمًا يُلَاعِنُ أَوْ قَاعِدًا قَالَ الْمَلَاعِنَةُ وَ مَا أَشْبَهَهَا مِنْ قِيَامٍ

He (the narrator) said, 'And I asked him^{asws} about the cursing, would he curse standing or sitting?' He^{asws} said: 'The cursing and what resembles it is from standing'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ قَبْلَ أَنْ يَدْخُلَ بِهَا فَادَّعَتْ أَنَّهَا حَامِلٌ قَالَ إِنْ أَقَامَتِ الْبَيِّنَةَ عَلَى أَنَّهُ أَرْخَى سِتْرًا ثُمَّ أَنْكَرَ الْوَلَدَ لَاعَنَهَا ثُمَّ بَانَ مِنْهُ وَ عَلَيْهِ الْمَهْرُ كَمَلًا .

He (the narrator) said, 'And I asked him^{asws} about a man who divorces his wife before he copulates with her, so she claims that she is pregnant. He^{asws} said: 'If she establishes the proof that he loosened the veil then denies the child, he can curse

⁴⁶ Al Kafi – V 7 – The Book of Divorce Ch 73 H 10

⁴⁷ Al Kafi – V 7 – The Book of Divorce Ch 73 H 11

her and she would be irrevocably divorced from him, and upon him is the complete dower'.⁴⁸

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ لَاعَنَ امْرَأَتَهُ وَ هِيَ حُبْلَى قَدْ اسْتَبَانَ حَمْلَهَا فَأَنْكَرَ مَا فِي بَطْنِهَا فَلَمَّا وَضَعَتْ ادَّعَاهُ وَ أَفْرَأَ بِهِ وَ زَعَمَ أَنَّهُ مِنْهُ قَالَ فَقَالَ يُرَدُّ إِلَيْهِ وَلَدُهُ وَ يَرْتُهُ وَ لَا يُجْلَدُ لِأَنَّ اللَّعَانَ قَدْ مَضَى .

A number of our companions, from Sahl Bin Ziyad, and Ali Bin Ibrahim, from his father, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ali Bin Raib, from Al Halby who said,

'I asked Abu Abdullah^{asws} about a man who curses his wife and she is pregnant, and her pregnancy had been identified. So he denies what is in her belly. So when she gives birth, he claims it, and confesses with it, and claims that it is from him. So he^{asws} said: 'His child would be returned to him, and it would inherit him, and he would not be whipped because the cursing had passed'.⁴⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) أَنَّهُ سُئِلَ عَنْ عَدِيٍّ قَذَفَ امْرَأَتَهُ قَالَ يَبْلَغَانِ كَمَا يَبْلَغُ الْحُرَّانِ .

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 (5th or 6th Imam^{asws}) having been asked about a slave having slandered his wife. He^{asws} said: 'They would both curse just as the free ones curse'.⁵⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادٍ عَنْ حَرِيزٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَقْتَرِي عَلَى امْرَأَتِهِ قَالَ يُجْلَدُ ثُمَّ يُخْلَى بَيْنَهُمَا وَ لَا يُلَاعِنُهَا حَتَّى يَقُولَ أَشْهَدُ أَنِّي رَأَيْتُكَ تَفْعَلِينَ كَذَا وَ كَذَا .

Ali Bin Ibrahim, from his father, from Hammad, from Hareyz, from Muhammad Bin Muslim who said,

'I asked him^{asws} about the man who forges (a lie) upon his wife. He^{asws} said: 'He would be whipped, then there would be loosening between the two of them, and they would not be cursing each other until he is saying, 'I saw you doing such and such'.⁵¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَدِيدٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) قَالَ لَا يَكُونُ اللَّعَانُ إِلَّا بِنَفْيِ وَلَدٍ وَ قَالَ إِذَا قَذَفَ الرَّجُلُ امْرَأَتَهُ لَاعَنَهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Hadeed, from Jameel Bin Darraj, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5th or the 6th Imam^{asws}) having said: 'The cursing does not happen except by the denial of a child'. And he^{asws} said: 'When the man slanders his wife, he would curse her'.⁵²

⁴⁸ Al Kafi – V 7 – The Book of Divorce Ch 73 H 12

⁴⁹ Al Kafi – V 7 – The Book of Divorce Ch 73 H 13

⁵⁰ Al Kafi – V 7 – The Book of Divorce Ch 73 H 14

⁵¹ Al Kafi – V 7 – The Book of Divorce Ch 73 H 15

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنِ ابْنِ أَبِي يَعْفُورٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يُلَاعِنُ الرَّجُلُ الْمَرْأَةَ الَّتِي يَتَمَتَّعُ بِهَا .

Muhammad, from Ahmad, from Ibn Mahboub, from Al A'ala Bin Razeyn, from Ibn Abu Yafour,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The man cannot curse the woman which he is temporarily married with'.⁵³

مُحَمَّدٌ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي بَصِيرٍ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ قَدَفَتْ امْرَأَتُهُ بِالرِّزْوِيِّ وَ هِيَ خَرَسَاءٌ صَمَاءٌ لَا تَسْمَعُ مَا قَالَتْ قَالَ إِنْ كَانَ لَهَا بَيِّنَةٌ فَشَهِدُوا عِنْدَ الْإِمَامِ جُلِدَ الْحَدَّ وَ فُرِّقَ بَيْنَهُمَا ثُمَّ لَا تَحِلُّ لَهُ أَبَدًا وَ إِنْ لَمْ تَكُنْ بَيِّنَةٌ فَهِيَ حَرَامٌ عَلَيْهِ مَا أَقَامَ مَعَهَا وَ لَا إِثْمَ عَلَيْهَا مِنْهُ .

Muhammad, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hisham Bin Salim, from Abu Baseer who said,

'I asked Abu Abdullah^{asws} about a man who slanders his wife with the adultery, and she is mute, deaf, not hearing what he says' He^{asws} said: 'If there was a proof (witnesses) for her, so they can testify in the presence of the Imam^{asws}, he would be whipped the legal penalty (*Hadd*), and there would be separation between the two of them, then she would not be Permissible for him, forever; and if there does not happen to be proof, so she is Prohibited unto him for whatever he stays with her, and there is no sin upon her from him'.⁵⁴

عَنْهُ عَنِ الْحَسَنِ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي امْرَأَةٍ قَدَفَتْ زَوْجَهَا وَ هُوَ أَصَمٌّ قَالَ يُفَرِّقُ بَيْنَهَا وَ بَيِّنَةٌ وَ لَا تَحِلُّ لَهُ أَبَدًا .

From him, from Al Hassan, from one of his companions,

(It has been narrated) from Abu Abdullah^{asws} regarding a woman whose husband slandered her, and he was deaf. He^{asws} said: 'There would be separation between her and him, and she would not be Permissible for him, ever'.⁵⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي تَصْرٍ عَنْ أَبِي جَمِيلَةَ عَنْ مُحَمَّدِ بْنِ مَرْوَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الْمَرْأَةِ الْخَرَسَاءِ كَيْفَ يُلَاعِنُهَا زَوْجَهَا قَالَ يُفَرِّقُ بَيْنَهُمَا وَ لَا تَحِلُّ لَهُ أَبَدًا .

Ali Bin Ibrahim, from his father, from Ibn Abu Nasr, from Abu Jameela, from Muhammad Bin Marwan,

(It has been narrated) from Abu Abdullah^{asws} regarding the mute woman, how would her husband curse her. He^{asws} said: 'There would be separation between the two and she would not be Permissible for him, ever'.⁵⁶

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَّاءِ عَنْ أَبِيَانَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَكُونُ اللَّعَانُ حَتَّى يَزْعُمَ أَنَّهُ قَدْ عَايَنَ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa, from Aban, from a man,

⁵² Al Kafi – V 7 – The Book of Divorce Ch 73 H 16

⁵³ Al Kafi – V 7 – The Book of Divorce Ch 73 H 17

⁵⁴ Al Kafi – V 7 – The Book of Divorce Ch 73 H 18

⁵⁵ Al Kafi – V 7 – The Book of Divorce Ch 73 H 19

⁵⁶ Al Kafi – V 7 – The Book of Divorce Ch 73 H 20

(It has been narrated) from Abu Abdullah^{asws} having said: 'The cursing does not happen until her claims that he has seen it'.⁵⁷

بَاب طَلَاقِ الْحُرَّةِ تَحْتَ الْمَمْلُوكِ وَالْمَمْلُوكَةِ تَحْتَ الْحُرِّ

Chapter 74 – Divorce of the free woman under the owned slave, and the slave woman under the free man

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدْبَنَةَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ حُرٍّ تَحْتَهُ أُمَةٌ أَوْ عَبْدٍ تَحْتَهُ حُرٌّ كَمْ طَلَاقُهَا وَكَمْ عِدَّتُهَا فَقَالَ السُّنَّةُ فِي النِّسَاءِ فِي الطَّلَاقِ فَإِنْ كَانَتْ حُرَّةً فَطَلَاقُهَا ثَلَاثٌ وَعِدَّتُهَا ثَلَاثَةٌ أَفْرَاءٍ وَإِنْ كَانَ حُرٌّ تَحْتَهُ أُمَةٌ فَطَلَاقُهَا تَطْلِيقَتَانِ وَعِدَّتُهَا قُرْءَانٌ .

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

(It has been narrated) from Abu Ja'far^{asws}, said, 'I asked him^{asws} about a free man under whom is a slave girl, or a slave under whom is a free woman, how would he divorce her, and how much is her waiting period?' So he^{asws} said: 'The Sunnah regarding the woman with regards to the divorce, so if she was a free woman, so her divorces would be three, and her waiting period would be three *Quroos* (Pure periods), and if it was a free man under who is a slave girl, so her divorce would be two divorces, and her waiting period would be two *Quroos* (pure period)'.⁵⁸

عَلِيُّ بْنُ أَبِيهِ عَنِ حَمَّادِ بْنِ عَيْسَى عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) إِذَا كَانَتْ الْحُرَّةُ تَحْتَ الْعَبْدِ فَالطَّلَاقُ وَالْعِدَّةُ بِالنِّسَاءِ يَعْنِي تَطْلِيقَهَا ثَلَاثًا وَتَعْدَتُ ثَلَاثَ حِيضٍ .

Ali, from his father, from Hammad Bin Isa,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Amir Al-Momineen^{asws} said: 'When the free woman is under the slave, so the divorce and the waiting period is with the women, meaning he divorces would be three, and she would wait for three menstruations'.⁵⁹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنِ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ وَالرِّزَّازِ عَنْ أَيُّوبَ بْنِ نُوحٍ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عَيْصِ بْنِ الْقَاسِمِ قَالَ إِنَّ ابْنَ شُبْرَمَةَ قَالَ الطَّلَاقُ لِلرَّجُلِ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الطَّلَاقُ لِلنِّسَاءِ وَبَيِّنَاتُ ذَلِكَ أَنَّ الْعَبْدَ يَكُونُ تَحْتَهُ الْحُرَّةُ فَيَكُونُ تَطْلِيقُهَا ثَلَاثًا وَيَكُونُ الْحُرُّ تَحْتَهُ الْأُمَةُ فَيَكُونُ طَلَاقُهَا تَطْلِيقَتَيْنِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, and Al Razzaz, from Ayoub Bin Nuh, from Safwan Bin Yahya, from Ays Bin Al Qasim who said,

'Ibn Shubrama (a judge) said, 'The divorce is for the men'. So Abu Abdullah^{asws} said: 'The divorce is for the women, and the proof of that is that the slave happens to have the free woman under him, so it happens that her divorces are three, and there happens to be the free man under whom is the slave girl, so her divorce happens to be two divorces'.⁶⁰

⁵⁷ Al Kafi – V 7 – The Book of Divorce Ch 73 H 21

⁵⁸ Al Kafi – V 7 – The Book of Divorce Ch 74 H 1

⁵⁹ Al Kafi – V 7 – The Book of Divorce Ch 74 H 2

⁶⁰ Al Kafi – V 7 – The Book of Divorce Ch 74 H 3

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ زِيَادٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ طَلَّاقُ الْمَمْلُوكِ لِلْحُرَّةِ ثَلَاثُ تَطْلِيقَاتٍ وَ طَلَّاقُ الْحُرِّ لِلْأَمَةِ تَطْلِيقَتَانِ .

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: 'A divorce of the owned slave to the free woman are three divorces, and a divorce of the free man to the slave woman are two divorces'.⁶¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ أَبِي نَصْرٍ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ طَلَّاقُ الْحُرِّ إِذَا كَانَ عِنْدَهُ أَمَةٌ تَطْلِيقَتَانِ وَ طَلَّاقُ الْحُرَّةِ إِذَا كَانَتْ تَحْتَ الْمَمْلُوكِ ثَلَاثٌ .

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

Abu Abdullah^{asws} has said: 'A divorce of the free man when there was a slave girl in his presence, are two divorces, and a divorce of the free woman when she was under the owned slave, are three'.⁶²

بَابُ طَلَّاقِ الْعَبْدِ إِذَا تَزَوَّجَ بِإِذْنِ مَوْلَاهُ

Chapter 75 – Divorce of the slave when he married by the permission of his master

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 إِذَا كَانَ الْعَبْدُ وَ امْرَأَتُهُ لِرَجُلٍ وَ أَحَدٍ فَإِنَّ الْمَوْلَى يَأْخُذُهَا إِذَا شَاءَ وَ إِذَا شَاءَ رَدَّهَا

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: 'If there was the slave and his wife for one man (master), so is the master takes her when he so desires to, and when he so desires to, he returns her'.

وَ قَالَ لَا يَجُوزُ طَلَّاقُ الْعَبْدِ إِذَا كَانَ هُوَ وَ امْرَأَتُهُ لِرَجُلٍ وَ أَحَدٍ إِلَّا أَنْ يَكُونَ الْعَبْدُ لِرَجُلٍ وَ الْمَرْأَةُ لِرَجُلٍ وَ تَزَوَّجَهَا بِإِذْنِ مَوْلَاهُ وَ إِذْنِ مَوْلَاهَا فَإِنَّ طَلَّقَ وَ هُوَ بِهِدِهِ الْمَنْزِلَةَ فَإِنَّ طَلَّاقَهُ جَائِزٌ .

And he^{asws} said: 'The divorce of the slave is not allowed when he and his wife were for one man (master), except if the slave happens to be for a man, and the slave girl for (another) man, and he married her by the permission of his master and the permission of her master. So if he divorces, and he is by this status, so his divorce is allowed'.⁶³

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ ابْنِ فَضَّالٍ عَنْ مُفَضَّلِ بْنِ صَالِحٍ عَنْ لَيْثِ الْمُرَادِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْعَبْدِ هَلْ يَجُوزُ طَلَّاقُهُ فَقَالَ إِنْ كَانَتْ أَمَتُكَ فَلَا إِنْ لَكَ اللَّهُ عَزَّ وَ جَلَّ يَقُولُ عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ وَ إِنْ كَانَتْ أَمَةٌ قَوْمٍ أَحَرِّينَ أَوْ حُرَّةً جَازَ طَلَّاقُهُ .

Muhammad, from Ahmad, from Ibn Fazzal Bin Salih, from Lays Al Murady who said,

⁶¹ Al Kafi – V 7 – The Book of Divorce Ch 74 H 4

⁶² Al Kafi – V 7 – The Book of Divorce Ch 74 H 5

⁶³ Al Kafi – V 7 – The Book of Divorce Ch 75 H 1

'I asked Abu Abdullah^{asws} about the slave, is his divorce allowed?' So he^{asws} said: 'If she was a bondmaid, so no. Allah^{azwj} Mighty and Majestic is Saying **[16:75] a slave, the property of another, (who) has no power over anything**. If she was a bondmaid of another people, or a free woman, his divorce is allowed'.⁶⁴

مُحَمَّدٌ عَنْ أَحْمَدَ عَنِ ابْنِ مَحْبُوبٍ عَنِ جَمِيلِ بْنِ صَالِحٍ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَأْتُنْ لِعَبْدِهِ أَنْ يَتَزَوَّجَ الْحُرَّةَ أَوْ أُمَّةً قَوْمِ الطَّلَاقِ إِلَى السَّيِّدِ أَوْ إِلَى الْعَبْدِ قَالَ الطَّلَاقُ إِلَى الْعَبْدِ .

Muhammad, from Ahmad, from Ibn Mahboub, from Jameel Bin Salih, from Abu Baseer who said,

'I asked Abu Ja'far^{asws} about the man who permits his slave that he marries the free woman, or a slave girl, would the divorced be fixed to the master or to the slave?' He^{asws} said: 'The divorce is up to the slave'.⁶⁵

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنِ مُحَمَّدِ بْنِ زِيَادٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ غُلَامَهُ جَارِيَةً حُرَّةً فَقَالَ الطَّلَاقُ بِيَدِ الْغُلَامِ فَإِنْ تَزَوَّجَهَا بِغَيْرِ إِذْنِ مَوْلَاهُ فَالطَّلَاقُ بِيَدِ الْمَوْلَى .

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 a man who married his slave to a slave girl of a free woman. So he^{asws} said: 'The divorce is by the hand of the slave. So if he married her without the permission of his master, so the divorce is in the hand of the master'.⁶⁶

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنِ مُحَمَّدِ بْنِ أَبِي حَمْزَةَ عَنْ عَلِيِّ بْنِ يَفْطِينٍ عَنِ الْعَبْدِ الصَّالِحِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ غُلَامَهُ جَارِيَةً حُرَّةً فَقَالَ الطَّلَاقُ بِيَدِ الْغُلَامِ

Humejd Bin Ziyad, from Ibn Sama'at, from Muhammad Bin Abu Hamza, from Ali Bin Yaqtteen,

(It has been narrated) from Al-Abd Al-Salih^{asws} (7th Imam^{asws}), said, 'I asked him^{asws} about a man who married his slave to a slave girls of a free man. So he^{asws} said: 'The divorce is in the hand of the slave'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ زَوَّجَ أُمَّتَهُ رَجُلًا حُرًّا فَقَالَ الطَّلَاقُ بِيَدِ الْحُرِّ

He (the narrator) said, 'And I asked him^{asws} about a man who married his slave girl to a free man. So he^{asws} said: 'The divorce is in the hand of the free man'.

وَ سَأَلْتُهُ عَنْ رَجُلٍ زَوَّجَ غُلَامَهُ جَارِيَةً فَقَالَ الطَّلَاقُ بِيَدِ الْمَوْلَى

And I asked him^{asws} about a man who married his slave to his slave girl. So he^{asws} said: 'The divorce is in the hand of the master'.

وَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى جَارِيَةً وَ لَهَا زَوْجٌ عَبْدٌ فَقَالَ يَبِيعُهَا طَلَاقُهَا .

⁶⁴ Al Kafi – V 7 – The Book of Divorce Ch 75 H 2

⁶⁵ Al Kafi – V 7 – The Book of Divorce Ch 75 H 3

⁶⁶ Al Kafi – V 7 – The Book of Divorce Ch 75 H 4

And I asked him^{asws} about a man who bought a slave girl and for her was a slave husband. So he^{asws} said: 'Sell her and divorce her'.⁶⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ الرَّجُلُ يُزَوِّجُ أَمَتَهُ مِنْ رَجُلٍ حُرٍّ ثُمَّ يُرِيدُ أَنْ يَنْزِعَهَا مِنْهُ وَيَأْخُذُ مِنْهُ نِصْفَ الصَّدَاقِ فَقَالَ إِنْ كَانَ الَّذِي زَوَّجَهَا مِنْهُ يُبْصِرُ مَا أَنْتُمْ عَلَيْهِ وَ يَدِينُ بِهِ فَلَهُ أَنْ يَنْزِعَهَا مِنْهُ وَيَأْخُذُ مِنْهُ نِصْفَ الصَّدَاقِ لِأَنَّهُ قَدْ تَقَدَّمَ مِنْ ذَلِكَ عَلَى مَعْرِفَةِ أَنْ ذَلِكَ لِلْمَوْلَى وَ إِنْ كَانَ الزَّوْجُ لَا يَعْرِفُ هَذَا وَ هُوَ مِنْ جُمُوهَرِ النَّاسِ يُعَامِلُهُ الْمَوْلَى عَلَى مَا يُعَامَلُ بِهِ مِنْهُ فَقَدْ تَقَدَّمَ عَلَى مَعْرِفَةِ ذَلِكَ مِنْهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub Al Khazzaz, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I said to him^{asws}, 'The man married his slave girl to a free man, then he wanted to remove her from him, and take from him half the dower'. So he^{asws} said: 'If the one who married her to him were to see what you all are upon and makes a religion by it, so for him is then he removes her from him, and takes from him half the dower, because he has proceeded from that upon the understanding that, that is the for master (to do), and if the husband does not understand this, and he is from the masses of the people, the master would deal with him upon what he deals with one similar to him, so he has preceded upon the understanding of that from him'.⁶⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بصير قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ أَنْكَحَ أَمَتَهُ حُرًّا أَوْ عَبْدَ قَوْمٍ آخَرِينَ فَقَالَ لَيْسَ لَهُ أَنْ يَنْزِعَهَا فَإِنْ بَاعَهَا فَشَاءَ الَّذِي اشْتَرَاهَا أَنْ يَنْزِعَهَا مِنْ زَوْجِهَا فَعَلَّ .

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 married his slave girl to a free man, or a slave of another people. So he^{asws} said: 'It is not for him that he can remove her. So if he were to sell her, so the one who buys wished to remove her from her husband, he can do it'.⁶⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَفْصِ بْنِ الْبَخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا كَانَ لِلرَّجُلِ أَمَةٌ فَرَزَّهَا مَمْلُوكُهُ فَفَرَّقَ بَيْنَهُمَا إِذَا شَاءَ وَ جَمَعَ بَيْنَهُمَا إِذَا شَاءَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from hafs Bin al Bakhtary,

(It has been narrated) from Abu Abdullah^{asws} having said: 'If there was a slave girl for a man, so he gets her married to an owned slave of him, so he can separate between them when he so desires to, and gathers between them when he so desires to'.⁷⁰

⁶⁷ Al Kafi – V 7 – The Book of Divorce Ch 75 H 5

⁶⁸ Al Kafi – V 7 – The Book of Divorce Ch 75 H 6

⁶⁹ Al Kafi – V 7 – The Book of Divorce Ch 75 H 7

⁷⁰ Al Kafi – V 7 – The Book of Divorce Ch 75 H 8

باب طلاق الأَمَةِ وَ عِدَّتِهَا فِي الطَّلَاقِ**Chapter 76 – Divorce of the slave girl, and her waiting period regarding the divorce**

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَمِعْتُهُ يَقُولُ طَلَاقُ الْعَبْدِ لِلْأَمَةِ تَطْلِيقَتَانِ وَ أَجْلُهَا حَيْضَتَانِ إِنْ كَانَتْ تَحِيضُ وَ إِنْ كَانَتْ لَا تَحِيضُ فَأَجْلُهَا شَهْرٌ وَ نِصْفٌ .

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

(It has been narrated) from Abu Ja'far^{asws}, said, 'I heard him^{asws} saying, 'Divorce of the slave to the slave girls are two divorces, and her term is of two menstruation if she was menstruation. If she was not menstruating, so her term is a month and a half'.⁷¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ طَلَاقِ الْأَمَةِ فَقَالَ تَطْلِيقَتَانِ .

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 divorce of the slave girl, so he^{asws} said: 'Two divorces'.⁷²

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبِيَانَ بْنِ عُثْمَانَ عَنْ أَبِي أُسَامَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ عُمَرُ عَلَى الْمِنْبَرِ مَا تَقُولُونَ يَا أَصْحَابَ مُحَمَّدٍ فِي تَطْلِيقِ الْأَمَةِ فَلَمْ يُجِبْهُ أَحَدٌ فَقَالَ مَا تَقُولُ يَا صَاحِبَ الْبُرْدِ الْمَعَاوِرِيِّ يَعْنِي أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فَأَشَارَ بِيَدِهِ تَطْلِيقَتَانِ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Aban Bin Usman, from Abu Asama,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Umar said upon the Pulpit, 'What are you saying, O companions of Muhammad^{saww}, regarding a divorce of the slave girl'. So no one answered him. So he said, 'What are you^{asws} saying, O owner of *Al Ma'afarayy* cloak?' – meaning Amir Al-Momineen^{asws}. So he^{asws} gestured by his^{asws} hand, two divorces'.⁷³

مُحَمَّدُ بْنُ يَحْيَى وَ غَيْرُهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ فَضَالَةَ بْنِ أَيُّوبَ عَنِ الْقَاسِمِ بْنِ بُرَيْدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ عِدَّةُ الْأَمَةِ حَيْضَتَانِ وَ قَالَ إِذَا لَمْ تَكُنْ تَحِيضُ فَنِصْفُ عِدَّةِ الْحُرَّةِ .

Muhammad Bin Yahya, and someone else, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Fazalat Bin Ayoub, from Al Qasim Bin Bureyd, from Muhammad Bin Muslim,

⁷¹ Al Kafi – V 7 – The Book of Divorce Ch 76 H 1

⁷² Al Kafi – V 7 – The Book of Divorce Ch 76 H 2

⁷³ Al Kafi – V 7 – The Book of Divorce Ch 76 H 3

(It has been narrated) from Abu Ja'far^{asws} having said: 'A waiting period of the slave girls is of two menstruations'. And he^{asws} said: 'When she does not happen to be menstruating, so half a waiting period of the free woman'.⁷⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) فِي أَمَةٍ طَلَّقَهَا زَوْجَهَا تَطْلِيقَتَيْنِ ثُمَّ وَقَعَ عَلَيْهَا فَجَلَدَهُ .

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: 'Amir Al-Momineen^{asws} judged regarding a slave girl whose husband had divorced her with two divorces, then had copulated with her, so he^{asws} had him whipped'.⁷⁵

بَابُ عِدَّةِ الْأَمَةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا

Chapter 77 – Waiting period of the slave girl widowed from her husband

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَاحٍ وَ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ إِنَّ الْأَمَةَ وَ الْحُرَّةَ كِلْتَاهُمَا إِذَا مَاتَ عَنْهُمَا زَوْجُهُمَا سَوَاءً فِي الْعِدَّةِ إِلَّا أَنَّ الْحُرَّةَ تُجَدُّ وَ الْأَمَةُ لَا تُجَدُّ .

A number of our companions, from Sahl Bin Ziyad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether, from Ibn Mahboub, from Ibn Ra'ib, and Abdullah Bin Bukeyr, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said that: 'The slave girl, and the free woman, both of them, when their husbands die from them, are both equal regarding the waiting period, except that the free woman would limit herself (for mourning), and the slave girl would not limit herself (for mourning)'.⁷⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ النُّعْمَانِ عَنْ ابْنِ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الْأَمَةِ إِذَا طَلَّقَتْ مَا عِدَّتُهَا قَالَ حَبِضَتَانِ أَوْ شَهْرَانِ حَتَّى تَحِيضَ فُلْتُ فَإِنْ تَوَفَّى عَنْهَا زَوْجُهَا فَقَالَ إِنَّ عَلِيًّا (عَلَيْهِ السَّلَام) قَالَ فِي أُمَّهَاتِ الْأَوْلَادِ لَا يَنْزَوِجْنَ حَتَّى يَعْتَدِدْنَ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا وَ هُنَّ إِمَاءٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Noman, from Ibn Muskan, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{asws} about the slave girl when she is divorced, what is her waiting period?' He^{asws} said: 'Two menstruations, or two months, until she menstruates'. I said, 'Supposing her husband dies from her?' So he^{asws} said: 'Ali^{asws} said regarding the mothers of the children: 'They should not get married until they observe the waiting period of four months and ten (days), and they are slaves'.⁷⁷

⁷⁴ Al Kafi – V 7 – The Book of Divorce Ch 76 H 4

⁷⁵ Al Kafi – V 7 – The Book of Divorce Ch 76 H 5

⁷⁶ Al Kafi – V 7 – The Book of Divorce Ch 77 H 1

⁷⁷ Al Kafi – V 7 – The Book of Divorce Ch 77 H 2

باب عِدَّةِ أُمَّهَاتِ الْأَوْلَادِ وَالرَّجُلِ يُعْتِقُ إِحْدَاهُنَّ أَوْ يَمُوتُ عَنْهَا

Chapter 78 – Waiting period of the mothers of the children, and the man who emancipates one of them, or he dies from her

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي الْأُمَةِ إِذَا غَشِيَهَا سَيِّدُهَا ثُمَّ أَعْتَقَهَا فَإِنَّ عِدَّتَهَا ثَلَاثَ حِيضٍ فَإِنْ مَاتَ عَنْهَا فَرَبْعَةَ أَشْهُرٍ وَعَشْرٍ .

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} regarding the slave girls when her master overwhelms (copulates with) her, then frees her, so her waiting period is of three menstruations. So if he were to die from her, so it would be four months and ten (days).⁷⁸

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا إِبْرَاهِيمَ (عَلَيْهِ السَّلَام) عَنِ الْأُمَةِ يَمُوتُ سَيِّدُهَا قَالَ تَعُدُّ عِدَّةَ الْمُنَوَّقِي عَنْهَا زَوْجَهَا قُلْتُ فَإِنَّ رَجُلًا تَزَوَّجَهَا قَبْلَ أَنْ تَنْقُضِي عِدَّتَهَا قَالَ يُفَارِقُهَا ثُمَّ يَتَزَوَّجُهَا نِكَاحًا جَدِيدًا بَعْدَ انْقِضَاءِ عِدَّتِهَا قُلْتُ فَأَيُّ مَا بَلَّغْنَا عَنْ أَبِيكَ فِي الرَّجُلِ إِذَا تَزَوَّجَ الْمَرْأَةَ فِي عِدَّتِهَا لَمْ تَحِلَّ لَهُ أَبَدًا قَالَ هَذَا جَاهِلٌ.

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

'I asked Abu Ibrahim^{asws} about the slave girl, her master died. He^{asws} said: 'She would observe the waiting period of the one widowed from her husband'. I said, 'Supposing if a man were to marry her before she fulfils her waiting period?' He^{asws} said: 'They would both be separated, then he would have to marry her with a new marriage after the fulfillment of her waiting period'. I said, 'So where would it be, what has reached us from your^{asws} father^{asws} regarding the man when he marries the woman during her waiting period, she would not be Permissible for him, forever?' He^{asws} said: 'This is an ignorant (one who reported it)'.⁷⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ الرَّجُلُ تَكُونُ نَحْتَهُ السُّرْيَةُ فَيُعْتَقُهَا فَقَالَ لَا يَصْلِحُ لَهَا أَنْ تَنْكَحَ حَتَّى تَنْقُضِي عِدَّتَهَا ثَلَاثَةَ أَشْهُرٍ وَإِنْ تُوَفِّيَ عَنْهَا مَوْلَاهَا فَعِدَّتُهَا أَرْبَعَةَ أَشْهُرٍ وَعَشْرٍ .

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 said to him^{asws}, 'The man happens to have a concubine under him, so he frees her'. So he said, 'It is not correct for her that she married until she fulfils her waiting period of three months, and if her master has died from her, so her waiting period is four months and ten (days)'.⁸⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي رَجُلٍ كَانَتْ لَهُ أُمَةٌ فَوَطَّئَهَا ثُمَّ أَعْتَقَهَا وَ قَدْ حَاصَتْ عِنْدَهُ حَيْضَةٌ بَعْدَ مَا وَطَّئَهَا قَالَ تَعُدُّ بِحَيْضَتَيْنِ .

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

⁷⁹ Al Kafi – V 7 – The Book of Divorce Ch 78 H 2

⁸⁰ Al Kafi – V 7 – The Book of Divorce Ch 78 H 3

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 a man who had a slave girl for him, so he copulated with her, then freed her, and she had menstruated when with him, a menstruation after him having copulated with her. He^{asws} said: 'She would observe a waiting period of two menstruations'.⁸¹

وَ بِإِسْنَادِهِ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يُعْتِقُ سُرْيَنَةً أَوْ يَصْلِحُ لَهُ أَنْ يَنْزَوْجَهَا بِغَيْرِ عِدَّةٍ قَالَ نَعَمْ قُلْتُ فَغَيْرُهُ قَالَ لَا حَتَّى تَعْتَدَ ثَلَاثَةَ أَشْهُرٍ

And by his chain, from Al Halby who said,

'I asked Abu Abdullah^{asws} about the man who emancipated his concubine, is it correct for him that he marries her without a waiting period?' He^{asws} said: 'Yes'. I said, 'So others?' He^{asws} said: 'No, until she observes the waiting period of three months'.

قَالَ وَ سُئِلَ عَنِ رَجُلٍ وَقَعَ عَلَى أَمَتِهِ أَوْ يَصْلِحُ لَهُ أَنْ يُزَوِّجَهَا قَبْلَ أَنْ تَعْتَدَ قَالَ لَا قُلْتُ كَمْ عِدَّتُهَا قَالَ حَيْضَةٌ أَوْ ثِنْتَانِ .

He (the narrator) said, 'And I asked him^{asws} about a man who fell upon (copulated with) his slave girl, is it correct for him that he marries her before he observes the waiting period?' He^{asws} said: 'No'. I said, 'How much is her waiting period?' He^{asws} said: 'One menstruation or two'.⁸²

عَلِيُّ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِهِ قَالَ فِي رَجُلٍ أَعْتَقَ أُمَّ وَلَدِهِ ثُمَّ تُوْفِيَ عَنْهَا قَبْلَ أَنْ تَنْقُضِيَ عِدَّتُهَا قَالَ تَعْتَدُ بِأَرْبَعَةِ أَشْهُرٍ وَ عَشْرٍ وَ إِنْ كَانَتْ حُبْلَى اغْتَدَّتْ بِأَبْعَدِ الْأَجَلَيْنِ .

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

'He^{asws} said regarding a man who emancipated a mother of his children, then died from her before she had fulfilled her waiting period. He^{asws} said: 'She would observe the waiting period of four months and ten (days), and if she was pregnant, she would wait with the further of the two terms'.⁸³

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنِ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنِ أَبِي بَصِيرٍ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ أَعْتَقَ وَلِيدَتَهُ عِنْدَ الْمَوْتِ فَقَالَ عِدَّتُهَا عِدَّةُ الْحُرَّةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرٍ

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

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who emancipated a mother of his child during the death. So he^{asws} said: 'Her waiting period is a waiting period of the free woman, the woman widowed from her husband, four months and ten (days)'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ أَعْتَقَ وَلِيدَتَهُ وَ هُوَ حَيٌّ وَ قَدْ كَانَ يَطُؤُهَا فَقَالَ عِدَّتُهَا عِدَّةُ الْحُرَّةِ الْمُطَلَّاقَةِ ثَلَاثَةَ قُرُوءٍ .

⁸¹ Al Kafi – V 7 – The Book of Divorce Ch 78 H 4

⁸² Al Kafi – V 7 – The Book of Divorce Ch 78 H 5

⁸³ Al Kafi – V 7 – The Book of Divorce Ch 78 H 6

He (the narrator) said, 'And I asked him^{asws} about a man who emancipated a mother of his child and he was alive, and he had copulated with her beforehand. So he^{asws} said: 'Her waiting period is a waiting period of the free woman, the divorced woman, of three *Quroos* (pure periods)'.⁸⁴

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ ابْنِ مَحْبُوبٍ عَنْ دَاوُدَ الرَّقِّيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الْمُدَبَّرَةِ إِذَا مَاتَ مَوْلَاهَا أَنْ عَدَّتْهَا أَرْبَعَةَ أَشْهُرٍ وَ عَشْرًا مِنْ يَوْمِ يَمُوتُ سَيِّدَهَا إِذَا كَانَ سَيِّدَهَا يَطُوهَا

Muhammad, from Ahmad, from Ibn Mahboub, from Dawood Al Raqy,

(It has been narrated) from Abu Abdullah^{asws} regarding the *Al-Mudabbira* (promised freedom upon the death of her master), when her master dies, that her waiting period is of four months and ten (days) from the day of the death of her master, if her master had copulated with her'.

قِيلَ لَهُ فَالرَّجُلُ يُعْتَقُ مَمْلُوكَتَهُ قَبْلَ مَوْتِهِ بِسَاعَةٍ أَوْ بِيَوْمٍ ثُمَّ يَمُوتُ قَالَ فَقَالَ هَذِهِ تَعْدُ بِثَلَاثِ حِيضٍ أَوْ ثَلَاثَةِ قُرُوءٍ مِنْ يَوْمِ أَعْتَقَهَا سَيِّدَهَا .

It was said to him^{asws}, 'Supposing the man who emancipates his owned slave girl before his death, by an hour, or by a day, then he dies'. So he^{asws} said: 'This one would observe the waiting period of three menstruations, or three *Quroos* (pure periods), from the day her master emancipated her'.⁸⁵

ابْنُ مَحْبُوبٍ عَنْ سَعْدَانَ بْنِ مُسْلِمٍ عَنْ أَبِي بَصِيرٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ تَكُونُ عِنْدَهُ السُّرْيَةُ لَهُ وَ قَدْ وُلِدَتْ مِنْهُ وَ قَدْ مَاتَ وَ لَدَهَا ثُمَّ يُعْتَقُهَا قَالَ لَا يَحِلُّ لَهَا أَنْ تَتَزَوَّجَ حَتَّى تَنْقُضِيَ عَدَّتْهَا ثَلَاثَةَ أَشْهُرٍ .

Ibn Mahboub, from Sa'dan Bin Muslim, from Abu Baseer who said,

'I said to Abu Abdullah^{asws}, 'The man happens to have a concubine of his with him, and she had given birth from him, and her child had died. Then he emancipated her'. He^{asws} said: 'It is not Permissible for her that he marries until she fulfills her waiting period of three months'.⁸⁶

ابْنُ مَحْبُوبٍ عَنْ وَهْبِ بْنِ عَبْدِ رَبِّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ كَانَتْ لَهُ أُمٌّ وَ لَدِهَا فَرَوَّجَهَا مِنْ رَجُلٍ فَأَوْلَدَهَا غُلَامًا ثُمَّ إِنَّ الرَّجُلَ مَاتَ فَرَجَعَتْ إِلَى سَيِّدِهَا أَلَيْهَا أَنْ يَطَّأَهَا قَالَ تَعْدُ مِنَ الزَّوْجِ أَرْبَعَةَ أَشْهُرٍ وَ عَشْرَةَ أَيَّامٍ ثُمَّ يَطُوهَا بِالْمَلِكِ بِغَيْرِ نِكَاحٍ .

Ibn Mahboub, from Wahab Bin Abd Rabbihi,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who had a mother of his child for him, so he married her to a man, so she gave birth to a boy. Then the man died. So she returned to her master. Is it for him that he copulates with her?' He^{asws} said: 'She would observe the waiting period from the husband, of four months and ten days, then he can copulate with her by the ownership, without a marriage'.⁸⁷

⁸⁴ Al Kafi – V 7 – The Book of Divorce Ch 78 H 7

⁸⁵ Al Kafi – V 7 – The Book of Divorce Ch 78 H 8

⁸⁶ Al Kafi – V 7 – The Book of Divorce Ch 78 H 9

⁸⁷ Al Kafi – V 7 – The Book of Divorce Ch 78 H 10

باب الرَّجُلِ تَكُونُ عِنْدَهُ الْأَمَةُ فَيُطَلِّقُهَا ثُمَّ يَشْتَرِيهَا

Chapter 79 – The man happens to have a slave girl with him, so he divorces her, then he buys her

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِهِ عَنِ ابْنِ أَبِي نَجْرَانَ وَابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي رَجُلٍ كَانَتْ تَحْتَهُ أَمَةٌ فَطَلَّقَهَا عَلَى السُّنَّةِ ثُمَّ بَانَتْ مِنْهُ ثُمَّ اشْتَرَاهَا بَعْدَ ذَلِكَ قَبْلَ أَنْ تَنْكَحَ زَوْجًا غَيْرَهُ قَالَ قَدْ قَضَى أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) فِي هَذَا أَحَلَّتْهَا آيَةٌ وَحَرَّمَتْهَا آيَةٌ أُخْرَى وَ أَنَا نَاهٍ عَنْهَا نَفْسِي وَ وُلْدِي .

Ali Bin Ibrahim, from his father, from one of his companions, from Ibn Abu Najran, and Ibn Abu Umeyr, from Abdullah Bin Sinan,

(It has been narrated) from Abu Abdullah^{asws} having said regarding a man under who used to be a slave girl. So he divorced her upon the Sunnah, then she was irrevocably divorced from him. Then he bought her after that before she married another husband. He^{asws} said: 'Amir Al-Momineen^{asws} had judged regarding this (as there is) A Verse Permits her and another Verse Prohibits her, and I^{asws} would prohibit from her myself^{asws} and my^{asws} sons^{asws}.⁸⁸

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ حُرٌّ كَانَتْ تَحْتَهُ أَمَةٌ فَطَلَّقَهَا طَلَاقًا بَائِنًا ثُمَّ اشْتَرَاهَا هَلْ يَجِلُّ لَهُ أَنْ يَطَّأَهَا قَالَ لَا .

Ali, 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 a free man who had a slave girl under him. So he divorced her with an irrevocable divorce, then bought her. Is it Permissible for him that he copulates with her?' He^{asws} said: 'No'.⁸⁹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعًا عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً مَمْلُوكَةً ثُمَّ طَلَّقَهَا ثُمَّ اشْتَرَاهَا بَعْدَ هَلْ تَجِلُّ لَهُ قَالَ لَا حَتَّى تَنْكَحَ زَوْجًا غَيْرَهُ .

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

'I asked him^{asws} about a man who married an owned woman, then divorced her, then bought her afterwards. Is she Permissible for him?' He^{asws} said: 'No, until she marries another husband'.⁹⁰

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ بُرَيْدِ الْعَجَلِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي رَجُلٍ تَحْتَهُ أَمَةٌ فَطَلَّقَهَا تَطْلِيقَتَيْنِ ثُمَّ اشْتَرَاهَا بَعْدَ ذَلِكَ قَالَ لَا يَصْلُحُ لَهُ أَنْ يَنْكَحَهَا حَتَّى تَتَزَوَّجَ زَوْجًا غَيْرَهُ وَ حَتَّى يَدْخُلَ بِهَا فِي مِثْلِ مَا حَرَجَتْ مِنْهُ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Aban Bin Usman, from Bureyd Al Ajaly,

(It has been narrated) from Abu Abdullah^{asws} having said regarding a man under whom is a slave girl. So he divorces her with two divorces, then buys her afterwards.

⁸⁸ Al Kafi – V 7 – The Book of Divorce Ch 79 H 1

⁸⁹ Al Kafi – V 7 – The Book of Divorce Ch 79 H 2

⁹⁰ Al Kafi – V 7 – The Book of Divorce Ch 79 H 3

He^{asws} said: 'It is not correct for him that he marries her until she marries another husband, and until he copulates with her similar to what she went out from him'.⁹¹

باب المُرْتَدِّ

Chapter 80 – The Apostate

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ عَمَارِ السَّابِاطِيِّ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ كُلُّ مُسْلِمٍ بَيْنَ مُسْلِمَيْنِ ارْتَدَّ عَنِ الْإِسْلَامِ وَ جَحَدَ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) نُبُوَّتَهُ وَ كَذَّبَهُ فَإِنَّ دَمَهُ مُبَاحٌ لِمَنْ سَمِعَ ذَلِكَ مِنْهُ وَ أَمْرُهُ بَائِنَةٌ مِنْهُ يَوْمَ ارْتَدَّ وَ يُفْسَمُ مَالُهُ عَلَى وَرَثَتِهِ وَ تَعْنُدُ أَمْرُهُ عِدَّةَ الْمَتَوَفَى عَنْهَا زَوْجَهَا وَ عَلَى الْإِمَامِ أَنْ يَقْتُلَهُ إِنْ أَتَوْهُ بِهِ وَ لَا يَسْتَيْبِيهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, and a number of our companions, from Sahl Bin Ziyad, altogether from Ibn Mahboub, from Hisham Bin Salim, from Ammar Al Sabatany who said,

'I heard Abu Abdullah^{asws} saying, 'Every Muslim between two Muslims is an atheist, from Al-Islam, and denies Rsool-Allah^{saww} of his^{saww} Prophet-hood, and belies him^{saww}. Thus, his blood is allowed (to be spilled) for the one who hears than from him, and his wife is irrevocably divorced from him from the day he reneges, and his wealth would be distributed upon his inheritors, and his wife would observe the waiting period, a waiting period of the woman widowed from her husband, and it is upon the Imam^{asws} that he^{asws} kills him if they come to him^{asws} with him, and he^{asws} would not give him time to repent'.⁹²

وَ عَنْهُ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الْمُرْتَدِّ فَقَالَ مَنْ رَغِبَ عَنِ الْإِسْلَامِ وَ كَفَرَ بِمَا أَنْزَلَ عَلَى مُحَمَّدٍ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بَعْدَ إِسْلَامِهِ فَلَا تَوْبَةَ لَهُ وَ قَدْ وَجِبَ قَتْلُهُ وَ بَائِنَتْ مِنْهُ أَمْرُهُ وَ يُفْسَمُ مَا تَرَكَ عَلَى وُلْدِهِ.

And from him, from Al A'ala, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far^{asws} about the apostate. So he^{asws} said: 'The one who wishes to be away from Al-Islam, and disbelieve with what was Revealed unto Muhammad^{saww} after his Islam. So there is no repentance for him, and his being killed is Obligated, and his wife is irrevocably divorced from him, and whatever he leaves would be distributed upon his children'.⁹³

باب طلاق أهل الذمّة و عدّتهم في الطلاق و الموت إذا أسلمت المرأة

Chapter 81 – Divorce of the Ahl Al-Zimma women, and their waiting periods regarding the divorce, and the death, when the woman becomes a Muslim

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَاطٍ عَنِ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ نَصْرَانِيَّةٍ كَانَتْ تَحْتَ نَصْرَانِيٍّ فَطَلَّقَهَا هَلْ عَلَيْهَا عِدَّةٌ مِثْلَ عِدَّةِ الْمُسْلِمَةِ فَقَالَ لَا لِأَنَّ أَهْلَ الْكِتَابِ مَمَالِكٌ لِلْإِمَامِ أَلَا تَرَى أَنَّهُمْ يُؤَدُّونَهُمُ الْجَزِيَّةَ كَمَا يُؤَدِّي الْعَبْدُ الضَّرْبِيَّةَ إِلَى مَوْلَاهُ قَالَ وَ مَنْ أَسْلَمَ مِنْهُمْ فَهُوَ حُرٌّ تُطْرَحُ عَنْهُ الْجَزِيَّةُ

⁹¹ Al Kafi – V 7 – The Book of Divorce Ch 79 H 4

⁹² Al Kafi – V 7 – The Book of Divorce Ch 80 H 1

⁹³ Al Kafi – V 7 – The Book of Divorce Ch 80 H 2

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Ibn Ra'ib, from Ibn Bukeyr, from Zurara,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I asked him^{asws} about a Christian woman who was under (married to) a Christian. So he divorced her. Is there a waiting period upon her similar to what is upon the Muslim woman?' So he^{asws} said: 'No, because the People of the Book are in the domain of the Imam^{asws}. Do you not see that they are paying the taxation to him^{asws} just as the slave pays whatever he earns to his master?' He^{asws} said: 'And the one who becomes a Muslim from them, so he is free. The taxation would be dropped from him.'

قُلْتُ فَمَا عِدَّتُهَا إِنْ أَرَادَ الْمُسْلِمُ أَنْ يَنْزَوَّجَهَا قَالَ عِدَّتُهَا عِدَّةُ الْأَمَةِ حَيْضَتَانِ أَوْ خَمْسَةٌ وَارْبَعُونَ يَوْمًا قَبْلَ أَنْ تُسَلِّمَ قَالَ قُلْتُ لَهُ فَإِنْ أَسْلَمَتْ بَعْدَ مَا طَلَّقَهَا فَقَالَ إِذَا أَسْلَمَتْ بَعْدَ مَا طَلَّقَهَا فَإِنَّ عِدَّتَهَا عِدَّةُ الْمُسْلِمَةِ قُلْتُ فَإِنْ مَاتَ عَنْهَا وَهِيَ نَصْرَانِيَّةٌ وَهُوَ نَصْرَانِيٌّ فَأَرَادَ رَجُلٌ مِنَ الْمُسْلِمِينَ أَنْ يَنْزَوَّجَهَا قَالَ لَا يَنْزَوَّجُهَا الْمُسْلِمُ حَتَّى تَعْتَدَّ مِنَ النَّصْرَانِيِّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا عِدَّةُ الْمُسْلِمَةِ الْمُتَوَفَّى عَنْهَا زَوْجَهَا

I said, 'So what is her waiting period if the Muslim man intends to marry her?' He^{asws} said: 'Her waiting period is a waiting period of the slave woman, two menstruations, or forty-five days, before she became a Muslim'. I said to him^{asws}, 'Supposing she becomes a Muslim after her divorce?' He^{asws} said: 'If she becomes a Muslim after her divorce, so her waiting period is a waiting period of the Muslim woman'. I said, 'Supposing he dies from her, and she is a Christian and he is a Christian, so a man from the Muslims intends to marry her?' He^{asws} said: 'The Muslim man cannot marry her until she observes the waiting period from the Christian, of four months and ten (days), being a waiting period of the Muslim woman widowed from her husband'.

قُلْتُ لَهُ كَيْفَ جُعِلَتْ عِدَّتُهَا إِذَا طَلَّقَتْ عِدَّةَ الْأَمَةِ وَجُعِلَتْ عِدَّتُهَا إِذَا مَاتَ عَنْهَا زَوْجُهَا عِدَّةَ الْحُرَّةِ الْمُسْلِمَةِ وَ أَنْتَ تَذَكَّرُ أَنَّهُمْ مَمَالِكُ الْإِمَامِ فَقَالَ لَيْسَ عِدَّتُهَا فِي الطَّلَاقِ مِثْلَ عِدَّتِهَا إِذَا تَوَفَّى عَنْهَا زَوْجُهَا ثُمَّ قَالَ إِنَّ الْأَمَةَ وَالْحُرَّةَ كِلْتَاهُمَا إِذَا مَاتَ عَنْهُمَا زَوْجُهُمَا سَوَاءٌ فِي الْعِدَّةِ إِلَّا أَنَّ الْحُرَّةَ تُحَدُّ وَالْأَمَةَ لَا تُحَدُّ .

I said to him^{asws}, 'How did it become, when she is divorced her waiting period is that of the slave girl, and her waiting period became, when her husband dies from her, a waiting period of the free Muslim woman, and you^{asws} mentioned that they are in the domain of the Imam^{asws}? So he^{asws} said: 'Her waiting period regarding the divorce is not like her waiting period when he husband dies from her'. Then he^{asws} said: 'The slave girls, and the free women, both of them are equal, when their husbands die from them, with regards to the waiting period, except that the free woman would limit herself (in mourning), and the slave girl would not limit herself (in mourning)'.⁹⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ قَالَ عِدَّةُ الْعُلْجَةِ إِذَا أَسْلَمَتْ عِدَّةُ الْمُطَلَّاقَةِ إِذَا أَرَادَتْ أَنْ تَنْزَوَّجَ غَيْرَهُ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus,

'He^{asws} said: 'A waiting period of the *الْعُلْجَةِ* when she becomes a Muslim, is a waiting period of the divorced woman, when she intends to marry someone else'.⁹⁵

مُحَمَّدُ بْنُ بَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ يَعْقُوبَ السَّرَّاجِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ نَصْرَانِيَّةٍ مَاتَ عَنْهَا زَوْجُهَا وَهُوَ نَصْرَانِيٌّ مَا عِدَّتُهَا قَالَ عِدَّةُ الْحُرَّةِ الْمُسْلِمَةِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا .

⁹⁴ Al Kafi – V 7 – The Book of Divorce Ch 81 H 1

⁹⁵ Al Kafi – V 7 – The Book of Divorce Ch 81 H 2

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Yaqoub Al Sarraj who said,

'I asked Abu Abdullah^{asws} about a Christian woman whose husband died from her, and he was a Christian, what is her waiting period?' He^{asws} said: 'A waiting period of the free Muslim woman, four months and ten (days)'.⁹⁶

وَ بِإِسْنَادِهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ حُمْرَانَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي أُمِّ وَلَدٍ لِنَصْرَانِيٍّ أَسْلَمَتْ أَيْ يَنْزَوِجُهَا الْمُسْلِمُ قَالَ نَعَمْ وَعَدَّتْهَا مِنَ النَّصْرَانِيِّ إِذَا أَسْلَمَتْ عِدَّةَ الْحُرَّةِ الْمُطَلَّاقَةِ ثَلَاثَةَ أَشْهُرٍ أَوْ ثَلَاثَةَ فُرُوءٍ فَإِذَا انْقَضَتْ عَدَّتْهَا فَلْيَنْزَوِجْهَا إِنْ شَاءَتْ .

And by his chain, from Ibn Mahboub, from Ali Bin Raib, from Humran,

(It has been narrated) from Abu Ja'far^{asws} regarding a mother of a child of a Christian man, became a Muslim, can the Muslim man marry her?' He^{asws} said: 'Yes, and her waiting period from the Christian man when she became a Muslim, is a waiting period of the free divorced woman, being of three months, or three *Quroos* (pure periods). So when she fulfils her waiting period, so let him marry her, if he so desires to'.⁹⁷

تَمَّ كِتَابُ الطَّلَاقِ مِنَ الْكَافِي تَصْنِيفِ مُحَمَّدِ بْنِ يَعْقُوبَ الْكَلِينِيِّ تَعَمَّدَهُ اللَّهُ تَعَالَى بِرَحْمَتِهِ الْوَاسِعَةِ وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَالصَّلَاةُ وَالسَّلَامُ عَلَى خَيْرِ خَلْقِهِ مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ وَ سَلَّمَ تَسْلِيمًا كَثِيرًا دَائِمًا وَيَتْلُوهُ إِنْ شَاءَ اللَّهُ كِتَابُ الْعِتْقِ وَ التَّدْبِيرِ وَ الْكِتَابَةِ .

The Book of Divorce from Al Kafi is completed, compiled by Muhammad Bin Yaqoub Al Kulayni, may Allah^{azwj} the High Cover him with His^{azwj} Extensive Mercy, and the Praise is for Allah^{azwj} Lord of the Worlds; and the Prayers and the Blessing be upon the best of His^{azwj} creatures, Muhammad^{saww} and his^{saww} Purified Progeny^{asws}, and abundant greetings forevermore; and it would be followed by, Allah^{azwj} Willing, the Book of the Emancipation, and the Arrangement, and the Contract.

⁹⁶ Al Kafi – V 7 – The Book of Divorce Ch 81 H 3

⁹⁷ Al Kafi – V 7 – The Book of Divorce Ch 81 H 4