

# الكافي

## AL-KAFI

المجلد السادس

Volume 6

للمحدّث الجليل والعالم الفقيه الشيخ محمد بن يعقوب الكليني المعروف بثقة  
الإسلام الكليني المتوفى سنة 329 هجرية

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 العتق و التّديير و الكتابة

**THE BOOK OF EMANCIPATION (LIBERATION),  
AND THE ARRANGEMENT, AND THE  
CONTRACT (OF SLAVES)**

## TABLE OF CONTENTS

<b>THE BOOK OF EMANCIPATION (LIBERATION), AND THE ARRANGEMENT, AND THE CONTRACT (OF SLAVES).....</b>	<b>1</b>
Chapter 1 – What is not allowed to own from the relatives .....	3
Chapter 2 – An emancipation does not happen except what is intended by it is the Face of Allahazwj Mighty and Majestic .....	5
Chapter 3 – It is not an emancipation except after the ownership .....	5
Chapter 4 – The stipulation (prerequisite) in the emancipation .....	6
Chapter 5 – Reward of the emancipation, and its merits and the desire with regards to it .....	7
Chapter 6 – Emancipation of the young and the old and aged, and the people with chronic illnesses .....	8
Chapter 7 – The Emancipation contract .....	9
Chapter 8 – Emancipation of a son of adultery (bastard), and the Zimmy (under the responsibility), and the Polytheist, and the oppressed .....	10
Chapter 9 – The slave owned between partners, one of them emancipates his share, or sells .....	10
Chapter 10 – The arranged (emancipation).....	12
Chapter 11 – The contracted (slave).....	15
Chapter 12 – The owned slave when he is blind, or a leper, or tortured with, so he is free.....	21
Chapter 13 – The owned slave is emancipated and for him is wealth .....	22
Chapter 14 – Emancipation of the intoxicated, and the insane, and the coerced .....	24
Chapter 15 – Mothers of the children .....	25
Chapter 16 - Miscellaneous.....	27
Chapter 17 – The guardianship is for the one who emancipates .....	32
Chapter 18 – A Chapter .....	33
Chapter 19 – The fugitives .....	35

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَّم تَسْلِيمًا.

In the Name of Allah<sup>azwj</sup> the Beneficent, the Merciful. The Praise is for Allah<sup>azwj</sup> Lord<sup>azwj</sup> of the Worlds, and Blessing be upon our Chief Muhammad<sup>saww</sup> and his<sup>saww</sup> Purified Progeny<sup>asws</sup>, and greetings with abundant greetings.

## بَاب مَا لَا يَجُوزُ مَلَكَهُ مِنَ الْقَرَابَاتِ

### Chapter 1 – What is not allowed to own from the relatives

أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ يَعْقُوبَ الْكُلَيْبِيُّ قَالَ حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عِيسَى عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ الْعَلَاءِ بْنِ رَزِينَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ الْأَوَّلِ ( عَلَيْهِ السَّلَام ) قَالَ إِذَا مَلَكَ الرَّجُلُ وَالِدِيهِ أَوْ أُخْتَهُ أَوْ خَالَتهُ أَوْ عَمَّتَهُ عَتَّقُوا عَلَيْهِ وَ يَمْلِكُ ابْنَ أَخِيهِ وَ عَمَّهُ وَ يَمْلِكُ أَخَاهُ وَ عَمَّهُ وَ خَالَهُ مِنَ الرِّضَاعَةِ .

Abu Ja'far Muhammad Bin Yaqoub Al Kulayni said, 'It was narrated to us by Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Safwan Bin Yahya, from Al Aa'la Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>asws</sup> the 1<sup>st</sup> having said: 'When the man owns his parents, or his sister, or his maternal aunt, or his paternal aunt, they would be emancipated (liberated) upon him, and he would (be able to) own a son of his brother, and his uncle, and he would own his brother, and his paternal uncle, and his maternal uncle, from the breast-feeding (relationship)'.<sup>1</sup>

وَ بِإِسْنَادِهِ عَنِ الْعَلَاءِ بْنِ رَزِينَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ لَا يَمْلِكُ الرَّجُلُ وَالِدَهُ وَ لَا وَالِدَتَهُ وَ لَا عَمَّتَهُ وَ لَا خَالَتهُ وَ يَمْلِكُ أَخَاهُ وَ غَيْرَهُ مِنْ ذَوِي قَرَابَتِهِ مِنَ الرَّجَالِ .

And by his chain, from Al Aa'la Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'The man can neither own his father, nor his mother, nor his paternal aunt, nor his maternal aunt; but he can own his brother, and others from ones with relationships from the men'.<sup>2</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَجَّالِ عَنْ أَسَدِ بْنِ أَبِي الْعَلَاءِ عَنْ أَبِي حَمَزَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ عَنِ الْمَرْأَةِ مَا تَمْلِكُ مِنْ قَرَابَتِهَا قَالَ كُلُّ أَحَدٍ إِلَّا خَمْسَةً أَبَاهَا وَ أُمَّهَا وَ ابْنَهَا وَ ابْنَتَهَا وَ زَوْجَهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hajjal, from Asad Bin Abu Al Aa'la, from Abu Hamza who said,

'I asked Abu Abdullah<sup>asws</sup> about the woman, what she can own from her relatives?' He<sup>asws</sup> said: 'Everyone except for five – her father, and her mother, and her son, and her daughter, and her husband'.<sup>3</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ إِذَا مَلَكَ الرَّجُلُ وَالِدِيهِ أَوْ أُخْتَهُ أَوْ عَمَّتَهُ أَوْ خَالَتهُ عَتَّقُوا وَ يَمْلِكُ ابْنَ أَخِيهِ وَ عَمَّهُ وَ خَالَهُ وَ عَمَّتَهُ مِنَ الرِّضَاعَةِ .

<sup>1</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 1

<sup>2</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 2

<sup>3</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 3

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'When the man owns his parents, or his sister, or his paternal aunt, or his maternal aunt, they would be emancipated (liberated), and he can own a son of his brother, and his paternal uncle, and his maternal uncle, and he can own his brother, and his paternal uncle, and his maternal uncle from the breast-feeding (relationship)'.<sup>4</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ وَابْنِ سِنَانَ بْنِ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ فِي امْرَأَةٍ أَرْضَعَتْ ابْنَ جَارِيَتِهَا قَالَ تُعْتَقُ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said regarding a woman who breast-fed a son of her slave girl. He<sup>asws</sup> said: 'She would emancipate (liberate) him'.<sup>5</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ عَنْ أَبَانَ بْنِ عُمَانَ عَنْ عَبْدِ الرَّجْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنِ الرَّجُلِ يَتَّخِذُ أَبَاهُ أَوْ أُمَّهُ أَوْ أَخَاهُ أَوْ أُخْتَهُ عَبِيدًا فَقَالَ أَمَّا الْأَخْتُ فَقَدْ عَتَقَتْ حِينَ يَمْلِكُهَا وَ أَمَّا الْأَخُ فَيَسْتَرْقُهَا وَ أَمَّا الْأَبَوَانِ فَقَدْ عَتَقَا حِينَ يَمْلِكُهُمَا

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

'I asked Abu Abdullah<sup>asws</sup> about the man who takes his father, or his mother, or his brother, or his sister as slaves. So he<sup>asws</sup> said: 'As for the sister, so she was emancipated (liberated) the moment he owned her, and as for the brother, so he would enslave him, and as for the two parents, so they have both been emancipated the moment he owned them both'.

قَالَ وَ سَأَلْتُهُ عَنِ الْمَرْأَةِ تُرَضِعُ عَبْدَهَا أَتَتَّخِذُهُ عَبْدًا قَالَ تَعْتَقُهَا وَ هِيَ كَارِهَةٌ .

He (the narrator) said, 'And I asked him<sup>asws</sup> about the woman who breast-fed her slave, can she take him as a slave?' He<sup>asws</sup> said: 'She would emancipate him, and it is an abhorrence (breast-feeding her slave)'.<sup>6</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ عَنْ عُبيدِ بْنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَمَّا يَمْلِكُ الرَّجُلُ مِنْ ذَوِي قَرَابَتِهِ قَالَ لَا يَمْلِكُ وَالِدَهُ وَ لَا وَالِدَتَهُ وَ لَا أُخْتَهُ وَ لَا ابْنَةَ أُخْتِهِ وَ لَا عَمَّتَهُ وَ لَا خَالَتَهُ وَ يَمْلِكُ مَا سِوَى ذَلِكَ مِنَ الرِّجَالِ مِنْ ذَوِي قَرَابَتِهِ وَ لَا يَمْلِكُ أُمَّهُ مِنَ الرِّضَاعَةِ .

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

'I asked Abu Abdullah<sup>asws</sup> about what the man can own from his relatives. He<sup>asws</sup> said: 'He cannot own his father, nor his mother, nor his sister, nor a daughter of his brother, nor a daughter of his sister, nor his paternal aunt, nor his maternal aunt; and

<sup>4</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 4

<sup>5</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 5

<sup>6</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 6

he can own what is besides that from the men from his relatives, and he cannot own his mother from the breast-feeding (relationship)'.<sup>7</sup>

**بَاب أَنَّهُ لَا يَكُونُ عَتَقٌ إِلَّا مَا أُرِيدَ بِهِ وَجْهَ اللَّهِ عَزَّ وَجَلَّ**

## Chapter 2 – An emancipation does not happen except what is intended by it is the Face of Allahazwj Mighty and Majestic

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ وَحَمَّادٍ وَابْنِ أُذَيْنَةَ وَابْنِ بُكَيْرٍ وَغَيْرِ وَاحِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) أَنَّهُ قَالَ لَا عِتْقَ إِلَّا مَا أُرِيدَ بِهِ وَجْهَ اللَّهِ عَزَّ وَجَلَّ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Salim, and Hammad, and Ibn Azina, and Ibn Bukeyr, and someone else,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'There is not emancipation unless what is intended by it is the Face of Allah<sup>azwj</sup> Mighty and Majestic'.<sup>8</sup>

مُحَمَّدُ بْنُ بَحْبِئِيِّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ لَا عِتْقَ إِلَّا مَا طَلِبَ بِهِ وَجْهَ اللَّهِ عَزَّ وَجَلَّ .

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<sup>asws</sup> having said: 'There is no emancipation unless what is sought by it is the Face of Allah<sup>azwj</sup> Mighty and Majestic'.<sup>9</sup>

**بَاب أَنَّهُ لَا عِتْقَ إِلَّا بَعْدَ مِلْكٍ**

## Chapter 3 – It is not an emancipation except after the ownership

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) لَا طَّلَاقَ قَبْلَ نِكَاحٍ وَلَا عِتْقَ قَبْلَ مِلْكٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Mansour Bin Hazam,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said: 'There is no divorce before the marriage, and there is no emancipation before the ownership'.<sup>10</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ بْنِ شَمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَصَمِّ عَنْ مِسْمَعِ أَبِي سَيَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) لَا عِتْقَ إِلَّا بَعْدَ مِلْكٍ .

A number of our companions, from Sahl Bin Ziyad, from Muhammad Bin Al Hassan Bin Shamoun, from Abdullah Bin Abdul Rahman Al Asamma, from Mism'a Abu Sayyar,

<sup>7</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 1 H 7

<sup>8</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 2 H 1

<sup>9</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 2 H 2

<sup>10</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 3 H 1

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said: 'There is no emancipation except after ownership'.<sup>11</sup>

### باب الشَّرْطِ فِي الْعَتَقِ

## Chapter 4 – The stipulation (prerequisite) in the emancipation

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ أَوْ قَالَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ عَبْدِ الرَّحْمَنِ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ أَوْصَى أَمِيرُ الْمُؤْمِنِينَ ( عليه السلام ) فَقَالَ إِنَّ أَبَا نُيْزَرَ وَرَبَّاحًا وَجُبَيْرًا عَتَقُوا عَلِيَّ أَنْ يَعْمَلُوا فِي الْمَالِ خَمْسَ سِنِينَ .

Ali Bin Ibrahim, from his father, or said Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazzal, from Abdul Rahman,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'Amir Al-Momineen<sup>asws</sup> bequeathed, so he<sup>asws</sup> said: 'Abu Neyzara, and Rabaha, and Jubeyr would be emancipated upon (a stipulation) that they work in the treasury for five years'.<sup>12</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ أَوْ قَالَ عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عليه السلام ) عَنْ رَجُلٍ أَعْتَقَ جَارِيَتَهُ وَشَرَطَ عَلَيْهَا أَنْ تَخْدُمَهُ خَمْسَ سِنِينَ فَأَبَقَتْ ثُمَّ مَاتَ الرَّجُلُ فَوَجَدَهَا وَرَثَتَهُ أَلَهُمْ أَنْ يَسْتَخْدِمُوهَا قَالَ لَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, or said, from Muhammad Bin Al Husayn, from Safwan, from Yaqoub Bin Shuayb who said,

'I asked Abu Abdullah<sup>asws</sup> about a man who emancipated his slave girl and stipulated a condition upon her that 'if she were to serve him for five years'. So she remained, then the man died. So she was found to have inherited him. Is it for them (the family of the deceased) that they make her serve them?' He<sup>asws</sup> said: 'No'.<sup>13</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنِ الْحُسَيْنِ بْنِ عُثْمَانَ وَ مُحَمَّدِ بْنِ أَبِي حَمَزَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ وَ غَيْرِهِ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يُعْتِقُ مَمْلُوكَهُ وَ يُرَوِّجُهُ ابْنَتَهُ وَ يَسْتَرْطِ عَلَيْهِ إِنْ هُوَ أَعَارَهَا أَنْ يَرُدَّهُ فِي الرَّقِّ قَالَ لَهُ شَرْطُهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Al Husayn Bin Usman, and Muhammad Bin Abu Hamza, from Is'haq Bin Ammar, and someone else,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the man who emancipated his owned slave, and married him to his own daughter, and stipulated a condition upon him that if he were to deceive her, he would be returned in the slavery. He<sup>asws</sup> said; 'It is for him to stipulate it'.<sup>14</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا ( عليهما السلام ) فِي الرَّجُلِ يَقُولُ لِعَبْدِهِ أَعْتَقْتُكَ عَلَى أَنْ أُرَوِّجَكَ ابْنَتِي فَإِنْ تَزَوَّجْتَ عَلَيْهَا أَوْ تَسَرَّيْتَ فَعَلَيْكَ مِائَةٌ دِينَارٍ فَأَعْتَقَهُ عَلَى ذَلِكَ وَ زَوَّجَهُ فَتَسَرَّى أَوْ تَزَوَّجَ قَالَ لِمَوْلَاهُ عَلَيْهِ شَرْطُهُ الْأَوَّلُ .

<sup>11</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 3 H 2

<sup>12</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 1

<sup>13</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 2

<sup>14</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 3

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan Bin Yahya, from Al Aa'la Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>asws</sup>) regarding the man who is saying to his slave, 'I will emancipate you upon (the condition) if you marry my daughter. So if you were to marry (another one) upon her, or keep a concubine, so upon you would be one hundred Dinars'. So he emancipated him upon that, and got him married (to his daughter). So if he keeps a concubine or marries (another woman)?' He<sup>asws</sup> said: 'For his master, upon him is his first condition'.<sup>15</sup>

**بَابُ ثَوَابِ الْعِتْقِ وَفَضْلِهِ وَالرَّغْبَةِ فِيهِ**

## Chapter 5 – Reward of the emancipation, and its merits and the desire with regards to it

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ وَمُعَاوِيَةَ بْنِ عَمَّارٍ وَحَفْصِ بْنِ الْبُخْتَرِيِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُ قَالَ فِي الرَّجُلِ يُعْتَقُ الْمَمْلُوكَ قَالَ إِنَّ اللَّهَ عَزَّ وَجَلَّ يُعْتِقُ بِكُلِّ عَضْوٍ مِنْهُ عَضْوًا مِنَ النَّارِ قَالَ وَ يُسْتَحَبُّ لِلرَّجُلِ أَنْ يَتَّقِرَبَ إِلَى اللَّهِ عَشِيَّةَ عَرَفَةَ وَ يَوْمَ عَرَفَةَ بِالْعِتْقِ وَ الصَّدَقَةِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby, and Muawiya Bin Ammar, and Hafs Bin Al Bakhtary,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said regarding the man who emancipated the owned slave. He<sup>asws</sup> said: 'Allah<sup>azwj</sup> Mighty and Majestic would emancipate for every organ of his, an organ (of his) from the Fire'. He<sup>asws</sup> said: 'And it is recommended for the man that he gets closer to Allah<sup>azwj</sup> on the evening of Arafaat, and the day of Arafaat, by the emancipation, and the charity'.<sup>16</sup>

عَلِيُّ عَنْ أَبِيهِ عَنِ حَمَّادِ بْنِ عَيْسَى وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ رَبِيعِ بْنِ عَبْدِ اللَّهِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَنْ أَعْتَقَ مُسْلِمًا أَعْتَقَ اللَّهُ عَزَّ وَجَلَّ بِكُلِّ عَضْوٍ مِنْهُ عَضْوًا مِنَ النَّارِ .

Ali, from his father, from Hammad Bin Isa, and Muhammad Bin Ismail, from Al Fazl Bin Shazaan, from Ibn Abu Umeyr,

(It has been narrated) from Rabie Bin Abdullah<sup>asws</sup>, from Zurara, from Abu Ja'far<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said: 'The one who emancipates a Muslim, Allah<sup>azwj</sup> Mighty and Majestic would Emancipate him for every organ of his, an (organ of his) from the Fire'.<sup>17</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ إِبْرَاهِيمَ بْنِ أَبِي الْبَلَادِ عَنْ أَبِيهِ رَفَعَهُ قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَنْ أَعْتَقَ مُؤْمِنًا أَعْتَقَ اللَّهُ عَزَّ وَجَلَّ بِكُلِّ عَضْوٍ مِنْهُ عَضْوًا مِنَ النَّارِ فَإِنْ كَانَتْ أَنْتَى أَعْتَقَ اللَّهُ عَزَّ وَجَلَّ بِكُلِّ عَضْوَيْنِ مِنْهَا عَضْوًا مِنْهُ مِنَ النَّارِ لِأَنَّ الْمَرْأَةَ بِنِصْفِ الرَّجُلِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Ibrahim Bin Abu Al Ballad, from his father, raising it,

<sup>15</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 4

<sup>16</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 1

<sup>17</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 2

'Rasool-Allah<sup>saww</sup> said: 'The one who emancipates a Believer, Allah<sup>azwj</sup> Mighty and Majestic would Emancipate with every organ of his, an organ (of his) from the Fire. So if it was a female, Allah<sup>azwj</sup> Mighty and Majestic would Emancipate for every two organs of her, an organ of his from the Fire, because the woman is by half the man'.<sup>18</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ أَبِيَانَ عَنْ بَشِيرِ النَّبَالِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) يَقُولُ مَنْ أَعْتَقَ نَسَمَةً صَالِحَةً لَوَجْهِ اللَّهِ عَزَّ وَجَلَّ كَفَرَ اللَّهُ عَنْهُ مَكَانَ كُلِّ عَضْوٍ مِنْهُ عَضْوًا مِنَ النَّارِ .

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

'I heard Abu Abdullah<sup>asws</sup> saying: 'The one who emancipates a righteous person for the Face of Allah<sup>azwj</sup> Mighty and Majestic, Allah<sup>azwj</sup> would Expiate in place of every organ from him, an organ (of his) from the Fire'.<sup>19</sup>

### باب عَتَقِ الصَّغِيرِ وَ الشَّيْخِ الْكَبِيرِ وَ أَهْلِ الرَّمَانَاتِ

## Chapter 6 – Emancipation of the young and the old and aged, and the people with chronic illnesses

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ الرِّضَا ( عَلَيْهِ السَّلَام ) وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُعْتِقُ غُلَامًا صَغِيرًا أَوْ شَيْخًا كَبِيرًا أَوْ مَنْ بِهِ زَمَانَةٌ وَ مَنْ لَا حِيلَةَ لَهُ فَقَالَ مَنْ أَعْتَقَ مَمْلُوكًا لَا حِيلَةَ لَهُ فَإِنَّ عَلَيْهِ أَنْ يَعْوَلَهُ حَتَّى يَسْتَعْنِي عَنْهُ وَ كَذَلِكَ كَانَ أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) يَفْعَلُ إِذَا أَعْتَقَ الصَّغَارَ وَ مَنْ لَا حِيلَةَ لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub who said,

'I wrote to Abu Al-Hassan Al-Reza<sup>asws</sup> and asked him<sup>asws</sup> about the man who emancipated a young boy, or an old Sheykh, one with chronic illness, and the one for whom there is no dodge for him. So he<sup>asws</sup> said: 'The one who emancipates an owned slave for whom there is no means (of earning) for him, so upon him is that he shelters him until he is self-sufficient from him, and similar to that is what Amir Al-Momineen<sup>asws</sup> did, when he<sup>asws</sup> emancipated the young and the one for whom there is no means (of earning)'.<sup>20</sup>

مُحَمَّدُ عَنْ أَحْمَدَ عَنِ عَلِيِّ بْنِ الْحَكَمِ وَ صَفْوَانَ بْنِ يَحْيَى عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنِ أَحَدِهِمَا ( عَلَيْهِمَا السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الصَّبِيِّ يُعْتِقُهُ الرَّجُلُ فَقَالَ نَعَمْ فَذْ أَعْتَقَ عَلِيٌّ ( عَلَيْهِ السَّلَام ) وَ لَدَانَا كَثِيرَةٌ .

Muhammad, from Ahmad, from Ali Bin Al Hakam, and Safwan Bin Yahya, from Al Aa'la Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>asws</sup>), said, 'I asked him<sup>asws</sup> about the children whom the man emancipates. So he<sup>asws</sup> said: 'Yes, Ali<sup>asws</sup> had emancipated numerous children'.<sup>21</sup>

<sup>18</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 3

<sup>19</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 4 H 4

<sup>20</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 5 H 5

<sup>21</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 5 H 2

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ سَأَلْتُهُ عَمَّنْ أَعْتَقَ النَّسَمَةَ فَقَالَ أَعْتَقَ مَنْ أَعْتَى نَفْسَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from his father, from Muhammad Bin Isa, from Mansour Bin Hazim, from Hisham Bin Salim,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the emancipation of the women. So he<sup>asws</sup> said: 'Emancipate one who can be self-sufficient herself'.<sup>22</sup>

## بَابُ كِتَابِ الْعِتْقِ

### Chapter 7 – The Emancipation contract

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنْ غُلَامٍ أَعْتَقَهُ أَبُو عَبْدِ اللَّهِ (عليه السلام) هَذَا مَا أَعْتَقَ جَعْفَرُ بْنُ مُحَمَّدٍ أَعْتَقَ غُلَامَهُ السُّنْدِيَّ فَلَانًا عَلِيٌّ أَنَّهُ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَأَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ وَأَنَّ الْبُعْثَ حَقٌّ وَأَنَّ الْجَنَّةَ حَقٌّ وَأَنَّ النَّارَ حَقٌّ وَعَلَى أَنَّهُ يُؤَالِي أَوْلِيَاءَ اللَّهِ وَيَنْبَرَأُ مِنْ أَعْدَائِهِ اللَّهُ وَيُحِلُّ حَلَالَ اللَّهِ وَيُحَرِّمُ حَرَامَ اللَّهِ وَيُؤْمِنُ بِرُسُلِ اللَّهِ وَيَقْرَأُ بِمَا جَاءَ مِنْ عِنْدِ اللَّهِ أَعْتَقَهُ لَوْجَهُ اللَّهُ لَا يُرِيدُ بِهِ جَزَاءً وَلَا شُكُورًا وَلَا لَيْسَ لِأَحَدٍ عَلَيْهِ سَبِيلٌ إِلَّا بِخَيْرٍ شَهِدَ فَلَانٌ .

Ali Bin Ibrahim, from his father, from Ahmad Bin Muhammad,

(It has been narrated) from Muhammad Bin Sinan about a slave emancipated by Abu Abdullah<sup>asws</sup> – 'This is what Ja'far<sup>asws</sup> Bin Muhammad<sup>asws</sup> emancipated his<sup>asws</sup> slave, the deed of so and so upon (the stipulation) that he would testify that there is no god except for Allah<sup>azwj</sup>, One, there being no associate for Him<sup>azwj</sup>, and that Muhammad<sup>saww</sup> is His<sup>azwj</sup> servant and His<sup>azwj</sup> Rasool<sup>saww</sup>, and that the Resurrection is true, and that the Paradise is true, and that the Fire is true, and upon (the stipulation) that he would befriend the friends of Allah<sup>azwj</sup>, and would disavow from the enemies of Allah<sup>azwj</sup>, and would permit the Permissibles of Allah<sup>azwj</sup>, and would prohibit the Prohibitions of Allah<sup>azwj</sup>, and he would believe in Rasool-Allah<sup>saww</sup> and agree with what he<sup>saww</sup> came with from the Presence of Allah<sup>azwj</sup>. I<sup>asws</sup> hereby emancipate him for the Face of Allah<sup>azwj</sup>, not intending by it a Recompense, nor thanks, and there is no way upon him for anyone except with goodness'. Witnessed by so and so.<sup>23</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ إِبْرَاهِيمَ بْنِ أَبِي الْبَلَادِ قَالَ قَرَأْتُ عِتْقَ أَبِي عَبْدِ اللَّهِ (عليه السلام) فَإِذَا هُوَ شَرَحَهُ هَذَا مَا أَعْتَقَ جَعْفَرُ بْنُ مُحَمَّدٍ أَعْتَقَ فَلَانًا غُلَامَهُ لَوْجَهُ اللَّهُ لَا يُرِيدُ بِهِ جَزَاءً وَلَا شُكُورًا عَلِيٌّ أَنَّهُ يُفِيمُ الصَّلَاةَ وَيُؤْتِي الزَّكَاةَ وَيَحُجُّ الْبَيْتَ وَيَصُومُ شَهْرَ رَمَضَانَ وَيَتَوَلَّى أَوْلِيَاءَ اللَّهِ وَيَنْبَرَأُ مِنْ أَعْدَائِهِ اللَّهُ شَهِدَ فَلَانٌ وَفَلَانٌ ثَلَاثَةٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Ibrahim Bin Abu Al Balaad who said,

'I read the emancipation (deed) of Abu Abdullah<sup>asws</sup>, for its starting was – 'This is what Ja'far<sup>asws</sup> Bin Muhammad<sup>asws</sup> has emancipated, an emancipation of so and so slave of his<sup>asws</sup> for the Face of Allah<sup>azwj</sup>, not intending by it a Recompense, nor thanks, upon (the stipulation) that he would establish the Prayer, and give the Zakat, and perform Hajj of the House (Kabah), and Fast the Month of Ramazan, and would

<sup>22</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 5 H 3

<sup>23</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 6 H 1

befriend the friends of Allah<sup>azwj</sup> and would disavow (reject) from His<sup>azwj</sup> enemies'.  
Testified by so and so, and so and so, and so and so' – Three (of them)'.<sup>24</sup>

### بَابُ عَتَقِ وَلَدِ الزَّانَا وَالدَّمِيِّ وَالمُشْرِكِ وَالمُسْتَضْعَفِ

## Chapter 8 – Emancipation of a son of adultery (bastard), and the Zimmy (under the responsibility), and the Polytheist, and the oppressed

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنِ الْحَسَنِ بْنِ صَالِحٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ إِنَّ عَلِيًّا ( عَلَيْهِ السَّلَامُ ) أَعْتَقَ عَبْدًا لَهُ نَصْرَانِيًّا فَأَسْلَمَ حِينَ أَعْتَقَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Al Hassan Bin Salih,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said that Ali<sup>asws</sup> emancipated a Christian slave of his<sup>asws</sup>, so he became a Muslim when he<sup>asws</sup> emancipated him'.<sup>25</sup>

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عُمَرَ بْنِ حَفْصِ بْنِ سَعِيدِ بْنِ يَسَارٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ لَا بَأْسَ بِأَنْ يُعْتَقَ وَلَدُ الزَّانَا .

Muhammad, from Ahmad, from Ali Bin Al Hakam, from Umar Bin Hafs, from Saeed Bin Yasaar,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'There is no problem with emancipating a son of adultery (bastard)'.<sup>26</sup>

مُحَمَّدٌ عَنْ أَحْمَدَ عَنْ أَبِيهِ مُحَمَّدِ بْنِ عَيْسَى عَنْ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) الرَّقَبَةُ تُعْتَقُ مِنَ الْمُسْتَضْعَفِينَ قَالَ نَعَمْ .

Muhammad, from Ahmad, from his father Muhammad Bin Isa, from Ibn Muskan, from Al Halby who said,

'I said to Abu Abdullah<sup>asws</sup>, 'The (freeing of) a neck can be an emancipation from the oppressed?' He<sup>asws</sup> said: 'Yes'.<sup>27</sup>

### بَابُ المَمْلُوكِ بَيْنَ شُرَكَاءَ يُعْتَقُ أَحَدُهُمْ نَصِيْبَهُ أَوْ يَبِيعُ

## Chapter 9 – The slave owned between partners, one of them emancipates his share, or sells

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنِ المَمْلُوكِ بَيْنَ شُرَكَاءَ فَيُعْتَقُ أَحَدُهُمْ نَصِيْبَهُ قَالَ إِنَّ ذَلِكَ فَسَادٌ عَلَى أَصْحَابِهِ لَا يَقْدِرُونَ عَلَى بَيْعِهِ وَ لَا مُوَاجَرَتِهِ قَالَ يَقَوْمٌ فَيَجْعَلُ عَلَى الذِّي أَعْتَقَهُ عُقُوبَةً وَ إِنَّمَا جُعِلَ ذَلِكَ عَلَيْهِ لِمَا أَفْسَدَهُ .

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

<sup>24</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 6 H 2

<sup>25</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 7 H 1

<sup>26</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 7 H 2

<sup>27</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 7 H 3

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the slave owned between partners, so one of them emancipates his share. He<sup>asws</sup> said: 'That is a spoiling (of matters) upon his companion not being able upon selling him, nor hiring out his services'. He<sup>asws</sup> said: 'His price would be evaluated, so it would be made upon the one who emancipated him as a punishment. But rather, that is made to be upon him due to what he spoilt'.<sup>28</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّهُ سُئِلَ عَنْ رَجُلَيْنِ كَانَا بَيْنَهُمَا عَبْدٌ فَأَعْتَقَ أَحَدُهُمَا نَصِيبَهُ فَقَالَ إِنَّ كَانَ مُضَارًّا كَلَّفَ أَنْ يُعْتَقَهُ كُلَّهُ وَ إِلَّا اسْتُسْعِيَ الْعَبْدُ فِي النَّصْفِ الْآخَرَ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> having been asked about two men what had a slave between the two of them, so one of the two emancipated his share. So he<sup>asws</sup> said: 'If it was harmful, he would be assigned to emancipate the whole of him, or else the slave would have to work regarding the other half'.<sup>29</sup>

عَلِيُّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) قَالَ مَنْ كَانَ شَرِيكًا فِي عَبْدٍ أَوْ أَمَةٍ قَلِيلٍ أَوْ كَثِيرٍ فَأَعْتَقَ حِصَّتَهُ وَ لَهُ سَعَةٌ فَلْيَسْتَرْهِ مِنْ صَاحِبِهِ فَيُعْتَقَهُ كُلَّهُ وَ إِنْ لَمْ يَكُنْ لَهُ سَعَةٌ مِنْ مَالٍ نَظَرَ قِيَمَتَهُ يَوْمَ أُعْتِقَ ثُمَّ يَسْعَى الْعَبْدُ بِحِسَابِ مَا بَقِيَ حَتَّى يُعْتَقَ .

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

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'The one who was a partner in a slave, or a slave girl, little or more, so he emancipates his portion, and for him is (financial) leeway, so let him buy him from his companions, so he emancipates the whole of him, and if he does not have the leeway from wealth, he should consider his price on the day he emancipates, then the slave would work by the reckoning of what remains, until he is (completely) emancipated'.<sup>30</sup>

وَ بِإِسْنَادِهِ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) فِي عَبْدٍ كَانَ بَيْنَ رَجُلَيْنِ فَحَرَّرَ أَحَدُهُمَا نَصِيبَهُ وَ هُوَ صَغِيرٌ وَ أَمْسَكَ الْآخَرَ نِصْفَهُ حَتَّى كَبُرَ الَّذِي حَرَّرَ نِصْفَهُ قَالَ يُقَوْمُ قِيَمَةَ يَوْمَ حَرَّرَ الْأَوَّلُ وَ أَمْرَ الْمُحَرَّرِ أَنْ يَسْعَى فِي نِصْفِهِ الَّذِي لَمْ يُحَرَّرْ حَتَّى يَفْضِيَهُ .

And by his chain,

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'Amir Al-Momineen<sup>asws</sup> judged regarding a slave who was between two men. So one of the freed his share and he was young, and the other one kept his share until the one who freed was old'. He<sup>asws</sup> said: 'His price would be evaluated on the day first freeing, and the freed one would be ordered that he work with regards to the other half which is not free, until he fulfils it'.<sup>31</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الْمَمْلُوكِ بَيْنَ شَرَكَاءَ فَيُعْتَقُ أَحَدُهُمْ نَصِيبَهُ فَقَالَ هَذَا فَسَادَ عَلَى أَصْحَابِهِ يُقَوْمُ قِيَمَتَهُ وَ يَضْمَنُ الثَّمَنَ الَّذِي أَعْتَقَهُ لِأَنَّهُ أَفْسَدَهُ عَلَى أَصْحَابِهِ .

<sup>28</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 1

<sup>29</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 2

<sup>30</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 3

<sup>31</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 4

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from Usman Bin Isa, from Sama'at who said,

'I asked him<sup>asws</sup> about the slave owned between partners, so one of them emancipates his share. So he<sup>asws</sup> said: 'This is a spoiling upon his companion. His price would be evaluated, and he would be responsible for the price, the one who emancipated him because he spoilt it upon his companion'.<sup>32</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ ابْنِ بْنِ عُثْمَانَ عَنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ قَوْمٍ وَرَثُوا عَبْدًا جَمِيعًا فَأَعْتَقَ بَعْضُهُمْ نَصِيبَهُ مِنْهُ كَيْفَ يُصْنَعُ بِالْأَيْدِي أَعْتَقَ نَصِيبَهُ مِنْهُ هَلْ يُؤْخَذُ بِمَا بَقِيَ قَالَ نَعَمْ يُؤْخَذُ بِمَا بَقِيَ مِنْهُ بِقِيمَتِهِ يَوْمَ أَعْتَقَ .

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

(It has been narrated) from Abdul Rahmn Bin Abu Abdullah<sup>asws</sup>, said, 'I asked Abu Abdullah<sup>asws</sup> about a people who altogether inherited a slave. So one of them emancipated his share from it. How would he be dealt with, the one who emancipated his share from it. Would he be seized with what remains?' He<sup>asws</sup> said: 'Yes. He would be seized with what remains from it, by his price on the day he emancipated (his share)'.<sup>33</sup>

## باب المُدَبِّرِ

### Chapter 10 – The arranged (emancipation)

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْوَشَاءِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ الرَّضَا ( عَلَيْهِ السَّلَامُ ) عَنِ الرَّجُلِ يُدَبِّرُ الْمَمْلُوكَ وَهُوَ حَسَنُ الْحَالِ تَمَّ يَحْتَاجُ هَلْ يَجُوزُ لَهُ أَنْ يَبِيعَهُ قَالَ نَعَمْ إِذَا احتَاجَ إِلَى ذَلِكَ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Washa whom said,

'I asked Abu Al-Hassan Al-Reza<sup>asws</sup> the man who arranged (the emancipation of) the owned slave and he was of good (financial) condition. Then he became needy. Is it allowed for him to sell him?' He<sup>asws</sup> said: 'Yes, when he is need for that'.<sup>34</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ الْمُدَبِّرِ فَقَالَ هُوَ بِمَنْزِلَةِ الْوَصِيَّةِ يَرْجَعُ فِيهَا وَفِيمَا شَاءَ مِنْهَا .

Ali Bin Ibrahim, form his father, from Ibn Abu Umeyr, from Muawiya Bin Ammar who said,

'I asked Abu Abdullah<sup>asws</sup> about the (slave of) arranged (emancipation), so he<sup>asws</sup> said: 'He is at the status of the bequest. There is retraction in it, and whatever he so desires from it'.<sup>35</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنِ زُرَّارَةَ عَنِ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنِ الْمُدَبِّرِ أ هُوَ مِنَ التُّلْثِ فَقَالَ نَعَمْ وَ لِلْمُوصِي أَنْ يَرْجَعَ فِي صِحَّةٍ كَانَتْ وَصِيَّتُهُ أَوْ مَرَضٍ .

<sup>32</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 5

<sup>33</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 8 H 6

<sup>34</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 1

<sup>35</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 2

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

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the (slave of) arranged (emancipation), is he from the third (of the bequest)?' So he<sup>asws</sup> said: 'Yes, and it is for the bequeather that he retracts during good health or illness, if it was his bequest'.<sup>36</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَائِءِ عَنْ أَبِي الْحَسَنِ الرِّضَا ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ دَبَّرَ جَارِيَتَهُ وَ هِيَ حَبْلَى فَقَالَ إِنْ كَانَ عِلْمَ بِحَبْلِهَا فَمَا فِي بَطْنِهَا بِمَنْزِلَتِهَا وَإِنْ كَانَ لَمْ يَعْلَمْ فَمَا فِي بَطْنِهَا رِقٌّ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa,

(It has been narrated) from Abu Al-Hassan Al-Reza<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a man who arranged (the emancipation of) his slave girl, and she was pregnant. So he<sup>asws</sup> said: 'If he knew of her pregnancy, so whatever is in her belly would be of her status, and if he did not know, so whatever is in her belly, is a slave'.<sup>37</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى الْكَلَابِيِّ عَنْ أَبِي الْحَسَنِ الْأَوَّلِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنْ امْرَأَةٍ دَبَّرَتْ جَارِيَةً لَهَا فَوَلَدَتْ الْجَارِيَةَ نَفِيسَةً فَلَمْ تَعْلَمْ الْمَرْأَةُ حَالَ الْمَوْلُودَةِ مُدْبَّرَةٌ هِيَ أَوْ غَيْرُ مُدْبَّرَةٍ فَقَالَ لِي مَتَى كَانَ الْحَمْلُ بِالْمُدْبَّرَةِ أَوْ قَبْلَ أَنْ دَبَّرَتْ أَوْ بَعْدَ مَا دَبَّرَتْ فَقُلْتُ لَسْتُ أُدْرِي وَ لَكِنْ أُجِيبُ فِيهِمَا جَمِيعاً

A number of our companions, from Ahmad Bin Muhammad, from Usman Bin Isa Al Kilaby,

(It has been narrated) from Abu Al-Hassan<sup>asws</sup> the 1<sup>st</sup>, said, 'I asked him<sup>asws</sup> about a woman who arranged (the emancipation of) her slave girl of hers. So, the slave girl have birth to a gem of a girl. So the woman does not know the state of the new-born whether she is of arranged (emancipation) or without an arranged (emancipation). So he<sup>asws</sup> said to me: 'When was the pregnancy, with the arrangement of before she had the arranged (emancipation)?' So I said, 'I do not know, but answer me with regards to both (situations) together'.

فَقَالَ إِنْ كَانَتْ الْمَرْأَةُ دَبَّرَتْ وَ بِهَا حَبْلٌ وَ لَمْ تَذْكُرْ مَا فِي بَطْنِهَا فَإِنَّ الْجَارِيَةَ مُدْبَّرَةٌ وَ الْوَلَدُ رِقٌّ وَ إِنْ كَانَ إِنَّمَا حَدَثَ الْحَمْلُ بَعْدَ التَّدْبِيرِ فَالْوَلَدُ مُدْبَّرٌ فِي تَدْبِيرِ أُمِّهِ .

So he<sup>asws</sup> said: 'If it was such that the woman had an arrangement (of the emancipation) and with her was a pregnancy, and she had not mentioned what was in her belly, so the slave girl is with the arrangement and the child is a slave; and if it was rather a new pregnancy after the arrangement (of the emancipation), so the child is also with the arrangement (included) in the arrangement of its mother'.<sup>38</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ أَبِيَانَ بْنِ تَغْلِبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنْ رَجُلٍ دَبَّرَ مَمْلُوكَتَهُ ثُمَّ زَوَّجَهَا مِنْ رَجُلٍ آخَرَ فَوَلَدَتْ مِنْهُ أَوْلَاداً ثُمَّ مَاتَ زَوْجُهَا وَ تَرَكَ أَوْلَادَهُ مِنْهَا فَقَالَ أَوْلَادُهُ مِنْهَا كَهَيْئَتِهَا فَإِذَا مَاتَ الَّذِي دَبَّرَ أُمَّهُمُ فَهُمْ أَحْرَارٌ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub, from Aban Bin Taghlab who said,

<sup>36</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 3

<sup>37</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 4

<sup>38</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 5

'I asked Abu Abdullah<sup>asws</sup> about a man who arranged (the emancipation of) his slave girl. Then he got her married to another man. So she gave birth to children from him. Then her husband died, and left the children from her. So he<sup>asws</sup> said: 'The children from her, are like her. So when the one who arranged (the emancipation of) her mother were to die, so they are free'.

قُلْتُ لَهُ أَيْ جَوْزُ لِلَّذِي دَبَّرَ أُمَّهُمْ أَنْ يَرُدَّ فِي تَدْبِيرِهِ إِذَا ائْتَجَّ قَالَ نَعَمْ قُلْتُ أَرَأَيْتَ إِنْ مَاتَتْ أُمُّهُمْ بَعْدَ مَا مَاتَ الزَّوْجُ وَبَقِيَ  
أَوْلَادُهَا مِنَ الزَّوْجِ الْحُرِّ أَيْ جَوْزُ لِسَيِّدِهَا أَنْ يَبِيعَ أَوْلَادَهَا وَ أَنْ يَرْجِعَ عَلَيْهِمْ فِي التَّدْبِيرِ قَالَ لَا إِنَّمَا كَانَ لَهُ أَنْ يَرْجِعَ فِي  
تَدْبِيرِ أُمِّهِمْ إِذَا ائْتَجَّ وَ رَضِيَتْ هِيَ بِذَلِكَ .

I said to him<sup>asws</sup>, 'Is it allowed for the one who arranged (the emancipation) of their mother, that he retracts in his arrangement, when he is needy?' He<sup>asws</sup> said: 'Yes'. I said, 'What is your<sup>asws</sup> view if their mother were to die after the death of the husband, and her children from the free husband remain, is it allowed for her master that he sells her children, and if he retracts upon them regarding the arrangement?' He<sup>asws</sup> said: 'No. But rather, for him would be that he retracts regarding the arrangement of their mother when he is needy, and she is pleased with that'.<sup>39</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْزَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ  
الْمُدَبِّرُ مَمْلُوكٌ وَ لِمَوْلَاهُ أَنْ يَرْجِعَ فِي تَدْبِيرِهِ إِنْ شَاءَ بَاعَهُ وَ إِنْ شَاءَ وَهَبَهُ وَ إِنْ شَاءَ أَمَّهَرَهُ

Muhammad Bin Yahya, from Ahmad, from Ibn Mahboub, from Ali Bin Abu Hamza, from Abu Baseer,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'The owned slave with the arranged (emancipation), and for his master is that he retracts regarding his arrangement, if he so desires to he sells him, and if he so desires to he gifts him, and if he so desires to he makes him as a dower'.

قَالَ وَ إِنْ تَرَكَهُ سَيِّدُهُ عَلَى التَّدْبِيرِ وَ لَمْ يُحْدِثْ فِيهِ حَدَثًا حَتَّى يَمُوتَ سَيِّدُهُ فَإِنَّ الْمُدَبِّرَ حُرٌّ إِذَا مَاتَ سَيِّدُهُ وَ هُوَ مِنَ الثَّلَاثِ إِنَّمَا  
هُوَ بِمَنْزِلَةِ رَجُلٍ أَوْصَى بِوَصِيَّةٍ ثُمَّ بَدَأَ لَهُ بَعْدَ فَعَعِيرِهَا مِنْ قَبْلِ مَوْتِهِ وَ إِنْ هُوَ تَرَكَهَا وَ لَمْ يُعَيِّرْهَا حَتَّى يَمُوتَ أَخَذَ بِهَا .

He<sup>asws</sup> said: 'And if his master were to leave him upon the arrangement, and an event (of death) does not occur again until his master dies, so the arranged slave is free when his master dies, and he is from the third (of the bequest). But rather, he is at the status of a man who bequeaths with a bequest, then changes his mind for it, so he alters it from before his death; and if he were to leave him and does not change it until he dies, he would be seized by it'.<sup>40</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ الْعَجَلِيِّ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَامُ )  
عَنْ رَجُلٍ دَبَّرَ مَمْلُوكًا لَهُ تَاجِرًا مُوسِرًا فَاشْتَرَى الْمُدَبِّرُ جَارِيَةً بِأَمْرِ مَوْلَاهُ فَوَلَدَتْ مِنْهُ أَوْلَادًا ثُمَّ إِنَّ الْمُدَبِّرَ  
مَاتَ قَبْلَ سَيِّدِهِ قَالَ فَقَالَ أَرَى أَنَّ جَمِيعَ مَا تَرَكَ الْمُدَبِّرُ مِنْ مَالٍ أَوْ مَتَاعٍ فَهُوَ لِلَّذِي دَبَّرَهُ وَ أَرَى أَنَّ أُمَّ وَلَدِهِ لِلَّذِي دَبَّرَهُ وَ أَرَى  
أَنَّ وُلْدَهَا مُدَبَّرُونَ كَهَيْئَةِ أَبِيهِمْ فَإِذَا مَاتَ الَّذِي دَبَّرَ أَبَاهُمْ فَهُمْ أَحْرَارٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ali Bin Raib, from Bureyd Bin Muawiyah Al Ajaly who said,

'I asked Abu Ja'far<sup>asws</sup> about a man who arranged (the emancipation) of an owned slave of his, a businessman, financially affluent. So the arranged slave buys a slave

<sup>39</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 6

<sup>40</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 7

girl by the order of his master. So she gives birth to children from him. Then the arranged slave dies before his master. So he<sup>asws</sup> said: 'I<sup>asws</sup> view that the entirety of what the arranged slave has left, from wealth or provisions, so it is for the one who had the arrangement for him, and I<sup>asws</sup> view that the mother of his children is for the one who had the arrangement, and I<sup>asws</sup> view that her children are (all) with the arrangement just like their father. So when the one who arranged for their father were to die, so they are free'.<sup>41</sup>

وَبِإِسْنَادِهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ دَبَّرَ مَمْلُوكًا لَهُ ثُمَّ اخْتَأَجَ إِلَى ثَمَنِهِ فَقَالَ هُوَ مَمْلُوكُهُ إِنْ شَاءَ بَاعَهُ وَ إِنْ شَاءَ أَعْتَقَهُ وَ إِنْ شَاءَ أَمْسَكَهُ حَتَّى يَمُوتَ فَإِذَا مَاتَ السَّيِّدُ فَهُوَ حُرٌّ مِنْ ثَلَاثِهِ .

And by his chain, from Ibn Mahboub, from Abu Ayoub Al Khazzaz, from Muhammad Bin Muslim who said,

'I asked Abu Ja'far<sup>asws</sup> about a man who arranged (the emancipation of) an owned slave of his. Then he became needy to his price. So he<sup>asws</sup> said: 'He is his slave, if he so desires to he sells him, and if he so desires to he emancipates him, and if he so desire to he keeps him until he dies. So when the master dies, so he is free, from his third (of the deceased)'.<sup>42</sup>

### باب الْمُكَاتِبِ

## Chapter 11 – The contracted (slave)

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ مُعَاوِيَةَ بْنِ وَهْبٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قُلْتُ لَهُ إِنِّي كَاتَبْتُ جَارِيَةً لِأَيْتَامٍ لَنَا وَ اشْتَرَطْتُ عَلَيْهَا إِنْ هِيَ عَجَزَتْ فَهِيَ رَدٌّ فِي الرِّقِّ وَ أَنَا فِي حُلٍّ مِمَّا أَخَذْتُ مِنْكَ قَالَ لِي لَكَ شَرْطُكَ وَ سَيَقَالُ لَكَ إِنْ عَلِيًّا ( عَلَيْهِ السَّلَامُ ) كَانَ يَقُولُ يُعْتَقُ مِنَ الْمُكَاتِبِ بِقَدْرِ مَا آدَى مِنْ مُكَاتِبَتِهِ فَقُلْتُ إِنَّمَا كَانَ ذَلِكَ مِنْ قَوْلِ عَلِيٍّ ( عَلَيْهِ السَّلَامُ ) قَبْلَ الشَّرْطِ فَلَمَّا اشْتَرَطَ النَّاسُ كَانَ لَهُمْ شَرْطُهُمْ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether from Ibn Mahboub, from Muawiya Bin Wahab,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I said to him<sup>asws</sup>, 'I contracted a slave girl for our orphans, and I stipulated upon her that if she is frustrated (from paying off), she would be returned into the slavery, and I would be in freedom from whatever I take from her'. So he<sup>asws</sup> said to me: 'For you is your condition, and you would be told that Ali<sup>asws</sup> was saying: 'She would be emancipated from the contract by the measurement of whatever she has paid off from her contract'. So say, 'But rather, that was from the words of Ali<sup>asws</sup>, before the stipulation of the condition. So when the people stipulate, for them would be their conditions'.

فَقُلْتُ لَهُ وَ مَا حَدُّ الْعُجْزِ فَقَالَ إِنْ فَضَاتَنَا يَقُولُونَ إِنْ عَجَزَ الْمُكَاتِبُ أَنْ يُؤَخَّرَ النَّجْمَ إِلَى النَّجْمِ الْآخِرِ وَ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ قُلْتُ فَمَاذَا تَقُولُ أَنْتَ قَالَ لَا وَ لَا كِرَامَةَ لَيْسَ لَهُ أَنْ يُؤَخَّرَ نَجْمًا عَنْ أَجَلِهِ إِذَا كَانَ ذَلِكَ فِي شَرْطِهِ .

So I said to him<sup>asws</sup>, 'And what is the limit of the frustration (from paying off)?' So he<sup>asws</sup> said: 'Our judges are saying that the frustrated contracted slave, would be respire from and installment to the installment, and until a year passes by upon him'.

<sup>41</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 8

<sup>42</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 9 H 9

I said, 'So what is that which you<sup>asws</sup> are saying?' He<sup>asws</sup> said: 'No, and there is no honour. It is not for him that he is respited for an installment from his term when that was stipulated in his conditions'.<sup>43</sup>

ابن محبوب عن علي بن أبي حمزة عن أبي بصير عن أبي جعفر (عليه السلام) قال المكاتب لا يجوز له عتق ولا هبة ولا نكاح ولا شهادة ولا حج حتى يؤدى جميع ما عليه إذا كان مولاه قد شرط عليه إن هو عجز عن نجم من نجومه فهو رد في الرق .

Ibn Mahboub, from Ali Bin Abu Hamza, from Abu Baseer,

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'The contracted slave, it is not allowed for him an emancipation, nor a gifting, nor marriage, nor testimony, nor a Hajj, until he pays off the entirety of what is upon him, when his master that stipulated upon him that if he was frustrated (from paying off), from an installment from his installments, so he would be returned into the slavery'.<sup>44</sup>

ابن محبوب عن عمر بن يزيد عن برید العجلي قال سألته عن رجل كاتب عبدا له على ألف درهم ولم يشترط عليه حين كاتبه إن هو عجز عن مكاتبته فهو رد في الرق وإن المكاتب أدى إلى مولاه خمسمائة درهم ثم مات المكاتب وترك مالا وترك ابنا له مدركا فقال نصف ما ترك المكاتب من شيء فإنه لمولاه الذي كاتبه والنصف الباقي لابن المكاتب لأن المكاتب مات ونصفه حر ونصفه عبد للذي كاتبه فابن المكاتب كهينة أبيه نصفه حر ونصفه عبد فإن أدى إلى الذي كاتب أباه ما بقي على أبيه فهو حر لا سبيل لأحد من الناس عليه .

Ibn Mahboub, from Umar Bin Yazeed, from Bureyd Al Ajaly who said,

'I asked him<sup>asws</sup> about a man who contracted a slave of his upon a thousand Dirhams, and did not stipulate upon him when he contracted him that if he was frustrated from (paying off) his contract, so he would be returned into the slavery, and that the contracted slave had paid five hundred Dirhams to his master. Then the contracted slave died and left wealth, and left a son of his, adult. So he<sup>asws</sup> said: 'Half of what the contracted slave left from something, so it is for his master who had contracted him, and the remaining half is for the son of the contracted slave, because the contracted slave died and half of him was free and half of him was with the one who had contracted him. So the son of the contracted slave is like his father, half of him is free and half of him is a slave. So if he pays off to the one who had contracted his father, whatever was remaining upon his father, so he is free. There would be no way for anyone from the people over him'.<sup>45</sup>

علي بن إبراهيم عن أبيه عن عمرو بن عثمان عن الحسين بن خالد عن الصادق (عليه السلام) قال سئل عن رجل كاتب أمة له فقالت الأمة ما أدت من مكاتبتي فأنا به حرة على حساب ذلك فقال لها نعم فأدت بعض مكاتبتي وجامعها مولاهما بعد ذلك فقال إن كان استكرهها على ذلك ضرب من الحد بقدر ما أدت من مكاتبتي ودرى عنه من الحد بقدر ما بقي له من مكاتبتي وإن كانت تابعتني فهي شريكته في الحد تضرب مثل ما يضرب .

Ali Bin Ibrahim, from his father, from Amro Bin Usman, from Al Husayn Bin Khalid,

(It has been narrated) from Al-Sadiq<sup>asws</sup>, said, 'He<sup>asws</sup> was asked about a man who contracted a slave girl of his. So the slave girl said, 'Whatever I pay off from my contract, so I would be free by it upon the accounting of that'. So he said to her,

<sup>43</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 1

<sup>44</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 2

<sup>45</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 3

'Yes'. So she paid off part of her contract and her master copulated with her after that. So he<sup>asws</sup> said: 'If she had disliked it upon that, he would be whipped from the legal penalty (*Hadd*) by the measurement of what she had paid off from her contract, and it would be staved off from the legal penalty (*Hadd*) by the measurement of what remains for him from her contract; and if she had followed him, so she is an associate of his in the legal penalty (*Hadd*), and she would be whipped similar to what he would be whipped'.<sup>46</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ أَبَانَ عَمَّنْ أَخْبَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الْمُكَاتَبِ قَالَ يَجُوزُ عَلَيْهِ مَا شَرَطْتَ عَلَيْهِ .

Al Husayn Bin Muhammad, from Moala Bin Muhamammad, from Al Hassan Bin Ali, from Aban, from the one who informed him,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the contracted slave. He<sup>asws</sup> said: 'It is allowed upon him whatever is stipulated upon him'.<sup>47</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ إِنَّ الْمُكَاتَبَ إِذَا أَدَّى شَيْئًا أَعْتَقَ بِقَدْرِ مَا أَدَّى إِلَّا أَنْ يَشْتَرِطَ مَوْلَاهُ إِنْ هُوَ عَجَزَ فَهُوَ مَرْدُودٌ فَلَهُمْ شَرْطُهُمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Safwan Bin Yahya, from Al Aa'la Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'The contracted slave, when he pays off something, he is emancipated by the measurement of what he pays off, except if his master had stipulated that if he was frustrated (from paying it) so he would be returned (into slavery). So for them is their stipulated conditions'.<sup>48</sup>

وَ بِإِسْنَادِهِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا ( عَلَيْهِمَا السَّلَام ) قَالَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ اتَّوَهُمُ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ قَالَ الَّذِي أَضْمَرْتَ أَنْ تُكَاتِبَهُ عَلَيْهِ لَا تَقُولُ أَكَاتِبُهُ بِخَمْسَةِ آلَافٍ وَ أَتْرُكُ لَهُ أَلْفًا وَ لَكِنْ أَنْظِرْ إِلَى الَّذِي أَضْمَرْتَ عَلَيْهِ فَأَعْطِهِ

And by his chain, from Muhammad Bin Muslim,

(It has been narrated) from one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>asws</sup>), said, 'I asked him<sup>asws</sup> about the Words of Allah<sup>azwj</sup> Mighty and Majestic **[24:33] and give them of the wealth of Allah which He has Given you.** He<sup>asws</sup> said: 'The woman who thinks that she would be contracted upon him should not be saying, 'I will contract him with five thousand, and I would leave for him a thousand', but consider to that which she is concealing upon him, so give it'.

وَ عَنْ قَوْلِهِ عَزَّ وَ جَلَّ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا قَالَ الْخَيْرُ إِنْ عَلِمْتَ أَنَّ عِنْدَهُ مَالًا .

And about the Words of the Mighty and Majestic **[24:33] give them the writing if you know any good in them,** he<sup>asws</sup> said: 'If you know that in it is wealth (profit)'.<sup>49</sup>

<sup>46</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 4

<sup>47</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 5

<sup>48</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 6

<sup>49</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 7

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ مُكَاتَبَةٍ آدَتْ ثَلَاثِي مَكَاتِبَتِهَا وَ قَدْ شَرِطَ عَلَيْهَا أَنْ عَجَزَتْ فِيهَا أَنْ تَجْزِيَ فِي رِقِّ وَ تَحْنُ فِي حِلِّ مِمَّا أَخَذْنَا مِنْهَا وَ قَدْ اجْتَمَعَ عَلَيْهَا نَجْمَانِ قَالَ تُرَدُّ وَ تَطْيَبُ لَهُمْ مَا أَخَذُوا مِنْهَا وَ قَالَ لَيْسَ لَهَا أَنْ تُؤَخَّرَ النَّجْمَ بَعْدَ حَلِّهِ شَهْرًا وَاحِدًا إِلَّا بِإِذْنِهِمْ .

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

'I asked Abu Abdullah<sup>asws</sup> about a contracted woman who has paid off two-thirds of her contract, and it had been stipulated upon her that if she was frustrated (from paying), so she would be returned to the slavery, and we would be in the leeway from what we take from her, and two installments had gathered upon her. He<sup>asws</sup> said: 'She would be returned, and make good for them what they take from her'. And he<sup>asws</sup> said: 'It is not for her that she delays the installment after the passing by of one month except by their permission'.<sup>50</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ فِي الْمَكَاتِبِ إِذَا آدَى بَعْضُ مَكَاتِبَتِهِ فَقَالَ إِنَّ النَّاسَ كَانُوا لَا يَسْتَرْطُونَ وَ هُمْ الْيَوْمَ يَسْتَرْطُونَ وَ الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ فَإِنْ كَانَ شَرِطَ عَلَيْهِ أَنَّهُ إِنْ عَجَزَ رَجَعَ وَ إِنْ لَمْ يُسْتَرْطَ عَلَيْهِ لَمْ يَرْجَعْ

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said regarding the contracted slave when he pays off part of his contract. So he<sup>asws</sup> said: 'The people were not stipulating conditions, and today they are stipulating, and are submitting in their stipulations. So if it was such that there was a condition stipulated upon him that if he was frustrated (from paying) he would be returned (to slavery), (so he would be), and if it was not stipulated upon him, he would not be returned'.

وَ فِي قَوْلِ اللَّهِ عَزَّ وَ جَلَّ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا قَالَ كَاتِبُوهُمْ إِنْ عَلِمْتُمْ أَنَّ لَهُمْ مَالًا

And regarding the Words of Allah<sup>azwj</sup> Mighty and Majestic **[24:33] give them the writing if you know any good in them.** He<sup>asws</sup> said: 'Contract them if you know that for them would be wealth'.

قَالَ وَ قَالَ فِي الْمَكَاتِبِ يَسْتَرْطُ عَلَيْهِ مَوْلَاهُ أَنْ لَا يَتَزَوَّجَ إِلَّا بِإِذْنِ مَنْهُ فَإِنَّ لَهُ شَرْطَهُ .

He (the narrator) said, 'And he<sup>asws</sup> said regarding the contracted slave: 'If his master stipulates upon him that he would not get married except by his permission until he has paid off his contract, it is befitting for him not to get married except by permission from him, for it is a condition for him'.<sup>51</sup>

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فِي قَوْلِهِ عَزَّ وَ جَلَّ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا قَالَ إِنْ عَلِمْتُمْ لَهُمْ مَالًا وَ دِينًا .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Ibn Muskan, from Al Halby,

<sup>50</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 8

<sup>51</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 9

(It has been narrated) from Abu Abdullah<sup>asws</sup> regarding the Words of Mighty and Majestic [24:33] **give them the writing if you know any good in them.** He<sup>asws</sup> said: 'If you know there would be for them, wealth and Religion'.<sup>52</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ عَيْسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ أَخِيهِ الْحَسَنِ عَنْ زُرْعَةَ عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ ( عَلَيْهِ السَّلَامُ ) عَنِ الْعَبْدِ يُكَاتِبُهُ مَوْلَاهُ وَهُوَ يَعْلَمُ أَنَّهُ لَا يَمْلِكُ قَلِيلًا وَكَثِيرًا قَالَ يُكَاتِبُهُ وَ لَوْ كَانَ يَسْأَلُ النَّاسَ وَ لَا يَمْنَعُهُ الْمُكَاتِبَةُ مِنْ أَجْلِ أَنْ لَيْسَ لَهُ مَالٌ فَإِنَّ اللَّهَ يَرْزُقُ الْعِبَادَ بَعْضَهُمْ مِنْ بَعْضٍ وَ الْمُؤْمِنُ مُعَانٌ وَ الْمُحْسِنُ مُعَانٌ .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from his brother Al Hassan, from Zurara, from Sama'at who said,

'I asked him<sup>asws</sup> about the slave whose master contracted him, and he knew that he would not own little or more. He<sup>asws</sup> said: 'He should contract him, and if the people had asked, he would not be prevented from contracting him from a term if there is not wealth for him, for Allah<sup>azwj</sup> Sustains the servants, from each other, and the Believer is Assisted, and it is said, 'And the benevolent is Assisted''.<sup>53</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ عَلِيِّ بْنِ الْحَكَمِ عَنِ مُعَاوِيَةَ بْنِ وَهَبٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّهُ قَالَ فِي رَجُلٍ كَاتَبَ عَلَى نَفْسِهِ وَ مَالِهِ وَ لَهُ أَمَةٌ وَ قَدْ شَرِطَ عَلَيْهِ أَنْ لَا يَتَزَوَّجَ فَأَعْتَقَ الْأَمَةَ وَ تَزَوَّجَهَا قَالَ لَا يَصْلُحُ لَهُ أَنْ يُحَدِّثَ فِي مَالِهِ إِلَّا أَكَلَهُ مِنَ الطَّعَامِ وَ نِكَاحَهُ فَاسِدٌ مَرْدُودٌ

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said regarding a man who had been contracted upon, and his wealth, and for him was a slave girl, and it was stipulated upon him that he would not get married. So he emancipated the slave girl and married her. He<sup>asws</sup> said: 'It is not correct for him that he innovates in his wealth, except her eats from the food, and his marriage is a spoiling. He would be returned'.

قِيلَ فَإِنَّ سَيِّدَهُ عَلِمَ بِنِكَاحِهِ وَ لَمْ يَقُلْ شَيْئًا قَالَ إِذَا صَمَتَ حِينَ يَعْلَمُ ذَلِكَ فَقَدْ أَقْرَأَ قِيلَ فَإِنَّ الْمُكَاتِبَ عَتَقَ أَ قَتَرَى أَنْ يُجَدِّدَ النِّكَاحَ أَوْ يَمْضِيَ عَلَى النِّكَاحِ الْأَوَّلِ قَالَ يَمْضِيَ عَلَى نِكَاحِهِ .

It was said, 'Supposing his master knows of his marriage and does not say anything?' He<sup>asws</sup> said: 'If he is silent when he knows that, so he has accepted'. It was said, 'Supposing the contracted slave is emancipated, do you<sup>asws</sup> view that he should renew the marriage, or he carries on upon the first marriage?' He<sup>asws</sup> said: 'He carries on upon his marriage'.<sup>54</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ مَالِكِ بْنِ عَطِيَّةَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ كَانَ لَهُ أَبُو مَمْلُوكٍ وَ كَانَتْ لِأَبِيهِ امْرَأَةٌ مُكَاتِبَةٌ قَدْ آدَتْ بَعْضَ مَا عَلَيْهَا فَقَالَ لَهَا ابْنُ الْعَبْدِ هَلْ لَكَ أَنْ أُعِينِكَ فِي مُكَاتِبَتِكَ حَتَّى تُؤَدِّيَ مَا عَلَيْكَ بِشَرِّطٍ أَنْ لَا يَكُونَ لَكَ الْخِيَارُ عَلَى أَبِي إِذَا أَنْتِ مَلَكَتِ نَفْسَكَ قَالَتْ نَعَمْ فَأَعْطَاهَا فِي مُكَاتِبَتِهَا عَلَى أَنْ لَا يَكُونَ لَهَا الْخِيَارُ عَلَيْهِ بَعْدَ مَا مَلَكَتْ قَالَ لَا يَكُونَ لَهَا الْخِيَارُ الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Malik Bin Atiyya, from Suleyman Bin Khalid,

<sup>52</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 10

<sup>53</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 11

<sup>54</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 12

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a man who had a father of an owned slave, and for his father was a wife, a contracted slave girl, who had paid off part of what was upon her. So the son of the slave said to her, 'Is it for you if I assist you in your contract until you have paid of what is upon you, with a stipulation that there does not happen to be the choice upon my father, when you own yourself'. She said, 'Yes'. So he gave her in her contract, upon the stipulation that if there does not happen to be the choice for her upon him after she owns (herself). He<sup>asws</sup> said: 'There does not happen to be the choice of the submitters in their stipulations'.<sup>55</sup>

وَ بِإِسْنَادِهِ عَنْ ابْنِ مَحْبُوبٍ عَنْ مَالِكِ بْنِ عَطِيَّةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ أَعْتَقَ نِصْفَ جَارِيَتِهِ ثُمَّ إِنَّهُ كَاتَبَهَا عَلَى النَّصْفِ الْآخَرَ بَعْدَ ذَلِكَ قَالَ فَقَالَ فَلَيْسَتْ رُطْبُهَا عَلَيْهَا أَنَّهَا إِنْ عَجَزَتْ عَنْ نُجُومِهَا فَابْتِهَارَتْ فِي الرَّقِّ فِي نِصْفِ رَقَبَتِهَا قَالَ فَإِنْ شَاءَ كَانَ لَهُ فِي الْخِدْمَةِ يَوْمٌ وَ لَهَا يَوْمٌ وَ إِنْ لَمْ يَكْتَابَهَا قُلْتُ فَلَهَا أَنْ تَتَزَوَّجَ فِي تِلْكَ الْحَالِ قَالَ لَا حَتَّى تُؤَدِّيَ جَمِيعَ مَا عَلَيْهَا فِي نِصْفِ رَقَبَتِهَا .

And by his chain, from Ibn Mahboub, from Malik Bin Atiyya, from Abu Baseer who said,

'I asked Abu Ja'far<sup>asws</sup> about a man who emancipated half of his slave girl, then he contracted her upon the other half after that. So he<sup>asws</sup> said: 'So let him stipulated upon her that if she was frustrated from her installments, so she would be returned into the slavery with regards to half of her slavery. So if he so desires to, there would be for him, her services for a day, and for her would be a day, if he has not contracted her'. I said, 'Is it for her that she gets married, being in that state?' He<sup>asws</sup> said: 'No, until she has paid off the entirety of what is upon her with regards to half of her slavery'.<sup>56</sup>

مُحَمَّدُ بْنُ يَحْيَىٰ عَنِ الْعُمَرَكِيِّ بْنِ عَلِيٍّ عَنِ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ أَبِي الْحَسَنِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ كَاتَبَ مَمْلُوكَهُ فَقَالَ بَعْدَ مَا كَاتَبَهُ هَبْ لِي بَعْضًا وَ أَعْجَلْ لَكَ مَا كَانَ مَكَاتِبَتِي أَيْجَلُ ذَلِكَ قَالَ إِذَا كَانَ هِبَةً فَلَا بَأْسَ وَ إِنْ قَالَ حُطَّ عَنِّي وَ أَعْجَلْ لَكَ فَلَا يَصْلُحُ .

Muhammad Bin Yahya, from Al Amraky Bin Ali,

(It has been narrated) from Ali son of Ja'far<sup>asws</sup>, from his brother<sup>asws</sup> Abu Al-Hassan<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a man who contracted his slave. So he said after having contracted him, 'Gift me part of it, and I will hasten for you what was in my contract'. Is that permissible?' He<sup>asws</sup> said: 'When it was a gift, so there is no problem, and if he says, 'Settle from me and I will hasten for you', so it is not correct'.<sup>57</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنِ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) قَالَ فِي مَكَاتِبَةِ بَطْنِهَا مَوْلَاهَا فَتَحَمَّلَ قَالَ يَرُدُّ عَلَيْهَا مَهْرَ مِثْلِهَا وَ تَسْعَى فِي قِيمَتِهَا فَإِنْ عَجَزَتْ فَهِيَ مِنْ أُمَّهَاتِ الْأَوْلَادِ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> that Amir Al-Momineen<sup>asws</sup> having said regarding a contracted slave girl, her master copulated with her. He<sup>asws</sup> said: 'A

<sup>55</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 13

<sup>56</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 14

<sup>57</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 15

similar dower would be returned to her, and she would work regarding her price. So if she was frustrated (from paying), so she is from the mothers of the children'.<sup>58</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ سِنَانَ عَنِ الْعَلَاءِ بْنِ الْفَضْلِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَآتَوْهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ قَالَ تَضَعُ عَنْهُ مِنْ نُجُومِهِ الَّتِي لَمْ تَكُنْ تُرِيدُ أَنْ تَنْقُصَهُ مِنْهَا وَلَا تَزِيدَ فَوْقَ مَا فِي نَفْسِكَ فَقُلْتُ كَمْ فَقَالَ وَضَعَ أَبُو جَعْفَرٍ ( عَلَيْهِ السَّلَام ) عَنْ مَمْلُوكِهِ أَلْفًا مِنْ سِتَّةِ أَلْفٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Sinan, from Al A'ala Bin Al Fuzayl,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said regarding the Words of Allah<sup>azwj</sup> Mighty and Majestic [24:33] **give them the writing if you know any good in them, and give them of the wealth of Allah which He has Given you.** He<sup>asws</sup> said: 'There would be placed aside from him, from his installment which he did not want to be reduced from it, and it would not exceed about what in yourself'. So I said, 'How much?' So he<sup>asws</sup> said: 'Abu Ja'far<sup>asws</sup> placed aside from his<sup>asws</sup> owned slave, a thousand from six thousand'.<sup>59</sup>

بَابُ الْمَمْلُوكِ إِذَا عَمِيَ أَوْ جُدِمَ أَوْ نُكِلَ بِهِ فَهُوَ حُرٌّ

## Chapter 12 – The owned slave when he is blind, or a leper, or tortured with, so he is free

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ جَعْفَرِ بْنِ مَحْبُوبٍ عَمَّنْ ذَكَرَهُ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ كُلُّ عَبْدٍ مُثَلَّ بِهِ فَهُوَ حُرٌّ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Ja'far Bin Mahboub, from the one who mentioned it,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'Every slave who is tortured with, so he is free'.<sup>60</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) إِذَا عَمِيَ الْمَمْلُوكُ فَلَا رِقَّ عَلَيْهِ وَ الْعَبْدُ إِذَا جُدِمَ فَلَا رِقَّ عَلَيْهِ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said: 'When the owned slave is blinded, so there is no slavery upon him; and the slave, when he is suffers from leprosy, so there is no slavery upon him'.<sup>61</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَّاءِ عَنْ أَبَانَ عَنِ إِسْمَاعِيلَ الْجُعْفِيِّ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ إِذَا عَمِيَ الْمَمْلُوكُ أَعْتَقَهُ صَاحِبُهُ وَ لَمْ يَكُنْ لَهُ أَنْ يُمَسِّكَهُ .

Al Husayn Bin Muhammad, form Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa, from Aban, from Ismail Al Ju'fy,

<sup>58</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 16

<sup>59</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 10 H 17

<sup>60</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 11 H 1

<sup>61</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 11 H 2

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'When the owned slave is blinded, his master should emancipate him, and it would not be for him that he keeps him'.<sup>62</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُثْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ إِذَا عَمِيَ الْمَمْلُوكُ فَقَدْ عَتَقَ .

Ali Bin Ibrahim, form his father, from Ibn Abu Umeyr, from Hammad Bin Usman,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'When the owned slave is blinded, so he has been emancipated'.<sup>63</sup>

### بَابُ الْمَمْلُوكِ يُعْتَقُ وَ لَهُ مَالٌ

## Chapter 13 – The owned slave is emancipated and for him is wealth

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنْ رَجُلٍ أَرَادَ أَنْ يُعْتَقَ مَمْلُوكاً لَهُ وَ قَدْ كَانَ مَوْلَاهُ يَأْخُذُ مِنْهُ ضَرْبِيَّةً فَرَضَهَا عَلَيْهِ فِي كُلِّ سَنَةٍ فَرَضِي بِذَلِكَ الْمَوْلَى وَ رَضِي بِذَلِكَ الْمَمْلُوكِ فَأَصَابَ الْمَمْلُوكُ فِي تِجَارَتِهِ مَالاً سِوَى مَا كَانَ يُعْطِي مَوْلَاهُ مِنَ الضَّرْبِيَّةِ قَالَ فَقَالَ إِذَا أَدَى إِلَى سَيِّدِهِ مَا كَانَ فَرَضَ عَلَيْهِ فَمَا اكْتَسَبَ بَعْدَ الْفَرِيضَةِ فَهُوَ لِلْمَمْلُوكِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and ali Bin Ibrahim, from his father, altogether, from Ibn Mahboub, from Umar Bin Yazeed who said,

'I asked Abu Abdullah<sup>asws</sup> about a man who intended to emancipate an owned slave of his, and his master had taken from him his earnings, which he had enforced upon him during every year. The master was pleased with that, and the slave was pleased with that. So the slave achieved wealth in his business besides what he used to give to his master, from the earning. So he<sup>asws</sup> said: 'When he has paid off to his master what was necessitated upon him, so whatever he achieved after the enforcement, so it is for the slave'.

ثُمَّ قَالَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَلَيْسَ قَدْ فَرَضَ اللَّهُ عَزَّ وَ جَلَّ عَلَى الْعِبَادِ فَرَائِضَ فَإِذَا أَدَّوْهَا إِلَيْهِ لَمْ يَسْأَلْهُمْ عَمَّا سِوَاهَا قُلْتُ لَهُ فَمَا تَرَى لِلْمَمْلُوكِ أَنْ يَنْتَصِدَّقَ مِمَّا اكْتَسَبَ وَ يُعْتَقَ بَعْدَ الْفَرِيضَةِ الَّتِي كَانَ يُؤَدِّيَهَا إِلَى سَيِّدِهِ قَالَ نَعَمْ وَاجِبٌ ذَلِكَ لَهُ

Then Abu Abdullah<sup>asws</sup> said: 'Is it not that Allah<sup>azwj</sup> Mighty and Majestic has Obligated the Obligations upon the servants. So when they fulfill these to Him<sup>azwj</sup>, He<sup>azwj</sup> does not Question them about what is besides that'. I said, 'So what is your<sup>asws</sup> view, is it for the slave if he were to give in charity from what he earns, and he emancipates (a slave) after the enforced (amount) which he used to pay to his master?' He<sup>asws</sup> said: 'Yes, that (payment) is Obligated upon him'.

قُلْتُ فَإِنْ أَعْتَقَ مَمْلُوكاً مِمَّا اكْتَسَبَ سِوَى الْفَرِيضَةِ لِمَنْ يَكُونُ وَ لَاءُ الْمُعْتَقِ قَالَ فَقَالَ يَذْهَبُ فَيَتَوَالَى إِلَى مَنْ أَحَبَّ فَإِذَا ضَمِنَ جَرِيرَتَهُ وَ عَقْلَهُ كَانَ مَوْلَاهُ وَ وَرَثَتُهُ

I said, 'So if the slave were to emancipate (a slave) from what he has earned besides the enforced (payment), so for whom would be the guardianship of the emancipated slave?' So he<sup>asws</sup> said: 'He would go and give his guardianship to the

<sup>62</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 11 H 3

<sup>63</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 11 H 4

one he so likes to. So when he takes the responsibility of his crimes, and his intellect, he would be his master, and would inherit him’.

قُلْتُ لَهُ أَلَيْسَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) الْوَلَاءُ لِمَنْ أَعْتَقَ قَالَ فَقَالَ هَذَا سَائِبَةٌ لَا يَكُونُ وَلَاؤُهُ لِعَبْدٍ مِثْلِهِ قُلْتُ فَإِنْ ضَمِنَ الْعَبْدُ الَّذِي أَعْتَقَهُ جَرِيرَتَهُ وَحَدَثَهُ أَيْلَازَهُ ذَلِكَ وَ يَكُونُ مَوْلَاهُ وَ يَرِثُهُ قَالَ فَقَالَ لَا يَجُوزُ ذَلِكَ وَ لَا يَرِثُ عَبْدٌ حُرًّا.

I said to him<sup>asws</sup>, ‘Did not Rasool-Allah<sup>saww</sup> say: ‘The guardianship is for the one who emancipates?’ So he<sup>asws</sup> said: ‘He is an emancipated slave, his guardianship does not happen to be for a slave like him’. I said, ‘Supposing the slave were to take the responsibility for the one who emancipated him, for his crimes, and his actions, would that necessitate him, and he would become his master and inherit him?’ So he<sup>asws</sup> said: ‘That is not allowed, and a slave would not inherit a free man’.<sup>64</sup>

ابْنُ مَحْبُوبٍ عَنِ ابْنِ بُكَيْرٍ عَنِ زُرَّارَةَ عَنِ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ إِذَا كَاتَبَ الرَّجُلُ مَمْلُوكَهُ وَ أَعْتَقَهُ وَ هُوَ يَعْلَمُ أَنَّ لَهُ مَالًا وَ لَمْ يَكُنِ اسْتَنْتَى السَّيِّدُ الْمَالَ حِينَ أَعْتَقَهُ فَهُوَ لِلْعَبْدِ .

Ibn Mahboub, from Ibn Bukeyr, from Zurara,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: ‘When the man contracts his owned slave, and emancipates him, and he knows that for him would be wealth, and did not happen to make an exclusion for the wealth when he emancipated him, so it is for the slave’.<sup>65</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ جَمِيلِ بْنِ دَرَّاجٍ عَنِ زُرَّارَةَ عَنِ أَحَدِهِمَا ( عَلَيْهِمَا السَّلَامُ ) فِي رَجُلٍ أَعْتَقَ عَبْدًا لَهُ وَ لَهُ مَالٌ لِمَنْ مَالُ الْعَبْدِ قَالَ إِنْ كَانَ عِلْمٌ أَنَّ لَهُ مَالًا تَبِعَهُ مَالُهُ وَ إِلَّا فَهُوَ لِلْمُعْتَقِ .

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

(It has been narrated) from one of the two (5<sup>th</sup> or 6<sup>th</sup> Imam<sup>asws</sup>) regarding a man who emancipated a slave of his, and for him was wealth. For whom is the wealth of the slave?’ He<sup>asws</sup> said: ‘If he knew that there was wealth for him, he would pursue his wealth, or else it would be for the one who was emancipated’.<sup>66</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي نَجْرَانَ عَنِ مُحَمَّدِ بْنِ حُمْرَانَ عَنِ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) عَنِ رَجُلٍ أَعْتَقَ عَبْدًا لَهُ وَ لِلْعَبْدِ مَالٌ لِمَنْ الْمَالُ فَقَالَ إِنْ كَانَ يَعْلَمُ أَنَّ لَهُ مَالًا تَبِعَهُ مَالُهُ وَ إِلَّا فَهُوَ لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Najran, from Muhammad, from Zurara who said,

‘I asked Abu Ja’far<sup>asws</sup> about a man who emancipated a slave of his, and for the slave is wealth. For whom is the wealth?’ He<sup>asws</sup> said: ‘If he knew that there is wealth for him, he would pursue his wealth, or else it would be for him (the slave)’.<sup>67</sup>

<sup>64</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 12 H 1

<sup>65</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 12 H 2

<sup>66</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 12 H 3

<sup>67</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 12 H 4

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ خَالِدٍ عَنْ سَعْدِ بْنِ سَعْدٍ عَنْ أَبِي جَرِيرٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَام ) عَنْ رَجُلٍ قَالَ لِمَمْلُوكِهِ أَنْتَ حُرٌّ وَ لِي مَالُكَ قَالَ لَا يَبْدَأُ بِالْحُرِّيَّةِ قَبْلَ الْمَالِ يَقُولُ لَهُ لِي مَالُكَ وَ أَنْتَ حُرٌّ بِرِضَى الْمَمْلُوكِ فَإِنَّ ذَلِكَ أَحَبُّ إِلَيَّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Khalid, from sa'ad, from Abu Jareer who said,

'I asked Abu Al-Hassan<sup>asws</sup> about a man who said to his owned slave, 'You are free, and for me is your wealth'. He<sup>asws</sup> said: 'He would not begin with the freedom before the wealth. He should be saying to him, 'For me is your wealth, and you are free', with the pleasure of the slave, for that is more beloved to me<sup>asws</sup>'<sup>68</sup>.

### باب عَتَقِ السُّكْرَانَ وَ الْمَجْنُونِ وَ الْمُكْرَه

## Chapter 14 – Emancipation of the intoxicated, and the insane, and the coerced

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عَمِيرٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنْ عَتَقِ الْمُكْرَه فَقَالَ لَيْسَ عَتْفُهُ بِعَتَقٍ .

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

(It has been narrated) from Abu Ja'far<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about an emancipation of the coerced. So he<sup>asws</sup> said: 'His emancipation is not with a (valid) emancipation'<sup>69</sup>.

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ عَبْدِ الْكَرِيمِ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنِ الْمَرْأَةِ الْمَعْتُوْهَةِ الدَّاهِيَةِ الْعَقْلِ أَوْ يَجُوزُ بَيْعُهَا وَ صَدَقْتَهَا قَالَ لَا وَ عَنْ طَلَّاقِ السُّكْرَانِ وَ عَتْفِهِ قَالَ لَا يَجُوزُ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about the demented woman with the intellect gone, is her selling and her charity allowed?' He<sup>asws</sup>; 'No'. And about a divorce by the intoxicated and his emancipation, he<sup>asws</sup> said: 'Not allowed'<sup>70</sup>.

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنْ زُرَّارَةَ أَوْ قَالَ وَ مُحَمَّدِ بْنِ مُسْلِمٍ وَ بُرَيْدِ بْنِ مُعَاوِيَةَ وَ فَضَيْلٍ وَ إِسْمَاعِيلَ الْأَزْرَقِ وَ مَعْمَرِ بْنِ يَحْيَى عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) أَنَّ الْمُدْلَةَ لَيْسَ عَتْفُهُ بِعَتَقٍ .

Ali Bin Ibrahim, from his father, from Hammad, from Umar Bin Aizna, from Zurara, or said, and Muhammad Bin Muslim, and Bureyd Bin Muawiya, and Fuzeyl, and Ismail Al Azraq, and Ma'amar Bin Yahya,

<sup>68</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 12 H 5

<sup>69</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 13 H 1

<sup>70</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 13 H 2

(It has been narrated) from Abu Ja'far<sup>asws</sup> and Abu Abdullah<sup>asws</sup> that the bewitched, his emancipation is not with a (valid) emancipation'.<sup>71</sup>

حُمَيْدُ بْنُ زِيَادٍ عَنِ ابْنِ سَمَاعَةَ عَنِ ابْنِ رَبِاطٍ وَ الْحُسَيْنِ بْنِ هَاشِمٍ وَ صَفْوَانَ جَمِيعاً عَنِ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ عَنِ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ لَا يَجُوزُ عِتْقُ السَّكَرَانِ .

Humejd Bin Ziyad, from Ibn Sama'at, from Ibn Rabat and Al Husayn Bin Hashim, and Safwan altogether, from Ibn Muskan, from Al Halby,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'An emancipation by the intoxicated is not allowed'.<sup>72</sup>

### باب أمهات الأولاد

## Chapter 15 – Mothers of the children

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنِ عَلِيِّ بْنِ رَبَائِبٍ عَنِ زُرَّارَةَ عَنِ أَبِي جَعْفَرٍ ( عليه السلام ) قَالَ سَأَلْتُهُ عَنْ أُمِّ الْوَلَدِ قَالَ أُمُّهُ تَبَاعُ وَ تُورَثُ وَ تُوهَبُ وَ حُدُّهَا حُدُّ الْأَمَةِ .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Ali Bin Raib, from Zurara,

(It has been narrated) from Abu Ja'far<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a mother of the child. He<sup>asws</sup> said: 'She can be sold, and inherited, and gifted, and her legal penalty (*Hadd*) is a legal penalty (*Hadd*) of the slave girl'.<sup>73</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنِ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ حَمَّادِ بْنِ عُمَانَ عَنِ عُمَرَ بْنِ يَزِيدَ عَنِ أَبِي الْحَسَنِ ( عليه السلام ) قَالَ سَأَلْتُهُ عَنْ أُمِّ الْوَلَدِ تَبَاعُ فِي الدِّينِ قَالَ نَعَمْ فِي ثَمَنِ رَقَبَتِهَا .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Hammad Bin Usman, from Umar Bin Yazeed,

(It has been narrated) from Abu Al-Hassan<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a mother of the child, (can) she be sold regarding the debt. He<sup>asws</sup> said: 'Yes, regarding a price of her slavery'.<sup>74</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي نَجْرَانَ عَنِ عَاصِمِ بْنِ حُمَيْدٍ عَنِ مُحَمَّدِ بْنِ قَيْسٍ عَنِ أَبِي جَعْفَرٍ ( عليه السلام ) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ( عليه السلام ) أَيُّمَا رَجُلٍ تَرَكَ سُرِّيَّةً لَهَا وَلَدٌ أَوْ فِي بَطْنِهَا وَلَدٌ أَوْ لَا وَلَدَ لَهَا فَإِنَّ أَعْنَقَهَا رَبُّهَا عَتَقَتْ وَ إِنْ لَمْ يُعْتِقْهَا حَتَّى تُؤْفَى فَقَدْ سَبَقَ فِيهَا كِتَابُ اللَّهِ عَزَّ وَ جَلَّ وَ كِتَابُ اللَّهِ أَحَقُّ فَإِنْ كَانَ لَهَا وَلَدٌ فَتَرَكَ مَالاً جُعِلَتْ فِي نَصِيبِ وَلَدِهَا

Ali Bin Ibrahim, from his father, from Abdul Rahman Bin Abu Najran, from Aasim Bin Humejr, from Muhammad Bin Qays,

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'Amir Al-Momineen<sup>asws</sup> said: 'Whichever man leaves a concubine having a child for her or a child in her belly, or not having a child for her, so if her lord were to emancipate her, so she is emancipated, and if he does not emancipate her until she dies (so be it), for there

<sup>71</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 13 H 3

<sup>72</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 13 H 4

<sup>73</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 1

<sup>74</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 2

has preceded with regards to it a Book of Allah<sup>azwj</sup> Mighty and Majestic, and the Book of Allah<sup>azwj</sup> is more rightful. So if there was a child for her, and she has left wealth, so it would be made to be in the share of her child’.

قَالَ وَ قَضَى أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) فِي رَجُلٍ تَرَكَ جَارِيَةً وَ قَدْ وُلِدَتْ مِنْهُ ابْنَةٌ وَ هِيَ صَغِيرَةٌ غَيْرَ أَنَّهُا تُبِينُ الْكَلَامَ فَأَعْتَقَتْ أُمَهَا فَخَاصَمَ فِيهَا مَوْلَى أَبِي الْجَارِيَةِ فَأَجَازَ عَتَقَهَا لِلْأُمِّ .

And Amir Al-Momineen<sup>asws</sup> has judged regarding a man who left a slave girl and she had given birth to a daughter from him, and she was small without being able to manifest the speech. So her mother was emancipated. So the guardians of the father of the slave girl disputed with regards to her, so he<sup>asws</sup> allowed her emancipation for the mother’.<sup>75</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) فِي رَجُلٍ اشْتَرَى جَارِيَةً يَطْوُهَا فَوُلِدَتْ لَهُ وَوَلَدًا فَمَاتَ وَوَلَدَهَا فَقَالَ إِنْ شَاءُوا بَاعُوهَا فِي الدِّينِ الَّذِي يَكُونُ عَلَى مَوْلَاهَا مِنْ تَمَنِّيَّهَا وَ إِنْ كَانَ لَهَا وَوَلَدٌ فَوُوتَ عَلَى وَوَلَدَهَا مِنْ نَصِيْبِهِ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> regarding a man who bought a slave girl (and) copulated with her. So she gave birth for him to a child, and her child died. So he<sup>asws</sup> said: ‘If he so desires to, he sells her regarding the debts which happen to be upon her master, from her price, and if there was a child for her, it would be evaluated upon her child from his share’.<sup>76</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ إِبْرَاهِيمَ بْنِ أَبِي الْبَلَاءِ عَنْ عُمَرَ بْنِ يَزِيدَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) أَوْ قَالَ لِأَبِي إِبْرَاهِيمَ ( عَلَيْهِ السَّلَام ) أَسْأَلُكَ فَقَالَ سَلْ فَقُلْتُ لِمَ بَاعَ أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) أُمَّهَاتِ الْأَوْلَادِ قَالَ فِي فَكَالِكَ رِقَابَهُنَّ قُلْتُ وَ كَيْفَ ذَلِكَ فَقَالَ أَيُّمَا رَجُلٍ اشْتَرَى جَارِيَةً فَأَوْلَدَهَا ثُمَّ لَمْ يُؤَدِّ تَمَنِّيَّهَا وَ لَمْ يَدَعْ مِنَ الْمَالِ مَا يُؤَدِّي عَنْهَا أَخَذَ وَوَلَدَهَا مِنْهَا وَ يَبِيعُ فَأَدَّى تَمَنِّيَّهَا قُلْتُ فَيُبَاعُ فِيمَا سِوَى ذَلِكَ مِنْ أَبْوَابِ الدِّينِ وَ وَجُوْهِهِ قَالَ لَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Ibrahim Bin Abu Al Balaad, from Umar Bin Yazeed who said,

‘I said to Abu Abdullah<sup>asws</sup>, or said, ‘Abu Ibrahim<sup>asws</sup> (7<sup>th</sup> Imam<sup>asws</sup>), ‘I would like to ask you<sup>asws</sup>. So he<sup>asws</sup> said: ‘Ask’. So I said, ‘Why did Amir Al-Momineen<sup>asws</sup> sell the mother of the children?’ He<sup>asws</sup> said: ‘Regarding their escape from slavery’. I said, ‘And how was that?’ So he<sup>asws</sup> said: ‘Whichever man buys a slave girl, so she begets, then her price is not paid, and he does not leave from the wealth what is to be paid off from her, her child would be taken from her, and it would be sold, so her price would be paid’. I said, ‘Can he sell regarding what is beside that from the matter of the debts and its aspects?’ He<sup>asws</sup> said; ‘No’.<sup>77</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ وَ غَيْرِهِ عَنْ يُونُسَ فِي أُمَّ وَوَلِدٍ لَيْسَ لَهَا وَوَلَدٌ مَاتَ وَوَلَدَهَا وَ مَاتَ عَنْهَا صَاحِبُهَا وَ لَمْ يُعْتَقْهَا هَلْ يَجِلُّ لِأَحَدٍ تَرْوِجُهَا قَالَ لَا هِيَ أُمَّةٌ لَا يَجِلُّ لِأَحَدٍ تَرْوِجُهَا إِلَّا بَعْتُكَ مِنَ الْوَرِثَةِ فَإِنْ كَانَ لَهَا وَوَلَدٌ وَ لَيْسَ عَلَى الْمَيْتِ دَيْنٌ فَهِيَ لِلْوَالِدِ وَ إِذَا مَلَكَهَا الْوَالِدُ فَقَدْ عَتَقَتْ بِمَلَكَ وَوَلَدَهَا لَهَا وَ إِنْ كَانَتْ بَيْنَ شَرَكَاءَ فَقَدْ عَتَقَتْ مِنْ نَصِيْبِ وَوَلَدَهَا وَ تُنْتَسَعَى فِي بَوِيَّةِ تَمَنِّيَّهَا .

<sup>75</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 3

<sup>76</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 4

<sup>77</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 5

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, and someone else, from Yunus,

(It has been narrated) regarding a mother of a child, not having a child, for her child had died, and her master died from her, and did not emancipate her. Is it permissible for anyone to marry her?' He<sup>asws</sup> said: 'No, she is a slave. It is not Permissible for anyone to marry her except by emancipating her from the inheritors. So if there was a child for her, and there is no debt upon the deceased, so she is for the child, and when her child owns her, so she is emancipated by the ownership of the child of hers, even though it may be between partners, so she has been emancipated from the share of her child, and she would work with regards to the remainder of her price'.<sup>78</sup>

**باب نَوَادِرَ**

## Chapter 16 - Miscellaneous

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) وَ أَنَا حَاضِرٌ عَنْ رَجُلٍ بَاعَ مِنْ رَجُلٍ جَارِيَةً يَكْدًا إِلَى سَنَةٍ فَلَمَّا قَبِضَهَا الْمُشْتَرِي أَعْتَقَهَا مِنَ الْعَدِّ وَ تَزَوَّجَهَا وَ جَعَلَ مَهْرَهَا عِتْقَهَا ثُمَّ مَاتَ بَعْدَ ذَلِكَ بِشَهْرٍ فَقَالَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) إِنْ كَانَ لِلَّذِي اشْتَرَاهَا إِلَى سَنَةٍ مَالٌ أَوْ عُقْدَةٌ تُحِبُّ بِقَضَاءِ مَا عَلَيْهِ مِنَ الدَّيْنِ فِي رَقَبَتِهَا فَإِنَّ عِتْقَهُ وَ نِكَاحَهُ جَائِزَانِ

Muhammad Bin Yahya, from Muhammad, and Ali Bin Ibrahim, from his father, altogether, from Ibn Mahboub, from Hisham Bin Salim,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'Abu Abdullah<sup>asws</sup> was asked and I was present, about a man who sold a slave girl to a man with such (and such a price) for up to a year. So when the buyer took possession of her, he emancipated her from the morning, and married her, and made her dower to be her emancipation. Then, a month later, he died. So Abu Abdullah<sup>asws</sup> said: 'If there was wealth for the one who bought her, for up to a year, or a contract which overcomes the fulfillment of what is upon him from the debt with regards to her slavery, so his emancipation and his marriage are both allowed'.

قَالَ وَ إِنْ لَمْ يَكُنْ لِلَّذِي اشْتَرَاهَا فَأَعْتَقَهَا وَ تَزَوَّجَهَا مَالٌ وَ لَا عُقْدَةٌ يَوْمَ مَاتَ تُحِبُّ بِقَضَاءِ مَا عَلَيْهِ مِنَ الدَّيْنِ بِرَقَبَتِهَا فَإِنَّ عِتْقَهُ وَ نِكَاحَهُ بَاطِلَانِ لِأَنَّهُ أَعْتَقَ مَا لَا يَمْلِكُ وَ أَرَى أَنَّهَا رِقٌّ لِمَوْلَاهَا الْأَوَّلِ

He<sup>asws</sup> said: 'And if there does not happen to be any wealth for the one who bought her, so he emancipated her and married her, and there is no contract on the day he died which overcomes the fulfillment of what is upon him from the debts by her emancipation, so his emancipation and his marriage are both invalid, because he emancipated with what he did not own, and I<sup>asws</sup> view her as being a slave of her former master'.

قِيلَ لَهُ فَإِنْ كَانَتْ عَلِقَتْ أَعْنِي مِنَ الْمُعْتِقِ لَهَا الْمُتَزَوِّجَ بِهَا مَا حَالَ الَّذِي فِي بَطْنِهَا فَقَالَ الَّذِي فِي بَطْنِهَا مَعَ أُمِّهِ كَهَيْئَتِهَا .

<sup>78</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 14 H 6

It was said to him<sup>asws</sup>, 'If it was such that she conceived, meaning from the emancipator of her, the one who married her, what is the state of that which is in her belly?' So he<sup>asws</sup> said: 'That which is in her belly is with its mother, like her'.<sup>79</sup>

ابْنُ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) فِي الْمَمْلُوكِ يُعْطِي الرَّجُلَ مَالًا لِيَسْتَرِيَهُ فَيُعْتِقَهُ قَالَ لَا يَصْلُحُ لَهُ ذَلِكَ .

Ibn Mahboub, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>asws</sup> regarding the slave who gives wealth to the man in order to buy him, so he would emancipate him. He<sup>asws</sup> said: 'That is not correct for him'.<sup>80</sup>

ابْنُ مَحْبُوبٍ عَنِ إِبْرَاهِيمَ الْكُرْخِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) إِنَّ هِشَامَ بْنَ أُدَيْنٍ سَأَلَنِي أَنْ أَسْأَلَكَ عَنْ رَجُلٍ جَعَلَ لِعَبْدِهِ الْعَنْقُ إِنْ حَدَثَ بِسَيِّدِهِ حَدَثَ الْمَوْتِ فَمَاتَ السَّيِّدُ وَعَلَيْهِ تَحْرِيرُ رَقَبَةٍ وَاجِبَةٌ فِي كَفَّارَةٍ أَوْ يُجْزَى عَنْ الْمَيْتِ عِنَقُ الْعَبْدِ الَّذِي كَانَ السَّيِّدُ جَعَلَ لَهُ الْعَنْقُ بَعْدَ مَوْتِهِ فِي تَحْرِيرِ الرَّقَبَةِ الَّتِي كَانَتْ عَلَى الْمَيْتِ فَقَالَ لَا .

Ibn Mahboub, from Ibrahim Al Karkhy who said,

'I said to Abu Abdullah<sup>asws</sup> that Hisham Bin Adeyn asked me to ask you<sup>asws</sup> about a man who made the emancipation of his slave if there were to occur the event of death with his master. So the master died, and upon him was an Obligatory emancipation of a neck with regards to an expiation. Is it allowed, on behalf of the deceased, an emancipation of the slave for whom the master had made the emancipation to be for him, after his death, in the freeing of the neck which was upon the deceased?' He<sup>asws</sup> said: 'No'.<sup>81</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ إِسْحَاقَ عَنْ بَكْرِ بْنِ مُحَمَّدٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلَهُ رَجُلٌ وَ أَنَا حَاضِرٌ فَقَالَ يَكُونُ لِي الْعِلْمُ فَيَشْرِبُ الْخَمْرَ وَ يَدْخُلُ فِي هَذِهِ الْأُمُورِ الْمَكْرُوهَةِ فَأُرِيدُ عِتْقَهُ فَهَلْ عِتْقُهُ أَحَبُّ إِلَيْكَ أَوْ أُبَيْعُهُ وَ أَتَصَدَّقُ بِتَمَنِيهِ فَقَالَ إِنَّ الْعَنْقَ فِي بَعْضِ الزَّمَانِ أَفْضَلُ وَ فِي بَعْضِ الزَّمَانِ الصَّدَقَةُ أَفْضَلُ فَإِذَا كَانَ النَّاسُ حَسَنَةً حَالَهُمْ فَالْعَنْقُ أَفْضَلُ فَإِذَا كَانُوا شَدِيدَةً حَالَهُمْ فَالصَّدَقَةُ أَفْضَلُ وَ بَيْعُ هَذَا أَحَبُّ إِلَيَّ إِذَا كَانَ بِهَذِهِ الْحَالِ .

Al Husayn Bin Muhammad, from Ahmad Bin Is'haq, from Bakr Bin Muhammad,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'A man asked him<sup>asws</sup> and I was present, so he said, 'There happens to be a slave for me, so he drank the wine, and he entered into this matter (Al-Wilayah) unwillingly. So I intend to emancipate him. So is his emancipation more beloved to you<sup>asws</sup>, or I sell him, and I give in charity with his price?' So he<sup>asws</sup> said: 'The emancipation is better in certain times, and in certain times the charity is better. So when the state of the people was good, so the emancipation is better. So when they state was difficult (committing sins), so the charity is preferable; and selling this one is more beloved to me<sup>asws</sup>, when he was in this state'.<sup>82</sup>

<sup>79</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 1

<sup>80</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 2

<sup>81</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 3

<sup>82</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 4

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) يَقُولُ كَانَ أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) يَقُولُ إِنَّ النَّاسَ كُلَّهُمْ أَحْرَارٌ إِلَّا مَنْ أَقْرَأَ عَلَى نَفْسِهِ بِالْعُبُودِيَّةِ وَهُوَ مُدْرِكٌ مِنْ عَبْدٍ أَوْ أَمَةٍ وَمَنْ شَهِدَ عَلَيْهِ بِالرِّقِّ صَغِيرًا كَانَ أَوْ كَبِيرًا .

Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Abdullah Bin Sinan who said,

'I heard Abu Abdullah<sup>asws</sup> saying: 'Amir Al-Momineen<sup>asws</sup> was saying that the people, all of them are free, except for the one who confesses upon himself with the slavery, and he was an adult from a slave, or a slave girl; and the one against who is testified with the slavery, whether he was young or old'.<sup>83</sup>

عَلِيُّ عَنْ أَبِيهِ عَنِ دَاوُدَ النَّهْدِيِّ عَنْ بَعْضِ أَصْحَابِنَا قَالَ دَخَلَ ابْنُ أَبِي سَعِيدٍ الْمَكَارِي عَلَى أَبِي الْحَسَنِ الرِّضَا ( عَلَيْهِ السَّلَامُ ) فَقَالَ لَهُ أُبَلِّغَ اللَّهُ مِنْ قَدْرِكَ أَنْ تَدْعِي مَا ادَّعَى أَبُوكَ فَقَالَ لَهُ مَا لَكَ أَطْفَأَ اللَّهُ نُورَكَ وَادْخَلَ الْفَقْرَ بَيْتَكَ أَمَا مَا عَلِمْتَ أَنَّ اللَّهَ تَبَارَكَ وَتَعَالَى أَوْحَى إِلَى عِمْرَانَ أَنِّي وَاهِبٌ لَكَ ذَكَرًا فَوَهَبَ لَهُ مَرْيَمَ وَوَهَبَ لِمَرْيَمَ عِيسَى ( عَلَيْهِ السَّلَامُ ) فَعِيسَى مِنْ مَرْيَمَ وَمَرْيَمَ مِنْ عِيسَى وَعِيسَى شَيْءٌ وَاحِدٌ وَ أَنَا مِنْ أَبِي وَ أَبِي مِنِّي وَ أَنَا وَ أَبِي شَيْءٌ وَاحِدٌ

Ali, from his father, from Dawood Al Nahdy, from one of our companions who said,

'Ibn Abu Saeed came over to Abu Al-Hassan Al-Reza<sup>asws</sup>, so he said to him<sup>asws</sup>, 'May Allah<sup>azwj</sup> Denounce your<sup>asws</sup> abilities if you<sup>asws</sup> were to claim what your<sup>asws</sup> father<sup>asws</sup> claimed'. So he<sup>asws</sup> said to him: 'What is the matter with you? May Allah<sup>azwj</sup> Extinguish your light, and enter the poverty into your house. Do you not know that Allah<sup>azwj</sup> Blessed and High Revealed unto Imran<sup>sa</sup> that I<sup>azwj</sup> shall Endow a male to you<sup>sa</sup>, so He<sup>azwj</sup> Endowed to him<sup>sa</sup> Maryam<sup>sa</sup>, and Endowed unto Maryam<sup>sa</sup>, Isa<sup>sa</sup>. Thus Isa<sup>sa</sup> is from Maryam<sup>sa</sup>, and Maryam<sup>sa</sup> is from Isa<sup>sa</sup>, and Maryam<sup>sa</sup> & Isa<sup>sa</sup> are one thing; and I<sup>asws</sup> am from my<sup>asws</sup> father<sup>asws</sup>, and my<sup>asws</sup> father<sup>asws</sup> is from me<sup>asws</sup>, and I<sup>asws</sup> & my<sup>asws</sup> father<sup>asws</sup> are one thing'.

فَقَالَ لَهُ ابْنُ أَبِي سَعِيدٍ وَ أَسْأَلُكَ عَنْ مَسْأَلَةٍ فَقَالَ لَا إِخَالُكَ تَقْبَلُ مِنِّي وَ لَسْتُ مِنْ غَنَمِي وَ لَكِنْ هَلُمَّهَا فَقَالَ رَجُلٌ قَالَ عِنْدَ مَوْتِهِ كُلُّ مَمْلُوكٍ لِي قَدِيمٍ فَهَوَّ حُرٌّ لَوْجِهِ اللَّهُ قَالَ نَعَمْ إِنَّ اللَّهَ عَزَّ ذِكْرُهُ يَقُولُ فِي كِتَابِهِ حَتَّى عَادَ كَالْعُرْجُونِ الْقَدِيمِ فَمَا كَانَ مِنْ مَمَالِيكِهِ آتَى عَلَيْهِ سِنَةٌ أَسْهَرُ فَهَوَّ قَدِيمٌ وَ هُوَ حُرٌّ

So Ibn Abu Saeed said to him<sup>asws</sup>, 'And I ask you<sup>asws</sup> a question'. So he said, 'I am not contravening you<sup>asws</sup>. Accept from me, and there is none from my efforts but I bring it forward'. So he said: 'A man said during his death, 'Every owned slave of mine from old, so he is free for the Face of Allah<sup>azwj</sup>'. He<sup>asws</sup> said: 'Yes. Allah<sup>azwj</sup> Mighty is His<sup>azwj</sup> Mention is saying in His<sup>azwj</sup> Book [36:39] **till it becomes again as an old dry palm branch**. Thus whatever was from his owned slave, whom six months have come upon, so he is from old, and he is free'.

قَالَ فَخَرَجَ مِنْ عِنْدِهِ وَ افْتَقَرَ حَتَّى مَاتَ وَ لَمْ يَكُنْ عِنْدَهُ مَبِيْتُ لَيْلَةٍ لَعَنَهُ اللَّهُ .

He (the narrator) said, 'So he went out from his<sup>asws</sup> presence, and contemplated until he died, and there did not happen to be an overnight stay. May Allah<sup>azwj</sup> Curse him'.<sup>84</sup>

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنِ عَبْدِ اللَّهِ بْنِ الْفَضْلِ الْهَاشِمِيِّ عَنْ أَبِيهِ رَفَعَهُ قَالَ قَضَى أَمِيرُ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) فِي رَجُلٍ نَكَحَ وَ لَيْدَةً رَجُلٍ أَعْتَقَ رُبُّهَا أَوْلَ وَ لِدٌ تَلِدُهُ فَوَلَدَتْ نَوَامًا فَقَالَ أَعْتَقَ كِلَاهُمَا .

<sup>83</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 5

<sup>84</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 6

A number of our companions, from Ahmad Bin Abu Abdullah, from his father, from Abdullah Bin Al Fazl Al Hashimy, from his father, raising it,

'He<sup>asws</sup> said: 'Amir Al-Momineen<sup>asws</sup> judged regarding a man who married a child of a man whose lord had emancipated the first child she gave birth to. So she gave birth to twins. So he<sup>asws</sup> said: 'Both of them are emancipated'.<sup>85</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَهْرَبَانَ قَالَ كَتَبْتُ إِلَيْهِ أَسْأَلُهُ عَنِ الْمَمْلُوكِ يَحْضُرُهُ الْمَوْتُ فَيُعْتِقُهُ الْمَوْلَى فِي تِلْكَ السَّاعَةِ فَيَخْرُجُ مِنَ الدُّنْيَا حُرّاً فَهَلْ لِمَوْلَاهُ فِي ذَلِكَ أَجْرٌ أَوْ يَنْتَرِكُهُ فَيَكُونُ لَهُ أَجْرُهُ إِذَا مَاتَ وَ هُوَ مَمْلُوكٌ فَكَتَبَ إِلَيْهِ يَنْتَرِكُ الْعَبْدَ مَمْلُوكاً فِي حَالِ مَوْتِهِ فَهُوَ أَجْرٌ لِمَوْلَاهُ وَ هَذَا عِنْتُ فِي هَذِهِ السَّاعَةِ لَيْسَ بِنَافِعٍ لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad,

(It has been narrated) from Ali Bin Mahziyar who wrote to him<sup>asws</sup> asking him<sup>asws</sup> about the owned slave to whom death presented itself. So the master emancipates him during that moment. So he exited from the world a free man. So, is it for his master with regards to that, a recompense, or he leaves him so there would happen to be a recompense for him when he dies and he is an owned slave?' So he<sup>asws</sup> wrote to him: 'He should leave the slave as owned during the state of his death, so it is a recompense for his master, and this emancipation during these times, is not beneficial for him'.<sup>86</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ سَلَمَةَ بْنِ الْخَطَّابِ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ نَهْبَكٍ عَنْ عَلِيِّ بْنِ الْحَارِثِ عَنْ صَبَّاحِ الْمُرَنْبِيِّ عَنْ نَاجِيَةَ قَالَ رَأَيْتُ رَجُلًا عِنْدَ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) فَقَالَ لَهُ جُعِلَتْ فِدَاكَ إِنِّي أَعْتَقْتُ خَادِمًا لِي وَ هُوَ ذَا أَطْلُبُ شِرَاءَ خَادِمٍ مِنْذُ سِنِينَ فَمَا أَقْدِرُ عَلَيْهَا فَقَالَ مَا فَعَلْتَ الْخَادِمُ قَالَ حَيَّةٌ قَالَ رُدَّهَا فِي مَمْلُوكَتِهَا مَا أَعْنَى اللَّهُ مِنْ عِنْتِ أَحَدِكُمْ تُعْتَقُونَ الْيَوْمَ وَ يَكُونُ عَلَيْنَا عَدَاً لَا يَجُوزُ لَكُمْ أَنْ تُعْتِقُوا إِلَّا عَارِفًا .

Muhammad Bin Yahya, from salma Bin Al Khattab, from Abdullah Bin Muhammad Bin Naheyk, from Ali Bin Al Haris, from Sabbah Al Muzny, from Najiya who said,

'I saw a man in the presence of Abu Abdullah<sup>asws</sup>, so he said to him<sup>asws</sup>, 'May I be sacrificed for you<sup>asws</sup>! I emancipated a female servant of mine and she was a sought after attendant for years. So what do I value upon her?' So he<sup>asws</sup> said: 'What does the attendant do?' He<sup>asws</sup> said: 'She is a snake (hypocrite)'. He<sup>asws</sup> said: 'Return her in her slavery. Whatever Allah<sup>azwj</sup> has Made one of you to be self-sufficient from emancipation, you are emancipating today, and it would happen upon us<sup>asws</sup> tomorrow. It is not allowed for you that you emancipate except one whom you recognise'.<sup>87</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ الْعَمْرِكِيِّ بْنِ عَلِيِّ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ أَبِي الْحَسَنِ مُوسَى ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ عَلَيْهِ عِنْتُ رَقَبَةٍ وَ أَرَادَ أَنْ يُعْتِقَ نَسَمَهُ أَيُّهُمَا أَفْضَلُ أَنْ يُعْتِقَ شَيْخًا كَبِيرًا أَوْ شَابًا أَجْرَدَ قَالَ أَعْتَقَ مَنْ أَعْنَى نَفْسَهُ الشَّيْخُ الْكَبِيرُ الضَّعِيفُ أَفْضَلُ مِنَ الشَّابِّ الْأَجْرَدِ .

Muhammad Bin Yahya, from Al Amraky Bin Ali,

(It has been narrated) from Ali son of Ja'far<sup>asws</sup>, from his brother<sup>asws</sup> Abu Al-Hassan Musa<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a man upon whom is the emancipation of a neck, and he intended to emancipate a person. Which of these two is better, if he

<sup>85</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 7

<sup>86</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 8

<sup>87</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 9

emancipates an old man, or a beardless youth?' He<sup>asws</sup> said: 'Emancipate the one who can be self-sufficient himself. The old weak sheikh is better than the beardless youth'.<sup>88</sup>

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ أَبِي الْبَخْتَرِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ إِنَّ أَمِيرَ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) قَالَ لَا يَجُوزُ فِي الْعَتَاقِ الْأَعْمَى وَالْمُقْعَدُ وَالْأَسْلَى وَالْأَعْرَجُ .

A number of our companions, from Ahmad Bin Abu Abdullah, from his father, from Abu Al Bakhtary,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said that Amir Al-Momineen<sup>asws</sup> said: 'It is not allowed in the emancipations – the blind, and the seated cripple, and it is allowed – the paralysed and the lame'.<sup>89</sup>

أَحْمَدُ عَنْ عَدَّةٍ مِنْ أَصْحَابِنَا عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ زُرَّارَةَ عَنْ بَعْضِ آلِ أَعْيَنَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ مَنْ كَانَ مُؤْمِنًا فَقَدْ عَتَقَ بَعْدَ سَبْعِ سِنِينَ أَعْتَقَهُ صَاحِبُهُ أَمْ لَمْ يُعْتَقْهُ وَ لَا تَجُلُ خِدْمَتُهُ مَنْ كَانَ مُؤْمِنًا بَعْدَ سَبْعِ سِنِينَ .

Ahmad, from a number of our companions, from Ali Bin Asbaat, from Muhammad Bin Abdullah Bin Zurara, from one of the progeny of A'ayn,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'The one who was a Believer, so he is emancipated after seven years, whether his master emancipates him or does not emancipate him, and it is not Permissible to have the services of the one who was a Believer after seven years'.<sup>90</sup>

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ إِسْمَاعِيلَ بْنِ سَهْلٍ عَنْ مُعَاوِيَةَ بْنِ مَيْسَرَةَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ يَبِيعُ عَبْدَهُ بِنُقْصَانٍ مِنْ ثَمَنِهِ لِيُعْتَقَ فَقَالَ لَهُ الْعَبْدُ فِيمَا بَيْنَهُمَا إِنَّ لَكَ عَلَيَّ كَذَا وَ كَذَا أ يَأْخُذُهُ مِنْهُ فَقَالَ يَأْخُذُهُ مِنْهُ عَفْوًا وَ يَسْأَلُهُ إِيَّاهُ فِي عَفْوِهِ فَإِنَّ أَبِي قَالِيْدَعَهُ .

Abu Al Ashary, from Muhammad Bin Abdul Jabbar, from Ismail Bin Sahl, from Muawiya Bin Maysara,

(It has been narrated) from Abu Abdullah<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about a man who sold his slave at a loss from his price in order to emancipate. So the slave said to him, 'With regards to what is between the two (prices), for you, upon me is such and such'. Can he take it from him?' So he<sup>asws</sup> said: 'He takes it from him as a pardon, and he asks him for it to be excused. So if he (master) refuses, so let him (the slave) pay it'.<sup>91</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ قَالَ فِي رَجُلٍ كَانَ لَهُ عِدَّةٌ مَمَالِيكَ فَقَالَ أُيْكُمُ عَلَّمَنِي آيَةً مِنْ كِتَابِ اللَّهِ عَزَّ وَ جَلَّ فَهُوَ حُرٌّ فَعَلَّمَهُ وَ أَحَدٌ مِنْهُمْ نَمَّ مَاتَ الْمَوْلَى وَ لَمْ يُدْرَ أَتَاهُمُ الَّذِي عَلَّمَهُ الْآيَةَ هَلْ يُسْتَخْرَجُ بِالْفُرْعَةِ قَالَ نَعَمْ وَ لَا يَجُوزُ أَنْ يُسْتَخْرَجَهُ أَحَدٌ إِلَّا الْإِمَامُ فَإِنَّ لَهُ كَلَامًا وَ قَتَ الْفُرْعَةَ يَقُولُهُ وَ دُعَاءٌ لَا يَعْلَمُهُ سِوَاهُ وَ لَا يَقْتَدِرُ عَلَيْهِ غَيْرُهُ .

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

'He<sup>asws</sup> said regarding a man who had a number of owned slaves. So he said, 'Whichever of you teaches me a Verse from the Book of Allah<sup>azwj</sup> Mighty and Majestic, so he is free'. So one of them taught him. Then the master died, and it was

<sup>88</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 10

<sup>89</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 11

<sup>90</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 12

<sup>91</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 13

not known which of them was the one who taught him the Verse. Can a lot be drawn?' He<sup>asws</sup> said: 'Yes, and it is not allowed for anyone to extract him except for the Imam<sup>asws</sup>, as for it is speech (to be recited), and a time for the drawing of lots, and a supplication which no one knows besides him<sup>asws</sup>, nor is anyone able over it apart from him<sup>asws</sup>'.<sup>92</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ أَبِي مَخْلَدٍ السَّرَّاجِ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) لِإِسْمَاعِيلَ حَقِيبَةَ وَ الْحَارِثِ النَّصْرِيِّ اِطْلُبُوا لِي جَارِيَةً مِنْ هَذَا الَّذِي يُسْمَوْنَ كَدْبَانُوجَةَ تَكُونُ مَعَ أُمَّ قَرْوَةَ فَذَلُونَا عَلَى جَارِيَةٍ لِرَجُلٍ مِنَ السَّرَّاجِينَ قَدْ وَلَدَتْ لَهُ ابْنًا وَ مَاتَ وَ لَدَهَا فَأَخْبَرُوهُ بِخَبَرِهَا فَأَمَرَهُمْ فَاشْتَرَوْهَا وَ كَانَ اسْمُهَا رِسَالَةَ فَغَيَّرَ اسْمَهَا وَ سَمَّاها سَلْمَى وَ زَوْجَهَا سَالِمًا مَوْلَاهُ وَ هِيَ أُمُّ الْحُسَيْنِ بْنِ سَالِمٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Safwan Bin Yahya, from Abu Makhlad Al Sarraj who said,

'Abu Abdullah<sup>asws</sup> said to Ismail Haqeeba and Al-Haris Al-nasyr: 'Seek out a slave girl for me from this which they call 'Kadabanouj', she can be with Umm Farwa<sup>as</sup>'. So they pointed us to a slave girl of a man from Al-Sarrajeen who had given birth to a son for him, and her son had died. So they informed him with her news. So, he ordered them, and they bought her, and her name was Rasala, so he<sup>asws</sup> changed her name and called her Salma, and Salim, her master, married her, and she is a mother of Al-Husayn Bin Saalim'.<sup>93</sup>

### بَابُ الْوَلَاءِ لِمَنْ أُعْتِقَ

## Chapter 17 – The guardianship is for the one who emancipates

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ وَ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ قَالَ رَسُولُ اللَّهِ ( صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ ) الْوَلَاءُ لِمَنْ أُعْتِقَ .

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<sup>asws</sup> having said: 'Rasool-Allah<sup>saww</sup> said: 'The guardianship is for the one who emancipates'.<sup>94</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) عَنِ الرَّجُلِ إِذَا أُعْتِقَ أَلَهُ أَنْ يَضَعَ نَفْسَهُ حَيْثُ شَاءَ وَ يَتَوَلَّى مَنْ أَحَبَّ فَقَالَ إِذَا أُعْتِقَ لِلَّهِ فَهُوَ مَوْلَى لِلَّذِي أُعْتَقَهُ فَإِذَا أُعْتِقَ وَ جُعِلَ سَائِبَةً فَلَهُ أَنْ يَضَعَ نَفْسَهُ حَيْثُ شَاءَ وَ يَتَوَلَّى مَنْ شَاءَ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Ismail Bin Al Fazal who said,

'I asked Abu Abdullah<sup>asws</sup> about the man when is emancipated, is it for him that he places himself wherever he so desires to, and makes a guardian to the one whom he loves to?' So he<sup>asws</sup> said: 'When he is emancipated for the Sake of Allah<sup>azwj</sup>, so he is a slave of the one who emancipated him. So when he is emancipated and is made a

<sup>92</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 14

<sup>93</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 15 H 15

<sup>94</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 16 H 1

freed slave, so for him is that he places himself wherever he so desires to and makes a guardian the one who he so desires to'.<sup>95</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ فَضَّالٍ عَنْ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ( عليه السلام ) فِي حَدِيثِ بَرِيرَةَ أَنَّ النَّبِيَّ ( صلى الله عليه وآله ) قَالَ لِعَائِشَةَ أَعْتَقِي فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ .

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

(It has been narrated) from Abu Ja'far<sup>asws</sup> regarding a Hadeeth of Bareyra that the Prophet<sup>saww</sup> said to Ayesha: 'Emancipate, for the guardianship is for the one who emancipates'.<sup>96</sup>

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ عِيصِ بْنِ الْقَاسِمِ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ قَالَتْ عَائِشَةُ لِرَسُولِ اللَّهِ ( صلى الله عليه وآله ) إِنَّ أَهْلَ بَرِيرَةَ اشْتَرَطُوا وِلَاءَهَا فَقَالَ رَسُولُ اللَّهِ ( صلى الله عليه وآله ) الْوَلَاءُ لِمَنْ أَعْتَقَ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Ays Bin Al Qasim,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'Ayesha said to Rasool-Allah<sup>saww</sup>, 'The people of Bareyra are stipulating their guardianship'. So Rasool-Allah<sup>saww</sup> said: 'The guardianship is for the one who emancipates'.<sup>97</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ الْفُضَيْلِ عَنْ أَبِي الصَّبَّاحِ الْكِنَانِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عليه السلام ) قَالَ فِي امْرَأَةٍ أَعْتَقَتْ رَجُلًا لِمَنْ وَوَلَاؤُهُ وَ لِمَنْ مِيرَاثُهُ قَالَ لِلَّذِي أَعْتَقَهُ إِلَّا أَنْ يَكُونَ لَهُ وَارِثٌ غَيْرُهَا .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said regarding a woman who emancipated a man. For whom is his guardianship, and for whom is his inheritance?' He<sup>asws</sup> said: 'For the one who emancipated him, except if there happens to be an inheritor for him apart from her'.<sup>98</sup>

**باب**

## Chapter 18 – A Chapter

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سُلَيْمِ الْأَفْرَاءِ عَنِ الْحَسَنِ بْنِ مُسْلِمٍ قَالَ حَدَّثَنِي عَمَّتِي قَالَتْ إِنِّي جَالِسَةٌ بِبِنَاءِ الْكَعْبَةِ إِذْ أَقْبَلَ أَبُو عَبْدِ اللَّهِ ( عليه السلام ) فَلَمَّا رَأَى مَالَ إِلَيَّ فَسَلَّمَ عَلَيَّ فَقَالَ مَا يُجِلسُكَ هَاهُنَا فَقُلْتُ أَنْتَظِرُ مَوْلَى لَنَا

A number of our companions, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Suleym Al Farra, from Al Hassan Bin Muslim who said,

'My maternal aunt narrated to me. She said, 'I was seated by the courtyard of the Kabah, when Abu Abdullah<sup>asws</sup> came over. So when he<sup>asws</sup> saw me, altered his<sup>asws</sup>

<sup>95</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 16 H 2

<sup>96</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 16 H 3

<sup>97</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 16 H 4

<sup>98</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 16 H 5

course towards me. So he<sup>asws</sup> greeted me and he<sup>asws</sup> said: 'What makes you sit over here?' So I said, 'I am awaiting a slave of ours'.

قَالَتْ فَقَالَ لِي أَعْتَقْتُمُوهُ قُلْتُ لَا وَ لَكِنْ أَعْتَقْنَا أَبَاهُ فَقَالَ لَيْسَ ذَلِكَ مَوْلَاكُمْ هَذَا أَخُوكُمْ وَ ابْنُ عَمِّكُمْ إِنَّمَا الْمَوْلَى الَّذِي جَرَتْ عَلَيْهِ النُّعْمَةُ فَإِذَا جَرَتْ عَلَى أَبِيهِ وَ جَدِّهِ فَهُوَ ابْنُ عَمِّكَ وَ أَخُوكَ .

She said, 'So he<sup>asws</sup> said to me: 'Emancipate him'. I said, 'No, but we have emancipated his father'. So he<sup>asws</sup> said: 'That is not your slave. This is your brother, and a son of your uncle. But rather, the slave is the one upon whom the bounty flowed. So when it flowed upon his father and his grandfather, so he is a son of your uncle, and your brother'.<sup>99</sup>

عَنْهُ عَنِ الْبَرْقِيِّ عَنْ سَعْدِ بْنِ سَعْدٍ عَنْ عَبْدِ اللَّهِ بْنِ جُنْدَبٍ يَرْفَعُهُ إِلَى أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) قَالَ قَالَ إِنَّمَا الْمَوْلَى الْحَلِيبُ الْعَيْنِيُّ وَ ابْنُهُ عَرَبِيٌّ وَ ابْنُ ابْنِهِ مِنْ أَنْفُسِهِمْ .

From him, from Al Barqy, from Sa'ad Bin Sa'ad, from Abdullah Bin Jundab,

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'But rather the slave of Al-Jaleed is old, and his son is an Arab, and a son of his son, is from himself'.<sup>100</sup>

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ إِسْحَاقَ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ بَكْرِ بْنِ مُحَمَّدٍ الْأَزْدِيِّ قَالَ دَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) وَ مَعِيَ عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ فَقَالَ لِي مَنْ هَذَا فَقُلْتُ مَوْلَى لَنَا فَقَالَ أَعْتَقْتُمُوهُ أَوْ أَبَاهُ فَقُلْتُ بَلْ أَبَاهُ فَقَالَ لَيْسَ هَذَا مَوْلَاكَ هَذَا أَخُوكَ وَ ابْنُ عَمِّكَ وَ إِنَّمَا الْمَوْلَى هُوَ الَّذِي جَرَتْ عَلَيْهِ النُّعْمَةُ فَإِذَا جَرَتْ عَلَى أَبِيهِ فَهُوَ أَخُوكَ وَ ابْنُ عَمِّكَ .

Al Husayn Bin Muhammad, from Ahmad Bin Is'haq, and Ali Bin Ibrahim, from his father, altogether, from Bakr Bin Muhammad Al Azdy who said,

'I went over to Abu Abdullah<sup>asws</sup> and with me was Ali Bin Abdul Aziz. So he<sup>asws</sup> said to me: 'Who is this?' So I said, 'A slave of ours'. So he<sup>asws</sup> said: 'Have you emancipated him, or his father?' So I said, 'But his father'. So he<sup>asws</sup> said: 'This one is not your slave. This is your brother, and a son of your uncle. But rather, the slave, he is the one upon whom the bounty flows. So when it flowed upon his father, so he is your brother, and a son of your uncle'.<sup>101</sup>

بَكْرُ بْنُ مُحَمَّدٍ عَنْ جُوَيْرَةَ قَالَتْ مَرَّ بِي أَبُو عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) وَ أَنَا فِي الْمَسْجِدِ الْحَرَامِ أَنْتَظِرُ مَوْلَى لَنَا فَقَالَ يَا أُمَّ عُسْمَانَ مَا يَقْبِيكَ هَاهُنَا فَقُلْتُ أَنْتَظِرُ مَوْلَى لَنَا فَقَالَ أَعْتَقْتُمُوهُ فَقُلْتُ لَا فَقَالَ أَعْتَقْتُمْ أَبَاهُ قُلْتُ لَا أَعْتَقْنَا جَدَّهُ فَقَالَ لَيْسَ هَذَا مَوْلَاكُمْ بَلْ هَذَا أَخُوكُمْ .

Bakr Bin Muhammad, from Juweyria who said,

'Abu Abdullah<sup>asws</sup> passed by me, and I was in the Sacred Masjid, awaiting a slave of ours. So he<sup>asws</sup> said: 'O Umm Usman! What makes you stay over here?' So I said, 'I am awaiting a slave of ours'. So he<sup>asws</sup> said: 'Have you emancipated him?' So I said,

<sup>99</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 17 H 1

<sup>100</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 17 H 2

<sup>101</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 17 H 3

'No'. So he<sup>asws</sup> said: 'Have you emancipated his father?' I said, 'No. We emancipated his grandfather'. So he<sup>asws</sup> said: 'This is not your slave, but this is your brother'.<sup>102</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُوسَى بْنِ عُمَرَ عَنْ رَجُلٍ عَنِ الْحُسَيْنِ بْنِ عَلْوَانَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) قَالَ صُحْبَةُ عَشْرِينَ سَنَةً قَرَابَةٌ .

Muhammad Bin yahya, from Ahmad Bin Muhammad, from Musa Bin Umar, from A man, from Al Husayn Bin Ulwan,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having said: 'A companion of twenty years is a relative'.<sup>103</sup>

## باب الأبايق

### Chapter 19 – The fugitives

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ خَالِدٍ وَ الْحُسَيْنِ بْنِ سَعِيدٍ جَمِيعاً عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنْ عَبْدِ الْحَمِيدِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ ثَلَاثَةٌ لَا يَقْبَلُ اللَّهُ عَزَّ وَ جَلَّ لَهُمْ صَلَاةً أَحَدُهُمُ الْعَبْدُ الْإِبْقَى حَتَّى يَرْجِعَ إِلَى مَوْلَاهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Khalid, and Al Husayn Bin Saeed altogether, from Al Qasim Bin Urwa, from Abdul Hameed, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'Three (people) Allah<sup>azwj</sup> Mighty and Majestic will not Accept their Prayers – one of them is the absconding slave until he returns to his master'.<sup>104</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنْ أَبِي جَمِيلَةَ عَنْ زَيْدِ الشَّحَامِ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) أَنَّهُ سَأَلَهُ رَجُلٌ يَتَخَوَّفُ إِبْقَى مَمْلُوكِهِ أَوْ يَكُونُ الْمَمْلُوكُ قَدْ أَبَقَ أَوْ يَقِيدُهُ أَوْ يَجْعَلُ فِي رَقَبَتِهِ رَايَةً فَقَالَ إِنَّمَا هُوَ بِمَنْزِلَةِ بَعِيرٍ تَخَافُ شِرَاذَهُ فَإِذَا خَفَتْ ذَلِكَ فَاسْتَوْتِقَ مِنْهُ وَ لَكِنْ أَشْبِعُهُ وَ أَكْسَهُ فُلْتُ وَ كَمْ شَبِعُهُ فَقَالَ أَمَا نَحْنُ فَنَرُزُقُ عِبَالَنَا مَدِينٍ مِنْ تَمْرٍ .

Ali Bin Ibrahim, from his father, from Ahmad Bin Muhammad Bin Abu Nasr, from Abu Jameela, from Zayd Al Shahaam,

(It has been narrated) from Abu Abdullah<sup>asws</sup> having been asked, 'A man fears the absconding of his slave, or the slave happened to have absconded, should he constrain him, or make him to be in his slavery? Your<sup>asws</sup> view?' So he<sup>asws</sup> said: 'But rather, he is at the status of a camel which fears its owner. So when it fears that, so it is confident from it, but satiate it (feed it), and clothe it'. I said, 'And how much is its satiation?' So he<sup>asws</sup> said: 'As for us<sup>asws</sup>, so we<sup>asws</sup> used to feed our<sup>asws</sup> families from two handfuls of dates'.<sup>105</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ أَبِي هَاشِمِ الْجَعْفَرِيِّ قَالَ سَأَلْتُ أَبَا الْحَسَنِ ( عَلَيْهِ السَّلَام ) عَنْ رَجُلٍ قَدْ أَبَقَ مِنْهُ مَمْلُوكُهُ يَجُوزُ أَنْ يُعْتَقَهُ فِي كَفَارَةِ الظَّهَارِ قَالَ لَا بَأْسَ بِهِ مَا لَمْ يَعْرِفْ مِنْهُ مَوْتاً

Ali Bin Ibrahim, from his father, from Abu Hashim Al Ja'fary who said,

<sup>102</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 17 H 4

<sup>103</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 17 H 5

<sup>104</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 6

<sup>105</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 2

'I asked Abu Al-Hassan<sup>asws</sup> about a man whose owned slave had absconded from him, is he allowed that he emancipates him regarding an expiation of *Al-Zahaar*?' He<sup>asws</sup> said: 'There is no problem with it, for as long as death is not recognised from him'.

قَالَ أَبُو هَاشِمٍ رَضِيَ اللَّهُ عَنْهُ وَكَانَ سَأَلَنِي نَصْرُ بْنُ عَامِرٍ الْقُمِّيُّ أَنْ أَسْأَلَهُ عَنْ ذَلِكَ .

Abu Hashim, may Allah<sup>azwj</sup> be Pleased with him said, 'And it was Nasr Bin Aamir Al Qummy who had asked me that I ask him<sup>asws</sup> about that'.<sup>106</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرِ الْأَوَّلِ ( عَلَيْهِ السَّلَامُ ) قَالَ سَأَلْتُهُ عَنْ جَارِيَةٍ مُدْبِرَةٍ أَبَقَتْ مِنْ سَيِّدِهَا مُدَّةَ سِنِينَ كَثِيرَةٍ ثُمَّ جَاءَتْ مِنْ بَعْدِ مَا مَاتَ سَيِّدُهَا بِأَوْلَادٍ وَ مَتَاعٍ كَثِيرٍ وَ شَهِدَ لَهَا شَاهِدَانِ أَنَّ سَيِّدَهَا قَدْ كَانَ دَبَّرَهَا فِي حَيَاتِهِ مِنْ قَبْلِ أَنْ تَأْبِقَ قَالَ فَقَالَ أَبُو جَعْفَرٍ ( عَلَيْهِ السَّلَامُ ) أَرَى أَنَّهَا وَ جَمِيعَ مَا مَعَهَا فَهِيَ لِلْوَرِثَةِ قُلْتُ لَا نَعْتَقُ مِنْ ثُلُثِ سَيِّدِهَا قَالَ لَا لِأَنَّهَا أَبَقَتْ عَاصِيَةً لِلَّهِ وَ لِسَيِّدِهَا فَابْطَلَ الْإِبَانُ التَّنْذِيرَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far<sup>asws</sup> the 1<sup>st</sup>, said, 'I asked him<sup>asws</sup> about a slave girl with an arranged emancipation who absconded from her master for a period of several years. Then she came back after her master had died, with a child, and a lot of belongings, and two witnesses testified for her that her master had arranged for her emancipation during his lifetime from before she had absconded. So Abu Ja'far<sup>asws</sup> said: 'I<sup>asws</sup> view that she and the entirety of what is with her, so it is for the inheritors'. I said, 'She would not be emancipated from a third of her (deceased) master?' He<sup>asws</sup> said: 'No, because she absconded, being disobedient to Allah<sup>azwj</sup> and her master, so the absconding invalidated the arranged emancipation'.<sup>107</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى الْخُثْعَمِيِّ عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَامُ ) قَالَ فِي جُعْلِ الْأَبِيقِ الْمُسْلِمِ يُرَدُّ عَلَى الْمُسْلِمِ وَ قَالَ ( عَلَيْهِ السَّلَامُ ) فِي رَجُلٍ أَخَذَ أَبِيقًا فَأَبَقَ مِنْهُ قَالَ لَا شَيْءَ عَلَيْهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya Al Khash'amy, from Gayas Bin Ibrahim,

(It has been narrated) from Abu Abdullah<sup>asws</sup> that Amir Al-Momineen<sup>asws</sup> said regarding the absconded (slave) of a Muslim: 'He would be returned upon the Muslim'. And he<sup>asws</sup> said regarding a man who seized an absconding slave, so he absconded from him. He<sup>asws</sup> said: 'There is nothing upon him'.<sup>108</sup>

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِنَا رَفَعَهُ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَامُ ) قَالَ الْمَمْلُوكُ إِذَا هَرَبَ وَ لَمْ يَخْرُجْ مِنْ مِصْرِهِ لَمْ يَكُنْ أَبِيقًا .

Ahmad Bin Muhammad, from one of our companions,

<sup>106</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 3

<sup>107</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 4

<sup>108</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 5

(It has been narrated) raising it from Abu Abdullah<sup>asws</sup> having said: 'The owned slave, when he flees and does not exit from his city, does not constitute as having absconded'.<sup>109</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ مَحْبُوبٍ عَنِ الْحَسَنِ بْنِ صَالِحٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) عَنْ رَجُلٍ أَصَابَ عَبْدًا أَبَقًا فَأَخَذَهُ وَ أَقْلَتَ مِنْهُ الْعَبْدُ قَالَ لَيْسَ عَلَيْهِ شَيْءٌ فَلْتُ فَاصَابَ جَارِيَةً قَدْ سُرِقَتْ مِنْ جَارٍ لَهُ فَأَخَذَهَا لِجَارِيَتِهِ بِهَا فَتَفَقَّتْ لَيْسَ عَلَيْهِ شَيْءٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, from his father, from Ibn Mahboub, from Al Hassan Bin Salih who said,

'I asked Abu Abdullah<sup>asws</sup> about a man who came across an absconding slave, so he seized him, and the slave escaped from him. He<sup>asws</sup> said: 'There is nothing upon him'. I said, 'Supposing he came across a slave girl who had stolen from a neighbour of his, so he seizes in order to come over with her, so she dies'. (He<sup>asws</sup> said): 'There is nothing upon him'.<sup>110</sup>

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ( عَلَيْهِ السَّلَام ) أَنَّ أَمِيرَ الْمُؤْمِنِينَ ( عَلَيْهِ السَّلَام ) اخْتَصِمَ إِلَيْهِ فِي رَجُلٍ أَخَذَ عَبْدًا أَبَقًا وَ كَانَ مَعَهُ ثُمَّ هَرَبَ مِنْهُ قَالَ يَخْلِفُ بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ مَا سَلَبَهُ تِيَابَهُ وَ لَا شَيْئًا مِمَّا كَانَ عَلَيْهِ وَ لَا بَاعَهُ وَ لَا دَاهَنَ فِي إِرسَالِهِ فَإِذَا خَلَفَ بَرِيءٌ مِنَ الضَّمَانِ .

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

(It has been narrated) from Abu Abdullah<sup>asws</sup> that Amir Al-Momineen<sup>asws</sup>, they disputed to him<sup>asws</sup> regarding a man who had seized an absconding slave, and he was with him, then he fled from him. He would be made to swear an oath by Allah<sup>azwj</sup>, besides Whom there is not god except for Him<sup>azwj</sup>, that he did not confiscate his clothes, nor anything from what was upon him, nor did he sell him, nor coaxed him during his sending. So when he swears, he is free from the responsibility'.<sup>111</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنِ الْعُمَرَكِيِّ بْنِ عَلِيِّ عَنْ عَلِيِّ بْنِ جَعْفَرٍ عَنْ أَخِيهِ أَبِي الْحَسَنِ ( عَلَيْهِ السَّلَام ) قَالَ سَأَلْتُهُ عَنْ جُعْلِ الْإِبْقِ وَ الضَّالَّةِ قَالَ لَا بَأْسَ بِهِ .

Muhammad Bin Yahya, from Al Amraky Bin Ali,

(It has been narrated) from Ali son of Ja'far<sup>asws</sup>, from his brother<sup>asws</sup> Abu Al-Hassan<sup>asws</sup>, said, 'I asked him<sup>asws</sup> about making the absconding slave suffer humiliation. He<sup>asws</sup> said: 'There is no problem with it'.<sup>112</sup>

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ أَبِي حَمْرَةَ عَنْ مُحَمَّدِ بْنِ قَيْسٍ عَنْ أَبِي جَعْفَرٍ ( عَلَيْهِ السَّلَام ) قَالَ لَيْسَ فِي الْإِبْقِ عُهْدَةٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Muhammad Bin Abu Hamza, from Muhammad Bin Qays,

<sup>109</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 6

<sup>110</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 7

<sup>111</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 8

<sup>112</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 9

(It has been narrated) from Abu Ja'far<sup>asws</sup> having said: 'There is no patronage regarding the absconding slave'.<sup>113</sup>

تَمَّ كِتَابُ الْعَتَقِ وَ التَّدْبِيرِ وَ الْكِتَابَةِ وَ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَ صَلَّى اللَّهُ عَلَى خَيْرِ خَلْقِهِ مُحَمَّدٍ وَ آلِهِ الطَّاهِرِينَ وَ يَتْلُوهُ  
كِتَابُ الصَّيْدِ إِنْ شَاءَ اللَّهُ تَعَالَى .

**The Book of Emancipation, and the Arrangement, and the Contract is completed, and the Praise is due to Allah<sup>azwj</sup> the Lord<sup>azwj</sup> of the Worlds, and Blessings be upon the best of His<sup>azwj</sup> Creatures Muhammad<sup>saww</sup> and his<sup>saww</sup> Purified Progeny<sup>asws</sup>, and it will be followed by the Book of Hunting, Allah<sup>azwj</sup> Willing.**

<sup>113</sup> Al Kafi – V 6 – The Book of Emancipation, and the Arrangement, and the Contract Ch 18 H 9